The

Journal of the Assembly

OF THE

SEVENTY-FOURTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2007

BEGUN ON MONDAY, THE FIFTH DAY OF FEBRUARY, AND ENDED ON MONDAY, THE FOURTH DAY OF JUNE

VOLUME 1

THE FIRST DAY—THE SIXTY-FOURTH DAY

SEE VOLUME 7 FOR INDEX

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ASSEMBLY LEGISLATIVE CALENDAR

(The Assembly actually met for a total of 76 days, though the session lasted through 120 calendar days; the table below is numbered by calendar days.)

Calendar Day	*Date*	*Page Number*
1	February 5, 2007	1
2	February 6, 2007	71
4	February 8, 2007	79
5	February 9, 2007	85
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9	February 13, 2007	95
10	February 14, 2007	100
11	February 15, 2007	106
12	February 16, 2007	113
15	February 19, 2007	115
16	February 20, 2007	124
17	February 21, 2007	136
18	February 22, 2007	150
19	February 23, 2007	157
22	February 26, 2007	163
23	February 27, 2007	176
24	February 28, 2007	184
25	March 1, 2007	192
26	March 2, 2007	200
29	March 5, 2007	207
30	March 6, 2007	214
31	March 7, 2007	221
32	March 8, 2007	233
33	March 9, 2007	249
36	March 12, 2007	254
37	March 13, 2007	262
38	March 14, 2007	272
39	March 15, 2007	281
40	March 16, 2007	301
43	March 19, 2007	312
44	March 20, 2007	337
45	March 21, 2007	346
46	March 22, 2007	368
47	March 23, 2007	377
50	March 26, 2007	385
52	March 28, 2007	410
53	March 29, 2007	418
57	April 2, 2007	423
58	April 3, 2007	430
60	April 5, 2007	438
64	April 9, 2007	452
67	April 12, 2007	537
68	April 13, 2007	706
71	April 16, 2007	763
72	April 17, 2007	902
73	April 18, 2007	1144

Calendar Day	*Date*	*Page Number*
74	April 19, 2007	1283
75	April 20, 2007	1451
78	April 23, 2007	1808
79	April 24, 2007	2698
80	April 25, 2007	2848
81	April 26, 2007	2859
85	April 30, 2007	2869
86	May 1, 2007	2882
88	May 3, 2007	2889
92	May 7, 2007	2900
93	May 8, 2007	2916
96	May 11, 2007	2932
99	May 14, 2007	2980
100	May 15, 2007	3010
101	May 16, 2007	3070
102	May 17, 2007	3155
106	May 21, 2007	3185
107	May 22, 2007	3519
108	May 23, 2007	3739
109	May 24, 2007	3857
110	May 25, 2007	4072
111	May 26, 2007	4519
113	May 28, 2007	5073
114	May 29, 2007	5645
115	May 30, 2007	5841
116	May 31, 2007	5978
117	June 1, 2007	6082
118	June 2, 2007	6265
119	June 3, 2007	6371
120	June 4, 2007	6872

LISTING OF ASSEMBLY BILLS AND ACTION THEREON

(Where a roll call vote was taken on final passage, such action is denoted by an asterisk following the page number.)

No. *Summary, Introducer and Page Reference*

1.... Revises provisions governing the portfolio standards established by the Public Utilities Commission of Nevada for certain providers of electric service. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Marvel. 47, 763, 765, 772, 1136*, 3690, 3854.

2.... Revises provisions relating to automotive repairs. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Anderson. 47, 537, 595, 596, 758*, 3011, 3061, 3068, 3153.

3.... Makes various changes concerning protective orders. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 47, 6599.

4.... Revises provisions providing immunity from civil liability for certain medical facilities and certain medical professionals who render certain emergency care. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Mabey. 47, 453, 543, 760, 889*, 2882, 2897.

5.... Revises provisions relating to the registration of certain heavier motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Hardy. 48, 184, 196, 202, 424, 435, 447*, 2882, 2897.

6.... Authorizes a board of county commissioners to enter into a contract or contracts to provide the residents of the county with discounts on prescription drugs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hardy. 48, 903, 904, 906, 1262*, 3211, 3737.

7.... Provides that certain public utilities have the burden of proving that costs sought to be recovered in deferred accounting proceedings were the result of reasonable and prudent practices and transactions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 48, 537, 595, 603, 758*, 3690, 3854, 6884, 6885, 6886, 6887, 6888.

8.... Makes various changes concerning bail or release after an arrest for driving a vehicle or operating a vessel under the influence of intoxicating liquor or certain other substances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Manendo. 48, 453, 548, 760, 890*, 2882, 2897.

9.... Authorizes the licensure of a mortgage agent on behalf of a corporation or limited-liability company. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Parks. 48, 124, 142, 155*, 764, 1140, 1142, 1449.

10.... Provides an exemption from the governmental services tax for vehicles registered by a resident of Nevada who is on active duty in the Armed Forces of the United States. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Parks. 49, 222.

11.... Makes various changes to provisions relating to common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Parks. 49.

12.... Provides for the replacement of the State Public Works Board. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 49, 2592, 2690*.

13.... Revises provisions governing the use of watercraft. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Allen. 49, 439, 460, 592*, 4072, 5051, 5053, 5978, 5980, 6296, 6372, 7493.

14.... Makes various changes to provisions concerning graffiti and other damage to property. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Oceguera. 50, 439, 462, 592, 1136*, 3011, 3146, 3153, 3690, 3984, 5798, 5805, 5978, 6370.

15.... Enacts the Uniform Child Abduction Prevention Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Horne. 50, 764, 765, 776, 1137*, 3011, 3153.

16.... Revises the authority of the State Board of Examiners concerning bad debts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 50, 115, 130, 142*, 3011, 3153.

17.... Allows justice courts to appoint masters in proceedings involving temporary or extended orders for protection against stalking, aggravated stalking or harassment. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 50.

No. *Summary, Introducer and Page Reference*

18.... Expands the confidentiality provisions pertaining to certain review committees to include certain committees of institutions of the Nevada System of Higher Education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 50, 423, 431, 446, 449, 532*, 533, 2882, 2897.

19.... Revises the provisions pertaining to the criminal liability of parties to crimes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 51.

20.... Revises the provisions pertaining to travel costs that jurors are entitled to receive. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Judiciary. 51, 439, 469, 592, 593*, 2933, 3008.

21.... Revises certain provisions governing weapons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 51.

22.... Authorizes the State Land Registrar to transfer certain real property owned by the State of Nevada to Washoe County and the Sierra Fire Protection District. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining. 51, 106, 410, 419, 427, 435, 447*, 3011, 3153.

23.... Revises the penalty for placing graffiti on or otherwise defacing property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 51.

24.... Revises provisions governing the release of a consumer report by a credit reporting agency. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 52, 537, 595, 612, 758*, 2890, 2913.

25.... Makes various changes to provisions governing business associations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 52, 313, 453, 553, 558, 769, 883, 1137, 2384, 2498, 2680*, 4519, 5147, 5186, 5839.

26.... Revises certain provisions governing the filing of certain organizing documents for corporations and other business entities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 52, 106, 113, 119, 130*, 262, 297, 888, 2498, 2503, 5147, 5181.

27.... Revises provisions relating to penalties assessed by the Public Utilities Commission of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 52, 337, 355, 373, 383, 404, 413*, 2882, 2897.

28.... Revises provisions governing the Advisory Council of the Division of Industrial Relations of the Department of Business and Industry. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 53, 115, 130, 142, 143*, 3011, 3153.

29.... Adds certain vehicles of certain governmental agencies to the authorized emergency vehicles list. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 53, 538, 595, 613, 709, 757.

30.... Revises certain provisions governing the distribution of proceeds from certain administrative assessments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 53, 106, 431, 446, 449, 533*, 2882, 2897.

31.... Revises provisions governing the pooling of reclamation performance bonds. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining. 53.

32.... Revises provisions related to court reporters. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 53, 214, 224, 245*, 418, 427.

33.... Revises provisions governing martial arts studios. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor. 54.

34.... Revises provisions governing unemployment compensation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 54, 385, 412, 420*, 2890, 2913.

35.... Reduces the period during which a license issued by the Board of Hearing Aid Specialists may be renewed without an examination. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 54, 337, 361, 373, 383, 404, 413*, 2882, 2897.

36.... Increases the maximum allowable amount of certain fees charged by the Board of Hearing Aid Specialists. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 54.

37.... Revises provisions relating to the administration of the Department of Corrections. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Select Committee on Corrections, Parole, and Probation. 54, 707, 709, 890*, 2890, 2913.

No. *Summary, Introducer and Page Reference*

38.... Revises certain provisions governing the forfeiture of credits earned to reduce the maximum term of imprisonment when a parolee violates a condition of his parole. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Select Committee on Corrections, Parole, and Probation. 55, 707, 709, 890*, 2890, 2913.

39.... Revises the definition of "special mobile equipment." Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation. 55, 1809, 1810, 2680*, 3011, 3153.

40.... Establishes periods within which a provider of health care must provide a bill to a patient. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 55.

41.... Makes various changes concerning podiatry. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 55, 537, 595, 615, 758, 759*, 4072, 4689, 4697, 5643.

42.... Authorizes the State Department of Agriculture to accept and make certain grants. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining. 56, 262, 278, 288*, 289, 3858, 4517.

43.... Requires public utilities in larger counties to provide a list of customers for use in the selection of jurors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 56, 214, 224, 245, 246*, 3011, 3153.

44.... Requires a criminal defendant to be present at the preliminary hearing under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 56.

45.... Revises the factors used in determining the unfitness of a parent as grounds for terminating parental rights. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 56.

46.... Revises provisions governing the award of attorney's fees and costs by courts against attorneys and parties under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Beers. 56.

47.... Revises circumstances under which an attorney is excluded from regulation as a collection agency. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Segerblom. 57, 192, 206, 209*, 301, 335.

48.... Requires the Governor to proclaim the third week in April as "Nevada Shaken Baby Syndrome Awareness Week." Fiscal Note: Effect on Local Government: No. Effect on the State: No. Manendo. 57, 115, 130, 143*, 418, 427.

49.... Revises certain provisions concerning jury service. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Conklin, Gerhardt and Denis. 57, 903, 904, 907, 1262*, 3690, 3854.

50.... Makes various changes to provisions relating to peace officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Conklin, Gerhardt and Denis. 57, 1145, 1146, 1291*, 4072, 5837, 5839, 6083, 6084, 6708, 6710, 7075.

51.... Revises provisions pertaining to the disclosure of certain information regarding applicants for certain positions with public safety agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Oceguera. 57, 115, 130, 143*, 4072, 5065, 5068, 5643.

52.... Makes various changes relating to domestic relations. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Carpenter and Senator Washington. 58, 222, 453, 558, 760, 890*, 891, 4520.

53.... Makes various changes regarding administrators of facilities for long-term care. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 58, 1451, 1457, 1641, 2514*, 4072, 4697, 4701, 5643.

54.... Makes various changes with respect to special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 58, 538, 595, 621, 760, 891*, 4072, 4472, 4475, 5643.

55.... Makes various changes concerning court reporters. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 58, 439, 470, 593*, 3211, 4557, 4561, 5643.

56.... Revises the administrative penalties that may be imposed against contractors for certain offenses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 59, 537, 595, 623, 758, 759*, 3858, 3959, 3962, 4517.

57.... Revises provisions governing crosswalks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Manendo. 59, 903, 904, 909, 1262, 1263*, 3211, 3737.

58.... Revises provisions governing murder of the first degree. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Oceguera. 59, 538, 595, 626, 760, 891*, 2901, 2929.

59.... Revises the provisions governing the extinguishment of liens held by hospitals. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 59.

No. *Summary, Introducer and Page Reference*

60.... Makes various changes regarding purchases by county hospitals. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Health and Human Services. 60.

61.... Makes various changes concerning meetings of the State Board of Parole Commissioners. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Select Committee on Corrections, Parole, and Probation. 60, 222.

62.... Makes various changes concerning parole. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Select Committee on Corrections, Parole, and Probation. 60, 431.

63.... Revises provisions governing the additional penalty for the use of certain weapons in the commission of crime. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 60, 903, 904, 910, 1263*.

64.... Makes various changes concerning the penalties imposed by a court when a defendant fails to properly secure a child in a child restraint system in a vehicle. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 61, 1284, 1297, 1455*, 4520, 5021, 5024, 5643.

65.... Revises the provisions pertaining to the filing of motions to suppress evidence in criminal proceedings. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 61.

66.... Requires drivers to stop at any location for a school bus displaying a flashing red light signal. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Goicoechea. 61, 184, 196, 206, 209*, 368, 415.

67.... Revises provisions governing the control of air pollution. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining. 61, 764, 765, 785, 1137*, 4072, 5059, 5061, 5643.

68.... Revises provisions governing the operation of certain medical and care facilities and agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 61, 439, 475, 593*, 3211, 3962, 3964, 4517.

69.... Revises provisions governing the crime of luring a child. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Judiciary. 62.

70.... Revises provisions governing the compensation of the members of the boards of trustees of school districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Segerblom. 62, 418, 1809, 2384, 2385, 2680*.

71.... Makes various changes to procedures when a vehicle is involved in a traffic accident. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 62, 538, 595, 628, 760, 891*, 2901, 2929.

72.... Revises provisions governing the crime of luring a child. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Gansert, Allen, Anderson, Carpenter, Cobb, Conklin, Gerhardt, Goedhart, Horne, Mabey, Manendo, Mortenson, Oceguera, Ohrenschall and Segerblom. 62, 538, 595, 631, 760, 891*, 2901, 2970, 2973, 3008.

73.... Revises the information required to search the community notification website to identify or locate certain sex offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Stewart. 62, 222.

74.... Revises provisions relating to state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Gansert and Kirkpatrick. 63, 222.

75.... Revises the provisions governing use of money in the Anatomical Gift Account. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Gansert. 63, 439, 477, 593*, 2882, 2897.

76.... Makes various changes to provisions governing the Account for License Plates for the Support of the Education of Children in the Arts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Gansert and Leslie. 63, 538, 595, 634, 760, 891, 892*, 3690, 3854.

77.... Makes various changes concerning the competency of defendants. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 74, 903, 904, 912, 1263*, 1264, 2933, 3008.

78.... Requires the State Board of Education to adopt a program of education relating to skin cancer. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Koivisto, Conklin, Munford, McClain, Horne, Denis, Gerhardt, Leslie, Manendo, Ohrenschall, Parks, Pierce and Segerblom. 79.

No. *Summary, Introducer and Page Reference*

79.... Prohibits a public officer or employee from using governmental time, property, equipment or other facility for activities relating to political campaigns or the preparation of certain disclosures or reports. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Koivisto, Arberry, Oceguera, Conklin, McClain, Anderson, Bobzien, Buckley, Claborn, Denis, Gerhardt, Hogan, Horne, Kihuen, Kirkpatrick, Leslie, Manendo, Munford, Ohrenschall, Parks, Pierce, Segerblom and Womack. 79, 764, 765, 787, 1137*.

80.... Requires certain business entities that engage in certain political activities to register with the Secretary of State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 80, 764, 765, 769, 1485, 1774, 2514*, 2515, 4072, 4475, 4494, 5643.

81.... Revises penalties for placing graffiti on or otherwise defacing public or private property. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Cobb, Beers, Carpenter, Goedhart, Goicoechea, Grady and Marvel. 80.

82.... Revises provisions governing taxes imposed on financial institutions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Marvel. 80, 222.

83.... Revises provisions governing criminal and civil liability for crimes motivated by the actual or perceived status of the victim as a homeless person. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Ohrenschall, Leslie, Denis, Parks, Anderson, Arberry, Beers, Bobzien, Buckley, Claborn, Conklin, Gerhardt, Hogan, Horne, Kihuen, Koivisto, Manendo, McClain, Mortenson, Oceguera, Pierce, Smith and Womack. 80, 903, 904, 916, 1255.

84.... Revises provisions relating to the expiration date specified on the label of the container for a prescription drug. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hogan, Munford, Bobzien, Claborn, Koivisto and Womack. 89.

85.... Makes an appropriation to the Judicial Retirement Fund for the unfunded accrued liability for the members of the Judicial Retirement System. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Gansert. 89, 222.

86.... Revises provisions governing eligibility for public assistance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Settelmeyer, Allen, Christensen, Cobb, Stewart; Senators Beers, McGinness and Washington. 89, 431.

87.... Requires certain officers and employees of financial institutions to receive training concerning the exploitation of older persons and vulnerable persons and to report the suspected or known exploitation of older persons or vulnerable persons. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Leslie, Pierce, McClain, Parnell, Smith, Bobzien, Oceguera, Parks, Segerblom and Womack. 89, 1145, 1146, 1147, 1291*, 4520, 5187, 5198, 5208, 5839.

88.... Revises provisions governing the collection of debts by collection agencies. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor. 91, 763, 765, 790, 1137*, 1138, 3071, 3511, 3515, 6520, 6521.

89.... Revises provisions regarding industrial injuries and occupational diseases. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Parnell, Bobzien, Hogan, Kirkpatrick, Pierce and Smith. 91, 222, 537, 595, 635, 637, 6372, 6512*.

90.... Creates the crime of paternity fraud. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Gerhardt, Buckley, Parks, Allen, Atkinson, Beers, Bobzien, Denis, Goedhart, Goicoechea, Grady, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Manendo, Ohrenschall, Parnell, Segerblom, Stewart and Womack. 92, 439, 478, 593*, 4072, 4562, 4563, 5643.

91.... Makes various changes to provisions governing explosives. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Gerhardt, Parks, Kirkpatrick, Atkinson, Bobzien, Denis, Goicoechea, Hogan, Horne, Kihuen, Koivisto, Manendo, Ohrenschall, Segerblom and Womack. 92, 222, 903, 904, 920, 1264*, 4072, 5062, 5065, 5643.

92.... Revises provisions governing genetic marker testing of certain convicted persons. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Anderson, Munford, Hogan, Kihuen, Smith and Weber. 92, 423, 431, 446, 449, 533*, 4520, 5209, 5212, 5839.

No. *Summary, Introducer and Page Reference*

93.... Provides exemptions from certain taxes for surviving spouses of members of the Nevada National Guard who are killed while on active service in full-time National Guard duty. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Anderson, McClain, Conklin, Claborn, Horne, Atkinson, Bobzien, Buckley, Carpenter, Denis, Gerhardt, Hogan, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Smith and Womack. 93, 222, 538, 595, 638, 757, 6372, 6512*.

94.... Revises provisions relating to administrative procedure. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Leslie, Buckley, Bobzien, Carpenter, Parks, Anderson, Horne, Munford, Oceguera, Ohrenschall, Pierce, Smith; Senators Care and Titus. 93, 903, 904, 932, 1264, 1265*, 3690, 3854.

95.... Makes various changes concerning the confiscation of firearms during an emergency or a disaster. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Weber, Allen, Mabey, Anderson, Atkinson, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Goedhart, Goicoechea, Horne, Kihuen, Kirkpatrick, Koivisto, Manendo, Marvel, McClain, Oceguera, Ohrenschall, Parks, Parnell, Settelmeyer, Smith, Stewart and Womack. 96, 1452, 1457, 2497, 2705, 2775, 2843*, 3211, 3737.

96.... Makes various changes concerning criminal procedure. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Weber. 96.

97.... Revises provisions governing certain contracts between insurers and hospitals. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 97, 1809, 1810, 1813, 2680*.

98.... Revises various provisions relating to the Office for Consumer Health Assistance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 97.

99.... Makes various changes concerning genetic marker testing of certain persons. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Weber. 97, 269.

100.... Eliminates the requirement that a certified court reporter be appointed as a notary public to administer oaths and affirmations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 97, 98, 385, 412, 420*, 2882, 2897.

101.... Revises provisions governing the Commission on Tourism. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 98, 1808, 1810, 1815, 2681*, 4072, 4701, 4707, 5643.

102.... Makes various changes to provisions relating to eminent domain. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Horne, Munford, Conklin, Parks, Buckley, Allen, Anderson, Arberry, Atkinson, Carpenter, Christensen, Claborn, Denis, Gansert, Gerhardt, Hardy, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Womack; Senators Care, Wiener, Horsford, Carlton, Hardy, Amodei, Beers, Lee, Titus and Woodhouse. 98, 439, 479, 490, 539, 595, 703*, 3011, 3135, 3145, 3183.

103.... Revises provisions regarding general rate applications filed by public utilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 102, 763, 765, 794, 1138, 1256, 1265*, 3690, 3854.

104.... Provides additional benefits to members of the Nevada National Guard under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Stewart, Settelmeyer, Beers, Carpenter, Goicoechea, Hardy, Manendo, Pierce, Segerblom and Womack. 102, 269, 438, 490.

105.... Provides certain benefits to members of the Nevada National Guard and their families relating to licenses, tags or permits for fishing, hunting or trapping. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Stewart, Settelmeyer, Beers, Goicoechea, Hardy, Segerblom and Womack. 102, 269, 439, 492, 494.

106.... Prohibits prisoners in the custody of the Department of Corrections from obtaining or possessing portable telecommunications devices. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Select Committee on Corrections, Parole, and Probation. 102, 707, 709, 892*, 2890, 2913.

107.... Revises the provisions governing the possession of weapons at certain locations. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Atkinson. 103, 903, 904, 934, 1256, 1287, 1288, 1455*.

108.... Requires training in geriatrics and gerontology for certain professions and occupations. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. McClain, Parks, Koivisto, Arberry, Bobzien, Claborn, Conklin, Denis, Hogan, Horne, Kihuen, Kirkpatrick, Leslie, Manendo, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, Smith and Womack. 103, 269.

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109.... Revises provisions governing the disposition of unspent campaign contributions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Settelmeyer, Hardy, Mabey, Allen, Beers, Bobzien, Christensen, Cobb, Goedhart, Goicoechea, Grady, Horne, Manendo, Munford, Stewart and Weber. 103.

110.... Repeals the prospective expiration of the exemption from the property tax levied on the real and personal property of certain apprenticeship programs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Claborn, McClain, Parks, Smith, Anderson, Conklin, Hogan, Kirkpatrick, Koivisto, Leslie, Manendo, Munford, Ohrenschall, Parnell, Pierce, Segerblom, Womack; Senator Hardy. 107, 184, 196, 206, 209*, 4072, 4537, 4538, 6083, 6370.

111.... Revises provisions governing the use of tags to hunt bighorn sheep or antlered bull elk. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Claborn. 107.

112.... Makes various changes to provisions governing protective orders. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Parnell, Pierce, Parks, McClain, Anderson, Atkinson, Bobzien, Buckley, Gansert, Gerhardt, Kirkpatrick, Koivisto, Leslie, Oceguera, Ohrenschall, Segerblom, Smith and Womack. 107, 423, 431, 446, 449, 533*, 4073, 4563, 4575, 5643.

113.... Revises provisions governing municipal solid waste landfills. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Pierce, Conklin, Parks, Anderson, Arberry, Atkinson, Bobzien, Buckley, Claborn, Denis, Gerhardt, Hogan, Horne, Kihuen, Kirkpatrick, Leslie, Manendo, Mortenson, Munford, Oceguera, Ohrenschall, Segerblom, Smith and Womack. 108, 405, 412, 419, 1136*.

114.... Makes various changes concerning the protection of personal identifying information. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Pierce, Conklin, Parks, Allen, Anderson, Arberry, Atkinson, Bobzien, Buckley, Claborn, Denis, Gansert, Gerhardt, Hogan, Horne, Kihuen, Kirkpatrick, Leslie, Mabey, Manendo, Munford, Oceguera, Ohrenschall, Parnell, Segerblom, Smith, Stewart and Womack. 108, 537, 595, 646, 758, 759*, 2882, 2897.

115.... Enacts provisions governing mines. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Leslie. 108, 269, 1808, 1810, 1821, 2681, 2901, 2929*, 7424.

116.... Revises provisions governing crimes involving certain controlled substances and other related substances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Carpenter. 109, 269.

117.... Revises provisions relating to the exclusion of certain persons from divorce proceedings. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Carpenter. 109, 439, 494, 593, 594*, 2933, 3008.

118.... Requires the Department of Transportation to erect advisory signs on certain highways designating the lane in which certain larger vehicles should travel. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Denis, Conklin, Anderson, Claborn, Hardy, Horne, Kihuen, Kirkpatrick, Manendo, Mortenson, Pierce, Segerblom, Smith, Womack; Senators Beers and Hardy. 109, 903, 904, 937, 1265, 1266*, 3011, 3153.

119.... Makes various changes to provisions governing the purchase of retirement benefits by state agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 109.

120.... Revises notice requirements for a proposal to vacate certain rights-of-way or easements or to vacate or abandon certain streets. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 110, 903, 904, 939, 1266*, 4073, 5068, 5071, 5643.

121.... Revises provisions relating to the collection of certain debts owed to the State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 110.

122.... Revises provisions governing systems used for reporting emergencies in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 110, 1283, 1284, 1301, 1455*, 3690, 3854.

123.... Revises provisions relating to the voluntary admission of a person to a mental health facility. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Parnell. 110.

124.... Prohibits minors from using cellular telephones while operating motor vehicles. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Manendo, Atkinson, Allen, Anderson, Beers, Bobzien, Claborn, Cobb, Conklin, Gansert, Gerhardt, Hogan, Kihuen, Koivisto, Mabey, McClain, Mortenson, Munford, Parks, Parnell, Pierce, Segerblom, Stewart, Womack; Senators Amodei, Beers, Care, Horsford, Lee, McGinness, Nolan, Titus and Woodhouse. 110.

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125.... Makes certain changes concerning awards of temporary maintenance and alimony. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Manendo, Anderson, Claborn, McClain, Parks, Allen, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Marvel, Mortenson, Munford, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, Womack; Senators Titus, Hardy, Amodei, Beers, Care, Carlton, Cegavske, Heck, Horsford, Lee, McGinness, Nolan, Raggio, Schneider, Townsend, Wiener and Woodhouse. 111.

126.... Makes an appropriation for transitional housing and supportive services for persons who are homeless. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Leslie, Conklin, Horne, Parnell, Pierce, Bobzien, Buckley, Hogan, Kirkpatrick, Parks, Smith and Womack. 119, 150, 269.

127.... Revises provisions relating to the collection of debts by collection agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Smith, Parks, Leslie, Koivisto, Conklin, Atkinson, Bobzien, Buckley, Claborn, Denis, Hogan, Horne, Kihuen, Kirkpatrick, Manendo, McClain, Mortenson, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom and Womack. 128, 423, 435, 446, 769, 880, 883*, 4520, 5212, 5215, 6083, 6176, 7027, 7031, 7075.

128.... Revises provisions relating to prescription drugs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Conklin, Buckley, Anderson, Horne, Parks, Bobzien, Claborn, Denis, Gerhardt, Hogan, Kirkpatrick, Koivisto, Leslie, Manendo, Mortenson, Munford, Pierce, Segerblom, Smith; Senators Titus and Carlton. 128, 269, 537, 595, 648, 757, 3183, 3194, 3660*, 6083, 6370.

129.... Prohibits the use of eminent domain to acquire property for economic development. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Ohrenschall, Carpenter, Goicoechea, Hogan, Kihuen, Mortenson, Oceguera, Segerblom, Weber and Womack. 128.

130.... Establishes the Autism Scholarship Program. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Weber. 128, 269.

131.... Revises provisions governing career and technical education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education. 129, 192, 269, 2879, 2884, 2894*, 3211, 3737.

132.... Revises provisions governing programs providing health insurance coverage to public personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Mabey. 129, 269.

133.... Revises certain provisions relating to the status of policies covering patients for health or dental care. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Mabey. 129.

134.... Expands the duties of the Executive Director for Veterans' Services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Womack, Manendo, McClain, Leslie, Anderson, Allen, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gerhardt, Goicoechea, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart; Senators Care, Titus, Nolan, Coffin, Heck, Lee, Rhoads, Wiener and Woodhouse. 139, 337, 362, 373, 382, 385.

135.... Authorizes the Stagecoach General Improvement District to furnish sanitary facilities for sewerage. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Grady; Senators Amodei and McGinness. 140, 262, 278, 289*, 3011, 3153.

136.... Provides for the recovery of certain fees and expenses for the settlement or administration of small estates. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 140, 453, 565, 760, 892*.

137.... Revises provisions concerning acts of terrorism. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Oceguera. 140, 254, 268, 278, 279*, 4073, 4575, 4578, 5643.

138.... Expands purposes for which certain impact fees may be used. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 140, 1145, 1146, 1159, 1291*, 3690, 3854.

139.... Revises provisions relating to local governmental administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 140, 1452, 1463, 2515*, 4520, 6040, 6050, 6262.

140.... Provides for certain contractors to receive an additional preference in bidding on public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 141.

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141.... Makes various changes to provisions concerning vehicles and vehicle parts with altered or missing identification numbers or marks. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Horne, Kirkpatrick, Parks, Conklin, Allen, Anderson, Arberry, Atkinson, Buckley, Claborn, Denis, Gerhardt, Goedhart, Hogan, Kihuen, Leslie, Mabey, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, Smith, Womack; Senators Wiener, Coffin, Titus, Horsford, Lee, Mathews, Washington and Woodhouse. 141, 269, 1284, 1306, 1454, 6372, 6512*, 7075.

142.... Makes various changes concerning ethics in government. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 141, 269, 2520, 2521, 2681, 2705, 2733*, 4073, 4618, 4633, 5978, 6338.

143.... Revises provisions relating to the Commission on Ethics. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Goedhart, Beers, Goicoechea, Grady, Hardy, Marvel, Settelmeyer, Stewart, Weber; Senators Beers and McGinness. 141, 764, 765, 802, 1138*, 4073, 4633, 4637, 5643.

144.... Establishes a formula for determining the maximum rate for interruptible service that a public utility may charge for electricity for irrigation pumps. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Goicoechea, Grady, Carpenter, Marvel, Goedhart, Settelmeyer; Senators Rhoads, Amodei and McGinness. 151, 763, 765, 806, 1136, 1146, 1256, 6082, 6138, 6174*, 6520, 7493.

145.... Revises provisions governing the assignment of benefits for health insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hardy. 151, 1144, 1146, 1161, 1287, 2384, 2504, 2680, 2681*, 4073, 5050, 5051, 5643.

146.... Requires the Department of Health and Human Services to establish programs to increase public awareness of health care information concerning the hospitals and surgical centers for ambulatory patients in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services. 152, 454, 1809, 1810, 1833, 2681, 6710, 6727, 6740*, 7424, 7425, 7438.

147.... Makes various changes concerning the placement of a child into protective custody. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services. 152, 386, 1809, 1810, 1844, 2681, 2682*, 4519, 5643.

148.... Makes various changes relating to methamphetamine and other controlled substances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Health and Human Services. 152, 439, 495, 594*, 4520, 4531, 4537, 5978, 5980, 6207, 6224, 6266, 6871.

149.... Makes an appropriation to the Division of Mental Health and Developmental Services in the Department of Health and Human Services for the prevention of the abuse of methamphetamine. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Leslie, Anderson, Horne, Smith, Pierce, Arberry, Bobzien, Conklin, Gansert, Hardy, Hogan, Kirkpatrick, McClain, Parks, Parnell, Stewart and Womack. 153, 269, 378.

150.... Makes various changes pertaining to methamphetamine and other controlled substances. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Anderson, Buckley, Oceguera, Leslie, Conklin, Allen, Arberry, Atkinson, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, Womack; Senators Raggio, Titus, Amodei, Care, Washington, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Townsend, Wiener and Woodhouse. 153, 269, 1809, 1810, 1851, 2681, 3011, 3094, 3173, 3183, 3187, 3211, 3660, 3682, 3684*.

151.... Revises provisions relating to career and technical education. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Education. 153, 192, 269.

152.... Exempts tests and examinations requested by a court pursuant to a program of treatment and rehabilitation from certain restrictions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 153, 337, 364, 373, 383, 404, 413*, 2882, 2897.

153.... Authorizes the appointment of alternate members of the Committee on Industrial Programs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Marvel and Arberry. 154, 410, 419, 427, 435, 447*, 1452, 2845.

154.... Revises provisions governing the transportation of pupils by certain private schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation. 154, 903, 904, 942, 1255, 1284, 1295, 2879, 2885*, 3211, 3737.

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155.... Requires certain water authorities to notify their customers of certain charitable contributions made by the water authority. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Gansert, Anderson, Cobb, Bobzien, Leslie, Marvel, Parnell, Smith; Senators Townsend, Amodei, Mathews, Raggio and Washington. 154.

156.... Makes an appropriation to the Blind Center of Nevada for the construction of a facility to provide assistance to persons who are blind or visually impaired. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Mabey. 154, 269.

157.... Provides for full-day kindergarten. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Buckley, Oceguera, Anderson, Parnell, Smith, Arberry, Atkinson, Bobzien, Claborn, Conklin, Denis, Gerhardt, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Manendo, McClain, Mortenson, Munford, Ohrenschall, Parks, Pierce, Segerblom, Womack; Senators Titus, Carlton, Care, Horsford, Wiener, Coffin, Lee, Mathews, Schneider and Woodhouse. 157, 262, 269.

158.... Requires the Secretary of State to establish and maintain the Registry of Advance Directives for Health Care on his Internet website. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Bobzien, Leslie, Gansert, Parks, Buckley, Allen, Anderson, Arberry, Atkinson, Conklin, Gerhardt, Hardy, Horne, Kihuen, Kirkpatrick, Koivisto, Manendo, McClain, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Womack; Senators Horsford, Titus, Townsend, Wiener and Woodhouse. 158, 313, 903, 904, 944, 1255, 6232, 6238, 6243*, 6372, 7493.

159.... Prohibits certain demonstrations at a funeral, memorial service or ceremony. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Stewart, Hardy, Cobb, Marvel, Beers, Carpenter, Gansert, Goedhart, Goicoechea, Grady, Mabey, Manendo, Ohrenschall, Settelmeyer, Weber and Womack. 158.

160.... Revises provisions relating to annexation by cities in certain counties. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Parnell, Bobzien, Leslie, Anderson, Smith, Gansert and Pierce. 158, 1145, 1146, 1162, 1291*, 1292.

161.... Revises various provisions governing insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 159, 269, 1808, 1810, 1878, 2681, 3155, 3196*, 6372, 6376, 6406, 6438, 6522, 6552, 6584, 7493.

162.... Makes various changes concerning military service. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen McClain, Koivisto, Manendo, Parks, Hogan, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Horne, Kihuen, Kirkpatrick, Leslie, Mabey, Marvel, Mortenson, Munford, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, Womack; Senators Care, Wiener, Titus, Coffin, Heck, Amodei, Beers, Cegavske, Hardy, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Townsend, Washington and Woodhouse. 159, 262, 269, 278, 6878, 6879, 6995*.

163.... Amends the Charter of the City of Elko to revise provisions concerning taxes on the rental of transient lodging. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Carpenter. 159.

164.... Makes various changes to certain provisions pertaining to persons who are released from incarceration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Weber. 160, 269, 327.

165.... Creates the Justice Assistance Grant Trust Account in the State General Fund. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 160, 764, 765, 806, 1138*, 4073, 6519, 6520, 7493.

166.... Makes various changes to provisions governing administrative assessments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 160, 269.

167.... Provides for the biennial transfer of a portion of the state surplus to the Public Employees' Retirement Fund and the Fund for the Public Employees' Benefits Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Settelmeyer, Mabey, Allen, Beers, Cobb, Gansert, Goedhart, Hardy, Stewart and Weber. 160, 269.

168.... Makes various changes concerning expanding health insurance to make health insurance available to more residents of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Buckley, Leslie, Parks, Gerhardt, Conklin, Anderson, Arberry, Atkinson, Beers, Bobzien, Carpenter, Claborn, Denis, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Manendo, Marvel, McClain, Munford, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, Smith, Stewart, Womack; Senators Wiener, Washington and Woodhouse. 161, 269, 1809, 1810, 1905.

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169.... Proposes to exempt sales of certain durable medical equipment and mobility-enhancing equipment from sales and use taxes and analogous taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Beers, Hardy, Mabey, Allen, Anderson, Buckley, Carpenter, Christensen, Denis, Goedhart, Goicoechea, Grady, Kihuen, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Segerblom, Settelmeyer, Stewart and Womack. 161, 269.

170.... Revises provisions governing the Governor Guinn Millennium Scholarship Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Settelmeyer, Allen, Beers, Christensen, Cobb, Gansert, Goedhart, Goicoechea, Grady, Hardy, Mabey, Stewart, Weber; Senators Cegavske, Heck and Washington. 161, 439.

171.... Provides for the revocation of a state business license for a violation of federal law prohibiting the hiring or employment of unauthorized aliens. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Koivisto, Claborn, Smith, Anderson, Bobzien, Buckley, Carpenter, Conklin, Gansert, Goicoechea, Grady, Hogan, Horne, Kirkpatrick, Leslie, McClain, Parks, Parnell and Womack. 161.

172.... Makes various changes concerning refunds of property tax paid by certain senior citizens. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Beers, Mabey, Allen, Anderson, Atkinson, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Denis, Gansert, Goedhart, Grady, Hardy, Horne, Kihuen, Kirkpatrick, Manendo, McClain, Mortenson, Munford, Ohrenschall, Parks, Parnell, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 163, 269.

173.... Limits the amount of time certain heavy-duty motor vehicles and buses may be left idling under certain circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Hogan, Pierce, Parks, Arberry, Atkinson, Claborn, Gerhardt, Horne, Kihuen, Koivisto, Manendo, Mortenson, Munford, Ohrenschall and Womack. 163.

174.... Revises provisions governing the transfer of the registration of certain vehicles. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Atkinson, Manendo, Horne, Kirkpatrick, Leslie, Allen, Anderson, Arberry, Beers, Bobzien, Buckley, Denis, Gerhardt, Goicoechea, Hardy, Hogan, Kihuen, Koivisto, McClain, Ohrenschall, Pierce, Segerblom, Smith and Womack. 164, 313.

175.... Revises provisions governing automobile drivers' education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Atkinson, Manendo, Horne, Kirkpatrick, Allen, Anderson, Arberry, Beers, Bobzien, Buckley, Denis, Gerhardt, Goicoechea, Hardy, Hogan, Kihuen, Koivisto, Leslie, McClain, Ohrenschall, Pierce, Segerblom, Smith and Womack. 164.

176.... Provides for the automatic transfer of ownership of certain vehicles and motorboats to the designated beneficiary on the death of the owner. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Allen, Beers, Mabey, Kirkpatrick, Atkinson, Carpenter, Denis, Goedhart, Goicoechea, Grady, Hardy, Settelmeyer; Senators Care and Titus. 164, 538, 595, 653, 760, 892*, 4073, 4494, 4500, 5643.

177.... Requires the county fair and recreation board in certain counties to make grants to state and nonprofit museums of a certain portion of the money received by the board from room taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Segerblom. 164.

178.... Revises provisions relating to net metering and energy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Bobzien, Buckley, Leslie, Pierce, Anderson, Conklin, Horne, Kirkpatrick, Manendo, Oceguera, Parks, Segerblom; Senator Titus. 165, 537, 595, 660, 758, 759*, 4520, 5458, 5469, 5483, 5979, 5980, 7031, 7046, 7081.

179.... Revises the provisions governing the terms of office of members of the State Gaming Control Board. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 165, 410, 419, 427, 435, 447*, 2890, 2913.

180.... Increases the amount of community service required for placing graffiti on or otherwise defacing property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 165.

181.... Revises provisions relating to the survey of labor rates charged by body shops. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Manendo. 176, 1145, 1146, 1170, 1292*, 3211, 3737.

182.... Makes various changes concerning the Fund for a Healthy Nevada and certain programs administered by the Department of Health and Human Services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. McClain, Parks, Allen, Arberry, Atkinson, Bobzien, Claborn, Conklin, Denis, Gerhardt, Grady, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Manendo, Marvel, Munford, Ohrenschall, Parnell, Pierce, Segerblom, Smith and Womack. 177, 269, 1452, 1469, 3186, 3441, 3684, 3685*, 6083, 6188, 6207, 6304, 6356, 6840, 6859, 7075.

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183.... Creates the Legislative Committee on Senior Citizens and Veterans. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. McClain, Parnell, Koivisto, Bobzien, Parks, Allen, Arberry, Atkinson, Claborn, Conklin, Denis, Gerhardt, Grady, Horne, Kihuen, Kirkpatrick, Leslie, Manendo, Marvel, Munford, Ohrenschall, Pierce, Segerblom, Smith and Womack. 177, 269, 706, 709, 711.

184.... Makes various changes relating to renewable energy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hardy, Gansert, Beers, Mabey, Leslie, Allen, Bobzien, Buckley, Christensen, Denis, Goedhart, Goicoechea, Grady, Manendo, Marvel, Ohrenschall, Parks, Segerblom, Settelmeyer, Stewart, Weber, Womack; Senators Cegavske, Hardy, Heck and Schneider. 177.

185.... Prohibits an insurer of motor vehicles from having an ownership interest in a garage or body shop. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 178.

186.... Revises various provisions relating to economic and energy development. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Conklin, Kirkpatrick, Oceguera, Horne, Parks, Anderson, Arberry, Bobzien, Buckley, Claborn, Denis, Gerhardt, Hogan, Kihuen, Koivisto, Leslie, McClain, Ohrenschall, Pierce, Segerblom, Smith and Womack. 178, 1135, 1808, 2384, 2388, 2497, 5073, 5074, 5087*, 5643, 5646, 5650, 5658*, 6520, 7493.

187.... Provides for regulation of certified medication aides. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Health and Human Services. 178, 269.

188.... Makes various changes to provisions governing the licensing of certain child care facilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services. 178.

189.... Makes an appropriation to fund positions within the Nevada System of Higher Education concerned with reducing risks from natural hazards. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Anderson, Parks, Claborn, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Mortenson, Munford, Oceguera, Ohrenschall, Pierce, Segerblom and Smith. 179, 269.

190.... Makes various changes to provisions governing criminal procedure. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 179, 269, 538, 595, 671, 757, 2856, 2860*, 3690, 3854.

191.... Prohibits a permittee from carrying a concealed firearm in a courthouse, court facility or public building partially occupied by a court without proper authorization. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 179.

192.... Clarifies provisions concerning the authority to stay the execution of a judgment of death. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 179, 337, 364, 373, 383, 404, 413, 414*, 1452, 2845.

193.... Makes various changes concerning pleas, defenses and verdicts in criminal actions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 179, 1284, 1312, 1455, 1456*, 4520, 5215, 5313, 5839.

194.... Makes various changes to provisions regarding victims of domestic violence and sexual assault. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen Horne, Parks, Anderson, Arberry, Atkinson, Bobzien, Carpenter, Conklin, Denis, Gerhardt, Grady, Kihuen, Koivisto, Leslie, Mabey, Marvel, McClain, Mortenson, Munford, Ohrenschall, Pierce, Segerblom, Womack; Senators Horsford, Coffin, Lee, Titus, Wiener and Woodhouse. 180, 903, 904, 948, 1266*, 4073, 4578, 4585, 5643.

195.... Makes various changes relating to residential landlords and tenants. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 180, 763, 765, 807, 1138*, 4073, 4707, 4718, 5643.

196.... Makes changes concerning the limitation on the total proposed expenditures of the State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Marvel, Mabey, Arberry and Settelmeyer. 180, 269, 2901, 2927, 2964*, 7075, 7162, 7164.

197.... Makes an appropriation to the Office of the State Controller for the purchase of computer hardware and software. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 181, 269, 5645, 5646, 5658*, 6266, 6871.

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198.... Makes a supplemental appropriation to the Department of Health and Human Services, Administration, to fund leased office space and tenant office improvements. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 181, 269, 2859, 2875, 2885*, 3011, 3153.

199.... Makes a supplemental appropriation to the Office of Health Administration of the Department of Health and Human Services to fund Poison Control Call Centers. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 181, 217, 224, 246*, 269, 368, 415.

200.... Makes an appropriation to the Information Technology Division of the Department of Administration to add sites and enhancements to the 800 MHz radio system. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 181, 269, 2933, 2981, 3043*, 6266, 6871.

201.... Makes a supplemental appropriation to the Budget Division of the Department of Administration for overtime and increased costs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 181, 269, 2901, 2927, 2964*, 3858, 4517.

202.... Makes an appropriation to the State Gaming Control Board for implementation of security measures and replacement of equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 182, 269, 2981, 3013, 3117*, 5979, 6703, 7493.

203.... Makes an appropriation to the Grants Management Unit of the Department of Health and Human Services for the benefit of Family Resource Centers. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 182, 269, 3186, 3213, 3685*, 6266, 6871.

204.... Makes an appropriation to the Department of Education for video and computer equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 182, 269, 2917, 2941, 2983*, 6266, 6871.

205.... Makes an appropriation to the Department of Administration for the purchase of motor pool vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 182, 269, 6372, 6512, 6518*, 7075.

206.... Makes an appropriation to the Department of Administration to fund certain information technology projects. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 182, 269, 3186, 3214, 3685*, 6266, 6871.

207.... Revises provisions governing vocational rehabilitation services. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Oceguera. 182, 269, 1451, 1457, 1645, 2515*.

208.... Revises provisions governing the Transportation Services Authority and Taxicab Authority. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Goedhart, Allen, Ohrenschall, Anderson, Beers, Claborn, Conklin, Denis, Gansert, Hardy, Horne, Kihuen, Koivisto, Manendo, Marvel, McClain, Munford, Settelmeyer, Stewart, Womack; Senators Lee and Washington. 185, 269.

209.... Makes various changes regarding the imposition and administration of property taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Taxation. 185, 1809, 1810, 1908, 2682*, 4520, 5711, 5743, 5775, 5975.

210.... Revises provisions governing certain exemptions from and refunds of property taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Taxation. 186, 269, 1457, 1770, 1774.

211.... Authorizes the board of trustees of certain school districts to adopt a program of school choice. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education. 186, 269, 438, 446.

212.... Provides for high school reform. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education. 186, 269, 452, 569, 757, 2981, 3043, 3117, 3118*, 5979, 6053, 6062, 6262.

213.... Makes a contingent appropriation for the establishment of a railroad line from Virginia City to Carson City. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Parnell, Grady, Parks, Smith, Bobzien, Buckley, Kirkpatrick, Settelmeyer; Senator Amodei. 186, 269.

214.... Makes various changes to provisions governing the removal of certain vehicles that are parked in an unauthorized manner. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Parnell, Grady, Parks; Senator Amodei. 187.

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215.... Makes various changes concerning financial institutions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 187, 537, 595, 671, 758, 759*, 3858, 3964, 3967, 4517.

216.... Provides additional requirements for closing or converting manufactured home parks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 187, 763, 765, 818, 1139*, 4073, 4718, 4723, 5643.

217.... Revises the membership of the State Environmental Commission. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Bobzien, Buckley, Leslie, Smith, Horne, Anderson, Claborn, Conklin, Denis, Gerhardt, Goicoechea, Hardy, Hogan, Kihuen, Kirkpatrick, Koivisto, Manendo, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, Settelmeyer, Stewart, Womack; Senator Titus. 187, 405, 412, 420*, 3211, 3737.

218.... Revises provisions relating to public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hogan, Claborn, Parks, Smith, Anderson, Atkinson, Conklin, Denis, Gerhardt, Kihuen, Kirkpatrick, Koivisto, Leslie, McClain, Mortenson, Munford, Pierce, Segerblom, Womack; Senators Titus and Woodhouse. 188, 903, 904, 956, 1266*.

219.... Revises provisions governing public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hogan, Parks, Arberry, McClain, Anderson, Bobzien, Carpenter, Denis, Gerhardt, Kihuen, Koivisto, Leslie, Manendo, Mortenson, Munford, Parnell, Pierce, Segerblom, Smith, Womack; Senators Coffin, Titus and Woodhouse. 188.

220.... Revises certain duties of the Secretary of State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 188, 377, 404, 414*, 3011, 3153.

221.... Authorizes a board of county commissioners, under certain circumstances, to provide a civil penalty in lieu of a criminal penalty for the violation of certain ordinances. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs. 188.

222.... Makes various changes relating to energy. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Commerce and Labor. 189, 313, 902, 904, 962, 1135.

223.... Requires the licensing of voice stress examiners and interns. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Kirkpatrick, Parks, Allen, Conklin, Atkinson, Beers, Christensen, Claborn, Denis, Gansert, Horne, Mabey, McClain, Mortenson, Oceguera, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart and Womack. 189.

224.... Makes various changes to provisions governing the regulation of factory-built housing, manufactured buildings and modular components. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 192, 537, 595, 673, 758, 760*, 3211, 3737.

225.... Revises provisions concerning emergency admissions of allegedly mentally ill persons to certain mental health facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 193.

226.... Makes various changes relating to crimes against older persons. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. McClain, Kirkpatrick, Parnell, Koivisto, Gerhardt, Arberry, Atkinson, Bobzien, Buckley, Carpenter, Claborn, Conklin, Denis, Hogan, Horne, Kihuen, Leslie, Oceguera, Parks, Pierce, Segerblom and Womack. 193, 313, 1284, 1405, 1455, 3011, 3118, 3173*, 4519, 5643.

227.... Revises the provisions governing the posting of warnings against trespassing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Carpenter, Mabey, Claborn, Goedhart, Goicoechea, Grady, Marvel, Settelmeyer; Senators Rhoads and McGinness. 193, 453, 578, 760, 892*, 3211, 4585, 4587, 5643.

228.... Revises provisions governing licenses to engage in pest control. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining. 193, 405, 413, 420, 426, 427, 435, 447, 448*, 4073, 5053, 5057, 5643.

229.... Requires the development and implementation of a pilot program for mentor teachers. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Education. 194, 313.

230.... Revises certain provisions relating to the jurisdiction of justice courts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 194, 1145, 1146, 1174, 1292*, 3858, 4517, 6266, 6331, 6332.

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231.... Provides an employer with an increased tax deduction for payments he makes for health insurance or a health benefit plan for his employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Gansert, Hardy, Mabey, Allen, Beers, Carpenter, Christensen, Cobb, Conklin, Goedhart, Goicoechea, Grady, Kirkpatrick, Marvel, Parnell, Settelmeyer, Stewart and Weber. 194, 313.

232.... Provides for certain information relating to pharmacies and the prices of commonly prescribed prescription drugs to be made available to consumers. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Leslie, Buckley, Horne, McClain, Oceguera, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Claborn, Conklin, Denis, Gerhardt, Hogan, Kihuen, Kirkpatrick, Koivisto, Mabey, Manendo, Mortenson, Munford, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Smith; Senators Wiener, Titus, Care, Coffin, Lee, McGinness, Nolan, Schneider and Woodhouse. 194, 313, 1809, 1810, 1940, 2681, 6232, 6242, 6243*, 6711, 6741, 6747, 7493.

233.... Increases the number of members of the Commission on Mental Health and Developmental Services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 195, 903, 904, 968, 1266, 1267*, 3211, 3737.

234.... Eliminates the Nevada Institutional Review Board. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 195, 1451, 1452, 1486, 2515*.

235.... Revises provisions relating to prescription drugs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Bobzien, Buckley, Conklin, Leslie, McClain, Kihuen, Koivisto, Manendo, Parks, Segerblom and Smith. 195, 763, 765, 822, 1139*, 3858, 4517.

236.... Makes certain changes regarding the reporting, payment and collection of sales and use taxes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Settelmeyer, Mabey, Allen, Gansert, Cobb, Beers, Carpenter, Christensen, Goedhart, Goicoechea, Grady, Hardy, Marvel, Stewart, Weber; Senators Washington, Hardy, Townsend, Amodei, Beers, Cegavske, Heck, McGinness, Nolan, Raggio and Rhoads. 195, 903, 904, 969, 1267, 1292*, 3211, 3737.

237.... Makes various changes to provisions governing the admissibility into evidence of certain statements made by certain young children. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 204.

238.... Provides for the regulation of tanning establishments by the State Board of Cosmetology. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Koivisto, Parks, Anderson, Atkinson, Claborn, Conklin, Denis, Hogan, Horne, Kirkpatrick, Leslie, McClain, Mortenson, Pierce, Segerblom, Smith and Womack. 204, 1808, 1810, 1946, 2682*, 2695, 2706.

239.... Requires a provider of a vehicle service contract to notify the buyer of the vehicle service contract if the provider ceases doing business in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Koivisto, Anderson, Bobzien, Claborn, Denis, McClain, Mortenson, Segerblom and Womack. 204, 378, 404, 414*, 4073, 5024, 5026, 5643.

240.... Provides for the impoundment of motor vehicles in certain situations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Koivisto, McClain, Claborn, Parks, Anderson, Arberry, Atkinson, Beers, Bobzien, Conklin, Grady, Hogan, Horne, Manendo, Mortenson, Segerblom, Weber and Womack. 204, 1452, 1457, 1651, 2497.

241.... Makes an appropriation to the Food Bank of Northern Nevada, Inc., to supplement costs associated with the distribution of food from the Commodity Supplemental Food Program in northern Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Smith, Leslie, Parnell, Gansert, Anderson, Bobzien, Buckley, Marvel; Senators Mathews and Raggio. 205, 313.

242.... Requires the State Board of Health to adopt regulations requiring the immunization against meningococcal disease of certain students who are enrolled in the Nevada System of Higher Education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Mabey and Parnell. 205, 452, 580, 760, 769.

243.... Provides for reduction of certain excise taxes payable by employers that make donations to public schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Parnell, Smith, Denis, Buckley, Kihuen, Koivisto and McClain. 207, 313, 903, 904, 973, 1135.

244.... Revises provisions governing the review of school districts based upon financial management principles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Conklin, Parnell, Smith and Kirkpatrick. 208, 438, 501, 594*, 4520, 5625, 5626, 6304, 6519, 7053, 7055, 7081.

245.... Makes an appropriation to the Las Vegas-Clark County Urban League for computer software and hardware. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 208, 313.

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246.... Makes various changes concerning district judges. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 208, 313, 423, 1809, 3011, 3072, 3438, 3685*, 6372, 6373, 6376, 7075, 7076, 7084, 7086.

247.... Makes various changes concerning billing for, collecting and bringing actions and enforcing judgments for delinquent payments for hospital care rendered at a hospital. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Buckley. 209, 538, 595, 680, 760, 893*, 4520, 5397, 5401, 5839.

248.... Makes various changes to provisions governing gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 215, 764, 765, 826, 1139*, 1140, 1256, 1257, 2705, 2778, 2841, 2845*.

249.... Revises provisions relating to dispensing opticians. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 215, 1653, 1792, 2516, 2690, 2704*, 4073, 4723, 4728, 5643.

250.... Revises provisions governing private elementary and secondary educational institutions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education. 215, 438, 503, 594*, 2934, 2973, 2977, 3008.

251.... Makes an appropriation to the Community College of Southern Nevada for the construction of and furniture, fixtures and equipment for the Southern Desert Regional Police Academy. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 216, 313.

252.... Authorizes deductions from the state taxes on financial institutions and other businesses for payments on behalf of employees to certain apprenticeship programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Gerhardt, Parks, Manendo, Conklin, Allen, Atkinson, Bobzien, Buckley, Claborn, Denis, Goedhart, Hogan, Horne, Kihuen, Kirkpatrick, Mortenson, Munford, Oceguera, Ohrenschall, Parnell, Segerblom, Stewart and Womack. 216, 313, 903, 904, 977, 1135.

253.... Revises provisions relating to the imposition of impact fees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Goedhart. 216, 903, 904, 983, 1271*, 4072, 5643.

254.... Makes an appropriation for the Nevada Senior Olympics. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen McClain, Koivisto, Hardy, Parks, Arberry, Bobzien, Claborn, Kirkpatrick, Leslie, Marvel, Segerblom; Senator Wiener. 216, 313.

255.... Revises certain provisions relating to accommodation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 217, 454, 1809, 1810, 1957, 2687, 2705, 2706, 2733, 7225, 7243, 7268*.

256.... Requires the Department of Transportation to collect a fee for distribution to local governmental entities when issuing certain oversized vehicle permits. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 223.

257.... Requires employers of certain emergency medical technicians, firefighters and peace officers to establish a program of educational assistance. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Allen. 223, 431, 1809, 1810, 1982, 2498.

258.... Revises provisions relating to the division, exchange or transfer of certain agricultural lands. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Carpenter, Goedhart, Goicoechea, Grady, Marvel and Settelmeyer. 223, 903, 904, 984, 1271*, 3690, 3854.

259.... Revises provisions governing wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Claborn. 223, 313, 1145, 1146, 1177, 1287, 2917, 2965, 2983*, 2984, 3858, 4517.

260.... Revises provisions governing the portfolio standards of providers of electric service. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Allen. 224.

261.... Makes various changes to provisions relating to child abuse and neglect. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services. 240, 903, 904, 987, 1271*, 2933, 3008.

262.... Makes an appropriation to Teach for America to support the program in the Las Vegas Valley. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Denis, Smith, Christensen, Parks, Atkinson, Beers, Buckley, Gansert, Grady, Hardy, Hogan, Kihuen, Leslie, Mabey, Manendo, Mortenson, Munford, Pierce, Segerblom, Stewart, Weber, Womack; Senators Cegavske, Titus, Horsford, Lee and Woodhouse. 241, 313.

263.... Makes various changes to provisions governing the abuse and neglect of children. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Health and Human Services. 241, 1809, 1810, 1989, 2682*, 4073, 5401, 5416, 5839.

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264.... Revises provisions relating to certain special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Atkinson, Horne, Oceguera, Parks, Bobzien, Denis, Gerhardt, Goedhart, Kihuen, Manendo, Marvel, McClain, Mortenson, Munford, Parnell, Pierce, Segerblom, Smith, Stewart and Womack. 241, 346, 373, 383, 404, 414*, 2901, 2929.

265.... Authorizes the Director of the Department of Motor Vehicles to enter into agreements for certain placements of advertisements. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Atkinson, Bobzien, Denis, Gerhardt, Goedhart, Horne, Kihuen, Manendo, Marvel, McClain, Mortenson, Munford, Parks, Segerblom, Settelmeyer and Womack. 242, 538, 595, 684, 758.

266.... Makes various changes to provisions relating to salvage vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Atkinson, Parks, Anderson, Bobzien, Buckley, Denis, Gerhardt, Goedhart, Goicoechea, Horne, Kihuen, Kirkpatrick, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Pierce, Segerblom, Settelmeyer, Smith, Stewart and Womack. 242, 538, 595, 686, 760, 893, 1256, 1257, 1292*, 3011, 3153.

267.... Authorizes the board of trustees of certain school districts to cause each meeting of the board to be televised. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Segerblom, Koivisto, Buckley, Allen, Beers, Bobzien, Claborn, Denis, Gerhardt, Hogan, Horne, Kihuen, Kirkpatrick, Manendo, McClain, Mortenson, Munford, Ohrenschall, Parks, Pierce, Womack; Senators Horsford and Wiener. 242, 313, 763, 765, 826, 1139*, 2901, 2929.

268.... Makes various changes relating to permits to carry a concealed firearm. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Settelmeyer, Allen, Kirkpatrick, Arberry, Atkinson, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Horne, Koivisto, Mabey, Manendo, Marvel, Mortenson, Oceguera, Ohrenschall, Parks, Parnell, Smith, Stewart, Weber; Senators Beers, Cegavske, Hardy, Heck, Lee, Amodei, McGinness, Nolan, Rhoads, Townsend and Washington. 243, 313.

269.... Authorizes credits against the state taxes on financial institutions and other businesses for certain qualified employee housing assistance provided by employers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Buckley, Leslie, Horne, Anderson, Smith, Allen, Arberry, Atkinson, Bobzien, Claborn, Conklin, Denis, Gerhardt, Hogan, Kihuen, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Womack; Senators Schneider, Coffin, Care, Horsford, Lee, Titus, Townsend, Wiener and Woodhouse. 243, 313, 903, 904, 995, 1135.

270.... Makes an appropriation to the Department of Education for the distribution of grants to certain public broadcasting organizations. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 243, 313.

271.... Makes appropriations to the Division of Health Care Financing and Policy of the Department of Health and Human Services for relocation expenses and replacement vehicles, phone system and other equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 243, 313, 5073, 5084, 5087*, 6266, 6871.

272.... Makes appropriations to the Department of Health and Human Services to replace vehicles, appliances, radios and other equipment at certain youth facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 244, 313, 2933, 2981, 3052, 3053*, 6266, 6871.

273.... Makes an appropriation to the Department of Health and Human Services for computer software and hardware and other equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 244, 313, 2933, 2981, 3053*, 5979, 6704, 7493.

274.... Makes an appropriation to the State Department of Conservation and Natural Resources for stream habitat restoration. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 244, 313.

275.... Makes appropriations to restore the balances in the Stale Claims Account, Emergency Account and Reserve for Statutory Contingency Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 244, 313, 3155, 3213, 3685*, 6331, 6871.

276.... Makes an appropriation to the Nevada Sheriffs' and Chiefs' Association for iris biometric identification technology. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Leslie, Anderson, Arberry, Bobzien, Claborn, Hogan, Kihuen, McClain, Mortenson and Oceguera. 250, 313.

277.... Makes changes concerning the abatement of property taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Carpenter. 250, 431, 537, 540.

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278.... Requires the Commission on Special License plates to study the feasibility of the design, preparation and issuance of special license plates for use on motorcycles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Kihuen, Anderson, Koivisto, Manendo, Segerblom, Bobzien, Claborn, Denis, Gerhardt, Goedhart, Goicoechea, Grady, Hogan, Kirkpatrick, Marvel, McClain, Mortenson, Munford, Ohrenschall, Pierce, Smith, Stewart and Weber. 250, 313, 1809, 1810, 2007, 2682*, 3011, 3153.

279.... Requires a certain portion of the unused value of certain gift certificates to escheat to the State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Kihuen, Parks, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Claborn, Cobb, Conklin, Denis, Gerhardt, Hogan, Horne, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, Smith, Womack; Senators Carlton, Care, Titus, Horsford, Lee and Woodhouse. 250, 1451, 1452, 1489, 2516*, 3071, 3131, 3135, 3183.

280.... Revises provisions governing licensed teachers and makes an appropriation. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Smith, Buckley, Horne, Anderson, Parnell, Atkinson, Beers, Bobzien, Claborn, Conklin, Gerhardt, Hardy, Hogan, Kihuen, Kirkpatrick, Koivisto, Leslie, Manendo, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Pierce, Segerblom, Womack; Senators Coffin and Mathews. 251, 281, 313, 6083, 6138, 6175*, 7487.

281.... Revises provisions governing crimes involving certain controlled substances and other related substances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Goicoechea. 257, 313.

282.... Makes various changes to provisions concerning domestic violence. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Leslie, Anderson, Atkinson, Bobzien, Horne, Kirkpatrick, McClain, Ohrenschall, Pierce and Smith. 258, 453, 582, 760, 893*, 2901, 2929.

283.... Requires certain care facilities to maintain and provide certain information to parents, guardians or legal representatives of persons cared for in the facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Settelmeyer, Beers, Christensen, Cobb, Hardy, Kirkpatrick, Koivisto and Stewart. 258, 1809, 1810, 2008, 2683*, 3011, 3153.

284.... Authorizes utility customers who operate irrigation pumps to purchase electricity from alternative sellers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Carpenter, Grady and Goicoechea. 258.

285.... Revises provisions governing the appropriation of water. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Leslie, Bobzien, Carpenter, Goicoechea, Kirkpatrick, Marvel, Ohrenschall, Pierce, Smith; Senator Rhoads. 258, 313, 1809, 1810, 2013, 2683*, 4520, 5138, 5146, 5979, 6267.

286.... Exempts certain health insurers from provisions governing the denial of claims and the cancellation of or refusal to issue a policy or contract of health insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Leslie. 259, 405, 413, 420*, 2901, 2929.

287.... Revises provisions relating to the annexation of certain territory by certain cities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 259.

288.... Makes an appropriation to the Division of State Lands of the State Department of Conservation and Natural Resources for the preservation of historical buildings at Floyd Lamb State Park. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Kirkpatrick, Christensen, Beers, Parks, Allen, Claborn, Gerhardt, Hogan, Horne, Leslie, Manendo, McClain, Mortenson, Munford, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Womack; Senator Lee. 259, 313.

289.... Exempts the rental or lease of certain space at certain local governmental airports from requirements relating to appraisals and public auctions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Grady, Goedhart, Goicoechea and Marvel. 259, 453, 584, 760, 893*, 3690, 3854, 6725.

290.... Revises provisions governing taxes imposed on mortgage brokers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Parks, Cobb, Hardy, Anderson, Bobzien, Carpenter, Claborn, Conklin, Denis, Gerhardt, Goedhart, Goicoechea, Grady, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, Munford, Ohrenschall, Segerblom, Settelmeyer, Stewart and Womack. 265, 313.

291.... Revises provisions governing local financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Goicoechea. 265, 903, 904, 1003, 1135, 3519, 3735, 3777, 6066, 6077, 6079*, 6372.

292.... Authorizes certain counties to contract for the licensing and regulation of foster homes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services. 265.

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293.... Makes an appropriation to the Legislative Fund for the Legislative Auditor to enter into a contract with a consultant to conduct a performance audit of agencies which provide child welfare services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Gerhardt, Leslie, Anderson, Buckley, Conklin, Atkinson, Beers, Bobzien, Claborn, Denis, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, Oceguera, Parks, Parnell, Pierce, Segerblom, Weber and Womack. 266, 313, 1452, 1494.

294.... Revises provisions governing the testing of certain governmental employees who may have been exposed to a contagious disease while performing their official duties. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Denis, Hardy, Oceguera, Atkinson, Conklin, Gerhardt, Kihuen, Mabey; Senator Heck. 266, 537, 595, 689, 758, 760*, 2901, 2929.

295.... Makes various changes regarding the Green Building Rating System of the Director of the Office of Energy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Conklin, Kirkpatrick, Parks, Allen, Hardy, Carpenter, Gerhardt, Goicoechea, Horne, Oceguera; Senators Schneider, Heck, Care, Hardy and Amodei. 266, 452, 454, 539.

296.... Enacts provisions concerning the temporary conversion of certain water rights. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Bobzien, Leslie, Carpenter, Claborn, Gansert, Goicoechea, Kihuen, Pierce, Settelmeyer and Smith. 266, 903, 904, 1006, 1271*, 4520, 5112, 5113, 5839.

297.... Makes various changes to provisions relating to special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Bobzien, Leslie, Gansert; Senator Raggio. 267, 423, 435, 448, 2384, 2505, 2680, 2683, 2684*, 3690, 3854.

298.... Makes various changes to provisions concerning peace officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Ohrenschall, Horne, Claborn, Smith, Conklin, Denis, Gerhardt, Kihuen, Koivisto, Manendo, Munford and Segerblom. 267, 1145, 1146, 1189, 1292, 1293*, 3690, 3854.

299.... Makes various changes to provisions concerning youth shelters. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Conklin, Horne, Oceguera, Gerhardt, Allen and Parks. 267, 453, 585, 760, 893, 894*, 3011, 3057, 3060, 3153.

300.... Revises provisions governing the additional penalty for the use of certain weapons in the commission of a crime. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Segerblom. 267.

301.... Revises the qualifications for the office of county sheriff. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Horne, Parks, Leslie, Allen, Arberry, Atkinson, Bobzien, Conklin, Gerhardt, Kihuen, Koivisto, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Pierce, Segerblom, Womack; Senators Wiener, Heck, Horsford and Woodhouse. 268, 1145, 1146, 1190, 1293*, 3690, 3854.

302.... Makes an appropriation to the Pershing County Water Conservation District for certain emergency repairs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblyman Goicoechea and Senator Rhoads. 274, 313.

303.... Adds provisions relating to insurers who require medical examinations before issuing, renewing, reinstating or reevaluating policies of insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Stewart, Hardy, Mabey, Beers, Gansert, Goedhart, Goicoechea, Manendo, Munford, Segerblom, Settelmeyer and Weber. 274, 537, 595, 692, 758, 760*, 3011, 3060, 3061, 3153.

304.... Makes various changes to provisions relating to manufactured home parks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 274, 2698, 2757, 2843*, 2844, 4073, 4750, 4759, 5979, 5980, 7209, 7224, 7330.

305.... Revises provisions relating to the protection of children. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 275, 454, 903, 904, 1007, 1255.

306.... Makes various changes to provisions concerning technological crimes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 275, 418, 426, 435, 448*, 2933, 3008.

307.... Prohibits the use of certain lasers and other light sources to interfere with the operation of an aircraft. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Claborn, Anderson, Koivisto, Arberry, Buckley, Conklin, Goedhart, Hogan, Horne, Kihuen, Leslie, Manendo, McClain, Mortenson, Munford, Smith, Stewart; Senators Beers, Hardy, Horsford, McGinness, Rhoads, Schneider, Titus, Wiener and Woodhouse. 275, 538, 595, 693, 760, 894*, 2933, 3008.

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308.... Makes an appropriation to the Department of Health and Human Services to extend "Nevada 2-1-1" service to 7 days per week. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. McClain, Smith, Koivisto, Womack, Parks, Anderson, Atkinson, Carpenter, Claborn, Conklin, Denis, Gansert, Gerhardt, Hogan, Leslie, Manendo, Marvel, Mortenson, Munford, Ohrenschall, Parnell, Pierce and Weber. 275, 313.

309.... Makes an appropriation for the Women's Research Institute of Nevada and the National Education for Women's Leadership program at the University of Nevada, Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen McClain, Koivisto, Weber, Parks, Allen, Buckley, Claborn, Conklin, Denis, Gansert, Gerhardt, Hogan, Kirkpatrick, Leslie, Parnell, Pierce, Smith, Womack; Senators Titus, Wiener and Woodhouse. 276, 313.

310.... Revises certain provisions governing programs which enable frail elderly persons to live independently. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. McClain, Parks, Hardy, Anderson, Atkinson, Bobzien, Claborn, Conklin, Denis, Gerhardt, Hogan, Kirkpatrick, Koivisto, Leslie, Manendo, Marvel, Mortenson, Munford, Ohrenschall, Parnell, Pierce and Womack. 276, 431.

311.... Revises provisions regarding the imposition of certain fees for the storage of a motor vehicle. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hardy, Gansert, Beers, Parks, Cobb, Denis, Goedhart, Mabey, Marvel, McClain, Settelmeyer, Stewart, Weber; Senators Care and Heck. 276, 1809, 1810, 2017, 2684*, 3690, 3854.

312.... Revises certain provisions relating to ethics in government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hardy, Mabey, Gansert, Beers, Parks, Goedhart, Marvel, McClain, Settelmeyer, Stewart; Senator Care. 276.

313.... Revises provisions governing the tracking, monitoring and revocation of teacher licenses for criminal behavior. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Oceguera. 277, 902, 904, 1013, 1272*, 3690, 3854.

314.... Makes an appropriation to the Las Vegas-Clark County Urban League for a prisoner reentry program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 277, 313.

315.... Makes a contingent appropriation to the Lied Discovery Children's Museum for the costs of planning a new facility. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 277, 313.

316.... Makes an appropriation to the University of Nevada School of Medicine for the construction of a facility for the treatment of chronic fatigue syndrome and research related thereto. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 277, 313.

317.... Makes an appropriation to the Department of Administration for allocation to the Nevada Commission for National and Community Service for continuation of its programs dedicated to promoting citizen volunteerism. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 277, 313.

318.... Makes an appropriation to the Department of Education for allocation to Save the Children for in-school and after-school literacy programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 278, 313, 334, 537, 540.

319.... Makes various changes concerning public employees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 278, 1145, 1146, 1192, 1293*, 4073, 6261, 6711, 7395, 7397, 7424.

320.... Makes an appropriation to Three Square for the construction of a food production facility. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Buckley. 278, 313.

321.... Exempts certain vehicles from inspection requirements for the control of emissions. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Atkinson, Parks, Manendo, Beers, Bobzien, Claborn, Denis, Gerhardt, Goedhart, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, McClain, Munford, Oceguera, Pierce, Segerblom, Stewart and Womack. 281, 431, 1653, 1804, 2516*, 4072, 5643.

322.... Revises certain provisions governing elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Gansert. 282, 1144, 1146, 1193, 1293*, 4072, 5643.

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323.... Revises the amount paid to witnesses for mileage in traveling to and from a proceeding. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Womack, Segerblom, Manendo, Anderson, Oceguera, Beers, Bobzien, Claborn, Conklin, Denis, Gansert, Goicoechea, Hardy, Horne, Kihuen, Kirkpatrick, McClain, Mortenson, Munford, Ohrenschall, Parks, Parnell, Pierce, Settelmeyer, Smith, Stewart; Senators Woodhouse, Care, Amodei, Coffin, Heck, Horsford, Lee, McGinness, Nolan, Washington and Wiener. 282, 439, 507, 509, 1145, 1146, 1260, 1293*, 1294, 3690, 3854.

324.... Expands eligibility for a subsidy for the costs of health insurance coverage to additional retirees of school districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. McClain, Anderson, Arberry, Atkinson, Bobzien, Claborn, Conklin, Denis, Gerhardt, Hogan, Koivisto, Leslie, Manendo, Mortenson, Munford, Parks, Pierce, Segerblom and Womack. 282, 313, 538, 540.

325.... Makes various changes concerning water. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Mortenson, Allen, Arberry, Atkinson, Bobzien, Buckley, Christensen, Claborn, Cobb, Conklin, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Mabey, Manendo, Marvel, Munford, Ohrenschall, Parks, Pierce, Segerblom, Weber and Womack. 282.

326.... Revises provisions relating to buildings constructed of unreinforced masonry. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Mortenson. 283, 431, 1145, 1146, 1203, 1287, 2705, 2733*, 4519, 5643, 6332, 6333.

327.... Makes an appropriation to the Department of Health and Human Services to extend "Nevada 2-1-1" service to 7 days per week. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Smith, Parnell, Parks, Anderson, Conklin, Bobzien, Gerhardt, Horne, Kihuen, Koivisto, Leslie, Manendo, McClain, Oceguera and Womack. 283, 313.

328.... Makes various changes relating to elections. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Smith, Parnell, Bobzien, Koivisto, Conklin, Allen, Anderson, Atkinson, Gansert, Horne, Kihuen, Kirkpatrick, Leslie, McClain, Oceguera, Parks and Womack. 283, 386, 1808, 2384, 2399, 2933, 2984, 3053*.

329.... Requires adoption of regulations concerning nontraditional mortgage loans and lending practices. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Parks, Parnell, Hardy, Buckley, Leslie, Anderson, Atkinson, Bobzien, Carpenter, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Pierce, Segerblom, Smith, Stewart, Womack; Senator Care. 284, 537, 595, 694, 758, 760, 888, 889*, 3011, 3153.

330.... Creates the Fund for Financial Assistance to Rural Local Governments. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Goicoechea, Carpenter, Grady; Senator Rhoads. 284, 313.

331.... Makes various changes relating to the conservation of water. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Hogan, Anderson, Claborn, Denis, Kihuen, Munford, Parks, Pierce, Segerblom and Womack. 284, 1145, 1146, 1208, 1294*, 4519, 5643.

332.... Makes various changes concerning loans secured by liens on real property. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Hogan, Parks, Anderson, Claborn, Denis, Kihuen, Mortenson, Munford, Pierce, Segerblom and Womack. 284.

333.... Requires the Legislative Committee on Education to study certain issues during the 2007-2009 interim. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education. 285, 386, 438, 509, 594*.

334.... Revises provisions governing charter schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Smith. 285, 537, 595, 694, 760, 894*, 4073, 4182, 4189, 5643, 6839.

335.... Makes various changes relating to public office. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Conklin, Oceguera, Koivisto, Buckley, Smith, Anderson, Denis, Gansert, Gerhardt, Goicoechea, Grady, Kirkpatrick, Manendo, Parks, Parnell, Pierce, Segerblom; Senators Titus, Carlton and Horsford. 285, 2592, 2641, 2684*, 4520, 5003, 5020, 5979, 6338.

336.... Revises certain provisions relating to peace officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Claborn. 285.

337.... Revises provisions governing collective bargaining between local government employers and employee organizations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Claborn, Buckley, Conklin, Anderson, Smith, Arberry, Hogan, Horne, Kihuen, Koivisto, Leslie, Manendo, McClain, Mortenson, Munford; Senators Care, Horsford, Schneider, Titus and Woodhouse. 286.

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338.... Makes various changes relating to wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Claborn, Koivisto, Anderson, Atkinson, Beers, Christensen, Denis, Gerhardt, Goicoechea, Horne, Kihuen, Manendo, McClain, Mortenson, Oceguera, Parks, Pierce, Segerblom; Senators Care and Schneider. 286.

339.... Exempts property owned by certain nonprofit organizations from certain taxes and assessments. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Anderson, Parks, Beers, Claborn, Leslie, Atkinson, Bobzien, Buckley, Carpenter, Conklin, Denis, Goedhart, Goicoechea, Grady, Hogan, Horne, Kirkpatrick, Mortenson, Munford, Pierce, Segerblom, Settelmeyer and Womack. 286.

340.... Enacts provisions relating to the safety and security of railroads and railroad facilities. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Anderson, Smith, Beers, Bobzien, Carpenter, Claborn, Conklin, Denis, Goedhart, Goicoechea, Grady, Hogan, Horne, Kirkpatrick, Mortenson, Munford, Oceguera, Parks, Parnell, Pierce, Segerblom and Womack. 286, 386.

341.... Makes various changes relating to energy conservation. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Gansert, Mabey, Hardy, Parks, Bobzien, Cobb, Goedhart, Goicoechea, Grady, Manendo, Marvel, McClain, Munford, Segerblom and Stewart. 287, 313, 1283, 1284, 1415, 1455.

342.... Makes various changes to the process of casting a mailing ballot in mailing precincts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Gansert, Mabey, Parks, Goedhart, Hardy, Manendo, Marvel, McClain, Parnell, Segerblom, Stewart; Senator Cegavske. 287, 1144, 1146, 1211, 1294*, 4073, 4637, 4641, 5643.

343.... Revises provisions governing hunting and fishing licenses. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Gansert, Grady, Mabey, Carpenter, Goedhart, Goicoechea, Hardy, Kihuen, Manendo, Marvel, McClain, Munford, Parks, Parnell, Segerblom, Settelmeyer, Stewart, Weber; Senators Hardy, Beers, Care, Coffin, Lee, McGinness, Wiener and Woodhouse. 287, 431, 538, 595, 698, 699.

344.... Makes various changes relating to the Statewide Alert System for the Safe Return of Abducted Children. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Oceguera. 288, 903, 904, 1016, 1272*, 3690, 3854.

345.... Clarifies that certain relationships between persons with disabilities and training or rehabilitation centers do not constitute employment for the purposes of provisions governing the minimum wage. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Buckley, Horne, Conklin, Oceguera, Smith, Allen, Anderson, Arberry, Atkinson, Beers, Carpenter, Claborn, Denis, Gerhardt, Goedhart, Goicoechea, Kihuen, Kirkpatrick, Mabey, Marvel, McClain, Ohrenschall, Parnell, Pierce, Segerblom, Stewart, Womack; Senators Schneider, Titus, Carlton, Horsford and Woodhouse. 288.

346.... Makes an appropriation to the Division of Emergency Management of the Department of Public Safety for the operation of a Terrorism Early Warning Fusion Center in Clark County. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Horne. 288, 385.

347.... Makes various changes concerning tort actions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Marvel, Hardy, Mabey and Gansert. 290.

348.... Revises the boundaries and composition of the Elko Convention and Visitors Authority. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Carpenter. 290, 1145, 1146, 1219, 1294*, 3011, 3153.

349.... Revises provisions governing the Commission on Economic Development. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Carpenter. 290, 291, 386, 430.

350.... Revises provisions relating to certain cooperative agreements entered into by housing authorities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Smith and Senator Mathews. 291, 453, 585, 760, 894*, 3690, 3854.

351.... Makes various changes to provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Cobb. 291.

352.... Revises provisions governing the issuance of certain work cards for employment at certain kinds of dwelling units. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Gerhardt, Leslie, Parks, Conklin, Anderson, Atkinson, Beers, Buckley, Claborn, Denis, Goedhart, Goicoechea, Grady, Hogan, Kihuen, Koivisto, Manendo, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, Smith, Stewart and Womack. 291, 1451, 1452, 1496, 2516*, 4073, 4759, 4761, 5643.

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353.... Makes various changes concerning the restoration of parental rights. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Gerhardt, Buckley, Leslie, Conklin, Arberry, Atkinson, Beers, Bobzien, Claborn, Denis, Goedhart, Goicoechea, Hogan, Kihuen, Koivisto, Manendo, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Pierce, Segerblom, Smith, Stewart and Womack. 292, 453, 585, 760, 894*, 2901, 2929.

354.... Revises provisions governing the health of pupils. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Parnell, Smith, Mabey; Senator Wiener. 292, 386, 902, 904, 1018, 1255, 3186, 3458, 3685, 3686*, 4520, 5805, 5809, 5975.

355.... Revises provisions related to capital improvements constructed by or on behalf of the Nevada System of Higher Education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Gansert. 292, 454.

356.... Revises provisions governing partial abatements of certain taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Conklin, Anderson, Atkinson, Horne, Kihuen, Kirkpatrick, Koivisto, Oceguera, Parks; Senator Titus. 292, 453, 454, 588.

357.... Revises provisions governing tips and gratuities received by employees. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Beers, Goedhart, Goicoechea, Stewart and Womack. 293.

358.... Revises provisions relating to manufactured homes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Manendo, Ohrenschall, Parks, Claborn, Anderson, Arberry, Atkinson, Bobzien, Buckley, Carpenter, Conklin, Denis, Gerhardt, Goedhart, Goicoechea, Hogan, Kihuen, Kirkpatrick, Koivisto, Leslie, McClain, Mortenson, Munford, Oceguera, Parnell, Pierce, Segerblom, Smith, Stewart, Womack; Senators Care, Carlton, Coffin, Horsford, Lee, Titus and Wiener. 293, 453, 588, 760, 895*.

359.... Revises provisions governing certain statutory liens. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Pierce, Parks, Horne, Anderson, Arberry, Atkinson, Bobzien, Buckley, Claborn, Denis, Gerhardt, Hogan, Kihuen, Kirkpatrick, Koivisto, Leslie, Manendo, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parnell, Segerblom, Smith; Senators Carlton, Wiener, Care and Titus. 293, 538, 595, 700, 760, 895*, 3858, 4517.

360.... Establishes the State Program for Vascular Health. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Oceguera, Koivisto, Anderson, Beers, Bobzien, Buckley, Carpenter, Claborn, Gerhardt, Goedhart, Hogan, Horne, Kihuen, Leslie, Manendo, Marvel, McClain, Munford, Ohrenschall, Parks, Pierce, Segerblom, Stewart; Senators Wiener, Carlton, Coffin, Horsford, Titus and Woodhouse. 293, 454, 1809, 1810, 2019, 2683.

361.... Providing for the establishment of certain standards for state correctional institutions and facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Weber. 294, 454, 707, 760.

362.... Revises the formula for calculating the limit for each biennium on certain total proposed expenditures from the State General Fund. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Allen. 294.

363.... Provides that certain theatrical or stage performers are covered by workers' compensation benefits. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Horne, Parks, Allen, Arberry, Atkinson, Bobzien, Carpenter, Denis, Gerhardt, Kihuen, Koivisto, Marvel, McClain, Munford, Oceguera, Ohrenschall, Pierce, Segerblom, Settelmeyer, Womack; Senators Beers, Rhoads, Titus, Wiener and Woodhouse. 295.

364.... Revises certain provisions relating to information provided to a grand jury. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Horne, Parks, Allen, Arberry, Atkinson, Gerhardt, Goedhart, Kihuen, Koivisto, Marvel, McClain, Ohrenschall, Pierce, Segerblom, Weber, Womack; Senators Coffin, Beers, Rhoads, Schneider, Wiener and Woodhouse. 295, 423, 435, 446, 449, 533*, 4520, 5313, 5314, 5839, 7318, 7319*, 7487.

365.... Revises provisions relating to renewal of licenses, permits, certificates and registrations issued by the Real Estate Division of the Department of Business and Industry. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Womack, Parks, Allen, Anderson, Arberry, Atkinson, Beers, Buckley, Cobb, Denis, Gerhardt, Goicoechea, Grady, Hogan, Horne, Kihuen, Koivisto, Manendo, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, Settelmeyer; Senators Coffin, Hardy, Heck, Horsford, Titus, Washington and Woodhouse. 295, 1808, 1810, 2029, 2684*, 3690, 3854.

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366.... Revises the provision requiring a qualified intermediary to notify the Real Estate Division of the Department of Business and Industry of changes to the name, location or ownership of the intermediary. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Womack, Parks, Allen, Anderson, Atkinson, Beers, Buckley, Cobb, Denis, Gerhardt, Goicoechea, Grady, Hogan, Horne, Kihuen, Koivisto, Manendo, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Pierce, Segerblom, Settelmeyer, Stewart; Senators Coffin, Hardy, Washington and Woodhouse. 295, 537, 595, 700, 758, 760, 889*.

367.... Requires employment of an administrator to provide services to outreach coordinators who provide information relating to resources available for adults with disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Womack, Anderson, Beers, Buckley, Denis, Gerhardt, Goicoechea, Grady, Hogan, Horne, Kihuen, Koivisto, Manendo, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Pierce, Segerblom, Settelmeyer, Stewart; Senators Coffin, Titus, Townsend, Washington and Woodhouse. 296, 386, 1809, 1810, 2033, 2683.

368.... Makes various changes concerning manufactured home parks. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Ohrenschall, Manendo, Hardy, Parks, Beers, Bobzien, Carpenter, Claborn, Denis, Gerhardt, Hogan, Kihuen, Koivisto, McClain, Mortenson, Munford, Pierce, Segerblom, Stewart and Womack. 296, 386, 538, 540.

369.... Makes various changes to provisions governing the civil commitment of a person found not guilty by reason of insanity. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Horne, Parks, Allen, Atkinson, Bobzien, Carpenter, Denis, Gerhardt, Kihuen, Koivisto, Marvel, McClain, Ohrenschall, Pierce, Segerblom, Settelmeyer, Weber, Womack; Senators Beers, McGinness, Rhoads, Schneider, Wiener and Woodhouse. 296, 1452, 1498, 2516, 2705, 2733, 2844*.

370.... Revises certain provisions relating to the use of credit cards and debit cards. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Goedhart, Hardy, Mabey, Beers, Cobb, Marvel, Settelmeyer and Stewart. 301.

371.... Makes certain changes to provisions governing foreign business entities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Goedhart, Mabey, Beers, Cobb, Marvel, Settelmeyer and Stewart. 302.

372.... Revises the order in which the names of candidates for an office must appear on the ballot. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Segerblom, Parks, Beers, Kihuen, Koivisto, Manendo, Mortenson, Munford, Ohrenschall, Pierce, Settelmeyer, Weber and Womack. 302.

373.... Revises provisions governing general improvement districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Grady and Senator Amodei. 302, 453, 589, 760, 895*, 4520, 5089, 5091, 5093, 5839.

374.... Requires the Department of Transportation to construct and operate permanent port of entry inspection stations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Oceguera. 302, 386, 423, 435, 446.

375.... Revises certain provisions governing mortgages. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Oceguera. 303, 1808, 1810, 2034, 2689*, 4520, 4761, 4781, 4801, 5643.

376.... Requires the Legislative Auditor to conduct an audit of the University of Nevada, Las Vegas, with respect to compliance with the Americans with Disabilities Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Beers and Stewart. 303.

377.... Makes various changes to certain provisions concerning sex offenders. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Gansert. 303, 431.

378.... Limits the applicability of taxes on the rental of transient lodging to not more than 31 days of lodging. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Carpenter. 303.

379.... Provides that the head of a household which receives temporary assistance to needy families must accept work offered to him as a term of his plan for personal responsibility. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Cobb, Settelmeyer, Allen, Beers, Carpenter, Gansert, Goedhart, Goicoechea, Grady, Mabey, Marvel, Stewart and Weber. 304.

380.... Revises certain requirements relating to radar guns. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Kirkpatrick. 304, 453, 589, 760, 895*, 2901, 2929.

381.... Revises provisions related to domestic violence. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Kihuen, Parks, Koivisto, Allen, Bobzien, Buckley, Claborn, Conklin, Denis, Gerhardt, Horne, Leslie, Mabey, Manendo, McClain, Mortenson, Munford, Parnell, Pierce, Segerblom, Weber, Womack; Senators Titus and Woodhouse. 304, 453, 589, 760, 895*, 896, 2901, 2929.

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382.... Requires a policy of health insurance that provides coverage for a full-time student to provide coverage during a medically necessary leave of absence from school. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Kirkpatrick and Pierce. 304.

383.... Makes various changes to laws related to immigration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Kirkpatrick, Conklin and Koivisto. 305, 1808, 1810, 2043, 2684*, 4073, 4801, 4808, 5643.

384.... Enacting the Agreement Among the States to Elect the President by National Popular Vote. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Claborn, Koivisto, Ohrenschall and Pierce. 305, 1808, 1810, 2051, 2497, 2498.

385.... Makes various changes concerning the practice of medicine. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Mabey. 305, 902, 904, 1021, 1272*, 4520, 5785, 5797, 5798, 5844, 5856, 6083, 6084, 6438, 6449, 6711.

386.... Requires the Nevada Interscholastic Activities Association to adopt regulations governing spirit squads. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Mabey. 305, 902, 904, 1033, 1272*, 4520, 5626, 5628, 5839.

387.... Requires physical examinations of children before initially enrolling in a public school in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Mabey. 306.

388.... Requires the State Plan for Medicaid to include a provision authorizing pregnant women to obtain certain health care services from any provider of health care of their choice in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Mabey. 306.

389.... Revises provisions governing the policies of school districts relating to criminal gang activity. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Munford, Koivisto, Anderson, Atkinson, Cobb, Kihuen, Manendo, Marvel, Ohrenschall, Parnell and Segerblom. 306.

390.... Requires that the State Plan for Medicaid provide for allowing recipients of Medicaid greater control and flexibility in administering personal assistance services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Cobb, Beers, Allen, Goedhart, Goicoechea, Grady, Mabey, Marvel, Settelmeyer, Stewart and Weber. 306.

391.... Revises provisions governing the decisions of the Nevada Interscholastic Activities Association and certain of its designees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Munford, Parks, Arberry, Beers, Claborn, Grady, Hardy, Kihuen, Koivisto, Manendo, Marvel, McClain, Pierce, Segerblom and Stewart. 306, 902, 904, 1035, 1272, 1273*, 4072, 5643.

392.... Revises provisions governing the use of school buildings and grounds. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Munford, Anderson, Atkinson, Kihuen, Koivisto, Manendo and Segerblom. 307.

393.... Makes various changes relating to the repair of motor vehicles. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Buckley. 307, 386, 1808, 1810, 2055, 2683, 3011, 3124*, 6878, 6995, 7022.

394.... Makes an appropriation to the Division of Mental Health and Developmental Services of the Department of Health and Human Services to establish a pilot program to provide respite care for families of adults who are severely mentally ill and children who are severely emotionally disturbed. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Denis, Hardy, Bobzien, Gerhardt, Kihuen, Leslie, McClain, Ohrenschall, Pierce, Weber; Senator Titus. 307, 386, 1283, 1284, 1419.

395.... Makes an appropriation to the Department of Education for a pilot program for teaching children with limited proficiency in English. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Denis, Smith, Bobzien, Gerhardt, Goicoechea, Hardy, Kihuen, Munford, Ohrenschall, Parnell, Pierce, Segerblom, Stewart; Senators Carlton and Titus. 307, 385.

396.... Makes various changes to the provisions governing common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Horne, Allen, Parks, Gerhardt; Senators Hardy, Schneider and Heck. 308, 1809, 1810, 2076, 2685*, 4520, 5314, 5337, 5351, 5363, 5394, 5979, 6063, 7108, 7162, 7330.

397.... Clarifies that the examination for a license to practice optometry consists of sections and not areas. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Parnell, Anderson, Gerhardt and Smith. 308, 418, 426, 435, 448*.

398.... Revises provisions concerning justifiable homicide. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Allen, Beers, Arberry, Goicoechea and Settelmeyer. 308.

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399.... Revises the provisions relating to the Office of the Ombudsman for Owners in Common-Interest Communities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Allen, Mabey, Beers, Bobzien, Carpenter, Gerhardt, Goicoechea, Horne, Kirkpatrick, McClain, Ohrenschall and Stewart. 308, 386.

400.... Makes an appropriation to the City of Las Vegas for allocation to the New Ventures Capital Development Company to encourage the creation of small businesses in the minority community. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 309, 385.

401.... Makes an appropriation to the Anthony L. Pollard Foundation for construction of the Carter G. Woodson Library in west Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 309, 385.

402.... Makes an appropriation to the City of Las Vegas for allocation to the Las Vegas Regional Clean Cities Coalition for an educational initiative. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 309, 385.

403.... Makes changes concerning the production of alcoholic beverages in certain smaller counties. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Grady and Goicoechea. 309.

404.... Revises provisions governing the use of credit information by insurers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Smith, Parks, Conklin, Leslie, Anderson, Arberry, Beers, Buckley, Gansert, Gerhardt, Goedhart, Goicoechea, Kihuen, Kirkpatrick, Koivisto, McClain, Oceguera, Parnell, Pierce and Settelmeyer. 310, 452, 589, 758, 760, 889*, 4073, 4808, 4809, 5088, 5089, 5839.

405.... Makes various changes to provisions governing sex offenders. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Ohrenschall, Buckley, Allen, Gansert, Mortenson, Beers, Christensen, Claborn, Cobb, Grady, Horne, Kirkpatrick, Pierce, Segerblom and Womack. 310, 386.

406.... Revises various provisions relating to marriage licenses. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Koivisto, Parks, Conklin, Gerhardt, Kihuen, Kirkpatrick, Manendo, McClain, Ohrenschall, Pierce, Segerblom, Smith, Stewart and Womack. 313, 903, 904, 1036, 1273*, 4073, 4587, 4592, 5643.

407.... Requires the Department of Health and Human Services to establish the Nevada Accessible Housing Registry. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Weber. 313, 386.

408.... Establishes Office of Faith-Based and Community Initiatives. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Weber. 314, 431, 453, 454.

409.... Authorizes the creation of affordable housing districts in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hogan, Parks, Anderson, Bobzien, Claborn, Denis, Gerhardt, Grady, Kirkpatrick, Koivisto, Manendo, McClain, Munford, Ohrenschall, Parnell, Pierce, Segerblom, Smith and Womack. 314.

410.... Makes certain changes relating to the immunization of children. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Leslie, Parks, McClain, Segerblom and Womack. 314, 538, 595, 700, 757, 765, 769, 2933, 2994*, 4073, 5416, 5418, 5839.

411.... Authorizes the Department of Motor Vehicles to issue special license plates and registration certificates for historic vehicles. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Claborn. 314, 454.

412.... Makes an appropriation to the Health Division of the Department of Health and Human Services to purchase an emergency supply of influenza medication. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Marvel and Hardy. 315, 385.

413.... Revises various provisions governing eminent domain. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Hardy, Beers, Settelmeyer, Marvel and Stewart. 315.

414.... Revises provisions governing taxes imposed on financial institutions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Munford, Hardy, Goicoechea and Marvel. 315, 386.

415.... Authorizes the financing of projects by a local government through the issuance of commercial paper. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hardy, Beers, Marvel, Settelmeyer and Stewart. 315, 1452, 1504, 2516, 2517*, 3690, 3854.

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416.... Makes various changes to provisions concerning the Department of Corrections. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Munford, Kihuen, Koivisto, Manendo, Segerblom and Stewart. 315, 431, 1809, 1810, 2098, 2683.

417.... Authorizes municipalities and the Department of Transportation to construct, improve, maintain and operate toll roads and toll bridges. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hardy, Beers, Marvel, Settelmeyer and Stewart. 316.

418.... Makes various changes relating to unarmed combat. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Munford, Anderson, Arberry, Kihuen, Koivisto and Segerblom. 316, 903, 904, 1041, 1273*, 4073, 4193, 4195, 5841, 5974, 6050, 6053, 6083, 6370.

419.... Revises various provisions governing workers' compensation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Claborn. 316, 454, 769.

420.... Makes various changes relating to workers' compensation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Claborn. 317, 765, 899.

421.... Establishes the crime of participating in an organized retail theft ring. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Weber and Kirkpatrick. 317, 1284, 1420, 1456*, 4072, 5435, 5448, 5449, 5643.

422.... Requires disclosure of certain information by customer sales and service call centers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Bobzien, Smith, Ohrenschall, Pierce and Segerblom. 317, 431, 1144, 1146, 1225, 1287.

423.... Exempts certain community land trusts from prohibitions on the use of "trust" in the corporate name. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Leslie. 317, 405, 413, 421*, 2901, 2929.

424.... Revises provisions relating to the licensure of counselors. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen Leslie, Gerhardt, Arberry; Senators Heck, Carlton and Horsford. 317, 1808, 2384, 2410, 2690*, 4073, 4809, 4862, 5979, 5980, 6618, 6672, 6878.

425.... Revises provisions relating to the filing of a protest to an application to appropriate water. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Goedhart, Beers, Carpenter, Gansert, Goicoechea, Grady, Mabey, Marvel, Munford, Ohrenschall, Segerblom, Settelmeyer, Stewart and Weber. 318.

426.... Prohibits the Board of Wildlife Commissioners from establishing a policy or adopting a regulation to preserve, protect, manage or restore wildlife raised for human consumption. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Goedhart, Beers, Gansert, Mabey, Marvel and Segerblom. 318.

427.... Makes various changes relating to insurance for emergency services and care provided at major hospitals. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Conklin, Kirkpatrick, Oceguera, Buckley, Horne, Anderson, Gerhardt, Kihuen, Leslie, McClain, Pierce and Smith. 318.

428.... Makes various changes relating to crimes involving the unlawful use of personal identifying information of another person and crimes related to postal matters. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Parks, Anderson, Horne, Cobb, Leslie, Allen, Arberry, Buckley, Conklin, Denis, Hogan, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, Oceguera, Ohrenschall, Pierce, Segerblom, Settelmeyer, Smith and Womack. 319, 764, 765, 828, 1139*, 1140, 4520, 6178, 6181, 6187, 6305, 6334, 6859, 6866, 7075.

429.... Makes various changes relating to the regulation of certain motor carriers by the Transportation Services Authority. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Goedhart, Beers, Carpenter, Christensen, Marvel, Segerblom; Senator Heck. 319.

430.... Makes an appropriation to the Clark County Water Reclamation District for improvements to the Moapa Valley Wastewater Treatment System. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Hardy. 319, 385.

431.... Establishes provisions governing condominium hotels. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Horne, Parks, Anderson, Conklin, Allen, Denis, Gerhardt, Goicoechea, Hogan, Kihuen, Kirkpatrick, Koivisto, Leslie, Munford, Oceguera, Ohrenschall, Parnell, Segerblom, Settelmeyer, Smith and Womack. 319, 1809, 1810, 2128, 2689*, 4520, 5857, 5973, 6079.

432.... Revises provisions governing the suspension and termination of certain educational personnel for failure to maintain a valid license. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Kihuen, Segerblom, Anderson, Bobzien, Buckley, Conklin, Denis, Gerhardt, Horne, Koivisto, Manendo, Mortenson, Munford, Ohrenschall, Parks, Pierce, Womack; Senator Wiener. 320, 1283, 1284, 1423, 1456*, 3071, 3183.

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433.... Further limits the authority of public bodies to close meetings. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Buckley, Parks, Leslie, Hardy, Smith, Arberry, Atkinson, Conklin, Denis, Hogan, Kirkpatrick, Koivisto, McClain; Senators Beers, Care, Hardy, Lee, Raggio, Titus and Townsend. 320, 1809, 1810, 2240, 2685*, 4073, 4538, 4544, 5643.

434.... Revises provisions governing education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Munford, Kihuen, Koivisto, Manendo, Marvel, Segerblom; Senators Cegavske, Horsford, Nolan, Washington, Wiener and Woodhouse. 320, 438, 446, 7075, 7076, 7080*, 7487.

435.... Provides that advertising or conducting a live musical performance or production through the use of a false, deceptive or misleading affiliation, connection or association between a performing group and a recording group constitutes a deceptive trade practice. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Munford, Atkinson, Beers, Bobzien, Grady, Hogan, Kihuen, Kirkpatrick, Koivisto, Manendo and Segerblom. 320.

436.... Makes various changes concerning conducting a coroner's inquest. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Munford and Kirkpatrick. 321.

437.... Revises provisions governing the imprinting of a medical condition on a driver's license or identification card. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Stewart, Hardy, Beers, Parks, Carpenter, Cobb, Gansert, Goedhart, Goicoechea, Kihuen, Mabey, Marvel, Munford, Settelmeyer and Weber. 321, 386, 1284, 1426, 1455.

438.... Revises provisions relating to outdoor advertising structures. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Atkinson. 321.

439.... Makes various changes relating to developing and maintaining affordable housing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Conklin and Kirkpatrick. 321, 1452, 1509, 2517*, 4520, 5093, 5103, 5112, 5839.

440.... Makes various changes concerning financial transactions. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Conklin, Buckley and Oceguera. 322, 431, 1808, 1810, 2245, 2683, 3183, 3196, 3686*, 6083, 6243, 6260, 6871.

441.... Requires a local government to make payments in lieu of property taxes and real property transfer taxes on property it owns or acquires outside of its boundaries. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Goicoechea and Carpenter. 322.

442.... Revises provisions relating to unlawful discrimination. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Parks, Koivisto, Pierce, Leslie, Ohrenschall, Anderson, Buckley, Claborn, Gerhardt, Hogan, Kihuen, Kirkpatrick, Manendo, McClain, Segerblom, Smith; Senators Horsford, Titus, Wiener and Woodhouse. 322.

443.... Revises provisions relating to communicable diseases and food establishments. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Parks, Koivisto, Pierce, Leslie, Ohrenschall, Anderson, Buckley, Claborn, Denis, Gerhardt, Hogan, Kihuen, Kirkpatrick, Manendo, McClain, Segerblom, Smith; Senators Horsford, Titus, Wiener and Woodhouse. 323, 454, 1809, 1810, 2255, 2683, 2879, 2885*, 4073, 5394, 5397, 5979, 5980, 6673, 6676, 6878.

444.... Makes an appropriation to the Board of Medical Examiners for a pilot program to provide medical care to the indigent. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Mabey. 323, 385.

445.... Revises provisions regarding state personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Parks, Arberry, Claborn, Denis, Gerhardt, Hogan, Kihuen, Kirkpatrick, Manendo, Mortenson, Munford, Oceguera, Ohrenschall, Pierce, Segerblom and Womack. 323, 431, 1452, 1517, 2497, 2917, 2967, 2994*, 6083, 6370.

446.... Revises provisions governing the tracking of prescriptions for controlled substances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Denis and Leslie. 323, 1653, 1798, 2517, 2685*, 4519, 5643.

447.... Creates an advisory bistate commission to study and make recommendations concerning various environmental and land-use issues. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Mortenson. 324, 386, 1145, 1146, 1226, 1255.

448.... Makes an appropriation to Veterans Guest House, Inc., for operating expenses. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Mabey, Cobb, Segerblom, Settelmeyer; Senator McGinness. 324, 385.

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449.... Makes an appropriation to Nevada Ballet Theatre, Inc., for expenses relating to a performing tour in northern and central Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Mortenson, Buckley and Oceguera. 324, 385.

450.... Makes various changes concerning campaign practices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Cobb. 324.

451.... Makes various changes concerning foreign nationals. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Cobb, Beers, Christensen, Gansert, Goedhart, Goicoechea, Grady, Settelmeyer, Stewart; Senators Cegavske and Heck. 324.

452.... Freezes property taxes for the next biennium and provides for reimbursement to local taxing entities by the State for the resulting loss in tax revenue. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Cobb, Beers, Christensen, Goedhart, Goicoechea, Grady, Hardy, Settelmeyer and Stewart. 325, 385.

453.... Makes certain provisions relating to water rights applicable to the Newlands Reclamation Project. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Goicoechea, Grady; Senators Amodei and McGinness. 325.

454.... Makes an appropriation to the Nevada Discovery Museum for a hands-on children's museum. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 325, 385.

455.... Makes appropriations to High Sierra Industries, Opportunity Village and Washoe Arc for training centers and other services for persons with disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 325, 385.

456.... Revises provisions governing the billing practices of hospitals. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Beers, Claborn, Gerhardt, Goedhart, Grady, Marvel, Segerblom, Settelmeyer, Stewart and Womack. 326.

457.... Makes an appropriation to the Aging Services Division of the Department of Health and Human Services for the respite care grant program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Womack, Koivisto, Leslie, McClain, Parks, Bobzien, Buckley, Claborn, Denis, Gerhardt, Goicoechea, Hardy, Hogan, Horne, Kihuen, Manendo, Mortenson, Munford, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart; Senators Townsend, Heck, Rhoads, Titus, Wiener and Woodhouse. 326, 385.

458.... Makes various changes concerning health care facilities that employ nurses. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Koivisto, Parks, McClain, Claborn, Anderson, Atkinson, Gerhardt, Hogan, Kihuen, Kirkpatrick, Leslie, Ohrenschall, Parnell, Pierce, Smith and Womack. 328, 454.

459.... Makes various changes relating to teachers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Segerblom, Kihuen, Parks, Allen, Beers, Claborn, Koivisto, Leslie, Manendo, Mortenson, Munford, Ohrenschall, Pierce, Womack; Senators Townsend, Titus, Hardy, Horsford and Wiener. 328, 454, 1283, 1284, 1431, 1456*.

460.... Revises provisions regarding public schools and educational personnel. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Anderson, Koivisto, Parks, Parnell, Beers, Atkinson, Bobzien, Buckley, Carpenter, Claborn, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 328, 386, 763, 765, 828, 3146, 3173, 3208*, 4520, 5809, 5816, 6083, 6084, 7209, 7330.

461.... Makes certain changes concerning sales and use taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Parks, Kirkpatrick, Koivisto, McClain, Pierce, Anderson, Arberry, Atkinson, Buckley, Claborn, Conklin, Denis, Gerhardt, Hardy, Hogan, Horne, Kihuen, Leslie, Manendo, Mortenson, Oceguera, Ohrenschall and Womack. 329, 1810, 2259, 2685*, 4520, 5704, 5711, 6083, 6085, 6684, 6692, 6879, 7075.

462.... Revises provisions relating to the sale or lease of real property by governmental entities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Kirkpatrick, Conklin, Atkinson and Pierce. 329, 1809, 1810, 2261, 2686*, 4520, 6270, 6289, 6871.

463.... Makes various changes pertaining to residential establishments and group homes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Kirkpatrick, Atkinson, Smith, Conklin, Oceguera, Allen, Buckley, Denis, Parks, Parnell, Pierce, Segerblom, Womack; Senators Horsford and Titus. 329, 903, 904, 1043, 1273*, 4073, 4506, 4513, 5643.

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464.... Makes an appropriation to the Las Vegas Natural History Museum. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Kirkpatrick, Munford and Segerblom. 329, 385.

465.... Revises provisions governing the Governor Guinn Millennium Scholarship Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Christensen. 330, 431, 439.

466.... Makes an appropriation to the State Conservation Commission of the State Department of Conservation and Natural Resources for distribution to conservation districts. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Settelmeyer, Beers, Grady, Anderson, Bobzien, Carpenter, Christensen, Gansert, Goedhart, Goicoechea, Hardy, Marvel, Parnell, Stewart and Weber. 330, 385.

467.... Makes an appropriation to the Department of Transportation to fund public transportation in rural areas. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Carpenter, Hardy, Goedhart, Goicoechea, Grady, Marvel, Parnell, Settelmeyer; Senators Hardy, McGinness, Rhoads and Titus. 330, 385.

468.... Requires providers of health care to provide disclosure of certain financial interests when referring a patient to or recommending physical therapy to a patient. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Ohrenschall, Parks, Koivisto, Allen, Anderson, Arberry, Beers, Carpenter, Christensen, Claborn, Cobb, Denis, Gansert, Gerhardt, Goicoechea, Grady, Hogan, Horne, Kihuen, Kirkpatrick, Leslie, Mabey, Manendo, McClain, Mortenson, Munford, Oceguera, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 330, 537, 595, 700, 760, 896*, 4073, 4862, 5643.

469.... Requires the Division of State Parks of the State Department of Conservation and Natural Resources to conduct a study of the feasibility of establishing a park for the protection of certain paleontologically sensitive sites if money is available. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Mortenson, Anderson, Buckley, Koivisto, McClain, Pierce and Womack. 331, 386, 764, 765, 839, 841, 5978, 5982, 5984, 5985*, 6372, 7493.

470.... Prohibits the Governor or any other state officer or employee from binding the State to the requirements of an international trade agreement without authorization by the Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Pierce, Parks, Koivisto, Arberry, Claborn, Kirkpatrick, McClain, Ohrenschall, Segerblom; Senators Horsford and Titus. 331, 706, 709, 715, 769, 1256, 1273*, 1274.

471.... Makes an appropriation for additional equipment to enhance the computer and electronics recycling program of the Blind Center of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Pierce, Mabey, Parks and Ohrenschall. 331, 385.

472.... Establishes the Parent Choice in Education Program. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Mabey. 332, 386, 438, 446.

473.... Makes various changes relating to the preservation of existing neighborhoods. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Segerblom, Kihuen, Parks, Horne, Kirkpatrick, Koivisto, Manendo, McClain, Munford, Ohrenschall, Pierce, Womack; Senators Coffin and Titus. 332.

474.... Makes an appropriation to the State Public Works Board for construction of a nursing facility at Nevada State College. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Stewart, Beers, Hardy, Womack, Mabey, Gerhardt, Goedhart, Goicoechea, Ohrenschall, Pierce, Settelmeyer and Weber. 332, 385.

475.... Makes an appropriation to the Flight 93 National Memorial Fund for a portion of the construction of the Flight 93 National Memorial. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Manendo, Beers, Allen, Anderson, Arberry, Atkinson, Bobzien, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Pierce, Segerblom, Settelmeyer, Stewart, Weber, Womack; Senators Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Horsford, Lee, McGinness, Nolan, Raggio, Schneider, Titus, Townsend, Washington, Wiener and Woodhouse. 332, 385.

476.... Makes an appropriation to the Manufactured Housing Division of the Department of Business and Industry to employ an inspector. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Carpenter, Goicoechea, Grady and Goedhart. 333, 385.

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477.... Revises certain provisions governing manufactured home parks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Manendo, Ohrenschall, Buckley, Parks, Anderson, Arberry, Bobzien, Claborn, Conklin, Denis, Gerhardt, Hogan, Kihuen, Kirkpatrick, Koivisto, Leslie, McClain, Mortenson, Munford, Oceguera, Parnell, Pierce, Segerblom, Smith, Womack; Senators Titus, Care, Carlton, Coffin, Horsford, Wiener and Woodhouse. 333, 763, 765, 841, 1136, 2705, 2739*.

478.... Revises provisions governing loans and loan services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Buckley, Anderson, Oceguera, Conklin, Leslie, Carpenter, Denis, Gerhardt, Grady, Hardy, Hogan, Kirkpatrick, Koivisto, Mabey, Manendo, McClain, Munford, Parks, Parnell, Pierce, Smith; Senators Amodei, Coffin and Titus. 333, 1808, 2384, 2460, 2686*, 4520, 4728, 4750, 5643.

479.... Revises provisions governing insurance coverage for a dependent child. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Ohrenschall, Segerblom, Parks, Gerhardt, Kihuen, Manendo and Womack. 333, 454.

480.... Makes an appropriation to the Office of Historic Preservation of the Department of Cultural Affairs to purchase the historic Huntridge Theatre. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Ohrenschall, Segerblom, Kihuen, Denis, Munford, Claborn, Gerhardt, Hogan, Horne, Koivisto, Manendo, McClain, Mortenson, Parks, Pierce, Settelmeyer, Womack; Senators Carlton, Lee, Titus and Woodhouse. 334, 385.

481.... Makes various changes to provisions concerning motor vehicle emissions and fuel efficiency. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Ohrenschall, Segerblom, Parks, Pierce, Leslie, Denis, Gerhardt, Goedhart, Hardy, Hogan, Koivisto, Manendo, McClain, Mortenson, Munford, Oceguera, Womack; Senators Townsend, Titus, Coffin, Horsford, Lee and Woodhouse. 334, 386.

482.... Makes various changes to provisions relating to criminal procedure. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 338, 423, 435, 447, 449, 533, 534*, 2901, 2929.

483.... Makes various changes to provisions pertaining to civil actions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 338, 538, 595, 700, 760, 896*, 4520, 4545, 4557, 5643, 6085, 6266, 6269, 6304, 6317, 6331*, 6726, 7493.

484.... Makes various changes relating to legislative committees and studies. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education. 338, 385, 386, 410, 419, 426, 431, 2901, 2929*, 3221, 3222.

485.... Revises provisions relating to the attendance and truancy of pupils. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education. 338, 438, 454, 511, 531, 2981, 3053*, 4073, 5073, 5817, 5837, 5975.

486.... Revises various provisions relating to veterans. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs. 339, 431, 538, 540.

487.... Exempts certain professional minor league baseball events from the state tax on live entertainment. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Taxation. 354, 431, 1145, 1255, 1277, 1287, 7410*.

488.... Requires the Labor Commissioner to be appointed by the Governor. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 355.

489.... Revises provisions governing the towing of motor vehicles from public or private property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 355, 903, 904, 1049, 1274*, 4073, 4500, 4502, 5643.

490.... Revises provisions governing the sealing of records concerning a person's admission to a hospital or mental health facility under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 368, 1809, 1810, 2280, 2686*, 4073, 5418, 5421, 5839, 6608.

491.... Makes various changes concerning the clinical education of a student in a school of nursing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 369, 1653, 1800, 2519*.

492.... Makes various changes relating to casualty insurance for motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 369.

493.... Revises provisions relating to studded tires. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 369, 439, 531, 595*, 4072, 5643.

494.... Makes various changes relating to unemployment compensation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 369, 1451, 1452, 1519, 2519*.

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495.... Provides for certification and regulation of crime scene investigators and forensic analysts. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Commerce and Labor. 369.

496.... Makes various changes concerning workers' compensation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Commerce and Labor. 370, 1808, 1810, 2282, 2686*, 4073, 5484, 5488, 5979, 5980, 6450, 6481, 6711.

497.... Makes various changes to provisions governing transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation. 370, 453, 589, 760, 896*, 4520, 5027, 5038, 5050, 5979, 5980, 7225, 7242, 7330.

498.... Makes various changes to provisions concerning certain actions to determine paternity. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 370, 903, 904, 1050, 1274*, 4073, 5449, 5458, 5839.

499.... Makes various changes to the provisions governing common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 371.

500.... Makes an appropriation to the Institute for Neuro-Immune Disease. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 371, 385.

501.... Makes an appropriation to the Communities in Schools of Southern Nevada for the coordination of services in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 371, 385.

502.... Makes an appropriation to the Communities in Schools of Southern Nevada, Inc., for the coordination of services in Clark County. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 371, 385.

503.... Makes an appropriation to the Greater Las Vegas After-School All-Stars for certain after-school programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 372, 385.

504.... Makes a supplemental appropriation to the Department of Health and Human Services for expansion of mental health services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 372, 385, 2859, 2876, 2885*, 3011, 3153.

505.... Changes the period for the filing of declarations, acceptances and certificates of candidacy for certain judicial offices. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 372, 423, 435, 448*, 2933, 3008.

506.... Requires the Secretary of State and the county clerks of each county to study the feasibility of changing the deadline for registering to vote in an election. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 372, 454, 1808, 2384, 2481, 2687*.

507.... Makes various changes to provisions concerning facilities that have custody of children pursuant to the order of a court. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services. 372, 454, 1809, 1810, 2288, 2687*, 4072, 5643.

508.... Makes various changes to provisions concerning the Advisory Commission on Sentencing. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Select Committee on Corrections, Parole, and Probation. 378, 431, 1452, 1520, 2497, 3186, 3462, 3721*, 4520, 6297, 6303, 6484, 6509, 6511, 6871.

509.... Makes various changes to provisions concerning parole. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Select Committee on Corrections, Parole, and Probation. 378.

510.... Makes various changes pertaining to offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Select Committee on Corrections, Parole, and Probation. 378, 1145, 1146, 1230, 1255, 1256, 1284, 1295, 4433, 4435, 4465*, 6266, 6481, 6511, 7493.

511.... Makes certain changes regarding contractors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 379.

512.... Revises provisions governing educational personnel and student teachers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education. 379, 452, 589, 760, 896*, 4073, 4189, 4193, 5643.

513.... Revises provisions relating to local governmental administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 379, 1809, 1810, 2303, 2687*, 4520.

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514.... Makes various changes to the Charter of the City of Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 379, 1809, 1810, 2311, 2687, 2705, 2778, 2844*, 4520, 5114, 5123, 5131, 5839.

515.... Clarifying that certain judicial employees are local government employees who have the right to join or refrain from joining an employee organization. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 379, 453, 592, 760, 896, 897*.

516.... Revises provisions governing the review of arguments advocating and opposing the approval of certain measures proposed by initiative or referendum. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 380, 903, 904, 1058, 1274*, 4072, 5643.

517.... Makes various changes to election laws. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 380, 1451, 1452, 1525, 2519, 2520, 2705, 2739*, 4073, 4641, 4687, 5643.

518.... Revises provisions governing the regulation of telecommunication service. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 380, 1451, 1457, 1653, 2497, 2705, 2788, 2844*, 4520, 4863, 4916, 5643.

519.... Enacts provisions concerning the sealing of certain court documents. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 380, 903, 904, 1067, 1274, 1276*.

520.... Makes various changes concerning paternity and child support. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 381, 903, 904, 1069, 1276*, 3011, 3153.

521.... Revises provisions relating to the crimes of theft, fraud and racketeering. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 381, 1284, 1437, 1456*, 4520, 5422, 5433, 5449, 6083, 6176, 6840, 7075.

522.... Provides for licensure of private professional guardians. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Judiciary. 381, 764, 765, 769, 1287, 1449, 1457*.

523.... Makes various changes concerning insurance fraud. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 381.

524.... Requires an electric utility to increase the reliability of its electric service. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 382.

525.... Revises provisions relating to autism. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Health and Human Services. 382, 431, 1809, 1810, 2320, 2688.

526.... Revises provisions relating to community antenna television, cable television, video service, Internet service and other information technology. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Commerce and Labor. 382, 454, 1451, 1457, 1711, 2497, 2705, 2901, 2929*, 4520, 5489, 5550, 5611, 5839.

527.... Revises provisions relating to governmental entities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 386, 1809, 1810, 2326, 2688*.

528.... Clarifies provisions governing the exemption of certain uses of time-share units from taxes on transient lodging. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs. 386, 454.

529.... Clarifies the applicability of regulations of the State Fire Marshal concerning building codes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs. 387, 1283, 1284, 1442, 1457*, 4073, 4502, 4506, 5643.

530.... Creates the Office of Ombudsman of Consumer Affairs for Minorities. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Commerce and Labor. 387, 431, 453, 454.

531.... Makes certain changes to provisions concerning the Private Investigator's Licensing Board. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 387, 537, 595, 700, 758, 765, 769, 2879, 2886*, 4072, 5643.

532.... Prohibits certain fees to be charged to certain transactions involving a credit card or debit card. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 387.

533.... Revises provisions governing notaries public. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 387, 903, 904, 1080, 1276, 1277*, 4072, 5643.

534.... Ratifies the correction of certain clerical errors and the resolution of certain statutory conflicts in legislative enactments from previous sessions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 388, 764, 765, 841, 1140*, 2901, 2929.

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535.... Revises various provisions pertaining to gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 388, 1452, 1567, 2520*, 4073, 4592, 4618, 5643.

536.... Requires certain reports to be submitted to the 75th Session of the Nevada Legislature regarding the status of certain recommendations concerning child support enforcement. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary. 388, 389, 454, 1284, 1446, 1457*, 3011, 3153.

537.... Makes an appropriation to the City of North Las Vegas for construction of the Clayton Street Bridge. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Transportation. 389, 431.

538.... Requires the City of North Las Vegas to extend the designation "Martin Luther King Boulevard" to the continuation of a certain street. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Transportation. 389.

539.... Makes appropriations to the State Department of Agriculture. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 389, 431, 2981, 3014, 3124*, 6266, 6871.

540.... Makes a supplemental appropriation to the Department of Health and Human Services for expenses relating to foster care. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 389, 431, 2882, 2892, 2909*, 4072, 5643.

541.... Makes a supplemental appropriation to the State Distributive School Account for unanticipated expenses for Fiscal Year 2006-2007 for providing health care subsidies to retired school district employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 390, 431, 769, 841, 1140*, 2901, 2929.

542.... Makes supplemental appropriations to the Department of Health and Human Services for payment of stale Medicaid claims. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 390, 431, 769, 841, 1140*, 2934, 7046, 7047.

543.... Makes supplemental appropriations to the Department of Motor Vehicles for various costs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 390, 431, 2859, 2877, 2886*, 3011, 7047, 7048.

544.... Makes appropriations to the Department of Transportation for highway improvements. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 390, 431, 6372, 6513, 6518*, 7330, 7402, 7403.

545.... Authorizes local governments to require the placement or replacement of certain electric transmission lines in an underground location. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 390.

546.... Makes an appropriation to the City of Las Vegas for allocation to S.H.A.R.E., a nonprofit organization, for affordable housing. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 391, 431.

547.... Revises provisions relating to the State Highway Fund. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 391, 431.

548.... Makes supplemental appropriations to the State Department of Agriculture. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 391, 431, 2859, 2878, 2886*, 3011, 3153.

549.... Makes a supplemental appropriation to the Emergency Medical Services Section of the Department of Health and Human Services for radio system repair. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 391, 431, 2879, 2884, 2894*, 4072, 5643.

550.... Authorizes counties to levy an ad valorem tax to pay for the long-term institutional care of medically indigent persons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 391.

551.... Makes appropriations to the Department of Cultural Affairs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 392, 431, 2981, 3015, 3124*, 6331, 6871.

552.... Authorizes constables to collect fees for removing or causing the removal of abandoned vehicles from public property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 392, 538, 595, 703, 760, 897*, 2901, 2929.

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553.... Makes appropriations relating to education. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 392, 431, 7188, 7208*, 7487.

554.... Makes various changes relating to bonds. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 392, 393, 539, 595, 703, 760, 897*, 4072, 5643.

555.... Transfers certain money appropriated to the Interim Finance Committee to the Rehabilitation Division of the Department of Employment, Training and Rehabilitation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 393, 424, 435, 449*, 764, 1280.

556.... Makes supplemental appropriations to the Supreme Court of Nevada for judicial selection and unforeseen expenditures. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 393, 431, 2859, 2878, 2886*, 3011, 3153.

557.... Revises the provisions governing preemployment drug testing for state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 393, 454.

558.... Provides that governing bodies may not accept certain incomplete applications relating to land use. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 393, 903, 904, 1084, 1277*, 4520, 5136, 5138, 5839.

559.... Authorizes the Governor to designate a temporary replacement if the State Controller or the State Treasurer becomes temporarily incapacitated. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 394, 903, 904, 1086, 1277*.

560.... Establishes requirements concerning agreements between debtors and third parties for assistance in the recovery of certain proceeds of a foreclosure sale. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 394, 537, 595, 703, 758, 760, 889*, 2901, 2929.

561.... Makes various changes to the Local Government Employee-Management Relations Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 394.

562.... Revises provisions governing persons regulated by the Real Estate Division of the Department of Business and Industry. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 395, 438, 531, 595*, 4520, 5611, 5623, 5839.

563.... Revises the calculation of the basic support guarantee for school districts in Fiscal Year 2008-2009 under certain circumstances. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Education. 395, 431, 902, 904, 1088, 6704, 6708*, 7487.

564.... Creates and funds new scholarship programs for higher education. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Education. 395, 431, 439.

565.... Revises provisions governing educational finance. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Education. 396, 431, 902, 904, 1107, 6083, 6141, 6175*, 7487.

566.... Makes an appropriation to ComputerCorps to provide refurbished computers to certain pupils and their families. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Education. 396, 431, 439, 531.

567.... Revises provisions governing university schools for profoundly gifted pupils. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education. 396, 431, 902, 904, 1116, 2933, 2994*, 4519, 5643.

568.... Revises provisions governing the compensation of educational personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Education. 396, 431.

569.... Makes various changes relating to elections. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 396, 2520, 2535, 2688*, 4520, 5985, 6039, 6262.

570.... Revises certain provisions relating to elections. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 397, 1808, 1810, 2341, 2688*, 4519, 5643.

571.... Establishes certain alternative methods of dispute resolution in domestic relations cases. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary. 397.

572.... Revises various provisions governing the administration and control of the Supreme Court Building and other property used by the Supreme Court. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining. 398, 764, 765, 899.

No. *Summary, Introducer and Page Reference*

573.... Revises certain provisions governing wildlife. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Natural Resources, Agriculture, and Mining. 398, 454, 1145, 1146, 1241, 1287, 2879, 2886*, 2887, 4520, 5775, 5785, 5975.

574.... Makes certain changes to provisions relating to sex offenders and certain offenders convicted of a crime against a child. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Select Committee on Corrections, Parole, and Probation. 398.

575.... Repeals an obsolete statute relating to county workhouses for indigent persons and homes for the aged. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 398, 453, 592, 760, 897*, 2901, 2929.

576.... Makes various changes relating to certain personal assistance provided to persons with disabilities. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Health and Human Services. 399, 1809, 1810, 2357, 2688*, 4519, 5643.

577.... Requires certain medical facilities to establish a program for safe handling of patients. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services. 399, 1809, 1810, 2375, 2688, 2689*.

578.... Prescribes the requirements for surrogate decision makers to give informed consent for certain human subject research. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 399.

579.... Makes certain changes to provisions relating to sex offenders and certain offenders convicted of a crime against a child. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Select Committee on Corrections, Parole, and Probation. 399, 454, 1452, 1592, 2497, 3186, 3467, 3721*, 5978, 6262, 7271, 7291, 7292, 7293.

580.... Revises provisions relating to the disposition of fees and administrative fines for certain licenses and titles relating to motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 400, 431, 3011, 3072, 3179*, 4519, 5643.

581.... Provides for the creation of a regional airport authority in certain counties. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Transportation. 400.

582.... Revises provisions relating to the increase in certain fees for the issuance of a driver's license or identification card. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation. 400, 431, 439, 532.

583.... Authorizes municipalities to construct, improve, maintain and operate toll roads and toll bridges. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 401.

584.... Makes various changes to provisions governing motor vehicles. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Transportation. 401, 707, 709, 715, 897, 1146, 1256, 5658, 5659, 5704*, 6266, 6871.

585.... Makes various changes to provisions governing public financial administration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Taxation. 401, 707, 709, 715, 897, 898*, 4520, 5628, 5641, 6083, 6085, 6357, 6370, 6520, 7493.

586.... Provides for the enforcement of taxes and restrictions on the sale and use of cigarettes and other tobacco products. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Taxation. 401, 539, 707, 760, 3519, 3520, 3778*, 6711, 7048, 7053.

587.... Increases property tax exemptions for Nevada veterans. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Taxation. 402, 454, 538, 540.

588.... Reduces the amount of state taxes imposed on banks and other businesses. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Taxation. 402, 431.

589.... Provides for continued operation of the Nevada Gaming Commission and the State Gaming Control Board during a budgetary or other fiscal crisis. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 402, 453, 592, 760, 898*, 2901, 2929.

590.... Revises provisions governing educational personnel. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education. 402, 539.

591.... Revises provisions governing charter schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Education. 403, 431, 763, 765, 841, 5073, 5085, 5087, 5088*, 6711, 6803, 6840, 7493.

No. *Summary, Introducer and Page Reference*

592.... Requires the State Contractors' Board to adopt certain regulations concerning the abatement or removal of asbestos. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 403, 1451, 1452, 1636, 2520*, 4520, 5623, 5624, 5839.

593.... Makes various changes relating to the Legislature and the Legislative Counsel Bureau. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 403, 706, 709, 715, 898*, 4520, 6225, 6230, 6370, 7396, 7397.

594.... Creates a Class A certification designation for certain body shops. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation. 405, 454, 707, 709, 720, 898, 3011, 3124, 3183, 3194*, 6266, 6334, 6338, 6711, 6712, 7022, 7026, 7075.

595.... Makes various changes relating to taxes on fuels and the provision of funding for highway projects. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Transportation. 405, 495, 707, 709, 720, 752, 5975, 6082, 6095, 6172, 6174*, 6711, 6763, 6803, 7491, 7493.

596.... Makes certain changes to provisions concerning obligations of support for a child. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 406, 431, 1145, 1146, 1250, 3011, 3124, 3179, 3180*, 4519, 5643.

597.... Makes a supplemental appropriation to the State Treasurer for bonding costs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 406, 431.

598.... Authorizes the creation of theme park districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 406, 538, 540, 709, 4106, 4107, 4229, 4471*.

599.... Increases the administrative cap on certain allocations distributed from the Fund for a Healthy Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 406, 431.

600.... Revises provisions concerning the protection of certain personal identifying information. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 407, 1809, 1810, 2379, 2689*, 4520, 5131, 5136, 5839.

601.... Provides for collective bargaining for certain state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 407, 453, 454, 592, 760, 898*.

602.... Makes various changes to the state personnel system. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 407, 454, 1452, 1638, 2520*.

603.... Makes various changes relating to affordable housing. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Government Affairs. 407, 431, 764.

604.... Revises provisions governing initiatives and referenda. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 408, 2592, 2659, 2687, 2705, 2739, 2844*, 4520, 4916, 4943, 4978, 6304, 7493.

605.... Makes various changes concerning ethics in government. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 408, 1808, 2384, 2482, 2689*.

606.... Revises provisions relating to petitions for statewide initiatives and referenda. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 408, 2592, 2674, 2687, 2705, 2754, 2844, 2845*.

607.... Revises the provisions governing the design and construction of a previously approved capital improvement project at the Veterans' Nursing Home. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 426, 439, 440*, 707, 1142.

608.... Makes supplemental appropriations to the Department of Business and Industry. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 454, 539, 3071, 3156, 3208*, 4519, 5643.

609.... Makes an appropriation to the Division of Welfare and Supportive Services of the Department of Health and Human Services for a feasibility study of the NOMADS software application. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 905, 1284.

610.... Makes an appropriation for use as matching money to reduce or retire the existing mortgage on the Veterans Guest House, Inc. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 2884, 3071.

No. *Summary, Introducer and Page Reference*

611.... Makes an appropriation to the Division of Health Care Financing and Policy of the Department of Health and Human Services for allocation to the Nevada Covering Kids and Families Coalition for outreach activities to identify and assist persons who are eligible for public programs of health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 2908, 3071.

612.... Revises provisions governing the Public Employees' Deferred Compensation Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 2940, 3071, 3441, 3721*, 4519, 5643.

613.... Makes an appropriation to the Family Development Foundation for domestic violence prevention programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 2940, 3071.

614.... Makes an appropriation to Build Nevada for career and technical programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 2940, 3071.

615.... Makes various changes concerning local financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 2940, 3071, 3441, 3721*, 3722, 6266, 6871.

616.... Makes a supplemental appropriation to the Department of Public Safety, Dignitary Protection, for unanticipated shortfalls in Fiscal Year 2006-2007 for dignitary protection. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 2940, 3071, 3186, 3215, 3722*, 4519, 5643.

617.... Makes an appropriation to the Interim Finance Committee for certain contingencies and potential transfer to the Fund to Stabilize the Operation of the State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 2941, 3071, 6521, 6706, 6708*, 7081.

618.... Makes a contingent appropriation to the Tahoe Regional Planning Agency for replacement of vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 2941, 3071, 3441, 3722*, 6266, 6871.

619.... Revises provisions governing the crime of grand larceny of a motor vehicle and an offense involving a stolen vehicle. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Oceguera, Conklin and Buckley. 3013, 3071, 3519, 3534, 3778*, 3779, 6711, 6747, 6755, 6757, 7424, 7425, 7487.

620.... Makes an appropriation to Ethel-Willia, Inc., to provide child care services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 3212, 4452.

621.... Makes various changes in the provision of tax abatements and exemptions based upon the use of energy and repeals certain prospective energy requirements for public buildings. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Commerce and Labor. 3211, 3212, 4452, 4978, 5002*, 6266, 6584, 6607, 7493.

622.... Makes an appropriation to the Department of Wildlife for the conservation and restoration of fish and wildlife and their habitat. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 3740, 4452.

623.... Makes an appropriation to Nevada Child Seekers for services on behalf of missing, abducted and runaway children. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 3740, 4452.

624.... Provides that special mobile equipment or a farm vehicle that contains dyed special fuel in the fuel tank may be operated on certain highways in this State in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Mabey, Goicoechea, Goedhart, Carpenter, Grady, Beers, Hardy and Settelmeyer. 3858, 4072, 4074*, 6083, 6176, 6178, 6370.

625.... Makes certain changes concerning court programs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 5088, 5841, 5843*, 7269, 7321, 7326.

626.... Establishes for the next biennium the amount to be paid to the Public Employees' Benefits Program for group insurance for certain active and retired public officers and employees. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Executive Budget. Committee on Ways and Means. 5646, 5841, 5843*, 6266, 6871.

627.... Ensures sufficient funding for K-12 public education for the 2007-2009 biennium. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Ways and Means and Senate Finance. 6063, 6064, 6066*, 6150, 6266, 6706, 6871.

No. *Summary, Introducer and Page Reference*

628.... Makes various changes regarding state financial administration and makes appropriations for the support of the civil government of the State. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means and Senate Finance. 6371, 6373, 6872, 6878*, 7083.

629.... Makes various changes concerning financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 7243, 7320*, 7487.

VETOED ASSEMBLY BILLS OF THE 73RD SESSION

No. *Summary, Introducer and Page Reference*

505.... Makes various changes concerning transportation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Transportation. 20, 81, 82*.

VETOED ASSEMBLY BILLS OF THE 74TH SESSION

No. *Summary, Introducer and Page Reference*

230.... Revises certain provisions relating to the jurisdiction of justice courts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 6266, 6331, 6332.

326.... Revises provisions relating to buildings constructed of unreinforced masonry. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Mortenson. 6332, 6333.

364.... Revises certain provisions relating to information provided to a grand jury. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Horne, Parks, Allen, Arberry, Atkinson, Gerhardt, Goedhart, Kihuen, Koivisto, Marvel, McClain, Ohrenschall, Pierce, Segerblom, Weber, Womack; Senators Coffin, Beers, Rhoads, Schneider, Wiener and Woodhouse. 7319.

LISTING OF ASSEMBLY RESOLUTIONS AND ACTION THEREON

(Where a roll call vote was taken on final passage, such action is denoted by an asterisk following the page number.)

ASSEMBLY JOINT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1.... Proposes to amend the Nevada Constitution to provide for forfeiture of public office for three or more violations of ethical duties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Koivisto, Buckley, McClain, Parks, Claborn, Anderson, Arberry, Atkinson, Bobzien, Conklin, Denis, Gerhardt, Hogan, Horne, Kihuen, Kirkpatrick, Leslie, Manendo, Mortenson, Munford, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, Smith and Womack. 85, 706, 709, 752, 898, 899*.

2.... Proposes to amend the Nevada Constitution to prohibit the taking of private property for any private use. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Ohrenschall, Horne, Buckley, Carpenter, Gerhardt, Hogan, Mabey, Manendo, Munford, Pierce, Segerblom, Settelmeyer and Womack. 115, 377, 404, 412.

3.... Proposes to amend the Nevada Constitution to revise provisions relating to the taking of private property by eminent domain. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hardy, Buckley, Ohrenschall, Horne, Gansert, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Goedhart, Goicoechea, Grady, Hogan, Kihuen, Kirkpatrick, Koivisto, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, Womack; Senators Care, Heck, Cegavske, Hardy, Raggio, Beers, Coffin, Horsford, Lee, Mathews, McGinness, Nolan, Schneider, Townsend, Washington, Wiener and Woodhouse. 137, 439, 455, 479, 538, 595, 703*, 704, 3011, 3135, 3967, 3971, 4517.

4.... Proposes to amend the Nevada Constitution to repeal the constitutional rule against perpetuities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Cobb, Parks, Beers, Mabey, Allen, Carpenter, Christensen, Gansert, Goedhart, Goicoechea, Grady, Hardy, Hogan, Kihuen, Manendo, Marvel, Mortenson, Munford, Segerblom, Settelmeyer, Stewart and Womack. 201.

5.... Proposes to amend the Nevada Constitution to authorize the Legislature to provide for a statewide lottery for textbooks, computers and other educational media for classrooms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 221, 301, 326, 339, 341*.

6.... Urges Congress to repeal the REAL ID Act of 2005. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Atkinson, Buckley, Horne, Allen, Oceguera, Anderson, Arberry, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, Womack; Senators Nolan, Amodei, Beers, Care, Carlton, Cegavske, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener and Woodhouse. 224, 346, 373, 383, 404, 414*, 415, 2901, 2969, 2970, 3008.

7.... Urges the Secretary of the Interior to fully fund the interagency airtanker base programs for wildland fire suppression in Battle Mountain, Minden and Stead. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Parnell, Marvel, Anderson, Gansert, Grady, Bobzien, Carpenter, Cobb, Goedhart, Goicoechea, Leslie, Settelmeyer, Smith; Senator Amodei. 249, 1145, 1146, 1253, 1294*, 4519.

8.... Proposes to amend the Nevada Constitution to provide for the use of the state budgetary surplus to fund the Public Employees' Retirement Fund and the Fund for the Public Employees' Benefits Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Settelmeyer. 289.

9.... Urges Congress to allow certain proceeds from the Southern Nevada Public Land Management Act of 1998 to be used for Nevada's state parks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Mortenson. 327, 538, 595, 703, 760, 899*, 4520, 5058, 5059.

10.... Urges Congress to reevaluate the "fast track" approval of international trade agreements. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Pierce, Parks, Koivisto, Arberry, Claborn, McClain, Ohrenschall and Segerblom. 327, 453, 592, 760, 899*, 4520, 4688, 4689.

11.... Urges Congress to facilitate more frequent redistricting. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Mabey. 327.

No. *Summary, Introducer and Page Reference*

12.... Proposes to amend the Nevada Constitution to establish a nonpartisan commission to reapportion legislative and congressional districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Munford. 327.

ASSEMBLY JOINT RESOLUTIONS OF THE 73RD SESSION

No. *Summary, Introducer and Page Reference*

8.... Proposes to amend Nevada Constitution to specify time of determination of number of signatures required on petition for initiative or referendum. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 20, 5643.

10.... Proposes to amend Nevada Constitution to revise residency requirement for purpose of being eligible to vote in elections. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 20, 23, 249, 259, 269*, 418, 427, 4030, 5643.

16.... Proposes to amend Nevada Constitution to provide requirements for enactment of property and sales tax exemptions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 20, 23, 249, 259, 269*, 4519, 5643.

ASSEMBLY JOINT RESOLUTIONS OF THE 22ND SPECIAL SESSION

No. *Summary, Introducer and Page Reference*

1.... Proposes to amend Nevada Constitution to revise provisions governing petition for initiative or referendum. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee of the Whole. 72, 537, 595, 703, 760, 899*.

ASSEMBLY CONCURRENT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1.... Adopts the Joint Standing Rules of the Senate and Assembly for the 74th Session of the Legislature. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 24, 72, 83.

2.... Grants administrative leave to legislative employees in recognition of their service to the 74th Session of the Nevada Legislature. Smith, Anderson, Oceguera, Buckley and Conklin. 88, 96, 104.

3.... Designates February 14, 2007, as Tissue and Organ Donor Day in Nevada. Assemblymen Gansert, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, Womack; Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Titus, Townsend, Washington, Wiener and Woodhouse. 101, 106, 134.

4.... Designates February 19, 2007, as Homeless Awareness Day in Nevada. Assemblymen Conklin, Leslie, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, Womack; Senators Titus, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Townsend, Washington, Wiener and Woodhouse. 116, 117, 124, 155.

5.... Designates February 20, 2007, as Homeless Youth Awareness Day in Nevada. Assemblymen Conklin, Parks, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, Womack; Senators Heck, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener and Woodhouse. 125, 127, 136, 162.

6.... Urges the boards of trustees of school districts and the Nevada System of Higher Education to expand certain programs of career and technical education. Committee on Education. 127, 377, 386, 3071, 3183.

No. *Summary, Introducer and Page Reference*

7.... Designates career and technical education month. Assemblymen Parnell, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, Womack; Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Titus, Townsend, Washington, Wiener and Woodhouse. 150, 151, 157, 183.

8.... Recognizes March 2, 2007, as “Read Across America” Day in Nevada in commemoration of Dr. Seuss's birthday. Assemblymen Koivisto, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, Womack; Senators Titus, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Townsend, Washington, Wiener and Woodhouse. 201, 214, 246.

9.... Urges the Commission on Economic Development , regional economic development authorities and local redevelopment agencies to promote economic development and urban renewal and to stimulate employment in certain areas. Munford, Anderson, Goedhart, Hardy, Hogan, Kihuen, Manendo and Stewart. 202, 1284, 1295, 1296, 2845.

10.... Honors former Assemblyman and Speaker of the Assembly Richard D. Perkins. Assemblymen Buckley, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, Womack; Senators Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener and Woodhouse. 234, 240, 249, 269.

11.... Commemorates philanthropist and social justice activist Maya Miller. Assemblymen Buckley, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, Womack; Senators Titus, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Townsend, Washington, Wiener and Woodhouse. 254, 257, 262, 297.

12.... Approves the change in scope and the transfer of funds for certain capital improvement projects. Committee on Ways and Means. 257, 279, 281, 411, 421.

13.... Honors the accomplishments of United States Air Force Major Nicole Malachowski. Assemblymen Horne, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, Womack; Senators Care, Amodei, Beers, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener and Woodhouse. 263, 265, 272, 297.

14.... Commemorates the 100th anniversary of the incorporation of the City of Yerington. Assemblymen Grady, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, Womack; Senators Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener and Woodhouse. 272, 273, 289, 335.

15.... Honors Nevadans who were killed in the Global War on Terrorism. Assemblymen McClain, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, Womack; Senators Care, Amodei, Beers, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener and Woodhouse. 347, 351, 368, 415.

No. *Summary, Introducer and Page Reference*

16.... Directs the Legislative Commission to conduct an interim study concerning the proper determination of property capitalization rates for certain taxpayers. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 403.

17.... Designates March 28, 2007, as Kick Butts Day in Nevada. Assemblymen Settelmeyer, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Smith, Stewart, Weber, Womack; Senators McGinness, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener and Woodhouse. 411, 419, 427.

18.... Celebrates the 95th anniversary of Girl Scouts in the United States and the 75th anniversary of Girl Scouts in Nevada. Assemblymen Kirkpatrick, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, Womack; Senators Wiener, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington and Woodhouse. 424, 430, 449.

19.... Honors Richard Matta, the Band Instructor at Walter Johnson Junior High School in Las Vegas. Assemblymen Mabey, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, Womack; Senators Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener and Woodhouse. 765, 767, 903, 1449.

20.... Commemorates the 75th anniversary of legalized gaming in Nevada. Assemblymen Anderson, Allen, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, Womack; Senators Townsend, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Washington, Wiener and Woodhouse. 767, 768, 903, 1449.

21.... Commends the Nevada Division of the National Pony Express Association for its efforts in keeping the memory of the Pony Express alive in Nevada. Assemblymen Grady, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, Womack; Senators Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener and Woodhouse. 2849, 2850, 2860, 2887.

22.... Honors former Co-Speaker and Minority Floor Leader Lynn C. Hettrick. Assemblymen Mabey, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, Womack; Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Titus, Townsend, Washington, Wiener and Woodhouse. 2870, 2875, 2882, 2897.

23.... Congratulates the Galena High School Grizzlies boys' basketball team for their 2007 Class 4A State Championship victory. Assemblymen Cobb, Koivisto, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, Womack; Senators Townsend, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Washington, Wiener and Woodhouse. 2883, 2884, 2890, 2913.

24.... Creates an interim study concerning environmental pollutants and global warming. Committee on Health and Human Services. 2884.

No. *Summary, Introducer and Page Reference*

25.... Urges Nevadans to participate in activities concerning family preparedness in case of emergency. Assemblymen Christensen, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, Womack; Senators Nolan, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener and Woodhouse. 2901, 2903, 2917, 2978.

26.... Memorializes Pastor Nathaniel Whitney, Sr. Assemblymen Munford, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, Womack; Senators Horsford, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener and Woodhouse. 2903, 2904, 2917, 2978.

27.... Congratulates the “High Rollers” Robotics Team of Cimarron-Memorial High School for winning the FIRST Robotics Competition Championship. Assemblymen Conklin, Koivisto, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, Womack; Senators Wiener, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington and Woodhouse. 2905, 2906, 2917, 2978.

28.... Congratulates the Center for Basque Studies at the University of Nevada, Reno, on the occasion of its 40th anniversary. Assemblymen Bobzien, Allen, Anderson, Arberry, Atkinson, Beers, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, Womack; Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Titus, Townsend, Washington, Wiener and Woodhouse. 2906, 2908, 2917, 2978.

29.... Encourages the Department of Health and Human Services to take certain actions concerning chronic obstructive pulmonary disease. Assemblymen Gerhardt, Segerblom, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Settelmeyer, Smith, Stewart, Weber, Womack; Senators Woodhouse, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington and Wiener. 2934, 3011, 3153.

30.... Directs the Legislative Commission to conduct an interim study concerning issues relating to senior citizens and veterans. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 3212, 3739, 3740.

31.... Directs the Legislative Commission to conduct an interim study of issues relating to elections. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 3785.

32.... Directs the Legislative Commission to conduct an interim study of the duties and activities of statutory legislative committees. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 3985.

33.... Directs the Legislative Commission to conduct an interim study concerning funding for public education in Nevada. Committee on Education. 4226, 5841, 5842.

34.... Requests return to Assembly from the Governor's office of Assembly Bill No. 483 of this session. Committee on Judiciary. 6085, 6265, 6266, 6370.

35.... Directs the Legislative Commission to conduct interim studies concerning chancery courts and issues relating to senior citizens and veterans. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 6995, 7081, 7394, 7487.

No. *Summary, Introducer and Page Reference*

36.... Encourages the creation of the Southern Nevada Automobile Theft Advisory Commission. Committee on Commerce and Labor. 7338, 7487.

ASSEMBLY RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1.... Provides for the appointment of Assembly attaches. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 35, 83.

2.... Provides allowances to the leadership and other members of the Assembly for periodicals, stamps, stationery and communications. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 36, 83.

3.... Adopts the Assembly Standing Rules for the 74th Session of the Legislature. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 36, 83.

4.... Provides for the appointment of an additional attache for the Assembly. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 118, 155.

5.... Provides for the appointment of an additional attache for the Assembly. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 184, 206.

6.... Provides for the appointment of additional attaches for the Assembly. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 222, 251.

7.... Provides for the appointment of an additional attache for the Assembly. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 274, 335.

8.... Provides for the appointment of additional attaches for the Assembly. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 425, 449.

9.... Provides for the appointment of an additional attache for the Assembly. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 2850, 2887.

10.... Expresses appreciation to the staff of the Assembly. Buckley, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 2861.

11.... Adds Virgil M. Getto to the Assembly Wall of Distinction. Buckley, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 2918, 2978.

12.... Adds Marvin M. Sedway to the Assembly Wall of Distinction. Buckley, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 2921, 2978.

13.... Adds Mouryne Landing Dini to the Assembly Wall of Distinction. Buckley, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 2924, 2978.

14.... Commends 2007 Prudential Spirit of Community Awards honoree Mollie Singer. Buckley, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 2935, 3068.

15.... Congratulates Laurie Richardson for her recognition as the 2006 National Mother of the Year by American Mothers, Inc. Buckley, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 2937, 3068.

16.... Designates certain members of the Assembly as regular and alternate members of the Legislative Commission. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 5842, 6262.

LISTING OF SENATE BILLS AND ACTION THEREON

(Where a roll call vote was taken on final passage, such action is denoted by an asterisk following the page number.)

No. *Summary, Introducer and Page Reference*

1.... Makes an appropriation to the Legislative Fund for the costs of the 74th Legislative Session. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Raggio and Titus. 63, 64*, 83.

3.... Revises various provisions relating to the death benefits payable to surviving spouses of certain police officers and firefighters. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Townsend. 2698, 2699, 3519, 3542, 3779*, 4520, 5643.

5.... Requires the establishment of the Cancer Drug Donation Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Cegavske, Heck, Horsford, Mathews, Nolan, Washington, Wiener and Woodhouse. 764, 770, 3519, 3546, 3777, 3854, 4067, 4227, 4465, 4514*, 5842, 5857, 6084.

6.... Includes marijuana in the provision which prohibits persons from intentionally allowing children to be present at certain locations where certain crimes involving controlled substances are committed. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Heck. 1284, 1285.

7.... Establishes civil liability for certain acts involving the use of controlled substances and the consumption of alcoholic beverages. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Wiener and Assemblyman Horne. 1284, 1285, 3071, 3157, 3208*, 3854.

9.... Provides that the provisions related to obtaining the informed consent of patients apply to osteopathic physicians. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Heck. 100, 103, 2900, 2927, 2969, 2995*, 3153.

10.... Prohibits certain acts relating to capturing or distributing an image of the private area of another person under certain circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Cegavske. 200, 205, 3186, 3215, 3722*, 4520, 5643.

14.... Prohibits a minor from committing certain acts relating to the possession and use of tobacco products. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. McGinness. 539, 540.

16.... Revises the provisions pertaining to eminent domain. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Care. 539, 540, 3186, 3217, 3722*, 4520, 5643.

17.... Revises provisions relating to certain special license plates for veterans of the Armed Forces of the United States. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Wiener and Care. 157, 162, 2933, 2982, 3053*, 3183.

18.... Revises provisions governing deceptive trade practices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Commerce and Labor. 142, 3010, 3072, 3173, 3183, 3187, 3211, 3720, 3735, 3777, 3854, 4067, 4227, 4404, 4421, 4433, 4434*, 5979, 6040, 6266.

19.... Revises provisions relating to the Chiropractic Physicians' Board of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Commerce and Labor. 904, 905, 2980, 3016, 3094, 3849, 3850, 3956*, 5842, 5843, 5844, 6084, 6304, 6305, 6871.

20.... Revises provisions governing claims against subsequent injury accounts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Commerce and Labor. 539, 541, 2980, 3016, 3128*, 3737.

28.... Changes the date by which certain metropolitan police departments must annually submit a budget for the operation of a 911 emergency telephone system. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Government Affairs. 100, 104, 377, 404, 415*, 427.

30.... Revises the provisions governing the early release of prisoners from county or city jails to relieve overcrowding. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Judiciary. 539, 541, 2890, 2908, 2929, 2969, 2995*, 3153.

31.... Makes various changes to provisions governing records of criminal history. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Judiciary. 539, 541, 2900, 2928, 2969, 2995*, 3153.

32.... Revises the provisions concerning the detention of certain delinquent children who violate parole. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Judiciary. 1284, 1285, 2869, 2884, 2895*, 2929.

34.... Makes various changes to provisions concerning protective orders. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Judiciary. 142, 2848, 2860, 2879, 2887*, 2897.

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35.... Revises certain provisions relating to the admissibility of certain affidavits and declarations in certain proceedings. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Judiciary. 539, 541, 2980, 3016, 3128*, 3129, 3737.

37.... Makes various changes to provisions governing the testimony and evidence of a witness who is granted immunity in a criminal proceeding. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Judiciary. 301, 310.

38.... Makes various changes concerning the Central Repository for Nevada Records of Criminal History. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Transportation and Homeland Security. 3786, 5645, 5647, 6265, 6267*, 6871.

39.... Revises provisions relating to the limitations on the length of certain vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Transportation and Homeland Security. 142, 2933, 2982, 3054*, 3183.

40.... Makes various changes concerning the issuance of certificates of registration by vehicle dealers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Transportation and Homeland Security. 539, 541.

41.... Revises provisions governing the monitoring of a person following a conviction for driving under the influence of alcohol or a controlled substance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Transportation and Homeland Security. 2848, 2850.

42.... Makes failure to wear a safety belt in a motor vehicle a primary offense. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Transportation and Homeland Security. 2848, 2850.

43.... Revises provisions relating to certain traffic offenses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Transportation and Homeland Security. 764, 770, 3739, 3759, 3956*, 5979, 6063, 6305, 6711, 6757, 6763.

44.... Enacts the Uniform Disclaimer of Property Interests Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Judiciary. 142, 2900, 2928, 2969, 2995*, 3153.

46.... Enacts the Uniform Custodial Trust Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Judiciary. 142, 2900, 2928, 2969, 2995, 2996*, 3153.

47.... Revises certain provisions concerning the taxation of livestock and sheep. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Natural Resources. 233, 244, 405, 413, 421*.

48.... Redesignates district brand inspectors as agricultural enforcement officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Natural Resources. 2848, 2850.

52.... Creates the Governor Guinn Millennium Teaching Scholarship Program and amends provisions relating to the Governor Guinn Millennium Scholarship Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Cegavske. 2848, 2850.

53.... Provides that advertising or conducting a live musical performance or production through the use of a false, deceptive or misleading affiliation, connection or association between a performing group and a recording group constitutes a deceptive trade practice. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Heck and Horsford. 764, 770, 3519, 3549, 3779*, 4520, 5643.

55.... Authorizes the issuance of general obligation bonds to carry out the Environmental Improvement Program in the Lake Tahoe Basin. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Finance. 2917, 6265, 6267*, 6268, 6871.

56.... Revises provisions relating to building codes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Government Affairs. 233, 244, 2900, 2928, 2969, 2996*, 3153.

57.... Requires the parent of a child who is the victim of a sexual offense to give written consent before the name of the child may be included in a notice provided to a school. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Wiener. 200, 205, 2848, 2860, 2879, 2887, 2895*, 2929.

58.... Provides for the imposition of an administrative assessment for certain traffic violations in certain smaller counties to be used for the awarding of grants to volunteer organizations that provide emergency medical services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Heck. 764, 770, 3186, 3220, 3723, 3735, 3777, 3854, 4067, 4182, 4195, 4227, 4465, 4467, 4514*.

60.... Establishes requirements concerning the expenditure of proceeds collected from administrative penalties for certain violations concerning the control of air pollution. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Natural Resources. 2848, 2851, 2933, 2982, 3054*, 3183.

64.... Expands the use of certain allocations made from the Fund for a Healthy Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Human Resources and Education. 200, 205.

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65.... Revises provisions governing the allocation of money from the Fund for a Healthy Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Human Resources and Education. 200, 205.

66.... Increases the amount of damages that may be awarded in certain tort actions brought against a governmental entity or its officers or employees. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Care. 233, 245, 412, 3011, 3083, 3173, 3183, 3187, 3211, 3723*, 4070.

67.... Provides for the establishment of a registry for putative fathers for purposes of facilitating the termination of parental rights and the adoption of certain children. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Hardy. 5841, 5843.

69.... Revises provisions related to real estate brokers, salesmen and qualified intermediaries. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Schneider. 764, 770, 3857, 3859, 4091*, 5841, 5975.

70.... Enacts the Uniform Prudent Management of Institutional Funds Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Care and Amodei. 233, 245, 2848, 2860, 2879, 2887, 2895*, 2929.

72.... Adopts the Uniform Limited Partnership Act (2001) and provides for its applicability on a voluntary basis. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Care and Amodei. 2698, 2699, 3071, 3157, 3208*, 3854, 5182, 5183, 5184, 5185.

73.... Provides for allowances for certain travel expenses incurred by Legislators during the legislative interim. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Rhoads. 6083, 6085, 7069, 7073, 7074*, 7330.

74.... Revises provisions governing expenditure of money in infrastructure fund of certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. McGinness. 1284, 1285, 3186, 3220, 3723*, 4070.

77.... Amends the Uniform Interstate Family Support Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Care, Amodei and Assemblyman Horne. 707, 2859, 2879, 2887, 2895*, 2929.

78.... Revises the provisions relating to misconduct in the signing or filing of petitions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Legislative Operations and Elections. 233, 245, 3690, 3691, 3779*, 4520, 5643.

81.... Requires state and local plans for emergency management to address the needs of persons with pets or service animals. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Titus, Townsend and Wiener. 249, 251, 2900, 2928, 2969, 2996*, 3153.

83.... Revises provisions governing the Grants Management Advisory Committee of the Department of Health and Human Services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Government Affairs. 1452, 1453.

84.... Revises provisions governing certificates pertaining to the subdivision of certain buildings. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Government Affairs. 1452, 1453, 3857, 3863, 4091*, 5842, 5974, 6370.

85.... Makes various changes to provisions relating to eminent domain. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Raggio, Cegavske, Hardy, Beers, Care, Amodei, Carlton, Coffin, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Titus, Townsend, Washington, Wiener and Woodhouse. 1284, 1285.

86.... Revises provisions regulating utilities that furnish water or provide sewage disposal services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Commerce and Labor. 764, 770, 2980, 3016, 3129*, 3690, 3854.

87.... Provides for audits by Legislative Auditor of entities which are not state agencies but which receive appropriations of public money. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Amodei. 301, 310, 2882, 2893, 2909*, 3071, 3516, 4070.

88.... Adopts the Uniform Real Property Electronic Recording Act. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Judiciary. 200, 205, 2859, 2879, 2887, 2896*, 2929.

89.... Makes various changes concerning legal representation of state agencies, officers and employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Judiciary. 539, 541.

90.... Revises provisions relating to the Nevada Commission on Homeland Security. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Nolan. 3985, 5982, 5984*, 6370.

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92.... Revises certain provisions pertaining to the regulation of firearms by local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Lee, Hardy, Heck, Beers, Cegavske, Care, Coffin, McGinness, Woodhouse; Assemblymen Anderson, Parks, Gansert, Allen, Mortenson, Beers, Bobzien, Christensen, Claborn, Denis, Goicoechea, Grady, Hardy, Koivisto, Manendo, Marvel, Ohrenschall, Settelmeyer and Stewart. 2699, 3739, 3740, 3956*, 5841, 5975.

93.... Revises the provisions governing the crime of grand larceny of a motor vehicle and an offense involving a stolen vehicle. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Hardy, Townsend, Heck, Lee and Titus. 539, 541.

95.... Revises provisions governing public utilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Commerce and Labor. 764, 770, 3786, 3956*, 5841, 5975.

99.... Revises provisions concerning consolidated insurance programs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hardy. 262, 268, 3010, 3083, 3180, 3183, 3187, 3211, 3723*, 4070.

100.... Requires an insurer or third-party administrator who pays workers' compensation to an employee or a dependent of an employee to deposit the compensation directly into the account of the employee or dependent under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Carlton. 764, 770, 2980, 3025, 3129*, 3737.

101.... Amends the Charter of the City of Sparks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Mathews and Washington. 418, 419, 3857, 3864, 4093*, 5841, 5975.

103.... Adopts the Uniform Unclaimed Property Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Care. 2698, 2699, 3519, 3557, 3779*, 4520, 5643.

105.... Revises provisions governing regulation of motor vehicle fuel. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Townsend. 2698, 2699.

106.... Revises provisions concerning the release of certain confidential and restricted documents relating to potential acts of terrorism. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Transportation and Homeland Security. 2848, 2851, 3857, 3866, 4093*, 5979, 6079.

108.... Provides for the use of zero-based budgeting in the state budget process. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Beers. 7075, 7076.

110.... Revises provisions governing the administration of examinations to pupils enrolled in the public schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Beers and Assemblymen Gansert, Beers, Denis, Goedhart, Settelmeyer and Stewart. 2698, 2699, 3185, 3220, 3723*, 4520, 5643.

111.... Clarifies applicability of certain provisions to certain suppliers of utility services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. McGinness. 233, 245, 3519, 3577, 3780*, 4520, 5643.

112.... Enacts provisions governing the sale of products containing materials that are used in the manufacture of methamphetamine and other controlled substances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Titus, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Raggio, Rhoads, Schneider, Townsend, Washington, Wiener and Woodhouse. 2848, 2851, 3185, 3223, 3724*, 4520, 5643.

113.... Requires certain policies of health insurance and health care plans to provide coverage for screenings for prostate cancer in certain circumstances. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Coffin, Carlton, Horsford, Lee, Mathews, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Wiener, Woodhouse; Assemblymen Parks, Horne, Bobzien, Hogan and Marvel. 2698, 2700.

115.... Revises provisions governing the rights of parents of pupils with disabilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Coffin. 764, 770, 2932, 2982, 2997, 3054*, 3211, 3959, 4520, 6084, 6231, 6370.

117.... Exempts certain contracts entered into by the Board of Trustees of the Reno-Tahoe Airport Authority from certain requirements. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Raggio, Townsend, Washington; Assemblymen Gansert, Marvel, Anderson, Bobzien, Cobb, Leslie and Smith. 1284, 1285, 3857, 3869, 4092, 4404*, 5842, 5975.

118.... Requires the State Environmental Commission to adopt regulations relating to the handling and storage of certain quantities of mercury. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Natural Resources. 764, 771, 2916, 2942, 2996*, 3690, 3854.

119.... Makes various changes to provisions relating to benefits for certain workers with injuries. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Commerce and Labor. 418, 419.

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121.... Amends the Charter of the City of Carlin to change the time for election of certain officers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Rhoads. 262, 268, 2869, 2884, 2897, 2909*, 2910, 2978.

122.... Amends the Charter of the City of Wells to change the time for election of certain officers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Rhoads. 262, 268, 2869, 2884, 2897, 2910*, 2978.

123.... Makes various changes to provisions relating to public records. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Care. 6266, 6267, 6333, 6339, 6450, 7070, 7072, 7073*, 7330.

124.... Revises provisions governing state personnel and independent contractors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Legislative Operations and Elections. 764, 771.

125.... Authorizes the Lander County School District to transfer certain property to the Austin Historical Society. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Rhoads. 2699, 2700, 4519, 4521*, 5975.

128.... Prohibits certain vehicles from traveling on that portion of State Route 159 that is designated as a scenic route and requiring the Department of Transportation to erect suitable markers along that portion of the Route. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Transportation and Homeland Security. 2698, 2700, 3739, 3766, 3956*, 3957, 5979, 6079.

129.... Makes various changes to provisions relating to guardianships. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Judiciary. 539, 541, 2916, 2943, 2994, 3025, 3057, 3129*, 4520, 5642, 6084, 7056, 7068.

131.... Makes various changes regarding certain court fees charged by county clerks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Judiciary. 2917, 3985, 3986, 4093*, 5979, 6188, 6372, 6711, 6840.

132.... Makes various changes concerning the liability of landowners, lessees and occupants of land to persons using premises for recreational activities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Judiciary. 764, 771, 2916, 2956, 2996*, 2997, 4520, 5643.

133.... Enacts provisions pertaining to civil actions involving liquefied petroleum gas. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Judiciary. 539, 541.

136.... Designates the month of May of each year as Archeological Awareness and Historic Preservation Month in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Government Affairs. 233, 245, 3857, 3871, 4093*, 5842, 5975.

137.... Revises provisions relating to local governmental purchasing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Government Affairs. 1452, 1453, 3010, 3083, 3180*, 3854.

139.... Revises provisions relating to certain cooperative or interlocal agreements. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Government Affairs. 707, 3070, 3157, 3209*, 3854.

140.... Revises provisions relating to the Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services From Organizations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Government Affairs. 233, 245, 3739, 3744, 3957*, 5842, 5975.

142.... Revises provisions governing certain forms used by hospitals in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Human Resources and Education. 539, 541, 3185, 3228, 3724*, 4073, 4517.

143.... Revises provisions governing pupils and parents. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Human Resources and Education. 539, 542, 3185, 3229, 3724, 3780*, 4520, 5642, 5980, 6084, 6224, 6225, 6370, 6678.

145.... Revises provisions relating to public utilities and fees. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. McGinness. 1452, 1453, 3070, 3157, 3209*, 3854.

146.... Authorizes the boards of county commissioners of certain counties to levy an ad valorem tax to pay the costs of operating a regional facility for the detention of children. Fiscal Note: Effect on Local Government: No. Effect on the State: No. McGinness. 2698, 2700, 3186, 3238, 3735, 3777, 3854, 4067, 4227, 4465, 4515*, 5842, 5975.

147.... Revises provisions governing the use in certain counties of taxes on motor vehicle fuel. Fiscal Note: Effect on Local Government: No. Effect on the State: No. McGinness. 337, 339, 3186, 3241, 3735, 3780*, 4517.

148.... Revises certain provisions of the Uniform Principal and Income Act (1997). Fiscal Note: Effect on Local Government: No. Effect on the State: No. Judiciary. 1284, 1285, 2980, 3025, 3129, 3130*, 3737.

149.... Makes various changes to provisions governing elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Legislative Operations and Elections. 1284, 1286.

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150.... Expands the jurisdiction of advocates for residents of facilities for long-term care. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Human Resources and Education. 346, 355, 2859, 2879, 2887, 2897, 2910*, 2978.

151.... Revises provisions governing school schedules. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Human Resources and Education. 346, 355, 2698, 2855, 2860*, 2861, 2897.

154.... Clarifies certain provisions governing taxes on transfers of real property and contingently allows the imposition of additional taxes in Washoe County to fund capital projects for the county school district. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Taxation. 904, 905, 2900, 2918, 2982, 3000, 3054, 3056*, 3858, 3959, 4521, 6692, 6703.

155.... Makes various changes to provisions pertaining to the prosecution of identity theft. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Hardy, Heck and Lee. 539, 542.

157.... Revises provisions governing the appointment of a public guardian and the management of the office and cases of a public guardian. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senators Mathews, Wiener, Heck, Amodei, Horsford, Raggio, Townsend and Assemblywoman McClain. 2699, 2700, 3519, 3579, 3780*, 5842, 5975.

158.... Establishes the Special Needs Scholarship Program. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Cegavske. 3858.

159.... Revises provisions governing collection agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Commerce and Labor. 1452, 1453.

161.... Exempts hybrid electric vehicles, for a certain period, from the program for the control of emissions from motor vehicles. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Coffin, Titus, Beers, Cegavske, Mathews, Raggio and Rhoads. 3211, 3212, 4072, 4074*, 5643.

162.... Revises the authority of certain county fair and recreation boards to enter into certain real estate transactions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Government Affairs. 262, 268.

163.... Revises provisions governing improvements constructed, altered, repaired or remodeled pursuant to lease-purchase or installment-purchase agreement. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Government Affairs. 707, 708, 3155, 3213, 3735, 3780, 3781*, 4517.

164.... Revises provisions governing the Fund for a Healthy Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Human Resources and Education. 2698, 2700.

166.... Requires payment of increased salaries to certain school employees holding national certification. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Mathews. 6372, 6373, 6878, 6883*.

168.... Enacts the Uniform Assignment of Rents Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Care. 262, 268, 2900, 2928, 2969, 2997*, 3153.

169.... Adopts the Revised Uniform Anatomical Gift Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Care. 764, 771, 3185, 3241, 3735, 3781*, 4520, 5643.

171.... Creates the Nevada Academy of Health. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Heck, Townsend, Washington, Nolan, Hardy, Beers, Cegavske, Raggio, Rhoads; Assemblymen Gansert, Hardy, Marvel, Beers, Horne, Mabey, Manendo, Settelmeyer and Stewart. 764, 771, 3185, 3262, 3735, 3781, 3854, 4067, 4288*, 5842, 5857, 6084, 6711, 7397, 7401.

173.... Revises provisions relating to money received from the Federal Government to prevent or respond to acts of terrorism. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Heck, Townsend, Washington, Nolan, Hardy, Beers, Cegavske, Coffin, Raggio, Rhoads; Assemblymen Beers, Christensen, Mabey, Manendo, Marvel, Settelmeyer and Stewart. 3985.

174.... Provides that an expression of apology or regret made by or on behalf of a provider of health care is inadmissible in any civil or administrative proceeding brought against the provider of health care based upon alleged professional negligence. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Heck, Townsend, Hardy, Washington, Cegavske, Amodei, Beers, Lee, Mathews, Nolan, Raggio, Rhoads, Schneider, Woodhouse; Assemblymen Hardy, Mabey, Gansert, Allen, Beers, Marvel, Settelmeyer and Stewart. 707, 708.

175.... Revises provisions governing the contents and use of license plates for motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Transportation and Homeland Security. 418, 419, 2933, 2982, 3056*, 3183.

177.... Enacts the Uniform Foreign-Country Money Judgments Recognition Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Judiciary. 262, 268, 2848, 2860, 2879, 2887, 2897, 2910*, 2978.

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180.... Provides the registered owner of a vehicle with the opportunity to make a voluntary contribution to the State Highway Fund at the time of the renewal of the registration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Beers, Washington; Assemblymen Gansert, Cobb, Goedhart, Hardy, Settelmeyer and Stewart. 2848, 2851.

182.... Makes a supplemental appropriation to the Department of Education, other state education programs, to fund the Counselor National Board Certification Program and teacher signing bonuses. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 2890, 2891, 3011, 3441, 3735, 3777, 3854, 4067, 4092, 4093*, 5643.

183.... Revises provisions governing administrative positions in the Public Employees' Retirement System. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Finance. 368, 373, 3010, 3083, 3180*, 3181, 3854.

184.... Revises provisions governing education. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Finance. 2917, 2918, 3185, 3264, 3735, 3781*, 4520, 5642, 7075, 7438, 7439, 7487.

185.... Revises provisions governing the Commission on Educational Excellence. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Finance. 6331, 6333, 7188, 7199, 7208*, 7209, 7487.

186.... Makes an appropriation to the Office of the Governor to purchase replacement computer hardware and software and office furniture and machines. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 3985, 6333, 6339*, 7493.

187.... Makes a supplemental appropriation to the Nevada Highway Patrol Division of the Department of Public Safety to pay the increased costs of vehicle fuel. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 2890, 2891, 3011, 3441, 3735, 3777, 3854, 4067, 4286*, 4287, 5643.

189.... Makes an appropriation to the Interim Finance Committee for the implementation of sagebrush habitat projects. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 6083, 6085, 6333, 6339*, 7493.

190.... Makes an appropriation to the State Public Works Board to design housing units at institutions within the Department of Corrections. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 2863, 2901, 2928, 2969, 2997*, 3153.

191.... Revises provisions governing the Account for the Technological Crime Advisory Board. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 6266, 6267, 6521, 6707*.

192.... Makes an appropriation to the Nevada System of Higher Education to fund a portion of the cost of the integration of computing resources. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 5979, 5981, 7320, 7423, 7424*.

193.... Makes appropriations to State Public Works Board to provide early funding for capital improvement projects at Ely State Prison and Grant Sawyer Office Building. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 233, 245, 279, 288, 311, 326*, 373.

195.... Enacts provisions governing the operation and use of a recreation area. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Human Resources and Education. 1284, 1286, 3185, 3311, 3735, 3781*, 4520, 5643.

196.... Revises provisions relating to organizations for the promotion of culture. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Government Affairs. 262, 268, 2900, 2928, 2969, 2997, 4030, 4067, 4082, 4227, 4471*, 6083, 6370.

198.... Revises provisions relating to certain public contracts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Government Affairs. 2698, 2700, 3010, 3083, 3181, 4435, 4452*, 5643.

199.... Makes various changes to requirements for a public work involving the construction of a traffic-control signal. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Government Affairs. 2848, 2851.

200.... Makes various changes relating to redevelopment. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Government Affairs. 1452, 1453, 3739, 3747, 3953, 4067, 4288*, 4289, 5842, 5975.

201.... Revises provisions governing public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Government Affairs. 2848, 2851, 3857, 3872, 4092, 4405, 4434, 4435*, 5842, 5974, 6084, 6331, 6340, 6356, 6871.

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202.... Makes various changes relating to domestic relations. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Washington. 1284, 1286, 3857, 3888, 4092, 4228, 4465, 4515*, 5842, 5975.

203.... Revises provisions concerning local financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Washington. 2848, 2851, 3857, 3894, 4030, 4092, 4228, 4466*, 5842, 5975.

206.... Clarifies provisions concerning the effect of certain signals exhibited by official traffic-control devices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Coffin. 764, 771, 3186, 3314, 3735, 3782*, 4517.

208.... Makes various changes to provisions governing employees who are summoned to appear for jury duty. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Judiciary. 346, 355, 2869, 2885, 2897, 2910*, 2978.

210.... Revises provisions relating to reimbursement of subsistence and travel expenses relating to the conduct of public business. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Legislative Operations and Elections. 2698, 2700, 3010, 3084, 3181*, 3854.

216.... Allows certain convicted persons to make a monetary contribution in lieu of performing community service. Fiscal Note: Effect on Local Government: No. Effect on the State: No. McGinness. 2848, 2851.

217.... Revises the provisions governing deeds of trust and the sale of real property after default. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Rhoads. 1284, 1286, 2889, 2908, 2929, 2969, 3008, 3056*, 3057, 3068, 3128.

219.... Creates the Gift Account for Veterans in the State General Fund and authorizes the use of money in the Account for the support of outreach programs and services for veterans and their families. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Human Resources and Education. 440, 445, 3155, 3213, 3735, 3782*, 4517.

220.... Revises provisions relating to programs and services for persons with disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Human Resources and Education. 430, 431, 2859, 2879, 2887, 2897, 2910*, 2911, 2978.

222.... Creates the Nye County Water District. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Natural Resources. 2848, 2851, 3857, 3894, 4094*, 6083, 6370.

226.... Makes an appropriation for the expenses involved in thinning the forests in state parks. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Amodei. 6083, 6085, 7081, 7082*.

227.... Clarifies provisions relating to the disciplinary powers of the Nevada State Funeral Board. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Heck. 418, 419, 2980, 3025, 3130*, 3737.

228.... Enacts provisions related to certain medical review committees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Heck. 707, 708, 3185, 3314, 3735, 3777, 3854, 4067, 4287*, 5842, 5975.

229.... Provides for the registration and regulation of warrantors of vehicle protection products and related sellers and warranty administrators of such products. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Commerce and Labor. 1296.

230.... Makes various changes concerning a petition for initiative or referendum. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Legislative Operations and Elections. 2848, 2851, 2889, 2908, 2929, 2969, 3008, 3057*, 3183.

234.... Revises provisions governing the division of the proceeds of certain taxes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Government Affairs. 2848, 2852, 3857, 3902, 4467, 4516*, 5842.

235.... Makes various changes concerning homeowners' associations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Beers. 2699, 2700.

237.... Revises certain provisions governing permits to carry concealed firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Lee, Hardy, Beers and Assemblyman Settelmeyer. 2698, 2700, 3519, 3588, 3782*, 5979, 6079.

238.... Provides for a program of empowerment schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Human Resources and Education. 7075, 7076, 7179*.

239.... Creates the P-16 Advisory Council. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Human Resources and Education. 2934, 2941, 3185, 3315, 3735, 3782, 3783*, 4520, 5643, 6372, 6676, 6681.

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242.... Makes various changes concerning agents for service of process and business entities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Amodei and Care. 2848, 2852, 3519, 3595, 4289, 4433, 4434*, 5979, 6079.

243.... Requires an affidavit and a report in an action against certain design professionals involving nonresidential construction. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Judiciary. 539, 542, 3185, 3320, 3735, 3783*, 4517.

244.... Revises provisions governing the collection of data relating to the tracking of waiting times for emergency medical services at hospitals. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Nolan. 2698, 2701, 3011, 3084, 3181, 3182*, 4073, 5421, 5422, 5980, 6304, 6305.

245.... Revises provisions governing pupils. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Nolan and Woodhouse. 2698, 2701.

247.... Creates the Nevada Youth Legislative Issues Forum. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Wiener, Horsford, Woodhouse, Titus, Schneider, Amodei, Cegavske, Heck, Lee, Mathews, Washington and Assemblywoman Parnell. 2917, 2918, 3185, 3320, 3735, 3783*, 4520, 5643, 6678.

248.... Revises provisions concerning the salaries of justices of the Supreme Court and district judges in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Finance. 6375, 7075, 7076, 7081, 7082*, 7086.

250.... Makes an appropriation to the Adjutant General of the Office of the Military for the purchase of vehicles and equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 4519, 4521, 6265, 6268*, 6871.

251.... Makes appropriations to the State Department of Conservation and Natural Resources for the Division of Water Resources, Division of Forestry, Forestry Conservation Camps and Division of State Parks. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 3211, 3212, 6265, 6268*, 6871.

252.... Makes appropriations to the Division of Welfare and Supportive Services of the Department of Health and Human Services for the replacement of certain office equipment and computers. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 6083, 6085, 6265, 6268*, 6871.

253.... Makes appropriations to the Division of Mental Health and Developmental Services of the Department of Health and Human Services for computer hardware and software, vehicles, furniture and other equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 3985, 6333, 6339*, 7493.

263.... Makes various changes to provisions governing the registration of motor vehicles. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Schneider, Hardy, Beers, Carlton, Coffin, Horsford, Lee, Rhoads, Wiener; Assemblymen Parks, Anderson, Kirkpatrick, Oceguera, Pierce and Womack. 1452, 1453.

264.... Revises provisions governing the licensure of teachers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Cegavske, Beers, Care, Hardy, Heck, Horsford, Lee, McGinness, Nolan, Raggio, Rhoads and Washington. 2698, 2701, 3070, 3157, 3209*, 3854.

265.... Revises provisions relating to dentistry and dental hygiene. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Carlton. 2848, 2852, 2980, 3025, 3130*, 3690, 3854.

266.... Requires the performance of tests for the human immunodeficiency virus for pregnant women and newborn children. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Horsford and Assemblyman Parks. 764, 771, 3185, 3325, 3735, 3783, 3854, 3953, 3954, 3955*, 4521, 6232, 6372, 7269, 7326, 7330.

267.... Revises the powers and duties of the Legislative Committee on Public Lands. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Legislative Operations and Elections. 764, 771, 3155, 3213, 3735, 3784*, 4517.

269.... Makes various changes to provisions governing land use planning regarding military installations. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senators McGinness, Hardy, Lee; Assemblymen Christensen, Hardy, Goicoechea and Grady. 2848, 2852, 2900, 2928, 2969, 3008, 3057, 3130*, 3737.

272.... Revises provisions governing awarding of costs and attorney's fees in certain actions involving rights to graze or water livestock. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Rhoads. 1452, 1453.

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274.... Makes various changes to provisions relating to water. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Natural Resources. 2848, 2852, 3953, 3972, 4094, 4227, 4471*, 6084, 6178, 6305, 7081, 7410, 7423.

275.... Makes various changes relating to underground water. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Natural Resources. 2698, 2701, 3186, 3328, 3735, 3784*, 4520, 5643.

277.... Authorizes the court to assign certain offenders to a program of treatment for certain offenses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Wiener, Amodei, Care, Horsford, McGinness and Washington. 2698, 2701, 2980, 3031, 3128, 3759, 3785*, 4520, 5643.

279.... Makes various changes concerning contractors and the State Contractors' Board. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Commerce and Labor. 2698, 2701, 3519, 3595, 3784*, 4520, 5643.

280.... Revises provisions related to patients' bills. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Commerce and Labor. 2848, 2852.

281.... Revises provisions governing industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Commerce and Labor. 904, 905.

282.... Makes supplemental appropriations to the Department of Corrections for increased costs at various facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 707, 708, 2917, 2959, 3008, 3057, 3130*, 3690, 3854.

284.... Revises provisions governing sports in certain public schools located in certain larger school districts. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Nolan. 904, 905.

287.... Makes an appropriation to the Division of State Parks of the State Department of Conservation and Natural Resources to enroll rangers in the Police and Firefighters' Retirement Fund. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Mathews. 6711, 6726, 7320, 7321, 7423, 7424*.

288.... Makes various changes concerning fire protection districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Townsend. 539, 542, 3984, 3988, 4092, 4207, 4227, 4465, 4515*, 4516, 5979, 6079.

289.... Revises provisions relating to fire protection districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Human Resources and Education. 539, 542, 3953, 3979, 4105*, 5842, 5975.

291.... Revises certain provisions governing civil practice in actions in which a plaintiff is a nonresident or a foreign corporation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Care. 2698, 2701.

292.... Enacts the Uniform Mediation Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Care. 2848, 2852.

293.... Revises provisions governing drivers who are less than 18 years of age. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Cegavske, Nolan, Coffin, Hardy, Heck, Mathews, McGinness, Raggio, Wiener and Woodhouse. 2848, 2852, 3186, 3342, 3735, 3784*, 4517.

294.... Revises the provision concerning mandatory detention of a child who commits a battery that constitutes domestic violence. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Amodei. 1284, 1286, 2869, 2885, 2897, 2911*, 2978.

298.... Enacts provisions relating to civil liability for causing the injury or death of certain pets. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hardy and Townsend. 2698, 2701, 3186, 3342, 3735, 3777, 3854, 4067, 4287*, 5842, 5975.

299.... Revises provisions relating to crimes against pregnant women. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Hardy, Heck, Beers, Lee, Washington and Assemblyman Hardy. 2848, 2852.

300.... Revises certain provisions governing hours-of-service limitations for intrastate drivers of certain commercial motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hardy. 539, 542, 3186, 3345, 3735, 3785*, 4517.

301.... Revises various provisions governing the Fort Mohave Valley DevelopmentLaw. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Hardy and Assemblyman Hardy. 6711, 6726, 7081, 7082*.

302.... Revises provisions governing credit cards. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Titus. 2848, 2852, 2889, 2908, 2929, 2969, 3008, 3057, 3130, 3131*, 3737.

303.... Amends the Charter of the City of North Las Vegas concerning the qualifications of municipal judges prospectively contingent upon voter approval. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Lee. 539, 542, 3186, 3345, 3735, 3854, 3957*, 6084, 6188, 6305, 6521, 6522, 6711.

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306.... Regulates the operation of a motorboat equipped with an engine cut-off switch. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Washington. 1452, 1453, 2889, 2908, 2929, 2969, 3008, 3057, 3131*, 3737.

307.... Revises certain provisions relating to state and local governmental purchasing. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Titus. 2848, 2853, 3857, 3902, 4105, 4106*, 5842, 5975.

310.... Makes various changes relating to professions and occupations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Carlton. 2698, 2701, 3519, 3614, 3784, 4092, 4106, 4107*, 6083.

312.... Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Horsford, Care, Mathews, Schneider, Wiener, Woodhouse; Assemblymen Hardy, Atkinson, Bobzien, Denis, Horne and Oceguera. 2848, 2853, 3185, 3347, 3735, 3854, 3957*, 5071, 7444, 7455.

313.... Authorizes the boards of trustees of school districts to adopt a policy relating to the enrollment of certain pupils in kindergarten in a public elementary school. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Horsford, Wiener, Titus, Care, Mathews, Schneider; Assemblymen Parnell, Hardy, Oceguera, Atkinson, Bobzien, Denis, Horne and Smith. 2698, 2701, 3185, 3347, 3735, 3849.

314.... Requires the provision of information concerning services that are provided at certain residential facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Woodhouse, Horsford, Titus, Amodei, Beers, Coffin, Heck, Lee, Schneider, Wiener; Assemblymen Parnell, Parks, Gerhardt, McClain, Bobzien, Denis, Manendo, Segerblom, Smith and Womack. 1313, 2869, 2875, 3519, 3641, 3849, 3854, 4067, 4288*, 5842, 5975.

315.... Imposes certain conditions before a special license plate may be designed, prepared and issued. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Transportation and Homeland Security. 1452, 1454, 3186, 3347, 3735, 3854, 3957*, 5071.

316.... Requires compensation for Legislators who serve on the Commission on Special License Plates. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Transportation and Homeland Security. 1284, 1286.

317.... Makes various changes to provisions relating to agents for service of process and business entities. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Care. 2848, 2853.

319.... Revises provisions governing motor vehicles that are exhibited or displayed in certain museums. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Townsend, Schneider, Washington, Cegavske and Raggio. 2699, 2702, 3739, 3767, 3777, 7319, 7320, 7423, 7424*.

320.... Exempts the rental or lease of certain space at certain local governmental airports from requirements relating to appraisals and public auctions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Beers. 539, 542, 3786, 3792, 3953, 4067, 4228, 4465, 4515*, 5842, 5975, 6084, 6711, 6712, 6725.

321.... Provides certain economic incentives for certain motion picture companies. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Coffin. 5979, 5981.

324.... Revises provisions governing regulation of motor vehicle fuel. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Taxation. 6711, 6726, 7069, 7072*.

325.... Makes various changes concerning the English language. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Beers, Heck, Cegavske, Hardy, Lee; Assemblymen Beers, Hardy, Cobb, Goedhart, Grady and Marvel. 2848, 2853.

326.... Creates the Committee on Co-Occurring Disorders. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Townsend. 6711, 6726, 7320, 7321.

328.... Revises provisions governing educational personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Beers. 2699, 2702, 3185, 3347, 3735, 3778, 3854, 4067, 4227, 4452, 4516*, 6084, 6230, 6231, 6305, 7075, 7100, 7108.

329.... Prohibits a person from allowing a cat or dog to remain unattended in a motor vehicle under certain circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Townsend and Titus. 2698, 2702, 3186, 3353, 3735, 3854, 3957, 3958*, 5842, 5975, 6084, 6681, 6683, 6711.

330.... Changes the name of the Southern Nevada Women's Correctional Facility. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Coffin, Beers, Care, Cegavske, Hardy, Horsford, Lee, Mathews, Nolan, Rhoads, Schneider, Titus, Wiener and Woodhouse. 453, 454, 3071, 3157, 3209*, 3854.

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331.... Makes various changes concerning research and other activities concerning solid waste. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Coffin. 5979, 5981, 6372, 6514, 6518*, 7075.

336.... Makes supplemental appropriations to the State Department of Conservation and Natural Resources. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 2890, 2891, 2901, 2928, 2969, 3008, 3057, 3131, 3182*, 3854.

337.... Makes a supplemental appropriation to the Division of Mental Health and Developmental Services of the Department of Health and Human Services for the Family Preservation Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 2848, 2853, 3011, 3088, 3182*, 3854.

338.... Makes a supplemental appropriation to the Aging Services Division of the Department of Health and Human Services for relocation expenses. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 2882, 2884, 3011, 3088, 3182*, 3854.

339.... Makes supplemental appropriations to the Department of Cultural Affairs for anticipated budgetary shortfalls for Fiscal Year 2006-2007. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 2890, 2891, 3011, 3441, 3778, 3854, 4067, 4287*, 5643.

340.... Makes a supplemental appropriation to the Department of Taxation for outstanding Fiscal Year 2005-2006 information technology costs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 2890, 2891, 3011, 3441, 3735, 3778, 3854, 4067, 4287*, 5643.

341.... Makes supplemental appropriations to the Office of the Attorney General. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 5979, 5981, 6372, 6516, 6518*, 7075.

342.... Makes a supplemental appropriation to the High Level Nuclear Waste Project Office to fund nuclear waste litigation. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 539, 542, 6082, 6152*, 6370.

345.... Makes an appropriation to the Office of the Attorney General to replenish the balance in the tort claim fund. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 2890, 2891, 3155, 3213, 3736, 3778, 3854, 4067, 4287, 4288*, 5643.

346.... Makes an appropriation to the Office of the Director of the Department of Health and Human Services to fund a working group to study the methamphetamine problem in Nevada for the current fiscal year. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 3155, 3156, 4519, 4521*, 5975.

352.... Makes various changes relating to the Southern Nevada Enterprise Community. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Horsford. 2698, 2702, 2916, 2961, 3008, 3042, 3187, 3736, 3854, 3958*, 5842, 5974, 6084, 6267, 6289, 6296, 7493.

354.... Makes various changes to provisions relating to the safety of children. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Horsford and Assemblywoman Kirkpatrick. 2848, 2853, 3691, 3693, 3706, 3854, 3953, 4067, 4228, 4229, 4472*, 6084, 6297, 6521, 7081, 7086, 7100.

356.... Revises provisions relating to the protection of children from abuse and neglect. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Horsford and Assemblywoman Kirkpatrick. 2698, 2702, 3185, 3356, 3736, 3854, 3958*, 5643.

357.... Revises provisions relating to student loans administered by the Western Interstate Commission for Higher Education for students enrolled in certain educational programs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Wiener. 2698, 2702, 2932, 2982, 3057, 3131, 3182*, 3854.

359.... Revises provisions governing claims made under policies of insurance for motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Schneider. 2698, 2702.

361.... Authorizes the Nevada Institutional Review Board to engage in various activities related to nonembryonic stem cells. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Schneider. 1284, 1286.

365.... Requires the continuation of the VHF Highband Radio Project. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Beers. 2917, 2918, 7320, 7321.

366.... Limits the authority of the Department of Wildlife over Australian red claw crayfish raised for sale as food for human consumption. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Beers. 2848, 2853, 3155, 3213, 3736, 3778, 3854, 4067, 4228.

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367.... Makes various changes concerning administrative regulations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Wiener. 2698, 2702, 2900, 2928, 2969, 3008, 3057, 3131, 3183, 3209, 3211, 3736, 3854, 3958*, 5071.

369.... Revises provisions concerning the recording of certain documents. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Townsend. 1452, 1454, 2900, 2928, 2969, 3008, 3057, 3131, 3183, 3210*, 3854.

374.... Makes certain changes concerning tax increment areas. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hardy. 2848, 2853, 3857, 3906, 4092, 4228, 4466, 4467*, 5842, 5975.

375.... Revises provisions governing certain unclaimed property held by a county treasurer. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hardy. 2698, 2702.

377.... Enacts provisions relating to early intervention services for infants and toddlers with disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hardy. 2848, 2853.

378.... Limits the liability of certain nonprofit organizations and their agents, employees and volunteers under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hardy and Lee. 903, 905.

380.... Makes various changes concerning certain defendants who are found to be incompetent. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Judiciary. 6331, 6333, 6373, 6517*, 7493.

381.... Authorizes the Chairman of the State Gaming Control Board to allow abatements of certain license fees paid by certain gaming licensees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Judiciary. 5979, 5981.

384.... Clarifies that certain relationships between persons with disabilities and training or rehabilitation centers do not constitute employment for the purposes of provisions governing the minimum wage. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Cegavske, Beers, Raggio, Titus, Heck, Amodei, Care, Coffin, Hardy, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Townsend, Washington, Wiener and Woodhouse. 418, 419, 2932, 2982, 3057, 3131, 3183, 3210*, 3854.

387.... Revises various provisions governing public works and the State Public Works Board. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Raggio, Townsend, Cegavske, Heck, Beers, Amodei, Coffin, Hardy, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Titus, Washington, Wiener and Woodhouse. 6879, 7081, 7083*.

389.... Makes various changes to provisions relating to public safety. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Nolan. 1284, 1286, 2933, 2982, 3057, 3131, 3183, 3210*, 3854.

391.... Revises provisions governing the participation of Legislators in the Public Employees' Benefits Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Nolan. 440, 445, 3010, 3088, 3183, 3210.

393.... Makes various changes concerning transportation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Nolan. 3985, 3986, 6082, 6152, 6159, 7403, 7409*.

394.... Makes changes relating to certain traffic violations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Nolan. 2848, 2853, 3857, 3914, 4092, 4228, 4470, 4516*, 5979, 6079.

396.... Revises provisions relating to subsurface installations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Human Resources and Education. 764, 771, 2980, 3039, 3131, 3183, 3210*, 4073, 4517.

398.... Provides for a pilot program to study English immersion and English language learner programs in certain public schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Cegavske, Beers, Heck, Washington, Townsend, Amodei, Care, Hardy and McGinness. 707, 708, 3185, 3362, 3736, 3854, 3953, 4067, 4289*, 5842, 5975.

399.... Requires the Division of Child and Family Services of the Department of Health and Human Services to coordinate with and assist certain organizations in recruiting and training providers of family foster care and each agency which provides child welfare services in recruiting, training and licensing providers of family foster care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Cegavske, Heck, Townsend, Beers, Hardy, Horsford, Nolan, Raggio, Titus and Washington. 2698, 2702, 2933, 2982, 3057, 3131, 3183, 3211*, 3854.

400.... Establishes the Program of School Choice for Children in Foster Care. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Cegavske, Beers, Hardy and Washington. 2934, 2941, 3070, 3157, 3211, 3736, 3854, 3958, 4067, 4228, 4466*, 5643.

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401.... Requiring the Secretary of State to report certain information concerning elections to the Legislature. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Horsford, Titus, Care, Coffin, Woodhouse; Assemblymen Segerblom, Atkinson, Leslie and Bobzien. 2848, 2854, 2889, 2908, 2929, 2969, 3008, 3057, 3131, 3183, 3187, 4030, 4067, 4088, 4227, 4471, 4472*, 5979, 6519.

403.... Revises provisions relating to group health insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Washington. 2698, 2703, 3010, 3088, 3183, 3211, 3736, 3778, 3854, 4067, 4227, 4465, 4515*, 5842, 5975.

404.... Revises provisions governing homeschooled children. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Washington. 3071, 3072, 6082, 6159, 6175, 6176*, 6305, 6334, 6711, 7083, 7164, 7178.

405.... Revises provisions governing the appropriation of water. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Amodei. 2699, 2703.

409.... Revises provisions governing insurance coverage for a vaccine to protect against cervical cancer and screenings for prostate cancer. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Titus, Wiener, Carlton, Coffin, Horsford, Lee, Mathews, Nolan, Raggio, Rhoads, Schneider, Townsend, Woodhouse; Assemblywomen Allen, Parnell, Buckley, Smith, Gerhardt, Gansert, Kirkpatrick, Koivisto, Leslie and Pierce. 1452, 1454, 3739, 3749, 4067, 4106*, 5842, 5975.

410.... Provides for the licensure and regulation of computer forensics examiners. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Carlton. 1452, 1454.

412.... Makes various changes regarding health care. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Heck, Townsend, Hardy, Beers, Cegavske, Washington; Assemblymen Hardy, Gansert and Mabey. 2848, 2854, 4106, 4113, 4227, 4432*, 4433, 5980, 6040, 6266, 6711, 7338, 7394.

415.... Provides that certain alien students are not eligible to receive certain types of financial assistance through the Nevada System of Higher Education and revises provisions governing eligibility for a millennium scholarship. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Heck, Townsend, Hardy, Cegavske, Beers, Washington; Assemblymen Hardy, Cobb, Gansert and Mabey. 2848, 2854.

417.... Enacts provisions to facilitate the construction, installation and maintenance of benches, shelters and transit stops for passengers of public mass transportation in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Lee. 2848, 2854, 2901, 2928, 2969, 3008, 3057, 3131, 3183, 3211, 3736, 3854, 4067, 4106*, 5643.

419.... Revises provisions relating to certain county clerks. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Lee. 707, 708, 3010, 3090, 3183, 3211, 3736, 3854, 4067, 4180*, 5643.

420.... Makes various changes to provisions relating to property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Lee. 1284, 1286, 3071, 3157, 3211, 3736, 3854, 4067, 4180, 4181*, 5643.

422.... Requires the establishment of a registry of greenhouse gas emissions and an inventory of greenhouse gases released in this State. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Titus. 3985, 3986, 6064, 6066, 6079*, 6521, 7493.

425.... Makes various changes relating to campaign practices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Titus, Wiener, Horsford, Care, Coffin, Lee, Schneider and Woodhouse. 2698, 2703, 3690, 3707, 3854, 4067, 4181*, 5979, 6079.

430.... Authorizes the Director of the Legislative Counsel Bureau to include the sale of souvenir wine in the Legislative Gift Shop. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Schneider. 2698, 2703, 2932, 2983, 3057, 3131, 3183, 3211, 3736, 3854, 4067, 4181*, 5643.

432.... Directs the Legislative Commission to provide for a study concerning alternative and complementary integrative medicine, homeopathic medicine and nonembryonic stem cells and eliminates the Nevada Institutional Review Board. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Schneider. 2848, 2854, 3519, 3644, 3854, 4067, 4181*, 5842, 5844, 6084, 6866, 6867, 6871.

433.... Requires a developer of private land to ensure that the land is enclosed by a legal fence under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Natural Resources. 453, 454.

434.... Revises provisions governing off-highway vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Natural Resources. 7081.

435.... Authorizes the appointment of masters in justice court under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Judiciary. 440, 446.

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436.... Makes various changes to the provisions governing common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Commerce and Labor. 2848, 2854, 3691, 3706, 4030, 4038, 4092, 4228, 4242, 4404, 4433, 4434*, 5980, 6231, 6305.

437.... Revises provisions concerning economic and energy development. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Commerce and Labor. 5979, 5981, 6878, 6883, 6972, 7082*, 7487.

438.... Authorizes a board of county commissioners to contract with a private entity for the detention of prisoners. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Government Affairs. 2699, 2703.

443.... Makes various appropriations. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 6711, 6726, 7179, 7187, 7188*, 7487.

444.... Makes a supplemental appropriation to the Office of the Governor for dues for the National Governors Association and other costs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 707, 708, 3011, 6373, 6517*, 7493.

447.... Makes various changes to the Charter of Carson City. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Government Affairs. 1452, 1454, 3155, 3213, 3736, 3854, 4067, 4181*, 5643.

448.... Revises provisions governing certain appeals to the Nevada Tax Commission. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Government Affairs. 2848, 2854.

450.... Makes various changes to provisions relating to the regulation of oversized and overweight vehicles. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Transportation and Homeland Security. 2699, 2703, 3739, 3769, 4067, 4182*, 5979, 6079.

451.... Requires the preparation and filing of certain reports by certain charitable organizations in connection with certain special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Transportation and Homeland Security. 1452, 1454, 3186, 3363, 3736, 3854, 4067, 4182*, 5643.

452.... Makes various changes to provisions governing the regulation of motor vehicle manufacturers, dealers, distributors, brokers, rebuilders and lessors. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Transportation and Homeland Security. 2848, 2854, 3786, 3805, 4067, 4182, 4404*, 5979, 6079.

453.... Revises the provisions relating to problem gambling. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Finance. 2917, 2918, 3740, 3759, 4067, 4204*, 4205, 5643.

454.... Revises the dates upon which certain uncommitted funds from prior appropriations must be reverted. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Finance. 2698, 2703, 7081, 7083*.

455.... Revises provisions governing the issuance of revenue bonds and other obligations by the Nevada System of Higher Education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Finance. 3155, 3156, 6373, 6518*, 7493.

456.... Extends the reversion date of a previous appropriation to the Department of Administration for the digital microwave project. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Finance. 764, 771, 2933, 2983, 3057, 3131, 3183, 3211, 3736, 3854, 4067, 4205*, 5643.

457.... Provides for the creation, administration and investment of a trust fund for the management of certain retirement benefits provided by a local government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Finance. 1452, 1454, 3071, 3158, 3211, 3736, 3854, 4067, 4205*, 5643.

458.... Makes appropriations to the Department of Health and Human Services for computer replacement. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 3155, 3156, 6333, 6339*, 7493.

461.... Makes an appropriation to the Legislative Fund for various projects of the Legislature and the Legislative Counsel Bureau. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 5979, 5981, 6333, 6339, 6340*, 7493.

462.... Makes an appropriation to the Office of Veterans' Services for the Veterans' Home Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 6083, 6085, 6265, 6269*, 6871.

463.... Makes an appropriation to the Department of Taxation for continued development and implementation of the Unified Tax System. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 2934, 2941, 3011, 6265, 6269*, 6871.

464.... Makes an appropriation to the Disaster Relief Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 5979, 5981, 6333, 6340*, 7493.

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466.... Makes appropriations to restore the balance in the Contingency Fund. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 6711, 6726, 6878, 6973*.

467.... Makes an appropriation to the Office of the Attorney General for data storage equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 5841, 5843, 6265, 6269*, 6871.

468.... Makes a supplemental appropriation to the Office of Veterans' Services for unanticipated shortfalls in Fiscal Year 2006-2007 for utility costs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Finance. 5979, 5981, 6265, 6269, 6270*, 6871.

469.... Increases the amount of the annual transfer of money from the Abandoned Property Trust Fund to the Millennium Scholarship Trust Fund. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Finance. 5841, 5843.

470.... Extends the reversion date of an appropriation made during the 73rd Session of the Nevada Legislature to the Interim Finance Committee for allocation to the Department of Business and Industry. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Finance. 764, 772, 2933, 2983, 3057, 3131, 3183, 3211, 3736, 3778, 3854, 4067, 4288*, 5643.

471.... Makes various changes to provisions related to sex offenders, offenders convicted of a crime against a child and other criminal offenders. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Judiciary and Finance. 6372, 6373, 7269, 7293, 7294*, 7487.

473.... Makes various changes concerning the practice of interpreting and the practice of realtime captioning. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Commerce and Labor. 2699, 2703, 2882, 2894, 2911*, 2978.

474.... Limits the liability of a public agency that pays for the services of a personal assistant for a person with a disability. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Commerce and Labor. 903, 905.

476.... Makes various changes concerning business practices. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Commerce and Labor. 5979, 5982, 6878, 6973, 6994, 7224, 7225*, 7487.

477.... Makes various changes relating to the licensing and regulation of time-share sales agents. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Commerce and Labor. 2698, 2703, 4067, 4073, 4403, 4404*, 5643.

481.... Revises requirements for the issuance of special license plates for motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Transportation and Homeland Security. 539, 542, 3186, 3363, 3736, 3854, 4067, 4205*, 5643.

483.... Makes various changes to provisions relating to business. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Judiciary. 2848, 2854, 3186, 3363, 3736, 3854, 3953, 4067, 4289, 4405, 4420, 4421*, 5842, 5985, 6305, 7069.

486.... Makes various changes concerning the ownership of brands for livestock. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Natural Resources. 1284, 1286, 2933, 2983, 3057, 3131, 3183, 3211, 3736, 3854, 4067, 4206*, 5643.

487.... Revises provisions relating to water resources in certain counties. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Natural Resources. 2848, 2854, 3857, 3921, 4206*, 5980, 6063, 6267, 7269, 7294, 7318.

489.... Prohibits threatening or intimidating persons who are gathering signatures on petitions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Legislative Operations and Elections. 2848, 2855.

490.... Revises various provisions governing bills and resolutions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Legislative Operations and Elections. 539, 543, 4519, 4521, 5074, 6305, 6330*, 6521, 6608, 7438, 7439.

491.... Establishes the preferred manner of referring to persons with disabilities in Nevada Revised Statutes and the Nevada Administrative Code. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Legislative Operations and Elections. 2698, 2703, 2932, 2983, 3057, 3131, 3183, 3211, 3736, 3854, 4067, 4206*, 4207, 5643.

495.... Makes various changes relating to ethics in government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Legislative Operations and Elections. 2848, 2855, 3070, 3158, 3211, 3736, 3854, 4067, 4207*, 5643.

496.... Makes various changes to provisions governing the State Board of Pardons Commissioners and the State Board of Parole Commissioners. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Government Affairs. 903, 905, 906.

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497.... Revises provisions relating to certain public facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Government Affairs. 1452, 1454, 3857, 3925, 4219*, 5842, 5975.

498.... Revises the authority of certain water and improvement districts to borrow money and incur indebtedness. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Government Affairs. 453, 455, 3857, 3926, 4219*, 6266, 6370.

499.... Revises provisions governing the approval of certain plans, designs and specifications for school buildings. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Government Affairs. 3858, 6079, 6086, 6172*, 6521, 7493.

500.... Authorizes contracts between legal services organizations and local governmental agencies for the provision of insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Government Affairs. 1284, 1287, 3070, 3158, 3211, 3736, 3854, 4067, 4219*, 5643.

501.... Makes various changes to provisions relating to taxation and nonprofit entities that provide emergency medical services. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Taxation. 5979, 5982.

502.... Revises various provisions governing sales and use taxes to ensure continued compliance with the Streamlined Sales and Use Tax Agreement and repeals certain obsolete provisions for the administration of those taxes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Taxation. 2848, 2855, 3186, 3405, 3736, 3854, 4067, 4219, 4220*, 5842, 5975.

503.... Revises provisions governing fees and taxes administered by the Department of Taxation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Taxation. 2698, 2704, 3186, 3427, 3736, 3854, 4067, 4220*, 5643.

504.... Revises provisions governing the rate of interest paid on overpayments of certain taxes, fees and assessments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Taxation. 1284, 1287, 2933, 2983, 3057, 3131, 3183, 3211, 3736, 3854, 4067, 4220*, 5643.

508.... Creates the Office of Information Security within the Department of Information Technology. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Government Affairs. 903, 906, 3070, 3158, 3211, 3736, 3854, 4067, 4220, 4221*, 5643.

509.... Makes various changes to provisions relating to state financial administration, the acquisition of property and the construction of public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Government Affairs. 2848, 2855, 3857, 3934, 4221*, 4405, 4471*, 6084, 6178, 6305.

510.... Imposes certain requirements relating to certain measures that limit the number of residential or nonresidential units that may be constructed in a city or county. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Government Affairs. 4435.

511.... Makes various changes relating to state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Government Affairs. 2848, 2855, 2900, 2928, 2969, 3008, 3057, 3131, 3183, 3211, 3736, 3854, 4067, 4221, 4222*, 5643.

515.... Provides a declaration of legislative intent regarding the use of certain lease-purchase and installment-purchase agreements. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Government Affairs. 707, 708, 3010, 3090, 3183, 3211, 3736, 3854, 4067, 4222*, 5643.

516.... Revises provisions governing the compensation and reimbursement of certain elected county officers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Government Affairs. 2848, 2855, 3857, 3948, 4092, 4228, 4452, 4460, 4516, 4517*, 5842, 6296, 6372, 7330, 7331, 7337.

517.... Requires that certain payments to the State of Nevada be made electronically. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Government Affairs. 1452, 1454, 3740, 3759, 4182, 5645, 5647, 5658*, 6084, 7069, 7438, 7439.

518.... Revises provisions governing work programs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Government Affairs. 453, 455, 3155, 3213, 3736, 3854, 4067, 4222*, 5643.

519.... Makes various changes relating to abandoned property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Government Affairs. 1284, 1287, 2900, 2928, 2969, 3008, 3057, 3131, 3183, 3211, 3736, 3854, 4067, 4222*, 5643.

520.... Requires the approval of certain changes in the scope of installment-purchase and lease-purchase agreements. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Government Affairs. 707, 708, 3155, 3213, 3736, 3854, 4067, 4222*, 5643.

529.... Revises certain provisions relating to Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Human Resources and Education. 2698, 2704, 3984, 4000, 4223*, 5842, 5857, 6084, 7081, 7108.

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533.... Makes various changes relating to county hospitals. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Human Resources and Education. 2698, 2704, 3185, 3427, 3736, 3854, 3953, 4067, 4228, 4465, 4466*.

534.... Revises provisions governing the jurisdiction of school police officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Human Resources and Education. 707, 708, 3010, 3090, 3183, 3211, 3736, 3854, 4067, 4223*, 5643.

535.... Revises provisions governing certain educational programs for pupils in public schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Human Resources and Education. 2698, 2704, 3070, 3158, 3211, 3736, 3854, 3953, 4067, 4289*, 5842, 5975.

536.... Makes various changes governing the privacy of certain health information. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Human Resources and Education. 2698, 2704, 3185, 3427, 3736, 3854, 3953, 4067, 4228, 4466*, 5980, 5985, 6267, 6608, 6618.

540.... Revises provisions governing the system of public education in this State. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Legislative Operations and Elections. 7330, 7338.

541.... Makes various changes concerning the policies and procedures of the Task Force for the Fund for a Healthy Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Human Resources and Education. 903, 906.

542.... Revises provisions governing exemptions from execution by creditors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Judiciary. 764, 772, 3519, 3648, 3854, 4067, 4205, 4228, 4275, 4404, 4433, 4434*, 6331.

544.... Makes various changes relating to the Public Employees' Benefits Program. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Government Affairs. 6083, 6086, 6333, 6340*, 7493.

547.... Makes various changes regarding the management of the Public Employees' Benefits Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Legislative Operations and Elections. 6266, 6267, 6521, 6707*, 6708, 7163.

548.... Revises various provisions relating to public offices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Legislative Operations and Elections. 2848, 2855, 3690, 3715, 3854, 4067, 4223*, 5979, 6079.

549.... Makes various changes to provisions governing certain petitions. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Legislative Operations and Elections. 2848, 2855, 3010, 3090, 3183, 3211, 3736, 3854, 4067, 4223*, 5979, 6079.

554.... Revises provisions governing electronic payments and payments for expedited services received by certain state agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Government Affairs. 453, 455.

555.... Makes appropriations to the Department of Public Safety. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 5979, 5982, 6265, 6270*, 6871.

556.... Makes various changes concerning the judicial system. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Finance. 765, 7081, 7082, 7188, 7208*.

557.... Extends the reversion date of an appropriation made in the 22nd Special Session to the Advisory Council on the State Program for Fitness and Wellness. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Finance. 2882, 2884, 3740, 3759, 4067, 4223, 4224*, 5643.

559.... Makes an appropriation to the Legislative Fund for the costs of the 74th Legislative Session. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 2890, 2891, 2933, 2983, 3042*, 3043, 3183.

562.... Transfers money from the Fund for the Promotion of Tourism to the Western Folklife Center for the National Cowboy Poetry Gathering and to the Atomic Testing Museum. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Finance. 6331, 6334, 7081, 7083*.

567.... Suspends all state action relating to tax exemptions applicable to energy efficient buildings. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Commerce and Labor. 2890, 2891, 2892, 2896, 2897*, 2929.

570.... Makes an appropriation to the Office of the Director of the Department of Health and Human Services to fund a working group to study the methamphetamine problem in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 3985, 3986, 6333, 6340*, 7493.

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571.... Makes a contingent appropriation to the Interim Finance Committee for a portion of the costs of constructing a courthouse in White Pine County. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Finance. 5979, 5982.

572.... Extends the reversion date of a transfer of room tax proceeds required by the previous legislative session for the restoration and preservation of the exterior of the Lear Theater. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Finance. 4519, 4521, 7320.

573.... Makes various changes concerning precinct meetings of major political parties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Raggio, Titus; Assemblymen Buckley, Mabey and Oceguera. 3520, 6083, 6086, 6265, 6270*, 6871.

575.... Increases salaries of certain state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Senate Finance and Assembly Committee on Ways and Means. 6711, 6726, 6878, 6994*.

576.... Authorizes expenditures by agencies of the State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Senate Finance and Assembly Committee on Ways and Means. 6711, 6726, 6878, 6994*, 6995.

577.... Makes corrections to certain legislative measures. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Judiciary. 7083, 7086, 7178*, 7179.

578.... Authorizes and provides funding for certain projects of capital improvement. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Senate Finance and Assembly Committee on Ways and Means. 7075, 7076, 7081, 7083*.

579.... Makes various changes concerning financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Finance. 7330, 7338, 7410*.

LISTING OF SENATE RESOLUTIONS AND ACTION THEREON

(Where a roll call vote was taken on final passage, such action is denoted by an asterisk following the page number.)

SENATE JOINT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1.... Proposes to amend the Nevada Constitution to remove requirements concerning affidavits that must be affixed to referendum petitions and initiative petitions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Legislative Operations and Elections. 233, 240, 377, 404, 415, 449*, 704, 4030.

2.... Proposes to amend the Nevada Constitution to revise provisions relating to the selection of justices and judges. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Raggio, Hardy, Care, Coffin, Carlton, Amodei, Mathews, Nolan, Titus and Townsend. 1146, 3520, 4072, 4074, 4433*, 5979, 6079.

3.... Proposes to amend the Nevada Constitution to revise certain provisions relating to elections. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Rhoads, Amodei and McGinness. 2848, 2850, 3984, 4025, 4224*, 5979, 6079.

4.... Proposes to amend the Nevada Constitution to require the Legislature to provide for the organization and duties of the Board of Regents and the appointment of its members by the Governor. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Raggio, Townsend and Nolan. 1284, 3519, 3659, 3854, 4067, 4224*, 5643.

6.... Urges Congress to reauthorize the State Children's Health Insurance Program to assure federal funding for the Nevada Check Up program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Horsford and Assemblyman Hardy. 539, 543, 2900, 2928, 2969, 3008, 3057, 3131, 3183, 3211, 3736, 3854, 4067, 4224*, 5643.

8.... Urges the President of the United States to make additional offshore areas available for energy development. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Natural Resources. 539, 543.

9.... Proposes to amend the Nevada Constitution to allow the Legislature to establish an intermediate appellate court. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Judiciary. 764, 772, 2869, 2885, 2897, 2911*, 2978.

10.... Expresses support for the designation of trails for off-highway vehicles by certain federal agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Natural Resources. 2698, 2704, 2889, 2908, 2929, 2969, 3008, 3057, 3131, 3183, 3211, 3736, 3854, 4067, 4224*, 4225, 5643.

11.... Encourages certain activities relating to the use of biomass in the production of energy in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Natural Resources. 903, 904, 2889, 2908, 2929, 2969, 3008, 3057, 3131, 3183, 3211, 3736, 3854, 4067, 4225*, 5643.

12.... Expresses disapproval of recent civil actions filed against local ranchers and the Bureau of Land Management in the management of public rangelands and the issuance of grazing permits for those public rangelands. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Natural Resources. 903, 904, 2933, 2983, 3057, 3131, 3183, 3211, 3736, 3854, 4067, 4225*, 5643.

13.... Urges Congress to provide additional appropriations for the prevention and suppression of wildfires and the rehabilitation of public rangelands in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Natural Resources. 903, 904, 2889, 2908, 2929, 2969, 3008, 3057, 3131, 3183, 3211, 3736, 3854, 4067, 4225*, 5643.

14.... Urges Congress to lower the age of eligibility for Medicare coverage. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Human Resources and Education. 903, 904, 2859, 2879, 2887, 2894.

15.... Urges the President and Congress to continue to support the participation of the Republic of China on Taiwan in the World Health Organization. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Legislative Operations and Elections. 1284, 1285, 2932, 2983, 3057, 3131, 3183, 3211, 3736, 3854, 4067, 4225*, 5643.

16.... Urges the President and Congress to support a free trade agreement between the Republic of China on Taiwan and the United States. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Legislative Operations and Elections. 1284, 1285, 2932, 2983, 3057, 3131, 3183, 3211, 3736, 3854, 4067, 4225, 4226*, 5643.

No. *Summary, Introducer and Page Reference*

17.... Urges Congress to enact the Resident Physician Shortage Reduction Act of 2007. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Legislative Operations and Elections. 903, 904, 2900, 2928, 2969, 3008, 3057, 3131, 3183, 3211, 3736, 3854, 4067, 4226*, 5643.

18.... Urges Congress to support a proposed off-highway vehicle park in Clark County. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Government Affairs. 903, 904, 3186, 3437, 3736, 3854, 4067, 4226*, 5979, 6079.

SENATE CONCURRENT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1.... Recognizes February 6, 2007, as Ronald Reagan Day. Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, Woodhouse; Assemblymen Mabey, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 75, 98.

2.... Recognizes February as American Heart Month and advocates support for Go Red for Women Day in Nevada. Senators Wiener, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Woodhouse; Assemblymen Leslie, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 93, 104.

3.... Expresses support for the Tahoe Science Consortium. Natural Resources. 411, 2933, 2981, 3153.

5.... Memorializes native Nevadan and longtime patriarch of the Comstock, Donald G. McBride. Senators Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, Woodhouse; Assemblymen Grady, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 119, 155.

6.... Designates February 21, 2007, as E Clampus Vitus Day at the Nevada Legislature. Senators Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener; Assemblymen Grady, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Gansert, Goedhart, Goicoechea, Hardy, Hogan, Horne, Kihuen, Mabey, Manendo, Marvel, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Segerblom, Settelmeyer, Smith and Womack. 143, 183.

7.... Commends Dr. Emil Frei III for his advancements in the practice of medicine and the treatment of cancer. Senators Cegavske, Amodei, Beers, Care, Carlton, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, Woodhouse; Assemblymen Mabey, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 196, 230.

9.... Urges the public schools and school districts to preserve and strive to expand the amount of time allocated for physical activity. Senators Wiener, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Woodhouse; Assemblymen Parnell, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 217, 251.

11.... Urges cooperation among the State Engineer and certain local governments, water authorities and districts concerning issues relating to water resources in this State. Natural Resources. 440, 446, 2889, 2908, 2978.

No. *Summary, Introducer and Page Reference*

12.... Memorializes Karla Joann McComb, educator, civic leader and advocate for youth and the disabled. Senators Titus, Cegavske, Amodei, Beers, Care, Carlton, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Townsend, Washington, Wiener, Woodhouse; Assemblymen Parks, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 289, 365.

13.... Commemorates the 100th anniversary of United Parcel Service of America, Inc., and recognizes the contributions of the company to the residents of Nevada. Senators Nolan, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, Woodhouse; Assemblymen Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 289, 365.

16.... Memorializes respected horticulturist and longtime Las Vegas resident Aggie Roberts. Senators Woodhouse, Care, Amodei, Beers, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener; Assemblymen Ohrenschall, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 352, 415.

17.... Urges the Governor to dedicate the new Department of Motor Vehicles building in North Las Vegas in honor of former Speaker of the Assembly Paul W. May, Jr. Lee. 3156, 5645, 6079.

18.... Expresses support for vocational rehabilitation programs and services in this State. Human Resources and Education. 539, 543, 2698, 2704, 2980, 3012, 3071, 3690, 3854.

19.... Recognizes Participatory Democracy Day. Senators Wiener, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Woodhouse; Assemblymen Parnell, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 425, 426, 449.

20.... Commends Father Jerry Hanley in honor of his retirement after 30 years of service with the St. Teresa of Avila Catholic Community in Carson City. Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, Woodhouse; Assemblymen Parnell, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 426, 449.

21.... Memorializes former Assemblyman James E. Wood. Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, Woodhouse; Assemblymen Gansert, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 441, 704.

23.... Memorializes Las Vegas entrepreneur and philanthropist Jelindo Angelo Tiberti. Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, Woodhouse; Assemblymen Mabey, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 2856, 2887.

No. *Summary, Introducer and Page Reference*

24.... Memorializes business and civic leader James Cashman Jr. Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, Woodhouse; Assemblymen Marvel, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 2856, 2887.

25.... Memorializes former district judge Paul C. Parraguirre. Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, Woodhouse; Assemblymen Marvel, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 2862, 2887.

26.... Designates May 2, 2007, as American Culinary Federation High Sierra Chefs Day in Nevada. Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, Woodhouse; Assemblymen Gansert, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 2890, 2929.

27.... Encourages development of a coordinated collaboration among agencies that provide nutrition education. Senators Wiener, Cegavske, Amodei, Beers, Care, Carlton, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Woodhouse; Assemblymen Atkinson, Mabey, Allen, Anderson, Arberry, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 2890, 2929.

28.... Memorializes prominent Filipino-American, public servant and community volunteer Peter Aduja. Senators Horsford, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, Woodhouse; Assemblymen Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 2909, 2978.

29.... Recognizes Matthew Cummings as the 2006 Children's Miracle Network Miracle Child for Nevada. Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, Woodhouse; Assemblymen Gansert, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 2909, 2978.

31.... Memorializes JohnD Nevers Winters. Senators Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, Woodhouse; Assemblymen Grady, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 2927, 2978.

No. *Summary, Introducer and Page Reference*

32.... Recognizes the value and importance of music and other arts education programs in the public schools. Senators Cegavske, Amodei, Beers, Care, Carlton, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, Woodhouse; Assemblymen Munford, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 2934, 2939, 3068.

33.... Congratulates Tad Dunbar on his long and illustrious broadcasting career and for his public service. Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, Woodhouse; Assemblymen Gansert, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 2934, 2939, 3068.

34.... Memorializes former Assemblyman Vincent Lovell Triggs. Senators Cegavske, Amodei, Beers, Care, Carlton, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, Woodhouse; Assemblymen Arberry, Allen, Anderson, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 2934, 2939, 3068.

35.... Honors John Snyder upon his selection for induction into The National Teachers Hall of Fame. Senators Horsford, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, Woodhouse; Assemblymen Parnell, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 2934, 2939, 3068.

36.... Commends the Division of Forestry of the State Department of Conservation and Natural Resources for its distinguished 50-year history of service. Senators Rhoads, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Schneider, Titus, Townsend, Washington, Wiener, Woodhouse; Assemblymen Claborn, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 2934, 2939, 3068.

37.... Designates June as Hemophilia Awareness Month. Senators Cegavske, Amodei, Beers, Care, Carlton, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, Woodhouse; Assemblymen Mabey, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 2934, 2939, 3068.

38.... Congratulates the University of Nevada, Reno, men's basketball team on an outstanding season. Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, Woodhouse; Assemblymen Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 2934, 2939, 3068.

No. *Summary, Introducer and Page Reference*

39.... Urges support of the American Stroke Association's "Power to End Stroke" campaign. Senators Washington, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Wiener, Woodhouse; Assemblymen Atkinson, Allen, Anderson, Arberry, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 2934, 2940, 3068.

44.... Recognizes December 1, 2007, as World AIDS Day. Senators Horsford, Washington, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Wiener, Woodhouse; Assemblymen Parks, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 3128, 3737.

46.... Honors Richard J. Morgan on his retirement as the Dean of the William S. Boyd School of Law. Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, Woodhouse; Assemblymen Buckley, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack. 3686, 3688, 3689, 4070.

48.... Encourages automobile manufacturers to make certain information and tools available to independent garages for the repair of motor vehicles. Hardy. 6521.

49.... Provides for compensation of the clergy and the coordinator of the clergy for services rendered to the Senate and the Assembly. Legislative Operations and Elections. 7081.

ELECTED OFFICERS OF THE NEVADA STATE ASSEMBLY

Seventy-Fourth Session, 2007

Title	*Name*	*Mailing Address*
Speaker	Barbara E. Buckley	5442 Holbrook Drive, Las Vegas 89103-2439
Speaker pro Tempore	Bernie Anderson	747 Glen Meadow Drive, Sparks 89434-1536
Chief Clerk	Susan Furlong Reil	401 South Carson Street, Carson City 89701-4747

PERSONNEL OF THE NEVADA STATE ASSEMBLY

Seventy-Fourth Session, 2007

District	*Name and Party*	*Mailing Address*
Carson City (part), Washoe (part), No. 40	Parnell, Bonnie (D)	804 Saratoga Way, Carson City 89703-3656
Clark, No. 1	Kirkpatrick, Marilyn K. (D)	4747 Showdown Drive, North Las Vegas 89031-2133
Clark, No. 2	Mabey, Garn (R)	1404 Silver Oaks Street, Las Vegas 89117-1456
Clark, No. 3	Pierce, Peggy (D)	5304 Gipsy Avenue, Las Vegas 89107-3847
Clark, No. 4	Allen, Francis O.(R)	P. O. Box 34718 Las Vegas 89133-4718,
Clark, No. 5	Weber, Valerie E. (R)	10001 Harpoon Circle, Las Vegas 89117-0931
Clark, No. 6	Munford, Harvey J. (D)	809 Sunny Place, Las Vegas 89106-3637
Clark, No. 7	Arberry, Morse Jr. (D)	5300 W. Spring Mountain Road, #104, Las Vegas 89146-8721
Clark, No. 8	Buckley, Barbara E. (D)	5442 Holbrook Drive, Las Vegas 89103-2439
Clark, No. 9	Segerblom, Tick (D)	704 South 9th Street, Las Vegas 89101-7015
Clark, No. 10	Hogan, Joseph M. (D)	2208 Plaza De La Candela, Las Vegas 89102-4043
Clark, No. 11	Kihuen, Ruben J. (D)	1528 North 22nd Street, No. 3, Las Vegas, 89101-1346
Clark, No. 12	Ohrenschall, James (D)	P. O. Box 97741, Las Vegas, 89193-7741
Clark, No. 13	Christensen, Chad (R)	9101 W. Sahara Avenue, Suite 105, Las Vegas 89117-5799
Clark, No. 14	Koivisto, Ellen M. (D)	1147 Timber Ridge Court, Las Vegas 89110-2545
Clark, No. 15	McClain, Kathy (D)	2457 Swan Lane, Las Vegas 89121-5242
Clark, No. 16	Oceguera, John (D)	7655 Chaumont, Las Vegas 89123-1491
Clark, No. 17	Atkinson, Kelvin (D)	5631 Indian Springs Street, North Las Vegas 89031-5078
Clark, No. 18	Manendo, Mark (D)	4629 Butterfly Circle, Las Vegas 89122-6149
Clark, No. 19	Claborn, Jerry (D)	6617 Network Circle, Las Vegas 89156-7015
Clark, No. 20	Hardy, Joe (R)	P.O. Box 60306, Boulder City 89006-0306
Clark, No. 21	Beers, Bob L. (R)	355 Cavalla Street, Henderson 89074-4952

District	*Name and Party*	*Mailing Address*
Clark, No. 22	Stewart, Lynn D. (R)	2720 Cool Lilac Avenue, Henderson 89052-3836
Clark, No. 23	Womack, RoseMary (D)	565 College Drive, C260, Henderson 89015-7592
Clark, No. 28	Denis, Moises (D)	3204 Osage Avenue, Las Vegas 89101-1838
Clark, No. 29	Gerhardt, Susan I. (D)	2245 North Green Valley Parkway, #512, Henderson 89014-5024
Clark, No. 34	Horne, William C. (D)	2251 North Rampart Blvd., No. 357, Las Vegas 89128-7640
Clark, No. 37	Conklin, Marcus (D)	1600 Palmae Way, Las Vegas 89128-3244
Clark, No. 41	Parks, David R. (D)	P. O. Box 71887, Las Vegas 89170-1887
Clark, No. 42	Mortenson, John H. (Harry) (D)	3930 El Camino Road, Las Vegas 89103-2221
Douglas, Carson City (part), Washoe (part), No. 39	Settelmeyer, James (R)	770 U.S. Highway 395 North, Gardnerville 89410-7813
Elko, Humboldt (part), No. 33	Carpenter, John C. (R)	P. O. Box 190, Elko 89803-0190
Esmeralda, Lincoln, Mineral, Nye, Churchill (Part) No. 36	Goedhart, Edwin A. (R)	P. O. Box 70, Amargosa Valley 89020-0070
Eureka, Pershing, White Pine, Churchill (part), Humboldt (part), Lander (part), Washoe (part) No. 35	Goicoechea, Pete (R)	P. O. Box 97, Eureka 89316-0097
Humboldt (part), Lander (part), Washoe (part), No. 32	Marvel, John (R)	P. O. Box 1270, Battle Mountain 89820-1270
Lyon, Storey, Carson City (part) Churchill (part), No. 38	Grady, Tom (R)	43 Fairway Drive, Yerington 89447-2170
Washoe, No. 24	Bobzien, David P. (D)	1605 Wesley Drive, Reno 89503-2332
Washoe, No. 25	Gansert, Heidi S. (R)	316 California Avenue, #302, Reno 89509-1650
Washoe, No. 26	Cobb, Ty (R).	P. O. Box 34375, Reno 89533-4375
Washoe, No. 27	Leslie, Sheila (D)	825 Humboldt Street, Reno 89509-2009
Washoe, No. 30	Smith, Debbie (D)	3270 Wilma Drive, Sparks 89431-1173
Washoe, No. 31	Anderson, Bernie (D)	747 Glen Meadow Drive, Sparks 89434-1536

ATTACHÉS OF THE NEVADA STATE ASSEMBLY

Seventy-Fourth Session, 2007

Name	Title	City
Lucinda Benjamin	Assistant Chief Clerk	Schurz
Diane Keetch	Assistant Chief Clerk	Carson City
Christie Peters	History Clerk	Carson City
Matthew Baker	Journal Clerk	Carson City
Kathryn Fosnaugh	Document Clerk	Carson City
Jason Hataway	Media Clerk	Carson City
Kyle Wentz	Recording Clerk	Carson City
Terry Sullivan	Sergeant at Arms	Washoe Valley
Robin Bates	Deputy Sergeant at Arms	Gardnerville
Victoria Kieffer	Assistant Sergeant at Arms	Genoa
Sharon Murphy	Assistant Sergeant at Arms	Carson City
Jennifer Osheroff	Assistant Sergeant at Arms	Carson City
Debra Williams	Assistant Sergeant at Arms	Washoe Valley
Kathryn Alden	Chief Clerk's Executive Assistant	Carson City
William Souligny	Supervisor of Clerical Services	Minden
Sylvia Brown	Executive Assistant	Minden
Jasmine Shackley	Minutes Coordinator	Carson City
Barbara Houger	Speaker's Executive Assistant	Carson City
Wendy Kameda	Leadership Attaché	Henderson
Erin Smith	Leadership Attaché	Las Vegas
Betty Phenix	Leadership Receptionist	Minden
Laurel Armbrust	Speaker pro Tempore's Secretary	Gardnerville
Leslie Danihel	Majority Floor Leader's Executive Assistant	Carson City
Nenita Wasserman	Minority Floor Leader's Executive Assistant	Carson City
Tom Mullin	Assistant Majority Floor Leader's Personal Secretary	Reno
Toshiko McIntosh	Assistant Minority Floor Leader's Personal Secretary	Dayton
Bonnie Borda Hoffecker	Majority Whip's Committee Manager/Personal Secretary	Carson City
Joyce Hess	Assistant Majority Whip's Personal Secretary	Virginia City
Alaina Cowley	Assistant Majority Whip's Personal Secretary	Las Vegas
Ashley Smith	Minority Whip's Secretary	Reno
Ann Marie Cutkosky	Minority Whip's Secretary	Gardnerville
Deanna Duncan	Committee Manager/Personal Secretary	Carson City
Marge Griffin	Committee Manager/Personal Secretary	Reno
Millicent Jorgenson	Committee Manager/Personal Secretary	Carson City
Sheila Sease	Committee Manager/Personal Secretary	Carson City
Victoria Thompson	Committee Manager/Personal Secretary	Carson City
Jackie Valley	Committee Manager/Personal Secretary	Carson City
Cynthia Carter	Committee Manager	Carson City
Judy Maddock	Committee Manager	Carson City
Rachel Pilliod	Committee Manager	Reno
Reba Coombs	Ways and Means Committee Manager/Personal Secretary	Carson City
Connie Davis	Lead Ways and Means Committee Secretary	Carson City
Christine Bashaw	Ways and Means Committee Secretary	Gardnerville
Linda Blevins	Ways and Means Committee Secretary	Carson City
Anne Bowen	Ways and Means Committee Secretary	Carson City
Barron Brooks	Ways and Means Committee Secretary	Carson City
Todd Myler	Ways and Means Committee Secretary	Carson City
Carol J. Thomsen	Ways and Means Committee Secretary	Carson City
Patti Adams	Ways and Means Receptionist/Committee Assistant	Mesquite
Terry Horgan	Senior Committee Secretary	Gardnerville
Doreen Avila	Committee Secretary	Carson City
Brooke Bishop	Committee Secretary	Moundhouse
Patricia Blackburn	Committee Secretary	Carson City
Judith Coolbaugh	Committee Secretary	Carson City
Mary Kay Doherty	Committee Secretary	Carson City

Name	*Title*	*City*
Patricia Evans	Committee Secretary	Carson City
Mary Garcia	Committee Secretary	Minden
Christine Henricksen	Committee Secretary	Gardnerville
Kaci Kerfeld	Committee Secretary	Carson City
Danielle Mayabb	Committee Secretary/Proofreader	Reno
Earlene Miller	Committee Secretary	Carson City
Rachelle Myrick	Committee Secretary	Carson City
Janie M. Novi	Committee Secretary	Sparks
Emilie Reafs	Committee Secretary	Carson City
Darlene Rubin	Committee Secretary	Washoe Valley
Kelly Troescher	Committee Secretary	Reno
Christina Van Fosson	Committee Secretary	Minden
Cheryl Williams	Committee Secretary	Fallon
Katrina Zach	Committee Secretary	Carson City
Gillis Colgan	Committee Assistant	Reno
Olivia Lloyd	Committee Assistant	Reno
Trisha Moore	Committee Assistant	Reno
Matthew Mowbray	Committee Assistant	Reno
Mary Bean	Personal Secretary	Carson City
Jennifer Breeden	Personal Secretary	Las Vegas
Nancy Dickson	Personal Secretary	Carson City
Jeff Dreiling	Personal Secretary	Sparks
Curt Easley	Personal Secretary	Henderson
Angela Flores	Personal Secretary	Carson City
Fabby Franco	Personal Secretary	Carson City
Vicky Goodson	Personal Secretary	Carson City
Donna Hancock	Personal Secretary	Carson City
Lisa Her	Personal Secretary	Las Vegas
Patricia Hutson	Personal Secretary	Carson City
Novella Kowallek	Personal Secretary	Reno
Rosanne Kruckenberg	Personal Secretary	Carson City
Jacqueline Lethbridge	Personal Secretary	Gardnerville
Yhvona Martin	Personal Secretary	Carson City
Christopher Mayhew	Personal Secretary	Reno
Carolyn Maynick	Personal Secretary	Carson City
Sara Moffat	Personal Secretary	Reno
Jacqueline Morgan	Personal Secretary	Carson City
Luke Newman	Personal Secretary	Fallon
Sheree Rosevear	Personal Secretary	Silver City
Janet Stokes	Personal Secretary	Carson City
Sally Stoner	Personal Secretary	Carson City
Linda Utt	Personal Secretary	Carson City
Jacob Vela	Personal Secretary	Reno
Harle Glover	Proofreader	Carson City
Sharon McCallen	Proofreader	Carson City
Evelyn Moser	Proofreader	Reno
Kathryn Moser	Proofreader	Reno
Maria Stafford	Proofreader	Gardnerville
Frank Taylor	Proofreader	Carson City
Victoria Windsor	Proofreader	Sparks
Ted Zuend	Proofreader	Carson City
Barry Wynott	Document Management Supervisor	Carson City
Deanna Keirstead	Document Management Clerk	Carson City
June Bennett	Data Information Technician	Carson City
Norm Budden.	Supervisor of Bill Services	Carson City
Mary Carel	Assistant Supervisor of Bill Services	Carson City
Diane Bacus	Bill Services Clerk	Reno
Brandi Colunga	Bill Services Clerk	Carson City
Jack Cooke	Bill Services Clerk	Carson City
John Davis	Bill Services Clerk	Carson City
Mark Day	Bill Services Clerk	Carson City
Gail Eller	Bill Services Clerk	Carson City

Name	*Title*	*City*
Mark Frady	Bill Services Clerk	Carson City
Joyce E. Ghiselli	Bill Services Clerk	Carson City
Don Hataway	Bill Services Clerk	Carson City
Juanita Heston	Bill Services Clerk	Stagecoach
Lois Lahair	Bill Services Clerk	Dayton
Bob Maynick	Bill Services Clerk	Carson City
Reid Meyer	Bill Services Clerk	Carson City
Frank Tetz	Bill Services Clerk	Carson City
Daniel Webster	Bill Services Clerk	Carson City

EXPLANATION OF AMENDMENT LANGUAGE

Seventy-Fourth Session, 2007

EXPANATION: Matter in (1) bold italics is new language in the original bill; (2) bold italic underlining is new language proposed in the amendments; (3) strikethroughs are deleted language from the original bill; (4) double strikethroughs is language proposed to be deleted in a particular amendment; (5) double underlining is deleted language in the original bill that is proposed to be retained in a particular amendment; and (6) bold is newly added transitory language.

Journal

OF THE

ASSEMBLY OF THE STATE OF NEVADA

SEVENTY-FOURTH SESSION

THE FIRST DAY

CARSON CITY (Monday), February 5, 2007

Pursuant to the provisions of the Constitution and Statutes, the Assembly was called to order by Secretary of State Ross Miller at 12:12 p.m.

Prayer by the Chaplain, Deacon Bonnie Polley, Las Vegas, Nevada.

Almighty and ever living God, source of all wisdom and understanding, we give You thanks and praise for Your presence among us at the opening of the 74th Legislature of the State of Nevada.

We commend this state to Your merciful care, that, being guided by Your Providence, we may dwell secure in Your peace. Grant to our governor, and to all in authority, wisdom and strength to know and to do Your will. Fill them with the love of truth and righteousness and make them ever mindful of their calling to serve the people.

We beseech You, O Lord, to guide and bless our Senators and those in the Assembly, that they may enact such laws as shall please You; give each of them courage, wisdom, and foresight to provide for the needs of all our people and to fulfill our obligations in all of our communities.

We commend to Your gracious care and keeping all the men and women of our armed forces at home and abroad. Surround them with Your loving care, protect them from every danger, and bring them home safely.

Grant, O God, that Your holy and life-giving Spirit may so move every human heart, and especially the hearts of the people of this great state of Nevada, that barriers which divide us may crumble, suspicions disappear, and hatreds cease; that our divisions being healed, we may live in justice and peace.

Let us be reminded of the words of the Prophet Amos, “Let justice roll down like waters and righteousness like an ever-flowing stream.” For the Kingdom and the power and the glory are Yours, forever.

AMEN.

Presentation of the Colors by the North Las Vegas Fire Department Honor Guard.

Pledge of allegiance to the Flag.

Special musical rendition of the *Star Spangled Banner*, *If Music Be the Food of Love*, and *Old McDonald* by the University of Nevada's Chamber Chorale, conducted by Dr. Duane Karna.

Mr. Secretary of State requested Ms. Susan Furlong Reil to serve as temporary Chief Clerk of the Assembly.

Mr. Secretary of State requested that the temporary Chief Clerk call the roll of the 42 Assemblymen-elect.

Roll called.

Present: Assemblymen Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack.

Mr. Secretary of State appointed Assemblymen Koivisto, Mortenson, Conklin, Kihuen, Kirkpatrick, Munford, Ohrenschall, Segerblom, Christensen, Cobb, Gansert, Goedhart, and Settelmeyer as a temporary Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Assembly in recess at 12:32 p.m.

ASSEMBLY IN SESSION

At 12:45 p.m.

Mr. Secretary of State presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Secretary of State:

Your temporary Committee on Elections, Procedures, Ethics, and Constitutional Amendments has had the credentials of the respective Assemblymen-elect under consideration, and begs leave to report that the following persons have been and are duly elected and qualified members of the Assembly of the 74th Session of the Legislature of the State of Nevada: Assemblymen Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack.

ELLEN KOIVISTO, *Chair*

Assemblywoman Koivisto moved the adoption of the report.

Motion carried unanimously.

Mr. Secretary of State appointed as a committee Assemblywoman McClain and Assemblyman Manendo to escort Chief Justice A. William Maupin of the Supreme Court of the State of Nevada to the rostrum to administer the oaths of office to the Assemblymen.

Mr. Secretary of State announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:48 p.m.

ASSEMBLY IN SESSION

At 12:53 p.m.

Mr. Secretary of State presiding.

Quorum present.

A committee from the Senate composed of Senators Hardy, Beers, and Carlton appeared before the bar of the Assembly and announced that the Senate was organized and ready for business.

Chief Justice Maupin administered the oaths of office to the Assemblymen.

Mr. Secretary of State requested the temporary Chief Clerk call the roll of those Assemblymen for whom Certificates of Election had been issued.

Roll called.

Present: Assemblymen Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack.

Assemblyman Horne moved that Chief Justice Maupin be given a unanimous vote of thanks for administering the oath.

Motion carried unanimously.

The appointed committee escorted the Chief Justice of the Supreme Court to the bar of the Assembly.

Mr. Secretary of State announced that there would be no temporary organization of the Assembly, and that all nominations were in order for permanent appointment.

Mr. Secretary of State declared that nominations were in order for Speaker.

Assemblyman Oceguera nominated Assemblywoman Buckley for Speaker.

Remarks by Assemblyman Oceguera.

Assemblyman Oceguera moved that the following remarks be entered in the Journal.

ASSEMBLYMAN OCEGUERA:

Thank you, Mr. Secretary of State. Since 1864, there have been 59 members of the Nevada Legislature who have earned the title "Speaker of the Assembly." Some were Democrats; some were Republicans. Some were ranchers, attorneys, or business owners. Some were from the north and some were from the south. Some—including one who held the gavel for more than a few years—hailed from rural Nevada. And, in one historic legislative session, two members of this body shared the title, and honor, of Speaker of the Assembly.

Some of these speakers later went on to constitutional office or became United States Senators, members of Congress, or federal judges. These 59 Speakers were certainly different in many ways: their profession, their length of service, perhaps their style of leadership. But we all know they shared one fundamental characteristic: They were all men.

Until today.

And on this historic occasion, we have with us seven who previously held the title of Assembly Speaker. Mr. Secretary of State, my colleagues—allow me the honor of recognizing our distinguished guests.

First, please welcome the honorable Mel Close. Mel Close was a member of the people's house for five years before going on to serve his constituents as state Senator for another 11 years. Mel served as Speaker of the Assembly in the 1967 Regular Session and the 1968 Special Session.

Next, please welcome the honorable Bob Barengo. Bob served nine years in this body, from 1973 to 1982. He was Speaker pro Tempore in 1979 before being elected Speaker in 1981.

Our next guest was also elected to both houses of the Nevada Legislature, the honorable Jack Vergiels. Jack served 11 years in the Assembly and another seven in the Senate. While in the Assembly, Jack earned the title of Speaker for the 1983 Regular and 1984 Special Session.

We are also pleased to have with us the honorable Bill Bilyeu. Bill served two regular sessions and one special session. In 1985, Bill was chosen by his colleagues to preside over this body.

Most of us in this chamber have had the privilege of working with the honorable Lynn Hettrick. First elected in 1992, Assemblyman Hettrick served in the Assembly for seven regular and five special sessions. Lynn was elected Co-Speaker during the historic 1995 Session, when the Assembly was evenly divided between the two parties.

Our next guest is the first I ever called Speaker, and he probably needs no introduction. Ladies and gentleman, my friends and colleagues, please welcome the honorable Joe Dini. Joe Dini was first elected in 1966, and he continued to serve with distinction for another 35 years. During his many years of service to Nevada, Joe was chosen by his colleagues as Speaker of the Assembly for a record eight regular sessions and one special session. Joe eventually earned the title of Speaker Emeritus.

Finally, please join me in recognizing the honorable Richard Perkins. Rich was first elected to the Assembly in 1992. He rose to leadership in only his second session, when he was elected Democratic Floor Leader. Rich Perkins held the title of Speaker during the most recent three sessions and some of the most difficult special sessions this State has ever seen. Through it all, Rich led with that quiet conviction that gave rise to the nickname, the "Gentle Giant."

As an aside, the honorable Bill Swackhamer, who served as Speaker during the 1965 regular session and the 11th and 12th Special Sessions, could not attend today. He sends his best wishes.

I'd now like to ask our former Speakers to stand together. Let's show them our appreciation for their past public service and for being here today.

Mr. Secretary of State, these seven Speakers, and a long line before them, shared more than just the title. They were all committed to public service and to doing what was right, not only for their own constituents, but for the entire state. These seven Speakers and that long line before them had one other, common characteristic. They were all men. Until today.

Like the first Speaker of the Nevada Assembly, Barbara Buckley was not born in Nevada, and like the most recent Speaker of the Nevada Assembly, she was mentored by the man who held the gavel longer than anyone else. But unlike the first and last Speakers, she is the first woman chosen by her colleagues to lead the work of this Chamber.

I now live in Las Vegas, but I was born in Fallon and grew up in northern Nevada. Living near our state's capital made it possible for me to know a great many public servants. These were the best of the best, like Grant Sawyer, Richard Bryan, Alan Bible, Lawrence Jacobsen, Virgil Getto, Carl Dodge, Bill Raggio, and, of course, Joe Dini. When I was growing up, these men were larger than life to me. I counted myself fortunate when I was later able to serve with some of them.

I feel the same way about Barbara Buckley. I've known Barbara as a friend, as a mentor, and as a colleague. But more than anything else, I've known her as one of the smartest, hardest working, and most dedicated legislators this Chamber has ever seen.

We've talked a lot about the past today but today is really about the future. And one day in the future, I don't believe Barbara Buckley will be known as the first woman Speaker of the Nevada Assembly. Instead, I believe she will be known as the Speaker who improved health care for Nevada's working families. She will be known as the Speaker who did more for child welfare in this state than anyone had before her. She will be known as the Speaker who stopped predatory lending practices—the Speaker who helped senior citizens obtain prescription drugs at a price they could afford. And I am sure Barbara Buckley will be known as the Speaker who worked across the aisle and down the hall with all branches of government, with Nevadans from every corner of this state, to tackle issues like affordable housing, renewable energy, substance abuse, and education funding.

I won't speculate about whether Barbara will be also known as yet another distinguished Speaker who went on to constitutional office, Congress, or a federal judgeship, but you can bet I won't be surprised.

Mr. Secretary of State, my friends and colleagues, it is for these reasons and more that I am proud and privileged to nominate Barbara Buckley as the next Speaker of the Nevada Assembly.

Assemblyman Mabey seconded the nomination.

ASSEMBLYMAN MABEY:

I rise in support of the nomination of Assemblywoman Barbara E. Buckley as Speaker of the Assembly.

Mr. Oceguera has already mentioned Assemblywoman Buckley's many accomplishments in her profession and in her public life. When I first came to this body in 2003, Ms. Buckley was already a veteran legislator. I soon became conscious of the important role that she played, and I have come to recognize the value of her acute intelligence, her sense of justice, and her iron determination.

Over the years, we have disagreed about some things; when we disagreed, I was always certain of her sincerity and her genuine concern for the people of Nevada. In her private life as a lawyer and in her public life as a legislator, Ms. Buckley has endeavored to represent the interests of the poor, of those who are on the margins of society, and those whose voices are not often heard in these halls of power. I feel confident that she will listen to all of our voices.

That is why I am proud to second the motion and support the nomination of my friend and colleague, Barbara E. Buckley, as Speaker of the Assembly.

ASSEMBLYWOMAN LESLIE:

Thank you, Mr. Secretary of State, for recognizing me. I know it is not customary, but I am grateful for this opportunity and for this breach of protocol today. I rise in strong support of the nomination of Barbara Buckley as the next Speaker of the State Assembly.

I think it's appropriate that we pause for just a moment to consider the historical and societal implications of what we are about to do: Elect the first woman Speaker of the State Assembly in the history of our great state.

We pause to reflect on 142 years of the Silver State's history, a history that is rich in the tradition of a frontier state. A history of personal responsibility and independence, of a people

tough enough to live under the desert sun and the winter snows. We celebrate that history while noting that it also reflects 142 years of our state government being led by men.

There are many women, of course, who have served in these halls with great distinction, and many of them are here today. We are deeply grateful for their service. There have been women of both parties, who struggled through obstacles of class and gender to sit as equals on legislative committees and help shape our laws. However, over the years, many of these women have spoken or written of their frustration of not being invited into the inner circle where the most important decisions were being made by men. Other women insisted that their gender made no difference, and they were able to achieve their goals without needing to govern from the top position.

Nevadans have shown over the years that they are willing to elect women who reflect their political views, who work hard, and who remember their roots. That is evident by the excellent rankings Nevada has enjoyed in recent decades in terms of the percentage of women who serve in our Legislature. Women have also slowly risen through the leadership ranks, having been chosen in the past as Majority Leader of this House and Minority Leader of the other House.

Yet, until today, no woman has been elected by her peers as the Speaker of the People's House.

Until today.

And it is so fitting that a woman of the caliber of Barbara Buckley be the one designated to receive this incredible honor. Those of us who serve with her know very well she possesses tremendous attributes of political skills and personal integrity. Her intelligence, her work ethic, and her collaborative leadership style are without question. Her compassion, her negotiating skills, and her patience with the legislative process, and with all of us, are legendary. She has earned the position of Speaker through hard work and perseverance, and she has earned our respect for her many years of public service in this very House.

As we take this moment to reflect on our past, let us celebrate the present by honoring our new Speaker. While men and women alike will applaud this nomination, this moment holds a special joy for the women in this Chamber today, for the women watching these proceedings on television all over the building, for the women listening in on the Internet, and for those who will see it on the late news tonight.

For this nomination recognizes the achievements of one very special woman, but it also recognizes the contributions of <u>all</u> Nevada women.

And when we pause this session and in later years to look at the *Speakers Wall*, containing pictures of all the men who have served as Speaker for the last 142 years, we will smile when we look upon the visage of Barbara Buckley and tell our daughters, our granddaughters, and our great granddaughters of this very day when we voted upon her nomination as Speaker, and a Nevada woman finally claimed the top mantle of leadership as her very own.

Thank you, Mr. Secretary of State.

ASSEMBLYMAN ANDERSON:

In closing this, my Irish heart sings with joy and pride. I fully recognize the historic precedent that is about to be set and the many voices that would add to my song. The voice of support is clearly there. As representatives of our state and districts, we anxiously await the opening remarks and the high level of expectation that is going to be set by our new Speaker. As representatives of our state and our districts, we have the right to expect that high level that she will demand of us. We have seen how capable and caring she is. We are confident that the people of our state and districts will be well served.

Assemblyman Anderson moved that nominations be closed.

Motion carried.

Mr. Secretary of State declared Assemblywoman Buckley to be Speaker of the Assembly.

Mr. Secretary of State appointed Assemblyman Anderson and Assemblywoman Leslie as a committee to escort the Speaker to the rostrum.

Madam Speaker presiding.

Assemblyman Mortenson moved that Secretary of State Miller be given a unanimous vote of thanks for his services to the Assembly.

Motion carried unanimously.

Madam Speaker appointed Assemblyman Carpenter and Assemblywoman Koivisto as a committee to escort the Secretary of State to the Bar of the Assembly.

The appointed committee escorted Secretary of State Miller to the Bar of the Assembly.

Remarks by Madam Speaker.

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

MADAM SPEAKER:

I am honored to be standing here as Nevada's 57th Speaker. I appreciate your faith in me, I am humbled by the opportunity, and I am excited at the possibilities of what we can accomplish together this session.

I am also honored to become Nevada's first woman to be elected Speaker and to join the three other female speakers we have across the United States from Vermont, New Hampshire, and Minnesota, as well as our first female Speaker of the House of Representatives of the United States of America, Miss Nancy Pelosi.

Nevada has been a leader when it comes to women serving in the Legislature, ranking near the top, now at 33 percent.

While women have made significant progress, I think we all look forward to the day when we are not celebrating any more "firsts"—the day when women and all people of color are as evenly represented in public office as they are in our communities, and when no child is surprised at the thought that they too could one day be President.

Under Order of Business 15 later, I will be honored to introduce my husband, children, mother, sisters, longtime friends, and mentors to whom I am so grateful.

However, at this point, I would like to thank all of our Speakers for making the journey to come today. Too all of you, it is inspiring to be here with so many who created Nevada's history. I would also, especially, like to thank the three Speakers that I had the pleasure to serve with.

Speaker Dini, I learned so much from you about patience and leadership. I now give the same speeches to freshman that you gave to me. I note it with a great deal of irony every time I do it.

Speaker Hettrick, from you I learned to be out fighting for the things that you believe in and how to work across the aisle to get things done.

Speaker Perkins, I owe you my greatest debt. For your leadership, for your intelligence, for your grace under pressure, for all that you taught me, for including me in your leadership team, and for giving me the opportunity to stand here today, I thank you.

I would also like to thank the most senior members of our body: Assemblyman John Marvel, Assemblyman John Carpenter, Assemblyman Morse Arberry, and Assemblyman Bernie Anderson, who, among them, have 86 years of service. We thank you.

To the members who were elected after me and from whom I have learned so much, I thank you. There is never a session when there is nothing that a legislator can learn. The process has been made better by all of you.

There are a great many things about Nevada, but nothing is greater than the opportunities it presents. In Nevada, we have casino moguls who started by managing small pieces of their business. We have small business owners who parlayed their opportunities into huge operations and are now leaders in our community. We have children who are the first in their family to go to college. We have hard working men and women who have realized the dream of homeownership and didn't stop until their children's lives could be better than theirs.

And I have had opportunities. It is hard to believe that I arrived here in Nevada 26 years ago, without a job, without a college education, and with $800 in my pocket, but that is what Nevada is all about. And that is what America has always been about: if you work hard, if you don't give up, you can live the American dream.

And so we are fortunate to live in a state with so much opportunity and this session, each one of us is fortunate enough to have won the honor and opportunity to represent his or her district and this state—to take up the challenge to make this state a better place.

I would like to welcome and congratulate all of our new members: Assemblyman Bob Beers, Assemblyman David Bobzien, Assemblyman Ty Cobb, Assemblyman Ed Goedhart, Assemblyman Ruben Kihuen, Assemblyman James Ohrenschall, Assemblyman Tick Segerblom, Assemblyman James Settelmeyer, Assemblyman Lynn Stewart, and Assemblywoman RoseMary Womack.

As we look ahead to this upcoming session, our state faces challenges along with opportunity. We have talented children, bright and dedicated teachers, committed principals and staff. Yet we have serious problems. Our state's schools continue to rank in the bottom ten percent of the nation. A study just released in January ranks Nevada as 44th in K-12 achievement and 43rd in the Chance-for-Success Index.

We all know that the best predictor of student achievement is a qualified teacher.

But we cannot attract enough quality teachers to our state because we simply don't pay them enough to keep up with our state's cost of living. Many of our most qualified teachers are leaving the state or the profession for the same reason. We must fix this. We must pay every teacher more and we must reward the best and brightest with a "pay for performance" compensation system to reward extraordinary results.

We also need to reform high school. Too many teenagers are dropping out or tuning out because they get lost in our large high schools or tune out on an irrelevant curriculum. We need reform by creating smaller learning communities at our high schools, "school within a school" programs, and career and technical education to motivate students and prepare them for the work force.

We also need to continue incentives for teachers who teach math and science and who teach at at-risk schools—areas where we have the highest shortages.

And, we need full-day kindergarten. National studies show it works and our own studies show it works. The national trend is toward full-day kindergarten. In 1979, only 25 percent of our children attended full-day kindergarten nationwide. By 2000, it had increased to 63 percent.

The school boards and all school superintendents of all 17 regions have determined that full-day kindergarten is "imperative . . . to improve student achievement."

It seems pretty clear that a child who receives all day instruction will learn more than a child who receives two hours of instruction. Children need to begin first grade at the same level—a higher level. We need to raise our standards, not lower them.

It boils down to this: We need to decide whether we are satisfied with the status quo when it comes to education.

For the sake of our children, for the sake of our state, I hope the answer is a resounding "no" and that we move to recruit and retain excellent teachers, undertake high school reform, and implement full-day kindergarten this session.

We also have many challenges with our health care system. According to the latest census, Nevada ranks 44th in the nation in the number of its citizens who are insured, and that one in five Nevadans go without health insurance. Only 39 percent of Nevada's small businesses, under 50 [employees], offer health insurance. This year, we will have almost a thousand pregnant working women delivering their babies without health insurance, which means without prenatal care in most cases.

Many of our uninsured are crushed under medical debt. Our health care system becomes more and more complex, with consumers and employers left in the dark about the cost and quality of their health care system.

We have an opportunity this session to improve the health care status quo by giving more citizens the healthcare they deserve, by helping small businesses provide their employees with insurance, by helping pregnant women also become insured, by helping Nevadans deal with crushing medical debt, by outlawing abusive debt collection practices, by establishing programs

to help Nevadans learn about the quality and cost of their healthcare, and by allowing Nevadans to comparison shop for the best prescription drug prices. Let's not let this session go by without improving health care for everybody in our state.

We also have the opportunity to help Nevada deal with the rising cost of energy. Nevada is a leader in renewable energy efforts, but we can do more. Why would we not when we have an abundance of resources—sun, wind, geothermal? This legislative session's energy agenda should do just that by allowing Nevadans to generate their own energy and sell the excess back to the rest of us. And we should encourage and provide incentives to schools and businesses to use their rooftops to generate electricity. This session, we can do more to be a leader in renewable energy, and we should do more to be a leader in renewable energy.

Lastly, there is nothing more important than the manner in which elected officials conduct themselves. This past year was a year of scandal, shame, indictments, and dishonor. How do we restore the public's trust in government and in elected officials?

First, let's take a vow to lead the way—to conduct ourselves in the most ethical manner and to look at every action we take in an effort to win back the public's trust. Second, let's adopt ethics reform: no campaign work done by taxpayer-funded staff; no more hidden money in politics by requiring LLCs to reveal their backers by filing with the Secretary of State; for ethics violations, a three-strikes-and-you're-out rule; and by requiring lobbyists to report on efforts to secure contracts and change governmental actions. We can do more to improve the public's trust. We start by looking at ourselves and by adopting serious reform. Let's not let this be another status quo session on ethics.

There are many other issues we will deal with this session, everything from transportation, affordable housing, consumer protection, and budget issues, but one thing is clear: It is time to take action on the pressing issues facing our state. It is time for practical solutions to Nevada's problems. This is our opportunity—the opportunity that each one of us has worked so hard for.

As President Lyndon B. Johnson once said, "Our duty is to appeal to the forces that unite us, and to channel the forces that divide us into paths where a democratic solution is possible. It is our obligation to resolve issues—not to create them."

The campaigns are behind us, and now is the time to come together and find solutions to our state's problems. Now is the time to serve the people who put us here. May we embark upon this session, working with honor and integrity–the honor and integrity that our citizens deserve.

Thank you very much for this honor.

Madam Speaker declared that nominations were in order for Speaker pro Tempore.

Assemblyman Arberry nominated Assemblyman Anderson for Speaker pro Tempore.

Remarks by Assemblyman Arberry.

Assemblywoman Weber moved that nominations be closed.

Motion carried unanimously.

Madam Speaker declared Assemblyman Anderson to be Speaker pro Tempore of the Assembly.

Madam Speaker declared that nominations were in order for Chief Clerk.

Assemblyman Parks nominated Ms. Susan Furlong Reil to be Chief Clerk.

Assemblyman Goicoechea moved that nominations be closed.

Motion carried unanimously.

Madam Speaker declared Ms. Susan Furlong Reil to be Chief Clerk of the Assembly.

Madam Speaker appointed Assemblymen Conklin, Leslie, and Gansert as a committee to inform the Senate that the Assembly was organized and ready for business.

Madam Speaker appointed Assemblymen Oceguera, Anderson, and Mabey as a committee to inform the Governor that the Assembly was organized and ready for business.

Madam Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:57 p.m.

ASSEMBLY IN SESSION

At 2:19 p.m.
Madam Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Conklin reported that his committee had informed the Senate that the Assembly was organized and ready for business.

Assemblyman Oceguera reported that his committee had informed the Governor that the Assembly was organized and ready for business.

Assemblyman Oceguera moved that persons as set forth on the Nevada Legislature's Press Accreditation List of February 5, 2007, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chambers, that they be allowed use of appropriate broadcasting facilities, and the list be included in this day's Journal:

18: NEWS CARSON CITY: David D. Morgan; ASSOCIATED PRESS: Amanda Fehd, Joe Mullin, Brendan Riley; CITY LIFE: Steve Sebelius; HENDERSON HOME NEWS: Derek Olson; KVFK-AM: William Puchert; KLAS-TV: Matthew E. Adams, Matthew Bell, Alex Brauer, Richard Czarny, Jonathan Humbert, George Knapp; KOLO-TV: Edward Barnett; KRNV-TV News 4: Michael Thompson; KTVN-TV: Kent Albrecht, Jack Antonio, Eric Brown, John E. Cruz, Bryan Evans, Jeffrey Foss, David Ratto, Charles Brent Richard, Steve Sonnenburg; LAS VEGAS REVIEW-JOURNAL: Lisa Kim Bach, Molly Ball, Henry Brean, K.M. Cannon, Lynette Curtis, John Edwards, Frank Geary, John Gurzinski, Paul Harasim, Brian Haynes, A.D. Hopkins, K.C. Howard, Mary Hynes, Mike Kalil, Clint Karlsen, David Kihara, John Locher, Alan Maimon, Frank McCabe, Margaret Miille, Thomas Mitchell, Craig Moran, Jane Ann Morrison, Lawrence Mower, Erin Neff, Adrienne Packer, Antonio Planas, Glenn Puit, Keith Rogers, Jeff Scheid, David McGrath Schwartz, John L. Smith, Omar Sofradzija, Carri Geer Thevenot, Gary Thompson, Ed Vogel, Annette Wells, Sean Whaley, Joan Whitely, Charles Zobell; LAS VEGAS SUN: Tiffany Brown, J. Patrick Coolican, Cy Ryan; MINEWEB; Dorothy Y. Kosich; NEVADA APPEAL: Becky Bosshart, Rhonda Costa-Landers, Terri Harber, Geoff Dornan, Jarid Shipley; NEVADA PUBLIC RADIO: Brian Bahouth; RENO GAZETTE-JOURNAL: Guy Clifton, Anjeanette Damon, Bill O'Driscoll, Lisa Tolda; SENIOR SPECTRUM NEWSPAPER: Connie McMullen; SUMMERLIN NEWS: Jamie Helmick; WE THE PEOPLE: Shayne Del Cohen.

Motion carried.

Madam Speaker announced the following standing committees, the first-named member of each committee being the chair, the second-named being the vice chair:

COMMERCE AND LABOR—

Oceguera, Conklin, Anderson, Arberry, Buckley, Horne, Kirkpatrick, Manendo, Parks, Allen, Christensen, Gansert, Mabey, Settelmeyer.

EDUCATION—

Parnell, Smith, Bobzien, Denis, Kihuen, Munford, Segerblom, Beers, Hardy, Mabey, Stewart.

ELECTIONS, PROCEDURES, ETHICS, AND CONSTITUTIONAL AMENDMENTS—

Koivisto (Co-chair, Co-vice chair) Mortenson (Co-chair, Co-vice chair), Conklin, Kihuen, Kirkpatrick, Munford, Ohrenschall, Segerblom, Christensen, Cobb, Gansert, Goedhart, Settelmeyer.

GOVERNMENT AFFAIRS—

Kirkpatrick, Pierce, Atkinson, Bobzien, Claborn, Kihuen, Munford, Parnell, Womack, Beers, Christensen, Goicoechea, Settelmeyer, Stewart.

HEALTH AND HUMAN SERVICES—

Leslie, Gerhardt, Koivisto, McClain, Parnell, Pierce, Womack, Beers, Hardy, Stewart, Weber.

JUDICIARY—

Anderson, Horne, Conklin, Gerhardt, Manendo, Mortenson, Oceguera, Ohrenschall, Segerblom, Allen, Carpenter, Cobb, Goedhart, Mabey.

NATURAL RESOURCES, AGRICULTURE, AND MINING—

Claborn, Hogan, Atkinson, Bobzien, Kihuen, Ohrenschall, Smith, Carpenter, Goicoechea, Grady, Marvel.

SELECT COMMITTEE ON CORRECTIONS, PAROLE, AND PROBATION—

Parks, Anderson, Horne, McClain, Carpenter, Weber.

TAXATION—

McClain, Parks, Arberry, Denis, Horne, Mortenson, Pierce, Ohrenschall, Allen, Grady, Marvel, Weber.

TRANSPORTATION—

Atkinson, Manendo, Bobzien, Claborn, Gerhardt, Hogan, Womack, Carpenter, Cobb, Goedhart, Goicoechea.

WAYS AND MEANS—

Arberry, Leslie, Buckley, Denis, Hogan, Koivisto, McClain, Parks, Smith, Gansert, Grady, Hardy, Marvel, Weber.

MAJORITY FLOOR LEADER—

John Oceguera.

ASSISTANT MAJORITY FLOOR LEADER—

Marcus Conklin.

MAJORITY WHIP—

Sheila Leslie.

ASSISTANT MAJORITY WHIP—

Debbie Smith.

ASSISTANT MAJORITY WHIP—

William C. Horne.

MINORITY FLOOR LEADER—

Garn Mabey, M.D.

ASSISTANT MINORITY FLOOR LEADER—

Heidi S. Gansert.

MINORITY WHIP—

Valerie E. Weber.

MINORITY WHIP—

Pete Goicoechea.

MINORITY WHIP—

Joseph P. (Joe) Hardy, M.D.

COMMUNICATIONS

MESSAGES FROM THE GOVERNOR

OFFICE OF THE GOVERNOR

January 30, 2007

THE HONORABLE WILLIAM J. RAGGIO, THE HONORABLE BARBARA BUCKLEY, NEVADA LEGISLATURE, 401 S. CARSON STREET, CARSON CITY, NEVADA 89701

DEAR SENATOR RAGGIO AND SPEAKER BUCKLEY:

Please find enclosed my message to the 74th Session of the Nevada Legislature. As you know, I delivered the message, as required by Article 5, Section 10, of the Nevada Constitution, earlier to a gathering of your colleagues and other guests on Monday, January 22nd, 2007, in the Assembly Chambers in Carson City.

My staff and I look forward to working with all of you towards progressing our Great State of Nevada.

Sincerely,
GOVERNOR JIM GIBBONS

Assemblyman Oceguera requested that the Governor's State of the State Address as presented to the Legislative Commission's Special Committee to Receive the Governor's State of the State Address of January 22, 2007, be entered in the Journal.

Speaker Buckley, Majority Leader Raggio, Lieutenant Governor Krolicki, members of the Senate and Assembly, honorable Justices of the Supreme Court, constitutional officers, distinguished guests, and my fellow citizens–It is indeed my pleasure to be here. As the 29th Governor of the State of Nevada, I am humbled and privileged to be before you tonight and excited to share my vision with you for the future of our great state of Nevada.

Before I do, I would like to thank my wife, Dawn, for her love, insight, guidance and support. As a former member of this Assembly, she is no stranger to its process, and, as First Lady she has already shown her effectiveness, particularly in raising public awareness of the dangers of methamphetamine use. I also want to extend my heartfelt gratitude to my entire family for their many sacrifices and total dedication throughout my entire 18 years of public life. Thank you so much.

On this historic occasion, I would like to recognize a remarkable Nevadan who has persevered every day since she arrived in Las Vegas in 1980. Please join me in saluting Barbara Buckley as the first female Speaker in Nevada history. She and I have proven we can effectively work together, as we did in suspending the nurses' strike in Las Vegas last month; and I am confident we can build upon our past success by mutually rejecting the counterproductive tug and pull of partisan politics. Please rise as I become the first Nevada Governor to say these words: Madam Speaker, I congratulate you and look forward to working with you to create long-term, meaningful results for all Nevadans.

I was first elected to the Nevada Assembly in 1989, and I am especially delighted to work again in this Chamber. Tonight I would like to recognize my colleagues from that 1989 Assembly, who continue to devote countless hours of work for the citizens of Nevada. John Marvel, John Carpenter, "Moose" Arberry, and my friend Senator Mike McGinness–it is a pleasure to work with you again.

But I also want to welcome incoming freshmen legislators: Senator Joyce Woodhouse and Assembly members Bob Beers, David Bobzien, Ty Cobb, Ed Goedhart, Ruben Kihuen, James Ohrenschall, Tick Segerblom, James Settelmeyer, Lynn Stewart, and RoseMary Womack. Welcome, and I look forward to working with you as well.

Lastly, I want to thank all of those people who agreed to serve on my transition team, especially former Governors List and Bryan and Lieutenant Governor Hunt. I value your input and support. Oh, yes, and, as my friends in the media have pointed out to me, for the handful of you who are not on my transition team, I value your input, too.

As many of you know, I grew up in the railroad town of Sparks, Nevada, where I was raised by hard working parents, Matilda and Leonard Gibbons. My parents instilled in me the core values that have contributed greatly to my ability to fly a jet, become a lawyer, serve in Congress, and now be a governor. They taught me at an early age about the power of partnership and the can-do pioneer attitude that makes us Nevadans different.

Nevada has changed so much since my childhood years in Sparks. I remember as a kid, we would joke that there is just one person for each of our 110,000 square miles in Nevada. Today, that ratio would be 22 times greater. When I graduated from Sparks High School, Washoe County had a population of 85,000 people, Clark County had 127,000, and Ormsby County had 8,000.

By the year 2010, Clark County will have nearly two million residents and 170,000 hotel rooms--nearly as many rooms as in the combined cities of New York and Chicago. In that same period, Washoe County will grow to 500,000 residents and Carson City will have nearly 65,000.

It is hard to believe that, in less than 50 years, our state has grown tenfold and Clark County 15-fold. These statistics force us to think differently, to adjust our mindset and become more innovative, especially when it applies to government. We simply cannot run the government the same way we have been doing it.

As I said in my inaugural speech, we now have a unique opportunity and challenge – to take the 143 years of growth and progress that has created the Nevada of today, and set a course for the future: A future that brings together the diverse communities and citizens of this great state into a common cause – One Nevada.

As a fighter pilot in Vietnam and the Persian Gulf War, and former Vice Commander of the Nevada Air National Guard, I want to salute the men and women serving in our military around the globe. You know, Nevada has one of the highest percentages of National Guard members serving in foreign lands, and a large number of them are engaged in the fight on terror in Iraq today. On behalf of a profoundly grateful State, we appreciate everything they do to continue to defend our liberty.

At this time, ladies and gentlemen, I would ask for a moment of silence for the 48 fallen Nevadans who, since 2001, have given their lives to protect ours. Thank you.

On March 23, 2003, Nevada lost Marine Lance Corporal Donald J. Cline in Iraq, but his memory continues to live on through his family who join us this evening. We must always remember those who have fallen for our freedom, and we express our gratitude by recognizing Lance Corporal Cline's two sons, Dillon and Dakota, and his loving wife, Tina. Please rise. Thank you so much for being here. You inspire us all. I also want to thank the Nevada Patriot Fund for raising private funds to support families like the Clines who have lost loved ones in war.

Because I have such confidence in the Guard and the lessons associated with military service, I am including in this budget $1.7 million to the Nevada National Guard Youth Challenge Program, where troubled youth can be educated and given the ability to start over.

My fellow Nevadans, our economy is robust, our workforce is teeming, our job growth is healthy, and unemployment rate is low; and for the first time as Governor, I am proud to announce that the state of our state is strong.

Over the past biennium, Nevada has once again exceeded the nation in economic growth. While Arizona has moved ahead of Nevada as the fastest growing state in the U.S., we have added more than 100,000 residents annually since 2004. Both personal income and employment have continued to grow at rates far above the national average.

While our state economy has greatly diversified over the past decade, gaming remains a driving force behind our revenue base. Several large, new gaming projects are underway in Clark County and promise to further strengthen Nevada's economic status. In this 75th year of legalized gaming in Nevada, optimism in the tourism market remains high. It is estimated more than 41 million visitors will come to Las Vegas in 2009 – that is up from 35 million at the beginning of the decade.

The total number of jobs in Nevada grew by 58,000 between November 2005 and 2006, and job gains in Nevada continue to outpace the nation as a whole.

In order to sustain this economic strength, I firmly believe we need to form a new kind of government: one that is leaner, more responsive, a combine, if you will, for new ideas, and, most

of all, a government that gives Nevadans the tools they need to make the most of their lives. This is my vision for Nevada.

I have submitted to you a $7 billion budget that does not include new or increased taxes, but squarely focuses attention on innovation and new thinking. During the campaign, I met with thousands and thousands of Nevadans, who think as I do, that we must streamline our government and make it more responsive –all while living within our means. I respectfully submit a budget to you that meets those goals.

Additionally, this budget is $158 million below the spending cap that was first enacted in 1979, but has not affected the budget process until now. For the first time in our state's history, a spending cap will govern how we build budgets and how we spend money. This is the new budget reality in Nevada, and I believe we should embrace it.

My budget also includes one-time appropriations to support vital areas of statewide community interest, including Opportunity Village in Las Vegas for $12 million; $10 million for the Nevada Cancer Institute; $10 million for the Lou Ruvo Brain Institute in Las Vegas; $6.5 million for a courthouse improvement in White Pine County; $3.5 million for the Institute for Neuro-Immune Disease at the School of Medicine; and $2 million for the Nevada Discovery Museum in Reno. These are critical Nevada assets, and I urge your approval.

Exercising fiscal discipline demands more than a promise of no new taxes; it requires having the willpower to save in good times for those downturns and unexpected hardships that will inevitably come.

We all recall the financial impacts our state absorbed after 9/11. To protect ourselves from man-made or natural catastrophes in the future, we must set aside money to shield our citizens from harm. My budget includes an additional $36 million to the Rainy Day Fund, for a total of $303 million. Yes, some will argue it is not enough or too much, but nary a person can say this is not prudent planning.

The 9/11 Commission made many recommendations to promote the security of the nation. One of its findings concluded that the nation and the states are vulnerable because public safety responders cannot communicate as one entity in a time of crisis. We need to address our lack of radio capability among all first responders. I will work with the Legislature to find the necessary funds to construct the Nevada Four Core Public Safety Radio Network. The security of Nevadans, our tourists, and our economy demand this action.

During the campaign I promised Nevadans I would save them money, and I will stand by my word. Tonight, I am proud to announce that I will be seeking a 4.6 percent decrease in the modified business tax, from .65 to .62 percent, resulting in a $28 million tax relief for 55,748 Nevada businesses. In addition, I am proposing to eliminate the $1,750 per branch, quarterly excise tax for banks.

Key among the Nevada workforce are dedicated public employees, including state employees, university employees and teachers. We must continue to invest in this important group of workers, and I am proposing a six percent increase in pay for these hardworking individuals. I propose a two percent increase in the first year and a four percent increase in the second year, which will free up an additional $31 million in funds, which I will re-allocate to cover future pension and health care costs for retired public employees.

If we do not address the multi billion dollar health care liability today, we will be sticking our heads in the sand and pretending this serious issue does not exist. As Nevada government leaders, we cannot afford to pretend.

Hand in hand with paying down the four-billion-dollar health care liability, I will be urging you to pass legislation to reconstitute the nine member Public Employees' Benefit Program Board in order to establish a new panel of experts and professionals who have the appropriate skill set to lead our state through what is a looming financial storm. Send me this legislation, and I will sign it immediately.

Sadly, Nevada has one of the highest methamphetamine addiction rates in the country and the highest rate for people 12 years and older…and everyone--I repeat, everyone--is at risk. The addiction has had devastating effects on families, schools, the criminal justice system and the economy. However, with the right balance of awareness, treatment and prevention, this seemingly untamed demon drug can be overcome. Please join me in applauding Kendra Furlong, who appeared in the recent TV documentary *Crystal Darkness*, for her courage and

honesty in talking publicly about meth addiction. Kendra, you and others like you who are conquering the addiction, are an inspiration to us all. Thank you for being here tonight.

Earlier today, by Executive Order, I established a meth working group to be chaired by Attorney General Catherine Cortez-Masto and to consist of law enforcement, state agencies, legislators, the First Lady, and others who are on the front lines fighting this epidemic. I have asked the working group to make recommendations to the Legislature on or before April 1, so that the Legislature can swiftly authorize the appropriate action and funding to strike a decisive blow against the traffickers of meth, while also helping those hooked on meth to break free.

Ladies and gentlemen, this is the colossal struggle of our times. It will require uncommon collaboration, compassion and coordination. Additionally, I have placed in this budget ten new public safety officers to fight the rise of meth and the distribution in our communities, particularly in our rural communities, where the problem appears to be most acute. I have also included $2 million for the Department of Health and Human Services for meth education and treatment for a grand total of $17 million in this budget directed toward fighting the scourge of methamphetamine.

A top priority of my Administration will be to develop more affordable housing in Nevada. How often do we hear that workforce housing is not available for new hires or that a teacher or nurse cannot find an affordable home so they decide not to relocate here? It is, in my opinion, far too frequent, and we must do something about it. I am directing that we establish a program to support the housing needs of teachers, nurses and other first-time homebuyers through the sale of tax-exempt bonds. It will be modeled after the California Housing Finance Agency and be self-supporting by selling bonds repaid by revenues generated through mortgage loans, not by tax dollars.

Let's start a similar program so that we can help all Nevadans achieve the American dream of home ownership.

I am also proposing a major improvement to the Homestead Act by raising the amount of protection for property from $350,000 to $550,000. Nevada's escalating home prices require such a change. In our larger counties, I am proposing to do away with the fee for filing a homestead exemption for your primary property, and, instead, allowing homesteading for second residences or vacation homes with a voluntary fee of 1/10 of 1 percent. This will stimulate real estate investment in Nevada and potentially create new revenue to be shared between the counties that collect it and the state.

No matter what you think, no natural resource in the State of Nevada is as critical or as controversial as water. We have the driest state in the nation and one of the highest rates of growth – a combination that places tremendous stress on our precious water resources.

I will be asking that the Desert Research Institute conduct water inventories for Nevada. Two key collaborators, the State Engineer's Office and the Desert Research Institute, will identify priority needs and collect information to reduce potential future conflicts. The initial two-year phase of this program will be funded with an appropriation of two million dollars. One clear way to enhance the current process is to ensure that the best scientific information is available for making decisions. There is no question that water data requires updating and expansion to ensure our economy grows and the quality of life is maintained in our rural counties.

This much needed updating is essential for future planning purposes, but must not be allowed to interfere with pending decision making in the State Engineer's Office.

And, as the demand for water continues to increase, water conservation measures become critical in managing and extending our water resources. Conservation programs do not require the public necessarily to give up certain water uses; rather they encourage the public to engage in those uses more efficiently. We must become more water aware, and I urge all Nevadans to participate in using this resource more wisely.

I call upon the Legislature to pass a bill to prohibit the government from taking private property without the consent of the owner, and then conveying it to another person or entity for redevelopment purposes.

I also respectfully request that the Legislature pass a constitutional amendment as an alternative to Question 2 on last year's ballot. This amendment should contain most of the provisions of Question 2 to protect property owners, but should modify some of the language that could cause significant delays and cost increases for our state and local transportation

projects. Through the legislative hearing process, we should be able to find the proper way to balance the rights of property owners, taxpayers, and the motorists.

The Guinn Millennium Scholarship is one of the most important tools we have to enable the best and the brightest Nevada students to remain in Nevada for their higher education. The reality is that, if we did nothing to save the program, it would be insolvent by 2013. I am directing an additional $5.6 million from unclaimed property receipts to shore up the scholarship fund and secure it for Nevada students far into the future. Part and parcel to stabilizing the Millennium Scholarship is acknowledgement that it must be streamlined in terms of eligibility standards, with greater emphases placed on nursing, math, science, and teaching degrees. I urge you to strengthen scholarship guidelines so Millennium Scholarships are available for our children's children.

We have opened the doors to higher education through Millennium Scholarships, so we must be equally dedicated to raising standards, expectations, and accountability in kindergarten through 12th grade.

Although full-day kindergarten has been labeled a top priority by the state's superintendents and others, I respect their opinion; but I believe the fiscally responsible approach is to continue to support the existing pilot program at current funding levels in at-risk schools. Therefore, I have committed $50 million to do so and I strongly support maintaining this pilot program. I look forward to utilizing the next 24 months to assess its benefits, to measure how effective the program is, and to gauge the infrastructure demands of introducing full-day kindergarten throughout the state. If the results are positive, we will pursue it next session. If they are not, we will have exercised good fiscal policy.

Today the institution of public education needs bold and decisive leadership to better respond to the challenges that confront us. Our current standings in education on a national and worldwide front are simply unacceptable.

I propose an innovative yet proven education plan known as Empowerment that will directly address the majority of the long-standing challenges in public education today: challenges like falling graduation rates, parental participation, teacher recruitment, funding inequities, and lack of resources in the classroom. Parents will be empowered with school choice for their children, while principals and teachers will be able to decide at the individual school level how best and most effectively to teach their own unique populations of students. Through this powerful program, we will empower our educators to be more responsive to their schools' individual circumstances and the diversity of their student populations. And, teachers will be equitably paid for a job well done, based on tangible measures, and rewarded for results in student achievement.

Sitting with us tonight is the architect and father of the Edmonton Empowerment Program, Michael Strembitsky, who, for the better part of his adult life, has worked to change the education system one parent at a time, teacher by teacher, and student by student. We are so honored to have him here with us tonight. Michael, please stand. As Mr. Strembitsky can attest, in addition to raising achievement, the education empowerment model is fundamentally designed to increase both teacher pay and the prestige of becoming a teacher.

I will, therefore, be redirecting $60 million in the budget for an extensive Empowerment pilot program initially involving 100 schools that will be converting their operations to this bold new approach--an approach started in Canada 30 years ago and successfully working in New York City, Houston and San Francisco. In San Francisco, after five years, that school district has shown steady growth and is now the top performing urban school district in California.

Join me in changing our education system with a single bold stroke.

Two weeks ago, an incident in Las Vegas served us with yet another stark reminder of the constant danger gun violence presents on or near our school campuses. I will work with the Legislature to increase funding for school security throughout the state. If children do not feel safe at school, we cannot expect them to feel secure enough to learn.

Our higher education system has eight institutions – two universities, one state college, four community colleges and one research institute. One has a medical school, one a dental school, seven have nursing colleges, and there are at least 200 programs spread throughout all eight institutions that are directly related to health sciences. Not only have these programs never been

coordinated under one administrative structure, but they have competed against each other to the detriment of the entire System.

We need to centralize these health science programs under one coherent management plan, and to do it, I am providing $110 million for the University of Nevada Health Sciences System, while another $47 million in matching funds will be raised through private donors across the state. This model of public-private partnership will set a valuable precedent for the future of higher education for Nevada.

Ladies and gentlemen, there are too many highways becoming gridlocked, and transportation issues are increasingly central to the quality of life we enjoy. A well-functioning highway system is vital to Nevada's economy and will be a major factor in how we move forward in the future.

My administration will aggressively pursue opportunities created through public-private cooperative efforts. To facilitate this, I have directed the Department of Transportation to create an Advisory Panel on Public-Private Initiatives to explore new opportunities for transportation improvements. Moreover, I have asked NDOT Director Susan Martinovich to make southern Nevada needs a priority for her department, including spending a considerable amount of her own time in Las Vegas; and, let me say, she has agreed with great enthusiasm.

I am committing $170 million for highway projects that will be dedicated to help widen I-15 from the Spaghetti Bowl to the Apex Interchange, build new ramps at the I-15/215 Beltway interchange and an I-15 Freeway Management System, including message signs and closed-circuit television cameras. And in northern Nevada, we will be working toward widening I-80 from Robb to Vista and US 395 from the Spaghetti Bowl, yes we have one in the north, to Stead Boulevard.

An effort to fast-track proposed transportation projects must become the rule instead of the exception because bureaucratic delays dramatically increase the cost of each project, create job losses, and, ultimately, we all suffer.

The Blue Ribbon Task Force evaluated Nevada's growing transportation crisis and concluded that projects planned for the years 2008 through 2015 require at least an additional $3.8 billion in revenue. The Task Force's "Roads to the Future" report was particularly useful and we will rely on it as a guideline going forward.

But let me say tonight, and I wish to restate here, however, that I will not support raising the gas tax.

No budget discussion is complete without working through the thicket of Medicaid and healthcare issues. Nevada's Medicaid program provides essential health care services to low-income families, as well as the frail, elderly, and disabled. However, this entitlement program is increasingly consuming a larger share of the state budget. It is essential we reform Medicaid to assure it continues to provide health care services to so many in our community.

Many Nevadans in our Medicaid program find it increasingly difficult to access physician services they need. Fewer physicians are taking on new Medicaid patients. Declining access is directly tied to how much Medicaid pays its physicians. On the national level, Congress recognized that reductions to Medicare physician fees would result in fewer doctors seeing patients.

Therefore, I am proposing to increase Nevada Medicaid physician payments up to the most recent federal Medicare fee schedule, while also holding physicians responsible for the care they provide. At the same time, we need to encourage quality healthcare professionals and private healthcare providers to move to and stay in Nevada.

My budget proposes that individuals have access to a professional health care coordinator who would help them sort out our confusing health care system. Coordinating health care services in Medicaid is a key part of controlling Medicaid spending. However, we also need to explore alternatives for better managing what consumes almost 70 percent of the Medicaid budget. I propose we give Nevadans on Medicaid a choice in how they access their health care.

Clark County emergency rooms continue to have large numbers of mental health patients occupying beds in spite of significant service improvements, including the opening of the new Rawson Neal Psychiatric Hospital and the use of a state Mobile Crisis Assessment Team to service local hospitals.

I am providing $7.5 million to assist in alleviating the ER crisis by opening an additional 22 acute-care beds, bringing the total state funded beds in Clark County to 238.

My budget also provides for continued funding of $2.8 million for triage centers in northern and southern Nevada. Triage centers reduce overcrowding and provide more efficient use of public and private resources.

My budget also provides six million dollars for funding of the mental health courts in Las Vegas, Reno, and Carson City. These programs have contributed to reduced criminal activity and hospitalization of the severely mentally ill.

I am also providing ongoing funding for the 90 community residential beds in Las Vegas that were temporarily funded by the 2005 Legislature. The availability of these community beds allows for reduced inpatient stays in psychiatric hospitals, saves tax dollars, and reduces overcrowding of local emergency rooms.

Nevada continues to stand out as having the fastest growing senior population in the nation. I want to enhance the availability of community-based services to allow seniors to live in their homes and communities, rather than staying in nursing homes. I propose an increase to the three Medicaid waivers serving Nevadans, age 60 plus, by 15 percent to allow seniors more options for community living.

I agree with U.S. Health and Human Services Secretary Mike Leavitt, who said, "Every American should have access to a full range of information about the quality and cost of their health care options." I believe everyone deserves to know both the quality and cost of his or her health care. Our communities, health care leaders, and partners can join together to define and establish benchmarks for measuring quality care, understanding healthcare price, and the cost for care.

The 2005 Legislative Session passed Senate Bill 357 to fund treatment and prevention programs for problem gambling. Treatment programs previously available only in Las Vegas or Reno are now available in Elko, Ely, Fallon, Hawthorne, Lovelock, Pioche, and Stateline.

My budget includes funding to continue state-supported initiatives with full-time administrative staff to move Nevada from the back seat to the driver's seat in responsible gambling.

Two strategic areas that will receive special attention in my administration are the needs for greater economic development and energy independence.

I have included in the Executive Budget $10 million in unclaimed property receipts to create a dynamic new economic development program, modeled after the hugely successful program in Georgia. Working with Lieutenant Governor Brian Krolicki, we will launch this new program to work with the best of Nevada's research facilities in creating new high-tech, biotech and, renewable energy types of industries. Funds will be used to hire world-class researchers who will bring their work to Nevada. Ladies and gentlemen, this will provide high-end jobs for Nevadans and is ideally suited for the current 38,000 millennium scholars graduating in the coming years.

Rural Nevada businesses are often the engines for economic development and tourism in their rural communities, and my administration is examining creative ways to provide an economic stimulus in rural Nevada. We need to look for more ways to increase energy independence because Nevada offers one of the best opportunities for development of renewable energy. I applaud the actions the Legislature took last session to ramp up the incentives for greater production of solar, wind, biomass and geothermal energy, but we must also increase the diversity and supply of all fuels and not allow ourselves to become too reliant on one fuel source.

After visiting with Wyoming Governor Freudenthal and seeing what his state is doing, I will encourage the creation of a coal-to-liquids fuel plant in Nevada, similar to the successful plant in Wyoming. It would use existing rail to transport coal to the plant to convert that coal to diesel and jet fuel for use at our airports. It could also create natural gas to be injected into a natural gas pipeline for our domestic use.

I will recommend continuing to provide incentives to the utilities to improve the environment, reduce greenhouse gases, stimulate job growth, hedge against fossil fuel volatility, and help guarantee availability. Additionally, through the Executive Order, I will direct State Purchasing to do more performance-based contracting on all state buildings for energy and water

conservation retrofits. These efforts will be financed through the savings generated by conservation and require no additional state funds. And to accomplish these energy goals, we will need a stronger state energy office.

This year marks the tenth anniversary of the first Lake Tahoe Summit, where our delegation, along with California, recognized the national treasure of Lake Tahoe and collectively made a $908 million commitment to protecting and enhancing this wonder of the Sierra.

I am pleased to report that Nevada has made good on that promise. To date, we have committed $72 million to environmental improvement projects in the Lake Tahoe Basin, and the Lake is cleaner and clearer as a result. I support the final installment for the Lake Tahoe Environmental Improvement Program and, this summer, at the annual summer summit, we will reaffirm Nevada's commitment to the protection of Lake Tahoe.

I will also be working with our delegation and the BLM toward preserving wildlife habitat after wildfires blackened more than 1.3 million acres across Nevada last year, primarily in Elko County, where most of that habitat damage occurred.

The last two years have seen significant tactical victories in our long and tough battle to keep Nevada from becoming the nation's nuclear waste dump. That effort, with the leadership of our delegation, must continue, which is why I have doubled Nevada's legal effort. As Senator Reid has said, now is not the time to claim victory, but rather to finish the job and end this unwise, unscientific, and politically punitive program.

The voting public is concerned that there is not enough transparency in Nevada's election process. These concerns often frustrate voters to a point where they choose not to participate in the political process altogether.

I intend to work with the Legislature and Secretary of State Ross Miller to develop an on-line system in which contributions are reported more frequently. Current state law requires disclosure of contributions only in excess of $100 three times annually.

That is not good enough. I will ask the Legislature to require that state candidates show their full Contributions and Expenses Report before early voting starts. Voters do have the right to know who is financing campaigns before they cast that ballot.

During last year's campaign, I met with many concerned Nevadans regarding legislation protecting our families from sex offenders. I will ask the Legislature to require out-of-state sex offenders to submit DNA samples, require registration prior to release from prison, 30-day re-registration for transient offenders, and expansion of the global positioning system program that forces pedophiles and sex offenders to wear bracelets so that they do not go undetected in our communities. As it should be, these offenders would pick up the cost of the GPS bracelet as a condition of their parole. I ask for your support in aggressively tracking these sexual predators who live among us.

The surplus revenue that we have today came about because Nevada remains one of the best places in the world to relocate and grow a business. I believe it is my job to foster a business climate that encourages investment in our state, to have government help when necessary, and to get out of the way where possible.

Changing the way we view and fund education, creating fresh alternatives for affordable housing, broadening the Homestead Act, cracking down on sex offenders, strengthening the importance of public-private partnerships in government planning, reforming Medicaid, prioritizing transportation funding, and doing it all without raising tax–some have reported this as radical; I consider it responsible.

There is much to do, and tomorrow the budget committees begin their work. It will require a valiant effort by each of us, and a willingness to believe in our capacity to perform great deeds; to believe that together, as one Nevada, we can do anything.

We will not always agree, but I give you my solemn word, that when we do disagree, it will be with honor, respect and civility. Nevadans deserve no less.

In closing, I can assure you that I have not forgotten my early life lessons about the power of partnership and the importance of the pioneer, can-do attitude that makes us Nevadans different.

I am proud to be your Governor. God bless America. And God bless the Great State of Nevada. Thank you.

UNITED STATES SENATE
WASHINGTON, D.C. 20510-7012

January 17, 2007

THE HONORABLE BARBARA BUCKLEY, *Speaker,* State of Nevada Assembly, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747

DEAR SPEAKER BUCKLEY:

I am writing to request the honor of speaking before both houses of the Nevada State Legislature at 5:00 p.m. on Tuesday, February 20, 2007.

My Reno office will be coordinating the details of my visit. Please call Mary Conelly or June Schmidt at 775.686.5750 if you have any questions.

Thank you for your kind consideration. I look forward to speaking to the Legislature on issues of mutual interest.

With all best wishes,

Sincerely,
HARRY REID
United States Senator

MESSAGES FROM THE SECRETARY OF STATE

STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE

January 30, 2007

SUSAN FURLONG REIL, *Chief Clerk of the Assembly*
401 S. Carson Street
Carson City, Nevada 89701-4747

DEAR MS. FURLONG REIL:

This letter is in acknowledgement of the transfer of Assembly Bill No. 505 of the 73rd Session, which was vetoed by Governor Kenny C. Guinn in the 73rd Legislative Session. Additionally, enclosed is Assembly Joint Resolutions Nos. 8, 10, and 16 of the 73rd Session. The enclosed, engrossed and enrolled copies of Assembly Bill No. 505, and Assembly Joint Resolutions Nos. 8, 10, and 16 are being transferred to the 74th Legislative Session pursuant to NRS 218.430(2).

If you have any questions in this regard, please do not hesitate to contact the Elections Division at (775) 684-5705.

Respectfully,
ROSS MILLER
Secretary of State

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that vetoed Assembly Bill No. 505 of the 73rd Session be made a Special Order of Business for Thursday, February 8, 2007, at 11:15 a.m.

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Joint Resolution No. 8 of the 73rd Session—Proposing to amend the Nevada Constitution to specify that the number of signatures required on a petition for referendum or a petition for initiative is to be determined when, before circulating the petition for signatures, a copy of the petition is filed with the Secretary of State.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 19 of the Nevada Constitution be amended to read as follows:

Sec. 1. 1. A person who intends to circulate a petition that a statute or resolution or part thereof enacted by the Legislature be submitted to a vote of the people, before circulating the petition for signatures, shall file a copy thereof with the Secretary of State. He shall file the copy not earlier than August 1 of the year before the year in which the election will be held.

2. Whenever a number of registered voters of this State equal to 10 percent or more of the number of voters who voted at the last preceding general election shall express their wish by filing with the Secretary of State, not less than 120 days before the next general election, a petition in the form provided for in Section 3 of this Article that any statute or resolution or any part thereof enacted by the Legislature be submitted to a vote of the people, the officers charged with the duties of announcing and proclaiming elections and of certifying nominations or questions to be voted upon shall submit the question of approval or disapproval of such statute or resolution or any part thereof to a vote of the voters at the next succeeding election at which such question may be voted upon by the registered voters of the entire state. ***The number of registered voters required to file the petition must be determined at the time the copy of the petition is filed with the Secretary of State pursuant to this Section.*** The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest.

3. If a majority of the voters voting upon the proposal submitted at such election votes approval of such statute or resolution or any part thereof, such statute or resolution or any part thereof shall stand as the law of the State and shall not be amended, annulled, repealed, set aside, suspended or in any way made inoperative except by the direct vote of the people. If a majority of such voters votes disapproval of such statute or resolution or any part thereof, such statute or resolution or any part thereof shall be void and of no effect.

And be it further

RESOLVED, That Section 2 of Article 19 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. Notwithstanding the provisions of Section 1 of Article 4 of this Constitution, but subject to the limitations of Section 6 of this Article, the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this Constitution, and to enact or reject them at the polls.

2. An initiative petition shall be in the form required by Section 3 of this Article and shall be proposed by a number of registered voters equal to 10 percent or more of the number of voters who voted at the last preceding general election in not less than 75 percent of the counties in the State, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire state at the last preceding general election. ***The number of registered voters required to file the petition must be determined at the time the copy of the petition is filed with the Secretary of State pursuant to this Section.***

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than January 1 of the year preceding the year in which a regular session of the Legislature is held. After its circulation, it shall be filed with the Secretary of State not less than 30 days prior to any regular session of the Legislature. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall transmit such petition to the Legislature as soon as the Legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the Legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the Legislature and approved by the Governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in Section 1 of this Article. If the statute or amendment to a statute is rejected by the Legislature, or if no action is taken thereon within 40 days, the Secretary of State shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election

votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the Supreme Court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the Legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the Legislature rejects such proposed statute or amendment, the Governor may recommend to the Legislature and the Legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the Governor, the question of approval or disapproval of each measure shall be submitted by the Secretary of State to a vote of the voters at the next succeeding general election. If the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law. If at the session of the Legislature to which an initiative petition proposing an amendment to a statute is presented which the Legislature rejects or upon which it takes no action, the Legislature amends the statute which the petition proposes to amend in a respect which does not conflict in substance with the proposed amendment, the Secretary of State in submitting the statute to the voters for approval or disapproval of the proposed amendment shall include the amendment made by the Legislature.

4. If the initiative petition proposes an amendment to the Constitution, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than September 1 of the year before the year in which the election is to be held. After its circulation it shall be filed with the Secretary of State not less than 90 days before any regular general election at which the question of approval or disapproval of such amendment may be voted upon by the voters of the entire state. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall cause to be published in a newspaper of general circulation, on three separate occasions, in each county in the State, together with any explanatory matter which shall be placed upon the ballot, the entire text of the proposed amendment. If a majority of the voters voting on such question at such election votes disapproval of such amendment, no further action shall be taken on the petition. If a majority of such voters votes approval of such amendment, the Secretary of State shall publish and resubmit the question of approval or disapproval to a vote of the voters at the next succeeding general election in the same manner as such question was originally submitted. If a majority of such voters votes disapproval of such amendment, no further action shall be taken on such petition. If a majority of such voters votes approval of such amendment, it shall, unless precluded by subsection 5 or 6, become a part of this Constitution upon completion of the canvass of votes by the Supreme Court.

5. If two or more measures which affect the same section of a statute or of the Constitution are finally approved pursuant to this Section, or an amendment to the Constitution is finally so approved and an amendment proposed by the Legislature is ratified which affect the same section, by the voters at the same election:

(a) If all can be given effect without contradiction in substance, each shall be given effect.

(b) If one or more contradict in substance the other or others, the measure which received the largest favorable vote, and any other approved measure compatible with it, shall be given effect. If the one or more measures that contradict in substance the other or others receive the same number of favorable votes, none of the measures that contradict another shall be given effect.

6. If, at the same election as the first approval of a constitutional amendment pursuant to this Section, another amendment is finally approved pursuant to this Section, or an amendment proposed by the Legislature is ratified, which affects the same section of the Constitution but is compatible with the amendment given first approval, the Secretary of State shall publish and resubmit at the next general election the amendment given first approval as a further amendment to the section as amended by the amendment given final approval or ratified. If the amendment finally approved or ratified contradicts in substance the amendment given first approval, the Secretary of State shall not submit the amendment given first approval to the voters again.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Joint Resolution No. 10 of the 73rd Session—Proposing to amend the Nevada Constitution to provide that a person must be a resident of the State for 30 days before an election to be eligible to vote in that election.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 2 of the Nevada Constitution be amended to read as follows:

Section 1. All citizens of the United States (not laboring under the disabilities named in this Constitution) of the age of eighteen years and upwards, who shall have actually, and not constructively, resided in the State ~~[six months,]~~ and in the district or county thirty days next preceding any election, shall be entitled to vote for all officers that now or hereafter may be elected by the people, and upon all questions submitted to the electors at such election; ***provided***, that no person who has been or may be convicted of treason or felony in any state or territory of the United States, unless restored to civil rights, and no person who has been adjudicated mentally incompetent, unless restored to legal capacity, shall be entitled to the privilege of an elector. There shall be no denial of the elective franchise at any election on account of sex. The Legislature may provide by law the conditions under which a citizen of the United States who does not have the status of an elector in another state and who does not meet the residence requirements of this section may vote in this State for President and Vice President of the United States.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Joint Resolution No. 16 of the 73rd Session—Proposing to amend the Nevada Constitution to provide requirements for the enactment of property and sales tax exemptions.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 6, be added to Article 10 of the Nevada Constitution to read as follows:

Sec. 6. 1. The Legislature shall not enact an exemption from any ad valorem tax on property or excise tax on the sale, storage, use or consumption of tangible personal property sold at retail unless the Legislature finds that the exemption:

(a) Will achieve a bona fide social or economic purpose and the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the exemption would be granted; and

(b) Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from the tax from which the exemption would be granted was pledged.

2. In enacting an exemption from any ad valorem tax on property or excise tax on the sale, storage, use or consumption of tangible personal property sold at retail, the Legislature shall:

(a) Ensure that the requirements for claiming the exemption are as similar as practicable for similar classes of taxpayers; and

(b) Provide a specific date on which the exemption will cease to be effective.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Concurrent Resolution No. 1—Adopting the Joint Standing Rules of the Senate and Assembly for the 74th Session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Joint Rules of the Senate and Assembly as amended by the 73rd Session are adopted, with the following changes, as the Joint Rules of the Senate and Assembly for the 74th Session of the Legislature:

CONFERENCE COMMITTEES

Rule No. 1. Procedure Concerning.

In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House shall appoint a committee to confer with a like committee to be appointed by the other; and the committee so appointed shall meet publicly at a convenient hour to be agreed upon by their respective chairmen and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses.

The report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, new bills or resolutions, or other changes as it sees fit. New bills or resolutions so reported shall be treated as amendments unless the bills or resolutions are composed entirely of original matter, in which case they shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be.

The report of a conference committee may be adopted by acclamation, and such action may be considered equivalent to the adoption of amendments embodied therein. The report is not subject to amendment. If either House refuses to adopt the report, or if the first conference committee has so recommended, a second conference committee may be appointed. No member who served on the first committee may be appointed to the second.

There shall be but two conference committees on any bill or resolution. A majority of the members of a conference committee from each House must be members who voted for the passage of the bill or resolution.

MESSAGES

Rule No. 2. Procedure Concerning.

Proclamations by the Governor convening the Legislature in extra session shall, by direction of the presiding officer of each House, be read immediately after the convening thereof, filed and entered in full in the Journal of proceedings.

Whenever a message from the Governor is received, the Sergeant at Arms will announce: "Mr. President, or [~~Mr.~~] Madam Speaker, the Secretary of the Governor is at the bar." The Secretary will, upon being recognized by the presiding officer, announce: "Mr. President, or [~~Mr.~~] Madam Speaker, a message from His Excellency, the Governor of Nevada, to the Honorable, the Senate or Assembly," and hand same to the Sergeant at Arms for delivery to the Secretary of the Senate or Chief Clerk of the Assembly. The presiding officer will direct the biennial message of the Governor to be received and read, and all special messages to be received, read and entered in full in the Journal of proceedings.

Messages from the Senate to the Assembly shall be delivered by the Secretary or Assistant Secretary, and messages from the Assembly to the Senate shall be delivered by the Chief Clerk or Assistant Chief Clerk.

NOTICE OF FINAL ACTION

Rule No. 3. Communications.

Each House shall communicate its final action on any bill or resolution, or matter in which the other may be interested, by written notice. Each such notice sent by the Senate must be signed by the Secretary of the Senate, or a person designated by the Secretary. Each such notice sent by the Assembly must be signed by the Chief Clerk of the Assembly, or a person designated by the Chief Clerk.

BILLS AND JOINT RESOLUTIONS

Rule No. 4. Signature.

Each enrolled bill or joint resolution shall be presented to the presiding officers of both Houses for signature. They shall, after an announcement of their intention to do so is made in open session, sign the bill or joint resolution and their signatures shall be followed by those of the Secretary of the Senate and Chief Clerk of the Assembly.

Rule No. 5. Joint Sponsorship.

1. A bill or resolution introduced by a standing committee of the Senate or Assembly may, at the direction of the chairman of the committee, set forth the name of a standing committee of the other House as a joint sponsor, if a majority of all members appointed to the committee of the other House votes in favor of becoming a joint sponsor of the bill or resolution. The name of the committee joint sponsor must be set forth on the face of the bill or resolution immediately below the date on which the bill or resolution is introduced.

2. A bill or resolution introduced by one or more Legislators elected to one House may, at the direction of the Legislator who brings the bill or resolution forward for introduction, set forth the names of one or more Legislators who are members elected to the other House and who wish to be primary joint sponsors or non-primary joint sponsors of the bill or resolution. Not more than five Legislators from each House may be set forth on the face of a bill or resolution as primary joint sponsors. The names of each primary joint sponsor and non-primary joint sponsor must be set forth on the face of the bill or resolution in the following order immediately below the date on which the bill or resolution is introduced:

(a) The name of each primary joint sponsor, in the order indicated on the colored back of the introductory copy of the bill or resolution; and

(b) The name of each non-primary joint sponsor, in alphabetical order.

3. The Legislative Counsel shall not cause to be printed the name of a standing committee as a joint sponsor on the face of a bill or resolution unless the chairman of the committee has signed his name next to the name of the committee on the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5. The Legislative Counsel shall not cause to be printed the name of a Legislator as a primary joint sponsor or non-primary joint sponsor on the face of a bill or resolution unless the Legislator has signed the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5.

4. Upon introduction, any bill or resolution that sets forth the names of primary joint sponsors or non-primary joint sponsors, or both, must be numbered in the same numerical sequence as other bills and resolutions of the same House of origin are numbered.

5. Once a bill or resolution has been introduced, a primary joint sponsor or non-primary joint sponsor may only be added or removed by amendment of the bill or resolution. An amendment which proposes to add or remove a primary joint sponsor or non-primary joint sponsor must not be considered by the House of origin of the amendment unless a statement requesting the addition or removal is attached to the copy of the amendment submitted to the front desk of the House of origin of the amendment. If the amendment proposes to add or remove a Legislator as a primary joint sponsor or non-primary joint sponsor, the statement must

be signed by that Legislator. If the amendment proposes to add or remove a standing committee as a joint sponsor, the statement must be signed by the chairman of the committee. A copy of the statement must be transmitted to the Legislative Counsel if the amendment is adopted.

6. An amendment that proposes to add or remove a primary joint sponsor or non-primary joint sponsor may include additional proposals to change the substantive provisions of the bill or resolution or may be limited only to the proposal to add or remove a primary joint sponsor or non-primary joint sponsor.

PRINTING

Rule No. 6. Ordering and Distribution.

Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblyman to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

RESOLUTIONS

Rule No. 7. Types, Usage and Approval.

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada Constitution.

(b) Ratify a proposed amendment to the United States Constitution.

(c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A concurrent resolution must be used to:

(a) Amend these Joint Rules.

(b) Request the return from the Governor of an enrolled bill for further consideration.

(c) Resolve that the return of a bill from one House to the other House is necessary and appropriate.

(d) Express facts, principles, opinion and purposes of the Senate and Assembly.

(e) Establish a joint committee of the two Houses.

(f) Direct the Legislative Commission to conduct an interim study.

3. A concurrent resolution or a resolution of one House may be used to:

(a) Memorialize a former member of the Legislature or other notable or distinguished person upon his death.

(b) Congratulate or commend any person or organization for a significant and meritorious accomplishment, but any request for drafting the resolution must be approved by the Senate Committee on Legislative Operations and Elections or the Assembly Committee on Elections, Procedures, Ethics, and Constitutional Amendments before submission to the Legislative Counsel.

VETOES

Rule No. 8. Special Order.

Bills which have passed the Legislature, and which are accompanied by a message or statement of the Governor's disapproval, or veto of the same, shall become the subject of a special order; and when the special order for their consideration is reached and called, the said message or statement shall be read, together with the bill or bills so disposed or vetoed; and the message and bill shall be read in the Senate by the Secretary of the Senate and in the Assembly by the Chief Clerk of the Assembly, without interruption, consecutively, one following the other, and not upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon, save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the

Chair is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such vetoed bill without the same shall have first been read; ~~[, from the first word of its title to and including the last word of its final section;]~~ and no motion shall be entertained after the Chair has stated the question save a motion for "The previous question," but the merits of the bill itself may be debated.

ADJOURNMENT

Rule No. 9. Limitations and Calculation of Duration.

1. In calculating the permissible duration of an adjournment for 3 days or less, the day of adjournment must not be counted but the day of the next meeting must be counted, and Sunday must not be counted.

2. The Legislature may adjourn for more than 3 days by motion based on mutual consent of the Houses or by concurrent resolution. One or more such adjournments, for a total of not more than 20 days during any regular session, may be taken to permit standing committees, select committees or the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

Rule No. 9.5. Adjournment Sine Die.

1. The Legislature shall not take any action on a bill or resolution after midnight Pacific Daylight Time on the 120th calendar day of session.

2. A Legislator shall not take any action to impede the progress of the Legislature in completing its business by the time specified in subsection 1.

3. Any action taken in violation of subsection 2 shall be deemed out of order.

EXPENDITURES FROM THE LEGISLATIVE FUND

Rule No. 10. Manner of Authorization.

Except for routine salary, travel, equipment and operating expenses, no expenditures shall be made from the Legislative Fund without the authority of a concurrent resolution regularly adopted by the Senate and Assembly.

LEGISLATIVE COMMISSION

Rule No. 11. Membership and Organization.

1. When members of the minority party in the Senate or in the Assembly comprise less than 34 percent of the total number elected to that House, minority party membership for that House on the Legislative Commission must be:

(a) One, if such membership is less than 21 percent.

(b) Two, if such membership is between 21 percent and 33 percent. If the members of the minority party in the Senate or in the Assembly comprise more than 33 percent of the total number elected to that House, minority party membership for that House on the Commission must be three, being equal to the membership of the majority party.

2. Each House shall select one or more alternate members for each member from that House, designating them according to party or according to the individual member whom the alternate would replace.

3. A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the proper alternate member as designated by that House. If there is no proper alternate member, the Legislative Commission shall fill the vacancy by appointing a Senator or Assemblyman of the same party.

4. If for any reason a member is or will be absent from a meeting and there are no alternates available, the Chairman of the Commission may appoint a member of the same House and political party to attend the meeting as an alternate.

5. The members shall serve until their successors are appointed by resolution as provided in NRS 218.660, notwithstanding that their terms of office may have expired, except that the membership of any member who does not become a candidate for reelection or who is defeated

for reelection shall terminate on the day next after the election and the vacancy shall be filled as provided in this Rule.

6. The Chairman shall be selected at the first meeting of the newly formed Legislative Commission and shall serve until his successor is appointed following the formation of the next Legislative Commission.

RECORDS OF COMMITTEE PROCEEDINGS

Rule No. 12. Duties of Secretary of Committee and Director.

1. Each standing committee of the Legislature shall cause a record to be made of the proceedings of its meetings.

2. The secretary of a standing committee shall:

(a) Label each record with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the record was made;

(b) Keep the records in chronological order; and

(c) Deposit the records immediately following the final adjournment of any regular or special session of the Legislature with the Director of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

(a) Index the records;

(b) Make the records available for accessing by any person during office hours under such reasonable conditions as he may deem necessary;

(c) Maintain a log as a public record containing the date, time, name and address of any person accessing any of the records and identifying the records accessed; and

(d) Retain the records for two bienniums and at the end of that period keep some form or copy of the record in any manner he deems reasonable to ensure access to the record in the foreseeable future.

LIMITATIONS ON INTRODUCTION AND REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

Rule No. 14. Limitations on Drafting and Requirements for Introduction; Duplicative Measures; Indication of Requester on Committee Introductions.

1. Except as otherwise provided in subsection 5 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 8th calendar day of the legislative session, not more than:

(a) Two requests from each Assemblyman; and

(b) Four requests from each Senator,

for the drafting of a bill or resolution.

2. Except as otherwise provided in subsections 4 and 5 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the [~~22nd~~] 19th calendar day of the legislative session, not more than 50 requests, in total, from the standing committees of each House for the drafting of a bill or joint resolution. The Majority Leader of the Senate and the Speaker of the Assembly shall, not later than the 1st calendar day of the legislative session, determine and provide the Legislative Counsel with a written list of the number of requests for the drafting of a bill that may be submitted by each standing committee of their respective Houses, within the limit provided by this subsection. The lists may be revised any time before the [~~22nd~~] 19th day of the legislative session to reallocate any unused requests or requests which were withdrawn before drafting began on the request.

3. A request for the drafting of a bill or resolution that is submitted by a standing committee pursuant to this section must be approved by a majority of all of the members appointed to the committee before the request is submitted to the Legislative Counsel.

4. A standing committee may only request the drafting of a bill or resolution or introduce a bill or resolution that is within the jurisdiction of the standing committee.

5. The Legislative Counsel shall not honor a request for the drafting of a bill or resolution submitted by a member or standing committee of the Senate or Assembly unless such

information as is required to draft the measure is submitted to the Legislative Counsel with the request.

6. A measure introduced by a standing committee at the request of a Legislator or organization must indicate the Legislator or organization at whose request the measure was drafted.

7. The following measures must be introduced by a standing committee:

(a) Measures drafted at the request of agencies and officers of the Executive Branch of State Government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by interim legislative studies.

(c) Bills requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills requested by or on behalf of a standing committee must be introduced by that committee.

8. Resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

9. If two or more measures are being considered in the same House which are substantively duplicative, only the measure which has been assigned the lowest number for the purpose of establishing its priority in drafting may be considered, unless the measure with the lowest number is not introduced within 5 days after introduction of a measure with a higher number.

10. A Legislator may not change the subject matter of a request for a legislative measure after it has been submitted for drafting.

Rule No. 14.2. Limitations on Time for Introduction of Legislation.

1. Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

(a) Unless the provisions of paragraph (b) or (c) are applicable, a bill or joint resolution may only be introduced on or before:

(1) The 10th calendar day following delivery of the introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d), whichever is earlier.

(b) If a bill or joint resolution requires revision after the introductory copy has been delivered, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 10th calendar day following delivery of the introductory copy of the bill or joint resolution. The revised bill or joint resolution may only be introduced on or before:

(1) The 15th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d), whichever is earlier.

(c) If the bill or joint resolution requires a second or subsequent revision, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 15th calendar day following delivery of the original introductory copy of the bill or joint resolution. A bill or joint resolution revised pursuant to this subsection may only be introduced on or before:

(1) The 20th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d), whichever is earlier.

(d) Except as otherwise provided in subsection 3, the last day for introduction of a bill or joint resolution that was requested by:

(1) A Legislator is the 43rd calendar day of the legislative session.

(2) A standing or interim committee or other requester is the [~~51st~~] 50th calendar day of the legislative session.

2. The Legislative Counsel shall indicate on the face of the introductory copy of each bill or joint resolution the final date on which the bill or joint resolution may be introduced.

3. If the final date on which the bill or joint resolution may be introduced falls upon a day on which the House in which the bill or joint resolution is to be introduced is not in session, the bill or joint resolution may be introduced on the next day that the House is in session.

SCHEDULE FOR ENACTMENT OF BILLS

Rule No. 14.3. Final Dates for Action by Standing Committees and Houses.

Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

1. The final standing committee to which a bill or joint resolution is referred in its House of origin may only take action on the bill or joint resolution on or before the 68th calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

2. Final action on a bill or joint resolution may only be taken by the House of origin on or before the 79th calendar day of the legislative session.

3. The final standing committee to which a bill or joint resolution is referred in the second House may only take action on the bill or joint resolution on or before the 103rd calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

4. Final action on a bill or joint resolution may only be taken by the second House on or before the 110th calendar day of the legislative session.

No notice of reconsideration of any final vote on a bill or joint resolution is in order on the last day on which final action is allowed.

Rule No. 14.4. Emergency Requests.

1. After a legislative session has convened:

(a) The Majority Leader of the Senate and the Speaker of the Assembly may each submit to the Legislative Counsel, on his own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than five requests for the drafting of a bill or resolution.

(b) The Minority Leader of the Senate and the Minority Leader of the Assembly may each submit to the Legislative Counsel, on his own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than two requests for the drafting of a bill or resolution.

2. A request submitted pursuant to subsection 1:

(a) May be submitted at any time during the legislative session and is not subject to any of the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

(b) Is in addition to, and not in lieu of, any other requests for the drafting of a bill or resolution that are authorized to be submitted to the Legislative Counsel by the Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Senate or Minority Leader of the Assembly.

3. The list of requests for the preparation of legislative measures prepared pursuant to NRS 218.2475 must include the phrase “EMERGENCY REQUEST OF” and state the title of the person who requested each bill or resolution pursuant to this Rule. If the request was made on behalf of another Legislator or a standing committee, the list must also include the name of the Legislator or standing committee on whose behalf the bill or resolution was requested.

4. The Legislative Counsel shall cause to be printed on the face of the introductory copy of all reprints of each bill or resolution requested pursuant to this Rule the phrase “EMERGENCY REQUEST OF” and state the title of the person who requested the bill or resolution.

Rule No. 14.5. Waivers.

1. At the request of a Legislator or a standing or select committee of the Senate or Assembly, subsection 1 or 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 or any of the provisions of Joint Standing Rule No. 14.3, or any combination thereof, may be waived by the Majority Leader of the Senate and the Speaker of the Assembly, acting jointly, at any time during a legislative session. A request for a waiver submitted by a committee must be approved by a majority of all members appointed to the committee before the request is submitted to the Majority Leader and the Speaker.

2. A waiver granted pursuant to subsection 1:

(a) Must be in writing, executed on a form provided by the Legislative Counsel, and signed by the Majority Leader and the Speaker.

(b) Must indicate the date on which the waiver is granted.

(c) Must indicate the Legislator or committee on whose behalf the waiver is being granted.

(d) Must include the bill number for which the waiver is granted or indicate that the Legislative Counsel is authorized to accept and honor a request for a new bill or resolution.

(e) Must indicate the provisions to which the waiver applies.

(f) May include the conditions under which the bill for which the waiver is being granted must be introduced and processed.

3. The Legislative Counsel shall not honor a request for the drafting of a new bill or resolution for which a waiver is granted pursuant to this Rule unless such information as is required to draft the bill or resolution is submitted to the Legislative Counsel within 2 calendar days after the date on which the waiver is granted.

4. Upon the receipt of a written waiver granted pursuant to this Rule, the Legislative Counsel shall transmit a copy of the waiver to the Secretary of the Senate and the Chief Clerk of the Assembly. The notice that a waiver has been granted for an existing bill must be read on the floor and entered in the Journal, and a notation that the waiver was granted must be included as a part of the history of the bill on the next practicable legislative day. A notation that a waiver was granted authorizing a new bill or resolution must be included as a part of the history of the bill or resolution after introduction.

5. The Legislative Counsel shall secure the original copy of the waiver to the official cover of the bill or resolution.

6. No notice of reconsideration of any final vote on a bill is in order on the last day on which final action is allowed by a waiver.

Rule No. 14.6. Exemptions.

1. Upon request of the draft by or referral to the Senate Finance Committee or the Assembly Committee on Ways and Means, a bill which:

(a) Contains an appropriation; or

(b) Has been determined by the Fiscal Analysis Division to:

(1) Authorize the expenditure by a state agency of sums not appropriated from the State General Fund or the State Highway Fund;

(2) Create or increase any significant fiscal liability of the State;

(3) Implement a budget decision; or

(4) Significantly decrease any revenue of the State,

is exempt from the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3. The Fiscal Analysis Division shall give notice to the Legislative Counsel to cause to be printed on the face of the bill the term "exempt" for any bills requested by the Senate Finance Committee or Assembly Committee on Ways and Means that have been determined to be exempt and shall give written notice to the Legislative Counsel, Secretary of the Senate and Chief Clerk of the Assembly of any bill which is determined to be exempt or eligible for exemption after it is printed. When a bill is determined to be exempt or eligible for an exemption after the bill was printed a notation must be included as a part of the history of the bill on the next practicable legislative day. The term "exempt" must be printed on the face of all reprints of the bill after the bill becomes exempt.

2. Unless exempt pursuant to paragraph (a) of subsection 1, all of the provisions of Joint Standing Rules Nos. 14, 14.2 and 14.3 apply to a bill until the bill becomes exempt pursuant to subsection 1. A bill that has become exempt does not lose the exemption regardless of subsequent actions taken by the Legislature.

3. A cumulative list of all bills determined by the Fiscal Analysis Division pursuant to subsection 1 to be exempt or eligible for exemption after being printed must be maintained and printed in the back of the list of requests for the preparation of legislative measures prepared pursuant to NRS 218.2475.

4. The provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3 do not apply to:

(a) A measure that primarily relates to carrying out the business of the Legislature.

(b) A bill returned from enrollment for a technical correction.

(c) A bill that was previously enrolled but, upon request of the Legislature, has been returned from the Governor for further consideration.

Rule No. 14.7. Amendments.

1. The Legislative Counsel shall not honor a request for the drafting of an amendment to a bill or resolution if the subject matter of the amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of the bill or resolution.

2. For the purposes of this Rule, an amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of a bill or resolution if the amendment relates only to the general, single subject that is expressed in that title and not to the specific whole subject matter embraced in the bill or resolution.

3. This Rule must be narrowly construed to carry out the purposes for which it was adopted which is to ensure the effectiveness of the limitations set forth in Joint Standing Rules Nos. 14, 14.2 and 14.3.

CONTINUATION OF LEADERSHIP OF THE SENATE AND ASSEMBLY DURING THE INTERIM BETWEEN SESSIONS

Rule No. 15. Tenure and Performance of Statutory Duties.

1. Except as otherwise provided in subsections 2 and 3, the tenure of the President Pro Tem, Majority Leader and Minority Leader of the Senate and the Speaker, Speaker Pro Tem, Majority Floor Leader and Minority Floor Leader of the Assembly extends during the interim between regular sessions of the Legislature.

2. The Senators designated to be the President Pro Tem, Majority Leader and Minority Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session of the Legislature if the Senator formerly holding the respective position is no longer a Legislator.

3. The Assemblymen designated to be the Speaker, Speaker Pro Tem, Majority Floor Leader and Minority Floor Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session.

INTRODUCTION OF LEGISLATION REQUESTED BY STATE OR LOCAL GOVERNMENT

Rule No. 16. Delivery of Bill Drafts Requested by State Agencies and Local Governments.

1. Except as otherwise provided in subsection 2, on or before the third legislative day, the Legislative Counsel shall randomly deliver, in equal amounts, all legislative measures drafted at the request of any state agency or department or any local government to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction.

2. Any legislative measure properly requested in accordance with NRS 218.241 and 218.245 by any state agency or department or any local government which has not been drafted before the third legislative day must, upon completion, be immediately and randomly delivered, in equal amounts, by the Legislative Counsel to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction.

DATE OF FIRST JOINT BUDGET HEARING

Rule No. 17. Requirement.

The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the State must be held on or before the 89th calendar day of the regular session.

CRITERIA FOR REVIEWING BILLS THAT REQUIRE POLICIES
OF HEALTH INSURANCE TO PROVIDE COVERAGE FOR
CERTAIN TREATMENT OR SERVICES

Rule No. 18. Topics of Consideration.

Any standing committee of the Senate or Assembly to which a bill is referred requiring a policy of health insurance delivered or issued for delivery in this State to provide coverage for any treatment or service shall review the bill giving consideration to:

1. The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this State;

2. The extent to which coverage for the treatment or service is currently available;

3. The extent to which the required coverage may increase or decrease the cost of the treatment or service;

4. The effect the required coverage will have on the cost of obtaining policies of health insurance in this State;

5. The effect the required coverage will have on the cost of health care provided in this State; and

6. Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.

INTERIM FINDINGS AND RECOMMENDATIONS
OF LEGISLATIVE COMMITTEES

Rule No. 19. Date for Reporting.

Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, no later than the 14th calendar day of the regular session, inform interested members of the Senate and Assembly of those findings and recommendations.

POLICY AND PROCEDURES REGARDING
SEXUAL HARASSMENT

Rule No. 20. Maintenance of Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. The Legislature hereby declares its intention to maintain a working environment which is free from sexual harassment. This policy applies to all Legislators and lobbyists. Each member and lobbyist is responsible to conduct himself or herself in a manner which will ensure that others are able to work in such an environment.

2. In accordance with Title VII of the Civil Rights Act, for the purposes of this Rule, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;

(b) Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person; or

(c) Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

3. Each person subject to these Rules must exercise his own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment. The following noninclusive list provides illustrations of conduct that the Legislature deems to be inappropriate:

(a) Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments;

(b) Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;

(c) Physical conduct such as unwanted touching, blocking normal movement or interfering with the work directed at a person because of his sex;

(d) Threats and demands to submit to sexual requests to keep a person's job or avoid some other loss, and offers of employment benefits in return for sexual favors; and

(e) Retaliation for opposing, reporting or threatening to report sexual harassment, or for participating in an investigation, proceeding or hearing conducted by the Legislature or the Nevada Equal Rights Commission or the federal Equal Employment Opportunity Commission,

➥when submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person or such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

4. A person may have a claim of sexual harassment even if he has not lost a job or some other economic benefit. Conduct that impairs a person's ability to work or his emotional well-being at work constitutes sexual harassment.

5. If a Legislator believes he is being sexually harassed on the job, he may file a written complaint with:

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate; or

(c) The Director of the Legislative Counsel Bureau, if the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate.

The complaint must include the details of the incident or incidents, the names of the persons involved and the names of any witnesses.

6. Except as otherwise provided in subsection 7, the Speaker of the Assembly or the Majority Leader of the Senate, as appropriate, shall refer a complaint received pursuant to subsection 5 to a committee consisting of Legislators of the same House. A complaint against a lobbyist may be referred to a committee in either House.

7. If the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate, the Director of the Legislative Counsel Bureau shall refer the complaint to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments of the Assembly or the Committee on Legislative Operations and Elections of the Senate, as appropriate. If the Speaker of the Assembly or the Majority Leader of the Senate is a member of one of these committees, the Speaker or the Majority Leader, as the case may be, shall not participate in the investigation and resolution of the complaint.

8. The committee to which the complaint is referred shall immediately conduct a confidential and discreet investigation of the complaint. As a part of the investigation, the committee shall notify the accused of the allegations. The committee shall facilitate a meeting between the complainant and the accused to allow a discussion of the matter, if both agree. If the parties do not agree to such a meeting, the committee shall request statements regarding the complaint from each of the parties. Either party may request a hearing before the committee. The committee shall make its determination and inform the complainant and the accused of its determination as soon as practicable after it has completed its investigation.

9. If the investigation reveals that sexual harassment has occurred, the Legislature will take appropriate disciplinary or remedial action, or both. The committee shall inform the complainant of any action taken. The Legislature will also take any action necessary to deter any future harassment.

10. The Legislature will not retaliate against a person who files a complaint and will not knowingly permit any retaliation by the person's supervisors or coworkers.

11. The Legislature encourages a person to report any incident of sexual harassment immediately so that the complaint can be quickly and fairly resolved.

12. Action taken by a complainant pursuant to this Rule does not prohibit the complainant from also filing a complaint of sexual harassment with the Nevada Equal Rights Commission or the federal Equal Employment Opportunity Commission.

13. All Legislators and lobbyists are responsible for adhering to the provisions of this policy. The prohibitions against engaging in sexual harassment and the protections against becoming a victim of sexual harassment set forth in this policy apply to employees, Legislators, lobbyists, vendors, contractors, customers and visitors to the Legislature.

14. This policy does not create any enforceable legal rights in any person.

VOTE ON GENERAL APPROPRIATION BILL

Rule No. 21. Waiting Period Between Introduction and Final Passage.

A period of at least 24 hours must elapse between the introduction of the general appropriation bill and a vote on its final passage by its House of origin.

USE OF LOCK BOXES BY STATE AGENCIES

Rule No. 22. Duties of Senate Standing Committee on Finance and Assembly Standing Committee on Ways and Means.

To expedite the deposit of state revenue, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall, when reviewing the proposed budget of a state agency which collects state revenue, require if practicable, the agency to deposit revenue that it has received within 24 hours after receipt. The committees shall allow such agencies to deposit the revenue directly or contract with a service to deposit the revenue within the specified period.

Assemblyman Oceguera moved the adoption of the resolution.

Remarks by Assemblyman Oceguera.

Resolution adopted.

Assemblyman Oceguera moved that all rules be suspended and that the resolution be immediately transmitted to the Senate.

Motion carried unanimously.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Resolution No. 1—Providing for the appointment of Assembly attachés.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the following persons are elected as attachés of the Assembly for the 74th Session of the Legislature of the State of Nevada: Diane Keetch, Lucinda Benjamin, Matthew Baker, Kathryn Fosnaugh, Jason Hataway, Kyle Wentz, Terry Sullivan, Robin Bates, Victoria Kieffer, Sharon Murphy, Jennifer Osheroff, Debra Williams, Jasmine Shackley, William Souligny, Sylvia Brown, Sally Stoner, Barbara Houger, Wendy Kameda, Erin Smith, Matt Yemma, Betty Phenix, Laurel Armbrust, Kelly Minton, Nenita Wasserman, Tom Mullin, Toshiko McIntosh, Bonnie Borda Hoffecker, Joyce Hess, Alaina Cowley, Ashley Smith, Ann Marie Cutkosky, Kathryn Alden, Deanna Duncan, Marge Griffin, Millicent Jorgenson, Sheila Sease, Victoria Thompson, Jackie Valley, Cynthia Carter, Leslie Danihel, Judy Maddock, Rachel Pilliod, Reba Coombs, Connie Davis, Christine Bashaw, Linda Blevins, Anne Bowen, Barron Brooks, Todd Myler, Carol J. Thomsen, Patti Adams, Doreen Avila, Patricia Blackburn, Judith Coolbaugh, Mary Kay Doherty, Denise Dunning, Patricia Evans, Sherrada Fielder, Betty Francis, Mary Garcia, Christine Henricksen, Kaci Kerfeld, Terry Horgan, Danielle Mayabb, Marion Miles, Earlene Miller, Rachelle Myrick, Emilie Reafs, Kelly Troescher, Cheryl Williams, Katrina Zach, Gillis Colgan, Olivia Lloyd, Trisha Moore, Matthew Mowbray, Mary Bean, Jennifer Breeden, Nancy Dickson, Jeff Dreiling, Curt Easley, Angela Flores, Fabby Franco, Vicky Goodson, Donna Hancock, Lisa Her, Patricia Hutson, Novella Kowallek, Jacqueline Lethbridge, Yhvona Martin, Christopher Mayhew, Carolyn Maynick, Sara Moffat, Jacqueline Morgan, Luke Newman, Sheree Rosevear, Janet Stokes, Linda Utt, Jacob Vela, Sherry Howie, Harle Glover, Anne Knowles, Evelyn Moser, Maria Stafford, Frank Taylor, Victoria Windsor, Ted Zuend, Barry Wynott, Deanna Keirstead, June Bennett, Norm Budden, Mary Carel, Diane Bacus, Brandi Colunga, Jack Cooke, John Davis, Mark Day, Gail Eller, Mark Frady, Joyce E. Ghiselli, Don Hataway, Juanita Heston, Stephen Honey, Lois Lahair, Bob Maynick, Reid Meyer, Frank Tetz and Daniel Webster.

Assemblyman Oceguera moved the adoption of the resolution.

Remarks by Assemblyman Oceguera.

Resolution adopted.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Resolution No. 2—Providing allowances to the leadership and other members of the Assembly for periodicals, stamps, stationery and communications.

Assemblyman Oceguera moved the adoption of the resolution.

Remarks by Assemblyman Oceguera.

Resolution adopted.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Resolution No. 3—Adopting the Standing Rules of the Assembly for the 74th Session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the Assembly Standing Rules as amended by the 73rd Session are adopted, with the following changes, as the Standing Rules of the Assembly for the 74th Session of the Legislature:

I. OFFICERS AND EMPLOYEES

DUTIES OF OFFICERS

Rule No. 1. Speaker of the Assembly.

1. All officers of the Assembly are subordinate to the Speaker in all that relates to the prompt, efficient and correct discharge of their official duties under the Speaker's supervision.

2. Possessing the powers and performing the duties described in this Rule, the Speaker shall:

(a) Take the chair at the hour to which the Assembly stands adjourned, call the members to order, and upon the appearance of a quorum, proceed to business.

(b) Preserve order and decorum and have general direction of the Chamber of the Assembly and the approaches thereto. In the event of any disturbance or disorderly conduct therein, order the same to be cleared.

(c) Decide all questions of order, subject to a member's right to appeal to the Assembly. On appeal from such decisions, the Speaker has the right, in the Speaker's place, to assign the reason for the decision.

(d) Have the right to name any member to perform the duties of the Chair, but such substitution must not extend beyond one legislative day.

(e) When the Assembly resolves itself into Committee of the Whole, name a Chairman to preside thereover and call him to the Chair.

(f) Have the power to accredit the persons who act as representatives of the news media and assign them seats.

(g) Sign all bills and resolutions passed by the Legislature as provided by law.

(h) Sign all subpoenas issued by the Assembly.

(i) Receive all messages and communications from other departments of the government and announce them to the Assembly.

(j) Represent the Assembly, declare its will and in all things obey its commands.

(k) Vote on final passage of a bill or resolution, but the Speaker shall not be required to vote in ordinary legislative proceedings except where the Speaker's vote would be decisive. In all yea and nay votes, the Speaker's name must be called last.

3. If a vacancy occurs in the office of Speaker, through death, resignation or disability of the Speaker, the Speaker Pro Tempore shall temporarily and for the period of vacancy or disability conduct the necessary business of the Assembly.

4. If a permanent vacancy occurs in the office of Speaker, the Assembly shall select a new Speaker.

Rule No. 2. Reserved.

Rule No. 3. Reserved.

Rule No. 4. Reserved.

Rule No. 5. Reserved.

Rule No. 6. Reserved.

The next rule is 10.

II. SESSIONS AND MEETINGS

Rule No. 10. Time of Meeting.

The Assembly shall meet each day at 11 a.m., unless the Assembly adjourns to some other hour.

Rule No. 11. Open Meetings.

All meetings of the Assembly and its committees must be open to the public.

Rule No. 12. Reserved.

The next rule is 20.

III. DECORUM AND DEBATE

Rule No. 20. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then he shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the House; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

Rule No. 21. Portable Electronic Communication Devices.

1. A person who is within the Assembly Chambers or within an Assembly committee room shall not engage in a telephone conversation via the use of a portable telephone.

2. Before entering the Assembly Chambers or an Assembly committee room, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call, shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within the Assembly Chambers or within an Assembly committee room.

Rule No. 22. Reserved.

Rule No. 23. Committee on Ethics; Legislative Ethics.

1. The Committee on Ethics consists of:

(a) Two members of the Assembly appointed by the Speaker from the majority political party;

(b) One member of the Assembly appointed by the Minority Leader from the minority political party; and

(c) Two qualified electors of the State chosen by the members of the Committee who are appointed pursuant to paragraphs (a) and (b), neither of whom is a present or former member of the Legislature or employed by the State of Nevada.

2. The Speaker shall appoint two members of the Assembly, one from the majority political party and one from the minority political party to serve as alternate members of the Committee. If a member is disqualified, the alternate appointed from the same political party shall serve as a member of the Committee during the consideration of a specific question.

3. A member is disqualified if he is the requester of advice concerning a question of ethics or conflict of interest, or if the advice is requested by another member of the Assembly and a reasonable person in his situation could not exercise independent judgment on the matter in question.

4. The Committee shall hear complaints on alleged breaches of ethics and conflicts of interest, brought by Legislators and others, and it may advise Legislators on questions of breaches of ethics and conflicts of interest. All proceedings held to consider the character, alleged misconduct, professional competence or physical or mental health of any person by the Committee on matters of ethics or conflicts of interest are confidential unless a Legislator:

(a) Against whom a complaint is brought requests a public hearing;

(b) Discloses the opinion of the Committee at any time after his hearing; or

(c) Discloses the content of an advisory opinion issued to him by the Committee.

5. A complaint which alleges a breach of ethics or a conflict of interest must be in writing and signed by the person making the allegation. The complaint must be filed with the Chairman. The Chairman shall send a copy of the complaint, within 24 hours after receiving it, to the Legislator against whom the complaint is brought.

6. The criterion to be applied by the Committee in determining whether a Legislator has a conflict of interest is whether the independence of judgment of a reasonable person in his position upon the matter in question would be materially affected by:

(a) His acceptance of a gift or loan; or

(b) His private economic interest.

7. A Legislator who determines that he has a conflict of interest may vote upon, advocate or oppose any measure as to which a potential conflict exists if he makes a general disclosure of the conflict. In determining whether to vote upon, advocate or oppose the measure, the Legislator should consider whether:

(a) The conflict impedes his independence of judgment;

(b) His participation will produce a negative effect on the public's confidence in the integrity of the Legislature;

(c) His participation is likely to have any significant effect on the disposition of the measure; and

(d) His interest is greater than the interests of an entire class of persons similarly situated.

The next rule is 30.

IV. QUORUM, VOTING, ELECTIONS

Rule No. 30. Manner of Voting.

1. The presiding officer shall declare all votes, but the yeas and nays must be taken when called for by three members present, and the names of those calling for the yeas and nays must be entered in the Journal by the Chief Clerk.

2. The presiding officer shall call for yeas and nays by a division or by a roll call, either electronic or oral.

3. When taking the yeas and nays on any question, the electronic roll call system may be used, and when so used shall have the force and effect of any roll call under these rules.

4. When taking the yeas and nays by oral roll call, the Chief Clerk shall take the names of members alphabetically, except that the Speaker's name must be called last.

5. The electronic roll call system may be used to determine the presence of a quorum.

6. The yeas and nays must not be taken with the electronic roll call system until all members present are at their desks. The presiding officer may vote at the rostrum.

7. Only a member who:

(a) Has been certified by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments or a special committee of the Assembly; and

(b) Is physically present within the Assembly Chambers,

may cast a vote in the Assembly.

8. A member shall not vote for another member on any roll call, either electronic or oral. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

Rule No. 31. Reserved.

Rule No. 32. Announcement of the Vote.

1. A member may change his vote at any time before the announcement of the vote if the voting is by voice, or at any time before the votes are electronically recorded if the voting is conducted electronically.

2. The announcement of the result of any vote shall not be postponed.

Rule No. 33. Voting by Division.

Upon a division and count of the Assembly on any question, no person without the bar shall be counted.

The next rule is 40.

V. LEGISLATIVE BODIES

Rule No. 40. Standing Committees.

The standing committees of the Assembly are as follows:

1. Ways and Means, fourteen members.
2. Judiciary, fourteen members.
3. ~~[Growth and Infrastructure, thirteen]~~ ***Taxation, twelve*** members.
4. Education, eleven members.
5. Elections, Procedures, Ethics, and Constitutional Amendments, thirteen members.
6. Natural Resources, Agriculture, and Mining, eleven members.
7. Transportation, eleven members.
8. Commerce and Labor, fourteen members.
9. Health and Human Services, eleven members.
10. Government Affairs, ~~[thirteen]~~ ***fourteen*** members.
11. Select Committee on Corrections, Parole, and Probation, six members.

Rule No. 41. Appointment of Committees.

~~[1.]~~ Except as otherwise provided in Assembly Standing Rule No. 23, all committees must be appointed by the Speaker, unless otherwise directed by the Assembly. The Speaker shall designate the chairman and vice chairman of each committee.

~~[2. To facilitate the full participation of the members during an adjournment called pursuant to NRS 218.115, the Speaker may temporarily appoint a member to a standing committee that is scheduled to meet during the adjournment if none of the committees to which the member is regularly assigned will be meeting during the adjournment.]~~

Rule No. 42. Committee Action.

1. The committee shall have regular meetings scheduled by the Assembly leadership. A quorum of the committee is a majority of its members and may transact business except as limited by this Rule.

2. Except as limited by this Rule, a simple majority of those present may move, second and pass a motion by voice vote.

3. Definite action on a bill or resolution will require a majority of the entire committee.

4. A two-thirds majority of the entire committee is required to reconsider action on a bill or resolution.

5. Committee introduction of legislative measures which are not prefiled requires concurrence of two-thirds of the entire committee and does not imply commitment to support final passage.

6. The chairman shall vote on all final action regarding bills or resolutions.

7. No member of the committee may vote by proxy under any circumstances.

8. A committee shall not take a vote on the question of whether to exercise its statutory authority to issue a legislative subpoena unless the chairman has informed the Speaker of the intention of the committee to consider such a question.

Rule No. 43. Subcommittees.

Subcommittees made up of committee members may be appointed by the chairman to consider and report back on specific subjects or bills.

Rule No. 44. Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

The Committee on Elections, Procedures, Ethics, and Constitutional Amendments has jurisdiction over matters relating to personnel. It shall recommend by resolution the appointment of all attaches and employees of the Assembly not otherwise provided for by law. It may suspend or remove any such attache or employee for incompetency or dereliction of duty. It shall function as the Committee on Rules and as the Committee on Credentials of the Assembly.

Rule No. 45. Procedure for Election Contests.

1. Upon receipt of a statement of contest from the Secretary of State pursuant to NRS 293.427, the Speaker shall, as soon as practicable, appoint a special committee to hear the contest or refer the contest to the Standing Committee on Elections, Procedures, Ethics, and Constitutional Amendments. The committee shall conduct a hearing to consider the contest. The committee shall keep written minutes of the hearing. The contestant has the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby.

2. The contest must be submitted so far as may be possible upon depositions or by written or oral arguments as the Assembly may order. Any party to a contest may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State and before the contest is finally decided. At least 3 days' notice must be given to the prospective deponent and to the other party. If oral statements are made at any hearing before the Assembly or a committee thereof which purport to establish matters of fact, they must be made under oath. Strict rules of evidence do not apply.

3. The committee shall, not later than 5 calendar days after the contest was referred to the committee, report to the Assembly its findings on whether the contestant has met the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby. The committee shall then report to the Assembly its recommendation on which person should be declared elected or report that it has no recommendation. The Assembly shall, as soon as practicable thereafter but not later than 7 calendar days after the Speaker received the statement of contest, vote whether to accept or reject the committee's recommendation without amendment, if a recommendation is made. If the recommendation is accepted, the Speaker shall declare the recommended person elected. If the recommendation is rejected or the committee did not make a recommendation, the Assembly shall consider immediately which person should be declared elected. The Speaker shall not adjourn the Assembly until it has declared a person to be elected.

4. If a person other than the person initially seated as a member of the Assembly pursuant to subsection 2 of NRS 293.427 is declared to be elected by the Assembly as a result of the contest, the Speaker shall inform the Governor of the identity of the person declared to be elected by the Assembly.

Rule No. 46. Committee Action on Reports.

Committee reports must be adopted at a committee session actually assembled and meeting as a committee with a quorum present. Every committee vote on a matter pertaining to a bill or resolution must be recorded. The vote may be taken by roll call at the discretion of the chairman.

Rule No. 47. Committee Records.

The chairman of each committee shall keep, or cause to be kept, a complete record of the committee proceedings in which there must be entered:

1. The time and place of each meeting;

2. The attendance and absence of members;

3. The names of all persons appearing before the committee, with the names of persons, firms, corporations or associations in whose behalf such appearance is made; and

4. The subjects or measures considered and action taken.

Rule No. 48. Disposition of Committee Records.

All minutes, records and documents in the possession of committees and their chairmen must be filed in the offices of the Legislative Counsel Bureau upon adjournment sine die.

Rule No. 49. Committee Hearings.

1. The presence of a quorum of the committee is desirable but not required to conduct a public hearing. At the discretion of the chairman, members of the committee may attend, participate in and, if applicable, vote during the hearing via simultaneous telephone or video conference.

2. Public hearings are opened by the chairman who announces the subject under consideration and provides for those wishing to address the committee to be heard. These persons shall rise in an order determined by the chairman, address the chair and furnish their names, addresses and firms or other organizations represented. Committee members may address the chairman for permission to question the witness.

Rule No. 50. Reserved.

Rule No. 51. Reserved.

Rule No. 52. Concurrent Referrals.

When a bill or resolution is referred to two committees, the bill or resolution must go to the first committee named. If the first committee votes to amend the bill or resolution, it must be reprinted with amendments and then returned to the first committee or sent immediately to the next committee. If there is no amendment proposed by the first committee, or if the first committee acts upon the bill or resolution after amendment, the bill or resolution must be sent with the committee recommendation immediately to the second committee.

The next rule is 60.

VI. RULES GOVERNING MOTIONS

Rule No. 60. Entertaining.

No motion may be debated until it is distinctly announced by the presiding officer. The presiding officer, upon his own motion or at the request of a member, may direct that the motion be reduced to writing and be read by the Chief Clerk before the motion is debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

Rule No. 61. Reserved.

Rule No. 62. Reserved.

PARTICULAR MOTIONS

Rule No. 63. Reserved.

Rule No. 64. Reserved.

Rule No. 65. Indefinite Postponement.

When a question is postponed indefinitely, the same question must not be considered again during the session and the question is not subject to a motion for reconsideration.

Rule No. 66. To Strike Enacting Clause.

A motion to strike out the enacting clause of a bill or resolution does not take precedence over any other subsidiary motion. If the motion is carried, it shall be considered equivalent to the rejection of such bill or resolution.

Rule No. 67. Division of Question.

Any member may call for a division of the question, which shall be divided, if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Assembly. A motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert. A motion to strike out and insert shall be deemed indivisible.

Rule No. 68. To Reconsider—Precedence of.

A motion to reconsider shall have precedence over every other motion, except a motion to adjourn, or to fix the time to which to adjourn; and when the Assembly adjourns, while a motion to reconsider is pending, or before passing the order of business of Motions, Resolutions and Notices, the right to move a reconsideration shall continue to the next day of sitting. No notice of reconsideration of any final vote shall be in order on the:

1. Last day on which final action is allowed; or
2. Day preceding the last day of the session.

The next rule is 80.

VII. DEBATE

Rule No. 80. Speaking on Question.

No member shall speak more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

Rule No. 81. Previous Question.

The previous question shall be put only when demanded by three members. The previous question shall not be moved by the member last speaking on the question.

Rule No. 82. Privilege of Closing Debate.

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

The next rule is 90.

VIII. CONDUCT OF BUSINESS

A. RULES AND PROCEDURE

Rule No. 90. Mason's Manual.

The rules of parliamentary practice contained in Mason's Manual of Legislative Procedure shall govern the Assembly in all cases in which they are applicable and in which they are not inconsistent with the Standing Rules and orders of the Assembly, and the Joint Rules of the Senate and Assembly.

Rule No. 91. Rescission, Change or Suspension of Rule.

No standing rule or order of the Assembly shall be rescinded or changed without a vote of two-thirds of the members elected, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two-thirds of the members present.

Rule No. 92. Notices of Bills, Topics and Public Hearings.

1. Except as otherwise provided in subsection 3, all committees shall provide adequate notice of public hearings on bills, resolutions or other topics which are to come before the committees. The notice must include the date, time, place and agenda to be covered. The notice must be posted conspicuously in the legislative building, appear in the Daily History and be made available to the news media. The Daily History must include the most current version of the notice that is available at the time the Daily History is created and an informational statement informing the public where more current information, if any, regarding such notices may be found.

2. The noticing requirements of this Rule may be suspended for emergency situations but only after approval by a two-thirds vote of a committee.

3. Subsection 1 does not apply to:

(a) Committee meetings held on the floor of the Assembly during a recess; or

(b) Conference committee meetings.

Rule No. 93. Reserved.

Rule No. 94. Privilege of the Floor and Lobbying.

No person, except Senators, former Assemblymen and state officers, may be admitted at the bar of the Assembly, except by special invitation on the part of some member; but a majority may authorize the Speaker to have the Assembly cleared of all such persons. No person may do any lobbying upon the floor of the Assembly at any time, and it is the duty of the Sergeant at Arms to remove any person violating any of the provisions of this Rule.

Rule No. 95. Material Placed on Legislators' Desks.

All papers, letters, notes, pamphlets and other written material placed upon an Assemblyman's desk shall contain the signature of the Legislator requesting the placement of such material on the desk or shall contain a designation of the origin of such material. This Rule does not apply to books containing the legislative bills and resolutions, the legislative Daily Histories, the legislative Daily Journals or Legislative Counsel Bureau material.

Rule No. 96. Peddling, Begging and Soliciting.

1. Peddling, begging and soliciting are strictly forbidden in the Assembly Chambers, and in the lobby, gallery and halls adjacent thereto.

2. No part of the Assembly Chambers may be used for, or occupied by signs or other devices for any kind of advertising.

3. No part of the hallways adjacent to the Assembly Chambers may be used for or occupied by signs or other devices for any kind of advertising for commercial or personal gain. Notices for nonprofit, nonpartisan, civic or special legislative events may be posted in a designated area of the hallways adjacent to the Assembly Chambers with the approval of the Chief Clerk.

Rule No. 97. Petitions and Memorials.

Petitions, memorials and other papers addressed to the Assembly, shall be presented by the Speaker, or by a member in the Speaker's place. A brief statement of the contents thereof shall be made by the introducer. They shall not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.

Rule No. 98. Request of Purpose.

A member may request the purpose of a bill or joint resolution upon its introduction.

Rule No. 99. Remarks.

It shall be in order for members to make remarks and to have such remarks entered in the Journal.

Rule No. 100. Precedence of Parliamentary Authority.

The precedence of parliamentary authority in the Assembly is:

1. The Constitution of the State of Nevada.

2. The Statutes of the State of Nevada.

3. The Standing Rules of the Assembly and the Joint Standing Rules of the Senate and Assembly.

4. Mason's Manual of Legislative Procedure.

Rule No. 101. Reserved.

Rule No. 102. Privileged Questions.

Privileged questions have precedence over all others in the following order:

1. Motions to fix the time to which the Assembly shall adjourn.

2. Motions to adjourn.

3. Questions relating to the rights and privileges of the Assembly or any of its members.
4. A call of the House.
5. Motions for special orders.

Rule No. 103. Reserved.

B. BILLS

Rule No. 104. Reserved.

Rule No. 105. Substitute Bills.

A substitute bill shall be deemed and held to be an amendment, and treated in all respects as such. However, a substitute bill may be amended after its adoption, in the same manner as if it were an original bill.

Rule No. 106. Skeleton Bills.

The introduction of skeleton bills is authorized when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be provided for purposes of introduction and committee referral. Such a bill will be a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed.

Rule No. 107. Reserved.

Rule No. 108. Reserved.

Rule No. 109. Reading of Bills.

The presiding officer shall announce at each reading of a bill whether it be the first, second or third reading. The first reading of a bill shall be for information. If there is objection, the question shall be, “Shall the bill be rejected?” If the question to reject fails to receive a majority vote by the members present, or if there is no objection, the bill shall take the proper course. No bill shall be referred to a committee until after the first reading, nor amended until after the second reading.

Rule No. 110. Second Reading and Amendment of Bills.

1. All bills must be read the second time on the first legislative day after which they are reported by committee, unless a different day is designated by motion. Upon second reading, Assembly bills reported without amendments shall be placed on the General File and Senate bills reported without amendments shall be placed on the General File. Committee amendments reported with bills shall be considered upon their second reading, and such amendments may be adopted by a majority vote of the members present. Any amendment which is numbered, copied and made available to all members must be moved and voted upon by number unless any member moves that it be read in full. Assembly bills so amended must be reprinted, engrossed, and placed on the General File. Senate bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File.

2. Any member may move to amend a bill during its second or third reading, and such a motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading must be treated the same as bills with committee amendments. Any bill so amended upon the General File must be reprinted and then engrossed or reengrossed, as applicable.

3. The reprinting of amended bills may be dispensed with only in accordance with the provisions of law.

Rule No. 111. Consent Calendar.

1. A standing committee may by unanimous vote of the members present report a bill with the recommendation that it be placed on the Consent Calendar. The question of recommending a bill for the Consent Calendar may be voted upon in committee only after the bill has been recommended for passage and only if no amendment is recommended.

2. The Chief Clerk shall maintain a list of bills recommended for the Consent Calendar. The list must be printed in the Daily History and must include the summary of each bill, and the date the bill is scheduled for consideration on final passage.

3. At any time before the presiding officer calls for a vote on the passage of the Consent Calendar, a member may give written notice to the Chief Clerk or state orally from the floor of the Assembly in session that he requests the removal of a particular bill from the Consent Calendar. If a member so requests, the Chief Clerk shall remove the bill from the Consent Calendar and transfer it to the Second Reading File. A bill removed from the Consent Calendar may not be restored to that Calendar.

4. During floor consideration of the Consent Calendar, members may ask questions and offer explanations relating to the respective bills.

5. When the Consent Calendar is brought to a vote, the bills remaining on the Consent Calendar must be read by number and summary and the vote must be taken on their final passage as a group.

Rule No. 112. Reserved.

Rule No. 113. General File.

All bills reported to the Assembly, by either standing or special committees, after receiving their second readings must be placed upon a General File, to be kept by the Chief Clerk. Bills must be taken from the General File and acted upon in the order in which they were reported, unless otherwise specially ordered by the Assembly. But engrossed bills shall be placed at the head of the file, in the order in which they are received. The Chief Clerk shall post a daily statement of the bills on the General File, setting forth the order in which they are filed, and specifying the alterations arising from the disposal of business each day. The Chief Clerk shall likewise post notices of special orders as made.

Rule No. 114. Reserved.

Rule No. 115. Reconsideration of Vote on Bill.

On the first legislative day that the Assembly is in session succeeding that on which a final vote on any bill or resolution has been taken, a vote may be reconsidered on the motion of any member. Notice of intention to move such reconsideration must be given on the day on which the final vote was taken by a member voting with the prevailing party. It is not in order for any member to move a reconsideration on the day on which the final vote was taken, except by unanimous consent. There may be no reconsideration of a vote on a motion to indefinitely postpone. Motions to reconsider a vote upon amendments to any pending question may be made at once.

Rule No. 116. Vetoed Bills.

Bills that have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same must be taken up and considered immediately upon the coming in of the message transmitting the same, or become the subject of a special order. When the message is received, or (if made a special order) when the special order is called, the said message or statement must be read together with the bill or bills so disapproved or vetoed. The message and bill must be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions. No such bill or message may be referred to any committee, or otherwise acted upon save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which may be put by the Speaker is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such a vetoed bill unless the same shall first have been read, from the first word of its title to and including the last word of its final section. No motion may be entertained after the Speaker has stated the question, save a motion to adjourn or a motion for the previous question, but the merits of the bill itself may be debated. The message or statement containing the objections of the Governor to the bill must be entered in the Journal of the Assembly. The consideration of a vetoed bill, and the objections of the Governor thereto, shall be a privileged question, and shall take precedence over all others.

Rule No. 117. Reserved.

C. RESOLUTIONS

Rule No. 118. Treated as Bills—Joint Resolutions.

The procedure of enacting joint resolutions must be identical to that of enacting bills, except that:

1. Joint resolutions, upon enrollment, must be delivered to the Secretary of State; and
2. Joint resolutions proposing amendments to the Constitution must be entered in the Journal in their entirety.

Rule No. 119. Reserved.

D. ORDER OF BUSINESS

Rule No. 120. Order of Business.

The Order of Business must be as follows:

1. Call to Order.
2. Reading and Approval of Journal.
3. Presentation of Petitions.
4. Reports of Standing Committees.
5. Reports of Select Committees.
6. Communications.
7. Messages from the Senate.
8. Motions, Resolutions and Notices.
9. Introduction, First Reading and Reference.
10. Consent Calendar.
11. Second Reading and Amendment.
12. General File and Third Reading.
13. Unfinished Business of Preceding Day.
14. Special Orders of the Day.
15. Remarks from the Floor, limited to 10 minutes.

Rule No. 121. Reserved.

Rule No. 122. Reserved.

Rule No. 123. Reserved.

Rule No. 124. Reserved.

Rule No. 125. Reserved.

Rule No. 126. Reserved.

Rule No. 127. Reserved.

Rule No. 128. Reserved.

The next rule is 140.

IX. LEGISLATIVE INVESTIGATIONS AND MISCELLANEOUS

Rule No. 140. Compensation of Witnesses.

Witnesses summoned to appear before the Assembly or any of its committees must be compensated as provided by law for witnesses required to attend in the courts of the State of Nevada.

Rule No. 141. Use of the Assembly Chamber.

The Assembly Chamber shall not be used for any public or private business other than legislative, except by permission of the Assembly.

Assemblyman Oceguera moved the adoption of the resolution.

Resolution adopted.

INTRODUCTION, FIRST READING, AND REFERENCE

PREFILED BILLS

By Assemblyman Marvel:

Assembly Bill No. 1—AN ACT relating to energy; providing that a geothermal energy system that reduces the consumption of electricity or any fossil fuel is a renewable energy system for purposes of complying with the portfolio standards that are established by the Public Utilities Commission of Nevada for certain providers of electric service; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Anderson:

Assembly Bill No. 2—AN ACT relating to automotive repairs; requiring a garage or body shop to repair a motor vehicle in accordance with the written estimate or statement of the cost of repairs provided by the garage, body shop or person authorizing the repairs; providing penalties; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 3—AN ACT relating to protective orders; revising certain provisions concerning orders for protection against domestic violence and orders for protection against harassment in the workplace; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Mabey:

Assembly Bill No. 4—AN ACT relating to civil actions; revising certain provisions providing immunity from civil liability for certain medical facilities and certain medical professionals who render emergency obstetrical care or assistance under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Hardy:

Assembly Bill No. 5—AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles to adopt varying dates of registration of vehicles registered by the Motor Carrier Division of the Department and certain heavier vehicles; providing for the payment of fees for registration in installments; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Hardy:

Assembly Bill No. 6—AN ACT relating to counties; authorizing a board of county commissioners to enter into a contract or other agreement to provide the residents of the county with discounts on prescription drugs; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 7—AN ACT relating to public utilities; providing that certain electric and natural gas utilities applying to the Public Utilities Commission of Nevada to clear deferred accounts or to recover costs for purchased fuel and power have the burden of proving reasonableness and prudence in such applications; prohibiting the Commission from allowing natural gas utilities to recover costs for purchases made imprudently; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Manendo:

Assembly Bill No. 8—AN ACT relating to driving under the influence; prohibiting a person from being admitted to bail for at least 12 hours after his arrest for driving a vehicle or operating a vessel under the influence of intoxicating liquor or a controlled substance; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Parks:

Assembly Bill No. 9—AN ACT relating to mortgage agents; authorizing a natural person to be licensed as a mortgage agent on behalf of a corporation or limited-liability company under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Parks:

Assembly Bill No. 10—AN ACT relating to taxation; providing an exemption from the governmental services tax for vehicles registered by a resident of Nevada who is on active duty in the Armed Forces of the United States; authorizing such a person to waive his exemption and designate any additional amount to be credited to the Gift Account for Veterans' Homes; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Parks:

Assembly Bill No. 11—AN ACT relating to common-interest communities; requiring a member of an executive board of a unit owners' association who stands to profit personally from a matter before the board to disclose and abstain from voting on the matter; requiring that bids for an association project be considered and opened at a meeting of the executive board; making provisions authorizing the transient commercial use of units in a planned community in certain circumstances applicable in all counties; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 12—AN ACT relating to public works; revising the composition of and certain internal procedures relating to the operations of the State Public Works Board; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Allen (by request):

Assembly Bill No. 13—AN ACT relating to watercraft; increasing the age under which a person on a vessel is required to wear a personal flotation device; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblyman Oceguera:

Assembly Bill No. 14—AN ACT relating to crimes; making it unlawful to carry a graffiti implement in plain view in certain public areas without authorization from the relevant governmental entity; providing that a governmental entity which incurs costs in cleaning up or removing graffiti is a victim of graffiti for purposes of receiving restitution; revising penalties for unlawfully placing graffiti on the property of another; providing penalties; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Horne:

Assembly Bill No. 15—AN ACT relating to abduction of children; enacting the Uniform Child Abduction Prevention Act; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 16—AN ACT relating to state financial administration; authorizing the State Board of Examiners to delegate to its Clerk the authority to designate certain debts owed to the State as bad debts; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 17—AN ACT relating to justice courts; allowing justices of the peace to appoint masters in proceedings involving temporary or extended orders for protection against stalking, aggravated stalking or harassment; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 18—AN ACT relating to privileged communications; expanding the confidentiality provisions pertaining to certain review committees to include certain committees of institutions of the Nevada System of Higher Education; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 19—AN ACT relating to crimes; revising the provisions pertaining to the criminal liability of parties to crimes; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 20—AN ACT relating to juries; revising the provisions pertaining to travel costs that jurors are entitled to receive; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 21—AN ACT relating to weapons; increasing the allowable fee for an application for the issuance or renewal of a permit to carry a concealed weapon; making various other changes concerning the application process for the issuance and renewal of such permits; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 22—AN ACT relating to state property; authorizing the State Land Registrar to transfer certain real property owned by the State of Nevada to Washoe County and the Sierra Fire Protection District; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Concurrent Committees on Natural Resources, Agriculture, and Mining and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 23—AN ACT relating to crimes; requiring the suspension or delay in the issuance of the driver's license of a person who places graffiti on or otherwise defaces property; requiring the court to issue an order impounding any motor vehicle used in the commission of such an offense by a person who is 18 years of age or older; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 24—AN ACT relating to consumer reporting; prohibiting a credit reporting agency from charging certain elderly consumers a fee to release their consumer reports to specific persons or for specific periods or to place security freezes in or remove security freezes from their credit files; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 25—AN ACT relating to business associations; revising certain fees charged by the Office of the Secretary of State; revising the provisions pertaining to the name of a foreign limited partnership; making various other changes pertaining to business associations; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 26—AN ACT relating to business; prohibiting the Secretary of State from accepting for filing certain organizing documents of a business entity and amendments thereto that contain certain identifying terms relating to architecture, interior design or residential design in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 27—AN ACT relating to public utilities; authorizing the Public Utilities Commission of Nevada to assess administrative penalties in certain circumstances; requiring certain administrative fines assessed and collected by the Commission to be deposited in the State General Fund; authorizing the Commission to bring legal action in its own name to collect certain unpaid administrative fines; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 28—AN ACT relating to public administration; reducing the number of times the Advisory Council of the Division of Industrial Relations of the Department of Business and Industry is required to meet annually; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 29—AN ACT relating to public safety; revising the list of authorized emergency vehicles to include certain vehicles of the Division of Parole and Probation of the Department of Public Safety; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 30—AN ACT relating to administrative assessments; revising provisions governing the distribution of proceeds from certain administrative assessments; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 31—AN ACT relating to mining reclamation; requiring each person who participates in the program for the pooling of reclamation performance bonds to pay an amount into the pool which the Commission on Mineral Resources annually determines is sufficient to enable the program to be self-sustaining; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 32—AN ACT relating to court reporters; increasing the number of members of the Certified Court Reporters' Board of Nevada and providing for the appointment of the additional members; revising provisions relating to a quorum of the Board; revising provisions governing qualification for a certified court reporter's certificate; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 33—AN ACT relating to trade practices; making provisions regarding deceptive trade practices applicable to certain enterprises that provide instruction or training in martial arts; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 34—AN ACT relating to unemployment compensation; revising provisions governing the appointment of and procedures relating to Appeal Tribunals for claims relating to unemployment compensation; providing for interlocal agreements to appoint Appeal Tribunals; revising provisions governing the charging of the records for experience ratings of former employers of a discharged employee; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 35—AN ACT relating to hearing aid specialists; reducing the period during which a license issued by the Board of Hearing Aid Specialists may be renewed without an examination; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 36—AN ACT relating to hearing aid specialists; increasing the maximum allowable amount of certain fees charged by the Board of Hearing Aid Specialists; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Select Committee on Corrections, Parole, and Probation:

Assembly Bill No. 37—AN ACT relating to prisons; revising the provisions relating to the assistant directors of the Department of Corrections; providing the manner in which the interest and income earned

on money in the Prisoners' Personal Property Fund is to be credited; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Select Committee on Corrections, Parole, and Probation.

Motion carried.

By the Select Committee on Corrections, Parole, and Probation:

Assembly Bill No. 38—AN ACT relating to parole; revising certain provisions governing the forfeiture of credits earned to reduce the maximum term of imprisonment when a parolee violates a condition of his parole; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Select Committee on Corrections, Parole, and Probation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 39—AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles to set varying dates of registration of certain vehicles registered by the Motor Carrier Division of the Department and certain heavier vehicles; providing for the payment of fees for registration in installments; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 40—AN ACT relating to health care; requiring a provider of health care who files a claim on the health insurance of a patient to provide a bill to the patient within a certain period after the claim is approved or denied; requiring a provider of health care in all other cases to provide a bill to a patient within a certain period after providing the care; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 41—AN ACT relating to podiatry; revising provisions relating to requirements for licenses to practice podiatry; authorizing the State Board of Podiatry to adopt regulations increasing the maximum application and examination fees for such licenses; eliminating certain obsolete provisions concerning examinations for licensure; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 42—AN ACT relating to agriculture; clarifying the authority of the State Department of Agriculture to apply for or accept any gifts, grants, donations or contributions from any source in the administration of various programs by the Department; authorizing the Department to make certain grants or subgrants in the administration of those programs; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 43—AN ACT relating to public utilities; requiring certain public utilities in larger counties to provide a list of customers for use in the selection of jurors; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 44—AN ACT relating to criminal procedure; requiring a criminal defendant to be present at the preliminary hearing under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 45—AN ACT relating to parental rights; adding the conviction of murder, voluntary manslaughter or solicitation to commit murder by a parent as factors in determining the unfitness of the parent as grounds for terminating parental rights; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Beers:

Assembly Bill No. 46—AN ACT relating to civil actions; revising provisions governing the award of attorney's fees and costs by a court against certain attorneys and parties in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Segerblom:

Assembly Bill No. 47—AN ACT relating to collection agencies; revising the circumstances under which attorneys licensed in this State are excluded from the definition of a collection agency; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Manendo (by request):

Assembly Bill No. 48—AN ACT relating to days of observance; requiring the Governor to proclaim the third week in April as "Nevada Shaken Baby Syndrome Awareness Week"; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Conklin, Gerhardt, and Denis:

Assembly Bill No. 49—AN ACT relating to juries; exempting certain persons from jury service; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Conklin, Gerhardt, and Denis:

Assembly Bill No. 50—AN ACT relating to peace officers; eliminating the exceptions that authorize the release of the home address of a peace officer by a law enforcement agency in certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Oceguera:

Assembly Bill No. 51—AN ACT relating to employment; requiring an employer or former employer of a person who is an applicant for a position as a firefighter with a fire-fighting agency to provide certain information regarding the applicant to the fire-fighting agency under certain circumstances; providing immunity from civil liability in certain circumstances for an employer or former employer who provides such information; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 52—AN ACT relating to domestic relations; codifying certain common law factors that a court must consider when determining alimony; requiring the Court Administrator to collect and compile certain statistical information from the clerks of courts concerning temporary and extended orders for protection against domestic violence and to submit a biennial report to the Legislature; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 53—AN ACT relating to administrators of facilities for long-term care; providing for the reinstatement of expired licenses for administrators of a residential facility for groups or nursing facility administrators; requiring the payment of a fee for reinstatement; requiring the Nevada State Board of Examiners for Administrators of Facilities for Long-Term Care to make reasonable efforts to notify licensees of license renewal requirements and license expirations; revising provisions governing the authority of the Board to take disciplinary action against a person who holds a license; authorizing the Board to proceed with certain investigations, actions or disciplinary proceedings against persons with expired licenses; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 54—AN ACT relating to motor vehicles; requiring an applicant requesting the design, preparation and issuance of a special license plate to pay an application fee; providing for the refund of the application fee in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 55—AN ACT relating to court reporting; expanding the definition of "practice of court reporting" to include reporting by the use of voice writing; expanding the definition of "stenographic notes" to include certain records produced by voice writing; revising the circumstances under which a person who has received a passing grade on an examination for certified verbatim reporters may be admitted for examination in this State for a certified court reporter's certificate; establishing designations for certain

court reporters; authorizing the use of certain abbreviations by certain court reporters; prohibiting certified court reporters-voice writers from practicing court reporting by using any method of court reporting other than voice writing; requiring an official reporter to make a record of certain proceedings; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 56—AN ACT relating to contractors; providing for the suspension or revocation of the license of a contractor who knowingly enters into a contract with an unlicensed contractor or bids to contract or enters into a contract with a contractor in excess of that contractor's limit or beyond the scope of that contractor's license; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Manendo:

Assembly Bill No. 57—AN ACT relating to traffic laws; revising provisions governing the stopping, standing or parking of a vehicle near a crosswalk; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Oceguera:

Assembly Bill No. 58—AN ACT relating to crimes; providing that murder committed in the perpetration or attempted perpetration of child neglect or abuse or neglect of an older person or vulnerable person constitutes murder of the first degree; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 59—AN ACT relating to liens; revising the provisions governing the extinguishment of liens held by hospitals; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 60—AN ACT relating to county hospitals; revising provision authorizing county hospitals, in certain circumstances, to make purchases without complying with certain statutory competitive bidding requirements; authorizing the governing body of each county hospital to negotiate directly with selected vendors; providing that certain documents relating to such purchases are public records and requiring the documents to be kept on file at each county hospital; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Select Committee on Corrections, Parole, and Probation:

Assembly Bill No. 61—AN ACT relating to parole; requiring the State Board of Parole Commissioners to comply with the Open Meeting Law under certain circumstances; making various other changes concerning meetings of the Commissioners; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Select Committee on Corrections, Parole, and Probation.

Motion carried.

By the Select Committee on Corrections, Parole, and Probation:

Assembly Bill No. 62—AN ACT relating to parole; prohibiting the State Board of Parole Commissioners from considering certain factors when determining whether to grant parole to certain prisoners; providing that a prisoner sentenced to prison for a category D or E felony must be paroled in certain circumstances; requiring the Board, under certain circumstances, to inform a prisoner in writing of its reasons for denying parole to the prisoner; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Select Committee on Corrections, Parole, and Probation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 63—AN ACT relating to crimes; revising the additional penalty that must be imposed under certain circumstances for using a firearm, other deadly weapon or a weapon containing or capable of emitting tear gas in the commission of a crime; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 64—AN ACT relating to traffic laws; making various changes concerning the enforcement of a court order to complete certain training when a defendant failed to properly secure a child in a child restraint system in a vehicle; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 65—AN ACT relating to criminal procedure; revising the provisions pertaining to the filing of motions to suppress evidence in criminal proceedings; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Goicoechea (by request):

Assembly Bill No. 66—AN ACT relating to traffic laws; requiring drivers to stop at any location for a school bus displaying a flashing red light signal; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 67—AN ACT relating to air pollution; authorizing the State Department of Conservation and Natural Resources to collect money from the sale of emission credits or allocations; increasing the maximum amount the State Environmental Commission may establish as an administrative fine for certain lesser violations relating to air pollution; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 68—AN ACT relating to public health; expanding the grounds for which the Health Division of the Department of Health and Human Services is authorized to deny, suspend or revoke a license to operate certain medical and care facilities and agencies; expanding the grounds for which termination of an employee or independent contractor of such a facility or agency is required; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 69—AN ACT relating to crimes; specifying that the crime of luring a child includes luring a person believed to be a child; providing penalties; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Segerblom:

Assembly Bill No. 70—AN ACT relating to education; revising provisions governing the monthly salaries of the members and certain officers of the boards of trustees of school districts; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 71—AN ACT relating to traffic laws; making various changes to procedures when a vehicle is involved in a traffic accident; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblywoman Gansert:

Assembly Bill No. 72—AN ACT relating to crimes; specifying that the crime of luring a child includes luring a person believed to be a child; providing penalties; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Stewart:

Assembly Bill No. 73—AN ACT relating to sex offenders; providing an additional manner for searching the community notification website to identify or locate certain sex offenders; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Select Committee on Corrections, Parole, and Probation.

Motion carried.

By Assemblywomen Gansert and Kirkpatrick:

Assembly Bill No. 74—AN ACT relating to state financial administration; requiring certain state agencies to adopt a program to improve efficiency and the provision of services; authorizing such a state agency to expend a portion of its budgetary savings resulting from carrying out such a program for certain purposes; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Gansert:

Assembly Bill No. 75—AN ACT relating to anatomical gifts; revising the provisions governing the use of money in the Anatomical Gift Account; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywomen Gansert and Leslie:

Assembly Bill No. 76—AN ACT relating to motor vehicles; providing for a portion of the money in the Account for License Plates for the Support of the Education of Children in the Arts to be distributed to the VSA arts of Nevada; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 5, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 1.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 1.

Assemblyman Oceguera moved that all rules be suspended, reading so far had considered first reading, rules further suspended, bill considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Oceguera.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 1.

Bill read third time.

Remarks by Assemblyman Oceguera.

Roll call on Senate Bill No. 1:

YEAS—42.

NAYS—None.

Senate Bill No. 1 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblyman Conklin requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN ALLEN:

I am very proud to have my family here today. First, I'd like to introduce my grandmother, Dilly Allen. We've begun the month-long celebration of her ninetieth birthday. If you see her in the hallways, please tell her happy birthday. She is the matriarch of our family and I'm so glad she's been able to join us, despite some recent health problems. In addition to that, I have my aunt Erin Allen Camden, who worked very diligently during the campaign cycle to help run an always hectic and somewhat combative campaign cycle. Also, I have with me here my uncle, Yun Shik Oh, who has traveled from Seoul, Korea, representing my family in South Korea. I thank him for making the long trip and for my family's support, as always. My little brother, Harry Allen, is not so little anymore. After a tour of duty in the United States Army, he went to school on the G.I. Bill. He graduated and is now pursuing the American dream as a small business owner in southern California.

Lastly, my mother, who I'm eternally grateful for—both my parents—for their long-term support in any endeavor I've chosen to pursue. I'm grateful.

In addition to that, my family taught me several things, including responsibility, discipline, and the value of hard work. I hope these principles guide us throughout the next 120 days. We have to be responsible, keeping in mind the people who sent us here, always remembering that I could not be here without the help of my family. We wouldn't be here without the people we represent back at home. We are responsible for being stewards of their money and ensuring that every tax dollar spent benefits as many people as possible. We must be disciplined. This year we have more money to spend than in the history of our state. We have to remember that this money is not to be played with or to find every little pet project that all our members champion. We have to be stewards of the people's trust and must act accordingly.

To be responsible and disciplined requires our sweat equity. Ensuring a successful investment in our state's future will demand hard work, long hours, and undoubtedly many sleepless nights. I look forward to tackling the challenges of this state. Let's get to work, together. Thank you.

ASSEMBLYMAN ANDERSON:

The last hold out, the one that stuck to the very end, is my student aide from UNR, John Ward. I had earlier with me, of course, my grandson, Conner Lindloff, and his mother and father; my daughter, Cairn; and my son-in-law, Eric. My wife, of course, Clyda, who is the most important support that keeps me doing anything in life. I think I would have stayed in bed many, many days and not faced the reality of life without her. She is the most important part of my life—there are no two ways—and she continues to be. My daughter, Natha Clyde, who was my campaign manager this time—and you can imagine anyone trying to manage me, even for a family member, it is a difficult task at best. My niece, Kelly Gardner, and Rick Gardner, her husband, and two of their children were with me this time as they have been for every session but my first. My brother, Eddie, and his wife, Lani, who is, of course, one of the great heroes in our family because of a wide series of tragedies.

ASSEMBLYMAN OHRENSCHALL:

Thank you, Madam Speaker. I want to first of all thank you for your friendship, your guidance, and your leadership through the years. I want to thank the voters in my district for

bestowing this honor on me. It is really humbling. I'm really lucky to have four guests today who care a lot about me. Two of them have set quite an example of public service for me. My mother graduated law school in 1968 and came out to Nevada in 1969. One of her first jobs was as a law clerk here at the Legislative Counsel Bureau. She worked under the tutelage of one of our state's greatest attorneys, Mr. Frank Daykin, who was the assistant legislative counsel at that time. Later, he went on to serve our state as the Legislative Counsel for the State of Nevada.

My mother would return to the state of Nevada capital as an Assemblywoman from District 12 in 1994, when you were first elected, Madam Speaker. She served for 12 years, passing some landmark legislation in the areas of domestic violence, strategic lawsuits against public participation, and protection of free speech. My mother and stepdad continue to serve the state, representing Nevada at the National Conference of Commissioners on Uniform State Laws. I'm really proud that they are here. They have been wonderful parents to my sister and I.

My friend, Milton Wagner, flew up from Phoenix. He and I went to the University of Nevada, Las Vegas. We both studied economics. Milton graduated magna cum laude with a B.S. in economics. He was the Outstanding Economics Student from UNLV. He went on to law school at George Washington University, where he was managing editor of the *Law Review*. This summer, he sat for the Arizona bar exam. When he was done, he had the option of going on a long hiking trip in Arizona, through the Grand Canyon. He decided to come and do some hiking over in District 12 of Clark County. He helped me go door to door campaigning. He's a really wonderful friend to give up a vacation.

The last person I would like to thank is a really special lady in my life, my sister, Katie Ross. She managed my campaign. I was no picnic as a candidate. Katie did not inherit the political junky thing that runs in our family. It was really a labor of love for her, just wanting to see her brother not be heartbroken after the election. I really owe a lot to my sister.

ASSEMBLYMAN HORNE:

You know that I am thrilled that you are up there, Madam Speaker. I'm thrilled to be a part of this historic day. I'm glad my family could be here to share with me. They've had to make their way out. I had with me today my lovely wife, Brenda, and our son, William Henry Horne II, who many of you got to meet. He was born right in the middle of my first session in 2003. Chloe, my daughter, was born in July right after our last session in 2005. I had my in-laws with me; Brenda's mother, Evelyn Guigon; and Hugo Raffone. They made the trip up here. This was the first time they were able to come. I'm glad they were here.

I had my mother, Mary Horne Jackson, here with me. She's been on the floor with me at the start of session each time I've been here. Today I wanted to share with everyone here that she told me how proud she was of me. My father passed away when I was 12 years old—just before my twelfth birthday—after his second tour of Vietnam. He came home and was ill. She gave me his star sapphire ring. She said, "This is the last thing I have of his." She gave it to me today. She was pleased to see me here with my son in my lap, who was named after him, William Henry Horne. That is why I named him that. It reminds me on this historic day—and your speech, Madam Speaker—on how we want to make Nevada much better. A lot of us in here who have children, we watch them grow up, and we want them to go on and do wonderful things in their lives and be wonderful people and meet wonderful people. My mother has gotten to see me sit in this body, with my son in my lap, who was named after my father. He gets to see this. He was born during this. Now, I do not know how long I will be doing this, but one day he will be able to walk the halls, he and sisters, and be able to say, "That's my dad. I met these people. This state is this way because of them." And this is why I enjoy it.

I want to thank everyone here for this opportunity to be here again on this historic day. To those freshmen who are here, enjoy it. Have a wonderful time while you are doing it. Keep sight of why you are doing this. All of us are doing it for the same reason. We want Nevada to be a wonderful state to live in, and we want Nevada to be a wonderful state for our children and our grandchildren to live in.

ASSEMBLYMAN MABEY:

I was holding off a bit until my son got home from school. He's watching this on the Internet, I hope. He's my IT specialist, and I appreciate him. I appreciate the opportunity to serve. I was moved by your speech when you mentioned to honor this office and to never do anything to disgrace it. I hope that I always live my life that way so that my parents and grandparents and those that follow will feel proud of me. I pledge to you and everyone here that I will work hard to represent our side of the aisle and will work well with you, on your side, to make this state a better place. Thank you.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Dilly Allen, Erin Allen Camden, Harry Allen, Mary Oh, and Yoon Shik Oh.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Clyda Anderson, Ed Anderson, Eddie Anderson, Lani Anderson, Natha Anderson, Laurel Armbrust, Becca Gardner, Kelly Gardner, Michael Gardner, Rick Gardner, R. J. Gardner, Whitney Gardner, Cairn Lindloff, Connor Lindloff, Eric Lindloff, Danielle Mayabb, and John Ward.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Haley Atkinson

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Franzine Burge, Peter Burge, Vivian Freeman, Martha Gould, Lisa Kornze, Sara Moffat, and Barbara Stone.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Beverly Adams, Jennifer Arias, Paul Aizley, Sari Aizley, former Speaker Robert Barengo, Debbie Bergner, former Speaker William Bilyeu, Heather Branagan, Edith Buckley, Jane Buckley, Gail Burks, former Speaker Mel Close, Speaker Emeritus Joseph E. Dini, Jr., former Assembly Chief Clerk Mouryne Dini, former Assemblyman David Goldwater, former Speaker Lynn Hettrick, Barbara Houger, Wendy Kameda, Aiden Kendrick, Chan Kendrick, Ford Kendrick, Rich Myers, Carolyn Myers, former Speaker Richard Perkins, Terri Perkins, Tina Prieta, Candace Ruisi, Joseph Strother, former Speaker Jack Vergiels, Ann Wilkinson, and Matt Yemma.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Greg Osheroff.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Cory Christensen, Jacqueline Lethbridge, and Larry Lyon.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Claborn, Harry Hogan, and Shelly Hogan.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Emily Cobb, Suellen Cobb, Ty Cobb, and Jeff Dreiling.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Anita Conklin, Carl Conklin, Mijanne Conklin, Al Fouts, and Connie Polino.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to David Cook, Armando Denis, Dallin Denis, Daniel Denis, Denae Denis, Dustin Denis, Susan Denis, Diane Gale, and Kylle Gale.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Becky Elston, Glenn Gansert, Guy Gansert, Hank Gansert, Kirsten Gansert, Mackenzie Gansert, and Pierron Tackes.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Angela Flores, Bill Gerhardt, Pat Meyer, Michael Steen, and Erin Valois.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to James Eason and Virginia Ridgeway.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Gladys Goicoechea, Forrest Newton, and Ashley Smith.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Kady Cordes, Tina Cordes, Sean Cordes, Taylen Cordes, Mackie Grady, Maddy Grady, Pat Grady, Tanya Grady, Tim Grady, Addyson Harmon, Jace Harmon, Paul Harmon, Tammy Harmon.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Jill Hardy.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Kaye Rosso, Randy Rosso, and Sandy Hogan.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Alaina Cowley, Evelyn Guigon, Brenda Horne, Chloe Horne, William Henry Horne II, Mary Horne Jackson, and Hugo Raffone.

On request of Assemblyman Kihuen, the privilege of the floor of the Assembly Chamber for this day was extended to Javier Anguiano, Armando Kihuen, Blanca Kihuen, Jorge Kihuen, Mariana Kihuen, and Chris Turner.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Kirkpatrick, Sarah Kirkpatrick, and Tara Kirkpatrick.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Terry Horgan, Nykki Kinsley, Victor Koivisto, Jasmine Shackley, Sally Stoner, and Jackie Valley.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Diane Seevers and Leo Seevers.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Joseph R. Bifano and Lisa Her.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Harle Glover, Yhvona Martin, and Willie Marvel.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Garcia and Marge Griffin.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Price, Nancy Price, Helen Mortenson, and Sheila Sease.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Fabby Franco.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to John Berns, Carolyn Bogan, Jeff Buchanan, Al Gillespie, Aaron Guillen, Chris Hansen, Karen Hansen, Steven Hansen, Vivian Hicks, Jeff Hurley, Linda Mertens, Eileen Montgomery, Eric Poleski, Ernie Pontius, Sheila Pontius, and Monte Santos.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Frank Daykin, Pat Hutson, Genie Ohrenschall, Katie Ross, and Milton Wagner.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Giunchigliani, Gary Gray, and Paul Smith.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Cliff Dunseth and Jim Parsons.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Breeden, Eva Segerblom, Carl Segerblom, Gene Segerblom, Larry Segerblom, and Sharon Segerblom.

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Caitlyn Costa, Pam Horton, Arnold Settelmeyer, Patricia Settelmeyer, and Sherese Settelmeyer.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Connie Bilbrey, Paige Bilbrey, Emma Bouch, Olivia Bouch, Barbara Clark, Steve Ingersoll, Judy Lancing, Jonny Lester, Henry Pellini, Sue Pellini, Larry Poratt, Loretta Rameriz, Erin Smith, Greg Smith, Charlie Warren, and Rod Young.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Jacob Conger, Ryan Conger, Suzanne Conger, Diane Stewart, Leslie Stewart, and L. Duff Stewart.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Bonnie Weber, Matthew Weber, and Michael Weber.

On request of Assemblywoman Womack, the privilege of the floor of the Assembly Chamber for this day was extended to Amy Crosley, Robert Crosley, Ronda Crosley, Curt Easley, Sam Lieberman, Tom Morley, Samantha Weitzel, and Clint Womack.

Assemblyman Oceguera moved that the Assembly adjourn until Tuesday, February 6, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 3:38 p.m.

Approved: BARABARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE SECOND DAY

CARSON CITY (Tuesday), February 6, 2007

Assembly called to order at 11:06 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Patrick Propster.

Lord, as we gather for this 74th Legislative Session, we bow our hearts and respond to You, as King Solomon did when You asked him to ask of You, "What shall I give you?" We say, "Give to us, Your servants, an understanding heart to judge Your people, that we may discern between good and evil. For who is able to judge this great people of Yours?"

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

COMMUNICATIONS

CARSON CITY, NEVADA
CONSOLIDATED MUNICIPALITY AND STATE CAPITAL

February 5, 2007

TO: THE NEVADA STATE ASSEMBLY

It gives me great pleasure to join with the citizens of Carson City to extend to you and all of the members of the Nevada State Legislature our official greetings and warm welcome as we prepare for the start of the 2007 Legislative Session.

Our community, like so many areas of Nevada, is rich in history and famous for its colorful past. However, Carson City is unique. No other community in our state can boast the prestigious title of "Capital City." This is a designation of which we are very proud. Whether you are a first-time legislator or a veteran who has first-hand knowledge of Carson City's distinctive qualities, we hope our "down home, Nevada-style" hospitality will impress you.

We would like to invite you to attend a reception co-hosted by Douglas County, Lyon County, Storey County, and Carson City on Tuesday, February 6, 2007, at the Carson City Nugget, 507 North Carson Street, between 5:30—8:00 p.m. We hope to welcome you to Carson City, provide an opportunity to introduce you to other elected officials, and highlight several displays which demonstrate our regional pride.

Again, it is our pleasure to have you in our community, and we look forward to seeing you on Tuesday, February 6th. If there is any way we may be of assistance to you, please do not hesitate to call on me or any member of our city's staff. Best wishes for a successful session and thank you for allowing us to be your host these next few months.

Sincerely,

MARV TEIXEIRA
Mayor

MESSAGES FROM THE SECRETARY OF STATE

STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE

February 6, 2007

SUSAN FURLONG REIL, *Chief Clerk of the Assembly*
401 S. Carson Street
Carson City, Nevada 89701-4747
DEAR MS. FURLONG REIL:

This letter is in acknowledgement of the transfer of Assembly Joint Resolution No. 1 (of the 22nd Special Session). The enclosed, engrossed, and enrolled copies of Assembly Joint Resolution No. 1 are being transferred to the 74th Legislative Session pursuant to NRS 218.430(2).

If you have any questions in this regard, please do not hesitate to contact the Elections Division at (775) 684-5705.

Respectfully,
ROSS MILLER
Secretary of State

By: KRISTI D. GEISER, CERA
Program Officer III

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 5, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 1.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee of the Whole:

Assembly Joint Resolution No. 1 of the 22nd Special Session—Proposing to amend the Nevada Constitution to revise the provisions governing a petition for initiative or referendum.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 19 of the Nevada Constitution be amended to read as follows:

Section 1. 1. A person who intends to circulate a petition that a statute or resolution or part thereof enacted by the Legislature be submitted to a vote of the people, before circulating the petition for signatures, shall file a copy thereof with the Secretary of State. He shall file the copy not earlier than August 1 of the year before the year in which the election will be held.

2. Whenever a number of registered voters of this State equal to 10 percent or more of the number of voters who voted at the last preceding general election shall express their wish by filing with the Secretary of State, not less than 120 days before the next general election, a petition in the form provided for in Section 3 of this Article that any statute or resolution or any part thereof enacted by the Legislature be submitted to a vote of the people, the officers charged with the duties of announcing and proclaiming elections and of certifying nominations or questions to be voted upon shall submit the question of approval or disapproval of such statute or resolution or any part thereof to a vote of the voters at the next succeeding election at which such question may be voted upon by the registered voters of the entire State. ***The number of registered voters required to file the petition must be determined at the time the copy of the petition is filed with the Secretary of State pursuant to this Section.*** The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date

as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest.

3. If a majority of the voters voting upon the proposal submitted at such election votes approval of such statute or resolution or any part thereof, such statute or resolution or any part thereof shall stand as the law of the State and shall not be amended, annulled, repealed, set aside, suspended or in any way made inoperative except by the direct vote of the people. If a majority of such voters votes disapproval of such statute or resolution or any part thereof, such statute or resolution or any part thereof shall be void and of no effect.

And be it further

RESOLVED, That Section 2 of Article 19 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. Notwithstanding the provisions of Section 1 of Article 4 of this Constitution, but subject to the limitations of Section 6 of this Article, the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this Constitution, and to enact or reject them at the polls.

2. An initiative petition shall be in the form required by Section 3 of this Article and shall be proposed by a number of registered voters ***from each congressional district in this State*** equal to 10 percent or more of the number of voters who voted at the last preceding general election in ~~[not less than 75 percent of the counties in the State, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire State at the last preceding general election.]~~ ***the congressional district. The number of registered voters required to file the initiative petition must be determined at the time the copy of the initiative petition is filed with the Secretary of State pursuant to this Section.***

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than January 1 of the year preceding the year in which a regular session of the Legislature is held. After its circulation, it shall be filed with the Secretary of State not less than 30 days prior to any regular session of the Legislature. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall transmit such petition to the Legislature as soon as the Legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the Legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the Legislature and approved by the Governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in Section 1 of this Article. If the statute or amendment to a statute is rejected by the Legislature, or if no action is taken thereon within 40 days, the Secretary of State shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the Supreme Court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the Legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the Legislature rejects such proposed statute or amendment, the Governor may recommend to the Legislature and the Legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the Governor, the question of approval or disapproval of each measure shall be submitted by the Secretary of State to a vote of the voters at the next succeeding general election. If the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law. If at the session of the Legislature to which an initiative petition proposing an amendment to a statute is presented which the Legislature rejects or upon which it takes no action, the

Legislature amends the statute which the petition proposes to amend in a respect which does not conflict in substance with the proposed amendment, the Secretary of State in submitting the statute to the voters for approval or disapproval of the proposed amendment shall include the amendment made by the Legislature.

4. If the initiative petition proposes an amendment to the Constitution, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than September 1 of the year before the year in which the election is to be held. After its circulation it shall be filed with the Secretary of State not less than 90 days before any regular general election at which the question of approval or disapproval of such amendment may be voted upon by the voters of the entire State. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall cause to be published in a newspaper of general circulation, on three separate occasions, in each county in the State, together with any explanatory matter which shall be placed upon the ballot, the entire text of the proposed amendment. If a majority of the voters voting on such question at such election votes disapproval of such amendment, no further action shall be taken on the petition. If a majority of such voters votes approval of such amendment, the Secretary of State shall publish and resubmit the question of approval or disapproval to a vote of the voters at the next succeeding general election in the same manner as such question was originally submitted. If a majority of such voters votes disapproval of such amendment, no further action shall be taken on such petition. If a majority of such voters votes approval of such amendment, it shall, unless precluded by subsection 5 or 6, become a part of this Constitution upon completion of the canvass of votes by the Supreme Court.

5. If two or more measures which affect the same section of a statute or of the Constitution are finally approved pursuant to this section, or an amendment to the Constitution is finally so approved and an amendment proposed by the Legislature is ratified which affect the same section, by the voters at the same election:

(a) If all can be given effect without contradiction in substance, each shall be given effect.

(b) If one or more contradict in substance the other or others, the measure which received the largest favorable vote, and any other approved measure compatible with it, shall be given effect. If the one or more measures that contradict in substance the other or others receive the same number of favorable votes, none of the measures that contradict another shall be given effect.

6. If, at the same election as the first approval of a constitutional amendment pursuant to this Section, another amendment is finally approved pursuant to this Section, or an amendment proposed by the Legislature is ratified, which affects the same section of the Constitution but is compatible with the amendment given first approval, the Secretary of State shall publish and resubmit at the next general election the amendment given first approval as a further amendment to the section as amended by the amendment given final approval or ratified. If the amendment finally approved or ratified contradicts in substance the amendment given first approval, the Secretary of State shall not submit the amendment given first approval to the voters again.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 77—AN ACT relating to criminal procedure; revising provisions for determining whether a defendant is competent to stand trial or be punished for a criminal offense; requiring all other departments of the court which has suspended a trial to determine competency of a defendant to suspend any other proceedings related to the defendant; reducing the time by

which a court must determine competency when a trial is not requested; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that HUMBOLDT SUN: Forrest Newton; KNPB-TV Channel 5: Andrew Cristancho, Dave Santina; KOLO-TV: Ray Kinney, Ed Pearce; KRNV-TV NEWS 4: Hetty Chang, Jeff Deitch; KTVN-TV: Bill Brown, Brandon Rittiman, Louis Sierra; NEWS TALK 780 KOH: Samantha Stone; PBS LAS VEGAS: Samantha Stone; RENO GAZETTE-JOURNAL: Martha Bellisle; TAHOE DAILY TRIBUNE: William Ferchland, Dan Thrift be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chambers and that they be allowed use of appropriate broadcasting facilities.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:19 a.m.

ASSEMBLY IN SESSION

At 11:24 a.m.

Madam Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 6, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 1.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 1.

Assemblyman Mabey moved the adoption of the resolution.

Remarks by Assemblymen Mabey, Marvel, Carpenter, Horne, Mortenson, Settelmeyer, and Beers.

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MABEY:

Thank you, Madam Speaker. I feel humbled and inadequate to properly honor our past President, Ronald Reagan. As a university student I remember those days very well, and I remember Mr. Reagan and what he did for our country. I thought I would share a few quotes that I found from him that express some of my views and express how he felt about our country.

As he spoke about government he said, "It is not my intention to do away with government. It is rather to make it work; work with us, not over us; stand by our side, not right on our backs. Government can and must provide opportunity, not smother it; foster productivity, not stifle it. This administration's objective will be a healthy, vigorous, growing economy."

He also said in his first inaugural address, "No arsenal or no weapon in the arsenals of the world is so formidable as the will and moral courage of free men and women."

I was also struck by his sense of humor. We all remember when he was shot and when he got to the hospital he said two things that touched me. One, he told his wife, "Honey, I forgot to duck." And then, as he met the surgeons that were going to operate on him, he said, "I hope you are all Republicans."

He had great optimism and confidence in our country. He said, "The years ahead will be great ones for our country, for the cause of freedom, and the spread of civilization. The West will not contain communism, it will transcend communism. We will not bother to denounce it; we will dismiss it as a sad, bizarre chapter in human history whose last pages are even now being written."

And so as we remember Ronald Reagan on the ninety sixth anniversary of his birth, from him, perhaps, we as the elected representatives of the people in this great state of Nevada can draw new inspiration and gain a new understanding of the importance of the duties that have been placed upon us. As he so eloquently expressed, "You and I have a rendezvous with destiny. We will preserve for our children this, the last best hope of man on Earth, or we will sentence them to take the first step into a thousand years of darkness. If we fail, at least let our children and our children's children say of us, we justified our brief moment here. We did all that could be done."

ASSEMBLYMAN MARVEL:

Thank you, Madam Speaker. I rise in support of Senate Concurrent Resolution No. 1. I first became aware of Ronald Reagan in, of all places, Las Vegas, in the early 1960s. He spoke to the National Cattlemen's Convention. I'll tell you one thing: I have never seen such a rousing applause as Ronald Reagan received that day. You just knew that he was going to be headed off to greater things. I think we all owe him a debt for what he did in bringing the Cold War to an end. In my humble opinion, I think he will go down in the annals as one of the greatest presidents in the history of the United States.

ASSEMBLYMAN CARPENTER:

Thank you, Madam Speaker. The first time I really listened to Ronald Reagan, he was speaking at the Latter Day Saint temple in Salt Lake City. Of course, at that time, Elko didn't have any radio or television stations out of Reno. We listened to Salt Lake when Ronald Reagan spoke. And I thought, "Wow, what a great man."

Later on, Ronald Reagan actually came to Elko. At that time, I was a county commissioner. All of us dignitaries, if you could call us that, were supposed to go down and meet Ronald Reagan. There were the four Assemblymen from Elko County and the Senators. We all went down to the airport and we were standing at the bottom of the steps of the plane when Ronald Reagan came off. He went past us like we were nobody. And I think we really were no one. What he wanted to do was to talk to the people that worked at the airport. He wanted to make the connection with the common man. That always impressed me that he would do that. Of course, later on, he came back and shook our hands. We appreciated that.

I think because of his friendship with Senator Paul Laxalt, who we all knew very well, I think we felt a special connection to Ronald Reagan. I want to stand in support of this resolution. Thank you.

ASSEMBLYMAN HORNE:

Thank you, Madam Speaker. I rise in support of Senate Concurrent Resolution No. 1. My first exposure to President Ronald Reagan was in Las Vegas, as a young college student. He set aside a place in the convention center for those of us who were members of the fraternity Tau Kappa Epsilon. I am a member, as is the good Senator from Senate District No. 9. We were both in there together. The one striking thing to me, at that time, also being in ROTC at the University of Nevada, Las Vegas, was how President Reagan, regardless of your political affiliations, took a

nation with his manner, his leadership, and brought us all together to carry the load, to stand together to the world and say, "We are Americans. We stand up for the things that are important to people in the world. We protect those who are less fortunate than we are. Despite our differences, when it comes to adversity, we will stand together." That is something which today we should remember. The adversities we see in the world, the conflicts we have in our own nation, that is something which President Reagan was able to overcome. He was able to reach across the aisle, reach across the nation, and despite our differences, we were able to come together as a nation. Thank you.

ASSEMBLYMAN MORTENSON:

Thank you, Madam Speaker. Not only did he reach across parties and so on, but he reached across the age gap. I guess he was one of the oldest candidates for President, if not the oldest in this country. Again, he had a great wit. When someone asked him when he was running against a much younger candidate, "Is your age going to be a factor?" he said, "Well, I promise you I will not take advantage of the youth and inexperience of my opponent." No one ever bothered him with his age after that. Thank you, Madam Speaker.

ASSEMBLYMAN SETTELMEYER:

Thank you, Madam Speaker. I tend to rely on the words of people far more intelligent than me. In that respect, I would like to quote Mr. Reagan when he announced his Alzheimer's disease: "In closing, let me thank you, the American people, for giving me the great honor of allowing me to serve as your President. When the Lord calls me home, whenever that day may come, I will leave with the greatest love for this country of ours and eternal optimism for its future. I now begin the journey that will lead me into the sunset of my life. I know that for America there will always be a bright dawn ahead."

With that, I would like to lend my support to this resolution. Thank you.

ASSEMBLYMAN BEERS:

Thank you, Madam Speaker. My memory of President Reagan is as an extremely obscure artist in northern California. After his election, I sent him a piece of art commemorating his first day in the White House. He responded with a personal letter. I've never forgotten that, and I, too, stand in support of this resolution.

Resolution adopted.

REMARKS FROM THE FLOOR

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN GANSERT:

Thank you, Madam Speaker. Yesterday, I did not take the opportunity to congratulate you on becoming the first woman Speaker in Nevada. I want to, today.

I believe all of us were elected to vote individual agendas but to promote good public policy for our state. We are "One Nevada." Whether you are from the north, the south, a man, a woman, Democrat or Republican, our charge is to do what is right for the state. As a fellow female legislator, a wife, and a mother, I recognize your commitment to public service and the personal sacrifices you have made. To be successful in this body, you must earn respect. Madam Speaker, you have my respect.

The election of Nevada's first female Speaker is historic. Again, I congratulate you.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Ann Standley.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Cory Christensen.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Armando Denis.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Serretta Fast.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Raquel Fulghum.

Assemblyman Oceguera moved that the Assembly adjourn until Thursday, February 8, 2007, at 11 a.m., and that it do so in memory of President Ronald Wilson Reagan.

Motion carried.

Assembly adjourned at 11:39 a.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE FOURTH DAY

CARSON CITY (Thursday), February 8, 2007

Assembly called to order at 11:07 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Patrick Propster.

Lord, in Your Holy Word, You have said, "I am the true vine, and my Father is the vinedresser. Abide in Me, and I in you. As the branch cannot bear fruit of itself, unless it abides in the vine, neither can you unless you abide in Me." May the decisions and wisdom needed in this room, today, make its residence in the vine of His great glory.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Koivisto, Conklin, Munford, McClain, Horne, Denis, Gerhardt, Leslie, Manendo, Ohrenschall, Parks, Pierce, and Segerblom:

Assembly Bill No. 78—AN ACT relating to education; requiring the State Board of Education to adopt a program of education relating to skin cancer; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Koivisto, Arberry, Oceguera, Conklin, McClain, Anderson, Bobzien, Buckley, Claborn, Denis, Gerhardt, Hogan, Horne, Kihuen, Kirkpatrick, Leslie, Manendo, Munford, Ohrenschall, Parks, Pierce, Segerblom, and Womack:

Assembly Bill No. 79—AN ACT relating to ethics in government; prohibiting a public officer or employee from using any governmental time, property, equipment or other facility for any activity relating to a political campaign or for the preparation of certain disclosures or reports; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 80—AN ACT relating to elections; requiring limited-liability companies to register with and provide certain identifying information to the Secretary of State before engaging in certain political activities; requiring the Secretary of State to make such information available on his Internet website; requiring limited-liability companies that make expenditures on behalf of a candidate or group of candidates or who advocate the passage or defeat of a question or group of questions on a ballot to file certain campaign finance reports; providing a civil penalty; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By Assemblymen Cobb, Beers, Carpenter, Goedhart, Goicoechea, Grady, and Marvel:

Assembly Bill No. 81—AN ACT relating to graffiti; revising the penalties for placing graffiti on or otherwise defacing public or private property; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Marvel:

Assembly Bill No. 82—AN ACT relating to taxation; repealing the excise tax imposed on banks that is based on the number of branch offices maintained in this State; reducing the rate of tax imposed on financial institutions that is based on wages paid to employees; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Ohrenschall, Leslie, Denis, Parks, Anderson, Arberry, Beers, Bobzien, Buckley, Claborn, Conklin, Gerhardt, Hogan, Horne, Kihuen, Koivisto, Manendo, McClain, Mortenson, Oceguera, Pierce, Smith, and Womack:

Assembly Bill No. 83—AN ACT relating to crimes; providing an additional penalty for specified crimes motivated by the victim's actual or perceived status as a homeless person; expanding the aggravating circumstances for murder of the first degree to include crimes motivated by the victim's actual or perceived status as a homeless person; expanding provisions governing civil liability for certain crimes to include crimes motivated by the victim's actual or perceived status as a homeless person; expanding the program for reporting crimes motivated by certain

characteristics of the victim within the Central Repository for Nevada Records of Criminal History; providing penalties; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SPECIAL ORDERS OF THE DAY

The hour of 11:15 a.m. having arrived, vetoed Assembly Bill No. 505 of the 73rd Session was considered.

Vetoed Assembly Bill No. 505 of the 73rd Session.

Bill read.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

June 14, 2005

THE HONORABLE RICHARD D. PERKINS, *Speaker of the Assembly*, NEVADA STATE ASSEMBLY, LEGISLATIVE BUILDING, 401 S. Carson Street, Carson City, Nevada 89701

TO THE HONORABLE MEMBERS OF THE NEVADA STATE ASSEMBLY:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 505, which is entitled:

> AN ACT relating to transportation; revising provisions governing the registration of motor vehicles with a declared gross weight in excess of 26,000 pounds; abolishing the Transportation Services Authority; transferring the duties and responsibilities related to motor carriers and the storage of household goods and effects to the Public Utilities Commission of Nevada; revising provisions governing regulation of certain taxicab drivers; providing penalties; and providing other matters properly relating thereto.

I would be in support of Assembly Bill 505 and would sign this legislation into law if it were not for Section 133 of this legislation. Section 133 provides that:

> [A] taxicab driver shall not accept a tip, gift, gratuity, money, fee or any other valuable consideration of any kind from a person who has been issued a license by a board of county commissioners, a county liquor board, a county licensing board or the city council or other governing body of an incorporated city for the conveyance of a passenger to the location of the person who holds the license.

Section 133 was quietly amended into Assembly Bill 505 at the very end of the Legislative Session. The proponents of Section 133 should have provided taxicab drivers with an opportunity to testify at a public hearing regarding this provision so they could describe the impact it would have on their livelihoods. A public hearing would have also allowed the proponents of Section 133 to identify the resources either needed or available to enforce Section 133, and it would have allowed them to provide an explanation as to why limo drivers, doormen, bellhops, and other professions were left out of this section of the bill. Further, if a public hearing had been provided, local governments could have identified their responsibilities with respect to curtailing the behavior of persons who have been "issued a license by a board of county commissioners, a county liquor board, a county licensing board or the city council or other governing body of an incorporated city."

Taxicab drivers contribute greatly to the economy of this state. I cannot support Section 133 of AB 505 because it singles out and hurts the financial well-being of taxicab drivers. Additionally, I know all of the legislators serving in the Legislature, and I do not believe a majority of them would have supported Section 133 had it been fully and fairly debated in an open public forum. Therefore, I am exercising my right to veto this legislation.

Sincerely,
Kenny C. Guinn
Governor

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Remarks by Assemblymen Oceguera, Denis, and Beers.

Potential conflict of interest declared by Assemblyman Denis.

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN OCEGUERA:

We passed this legislation last session because we had reports that there were instances of unfair practices that needed to be addressed. It was certainly not our intent to harm taxicab drivers who contribute to our community and our economy. We certainly value them.

The problems this bill attempted to solve, such as the 26,000-pound registration and the TSA abolishment, will be addressed again this session. I am recommending that we not override the Governor's veto. While I think we need to continue to monitor this situation, I recommend a "no" vote on the matter before us.

ASSEMBLYMAN DENIS:

Because this bill deals with the Public Utilities Commission, I need to make the following disclosure. While I am on leave without pay during the Legislative Session, I am employed by the Public Utilities Commission of Nevada, which is a state agency. I hold the position in the classified service of Computer IT Tech II. In that capacity, I am responsible for the maintenance and operation of the hardware and software of all computers in the Las Vegas office of the Public Utilities Commission and the videoconferencing system. As a public employee, I participate in the Public Employees' Retirement System and all other benefit programs available to public employees generally. Therefore, I will be watchful for bills, resolutions, and amendments regarding the Public Utilities Commission, state employees, and public employee benefits. Thank you, Madam Speaker.

ASSEMBLYMAN BEERS:

I had a chance to look over the history of this bill prior to session. And this amendment, from what I've learned, was put into the bill after a broad, unanimous, bipartisan support had been achieved and was done without comment being available. This is an example of a good bill being made bad, and I definitely support the veto.

The roll was called, and the Assembly sustained the veto of the Governor by the following vote:

Yeas—None.

Nays—Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, Womack—42.

REMARKS FROM THE FLOOR

Assemblyman Carpenter requested that his remarks be entered in the Journal.

On the thirty-sixth day of this year, which was February 6, we had what is called Food Check-Out Day. I think that we need to realize the fact that in this nation, we have a great supply of nutritious food. I recognize that we do have hunger in this country. I have a restaurant, and the food that is wasted would feed everyone that is hungry in this nation. But I think that we also need to recognize that the farmers and ranchers of our country supply us with a great supply of healthful food. Right here in Nevada, we have great ranches raising cattle and sheep in Elko, White Pine, Lander, Eureka, and Humboldt Counties. We have the greatest potatoes in the world in Winnemucca; in Fallon, they raise cantaloupes that are the envy of the world; and in Smith Valley, down where one of our colleagues comes from, they have great garlic and onions to flavor our food. Further south, down in Amargosa Valley, we have great dairy, so we should recognize our farmers and ranchers and the great part they play in our food supply.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Over the interim, we had a subcommittee consisting of leadership which came up with some recommendations for conference committees. It is always our goal to allow the opportunity of this body, with a 120-day session every other year, to consider matters up to the very end of session. Our leadership team has developed, jointly, I think, some better procedures that will require notice on the web of all matters to be considered that are not contained in the original bill. I think this will do two things. It will preserve our flexibility to consider matters up until *sine die*. It will also allow more notice to be given to individuals, which I think is the intent of this body and certainly our leadership team and myself—to make sure full notice is going to the public. We have already implemented and developed those recommendations, and I think it will lead to healthier debate, healthier consideration, and better service of the public. For the freshman, that has already been developed.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 1; Assembly Resolutions Nos. 1, 2, and 3; Senate Bill No. 1.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Forbes and Denisse Roldan Newell.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Dan Burke.

Assemblyman Oceguera moved that the Assembly adjourn until Friday, February 9, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 11:27 a.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE FIFTH DAY

CARSON CITY (Friday), February 9, 2007

Assembly called to order at 11:02 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblywomen Gerhardt and Pierce, who were excused.

Prayer by the Chaplain, Pastor Patrick Propster.

I am the vine, you are the branches. He who abides in Me, and I in him, bears much fruit; for without me, you can do nothing. Heavenly Father, in Your Holy Name, we pray for the fruit of Your wisdom, discernment to be known in and through the decisions today. May our minds be rooted in the vine of Your understanding. To Your glory forever.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Koivisto, Buckley, McClain, Parks, Claborn, Anderson, Arberry, Atkinson, Bobzien, Conklin, Denis, Gerhardt, Hogan, Horne, Kihuen, Kirkpatrick, Leslie, Manendo, Mortenson, Munford, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, Smith, and Womack:

Assembly Joint Resolution No. 1—Proposing to amend the Nevada Constitution to provide for forfeiture of public office for three or more violations of ethical duties.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 6 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec . ~~[: 6. Each]~~ ***6***.

1. Except as otherwise provided in subsection 2, each House shall judge of the qualifications, elections and returns of its own members, choose its own officers (except the President of the Senate), determine the rules of its proceedings and may punish its members for disorderly conduct, and with the concurrence of two thirds of all the members elected, expel a member.

2. The provisions of this Section do not prohibit the forfeiture of office of a member pursuant to Section 5 of Article 7 of this Constitution.

And be it further

RESOLVED, That Section 21 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 21. 1. A justice of the Supreme Court, a district judge, a justice of the peace or a municipal judge may, in addition to the provision of Article 7 for impeachment, be censured, retired, removed or otherwise disciplined by the Commission on Judicial Discipline. Pursuant to rules governing appeals adopted by the Supreme Court, a justice or judge may appeal from the

action of the Commission to the Supreme Court, which may reverse such action or take any alternative action provided in this subsection.

2. The Commission is composed of:

(a) Two justices or judges appointed by the Supreme Court;

(b) Two members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and

(c) Three persons, not members of the legal profession, appointed by the Governor.

The Commission shall elect a Chairman from among its three lay members.

3. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this State, the Legislature shall provide by law, or if it fails to do so the Court shall provide by rule, for the appointment of attorneys at law to the positions designated in this Section to be occupied by members of the State Bar of Nevada.

4. The term of office of each appointive member of the Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. An appointing authority shall not appoint more than one resident of any county. The Governor shall not appoint more than two members of the same political party. No member may be a member of a commission on judicial selection.

5. The Legislature shall establish:

(a) In addition to censure, retirement and removal, the other forms of disciplinary action that the Commission may impose;

(b) The grounds for censure and other disciplinary action that the Commission may impose, including, but not limited to, violations of the provisions of the Code of Judicial Conduct;

(c) The standards for the investigation of matters relating to the fitness of a justice or judge; and

(d) The confidentiality or nonconfidentiality, as appropriate, of proceedings before the Commission, except that, in any event, a decision to censure, retire or remove a justice or judge must be made public.

6. The Supreme Court shall adopt a Code of Judicial Conduct.

7. The Commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties.

8. No justice or judge may by virtue of this Section be:

(a) Removed except for willful misconduct, willful or persistent failure to perform the duties of his office or habitual intemperance; or

(b) Retired except for advanced age which interferes with the proper performance of his judicial duties, or for mental or physical disability which prevents the proper performance of his judicial duties and which is likely to be permanent in nature.

9. Any matter relating to the fitness of a justice or judge may be brought to the attention of the Commission by any person or on the motion of the Commission. The Commission shall, after preliminary investigation, dismiss the matter or order a hearing to be held before it. If a hearing is ordered, a statement of the matter shall be served upon the justice or judge against whom the proceeding is brought. The Commission in its discretion may suspend a justice or judge from the exercise of his office pending the determination of the proceedings before the Commission. Any justice or judge whose removal is sought is liable to indictment and punishment according to law. A justice or judge retired for disability in accordance with this Section is entitled thereafter to receive such compensation as the Legislature may provide.

10. If a proceeding is brought against a justice of the Supreme Court, no justice of the Supreme Court may sit on the Commission for that proceeding. If a proceeding is brought against a district judge, no district judge from the same judicial district may sit on the Commission for that proceeding. If a proceeding is brought against a justice of the peace, no justice of the peace from the same township may sit on the Commission for that proceeding. If a proceeding is brought against a municipal judge, no municipal judge from the same city may sit on the Commission for that proceeding. If an appeal is taken from an action of the Commission to the Supreme Court, any justice who sat on the Commission for that proceeding is disqualified from participating in the consideration or decision of the appeal. When any member of the

Commission is disqualified by this subsection, the Supreme Court shall appoint a substitute from among the eligible judges.

11. The Commission may:

(a) Designate for each hearing an attorney or attorneys at law to act as counsel to conduct the proceeding;

(b) Summon witnesses to appear and testify under oath and compel the production of books, papers, documents and records;

(c) Grant immunity from prosecution or punishment when the Commission deems it necessary and proper in order to compel the giving of testimony under oath and the production of books, papers, documents and records; and

(d) Exercise such further powers as the Legislature may from time to time confer upon it.

12. The provisions of this Section do not prohibit the forfeiture of office of a justice or judge pursuant to Section 5 of Article 7 of this Constitution.

And be it further

RESOLVED, That a new section, designated Section 5, be added to Article 7 of the Nevada Constitution to read as follows:

Sec. 5. 1. If a public officer commits three or more violations of his ethical duties while holding the same office, whether or not the violations are committed at the same time or during the same term, that public officer forfeits his office.

2. For the purposes of this Section:

(a) The determination of whether a public officer has committed one or more violations of his ethical duties must be made by:

(1) For a public officer who is a member of the Judicial Department, the Commission on Judicial Discipline; or

(2) For all other public officers, the Commission on Ethics or any successor public agency created by statute and empowered to render opinions interpreting the statutory ethical standards applicable to public officers. The Legislature shall provide by law for such a public agency if the Commission on Ethics ceases to exist.

(b) A public officer who is determined to have committed one or more violations of his ethical duties must be given a reasonable opportunity to appeal that determination to a court of competent jurisdiction.

(c) A determination that a public officer has committed one or more violations of his ethical duties must not be deemed to be final until the public officer has exhausted his judicial remedies at the state level.

(d) If a public officer admits or stipulates in writing that he has committed one or more violations of his ethical duties, such admission or stipulation, as applicable, shall be deemed to be a determination by the relevant body that the public officer has committed one or more violations of his ethical duties.

(e) Each act or omission of a public officer that is part of a continuing course of conduct or arises out of the same occurrence, transaction, event or scheme constitutes a separate violation in determining whether the public officer has committed one or more violations of his ethical duties.

3. The process of forfeiture described in this Section is in addition to and not mutually exclusive as to any other method by which a public officer may be removed from office, including, without limitation:

(a) Impeachment of the Governor and other state and judicial officers pursuant to Sections 1 and 2 of this Article;

(b) Removal of civil officers as provided by law pursuant to Section 4 of this Article;

(c) In the case of members of the Legislature, removal from office pursuant to Section 6 of Article 4 of this Constitution; and

(d) In the case of officers of the Judicial Department, removal from office by:

(1) The Commission on Judicial Discipline, as described in Section 21 of Article 6 of this Constitution; or

(2) The Legislature, as described in Section 3 of this Article.

4. A public officer who forfeits his office pursuant to this Section is liable to indictment, trial, judgment and punishment according to law.

5. The Legislature shall enact such laws and procedures as it determines to be necessary to facilitate the operation of this Section.

6. The provisions of this Section do not apply with respect to acts or omissions that are committed by a public officer before this Section becomes law and takes effect.

7. As used in this Section:

(a) "Public officer" means a person elected or appointed to a position in the Legislative, Executive or Judicial Department of State Government or to a position with any political subdivision of this State if the position:

(1) Is established by this Constitution or a statute of this State or by a charter or ordinance of a political subdivision of this State; and

(2) Involves the continuous exercise, as part of the regular and permanent administration of the government, of a public power, trust or duty.

(b) "Violation of an ethical duty" means an act or omission committed by a public officer, which act or omission:

(1) Is of a serious nature, including, without limitation, acts or omissions that constitute felonies in this State; and

(2) Indicates the public officer behaved knowingly or willfully in a manner inimical to the nature of a public office as a public trust to be held for the sole benefit of the people.

And be it further

RESOLVED, That Section 2 of Article 7 of the Nevada Constitution be amended to read as follows:

Sec . ~~[: 2. The]~~ ***2.***

1. Except as otherwise provided in subsection 2, the Governor and other state and judicial officers, except justices of the peace ***,*** shall be liable to impeachment for misdemeanor or malfeasance in office ***,*** ~~[;]~~ but judgment in such case shall not extend further than removal from office and disqualification to hold any office of honor, profit ~~[,]~~ or trust under this State. The party ***,*** whether convicted or acquitted, shall ~~[, nevertheless,]~~ ***nevertheless*** be liable to indictment, trial, judgment and punishment according to law.

2. The provisions of this Section do not prohibit the forfeiture of office of the Governor or other state or judicial officers pursuant to Section 5 of this Article.

And be it further

RESOLVED, That Section 3 of Article 7 of the Nevada Constitution be amended to read as follows:

Sec . ~~[: 3. For]~~ ***3.***

1. Except as otherwise provided in subsection 2, for any reasonable cause to be entered on the journals of each House, which may, or may not be sufficient grounds for impeachment, the Chief Justice and associate justices of the Supreme Court and judges of the district courts shall be removed from office on the vote of two thirds of the members elected to each branch of the Legislature, and the justice or judge complained of, shall be served with a copy of the complaint against him, and shall have an opportunity of being heard in person or by counsel in his defense, provided, that no member of either branch of the Legislature shall be eligible to fill the vacancy occasioned by such removal.

2. The provisions of this Section do not prohibit the forfeiture of office of a justice of the Supreme Court or a judge of the district court pursuant to Section 5 of this Article.

Assemblywoman Koivisto moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By Assemblymen Smith, Anderson, Oceguera, Buckley, and Conklin:

Assembly Concurrent Resolution No. 2—Granting administrative leave to legislative employees in recognition of their service to the 74th Session of the Nevada Legislature.

Assemblywoman Smith moved the adoption of the resolution.

Remarks by Assemblywoman Smith.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Hogan, Munford, Bobzien, Claborn, Koivisto, and Womack:

Assembly Bill No. 84—AN ACT relating to prescription drugs; removing the authority of a dispensing practitioner to provide on the label for a prescription drug or medicine an expiration date that is earlier than the expiration date provided by the manufacturer; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Gansert:

Assembly Bill No. 85—AN ACT making an appropriation to the Judicial Retirement Fund for the unfunded accrued liability for the members of the Judicial Retirement System; and providing other matters properly relating thereto.

Assemblywoman Gansert moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Settelmeyer, Allen, Christensen, Cobb, and Stewart; Senators Beers, McGinness, and Washington:

Assembly Bill No. 86—AN ACT relating to public assistance; requiring persons who apply for public assistance to submit to a test to detect the presence of a controlled substance; requiring the Division of Welfare and Supportive Services of the Department of Health and Human Services to deny public assistance to a person whose test result indicates the presence of a controlled substance unless the person participates in a treatment program; providing exemptions for certain persons; providing for the confidentiality of test results; and providing other matters properly relating thereto.

Assemblyman Settelmeyer moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Leslie, Pierce, McClain, Parnell, Smith, Bobzien, Oceguera, Parks, Segerblom, and Womack:

Assembly Bill No. 87—AN ACT relating to crimes; requiring certain officers and employees of financial institutions to report the abuse, neglect, exploitation or isolation of an older person or vulnerable person; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

Assembly in recess at 11:12 a.m.

ASSEMBLY IN SESSION

At 11:15 a.m.

Madam Speaker presiding.

Quorum present.

Assemblywoman Leslie moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Brent Eldridge and Linda Eldridge.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Lee Liston.

Assemblyman Oceguera moved that the Assembly adjourn until Monday, February 12, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 11:18 a.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE EIGHTH DAY

CARSON CITY (Monday), February 12, 2007

Assembly called to order at 11:06 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

Father, help us to humble ourselves before You. Save us from the pride and arrogance that cuts us off from Your hand of blessing. Teach us to walk softly each day before You and to never lose sight of Your greatness and our need.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce and Labor:

Assembly Bill No. 88—AN ACT relating to collection agencies; requiring a collection agency to submit a written notice to a debtor within a certain period after the initial communication with the debtor; requiring a collection agency to cease collection of a debt under certain circumstances; prohibiting a collection agency from applying a payment to a debt or portion of a debt that is disputed by the debtor under certain circumstances; revising the circumstances under which a collection agency may commence a legal action against a debtor; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Parnell, Bobzien, Hogan, Kirkpatrick, Pierce, and Smith:

Assembly Bill No. 89—AN ACT relating to public employees; including certain park rangers and employees of the Division of State Parks of the State Department of Conservation and Natural Resources in the definition of "police officer" for various purposes relating to industrial injuries, occupational diseases and programs for public employees; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Gerhardt, Buckley, Parks, Allen, Atkinson, Beers, Bobzien, Denis, Goedhart, Goicoechea, Grady, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Manendo, Ohrenschall, Parnell, Segerblom, Stewart, and Womack:

Assembly Bill No. 90—AN ACT relating to crimes; prohibiting a person from engaging in certain acts to cause the results of a test for genetic identification which is given to determine paternity to be inaccurate; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Gerhardt, Parks, Kirkpatrick, Atkinson, Bobzien, Denis, Goicoechea, Hogan, Horne, Kihuen, Koivisto, Manendo, Ohrenschall, Segerblom, and Womack:

Assembly Bill No. 91—AN ACT relating to explosives; providing a list of chemicals designated as explosives; enacting provisions relating to the labeling of containers used for storing explosives; establishing requirements concerning the making of mandatory reports to law enforcement agencies regarding the distribution of explosives under certain circumstances; revising the provisions relating to records regarding transactions and inventories of explosives; revising the provisions relating to the inspection of facilities used for explosives; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Gerhardt moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Anderson, Munford, Hogan, Kihuen, and Smith:

Assembly Bill No. 92—AN ACT relating to criminal procedure; expanding the crimes for which a convicted person is required to submit a biological specimen to be used for genetic marker analysis; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Anderson, McClain, Conklin, Claborn, Horne, Atkinson, Bobzien, Buckley, Carpenter, Denis, Gerhardt, Hogan, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Smith, and Womack:

Assembly Bill No. 93—AN ACT relating to taxation; providing exemptions from certain taxes for surviving spouses of members of the Nevada National Guard who are killed while on active service in full-time National Guard duty; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Leslie, Buckley, Bobzien, Carpenter, Parks, Anderson, Horne, Munford, Oceguera, Ohrenschall, Pierce, and Smith; Senators Care and Titus:

Assembly Bill No. 94—AN ACT relating to administrative procedure; eliminating the prohibition against the admission of a person as a party to an administrative proceeding in a contested case involving the grant, denial or renewal of a license if the person does not have a direct financial interest in the grant, denial or renewal of the license; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:20 a.m.

ASSEMBLY IN SESSION

At 11:30 a.m.

Madam Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 12, 2007

To the Honorable the Assembly:

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

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 2.

Assemblywoman Leslie moved the adoption of the resolution.

Remarks by Assemblymen Leslie, Mabey, and Hardy.

Resolution adopted.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to John Ward.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Amy Booth, Kellie Guild, Lisa Krasner, Leslie Raggio Righetti, Rebecca Venis, and Bonnie Winkleman.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Charlene Herst, Janet Linder, and Ann Lynch.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Charles Johns.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Forbes and Denisse Roldán Newell.

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Rudd.

Assemblyman Oceguera moved that the Assembly adjourn until Tuesday, February 13, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 11:42 a.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE NINTH DAY

CARSON CITY (Tuesday), February 13, 2007

Assembly called to order at 11 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Patrick Propster.

Heavenly Father, be glorified. The red letter of Your infallible Word instructs, "If you abide in Me, and My words abide in you, you will ask what you desire, and it shall be done for you." May our feet be established in the wisdom of God. That we might not waver or drift from Your Word. That a word as small as "if" would not be ignored.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

COMMUNICATIONS

SUPREME COURT OF NEVADA
A. WILLIAM MAUPIN, CHIEF JUSTICE
201 SOUTH CARSON STREET
CARSON CITY, NEVADA 89701-4702

February 2, 2007

THE HONORABLE BARBARA BUCKLEY, *Speaker of the Assembly*, Nevada Legislature, 401 S. Carson Street, Carson City, NV 89701-4747

RE: State of the Judiciary Address
March 7, 2007
2007 Legislative Session

DEAR SPEAKER BUCKLEY:

As Chief Justice of the Supreme Court of Nevada, it is my privilege to request to address the Senate and Assembly of the State of Nevada. I am informed that the date of Wednesday, March 7, 2007, at 5:00 p.m., has been tentatively scheduled for this purpose and shall take place in the Assembly Chambers of the Legislative Building. If a conflict exists with this time and date, please contact my office.

The Supreme Court's reception for the Legislature will be held immediately following the Judiciary Address. We cordially invite the members of the Legislature to attend.

Thank you.

Sincerely,
A. WILLIAM MAUPIN
Chief Justice

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 12, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 2.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that KRNV-TV: Emily Bails; NEVADA OBSERVER: Johnny Gunn; NEVADA SAGEBRUSH: Brian Duggan, Annie Flanzraich; SEERENO.TV: Todd Bailey; SENIOR SPECTRUM NEWSPAPER: Chris C. McMullen, Tara McMullen; SIERRA NEVADA COMMUNITY ACCESS TELEVISION (SNCAT): Don Alexander, Brett Corbin, Tyler Elliott, Steve Goodin, Charlie Moses, Nadvzir Nicaupour, Joel Robertson, Les Smith, Earl Spriggs; SUNBELT COMMUNICATIONS: Chase McMullen be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chambers and that they be allowed use of appropriate broadcasting facilities.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Weber, Allen, Mabey, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Goedhart, Goicoechea, Kirkpatrick, Koivisto, Marvel, Ohrenschall, Settelmeyer, and Stewart:

Assembly Bill No. 95—AN ACT relating to firearms; excluding from the powers granted to certain state officers during an emergency or a disaster the authority to take certain actions concerning firearms; authorizing civil suits against the State of Nevada, its political subdivisions and their officers and employees for the wrongful confiscation of a firearm during an emergency or a disaster; providing for the termination of employment or removal from office upon conviction of wrongfully confiscating a firearm during an emergency or a disaster; prohibiting an officer or employee of the State of Nevada or a political subdivision thereof or certain other persons from wrongfully confiscating a firearm during an emergency or a disaster; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Weber moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Weber:

Assembly Bill No. 96—AN ACT relating to criminal procedure; providing for the release of presentence or general investigation reports to certain providers of health care; extending the maximum period of probation for certain sex offenders; revising provisions concerning the location for

prosecuting a violation of a condition imposed pursuant to a program of lifetime supervision; and providing other matters properly relating thereto.

Assemblywoman Weber moved that the bill be referred to the Select Committee on Corrections, Parole, and Probation.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 97—AN ACT relating to health care; revising provisions governing contracts between certain insurers and hospitals that are located in certain counties; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 98—AN ACT relating to the Office for Consumer Health Assistance established in the Office of the Governor; expanding the regulation-making power of the Director of the Office for Consumer Health Assistance; providing that a designee of the Director may fulfill certain duties and responsibilities of the Director; authorizing the Director or his designee to impose a civil penalty upon a person who commits certain acts or omissions; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Weber:

Assembly Bill No. 99—AN ACT relating to genetic marker testing; imposing an administrative assessment upon a defendant convicted of any crime; expanding the crimes for which a convicted person must submit a biological specimen for genetic marker testing to include all felonies; requiring a child who is adjudicated delinquent for committing a felonious act to submit a biological specimen for genetic marker testing; providing a penalty; making appropriations; and providing other matters properly relating thereto.

Assemblywoman Weber moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 100—AN ACT relating to certified court reporters; eliminating the requirement that a certified court reporter be appointed as a notary public to administer an oath or affirmation; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that the action whereby Assembly Bill No. 100 was referred to the Committee on Commerce and Labor be rescinded.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 100 be referred to the Committee on Judiciary.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 101—AN ACT relating to the Commission on Tourism; making certain ex officio nonvoting members of the Commission voting members; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Horne, Munford, Conklin, Parks, Buckley, Allen, Anderson, Arberry, Atkinson, Carpenter, Christensen, Claborn, Denis, Gansert, Gerhardt, Hardy, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, and Womack; Senators Care, Wiener, Horsford, Carlton, Hardy, Amodei, Beers, Lee, Titus, and Woodhouse:

Assembly Bill No. 102—AN ACT relating to eminent domain; prohibiting the use of eminent domain to acquire property for the purpose of economic development; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 1.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Travis Hackney.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Crowe, Julia Pearce, and Tammra Pearce.

Assemblyman Oceguera moved that the Assembly adjourn until Wednesday, February 14, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 11:16 a.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE TENTH DAY

CARSON CITY (Wednesday), February 14, 2007

Assembly called to order at 11:05 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

May the Lord bless you all with good and keep you from all evil; may He give light to your heart with loving wisdom and be gracious to you with eternal knowledge. May He lift up His loving countenance upon you and give you eternal peace.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

COMMUNICATIONS

UNITED STATES SENATE
WASHINGTON, D.C. 20510-2805

February 2, 2007

SPEAKER BARBARA E. BUCKLEY, NEVADA STATE LEGISLATURE, 401 South Carson Street, Legislative Building, Carson City, Nevada 89701

DEAR SPEAKER BUCKLEY:

I respectfully request that you allow me the honor and privilege of addressing a joint session of the Nevada State Legislature on Wednesday, February 21, 2007. I would greatly appreciate it if you would provide me the time slot from 5:00 p.m. until 5:30 p.m.

I look forward to addressing the legislature.

Sincerely,
JOHN ENSIGN
United States Senator

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 13, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 9, 28.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Gansert, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen,

Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack; Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, and Woodhouse:

Assembly Concurrent Resolution No. 3—Designating February 14, 2007, as Tissue and Organ Donor Day in Nevada.

WHEREAS, According to recent statistics, almost 95,000 people in the United States are currently on the waiting list for organ transplants, and each day approximately 77 people receive the transplant that gives them a second chance at life, but 19 others die because not enough organs are available to meet our needs; and

WHEREAS, One donor can save up to eight lives by donating organs, and that same donor can greatly enhance the lives of an additional 50 people by donating tissue to be used to restore sight, cover burns, repair hearts, replace veins, and mend damaged connective tissue and cartilage in recipients; and

WHEREAS, As a result of the growing need for organs, living donation has become a common alternative, with almost a quarter of all organs coming from living donors; and

WHEREAS, Unbeknownst to many, a living donor may donate part of the pancreas, part of a lung, part of the liver, part of the intestine and, most commonly, a kidney; and

WHEREAS, People of all ages and medical histories should consider themselves potential donors, as people on the waiting list may need to be transplanted with an organ that is less than ideal if there is no other suitable organ available to save their lives; and

WHEREAS, The State of Nevada has simplified the process of signing up as a donor by giving Nevadans the option of specifying their wishes on their driver's licenses or state identification cards and by making available on-line a Donor Registration Form for the Donor Registry for the State of Nevada; and

WHEREAS, The State has also made available an Organ Donor specialty license plate, from which a portion of the fees support the Gift of Life Education Fund which provides for the production and dissemination of educational materials regarding the importance of tissue and organ donation; and

WHEREAS, Giving the "Gift of Life" not only brings hope and healing to the recipients and their families, but also may help ease the grief of the donor's own family by knowing that their tragic loss has helped so many other people; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada Legislature hereby designates February 14, 2007, as Tissue and Organ Donor Day in Nevada to raise public awareness regarding tissue and organ donation and the effect it can have on so many people; and be it further

RESOLVED, That, by designating this day, the residents of Nevada are encouraged to take steps to obtain donor cards and to ensure that their wishes concerning tissue and organ donations are made known to their families; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Nevada Donor Network and The Transplant Network.

Assemblywoman Gansert moved the adoption of the resolution.

Remarks by Assemblymen Gansert and Anderson.

Resolution adopted.

Assemblywoman Gansert moved that all rules be suspended and that Assembly Concurrent Resolution No. 3 be immediately transmitted to the Senate.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce and Labor:

Assembly Bill No. 103—AN ACT relating to public utilities; altering schedules under which electric utilities must file general rate applications with the Public Utilities Commission of Nevada; authorizing public utilities to provide, with a general rate application, a statement of reasonably known and measurable changes for specified periods beyond the date the application is filed; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Stewart, Settelmeyer, Beers, Carpenter, Goicoechea, Hardy, Manendo, Pierce, Segerblom, and Womack:

Assembly Bill No. 104—AN ACT relating to the state militia; providing that the Board of Regents of the University of Nevada may grant a waiver of certain fees for the dependents of a person who was killed while he was performing his duties as a member of the Nevada National Guard; authorizing payments for courses on reintegration to certain members of the Nevada National Guard; and providing other matters properly relating thereto.

Assemblyman Stewart moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblymen Stewart, Settelmeyer, Beers, Goicoechea, Hardy, Segerblom, and Womack:

Assembly Bill No. 105—AN ACT relating to wildlife; revising provisions that provide certain benefits for licenses, tags or permits for hunting, fishing or trapping to certain members of the Armed Forces of the United States and their families to provide those benefits to certain members of the Nevada National Guard and their families; and providing other matters properly relating thereto.

Assemblyman Stewart moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Select Committee on Corrections, Parole, and Probation:

Assembly Bill No. 106—AN ACT relating to prisons; prohibiting a person from furnishing a portable telecommunications device to a prisoner; prohibiting a person from carrying a portable telecommunications device into an institution or a facility of the Department of Corrections; prohibiting a prisoner from possessing a portable telecommunications device; expanding the definition of "telecommunications device"; providing penalties; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Select Committee on Corrections, Parole, and Probation.

Motion carried.

By Assemblyman Atkinson (by request):

Assembly Bill No. 107—AN ACT relating to weapons; prohibiting the possession of a dangerous knife on the property of a school, at an activity sponsored by a school or in a school vehicle; prohibiting the possession of certain weapons at an activity sponsored by a school; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen McClain, Parks, Koivisto, Arberry, Bobzien, Claborn, Conklin, Denis, Hogan, Horne, Kihuen, Kirkpatrick, Leslie, Manendo, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, Smith, and Womack:

Assembly Bill No. 108—AN ACT relating to older persons; requiring certain providers of health care, judges, and officers and employees of district, justice and municipal court to receive education in geriatrics and gerontology; urging the Nevada Supreme Court to require attorneys to receive education in gerontology as a requirement for initial licensure and continuing education; urging the justices of the Supreme Court to expand their knowledge of gerontology; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Settelmeyer, Hardy, Mabey, Allen, Beers, Bobzien, Christensen, Cobb, Goedhart, Goicoechea, Grady, Horne, Manendo, Munford, Stewart, and Weber:

Assembly Bill No. 109—AN ACT relating to elections; authorizing the disposition of the unspent campaign contributions of certain candidates for public office and public officers through the establishment of a trust for a public purpose; requiring the State Treasurer to administer such trusts; and providing other matters properly relating thereto.

Assemblyman Settelmeyer moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 9.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 28.

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

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 2; Senate Concurrent Resolution No. 2.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Lindsey Nutting, Tony Pasquale, and Alicia Yates.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Frankie Sue Del Papa and Trudy Larson.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Kayla Burkhart, Kayla Hamilton, Ashlee Harris, Scott Laca, C. J. Sestanovich, and Spencer Whittaker.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to David Bozsik, Jim Lotspeich, and Jessica Malson.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Jackie Dulgar and Megan Soderquist.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Jasmine Dulgar, Katie Hubbard, Stephanie Johnson, and T. J. Matheus.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Detrick and Lacy Sproul.

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Jackie Coster and Brian Hoskin.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Cynthia Kannan.

Assemblyman Oceguera moved that the Assembly adjourn until Thursday, February 15, 2007 at 11 a.m.

Motion carried.

Assembly adjourned at 11:27 a.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE ELEVENTH DAY

CARSON CITY (Thursday), February 15, 2007

Assembly called to order at 11 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Christensen, who was excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

Almighty God, grant we pray, that we might be grounded in Your truth. What we do not know, reveal to us; what is lacking within us, make complete; that which we do know, confirm in us; and keep us blameless in Your service.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 26, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Madam Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 30, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Madam Speaker:

Your Concurrent Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 22, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JERRY D. CLABORN, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 14, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 3.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Claborn, McClain, Parks, Smith, Anderson, Conklin, Hogan, Kirkpatrick, Koivisto, Leslie, Manendo, Munford, Ohrenschall, Parnell, Pierce, Segerblom, and Womack; Senator Hardy:

Assembly Bill No. 110—AN ACT relating to taxation; repealing the prospective expiration of the exemption from the property tax levied on the real and personal property of certain apprenticeship programs; and providing other matters properly relating thereto.

Assemblyman Claborn moved that the bill be referred to the Committee on Commerce and Labor.

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

Motion carried.

Assembly in recess at 11:05 a.m.

ASSEMBLY IN SESSION

At 11:10 a.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Claborn moved that the action whereby Assembly Bill No. 110 was referred to the Committee on Commerce and Labor be rescinded.

Motion carried.

Assemblyman Claborn moved that Assembly Bill No. 110 be referred to the Committee on Taxation.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Claborn:

Assembly Bill No. 111—AN ACT relating to wildlife; providing for the ineligibility of a person to apply for a tag to hunt bighorn sheep or antlered bull elk under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Claborn moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Parnell, Pierce, Parks, McClain, Anderson, Atkinson, Bobzien, Buckley, Gansert, Gerhardt, Kirkpatrick, Koivisto, Leslie, Oceguera, Ohrenschall, Segerblom, Smith, and Womack:

Assembly Bill No. 112—AN ACT relating to protective orders; expanding the circumstances which prohibit a court from admitting a person who is

arrested for violating an order for protection against domestic violence to bail sooner than 12 hours after his arrest; applying the same standards for not admitting a person to bail sooner than 12 hours after his arrest to a person arrested for violating an order for protection against stalking, aggravated stalking or harassment; establishing the amount of bail that the arrested person must post to be released for such an offense when the amount has not otherwise been established by the court or magistrate; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Pierce, Conklin, Parks, Anderson, Arberry, Atkinson, Bobzien, Buckley, Claborn, Denis, Gerhardt, Hogan, Horne, Kihuen, Kirkpatrick, Leslie, Manendo, Mortenson, Munford, Oceguera, Ohrenschall, Segerblom, Smith, and Womack:

Assembly Bill No. 113—AN ACT relating to solid waste; requiring the State Environmental Commission to adopt regulations establishing standards for the construction of liner and leachate collection systems for certain municipal solid waste landfills and requiring the installation of a liner and leachate collection system at certain such landfills; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Pierce moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Pierce, Conklin, Parks, Allen, Anderson, Arberry, Atkinson, Bobzien, Buckley, Claborn, Denis, Gansert, Gerhardt, Hogan, Horne, Kihuen, Kirkpatrick, Leslie, Mabey, Manendo, Munford, Oceguera, Ohrenschall, Parnell, Segerblom, Smith, Stewart, and Womack:

Assembly Bill No. 114—AN ACT relating to personal identifying information; requiring solicitors to verify addresses on applications for credit when offering credit cards by mail; providing for a civil action for crimes involving the theft of personal identifying information; and providing other matters properly relating thereto.

Assemblywoman Pierce moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Leslie:

Assembly Bill No. 115—AN ACT relating to mines; making various changes governing the regulation of mines with the potential to emit mercury; requiring the State Environmental Commission to raise additional revenue from fees charged for operating permits issued to certain mine operators to pay for certain projects relating to mercury emissions; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 116—AN ACT relating to crimes; reducing the minimum quantity of a controlled substance or other related substance required to constitute certain crimes of trafficking in those substances; increasing the minimum term and maximum term of imprisonment for the commission of such a crime; establishing a minimum mandatory amount of bail to be set for a person who is arrested for a violation of such a crime in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 117—AN ACT relating to divorce; providing that the parents, guardians and siblings of parties to an action for divorce must not be excluded from observing the proceedings; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Denis, Conklin, Anderson, Claborn, Hardy, Horne, Kihuen, Kirkpatrick, Manendo, Mortenson, Pierce, Segerblom, Smith, and Womack; Senators Beers and Hardy:

Assembly Bill No. 118—AN ACT relating to motor vehicles; requiring the designation of specific lanes on certain highways on which certain larger vehicles must travel; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Denis moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 119—AN ACT relating to public employees' retirement; revising provisions governing the purchase by a state agency of credit for service in the Public Employees' Retirement System on behalf of certain employees under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 120—AN ACT relating to land use planning; revising the notice requirements for proposals to vacate certain rights-of-way or easements; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 121—AN ACT relating to state financial administration; revising provisions relating to the collection of certain debts owed to the State; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 122—AN ACT relating to counties; revising the provisions governing systems used for reporting emergencies in certain counties; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Parnell:

Assembly Bill No. 123—AN ACT relating to mental health; requiring public and private mental health facilities to determine whether a person is competent to admit himself voluntarily to such a facility; setting forth the actions a facility must take if a person is determined not to be competent to admit himself voluntarily; providing for the release of certain clinical records; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Manendo, Atkinson, Allen, Anderson, Beers, Bobzien, Claborn, Cobb, Conklin, Gansert, Gerhardt, Hogan, Kihuen, Koivisto, Mabey, McClain, Mortenson, Munford, Parks, Parnell, Pierce, Segerblom, Stewart, and Womack; Senators Amodei, Beers, Care, Horsford, Lee, McGinness, Nolan, Titus, and Woodhouse:

Assembly Bill No. 124—AN ACT relating to traffic laws; prohibiting minors from using cellular telephones while operating motor vehicles; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Manendo, Anderson, Claborn, McClain, Parks, Allen, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Marvel, Mortenson, Munford, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack; Senators Titus, Hardy, Amodei, Beers, Care, Carlton, Cegavske, Heck, Horsford, Lee, McGinness, Nolan, Raggio, Schneider, Townsend, Wiener, and Woodhouse:

Assembly Bill No. 125—AN ACT relating to domestic relations; requiring the court, in certain actions for divorce, to consider any history of domestic violence between the spouses when determining whether to award temporary maintenance or alimony; creating a rebuttable presumption in certain actions for divorce that an award of temporary maintenance or alimony should not be made to a spouse who engaged in certain acts of domestic violence against the other spouse; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Rebecca Stetson and Michelle Cullen.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Dave Ferguson, Kent Wofford, Virginia Ridgeway, and James Eason.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Diana Sweeney.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Donovan Hansen and Eileen Montgomery.

Assemblyman Oceguera moved that the Assembly adjourn until Friday, February 16, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 11:23 a.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE TWELFTH DAY

CARSON CITY (Friday), February 16, 2007

Assembly called to order at 11:02 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Atkinson, Christensen, Denis, Kihuen, Oceguera, and Womack, who were excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

Almighty God, we praise You for all the grace and mercy You have shown us in the past. Teach us to pray more and trust in You with all our hearts. Give us the kind of faith that will wait patiently for the fulfillment of Your promises. Help us to humble ourselves before You and listen carefully to Your counsel. Make us compassionate people so that others can see Your working in our lives.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 26.

Bill read second time and ordered to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Aleta Grashuis.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Furlong and Les Smith.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Teegarden.

Assemblyman Conklin moved that the Assembly adjourn until Monday, February 19, 2007 at 11 a.m.

Motion carried.

Assembly adjourned at 11:09 a.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE SIXTEENTH DAY

CARSON CITY (Tuesday), February 20, 2007

Assembly called to order at 11 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Ken Haskins.

Our Heavenly Father, apart from You we can do nothing, but with Your help nothing shall be impossible for us. You are the Provider of every good and perfect gift. Provide for us all that is necessary to meet and to overcome the challenges set before us today. In the Name of Your Indescribable Gift, I pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 19, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 4.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Conklin, Parks, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack; Senators Heck, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, and Woodhouse:

Assembly Concurrent Resolution No. 5—Designating February 20, 2007, as Homeless Youth Awareness Day in Nevada.

WHEREAS, Thousands of children in this State are reported as runaways each year and often join the homeless population on the streets, eating out of dumpsters, sleeping in alleys and feeling cold, unloved and alone; and

WHEREAS, Many of these runaway children prefer to chance the dangers of life on the street to remaining in their homes where they often experience abuse, violence and other dysfunction; and

WHEREAS, Although the "Right to Shelter Law" which provided for separate shelters for certain runaway children was passed by the Nevada Legislature in 2001, there are no long-term residential facilities which allow children to seek assistance on a voluntary basis in this State; and

WHEREAS, There is a lack of available statistics concerning the number of homeless children that reside in this State and their need for such long-term residential facilities and other services; and

WHEREAS, Children who are homeless are unable to support themselves financially, causing them to become desperate, hungry and vulnerable; and

WHEREAS, Homeless children often become sexually active, are at risk of becoming pregnant, engaging in prostitution and contracting sexually transmitted diseases, suffer from poor nutrition and dehydration, become suicidal and suffer various other harms which affect their overall health, well-being and ability to become productive members of society; and

WHEREAS, To properly address the needs of this often forgotten population, it is important to raise public awareness of the serious issues concerning homeless children in this State and to encourage public support for programs designed to assist those children; and

WHEREAS, The members of the Nevada Legislature recognize the outstanding efforts of the state and local governmental agencies and nonprofit entities dedicated to fighting the problem of homeless children in the State of Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That February 20, 2007, is hereby designated as Homeless Youth Awareness Day in Nevada; and be it further

RESOLVED, That the members of the 74th Session of the Nevada Legislature hereby express their commitment to creating a greater public awareness of the problem of homeless children in Nevada and to continue to work cooperatively to solve this problem; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Michael Dayton, Chief of Staff to Governor Jim Gibbons, and to the Board of Directors of the Nevada Partnership for Homeless Youth.

Assemblyman Conklin moved the adoption of the resolution.

Remarks by Assemblymen Conklin, Parks, Mabey, Leslie, Horne, and Christensen.

Assemblyman Conklin requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CONKLIN:

We have talked over the past couple of days, at least yesterday and today, about homelessness. We had a wonderful "Tent City" out in the courtyard over the night of the eighteenth. Many of our colleagues were there, many supporters were there, and it was a very spiritual and uplifting event or, at least, I found it as such. What moves me today on ACR 5 is this: When I got up on Monday morning and I was very cold and I had to walk to my house, which was very warm, I took a nice hot shower and looked at my bed and realized that I get to get into it tomorrow. I was moved by the fact that I spent one day out, and the folks that we have talked about over the last two days spend every day out. They have no home to go to; they have no nice, comfortable pillow-top bed. What makes me even more moved is the fact that the folks we are talking about in this resolution can range anywhere from the age of ten and up. They do not belong on the streets; they belong in our hearts. They belong at the forefront of our minds as

we move through the session and recognize the needs of all of our population of the state of Nevada. I urge your support for ACR 5.

ASSEMBLYMAN PARKS:

I, too, rise in support of ACR 5. Having a district that does seem to attract a fair number of homeless individuals, I think that this has certainly been an area that has been of concern to me. They say that 3 percent of the homeless population is made up of unaccompanied youth, and that is certainly a very large number. As for the causes of homeless youth, primarily it is family problems, economic problems, and residential instability, although most of the time these are all consolidated. They are interrelated as far as that goes. Perhaps the other statistic that is very important is that more than half of the youth report that their parents did not care that they left home, which shows a lack of parental involvement.

ASSEMBLYMAN MABEY:

I, also, rise in support of ACR 5. I have had the personal opportunity to be with some of these youth. As a physician, I have volunteered my services and I have seen these young ladies come into my office, and they truly are in need of help. I was reminded by one of my constituents here that the first Monday of every month, my church goes to a church in Henderson where we serve food to the homeless. My wife and other women prepare the food during the day and that evening around five o'clock, we have a caravan and we all drive to Henderson with our families, including our children, to help serve the homeless, which includes the youth. I think that it is important that we all work together to help these people who are truly in need.

ASSEMBLYWOMAN LESLIE:

Thank you, Madam Speaker. I, too, rise in support of this resolution. I commend my colleagues for bringing it forward. Yesterday in your Health and Human Services Committee, we had a wonderful hearing on homelessness, which sounds like an odd thing to say. It was wonderful because we heard the voices of so many people whose voices are not normally heard in this building. Some of the most poignant moments of the hearing came from the homeless youth. I see at least one is here today with us. They shared with us their very personal stories about what caused them to be homeless. As the Minority Leader referenced, these reasons are complicated. It is not just one thing. It is many different things that cause youth homelessness. There could be nothing more important than making sure our youth receive the resources that they need for a path into the future.

I think the most important moment of the meeting yesterday was hearing from two youths from Las Vegas who had been helped by a community agency there. One has been accepted into a major university, and another one's life is now on a better track. To hear, in their words, what they had to say about where they would be without the help of this agency was very moving. So I especially want to thank the youth and the advocates who are here today with the youth organizations for helping us bring this resolution forward and bring this issue to the forefront for our Legislature.

ASSEMBLYMAN HORNE:

Thank you, Madam Speaker. I rise in support of ACR 5. I would like to ask everyone to think about the homeless youth who are in our schools. Can you imagine going to school and having to focus on your lessons for the day when you have been cold that night for lack of a place to sleep—when you do not have the stability of knowing where you may be sleeping from night to night—when you are old enough to look at your parents and see the angst in their faces because they are having trouble providing a stable home environment for you? And yet you are charged with going to school every day and learning the lessons the teachers give that day. Keep that in mind. These are burdens which our youth, unfortunately, have to bear—those youth who are homeless. Again, I urge your support.

ASSEMBLYMAN CHRISTENSEN:

Thank you, Madam Speaker. I, too, rise in support of ACR 5. I do not know if there are many here in this body who have actually spent time or stayed any length of time in a homeless shelter. I can say that I have. Fortunately, not for any length of time, but just for a little mishap that I had. I was working in Germany and went to a job interview in Switzerland. I left all my

money behind. I was a young man at the time and did not know anyone where I was going. I got to the train station two days before my interview was to take place. There were some Swiss people who I was able to meet and talk to. They said, "Let us take you over here." They took me in like family. It was not at all like a dump where this place was. It was very organized. I was just really surprised.

As we have been talking about this topic, I was amazed, as my colleague from Reno had mentioned, that there were a number of bright people there who just fell on hard times or certain circumstances which put them there, kind of like my own situation. It was only an overnight experience for myself, but just to be with them and to get to know of them and their stories will always have a particular place in my heart, as well as all of you who go out and serve them, as the Minority Leader mentioned. I respect you for that. I think this is one of the greatest resolutions we have taken a look at. Thank you.

Resolution adopted unanimously.

Assemblyman Conklin moved that all rules be suspended and that Assembly Concurrent Resolution No. 5 be immediately transmitted to the Senate.

Motion carried unanimously.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:17 a.m.

ASSEMBLY IN SESSION

At 11:18 a.m.

Madam Speaker presiding.

Quorum present.

By the Committee on Education:

Assembly Concurrent Resolution No. 6—Urging the boards of trustees of the school districts in this State and the Nevada System of Higher Education to expand the availability and scope of programs of career and technical education offered in high schools for which pupils receive college credit.

Assemblywoman Parnell moved that the resolution be referred to the Committee on Education.

Motion carried.

Assemblyman Oceguera moved that KOLO-TV: Justin Kanno, Terri Russell, Matt Scholz; KRNV-TV: Kausik Bhakta, Billy Churchwell, Rebecca Little, Elizabeth Wagner; NEVADA OBSERVER: Dennis Locke; RENO GAZETTE-JOURNAL: Jaclyn O'Malley; SUN PRODUCTIONS: Sunny Minedew; TASPAC NEWS: Peter J. Hutchinson be accepted as accredited press representatives, and that they be assigned space at the press table in the Assembly Chambers and that they be allowed the use of appropriate broadcasting facilities.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Smith, Parks, Leslie, Koivisto, Conklin, Atkinson, Bobzien, Buckley, Claborn, Denis, Hogan, Horne, Kihuen, Kirkpatrick, Manendo, McClain, Mortenson, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, and Womack:

Assembly Bill No. 127—AN ACT relating to communications; authorizing a person to record certain telephone calls made by collection agents and collection agencies without obtaining their consent; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Conklin, Buckley, Anderson, Horne, Parks, Bobzien, Claborn, Denis, Gerhardt, Hogan, Kirkpatrick, Koivisto, Leslie, Manendo, Mortenson, Munford, Pierce, Segerblom, and Smith; Senators Titus and Carlton:

Assembly Bill No. 128—AN ACT relating to prescription drugs; requiring certain wholesalers and manufacturers of prescription drugs to file annually with the Office of the Attorney General a report disclosing certain economic benefits that the wholesalers and manufacturers have provided to certain persons; clarifying provisions concerning the confidentiality of the contents of a prescription; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Ohrenschall, Carpenter, Goicoechea, Hogan, Kihuen, Mortenson, Oceguera, Segerblom, Weber, and Womack:

Assembly Bill No. 129—AN ACT relating to eminent domain; prohibiting the use of eminent domain to acquire property for the purpose of economic development; requiring a court to order the payment of certain costs, attorney's fees and damages under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Weber:

Assembly Bill No. 130—AN ACT relating to education; establishing the Autism Scholarship Program to be administered by the Department of Education; authorizing the parents and legal guardians of certain pupils with autism or an autism spectrum disorder to apply to the Department to participate in the Scholarship Program; revising provisions governing the apportionment of money from the State Distributive School Account to provide for the payment of money for the education of pupils who participate

in the Scholarship Program; and providing other matters properly relating thereto.

Assemblywoman Weber moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Education:

Assembly Bill No. 131—AN ACT relating to education; requiring reports of accountability information for public schools to include certain information regarding pupils enrolled in career and technical education; revising provisions governing the acquisition of joint facilities and projects by school districts for the purpose of providing career and technical education; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblyman Mabey:

Assembly Bill No. 132—AN ACT relating to programs for public personnel; eliminating the entitlement of any state or local governmental officers or employees who are hired on or after July 1, 2008, to receive a subsidy for coverage under the Public Employees' Benefits Program upon retirement; revising the calculation of such a subsidy for certain persons hired before July 1, 2008, who have a break in service after that date; providing requirements concerning the rates of coverage for certain retirees under the Program or a health insurance plan of a local government; requiring the Program to comply with certain provisions governing insurers if health insurance is provided through a plan of self-insurance; and providing other matters properly relating thereto.

Assemblyman Mabey moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By Assemblyman Mabey:

Assembly Bill No. 133—AN ACT relating to insurance; requiring issuers of policies of health or dental insurance to notify providers of health or dental care of the status of policies of health or dental insurance issued to patients of the provider of health or dental care; requiring providers of health or dental care to inform their patients of certain matters after receiving such notification; requiring providers of health or dental care to reimburse their patients for certain costs paid under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Mabey moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 16.
Bill read second time and ordered to third reading.

Assembly Bill No. 28.
Bill read second time and ordered to third reading.

Assembly Bill No. 48.
Bill read second time and ordered to third reading.

Assembly Bill No. 51.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 26.
Bill read third time.
Remarks by Assemblywoman Allen.
Roll call on Assembly Bill No. 26:
YEAS—42.
NAYS—None.
Assembly Bill No. 26 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assemblyman Oceguera moved that the Assembly recess until 4:45 p.m.
Motion carried.

Assembly in recess at 11:36 a.m.

ASSEMBLY IN SESSION

At 4:47 p.m.
Madam Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Madam Speaker appointed Assemblymen Anderson and Atkinson as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator Harry Reid.

The members of the Senate appeared before the Bar of the Assembly.

Madam Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 4:56 p.m.
President of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present except Senator Schneider, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.
All present.

The President of the Senate appointed a Committee on Escort consisting of Senator Weiner and Assemblyman Oceguera to wait upon Senator Reid and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Harry Reid, United States Senator from Nevada, appeared before the Bar of the Assembly.

The Committee on Escort escorted the Senator to the rostrum.

Madam Speaker welcomed Senator Reid and invited him to deliver his message.

United States Senator Harry Reid delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-FOURTH SESSION, 2007

Governor, members of the Supreme Court, Majority Leader Raggio, and especially you, Madam Speaker. It seems like only yesterday that I left my home and my children to drive to Carson City to attend my first session of the Legislature as a legislator. I had been here, of course, as city attorney and as a member of the Board of Trustees of the hospital. It was really a scary occasion for me as I am sure it is for the freshmen here today. The lawyers that I worked with wanted me to live in splendor, so they rented a house up at Lake Tahoe because they liked to ski. I spent one night there. I checked out of that place quick and moved into the Frontier Motel.

In 1969, things were different, and I want to give you a little snapshot of what it was like here in Carson City 38 years ago. First of all— there was no Legislative Building. We met in the State Capitol. Of course, we had no offices or places to hold committee meetings, but we got by. At that time, there were a hundred thousand students in the whole state of Nevada. Four women were in the Assembly. Howard Hughes had recently come to the state of Nevada, and during the year 1969, he opened the Landmark Hotel, which was the largest, tallest building in the state at the time—31 stories. Kirk Kerkorian was in the process of building the largest hotel in America, the International Hotel—less than a thousand rooms. The University of Nevada School of Medicine was formed in 1969. We had ten thousand people working at the Nevada Test Site. During the first three months of that year, three detonations took place at the Test Site. UNLV was still just getting started. Paul Laxalt was the Governor. North Las Vegas and Henderson were separated from Las Vegas—you could really tell the difference.

On or about that year, the Carlin gold trend was discovered, which has led, of course, to you know what—that great mining operation in the state of Nevada. We spent a lot of our time in 1969 talking about arsenic in the water in Fallon, and in Reno you boarded the planes in the open spaces. If it was raining, you walked through the rain. If it was snowing, you walked through the snow. There were no terminals.

There was a water war raging between the State of Nevada and the State of California dealing with the Truckee and Carson Rivers. Pyramid Lake was drying up, and as you came into Reno, approaching Sparks, the Helms pit was pretty big then—a big hole in the ground with trucks coming in and out of it. In Las Vegas, the Foley Building had been built just a few years before 1969, as was the Cliff Young Building—the two courthouses. That is just a general snapshot of what was going on in 1969 in the State of Nevada.

So now, let us look at a photograph of what is going on in Nevada today. No one knows for sure, but there are about 2.8 million people in the state of Nevada as we speak. The Clark County School District alone has well over 300,000 students. The ten largest hotels in the world are in Las Vegas. The largest at the present time is the MGM with 5,005 rooms, but under construction are two hotels that will now have over 7,000 rooms. Nevada is now the most urban state in the union, more urban than New Jersey, New York, Georgia, or California. Twenty-two million people boarded airplanes in Las Vegas last year—McCarran Field. We now have a new, modern terminal in Reno and, of course, in Las Vegas at McCarran.

We have 13 women in the Assembly. We have had as many as 18 in the past. We have our first woman Speaker in the Nevada State Assembly, our friend, Barbara Buckley. Las Vegas has 140,000 hotel rooms, but more are under construction. National TV—Wolf Blitzer, Chris Matthews, tomorrow Stephanopolous. I know this is hard for all of you to believe, but they have come to Searchlight and they have broadcast from my home in Searchlight—ABC, NBC, CBS, Christian Broadcasting, and CNN.

Fallon—38 years after we knew that there was a lot of Arsenic in the water, the people of Fallon are drinking pure, fresh water as a result of work that we did. A negotiated settlement is completed—what does that mean? It means that after 20 years that I have been working on this, the water war between the state of California is over. That was difficult because it involved two endangered species, two Indian tribes, and wetlands that had gone from 30,000 acres to a thousand very putrid acres. It involved the cities of Reno and Sparks and the irrigation district and, of course, it involved Pyramid Lake. That is all over with; the negotiated settlement is finished. Pyramid Lake has been saved, but as we speak about this, looking at this photograph of Nevada, Walker Lake is in distress. We are going to work to make it as successful as we have with the situation with Pyramid Lake.

Nellis and Fallon are two of the greatest air bases in the world. If you want to be the best pilot for the Navy, you have to come to Fallon. If you want to be the best pilot for the Air Force, you have to be trained at Nellis. Yucca Mountain—after 25 years folks, it is history. They can keep spending money there, but Yucca Mountain is not going to happen. This has been a total bipartisan effort. It is great because not only are we not going to have Yucca Mountain, but I think we are going to be able to do something about all the fossil fuels we use. Because if people recognize—and they are beginning to realize—that if you store the waste onsite, maybe we can move to some reasonable nuclear power now that will help stop the global warming that is taking place.

What else is going on that is interesting in Nevada? In Fernley—a thousand jobs or more with Amazon. Microsoft is big time in Reno. People do not realize what is going on with defense contractors in Nevada. Look at this picture we have in Nevada today. Some of you know Fatih and Eren Ozmen. This is a couple, a graduate of the University of Nevada and an electrical engineer, who started a company called Sierra Nevada Corporation. They came to see me many years ago, and I put a line item in an appropriation bill. This year they will gross well over half a billion dollars. They employ a thousand people in Sparks doing some of the most important stuff of any company in the world for the war on terror. Peter Guilfoyle—I do not know if any of you know him—but OptiComp is doing great things with software for the defense industry. Dr. William Torch, who is a neurologist in Reno, came to me with an idea. That idea has now borne fruit. The Pentagon now thinks the guy is one of the best. He has a company called Eye-Com, which does some amazing things dealing with what happens to people's eyes. The Pentagon loves this man. Allan Gotcher of Altair Nanotechnologies is developing small batteries in Sparks. Dave Moorehouse and a company called Raytech are developing huge radar domes that the Defense Department likes. These are things going on in northern Nevada with the defense industry.

Of course, one of my favorite topics is the Sparks Marina. Today when you drive into Sparks, coming in from Fernley, you do not see the Helm's pit; you see one of the finest recreation facilities in all of Nevada.

The courthouses that I talked about in Reno and Las Vegas have been replaced by taxpayer monies of $150 million. The Bruce R. Thompson Courthouse and Federal Building in Reno and the Lloyd D. George Federal Courthouse in Las Vegas—they are wonderful additions to the state of Nevada.

I mention a number of these things in giving a little picture of the state of Nevada as I see it prefatory to talking about what I think should be the vision of the future of Nevada. We are told in Proverbs, in the *Old Testament*, "Where there is no vision, the people perish." I really believe that. We as legislators, we as members of government, must understand that we need a vision for the future. It is easy to talk about what went on 38 years ago. It is fairly easy to talk about what is going on now. It is more difficult to talk about what the future holds for Nevada and our country.

Ten years ago, I announced here at a speech I gave that I was going to have a summit at Lake Tahoe. I did that because I was desperate. I had talked and tried to do things with the Federal Government to prevent the deterioration of Lake Tahoe, and I simply was not able to do that. I invited President Clinton and Vice President Gore to come to Lake Tahoe and do a summit. I thought it would be a photo opportunity for these men, but it was not. It was more than that. It received international attention for three days. The President came, but prior to his coming, prior to the Vice President coming, eight cabinet officers came and spent time meeting with hundreds and hundreds of people who cared. I spoke to President Clinton, inviting him to the tenth anniversary celebration we are going to have in August. He remembered this. He said, "This is how all problems in the world should be solved, like we solved the problems at Lake Tahoe." We really have. That lake is now regaining its clarity. It has cost a lot of money, but it has been worth it. Lake Tahoe is a gem. As Mark Twain said, "the fairest place in all the Earth." This is something we have done together. It was my idea. But this gives me an opportunity to talk about my partnership with John Ensign.

Everyone knows about the 1998 race. It was a bitter, vicious political contest. Who would ever think that John Ensign would come to the United States Senate? But he did when Senator Bryan unexpectedly announced his retirement. And after that, who would think that Harry Reid and John Ensign would do more than speak to each other? But we have. We have worked out a partnership that I do not think Nevada has ever seen before, with a proud Republican and a proud Democrat. John Ensign and I do not criticize each other privately or publicly. We work together for the betterment of this state as we see it. And even though, as I say, it was my idea to save Lake Tahoe, he has worked with me hand in hand for the last six years, helping attain money for that great lake.

Yesterday's political enemies, I tell every one of you here, should be tomorrow's political friends. There is no better example of that than Senator Ensign and myself.

The California Interpretive Trail—Senator Rhoads and I have worked on this project together. It is wonderful for the state of Nevada and what it is going to be in the future. Like Lake Tahoe, it is going to better than it is today. This California Interpretive Trail Center is going to be one of the best things for the state of Nevada. It is going to be completed this year. It cost taxpayers money but it is going to be something people will stop and see, especially tourists driving that lonely road, and people from Nevada will see it. Dean, I appreciated being able to work with you on this. You have been a great partner.

The universities that we have are great universities. I have worked with a number of you in this audience. The University of Nevada, Reno's Great Basin Biodiversity Initiative is some of the greatest science that has taken place in this country in the last 20 years. It is really good. It not only has created an interest all over the country but has done things all over the West. A biology department has been developed at the University of Nevada that is very significant. The earthquake center we have at the University of Nevada, Reno, is also tremendous—finding out what can be done to alleviate problems when earthquakes occur. There are other things that the University of Nevada, Reno does. It is a great university and I enjoyed working with a number of you on this.

The University of Nevada, Las Vegas' School of Hotel Administration is the best in the world. The supercomputer we have there has led to a great engineering department. There are other good things at UNLV as well, of course.

John Lee, it has been a pleasure working with you on developing the greatest shooting range in the world, not just the country. It is under construction. They have started some of the work there. It is out to bid and has been paid for. It is going to be on 3000 acres. It will be, literally, the best in the world.

I have appreciated the advocacy of the Speaker. Assemblywoman Buckley, before she became Speaker, was tremendously interested in doing something about affordable housing for people. We have a token of what you can do when federal government and state government work together—the Silver Sky facility. It is really wonderful. We need a lot more, certainly, but it is there.

I recognize that we need to do a lot more with renewable energy. Senator Townsend, you have been a real leader in this. I appreciate your advocacy. We have to do a lot in this legislative session—the legislative session in Washington, D.C. and the legislative session in Carson City—to make sure people understand that Nevada can be the center for renewable energy. There are unlimited amounts of sunshine and wind, as we all know. And, of course, there is geothermal power that can be created here.

I want everyone here to understand that all of us who are so fortunate to be able to serve in legislative bodies have obligations to meet. I think the best example of that is the example that I was given by Bill Swackhammer. I spoke to the former Speaker today. He is still alive. I cannot imagine how old he must be because when I came here in 1969, he was old. He was the dean of the 1969 Nevada State Legislature. He had more tenure than anyone else in the State Legislature in 1969. Here is what he told me: "Never forget who you are. Never forget from where you come. Never forget who sent you here. And never forget why they sent you here." So, my message to each of you legislators here today is that I want to be your partner. I want to work with you. There are things we can do together. My message to each of you, also, is to work on a bipartisan basis to get things done for the people of the state of Nevada.

Nevada voters send us to places like Carson City and Washington, D.C. to work for them. So, let us work for them. Let us do it together, as partners in the government of this great nation. Thank you very much.

Senator Lee moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Reid for his timely, able, and constructive message.

Seconded by Assemblyman Oceguera.

Motion carried unanimously.

The Committee on Escort escorted Senator Reid to the Bar of the Assembly.

Senator Carlton moved that the Joint Session be dissolved.

Seconded by Assemblywoman Gerhardt.

Motion carried.

Joint Session dissolved at 5:22 p.m.

ASSEMBLY IN SESSION

At 5:23 p.m.

Madam Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 3.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Woods.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Kathleen Boutin.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Christina Dugan.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to and Christopher Frank Brooks and Vic Miera

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to LaToya McBean and Fred Osher.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Bobbett, Jr. and Kimberly Otero.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Clapp and John Ponticello.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Callyce Carroll, Mellisa Goodwin, and Scott Karosa.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Frank Daykin, Betsy Kolkoski, and Genie Ohrenschall.

Assemblyman Oceguera moved that the Assembly adjourn until Wednesday, February 21, 2007, at 10:45 a.m.

Motion carried.

Assembly adjourned at 5:24 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE FIFTEENTH DAY

CARSON CITY (Monday), February 19, 2007

Assembly called to order at 11:03 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Hardy, who was excused.

Prayer by the Chaplain, Dr. Ken Haskins.

Heavenly Father, You are not a God of disorder, but of peace. You have ordained government in order that people may lead peaceful and productive lives. Bless these servants of Yours, whose hard work goes a long way to make government work for all the people of this great state. In the Name of the Prince of Peace, I pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 16, 28, 48, 51, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Ohrenschall, Horne, Buckley, Carpenter, Gerhardt, Hogan, Mabey, Manendo, Munford, Pierce, Segerblom, Settelmeyer, and Womack:

Assembly Joint Resolution No. 2—Proposing to amend the Nevada Constitution to prohibit the taking of private property for any private use.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 8 of Article 1 of the Nevada Constitution be amended to read as follows:

Sec. 8. 1. No person shall be tried for a capital or other infamous crime (except in cases of impeachment, and in cases of the militia when in actual service and the land and naval forces in time of war, or which this State may keep, with the consent of Congress, in time of peace, and in cases of petit larceny, under the regulation of the Legislature) except on presentment or indictment of the grand jury, or upon information duly filed by a district attorney, or Attorney General of the State, and in any trial, in any court whatever, the party accused shall be allowed to appear and defend in person, and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled, in any criminal case, to be a witness against himself.

2. The Legislature shall provide by law for the rights of victims of crime, personally or through a representative, to be:

(a) Informed, upon written request, of the status or disposition of a criminal proceeding at any stage of the proceeding;

(b) Present at all public hearings involving the critical stages of a criminal proceeding; and

(c) Heard at all proceedings for the sentencing or release of a convicted person after trial.

3. Except as otherwise provided in subsection 4, no person may maintain an action against the State or any public officer or employee for damages or injunctive, declaratory or other legal or equitable relief on behalf of a victim of a crime as a result of a violation of any statute enacted by the Legislature pursuant to subsection 2. No such violation authorizes setting aside a conviction or sentence or continuing or postponing a criminal proceeding.

4. A person may maintain an action to compel a public officer or employee to carry out any duty required by the Legislature pursuant to subsection 2.

5. No person shall be deprived of life, liberty, or property, without due process of law.

6. Private property shall not be taken for public use without just compensation having been first made, or secured, except in cases of war, riot, fire, or great public peril, in which case compensation shall be afterward made. ***Private property shall not be taken for any private use.***

Assemblyman Ohrenschall moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By Assemblymen Conklin, Leslie, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack; Senators Titus, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Townsend, Washington, Wiener, and Woodhouse:

Assembly Concurrent Resolution No. 4—Designating February 19, 2007, as Homeless Awareness Day in Nevada.

WHEREAS, On January 10, 2007, the National Alliance to End Homelessness issued a report ranking Nevada as having the second highest percentage per capita of homeless persons, with more than double the national average; and

WHEREAS, According to the report, an estimated 744,313 people experienced homelessness nationally, including 16,402 people in Nevada; and

WHEREAS, These figures do not take into account those persons who are on the edge of homelessness, living paycheck to paycheck, one step away from becoming homeless; and

WHEREAS, There are many reasons for homelessness, including, without limitation, unemployment, low wages, lack of affordable housing, lack of health insurance, domestic violence, and substance abuse and mental health issues; and

WHEREAS, One of the fastest growing segments of the homeless population in this country consists of families with children; and

WHEREAS, Homelessness disrupts every aspect of family life, adversely affecting physical and mental health, interfering with education and childhood development, and often resulting in the separation of family members; and

WHEREAS, Strategies for fighting homelessness that have shown positive results include the appropriation of money to provide assistance to homeless persons and the establishment of programs that focus on permanent housing and services to help the chronically homeless lead more stable lives; and

WHEREAS, To raise awareness of the issues faced by homeless persons in Nevada, including the need for transitional housing and mental health assistance, some Nevada

Legislators and various other concerned citizens slept in a "Tent City" outside of the Legislative Building on February 18, 2007; and

WHEREAS, The members of the Nevada Legislature recognize the outstanding efforts of the numerous state and local governmental agencies and various nonprofit entities dedicated to fighting homelessness in the State of Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That February 19, 2007, is hereby designated as Homeless Awareness Day in Nevada; and be it further

RESOLVED, That the members of the 74th Session of the Nevada Legislature hereby express their commitment to creating a greater public awareness of the problem of homelessness in Nevada and resolve to continue to work cooperatively to solve this problem; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Michael Dayton, Chief of Staff to Governor Jim Gibbons.

Assemblywoman Leslie moved the adoption of the resolution.

Remarks by Assemblywoman Leslie.

Assemblywoman Leslie requested that her remarks be entered in the Journal.

ASSEMBLYWOMAN LESLIE:

Everyone knows that homelessness is a huge problem in our country and in our state. The Urban Institute estimates that between 2.3 million and 3.5 million people per year in the United States experience homelessness. Of those, 23 percent are chronically homeless, which means that they are homeless for long periods of time and often have a disability of mental illness or substance abuse or a physical disability. The other 77 percent of those who are homeless at any one time are considered nonchronic. Approximately 59 percent of the homeless population counted in January 2005 were individuals, while 41 percent were people in families with children.

In Nevada, we have the dubious distinction of having the highest percentage of homeless individuals of any state—6.68 percent of every 100,000 of our population in Nevada is homeless. The only area that exceeds Nevada is Washington, D.C.

A statewide survey conducted in 2005 revealed that over 19,000 people in Nevada are homeless. About 13,000 of those live in Clark County, about 2,500 of those live in the Reno-Sparks area, and 3,500 are spread throughout the rest of the state.

The most common factors of homelessness in our state include domestic violence; the inability to find an affordable house or apartment; unemployment; a sudden illness in the family; or an unforeseen medical expense, car repair, or anything out of the ordinary.

Most disturbing of all is families with children are among the fastest growing segment of the homeless population in our state. Housing, an adequate income, health care, and mental health services and/or drug treatment are some of the answers to this problem of homelessness.

Under Order of Business 15, later, we will have some additional information for you, but as far as the members on this ACR, I hope you will join me in voting "aye."

Resolution adopted.

Assemblywoman Leslie moved that all rules be suspended and that Assembly Concurrent Resolution No. 4 be immediately transmitted to the Senate.

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN LESLIE:

Thank you, Madam Speaker. Many of you knew of or perhaps even saw when you came to work today a lot of the tents and soggy boxes outside between our building and the Capitol. I am really pleased to report that we had over 100 people spend the night. At one point yesterday afternoon, as part of our "Tent City," we had more than 250 people here, many of them from Las Vegas. Those of you who have served here for a long time know how rare it is and how wonderful it is to see your constituents make the long trip. Many of them took a very long bus ride yesterday to get here. They will be taking a long bus ride to get back home. So, first of all, I would like to thank all our constituents who participated in the Tent City event yesterday and last night, which was cold and snowy here in northern Nevada. Please stand up and be recognized.

Thank you. Madam Speaker, if I may continue. Some of them look a little ragged, but some of them look a lot better than they did at 11 p.m. when the snow and sleet were coming down. I don not know how you cleaned up, but you did a good job. I especially want to recognize the Assembly members who braved the cold and were there, crawling out at various times this morning from their boxes and tents. The Assembly members from Districts 3, 34, 37, and 41—my Las Vegas colleagues—thank you very much; also, my colleague from Reno in District 24. We even had a Senator there from District 4. We really appreciated that.

There were quite a few other Assembly members who stopped by, like the Majority Leader. I am trying to adhere to protocol but I will just give up on that. Ms. Womack was there, Mrs. Smith was there, Ms. Parnell was there. Lots of Assembly members came by, even if they did not spend the night.

I think that for those of us who did spend the night—and I will speak for myself—it really was a wonderful experience for us. I have never had the opportunity of smelling wet cardboard all night. It was different. We chose that night, as we are reminded repeatedly. We chose to be homeless last night. Most homeless people in our state do not get to choose to be homeless. I think for many of us, and certainly for me, spending the night outside helped to reflect on what it is like for the residents of our state who do not have a home to go to, and who have to sleep like that every day, regardless of whether the weather is balmy or it is snowy or it is cold—and probably without the kind of sleeping bags many of us had last night. It was a mind-opening experience. I think it really brought home the need for our state to do better so that two years from now, we are not standing here saying we have the worst record of any state in the nation. Thank you very much to my colleagues for spending the night. Maybe two years from now some of the rest of you will want to take that action yourselves.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I would just like to add my thanks to all of you who made the journey here to support public awareness for the homeless. I cannot imagine anything worse than being alienated from your family and sleeping on the street. I think this is probably one of the toughest things to advocate for. I see so many of you that I have worked with over the years. You advocate day in, day out, working so well in your communities across the state, trying for our society to not turn its back on our brothers and sisters. As we give our recognition to this important resolution, I also want to recognize each one of you for everything that you do to make our state a better place. Thank you.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Resolution No. 4—Providing for the appointment of an additional attaché for the Assembly.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Rosanne Kruckenberg is elected as an additional attaché of the Assembly for the 74th Session of the Nevada Legislature.

Assemblyman Oceguera moved the adoption of the resolution.

Remarks by Assemblyman Oceguera.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Leslie, Conklin, Horne, Parnell, Pierce, Bobzien, Buckley, Hogan, Kirkpatrick, Parks, Smith, and Womack:

Assembly Bill No. 126—AN ACT making an appropriation for transitional housing and supportive services for persons who are homeless; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 26 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 19, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 5.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 5.

Assemblyman Grady moved the adoption of the resolution.

Remarks by Assemblyman Grady and Madam Speaker.

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN GRADY:

I think that the resolution expresses how totally involved and committed Don McBride was as a husband, father, uncle, businessman, and community leader.

Virginia City, being a small community on the Comstock, has families that just connect and associate with one another. The McBrides are one of those families. You can talk history, the Virginia City Muckers basketball, business, the Fourth Ward School, or the Bucket of Blood Saloon, and the McBride family will always be mentioned in conversations.

As the old saying goes, “If you want to get the job done, appoint the busiest person.” That applied to Don McBride. Virginia City can be proud that the McBride sons, Marshall and Steve, are carrying on the business interests while Don is the construction foreman for another well-known Comstock family, Hess Construction. I am very proud to be able to stand here today and support this resolution.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I was a young, freshman legislator from Las Vegas in 1995 when I came to Carson City. Speaker Joe Dini said, "You know, you need to see a little bit more of the state. I will meet you at the back of the building at 6:30 p.m. We are going on a runner." When the Speaker asks you to do something, if you are a smart freshman, you do it. I was at the building at 6:30 p.m. and I got in the car with Speaker Dini and we went to the Bucket of Blood, where we stayed for many hours munching on popcorn and visiting with many of the locals. That was one of my many times that Speaker Dini introduced me to Nevada's traditions, something that makes our state so great. I, too, would like to join in the resolution and offer our support to the family and our thanks for doing so much for our state and making us who we are. Thank you.

Resolution adopted.

REMARKS FROM THE FLOOR

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN STEWART:

I think we would be remiss today if we didn't pause on Presidents' Day to remember some of the great Presidents who have led our nation. I would like to mention a few quickly: John Adams, Andrew Jackson, Abraham Lincoln, Theodore Roosevelt, Franklin Roosevelt, Harry Truman, and Ronald Reagan.

I would like to mention, in my opinion, our greatest President, whom we often times seem to forget, George Washington. He led us for six years through the Revolutionary War. He was, indeed, first in war. Then, he did a remarkable thing; he walked away from power. At the urging of his countrymen, he came back to lead us for eight more years. He was first in peace, as nearly everything he did for eight years set a standard for those who followed him. George Washington—first in war, first in peace, and first in the hearts of his countrymen.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Flores and Dennise Perkins.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Melany Denny and Catie Elzie.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Katie Barrett.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Leslie Studer.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Cabria Anderson and William Cole.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Kristy Best and Charles Holtshouser.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Leslie French.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Mira Johnson and Tamika Miller.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Rebecca Elston.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Hakim Mohamed and Curtiss Robinson.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Ingalls, Don McBride, Marshall McBride, and Steve McBride.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Alitzah Martinez and Kristi Minert.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Carter and Vacheral Carter.

On request of Assemblyman Kihuen, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Beets and Chris Saldivar.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Mullen.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Evelyn Farias.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Shawn Griffin and Michael Stoops.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Haymond.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Kenya Pierce and Fernando Santiago.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Weise.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Chuck Fulkerson and Terry Lindeman.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Latisha Watkins.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Vanessa Hernandez.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Meredith Stewart.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Beverly Rodriguez and Natalie Unzueta.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Charlene Gray, Nathan Myers, and Art Sandoval.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Dorway and Sharon Rogers.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Lee and Sarai Santana.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Bonnie Polley and Fateen Seifullah.

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Fulkerson and A. J. McClure.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Leigh Herbert and Mike Perrier.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Jessie Bromden, Lacey Miller, Kalyn Reeves, Kayla Rhienhardt, Shantelle Stillwell, and Adrienne Wad.

On request of Assemblywoman Womack, the privilege of the floor of the Assembly Chamber for this day was extended to Kimberly Hackstack.

Assemblyman Oceguera moved that the Assembly adjourn until Tuesday, February 20, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 11:37 a.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE SEVENTEENTH DAY

CARSON CITY (Wednesday), February 21, 2007

Assembly called to order at 10:46 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Ken Haskins.

Father of lights, You are light and in You there is no darkness. Cast Your light upon the issues facing these lawmakers today. Grant these servants of Yours clarity of vision, understanding and wisdom in order for them to make good decisions that will benefit all the citizens of this great state of Nevada. I pray in the Name of the Light of the World.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-2801

February 21, 2007

THE HONORABLE BARBARA BUCKLEY, *Speaker*, Nevada Assembly, 401 South Carson Street, Carson City, Nevada 89701-4747

DEAR SPEAKER BUCKLEY:

I am writing to you today to express my desire to address both houses of the Legislature during the 2007 legislative session. It appears that February 26, 2007, is available and I would enjoy the opportunity to share my views with the legislature on national issues and the challenges that confront us in the Congress. Many of these issues will affect Nevada citizens directly and the perspectives of the members of the Nevada Legislature are paramount to my decision making.

If you could let my staff know the details regarding my visit and address I would appreciate it. I look forward to your response. Please direct any communications to my District Director, Tod Story. He can be reached at 702-220-9823.

Sincerely,
SHELLEY BERKLEY
Member of Congress

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 20, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 5.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 18, 34, 39, 44, 46.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Hardy, Buckley, Ohrenschall, Horne, Gansert, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Goedhart, Goicoechea, Grady, Hogan, Kihuen, Kirkpatrick, Koivisto, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack; Senators Care, Heck, Cegavske, Hardy, Raggio, Beers, Coffin, Horsford, Lee, Mathews, McGinness, Nolan, Schneider, Townsend, Washington, Wiener, and Woodhouse:

Assembly Joint Resolution No. 3—Proposing to amend the Nevada Constitution to revise provisions relating to the taking of private property by eminent domain.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 8 of Article 1 of the Nevada Constitution be amended to read as follows:

Sec. 8. 1. No person shall be tried for a capital or other infamous crime (except in cases of impeachment, and in cases of the militia when in actual service and the land and naval forces in time of war, or which this State may keep, with the consent of Congress, in time of peace, and in cases of petit larceny, under the regulation of the Legislature) except on presentment or indictment of the grand jury, or upon information duly filed by a district attorney, or Attorney General of the State, and in any trial, in any court whatever, the party accused shall be allowed to appear and defend in person, and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled, in any criminal case, to be a witness against himself.

2. The Legislature shall provide by law for the rights of victims of crime, personally or through a representative, to be:

(a) Informed, upon written request, of the status or disposition of a criminal proceeding at any stage of the proceeding;

(b) Present at all public hearings involving the critical stages of a criminal proceeding; and

(c) Heard at all proceedings for the sentencing or release of a convicted person after trial.

3. Except as otherwise provided in subsection 4, no person may maintain an action against the State or any public officer or employee for damages or injunctive, declaratory or other legal or equitable relief on behalf of a victim of a crime as a result of a violation of any statute enacted by the Legislature pursuant to subsection 2. No such violation authorizes setting aside a conviction or sentence or continuing or postponing a criminal proceeding.

4. A person may maintain an action to compel a public officer or employee to carry out any duty required by the Legislature pursuant to subsection 2.

5. No person shall be deprived of life, liberty, or property, without due process of law.

6. Private property shall not be taken for public use without just compensation having been first made, or secured, except in cases of war, riot, fire, or great public peril, in which case compensation shall be afterward made.

7. Except as otherwise provided in paragraphs (a) to (d), inclusive, the public uses for which private property may be taken do not include the direct or indirect transfer of any interest in the property to another private person or entity. A transfer of property taken by the exercise of eminent domain to another private person or entity is a public use in the following circumstances:

(a) The entity that took the property transfers the property to a private person or entity and the private person or entity uses the property primarily to benefit a public service, including,

without limitation, a utility, railroad, public transportation project, pipeline, road, bridge or public facility.

(b) The entity that took the property leases the property to a private person or entity that occupies an incidental part of a public facility and, before leasing the property:

(1) Uses its best efforts to notify the person from whom the property was taken that the property will be leased to a private person or entity that will occupy an incidental part of a public facility; and

(2) Provides the person from whom the property was taken with an opportunity to bid or propose on an equal basis with others.

(c) The entity:

(1) Took the property in order to acquire property that was abandoned by the owner, abate an immediate threat to the safety of the public or remediate hazardous waste; and

(2) Grants a right of first refusal to the person from whom the property was taken that allows that person to reacquire the property on the same terms and conditions that are offered to the other private person or entity.

(d) The entity that took the property transfers an interest in the property to a private person or entity in exchange for an interest in the property that was taken, or is being taken, by the exercise of eminent domain or under the threat of the exercise of eminent domain for the purpose of a road or highway, the relocation of public or private structures or to facilitate or avoid payment of excessive compensation or damages.

8. In all actions in eminent domain:

(a) Before the entity that is taking property obtains possession of the property, the entity shall give to the owner of the property a copy of all appraisals of the property obtained by the entity.

(b) At the occupancy hearing, the owner of the property that is the subject of the action is entitled, at the property owner's election, to a separate and distinct determination as to whether the property is being taken for a public use.

(c) The entity that is taking property has the burden of proving that the taking is for a public use.

(d) Except as otherwise provided in this paragraph, neither the entity that is taking property nor the owner of the property is liable for the attorney's fees of the other party. This paragraph does not apply in an inverse condemnation action if the owner of the property that is the subject of the action makes a request for attorney's fees from the other party to the action.

9. Except as otherwise provided in this subsection, if a court determines that a taking of property is for public use, the taken or damaged property must be valued at its highest and best use without considering any future dedication requirements imposed by the entity that is taking the property. If property is taken primarily for a profit-making purpose, the property must be valued at the use to which the entity that is taking the property intends to put the property, if such use results in a higher value for the property.

10. In all actions in eminent domain, fair market value is the highest price, on the date of valuation, that would be agreed to by a seller, who is willing to sell on the open market and has reasonable time to find a purchaser, and a buyer, who is ready, willing and able to buy, if both the seller and the buyer had full knowledge of all the uses and purposes for which the property is reasonably adaptable and available.

11. In all actions in eminent domain, just compensation is that sum of money necessary to place the property owner in the same position monetarily as if the property had never been taken, excluding any governmental offsets except special benefits. Special benefits may only offset severance damages and may not offset the value for the property. Just compensation for the property taken by the exercise of eminent domain must include, without limitation, interest and reasonable costs and expenses incurred by the owner of the property that is the subject of the action. The district court shall determine, in a posttrial hearing, the award of interest and award as interest the amount of money which will put the person from whom the property is taken in as good a position monetarily as if the property had not been taken. The district court shall enter an order concerning:

(a) The date on which the computation of interest will commence;

(b) The rate of interest to be used to compute the award of interest, which must not be less than the prime rate of interest plus 2 percent; and

(c) Whether the interest will be compounded annually.

12. Property taken by the exercise of eminent domain must be offered to and reverts to the person from whom the property was taken upon repayment of the original purchase price if, within 15 years after obtaining possession of the property, the entity that took the property:

(a) Fails to use the property for the public use for which the property was taken or for any public use reasonably related to the public use for which the property was taken; or

(b) Seeks to convey any right, title or interest in all or part of the property to any other person and the conveyance is not occurring pursuant to subsection 7.

The entity that has taken the property does not fail to use the property under paragraph (a) if the entity has begun active planning for or design of the public use, the assembling of land in furtherance of planning for or design of the public use or construction related to the public use.

13. If any provision of subsections 7 to 12, inclusive, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the provisions or application of subsections 7 to 12, inclusive, which can be given effect without the invalid provision or application, and to this end the provisions of subsections 7 to 12, inclusive, are declared to be severable.

14. The provisions of subsections 7 to 12, inclusive, apply to an action in eminent domain that is filed on or after January 1, 2011.

And be it further

RESOLVED, That Section 22 of Article 1 of the Nevada Constitution, commonly known as the "People's Initiative to Stop the Taking of Our Land," if that section is approved and ratified by the voters at the 2008 General Election, is hereby repealed.

Assemblyman Hardy moved that the resolution be referred to the Concurrent Committees on Judiciary and Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Womack, Manendo, McClain, Leslie, Anderson, Allen, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gerhardt, Goicoechea, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, and Stewart; Senators Care, Titus, Nolan, Coffin, Heck, Lee, Rhoads, Wiener, and Woodhouse:

Assembly Bill No. 134—AN ACT relating to veterans; requiring the Executive Director for Veterans' Services to prepare, maintain and make available for public inspection a register that includes the names of the veterans interred in each cemetery in this State; requiring the Executive Director to provide flags of the United States to certain persons and civic organizations for placement on the graves of veterans on certain holidays; requiring the Executive Director to provide a flag of the United States to each resident of a veterans' home in this State to commemorate certain holidays; and providing other matters properly relating thereto.

Assemblywoman Womack moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Grady; Senators Amodei and McGinness:

Assembly Bill No. 135—AN ACT relating to the Stagecoach General Improvement District; authorizing the District to furnish sanitary facilities for sewerage; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 136—AN ACT relating to the administration of estates; providing for the recovery of reasonable fees and necessary expenses of the petitioner and the attorney for certain smaller estates; providing for the recovery of reasonable fees and necessary expenses of a public administrator who administers certain smaller estates; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Oceguera:

Assembly Bill No. 137—AN ACT relating to crimes; increasing the penalty for certain crimes concerning acts of terrorism; making it a crime to deliver a hoax substance that appears to be a weapon of mass destruction or appears to be certain dangerous substances; providing penalties; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 138—AN ACT relating to impact fees; expanding the purposes for which certain impact fees may be used; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 139—AN ACT relating to local governmental administration; providing for the disposition of excess payments made to a county recorder; revising provisions relating to the appointment and oath of deputy sheriffs; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 140—AN ACT relating to public works; providing for certain contractors to receive an additional preference in bidding on public works; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Horne, Kirkpatrick, Parks, Conklin, Allen, Anderson, Arberry, Atkinson, Buckley, Claborn, Denis, Gerhardt, Goedhart, Hogan, Kihuen, Leslie, Mabey, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, Smith, and Womack; Senators Wiener, Coffin, Titus, Horsford, Lee, Mathews, Washington, and Woodhouse:

Assembly Bill No. 141—AN ACT relating to motor vehicles; providing for the inspection and forfeiture of certain seized vehicles or parts which have altered or missing identification numbers or marks; prohibiting the disclosure of certain information related to the investigation of such a vehicle or part; prohibiting a vehicle dealer, garage owner and certain other businesses from possessing a vehicle or part which has a missing or altered identification number or mark; revising the penalty for possessing such a vehicle or part; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 142—AN ACT relating to ethics in government; requiring certain public officers and lobbyists to attend a course on ethics in government; requiring lobbyists who lobby the Executive Department of the State Government to file a registration statement and periodic reports with the Secretary of State; requiring the Secretary of State to handle all reports and filings and make investigations under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By Assemblymen Goedhart, Beers, Goicoechea, Grady, Hardy, Marvel, Settelmeyer, Stewart, and Weber; Senators Beers and McGinness:

Assembly Bill No. 143—AN ACT relating to the Commission on Ethics; increasing the time within which the Executive Director of the Commission on Ethics is required to complete his investigation of the facts and circumstances relating to a request for an opinion; requiring the Commission

to disclose the general status of a request for an opinion to the person who made the request; and providing other matters properly relating thereto.

Assemblyman Goedhart moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 18.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 34.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 39.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 44.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 46.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 9.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 16.

Bill read third time.

Remarks by Assemblyman Christensen.

Roll call on Assembly Bill No. 16:

YEAS—42.

NAYS—None.

Assembly Bill No. 16 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 28.

Bill read third time.

Remarks by Assemblymen Claborn and Leslie.

Roll call on Assembly Bill No. 28:

YEAS—42.

NAYS—None.

Assembly Bill No. 28 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 48.

Bill read third time.

Remarks by Assemblymen Parnell, Manendo, and Anderson.

Roll call on Assembly Bill No. 48:

YEAS—42.

NAYS—None.

Assembly Bill No. 48 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 51.

Bill read third time.

Remarks by Assemblyman Oceguera.

Roll call on Assembly Bill No. 51:

YEAS—42.

NAYS—None.

Assembly Bill No. 51 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 21, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 6.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 6.

Assemblyman Grady moved the adoption of the resolution.

Remarks by Assemblymen Grady and Anderson.

Assemblyman Anderson requested that the following remarks be entered in the Journal.

ASSEMBLYMAN GRADY:

Thank you, Madam Speaker. Every two years, a resolution comes before this body to recognize the Clampers. There are Clampers from Virginia City, Silver City, Gold Hill, Dayton, Reno-Sparks, southern Nevada, eastern Nevada and in both houses of this Nevada Legislature.

As the resolution says, they have survived the test of time. Madam Speaker, we are proud to have you, as many Speakers have before you, welcome the "Frolicking Friars" as they visit our

Chamber today and prepare for another fun-filled event of protecting the widders of this great state. Thank you.

ASSEMBLYMAN ANDERSON:

This organization has existed from the earliest days of Nevada mining history. As clearly explained, "taking care of the 'widders' and orphans, especially the 'widders'," of course, is not just a small remark because it was not unusual that the actual rescue of families who were left destitute was left to groups such as their fellow miners. That is exactly where this organization came from, helping their fellow miners and leaving anonymous gifts for their families.

Today, E. Clampus Vitus is engaged in another kind of charitable work, and that is rescuing from oblivion the early history of the state. If any of you have wandered the back roads of this state as I have had the great privilege to do, you know that you will come across a mining camp, and the only sign that it was once there is the markers that have been erected by the Clampers. Some of you may disagree about some of the locations that they have selected, but those are the sites that were common at the time where people frequented. Taverns were important places in those communities and therefore should be recognized. I am particularly mindful of one of the locations in my Assembly district—falls right on the edge of it as it happens—and that is the marker placed for James Beckwith. Beckwith was a black frontiersman who blazed the trail across the Sierras, over the lowest passage of the Sierras, whose history might otherwise be forgotten had it not been for the hard work of the Clampers to make sure that the knowledge of his achievement and his accomplishments here in the West were verified. They spend painstaking hours making sure the historical record is accurately portrayed, and they have produced books that are often available in a narrow circle of individuals, but still it is their painstaking travel and time that erects those markers. Thank you.

Resolution adopted.

Assemblyman Oceguera moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 11:24 a.m.

ASSEMBLY IN SESSION

At 4:47 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Madam Speaker appointed Assemblymen Conklin and Mabey as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator John Ensign.

The members of the Senate appeared before the Bar of the Assembly.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 4:56 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senators Amodei, Care, Coffin, and Rhoads, who were excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblyman Goicoechea, who was excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Cegavske and Assemblyman Horne to wait upon Senator Ensign and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable John Ensign, United States Senator from Nevada, appeared before the Bar of the Assembly.

The Committee on Escort escorted the Senator to the rostrum.

Madam Speaker welcomed Senator Ensign and invited him to deliver his message.

United States Senator John Ensign delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-FOURTH SESSION, 2007

Speaker Buckley, Majority Leader Raggio, members of the Senate and Assembly, Governor Gibbons and other constitutional officers, distinguished guests, and my fellow Nevadans:

I am honored to be here with you today at this moment of great opportunity and promise. In Nevada and Washington, D.C., we face the challenge of reaching out to members of the opposite party to make progress and improve the quality of life for all Americans. Throughout time, men and women have nobly answered this call and changed history.

Two hundred years ago this week, the struggle of a leader in Great Britain finally resulted in victory with a vote by the House of Commons to abolish the horrific slave trade. William Wilberforce had been the voice of the antislavery movement for more than two decades. He introduced his antislavery legislation every single session of Parliament, worked every possible angle, and was ridiculed and targeted for his commitment to the cause. His health deteriorated during the course of his advocacy, but his passion did not.

William Wilberforce was admired for his ability to work with philosophical opponents for the greater good. One of his favorite sayings was, "Measures, not men." In this capitol, and in our nation's capitol, we must commit ourselves to crossing the great political divide for the greater good.

I want to start off by congratulating our senior Senator, Harry Reid, now the Majority Leader of the United States Senate. I am very proud of my good friend for what he has accomplished. My Republican colleagues have entrusted me with the chairmanship of the National Republican Senatorial Committee, and we have two members now on the House Ways and Means Committee. Nevada has truly never known such political influence in its history. Senator Reid and I have worked together on many Nevada initiatives over the years to improve the quality of life for our constituents. We have been so successful because we have been willing—along with the rest of the Nevada delegation—to put aside our philosophical differences and party loyalties and do what is best for Nevada.

Our delegation is well positioned to continue that work. In fact, Nevada is in the best position ever to put the brakes on the Yucca Mountain project and finally shut down that money pit of deceitful management and bad science.

I feel very blessed to have been exposed to so much of our state throughout my life. My childhood memories are of growing up in Reno, Carson, Lake Tahoe, and later in Las Vegas. This state has been home to my family for more than 100 years. There is no place like it in the world. All the things that I love about Nevada are the same reasons that thousands continue to move to our state each month. It is the quality of life that we all cherish so deeply.

The lands bills that Senator Reid and I, along with then-Congressman Gibbons, have written over the past six years were born out of the desire to protect and enhance the quality of life throughout Nevada. Our most recent bill, the White Pine County Lands bill, is a perfect example.

The White Pine County Lands bill, like the other laws, was crafted in cooperation with citizens holding many different views. The bill designates 550,000 acres of wilderness, but it also allows 45,000 acres of BLM land to be privatized. Land sale proceeds will go to funding White Pine County law enforcement, fire protection, transportation, and natural resource planning. So far, with all of the lands bills that we have done, the general education fund for the state has received $150 million to this point.

The quality-of-life benefits extend to every corner of the state. The White Pine measure also includes a ten-year authorization for a comprehensive hazardous fuels reduction program at Lake Tahoe, throughout the eastern Sierras, and the Spring Mountains in southern Nevada. It also has funds to acquire and protect portions of the Ballardini Ranch in Washoe County, the acceleration of over a billion dollars in parks and trails in southern Nevada, and the construction of a new reservoir to conserve 3 million acre-feet of water from the Colorado River.

These projects will make a tremendous difference in the lives of generations of Nevadans to come. They ensure that our natural resources are protected and that we are prepared for continued growth.

The innovative thinking that has made these bills so successful is the same kind of thinking we need to tackle other challenges facing our state—namely traffic congestion. The gridlock haunting many of our daily commutes puts our families in danger, stifles businesses, and harms our air quality.

State, county, and local legislators can no longer look to Washington, D.C., for a blank check to fix these problems. The Highway Trust Fund is now paying out 100 percent of what it brings in. It is time to be open to finding innovative solutions. While the federal government will remain a partner, our state must explore every option to reduce gridlock as we look to improve the quality of life for all our constituents.

Innovation, entrepreneurship, and competitiveness have been the cornerstones of our state's progress and popularity for many decades. Today, we need to inspire a new generation of young people to be innovative and to be competitive. Our students and businesses are no longer competing with just California and Arizona. They are up against people in China, India, and across the globe. And we must prepare them to meet that challenge.

I have spent a great deal of time over the past two years on legislation promoting competitiveness and innovation, which impact Nevada's future economic strength and how we can prepare students for the twenty-first century workforce.

Working together, we must do all we can to attract more high-tech companies and scientific researchers to our state. Last year, I convened high tech summits in Las Vegas and Reno in order to bring technology leaders together with educators, elected officials, chambers of commerce, and business development leaders.

These businesses and researchers foster innovation and the new ideas, technologies, and processes that lead to better jobs, higher wages, and a higher standard of living. Unfortunately, in the fields responsible for innovation in the twenty-first century—science, technology, engineering, and mathematics—America is steadily losing its global edge.

Last Congress, I introduced the bipartisan National Competitiveness Investment Act to address innovation and competitiveness challenges faced by our country. It focuses on three primary areas: increasing research investment; fostering science, technology, engineering, and mathematics talent; and developing an innovation infrastructure.

All of you know, I think, that I am a fiscal conservative. But every dollar we invest at the federal level in basic research is a dollar that will come back to us in spades in terms of stimulating economic activity and helping to keep the United States and Nevada at the forefront of global innovation.

The National Competitiveness Investment Act also addresses the need to encourage more American students from elementary school through graduate school to pursue careers in science, engineering, and mathematics, like we see at the Davidson Academy at UNR. The bill

strengthens the skills of thousands of math and science teachers by establishing new undergraduate and graduate training programs.

Just this afternoon, I met with Dr. Benjamin Tayahi. He has his Ph.D. in electrical engineering and is an assistant professor at UNR. He has recognized the important need to engage students and inspire them in the areas of math, science, and engineering—especially for minority students. His Saturday Engineering Academy is fueled, 100 percent, by volunteers. Students have access to cutting-edge technology at UNR and receive hands-on experience. It is really important that all of us focus on changing our educational system to meet the needs of the twenty-first century. Other countries have scientists and mathematicians teaching science and math. In the United States, we mostly have education majors teaching science and math. If your passion is in science and math, you have a better chance of translating that passion to your students. I have talked to the presidents of UNR and UNLV and our community colleges about trying to transform the way we teach our teachers. The University of Texas at Austin has a program called "You Teach." It is innovative. They are actually taking science majors and teaching them to be teachers. The results, so far, have been very promising. The University of California system is going along with this same kind of model. It is time for Nevada to take the lead in the country to try to change the way we are teaching science and math teachers so that we can inspire the next generation of Nevadans.

Let me mention another issue being debated in Washington, D.C. that has a tremendous potential to increase our global competitiveness. When it comes to broadband deployment, we are falling behind the rest of the world.

The country that invented the Internet should not be sixteenth in the world when it comes to broadband deployment. Here in the State Legislature, you have a unique chance to help improve this situation and at the same time bring consumers more choices in video service.

Advances in technology now allow traditional cable or phone companies to get into each other's lines of business. This brings consumers another option for local phone service, and by introducing new competition, it creates better service, more features, and better prices.

And technology now makes it possible for telephone companies to get into the video business. However, our outdated laws make it a very cumbersome, expensive, and lengthy process.

The federal legislation seems to be stalled at this point, so I would encourage you all to join the nine states that have passed legislation to streamline video franchising rules to encourage the deployment of video services. Video competition will be great for consumers and result in exciting new services.

The opportunity to compete with cable and satellite in the video market is the key to spurring the investment in these broadband networks. The fiber optic networks that will bring Nevadans video services will mean dramatically increased broadband speeds that are critical to keeping us competitive globally.

While I will continue to push for legislation at the federal level, I urge you to work together this year to bring competition and investment to our state.

We have also taken great strides in improving the quality of life for our honorable veterans. I was proud to be at the groundbreaking ceremony in southern Nevada for the new VA medical center and hospital in North Las Vegas last year and look forward, with great anticipation, to the grand opening in 2011. We are also preparing for a community-based outpatient clinic in Fallon in the fall and continued improvements in health care for veterans in Elko.

I also believe that we must provide for our veterans' healthcare needs because without their sacrifice and service, very simply, none of us would have the freedoms that we cherish. But there is still much more work to be done, however. We need a state veterans nursing home in northern Nevada to complement the one in southern Nevada. As fast as our state is growing, we need to expand the state veterans cemeteries in Boulder City and Fernley. I know these are ambitious goals, but they are the very least we can do for the champions of our democracy.

A brave, new generation of future veterans is defending our freedom and fighting for our security every day, across the world. They, and their families, have made unbelievable sacrifices for our families and for our future. And there is no shortage of heroes or heroic efforts from this great state.

As I stand before you tonight, 376 men and women of the Nevada National Guard are serving around the world in support of Operation Iraqi Freedom and Operation Enduring Freedom,

including one of my staff members who I am very proud of, Mark Sprinkle. Along with countless Nevadans in other branches of the military, they are the great defenders of democracy and freedom. They have answered the call to protect and defend our nation, and we are so proud of their commitment to this noble cause.

Roughly 100 soldiers from Fallon, Yerington, Reno, Las Vegas, and Carson City are performing escort security duty in Iraq right now. These soldiers were all previously deployed to Fort Irwin, California. Not one of these soldiers had to go to Iraq, but every single one of them volunteered to go. There are many other Nevadans who have volunteered as well.

At Nellis Air Force Base, Air Force active duty and reserve airmen, as well as Nevada Air guardsmen, are working together to play a critical role in fighting this war against radical, Islamic extremists. They are piloting the unmanned, armed Predator spy planes. The Predators have been vital to finding and killing terrorists in Iraq and Afghanistan. Last year, this Nevada team of active, reserve, and guard members participated in 470 raids, surveyed almost 16,000 targets, logged more than 40,000 flying hours, and completed more than 2,000 sorties.

And the actions of our Nevada servicemen and women are nothing short of heroic. Next week, four airmen from Nellis will be awarded the Bronze Star Medal, and four will receive the Army Commendation Medal for their service in Iraq. As members of the Explosive Ordnance Disposal Flight, they engaged in more than 700 combat missions, destroyed almost 400,000 pieces of unexploded ordnance, and cleared tens of thousands of miles of strategic highway.

Technical Sergeant Michael Bibb manually cleared a vital road of Improvised Explosive Devices, or IEDs, with a battle raging only 500 meters from his location. Staff Sergeant David Fitzpatrick manually cleared a landing zone in minutes so that a MEDEVAC helicopter could land and transport the wounded. And Staff Sergeant Krumlinde evacuated an innocent Iraqi family, defeated a timed IED that had been placed next to their home, and saved their lives and their home.

This is the courage we have seen time and again from Nevada's men and women in uniform. But they do not serve alone. Their families have also shown great bravery and commitment in the face of worried days and sleepless nights. I have been awestruck by the support these families provide for their loved ones and for the entire military community.

Unfortunately, 50 men with ties to Nevada have made the ultimate sacrifice. They are more than numbers, though. They are fathers, sons, brothers, husbands, and friends. They left behind families who will never be able to fill the void left by their deaths.

One-year-old Ethan Garrigus' only memories of his father will be from pictures and the teddy bear he left behind with a special recorded message. Ethan's father turned down assignments on American soil in order to serve a second tour in Iraq. He believed in his mission and he wanted to protect his son and his wife and our way of life.

I want Ethan to know that we are so proud of his father and his unwavering commitment to freedom. Sergeant Garrigus gave his life for a cause greater than all of us. It is in his honor and in the name of the men and women who have died defending freedom throughout our history that we should pledge to work together for the good of Nevada and the good of this nation.

God bless all of them, God bless you, and God speed. Thank you.

Senator Heck moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Ensign for his timely, able, and constructive message.

Seconded by Assemblyman Parks.

Motion carried unanimously.

The Committee on Escort escorted Senator Ensign to the Bar of the Assembly.

Senator Hardy moved that the Joint Session be dissolved.

Seconded by Assemblyman Carpenter.

Motion carried.

Joint Session dissolved at 5:23 p.m.

ASSEMBLY IN SESSION

At 5:25 p.m.
Madam Speaker presiding.
Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Lorry Peterson-White.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Scott McAbee.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Jeffery Johnson.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Nate Hughes and Steve Sherman.

Assemblyman Oceguera moved that the Assembly adjourn until Thursday, February 22, 2007, at 11 a.m.
Motion carried.

Assembly adjourned at 5:25 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE EIGHTEENTH DAY

CARSON CITY (Thursday), February 22, 2007

Assembly called to order at 11 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Cobb, who was excused.

Prayer by the Chaplain, Dr. Ken Haskins.

O Lord, my God, You have taught us that it is more blessed to give than to receive and that greatness is to be found in serving rather than being served. Bless these men and women who give so much in service to this great state of Nevada. In Jesus' name, I pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 126, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHEILA LESLIE, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Parnell, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack; Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, and Woodhouse:

Assembly Concurrent Resolution No. 7—Designating the month of February 2007 as Career and Technical Education Month.

WHEREAS, The month of February 2007 has been designated as Career and Technical Education Month by the Association for Career and Technical Education; and

WHEREAS, Profound economic and technological changes in our society are reflected in the structure and nature of our workforce, thereby placing new and additional responsibilities on our educational system to prepare students with the basic skills necessary to be successful; and

WHEREAS, Career and technical education improves the quality of education by giving secondary and postsecondary students experience in the practical and meaningful applications of basic skills; and

WHEREAS, The ever-increasing cooperative efforts of career and technical educators and business and industry stimulate the growth and vitality of our local economy and that of the entire nation by preparing graduates for careers in fields that are forecast to experience the largest and fastest growth; and

WHEREAS, Career and technical education offers the students of this State a school-to-career connection and offers those students the opportunities to learn new skills which provide them with career choices and personal satisfaction as they become productive members and leaders of their communities; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the 74th Session of the Nevada Legislature hereby designates the month of February 2007 as Career and Technical Education Month; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the State Board of Education and the Nevada Association for Career and Technical Education.

Assemblywoman Parnell moved the adoption of the resolution.

Remarks by Assemblymen Parnell, Manendo, Carpenter, Beers, and Denis.

Resolution adopted.

Assemblywoman Parnell moved that all rules be suspended and that Assembly Concurrent Resolution No. 7 be immediately transmitted to the Senate.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:14 a.m.

ASSEMBLY IN SESSION

At 11:15 a.m.

Madam Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Goicoechea, Grady, Carpenter, Marvel, Goedhart, and Settelmeyer; Senators Rhoads, Amodei, and McGinness:

Assembly Bill No. 144—AN ACT relating to electricity; establishing a formula for determining the maximum rate for interruptible service that a public utility may charge for electricity for irrigation pumps; and providing other matters properly relating thereto.

Assemblyman Goicoechea moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Hardy:

Assembly Bill No. 145—AN ACT relating to health insurance; requiring that a policy of health insurance or a health care plan provide coverage for services provided by certain providers of specialized health care; and providing other matters properly relating thereto.

Assemblyman Hardy moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 146—AN ACT relating to health care; requiring the Department of Health and Human Services to establish a program to increase public awareness of health care information concerning the hospitals in this State; requiring the Department to establish and maintain an Internet website which provides certain information concerning the charges imposed and the quality of health care provided by the hospitals in this State; requiring hospitals to submit certain information to the Department for the program; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 147—AN ACT relating to the protection of children; prohibiting a person who takes a child who is under the age of 6 years into protective custody from placing the child in certain group shelters; requiring a court to establish a plan with an agency which provides child welfare services for the transfer of a child who is under the age of 6 years and who has been placed in a group shelter to another placement; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 148—AN ACT relating to controlled substances; requiring entities that sell certain products that are precursors to methamphetamine to place such products in an area to which the public does not have direct access, to limit the quantity of such products sold or transferred to the same person during any 24-hour period, to maintain a list of sales of such products and to ensure that certain information is entered in that list; prohibiting a person from acquiring more than a certain amount of certain products that are precursors to methamphetamine; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Leslie, Anderson, Horne, Smith, Pierce, Arberry, Bobzien, Conklin, Gansert, Hardy, Hogan, Kirkpatrick, McClain, Parks, Parnell, Stewart, and Womack:

Assembly Bill No. 149—AN ACT making an appropriation to the Division of Mental Health and Developmental Services in the Department of Health and Human Services for the prevention of the abuse of methamphetamine; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

By Assemblymen Anderson, Buckley, Oceguera, Leslie, Conklin, Allen, Arberry, Atkinson, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack; Senators Raggio, Titus, Amodei, Care, Washington, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Townsend, Wiener, and Woodhouse:

Assembly Bill No. 150—AN ACT relating to controlled substances; requiring the State Board of Pharmacy to classify certain precursors to methamphetamine as controlled substances which must not be dispensed by a pharmacy without a prescription; requiring the Office of Court Administrator to apply for federal grants for drug courts; making various other changes pertaining to crimes related to the use or manufacturing of methamphetamine and other controlled substances; revising various provisions pertaining to nuisances; making various changes relating to lithium metal, sodium metal and anhydrous ammonia; providing penalties; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Education:

Assembly Bill No. 151—AN ACT relating to education; revising provisions governing and redesignating the Gift Fund for Career and Technical Education; authorizing the Executive Officer of the State Board for Career and Technical Education to make grants to school districts and charter schools for certain purposes relating to career and technical education; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 152—AN ACT relating to medical laboratories; exempting tests and examinations requested by a court pursuant to a program of treatment and rehabilitation from certain restrictions relating to tests and

examinations conducted in medical laboratories; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Marvel and Arberry:

Assembly Bill No. 153—AN ACT relating to industrial programs for correctional institutions; authorizing the appointment of alternate members of the Committee on Industrial Programs; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 154—AN ACT relating to motor carriers; exempting transportation by a private school of persons or property in connection with the operation of the school or related school activities from certain provisions governing motor carriers; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Gansert, Anderson, Cobb, Bobzien, Leslie, Marvel, Parnell, and Smith; Senators Townsend, Amodei, Mathews, Raggio, and Washington:

Assembly Bill No. 155—AN ACT relating to water authorities; requiring certain water authorities to notify their customers of certain charitable contributions made by the water authority; and providing other matters properly relating thereto.

Assemblywoman Gansert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Mabey:

Assembly Bill No. 156—AN ACT making an appropriation to the Blind Center of Nevada for the construction of a facility to provide assistance to persons who are blind or visually impaired; and providing other matters properly relating thereto.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 9.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 9:

YEAS—40.

NAYS—None.

NOT VOTING—Arberry.

EXCUSED—Cobb.

Assembly Bill No. 9 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 4; Assembly Resolution No. 4; Senate Concurrent Resolution No. 5.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Phuong Le and Jessica Warfield.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Emily Brough, Joey Navarro, and Mitchel Roach.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Mustafa Dundar, Mehmet Eraslan, Karen Hodgson, Muharrem Ince, and Joanquin Rafael Roces.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Carter, Lee Carter, Amanda Carter, and Jean Coleman.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Williams.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Dallas Stoafer and Dakota Zablow.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Jean Henry and John Regin.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Phyllis Dryden and Tara Rhoads.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Breeden, Shirley Breeden, and Donald Mosley.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Kade DeSimone.

Assemblyman Oceguera moved that the Assembly adjourn until Friday, February 23, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 11:31 a.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE NINETEENTH DAY

CARSON CITY (Friday), February 23, 2007

Assembly called to order at 11:12 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Conklin, Marvel, and Mortenson, who were excused.

Prayer by the Chaplain, Dr. Ken Haskins.

Loving Heavenly Father, You are love. We love because You first loved us. Help us to live out Your great commandment to love one another. Bless our efforts today and may our efforts lovingly promote the best interests of those we serve.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 22, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 7.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 17.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Buckley, Oceguera, Anderson, Parnell, Smith, Arberry, Atkinson, Bobzien, Claborn, Conklin, Denis, Gerhardt, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Manendo, McClain, Mortenson, Munford, Ohrenschall, Parks, Pierce, Segerblom, and Womack; Senators Titus, Carlton, Care, Horsford, Wiener, Coffin, Lee, Mathews, Schneider, and Woodhouse:

Assembly Bill No. 157—AN ACT relating to education; providing for kindergarten for a full school day in the public elementary schools; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblymen Bobzien, Leslie, Gansert, Parks, Buckley, Allen, Anderson, Arberry, Atkinson, Conklin, Gerhardt, Hardy, Horne, Kihuen, Kirkpatrick, Koivisto, Manendo, McClain, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, Settelmeyer, Smith, and Womack; Senators Horsford, Titus, Townsend, Wiener, and Woodhouse:

Assembly Bill No. 158—AN ACT relating to health care; requiring the Secretary of State to establish and maintain the Registry of Advance Directives for Health Care on his Internet website; establishing the requirements to register an advance directive and to obtain access to an advance directive in the Registry; providing civil and criminal immunity to providers of health care and the Secretary of State, his deputies, employees and attorneys under certain circumstances; requiring the Secretary of State to conduct an interim study of the Registry; and providing other matters properly relating thereto.

Assemblyman Bobzien moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Stewart, Hardy, Cobb, Marvel, Beers, Carpenter, Gansert, Goedhart, Goicoechea, Grady, Mabey, Manendo, Ohrenschall, Settelmeyer, Weber, and Womack:

Assembly Bill No. 159—AN ACT relating to crimes against the public peace; prohibiting a person from engaging in a demonstration within a certain distance of the location where, and during certain times when, a funeral, memorial service or ceremony is held; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Stewart moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Parnell, Bobzien, Leslie, Anderson, Smith, Gansert, and Pierce:

Assembly Bill No. 160—AN ACT relating to cities; revising the membership of certain city annexation commissions; revoking the authority for the duties of a city annexation commission to be transferred to the regional planning commission in certain counties; providing, in certain counties, that persons who own property in the unincorporated area within a certain distance outside the boundaries of territory proposed to be annexed must be given notice of and may protest the proposed annexation; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 161—AN ACT relating to insurance; making various changes relating to persons licensed or regulated by the Commissioner of Insurance; increasing the maximum annual assessment on member insurers of the Nevada Life and Health Insurance Guaranty Association; revising provisions governing policies of various types of insurance; revising reporting requirements for an insurer that issues a policy of insurance covering the liability of a physician or osteopathic physician; making certain provisions applicable to title insurers, title agents and escrow officers; requiring a motor club to pay an administrative penalty for failing to pay an annual fee to the Commissioner timely; revising provisions governing claims against an insolvent insurer; making certain provisions applicable to licensed bail agents, bail solicitors, bail enforcement agents and general agents; repealing the requirement that a trustee of a medical savings account file an annual report with the Commissioner; increasing the number of deputies that the Commissioner may appoint; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen McClain, Koivisto, Manendo, Parks, Hogan, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Horne, Kihuen, Kirkpatrick, Leslie, Mabey, Marvel, Mortenson, Munford, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack; Senators Care, Wiener, Titus, Coffin, Heck, Amodei, Beers, Cegavske, Hardy, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Townsend, Washington, and Woodhouse:

Assembly Bill No. 162—AN ACT relating to the Department of Cultural Affairs; establishing the Nevada Veterans' Museum as an institution of the Division of Museums and History of the Department; authorizing the transfer of certain abandoned property to the Nevada Veterans' Museum; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 163—AN ACT relating to the City of Elko; amending the city charter to revise the provisions governing the distribution and use of the proceeds from the tax on the rental of transient lodging imposed by the City of Elko; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Weber:

Assembly Bill No. 164—AN ACT relating to persons released from incarceration; making various changes to provisions governing the acquisition of a driver's license or identification card by a person recently released from incarceration; waiving the fee imposed for a driver's license or identification card for a person recently released from incarceration; and providing other matters properly relating thereto.

Assemblywoman Weber moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 165—AN ACT relating to public safety; creating the Justice Assistance Grant Trust Fund in the State Treasury; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 166—AN ACT relating to administrative assessments; authorizing the Nevada Supreme Court to retain and receive the amount collected from certain administrative assessments which exceed the amount authorized for expenditure by the Legislature; providing that money deposited in the special account in the State General Fund for the provision of specialty courts does not revert at the end of a fiscal year; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Settelmeyer, Mabey, Allen, Beers, Cobb, Gansert, Goedhart, Hardy, Stewart, and Weber:

Assembly Bill No. 167—AN ACT relating to state financial administration; requiring that a portion of the unrestricted balance in the State General Fund at the end of each biennium be deposited in the Public Employees' Retirement Fund and the Fund for the Public Employees' Benefits Program under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Buckley, Leslie, Parks, Gerhardt, Conklin, Anderson, Arberry, Atkinson, Beers, Bobzien, Carpenter, Claborn, Denis, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Manendo, McClain, Munford, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, Smith, Stewart, and Womack; Senators Wiener, Washington, and Woodhouse:

Assembly Bill No. 168—AN ACT relating to health care; increasing the income threshold used to establish eligibility of pregnant women for certain programs that provide health care; providing for a subsidy to be made available to certain employees or their spouses toward health insurance; making appropriations; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

By Assemblymen Beers, Hardy, Mabey, Allen, Anderson, Buckley, Carpenter, Christensen, Denis, Goedhart, Goicoechea, Grady, Kihuen, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Segerblom, Settelmeyer, Stewart, and Womack:

Assembly Bill No. 169—AN ACT relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption from the tax for certain durable medical equipment and mobility-enhancing equipment; providing for such an exemption from certain analogous taxes if the voters approve the amendment to the Sales and Use Tax Act of 1955; and providing other matters properly relating thereto.

Assemblyman Beers moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Settelmeyer, Allen, Beers, Christensen, Cobb, Gansert, Goedhart, Goicoechea, Grady, Hardy, Mabey, Stewart, and Weber; Senators Cegavske, Heck, and Washington:

Assembly Bill No. 170—AN ACT relating to education; requiring a student to submit a federal financial aid application to be eligible for receipt of a millennium scholarship; and providing other matters properly relating thereto.

Assemblyman Settelmeyer moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblymen Koivisto, Claborn, Smith, Anderson, Bobzien, Buckley, Carpenter, Conklin, Gansert, Goicoechea, Grady, Hogan, Horne, Kirkpatrick, Leslie, McClain, Parks, Parnell, and Womack:

Assembly Bill No. 171—AN ACT relating to business licenses; requiring the Department of Taxation to revoke the state business license of a person who is determined to have violated certain provisions of federal law

prohibiting the hiring or employment of unauthorized aliens; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 17.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 5.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Bonnie Elliott, David Elliott, and Patricia Felkner.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Sweeney.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Foyt and Courtney Sermone.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Florica Hagendorn.

Assemblyman Oceguera moved that the Assembly adjourn until Monday, February 26, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 11:32 a.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE TWENTY-SECOND DAY

CARSON CITY (Monday), February 26, 2007

Assembly called to order at 11:03 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Carpenter, who was excused.

Prayer by the Chaplain, Reverend Marvin Dennis.

Heavenly Father, thank You for the blessings of the weekend. For this new week, I ask for wisdom and strength to be upon these who give themselves to serve the interest of this great state of Nevada. In the name of my Lord, I pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Beers, Mabey, Allen, Anderson, Atkinson, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Denis, Gansert, Goedhart, Grady, Hardy, Horne, Kihuen, Kirkpatrick, Manendo, McClain, Mortenson, Munford, Ohrenschall, Parks, Parnell, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack:

Assembly Bill No. 172—AN ACT relating to senior citizens; revising the qualifications for a senior citizen to obtain a refund of property taxes paid by the senior citizen; and providing other matters properly relating thereto.

Assemblyman Beers moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Hogan, Pierce, Parks, Arberry, Atkinson, Claborn, Gerhardt, Horne, Kihuen, Koivisto, Manendo, Mortenson, Munford, Ohrenschall, and Womack:

Assembly Bill No. 173—AN ACT relating to emission control; limiting the amount of time certain heavy-duty motor vehicles and buses may be left idling under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Hogan moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Atkinson, Manendo, Horne, Kirkpatrick, Leslie, Allen, Anderson, Arberry, Beers, Bobzien, Buckley, Denis, Gerhardt, Goicoechea, Hardy, Hogan, Kihuen, Koivisto, McClain, Ohrenschall, Pierce, Segerblom, Smith, and Womack:

Assembly Bill No. 174—AN ACT relating to vehicle registration; revising the provisions governing the transfer of the registration of certain vehicles; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Atkinson, Manendo, Horne, Kirkpatrick, Allen, Anderson, Arberry, Beers, Bobzien, Buckley, Denis, Gerhardt, Goicoechea, Hardy, Hogan, Kihuen, Koivisto, Leslie, McClain, Ohrenschall, Pierce, Segerblom, Smith, and Womack:

Assembly Bill No. 175—AN ACT relating to education; requiring the boards of trustees of school districts to provide automobile drivers' education, including training both in a classroom and in a motor vehicle; requiring each school district and certain charter schools to prescribe a form that includes the skills a pupil must demonstrate to pass a course in automobile drivers' education; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Allen, Beers, Mabey, Kirkpatrick, Atkinson, Carpenter, Denis, Goedhart, Goicoechea, Grady, Hardy, and Settelmeyer; Senators Care and Titus:

Assembly Bill No. 176—AN ACT relating to property; providing for the automatic transfer of ownership of certain vehicles and motorboats to designated beneficiaries on the death of the owner of such a vehicle or motorboat; and providing other matters properly relating thereto.

Assemblywoman Allen moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Segerblom:

Assembly Bill No. 177—AN ACT relating to county fair and recreation boards; requiring the board in certain counties to set aside a certain amount of the money it receives from the taxes imposed on the revenues from the rental of transient lodging and to make grants of that money to state and nonprofit museums located in the county; expanding the authorized uses of certain proceeds of such taxes to include the making of grants; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Bobzien, Buckley, Leslie, Pierce, Anderson, Conklin, Horne, Kirkpatrick, Manendo, Oceguera, Parks, and Segerblom; Senator Titus:

Assembly Bill No. 178—AN ACT relating to energy; revising various provisions relating to net metering; providing for the establishment of the Wind Energy Systems Demonstration Program; and providing other matters properly relating thereto.

Assemblyman Bobzien moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 179—AN ACT relating to gaming; revising the provisions governing the terms of office of members of the State Gaming Control Board; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 180—AN ACT relating to crimes; increasing the amount of community service that must be performed by a person who places graffiti on or otherwise defaces property; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assemblyman Oceguera moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 11:22 a.m.

ASSEMBLY IN SESSION

At 4:48 p.m.

Madam Speaker presiding.

Quorum present.

Madam Speaker appointed Assemblywomen Smith and Gansert as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Shelley Berkley.

The President pro Tempore of the Senate and members of the Senate appeared before the Bar of the Assembly.

Madam Speaker invited the President pro Tempore of the Senate to the Speaker's rostrum.

Madam Speaker invited the Members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 4:56 p.m.
President pro Tempore of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present except Senators Coffin, Mathews, McGinness, Schneider, and Townsend.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblyman Carpenter.

The President pro Tempore of the Senate appointed a Committee on Escort consisting of Senator Woodhouse and Assemblyman Oceguera to wait upon Representative Berkley and escort her to the Assembly Chamber.

The Committee on Escort in company with The Honorable Shelley Berkley, United States Representative from Nevada, appeared before the Bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

Madam Speaker welcomed Representative Berkley and invited her to deliver her message.

Shelley Berkley, United States Representative, delivered her message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-FOURTH SESSION, 2007

Good evening everybody. It seems as though I picked a Washington, D.C. weather day here in Carson City to join you. I am very delighted that any of you showed up, so I thank you very, very much. It is always a pleasure being back here with you.

When I come into this Chamber, I recall when I served in 1983. And for those of you old timers that were serving here back then, you know that I had a seven-month-old son with me, my son Max. I never feel older than when I come back and realize that he is now a first-year law student at the Boyd School of Law and is 24 years old. So it has been 24 years since I served in this very esteemed Chamber, and it is always a pleasure to come back and visit with all of you.

In less than two months, I have been a witness to history twice. The first time was when I cast my vote on the floor of the House of Representatives for the first woman Speaker of the United States House of Representatives, Nancy Pelosi. And it gives me extraordinary pleasure to have been introduced by Nevada's first female Speaker of the House, my dear friend Barbara Buckley.

Madam Speaker; members of the esteemed Nevada Assembly; Senator Raggio; Senator Titus; members of our esteemed State Senate; Madam Controller, Kim Wallin, it is lovely to see you; and our very esteemed members of our Nevada Supreme Court, it is a great pleasure to have you here, and I am delighted that you came. I know how difficult it is out there. I know we

have a representative of our Governor—thank you very much and extend my appreciation that he made you go out in the snow storm to come here.

I want to talk to you tonight about a number of issues, and I promise that it will be as brief as I can possibly make it, but I want to convey and share some thoughts with you. Our nation is at war. There are more than 1,900 brave Nevadans currently serving our country in Afghanistan and Iraq, nearly two-thirds of the Nevada Army Guard units have been deployed since 2001, and more than 50 percent of Nevada's Army Guard soldiers have taken part in Operations Iraqi Freedom and Enduring Freedom. One in three Nevada National guardsmen has served in Iraq over the last few years. Thirty-four Nevadans have lost their lives in Iraq and Afghanistan, and I have a poster in my office in Washington D.C. with the names of 43 Nevadans who have lost their lives due to terrorism since 9/11.

I want to acknowledge the loved ones they left behind, and may we always honor our commitments to the families of the fallen and keep our promises to care for those who are injured as a result of their military service.

As I stand here, I am very cognizant of the fact that thousands and thousands of our fellow countrymen have paid, and are paying, a huge price on behalf of our nation, and they have made great sacrifices that most us cannot even begin to imagine. As a member of the Veterans' Affairs Committee, one of my top priorities is building a state-of-the-art VA medical complex in southern Nevada. We have had challenges getting this complex done. The good news is that I was able to secure 147 acres on the corner of Highway 215 and Pecos in North Las Vegas in order to build three buildings that will be part of this medical complex—a full-service VA hospital, an outpatient clinic, and a long-term care facility for our veterans. Please be mindful that there are already 1,500 veterans of the Iraqi-Afghan conflict who are now seeking medical attention through our VA in southern Nevada. The bad news is the total cost of this project has almost doubled since Congress approved it a few years ago. The good news is, true to the administration's word, they have included in the 2008 budget the rest of the funding we will need to complete this extraordinary project. I believe in giving credit where credit is due. A full one-half of the President's VA capital budget is coming to the state of Nevada. The rest of the 49 states will share the other half of the budget. We did quite well. We have much to do. We have the fastest-growing veterans' population in the United States, and when these troops come home, whenever it is—if it is six months from now or six years from now—they are going to need the medical attention that we have promised them, and we will be able, in the state of Nevada, to provide it.

Few issues, in my mind, are more important than energy independence. Gas prices have increased by more than 50 percent in Nevada since 2001, and families continue to feel the pinch every time they fill up at the pump. The prices are not over $3 a gallon anymore, but they are not too much lower, either. Ending our addiction to foreign oil is a key step in ensuring that energy will remain affordable for America's families in the future and that our nation is not at the mercy of the Saudis, the Venezuelans, the Nigerians, and every other hostile and unstable regime across the planet.

Dependence on foreign oil is the number one, long-term threat that our nation faces, and it is incomprehensible to me that almost six years after 9/11, this nation still does not have a comprehensive energy policy that will get us away from foreign oil and start us exploring and using renewable, clean energy that we can count on for generations to come.

Despite the overwhelming need as a nation to invest and promote energy independence, the President's latest budget request for renewable energy and energy efficiency is the same in 2008 as it was in 2001. Stagnant funding will not lead us to energy independence. Legislation passed a few years ago in Congress gave billions of dollars of tax breaks to the oil, gas, and nuclear industries instead of renewable energy sources. Congress is now beginning to look first at new directions for our nation's energy supply, which puts the emphasis on renewable or alternative fuels.

The House passed a renewable energy bill called the Clean Energy Act in the first 100 hours of the new Congress. This bill repeals the subsidies to the oil and gas industries and provides that the funding be used for renewable energy incentives. The Ways and Means Committee, a committee that I sit on, will discuss exactly how this money will be spent in hearings to be held over the next few weeks. I would have preferred to see these subsidies stripped from the nuclear

industry, as well, and the savings put towards renewable power and alternative fuels. That is the direction this nation needs to be going. To that end, I have reintroduced my own energy independence bill called the Freedom Through Renewable Energy Expansion Act—the FREE Act, I love it—which would repeal subsidies to the oil, gas, and nuclear industries and redirect this money to give tax incentives to other programs that promote the production of renewable energy sources, many of which can be found in Nevada. Let's harness our wind, our sun, and our geothermal resources that we have in abundance here in northern Nevada. If we are going to be the epicenter of energy in this country, there is no better state than the state of Nevada to provide clean, renewable energy to the rest of this nation. We can do it. We have got it in our power. The FREE Act would also create a federal renewable portfolio standard modeled after the one created by the Nevada State Legislature that requires at least 20 percent of our nation's energy to come from renewable sources by the year 2016, and it was such a lovely, well-written bill by the Nevada State Legislature that I stole it, and I thank you very much for that.

A very few words about Yucca Mountain, and I do not want to dwell on this, but I do want to let you know what is happening. Yucca Mountain is collapsing under the weight of a bloated budget, scientific uncertainty, mismanagement, and outright fraud. We have emails that say that sometimes we do not know the data and so we just make it up. That does not exactly give you a great feeling that this is based on sound science. There is a growing realization that the dangers of transporting nuclear waste across this country are untenable. Also, we have a Majority Leader of the United States Senate that is hell bent on eliminating the funding for Yucca Mountain. That all helps, but I would say to all of you that this battle is not over yet, and I implore you to keep the pressure on, keep up the fight, keep the information flowing until the time that Yucca Mountain truly becomes nothing but a very, very bad memory.

I want to talk to you about the President's budget that he presented to the United States Congress on February 5, and its impact on the state of Nevada, particularly on what you are doing in these hallowed halls of your Legislature. Decisions that are made and the votes that we cast in Washington have a profound effect on the work that you are doing here on behalf of all of our constituents and our fellow citizens in Nevada. I receive literally thousands of emails, phone calls, faxes, and letters every single week in my Washington and Las Vegas offices. I suspect that you are getting the exact same letters, faxes, e-mails and communications from your constituents. What are they asking us? They are asking us for affordable health care. They want lower energy prices. They want us to invest in public schools so that kids can get a good education. They want job security so they know from one month to the next that they are going to have a job so that they can take care of their families, and they want to make sure that their federal government is going to keep them safe from a future terrorist attack. I don't think that the American people are asking too much of their government at any level, and theses priorities are not reflected in the 2008 budget proposal from the President.

Let me talk to about homeland security. The President's budget slashes first responders' funding and all but eliminates funding for the COPS program, which has helped to put law enforcement officers on the beat in all of our communities. It cuts firefighters' assistance grants by over 50 percent. Year-to-year grant funding from the Department of Homeland Security to our states is an asinine way to fund antiterrorist programs throughout the United States. Last year, Nevada did not make the list. This year we did make the list. After we were cut out of the list last year, I just happened to be at a dinner at the Israeli embassy with the Secretary of Homeland Security, Michael Chertoff. I went over to him and I said, "Mr. Secretary, how could you have left Nevada off the list of most vulnerable states when it comes to a terrorist attack?" He said, "Don't worry. You can earn your way back on next year." Well, how does one earn their way back on to a terrorist list? I do not think it is a list that I really want to earn my way back on to, but I would like to know what the criteria is so that every year we could be on the list. We need that money desperately.

The other thing I want to mention to you is that I do not think any of us will ever forget 9/11. Watching that horror unfold on our television sets and seeing these brave first responders, the firefighters in New York going into those burning buildings and having no way to communicate with them to get out. We did not have at that time interoperability of first responders' communication devices. Five and a half years later, we still do not. This should be a no-brainer

for all of us, and this is something that has not been funded by the President's budget ever and needs to be fast.

Medicare cuts will result in a loss of more than $100 million in funding for hospitals, skilled nursing facilities, and home health providers serving seniors and people with disabilities right here in our state of Nevada. There are nearly 300,000 Medicare beneficiaries and about 175,000 Medicaid beneficiaries in the state of Nevada. The President's budget includes more than $75 billion in Medicare and Medicaid cuts over five years and calls for billions in new premiums. These cuts are merely going to transfer to the states even more of the burden of providing care to the elderly and the poor. Let me mention Medicare reimbursement for the doctors. I cannot tell you how many telephone calls I get from my doctors in southern Nevada. They are telling me that they can no longer afford to take on more Medicare patients, and if there is another cut will not take on more Medicare patients. Why is that important? It is because we have got the fastest growing senior population right here in the state of Nevada. If our doctors start refusing to care for Medicare patients or they cannot make enough money or are not reimbursed enough to cover the cost of serving and caring for these seniors, we are going to have a senior health care crisis in this state. I am telling you that this is not something that is going to happen in the future. It is going to happen now unless we correct this problem.

There are 425,000 of our fellow Nevadans without any health insurance, and the number is rising. Today Nevada's workers are paying nearly $1,400 more to insure their families than they did just six years ago, an 80 percent increase. This increase has many unable to afford coverage, even if it is offered through an employer. Federal programs that are aimed at addressing the issue of the uninsured are being squeezed as a result of cuts in Washington. One perfect example is SCHIP program. Our Governor and the nation's governors are in Washington D.C. They just recently met with the Secretary of HHS and begged him to put more money into this program. This budget leaves the states' children's health insurance program in dire jeopardy. Underfunding SCHIP does nothing to help the more than 100,000 uninsured children in the state of Nevada. I do not have to tell anyone here SCHIP is a partnership between the feds and the State that provides health care to low-income, uninsured children whose income level is above Medicaid eligibility. It expires at the end of 2007. The Ways and Means Committee will deal with reauthorizing the program this year. The President would reauthorize SCHIP for five years, and he adds $675 million into the SCHIP program. It brings it up to $5 billion. That sounds great. The only thing is every expert tells us, and every state governor tells us, that it is going to take $12 billion to $15 billion in order to make this program whole. So that means that we are already starting with a $10 billion deficit. A cut on top of that would be absolutely outrageous. This funding level will force the states to find ways to cover children that would be denied this health insurance. I will make a promise to you, standing here before you, that as a member of the Ways and Means Committee, I will do everything in my power to make sure that we can add desperately needed funding to the SCHIP program so that the burden does not fall on you.

Let me talk to you a minute about education. Education is on everybody's minds. We all campaign on it. We are all the education Assembly, the education Senators, and I'm certainly the education congresswoman. Over the past six years, No Child Left Behind has been underfunded by $71 billion nationwide. Now, we all believe in accountability. I voted for No Child Left Behind because I liked to know that there was accountability built into the program, but what I did not vote for was underfunding it by $71 billion. Under the President's current budget, 20,000 children in the state of Nevada will go without promised help in reading and math, and over 11,000 children in Nevada will fail to receive after-school services promised and written into the No Child Left Behind Act. There is no congressional district, and many of your districts overlap with mine, your Assembly districts, your state Senate districts, fall within my district and Congressional District 3, there is no area in the country that needs those after-school programs more than we do. We have the fastest-growing school-age population. We have a lot of single-parent homes. We have a lot of divorced families, and we have a lot of children out on the streets. Those after-school programs are the thing that keeps these kids safe, gives them a little extra help on their schoolwork, and gives them an opportunity to succeed. We need to make sure that these programs are funded.

If there is one investment in education I hope you will support this legislative session, it is all-day kindergarten for our children. Providing our students with more early learning

opportunities can help improve academic achievement and better prepare our kindergarteners for later grades. Every academic study I have read and the experience of other states—every one of them—has shown that the value of all-day kindergarten classes is for real. I hope that you will support this program and support our youngest students with the opportunity for increased learning at an early age. If you talk to any teacher that is doing all-day kindergarten in a predominately non-English speaking school, they will tell you that their young kindergarten kids come into their class without speaking a word of English in September, or at the end of August, by May they are speaking English fluently. Isn't that what we want to see? Yes, we do.

We have nearly 250,000 veterans in the state of Nevada. The President's budget falls short of what is needed to keep pace with growth and is inadequate in light of the badly wounded troops returning from Iraq and Afghanistan who will depend on the VA health care system to take care of their health care needs. Caring for our veterans is a cost of war, and it is a lifetime obligation for our nation. The administration is asking for a $1.9 billion increase over 2007. It sounds like a lot of money until you realize $1.4 billion of that is inflation to keep us exactly where we are today. There are 50,000 wounded American soldiers coming from the Afghanistan-Iraqi war; they are coming home, and they will be accessing our VA health care system. We had better be prepared for them.

Other things the President has proposed are dead on arrival because he has introduced them the last four years, and they have been rejected by a Republican Congress and a Republican Senate. One of them is we will never—and I will pledge to you today and I pledge to my veterans—we will never charge our veterans an enrollment fee so that they can access the VA medical system that we promised they could have for free. Not going to happen; I do not care what the President has in his budget.

It would be an impossible situation if we were to double the copays of our veterans for the prescription medications that they are currently getting from the VA. It is a disgrace that we should even be thinking about balancing the budget on these veterans' backs.

The last thing that I will talk about when it comes to veterans is anther proposal. Last year the President proposed a $13 million cut in prostheses. Twenty thousand of the 50,000 people who will be coming home from the theatre of war have lost at least one limb. Do we really want to balance the federal budget on the backs of these poor men and women? I do not think so. I do not, and you do not either. We are not going to do it.

The Speaker asked about the REAL ID Act. Let me share with you what I believe is going to happen. It is my opinion, and it was when I first voted against REAL ID, that the federal government should not throw the responsibility and costs of illegal immigration and homeland security onto the states. This is yet another unfunded mandate that you do not need. This is one of those "I voted against it before I voted for it," situations, but I voted against the REAL ID Act on February 10, 2005. On May 5, we voted for the wartime supplemental appropriation bills that fund the soldiers. Somehow, magically, the REAL ID section that we voted against three months earlier was put in the supplemental that none of us were going to vote against because we were not going to vote against funding our soldiers in the field. That is how the REAL ID was passed. The cost estimates for implementing REAL ID nationwide are as high as $11 billion. Somewhere along the line, REAL ID changed from a homeland security issue to an immigration issue. It was rushed through with no planning and no consultation with the states. According to our own Department of Motor Vehicles Director Ginny Lewis, it will cost Nevada about $66 million over the next four years to comply with REAL ID. The Maine Legislature was the first in the nation to refuse to implement and call for the full repeal of the REAL ID Act. Numerous other states—21 at this moment—have similar legislation pending. I am the cosponsor of a piece of legislation with Maine Congressman Tom Allen that repeals the REAL ID drivers' license requirements and re-establishes the Department of Transportation and the Department of Homeland Security federal rule-making process that was recommended by the 9/11 Commission. This bill would require federal agencies to consult—what an interesting idea—with the state governments and would also authorize several hundred million dollars through 2015 for grants to help the states with compliance costs. I am a cosponsor of the legislation, and I am hoping to see passage.

Three other very quick things. I know I am running long. I try my best, but I have so much to share with you. I want to acknowledge Garn Mabey. I am sorry that I did not catch your eye

when I first started speaking. It is a pleasure to be speaking before you. Thank you for having me.

In Congress, I fought to bring back the state sales tax deduction. The result has been a savings for Nevadans on their tax bills. In 2004, nearly 330,000 Nevadans claimed deductions totaling more than $500 million for state and local sales tax. We need this to be a permanent option for Nevada families at tax time. I will continue to work my hardest to make the sales tax deduction a permanent deduction for all Nevadans.

We have passed an increase on the minimum wage on the federal level. The last thing I want to do is impose a burden on our small businesses, here in the state of Nevada. Between the vote that we took in November, which raised the minimum wage in the state, and an additional increase on the federal level, I know that there are many small businesses, particularly my restaurants, that are going to take a tremendous hit. Half of the people that are employed in Congressional District 1 are employed by small businesses. It became very important to me that we provide necessary tax breaks to compensate these small businesses for the amount of money it is going to cost them for the minimum wage. I am very happy to say that not only did the minimum wage increase pass in Congress, but a series of tax breaks for small businesses passed the Friday before we recessed for the Presidents' Day break, so our small businesses in the state of Nevada will be whole and our working men and women will be whole, too.

As usual, I have gone far longer than I anticipated. I promised the Speaker that I would be short. I am sorry; I didn't mean to mislead you. These are very challenging times in our nation, but what I got from the last election is the following: The people who vote for us do not care if you are elected on the local level, the state level, or the federal level. I cannot tell you how many people see me in the airport and ask me about Carson City. I am sure they ask you the same questions. They do not care if you are a Republican or a Democrat. They want us to get something done. They are disappointed with all of us that hold a trusted elected office that we cannot come together and come up with meaningful, important legislation to solve the real problems that exist in this country. You know, you can reach out to me at any time, anywhere, on any issue, and I will work with every single person in this body to make sure that we can provide a quality of life for all people in this state, that all of us—all of us who are elected by the people of the state of Nevada—can take pride in. That is our number one responsibility: to do good for the people who have trusted us with their vote.

I thank you today for giving me the opportunity to speak with all of you. I look forward to working with you for many years in the future to improve the quality of life in this state—and throughout the United States—giving every single one of our citizens an opportunity to be a part of this great nation, to enjoy all of its abundance and opportunities, and to have a piece of what is a very real American dream.

I thank you all very much.

Senator Horsford moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Berkley for her timely, able, and constructive message.

Seconded by Assemblyman Denis.

Motion carried unanimously.

The Committee on Escort escorted Representative Berkley to the Bar of the Assembly.

Senator Titus moved that the Joint Session be dissolved.

Seconded by Assemblywoman Koivisto.

Motion carried.

Joint Session dissolved at 5:31 p.m.

ASSEMBLY IN SESSION

At 5:36 p.m.
Madam Speaker presiding.
Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Nathan Kift, Timothy Mallory, and Caleb Parker.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Armbrust, Brennan McNamara, and David Rabenold.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Ricky Barlow.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Brett Ezzell, Tomas Garate, and David Stevenson.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Dustin Barnes, Luke Knudsen, and Thomas Scott.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Peter Stephenson, Logan Williams, and Jace Zampirro.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Awn Al-Azadi, Adam Baisley, Adam Campbell, Steven Campbell, Blaine Frogget, Devin Galloway, Torry Herrera, Timothy Janca, Larry Janca, Schyler Jarvis, Cason Johnson, Blake Maxwell, Andy Montgomery, Johnthan Montgomery, Jacob Nord, Josh Parker, Eric Perazzo, Zeke Stokes, Sami Syamach, Derek Tegroen, Edward Vetsch, Harvey Vetsch, Patrick Weaver, Kody Wood, Korrey Woodcock, and Grand Zonpirro,

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Taylor Abney, John Aragon, and Jon-Luke Kenney.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Garrett Crittenden, Rodney Miller, and Jonathon Mireles.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Claussen, Julian Ballatore-South, and Richard Tucker.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Ray King, Nicholas Larsen, and Cameron McGifford.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Dustin Denis, Daniel Denis, Jonathan Jurado, Joshua Jurado, Steve Lee, and Johnathan Salter.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Dominic Olivieri, Dillon Selmi, and Timothy Taylor.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Steven Thiesing, Andrew Victor, and Tyler Wutch.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Boggs, Garrett Bowden, and Ian Martinmaas

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Tyler Kerver, Michael Patrick, Zach VanZyll, and Ryan Woolrich.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Danny Clark, Aaron Coffey, and Cameron Piette.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Motter, Jeremy Niles, and Sean O'Donnell.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Aidan Haggerty, John Russell, and Dale Williams.

On request of Assemblyman Kihuen, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Jenkins, William Jesse, and Jeff Merryman.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Alex Jackson, Shelton Thomason, and Caleb Smith.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Ana C. Esh, Daniel Heth, Schyler Javis, Kathryn Mershon, and Mitchell Powell.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Ben McDonald, Nick Pilant, and Nathan Williams.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Ethan Galloway, Jason Kling, and Riley Schmway.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Brown, Jayson Fraser, and Zack Smith.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Kyle Crawferd, Andrew Guddat, and Jacob Swisher.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Ryan Perazzo, Andrew Perazzo, and Zachary Tierney

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Arron Mastne, Noah McCoy, and Eric Ward.

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Cobourn, Jason Groffman, and Nick Richardson.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Alex Lemmon, Trevor Moss, and Kevin O'Brien.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Zach Blakely, Jenner Felton, and Derek Garofalos.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Kyler Felton, Sam Harris, Jesse Rohrer, Sean Sullivan, and Miles Swoger.

Assemblyman Oceguera moved that the Assembly adjourn until Tuesday, February 27, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 5:36 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE TWENTY-THIRD DAY

CARSON CITY (Tuesday), February 27, 2007

Assembly called to order at 11:04 a.m.
Madam Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Pastor Marvin Dennis.

Heavenly Father, please give these who serve in this Assembly, and their supporting staff, daily direction in body, mind, and spirit as they work to achieve the best for the great state of Nevada. In the mane of my Lord I pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:07 a.m.

ASSEMBLY IN SESSION

At 11:12 a.m.
Madam Speaker presiding.
Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Manendo (by request):

Assembly Bill No. 181—AN ACT relating to motor vehicles; revising provisions concerning the survey of labor rates charged by body shops; requiring the Department to allow on-line verification of a license of a body shop; requiring an operator of a body shop to complete the survey as a condition for renewal of his license; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen McClain, Parks, Allen, Arberry, Atkinson, Bobzien, Claborn, Conklin, Denis, Gerhardt, Grady, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Manendo, Marvel, Munford, Ohrenschall, Parnell, Pierce, Segerblom, Smith, and Womack:

Assembly Bill No. 182—AN ACT relating to public health; revising the percentages of and the manner of allocating money in the Fund for a Healthy Nevada for certain programs; removing the requirement that certain allocations from the Fund be approved by the Interim Finance Committee; revising provisions governing the subsidies from the Fund for the cost of prescription drugs, pharmaceutical services and certain other benefits; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

By Assemblymen McClain, Parnell, Koivisto, Bobzien, Parks, Allen, Arberry, Atkinson, Claborn, Conklin, Denis, Gerhardt, Grady, Horne, Kihuen, Kirkpatrick, Leslie, Manendo, Marvel, Munford, Ohrenschall, Pierce, Segerblom, Smith, and Womack:

Assembly Bill No. 183—AN ACT relating to legislative affairs; creating the Legislative Committee on Senior Citizens and Veterans; prescribing the powers and duties of the Committee; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Concurrent Committees on Elections, Procedures, Ethics, and Constitutional Amendments and Ways and Means.

Motion carried.

By Assemblymen Hardy, Gansert, Beers, Mabey, Leslie, Allen, Bobzien, Buckley, Christensen, Denis, Goedhart, Goicoechea, Grady, Manendo, Marvel, Ohrenschall, Parks, Segerblom, Settelmeyer, Stewart, Weber, and Womack; Senators Cegavske, Hardy, Heck, and Schneider:

Assembly Bill No. 184—AN ACT relating to energy; revising provisions governing net metering systems; requiring the governing body of a city or county to adopt certain amendments to its building codes; revising provisions governing the term of a performance contract; revising provisions governing the analysis of certain public buildings before construction or renovation; repealing the prohibition against the use of a system using electrical resistance for heating in certain larger counties; and providing other matters properly relating thereto.

Assemblyman Hardy moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 185—AN ACT relating to insurers of motor vehicles; prohibiting an insurer of motor vehicles from having an ownership interest in a garage or body shop in this State; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Conklin, Kirkpatrick, Oceguera, Horne, Parks, Anderson, Arberry, Bobzien, Buckley, Claborn, Denis, Gerhardt, Hogan, Kihuen, Koivisto, Leslie, McClain, Ohrenschall, Pierce, Segerblom, Smith, and Womack:

Assembly Bill No. 186—AN ACT relating to energy; revising various provisions governing the portfolio standard; requiring new renewable energy projects to comply with certain requirements; authorizing certain administrative penalties; revising various provisions governing the Solar Energy Systems Demonstration Program Act; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 187—AN ACT relating to nursing; providing for the certification by the State Board of Nursing of nursing assistants as certified medication aides; authorizing a certified medication aide to possess and administer certain drugs and medications to patients in certain medical facilities; authorizing the Board to establish certain fees and charges; prohibiting certain acts relating to certified medication aides; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 188—AN ACT relating to children; clarifying that certain institutions that provide care and shelter to children are included within the term "child care facility" for purposes of licensing; requiring certain child care facilities to be licensed by the Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Health and Human Services rather than by a city or county licensing agency; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Anderson, Parks, Claborn, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Mortenson, Munford, Oceguera, Ohrenschall, Pierce, Segerblom, and Smith:

Assembly Bill No. 189—AN ACT making an appropriation to fund positions within the Nevada System of Higher Education concerned with reducing risks from natural hazards; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 190—AN ACT relating to criminal procedure; revising the provisions pertaining to the exoneration of a surety; revising the provisions relating to the submission by district attorneys of annual reports concerning certain criminal cases; repealing the requirement that reports concerning certain criminal cases be submitted to the Director of the Legislative Counsel Bureau; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 191—AN ACT relating to concealed firearms; prohibiting a permittee from carrying a concealed firearm in a courthouse, court facility or public building partially occupied by a court without proper authorization; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 192—AN ACT relating to criminal procedure; clarifying provisions concerning the authority to stay the execution of a judgment of death; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 193—AN ACT relating to crimes; establishing the requirements for determining whether a person is insane for purposes of the plea of not guilty by reason of insanity and for the insanity defense; authorizing a plea and verdict of guilty but mentally ill under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Horne, Parks, Anderson, Arberry, Atkinson, Bobzien, Carpenter, Conklin, Denis, Gerhardt, Grady, Kihuen, Koivisto, Leslie, Mabey, Marvel, McClain, Mortenson, Munford, Ohrenschall, Pierce, Segerblom, and Womack; Senators Horsford, Coffin, Lee, Titus, Wiener, and Woodhouse (by request):

Assembly Bill No. 194—AN ACT relating to victims of crime; prohibiting an adverse party named in an extended order for protection against domestic violence from owning, possessing or having under his custody or control a firearm; making various changes to provisions regarding orders for protection against domestic violence; expanding the persons against whom domestic violence may be committed; revising provisions regarding the testing of certain persons accused of committing certain crimes for exposure to the human immunodeficiency virus and commonly contracted sexually transmitted diseases; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 195—AN ACT relating to property; revising the provisions relating to the conversion of a common-interest community; requiring a landlord to provide copies of written rental agreements; revising the provisions relating to the required disclosure of the names and addresses of managers and owners; providing that a dwelling unit is not habitable if it violates building, housing or health codes; revising provisions relating to the enforceability of an adopted rule or regulation governing a rental agreement; making changes to the provisions relating to a tenant's remedies under certain circumstances; making various other changes relating to residential landlords and tenants; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Marvel, Mabey, Arberry, and Settelmeyer:

Assembly Bill No. 196—AN ACT relating to state financial administration; exempting from the limitation on the proposed expenditures of the Executive Department of the State Government any expenditures for the purpose of reducing an unfunded accrued liability of the State; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 197—AN ACT making an appropriation to the Office of the State Controller for the purchase of computer hardware and software; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 198—AN ACT making a supplemental appropriation to the Department of Health and Human Services, Administration, to fund leased office space and tenant office improvements; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 199—AN ACT making a supplemental appropriation to the Office of Health Administration of the Department of Health and Human Services to fund Poison Control Call Centers; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 200—AN ACT making an appropriation to the Information Technology Division of the Department of Administration to add sites and enhancements to the 800 MHz radio system; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 201—AN ACT making a supplemental appropriation to the Budget Division of the Department of Administration for overtime and increased costs; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 202—AN ACT making an appropriation to the State Gaming Control Board for implementation of new information system security measures and replacement of equipment; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 203—AN ACT making an appropriation to the Grants Management Unit of the Department of Health and Human Services to purchase vehicles for and expand the capacity of Family Resource Centers; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 204—AN ACT making an appropriation to the Department of Education for upgrading video equipment and replacing computer equipment; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 205—AN ACT making an appropriation to the Department of Administration for the purchase of motor pool vehicles; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 206—AN ACT making an appropriation to the Department of Administration to fund certain information technology projects; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Oceguera:

Assembly Bill No. 207—AN ACT relating to industrial insurance; repealing provisions which require that vocational rehabilitation services be provided to eligible injured workers; providing for the payment of a cash benefit to certain injured workers who are unable to return to the position

they held before the injury; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 7 and Senate Concurrent Resolution No. 6.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Weber the privilege of the floor of the Assembly Chamber for this day was extended to Jayann Sepich.

Assemblyman Oceguera moved that the Assembly adjourn until Wednesday, February 28, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 11:31 a.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE TWENTY-FOURTH DAY

CARSON CITY (Wednesday), February 28, 2007

Assembly called to order at 11:03 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Marvin Dennis.

Heavenly Father, Your mercies are new every morning and we thank You. Supply to these who serve in this Assembly Your amazing grace for every professional and personal challenge they face. In the Name of my Lord, I pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 110, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KATHY MCCLAIN, *Chair*

Madam Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 5, 66, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Resolution No. 5—Providing for the appointment of an additional attaché for the Assembly.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Kathryn A. Moser is elected as an additional attache of the Assembly for the 74th Session of the Nevada Legislature.

Assemblyman Oceguera moved the adoption of the resolution.

Remarks by Assemblyman Oceguera.

Resolution adopted.

Assemblyman Oceguera moved that CARSON TIMES: Sue Morrow; DAILY SPARKS TRIBUNE/NEVADALABOR.COM: Andrew L. Barbano; KLVX-TV/IBEX FILMS: Michael Jaymen; KREN & KAZR: Alexandra Limón; KRNV-TV: Victoria Campbell, Sarah Johns, Chuck King; NEVADA APPEAL: Chad Lundquist be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chambers and that they be allowed use of appropriate broadcasting facilities.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Goedhart, Allen, Ohrenschall, Anderson, Beers, Claborn, Conklin, Denis, Gansert, Hardy, Horne, Kihuen, Koivisto, Manendo, Marvel, McClain, Munford, Settelmeyer, Stewart, and Womack; Senators Lee and Washington:

Assembly Bill No. 208—AN ACT relating to transportation; requiring employees of the Transportation Services Authority and the Taxicab Authority to wear identifying uniforms and use marked vehicles when exercising enforcement powers in certain circumstances; requiring such employees to have probable cause when stopping or detaining a vehicle while exercising enforcement powers; making such employees who are also peace officers eligible for certain retirement benefits; requiring the Transportation Services Authority and the Taxicab Authority to adopt policies and procedures governing their organizations and operations; requiring notice to be provided before the examination of certain records; requiring the Transportation Services Authority to bring a civil action to recover certain civil penalties instead of imposing certain administrative fines; and providing other matters properly relating thereto.

Assemblyman Goedhart moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 209—AN ACT relating to the taxation of property; revising the provisions governing certain exemptions from taxes and appeals by taxpayers; revising the provisions governing the collection of taxes following certain fluctuations in taxable value; providing limitations upon certain requests for the waiver of interest and penalties imposed for the late payment of taxes; repealing the prospective expiration of certain provisions for the funding of accounts for the acquisition and improvement of technology in the offices of county assessors; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 210—AN ACT relating to property taxes; revising provisions governing the eligibility of certain veterans for an exemption from taxation and certain requirements for the assessment of common-interest communities; increasing the maximum amount to which certain senior citizens are entitled as a refund of part of the taxes on their homes; repealing the prospective expiration of an exemption from the taxation of the property of certain apprenticeship programs; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Education:

Assembly Bill No. 211—AN ACT relating to education; authorizing the board of trustees of certain school districts to adopt a program of school choice; providing for the reimbursement of certain transportation costs incurred by a school district that provides such a program; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 212—AN ACT relating to education; requiring the boards of trustees of school districts to prescribe a policy for the development of 4-year academic plans for pupils enrolled in high school; requiring the principals of certain larger high schools to provide for a program of a ninth grade school within a school; requiring the State Board of Education to prescribe a uniform grading scale for high schools; requiring each school district to adopt a policy setting forth the duties of school counselors; expanding the age for compulsory school attendance from 17 years to 18 years; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Parnell, Grady, Parks, Smith, Bobzien, Buckley, Kirkpatrick, and Settelmeyer; Senator Amodei:

Assembly Bill No. 213—AN ACT making a contingent appropriation to the Nevada Commission for the Reconstruction of the V & T Railway of Carson City and Douglas, Lyon, Storey and Washoe Counties for the establishment of a railroad line from Virginia City to Carson City; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Parnell, Grady, and Parks; Senator Amodei:

Assembly Bill No. 214—AN ACT relating to motor vehicles; authorizing the owner or person in lawful possession of certain real property to obtain certain contact information of the owner of a vehicle parked in an unauthorized manner on the property; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 215—AN ACT relating to banking; limiting interstate banking by an out-of-state depository institution that establishes or acquires a branch office in certain counties pursuant to certain statutory provisions; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 216—AN ACT relating to manufactured home parks; requiring a landlord who proposes to close or convert a manufactured home park to submit a resident impact statement; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Bobzien, Buckley, Leslie, Smith, Horne, Anderson, Claborn, Conklin, Denis, Gerhardt, Goicoechea, Hardy, Hogan, Kihuen, Kirkpatrick, Koivisto, Manendo, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, Settelmeyer, Stewart, and Womack; Senator Titus:

Assembly Bill No. 217—AN ACT relating to the State Environmental Commission; revising the membership of the Commission; and providing other matters properly relating thereto.

Assemblyman Bobzien moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Hogan, Claborn, Parks, Smith, Anderson, Atkinson, Conklin, Denis, Gerhardt, Kihuen, Kirkpatrick, Koivisto, Leslie, McClain, Mortenson, Munford, Pierce, Segerblom, and Womack; Senators Titus and Woodhouse:

Assembly Bill No. 218—AN ACT relating to public works; clarifying the definition of an "offense"; clarifying that the Labor Commissioner may impose an administrative penalty against a person for the commission of an offense; revising provisions relating to the temporary disqualification of certain contractors from being awarded contracts for public works; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Hogan, Parks, Arberry, McClain, Anderson, Bobzien, Carpenter, Denis, Gerhardt, Kihuen, Koivisto, Leslie, Manendo, Mortenson, Munford, Parnell, Pierce, Segerblom, Smith, and Womack; Senators Coffin, Titus, and Woodhouse:

Assembly Bill No. 219—AN ACT relating to public works; requiring a contractor and certain subcontractors on certain public works to submit a monthly report on the demographics of persons employed on the public work and to participate in meetings held to discuss those reports; authorizing the withholding of payment for noncompliance; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 220—AN ACT relating to the Secretary of State; revising certain duties of the Secretary of State; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 221—AN ACT relating to counties; authorizing a board of county commissioners to provide for the imposition of a civil penalty in lieu of a criminal penalty for the violation of an ordinance concerning the licensing or regulation of businesses unless state law provides a criminal penalty for the same act or omission; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 222—AN ACT relating to energy; placing the Task Force for Renewable Energy and Energy Conservation in the Office of Energy within the Office of the Governor; requiring the Director of the Office of Energy to employ a Deputy Director for Renewable Energy and Energy Conservation; requiring an energy audit of certain public buildings; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Kirkpatrick, Parks, Allen, Conklin, Atkinson, Beers, Christensen, Claborn, Denis, Gansert, Horne, Mabey, McClain, Mortenson, Oceguera, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, and Womack:

Assembly Bill No. 223—AN ACT relating to the Private Investigator's Licensing Board; requiring the licensing of voice stress examiners and interns; requiring the appointment of a voice stress examiner to the Board; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Bordigioni.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Hull and Cheryl Moss.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Ken Bisen, Ray Clark, and Cordell Stokes.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Hornshaw and Teresa Shouppe.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Tray Abney.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Hal Lenox and Kris Wells.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Armando Denis, Jack Ruckman, and Margaret Ruckman.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Dunnabant and Bruce Specter.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Bordigioni and Larie Trippet.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Jett Aguilar and Tom Keeton.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Glassen and Sharon Glassen.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Dan Watt.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Barb Seal.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Betty Brogan and Bob Pence.

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Cathy Colbert and Skip Sayre.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Burrous and Megan Kiley.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Hill.

Assemblyman Oceguera moved that the Assembly adjourn until Thursday, March 1, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 11:22 a.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE TWENTY-FIFTH DAY

CARSON CITY (Thursday), March 1, 2007

Assembly called to order at 11:01 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Christensen and Womack, who were excused.

Prayer by the Chaplain, Pastor Marvin Dennis.

Heavenly Father, for each of these ladies and gentlemen who are giving of themselves and their resources to serve the citizens of this great state, I pray that You will reward them with Your blessings. In the Name of my Lord, I pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 47, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Concurrent Committee on Education, to which were referred Assembly Bills Nos. 131, 151, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BONNIE PARNELL, *Chair*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce and Labor:

Assembly Bill No. 224—AN ACT relating to manufactured housing; exempting specialty servicemen from the requirement of taking an examination for licensure in certain circumstances; requiring a provider of services to enter into written contracts for any work he provides with each person who is pertinent to the sale, installation and occupancy of a manufactured home; requiring the Manufactured Housing Division of the Department of Business and Industry to adopt national standards and codes for the construction of factory-built housing, manufactured buildings and modular components; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 225—AN ACT relating to mental health; revising provisions concerning emergency admissions of allegedly mentally ill persons to certain mental health facilities; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen McClain, Kirkpatrick, Parnell, Koivisto, Gerhardt, Arberry, Atkinson, Bobzien, Buckley, Carpenter, Claborn, Conklin, Denis, Hogan, Horne, Kihuen, Leslie, Oceguera, Parks, Pierce, Segerblom, and Womack:

Assembly Bill No. 226—AN ACT relating to older persons; creating the Unit for the Review and Oversight of the Investigation and Prosecution of Crimes Against Older Persons, the Initial Crime Evaluation Team, and the Civilian Volunteer Investigation and Prosecution Team; providing for the appointment of an Executive Director of Crimes Against Older Persons; creating the Repository for Information Concerning Crimes Against Older Persons; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Carpenter, Mabey, Claborn, Goedhart, Goicoechea, Grady, Marvel, and Settelmeyer; Senators Rhoads and McGinness:

Assembly Bill No. 227—AN ACT relating to trespassing; revising the provisions governing the posting of warnings against trespassing; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 228—AN ACT relating to pest control; authorizing the Director of the State Department of Agriculture to refuse to issue a license to engage in pest control to a person who is convicted of certain acts; prohibiting the Director from issuing such a license until the expiration of the period of the person's parole, probation or sentence; prohibiting a person, in connection with a real estate transaction, from engaging in certain pest control activities concerning wood-destroying pests or organisms without a

license issued by the Director; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Claborn moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Education:

Assembly Bill No. 229—AN ACT relating to education; requiring the Department of Education to develop a pilot program for mentor teachers; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 230—AN ACT relating to justice courts; expanding the jurisdiction of justice courts in criminal cases in which an arrest was made by a field agent or an inspector of the State Department of Agriculture; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Gansert, Hardy, Mabey, Allen, Beers, Carpenter, Christensen, Cobb, Conklin, Goedhart, Goicoechea, Grady, Kirkpatrick, Marvel, Parnell, Settelmeyer, Stewart, and Weber:

Assembly Bill No. 231—AN ACT relating to taxation; increasing the amount of the deduction from certain excise taxes that an employer may take for payments he makes for health insurance or a health benefit plan for his employees; and providing other matters properly relating thereto.

Assemblywoman Gansert moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Leslie, Buckley, Horne, McClain, Oceguera, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Claborn, Conklin, Denis, Gerhardt, Hogan, Kihuen, Kirkpatrick, Koivisto, Mabey, Manendo, Mortenson, Munford, Ohrenschall, Parks, Parnell, Pierce, Segerblom, and Smith; Senators Wiener, Titus, Care, Coffin, Lee, McGinness, Nolan, Schneider, and Woodhouse:

Assembly Bill No. 232—AN ACT relating to the State Board of Pharmacy; requiring the Board to compile and make available to consumers certain information relating to pharmacies and the prices of commonly prescribed prescription drugs; making an appropriation; providing an administrative penalty; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 233—AN ACT relating to mental health; increasing the number of members of the Commission on Mental Health and Developmental Services; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 234—AN ACT relating to homeopathy; revising various provisions governing the regulation of homeopathic physicians; requiring the Nevada Institutional Review Board to reimburse the Board of Homeopathic Medical Examiners for the expenses it incurs to supervise the Nevada Institutional Review Board; requiring the Board of Homeopathic Medical Examiners to adopt regulations for the Nevada Institutional Review Board; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Bobzien, Buckley, Conklin, Leslie, McClain, Kihuen, Koivisto, Manendo, Parks, Segerblom, and Smith:

Assembly Bill No. 235—AN ACT relating to pharmacy; requiring a practitioner to include on a prescription the symptom or purpose for which a prescription drug is prescribed if requested by the patient; requiring such information to be included on the label of a prescription if requested by the patient; authorizing a practitioner to prohibit the inclusion on the label of a prescription certain information concerning the substitution of a generic drug for a drug with a brand name; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Bobzien moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Mabey, Allen, Gansert, Settelmeyer, Cobb, Beers, Carpenter, Christensen, Goedhart, Goicoechea, Grady, Hardy, Marvel, Stewart, and Weber; Senators Washington, Hardy, Townsend, Amodei, Beers, Cegavske, Heck, McGinness, Nolan, Raggio, and Rhoads:

Assembly Bill No. 236—AN ACT relating to taxation; allowing the Department of Taxation to refrain from taking any action to collect unpaid sales and use taxes due from a person if the cost of that action would exceed

the total amount due; revising the provisions governing the reporting and payment period for those taxes and the maximum amount which may be required as security for the payment of those taxes; and providing other matters properly relating thereto.

Assemblyman Settelmeyer moved that the bill be referred to the Committee on Taxation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 5.

Bill read second time and ordered to third reading.

Assembly Bill No. 66.

Bill read second time and ordered to third reading.

Assembly Bill No. 110.

Bill read second time and ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 1, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 7.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 7.

Assemblyman Mabey moved the adoption of the resolution.

Remarks by Assemblymen Mabey, Pierce, and Madam Speaker.

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MABEY:

I am honored to speak to the resolution honoring Dr. Emil Frei, III. Dr. Frei was born into a family of artists. He was expected to join the family business, a stained glass company in St. Louis, but Emil, or Tom, as he is known by everyone, was drawn to science in his early teens after reading a book called *Rats, Lice, and History*. He briefly studied art at Washington University but soon found medicine was his true calling. Dr. Frei received his medical degree from Yale.

In 1972, while working at the National Cancer Institute, Dr. Frei was recruited to the Dana-Farber Cancer Institute at Harvard in Boston. He became its director, a position he held for nearly 20 years. While at Dana-Farber, Dr. Frei teamed with Dr. Emil Freireich, and the pair developed a revolutionary approach to treating childhood leukemia using combinations of chemotherapy drugs. The treatment soon gained international acceptance and is viewed as the single most important advance in the past quarter century in saving the lives of cancer patients.

In 1965, the cure rate for childhood leukemia patients was 0 percent—today, it is 80 percent.

This resolution honors a man whose life work served mankind for over 50 years. He is a dedicated and compassionate physician in the field of oncology but also a man known for his irrepressible sense of humor, delight in silly jokes, and his love and devotion to his family as a beloved husband, father, and grandfather.

Las Vegas became home to Dr. Frei in 2004, and the citizens of Nevada are enriched by his presence, his caring, and his devotion.

Dr. Frei is unable to be here today. He is 83 years of age and suffers from Parkinson's disease. I ask your support and passage of SCR 7 honoring the lifetime commitment, dedication, and inspiration of Dr. Emil Frei, III.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I understand that Dr. Frei is listening to us today and I, too, would like to add my comments in support of the resolution. The son of our previous Speaker, Richard Perkins, was diagnosed with leukemia, and due to the work of Dr. Frei and others, that cure rate resulted in Speaker Perkins' son also being cured. His work has touched the lives of so many Nevadans, and we applaud him for that.

ASSEMBLYWOMAN PIERCE:

I rise in support of this resolution. Most of you know that six weeks before my first election, I was diagnosed with breast cancer, and when I arrived here, I had a haircut similar to my colleague from Assembly District 34. I can attest to the fact that chemotherapy is a tremendous blessing, but not for your hair. I am very grateful for Dr. Frei's work, and I wouldn't be here today if it wasn't for chemotherapy. Thank you very much.

Resolution adopted.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Hill, Whitney Leathers, and Pam Young.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Kendra Edens and Maria Ralls.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Margaret Oberg and Cindy Roller.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Sandra LaPalm and Cheri Luke.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Deborah Jean Moore and Ginny Sais.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Taya Willden.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Eva Cunningham.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Kitti Bennet.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Logos Christian Academy: Alicia Baze, Marshall Covertson, Clay Davison, Amanda Gallop, Sam Goings, Heather Hancock, Shylah Howard, Zaria Landis, Jessica Little, Brandon Phillips, Lorna Martinez, Nathan Narag, Cheyenne Sweeney, Tim Syriac, Levi Taylor, Katie Ruth Taylor, and Jes Tews; teacher Kathy Madaso; chaperones Candy Davison, Jennifer Gallop, Karina Madraso, Angie Phillips, Trina Taylor, and Linda Tews; Joyce Miller, Christine Roberto, and Bob Rowe.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Goldsworthy and Jack Riehm.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Robin Eaton, Gerald Hitchcock, and Ken Thompson.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Sue Conley.

On request of Assemblyman Kihuen, the privilege of the floor of the Assembly Chamber for this day was extended to Juana G. Armenta.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Corinne B. Thomson and Leslie Chaney.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Diana Arevalo, Lillie England, and Heidi Wood.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Margo Chappel, Erica Dunson, Jeni Lyson, Judy Benvenuto, and Stephanie Wyatt.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Pfrenzinger.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Rasmussen and Lisa Roberts.

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended to the students of Rite of Passage; Donna Durham and Janie Lowe.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Fincher, Cindy Johnson, and Judith E. McGlaughlin.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Sherry Goodale.

Assemblyman Oceguera moved that the Assembly adjourn until Friday, March 2, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 11:33 a.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE TWENTY-SIXTH DAY

CARSON CITY (Friday), March 2, 2007

Assembly called to order at 11:07 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Carpenter, Oceguera, and Womack, who were excused.

Prayer by the Chaplain, Pastor Marvin Dennis.

Heavenly Father, thank You for another week of service to this great state, to each other, and to You. Thank You for Your presence that is able to guide us daily. Thank You for these who serve. May they know of our appreciation for their dedication and sacrifice. In the name of my Lord and Savior, I pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-2802

March 1, 2007

THE HONORABLE BARBARA BUCKLEY, Nevada Assembly, The Nevada Legislature, 401 South Carson St., Carson City, NV 89701

DEAR ASSEMBLYWOMAN BUCKLEY:

I respectfully request to address the full body of the Nevada Legislature on Tuesday, April 3, 2007, at 5 p.m. Should you have questions or concerns, please call my office at 775-686-5760. Thank you so much for your consideration in this matter.

Sincerely,
DEAN HELLER
Member of Congress

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 1, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 10, 57, 64, 65, 88.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

By Assemblymen Cobb, Parks, Beers, Mabey, Allen, Carpenter, Christensen, Gansert, Goedhart, Goicoechea, Grady, Hardy, Hogan, Kihuen, Manendo, Marvel, Mortenson, Munford, Segerblom, Settelmeyer, Stewart, and Womack:

Assembly Joint Resolution No. 4—Proposing to amend the Nevada Constitution to repeal the constitutional rule against perpetuities.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 4 of Article 15 of the Nevada Constitution is hereby repealed.

Assemblyman Cobb moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By Assemblymen Koivisto, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack; Senators Titus, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Townsend, Washington, Wiener, and Woodhouse:

Assembly Concurrent Resolution No. 8—Recognizing March 2, 2007, as "Read Across America" Day in Nevada in commemoration of Dr. Seuss's birthday.

WHEREAS, Theodor Seuss Geisel was born on March 2, 1904, in Springfield, Massachusetts; and

WHEREAS, Theodor Seuss Geisel graduated from Dartmouth College in 1925 and began writing humorous articles and creating cartoons for various magazines; and

WHEREAS, His first children's book, *And to Think That I Saw It on Mulberry Street*, was rejected by 43 publishers until, in 1937, a friend published the book for him; and

WHEREAS, In May 1954, *Life* magazine published a report concerning illiteracy among school children, stating that, among other things, children were having trouble learning to read because the books were boring; and

WHEREAS, This comment inspired Theodor Seuss Geisel's publisher, Bennett Cerf, to compile a list of 400 words that he felt were important, asking Mr. Geisel to cut the list to 250 words, the number of words a first-grader could absorb, and using only those words, to write a book that would excite children; and

WHEREAS, Nine months later, Mr. Geisel, using only 220 of the words given to him, published *The Cat in the Hat*, which became an instant success; and

WHEREAS, In 1960, Bennett Cerf bet Mr. Geisel $50 that he could not write an entire book using only 50 words, and from that challenge came the famous children's book *Green Eggs and Ham*, which was also an instant success; and

WHEREAS, From that point on, Theodor Seuss Geisel became known as "Dr. Seuss," and children became enthused about reading every Dr. Seuss book available; and

WHEREAS, Dr. Seuss died on September 24, 1991, but his legacy of children's books will live forever as an inspiration to children everywhere to learn to read and to share in the laughter, enjoyment and knowledge that a book can provide; and

WHEREAS, In honor of Dr. Seuss and the joy of reading, the National Education Association has designated March 2, 2007, as a special day in their program "Read Across America," the nationwide initiative that promotes reading every day; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That March 2, 2007, is hereby recognized as "Read Across America" Day in Nevada in commemoration of Dr. Seuss's birthday; and be it further

RESOLVED, That children and adults are encouraged to read a favorite book together on this date and share the joy of reading; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Barbara Clark, President of the Nevada State Education Association, and Terry Hickman, Executive Director of the Nevada State Education Association.

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblyman Anderson and Madam Speaker.

Assemblyman Anderson requested that the following remarks be entered in the Journal.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

We like to hear Bernie rhyme.
We like to hear it all the time.
We like to hear it on the floor.
We like to hear it more and more.
And so, without further ado, here's Mr. Anderson to read to you.

ASSEMBLYMAN ANDERSON:

Today is especially exciting on the 107th birthday of the inventor of our guest, the Cat in the Hat. We have the Cat with us today, a good friend of mine. I'm going to read to you a Dr. Seuss "I can read it all by myself book" called, *I Can Read With My Eyes Shut!* It tells kids of all ages how much they can learn by reading and keeping their eyes open to the world.

I can read in red. I can read in blue.
I can read in pickle color too.
I can read in bed, and in purple, and in brown.
I can read in a circle and upside down.
I can read with my left eye.
I can read with my right.
I can read Mississippi with my eyes shut tight.
Mississippi, Indianapolis and Hallelujah, too!
I can read them with my eyes shut!
That is VERY HARD to do!
But it's bad for my hat and makes my eyebrows get red hot.
So . . . reading with my eyes shut
I don't do an awful lot.
And when I keep them open
I can read with much more speed.
You have to be a speedy reader
'cause there's so, so much to read.

You can read about trees . . . and bees . . . and knees.
And knees on trees!
And bees on threes!
You can read about anchors.
And all about ants.
You can read about ankles!
And crocodile pants!
You can read about hoses . . .

And how to smell roses . . .
And what you should do about owls on noses!

Young cat! If you keep your eyes open enough, oh the stuff you will learn!
The most wonderful stuff!
You'll learn about . . .
fishbones . . . and wishbones.
You'll learn about trombones, too!
You'll learn about Jake the Pillow Snake
and all about Foo-Foo the Snoo.
You can learn about ice.
You can learn about mice.
Mice on ice.
And ice on mice.
You can learn about the price of ice.
"Nice ice for sale. Ten cents a pail."

You can learn about SAD . . .
And GLAD . . . and MAD!
There are so many things you can learn about.
BUT . . . you'll miss the best things if you keep your eyes shut.
The more that you read, the more things you will know.
The more that you learn, the more places you'll go.
You might learn a way to earn a few dollars.
Or how to make doughnuts . . . or kangaroo collars.

You can learn to read music and play a Hut-Zut if you keep your eyes open.
But not with them shut.
If you read with your eyes shut, you're likely to find
That the place where you're going is far, far behind.

And these, of course, as we all know, are beautifully illustrated as all of you would be showing your children as you read this.

So . . . that's why I tell you to keep your eyes wide.
Keep them wide open . . . at least on one side!

Resolution adopted.

By Assemblymen Munford, Anderson, Goedhart, Hardy, Hogan, Kihuen, Manendo, and Stewart:

Assembly Concurrent Resolution No. 9—Urging the Commission on Economic Development to develop programs to promote economic development and urban renewal and to stimulate employment in certain areas.

Assemblyman Munford moved the adoption of the resolution.

Remarks by Assemblyman Munford.

Madam Speaker requested the privilege of the Chair for the purpose of making remarks.

Resolution adopted.

Assemblyman Hardy moved that Assembly Bill No. 5 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 237—AN ACT relating to hearsay; revising provisions governing the admissibility into evidence of certain hearsay statements made by certain young children; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Koivisto, Parks, Anderson, Atkinson, Claborn, Conklin, Denis, Hogan, Horne, Kirkpatrick, Leslie, McClain, Mortenson, Pierce, Segerblom, Smith, and Womack:

Assembly Bill No. 238—AN ACT relating to tanning establishments; providing for the regulation of tanning establishments by the State Board of Cosmetology; prohibiting a person from operating a tanning establishment unless he is licensed with the Board; prescribing the requirements for licensure; providing standards for the operation of tanning establishments and tanning equipment; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Koivisto, Anderson, Bobzien, Claborn, Denis, McClain, Mortenson, Segerblom, and Womack:

Assembly Bill No. 239—AN ACT relating to motor vehicles; requiring a vehicle dealer to notify the buyer of a vehicle service contract if the provider of the vehicle service contract ceases doing business in this State; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Koivisto, McClain, Claborn, Parks, Anderson, Arberry, Atkinson, Beers, Bobzien, Conklin, Grady, Hogan, Horne, Manendo, Mortenson, Segerblom, Weber, and Womack:

Assembly Bill No. 240—AN ACT relating to motor vehicles; requiring a peace officer to impound a motor vehicle if the driver does not have a driver's license or evidence of insurance in his possession; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Smith, Leslie, Parnell, Gansert, Anderson, Bobzien, Buckley, and Marvel; Senators Mathews and Raggio:

Assembly Bill No. 241—AN ACT making an appropriation to the Food Bank of Northern Nevada, Inc., to supplement costs associated with the distribution of food from the Commodity Supplemental Food Program in northern Nevada; and providing other matters properly relating thereto.

Assemblywoman Smith moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Mabey and Parnell:

Assembly Bill No. 242—AN ACT relating to education; prohibiting a student from enrolling in a university, state college or community college within the Nevada System of Higher Education unless the student submits proof that he has been immunized against meningococcal disease or is excused from obtaining the immunization because of a medical condition or religious belief; and providing other matters properly relating thereto.

Assemblyman Mabey moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 10.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 57.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 64.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 65.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 88.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 47.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bills Nos. 66 and 110 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 5.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Lynne Warne.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Chelsea Hahn.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Mackenzie Gansert and Pierron E. Tackes.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Joni Eastley.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Tammy Whatley.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Jason Geddes.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Sprinkle.

Assemblyman Conklin moved that the Assembly adjourn until Monday, March 5, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 11:38 a.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE TWENTY-NINTH DAY

CARSON CITY (Monday), March 5, 2007

Assembly called to order at 11:02 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Minister Bruce Henderson.

O, Lord, Disney taught us to sing about the "Circle of Life." Here I am, once again, in the "Circle of Legislature." It's good to see old friends and to meet new ones. May we not just be going around in circles. May we be making progress for our people—Your people. In the Name of the One who lives above the circle of the earth.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

March 2, 2007

THE HONORABLE BARBARA E. BUCKLEY, *Speaker of the Nevada Assembly*, 401 S. Carson Street, Carson City, Nevada 89701

DEAR SPEAKER BUCKLEY:

I respectfully request the opportunity to address the distinguished members of the Nevada Legislature on Thursday, April 5, 2007. I look forward to sharing with you and your colleagues information pertaining to some of the important matters that the United States Congress will address in the next two years.

Thank you in advance for your consideration of my request and I wish you all the best for a productive session.

Sincerely,

JON C. PORTER
Member of Congress

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Parnell, Smith, Denis, Buckley, Kihuen, Koivisto and McClain:

Assembly Bill No. 243—AN ACT relating to taxation; providing for the reduction of certain excise taxes payable by employers that make donations to public schools in this State; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Conklin, Parnell, Smith, and Kirkpatrick:

Assembly Bill No. 244—AN ACT relating to education; revising provisions governing the review of school districts based upon certain financial management principles; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 245—AN ACT making an appropriation to the Las Vegas-Clark County Urban League for computer software and hardware; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:07 a.m.

ASSEMBLY IN SESSION

At 11:08 a.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that the action whereby Assembly Bill No. 245 was referred to the Concurrent Committees on Judiciary and Ways and Means be rescinded.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 245 be referred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 246—AN ACT relating to courts; increasing the number of district judges in the Second and Eighth Judicial Districts; increasing the number of district judges in the Second and Eighth Judicial Districts who must be judges of the family court; making appropriations; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By Assemblywoman Buckley:

Assembly Bill No. 247—AN ACT relating to hospitals; limiting the amount of interest and other charges that hospitals may impose for delinquent payments; revising the limitation on the period for commencing an action against a person who has a delinquent account with a hospital; prohibiting a hospital from assigning a lien on real property obtained in connection with a delinquent payment for services rendered at the hospital; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 47.

Bill read third time.

Remarks by Assemblyman Segerblom.

Roll call on Assembly Bill No. 47:

YEAS—42.

NAYS—None.

Assembly Bill No. 47 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 66.

Bill read third time.

Remarks by Assemblyman Goicoechea.

Roll call on Assembly Bill No. 66:

YEAS—42.

NAYS—None.

Assembly Bill No. 66 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 110.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 110:

YEAS—42.

NAYS—None.

Assembly Bill No. 110 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblyman Goicoechea requested that his remarks be entered in the Journal.

Thank you, Madam Speaker. In our chamber today we have a number of 4-Hers. To my colleague from southern Nevada, we let both boys and girls be in 4-H, so it is a little better program. So, would they please all stand. I think I was delegated to do this by my rural colleagues because I was the only one who still remembered the 4-H pledge, even though I learned it over 50 years ago:

I pledge my head to clearer thinking,
My heart to greater loyalty,
My hands to larger services, and
My health to better living,
For my club, my community;
my country, and my world.

It has been well over 50 years ago that I learned that. So, it is kind of scary, isn't it?

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Gaby Alverez, Jessica Bellflower, and Susan Warren.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Deena Bow, April Brown, and Ciarah Tischler.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Katie Combs, Christine Domagala, and Jillian Foxcroft.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to BreAnna Connelly, Kalei Elliot, and Faith Lorenz.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Evelyn Cunningham, Megan Davis, and Katelyn Welsh.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Angela DelaCruz, Johannah Johnson, and Britney Klapper.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Tara Earl, Alex Marble, and Cynthia Marble.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Cooper Christensen and George "Skip" Lethbridge.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Toni Earl, Danielle Gomez, Robin McAllister, and Gabrielle Vique.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Aneill Fisler, Nicole Glynn, Nadine Weheuer, and Shannyn Welsh.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Sydnie Jones, David McGraw, and Anelia Penton.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Cunningham, Mariah Gonzales, and Taylor Langus.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Brigitte Hankins, Drew McLeod, and Georgie Zielinski.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Doug Jackson.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Yesenia Hua, Meghan Madrigan, Patricia Miller, and Mackenzie Musselman.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Deb Cobb, Jill Combs, and Sheri Huggins.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Inghram, Jennifer Klapper, and Cassandra Oropza.

On request of Assemblyman Kihuen, the privilege of the floor of the Assembly Chamber for this day was extended to Kathleen Bryant, Lori Leas, and Ann McGaw.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to JoAnn Elston, Melissa Knight, and Kayla Neilson.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Shannon Montana, Meta McDonald, and Bryan Vazguez.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Teresa Cash and Ashley Goodman.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mathew Hanna, Daira Melendez, and Connor Rhyno.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Turk and Linda VanPelt.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Tala Munsterman, Deanna Omara, and Gregg Willimott.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to John Emerson, Shaun Griffin, and Michael Stoops.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Krysta Millington, Jenica B.Q. Soria, and Kaley Sproul.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to D.D. Monroe, Annelise Nelson, and Diamond Rosette.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Gonzales, Silver Nichols, and Brenda Slocumb.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Alyssa Barainca, Dalen O'Bryan, and Chantelle Smith.

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Brianne Burnside, Rebecca Glocknitzer, and Sierra Montana.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Fred McGrew and Michelle Rhodes.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Fair and Kathryn Murdock.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Poulsen, Jessie Weaver, and Savannah Wood.

On request of Assemblywoman Womack, the privilege of the floor of the Assembly Chamber for this day was extended to Kate Schnake, Brianne Sterzinar, and Janet VanCamp.

Assemblyman Oceguera moved that the Assembly adjourn until Tuesday, March 6, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 11:22 a.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE THIRTIETH DAY

CARSON CITY (Tuesday), March 6, 2007

Assembly called to order at 11:03 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Minister Bruce Henderson.

Father, welcome again to "our world." Help us to remember that it is not the real one but only ours for a season—well, maybe a season and a half or two. May we do well in our time here, but we long to be back again in our other world. Please be with us, and may we be with You. In the Name of the One who promised He would never leave us.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 43, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 32, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 5, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 8.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:07 a.m.

ASSEMBLY IN SESSION

At 11:10 a.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that KREN 27: Greg Knight; LAS VEGAS SUN: Christina Littlefield; NEVADA NEWSMAKERS: Randi Thompson be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chambers and that they be allowed use of appropriate broadcasting facilities.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 248—AN ACT relating to gaming; revising the provisions relating to the approval of nonrestricted gaming licenses in certain counties to authorize local governments in such counties to adopt certain standards that establishments must meet to be granted nonrestricted gaming licenses; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 249—AN ACT relating to dispensing opticians; requiring the Board of Dispensing Opticians to adopt minimum standards for eyewear and certain devices dispensed by a dispensing optician; authorizing any member of the Board to issue subpoenas to compel the production of books, papers and documents; revising provisions governing the reinstatement of an expired license or limited license; requiring the Board to establish the required amount of continuing education in ophthalmic dispensing; authorizing the Board to impose an administrative fine against a person who engages in ophthalmic dispensing without a license; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Education:

Assembly Bill No. 250—AN ACT relating to education; revising the requirements relating to emergency drills for pupils in private elementary and secondary educational institutions; revising provisions relating to the inspection of such institutions; revising the provision governing the fees

relating to such institutions; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 251—AN ACT making an appropriation to the Community College of Southern Nevada for the construction of and furniture, fixtures and equipment for the Southern Desert Regional Police Academy; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Gerhardt, Parks, Manendo, Conklin, Allen, Atkinson, Bobzien, Buckley, Claborn, Denis, Goedhart, Hogan, Horne, Kihuen, Kirkpatrick, Mortenson, Munford, Oceguera, Ohrenschall, Parnell, Segerblom, Stewart, and Womack:

Assembly Bill No. 252—AN ACT relating to the taxation of businesses; authorizing deductions from the state taxes on financial institutions and other businesses for payments on behalf of employees to certain pension plans and apprenticeship programs; and providing other matters properly relating thereto.

Assemblywoman Gerhardt moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Goedhart:

Assembly Bill No. 253—AN ACT relating to impact fees; clarifying that the costs of construction for which a local government may impose impact fees include the cost of connecting a capital improvement or facility expansion to water and sewer lines and facilities; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen McClain, Koivisto, Hardy, Parks, Arberry, Bobzien, Claborn, Kirkpatrick, Leslie, Marvel and Segerblom; Senator Wiener:

Assembly Bill No. 254—AN ACT making an appropriation for the Nevada Senior Olympics; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 255—AN ACT relating to housing; providing for the creation and maintenance of a statewide low-income housing database; providing under certain circumstances for the reporting of available rental housing that is suitable for persons with disabilities; creating new definitions of "affordable housing" and "attainable housing"; revising old definitions of "affordable housing"; revising provisions relating to "affordable housing" to include new definitions of "affordable housing" and "attainable housing"; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 199, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 6, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 9.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 9.

Assemblywoman Parnell moved the adoption of the resolution.

Remarks by Assemblywoman Parnell.

Resolution adopted.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to David Howard and Sam Metz.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Kelsey Taelour.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Dykstra.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Blakeley, Bob McCleary, Michael Spears, and Christian Talavera.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Jackson and Todd Musse.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Cooper Christensen and David Finley.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Binau, Katie Finley, and Melissa Goss.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Rick Kuhlmey.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Phil Waldren and Tim Waldren.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Robby Fulghum and Gil Grieve.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Chelsea Harlan.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Nathan Chellman.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Alyssa McKinish.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Jose Molina.

On request of Assemblyman Kihuen, the privilege of the floor of the Assembly Chamber for this day was extended to Dennis Bell and Rebecca Davidson.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Tracey Rodriguez.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Vanessa Anderson.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to David Brown, Kevin McPherson, Rodney Pierini, Jessica Verdin, and Jennifer Zins.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Katz and Paul McCain.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Kaitlin Paine.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Trevor Feldman.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Jordan Fralick and Caprice Roberson.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Burrow and Ashley Pereda.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Carson High School: Danielle Bass, Cole Bjork, Ruben Casillas, Raykne Cloyd-Kennison, Mario Cruzaley, Jessica Dooley, Deborah Epling, Donald Foster, Krystle Gordon, Brooks Greenlee, Steven Loff, Alysa Mitchell, Aron Orlick, Jay Pentecost-Pichler, Victor Perez, Oli Pestritto-Gwuaretti, Matthew Pettenger, Geoffrey Rodriguez, Claudia Rogue, Eric Rosales, Donovan Saunchez, Heather Schofield, Cassandra Shelton, Noel Smith, Makala Tronson, Andrew Whisler, Jamie Wiest, Noemi Ahumada, Kyle Blanchard, Tyler Bourns, Briana Boyd, Richie Copeland, Courtney Duke, Shannon Emmans, Christian Garcia, Jennifer Hood, Whitney Hoote, Marci Kain, Alexander Kaskie, Travis Lamborn, Kristen Larson, Michelle Mauer, Armando Medina, Aaron Murakami, Nathaniel Neidert, Brittney Oday, Veronica Peck, Wendy Perez, Ryan Pura, Stephen Remer, Chris Rosales, Joe Skates, Jaren Taylor, Chandra Tremayne, Terili Wilson, Colton Wright; teachers Jim Franz, and Fred Steinle; Aubree Henderson, Monica Lounsbery, Keith Rheault, and Nicole Smith.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Davis Prendergast.

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Norris and Alyssa Vandevert.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Nicole Barainca.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Logan Wood.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to G. Scott Condos and Julie Snyder.

Assemblyman Oceguera moved that the Assembly adjourn until Wednesday, March 7, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 11:28 a.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE THIRTY-FIRST DAY

CARSON CITY (Wednesday), March 7, 2007

Assembly called to order at 11:07 a.m.
Madam Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Minister Bruce Henderson.

Lord, in the beginning there was chaos. You said, "Let there be light," and there was light. You saw that it was good. Father, we, too, ask for light to overcome the chaos. It will be good. Please bless our work here. I pray in the Name of the One who is light of the world.

AMEN.

Pledge of allegiance to the Flag.

Madam Speaker announced if there were no objections the Assembly would recess for the purpose of hearing a musical presentation of the *National Anthem* by the Combined Reed and McQueen High School Choirs, under the direction of John Lorentzen.

Assembly in recess at 11:10 a.m.

ASSEMBLY IN SESSION

At 11:12 a.m.
Madam Speaker presiding.
Quorum present.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.
Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Joint Resolution No. 5—Proposing to amend the Nevada Constitution to authorize the Legislature to provide for a statewide lottery to provide money to school districts for textbooks, computers and other educational media for classrooms.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 24 of Article 4 of the Nevada Constitution be amended to read as follows:

~~[Sec.:]~~ *Sec.* 24. 1. ~~[Except as otherwise provided in subsection 2, no lottery may be authorized by this State, nor may lottery tickets be sold.]~~ ***The Legislature may authorize a lottery to be operated by or on behalf of the State of Nevada. If the Legislature authorizes such a lottery, the Legislature shall, by law:***

(a) Determine the appropriate manner of operation of the lottery, other than the use of video lottery terminals or similar type of machines.

(b) Provide for the disbursement of all money from the proceeds of the lottery in accordance with this subsection, less any expenses directly related to the operation of the lottery, to the school districts in this State in a fair and equitable manner.

(c) Ensure that the money disbursed to the school districts from the proceeds of the lottery is used only to supplement and not replace the money that a school district would otherwise receive from this State for the system of public education.

(d) Ensure that each school district which receives money from the proceeds of the lottery uses the money only to supplement and not to replace the money that the school district would otherwise expend for:

(1) Equipment relating to instruction for use by pupils enrolled in the public schools, including, without limitation, computers and other multimedia hardware;

(2) Instructional materials and instructional supplies, including, without limitation, textbooks, instructional software for computers and other multimedia instructional materials and supplies for use by pupils enrolled in the public schools; and

(3) Equipment that is used primarily for the maintenance or operation of the equipment described in subparagraph (1).

2. The ~~[State and the]~~ political subdivisions ~~[thereof]~~ ***of this State*** shall not operate a lottery.

3. The Legislature may authorize persons engaged in charitable activities or activities not for profit to operate a lottery in the form of a raffle or drawing on their own behalf. All proceeds of the lottery, less expenses directly related to the operation of the lottery, must be used only to benefit charitable or nonprofit activities in this State. A charitable or nonprofit organization shall not employ or otherwise engage any person to organize or operate its lottery for compensation. The Legislature may provide by law for the regulation of such lotteries.

Assemblyman Mortenson moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Resolution No. 6—Providing for the appointment of additional attachés for the Assembly.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Janie M. Novie and Christie Peters are elected as additional attaches of the Assembly for the 74th Session of the Nevada Legislature.

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblywoman Koivisto.

Resolution adopted.

NOTICE OF EXEMPTION

March 6, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 10, 74 and 85.

MARK STEVENS
Fiscal Analysis Division

March 6, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 52, 61, 73, 82, 89, 91 and 93.

MARK STEVENS
Fiscal Analysis Division

By the Committee on Transportation:

Assembly Bill No. 256—AN ACT relating to transportation; requiring the Department of Transportation to collect a fee to be distributed to each local governmental entity that aids in the coordination of issuing a permit for oversized vehicles; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblywoman Allen:

Assembly Bill No. 257—AN ACT relating to public safety; establishing a career incentive program to provide salary increases to certain emergency medical technicians, firefighters and peace officers who complete certain educational requirements; requiring the State to pay for such salary increases; requiring the Peace Officers' Standards and Training Commission to administer the program; requiring the Commission to consult with other governmental entities; and providing other matters properly relating thereto.

Assemblywoman Allen moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Carpenter, Goedhart, Goicoechea, Grady, Marvel, and Settelmeyer:

Assembly Bill No. 258—AN ACT relating to land use; clarifying that certain divisions, exchanges and transfers of land for agricultural purposes are exempt from requirements pertaining to boundary line adjustments and the filing of parcel maps and records of survey; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Claborn:

Assembly Bill No. 259—AN ACT relating to wildlife; classifying a wild mountain lion as an unprotected mammal; designating the Department of Wildlife as the Department of Fish and Game; placing the Department under the control of the Board of Wildlife Commissioners; authorizing the Commission to adopt regulations for the hunting, killing or nonlethal control of mountain lions from an aircraft; revising certain provisions relating to the use of a spring gun, set gun or other device for the destruction of a mountain lion; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Claborn moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblywoman Allen:

Assembly Bill No. 260—AN ACT relating to energy; revising various provisions governing the portfolio standards of providers of electric service; enacting certain requirements regarding the system of portfolio energy credits; revising the method for calculating portfolio energy credits under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Allen moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 32.

Bill read second time and ordered to third reading.

Assembly Bill No. 43.

Bill read second time and ordered to third reading.

Assembly Bill No. 199.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Atkinson, Buckley, Horne, Allen, Oceguera, Anderson, Arberry, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack:

Assembly Joint Resolution No. 6—Urging Congress to repeal the REAL ID Act of 2005.

Assemblyman Atkinson moved that the resolution be referred to the Committee on Transportation.

Motion carried.

Assemblyman Oceguera moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 11:41 a.m.

ASSEMBLY IN SESSION

At 4:48 p.m.

Madam Speaker presiding.

Quorum present.

Madam Speaker appointed Assemblymen Marvel and Munford as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by Nevada Supreme Court Chief Justice A. William Maupin.

The members of the Senate appeared before the bar of the Assembly.

Madam Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 4:59 p.m.
President of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present except Senators Care and Raggio, who were excused.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblymen Claborn and Smith, who were excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Rhoads and Assemblyman Parks to wait upon the Honorable Chief Justice A. William Maupin and escort him to the Assembly Chamber.

The President of the Senate appointed a Committee on Escort consisting of Senator Heck and Assemblyman Anderson to wait upon the Justices of the Nevada Supreme Court and escort them to the Assembly Chamber.

The Committee on Escort in company with the Justices of the Nevada Supreme Court appeared before the bar of the Assembly.

The Committee on Escort in company with The Honorable Nevada Supreme Court Chief Justice A. William Maupin appeared before the bar of the Assembly.

The Committee on Escort escorted the Chief Justice to the rostrum.

Madam Speaker welcomed Chief Justice Maupin and invited him to deliver his message.

Chief Justice Maupin delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-FOURTH SESSION, 2007

Thank you very much for that warm reception.

Governor Gibbons, Madam Speaker, Senator Raggio, constitutional officers, members of the Nevada State Senate, and members of the Nevada State Assembly, it is my privilege to address you tonight on the state of the Nevada judiciary, and I thank you for this opportunity. I speak on behalf of my colleagues on the State Supreme Court: Justice Mark Gibbons, Justice James Hardesty, Justice Ron Parraguirre, Justice Michael Douglas, Justice Michael Cherry, and Justice Nancy Saitta. Justice Saitta is not with us tonight. She is in New York attending a national

summit on children as part of her agreement to work with us on the Court Improvement Project, an important project that provides federal grant money administered by the Administrative Office of the Courts here in our state.

I also speak for our 64 colleagues around the state who serve in our district courts and our 81 colleagues around this state who serve as municipal court judges and justices of the peace.

Before I begin, I would like to dedicate this message to an individual who has, as much as any one person in recent history, added greatly to the Nevada judicial landscape—Dean Richard Morgan of the Boyd School of Law.

Dean Morgan came to us from Arizona State University after this body approved funding for a new law school to be housed on the campus of the University of Nevada, Las Vegas. With consummate skill, he gathered a top-flight faculty, effectively engaged in private fundraising, set protocols for student admissions, and set a course for full American Bar Association accreditation in record time. The law school has proved to be an important component in the improvement of the practice of law in this state and in the improvement of our judiciary. Every year the Boyd School of Law enriches the practice of law through its graduates, and every year its law review provides critical analysis of our judicial processes. Dean Morgan has now decided to retire. It is only fitting that the judiciary and Legislature join tonight in recognizing his everlasting contribution to our state.

Turning now, to the state of the Nevada judiciary, in summary and in short, the state of the judiciary is as follows:

Our municipal courts, charged primarily with hearing trials of misdemeanor offenses committed within incorporated cities, everything from petit theft to traffic violations, heard and resolved over 310,000 matters last fiscal year.

Justice courts, charged with hearing trials of misdemeanor offenses committed in the unincorporated areas of Nevada counties, hearing small civil cases, and screening major criminal cases for trial in district court, heard over 418,000 matters last year.

District courts around the state, charged with hearing trials of all major civil and criminal actions, heard and resolved over 26,000 civil cases last year and over 15,000 criminal cases. The family divisions of the two large districts resolved almost 47,000 matters.

The Supreme Court, one of the busiest appeals courts in the country charged with hearing all appeals from final decisions rendered statewide by the district court system, decided over 2,300 cases last year. In the last ten years, the court's inventory has been reduced from over 2,500 cases to less than 1,400 at year's end. But for the first time since 1998, that trend is threatened by filings in excess of 2,000 new cases in each of the last two years.

Ladies and gentlemen, in their totality, our tasks involve the quality resolution of thousands of public and private disputes that come through our court system. Your judiciary is working.

That, in the traditional sense of reports on the state of the judiciary, is the state of the judiciary. But I did not come here tonight to repeat a litany of comparative statistics and programs—programs that you have heard about before, programs that continue to prosper and grow as you intended. Rather, I want to talk with you about the joint legacy this legislature and your court system will leave behind.

Today, right now, we face a series of crises related to the judicial system that tax the fiber of our state's resolve and its resources. There are confirmed reports of children in danger in our foster care system. We have overcrowded and understaffed prisons. There is pernicious and malignant growth of addiction to modern and more powerful illicit drugs. We are now experiencing overstressed court dockets creating undesirable compromises in processing serious criminal cases. We have unacceptable delays in the resolution of civil cases of all types, including unacceptable delays in dealing with families and children. We have outdated or even antiquated court facilities in places in this state.

These challenges are here before us today, but they are not unapproachable and they are not unsolvable. They can be turned into the great opportunities of this generation if we properly apply the considerable resources at our disposal, all to the end that this state continue in its role as the greatest place in this country to live, work, and raise families.

So I say to you tonight, this is our time to fulfill our respective destinies. I believe those destinies, as I will mention later, are historically and inextricably intertwined.

As I hope to demonstrate, we in the judiciary are keeping our pledge to do our utmost to apply existing resources to these problems. We continue to ask your help in addressing them. However, to provide continued adequate justice to this state, we will need more qualified and experienced judges, appropriate incentives to keep veteran jurists on board and to entice quality lawyers into the judiciary, improved penal facilities and programs, improved and expanded noncustodial programs, and expanded programs and resources to make sure dependent children are kept safe.

If we can keep faith with our shared destinies to attack these issues, we can and we will form a shared legacy that no one now living here will ever forget.

Several current programs and new ideas come to mind.

With regard to our crowded prison system, as noted a week and a half ago in the *Reno Gazette-Journal*, there are a number of views as to what has caused this. Some believe that it is the advent of new and powerful street drugs such as methamphetamine; some believe that increasingly harsh punishments and lack of rehabilitation programs are the key components. Others blame a lack of commitment to noncustodial treatment programs for the mentally ill or for persons with alcohol or drug dependency problems. Others blame schools or the disintegration of the family. Others blame society as a whole, and others blame it on a growing culture of nonresponsibility for individual actions.

In my own view, the current state of our criminal justice system has resulted from a tragic and complex confluence of all these factors. But let me assure you, attacking only one facet will accomplish nothing. We need an all-out and varied approach that first and foremost continues the identification of the most dangerous defendants and separates them from the rest of society. Overcrowding works against this and works against any hope of dealing with these people beyond simply warehousing them. Over and above this primary responsibility, we would propose approaches that would give judges more independent discretion in sentencing, that would provide comprehensive alternatives to incarceration, and that would make room for the most dangerous criminals by considering highly-conditioned releases of offenders who pose minimal public safety issues. This would include inmates serving mandatory prison sentences, inmates who have recently been revoked from probation for minor violations, and inmates who would be deported to their home countries through cooperation with federal authorities.

We also recommend providing improved community reentry programs for prisoners with substance addictions and the placement of more intense counseling programs within our schools to keep children in school.

With regard to this last issue, there is one common denominator in the criminal justice system: Some 95 percent of criminal defendants have not gone beyond the eleventh grade in high school.

With regard to short-run problems of overcrowding, Justice Hardesty is currently working with the Governor's staff, legislators, prosecutors, law enforcement, prison officials, and federal authorities in studying the feasibility of paroling 400 to 700 prisoners to deportation holds for their immediate removal from the United States. During this process, federal authorities have suggested other programs using federal funds that would expand the identification of illegal aliens through varied law enforcement initiatives that would also address local gang warfare and widespread use of fraudulent identity changes and identity theft. The Supreme Court stands by Justice Hardesty's efforts in this regard.

We should also embrace experiments with younger adult offenders. As a district court judge in Clark County, I started a pilot program under which probationable adult offenders under 23 years of age were separately sentenced in individual hearings, away from the older defendants. Of the approximately 30 participants in this program, which involved agreed-to private meetings with the defendants without the presence of the attorneys, all were placed on probation; only one ever returned for revocation.

Turning now to specialty courts, which are a very important component in dealing with the problem of overcrowding and the problems with drug addiction and mental health issues of our citizens. We have been blessed by the commitment of our more senior members of the district court bench with the creation and development of specialty courts across this state. These include Judge Jack Lehman, the founder of the drug court program in Las Vegas; Judges Peter Breen, Archie Blake, John Mcgroarty, Mike Griffin, and Robert Lane; and more recently,

Judge Andrew Puccinelli in Elko and Judge Jackie Glass in Clark County. These programs diverted some 3,000 people last year out of the criminal justice system. Whether defendants are addicted to drugs, alcohol, or suffer from mental problems, specialty courts are on the front line to help rehabilitate these individuals. We should also remember that the people helped by these programs would represent a considerable portion of the current Nevada inmate population, which is approaching 12,000 as we speak here tonight.

We want to stress further that the primary burden in the specialty court area falls on our senior judges and that the larger counties absolutely depend upon the senior judge program to keep specialty courts current and effective without taking elected judges in the two largest districts from their regular caseloads. This is one of the reasons why we will be asking you to continue funding the senior judge program separate and apart from specialty court funding.

In addition to providing service as drug court judges, our senior judges fill in for judges around the state when needed, provide valuable service as settlement mediators in major cases, and help local courts with calendar congestion when caseloads become more than existing judges can handle.

Ladies and gentlemen, as we sit here tonight, a cancer is pervasively invading our state—methamphetamine. This cancer has done more to destroy lives than almost any other street drug yet invented. As a district court judge in Clark County in the mid-1990s, I first learned of the fantastic destruction this drug can wreak upon the user and others. In the three or four hostage standoff cases over which I presided, every single defendant was high on methamphetamine. Every one terrorized immediate family members, neighbors, other bystanders, and even the police that responded.

Methamphetamine is also the single most addictive street drug yet developed. In its profound totality, this drug not only creates incredibly dangerous criminal confrontations, it destroys the lives of the users, their children, and their families. In fact, this drug is killing our young people, eating away their valuable lives before they even really begin to live. So it is only right that I ask you, not only as your Chief Justice but as a resident of this state, that you do everything in your power to bring this modern plague to its knees.

This means resources for law enforcement and incarceration, particularly for manufacturers and pushers. And from our standpoint, we ask that you make a considerable General Fund commitment to our specialty courts to try and help those in the vice of this terrible addiction. In this, we laud the efforts of our First Lady, Dawn Gibbons. Society benefits greatly from these programs with reduced recidivism, taking these defendants out of the revolving door of the criminal justice system and creating citizens who contribute to our state instead of sapping valuable resources from Nevada taxpayers.

Turning now to issues related to child dependency, we have all responded with great concern over the recent reports of deaths and injuries of children in dependent and foster care situations in Clark County and elsewhere in Nevada. Judges in these matters are faced with heartbreaking situations with too little time and too little resources.

We must do all we can as judges in helping the helpless. To this end, yesterday at three o'clock, the Supreme Court issued an order, effective July 1, redeploying a judge of the Eighth Judicial District Family Division to help Judge Gerry Hardcastle with this terribly congested docket. For years I have watched this judge, with every fiber of his being, try to help these children. I want you to also know that the Family Division of the Clark County District Court has unanimously agreed to support Judge Hardcastle in this redeployment and has agreed to take on the resulting additional caseloads—caseloads that already stagger the imagination and need to be relieved with additional judicial positions at the state level and by additional masters and other support personnel at the local level.

More than that, this Court and the State Bar, through State Bar President Rew Goodenow, will seek to recruit more lawyers to provide volunteer representation of Nevada children who find themselves in dependency and foster care situations. Most will join the Children's Attorney Project in Las Vegas, where these volunteers assist lawyers at Clark County Legal Services who have taken the primary brunt of these caseloads. We pledge to you tonight that we on the Supreme Court and district judges across this state will become personally involved in this effort.

But, we also want to make clear that the current practice of placing the burden on a few dedicated staff lawyers at Clark County Legal Services and on the backs of volunteers is fundamentally irresponsible. In the long run, the state and local governments must fund more full-time attorney positions to represent these children. In its most fundamental terms, if adult offenders in the criminal justice system have a right to legal representation under the *Sixth Amendment* of the *United States Constitution*, we should create such a right for dependent children under Nevada law.

As you may have surmised, everything mentioned tonight—triage of the most dangerous criminals, increased judicial discretion, short run evaluation of the current prison population, specialty courts, and innovative sentencing alternatives—all have a common thread—more individualized justice instead of mass-produced injustice--injustice that compromises the very safety and well-being of our people.

I would like to now address one of the most dangerous locations in this state. I am not referring to some street gang location in Las Vegas, I am not referring to a crack house in northern Nevada, and I am not referring to the freeway interchanges in Reno and Las Vegas. In truth and in fact, I am referring to the White Pine County Court House. Ladies and gentlemen, Nevada's most dangerous criminal defendants, those incarcerated at the Ely State Prison, frequently appear in court in Ely and sit in a witness box that is within arm's reach of juror positions one and two. Many of you have seen the videotape of the facility I asked Judges Papez and DoBrescu to make. I defy any one of us in this room to try and quell a disturbance started by a desperate and physically imposing prisoner with nothing to lose but an opportunity to create further havoc. White Pine County needs our help. It stepped up and it volunteered to accept placement of the prison there, but it cannot now afford to solve the problems attendant to its beautiful but antiquated court facility. Now, I know our more populace counties need our help also, but please find a way to help this county. This would be an appropriate time for political altruism to help this county help itself and the state as a whole.

Needless to say, if we are to continue past successes and create new ones, considerable costs and commitments are involved. More judges, more courtrooms, and more operatives will be required, but much of this is already in place with existing infrastructures—business courts, which we created to fulfill your mandate to help Nevada become a business friendly state so as to diversify its economy; construction defect dockets; senior judge settlement programs in the district courts; mandatory arbitration programs; short jury trial programs for civil cases; specialty courts in place supported by our existing senior judges; the Children's Attorney Project in Las Vegas; the court improvement project, which provides grants for training lawyers and local personnel concerning dependency representation and other matters; grants for a new National Chief Justices Initiative for Mental Health Courts—thanks to Assemblywoman Sheila Leslie; and special efforts by individual judges, lawyers, and many others.

Not coincidentally, the prospective culling out of current inmates can save millions of dollars in new prison construction and millions of dollars in inmate housing costs.

In conclusion, I would like to make it absolutely clear that the resolution of over 750,000 court matters within the judicial system last year could not have occurred without one of the most important collaborations in the history of state government—a partnership, in fact, that has formed between and among the judiciary, the Legislature, and local governments over the last 20 years. The people in this room, working with the judiciary, have time after time, session after session, stepped to the plate and given us the necessary personnel, facilities, and technology to do our important work.

But none of our recent progress could have been made without the long-term relationship that has grown between our respective staffs. These include our department heads, the Administrative Office of the Courts led by Ron Titus; your fiscal analysts; the Legislative Counsel Bureau; and your individual staff members. So, it is only fitting that we recognize all of these dedicated public servants. They have worked tirelessly to ensure that we have been given the resources to do our jobs. All have our respect and all have our gratitude, and I applaud them tonight.

Let me close with this. As everyone in this room understands, the majesty of Nevada goes far beyond its mountains, its lakes, and its wide expanses. Nevada's true majesty is found in the hearts of its people. Nevadans want to be able to prosper, they want to live here and contribute

to our great state, and ladies and gentlemen, we must create a safe environment for this to happen. Nevadans also want the protection of the judiciary as the last great barrier between themselves and the power of government. We as judges must renew our covenant to provide that protection fairly and expeditiously every time we take the bench to preside over court proceedings.

You, yourselves, renew that very same covenant every time you enter this building. So as we in the judiciary and you in the Legislature go about the people's business, it is essential that your work with us continue—continue in line with the great tradition of cooperation and good will that has been built up between us over the last 20 years. This, ladies and gentlemen, is our shared destiny. Thank you very much.

Senator Weiner moved that the Senate and Assembly in Joint Session extend a vote of thanks to Chief Justice Maupin for his timely, able and constructive message.

Seconded by Assemblyman Hogan.

Motion carried unanimously.

The Committee on Escort escorted Chief Justice Maupin to the bar of the Assembly.

Senator Schneider moved that the Joint Session be dissolved.

Seconded by Assemblyman Oceguera.

Motion carried.

Joint Session dissolved at 5:32 p.m.

ASSEMBLY IN SESSION

At 5:33 p.m.

Madam Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 7.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Ta-Tiana Anderson Hall and Mary Ann McCuliffe.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Jack R. Chappelle.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Calvin Taylor.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Barragan and Tim Jones.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of the Reed High School Intermezzo Choir: Andrew Ardans, Randy Arterburn-Johnson, Derrick Atkinson, Alexa Bernal, Arion Choi, David Coyner, Jeff Daus-Davis, Shannon Eckes, Kyla Freund, Josh Gonzalez, Tim Hansen, Shane Harris, Samantha Johnson, Spencer Johnson, Blaine Johnston, Leslie Kanowitz, Michael Keever, Cameron Lacy, Chris Langton, Anne Lorentzen, Lisa Lorentzen, Danielle Lyons, Moses Magana, Ann Malone, Alexandra Martinez, Tyler Mason, Dru McPherson, Gwen McPherson, Tessa Miller, Jared Mitchell, Lindsay Panko, Jenna Saulnier, Brianne Stauss, Brooke Stauss, Catherine Van, Cameron Waldman, Chelsey White, Melody Wilson, and Tyler Wimbish; the following students of the McQueen High School Jazz Choir: Mitch Bottoset, Cathy Casaul, Brent Gonda, Christina Kishpaugh, Jordan Lee, Allen Lewis, Brielle Lichten, Casey Machen, Melodye Mericle, Madeline Queen, Sarah Shaffer, Chris Stanton, Kayla Tuso, and Audrey Watson.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Jonathan Flores and Jane Raley.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Cooper Christensen.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Pam Brekas.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Wilson.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Becky Elston, Edwin Sweeney and Joanne Wood.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Kate Wakeman.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Shaun Griffin and Jordan Musser.

On request of Assemblyman Kihuen, the privilege of the floor of the Assembly Chamber for this day was extended to Diane Clary.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Jill Berryman.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Heather Hardy.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Natasha Bourlin and Larry Engsrom.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Clary.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Francine Burge.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Alan Harvey.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Carson High School: Adriana Aguirne, Yesenia Ambriz-Gomez, Josefina Avina, Laurel Chapman, Cody Curran, Heather Hobdy, Jennifer Jones, Linda Lane, Rocio Lopez, Jennifer Atchian, Alyssa Avila, Austin Bartosz, Caitlin Berger, Rebekah Crounk, Marco Diamantini, Hollie Eiswert, Jared Elkins, Juan Garcia, Derek Giurlani, Jeremiah James, Neil Jasso, Tracie Kruse, Richard Lindgren, Karla Llamas, Luis Lopez, Jordan Miller, Kacey Mosley, Juliet Newman, Samantha Nybloom, Stephanie Painter, Mayra Rios, Anthony Riviera, Christian Sanborn, Karena Sanchez, Ann Sinnott, Libni Villegas, and Nicole Wengren; teacher Jim Franz; Sabina Bye and Nancy Mielke.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Ellen Horan.

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Schlegal.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Faulkner.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Karla Kwist and Brittany Marie Waltz.

Assemblyman Oceguera moved that the Assembly adjourn until Thursday, March 8, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 5:34 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE THIRTY-SECOND DAY

CARSON CITY (Thursday), March 8, 2007

Assembly called to order at 11:07 a.m.
Madam Speaker presiding.
Roll called.
All present except Assemblyman Christensen, who was excused.
Prayer by the Chaplain, Minister Bruce Henderson.

God, when nature slumbers, we long for spring. When death comes, we pray for resurrection. Thank you for the hope that they bring. We need hope here, too. Please keep sending it. I pray in the Name of the God of hope.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 7, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 47, 56, 66, 70, 78, 111, 136, 140, 193; Senate Joint Resolution No. 1.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:10 a.m.

ASSEMBLY IN SESSION

At 11:11 a.m.
Mr. Speaker pro Tempore presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Buckley, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack; Senators Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck,

Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, and Woodhouse:

Assembly Concurrent Resolution No. 10—Honoring former Assemblyman and Speaker of the Assembly Richard D. Perkins.

WHEREAS, A native Nevadan, Richard D. Perkins was born in Boulder City, Nevada, raised in Henderson, Nevada, and graduated from the University of Nevada, Las Vegas; and

WHEREAS, Richard Perkins serves his community as a law enforcement officer in a career which began in 1984 with the Henderson Police Department; and

WHEREAS, Richard Perkins graduated from the Federal Bureau of Investigation's National Academy in 1995 and in 2006 became the Chief of Police for the City of Henderson; and

WHEREAS, Richard Perkins was first elected to the Nevada Assembly in 1992 where he served for 14 years which included seven regular sessions and six special sessions; and

WHEREAS, During his tenure in the Nevada Legislature, Richard Perkins was recognized as a dedicated and tenacious leader resulting in his selection to serve as Democratic Floor Leader in 1995, Majority Floor Leader in 1997 and 1999, and in 2001 he was unanimously elected by the members of the Assembly to serve as Speaker of the Assembly, a position which he held until 2006; and

WHEREAS, Richard Perkins helped shape policy affecting the people of the State of Nevada during his service in the Nevada Assembly by sponsoring legislation on a variety of subjects, including legislation creating the Statewide Alert System for the Safe Return of Abducted Children, legislation to protect Nevadans from terrorist attacks, legislation creating the Homeland Security Commission and by working tirelessly towards improving education and providing for a promising and safe future for all Nevadans; and

WHEREAS, Richard Perkins earned national distinction during his service in the Nevada Legislature through his contributions to numerous legislative organizations, including the Council of State Governments, the National Conference of State Legislators Task Force on Protecting Democracy, the National Legislative Services and Security Association, the State Legislative Leaders Foundation and as President of the National Speakers Conference in 2005; and

WHEREAS, Richard Perkins as a member, leader and Speaker of the Nevada Assembly served in his various roles with conviction, compassion, courage and dedication; and

WHEREAS, Richard Perkins was encouraged and supported by his wife Terri, and their children, Nicole, Stephanie, Brian, Ashley and Rikki throughout his legislative career; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature pay special tribute to Richard Perkins for his public service to the State of Nevada and express sincere gratitude for the exemplary leadership he provided in the Nevada Assembly; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to former Assemblyman and Speaker of the Assembly Richard D. Perkins.

Assemblywoman Buckley moved the adoption of the resolution.

Remarks by Assemblymen Buckley, Oceguera, Marvel, Carpenter, Horne, Anderson, Weber, Smith, Koivisto, Ohrenschall, Womack, Goicoechea, Mabey, Atkinson, Grady, Hardy, and Arberry.

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BUCKLEY:

It is difficult to honor someone that you respect so much. Richard Perkins' career during his tenure in the Nevada Legislature was long and distinguished. Speaker Perkins worked extensively on bills relating to public safety, which is quite appropriate since he has dedicated his entire life to public safety through his long and distinguished career in law enforcement—sponsoring and securing passage of such major legislation as creating an Amber Alert system which notifies the public of kidnapped and missing children so they can be located and has led to

children being found, identified, and reunified with their families in our state; homeland security measures designed to try to make Nevada ready and to ensure that we are prepared to deal with disasters; landmark legislation to protect juveniles in the aftermath of a tragedy where juveniles were killed on the side of a highway when they were sentenced to be there for their community service; and mandatory reporting measures seeking to ensure that everyone is reporting instances of abused children, again, to protect them. You see a theme throughout this legislation of protecting those who need it most and of championing the rights of those who do not have a voice in this legislative process.

Speaker Perkins also dedicated much of his time to the system of higher education, urging that we conduct audits to make sure that we are spending every dollar correctly and that we expand opportunities so that every child in our state has access to higher education. Speaker Perkins championed the Nevada State College and received the brunt of criticism for his work in the beginning. "Oh, why do we need another college?" Well, time has proven him correct, and Speaker Perkins follows the adage, "Do not do it because it is popular; do it because it is right." Because of him, we now have a state college that provides opportunities to folks who may not have gone to college otherwise to train to be teachers and nurses, two areas where we are critically short in our state. It is also amazing to me that when the state college became popular and when folks began to see its worth, there were a lot of politicians claiming the credit and the glory, when we know who sponsored the legislation and fought the fight in these halls. But the Speaker is like that; he never sought the limelight. He sought to improve things for our state, and that is a hallmark of a true leader.

Common sense, honor, integrity, humor, statesmanlike approach to leading—these are all words that can be used to describe the Speaker, along with the one of mentor. Speaker Perkins served as a mentor to many of us in this body. Speaking for myself, I would not be in the position that I am in today were it not for the Speaker. Many people claim they like to lead, they like to be a mentor, but you know, the proof is in the pudding. Do you let somebody fly? Do you give somebody the opportunity by saying, "I do not need to do this. Why don't you do this? Why don't you try?" The hallmark of someone who acts and not talks—that sums up Speaker Richard Perkins. So please join me, all of you, in recognizing a true leader, a true mentor, a true statesman, Speaker Richard Perkins.

ASSEMBLYMAN OCEGUERA:

I, too, rise in support of ACR 10. I think you will hear some common themes in the remarks today. Richard Perkins has been an inspiration to me on so many different levels, it is hard to know where to begin. As Speaker Buckley said, first Richard was my mentor. When I first ran for office and lost, he was there. And then he was there when he convinced me to run again the next time. When I was here as a representative and had my first bill as a freshman, he was there for me then. He was there for me when he made me a committee chair. He was there to select me as the Assistant Majority Leader. I always turned to Richard for advice. He taught me what leadership means—that it is bringing people together, it is getting people involved, it is making tough calls, and it is learning to take the heat when necessary. He always made it look so easy, but let me assure it is not.

Second, Richard and I share a passion for service in the area of public safety, he, of course, in law enforcement, while mine has been in the fire service. It was a great experience to work with Richard on issues such as developing a terrorism response plan, better coordinating our first responders, and working on laws to provide for those who protect our neighborhoods and homes and giving them the tools they needed to be the most effective.

Finally, Richard was my friend. He has always been there to share a good time and to lend an ear at the end of a bad day. Those of you in this body, I think, are similar to me in that you love public service. You love making laws that we know will really have an impact on people. We usually thrive on the fast pace and intensity of this process, but there are days when that pace, the responsibility, and the juggling of legislative service with the real world and our daily jobs seems overwhelming. Whenever I was in one of those spots, it was Richard whom I called upon. He was the one who helped me see the big picture and why we were here.

It is with great pleasure and humility that I rise in support of this resolution honoring my mentor, my colleague, and my friend, Speaker Richard Perkins.

ASSEMBLYMAN MARVEL:

I, too, rise in support of ACR 10 because it has just been a pleasure having known Richard and his lovely wife, Terri, for some 14 odd years. One thing I will say is that Richard was a man of his word. You did not need a contract with Richard; if he shook your hand, you could go to the bank with what he told you. Richard, I wish you well in your new role as chief of police, I hope you are wearing your vest, and I hope you are able to identify all the new license plates.

Mr. Speaker pro Tempore announced that pursuant to Assembly Standing Rule No. 1, section 2, subsection (d), Assemblyman Oceguera would act as presiding officer

Assemblyman Oceguera presiding.

ASSEMBLYMAN CARPENTER:

I, too, rise in support of ACR 10. Richard and I go back ever since he came to the Legislature and he and I sat next to each other in Judiciary. I always enjoyed his company. Sometimes we disagreed; most times we did not, though. What I want to say is I always felt that Richard was a true gentleman. I do not think he ever harbored any bad things about anyone, and he always stood up there straight and tall and was a really great Speaker. I am glad I was able to serve with you, and I wish you all the luck in the world.

ASSEMBLYMAN HORNE:

I rise in support of ACR 10. I first met Rich at UNLV. He came to some functions while I was studying criminal justice, and he would be there. We would talk, but politics never came up until I actually went to a political event one time and saw him there. I just said hello again, and then he threw it out there, "William, when are we going to get you to run?" So you can blame him for me being here.

What I found very impressive about Richard Perkins was how he handled the freshmen of the 2003 Session. He could have easily just recruited us, brought us in, and then conducted his responsibilities as Speaker and left it to others to watch and manage us, but he was hands-on. He came to our offices and checked with us regularly and asked, "How ya' doin'? You need anything? Do you have any questions?" He would direct us on the right path, and as some of you freshmen today know, it is sometimes tough to navigate here. Particularly in 2003, it really was.

As our current Speaker said, he gave an opportunity to many of us to shine. He had a homeland security bill that session, and he said, "Let William Horne handle and draft that." That is when I started to think that he was not too smart, but he allowed me to do that. Not only did he allow me to do that, but whenever I had all the parties there and I had questions and concerns and I would run to Rich and I would say, "Hey, this is going on," and he would look at me and say, "I trust you. Do what you think is necessary." I was a freshman then, but that was the kind of confidence that he had in me. He instills it in you, and that allows you to shine and excel. It gives you that confidence to walk through these halls on good days and bad days and know that you have a purpose here and that you can do well. I appreciate that to this day, and I miss you being here. It is good to see you, but I know you are doing good stuff and you are happy that you are not here. Thank you.

ASSEMBLYMAN ANDERSON:

As you are no doubt aware, Mr. Perkins served as my colleague on the Judiciary Committee in my second session, his first. We served together in Judiciary for three sessions. One of the great strengths of a citizen legislature like we have in Nevada is that it draws members from all walks of life. As a policeman, I have always felt Mr. Perkins brought to our committee and to the Legislature a formidable body of practical knowledge about the workings of the judicial system. His father was a cop, and he followed that tradition. He had worked his way up from a cop, on the beat to the deputy chief and now the chief of Henderson's Police Department. Along the way, he learned a lot of things. He learned them by experience, by being in almost daily contact with our courts and jails. None of us, even the practicing attorneys on the Judiciary Committee, could match his intimate knowledge, his first-hand experience of how our system of

justice actually works in the real world. In committee, Mr. Perkins always spoke quietly and without fanfare, but when he spoke, we all learned to listen.

As all of you know, there is no school where we can go to learn how to be legislators. There is not any book that can teach us the subtleties and complex nuances of legislative behavior. We learn by watching others. To be really successful, every new legislator needs a mentor, a model, a sounding board, someone he can trust and turn to for advice and counsel. Richard Perkins was a mentor for many freshmen and even for those of us who had been here for awhile, particularly the members of our caucus when he became the caucus leader and then Speaker. He could teach a new Assemblyman how to swallow his disappointment when his pet bill was killed. He could teach him how to work with a chairman to get a bill out of committee. He could teach us to be tolerant, who we could trust, and who we could not trust. He could also, when the occasion called for it, administer a sharp rebuke to those who needed it, to try to keep them in line so that we were not embarrassed.

Perhaps because of his work as a policeman, Richard Perkins had a finely tuned insight into human nature. He was sensitive to the social and personal aspects of legislative behavior as well as its more formal, legal aspects. Yet, I always liked to believe it was because he is a caring human being and cares deeply and personally about each human being.

Finally, let me say a few words about his service as Speaker. As you know, the Speaker is probably the most powerful single forum here in the Legislature. The Speaker is the formal person who represents the entire legislative body. His influence extends far beyond the walls of this Chamber. He is the leader of the majority party as well as the presiding officer of this house. Mr. Perkins fulfilled that office in a formidable manner. But outside the walls, he never embarrassed us. He never did anything to bring shame to this house, nor could he; it is not in his nature. He cares about each of us deeply and personally, regardless of gender or party. Our state faced many challenges—challenges with health care, education, and criminal justice. In each of those, he excelled and made sure we all excelled. Our success in meeting those challenges can be attributed to the firm guidance and farsighted leadership of Speaker Perkins.

This resolution could never reach the level of tribute that I would like to pay to this individual for what he has done for us. Thank you.

ASSEMBLYMAN WEBER:

I have had the opportunity to know Richard Perkins for ten years, and it began before I came to this body. We were both members of the class of 1998 in Leadership Las Vegas through the Chamber of Commerce in southern Nevada. I remember being one of about 42 members in that particular class, and I thought, "Oh, my gosh, there is Richard Perkins. He is in the Assembly." So I got to learn of his leadership from afar before having an opportunity to come to this body and actually serve with him. His leadership was known to all of us in southern Nevada even though we are far away from this body when we are not part of it. I just wanted to let you know that your leadership has inspired me, and I am very grateful that I was able to serve two terms with you. I urge support of the passage of ACR 10.

ASSEMBLYWOMAN SMITH:

Thank you. I rise in support of ACR 10. I would like to very briefly thank Speaker Perkins for the leadership and support he has given to me. I had not thought about what my colleagues and the Majority Leader and I have in common, as far as this win-loss thing. Mr. Perkins was responsible for that, asking me to run for office one more time for the team. It was strong leadership that brought us forward the first time and then brought us forward the second time. The opportunities that we have been given, under your leadership, have helped us to grow and learn. Sometimes, under difficult circumstances, we grow the best.

As a freshman, I was given an exciting opportunity to serve on a special committee, thanks to the Speaker. Last interim, when I was assigned to chair the adequacy study—which was not the easiest assignment to be given–I was very nervous. The Speaker was going to be serving on my committee. I could not imagine how that would go, chairing the committee with the Speaker on it. He was nothing but supportive and encouraging and never made me uncomfortable. So, I thank you for that opportunity and for you giving me the other opportunities that you did. I wish you and your family the best. That totally relaxed look that you have has us all very jealous.

ASSEMBLYWOMAN KOIVISTO:

Thank you, Mr. Majority Leader. I am going to offer a different perspective of Mr. Perkins. I have known Mr. Perkins since before he was elected Speaker. I remember one night my husband was walking our dogs and he found a little lost boy. He took the boy to Richard's house. Richard was a police officer then. Well, you can imagine a little boy and Richard, who is so tall. Richard did not frighten the child at all. He found out where he needed to go and took him home. Another time, Richard helped my daughter mount bugs for a biology project. She couldn't tolerate the crunching when the pins went through them. That is the kind of person Richard is.

It was a real honor for me to be elected and serve in the Legislature with Richard. So, I just want to stand in support of this resolution. Thank you.

ASSEMBLYMAN OHRENSCHALL:

Thank you, Mr. Majority Leader. I rise in support of ACR 10. I have never had the privilege of serving with Speaker Perkins, but I have had the privilege of being his friend. I first met him 13 years ago when a freshman Assemblywoman from Clark County moved up here to Carson City, along with her son, her daughter, and her mother—my grandmother. That was an interesting session because the Legislature was evenly divided, and Speaker Dini looked to Speaker Perkins to be Majority Leader that session and to lead the Assembly. That was a historic, never-before-seen session. Over the 12 years my mother served my district, I learned what a good friend and mentor Speaker Perkins could be and how kind, just, and fair he could be. He stands by his friends. I do appreciate that and support this resolution. Thank you.

ASSEMBLYWOMAN WOMACK:

Thank you, Mr. Majority Leader. I have never served with Richard Perkins in this house. His district, District 23, is our district now. I appreciate Richard's help throughout my campaign, but more than that, I appreciate the legacy that he has brought to this chamber. Those he has mentored are now mentoring me. On behalf of District 23, I say thank you. I wish you well in what you do from here forward. I hope that you know that I am here, representing our district and the legacy that you left behind. Thank you.

ASSEMBLYMAN GOICOECHEA:

Thank you, Mr. Majority Leader. Well, coming from the class of 2003, I have to say that maybe it was not pretty, but if it had not of been for Speaker Perkins, it would have been downright ugly. In the end, Speaker Perkins never stopped negotiating. He continued to work and work as we went through the process. Like I said, it was not pretty, but it was not ugly. The other thing I really respect about Speaker Perkins is that it did not matter if you met him in Winnemucca or McCarran Airport in Las Vegas, you could expect a handshake, a smile, and you could talk. I count him as one of my friends. I do thank you.

ASSEMBLYMAN MABEY:

Thank you, Mr. Majority Leader. I also rise in support of ACR 10. I remember the first night I came here, the night before we started, we went to Red's. Speaker Perkins was there with his family, and he was kind enough to come over and introduce himself. He tried to help me out and make me feel welcome. He was always fair. He always had a smile. I agree with my colleague from Eureka.

The thing I remember most and will not ever forget was one of those last days of the 2003 Session before the Special Session. He held the roll open for 15 or 20 minutes. He eventually closed the roll, and it was time to adjourn. He put the gavel down, and my eardrums are still vibrating from that experience. I will never forget it. Mr. Perkins, you are a friend, and I will always think of you as my Speaker and mentor. I hope and wish you well. Thank you.

ASSEMBLYMAN ATKINSON:

Thank you, Mr. Majority Leader. I do not know what else to say that others have not said. I only know you as Mr. Speaker. I remember the very first day I was in this chamber. It was the day we were being sworn in. One thing you said while you were up there was when you walk into this room, you are always overwhelmed. You mentioned the chills you got from walking into the chamber every single day. I have those same chills every single day I walk in, even on days when no one else is in here. I walk in here and I get chills. You spoke later about respecting

the institution and that we were here for more important reasons than the name on our desk, the name on our letterhead. The institution was bigger than any of us. I learned something valuable that day when you said that. I stopped looking at my name, and I paid more attention to the institution. Mr. Perkins, you gave me alot of opportunities to shine in this institution. I am glad our new Speaker saw the talents you allowed me to display. I think I am better for it.

One other thing you talked about—and it is funny that my colleague from District 2 mentioned it—was the roll being open that day for 15 or so minutes. I have to say that was the most excruciating day of my career here. I remember the gavel hit, and I walked out of here and I started crying. I think you caught me just as I walked out of the door. You told me, "It is going to be okay, but it shows that you care." I had a constituent from my colleague's office from Assembly District No. 1 who was visiting with me yesterday. The gentleman told me he was always watching me. He does not live in my district. He supports me and he likes me because he gets the impression that I care. He said he would always support me as long as I appeared to care. I told him that I would do him one better. The moment I stopped caring, I would not run anymore. Thank you for your leadership, Mr. Speaker. I am happy to see you back here. I am happy to see that we are honoring you in this way. I appreciate you. Thank you.

ASSEMBLYMAN GRADY:

Thank you, Mr. Majority Leader. I guess I am one of the few, if not the only one here, that has seen Mr. Perkins from both sides. I spent ten years with a blue badge on then came here as an elected official. So I got to work with Speaker Perkins on both sides. Wearing that blue badge, I can remember the trips to Yerington with Speaker Dini. I do not think in all the time Richard served here that he ever missed coming to Yerington to address the Rotary Club or a joint meeting of the Rotary and Lion's Club, to meet with us, to share with us what was going on in the state of Nevada from the legislative perspective. I think that tradition is still being carried on. Richard, any time you come through Yerington, we want you to stop. If Speaker Dini is not there, I will be. Thank you very much.

ASSEMBLYMAN HARDY:

Thank you, Mr. Majority Leader. Sometimes I have off-the-wall bills. I admit it. So I had a teaching moment which occurred to me. Speaker Perkins gave me a hearing for one of my bills. Afterwards, he said to me, "You know your bill?" And I said, "Yes." He said, "It is . . . ," and he made a cutting motion with his hand. I asked him if that was good or not. He said, "No." If I may lapse into first person. Thank you for the dignity and fairness with which you treated me, Richard.

ASSEMBLYMAN ARBERRY:

Thank you very much. I am truly honored to stand up and speak on behalf of ACR 10. I get to speak about someone who became a very close friend. When Richard and I and his wife first met, he shook my hand. His wife gave me a hug. Sometimes when you meet someone, you can feel a vibration, knowing that you have a special bond. That was day one. Ever since that day, we have always had a special bond where we could talk about things which were personal, like our families and everything that was going on in our lives.

After Richard was in Ways and Means, I could tell in his face that he did not like Ways and Means. I was honored to have him on the committee—he and now Congressman Dean Heller. They were sitting in the row right below me. Sometimes in that committee you feel like a quarterback, and you have got your line in front of you. I knew if anyone tried to get to me, I had a hell of a line. When he was there and Dean was there, I knew I was covered. When I needed something done in the committee, Richard was always there. I knew he was going to go far.

At the end of the session—after he was here and I realized he was a police officer—I told him I drove a Corvette. We were all going home. I told Richard, "This is what we are going to do. You are going to lead the way. Because if the cops pull us over, they are not going to give you a ticket. I am going to tell them that I am with you." So we ran all the way through until we got to Tonopah. The next thing I know, these red lights come on behind us. I thought, "Uh oh, we are going to jail. They are going to take the black guy first." I said, "Richard, please do not let them take me to jail in Tonopah." So, they pulled us over. He got out. He talked to the officer. He

came back to my car. He said, "My brother." And he always called me that, and we have been that way for years.

One more quick story. I am not making light of 9/11. When 9/11 happened, we had to fly up here right after that. You know, everyone was paranoid about getting on a plane. You never knew or could think of what might happen. Well, myself, David Goldwater, and Richard were getting ready to get on a plane. Well, most of you don't know that since he is an officer, he gets to carry his gun on the plane. So, I did not feel nervous. I told him, "This is going to be the plan. Richard, you go sit at the back of the plane. David will sit over the wing. I am going to sit at the front of the plane. If someone jumps up and thinks they are going to take over the plane, this is the plan. David and I are going to rush him and stand him up. You shoot him." So, making light of that, I really miss you, Mr. Speaker. We have had some fun over the years. I love your lovely wife. She would call me and ask, "Where is Richard at right now?" I would say, "He is sitting right here." We get together and have dinner and have fun.

Resolution adopted unanimously.

Assemblywoman Buckley moved that all rules be suspended and that Assembly Concurrent Resolution No. 10 be immediately transmitted to the Senate.

Motion carried.

Assemblyman Oceguera announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:51 a.m.

ASSEMBLY IN SESSION

At 11:52 a.m.

Madam Speaker presiding.

Quorum present.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:52 a.m.

ASSEMBLY IN SESSION

At 11:55 a.m.

Madam Speaker presiding.

Quorum present.

Senate Joint Resolution No. 1.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 261—AN ACT relating to children; authorizing an agency which provides child welfare services to release to certain governmental agencies certain information concerning missing children who

are in protective custody or with whom the agency has had contact; requiring an agency which provides child welfare services to release, upon request, certain information relating to a case of abuse or neglect which results in a fatality or near fatality; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Denis, Smith, Christensen, Parks, Atkinson, Beers, Buckley, Gansert, Grady, Hardy, Hogan, Kihuen, Leslie, Mabey, Manendo, Mortenson, Munford, Pierce, Segerblom, Stewart, Weber, and Womack; Senators Cegavske, Titus, Horsford, Lee, and Woodhouse:

Assembly Bill No. 262—AN ACT making an appropriation to Teach for America to support the program in the Las Vegas Valley; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 263—AN ACT relating to children; making various changes to provisions governing the abuse and neglect of children; requiring district attorneys, under certain circumstances, to prosecute certain incidents involving a child fatality; authorizing an agency which provides child welfare services to release to certain governmental agencies certain information concerning missing children who are in protective custody or with whom the agency has had contact; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Atkinson, Horne, Oceguera, Parks, Bobzien, Denis, Gerhardt, Goedhart, Kihuen, Manendo, Marvel, McClain, Mortenson, Munford, Parnell, Pierce, Segerblom, Smith, Stewart, and Womack:

Assembly Bill No. 264—AN ACT relating to license plates; revising the distribution of money relating to special license plates for the recognition of professional full-time salaried firefighters; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Atkinson, Bobzien, Denis, Gerhardt, Goedhart, Horne, Kihuen, Manendo, Marvel, McClain, Mortenson, Munford, Parks, Segerblom, Settelmeyer, and Womack:

Assembly Bill No. 265—AN ACT relating to the Department of Motor Vehicles; authorizing the Director of the Department to enter into an agreement with certain persons for the placement of advertisements in certain areas of a building owned or occupied by the Department, in official mailings sent by the Department to the public and in material published electronically by the Department; specifying the purposes for which money, goods or services received by the Department from such agreements must be used; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Atkinson, Parks, Anderson, Bobzien, Buckley, Denis, Gerhardt, Goedhart, Goicoechea, Horne, Kihuen, Kirkpatrick, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Pierce, Segerblom, Settelmeyer, Smith, Stewart, and Womack:

Assembly Bill No. 266—AN ACT relating to motor vehicles; requiring the owner of a motor vehicle that has been declared a total loss to forward the endorsed title to the insurance company within 30 days of accepting a settlement; requiring the Department of Motor Vehicles to issue a salvage title to an insurance company for a salvage vehicle in the absence of an endorsed title in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Segerblom, Koivisto, Buckley, Allen, Beers, Bobzien, Claborn, Denis, Gerhardt, Hogan, Horne, Kihuen, Kirkpatrick, Manendo, McClain, Mortenson, Munford, Ohrenschall, Parks, Pierce, and Womack; Senators Horsford and Wiener:

Assembly Bill No. 267—AN ACT relating to school districts; requiring the board of trustees of a school district in certain counties to cause each meeting of the board to be televised; and providing other matters properly relating thereto.

Assemblyman Segerblom moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Settelmeyer, Allen, Kirkpatrick, Arberry, Atkinson, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Horne, Koivisto, Mabey, Manendo, Marvel, Mortenson, Oceguera, Ohrenschall, Parks, Parnell, Smith, Stewart, and Weber; Senators Beers, Cegavske, Hardy, Heck, Lee, Amodei, McGinness, Nolan, Rhoads, Townsend, and Washington:

Assembly Bill No. 268—AN ACT relating to concealed firearms; requiring the Attorney General to designate permits to carry concealed firearms issued in other states to be valid in this State in certain circumstances; requiring the Attorney General to enter into agreements for the reciprocal recognition of permits to carry concealed firearms in certain circumstances; revising certain provisions relating to permits to carry concealed firearms issued in this State; and providing other matters properly relating thereto.

Assemblyman Settelmeyer moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Buckley, Leslie, Horne, Anderson, Smith, Allen, Arberry, Atkinson, Bobzien, Claborn, Conklin, Denis, Gerhardt, Hogan, Kihuen, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, and Womack; Senators Schneider, Coffin, Care, Horsford, Lee, Titus, Townsend, Wiener, and Woodhouse:

Assembly Bill No. 269—AN ACT relating to taxation; authorizing deductions from the state taxes on financial institutions and other businesses for certain qualified employee housing assistance provided by employers; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 270—AN ACT making an appropriation to the Department of Education for the distribution of grants to certain public broadcasting organizations; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 271—AN ACT making appropriations to the Division of Health Care Financing and Policy of the Department of Health and Human Services for relocation expenses and replacement vehicles, phone system and other equipment; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 272—AN ACT making appropriations to the Department of Health and Human Services to replace vehicles, appliances, radios and other equipment at certain youth facilities; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 273—AN ACT making an appropriation to the Department of Health and Human Services for computer software and hardware and other equipment; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 274—AN ACT making an appropriation to the State Department of Conservation and Natural Resources for the development and implementation of stream habitat restoration efforts throughout Nevada; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 275—AN ACT making appropriations to restore the balances in the Stale Claims Account, Emergency Account and Reserve for Statutory Contingency Account; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 47.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 56.

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

Motion carried.

Senate Bill No. 66.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 70.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 78.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 111.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 136.

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

Motion carried.

Senate Bill No. 140.

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

Motion carried.

Senate Bill No. 193.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 32.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 32:

Yeas—41.

Nays—None.

Excused—Christensen.

Assembly Bill No. 32 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 43.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 43:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Assembly Bill No. 43 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 199.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 199:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Assembly Bill No. 199 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 8.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Michelle Ennist and Sandy Wade.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Marcie Ola and Jerri Woolston.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Perkins and Terri Perkins.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Janice Russell and Christina Schofield.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Martin Gallacher and Regi Werner.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Rah Abdullah and Julie Gomez.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Mears.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Silver Stage High School: Jessie Bader, Tiffany Boggs, Quinn Cartwright, Zach Clarke, Daniel Dietz, Mariah Gramolini, James Irvin, Melissa Matthes, Jason McGill, Amber Meadows, Nick Mosher, Stephanie Pato, Amber Piper, Karrena Sandidge, Veronica Soto, Allison Thiessen, Sierra Tracy, Jessica Weaver, and Sam White; teacher Ross Dyer.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Christy Collins, Danielle Lallement, and Kathy Wright.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Michelle Clouthier and Michael Collins.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Mayvellene Chevez.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Cowan and Vicky Hedderman.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Robin Reddle.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to David Gouger.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Diana Dalton and Ella Johnston.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Hasina Ali and Lydia Wilcox.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Carolina Villaluz.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Kahn, Diana Long, and Barbara McGuigan.

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Douglas Sonnemann.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Ester Baloran and Leslie Luzier.

On request of Assemblywoman Womack, the privilege of the floor of the Assembly Chamber for this day was extended to Andrea Davis, Sherrie Heinz, and Judy Madden.

Assemblyman Oceguera moved that the Assembly adjourn until Friday, March 9, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 12:19 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE THIRTY-THIRD DAY

CARSON CITY (Friday), March 9, 2007

Assembly called to order at 11:05 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Denis, who was excused.

Prayer by the Chaplain, Minister Bruce Henderson.

Father, we come and we go. We rush and we hurry. We're occupied, and we're preoccupied. We schedule, we reschedule, and we get behind schedule. Right now, we just ask for a moment of quiet . . . to be in touch with You. We pray in the Name of the One who told us to "Be still."

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Assembly Joint Resolutions Nos. 10, 16, of the 73rd Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HARRY MORTENSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 8, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 10.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 81.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Parnell, Marvel, Anderson, Gansert, Grady, Bobzien, Carpenter, Cobb, Goedhart, Goicoechea, Leslie, Settelmeyer, and Smith; Senator Amodei:

Assembly Joint Resolution No. 7—Urging the Secretary of the Interior to fully fund the interagency airtanker base programs for wildland fire suppression in Minden and Stead.

Assemblywoman Parnell moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Leslie, Anderson, Arberry, Bobzien, Claborn, Hogan, Kihuen, McClain, Mortenson, and Oceguera:

Assembly Bill No. 276—AN ACT making an appropriation to the Nevada Sheriffs' and Chiefs' Association for costs associated with iris biometric identification technology; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 277—AN ACT relating to taxation; revising provisions concerning the partial abatement from property taxes for a new or expanded business that includes a facility that generates electricity from renewable energy; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Kihuen, Anderson, Koivisto, Manendo, Segerblom, Bobzien, Claborn, Denis, Gerhardt, Goedhart, Goicoechea, Grady, Hogan, Kirkpatrick, Marvel, McClain, Mortenson, Munford, Ohrenschall, Pierce, Smith, Stewart, and Weber:

Assembly Bill No. 278—AN ACT relating to license plates; requiring the Department of Motor Vehicles to issue special license plates authorized for use by veterans to be available for use on motorcycles; and providing other matters properly relating thereto.

Assemblyman Kihuen moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Kihuen, Parks, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Claborn, Cobb, Conklin, Denis, Gerhardt, Hogan, Horne, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, Smith, and Womack; Senators Carlton, Care, Titus, Horsford, Lee, and Woodhouse:

Assembly Bill No. 279—AN ACT relating to unclaimed property; requiring a statement to be printed on gift certificates to give notice to buyers that value remaining on gift certificates will be presumed abandoned and escheat to the State if the value is not redeemed or charged by certain dates; requiring the unused value of certain gift certificates to escheat to the State;

requiring the State Treasurer in his capacity as the Administrator of Unclaimed Property to hold payments received from abandoned gift certificates in a separate account to be vested in the State of Nevada for educational purposes; and providing other matters properly relating thereto.

Assemblyman Kihuen moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Smith, Buckley, Horne, Anderson, Parnell, Atkinson, Beers, Bobzien, Claborn, Conklin, Gerhardt, Hardy, Hogan, Kihuen, Kirkpatrick, Koivisto, Leslie, Manendo, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Pierce, Segerblom, and Womack; Senators Coffin and Mathews:

Assembly Bill No. 280—AN ACT making appropriations to the State Distributive School Account to provide a salary increase to teachers and to provide certain days in each school year and to the Department of Education for distribution of grants of money for programs of performance pay for licensed educational personnel; and providing other matters properly relating thereto.

Assemblywoman Smith moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

Senate Bill No. 81.

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

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 6; Senate Concurrent Resolution No. 9.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Ross Armstrong.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Ansley Griffin.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Trevor Malcaluso and Kayla Terry.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to John Shea.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Bonnie Hilbish, Tate Moore, Zane Moore, Joe Sicking, Nancy Sicking, and Lynette Whalen.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Jason Geddes.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Rainshadow High School: Alexander Almond, Steffani Aragon, Colby Bain, Daniel Baptista, Christina Baysinger, Devin Belwood, Christopher Bohler, Andrea Brown, Benjamin Brown, Donny Brown, Lamar Brown, Dominique Calhoun, Stacia Calvillo, Cole Campbell, Sara Carpenter, Rony Carrasco, Raymond Carter, Austin Chase, Paige Chrisman, Deenisha Cisneros, Alexis Colbert, Rachel Costales, Taylor Cummings, Jessica Davi, Kevin Davila, Annalisa Dominguez, Kimberly Doyle, Karinna Durand, Theodile Edgar, Christopher Evans, Nickolas Fraser, Corey Gaston, Brandon George, Heather Givant, Anthony Gottschalk, Jennifer Grassi, Carley Grice, Tyler Grice, Tyler Gulledge, Justin Hamilton, Ezra Hansen, Kelly Hilton, Brittan Hodson, Fernando Infante, Jeffrey Kearney, Lockanne Keyes, Emily Kight, Lanaie Kintzler, Samuel Knowles, Shayna Kuzbyt, Nathan Laird-Castro, Ashley Loftis, Keith Lynn, Heather Manning, Jesus Maya, Solomon Maya, Joshua Meredith, Michael Miranda, Brianna Neilsen, Kendall Nelson, Patrick O'Brien, Lauren Ogden, Russell Ogden, Sarah Ogrady, Edward Oropeza, Brittney Osborn, Elizabeth Overbey, John Pangelinan, Joshua Pangelinan, Travis Parreira, Jesse Pike, Jacquelyn Pira, Kristine Rains, Jason Ray, Adrian Rempel, Pamalynn Rios, Louis Rister, Alivia Ruenger, Megan Sexton, Ashlee Seymour, Matthew Sheley, Ashley Sinfellow , Kayleen Sinfellow, Jaron Smith, Randolph St. Marie, Brianna Stombaugh, Esmarelda Sturgeon, Geofrey Suarez, Bradley Swanson, Miriam Tarin, Michael Taylor, Kyndra Thompson, Desiree Vickery, Faviola Villa, Austin Wall, Myla Walter, Matthew Walton, Barbara Ward, Halley Warner, Nicco Way, Heather West, Timothy Wilson, Spencer Winningham, Eddy Wright, and Randi Wright; chaperones Joe Ferguson, Mark Ferguson, Craig Hansen, Jann Mayfield, Sam O'Brien, Susan Tchudi, Steve Tchudi, Joe Turco, Carol White, and Toby Wilmet.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Baird, Jane Davidsaver, and Nancy Heredia.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Eileen Montgomery.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Charles Thompson.

Assemblyman Oceguera moved that the Assembly adjourn until Monday, March 12, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 11:19 a.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE THIRTY-SIXTH DAY

CARSON CITY (Monday), March 12, 2007

Assembly called to order at 11:03 a.m.

Mr. Speaker pro Tempore presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Patrick Propster.

From John 14:27: "Peace I leave with you. My peace I give to you; not as the world gives do I give to you. Let not your heart be troubled neither let it be afraid."

Lord, we ask for Your peace and Your calm, Your direction and Your wisdom, to be made evident in all the decisions that will be made in this session today. Guide us in Your truth as we walk in Your ways that the glory of Your name will be made known. So be it.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 137, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Buckley, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack; Senators Titus, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Townsend, Washington, Wiener, and Woodhouse:

Assembly Concurrent Resolution No. 11—Commemorating philanthropist and social justice activist Maya Miller.

WHEREAS, The members of the 74th Session of the Nevada Legislature are saddened by the loss of Maya Miller, a philanthropist and social justice activist, who passed away on May 31, 2006, at 90 years of age; and

WHEREAS, A woman of independent means, Maya could have been satisfied to live the lavish life of a socialite in a mansion, but preferred her ranch in Washoe Valley, where she

served her homemade bread and soup to friends and family, along with conversation concerning solutions to the social problems of the world, where she inspired others to take up the fight for those who could not stand up for themselves; and

WHEREAS, An adamant feminist, Maya Miller knew that the way out of poverty for women and children was to provide women with child care, job training and housing so they could become self-sufficient, and she fought for welfare reform to give dignity and respect to those on welfare; and

WHEREAS, Maya ran, though unsuccessfully, for the United States Senate in Nevada to bring attention to women in politics, changing the face of state politics both literally and figuratively by funding campaigns for women, and was instrumental in founding the national Women's Campaign Fund, which sponsors female candidates seeking political office, and the Nevada Women's Fund, which addresses critical social needs of women in Nevada; and

WHEREAS, Not satisfied to donate only money, Maya was a warrior in the fight against poverty, racism, injustice and war, proving her moxie at the age of 75 by driving a truck with infant formula, food and medical supplies from Jordan to Baghdad, Iraq, during the Persian Gulf War, despite the embargo; and

WHEREAS, Maya looked beyond the borders of Nevada and the United States by working for peace and human rights in such places as Guatemala, Nicaragua and Iraq; and

WHEREAS, Concerned with the environment, Maya testified against storage of nuclear waste in Nevada, a stance which was unheard of at the time, cofounded the Foresta Institute for Ocean and Mountain Studies and helped to create the Lake Tahoe-Nevada State Park which includes Sand Harbor; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature extend condolences to the family of Maya Miller, who will be missed for her generosity of spirit and her passion for and commitment to the social issues that she spent her life fighting for; and be it further

RESOLVED, That Maya is survived by her daughter and three grandchildren; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Maya's daughter Kit Miller.

Assemblywoman Buckley moved the adoption of the resolution.

Remarks by Assemblymen Buckley, Leslie, Ohrenschall, and Mr. Speaker pro Tempore.

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BUCKLEY:

I think they threw out the mold when Maya Miller was created. What a tremendous person and activist Maya Miller was in our state, throughout the country, and throughout the world.

Anybody who met Maya was struck by her serenity, her peace, her vision, and her willingness to just shake things up. Whether it was her campaigns for economic justice—I see my colleague from Assembly District 6 where Maya was so influential in trying to improve the conditions in west Las Vegas—or marches on the strip by mothers who were cut off from welfare because the bureaucracy decided they probably could not survive without cheating if they were on welfare; ergo, they must all be cheats, and cut off welfare, Maya Miller stood up against that. The marches on the strip and the welfare mothers taking over Caesar's Palace—if you see the pictures of the kids playing in the fountains—it is not a sight that will be forgotten soon.

Maya continued her work after the press was gone and the publicity was gone by quietly funding Operation Life, which grew out of the aftermath of those strikes, but that was Maya. She did not do things just when the press was around; she did them every single day of her life.

Whether it was standing up against nuclear waste or her environmental work at Tahoe, she made a difference. She gave of her time and her means freely because she believed that Nevada could be made a better place through activism, the country could be a better place, and the world could be a better place.

I love the story about delivering infant formula and food at the age of 75. The other part of that story was she was the one who drove the truck at age 75 because she was the only one who knew how to drive a stick shift. That adventure nearly did not take place but for Maya's well-roundedness.

The other thing I think is pretty ironic about this day and this moment and which gives me great pleasure is that I think Maya had a love-hate relationship with politics sometimes. She ran against our Senator, Harry Reid, at a time when no woman threw her hat in the ring for such an office. There is a legendary story about her being kicked out of this building because she just did not feel like people were being treated fairly. She was always one to stand up against injustice, and the irony is that she hated proclamations—hated them. She received many proclamations and awards. She kept them all in the basement covered up with dust and never looked at them. I think it is important for us to honor Maya, not through this resolution but through the way we live our lives and the way we say "no" to injustice here in our state or in our country or in world, because that is the only true tribute to Maya

ASSEMBLYWOMAN LESLIE:

Thank you, Mr. Speaker pro Tempore. I, too, rise in support of this resolution. I've known Maya for over 30 years. Like many of us in the room, I can't believe she is not here, still. She is here in spirit.

I first knew Maya through her work in Central America. We shared a great love for the Latin American countries, especially Guatemala. We also shared a great sense of solidarity about the injustice in Central America. You know, I think of myself as somewhat of an adventurer. I speak Spanish. I go to lots of different countries. I was in the Peace Corp. Compared to the courage that Maya has shown throughout her life—including her living in the Peace House in Nicaragua during the war and the work she did in Central America—I always felt that my exploits paled in comparison to hers.

She so cared about the political process. She cared about women candidates. Many of the women in this body and down the hall were supported by her, especially in their early campaigns, through Maya's generosity. More than her money and her generosity, it was about her belief in the process and her belief that women, especially, belonged in the process.

In later years, a member of my extended family owned the ranch next to hers in Washoe Valley. I was often out there during family holidays. Usually, there would come a time during the family dinners where we just wanted to get away. So, we would always use the excuse of visiting Maya. Several of us would go out into the pasture and climb through the barbed wire fence between the two properties and hike across the fields to see Maya. Either in the snow or during the summertime, we would take a detour up the mountain by the stream, coming down through her ranch. We would always just appear on her porch unannounced. She would welcome us in and feed us whatever was cooking on the stove in her great room. There was great glass in her great room at the ranch. She could look out to Washoe Valley. It was one of the most beautiful sights in Nevada. You could bring your dog. You could do anything you wanted there. A fire would be going in the corner in the great room, and you could sit with Maya. She always wanted to know, from me especially, every detail of every little political infight, everything that was going on in the Legislature. No detail was too small. She wanted to hear about it. She wanted to talk about it. She would offer advice in a way where it didn't feel like somebody was telling you what to do. It wasn't really advice. It was more a thought which you might not have considered. Something outfitted into the bigger picture. It always left me with a great inspiration of somebody I wanted to grow up to be. To see her with her daughter and her granddaughters and the members of her extended family, passing down that tradition was really something that warms my heart, even thinking about it.

She will be missed greatly by everyone in this state. She was a true pioneer. She was a role model. She was someone I deeply admired and respected. I will never forget her. Thank you.

Mr. Speaker pro Tempore requested the privilege of the Chair for the purpose of making the following remarks:

Maya was one of those unusual characters you think you are going to meet one day, and you think it is going to be an important bridge when you meet them because you have heard so much

about them. When you met Maya, you realized there was more than just a bridge. She was a telling of what society was all about. She fostered an understanding of human beings that cannot be matched. She made every person feel comfortable with who they were and where they were going. She offered that insight into life that only a person who truly cares about every human being can do. She will be greatly missed. She has raised the standard for all of us to be better human beings. For that, I, too, stand and salute.

ASSEMBLYMAN OHRENSCHALL:

I, too, rise in support of ACR 11. I have had the privilege of meeting Maya and spending time with her over the last 14 years.

Recently, I was told by Ms. Gilbert that in Maya's campaign brochure when she ran for U.S. Senate is a picture of a young woman and her 18-month old baby; it happened to be me and my mother.

I also want to recognize what Maya did to help the female candidates. Back in the 1970s and 1980s, it was not easy to run for office if you were a woman down in Clark County—probably throughout the country. My mother had run for city attorney of Las Vegas, justice of the peace, and district court judge four times—and four times unsuccessfully. Back in 1994, she decided to run for the Nevada Assembly, and a lot of people said to her, "Genie, wow, you're such a dreamer." Maya was one of the people who believed in her early and gave her one of her largest contributions and basically stood by her. The fifth time was a charm, and my mother was privileged enough to serve in this body and got to spend time with Maya working on a lot of important legislation.

As a freshman Assemblyman, I dearly wish she were here to help us all with legislation, but I know she is here in spirit, and I think through our actions we can carry on a lot of what she believed in. Thank you, Mr. Speaker pro Tempore. I urge adoption.

Resolution adopted unanimously.

Assemblywoman Buckley moved that all rules be suspended and that Assembly Concurrent Resolution No. 11 be immediately transmitted to the Senate.

Motion carried unanimously.

By the Committee on Ways and Means:

Assembly Concurrent Resolution No. 12—Approving the change in scope and the transfer of funds for certain capital improvement projects.

Assemblyman Arberry moved that the resolution be referred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Goicoechea:

Assembly Bill No. 281—AN ACT relating to crimes; removing the minimum quantity of a controlled substance or other related substance required to constitute certain crimes of trafficking in those substances or required for the imposition of a civil penalty for such a crime; providing penalties; and providing other matters properly relating thereto.

Assemblyman Goicoechea moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Leslie, Anderson, Atkinson, Bobzien, Horne, Kirkpatrick, McClain, Ohrenschall, Pierce, and Smith:

Assembly Bill No. 282—AN ACT relating to domestic violence; revising the list of acts that constitute domestic violence; authorizing a court to include certain protections for domestic animals in an order for protection against domestic violence; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Settelmeyer, Beers, Christensen, Cobb, Hardy, Kirkpatrick, Koivisto, and Stewart:

Assembly Bill No. 283—AN ACT relating to care facilities; requiring child care facilities and facilities for the care of adults during the day to maintain and provide certain information to the parents, guardians or legal representatives of persons cared for in those facilities; requiring licensing authorities to provide summaries to the facilities of certain complaints against the facilities; and providing other matters properly relating thereto.

Assemblyman Settelmeyer moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Carpenter, Grady, and Goicoechea:

Assembly Bill No. 284—AN ACT relating to energy; authorizing utility customers who operate irrigation pumps to purchase electricity and associated services from alternative sellers; requiring certain utilities to provide distribution service for such transactions; requiring the Public Utilities Commission of Nevada to adopt certain regulations and tariffs; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Leslie, Bobzien, Carpenter, Goicoechea, Kirkpatrick, Marvel, Ohrenschall, Pierce, and Smith; Senator Rhoads:

Assembly Bill No. 285—AN ACT relating to water; requiring the State Engineer to repeat the notice of applications for permits to appropriate water under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Leslie:

Assembly Bill No. 286—AN ACT relating to insurance; exempting certain health insurers from provisions governing the denial of claims and the cancellation of or refusal to issue a policy or contract of health insurance; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 287—AN ACT relating to cities; authorizing certain cities to annex certain noncontiguous territory; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Kirkpatrick, Christensen, Beers, Parks, Allen, Claborn, Gerhardt, Hogan, Horne, Leslie, Manendo, McClain, Mortenson, Munford, Parnell, Pierce, Segerblom, Settelmeyer, Smith, and Womack; Senator Lee:

Assembly Bill No. 288—AN ACT making an appropriation to the Division of State Lands of the State Department of Conservation and Natural Resources for the preservation of historical buildings located at Floyd Lamb State Park; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Grady, Goedhart, Goicoechea, and Marvel:

Assembly Bill No. 289—AN ACT relating to airports; exempting the rental or lease of certain space at certain local governmental airports from requirements relating to appraisals and public auctions; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 10 of the 73rd Session.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 16 of the 73rd Session.

Bill read second time and ordered to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Holly Dehm, Jessica Hudson, Meghan Wagonfeller, and Caitlyn Wallace.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Jan Gilbert and Melissa Kent.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Hannah McRaney and Gene Wines Segerblom.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Janice Alpern, Maria Dent, and Leslie Studer.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Starry Bush-Rhoads, Jeannette Dean, Davis Prendergast, Riley Roberts, and Molli Sullivan.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Tenaya Caterino and Jessica Hudson.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Sherman Conley and Shawna Campbell.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Rogers.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Valerie McNay.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Laurie Hackett.

On request of Assemblyman Kihuen, the privilege of the floor of the Assembly Chamber for this day was extended to Martha Gould and Maria Parra-Sandoval.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Annette Amdal.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Betty Pardo and Ruth Weinrott.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Chata Holt.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Helen Mortenson and Steve Rolland.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Julianna Ormsby.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Eileen Montgomery.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Venicia Considine, Christina Hooshmand, Jennifer Hooshmand, Kelley Jones, Sherry Moore, and Charles Raine.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Ormsby and Lucy Peres.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Lauren Calvert, Sam King, and Dina Romaya.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Prendergast and Kit Prendergast.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Kasia Brill.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Marisa Craig, Jackie Locks, and Elizabeth Syverson-McCurdy.

On request of Assemblywoman Womack, the privilege of the floor of the Assembly Chamber for this day was extended to Kathleen Dickinson, Kim Hackstock, and Travis Wisdom.

Assemblyman Oceguera moved that the Assembly adjourn until Tuesday, March 13, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 11:38 a.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE THIRTY-SEVENTH DAY

CARSON CITY (Tuesday), March 13, 2007

Assembly called to order at 11:04 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Carpenter, who was excused.

Prayer by the Chaplain, Pastor Patrick Propster.

Matthew 7:7-8: "Ask, and it will be given to you; seek and you will find; knock and it will be opened to you. For everyone who asks receives, and he who seeks, finds; and to him who knocks it will be opened." Lord God, Creator of all things, Jesus said to ask, seek, and knock. We do so this day, that You, Lord, would grant us insight and enlightenment. We pray all decisions and directions made in this session would bless this state and glorify Your name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 157, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 135, 162, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 42, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JERRY D. CLABORN, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 12, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 26; Senate Bills Nos. 99, 121, 122, 162, 168, 177, 196.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 11.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

By Assemblymen Horne, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack; Senators Care, Amodei, Beers, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, and Woodhouse:

Assembly Concurrent Resolution No. 13—Honoring the accomplishments of United States Air Force Major Nicole Malachowski.

WHEREAS, Every year as millions of spectators experience the thrill of watching the precision aerial acrobatics of the United States Air Force Air Demonstration Squadron, known as the Thunderbirds, the skill and teamwork of the pilots who provide the excitement are readily recognized and appreciated; and

WHEREAS, The Thunderbirds, who have proudly represented the men and women wearing Air Force blue since 1953, turned a new page in history in March 2006, when Nicole Malachowski made her public debut as the team's first female pilot; and

WHEREAS, After being mesmerized by an air show as a young girl at 5 years of age, Nicole decided that she would one day be a fighter pilot, and despite being told by some that "girls can't be fighter pilots" and growing up with the reality that indeed women were, at that time, not allowed to fly fighter planes, Nicole never wavered from her goal; and

WHEREAS, While her peers were focused on getting their driver's licenses, Nicole was taking flight lessons at the North Las Vegas Airport and made her first solo flight there, and after graduating from Western High School in Las Vegas, she was chosen to enter the United States Air Force Academy and was commissioned in 1996; and

WHEREAS, Upon the completion of a lengthy process of letter submission, interviews and a flight test at Nellis Air Force Base, then Captain Malachowski was one of three pilots selected to become members of the Thunderbirds; and

WHEREAS, Major Malachowski, call sign "Fifi," has, since her selection, attained a summit in fulfilling her lifetime dream as she expertly guides her F-16 Fighting Falcon in the right-wing position of the famous Thunderbird diamond formation; and

WHEREAS, In addition to the time spent on training and performing as a pilot, Major Malachowski dedicates many hours to community outreach and often speaks to children, emphasizing teamwork and encouraging them to pursue something they are passionate about and to pursue excellence in that endeavor; and

WHEREAS, Nicole Malachowski is the epitome of what she teaches and has not only become a role model for all young women but also an inspiration for everyone who hears her remarkable story; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 74th Session of the Nevada Legislature do hereby honor Major Nicole Malachowski for her extraordinary accomplishments as a pilot and as an exemplary representative of our country and the United States Air Force; and be it further

RESOLVED, That the members of this Legislature and the residents of the State of Nevada praise Nicole Malachowski for her dedication to her country and to her dreams and extol her as a role model for all young Americans; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Major Nicole Malachowski.

Assemblyman Horne moved the adoption of the resolution.

Remarks by Assemblyman Horne and Madam Speaker.

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN HORNE:

Thank you for the opportunity to honor Major Malachowski. Let me take a moment to walk this body through this remarkable and overachieving woman's accomplishments.

At the age of 12, she had an assignment in school to give an oral report on what she wanted to be in her life. Confidently, Nicole rose and proclaimed that she would be an Air Force fighter pilot. This was at a time when women were not permitted to fly fighter aircraft in the military.

After some ridicule from her classmates and even her teacher—this would fall under the title "You're not the boss of me"—she said, "Nobody can tell me what I can or cannot be when I grow up."

In 1989, Nicole joined the Civil Air Patrol and enrolled in her sophomore year at Western High School in Las Vegas. At Western, she joined the Air Force Junior ROTC program and then rose to the position of Corp Commander, the rank of Cadet Lieutenant Colonel. Nicole also achieved the national honor of the United States Air Force Junior ROTC Top Cadet and was promoted to Cadet Colonel, the only cadet in the nation to receive that honor.

Recognizing Nicole's obvious talents, she received full military scholarships to the Air Force Academy and Annapolis—I think she made the right choice in choosing the Air Force Academy. At the Academy, she became the first female to become commander of the Cadet Soaring Program.

Nicole graduated from the Air Force Academy in 1996 and in 1997 received her wings, which were proudly pinned on her by her father, Mr. Ellingwood, who is sitting here with us today. Her father was probably so proud because he was watching his daughter continue a tradition set by her grandfathers James Gist and Robert Ellingwood, both veterans of World War II and the Korean War.

Because Major Malachowski graduated near the top of her flight class, she was able to choose the only allotment slot to the class for the F-15E Strike Eagle. Major Malachowski has since logged over 1,900 flight hours; more than 188 of those are combat hours. Some of those combat hours were logged while leading a two-ship air cover over Baghdad on their historic election day.

Major Malachowski continued to make history when on June 16, 2005—her father's birthday, by the way—she was named to the Air Force Thunderbirds Performance Team, the first woman to do so.

Please join me in honoring Major Nicole Malachowski for her remarkable military career thus far.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I would like to join the tribute given by Assemblyman Horne and congratulate you for your daughter's accomplishments. We know what a great role you must have played, and we hope that one day, no young woman will be told that she cannot do something because of her gender. As the first woman Speaker in the history of the state of Nevada, I want to give my special congratulations to your daughter.

Resolution adopted.

REMARKS FROM THE FLOOR

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN HORNE:

I would like to say that when I first read about Major Malachowski making the Air Force Thurderbird's Team, I was thrilled, not just because I, also, attended Western High School and not because I, also, was in the Air Force Junior ROTC department there. I was thrilled because she had done something which was remarkable in and of itself, whether you are a man or a

woman. She made this elite team. She did it as a woman. She set a goal to become a fighter pilot at a time when it was not thought of. It just wasn't going to happen for women. She was told as much. I have been there. When I first said I wanted to be a fighter pilot, I was told by a teacher I had to go to college, as if that wasn't possible.

Nicole didn't let anything stand in her way. I thought back to the comments of people saying Nevadans need to step up. They need to be good Americans. Nevadans have been stepping up since we were brought into the union.

Nicole didn't let anyone tell her no. She didn't let her gender stand in the way. With the guidance of her wonderful parents, she achieved her dream. I hope that many other boys and girls who have high aspirations don't let anyone else try to hold them down. I hope they reach for those stars, as Major Malachowski did. She honors Nevadans and she honors boys and girls who have lofty dreams. That is why I was so proud to bring this resolution, and I want to thank her parents for making the trip up. It's too bad the Major couldn't be here, but her duties called her elsewhere. I thank this body for recognizing her, Madam Speaker.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that all rules be suspended and that Assembly Concurrent Resolution No. 13 be immediately transmitted to the Senate.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Parks, Cobb, Hardy, Anderson, Bobzien, Carpenter, Claborn, Conklin, Denis, Gerhardt, Goedhart, Goicoechea, Grady, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, Munford, Ohrenschall, Segerblom, Settelmeyer, Stewart, and Womack (by request):

Assembly Bill No. 290—AN ACT relating to taxation; exempting mortgage brokers from paying the excise tax imposed on financial institutions; requiring mortgage brokers to pay the excise tax imposed on other businesses; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Goicoechea:

Assembly Bill No. 291—AN ACT relating to local financial administration; expanding the purposes for which, in certain smaller counties, money may be expended from a local governmental fund established to stabilize the operation of the local government and mitigate the effects of natural disasters; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 292—AN ACT relating to foster homes; authorizing certain counties to contract for the licensing and regulation of foster homes; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Gerhardt, Leslie, Anderson, Buckley, Conklin, Atkinson, Beers, Bobzien, Claborn, Denis, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, Oceguera, Parks, Parnell, Pierce, Segerblom, Weber, and Womack:

Assembly Bill No. 293—AN ACT making an appropriation to the Legislative Fund for the Legislative Auditor to enter into a contract with a consultant to conduct a performance audit of agencies which provide child welfare services; and providing other matters properly relating thereto.

Assemblywoman Gerhardt moved that the bill be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

By Assemblymen Denis, Hardy, Oceguera, Atkinson, Conklin, Gerhardt, Kihuen, and Mabey; Senator Heck:

Assembly Bill No. 294—AN ACT relating to communicable diseases; revising provisions governing the testing of certain governmental employees who may have been exposed to a contagious disease while performing their official duties; and providing other matters properly relating thereto.

Assemblyman Denis moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Conklin, Kirkpatrick, Parks, Allen, Hardy, Carpenter, Gerhardt, Goicoechea, Horne, and Oceguera; Senators Schneider, Heck, Care, Hardy, and Amodei:

Assembly Bill No. 295—AN ACT relating to buildings and other structures; revising and renaming the Green Building Rating System; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Bobzien, Leslie, Carpenter, Claborn, Gansert, Goicoechea, Kihuen, Pierce, Settelmeyer, and Smith:

Assembly Bill No. 296—AN ACT relating to water; authorizing the lease of certain water rights; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Bobzien, Leslie, and Gansert; Senator Raggio:

Assembly Bill No. 297—AN ACT relating to motor vehicles; providing for the issuance of special license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno; imposing a fee for the issuance and renewal of such license plates; and providing other matters properly relating thereto.

Assemblyman Bobzien moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Ohrenschall, Horne, Claborn, Smith, Conklin, Denis, Gerhardt, Kihuen, Koivisto, Manendo, Munford, and Segerblom (by request):

Assembly Bill No. 298—AN ACT relating to school police officers; prohibiting the suspension without pay of a school police officer in certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Conklin, Horne, Oceguera, Gerhardt, Allen, and Parks:

Assembly Bill No. 299—AN ACT relating to youth shelters; revising the definition of "runaway and homeless youth" for consistency with the federal definition for purposes of provisions which authorize counties to designate approved youth shelters; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Segerblom:

Assembly Bill No. 300—AN ACT relating to crimes; revising the additional penalty that may be imposed under certain circumstances for using a firearm, other deadly weapon or a weapon capable of containing or emitting tear gas in the commission of a crime; and providing other matters properly relating thereto.

Assemblyman Segerblom moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Horne, Parks, Leslie, Allen, Arberry, Atkinson, Bobzien, Conklin, Gerhardt, Kihuen, Koivisto, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Pierce, Segerblom, and Womack; Senators Wiener, Heck, Horsford, and Woodhouse:

Assembly Bill No. 301—AN ACT relating to counties; revising the qualifications for the office of county sheriff; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 99.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 121.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 122.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 162.

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

Motion carried.

Senate Bill No. 168.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 177.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 196.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 137.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 10 of the 73rd Session.

Resolution read third time.

Remarks by Assemblyman Mortenson.

Roll call on Assembly Joint Resolution No. 10 of the 73rd Session:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Assembly Joint Resolution No. 10 of the 73rd Session having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 16 of the 73rd Session.

Resolution read third time.

Remarks by Assemblyman Mortenson.

Roll call on Assembly Joint Resolution No. 16 of the 73rd Session:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Assembly Joint Resolution No. 16 of the 73rd Session having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 12, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 126, 131, 151, 156, 166, 167 and 196.

Also, The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 189, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206 and 213.

MARK STEVENS
Fiscal Analysis Division

March 12, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 99, 104, 105, 108, 115, 116, 128, 130, 132, 141, 142, 149, 150, 157, 161, 162, 164, 168, 169, 172, 182, 183, 187, 190, 207, 208, 210, 211 and 212.

MARK STEVENS
Fiscal Analysis Division

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 10.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Judy Reich.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Andrea Sharp.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Helga Brown and Leslie Studer.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Will Abaeraczinskas.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Bretzlaff.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Bridget Kelleher.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Miranda Mahe.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Harney.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Cathy Ellingwood, Robert Ellingwood, and Laurie Hackett.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Diana M. Glomb-Rogan.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Anne Wise.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Gloria Jeanette Snapp.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Terri Clark and Carmen Ortiz.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Venicia Considine, Loren Calvert, Krissta Kirschenheiter, and Dina Romaya.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Dinah Jordan.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Dollie McPartlin and Lucy Peres.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblywoman Gene Wines Segerblom.

On request of Assemblywoman Womack, the privilege of the floor of the Assembly Chamber for this day was extended to Shelby Buckles, Kathleen Dickinson, Kim Hackstock, and Travis Wisdom.

Assemblyman Oceguera moved that the Assembly adjourn until Wednesday, March 14, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 11:53 a.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE THIRTY-EIGHTH DAY

CARSON CITY (Wednesday), March 14, 2007

Assembly called to order at 11:03 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Patrick Propster.

Psalm 5: "Give ear to my words. O Lord, consider my meditation. Give heed to the voice of my cry, my King and my God, for to You I will pray. My voice You shall hear in the morning, O Lord. In the morning, I will direct it to You and I will look up."

Gracious Lord, with the many important decisions that will be made in these days ahead, we dedicate ourselves to You in prayer seeking Your divine understanding. This morning and those to follow, we look up to You.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 13, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 13.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Grady, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack; Senators Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, and Woodhouse:

Assembly Concurrent Resolution No. 14—Commemorating the 100th anniversary of the incorporation of the City of Yerington.

WHEREAS, On March 14, 1907, Governor John Sparks signed into law a bill that incorporated Yerington as a city, defined its boundaries and established its governmental structure, and March 14, 2007, marks the 100th anniversary of that event; and

WHEREAS, The origins of Yerington can be traced back to the 1850s when N. H. A. "Hock" Mason settled in the valley that now bears his name, and in 1871, the Mason Valley Post Office was established in the town near the Walker River; and

WHEREAS, The town was referred to by many as "Pizen Switch," which folklore traces to the inferior grade of whiskey (tasted like poison or "pizen") sold in a local saloon that was constructed of willow branches ("switches"), and in 1879, the town was rechristened "Greenfield," but the name of the local post office was not officially changed; and

WHEREAS, In 1880, Henry Marvin Yerington, the General Superintendent of the Virginia and Truckee Railroad, founded the Carson and Colorado Railroad that soon extended from Mound House through Dayton, Fort Churchill, Wabuska in northern Mason Valley and Schurz to places farther south in both Nevada and California; and

WHEREAS, By 1894, the residents officially changed the names of the town and its post office to Yerington, in an unsuccessful effort to flatter Henry Yerington so that he would extend his rail line 12 miles south of Wabuska through the town named after him; and

WHEREAS, The county seat of Lyon County was moved from Dayton to the thriving and growing City of Yerington in 1911; and

WHEREAS, Joseph E. Dini, Jr., the longest serving Assemblyman and Assembly Speaker in Nevada history and the State's first and only Speaker Emeritus, is a Yerington native who continues to reside in his hometown and is just one of many prominent Nevada residents from Yerington; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 74th Session of the Nevada Legislature recognize the 100th anniversary of the incorporation of the City of Yerington and applaud the efforts of those men, women and children who helped shape Yerington into a vibrant city of over 3,000 residents in the heart of a valley of 9,000 proud Nevadans; and be it further

RESOLVED, That the residents of Yerington, Mason Valley, Lyon County and the State of Nevada are urged to join together in the celebrations to commemorate the colorful and rich history of Yerington, one of Nevada's truly special places; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the City of Yerington through its Mayor Doug Homestead.

Assemblyman Grady moved the adoption of the resolution.

Remarks by Assemblyman Grady.

Madam Speaker requested the privilege of the Chair for the purpose of making remarks.

Resolution adopted unanimously.

Assemblyman Grady moved that all rules be suspended and that Assembly Concurrent Resolution No. 14 be immediately transmitted to the Senate.

Motion carried unanimously.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:18 a.m.

ASSEMBLY IN SESSION

At 11:20 a.m.

Madam Speaker presiding.

Quorum present.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Resolution No. 7—Providing for the appointment of an additional attaché for the Assembly.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Sharon McCallen is elected as an additional attaché of the Assembly for the 74th Session of the Nevada Legislature.

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblywoman Koivisto.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Goicoechea and Senator Rhoads:

Assembly Bill No. 302—AN ACT making an appropriation to the Pershing County Water Conservation District for certain emergency repairs; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Stewart, Hardy, Mabey, Beers, Gansert, Goedhart, Goicoechea, Manendo, Munford, Segerblom, Settelmeyer, and Weber:

Assembly Bill No. 303—AN ACT relating to insurance; requiring insurers to provide notice to policyholders or prospective policyholders of serious medical conditions detected during required medical examinations; and providing other matters properly relating thereto.

Assemblyman Stewart moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 304—AN ACT relating to manufactured home parks; revising the provisions relating to the review of rental agreements and other residency documents; revising the provisions relating to certain repairs to a manufactured home; making changes pertaining to rules and regulations of a manufactured home park; revising the provisions relating to meetings between a landlord and tenants under certain circumstances; requiring a landlord to pay certain costs associated with the conversion of a manufactured home park; increasing the amount of the limitation on the lien of a landlord; prohibiting local governing bodies from restricting the installation of certain manufactured homes; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 305—AN ACT relating to the protection of children; creating the Legislative Committee on the Health, Welfare, Safety and Protection of Children; creating the position of Child Welfare Specialist to audit and survey certain governmental and private facilities that have custody of children pursuant to a court order; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 306—AN ACT relating to crimes; providing for the criminal and civil forfeiture of property and proceeds attributable to technological crimes; making certain changes to the membership and duties of the Advisory Board for the Nevada Task Force for Technological Crime; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Claborn, Anderson, Koivisto, Arberry, Buckley, Conklin, Goedhart, Hogan, Horne, Kihuen, Leslie, Manendo, McClain, Mortenson, Munford, Smith, and Stewart; Senators Beers, Hardy, Horsford, McGinness, Rhoads, Schneider, Titus, Wiener, and Woodhouse:

Assembly Bill No. 307—AN ACT relating to crimes; prohibiting the use of certain lasers and other light sources to interfere with the operation of an aircraft; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Claborn moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen McClain, Smith, Koivisto, Womack, Parks, Anderson, Atkinson, Carpenter, Claborn, Conklin, Denis, Gansert, Gerhardt, Hogan, Leslie, Manendo, Marvel, Mortenson, Munford, Ohrenschall, Parnell, Pierce, and Weber:

Assembly Bill No. 308—AN ACT making an appropriation to the Department of Health and Human Services to extend “Nevada 2-1-1” service to 7 days per week; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen McClain, Koivisto, Weber, Parks, Allen, Buckley, Claborn, Conklin, Denis, Gansert, Gerhardt, Hogan, Kirkpatrick, Leslie, Parnell, Pierce, Smith, and Womack; Senators Titus, Wiener, and Woodhouse:

Assembly Bill No. 309—AN ACT making an appropriation for the Women's Research Institute of Nevada and the National Education for Women's Leadership program at the University of Nevada, Las Vegas; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen McClain, Parks, Hardy, Anderson, Atkinson, Bobzien, Claborn, Conklin, Denis, Gerhardt, Hogan, Kirkpatrick, Koivisto, Leslie, Manendo, Marvel, Mortenson, Munford, Ohrenschall, Parnell, Pierce, and Womack:

Assembly Bill No. 310—AN ACT relating to aging persons; expanding the program of the Aging Services Division of the Department of Health and Human Services which provides community-based services to enable frail elderly persons to live independently to include frail elderly persons who have certain higher incomes under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Hardy, Gansert, Beers, Parks, Cobb, Denis, Goedhart, Mabey, Marvel, McClain, Settelmeyer, Stewart, and Weber; Senators Care and Heck:

Assembly Bill No. 311—AN ACT relating to motor vehicles; prohibiting certain fees from being charged for the storage of a motor vehicle in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Hardy moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Hardy, Mabey, Gansert, Beers, Parks, Goedhart, Marvel, McClain, Settelmeyer, and Stewart; Senator Care:

Assembly Bill No. 312—AN ACT relating to ethics in government; clarifying the provisions governing ethical standards for public officers and employees concerning gifts; authorizing the Commission on Ethics to render opinions on hypothetical matters upon its own motion; revising the contents of statements of financial disclosure required to be filed by certain candidates for public office and public officers; and providing other matters properly relating thereto.

Assemblyman Hardy moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By Assemblyman Oceguera:

Assembly Bill No. 313—AN ACT relating to education; requiring the Department of Education to establish a procedure for the notification, tracking and monitoring of the status of criminal cases involving licensed teachers and other licensed educational personnel; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 314—AN ACT making an appropriation to the Las Vegas-Clark County Urban League for a prisoner reentry program; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 315—AN ACT making a contingent appropriation to the Lied Discovery Children's Museum for the costs of planning a new facility; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 316—AN ACT making an appropriation to the University of Nevada School of Medicine for the construction of a facility for the treatment of chronic fatigue syndrome and related research; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 317—AN ACT making an appropriation to the Department of Administration for allocation to the Nevada Commission for National and Community Service for continuation of its programs dedicated to promoting citizen volunteerism; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 318—AN ACT making an appropriation to the Department of Education for allocation to Save the Children for in-school and after-school literacy programs; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 319—AN ACT relating to public employees' retirement; pledging that the Legislature will not increase the retirement benefits for certain public employees unless the retirement fund from which the benefits will be paid is funded at or above a certain level; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Buckley:

Assembly Bill No. 320—AN ACT making an appropriation to Three Square for the construction of a food production facility; and providing other matters properly relating thereto.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 162 be taken from the Second Reading File and rereferred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 42.

Bill read second time and ordered to third reading.

Assembly Bill No. 135.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 137.

Bill read third time.

Remarks by Assemblymen Oceguera, Carpenter, and Anderson.

Roll call on Assembly Bill No. 137:

YEAS—42.

NAYS—None.

Assembly Bill No. 137 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Concurrent Resolution No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 193, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to the following members of Farmer's Insurance Company: William Burgess, Scot Clements, Michael Daniel, Rusty Hinman, Venus Janes, Hortencia McKinnon, Sandy Meisner, Robert Meyers, James Millick, Lorraine Porter, Leon Taylor, Kay Uhrlaub, Ron West, Betsi Williams, Michael Achilli, Kent Bailey, Jeffrey Brooks, Stephanie Brooks, Mark Hammond, Beverly Hanson, Mary Jane Lake, Julie Merrill, Annette Texeira, Matthew Teixeira, Robert Gleason, Scott Fulwider, Mary Widberg Lutcf, Michael Idehara, Mike Idehara, Alan Kerner, Richard Sacca, Steven Schiebel, Michael Williams, Robert Jaramillo, Holly Anderson, Ronald Anderson, Kimo Harward, Craig Sherman, Dave Tattam, David Truelock, Robert Worden, Wynn Guinn, Steven Guinn, Tim Purcell, Dean Dorn, Scott Held, Douglas Lieberman, Jeffrey Venuto, Burt Garavaglia, Kimberly Achilli, Glenn Bienstock, Victoria Bremner, Ann Burgess, Christina Cassella, Cyndi Chidester, Robert Compan, Jim DeGrafferreid, David Dela Torre, Greg Flanigan, Kristine Flower, Jamie Galati, Beverly Geyer, James Grant, Carolyn Hunton, Shannon Idehara, James Johnson, Rodney Johnson, Brandon Koch, Evelyn Lederman, Mark Miller, Paul Niemeier, Scott Pick, Jon Porter Jr., Michael Ramseth, Paula Rice, Donald Sim, Karen Staker, Bradley Thiele, Annie Tran, Kyle Wegner, and Perry Woodward; Taylor Gray.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Christopher Androl.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Ervin.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Robin Archuleta, Mike Dolan, and Rick Schneider.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Speaker Emeritus Joe Dini, former Chief Clerk Mouryne Dini, Douglas Homestead, Harvey Pinkerton, Jim Sanford, and Vaughn Silva.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Jaysen Reel and Brooke Stein.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Emily Persaud.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Alok Pandey, Gargi Pandey, Mahima Pandey, and Wani Pandey.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Toohey.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Ashe.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblywoman Gene Wines Segerblom.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Alfonso Ruiz and Chelsea Schwartz.

Assemblyman Oceguera moved that the Assembly adjourn until Thursday, March 15, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 11:43 a.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE THIRTY-NINTH DAY

CARSON CITY (Thursday), March 15, 2007

Assembly called to order at 11:06 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Patrick Propster.

Psalm 91: "He who dwells in the secret place of the Most High shall abide under the shadow of the Almighty. I will say of the Lord, 'He is my refuge and my fortress; my God, in Him I will trust.'" Lord God in Heaven, it is in the name of Jesus that we seek You this day and ask that we would find the time to dwell in that secret place under the shadow of Your guidance, directed by the hand of Your wisdom that we may all take refuge in the fortress of You.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 280, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BONNIE PARNELL, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 12.

Assemblyman Arberry moved the adoption of the resolution.

Remarks by Assemblyman Arberry.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Atkinson, Parks, Manendo, Beers, Bobzien, Claborn, Denis, Gerhardt, Goedhart, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, McClain, Munford, Oceguera, Pierce, Segerblom, Stewart, and Womack:

Assembly Bill No. 321—AN ACT relating to motor vehicles; authorizing the Department of Motor Vehicles to issue special license plates and registration certificates for custom vehicles; imposing fees for the issuance of those special license plates; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblywoman Gansert:

Assembly Bill No. 322—AN ACT relating to elections; requiring persons or groups who advocate the passage or defeat of ballot questions to register with the Secretary of State; clarifying the application to certain groups of certain reporting requirements for contributions and expenditures; making various changes relating to elections and petitions for initiative or referendum; and providing other matters properly relating thereto.

Assemblywoman Gansert moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By Assemblymen Womack, Segerblom, Manendo, Anderson, Oceguera, Beers, Bobzien, Claborn, Conklin, Denis, Gansert, Goicoechea, Hardy, Horne, Kihuen, Kirkpatrick, McClain, Mortenson, Munford, Ohrenschall, Parks, Parnell, Pierce, Settelmeyer, Smith, and Stewart; Senators Woodhouse, Care, Amodei, Coffin, Heck, Horsford, Lee, McGinness, Nolan, Washington, and Wiener:

Assembly Bill No. 323—AN ACT relating to witnesses; revising the amount paid to witnesses for mileage in traveling to and from a proceeding; and providing other matters properly relating thereto.

Assemblywoman Womack moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen McClain, Anderson, Arberry, Atkinson, Bobzien, Claborn, Conklin, Denis, Gerhardt, Hogan, Koivisto, Leslie, Manendo, Mortenson, Munford, Parks, Pierce, Segerblom, and Womack:

Assembly Bill No. 324—AN ACT relating to programs for public employees; expanding eligibility for a subsidy for the costs of health insurance coverage to additional retirees of school districts; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Mortenson, Allen, Arberry, Atkinson, Bobzien, Buckley, Christensen, Claborn, Cobb, Conklin, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Mabey, Manendo, Marvel, Munford, Ohrenschall, Parks, Pierce, Segerblom, Weber, and Womack:

Assembly Bill No. 325—AN ACT relating to water; requiring certain water authorities that propose the transfer of water from one county to

another to submit monthly reports to the county or counties of origin, to the State Engineer and the United States Department of the Interior; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Mortenson:

Assembly Bill No. 326—AN ACT relating to construction; requiring the State Public Works Board to compile a list and develop and implement a plan regarding buildings owned by the State that are constructed of unreinforced masonry; requiring certain local governments to compile a list of certain buildings constructed of unreinforced masonry that are owned by the local government or located within its jurisdiction; requiring the public and private owners of such buildings to develop and implement a plan regarding each such building; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Smith, Parnell, Parks, Anderson, Conklin, Bobzien, Gerhardt, Horne, Kihuen, Koivisto, Leslie, Manendo, McClain, Oceguera, and Womack:

Assembly Bill No. 327—AN ACT making an appropriation to the Department of Health and Human Services to extend "Nevada 2-1-1" service to 7 days per week; and providing other matters properly relating thereto.

Assemblywoman Smith moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Smith, Parnell, Bobzien, Koivisto, Conklin, Allen, Anderson, Atkinson, Gansert, Horne, Kihuen, Kirkpatrick, Leslie, McClain, Oceguera, Parks, and Womack:

Assembly Bill No. 328—AN ACT relating to elections; revising provisions relating to the powers of the chairman of an election board; providing that the Attorney General and district attorneys have concurrent jurisdiction to enforce the provisions of title 24 of NRS; revising provisions relating to requesting and casting an absent ballot for an election; revising the provisions governing a person who helps another register to vote; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Smith moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By Assemblymen Parks, Parnell, Hardy, Buckley, Leslie, Anderson, Atkinson, Bobzien, Carpenter, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Pierce, Segerblom, Smith, Stewart, and Womack; Senator Care:

Assembly Bill No. 329—AN ACT relating to financial transactions; requiring the Commissioner of Financial Institutions, with the cooperation of the Commissioner of Mortgage Lending, to adopt regulations concerning nontraditional mortgage loans and lending practices of certain persons and financial institutions; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Goicoechea, Carpenter, and Grady; Senator Rhoads:

Assembly Bill No. 330—AN ACT relating to local government financing; creating the Fund for Financial Assistance to Rural Local Governments; providing for an annual appropriation to the Fund; creating the Committee for Rural Local Government Financial Assistance to administer the Fund and to consider requests from certain local governments for financial assistance from the Fund; and providing other matters properly relating thereto.

Assemblyman Goicoechea moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Hogan, Anderson, Claborn, Denis, Kihuen, Munford, Parks, Pierce, Segerblom, and Womack:

Assembly Bill No. 331—AN ACT relating to water; making various changes to the requirements for plans and joint plans of water conservation; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Hogan, Parks, Anderson, Claborn, Denis, Kihuen, Mortenson, Munford, Pierce, Segerblom, and Womack:

Assembly Bill No. 332—AN ACT relating to real property; making various changes concerning appraisals of real property used to secure certain loans; clarifying the designation of certain documents as open to public inspection; revising provisions concerning the duty of the Commissioner of Mortgage Lending to provide certain information concerning the findings and results of investigations of mortgage brokers; and providing other matters properly relating thereto.

Assemblyman Hogan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Education:

Assembly Bill No. 333—AN ACT relating to education; requiring the Legislative Committee on Education to study certain issues during the 2007-2009 interim; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Smith:

Assembly Bill No. 334—AN ACT relating to education; creating a school district for charter schools sponsored by the State Board of Education for federal law purposes; revising provisions governing the closure of a charter school; clarifying certain provisions governing the payments of money to a charter school for the enrollment of certain pupils; revising provisions governing the employment of administrators for a charter school; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Conklin, Oceguera, Koivisto, Buckley, Smith, Anderson, Denis, Gansert, Gerhardt, Goicoechea, Grady, Kirkpatrick, Manendo, Parks, Parnell, Pierce, and Segerblom; Senators Titus, Carlton and Horsford:

Assembly Bill No. 335—AN ACT relating to elections; prescribing the period during which elected public officers may solicit and accept campaign contributions; requiring the Secretary of State to design a single form to be used for all statements of financial disclosure and reports of campaign contributions and expenditures; amending the definition of "gift"; requiring governing bodies of local governments to regulate the activities of lobbyists in their jurisdictions; requiring that statements of financial disclosure be submitted to filing officers and made available to the public; providing a civil penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By Assemblyman Claborn:

Assembly Bill No. 336—AN ACT relating to peace officers; revising provisions governing an internal investigation of a peace officer; removing limitations on the powers of certain peace officers; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Claborn, Buckley, Conklin, Anderson, Smith, Arberry, Hogan, Horne, Kihuen, Koivisto, Leslie, Manendo, McClain, Mortenson, and Munford; Senators Care, Horsford, Schneider, Titus, and Woodhouse:

Assembly Bill No. 337—AN ACT relating to local government; authorizing an attorney to be a member of the same bargaining unit as the employees under his direction; expanding the scope of mandatory bargaining concerning certain transfers and reassignments; revising provisions governing recognition of an employee organization; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Claborn, Koivisto, Anderson, Atkinson, Beers, Christensen, Denis, Gerhardt, Goicoechea, Horne, Kihuen, Manendo, McClain, Mortenson, Oceguera, Parks, Pierce, and Segerblom; Senators Care and Schneider:

Assembly Bill No. 338—AN ACT relating to wildlife; prohibiting the Board of Wildlife Commissioners from adopting regulations establishing a schedule of demerit points for wildlife convictions; prohibiting the Commission from adopting certain regulations relating to the issuance or revocation of a hunting, fishing or trapping license, permit or privilege; establishing a schedule of demerit points for wildlife convictions; prohibiting certain wildlife activities; providing penalties; and providing other matters properly relating thereto.

Assemblyman Claborn moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Anderson, Parks, Beers, Claborn, Leslie, Atkinson, Bobzien, Buckley, Carpenter, Conklin, Denis, Goedhart, Goicoechea, Grady, Hogan, Horne, Kirkpatrick, Mortenson, Munford, Pierce, Segerblom, Settelmeyer, and Womack (by request):

Assembly Bill No. 339—AN ACT relating to real property; exempting property owned by certain nonprofit organizations from certain taxes and assessments; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Anderson, Smith, Beers, Bobzien, Carpenter, Claborn, Conklin, Denis, Goedhart, Goicoechea, Grady, Hogan, Horne, Kirkpatrick, Mortenson, Munford, Oceguera, Parks, Parnell, Pierce, Segerblom, and Womack:

Assembly Bill No. 340—AN ACT relating to railroads; requiring each railroad operator in this State to submit a risk assessment of its railroad

facilities and to implement a railroad infrastructure protection program; imposing certain safety and notice requirements on railroads; prohibiting certain conduct relating to the operation of railroads; providing remedies and penalties; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Gansert, Mabey, Hardy, Parks, Bobzien, Cobb, Goedhart, Goicoechea, Grady, Manendo, Marvel, McClain, Munford, Segerblom, and Stewart:

Assembly Bill No. 341—AN ACT relating to energy conservation; revising the composition of the Task Force for Renewable Energy and Energy Conservation; revising various provisions relating to the conservation of energy; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Gansert moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Gansert, Mabey, Parks, Goedhart, Hardy, Manendo, Marvel, McClain, Parnell, Segerblom, and Stewart; Senator Cegavske:

Assembly Bill No. 342—AN ACT relating to elections; providing that a registered voter who lives in a mailing precinct or an absent ballot mailing precinct of a county or city who has received a mailing ballot may vote in person at the office of the county or city clerk or at designated polling places on election day or at polling places during the period for early voting; requiring county and city clerks to designate at least one polling place to be the polling place to which any registered voter who lives in any of the mailing precincts or absent ballot mailing precincts of the county or city may apply to vote in person on election day; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Gansert moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By Assemblymen Gansert, Grady, Mabey, Carpenter, Goedhart, Goicoechea, Hardy, Kihuen, Manendo, Marvel, McClain, Munford, Parks, Parnell, Segerblom, Settelmeyer, Stewart, and Weber; Senators Hardy, Beers, Care, Coffin, Lee, McGinness, Wiener, and Woodhouse:

Assembly Bill No. 343—AN ACT relating to relating to wildlife; decreasing the amount of time a person who is 65 years of age or older must reside in this State to qualify for a reduced fee for hunting and fishing licenses; and providing other matters properly relating thereto.

Assemblywoman Gansert moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblyman Oceguera:

Assembly Bill No. 344—AN ACT relating to crimes; prohibiting a person from intentionally making certain false or misleading statements to activate the Statewide Alert System for the Safe Return of Abducted Children; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Buckley, Horne, Conklin, Oceguera, Smith, Allen, Anderson, Arberry, Atkinson, Beers, Carpenter, Claborn, Denis, Gerhardt, Goedhart, Goicoechea, Kihuen, Kirkpatrick, Mabey, Marvel, McClain, Ohrenschall, Parnell, Pierce, Segerblom, Stewart, and Womack; Senators Schneider, Titus, Carlton, Horsford, and Woodhouse:

Assembly Bill No. 345—AN ACT relating to employment; clarifying that certain relationships between persons with disabilities and training or rehabilitation centers do not constitute employment for the purposes of provisions governing the minimum wage; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Horne:

Assembly Bill No. 346—AN ACT making an appropriation to the Division of Emergency Management of the Department of Public Safety for the operation of a Terrorism Early Warning Fusion Center in Clark County; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 193.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 42.

Bill read third time.

Remarks by Assemblyman Bobzien.

Roll call on Assembly Bill No. 42:

YEAS—42.

NAYS—None.

Assembly Bill No. 42 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 135.

Bill read third time.

Remarks by Assemblyman Grady.

Roll call on Assembly Bill No. 135:

YEAS—42.

NAYS—None.

Assembly Bill No. 135 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 14, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 14.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, March 15, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 12.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 13.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblyman Settelmeyer:

Assembly Joint Resolution No. 8—Proposing to amend the Nevada Constitution to provide for the biennial transfer under certain circumstances of the surplus in the State General Fund to the Public Employees' Retirement Fund and the Fund for the Public Employees' Benefits Program.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 6, be added to Article 9 of the Nevada Constitution to read as follows:

Sec. 6. 1. Except as otherwise provided in subsections 2 and 3, in each odd-numbered year after the close of the fiscal year and before the issuance of the State Controller's annual report, the State Controller shall:

(a) Deposit an amount equal to 25 percent of the surplus in the State General Fund to the credit of the Public Employees' Retirement Fund; and

(b) Deposit any remaining surplus in the State General Fund to the credit of the Fund for the Public Employees' Benefits Program.

2. The State Controller shall only make deposits to the Public Employees' Retirement Fund pursuant to paragraph (a) of subsection 1 to the extent that the Public Employees' Retirement Fund is not at least 85 percent funded.

3. The State Controller shall only make deposits to the Fund for the Public Employees' Benefits Program pursuant to paragraph (b) of subsection 1 to the extent that the Fund for the Public Employees' Benefits Program is not at least 85 percent funded.

4. For the purposes of this section, a fund shall be deemed to be at least 85 percent funded if the actuarial value of the assets of the fund is equal to or greater than 85 percent of the actuarial accrued liabilities of the fund, as determined in accordance with generally accepted accounting principles for government as prescribed by the Governmental Accounting Standards Board.

5. The Nevada Legislature shall prescribe a method for determining the surplus in the State General Fund for the purposes of this section.

Assemblyman Settelmeyer moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Concurrent Resolution No. 12.

Assemblyman Parks moved the adoption of the resolution.

Remarks by Assemblymen Parks and Denis.

Resolution adopted.

Senate Concurrent Resolution No. 13.

Assemblyman Atkinson moved the adoption of the resolution.

Remarks by Assemblymen Atkinson, Ohrenschall, and Manendo.

Resolution adopted.

Assemblyman Oceguera moved that the Assembly recess until 5:30 p.m.

Motion carried.

Assembly in recess at 12:10 p.m.

ASSEMBLY IN SESSION

At 5:41 p.m.

Madam Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Marvel, Hardy, Mabey, and Gansert:

Assembly Bill No. 347—AN ACT relating to tort actions; requiring that damages awarded in certain actions for damages for personal injury or wrongful death be reduced in certain circumstances; limiting the amount of noneconomic damages that may be awarded in certain actions; providing for periodic payments of future economic damages in certain actions; limiting the fees of attorneys in certain actions; extending the period of limitations for commencing an action for product liability; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 348—AN ACT relating to the Elko Convention and Visitors Authority; revising the boundaries and composition of the Authority; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 349—AN ACT relating to economic development; revising the eligibility criteria for grants; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 5:42 p.m.

ASSEMBLY IN SESSION

At 5:45 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Carpenter moved that the action whereby Assembly Bill No. 349 was referred to the Committee on Commerce and Labor be rescinded.

Motion carried.

Assemblyman Carpenter moved that Assembly Bill No. 349 be referred to the Concurrent Committees on Commerce and Labor and Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Smith and Senator Mathews:

Assembly Bill No. 350—AN ACT relating to cooperative agreements; revising provisions relating to certain cooperative agreements entered into by housing authorities; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Cobb:

Assembly Bill No. 351—AN ACT relating to education; prohibiting the board of trustees of a school district from expending more than a certain

percentage of its total expenditures in each fiscal year for certain administrative expenses; revising provisions governing the eligibility for a millennium scholarship; requiring the Board of Regents of the University of Nevada to develop a scale for determining the amount awarded to each recipient of a millennium scholarship based upon financial need; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Gerhardt, Leslie, Parks, Conklin, Anderson, Atkinson, Beers, Buckley, Claborn, Denis, Goedhart, Goicoechea, Grady, Hogan, Kihuen, Koivisto, Manendo, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, Smith, Stewart, and Womack:

Assembly Bill No. 352—AN ACT relating to work cards; prohibiting the issuance of work cards for employment at certain kinds of dwelling units to persons who have been convicted of certain crimes; and providing other matters properly relating thereto.

Assemblywoman Gerhardt moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Gerhardt, Buckley, Leslie, Conklin, Arberry, Atkinson, Beers, Bobzien, Claborn, Denis, Goedhart, Goicoechea, Hogan, Kihuen, Koivisto, Manendo, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Pierce, Segerblom, Smith, Stewart, and Womack:

Assembly Bill No. 353—AN ACT relating to parental rights; providing for the restoration of parental rights in certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Gerhardt moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywomen Parnell and Smith; Senator Wiener:

Assembly Bill No. 354—AN ACT relating to the health of pupils; requiring that certain physical examinations of children required in schools include an examination of the abnormal growth and development of the children; requiring school nurses to report the aggregate results of such physical examinations to the State Health Officer for statistical purposes and to exclude from the reports any identifying information relating to a particular child; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Gansert:

Assembly Bill No. 355—AN ACT relating to public works; revising provisions related to capital improvements constructed by or on behalf of the Nevada System of Higher Education; and providing other matters properly relating thereto.

Assemblywoman Gansert moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Conklin, Anderson, Atkinson, Horne, Kihuen, Kirkpatrick, Koivisto, Oceguera, and Parks; Senator Titus:

Assembly Bill No. 356—AN ACT relating to taxation; revising provisions governing partial abatements of certain taxes; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Beers, Goedhart, Goicoechea, Stewart, and Womack:

Assembly Bill No. 357—AN ACT relating to labor; prohibiting under certain circumstances certain acts by an employer with regard to tips and gratuities received by his employees; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Beers moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Manendo, Ohrenschall, Parks, Claborn, Anderson, Arberry, Atkinson, Bobzien, Buckley, Carpenter, Conklin, Denis, Gerhardt, Goedhart, Goicoechea, Hogan, Kihuen, Kirkpatrick, Koivisto, Leslie, McClain, Mortenson, Munford, Oceguera, Parnell, Pierce, Segerblom, Smith, Stewart, and Womack; Senators Care, Carlton, Coffin, Horsford, Lee, Titus, and Wiener:

Assembly Bill No. 358—AN ACT relating to planning and zoning; revising standards relating to the placement of a manufactured home, in certain counties, in a location other than on a lot within a mobile home park; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Pierce, Parks, Horne, Anderson, Arberry, Atkinson, Bobzien, Buckley, Claborn, Denis, Gerhardt, Hogan, Kihuen, Kirkpatrick, Koivisto, Leslie, Manendo, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parnell, Segerblom, and Smith; Senators Carlton, Wiener, Care, and Titus:

Assembly Bill No. 359—AN ACT relating to liens; revising the definition of "lien claimant" to include certain express trust funds; and providing other matters properly relating thereto.

Assemblywoman Pierce moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Oceguera, Koivisto, Anderson, Beers, Bobzien, Buckley, Carpenter, Claborn, Gerhardt, Goedhart, Hogan, Horne, Kihuen, Leslie, Manendo, Marvel, McClain, Munford, Ohrenschall, Parks, Pierce, Segerblom, and Stewart; Senators Wiener, Carlton, Coffin, Horsford, Titus, and Woodhouse:

Assembly Bill No. 360—AN ACT relating to public health; requiring the Health Division of the Department of Health and Human Services to establish the State Program for Vascular Health; requiring the Administrator of the Division to appoint a Coordinator for Vascular Health; creating the Advisory Committee for Vascular Health; requiring the Advisory Committee to adopt a State Plan for the Recommended Prevention and Treatment of Stroke; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Weber:

Assembly Bill No. 361—AN ACT relating to correctional institutions; creating the Commission on Standards for State Correctional Institutions; requiring the Director of the Department of Corrections to establish certain minimum standards for state correctional institutions and facilities; requiring the Commission to review the standards; and providing other matters properly relating thereto.

Assemblywoman Weber moved that the bill be referred to the Select Committee on Corrections, Parole, and Probation.

Motion carried.

By Assemblywoman Allen:

Assembly Bill No. 362—AN ACT relating to state financial administration; revising the formula for calculating the limit for each biennium on total proposed expenditures from the State General Fund for purposes other than construction; and providing other matters properly relating thereto.

Assemblywoman Allen moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Horne, Parks, Allen, Arberry, Atkinson, Bobzien, Carpenter, Denis, Gerhardt, Kihuen, Koivisto, Marvel, McClain, Munford, Oceguera, Ohrenschall, Pierce, Segerblom, Settelmeyer, and Womack; Senators Beers, Rhoads, Titus, Wiener, and Woodhouse:

Assembly Bill No. 363—AN ACT relating to workers' compensation; providing that certain theatrical or stage performers who participate in long-running entertainment productions are covered by workers' compensation benefits; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Horne, Parks, Allen, Arberry, Atkinson, Gerhardt, Goedhart, Kihuen, Koivisto, Marvel, McClain, Ohrenschall, Pierce, Segerblom, Weber, and Womack; Senators Coffin, Beers, Rhoads, Schneider, Wiener, and Woodhouse:

Assembly Bill No. 364—AN ACT relating to criminal procedure; prohibiting the use of a grand jury in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Womack, Parks, Allen, Anderson, Arberry, Atkinson, Beers, Buckley, Cobb, Denis, Gerhardt, Goicoechea, Grady, Hogan, Horne, Kihuen, Koivisto, Manendo, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, and Settelmeyer; Senators Coffin, Hardy, Heck, Horsford, Titus, Washington, and Woodhouse:

Assembly Bill No. 365—AN ACT relating to real estate; authorizing the Real Estate Division of the Department of Business and Industry to create and maintain a secure website on the Internet for the renewal of licenses, permits, certificates and registrations issued by the Division; authorizing the Division to charge an additional fee for each such renewal under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Womack moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Womack, Parks, Allen, Anderson, Atkinson, Beers, Buckley, Cobb, Denis, Gerhardt, Goicoechea, Grady, Hogan, Horne, Kihuen, Koivisto, Manendo, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Pierce, Segerblom, Settelmeyer, and Stewart; Senators Coffin, Hardy, Washington, and Woodhouse:

Assembly Bill No. 366—AN ACT relating to real estate transactions; revising the provision requiring a qualified intermediary to notify the Real Estate Division of the Department of Business and Industry of changes to the

name or business location of the qualified intermediary or changes to the name or address of any person holding an interest in the qualified intermediary; and providing other matters properly relating thereto.

Assemblywoman Womack moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Womack, Anderson, Beers, Buckley, Denis, Gerhardt, Goicoechea, Grady, Hogan, Horne, Kihuen, Koivisto, Manendo, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Pierce, Segerblom, Settelmeyer, and Stewart; Senators Coffin, Titus, Townsend, Washington, and Woodhouse:

Assembly Bill No. 367—AN ACT relating to persons with disabilities; requiring the Director of the Department of Health and Human Services to employ two outreach coordinators to provide education and information relating to the availability of services, programs, financial assistance and other resources for adults with disabilities; and providing other matters properly relating thereto.

Assemblywoman Womack moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Ohrenschall, Manendo, Hardy, Parks, Beers, Bobzien, Carpenter, Claborn, Denis, Gerhardt, Hogan, Kihuen, Koivisto, McClain, Mortenson, Munford, Pierce, Segerblom, Stewart, and Womack:

Assembly Bill No. 368—AN ACT relating to manufactured home parks; providing a partial abatement of the property taxes imposed on certain manufactured home parks that rent to households of low income; revising the provisions governing the obligation of a landlord who closes a manufactured home park or converts such a park to another use; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Horne, Parks, Allen, Atkinson, Bobzien, Carpenter, Denis, Gerhardt, Kihuen, Koivisto, Marvel, McClain, Ohrenschall, Pierce, Segerblom, Settelmeyer, Weber, and Womack; Senators Beers, McGinness, Rhoads, Schneider, Wiener, and Woodhouse:

Assembly Bill No. 369—AN ACT relating to criminal procedure; providing for annual evaluations and the conditional release of a person who is committed to the custody of the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services after an acquittal by reason of insanity in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 26; Assembly Concurrent Resolutions Nos. 11 and 13.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Ruth Ramirez and former Assemblywoman Sharon Angle.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to the following members of Big Brothers, Big Sisters: Jessica Martiza, Vanessa Ramirez, Valerie Lopez, Sebvastian Lopez, Victoria Cisneros, Heying Chase, Austin Tonies, Thomas Wing, Michael McPhail, Simon Pinching, Jazmine Lopez, Esteban Lopez, Gabby Colburn, Curry Jameson, Joe Hermerka, Paul Diflo, Brett Scolari, Pat Fling, Rick McGough, and Erin Cornelius; former Assemblyman Artie Valentine, Faye Valentine, and Samantha Anderson.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Jason D. Geddes, former Assemblyman Bob Price, Tom McGuire, Chris Martin, Jonny Gomez, and Daryn Carns.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Jason O'Bryan, Ashley DeLap, and former Assemblyman Joe Elliott.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Judit Rea and Ann Harrington.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Don Gustavson, Sharon Fraizer, and former Assemblywoman Gene Wines Segerblom.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Brown and Shawn Griffin.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to JoAnn Jackson.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Joe Johnson.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Joanna Vanderson and former Assemblywoman Maureen Brower.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Taylor McPhail, Governor Jim Gibbons, and First Lady Dawn Gibbons.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to David Morton and Sherry Manning.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Gerardo Lopez and Mike McPhail.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Kelsey Edgington.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Angelo Petrini, Joan Petrini, Chelsey Farnworth, and Cheyanne Soto.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Doug Kuntz and D. Gary Longaker.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Mona Sargent.

On request of Assemblyman Kihuen, the privilege of the floor of the Assembly Chamber for this day was extended to L.J. Anderson, James Wing, and Bertha Mullins.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Mullin and Jacque Zussman.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Christina Kim, Christan Vanderson, and former Assemblyman Roger Bremner.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblywoman Gaylyn Spriggs.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Robert Benkovich, Sonja Benkovich, and Breanna Adams.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblywoman Patty Cafferata.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman John DuBois, Michael Little, Calli Little, Sheryl Frazier, former Assemblyman Harold Jacobson, and former Assemblywoman Patricia Little.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Bud Garfinkle and Scott Garfinkle.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Lesley Jasso and former Assemblyman Brooks Holcomb.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Speaker Emeritus Joseph E. Dini, Jr. and former Assembly Chief Clerk Mouryne Dini.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Charles C. Perry, former Assemblywoman Genie Ohrenschall, and Frank Daykin.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Marsha Hayes, Kammy Bridge, Mike Hayes, Steve Neiger, Karly Bridge, Brian Patchett, Rudy Sidnor, Jessica Torerro, and Scott Mullen.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Michele McKee.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Schaaf, Amber O'Bryan, and Eileen Piekarz.

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Joshua Lopez and former Assemblyman Pat Hickey.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Shirly Daily and Ulises Jasso.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Venas Montes, Wesley Velasco, and Peggy Jones.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Kathleen Wing, Sean Pinching, former Assemblyman Bob Seale, Judy Simpson and former Assemblyman Bart Schouweiler.

Assemblyman Oceguera moved that the Assembly adjourn until Friday, March 16, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 6:01 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE FORTIETH DAY

CARSON CITY (Friday), March 16, 2007

Assembly called to order at 11:17 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Atkinson and Hardy, who were excused.

Prayer by the Chaplain, Pastor Patrick Propster.

An Irish proverb: "May the sun rise up to greet you, may the wind always be upon your back, and may you be in Heaven a half hour before the devil knows you are dead."

John 3:16-17: "For God so loved the world that He gave His only begotten Son, that whoever believes in Him should not perish but have everlasting life. For God did not send His son in the world to condemn the world, but that the world through Him might be saved." Lord, on this third month, sixteenth day may we be reminded of John 3:16. We thank You for Your gift of grace and ask You for Your leading and Your guiding throughout the remainder of this session.

Lord, we also pray that all schedules and deadlines be met and also your favor with and upon all our state's athletes.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Joint Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HARRY MORTENSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 15, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 47; Senate Bills Nos. 37, 87.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Goedhart, Hardy, Mabey, Beers, Cobb, Marvel, Settelmeyer, and Stewart:

Assembly Bill No. 370—AN ACT relating to crimes; prohibiting the attempted use of a credit card or debit card of another person without the

cardholder's consent; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Goedhart moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Goedhart, Mabey, Beers, Cobb, Marvel, Settelmeyer, and Stewart:

Assembly Bill No. 371—AN ACT relating to business entities; requiring certain foreign business entities to publish annually in this State certain statements concerning the business entities; providing a civil penalty for refusal or neglect to publish such required statements; and providing other matters properly relating thereto.

Assemblyman Goedhart moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Segerblom, Parks, Beers, Kihuen, Koivisto, Manendo, Mortenson, Munford, Ohrenschall, Pierce, Settelmeyer, Weber, and Womack:

Assembly Bill No. 372—AN ACT relating to elections; requiring the Secretary of State to conduct an annual drawing to determine a random alphabet to be used in determining the order in which the names of candidates for an office must appear on the ballot; and providing other matters properly relating thereto.

Assemblyman Segerblom moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By Assemblyman Grady and Senator Amodei:

Assembly Bill No. 373—AN ACT relating to general improvement districts; authorizing the board of county commissioners in certain smaller counties to serve ex officio as the board of trustees of certain general improvement districts authorized to furnish streets and alleys; providing that such a district may overlap another general improvement district; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Oceguera:

Assembly Bill No. 374—AN ACT relating to transportation; requiring the Department of Transportation to construct and operate permanent ports of entry on certain borders of the State; authorizing the Department to enter into agreements with other states for joint operation of ports, enter into contracts or agreements for the construction or operation of the ports, charge

commercial motor vehicles a fee to cover the cost of inspection; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Oceguera:

Assembly Bill No. 375—AN ACT relating to loans; requiring the Commissioner to adopt certain regulations concerning investors and limitations on loans to directors, officers and employees; prohibiting a mortgage broker from assigning all or part of his interest in a loan that is secured by a lien on real property under certain circumstances; requiring a mortgage banker to ensure that each loan secured by a lien on real property is serviced by certain third parties and includes a minimum fee for servicing; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Beers and Stewart:

Assembly Bill No. 376—AN ACT relating to higher education; requiring the Legislative Auditor to conduct an audit of the University of Nevada, Las Vegas, with respect to compliance with the Americans with Disabilities Act; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Gansert:

Assembly Bill No. 377—AN ACT relating to sex offenders; extending the maximum period of probation or suspension of sentence for certain sexual offenses; revising certain provisions concerning the registration of offenders convicted of a crime against a child and sex offenders; authorizing the Division of Parole and Probation of the Department of Public Safety to establish a program for the use of global positioning systems to monitor and track certain sex offenders; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Gansert moved that the bill be referred to the Select Committee on Corrections, Parole, and Probation.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 378—AN ACT relating to taxation; limiting the applicability of taxes on the rental of transient lodging to not more than 31 days of lodging; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Cobb, Settelmeyer, Allen, Beers, Carpenter, Gansert, Goedhart, Goicoechea, Grady, Mabey, Marvel, Stewart, and Weber:

Assembly Bill No. 379—AN ACT relating to welfare; providing that the head of a household which receives temporary assistance to needy families must accept work offered to him as a term of his plan for personal responsibility; and providing other matters properly relating thereto.

Assemblyman Cobb moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Kirkpatrick (by request):

Assembly Bill No. 380—AN ACT relating to radar guns; revising certain requirements relating to the use of a radar gun; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Kihuen, Parks, Koivisto, Allen, Bobzien, Buckley, Claborn, Conklin, Denis, Gerhardt, Horne, Leslie, Mabey, Manendo, McClain, Mortenson, Munford, Parnell, Pierce, Segerblom, Weber, and Womack; Senators Titus and Woodhouse:

Assembly Bill No. 381—AN ACT relating to domestic violence; revising provisions for appointing members of the Committee on Domestic Violence; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywomen Kirkpatrick and Pierce:

Assembly Bill No. 382—AN ACT relating to health insurance; requiring certain policies of health insurance that provide coverage for certain full-time students to provide coverage for those students who take a medically necessary leave of absence from school; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Kirkpatrick and Conklin:

Assembly Bill No. 383—AN ACT relating to employment; requiring the Labor Commissioner to include a link on his website to the Social Security Administration for employers to verify employee social security numbers; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Claborn, Koivisto, Ohrenschall, and Pierce:

Assembly Bill No. 384—AN ACT relating to elections; enacting the Agreement Among the States to Elect the President by National Popular Vote; and providing other matters properly relating thereto.

Assemblyman Claborn moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By Assemblyman Mabey:

Assembly Bill No. 385—AN ACT relating to the practice of medicine; authorizing the Board of Medical Examiners to issue special restricted licenses and establish fees for those licenses; regulating the performance of laser surgery, intense pulsed light therapy and the injection of cosmetic and chemotherapeutic substances; increasing certain penalties; revising the scope of practice authorized for a physician practicing under a special volunteer medical license; making physicians subject to discipline for incurring or failing to report any disciplinary action in another jurisdiction or failing to obtain the informed consent of a patient to any procedure or therapy; providing peer reviewers and employees and volunteers working in a diversion program of the Board with limited civil immunity; and providing other matters properly relating thereto.

Assemblyman Mabey moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Mabey:

Assembly Bill No. 386—AN ACT relating to interscholastic events; requiring the State Board of Education to adopt regulations governing spirit squads; and providing other matters properly relating thereto.

Assemblyman Mabey moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Mabey (by request):

Assembly Bill No. 387—AN ACT relating to education; requiring the parent or legal guardian of a child to submit a certificate stating that the child underwent a physical examination before the child may initially enroll in a public school in this State; providing exceptions; and providing other matters properly relating thereto.

Assemblyman Mabey moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Mabey:

Assembly Bill No. 388—AN ACT relating to Medicaid; requiring the State Plan for Medicaid to include a provision authorizing pregnant women to obtain certain health care services from any provider of health care of their choice in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Mabey moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Munford, Koivisto, Anderson, Atkinson, Cobb, Kihuen, Manendo, Marvel, Ohrenschall, Parnell, and Segerblom:

Assembly Bill No. 389—AN ACT relating to education; revising provisions governing the establishment by the board of trustees of a school district of a policy prohibiting criminal gang activity on school property; and providing other matters properly relating thereto.

Assemblyman Munford moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Cobb, Beers, Allen, Goedhart, Goicoechea, Grady, Mabey, Marvel, Settelmeyer, Stewart, and Weber:

Assembly Bill No. 390—AN ACT relating to public welfare; requiring that the State Plan for Medicaid provide for allowing recipients of Medicaid greater control and flexibility in administering personal assistance services; and providing other matters properly relating thereto.

Assemblyman Cobb moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Munford, Parks, Arberry, Beers, Claborn, Grady, Hardy, Kihuen, Koivisto, Manendo, Marvel, McClain, Pierce, Segerblom, and Stewart:

Assembly Bill No. 391—AN ACT relating to education; making decisions of the Nevada Interscholastic Activities Association and certain of its

designees final and not subject to judicial review; and providing other matters properly relating thereto.

Assemblyman Munford moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Munford, Anderson, Atkinson, Kihuen, Koivisto, Manendo, and Segerblom:

Assembly Bill No. 392—AN ACT relating to education; requiring the boards of trustees of school districts to make available school buildings and grounds for certain youth programs; requiring the boards of trustees of certain larger school districts to adopt regulations for granting the use of school buildings and grounds for use by certain educational organizations and the general public; and providing other matters properly relating thereto.

Assemblyman Munford moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Buckley:

Assembly Bill No. 393—AN ACT relating to motor vehicles; transferring the authority for the regulation of trade practices by garagemen from the Commissioner of Consumer Affairs to the Department of Motor Vehicles; requiring that a transferor of an interest in a motor vehicle indicate if the vehicle is a rebuilt vehicle or a reconstructed vehicle; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Denis, Hardy, Bobzien, Gerhardt, Kihuen, Leslie, McClain, Ohrenschall, Pierce, and Weber; Senator Titus:

Assembly Bill No. 394—AN ACT making an appropriation to the Department of Health and Human Services to establish a pilot program to provide respite care for families of persons with mental disabilities; and providing other matters properly relating thereto.

Assemblyman Denis moved that the bill be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

By Assemblymen Denis, Smith, Bobzien, Gerhardt, Goicoechea, Hardy, Kihuen, Munford, Ohrenschall, Parnell, Pierce, Segerblom, and Stewart; Senators Carlton and Titus:

Assembly Bill No. 395—AN ACT making an appropriation to the Department of Education for a pilot program for teaching children with limited proficiency in English; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Allen:

Assembly Bill No. 396—AN ACT relating to common-interest communities; prohibiting the use of delegates or representatives to exercise the voting rights of units' owners; revising the provisions relating to foreclosure of liens against units; providing that official publications related to issues of official interest must provide equal space for opposing views and opinions; requiring applicants for a certificate for the management of a common-interest community to post certain bonds; and providing other matters properly relating thereto.

Assemblywoman Allen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Parnell, Anderson, Gerhardt, and Smith:

Assembly Bill No. 397—AN ACT relating to optometry; clarifying that the examination for a license to practice optometry consists of sections and not areas; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Allen, Beers, Arberry, Goicoechea, and Settelmeyer:

Assembly Bill No. 398—AN ACT relating to crimes; revising certain provisions concerning justifiable homicide; and providing other matters properly relating thereto.

Assemblywoman Allen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Allen, Mabey, Beers, Bobzien, Carpenter, Gerhardt, Goicoechea, Horne, Kirkpatrick, McClain, Ohrenschall, and Stewart:

Assembly Bill No. 399—AN ACT relating to common-interest communities; authorizing the Office of Ombudsman for Owners in Common-Interest Communities to issue licenses to private ombudsmen; revising the provisions relating to the investigation and resolution of disputes concerning alleged violations; reducing the amount of fees owed by a common-interest community for the costs of administering the Office of the Ombudsman for Owners in Common-Interest Communities and the Commission for Common-Interest Communities; and providing other matters properly relating thereto.

Assemblywoman Allen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 400—AN ACT making an appropriation to the City of Las Vegas for allocation to the New Ventures Capital Development Company to encourage the creation of small businesses in the minority community; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 401—AN ACT making an appropriation to the Anthony L. Pollard Foundation for construction of the Carter G. Woodson Library in west Las Vegas; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 402—AN ACT making an appropriation to the City of Las Vegas for allocation to the Las Vegas Regional Clean Cities Coalition for an educational initiative; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Grady and Goicoechea:

Assembly Bill No. 403—AN ACT relating to alcoholic beverages; authorizing wineries in certain counties to engage in certain acts; requiring the Department of Taxation to adopt regulations governing certain acts of wineries in certain counties; and providing other matters properly relating thereto.

Assemblyman Grady moved that the bill be referred to the Committee on Taxation.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:40 a.m.

ASSEMBLY IN SESSION

At 11:44 a.m.

Madam Speaker presiding.

Quorum present.

By Assemblymen Smith, Parks, Conklin, Leslie, Anderson, Arberry, Beers, Buckley, Gansert, Gerhardt, Goedhart, Goicoechea, Kihuen, Kirkpatrick, Koivisto, McClain, Oceguera, Parnell, Pierce, and Settelmeyer:

Assembly Bill No. 404—AN ACT relating to insurance; prohibiting an insurer from using certain credit information concerning an applicant or policyholder in underwriting or rating a policy; and providing other matters properly relating thereto.

Assemblywoman Smith moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Ohrenschall, Buckley, Allen, Gansert, Mortenson, Beers, Christensen, Claborn, Cobb, Grady, Horne, Kirkpatrick, Pierce, Segerblom, and Womack:

Assembly Bill No. 405—AN ACT relating to sex offenders; revising the requirements of the court in determining whether to grant probation to certain offenders; revising provisions concerning certain sex offenders who are on lifetime supervision or released on parole, probation or a suspended sentence; prohibiting the misuse of information obtained from the community notification website; prohibiting a person from assisting a sex offender in eluding a law enforcement agency; revising provisions concerning the registration of sex offenders; revising the circumstances by which first degree murder may be aggravated; revising the penalty for lewdness with a child; revising the penalty for a violation of a condition imposed pursuant to the program of lifetime supervision of sex offenders; providing penalties; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Select Committee on Corrections, Parole, and Probation.

Motion carried.

Senate Bill No. 37.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 87.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 193 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Gene Segerblom.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Ernest English, Eileen English, and Ursula Epstein.

Assemblyman Oceguera moved that the Assembly adjourn until Monday, March 19, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 11:51 a.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE FORTY-THIRD DAY

CARSON CITY (Monday), March 19, 2007

Assembly called to order at 11:22 a.m.
Madam Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Rajan Zed.

Gayatri Mantra from Rig-Veda III.62.10, around 1500 B.C.E.:

Om
bhūr bhuvah svah
tát savitúr várenyam
bhárgo devásya dhīmahi
dhíyo yóu nah prachodáyāt

We meditate on the transcendental Glory of the Deity Supreme, who is inside the heart of the earth, inside the life of the sky and inside the soul of the Heaven. May He stimulate and illuminate our minds.

Bradhadaranyakopanisad 1.3.28, around 400 B.C.E.:

Asato ma sad gamaya
Tamaso ma jyotir gamaya
Mrtyor mamrtam gamaya

Lead me from the unreal to the Real.
Lead me from the darkness to the Light.
Lead me from death to Immortality.

Bhagavad-Gita 2:47, around 300 B.C.E.:

Karmanyevadhikaraste ma phalesu kadacana
Ma karmaphalaheturbhuma te sango'stvakarmani

You have the right to your actions,
But never to your actions' fruits.
Act for action's sake.
And do not be attached to inaction.
Om Shanti, Shanti, Shanti.

Peace, Peace, Peace be unto all.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 18, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 229, 231, 241, 245, 251, 254, 262, 270, 271, 272, 273, 274, 275, 276, 280, 288, 302, 308, 309, 314, 315, 316, 317, 318, 320, 327.

MARK STEVENS
Fiscal Analysis Division

March 18, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 25, 158, 174, 222, 226, 232, 243, 246, 252, 259, 267, 268, 269, 278, 281, 285, 290, 293, 324, 330, 341.

MARK STEVENS
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Koivisto, Parks, Conklin, Gerhardt, Kihuen, Kirkpatrick, Manendo, McClain, Ohrenschall, Pierce, Segerblom, Smith, Stewart, and Womack:

Assembly Bill No. 406—AN ACT relating to marriage; requiring the board of county commissioners of certain counties to designate a branch office of the county clerk at which marriage licenses may be issued and to establish and maintain that branch office in certain incorporated cities; revising the requirements to obtain a marriage license; revising provisions governing the content of marriage licenses and marriage certificates; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Government Affairs.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:28 a.m.

ASSEMBLY IN SESSION

At 11:30 a.m.

Madam Speaker presiding.

Quorum present.

Assemblywoman Koivisto withdrew the motion that Assembly Bill No. 406 be referred to the Committee on Government Affairs.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Weber:

Assembly Bill No. 407—AN ACT relating to housing; requiring the Department of Health and Human Services to establish the Nevada

Accessible Housing Registry; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Weber moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Weber:

Assembly Bill No. 408—AN ACT relating to the State Executive Department; establishing and setting forth the duties of the Office of Faith-Based and Community Initiatives within the Office of the Governor; establishing the Regional Advisory Board on Faith-Based Community Initiatives; setting forth the membership and duties of the Board; and providing other matters properly relating thereto.

Assemblywoman Weber moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Hogan, Parks, Anderson, Bobzien, Claborn, Denis, Gerhardt, Grady, Kirkpatrick, Koivisto, Manendo, McClain, Munford, Ohrenschall, Parnell, Pierce, Segerblom, Smith, and Womack:

Assembly Bill No. 409—AN ACT relating to affordable housing; authorizing the creation of affordable housing districts in certain counties; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Leslie, Parks, McClain, Segerblom, and Womack:

Assembly Bill No. 410—AN ACT relating to public health; requiring the Department of Health and Human Services to establish an immunization information system; requiring the State Board of Health to adopt regulations governing the immunization information system to collect certain information concerning the immunization of children in this State; requiring the Department to study the feasibility of allowing private entities to purchase immunizations through the Department; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Claborn:

Assembly Bill No. 411—AN ACT relating to motor vehicles; authorizing the Department of Motor Vehicles to issue special license plates and registration certificates for historic vehicles; imposing fees for the issuance of those special license plates; and providing other matters properly relating thereto.

Assemblyman Claborn moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Marvel and Hardy:

Assembly Bill No. 412—AN ACT making an appropriation to the Health Division of the Department of Health and Human Services to purchase an emergency supply of influenza medication; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Hardy, Beers, Settelmeyer, Marvel, and Stewart:

Assembly Bill No. 413—AN ACT relating to eminent domain; prohibiting the use of eminent domain to acquire property for the purpose of transferring an interest in the property to a private person or entity, except in certain circumstances; revising various provisions relating to eminent domain; and providing other matters properly relating thereto.

Assemblyman Hardy moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Munford, Hardy, Goicoechea, and Marvel:

Assembly Bill No. 414—AN ACT relating to taxation; repealing the excise tax imposed on banks that is based on the number of branch offices maintained in this State; reducing the rate of tax imposed on financial institutions that is based on wages paid to employees; and providing other matters properly relating thereto.

Assemblyman Munford moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Hardy, Beers, Marvel, Settelmeyer, and Stewart:

Assembly Bill No. 415—AN ACT relating to local governmental finances; authorizing the financing of projects by a local government through the issuance of commercial paper; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Munford, Kihuen, Koivisto, Manendo, Segerblom, and Stewart:

Assembly Bill No. 416—AN ACT relating to correctional institutions; requiring the Department of Corrections to conduct peer review of certain employees; providing the Board of State Prison Commissioners with the sole

authority to prescribe regulations for the Department; requiring the Legislative Auditor to perform biennial performance audits of the Department; creating the Committee on Prison Oversight; making certain changes concerning mandatory parole of certain prisoners; providing that meetings of the State Board of Parole Commissioners are subject to the Open Meeting Law; revising the additional penalty that must be imposed for the commission of certain crimes under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Munford moved that the bill be referred to the Select Committee on Corrections, Parole, and Probation.

Motion carried.

By Assemblymen Hardy, Beers, Marvel, Settelmeyer, and Stewart:

Assembly Bill No. 417—AN ACT relating to transportation; authorizing municipalities and the Department of Transportation to construct, improve, maintain and operate toll roads and toll bridges; authorizing the issuance of revenue bonds or other securities constituting special obligations for toll roads and toll bridges; and providing other matters properly relating thereto.

Assemblyman Hardy moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Munford, Anderson, Arberry, Kihuen, Koivisto, and Segerblom:

Assembly Bill No. 418—AN ACT relating to unarmed combat; eliminating the Medical Advisory Board; removing references to wrestling in various statutes relating to unarmed combat; and providing other matters properly relating thereto.

Assemblyman Munford moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Claborn:

Assembly Bill No. 419—AN ACT relating to workers' compensation; revising provisions regarding employee leasing companies; clarifying provisions relating to certain medical examinations; revising provisions relating to permanent partial disability; clarifying provisions regarding the payment of benefit penalties; and providing other matters properly relating thereto.

Assemblyman Claborn moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Claborn:

Assembly Bill No. 420—AN ACT relating to workers' compensation; enacting provisions relating to the calculation of the average monthly wage; enacting provisions relating to injured employees who are discharged for misconduct unrelated to their injuries; revising provisions regarding injured employees who accept lump sum settlements in lieu of vocational rehabilitation services; revising provisions governing administrative fines and benefit penalties; providing for the withdrawal of the certification or authorization of insurers and third-party administrators that commit certain violations; and providing other matters properly relating thereto.

Assemblyman Claborn moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywomen Weber and Kirkpatrick (by request):

Assembly Bill No. 421—AN ACT relating to crimes; establishing the crime of participating in an organized retail theft ring; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Weber moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Bobzien, Smith, Ohrenschall, Pierce, and Segerblom:

Assembly Bill No. 422—AN ACT relating to trade practices; requiring an employee of a call center to disclose his location to each customer during a telephone call; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Bobzien moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Leslie:

Assembly Bill No. 423—AN ACT relating to community land trusts; providing that a community land trust is exempt from prohibitions on the use of "trust" in its corporate name; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Leslie:

Assembly Bill No. 424—AN ACT relating to professions; providing in skeleton form for the licensing and regulation of professional counselors and advanced alcohol and drug abuse counselors; revising the name and expanding the membership of the Board of Examiners for Marriage and Family Therapists; requiring reimbursement for services provided by a

licensed professional counselor or licensed advanced alcohol and drug abuse counselor under certain policies of health insurance; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Goedhart, Beers, Carpenter, Gansert, Goicoechea, Grady, Mabey, Marvel, Munford, Ohrenschall, Segerblom, Settelmeyer, Stewart, and Weber:

Assembly Bill No. 425—AN ACT relating to water; prohibiting the State Engineer from considering a protest to an application to appropriate water that is filed by a governmental agency or political subdivision of a government unless the protest is approved and signed by the person in charge of the agency or political subdivision; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Goedhart, Beers, Gansert, Mabey, Marvel, and Segerblom:

Assembly Bill No. 426—AN ACT relating to wildlife; prohibiting the Board of Wildlife Commissioners from establishing a policy or adopting a regulation to preserve, protect, manage or restore wildlife raised for human consumption; and providing other matters properly relating thereto.

Assemblyman Goedhart moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Conklin, Kirkpatrick, Oceguera, Buckley, Horne, Anderson, Gerhardt, Kihuen, Leslie, McClain, Pierce, and Smith:

Assembly Bill No. 427—AN ACT relating to insurance; requiring certain insurers to reimburse major hospitals for emergency services and care under certain circumstances; requiring major hospitals to accept reimbursement pursuant to those provisions as payment in full from the insurers; requiring major hospitals to charge a certain rate for emergency services and care provided to persons who have no insurance coverage; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Parks, Anderson, Horne, Cobb, Leslie, Allen, Arberry, Buckley, Conklin, Denis, Hogan, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, Oceguera, Ohrenschall, Pierce, Segerblom, Settelmeyer, Smith, and Womack:

Assembly Bill No. 428—AN ACT relating to personal identifying information; prohibiting the use of certain personal identifying information of another to obtain any other personal identifying information of that person without the prior express consent of the person; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Goedhart, Beers, Carpenter, Christensen, Marvel, and Segerblom; Senator Heck:

Assembly Bill No. 429—AN ACT relating to transportation; exempting operators of interstate and intrastate charter bus service and operators of certain towing services from regulation by the Transportation Services Authority; revising provisions relating to the jurisdiction of the Transportation Services Authority over common motor carriers that are not fully regulated carriers; and providing other matters properly relating thereto.

Assemblyman Goedhart moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Hardy:

Assembly Bill No. 430—AN ACT making an appropriation to the Clark County Water Reclamation District for improvements to the Moapa Valley Wastewater Treatment System; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Horne, Parks, Anderson, Conklin, Allen, Denis, Gerhardt, Goicoechea, Hogan, Kihuen, Kirkpatrick, Koivisto, Leslie, Munford, Oceguera, Ohrenschall, Parnell, Segerblom, Settelmeyer, Smith, and Womack:

Assembly Bill No. 431—AN ACT relating to condominium hotels; providing in skeleton form for the establishment of provisions governing condominium hotels; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Kihuen, Segerblom, Anderson, Bobzien, Buckley, Conklin, Denis, Gerhardt, Horne, Koivisto, Manendo, Mortenson, Munford, Ohrenschall, Parks, Pierce, and Womack; Senator Wiener:

Assembly Bill No. 432—AN ACT relating to education; requiring a school district to maintain an employee in his position of employment rather than suspend his employment for failure to maintain a valid license if the lapse of the employee's license occurs during a time that school is in session; and providing other matters properly relating thereto.

Assemblyman Kihuen moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Buckley, Parks, Leslie, Hardy, Smith, Arberry, Atkinson, Conklin, Denis, Hogan, Kirkpatrick, Koivisto, and McClain:

Assembly Bill No. 433—AN ACT relating to meetings of public bodies; providing additional limitations on the authority of public bodies to close meetings; limiting the authority of the Nevada Tax Commission to close certain hearings; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Munford, Kihuen, Koivisto, Manendo, Marvel, and Segerblom:

Assembly Bill No. 434—AN ACT relating to education; requiring the boards of trustees of certain school districts to carry out certain actions requested by the general public under certain circumstances; revising provisions governing courses of study; revising provisions governing eligibility for a millennium scholarship; and providing other matters properly relating thereto.

Assemblyman Munford moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Munford, Atkinson, Beers, Bobzien, Grady, Hogan, Kihuen, Kirkpatrick, Koivisto, Manendo, and Segerblom:

Assembly Bill No. 435—AN ACT relating to deceptive trade practices; providing that advertising or conducting a live musical performance or production through the use of a false, deceptive or misleading affiliation, connection or association between a performing group and a recording group constitutes a deceptive trade practice; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Munford moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Munford and Kirkpatrick:

Assembly Bill No. 436—AN ACT relating to coroners; requiring that a coroner's inquest be conducted any time that a person dies as a result of the use of deadly force to effect an arrest; requiring that family members of a person who died as a result of the use of deadly force to effect an arrest be allowed to provide testimony at the coroner's inquest; and providing other matters properly relating thereto.

Assemblyman Munford moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Stewart, Hardy, Beers, Parks, Carpenter, Cobb, Gansert, Goedhart, Goicoechea, Kihuen, Mabey, Marvel, Munford, Settelmeyer, and Weber:

Assembly Bill No. 437—AN ACT relating to drivers' licenses; requiring the Department of Motor Vehicles to establish a program to imprint certain indicators of a medical condition on a driver's license or identification card; providing for a fee; and providing other matters properly relating thereto.

Assemblyman Stewart moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Atkinson:

Assembly Bill No. 438—AN ACT relating to outdoor advertising structures; prohibiting the Department of Transportation or a city or county from requiring the review of an outdoor advertising structure as a condition for obtaining approval for the use of land to construct or erect the outdoor advertising structure; making various changes to provisions relating to nonconforming outdoor advertising structures and the adjustment of outdoor advertising structures that are obstructed; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Conklin and Kirkpatrick:

Assembly Bill No. 439—AN ACT relating to affordable housing; requiring cities and counties to adopt certain measures to implement a housing plan that is included in a master plan; amending the definition of "affordable housing"; making various changes to the requirements for a master plan relating to affordable housing; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Conklin, Buckley, and Oceguera:

Assembly Bill No. 440—AN ACT relating to financial transactions; prohibiting a person from engaging in certain conduct with the intent to defraud a participant in a mortgage lending transaction; prohibiting certain conduct by a foreclosure consultant; providing an administrative penalty for certain conduct by a foreclosure consultant; providing a civil cause of action against a foreclosure consultant under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Goicoechea and Carpenter:

Assembly Bill No. 441—AN ACT relating to taxation; requiring a local government to make payments in lieu of and equal to property taxes on any property that it owns outside of its boundaries; requiring a local government to make payments in lieu of and equal to transfer taxes on real property that it acquires outside of its boundaries; and providing other matters properly relating thereto.

Assemblyman Goicoechea moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Parks, Koivisto, Pierce, Leslie, Ohrenschall, Anderson, Buckley, Claborn, Gerhardt, Hogan, Kihuen, Kirkpatrick, Manendo, McClain, Segerblom, and Smith; Senators Horsford, Titus, Wiener, and Woodhouse:

Assembly Bill No. 442—AN ACT relating to unlawful discrimination; revising provisions regarding unlawful discrimination in employment or public accommodations to include sexual orientation; authorizing either party to a complaint regarding unlawful employment or public accommodation practices to choose to have the claims decided in court; authorizing the Nevada Equal Rights Commission to impose certain penalties on a person found to have engaged in an unlawful employment or public accommodation practice; and providing other matters properly relating thereto.

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

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:51 a.m.

ASSEMBLY IN SESSION

At 12 p.m.

Madam Speaker presiding.

Quorum present.

By Assemblymen Parks, Koivisto, Pierce, Leslie, Ohrenschall, Anderson, Buckley, Claborn, Denis, Gerhardt, Hogan, Kihuen, Kirkpatrick, Manendo, McClain, Segerblom, and Smith; Senators Horsford, Titus, Wiener, and Woodhouse:

Assembly Bill No. 443—AN ACT relating to communicable diseases; making various changes to provisions concerning the human immunodeficiency virus; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Mabey:

Assembly Bill No. 444—AN ACT making an appropriation to the Board of Medical Examiners for a pilot program to provide medical care to the indigent; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Parks, Arberry, Claborn, Denis, Gerhardt, Hogan, Kihuen, Kirkpatrick, Manendo, Mortenson, Munford, Oceguera, Ohrenschall, Pierce, Segerblom, and Womack (by request):

Assembly Bill No. 445—AN ACT relating to the State Personnel System; providing that final decisions of the Employee-Management Committee are binding; authorizing the Committee to petition a court for enforcement of its binding decisions; adding the occupational group of positions requiring certification by the Peace Officers' Standards and Training Commission to the index of occupational groups in the classified service; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Denis and Leslie:

Assembly Bill No. 446—AN ACT relating to prescriptions; revising provisions governing the tracking of prescriptions for controlled substances; and providing other matters properly relating thereto.

Assemblyman Denis moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Mortenson:

Assembly Bill No. 447—AN ACT relating to cooperative agreements; creating an advisory bistate commission to study various environmental and land-use issues that are common to the areas of Clark County, Nevada, Inyo County, California, and San Bernardino County, California and make recommendations to certain governing bodies; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Mabey, Cobb, Segerblom, and Settelmeyer; Senator McGinness:

Assembly Bill No. 448—AN ACT making an appropriation to Veterans Guest House, Inc., for operating expenses; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Mortenson, Buckley, and Oceguera:

Assembly Bill No. 449—AN ACT making an appropriation to Nevada Ballet Theatre, Inc., for expenses relating to a performing tour in northern and central Nevada; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Cobb:

Assembly Bill No. 450—AN ACT relating to campaign practices; requiring a statement expressly advocating the election or defeat of a clearly identified candidate published by a person who receives compensation to disclose the name of the person or organization that provides the compensation under certain circumstances; providing a civil penalty; and providing other matters properly relating thereto.

Assemblyman Cobb moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By Assemblymen Cobb, Beers, Christensen, Gansert, Goedhart, Goicoechea, Grady, Settelmeyer, and Stewart; Senators Cegavske and Heck:

Assembly Bill No. 451—AN ACT relating to foreign nationals; prohibiting an award of punitive damages to a person who is not a citizen of the United States; prohibiting the use of threats relating to the immigration status of a person to compel a person to perform certain acts; requiring a person to submit proof of citizenship to register to vote; prohibiting a person

from voting when that person knows that he is not entitled to vote; providing that a person is not eligible for a Governor Guinn Millennium Scholarship if the person is not a citizen of the United States; providing that a person is not eligible to receive certain state benefits if the person is not a citizen of the United States; providing that a person applying for a driver's license must submit proof that the person is lawfully present in the United States; providing penalties; and providing other matters properly relating thereto.

Assemblyman Cobb moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Cobb, Beers, Christensen, Goedhart, Goicoechea, Grady, Hardy, Settelmeyer, and Stewart:

Assembly Bill No. 452—AN ACT relating to taxation; freezing the amount of property taxes imposed for the next biennium; providing for reimbursement to local taxing entities by the State for the resulting loss in tax revenue; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Goicoechea and Grady; Senators Amodei and McGinness:

Assembly Bill No. 453—AN ACT relating to water; making certain provisions relating to water rights applicable to the Newlands Reclamation Project under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 454—AN ACT making an appropriation to the Nevada Discovery Museum for a hands-on children's museum; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 455—AN ACT making appropriations to High Sierra Industries, Opportunity Village and Washoe Arc for training centers and other services for persons with disabilities; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Beers, Claborn, Gerhardt, Goedhart, Grady, Marvel, Segerblom, Settelmeyer, Stewart, and Womack:

Assembly Bill No. 456—AN ACT relating to health care; prohibiting a hospital from charging for a service, room, equipment, supplies or medicine unless actually provided to a patient; and providing other matters properly relating thereto.

Assemblyman Beers moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Womack, Koivisto, Leslie, McClain, Parks, Bobzien, Buckley, Claborn, Denis, Gerhardt, Goicoechea, Hardy, Hogan, Horne, Kihuen, Manendo, Mortenson, Munford, Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, Settelmeyer, Smith, and Stewart; Senators Townsend, Heck, Rhoads, Titus, Wiener, and Woodhouse:

Assembly Bill No. 457—AN ACT making an appropriation to the Aging Services Division of the Department of Health and Human Services for the respite care grant program; and providing other matters properly relating thereto.

Assemblywoman Womack moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 5.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 193.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 193:

YEAS—42.

NAYS—None.

Senate Bill No. 193 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Oceguera moved that the Assembly recess until 6 p.m.

Motion carried.

Assembly in recess at 12:14 p.m.

ASSEMBLY IN SESSION

At 6 p.m.

Madam Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 164, has had the same under consideration, and begs leave to report the same back with the recommendation: Rerefer to the Committee on Judiciary.

KELVIN ATKINSON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 164 just reported out of committee, be rereferred to the Committee on Judiciary.

Motion carried.

By Assemblyman Mortenson:

Assembly Joint Resolution No. 9—Urging Congress to allow certain proceeds from the Southern Nevada Public Land Management Act to be used for Nevada's state parks.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Pierce, Parks, Koivisto, Arberry, Claborn, McClain, Ohrenschall, and Segerblom:

Assembly Joint Resolution No. 10—Urging Congress not to reauthorize the "fast track" approval of international trade agreements.

Assemblywoman Pierce moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By Assemblyman Mabey:

Assembly Joint Resolution No. 11—Urging Congress to facilitate more frequent redistricting.

Assemblyman Mabey moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By Assemblyman Munford:

Assembly Joint Resolution No. 12—Proposing to amend the Nevada Constitution to establish a nonpartisan commission to reapportion legislative districts and congressional districts.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 5 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 5. ***1.*** Senators and members of the Assembly shall be duly qualified electors in the respective counties and districts which they represent, and the number of Senators shall not be less than one-third nor more than one-half of that of the members of the Assembly.

2. It shall be the mandatory duty of the Legislature at its first session after the taking of the decennial census of the United States in the year 1950, and after each subsequent decennial census, ***and any other federal census,*** to fix by law the number of Senators and Assemblymen . ~~[, and apportion them among the several counties of the State, or among legislative districts which may be established by law, according to the number of inhabitants in them, respectively.]~~

3. Whenever there is reason to reapportion the Legislature into new legislative districts or to provide new congressional district boundaries, or both, because of a new federal census or because of a decision of a court of competent jurisdiction, the Secretary of State shall order the formation of a commission for reapportionment.

4. The commission must be composed of six members. The leaders of the two largest political parties of each House of the Legislature shall each designate one member, and the state chairmen of the two largest political parties, determined by the vote cast for Governor in the last gubernatorial election, shall each designate one member. In the event any appointing authority does not select the members within 15 calendar days following the order of the Secretary of State to form the commission, the Supreme Court shall appoint such members. No member of the commission may be an elected or appointed official in the State of Nevada at the time of designation or selection.

5. The Legislature shall enact laws providing for the implementation of the provisions of this section, including, without limitation, terms of commission members, the method of filling vacancies on the commission, additional qualifications for commissioners and additional standards to govern the commission. The Legislature shall appropriate funds to enable the commission to carry out its duties.

6. Within 90 days after the Legislature has fixed the number of Senators and Assemblymen pursuant to subsection 2, the commission shall file a proposed plan for apportioning the Senate and Assembly of the Legislature with the Office of the Secretary of State. At the same time, and with the same effect, the commission shall prepare and file a plan for congressional districts. Any final action of the commission on a proposed plan must be approved by a vote of two-thirds of the members of the commission. All deliberations of the commission must be open to the public.

7. The legislative districts created by the commission are in effect for all elections held after the plan is filed and until a new plan is required and filed unless amended by court order. The Supreme Court shall have original jurisdiction over actions involving challenges to legislative apportionment.

8. A member of the commission may not serve in either House of the Legislature for 5 years following the service of such member on the commission.

Assemblyman Munford moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Koivisto, Parks, McClain, Claborn, Anderson, Atkinson, Gerhardt, Hogan, Kihuen, Kirkpatrick, Leslie, Ohrenschall, Parnell, Pierce, Smith, and Womack:

Assembly Bill No. 458—AN ACT relating to health care facilities; requiring certain health care facilities that employ nurses to establish a staffing plan and to provide adequate staffing; requiring the keeping of certain records concerning statistics relating to patients and staffing; requiring such a health care facility to establish policies pursuant to which a

direct care nurse may refuse a work assignment; requiring public disclosure of certain information relating to a staffing plan; providing administrative and criminal penalties; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Segerblom, Kihuen, Parks, Allen, Beers, Claborn, Koivisto, Leslie, Manendo, Mortenson, Munford, Ohrenschall, Pierce, and Womack; Senators Townsend, Titus, Hardy, Horsford, and Wiener:

Assembly Bill No. 459—AN ACT relating to education; making various changes relating to teachers; and providing other matters properly relating thereto.

Assemblyman Segerblom moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Anderson, Koivisto, Parks, Parnell, Beers, Atkinson, Bobzien, Buckley, Carpenter, Claborn, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack:

Assembly Bill No. 460—AN ACT relating to education; increasing the minimum number of school days in each school year; revising provisions governing apportionments from the State Distributive School Account to provide money to school districts for professional development; requiring each school district to develop a program to provide enhanced compensation to employees of the school district; making various changes regarding the evaluation and admonition of educational personnel; making appropriations; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblymen Parks, Kirkpatrick, Koivisto, McClain, Pierce, Anderson, Arberry, Atkinson, Buckley, Claborn, Conklin, Denis, Gerhardt, Hardy, Hogan, Horne, Kihuen, Leslie, Manendo, Mortenson, Oceguera, Ohrenschall, and Womack:

Assembly Bill No. 461—AN ACT relating to taxation; providing for certain reporting requirements relating to the Clark County Sales and Use Tax Act of 2005; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Kirkpatrick, Conklin, Atkinson, and Pierce:

Assembly Bill No. 462—AN ACT relating to real property; excepting certain sales or leases of real property by governmental entities from requirements that the entities conduct appraisals of the real property before the sale or lease of the real property and that the entities sell or lease the real property by auction; requiring governmental entities to hold public hearings to review certain appraisals of real property; requiring persons requesting to purchase real property from governmental entities by auction to deposit a certain amount of money to pay the costs incurred by the entity in acting upon the application; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Kirkpatrick, Atkinson, Smith, Conklin, Oceguera, Allen, Buckley, Denis, Parks, Parnell, Pierce, Segerblom, and Womack; Senators Horsford and Titus:

Assembly Bill No. 463—AN ACT relating to land use planning; making various changes pertaining to residential establishments and group homes; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Kirkpatrick, Munford, and Segerblom:

Assembly Bill No. 464—AN ACT making an appropriation to the Las Vegas Natural History Museum; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Christensen:

Assembly Bill No. 465—AN ACT relating to education; changing the name of the Governor Guinn Millennium Scholarship Program to the Governor Guinn Millennium Scholarship and Student Loan Program; prescribing the criteria for eligibility to receive a millennium loan; establishing the criteria for the repayment of a millennium loan upon graduation or withdrawal from an eligible institution; providing that certain students who must repay a millennium loan are not required to pay interest on the loan; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblymen Settelmeyer, Beers, Grady, Anderson, Bobzien, Carpenter, Christensen, Gansert, Goedhart, Goicoechea, Hardy, Marvel, Parnell, Stewart, and Weber:

Assembly Bill No. 466—AN ACT making an appropriation to the State Conservation Commission of the State Department of Conservation and Natural Resources for distribution to conservation districts; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Carpenter, Hardy, Goedhart, Goicoechea, Grady, Marvel, Parnell, and Settelmeyer; Senators Hardy, McGinness, Rhoads, and Titus:

Assembly Bill No. 467—AN ACT making an appropriation to the Department of Transportation to fund public transportation in rural areas; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Ohrenschall, Parks, Koivisto, Allen, Anderson, Arberry, Beers, Carpenter, Christensen, Claborn, Cobb, Denis, Gansert, Gerhardt, Goicoechea, Grady, Hogan, Horne, Kihuen, Kirkpatrick, Leslie, Mabey, Manendo, McClain, Mortenson, Munford, Oceguera, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack:

Assembly Bill No. 468—AN ACT relating to providers of health care; requiring a provider of health care to provide a written disclosure of certain financial interests that he has when referring a patient to or recommending physical therapy to a patient; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Mortenson, Anderson, Buckley, Koivisto, McClain, Pierce, and Womack:

Assembly Bill No. 469—AN ACT relating to state parks; creating a state park in the Upper Las Vegas Wash; requiring the Division of State Parks of the State Department of Conservation and Natural Resources to conduct a study of the feasibility of developing the park; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Mortenson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Pierce, Parks, Koivisto, Arberry, Claborn, Kirkpatrick, McClain, Ohrenschall, and Segerblom; Senators Horsford and Titus:

Assembly Bill No. 470—AN ACT relating to international trade agreements; prohibiting the Governor or any other state officer or employee from binding the State to the requirements of an international trade agreement without authorization by the Legislature; invalidating any prior consent to any such requirements in an international trade agreement; and providing other matters properly relating thereto.

Assemblywoman Pierce moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Pierce, Mabey, Parks, and Ohrenschall:

Assembly Bill No. 471—AN ACT making an appropriation for additional equipment to enhance the computer and electronics recycling program of the Blind Center of Nevada; and providing other matters properly relating thereto.

Assemblywoman Pierce moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

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

Motion carried.

Assembly in recess at 6:11 p.m.

ASSEMBLY IN SESSION

At 6:15 p.m.

Madam Speaker presiding.

Quorum present.

By Assemblyman Mabey:

Assembly Bill No. 472—AN ACT relating to education; establishing the Parent Choice in Education Program to be administered by the Department of Education; authorizing the parents and legal guardians of certain children to apply to the Department to participate in the Program; making an appropriation for the payment of scholarships; and providing other matters properly relating thereto.

Assemblyman Mabey moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Segerblom, Kihuen, Parks, Horne, Kirkpatrick, Koivisto, Manendo, McClain, Munford, Ohrenschall, Pierce, and Womack; Senators Coffin and Titus (by request):

Assembly Bill No. 473—AN ACT relating to land use planning; making various changes relating to the preservation of existing neighborhoods; allowing certain public utility corporations and service providers to apply for and receive a rate adjustment to incorporate the cost of placing certain facilities underground; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Stewart, Beers, Hardy, Womack, Mabey, Gerhardt, Goedhart, Goicoechea, Ohrenschall, Pierce, Settelmeyer, and Weber:

Assembly Bill No. 474—AN ACT making an appropriation to the State Public Works Board for construction of a nursing facility at Nevada State College; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Manendo, Beers, Allen, Anderson, Arberry, Atkinson, Bobzien, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Pierce, Segerblom, Settelmeyer, Stewart, Weber, and Womack; Senators Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Horsford, Lee, McGinness, Nolan, Raggio, Schneider, Titus, Townsend, Washington, Wiener, and Woodhouse:

Assembly Bill No. 475—AN ACT making an appropriation to the Flight 93 National Memorial Fund for a portion of the construction of the Flight 93 National Memorial; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Carpenter, Goicoechea, Grady, and Goedhart:

Assembly Bill No. 476—AN ACT making an appropriation to the Manufactured Housing Division of the Department of Business and Industry to employ an inspector; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Manendo, Ohrenschall, Buckley, Parks, Anderson, Arberry, Bobzien, Claborn, Conklin, Denis, Gerhardt, Hogan, Kihuen, Kirkpatrick, Koivisto, Leslie, McClain, Mortenson, Munford, Oceguera, Parnell, Pierce, Segerblom, Smith, and Womack; Senators Titus, Care, Carlton, Coffin, Horsford, Wiener, and Woodhouse:

Assembly Bill No. 477—AN ACT relating to manufactured home parks; revising provisions governing the obligations of a landlord of a manufactured home park to tenants and renters when the park is converting to another type of park or closing; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Buckley, Anderson, Oceguera, Conklin, Leslie, Carpenter, Denis, Gerhardt, Grady, Hardy, Hogan, Kirkpatrick, Koivisto, Mabey, Manendo, McClain, Munford, Parks, Parnell, Pierce, and Smith; Senators Amodei, Coffin, and Titus:

Assembly Bill No. 478—AN ACT relating to financial services; making the provisions governing certain short-term loan services applicable to any person who makes a loan pursuant to a loan agreement that charges in excess of a certain annual percentage rate regardless of the term of the loan; revising the calculation of the annual percentage rate to include all charges and fees imposed on a customer by a licensee; providing exemptions from certain statutory provisions; clarifying the applicability of certain provisions; making persons who violate certain provisions of federal law subject to certain remedies and penalties set forth in state law; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Ohrenschall, Segerblom, Parks, Gerhardt, Kihuen, Manendo, and Womack:

Assembly Bill No. 479—AN ACT relating to health insurance; revising provisions governing coverage for a dependent child; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Ohrenschall, Segerblom, Kihuen, Denis, Munford, Claborn, Gerhardt, Hogan, Horne, Koivisto, Manendo, McClain, Mortenson, Parks, Pierce, Settelmeyer, and Womack; Senators Carlton, Lee, Titus, and Woodhouse:

Assembly Bill No. 480—AN ACT making an appropriation to the Office of Historic Preservation of the Department of Cultural Affairs to purchase the historic Huntridge Theatre; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Ohrenschall, Segerblom, Parks, Pierce, Leslie, Denis, Gerhardt, Goedhart, Hardy, Hogan, Koivisto, Manendo, McClain, Mortenson, Munford, Oceguera, and Womack; Senators Townsend, Titus, Coffin, Horsford, Lee, and Woodhouse:

Assembly Bill No. 481—AN ACT relating to motor vehicles; exempting the purchaser of a fuel efficient vehicle from licensing and registration fees for 5 years; requiring the Department of Motor Vehicles to issue a decal or other identifier to the owner of a fuel efficient vehicle; authorizing a driver of a fuel efficient vehicle to operate the vehicle in a lane designated for use by high-occupancy vehicles; exempting the driver of a fuel efficient vehicle from certain public parking fees; exempting fuel efficient vehicles from the governmental services tax for 5 years; exempting fuel efficient vehicles from certain sales tax; requiring the State Environmental Commission to adopt by regulation California emissions standards for motor vehicles; making it unlawful to transfer ownership of a vehicle that does not meet certain emissions standards; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Transportation.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 318, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Education.

MORSE ARBERRY JR., *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 318, just reported out of committee, be rereferred to the Committee on Education.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 47; Assembly Concurrent Resolution No. 14; Assembly Resolution No. 7.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Race Christensen.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Our Lady of the Snows School: Nathan Arango, Amari Aught,

Collin Bernard, Grant Bertonneau, Cristina Bevia, Connor Brewster, Megan Briggs, Kelly Croasdell, Ian DeValliere, Garrett Dews, Julia Felte, Ashley Frolich, Glenn Gansert, Bradlee Gardner, Emily Gore, Mary Alice Haas, Scott Hinxman, Daniel Hoel, Teemu Kaunismaki, Vanessa Kosinski, Matthew Krump, David Larragueta, Braden Mathews, Lauren Mazurowski, Eliza McCall, Samuel McGowen, Maanasi Naik-Olson, Lesley Neves, Lola Marie Olaciregui, Gino Perano, Eleanor Small, Alexa Snyder, Nicholas Turner, and Christopher Zubillaga; teacher Cynthia Kaufer.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Alyce Taylor Elementary School: Kristina Adams, Madison Aguilar, Anthony Avelar, Cole Brokaw, Matthew Chamberlin, Jordan Coleman, Colton Creveling-Scudder, Hunter Fralick, Robert Howard, Victor Joe, Corey Jones, Garrett Jones, Cassandra Klein, Jorge Lemus, Colin Lieske, Cobi Maehara, Sara Magana, Donovan McDonald, Hannah Meadows, Trystan Nickovich, Christina Paakkari, Gehrig Parks, Steven Peterson, Kelly Promise, Nichole Rivers, Jaesa Rogers, Gunner Scott, Dylan Stanley, Haley Tavener, J.T. Afuang, Zach Wrenn Jameson, Marcus Brown, Renisha Butcher, Tyler Casey, Armani Chavis, Brandon Clegg, Marissa Cossio, Nikisa Demestihas, Alex Dewitt, Timothy Eaton, Ashlynn Fullmer, Frank Funes, Joshua Goben, Kevin Goben, Joshua Gonzales, Chase Hauder, Hailey Hernandez, Charles Ipema, Christopher Johnson, Joei Jones, Logan Kenneson, Emily Lawrence, Richard Martinez, Elizabeth Mulcahy, Kevin Nelson, Maegan Parks, Ashley Pearman, Julian Reed, Kirsten Royce, Sarah Tarter, Nathan Thornberry, Melanie Warren, and Shannon Wick; teachers Michon Boucher and Lisa Drakulich; chaperones Corinna Aguilar, Heather Creveling, Eric Dewitt, Troy Fullmer, Cheryl Ipema, Denise Jones, Gloria Promise, Rebecca Royce, Tracey Stanley, and Kevin Wick.

Assemblyman Oceguera moved that the Assembly adjourn until Tuesday, March 20, 2007, at 11 a.m., where it would reconvene in the old Assembly Chamber in the historic Capitol Building, and that it do so in the memory of legislative intern Adam Thomas.

Motion carried.

Assembly adjourned at 6:23 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE FORTY-FOURTH DAY

CARSON CITY (Tuesday), March 20, 2007

Assembly called to order at 11:04 a.m. in the Old Assembly Chamber at the historic Capitol Building

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Donald Thayer.

O my God, O my God. Unite the hearts of Thy servants, and reveal to them Thy great purpose. May they follow Thy commandments and abide in Thy law. Help them, O God, in their endeavor and grant them strength to serve Thee. O God, leave them not to themselves but guide their steps by the light of Thy knowledge and cheer their hearts by Thy love. Verily, Thou art their helper and their Lord.

BAHA'U'LLAH

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 27, 35, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 134, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 152, 192, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 19, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 147.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that COVEREDGE TELEVISION NEWS SERVICES: Richard Travis; COX COMMUNICATIONS: Steve Schorr, Richard Travis; KLAS: Richard Travis; LAS VEGAS SUN: Joe Shoemann be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chambers and that they be allowed use of appropriate broadcasting facilities.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 482—AN ACT relating to criminal procedure; prohibiting certain governmental officers from requesting or requiring a victim of an alleged sexual offense to submit to a polygraphic or similar examination as a condition of investigating the offense; requiring judicial notification to persons convicted of a misdemeanor or felony that constitutes domestic violence that certain acts by such persons concerning a firearm or ammunition may be a felony under federal or state law; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 483—AN ACT relating to property; providing that certain property of a judgment debtor is exempt from execution; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Education:

Assembly Bill No. 484—AN ACT relating to education; requiring the Legislative Committee on Education to study the issue of testing in the public schools during the 2007-2009 interim; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By the Committee on Education:

Assembly Bill No. 485—AN ACT relating to education; revising provisions relating to reports of accountability to include information relating to pupils who drop out of school in grade 8; revising provisions governing the attendance and truancy of pupils; authorizing a juvenile court to order a parent or guardian of a child to pay a fine if the child is a habitual truant;

authorizing a juvenile court to waive certain fines ordered against a child if the parent is ordered to pay fines in a court of competent jurisdiction; requiring the Legislative Committee on Education to study issues relating to truancy; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 486—AN ACT relating to veterans; providing a definition of "veteran" for general application to Nevada Revised Statutes; revising certain obsolete and inaccurate terms; expanding the eligibility of certain veterans for certain tax exemptions and governmental programs; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 147.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 5.

Resolution read third time.

Remarks by Assemblymen Mortenson, Mabey, Gansert, Kihuen, Settelmeyer, Anderson, and Conklin.

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MORTENSON:

Assembly Joint Resolution 5 relates to a statewide lottery. Assembly Joint Resolution 5 proposes to amend the *Nevada Constitution* to authorize the Legislature to provide for a statewide lottery. The net proceeds from the lottery must be dispersed to school districts to supplement—supplement, not supplant or replace—the money that the school districts already receive from the state for instructional equipment, materials, and supplies including textbooks, computers, software, and other educational media. If approved in identical form by both the 2007 and 2009 Sessions of the Legislature, the proposal will be submitted to the voters in the 2010 election.

ASSEMBLYMAN MABEY:

I rise in opposition to AJR 5. I recognize that the lottery, if it passes and becomes a part of our Constitution, would fund a part of Nevada's education system, but I feel it is a bad idea to promote something like the lottery, which takes a toll on our society. People play the lottery because they hope to win a large amount of money.

According to Savings Advice.com, the odds of winning the Powerball Lottery are 1 in 146.1 million. Those who play the lottery are often those who can least afford it. Since the odds are so poor, perhaps the state should set up a voluntary fund where Nevadans who would

have played the lottery could donate those monies to the education fund. Thank you for this opportunity to speak against AJR 5.

ASSEMBLYWOMAN GANSERT:

I, too, rise in opposition to AJR 5. During testimony, material was provided to me that told us what other states had done. Pretty much all of the states on the list brought the lottery to their state through an initiative process. Also, we heard testimony about the limited scope of this bill. Last session we had another bill that was much broader as far as what was going to go towards education. When we change the *Nevada Constitution*—because it is so significant—we should have broader terms versus a very narrow scope. Given that it is a change to our Constitution and the narrowness of its scope, I will oppose this bill. Thank you.

ASSEMBLYMAN KIHUEN:

I stand in support of AJR 5. I stand here representing not only myself and District 11, but I stand here representing 73 percent of the population that support a lottery. For those of you who do not know, this lottery would generate anywhere from $50 million to $200 million for education for our kids.

While touring the schools in my district, I came to realize how badly we need this money. I saw a lot of books that were torn apart, pages that were missing, and books that were tagged on. So ask yourselves this, dear colleagues: How is a child supposed to learn when he can't even read a whole book or a whole chapter? I know there are people saying that this takes a toll on poor people, but there was a study that said that 60 percent of the people who play the lottery have an income of $35,000 to $75,000. These are not poor people to me. Madam Speaker and dear colleagues, I urge your support for this bill, AJR 5. Thank you, Madam Speaker.

ASSEMBLYMAN SETTELMEYER:

I urge opposition of this bill. To me, it is a question of choice of vices. My dad always told me, "Whether a person decides to gamble, smoke, drink, whatever it may be, it's their choice, but whatever you do, son, don't enable them." In that respect, I look at the constitutional amendment as something that has stood for 20 years, and I don't believe in enabling people to do something that could be a detriment to them such as a vice. That was echoed to me by an individual by the name of Janet who is one of my constituents, who is a member of Gamblers Anonymous and who agreed that this is not a good way because it will encourage a bad habit. Therefore, I urge opposition to this bill, and I hope we look for other ways to fund education.

ASSEMBLYMAN ANDERSON:

The question is should we place in front of the population the need for this lottery? For those of us who believe in the people, who will trust in the people, who believe this is a fair question for them to decide, their dedication to public education has to be tested in some meaningful way. This is a meaningful question. Books and those very tools of education are at stake. Should we do this? Gambling, to be sure, is a question we will long debate as to the right or wrongness of it—its moral obligation and how it does put the fortunes of some at risk who cannot control that habit. We have put legislation in place to try to help them. We have tried numerous times to make the public aware. We need additional dollars. We need to ask the public, "Should we move in this direction?" They are the best judge of the standards to be placed. Thank you, Madam Speaker.

ASSEMBLYMAN CONKLIN:

I rise in support of this bill. It is only fitting today, when we sit in the house that has had a great many debates, that we look upon the lottery, and I submit to you, are we or are we not the Battleborn State? Our people are smart. They have been dealing with gambling for many years. They understand the odds. They know the odds. They participate every day, and whether the odds are 1,000 to 1 or 100 million to 1, it is a choice that every citizen makes. Our people are smart, they know, and this is their choice. It is truly voluntary. Your vote for this bill allows the public to decide if they want a lottery for education. I urge support.

Assemblymen Oceguera, Arberry, and Leslie moved the previous question.

Motion carried.

The question being the passage of Assembly Joint Resolution No. 5.

Roll call on Assembly Joint Resolution No. 5:

Yeas—29.

Nays—Beers, Christensen, Cobb, Denis, Gansert, Goedhart, Grady, Hardy, Mabey, Marvel, Settelmeyer, Stewart, Weber—13.

Assembly Joint Resolution No. 5 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblyman Oceguera requested that the following remarks be entered in the Journal:

NEVADA STATE ARCHIVIST GUY ROCHA:

Thank you, Madam Speaker, for your invitation to have me back for a second encore performance. I know of no other State Archivist in the nation that has been extended the courtesy to speak at a legislative floor session. Madam Speaker, you also know what it feels like to be the first. Congratulations; it's been a long time coming.

I am dedicating this presentation in tribute to Nevada historian Mary Ellen Glass, Reno native and founder of the University of Nevada Oral History Program in 1964. She died last Thursday, March 15, at the age of 79. Part of the story I will share with you today comes from Mary Ellen's pioneering history of Nevada's Silver Party.

In 2003, I regaled the Assembly with a story of how a law was passed in 1895 at the behest of the Women's Christian Temperance Union to prohibit the sale, gift, or disposal of liquor in the State Capitol building. After years of effort, the reformers were finally able to ban the Capitol's alcohol concession known as "The Well." This was to reduce the prodigious amount of alcohol consumption while legislating and presumably enhance the legislative process.

In 2005, I told you of the last day in the 1875 session when guns and knives were displayed in the Assembly chamber, angry words exchanged, and objects were thrown by Assemblymen at each other. I suggested that March 4, 1875, despite the rancor displayed in the 2003 legislative session, had the dubious distinction of being the worst legislative day in Nevada history.

In 2005, I also briefly mentioned the 1899 session. A long-time Nevada U.S. Senator, William M. Stewart, vying for the votes of legislators—when legislators chose our U.S. Senators—had hired a notorious gunman and another colorful character skilled in the use of a Bowie knife as his bodyguards. I want to share this story in greater detail because it is one of many glaring examples of why Congress proposed the *17th Amendment* providing for the direct election of U.S. Senators, which the states ratified in 1913.

William Stewart was Nevada's first U.S. Senator. He had served in Congress from 1864 until 1875 and again beginning in 1887. Biographer and Nevada historian, the late Professor Russell Elliott, called him a "Servant of Power." Stewart was indeed a powerful politician, serving mining and railroad interests in Nevada. Perhaps his greatest political legacy is the National Mining Law. Stewart had a major challenger for his office in 1898-1899, Congressman Francis G. Newlands. Newlands, the son-in-law of former Nevada U.S. Senator William Sharon, was considered a political upstart who was no friend to the Southern Pacific Railroad, Stewart's principal supporter. The costly campaign to elect legislators partial to Stewart or Newlands was an ugly one laced with character assassination. The newspapers were full of vitriol and demeaning cartoons. The Stewart forces easily outspent the Newlands supporters and the assumption was the Senator had "fixed things" on the State Senate side. However, Stewart needed a majority of votes in the State Assembly, and that had not been assured.

Stewart's headquarters was the Ormsby House, catty-corner to the State Capitol, while Newlands' headquarters was the Arlington House, just south of the U.S. Mint. Stewart's entourage included controversial lobbyists, Southern Pacific Railroad employees, and two

strong-arm men named Colonel Jack Chinn and David Neagle. Mr. Neagle was famous, or infamous, as a deputy U.S. Marshal. He acquired his reputation when he shot and killed former California Supreme Court Chief Justice David S. Terry, while defending U.S. Supreme Court Justice Stephen J. Field. The matter—*In re Neagle*—went before the U.S. Supreme Court. The hot-tempered former Justice Terry was well known for having previously killed California U.S. Senator David C. Broderick in a duel.

Beautiful Sarah Althea Hall, scorned by her lover, former U.S. Senator William Sharon, who she claimed was her husband (remember that Sharon was Francis Newlands' father-in-law) played a major role in instigating the events that led to Neagle's reputation. Sarah's lawyer, former California Justice David Terry—whom she married following Sharon's death during the litigation—claimed that Sarah had been William Sharon's lawful wife. Sarah went berserk upon hearing the adverse ruling, and Terry attacked a court officer and brandished a Bowie knife following efforts to escort his wife out of the court room. Shortly thereafter, the U.S. Attorney assigned Deputy U.S. Marshal David Neagle to protect the presiding federal circuit judge, Supreme Court Justice Stephen Field. Subsequent to the wild courtroom outburst, Sarah, who had been pregnant with Justice Terry's child, had a miscarriage.

Sarah and David Terry and Justice Field and his court-appointed bodyguard, Deputy Marshal Neagle, came together in an explosive confrontation on August 14, 1889, in the Lathrop railway station outside Stockton. Having served their sentence for contempt, Sarah and former justice Terry boarded the train in Fresno on which Justice Field and Deputy Neagle were returning to San Francisco. The next morning at Lathrop Station, the passengers detrained to take breakfast. Ignoring Neagle's protest, Field went to the dining room. The result was a dead husband, a wife committed to the Stockton Insane Asylum, a deputy marshal charged with murder, and a landmark U.S. Supreme Court decision—Justice Field abstaining—that substantially expanded the powers of the federal government and affirmed the authority for U.S. marshals and their deputies to use force in the performance of their lawful duties.

Some ten years later, the notorious former U.S. Deputy Marshal David Neagle walked the halls of the Nevada State Capitol in the interests of U.S. Senator William Stewart and the Southern Pacific Railroad. In addition, although both Stewart and Newlands belonged to the Silver Party, the Stewart backers were able to get Newlands kicked out of the party in time for the 1899 Session. Everything looked like a done deal, and Newlands did not allow his name to be submitted to the Legislature. On January 24, the State Senate chose Stewart over three other candidates by a vote of 9 to 6. However, the State Assembly was confronted with a missing member for the afternoon U.S. Senate vote who had been present in the morning session. Prior to the vote, 15 Assemblyman were pledged for Stewart and 15 for other candidates. With Storey County Assemblyman William A. Gillespie nowhere to be found by the Sergeant of Arms, the vote ended up 15 for Stewart, 14 for the others. Stewart, with a majority of the Assembly vote, was reelected to the U.S. Senate.

According to Newlands biographer, UNR Professor Bill Rowley, "The absence of Assemblyman Gillespie was no accident since his vote against Stewart could have tied the Assembly. He was spirited away either voluntarily or involuntarily to a home in Carson Valley for two days. Many speculated on how much he received for his absence, but within two months he held an office job with the Southern Pacific Railroad in Oakland."

A newspaper wire service story after the legislative session noted Jack Chinn and David Neagle's role in the 1899 Legislative Session: "Chinn's most dramatic use of his big Bowie knife was a short time ago when he sharpened it up and started for Nevada to help re-elect Senator Stewart, whom he admired. Chinn claimed that he was quicker with the knife than anyone else engaged in the campaign. David Neagle, the man who killed ex-Judge David S. Terry, went there as the man who used his revolver most rapidly, and as he was for Stewart, too, the combination looked irresistible."

Chinn and Neagle were perhaps much too irresistible for Assemblyman William Gillespie. Historian Mary Ellen Glass candidly summed up one of the state's most controversial legislative sessions: "The Nevada legislature was bought and paid for in 1899 by the railroad forces to assure William Stewart's election. Thus it was demonstrated again that the Southern Pacific Corporation would use any means, including bribery and intimidation to elect a man who would be compliant to its needs. Only the strongest could have stood against the pressure. As the

legislators prepared to settle other questions of state importance, they might have observed that other states had had similar experiences in electing United States senators. Many displayed in greater or lesser intensity the graft, bribery, and corruption that led to the increasing demands for direct, popular election of senators."

Forty-five deadlocks occurred in 22 states between 1891 and 1905, resulting in numerous delays in seating senators. Beginning in 1899, Delaware did not send a senator to Washington, D.C. for four years.

And you thought political campaigns today are dirty and low-down.

Thank you for letting me remind you that politics has not changed all that much in the last 100 years.

And remember, "The truth does matter."

Assemblyman Oceguera requested that the following proclamation be entered in the Journal:

PROCLAMATION OF THE NEVADA STATE ASSEMBLY

WHEREAS, On March 20, 2007, the 74th Session of the Nevada Assembly reaffirms its historical identity by holding its floor session in the former Assembly Chamber of Nevada's monument to democracy, the State Capitol; and

WHEREAS, The State Capitol Fund was created during the 4th Legislative Session by Assembly Bill 36 (Chapter XXXIII, *Statutes of Nevada 1869),* which called for "the erection of a State Capitol at Carson City" at a cost not to exceed $100,000, with sandstone to be provided by the State Prison quarry; and

WHEREAS, Construction on the State Capitol began on April 21, 1870, and the building was ready for the Legislature on January 1, 1871, with Robert E. Lowery presiding as the first Speaker of the Assembly to officiate in the new Chamber; and

WHEREAS, Nevada's government evolved in this historic edifice, where state officials were housed and the Senate and Assembly convened until April 24, 1969, when Assembly Speaker Howard F. McKissick, Jr., adjourned sine die, ending nearly a hundred years of tradition of the Nevada Legislature meeting in the State Capitol; and

WHEREAS, Over that century, the Capitol and the State of Nevada experienced many challenges and changes, with cycles of boom-and-bust *in* both population and economy, from early statehood when the State was dependent on mining and its population was approximately 42,000 in 1871, to 1969, when the State's population had grown to 473,767; and

WHEREAS, Nearing the end of the 1969 Legislative Session, Assembly Speaker McKissick noted that the Legislature had outgrown the facilities encompassed by the Capitol, and an appropriation of $3.4 million was approved for the construction of a new Legislative Building; and

WHEREAS, In 1977, the Legislature appropriated $6 million for remodeling the State Capitol to ensure its history and tradition and to cement the structure, with its prominent silver-painted dome, as one of Carson City's and the State's most visible landmarks and a symbol of Nevada government; and

WHEREAS, The rich political history and heritage of the State were graced by the presence of the first woman legislator with the election of Mrs. Sadie D. Hurst to the Assembly in 1918, who served with distinction in the 1919 Session, and the presence of women in the Nevada Legislature has increased dramatically since 1918; with a total of 6 women currently serving in the Senate and 13 in the Assembly; and

WHEREAS, With the election of the first woman Speaker of the Nevada Assembly for the 2007 Legislative Session, Barbara E. Buckley, one of only five women Assembly Speakers nationwide, has entered into the historical lineage of Assembly Speakers who have shaped the destiny of the State of Nevada; now, therefore, be it

PROCLAIMED, That the members of the 74th Session of the Nevada Assembly hold steadfast to the memory of all those whose hard work, courage, vision, and dedication to serve the people of the State of Nevada have endured throughout the State's 144-year history; and be it further

PROCLAIMED, That by observing today's Assembly Floor Session in the historic former Chamber in the State Capitol, the members of the Assembly honor the Capitol and its role as the seat of government and a symbol of the Silver State and its people, and recognize this heritage must be treasured and preserved to honor past and future generations.

Dated this 20th Day of March, 2007.

BARBARA E. BUCKLEY,
Speaker of the Assembly

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Fettig and Deena McKenzie.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Governor Jim Gibbons, Secretary of State Ross Miller, Nevada State Treasurer Kate Marshall, Karen Baggett, Sheena Beaver, Stephanie Colbert, Allen Coleman, Sharol Damberger, Mike Dayton, Carolyn Emr, Vicky Galloway, Laura Lau, Steve Lewis, Linda Lilleboe, Dennis Longhofer, Nicole Lovec, Robert "Carl" Malkmus, John Rutledge, John Shrum, Debbie Silveira, Bill Sweeney, Lisa Voss, Don Williams, Audrey Wilson, Brooke Woellner, and Madilyn Zike.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Race Christensen, Christopher Dahir, and Robin Joyce.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Art Jones and Opal Jones.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Churchill High School: Sarah Burton, Josh Elliott, Chelsea Hejny, Nate Helton, Chase Kaiser, Lauren MacLean, Franny Myers, Jesse Riehm, Corrie Robinson, Jenni Souba, Richard Summers, Michelle Tiscareno, and Linze Wilky; teacher Paul Davidson.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Her.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Erin Schweber.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Bordewich-Bray Elementary School: Thomas Bradbury, Gladiz Casillas Bracamontes, Dominic Cerniglia, Jayden DeJoseph, Nicholas Grosse, Donald Hurst, Jace Keema, Kacey Kendall, Kerly Lopez Zaragoza, Cole McDannald, Benjamin Miller, Carly Peckham, Geraet Rauh, Ricardo Romero Vargas, Amanda Streeter, Ashley Tibbets, Elyssa Zuniga,

Virginia Adams, Jacob Bauman, Kierra Bell, Abigail Drown, Kennedy Evins, Kasey Faur, Baden Fitzgerald, Joceln Gill, Joseph Glahn, Gissell Henriquez, Sydney Mills, Jose Moreno, Maria Ruiz, Colton Schaum, Hunter Singleton, and Ian Van Rensselaer; teachers Mary Jolly and Nicole Medeiros; chaperones: Sean Bauman, Jacqueline Bennett, Kelli Bradbury, Heather Cerniglia, Natasha Grosse, Kyle Hurst, Maria Hurst, Katy Kendall, James Pecham, and H.L. Van Rensselaer.

Assemblyman Oceguera moved that the Assembly adjourn until Wednesday, March 21, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 11:45 a.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE FORTY-FIFTH DAY

CARSON CITY (Wednesday), March 21, 2007

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

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, James Satilek.

O Thou compassionate Lord, Thou who art generous and able. We are servants of Thine, sheltered beneath Thy providence. Cast Thy glance of favor upon us. Give light to our eyes, hearing to our ears, and understanding and love to our hearts. Render our souls joyous and happy through Thy glad tidings. O Lord, point out to us the pathway to Thy kingdom and resuscitate all of us through the breaths of the Holy Spirit. Bestow upon us life everlasting and confer upon us never-ending honor. Unify mankind and illumine the world of humanity. May we all follow Thy pathway, long for Thy good pleasure and seek the mysteries of Thy kingdom. O God, unite us and connect our hearts with Thy indissoluble bond. Verily, Thou art the Giver, Thou art the Kind One, and Thou art the Almighty.

AMEN.

Presentation of the Colors by the Honor Guard of the Nevada National Guard.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Transportation, to which were referred Assembly Bill No. 264; Assembly Joint Resolution No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 20, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 150, 151, 208.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen McClain, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne,

Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack; Senators Care, Amodei, Beers, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, and Woodhouse:

Assembly Concurrent Resolution No. 15—Honoring Nevadans who were killed in the Global War on Terrorism.

WHEREAS, Since the launching of the Global War on Terrorism in response to attacks on the United States on September 11, 2001, through the Enduring Freedom and Iraqi Freedom Operations, over 3,500 Americans have lost their lives, including thirty-five Nevadans; and

WHEREAS, The service of these women and men required sacrifice, hardship, endurance, dedication, courage and the highest level of patriotism; and

WHEREAS, Those Nevada citizens who served our country in the name of freedom and justice deserve special recognition for their sacrifice; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the following Nevadans are hereby honored for sacrificing their lives in service to their country:

Marine Lance Corporal Nicholas H. Anderson, Las Vegas; Army Sergeant Kenneth E. Bostic, Hawthorne; Marine Lance Corporal Raul S. Bravo, Elko; Army Captain Joshua T. Byers, Sparks; Marine 2nd Lieutenant James J. Cathey, Reno; Marine Lance Corporal Donald J. Cline Jr., Sparks; Army National Guard Specialist Anthony S. Cometa, Las Vegas; Army Corporal Matthew A. Commons, Boulder City; Army Private First Class David N. Crombie, Winnemucca; Army Specialist Jason A. Disney, Fallon; Army National Guard Chief Warrant Officer John M. Flynn, Sparks; Army Sergeant John C. Griffith, Las Vegas; Army Private First Class Daniel F. Guastaferro, Las Vegas; Marine Corporal Jesse Jaime, Henderson; Army Sergeant Robert P. Kassin, Las Vegas; Marine 1st Lieutenant Nathan M. Krissoff, Reno; Army Corporal Stanley J. Lapinski, Las Vegas; Army Corporal Shawn T. Lasswell Jr., Reno; Army Staff Sergeant Emmanuel L. Legaspi, Las Vegas; Marine Lance Corporal Jeremy Z. Long, Sun Valley; Marine Private First Class John Lukac, Las Vegas; Army Corporal Joseph L. Martinez, Las Vegas; Army Sergeant Gordon F. Misner II, Sparks; Army Private Joshua M. Morberg, Sparks; Army Sergeant Eric W. Morris, Sparks; Navy Petty Officer 2nd Class Eric S. Patton, Boulder City; Marine Lance Corporal Richard A. Perez Jr., Las Vegas; Marine 2nd Lieutenant Frederick E. Pokorney Jr., Tonopah; Army Specialist Ignacio Ramirez, Henderson; Army 1st Sergeant Carlos N. Saenz, Las Vegas; Marine Corporal William I. Salazar, Las Vegas; Army Private First Class Thomas C. Siekert, Lovelock; Army National Guard Sergeant Patrick D. Stewart, Fernley; Army Specialist Teodoro Torres, Las Vegas; Army Private First Class Phillip B. Williams, Gardnerville; and be it further

RESOLVED, That the members of the 74th Session of the Nevada Legislature honor these brave Nevadans who made the ultimate sacrifice through their service, dedication and commitment to this country and their fellow man; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit thirty-five copies of this resolution to Tim Tetz, Executive Director, Office of Veterans' Services, for transmittal to each of the families of those being honored.

Assemblywoman McClain moved the adoption of the resolution.

Remarks by Assemblymen McClain, Womack, Anderson, Bobzien, Carpenter, Gansert, Goedhart, Goicoechea, Grady, Hardy, Kirkpatrick, Koivisto, Marvel, Munford, Parks, Pierce, Settelmeyer, Smith, Stewart, and Horne.

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN MCCLAIN:

Two hundred thirty years ago, our forefathers established a nation founded on liberty and the ideal that all people are created equal. On September 11th, 2001, an enemy, resolved to overthrow those ideals, attacked our country killing over 2,800 of our fellow citizens.

In the midst of those attacks, we were reminded; the great strength of America is found in the hearts and souls of our citizens. We saw our country united in compassion as Americans came together to provide relief and bring hope to others.

That day served as reveille for a new generation. A new era of young men and women would stand up, enlist, and serve our military to protect our American ideals.

All across America, and throughout Nevada, thousands would heed the call to service. The call to duty for a Nevadan is natural and is reflected in our state's motto—"All For Our Country."

These Nevadans were star athletes, church lay leaders, or policemen, but they soon became our protectors, our guardians, and our sentinels of freedom.

The names we read today are those sentinels of freedom. Those Nevadans who made the ultimate sacrifice to preserve our ideals, our country, and our way of life.

These brave Nevadans heeded the call to service for their country and set aside their dreams, their lives, and their futures. They represented the small towns and the large cities throughout our state. They were our neighbors, our sons, our daughters. They were our teachers, our mothers, our brothers.

Most importantly, they are our heroes. Those who gave so much that we could remain here, living in a free and prosperous country.

Ask any veteran why he served and he may say for our country, our freedoms, and our ideals. Ask another one and she may say my family, my father, and my neighbors. Ultimately, all veterans will agree they were called to duty by the love of their country.

This spring marks the beginning of the fifth year of the Global War on Terrorism—Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq. From February of 2002 to now we have lost 35 Nevadans in those conflicts.

Today we pause to honor those we knew and loved; those Nevadans who heeded the call to service and forfeited all.

To the families that have a name listed today, our debt can never be repaid. We thank you from the bottom of our hearts.

We stand dedicated to remember the struggle, resolve, and sacrifice these Nevada heroes made. We must forever demonstrate they have not died in vain, as we honor their commitment as soldiers from the great "Battle Born" state of Nevada.

ASSEMBLYWOMAN WOMACK:

District 23 has five great soldiers who gave their lives for our freedom. Army National Guard Specialist Anthony Cometa loved music and wanted to go to college. Army Sergeant John Griffith rejoined the Army in 2003 because it was his duty to serve. Captain Jesse Jaime joined his twin brother Joel who had already joined the Marines. Lance Corporal Richard Perez had just ten days left of his tour in Iraq and wanted to come home and play baseball for UNLV.

Army Specialist Ignacio Ramirez was an artist who drew his fellow soldiers. These brave men are the faces of the names on the list of soldiers whose sense of duty keep us safe. I urge all of my colleagues to support ACR 15.

ASSEMBLYMAN ANDERSON:

Army Captain Joshua T. Byers of Sparks, age 29, graduated from Reed High School and in 1996 from West Point. He was a Southern Baptist lay leader serving as a pastor and church planner. His brother stated, "He worked hard to be the best at whatever he was interested in."

Marine Lance Corporal Donald J. Cline, Jr. of Sparks, age 21, married his high school sweetheart from Reed High School and had two sons, Dakota and Dylan. He would carve objects out of wood and send them to his sons. There is a memorial plaque dedicated to Donald at the Sparks Marina Park.

Army National Guard Chief Warrant Officer John M. Flynn of Sparks, age 36, was a military veteran who believed that the job he was doing would make the world a better place. He died on September 25, 2005, with his friend and comrade, Sergeant Patrick Stewart, of Fernley.

Army Sergeant Gordon F. Misner, II of Sparks High School, age 23, was a good friend, wonderful husband, and father. He loved his family and his country.

Army Private Joshua M. Morberg of Reed High School, age 20, learned to play the violin as a child and learned to speak Japanese in high school.

Army Sergeant Eric W. Morris of Reed High School, age 31—you could always count on him to get the job done. He was all about his family and taking care of his soldiers.

ASSEMBLYMAN BOBZIEN:

Army Corporal Shawn Thomas Lasswell, Jr. was a 21-year-old Reno resident, a resident of District 24. He was killed outside Baghdad last April by an improvised explosive device that detonated near his Humvee. He leaves behind his wife, whom he married just days before leaving for Iraq, and his parents. I want to thank him for his service, and my thoughts go out to his family and friends.

ASSEMBLYMAN CARPENTER:

I rise in support of ACR 15. U.S. Marine Corp Lance Corporal Raul Bravo, Jr. was the first Elko resident killed in the Iraq war, and he is the latest casualty from Nevada. Raul Bravo moved to Elko in 1993 and graduated from Elko High School in 2004. He enlisted in the Marines immediately after graduation and was on his second tour of duty. He had spent seven months in Iraq in 2005.

I know his family in Elko. His father works for the City of Elko in the Water Department. Raul was buried in Las Vegas where his mother lives. His sister, Rachel, said, "Everyone needs to support our troops regardless of how you feel." War has a way of touching everyone; Nevada is no exception. From north to south, Las Vegas to Elko, our prayers are with Raul and his family.

ASSEMBLYWOMAN GANSERT:

I have two soldiers from my district. Marine Second Lieutenant James Cathey was a six-foot Marine who knew how to knit better than his wife could. His steel-cable arms were covered in tattoos that hid a lot of charm and tenderness. His mother said, "You could drive across Nevada with him, and he could tell you about every Indian battle, where it took place, why it happened, and what the result was."

The other person who has fallen from my district is Marine First Lieutenant Nathan Krissoff. Nathan was born in Truckee, California, and his family moved to Reno in 1990. He attended public school and later went to the Stevenson School in Pebble Beach. He was the ultimate scholar-athlete, excelling in water polo, swimming, piano, and graduating at the top of his class. He was also the student body president. During that time, he also earned a spot on the U.S. Junior National Wildwater Kayak Team and represented his country at two world championships in Europe. He attended Williams College in Williamstown, Massachusetts, where he earned a degree in political science and captained the men's swim team. Following graduation, he worked in Washington, D.C. for the Monterey Institute of International Studies. His passion and his commitment were truly inspirational to the people who knew him, and he is survived by his parents, Dr. and Mrs. William Krissoff of Reno, and his brother, who is also in the armed forces, Second Lieutenant Austin Krissoff.

ASSEMBLYMAN GOEDHART:

I would like to pay special tribute to two servicemen who gave the ultimate sacrifice. Army Sergeant Kenneth E. Bostic was born in Reno and was a resident of Hawthorne. He was a quiet leader with impeccable character who loved Hawthorne and proudly visited the community while serving in the Army. He had plans to pursue a career in law enforcement.

We also had Marine Second Lieutenant Frederick E. Pokorney, Jr., a resident of Tonopah. He was described by his mother a gentle giant who was passionate about his career and his daughter. His father is also laid to rest in Arlington National Cemetery. Our thoughts and prayers go out to family and friends.

ASSEMBLYMAN GOICOECHEA:

I rise in support of ACR 15. Two servicemen from Assembly District 35 were killed. Army Specialist Jason A. Disney died February 13 at Bagram Airbase in Afghanistan. He was assigned

to the Army Seventh Transportation battalion. He left behind a three-year-old son at the time of his death. He excelled in the military structure and looked forward to being a career Army man.

The second was Army Private First Class Thomas C. Siekert. He was 20 years old and died December 6, 2005, in Baghdad, Iraq. He was assigned to the 101st Airborne Division. He had only spent ten months in the Army; the last three months of his service and life were spent in Iraq. My only regret is that I did not know either of these two young gentlemen personally, and I can only thank them.

ASSEMBLYMAN GRADY:

I proudly stand in support of ACR 15. I unfortunately had one young gentleman from Fernley who lost his life in Afghanistan, Sergeant Patrick Stewart, age 34. Patrick had a strong belief that what he was doing in Afghanistan was the right thing, and his trust in and support of his comrades was extraordinary. He died on September 25, 2005, with his comrade, Chief Warrant Officer John Flynn of Sparks.

I would like to add that I am very proud of our Nevada Veterans' Services and our Governor. While the Sergeant's wife was having a difficult time getting a religious designation on his crypt at the Veterans' Cemetery in Fernley, the Veterans' Services and the Governor stepped up and basically overrode what the federal government was doing and assisted his wife and children in getting that crypt properly inscribed with the religious symbol that they had requested.

ASSEMBLYMAN HARDY:

I rise in support of ACR 15. I will use the first names of these people who are very special to Boulder City. Shane Patton died while conducting combat operations when the MH-47 helicopter that he was aboard crashed in the vicinity of Asadabad, Afghanistan in the Kumar Providence. He was assigned to SEAL Delivery Vehicle Team One, Pearl Harbor, Hawaii. He died on June 28, 2005. Shane graduated from Boulder City High School in 2000. When you enter the Coffee Cup restaurant in Boulder City, Shane's picture is proudly displayed. The caption on his photo says, "Our hero." Looking at his handsome, smiling face, you feel as if he might walk through the door any minute. His presence is profound.

Matt Commons died March 4, 2002. He had volunteered to join a rescue operation of a Navy SEAL. He was the youngest of seven soldiers to die in that effort at age 21. He was a giving person. Matt Commons, a vibrant student filled with hope, was described by his government teacher, Lynn Stewart. "He was a good, solid kid. He loved his country and was willing to put his life on the line." Matt continues to serve his country although he lies in rest in the Arlington National Cemetery. He is still serving to remind us of his hope and encourages us to have hope.

ASSEMBLYWOMAN KIRKPATRICK:

I, too, rise in support of ACR 15. Today I rise to pay tribute to Army First Sergeant Carlos Saenz, who was a constituent of Assembly District 1. You wish you knew these folks who served our country personally. I did not, so I took the opportunity to call his wife and his son and have a little chat. I asked if there is anything that could be said today that we could remember him by, and she said that the last time they saw him was November of 2005. One of the things she said, too, was that her husband was a gentle giant as well. He was very tall and very big and loved to play with the kids out in the neighborhood. She said that her husband challenged our young teens today to be everything they could and to continue on with the dreams that they pursue. Today, his son, Juan, who is at Rancho High School, has done everything that his father has asked and three of the neighborhood kids are now enlisting to go and do their part because they believe it is so important. With that, I urge your support as well.

ASSEMBLYWOMAN KOIVISTO:

I also support the adoption of Assembly Concurrent Resolution 15. Corporal William Salazar was born in Las Vegas and raised in southern California. In 2001, he returned to live with his aunt and uncle, Lou and Cecilia Salazar. Some of you from southern Nevada may know Lou Salazar. He is an active member of Local 525 and plays Santa Claus at the 525 Christmas party every year. William was the apple of his eye. He played the trombone in a jazz band and was interested in graphic design and the film industry. He was a photographer for the Marines and was proud to record footage of the war.

ASSEMBLYMAN MARVEL:

I also support ACR 15. I would like to recognize Private First Class David N. Crombie from Winnemucca, who made the supreme sacrifice for his family. Prior to his demise, he was in the Army Medics, and he saved the life of an Iraqi soldier. As a matter of fact, there was a little footnote we had from his family that said he thought so much of the Army that he painted his bedroom green. We certainly all admire the people who have sacrificed for all of us.

ASSEMBLYMAN MUNFORD:

Thank you, Madam Speaker, I rise in support of ACR 15. I have two young men who made the ultimate sacrifice from District 6. They were both graduates of Durango High School. Marine PFC John Lukac was 19 years old. His parents immigrated to the United States after escaping Austria from Czechoslovakia during World War II. He dreamed of being in the military since the age of 12 years. His mother, Helena, said that he was motivated to join the Marines after 9/11. He wanted to make a difference, no matter what it took. The second young man is Army Corporal Joseph L. Martinez. He was 21 years old. He was on his second tour of duty and told his family and friends that he wanted to protect his country and help the Iraqi people on their path to democracy. My heart and sympathy goes out to his family.

ASSEMBLYMAN PARKS:

I proudly and patriotically stand in support of ACR 15. I rise to recognize the heroism of Army Staff Sergeant Emmanuel L. Legaspi, who was 38 years old when he died on May 7, 2006, from injuries sustained from enemy small arms fire in Tal Afar, Iraq. Sergeant Legaspi was born in the Philippines, but was every bit an American patriot. He was a champion boxer in his native country, and he also boxed for South Korea. He worked as a lifeguard and a slot technician. Sergeant Legaspi's daughter was only six months old when he died.

ASSEMBLYWOMAN PIERCE:

There were two soldiers who gave their last full measure from Assembly District 3. Army PFC Daniel Guastaferro was a racing enthusiast. He was a shy and compassionate man who was determined to make the world a better place. He died in Ramadi. Marine Corporal Nicholas H. Anderson was a gung ho member of Bonanza's Junior R.O.T.C. at Bonanza High, and he played varsity football. He graduated in 2003, and I was told that he was quite a jokester. He was a medic in the Marines, and he lost his life in Al Anbar Province. My prayers go out to his family.

ASSEMBLYMAN SETTELMEYER:

A gentleman from my region, Army PFC Phillip Williams, was part of the Fourth Brigade Troop Battalion, Fourth Brigade Combat Team and 101st Airborne Division out of Kentucky. He was a 21-year-old from Gardnerville, and he graduated from Douglas High. He died on October 9, 2006, in Baghdad. He died while protecting other soldiers when he was manning a gun-top. His father, who is a sergeant at the South Lake Tahoe Police Department, said that he wanted to be a combat military policeman, and he knew the risk. He grew up watching his father go to work and try to make people safe who he did not even know. I wish to honor his memory and his sacrifice. I regret that I did not know him.

ASSEMBLYWOMAN SMITH:

I am honored today to stand in remembrance of Marine Lance Corporal Jeremy Z. Long, who was just 18 years old, lived in my district in Sun Valley, and went to Spanish Springs High School. He played football, he wrestled, and he was a member of the swim team. At his funeral, we heard his coaches talk about how he played with such determination, and while he was never the biggest kid out there, he always played like he was, and he had such heart and passion for what he did. His family talked about how he had an amazing sense of humor and kept the family in stitches all the time, but he was also the rock in his family. He apparently, by all accounts, carried all of those qualities to the Marines. In a sad turn of events, shortly after his death, his family lost their home and his childhood memorabilia in a fire.

ASSEMBLYMAN STEWART:

Assemblyman Grady has mentioned Sergeant Patrick Stewart and Chief Warrant Officer John Flynn, who were killed when their Chinook helicopter was shot down in Afghanistan

during Operation Enduring Freedom. I have the honor to have sitting with me today their commander, General Kirkland, the commander of the Nevada National Guard. On my left is the wife of Sergeant Patrick Stewart, Roberta Stewart; his mother, Sandy Stewart; the wife of Officer John Flynn, Christine Flynn; and his parents, John and Joyce Flynn. We thank you so much for giving your sons and husbands for our country.

ASSEMBLYMAN HORNE:

I am so extremely proud of our fallen sons. I would like to take this opportunity to say that while we honor these brave men, please remember all of those who put on the uniform to serve our country in peace and in war. Whether they be cooks, special forces, nurses, doctors, mechanics, or clerical, it does not matter. When you ask the question, "Who will go?", if you stop and listen you will hear the sound of one step forward, all in unison. You will hear them all say, "I will go." We have to remember to not only honor them when they are gone. I would like to take this opportunity to thank these members in service who are in uniform today. Let us thank them as well, while they can hear us. Thank you for saying, "I will go."

ASSEMBLYWOMAN MCCLAIN:

We have three other young men who were killed in action. I have to tell you that we have done so much research on this. We have spent months on this. We know that one of our young men, Army Specialist Teodoro Torres, is from Las Vegas, and that is about all we know, but we honor him as well. Also, Army Sergeant Robert P. Kassin is from Las Vegas. His father stated that before he was gunned down in a bombed-out region of Afghanistan, he built a school where none had ever stood before. Army Corporal Stanley J. Lapinski was also from Las Vegas. He declined an offer to attend officer's school. He wanted to serve as a foot soldier and not behind a desk. With that, Madam Speaker, that concludes our tribute to the 35 fallen Nevadans.

Resolution adopted unanimously.

Assemblywoman McClain moved that all rules be suspended and that Assembly Concurrent Resolution No. 15 be immediately transmitted to the Senate.

Motion carried unanimously.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:08 p.m.

ASSEMBLY IN SESSION

At 12:13 p.m.

Madam Speaker presiding.

Quorum present.

SENATE CHAMBER, Carson City, March 21, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 16.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 16.

Assemblyman Ohrenschall moved the adoption of the resolution.

Remarks by Assemblymen Ohrenschall, McClain, Beers, Parks, and Mabey.

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN OHRENSCHALL:

Thank you, Madam Speaker. I'm privileged to have known Aggie Roberts. She was a personal friend of my family. I first knew of her as a small child, at about the age of her grandsons now, who are sitting here on the floor with me today. I was a big fan of Saturday morning cartoons. I always got up early to watch them. Sometimes on Sunday mornings, there would be cartoons, but they would come on a little bit later, and you would have to watch this local program about real estate. They always had a special bit about horticulture. There was a lady on there named Aggie Roberts. I wasn't that interested in horticulture, but I figured I'd sit and keep the television on until the cartoons came on. So I grew up as a child knowing Aggie from television.

In 1994, my mother decided to run for the Assembly. We were walking door to door out in a part of Las Vegas called the Vegas Manor, which is a really beautiful area. It's still a little bit rural, up between Lamb and Nellis, in the shadow of Frenchman Mountain. We were walking on Boston Avenue, and I see the name Agatha Roberts on the walking list. I asked my mom, "Can this be the Aggie Roberts, the radio/television personality?" The first thing I told my mother was that I wasn't knocking on that door. I was just too scared and intimidated and in awe of such a big personality like her. There was no way she was going to like my mom. Somehow we knocked on the door, and Aggie became a very good friend ever since.

Aggie was very active with her diocese, she did so much as a conservationist and horticulturalist. Back in the 1970s, she was promoting water-smart agriculture when it wasn't really in vogue and people were being encouraged in Las Vegas to make the desert bloom with green lawns and make things look like back East. She was telling us that we could make things beautiful without having alot of water to spend.

Aggie was very active in public service. She was secretary of the Sunrise Manor Town Advisory Board for many years. Very few of our constituents make it up here to visit us. Many of our constituents do make it to the town boards. Those of us who represent unincorporated Clark County know there are issues, whether it's a zoning variance that gets people very upset or a bar being opened in a neighborhood near a school. So alot of people deal with the town board. I had an opportunity to attend Sunrise Town Board meetings quite a few times. Aggie always went out of her way to make sure everyone felt comfortable and wasn't intimidated by the process, which for many people is their first contact with government. Aggie always made sure everyone got the minutes, who wanted them. She took them by hand, which was a little bit before the modern age, which many of us couldn't do.

She was a very good friend of the family. Throughout Las Vegas, Aggie would visit schools to teach horticulture. Many times it was called "Aggieculture." Another interesting story I have to share is that there is a school in Henderson named after Aggie Roberts. At the time of the naming of the school, my family and I were good friends of another long-time schoolteacher who was also campaigning to have a school named after her. At that time, there was a school named after Aggie, and our friend was not successful. The first thing Aggie did was not to invite us to the dedication of her school. She was more concerned with helping our friend because she felt she was so much more deserving than herself. She was that kind of person. After the school in Henderson was named after her, she didn't just hang a picture in the lobby of the school to show people it was named after her. She went there weekly to talk to the kids, to read to them, and spend time there. It's really wonderful. I don't think you find that very often in too many of the schools.

I know there are things I'm probably missing. She was a dear friend. I'm lucky to have known her personally. I was asked by the principal of Aggie Roberts Elementary School to mention that it was an honor to have known Aggie and call her friend. A second grader said, "Mrs. Aggie Roberts was one of my confidantes. She was the one who made us think harder and in different ways. That's what made her special."

I urge adoption and appreciate this resolution from the Senate.

ASSEMBLYWOMAN MCCLAIN:

Thank you, Madam Speaker. I rise in support also for SCR 16. I knew Aggie Roberts really well. When I was liaison in the county manager's office, I was assigned to the Sunrise Manor Town Board. Aggie was dynamite, this little pistol of a woman already in her 70s then as the town board secretary. I was always so impressed with her. She was so efficient and on top of everything. She also helped us with another group, the Friends of the Winchester Park, where we did some landscaping and other things at Winchester Park on our side of town.

She was a dynamite gardener. The one thing that made the most impression on me—I can't even imagine this to this day—she grew tomatoes year round, outside, in her garden in Las Vegas. Thank you, Madam Speaker.

ASSEMBLYMAN BEERS:

Thank you, Madam Speaker. I didn't have the privilege of knowing Aggie Roberts at all. But I do know her school. It is in my district. It is 227 Charter Oak, right near the intersection of Pecos and Windmill. In the Iowa Standard Tests, it is one of the highest-rated elementary schools in the Las Vegas Valley. The national average is around 50 percent. The last 2006 testing scores, every area, every class, was well over 60 percent. I think that is a fine testament to this woman. Thank you.

ASSEMBLYMAN PARKS:

Thank you, Madam Speaker. I, too, rise in support of SCR 16. In addition to everything that has been said—and like my colleague from Assembly District 15, I also worked with Aggie Roberts several decades ago—the one thing I remember the most dealing with Aggie is that whenever I called Aggie on the phone, I would usually get her voicemail. Her voicemail always had one of her house plants answering the phone for her, as a message. These were absolutely superb messages. I think she changed them every month. That was the kind of wonderful individual she was.

ASSEMBLYMAN MABEY:

Thank you, Madam Speaker. I also rise in support of SCR 16. I never had the opportunity of knowing Mrs. Roberts personally, but I had the opportunity of knowing her daughter, who was my patient. I delivered two of her grandsons. I remember Aggie's distinctive voice on the radio. I always knew it was her. I admired her because I bought a greenhouse and put it in my backyard, and although it doesn't grow very well, I think of people like Aggie and how they can make things grow in our desert climate. Pam would always speak highly of her mother. It was fun to know Aggie's daughter and later, when I got to know her and her grandsons. So I rise in support of SCR 16.

Resolution adopted unanimously.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:27 p.m.

ASSEMBLY IN SESSION

At 12:28 p.m.

Madam Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 487—AN ACT relating to taxation; exempting certain professional baseball events from the state tax on live entertainment; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 488—AN ACT relating to the Labor Commissioner; requiring the Labor Commissioner to be appointed by the Governor; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 489—AN ACT relating to motor vehicles; allowing a civil action to be filed against the owner or person in lawful possession of real property on which public parking is restricted in a certain manner for the improper towing of a vehicle; reducing the time within which a court must hold a hearing relating to an improper towing; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 150.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 151.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 208.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 27.

Bill read second time.

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

Amendment No. 21.

AN ACT relating to public utilities; authorizing the Public Utilities Commission of Nevada to assess administrative penalties in certain circumstances; requiring certain administrative fines assessed and collected

by the Commission to be deposited in the State General Fund; authorizing the Commission to bring legal action in its own name to collect certain unpaid administrative fines; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, any person who violates certain provisions of Nevada public utilities law is subject to a civil penalty. (NRS 703.380) **Section 2** of this bill provides that any person who violates public utilities law is subject to an administrative fine assessed by the Public Utilities Commission of Nevada. **Section 2** also authorizes the Commission to bring legal action in its own name to collect any unpaid administrative fine that it has assessed **[**~~.~~**]** ***and provides for the award of costs and reasonable attorney's fees to the prevailing party.***

Sections 3 and 4 of this bill **[**~~remove a limit on~~**]** ***change the term "penalty" to "fee" for*** certain fees imposed by the Commission on utilities that are delinquent in paying a certain assessment. (NRS 704.035, 704.309) **Section 11** of this bill repeals provisions regarding administrative penalties for a specified violation of public utilities law. (NRS 703.154, 704.430, 704.6881)

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

Section 1. NRS 703.154 is hereby amended to read as follows:

703.154 1. The Commission may adopt such regulations as are necessary to ensure the safe operation and maintenance of all storage facilities and intrastate pipelines in this State which are used to store and transport natural gas, liquefied petroleum gas, in its liquid or vapor form, or any mixture thereof. Regulations adopted pursuant to this subsection do not apply to activities that are subject to the provisions of NRS 590.465 to 590.645, inclusive, or chapter 704 of NRS.

2. If the Commission and any other governmental entity or agency of the State have coexisting jurisdiction over the regulation of such storage facilities and intrastate pipelines, the Commission has the final authority to regulate those facilities and pipelines and to take such actions as are necessary to carry out the regulations adopted pursuant to subsection 1.

3. A person who violates any of the provisions of a regulation adopted by the Commission pursuant to subsection 1 is liable for ~~[a civil penalty]~~ ***an administrative fine*** not to exceed $1,000 per day for each day of the violation and not to exceed $200,000 for any related series of violations. The amount of the ~~[civil penalty]~~ ***administrative fine*** must be determined ~~[and may be compromised]~~ in the manner provided in NRS 703.380.

Sec. 2. NRS 703.380 is hereby amended to read as follows:

703.380 1. Unless another ~~[penalty]~~ ***administrative fine*** is specifically provided, ~~[any]~~ ***a person, including, without limitation, a*** public utility, alternative seller, provider of discretionary natural gas service **,** ~~[or]~~ provider

of new electric resources ~~[,]~~ ***or holder of any certificate of registration, license or permit issued by the Commission,*** or any officer, agent or employee of a public utility, alternative seller, provider of discretionary natural gas service ***,*** ~~[or]~~ provider of new electric resources ***or holder of any certificate of registration, license or permit issued by the Commission*** who:

(a) Violates any applicable provision of this chapter or chapter 704, 704B, 705 or 708 of NRS ~~[;]~~ ***, including, without limitation, the failure to pay any applicable tax, fee or assessment;***

(b) Violates any rule or regulation of the Commission; or

(c) Fails, neglects or refuses to obey any order of the Commission or any order of a court requiring compliance with an order of the Commission,

is liable for ~~[a civil penalty]~~ ***an administrative fine, to be assessed by the Commission after notice and the opportunity for a hearing, in an amount*** not to exceed $1,000 ~~***[$10,000]***~~ per day for each day of the violation and not to exceed $100,000 ~~***[$1,000,000]***~~ for any related series of violations.

2. ~~[The amount of any civil penalty to be imposed pursuant to this section, and the propriety of any compromise of a penalty, must be determined by a court of competent jurisdiction upon the complaint of the Commission.~~

~~3. Subject to the approval of the court, any civil penalty may be compromised by the Commission.]~~ In determining the amount of the ~~[penalty, or the amount agreed upon in compromise,]~~ ***administrative fine, the Commission shall consider*** the appropriateness of the ~~[penalty]~~ ***fine*** to the size of the business of the person charged, the gravity of the violation ***,*** ~~[and]~~ the good faith of the person charged in attempting to achieve compliance ~~[,]~~ after notification of a violation ~~[, must be considered.~~

~~4. Any penalty]~~ ***and any repeated violations committed by the person charged.***

3. An administrative fine assessed pursuant to this section is not a cost of service of a public utility and may not be included in any new application by a public utility for a rate adjustment or rate increase.

4. All money collected by the Commission as an administrative fine pursuant to this section must be deposited in the State General Fund.

5. The Commission may bring an appropriate action in its own name for the collection of any administrative fine that is assessed pursuant to this section. A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this subsection.

6. The administrative fine prescribed by this section is in addition to any other remedies, other than a monetary fine, provided by law, including, without limitation, the authority of the Commission to revoke a certificate of public convenience and necessity, license or permit pursuant to NRS 703.377.

Sec. 3. NRS 704.035 is hereby amended to read as follows:

704.035 1. On or before June 15 of each year, the Commission shall mail revenue report forms to all public utilities, providers of discretionary

natural gas service and alternative sellers under its jurisdiction, to the address of those utilities, providers of discretionary natural gas service and alternative sellers on file with the Commission. The revenue report form serves as notice of the Commission's intent to assess such entities, but failure to notify any such entity does not invalidate the assessment with respect thereto.

2. Each public utility, provider of discretionary natural gas service and alternative seller subject to the provisions of NRS 704.033 shall complete the revenue report referred to in subsection 1, compute the assessment and return the completed revenue report to the Commission accompanied by payment of the assessment and any ~~[penalty]~~ ***fee*** due, pursuant to the provisions of subsection 5.

3. The assessment is due on July 1 of each year, but may, at the option of the public utility, provider of discretionary natural gas service and alternative seller, be paid quarterly on July 1, October 1, January 1 and April 1.

4. The assessment computed by the public utility, provider of discretionary natural gas service or alternative seller is subject to review and audit by the Commission, and the amount of the assessment may be adjusted by the Commission as a result of the audit and review.

5. Any public utility, provider of discretionary natural gas service or alternative seller failing to pay the assessment provided for in NRS 704.033 on or before August 1, or if paying quarterly, on or before August 1, October 1, January 1 or April 1, shall pay, in addition to such assessment, a ~~[penalty]~~ ***fee*** of 1 percent of the total unpaid balance for each month or portion thereof that the assessment is delinquent ~~***[.]***~~ , or $10, whichever is greater, but no ~~[penalty]~~ fee may exceed $1,000 for each delinquent payment.

6. When a public utility, provider of discretionary natural gas service or alternative seller sells, transfers or conveys substantially all of its assets or, if applicable, its certificate of public convenience and necessity, the Commission shall determine, levy and collect the accrued assessment for the current year not later than 30 days after the sale, transfer or conveyance, unless the transferee has assumed liability for the assessment. For purposes of this subsection, the jurisdiction of the Commission over the selling, transferring or conveying public utility, provider of discretionary natural gas service or alternative seller continues until it has paid the assessment.

7. The Commission may bring an appropriate action in its own name for the collection of any assessment and ~~[penalty]~~ ***fee*** which is not paid as provided in this section.

8. The Commission shall, upon collection, transfer to the Account for the Consumer's Advocate that portion of the assessments collected which belongs to the Consumer's Advocate.

Sec. 4. NRS 704.309 is hereby amended to read as follows:

704.309 1. The Commission shall levy and collect an annual assessment from each railroad subject to the jurisdiction of the Commission

that transports cargo into, out of or through this State to support the activities of the Commission relating to railroad safety.

2. The annual assessment levied on railroads:

(a) Must be equal to the costs incurred by the Commission that are not offset by the fees paid pursuant to NRS 459.512.

(b) Must be not more than 1 cent per ton of cargo transported by the railroads into, out of or through this State during the immediately preceding calendar year.

3. On or before September 1 of each year, the Commission shall:

(a) Calculate the amount of the assessment to be levied pursuant to this section for the previous fiscal year; and

(b) Mail to each railroad subject to the provisions of this section to the current address of the railroad on file with the Commission a notice indicating the amount of the assessment. The failure of the Commission to so notify a railroad does not invalidate the assessment.

4. An assessment levied pursuant to this section is due on or before November 1 of each year. Each railroad that is subject to the provisions of this section which fails to pay the assessment on or before December 1, shall pay, in addition to the assessment, a ~~[penalty]~~ ***fee*** of 1 percent of the total unpaid balance for each month or portion thereof that the assessment is delinquent ~~***[.]***~~ or $10, whichever is greater, except that no ~~[penalty]~~ ***fee*** may exceed $1,000 for each delinquent payment.

5. If a railroad sells or transfers its certificate of public convenience and necessity or sells or transfers substantially all of its assets, the Commission shall calculate, levy and collect the accrued assessment for the current year not later than 30 days after the sale or transfer, unless the purchaser or transferee has assumed liability for the assessment. For the purposes of this subsection, the jurisdiction of the Commission over the sale or transfer of a railroad continues until the assessment of the railroad has been paid.

6. The Commission may bring an appropriate action in its own name for the collection of any assessment and ~~[penalty]~~ ***fee*** that is not paid pursuant to this section.

Sec. 5. NRS 704.3296 is hereby amended to read as follows:

704.3296 As used in NRS 704.3296 to ~~[704.430,]~~ ***704.410,*** inclusive, unless the context otherwise requires, "electric utility" has the meaning ascribed to it in NRS 704.7571.

Sec. 6. NRS 704.360 is hereby amended to read as follows:

704.360 All hearings and investigations under NRS 704.3296 to ~~[704.430,]~~ ***704.410,*** inclusive, shall be conducted substantially as is provided for hearings and investigations of tolls, charges and service.

Sec. 7. NRS 704.400 is hereby amended to read as follows:

704.400 Every order refusing or granting any certificates of public convenience, or granting or refusing permission to discontinue, modify or restrict service, as provided in NRS 704.3296 to ~~[704.430,]~~ ***704.410,*** inclusive, is prima facie lawful from the date of the order until changed or

modified by the order of the Commission or pursuant to NRS 703.373 to 703.376, inclusive.

Sec. 8. NRS 704.600 is hereby amended to read as follows:

704.600 Any officer, agent or employee of any public utility who:

1. Willfully fails or refuses to fill out and return any blanks as required by this chapter;

2. Willfully fails or refuses to answer any questions therein propounded;

3. Knowingly or willfully gives a false answer to the questions;

4. Evades the answer to any question where the fact inquired of is within his knowledge; or

5. Upon proper demand, willfully fails or refuses to exhibit to the Commission or any Commissioners, or any person also authorized to examine the same, any book, paper or account of such public utility which is in his possession or under his control,

is subject to the ~~[penalty]~~ ***administrative fine*** prescribed in NRS 703.380.

Sec. 9. NRS 704.675 is hereby amended to read as follows:

704.675 Every cooperative association or nonprofit corporation or association and every other supplier of services described in this chapter supplying those services for the use of its own members only is hereby declared to be affected with a public interest, to be a public utility, and to be subject to the jurisdiction, control and regulation of the Commission for the purposes of NRS 703.191, 704.330, 704.350 to ~~[704.430,]~~ ***704.410,*** inclusive, but not to any other jurisdiction, control and regulation of the Commission or to the provisions of any section not specifically mentioned in this section.

Sec. 10. NRS 704.6881 is hereby amended to read as follows:

704.6881 The Commission shall, by regulation:

1. Establish standards of performance and reporting regarding the provision of interconnection, unbundled network elements and resold services, which encourage competition and discourage discriminatory conduct in the provision of local telecommunication services; and

2. Notwithstanding the provisions of NRS 703.320 to the contrary, establish penalties and expedited procedures for imposing penalties upon a provider of telecommunication services for actions that are inconsistent with the standards established by the Commission pursuant to subsection 1. Such penalties may include financial payment to the complaining provider of telecommunication services for a violation of the standards established by the Commission pursuant to subsection 1, provided that any penalty paid must be deducted, with interest, from any other award under any other judicial or administrative procedure for the same conduct in the same reporting period. Any penalty imposed pursuant to this subsection is in lieu of the ~~[civil penalties]~~ ***administrative fine*** set forth in NRS 703.380 and must be:

(a) Imposed for violating a standard or standards established by regulations of the Commission pursuant to subsection 1;

(b) Determined by the Commission to further the goal of encouraging competition or discouraging discriminatory conduct; and

(c) In an amount reasonable to encourage competition or discourage discriminatory conduct.

Sec. 11. NRS 704.430 is hereby repealed.

Sec. 12. This act becomes effective on July 1, 2007

TEXT OF REPEALED SECTION

704.430 Penalty; separate offenses.

1. Any person, firm, association or corporation who violates any provisions of NRS 704.3296 to 704.430, inclusive, shall be punished by a fine of not more than $250.

2. Each day's operation without a certificate as provided in NRS 704.3296 to 704.430, inclusive, or each day that service is discontinued, modified or restricted, as defined in NRS 704.3296 to 704.430, inclusive, must be considered a separate offense.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 35.

Bill read second time.

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

Amendment No. 22.

AN ACT relating to hearing aid specialists; reducing the period during which a license issued by the Board of Hearing Aid Specialists may be renewed without an examination; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who is issued a license by the Board of Hearing Aid Specialists and who fails to pay the annual license fee or submit all information required to renew the license may have the license renewed without an examination within 5 years after the date of expiration of the license if the person complies with certain requirements and pays, in addition to the annual license fee, the lapsed renewal fee for each year or portion of a year that the person has not paid the annual license fee. (NRS 637A.200, 637A.210)

This bill reduces the period during which the person may have the expired license renewed without an examination from 5 years to [1 year.] 3 years.

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

Section 1. NRS 637A.200 is hereby amended to read as follows:

637A.200 1. Licenses expire on June 30 next following the date of issuance.

2. A licensee may have his license renewed for 1 year beginning on July 1, by:

(a) Showing that he has fulfilled any requirements established by the Board for continuing education;

(b) Paying the annual license fee; and

(c) Submitting all information required to complete the renewal.

3. A licensee who fails to pay the annual license fee or submit all information required to complete the renewal may have his license renewed without ***an*** examination within ~~[5 years]~~ ***~~[1 year]~~*** ***3 years*** after the date of expiration by:

(a) Complying with the requirements of subsection 2; and

(b) Paying the lapsed renewal fee in addition to the annual license fee.

Sec. 2. NRS 637A.210 is hereby amended to read as follows:

637A.210 The Board shall charge fees which must not ~~[be greater than]~~ ***exceed*** the following:

For a license as a hearing aid specialist:

Application fee	$250
Examination fee	200
Initial license fee	100
Annual license fee	200
Duplicate license fee	20
Inactive status fee	100

For a license as an apprentice to a hearing aid specialist:

Application fee	$250
Annual license fee	100
Inactive status fee	100

For all licenses issued by the Board:

Lapsed renewal fee ~~[per year for each year, or fraction thereof, that the annual license fee has not been paid]~~	$100
Reinstatement fee	100

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

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 134.

Bill read second time.

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

Amendment No. 54.

AN ACT relating to veterans; requiring the Executive Director for Veterans' Services to prepare, maintain and make available for public inspection a register that includes the names of the veterans interred in each cemetery in this State; requiring the Executive Director to provide flags of the United States to certain persons and civic organizations for placement on the graves of veterans on certain holidays; requiring the Executive Director to provide a flag of the United States to each resident of a veterans' home in this State to commemorate certain holidays; ***making an appropriation;*** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Office of Veterans' Services provides various services to persons serving in the Armed Forces of the United States and veterans and their families. (Chapter 417 of NRS) **Section 2** of this bill requires the Executive Director for Veterans' Services to prepare, maintain and make available for public inspection a register that includes the names of the veterans interred in the cemeteries in this State. **Section 3** of this bill requires the Executive Director to provide, without charge, flags of the United States to certain persons and civic organizations for placement on the graves of veterans on certain holidays. This bill also requires the Executive Director each year to provide a flag of the United States to each resident of a veterans' home in this State to commemorate certain holidays. ***Section 4 of this bill appropriates $15,000 to the Office of Veterans' Services to provide the flags.***

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

Section 1. Chapter 417 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***The Executive Director shall prepare, maintain and make available for public inspection a register that includes the names of the veterans interred in the veterans' cemetery in northern Nevada, the veterans' cemetery in southern Nevada and all other public and private cemeteries in this State. The register must include the number of veterans interred in each cemetery in this State and, if known, the date of interment of each veteran.***

Sec. 3. ***1. The Executive Director shall, upon the request of the owner or operator of a cemetery in this State or a civic organization recognized by the Executive Director, provide a sufficient number of flags of the United States for placement on the graves of veterans interred in the cemetery to commemorate Memorial Day, Flag Day, Independence Day and Veterans' Day. The flags must be of a size suitable for placement on a grave and provided without charge.***

2. Each year, on or before Memorial Day, Flag Day, Independence Day and Veterans' Day, the Executive Director shall, without charge,

provide to each resident of a veterans' home in this State a flag of the United States of an appropriate size for use in commemorating those holidays.

3. The flags the Executive Director is required to provide pursuant to this section must be manufactured in the United States.

Sec. 4. **1. There is hereby appropriated from the State General Fund to the Office of Veterans' Services to carry out the provisions of section 3 of this act:**

For the Fiscal Year 2007-2008	**$7,500**
For the Fiscal Year 2008-2009	**$7,500**

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

Assemblywoman Womack moved the adoption of the amendment.

Remarks by Assemblywoman Womack.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 152.

Bill read second time and ordered to third reading.

Assembly Bill No. 192.

Bill read second time and ordered to third reading.

REMARKS FROM THE FLOOR

Assemblyman Oceguera requested that the following proclamation be entered in the Journal.

PROCLAMATION OF THE NEVADA STATE ASSEMBLY

WHEREAS, Deanna Jensen was born in Elko and raised in Clover Valley on a cattle ranch. She graduated from Wells High School and eventually earned a master's degree in speech pathology-audiology at the University of Nevada, Reno; and

WHEREAS, Deanna Jensen passed away on January 7, 2007, after a long but heroic battle with breast cancer; and

WHEREAS, Deanna was a tireless activist for breast cancer research. For example, Deanna worked with United States Senator Harry Reid on the Breast Cancer and Environmental Research Act, bipartisan legislation that proposes a national strategy to study the links between the environment and breast cancer; and

WHEREAS, The American Cancer Society estimates that a woman in the United States has a 1 in 7 chance of developing invasive breast cancer during her lifetime—this risk was 1 in 11 in 1975; and

WHEREAS, All women are at risk of developing breast cancer. About 90 percent of women who are diagnosed with breast cancer do not have a family history of the disease; and

WHEREAS, Approximately three million women in the U.S. are currently living with breast cancer—two million who have been diagnosed and an estimated one million who do not yet know they have the disease; now, therefore, be it

PROCLAIMED, That Deanna Jensen was a loving wife and mother, a cherished friend, and a respected member of the community; and be it further

PROCLAIMED, That Deanna Jensen used her own battle with breast cancer to better the lives of those faced with this devastating disease.

DATED this 21st day of March, 2007.

Ty Cobb,
Nevada State Assemblyman

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN COBB:

For those who knew Deanna Jensen, they knew she was an incredibly wonderful woman. They knew that she was outgoing, caring, and she was a wonderful friend and loving person. In fact, she was a good friend of both my wife and me. When she passed away, we felt the need to write in the note that we sent to her husband, Don, a thank you to him for allowing us to spend time with her and get to know her and to share her life with us, especially because he knew how precious time was and he was still willing to do that.

Obviously, we are not the only people he shared Deanna with. Senator Reid was gracious enough to work with her on breast cancer issues, as did Senator Ensign. She spent alot of time working on these issues, as the proclamation mentions, not because it was going to help her, but because she believed in the cause of helping other women who were stricken with this disease. She wanted to better their lives.

I would like to end by reading this line on the proclamation: "Deanna Jensen was most importantly a loving wife and mother, a cherished friend, and a respected member of the community." Thank you.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

We thank you for being with us today. We are proud to take a moment to honor Deanna and her activism and her work for all women so this disease can be eradicated. Our thoughts and prayers are with you all.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolutions Nos. 12 and 13.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Isaac Rodriguez and Gilbert Brenneman.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Zach Trainor.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Wendland and Jason Williams.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Race Christensen.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Jill Jensen, Angie McEvers, Karyn Jensen, Don Jensen, Kurt Jensen and Ty Cobb, Sr.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Noah Conrath and Bernadette Maaka.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Eric Goedhart, Amos DeGroot, Ted DeGroot, Leonard Goedhart, and Curt Streelman.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Marc Tinajero.

On request of Assemblyman Kihuen, the privilege of the floor of the Assembly Chamber for this day was extended to Josh Jones.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Jake Harvey and Bryan Martinez.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to David Roberts, Michael Roberts, Mallory Levins, and Courtney Roberts.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Preston Adamson, Anthony Arreygue, and Adam Brayton.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to the following members of the Nevada National Guard Honor Guard: Curtis Terry, Helena Schroeder, Douglas Larson, and Rafael Chelli; Eileen Montgomery.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Pam Levins, Bill Roberts, Burke Levins, Reese Levins, Bill Roberts, Susan Roberts, Terry Lesney, Lauren Morell, Donna Morell, Ron Acquistapace, and Margot Acquistapace.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Crystal Soderman,

Karen Fleischmann, Adam Nicely, Jeff Nash, Leigh Berdrow, and Alex Bautista.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Howard, Jessie Gregg, and Roberto Garcia.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Christy Flynn, John Flynn, Joyce Flynn, Roberta Stewart, Sandy Stewart, and Major General Cynthia Kirkland.

Assemblyman Oceguera moved that the Assembly adjourn until Thursday, March 22, 2007, at 11 a.m. and that it do so in honor of all of Nevada's fallen soldiers.

Motion carried.

Assembly adjourned at 12:47 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE FORTY-SIXTH DAY

CARSON CITY (Thursday), March 22, 2007

Assembly called to order at 11:19 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Gerhardt and Mabey, who were excused.

Prayer by the Chaplain, Father George Wolf.

Lord God, our Father in Heaven, we thank You for Your many graces and blessings. We ask a special blessing today on the men and women of this Assembly who serve the people of Nevada. As they craft the laws of this state, may they do so under your guidance with special concern for the most needy and least of our citizens. Give them the light and the courage to stand always for justice and the peaceful resolution of our concerns. May we take our inspiration this morning from the words of the Psalmist: "We wait in hope and keep God's way. The Lord will give you power. He will have your land and watch the wicked fall. Observe the honest and upright. The future belongs to peacemakers, but the violent will be destroyed. The just are saved by God, their refuge in troubled times. They seek help from God who saves and rescues them, who saves and frees them." We make our prayer in God's name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 21, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 66, 199; Senate Bill No. 183.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 15.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 490—AN ACT relating to mentally ill persons; requiring a court to seal records relating to a person admitted to a public or private mental health facility or hospital under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 491—AN ACT relating to the practice of nursing; prohibiting a person from enrolling in a course of clinical education unless he first obtains a certificate of privilege to enroll in such a course; requiring a person who wishes to obtain such a certificate to submit his fingerprints to the Board for use by the Board in obtaining a report on the person's criminal history; authorizing the imposition of certain fees; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 492—AN ACT relating to motor vehicle insurance; prohibiting an insurer from refusing to pay the full amount of an estimate on the cost to repair damage to a motor vehicle without appraising the damage in person and within a certain time; requiring insurers to pay the entire cost of parts used to repair a motor vehicle and replacement vehicles under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 493—AN ACT relating to traffic laws; authorizing the use of pneumatic tires with retractable metal-type studs on motor vehicles any time of the year so long as the studs are not engaged or extended except for certain times of the year; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 494—AN ACT relating to unemployment compensation; providing that a person who is unemployed due to a lockout is eligible for unemployment compensation; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 495—AN ACT relating to professions; creating the Board of Crime Scene Investigators and Forensic Analysts; prescribing the powers and duties of the Board; prohibiting a person from engaging in the

practice of investigating crime scenes or analyzing forensic evidence unless he is licensed by the Board; prescribing the requirements for the issuance or renewal of a license; setting forth the grounds for disciplinary action against a licensee; providing the actions the Board may take against a person who commits certain acts; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 496—AN ACT relating to workers' compensation; revising various duties of employers, insurers and claimants under the workers' compensation system; revising certain procedures for accepting, denying and contesting workers' compensation claims; revising certain provisions relating to occupational diseases; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 497—AN ACT relating to public safety; transferring certain duties for training peace officers from the Department of Motor Vehicles to the Department of Public Safety; revising provisions governing the revocation of driver's licenses; prohibiting a person who has a temporary driver's license from obtaining another temporary license in certain circumstances; revising provisions governing the issuance of motor vehicle insurance; revising provisions relating to the security that must be deposited when a report of certain motor vehicle accidents involving injury, death or damage to property is received by the Department of Motor Vehicles; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 498—AN ACT relating to parentage; creating a conclusive presumption of paternity in certain circumstances; expanding the persons authorized to perform certain tests to determine paternity; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 499—AN ACT relating to common-interest communities; revising the provisions governing the election of members of the executive board; revising the provisions governing the imposition of certain assessments; revising the provisions governing the regulation of certain streets in common-interest communities; making various other changes related to common-interest communities; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:29 a.m.

ASSEMBLY IN SESSION

At 11:31 a.m.

Madam Speaker presiding.

Quorum present.

By the Committee on Ways and Means:

Assembly Bill No. 500—AN ACT making an appropriation to the Institute for Neuro-Immune Disease; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 501—AN ACT making an appropriation to the Communities in Schools of Southern Nevada to coordinate the provision of student and family services in certain counties in the State; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 502—AN ACT making an appropriation to the Communities in Schools of Southern Nevada, Inc., to coordinate the provision of student and family services in Clark County; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 503—AN ACT relating to education; making an appropriation to the Greater Las Vegas After-School All-Stars for the implementation and operation of certain after-school programs; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 504—AN ACT making a supplemental appropriation to the Department of Health and Human Services for expansion of mental health services; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 505—AN ACT relating to elections; changing the period for the filing of declarations, acceptances and certificates of candidacy for certain judicial offices; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 506—AN ACT relating to elections; eliminating the deadline for registering to vote in an election; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 507—AN ACT relating to children; requiring certain facilities which have physical custody of children pursuant to the order of a court to ensure that employees who come into direct contact with children in the facilities receive certain training; requiring an annual inspection of certain facilities located outside of this State which have physical custody of children from this State; requiring certain child care facilities to be licensed by the Bureau of Services for Child Care of the Division of Child and Family

Services of the Department of Health and Human Services rather than by a city or county licensing agency; making various changes concerning the annual inspections of certain facilities which have physical custody of children pursuant to the order of a court; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 183.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 264.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 6.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 27, 35, 134, 152, and 192 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 193.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Lura Weaver.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Karla Mundt.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Verlia Davis-Hoggard.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Felton Thomas.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Chloe Ducharme and Kristy Price

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Debbie Jacobs.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Andrea Arthurholtz.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Madsen.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Eleanor Ahern and Read Christensen.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Deacy.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Marie Tully.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Aldo Aguirre.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Pennell.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Double Diamond Elementary School: Morgan Agnor, Kelsey Anderson, Teddy Atkinson, Alannah Beck, Chandra Blueford, Brett Butler, Luana Castillo, Alejandra Chavez, Jonathan Damon, Juwan Easley, Francisco Granados, Bradley Hoffman, Kathleen Luu, Ricardo Mancia Moreno, Mason Masoner, Sarah M. McCall, Samantha McMillan, Peter Moreno, Tanya Nagpal, William Oskam-Mouton, Emona Remington, Kanni Soderman, Dajanae Sofeni, Tristan Spaulding, McKenzie Stanley, Jamie Taylor, Tayler Wadding, Jacob Woodward, Francisco Alvarado, Roy Bernal, Jacob Blankenship, Abbey Butler, Joshua Christopher Casquejo, Davelyn David, Nguyen Doan, Emily Duke, Brandon Franco, Yalitza Gonzalez, Zachary Harrison, Sujey Hernandez, Nathan Hill, Micaela King, Rexin Gricten Kustin, Jayse Lister, Sierra McConnell, Nicholas Meckfessel, Monique Mederos, Kayana Grace Moore, Jared Parks, Jordan Puskas, Jordyn Randolph, Jose Ruano Fosch, Lisbeth Sanabria-Soto, Abigail Sanchez, Michael Stafford, John Tese, Christian Vallejo and Lynn Wang; Lawrence Holcomb, Eric Marchand, and Mark Hoefer.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Marcie Smedley.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Robbie Nickel, Timothy C. Murray, Gary Hollis, and Scott Lewis.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Mathews.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Edgar Nickel.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Duncan McCoy.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Arlene Caruso.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Louis Overstreet.

On request of Assemblyman Kihuen, the privilege of the floor of the Assembly Chamber for this day was extended to Caren Jenkins.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Hughes.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Phyllis Patton.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Dianne Varnon.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Ron Hughes.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Jeanette Hammons.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Robb Morss.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Lucy Bouldin.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Guy Rocha.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Elaine Sanchez.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Dana Hines, George Dunckhurst, B. J. Thomas, Don McNamee, Wallace H. Morgan, Edward L. Watson and James A. Davis.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Fay.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Cory King.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Marilyn Malkmus.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Jack Ruckman, Chenault Taylor, and Jennifer Breeden.

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Diane Baker and Bob Chambers.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Beth Ross.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Florica Hagendorn and Maurice M. Long.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Booth.

On request of Assemblywoman Womack, the privilege of the floor of the Assembly Chamber for this day was extended to Curt Easley and Gayle Hornaday.

Assemblyman Oceguera moved that the Assembly adjourn until Friday, March 23, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 11:44 a.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE FORTY-SEVENTH DAY

CARSON CITY (Friday), March 23, 2007

Assembly called to order at 11:02 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblywoman Gerhardt, who was excused.

Prayer by the Chaplain, Robert Forester.

O, Thou kind Lord, this gathering is turning to Thee. These hearts are radiant with Thy love. These minds and spirits are exhilarated by the message of Thy glad-tidings. O God, let this American democracy become glorious in spiritual degrees even as it has aspired to material degrees, and render this just government victorious. Confirm this revered nation to upraise the standard of the oneness of humanity, to promulgate the most great peace, to become thereby most glorious and praiseworthy among all the nations of the world. O God, this American nation is worthy of Thy favors and is deserving of Thy mercy. Make it precious and near to Thee through Thy bounty and bestowal.

'ABDUL'L-BAHA.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Education, to which was referred Assembly Concurrent Resolution No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Joint Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Senate Joint Resolution No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HARRY MORTENSON, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 220; Senate Bill No. 28, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 149, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHEILA LESLIE, *Chair*

Madam Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 239, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chair*

INTRODUCTION, FIRST READING AND REFERENCE

By the Select Committee on Corrections, Parole, and Probation:

Assembly Bill No. 508—AN ACT relating to the Advisory Commission on Sentencing; revising the membership and duties of the Commission; requiring the Commission to hold meetings at least once every 3 months; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Select Committee on Corrections, Parole, and Probation.

Motion carried.

By the Select Committee on Corrections, Parole, and Probation:

Assembly Bill No. 509—AN ACT relating to parole; revising certain provisions concerning the granting or revoking of parole; making certain changes concerning mandatory parole of certain prisoners; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Select Committee on Corrections, Parole, and Probation.

Motion carried.

By the Select Committee on Corrections, Parole, and Probation:

Assembly Bill No. 510—AN ACT relating to offenders; revising provisions relating to the residential confinement of certain offenders; authorizing the Director of the Department of Corrections to award greater amounts of credit against the sentence of offenders under certain circumstances; revising provisions relating to programs for the reentry of offenders and parolees into the community; repealing provisions relating to centers for the purpose of making restitution; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Select Committee on Corrections, Parole, and Probation.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 511—AN ACT relating to contractors; providing that certain types of provisions must be voided and made unenforceable in certain contractor agreements; providing that certain provisions relating to contractor agreements apply to all such agreements, including, without limitation, those contractor agreements entered into before the enactment of those provisions; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Education:

Assembly Bill No. 512—AN ACT relating to education; requiring the board of trustees of a school district to employ certain student teachers as substitute teachers in certain schools and in certain subject areas under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 513—AN ACT relating to general improvement districts; allowing the board of trustees of a general improvement district to be created or reorganized as either a five-member or seven-member board; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 514—AN ACT relating to the City of Las Vegas; making various changes to the powers of the City Council; making various other changes to the Charter of the City of Las Vegas; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 515—AN ACT relating to public employees; clarifying that certain judicial employees are local government employees who have the right to join or refrain from joining an employee organization; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 516—AN ACT relating to elections; revising provisions governing the review of arguments advocating and opposing the approval of certain measures proposed by initiative or referendum; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 517—AN ACT relating to elections; eliminating various obsolete provisions; providing that a voter registration card does not provide proof of the identity, address or residence of a person; revising the definition of "candidate" for the purposes of requirements relating to campaign finance; requiring that the signatures on a petition for an initiative or referendum must be submitted to each county clerk on the same day if circulated in more than one county; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 518—AN ACT relating to telecommunication service; revising provisions governing the regulation of certain incumbent local exchange carriers; revising provisions governing the regulation of competitive suppliers of telecommunication service; allowing for greater competition among various telecommunication providers; repealing provisions governing the plan of alternative regulation and PAR carriers; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 519—AN ACT relating to confidentiality; prohibiting a district court from sealing a judicial public record except in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 520—AN ACT relating to children; requiring a person to meet with the enforcing authority before requesting a hearing relating to the enforcement of an order of support for a child or relating to paternity; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 521—AN ACT relating to crimes; providing that it is unlawful for a person to engage in certain fraudulent acts in the course of an enterprise or occupation; revising provisions relating to the crime of racketeering; providing penalties; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 522—AN ACT relating to guardianships; creating the Nevada State Board of Examiners for Private Professional Guardians; providing for the licensure of private professional guardians; providing for the civil liability of a private professional guardian in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 523—AN ACT relating to insurance; revising provisions governing insurance fraud; revising procedures for the reporting, investigation and prosecution of certain fraudulent claims for benefits under a policy of insurance; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:16 a.m.

ASSEMBLY IN SESSION

At 11:22 a.m.

Madam Speaker presiding.

Quorum present.

By the Committee on Commerce and Labor:

Assembly Bill No. 524—AN ACT relating to public utilities; requiring an electric utility to submit a plan to achieve an increase in the reliability of its electric service under certain circumstances; requiring the Public Utilities Commission of Nevada to prescribe the form and content of such a plan; requiring the Commission to hold a hearing before accepting such a plan; requiring an electric utility to implement an accepted plan; requiring an electric utility to submit certain reports to the Commission concerning its implementation of such a plan; requiring a public utility to take certain actions in an emergency to ensure public safety; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 525—AN ACT relating to health care; requiring the Health Division of the Department of Health and Human Services to develop a program of public education relating to autism; prescribing a designation for inclusion on a driver's license or identification card for tissue donations for research relating to autism; making appropriations; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 526—AN ACT relating to video service; revising provisions governing the regulation of community antenna television, cable television and other video service; establishing a new regulatory structure for video service providers; requiring the Secretary of State to perform certain duties under the new regulatory structure; limiting the regulatory powers of local governments regarding video service providers; providing remedies and penalties; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 134 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bills Nos. 27, 35, 152, 192, 264 and Assembly Joint Resolution No. 6 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Carolyn Chapman and Patricia Erwin.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Margaret J. Hendrickson, Peggy Hurd, Mindy Kammeyer, Kimberly Whitfield, and Dana Miller.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to DarJan Kerr, Aubrie Kerr, Alexis Broski, Jacque Orr, Wes Kerr, and Kate Orr.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Vance Sutton.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Merry Romine, Peter Larsen, and Daniel Diebel.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Stacy Woodbury and Douglas Whitfield.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Kimberly Elliott.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Jerralyn Smythe.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Marsha Strand and Sandy Zboinski.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Rosalie O'Grady and Diana Young.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Heidi Bretthauer.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Kay Horsell, Anita Sheard, Noah Jennings, and Susan McCurdy.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Ami Gilbert and Carolyn Schmalz.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Norman Kruckenberg, Angie Kruckenberg, and Rosanne Kruckenberg.

Assemblyman Oceguera moved that the Assembly adjourn until Monday, March 26, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 11:30 a.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE FIFTIETH DAY

CARSON CITY (Monday), March 26, 2007

Assembly called to order at 11:06 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Peggy Locke.

We ask blessing upon everyone here today. We commit this day to You, O Lord, our Blessed Creator, as we set ourselves to honorably represent the people of this great state. Help us to be wise and understanding, working together in peace and unity. You have shown us what is good and what You require of us. May we act justly, love mercy, and walk humbly before You today and every day.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 34, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Bill No. 484, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Education.

ELLEN KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 100; Senate Bill No. 66, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 25, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 134, 346, 395, 400, 401, 402, 412, 430, 444, 448, 449, 452, 454, 455, 457, 464, 466, 467, 471, 474, 475, 476, 480, 500, 501, 502, 503, 504.

MARK STEVENS
Fiscal Analysis Division

March 25, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 147, 328, 333, 340, 349, 354, 367, 368, 374, 393, 394, 399, 405, 407, 414, 437, 447, 460, 469, 472, 481.

MARK STEVENS
Fiscal Analysis Division

Assembly Concurrent Resolution No. 6.

Assemblywoman Parnell moved the adoption of the resolution.

Remarks by Assemblymen Parnell, Kihuen, and Beers.

Resolution adopted.

Assemblywoman Koivisto moved that Assembly Bill No. 484 just reported out of committee, be rereferred to the Committee on Education.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 527—AN ACT relating to governmental entities; eliminating the regional planning coalition required for certain larger counties; requiring the establishment of a regional planning commission for those larger counties; authorizing local governments to enact certain ordinances relating to affordable and attainable housing; revising various provisions concerning financial administration of redevelopment agencies; authorizing certain governmental entities to appeal certain decisions concerning appraisals conducted by a county assessor; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:16 a.m.

ASSEMBLY IN SESSION

At 11:45 a.m.

Madam Speaker presiding.

Quorum present.

By the Committee on Government Affairs:

Assembly Bill No. 528—AN ACT relating to taxation; clarifying that cities and counties are prohibited from imposing taxes on the rental of transient lodging by owners who have a right to occupy or use a time-share unit pursuant to a program for the exchange of occupancy rights among owners or with the owners of time shares in other time-share plans, or both; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 529—AN ACT relating to the State Fire Marshal; clarifying that, with certain exceptions, regulations adopted by the State Fire Marshal concerning building codes do not apply in certain larger counties; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 530—AN ACT relating to minority affairs; creating the Office of Ombudsman of Consumer Affairs for Minorities; providing for the duties of the Ombudsman; requiring the Ombudsman to serve as the Executive Secretary to the Nevada Commission on Minority Affairs; revising provisions relating to the provision of staff for the Commission; repealing the prospective expiration of the Commission; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 531—AN ACT relating to private investigators; making certain changes concerning the membership of the Private Investigator's Licensing Board; creating the Fund for the Private Investigator's Licensing Board; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 532—AN ACT relating to commercial transactions; prohibiting certain fees to be charged to certain transactions involving a credit card or debit card; providing a civil penalty; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 533—AN ACT relating to notaries public; revising provisions governing the notarization of the signature of a person unknown to the notary public; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 534—AN ACT relating to statutes; ratifying the correction of certain clerical errors and the resolution of certain statutory conflicts in legislative enactments from previous sessions; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 535—AN ACT relating to gaming; revising the provisions governing which persons are required to register as gaming employees; providing that foreign limited-liability companies and foreign limited partnerships may obtain state gaming licenses; revising the provisions governing the acquisition or disposition of certain interests in limited-liability companies and limited partnerships; prohibiting certain acts involving counterfeit wagering instruments and counterfeit promotional items; making various other changes pertaining to gaming; providing penalties; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 536—AN ACT relating to child support; prospectively transferring the authority for a program for the enforcement of child support and related services from district attorneys to the Division of Welfare and Supportive Services of the Department of Health and Human Services; requiring the District Attorney of Clark County to report to the 75th Session of the Nevada Legislature on the status of certain recommendations concerning child support enforcement; requiring the Division of Welfare and Supportive Services and the district attorneys of this State to report to the 75th Session of the Nevada Legislature concerning plans for carrying out the prospective transfer; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:50 a.m.

ASSEMBLY IN SESSION

At 11:51 a.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that the action whereby Assembly Bill No. 536 was referred to the Committee on Health and Human Services be rescinded.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 536 be referred to the Committee on Judiciary.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 537—AN ACT making an appropriation to the City of North Las Vegas for construction of the Clayton Street Bridge; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 538—AN ACT relating to local government; requiring the City of North Las Vegas to extend the designation "Martin Luther King Boulevard" to the continuation of a certain street; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 539—AN ACT making appropriations to the State Department of Agriculture; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 540—AN ACT making a supplemental appropriation to the Department of Health and Human Services for expenses relating to foster care; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 541—AN ACT making a supplemental appropriation to the State Distributive School Account for unanticipated expenses for Fiscal Year 2006-2007 for providing health care subsidies to retired school district employees; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 542—AN ACT making supplemental appropriations to the Department of Health and Human Services for payment of stale Medicaid claims; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 543—AN ACT making supplemental appropriations to the Department of Motor Vehicles for various costs; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 544—AN ACT making an appropriation to the Department of Transportation for highway improvements; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 545—AN ACT relating to local governments; authorizing the governing body of a county or city to require that certain electric transmission lines be placed or replaced in an underground location; requiring under certain circumstances that the costs associated with such placement or replacement be allocated across the entire rate base of a public utility corporation or service provider; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 546—AN ACT making an appropriation to the City of Las Vegas for allocation to S.H.A.R.E., a nonprofit organization, for affordable housing; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 547—AN ACT relating to the State Highway Fund; revising the provisions relating to the use of the State Highway Fund; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 548—AN ACT making supplemental appropriations to the State Department of Agriculture; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 549—AN ACT making a supplemental appropriation to the Emergency Medical Services Section of the Department of Health and Human Services for radio system repair; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 550—AN ACT relating to local financial administration; authorizing the board of county commissioners of a county to levy an ad valorem tax to pay for the long-term institutional care of medically indigent persons; exempting such a tax from the limit on the total ad valorem tax levy for all public purposes and from the limitation upon revenue from ad valorem taxes; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 551—AN ACT making appropriations to the Department of Cultural Affairs; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 552—AN ACT relating to constables; authorizing constables to collect fees for removing or causing the removal of abandoned vehicles from public property; making various other changes to provisions governing the removal and disposition of abandoned vehicles; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 553—AN ACT making appropriations relating to education; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 554—AN ACT relating to bonds; increasing the maximum amount of bonds issued by a school district that may be guaranteed with money from the State Permanent School Fund; extending the deadline for the issuance of certain general obligation bonds to protect, preserve and obtain the benefits of the property and natural resources of this State; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:58 a.m.

ASSEMBLY IN SESSION

At 11:59 a.m.
Madam Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that the action whereby Assembly Bill No. 554 was referred to the Committee on Government Affairs be rescinded.

Motion carried.

Assemblywoman Kirkpatrick moved that Assembly Bill No. 554 be referred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 555—AN ACT transferring certain money appropriated to the Interim Finance Committee to the Rehabilitation Division of the Department of Employment, Training and Rehabilitation; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 556—AN ACT making supplemental appropriations to the Supreme Court of Nevada for judicial selection and unforeseen expenditures; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 557—AN ACT relating to state employment; revising the provisions governing preemployment drug testing for state employees; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 558—AN ACT relating to planning and zoning; authorizing governing bodies to reject certain land use applications if the applications are incomplete; requiring governing bodies to return incomplete applications to the applicants with a description of the additional information

required under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 559—AN ACT relating to State Government; authorizing the Governor to designate a temporary replacement if the State Controller or the State Treasurer becomes temporarily incapacitated; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 560—AN ACT relating to real property; establishing requirements concerning agreements between debtors and third parties for assistance in the recovery of certain proceeds of a foreclosure sale; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:02 p.m.

ASSEMBLY IN SESSION

At 12:04 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson withdrew the motion that Assembly Bill No. 560 be referred to the Committee on Judiciary.

Assemblyman Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 561—AN ACT relating to local government employees; setting forth the requirements for challenging the recognition of an employee organization as the exclusive representative of a bargaining unit; revising the requirements for recognition of an employee organization if

a bargaining unit is not represented; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 562—AN ACT relating to real estate; revising provisions governing persons regulated by the Real Estate Division of the Department of Business and Industry; imposing certain notification requirements on such persons; authorizing the limited disclosure of certain confidential information; increasing the maximum administrative fines that may be imposed for certain violations; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Education:

Assembly Bill No. 563—AN ACT relating to education; revising the requirements for the biennial budgetary request for the State Distributive School Account; revising provisions governing the distribution of certain grants; providing that a certain percentage in the ending fund balance of the general fund of a school district is not subject to negotiations; revising provisions governing the calculation of basic support to provide kindergarten for a full school day; making various appropriations for education and for educational personnel; repealing the provision requiring the purchase of retirement service for certain teachers and school psychologists; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Education:

Assembly Bill No. 564—AN ACT relating to education; creating the Nevada Science, Technology, Engineering and Math Scholarship Program; creating the Nevada Scholars Scholarship Program; creating the Nevada Nursing Scholarship Program; creating the Nevada Teaching Scholarship Program; making appropriations; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Education:

Assembly Bill No. 565—AN ACT relating to education; revising provisions governing the required minimum expenditures of school districts for certain items; making appropriations; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Education:

Assembly Bill No. 566—AN ACT relating to education; making an appropriation to ComputerCorps to provide refurbished computers to certain pupils and their families; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Education:

Assembly Bill No. 567—AN ACT relating to education; revising provisions governing the Nevada Plan and the apportionments and allowances from the State Distributive School Account to include pupils who are enrolled in a university school for profoundly gifted pupils; requiring the governing body of a university school to adopt certain rules; revising provisions governing the employment of unlicensed personnel at a university school; revising provisions governing the eligibility of a child for enrollment in a university school; revising provisions relating to the appointment and membership of the governing body of a university school; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Education:

Assembly Bill No. 568—AN ACT relating to education; revising provisions governing the compensation paid to teachers who are employed in certain schools or certain subject areas and to school psychologists; making appropriations; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 569—AN ACT relating to elections; eliminating various provisions concerning supplies that are no longer used in elections;

regulating the process for rescinding a withdrawal of candidacy; making various changes regarding early voting; providing a deadline by which a regulation of the Secretary of State must be effective to be applicable to a particular election; providing for when certain offices must be declared elected and no election held for the office; making certain changes concerning the official record for a recount; making various changes to the provisions governing absent ballots; making various changes concerning questions placed on a ballot; making various other changes; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 570—AN ACT relating to cities; revising the date upon which the governing body of a city is required to conduct a canvass of election returns; providing that the City Attorneys for Reno and Sparks must be appointed rather than elected; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 571—AN ACT relating to domestic relations; establishing certain alternative methods of dispute resolution for matters involving divorce or domestic relations; providing for the arbitration of any controversy, other than divorce, arising out of a marital relationship; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:12 p.m.

ASSEMBLY IN SESSION

At 12:15 p.m.

Madam Speaker presiding.

Quorum present.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 572—AN ACT relating to state property; providing the Supreme Court with authority over the supervision, control, administration and maintenance of the Supreme Court Building and other property used by the Supreme Court or its staff; providing that the Court Administrator is responsible for maintaining the buildings and grounds of the Supreme Court; transferring all outstanding capital improvement projects for the Supreme Court Building to the Court Administrator and requiring the State Public Works Board to work with the Court Administrator to complete the projects timely; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 573—AN ACT relating to wildlife; requiring the Department of Wildlife to issue a 1-day family fishing permit under certain circumstances; requiring the Board of Wildlife Commissioners to adopt certain regulations; prohibiting a person from hunting or fishing any wildlife without a license or permit to do so; revising the information that the Department must include in certain permits; revising the fees for certain tags and permits; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Claborn moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Select Committee on Corrections, Parole, and Probation:

Assembly Bill No. 574—AN ACT relating to crimes; revising provisions relating to the registration of and community notification concerning sex offenders and certain offenders convicted of a crime against a child; prohibiting persons from using information obtained from the community notification website to commit crimes; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Select Committee on Corrections, Parole, and Probation.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 575—AN ACT relating to indigent persons; repealing an obsolete statute relating to county workhouses for indigent persons and homes for the aged; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 576—AN ACT relating to public welfare; providing for the certification of intermediary service organizations which provide certain services relating to personal assistance received by persons with disabilities; clarifying the definition of "agency to provide personal care services in the home" for purposes of licensing; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:18 p.m.

ASSEMBLY IN SESSION

At 12:30 p.m.

Madam Speaker presiding.

Quorum present.

By the Committee on Health and Human Services:

Assembly Bill No. 577—AN ACT relating to medical facilities; requiring certain medical facilities to establish a program and policy relating to safe handling of patients; requiring such a facility to establish a committee on safe handling of patients; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 578—AN ACT relating to public health; prescribing the requirements for surrogate decision makers to give informed consent for certain behavioral or medical research on behalf of human subjects who are incapable of giving such consent; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Select Committee on Corrections, Parole, and Probation:

Assembly Bill No. 579—AN ACT relating to crimes; revising provisions relating to the registration of and community notification concerning sex offenders and certain offenders convicted of a crime against a child; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Select Committee on Corrections, Parole, and Probation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 580—AN ACT relating to motor vehicles; abolishing the Account for Regulation of Salvage Pools, Automobile Wreckers, Body Shops and Garages in the State General Fund; requiring that certain fees and administrative fines collected for licenses and titles relating to salvage pools, automobile wreckers, body shops and garages be deposited with the State Treasurer for credit to the Motor Vehicle Fund; creating the Revolving Account for the Issuance of Salvage Titles in the Motor Vehicle Fund; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Transportation.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:33 p.m.

ASSEMBLY IN SESSION

At 12:34 p.m.

Madam Speaker presiding.

Quorum present.

Assemblyman Atkinson withdrew the motion that Assembly Bill No. 580 be referred to the Committee on Transportation.

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

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 581—AN ACT relating to airports; providing for the creation of a regional airport authority in certain counties; prescribing the powers and duties of the regional airport authority and its board of directors; revising various provisions relating to airports and aeronautics; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 582—AN ACT relating to drivers' licenses; revising the provisions relating to the increase in certain fees for the issuance of a driver's license or identification card; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 583—AN ACT relating to transportation; authorizing municipalities to construct, improve, maintain and operate toll roads and toll bridges and to issue revenue bonds or other securities constituting special obligations for the toll roads and toll bridges; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 584—AN ACT relating to motor vehicles; providing that a driver of a commercial motor vehicle who has a concentration of alcohol of 0.04 or more but less than 0.08 in his blood or breath or is under the influence of a controlled or prohibited substance is subject to a criminal penalty; revising certain provisions governing the issuance and renewal of drivers' licenses and identification cards to comport with the federal REAL ID Act; repealing the Driver License Compact; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 585—AN ACT relating to public financial administration; providing the rate of interest to be paid on overpayments of taxes on real or personal property; making various changes to other provisions governing taxes on real or personal property; revising provisions governing calculation of the interest that a public body must pay to a contractor on amounts withheld from progress payments on public works; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 586—AN ACT relating to tobacco; revising certain provisions for the enforcement of taxes and restrictions on the sale and use of cigarettes to provide for the enforcement of taxes and restrictions on the sale and use of other tobacco products; requiring the production of certain documents to assist in the administration and enforcement of the requirements for delivery sales of tobacco; revising certain provisions

governing the regulation and taxation of tobacco for consistency; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 587—AN ACT relating to taxation; increasing the amount of the tax exemption on real property for a veteran who is a resident of this State; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 588—AN ACT relating to taxation; reducing the amount of the state business tax on employers; repealing the state tax on banks; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Committee on Taxation.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:39 p.m.

ASSEMBLY IN SESSION

At 12:40 p.m.

Madam Speaker presiding.

Quorum present.

By the Committee on Judiciary:

Assembly Bill No. 589—AN ACT relating to gaming; providing for continued operation of the Nevada Gaming Commission and the State Gaming Control Board during a budgetary or other fiscal crisis; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Education:

Assembly Bill No. 590—AN ACT relating to education; authorizing the boards of trustees of schools districts to provide an alternative financial incentive to certain eligible employees; revising the requirements for eligibility for such a financial incentive; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Education:

Assembly Bill No. 591—AN ACT relating to education; revising provisions governing the sponsorship of charter schools; prescribing the circumstances under which certain charter schools are exempt from annual audits and are authorized to receive money or financing for facilities from a school district; revising provisions regarding the membership of a governing body of a charter school; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 592—AN ACT relating to contractors; requiring the State Contractors' Board to designate a contracting classification for licenses that authorize the licensee to abate or remove asbestos or other hazardous materials; requiring the Board to establish a specific limit on the amount of asbestos or other hazardous material that a contractor not licensed to remove asbestos or other hazardous material may remove; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 593—AN ACT relating to the Legislative Branch of Government; making various changes relating to the Legislature and the Legislative Counsel Bureau; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Concurrent Resolution No. 16—Directing the Legislative Commission to conduct an interim study concerning the proper determination of property capitalization rates for certain taxpayers.

Assemblywoman Koivisto moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 220.
Bill read second time and ordered to third reading.

Assembly Bill No. 239.
Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 2.
Bill read second time and ordered to third reading.

Senate Bill No. 28.
Bill read second time and ordered to third reading.

Senate Joint Resolution No. 1.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 27, 35, 152, 192, 264 and Assembly Joint Resolution No. 6 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Oceguera moved that the Assembly recess until 5 p.m.

Motion carried.

Assembly in recess at 12:50 p.m.

ASSEMBLY IN SESSION

At 5:03 p.m.
Madam Speaker presiding.
Quorum present.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 5:06 p.m.

ASSEMBLY IN SESSION

At 5:24 p.m.
Madam Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 286, 423, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 113, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHEILA LESLIE, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 217, 228; Senate Bill No. 47, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JERRY D. CLABORN, *Chair*

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-2802

March 26, 2007

THE HONORABLE BARBARA BUCKLEY, Nevada Assembly, The Nevada Legislature, 401 South Carson St., Carson City, NV 89701

DEAR ASSEMBLYWOMAN BUCKLEY:

I respectfully request to address the full body of the Nevada Legislature on Tuesday, April 3, at 11 a.m. Should you have questions or concerns, please call my district director, Verita Black Prothro at 775-686-5760.

Thank you so much for your consideration in this matter.

Sincerely,
DEAN HELLER
Member of Congress

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 594—AN ACT relating to body shops; creating a Class A certification designation for body shops that meet certain criteria; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 595—AN ACT relating to taxes on fuels; prohibiting the payment of interest on certain overpayments; revising provisions governing hearings on petitions for redetermination; prohibiting the disclosure of certain information; revising provisions governing the reporting, payment, collection and refunding of certain excise taxes; prohibiting the making of certain false or fraudulent reports; authorizing the sealing of a fuel pump and the metered pipes and hoses of a rack under

certain circumstances; authorizing the sharing of additional information with other states for enforcement purposes; revising provisions governing licensure and bonding; revising provisions governing the maintenance and inspection of certain records; making various changes concerning enforcement; providing penalties; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Concurrent Committees on Transportation and Taxation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 596—AN ACT relating to child support; revising certain provisions concerning the right of a physical custodian of a child to recover support for a child from the noncustodial parent in certain circumstances; requiring every court order for the support of a child to include a provision to provide coverage for the health care of the child; requiring the Chief of the Program established to locate absent parents, establish paternity and obtain child support to charge and collect certain fees; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 597—AN ACT making a supplemental appropriation to the State Treasurer for bonding costs; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 598—AN ACT relating to tax increment areas; authorizing the creation of tax increment areas in certain cities for theme park projects; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 599—AN ACT relating to public health; increasing the administrative cap on certain allocations distributed from the Fund for a Healthy Nevada in support of the administration of certain grants and administrative support provided to the Task Force for the Fund for a Healthy Nevada by the Department of Health and Human Services; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 600—AN ACT relating to privacy; revising provisions concerning the protection of certain personal identifying information; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 601—AN ACT relating to state employees; authorizing collective bargaining for certain state employees; providing for bargaining units and their representatives; establishing procedures for collective bargaining; prohibiting certain labor practices; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 602—AN ACT relating to the state personnel system; increasing the number of members of the Employee-Management Committee; requiring that certain persons in the classified service of the State be granted a leave of absence without pay to serve as full-time representatives in organizations representing state employees; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 603—AN ACT relating to housing; creating the Account for Workforce Housing to provide money for certain affordable housing projects; providing that money from the Account for Low-Income Housing may be used to assemble and acquire property for the development of affordable housing; making appropriations; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 604—AN ACT relating to elections; requiring certain persons or groups of persons advocating the passage or defeat of certain initiatives or referenda to provide various information to the Secretary of State concerning campaign contributions, expenditures and expenses; requiring public hearings to be conducted concerning certain initiatives and referenda; requiring circulators of certain petitions to attach an affidavit to each document of the petition; requiring circulators of certain petitions to disclose their status as volunteer or paid circulators; requiring descriptions of certain initiatives and referenda to be certified for accuracy by the Secretary of State; authorizing the Legislative Counsel to provide technical suggestions regarding certain initiatives and referenda; providing a civil penalty; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 605—AN ACT relating to ethics in government; requiring the Commission on Ethics to provide a course for certain elected public officers and lobbyists about relevant ethics laws; making various changes concerning the use of governmental time, property, equipment or other facility by public officers or employees and Legislators; increasing the civil penalties for willful violation of ethics laws; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 606—AN ACT relating to elections; requiring certain persons or groups of persons advocating the passage or defeat of a constitutional amendment or statewide measure proposed by initiative or referendum to register with the Secretary of State; prohibiting the compensation of persons who gather signatures on certain petitions on the basis of the number of signatures gathered; requiring persons who gather signatures on certain petitions to be residents of this State; requiring the Secretary of State to make public certain information; creating and providing the composition and duties of the Ballot Review Board; amending provisions relating to legal challenges to certain petitions; providing a civil penalty; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Butch Borasky and Marilyn Borasky.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Jonathan Ozark.

Assemblyman Oceguera moved that the Assembly adjourn until Wednesday, March 28, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 5:35 p.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE FIFTY-SECOND DAY

CARSON CITY (Wednesday), March 28, 2007

Assembly called to order at 11:03 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Mortenson, who was excused.

Prayer by the Chaplain, Reverend Peggy Locke.

O Most High, Your mercies are new every morning. You love with an everlasting love. Thank You for this day and Your wonderful faithfulness. May we be wise in the way we act towards outsiders, making the most of every opportunity. May our conversation be full of grace. May we be a blessing today and treat others how we want to be treated. May we live in harmony, be sympathetic, love as brothers and sisters. May we be compassionate and humble. May Your light shine through us as we serve the people in our communities.

AMEN.

Pledge of allegiance to the Flag.

Special musical rendition by Al Seeliger Elementary School Singers, under the direction of Ms. Mary Law.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Education, to which was rereferred Assembly Bill No. 484, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 179, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 153, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

Madam Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 22, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 26, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 3.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, March 27, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 12.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Settelmeyer, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Smith, Stewart, Weber, and Womack; Senators McGinness, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, and Woodhouse:

Assembly Concurrent Resolution No. 17—Designating March 28, 2007, as Kick Butts Day in Nevada.

WHEREAS, The youth of Nevada are concerned about their futures and believe substance abuse, including alcohol, tobacco, and prescription and illegal drugs, is one of the most critical problems facing the families and communities in this State; and

WHEREAS, Substance abuse is linked to crime, domestic violence, child abuse and neglect, the breakdown of families, homelessness, decreased performance at school and work, and an increase in health care costs; and

WHEREAS, Nationally, more than half of young people have tried illegal drugs by the time they graduate from high school, and three million adolescents between 14 and 17 years of age have an alcohol problem; and

WHEREAS, Statistics show that, among the youth of Nevada, 52 percent have tried cigarettes, 74.1 percent have tried alcohol, 39.3 percent have used marijuana and 11.1 percent have used methamphetamine by the time they have finished high school; and

WHEREAS, Research indicates that young people who avoid the early use of alcohol, tobacco and marijuana are less likely to engage in other harmful behaviors such as crime, delinquency and the use of other illegal drugs; and

WHEREAS, With early intervention and increased funding for education and for outreach programs, substance abuse is a preventable disease, and according to Daphne Bugental, a psychology professor at the University of California, Santa Barbara, for “every dollar invested in prevention, there is a cost savings of four dollars to public agencies later on”; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature are proud that the youth of Nevada are speaking out and taking action to be part of the solution to end substance abuse in their community and in this State; and be it further

RESOLVED, That the Nevada Legislature recognizes March 28, 2007, as Kick Butts Day in Nevada, a program which encourages youth to abstain from the use of tobacco; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the State Board of Health and the State Board of Education.

Assemblyman Settelmeyer moved the adoption of the resolution.

Remarks by Assemblyman Settelmeyer.

Resolution adopted.

Assemblyman Settelmeyer moved that all rules be suspended and that Assembly Concurrent Resolution No. 17 be immediately transmitted to the Senate.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:19 a.m.

ASSEMBLY IN SESSION

At 11:20 a.m.

Madam Speaker presiding.

Quorum present.

Senate Concurrent Resolution No. 3.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 66 be taken from the Second Reading File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Joint Resolution No. 2 be taken from the General File and rereferred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 34.

Bill read second time and ordered to third reading.

Assembly Bill No. 100.

Bill read second time and ordered to third reading.

Assembly Bill No. 113.

Bill read second time and ordered to third reading.

Assembly Bill No. 217.

Bill read second time and ordered to third reading.

Assembly Bill No. 228.
Bill read second time and ordered to third reading.

Assembly Bill No. 286.
Bill read second time and ordered to third reading.

Assembly Bill No. 423.
Bill read second time and ordered to third reading.

Senate Bill No. 47.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 27.
Bill read third time.
Remarks by Assemblyman Conklin.
Roll call on Assembly Bill No. 27:
YEAS—41.
NAYS—None.
EXCUSED—Mortenson.
Assembly Bill No. 27 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 35.
Bill read third time.
Remarks by Assemblyman Conklin.
Roll call on Assembly Bill No. 35:
YEAS—41.
NAYS—None.
EXCUSED—Mortenson.
Assembly Bill No. 35 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 152.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Assembly Bill No. 152:
YEAS—41.
NAYS—None.
EXCUSED—Mortenson.
Assembly Bill No. 152 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 192.
Bill read third time.

Remarks by Assemblyman Horne.
Roll call on Assembly Bill No. 192:
YEAS—41.
NAYS—None.
EXCUSED—Mortenson.
Assembly Bill No. 192 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 220.
Bill read third time.
Remarks by Assemblyman Atkinson.
Roll call on Assembly Bill No. 220:
YEAS—41.
NAYS—None.
EXCUSED—Mortenson.
Assembly Bill No. 220 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 239.
Bill read third time.
Remarks by Assemblywomen Koivisto and Weber.
Roll call on Assembly Bill No. 239:
YEAS—41.
NAYS—None.
EXCUSED—Mortenson.
Assembly Bill No. 239 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 264.
Bill read third time.
Remarks by Assemblyman Atkinson.
Roll call on Assembly Bill No. 264:
YEAS—41.
NAYS—None.
EXCUSED—Mortenson.
Assembly Bill No. 264 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 6.
Resolution read third time.
Remarks by Assemblymen Atkinson and Beers.
Roll call on Assembly Joint Resolution No. 6:
YEAS—41.
NAYS—None.
EXCUSED—Mortenson.

Assembly Joint Resolution No. 6 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 28.

Bill read third time.

Remarks by Assemblymen Stewart and Kirkpatrick.

Roll call on Senate Bill No. 28:

Yeas—41.

Nays—None.

Excused—Mortenson.

Senate Bill No. 28 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Joint Resolution No. 1 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 66, 199; Assembly Concurrent Resolution No. 15; Senate Concurrent Resolution No. 16.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Al Seeliger Elementary School: Andrea Baracosa, Joanna Berlinska, Becky Breuer, Lizzie Hansen, Marina Holcomb, Jennifer Huckabay, Elise Porter, Mariah Whitcome, Emma Baglin, Daniel Cihigoyenetche, Allyson Doddridge, Abbey Dudley, Erica Gallegos, Bailey Griffin, Lindsay Hettrick, Krista Hilderbrand, Kayla Kennison, Jake Landes, Tia Leonard, Kyra Mammen, Michelle Nye, Mykelti O'Brien, Jody Ostrander, Alecia Quellette, Gina Peacock, Michelle Perry, Lacey Peternell, Katelynn Roll, Emily Sanchez, Alisha Struble, Josie Veneziano, Henry Wilson, Bailie Zuber, Daniel Dudley, Kyle Hettrick, Karsen Law, Liam O'Brien; teacher Mary Law; and Heather Branigan.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Lindsay Ginter.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Lisle Lowe.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Rebecca Schweigert and Emily Allison.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Wenger.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to the following members of the Carson City Democratic Women's Club: Jackie Briggs, Donna Curtis, Debbie Fry, LaVonne Frost, Nancy Gammie, Sally Layer, Marty McGarry, Margaret Mello, Linda Pedro, Vivian Pickett, Karen Priest, Janet Riggs, Cathy Madsen, Kim Burke, and Carlos Rios.

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended to the following members of Students Taking on Prevention: Alexandra Whalen, Michael Magno, Cassandra Lopez, Allie Ezell, Jonathan Gilkerson, Matthew Gilkerson, Cody Tinker, Brandi Graves, Zaina Awali, Tyler Brindle, Unique Davis, Trisha Eberly, Cassie Jameson, Mandee Pope, Brittany Toothman, Ally Boss, Mary Coker, Nicole Chavez, Natalie Dunleavy, Janael Gamberg, Cailin Killian, Melissa Nunez, Alexandria Shek, Tyler Chavez, Catherine Florence, Matt Garren, Houston Gastelum, Garrett McGeein, Minneah Holdridge, Joanna Melara, Reed Mitchell, Richard Neubauer, Teddy Williams, Katie Nicholson, Kim Burke, Brittany Crawford, Carlos Rios, Katie Mandoki, Antonio Gudino, Ashley LaFountain, Mel Puentes, Dalia Perez, Justine Crim, Jessica Drinkwine, Lauren Eissinger, Andrea Harris, Jake Sells, Vicki Theriault, Rebecca Trute, Susie White, Nicole Chavez, Jessica Adams, Brigitte Bliss, Natalie Brady, Zak Brady, Jessica Edmonds, Shelby Eisele, Estefany Gonzalez, Rose Lambino, Clare Mason, Kylie Mosely, Becca Neuffer, Adriana Romanowitz, Jacob Swisher, Sharae Townsend, Heather Van Cleave, Tony Gonzalez, Jennifer Melara, Daniel Montes, Virginia Cerventes, Martin Eduardo, Laura Silva, Ricardo Romero, Ricardo Cruz, Chris Hernandez, Nohema Sanchez, Daniel Calderon, and Kansas Clark.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to the following student from Washoe High School: Chuck Ross; the following students from Sparks High School: Kiel Stricker, Juan Lara, Shayla Johnson, Janet Ayala, Lupe Lopez, Armando Silva, Tailor Hunt, Joe Puccinelli, Alexandra Perez, Jacklyn Cerny, Tessa Teigert, and Tracy Rodriguez.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Fred Maryanski.

Assemblyman Oceguera moved that the Assembly adjourn until Thursday, March 29, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 11:52 a.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE FIFTY-THIRD DAY

CARSON CITY (Thursday), March 29, 2007

Assembly called to order at 11:05 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Christensen, who was excused.

Prayer by the Chaplain, Reverend Peggy Locke.

You alone are God. Direct us in the path of your commands, for there we find delight. Turn out hearts toward your statutes and not towards selfish gain. Turn our eyes away from worthless things; preserve our lives according to your word. Who is wise and understanding among you? Let him show it by his good life, by deeds done in the humility that comes from wisdom. We pray for our families. We ask for your blessing. We pray for all those in authority over us. We pray for our military and protection on all who serve this great country.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 397, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 70, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 306, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 28, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 32, 48; Assembly Joint Resolution No. 10 of the 73rd Session; Senate Bills Nos. 101, 119, 175, 227, 384.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 17.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 101.

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

Motion carried.

Senate Bill No. 119.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 175.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 227.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 384.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 22.

Bill read second time and ordered to third reading.

Assembly Bill No. 153.

Bill read second time and ordered to third reading.

Assembly Bill No. 179.

Bill read second time and ordered to third reading.

Assembly Bill No. 484.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 113 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 228 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 34.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Roll call on Assembly Bill No. 34:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Assembly Bill No. 34 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 100.

Bill read third time.

Remarks by Assemblyman Goedhart.

Roll call on Assembly Bill No. 100:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Assembly Bill No. 100 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 217.

Bill read third time.

Remarks by Assemblymen Bobzien and Carpenter.

Roll call on Assembly Bill No. 217:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Assembly Bill No. 217 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 286.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 286:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Assembly Bill No. 286 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 423.
Bill read third time.
Remarks by Assemblywoman Leslie.
Roll call on Assembly Bill No. 423:
YEAS—41.
NAYS—None.
EXCUSED—Christensen.
Assembly Bill No. 423 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 47.
Bill read third time.
Remarks by Assemblyman Goicoechea.
Roll call on Senate Bill No. 47:
YEAS—41.
NAYS—None.
EXCUSED—Christensen.
Senate Bill No. 47 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 12.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Laughlin.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Schroeder.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Collins, Tom Collins, and Ellen Spiegel.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Coppola.

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Dean Gleason and Debbie Gleason.

On request of Assemblywoman Womack, the privilege of the floor of the Assembly Chamber for this day was extended to Samantha Weitzel.

Assemblyman Oceguera moved that the Assembly adjourn until Monday, April 2, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 11:33 a.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE FIFTY-SEVENTH DAY

CARSON CITY (Monday), April 2, 2007

Assembly called to order at 11:16 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Mortenson, who was excused.

Prayer by the Chaplain, Dr. Ken Haskins.

O Lord, our Lord, how majestic is Your Name in all the earth. We marvel at the work of Your hands: the star-filled sky, the snow-capped mountains, the mighty oceans, the painted deserts, the whisper of the brook, the glow of the sunset, the fragrance of the gardenia and the robin's song! O Lord, bless the work of Your hands this day. May our efforts enrich the lives of those whom we serve.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Bill No. 505, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 18, 92, 112, 127, 364, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 482, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 246, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 297, 374, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 555, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

Madam Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 30, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Kirkpatrick, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack; Senators Wiener, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, and Woodhouse:

Assembly Concurrent Resolution No. 18—Celebrating the 95th anniversary of Girl Scouts in the United States and the 75th anniversary of Girl Scouts in Nevada.

WHEREAS, For nearly a century, the Girl Scout movement has played a pivotal role in America's history with a focus on developing young women with the necessary skills to be leaders who make a difference in their world, and this initial vision was that of founder Juliette Gordon Low, when she gathered 18 girls to form the first Girl Scout troop in Savannah, Georgia, on March 12, 1912; and

WHEREAS, Throughout history, the Girl Scouts have assumed leadership roles in their community, and today, with 3.6 million members and over 55 million alumnae throughout the United States, the Girl Scouts continue to develop girls' leadership skills and prepare them for their futures as successful women; and

WHEREAS, Girl Scout alumnae now represent 70 percent of women serving in Congress, 64 percent of women listed in *Who's Who in America* and 53 percent of women who are business owners; and

WHEREAS, The Girl Scout program is available to all girls from 5 to 17 years of age and is based on the Girl Scout Promise and Law and four fundamental goals that encourage girls to develop their full potential, relate to others with increasing understanding, skill and respect, develop a meaningful set of values to guide their actions and to provide for sound decision making, and contribute to the improvement of society through the use of their abilities and leadership skills, while working in cooperation with others; and

WHEREAS, As the Girl Scouts of America are celebrating 95 years as the premier leadership organization for girls, the Girl Scouts of Frontier Council, an organization which develops and manages Girl Scouting in central and southern Nevada, is celebrating the 75th anniversary of the formation of the first Girl Scout troop in Nevada on April 14, 1932, in Boulder City with 22 girls; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 74th Session of the Nevada Legislature hereby

congratulate all Girl Scouts as they begin a year-long celebration of their 95th anniversary by participating in community service activities and performing good deeds of their choosing to carry out the theme of this historic occasion, "Make the World a Better Place"; and be it further

RESOLVED, That the Nevada Legislature also congratulates the members of the Girl Scouts of Frontier Council as they celebrate 75 years of Girl Scouting in central and southern Nevada and commends the Council for their role in developing the leaders of tomorrow; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Christine Smith, President of the Girl Scouts of Frontier Council, and Patricia Miller, CEO/Executive Director of the Girl Scouts of Frontier Council.

Assemblywoman Kirkpatrick moved the adoption of the resolution.

Remarks by Assemblymen Kirkpatrick, Allen, Leslie, Carpenter, and Weber.

Resolution adopted.

Assemblywoman Kirkpatrick moved that all rules be suspended and that Assembly Concurrent Resolution No. 18 be immediately transmitted to the Senate.

Motion carried unanimously.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:31 a.m.

ASSEMBLY IN SESSION

At 11:32 a.m.

Madam Speaker presiding.

Quorum present.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Resolution No. 8—Providing for the appointment of additional attachés for the Assembly.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Brooke Bishop and Christina van Fosson are elected as additional attachés of the Assembly for the 74th Session of the Nevada Legislature.

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblywoman Koivisto.

Resolution adopted.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 2, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 19.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 19.

Assemblywoman Parnell moved the adoption of the resolution.

Remarks by Assemblymen Parnell and Anderson.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 607—AN ACT relating to capital improvement projects; revising a condition of the use of previously allocated money by the State Public Works Board; approving a change in scope to a capital improvement project; approving the use of the construction manager at risk management to expedite completion of the project; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 306.

Bill read second time and ordered to third reading.

Assembly Bill No. 397.

Bill read second time and ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 2, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 20.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 20.

Assemblywoman Parnell moved the adoption of the resolution.

Remarks by Assemblywoman Parnell.

Resolution adopted.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 484 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 228 be taken from the Chief Clerk's desk and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Assembly Bills Nos. 22, 153, 179, and 228 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Mabey requested that the following remarks be entered in the Journal.

ASSEMBLYMAN BEERS:

This is spring break so we have some students with us, but we also have a teacher of one of those students—me. She also happens to be a published writer, an award-winning quilter, spinner, and textile artist. She was a Girl Scout and still considers herself to be a Girl Scout. Soon she will be graduating from UNLV at the top of her class and entering the world of teaching. She passed the PRAXIS test by achieving the highest score in the history of that test by 15 percent. I am a little emotional. Please welcome my wife Julie—my reason for living.

ASSEMBLYMAN MABEY:

I would like to introduce the boss. If you remember, last session I gave her the best supporting wife award during the session. I cannot think of any other award that I could give her but to tell her and everybody here and in the state of Nevada what a great woman I have and a great wife and to acknowledge her and tell her I love her. I would also like to introduce three of my children—two are at BYU and I wish they could be here—Sarah Marie, Camille, and Jacob, who was the honorary chairman of the Judiciary Committee. Hopefully he might get to do that. I would like to publicly thank them for letting me serve, and I am a grateful man for having such a wonderful family.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 32 and 48; Assembly Joint Resolution No. 10 of the 73rd Session; Assembly Concurrent Resolution No. 17; Senate Bill No. 28.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Lillian Stolar, Tamara Mitchell, and Meg Pearson.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Haley Atkinson, Briana Philippi, Megan Philippi, and Madeline Fitzgerald.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Beers.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Sean Belcher.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Reed Christensen and Cole Christensen.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Nichole Russell, Bryanna Raue, and Megan Domschot.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Autry, Megan McGowan, Rachel Scroggins, Brian Scroggins, Jr. and Jonathan Scroggins.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Marisa Philippi, Stephanie Hetrick, and Heather Domschot.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Thornton, Tracy Harvego, and Nanette Raue.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Aelicia Perkins and Jaqueline Perkins.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Eric Hawkins, Kaley Anderson, and Brent Reed.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to William Henry Horne II.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Christine Smith and Emily Smith.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Camille Mabey, Jacob Mabey, Sarah Mabey, and Sheri Mabey.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Katrina Carter and Katie White.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Kirsten Watkins, Paula Decker, and Ashli Hatcher.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Angel Goodman and Rebecca Stolar.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Lee and Myles Lee.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Megan Hernandez and Sarah Ramirez.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Bordewich-Bray Elementary School: Devon Ames, Dean Bradbury, Alex Cardenas, Kassidy Cox, Alvaro Delgado Reyes, Shaylena Flores, Cole Hanks, Fabiola Mata, Alex Pack, Raul Reyes Ruiz, Ramcez Rodriquez, Enrique Sanchez, China Scott, Makenzie St. Cyr, Anessa Williams, Miguel Casillas, Margaret Delarosa, Michael Dodd, James Fakkema, Eric Hickman, Cameron Locker, Adrian Maldonado, Jorge Reyes, Yesenia Soto-Gamez; teachers Nena Stucki and Alicia Klaich; chaperone Dan Klaich; Secretary of State Ross Miller, Judy Simpson, Destiny Carroll, Hannah Low, and Father Jerry Hanley.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Kirkpatrick, Tara Kirkpatrick, and Stephanie Reed.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Trudi Lytle, Allen Lytle, Desiree Ivkovish, and Trish Elliot.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Samatha Benites, Shawna Owen, Ashley Smith, and Krisanne Ruiz.

On request of Assemblywoman Womack, the privilege of the floor of the Assembly Chamber for this day was extended to Allan Cingel and Alisha Cingel.

Assemblyman Oceguera moved that the Assembly adjourn until Tuesday, April 3, 2007, at 10:51 a.m.

Motion carried.

Assembly adjourned at 12:05 p.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE FIFTY-EIGHTH DAY

CARSON CITY (Tuesday), April 3, 2007

Assembly called to order at 10:52 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Carpenter and Mortenson, who were excused.

Prayer by the Chaplain, Dr. Ken Haskins.

Our Heavenly Father, in seeking to please You we find knowledge and wisdom, happiness and joy. We eat and drink and are satisfied with a job well done. Direct our steps and bless our efforts. May our efforts this day be pleasing to you and beneficial to those whom we serve. I pray in the Name of Your Son in whom You are well pleased.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Madam Speaker appointed Assemblywoman McClain and Assemblyman Grady as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Dean Heller.

REPORTS OF COMMITTEES

Madam Speaker:

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

JOHN OCEGUERA, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 2, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 18.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 220.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 2, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 484, 537, 539, 540, 541, 542, 543, 544, 546, 547, 548, 549, 551, 553, 556, 568, 580, 597, and 599.

MARK STEVENS
Fiscal Analysis Division

April 2, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 62, 86, 257, 277, 310, 321, 326, 343, 377, 408, 416, 422, 440, 445, 465, 486, 487, 508, 525, 530, 563, 564, 565, 566, 567, 582, 588, 591, 596, and 603.

MARK STEVENS
Fiscal Analysis Division

Assemblyman Oceguera moved that NEVADA NEWSMAKERS: Lisa Jansen be accepted as an accredited press representative, and that she be assigned space at the press table in the Assembly Chambers and that she be allowed the use of appropriate broadcasting facilities.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 220.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 18.

Bill read second time and ordered to third reading.

Assembly Bill No. 30.

Bill read second time and ordered to third reading.

Assembly Bill No. 92.

Bill read second time and ordered to third reading.

Assembly Bill No. 112.

Bill read second time and ordered to third reading.

The members of the Senate appeared before the Bar of the Assembly.

Madam Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 11:08 a.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblymen Carpenter and Mortenson, who were excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Amodei and Assemblyman Hardy to wait upon Representative Heller and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Dean Heller, United States Representative from Nevada, appeared before the Bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

Madam Speaker welcomed Representative Heller and invited him to deliver his message.

United States Representative Dean Heller delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-FOURTH SESSION, 2007

Thank you, Madam Speaker. It is certainly a thrill and a pleasure to be here today. It is an honor to have the opportunity to address this body where I started my political career many years ago. Having been on the receiving end of a few of these speeches myself, I understand what all of you are going through. I appreciate your hard work and your effort of behalf of the people of Nevada—they are truly well-served.

It is my understanding that the Nevada Consular Corps is here today, I want to welcome all of them. I want to welcome all of the students that are here today. I hope they are enjoying their spring break. It is probably not the place they want to be on their spring break, but welcome anyway. It is a thrill to have you. I want to take a moment to thank Governor Gibbons for being here, Lieutenant Governor Brian Krolicki, Senator Raggio, obviously the Speaker, members of both houses, and also those Justices who may be here. I want to thank the constitutional officers, especially Ross Miller—congratulations and good luck.

I want to take a minute to recognize Assemblyman Bernie Anderson. He is the last member standing from our freshman class of 1991. My hat is off to you—congratulations. A few of our freshman class are still wandering around these halls including my good friend, Senator Warren Hardy.

As many of you know, I grew up right here in northern Nevada. My wife, Lynn, and I raised our four children here. My father's automotive shop was located directly across the street in that now empty lot. I spent much of my youth working in that garage sweeping floors, repairing cars, fixing transmissions. I should probably emphasize sweeping floors—at least my father would remind me of that. The rule at home was that if you were not playing sports or didn't have another job, you had to be working at the shop—so I played a lot of sports. In that shop, my parents taught me the value of hard work, responsibility, and with my five brothers and sisters, the importance, of course, of family. My mother; my sister; my wife, Lynne; and our daughter, Emmy, are here with us today, and I want to thank them for their tremendous support over the years.

My first job outside the family business was delivering one of the local newspapers. For those of you who remember the *Reno Evening Gazette*, that just goes to show you how old you are. The Capitol Building was on my paper route where I delivered to then-Governor Mike

O'Callaghan. Ironically enough, I also delivered the paper to the Secretary of State's office, then-Secretary Johnny Koontz, not knowing that I would hold that same position 25 years later. I spent most of my time as a child outdoors. Some of my fondest memories as a child are jumping on my bike and riding it to the Carson River to go fishing. Later in life, it was elk hunting near Pioche or deer hunting in the Ruby Mountains. These western values were instilled in me by my family, and in turn I have tried to pass along these same values to my children. I know many here today share similar experiences.

One of my first impressions in Congress was how well our Nevada delegation works together. The Nevada delegation as a whole tries to meet once a month. The House delegation meets once a week at our constituent breakfast, and while we do not see eye to eye on all issues in Congress, when it comes to Nevada issues, we all work very well together. This is not common in Washington, D.C.—few states have this working relationship. It is important that Senators Reid and Ensign; my House colleagues, Berkley and Porter; and I sit down and talk about what is important to our state—placing politics aside so we can get things done. This is something that is all too uncommon in Washington, and I am proud to be a part of this team.

It is not just our federal legislators that work well together, but also our state and local officials. I appreciate the many visits to my office by our public officials. Mayors Cashell, Martini, Gibson, Tedford, and Franzoia just to name a few; county commissioners; city council members; NACO; and the League of Cities all make an exceptional effort to keep us aware of current issues.

I met with the Nevada Cattlemen's Association in Elko and saw them again in Washington in committee hearings. I was the keynote speaker yesterday for the National Mining Association's spring conference. I spoke on issues concerning mining law changes and global warming legislation, both of which could have a profound effect on their global competitiveness. I did a flyover of White Pine County with Assemblyman Pete Goicoechea and Governor Gibbons to see firsthand the potential effects of water depletion in Snake Valley. I met with Family TIES in Reno to learn about the personal struggles of parents raising children with autism and individuals who live with disabilities. Their information has been critical for me on these issues when they come before Congress. All told, I have had over 200 meetings in my office since I have been sworn in. It is truly an honor to have this opportunity to meet with so many Nevadans, to learn about their concerns, and to represent them in Congress.

I have been appointed to three House committees; Natural Resources, Education and Labor, and Small Business. On Small Business, I have been appointed ranking member of the Subcommittee on Finance and Taxation. I have also been elected by my colleagues to a leadership post in the Congressional Western Caucus to promote western issues in Congress. I have worked to place myself in a position where, even as a freshman, I can be an effective advocate for western issues and those issues facing Nevada.

The disconnect in Washington, D.C. when it comes to western issues is very apparent. Few understand our water issues, mining regulations, or federal land management. Only some understand the methamphetamine epidemic in our state. Many do not understand the impact of federal actions on our rural communities. When I talk about the loss of 1.2 million acres of land to wildfires in just one county, I watch their amazement when I explain this is bigger than some eastern states.

This Congress faces difficult choices which will affect the safety and global competitiveness of our nation. We are in engaged in a war in Iraq that is arduous for the American people. Everyone wants to make sure our troops have the resources and reinforcement they need to succeed in their missions. I believe the Congress has two responsibilities under the *Constitution of the United States*: first, to declare war, which it did; secondly, to decide whether or not to fund that war. What Congress should not do is try to manage this war by setting arbitrary timelines and reckless dates for withdrawal that accomplish nothing but enhance and empower the enemy. What our soldiers do not need are 535 generals who were boldly for the war before they were boldly against it. I stand proudly with 173 House colleagues in signing a discharge petition which would force floor consideration of a bill to fully fund all troops in harm's way. That bill and petition was put forward by Representative Sam Johnson, a decorated Vietnam veteran, who spent nearly seven years as a prisoner of war.

Nevada is home to approximately 300,000 veterans. That number accounts for approximately 16 percent of our population. We owe a great debt of gratitude to our nation's veterans. They deserve nothing less than the best care possible. With the news of the conditions at Walter Reed Army Medical Center's outpatient facilities, I toured the hospital to see the conditions firsthand. I sent a letter, along with my freshman colleagues, to the President requesting a meeting with Veterans Affairs Secretary Jim Nicholson to hear his plans for improving veterans' care. I directed my staff to tour or contact all Veterans Affairs medical facilities in Nevada to ensure similar conditions did not exist here at home. Our veterans deserve our full time and attention.

I have cosponsored legislation which would make the deduction of sales tax from federal tax returns permanent and to promote small business growth. Nevada incorporated almost 90,000 new businesses last year alone. I want to see them grow and prosper. However, my efforts in Congress go beyond this legislation. Last week I voted against the proposed federal budget. These are the reasons why.

It included the largest tax increase in American history, $400 billion over the next five years.

It increased the marginal tax rates to a tune of $182 billion, including those who can least afford to pay taxes. If you are in the lowest tax bracket, your taxes would be increased by 50 percent.

It includes the reinstatement of the death tax.

It reduces the child tax credit from $1,000 to $500 per child. Last week, I offered an amendment to protect the child tax credit beyond its current expiration date in 2011, but the amendment was rejected. My argument was a child was not going to cost less after 2011 than a child costs today.

It increases the capital gains and dividend taxes to a tune of $32.5 billion. It also includes a reinstatement of the marriage penalty tax.

I'm concerned with the impact this legislation will have on middle income America and their ability to save and invest. These tax increases will increase the tax burden on every Nevada family of four by nearly $3,000 a year. Nevadans deserve better.

I have become a cosponsor of the Social Security Fairness Act. This legislation would repeal Social Security's offset requirements for an individual's pensions and benefits, helping Nevada's seniors to have a better quality of life. In addition, this benefits our public employees such as police and schoolteachers.

Finally, on healthcare this body and Congress continue to struggle on finding ways to help 46 million uninsured Americans. Sixty percent of those uninsured are employed by small businesses. Their health insurance premiums should be 100 percent tax deductible. Additionally, more Americans should have access to health savings accounts, which would inject some competition into our healthcare industry. I have signed on to the Small Business Health Fairness Act, which would allow for the establishment of association health plans. These plans would create a multistate standard available through professional organizations so small businesses could group together and offer affordable health insurance to their employees. This practice is what large corporations and labor unions do all the time. These steps are the first to start lowering the number of uninsured in our country.

There are many other issues which should be discussed. Congress is due to reauthorize the No Child Left Behind Act this year. I will have a key part in that debate as a member of the Education and Labor Committee. The reauthorization of the Nevada Check-Up program is also due this year. This program has provided services to impoverished children in Nevada since 1998. I look forward to working with this body on these key issues as legislation moves forward.

I appreciate all the hard work and effort you put forward on behalf of all Nevadans. I appreciate the longstanding relationship I have with many who are in this body, and I look forward to expanding those relationships as we work together to solve these issues facing Nevada. Thank you very much. May God bless you and this great state.

Senator Townsend moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Heller for his timely, able, and constructive message.

Seconded by Assemblywoman Parnell.
Motion carried unanimously.

The Committee on Escort escorted Representative Heller to the Bar of the Assembly.

Senator McGinness moved that the Joint Session be dissolved.
Seconded by Assemblyman Goicoechea.
Motion carried.

Joint Session dissolved at 11:27 a.m.

ASSEMBLY IN SESSION

At 11:28 a.m.
Madam Speaker presiding.
Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 127.
Bill read second time and ordered to third reading.

Assembly Bill No. 297.
Bill read second time and ordered to third reading.

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

Assembly Bill No. 374.
Bill read second time and ordered to third reading.

Assembly Bill No. 482.
Bill read second time and ordered to third reading.

Assembly Bill No. 505.
Bill read second time and ordered to third reading.

Assembly Bill No. 555.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 5, 22, 153, 179, 228, 306, and 397 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Theile.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Kathleen Messer, Mary Lou Warden, and Carrie Hite.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Haley Atkinson.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Gayle Anderson, Tim Rubald, Kimberly Elliot, Alan Di Stefano, Consul Mariano Lemus, Honorary Consul General Lia Roberts, Honorary Consul David Henley, Honorary Consul Dr. Lonnie Hammargren, Honorary Consul Paulina Biggs Sparkuhl, Honorary Consul Andreas Adrian, Honorary Vice Consul Aldo Aguirre, Honorary Consul General Wayne Tanaka, Honorary Consul Astra Michels, Honorary Consul Dr. Geoffrey VanderPal, Honorary Consul Lena Walther, Honorary Consul Jerome Snyder, and David Tully.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Reed Christensen and Cole Christensen.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Ferguson and Paul Jackson.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Mullin.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Jessie Beck Elementary School: Christopher Arbogast, Kylie Boes, Jacob Carson, Sara Dunagan, Teela Earl, Jacob Frisch, Jacob Fuller, Aleana Geyer, Christina Harrison, Eric Irra, Julian Jamerson, Guadaluf Lara Hernandez, Marcus Lauer, Lauren Laughton, Taylor Laughton, Kyle Mahaffey, Terence J. Mason, Gabryelle Morgan, Alexander Pavia, Patrick Phelps, Sandra Plascencia, Mulu Salavea, Tiana Santee, Brenna Scott, Brian Serratos, Shalen Shaw, Justin Smothers, Vendela Staley, Bryan Zaragoza Resendiz, Nathan Allen, Ryan Anderson, Andres Avalos, Leonardo Berumen, Victoria Boldi, Jonathan Cantlon, Dylan Cornell, Erica Foote, Maxwell Georgeson, Abigail Gomo, Hunter Hogan, Keith Hollimon, Megan Holtorf, Stephanie Huntley, Michael Kirchhefer, Gavin Lienhardt, Lindsay Ligon, Olivia Lowden, Juan Morales, Kierann O'Hara, Amber Orton, Jesus Pena, Claire Pierce, Savannah Schulze, Casey Tait, Ryan Tatem, Brett Thompson, Ana-Marie Turner, William Turnier, Osvaldo Vazquez, William Yepez, Breann Almond, Emily Ames, Morgan Beye, Mary Katherine Buckingham, Christopher Casaceli, Justice Corona, Elizabeth Di Cioccio, Miah Englund, Oscar Garcia Zuniga, Katja Hermann, Shefain Islam, Jared Johnson, Anthony Keith, Norma Lara

Hernandez, Cassondra Long, John Mendelsohn, Sierra Monjar, Eric Moye, Jeremy Oleson, Katelyn Randall, Naomi Reyes, Karla Rodriguez, Moises Rodriguez, Melissa Rytting, Reina Elizabeth Salas Reyes, Ron Axel Salvanera, Nick Schab, Jose Segura Camargo, Edwin Serratos, Jacob Toman-Ibarra, and Ian Welch; teachers Connie Bland, Heather Thaxton, and Bonnie Serpa.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Breann Almond and Jeremy Oleson.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Sheri Mabey, Jacob Mabey, Sarah Mabey, and Camille Mabey,

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Pioneer High School: Donivan Dean, Kaitlin Saucedo, Zaide Diaz, Aaron Wallace, Jake Weeks, Stephen Watson, Frank Six, Rebecca Sim, Kyle Petterson, Molly Mygatt, Chad Yount, Steven Smith, Steven Kunz, Matt Torres, Ashley Young, Kritten Prapatanunt, Kyle Vaughn, Laura Munoz, Jasmine Robertson, Maria Peregrina, Juan Monrroy, Melissa Moline, Antonio Ledesma, Valerie Jim, Jorden Hoefling, Daniel Feagan, Victoria Espinosa, Candice Duran, Ryan Baden, Corrina Acebedo, Pamela McMullen, Cheryl Leonard, and Mark VanVoorst; teacher Julie Gabica.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Breeden.

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Dean Gleason, Debbie Gleason, and Miranda Mahe.

Assemblyman Oceguera moved that the Assembly adjourn until Thursday, April 5, 2007, at 10:45 a.m.

Motion carried.

Assembly adjourned at 11:37 a.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE SIXTIETH DAY

CARSON CITY (Thursday), April 5, 2007

Assembly called to order at 10:55 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Ken Haskins.

Father of Lights, You are light. Your Word is a lamp unto our feet and a light unto our path. Cast Your light upon the issues facing these lawmakers today. Grant these servants of Yours clarity of vision, understanding, and wisdom in order for them to make good decisions that will benefit that lives of many. I pray in the Name of the Light of the World, Jesus.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 562, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 244, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 250, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 333, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 485, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which were referred Assembly Bills Nos. 211, 434, 472, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 104, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Concurrent Committee on Education, to which was referred Assembly Bill No. 566, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Concurrent Committee on Education, to which were referred Assembly Bills Nos. 170, 465, 564, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 68, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 75, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 148, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 14, 20, 55, 90, 117, 323, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 102, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Joint Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 105, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and rerefer to the Committee on Ways and Means.

JERRY D. CLABORN, *Chair*

Madam Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 493, 582, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 607, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bill No. 607 considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Arberry.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 607.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 607:

YEAS—41.

NAYS—None.

EXCUSED—Marvel.

Assembly Bill No. 607 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that all rules be suspended and that Assembly Bill No. 607 be immediately transmitted to the Senate.

Motion carried.

Madam Speaker appointed Assemblymen Arberry and Stewart as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Jon Porter.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 3, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 435.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 4, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 219, 391.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 11.

CLAIRE CLIFT
Secretary of the Senate

SENATE CHAMBER, Carson City, April 5, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 21.

CLAIRE CLIFT
Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 21.
Assemblywoman Gansert moved the adoption of the resolution.
Remarks by Assemblywoman Gansert.
Resolution adopted.

The President of the Senate and members of the Senate appeared before the Bar of the Assembly.

Madam Speaker invited the President of the Senate to the Speaker's rostrum.

Madam Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 11:12 a.m.
President of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblyman Marvel, who was excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Washington and Assemblyman Christensen to wait upon Representative Porter and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Jon Porter, United States Representative from Nevada, appeared before the Bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

Madam Speaker welcomed Representative Porter and invited him to deliver his message.

Jon Porter, United States Representative, delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-FOURTH SESSION, 2007

Thank you, and to all of my friends I had a chance to say hello to in the hallways, I tell you it is really great to be back. It is an honor for me to be a member of Congress, but more importantly, it is an honor for me to be here today with all of you who are making so many difficult decisions for our great state.

President Krolicki, it is a pleasure to see you again and, of course, our Speaker, Barbara Buckley. The Governor, we appreciate you being here. My good friend Bill Raggio—I could talk about Bill all morning, but I won't. I did light a candle under your statue at the airport when I came into town, but I have not seen many other candles since I left so I think there must be a problem. Good to see you and Minority Leader Titus, it is good to see you. Thank you all very much and Dr. Mabey, we appreciate your leadership. To all the leaders, thank you for all that you do.

I would also like to congratulate my latest and newest colleague, Mr. Heller. I know he was here this week, and I think you should all be very proud of Dean. He is doing an outstanding job representing Nevada. He is truly a quick study. He has done a tremendous job in very short time—in a very contentious time—and I applaud Mr. Heller for his hard work.

Also, my daughter Nicole is here—welcome. As you know, I served here for eight years, and Nicole was here almost every free moment she had, so thank you for coming, Nicole.

I would like to just take a moment to recognize all the Nevadans that have lost their lives to fight the war on terror, to all the families and their loved ones who share in that sacrifice, and to all the rest of the folks of this great country who have given their lives to protect our freedom. I would like to just have a moment of silence.

There are a couple of students here today, Ryan Hendessa and Brandon Jones from Sage Ridge School in Reno. They just got back from Luxemburg and have taken on as a mission the Darfur genocides in Sudan. I am frequently asked by my colleagues and constituents what can be done about the genocide that is happening today as we speak. I am going to use these gentlemen as an example. They have raised monies for charities to help the families in Darfur. They believe in putting their energy to work to try and make a difference in the world. To you gentlemen, thank you. They just got back from a trip to Luxemburg where they had an opportunity to speak on behalf of Nevada and also for all those families that are in harms way in Sudan and Darfur. Thank you.

Another gentleman that really needs no introduction, but I'm going to anyway, is Bob Ferraro, Mayor of Boulder City. Bob has been a friend of mine for almost 30 years, and Bob is retiring as a public servant in Boulder City. For over 31 years, Mayor Ferraro has served our great state and the community of Boulder City. Bob is the one who convinced me to run for office so for those who want to blame someone, this is the guy, and for those who are happy, this is the guy as well. Bob, as a leader of our community of Boulder City and of Nevada, approaches things like I think we all should—he has a very bipartisan, nonpartisan approach to finding solutions to problems. Bob sets the standard for what it is like to negotiate, to work with his council, to work with his community, and I believe he is now the happiest mayor in the country since he is retiring soon. The mayor has set a real standard that I think we all could and should learn from, as I try to every day that I have been in public service. Mayor, I have a congressional recognition for you and I have entered your history into the congressional record as members of Congress have been doing for over 200 years. Also, the Governor had declared today as Robert Ferraro Day, so congratulations, and on behalf of the Governor, I would like to present a proclamation that this is Robert "Bob" Ferraro Day. We are honored as a state to recognize this as a very special day.

We have faced a lot of challenges as a community, as a state, and as a country. We have built bridges to nowhere in Alaska and seemingly we are building a bridge to nowhere here in Carson City. Is there something we can do to help with that project? We have experience with building those types of projects—I had to pick on Bill Raggio one more time.

We have so much to be proud of and yet face so many challenges that we need to continue moving forward. If we look where we have been as a country in the past six years since 9/11, and if we look where we have been as a country in the last 30 years, but more importantly where

we have been as a state—many of you have served in the Legislature for a long time and I applaud all of you and your families for the sacrifices that you have made to the great state of Nevada—but if you look back through the years, I remember 30 years ago when we were told that we were not going to exist as a state. Gaming and the resort industry was only temporary—Wall Street said we were not going to survive. Well guess what? We have come back stronger each time we have had challenges. When we had a major fire in the early 1980s at the MGM Grand, from that point forward we have had the safest hotels in the world because we worked together. We have faced serious economic challenges—ebbs and flows—and have fought Wall Street many times, but each time, as a state, we have come back stronger than ever because we worked together as a team.

We have 40,000 new hotel rooms online in southern Nevada. We are still building two and a half schools a month; we are hiring 2,500 teachers a year and 5,000 support staff in southern Nevada. We have the fastest growing senior community and the fastest growing veteran community. We have challenges, but I will tell you that when I meet a person around the world or in this country, they are all very envious of what we have here in Nevada. Each challenge that we face—whether it is education, health care, transportation, growth, or the economy, this body in Carson City, working with local governments, is up to the challenge, and you will be successful as you have been in the past.

We talk about the challenges that are unique to Nevada, and I think one that we are dealing with today is health care. I want to applaud all of you and touch on a few areas like health care, transportation, and education that I think we in Washington, D.C. are working on as partners with you. Quality and accessibility of health care continues to be a primary concern for all of you. We are short a thousand nurses today as we speak. Nationwide, we are short about 800,000 nurses. We have a crisis happening. I applaud Nevada State College, the leadership, and this body for starting that school. They now have an accelerated nursing program, which I helped create. It has been very successful in trying to resolve the challenge of the nursing shortage. We have a Veterans Affairs hospital that is online. I applaud the whole Nevada delegation and all of you. Soon, we are going to have a 300-bed Veterans Affairs hospital which is state of the art. It will be one of the first built in the country in years. It will be in Las Vegas to serve our veterans, to make sure they are given the treatment which they deserve.

This body, and as I know, Congress, is trying to find solutions to problems. We still have problems. Medicare is a challenge financially. The one thing I have done in Congress to help the state of Nevada and other fast-growing states is making close to $30 million available for Medicare challenges as we and they transition into health information technologies. This way the least among us who have the largest financial challenges will have the same benefits as those in our community who have the best.

We are also working on a project with the Nevada hospitals called the Graduate Medical Education Program. Currently in Nevada, training for new doctors has a cap which is based on equations and formulas that cause a lot of our challenges. Because of our massive growth, we are capped. We need to expand those caps in Washington, D.C. I am working with Nevada doctors and hospitals to expand the cap so we can train more doctors in our university system. We can train more doctors in the hospitals. We are rated 47th in the United States when it comes to doctors who graduate medical programs. That is something we are working on together so we eliminate that cap.

I look around this room and I see many, many of our leaders who are in the education field and who have a passion to do everything they can to help our kids, especially with 20,000 new kids in southern Nevada every year, give or take. We need to find a way so we are able to hire the best and the brightest. This past session in Congress, we passed for the first time legislation—my legislation—to make sure another 26 states can do F.B.I. background checks on their teachers. Believe or not, not all states were doing it like Nevada. That is 24 million kids. This idea came to me because of an idea of George Ann Rice of the Clark County School District. It is an example of why Nevada is on the cutting edge. We talked about the formula changes. Senator Reid and I have worked on those to help. In the past, federal funding has taken two to three years to follow the child. If the kid is from Iowa or California or wherever they are from, it may stay there. Because of Senator Ensign and myself, we have helped fix that formula. But, probably the greatest accomplishment that I can look back on, for my career, and the one

I'm most proud of, is the building of schools. We collectively—Chris Giunchigliani, Dina Titus, Barbara Buckley, Maurice Washington—we worked together in building schools. That bond issue was for 88 new schools. It passed this body. It has been very successful. We have built close to 100 schools, if not a little bit more. That bond issue, that funding source, is running out next year. I encourage all of you to support the districts around the state, but specifically southern Nevada, where we are going to need to keep building 2.5 schools a month. If we don't build schools, none of these other challenges will really matter. That funding source, as I said, expires next year, so I look forward to working with all of you and Clark County to do what we can to renew that.

I picked on my friend Bill, but I tell you, everyone in Nevada is touched by transportation. I know with 40,000 hotel rooms coming online, we have new employees moving to our communities, we have families moving, we have folks sitting in traffic around the state. My understanding is somewhere between $4 billion to $8 billion dollars is going to be needed over the next ten years. I know you are up for the challenge and know you spend a lot of time looking for solutions. I am going to speak today before the Transportation Committee in the Senate to one more time encourage all of you to look closely at public-private partnerships, which are a funding source for building highways and byways. The United States Congress, with the help of the Governor, two years ago passed legislation to allow for demonstration projects across the country to build dedicated lanes on the interstate system. It is new. It has not been done before. I spoke to then-Governor Guinn and Jeff Fontaine in the fall of last year and told them we had to at least get our name into the queue so we could build or possibly be considered for these dedicated lanes.

Now, I know we have challenges in every community. My goal is to focus on three different corridors with this public-private partnership. One of them is the I-15 corridor south of Las Vegas. The demonstration projects provided under the congressional act provide that we can negotiate with the private sector but also with other states. I met with California legislators. Imagine for a moment if we could build a parallel, two- to four-lane highway on I-15 South to Barstow or Victorville, where our visitors and our residents could have a choice. They could take the free lanes or they could take a toll road, which would be purely optional, targeted south of Las Vegas. As you know, our airports and our byways and our streets and highways are the conduit to our economy. If we don't do something about those byways, we are going to be out of business. So, I am encouraging you to give it your consideration. I know there are challenges, and I encourage the debate. Why not allow those visitors who are coming to Nevada help pay for that road south of Las Vegas from Victorville to Barstow? Why not allow our visitors to help share in that expense? The same thing with Boulder City—the mayor is here today—the same with the Boulder City bypass. There are currently 20,000 cars a day that go through Boulder City. Two to three thousand trucks will soon be coming into Boulder City. I would say we should do the same thing for Boulder City and its bypass. Visitors have a choice. They can take the free route, through Boulder City, or they can choose to take a toll around Boulder City.

The third corridor is the I-80 corridor over the Sierra Mountains. Why not also look at that as an opportunity for the private sector to help invest in a parallel set of lanes between Reno and California? The private sector helps invest in that project. Again, our visitors to northern Nevada have a choice. They can take the free lane or they can pay, which will be faster and more efficient. I appreciate the opportunity to speak in the Senate today with Senator Nolan. We are going to talk about the project. I know you had some experts visiting the session, here. Some know far more than I do. I think it is something we should give strong consideration to. If I can help give you some tools, you will make the right choice and decide what is right for Nevada, but something must be done.

All of you spend a lot of time taking care of your constituents. I applaud all of you. It is not like you have a lot of staff. The staff you have is tremendous and does a great job. I know that during the interim, it is difficult at times. I'm blessed to have a staff that works year round, sometimes 24 hours a day. I know some of them are here today. I keep them pretty busy. Since January, we have touched about 90,000 people with town hall meetings, direct mail, and surveys.

I am hearing a lot of great things about Nevada. I want to share with you not only what I'm hearing from Nevadans, but what I hear from around the world. As I visit the troops in Iraq in

Baghdad, in Kuwait, or a sailor at Bethesda Naval Hospital, or a soldier at Walter Reed, or other members of Congress. Every time I say I am from the state of Nevada, to a person, there is a twinkle in their eye. There is a twinkle. They say they have been to Las Vegas or they want to go to Las Vegas or they want to go to Reno or they have been to Tonopah. I have been to Mesquite. I have been to Elko. I can go on and on. To a person, there is a twinkle, especially from the military. We are doing them a great service because they want to come and join our community. People are very envious of who we are, what we are, and what we have accomplished. That is because we have worked together quite successfully.

I know there are many challenges yet before us, but I truly believe our best days are yet to come if in fact we follow the lead of Mayor Ferraro in working together with a bipartisan team approach in finding solutions to problems.

The United States Congress has its challenges as do you, but know that the delegation stands ready and able to serve you. We don't always agree with each other, but when it comes to Nevada, we do work very closely and in lockstep to serve our communities the best we can. So, I want to say thank you.

As a side note, if you are looking for something to do tonight, Terry Murphy, Senator Bob Beers, Chris Ferrari, and myself are going to try to play a little music at Glen Eagles. It will be bipartisan, no politics, just rock and roll. So please come out and join us and have a good time. I am honored to be here. Thank you all very much for allowing me to be here today. Thank you.

Senator Beers moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Porter for his timely, able, and constructive message.

Seconded by Assemblyman Mortenson.

Motion carried.

The Committee on Escort escorted Representative Porter to the Bar of the Assembly.

Senator Nolan moved that the Joint Session be dissolved.

Seconded by Assemblywoman Pierce.

Motion carried.

Joint Session dissolved at 11:44 a.m.

ASSEMBLY IN SESSION

At 11:45 a.m.

Madam Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 219.

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

Motion carried.

Senate Bill No. 391.

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

Motion carried.

Senate Bill No. 435.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 11.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Assemblywoman Parnell moved that Assembly Bill No. 211 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Parnell moved that Assembly Bill No. 434 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Parnell moved that Assembly Bill No. 472 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 18 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 30 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 92 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 112 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.`

Assemblyman Oceguera moved that Assembly Bill No. 127 be taken from the General File and placed on the Chief Clerk’s desk.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 364 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 374 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 482 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 5.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Assembly Bill No. 5:

YEAS—42.

NAYS—None.

Assembly Bill No. 5 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 22.

Bill read third time.

Remarks by Assemblymen Ohrenschall, Oceguera, and Kirkpatrick.

Roll call on Assembly Bill No. 22:

YEAS—42.

NAYS—None.

Assembly Bill No. 22 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 153.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 153:

YEAS—42.

NAYS—None.

Assembly Bill No. 153 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 179.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Assembly Bill No. 179:

YEAS—42.

NAYS—None.

Assembly Bill No. 179 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 228.

Bill read third time.

Remarks by Assemblymen Kihuen, Conklin, Anderson, Smith, and Carpenter.

Roll call on Assembly Bill No. 228:

YEAS—39.

NAYS—Anderson, Arberry, Conklin—3.

Assembly Bill No. 228 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 297

Bill read third time.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 297 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 306.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 306:

YEAS—42.

NAYS—None.

Assembly Bill No. 306 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 397.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 397:

YEAS—42.

NAYS—None.

Assembly Bill No. 397 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 505.

Bill read third time.

Remarks by Assemblymen Segerblom and Allen.

Roll call on Assembly Bill No. 505:

YEAS—42.

NAYS—None.

Assembly Bill No. 505 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 555.

Bill read third time.

Remarks by Assemblymen Hardy and Arberry.

Roll call on Assembly Bill No. 555:

YEAS—42.

NAYS—None.

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

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Joint Resolution No. 1 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 1.

Resolution read third time.

Remarks by Assemblyman Mortenson.

Roll call on Senate Joint Resolution No. 1:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 1 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 18, 30, 92, 112, 364, and 482 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 18; Assembly Resolution No. 8; Senate Bill No. 47; Senate Concurrent Resolutions Nos. 19 and 20.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Stan Olsen and Joe Theile.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Bennett, Karen Bennett, and Ellie Katrina Maddox.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Leffingwell.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to David Bobzien, Sr. and Cathy Bobzien.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Reed Christensen, Cole Christensen, and Kristopher Sanchez.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Janie Novi and Tom Mullin.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Denis and Dallen Denis.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Donner Springs Elementary School: Abraham Morales Mena, Alexis Bray, Austin Price, Brennan Williams, Briana Barajas-Frias, Cody Herlihy, Destiny Kopal, Hunter Lamprich, Isaiah Mullins, Ivan Ruiz, Janay Knight, Janet Alvarez Gonzalez, Jasmine Chappell, Jordan Morey, Leana Hudson, Levi Dourney, Luis Rodriguez Perez, Maria Navarro Velasco, Missael Quirarte, Monica Lara, Nikki Clifford, Richard Martinez, Roberto Serrano, Stephanie Jo, Taylor Davidson, Tommy Folk, Tyler Duvall, Youri Reyes; teacher Amanda McWilliams; teacher's aide Janis Embree; chaperones Bonita Mullins, Rhonda Knight, and Maria Mena; Gwen Wood, Robert J. Wood, Linda Wood, Larry E. Wood, Cindy Wood, Jason E. Wood, Jaclyn Wood, Jennifer Wood, Jamie Wood, Mark Gemroth, and Bridgette Gemroth.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Ryan McBride.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Nicole Porter and Eric Hawkins.

On request of Assemblyman Kihuen, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Her.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Cloe Debacco, Jorge Oliveras, Brooke Halverson, Amber Virgo, and Will Houk.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Monica Moradkhan.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Hutson.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Bethlehem Lutheran School: Jason Deterding, Jonny Harms, Briseida Hyatt, Kody Miller, Mikey Overton, Nathanael Williams, Allison Boschult, John Dumbauld, Christine Gansberg, Monique Hautekeet, Sarah Hope, Mason Kennedy, Briana King, Kirby Linvill, Noel Lopez, Ben Martin, Mandy May, Alicia Murphy, Robert Reil, Haley Stokes, Daniella Tecca, and Nathan Wright; teacher Clay Soderstrom; chaperones Debbie Martin and Bobbi May; the following students from Silver State Charter High School: Jeff Baker, Sydney Baker, Devon Callison, Bianca Canalas, Rebecca Crossman, Shannon Emmans, Cassandra Fillmore, Amanda Hardy, Dane Hexberg, Rachael Littrell, Noelle Magrath, Joshua Martino, Heaven Maxwell, Nicholas McNeil, Thomas Nelson, Robert Perez, Katie Porter, Christine Robinson, Emma Wegener, Brooks Westergard, Matthew White, Alan Zamora, and Ariedne Zelaya; teacher Keith Martin.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Breeden.

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended Miranda Mahe.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Heese.

On request of Assemblywoman Womack, the privilege of the floor of the Assembly Chamber for this day was extended to Curt Easley.

Assemblyman Oceguera moved that the Assembly adjourn until Monday, April 9, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 12:25 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE SIXTY-FOURTH DAY

CARSON CITY (Monday), April 9, 2007

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

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Marie Hanson.

Please join with me now, taking a moment to go within, connecting with your breath and the Universal Power and Presence that permeates each of us. May we now let go of all that it took to be here today. Distractions, projects, phone calls, meetings—all dissolve in this moment as we accept and know each and every need is met, easily and effortlessly. Let us join our hearts and minds as One. All things are enveloped in Your Love, Father/Mother/Sister/Brother. Our Essential Nature is Love. Being One with It, we lovingly express our thoughts, activities, and words today. We let Joy guide us and inspire us to do that which You would have us accomplish, Great Spirit. There is nothing, no thing, that we cannot do without You. We invite You into our minds, now. Your Peace radiates out into this room, this building, this city, this state, this country, this planet, and beyond. Your wisdom allows us to be that which You are: Peace, Love, and Joy. It is with this intention we move into all our moments today, letting go and letting God, for He exceeds what we can do alone. And so it is.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 295, has had the same under consideration, and begs leave to report the same back with the recommendation: Rerefer to the Committee on Ways and Means.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 212, 242, 512 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Joint Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 289, 299, 350, 358, 373, 380, 381, 515, 601 has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 530, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and rerefer to the Committee on Ways and Means.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 408, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 575, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHEILA LESLIE, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 589, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 4, 8, 25, 52, 136, 227, 282, 353, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 356, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KATHY MCCLAIN, *Chair*

Madam Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 497, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 5, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 330, 433, 498, 518, 554.

CLAIRE CLIFT
Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 9, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 355.

MARK STEVENS
Fiscal Analysis Division

April 9, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 146, 255, 305, 356, 360, 361, 411, 419, 443, 458, 459, 479, 485, 506, 507, 526, 528, 536, 557, 573, 579, 587, 594, 601 and 602.

MARK STEVENS
Fiscal Analysis Division

Assemblyman Oceguera moved that Assembly Bill No. 295 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Kirkpatrick moved that Assembly Bill No. 408 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Kirkpatrick moved that Assembly Bill No. 530 be rereferred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 608—AN ACT making supplemental appropriations to the Department of Business and Industry; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 330.

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

Motion carried.

Senate Bill No. 433.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 498.

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

Motion carried.

Senate Bill No. 518.

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

Motion carried.

Senate Bill No. 554.

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

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:21 a.m.

ASSEMBLY IN SESSION

At 11:27 a.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Joint Resolution No. 3 be taken from its position on the Second Reading File and placed at the top of the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 3.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 75.

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to revise provisions relating to the taking of private property by eminent domain.

Legislative Counsel's Digest:

Section 8 of Article 1 of the Nevada Constitution and the Fifth Amendment to the United States Constitution provide that private property cannot be taken for a public use without just compensation. In Kelo v. City of New London, 125 S.Ct. 2655 (2005), the United States Supreme Court ruled that the use of eminent domain to acquire property and transfer it to another private party for the purpose of economic development does not violate the Takings Clause of the Fifth Amendment to the United States Constitution.

This resolution proposes an amendment to the Nevada Constitution to prohibit, except in certain circumstances, the taking of private property if the purpose of the taking is to transfer an interest in that property to another private party.

In addition, the amendment proposed by this resolution requires an entity which is taking property by the exercise of eminent domain to provide the owner of the property with all appraisals of the property obtained by the entity before the entity is allowed to occupy the property. Furthermore, in all eminent domain actions, the owner of the property that is being taken is entitled to a determination of whether the taking is for a public use and the entity that is taking the property has the burden of proving that the taking is for a public use.

The amendment proposed by this resolution provides for the manner of computing the just compensation owed to a person whose property is taken by the exercise of eminent domain. Also, the amendment provides that neither a property owner nor an entity which is taking property by the exercise of eminent domain is liable for the attorney's fees of the other party, except in a certain circumstance. Under the amendment, the owner of property taken by the exercise of eminent domain, or his successor in interest, has the right to reacquire the property for the price paid by the entity which took the property under certain circumstances.

This resolution also proposes to repeal the "People's Initiative to Stop the Taking of Our Land" if that initiative is approved by the voters at the 2008 General Election.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 8 of Article 1 of the Nevada Constitution be amended to read as follows:

Sec. 8. 1. No person shall be tried for a capital or other infamous crime (except in cases of impeachment, and in cases of the militia when in actual service and the land and naval forces in time of war, or which this State may keep, with the consent of Congress, in time of peace, and in cases of petit larceny, under the regulation of the Legislature) except on presentment or indictment of the grand jury, or upon information duly filed by a district attorney, or Attorney General of the State, and in any trial, in any court whatever, the party accused shall be allowed to appear and defend in person, and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled, in any criminal case, to be a witness against himself.

2. The Legislature shall provide by law for the rights of victims of crime, personally or through a representative, to be:

(a) Informed, upon written request, of the status or disposition of a criminal proceeding at any stage of the proceeding;

(b) Present at all public hearings involving the critical stages of a criminal proceeding; and

(c) Heard at all proceedings for the sentencing or release of a convicted person after trial.

3. Except as otherwise provided in subsection 4, no person may maintain an action against the State or any public officer or employee for damages or injunctive, declaratory or other legal or equitable relief on behalf of a victim of a crime as a result of a violation of any statute enacted by the Legislature pursuant to subsection 2. No such violation authorizes setting aside a conviction or sentence or continuing or postponing a criminal proceeding.

4. A person may maintain an action to compel a public officer or employee to carry out any duty required by the Legislature pursuant to subsection 2.

5. No person shall be deprived of life, liberty, or property, without due process of law.

6. Private property shall not be taken for public use without just compensation having been first made, or secured, except in cases of war, riot, fire, or great public peril, in which case compensation shall be afterward made.

7. Except as otherwise provided in paragraphs (a) to ~~[(d),]~~ (e), inclusive, the public uses for which private property may be taken do not include the direct or indirect transfer of any interest in the property to another private person or entity. A transfer of property taken by the exercise of eminent domain to another private person or entity is a public use in the following circumstances:

(a) The entity that took the property transfers the property to a private person or entity and the private person or entity uses the property primarily to benefit a public service, including, without limitation, a utility, railroad, public transportation project, pipeline, road, bridge ~~[or public]~~ , airport or facility ~~[,]~~ that is owned by a governmental entity.

(b) The entity that took the property leases the property to a private person or entity that occupies an incidental part of ~~[a public]~~ an airport or a facility that is owned by a governmental entity and, before leasing the property:

(1) Uses its best efforts to notify the person from whom the property was taken that the property will be leased to a private person or entity that will occupy an incidental part of ~~[a public]~~ an airport or a facility ~~[;]~~ that is owned by a governmental entity; and

(2) Provides the person from whom the property was taken with an opportunity to bid or propose on an equal basis with others.

(c) The entity:

(1) Took the property in order to acquire property that was abandoned by the owner, abate an immediate threat to the safety of the public or remediate hazardous waste; and

(2) Grants a right of first refusal to the person from whom the property was taken that allows that person to reacquire the property on the

same terms and conditions that are offered to the other private person or entity.

(d) The entity that took the property transfers an interest in the property to a private person or entity in exchange for an interest in the property that was taken, or is being taken, by the exercise of eminent domain or under the threat of the exercise of eminent domain for the purpose of a road or highway, the relocation of public or private structures or to facilitate or avoid payment of excessive compensation or damages.

(e) The person from whom the property is taken consents to the taking.

8. In all actions in eminent domain:

(a) Before the entity that is taking property obtains possession of the property, the entity shall give to the owner of the property a copy of all appraisals of the property obtained by the entity.

(b) At the occupancy hearing, the owner of the property that is the subject of the action is entitled, at the property owner's election, to a separate and distinct determination as to whether the property is being taken for a public use.

(c) The entity that is taking property has the burden of proving that the taking is for a public use.

(d) Except as otherwise provided in this paragraph, neither the entity that is taking property nor the owner of the property is liable for the attorney's fees of the other party. This paragraph does not apply in an inverse condemnation action if the owner of the property that is the subject of the action makes a request for attorney's fees from the other party to the action.

9. Except as otherwise provided in this subsection, if a court determines that a taking of property is for public use, the taken or damaged property must be valued at its highest and best use without considering any future dedication requirements imposed by the entity that is taking the property. If property is taken primarily for a profit-making purpose, the property must be valued at the use to which the entity that is taking the property intends to put the property, if such use results in a higher value for the property.

10. In all actions in eminent domain, fair market value is the highest price, on the date of valuation, that would be agreed to by a seller, who is willing to sell on the open market and has reasonable time to find a purchaser, and a buyer, who is ready, willing and able to buy, if both the seller and the buyer had full knowledge of all the uses and purposes for which the property is reasonably adaptable and available.

11. In all actions in eminent domain, just compensation is that sum of money necessary to place the property owner in the same position monetarily as if the property had never been taken, excluding any governmental offsets except special benefits. Special benefits may only offset severance damages and may not offset the value for the property. Just compensation for the property taken by the exercise of eminent

domain must include, without limitation, interest and reasonable costs and expenses , except attorney's fees, incurred by the owner of the property that is the subject of the action. The district court shall determine, in a posttrial hearing, the award of interest and award as interest the amount of money which will put the person from whom the property is taken in as good a position monetarily as if the property had not been taken. The district court shall enter an order concerning:

(a) The date on which the computation of interest will commence;

(b) The rate of interest to be used to compute the award of interest, which must not be less than the prime rate of interest plus 2 percent; and

(c) Whether the interest will be compounded annually.

12. Property taken by the exercise of eminent domain must be offered to and reverts to the person from whom the property was taken upon repayment of the original purchase price if, within 15 years after obtaining possession of the property, the entity that took the property:

(a) Fails to use the property for the public use for which the property was taken or for any public use reasonably related to the public use for which the property was taken; or

(b) Seeks to convey any right, title or interest in all or part of the property to any other person and the conveyance is not occurring pursuant to subsection 7.

➥ The entity that has taken the property does not fail to use the property under paragraph (a) if the entity has begun active planning for or design of the public use, the assembling of land in furtherance of planning for or design of the public use or construction related to the public use.

13. If any provision of subsections 7 to 12, inclusive, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the provisions or application of subsections 7 to 12, inclusive, which can be given effect without the invalid provision or application, and to this end the provisions of subsections 7 to 12, inclusive, are declared to be severable.

14. The provisions of subsections 7 to 12, inclusive, apply to an action in eminent domain that is filed on or after January 1, 2011.

And be it further

RESOLVED, That Section 22 of Article 1 of the Nevada Constitution, commonly known as the "People's Initiative to Stop the Taking of Our Land," if that section is approved and ratified by the voters at the 2008 General Election, is hereby repealed.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Concurrent Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Assembly Bill No. 13.

Bill read second time.

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

Amendment No. 87.

SUMMARY— ~~[Increases the age under which a person on a vessel is required to wear a personal flotation device.]~~ ***Revises provisions governing the use of watercraft*** (BDR 43-144)

AN ACT relating to watercraft; ***prohibiting the owner of a boat livery or his agent or employee from renting an aquatic device to any person unless the owner, agent or employee complies with certain requirements;*** increasing the age under which a person on a vessel is required to wear a personal flotation device; ***providing a penalty;*** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ ***Section 1 of this bill prohibits the owner of a boat livery or his agent or employee from renting an aquatic device to any person unless the owner or his agent or employee complies with certain requirements, including, without limitation, providing to each person who will use the aquatic device a personal flotation device approved by the United States Coast Guard and giving verbal instructions for the safe use of the aquatic device. An "aquatic device" includes an inner tube or inflatable raft, but does not include a vessel or motorboat or any device used in a designated swimming area. Section 1 also prohibits a person who is less than 13 years of age from using an aquatic device unless the person is wearing a personal flotation device.***

Section 2 of this bill changes the age under which a person on the topside of a noncommercial vessel is required to wear a personal flotation device from 12 years of age to 13.

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

Section 1. Chapter 488 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The owner of a boat livery or his agent or employee shall not rent an aquatic device to any person unless the owner or his agent or employee:

(a) Provides to each person to whom the aquatic device is rented and to each person who will use the aquatic device:

(1) A personal flotation device of a type approved by the United States Coast Guard and prescribed by regulations adopted by the Commission;

(2) A written summary of the laws and regulations of this State governing the use of the aquatic device; and

(3) Verbal instructions regarding the safe use of the aquatic device; and

(b) Before the aquatic device leaves the control of the owner or his agent or employee, documents the name and age of each person who will use the aquatic device. The person to whom the aquatic device is rented shall ensure that only a person who is documented as a user is allowed to use the aquatic device.

2. Each person to whom an aquatic device is rented and each person who uses the aquatic device shall, before using the aquatic device:

(a) Review the written summary of the laws and regulations provided to him pursuant to subsection 1; or

(b) Provide written proof to the owner or his agent or employee that the person has received previous instruction in the safe use of the aquatic device.

3. A person shall not use or authorize another person to use an aquatic device under his control on any waters of this State unless each user of the aquatic device who is less than 13 years of age is wearing a personal flotation device of the type prescribed pursuant to subsection 1.

4. As used in this section, "aquatic device" means:

(a) An inflatable inner tube;

(b) A small, flexible plastic or inflatable raft; or

(c) A single-chambered device that is inflated with air.

➥ The term does not include a device which is classified as a vessel or motorboat or which is used in an area that is designated for swimming.

~~[Section 1.]~~ ***Sec. 2.*** NRS 488.575 is hereby amended to read as follows:

488.575 1. Except as otherwise provided in subsection 2, a person shall not operate or authorize another person to operate a vessel under his ownership or control on any waters of this State unless each person on the vessel who is less than ~~[12]~~ ***13*** years of age is wearing a personal flotation device of a type approved by the United States Coast Guard and prescribed by the regulations of the Commission while the vessel is under way.

2. The provisions of subsection 1 do not apply to persons on board:

(a) A commercial vessel licensed by the United States Coast Guard for the transportation of passengers for hire; or

(b) Any other vessel who are below the deck or inside a cabin of the vessel.

Sec. 3. **1. This section and section 1 of this act become effective upon passage and approval for the purpose of adopting regulations pursuant to section 1 of this act and on January 1, 2008, for all other purposes.**

2. Section 2 of this act becomes effective on October 1, 2007.

Assemblyman Claborn moved the adoption of the amendment.

Remarks by Assemblyman Claborn.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 14.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 29.

AN ACT relating to crimes; making it unlawful to carry a graffiti implement in plain view in certain ~~[public areas without authorization from the relevant governmental entity;]~~ ***places and in certain circumstances;*** providing that a governmental entity which incurs costs in cleaning up or removing graffiti ~~[is a victim of graffiti for purposes of receiving]~~ ***may receive*** restitution ~~[,]~~ ***if the graffiti was on public property;*** revising penalties for unlawfully placing graffiti on the property of another; ***revising provisions governing the suspension of or delay in issuing a driver's license when a person is convicted for placing graffiti on or defacing property;*** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill creates a new crime for unlawfully possessing ***certain*** graffiti implements in certain public places. Specifically, section 2 provides that it is a misdemeanor for a person to carry on his person ~~[,]~~ and in plain view of the public ~~[,]~~ ***with the intent to vandalize, place graffiti on or otherwise deface property*** a graffiti implement on certain public ***and private*** property ***or in a public transportation vehicle*** without valid authorization from the appropriate governmental entity ~~[.]~~ ***or person.*** Sections 6-8 of this bill amend existing law to provide that persons who unlawfully possess a graffiti implement in violation of section 2 are treated similarly to persons who unlawfully place graffiti on the property of another in violation of NRS 206.125 or 206.330. Section 6 ~~[of this bill]~~ requires a person who violates section 2 to pay, in addition to any other fine or penalty, an administrative assessment of $250 which must be credited to the Graffiti Reward Fund. (NRS 206.340) Section 7 ~~[of this bill]~~ amends existing law which provides that, under certain circumstances, a person may not sue a public employee, officer or agency for any injury, wrongful death or other damage incurred by a person while committing certain crimes to include the new crime created pursuant to section 2 ***.*** ~~[of this bill.]~~ (NRS 41.0334) Section 8 ~~[of this bill]~~ amends existing law which authorizes a court to suspend the driver's license of a child or to delay the issuance of a driver's license to the child if he does not yet possess a driver's license when the child is adjudicated delinquent for engaging in certain acts involving graffiti or defacing property to allow such actions when a child engages in an act prohibited by section 2 ***.*** ~~[of this bill.]~~ (NRS 62E.690)

Section 3 of this bill requires a person who is ordered to pay restitution for damaging the property of another to pay the restitution to either the owner of the property or, if the damage involves the placement of graffiti on certain property, to the governmental entity that incurred the costs of cleaning up or removing the graffiti.

Section 4 of this bill ~~[increases]~~ ***revises*** the penalty for placing graffiti on, vandalizing, defacing or otherwise damaging: (1) a place of religious worship; (2) a facility used for the purpose of burial or memorializing the dead; or (3) a school, educational facility or community center ~~[from a gross misdemeanor to a category E felony.]~~ ***to provide for mandatory fines and community service. Section 4 also adds transportation facilities and public transportation vehicles to the list of entities covered by this section.*** (NRS 206.125)

Section 5 of this bill amends the threshold amount used to determine the penalty for a person who places graffiti on or otherwise defaces public or private property without the permission of the owner ***.*** ~~[from a loss of less than $250 to $400 for a misdemeanor and from a loss of $5,000 or more to a loss of $400 or more for a category E felony and deletes the penalty of gross misdemeanor for a loss of between $250 and $5,000.]~~ ***Section 5 also revises the penalties for such an offense to include a mandatory fine and community service, revises the period for the suspension of a driver's license, defines the manner for determining the "value of the loss" and allows for aggregating the amount of damage to determine the value of the loss, but only if the value of the loss when aggregated is $5,000 or more.*** (NRS 206.330)

Existing law provides for the suspension or delay in the issuance of a driver's license to a person who commits certain graffiti offenses. Section 8 of this bill adds to the crimes for which a license may be suspended or delayed the new crime of carrying a graffiti implement in certain places and increases the minimum period of the suspension or delay to 1 year. (NRS 62E.690)

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

Section 1. Chapter 206 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Any person who carries on his person and in plain view to the public a graffiti implement ~~[.]~~ with the intent to vandalize, place graffiti on or otherwise deface public or private property, real or personal, of another:***

(a) While on or under any overpass or bridge or in any flood channel; ~~[or]~~

(b) At any public facility, community center, park, playground, swimming pool, transportation facility, beach or recreational area whereon a sign is posted in a location reasonably expected to be viewed by the public which states that it is a misdemeanor to possess a graffiti implement at that public location without valid authorization ~~[.]~~ ; or

(c) In a public transportation vehicle wherein a sign is posted that is easily viewed by passengers which states that it is a misdemeanor to possess a graffiti implement in the vehicle without valid authorization,

➥ ***is guilty of a misdemeanor unless he has first received valid authorization from the governmental entity which has jurisdiction over the public area ~~[.]~~ or other person who is designated to provide such authorization.***

2. As used in this section:

(a) "Broad-tipped indelible marker" means any felt-tipped marker or similar implement which contains a fluid that is not soluble in water and which has a flat or angled writing surface of a width of one-half inch or greater.

(b) "Graffiti implement" means any broad-tipped indelible marker or aerosol paint container ~~[.]~~ or other item that may be used to propel or apply fluid that is not soluble in water.

(c) "Public transportation vehicle" means a bus, train or other vehicle or instrumentality used to transport persons from a transportation facility to another location.

(d) "Transportation facility" means an airport, marina, bus terminal, train station, bus stop or other facility where a person may go to obtain transportation.

Sec. 3. ***If a court orders a person who violates the provisions of NRS 206.125 or 206.330 to pay restitution, the person shall pay the restitution to:***

1. The owner of the property which was affected by the violation; or

2. If the violation involved the placing of graffiti on any public property , ~~[or any property facing and bordering any highway, street, road or alleyway,]~~ the governmental entity that incurred expenses for removing, covering or cleaning up the graffiti.

Sec. 4. NRS 206.125 is hereby amended to read as follows:

206.125 1. Unless a greater penalty is provided by law, a person who knowingly vandalizes, places graffiti on, defaces or otherwise damages:

(a) Any church, synagogue or other building, structure or place used for religious worship or other religious purpose;

(b) Any cemetery, mortuary or other facility used for the purpose of burial or memorializing the dead;

(c) Any school, educational facility ***, transportation facility, public transportation vehicle*** or community center;

(d) The grounds adjacent to, and owned or rented by, any institution, facility, building, structure or place described in paragraph (a), (b) or (c); or

(e) Any personal property contained in any institution, facility, building, structure or place described in paragraph (a), (b) or (c),

➥ is guilty of a gross misdemeanor. ~~[category E felony and shall be punished as provided in NRS 193.130.]~~

2. In addition to any other penalty, the court shall order ~~[the]~~ ***a*** person ***found guilty of a gross misdemeanor pursuant to subsection 1*** to pay restitution for the damage ~~[.]~~ ***and:***

(a) For the first offense, to pay a fine of not less than $400 but not more than $1,000, and to perform 100 hours of community service.

(b) For the second offense, to pay a fine of not less than $750, but not more than $1,000, and to perform 200 hours of community service.

(c) For a third or subsequent offense, to pay a fine of $1,000, and to perform 200 hours of community service.

~~[2.]~~ ***3.*** A person who is paid money for restitution pursuant to subsection 1 shall use the money to repair or restore the property that was damaged.

4. As used in this section:

(a) "Public transportation vehicle" has the meaning ascribed to it in section 2 of this act.

(b) "Transportation facility" has the meaning ascribed to it in section 2 of this act.

Sec. 5. NRS 206.330 is hereby amended to read as follows:

206.330 1. Unless a greater criminal penalty is provided by a specific statute, a person who places graffiti on or otherwise defaces the public or private property, real or personal, of another, without the permission of the owner:

(a) Where the value of the loss is less than ~~[$250,]~~ ***~~[$400,]~~ $1,000*** is guilty of a misdemeanor.

(b) Where the value of the loss is ~~[$250]~~ ***$1,000*** or more but less than $5,000, is guilty of a gross misdemeanor.

(c) Where the value of the loss is $5,000 ***~~[$400]~~*** or more or where the damage results in the impairment of public communication, transportation or police and fire protection, is guilty of a category E felony and shall be punished as provided in NRS 193.130. ***If the court grants probation to such a person, the court shall require as a condition of probation that the person serve at least 10 days in the county jail.***

2. If a person commits more than one offense pursuant to a scheme or continuing course of conduct, the value of all property damaged or destroyed by that person in the commission of those offenses ~~[may]~~ ***must*** be aggregated for the purpose of determining the penalty prescribed in subsection 1 ~~[.]~~ ***, but only if the value of the loss when aggregated is $5,000 or more.***

3. A person who violates subsection 1 shall, in addition to any other fine or penalty imposed:

(a) For the first offense, ***pay a fine of not less than $400 but not more than $1,000 and*** perform ~~[not less than 50 hours, but not more than 99 hours,]~~ ***100 hours*** of community service.

(b) For the second offense, ***pay a fine of not less than $750 but not more than $1,000 and*** perform ~~[not less than 100 hours, but not more than 199 hours,]~~ ***200 hours*** of community service.

(c) For the third and each subsequent offense, ***pay a fine of $1,000 and*** perform ~~[not less than]~~ 200 hours of community service.

➥ The community service assigned pursuant to this subsection must, if possible, be related to the abatement of graffiti.

4. The parent or legal guardian of a person under the age of 18 years who violates this section is liable for all fines and penalties imposed against the person. If the parent or legal guardian is unable to pay the fine and penalties resulting from a violation of this section because of financial hardship, the court may require the parent or legal guardian to perform community service.

5. If a person who is 18 years of age or older is found guilty of violating this section, the court ~~[may]~~ ***shall, in addition to any other penalty imposed,*** issue an order suspending the driver's license of the person for ~~[a period not to exceed]~~ ***not less than*** 6 months ~~[in addition to any other penalty imposed. If such an order is issued, the]~~ ***but not more than 2 years. The*** court shall require the person to surrender all driver's licenses then held by the person. If the person does not possess a driver's license, the court ~~[may]~~ ***shall*** issue an order prohibiting the person from applying for a driver's license ~~[within the]~~ ***for not less than*** 6 months ~~[immediately following the date of the order.]~~ ***but not more than 2 years.*** The court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles any licenses together with a copy of the order.

6. The Department of Motor Vehicles:

(a) Shall not treat a violation of this section in the manner statutorily required for a moving traffic violation.

(b) Shall report the suspension of a driver's license pursuant to this section to an insurance company or its agent inquiring about the person's driving record. An insurance company shall not use any information obtained pursuant to this paragraph for purposes related to establishing premium rates or determining whether to underwrite the insurance.

7. A criminal penalty imposed pursuant to this section is in addition to any civil penalty or other remedy available pursuant to another statute for the same conduct.

8. As used in this section ~~[, "impairment"]~~ ***:***

(a) "Impairment" means the disruption of ordinary and incidental services, the temporary loss of use or the removal of the property from service for repair of damage.

(b) "Value of the loss" means the cost of repairing, restoring or replacing the property, including, without limitation, the cost of any materials and labor necessary to repair, restore or replace the item.

Sec. 6. NRS 206.340 is hereby amended to read as follows:

206.340 1. The Graffiti Reward Fund is hereby created in the State General Fund.

2. When a defendant pleads or is found guilty of violating NRS 206.125 or 206.330 ~~[,]~~ ***or section 2 of this act,*** the court shall include an administrative assessment of $250 for each violation in addition to any other fine or penalty. The money collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Graffiti Reward Fund.

3. All money received pursuant to subsection 2 must be deposited with the State Controller for credit to the Graffiti Reward Fund. The money in the Fund must be used to pay a reward to a person who, in response to the offer of a reward, provides information which results in the identification, apprehension and conviction of a person who violates NRS 206.125 or 206.330 [.] ***or section 2 of this act.***

4. If sufficient money is available in the Graffiti Reward Fund, a state law enforcement agency may offer a reward, not to exceed $1,000, for information leading to the identification, apprehension and conviction of a person who violates NRS 206.125 or 206.330 [.] ***or section 2 of this act.*** The reward must be paid out of the Graffiti Reward Fund upon approval by the State Board of Examiners.

Sec. 7. NRS 41.0334 is hereby amended to read as follows:

41.0334 1. Except as otherwise provided in subsection 2, no action may be brought under NRS 41.031 or against an officer or employee of the State or any of its agencies or political subdivisions for injury, wrongful death or other damage sustained in or on a public building or public vehicle by a person who was engaged in any criminal act proscribed in NRS 202.810, 205.005 to 205.080, inclusive, 205.220, 205.226, 205.228, 205.240, 205.271 to 205.2741, inclusive, 206.310, 206.330, 207.210, 331.200 or 393.410 [.] ***or section 2 of this act,*** at the time the injury, wrongful death or damage was caused.

2. Subsection 1 does not apply to any action for injury, wrongful death or other damage:

(a) Intentionally caused or contributed to by an officer or employee of the State or any of its agencies or political subdivisions; or

(b) Resulting from the deprivation of any rights, privileges or immunities secured by the United States Constitution or the Constitution of the State of Nevada.

3. As used in this section:

(a) "Public building" includes every house, shed, tent or booth, whether or not completed, suitable for affording shelter for any human being or as a place where any property is or will be kept for use, sale or deposit, and the grounds appurtenant thereto; and

(b) "Public vehicle" includes every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, waterway or airway,

➥ owned, in whole or in part, possessed, used by or leased to the State or any of its agencies or political subdivisions.

Sec. 8. NRS 62E.690 is hereby amended to read as follows:

62E.690 1. Except as otherwise provided in this section, if a child is adjudicated delinquent for the unlawful act of placing graffiti on or otherwise defacing public or private property owned or possessed by another person in violation of NRS 206.125 or 206.330 [.] ***or for the unlawful act of carrying***

a graffiti implement in certain places without valid authorization in violation of section 2 of this act, the juvenile court ~~[may:]~~ ***shall:***

(a) If the child possesses a driver's license, issue an order suspending the driver's license of the child for at least ~~[90 days]~~ ***1 year*** but not more than 2 years; or

(b) If the child does not possess a driver's license and the child is or will be eligible to receive a driver's license within the 2 years immediately following the date of the order, issue an order prohibiting the child from receiving a driver's license for a period specified by the juvenile court which must be at least ~~[90 days]~~ ***1 year*** but not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to receive a driver's license; or

(2) After the date the child will be eligible to receive a driver's license, if the child is not eligible to receive a license on the date of the order.

2. If the child is already the subject of a court order suspending or delaying the issuance of his driver's license, the juvenile court shall order the additional suspension or delay, as appropriate, to apply consecutively with the previous order.

Sec. 9. NRS 483.250 is hereby amended to read as follows:

483.250 The Department shall not issue any license pursuant to the provisions of NRS 483.010 to 483.630, inclusive:

1. To any person who is under the age of 18 years, except that the Department may issue:

(a) A restricted license to a person between the ages of 14 and 18 years pursuant to the provisions of NRS 483.267 and 483.270.

(b) An instruction permit to a person who is at least 15 1/2 years of age pursuant to the provisions of subsection 1 of NRS 483.280.

(c) A restricted instruction permit to a person under the age of 18 years pursuant to the provisions of subsection 3 of NRS 483.280.

(d) A driver's license to a person who is 16 or 17 years of age pursuant to NRS 483.2521.

2. To any person whose license has been revoked until the expiration of the period during which he is not eligible for a license.

3. To any person whose license has been suspended, but upon good cause shown to the Administrator, the Department may issue a restricted license to him or shorten any period of suspension.

4. To any person who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to legal capacity.

5. To any person who is required by NRS 483.010 to 483.630, inclusive, to take an examination, unless he has successfully passed the examination.

6. To any person when the Administrator has good cause to believe that by reason of physical or mental disability that person would not be able to operate a motor vehicle safely.

7. To any person who is not a resident of this State.

8. To any child who is the subject of a court order issued pursuant to title 5 of NRS which delays his privilege to drive.

9. To any person who is the subject of a court order issued pursuant to NRS 206.330 which ~~[suspends or]~~ delays his privilege to drive until the expiration of the period of ~~[suspension or]~~ delay.

10. To any person who is not eligible for the issuance of a license pursuant to NRS 483.283.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 20.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 30.

AN ACT relating to juries; revising the provisions pertaining to travel costs that jurors are entitled to receive; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill decreases the required distance a juror's home must be located from the court in order to receive travel costs from 65 miles or more to ~~[15]~~ **30** miles or more. (NRS 6.150)

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

Section 1. NRS 6.150 is hereby amended to read as follows:

6.150 1. Each person summoned to attend as a grand juror or a trial juror in the district court or justice court is entitled to a fee of $40 for each day after the second day of jury selection that he is in attendance in response to the venire or summons, including Sundays and holidays.

2. Each grand juror and trial juror in the district court or justice court actually sworn and serving is entitled to a fee of $40 a day as compensation for each day of service.

3. In addition to the fees specified in subsections 1 and 2, a board of county commissioners may provide that, for each day of such attendance or service, each person is entitled to be paid a per diem allowance in an amount equal to the allowance for meals provided for state officers and employees generally while away from the office and within this State pursuant to subsection 1 of NRS 281.160.

4. Each person summoned to attend as a grand juror or a trial juror in the district court or justice court and each grand juror and trial juror in the district court or justice court is entitled to receive 36.5 cents a mile for each mile necessarily and actually traveled if the home of the person summoned or serving as a juror is ~~[65]~~ ***~~[15]~~*** ***30*** miles or more from the place of trial.

5. If the home of a person summoned or serving as such a juror is 65 miles or more from the place of trial and the selection, inquiry or trial lasts more than 1 day, he is entitled to receive an allowance for lodging at the rate provided by law for state employees, in addition to his daily compensation for attendance or service, for each day on which he does not return to his home.

6. In civil cases, any fee, per diem allowance or other compensation due each juror engaged in the trial of the cause must be paid each day in advance to the clerk of the court, or the justice of the peace, by the party who has demanded the jury. If the party paying this money is the prevailing party, the money is recoverable as costs from the losing party. If the jury from any cause is discharged in a civil action without finding a verdict and the party who demands the jury subsequently obtains judgment, the money so paid is recoverable as costs from the losing party.

7. The money paid by a county clerk to jurors for their services in a civil action or proceeding, which he has received from the party demanding the jury, must be deducted from the total amount due them for attendance as such jurors, and any balance is a charge against the county.

Sec. 2. **The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.**

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective on July 1, 2007.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 55.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 45.

SUMMARY—~~[Provides for the use of voice writing by]~~ ***Makes various changes concerning*** court reporters. (BDR 54-765)

AN ACT relating to court reporting; expanding the definition of "practice of court reporting" to include reporting by the use of voice writing; expanding the definition of "stenographic notes" to include certain records produced by voice writing; revising the circumstances under which a person ~~[who has received a passing grade on an examination for certified verbatim reporters]~~ may be admitted for examination in this State for a certified court reporter's certificate; establishing designations for certain court reporters; authorizing the use of certain abbreviations by certain court reporters; prohibiting certified court reporters-voice writers from practicing court reporting by using any method of court reporting other than voice writing; requiring an official reporter to make a record of certain proceedings; ***exempting certain persons who operate sound recording equipment or***

transcribe sound recordings from the requirement to be a certified court reporter; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the certification of court reporters. (Chapter 656 of NRS) Section 1 of this bill expands the definition of "practice of court reporting" to include the making of a verbatim record of a court proceeding by speaking into a device that either digitally translates the words into text or makes a tape or digital recording of the words. Section 1 also expands the definition of "stenographic notes" to include such a record. Existing law requires applicants for certification as court reporters to have fulfilled one of a number of specified obligations before being permitted to take the certification test. (NRS 656.170) Section 2 of this bill allows a person ~~[who]~~ ***to take the certification test if the person*** has passed an examination administered by the National Verbatim Reporters Association ~~[to take the certification test.]~~ ***or the National Court Reporters Association or has received a certificate from either association, and the examination or certificate has been approved by the Certified Court Reporters' Board of Nevada.***

Current law requires a person who has been issued a certificate of registration as a certified court reporter to be designated a "certified court reporter" and authorizes such a person to use the abbreviation "C.C.R." in connection with the practice of court reporting. (NRS 656.310) Section 3 of this bill provides that a person who only used voice writing technology to pass the court reporter test be designated a "certified court reporter-voice writer," and that such a person may use the abbreviation "C.C.R.-V.," may not use the abbreviation "C.C.R.," and may only use voice writing in the practice of court reporting.

Existing law authorizes a court or judge to appoint or designate certain persons to operate sound recording equipment used to record certain civil and criminal proceedings and certain persons to read and transcribe the recording. (NRS 3.380) Section 5 of this bill provides that each such person appointed or designated to operate sound recording equipment or to transcribe a recording is not required to be a certified court reporter.

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

Section 1. NRS 656.030 is hereby amended to read as follows:

656.030 As used in this chapter, unless the context otherwise requires:

1. "Board" means the Certified Court Reporters' Board of Nevada.

2. "Certificate" means a certified court reporter's certificate issued under the provisions of this chapter.

3. ~~["Court]~~ ***"Certified court reporter" or "court*** reporter" means a person who is technically qualified and registered under this chapter to practice court reporting.

4. "Court reporting firm" means a person who, for compensation, provides or arranges for the services of a court reporter or provides referral services for court reporters.

5. "Designated representative of a court reporting firm" means the person designated to act as the representative of a court reporting firm pursuant to NRS 656.186.

6. "License" means a license issued under the provisions of this chapter to conduct business as a court reporting firm.

7. "Licensee" means a person to whom a license has been issued.

8. "Practice of court reporting" means reporting by the use of ***voice writing or*** any system of manual or mechanical shorthand writing:

(a) Grand jury proceedings;

(b) Court proceedings;

(c) Pretrial examinations, depositions, motions and related proceedings of like character; or

(d) Proceedings of an administrative agency if the final decision of the agency with reference thereto is subject to judicial review.

9. "Stenographic notes" means ~~[the]~~ ***:***

(a) The original manually or mechanically produced notes in shorthand or shorthand writing taken by a court reporter while in attendance at a proceeding to report the proceeding ~~[.]~~ ***; or***

(b) The record produced by the use of voice writing by a court reporter while in attendance at a proceeding.

10. "Voice writing" means the making of a verbatim record of a proceeding by repeating the words of the speaker into a device that is capable of:

(a) Digitally translating the words into text; or

(b) Making a tape or digital recording of those words.

Sec. 2. NRS 656.170 is hereby amended to read as follows:

656.170 1. Examinations must be held no less than twice a year at such times and places as the Board may designate.

2. No person may be admitted to the examination unless he first presents satisfactory evidence to the Board that he has:

(a) Received a passing grade on the National Court Reporters Association's examination for registered professional reporters ~~[;]~~ ***, if the Board has approved the examination;***

(b) ***Received a passing grade on the National Verbatim Reporters Association's examination for certified verbatim reporters, if the Board has approved the examination;***

(c) A certificate of satisfactory completion of a prescribed course of study from a school for court reporters which includes English grammar, reading, spelling and vocabulary, medical and legal terminology, transcription, and court reporting at 200 words per minute with an accuracy of 97.5 percent;

~~[(c)]~~ ***(d)*** A certificate as a registered professional reporter or a certificate of merit from the National Court Reporters Association ~~[;~~

~~(d)~~ ***, if the Board has approved each such certificate;***

(e) A certificate as a certified verbatim reporter or a certificate of merit from the National Verbatim Reporters Association, if the Board has approved each such certificate;

(f) A valid certificate or license to practice court reporting issued by another state; or

~~[(e)]~~ ***(g)*** One year of continuous experience as a full-time court reporter using ***voice writing or*** any system of manual or mechanical shorthand writing . ~~[; or~~

~~*(f) Received a passing grade on the National Verbatim Reporters Association's examination for certified verbatim reporters.]*~~

Sec. 3. NRS 656.310 is hereby amended to read as follows:

656.310 1. ~~[Every]~~ ***Except as otherwise provided in subsection 2, each*** person to whom a valid existing certificate of registration as a certified court reporter has been issued under this chapter ~~[must]~~ ***:***

(a) Must be designated as a certified court reporter ~~[and not otherwise, and any such registered certified court reporter may,]~~ ***;***

(b) May, in connection with his practice of court reporting, use the abbreviation "C.C.R." ***; and***

(c) Shall not, in connection with his practice of court reporting, use the abbreviation "C.C.R.-V."

2. Each person to whom a valid existing certificate of registration as a certified court reporter has been issued under this chapter and who has only passed the portion of the examination required pursuant to paragraph (b) of subsection 2 of NRS 656.160 through the use of voice writing:

(a) Must be designated as a certified court reporter-voice writer;

(b) May, in connection with his practice of court reporting, use the abbreviation "C.C.R.-V.";

(c) Shall not, in connection with his practice of court reporting, use the abbreviation "C.C.R."; and

(d) Shall engage in the practice of court reporting only through the use of voice writing.

3. No person other than the holder of a valid existing certificate of registration under this chapter may use the title or designation of "certified court reporter," ~~[or "C.C.R.,"]~~ ***"certified court reporter-voice writer," "C.C.R." or "C.C.R.-V.,"*** either directly or indirectly, in connection with his profession or business.

~~[2.]~~ ***4.*** Every holder of a certificate shall place the number of his certificate:

(a) On the cover page and certificate page of all transcripts of proceedings; and

(b) On all business cards.

Sec. 4. NRS 3.320 is hereby amended to read as follows:

3.320 1. The judge or judges of any district court may appoint, subject to the provisions of this chapter and other laws as to the qualifications and

examinations of the appointee, one certified court reporter, to be known as official reporter of the court or department and to hold office during the pleasure of the judge appointing him. The appointee may be any business organization if the person representing it, who actually performs the reporting service, is a certified court reporter.

2. The official reporter, or any one of them if there are two or more, shall:

(a) At the request of either party or of the court in a civil action or proceeding, and on the order of the court, the district attorney or the attorney for the defendant in a criminal action or proceeding, ~~[take down in shorthand]~~ ***make a record of*** all the testimony, the objections made, the rulings of the court, the exceptions taken, all arraignments, pleas and sentences of defendants in criminal cases, and all statements and remarks made by the district attorney or judge, and all oral instructions given by the judge; and

(b) If directed by the court or requested by either party, within such reasonable time after the trial of the case as may be designated by law or, in the absence of any law relating thereto, by the court, write out the ~~[shorthand copy,]~~ ***record,*** or such specific portions thereof as may be requested, in plain and legible longhand, or by typewriter or other printing machine. The reporter shall certify to that copy as being correctly reported and transcribed ~~[,]~~ and, when directed by the law or court, ***shall*** file it with the clerk of the court.

Sec. 5. NRS 3.380 is hereby amended to read as follows:

3.380 1. The judge or judges of any district court may, with the approval of the board of county commissioners of any one or more of the counties comprising such district, in addition to the appointment of a court reporter as in this chapter provided, enter an order for the installation of sound recording equipment for use in any of the instances recited in NRS 3.320, for the recording of any civil and criminal proceedings, testimony, objections, rulings, exceptions, arraignments, pleas, sentences, statements and remarks made by the district attorney or judge, oral instructions given by the judge and any other proceedings occurring in civil or criminal actions or proceedings, or special proceedings whenever and wherever and to the same extent as any of such proceedings have heretofore under existing statutes been recorded by the official reporter or any special reporter or any reporter pro tempore appointed by the court.

2. For the purpose of operating such sound recording equipment ***,*** the court or judge may appoint or designate the official reporter or a special reporter or reporter pro tempore or the county clerk or clerk of the court or deputy clerk. The person so operating such sound recording equipment ***is not required to be a certified court reporter and*** shall subscribe to an oath that he will well and truly operate the equipment so as to record all of the matters and proceedings.

3. The court may then designate the person operating such equipment or any other competent person to read the recording and to transcribe it into typewriting. The person transcribing the recording ***is not required to be a certified court reporter and*** shall subscribe to an oath that he has truly and correctly transcribed it.

4. The transcript may be used for all purposes for which transcripts have heretofore been received and accepted under then existing statutes, including transcripts of testimony and transcripts of proceedings as constituting bills of exceptions or part of the bill of exceptions on appeals in all criminal cases and transcripts of the evidence or proceedings as constituting the record on appeal in civil cases and including transcripts of preliminary hearings before justices of the peace and other committing magistrates, and are subject to correction in the same manner as transcripts under existing statutes.

5. In civil and criminal cases when the court has ordered the use of such sound recording equipment, any party to the action, at his own expense, may provide a certified court reporter to ~~[take down in shorthand]~~ ***make a record of*** and transcribe all the matters of the proceeding. In such a case, the record prepared by sound recording is the official record of the proceedings, unless it fails or is incomplete because of equipment or operational failure, in which case the record prepared by the certified court reporter shall be deemed, for all purposes, the official record of the proceedings.

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

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 68.

Bill read second time.

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

Amendment No. 8.

AN ACT relating to public health; expanding the grounds for which the Health Division of the Department of Health and Human Services is authorized to deny, suspend or revoke a license to operate certain medical and care facilities and agencies; expanding the grounds for which termination of an employee or independent contractor of such a facility or agency is required; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, grounds for which the Health Division of the Department of Health and Human Services may deny, suspend or revoke a license to operate a facility for intermediate care, facility for skilled nursing or residential facility for groups include conviction of certain crimes by the applicant or licensee or continued employment by the licensee of persons convicted of those crimes. In addition, grounds for which the Health Division

may deny, suspend or revoke a license to operate an agency to provide personal care services in the home or an agency to provide nursing in the home include continued employment by the licensee of a person convicted of certain crimes. (NRS 449.160, 449.188) If the administrator of, or the person licensed to operate, such a facility or agency receives information or evidence that an employee or independent contractor has been convicted of certain crimes, the administrator or licensee is required to terminate the employment or contract of that person. (NRS 449.185) This bill expands the list of crimes for which such action is authorized or required to include the abuse, neglect, exploitation or isolation of elderly or vulnerable persons, violations of provisions relating to the State Plan for Medicaid, and any ***criminal*** act concerning Medicaid or Medicare **.** ~~[that is unauthorized or fraudulent.]~~

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

Section 1. NRS 449.188 is hereby amended to read as follows:

449.188 1. In addition to the grounds listed in NRS 449.160, the Health Division may deny a license to operate a facility for intermediate care, facility for skilled nursing or residential facility for groups to an applicant or may suspend or revoke the license of a licensee to operate such a facility if:

(a) The applicant or licensee has been convicted of:

(1) Murder, voluntary manslaughter or mayhem;

(2) Assault with intent to kill or to commit sexual assault or mayhem;

(3) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(4) Abuse or neglect of a child or contributory delinquency;

(5) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the past 7 years;

(6) ~~[A]~~ ***Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a*** violation of any provision of NRS ~~[200.50955 or 200.5099;]~~ ***200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;***

(7) ***A violation of any provision of law relating to the State Plan for Medicaid, including, without limitation, a violation of any provision of NRS 422.450 to 422.590, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct*** ~~***[;]***~~ ***, within the immediately preceding 7 years;***

(8) ~~***[An act that is unauthorized or fraudulent]***~~ ***A criminal offense under the laws governing Medicaid or Medicare*** ~~***[;]***~~ ***, within the immediately preceding 7 years;***

(9) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years; or

~~[(8)]~~ ***(10)*** Any other felony involving the use of a firearm or other deadly weapon, within the immediately preceding 7 years; or

(b) The licensee has continued to employ a person who has been convicted of a crime listed in paragraph (a).

2. In addition to the grounds listed in NRS 449.160, the Health Division may deny a license to operate an agency to provide personal care services in the home or an agency to provide nursing in the home to an applicant or may suspend or revoke the license of a licensee to operate such an agency if the licensee has continued to employ a person who has been convicted of a crime listed in paragraph (a) of subsection 1.

3. As used in this section:

(a) "Medicaid" ~~[means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.]~~ has the meaning ascribed to it in NRS 439B.120.

(b) "Medicare" ~~[means the program of health insurance for aged and disabled persons established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.]~~ has the meaning ascribed to it in NRS 439B.130.

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

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 75.

Bill read second time.

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

Amendment No. 7.

AN ACT relating to anatomical gifts; revising the provisions governing the use of money in the Anatomical Gift Account; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, up to 5 percent of the average balance of the Anatomical Gift Account for each fiscal year may be used to pay the costs incurred by the University of Nevada School of Medicine to administer programs relating to anatomical gifts. (NRS 460.150) This bill increases the maximum percentage of the average balance that may be used for such administrative costs to 20 percent.

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

Section 1. NRS 460.150 is hereby amended to read as follows:

460.150 1. The School of Medicine may apply for and accept any gifts, grants, appropriations or donations to assist the School of Medicine in carrying out programs relating to anatomical gifts.

2. Any money received by the School of Medicine for programs relating to anatomical gifts must be deposited in the State Treasury for credit to the Anatomical Gift Account which is hereby created in the State General Fund. The Dean shall administer the Account.

3. The money in the Account must only be used to:

(a) Carry out the provisions of NRS 460.140; and

(b) Pay the costs ~~[, not to exceed] [5] *[20* percent of the average balance of the Account for each fiscal year,]~~ incurred by the School of Medicine to administer programs relating to anatomical gifts. ***The total amount paid pursuant to this paragraph in any one fiscal year must not exceed 20 percent of the average balance of the Account for the immediately preceding fiscal year.***

4. The money in the Account must:

(a) Be invested as money in other state accounts is invested; and

(b) Remain in the Account and does not revert to the State General Fund at the end of any fiscal year.

5. Each claim against the Account must be:

(a) Approved by the Dean before the claim is paid; and

(b) Paid as other claims against the State are paid.

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

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 90.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 48.

AN ACT relating to crimes; prohibiting a person from engaging in certain acts to cause the results of a test for genetic identification which is given to determine paternity to be inaccurate; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the crime of paternity fraud, making it a misdemeanor to engage in certain acts which are intended to make the results of a test given for genetic identification to determine the paternity of a child to be inaccurate.

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

Section 1. Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person is guilty of paternity fraud if he:

(a) Is ordered by a court to submit , or agrees to submit, to a test for genetic identification to determine the paternity of a child and ~~[he]~~ knowingly assists, aids, abets, solicits or conspires with another person to have ~~[any person]~~ someone other than himself submit to the test ~~[on his behalf]~~ for the purpose of ~~[rendering the results of the test inaccurate;]~~ preventing a determination that he is the father of the child; or

(b) Submits ~~[, on behalf of another person,]~~ to a test for genetic identification to determine the paternity of a child in place of the person who has been ordered to submit, or who has agreed to submit, to a test for genetic identification to determine the paternity of a child for the purpose of ~~[rendering the results of the test inaccurate.]~~ preventing a determination that the person for whom he is taking the test is the father of the child.

2. A person who violates this section is guilty of a misdemeanor.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 102.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 47.

SUMMARY— ~~[Prohibits use of eminent domain to acquire property for economic development.]~~ **Makes various changes to provisions relating to eminent domain.** (BDR 3-38)

AN ACT relating to eminent domain; prohibiting the use of eminent domain to acquire property for the purpose of ~~[economic development;]~~ **transferring an interest in the property to a private person or entity except in certain circumstances; making various other changes relating to eminent domain;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law lists the purposes for which the power of eminent domain may be exercised. (NRS 37.010) In ***Kelo v. City of New London***, 125 S.Ct. 2655 (2005), the United States Supreme Court ruled that private property may be acquired by eminent domain and transferred to a private party for the purpose of obtaining the benefits of economic development. **Assembly Joint Resolution No. 3 proposes an amendment to the Nevada Constitution concerning eminent domain.** This bill **enacts into statute the provisions of Assembly Joint Resolution No. 3.**

Section 4 of this bill prohibits **, except in certain circumstances,** the exercise of eminent domain to acquire property if the entity acquiring the property ~~[plans to]~~ **will** transfer any interest in the property to a private

person or entity **.** ~~[and the primary public benefit of the acquisition is economic development.]~~ **In addition, section 4 of this bill provides that the entity that is taking the property has the burden of proving that the taking is for a public use.**

Existing law allows an entity which is taking property by the exercise of eminent domain to move the court for an order allowing the entity to occupy the property, pending a final judgment in the action. (NRS 37.100) Section 5 of this bill requires an entity which is taking property by the exercise of eminent domain to provide the owner of the property with all appraisals of the property obtained by the entity before the entity is allowed to occupy the property. Furthermore, section 5 of this bill requires the court to determine at the occupancy hearing whether the taking is for a public use, if the owner of the property that is the subject of the action requests such a determination.

Sections 2, 6 and 7 of this bill provide for the manner of computing the just compensation owed to the person whose property is taken by the exercise of eminent domain. Section 1 of this bill provides that neither the property owner nor an entity which is taking property by the exercise of eminent domain is liable for the attorney's fees of the other party, except in certain circumstances. Section 9 of this bill provides that the owner of property taken by the exercise of eminent domain, or his successor in interest, has the right to reacquire the property for the price paid by the entity which took the property under certain circumstances.

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

Section 1. **Chapter 37 of NRS is hereby amended by adding thereto a new section to read as follows:**

Except as otherwise provided in this section, in all actions in eminent domain, neither the entity that is taking property nor the owner of the property is liable for the attorney's fees of the other party. This section does not apply in an inverse condemnation action if the owner of the property that is the subject of the action makes a request for attorney's fees from the other party to the action.

Sec. 2. NRS 37.009 is hereby amended to read as follows:

37.009 As used in this chapter, unless the context otherwise requires:

1. "Date of valuation" means the date on which the value of the property actually taken, and the damages, if any, to the remaining property, must be determined.

2. "Final judgment" means a judgment which cannot be directly attacked by appeal, motion for new trial or motion to vacate the judgment.

3. "Judgment" means the judgment determining the right to condemn property and fixing the amount of compensation to be paid by the plaintiff.

4. "Partnership" includes a limited partnership.

5. "Person" includes a government, governmental agency or political subdivision of a government.

6. "Value" means the ~~[most probable price which a property would bring in a competitive and open market under the conditions of a fair sale, without the price being affected by undue stimulus, whereby the sale is consummated on a specified date and the title to the property is passed from the seller to the buyer under the following conditions:~~

~~(a) The buyer and seller are acting prudently and knowledgeably;~~

~~(b) The buyer and seller are typically motivated;~~

~~(c) The buyer and seller are well informed or well advised and acting in what they consider are their own best interests;~~

~~(d) A reasonable time is allowed to expose the property for sale on the open market;~~

~~(e) Payment is made with United States dollars in cash or pursuant to another financial arrangement comparable thereto; and~~

~~(f) The sale price represents the normal consideration for the property and is unaffected by special or creative financing or sales concessions granted by any person associated with the sale.]~~ ***highest price, on the date of valuation, that would be agreed to by a seller, who is willing to sell on the open market and has reasonable time to find a purchaser, and a buyer, who is ready, willing and able to buy, if both the seller and the buyer had full knowledge of all the uses and purposes for which the property is reasonably adaptable and available. In determining value, except as otherwise provided in this subsection, the property sought to be condemned must be valued at its highest and best use without considering any future dedication requirements imposed by the entity that is taking the property. If the property is condemned primarily for a profit-making purpose, the property sought to be condemned must be valued at the use to which the entity that is condemning the property intends to put the property, if such use results in a higher value for the property.***

Sec. 3. NRS 37.0095 is hereby amended to read as follows:

37.0095 1. Except as otherwise provided in subsection 2, only a public agency may exercise the power of eminent domain pursuant to the provisions of this chapter.

2. Except as otherwise provided in NRS 37.0097, the power of eminent domain may be exercised by a person who is not a public agency pursuant to NRS 37.230 and ~~[subsections 6, 8, 10, 13 and 16]~~ ***paragraphs (f), (h), (j), (m) and (p) of subsection 1*** of NRS 37.010.

3. As used in this section, "public agency" means an agency or political subdivision of this State or the United States.

Sec. 4. NRS 37.010 is hereby amended to read as follows:

37.010 ***1.*** Subject to the provisions of this chapter ~~[,]~~ ***and the ~~[limitation]~~ limitations in ~~[subsection]~~ subsections 2 and 3,*** the right of eminent domain may be exercised in behalf of the following public ~~[purposes:]~~ ***uses:***

~~[1.]~~ ***(a)*** Federal activities. All public purposes authorized by the Government of the United States.

~~[2.]~~ ***(b)*** State activities. Public buildings and grounds for the use of the State, the Nevada System of Higher Education and all other public purposes authorized by the Legislature.

~~[3.]~~ ***(c)*** County, city, town and school district activities. Public buildings and grounds for the use of any county, incorporated city or town, or school district, reservoirs, water rights, canals, aqueducts, flumes, ditches or pipes for conducting water for the use of the inhabitants of any county, incorporated city or town, for draining any county, incorporated city or town, for raising the banks of streams, removing obstructions therefrom, and widening, deepening or straightening their channels, for roads, streets and alleys, and all other public purposes for the benefit of any county, incorporated city or town, or the inhabitants thereof.

~~[4.]~~ ***(d)*** Bridges, toll roads, railroads, street railways and similar uses. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, byroads, plank and turnpike roads, roads for transportation by traction engines or locomotives, roads for logging or lumbering purposes, and railroads and street railways for public transportation.

~~[5.]~~ ***(e)*** Ditches, canals, aqueducts for smelting, domestic uses, irrigation and reclamation. Reservoirs, dams, water gates, canals, ditches, flumes, tunnels, aqueducts and pipes for supplying persons, mines, mills, smelters or other works for the reduction of ores, with water for domestic and other uses, for irrigating purposes, for draining and reclaiming lands, or for floating logs and lumber on streams not navigable.

~~[6.]~~ ***(f)*** Mining, smelting and related activities. Mining, smelting and related activities as follows:

~~[(a)]~~ ***(1)*** Mining and related activities, which are recognized as the paramount interest of this State.

~~[(b)]~~ ***(2)*** Roads, railroads, tramways, tunnels, ditches, flumes, pipes, reservoirs, dams, water gates, canals, aqueducts and dumping places to facilitate the milling, smelting or other reduction of ores, the working, reclamation or dewatering of mines, and for all mining purposes, outlets, natural or otherwise, for the deposit or conduct of tailings, refuse, or water from mills, smelters, or other work for the reduction of ores from mines, mill dams, pipelines, tanks or reservoirs for natural gas or oil, an occupancy in common by the owners or possessors of different mines, mills, smelters or other places for the reduction of ores, or any place for the flow, deposit or conduct of tailings or refuse matter and the necessary land upon which to erect smelters and to operate them successfully, including the deposit of fine flue dust, fumes and smoke.

~~[7.]~~ ***(g)*** Byroads. Byroads leading from highways to residences and farms.

~~[8.]~~ ***(h)*** Public utilities. Lines for telegraph, telephone, electric light and electric power and sites for plants for electric light and power.

~~[9.]~~ ***(i)*** Sewerage. Sewerage of any city, town, settlement of not less than 10 families or any public building belonging to the State or college or university.

~~[10.]~~ ***(j)*** Water for generation and transmission of electricity. Canals, reservoirs, dams, ditches, flumes, aqueducts and pipes for supplying and storing water for the operation of machinery to generate and transmit electricity for power, light or heat.

~~[11.]~~ ***(k)*** Cemeteries, public parks. Cemeteries or public parks.

~~[12.]~~ ***(l)*** Pipelines of beet sugar industry. Pipelines to conduct any liquids connected with the manufacture of beet sugar.

~~[13.]~~ ***(m)*** Pipelines for petroleum products, natural gas. Pipelines for the transportation of crude petroleum, petroleum products or natural gas, whether interstate or intrastate.

~~[14.]~~ ***(n)*** Aviation. Airports, facilities for air navigation and aerial rights-of-way.

~~[15.]~~ ***(o)*** Monorails. Monorails and any other overhead or underground system used for public transportation.

~~[16.]~~ ***(p)*** Community antenna television companies. Community antenna television companies which have been granted a franchise from the governing body of the jurisdictions in which they provide services. The exercise of the power of eminent domain may include the right to use the wires, conduits, cables or poles of any public utility if:

~~[(a)]~~ ***(1)*** It creates no substantial detriment to the service provided by the utility;

~~[(b)]~~ ***(2)*** It causes no irreparable injury to the utility; and

~~[(c)]~~ ***(3)*** The Public Utilities Commission of Nevada, after giving notice and affording a hearing to all persons affected by the proposed use of the wires, conduits, cables or poles, has found that it is in the public interest.

~~[17.]~~ ***(q)*** Redevelopment. The acquisition of property pursuant to NRS 279.382 to 279.685, inclusive.

2. Notwithstanding any other provision of law ~~[, the State, a political subdivision of the State and any other entity which has the power to acquire property by the exercise of eminent domain shall not acquire property by the exercise of eminent domain if:~~

~~(a) The State, political subdivision or entity plans to transfer any interest in the property acquired by the exercise of eminent domain to a private entity; and~~

~~(b) The sole or primary benefit to the public from the acquisition of the property is economic development that increases the tax base, tax revenues, the level of employment or the general economic health of a community.] and except as otherwise provided in this subsection, the public uses for which private property may be taken by the exercise of eminent domain do not include the direct or indirect transfer of any interest in the property to another private person or entity. Property taken by the exercise of eminent***

domain may be transferred to another private person or entity in the following circumstances:

(a) The entity that took the property transfers the property to a private person or entity and the private person or entity uses the property primarily to benefit a public service, including, without limitation, a utility, railroad, public transportation project, pipeline, road, bridge, airport or facility that is owned by a governmental entity.

(b) The entity that took the property leases the property to a private person or entity that occupies an incidental part of an airport or a facility that is owned by a governmental entity and, before leasing the property:

(1) Uses its best efforts to notify the person from whom the property was taken that the property will be leased to a private person or entity that will occupy an incidental part of an airport or facility that is owned by a governmental entity; and

(2) Provides the person from whom the property was taken with an opportunity to bid or propose on an equal basis with others.

(c) The entity that took the property:

(1) Took the property in order to acquire property that was abandoned by the owner, abate an immediate threat to the safety of the public or remediate hazardous waste; and

(2) Grants a right of first refusal to the person from whom the property was taken that allows that person to reacquire the property on the same terms and conditions that are offered to the other private person or entity.

(d) The entity that took the property transfers an interest in the property to a private person or entity in exchange for an interest in the property that was taken, or is being taken, by the exercise of eminent domain or under the threat of the exercise of eminent domain for the purpose of a road or highway, the relocation of public or private structures or to facilitate or avoid payment of excessive compensation or damages.

(e) The person from whom the property is taken consents to the taking.

3. The entity that is taking property by the exercise of eminent domain has the burden of proving that the taking is for a public use.

4. For the purposes of this section, an airport authority or any public airport is not a private person or entity.

Sec. 5. NRS 37.100 is hereby amended to read as follows:

37.100 1. ***Before the plaintiff obtains possession of the property, the plaintiff shall give to the owner of the property a copy of all appraisals of the property obtained by the plaintiff.***

2. The plaintiff may move the court or a judge thereof at any time after the commencement of suit, on notice for such time as the court or judge may direct to the defendant if he is a resident of the county or has appeared in the action, otherwise by serving a notice directed to him on the clerk of the court, for an order permitting the plaintiff to occupy the premises sought to be condemned, pending the entry of judgment, and to do such work thereon as

may be required for the easement, fee, or property rights sought, according to its nature.

~~[2. The]~~

3. At the occupancy hearing, the court shall make a separate and distinct determination as to whether the property is being taken for a public use pursuant to NRS 37.010, if the defendant requests such a determination.

4. If the defendant does not request a determination pursuant to subsection 3 or if the court determines that the property is being taken for a public use pursuant to NRS 37.010, the court or judge shall take proof, by affidavit or otherwise, of the value of the premises sought to be condemned, the damages which will accrue from the condemnation and the reasons for requiring a speedy occupation, and shall grant or refuse the motion according to the equity of the case and the relative damages which may accrue to the parties.

~~[3.]~~ ***5.*** If the motion is granted, the court or judge shall require the plaintiff to execute and file in court a bond to the defendant, with sureties, to be approved by the court or judge in a penal sum to be fixed by the court or judge, not less than double the value of the premises sought to be condemned and the damages which will ensue from condemnation and occupation, as the value and damages may appear to the court or judge on the hearing, and conditioned to pay the adjudged value of the premises and all damages if the property is condemned, and to pay all damages arising from occupation before judgment if the premises are not condemned, and all costs adjudged to the defendant in the action. The sureties shall justify before the court or judge, after a reasonable notice to the defendant of the time and place of justification.

~~[4.]~~ ***6.*** In lieu of a bond the plaintiff, with the consent of the court, may deposit with the clerk of the court a sum equal to the value of the premises plus damages, as appraised by the plaintiff. Upon application of the defendant and upon notice to all parties, the court or judge may order the money deposited with the clerk of the court or any part thereof to be paid to the defendant. If the amount of the compensation awarded upon judgment is less than the sum deposited and paid to the defendant, the court shall enter judgment in favor of the plaintiff and against the defendant for the amount of the excess. Application by the defendant to the court for withdrawal of part or all of the money deposited and the payment of that money to the defendant does not prejudice the right of the defendant to contest the amount of compensation to be finally awarded. The receipt by the defendant of a part or all of the money deposited must be conditioned upon the waiver of all defenses except those relating to the amount of compensation.

~~[5.]~~ ***7.*** The amount of the penal bond or the deposit is for the purpose of the motion only and is not admissible in evidence on final hearing.

~~[6.]~~ ***8.*** The court or judge may also restrain the defendant from hindering or interfering with the occupation of the premises and the doing thereon of the work required for the easement, fee, or property rights.

~~[7.]~~ ***9.*** The provisions of this section requiring the execution and filing of a bond do not apply in any action or proceeding in which the State of Nevada is the plaintiff, but the public faith and credit of the State of Nevada, is hereby pledged as security in lieu of the bond. The provisions of this subsection do not prevent the State of Nevada from depositing, in lieu of a pledge of the public faith and credit, with the clerk of the court a sum equal to the value of the premises plus any damages as appraised by the State.

Sec. 6. NRS 37.120 is hereby amended to read as follows:

37.120 1. To assess compensation and damages as provided in NRS 37.110, the date of the first service of the summons is the date of valuation, except that, if the action is not tried within 2 years after the date of the first service of the summons, and the court makes a written finding that the delay is caused primarily by the plaintiff or is caused by congestion or backlog in the calendar of the court, the date of valuation is the date of the actual commencement of the trial. If a new trial is ordered by a court, the date of valuation used in the new trial must be the date of valuation used in the original trial.

2. No improvements put upon the property after the date of the service of the summons may be included in the assessment of compensation or damages, regardless of the date of valuation.

3. ***In all actions in eminent domain, the court shall award just compensation to the owner of the property that is being taken. Just compensation is that sum of money necessary to place the property owner in the same position monetarily as if the property had never been taken, excluding any governmental offsets except special benefits. Special benefits may only offset severance damages and may not offset the value for the property. Just compensation for the property taken by the exercise of eminent domain must include, without limitation, interest computed pursuant to NRS 37.175 and reasonable costs and expenses, except attorney's fees, incurred by the owner of the property that is the subject of the action.***

4. As used in this section, "primarily" means the greater amount, quantity or quality of acts of the plaintiff or the defendant or, if there is more than one defendant, the total delay caused by all the defendants, that would cause the date of the trial to be continued past 2 years after the date of the first service of the summons.

Sec. 7. NRS 37.175 is hereby amended to read as follows:

37.175 1. Except as otherwise provided in this section, the plaintiff shall pay interest on the final judgment ~~[on the difference between the amount deposited pursuant to NRS 37.100 or 37.170 and the sum of the amount awarded for the taking]~~ and any damages awarded for the severance of the property, excluding costs and attorney's fees, from the date ~~[of the first~~

~~service of the summons.]~~ ***ordered by the district court pursuant to paragraph (a) of subsection 2*** until the date the judgment is satisfied, at the rate provided in ~~[NRS 17.130.]~~ ***paragraph (b) of subsection 2.***

2. The ~~[plaintiff is not required to pay interest on any amount deposited pursuant to the provisions of NRS 37.100 or 37.170.~~

~~3. No interest is required to be paid for the period from the date of a trial which is continued past 2 years after the date of the first service of the summons, until the date of entry of judgment, if the continuance was caused primarily by the defendant or, if there is more than one defendant, the total delay caused by all the defendants. As used in this subsection, "primarily" means the greater amount, quantity or quality of acts of the plaintiff or the defendant or, if there is more than one defendant, the total delay caused by all defendants, that would cause the trial to be continued past 2 years after the date of the first service of the summons.]~~ ***court shall determine, in a posttrial hearing, the award of interest and award as interest the amount of money which will put the person from whom the property is taken in as good a position monetarily as if the property had not been taken. The district court shall enter an order concerning:***

(a) The date on which the computation of interest will commence;

(b) The rate of interest to be used to compute the award of interest, which must not be less than the prime rate of interest plus 2 percent; and

(c) Whether the interest will be compounded annually.

Sec. 8. NRS 37.260 is hereby amended to read as follows:

37.260 1. ~~[Any]~~ ***Except as otherwise provided in NRS 37.270, any*** real property, interest therein or improvement thereon which has been acquired in accordance with the provisions of this chapter or purchased under the threat of eminent domain proceedings by an association, commission, corporation, partnership or political subdivision other than a county or incorporated city may be disposed of as surplus by that entity only in accordance with the provisions of this section.

2. The governing body of the entity desiring to dispose of the property ***pursuant to this section*** must first adopt a resolution declaring that the property is no longer required for the purposes for which it was acquired or for other reasonable public use.

3. The property, interest or improvement ***disposed of pursuant to this section*** must be sold by the entity to the highest bidder bidding for the property, either at public auction or by sealed bids, the notice and terms of which must be published in a newspaper of general circulation in the county where the property is situated at least once not less than 15 nor more than 45 days before the sale. When, in the opinion of the governing body of the entity, the property cannot be sold by means of public auction or sealed bids without working an undue hardship upon a property owner either as a result of a severance of that owner's property or a denial of access to a public street or highway, the governing body may first offer the property to that owner at

a price determined by the governing body to be in the best interest of the corporation, partnership, association, commission or political subdivision.

4. ~~[It]~~ ***If property is disposed of pursuant to this section, it*** is conclusively presumed in favor of any purchaser for value and without notice of any such real property, interest therein or improvement thereon conveyed pursuant to this section that the entity disposing of it acted within its lawful authority in acquiring and disposing of the property, and that the officers thereof acted within their lawful authority in executing any conveyance vesting title in the purchaser. All such conveyances must be quitclaim in nature and must not carry any warranty of title.

Sec. 9. NRS 37.270 is hereby amended to read as follows:

37.270 Notwithstanding any other provision of law, ~~[if the State of Nevada, any political subdivision of the State or other governmental entity that has acquired property]~~ ***property taken*** pursuant to the provisions of this chapter~~[,]~~ ***must be offered to and reverts to the person from whom the property was taken upon repayment of the original purchase price if, within 15 years after obtaining possession of the property, the entity that took the property:***

1. Fails to use the property for the public ~~[purpose for which it was acquired; and]~~ ***use for which the property was taken or for any public use reasonably related to the public use for which the property was taken; or***

2. Seeks to convey the right, title or interest in all or part of that property to any person ~~[,~~

~~➥ within 15 years after the property is acquired, the person from whom the property was acquired or his successor in interest must be granted the right of first refusal to purchase the right, title or interest in the property sought to be conveyed for fair market value which shall be deemed to be an amount which does not exceed the proportional amount paid by the State, political subdivision or other governmental entity for the acquisition of the property.]~~ ***and the conveyance is not occurring pursuant to subsection 2 of NRS 37.010.***

➥ The entity that has taken the property does not fail to use the property under subsection 1 if the entity has begun active planning for or design of the public use, the assembling of land in furtherance of planning for or design of the public use or construction related to the public use.

Sec. 10. NRS 279.471 is hereby amended to read as follows:

279.471 1. Except as otherwise provided in this subsection, an agency may exercise the power of eminent domain to acquire property for a redevelopment project only if the agency adopts a resolution that includes a written finding by the agency that a condition of blight exists for each individual parcel of property to be acquired by eminent domain. An agency may exercise the power of eminent domain to acquire a parcel of property that is not blighted for a redevelopment project if the agency adopts a resolution that includes a written finding by the agency that a condition of

blight exists for at least two-thirds of the property within the redevelopment area at the time the redevelopment area was created.

2. In addition to the requirement set forth in subsection 1, an agency may exercise the power of eminent domain to acquire property for a redevelopment project only if:

(a) The property sought to be acquired is necessary to carry out the redevelopment plan;

(b) The agency has adopted a resolution of necessity that complies with the requirements set forth in subsection 3; and

(c) The agency has complied with the provisions of NRS 279.4712.

3. A resolution of necessity required pursuant to paragraph (b) of subsection 2 must set forth:

(a) A statement that the property will be acquired for purposes of redevelopment as authorized pursuant to ~~[subsection 17]~~ ***paragraph (q) of subsection 1*** of NRS 37.010 and subsection 2 of NRS 279.470;

(b) A reasonably detailed description of the property to be acquired;

(c) A finding by the agency that the public interest and necessity require the acquisition of the property;

(d) A finding by the agency that acquisition of the property will be the option for redevelopment that is most compatible with the greatest public good and the least private injury; and

(e) A finding by the agency that acquisition of the property is necessary for purposes of redevelopment.

4. After an agency adopts a resolution pursuant to subsection 1 or 2, the resolution so adopted and the findings set forth in the resolution are final and conclusive and are not subject to judicial review unless credible evidence is adduced to suggest that the resolution or the findings set forth therein were procured through bribery or fraud.

Sec. 11. **NRS 37.112 and 37.190 are hereby repealed.**

Sec. 12. The amendatory provisions of this act apply to an action in eminent domain that is filed on or after October 1, 2007.

TEXT OF REPEALED SECTIONS

37.112 Valuation of property subject to condemnation as result of public work or project.

1. Except as otherwise provided in subsection 2, if the property is subject to condemnation as a result of a public work or public improvement, any decrease or increase in the fair market value of the property before the date of valuation which is caused by:

(a) The public work or public improvement for which the property is acquired; or

(b) The likelihood that the property would be acquired for such a purpose,

↪ must be disregarded when assessing the value of the property pursuant to NRS 37.110.

2. Any decrease or increase in the fair market value of the property before the date of valuation resulting from physical deterioration within the reasonable control of the owner is not required to be disregarded pursuant to subsection 1.

37.190 Costs: Allowance and apportionment. Costs may be allowed or not, and if allowed may include a maximum of $350 for appraisal reports used at the trial and $150 for fees of expert witnesses who testify at the trial, and may be apportioned between the parties on the same or adverse sides, in the discretion of the court.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 102 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 104.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 85.

SUMMARY—Provides additional benefits to members of the Nevada National Guard ~~[and their dependents]~~ under certain circumstances. (BDR 34-835)

AN ACT relating to the state militia; providing that the Board of Regents of the University of Nevada may grant a waiver of certain fees for the ~~[dependents]~~ ***child, widow or widower*** of a person who was killed while he was performing his duties as a member of the Nevada National Guard; authorizing payments for courses on reintegration to certain members of the Nevada National Guard; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Regents of the University of Nevada to waive certain fees for a member of the Nevada National Guard or a recruit for the Nevada National Guard. (NRS 396.544) Additionally, existing law requires the Board of Regents to pay certain fees for the dependent child of a police officer, firefighter, officer of the Nevada Highway Patrol or volunteer ambulance driver or attendant killed while performing his duties. (NRS 396.545) Section 1 of this bill authorizes the Board of Regents to waive certain fees for any ~~[dependent]~~ ***child, widow or widower*** of a person who was killed while he was performing his duties as a member of the Nevada National Guard.

Existing law authorizes the payment of various benefits to members of the Nevada National Guard from the Patriot Relief Account. (NRS 412.1435)

Section 2 of this bill authorizes payment of $100 from that account to certain members of the Nevada National Guard to attend a class on reintegrating into society after leaving active service.

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board of Regents may grant a waiver of registration fees and laboratory fees for any ~~[dependent]~~ child, widow or widower of a person who was killed while he was performing his duties as a member of the Nevada National Guard. For the purpose of assessing fees and charges against a person to whom such a waiver is granted, including, without limitation, tuition charges pursuant to NRS 396.540, the person shall be deemed to be a bona fide resident of this State.

2. ~~[To be]~~ A person is eligible for a waiver pursuant to subsection 1 ~~[, a person must maintain]~~ if he maintains at least a 2.0 grade point average, on a 4.0 grading scale, each semester, or the equivalent of a 2.0 grade point average if a different grading scale is used ~~[.]~~ and:

(a) Is the widow or widower of the member of the Nevada National Guard; or

(b) Is the child of the member of the Nevada National Guard.

3. A widow or widower is eligible for 10 years after the date of the death of the member. A child is eligible for 10 years after he attains the age of 18 years or, if he enrolls in the System before the age of 18 years, for 10 years after the date of such enrollment.

4. The Board of Regents may request the Adjutant General to verify that a person is the ~~[dependent]~~ widow, widower or child of a person who was killed while he was performing his duties as a member of the Nevada National Guard. The Adjutant General shall, upon receiving such a request, notify the Board of Regents in writing concerning the status of that person.

Sec. 2. NRS 412.1435 is hereby amended to read as follows:

412.1435 1. The Patriot Relief Account is hereby created as a special account in the State General Fund.

2. The money in the Patriot Relief Account does not lapse to the State General Fund at the end of any fiscal year. The interest and income earned on the money in the Patriot Relief Account, after deducting any applicable charges, must be credited to the Account. All claims against the Patriot Relief Account must be paid as other claims against the State are paid.

3. The Office may accept gifts, grants and donations from any source for deposit in the Patriot Relief Account.

4. The money in the Patriot Relief Account may only be used to provide:

(a) Reimbursement to members of the Nevada National Guard for the cost of:

(1) Premiums on a policy of group life insurance purchased pursuant to the provisions of 38 U.S.C. §§ 1965 et seq.; and

(2) Textbooks required for a course of study in which the member is enrolled at an institution within the Nevada System of Higher Education; ~~[and]~~

(b) Monetary relief from economic hardships experienced by members of the Nevada National Guard who have been called into active service ~~[.]~~ ***; and***

(c) A payment of $100 to a member of the Nevada National Guard who leaves active service if:

(1) The member was on active service in full-time National Guard duty, as defined in 10 U.S.C. § 101(d)(5), for 120 days or more; and

(2) Not more than 30 days after leaving active service, the member attends a course on reintegration.

5. The Adjutant General shall adopt any regulations necessary to determine eligibility for reimbursement or monetary relief from the Patriot Relief Account and to carry out a program to provide such reimbursement and monetary relief.

6. As used in this section, "course on reintegration" means a class designed to provide a member of the Nevada National Guard who is leaving active service with skills and training focused on returning to a life that does not include being in active service.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed and to Concurrent Committee on Ways and Means.

Assembly Bill No. 105.

Bill read second time.

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

Amendment No. 86.

AN ACT relating to wildlife; revising provisions that provide certain benefits for licenses, tags or permits for hunting, fishing or trapping to certain members of the Armed Forces of the United States and their families to provide those benefits to certain members of the Nevada National Guard and their families; ***authorizing the Department of Wildlife to issue a fishing or hunting license to a member of the Nevada National Guard who is a bona fide resident of this State under certain circumstances;*** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides certain benefits relating to obtaining licenses, tags or permits for hunting, fishing or trapping to certain members of the Armed Forces of the United States and their families. (NRS 502.070, 502.290) This

bill extends those benefits to certain members of the Nevada National Guard and their families.

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

Section 1. NRS 502.070 is hereby amended to read as follows:

502.070 1. The Department shall issue to any member of the Armed Forces of the United States who has been assigned to permanent duty, as opposed to temporary or casual duty, within the State of Nevada ***or to any member in good standing of the Nevada National Guard who has served on active duty*** all necessary hunting or fishing licenses, tags or permits for fishing, hunting or trapping in the State of Nevada. A like privilege must be extended to spouses and dependents, under the age of 21, of ~~[such]~~ ***those*** members of the Armed Forces ~~[.]~~ ***or the Nevada National Guard.*** ~~[All such]~~ ***The*** licenses, tags or permits must be issued on the same terms and conditions and at the same costs as licenses, tags or permits are issued to Nevada residents, except that the 6 months' residence requirement must be waived.

2. The issuance of ~~[all such]~~ ***the*** licenses, tags and permits must be made by application upon a form provided for that purpose by the Department. The application must include such proof of assignment to permanent duty within the State of Nevada ***or proof of service on active duty and membership in good standing in the Nevada National Guard*** as may be deemed necessary by the Department to determine whether or not an applicant is ~~[actually so assigned.]~~ ***eligible for a license, tag or permit pursuant to subsection 1.***

Sec. 2. NRS 502.290 is hereby amended to read as follows:

502.290 1. The ~~[Commission is authorized to issue to those persons serving in the Armed Forces of the United States who are bona fide residents of the State of Nevada]~~ ***Department may issue*** fishing or hunting licenses, upon the payment of $5 for each license, ~~[provided those persons requesting the licenses are at the time on]~~ ***to any person who is a bona fide resident of the State of Nevada and is:***

(a) On active duty in the Armed Forces of the United States ~~[and are not stationed in the State of Nevada.]~~ ***; or***

(b) A member in good standing of the Nevada National Guard who has served on active ~~[service in full-time National Guard duty, as defined in 10 U.S.C. § 101(d)(5),]~~ duty.

2. The ~~[Commission]~~ ***Department*** may require whatever proof it deems necessary to determine whether ~~[such persons come within]~~ ***a person is subject to*** the provisions of this section.

3. ***If the Department incurs a deficiency caused by the issuance of licenses pursuant to this section, the Department may request an allocation from the Contingency Fund pursuant to NRS 353.266, 353.268 and 353.269 to reimburse the Department for the amount of the deficiency.***

4. Any person who is guilty of giving false information to obtain a license as provided in this section is guilty of a misdemeanor.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Assemblywoman Smith moved that upon return from the printer Assembly Bill No. 105 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 117.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 78.

AN ACT relating to divorce; providing that the parents, guardians , ~~[and]~~ siblings ***and witnesses*** of parties to an action for divorce must not be excluded from observing the proceedings ~~[,]~~ ***under certain circumstances;*** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows a court in any action for a divorce to exclude certain persons from the proceedings upon demand of either party. (NRS 125.080) This bill provides that the parents, guardians , ~~[and]~~ siblings ***and witnesses*** of the parties must not be excluded from observing the proceedings ~~[,]~~ ***unless good cause is shown.***

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

Section 1. NRS 125.080 is hereby amended to read as follows:

125.080 ***1.*** In any action for divorce **,** the court shall, upon demand of either party, direct that the trial and issue or issues of fact joined therein be private **.** ~~[, and upon such direction]~~

2. ~~***[Upon]***~~ ***Except as otherwise provided in subsection 3, upon such demand of either party,*** all persons ~~[shall]~~ ***must*** be excluded from the court or chambers wherein the action is tried, except ~~[the officers of the court, the parties, and their witnesses and counsel.]~~ ***:***

(a) The officers of the court;

(b) The parties;

(c) The counsel for the parties;

(d) The witnesses for the parties;

(e) The parents or guardians of the parties; and

(f) The siblings of the parties.

3. The court may, upon oral or written motion of either party, order a hearing to determine whether to exclude the parents, guardians or siblings of either party, or witnesses for either party, from the court or chambers

wherein the action is tried. If good cause is shown for the exclusion of any such person, the court shall exclude any such person from the court or chambers wherein the action is tried.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REPORTS OF COMMITTEES

Madam Speaker:

Your Concurrent Committee on Transportation, to which was referred Assembly Bill No. 595, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

KELVIN ATKINSON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Atkinson moved that the action whereby Assembly Bill No. 595 was referred to the Concurrent Committee on Taxation be rescinded.

Motion carried.

Assemblyman Atkinson moved that Assembly Bill No. 595 be rereferred to the Committee on Transportation.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:02 p.m.

ASSEMBLY IN SESSION

At 12:08 p.m.

Madam Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 148.

Bill read second time.

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

Amendment No. 123.

AN ACT relating to controlled substances; requiring entities that sell certain products that are precursors to methamphetamine to place such products in an area to which the public does not have direct access, to limit the quantity of such products sold or transferred to the same person during any ~~[24-hour period,]~~ ***calendar day,*** to maintain a list of sales of such products and to ensure that certain information is entered in that list; prohibiting a person from acquiring more than a certain amount of certain

products that are precursors to methamphetamine; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill establishes restrictions on the sale and purchase of products that contain materials that can be used to manufacture methamphetamine.

Section 6 of this bill requires sellers of a product that contains certain materials that can be used to manufacture methamphetamine to keep the product in a locked case or cabinet or behind a store counter so that the public does not have direct access to the product. Section 7 of this bill establishes limits on the quantity of certain chemicals that can be sold to the same person during a ~~[24-hour period.]~~ ***calendar day***. Section 8 of this bill requires sellers of a product that contains materials that can be used to manufacture methamphetamine to maintain a logbook of sales and transfers of the product and to ensure that certain information is entered in the logbook.

If a seller of a product that contains materials that can be used to manufacture methamphetamine violates section 6, 7 or 8 of this bill, section 9 of this bill provides that the seller is subject to a civil penalty of not more than ~~[$25,000]~~ ***$250,000*** for each violation. Moreover, if certain sellers knowingly or intentionally violate section 6, 7 or 8, then those sellers are subject to both civil penalties and criminal penalties.

Section 10 of this bill prohibits a person from knowingly or intentionally purchasing or otherwise acquiring a certain amount of certain chemicals that can be used to manufacture methamphetamine. A person who violates this provision is subject to criminal penalties.

Section 11 of this bill prohibits a person from knowingly or intentionally entering false information in the logbook. A person who violates this provision is guilty of a category D felony.

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

Section 1. Chapter 453 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Logbook" means a written or electronic list of each sale or transfer of a product that is a precursor to methamphetamine.***

Sec. 4. ***"Product that is a precursor to methamphetamine" means a product that contains ephedrine, pseudoephedrine or phenylpropanolamine or the salts, optical isomers or salts of optical isomers of such chemicals and may be marketed or distributed lawfully in the United States under the Federal Food, Drug and Cosmetic Act, 21 U.S.C. §§ 301 et seq., as a nonprescription drug.***

Sec. 5. ***"Retail distributor" means a grocery store, general merchandise store, drugstore, pharmacy or other entity or person whose activities as a distributor of a product that is a precursor to methamphetamine are limited exclusively or almost exclusively to sales for personal use by an ultimate user, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.***

Sec. 6. ***A retail distributor shall keep, store or place a product that is a precursor to methamphetamine in a locked case or cabinet or behind a counter so that the public does not have direct access to the product before a sale or transfer is made.***

Sec. 7. ***1. Except as otherwise provided in subsection 2, a retail distributor shall not*** ~~***[sell]***~~ ***:***

(a) Sell ***or transfer to the same person during any*** ~~***[24-hour period]***~~ ***calendar day, without regard to the number of transactions, more than 3.6 grams of ephedrine, pseudoephedrine or phenylpropanolamine or the salts, optical isomers or salts of optical isomers of such chemicals in a product that is a precursor to methamphetamine.***

(b) Sell at retail and in nonliquid form a product that is a precursor to methamphetamine, including, without limitation, gel caps, unless:

(1) The product is packaged in blister packs, each blister containing not more than two dosage units; or

(2) If the use of blister packs is technically infeasible, the product is packaged in unit dosage packets or pouches.

2. The provisions of subsection 1 do not apply if, pursuant to 21 U.S.C. § 830(e)(3), the Attorney General of the United States has determined that a product that is a precursor to methamphetamine cannot be used to manufacture methamphetamine and provided by regulation that the product is exempt from the provisions of 21 U.S.C. § 830(d).

Sec. 8. ***1. A retail distributor shall maintain a logbook.***

2. At the time of a sale or transfer of a product that is a precursor to methamphetamine, a retail distributor shall ensure that the following information is entered in the logbook:

(a) The name of the product sold or transferred;

(b) The quantity of the product sold or transferred;

(c) The name and address of the purchaser or transferee; and

(d) The date and time of the sale or transfer.

3. A retail distributor shall not sell or transfer a product that is a precursor to methamphetamine unless:

(a) The prospective purchaser or transferee:

(1) Presents an identification card that provides a photograph and is issued by the Government of the United States or the government of this State or any other state, or a document that, with respect to identification, is considered acceptable pursuant to 21 U.S.C. § 830(e)(1); and

(2) Signs his name in the logbook; and

(b) The retail distributor determines that the name entered in the logbook corresponds to the name provided on the identification presented by the prospective purchaser or transferee.

4. The logbook must include a notice to a prospective purchaser or transferee that entering a false statement or representation in the logbook may subject the prospective purchaser or transferee to criminal penalties ~~[pursuant to]~~ under state law, as set forth in section 11 of this act , and under federal law, as set forth in 18 U.S.C. § 1001.

5. A retail distributor shall maintain each entry in the logbook for not less than 2 years after the date on which the entry is made.

6. A retail distributor shall not access, use or share the information in the logbook unless the purpose of accessing, using or sharing the information is to ensure compliance with this chapter or to facilitate a product recall to protect the health and safety of the public.

7. Upon ~~[the request of]~~ a request, which is made for the purpose of enforcing the provisions of sections 2 to 11, inclusive, of this act, by a law enforcement agency of this State or a political subdivision thereof or a law enforcement agency of the Federal Government, a retail distributor shall disclose the information in the logbook to the law enforcement agency.

Sec. 9. ***1. Unless a greater penalty is provided in subsection 2, ~~[3 or 4,]~~ if a retail distributor violates any provision of section 6, 7 or 8 of this act, the retail distributor is subject ~~[only]~~ to a civil penalty pursuant to the provisions of NRS 453.553 to 453.5533, inclusive.***

2. ~~[Unless a greater penalty is provided in subsection 3 or 4, if a retail distributor knowingly violates any provision of section 6, 7 or 8 of this act, the retail distributor:~~

~~(a) Is subject to a civil penalty pursuant to the provisions of NRS 453.553 to 453.5533, inclusive; and~~

~~(b) Is guilty of a misdemeanor.~~

~~3. Unless a greater penalty is provided in subsection 4, if a retail distributor knowingly violates any provision of section 6, 7 or 8 of this act after a prior conviction under this chapter or the law of the United States or of any state, territory or district relating to a controlled substance has become final, the retail distributor:~~

~~(a) Is subject to a civil penalty pursuant to the provisions of NRS 453.553 to 453.5533, inclusive; and~~

~~(b) Is guilty of a gross misdemeanor.~~

~~4.]~~ If a retail distributor knowingly violates any provision of section 6, 7 or 8 of this act after being ordered on two or more prior occasions to pay a civil penalty for violating section 6, 7 or 8 of this act or after two or more prior convictions under this chapter or the law of the United States or of any state, territory or district relating to a controlled substance, or a combination of two or more such prior convictions, have become final, the retail distributor:

(a) Is subject to a civil penalty pursuant to the provisions of NRS 453.553 to 453.5533, inclusive; and

(b) Is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 10. ***1. Except as otherwise provided in subsection 2, a person shall not knowingly or intentionally purchase, receive or otherwise acquire:***

(a) During any ~~[24-hour period,]~~ calendar day more than 3.6 grams of ephedrine, pseudoephedrine or phenylpropanolamine or the salts, optical isomers or salts of optical isomers of such chemicals in a product that is a precursor to methamphetamine; or

(b) During any 30-day period, more than 9 grams of ephedrine, pseudoephedrine or phenylpropanolamine or the salts, optical isomers or salts of optical isomers of such chemicals in a product that is a precursor to methamphetamine.

2. The provisions of this section do not apply if the person purchasing, receiving or otherwise acquiring a product that is a precursor to methamphetamine is a pharmacy, practitioner, retail distributor or dispenser that is purchasing, receiving or otherwise acquiring the product for the purpose of administering, distributing or dispensing it in a lawful manner.

3. A person who violates any of the provisions of this section is guilty of a misdemeanor, except that:

(a) If the person violates any of the provisions of this section after a prior conviction under this chapter or the law of the United States or of any state, territory or district relating to a controlled substance has become final, the person is guilty of a gross misdemeanor; and

(b) If the person violates any of the provisions of this section after two or more prior convictions under this chapter or the law of the United States or of any state, territory or district relating to a controlled substance, or a combination of two or more such prior convictions, have become final, the person is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 11. ***Any person who knowingly or intentionally enters a false statement or representation in a logbook is guilty of a category D felony and shall be punished as provided in NRS 193.130.***

Sec. 12. NRS 453.553 is hereby amended to read as follows:

453.553 1. In addition to any criminal penalty imposed for a violation of the provisions of NRS 453.011 to 453.552, inclusive, ***and sections 2 to 11, inclusive, of this act,*** any person who ***violates section 6, 7 or 8 of this act,*** unlawfully sells, manufactures, delivers or brings into this State, possesses for sale or participates in any way in a sale of a controlled substance listed in schedule I, II or III or who engages in any act or transaction in violation of the provisions of NRS 453.3611 to 453.3648, inclusive, is subject to a civil penalty for each violation. This penalty must be recovered in a civil action,

brought in the name of the State of Nevada by the Attorney General or by any district attorney in a court of competent jurisdiction.

2. As used in ~~[this section and NRS 453.5531, 453.5532 and 453.5533:]~~ ***NRS 453.553 to 453.5533, inclusive:***

(a) "Each violation" includes a continuous or repetitive violation arising out of the same act.

(b) "Sell" includes exchange, barter, solicitation or receipt of an order, transfer to another for sale or resale and any other transfer for any consideration or a promise obtained directly or indirectly.

(c) "Substitute" means a substance which:

(1) Was manufactured by a person who at the time was not currently registered with the Secretary of Health and Human Services; and

(2) Is an imitation of or intended for use as a substitute for a substance listed in schedule I, II or III.

Sec. 13. NRS 453.5531 is hereby amended to read as follows:

453.5531 1. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving marijuana, to a civil penalty in an amount:

(a) Not to exceed $350,000, if the quantity involved is 100 pounds or more, but less than 2,000 pounds.

(b) Not to exceed $700,000, if the quantity involved is 2,000 pounds or more, but less than 10,000 pounds.

(c) Not to exceed $1,000,000, if the quantity involved is 10,000 pounds or more.

2. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance, except marijuana, which is listed in schedule I or a substitute therefor, to a civil penalty in an amount:

(a) Not to exceed $350,000, if the quantity involved is 4 grams or more, but less than 14 grams.

(b) Not to exceed $700,000, if the quantity involved is 14 grams or more, but less than 28 grams.

(c) Not to exceed $1,000,000, if the quantity involved is 28 grams or more.

3. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance which is listed in schedule II or III or a substitute therefor, to a civil penalty in an amount:

(a) Not to exceed $350,000, if the quantity involved is 28 grams or more, but less than 200 grams.

(b) Not to exceed $700,000, if the quantity involved is 200 grams or more, but less than 400 grams.

(c) Not to exceed $1,000,000, if the quantity involved is 400 grams or more.

4. Unless a greater civil penalty is authorized by another provision of this section, the State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions

of NRS 453.3611 to 453.3648, inclusive, to a civil penalty in an amount not to exceed $350,000.

5. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions of section 6, 7 or 8 of this act, to a civil penalty in an amount not to exceed ~~[$25,000]~~ $250,000 for each violation.

Sec. 14. NRS 453.5533 is hereby amended to read as follows:

453.5533 1. A civil action brought pursuant to NRS 453.553 must be brought within 3 years after the conduct in violation of the provisions of NRS 453.011 to 453.552, inclusive, ***and sections 2 to 11, inclusive, of this act*** occurs.

2. Such a civil action is not barred by a prior acquittal of the defendant in a criminal action arising out of the same act, transaction or occurrence. A final judgment or decree rendered in favor of the State in any criminal proceeding arising out of the same act, transaction or occurrence estops the defendant in a subsequent civil action from denying the essential allegations of the criminal offense.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 244.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 82.

AN ACT relating to education; revising provisions governing the review of school districts based upon certain financial management principles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that to the extent money is made available by the Legislature, each school district in this State must undergo a review every 6 years to determine whether the school district is successfully carrying out certain financial management principles. (NRS 387.602-387.644) A school district may, under certain circumstances, be exempt from the 6-year review and undergo the review every 12 years. (NRS 387.631, 387.639) Upon completion of the review of a school district, the consultant who conducted the review must submit a preliminary report of the review to the superintendent of schools of the school district for the superintendent to prepare a written response. The preliminary report and the final report must be made available to the general public. (NRS 387.631) This bill revises provisions governing the preliminary report of the review and requires the consultant to submit the preliminary report to the ***superintendent of the*** school district ~~[rather than the superintendent]~~ ***or the superintendent's***

designee for preparation of a written response ~~[.]~~ ***of the school district.*** This bill also makes the preliminary report confidential.

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

Section 1. NRS 387.631 is hereby amended to read as follows:

387.631 1. The consultant shall complete the review of a school district within 6 months after the date on which the review is commenced. The consultant shall prepare a final written report of the review that:

(a) Is documented by sufficient, competent and relevant evidence to provide a reasonable basis for the findings and conclusions of the consultant.

(b) If the consultant determines that the school district is not successfully carrying out the management principles in one or more of the areas set forth in subsection 2 of NRS 387.622, includes a plan for corrective action for the school district to carry out successfully the management principles in each area within 2 years. The plan must:

(1) Be logically connected to and substantiated by the results of the review;

(2) Be specific and detailed; and

(3) Identify methods for the school district to reduce its costs and expenses.

(c) Includes the written response of the school district prepared pursuant to subsection 2.

2. The consultant shall furnish a copy of the preliminary report of the review to the **superintendent of schools of the** school district ***or the superintendent's designee*** and discuss the report with the ~~[superintendent.]~~ ~~***[school district.]***~~ ***superintendent or the superintendent's designee.*** Within 30 days after receipt of the preliminary report, the superintendent ~~***[school district***~~ shall~~]~~ ~~[, in consultation with the board of trustees of the school district,]~~ ***or the superintendent's designee shall*** prepare a written response to the preliminary report that includes a statement of explanation or rebuttal of any findings contained in the preliminary report. The consultant shall include the written response of the school district in his final written report submitted pursuant to subsection 1.

3. The final written report of the consultant must be submitted to the board of trustees of the school district, the State Board, the Legislative Auditor and the Director of the Legislative Counsel Bureau for transmission to the Legislature within 60 days after the review is complete.

4. If the consultant determines that a school district is successfully carrying out the management principles for each of the areas set forth in subsection 2 of NRS 387.622, the school district is exempt from its next 6-year review unless the Legislature subsequently determines that the conditions or circumstances occurring within the school district warrant another review pursuant to NRS 387.602 to 387.644, inclusive. If a school district is exempt pursuant to this subsection, the exemption is valid for only

one review and the school district must undergo a review at least once every 12 years.

5. The preliminary report ~~[and the]~~ ***is confidential. The*** final report must be made available to the general public.

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

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 250.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 83.

AN ACT relating to education; revising the requirements relating to emergency drills for pupils in private elementary and secondary educational institutions; revising provisions relating to the inspection of such institutions; revising the provision governing the fees relating to such institutions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires every private school to provide emergency drills for pupils at least twice each month during the school year. (NRS 394.170) Section 1 of this bill reduces the minimum number of required emergency drills each month to one drill.

The Private Elementary and Secondary Education Authorization Act governs the operation of private elementary and secondary educational institutions in this State. (NRS 394.201-394.351) Certain institutions are exempt from the Act, including institutions offering religious or sectarian instruction. (NRS 394.211) Section 2 of this bill exempts institutions maintained by another state or the District of Columbia and supported by public money.

To obtain and maintain their exempt status, eligible institutions must initially file an exemption with the State Board of Education and file a renewal of the exemption with the Board every 2 years. Section 2 of this bill requires the Superintendent of Public Instruction, upon receipt of an exemption or renewal of an exemption for an institution, to cause an inspection of the exempt institution to be conducted to ensure compliance with all applicable laws, including laws relating to health and safety.

Under existing law, a license other than a provisional license to operate a nonexempt private elementary or secondary educational institution is effective for a term of not more than 2 years unless authorization is given in certain circumstances for a term of not more than 4 years. (NRS 394.251) Existing law requires the Superintendent of Public Instruction to cause an inspection of each licensed institution to be conducted at least every 2 years. (NRS 394.245) Section 3 of this bill eliminates the 2-year requirement for

inspections and requires the Superintendent of Public Instruction to cause an inspection to be conducted upon receipt of an application for a license or renewal of a license to operate. Section 4 of this bill also specifically authorizes the Superintendent to cause an inspection of a licensed institution to be conducted upon receipt of a verified complaint against the institution.

~~[Under existing law, a person who represents a private elementary or secondary educational institution must obtain an agent's permit from the State Board of Education. (NRS 394.261) Section 5 of this bill increases the fee for the initial issuance and for the renewal of an agent's permit from $50 to $100. (NRS 394.331)]~~

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

Section 1. NRS 394.170 is hereby amended to read as follows:

394.170 1. The authorities in charge of every private school within this State shall provide drills for the pupils in the schools at least ~~[twice]~~ ***once*** in each month during the school year to instruct those pupils in the appropriate procedures to be followed in the event of a fire or other emergency, except a crisis governed by NRS 394.168 to 394.1699, inclusive. Not more than ~~[three]~~ ***two*** of those drills may include instruction in the appropriate procedures to be followed in the event of a chemical explosion, related emergencies and other natural disasters.

2. In all cities or towns which have regularly organized, paid fire departments or voluntary fire departments, the drills required by subsection 1 must be conducted under the supervision of the chief of the fire department of the city or town.

3. The State Fire Marshal shall prescribe general regulations governing the drills required by subsection 1 and shall, with the cooperation of the Superintendent of Public Instruction, arrange for the supervision of drills in schools where the drills are not supervised pursuant to subsection 2.

4. A copy of this section must be kept posted in every classroom of every private school by the principal or teacher in charge thereof.

5. The principal, teacher or other person in charge of each school building shall cause the provisions of this section to be enforced.

6. Any violation of the provisions of this section is a misdemeanor.

Sec. 2. NRS 394.211 is hereby amended to read as follows:

394.211 1. The following persons and educational institutions are exempt from the provisions of the Private Elementary and Secondary Education Authorization Act:

(a) Institutions exclusively offering instruction at any level of postsecondary education.

(b) Institutions maintained by ~~[the]~~ ***this*** State ***, another state or the District of Columbia*** or any ~~[of its]~~ political subdivisions ***thereof*** and supported by public funds.

(c) Institutions exclusively offering religious or sectarian studies.

(d) Elementary and secondary educational institutions operated by churches, religious organizations and faith-based ministries.

(e) Institutions licensed by the Commission.

(f) Institutions operated by or under the direct administrative supervision of the Federal Government.

(g) Natural persons who instruct pupils in their homes or in the pupils' own homes, if this is not the only instruction those pupils receive.

(h) Fraternal or benevolent institutions offering instruction to their members or their immediate relatives, if the instruction is not operated for profit.

(i) Institutions offering instruction solely in avocational and recreational areas.

(j) Institutions or school systems in operation before July 1, 1975, as to courses of study approved by the Board pursuant to NRS 394.130, but those institutions or school systems are not exempt as to substantial changes in their nature or purpose on or after that date. The official literature of an institution or school system describing the nature and purpose of the institution or school system as of June 30, 1975, is prima facie evidence of the nature and purpose on that date for the purposes of this chapter.

2. Each person or educational institution claiming an exemption pursuant to the provisions of subsection 1 must file with the Board the exemption upon forms provided by the Department or in a letter containing the required information and signed by the person claiming the exemption or the person in charge of the educational institution claiming the exemption. The exemption expires 2 years after the last day of the calendar month in which the filing is made. The filing of a renewal of the exemption must be made not less than 60 days before the exemption expires.

3. ***Upon receipt of an exemption or a renewal of an exemption, the Superintendent shall cause an inspection of the educational institution to ensure that the institution operates in accordance with the provisions of all laws, regulations and ordinances that are applicable to the educational institution, including, without limitation, those provisions relating to the health and safety of persons on the premises of the educational institution.***

4. Before a child enrolls in an institution that is exempt pursuant to this section, the institution shall provide written notice to the parents or legal guardian of the child that the institution is exempt from the Private Elementary and Secondary Education Authorization Act.

Sec. 3. NRS 394.245 is hereby amended to read as follows:

394.245 The Superintendent shall cause an inspection of ~~[each]~~ ***an*** elementary or secondary educational institution to be conducted ~~[at least every 2 years]~~ ***upon receipt of an application for a license or for renewal of a license from that institution*** to ensure that the institution:

1. ~~[Is operated]~~ ***Operates*** in accordance with the provisions of all laws, regulations and ordinances relating to the health and safety of persons on the premises.

2. ~~[Is maintaining]~~ ***Maintains*** the records required by the regulations of the Board relating to administrators, supervisors, instructors and other educational personnel.

3. Has in force the insurance coverage required by the regulations of the Board. ***The institution shall provide to the person conducting the inspection an affidavit signed by the owner or administrator of the institution affirming that the insurance coverage for the institution is current.***

Sec. 4. NRS 394.311 is hereby amended to read as follows:

394.311 1. Any person claiming damage either individually or as a representative of a class of complainants as a result of any act by an elementary or secondary educational institution or its agent, or both, which is a violation of the Private Elementary and Secondary Education Authorization Act or regulations promulgated under it, may file with the Superintendent a verified complaint against the institution, its agent or both. The complaint ~~[shall]~~ ***must*** set forth the alleged violation and contain other information as required by regulations of the Board. A complaint may also be filed by the Superintendent on his own motion or by the Attorney General.

2. The Superintendent shall investigate any verified complaint and may, ~~[at his discretion,]~~ ***as part of the investigation, cause an inspection of the elementary or secondary educational institution to be conducted. The Superintendent may*** attempt to effectuate a settlement by persuasion and conciliation. The Board may consider a complaint after 10 days' written notice by certified mail to the institution or to the agent, or both, as appropriate, giving notice of a time and place for a hearing.

3. If, after consideration of all evidence presented at a hearing, the Board finds that an elementary or secondary educational institution or its agent, or both, has engaged in any act which violates the Private Elementary and Secondary Education Authorization Act or regulations promulgated under it, the Board shall issue and the Superintendent shall serve upon the institution or agent ***,*** or both, an order to cease and desist from such act. The Board may also, as appropriate, based on the Superintendent's investigation or the evidence adduced at the hearing, or both, institute an action to revoke an institution's license or an agent's permit.

Sec. 5. NRS 394.331 is hereby amended to read as follows:

394.331 All fees collected pursuant to the provisions of the Private Elementary and Secondary Education Authorization Act must be deposited in the State Treasury for credit to the appropriate account of the Department of Education, and no fees so collected are subject to refund. The fees to be collected by the Superintendent must accompany an application for a license to operate or for renewal of the license ~~[,]~~ ***or*** an application for an agent's permit or for renewal of the permit, ~~[or a filing for an exemption or for renewal of the exemption,]~~ in accordance with the following schedule:

1. The application fee for ***the initial license of*** an elementary or secondary educational institution is $300.

2. The renewal fee for ***the license of*** an elementary or secondary educational institution is $250.

3. The application fee for a new license by reason of a change of ownership is $250.

4. The fee for an agent's permit or for renewal of the permit is $50. ***[$100.]***

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

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 323.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 79.

AN ACT relating to witnesses; revising the amount paid to witnesses for mileage in traveling to and from a proceeding; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill revises the amount paid to a witness who attends a proceeding before a court or grand jury from 19 cents for each mile necessarily and actually traveled to and from his place of residence to the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax for each mile so traveled. (NRS 50.225)

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

Section 1. NRS 50.225 is hereby amended to read as follows:

50.225 1. For attending the courts of this State in any criminal case, or civil suit or proceeding before a court of record, master, commissioner, justice of the peace, or before the grand jury, in obedience to a subpoena, each witness is entitled:

(a) To be paid a fee of $25 for each day's attendance, including Sundays and holidays.

(b) Except as otherwise provided in this paragraph, to be paid for attending a court of the county in which he resides at the ***standard mileage reimbursement*** rate ~~[of 19 cents a mile]~~ ***for which a deduction is allowed for the purposes of federal income tax*** for each mile necessarily and actually traveled from and returning to the place of residence by the shortest and most practical route. A board of county commissioners may provide that, for each mile so traveled to attend a court of the county in which he resides, each witness is entitled to be paid an amount equal to the allowance for travel by private conveyance provided for state officers and employees generally pursuant to subsection 3 of NRS 281.160. If the board so provides, each

witness at any other hearing or proceeding held in that county who is entitled to receive the payment for mileage specified in this paragraph must be paid mileage in an amount equal to the allowance for travel by private conveyance provided for state officers and employees generally pursuant to subsection 3 of NRS 281.160.

2. In addition to the fee and payment for mileage specified in subsection 1, a board of county commissioners may provide that, for each day of attendance in a court of the county in which he resides, each witness is entitled to be paid a per diem allowance in an amount equal to the per diem allowance provided for state officers and employees generally while away from the office and within this State pursuant to subsection 1 of NRS 281.160. If the board so provides, each witness at any other hearing or proceeding held in that county who is a resident of that county and who is entitled to receive the fee specified in paragraph (a) of subsection 1 ~~[,]~~ must be paid, in addition to that fee, a per diem allowance in an amount equal to the per diem allowance provided in this subsection.

3. If a witness is from without the county ~~[,]~~ or, being a resident of another state, voluntarily appears as a witness at the request of the Attorney General or the district attorney and the board of county commissioners of the county in which the court is held, he is entitled to reimbursement for the actual and necessary expenses for going to and returning from the place where the court is held. He is also entitled to receive the same allowances for subsistence and lodging as are provided for state officers and employees generally.

4. Any person in attendance at a trial who is sworn as a witness is entitled to the fees, the per diem allowance, if any, travel expenses and any other reimbursement set forth in this section, irrespective of the service of a subpoena.

5. Witness fees, per diem allowances, travel expenses and other reimbursement in civil cases must be taxed as disbursement costs against the defeated party upon proof by affidavit that they have been actually incurred. Costs must not be allowed for more than two witnesses to the same fact or series of facts, and a party plaintiff or defendant must not be allowed any fees, per diem allowance, travel expenses or other reimbursement for attendance as a witness in his own behalf.

6. A person is not obligated to appear in a civil action or proceeding unless he has been paid an amount equal to 1 day's fees, the per diem allowance provided by the board pursuant to subsection 2, if any, and the travel expenses reimbursable pursuant to this section.

Sec. 2. **The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.**

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 323 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 333.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 97.

AN ACT relating to education; requiring the Legislative Committee on Education to study certain issues during the 2007-2009 interim; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Legislative Committee on Education is a permanent statutory committee of Legislators that meets during the interim between legislative sessions to study various issues relating to education. (NRS 218.5351-218.5355) This bill requires the Committee, during the 2007-2009 interim, to study the governance of public schools, including the ***governance structure for kindergarten through grade 12 and the*** feasibility and desirability of implementing a program of local autonomy for public schools. This bill also requires the Chairman of the Committee to appoint a subcommittee to study charter schools during the 2007-2009 interim.

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

Section 1. 1. The Legislative Committee on Education shall, during the 2007-2009 interim, conduct a study of the governance of the public schools in this State, including, without limitation ~~[, the]~~ **:**

(a) The feasibility and desirability of implementing a program of local autonomy for public schools ~~[.]~~ **; and**

(b) A review of the system of public education for kindergarten through grade 12 to ensure that the structure of governance is organized in a manner which provides for efficient operation and which meets the educational needs of the residents of this State.

2. The study must include, without limitation, a review of:

(a) Accountability measures that should be carried out by public schools that participate in a program of local autonomy;

(b) The provision of professional development for educational personnel in public schools that participate in a program of local autonomy in a manner that ensures effective school leaders;

(c) The effect of a program of local autonomy on existing collective bargaining agreements;

(d) The feasibility of performance-based contracts for employees of public schools that participate in a program of local autonomy;

(e) The duties, responsibilities and powers of principals of public schools that participate in a program of local autonomy;

(f) The role of teachers, parents and the community in decision making in public schools that participate in a program of local autonomy;

(g) The proposed effect of a program of local autonomy on the success and achievement of pupils;

(h) Guidelines for budgets for individual schools that participate in a program of local autonomy;

(i) The progress of the pilot project carried out in the Clark County School District referred to as "empowerment schools," including, without limitation, the identification of successful measures used in that pilot project which may be carried out as part of a statewide program of local autonomy for public schools; and

(j) The feasibility of authorizing individual teachers to negotiate year-round contracts with the school districts that employ the teachers.

➥ The Committee's review of the items set forth in this subsection must be made in recognition of the provisions of chapter 288 of NRS.

~~[2.]~~ **3.** The Legislative Committee on Education shall submit a report of the results of the study conducted pursuant to ~~[subsection 1]~~ **this section** and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

Sec. 2. 1. The Chairman of the Legislative Committee on Education shall appoint a subcommittee of the members of the Committee to study charter schools operating in this State.

2. The subcommittee appointed pursuant to subsection 1 shall:

(a) Review the accountability of charter schools and determine whether measures should be carried out to improve accountability;

(b) Review the money available for the operation of charter schools;

(c) Review the ability of charter schools to acquire suitable facilities and determine measures that may increase the availability of suitable facilities for charter schools;

(d) Review the governance structure of charter schools;

(e) Identify any restrictions on the operation of charter schools that should be revised or eliminated; and

(f) Identify practices carried out in other states to ensure the success of charter schools and determine the feasibility of carrying out those practices in this State.

3. On or before August 1, 2008, the subcommittee appointed pursuant to subsection 1 shall submit to the Legislative Committee on Education:

(a) A report of its findings; and

(b) Requests for the drafting of not more than five legislative measures which relate to matters within the scope of the study conducted by the subcommittee. Such requests are in addition to the number of requests

authorized for the Legislative Committee on Education in paragraph (a) of subsection 3 of NRS 218.2429.

4. The Legislative Committee on Education shall:

(a) Approve or deny the requests for the drafting of legislative measures of the subcommittee; and

(b) On or before February 1, 2009, submit the report of the subcommittee to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

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

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 485.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 98.

AN ACT relating to education; revising provisions relating to reports of accountability to include information relating to pupils who drop out of school in grade 8; revising provisions governing the attendance and truancy of pupils; authorizing a juvenile court to order a parent or guardian of a child to pay a fine ***under certain circumstances*** if the child is a habitual truant; authorizing a juvenile court to waive certain fines ~~[ordered against a child]~~ if the parent ***or guardian*** is ordered to pay fines in a court of competent jurisdiction; requiring the Legislative Committee on Education to study issues relating to truancy; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and 2 of this bill require a report of pupils who drop out of school in grade 8 to be included in the reports of accountability prepared by the State Board of Education and the boards of trustees of school districts. (NRS 385.3469, 385.347)

Section 3 of this bill requires the board of trustees of a school district located in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to establish a school attendance council. A board of trustees of a school district located in a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties) is authorized to establish a school attendance council. A school attendance council is required to implement a program to reduce the truancy of pupils and to monitor incidents of truancy of pupils within the district.

Existing law requires an advisory board to review school attendance created pursuant to NRS 392.126 to establish programs to reduce the truancy of pupils in the school district. (NRS 392.128) Section 5 of this bill requires

those programs to include the coordination of community services that provide assistance for pupils who are truant from school.

Section 6 of this bill requires the board of trustees of each school district to establish procedures to monitor the attendance and truancy of pupils within the school district.

Existing law makes it unlawful for a person to induce or attempt to induce a child to be unlawfully absent from school. (NRS 392.220) ***Section 7 of this bill makes the inducement or attempt unlawful if the person knowingly induces or attempts to induce the child to be unlawfully absent from school.*** Section 7 of this bill ***also*** clarifies that a parent or guardian may be in violation of this law if the parent ***knowingly*** induces or attempts to induce a child to be unlawfully absent from school.

Under existing law a child who is adjudicated to be in need of supervision because the child is a habitual truant may be ordered to pay a fine. (NRS 62A.430) Section 9 of this bill authorizes the juvenile court to order the parent or ~~[legal]~~ guardian of the child to pay a fine ~~[.]~~ ***if the parent or guardian knowingly induced the child to be a habitual truant.*** Section 9 also authorizes the juvenile court to waive a fine if a parent or guardian is ordered, by a court of competent jurisdiction, to pay a fine arising out of the same circumstances.

Section 11 of this bill requires the Legislative Committee on Education to form a subcommittee to study the issue of truancy and report its findings to the Committee on or before August 1, 2008.

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

Section 1. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following subgroups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the subgroups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(l) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(m) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(o) The annual rate of pupils who drop out of school in ***grade 8 and a separate reporting of the annual rate of pupils who drop out of school in*** grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole ***.*** ~~[,~~ ~~excluding]~~ ***The reporting for pupils in grades 9 to 12, inclusive, excludes*** pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(p) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(q) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(w) Each source of funding for this State to be used for the system of public education.

(x) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(y) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(z) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma.

(2) An adjusted diploma.

(3) A certificate of attendance.

(bb) The number and percentage of pupils who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(cc) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(dd) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ee) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

2. A separate reporting for a subgroup of pupils must not be made pursuant to this section if the number of pupils in that subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a subgroup for that subgroup to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before September 1 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed ***educational*** personnel ~~[in education]~~ in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the

educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of each school district shall:

(a) Report the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school.

(b) For the information that is reported in an aggregated format, include the data that is applicable to the charter schools sponsored by the school district but not the charter schools that are sponsored by the State Board.

(c) Denote separately in the report those charter schools that are located within the school district and sponsored by the State Board.

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations;

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school;

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following subgroups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board;

(4) A comparison of the achievement of pupils in each subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board;

(5) The percentage of pupils who were not tested;

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the subgroups identified in subparagraph (3);

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available;

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison; and

(9) For each school in the district, including, without limitation, each charter school in the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

➥ A separate reporting for a subgroup of pupils must not be made pursuant to this paragraph if the number of pupils in that subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a subgroup for that subgroup to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district.

(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school in the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty

schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(f) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school in the district.

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(h) The annual rate of pupils who drop out of school in ***grade 8 and a separate reporting of the annual rate of pupils who drop out of school in*** grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole ***.*** ~~[, excluding]~~ ***The reporting for pupils in grades 9 to 12, inclusive, excludes*** pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) An identification of each program of remedial study, listed by subject area.

(s) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who received:

(1) A standard high school diploma.

(2) An adjusted diploma.

(3) A certificate of attendance.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(dd) Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which he is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with

respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration; and

(6) Legislative Counsel Bureau,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before August 15 of each year, the board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee; and

(5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school in the district.

9. Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.

10. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 3. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of a school district located:

(a) In a county whose population is 100,000 or more, shall establish not less than one school attendance council within the school district.

(b) In a county whose population is less than 100,000, may establish a school attendance council within the school district.

2. A school attendance council established by the board of trustees must consist of members whose professional responsibilities relate to the prevention of truancy and the enforcement of laws relating to truancy, which may include, without limitation, a person in charge of monitoring attendance within the school district or a school, a representative from an agency which provides child welfare services, a representative from a law enforcement agency and a representative of the district attorney.

3. A school attendance council shall:

(a) Assist in the implementation of a program to reduce the truancy of pupils adopted by the advisory board to review school attendance pursuant to NRS 392.128.

(b) Monitor each incident involving the truancy of a pupil within the school district and document the efforts made by each school and the school district to assist the pupil in attending school.

(c) Monitor excessive absences of pupils within the school district and document the efforts made by each school and the school district to assist pupils in attending school.

[(c)] (d) Prepare an annual report which includes a compilation of the disposition of incidences involving the truancy of pupils during the immediately preceding school year. On or before August 1 of each year the report must be submitted to the Department and the Legislative Committee on Education. The annual report must not disclose the identity of an individual pupil.

[(d)] (e) Receive and retain a report from a family resource center or other provider of community services that assists pupils who are truant. As used in this paragraph, "family resource center" has the meaning ascribed to it in NRS 430A.040.

Sec. 4. NRS 392.127 is hereby amended to read as follows:

392.127 The board of trustees of each school district shall provide administrative support to [each advisory] ***:***

1. Each advisory board to review school attendance created in its county pursuant to NRS 392.126.

2. If applicable, each school attendance council established pursuant to section 3 of this act.

Sec. 5. NRS 392.128 is hereby amended to read as follows:

392.128 1. Each advisory board to review school attendance created pursuant to NRS 392.126 shall:

(a) Review the records of the attendance and truancy of pupils submitted to the advisory board to review school attendance by the board of trustees of the school district pursuant to subsection 7 of NRS 385.347;

(b) Identify factors that contribute to the truancy of pupils in the school district;

(c) Establish programs to reduce the truancy of pupils in the school district ~~[.]~~ ***, including, without limitation, the coordination of services available in the community to assist with the intervention, diversion and discipline of pupils who are truant;***

(d) At least annually, evaluate the effectiveness of those programs;

(e) Establish a procedure for schools and school districts for the reporting of the status of pupils as habitual truants; and

(f) Inform the parents and legal guardians of the pupils who are enrolled in the schools within the district of the policies and procedures adopted pursuant to the provisions of this section.

2. The chairman of an advisory board may divide the advisory board into subcommittees. The advisory board may delegate one or more of the duties of the advisory board to a subcommittee of the advisory board, including, without limitation, holding hearings pursuant to NRS 392.147. If the chairman of an advisory board divides the advisory board into subcommittees, the chairman shall notify the board of trustees of the school district of this action. Upon receipt of such a notice, the board of trustees shall establish rules and procedures for each such subcommittee. A subcommittee shall abide by the applicable rules and procedures when it takes action or makes decisions.

3. ***An advisory board to review school attendance may work with a family resource center or other provider of community services to provide assistance to pupils who are truant. The advisory board shall identify areas within the school district in which community services are not available to assist pupils who are truant. As used in this subsection, "family resource center" has the meaning ascribed to it in NRS 430A.040.***

4. An advisory board to review school attendance created in a county pursuant to NRS 392.126 may use money appropriated by the Legislature and any other money made available to the advisory board for the use of programs to reduce the truancy of pupils in the school district. The advisory board to review school attendance shall, on a quarterly basis, provide to the board of trustees of the school district an accounting of the money used by the advisory board to review school attendance to reduce the truancy of pupils in the school district.

Sec. 6. NRS 392.150 is hereby amended to read as follows:

392.150 ***1.*** The board of trustees of a school district may ~~[:~~

~~1. Appoint~~] ***appoint*** an attendance officer ~~[.]~~ ***for the school district,*** who need not be a licensed employee of the school district, except that in any school district where a system of classified employment is in effect, attendance officers must be classified employees of the school district. ***If the board of trustees appoints an attendance officer for the school district, the board of trustees may:***

~~[2.]~~ ***(a)*** Fix his compensation ~~[.]~~ ***;***

~~[3.]~~ ***(b)*** Prescribe his duties ~~[.]~~ ***; and***

~~[4.]~~ ***(c)*** Adopt regulations not inconsistent with law for the performance of his duties.

2. The board of trustees of each school district shall:

(a) Establish procedures to monitor the attendance and truancy of pupils, including, without limitation, a standard method for reporting the truancy of pupils and a standard method for reporting excessive absences of pupils throughout the school district;

(b) Coordinate efforts to refer pupils who are truant to appropriate providers of community services; and

(c) Determine, based on the attendance and truancy of pupils at each school within the school district, whether to employ an attendance clerk for a particular school or group of schools whose primary responsibility is to monitor the attendance and truancy of pupils.

Sec. 7. NRS 392.220 is hereby amended to read as follows:

392.220 1. Any person ***, including, without limitation, a parent or legal guardian of a child,*** who ***knowingly*** induces or attempts to induce any child to be absent from school unlawfully, ***including, without limitation, requiring the child to provide care for a sibling while school is in session,*** or who knowingly employs or harbors, while school is in session, any child absent unlawfully from school, is guilty of a misdemeanor.

2. The attendance officer ***for the school district, an attendance clerk*** or any other school officer is empowered to visit any place or establishment where minor children are employed to ascertain whether the provisions of this title of NRS are complied with fully, and may demand from all employers of such children a list of children employed, with their names and ages.

Sec. 8. NRS 62E.270 is hereby amended to read as follows:

62E.270 1. If the juvenile court imposes a fine against:

(a) A delinquent child pursuant to NRS 62E.730;

(b) A child who has committed a minor traffic offense, except an offense related to metered parking, pursuant to NRS 62E.700; or

(c) A child in need of supervision ***, or the parent or guardian of the child,*** because the child is a habitual truant pursuant to NRS 62E.430,

➥ the juvenile court shall order the child or the parent or guardian of the child to pay an administrative assessment of $10 in addition to the fine.

2. The juvenile court shall state separately on its docket the amount of money that the juvenile court collects for the administrative assessment.

3. If the child is found not to have committed the alleged act or the charges are dropped, the juvenile court shall return to the child or the parent or guardian of the child any money deposited with the juvenile court for the administrative assessment.

4. On or before the fifth day of each month for the preceding month, the clerk of the court shall pay to the county treasurer the money the juvenile court collects for administrative assessments.

5. On or before the 15th day of each month, the county treasurer shall deposit the money in the county general fund for credit to a special account for the use of the county's juvenile court or for services to delinquent children.

Sec. 9. NRS 62E.430 is hereby amended to read as follows:

62E.430 1. If a child is adjudicated to be in need of supervision because the child is a habitual truant, the juvenile court shall:

(a) The first time the child is adjudicated to be in need of supervision because the child is a habitual truant:

(1) Order ~~[the child]~~ ~~[to:~~

~~(I) Pay]~~ ***~~[or the parent or guardian of the child]~~ :***

(I) The child to pay a fine of not more than $100 and the administrative assessment required by NRS 62E.270 ~~[;]~~ ***or if the parent or guardian of the child knowingly induced the child to be a habitual truant, order the parent or guardian to pay the fine and the administrative assessment;*** or

(II) ~~[Perform]~~

~~[~~ ~~(2) Order the]~~ The child to perform not less than 8 hours but not more than 16 hours of community service; and

(2) ***~~[(3)]~~*** If the child is 14 years of age or older, order the suspension of the driver's license of the child for at least 30 days but not more than 6 months. If the child does not possess a driver's license, the juvenile court shall prohibit the child from applying for a driver's license for 30 days:

(I) Immediately following the date of the order if the child is eligible to apply for a driver's license; or

(II) After the date the child becomes eligible to apply for a driver's license if the child is not eligible to apply for a driver's license.

(b) The second or any subsequent time the child is adjudicated to be in need of supervision because the child is a habitual truant:

(1) Order ~~[the child to:~~

~~(I) Pay]~~ ***:***

(I) The child ~~[or the parent or guardian of the child]~~ to pay a fine of not more than $200 and the administrative assessment required by NRS 62E.270 ~~[;]~~ ***or if the parent or guardian of the child knowingly induced the child to be a habitual truant, order the parent or guardian to pay the fine and the administrative assessment;***

(II) ~~[Perform]~~

~~[~~ ~~(II)]~~ ***The child to perform*** not more than 10 hours of community service; or

(III) ~~[Comply]~~ ***Compliance*** with the requirements set forth in both sub-subparagraphs (I) and (II); and

(2) If the child is 14 years of age or older, order the suspension of the driver's license of the child for at least 60 days but not more than 1 year. If the child does not possess a driver's license, the juvenile court shall prohibit the child from applying for a driver's license for 60 days:

(I) Immediately following the date of the order if the child is eligible to apply for a driver's license; or

(II) After the date the child becomes eligible to apply for a driver's license if the child is not eligible to apply for a driver's license.

2. The juvenile court may suspend the payment of a fine ordered pursuant to paragraph (a) of subsection 1 if the child attends school for 60 consecutive school days, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, after the imposition of the fine, or has a valid excuse acceptable to his teacher or the principal for any absence from school within that period.

3. ***The juvenile court may suspend the payment of a fine ordered pursuant to this section if the parent or guardian of a child is ordered to pay a fine by another court of competent jurisdiction in a case relating to or arising out of the same circumstances that caused the juvenile court to adjudicate the child in need of supervision.***

4. The community service ordered pursuant to this section must be performed at the child's school of attendance, if practicable.

Sec. 10. NRS 430A.160 is hereby amended to read as follows:

430A.160 1. Each family resource center shall provide referrals to obtain, if available, the following services:

(a) Education on caring for infants and day care services for infants;

(b) Education on parenting;

(c) Health care services for children, including all required immunizations;

(d) Programs to identify and assist developmentally disabled infants and young children of up to 5 years of age;

(e) Day care for children who are old enough to attend school, both before and after school;

(f) Programs to assist senior citizens;

(g) Programs to supplement formal education, including, without limitation, mentor programs for pupils in elementary and secondary schools, literacy programs, programs that encourage parental involvement in school, programs that teach English as a second language, programs to assist in the naturalization process and other alternative educational programs;

(h) Programs to teach adults and children skills for employment and self-sufficiency;

(i) Services that will assist families with physical and mental health issues, the special needs of children, food and nutritional needs, recreational needs, housing problems, domestic violence and substance abuse;

(j) Programs designed to reduce the rate of pregnancies in unmarried teenage girls;

(k) Programs designed to ***assist pupils who are truant from school and to*** reduce the rate at which pupils drop out of school;

(l) Transportation services, particularly to assist people in traveling to the social service agencies from which they may be receiving services pursuant to this section;

(m) Classes that teach alternative means of resolving disputes that arise in the family; and

(n) Any other services for which the communities that the family resource center serves have a need.

2. Each family resource center may offer services directly through its own employees and resources or contract with social service agencies to provide services, or may do both.

3. Any family resource center that offers services directly through its own employees and resources shall comply with all applicable state and federal laws and regulations regarding the delivery of the services.

Sec. 11. 1. The Chairman of the Legislative Committee on Education shall appoint a subcommittee of the members of the Committee to study issues relating to truancy during the 2007-2009 interim.

2. The subcommittee appointed pursuant to subsection 1 shall:

(a) Study and evaluate truancy and issues relating to pupils who are truant from school, including, without limitation, measures of prevention, intervention and diversion and the imposition of appropriate discipline.

(b) Examine the effectiveness of existing programs designed to reduce the number of pupils who are truant from school and identify programs throughout the State or in other states that are effective.

(c) Develop recommendations for a plan to reduce the number of pupils who are truant from school.

3. On or before August 1, 2008, the subcommittee appointed pursuant to subsection 1 shall submit to the Legislative Committee on Education:

(a) A report of its findings; and

(b) Requests for the drafting of not more than five legislative measures which relate to matters within the scope of the study conducted by the subcommittee. Such requests are in addition to the number of requests authorized for the Legislative Committee on Education in paragraph (a) of subsection 3 of NRS 218.2429.

4. The Legislative Committee on Education shall:

(a) Approve or deny the requests for the drafting of legislative measures of the subcommittee; and

(b) On or before February 1, 2009, submit the report of the subcommittee to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

Sec. 12. The provisions of section 9 of this act do not apply to a parent or guardian of a child who is adjudicated in need of supervision because he is a habitual truant if all acts of truancy occurred before July 1, 2007.

Sec. 13. This act becomes effective on July 1, 2007.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Assemblyman Oceguera moved that upon return from the printer Assembly Bill No. 485 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 493.

Bill read second time and ordered to third reading.

Assembly Bill No. 562.

Bill read second time and ordered to third reading.

Assembly Bill No. 566.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 133.

AN ACT relating to education; making an appropriation to ComputerCorps to provide refurbished computers to certain pupils and their families; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State General Fund to ComputerCorps the sum of $1,953,000.

2. ComputerCorps shall use the money appropriated by subsection 1 to:

(a) Provide refurbished computers to pupils enrolled in public schools in this State and their families for use at home, based upon the recommendation of the school districts concerning the need of certain pupils and their families for a computer at home; **and**

(b) Provide **one-time group** training to the pupils and their families who receive a refurbished computer concerning the ~~[use of the computer; and~~

~~(c) Provide technology training for youth through the ComputerCorps "TechCamp."]~~ **set-up and basic operation of the computer system.**

3. Upon acceptance of the money appropriated by subsection 1, ComputerCorps shall:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2008, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by ComputerCorps through December 1, 2008;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 18, 2009, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by ComputerCorps through June 30, 2009; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of ComputerCorps, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

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

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

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 582.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 582 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 18.

Bill read third time.

Remarks by Assemblyman Mabey.

Roll call on Assembly Bill No. 18:

YEAS—41.

NAYS—Gerhardt.

Assembly Bill No. 18 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 30.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 30:

YEAS—42.

NAYS—None.

Assembly Bill No. 30 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 92.

Bill read third time.

Remarks by Assemblymen Anderson and Weber.

Roll call on Assembly Bill No. 92:

YEAS—42.

NAYS—None.

Assembly Bill No. 92 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 112.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 112:

YEAS—42.

NAYS—None.

Assembly Bill No. 112 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 364.

Bill read third time.

Remarks by Assemblymen Horne, Cobb, and Carpenter.

Roll call on Assembly Bill No. 364:

YEAS—34.

NAYS—Beers, Christensen, Cobb, Gansert, Mabey, Marvel, Settelmeyer, Stewart—8.

Assembly Bill No. 364 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 482.

Bill read third time.

Remarks by Assemblyman Mabey.

Roll call on Assembly Bill No. 482:

YEAS—42.

NAYS—None.

Assembly Bill No. 482 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Jenny Ricci, Emily Gadbois, and Jake Bayliss.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Brown Elementary School: Mercedes Anderson, Kai Arnone, Aamir Aziz, David Bang, Annie Beckstrand, Adam Bright, Caty Eisele, Bryce Fording, Alexis Iacoboni, Daniel Lofstrand, Ian Meintjes, Heather Metcalfe, Wyatt Nebe, Evelyne Oppliger, Garrison Oppliger, Ayden Paiva, Zoe Ramirez, Joshua Ramos, Carly Roth, Geno Savini, Christopher Serio, Cooper Small, Connor Speir, Bryce Tomaszewski, Melissa Tuttle, Michael Church, Meagan Aceves, Tommy Anantasomboon, Schuyler Davis, Jenna Edmondo, Byrne Falke, Grant Goff, Patricia Jacobson, Carson Le Houillier, Zackary Lessinger, Macy Mackay, Andrew Maienschein, Alexis Negron, Katherine Osgood, Kaleigh Reynolds, Steven Rose, Evan Seward, Mason Sizemore, Chance Stewart, Whitney Sturges, Kate Taormina, Lauren Tran-Oberding, Gregorio Alvarez, Chase Wetherington, Angela Wong, Amanda Wood, Avneet Chhabra, Judy Garcia, Janel Blanco, Haley Johnson, Jared Blake, Kalin Bland, David Catalano, Hunter Fehr, David Gonzalez, Joshua Lopey, Eric Mena, Luke Morse, Aimee Nguyen, Lyndsay Olive, Alexis Orellana, Gabriel Ortega, Caitlin Parenti, Celeste Pasillas, Ethan Poulton, Emma Stigall, Whitney Sturges, Divya Tenneti, Nathan Trimm, Jordan Weaver, Charles Dauwalter, Kevin Salazar, Nathan Kelly, Jayde Mitchell, Brendan Morris, Noah Blajos, Stefan Arnone, Samantha Bird, Thomas Bock, Emily Etter, Tyler Ewing, Daniel Grady, Sophia Grohs, Graham Gunderson, Austin Kelley, Jennifer Mamola, Alyssa Marlow, Eiledon McAvay, Mackenzi McKee, Aaron McWatt, Kenneth Method, Coleman Monahan, Daniel Pierrott, Deagan Pierrott, Kyla Rickman, Adam Rogers, Ryan Salivar, Eric Simonsen, Amitvir Takhar, Cameron Thater, Taylor Wood, Elijah Martin; teachers Cindy Kahl, Andrea Baker, Kara Keyes; chaperones Lauren Farrar, Julie Strachan, Jason Aceves, Keith Davis, Kellie Hansen, Hugh Ricci, Emilio Pasillas, Darren Mitchell, Jaime Rogers, and Ginn Grohs.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Katrina Willis.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Debbie Dauenhauer.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Cheryl Perryman.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from William O'Brien Middle School: Alex Cook, Alysia Chavez, Amber Dutra, Angel Ortiz, Ashley Rains, Austin Davis, Becky Mueller, Bobbie Cuevas, Brenda Rodriguez, Brenda Rodriguez-Jacobo, Brooke Fowler, Chad Peaslee, Cheriann Cook, Chris Young, Cierra Robinson, Clarissa Dominguez, Dannae Soto, Dylan Cleary, Eric Ciavarelli, Evelyn Lopez, George Machado, Gladys Salazar, Gus Garcia, Irma Delgado, Ivanna Morfin, Jay Inso, Jenny Guzman, Joleen Braithwaite, Jose Perez-Sanchez, Juan Perez-Ramirez, Kim Guardado, Madison Harrison, Monica Ponce, Nicole Davidson, Orlando Mejia, Rosio Bogarin, Ryan Souza, Tyler Stuard, Zarahy Romero, Alex Fong, Ana Ontiveros, Andrew Fritter, Andrew Martinez, Angel Ibarra, Anthony Beltran, April Girard, Ariel Dross, Brandon Perez, Brittanie Jones, Cathy Tuzon, Cesilia Payen, Charles Poindexter, Chelsea Mead, Diego Zamudio, Edwin Martin, Ike Sanders, Ingrid Bravo, Isabel Solorzano, Jaime Lopez, Javier Velez, Jaycee Valencia, Jayme Penberthy, Jorge Rosales, Joselinne Figueroa, Juan Ortiz, Justin Gerard, Kurtis Gibney, Kyle Purdy, Linda Rubio, Luis Garcia, Miguel Fuentes, Patrick Hamilton, Peter Skibinowsky, Raul Silverio, Sean Lokke, Tatiana Amador, Tyler France, Arely Andrade, Ashley Mazzanti, Austin Villarreal, Bernie Rangell, Brian Smith, Cathy Amaya, Chris Campbell, Cody Idso, Cody Pritchard, Danny Smith, Desean Bible, Eduar Martinez, Feliz Sandoval, Gabby Holbrook, Glenn Lopez, Humberto Chavez, Jasmine Garcia, Jason Moriarty, Jordan Garcia, Karlee Jones, Kassie Lissenbee, Kassandra Michel, Kenichi Rogers, Laura Castro, Marcos Alas, Monserrat Quinonez, Morgan Mclachlan, Naomi Margraf, Phillip Kellogg, Roberto Contreras, Salvador Vega, Santiago Sanchez, Stacy Navarro, Stephen Lemons, Steven Morales, Tiffany Teninty, Trevor Johnson, Veronica Gonzalez; teachers Amy Waters, Pete Fendelander, Samara Wenten, Jennifer Haney, Christina Leavitt, Bryan Scott; chaperones DeeDee Cook, Billee Hirsh, Monica Griggs, Jim Mueller, Josefina Muniz, Norma Kaponen, Jonathan Sandoval, Westley Campbell, Brian Smith, and Yadira Valdez; Sharon Andreasen and Shari Andreasen.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to David McClain.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Nadine Blakeley and Jessica Blakeley.

Assemblyman Oceguera moved that the Assembly adjourn until Thursday, April 12, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 12:47 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SEVENTY-FOURTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2007

BEGUN ON MONDAY, THE FIFTH DAY OF FEBRUARY, AND ENDED ON MONDAY, THE FOURTH DAY OF JUNE

VOLUME 2

THE SIXTY-SEVENTH DAY—THE SEVENTY-FOURTH DAY

SEE VOLUME 1 FOR TABLE OF CONTENTS
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ARRANGEMENT AND CONTENTS OF VOLUME 2

ASSEMBLY PROCEEDINGS 537

THE SIXTY-SEVENTH DAY

CARSON CITY (Thursday), April 12, 2007

Assembly called to order at 11:05 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Marie Hanson.

I invite you to give this moment this morning, give it to one another—joining together our hearts and minds, recognizing the Oneness of all that is, all that is present in each of us, all that is good is God. Being one with spirit and with each other we relax, we let go, we let God. For it is in this acknowledgment we attract exactly what is needed for us and for our sisters and brothers. For this we give great thanks. And so it is.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 329, 366, 468, 560, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bills Nos. 2, 7, 24, 41, 56, 89, 114, 128, 178, 215, 224, 294, 303, 531, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 277, has had the same under consideration, and begs leave to report the same back with the recommendation: Rerefer to the Committee on Ways and Means.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Education, to which was re-referred Assembly Bill No. 318, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and rerefer to the Committee on Ways and Means.

Also, your Committee on Education, to which was referred Assembly Bill No. 334, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Joint Resolution No. 1 of the 22nd Special Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HARRY MORTENSON, *Chair*

Madam Speaker:

Your Concurrent Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Joint Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

HARRY MORTENSON, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 324, 486. 598 has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 410, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 247, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 190, 359, 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 58, 72, 307, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Joint Resolution No. 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 343, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JERRY D. CLABORN, *Chair*

Madam Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 93, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Taxation, to which were referred Assembly Bills Nos. 368, 587, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

KATHY MCCLAIN, *Chair*

Madam Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 552, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which were referred Assembly Bills Nos. 29, 54, 71, 76, 176, 265, 266, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 554, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 102, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 9, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 40, 481, 490; Senate Joint Resolution No. 6.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 16, 30, 35, 133.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 10, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 155, 243, 303, 320; Senate Joint Resolution No. 8.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 20, 93, 142, 342.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 11, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 300.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 14, 31, 89, 129, 143, 288, 289.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 18.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 12, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 295, 590 and 608.

MARK STEVENS
Fiscal Analysis Division

April 12, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 586.

MARK STEVENS
Fiscal Analysis Division

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

Motion carried.

Assemblyman Oceguera moved that CBS NEWS: Blake Hottle, Douglas Longhini, Scott Osterman; RENO SPARKS VIDEO PRODUCTIONS: William G. Pearce, Jr. be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chambers and that they be allowed use of appropriate broadcasting facilities.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 277 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 318 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 324 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 368 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 486 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 587 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 598 be rereferred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 14.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 16.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 20.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 30.

Assemblyman Oceguera moved that the bill be referred to the Select Committee on Corrections, Parole, and Probation.

Motion carried.

Senate Bill No. 31.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 35.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 40.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 89.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 93.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 129.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 133.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 142.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 143.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 155.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 243.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 288.

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

Motion carried.

Senate Bill No. 289.

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

Motion carried.

Senate Bill No. 300.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 303.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 320.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 342.

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

Motion carried.

Senate Bill No. 481.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 490.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 6.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Senate Joint Resolution No. 8.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Concurrent Resolution No. 18.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Education.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 4.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 198.

AN ACT relating to civil actions; revising **certain** provisions providing immunity from civil liability for certain medical facilities and certain medical professionals who render certain emergency ~~[obstetrical]~~ care or assistance under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides immunity from civil liability to certain medical professionals who provide certain services at the scene of an emergency or during the transportation of a person from the scene of an emergency. (Subsection 1 of NRS 41.505) Sections 2 and 5 of this bill move that immunity into a new separate section.

~~[Under existing law,]~~ **Existing law provides immunity from civil liability to** certain medical professionals who provide emergency obstetrical care or assistance to a pregnant woman during the birth of a child and the medical facilities in which such care or assistance is rendered ~~[are immune from civil liability]~~ for damages caused by the care or assistance if certain conditions are satisfied. ~~[One of the required conditions is that the damages must be reasonably related to or primarily caused by a lack of prenatal care received by the woman. (NRS 41.505) This bill eliminates that condition as a~~

~~requirement to obtaining immunity from civil liability.~~] **(Subsection 3 of NRS 41.505) Sections 3 and 5 of this bill move that immunity into a new separate section.**

Existing law provides immunity from civil liability to physicians and nurses who render emergency care or assistance gratuitously and in good faith in an emergency in certain circumstances. An exception is included in that provision so that it does not apply if the provision concerning immunity to physicians who provide obstetrical care or assistance to a pregnant woman during labor or the delivery of a child applies. Section 5 of this bill removes that exception and specifies that the immunity applies to emergency obstetrical care or assistance which is provided gratuitously and in good faith.

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

Section 1. **Chapter 41 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.**

Sec. 2. ***1. Any physician or registered nurse who in good faith gives instruction or provides supervision to an emergency medical attendant or registered nurse, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in giving that instruction or providing that supervision.***

2. An emergency medical attendant, registered nurse or licensed practical nurse who obeys an instruction given by a physician, registered nurse or licensed practical nurse and thereby renders emergency care, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in rendering that emergency care.

Sec. 3. ***1. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who renders emergency obstetrical care or assistance to a pregnant woman during labor or the delivery of the child is not liable for any civil damages as a result of any act or omission by him in rendering that care or assistance if:***

(a) The care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct;

(b) The person has not previously provided prenatal or obstetrical care to the woman; and

(c) The damages are reasonably related to or primarily caused by a lack of prenatal care received by the woman.

2. A licensed medical facility in which such care or assistance is rendered is not liable for any civil damages as a result of any act or omission by the person in rendering that care or assistance if that person is

not liable for any civil damages pursuant to subsection 1 and the actions of the medical facility relating to the rendering of that care or assistance do not amount to gross negligence or reckless, willful or wanton conduct.

Sec. 4. **NRS 41.503 is hereby amended to read as follows:**

41.503 1. Except as otherwise provided in subsection 2 and NRS 41.505 ~~[,]~~ ***and sections 2 and 3 of this act:***

(a) A hospital which has been designated as a center for the treatment of trauma by the Administrator of the Health Division of the Department of Health and Human Services pursuant to NRS 450B.237 and which is a nonprofit organization;

(b) A hospital other than a hospital described in paragraph (a);

(c) An employee of a hospital described in paragraph (a) or (b) who renders care or assistance to patients;

(d) A physician or dentist licensed under the provisions of chapter 630, 631 or 633 of NRS who renders care or assistance in a hospital described in paragraph (a) or (b), whether or not the care or assistance was rendered gratuitously or for a fee; and

(e) A physician or dentist licensed under the provisions of chapter 630, 631 or 633 of NRS:

(1) Whose liability is not otherwise limited pursuant to NRS 41.032 to 41.0337, inclusive; and

(2) Who renders care or assistance in a hospital of a governmental entity that has been designated as a center for the treatment of trauma by the Administrator of the Health Division of the Department of Health and Human Services pursuant to NRS 450B.237, whether or not the care or assistance was rendered gratuitously or for a fee,

that in good faith renders care or assistance necessitated by a traumatic injury demanding immediate medical attention, for which the patient enters the hospital through its emergency room or trauma center, may not be held liable for more than $50,000 in civil damages, exclusive of interest computed from the date of judgment, to or for the benefit of any claimant arising out of any act or omission in rendering that care or assistance if the care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct.

2. The limitation on liability provided pursuant to this section does not apply to any act or omission in rendering care or assistance:

(a) Which occurs after the patient is stabilized and is capable of receiving medical treatment as a nonemergency patient, unless surgery is required as a result of the emergency within a reasonable time after the patient is stabilized, in which case the limitation on liability provided by subsection 1 applies to any act or omission in rendering care or assistance which occurs before the stabilization of the patient following the surgery; or

(b) Unrelated to the original traumatic injury.

3. If:

(a) A physician or dentist provides follow-up care to a patient to whom he

rendered care or assistance pursuant to subsection 1;

(b) A medical condition arises during the course of the follow-up care that is directly related to the original traumatic injury for which care or assistance was rendered pursuant to subsection 1; and

(c) The patient files an action for malpractice based on the medical condition that arises during the course of the follow-up care,

there is a rebuttable presumption that the medical condition was the result of the original traumatic injury and that the limitation on liability provided by subsection 1 applies with respect to the medical condition that arises during the course of the follow-up care.

4. For the purposes of this section:

(a) "Reckless, willful or wanton conduct," as it applies to a person to whom subsection 1 applies, shall be deemed to be that conduct which the person knew or should have known at the time he rendered the care or assistance would be likely to result in injury so as to affect the life or health of another person, taking into consideration to the extent applicable:

(1) The extent or serious nature of the prevailing circumstances;

(2) The lack of time or ability to obtain appropriate consultation;

(3) The lack of a prior medical relationship with the patient;

(4) The inability to obtain an appropriate medical history of the patient; and

(5) The time constraints imposed by coexisting emergencies.

(b) "Traumatic injury" means any acute injury which, according to standardized criteria for triage in the field, involves a significant risk of death or the precipitation of complications or disabilities.

~~[Section 1.]~~ ***Sec. 5.*** NRS 41.505 is hereby amended to read as follows:

41.505 1. ~~[Any physician or registered nurse who in good faith gives instruction or provides supervision to an emergency medical attendant or registered nurse, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in giving that instruction or providing that supervision. An emergency medical attendant, registered nurse or licensed practical nurse who obeys an instruction given by a physician, registered nurse or licensed practical nurse and thereby renders emergency care, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in rendering that emergency care.~~

~~2. Except as otherwise provided in subsection 3, any]~~ ***Any*** person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state, who renders emergency care or assistance ***, including, without limitation, emergency obstetrical care or assistance,*** in an emergency, gratuitously and in good

faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance or as a result of any failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person. This section does not excuse a physician or nurse from liability for damages resulting from his acts or omissions which occur in a licensed medical facility relative to any person with whom there is a preexisting relationship as a patient.

~~[3. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who renders emergency obstetrical care or assistance to a pregnant woman during labor or the delivery of the child is not liable for any civil damages as a result of any act or omission by him in rendering that care or assistance if:~~

~~(a) The care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct;~~ and

~~(b) The person has not previously provided prenatal or obstetrical care to the woman .]~~ ~~[; and~~

~~(c) The damages are reasonably related to or primarily caused by a lack of prenatal care received by the woman.]~~

~~[A licensed medical facility in which such care or assistance is rendered is not liable for any civil damages as a result of any act or omission by the person in rendering that care or assistance if that person is not liable for any civil damages pursuant to this subsection and the actions of the medical facility relating to the rendering of that care or assistance do not amount to gross negligence or reckless, willful or wanton conduct.]~~

~~[4.]~~ ***2.*** Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who:

(a) Is retired or otherwise does not practice on a full-time basis; and

(b) Gratuitously and in good faith, renders medical care within the scope of his license to an indigent person,

is not liable for any civil damages as a result of any act or omission by him, not amounting to gross negligence or reckless, willful or wanton conduct, in rendering that care.

~~[5.]~~ ***3.*** Any person licensed to practice medicine under the provisions of chapter 630 or 633 of NRS or licensed to practice dentistry under the provisions of chapter 631 of NRS who renders care or assistance to a patient for a governmental entity or a nonprofit organization is not liable for any civil damages as a result of any act or omission by him in rendering that care or assistance if the care or assistance is rendered gratuitously, in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct.

~~[6.]~~ ***4.*** As used in this section:

(a) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to chapter 450B of NRS.

(b) "Gratuitously" has the meaning ascribed to it in NRS 41.500.

Sec. 6. **The provisions of this act apply only to a cause of action that accrues on or after October 1, 2007.**

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 8.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 77.

SUMMARY— ~~[Prohibits a person from being admitted to bail for at least 12 hours.]~~ ***Makes various changes concerning bail or release*** after ~~[his.]~~ ***an*** arrest for driving a vehicle or operating a vessel under the influence of intoxicating liquor or ~~[a controlled substance.]~~ ***certain other substances.*** (BDR 14-704)

AN ACT relating to ~~[driving under the influence; prohibiting a person from being admitted to bail for at least 12 hours after his arrest.]~~ ***criminal procedure; revising provisions governing the right to bail or release before a conviction*** for driving a vehicle or operating a vessel under the influence of intoxicating liquor ***,*** ~~[or]~~ a controlled substance ~~[;]~~ ***or certain other substances;*** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill prohibits a person who is arrested for driving a vehicle or operating a vessel under the influence of intoxicating liquor ~~[or a controlled substance]~~ from being ~~[brought before a magistrate and]~~ admitted to bail ***or released on his own recognizance until the concentration of alcohol in his breath is less than 0.04. Section 1 also prohibits a person who is arrested for driving a vehicle or operating a vessel under the influence of a controlled substance or certain other substances from being admitted to bail or released on his own recognizance*** for at least 12 hours after his arrest. (NRS 178.484 ***)*** ~~[, 484.791)]~~

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

Section 1. NRS 178.484 is hereby amended to read as follows:

178.484 1. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.

2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:

(a) A court issues an order directing that the person be admitted to bail;

(b) The State Board of Parole Commissioners directs the detention facility to admit the person to bail; or

(c) The Division of Parole and Probation of the Department of Public Safety directs the detention facility to admit the person to bail.

3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:

(a) A court issues an order directing that the person be admitted to bail; or

(b) A department of alternative sentencing directs the detention facility to admit the person to bail.

4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

5. ***A person arrested for a violation of NRS 484.379, 484.3795, 484.37955, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be admitted to bail or released on his own recognizance unless he has a concentration of alcohol of less than 0.04 in his breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his breath as a condition of admission to bail or release is not admissible as evidence against the person.***

6. A person arrested for a violation of NRS 484.379, 484.3795, 484.37955, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely driving or exercising actual physical control of a vehicle or vessel under power or sail must not be admitted to bail or released on his own recognizance sooner than 12 hours after his arrest.

~~[6.]~~ ***7.*** A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after his arrest. If the person is admitted to bail more than 12 hours after his arrest, pursuant to subsection 5 of NRS 171.178, without appearing personally before a magistrate, or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is

no reason to believe that the battery for which he has been arrested resulted in substantial bodily harm;

(b) Five thousand dollars, if the person has:

(1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for which he has been arrested resulted in substantial bodily harm; or

(2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for which he has been arrested resulted in substantial bodily harm; or

(c) Fifteen thousand dollars, if the person has:

(1) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 and there is reason to believe that the battery for which he has been arrested resulted in substantial bodily harm; or

(2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018.

The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

~~[6.]~~ ~~[7.]~~ ***8.*** A person arrested for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS must not be admitted to bail sooner than 12 hours after his arrest if the arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm. If the person is admitted to bail more than 12 hours after his arrest, pursuant to subsection 5 of NRS 171.178, without appearing personally before a magistrate, or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS;

(b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or

extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS; or

(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS.

The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

~~[7.]~~ ~~[8.]~~ ***9.*** The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.

~~[8.]~~ ~~[9.]~~ ***10.*** Before releasing a person arrested for any crime, the court may impose such reasonable conditions on the person as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation:

(a) Requiring the person to remain in this State or a certain county within this State;

(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on his behalf;

(c) Prohibiting the person from entering a certain geographic area; or

(d) Prohibiting the person from engaging in specific conduct that may be harmful to his own health, safety or welfare, or the health, safety or welfare of another person.

In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.

~~[9.]~~ ~~[10.]~~ ***11.*** If a person fails to comply with a condition imposed pursuant to subsection ~~[8,]~~ ~~[9,]~~ ***10,*** the court may, after providing the person with reasonable notice and an opportunity for a hearing:

(a) Deem such conduct a contempt pursuant to NRS 22.010; or

(b) Increase the amount of bail pursuant to NRS 178.499.

~~[10.]~~ ~~[11.]~~ ***12.*** An order issued pursuant to this section that imposes a condition on a person admitted to bail must include a provision ordering any law enforcement officer to arrest the person if he has probable cause to believe that the person has violated a condition of his bail.

~~[11.]~~ ~~[12.]~~ ***13.*** Before a person may be admitted to bail, he must sign a document stating that:

(a) He will appear at all times and places as ordered by the court releasing him and as ordered by any court before which the charge is subsequently heard;

(b) He will comply with the other conditions which have been imposed by the court and are stated in the document; and

(c) If he fails to appear when so ordered and is taken into custody outside of this State, he waives all his rights relating to extradition proceedings.

The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.

~~[12.]~~ ~~[13.]~~ ***14.*** If a person admitted to bail fails to appear as ordered by a court and the jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial, the person who failed to appear is responsible for paying those costs as restitution.

~~[13.]~~ ~~[14.]~~ ***15.*** For the purposes of subsection ~~[6,]~~ ~~[7,]~~ ***8,*** an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.

Sec. 2. NRS 178.4851 is hereby amended to read as follows:

178.4851 1. Upon a showing of good cause, a court may release without bail any person entitled to bail if it appears to the court that it can impose conditions on the person that will adequately protect the health, safety and welfare of the community and ensure that he will appear at all times and places ordered by the court.

2. In releasing a person without bail **,** the court may impose such conditions as it deems necessary to protect the health, safety and welfare of the community and to ensure that he will appear at all times and places ordered by the court, including, without limitation, any condition set forth in subsection ~~[8]~~ ~~[9]~~ ***10*** of NRS 178.484.

3. Upon a showing of good cause, a sheriff or chief of police may release without bail any person charged with a misdemeanor pursuant to standards established by a court of competent jurisdiction.

4. Before a person may be released without bail, he must file with the clerk of the court of competent jurisdiction a signed document stating that:

(a) He will appear at all times and places as ordered by the court releasing him and as ordered by any court before which the charge is subsequently heard;

(b) He will comply with the other conditions which have been imposed by the court and are stated in the document;

(c) If he fails to appear when so ordered and is taken into custody outside of this State, he waives all his rights relating to extradition proceedings; and

(d) He understands that any court of competent jurisdiction may revoke the order of release without bail and may order him into custody or require him to furnish bail or otherwise ensure the protection of the health, safety and welfare of the community or his appearance.

5. If a jurisdiction incurs any costs in returning a person to the jurisdiction to stand trial, the person failing to appear is responsible for paying those costs as restitution.

6. An order issued pursuant to this section that imposes a condition on a person who is released without bail must include a provision ordering a law enforcement officer to arrest the person if he has probable cause to believe that the person has violated a condition of his release.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 25.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 31.

AN ACT relating to business associations; revising certain fees charged by the Office of the Secretary of State; revising the provisions pertaining to the name of a foreign limited partnership; making various other changes pertaining to business associations; ***providing for the correction of certain records filed with the Office of the Secretary of State;*** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ ***Sections 2, 3 and 6 of this*** bill ~~[revises]~~ ***revise*** the fees for filing and certifying certain documents with the Office of the Secretary of State. (NRS 87.4318, 87.4328, 104.9525) ~~[This]~~

Section 4 of this bill ~~[also]~~ allows a foreign limited partnership to abbreviate its name. (NRS 88.585)

Section 7 of this bill authorizes the Secretary of State to adopt regulations prescribing procedures for correcting certain fraudulent or false records filed with the Office of the Secretary of State.

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

Section 1. NRS 86.263 is hereby amended to read as follows:

86.263 1. A limited-liability company shall, on or before the last day of the first month after the filing of its articles of organization with the

Secretary of State, file with the Secretary of State, on a form furnished by him, a list that contains:

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

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

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

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

(e) The name and street address of its lawfully designated resident agent in this State; and

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

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

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

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

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

4. Upon filing:

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

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

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

6. The Secretary of State shall, 90 days before the last day for filing each list required by subsection 2, cause to be mailed to each limited-liability company which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due under subsection 4 and a reminder to file a list required by subsection 2. Failure of any company to receive a notice or form does not excuse it from the penalty imposed by law.

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

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

Sec. 2. NRS 87.4318 is hereby amended to read as follows:

87.4318 1. A statement may be filed in the Office of the Secretary of State. A certified copy of a statement that is filed in an office in another state may be filed in the Office of the Secretary of State. Either filing has the effect provided in NRS 87.4301 to 87.4357, inclusive, with respect to partnership property located in or transactions that occur in this State.

2. A certified copy of a statement that has been filed in the Office of the Secretary of State and recorded in the office of the applicable county recorder has the effect provided for recorded statements in NRS 87.4301 to 87.4357, inclusive. A recorded statement that is not a certified copy of a statement filed in the Office of the Secretary of State does not have the effect provided for recorded statements in NRS 87.4301 to 87.4357, inclusive.

3. A statement filed by a partnership must be executed by at least two partners. Other statements must be executed by a partner or other person authorized by NRS 87.4301 to 87.4357, inclusive. A natural person who executes a statement as, or on behalf of, a partner or other person named as a partner in a statement shall personally declare under penalty of perjury that the contents of the statement are accurate. ***The fee for filing a statement of partnership authority is $75.***

4. A person authorized by NRS 87.4301 to 87.4357, inclusive, to file a statement may amend or cancel the statement by filing an amendment or cancellation that names the partnership, identifies the statement and states the substance of the amendment or cancellation. ***The fee for filing an amendment or cancellation of a statement of partnership authority is $175.***

5. A person who files a statement pursuant to this section shall promptly send a copy of the statement to every nonfiling partner and to any other person named as a partner in the statement. Failure to send a copy of a statement to a partner or other person does not limit the effectiveness of the statement as to a person not a partner.

Sec. 3. NRS 87.4328 is hereby amended to read as follows:

87.4328 A partner or other person named as a partner in a filed statement of partnership authority or in a list maintained by an agent pursuant to subsection 2 of NRS 87.4327 may file a statement of denial stating the name of the partnership and the fact that is being denied, which may include denial of a person's authority or status as a partner. A statement of denial is a limitation on authority as provided in subsections 4 and 5 of NRS 87.4327. ***The fee for filing a statement of denial is $75.***

Sec. 4. NRS 88.585 is hereby amended to read as follows:

88.585 Except as otherwise provided in NRS 88.609, a foreign limited partnership may register with the Secretary of State under any name, whether or not it is the name under which it is registered in its state of organization, that ~~[includes without abbreviation]~~ ***contains*** the words "limited partnership"

or the abbreviation "LP" or "L.P." and that could be registered by a domestic limited partnership.

Sec. 5. NRS 92A.205 is hereby amended to read as follows:

92A.205 1. After a plan of conversion is approved as required by this chapter, if the resulting entity is a domestic entity, the constituent entity shall deliver to the Secretary of State for filing:

(a) Articles of conversion setting forth:

(1) The name and jurisdiction of organization of the constituent entity and the resulting entity; and

(2) That a plan of conversion has been adopted by the constituent entity in compliance with the law of the jurisdiction governing the constituent entity.

(b) The charter document of the domestic resulting entity required by the applicable provisions of chapter 78, 78A, ~~[82,]~~ 86, 88, 88A or 89 of NRS.

(c) A certificate of acceptance of appointment of a resident agent for the resulting entity which is signed by the resident agent.

2. After a plan of conversion is approved as required by this chapter, if the resulting entity is a foreign entity, the constituent entity shall deliver to the Secretary of State for filing articles of conversion setting forth:

(a) The name and jurisdiction of organization of the constituent entity and the resulting entity;

(b) That a plan of conversion has been adopted by the constituent entity in compliance with the laws of this State; and

(c) The address of the resulting entity where copies of process may be sent by the Secretary of State.

3. If the entire plan of conversion is not set forth in the articles of conversion, the filing party must include in the articles of conversion a statement that the complete signed plan of conversion is on file at the registered office or principal place of business of the resulting entity or, if the resulting entity is a domestic limited partnership, the office described in paragraph (a) of subsection 1 of NRS 88.330.

4. If the conversion takes effect on a later date specified in the articles of conversion pursuant to NRS 92A.240, the charter document to be filed with the Secretary of State pursuant to paragraph (b) of subsection 1 must state the name and the jurisdiction of the constituent entity and that the existence of the resulting entity does not begin until the later date.

5. Any records filed with the Secretary of State pursuant to this section must be accompanied by the fees required pursuant to this title for filing the charter document.

Sec. 6. NRS 104.9525 is hereby amended to read as follows:

104.9525 1. Except as otherwise provided in subsection ~~[5,]~~ ***6,*** the fee for filing and indexing a record under this part, other than an initial financing statement of the kind described in subsection 2 of NRS 104.9502, is:

(a) Forty dollars if the record is communicated in writing and consists of one or two pages;

(b) Sixty dollars if the record is communicated in writing and consists of more than two pages, and $2 for each page over 20 pages;

(c) Twenty dollars if the record is communicated by another medium authorized by filing-office rule; and

(d) Two dollars for each additional debtor, trade name or reference to another name under which business is done.

2. The filing officer may charge and collect $2 for each page of copy or record of filings produced by him at the request of any person.

3. Except as otherwise provided in subsection ~~[5,]~~ ***6,*** the fee for filing and indexing an initial financing statement of the kind described in subsection 3 of NRS 104.9502 is ~~[:~~

~~(a) Sixty dollars]~~ ***$40*** if the financing statement indicates that it is filed in connection with a public-finance transaction ~~[; and~~

~~(b) Forty dollars if the financing statement indicates that it is filed in connection with]~~ ***or*** a manufactured-home transaction.

4. The fee for responding to a request for information from the filing office, including for issuing a certificate showing whether there is on file any financing statement naming a particular debtor, is:

(a) Forty dollars if the request is communicated in writing; and

(b) Twenty dollars if the request is communicated by another medium authorized by filing-office rule.

5. ***The fee for certifying a copy of a financing statement, amendment or other record on file in the Office of the Secretary of State pursuant to chapter 104 of NRS is $30.***

6. This section does not require a fee with respect to a mortgage that is effective as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut under subsection 3 of NRS 104.9502. However, the fees for recording and satisfaction which otherwise would be applicable to the mortgage apply.

Sec. 7. NRS 225.084 is hereby amended to read as follows:

225.084 1. A person shall not willfully file, promote the filing of, or cause to be filed, or attempt or conspire to file, promote the filing of, or cause to be filed, any record in the Office of the Secretary of State if the person has actual knowledge that the record:

(a) Is forged or fraudulently altered;

(b) Contains a false statement of material fact; or

(c) Is being filed in bad faith or for the purpose of harassing or defrauding any person.

2. Any person who violates this section is liable in a civil action brought pursuant to this section for:

(a) Actual damages caused by each separate violation of this section, or $10,000 for each separate violation of this section, whichever is greater;

(b) All costs of bringing and maintaining the action, including investigative expenses and fees for expert witnesses;

(c) Reasonable attorney's fees; and

(d) Any punitive damages that the facts may warrant.

3. A civil action may be brought pursuant to this section by:

(a) Any person who is damaged by a violation of this section, including, without limitation, any person who is damaged as the result of an action taken in reliance on a record filed in violation of this section; or

(b) The Attorney General, in the name of the State of Nevada, if the matter is referred to the Attorney General by the Secretary of State and if the Attorney General, after due inquiry, determines that a civil action should be brought pursuant to this section. Any money recovered by the Attorney General pursuant to this paragraph, after deducting all costs and expenses incurred by the Attorney General and the Secretary of State to investigate and act upon the violation, must be deposited in the State General Fund.

4. For the purposes of this section, each filing of a single record that constitutes a violation of this section shall be deemed to be a separate violation.

5. The rights, remedies and penalties provided pursuant to this section are cumulative and do not abrogate and are in addition to any other rights, remedies and penalties that may exist at law or in equity, including, without limitation, any criminal penalty that may be imposed pursuant to NRS 239.330.

6. ***The Secretary of State may adopt regulations prescribing procedures for correcting any record filed in violation of this section.***

7. As used in this section, "record" means information that is:

(a) Inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and

(b) Filed or offered for filing by a person pursuant to any provision of title 7 of NRS or Article 9 of the Uniform Commercial Code.

Assemblyman Anderson moved the adoption of the amendment.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 25 be placed on the Chief Clerk's desk.

Motion carried.

Bill ordered reprinted, engrossed and to the Chief Clerk's desk.

Assembly Bill No. 52.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 46.

SUMMARY—Makes various changes relating to domestic relations. (BDR 11-421)

ACT relating to domestic relations; codifying certain common law factors that a court must consider when determining alimony; requiring the ~~[Court Administrator to collect and compile certain statistical information from the clerks of courts concerning temporary and extended orders for protection against domestic violence and]~~ ***Director of the Department of Public Safety***

to submit ~~[a biennial]~~ ***an annual*** report ***concerning temporary and extended orders for protection against domestic violence*** to the Legislature; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing case law in Nevada, a court determining whether alimony should be awarded and the appropriate amount of alimony is required to consider several relevant factors including: (1) the financial condition of the parties; (2) the nature and value of their respective property; (3) the contribution of each party to any property held by both parties as tenants by the entirety; (4) the duration of the marriage; and (5) the income, earning capacity, age and health of each party. (***Buchanan v. Buchanan***, 90 Nev. 209, 215 (1974)) Section 1 of this bill codifies those factors as well as factors from subsequent case law so that a court must consider those factors when determining alimony. (***Buchanan***, 90 Nev. at 215; ***Sprenger v. Sprenger***, 110 Nev. 855, 859 (1994); ***Rodriguez v. Rodriguez***, 116 Nev. 993, 999 (2000))

~~[Sections 2 and 3]~~ ***Section 5*** of this bill ~~[require the Court Administrator]~~ ***requires the Director of the Department of Public Safety*** to submit a written report ~~[from information received by clerks of courts]~~ concerning the ~~[total number of]~~ temporary and extended orders for protection against domestic violence issued in this State to the Director of the Legislative Counsel Bureau ~~[for transmittal to each regular session of the Legislature. The report must also address]~~ ***which includes the total number of temporary and extended orders granted,*** the number of grants of temporary custody that are included in such temporary and extended orders, the number of such orders that are issued to women and the number of such orders that are issued to men.

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

Section 1. NRS 125.150 is hereby amended to read as follows:

125.150 Except as otherwise provided in NRS 125.155 and unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS:

1. In granting a divorce, the court:

(a) May award such alimony to the wife or to the husband, in a specified principal sum or as specified periodic payments, as appears just and equitable; and

(b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, except that the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition.

2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set forth in subsection 1 for the disposition of community property. If a party has

made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of that party for his contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of the property held in joint tenancy for which the contribution of separate property was made. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:

(a) The intention of the parties in placing the property in joint tenancy;

(b) The length of the marriage; and

(c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.

As used in this subsection, "contribution" includes ***, without limitation,*** a down payment, a payment for the acquisition or improvement of property, and a payment reducing the principal of a loan used to finance the purchase or improvement of property. The term does not include a payment of interest on a loan used to finance the purchase or improvement of property, or a payment made for maintenance, insurance or taxes on property.

3. Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney's fee to either party to an action for divorce if those fees are in issue under the pleadings.

4. In granting a divorce, the court may also set apart such portion of the husband's separate property for the wife's support, the wife's separate property for the husband's support or the separate property of either spouse for the support of their children as is deemed just and equitable.

5. In the event of the death of either party or the subsequent remarriage of the spouse to whom specified periodic payments were to be made, all the payments required by the decree must cease, unless it was otherwise ordered by the court.

6. If the court adjudicates the property rights of the parties, or an agreement by the parties settling their property rights has been approved by the court, whether or not the court has retained jurisdiction to modify them, the adjudication of property rights, and the agreements settling property rights, may nevertheless at any time thereafter be modified by the court upon written stipulation signed and acknowledged by the parties to the action, and in accordance with the terms thereof.

7. If a decree of divorce, or an agreement between the parties which was ratified, adopted or approved in a decree of divorce, provides for specified periodic payments of alimony, the decree or agreement is not subject to modification by the court as to accrued payments. Payments pursuant to a

decree entered on or after July 1, 1975, which have not accrued at the time a motion for modification is filed may be modified upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction for the modification. In addition to any other factors the court considers relevant in determining whether to modify the order, the court shall consider whether the income of the spouse who is ordered to pay alimony, as indicated on the spouse's federal income tax return for the preceding calendar year, has been reduced to such a level that the spouse is financially unable to pay the amount of alimony he has been ordered to pay.

8. ***In addition to any other factors the court considers relevant in determining whether to award alimony and the amount of such an award, the court shall consider:***

(a) The financial condition of each spouse;

(b) The nature and value of the respective property of each spouse;

(c) The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030;

(d) The duration of the marriage;

(e) The income, earning capacity, age and health of each spouse;

(f) The standard of living during the marriage;

(g) The career before the marriage of the spouse who would receive the alimony;

(h) The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage;

(i) The contribution of either spouse as homemaker;

(j) The award ~~[,]~~ ***of property granted by the court in the divorce, other than child support and alimony,*** ~~[of]~~ ***to the spouse who would receive the alimony; and***

(k) The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.

9. In granting a divorce ***,*** the court shall consider the need to grant alimony to a spouse for the purpose of obtaining training or education relating to a job, career or profession. In addition to any other factors the court considers relevant in determining whether such alimony should be granted, the court shall consider:

(a) Whether the spouse who would pay such alimony has obtained greater job skills or education during the marriage; and

(b) Whether the spouse who would receive such alimony provided financial support while the other spouse obtained job skills or education.

~~[9.]~~ ***10.*** If the court determines that alimony should be awarded pursuant to the provisions of subsection ~~[8.]~~ ***9:***

(a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.

(b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.

(c) The spouse who is the recipient of the alimony may be granted, in addition to any other alimony granted by the court, money to provide for:

(1) Testing of the recipient's skills relating to a job, career or profession;

(2) Evaluation of the recipient's abilities and goals relating to a job, career or profession;

(3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;

(4) Subsidization of an employer's costs incurred in training the recipient;

(5) Assisting the recipient to search for a job; or

(6) Payment of the costs of tuition, books and fees for:

(I) The equivalent of a high school diploma;

(II) College courses which are directly applicable to the recipient's goals for his career; or

(III) Courses of training in skills desirable for employment.

~~[10.]~~ ***11.*** For the purposes of this section, a change of 20 percent or more in the gross monthly income of a spouse who is ordered to pay alimony shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony. As used in this subsection, "gross monthly income" has the meaning ascribed to it in NRS 125B.070.

Sec. 2. ~~[NRS 1.360 is hereby amended to read as follows:~~

~~1.360 Under the direction of the Supreme Court, the Court Administrator shall:~~

~~1. Examine the administrative procedures employed in the offices of the judges, clerks, court reporters and employees of all courts of this State and make recommendations, through the Chief Justice, for the improvement of those procedures;~~

~~2. Examine the condition of the dockets of the courts and determine the need for assistance by any court;~~

~~3. Make recommendations to and carry out the directions of the Chief Justice relating to the assignment of district judges where district courts are in need of assistance;~~

~~4. Develop a uniform system for collecting and compiling statistics and other data regarding the operation of the State Court System and transmit that information to the Supreme Court so that proper action may be taken in respect thereto;~~

~~5. Prepare and submit a budget of state appropriations necessary for the maintenance and operation of the State Court System and make recommendations in respect thereto;~~

~~6. Develop procedures for accounting, internal auditing, procurement and disbursement for the State Court System;~~

~~7. Collect statistical and other data and make reports relating to the expenditure of all public money for the maintenance and operation of the State Court System and the offices connected therewith;~~

~~8. Compile statistics from the information required to be maintained by the clerks of the district courts pursuant to NRS 3.275 and make reports as to the cases filed in the district courts;~~

~~9. Formulate and submit to the Supreme Court recommendations of policies or proposed legislation for the improvement of the State Court System;~~

~~10. On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report compiling the information submitted to the Court Administrator pursuant to NRS 3.243, 4.175 and 5.045 during the immediately preceding fiscal year;~~

~~11. On or before January 1 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau a written report concerning:~~

~~(a) The distribution of money deposited in the special account created pursuant to NRS 176.0613 to assist with funding and establishing specialty court programs;~~

~~(b) The current status of any specialty court programs to which money from the account was allocated since the last report; and~~

~~(c) Such other related information as the Court Administrator deems appropriate;~~

~~12. On or before February 15 of each odd-numbered year, submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling the information submitted by clerks of courts to the Court Administrator pursuant to NRS 630.307 and 633.533 which includes only aggregate information for statistical purposes and excludes any identifying information related to a particular person;~~

~~13. On or before February 15 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report concerning the effectiveness of participation in counseling sessions in a program for the treatment of persons who commit domestic violence ordered by a court pursuant to NRS 200.485 and the effect of such counseling sessions on recidivism of the offenders who commit battery which constitutes domestic violence pursuant to NRS 33.018;~~ ~~[and]~~

~~*14. On or before February 15 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling the information submitted by clerks of courts to the Court Administrator pursuant to section 3 of this act which includes only aggregate information for statistical purposes and excludes any identifying information related to a particular person; and*~~

~~*15.* Attend to such other matters as may be assigned by the Supreme Court or prescribed by law.~~] ***(Deleted by amendment.)***

Sec. 3. ~~[Chapter 33 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*On or before January 15 of each year, the clerk of the court shall transmit a report to the Court Administrator concerning each temporary order and extended order granted by the court pursuant to NRS 33.020 during the previous calendar year. The report must include, without limitation, information concerning:*~~

~~*1. The total number of temporary orders and extended orders granted by the court pursuant to NRS 33.020 during the calendar year to which the report pertains;*~~

~~*2. The number of those temporary orders and extended orders that were granted to women;*~~

~~*3. The number of those temporary orders and extended orders that were granted to men; and*~~

~~*4. The number of those temporary orders that included a grant of temporary custody of a minor child.*~~] ***(Deleted by amendment.)***

Sec. 4. ~~[NRS 33.017 is hereby amended to read as follows:~~

~~33.017 As used in NRS 33.017 to 33.100, inclusive, *and section 3 of this act*, unless the context otherwise requires:~~

~~1. "Extended order" means an extended order for protection against domestic violence.~~

~~2. "Temporary order" means a temporary order for protection against domestic violence.~~] ***(Deleted by amendment.)***

Sec. 5. NRS 179A.350 is hereby amended to read as follows:

179A.350 1. The Repository for Information Concerning Orders for Protection Against Domestic Violence is hereby created within the Central Repository.

2. Except as otherwise provided in subsection ~~[4,]~~ ***6,*** the Repository for Information Concerning Orders for Protection Against Domestic Violence must contain a complete and systematic record of all temporary and extended orders for protection against domestic violence issued or registered in the State of Nevada, in accordance with regulations adopted by the Director of the Department, including, without limitation, any information received pursuant to NRS 33.095. Information received by the Central Repository pursuant to NRS 33.095 must be entered in the Repository for Information Concerning Orders for Protection Against Domestic Violence not later than 8 hours after it is received by the Central Repository.

3. The information in the Repository for Information Concerning Orders for Protection Against Domestic Violence must be accessible by computer at all times to each agency of criminal justice.

4. ***On or before February 15 of each year, the Director of the Department shall submit to the Director of the Legislative Counsel Bureau a written report concerning all temporary and extended orders for protection against domestic violence issued pursuant to NRS 33.020 during the previous calendar year that were transmitted to the Repository for Information Concerning Orders for Protection Against Domestic Violence. The report must include, without limitation, information for each court***

that issues temporary or extended orders for protection against domestic violence concerning:

(a) The total number of temporary and extended orders that were granted by the court pursuant to NRS 33.020 during the calendar year to which the report pertains;

(b) The number of temporary and extended orders that were granted to women;

(c) The number of temporary and extended orders that were granted to men;

(d) The number of temporary and extended orders that were vacated or expired;

(e) The number of temporary orders that included a grant of temporary custody of a minor child; and

(f) The number of temporary and extended orders that were served on the adverse party.

5. The information provided pursuant to subsection 4 must include only aggregate information for statistical purposes and must exclude any identifying information relating to a particular person.

6. The Repository for Information Concerning Orders for Protection Against Domestic Violence must not contain any information concerning an event that occurred before October 1, 1998.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 136.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 105.

AN ACT relating to the administration of estates; providing for the recovery of reasonable fees and necessary expenses of the petitioner and the attorney for certain smaller estates; providing for the recovery of reasonable fees and necessary expenses of a public administrator who administers certain smaller estates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if a person dies leaving an estate that does not exceed $75,000 in value and the person is not survived by a spouse or minor child, upon good cause shown, the estate must not be administered but must be assigned and distributed in a particular order. (NRS 146.070) Section 1 of this bill amends the order of distribution for the estate by providing that ~~[before]~~ **after** the estate is used to pay ~~[any]~~ **certain** debts or expenses, **including, funeral expenses**, the estate must be used to pay the reasonable fee and necessary expenses, as determined and approved by the court, of the person or governmental agency who files the petition to settle the estate and the attorney for the estate.

Under existing law, if a person dies leaving property in this State that does not exceed $20,000 in value, a public administrator may administer the estate of the person, without procuring letters of administration, upon filing an affidavit with the court. (NRS 253.0403) Section 2 of this bill provides that ~~[before]~~ **after** the estate is used to pay ~~[any]~~ **certain** debts or expenses, **including, funeral expenses,** the estate must be used to pay the reasonable fee and necessary expenses, as determined and approved by the court, of the public administrator.

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

Section 1. NRS 146.070 is hereby amended to read as follows:

146.070 1. If a person dies leaving an estate the gross value of which, after deducting any encumbrances, does not exceed $75,000, and there is a surviving spouse or minor child or minor children of the decedent, the estate must not be administered upon, but the whole estate, after directing such payments as may be deemed just, must be, by an order for that purpose, assigned and set apart for the support of the surviving spouse or minor child or minor children, or for the support of the minor child or minor children, if there is no surviving spouse. Even if there is a surviving spouse, the court may, after directing such payments, set aside the whole of the estate to the minor child or minor children, if it is in their best interests.

2. If there is no surviving spouse or minor child of the decedent and the gross value of a decedent's estate, after deducting any encumbrances, does not exceed $75,000, upon good cause shown, the court shall order that the estate not be administered upon, but the whole estate be assigned and set apart in the following order:

(a) ~~[To the payment of the reasonable fee and all necessary expenses, as determined and approved by the court, of the person or governmental agency filing a petition pursuant to subsection 3 and the attorney representing the estate;~~

~~(b)]~~ To the payment of funeral expenses, expenses of last illness, money owed to the Department of Health and Human Services as a result of payment of benefits for Medicaid and creditors, if there are any; ~~[and]~~

(b) To the payment of the reasonable fee and all necessary expenses, as determined and approved by the court, of the person or governmental agency filing a petition pursuant to subsection 3 and the attorney representing the estate; and

~~[(b)]~~ ***(c)*** Any balance remaining to the claimant or claimants entitled thereto pursuant to a valid will of the decedent ~~[,]~~ and **,** if there is no valid will, pursuant to intestate succession.

3. Proceedings taken under this section, whether or not the decedent left a valid will, must not begin until at least 30 days after the death of the decedent and must be originated by a petition containing:

(a) A specific description of all the decedent's property.

(b) A list of all the liens and mortgages of record at the date of the decedent's death.

(c) An estimate of the value of the property.

(d) A statement of the debts of the decedent so far as known to the petitioner.

(e) The names and residences of the heirs and devisees of the decedent and the age of any who is a minor and the relationship of the heirs and devisees to the decedent, so far as known to the petitioner.

4. The clerk shall set the petition for hearing **,** and the petitioner shall give notice of the petition and hearing in the manner provided in NRS 155.010 to the decedent's heirs and devisees and to the Director of the Department of Health and Human Services. If a complete copy of the petition is not enclosed with the notice, the notice must include a statement setting forth to whom the estate is being set aside.

5. No court or clerk's fees may be charged for the filing of any petition in, or order of court thereon, or for any certified copy of the petition or order in an estate not exceeding $2,500 in value.

6. If the court finds that the gross value of the estate, less encumbrances, does not exceed the sum of $75,000, the court may direct that the estate be distributed to the father or mother of a minor heir or devisee, with or without the filing of any bond, or to a custodian under chapter 167 of NRS, or may require that a general guardian be appointed and that the estate be distributed to the guardian, with or without bond, as in the discretion of the court is deemed to be in the best interests of the minor. The court may direct the manner in which the money may be used for the benefit of the minor.

Sec. 2. NRS 253.0403 is hereby amended to read as follows:

253.0403 1. When the gross value of a decedent's property situated in this State does not exceed $20,000, a public administrator may, without procuring letters of administration, administer the estate of that person upon filing with the court an affidavit of his right to do so.

2. The affidavit must provide:

(a) The public administrator's name and address, and his attestation that he is entitled by law to administer the estate;

(b) The decedent's place of residence at the time of his death;

(c) That the gross value of the decedent's property in this State does not exceed $20,000;

(d) That at least 40 days have elapsed since the death of the decedent;

(e) That no application or petition for the appointment of a personal representative is pending or has been granted in this State;

(f) A description of the personal property of the decedent;

(g) Whether there are any heirs or next of kin known to the affiant, and if known, the name and address of each such person;

(h) If heirs or next of kin are known to the affiant, a description of the method of service he used to provide to each of them notice of the affidavit and that at least 10 days have elapsed since the notice was provided; ***and***

(i) ~~[That all debts of the decedent, including funeral and burial expenses, have been paid or provided for; and~~

~~(j)]~~ The name of each person to whom the affiant intends to distribute the decedent's property.

3. Before filing the affidavit with the court, the public administrator shall take reasonable steps to ascertain whether any of the decedent's heirs or next of kin exist. If the administrator determines that heirs or next of kin exist, he shall serve each of them with a copy of the affidavit. Service must be made personally or by certified mail.

4. If the affiant:

(a) Submits an affidavit which does not meet the requirements of subsection 2 or which contains statements which are not entirely true, any money or property he receives or distributes is subject to all debts of the decedent, based on the priority for payment of debts and charges specified in NRS 147.195.

(b) Fails to give notice to heirs or next of kin as required by subsection 3, any money or property he holds or distributes to others shall be deemed to be held in trust for those heirs and next of kin who did not receive notice and have an interest in the property.

5. A person who receives an affidavit containing the information required by subsection 2 is entitled to rely upon such information, and if he relies in good faith, he is immune from civil liability for actions based on that reliance.

6. Upon receiving proof of the death of the decedent, an affidavit containing the information required by this section and the written approval of the public administrator to do so:

(a) A transfer agent of any security shall change the registered ownership of the security claimed from the decedent to the person claiming to succeed to ownership of that security.

(b) A governmental agency required to issue certificates of title, ownership or registration to personal property shall issue a new certificate of title, ownership or registration to the person claiming to succeed to ownership of the property.

7. If a public administrator files an affidavit pursuant to this section, the court shall order that the whole estate be assigned and set apart in the following order:

(a) ~~[To the payment of the reasonable fee and all necessary expenses, as determined and approved by the court, of the public administrator;~~

~~(b)]~~ ***To the payment of funeral expenses, expenses of last illness, money owed to the Department of Health and Human Services as a result of payment of benefits for Medicaid and creditors, if there are any;*** ~~[and]~~

(b) To the payment of the reasonable fee and all necessary expenses, as determined and approved by the court, of the public administrator; and

(c) Any balance remaining to the claimant or claimants entitled thereto pursuant to a valid will of the decedent and, if there is no valid will, pursuant to intestate succession.

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

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 212.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 84.

AN ACT relating to education; requiring the boards of trustees of school districts to prescribe a policy for the development of 4-year academic plans for pupils enrolled in high school; requiring the principals of certain larger high schools to provide for a program of a ninth grade school within a school; requiring the State Board of Education to prescribe a uniform grading scale for high schools; requiring each school district to adopt a policy setting forth the duties of school counselors; expanding the age for compulsory school attendance from 17 years to 18 years; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the system of public instruction for this State and defines the different kinds of public schools in this State. (Chapter 388 of NRS) A high school is a public school in which subjects above the eighth grade are taught. (NRS 388.020)

Section 2 of this bill requires the board of trustees of each school district to adopt a policy for each public school of the school district in which ninth grade pupils are enrolled, to develop a 4-year academic plan for each of those pupils. The academic plan must be developed in consultation with the pupil, the pupil's parent or legal guardian and a school counselor. The plan must include the specific educational goals that the pupil intends to complete before graduation from high school. If the pupil does not satisfy all the goals contained in the plan, the pupil is still eligible for a diploma if he otherwise satisfies the requirements for receipt of a diploma.

Section 3 of this bill requires the board of trustees of each school district that includes at least one high school in which 1,200 pupils or more are enrolled, including ninth grade pupils, to adopt a policy for each of those high schools to provide a program of a ninth grade school within a school. The principal of each such high school must carry out the program. The program consists of the designation of a separate geographic location within the high school in which ninth grade pupils attend ~~[their]~~ classes, the identification of any special needs for counseling or remediation for a ninth grade pupil and the assignment of certain personnel at the high school specifically for the ninth grade pupils.

Section 4 of this bill requires the State Board of Education to prescribe a uniform grading policy for all public high schools. The board of trustees of each school district and the governing body of each charter school that operates as a high school shall comply with the policy.

Section 5 of this bill requires the board of trustees of each school district to adopt a policy that sets forth the duties, roles and responsibilities of school counselors. The policy must be designed to ensure that school counselors are allotted sufficient time in each school year to carry out school counseling and to limit the amount of time school counselors are required to assist with the administration and coordination of tests.

Existing law establishes the ages for compulsory public school attendance at 7 to 17 years of age. (NRS 392.040) Section 6 of this bill expands the age to 18 years unless the child has graduated from high school.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The board of trustees of each school district shall adopt a policy for each public school in the school district in which ninth grade pupils are enrolled to develop a 4-year academic plan for each of those pupils. The academic plan must set forth the specific educational goals that the pupil intends to achieve before graduation from high school. The plan may include, without limitation, the designation of a career pathway and enrollment in dual credit courses, career and technical education courses, advanced placement courses and honors courses.***

2. The policy must require each pupil enrolled in ninth grade and the pupil's parent or legal guardian to:

(a) Work in consultation with a school counselor to develop an academic plan for the pupil;

(b) Sign the academic plan; and

(c) Review the academic plan at least once each school year in consultation with a school counselor and revise the plan if necessary.

3. If a pupil enrolls in a high school after ninth grade, an academic plan must be developed for that pupil with appropriate modifications for the grade level of the pupil.

4. An academic plan for a pupil must be used as a guide for the pupil and the parent or legal guardian of the pupil to plan, monitor and manage the pupil's educational and occupational development and make determinations of the appropriate courses of study for the pupil. If a pupil does not satisfy all the goals set forth in the academic plan, the pupil is eligible to graduate and receive a high school diploma if he otherwise satisfies the requirements for a diploma.

Sec. 3. ***1. The board of trustees of each school district which includes at least one high school with an enrollment of 1,200 pupils or***

more, including pupils enrolled in ninth grade, shall adopt a policy for each of those high schools to provide a program of a ninth grade school within a school. The policy must require:

(a) The designation of a separate area geographically within the high school where the pupils enrolled in ninth grade attend ~~[their]~~ ***classes;***

(b) The collection and maintenance of information relating to pupils enrolled in ninth grade, including, without limitation, credits earned, attendance, truancy and indicators that a pupil may be at risk of dropping out of high school;

(c) Based upon the information collected pursuant to paragraph (b), the timely identification of any special needs of a pupil enrolled in ninth grade, including, without limitation, any need for programs of remedial study for a particular subject area and appropriate counseling;

(d) Methods to increase the involvement of parents and legal guardians of pupils enrolled in ninth grade in the education of their children; and

(e) The assignment of:

(1) Guidance counselors;

(2) At least one licensed school administrator; and

(3) Appropriate adult mentors,

↪specifically for the pupils enrolled in ninth grade.

2. The principal of each high school in which 1,200 pupils or more are enrolled, including ~~[ninth grade]~~ ***pupils*** ~~[,]~~ ***enrolled in ninth grade, shall*** ~~[carry]~~ ***:***

(a) Carry out a program of a ninth grade school within a school in accordance with the policy prescribed by the board of trustees pursuant to subsection 1 ~~[.]~~ ***; and***

(b) Submit an annual report, on a date prescribed by the board of trustees, that sets forth the specific strategies, programs and methods that are used to focus on the pupils enrolled in ninth grade at the school.

Sec. 4. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Board shall adopt regulations that prescribe a uniform grading scale for all public high schools, including, without limitation, a uniform grading scale for advanced placement courses and honors courses.

2. The board of trustees of each school district and the governing body of each charter school that operates as a high school shall comply with the uniform grading scale.

Sec. 5. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

The board of trustees of each school district shall adopt a policy that sets forth the duties, roles and responsibilities of persons who are licensed pursuant to chapter 391 of NRS and employed as school counselors. The policy must:

1. Be designed to ensure that school counselors are allotted sufficient time in each school year to carry out the duties relating to counseling, including, without limitation, assisting pupils with academic planning; and

2. Limit the amount of time that school counselors are required to assist with test administration and test coordination at a public school.

Sec. 6. NRS 392.040 is hereby amended to read as follows:

392.040 1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of 7 and ~~[17]~~ ***18*** years shall send the child to a public school during all the time the public school is in session in the school district in which the child resides ~~[.]~~ ***unless the child has graduated from high school.***

2. A child who is 5 years of age on or before September 30 of a school year may be admitted to kindergarten at the beginning of that school year, and his enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before September 30 of a school year, the child must not be admitted to kindergarten.

3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before September 30 of a school year must:

(a) If he has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or

(b) If he has completed kindergarten, be admitted to the first grade at the beginning of that school year,

and his enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before September 30 of a school year, the child must not be admitted to the first grade until the beginning of the school year following his sixth birthday.

4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is 6 years of age on or before September 30 of a school year may elect for the child not to attend kindergarten or the first grade during that year. The parents, custodial parent, guardian or other person who makes such an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.

5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send him to the public school during all the time the school is in session. If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent

or legal guardian shall sign a statement on a form provided by the school district acknowledging that he has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance does not apply to any child under the age of 7 years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

6. A child who is 7 years of age on or before September 30 of a school year must:

(a) If he has completed kindergarten and the first grade, be admitted to the second grade.

(b) If he has completed kindergarten, be admitted to the first grade.

(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's attendance from kindergarten pursuant to subsection 4, undergo an assessment by the district pursuant to subsection 7 to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, he must be admitted to the first grade. If the district determines that the child is not so prepared, he must be admitted to kindergarten.

➥The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.

7. Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:

(a) Who is 7 years of age on or before September 30 of the next school year; and

(b) Whose parents waived his attendance from kindergarten pursuant to subsection 4,

➥to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.

8. A child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade he was attending or would be attending had he remained a resident of the other state regardless of his age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

9. As used in this section, "kindergarten" includes:

(a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;

(b) A kindergarten established by the governing body of a charter school; and

(c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.

Sec. 7. NRS 392.110 is hereby amended to read as follows:

392.110 1. Any child between the ages of 14 and ~~[17]~~ ***18*** years who has completed the work of the first eight grades may be excused from full-time school attendance and may be permitted to enter proper employment or apprenticeship, by the written authority of the board of trustees excusing the child from such attendance. The board's written authority ~~[shall]~~ ***must*** state the reason or reasons for such excuse.

2. In all such cases **,** no employer or other person shall employ or contract for the services or time of such child until the child presents a written permit therefor from the attendance officer or board of trustees. The permit ~~[shall]~~ ***must*** be kept on file by the employer ~~[,]~~ and **,** upon the termination of employment ~~[shall]~~ **,** ***must*** be returned by the employer to the board of trustees or other authority issuing it.

Sec. 8. NRS 392.130 is hereby amended to read as follows:

392.130 1. Within the meaning of this chapter, a pupil shall be deemed a truant who is absent from school without the written approval of his teacher or the principal of the school, unless the pupil is physically or mentally unable to attend school. The teacher or principal shall give his written approval for a pupil to be absent if an emergency exists or upon the request of a parent or legal guardian of the pupil. Before a pupil may attend or otherwise participate in school activities outside the classroom during regular classroom hours, he must receive the approval of the teacher or principal.

2. An unapproved absence for at least one period, or the equivalent of one period for the school, of a school day may be deemed a truancy for the purposes of this section.

3. If a pupil is physically or mentally unable to attend school, the parent or legal guardian or other person having control or charge of the pupil shall notify the teacher or principal of the school orally or in writing, in accordance with the policy established by the board of trustees of the school district, within 3 days after the pupil returns to school.

4. An absence which has not been approved pursuant to subsection 1 or 3 shall be deemed an unapproved absence. In the event of an unapproved absence, the teacher, attendance officer or other school official shall deliver or cause to be delivered a written notice of truancy to the parent, legal guardian or other person having control or charge of the child. The written notice must be delivered to the parent, legal guardian or other person who has control of the child. The written notice must inform the parents or legal guardian of such absences in a form specified by the Department.

5. As used in this section, "physically or mentally unable to attend" does not include a physical or mental condition for which a pupil is excused pursuant to NRS 392.050.

6. ~~[Notwithstanding the provisions of NRS 392.040 to the contrary, the]~~ ***The*** provisions of this section apply to all pupils who are ~~[less than 18 years of age and enrolled in public schools, including, without limitation, pupils~~

~~who are 17 years of age or older but less than 18 years of age.]~~ ***required to attend school pursuant to NRS 392.040.***

Sec. 9. NRS 392.140 is hereby amended to read as follows:

392.140 1. Any child who has been declared a truant three or more times within one school year must be declared a habitual truant.

2. Any child who has once been declared a habitual truant and who in an immediately succeeding year is absent from school without the written:

(a) Approval of his teacher or the principal of the school pursuant to subsection 1 of NRS 392.130; or

(b) Notice of his parent or legal guardian or other person who has control or charge over the pupil pursuant to subsection 3 of NRS 392.130,

↳may again be declared a habitual truant.

3. ~~[Notwithstanding the provisions of NRS 392.040 to the contrary, the]~~ ***The*** provisions of this section apply to all pupils who are ~~[less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.]~~ ***required to attend school pursuant to NRS 392.040.***

Sec. 10. NRS 392.141 is hereby amended to read as follows:

392.141 ~~[Notwithstanding the provisions of NRS 392.040 to the contrary, the]~~ ***The*** provisions of NRS 392.144, 392.146 and 392.147 apply to all pupils who are ~~[less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.]~~ ***required to attend school pursuant to NRS 392.040.***

Sec. 11. NRS 392.149 is hereby amended to read as follows:

392.149 1. Upon receipt of a report pursuant to NRS 392.144 or 392.147, if it appears after investigation that a pupil is a habitual truant, the school police officer or law enforcement agency to whom the report is made shall prepare manually or electronically a citation directing the pupil to appear in the proper juvenile court.

2. A copy of the citation must be delivered to the pupil and to the parent, guardian or any other person who has control or charge of the pupil by:

(a) The local law enforcement agency;

(b) A school police officer employed by the board of trustees of the school district; or

(c) An attendance officer appointed by the board of trustees of the school district.

3. The citation must be in the form prescribed for misdemeanor citations in NRS 171.1773.

4. ~~[Notwithstanding the provisions of NRS 392.040 to the contrary, the]~~ ***The*** provisions of this section apply to all pupils who are ~~[less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.]~~ ***required to attend school pursuant to NRS 392.040.***

Sec. 12. NRS 392.160 is hereby amended to read as follows:

392.160 1. Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant:

(a) Any child between the ages of 7 and ~~[17]~~ ***18*** years; and

(b) Any child who has arrived at the age of 6 years but not at the age of 7 years and is enrolled in a public school,

➥who has been reported to him by the teacher, superintendent of schools or other school officer as an absentee from instruction upon which he is lawfully required to attend.

2. ~~[Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant any child who is 17 years of age or older but less than 18 years of age if:~~

~~(a) The child is enrolled in a public school; and~~

~~(b) A teacher, superintendent of schools or other school officer has reported the child as absent from instruction.~~

~~3.]~~ Except as otherwise provided in subsection ~~[4:]~~ ***3:***

(a) During school hours, the officer having custody shall forthwith deliver the child to the superintendent of schools, principal or other school officer at the child's school of attendance.

(b) After school hours, the officer having custody shall deliver the child to the parent, guardian or other person having control or charge of the child.

~~[4.]~~ ***3.*** The board of trustees of a school district or the governing body of a charter school may enter into an agreement with a counseling agency to permit delivery of the child to the agency. For the purposes of this subsection, "counseling agency" means an agency designated by the school district in which the child is enrolled to provide counseling for the child and the parent, guardian or other person having control or charge of the child.

Sec. 13. NRS 392.170 is hereby amended to read as follows:

392.170 Upon the written complaint of any person, the board of trustees of a school district or the governing body of a charter school shall:

1. Make a full and impartial investigation of all charges against parents, guardians or other persons having control or charge of any child who is ~~[17]~~ ***under 18*** years of age ~~[or younger]~~ ***and required to attend school pursuant to NRS 392.040*** for violation of any of the provisions of NRS 392.040 to 392.110, inclusive, or 392.130 to 392.160, inclusive.

2. Make and file a written report of the investigation and the findings thereof in the records of the board.

Sec. 14. NRS 392.180 is hereby amended to read as follows:

392.180 If it appears upon investigation that any parent, guardian or other person having control or charge of any child who is ~~[17]~~ ***under 18*** years of age ~~[or younger]~~ ***and required to attend school pursuant to NRS 392.040*** has violated any of the provisions of NRS 392.040 to 392.110, inclusive, or 392.130 to 392.160, inclusive, the clerk of the board of trustees or the governing body of a charter school in which the child is enrolled, except as otherwise provided in NRS 392.190, shall make and file in the proper court a criminal complaint against the parent, guardian or other

person, charging the violation, and shall see that the charge is prosecuted by the proper authority.

Sec. 15. NRS 392.200 is hereby amended to read as follows:

392.200 Any taxpayer, school administrator, school officer or deputy school officer in the State of Nevada may make and file in the proper court a criminal complaint against a parent, guardian or other person who has control or charge of any child who is ~~[17]~~ ***under 18*** years of age ~~[or younger]~~ ***and required to attend school pursuant to NRS 392.040*** and who violates any of the provisions of law requiring the attendance of children in the public schools of this State.

Sec. 16. NRS 392.215 is hereby amended to read as follows:

392.215 Any parent, guardian or other person who, with intent to deceive under NRS 392.040 to 392.110, inclusive, or 392.130 to 392.165, inclusive:

1. Makes a false statement concerning the age or attendance at school;
2. Presents a false birth certificate or record of attendance at school; or
3. Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law enforcement agency conducting an investigation in response to notification pursuant to subsection 4 of NRS 392.165,

of a child under ~~[17]~~ ***18*** years of age who is under his control or charge, is guilty of a misdemeanor.

Sec. 16.5. NRS 394.145 is hereby amended to read as follows:

394.145 1. A private elementary or secondary school in this State shall not permanently admit any child until the parent or guardian of the child furnishes a birth certificate or other document suitable as proof of the child's identity and, if applicable, a copy of the child's records from the school he most recently attended.

2. Except as otherwise provided in subsection 3, a child must be admitted to a school under his name as it appears in the identifying document or records required by subsection 1, unless the parent or guardian furnishes a court order or decree authorizing a change of name or directing the principal or other person in charge of that school to admit the child under a name other than the name which appears in the identifying document or records.

3. A child who is in the custody of the agency which provides child welfare services, as defined in NRS 432B.030, may be admitted to a school under a name other than the name which appears in the identifying document or records required by subsection 1 if the court determines that to do so would be in the best interests of the child.

4. If the parent or guardian fails to furnish the identifying document or records required by subsection 1 within 30 days after the child is conditionally admitted, the principal or other person in charge of the school shall notify the local law enforcement agency and request a determination as to whether the child has been reported as missing.

5. Any parent, guardian or other person who, with intent to deceive under this section:

(a) Presents a false birth certificate or record of attendance at school; or

(b) Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law enforcement agency conducting an investigation in response to notification pursuant to subsection 4,

of a child under ~~[17]~~ ***18*** years of age who is under his control or charge, is guilty of a misdemeanor.

Sec. 17. 1. On or before October 1, 2007, the board of trustees of each school district shall adopt a policy required by section 5 of this act ***that sets forth the duties, roles and responsibilities of persons who are licensed pursuant to chapter 391 of NRS and employed as school counselors. Each board of trustees shall submit the policy to the Department of Education***.

2. On or before December 1, 2007, the Department of Education shall submit a written report to the Legislative Committee on Education that summarizes the policies adopted by school districts pursuant to section 5 of this act.

3. On or before December 1, 2008, the board of trustees of each school district shall submit a written report to the Department of Education that sets forth:

(a) A description of the policy adopted pursuant to section 5 of this act;

(b) An evaluation of the effectiveness of the policy in ensuring that school counselors ***are allotted sufficient time in each school year to carry out the duties relating to counseling, including, without limitation, assisting pupils with academic planning; and***

(c) The percentage of time that school counselors were assigned to assist with test administration and test coordination at a public school after the adoption of the policy pursuant to section 5 of this act.

4. On or before February 1, 2009, the Department of Education shall compile the written reports submitted pursuant to subsection 3 and submit a written report of the compilation to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 18. This act becomes effective on July 1, 2007.

Assemblyman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 227.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 103.

AN ACT relating to trespassing; revising the provisions governing the posting of warnings against trespassing; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, a person commits the crime of trespassing if the person willfully goes or remains upon any land or in any building after having been warned not to trespass. (NRS 207.200) For the purposes of determining whether a person has been given sufficient warning not to trespass, the owner of land may choose to fence the area or may paint the area in a specific manner.

This bill changes the interval between posts, structures or natural objects that must be painted **with fluorescent orange paint** from 200 feet to ~~[one-quarter mile.]~~ **every 1,000 feet and at each corner of the land if the land is used for agricultural purposes or for herding or grazing livestock.** This bill also changes existing law, which requires that a post must be painted with not less than 50 square inches of paint and which requires that if the post is a metal fence post, the entire post must be painted, to provide that only the top 12 inches of any post must be painted, regardless of whether the post is made of wood, metal or other material. Furthermore, this bill requires that ~~[all corners of the area and]~~ **each side of** all gates, cattle guards and openings that are designed for entry must be painted with fluorescent orange paint.

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

Section 1. NRS 207.200 is hereby amended to read as follows:

207.200 1. Unless a greater penalty is provided pursuant to NRS 200.603, any person who, under circumstances not amounting to a burglary:

(a) Goes upon the land or into any building of another with intent to vex or annoy the owner or occupant thereof, or to commit any unlawful act; or

(b) Willfully goes or remains upon any land or in any building after having been warned by the owner or occupant thereof not to trespass,

➥is guilty of a misdemeanor. The meaning of this subsection is not limited by subsections 2 and 4.

2. A sufficient warning against trespassing, within the meaning of this section, is given by ~~[either]~~ ***any*** of the following methods:

(a) ~~[Painting]~~ ~~[, at]~~ ~~[:]~~ ***If the land is used for agricultural purposes or for herding or grazing livestock, by painting with fluorescent orange paint:***

(1) At intervals of not more than ~~[200 feet]~~ ~~[one-quarter mile on each side]~~ ***1,000 feet and at each corner*** of the land, upon or near the boundary, ***not less than 50 square inches of the exterior portion of*** a ~~[post,]~~ structure or natural object ~~[with not less than 50 square inches of fluorescent orange paint on]~~ ~~[, if the post is a metal fence post, painting the entire post with such paint.]~~ ***or the top 12 inches of the exterior portion of a post, whether made of wood, metal or other material*** ~~[, with fluorescent orange paint;]~~ ***; and***

(2) ~~[All corners of the area with fluorescent orange paint; and~~

~~(3) All~~ ***Each side of all*** *gates, cattle guards and openings that are designed to allow human ingress to the area with fluorescent orange paint* ***;*** ~~.~~

(b) ***If the land is not used in the manner specified in paragraph (a), by painting with fluorescent orange paint, at intervals of not more than 200 feet and at each corner of the land, upon or near the boundary, not less than 50 square inches of the exterior portion of a structure or natural object or the top 12 inches of the exterior portion of a post, whether made of wood, metal or other material; or***

(c) Fencing the area.

3. It is prima facie evidence of trespass for any person to be found on private or public property which is posted or fenced as provided in subsection 2 without lawful business with the owner or occupant of the property.

4. An entryman on land under the laws of the United States is an owner within the meaning of this section.

5. As used in this section, "fence" means a barrier sufficient to indicate an intent to restrict the area to human ingress, including, but not limited to, a wall, hedge or chain link or wire mesh fence. ***The term does not include a barrier made of barbed wire.***

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 242.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 178.

SUMMARY— ~~[Prohibits the enrollment of a student in the Nevada System of Higher Education without proof of immunization against meningococcal disease. (BDR 34-357)]~~ **Requires the State Board of Health to adopt regulations requiring the immunization against meningococcal disease of certain students who are enrolled in the Nevada System of Higher Education. (BDR 40-357)**

AN ACT relating to education; ~~[prohibiting a student from enrolling in a university, state college or community college within the Nevada System of Higher Education unless the student submits proof that he has been immunized against meningococcal disease or is excused from obtaining the immunization because of a medical condition or religious belief;]~~ **requiring the State Board of Health to adopt regulations requiring the immunization against meningococcal disease of certain students who are enrolled in an institution within the Nevada System of Higher Education;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The State Board of Health prohibits a student from attending the University of Nevada, Las Vegas, or the University of Nevada, Reno, unless

he submits proof to the university that he has been immunized against the communicable diseases specified by the Board or is excused from being immunized because of a medical condition or religious belief. (NAC 441A.755) This bill ~~[prohibits a student from enrolling at any]~~ **requires the Board to adopt regulations requiring the immunization of students who are enrolled in a** university, state college or community college within the Nevada System of Higher Education . ~~[unless he submits proof that]~~ **A student is exempt from the regulations if** he has been immunized against meningococcal disease or is excused from being immunized because of a medical condition or religious belief.

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

Section 1. Chapter ~~[396]~~ **441A** of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, ~~[a student may not enroll in a university, state college or community college within the System unless the student submits proof that he has been immunized against meningococcal disease.]~~ ***the Board shall adopt regulations requiring the immunization against meningococcal disease of students who are enrolled in a university, state college or community college within the Nevada System of Higher Education for those students who:***

(a) Reside in housing that is offered by or through the System or the institution in which the student is enrolled; or

(b) Are in a category of students for which the Board determines, in consultation with the Chancellor of the System, are necessary to receive the immunization.

2. The regulations adopted by the Board must not require the immunization of students who are enrolled in a university, state college or community college within the Nevada System of Higher Education but who do not regularly attend classes on a campus of the System, including, without limitation, students who are enrolled in distance education. The Board shall work in consultation with the Chancellor of the System to determine which students do not regularly attend classes on a campus of the System.

3. A student ~~[may be enrolled without proof]~~ ***is exempt from the requirement of immunization against meningococcal disease as required by the regulations of the Board if the student submits:***

(a) A statement from a licensed physician that the student has a medical condition that does not permit him to be immunized against the disease; or

(b) A statement that the religious beliefs of the student do not permit him to be immunized.

~~[3. The]~~

4. If applicable, the university, state college or community college within the Nevada System of Higher Education shall include the proof of immunization or other statement in the record of the student.

Sec. 2. **1. On or before December 1, 2007, the State Board of Health shall adopt regulations required by section 1 of this act. The regulations must apply to students who initially enroll in a university, state college or community college within the Nevada System of Higher Education on and after July 1, 2008.**

2. The State Board of Health and the Board of Regents of the University of Nevada shall ensure that the students enrolled in the Nevada System of Higher Education and their parents are adequately informed of the regulations adopted by the State Board of Health pursuant to section 1 of this act.

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 282.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 102.

AN ACT relating to domestic violence; revising the list of acts that constitute domestic violence; authorizing a court to include certain protections for ~~[domestic]~~ animals in an order for protection against domestic violence; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain unlawful acts which constitute domestic violence when committed against certain specified persons. (NRS 33.018) This provision is used for purposes of determining who may obtain a temporary order for protection against domestic violence and for various other purposes. (NRS 4.373, 5.055, 33.017-33.100, 41.134, 171.227, 171.229, 228.423-228.490, 432B.157, 432B.330, 458.300) Section 1 of this bill expands the unlawful acts which constitute domestic violence to include knowingly, purposefully or recklessly injuring or killing ~~[a domestic]~~ **an** animal with the intent to harass the victim. (NRS 33.018) As a result of this change, a person who intentionally violates an order for protection against domestic violence by injuring or killing ~~[a domestic]~~ **an** animal is guilty of a misdemeanor unless a more severe penalty is prescribed for the act. (NRS 33.100) Section 2 of this bill authorizes the court, in a temporary **or extended** order for protection against domestic violence, to prohibit the adverse party from physically injuring ~~[,]~~ **or** threatening to injure **any animal that is owned or kept by the adverse party, the applicant for the protection order or a minor child,** or **from** taking possession of any

~~[domestic]~~ animal that is owned or kept by the applicant ~~[for the protection order]~~ or a minor child. Section 2 also authorizes the court, in an extended order for protection against domestic violence, to specify arrangements for the possession and care of any ~~[domestic]~~ animal owned or kept by the adverse party, the applicant for the extended order or a minor child. (NRS 33.030)

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

Section 1. NRS 33.018 is hereby amended to read as follows:

33.018 1. Domestic violence occurs when a person commits one of the following acts against or upon his spouse, former spouse, any other person to whom he is related by blood or marriage, a person with whom he is or was actually residing, a person with whom he has had or is having a dating relationship, a person with whom he has a child in common, the minor child of any of those persons or his minor child:

(a) A battery.

(b) An assault.

(c) Compelling the other by force or threat of force to perform an act from which he has the right to refrain or to refrain from an act which he has the right to perform.

(d) A sexual assault.

(e) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, but is not limited to:

(1) Stalking.

(2) Arson.

(3) Trespassing.

(4) Larceny.

(5) Destruction of private property.

(6) Carrying a concealed weapon without a permit.

(7) Injuring or killing ~~[a domestic]~~ **an** ***animal.***

(f) A false imprisonment.

(g) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

2. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 2. NRS 33.030 is hereby amended to read as follows:

33.030 1. The court by a temporary order may:

(a) Enjoin the adverse party from threatening, physically injuring or harassing the applicant or minor child, either directly or through an agent;

(b) Exclude the adverse party from the applicant's place of residence;

(c) Prohibit the adverse party from entering the residence, school or place of employment of the applicant or minor child and order him to stay away from any specified place frequented regularly by them;

(d) If it has jurisdiction under chapter 125A of NRS, grant temporary custody of the minor child to the applicant; ~~[and]~~

(e) ***Enjoin the adverse party from physically injuring, threatening to injure or taking possession of any*** ~~[domestic]~~ ***animal that is owned or kept by the applicant or minor child, either directly or through an agent;*** ~~[and]~~

(f) Enjoin the adverse party from physically injuring or threatening to injure any animal that is owned or kept by the adverse party, either directly or through an agent; and

(g) Order such other relief as it deems necessary in an emergency situation.

2. The court by an extended order may grant any relief enumerated in subsection 1 and:

(a) Specify arrangements for visitation of the minor child by the adverse party and require supervision of that visitation by a third party if necessary; ~~[and]~~

(b) ***Specify arrangements for the possession and care of any*** ~~[domestic]~~ ***animal owned or kept by the adverse party, applicant or minor child; and***

(c) Order the adverse party to:

(1) Avoid or limit communication with the applicant or minor child;

(2) Pay rent or make payments on a mortgage on the applicant's place of residence or pay for the support of the applicant or minor child if he is found to have a duty to support the applicant or minor child; and

(3) Pay all costs and fees incurred by the applicant in bringing the action.

3. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

4. A temporary or extended order must specify, as applicable, the county and city, if any, in which the residence, school, child care facility or other provider of child care, and place of employment of the applicant or minor child are located.

5. A temporary or extended order must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after his arrest if the arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 289.

Bill read second time and ordered to third reading.

Assembly Bill No. 299.
Bill read second time and ordered to third reading.

Assembly Bill No. 350.
Bill read second time and ordered to third reading.

Assembly Bill No. 353.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 192.

AN ACT relating to parental rights; providing for the restoration of parental rights in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the termination of parental rights in certain circumstances. (NRS 128.010-128.160) Existing law further provides that a court cannot change, modify or set aside an order terminating parental rights. (NRS 128.120) ~~[Section 1 of this bill authorizes a court, upon its own motion or upon the petition of a child who has not been adopted or the natural parent or parents of the child, to order that the parental rights of the natural parent or parents be restored in certain circumstances if the court determines by a preponderance of the evidence that the child is not likely to be adopted and that restoration of parental rights is in the best interest of the child.]~~ **Existing law also provides for the voluntary relinquishment of parental rights. (NRS 127.040)**

Section 2 of this bill authorizes a child who has not been adopted and whose natural parent has had his parental rights terminated or has relinquished his parental rights to petition a court for the restoration of parental rights. In addition, the legal custodian or legal guardian of such a child may petition for the restoration of parental rights. The natural parent must consent to the petition. Section 3 of this bill provides for the notice that must be given before a hearing is held on the petition and requires that certain persons be afforded an opportunity to present evidence and testify during the hearing. Section 4 of this bill provides for the court to hold a hearing when a valid petition is filed and specifies certain findings that must be made for the court to grant the petition, including that the child is not likely to be adopted and that the restoration of parental rights is in the best interests of the child.

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

Section 1. Chapter 128 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:~~

~~1. A court may order the restoration of the parental rights of the natural parent or parents of a child pursuant to the provisions of this section if:~~

~~(a) A court has terminated the parental rights of the natural parent or parents of the child;~~

~~(b) The child:~~

~~(1) Is 17 years of age or older and has not been adopted; or~~

~~(2) Is less than 17 years of age and has not been adopted within 3 years after the date on which the court terminated the parental rights of his natural parent or parents; and~~

~~(c) The court determines that adoption is no longer the plan for the child.~~

~~2. The court may order a hearing to determine whether the parental rights of the natural parent or parents of the child should be restored:~~

~~(a) Upon its own motion; or~~

~~(b) Upon petition by the child or the natural parent or parents of the child.~~

~~3. A child who is less than 17 years of age may file a petition to restore the parental rights of the natural parent or parents before the expiration of the 3-year period described in subsection 1 if the custodial agency that is responsible for custody and supervision of the child and the child stipulate that the child is not likely to be adopted.~~

~~4. A child over 12 years of age shall sign the petition in the absence of a showing of good cause as to why the child could not do so.~~

~~5. If it appears that the best interests of the child may be promoted by the restoration of the parental rights of the natural parent or parents, the court shall order:~~

~~(a) That a hearing be held;~~

~~(b) That notice of the hearing be given to the legal custodian or guardian of the child and the child's attorney of record or, if there is no attorney of record for the child, to the child; and~~

~~(c) That the child or legal custodian or guardian of the child provide notice of the hearing to the natural parent or parents whose parental rights were terminated.~~

~~6. The court shall order the restoration of parental rights pursuant to this section if after the hearing the court finds by a preponderance of the evidence that:~~

~~(a) The child is not likely to be adopted; and~~

~~(b) Restoration of the parental rights of the natural parent or parents is in the best interest of the child.~~

~~7. If the court restores the parental rights of the natural parent or parents of a child who is less than 12 years of age and for whom the new plan will not be reunification with a parent or legal guardian, the court shall specify the factual basis for its findings that it is in the best interest of the child to restore the parental rights of the natural parent or parents.~~] **the provisions set forth as sections 2, 3 and 4 of this act.**

Sec. 2. ***1. A child who has not been adopted and whose natural parent or parents have had their parental rights terminated or have relinquished their parental rights, or the legal custodian or guardian of***

such a child, may petition a court for the restoration of the parental rights of the natural parent or parents of the child.

2. The natural parent or parents for whom restoration of parental rights is sought to be restored must consent in writing to the petition.

Sec. 3. 1. Before a hearing is held on a petition that is filed pursuant to section 2 of this act, the court shall direct the clerk to issue a notice, reciting briefly the substance of the petition and stating the date set for the hearing thereof, and requiring the person served therewith to appear before the court at the time and place if that person desires to provide testimony or evidence concerning the petition.

2. The following persons must be personally served with the notice:

(a) The natural parent or parents for whom parental rights are sought to be restored;

(b) The legal custodian and the legal guardian of the child who is the subject of the petition;

(c) If the parental rights of the natural parent or parents for whom parental rights are sought to be restored were terminated, the person or governmental entity that petitioned for the termination if different from the persons notified pursuant to paragraph (b); and

(d) The attorney of record of the child who is the subject of the petition or, if none, the child.

3. The persons who are served with notice pursuant to subsection 2 must be provided an opportunity to present testimony and evidence during the hearing.

Sec. 4. 1. If a valid petition is filed pursuant to section 2 of this act, the court shall hold a hearing to determine whether to restore the parental rights of the natural parent or parents.

2. Before granting a petition for the restoration of parental rights, the court must find that:

(a) If any child who is the subject of the petition is 14 years of age or older, the child consents to the restoration of parental rights.

(b) The natural parent or parents for whom restoration of parental rights is sought have been informed of the legal obligations, rights and consequences of the restoration of parental rights and that the natural parent or parents are willing and able to accept such obligations, rights and consequences.

3. If the court finds the necessary facts pursuant to subsection 2, the court shall order the restoration of parental rights if the court further finds by a preponderance of the evidence that:

(a) The child is not likely to be adopted; and

(b) Restoration of parental rights of the natural parent or parents is in the best interests of the child.

4. If the court restores the parental rights of the natural parent or parents of a child who is less than 14 years of age, the court shall specify in

its order the factual basis for its findings that it is in the best interests of the child to restore the parental rights of the natural parent or parents.

5. Upon the entry of an order for the restoration of parental rights issued pursuant to this section, any child who is the subject of the petition becomes the legal child of the natural parent or parents whose rights have been restored, and they shall become his legal parents on that date with all the rights and duties of parents.

~~[Sec. 2.]~~ ***Sec. 5.*** NRS 128.100 is hereby amended to read as follows:

128.100 1. In any proceeding for terminating parental rights, or any rehearing or appeal thereon, ***or any proceeding for restoring parental rights,*** the court may appoint an attorney to represent the child as his counsel and, if the child does not have a guardian ad litem appointed pursuant to NRS 432B.500, as his guardian ad litem. The child may be represented by an attorney at all stages of any proceedings for terminating parental rights. If the child is represented by an attorney, the attorney has the same authority and rights as an attorney representing a party to the proceedings.

2. If the parent or parents of the child desire to be represented by counsel, but are indigent, the court may appoint an attorney for them.

3. Each attorney appointed under the provisions of this section is entitled to the same compensation and expenses from the county as provided in NRS 7.125 and 7.135 for attorneys appointed to represent persons charged with crimes.

~~[Sec. 3.]~~ ***Sec. 6.*** NRS 128.120 is hereby amended to read as follows:

128.120 Any order made and entered by the court under the provisions of NRS 128.110 is conclusive and binding upon the person declared to be free from the custody and control of his parent or parents, and upon all other persons who have been served with notice by publication or otherwise, as provided by this chapter. After the making of the order, ***except as otherwise provided in section*** ~~[1]~~ ***4 of this act,*** the court has no power to set aside, change or modify it, but nothing in this chapter impairs the right of appeal.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 356.

Bill read second time.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 356 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 358.

Bill read second time and ordered to third reading.

Assembly Bill No. 373.
Bill read second time and ordered to third reading.

Assembly Bill No. 380.
Bill read second time and ordered to third reading.

Assembly Bill No. 381.
Bill read second time and ordered to third reading.

Assembly Bill No. 404.
Bill read second time and ordered to third reading.

Assembly Bill No. 497.
Bill read second time and ordered to third reading.

Assembly Bill No. 512.
Bill read second time.
The following amendment was proposed by the Committee on Education:
Amendment No. 177.

AN ACT relating to education; requiring the board of trustees of a school district to employ certain student teachers as substitute teachers in certain schools and in certain subject areas under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a school district to enter into an agreement for the assignment of student teachers within the school district for training purposes. (NRS 391.095) This bill requires a school district which has entered into such an agreement to employ certain student teachers as substitutes in at-risk schools and in hard to fill subject areas when licensed teachers are not available to fill those positions.

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

Section 1. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A board of trustees of a school district that has entered into an agreement pursuant to NRS 391.095 shall, before assigning a long-term substitute who is not a licensed teacher, assign a student teacher who satisfies the requirements of subsection 2 as a substitute teacher to fill positions:

(a) At schools in which 65 percent or more of the pupils who are enrolled in the school are children who are at risk; or

(b) In the field of mathematics, science, special education or English as a second language.

2. A student teacher who has completed not less than 4 weeks of student teaching in a school district pursuant to NRS 391.095 may apply to

the board of trustees of that school district for employment as a substitute teacher. The application must include the written approval of:

(a) The teacher who supervises the student teacher through the Nevada System of Higher Education or accredited postsecondary educational institution, as applicable; and

(b) The teacher who is responsible for supervising the student teacher in the classroom.

3. If a school district employs a student teacher as a substitute teacher pursuant to this section, the school district shall ensure that the student teacher is ~~[directly]~~ ***supervised by a licensed teacher. A licensed teacher so assigned must:***

(a) Be available to assist the student teacher ~~[during the school day;~~

~~(b) Observe]~~ ***and observe the student teacher on a periodic basis; and***

~~[(c)]~~ ***(b) Oversee the management of the classroom, instructional duties and administrative duties of the student teacher.***

4. A student teacher who is employed as a substitute teacher pursuant to this section is entitled to the rate of pay otherwise payable to substitute teachers employed by the school district for each day the student teacher works as a substitute teacher. Nothing in this section entitles a student teacher to be paid for time spent completing his student teaching.

5. ***The board of trustees of a school district that employs a student teacher as a substitute teacher pursuant to this section shall, in consultation with the employee organization representing licensed teachers in the school district, provide for compensation of the licensed teacher who supervises the student teacher pursuant to subsection 3 that is in addition to the regular salary of the licensed teacher.***

6. As used in this section, "student teacher" means a student of a branch of the Nevada System of Higher Education or an accredited postsecondary educational institution who is assigned to teach for training purposes pursuant to NRS 391.095.

Sec. 2. NRS 391.273 is hereby amended to read as follows:

391.273 1. Except as otherwise provided in subsections 4 and 10 ~~[,]~~ ***and except for persons who are supervised pursuant to section 1 of this act,*** the unlicensed personnel of a school district must be directly supervised by licensed personnel in all duties which are instructional in nature. To the extent practicable, the direct supervision must be such that the unlicensed personnel are in the immediate location of the licensed personnel and are readily available during such times when supervision is required.

2. Unlicensed personnel who are exempted pursuant to subsection 4 must be under administrative supervision when performing duties which are instructional in nature.

3. Unlicensed personnel may temporarily perform duties under administrative supervision which are not primarily instructional in nature.

4. Except as otherwise provided in subsection 5, upon application by a superintendent of schools, the Superintendent of Public Instruction may grant

an exemption from the provisions of subsection 1. The Superintendent shall not grant an exemption unless:

(a) The duties are within the employee's special expertise or training;

(b) The duties relate to the humanities or an elective course of study, or are supplemental to the basic curriculum of a school;

(c) The performance of the duties does not result in the replacement of a licensed employee or prevent the employment of a licensed person willing to perform those duties;

(d) The secondary or combined school in which the duties will be performed has less than 100 pupils enrolled and is at least 30 miles from a school in which the duties are performed by licensed personnel; and

(e) The unlicensed employee submits his fingerprints for an investigation pursuant to NRS 391.033.

5. The exemption authorized by subsection 4 does not apply to a paraprofessional if the provisions of 20 U.S.C. § 6319 and the regulations adopted pursuant thereto require the paraprofessional to be directly supervised by a licensed teacher.

6. The Superintendent of Public Instruction shall file a record of all exempt personnel with the clerk of the board of trustees of each local school district, and advise the clerk of any changes therein. The record must contain:

(a) The name of the exempt employee;

(b) The specific instructional duties he may perform;

(c) Any terms or conditions of the exemption deemed appropriate by the Superintendent of Public Instruction; and

(d) The date the exemption expires or a statement that the exemption is valid as long as the employee remains in the same position at the same school.

7. The Superintendent of Public Instruction may adopt regulations prescribing the procedure to apply for an exemption pursuant to this section and the criteria for the granting of such exemptions.

8. Except in an emergency, it is unlawful for the board of trustees of a school district to allow a person employed as a teacher's aide to serve as a teacher unless the person is a legally qualified teacher licensed by the Superintendent of Public Instruction. As used in this subsection, "emergency" means an unforeseen circumstance which requires immediate action and includes the fact that a licensed teacher or substitute teacher is not immediately available.

9. If the Superintendent of Public Instruction determines that the board of trustees of a school district has violated the provisions of subsection 8, he shall take such actions as are necessary to reduce the amount of money received by the district pursuant to NRS 387.124 by an amount equal to the product when the following numbers are multiplied together:

(a) The number of days on which the violation occurred;

(b) The number of pupils in the classroom taught by the teacher's aide; and

(c) The number of dollars of basic support apportioned to the district per pupil per day pursuant to NRS 387.1233.

10. The provisions of this section do not apply to unlicensed personnel who are employed by the governing body of a charter school, unless a paraprofessional employed by the governing body is required to be directly supervised by a licensed teacher pursuant to the provisions of 20 U.S.C. § 6319 and the regulations adopted pursuant thereto.

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

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 515.

Bill read second time and ordered to third reading.

Assembly Bill No. 575.

Bill read second time and ordered to third reading.

Assembly Bill No. 589.

Bill read second time and ordered to third reading.

Assembly Bill No. 601.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 10.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 13.

Bill read third time.

Remarks by Assemblywoman Allen.

Roll call on Assembly Bill No. 13:

YEAS—41.

NAYS—Goedhart.

Assembly Bill No. 13 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 14 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 20.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Assembly Bill No. 20:

YEAS—42.
NAYS—None.
Assembly Bill No. 20 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 55.
Bill read third time.
Remarks by Assemblywoman Gerhardt.
Roll call on Assembly Bill No. 55:
YEAS—42.
NAYS—None.
Assembly Bill No. 55 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 68.
Bill read third time.
Remarks by Assemblywoman Leslie.
Roll call on Assembly Bill No. 68:
YEAS—42.
NAYS—None.
Assembly Bill No. 68 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 75.
Bill read third time.
Remarks by Assemblymen Gansert and Cobb.
Potential conflict of interest declared by Assemblyman Cobb.
Roll call on Assembly Bill No. 75:
YEAS—42.
NAYS—None.
Assembly Bill No. 75 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 90.
Bill read third time.
Remarks by Assemblywoman Gerhardt.
Roll call on Assembly Bill No. 90:
YEAS—42.
NAYS—None.
Assembly Bill No. 90 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 117.
Bill read third time.

Remarks by Assemblyman Carpenter.
Roll call on Assembly Bill No. 117:
YEAS—42.
NAYS—None.
Assembly Bill No. 117 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 148.
Bill read third time.
Remarks by Assemblywoman Leslie.
Roll call on Assembly Bill No. 148:
YEAS—42.
NAYS—None.
Assembly Bill No. 148 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 244.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Assembly Bill No. 244:
YEAS—42.
NAYS—None.
Assembly Bill No. 244 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 250.
Bill read third time.
Remarks by Assemblywoman Parnell.
Roll call on Assembly Bill No. 250:
YEAS—42.
NAYS—None.
Assembly Bill No. 250 having received a two-thirds majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 333.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Assembly Bill No. 333:
YEAS—42.
NAYS—None.
Assembly Bill No. 333 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 493.
Bill read third time.
Remarks by Assemblyman Atkinson.
Roll call on Assembly Bill No. 493:
YEAS—42.
NAYS—None.
Assembly Bill No. 493 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 562.
Bill read third time.
Remarks by Assemblyman Settelmeyer.
Roll call on Assembly Bill No. 562:
YEAS—42.
NAYS—None.
Assembly Bill No. 562 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Joint Resolution No. 3 just reported out of committee, be placed on the General File.
Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 102 just reported out of committee, be placed on the General File.
Motion carried.

Assemblyman Oceguera moved that Assembly Bills Nos. 2, 7, 24, 29, 41, 54, 56, 58, 71, 72, 76, 89, 93, 114, 128, 176, 178, 190, 215, 224, 247, 265, 266, 294, 303, 307, 329, 334, 343, 359, 366, 410, 468, 483, 531, 552, 554, 560; Assembly Joint Resolution No. 9; Assembly Joint Resolution No. 1 of the 22nd Session just reported out of committee, be placed on the Second Reading File.
Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:16 p.m.

ASSEMBLY IN SESSION

At 12:17 p.m.
Madam Speaker presiding.
Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 2.

Bill read second time.

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

Amendment No. 145.

AN ACT relating to automotive repairs; requiring a garage or body shop to repair a motor vehicle in accordance with the **specifications of the manufacturer of the motor vehicle and the** written estimate or statement of the cost of repairs ~~[provided]~~ **most recently agreed upon** by the garage ~~[,]~~ **or** body shop ~~[or]~~ **and the** person authorizing the repairs; ~~[providing penalties;]~~ **requiring a body shop to comply with certain other requirements relating to the repair of a motor vehicle; providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Garages]~~ **Under existing law, a garage is required to display a sign in a conspicuous area of the garage setting forth the rights of the customer, including, without limitation, the right to receive a written estimate of charges and to inspect all replaced parts. (NRS 597.490) In addition**, **garages** that perform repairs of $50 or more on motor vehicles are required by existing law to provide the person authorizing the repairs with a written estimate of the total cost to repair the motor vehicle. (NRS 597.510) If additional charges are required to perform the repairs, the garage is required to obtain the consent of the person authorizing the repairs before it may perform the repairs for the additional charges. (NRS 597.520, 597.540) A person authorizing repairs of a motor vehicle may waive the requirement for a written estimate or approval of additional charges. (NRS 597.530)

~~[Sections 1 and 6]~~ **Section 1** of this bill ~~[require]~~ **requires** garages and body shops to perform repairs to a motor vehicle in accordance with the **specifications of the manufacturer of the motor vehicle, if any**, **and the** written estimate or statement of the cost of the repairs ~~[. If the garage or body shop is unable to perform the repairs in accordance with the written estimate or statement, the garage or body shop is required to notify the person authorizing the repairs and obtain the person's consent before performing any repairs to the motor vehicle.]~~ **that is most recently agreed upon by the body shop or garage and the person authorizing the repairs.**

Sections 2-10 of this bill make existing provisions of law that are applicable to garages and garagemen also apply to body shops. Those provisions include, without limitation, the requirement to post a sign in a conspicuous area of the body shop setting forth the rights of customers of the body shop.

Sections 11 and 12 of this bill authorize injunctive relief and civil penalties for a violation of the provisions of section 1 of this bill. Section 16 of this bill authorizes the Department of Motor Vehicles to refuse to issue a license or to

suspend, revoke or refuse to renew the license of a body shop for willful failure to comply with the provisions of section 1 of this bill.

~~[Sections 1 and 9 of this bill make the violation of any provision of section 1 or 6 of this bill a misdemeanor.]~~

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

Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[1. A]~~ ***If a body shop or*** ***garage*** ~~[that accepts]~~ ***performs repairs on a motor vehicle*** ~~[for repairs]~~ ***, the body shop or garage shall perform the repairs in accordance with*** ~~[the]~~ ***any specifications of the manufacturer of the motor vehicle, and the written estimate or statement of the cost of the repairs that is*** ~~[provided]~~ ***most recently agreed upon by the body shop or garage*** ~~[or]~~ ***and the person authorizing repairs.***

~~[2. If the garage is not able to perform the repairs in accordance with the written estimate or statement, it shall notify the person authorizing repairs of that fact and the reasons therefor and shall not perform any repairs to the motor vehicle unless it obtains the consent of that person.~~

~~3. Any person who violates any provision of this section is guilty of a misdemeanor.]~~

Sec. 2. NRS 597.480 is hereby amended to read as follows:

597.480 As used in NRS 597.480 to 597.590, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. ***"Body shop" has the meaning ascribed to it in NRS 487.600.***

2. "Garage" has the meaning ascribed to it in NRS 487.540.

~~[2.]~~ ***3.*** "Garageman" has the meaning ascribed to it in NRS 487.545.

~~[3.]~~ ***4.*** "Motor vehicle" means:

(a) A motorcycle as defined in NRS 482.070;

(b) A motortruck as defined in NRS 482.073 if the gross weight of the vehicle does not exceed 10,000 pounds;

(c) A passenger car as defined in NRS 482.087;

(d) A mini motor home as defined in NRS 482.066;

(e) A motor home as defined in NRS 482.071; and

(f) A recreational vehicle as defined in NRS 482.101.

~~[4.]~~ ***5.*** "Person authorizing repairs" means a person who uses the services of a garage. The term includes an insurance company, its agents or representatives, authorizing repairs to motor vehicles under a policy of insurance.

Sec. 3. **NRS 597.490 is hereby amended to read as follows:**

597.490 1. Each garageman shall display conspicuously in those areas of his place of business frequented by persons seeking repairs on motor vehicles a sign, not less than 22 inches by 28 inches in size, setting forth in boldface letters the following:

STATE OF NEVADA

REGISTERED GARAGE

THIS GARAGE IS REGISTERED WITH THE DEPARTMENT OF MOTOR VEHICLES

NEVADA AUTOMOTIVE REPAIR CUSTOMER BILL OF RIGHTS

AS A CUSTOMER IN NEVADA:

YOU have the right to receive repairs from a business that is ***REGISTERED*** with the Department of Motor Vehicles that will ensure the proper repair of your vehicle. (NRS 597.490)

YOU have the right to receive a ***WRITTEN ESTIMATE*** of charges for repairs made to your vehicle which exceed $50. (NRS 597.510)

YOU have the right to read and understand all documents and warranties ***BEFORE YOU SIGN THEM.*** (NRS 597.490)

YOU have the right to ***INSPECT ALL REPLACED PARTS*** and accessories that are covered by a warranty and for which a charge is made. (NRS 597.550)

YOU have the right to request that all replaced parts and accessories that are not covered by a warranty ***BE RETURNED TO YOU AT THE TIME OF SERVICE.*** (NRS 597.550)

YOU have the right to require authorization ***BEFORE*** any additional repairs are made to your vehicle if the charges for those repairs exceed 20% of the original estimate or $100, whichever is less. (NRS 597.520)

YOU have the right to receive a ***COMPLETED STATEMENT OF CHARGES*** for repairs made to your vehicle. (NRS 487.035)

YOU have the right to a ***FAIR RESOLUTION*** of any dispute that develops concerning the repair of your vehicle. (NRS 597.490)

FOR MORE INFORMATION PLEASE CONTACT:

THE DEPARTMENT OF BUSINESS AND INDUSTRY

CONSUMER AFFAIRS DIVISION

IN CLARK COUNTY: (702) 486-7355

ALL OTHER AREAS TOLL-FREE: 1-800-326-5202

2. ***Each body shop shall display conspicuously in those areas of its place of business frequented by persons seeking repairs on motor vehicles a sign, not less than 22 inches by 28 inches in size, setting forth in boldface letters the following:***

STATE OF NEVADA

LICENSED BODY SHOP

THIS BODY SHOP IS LICENSED BY THE DEPARTMENT OF MOTOR VEHICLES

NEVADA AUTOMOTIVE REPAIR CUSTOMER BILL OF RIGHTS

AS A CUSTOMER IN NEVADA:

YOU have the right to receive repairs from a business that is LICENSED with the Department of Motor Vehicles that will ensure the proper repair of your vehicle. (NRS 597.490)

YOU have the right to receive a WRITTEN ESTIMATE of charges for repairs made to your vehicle which exceed $50. (NRS 597.510)

YOU have the right to read and understand all documents and warranties BEFORE YOU SIGN THEM. (NRS 597.490)

YOU have the right to INSPECT ALL REPLACED PARTS and accessories that are covered by a warranty and for which a charge is made. (NRS 597.550)

YOU have the right to request that all replaced parts and accessories that are not covered by a warranty BE RETURNED TO YOU AT THE TIME OF SERVICE. (NRS 597.550)

YOU have the right to require authorization BEFORE any additional repairs are made to your vehicle if the charges for those repairs exceed 20% of the original estimate or $100, whichever is less. (NRS 597.520)

YOU have the right to receive a COMPLETED STATEMENT OF CHARGES for repairs made to your vehicle. (NRS 487.035)

YOU have the right to a FAIR RESOLUTION of any dispute that develops concerning the repair of your vehicle. (NRS 597.490)

FOR MORE INFORMATION PLEASE CONTACT:

THE DEPARTMENT OF BUSINESS AND INDUSTRY

CONSUMER AFFAIRS DIVISION

IN CLARK COUNTY: (702) 486-7355

ALL OTHER AREAS TOLL-FREE: 1-800-326-5202

3. The sign required pursuant to the provisions of subsection 1 ***or 2*** must include a replica of the great seal of the State of Nevada. The seal must be 2 inches in diameter and be centered on the face of the sign directly above the words "STATE OF NEVADA."

~~[3.]~~ ***4.*** Any person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 4. **NRS 597.500 is hereby amended to read as follows:**

597.500 Whenever any ***body shop or*** garageman accepts or assumes control of a motor vehicle for the purpose of making or completing any

repair, ~~[he]~~ ***the body shop or garageman*** shall comply with the provisions of NRS 597.510 to 597.570, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 5. **NRS 597.510 is hereby amended to read as follows:**

597.510 1. Except as otherwise provided in NRS 597.530, a person requesting or authorizing the repair of a motor vehicle that is more than $50 must be furnished an estimate or statement signed by the person making the estimate or statement on behalf of the ***body shop or garageman***, indicating the total charge for the performance of the work necessary to accomplish the repair, including the charge for labor and all parts and accessories necessary to perform the work.

2. If the estimate is for the purpose of diagnosing a malfunction, the estimate must include the cost of:

(a) Diagnosis and disassembly; and

(b) Reassembly, if the person does not authorize the repair.

3. The provisions of this section do not require a ***body shop or*** garageman to reassemble a motor vehicle if he determines that the reassembly of the motor vehicle would render the vehicle unsafe to operate.

Sec. 6. **NRS 597.520 is hereby amended to read as follows:**

597.520 Except as otherwise provided in NRS 597.530, if it is determined that additional charges are required to perform the repair authorized, and those additional charges exceed, by 20 percent or $100, whichever is less, the amount set forth in the estimate or statement required to be furnished pursuant to the provisions of NRS 597.510, the ***body shop or*** garageman shall notify the ~~[person authorizing the repairs]~~ ***owner and insurer of the motor vehicle*** of the amount of those additional charges.

Sec. 7. **NRS 597.540 is hereby amended to read as follows:**

597.540 1. ~~[A person authorizing repairs]~~ ***An owner or insurer of a motor vehicle*** who has been notified of additional charges pursuant to NRS 597.520 shall:

(a) Authorize the performance of the repair at the additional expense; or

(b) Without delay, and upon payment of the authorized charges, take possession of the motor vehicle.

2. Until the election provided for in subsection 1 has been made, the ***body shop or*** garageman shall not undertake any repair which would involve such additional charges.

3. If the person elects to take possession of the motor vehicle but fails to take possession within a 24-hour period after ~~[such]~~ ***the*** election, the ***body shop or*** garageman may charge for storage of the vehicle.

Sec. 8. **NRS 597.550 is hereby amended to read as follows:**

597.550 1. Whenever the repair work performed on a motor vehicle requires the replacement of any parts or accessories, the ***body shop or*** garageman shall, at the request of the person authorizing the repairs or any person entitled to possession of the motor vehicle, deliver to ~~[such]~~ ***the*** person all parts and accessories replaced as a result of the work done.

2. The provisions of subsection 1 do not apply to parts or accessories which must be returned to a manufacturer or distributor under a warranty arrangement or which are subject to exchange, but the customer on request is entitled to be shown ~~[such]~~ ***the*** warranty parts for which a charge is made.

Sec. 9. **NRS 597.560 is hereby amended to read as follows:**

597.560 The ***body shop or*** garageman shall retain copies of any estimate, statement or waiver required by NRS 597.510 to 597.550, inclusive, as an ordinary business record of the ***body shop or*** garage, for a period of not less than 1 year ~~[from]~~ ***after*** the date ~~[such]~~ ***the*** estimate, statement or waiver is signed.

Sec. 10. **NRS 597.570 is hereby amended to read as follows:**

597.570 In every instance where charges are made for the repair of a motor vehicle ~~[,]~~ ***by a garageman,*** the garageman making the repairs shall comply with the provisions of NRS 487.035 as well as the provisions of NRS 597.510 to 597.550, inclusive. ~~[He]~~ ***A garageman*** is not entitled to detain a motor vehicle by virtue of any common law or statutory lien, or otherwise enforce such ***a*** lien, ~~[nor shall he have the right]~~ ***or*** to sue on any contract for repairs made by him, unless he has complied with the requirements of NRS 597.510 to 597.550, inclusive, in addition to those of NRS 487.035.

~~[Sec. 3.]~~ ***Sec. 11.*** NRS 597.580 is hereby amended to read as follows:

597.580 The Attorney General or any district attorney may bring an action in any court of competent jurisdiction in the name of the State of Nevada on the complaint of the Commissioner of Consumer Affairs or of any person allegedly aggrieved by such violation to enjoin any violation of the provisions of NRS 597.510 to 597.570, inclusive ~~[.]~~ ***, and section 1 of this act.***

~~[Sec. 4.]~~ ***Sec. 12.*** NRS 597.590 is hereby amended to read as follows:

597.590 Any person who knowingly violates any provision of NRS 597.500 to 597.570, inclusive, ***and section 1 of this act*** is liable, in addition to any other penalty or remedy which may be provided by law, to a civil penalty of not more than $500 for each offense, which may be recovered by civil action on complaint of the Commissioner of Consumer Affairs, the Director of the Department of Business and Industry or the district attorney.

~~[Sec. 5.]~~ ***Sec. 13.*** NRS 598.990 is hereby amended to read as follows:

598.990 The Division shall:

1. Establish and maintain a toll-free telephone number for persons to report to the Division information concerning alleged violations of NRS 487.035, 487.530 to 487.570, inclusive, 597.480 to 597.590, inclusive, and ***section 1 of this act, and*** 598.0903 to 598.0999, inclusive.

2. Develop a program to provide information to the public concerning:

(a) The duties imposed on a ***body shop by the provisions of NRS 487.035, 487.610 to 487.690, inclusive, and 597.480 to 597.590, inclusive, and section 1 of this act;***

(b) The duties imposed on a garageman by the provisions of NRS 487.035, 487.530 to 487.570, inclusive, and 597.480 to 597.590, inclusive ~~[~~**,** ~~, and section 1 of this act;~~

~~(b)]~~ ***, and section 1 of this act;***

(c) The rights and protections established for a person who uses the services of a garage;

~~[(c)]~~ ***(d)*** The repair of motor vehicles; and

~~[(d)]~~ ***(e)*** Deceptive trade practices relating to the repair of motor vehicles by a garage.

~~[Sec. 6.]~~ ***Sec. 14.*** ~~[Chapter 487 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. A body shop that accepts a motor vehicle for repairs shall perform the repairs in accordance with the written estimate or statement of the cost of the repairs that is provided by the body shop or the person authorizing repairs.*~~

~~*2. If the body shop is not able to perform the repairs in accordance with the written estimate or statement, it shall notify the person authorizing repairs of that fact and the reasons therefor and shall not perform any repairs to the motor vehicle unless it obtains the consent of that person.*~~

~~*3. As used in this section, "person authorizing repairs" means a person who uses the services of a body shop. The term includes an insurance company, its agents or representatives, authorizing repairs to motor vehicles under a policy of insurance.]*~~ (**Deleted by amendment.**)

~~[Sec. 7.]~~ ***Sec. 15.*** ~~[NRS 487.600 is hereby amended to read as follows:~~

~~487.600 As used in NRS 487.610 to 487.690, inclusive, *and section 6 of this act*, "body shop" means any place where the body of a motor vehicle is painted, fixed, repaired or replaced for compensation.]~~ (**Deleted by amendment.)**

~~[Sec. 8.]~~ ***Sec. 16.*** NRS 487.650 is hereby amended to read as follows:

487.650 1. The Department may refuse to issue a license or, after notice and hearing, may suspend, revoke or refuse to renew a license to operate a body shop upon any of the following grounds:

(a) Failure of the applicant or licensee to have or maintain an established place of business in this State.

(b) Conviction of the applicant or licensee or an employee of the applicant or licensee of a felony, or of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter.

(c) Any material misstatement in the application for the license.

(d) Willful failure of the applicant or licensee to comply with the motor vehicle laws of this State and NRS 487.035, 487.610 to 487.690, inclusive, ~~[and section 6 of this act,]~~ or 597.480 to 597.590, inclusive ~~[.]~~ ***, and section 1 of this act.***

(e) Failure or refusal by the licensee to pay or otherwise discharge any final judgment against him arising out of the operation of the body shop.

(f) Failure or refusal to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 2.

(g) A finding of guilt by a court of competent jurisdiction in a case involving a fraudulent inspection, purchase, sale or transfer of a salvage vehicle by the applicant or licensee or an employee of the applicant or licensee.

(h) An improper, careless or negligent inspection of a salvage vehicle pursuant to NRS 487.800 by the applicant or licensee or an employee of the applicant or licensee.

(i) A false statement of material fact in a certification of a salvage vehicle pursuant to NRS 487.800 or a record regarding a salvage vehicle by the applicant or licensee or an employee of the applicant or licensee.

2. Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the operation of a body shop, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS 487.610 to 487.690, inclusive, ~~[and section 6 of this act]~~ or to determine the suitability of an applicant or a licensee for ~~[such]~~ licensure.

3. As used in this section, "salvage vehicle" has the meaning ascribed to it in NRS 487.770.

~~[Sec. 9.]~~ ***Sec. 17.*** ~~[NRS 487.690 is hereby amended to read as follows:~~

~~487.690 Any person who violates any of the provisions of NRS 487.610 to 487.680, inclusive, *and section 6 of this act* is guilty of a misdemeanor.]~~

(Deleted by amendment.)

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 7.

Bill read second time.

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

Amendment No. 134.

AN ACT relating to public utilities; providing that certain electric and natural gas utilities applying to the Public Utilities Commission of Nevada to clear deferred accounts or to recover costs for purchased fuel and power have

the burden of proving reasonableness and prudence in such applications; prohibiting the Commission from allowing natural gas utilities to recover costs for purchases made imprudently; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain electric utilities to use deferred accounting to account for increases in the costs of power or fuel purchased by the electric utility. (NRS 704.110, 704.187) An electric utility is only allowed to recover increases in the costs of power or fuel purchased by the electric utility if the costs were not the result of practices or transactions that were imprudently undertaken by the electric utility. (NRS 704.110) The Nevada Supreme Court has ruled, in the absence of a statute to the contrary, that in a deferred accounting proceeding there is a presumption that the practices and transactions of an electric utility were reasonable and prudent. (***Nevada Power Company v. Public Utilities Commission of Nevada***, 122 Nev. Adv. Op. 72 (2006)) Section ~~[1]~~ **2** of this bill provides by specific statute that there is no presumption that the practices and transactions of an electric utility were undertaken prudently and that the burden is on the electric utility to prove that its practices and transactions were prudent.

Existing law authorizes certain natural gas utilities to use deferred accounting to account for increases in the costs of natural gas purchased by the utility. (NRS 704.185) Section ~~[2]~~ **3** of this bill provides that a natural gas utility is only allowed to recover increases in the costs of natural gas purchased by the natural gas utility if the costs were not the result of practices or transactions that were imprudently undertaken by the natural gas utility. Section ~~[2]~~ **3** also provides that there is no presumption that the practices and transactions of a natural gas utility were undertaken prudently and that the burden is on the natural gas utility to prove that its practices and transactions were prudent.

Section 4 of this bill provides that the changes made by this bill apply to all applications of a public utility seeking to clear its deferred accounts pursuant to NRS 704.185 or 704.187 that are: (1) pending before the Public Utilities Commission of Nevada on or after the effective date of this act; (2) pending on appeal in a district court or the Supreme Court pursuant to NRS 703.373 to 703.376, inclusive, on or after the effective date of this act; or (3) filed with the Public Utilities Commission of Nevada on or after the effective date of this act.

Section 1 of this bill provides that the Legislature in enacting this bill determined that: (1) a public utility should have the burden of proving that its practices and transactions were reasonable and prudent; and (2) the holding in Nevada Power Company v. Public Utilities Commission of Nevada should be superseded. Additionally, the Legislature indicates in section 1 that this bill is not intended to abrogate or change any rule of evidence or procedure other than the presumption of reasonableness that the Nevada Supreme Court established.

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

Section 1. **The Legislature hereby finds and declares that:**

1. In proceedings involving deferred energy accounting where a public utility seeks to recover from its ratepayers costs recorded in its deferred accounts pursuant to NRS 704.185 or 704.187, it is just and reasonable to require a public utility to prove that the costs recorded in its deferred accounts were incurred prudently. Therefore, to ensure that ratepayers do not pay for costs incurred as a result of any practices or transactions that were undertaken, managed or performed imprudently, the public utility should have the burden of proving that its practices and transactions were reasonable and prudent.

2. In *Nevada Power Company v. Public Utilities Commission of Nevada*, 122 Nev. Adv. Op. 72 (2006), the Nevada Supreme Court held that, in the absence of a statute to the contrary, the controlling procedure in proceedings involving deferred energy accounting is the rebuttable presumption of prudence adopted by the Public Utilities Commission of Nevada in the 1986 rate case of Re *Nevada Power Company*, 74 Pub. Util. Rep. 4th 703 (Nev. Pub. Serv. Comm'n May 30, 1986).

3. The provisions of this act are intended to supersede the holding of the Nevada Supreme Court in *Nevada Power Company v. Public Utilities Commission of Nevada*, 122 Nev. Adv. Op. 72 (2006), to the extent that the Court determined that the rebuttable presumption of prudence is the controlling procedure in proceedings involving deferred energy accounting.

4. Because the rebuttable presumption of prudence is a rule of procedure, this act applies to all applications of a public utility seeking to clear its deferred accounts that are:

(a) Pending before the Public Utilities Commission of Nevada on or after the effective date of this act;

(b) Pending on appeal in a district court or the Supreme Court pursuant to NRS 703.373 to 703.376, inclusive, on or after the effective date of this act; or

(c) Filed with the Public Utilities Commission of Nevada on or after the effective date of this act.

5. The provisions of this act are not intended to abrogate or change any other rule of procedure or evidence followed by the Public Utilities Commission of Nevada in proceedings involving deferred energy accounting. Therefore, the provisions of this act do not abrogate or change the Commission's regulations which provide that:

(a) A public utility must comply with certain minimum filing requirements when it files an application seeking to clear its deferred accounts; and

(b) If the public utility meets those requirements, the public utility has established a prima facie case in support of its application.

6. Under the provisions of this act, in proceedings involving deferred energy accounting, if any party challenges the prudence of particular costs incurred by a public utility based on evidence entered into the record, the public utility is required to answer such challenge, and no presumption of prudence applies. However, if no party challenges the prudence of particular costs and the public utility has established a prima facie case regarding those costs, the Commission has the authority to approve those costs for recovery by the public utility in its rates.

~~[Section 1.]~~ ***Sec. 2.*** NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075 and 704.68904 to 704.68984, inclusive, or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097 or pursuant to the regulations adopted by the Commission in accordance with subsection 4 of NRS 704.040:

1. If a public utility files with the Commission an application to make changes in any schedule, including, without limitation, changes that will result in a discontinuance, modification or restriction of service, the Commission shall investigate the propriety of the proposed changes to determine whether to approve or disapprove the proposed changes. If an electric utility files such an application and the application is a general rate application or an application to clear its deferred accounts, the Consumer's Advocate shall be deemed a party of record.

2. Except as otherwise provided in subsections 3 and 13, if a public utility files with the Commission an application to make changes in any schedule, the Commission shall issue a written order approving or disapproving, in whole or in part, the proposed changes:

(a) For a public utility that is a PAR carrier, not later than 180 days after the date on which the application is filed; and

(b) For all other public utilities, not later than 210 days after the date on which the application is filed.

3. If a public utility files with the Commission a general rate application, the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared. Except as otherwise provided in subsection 4, in determining whether to approve or disapprove any increased rates, the Commission shall consider evidence in support of the increased rates based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the Commission and changes in the costs of securities which are known and are measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months,

but the public utility shall not place into effect any increased rates until the changes have been experienced and certified by the public utility to the Commission and the Commission has approved the increased rates. The Commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an annual basis. Within 90 days after the date on which the certification required by this subsection is filed with the Commission, or within the period set forth in subsection 2, whichever time is longer, the Commission shall make such order in reference to the increased rates as is required by this chapter. An electric utility shall file a general rate application pursuant to this subsection at least once every 24 months based on the following schedule:

(a) An electric utility that primarily serves less densely populated counties shall file a general rate application on or before October 3, 2005, and at least once every 24 months thereafter.

(b) An electric utility that primarily serves densely populated counties shall file a general rate application on or before November 15, 2006, and at least once every 24 months thereafter.

4. In addition to submitting the statement required pursuant to subsection 3, a public utility which purchases natural gas for resale may submit with its general rate application a statement showing the effects, on an annualized basis, of all expected changes in circumstances. If such a statement is filed, it must include all increases and decreases in revenue and expenses which may occur within 210 days after the date on which its general rate application is filed with the Commission if such expected changes in circumstances are reasonably known and are measurable with reasonable accuracy. If a public utility submits such a statement, the public utility has the burden of proving that the expected changes in circumstances set forth in the statement are reasonably known and are measurable with reasonable accuracy. If the Commission determines that the public utility has met its burden of proof:

(a) The Commission shall consider the statement submitted pursuant to this subsection and evidence relevant to the statement in addition to the statement required pursuant to subsection 3 as evidence in establishing just and reasonable rates for the public utility; and

(b) The public utility is not required to file with the Commission the certification that would otherwise be required pursuant to subsection 3.

5. If a public utility files with the Commission an application to make changes in any schedule and the Commission does not issue a final written order regarding the proposed changes within the time required by this section, the proposed changes shall be deemed to be approved by the Commission.

6. If a public utility files with the Commission a general rate application, the public utility shall not file with the Commission another general rate

application until all pending general rate applications filed by that public utility have been decided by the Commission unless, after application and hearing, the Commission determines that a substantial financial emergency would exist if the public utility is not permitted to file another general rate application sooner. The provisions of this subsection do not prohibit the public utility from filing with the Commission, while a general rate application is pending, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale pursuant to subsection 7 or an application to clear its deferred accounts pursuant to subsection 9, if the public utility is otherwise authorized by those provisions to file such an application.

7. A public utility may file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale once every 30 days. The provisions of this subsection do not apply to:

(a) An electric utility using deferred accounting pursuant to NRS 704.187; or

(b) A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8.

8. A public utility which purchases natural gas for resale must request approval from the Commission to adjust its rates on a quarterly basis between annual rate adjustment applications based on changes in the public utility's recorded costs of natural gas purchased for resale. If the Commission approves such a request:

(a) The public utility shall file written notice with the Commission before the public utility makes a quarterly rate adjustment between annual rate adjustment applications. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The public utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill. The public utility shall begin providing such written notice to its customers not later than 30 days after the date on which the public utility files its written notice with the Commission pursuant to paragraph (a). The written notice that is included with a customer's regular monthly bill:

(1) Must be printed separately on fluorescent-colored paper and must not be attached to the pages of the bill; and

(2) Must include the following:

(I) The total amount of the increase or decrease in the public utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission; and

(IV) Any other information required by the Commission.

(c) The public utility shall file an annual rate adjustment application with the Commission. The annual rate adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual rate adjustment application must include a review of each quarterly rate adjustment and a review of the transactions and recorded costs of natural gas included in each quarterly rate adjustment and the annual rate adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the public utility to recover any recorded costs of natural gas which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the public utility, and the Commission shall order the public utility to adjust its rates if the Commission determines that any recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application were not reasonable or prudent.

9. Except as otherwise provided in subsection 10 and subsection 5 of NRS 704.100, if an electric utility using deferred accounting pursuant to NRS 704.187 files an application to clear its deferred accounts and to change one or more of its rates based upon changes in the costs for purchased fuel or purchased power, the Commission, after a public hearing and by an appropriate order:

(a) Shall allow the electric utility to clear its deferred accounts by refunding any credit balance or recovering any debit balance over a period not to exceed 3 years, as determined by the Commission.

(b) Shall not allow the electric utility to recover any debit balance, or portion thereof, in an amount that would result in a rate of return during the period of recovery that exceeds the rate of return authorized by the Commission in the most recently completed rate proceeding for the electric utility.

10. Before allowing an electric utility to clear its deferred accounts pursuant to subsection 9, the Commission shall determine whether the costs for purchased fuel and purchased power that the electric utility recorded in its deferred accounts are recoverable and whether the revenues that the electric utility collected from customers in this State for purchased fuel and purchased power are properly recorded and credited in its deferred accounts. The Commission shall not allow the electric utility to recover any costs for

purchased fuel and purchased power that were the result of any practice or transaction that was undertaken, managed or performed imprudently by the electric utility. ***There is no presumption that any practice or transaction was undertaken, managed or performed prudently by an electric utility applying to the Commission to clear its deferred accounts or to recover costs for purchased fuel and purchased power, and the electric utility has the burden of proving that the practices and transactions of the electric utility were reasonable and prudent.***

11. If an electric utility files an application to clear its deferred accounts pursuant to subsection 9 while a general rate application is pending, the electric utility shall:

(a) Submit with its application to clear its deferred accounts information relating to the cost of service and rate design; and

(b) Supplement its general rate application with the same information, if such information was not submitted with the general rate application.

12. A utility facility identified in a 3-year plan submitted pursuant to NRS 704.741 and accepted by the Commission for acquisition or construction pursuant to NRS 704.751 and the regulations adopted pursuant thereto shall be deemed to be a prudent investment. The utility may recover all just and reasonable costs of planning and constructing such a facility.

13. A PAR carrier may, in accordance with this section and NRS 704.100, file with the Commission a request to approve or change any schedule to provide volume or duration discounts to rates for telecommunication service for an offering made to all or any class of business customers. The Commission may conduct a hearing relating to the request, which must occur within 45 days after the date the request is filed with the Commission. The request and schedule shall be deemed approved if the request and schedule are not disapproved by the Commission within 60 days after the date the Commission receives the request.

14. As used in this section:

(a) "Electric utility" has the meaning ascribed to it in NRS 704.187.

(b) "Electric utility that primarily serves densely populated counties" has the meaning ascribed to it in NRS 704.187.

(c) "Electric utility that primarily serves less densely populated counties" has the meaning ascribed to it in NRS 704.187.

(d) "PAR carrier" has the meaning ascribed to it in NRS 704.68942.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 704.185 is hereby amended to read as follows:

704.185 1. Except as otherwise provided in subsection 8 of NRS 704.110, a public utility which purchases natural gas for resale may record upon its books and records in deferred accounts all cost increases or decreases in the natural gas purchased for resale. Any public utility which uses deferred accounting to reflect changes in costs of natural gas purchased for resale shall include in its annual report to the Commission a statement showing the allocated rate of return for each of its operating departments in Nevada which uses deferred accounting.

2. If the rate of return for any department using deferred accounting pursuant to subsection 1 is greater than the rate of return allowed by the Commission in the last rate proceeding, the Commission shall order the utility which recovered any costs of natural gas purchased for resale through rates during the reported period to transfer to the next energy adjustment period that portion of such recovered amounts which exceeds the authorized rate of return.

3. A public utility which purchases natural gas for resale may request approval from the Commission to record upon its books and records in deferred accounts any other cost or revenue which the Commission deems appropriate for deferred accounting and which is not otherwise subject to the provisions of subsections 1 and 2. If the Commission approves such a request, the Commission shall determine the appropriate requirements for reporting and recovery that the public utility must follow with regard to each such deferred account.

~~[4. The Commission shall not allow a public utility which purchases natural gas for resale to clear its deferred accounts or to recover any costs for purchased natural gas that were the result of any practice or transaction that was undertaken, managed or performed imprudently by the public utility. There is no presumption that any practice or transaction was undertaken, managed or performed prudently by a public utility applying to the Commission to recover costs for purchased natural gas, and the public utility has the burden of proving that the practices and transactions of the public utility were reasonable and prudent.]~~

4. When a public utility which purchases natural gas for resale files an application to clear its deferred accounts, the proceeding regarding the application must include a review of the transactions and recorded costs of natural gas included in the application. There is no presumption of reasonableness or prudence for any transactions or recorded costs of natural gas included in the application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

Sec. 4. **This act applies to all applications of a public utility seeking to clear its deferred accounts pursuant to NRS 704.185 or 704.187 that are:**

1. Pending before the Public Utilities Commission of Nevada on or after the effective date of this act;

2. Pending on appeal in a district court or the Supreme Court pursuant to NRS 703.373 to 703.376, inclusive, on or after the effective date of this act; or

3. Filed with the Public Utilities Commission of Nevada on or after the effective date of this act.

~~[Sec. 3.]~~ ***Sec. 5.*** This act becomes effective upon passage and approval.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 24.

Bill read second time.

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

Amendment No. 137.

AN ACT relating to consumer reporting; prohibiting a credit reporting agency from charging certain elderly consumers a fee to release their consumer reports to specific persons or for specific periods or to place security freezes in or remove security freezes from their credit files; **reducing the amount of fees that may be charged by credit reporting agencies to other consumers**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[A]~~ **Existing law authorizes** a credit reporting agency ~~[may]~~ **to** charge a fee to place a security freeze in or to remove a security freeze from the credit file of a consumer if requested by the consumer. (NRS 598C.300, 598C.320) The security freeze is designed to prevent a credit reporting agency from releasing a consumer report without the consumer's consent. (NRS 598C.310) A credit reporting agency may also charge a fee to release temporarily a credit report of a consumer to a specific person or for a specific period. (NRS 598C.320)

This bill prohibits a credit reporting agency from charging a consumer who is ~~[62]~~ **65** years of age or older a fee to release temporarily his consumer report to a specific person or for a specific period or to place a security freeze in or to remove a security freeze from his credit file ~~[.]~~ **and reduces the maximum amount of the fees authorized for other persons.**

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

Section 1. NRS 598C.320 is hereby amended to read as follows:

598C.320 1. Except as otherwise provided in this section ~~[:~~

~~(a) A reporting agency may charge a consumer a]~~ [reasonable] ~~[fee, not to exceed $15, to place a security freeze in his file.~~

~~(b) After a security freeze has been placed in the file of a consumer, a reporting agency may charge the consumer a]~~ [reasonable] ~~[fee:~~

~~(1) Not to exceed $18, to remove the security freeze from his file pursuant to NRS 598C.360.~~

~~(2) Not to exceed $18, to temporarily release his consumer report for a specific period pursuant to NRS 598C.350.~~

~~(3) Not to exceed $20, to temporarily release his consumer report to a specific person pursuant to NRS 598C.350.]~~ ***, a reporting agency may***

charge a consumer a fee, not to exceed $10, to place, remove or temporarily release a security freeze on his file.

2. A reporting agency may not charge a consumer the ~~[fees]~~ ***fee*** set forth in subsection 1 to place a security freeze in his file, to temporarily release his consumer report for a specific period or to a specific person, or to remove a security freeze from his file if ~~[the]~~ ***:***

(a) The consumer is ~~[62]~~ ***65 years of age or older; or***

(b) The consumer is a victim of identity theft and the consumer submits, at the time the security freeze is requested, a valid copy of a police report, investigative report or complaint which the consumer has filed with a law enforcement agency regarding the unlawful use of the personal information of the consumer by another person.

3. On January 1 of each year, a reporting agency may increase the fees set forth in subsection 1 based proportionally on changes to the Consumer Price Index of All Urban Consumers, as determined by the United States Department of Labor, with fractional changes rounded to the nearest 25 cents.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 29.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 68.

"SUMMARY—Adds certain vehicles of ~~[the Division of Parole and Probation of the Department of Public Safety]~~ ***certain governmental agencies*** to the authorized emergency vehicles list. (BDR 43-557)"

"AN ACT relating to public safety; revising the list of authorized emergency vehicles to include certain vehicles of ~~[the Division of Parole and Probation of the Department of Public Safety;]~~ ***certain governmental agencies;*** and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill adds certain vehicles owned and operated by ~~[the Division of Parole and Probation of the Department of Public Safety]~~ ***certain governmental agencies*** to the list of authorized emergency vehicles. (NRS 484.787)

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

Section 1. NRS 484.787 is hereby amended to read as follows:

484.787 1. Except as otherwise provided in NRS 484.789, authorized emergency vehicles are vehicles publicly owned and operated in the performance of the duty of:

(a) A police or fire department.

(b) A sheriff's office.

(c) The Nevada Highway Patrol.

(d) ***The Division of Parole and Probation of the Department of Public Safety.***

(e) The Investigation Division of the Department of Public Safety.

(f) The Division of Compliance Enforcement of the Department of Motor Vehicles.

(g) The Department of Wildlife when the vehicles are operated by a game warden or any peace officer exercising the powers of enforcement conferred by NRS 289.280, 501.349 or 501.375.

(h) The State Department of Agriculture when the vehicles are operated by a field agent or an inspector exercising the powers of enforcement conferred by NRS 289.290.

(i) The Division of Forestry of the State Department of Conservation and Natural Resources in responding to a fire.

~~[(e)]~~ ~~[(f)]~~ ***(j)*** A public ambulance agency.

~~[(f)]~~ ~~[(g)]~~ ***(k)*** A public lifeguard or lifesaving agency.

2. A vehicle publicly maintained in whole or in part by the State, or by a city or county, and privately owned and operated by a regularly salaried member of a police department, sheriff's office ***,*** ~~[or]~~ traffic law enforcement department ~~[,]~~ ***or*** ~~[the Division of Parole and Probation]~~ ***any agency listed in subsection 1*** is an authorized emergency vehicle if:

(a) The vehicle has a permit, pursuant to NRS 484.789, from the Department;

(b) The person operates the vehicle in responding to emergency calls or fire alarms, or at the request of the Nevada Highway Patrol or ~~[the Division of Parole and Probation or]~~ ***any agency listed in subsection 1*** in the pursuit of actual or suspected violators of the law; and

(c) The State, county or city does not furnish a publicly owned vehicle for the purposes stated in paragraph (b).

3. Every authorized emergency vehicle must be equipped with at least one flashing red warning lamp visible from the front and a siren for use as provided in this chapter, which lamp and siren must be in compliance with standards approved by the Department. In addition, an authorized emergency vehicle may display revolving, flashing or steady red or blue warning lights to the front, sides or rear of the vehicle.

4. An authorized emergency vehicle may be equipped with a system or device that causes the upper-beam head lamps of the vehicle to continue to flash alternately while the system or device is activated. The driver of a vehicle that is so equipped may use the system or device when responding to an emergency call or fire alarm, while escorting a funeral procession, or when in pursuit of an actual or suspected violator of the law. As used in this subsection, "upper-beam head lamp" means a head lamp or that part of a

head lamp which projects a distribution of light or composite beam meeting the requirements of subsection 1 of NRS 484.587.

5. Except as otherwise provided in subsection 4, a person shall not operate a motor vehicle with any system or device that causes the head lamps of the vehicle to continue to flash alternately or simultaneously while the system or device is activated. This subsection does not prohibit the operation of a motorcycle equipped with any system or device that modulates the intensity of light produced by the head lamp of the motorcycle, if the system or device is used only during daylight hours and conforms to the requirements of 49 C.F.R. § 571.108.

6. A person shall not operate a vehicle with any lamp or device displaying a red light visible from directly in front of the center of the vehicle except an authorized emergency vehicle, a school bus or an official vehicle of a regulatory agency.

7. A person shall not operate a vehicle with any lamp or device displaying a blue light, except a motorcycle pursuant to NRS 486.261 or an authorized emergency vehicle.

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

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 41.

Bill read second time.

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

Amendment No. 144.

SUMMARY— ~~[Revises provisions governing licenses to practice]~~ **Makes various changes concerning** podiatry. (BDR 54-631)

AN ACT relating to podiatry; revising provisions relating to requirements for licenses to practice podiatry; authorizing the State Board of Podiatry to adopt regulations increasing the maximum application and examination fees for such licenses; eliminating certain obsolete provisions concerning examinations for licensure; **providing that the insured under certain policies of health insurance is entitled under certain circumstances to reimbursement for the treatment of an illness by a podiatrist licensed by the Board;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2 and 5 of this bill revise the examination requirement to obtain a license to practice podiatry to provide that a person must have passed that examination within the 5 years immediately preceding the date of his application for a license to practice podiatry or a temporary license to practice podiatry. Sections 2, 4 and 5 of this bill authorize the State Board of Podiatry to increase the fees required to be paid to apply for a license to practice podiatry or a limited or temporary license to practice podiatry.

Sections 1, 3, 6 and 11 of this bill eliminate certain obsolete provisions concerning examinations for licensure.

Sections 7-10 of this bill provide that if a policy of health insurance, policy of group health insurance, contract for hospital or medical services, or evidence of coverage under a health care plan provides coverage for the treatment of an illness which is within the scope of practice of a qualified podiatrist, the insured is entitled to reimbursement for treatments by a podiatrist who is licensed by the Board.

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

Section 1. NRS 635.020 is hereby amended to read as follows:

635.020 1. The State Board of Podiatry, consisting of five members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) Three members who are licensed podiatric physicians in the State of Nevada.

(b) One member who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

(c) One member who is a representative of the general public. This member must not be:

(1) A licensed podiatric physician in the State of Nevada; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a licensed podiatric physician in the State of Nevada.

3. The members of the Board are entitled to receive:

(a) A salary of not more than $80 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

4. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

~~[5. If a member is not licensed under the provisions of this chapter, the member shall not participate in preparing, conducting or grading any examination required by the Board.]~~

Sec. 2. NRS 635.050 is hereby amended to read as follows:

635.050 1. Any person ~~[desiring]~~ ***wishing*** to practice podiatry in this State must ~~[furnish]~~ ***, before beginning to practice, procure from*** the Board ~~[with satisfactory proof that he:]~~ ***a license to practice podiatry.***

2. A license to practice podiatry may be issued by the Board to any person who:

(a) Is of good moral character.

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

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

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

(e) Has passed the examination given by the National Board of Podiatric Medical Examiners ~~[.]~~ ***within the 5 years immediately preceding the date of his application for a license to practice podiatry.***

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

~~[2.]~~ ***3.*** An applicant ~~[is entitled to be examined by]~~ ***for a license to practice podiatry must submit to*** the Board or a committee thereof pursuant to such regulations as the Board may adopt ~~[if he:~~

~~(a) Pays]~~ ***:***

(a) If the applicant has satisfied the examination requirement set forth in paragraph (e) of subsection 2, the fee for an application for a license of not more than ~~[$600;~~

~~(b) Pays]~~ ***$900;***

(b) If the applicant has not satisfied the examination requirement set forth in paragraph (e) of subsection 2, the fee for ~~[the]~~ ***an application and an*** examination for a license of not more than ~~[$200;~~

~~(c) Submits proof]~~ ***$1,500;***

(c) Proof satisfactory to the Board ~~[as required by subsection 1; and~~

~~(d) Submits all]~~ ***that the requirements of subsection 2 have been met; and***

(d) All other information required ***by the Board*** to complete an application for a license.

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

~~[3.]~~ ***4.*** The Board may reject an application if it appears that the applicant's credentials are fraudulent or the applicant has practiced podiatry without a license or committed any act described in subsection 2 of NRS 635.130.

~~[4.]~~ ***5.*** The Board may require such further documentation or proof of qualification as it may deem proper.

~~[5.]~~ ***6.*** The provisions of this section do not apply to a person who applies for ~~[a]~~ ***:***

(a) A limited license to practice podiatry pursuant to NRS 635.075 ~~[.]~~ ***; or***

(b) A temporary license to practice podiatry pursuant to NRS 635.082.

Sec. 3. NRS 635.070 is hereby amended to read as follows:

635.070 Without unnecessary delay **,** ~~[after the examination,]~~ the Board shall act ~~[on the examination.]~~ ***upon an application for a license submitted pursuant to this chapter.*** If an applicant is found qualified, he must be issued a license to practice podiatry, or as a podiatry hygienist, as the case may be.

Sec. 4. NRS 635.075 is hereby amended to read as follows:

635.075 1. The Board shall issue a limited license to practice podiatry pursuant to this section to each applicant who complies with the provisions of this section.

2. An applicant for a limited license to practice podiatry must submit to the Board:

(a) An application on a form provided by the Board;

(b) A fee in the amount of the fee for an application for a license required pursuant to paragraph (a) of subsection ~~[2]~~ ***3*** of NRS 635.050; and

(c) Satisfactory proof that he:

(1) Is of good moral character;

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

(3) For not less than 25 years:

(I) Was licensed to practice podiatry in one or more states or the District of Columbia and practiced podiatry during the period each such license was in effect; and

(II) Remained licensed in good standing at all times during the period he was licensed to practice podiatry; and

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

3. An applicant for a limited license is not required to be licensed to practice podiatry in another state or the District of Columbia when he submits the application for a limited license to the Board.

4. A person who is issued a limited license pursuant to this section may practice podiatry only under the direct supervision of a podiatric physician who is licensed pursuant to this chapter and who does not hold a limited license issued pursuant to this section.

5. A limited license issued pursuant to this section:

(a) Is effective upon issuance; and

(b) May be renewed in the manner prescribed in NRS 635.110.

6. The Board may:

(a) Place such restrictions and conditions upon a limited license issued pursuant to this section as the Board deems appropriate; and

(b) Adopt regulations to carry out the provisions of this section.

Sec. 5. NRS 635.082 is hereby amended to read as follows:

635.082 1. A graduate of an accredited school of podiatry may, during his residency, be granted a temporary license to practice podiatry under the direct supervision of a podiatric physician licensed to practice in this State. A

temporary license must not be effective for more than 1 year and is not renewable.

2. ~~[An applicant for a]~~ ***A*** temporary license ~~[must furnish]~~ ***to practice podiatry may be issued by*** the Board ~~[with satisfactory proof that he:]~~ ***to any person who:***

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

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

(c) Has passed the examination given by the National Board of ~~[Podiatry Examiners.~~

~~3. Upon payment of a fee, not exceeding $600, which]~~ ***Podiatric Medical Examiners within the 5 years immediately preceding the date of his application for a temporary license to practice podiatry.***

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

(a) If the applicant has satisfied the examination requirement set forth in paragraph (c) of subsection 2, the fee for an application for a temporary license of not more that $900;

(b) If the applicant has not satisfied the examination requirement set forth in paragraph (c) of subsection 2, the fee for an application and an examination for a temporary license of not more that $1,500;

(c) Proof satisfactory to the Board that the requirements of subsection 2 have been met; and

(d) All other information required by the Board to complete an application for a temporary license.

4. The fees required pursuant to subsection 3 must be established by regulation of the Board ***.*** ~~[, and the presentation of satisfactory proof as required by subsection 2, an applicant is entitled to be examined by the Board or a committee thereof pursuant to such regulations as the Board may adopt.~~

~~4.]~~ ***5.*** The Board may by regulation govern the issuance and conditions of the temporary license.

Sec. 6. NRS 635.093 is hereby amended to read as follows:

635.093 ~~[1.]~~ Any person ~~[desiring]~~ ***wishing*** to be licensed as a podiatry hygienist in this State must ~~[furnish]~~ ***:***

1. Furnish the Board with satisfactory proof that he:

(a) Is of good moral character.

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

(c) Has satisfactorily completed a course for podiatry hygienists approved by the Board or has had 6 months or more of training in a podiatric physician's office as approved by the Board.

2. ~~[Upon payment of a fee, not exceeding $100, which must be established by regulation of the Board, presenting satisfactory proof as~~

~~required by subsection 1 and submitting~~] ***Submit*** all information required to complete an application for a license **.** ~~[, an applicant, not exempted under subsection 3, must be examined by the Board or a committee thereof under such regulations as the Board may adopt.~~

~~3. The Board may, without examination, admit to practice as a podiatry hygienist a person who is employed by a podiatric physician and is:~~

~~(a) A registered nurse; or~~

~~(b) A licensed practical nurse whom the Board or any of its members have interviewed and observed in the use of practical skills.]~~

3. Pay to the Board a fee, not exceeding $100, which must be established by regulation of the Board.

Sec. 7. **Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If any policy of health insurance provides coverage for treatment of an illness which is within the authorized scope of practice of a qualified podiatrist, the insured is entitled to reimbursement for treatments by a podiatrist who is licensed pursuant to chapter 635 of NRS.

2. The terms of the policy must not limit:

(a) Coverage for treatments by a podiatrist to a number less than for treatments by other physicians.

(b) Reimbursement for treatments by a podiatrist to an amount less than that reimbursed for similar treatments by other physicians.

Sec. 8. **Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If any group policy of health insurance provides coverage for treatment of an illness which is within the authorized scope of practice of a qualified podiatrist, the insured is entitled to reimbursement for treatments by a podiatrist who is licensed pursuant to chapter 635 of NRS.

2. The terms of the policy must not limit:

(a) Coverage for treatments by a podiatrist to a number less than for treatments by other physicians.

(b) Reimbursement for treatments by a podiatrist to an amount less than that reimbursed for similar treatments by other physicians.

Sec. 9. **Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If any contract for hospital or medical services provides coverage for treatment of an illness which is within the authorized scope of practice of a qualified podiatrist, the insured is entitled to reimbursement for treatments by a podiatrist who is licensed pursuant to chapter 635 of NRS.

2. The terms of the policy must not limit:

(a) Coverage for treatments by a podiatrist to a number less than for treatments by other physicians.

(b) Reimbursement for treatments by a podiatrist to an amount less than that reimbursed for similar treatments by other physicians.

Sec. 10. **Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If any evidence of coverage provides coverage for treatment of an illness which is within the authorized scope of practice of a qualified podiatrist, the insured is entitled to reimbursement for treatments by a podiatrist who is licensed pursuant to chapter 635 of NRS.

2. The terms of the policy must not limit:

(a) Coverage for treatments by a podiatrist to a number less than for treatments by other physicians.

(b) Reimbursement for treatments by a podiatrist to an amount less than that reimbursed for similar treatments by other physicians.

~~[Sec. 7.]~~ ***Sec. 11.*** NRS 635.060 is hereby repealed.

~~[Sec. 8.]~~ ***Sec. 12.*** This act becomes effective on July 1, 2007.

TEXT OF REPEALED SECTION

635.060 Examination: Time; place; subjects; regulations to establish passing requirements.

1. The Board shall hold at least one examination each year to examine applicants under this chapter. The Board shall establish the time and place for the examination.

2. The Board shall provide such books, blanks and forms as may be necessary to conduct the examination.

3. The examination for licensure under this chapter must be in the English language, written, oral or clinical, as the Board may determine. The examination for podiatric physicians may include the following subjects: Anesthesia and medications, bacteriology, clinical podiatry, dermatology, diagnosis and treatment, laboratory, neurology, orthopedics, pathology, pharmacology, including pharmacodynamics and materia medica, sterilization and sterile technique, surgery, surgical anatomy, X ray, and such other subjects pertaining to the treatment of the foot and leg as the Board may determine.

4. The Board shall establish by regulation the requirements for passing the examination.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 54.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 23.

AN ACT relating to motor vehicles; requiring an applicant requesting the design, preparation and issuance of a special license plate to pay an

application fee; providing for the refund of the application fee in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires a person submitting an application to the Department of Motor Vehicles for the design, preparation and issuance of a special license plate to submit a fee in the amount of $5,000 with the application. (NRS 482.367002) The Department is required to refund the fee to the applicant if the Department or the Commission on Special License Plates decides not to issue the plate, or after at least 1,000 plates are issued.

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

Section 1. NRS 482.367002 is hereby amended to read as follows:

482.367002 1. A person may request that the Department design, prepare and issue a special license plate by submitting an application to the Department.

2. An application submitted to the Department pursuant to subsection 1:

(a) Must be on a form prescribed and furnished by the Department;

(b) ~~[Must be accompanied by a petition containing the signatures of at least 1,000 persons who wish to obtain the special license plate;~~

~~(c)]~~ Must specify whether the special license plate being requested is intended to generate financial support for a particular cause or charitable organization and, if so, the name of the cause or charitable organization; ~~[and]~~

~~[(d)]~~ ***(c)*** May be accompanied by suggestions for the design of and colors to be used in the special license plate ~~[.]~~ ***; and***

~~[(e)]~~ ***(d) Must be accompanied by a fee in the amount of $5,000.***

3. The Department may design and prepare a special license plate requested pursuant to subsection 1 if:

(a) The Department determines that the application for that plate complies with subsection 2; and

(b) The Commission on Special License Plates approves the application for that plate pursuant to subsection 5 of NRS 482.367004.

4. Except as otherwise provided in NRS 482.367008, the Department may issue a special license plate that:

(a) The Department has designed and prepared pursuant to this section;

(b) The Commission on Special License Plates has approved for issuance pursuant to subsection 5 of NRS 482.367004; and

(c) Complies with the requirements of subsection 8 of NRS 482.270,

↪for any passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with a special license plate issued pursuant to this section if that person pays the fees for

personalized prestige license plates in addition to the fees for the special license plate.

5. ***Except as otherwise provided in subsection 6, the application fee submitted pursuant to subsection 2 must be deposited in the Revolving Account for the Issuance of Special License Plates created pursuant to NRS 482.1805.***

6. The Department must promptly refund the application fee submitted pursuant to subsection 2:

(a) If the Department or the Commission on Special License Plates determines not to issue the special license plate; or

(b) If it is determined that at least 1,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008.

~~[6.]~~ ***7.*** If, during a registration year, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

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

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 56.

Bill read second time.

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

Amendment No. 143.

SUMMARY— ~~[Provides for the suspension or revocation of a contractor's license]~~ **Revises the administrative penalties that may be imposed against contractors** for certain offenses. (BDR 54-880)

AN ACT relating to contractors; ~~[providing for the suspension or revocation of the license of]~~ **revising the administrative penalties that may be imposed against** a contractor who knowingly enters into a contract with an unlicensed contractor ; ~~[or bids to contract or enters into a contract with a contractor in excess of that contractor's limit or beyond the scope of that contractor's license;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a contractor who ~~[commits certain acts, including knowingly entering]~~ **knowingly enters** into a contract with an unlicensed contractor ~~[or bidding to contract or entering into a contract with a~~

~~contractor in excess of that contractor's limit or beyond the scope of that contractor's license,~~] may be punished by the imposition of ~~[a fine, the suspension or refusal to renew his license, or the taking of other disciplinary action.]~~ **an administrative fine of not more than $50,000.** (NRS 624.300, 624.3015) This bill ~~[provides that]~~ **revises the administrative penalties that may be imposed against** a contractor who enters into such a contract ~~[, or bids to do so, shall be punished by the suspension of his license for 6 months for a first offense and for 1 year for a second offense and by the revocation of his license for a third offense.]~~ **by requiring the imposition of an administrative fine and providing for the suspension or revocation of his license.**

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

Section 1. NRS 624.300 is hereby amended to read as follows:

624.300 1. Except as otherwise provided in subsections 3 and ~~[4,]~~ ~~[, 4 and 6,]~~ **5,** the Board may:

(a) Suspend or revoke licenses already issued;

(b) Refuse renewals of licenses;

(c) Impose limits on the field, scope and monetary limit of the license;

(d) Impose an administrative fine of not more than $10,000;

(e) Order a licensee to repay to the account established pursuant to NRS 624.470, any amount paid out of the account pursuant to NRS 624.510 as a result of an act or omission of that licensee;

(f) Order the licensee to take action to correct a condition resulting from an act which constitutes a cause for disciplinary action, at the licensee's cost, that may consist of requiring the licensee to:

(1) Perform the corrective work himself;

(2) Hire and pay another licensee to perform the corrective work; or

(3) Pay to the owner of the construction project a specified sum to correct the condition; or

(g) Issue a public reprimand or take other less severe disciplinary action, including, without limitation, increasing the amount of the surety bond or cash deposit of the licensee,

↪if the licensee commits any act which constitutes a cause for disciplinary action.

2. If the Board suspends or revokes the license of a contractor for failure to establish financial responsibility, the Board may, in addition to any other conditions for reinstating or renewing the license, require that each contract undertaken by the licensee for a period to be designated by the Board, not to exceed 12 months, be separately covered by a bond or bonds approved by the Board and conditioned upon the performance of and the payment of labor and materials required by the contract.

3. If a licensee violates ~~[the]~~ **:**

(a) The provisions of NRS 624.3014, subsection 2 or 3 of NRS 624.3015, subsection 1 of NRS 624.302 or subsection 1 of NRS 624.305, the Board may impose for each violation an administrative fine in an amount that is not more than $50,000.

(b) The provisions of subsection 4 of NRS 624.3015:

(1) For a first offense, the Board shall impose an administrative fine of not less than $1,000 and not more than $50,000, and may suspend the license of the licensee for 6 months;

(2) For a second offense, the Board shall impose an administrative fine of not less than $5,000 and not more than $50,000, and shall suspend the license of the licensee for 1 year; and

(3) For a third or subsequent offense, the Board shall impose an administrative fine of not less than $10,000 and not more than $50,000, and shall revoke the license of the licensee.

4. The Board shall, by regulation, establish standards for use by the Board in determining the amount of an administrative fine imposed pursuant to ~~[this subsection.]~~ ***subsection 3.*** The standards must include, without limitation, provisions requiring the Board to consider:

(a) The gravity of the violation;

(b) The good faith of the licensee; and

(c) Any history of previous violations of the provisions of this chapter committed by the licensee.

~~[4.]~~ ***5.*** If a licensee is prohibited from being awarded a contract for a public work pursuant to NRS 338.017, the Board may suspend the license of the licensee for the period of the prohibition.

~~[5.]~~ ***6.*** If a licensee commits a fraudulent act which is a cause for disciplinary action under NRS 624.3016, the correction of any condition resulting from the act does not preclude the Board from taking disciplinary action.

~~[6. If a licensee violates the provisions of subsection 3 of NRS 624.3015, the Board shall:~~

~~(a) For a first offense, suspend the license of the licensee for 6 months;~~

~~(b) For a second offense, suspend the license of the licensee for 1 year; and~~

~~(c) For a third offense, revoke the license of the licensee.]~~

7. If the Board finds that a licensee has engaged in repeated acts that would be cause for disciplinary action, the correction of any resulting conditions does not preclude the Board from taking disciplinary action pursuant to this section.

~~[7.]~~ ***8.*** The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license by a licensee, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

~~[8.]~~ ***9.*** The Board shall not issue a private reprimand to a licensee.

~~[9.]~~ ***10.*** An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

~~[10.]~~ ***11.*** An administrative fine imposed pursuant to this section, NRS 624.341 or 624.710 plus interest at a rate that is equal to the prime rate at the largest bank in this State, as determined by the Commissioner of Financial Institutions on January 1 or July 1, as appropriate, immediately preceding the date of the order imposing the administrative fine, plus 4 percent, must be paid to the Board before the issuance or renewal of a license to engage in the business of contracting in this State. The interest must be collected from the date of the order until the date the administrative fine is paid.

~~[11.]~~ ***12.*** All fines and interest collected pursuant to this section must be deposited with the State Treasurer for credit to the Construction Education Account created pursuant to NRS 624.580.

Sec. 2. **NRS 624.3015 is hereby amended to read as follows:**

624.3015 The following acts, among others, constitute cause for disciplinary action under NRS 624.300:

1. Acting in the capacity of a contractor beyond the scope of the license.

2. Bidding to contract or contracting for a sum for one construction contract or project in excess of the limit placed on the license by the Board.

3. ***Bidding to contract or entering into a contract with a contractor for work in excess of his limit or beyond the scope of his license.***

4. Knowingly entering into a contract with a contractor while that contractor is not licensed**.** ~~[, or bidding to contract or entering into a contract with a contractor for work in excess of his limit or beyond the scope of his license.~~

~~4.]~~ ***5.*** Constructing or repairing a mobile home, manufactured home or commercial coach, unless the contractor:

(a) Is licensed pursuant to NRS 489.311; or

(b) Owns, leases or rents the mobile home, manufactured home or commercial coach.

~~[5.]~~ ***6.*** Engaging in any work or activities that require a contractor's license while the license is placed on inactive status pursuant to NRS 624.282.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 58.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 200.

AN ACT relating to crimes; providing that murder committed in the perpetration or attempted perpetration of ~~[child neglect or]~~ abuse ~~[or neglect]~~

of an older person or vulnerable person constitutes murder of the first degree; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that murder of the first degree includes murder committed in the perpetration or attempted perpetration of sexual assault, kidnapping, arson, robbery, burglary, invasion of the home, sexual abuse of a child, sexual molestation of a child under the age of 14 years or child abuse. (NRS 200.030) This bill expands that list to provide that murder of the first degree also includes murder committed in the perpetration or attempted perpetration of ~~[child neglect, or]~~ abuse ~~[or neglect]~~ of an older person or vulnerable person.

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

Section 1. NRS 200.030 is hereby amended to read as follows:

200.030 1. Murder of the first degree is murder which is:

(a) Perpetrated by means of poison, lying in wait or torture, or by any other kind of willful, deliberate and premeditated killing;

(b) Committed in the perpetration or attempted perpetration of sexual assault, kidnapping, arson, robbery, burglary, invasion of the home, sexual abuse of a child, sexual molestation of a child under the age of 14 years ***,*** ~~[or]~~ child abuse ~~[;]~~ ***or*** ~~[neglect, or]~~ ***abuse*** ~~[or neglect]~~ ***of an older person or vulnerable person pursuant to NRS 200.5099;***

(c) Committed to avoid or prevent the lawful arrest of any person by a peace officer or to effect the escape of any person from legal custody;

(d) Committed on the property of a public or private school, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties by a person who intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person; or

(e) Committed in the perpetration or attempted perpetration of an act of terrorism.

2. Murder of the second degree is all other kinds of murder.

3. The jury before whom any person indicted for murder is tried shall, if they find him guilty thereof, designate by their verdict whether he is guilty of murder of the first or second degree.

4. A person convicted of murder of the first degree is guilty of a category A felony and shall be punished:

(a) By death, only if one or more aggravating circumstances are found and any mitigating circumstance or circumstances which are found do not outweigh the aggravating circumstance or circumstances, unless a court has made a finding pursuant to NRS 174.098 that the defendant is mentally retarded and has stricken the notice of intent to seek the death penalty; or

(b) By imprisonment in the state prison:

(1) For life without the possibility of parole;

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served; or

(3) For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served.

A determination of whether aggravating circumstances exist is not necessary to fix the penalty at imprisonment for life with or without the possibility of parole.

5. A person convicted of murder of the second degree is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.

6. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415;

(b) "Child abuse" means physical injury of a nonaccidental nature to a child under the age of 18 years;

(c) ~~["Child neglect" means the negligent treatment or maltreatment of a child under the age of 18 years as set forth in NRS 432B.140;~~

~~(d)]~~ "School bus" has the meaning ascribed to it in NRS 483.160;

(d) ~~[(e)]~~ "Sexual abuse of a child" means any of the acts described in NRS 432B.100; and

(e) ~~[(f)]~~ "Sexual molestation" means any willful and lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions or sexual desires of the perpetrator or of the child.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 71.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 73.

AN ACT relating to traffic laws; making various changes to procedures when a vehicle is involved in a traffic accident; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a driver of a vehicle involved in a traffic accident that results only in property damage to stop his vehicle at the scene of the accident or, if his vehicle is obstructing traffic, at a location as close to the scene as possible. (NRS 484.221) ~~[Section 1 of this]~~ ***This*** bill clarifies that

after stopping his vehicle at the scene of an accident, the driver is required to move his vehicle or cause the vehicle to be moved, as soon as reasonably practicable, if the vehicle is obstructing traffic and can be moved safely. ~~[In addition, sections 1-3 of this bill provide that a person who moves or causes his vehicle to be moved is not required to file a report with the police or the Department of Motor Vehicles. (NRS 484.223, 484.229)]~~

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

Section 1. NRS 484.221 is hereby amended to read as follows:

484.221 ~~[1.]~~ The driver of any vehicle involved in an accident resulting only in damage to a vehicle or other property which is driven or attended by any person shall ~~[immediately]~~ ***:***

~~[(a)]~~ ***1. Immediately*** stop his vehicle at the scene of the accident ~~[or, if]~~ ***; and***

~~[(b)]~~ ***2. As soon as reasonably practicable, if*** his vehicle is obstructing traffic ~~[, at]~~ ***and can be moved safely, move the vehicle or cause the vehicle to be moved to*** a location as close thereto as possible that does not obstruct traffic ~~[, and shall forthwith]~~ ***and*** return to and remain at the scene of the accident until he has fulfilled the requirements of NRS 484.223.

~~[2. A driver who moves or causes his vehicle to be moved in compliance with subsection 1 is not required to file a report pursuant to NRS 484.223 or 484.229. The exception to the reporting requirement does not apply to a person who complies with subsection 1 without moving his vehicle.]~~

Sec. 2. ~~[NRS 484.223 is hereby amended to read as follows:~~

~~484.223 1. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any person shall:~~

~~(a) Give his name, address and the registration number of the vehicle he is driving, and shall , upon request and if available , exhibit his license to operate a motor vehicle to any person injured in such accident or to the driver or occupant of or person attending any vehicle or other property damaged in such accident;~~

~~(b) Give such information and upon request manually surrender such license to any police officer at the scene of the accident or who is investigating the accident; and~~

~~(c) Render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary, or if such carrying is requested by the injured person.~~

~~2. [If] Except as otherwise provided in NRS 484.221, if no police officer is present, the driver of any vehicle involved in such accident , after fulfilling all other requirements of subsection 1 and NRS 484.219, insofar as possible on his part to be performed, shall forthwith report such accident to the nearest~~

~~office of a police authority or of the Nevada Highway Patrol and submit thereto the information specified in subsection 1.]~~ ***(Deleted by amendment.)***

Sec. 3. ~~[NRS 484.229 is hereby amended to read as follows:~~

~~484.229 1. Except as otherwise provided in subsections 2, 3 and 4 [,] and NRS 484.221, the driver of a vehicle which is in any manner involved in an accident on a highway or on premises to which the public has access, if the accident results in bodily injury to or the death of any person or total damage to any vehicle or item of property to an apparent extent of $750 or more, shall, within 10 days after the accident, forward a written report of the accident to the Department. Whenever damage occurs to a motor vehicle, the operator shall attach to the accident report an estimate of repairs or a statement of the total loss from an established repair garage, an insurance adjuster employed by an insurer licensed to do business in this State, an adjuster licensed pursuant to chapter 684A of NRS or an appraiser licensed pursuant to chapter 684B of NRS. The Department may require the driver or owner of the vehicle to file supplemental written reports whenever the original report is insufficient in the opinion of the Department.~~

~~2. A report is not required from any person if the accident was investigated by a law enforcement agency and the report of the investigating officer contains:~~

~~(a) The name and address of the insurance company providing coverage to each person involved in the accident;~~

~~(b) The number of each policy; and~~

~~(c) The dates on which the coverage begins and ends.~~

~~3. The driver of a vehicle subject to the jurisdiction of the Surface Transportation Board or the Transportation Services Authority need not submit in his report the information requested pursuant to subsection 3 of NRS 484.247 until the 10th day of the month following the month in which the accident occurred.~~

~~4. A written accident report is not required pursuant to this chapter from any person who is physically incapable of making a report, during the period of his incapacity. Whenever the driver is physically incapable of making a written report of an accident as required in this section and he is not the owner of the vehicle, the owner shall , within 10 days after knowledge of the accident , make the report not made by the driver.~~

~~5. All written reports required in this section to be forwarded to the Department by drivers or owners of vehicles involved in accidents are without prejudice to the person so reporting and are for the confidential use of the Department or other state agencies having use of the records for accident prevention, except that the Department may disclose to a person involved in an accident or to his insurer the identity of another person involved in the accident when his identity is not otherwise known or when he denies his presence at the accident. The Department may also disclose the name of his insurer and the number of his policy.~~

~~6. A written report forwarded pursuant to the provisions of this section may not be used as evidence in any trial, civil or criminal, arising out of an accident except that the Department shall furnish upon demand of any party to such a trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department in compliance with law [,] and, if the report has been made, the date, time and location of the accident, the names and addresses of the drivers, the owners of the vehicles involved and the investigating officers. The report may be used as evidence when necessary to prosecute charges filed in connection with a violation of NRS 484.236.]~~ ***(Deleted by amendment.)***

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 72.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 49.

ASSEMBLYMEN Gansert, **ALLEN, ANDERSON, CARPENTER, COBB, CONKLIN, GERHARDT, GOEDHART, HORNE, MABEY, MANENDO, MORTENSON, OCEGUERA, OHRENSCHALL AND SEGERBLOM**

AN ACT relating to crimes; specifying that the crime of luring a child includes luring a person believed to be a child; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from luring a child who is less than 16 years of age and who is at least 5 years younger than the person. (NRS 201.560) This bill amends existing law to specify that a person violates this provision when he knowingly contacts or communicates with or attempts to contact or communicate with someone whom he believes to be a child less than 16 years of age and at least 5 years younger than the person.

A violation of the amendatory provisions of this bill constitutes the crime of luring a child and is considered a "sexual offense" or "sexual offense against a child" in certain circumstances for the purposes of several provisions of existing law. Such provisions include, without limitation, provisions requiring registration of sex offenders, community notification of sex offenders, lifetime supervision of sex offenders and special restrictions and conditions concerning parole of sex offenders as well as provisions specifically authorizing disciplinary action against a teacher or other licensed employee of a school convicted of the crime of luring a child. (NRS 62C.120, 62F.100, 62H.010, 62H.220, 176.0931, 176.133, 178.5698, 179.245, 179.460, 179A.073, 179A.280, 179D.410, 179D.620, 200.366, 213.107, 213.1214, 213.1245, 213.1255, 213.1258, 391.311, 391.314, 391.330) Thus, for example, NRS 176.0931 would require a court to impose lifetime supervision upon a person convicted of luring or attempting to lure a person

whom he believed to be a child. Further, NRS 213.1258 would provide that if the State Board of Parole Commissioners grants parole to a person convicted of luring or attempting to lure a person whom he believed to be a child through the use of a computer, system or network, the Board, under certain circumstances, must impose as a condition of the parole that the parolee not own or use a computer. In addition, NRS 391.330 would provide that a conviction for luring or attempting to lure a person believed to be a child constitutes grounds for the State Board of Education to suspend or revoke the license of a teacher, administrator or any other licensed employee.

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

Section 1. NRS 201.560 is hereby amended to read as follows:

201.560 1. Except as otherwise provided in subsection 3, a person ~~[shall not knowingly contact or communicate with or attempt]~~ ***commits the crime of luring a child if the person knowingly contacts or communicates with or attempts*** to contact or communicate with ~~[a]~~ ***:***

(a) A child who is less than 16 years of age and who is at least 5 years younger than the person with the intent to persuade, lure or transport the child away from his home or from any location known to his parent or guardian or other person legally responsible for the child to a place other than where the child is located, for any purpose:

~~[(a)]~~ ***(1)*** Without the express consent of the parent or guardian or other person legally responsible for the child; and

~~[(b)]~~ ***(2)*** With the intent to avoid the consent of the parent or guardian or other person legally responsible for the child ~~[.]~~ ***; or***

(b) Another person whom he believes to be a child who is less than 16 years of age and who is at least 5 years younger than him, regardless of the actual age of that other person, with the intent to commit an act described in paragraph (a) against that other person.

2. Except as otherwise provided in subsection 3, a person ~~[shall not knowingly contact or communicate]~~ ***commits the crime of luring a mentally ill person if he knowingly contacts or communicates*** with a mentally ill person with the intent to persuade, lure or transport the mentally ill person away from his home or from any location known to any person legally responsible for the mentally ill person to a place other than where the mentally ill person is located:

(a) For any purpose that a reasonable person under the circumstances would know would endanger the health, safety or welfare of the mentally ill person;

(b) Without the express consent of the person legally responsible for the mentally ill person; and

(c) With the intent to avoid the consent of the person legally responsible for the mentally ill person.

3. The provisions of this section do not apply if the contact or communication is made or attempted with the intent to prevent imminent bodily, emotional or psychological harm to the child ***, person believed to be a child*** or mentally ill person.

4. A person who violates or attempts to violate the provisions of this section through the use of a computer, system or network:

(a) With the intent to engage in sexual conduct with the child ***, person believed to be a child*** or mentally ill person or to cause the child ***, person believed to be a child*** or mentally ill person to engage in sexual conduct, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and may be further punished by a fine of not more than $10,000;

(b) By providing the child ***, person believed to be a child*** or mentally ill person with material that is harmful to minors or requesting the child ***, person believed to be a child*** or mentally ill person to provide the person with material that is harmful to minors, is guilty of a category C felony and shall be punished as provided in NRS 193.130; or

(c) If paragraph (a) or (b) does not apply, is guilty of a gross misdemeanor.

5. A person who violates or attempts to violate the provisions of this section in a manner other than through the use of a computer, system or network:

(a) With the intent to engage in sexual conduct with the child ***, person believed to be a child*** or mentally ill person or to cause the child ***, person believed to be a child*** or mentally ill person to engage in sexual conduct, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and may be further punished by a fine of not more than $10,000;

(b) By providing the child ***, person believed to be a child*** or mentally ill person with material that is harmful to minors or requesting the child ***, person believed to be a child*** or mentally ill person to provide the person with material that is harmful to minors, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and may be further punished by a fine of not more than $10,000; or

(c) If paragraph (a) or (b) does not apply, is guilty of a gross misdemeanor.

6. As used in this section:

(a) "Computer" has the meaning ascribed to it in NRS 205.4735.

(b) "Harmful to minors" has the meaning ascribed to it in NRS 201.257.

(c) "Material" means anything that is capable of being used or adapted to arouse interest, whether through the medium of reading, observation, sound or in any other manner.

(d) "Mentally ill person" means a person who has any mental dysfunction leading to impaired ability to maintain himself and to function effectively in his life situation without external support.

(e) "Network" has the meaning ascribed to it in NRS 205.4745.

(f) "Sexual conduct" has the meaning ascribed to it in NRS 201.520.

(g) "System" has the meaning ascribed to it in NRS 205.476.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 76.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 17.

AN ACT relating to motor vehicles; providing for a portion of the money in the Account for License Plates for the Support of the Education of Children in the Arts to be distributed to ~~[the]~~ VSA arts of Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Motor Vehicles, in cooperation with the Nevada Arts Council, to design, prepare and issue license plates for the support of the education of children in the arts and to impose a fee for such license plates. (NRS 482.3792) The fees collected must be deposited in the Account for License Plates for the Support of the Education of Children in the Arts administered by the Nevada Arts Council. (NRS 233C.094) This bill provides that one-half of the money received from those special license plates, which must be deposited in the Account for License Plates for the Support of the Education of Children in the Arts, be distributed ***on a quarterly basis*** to ~~[the]~~ VSA arts of Nevada.

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

Section 1. NRS 233C.094 is hereby amended to read as follows:

233C.094 1. The Account for License Plates for the Support of the Education of Children in the Arts is hereby created in the State General Fund. The Division shall administer the Account.

2. The money in the Account does not lapse to the State General Fund at the end of any fiscal year.

3. The ~~[Except as otherwise provided in subsection 4, the]~~ money in the Account must be used only for the support of programs for the education of children in the arts and must not be used to replace or supplant funding available from other sources.

4. The Division shall retain one-half of the money deposited in the Account to use pursuant to subsection 3. The Division shall remit quarterly

one-half of the money deposited in the Account to ~~[the]~~ ***VSA arts of Nevada*** ~~[or its successor for the support of programs and activities of the VSA arts of Nevada or its successor.]~~ ***to use pursuant to subsection 3. If*** ~~[the]~~ ***VSA arts of Nevada ceases to exist*** ***,*** ~~[and there is no successor,]~~ ***the Division shall retain all the money credited to the Account to use pursuant to subsection 3.***

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

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 89.

Bill read second time.

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

Amendment No. 142.

SUMMARY—Revises provisions regarding industrial injuries and occupational diseases to include ~~[certain park rangers]~~ as police officers ~~[.]~~ **certain employees of the Department of Public Safety and the State Department of Conservation and Natural Resources.** (BDR 53-849)

AN ACT relating to public employees; including certain **employees of the Department of Public Safety and certain** park rangers and employees of the Division of State Parks of the State Department of Conservation and Natural Resources in the definition of "police officer" for various purposes relating to industrial injuries, occupational diseases and programs for public employees; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for certain police officers suffering from certain occupational diseases to receive disability benefits. (NRS 617.135, 617.455, 617.457, 617.485, 617.487) Existing law **defines "police officer" for the purpose of providing those disability benefits to include various law enforcement officers in this State. (NRS 617.135) Existing law** also grants the powers of peace officers to certain park rangers and employees of the Division of State Parks of the State Department of Conservation and Natural Resources. (NRS 289.260) Section 1 of this bill expands the definition of police officer to make ~~[those]~~ **certain employees of the Department of Public Safety and certain** park rangers and division employees of the **State Department of Conservation and Natural Resources** eligible for the disability benefits provided to police officers . ~~[for certain occupational diseases.]~~ Section 2 of this bill makes an appropriation to the Division for physical examinations for those park rangers and division employees.

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

Section 1. NRS 617.135 is hereby amended to read as follows:

617.135 "Police officer" includes:

1. A sheriff, deputy sheriff, officer of a metropolitan police department or city policeman;

2. A chief, inspector, supervisor, commercial officer or trooper of the Nevada Highway Patrol Division of the Department of Public Safety;

3. A chief, investigator or agent of the Investigation Division of the Department of Public Safety;

4. ***A chief, supervisor, investigator or training officer of the Training Division of the Department of Public Safety;***

5. A chief or investigator of an office of the Department of Public Safety that conducts internal investigations of employees of the Department of Public Safety or investigates other issues relating to the professional responsibility of those employees;

6. A chief or investigator of the Department of Public Safety whose duties include, without limitation:

(a) The execution, administration or enforcement of the provisions of chapter 179A of NRS; and

(b) The provision of technology support services to the Director and the divisions of the Department of Public Safety;

7. An officer or investigator of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles;

~~[5.]~~ ***8.*** An investigator of the Division of Compliance Enforcement of the Department of Motor Vehicles;

~~[6.]~~ ***9.*** A member of the police department of the Nevada System of Higher Education;

~~[7.]~~ ***10.*** A:

(a) Uniformed employee of; or

(b) Forensic specialist employed by,

the Department of Corrections whose position requires regular and frequent contact with the offenders imprisoned and subjects the employee to recall in emergencies;

~~[8.]~~ ***11.*** A parole and probation officer of the Division of Parole and Probation of the Department of Public Safety;

~~[9.]~~ ***12.*** A forensic specialist or correctional officer employed by the Division of Mental Health and Developmental Services of the Department of Health and Human Services at facilities for mentally disordered offenders;

~~[10.]~~ ***13.*** The State Fire Marshal, his assistant and his deputies; ~~[and]~~

~~[11.]~~ ***14.*** A game warden of the Department of Wildlife who has the powers of a peace officer pursuant to NRS 289.280 ~~[.]~~ ***; and***

~~[12.]~~ ***15. A ranger or employee of the Division of State Parks of the State Department of Conservation and Natural Resources who has the powers of a peace officer pursuant to NRS 289.260.***

Sec. 2. 1. There is hereby appropriated from the State General Fund to the Division of State Parks of the State Department of Conservation and Natural Resources, for the physical examinations required pursuant to NRS 617.454, 617.455, 617.457, 617.485 and 617.487 for rangers or employees of the Division who are police officers pursuant to NRS 617.135 as amended by section 1 of this act:

For the Fiscal Year 2007-2008 ..... ~~[$16,312]~~ **$31,391.05**

For the Fiscal Year 2008-2009 ..... ~~[$16,312]~~ **$13,109.20**

2. Any balance of the sums appropriated by subsection 1 ~~[must not be committed for expenditure after June 30 of the respective fiscal years]~~ **remaining at the end of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2008, and September 18, 2009, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred**, and must be reverted to the State General Fund on or before September 19, 2008, and September 18, 2009, respectively.

Sec. 3. **1. A person who, on July 1, 2007, is employed as a ranger or employee of the Division of State Parks of the State Department of Conservation and Natural Resources who has the powers of a peace officer pursuant to NRS 289.260 shall submit to a physical examination pursuant to NRS 617.454, 617.455 and 617.457 and a blood test to screen for Hepatitis C pursuant to NRS 617.487 on or after July 1, 2007, but on or before September 30, 2007. Each physical examination and blood test must be paid for by the Department.**

2. Notwithstanding the provisions of NRS 617.455, 617.457 and 617.487, if a person fails to submit to a physical examination or blood test required pursuant to subsection 1, the conclusive presumption relating to diseases of the lungs created by NRS 617.455, diseases of the heart created by NRS 617.457 and infections of hepatitis C pursuant to NRS 617.487 shall be deemed, with regard to that person and for the purposes of those sections, to create a rebuttable presumption that the disease of the lungs or heart or infection of hepatitis C arose out of and in the course of the employment of the person as a ranger or employee specified in subsection 1.

Sec. 4. **This act becomes effective on July 1, 2007.**

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Assemblyman Oceguera moved that upon return from the printer Assembly Bill No. 89 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 93.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 89.

AN ACT relating to taxation; providing exemptions from certain taxes for surviving spouses of members of the Nevada National Guard who are killed while on active service in full-time National Guard duty; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, various property may be exempt from taxation. For example, property of surviving spouses may be exempt up to $1,000 of assessed valuation, property of veterans may be exempt up to $2,000 of assessed valuation and property of disabled veterans may be exempt up to $20,000 of assessed valuation. (NRS 361.080, 361.090, 361.091) Similar exemptions from the governmental services tax on vehicles are provided for surviving spouses, veterans and disabled veterans. (NRS 371.101, 371.103, 371.104)

Section 1 of this bill provides that 100 percent of the assessed value of the primary residence of the surviving spouse of a member of the Nevada National Guard who was killed while on active service in full-time National Guard duty may be exempt from the property tax for the residence. If such a tax exemption is allowed, the claimant is not entitled to an exemption under NRS 361.080 or 361.091 or section 6 of this bill. If any person files a false affidavit or provides false proof of his qualifications for a tax exemption pursuant to section 1 and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

Section 6 of this bill provides that 100 percent of the assessed value of any one vehicle of the surviving spouse of a member of the Nevada National Guard who was killed while on active service in full-time National Guard duty may be exempt from the governmental services tax. If such a tax exemption is allowed, the claimant is not entitled to an exemption under NRS 371.101 or 371.104 or section 1 of this bill. If any person files a false affidavit or provides false proof of his qualifications for a tax exemption pursuant to section 6 and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

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

Section 1. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in section 6 of this act, a bona fide resident of the State of Nevada who is the surviving spouse of a member of the Nevada National Guard who was killed while on active service in full-

time National Guard duty [~~, as defined in 10 U.S.C. § 101(d)(5),~~] ***is entitled to a surviving spouse's exemption equal to 100 percent of the assessed value of the primary residence of the surviving spouse.***

2. For the purposes of this section, real property in which the surviving spouse has any interest shall be deemed the property of the surviving spouse.

3. The exemption may be allowed only to a claimant who has filed an affidavit with his claim for exemption on real property pursuant to NRS 361.155.

4. The affidavit must be made before the county assessor or a notary public and be filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada, that the affiant meets all the other requirements of this section and that the affiant has not claimed the exemption in any other county in this State for that fiscal year. After the filing of the original affidavit, the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

↳to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

5. The county assessor may require such reasonable proof of the qualifications of the claimant for the exemption as the county assessor determines is necessary.

6. A surviving spouse is not entitled to the exemption provided by this section in any fiscal year beginning after the remarriage of the surviving spouse, even if that marriage is later annulled.

7. If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 361.080 or 361.091 or section 6 of this act.

8. If any person files a false affidavit or provides false proof of his qualifications for a tax exemption pursuant to this section to the county assessor and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

Sec. 2. NRS 361.080 is hereby amended to read as follows:

361.080 1. [~~The~~] ***Except as otherwise provided in section 1 of this act, the*** property of surviving spouses, not to exceed the amount of $1,000 assessed valuation, is exempt from taxation, but no such exemption may be allowed to anyone but a bona fide resident of this State, and must be allowed in but one county in this State to the same family.

2. For the purpose of this section, property in which the surviving spouse has any interest shall be deemed the property of the surviving spouse.

3. The person claiming such an exemption must file with the county assessor an affidavit declaring that he is a bona fide resident of this State and

that the exemption has been claimed in no other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

4. A surviving spouse is not entitled to the exemption provided by this section in any fiscal year beginning after ~~[any remarriage, even if]~~ the remarriage ***of the surviving spouse, even if that marriage*** is later annulled.

5. If any person files a false affidavit or provides false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

6. Beginning with the 2006-2007 Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July 2004 to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 3. NRS 361.0905 is hereby amended to read as follows:

361.0905 1. Any person who qualifies for an exemption pursuant to NRS 361.090 or 361.091 ***or section 1 of this act*** may, in lieu of claiming ~~[his]~~ ***the*** exemption:

(a) Pay to the county assessor all or any portion of the amount by which the tax would be reduced if he claimed ~~[his]~~ ***the*** exemption; and

(b) Direct the county assessor to deposit that amount for credit to the Gift Account for Veterans' Homes established pursuant to NRS 417.145.

2. Any person who wishes to waive ~~[his]~~ ***an*** exemption pursuant to this section shall designate the amount to be credited to the Account on a form provided by the Nevada Tax Commission.

3. The county assessor shall deposit any money received pursuant to this section with the State Treasurer for credit to the Gift Account for Veterans' Homes established pursuant to NRS 417.145. The State Treasurer shall not accept more than a total of $2,000,000 for credit to the Account pursuant to this section and NRS 371.1035 during any fiscal year.

Sec. 4. NRS 361.091 is hereby amended to read as follows:

361.091 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or ***, except as otherwise provided in section 1 of this act,*** his surviving spouse, is entitled to a disabled veteran's exemption.

2. The amount of exemption is based on the total percentage of permanent service-connected disability. The maximum allowable exemption

for total permanent disability is the first $20,000 assessed valuation. A person with a permanent service-connected disability of:

(a) Eighty to 99 percent, inclusive, is entitled to an exemption of $15,000 assessed value.

(b) Sixty to 79 percent, inclusive, is entitled to an exemption of $10,000 assessed value.

For the purposes of this section, any property in which an applicant has any interest is deemed to be the property of the applicant.

3. The exemption may be allowed only to a claimant who has filed an affidavit with his claim for exemption on real property pursuant to NRS 361.155. The affidavit may be made at any time by a person claiming an exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and be filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada, that he meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county within this State. After the filing of the original affidavit, the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

5. Before allowing any exemption pursuant to the provisions of this section, the county assessor shall require proof of the applicant's status, and for that purpose shall require him to produce an original or certified copy of:

(a) An honorable discharge or other document of honorable separation from the Armed Forces of the United States which indicates the total percentage of his permanent service-connected disability;

(b) A certificate of satisfactory service which indicates the total percentage of his permanent service-connected disability; or

(c) A certificate from the Department of Veterans Affairs or any other military document which shows that he has incurred a permanent service-connected disability and which indicates the total percentage of that disability, together with a certificate of honorable discharge or satisfactory service.

6. A surviving spouse claiming an exemption pursuant to this section must file with the county assessor an affidavit declaring that:

(a) The surviving spouse was married to and living with the disabled veteran for the 5 years preceding his death;

(b) The disabled veteran was eligible for the exemption at the time of his death or would have been eligible if he had been a resident of the State of Nevada;

(c) The surviving spouse has not remarried; and

(d) The surviving spouse is a bona fide resident of the State of Nevada.

The affidavit required by this subsection is in addition to the certification required pursuant to subsections 4 and 5. After the filing of the original affidavit required by this subsection, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

7. If a veteran or the surviving spouse of a veteran submits, as proof of disability, documentation that indicates a percentage of permanent service-connected disability for more than one permanent service-connected disability, the amount of the exemption must be based on the total of those combined percentages, not to exceed 100 percent.

8. If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 361.090 ~~[.]~~ ***or section 1 of this act.***

9. If any person files a false affidavit or produces false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

10. Beginning with the 2006-2007 Fiscal Year, the monetary amounts in subsection 2 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July 2004 to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 5. NRS 361.160 is hereby amended to read as follows:

361.160 1. Personal property in transit through this State is personal property:

(a) Which is moving in interstate commerce through or over the territory of the State of Nevada; or

(b) Which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward.

↪Such property is deemed to have acquired no situs in Nevada for purposes of taxation. Such property is not deprived of exemption because while in the warehouse the property is assembled, bound, joined, manufactured, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged, or because the property is being held for resale to customers outside the State of Nevada. The exemption granted ~~[shall]~~ ***must*** be liberally construed to effect the purposes of NRS 361.160 to 361.185, inclusive.

2. Personal property within this State as mentioned in NRS 361.030 and 361.045 to 361.155, inclusive, ***and section 1 of this act*** does not include personal property in transit through this State as defined in this section.

Sec. 6. Chapter 371 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in section 1 of this act, a bona fide resident of the State of Nevada who is the surviving spouse of a member of the Nevada National Guard who was killed while on active service in full-time National Guard duty ~~[, as defined in 10 U.S.C. § 101(d)(5),]~~ ***is entitled to a surviving spouse's exemption from the payment of governmental services taxes on any one vehicle of the surviving spouse equal to 100 percent of the assessed value of the vehicle.***

2. For the purposes of this section, a vehicle in which the surviving spouse has any interest shall be deemed to belong entirely to the surviving spouse.

3. The surviving spouse claiming the exemption shall file with the Department in the county where the exemption is claimed an affidavit declaring the residency of the affiant, that the affiant satisfies all the other requirements of this section and that the affiant has not claimed the exemption on any other vehicle or in any other county in this State for that year. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

4. The Department may require such reasonable proof of the qualifications of the claimant for the exemption as the Department determines is necessary.

5. A surviving spouse is not entitled to the exemption provided by this section in any fiscal year beginning after the remarriage of the surviving spouse, even if that marriage is later annulled.

6. If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 371.101 or 371.104 or section 1 of this act.

7. If any person files a false affidavit or provides false proof of his qualifications for a tax exemption pursuant to this section to the Department and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

Sec. 7. NRS 371.101 is hereby amended to read as follows:

371.101 1. ~~[Vehicles]~~ ***Except as otherwise provided in section 6 of this act, vehicles*** registered by surviving spouses, not to exceed the amount of $1,000 determined valuation, are exempt from taxation, but the exemption must not be allowed to anyone but actual bona fide residents of this State, and must be filed in but one county in this State to the same family.

2. For the purpose of this section, vehicles in which the surviving spouse has any interest shall be deemed to belong entirely to that surviving spouse.

3. The person claiming the exemption shall file with the Department in the county where the exemption is claimed an affidavit declaring his residency and that the exemption has been claimed in no other county in this State for that year. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

4. A surviving spouse is not entitled to the exemption provided by this section in any fiscal year beginning after ~~[any remarriage, even if]~~ the remarriage ***of the surviving spouse, even if that marriage*** is later annulled.

5. Beginning with the 2005-2006 Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from December 2003 to the December preceding the fiscal year for which the adjustment is calculated.

Sec. 8. NRS 371.1035 is hereby amended to read as follows:

371.1035 1. Any person who qualifies for an exemption pursuant to NRS 371.103 or 371.104 ***or section 6 of this act*** may, in lieu of claiming ~~[his]~~ ***the*** exemption:

(a) Pay to the Department all or any portion of the amount by which the tax would be reduced if he claimed ~~[his]~~ ***the*** exemption; and

(b) Direct the Department to deposit that amount for credit to the Gift Account for Veterans' Homes established pursuant to NRS 417.145.

2. Any person who wishes to waive ~~[his]~~ ***an*** exemption pursuant to this section shall designate the amount to be credited to the Account on a form provided by the Department.

3. The Department shall deposit any money received pursuant to this section with the State Treasurer for credit to the Gift Account for Veterans' Homes established pursuant to NRS 417.145. The State Treasurer shall not accept more than a total of $2,000,000 for credit to the Account pursuant to this section and NRS 361.0905 during any fiscal year.

Sec. 9. NRS 371.104 is hereby amended to read as follows:

371.104 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or ***, except as otherwise provided in section 6 of this act,*** his surviving spouse, is entitled to a veteran's exemption from the payment of governmental services taxes on vehicles of the following determined valuations:

(a) If he has a disability of 100 percent, the first $20,000 of determined valuation.

(b) If he has a disability of 80 to 99 percent, inclusive, the first $15,000 of determined valuation.

(c) If he has a disability of 60 to 79 percent, inclusive, the first $10,000 of determined valuation.

2. For the purpose of this section, the first $20,000 of determined valuation of vehicles in which an applicant has any interest ~~[,]~~ shall be deemed to belong entirely to that person.

3. A person claiming the exemption shall file annually with the Department in the county where the exemption is claimed an affidavit declaring that he is a bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 and that the exemption is claimed in no other county within this State. After the filing of the original affidavit, the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

4. Before allowing any exemption pursuant to the provisions of this section, the Department shall require proof of the applicant's status, and for that purpose shall require production of:

(a) A certificate from the Department of Veterans Affairs that the veteran has incurred a permanent service-connected disability, which shows the percentage of that disability; and

(b) Any one of the following:

(1) An honorable discharge;

(2) A certificate of satisfactory service; or

(3) A certified copy of either of these documents.

5. A surviving spouse claiming an exemption pursuant to this section must file with the Department in the county where the exemption is claimed an affidavit declaring that:

(a) The surviving spouse was married to and living with the disabled veteran for the 5 years preceding his death;

(b) The disabled veteran was eligible for the exemption at the time of his death; and

(c) The surviving spouse has not remarried.

The affidavit required by this subsection is in addition to the certification required pursuant to subsections 3 and 4. After the filing of the original affidavit required by this subsection, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

6. If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 371.103 ~~[.]~~ ***or section 6 of this act.***

7. If any person makes a false affidavit or produces false proof to the Department ~~[,]~~ and **,** as a result of the false affidavit or false proof **,** the

person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

8. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsections 1 and 2 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from December 2003 to the December preceding the fiscal year for which the adjustment is calculated.

Sec. 10. NRS 371.105 is hereby amended to read as follows:

371.105 Claims pursuant to NRS 371.101, 371.102, 371.103 or 371.104 ***or section 6 of this act*** for tax exemption on the governmental services tax and designations of any amount to be credited to the Gift Account for Veterans' Homes pursuant to NRS 371.1035 must be filed annually at any time on or before the date when payment of the tax is due. All exemptions provided for in this section must not be in an amount which gives the taxpayer a total exemption greater than that to which he is entitled during any fiscal year.

Sec. 11. NRS 371.106 is hereby amended to read as follows:

371.106 1. Whenever any vehicle ceases to be exempt from taxation under NRS 371.101, 371.102, 371.103 or 371.104 ***or section 6 of this act*** because the owner no longer meets the requirements for the exemption provided in those sections, its owner shall immediately notify the Department of ~~[the]~~ ***that*** fact.

2. If a person fails to notify the Department as required by subsection 1 and as a result ~~[of such failure]~~ is allowed a tax exemption to which he is not entitled, there ~~[shall]~~ ***must*** be added to and collected with the tax otherwise due a penalty equal to double the amount of the tax. If the person's failure is fraudulent and results in his receiving a tax exemption to which he is not entitled, the person is also guilty of a gross misdemeanor.

Sec. 12. This act becomes effective on July 1, 2007.

Assemblywoman McClain moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 114.

Bill read second time.

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

Amendment No. 141.

AN ACT relating to personal identifying information; requiring solicitors to verify addresses on applications for credit when offering credit cards by mail; providing for a civil action for crimes involving the theft of personal identifying information; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires solicitors that make firm offers of credit by mail, and subsequently receive an acceptance to an offer listing an address for the person that is different from the address to which the offer was sent, to verify that the person replying to the offer is the same person to whom the offer was made. Section 1 enumerates the different methods a solicitor may use to verify that the person accepting the offer is the same person to whom the offer was made. Section 2 of this bill expands existing law related to crimes involving theft and misuse of personal identifying information to allow a victim of identity theft to bring a civil suit seeking recovery of damages and costs related to the theft of personal identifying information by a public officer or employee and the possession and sale of personal identifying information. (NRS 41.1345)

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

Section 1. Chapter 97A of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a solicitor makes a firm offer of credit for a credit card to a person by mail and receives an acceptance of that offer which has a substantially different address listed for the person than the address to which the solicitor sent the offer, the solicitor shall verify that the person accepting the offer is the same person to whom the offer was made before sending the person the credit card.

2. A solicitor shall be deemed to have verified the address of a person pursuant to subsection 1 if the solicitor:

(a) Telephones the person at a telephone number appearing in a publicly available directory or database as the telephone number of the person to whom the solicitation was made and the person acknowledges his acceptance of the solicitation;

(b) Receives from the person accepting the offer of credit proof of identity in the form of an identification document, including, without limitation, a driver's license ~~[, social security card]~~ ***or passport, which confirms that the person accepting the solicitation is the person to whom the solicitation was made; or***

(c) Uses any other commercially reasonable means to confirm that the person accepting the solicitation is the person to whom the solicitation was made, including, without limitation, any means adopted in federal regulations.

3. For the purposes of this section:

(a) "Firm offer of credit" has the meaning ascribed to it in 15 U.S.C. § 1681a(1).

(b) "Solicitor" means a person who makes a firm offer of credit for a credit card by mail solicitation, but does not include an issuer or other creditor when that issuer or creditor relies on an independent third party to provide the solicitation services.

Sec. 2. NRS 41.1345 is hereby amended to read as follows:

41.1345 1. A person who has suffered injury as the proximate result of a violation of the provisions of NRS 205.463 ***, 205.464 or 205.465*** may commence an action for the recovery of his actual damages, costs and reasonable attorney's fees and for any punitive damages that the facts may warrant.

2. An action described in subsection 1 must be commenced not later than 2 years after the person who suffered the injury discovers the facts constituting the violation of the provisions of NRS 205.463 ~~[.]~~ ***, 205.464 or 205.465.***

Sec. 3. NRS 598B.115 is hereby amended to read as follows:

598B.115 If a creditor ***other than a creditor subject to the provisions of section 1 of this act*** mails a solicitation for the extension of credit to a person and the person applies for such credit, the creditor shall mail the extension of credit to the person to the same address as the solicitation, unless the creditor verifies any change of address of the person using a reliable method.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 128.

Bill read second time.

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

Amendment No. 140.

"SUMMARY—Revises provisions relating to prescription drugs. (BDR ~~[18-108)]~~ **54-108**)"

AN ACT relating to prescription drugs; requiring certain wholesalers and manufacturers of prescription drugs to file annually with the ~~[Office of the Attorney General]~~ **State Board of Pharmacy** a report disclosing certain economic benefits that the wholesalers and manufacturers have provided to certain persons; ~~[clarifying provisions concerning the confidentiality of the contents of a prescription;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from manufacturing or engaging in the wholesale distribution of certain drugs unless the person is licensed to do so by the State Board of Pharmacy. (NRS 639.100, 639.233) Section 1 of this bill requires wholesalers and manufacturers who are licensed by the Board to file with the ~~[Office of the Attorney General]~~ **Board** an annual report disclosing certain gifts and other economic benefits that the wholesaler or manufacturer has provided to certain persons. Section 1 requires that the annual report identify information which is a trade secret and prohibits the ~~[Office of the Attorney General]~~ **Board** from disclosing such information. **Section 1 requires a wholesaler or manufacturer to include in its annual**

report the name of each person to whom it provides economic benefits whose aggregate value exceeds $1,000, but also requires that the wholesaler or manufacturer notify the person before the value of the economic benefits provided to him exceeds that amount. Section 1 also requires the ~~[Office of the Attorney General to provide to the Governor and the Legislature]~~ **Board to prepare** a compilation of the information contained in the annual reports, excluding trade secrets ~~[.]~~ **and to make the compilation available on the Internet.** Section 1 further authorizes the imposition of civil penalties for wholesalers and manufacturers who fail to comply with the reporting requirements.

~~[Existing law provides that prescriptions filed with a pharmacy are not a public record and prohibits, with certain exceptions, a pharmacist from divulging the contents of a prescription. (NRS 639.238) Section 2 of this bill clarifies that this prohibition applies to the divulgence of the name of the prescribing medical practitioner.]~~

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

Section 1. Chapter ~~[228]~~ **639** of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before December 31 of each year, ~~[a wholesaler or manufacturer who is licensed pursuant to chapter 639 of NRS]~~ ***each wholesaler and manufacturer shall file with the*** ~~[Office of the Attorney General,]~~ ***Board, on a form prescribed by the*** ~~[Attorney General,]~~ ***Board, a report that discloses the value, nature and purpose of any economic benefit which:***

(a) During the 12-month period ending on June 30 of the year in which the report is due, the wholesaler or manufacturer or its agent provided, directly or indirectly, to a practitioner, pharmacist, administrator of a health care facility or plan or any other person authorized to purchase wholesale, prescribe or dispense prescription drugs in this State;

(b) Has no direct benefit to a patient; and

(c) Exceeds $100.

2. The report:

(a) Must include:

(1) If the wholesaler or manufacturer or its agent has provided one or more economic benefits in excess of an aggregate value of $1,000 during the period to which the report pertains to a practitioner, pharmacist, administrator of a health care facility or plan or any other person authorized to purchase wholesale, prescribe or dispense prescription drugs in this State, the name of the recipient and the value, nature and purpose of each such economic benefit.

(2) The identification of any information contained in the report that is a trade secret.

(b) Must not include the disclosure of:

(1) Any free sample of a product of the wholesaler or manufacturer that is provided for distribution to patients;

(2) Any payment of reasonable compensation and reimbursement of expenses in connection with a bona fide clinical trial or study;

(3) Any scholarship or other support for a medical student, resident or fellow to attend a significant educational, scientific or policymaking conference of a national, regional or specialty medical or other professional association, if the recipient of the scholarship or other support is selected by the professional association; or

(4) Any fees, honoraria or reimbursement for expenses paid to a person providing a presentation at an educational or scientific conference on behalf of the wholesaler or manufacturer.

3. A wholesaler or manufacturer is not required to file a report pursuant to this section if the wholesaler, manufacturer or its agent has not provided an economic benefit to a practitioner, pharmacist, administrator of a health care facility or plan or any other person authorized to purchase wholesale, prescribe or dispense prescription drugs in this State during the 12-month period ending on June 30 of the year in which the report would otherwise be due.

4. A wholesaler or manufacturer or its agent shall, before providing an economic benefit to a practitioner, pharmacist, administrator of a health care facility or plan or any other person authorized to purchase wholesale, prescribe or dispense prescription drugs in this State that would, if accepted by the person, result in his receiving economic benefits from the wholesaler or manufacturer or its agent in excess of an aggregate value of $1,000 during the 12-month period ending on June 30 of the year in which the benefit is provided, inform the person that if he accepts the economic benefit:

(a) The economic benefits provided to him by the wholesaler or manufacturer or its agent will be in excess of an aggregate value of $1,000 during the period; and

(b) The person's name and the value, nature and purpose of each economic benefit provided to him by the wholesaler or manufacturer or its agent during the period will be included in the report for the period filed by the wholesaler or manufacturer pursuant to this section.

5. Any information identified as a trade secret in a report filed pursuant to this section is confidential and must not be disclosed by the ~~[Office of the Attorney General.~~

~~4.]~~ ***Board.***

6. On or before October 1 of each year, ~~[a wholesaler or manufacturer licensed pursuant to chapter 639 of NRS]~~ ***each wholesaler and manufacturer shall disclose in writing to the*** ~~[Office of the Attorney General]~~ ***Board the name and address of the person responsible for ensuring that the wholesaler or manufacturer complies with the provisions of this section.***

[5.] ***7. The*** [Office of the Attorney General] ***Board shall, on or before January 15 of each*** [odd-numbered] ***year, or on or before such other date each year as the Board prescribes by regulation, prepare*** [and submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature] ***a compilation of the information contained in the reports received by the*** [Office of the Attorney General] ***Board pursuant to this section, other than any information identified as a trade secret in such a report.***

[6.] ***The Board shall:***

(a) Make the compilation available on its website; or

(b) Provide the compilation to the Office for Consumer Health Assistance which shall make the compilation available on its website.

8. If a wholesaler or manufacturer fails to file a report required pursuant to this section in a timely manner or knowingly and willfully fails to disclose in such a report any information that is required pursuant to this section, the wholesaler or manufacturer is subject to a civil penalty of not more than $500 for each day that such a violation persists. The Attorney General may bring a civil action in the name of the State of Nevada to enforce the provisions of this section. If a court finds the wholesaler or manufacturer liable for the civil penalty, the court shall also order the wholesaler or manufacturer to pay:

(a) Court costs; and

(b) Reasonable costs of the investigation and prosecution of the civil action, including, without limitation, attorney's fees.

[7. The Attorney General]

9. The Board may adopt such regulations as are necessary and convenient [for] ***:***

(a) For the enforcement of the provisions of this section, including, without limitation, a schedule of civil penalties for violations of this section [.

8.] ***; and***

(b) To otherwise carry out the provisions of this section.

10. As used in this section:

(a) "Administrator of a health care facility or plan" means a person who is authorized to direct, control or supervise the policies or practices of an entity providing health care or an entity operating or administering any type of facility, program or plan relating to the provision of health care, including, without limitation, a third-party administrator.

(b) "Economic benefit" includes, without limitation, a gift, fee, payment or subsidy. The term does not include a contract or other agreement between persons authorized to purchase wholesale, prescribe or dispense prescription drugs in this State.

(c) "Health care facility" has the meaning ascribed to it in NRS 449.800.

(d) ["Practitioner" has the meaning ascribed to it in NRS 639.0125.

~~(e)~~] ***"Trade secret" has the meaning ascribed to it in NRS 600A.030.***

Sec. 2. ~~[NRS 639.238 is hereby amended to read as follows:~~

~~639.238 1. Prescriptions filled and on file in a pharmacy are not a public record. Except as otherwise provided in NRS 639.2357, a pharmacist shall not divulge the contents of any prescription , *including, without limitation, the name of the prescribing practitioner*, or provide a copy of any prescription, except to:~~

~~(a) The patient for whom the original prescription was issued;~~

~~(b) The practitioner who originally issued the prescription;~~

~~(c) A practitioner who is then treating the patient;~~

~~(d) A member, inspector or investigator of the Board or an inspector of the Food and Drug Administration or an agent of the Investigation Division of the Department of Public Safety;~~

~~(e) An agency of state government charged with the responsibility of providing medical care for the patient;~~

~~(f) An insurance carrier, on receipt of written authorization signed by the patient or his legal guardian, authorizing the release of such information;~~

~~(g) Any person authorized by an order of a district court;~~

~~(h) Any member, inspector or investigator of a professional licensing board which licenses a practitioner who orders prescriptions filled at the pharmacy;~~

~~(i) Other registered pharmacists for the limited purpose of and to the extent necessary for the exchange of information relating to persons who are suspected of:~~

~~(1) Misusing prescriptions to obtain excessive amounts of drugs; or~~

~~(2) Failing to use a drug in conformity with the directions for its use or taking a drug in combination with other drugs in a manner that could result in injury to that person;~~ [or]

~~(j) A peace officer employed by a local government for the limited purpose of and to the extent necessary:~~

~~(1) For the investigation of an alleged crime reported by an employee of the pharmacy where the crime was committed; or~~

~~(2) To carry out a search warrant or subpoena issued pursuant to a court order.~~ [.] ~~; or~~

~~(k) A county coroner, medical examiner or investigator employed by an office of a county coroner for the purpose of:~~

~~(1) Identifying a deceased person;~~

~~(2) Determining a cause of death; or~~

~~(3) Performing other duties authorized by law.~~

~~2. Any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is issued to a county coroner, medical examiner or investigator employed by an office of a county coroner must be limited to a copy of the prescription filled or on file for:~~

~~(a) The person whose name is on the container of the controlled substance or dangerous drug that is found on or near the body of a deceased person; or~~

~~(b) The deceased person whose cause of death is being determined.~~

~~3. Except as otherwise provided in NRS 639.2357, any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS, issued to a person authorized by this section to receive such a copy, must contain all of the information appearing on the original prescription and be clearly marked on its face "Copy, Not Refillable—For Reference Purposes Only." The copy must bear the name or initials of the registered pharmacist who prepared the copy.~~

~~4. If a copy of a prescription for any controlled substance or a dangerous drug as defined in chapter 454 of NRS is furnished to the customer, the original prescription must be voided and notations made thereon showing the date and the name of the person to whom the copy was furnished.~~

~~5. As used in this section, "peace officer" does not include:~~

~~(a) A member of the Police Department of the Nevada System of Higher Education.~~

~~(b) A school police officer who is appointed or employed pursuant to NRS 391.100.]~~ **(Deleted by amendment.)**

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 176.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 94.

AN ACT relating to property; providing for the automatic transfer of ownership of certain vehicles and motorboats to designated beneficiaries on the death of the owner of such a vehicle or motorboat; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for nonprobate transfers of certain property from the owner to a named beneficiary, including, without limitation, nonprobate transfers of registered securities and securities registered in beneficiary form. (NRS 111.480-111.650) Section 1 of this bill amends chapter 482 of NRS which governs the licensing and registration of motor vehicles to provide that certain owners who hold certificates of title to registered motor vehicles, trailers or semitrailers may apply to the Department of Motor Vehicles for a certificate of title in beneficiary form which directs the Department to transfer the title to the designated beneficiary on the death of the present owner or on the deaths of all joint owners. Section 1 also provides procedures for obtaining and revoking a certificate of title in beneficiary form. In addition, section 1 specifies that a transfer of ownership made by a certificate of title in beneficiary form is not subject to the statutes generally governing probate matters.

Section 5 of this bill similarly amends chapter 488 of NRS which governs the licensing and registration of motorboats so that certain owners who hold certificates of ownership to numbered and titled motorboats may apply to the Department of Wildlife for a certificate of ownership in beneficiary form which directs the Department to transfer the ownership to the designated beneficiary on the death of the present owner or on the deaths of all joint owners. Section 5 also provides procedures for obtaining and revoking a certificate of ownership in beneficiary form. Further, section 5 exempts transfers made pursuant to such certificates of ownership from the statutes which generally govern probate matters.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The ~~[registered]~~ ***owner or joint owners of a motor vehicle, trailer or semitrailer may request the Department to issue a certificate of title in beneficiary form for the motor vehicle, trailer or semitrailer, as applicable, which includes a directive to the Department to transfer the certificate of title upon the death of the owner or upon the death of all joint owners to a beneficiary named on the face of the certificate of title.***

2. A request made pursuant to subsection 1 must be submitted on an application made available by the Department and accompanied by the fee for the issuance of a certificate of title.

3. A certificate of title in beneficiary form may not be issued to a person who holds his interest in a motor vehicle, trailer or semitrailer as a tenant in common with another person.

4. A certificate of title in beneficiary form must include after the name of the owner or after the names of joint owners the words "transfer on death to" or the abbreviation "TOD" followed by the name of the beneficiary.

5. During the lifetime of a sole owner or before the death of the last surviving joint owner:

(a) The signature or consent of the beneficiary is not required for any transaction relating to a motor vehicle, trailer or semitrailer for which a certificate of title in beneficiary form has been issued; and

(b) The certificate of title in beneficiary form may be revoked or the beneficiary changed at any time by:

(1) Sale of the motor vehicle, trailer or semitrailer with proper assignment and delivery of the certificate of title to another person; or

(2) Filing an application with, and paying a fee to, the Department to reissue the certificate of title with no designation of a beneficiary or with the designation of a different beneficiary.

6. The interest of the beneficiary in a motor vehicle, trailer or semitrailer on the death of the sole owner or on the death of the last

surviving joint owner is subject to any contract of sale, assignment or ownership or security interest to which the owner or owners of the motor vehicle, trailer or semitrailer were subject during their lifetime.

7. Except as otherwise provided in paragraph (b) of subsection 5, the designation of a beneficiary in a certificate of title in beneficiary form may not be changed or revoked by will, any other instrument or a change in circumstances, or otherwise changed or revoked.

8. The Department shall, upon:

(a) Proof of death of one of the owners, of two or more joint owners or of a sole owner;

(b) Surrender of the outstanding certificate of title in beneficiary form; and

(c) Application and payment of the fee for a certificate of title,

↳issue a new certificate of title for the motor vehicle, trailer or semitrailer to the surviving owner or owners or, if none, to the beneficiary, subject to any security interest.

9. For the purposes of complying with the provisions of subsection 8, the Department may rely on a death certificate, record or report that constitutes prima facie evidence of death.

10. The transfer on death of a motor vehicle, trailer or semitrailer pursuant to this section is not considered as testamentary and is not subject to administration pursuant to the provisions of title 12 of NRS.

11. As used in this section:

(a) "Beneficiary" means a person or persons designated to become the owner or owners of a motor vehicle, trailer or semitrailer on the death of the preceding owner or owners.

(b) "Certificate of title in beneficiary form" means a certificate of title of a motor vehicle, trailer or semitrailer that indicates the present owner or owners of the motor vehicle, trailer or semitrailer and designates a beneficiary.

Sec. 2. NRS 482.245 is hereby amended to read as follows:

482.245 1. The certificate of registration must contain upon the face thereof the date issued, the registration number assigned to the vehicle, the name and address of the registered owner, the county where the vehicle is to be based unless it is deemed to have no base, a description of the registered vehicle and such other statement of facts as may be determined by the Department.

2. The certificate of title must contain upon the face thereof the date issued, the name and address of the registered owner and the owner or lienholder, if any, a description of the vehicle, any entries required by NRS 482.423 to 482.428, inclusive, a reading of the vehicle's odometer as provided to the Department by the person making the sale or transfer, the word "rebuilt" if it is a rebuilt vehicle ***, the information required pursuant to subsection 3 of section 1 of this act if the certificate of title is a certificate of title in beneficiary form pursuant to section 1 of this act*** and such other

statement of facts as may be determined by the Department. The reverse side of the certificate of title must contain forms for notice to the Department of a transfer of the title or interest of the owner or lienholder and application for registration by the transferee. If a new certificate of title is issued for a vehicle, it must contain the same information as the replaced certificate, except to the extent that the information has changed after the issuance of the replaced certificate. Except as otherwise required by federal law, the certificate of title of a vehicle which the Department knows to have been stolen must not contain any statement or other indication that the mileage specified in the certificate or registered on the odometer is anything other than the actual mileage traveled by the vehicle, in the absence of proof that the odometer of the vehicle has been disconnected, reset or altered.

Sec. 3. NRS 482.400 is hereby amended to read as follows:

482.400 1. Except as otherwise provided in this subsection and subsections 2, 5 and 6, ***and section 1 of this act,*** upon a transfer of the title to, or the interest of an owner in, a vehicle registered or issued a certificate of title under the provisions of this chapter, the person or persons whose title or interest is to be transferred and the transferee shall write their signatures with pen and ink upon the certificate of title issued for the vehicle, together with the residence address of the transferee, in the appropriate spaces provided upon the reverse side of the certificate. The Department may, by regulation, prescribe alternative methods by which a signature may be affixed upon a manufacturer's certificate of origin or a manufacturer's statement of origin issued for a vehicle. The alternative methods must ensure the authenticity of the signatures.

2. The Department shall provide a form for use by a dealer for the transfer of ownership of a vehicle. The form must be produced in a manner which ensures that the form may not be easily counterfeited. Upon the attachment of the form to a certificate of title issued for a vehicle, the form becomes a part of that certificate of title. The Department may charge a fee not to exceed the cost to provide the form.

3. Except as otherwise provided in subsections 4, 5 and 6, the transferee shall immediately apply for registration as provided in NRS 482.215 and shall pay the governmental services taxes due.

4. If the transferee is a dealer who intends to resell the vehicle, he is not required to register, pay a transfer or registration fee for, or pay a governmental services tax on the vehicle. When the vehicle is resold, the purchaser shall apply for registration as provided in NRS 482.215 and shall pay the governmental services taxes due.

5. If the transferee consigns the vehicle to a wholesale vehicle auctioneer:

(a) The transferee shall, within 30 days after that consignment, provide the wholesale vehicle auctioneer with the certificate of title for the vehicle, executed as required by subsection 1, and any other documents necessary to obtain another certificate of title for the vehicle.

(b) The wholesale vehicle auctioneer shall be deemed a transferee of the vehicle for the purposes of subsection 4. The wholesale vehicle auctioneer is not required to comply with subsection 1 if he:

(1) Does not take an ownership interest in the vehicle;

(2) Auctions the vehicle to a vehicle dealer or automobile wrecker who is licensed as such in this or any other state; and

(3) Stamps his name, his identification number as a vehicle dealer and the date of the auction on the certificate of title and the bill of sale and any other documents of transfer for the vehicle.

6. A charitable organization which intends to sell a vehicle which has been donated to the organization must deliver immediately to the Department or its agent the certificate of registration and the license plate or plates for the vehicle, if the license plate or plates have not been removed from the vehicle. The charitable organization must not be required to register, pay a transfer or registration fee for, or pay a governmental services tax on the vehicle. When the vehicle is sold by the charitable organization, the purchaser shall apply for registration as provided in NRS 482.215 and pay the governmental services taxes due.

7. As used in this section, "wholesale vehicle auctioneer" means a dealer who:

(a) Is engaged in the business of auctioning consigned motor vehicles to vehicle dealers or automobile wreckers, or both, who are licensed as such in this or any other state; and

(b) Does not in the ordinary course of his business buy, sell or own the vehicles he auctions.

Sec. 4. NRS 482.420 is hereby amended to read as follows:

482.420 1. Except as ***otherwise*** provided in subsection 2, in the event of the transfer by operation of law of the title or interest of an owner in and to a vehicle as upon inheritance, devise or bequest, order in bankruptcy or insolvency, execution sale, repossession upon default in performing the terms of a lease or executory sales contract, ***transfer on death pursuant to section 1 of this act,*** or otherwise, the registration thereof ~~[shall expire]~~ ***expires*** and the vehicle ~~[shall]~~ ***must*** not be operated upon the highways until and unless the person entitled thereto shall apply for and obtain the registration thereof.

2. An administrator, executor, trustee or other representative of the owner, or a sheriff or other officer, or any person repossessing the vehicle under the terms of a conditional sales contract, lease ~~[,]~~ or other security agreement, or the assignee or legal representative of any such person, may operate or cause to be operated any vehicle upon the highways for a distance ~~[of not exceeding]~~ ***not to exceed*** 75 miles from the place of repossession or place where formerly kept by the owner to a garage, warehouse or other place of keeping or storage, either upon displaying upon such vehicle the number plate issued to the former owner or without a number plate attached thereto but under written permission first obtained from the Department or the local police authorities having jurisdiction over such highways, and upon

displaying in plain sight a placard bearing the name and address of the person authorizing and directing such movement and plainly readable from a distance of 100 feet during daylight.

Sec. 5. Chapter 488 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The ~~[registered]~~ ***owner or joint owners of a motorboat may request the Department to issue a certificate of ownership in beneficiary form for the motorboat which includes a directive to the Department to transfer the certificate of ownership upon the death of the owner or upon the death of all joint owners to a beneficiary named on the face of the certificate of ownership.***

2. A request made pursuant to subsection 1 must be submitted on an application made available by the Department and accompanied by the fee for the issuance of a certificate of ownership.

3. A certificate of ownership in beneficiary form may not be issued to a person who holds his interest in a motorboat as a tenant in common with another person.

4. A certificate of ownership in beneficiary form must include after the name of the owner, or after the names of joint owners, the words "transfer on death to" or the abbreviation "TOD" followed by the name of the beneficiary.

5. During the lifetime of a sole owner or before the death of the last surviving joint owner:

(a) The signature or consent of the beneficiary is not required for any transaction relating to a motorboat for which a certificate of ownership in beneficiary form has been issued; and

(b) The certificate of ownership in beneficiary form may be revoked or the beneficiary changed at any time by:

(1) Sale of the motorboat with proper assignment and delivery of the certificate of ownership to another person; or

(2) Filing an application with, and paying a fee to, the Department to reissue the certificate of ownership with no designation of a beneficiary or with the designation of a different beneficiary.

6. The interest of the beneficiary in a motorboat on the death of the sole owner or on the death of the last surviving joint owner is subject to any contract of sale, assignment or ownership or security interest to which the owner or owners of the motorboat were subject during their lifetime.

7. Except as otherwise provided in paragraph (b) of subsection 5, the designation of a beneficiary in a certificate of ownership in beneficiary form may not be changed or revoked by will, any other instrument or a change in circumstances, or otherwise changed or revoked.

8. The Department shall, upon:

(a) Proof of death of one of the owners, of two or more joint owners or of a sole owner;

(b) Surrender of the outstanding certificate of ownership in beneficiary form; and

(c) Application and payment of the fee for a certificate of ownership,

issue a new certificate of ownership for the motorboat to the surviving owner or owners or, if none, to the beneficiary, subject to any security interest.

9. For the purposes of complying with the provisions of subsection 8, the Department may rely on a death certificate, record or report that constitutes prima facie evidence of death.

10. The transfer on death of a motorboat pursuant to this section is not considered as testamentary and is not subject to administration pursuant to the provisions of title 12 of NRS.

11. As used in this section:

(a) "Beneficiary" means a person or persons designated to become the owner or owners of a motorboat on the death of the preceding owner or owners.

(b) "Certificate of ownership in beneficiary form" means a certificate of ownership of a motorboat that indicates the present owner or owners of the motorboat and designates a beneficiary.

Sec. 6. NRS 488.1793 is hereby amended to read as follows:

488.1793 Except as otherwise provided for the creation or transfer of a security interest ~~[,]~~ ***or the transfer on death of a certificate of ownership pursuant to section 5 of this act,*** no transfer of title to or any interest in any motorboat required to be numbered under this chapter is effective until one of the following conditions is fulfilled:

1. The transferor has properly endorsed and delivered the certificate of ownership and has delivered the certificate of number to the transferee as provided in this chapter, and the transferee has, within the prescribed time, delivered the documents to the Department or placed them in the United States mail addressed to the Department with the transfer fee.

2. The transferor has delivered to the Department or placed in the United States mail addressed to the Department the appropriate documents for the transfer of ownership pursuant to the sale or transfer.

Sec. 7. NRS 488.1801 is hereby amended to read as follows:

488.1801 ~~[Any]~~ ***Except for transfers to a beneficiary pursuant to the provisions of section 5 of this act, any*** owner of any motorboat numbered under this chapter who sells or transfers his title or any interest in the motorboat shall within 10 days notify the Department of the sale or transfer and furnish the following information:

1. The name and address of the legal owner and transferee; and

2. Such description of the motorboat as may be required by the Department.

Sec. 8. NRS 488.1807 is hereby amended to read as follows:

488.1807 ~~[Upon]~~ ***Except for transfers to a beneficiary pursuant to the provisions of section 5 of this act, upon*** transfer of the title or any interest of

any legal owner in any motorboat numbered under this chapter, the transferor shall write his signature, and the transferee shall write his signature and address, in the appropriate spaces provided upon the reverse side of the certificate of ownership issued for such motorboat.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 178.

Bill read second time.

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

Amendment No. 139.

AN ACT relating to energy; revising various provisions relating to net metering; providing for the establishment of the Wind Energy Systems Demonstration Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a customer of an electric utility to use a net metering system on the customer's premises to generate electricity to offset part or all of the customer's requirements for electricity. The net metering system must use renewable energy as its primary source of energy to generate electricity, and the system is allowed to have a generating capacity of not more than 150 kilowatts. (NRS 704.766-704.775)

Section 1 of this bill **provides that one of the purposes and policies of the Legislature in enacting the net metering statutes is to streamline the process for customers of a utility to apply for and install net metering systems.**

Section 1.5 of this bill provides for a general increase in the permissible capacity of net metering systems and allows a customer-generator to use a net metering system of not more than ~~[5,000 kilowatts.]~~ **1 megawatt. However, section 1.5 also places specific limitations on the capacity of net metering systems under certain circumstances.**

Section 2 of this bill ~~[revises the process for a customer-generator to obtain authorization from a utility to engage in net metering.]~~ **requires the Public Utilities Commission of Nevada to adopt regulations regarding a net metering tariff and a standard net metering contract.** Section 3 of this bill changes the method for calculating the value of the electricity generated by certain net metering systems.

Under the Solar Energy Systems Demonstration Program Act, certain entities, such as schools and public agencies, which install solar energy systems are entitled to participate in a demonstration program and receive incentives for such participation. (Chapter 331, Statutes of Nevada 2003, p. 1868) The Solar Energy Systems Demonstration Program Act expires by

limitation on June 30, 2010. (Chapter 2, Statutes of Nevada 2005, 22nd Special Session, p. 90)

Sections 5-29 of this bill enact the Wind Energy Systems Demonstration Program Act, a similar demonstration program for wind energy systems. Under this bill, the Wind Energy Systems Demonstration Program Act expires by limitation on June 30, 2011.

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

Section 1. **NRS 704.766 is hereby amended to read as follows:**

704.766 It is hereby declared to be the purpose and policy of the Legislature in enacting NRS 704.766 to 704.775, inclusive, to:

1. Encourage private investment in renewable energy resources;
2. Stimulate the economic growth of this State; ~~[and]~~
3. Enhance the continued diversification of the energy resources used in this State ~~[.]~~ ***; and***

4. Streamline the process for customers of a utility to apply for and install net metering systems.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 704.771 is hereby amended to read as follows:

704.771 ***1.*** "Net metering system" means a facility or energy system for the generation of electricity that:

~~[1.]~~ ***(a)*** Uses renewable energy as its primary source of energy to generate electricity;

~~[2.]~~ ***(b)*** Has a generating capacity of not more than ~~[150]~~ ~~[5,000 kilowatts;~~

~~3.]~~ ***1 megawatt;***

(c) Is located on the customer-generator's premises;

~~[4.]~~ ***(d)*** Operates in parallel with the utility's transmission and distribution facilities; and

~~[5.]~~ ***(e)*** Is intended primarily to offset part or all of the customer-generator's requirements for electricity.

2. The term does not include a facility or energy system for the generation of electricity which has a generating capacity that exceeds the greater of:

(a) The limit on the demand that the class of customer of the customer-generator may place on the system of the utility; or

(b) One hundred fifty percent of the peak demand of the customer.

Sec. 2. NRS 704.773 is hereby amended to read as follows:

704.773 1. A utility shall offer ~~[:~~

~~(a) Develop a net metering tariff and standard net metering contract by which the customers within its service area may engage in]~~ net metering , as set forth in NRS 704.775, to the customer-generators operating within its service area until ~~[as customer generators pursuant to NRS 704.766 to 704.775, inclusive; and~~

~~(b) Make copies of the net metering tariff and standard net metering contract and all other necessary applications and forms to engage in net metering as a customer-generator available:~~

~~(1) Upon request by a customer; and~~

~~(2) Through the Internet in a form that may be downloaded by a customer.~~

~~2. Except as otherwise provided in subsection 3, a utility shall allow a customer to engage in net metering as a customer-generator if the customer:~~

~~(a) Submits completed applications to the utility in accordance with this section and the procedures set forth in the utility's net metering tariff; and~~

~~(b) Enters into an interconnection agreement and net metering contract with the utility.~~

~~3. A utility may deny an application from a customer to engage in net metering as a customer-generator if~~] the cumulative capacity of all such net metering systems ~~[operating within the utility's service area]~~ is equal to ~~[or greater than]~~ 1 percent of the utility's peak capacity.

2. ~~[4. Except as otherwise provided in this subsection, after a customer submits a completed application to a utility to enter into an interconnection agreement, the utility shall process the application and respond to the customer not later than 30 days after the date the utility receives the completed application. If the utility is unable to process the application within the 30-day period, the utility shall notify the customer and the Commission of the reason for the delay and the expected date the process will be completed.~~

~~5. After the customer enters into an interconnection agreement with the utility, the customer must submit to the utility a completed application to begin net metering. The completed application must include the signed interconnection agreement and an electric inspection clearance certificate from the governmental authority having jurisdiction over the location of the net metering system.~~

~~6. Except as otherwise provided in this subsection, after the customer submits a completed application to begin net metering pursuant to subsection 5, the utility shall process the application and respond to the customer within a period not to exceed the lesser of:~~

~~(a) The average time it takes the utility to respond to similarly situated customers requesting new electric service; or~~

~~(b) Thirty days from the date the utility receives the completed application.~~

~~If the utility is unable to process the application within the applicable period, the utility shall notify the customer and the Commission of the reason for the delay and the expected date the process will be completed.~~

~~7.~~] If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of not more than ~~[30]~~ ~~[1,000]~~ ***100*** kilowatts, the utility:

(a) Shall offer to make available to the customer-generator an energy meter that is capable of registering the flow of electricity in two directions.

(b) May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.

(c) Shall not charge a customer-generator any fee or charge that would increase the customer-generator's minimum monthly charge to an amount greater than that of other customers of the utility in the same rate class as the customer-generator.

3. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of more than ~~[30]~~ ***100*** kilowatts, the utility ~~[may:~~

~~(a) Require]~~ ***:***

(a) May require the customer-generator to install at its own cost ~~[an]~~ ***:***

(1) An energy meter that is capable of measuring generation output and customer load ~~[.]~~ ***; and***

(2) Any upgrades to the system of the utility that are required to make the net metering system compatible with the system of the utility.

(b) ~~[Charge]~~ ***Except as otherwise provided in paragraph (c), may charge*** the customer-generator any applicable fee or charge charged to other customers of the utility in the same rate class as the customer-generator, including, without limitation, customer, demand and facility charges.

(c) Shall not charge the customer-generator any standby charge.

4. The Commission shall adopt regulations prescribing the form and substance for a net metering tariff and a standard net metering contract. The regulations must include, without limitation:

(a) The particular provisions, limitations and responsibilities of a customer-generator which must be included in a net metering tariff with regard to:

(1) Metering equipment;

(2) Net energy metering and billing; and

(3) Interconnection,

based on the allowable size of the net metering system.

(b) The particular provisions, limitations and responsibilities of a customer-generator and the utility which must be included in a standard net metering contract.

(c) A timeline for processing applications and contracts for net metering applicants.

(d) Any other provisions the Commission finds necessary to carry out the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 3. NRS 704.775 is hereby amended to read as follows:

704.775 1. The billing period for net metering must be a monthly period.

2. ~~[If a customer-generator's net metering system has a capacity of not more than] [30] [1,000 kilowatts, the]~~ ***The*** net energy measurement must be calculated in the following manner:

(a) The utility shall measure, ~~[:~~

~~(1) Measure,]~~ in kilowatt-hours, the net electricity produced or consumed ~~[amount of electricity supplied by the utility to the customer-generator]~~ during the billing period , in accordance with normal metering practices. ~~[and calculate its value using the tariff or contract that would be applicable if the customer-generator did not use a net metering system; and~~

~~(2) Measure, in kilowatt hours, the amount of electricity generated by the customer-generator which is fed back to the utility during the billing period and calculate its value at a rate that is consistent with the rate used to calculate the value of the electricity supplied by the utility. If the customer-generator is billed for electricity pursuant to a time-of-use rate schedule, the value of the electricity generated by the customer-generator must be calculated at the same price per kilowatt hour which the utility would charge the customer-generator for each kilowatt hour of usage by the customer-generator during that same time-of-use period.]~~

(b) If the ~~[value of the]~~ electricity supplied by the utility exceeds the ~~[value of the]~~ electricity generated by the customer-generator which is fed back to the utility during the billing period, the customer-generator must be billed for the net ~~[value of the]~~ electricity supplied by the utility.

(c) If the ~~[value of the]~~ electricity generated by the customer-generator which is fed back to the utility exceeds the ~~[value of the]~~ electricity supplied by the utility during the billing period:

(1) Neither the utility nor the customer-generator is entitled to compensation for ~~[the value of]~~ ***the*** electricity provided to the other during the billing period.

(2) The ~~[value of the]~~ excess electricity which is fed back to the utility during the billing period is carried forward to the next billing period as an addition to the kilowatt - hours ~~[value of the electricity]~~ generated by the customer-generator in ~~[during]~~ that ~~[next]~~ billing period. If the customer-generator is billed for electricity pursuant to a time-of-use rate schedule, the excess electricity carried forward must be added to the same time-of-use period as the time-of-use period in which it was generated unless the subsequent billing period lacks a corresponding time-of-use period. In that case, the excess electricity carried forward must be apportioned evenly among the available time-of-use periods.

(3) Excess ~~[or as a subtraction from the value of the electricity supplied by the utility during that next billing period, whichever is more appropriate.~~

~~(3) The value of the excess]~~ electricity may be carried forward to subsequent billing periods indefinitely, but a customer-generator is not entitled to receive compensation for any ~~[portion of the value of the]~~ excess electricity that remains if:

(I) The net metering system ceases to operate or is disconnected from the utility's transmission and distribution facilities;

(II) The customer-generator ceases to be a customer of the utility at the premises served by the net metering system; or

(III) The customer-generator transfers the net metering system to another person.

(4) The ***value of the*** excess electricity ~~[, measured in kilowatt hours, which is fed back to the utility shall be deemed to be electricity that the utility generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive.~~

~~3. If a customer-generator's net metering system has a capacity of more than~~ [30] ~~[1,000 kilowatts, the net energy measurement must be calculated in the following manner:~~

~~(a) The utility shall:~~

~~(1) Measure, in kilowatt hours, the amount of electricity supplied by the utility to the customer-generator during the billing period and calculate its value using the tariff or contract that would be applicable if the customer-generator did not use a net metering system; and~~

~~(2) Measure, in kilowatt hours, the amount of electricity generated by the customer-generator which is fed back to the utility during the billing period and calculate its value at a rate that is consistent with the rate used to calculate the value of the electricity supplied by the utility.~~

~~(b) If the value of electricity supplied by the utility exceeds the value of the electricity generated by the customer-generator which is fed back to the utility during the billing period, the customer-generator must be billed for the net value of the electricity supplied by the utility.~~

~~(c) If the value of the electricity generated by the customer-generator which is fed back to the utility exceeds the value of the electricity supplied by the utility during the billing period:~~

~~(1) Neither the utility nor the customer-generator is entitled to compensation for the value of the electricity provided to the other during the billing period.~~

~~(2) The value of the excess electricity:~~

~~(I) Must not be shown as a credit on the customer-generator's bill for that billing period but must be reflected as a credit that is carried forward to offset the value of the electricity supplied by the utility during a subsequent billing period. At the discretion of the utility, the credit may be in a dollar amount or in kilowatt-hours. If the credit is reflected as excess electricity and the customer-generator is billed for electricity pursuant to a time-of-use rate schedule, the excess electricity carried forward must be added to the same time-of-use period as the time-of-use period in which it was generated unless the subsequent billing period lacks a corresponding time-of-use period. In that case, the excess electricity carried forward must be apportioned evenly among the available time-of-use periods. Excess electricity may be carried~~

~~forward to subsequent billing periods indefinitely, but a customer-generator is not entitled to receive compensation for any excess electricity that remains if the net metering system ceases to operate or is disconnected from the utility's transmission and distribution facilities, the customer-generator ceases to be a customer of the utility at the premises served by the net metering system or the customer-generator transfers the net metering system to another person.~~

~~(II) Does not reduce any other fee or charge imposed by the utility.~~

~~(3) The excess electricity~~ , measured in kilowatt-hours, ~~which is fed back to the utility~~] ***must not be used to reduce any other fee or charge imposed by the utility.***

3. If the cost of purchasing and installing a net metering system was paid for:

(a) In whole or in part by a utility, the electricity generated by the net metering system shall be deemed to be electricity that the utility generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive.

(b) Entirely by a customer-generator, the Commission shall issue to the customer-generator portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 equal to the electricity generated by the net metering system.

4. A bill for electrical service is due at the time established pursuant to the terms of the contract between the utility and the customer-generator.

Sec. 4. NRS 704.860 is hereby amended to read as follows:

704.860 "Utility facility" means:

1. Electric generating plants and their associated facilities, except:

(a) Electric generating plants and their associated facilities that are or will be located entirely within the boundaries of a county whose population is 100,000 or more; or

(b) Electric generating plants and their associated facilities which use or will use renewable energy, as defined in NRS 704.7811, as their primary source of energy to generate electricity and which have or will have a generating capacity of not more than ~~[150] [5,000 kilowatts,]~~ ***1 megawatt,*** including, without limitation, a net metering system, as defined in NRS 704.771.

As used in this subsection, "associated facilities" includes, without limitation, any facilities for the storage, transmission or treatment of water, including, without limitation, facilities to supply water or for the treatment or disposal of wastewater, which support or service an electric generating plant.

2. Electric transmission lines and transmission substations that:

(a) Are designed to operate at 200 kilovolts or more;

(b) Are not required by local ordinance to be placed underground; and

(c) Are constructed outside any incorporated city.

3. Gas transmission lines, storage plants, compressor stations and their associated facilities when constructed outside:

(a) Any incorporated city; and

(b) Any county whose population is 100,000 or more.

4. Water storage, transmission and treatment facilities, other than facilities for the storage, transmission or treatment of water from mining operations.

5. Sewer transmission and treatment facilities.

Sec. 5. Sections 5 to 29, inclusive, of this act may be cited as the Wind Energy Systems Demonstration Program Act.

Sec. 6. As used in sections 5 to 29, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 7 to 21, inclusive, of this act have the meaning ascribed to them in those sections.

Sec. 7. "Agricultural property" means any real property employed for an agricultural use as defined in NRS 361A.030.

Sec. 8. "Applicant" means a person who is applying to participate in the Wind Demonstration Program.

Sec. 9. "Category" means one of the categories of participation in the Wind Demonstration Program as set forth in section 22 of this act.

Sec. 10. "Commission" means the Public Utilities Commission of Nevada.

Sec. 11. "Committee" means the Task Force for Renewable Energy and Energy Conservation created by NRS 701.350.

Sec. 12. "Institution of higher education" means:

1. A university, college or community college which is privately owned or which is part of the Nevada System of Higher Education; or

2. A postsecondary educational institution, as defined in NRS 394.099, or any other institution of higher education.

Sec. 13. "Participant" means a person who has been selected by the Committee pursuant to section 26 of this act to participate in the Wind Demonstration Program.

Sec. 14. "Person" includes a governmental entity.

Sec. 15. "Program year" means the period of July 1 to June 30 of the following year.

Sec. 16. "Public property" means any real property, building or facilities owned, leased or occupied by:

1. A department, agency or instrumentality of the State or any of its political subdivisions which is used for the transaction of public or quasi-public business; or

2. A nonprofit organization that is recognized as exempt from taxation pursuant to 26 U.S.C. § 501(c)(3) of the Internal Revenue Code, as amended, or a corporation for public benefit as defined in NRS 82.021.

Sec. 17. "School property" means any real property, building or facilities owned, leased or occupied by:

1. A public school as defined in NRS 385.007;

2. A private school as defined in NRS 394.103; or

3. An institution of higher education.

Sec. 18. ”Small business” means a business conducted for profit which employs 500 or fewer full-time or part-time employees.

Sec. 19. ”Utility” means a public utility that supplies electricity in this State.

Sec. 20. ”Wind Demonstration Program” or “Program” means the Wind Energy Systems Demonstration Program created by section 22 of this act.

Sec. 21. ”Wind energy system” means a facility or energy system for the generation of electricity that uses wind energy to generate electricity.

Sec. 22. 1. The Wind Energy Systems Demonstration Program is hereby created.

2. The Program must have four categories as follows:

(a) School property;

(b) Other public property;

(c) Private residential property and small business property; and

(d) Agricultural property.

3. To be eligible to participate in the Program, a person must:

(a) Meet the qualifications established by the Commission pursuant to section 23 of this act;

(b) Submit an application to a utility and be selected by the Committee for inclusion in the Program pursuant to sections 25 and 26 of this act;

(c) When installing the wind energy system, use an installer who has been issued a classification C-2 license with the appropriate subclassification by the State Contractors’ Board pursuant to the regulations adopted by the Board; and

(d) If the person will be participating in the Program in the category of school property or other public property, provide for the public display of the wind energy system, including, without limitation, providing for public demonstrations of the wind energy system and for hands-on experience of the wind energy system by the public.

Sec. 23. The Commission shall adopt regulations necessary to carry out the provisions of the Wind Energy Systems Demonstration Program Act, including, without limitation, regulations that establish:

1. The qualifications and requirements an applicant must meet to be eligible to participate in the Program in each particular category of:

(a) School property;

(b) Other public property;

(c) Private residential property and small business property; and

(d) Agricultural property.

2. The type of incentives available to participants in the Program and the level or amount of those incentives.

3. The requirements for a utility’s annual plan for carrying out and administering the Program. A utility’s annual plan must include, without limitation:

(a) A detailed plan for advertising the Program;

(b) A detailed budget and schedule for carrying out and administering the Program;

(c) A detailed account of administrative processes and forms that will be used to carry out and administer the Program, including a description of the application process and copies of all applications and any other forms that are necessary to apply for and participate in the Program;

(d) A detailed account of the procedures that will be used for inspection and verification of a participant's wind energy system and compliance with the Program;

(e) A detailed account of training and educational activities that will be used to carry out and administer the Program; and

(f) Any other information required by the Commission.

Sec. 24. 1. Each utility shall carry out and administer the Wind Demonstration Program within its service area in accordance with its annual plan as approved by the Commission pursuant to section 25 of this act.

2. A utility may recover its reasonable and prudent costs, including, without limitation, incentives, that are associated with carrying out and administering the Program within its service area by seeking recovery of those costs in an appropriate proceeding before the Commission pursuant to NRS 704.110.

Sec. 25. 1. On or before February 1, 2008, and on or before February 1 of each year thereafter, each utility shall file with the Commission its annual plan for carrying out and administering the Wind Demonstration Program within its service area for the following program year.

2. On or before July 1, 2008, and on or before July 1 of each year thereafter, the Commission shall:

(a) Review the annual plan filed by each utility for compliance with the requirements established by regulation; and

(b) Approve the annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Program.

3. On or before November 1, 2008, and on or before November 1 of each year thereafter, each utility shall submit to the Committee the utility's recommendations as to which applications received by the utility should be approved for participation in the Program. The Committee shall review the applications to ensure that each applicant meets the qualifications and requirements to be eligible to participate in the Program.

4. Except as otherwise provided in section 26 of this act, the Committee may approve, from among the applications recommended by each utility, wind energy systems totaling:

(a) For the program year beginning July 1, 2008:

(1) 500 kilowatts of capacity for school property;

(2) 500 kilowatts of capacity for other public property;

(3) 700 kilowatts of capacity for private residential property and small business property; and

(4) 700 kilowatts of capacity for agricultural property.

(b) For the program year beginning July 1, 2009:

(1) An additional 250 kilowatts of capacity for school property;

(2) An additional 250 kilowatts of capacity for other public property;

(3) An additional 350 kilowatts of capacity for private residential property and small business property; and

(4) An additional 350 kilowatts of capacity for agricultural property.

(c) For the program year beginning July 1, 2010:

(1) An additional 250 kilowatts of capacity for school property;

(2) An additional 250 kilowatts of capacity for other public property;

(3) An additional 350 kilowatts of capacity for private residential property and small business property; and

(4) An additional 350 kilowatts of capacity for agricultural property.

Sec. 26. 1. Based on the applications submitted by each utility for a program year, the Committee shall:

(a) Within the limits of the capacity allocated to each category, select applicants to be participants in the Wind Demonstration Program and place those applicants on a list of participants; and

(b) Select applicants to be placed on a prioritized waiting list to become participants in the Program if any capacity within a category becomes available.

2. Not later than 30 days after the date on which the Committee selects an applicant to be on the list of participants or the prioritized waiting list, the utility which submitted the application to the Committee on behalf of the applicant shall provide written notice of the selection to the applicant.

3. If the capacity allocated to any category for a program year is not fully subscribed by participants in that category, the Committee may, in any combination it deems appropriate:

(a) Allow a utility to submit additional applications from applicants who want to participate in that category; or

(b) Reallocate any of the unused capacity in that category to any of the other categories.

4. At any time after submitting an application to participate in the Program to a utility, an applicant may energize his wind energy system if the wind energy system meets all applicable building codes and all applicable requirements of the utility as approved by the Commission. An applicant who energizes his wind energy system under such circumstances remains eligible to participate in the Program, and the energizing of the wind energy system does not alter the applicant's status on the list of participants or the prioritized waiting list.

Sec. 27. 1. Except as otherwise provided in this section, if the Committee determines that a participant has not complied with the requirements for participation in the Wind Demonstration Program, the Committee shall, after notice and an opportunity for a hearing, withdraw the participant from the Program.

2. The Committee may, without notice or an opportunity for a hearing, withdraw from the Program:

(a) A participant in the category of private residential property and small business property or a participant in the category of agricultural property if the participant does not complete the installation of a wind energy system within 12 months after the date the participant receives written notice of his selection to participate in the Program.

(b) A participant in the category of school property or a participant in the category of other public property if the participant does not complete the installation of a wind energy system within 30 months after the date the participant receives written notice of his selection to participate in the Program.

3. A participant who is withdrawn from the Program pursuant to subsection 2 forfeits any incentives.

Sec. 28. 1. After a participant installs a wind energy system included in the Wind Demonstration Program, the Commission shall issue portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 equal to the actual or estimated kilowatt-hour production of the wind energy system.

2. All portfolio credits issued for a wind energy system installed pursuant to the Wind Demonstration Program must be assigned to and become the property of the utility administering the Program.

Sec. 29. If a wind energy system used by a participant in the Wind Demonstration Program meets the requirements of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 30. 1. This act becomes effective:

(a) Upon passage and approval for the purposes of adopting regulations and taking such other actions as are necessary to carry out the provisions of this act; and

(b) On October 1, 2007, for all other purposes.

2. Sections 5 to 29, inclusive, of this act expire by limitation on June 30, 2011.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 190.

Bill read second time and ordered to third reading.

Assembly Bill No. 215.

Bill read second time.

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

Amendment No. 232.

AN ACT relating to banking; limiting interstate banking by an out-of-state depository institution that establishes or acquires a branch office in certain counties pursuant to certain statutory provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides limitations upon banking in this State by out-of-state depository institutions and out-of-state holding companies. (Chapter 666 of NRS) An exception to these limitations allows the establishment of a branch office or the acquisition of an existing branch of a depository institution in a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties). (NRS 666.410) ~~[This]~~ **Section 1 of this** bill provides that an out-of-state depository institution that establishes or acquires a branch office pursuant to this exception is still considered an out-of-state depository institution for the purposes of all other provisions limiting interstate banking. **Section 1 also provides that an out-of-state depository institution that has established or acquired, or been approved to establish or acquire, a branch pursuant to this exception may also establish or acquire a branch in a county whose population is 100,000 or more, but only so long as the out-of-state depository institution continues to operate a branch in a county whose population is less than 100,000.**

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

Section 1. NRS 666.410 is hereby amended to read as follows:

666.410 ***1.*** An out-of-state depository institution without a branch in Nevada or an out-of-state holding company without a depository institution in Nevada may not establish a de novo branch in this State or acquire, through merger or otherwise, a branch of a depository institution in Nevada without acquiring the institution itself or its charter, except that, with the written approval of the Commissioner:

~~[1.]~~ ***(a)*** An out-of-state depository institution without a branch in Nevada ~~[or an out-of-state holding company without a depository institution in Nevada]~~ may establish a branch office or acquire an existing branch in a county whose population is less than 100,000 without acquiring or merging with a Nevada depository institution or a Nevada holding company **.** ~~[; and]~~ ~~[An]~~ ***Except as otherwise provided in subsection 2, an out-of-state depository institution that establishes or acquires a branch office pursuant to this*** ~~[subsection]~~ ***paragraph continues to be considered an out-of-state depository institution without a branch in Nevada for the purposes of all other provisions of this chapter.***

~~[2.]~~ ***(b)*** An out-of-state depository institution without a branch in Nevada which is owned or controlled by a holding company that is entitled to the exemption set forth in section 4(c)(i) of the Bank Holding Company Act of 1956, as amended, 12 U.S.C. § 1843(c)(i), may acquire an existing branch in

Nevada without acquiring or merging with a Nevada depository institution or a Nevada holding company.

2. An out-of-state depository institution that on or before March 31, 2007, has, pursuant to paragraph (a) of subsection 1, established or acquired, or been approved by the Commissioner to establish or acquire, a branch in a county whose population is less than 100,000, may establish or acquire a branch in a county whose population is 100,000 or more so long as the out-of-state depository institution continues to operate a branch in a county whose population is less than 100,000.

Sec. 2. **This bill becomes effective upon passage and approval.**

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 224.

Bill read second time.

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

Amendment No. 136.

AN ACT relating to manufactured housing; exempting specialty servicemen from the requirement of taking an examination for licensure in certain circumstances; requiring a provider of services to enter into written contracts for any work he provides with each person who is pertinent to the sale, installation and occupancy of a manufactured home; requiring the Manufactured Housing Division of the Department of Business and Industry to adopt national standards and codes for the construction of factory-built housing, manufactured buildings and modular components; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law regulates "specialty servicemen" which are persons who own or are responsible for a business that has a limited scope of work that it may perform on or in a manufactured home, mobile home or commercial coach. (NRS 489.147, 489.305-489.325) Specialty servicemen are required to pass an examination and apply for licensure. (NRS 489.321, 489.325, 489.351) Sections 1-5 of this bill provide that a specialty serviceman may be given a waiver from the examination requirement if he holds another license in this State pursuant to which he performs services that are substantially similar to those that he will perform as a specialty serviceman.

Existing law authorizes a dealer of new manufactured homes to enter into written agreements pursuant to which appropriately licensed providers of service agree to perform work pertinent to the sale, installation and occupancy of a manufactured home. (NRS 489.716) Section 6 of this bill requires such providers of service to enter into written agreements for any work they provide with each person who is pertinent to the sale, installation and occupancy of a manufactured home.

Section 7 of this bill deletes provisions of existing law which set forth standards for the construction, reconstruction and alteration of factory-built housing, manufactured buildings and modular components and instead requires the Manufactured Housing Division to adopt by regulation the nationally recognized standards and codes for such construction, reconstruction and alteration.

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

Section 1. NRS 489.321 is hereby amended to read as follows:

489.321 1. An application for a manufacturer's, dealer's, general serviceman's or specialty serviceman's license must be filed upon forms supplied by the Division and include the social security number of the applicant. The applicant must furnish:

(a) Any proof the Division may deem necessary that the applicant is a manufacturer, dealer, general serviceman or specialty serviceman.

(b) Any proof the Division may require that the applicant has an established place of business.

(c) Any proof the Division may require of the applicant's good character and reputation and of his fitness to engage in the activities for which the license is sought.

(d) A complete set of his fingerprints and written permission authorizing the Administrator to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The Administrator may exchange with the Central Repository and the Federal Bureau of Investigation any information relating to the fingerprints of an applicant under this section.

(e) In the case of a dealer in new manufactured homes, an instrument in the form prescribed by the Division executed by or on behalf of the manufacturer certifying that the applicant is an authorized franchise dealer for the make or makes concerned.

(f) A reasonable fee fixed by regulation.

(g) In the case of a dealer ~~[,]~~ ***or*** general serviceman ***,*** ~~[or specialty serviceman,]~~ proof of passing the examination required under NRS 489.351.

(h) ***In the case of a specialty serviceman, proof of passing the examination required under subsection 1 of NRS 489.351 or proof that the examination has been waived pursuant to subsection 2 of NRS 489.351.***

(i) Any additional requirements the Division may from time to time prescribe by regulation.

2. Within 60 days after the receipt of a complete application, the Division shall issue or deny the license.

3. The Administrator may issue a provisional license pending receipt of the report from the Federal Bureau of Investigation. Upon receipt of the report and a determination by the Administrator that the applicant is qualified, the Division shall issue to the applicant a dealer's, manufacturer's,

general serviceman's or specialty serviceman's license containing the applicant's name and the address of his fixed place of business.

4. Each license is valid for a period of 2 years after the date of issuance and may be renewed for like consecutive periods upon application to and approval by the Division.

Sec. 2. NRS 489.321 is hereby amended to read as follows:

489.321 1. Applications for a manufacturer's, dealer's, general serviceman's or specialty serviceman's license must be filed upon forms supplied by the Division, and the applicant shall furnish:

(a) Any proof the Division may deem necessary that the applicant is a manufacturer, dealer, general serviceman or specialty serviceman.

(b) Any proof the Division may require that the applicant has an established place of business.

(c) Any proof the Division may require of the applicant's good character and reputation and of his fitness to engage in the activities for which the license is sought.

(d) A complete set of his fingerprints and written permission authorizing the Administrator to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The Administrator may exchange with the Central Repository and the Federal Bureau of Investigation any information respecting the fingerprints of an applicant under this section.

(e) In the case of a dealer in new manufactured homes, an instrument in the form prescribed by the Division executed by or on behalf of the manufacturer certifying that the applicant is an authorized franchise dealer for the make or makes concerned.

(f) A reasonable fee fixed by regulation.

(g) In the case of a dealer ~~[,]~~ ***or*** general serviceman ***,*** ~~[or specialty serviceman,]~~ proof of passing the examination required under NRS 489.351.

(h) ***In the case of a specialty serviceman, proof of passing the examination required under subsection 1 of NRS 489.351 or proof that the examination has been waived pursuant to subsection 2 of NRS 489.351.***

(i) Any additional requirements the Division may from time to time prescribe by regulation.

2. Within 60 days after receipt of a complete application, the Division shall issue or deny the license.

3. The Administrator may issue a provisional license pending receipt of the report from the Federal Bureau of Investigation. Upon receipt of the report and a determination by the Administrator that the applicant is qualified, the Division shall issue to the applicant a dealer's, manufacturer's, general serviceman's or specialty serviceman's license certificate containing the applicant's name and the address of his fixed place of business.

4. Each license is valid for a period of 2 years after the date of issuance and may be renewed for like consecutive periods upon application to and approval by the Division.

Sec. 3. NRS 489.325 is hereby amended to read as follows:

489.325 1. The Administrator may adopt regulations which provide for the licensing of specialty servicemen. A person licensed as a specialty serviceman pursuant to this section must be limited in the scope of the work he may perform to installation or repair in one of the following categories:

(a) Awnings, roofing or skirting;

(b) Plumbing;

(c) Heating and air-conditioning systems;

(d) Electrical systems; or

(e) Any other category that may be similarly licensed by the State Contractors' Board.

2. The Administrator shall provide in those regulations for:

(a) The imposition of reasonable fees for application, examination and licensure.

(b) The creation and administration of a written or oral examination for each category of limited licensure.

(c) Minimum qualifications for such a license, including, without limitation, the passage of ~~[the]~~ ***any*** applicable examination ~~[.]~~ ***required pursuant to subsection 1 of NRS 489.351, unless waived pursuant to subsection 2 of NRS 489.351.***

3. A person who is licensed as a specialty serviceman shall comply with each statute and regulation which applies to general servicemen, including, without limitation, the payment of a fee required pursuant to subparagraph 1 of paragraph (c) of subsection 2 of NRS 489.4971.

Sec. 4. NRS 489.343 is hereby amended to read as follows:

489.343 1. Every partnership doing business as a manufacturer, dealer, general serviceman or specialty serviceman in this State shall designate one of its members, and every corporation doing business as a manufacturer, dealer, general serviceman or specialty serviceman in this State shall designate one of its officers, to submit an application for a manufacturer's, dealer's, general serviceman's or specialty serviceman's license.

2. The Division shall issue a manufacturer's, dealer's, general serviceman's or specialty serviceman's license to the member or officer on behalf of the corporation or partnership ~~[,]~~ upon:

(a) The designated member or officer, in the case of a dealer, general serviceman or specialty serviceman, successfully passing the examination ~~[requirement]~~ ***required pursuant to NRS 489.351 unless, in the case of a specialty serviceman, the examination is waived*** pursuant to ***subsection 2 of*** NRS 489.351; and

(b) Compliance with all other requirements of law or any other additional requirements the Division may from time to time prescribe by regulation by the partnership or corporation, as well as by the designated member or officer.

3. Upon receipt of the license, the designated member or officer is entitled to perform all the acts authorized by a license issued by the Division, except:

(a) That the license issued entitles the designated member or officer to act pursuant to the terms and conditions of the license issued by the Division only as officer or agent of the partnership or corporation, and not on his own behalf; and

(b) That if the person designated by the partnership or corporation:

(1) Is refused a license by the Division; or

(2) Ceases to be connected with the partnership or corporation,

➥the partnership or corporation may designate another person who shall make application and qualify as in the first instance.

Sec. 5. NRS 489.351 is hereby amended to read as follows:

489.351 ~~[The]~~

1. Except as otherwise provided in subsection 2, the Administrator shall require an oral or written examination of each applicant for a license as a dealer, responsible managing employee, salesman, general serviceman or specialty serviceman.

2. The Administrator may waive the examination required pursuant to subsection 1 for an applicant for a license as a specialty serviceman if:

(a) The applicant holds another valid license issued by this State; and

(b) The services performed by the applicant pursuant to that license are substantially similar to the services to be performed by the applicant as a specialty serviceman.

Sec. 6. NRS 489.716 is hereby amended to read as follows:

489.716 1. A dealer of new manufactured homes who is licensed pursuant to chapter 624 of NRS may enter into written agreements pursuant to which appropriately licensed providers of service agree to perform work pertinent to the sale, installation and occupancy of a manufactured home. If such a dealer enters into such a written agreement, the dealer is responsible for the workmanship and completion of all parts of the project involving the sale, installation and occupancy of the manufactured home, including, without limitation, any work performed by a provider of service pursuant to the written agreement.

2. A dealer of ~~[new]~~ manufactured homes, regardless of whether he is licensed pursuant to chapter 624 of NRS, shall not require a buyer of a manufactured home to obtain services to be performed pertinent to the sale, installation or occupancy of the manufactured home from a specific provider. The dealer shall disclose to the buyer in writing the fact that the dealer is prohibited from requiring the buyer to obtain such services from a specific provider of services.

3. ***Before performing any work, a provider of services shall enter into a written agreement with each person for whom he will perform work which is pertinent to the sale, installation or occupancy of a manufactured home, including, without limitation, a dealer of manufactured homes, a person***

who owns a manufactured home and any person who is purchasing a manufactured home. The written agreement must include provisions specifying:

(a) The scope of work;

(b) The cost for completion of the work;

(c) The date on which work will begin;

(d) The anticipated date for completion of the work; and

(e) That no additional work may be performed and no additional costs may be charged unless agreed to in writing before the additional work is performed or costs are incurred.

4. As used in this section, "provider of services" means any person who performs work pertinent to the sale, installation and occupancy of a new manufactured home.

Sec. 7. NRS 461.170 is hereby amended to read as follows:

461.170 1. ~~[Unless the Division has adopted a more recent edition pursuant to paragraph (b) of subsection 2, the following codes and standards, in the form most recently published before January 1, 1999, are hereby adopted for the purposes of this chapter:~~

~~(a) The Uniform Housing Code;~~

~~(b) The Uniform Building Code, as adopted by the International Conference of Building Officials;~~

~~(c) The Uniform Plumbing Code, as adopted by the International Association of Plumbing and Mechanical Officials;~~

~~(d) The Uniform Mechanical Code, as adopted by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials;~~

~~(e) The National Electrical Code, as adopted by the National Fire Protection Association;~~

~~(f) The Uniform Building Code, Dangerous Building, as adopted by the International Conference of Building Officials;~~

~~(g) The Uniform Building Code Standards, as adopted by the International Conference of Building Officials; and~~

~~(h) The American National Standards Institute Standard No. A117.1.~~

~~2. The Division may:~~

~~(a) Adopt regulations necessary to carry out the provisions of this chapter and the codes and standards adopted by this section.~~

~~(b) Adopt, by regulation, the most recent edition of the codes and standards specified in subsection 1.~~

~~(c) Revise the regulations to conform substantially to any amendments to the codes and standards.]~~ ***The Division shall adopt by regulation nationally recognized codes and standards for the construction of factory-built housing, manufactured buildings and modular components.***

2. The Division shall adopt regulations for the:

(a) Reconstruction; and

(b) Alteration, including, without limitation, alteration to a plumbing, heating or electrical system,

↪of factory-built housing, manufactured buildings and modular components that are ~~[reasonably]~~ ***consistent with nationally recognized codes and standards.***

3. If approved in writing by the Division, a local enforcement agency may impose requirements that are more stringent than the codes, standards and regulations adopted under this section.

Sec. 8. NRS 461.190 is hereby amended to read as follows:

461.190 1. Factory-built housing manufactured after the effective date of the regulations for that housing adopted pursuant to this chapter which is sold or offered for sale to a first user within this State must bear an insigne of approval issued by the Division.

2. A manufactured building ~~[,]~~ fabricated after the effective date of the regulations for that building adopted pursuant to this chapter ~~[,]~~ which is sold or offered for sale to a first user within this State must bear an insigne of approval issued by the Division.

3. The Division may issue insignia, medallions, symbols or tags issued by the appropriate certifying authority designated by the uniform codes and standards adopted pursuant to NRS 461.170 to signify compliance with all the provisions of NRS 461.170.

4. The Division may provide by regulation for the approval of any factory-built housing or manufactured building which has been inspected and approved by the appropriate certifying authorities of another jurisdiction which has adopted all the codes and standards ~~[specified in]~~ ***adopted pursuant to*** NRS 461.170 without additional inspection or issuance of additional insignia, medallions, symbols or tags by the Division.

Sec. 9. 1. This section and sections 1 and 3 to 8, inclusive, of this act become effective upon passage and approval.

2. Section 1 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

(b) Are in arrears in the payment of the support of one or more children,

↪are repealed by the Congress of the United States.

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

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

(b) Are in arrears in the payment of the support of one or more children,

↪are repealed by the Congress of the United States.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 247.

Bill read second time.

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

Amendment No. 124.

SUMMARY—Makes various changes concerning billing for, collecting and bringing actions and enforcing judgments for delinquent payments for ~~[services]~~ **hospital care** rendered at a hospital. (BDR 40-819)

AN ACT relating to hospitals; limiting the amount of interest and other charges that hospitals may impose for delinquent payments; revising the limitation on the period for commencing an action against a person who has a delinquent account with a hospital; **revising provisions concerning liens placed upon the award to an injured person to pay for hospitalization**; prohibiting a hospital from assigning a lien on real property obtained in connection with a delinquent payment for services rendered at the hospital; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 5 of this bill provides that a hospital may not ~~[charge interest on an account until at least 30 days after]~~ **proceed with efforts to collect on any amount owed to the hospital, other than copayments and deductibles, if** the person responsible for paying the account has **or may be eligible for insurance benefits or public assistance until the insurance or public program has been billed and the amount owed by the responsible party has been established. Collection efforts and interest may begin not sooner than 30 days after the responsible party has** been sent notice of the amount that he is responsible to pay. ~~[Such a bill must not be sent until the hospital has established the amount that will be paid by any health insurance company or other public program.]~~ Section 5 further limits the amount of interest that a hospital may charge on a delinquent account to prime rate plus 2 percent and prohibits a hospital from imposing any other fees, including, without limitation, collection fees, attorney's fees or any other fees or costs other than **court costs and** attorney's fees awarded by a court.

Section 6 of this bill requires a hospital or other person acting on its behalf to collect any debt for any amount owed **to the hospital** for ~~[health care services]~~ **hospital care** rendered at the hospital in a professional, fair and lawful manner and in accordance with the federal Fair Debt Collection Practices Act.

Existing law establishes certain periods during which an action may be commenced in court which apply when no other statutes specify a different

period. (NRS 11.190) Existing law further provides that the time set forth in that statute is deemed to date from the last transaction. (NRS 11.200) Section 7 of this bill provides that the period for commencing an action against a person to recover payment for any ~~[health care services]~~ **amount owed to a hospital for hospital care** provided to a person at a hospital is not later than 2 years after the date on which any payment that is due for the services is not paid. The period is tolled, however, during any ~~[period]~~ **periods** in which the hospital is awaiting a determination concerning eligibility for or the amount of benefits from an insurer or public program ~~[.]~~ **and during any period in which payments are being made.**

Existing law provides that a lien may be placed upon any amount awarded to an injured person who received hospitalization or his representative for amounts due to a hospital for the reasonable value of hospitalization rendered before the date of the judgment. (NRS 108.590) Section 8 of this bill provides that if the person who received hospitalization has health insurance or may be eligible for public assistance from a public program which may pay all or part of the bill, the lien may not be placed on the award to the injured person until the hospital has established the amount for which the person will be liable. In addition, section 8 provides that the lien may only be for the amount of that liability.

Existing law creates a lien on the real property of a person for unpaid charges incurred at a county or district hospital and establishes certain procedures that must be followed with respect to such liens. (NRS 108.662) Section 9 of this bill prohibits a county or district hospital from assigning, selling or transferring the interest of the hospital in such a lien.

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

Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~[and 3]~~ **to 6, inclusive,** of this act.

Sec. 2. ***As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Hospital care" has the meaning ascribed to it in NRS 428.155.***

Sec. 4. ***"Responsible party" means the person who received the hospital care, the parent or guardian of the person who received the hospital care or another natural person who has agreed to be responsible for the payment to the hospital of any charges incurred in connection with the hospital care.***

~~[Sec. 2.]~~ ***Sec. 5. 1.*** ~~[Interest on any amount owed for health care services rendered at a hospital may not accrue until at least 30 days after the responsible party is sent a bill by mail stating the amount that he is responsible to pay. If]~~ ***When a person receives hospital care, the hospital must not proceed with any efforts to collect on any amount owed to the***

hospital for the hospital care from the responsible party ~~[or the person who received the health care services]~~ ***, other than for any copayment or deductible, if the responsible party has health insurance or may be eligible for Medicaid, the Children's Health Insurance Program or any other public program which may pay all or part of the bill,*** ~~[the hospital must not send such a bill to the responsible party]~~ ***until the hospital has submitted a bill to the insurance company or public program and the insurance company or public program has made a determination concerning payment of the claim.***

2. ~~[After the 30-day period set forth in subsection 1, interest]~~ ***Collection efforts may begin and interest may begin to accrue on any amount owed to the hospital for hospital care which remains unpaid by the responsible party not sooner than 30 days after the responsible party is sent a bill by mail stating the amount that he is responsible to pay which has been established after receiving a determination concerning payment of the claim by any insurer or public program and after applying any discounts. Interest must accrue at a rate which does not exceed the prime rate at the largest bank in Nevada as ascertained by the Commissioner of Financial Institutions on January 1 or July 1, as the case may be, immediately preceding the date on which the payment becomes due, plus 2 percent. The rate must be adjusted accordingly on each January 1 and July 1 thereafter until the payment is satisfied.***

3. Except for the interest authorized pursuant to subsection 2 and any court costs and attorney's fees awarded by a court, no other fees may be charged concerning the amount that remains unpaid ~~[after the 30-day period,]~~ ***, including, without limitation, collection fees, other attorney's fees or any other fees or costs.***

~~[4. As used in this section, "responsible party" means the person who received the health care services, the parent or guardian of the person who received the health care services or other natural person who has agreed to be responsible for the payment to the hospital of any charges incurred in connection with such services.]~~

~~[Sec. 3.]~~ ***Sec. 6.*** ~~[1.]~~ ***A hospital, or any person acting on its behalf who seeks to collect a debt from a responsible party for any amount owed to the hospital for*** ~~[health care services rendered at the hospital,]~~ ***hospital care must collect the debt in a professional, fair and lawful manner. When collecting such a debt, the hospital or other person acting on its behalf must act in accordance with sections 803 to 812, inclusive, of the federal Fair Debt Collection Practices Act, as amended, 15 U.S.C. §§ 1692a to 1692j, inclusive, even if the hospital or person acting on its behalf is not otherwise subject to the provisions of that Act.***

~~[2. As used in this section, "responsible party" has the meaning ascribed to it in section 5 of this act.]~~

~~[Sec. 4.]~~ ***Sec. 7.*** Chapter 11 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, an action against a person to recover payment for ~~[any health care services]~~ ***any amount owed to a hospital for hospital care provided to the person at*** ~~[a]~~ ***the hospital must be commenced not later than 2 years after the date on which any payment that is due for the services is not paid.***

2. The period provided in subsection 1 is tolled during any ~~[period]~~ ***periods in which the hospital is awaiting a determination concerning eligibility for , or the amount of , benefits from an insurer or public program*** ~~[.]~~ ***and during any periods in which payments are being made.***

3. As used in this section, "hospital care" has the meaning ascribed to it in NRS 428.155.

Sec. 8. **NRS 108.590 is hereby amended to read as follows:**

108.590 1. ~~[Whenever]~~ ***Except as otherwise provided in subsection 2, whenever*** any person receives hospitalization on account of any injury, and he, or his personal representative after his death, claims damages from the person responsible for causing the injury, the hospital has a lien upon any sum awarded the injured person or his personal representative by judgment or obtained by a settlement or compromise to the extent of the amount due the hospital for the reasonable value of the hospitalization rendered before the date of judgment, settlement or compromise.

2. ***If the responsible party has health insurance or may be eligible for Medicaid, the Children's Health Insurance Program or any other public program which may pay all or part of the bill:***

(a) The hospital may not place a lien upon the award to the injured person until the hospital has complied with the provisions of section 5 of this act.

(b) The lien provided pursuant to this section is valid only for the amount that is owed by the responsible party to the hospital as determined by the insurance company, Medicaid, the Children's Health Insurance Program or other public program.

3. The lien provided by this section is:

(a) Not valid against anyone coming under the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

(b) In addition to the lien provided by NRS 108.662.

4. As used in this section, "responsible party" means the person who received the hospitalization, the parent or guardian of the person who received the hospitalization or other natural person who has agreed to be responsible for the payment to the hospital of any charges incurred in connection with such services.

~~[Sec. 5.]~~ ***Sec. 9.*** NRS 108.662 is hereby amended to read as follows:

108.662 1. Except as otherwise provided in subsection 4, a county or district hospital has a lien upon the real property of a person for charges incurred and unpaid for the care of the owner of the property or a person for whose support the owner is legally responsible.

2. The notice of the lien must be served upon the owner by certified or registered mail and filed in the office of the county recorder of the county where the real property is located not sooner than 90 days nor later than:

(a) Three years after the patient's discharge; or

(b) One year after the patient defaults on payments made pursuant to a written contract,

whichever is later, except that the notice may be served and filed within 6 months after any default pursuant to a written contract.

3. The notice of the lien must contain:

(a) The amount due;

(b) The name of the owner of record of the property; and

(c) A description of the property sufficient for identification.

4. If the amount due as stated in the notice of lien is reduced by payments and any person listed in subsection 2 of NRS 108.665 gives written notice of that reduction to the county or district hospital which recorded the lien, the county or district hospital shall amend the notice of lien stating the amount then due, within 10 days after it receives the written notice.

5. A county or district hospital shall not assign, sell or transfer the interest of the hospital in a lien created pursuant to this section.

~~[Sec. 6.]~~ ***Sec. 10.*** The amendatory provisions of this act apply to any debt accrued on or after October 1, 2007.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 265.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 71.

AN ACT relating to the Department of Motor Vehicles; authorizing the Director of the Department to enter into an agreement with certain persons for the placement of advertisements in certain areas of a building owned or occupied by the Department, in official mailings sent by the Department to the public and in material published electronically by the Department; specifying the purposes for which money, goods or services received by the Department from such agreements must be used; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it unlawful for any person to erect any bulletin board or other advertising device in or upon the grounds of the State Capitol or of any state building or property. (NRS 331.200) This bill authorizes the Director of the Department of Motor Vehicles to enter into agreements with public or private entities to place advertisements in public areas of buildings owned or occupied by the Department, in its official mailings or in material

published electronically by the Department. If money is received from such agreements, it must be deposited in the Motor Vehicle Fund and used by the Department to promote alternative methods by which the public may conduct business with the Department by technological means without personal assistance from an employee of the Department. If goods and services are received from such agreements in lieu of money, the goods and services must be used toward the overall improvement or enhancement of the Department.

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

Section 1. Chapter 481 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director may enter into an agreement with a public or private entity or an authorized agent of a public or private entity for the placement of advertisements in:

(a) Areas of a building owned or occupied by the Department which are frequented by the public;

(b) Official mailings which the Department sends to the public; or

(c) Material published electronically by the Department , including, without limitation, material posted on the Internet website of the Department [.] , except for pop-up advertisements.

2. A person who enters into an agreement with the Department pursuant to paragraph (a) of subsection 1 shall ensure that each advertisement placed pursuant to the agreement does not inhibit or disrupt the functioning of the Department.

3. If money is received by the Department as payment for an agreement entered into pursuant to subsection 1, the money must be deposited with the State Treasurer to the credit of the Motor Vehicle Fund. The money must be transferred to a special account created in the Fund to be used by the Department to promote alternative methods by which the public may conduct business with the Department by technological means without personal assistance from an employee of the Department. Such alternative methods may include, without limitation, self-service kiosks, service provided through the use of the Internet or a network site and interactive voice recognition systems.

4. If goods or services are provided to the Department as payment for an agreement entered into pursuant to subsection 1, the goods or services must be used for the overall improvement or enhancement of the Department.

5. The Director may adopt regulations to carry out the provisions of this section.

6. As used in this section, "pop-up advertisement" means an ad that displays in a new browser window when a person accesses an Internet website.

Sec. 2. NRS 331.200 is hereby amended to read as follows:

331.200 1. It ~~[shall be]~~ ***is*** unlawful for any person to commit any of the following acts upon the grounds of the State Capitol or of any other state building or property:

(a) Willfully deface, break down or destroy any fence upon or surrounding such grounds;

(b) ~~[Erect]~~ ***Except as otherwise provided in section 1 of this act, erect*** any bulletin board or other advertising device in or upon such grounds;

(c) Deposit any garbage, debris or other obstruction in or upon such grounds;

(d) Injure, break down or destroy any tree, shrub or other thing upon such grounds; or

(e) Injure the grass upon such grounds by walking upon it.

2. Any person violating any of the provisions of this section ~~[shall be]~~ ***is*** guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of the property damaged or destroyed, and in no event less than a misdemeanor.

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

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 266.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 127.

AN ACT relating to motor vehicles; requiring the owner of a motor vehicle that has been declared a total loss to forward the endorsed ***certificate of*** title to the insurance company within 30 days ~~[of]~~ ***after*** accepting a settlement; requiring the Department of Motor Vehicles to issue a salvage title ***or nonrepairable vehicle certificate*** to an insurance company for a salvage vehicle in the absence of an endorsed ***certificate of*** title ~~[in]~~ ***under*** certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that when an insurance company acquires a motor vehicle as a result of a settlement in which a motor vehicle has been declared a total loss, the owner of the motor vehicle must endorse and forward the ***certificate of*** title to the motor vehicle to the insurance company. The insurance company must then forward the endorsed ***certificate of*** title, together with an application for a salvage title to the Department of Motor Vehicles within 30 days after receipt of the endorsed ***certificate of*** title. (NRS 487.800) Section 2 of this bill requires the owner of the motor vehicle who is relinquishing ownership to forward the endorsed ***certificate of*** title to the insurance company within 30 days ~~[of]~~ ***after*** accepting the settlement.

Existing law provides that if an endorsed ***certificate of*** title is not available, any applicant may apply to the Department for a salvage title. The Department may examine the circumstances and review affidavits or other information and, if satisfied the applicant is entitled to a salvage title, issue the salvage title. (NRS 487.820) Section 2 of this bill requires the Department to issue a salvage title ***or nonrepairable vehicle certificate*** to an insurance company if the insurance company submits an application, without an endorsed ***certificate of*** title, to the Department for a motor vehicle that has been declared a total loss together with ***certain*** documentation ***.*** ~~[demonstrating that the insurance company has made at least two written attempts to obtain the endorsed title from the owner of the motor vehicle.]~~

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

Section 1. NRS 487.480 is hereby amended to read as follows:

487.480 1. Before an operator of a salvage pool sells any vehicle subject to registration pursuant to the laws of this State, he must have in his possession the certificate of title for a vehicle obtained pursuant to subsection ~~[2]~~ ***3*** of NRS 487.800 or the salvage title for that vehicle. The Department shall not issue a certificate of registration or certificate of title for a vehicle with the same identification number if the vehicle was manufactured in the 5 years preceding the date on which the salvage title was issued, unless the Department authorizes the restoration of the vehicle pursuant to subsection 2 of NRS 482.553.

2. Upon sale of the vehicle, the operator of the salvage pool shall provide a salvage title to the licensed automobile wrecker, dealer of new or used motor vehicles or rebuilder who purchased the vehicle.

~~[Section 1.]~~ ***Sec. 2.*** NRS 487.800 is hereby amended to read as follows:

487.800 1. ~~[Except with respect to a nonrepairable vehicle, when]~~ ***When*** an insurance company acquires a motor vehicle as a result of a settlement in which the motor vehicle is determined to be a salvage vehicle, the owner of the motor vehicle who is relinquishing ownership of the motor vehicle shall endorse the ***certificate of*** title of the motor vehicle and forward the endorsed ***certificate of*** title to the insurance company ~~[.]~~ ***within 30 days*** ~~[of]~~ ***after accepting the settlement from the insurance company.*** The insurance company or its authorized agent shall forward the endorsed ***certificate of*** title, together with an application for ***a*** salvage title ***or nonrepairable vehicle certificate,*** to the state agency within ~~[30]~~ ***60*** days after receipt of the endorsed ***certificate of*** title.

2. ***If the owner of the motor vehicle who is relinquishing ownership does not provide the endorsed certificate of title to the insurance company within 30 days*** ~~[following acceptance of]~~ ***after accepting the settlement pursuant to subsection 1, the insurance company shall, within*** ~~[a reasonable time,]~~ ***60 days after the expiration of that 30-day period, forward***

an application for a salvage title or nonrepairable vehicle certificate to the state agency. The state agency shall issue a salvage title or nonrepairable vehicle certificate to the insurance company for the vehicle upon receipt of:

(a) The application ~~[and endorsed title; or~~

~~(b) The application and documentation showing]~~ ***;***

(b) A motor vehicle inspection certificate signed by a representative of the Department or, as one of the authorized agents of the Department, by a peace officer, dealer, rebuilder, automobile wrecker, operator of a salvage pool or garageman; and

(c) Documentation that the insurance company has made at least two written attempts by certified mail, return receipt requested, or by use of a delivery service with a tracking system, to obtain the endorsed certificate of title.

3. Except as otherwise provided in ~~[subsection 1,]~~ ***subsections 1 and 2,*** before any ownership interest in a salvage vehicle, except a nonrepairable vehicle, may be transferred, the owner or other person to whom the motor vehicle is titled:

(a) If the person has possession of the ***certificate of*** title to the vehicle, shall forward the endorsed ***certificate of*** title, together with an application for salvage title to the state agency within 30 days after the vehicle becomes a salvage vehicle.

(b) If the person does not have possession of the ***certificate of*** title to the vehicle and the ***certificate of*** title is held by a lienholder, shall notify the lienholder within 10 days after the vehicle becomes a salvage vehicle that the vehicle has become a salvage vehicle. The lienholder shall, within 30 days after receiving such notice, forward the ***certificate of*** title, together with an application for salvage title, to the state agency.

~~[3.]~~ ***4.*** An insurance company or its authorized agent may sell a vehicle for which a total loss settlement has been made with the properly endorsed ***certificate of*** title if the total loss settlement resulted from the theft of the vehicle and the vehicle, when recovered, was not a salvage vehicle.

~~[4.]~~ ***5.*** An owner who has determined that a vehicle is a total loss salvage vehicle may sell the vehicle with the properly endorsed ***certificate of*** title obtained pursuant to this section, without making any repairs to the vehicle, to a salvage pool, automobile auction, rebuilder, automobile wrecker or a new or used motor vehicle dealer.

~~[5.]~~ ***6.*** Except with respect to a nonrepairable vehicle, if a salvage vehicle is rebuilt and restored to operation, the vehicle may not be licensed for operation, displayed or offered for sale, or the ownership thereof transferred, until there is submitted to the state agency with the prescribed salvage title, an appropriate application, other documents, including, without limitation, an affidavit from the state agency attesting to the inspection and verification of the vehicle identification number and the identification numbers, if any, for parts used to repair the motor vehicle and fees required, together with a certificate of inspection completed pursuant to NRS 487.860.

~~[6.]~~ ***7.*** Except with respect to a nonrepairable vehicle, if a total loss insurance settlement between an insurance company and any person results in the retention of the salvage vehicle by that person, before the execution of the total loss settlement, the insurance company or its authorized agent shall:

(a) Obtain, upon an application for salvage title, the signature of the person who is retaining the salvage vehicle;

(b) Append to the application for salvage title the ***certificate of*** title to the motor vehicle or an affidavit stating that the original ***certificate of*** title has been lost; and

(c) Apply to the state agency for a salvage title on behalf of the person who is retaining the salvage vehicle.

~~[7.]~~ ***8.*** If the state agency determines that a salvage vehicle retained pursuant to subsection ~~[5]~~ ***6*** is titled in another state or territory of the United States, the state agency shall notify the appropriate authority of that state or territory that the owner has retained the salvage vehicle.

~~[8.]~~ ***9.*** A person who retains a salvage vehicle pursuant to subsection ~~[6]~~ ***7*** may not transfer any ownership interest in the vehicle unless he has received a salvage title.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 487.820 is hereby amended to read as follows:

487.820 1. ~~[If]~~ ***Except as otherwise provided in subsection 2 of NRS 487.800, if*** the applicant for a salvage title is unable to furnish the certificates of title and registration last issued for the vehicle, the state agency may accept the application, examine the circumstances of the case and require the filing of suitable affidavits or other information or documents. If satisfied that the applicant is entitled to a salvage title, the state agency may issue the salvage title.

2. No duplicate certificate of title or registration may be issued when a salvage title is applied for, and no fees are required for the affidavits of any stolen, lost or damaged certificate, or duplicates thereof, unless the vehicle is subsequently registered.

Sec. 4. **This act becomes effective upon passage and approval**.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 294.

Bill read second time.

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

Amendment No. 151.

AN ACT relating to communicable diseases; revising provisions governing the testing of certain governmental employees who may have been exposed to a contagious disease while performing their official duties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain governmental employees, including law enforcement and correctional officers, emergency medical attendants and firefighters, who may have been exposed to a contagious disease while performing their official duties, or the employers of such persons, may petition a court for an order requiring the testing for exposure to the human immunodeficiency virus and the hepatitis B surface antigen of the person who may have caused the exposure to the contagious disease. (NRS 441A.195) Section 1 of this bill expands those protections to county coroners and medical examiners and their employees, **and other public employees whose duties may require them to come into contact with human blood or bodily fluids** and also provides that the order issued by the court may extend to the testing of a decedent who may have caused the exposure to the contagious disease. **Section 1 also expands the contagious diseases for which a test may be ordered to include hepatitis C and tuberculosis.**

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

Section 1. NRS 441A.195 is hereby amended to read as follows:

441A.195 1. A law enforcement officer, correctional officer, emergency medical attendant, firefighter ~~[or any other]~~ ***, county coroner or medical examiner or any of their employees,*** ~~[or]~~ ***any other*** person who is ~~[otherwise]~~ employed by an agency of criminal justice ~~[,]~~ ***or any other public employee whose duties may require him to come into contact with human blood or bodily fluids,*** who may have been exposed to a contagious disease while performing his official duties, or the employer of such a person, may petition a court for an order requiring the testing of a person ***or decedent*** for exposure to the human immunodeficiency virus***,*** ~~[and]~~ the hepatitis B surface antigen ***, hepatitis C and tuberculosis*** if the person ***or decedent*** may have exposed the officer, medical attendant, firefighter ***, county coroner or medical examiner or their employee,*** ~~[or]~~ other person ~~[otherwise]~~ employed by an agency of criminal justice ***or other public employee whose duties may require him to come into contact with human blood or bodily fluids*** to a contagious disease.

2. When possible, before filing a petition pursuant to subsection 1, the person or employer petitioning shall submit information concerning the possible exposure to a contagious disease to the designated health care officer for the employer ~~[,]~~ or **,** if there is no designated health care officer, the person designated by the employer to document and verify possible exposure to contagious diseases, for verification that there was substantial exposure. Each designated health care officer or person designated by an employer to document and verify possible exposure to contagious diseases shall establish guidelines based on current scientific information to determine substantial exposure.

3. A court shall promptly hear a petition filed pursuant to subsection 1 and determine whether there is probable cause to believe that a possible transfer of blood or other bodily fluids occurred between the person who filed the petition or on whose behalf the petition was filed and the person ***or decedent*** who possibly exposed him to a contagious disease. If the court determines that probable cause exists to believe that a possible transfer of blood or other bodily fluids occurred, the court shall ~~[order]~~ ***:***

(a) Order the person who possibly exposed the petitioner ***or the person on whose behalf the petition was filed*** to a contagious disease to submit two specimens of blood to a local hospital or medical laboratory for testing for exposure to the human immunodeficiency virus ***,*** ~~[and]~~ the hepatitis B surface antigen ~~[.]~~ ~~[;]~~ ***, hepatitis C and tuberculosis; or***

(b) Order that two specimens of blood be drawn from the decedent who possibly exposed the petitioner or the person on whose behalf the petition was filed to a contagious disease and be submitted to a local hospital or medical laboratory for testing for exposure to the human immunodeficiency virus ***,*** ~~[and]~~ ***the hepatitis B surface antigen*** ~~[.]~~ ***, hepatitis C and tuberculosis.***

➥The local hospital or medical laboratory shall perform the test in accordance with generally accepted medical practices and shall disclose the results of the test in the manner set forth in NRS 629.069.

4. The employer of a person who files a petition or on whose behalf a petition is filed pursuant to this section or the insurer of the employer shall pay the cost of performing the test pursuant to subsection 3.

5. As used in this section:

(a) "Agency of criminal justice" has the meaning ascribed to it in NRS 179A.030.

(b) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to chapter 450B of NRS.

Sec. 2. NRS 629.069 is hereby amended to read as follows:

629.069 1. A provider of health care shall disclose the results of all tests performed pursuant to NRS 441A.195 to:

(a) The person who was tested ~~[;]~~ ***and, upon request, a member of the family of a decedent who was tested;***

(b) The law enforcement officer, correctional officer, emergency medical attendant, firefighter ***, county coroner or medical examiner or their employee,*** ~~[or]~~ other person who is ~~[otherwise]~~ employed by an agency of criminal justice ***or other public employee whose duties may require him to come into contact with human blood or bodily fluids*** who filed the petition or on whose behalf the petition was filed pursuant to NRS 441A.195;

(c) The designated health care officer for the employer of the person described in paragraph (b) or, if there is no designated health care officer, the

person designated by the employer to document and verify possible exposure to contagious diseases; and

(d) If the person who was tested is incarcerated or detained, the person in charge of the facility in which the person is incarcerated or detained and the chief medical officer of the facility in which the person is incarcerated or detained, if any.

2. A provider of health care and an agent or employee of a provider of health care are immune from civil liability for a disclosure made in accordance with the provisions of this section.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 303.

Bill read second time.

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

Amendment No. 231.

AN ACT relating to insurance; requiring insurers to provide notice to policyholders or prospective policyholders **, or their primary care physicians**, of **potentially** serious medical conditions detected during required medical examinations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the requirements and procedures regarding the issuance, renewal, reinstatement and reevaluation of the terms of policies and certificates of insurance and annuity contracts. (Title 57 of NRS) This bill provides that if an insurer requires a medical examination of a policyholder or prospective policyholder before the insurer will issue, renew, reinstate or reevaluate the terms of a contract of insurance or annuity contract and a **potentially** serious medical condition is detected as a result of that medical examination, the insurer must notify the policyholder or prospective policyholder **, or his primary care physician,** of that **potentially** serious medical condition within 30 days after the date on which the **potentially** serious medical condition is detected.

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

Section 1. Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:

1. If an insurer requires a medical examination of an applicant or an insured before the issuance, renewal, reinstatement or reevaluation of the terms of any policy or certificate of insurance or annuity contract, the insurer shall ~~[notify]~~ ***:***

(a) If the applicant or insured has a primary care physician, notify:

(1) The physician of any potentially serious medical condition that is detected as a result of that medical examination ~~[not later than 30 days after the date on which the serious medical condition is detected. The insurer shall send the notice to the]~~ ***; and***

(2) The applicant or insured that his primary care physician has been notified of a potentially serious medical condition detected as a result of that medical examination.

(b) If the applicant or insured does not have a primary care physician, notify the applicant or insured of any potentially serious medical condition that is detected as a result of that medical examination.

Any notice required pursuant to this section must be sent by registered or certified mail ~~[.]~~ ***not later than 30 days after the date on which the potentially serious medical condition is detected.***

2. The Commissioner may adopt regulations to carry out the provisions of this section.

3. The provisions of this section do not apply to a policy of workers' compensation insurance or industrial insurance.

4. As used in this section, ~~[“]~~ ***"potentially serious medical condition" includes, without limitation, any medical condition that:***

(a) Is life-threatening or potentially life-threatening if it is not treated immediately or is not closely monitored; or

(b) Causes the insurer to refuse to issue, renew, reinstate or reevaluate the terms of a policy or certificate of insurance or annuity contract.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 307.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 201.

AN ACT relating to crimes; prohibiting the use of certain lasers and other light sources to interfere with the operation of an aircraft; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill prohibits the willful use of a laser device or other similar light source with the intent to interfere with the operation of an aircraft. A violation of the provisions of this bill that does not result in injury to any person on the aircraft or damage to the aircraft is a misdemeanor. A violation that does result in injury to any person on the aircraft or damage to the aircraft **or any equipment used to assist in the navigation or operation of the aircraft** is a category E felony.

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

Section 1. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person shall not willfully direct at an aircraft any light emitted from a laser device or other source which is capable of interfering with the vision of a person operating the aircraft with the intent to interfere with the operation of the aircraft.

2. A person who violates this section:

(a) If the violation does not result in injury to any person on the aircraft or damage to the aircraft, is guilty of a misdemeanor.

(b) If the violation results in injury to any person on the aircraft or damage to the aircraft ~~[,]~~ ***or any equipment used to assist in the navigation or operation of the aircraft, is guilty of a category E felony and shall be punished as provided in NRS 193.130.***

3. As used in this section:

(a) "Aircraft" means any contrivance intended for and capable of transporting persons through airspace.

(b) "Laser device" means a device that uses the natural oscillations of atoms or molecules between energy levels for generating coherent electromagnetic radiation in the ultraviolet, visible or infrared region of the spectrum and when discharged exceeds one milliwatt continuous wave.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 329.

Bill read second time and ordered to third reading.

Assembly Bill No. 334.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 253.

AN ACT relating to education; creating a school district for charter schools sponsored by the State Board of Education for federal law purposes; revising provisions governing the closure of a charter school; clarifying certain provisions governing the payments of money to a charter school for the enrollment of certain pupils; revising provisions governing the employment of administrators for a charter school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the board of trustees of a school district may sponsor charter schools and the State Board of Education may sponsor charter schools. (NRS 386.515) Section 2 of this bill creates a school district to be designated as the Charter School District for State Board-Sponsored Charter Schools. The School District is created for the sole purpose of federal law governing charter schools.

Section 3 of this bill provides that upon closure of a charter school, an administrator of the charter school shall act as a trustee of certain records during the process of closure and for 1 year after the date of closure. If an administrator is not available, the governing body of the charter school shall appoint a qualified person to perform the duties of trustee.

Under existing law, a charter school must accept for enrollment in certain classes, if space is available, children who are otherwise enrolled in a public school or a private school or homeschooled children. (NRS 386.580) Under existing law, these children are included in the count of pupils for the purposes of the basic support guarantee of the State Distributive School Account. (NRS 387.123, 387.1233) Section 5 of this bill clarifies the legislative declaration concerning the formation of charter schools to provide that the declaration does not preclude the payment of money to a charter school for the enrollment of these children in classes at a charter school. (NRS 386.505)

Under existing law, a charter school may employ administrators for the school who meet certain eligibility requirements. (NRS 386.590) Section 6 of this bill revises provisions governing the employment of those administrators and revises the eligibility requirements.

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

Section 1. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***There is hereby created a school district to be designated as the Charter School District for State Board-Sponsored Charter Schools. The School District comprises only those charter schools that are sponsored by the State Board. The State Board is hereby deemed the board of trustees of the School District. The School District is created for the sole purpose of providing local educational agency status to the District for purposes of federal law governing charter schools.***

Sec. 3. ***1. Except as otherwise provided in subsection 2, if a charter school ceases to operate voluntarily or upon revocation of its written charter, the governing body of the charter school shall appoint an administrator of the charter school to act as a trustee during the process of the closure of the charter school and for 1 year after the date of closure. The administrator shall assume the responsibility for the records of the:***

(a) Charter school;

(b) Employees of the charter school; and

(c) Pupils enrolled in the charter school.

2. If an administrator for the charter school is no longer available to carry out the duties set forth in subsection 1, the governing body of the charter school shall appoint a qualified person to assume those duties.

Sec. 4. NRS 386.500 is hereby amended to read as follows:

386.500 For the purposes of NRS 386.500 to 386.610, inclusive, ***and sections 2 and 3 of this act,*** a pupil is "at risk" if he has an economic or academic disadvantage such that he requires special services and assistance to enable him to succeed in educational programs. The term includes, without limitation, pupils who are members of economically disadvantaged families, pupils who are limited English proficient, pupils who are at risk of dropping out of high school and pupils who do not meet minimum standards of academic proficiency. The term does not include a pupil with a disability.

Sec. 5. NRS 386.505 is hereby amended to read as follows:

386.505 The Legislature declares that by authorizing the formation of charter schools it is not authorizing:

1. The conversion of an existing public school, home school or other program of home study to a charter school.

2. A means for providing financial assistance for private schools or programs of home study. The provisions of this subsection do not preclude ~~[a]~~ ***:***

(a) A private school from ceasing to operate as a private school and reopening as a charter school in compliance with the provisions of NRS 386.500 to 386.610, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act.***

(b) The payment of money to a charter school for the enrollment of children in classes at the charter school pursuant to subsection 5 of NRS 386.580 who are enrolled in a public school of a school district or a private school or who are homeschooled.

3. The formation of charter schools on the basis of a single race, religion or ethnicity.

Sec. 6. NRS 386.590 is hereby amended to read as follows:

386.590 1. Except as otherwise provided in this subsection, at least 70 percent of the teachers who provide instruction at a charter school must be licensed teachers. If a charter school is a vocational school, the charter school shall, to the extent practicable, ensure that at least 70 percent of the teachers who provide instruction at the school are licensed teachers, but in no event may more than 50 percent of the teachers who provide instruction at the school be unlicensed teachers.

2. A governing body of a charter school shall employ:

(a) If the charter school offers instruction in kindergarten or grade 1, 2, 3, 4, 5, 6, 7 or 8, a licensed teacher to teach pupils who are enrolled in those grades. If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. § 6319(a).

(b) If the charter school offers instruction in grade 9, 10, 11 or 12, a licensed teacher to teach pupils who are enrolled in those grades for the subjects set forth in subsection 4. If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. § 6319(a).

(c) In addition to the requirements of paragraphs (a) and (b):

(1) If a charter school specializes in arts and humanities, physical education or health education, a licensed teacher to teach those courses of study.

(2) If a charter school specializes in the construction industry or other building industry, licensed teachers to teach courses of study relating to the industry if those teachers are employed full time.

(3) If a charter school specializes in the construction industry or other building industry and the school offers courses of study in computer education, technology or business, licensed teachers to teach those courses of study if those teachers are employed full time.

3. A person who is initially hired by the governing body of a charter school on or after January 8, 2002, to teach in a program supported with money from Title I must possess the qualifications required by 20 U.S.C. § 6319(a). For the purposes of this subsection, a person is not "initially hired" if he has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by his current employer.

4. A teacher who is employed by a charter school, regardless of the date of hire, must, on or before July 1, 2006, possess the qualifications required by 20 U.S.C. § 6319(a) if he teaches one or more of the following subjects:

(a) English, reading or language arts;

(b) Mathematics;

(c) Science;

(d) Foreign language;

(e) Civics or government;

(f) Economics;

(g) Geography;

(h) History; or

(i) The arts.

5. Except as otherwise provided in NRS 386.588, a charter school may employ a person who is not licensed pursuant to the provisions of chapter 391 of NRS to teach a course of study for which a licensed teacher is not required pursuant to subsections 2, 3 and 4 if the person has:

(a) A degree, a license or a certificate in the field for which he is employed to teach at the charter school; and

(b) At least 2 years of experience in that field.

6. Except as otherwise provided in NRS 386.588, a charter school [~~may~~] ***shall*** employ such administrators for the school as it deems necessary. A person employed as an administrator must possess:

(a) A valid teacher's license issued pursuant to chapter 391 of NRS with an administrative endorsement;

(b) A master's degree in school administration, public administration or business administration; or

(c) ~~[If the person has at]~~ ***At*** least 5 years of experience in ***school*** administration, ***public administration or business administration*** ~~[,]~~ ***and*** a baccalaureate degree.

7. ***The portion of the salary or other compensation of an administrator employed by a charter school that is derived from public funds must not exceed the salary of the highest paid administrator in a comparable position in the school district in which the charter school is located. For purposes of determining the salary of the highest paid administrator in a comparable position in the school district, the salary of the superintendent of schools of that school district must not be included in the determination.***

8. A charter school shall not employ a person pursuant to this section if his license to teach or provide other educational services has been revoked or suspended in this State or another state.

~~[8.]~~ ***9.*** On or before November 15 of each year, a charter school shall submit to the Department, in a format prescribed by the Superintendent of Public Instruction, the following information for each licensed employee who is employed by the governing body on October 1 of that year:

(a) The amount of salary of the employee ~~[,]~~ ***, including, without limitation, verification of compliance with subsection 7, if applicable to that employee;*** and

(b) The designated assignment, as that term is defined by the Department, of the employee.

Sec. 7. If a person is employed by a charter school as an administrator before July 1, 2007, and he qualified for that position pursuant to paragraph (c) of subsection 6 of NRS 386.590, the person may continue employment in that position even if he does not satisfy the qualifications set forth in section 6 of this act.

Sec. 8. **If a person is employed by a charter school as an administrator before July 1, 2007, and the contract of employment with the administrator provides for a salary that violates subsection 7 of NRS 386.590, as amended by section 6 of this act, the administrator may continue to receive that salary only through the term of the existing contract of employment. Any new contract or renewal of the existing contract with that administrator must comply with subsection 7 of NRS 386.590, as amended by section 6 of this act.**

~~[Sec. 8.]~~ ***Sec. 9.*** This act becomes effective on July 1, 2007.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 343.

Bill read second time.

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

Amendment No. 203.

AN ACT relating to wildlife; decreasing the amount of time a person who is 65 years of age or older must reside in this State to qualify for a reduced fee for hunting and fishing licenses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires any person 65 years of age or older to have resided in this State continuously for 5 years to qualify for reduced license fees. (NRS 502.245) This bill decreases that period of residency to 6 months.

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

Section 1. NRS 502.245 is hereby amended to read as follows:

502.245 1. The Department shall issue any hunting or fishing license or combined hunting and fishing license authorized under the provisions of this chapter, upon proof satisfactory of the requisite facts and payment of the applicable fee, to any person who has resided in this State ~~[:~~

~~(a) For]~~ ***for*** the 6-month period immediately preceding the date of his application for a license and ~~[:~~

~~(1)]~~ ***who:***

(a) Has a severe physical disability; ~~[or~~

~~(2)]~~

(b) Has attained his 12th birthday but has not attained his 16th birthday; or

~~[(b) Continuously for 5 years immediately preceding the date of this application for a license and is]~~

(c) Is 65 years of age or older.

2. The Department shall charge and collect a fee of:

For a hunting license	$9
For a fishing license	$9
For a combined hunting and fishing license	$17

3. ~~[For the purposes of]~~ ***If the Department incurs a deficiency caused by the issuance of licenses pursuant to this section, the Department may request an allocation from the Contingency Fund pursuant to NRS 353.266, 353.268 and 353.269 to reimburse the Department for the amount of the deficiency.***

4. As used in this section, "severe physical disability" means a physical disability which materially limits the person's ability to engage in gainful employment.

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

Assemblyman Claborn moved the adoption of the amendment.

Amendment adopted.

Assemblyman Oceguera moved that upon return from the printer Assembly Bill No. 343 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 359.
Bill read second time and ordered to third reading.

Assembly Bill No. 366.
Bill read second time and ordered to third reading.

Assembly Bill No. 410.
Bill read second time and ordered to third reading.

Assembly Bill No. 468.
Bill read second time and ordered to third reading.

Assembly Bill No. 483.
Bill read second time and ordered to third reading.

Assembly Bill No. 531.
Bill read second time.

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

Amendment No. 233.

AN ACT relating to private investigators; making certain changes concerning the membership of the Private Investigator's Licensing Board; **removing the Executive Director of the Board from the unclassified service of the State**; creating the Fund for the Private Investigator's Licensing Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Private Investigator's Licensing Board to license and regulate private investigators, private patrolmen, process servers, dog handlers, security consultants and polygraphic examiners. (Chapter 648 of NRS) Further, existing law provides that the Attorney General serves as Chairman of the Board and that money received by the Board pursuant to the provisions of chapter 648 of NRS must be deposited in the Attorney General's Special Fund. (NRS 648.020, 648.040) Section 1 of this bill removes the Attorney General from the membership of the Board and adds another member to the Board who is a representative of the general public. (NRS 648.020) Section 1 also requires the members of the Board to elect a Chairman from among the members. The Chairman serves a 2-year term beginning on July 1 of each year. Section 2 of this bill removes the Executive Director of the Board from the unclassified service of the State. (NRS 648.025) **Section 2 also authorizes the Board to employ an Executive Director who serves at the pleasure of the Board and requires the Board to establish the compensation of the Executive Director**. Section ~~[2]~~ **3** of this bill creates the Fund for the Private Investigator's Licensing Board and provides that any money received by the Board pursuant to the provisions of chapter 648 of NRS must be deposited in the State Treasury for credit to the Fund. Money in the Fund must be used by the Board for the administration of the provisions of chapter 648 of NRS and to

pay the expenses and salary of members, agents and employees of the Board. (NRS 648.040)

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

Section 1. NRS 648.020 is hereby amended to read as follows:

648.020 1. The Private Investigator's Licensing Board, consisting of ~~[the Attorney General or his deputy and four]~~ ***five*** members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) One member who is a private investigator.

(b) One member who is a private patrolman.

(c) One member who is a polygraphic examiner.

(d) ~~[One member who is a representative]~~ ***Two members who are representatives*** of the general public. ~~[This member]~~ ***These members*** must not be:

(1) A licensee; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a licensee.

3. The ***members of the Board shall elect a*** Chairman of the Board ~~[is the Attorney General or a deputy attorney general designated by the Attorney General to act in that capacity.]~~ ***from among its members by majority vote. After the initial election, the Chairman shall hold office for a term of 2 years beginning on July 1 of each year. If a vacancy occurs in the chairmanship, the members of the Board shall elect a Chairman from among its members for the remainder of the unexpired term.***

4. Each member of the Board ~~[, except the Chairman,]~~ is entitled to receive:

(a) A salary of not more than $80, as fixed by the Board, for each day or portion of a day during which he attends a meeting of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

5. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

6. ~~[The]~~ ***A*** member who is a representative of the general public shall not participate in preparing, conducting or grading any examination required by the Board.

Sec. 2. **NRS 648.025 is hereby amended to read as follows:**

648.025 ***1.*** The Board may:

~~[1. Appoint]~~

(a) Employ an Executive Director who:

~~[(a) Is in the unclassified service of the State; and~~

~~(b)~~ ***(1) Is the chief administrative officer of the Board;***

(2) Serves at the pleasure of the Board; and

(3) Shall perform such duties as the Board may prescribe; and

~~[2.]~~ ***(b)*** Employ investigators and clerical personnel necessary to carry out the provisions of this chapter.

2. The Board shall establish the compensation of the Executive Director.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 648.040 is hereby amended to read as follows:

648.040 1. ***There is hereby created in the State General Fund the Fund for the Private Investigator's Licensing Board, to be administered by the Board.***

2. Except as otherwise provided in subsection ~~[6,]~~ ***7,*** all money received pursuant to the provisions of this chapter must be deposited in the State Treasury for credit to the ~~[Attorney General's Special]~~ Fund ***for the Private Investigator's Licensing Board*** and must be used by the Board for the administration of this chapter and to pay the expenses and salary of members, agents and employees of the Board.

~~[2.]~~ ***3. All claims against the Fund must be paid as other claims against the State are paid.*** Any amount remaining in the Fund at the end of a fiscal year must be carried forward into the next fiscal year.

~~[3.]~~ ***4.*** The Board through majority vote controls exclusively the expenditures from the Fund. The Board may not make expenditures or incur liabilities in a total amount greater than the amount of money actually available in the Fund.

~~[4.]~~ ***5.*** Except as otherwise provided in subsection ~~[6,]~~ ***7,*** the money in this Fund may be used to:

(a) Pay the expenses of the Board in connection with the investigation of the background of an applicant;

(b) Finance a substantive investigation of a licensee or of unlicensed activity; and

(c) Pay the operational and administrative expenses of the Board and its Secretary,

and for such other expenses as the Board deems appropriate to regulate the persons subject to its supervision.

~~[5.]~~ ***6.*** In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in the State Treasury for credit to the ~~[Attorney General's Special Fund.~~

~~6.]~~ ***Fund for the Private Investigator's Licensing Board.***

7. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection ~~[5,]~~ ***6,*** the Board shall deposit the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund. In such a case, the Board may present a claim to the State Board of Examiners for recommendation to the Interim Finance

Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

~~[Sec. 3.]~~ ***Sec. 4.*** On July 1, 2007:

1. The State Controller shall transfer all money received pursuant to the provisions of chapter 648 of NRS and remaining in the Attorney General's Special Fund to the Fund for the Private Investigator's Licensing Board created pursuant to NRS 648.040, as amended by this act.

2. All assets and liabilities of the Attorney General's Special Fund which concern the activities of the Private Investigator's Licensing Board become the assets and liabilities of the Fund for the Private Investigator's Licensing Board.

~~[Sec. 4.]~~ ***Sec. 5.*** This act becomes effective on July 1, 2007.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 552.

Bill read second time and ordered to third reading.

Assembly Bill No. 554.

Bill read second time and ordered to third reading.

Assembly Bill No. 560.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 9.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 1 of the 22nd Special Session.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 102.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 102:

YEAS—42.

NAYS—None.

Assembly Bill No. 102 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 3.

Resolution read third time.

Remarks by Assemblyman Hardy.

Roll call on Assembly Joint Resolution No. 3:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 3 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

UNINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Senate Joint Resolution No. 1; Senate Concurrent Resolution No. 21.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda van Fosson and Christina van Fosson.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Liberty Baptist Academy: Sarah Kercher, William Barragan, Alizabeth Bigger, Nicolette McGrath, Kevin Parades, Stephanie Rhodes, James Webb, Crystal Webb, Chrissy Webb, Thomas Webb, Tierra Webb, Berlyn Webb, Brenden Webb, John Berg, Debbie Berg, Steven Berg, Rebecca Berg, David Berg, Michael Berg, Jennifer Berg, Jesse Machuca, Trish Machuca, Faith Machuca, Tonya Piazza, Jessica Piazza, April Glass, Jessica Glass, Robert Horton and William Horton.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Megan Damele and Melissa Damele.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Laurie Thom, Dorsey Thom, Jr., and Trinity Thom.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to the following members of Carson City Leadership 2007: Neila Abbott, Jane Auerswald, Bonnie Betts, Bruce Bullock, Paul Carignan, Jenny Casselman, Donna Curtis, Carol English, Rick Frewert, Dianne Hilliard, Alana Ladd-Ross, Bob Morin, Le Ann Morris, Brian Olson, Buck Potts, John Procaccini, Lisa Stirgus, Ralph Swagler, Carol Swanson, and Mikel Trejo.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to the following members of Reno/Sparks Leadership 2007: Freeman Holbrook, Annemarie Huisman, Victoria Jakubowski, Jesse H. Jones, KC Krichbaum, Job B. Lazar, James Lowey, Kristine A. Olsen, Lauren Sankovich, Rick Schettler, Jaime Schroeder, Nyleen Smith, Lisa Speth-Jones, Jim Stanhouse, Steve Strickland, Tania Violette-Brouker, and Tim Young.

Assemblyman Oceguera moved that the Assembly adjourn until Friday, April 13, 2007, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:01 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE SIXTY-EIGHTH DAY

CARSON CITY (Friday), April 13, 2007

Assembly called to order at 11:38 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Marie Hanson.

Happiness and love are inseparable; where one goes the other must. To know one is to know the other. Love is limitless. Remember this always. If you notice limits on happiness or thoughts to restrict boundless love, it is only an error. This error is easily corrected. Think again. Let thoughts of joy replace all pain. Love is limitless. It can replace any fear. Let it bring you home to the peace that is yours. Remember this today—once every waking hour or often as you can—love is limitless. Let this truth replace any fear. Quiet your fears and know you cannot fail. For God, being love, is also happiness. Love is limitless. And therefore, so are you. And so it is.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Bill No. 593, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Joint Resolution No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HARRY MORTENSON, *Chair*

Madam Speaker:

Your Concurrent Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Bill No. 183, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 470, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 585, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Taxation, to which was referred Assembly Bill No. 586, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

KATHY MCCLAIN, *Chair*

Madam Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 584, 594, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 595, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and rerefer to the Committee on Ways and Means.

KELVIN ATKINSON, *Chair*

Madam Speaker:

Your Select Committee on Corrections, Parole, and Probation, to which were referred Assembly Bills Nos. 37, 38, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Select Committee on Corrections, Parole, and Probation, to which was referred Assembly Bill No. 106, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Select Committee on Corrections, Parole, and Probation, to which was referred Assembly Bill No. 361, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

DAVID R. PARKS, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 12, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 607; Senate Bills Nos. 163, 228, 398, 419, 515, 520, 534.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 77, 139, 174, 282, 444.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 77.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 139.

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

Motion carried.

Senate Bill No. 163.

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

Motion carried.

Senate Bill No. 174.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 228.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 282.

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

Motion carried.

Senate Bill No. 398.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 419.

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

Motion carried.

Senate Bill No. 444.

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

Motion carried.

Senate Bill No. 515.

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

Motion carried.

Senate Bill No. 520.

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

Motion carried.

Senate Bill No. 534.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 37, 38, 106, 183, 470, 584, 585, 593, 594, 595; Assembly Joint Resolution No. 1 just reported out committee, be placed on the Second Reading File.

Motion carried.

NOTICE OF EXEMPTION

April 12, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 598.

MARK STEVENS
Fiscal Analysis Division

April 13, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 29, 434, 595.

MARK STEVENS
Fiscal Analysis Division

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 37.

Bill read second time and ordered to third reading.

Assembly Bill No. 38.

Bill read second time and ordered to third reading.

Assembly Bill No. 106.

Bill read second time.

The following amendment was proposed by the Select Committee on Corrections, Parole, and Probation:

Amendment No. 296.

AN ACT relating to prisons; prohibiting a person from furnishing a portable telecommunications device to a prisoner; prohibiting a person from carrying a portable telecommunications device into an institution or a facility of the Department of Corrections; prohibiting a prisoner from possessing a portable telecommunications device; expanding the definition of "telecommunications device"; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill expands the definition of "telecommunications device" to include an apparatus associated with a device.

Section 2 of this bill makes it unlawful for a person to, without lawful authorization, knowingly furnish, attempt to furnish or aid or assist in furnishing or attempting to furnish a portable telecommunications device to a

prisoner. A person who commits this crime is guilty of a category ~~[D]~~ **E** felony, punishable by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years, and a fine of up to $5,000. (NRS 193.130) Section 2 also makes it unlawful for a person to, without lawful authorization, carry a portable telecommunications device into an institution or a facility of the Department of Corrections. A person who commits this crime is guilty of a misdemeanor, punishable by imprisonment in the county jail for a term of not more than 6 months, or a fine of up to $1,000, or both. (NRS 193.150) Additionally, section 2 also makes it unlawful for a prisoner to, without lawful authorization, possess a portable telecommunications device. A prisoner who commits this crime is guilty of a category ~~[C]~~ **D** felony, punishable by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than ~~[5]~~ **4** years, and a fine of up to ~~[$10,000.]~~ **$5,000**. (NRS 193.130) Section 2 also provides that this sentence is not subject to suspension or the granting of probation and that the sentence must be served consecutive to the term the prisoner is currently serving.

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

Section 1. NRS 209.417 is hereby amended to read as follows:

209.417 1. Except as otherwise provided in subsection 2, the warden or manager of an institution or facility shall ensure that no offender in the institution or facility has access to a telecommunications device.

2. An offender may use a telephone subject to the limitations set forth in NRS 209.419.

3. As used in this section, "telecommunications device" means a device ***, or an apparatus associated with a device,*** that can ~~[be used by]~~ ***enable*** an offender to communicate with a person outside of the institution or facility at which the offender is incarcerated. The term includes, without limitation, a telephone, a cellular telephone ***, a personal digital assistant, a transmitting radio*** or a computer that is connected to a computer network ***, is capable of connecting to a computer network through the use of wireless technology*** or is otherwise capable of communicating with a person or device outside of the ***institution or*** facility.

Sec. 2. Chapter 212 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person shall not, without lawful authorization, knowingly furnish, attempt to furnish, or aid or assist in furnishing or attempting to furnish to a prisoner confined in an institution or a facility of the Department of Corrections, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, a portable telecommunications device. A person who violates this subsection is guilty of a category ~~[D]~~ ***E felony and shall be punished as provided in NRS 193.130.***

2. A person shall not, without lawful authorization, carry into an institution or a facility of the Department, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, a portable telecommunications device. A person who violates this subsection is guilty of a misdemeanor.

3. A prisoner confined in an institution or a facility of the Department, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, shall not, without lawful authorization, possess or have in his custody or control a portable telecommunications device. A prisoner who violates this subsection is guilty of a category ~~[C]~~ ***D felony and shall be punished as provided in NRS 193.130.***

4. A sentence imposed upon a prisoner pursuant to subsection 3:

(a) Is not subject to suspension or the granting of probation; and

(b) Must run consecutively after the prisoner has served any sentences imposed upon him for the offense or offenses for which the prisoner was in lawful custody or confinement when he violated the provisions of subsection 3.

5. As used in this section:

(a) "Facility" has the meaning ascribed to it in NRS 209.065.

(b) "Institution" has the meaning ascribed to it in NRS 209.071.

(c) "Telecommunications device" has the meaning ascribed to it in subsection 3 of NRS 209.417.

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

Assemblyman Parks moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 183.

Bill read second time.

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

Amendment No. 43.

AN ACT relating to legislative affairs; creating the Legislative Committee on Senior Citizens and Veterans; prescribing the powers and duties of the Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 3 of this bill creates the Legislative Committee on Senior Citizens and Veterans as a statutory committee and provides for its membership. Section 4 of this bill ~~[requires the Committee to meet each month during the legislative interim,]~~ **provides for the meetings of the Committee**, prescribes the manner in which meetings are to be conducted and provides for the compensation of members of the Committee. Section 5 of this bill requires the Committee to evaluate, review and comment upon issues relating to senior citizens and veterans. Sections 6 and 7 of this bill authorize the Committee to conduct investigations and hearings and provide for the

administration of oaths, deposition of witnesses, and subpoenas to compel the attendance of witnesses and the production of books and papers. Section 9 of this bill provides for the prospective expiration of this Committee on July 1, 2011.

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

Section 1. Chapter 218 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, "Committee" means the Legislative Committee on Senior Citizens and Veterans.***

Sec. 3. ***1. The Legislative Committee on Senior Citizens and Veterans is hereby created. The*** ~~[membership of the]~~ ***Committee consists of:***

(a) ~~[Five]~~ ***Three members of the Senate appointed by the Majority Leader of the Senate*** ~~[from the following committees, except that if a committee no longer exists, from another committee designated by the Majority Leader:~~

~~(1) Two members from the Senate Committee on Finance;~~

~~(2) One member from the Senate Committee on Judiciary;~~

~~(3) One member from the Senate Committee on Transportation and Homeland Security; and~~

~~(4) One member from the Senate Committee on Human Resources and Education.~~

~~(b) Five]~~ ***; and***

(b) Three members of the Assembly appointed by the Speaker of the Assembly . ~~[from the following committees, except that if a committee no longer exists, from another committee designated by the Speaker:~~

~~(1) Two members from the Assembly Committee on Ways and Means;~~

~~(2) One member from the Assembly Committee on Judiciary;~~

~~(3) One member from the Assembly Committee on Transportation; and~~

~~(4) One member from the Assembly Committee on Health and Human Services.~~

~~Membership must be in proportion to the partisan majority of each House.]~~

2. The members of the Committee shall select the Chairman and Vice Chairman of the Committee from among the members of the Committee. After the initial selection of those officers, each of those officers holds the position for a term of 2 years commencing on July 1 of each odd-numbered year. The chairmanship of the Committee must alternate each biennium between the Houses of the Legislature. If a vacancy occurs in the chairmanship or vice chairmanship, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

3. A member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the convening of the next regular session of the Legislature.

4. A vacancy on the Committee must be filled in the same manner as the original appointment.

Sec. 4. ***1. The members of the Committee shall meet*** ~~[monthly during the legislative interim and at such other]~~ ***at the times and places specified by a call of the Chairman or a majority of the Committee.***

2. The Director of the Legislative Counsel Bureau or his designee shall act as the nonvoting recording Secretary of the Committee.

3. The Committee shall prescribe regulations for its own management and government.

4. Except as otherwise provided in subsection 5, ~~[six]~~ ***four members of the Committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Committee.***

5. Any recommended legislation proposed by the Committee must be approved by a majority of the members of the Senate and by a majority of the members of the Assembly appointed to the Committee.

6. Except during a regular or special session of the Legislature, for each day or portion of a day during which a member of the Committee attends a meeting of the Committee or is otherwise engaged in the work of the Committee, the member is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218.2207.

➥The compensation, per diem allowances and travel expenses of the members of the Committee must be paid from the Legislative Fund.

Sec. 5. ***The Committee shall evaluate, review and comment upon issues relating to senior citizens and veterans, including, without limitation:***

1. Health and human services;

2. Elder abuse and exploitation;

3. Financial and physical wellness initiatives;

4. Housing and transportation; and

5. Public outreach and advocacy.

Sec. 6. ***1. The Committee may:***

(a) Conduct investigations and hold hearings in connection with its duties pursuant to section 5 of this act;

(b) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee;

(c) Receive recommendations and suggestions for legislation from:

(1) The Nevada Silver Haired Legislative Forum;

(2) The Nevada Commission on Aging; and

(3) Any other agency or organization which provides services to senior citizens and veterans; and

(d) Propose recommended legislation concerning senior citizens and veterans to the Legislature.

2. The Committee shall, on or before January 15 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the evaluation and review conducted pursuant to section 5 of this act.

Sec. 7. ***1. If the Committee conducts investigations or holds hearings pursuant to section 6 of this act:***

(a) The Secretary of the Committee or, in his absence, a member designated by the Committee may administer oaths.

(b) The Secretary or Chairman of the Committee may cause the deposition of witnesses, residing within or outside this State, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.

(c) The Chairman may issue subpoenas to compel the attendance of witnesses and the production of books and papers.

2. If a witness refuses to attend or testify or produce books or papers as required by the subpoena, the Chairman may report to the district court by a petition which sets forth that:

(a) Notice has been given of the time and place of attendance of the witness or the production of the books or papers;

(b) The witness has been subpoenaed by the Committee pursuant to this section; and

(c) The witness has failed or refused to attend a hearing, testify or produce the books or papers required by the subpoena.

The petition may request an order of the court compelling the witness to attend a hearing, testify or produce the books or papers required by the subpoena.

3. Upon such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and to show cause why he has not attended the hearing, testified or produced the books or papers required by the subpoena. A certified copy of the order must be served upon the witness.

4. If it appears to the court that the subpoena was regularly issued by the Committee, the court shall enter an order that the witness appear before

the Committee at the time and place fixed in the order and testify or produce the required books or papers. Failure to obey the order constitutes contempt of court.

Sec. 8. ***Each witness who appears before the Committee by its order, except a state officer or employee, is entitled to receive for his attendance the fees and mileage provided for witnesses in civil cases in the courts of record in this State. The fees and mileage must be audited and paid upon***

the presentation of proper claims sworn to by the witness and approved by the Secretary and Chairman of the Committee.

Sec. 9. This act becomes effective upon passage and approval and expires by limitation on July 1, 2011.

Assemblywoman Koivisto moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 470.

Bill read second time and ordered to third reading.

Assembly Bill No. 584.

Bill read second time and ordered to third reading.

Assembly Bill No. 585.

Bill read second time and ordered to third reading.

Assembly Bill No. 593.

Bill read second time.

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

Amendment No. 154.

AN ACT relating to the Legislative Branch of Government; making various changes relating to the Legislature and the Legislative Counsel Bureau; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill makes various changes relating to the Legislature and the Legislative Counsel Bureau. Section 1 of this bill provides that the fee for a certain bill service during a legislative session will be set by the Director of the Legislative Counsel Bureau instead of being specified in the statute. (NRS 218.185) Section 2 of this bill eliminates the requirement that the Legislative Counsel represent any Legislator in any matter before the Commission on Ethics. (NRS 218.697) Section 3 of this bill transfers authority for the portrait of the Governor from the Legislative Commission to the Director of the Department of Cultural Affairs. (NRS 223.121) Sections 4 and 7 of this bill provide for title to all property reserved for the use of the Legislature to be held in the name of the Legislature. (NRS 331.135) **Section 4.5 of this bill exempts the Legislative Branch of Government from certain provisions relating to the State Public Works Board.** Sections 5 and 8 of this bill clarify provisions concerning the appointment of members to the Nevada Silver Haired Legislative Forum. (NRS 427A.330) Section 6 of this bill clarifies the prospective impact of the cost-of-living increases enacted for Legislators. (Chapter 329, Statutes of Nevada 2005, p. 1182)

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

Section 1. NRS 218.185 is hereby amended to read as follows:

218.185 1. During each session of the Legislature, employees of the Senate and Assembly shall compile and prepare sets of books containing bills, resolutions, journals and histories for:

(a) The officers and members of the Senate and Assembly without cost to them.

(b) Selected staff members of the Legislative Counsel Bureau without cost to them.

(c) The press room for use of accredited press representatives, four such sets of books without cost to them.

(d) Persons other than those enumerated in paragraphs (a), (b) and (c) upon application to the Legislative Counsel Bureau and the payment of a fee ~~[of $150.]~~ ***established by the Director of the Legislative Counsel Bureau.***

2. All fees collected under the provisions of this section must be deposited with the State Treasurer for credit to the Legislative Fund in accordance with the provisions of NRS 353.250.

Sec. 2. NRS 218.697 is hereby amended to read as follows:

218.697 1. ~~[Upon request, the Legislative Counsel shall represent any Legislator in any matter before the Commission on Ethics.~~

~~2.]~~ When deemed necessary or advisable to protect the official interests of the Legislature or one or more legislative committees, the Legislative Commission, or the Chairman of the Legislative Commission in cases where action is required before a meeting of the Legislative Commission is scheduled to be held, may direct the Legislative Counsel and his staff to appear in, commence, prosecute, defend or intervene in any action, suit, matter, cause or proceeding in any court or agency of this State or of the United States.

~~[3.]~~ ***2.*** The Legislative Commission may authorize payment of the expenses and costs incurred pursuant to this section from the Legislative Fund.

Sec. 3. NRS 223.121 is hereby amended to read as follows:

223.121 1. The ~~[Legislative Commission]~~ ***Director*** may, upon the election of each new Governor, enter into a contract with an artist for the purpose of procuring a portrait of that Governor for display in the Capitol Building.

2. The portrait must be painted in oil colors and appropriately framed. The painting and framing must be done in the same manner, style and size as the portraits of former Governors of the State displayed in the Capitol Building.

3. The contract price must not exceed the appropriation made for this purpose to the Account for the Governor's Portrait in the State General Fund. The contract price must include the cost of the portrait and the frame.

4. The portrait and frame are subject to the approval of the Governor.

5. Upon delivery of the approved, framed portrait to the Secretary of State and its acceptance by the ~~[Legislative Commission,]~~ ***Director,*** the State

Controller shall draw his warrant in an amount equal to the contract price and the State Treasurer shall pay the warrant from the Account for the Governor's Portrait. Any balance remaining in the Account immediately lapses to the State General Fund.

6. As used in this section, "Director" means the Director of the Department of Cultural Affairs.

Sec. 4. NRS 331.135 is hereby amended to read as follows:

331.135 1. The Legislature reserves the supervision and control, both during and between legislative sessions, of:

(a) The entire legislative building, including its chambers, offices and other rooms, and its furnishings and equipment.

(b) A portion of the parcel of land bounded on the west by Carson Street, on the south by Fifth Street, on the east by Fall Street, and on the north by the sidewalk along the south fence of the capitol grounds, situated in a portion of the Capitol Complex, as shown on the Record of Survey Map No. 297, Official Records of Carson City, Nevada, File No. 3043, section 17, T. 15 N., R. 20 E., M.D.M., more particularly described as follows:

Beginning at the southwest corner of block 36, Sears **,** Thompson ***and*** Sears Division, as shown on that record of survey;

Thence N 89°52´32˝ E, a distance of 443.93 feet;

Thence N 00°12´15˝ E, a distance of 302.14 feet;

Thence N 44°47´45˝ W, a distance of 189.88 feet to the north side of an existing sidewalk;

Thence N 89°39´33˝ W, along that sidewalk, a distance of 97.13 feet to the east side of an existing sidewalk;

Thence N 00°14´26˝ E, along that sidewalk, a distance of 270.00 feet, more or less, to the north line of a sidewalk;

Thence N 89°47´45˝ W, along that sidewalk, a distance of 212.50 feet, to the east right-of-way line of Carson Street;

Thence S 00°13´08˝ W, along that line, a distance of 709.40 feet, more or less, to the true point of beginning.

Containing 5.572 acres, more or less.

(c) The entire parcel of land bounded on the north by Fifth Street, on the south by Sixth Street, on the east by Stewart Street and on the west by Plaza Street, also described as blocks 2 and 3, Pierson and Goodridge Addition; and that portion of Fall Street between Fifth Street and Sixth Street abandoned by Carson City on April 26, 1990, Meeting Agenda Item 9 M-89/90-10. Also the entire parcel of land bounded on the north by the south boundary line of block 2, Pierson and Goodridge Addition, on the south by Seventh Street, on the east by Stewart Street and on the west by Fall Street, and further described as block 7, Pierson and Goodridge Addition.

(d) The entire parcel of land bounded on the north by Sixth Street, on the south by Seventh Street, on the east by Fall Street, and on the west by Plaza Street, also described as block 6, Pierson and Goodridge Addition.

(e) The entire parcel of land bounded on the north by Fourth Street, on the west by Stewart Street, on the south by Fifth Street, and on the east by the abandoned right-of-way of Valley Street, also described as block 39 of Sears **,** Thompson ***and*** Sears Division of Carson City; and the west 30.00 feet of the abandoned right-of-way of Valley Street abutting block 39 of Sears **,** Thompson ***and*** Sears Division. Excepting therefrom that portion of Stewart and Fifth Streets deeded to the State of Nevada through its Department of Transportation as recorded in book 283, page 208, of Deeds, Carson City, Nevada.

(f) ***The entire parcel of land bounded on the north by Third Street, on the west by Stewart Street, on the south by Fourth Street, and on the east by Valley Street, also described as block 22 of Sears, Thompson and Sears Division of Carson City; and the land occupied by the state printing warehouse in block 21 of Sears, Thompson and Sears Division of Carson City; and the abandoned right-of-way of Fourth Street between block 22 of Sears, Thompson and Sears Division and block 39 of Sears, Thompson and Sears Division of Carson City. Excepting therefrom that portion of Stewart Street deeded to the State of Nevada through its Department of Transportation as recorded in book 283, page 208, of Deeds, Carson City, Nevada.***

(g) Any other property acquired for the use of the Legislature or its staff.

➥Title to the property described in this subsection must be held in the name of the Legislature of the State of Nevada.

2. The Director of the Legislative Counsel Bureau:

(a) Shall provide an individual office for each Legislator whose position as an officer or as a chairman of a committee does not otherwise entitle him to occupy an assigned office.

(b) May assign the use of space in the legislative building or other legislative facilities or on the legislative grounds in such a manner as the Legislative Commission prescribes.

3. The Director of the Legislative Counsel Bureau shall cause the legislative building, chambers and grounds and other legislative facilities to be kept in good repair, clean, orderly and presentable as befits public property and the dignity of the Legislature. For this purpose he may, in addition to his general power to employ or contract for the services of personnel, contract with any private enterprise or governmental agency for the provision of appropriate services.

Sec. 4.5. **NRS 341.158 is hereby amended to read as follows:**

341.158 The provisions of ~~[NRS 341.141 to 341.155, inclusive,]~~ ***this chapter*** do not ~~[require]~~ ***apply to*** the Legislative Branch of government ***.*** ~~[to use the services of the Board.]~~ The Legislature may require the Board to provide the services described in ~~[those sections]~~ ***NRS 341.141 to 341.155, inclusive,*** for particular projects for the Legislative Branch of government.

Sec. 5. NRS 427A.330 is hereby amended to read as follows:

427A.330 1. The Legislative Commission shall appoint to the Nevada Silver Haired Legislative Forum a number of members equal to the number of State Senators. The persons appointed to the Forum must be the persons nominated pursuant to this section. Each member of the Senate shall, after consulting with the members of the Assembly who reside within his senatorial district, nominate a person who meets the requirements for appointment to the Forum set forth in NRS 427A.340.

2. Appointments to the Nevada Silver Haired Legislative Forum must be made by the Legislative Commission before December ~~[1 of an odd-numbered year. The term of a member begins on December 1 of the odd-numbered year of appointment.~~

~~3. The members of the Nevada Silver Haired Legislative Forum from Clark County Senatorial Districts 2, 3, 4, 7 and 8, Washoe County Senatorial Districts 1 and 3, the Capital Senatorial District and the Western Nevada Senatorial District serve an initial term of 1 year. The members of the Nevada Silver Haired Legislative Forum from the remaining senatorial districts serve an initial term of 2 years.~~] ***31 of the second year of a member's term.*** After the initial terms, each member ***of the Forum*** serves a term of 2 years. ***Each member of the Forum continues to serve until his successor is appointed.***

Sec. 6. Chapter 329, Statutes of Nevada 2005, at page 1182, is hereby amended by adding thereto a new section to be designated as section 8, immediately following section 7, to read as follows:

Sec. 8. The increases in the compensation for Senators and Assemblymen pursuant to the amendatory provisions of section 7 of this act must be calculated based only upon increases in the salaries of the classified employees of this State that take effect on or after November 2, 2004.

Sec. 7. The State Land Registrar shall, as soon as practicable after the effective date of this act, execute and file all necessary and appropriate documents to provide that title to property described in subsection 1 of NRS 331.135 is held in the name of the Legislature of the State of Nevada.

Sec. 8. On or before December 31, 2007, or as soon thereafter as practicable, the Legislative Commission shall appoint new members of the Nevada Silver Haired Legislative Forum pursuant to NRS 427A.330, as amended by section 5 of this act. The Legislative Commission shall appoint to terms ending on:

1. December 31, 2008, members nominated by Senators representing Clark County Senatorial Districts 1, 5, 9, 10 and 12, Washoe County Senatorial Districts 1 and 4, the Central Nevada Senatorial District and the Rural Nevada Senatorial District.

2. December 31, 2009, members nominated by Senators representing Clark County Senatorial Districts 2, 3, 4, 6, 7, 8 and 11, Washoe County Senatorial Districts 2 and 3, and the Capital Senatorial District.

The terms of the members of the Nevada Silver Haired Legislative Forum as of the effective date of this act continue until their successors are appointed pursuant to this section. A member may be reappointed.

Sec. 9. This act becomes effective upon passage and approval.

Assemblywoman Koivisto moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 594.

Bill read second time and ordered to third reading.

Assembly Bill No. 595.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 378.

SUMMARY—Makes various changes relating to taxes on fuels ~~[.]~~ **and the provision of funding for highway projects.** (BDR 32-643)

AN ACT relating to ~~[taxes on fuels; prohibiting the payment of interest on certain overpayments; revising provisions governing hearings on petitions for redetermination; prohibiting the disclosure of certain information; revising provisions governing the]~~ **vehicles; making various changes regarding the imposition,** reporting, payment, collection ~~[and refunding of certain excise taxes; prohibiting the making of certain false or fraudulent reports; authorizing the sealing of a fuel pump and the metered pipes and hoses of a rack under certain circumstances; authorizing the sharing of additional information with other states for enforcement purposes; revising provisions governing licensure and bonding; revising provisions governing the maintenance and inspection of certain records; making various changes concerning enforcement;]~~ **, refunding, administration and enforcement of certain taxes on fuels; allocating a portion of the proceeds of certain taxes and fees to the construction and maintenance of public highways; increasing the maximum maturity period allowed for certain special obligation bonds issued to finance highway construction projects; requiring a short-term lessor of a passenger car to impose a recovery surcharge fee; providing for the imposition and payment of a licensing fee on the operation of certain heavyweight vehicles;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a taxpayer is entitled to receive interest on an overpayment of taxes. (NRS 360.2935, 360A.110) Section 2 of this bill provides that no interest will be paid on an overpayment of taxes on fuels if the overpayment is made intentionally or carelessly.

Under existing law, if the Department of Motor Vehicles issues a deficiency determination against a taxpayer for underpayment of taxes on fuels, the taxpayer may file a petition for redetermination and seek an oral

hearing on the petition. (NRS 360A.160, 360A.180) Section 3 of this bill changes the hearing to an administrative hearing.

Under existing law, persons licensed under chapter 365 of NRS are required to submit reports and pay excise taxes to the Department for motor vehicle and other fuels subject to that chapter. (NRS 365.170, 365.175) Section 5 of this bill imposes similar requirements on unlicensed persons who collect such excise taxes.

Existing law in chapter 366 of NRS concerning taxes on special fuels includes provisions relating to the confidentiality of records, the unlawful disclosure of information, false or fraudulent reports, and the sealing of fuel pumps. (NRS 366.160, 366.180, 366.710, 366.715) Sections 6-9 of this bill add similar provisions to chapter 365 of NRS concerning taxes on motor vehicle and other fuels.

Under existing law, licenses issued pursuant to chapter 365 of NRS for dealers, suppliers, transporters and exporters are valid until suspended, revoked or cancelled. (NRS 365.304) Section 15 of this bill limits the validity of each such license to 1 year and requires the Department to adopt regulations providing for the renewal of such licenses.

Existing law in chapter 366 of NRS concerning taxes on special fuels includes provisions governing the due date of such taxes. (NRS 366.370)

Section 18 of this bill adds similar provisions to chapter 365 of NRS concerning taxes on motor vehicle and other fuels. (NRS 365.330)

Section 21 of this bill increases the power of the Department and its agents to make examinations and inspections, including the power to stop and inspect motor vehicles that are using or transporting motor vehicle and other fuels, to determine whether all excise taxes due pursuant to chapter 365 of NRS are being properly reported and paid. (NRS 365.500)

Under existing law, persons licensed under chapter 366 of NRS are required to file tax returns and pay excise taxes to the Department for special fuels subject to that chapter. (NRS 366.380, 366.383, 366.386, 366.540) Section 26 of this bill imposes similar requirements on unlicensed persons who collect such excise taxes.

Existing law in chapter 365 of NRS concerning taxes on motor vehicle and other fuels includes provisions relating to the liability of a person for willfully failing to collect or pay excise taxes, the records that must be maintained by retailers, the payment of the costs of prosecuting violations, and the enforcement of the provisions of the chapter by county sheriffs and other peace officers. (NRS 365.351, 365.510, 365.590, 365.610) Sections 27-30 of this bill add similar provisions to chapter 366 of NRS concerning taxes on special fuel.

Under existing law, licenses issued pursuant to chapter 366 of NRS for special fuel dealers, special fuel suppliers, special fuel transporters and special fuel exporters are valid until suspended, revoked or cancelled, and licenses for special fuel users are valid for 1 year. (NRS 366.260) Section 36

of this bill limits the validity of each such license to 1 year and requires the Department to adopt regulations providing for the renewal of such licenses.

Section 46 of this bill revises the provisions in NRS 366.720 that establish various violations and penalties relating to taxes on special fuels by specifying that each day during which such a violation occurs constitutes a separate offense.

Existing law authorizes a county to impose an ad valorem tax for capital projects in the amount of 5 cents per $100 of the assessed valuation of the county. (NRS 354.59815) Section 47 of this bill requires the allocation of 60 percent of the proceeds of any such tax imposed in a county with a population of 400,000 or more (currently Clark County) to the State Highway Fund for use in the construction and maintenance of the public highways in that county.

Existing law authorizes the issuance of special obligation bonds of the State to provide money for highway construction projects, and limits the term of those bonds to not more than 20 years. (NRS 408.273) Section 48 of this bill extends that limitation to not more than 30 years.

Existing law authorizes a short-term lessor of a passenger car to impose a recovery surcharge of 4 percent of the total amount for which the car is leased. (NRS 482.313) Section 49 of this bill mandates the imposition of that fee and requires the deposit of half the proceeds thereof into the State Highway Fund for use in the construction and maintenance of the public highways.

Section 50 of this bill provides for the imposition and payment of a licensing fee for the operation of certain heavyweight vehicles by motor carriers in this State in the amount of 15 cents per mile traveled. Section 52 provides for the prepayment of this licensing fee by a person who obtains a temporary permit to operate such a vehicle in this State. Section 54 provides that any violation of the requirements regarding this licensing fee constitutes a misdemeanor.

Existing law authorizes a purchaser of motor vehicle fuel or special fuel from a supplier to apply to the Department for a permit to defer payment of the taxes to the supplier, and authorizes the supplier to deduct from his tax payments to the Department the amount of such deferred taxes. (NRS 365.326, 365.328, 366.397, 366.540) Sections 42 and ~~[47]~~ **55** of this bill delete or repeal those provisions. Section ~~[47]~~ **55** also repeals NRS 366.360 because its provisions are being added to NRS 366.350 by section 38 of this bill.

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

Section 1. NRS 360A.050 is hereby amended to read as follows:

360A.050 ~~[Except for any payments authorized pursuant to NRS 365.328, 365.340, 366.375 and 366.397, if]~~ ***If*** the Department grants an extension of time for paying any amount required to be paid pursuant to

chapter 365, 366 or 373 of NRS or NRS 590.120 or 590.840, a person who pays the amount within the period for which the extension is granted shall pay, in addition to the amount owing, interest at the rate of 1 percent per month from the date the amount would have been due without the extension until the date of payment.

Sec. 2. NRS 360A.110 is hereby amended to read as follows:

360A.110 ~~[In]~~ ***1. Except as otherwise provided in subsection 2, in*** making a determination, the Department may offset overpayments for a period or periods, together with interest on the overpayments, against underpayments for another period or periods or against penalties and the interest on underpayments.

2. No interest is allowed on any overpayment that the Department determines has been made intentionally or by reason of careless reporting.

Sec. 3. NRS 360A.180 is hereby amended to read as follows:

360A.180 1. If a petition for redetermination is filed within the period prescribed in NRS 360A.160, the Department shall reconsider the determination and, if the person has so requested in the petition, grant the person an ~~[oral]~~ ***administrative*** hearing and give him at least 10 days' notice of the time and place of the hearing.

2. ~~[The Department may continue the]~~ ***Any*** hearing ***held pursuant to subsection 1 may be continued*** from time to time as may be necessary.

3. A petitioner aggrieved by the decision of the Department may appeal the decision by submitting a written request to the Department for an administrative hearing not more than 30 days after notice of the redetermination was made by the Department.

Sec. 4. Chapter 365 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 9, inclusive, of this act.

Sec. 5. ***Every person not licensed pursuant to this chapter who collects an excise tax shall:***

1. Not later than the last day of each calendar month, submit a statement to the Department of all such taxes collected during the preceding calendar month; and

2. In accordance with the provisions of NRS 365.330, pay the tax to the Department.

Sec. 6. ***All supporting schedules, invoices and other pertinent papers relating to the business affairs and operations of any supplier, dealer, exporter or transporter, and any information obtained by an investigation of the records and equipment of any supplier, dealer, exporter or transporter, shall be deemed confidential and must not be revealed to any person except as necessary to administer this chapter or as otherwise provided by law.***

Sec. 7. ***1. It is unlawful for the Department or any person having an administrative duty under this chapter to divulge or to make known in any manner whatever the business affairs, operations or information obtained***

by an investigation or examination of the records of any person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof set forth or disclosed in any report, or to permit any report or copy thereof to be seen or examined by any person except as otherwise provided in section 6 of this act and NRS 365.140.

2. Any violation of the provisions of subsection 1 is a gross misdemeanor.

Sec. 8. ***Any person required to make, submit, sign or verify any report who makes any false or fraudulent report with intent to defeat or evade the assessment required by law to be made is guilty of a gross misdemeanor.***

Sec. 9. ***1. The Department may seal a fuel pump of a retailer or dealer, or the metered pipes and hoses of a rack of a dealer or supplier, if the retailer, dealer or supplier:***

(a) Becomes delinquent in payment of any amount due pursuant to the provisions of this chapter;

(b) Operates without the license required by the provisions of this chapter; or

(c) Operates without the bond or cash deposit required by the provisions of this chapter.

2. A fuel pump of a retailer or dealer, or the metered pipes and hoses of a rack of a dealer or supplier, may be sealed until all required reports are filed, the tax, penalties and interest are paid in full, the required license is obtained and the bond or cash deposit is provided.

3. Before sealing a fuel pump or the metered pipes and hoses of a rack, the Department must send a notice by registered or certified mail to the retailer, dealer or supplier at his last known address ordering him to appear before the Department at a time not less than 10 days after the mailing of the notice and show cause why the fuel pump or the metered pipes and hoses of the rack should not be sealed.

Sec. 10. NRS 365.092 is hereby amended to read as follows:

365.092 "Transporter" means a person, except a supplier or an exporter licensed pursuant to this chapter, who transports motor vehicle fuel or fuel for jet or turbine-powered aircraft ***by pipeline, rail or truck*** in interstate commerce to or from any point within this State, or solely within this State.

Sec. 11. NRS 365.140 is hereby amended to read as follows:

365.140 The Department ~~[shall,]~~ ***may,*** upon a request from the officials to whom is entrusted the enforcement of the motor vehicle fuel tax laws of any other state, if the other state furnishes ~~[like]~~ ***similar*** information to this State, forward any information which it may have in its possession relative to the manufacture, receipt, ***storage, delivery,*** sale, use, transportation ***,*** ~~[or]~~ shipment ***or other disposition*** by any ***supplier, dealer, exporter, transporter or other*** person of motor vehicle fuel or fuel for jet or turbine-powered aircraft.

Sec. 12. NRS 365.170 is hereby amended to read as follows:

365.170 Except as otherwise provided in NRS 365.135, every dealer shall ~~[, not]~~ ***:***

1. ***Not*** later than the last day of each calendar month ~~[:~~

~~1. Render]~~ ***, submit*** to the Department a statement of all aviation fuel and fuel for jet or turbine-powered aircraft sold, distributed or used by him in this State, as well as all such fuel sold, distributed or used in this State by a purchaser thereof upon which sale, distribution or use the dealer has assumed liability for the tax thereon pursuant to NRS 365.020, during the preceding calendar month; and

2. ~~[Pay]~~ ***In accordance with the provisions of NRS 365.330, pay*** an excise tax on:

(a) All fuel for jet or turbine-powered aircraft in the amount of 1 cent per gallon, plus any applicable amount imposed pursuant to NRS 365.203; and

(b) Aviation fuel in the amount of 2 cents per gallon, plus any applicable amount imposed pursuant to NRS 365.203, so sold, distributed or used ***.*** ~~[, in the manner and within the time prescribed in this chapter.]~~

Sec. 13. NRS 365.175 is hereby amended to read as follows:

365.175 Except as otherwise provided in NRS 365.135, every supplier shall ~~[, not]~~ ***:***

1. ***Not*** later than the last day of each calendar month ~~[:~~

~~1. Submit]~~ ***, submit*** to the Department a statement of all motor vehicle fuel, except aviation fuel, sold, distributed or used by him in this State ~~[;]~~ ***during the preceding calendar month;*** and

2. ~~[Pay]~~ ***In accordance with the provisions of NRS 365.330, pay*** an excise tax on all motor vehicle fuel, except aviation fuel, in the amount of 17.65 cents per gallon ***so*** sold, distributed or used ***.*** ~~[in the manner prescribed in this chapter.]~~

Sec. 14. NRS 365.290 is hereby amended to read as follows:

365.290 1. Before granting any application for a license as a dealer or supplier, the Department shall require the applicant to file with the Department a bond executed by the applicant as principal, and by a corporation qualified under the laws of this State as surety, payable to this State and conditioned upon the faithful performance of all the requirements of this chapter and upon the punctual payment of all excise taxes, penalties and other obligations of the applicant as a dealer or supplier.

2. The total amount of the bond or bonds required of any dealer or supplier must be fixed by the Department at three times the estimated maximum monthly tax, determined in such a manner as the Department deems proper, or $1,000, whichever is greater. If ~~[the Department determines that]~~ a person is habitually delinquent in the payment of amounts due pursuant to this chapter, ~~[it]~~ ***the Department*** may increase the amount of his security to not more than five times the estimated maximum monthly tax. When cash or a savings certificate, certificate of deposit or investment certificate is used, the amount required must be rounded off to the next larger integral multiple of $100, within the same upper limit.

3. The Department may increase or decrease the amount of security required by this section subject to the limitations provided in this section.

4. No recovery on any bond, ~~[nor the]~~ execution of any new bond, ~~[nor the]~~ ***or*** revocation, cancellation or suspension of any license **,** affects the validity of any bond.

5. In lieu of any bond or bonds, a dealer or supplier may deposit with the Department, under such terms and conditions as the Department may prescribe, ~~[a like]~~ ***an equivalent*** amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is unavailable for withdrawal except upon order of the Department.

6. If the amount of security required by this section is decreased pursuant to subsection 3, the Department shall immediately reinstate the original requirements for a bond for a holder of a license as a dealer or supplier upon his:

(a) Lack of faithful performance of the requirements of this chapter; or

(b) Failure to pay punctually all taxes, fees, penalties and interest due the State of Nevada.

7. For the purposes of this section, a person is "habitually delinquent" if, within any 12-month period, the person commits each of the following acts or commits either of the following acts more than once:

(a) Fails timely to file a monthly tax return, unless the Department determines that:

(1) The failure to file was caused by circumstances beyond the control of the person and occurred notwithstanding the exercise of ordinary care; and

(2) The person has paid any penalty and interest imposed by the Department because of the failure to file.

(b) Fails timely to submit to the Department any tax collected by the person pursuant to this chapter.

Sec. 15. NRS 365.304 is hereby amended to read as follows:

365.304 ***1.*** A license issued pursuant to this chapter:

~~[1.]~~ ***(a)*** Is valid ~~[until]~~ ***for 1 year, unless*** suspended, revoked or cancelled.

~~[2.]~~ ***(b)*** Is not transferable.

2. The Department shall adopt regulations providing for the renewal of such licenses.

Sec. 16. NRS 365.306 is hereby amended to read as follows:

365.306 If any person ceases to be a dealer, supplier, exporter or transporter within this State by reason of the discontinuance, sale or transfer of his business, he shall:

1. Notify the Department in writing at the time the discontinuance, sale or transfer takes effect. The notice must give the date of the discontinuance, sale or transfer, and the name and address of any purchaser or transferee.

2. Surrender to the Department the license issued to him pursuant to this chapter.

3. If he is:

(a) A dealer, file a monthly tax return and pay all taxes, interest and penalties required pursuant to chapter 360A of NRS and NRS 365.170 and 365.203 on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

(b) A supplier, file a monthly tax return and pay all taxes, interest and penalties required pursuant to chapter 360A of NRS and NRS 365.175 to 365.192, inclusive, on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

(c) An exporter, file the report required pursuant to NRS 365.515 on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

(d) A transporter, file the report required pursuant to NRS 365.520 ~~[within 25 days after the end]~~ ***on or before the last day*** of the month ***following the month*** of the discontinuance, sale or transfer of the business.

Sec. 17. NRS 365.324 is hereby amended to read as follows:

365.324 1. Except as otherwise provided in ~~[subsections 2 and 3,]~~ ***subsection 2,*** each supplier who sells or distributes motor vehicle fuel, other than aviation fuel, shall, at the time the motor vehicle fuel is distributed from a terminal, collect the taxes imposed pursuant to NRS 365.175 to 365.192, inclusive.

2. ~~[A supplier may sell motor vehicle fuel, other than aviation fuel, to a purchaser without collecting the taxes imposed pursuant to NRS 365.175 to 365.192, inclusive, if the purchaser of the motor vehicle fuel:~~

~~(a) Has been issued a permit by the Department pursuant to NRS 365.328; and~~

~~(b) Elects to defer payment of the taxes.~~

~~3.]~~ A supplier shall not collect the taxes imposed pursuant to NRS 365.175 to 365.192, inclusive, if the purchaser of the motor vehicle fuel is:

(a) A supplier; or

(b) An exporter.

3. A supplier or exporter shall not purchase motor vehicle fuel on which the tax has been paid, except that a newly licensed supplier or exporter may purchase such fuel during its first month of operation.

4. A supplier who sells motor vehicle fuel, other than aviation fuel, to any other supplier shall keep such records of the transaction as the Department may require. The Department shall adopt regulations setting forth:

(a) The records which must be kept by ~~[the dealer]~~ ***a supplier*** pursuant to this subsection; and

(b) The period for which those records must be kept ***.*** ~~[by the dealer.]~~

Sec. 18. NRS 365.330 is hereby amended to read as follows:

365.330 1. The excise taxes ~~[prescribed in]~~ ***imposed by*** this chapter ~~[must be paid on or before the last day of each calendar month to the Department.]~~ ***are due on or before the last day of the first month following the month to which they relate.***

2. If the due date falls on a Saturday, Sunday or legal holiday, the next business day is the final due date.

3. Payment shall be deemed received on the date shown by the cancellation mark stamped by the United States Postal Service or the postal service of any other country upon an envelope containing payment properly addressed to the Department.

4. The Department shall deliver the taxes to the State Treasurer, who shall provide ~~[to the dealer, supplier or user]~~ a receipt for the payment of the taxes ~~[.~~

~~2.]~~ ***to the person who made the payment.***

5. Except as otherwise provided in subsection ~~[3.]~~ ***6:***

(a) From the tax found to be due upon any statement submitted by a dealer pursuant to NRS 365.170, the dealer may retain an amount equal to 2 percent of the amount of the tax collected to cover the dealer's costs of collection of the tax and of compliance with this chapter, and the dealer's handling losses occasioned by evaporation, spillage or other similar causes.

(b) Each supplier may retain an amount equal to 2 percent of the amount of the tax collected by the supplier to cover the supplier's costs of collection of the tax and of compliance with this chapter, and the supplier's handling losses occasioned by evaporation, spillage or other similar causes.

~~[3.]~~ ***6.*** A dealer or supplier who fails to submit a tax return when due pursuant to this chapter or fails to pay the tax when due pursuant to this chapter is not entitled to retain any of the amount authorized pursuant to subsection ~~[2]~~ ***5*** for any month for which a tax return is not filed when due or a payment is not made when due.

~~[4.]~~ ***7.*** If the Department determines that a dealer or supplier ***, or any unlicensed person who collects an excise tax,*** has failed to submit a tax return when due pursuant to this chapter or failed to pay the tax when due pursuant to this chapter, the Department may order the dealer ***,*** ~~[or]~~ supplier ***or unlicensed person*** to hold the amount of all taxes collected pursuant to this chapter in a separate account in trust for the State. The dealer ***,*** ~~[or]~~ supplier ***or unlicensed person*** shall comply with the order immediately upon receiving notification of the order from the Department.

Sec. 19. NRS 365.340 is hereby amended to read as follows:

365.340 1. If the amount of any excise tax for any month is not paid to the State on or before the ~~[last day of the next month,]~~ ***date due,*** it becomes delinquent at the close of business on that day. ~~[A dealer, supplier or user may have up to 15 additional days to make the payment if he makes written application to the Department on or before the day the payment is due and the Department finds good cause for the extension.]~~

2. The proceeds from any penalty levied for the delinquent payment of an excise tax must be deposited with the State Treasurer to the credit of the State Highway Fund.

Sec. 20. NRS 365.370 is hereby amended to read as follows:

365.370 Any person who exports any motor vehicle fuel or fuel for jet or turbine-powered aircraft from this State, or who sells any such fuel to the United States Government for official use of the United States Armed Forces, or who buys and uses any such fuel for purposes other than for the propulsion of motor vehicles or jet or turbine-powered aircraft, and who has paid any tax on such fuel levied or directed to be paid as provided by this chapter, either directly by the collection of the tax by the vendor from the customer or indirectly by the addition of the amount of the tax to the price of the fuel, must be reimbursed and repaid the amount of the tax so paid by him **,** except as follows:

1. ~~[Refund claims]~~ ***Claims for refunds*** must be paid by prescribed classes in accordance with the ~~[department's regulations.]~~ ***regulations of the Department.***

2. The minimum claim for ***a*** refund must be based on at least 200 gallons ***of such fuel*** purchased ~~[and used]~~ in ***this State within*** a 6-month period ~~[.]~~ ***which is used for a purpose that is exempt from payment of the excise taxes imposed by this chapter.***

3. No refund of motor vehicle fuel taxes may be made for off-highway use of motor vehicle fuel consumed in watercraft in this State for recreational purposes.

4. A person who exports, sells, buys or uses aviation fuel for any purpose is not entitled to reimbursement of any tax paid by him on such fuel.

Sec. 21. NRS 365.500 is hereby amended to read as follows:

365.500 1. Every dealer, supplier, exporter and transporter shall cause to be kept a true record, in such form as may be prescribed or approved by the Department, of all stocks of motor vehicle fuel and fuel for jet or turbine-powered aircraft and of other inflammable or combustible liquids, and of all manufacture, refining, compounding, blending, purchases, receipts, exportations, transportations, use, sales and distribution thereof.

2. The ***Department or its authorized agents may:***

(a) Examine the books, records, papers and equipment of any dealer, supplier, exporter or transporter of such fuel or liquids, or of any other person transporting or storing such fuel or liquids;

(b) Investigate the character of the disposition which any person makes of such fuel or liquids; and

(c) Stop and inspect a motor vehicle that is using or transporting such fuel or liquids,

➥to determine whether all excise taxes due pursuant to this chapter are being properly reported and paid.

3. Books and records ~~[are subject to inspection at all times within business hours by the Department or its authorized agents, and]~~ ***subject to***

examination pursuant to subsection 2 must remain available for ~~[inspection]~~ ***examination*** for a period of 4 years after the date of any entry therein.

~~[3.]~~ ***4.*** If a dealer, supplier, exporter or transporter wishes to keep proper books and records pertaining to business done in Nevada elsewhere than within the State of Nevada for inspection as provided in this section, he must pay a fee for the examination in an amount per day equal to the amount set by law for out-of-state travel for each day or fraction thereof during which the examiner is actually engaged in examining those books and records, plus the actual expenses of the examiner during the time that the examiner is absent from this State for the purpose of making the examination, but the time must not exceed 1 day going to and 1 day coming from the place where the examination is to be made in addition to the number of days or fractions thereof the examiner is actually engaged in auditing those books and records. Not more than two such examinations may be charged against any dealer, supplier, exporter or transporter in any year.

~~[4.]~~ ***5.*** Any money received must be deposited by the Department to the credit of the fund or operating account from which the expenditures for the examination were paid.

~~[5.]~~ ***6.*** Upon the demand of the Department, each dealer, supplier, exporter or transporter shall furnish a statement showing the contents of the ***books and*** records to such extent and in such detail and form as the Department may require.

Sec. 22. NRS 365.520 is hereby amended to read as follows:

365.520 1. Every transporter, except a dealer licensed under this chapter or a wholesale distributor transporting the products of a dealer licensed under this chapter, who transports motor vehicle fuel or fuel for jet or turbine-powered aircraft in interstate commerce to or from any point within this State, or solely within this State, shall report all ~~[of]~~ those deliveries to the Department.

2. A report must be made for each calendar month and must be filed ~~[within 25 days after the end of the month for which the report is made.]~~ ***not later than the last day of each month for the deliveries made during the preceding month.*** The report must show:

(a) The name and address of every consignor and consignee and of every person other than the designated consignee to whom delivery has actually been made.

(b) The date of every delivery.

(c) The amount of every delivery in gallons.

(d) Such other information as the Department may require.

Sec. 23. NRS 365.545 is hereby amended to read as follows:

365.545 1. The proceeds of all taxes on fuel for jet or turbine-powered aircraft imposed pursuant to the provisions of NRS 365.170 or 365.203 must be deposited in the Account for Taxes on Fuel for Jet or Turbine-Powered Aircraft in the State General Fund and must be allocated monthly by the Department to the:

(a) Governmental entity which operates the airport at which the tax was collected, if the airport is operated by a governmental entity;

(b) Governmental entity which owns the airport at which the tax was collected, if the airport is owned but not operated by a governmental entity; or

(c) County in which is located the airport at which the tax was collected, if the airport is neither owned nor operated by a governmental entity.

2. Except as otherwise provided in subsection 3, the money allocated pursuant to subsection 1:

(a) Must be used by the governmental entity receiving it to pay the cost of:

(1) Transportation projects related to airports, including access on the ground to airports;

(2) The payment of principal and interest on notes, bonds or other obligations incurred to fund projects described in subparagraph (1);

(3) Promoting the use of an airport located in a county whose population is less than 400,000, including, without limitation, increasing the number and availability of flights at the airport;

(4) Contributing money to the Trust Fund for Aviation created by NRS 494.048; or

(5) Any combination of those purposes; and

(b) May also be pledged for the payment of general or special obligations issued to fund projects described in paragraph (a). Any money pledged pursuant to this paragraph may be treated as pledged revenues of the project for the purposes of subsection 3 of NRS 350.020.

3. Any money allocated pursuant to subsection 1 to a county whose population is 400,000 or more and in which a regional transportation commission has been created pursuant to chapter 373 of NRS, from the proceeds of the tax imposed pursuant to ~~[subparagraph (1) of paragraph (b) of subsection 1]~~ ***paragraph (a) of subsection 2*** of NRS 365.170 on fuel for jet or turbine-powered aircraft sold, distributed or used in that county, excluding the proceeds of any tax imposed pursuant to NRS 365.203, may, in addition to the uses authorized pursuant to subsection 2, be allocated by the county to that regional transportation commission. The money allocated pursuant to this subsection to a regional transportation commission:

(a) Must be used by the regional transportation commission:

(1) To pay the cost of transportation projects described in a regional plan for transportation established by that regional transportation commission pursuant to NRS 373.1161;

(2) For the payment of principal and interest on notes, bonds or other obligations incurred to fund projects described in subparagraph (1); or

(3) For any combination of those purposes; and

(b) May also be pledged for the payment of general or special obligations issued by the county at the request of the regional transportation commission to fund projects described in paragraph (a). Any money pledged pursuant to

this paragraph may be treated as pledged revenues of the project for the purposes of subsection 3 of NRS 350.020.

Sec. 24. NRS 365.575 is hereby amended to read as follows:

365.575 An exporter shall not sell or distribute motor vehicle fuel ~~[, other than aviation fuel,]~~ in this State. An exporter who violates the provisions of this section:

1. Is guilty of a misdemeanor; and

2. Shall, within the period prescribed in NRS ~~[365.175,]~~ ***365.330,*** pay to the Department the taxes imposed pursuant to NRS 365.175 to 365.192, inclusive, on all motor vehicle fuel ~~[, other than aviation fuel,]~~ sold or distributed in this State.

Sec. 25. Chapter 366 of NRS is hereby amended by adding thereto the provisions set forth as sections 26 to 30, inclusive, of this act.

Sec. 26. ***Every person not licensed pursuant to this chapter who collects an excise tax shall, not later than the last day of each calendar month, file with the Department a tax return upon which is reported all such taxes collected during the preceding calendar month and, in accordance with the provisions of NRS 366.370, pay the tax to the Department.***

Sec. 27. ***1. A responsible person who willfully fails to collect or pay to the Department the tax imposed by this chapter or who willfully attempts to evade the payment of the tax is jointly and severally liable with the special fuel dealer or special fuel supplier for the tax owed, plus interest and all applicable penalties. The responsible person shall pay the tax upon notice from the Department that it is due.***

2. As used in this section, "responsible person" includes:

(a) An officer or employee of a corporation; and

(b) A member or employee of a partnership or limited-liability company,

↪whose job or duty it is to collect, account for or pay to the Department the tax imposed by this chapter.

Sec. 28. ***1. Every retailer shall maintain and keep within the State for a period of 4 years a true record of special fuel received, the price thereof and the name of the person who supplied the special fuel, together with delivery tickets, invoices and such other records as the Department may require.***

2. Such records are subject to inspection by the Department or its authorized agents at all times during business hours.

Sec. 29. ***The Department is authorized to have paid out of the State Highway Fund all expenses incurred in the prosecution before any court of this State of any person charged with the violation of any provision of this chapter.***

Sec. 30. ***County sheriffs and all other peace officers and traffic officers of this State shall, without further compensation, assist in the enforcement of this chapter, and make arrests for that purpose when requested by the Department or its duly authorized agents.***

Sec. 31. NRS 366.075 is hereby amended to read as follows:

366.075 "Special fuel transporter" means a person, except a special fuel supplier or special fuel exporter licensed pursuant to this chapter, who transports special fuel in interstate commerce ***by pipeline, rail or truck*** to or from any point within this State, or solely within this State.

Sec. 32. NRS 366.140 is hereby amended to read as follows:

366.140 1. Every special fuel supplier, special fuel dealer, special fuel exporter, special fuel transporter, special fuel user and retailer, and every other person transporting or storing special fuel in this State shall keep such records, receipts, invoices and other pertinent papers with respect thereto as the Department requires.

2. The records, receipts, invoices and other pertinent papers described in subsection 1 must be preserved for 4 years after the date on which the record, receipt, invoice or other pertinent paper was created or generated.

3. The records, receipts, invoices and other pertinent papers must be available at all times during business hours to the Department or its authorized agents.

4. In addition to any other penalty that may be imposed, any violation of the provisions of this section constitutes grounds for the Department to deny any future application for a license pursuant to this chapter that is submitted by a person who is determined to be responsible for the violation.

Sec. 33. NRS 366.207 is hereby amended to read as follows:

366.207 1. Except as otherwise provided in ~~[subsections 2 and 3,]~~ ***subsection 2,*** each special fuel supplier who sells or distributes special fuel to which dye has not been added shall, at the time the special fuel is purchased, collect the tax imposed pursuant to NRS 366.190.

2. ~~[A special fuel supplier may sell special fuel to a purchaser without collecting the tax imposed pursuant to NRS 366.190 if the purchaser of the special fuel:~~

~~(a) Has been issued a permit by the Department pursuant to NRS 366.397; and~~

~~(b) Elects to defer payment of the tax.~~

~~3.]~~ A special fuel supplier shall not collect the tax imposed pursuant to NRS 366.190 if the purchaser of the special fuel is:

(a) A special fuel supplier;

(b) A special fuel exporter; or

(c) A special fuel dealer.

3. A special fuel supplier or special fuel exporter shall not purchase special fuel on which the tax imposed pursuant to NRS 366.190 has been paid, except that a newly licensed special fuel supplier or special fuel exporter may purchase such fuel during its first month of operation.

4. A special fuel supplier who sells special fuel to any other special fuel supplier ***,*** ~~[or]~~ special fuel dealer ***or special fuel exporter*** shall keep such records of the transaction as the Department may require. The Department shall adopt regulations setting forth:

(a) The records which must be kept by the special fuel supplier pursuant to this subsection; and

(b) The period for which those records must be kept by the special fuel supplier.

5. If, within a period of 6 months, a person purchases ~~[not less than]~~ 200 gallons ***or more*** of special fuel in this State which is used for a purpose that is exempt from the payment of the tax on special fuel pursuant to NRS 366.200, he may apply to the Department for a refund in the manner prescribed in subsection 6 of NRS 366.650.

6. Any person who resells, for a taxable purpose, special fuel that was exempt from the tax imposed by this chapter and to which dye has not been added shall collect the tax and remit it to the Department.

Sec. 34. NRS 366.220 is hereby amended to read as follows:

366.220 1. Except as otherwise provided in this chapter ~~[, it is unlawful for any:~~

~~(a) Special fuel supplier, special fuel dealer or special fuel user to sell or use special fuel within this State unless the special fuel supplier, special fuel dealer or special fuel user is the holder of a special fuel supplier's, special fuel dealer's or special fuel user's license issued to him by the Department.~~

~~(b) Person to be a:~~

~~(1) Special fuel exporter unless the person is the holder of a special fuel exporter's license issued to him by the Department.~~

~~(2) Special fuel transporter unless the person is the holder of a special fuel transporter's license issued to him by the Department.~~

~~(c) Retailer or other person to sell or distribute dyed special fuel unless the retailer or person controls the access to the dyed special fuel.]~~ ***:***

(a) Before becoming a special fuel dealer, special fuel supplier, special fuel exporter, special fuel transporter or special fuel user, a person must apply to the Department, on forms to be prescribed by the Department, for a license authorizing the applicant to engage in business as a special fuel dealer, special fuel supplier, special fuel exporter or special fuel transporter, or to operate as a special fuel user.

(b) It is unlawful for any person to be:

(1) A special fuel dealer without holding a license as a special fuel dealer pursuant to this chapter.

(2) A special fuel supplier without holding a license as a special fuel supplier pursuant to this chapter.

(3) A special fuel exporter without holding a license as a special fuel exporter pursuant to this chapter.

(4) A special fuel transporter without holding a license as a special fuel transporter pursuant to this chapter.

(5) A special fuel user without holding a license as a special fuel user pursuant to this chapter.

2. The Department may adopt regulations relating to the issuance of any ~~[special fuel supplier's, special fuel dealer's, special fuel exporter's, special~~

~~fuel transporter's or special fuel user's]~~ license ***pursuant to this chapter*** and the collection of fees therefor.

Sec. 35. NRS 366.235 is hereby amended to read as follows:

366.235 1. An applicant for or holder of a ***license as a*** special fuel ~~[supplier's]~~ ***supplier*** or special fuel ~~[dealer's license]~~ ***dealer*** shall provide a bond executed by him as principal, and by a corporation qualified pursuant to the laws of this State as surety, payable to the State of Nevada, and conditioned upon the faithful performance of all ~~[of]~~ the requirements of this chapter and upon the punctual payment of all excise taxes, penalties and interest due ~~[to]~~ the State of Nevada. The total amount of the bond or bonds of any holder of ***such*** a ~~[special fuel supplier's or special fuel dealer's]~~ license must be fixed by the Department at not less than three times the estimated maximum monthly tax, determined in such a manner as the Department deems proper, but the amount must not be less than $1,000 for a special fuel supplier and must not be less than $100 for a special fuel dealer. If ~~[the Department determines that a person]~~ ***a special fuel supplier or special fuel dealer*** is habitually delinquent in the payment of amounts due ***pursuant*** to ***this chapter,*** the Department ~~[, it]~~ may increase the amount of his security to not more than five times the estimated maximum monthly tax. When cash or a savings certificate, certificate of deposit or investment certificate is used, the amount required must be rounded off to the next larger integral multiple of $100.

2. ***If a special fuel user is habitually delinquent in the payment of amounts due pursuant to this chapter, the Department shall require the special fuel user to provide a bond executed by him as principal, and by a corporation qualified pursuant to the laws of this State as surety, payable to the State of Nevada, and conditioned upon the faithful performance of all the requirements of this chapter and upon the punctual payment of all excise taxes, penalties and interest due the State of Nevada. The total amount of the bond must not be less than $2,500.***

3. No recovery on any bond, ~~[nor the]~~ execution of any new bond ~~[, nor the]~~ ***or*** suspension or revocation of any ***license as a*** special fuel ~~[supplier's or]~~ ***supplier,*** special fuel ~~[dealer's license]~~ ***dealer or special fuel user*** affects the validity of any bond.

~~[3.]~~ ***4.*** In lieu of a bond or bonds, an applicant for or holder of a ***license as a*** special fuel ~~[supplier's]~~ ***supplier*** or special fuel ~~[dealer's license]~~ ***dealer, or a person required to provide a bond pursuant to subsection 2,*** may deposit with the State Treasurer, under such terms as the Department may prescribe, ~~[a like]~~ ***an equivalent*** amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is unavailable for withdrawal except upon order of the Department.

~~[4.]~~ ***5.*** If the holder of a ***license as a*** special fuel ~~[supplier's]~~ ***supplier*** or special fuel ~~[dealer's license]~~ ***dealer*** is required to provide a bond of more

than $5,000, the Department may reduce the requirements for the bond to not less than $5,000 upon the ~~[supplier's or dealer's]~~ faithful performance of ***the special fuel supplier or special fuel dealer of*** all the requirements of this chapter and the punctual payment of all taxes due the State of Nevada for the 3 preceding calendar years.

~~[5.]~~ ***6.*** The Department shall immediately reinstate the original requirements for a bond for a holder of a ***license as a*** special fuel ~~[supplier's]~~ ***supplier*** or special fuel ~~[dealer's license]~~ ***dealer*** upon his:

(a) Lack of faithful performance of the requirements of this chapter; or

(b) Failure to pay punctually all taxes, fees, penalties and interest due the State of Nevada.

7. For the purposes of this section, a person is "habitually delinquent" if, within any 12-month period, the person commits each of the following acts or commits either of the following acts more than once:

(a) Fails timely to file a monthly or quarterly special fuel tax return, unless the Department determines that:

(1) The failure to file was caused by circumstances beyond the control of the person and occurred notwithstanding the exercise of ordinary care; and

(2) The person has paid any penalty and interest imposed by the Department because of the failure to file.

(b) Fails timely to submit to the Department any tax collected by the person pursuant to this chapter.

Sec. 36. NRS 366.260 is hereby amended to read as follows:

366.260 1. A license issued pursuant to this chapter:

(a) ~~[Except as otherwise provided in subsection 2, is valid until]~~ ***Is valid for 1 year unless*** suspended, revoked or cancelled.

(b) Is not transferable.

2. ~~[Each special fuel user's license is valid for a calendar year unless suspended, revoked or cancelled.]~~ ***The Department shall adopt regulations providing for the renewal of such licenses.***

Sec. 37. NRS 366.270 is hereby amended to read as follows:

366.270 If any person ceases to be a special fuel supplier, special fuel dealer, special fuel exporter, special fuel transporter or special fuel user within this State by reason of the discontinuance, sale or transfer of his business, he shall:

1. Notify the Department in writing at the time the discontinuance, sale or transfer takes effect. The notice must give the date of the discontinuance, sale or transfer, and the name and address of any purchaser or transferee.

2. Surrender to the Department the license issued to him by the Department.

3. If he is:

(a) A special fuel user ~~[,]~~ ***registered under the Interstate Highway User Fee Apportionment Act,*** file the tax return required pursuant to NRS 366.380 and pay all taxes, interest and penalties required pursuant to this chapter and

chapter 360A of NRS, except that both the filing and payment are due on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

(b) A special fuel supplier, file the tax return required pursuant to NRS 366.383 and pay all taxes, interest and penalties required pursuant to this chapter and chapter 360A of NRS on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

(c) A special fuel dealer, file the tax return required pursuant to NRS 366.386 and pay all taxes, interest and penalties required pursuant to this chapter and chapter 360A of NRS, except that both the filing and payment are due on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

(d) A special fuel exporter, file the report required pursuant to NRS 366.387 on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

(e) A special fuel transporter, file the report required pursuant to NRS 366.695 ~~[within 25 days after the end]~~ ***on or before the last day*** of the month ***following the month*** of the discontinuance, sale or transfer of the business.

Sec. 38. NRS 366.350 is hereby amended to read as follows:

366.350 1. The Department may ***suspend,*** revoke ***or cancel*** the license of any special fuel dealer, special fuel supplier, special fuel exporter, special fuel transporter or special fuel user for ~~[reasonable cause, including, without limitation,]~~ refusing or neglecting to comply with the provisions of this chapter.

2. ***If a special fuel dealer or special fuel supplier becomes delinquent in the payment of excise taxes as prescribed by this chapter to the extent that his liability exceeds the total amount of bond or bonds furnished by the special fuel dealer or special fuel supplier, the Department shall suspend his license immediately.***

3. Before revoking ***or cancelling*** a license ~~[,]~~ ***issued pursuant to this chapter,*** the Department shall send a notice by registered or certified mail to the ~~[licensee]~~ ***special fuel dealer, special fuel supplier, special fuel exporter or special fuel transporter*** at his last known address **.** ~~[ordering him to appear before the Department at a time not less than 10 days after the mailing of the notice and]~~ ***The notice must order the special fuel dealer, special fuel supplier, special fuel exporter or special fuel transporter to*** show cause why ~~[the]~~ ***his*** license should not be revoked ~~[.]~~ ***by appearing before the Department at Carson City, Nevada, or such other place in this State as may be designated by the Department, at a time not less than 10 days after the mailing of the notice. The Department shall allow the special fuel dealer, special fuel supplier, special fuel exporter or special fuel transporter an opportunity to be heard. The Department may revoke or cancel his license after reviewing all information received.***

4. The Department shall cancel any license issued pursuant to this chapter upon the surrender of the license by the holder.

5. If a surety has lodged with the Department a written request to be released and discharged of liability, the Department shall notify the special fuel supplier or special fuel dealer who furnished the bond, and unless he files a new bond as required by the Department or makes a deposit in lieu thereof as provided in NRS 366.235, the Department shall cancel his license.

Sec. 39. NRS 366.375 is hereby amended to read as follows:

366.375 1. If the amount of any excise tax for any reporting period is not paid to the State on or before the ~~[day the payment is due pursuant to this chapter,]~~ ***date due,*** the payment becomes delinquent at the close of business on that day. ~~[A special fuel supplier, special fuel dealer or special fuel user may have up to 15 additional days to make the payment if he makes written application to the Department on or before the day the payment is due and the Department finds good cause for the extension.]~~

2. The proceeds from any penalty levied for the delinquent payment of an excise tax must be deposited with the State Treasurer to the credit of the State Highway Fund.

Sec. 40. NRS 366.380 is hereby amended to read as follows:

366.380 1. ~~[Except as otherwise provided in subsection 2, on]~~ ***On*** or before the last day of January, April, July and October in each year, each special fuel user ***registered under the Interstate Highway User Fee Apportionment Act*** shall file with the Department a quarterly tax return for the preceding quarter, regardless of the amount of excise tax due, on a form prescribed by the Department. ***The special fuel user shall include with the tax return payment of any excise tax due. If the due date falls on a Saturday, Sunday or legal holiday, the next business day is the final due date.***

2. ~~[A special fuel user may, upon the issuance or renewal of a special fuel license, request to file a tax return annually with the Department. If the request is approved by the Department, the special fuel user shall file with the Department a tax return for the preceding year on or before the last day of January of each year, regardless of the amount of excise tax due, on a form prescribed by the Department.~~

~~3.]~~ The return must show such information as the Department may reasonably require for the proper administration and enforcement of this chapter.

Sec. 41. NRS 366.395 is hereby amended to read as follows:

366.395 1. Any special fuel user who fails to ***file a tax return or*** pay any excise tax ~~[within the time prescribed by this chapter]~~ ***by the date due*** shall pay, in addition to ~~[the tax, a penalty]~~ ***any tax that may be due, a delinquent filing fee*** of $50 ~~[or]~~ ***and a penalty of*** 10 percent of the amount ***of tax*** owed, ~~[whichever is greater,]~~ plus interest on the amount of ~~[the]~~ ***any*** tax ***that may be due*** at the rate of 1 percent per month or fraction thereof, from the date the tax ~~[became finally]~~ ***was*** due until the date of payment.

2. A tax return **,** ~~[or]~~ statement ***or payment*** is considered delinquent ~~[when it has not been]~~ ***if it is not*** received by the Department ~~[by]~~ ***on or before*** the date the tax return **,** ~~[or]~~ statement ***or payment*** is due, as prescribed by the provisions of this chapter.

3. A tax return, statement or payment shall be deemed received on the date shown by the cancellation mark stamped by the United States Postal Service or the postal service of any country upon an envelope containing the tax return, statement or payment.

Sec. 42. NRS 366.540 is hereby amended to read as follows:

366.540 1. The tax provided for by this chapter must be paid by special fuel suppliers, special fuel dealers and special fuel users. A special fuel supplier or special fuel dealer shall pay to the Department the excise tax he collects from purchasers of special fuel with the return filed pursuant to NRS 366.383 or 366.386, respectively. The tax paid by a special fuel user must be computed by multiplying the tax rate per gallon provided in this chapter by the amount that the number of gallons of special fuel consumed by the special fuel user in the propulsion of motor vehicles on the highways of this State exceeds the number of gallons of special fuel purchases by him.

2. ~~[Except as otherwise provided in subsection 3, in computing the amount of tax on special fuel a special fuel supplier owes to the Department, the special fuel supplier may deduct from the amount due pursuant to subsection 1 any amount which is due but has not been paid by a purchaser who is authorized by the Department to defer payment of the tax pursuant to NRS 366.397. If such a deduction is claimed, the claim must identify the purchaser and the amount of taxes that he failed to pay.~~

~~3. A special fuel supplier shall not deduct from the amount he owes the Department pursuant to subsection 1 any amount which has not been paid by a person whose permit to defer the payment of the tax has been revoked pursuant to subsection 4 of NRS 366.397 if, before the special fuel was purchased, the special fuel supplier had been notified by the Department pursuant to subsection 5 of NRS 366.397 that it had revoked the purchaser's permit.~~

~~4.]~~ If the Department determines that a special fuel supplier or special fuel dealer ***, or any unlicensed person who collects an excise tax,*** has failed to submit a tax return when due pursuant to this chapter or failed to pay the tax when due pursuant to this chapter, the Department may order the special fuel supplier **,** ~~[or]~~ special fuel dealer ***or unlicensed person*** to hold the amount of all taxes collected pursuant to this chapter in a separate account in trust for the State. The special fuel supplier **,** ~~[or]~~ special fuel dealer ***or unlicensed person*** shall comply with the order immediately upon receiving notification of the order from the Department.

3. A retailer who receives or sells special fuel for which the taxes imposed pursuant to this chapter have not been paid is liable for the taxes and any applicable penalty or interest if the retailer knew or should have known that the applicable taxes on the special fuel had not been paid.

Sec. 43. NRS 366.650 is hereby amended to read as follows:

366.650 1. If illegally or through error the Department collects or receives any excise tax, penalty or interest imposed pursuant to this chapter, the excise tax, penalty or interest must be refunded to the person who paid the tax, penalty or interest. A written application for a refund, ***including, without limitation, a request for a refund that is submitted on an amended tax return,*** stating the specific grounds therefor, must be made within 12 months after the date of payment, whether or not the excise tax, penalty or interest was paid voluntarily or under protest.

2. Refunds must be made to a successor, assignee, estate or heir of the person if written application is made within the time limit.

3. Any amount determined to be refundable by the Department must be refunded or credited to any amounts then due from the special fuel supplier or special fuel dealer.

4. All amounts refunded pursuant to the provisions of this chapter must be paid from the State Highway Fund on claims presented by the Department, approved by the State Board of Examiners, and allowed and paid as other claims against the State are allowed and paid.

5. A licensed special fuel user operating interstate or off road, or both, who can prove to the satisfaction of the Department that his special fuel purchases in Nevada exceed his use of the special fuel over the highways of this State for a certain quarter must apply credit to any excise taxes, penalties or interest required by this chapter or fees, taxes, penalties or interest applicable pursuant to chapter 371, 482 or 706 of NRS and any balance may be refunded or credited to succeeding reports.

6. A person who wishes to apply for a refund of the tax on special fuel paid by him pursuant to subsection 5 of NRS 366.207 must:

(a) Submit an application for the refund on a form prescribed by the Department; and

(b) Establish to the satisfaction of the Department that within a period of 6 months he purchased not less than 200 gallons of special fuel in this State which was used for a purpose that is exempt from the tax on special fuel pursuant to NRS 366.200.

The Department shall refund to an applicant who complies with the provisions of this subsection a refund in an amount equal to the tax paid by the applicant less the percentage allowed the special fuel supplier pursuant to NRS 366.390.

7. To establish the validity of any claim for a refund, the Department may, upon demand, examine the books and records of the claimant. The failure of the claimant to accede to such a demand constitutes a waiver of all rights to the refund claimed on account of the transactions questioned.

8. No refund of special fuel taxes may be made for off-highway use of special fuel consumed in watercraft in this State for recreational purposes.

Sec. 44. NRS 366.695 is hereby amended to read as follows:

366.695 1. Every special fuel transporter, except a wholesale distributor transporting the products of a special fuel supplier licensed pursuant to this chapter, who transports special fuel in interstate commerce to or from any point within this State, or solely within this State, shall report all of those deliveries to the Department.

2. A report must be made for each calendar month and must be filed ~~[within 25 days after the end of the month for which the report is made.]~~ ***not later than the last day of each month for the deliveries made during the preceding month.*** The report must show:

(a) The name and address of every consignor and consignee and of every person other than the designated consignee to whom delivery has actually been made;

(b) The date of each delivery;

(c) The number of gallons of special fuel delivered for each delivery; and

(d) Such other information as the Department may require.

Sec. 45. NRS 366.715 is hereby amended to read as follows:

366.715 1. The Department may seal a special fuel pump of a ***retailer or*** special fuel dealer ***,*** or the metered pipes and hoses of a rack ***of a special fuel dealer or special fuel supplier,*** if the ***retailer,*** special fuel dealer or special fuel supplier:

(a) Becomes delinquent in payment of any amount due pursuant to the provisions of this chapter;

(b) Operates without the license required by the provisions of this chapter; or

(c) Operates without the bond or cash deposit required by the provisions of this chapter.

2. A special fuel pump of a ***retailer or*** special fuel dealer ***,*** or the metered pipes and hoses of the rack ***of a special fuel dealer or special fuel supplier,*** may be sealed until all required reports are filed, the tax, penalties and interest are paid in full, the required license is obtained and the bond or cash deposit is provided.

3. Before sealing ~~[the]~~ ***a*** fuel pump or ***the*** metered pipes and hoses of a rack, the Department must send a notice by registered or certified mail to the ~~[licensed]~~ ***retailer,*** special fuel ~~[supplier]~~ ***dealer*** or special fuel ~~[dealer]~~ ***supplier*** at his last known address ordering him to appear before the Department at a time not less than 10 days after the mailing of the notice and show cause why the fuel pump or the metered pipes and hoses of the rack should not be sealed.

Sec. 46. NRS 366.720 is hereby amended to read as follows:

366.720 ***1.*** Any person who:

~~[1.]~~ ***(a)*** Fails or refuses to pay the tax imposed by this chapter;

~~[2.]~~ ***(b)*** Engages in business in this State as a special fuel user, special fuel exporter, special fuel dealer or special fuel supplier, or acts in this State as a special fuel transporter, without being the holder of a license to engage in that business or to act in that capacity;

~~[3.]~~ ***(c)*** Fails to make any of the reports required by this chapter;

~~[4.]~~ ***(d)*** Makes any false statement in any application, report or statement required by this chapter;

~~[5.]~~ ***(e)*** Refuses to permit the Department or any authorized agent to examine records as provided by this chapter;

~~[6.]~~ ***(f)*** Fails to keep proper records of quantities of special fuel received, produced, refined, manufactured, compounded, used or delivered in this State as required by this chapter;

~~[7.]~~ ***(g)*** Makes any false statement in connection with an application for the refund of any money or taxes provided in this chapter;

~~[8.]~~ ***(h)*** Violates the provisions of NRS 366.265;

~~[9.]~~ ***(i)*** Fails or refuses to stop his motor vehicle for an inspection to determine if all excise taxes due pursuant to the provisions of this chapter are being properly reported and paid; or

~~[10.]~~ ***(j)*** Refuses to allow the Department or an authorized agent to inspect a motor vehicle to determine whether all excise taxes due pursuant to the provisions of this chapter are being properly reported and paid,

↳is guilty of a misdemeanor.

2. Each day or part thereof during which any person engages in business as a special fuel dealer, special fuel supplier or special fuel exporter or acts as a special fuel transporter without being the holder of a license authorizing him to engage in that business or to act in that capacity constitutes a separate offense within the meaning of this section.

Sec. 47. **NRS 354.59815 is hereby amended to read as follows:**

354.59815 1. In addition to the allowed revenue from taxes ad valorem determined pursuant to NRS 354.59811, the board of county commissioners may levy a tax ad valorem on all taxable property in the county at a rate not to exceed 5 cents per $100 of the assessed valuation of the county.

2. ~~[The]~~ ***If a tax is levied pursuant to subsection 1 in:***

(a) A county whose population is less than 400,000, the board of county commissioners shall direct the county treasurer to distribute quarterly the proceeds of ~~[any tax levied pursuant to the provisions of subsection 1]~~ ***the tax*** among the county and the cities and towns within that county in the proportion that the supplemental city-county relief tax distribution factor of each of those local governments for the 1990-1991 fiscal year bears to the sum of the supplemental city-county relief tax distribution factors of all of the local governments in the county for the 1990-1991 fiscal year.

(b) A county whose population is 400,000 or more, the board of county commissioners shall direct the county treasurer to distribute quarterly:

(1) Forty percent of the proceeds of the tax among the county and the cities and towns within that county in the proportion that the supplemental city-county relief tax distribution factor of each of those local governments for the 1990-1991 Fiscal Year bears to the sum of the supplemental city-county relief tax distribution factors of all of the local governments in the county for the 1990-1991 Fiscal Year; and

(2) Sixty percent of the proceeds of the tax to the State Treasurer for deposit in a separate account in the State Highway Fund. The money deposited in the State Highway Fund pursuant to this subparagraph:

(I) Must be used exclusively for the construction, reconstruction, improvement and maintenance of public highways in the county; and

(II) May not be used for any costs of administration or to purchase any equipment.

3. The board of county commissioners shall not reduce the rate of any tax levied pursuant to the provisions of subsection 1 without the approval of each of the local governments that receives a portion of the tax, except that, if a local government declines to receive its portion of the tax in a particular year the levy may be reduced by the amount that local government would have received.

Sec. 48. **NRS 408.273 is hereby amended to read as follows:**

408.273 1. The State Board of Finance shall, when so requested by the Board, issue special obligation bonds of the State of Nevada to provide money to enable the Department to complete pending and currently projected highway construction projects, in an amount specified in the request. The bonds may be issued at one time or from time to time, and must be issued in accordance with the State Securities Law. These bonds must be secured by:

(a) A pledge of the appropriate federal highway grants payable to the State; or

(b) The appropriate federal highway grants payable to the State and taxes which are credited to the State Highway Fund,

and must mature within not more than ~~[20]~~ ***30*** years from their date.

2. The Department shall cooperate with the State Treasurer in the issuance of the bonds.

3. The State Treasurer may employ any necessary legal, financial or other professional services in connection with the issuance of the bonds.

Sec. 49. **NRS 482.313 is hereby amended to read as follows:**

482.313 1. Upon the lease of a passenger car by a short-term lessor in this State, the short-term lessor ~~[:~~

~~(a) Shall]~~ ***shall*** charge and collect from the short-term lessee:

~~[~~ ~~(1)]~~ ***(a)*** A governmental services fee of 6 percent of the total amount for which the passenger car was leased, excluding the items described in subsection 7; ~~[and]~~

~~[~~ ~~(2)]~~ ***(b)*** Any fee required pursuant to NRS 244A.810 or 244A.860; and

~~[~~ ~~(b) May charge and collect from the short-term lessee a]~~

(c) A recovery surcharge ~~[not to exceed]~~ ***fee of*** 4 percent of the total amount for which the passenger car was leased, excluding the items described in subsection 8, as reimbursement for vehicle licensing fees and taxes paid by the short-term lessor.

➥The amount of ~~[any]~~ ***each*** fee charged pursuant to this subsection must be indicated in the lease agreement.

2. The fees due from a short-term lessor to the Department of Taxation pursuant to subsection 1 are due on the last day of each calendar quarter. On or before the last day of the month following each calendar quarter, the short-term lessor shall:

(a) File with the Department of Taxation, on a form prescribed by the Department of Taxation, a report indicating the total amount of:

(1) Each of the fees collected by the short-term lessor pursuant to ~~[paragraph (a) of]~~ subsection 1 during the immediately preceding calendar quarter; ***and***

(2) ~~[Recovery surcharges, if any, collected by the short-term lessor pursuant to paragraph (b) of subsection 1 during the immediately preceding calendar quarter; and~~

~~(3)]~~ Vehicle licensing fees and taxes paid by the short-term lessor pursuant to this chapter during the immediately preceding calendar quarter.

(b) Remit to the Department of Taxation ~~[, the]~~ ***:***

(1) The fees collected by the short-term lessor pursuant to ~~[paragraph]~~ ***paragraphs*** (a) ***and (b)*** of subsection 1 during the immediately preceding calendar quarter ~~[.]~~ ***; and***

(2) Half of the fees collected by the short-term lessor pursuant to paragraph (c) of subsection 1 during the immediately preceding calendar quarter.

3. Except as otherwise provided in a contract made pursuant to NRS 244A.820 or 244A.870, the Department of Taxation shall deposit all money received from short-term lessors pursuant to the provisions of ~~[this section]~~ ***:***

(a) Subparagraph (1) of paragraph (b) of subsection 2 with the State Treasurer for credit to the State General Fund ~~[.]~~ ***; and***

(b) Subparagraph (2) of paragraph (b) of subsection 2 with the State Treasurer for credit to the State Highway Fund. The money deposited in the State Highway Fund pursuant to this paragraph:

(1) Must be used exclusively for the construction, reconstruction, improvement and maintenance of public highways; and

(2) May not be used for any costs of administration or to purchase any equipment.

4. To ensure compliance with this section, the Department of Taxation may audit the records of a short-term lessor.

5. The provisions of this section do not limit or affect the payment of any taxes or fees imposed pursuant to the provisions of this chapter.

6. The Department of Motor Vehicles shall, upon request, provide to the Department of Taxation any information in its records relating to a short-term lessor that the Department of Taxation considers necessary to collect the fees described in subsection 1.

7. For the purposes of charging and collecting the governmental services fee described in ~~[subparagraph (1) of]~~ paragraph (a) of subsection 1, the following items must not be included in the total amount for which the passenger car was leased:

(a) The amount of ~~[any recovery surcharge]~~ ***the fees*** charged and collected pursuant to ~~[paragraph]~~ ***paragraphs*** (b) ***and (c)*** of subsection 1;

(b) The amount of any charge for fuel used to operate the passenger car;

(c) The amount of any fee or charge for the delivery, transportation or other handling of the passenger car;

(d) The amount of any fee or charge for insurance, including, without limitation, personal accident insurance, extended coverage or insurance coverage for personal property; ***and***

(e) The amount of any charges assessed against a short-term lessee for damages for which the short-term lessee is held responsible ***.*** ~~[; and~~

~~(f) The amount of any fee charged and collected pursuant to subparagraph (2) of paragraph (a) of subsection 1.]~~

8. For the purposes of charging and collecting the recovery surcharge ***fee*** described in paragraph ~~[(b)]~~ ***(c)*** of subsection 1, the following items must not be included in the total amount for which the passenger car was leased:

(a) The amount of the fees charged and collected pursuant to ~~[paragraph]~~ ***paragraphs*** (a) ***and (b)*** of subsection 1;

(b) The amount of any charge for a collision damage waiver or a similar instrument that acts as a waiver of the short-term lessor's right to collect from the short-term lessee for any damage to the passenger car;

(c) The amount of any charge for fuel used to operate the passenger car;

(d) The amount of any fee or charge for the delivery, transportation or other handling of the passenger car;

(e) The amount of any fee or charge for insurance, including, without limitation, personal accident insurance, extended coverage or insurance coverage for personal property;

(f) The amount of any charges assessed against a short-term lessee for damages for which the short-term lessee is held responsible; and

(g) The amount of any concession fee or charge that the short-term lessor:

(1) Is required to pay to do business at an airport, if applicable; and

(2) Passes on to the short-term lessee of the passenger car.

9. The Executive Director of the Department of Taxation shall:

(a) Adopt such regulations as he determines are necessary to carry out the provisions of this section; and

(b) Upon the request of the Director of the Department of Motor Vehicles, provide to the Director of the Department of Motor Vehicles a copy of any record or report described in this section.

10. As used in this section, "vehicle licensing fees and taxes" means:

(a) The fees paid by a short-term lessor for the registration of, and the issuance of certificates of title for, the passenger cars leased by him; and

(b) The basic and supplemental governmental services taxes paid by the short-term lessor with regard to those passenger cars.

Sec. 50. **Chapter 706 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. In addition to any other applicable licensing fees, each common, contract or private motor carrier who operates a motor vehicle with a declared gross weight in excess of 55,000 pounds in this State shall pay a licensing fee of 15 cents for each mile traveled by that motor vehicle within this State during each calendar quarter.

2. Each common, contract or private motor carrier who operates a motor vehicle with a declared gross weight in excess of 55,000 pounds in this State during a calendar quarter shall, on or before the last day of the calendar month immediately following that calendar quarter:

(a) File with the Department a return on a form prescribed by the Department; and

(b) Remit to the Department the licensing fee due pursuant to this section for that calendar quarter.

3. Any person who fails to:

(a) File a return as required pursuant to this section shall, in addition to any other applicable penalties, pay a penalty of $25 for each delinquent return.

(b) Remit a licensing fee as required pursuant to this section shall, in addition to any other applicable penalties, pay a penalty of 10 percent of the amount of the fee plus interest on the amount of the fee at the rate of 1 percent per month or fraction of a month from the last day of the calendar month immediately following the calendar quarter for which the fee is due until the date of payment.

Sec. 51. **NRS 706.011 is hereby amended to read as follows:**

706.011 As used in NRS 706.011 to 706.791, inclusive, ***and section 50 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 52. **NRS 706.521 is hereby amended to read as follows:**

706.521 1. Any person has the option, in lieu of causing a motor vehicle which has a declared gross weight in excess of 26,000 pounds to be licensed pursuant to the provisions of NRS 482.482 or 706.841, of purchasing a temporary permit and paying ~~[a]~~ ***:***

(a) A permit fee of $5 plus 15 cents for each mile the Department estimates the vehicle will travel within the State of Nevada during the effective period of the temporary permit. ~~[.]~~ ***; and***

(b) If the person and vehicle are subject to the licensing fee required by section 50 of this act, an additional sum of 15 cents for each mile the Department estimates the vehicle will travel within the State of Nevada during the effective period of the temporary permit. Any money collected pursuant to this paragraph must be credited against the licensing fee required by section 50 of this act.

2. Except as otherwise provided in subsection 3, a temporary permit authorizes operation over the highways of this State from point of entry to point of exit for not more than 24 consecutive hours.

3. The Department may issue to the owner or operator of a common motor carrier of passengers a temporary permit which authorizes operation for not more than 120 consecutive hours.

4. If a person is issued a temporary permit pursuant to the provisions of this section, the Department shall credit the cost of ***the permit fee for*** that permit against the cost of any license subsequently issued to that person pursuant to the provisions of either NRS 482.482 or 706.841 whose effective dates include the effective dates of the temporary permit, or if that license fee has been satisfied, against any fee owed to the Department pursuant to the provisions of chapter 366 of NRS.

Sec. 53. **NRS 706.546 is hereby amended to read as follows:**

706.546 Where credit is allowed against any subsequent fee for a permit ***fee*** paid pursuant to the provisions of ***paragraph (a) of subsection 1 of*** NRS 706.521, there is a nonrefundable charge of $5.

Sec. 54. **NRS 706.756 is hereby amended to read as follows:**

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, ***and section 50 of this act*** apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, ***and section 50 of this act*** or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~[,]~~ ***, and section 50 of this act;***

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~[,]~~ ***, and section 50 of this act;***

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in his failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise holds himself out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~[,]~~ ***, and section 50 of this act;***

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

without including the number of his certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

➥is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than $500 nor more than $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

~~[Sec. 47.]~~ ***Sec. 55.*** NRS 365.326, 365.328, 366.360 and 366.397 are hereby repealed.

Sec. 56. **1. The amendatory provisions of section 47 of this act:**

(a) Do not apply to the distribution of the proceeds of any taxes imposed for any period ending on or before June 30, 2007; and

(b) Must not be applied to modify, directly or indirectly, any taxes levied or revenues pledged in such a manner as to impair adversely any outstanding obligations of any county, city or town, including, without limitation, bonds, medium-term financing, letters of credit and any other financial obligation, until all such obligations have been discharged in full or provision for their payment and redemption has been fully made.

2. The amendatory provisions of section 49 of this act do not apply to the lease of a passenger car before July 1, 2007.

3. The provisions of section 50 of this act do not apply to the operation of a vehicle before January 1, 2008.

~~[Sec. 48.]~~ ***Sec. 57.*** **1.** This **section and sections 1 to 46, inclusive, 55 and 56 of this** act ~~[becomes]~~ **become** effective upon passage and approval.

2. Sections 50 to 54, inclusive, of this act become effective upon passage and approval for the purpose of adopting regulations and conducting any preliminary activities necessary to carry out the provisions of this act in a timely manner, and on January 1, 2008, for all other purposes.

3. Sections 47, 48 and 49 of this act become effective on July 1, 2007.

TEXT OF REPEALED SECTIONS

365.326 Calculation of amount due from supplier: Deduction of amount due from purchaser who is authorized to defer payment.

1. Except as otherwise provided in subsection 2, in calculating the amount of tax on motor vehicle fuel, other than aviation fuel, a supplier owes to the Department, the supplier may deduct from the amount due pursuant to NRS 365.175 to 365.192, inclusive, any amount that is due but has not been paid by a purchaser who is authorized by the Department to defer payment of the tax pursuant to NRS 365.328. If such a deduction is claimed, the claim must identify the purchaser and the amount of the taxes that he failed to pay.

2. A supplier shall not deduct from the amount he owes the Department pursuant to subsection 1 any amount that has not been paid by a person whose permit to defer the payment of the tax has been revoked pursuant to subsection 4 of NRS 365.328 if, before the motor vehicle fuel, other than aviation fuel, was purchased, the supplier was notified by the Department pursuant to subsection 5 of NRS 365.328 that it had revoked the permit of the purchaser.

365.328 Deferral of payment by purchaser of certain motor vehicle fuel: Permit; bond; time and method of payment; failure to pay; regulations.

1. A purchaser of motor vehicle fuel, other than aviation fuel, who wishes to defer payment to the supplier of the taxes imposed pursuant to NRS 365.175 to 365.192, inclusive, until 20 days after the end of the month

in which the fuel is purchased must apply for a permit to defer payment of the taxes.

2. The Department may require an applicant for a permit to defer payment of the taxes imposed pursuant to NRS 365.175 to 365.192, inclusive, to provide a bond executed by him as principal, and by a corporation qualified pursuant to the laws of this State as surety, payable to this State. The bond must indemnify the Department against any deduction claimed pursuant to NRS 365.326 by a supplier because of the failure of the principal to pay the taxes as required by this chapter.

3. If a purchaser of motor vehicle fuel, other than aviation fuel:

(a) Has been issued a permit to defer the payment of the taxes imposed pursuant to NRS 365.175 to 365.192, inclusive; and

(b) Elects to defer payment of the taxes,

he shall, not later than 25 days after the end of the month in which the fuel is purchased, pay the taxes to the supplier by electronic transfer of money.

4. If a purchaser fails to make a payment to a supplier as required by this section, the Department may:

(a) Revoke the permit of the purchaser;

(b) If the purchaser was required to provide a bond pursuant to subsection 2, require the purchaser to increase the amount of the bond; or

(c) Take any other action to ensure that the taxes imposed pursuant to NRS 365.175 to 365.192, inclusive, are paid.

5. The Department shall notify each supplier in this State when it revokes a permit issued pursuant to this section.

6. The Department shall adopt regulations to carry out the provisions of this section.

7. As used in this section, "electronic transfer of money" means any transfer of money, other than a transaction initiated by a check, draft or other similar instrument, that is initiated through an electronic terminal, telephone, computer or magnetic tape to order, instruct or authorize a financial institution or person holding an account on behalf of a purchaser of motor vehicle fuel to debit an account.

366.360 Cancellation of license.

1. The Department shall cancel any license to act as a special fuel supplier, special fuel dealer, special fuel exporter, special fuel transporter or special fuel user immediately upon the surrender thereof by the holder.

2. If a surety has lodged with the Department a written request to be released and discharged of liability, the Department shall immediately notify the special fuel supplier or special fuel dealer who furnished the bond, and unless he files a new bond as required by the Department within 30 days or makes a deposit in lieu thereof as provided in NRS 366.235, the Department may cancel his license.

3. If a special fuel supplier or special fuel dealer becomes delinquent in the payment of excise taxes as prescribed by this chapter to the extent that his

liability exceeds the total amount of bond furnished by him, the Department may cancel his license immediately.

366.397 Permit to defer payment of tax: Application; bond; payment of tax by electronic transfer; effect of failure to pay tax; notice of revocation; regulations.

1. A purchaser of special fuel who wishes to defer payment of the tax imposed pursuant to NRS 366.190 to the special fuel supplier until 25 days after the end of the month in which the fuel is purchased must apply for a permit to defer payment of the tax.

2. The Department may require an applicant for a permit to defer payment of the tax imposed pursuant to NRS 366.190 to provide a bond executed by him as principal, and by a corporation qualified pursuant to the laws of this State as surety, payable to this State. The bond must indemnify the Department against any deduction claimed pursuant to subsection 2 of NRS 366.540 by a special fuel supplier because of the principal's failure to pay the tax as required by this chapter.

3. If a purchaser of special fuel:

(a) Has been issued a permit to defer the payment of the tax imposed pursuant to NRS 366.190; and

(b) Elects to defer payment of the tax,

↪he shall, not later than 25 days after the end of the month in which the fuel is purchased, pay the tax to the special fuel supplier by electronic transfer of money.

4. If a purchaser fails to make a payment to a special fuel supplier as required by this section, the Department may:

(a) Revoke the purchaser's permit;

(b) If the purchaser was required to provide a bond pursuant to subsection 2, require the purchaser to increase the amount of the bond; or

(c) Take any other action to ensure that the tax imposed pursuant to NRS 366.190 is paid.

5. The Department shall notify each special fuel supplier in this State when it revokes a permit issued pursuant to this section.

6. The Department shall adopt regulations to carry out the provisions of this section.

7. As used in this section, "electronic transfer of money" means any transfer of money, other than a transaction initiated by a check, draft or other similar instrument, that is initiated through an electronic terminal, telephone, computer or magnetic tape to order, instruct or authorize a financial institution or person holding an account on behalf of a purchaser of special fuel to debit an account.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Assemblyman Atkinson moved that upon return from the printer Assembly Bill No. 595 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Joint Resolution No. 1.

Resolution read second time.

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

Amendment No. 157.

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to provide for forfeiture of public office for three or more violations of ethical duties.

Legislative Counsel's Digest:

Existing law provides that the Governor and other state and judicial officers, except justices of the peace, may be impeached for misdemeanor or malfeasance in office. (Nev. Const. Art. 7, § 2) Justices of the peace are removable from office by the Commission on Judicial Discipline. (Nev. Const. Art. 6, § 21; NRS 1.425-1.4695) Other civil officers are removable from office for malfeasance or nonfeasance pursuant to statutory methods that are separate and distinct from impeachment. (Nev. Const. Art. 7, § 4; NRS 283.300, 283.440) Existing law also provides that each House of the Nevada Legislature shall judge the qualifications of its own members and may expel a member by a two-thirds majority vote. (Nev. Const. Art. 4, § 6)

This resolution proposes to amend the Nevada Constitution to provide that if a public officer commits three or more violations of his ethical duties while holding the same office, that officer shall forfeit his office. Subject to appeal to the courts of this State, such a forfeiture would be automatic and would not require the process of an impeachment. Also, in the case of members of the Nevada Legislature, such a forfeiture would not be limited by the power of each House of the Legislature to judge the qualifications of, punish and expel its own members.

This resolution also provides that the determination of whether a public officer has committed a violation of one or more of his ethical duties is to be made by the Commission on Judicial Discipline for public officers who are members of the Judicial Department, and by the Commission on Ethics or its successor for all other public officers. For the purposes of this proposed new constitutional section providing for forfeiture of office, a violation of the ethical duties of a public officer is defined to mean an act or omission of a serious nature, including, but not limited to, felonies, that indicates the officer ~~[knowingly or]~~ willfully chose to behave in a manner inconsistent with the fact that a public office is a public trust to be held for the sole benefit of the people.

This resolution provides further that the proposed new constitutional section providing for forfeiture of office does not apply with respect to any acts or omissions committed by public officers before the date on which the new constitutional section would take effect.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 6 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec . ~~[: 6. Each]~~ ***6.***

1. Except as otherwise provided in subsection 2, each House shall judge of the qualifications, elections and returns of its own members, choose its own officers (except the President of the Senate), determine the rules of its proceedings and may punish its members for disorderly conduct, and with the concurrence of two thirds of all the members elected, expel a member.

2. The provisions of this Section do not prohibit the forfeiture of office of a member pursuant to Section 5 of Article 7 of this Constitution.

And be it further

RESOLVED, That Section 21 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 21. 1. A justice of the Supreme Court, a district judge, a justice of the peace or a municipal judge may, in addition to the provision of Article 7 for impeachment, be censured, retired, removed or otherwise disciplined by the Commission on Judicial Discipline. Pursuant to rules governing appeals adopted by the Supreme Court, a justice or judge may appeal from the action of the Commission to the Supreme Court, which may reverse such action or take any alternative action provided in this subsection.

2. The Commission is composed of:

(a) Two justices or judges appointed by the Supreme Court;

(b) Two members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and

(c) Three persons, not members of the legal profession, appointed by the Governor.

➥The Commission shall elect a Chairman from among its three lay members.

3. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this State, the Legislature shall provide by law, or if it fails to do so the Court shall provide by rule, for the appointment of attorneys at law to the positions designated in this Section to be occupied by members of the State Bar of Nevada.

4. The term of office of each appointive member of the Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. An appointing authority shall not appoint more than one resident of any county.

The Governor shall not appoint more than two members of the same political party. No member may be a member of a commission on judicial selection.

5. The Legislature shall establish:

(a) In addition to censure, retirement and removal, the other forms of disciplinary action that the Commission may impose;

(b) The grounds for censure and other disciplinary action that the Commission may impose, including, but not limited to, violations of the provisions of the Code of Judicial Conduct;

(c) The standards for the investigation of matters relating to the fitness of a justice or judge; and

(d) The confidentiality or nonconfidentiality, as appropriate, of proceedings before the Commission, except that, in any event, a decision to censure, retire or remove a justice or judge must be made public.

6. The Supreme Court shall adopt a Code of Judicial Conduct.

7. The Commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties.

8. No justice or judge may by virtue of this Section be:

(a) Removed except for willful misconduct, willful or persistent failure to perform the duties of his office or habitual intemperance; or

(b) Retired except for advanced age which interferes with the proper performance of his judicial duties, or for mental or physical disability which prevents the proper performance of his judicial duties and which is likely to be permanent in nature.

9. Any matter relating to the fitness of a justice or judge may be brought to the attention of the Commission by any person or on the motion of the Commission. The Commission shall, after preliminary investigation, dismiss the matter or order a hearing to be held before it. If a hearing is ordered, a statement of the matter shall be served upon the justice or judge against whom the proceeding is brought. The Commission in its discretion may suspend a justice or judge from the exercise of his office pending the determination of the proceedings before the Commission. Any justice or judge whose removal is sought is liable to indictment and punishment according to law. A justice or judge retired for disability in accordance with this Section is entitled thereafter to receive such compensation as the Legislature may provide.

10. If a proceeding is brought against a justice of the Supreme Court, no justice of the Supreme Court may sit on the Commission for that proceeding. If a proceeding is brought against a district judge, no district judge from the same judicial district may sit on the Commission for that proceeding. If a proceeding is brought against a justice of the peace, no justice of the peace from the same township may sit on the Commission for that proceeding. If a proceeding is brought against a municipal judge, no municipal judge from the same city may sit on the Commission for that proceeding. If an appeal is taken from an action of the Commission to the Supreme Court, any justice

who sat on the Commission for that proceeding is disqualified from participating in the consideration or decision of the appeal. When any member of the Commission is disqualified by this subsection, the Supreme Court shall appoint a substitute from among the eligible judges.

11. The Commission may:

(a) Designate for each hearing an attorney or attorneys at law to act as counsel to conduct the proceeding;

(b) Summon witnesses to appear and testify under oath and compel the production of books, papers, documents and records;

(c) Grant immunity from prosecution or punishment when the Commission deems it necessary and proper in order to compel the giving of testimony under oath and the production of books, papers, documents and records; and

(d) Exercise such further powers as the Legislature may from time to time confer upon it.

12. The provisions of this Section do not prohibit the forfeiture of office of a justice or judge pursuant to Section 5 of Article 7 of this Constitution.

And be it further

RESOLVED, That a new section, designated Section 5, be added to Article 7 of the Nevada Constitution to read as follows:

Sec. 5. 1. If a public officer commits three or more violations of his ethical duties while holding the same office, whether or not the violations are committed at the same time or during the same term, that public officer forfeits his office.

2. For the purposes of this Section:

(a) The determination of whether a public officer has committed one or more violations of his ethical duties must be made by:

(1) For a public officer who is a member of the Judicial Department, the Commission on Judicial Discipline; or

(2) For all other public officers, the Commission on Ethics or any successor public agency created by statute and empowered to render opinions interpreting the statutory ethical standards applicable to public officers. The Legislature shall provide by law for such a public agency if the Commission on Ethics ceases to exist.

(b) A public officer who is determined to have committed one or more violations of his ethical duties must be given a reasonable opportunity to appeal that determination to a court of competent jurisdiction.

(c) A determination that a public officer has committed one or more violations of his ethical duties must not be deemed to be final until the public officer has exhausted his judicial remedies at the state level.

(d) If a public officer admits or stipulates in writing that he has committed one or more violations of his ethical duties, such admission or stipulation, as applicable, shall be deemed to be a determination by the

relevant body that the public officer has committed one or more violations of his ethical duties.

(e) Each act or omission of a public officer that is part of a continuing course of conduct or arises out of the same occurrence, transaction, event or scheme constitutes a separate violation in determining whether the public officer has committed one or more violations of his ethical duties.

3. The process of forfeiture described in this Section is in addition to and not mutually exclusive as to any other method by which a public officer may be removed from office, including, without limitation:

(a) Impeachment of the Governor and other state and judicial officers pursuant to Sections 1 and 2 of this Article;

(b) Removal of civil officers as provided by law pursuant to Section 4 of this Article;

(c) In the case of members of the Legislature, removal from office pursuant to Section 6 of Article 4 of this Constitution; and

(d) In the case of officers of the Judicial Department, removal from office by:

(1) The Commission on Judicial Discipline, as described in Section 21 of Article 6 of this Constitution; or

(2) The Legislature, as described in Section 3 of this Article.

4. A public officer who forfeits his office pursuant to this Section is liable to indictment, trial, judgment and punishment according to law.

5. The Legislature shall enact such laws and procedures as it determines to be necessary to facilitate the operation of this Section.

6. The provisions of this Section do not apply with respect to acts or omissions that are committed by a public officer before this Section becomes law and takes effect.

7. As used in this Section:

(a) "Public officer" means a person elected or appointed to a position in the Legislative, Executive or Judicial Department of State Government or to a position with any political subdivision of this State if the position:

(1) Is established by this Constitution or a statute of this State or by a charter or ordinance of a political subdivision of this State; and

(2) Involves the continuous exercise, as part of the regular and permanent administration of the government, of a public power, trust or duty.

(b) "Violation of an ethical duty" means an act or omission committed by a public officer, which act or omission:

(1) Is of a serious nature, including, without limitation, acts or omissions that constitute felonies in this State; and

(2) Indicates the public officer behaved ~~[knowingly or]~~ ***willfully in a manner inimical to the nature of a public office as a public trust to be held for the sole benefit of the people.***

And be it further

RESOLVED, That Section 2 of Article 7 of the Nevada Constitution be amended to read as follows:

Sec . ~~[: 2. The]~~ ***2.***

1. Except as otherwise provided in subsection 2, the Governor and other state and judicial officers, except justices of the peace , shall be liable to impeachment for misdemeanor or malfeasance in office , ~~[,]~~ but judgment in such case shall not extend further than removal from office and disqualification to hold any office of honor, profit ~~[,]~~ or trust under this State. The party , whether convicted or acquitted, shall ~~[, nevertheless,]~~ ***nevertheless*** be liable to indictment, trial, judgment and punishment according to law.

2. The provisions of this Section do not prohibit the forfeiture of office of the Governor or other state or judicial officers pursuant to Section 5 of this Article.

And be it further

RESOLVED, That Section 3 of Article 7 of the Nevada Constitution be amended to read as follows:

Sec . ~~[: 3. For]~~ ***3.***

1. Except as otherwise provided in subsection 2, for any reasonable cause to be entered on the journals of each House, which may, or may not be sufficient grounds for impeachment, the Chief Justice and associate justices of the Supreme Court and judges of the district courts shall be removed from office on the vote of two thirds of the members elected to each branch of the Legislature, and the justice or judge complained of, shall be served with a copy of the complaint against him, and shall have an opportunity of being heard in person or by counsel in his defense, provided, that no member of either branch of the Legislature shall be eligible to fill the vacancy occasioned by such removal.

2. The provisions of this Section do not prohibit the forfeiture of office of a justice of the Supreme Court or a judge of the district court pursuant to Section 5 of this Article.

Assemblywoman Koivisto moved the adoption of the amendment.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the General File.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 29, 93, 128, 190, 212 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 410 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 531 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Oceguera moved that Assembly Bills Nos. 2, 7, 24, 41, 56, 114, 178, 215, 224, 294, 303, 329, 366, 404, and 560 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Atkinson moved that Assembly Bill No. 265 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 2.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 2:

YEAS—42.

NAYS—None.

Assembly Bill No. 2 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 7.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 7:

YEAS—42.

NAYS—None.

Assembly Bill No. 7 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 24.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 24:

YEAS—42.

NAYS—None.

Assembly Bill No. 24 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 41.

Bill read third time.

Remarks by Assemblyman Mabey.

Roll call on Assembly Bill No. 41:

YEAS—40.

NAYS—Beers, Christensen—2.

Assembly Bill No. 41 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 56.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 56:

YEAS—29.

NAYS—Allen, Beers, Carpenter, Cobb, Gansert, Goedhart, Goicoechea, Grady, Hardy, Mabey, Settelmeyer, Stewart, Weber—13.

Assembly Bill No. 56 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 114.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Assembly Bill No. 114:

YEAS—42.

NAYS—None.

Assembly Bill No. 114 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 178.

Bill read third time.

Remarks by Assemblyman Bobzien.

Roll call on Assembly Bill No. 178:

YEAS—42.

NAYS—None.

Assembly Bill No. 178 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 215.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Assembly Bill No. 215:

YEAS—41.

NAYS—None.

NOT VOTING—Marvel.

Assembly Bill No. 215 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 224.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 224:

YEAS—42.

NAYS—None.

Assembly Bill No. 224 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 294.

Bill read third time.

Remarks by Assemblyman Denis.

Roll call on Assembly Bill No. 294:

YEAS—42.

NAYS—None.

Assembly Bill No. 294 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 303.

Bill read third time.

Remarks by Assemblyman Stewart.

Roll call on Assembly Bill No. 303:

YEAS—42.

NAYS—None.

Assembly Bill No. 303 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 4, 8, 52, 54, 58, 71, 72, 76, 136, 176, 227, 242, 247, 266, 282, 289, 299, 307, 329, 334, 350, 353, 358, 359, 366, 373, 380, 381, 404, 468, 483, 497, 512, 515, 552, 554, 560, 575, 589, 601; Assembly Joint Resolutions Nos. 9 and 10; Assembly Joint Resolution No. 1 of the 22nd Special Session be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 361 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 586 be rereferred to the Committee on Ways and Means.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Lee Antonello Elementary School: Tina Laureano, April Mecita, Brett Sansevero, Vivie Biddle, Teresa Howard, Patrick Minney, Thomas Cornett, Stephanie Mattson, Diane Refosco, Brandy Wolf, Chris Leggett, Jennifer Leggett, Linda Reese, Mike Reese, Jacob Rainey, Cole Early, Freddie Hawkins, Junior Conde, Emilio Pettis, Austin Kelly, Kona Ronan, Aziel Coronado, James Stinger, Chase Anderson, Dakota Windsor, Jacob Wedlow, Adam Adair, Nick Kerlin, Geovanni Portillo, Alexander Burrell, Logan Refosco, Giovanni Corrujedo, Eric Szeles, Jonathan Reyes, Jacai James, Alexander Miranda, Osvaldo Mendoza, Jorndyn Nyborg, Jesie Bullinger, Haylee Stephens, Chelsea Stephens, Abby Wyszomirski, Summer Gray, Alize Kelly, Luka Skrinjaric, Avery Orda, Jace Biddle, Damian Ontiveros, Devon Davis, Jonathan Shawkey, Trevor Tippetts, Jessica Barker, Selena Skeete, Ashley Arnold, Alexandra Eiring, Amie Nickels, Jocelyn Blanco, Kiana Gomes, Anthony Scott, Michael Howe, Jordan Alexander, Ayden Monticelli, Shawn Bowers, Charles Carrier, Allysa Beckwith, Holli Dunn, Chelsea Villa, Shannon Armijo, Kassidy Christy, Isabella Cardenas, Faviola Gonzalez, Jasmine Reamer, Vanessa Villasenor, Katherine Guadron, Mariana Cruz, Vicky Wuest, Tasia Ramsay, Karla Cabrera, Densie Ponce, Mackenzie Couch, Amber Hanks, Blanca Estrada, Ashley Castro, Alyssa Sanchez, Kori Lindsey, Alexis Newell, Kaylie Kinoshita, Brooke Donfried, Kyra Sparta, Juliana Bogert, Laura Miller, Samantha Calvert, Jordan Routt, Hollie Barten, Rachel Paystrup, Taylor Lacy , Celine Osborne, Kriesten Scott, Sommer Ratigan and Jordyn Montoya Lee.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Diana Jones, Kathi Congistre, Kathy Bennett, and Roger Reinke.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Gloria Hall and Julie Miller.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Sayde Martin and Brittney Martin.

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Maggie Benz, Rae Tooley, Anne Goldy, Stephany Rann, and Tom Zozorski.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Holli Dunn, Alyssa Beckwith, and Kristin McIntosh.

Assemblyman Oceguera moved that the Assembly adjourn until Monday, April 16, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 12:29 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE SEVENTY-FIRST DAY

CARSON CITY (Monday), April 16, 2007

Assembly called to order at 11:04 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Rabbi Jacob Benzaquen.

To the Almighty, creator of all and God of our ancestors: We ask Your blessings for our republic and the great State of Nevada—for its government, legislature, leaders, and for all who exercise just and rightful authority, based on your eternal promise in Genesis to our forefather Abraham, " . . . I will bless those who bless You." Therefore, lift up their hearts and minds with Your light so that we may neither labor in vain, nor give birth to confusion and that they may bless all inhabitants and administer all affairs of state fairly and justly; that peace and security, happiness and prosperity, justice and freedom may forever abide in our midst. And let us say:

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 144, 477, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 1, 88, 103, 195, 216, 235 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 419, 420, has had the same under consideration, and begs leave to report the same back with the recommendation: Rerefer to the Committee on Ways and Means.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 267, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Concurrent Committee on Education, to which were referred Assembly Bills Nos. 460, 591 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Assembly Bills Nos. 79, 80, 143 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 572, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 603, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 248, 428, 522, 534, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 67, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 469, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and rerefer to the Committee on Ways and Means.

JERRY D. CLABORN, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 165, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 13, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 555; Senate Bills Nos. 132, 456, 470, 542; Senate Joint Resolution No. 9.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 5, 43, 53, 58, 69, 86, 95, 100, 115, 118, 124, 169, 171, 206, 266, 267, 396.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 9, Senate Amendment No. 26, and respectfully requests your honorable body to concur in said amendment.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 15, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 410, 420, 531 and 572.

MARK STEVENS
Fiscal Analysis Division

NOTICE OF WAIVER

A Waiver requested by Legislative Counsel.
For: Senate Bill No. 556.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Has been granted effective: Monday, April 09, 2007.

WILLIAM J. RAGGIO
Senate Majority Leader

BARBARA E. BUCKLEY
Speaker of the Assembly

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

Motion carried.

Assemblyman Oceguera moved that Assembly Bills Nos. 1, 15, 67, 79, 80, 88, 103, 143, 144, 165, 195, 216, 235, 248, 267, 428, 460, 469, 477, 522, 534, and 591 just reported out committee, be placed on the Second Reading File.

Motion carried.

By Assemblymen Mabey, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack; Senators Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, and Woodhouse:

Assembly Concurrent Resolution No. 19—Honoring Richard Matta, the Band Instructor at Walter Johnson Junior High School in Las Vegas.

WHEREAS, Richard Matta was born and raised on a farm in Central Illinois, where his passion for music started at an early age while playing the trumpet in his junior high school band; and

WHEREAS, His passion for music and teaching led Richard to Murray State University where he received a bachelor's degree in music education and to the University of Illinois where he received a master's degree in music education; and

WHEREAS, Richard Matta has studied and performed with many world-renowned musicians, such as Vince Cichowicz, who is regarded as one of North America's foremost experts in brass pedagogy; and

WHEREAS, Prior to his relocation to Nevada, Richard Matta taught music to students in Illinois, Texas and Wisconsin, and is now in his 19th year as a band director for the Clark County School District, and many of his students have continued on to perform in top musical positions throughout the country; and

WHEREAS, During his tenure in Clark County, Richard has consistently had the top bands in the District at festivals, and his concerts are always enthusiastically received; and

WHEREAS, Richard Matta is a cancer survivor, thanks to one of his first music students who is now a world-class oncologist, who flew from Peoria, Illinois, to Las Vegas to supervise personally Richard's treatment for non-Hodgkin's lymphoma; and

WHEREAS, Richard Matta's passion for music and commitment to his students could not be quelled by his illness, and he continued to teach even while he was receiving cancer treatments; and

WHEREAS, Richard Matta's other passion is his family, the childhood sweetheart he married 45 years ago, his two children, four grandchildren and great-grandchild, all of whom reside in Las Vegas; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada State Legislature and the residents of the State of Nevada recognize what an inspiration Richard Matta is to his students, his peers and the residents of this State; and be it further

RESOLVED, That the residents of the State of Nevada are encouraged to follow Richard Matta's advice to "find their dream, set goals and go for it"; and be it further

RESOLVED, That the Legislature and the residents of the State of Nevada thank Richard Matta for his hard work and dedication in furthering the musical talent and appreciation for music in this State; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Richard Matta.

Assemblyman Mabey moved the adoption of the resolution.

Remarks by Assemblyman Mabey.

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MABEY:

I rise in support of Assembly Concurrent Resolution 19. Mr. Richard Matta is one of the finest teachers I have ever met. Mr. Matta has been a band instructor at Johnson Middle School and the band director for Clark County School District for over 19 years. Fortunately, my children are zoned for Johnson Middle School. Even before my daughters were old enough to attend middle school, I heard many wonderful things about Mr. Matta. When my children finally began to attend middle school I learned why.

My daughter, Alicia, started playing in the beginning band as a sixth grader. When it was time to try out for the jazz band, which met every afternoon, she was accepted. She played the keyboard for the jazz band. I thought, "Well, I have got to go see this." One Wednesday afternoon, which I always took off, I decided to go listen to the jazz band. When I went in there, I was totally amazed. They played much better than junior high kids. They played like high school or college kids. When it was time to go home, they would not go. They would say, "We want to play another song." They would play the song and say, "We want to play another song." Finally, parents started wondering, "Where's my kid? Why aren't they leaving?" They would go in and they would see their kids playing music, loving to be there. I was so impressed with Mr. Matta that he could inspire those kids to do so much, and they all knew that he loved them.

Every Wednesday, I would go to listen to the jazz band play. It was my treat. On one occasion I remember, the jazz band was invited to play for the Clark County Jazz Festival. It was at the amphitheater in Clark County. Mainly, high school and college jazz bands were there as well as some professional players. The middle school was invited to bring their jazz band. When it was their time, I could tell most of the audience felt that this was the time to take a break. I can tell you, when they started to play, people started to listen, and they were so impressed. Mr. Matta could inspire them to higher levels.

When my second daughter started to play, Mr. Matta was diagnosed with non-Hodgkins lymphoma, and I can tell you that he was there every day except for the days that he received his chemotherapy. Coincidentally, one of his first students was one of those physicians that was able to help him with his disease.

Mr. Matta has received many awards. I could mention those, but I won't. Let me read a couple of comments from his students.

"Mr. Matta is so amazing. He is not only a great teacher, but also a great person. I love him so much. He truly loves and cares about each and every one of his students. Not only does he teach us about music, but he teaches us about the real world."

"Mr. Matta is an awesome guy. He always knows how to make your problems better. He is an awesome trumpet player, and I love to hear him play. He not only teaches us about music but also about the real world around us. He cares about all of us and his students and always wishes us safety every time we leave the band room."

Madam Speaker, I know there are many fine teachers, and I wish we could honor them all, but it is my privilege to speak in support of this resolution honoring Mr. Richard Matta. Thank you.

Resolution adopted unanimously.

Assemblyman Mabey moved that all rules be suspended and that Assembly Concurrent Resolution No. 19 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen Anderson, Allen, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack; Senators Townsend, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Washington, Wiener, and Woodhouse:

Assembly Concurrent Resolution No. 20—Commemorating the 75th anniversary of legalized gaming in Nevada.

WHEREAS, Gambling, both legal and illegal, has played a prominent role in Nevada's history since its frontier days and the days of the Comstock Lode, so much so that Mark Twain noted in his book *Roughing It*, "In Nevada, for a time, the lawyer, the editor, the banker, the chief desperado, the chief gambler, and the saloon keeper, occupied the same level in society, and it was the highest"; and

WHEREAS, Legalization of gaming was a constant source of debate in Nevada, and on March 19, 1931, Assembly Bill No. 98 was introduced by freshman Assemblyman Phil Tobin, a Winnemucca rancher, and was signed into law by Governor Fred Balzar, legalizing wide-open gaming in Nevada; and

WHEREAS, The only requirement for a gaming license was that the applicant be an American citizen, and prison inmates were even allowed to operate casinos within prisons; and

WHEREAS, The first gaming license was given to Mayme Stocker, a woman who had no gaming background, and among the pioneers who contributed to the tremendous growth, popularity and respectability of the gaming industry were Bill Harrah, Howard Hughes and Steve Wynn, who gave gaming a more corporate structure, further legitimizing the industry and making Nevada one of the best places in the nation to live and work; and

WHEREAS, The State Gaming Control Board and the Nevada Gaming Commission were put in place to regulate the gaming industry for the protection of the public; and

WHEREAS, In 2006, more than 51 million people visited Nevada, with the casino resort industry contributing approximately $2.6 billion to the revenue of this State, with the gaming industry accounting for 49 percent of the State's revenue; and

WHEREAS, Gaming companies are among the largest employers in the State, with 11 of the top 20 employers being gaming companies, the gaming industry directly employs nearly 228,000 people, which is approximately 21 percent of the work force of Nevada, and hotel casinos account for 18 percent of the wages paid in Nevada; and

WHEREAS, The efforts of the gaming industry and gaming employees have contributed to making Nevada a better place to live and work by volunteering their time and resources in their communities; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That April 16, 2007, is hereby recognized as the commemoration of the 75th anniversary of legalized gaming in Nevada; and be it further

RESOLVED, That the resort employees are commended for their dedication to their jobs and their contributions to the economic well-being of this State; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the State Gaming Control Board and the Nevada Gaming Commission.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson, Marvel, and Cobb.

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

Clearly, the resolution speaks for itself. Seventy-five years of an industry which has been able to reinvent itself so many times over, to make it adaptable, is clearly important for all the citizens of our state. While Mr. Tobin brought the concept forward and the legislation was first passed by this Legislature 75 years ago, he is clearly remembered by all of us as the father of this process. It has had many fathers and mothers, who have kept it alive. In fact, the wages from gaming provides a substantial part of the livelihood for all our citizens. I urge my colleagues to vote for the resolution.

ASSEMBLYMAN MARVEL:

Thank you, Madam Speaker. I rise in support of the resolution. I knew the Tobin family quite well. As a matter of fact, Phil Tobin had an identical twin named Frank. In those days, they were in the old Capitol Building. No one had an office. The legislation was lobbied at the old Senator Hotel. Some of the people said they couldn't tell Phil from Frank. So the two of them had a double-barreled shotgun and were able to get the bill passed. Thank you.

ASSEMBLYMAN COBB:

Thank you, Madam Speaker. I rise in support of ACR 20. To clear the record on my family's name, I wish it to be known that 76 years ago, on March 19, 1931, on Assembly Bill No. 98, two of my great grandfathers served in this Assembly at that time and voted against that bill. I just wanted to admit that they were wrong. Thank you.

Resolution adopted unanimously.

Assemblyman Anderson moved that all rules be suspended and that Assembly Concurrent Resolution No. 20 be immediately transmitted to the Senate.

Motion carried unanimously.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 541, 542, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 541 and 542 just reported out committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 25 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 522 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Conklin moved that Assembly Bill No. 80 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Conklin.

Motion carried.

Assemblyman Mabey moved that Assembly Bill No. 242 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Smith moved that Assembly Bill No. 127 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Pierce moved that Assembly Bill No. 470 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 410 be taken from the Chief Clerk's desk and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 531 be taken from the Chief Clerk's desk and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 419 just reported out of committee, be rereferred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 5.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 43.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 53.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 58.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 69.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 86.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 95.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 100.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 115.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 118.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 124.

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

Motion carried.

Senate Bill No. 132.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 169.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 171.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 206.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 266.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 267.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 396.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 456.

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

Motion carried.

Senate Bill No. 470.

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

Motion carried.

Senate Bill No. 542.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 9.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 1.

Bill read second time.

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

Amendment No. 279.

SUMMARY—~~[Provides that a geothermal energy system is a renewable energy system for the purposes of]~~ **Revises provisions governing** the portfolio standards established by the Public Utilities Commission of Nevada for certain providers of electric service. (BDR 58-115)

AN ACT relating to energy; providing that ~~[a]~~ **certain** geothermal energy ~~[system that reduces]~~ **systems that reduce** the consumption of electricity or any fossil fuel ~~[is a renewable energy system]~~ **are energy efficiency measures** for purposes of complying with the portfolio standards that are established by the Public Utilities Commission of Nevada for certain providers of electric service; **revising the applicability of the portfolio standards with respect to certain providers of new electric resources;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

To encourage and accelerate the development of new renewable energy projects and to create successful markets for electricity generated by those projects, existing law requires the Public Utilities Commission of Nevada to establish portfolio standards for certain providers of electric service that require the providers to generate, acquire or save a certain amount of electricity each year from portfolio energy systems ~~[.]~~ **or efficiency measures.** (NRS 704.7821) This bill ~~[adds]~~ **provides that certain** geothermal energy systems that reduce the consumption of electricity or any fossil fuel ~~[to the existing list of renewable energy systems, and thereby allows a provider of electric service to use electricity from such a geothermal~~

~~energy system to comply with its portfolio standard.]~~ **constitute energy efficiency measures for the purposes of complying with the portfolio standards. This bill also revises the applicability of the portfolio standards with respect to providers of new electric resources pursuant to chapter 704B of NRS.**

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

Section 1. ~~[NRS 704.7815 is hereby amended to read as follows:~~

~~704.7815 "Renewable energy system" means:~~

~~1. A facility or energy system that:~~

~~(a) Uses renewable energy or energy from a qualified energy recovery process to generate electricity; and~~

~~(b) Transmits or distributes the electricity that it generates from renewable energy or energy from a qualified energy recovery process via:~~

~~(1) A power line which is dedicated to the transmission or distribution of electricity generated from renewable energy or energy from a qualified energy recovery process and which is connected to a facility or system owned, operated or controlled by a provider of electric service; or~~

~~(2) A power line which is shared with not more than one facility or energy system generating electricity from nonrenewable energy and which is connected to a facility or system owned, operated or controlled by a provider of electric service.~~

~~2. A solar energy system that reduces the consumption of electricity or any fossil fuel.~~

~~3. *A geothermal energy system that reduces the consumption of electricity or any fossil fuel.*~~

~~*4.* A net metering system used by a customer-generator pursuant to NRS 704.766 to 704.775, inclusive.~~] **(Deleted by amendment.)**

Sec. 2. **NRS 704.7802 is hereby amended to read as follows:**

704.7802 1. "Energy efficiency measure" means any measure designed, intended or used to improve energy efficiency ~~[if:]~~ ***:***

(a) ***If:***

(1) The measure is installed on or after January 1, 2005, at the service location of a retail customer of a provider of electric service in this State;

~~[(b)]~~ ***(2)*** The measure reduces the consumption of energy by the retail customer; and

~~[(c)]~~ ***(3)*** The costs of the acquisition or installation of the measure are directly reimbursed, in whole or in part, by the provider of electric service ~~[.]~~ ***, or by a customer of a provider of new electric resources pursuant to chapter 704B of NRS; or***

(b) Which is a geothermal energy system for the provision of heated water to one or more customers and which reduces the consumption of electricity or any fossil fuel, regardless of when constructed.

2. The term does not include:

(a) Any demand response measure or load limiting measure that shifts the consumption of energy by a retail customer from one period to another period.

(b) Any solar energy system which qualifies as a renewable energy system and which reduces the consumption of electricity or any fossil fuel.

Sec. 3. **NRS 704.7821 is hereby amended to read as follows:**

704.7821 1. For each provider of electric service, the Commission shall establish a portfolio standard. The portfolio standard must require each provider to generate, acquire or save electricity from portfolio energy systems or efficiency measures in an amount that is:

(a) For calendar years 2005 and 2006, not less than 6 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(b) For calendar years 2007 and 2008, not less than 9 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(c) For calendar years 2009 and 2010, not less than 12 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(d) For calendar years 2011 and 2012, not less than 15 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(e) For calendar years 2013 and 2014, not less than 18 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(f) For calendar year 2015 and for each calendar year thereafter, not less than 20 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

2. ~~[In]~~ ***Except as otherwise provided in subsection 3, in*** addition to the requirements set forth in subsection 1, the portfolio standard for each provider must require that:

(a) Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures during each calendar year, not less than 5 percent of that amount must be generated or acquired from solar renewable energy systems.

(b) Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures during each calendar year, not more than 25 percent of that amount may be based on energy efficiency measures. If the provider intends to use energy efficiency measures to comply with its portfolio standard during any calendar year, of the total amount of electricity saved from energy efficiency measures for which the provider seeks to obtain portfolio energy credits pursuant to this paragraph, at least 50 percent of that amount must be saved from energy efficiency measures installed at service locations of residential

customers of the provider, unless a different percentage is approved by the Commission.

(c) If the provider acquires or saves electricity from a portfolio energy system or efficiency measure pursuant to a renewable energy contract or energy efficiency contract with another party:

(1) The term of the contract must be not less than 10 years, unless the other party agrees to a contract with a shorter term; and

(2) The terms and conditions of the contract must be just and reasonable, as determined by the Commission. If the provider is a utility provider and the Commission approves the terms and conditions of the contract between the utility provider and the other party, the contract and its terms and conditions shall be deemed to be a prudent investment and the utility provider may recover all just and reasonable costs associated with the contract.

3. ***The provisions of paragraphs (b) and (c) of subsection 2 do not apply to a provider of new electric resources pursuant to chapter 704B of NRS with respect to its use of an energy efficiency measure that is financed by a customer, or which is a geothermal energy system for the provision of heated water to one or more customers and which reduces the consumption of electricity or any fossil fuel, except that, of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures during each calendar year, not more than 25 percent of that amount may be based on energy efficiency measures.***

4. If, for the benefit of one or more ~~[of its]~~ retail customers in this State, the provider ***, or the customer of a provider of new electric resources pursuant to chapter 704B of NRS,*** has ***paid for or*** directly reimbursed, in whole or in part, the costs of the acquisition or installation of a solar energy system which qualifies as a renewable energy system and which reduces the consumption of electricity, the total reduction in the consumption of electricity during each calendar year that results from the solar energy system shall be deemed to be electricity that the provider generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard.

~~[4.]~~ ***5.*** The Commission shall adopt regulations that establish a system of portfolio energy credits that may be used by a provider to comply with its portfolio standard.

~~[5.]~~ ***6.*** Except as otherwise provided in subsection ~~[6,]~~ ***7,*** each provider shall comply with its portfolio standard during each calendar year.

~~[6.]~~ ***7.*** If, for any calendar year, a provider is unable to comply with its portfolio standard through the generation of electricity from its own renewable energy systems or, if applicable, through the use of portfolio energy credits, the provider shall take actions to acquire or save electricity pursuant to one or more renewable energy contracts or energy efficiency contracts. If the Commission determines that, for a calendar year, there is not

or will not be a sufficient supply of electricity or a sufficient amount of energy savings made available to the provider pursuant to renewable energy contracts and energy efficiency contracts with just and reasonable terms and conditions, the Commission shall exempt the provider, for that calendar year, from the remaining requirements of its portfolio standard or from any appropriate portion thereof, as determined by the Commission.

~~[7.]~~ ***8.*** The Commission shall adopt regulations that establish:

(a) Standards for the determination of just and reasonable terms and conditions for the renewable energy contracts and energy efficiency contracts that a provider must enter into to comply with its portfolio standard.

(b) Methods to classify the financial impact of each long-term renewable energy contract and energy efficiency contract as an additional imputed debt of a utility provider. The regulations must allow the utility provider to propose an amount to be added to the cost of the contract, at the time the contract is approved by the Commission, equal to a compensating component in the capital structure of the utility provider. In evaluating any proposal made by a utility provider pursuant to this paragraph, the Commission shall consider the effect that the proposal will have on the rates paid by the retail customers of the utility provider.

~~[8.]~~ ***9.*** As used in this section:

(a) "Energy efficiency contract" means a contract to attain energy savings from one or more energy efficiency measures owned, operated or controlled by other parties.

(b) "Renewable energy contract" means a contract to acquire electricity from one or more renewable energy systems owned, operated or controlled by other parties.

(c) "Terms and conditions" includes, without limitation, the price that a provider must pay to acquire electricity pursuant to a renewable energy contract or to attain energy savings pursuant to an energy efficiency contract.

~~[Sec. 2.]~~ ***Sec. 4.*** This act becomes effective on July 1, 2007.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 15.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 199.

AN ACT relating to abduction of children; enacting the Uniform Child Abduction Prevention Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Uniform Law Commissioners promulgated the Uniform Child Abduction Prevention Act in 2006. The Act is designed to deter domestic and international child abductions by parents and any persons acting on behalf of

the parents. Because abduction situations will likely involve more than one state, the Act is drafted to be compatible with and to augment the existing mechanisms for interstate jurisdiction and enforcement of orders that are contained in the Uniform Child Custody Jurisdiction and Enforcement Act. (Chapter 125A of NRS)

Section 16 of this bill provides that an action for abduction prevention measures may be brought by a court on its own motion, by a party to a child custody determination, by a person who has a right to seek a child custody determination, by a district attorney or by the Attorney General. Section 17 of this bill provides that the party seeking the abduction prevention measures must file a petition with the court specifying the risk factors for abduction, as well as other biographical information. Section 19 of this bill sets out a wide variety of factors that should be considered in determining whether there is a credible risk that a child will be abducted, such as previous abductions, attempts to abduct the child or threats of abduction, as well as signs of general abuse including domestic violence, negligence or refusal to obey a child custody determination. Section 19 also identifies a wide range of activities that may indicate a planned abduction, such as abandoning employment, liquidating assets, obtaining travel documents or travel tickets, or requesting the child's school or medical records, and recognizes the special problems involved with international child abduction by including several risk factors specifically related to international abduction. **Section 19 further provides that an order must not be issued if the court finds that the conduct of the respondent is intended to avoid imminent harm to the respondent or the child of the respondent.**

Section 20 of this bill provides that if a court determines that a credible risk exists that the child will be abducted, the court may enter an order containing provisions and measures meant to prevent abduction, such as imposing travel restrictions, prohibiting the individual from removing the child from the State or requiring the individual to obtain an order from a foreign country containing identical terms to the child custody determination. If abduction appears imminent, section 21 of this bill provides that a court may issue a warrant to take physical custody of the child. Section 22 of this bill provides that an abduction prevention order is effective until the earliest of the order's expiration, the child's emancipation, the child's 18th birthday or until the order is modified, revoked or vacated.

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

Section 1. Title 11 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 24, inclusive, of this act.

Sec. 2. ***This chapter may be cited as the Uniform Child Abduction Prevention Act.***

Sec. 3. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 14, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Abduction" means the wrongful removal or wrongful retention of a child.***

Sec. 5. ***"Child" means an unemancipated individual who is less than 18 years of age.***

Sec. 6. ***"Child custody determination" means a judgment, decree or other order of a court providing for the legal custody, physical custody or visitation with respect to a child. The term includes a permanent, temporary, initial and modification order.***

Sec. 7. ***"Child custody proceeding" means a proceeding in which legal custody, physical custody or visitation with respect to a child is at issue. The term includes a proceeding for divorce, dissolution of marriage, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights or protection from domestic violence.***

Sec. 8. ***"Court" means an entity authorized pursuant to the law of a state to establish, enforce or modify a child custody determination.***

Sec. 9. ***"Petition" includes a motion or its equivalent.***

Sec. 10. ***"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.***

Sec. 11. ***"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States. The term includes a federally recognized Indian tribe or nation.***

Sec. 12. ***"Travel document" means records relating to a travel itinerary, including travel tickets, passes, reservations for transportation or accommodations. The term does not include a passport or visa.***

Sec. 13. ***"Wrongful removal" means the taking of a child that breaches rights of custody or visitation given or recognized pursuant to the law of this State.***

Sec. 14. ***"Wrongful retention" means the keeping or concealing of a child that breaches rights of custody or visitation given or recognized pursuant to the law of this State.***

Sec. 15. ***NRS 125A.275, 125A.285 and 125A.295 apply to cooperation and communication among courts in proceedings pursuant to the provisions of this chapter.***

Sec. 16. ***1. A court on its own motion may order abduction prevention measures in a child custody proceeding if the court finds that the evidence establishes a credible risk of abduction of the child.***

2. A party to a child custody determination or another individual or entity having a right pursuant to the law of this State or any other state to seek a child custody determination for the child may file a petition seeking

abduction prevention measures to protect the child pursuant to the provisions of this chapter.

3. A district attorney or the Attorney General acting pursuant to NRS 125A.565 may seek a warrant to take physical custody of a child pursuant to section 21 of this act or other appropriate abduction prevention measures.

Sec. 17. ***1. A petition pursuant to the provisions of this chapter may be filed only in a court that has jurisdiction to make a child custody determination with respect to the child at issue pursuant to the provisions of chapter 125A of NRS.***

2. A court of this State has temporary emergency jurisdiction pursuant to NRS 125A.335 if the court finds a credible risk of abduction.

Sec. 18. ***A petition pursuant to the provisions of this chapter must be verified and include a copy of any existing child custody determination, if available. The petition must specify the risk factors for abduction, including the relevant factors described in section 19 of this act. Subject to subsection 5 of NRS 125A.385, if reasonably ascertainable, the petition must contain:***

1. The name, date of birth and gender of the child;

2. The customary address and current physical location of the child;

3. The identity, customary address and current physical location of the respondent;

4. A statement of whether a prior action to prevent abduction or domestic violence has been filed by a party or other individual or entity having custody of the child, and the date, location and disposition of the action;

5. A statement of whether a party to the proceeding has been arrested for a crime related to domestic violence, stalking, or child abuse or neglect, and the date, location and disposition of the case; and

6. Any other information required to be submitted to the court for a child custody determination pursuant to NRS 125A.385.

Sec. 19. ***1. In determining whether there is a credible risk of abduction of a child, the court shall consider any evidence that the petitioner or respondent:***

(a) Has previously abducted or attempted to abduct the child;

(b) Has threatened to abduct the child;

(c) Has recently engaged in activities that may indicate a planned abduction, including:

(1) Abandoning employment;

(2) Selling a primary residence;

(3) Terminating a lease;

(4) Closing bank or other financial management accounts, liquidating assets, hiding or destroying financial documents, or conducting any unusual financial activities;

(5) Applying for a passport or visa or obtaining travel documents for the respondent, a family member or the child; or

(6) Seeking to obtain the child's birth certificate or school or medical records;

(d) Has engaged in domestic violence, stalking, or child abuse or neglect;

(e) Has refused to follow a child custody determination;

(f) Lacks strong familial, financial, emotional or cultural ties to the State or the United States;

(g) Has strong familial, financial, emotional or cultural ties to another state or country;

(h) Is likely to take the child to a country that:

(1) Is not a party to the Hague Convention on the Civil Aspects of International Child Abduction and does not provide for the extradition of an abducting parent or for the return of an abducted child;

(2) Is a party to the Hague Convention on the Civil Aspects of International Child Abduction but:

(I) The Hague Convention on the Civil Aspects of International Child Abduction is not in force between the United States and that country;

(II) Is noncompliant according to the most recent compliance report issued by the United States Department of State; or

(III) Lacks legal mechanisms for immediately and effectively enforcing a return order pursuant to the Hague Convention on the Civil Aspects of International Child Abduction;

(3) Poses a risk that the child's physical or emotional health or safety would be endangered in the country because of specific circumstances relating to the child or because of human rights violations committed against children;

(4) Has laws or practices that would:

(I) Enable the respondent, without due cause, to prevent the petitioner from contacting the child;

(II) Restrict the petitioner from freely traveling to or exiting from the country because of the petitioner's gender, nationality, marital status or religion; or

(III) Restrict the child's ability legally to leave the country after the child reaches the age of majority because of the child's gender, nationality or religion;

(5) Is included by the United States Department of State on a current list of state sponsors of terrorism;

(6) Does not have an official United States diplomatic presence in the country; or

(7) Is engaged in active military action or war, including a civil war, to which the child may be exposed;

(i) Is undergoing a change in immigration or citizenship status that would adversely affect the respondent's ability to remain in the United States legally;

(j) Has had an application for United States citizenship denied;

(k) Has forged or presented misleading or false evidence on government forms or supporting documents to obtain or attempt to obtain a passport, a visa, travel documents, a social security card, a driver's license or other government-issued identification card or has made a misrepresentation to the United States Government;

(l) Has used multiple names to attempt to mislead or defraud; or

(m) Has engaged in any other conduct the court considers relevant to the risk of abduction.

2. In the hearing on a petition pursuant to the provisions of this chapter, the court shall consider any evidence that the respondent believed in good faith that the respondent's conduct was necessary to avoid imminent harm to the child or respondent and any other evidence that may be relevant to whether the respondent may be permitted to remove or retain the child.

3. If the court finds during the hearing on the petition that the respondent's conduct is intended to avoid imminent harm to the child or respondent, the court shall not issue an abduction prevention order.

Sec. 20. ***1. If a petition is filed pursuant to the provisions of this chapter, the court may enter an order that must include:***

(a) The basis for the court's exercise of jurisdiction;

(b) The manner in which notice and opportunity to be heard were given to the persons entitled to notice of the proceeding;

(c) A detailed description of each party's custody and visitation rights and residential arrangements for the child;

(d) A provision stating that a violation of the order may subject the party in violation to civil and criminal penalties; and

(e) Identification of the child's country of habitual residence at the time of the issuance of the order.

2. ~~[If,]~~ ***Except as otherwise provided in subsection 3 of section 19 of this act, if, at a hearing on a petition pursuant to the provisions of this chapter or on the court's own motion, the court after reviewing the evidence finds a credible risk of abduction of the child, the court shall enter an abduction prevention order. The order must include the provisions required by subsection 1 and measures and conditions, including those in subsections 3, 4 and 5, that are reasonably calculated to prevent abduction of the child, giving due consideration to the custody and visitation rights of the parties. The court shall consider the age of the child, the potential harm to the child from an abduction, the legal and practical difficulties of returning the child to the jurisdiction if abducted, and the reasons for the potential abduction, including evidence of domestic violence, stalking, or child abuse or neglect.***

3. An abduction prevention order may include one or more of the following:

(a) An imposition of travel restrictions that require that a party traveling with the child outside a designated geographical area provide the other party with the following:

(1) The travel itinerary of the child;

(2) A list of physical addresses and telephone numbers at which the child can be reached at specified times; and

(3) Copies of all travel documents;

(b) A prohibition of the respondent directly or indirectly:

(1) Removing the child from this State, the United States or another geographic area without permission of the court or the petitioner's written consent;

(2) Removing or retaining the child in violation of a child custody determination;

(3) Removing the child from school or a child care or similar facility; or

(4) Approaching the child at any location other than a site designated for supervised visitation;

(c) A requirement that a party register the order in another state as a prerequisite to allowing the child to travel to that state;

(d) With regard to the child's passport:

(1) A direction that the petitioner place the child's name in the United States Department of State's Child Passport Issuance Alert Program;

(2) A requirement that the respondent surrender to the court or the petitioner's attorney any United States or foreign passport issued in the child's name, including a passport issued in the name of both the parent and the child; and

(3) A prohibition upon the respondent from applying on behalf of the child for a new or replacement passport or visa;

(e) As a prerequisite to exercising custody or visitation, a requirement that the respondent provide:

(1) To the United States Department of State's Office of Children's Issues and to the relevant foreign consulate or embassy, an authenticated copy of the order detailing passport and travel restrictions for the child;

(2) To the court:

(I) Proof that the respondent has provided the information in subparagraph (1); and

(II) An acknowledgment in a record from the relevant foreign consulate or embassy that no passport application has been made, or passport issued, on behalf of the child;

(3) To the petitioner, proof of registration with the United States Embassy or other United States diplomatic presence in the destination country and with the Central Authority for the Hague Convention on the Civil Aspects of International Child Abduction, if that Convention is in

effect between the United States and the destination country, unless one of the parties objects; and

(4) A written waiver pursuant to the provisions of the Privacy Act, 5 U.S.C. § 552a, as amended, with respect to any document, application or other information pertaining to the child authorizing its disclosure to the court and the petitioner; and

(f) Upon the petitioner's request, a requirement that the respondent obtain an order from the relevant foreign country containing terms identical to the child custody determination issued in the United States.

4. In an abduction prevention order, the court may impose conditions on the exercise of custody or visitation that:

(a) Limit visitation or require that visitation with the child by the respondent be supervised until the court finds that supervision is no longer necessary, and order the respondent to pay the costs of supervision;

(b) Require the respondent to post a bond or provide other security in an amount sufficient to serve as a financial deterrent to abduction, the proceeds of which may be used to pay for the reasonable expenses of recovery of the child, including reasonable attorney's fees and costs if there is an abduction; and

(c) Require the respondent to obtain education on the potentially harmful effects to the child from abduction.

5. To prevent imminent abduction of a child, a court may:

(a) Issue a warrant to take physical custody of the child pursuant to section 21 of this act or the law of this State other than this chapter;

(b) Direct the use of law enforcement to take any action reasonably necessary to locate the child, obtain return of the child or enforce a custody determination pursuant to the provisions of this chapter or the law of this State other than this chapter; or

(c) Grant any other relief allowed pursuant to the law of this State other than this chapter.

6. The remedies provided in this chapter are cumulative and do not affect the availability of other remedies to prevent abduction.

Sec. 21. ***1. If a petition pursuant to the provisions of this chapter contains allegations, and the court finds that there is a credible risk that the child is imminently likely to be wrongfully removed, the court may issue an ex parte warrant to take physical custody of the child.***

2. The respondent on a petition pursuant to subsection 1 must be afforded an opportunity to be heard at the earliest possible time after the ex parte warrant is executed, but not later than the next judicial day unless a hearing on that date is impossible. In that event, the court shall hold the hearing on the first judicial day possible.

3. An ex parte warrant pursuant to subsection 1 to take physical custody of a child must:

(a) Recite the facts upon which a determination of a credible risk of imminent wrongful removal of the child is based;

(b) Direct law enforcement officers to take physical custody of the child immediately;

(c) State the date and time for the hearing on the petition; and

(d) Provide for the safe interim placement of the child pending further order of the court.

4. If feasible, before issuing a warrant and before determining the placement of the child after the warrant is executed, the court may order a search of the relevant databases of the National Crime Information Center and similar state databases to determine if either the petitioner or respondent has a history of domestic violence, stalking, or child abuse or neglect.

5. The petition and warrant must be served on the respondent when or immediately after the child is taken into physical custody.

6. A warrant to take physical custody of a child, issued by this State or another state, is enforceable throughout this State. If the court finds that a less intrusive remedy will not be effective, it may authorize law enforcement officers to enter private property to take physical custody of the child. If required by exigent circumstances, the court may authorize law enforcement officers to make a forcible entry at any hour.

7. If the court finds, after a hearing, that a petitioner sought an ex parte warrant pursuant to subsection 1 for the purpose of harassment or in bad faith, the court may award the respondent reasonable attorney's fees, costs and expenses.

8. This chapter does not affect the availability of relief allowed pursuant to the law of this State other than this chapter.

Sec. 22. ***An abduction prevention order remains in effect until the earliest of:***

1. The time stated in the order;

2. The emancipation of the child;

3. The child's attaining 18 years of age; or

4. The time the order is modified, revoked, vacated or superseded by a court with jurisdiction pursuant to NRS 125A.305, 125A.315 and 125A.325.

Sec. 23. ***In applying and construing the Uniform Child Abduction Prevention Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.***

Sec. 24. ***This chapter modifies, limits and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001, et seq., but does not modify, limit or supersede 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in 15 U.S.C. § 7003(b).***

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 67.

Bill read second time.

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

Amendment No. 329.

AN ACT relating to air pollution; authorizing the State Department of Conservation and Natural Resources to collect money from the sale of emission credits or allocations; increasing the maximum amount the State Environmental Commission may establish as an administrative fine for certain lesser violations relating to air pollution; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The State Department of Conservation and Natural Resources is designated as the Air Pollution Control Agency of the State for the purposes of the Clean Air Act, insofar as it pertains to state programs. (NRS 445B.135, 445B.205) Section ~~[1]~~ 2 of this bill authorizes the Department to collect money from the sale of emission credits or allocations. **Section 1 of this bill makes it a state policy periodically to retire a portion of the emission credits.**

The State Environmental Commission is required by law to adopt regulations that set forth a schedule of administrative fines not exceeding $500 for minor violations of certain statutes and regulations relating to the prevention, abatement and control of air pollution. (NRS 445B.640) Section ~~[2]~~ **3** of this bill increases the maximum amount that the Commission may establish for such fines from $500 to $2,000.

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

Section 1. **NRS 445B.100 is hereby amended to read as follows:**

445B.100 1. It is the public policy of the State of Nevada and the purpose of NRS 445B.100 to 445B.640, inclusive, to achieve and maintain levels of air quality which will protect human health and safety, prevent injury to plant and animal life, prevent damage to property, and preserve visibility and scenic, esthetic and historic values of the State.

2. It is the intent of NRS 445B.100 to 445B.640, inclusive, to:

(a) Require the use of reasonably available methods to prevent, reduce or control air pollution throughout the State of Nevada;

(b) Maintain cooperative programs between the State and its local governments; and

(c) Facilitate cooperation across jurisdictional lines in dealing with problems of air pollution not confined within a single jurisdiction.

3. The quality of air is declared to be affected with the public interest, and NRS 445B.100 to 445B.640, inclusive, are enacted in the exercise of the police power of this State to protect the health, peace, safety and general welfare of its people.

4. It is also the public policy of this State ~~[to]~~ ***:***

(a) To provide for the integration of all programs for the prevention of accidents in this State involving chemicals, including, without limitation, accidents involving hazardous air pollutants, highly hazardous chemicals, highly hazardous substances and extremely hazardous substances ~~[.]~~ ***; and***

(b) Periodically to retire a portion of the emission credits specified in NRS 445B.235 that may otherwise be available for use or sale pursuant to that section.

~~[Section 1.]~~ ***Sec. 2.*** NRS 445B.235 is hereby amended to read as follows:

445B.235 ***1.*** In carrying out the purposes of NRS 445B.100 to 445B.640, inclusive, the Department may ~~[, if it considers it necessary or appropriate:~~

~~1.]~~ ***:***

(a) Collect money from the sale of emission credits or allocations.

(b) Cooperate with appropriate federal officers and agencies of the Federal Government, other states, interstate agencies, local governmental agencies and other interested parties in all matters relating to air pollution control in preventing or controlling the pollution of the air in any area.

~~[2.]~~ ***(c)*** On behalf of this State, apply for and receive ~~[funds]~~ ***money*** made available to the State for programs from any private source or from any agency of the Federal Government under the Federal Act. All ~~[moneys]~~ ***money*** received from any federal agency or private source as provided in this section ~~[shall]~~ ***must*** be paid into the State Treasury and ~~[shall]~~ ***must*** be expended, under the direction of the Department, solely for the purpose ~~[or purposes]~~ for which the grant ~~[or grants have]~~ ***has*** been made.

~~[3.]~~ ***(d)*** Certify to the appropriate federal authority that facilities are in conformity with the state program and requirements for control of air pollution, or will be in conformity with the state program and requirements for control of air pollution if such facility is constructed and operated in accordance with the application for certification.

~~[4.]~~ ***(e)*** Develop measures for control of air pollution originating in the State.

2. All money collected by the Department pursuant to paragraph (a) of subsection 1 must be deposited in the State General Fund for credit to the Account for the Management of Air Quality.

3. The Commission shall, in cooperation with the Department, adopt regulations setting forth the requirements for the sale of emission credits pursuant to paragraph (a) of subsection 1. The regulations must include, without limitation, provisions for public participation in that sale.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 445B.640 is hereby amended to read as follows:

445B.640 1. Except as otherwise provided in subsection 4 and NRS 445C.010 to 445C.120, inclusive, any person who violates any provision of NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, or any regulation in force pursuant thereto, other than

NRS 445B.570 on confidential information, is guilty of a civil offense and shall pay an administrative fine levied by the Commission of not more than $10,000 per day per offense. Each day of violation constitutes a separate offense.

2. The Commission shall by regulation establish a schedule of administrative fines not exceeding ~~[$500]~~ ***$2,000*** for lesser violations of any provision of NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, or any regulation in force pursuant thereto.

3. Action pursuant to subsection 1 or 2 is not a bar to enforcement of the provisions of NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, regulations in force pursuant thereto, and orders made pursuant to NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, by injunction or other appropriate remedy, and the Commission or the Director may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

4. Any person who fails to pay a fine levied pursuant to subsection 1 or 2 within 30 days after the fine is imposed is guilty of a misdemeanor. The provisions of this subsection do not apply to persons found by the court to be indigent.

5. All administrative fines collected by the Commission pursuant to this section must be deposited in the county school district fund of the county where the violation occurred.

~~[Sec. 3.]~~ ***Sec. 4.*** This act becomes effective upon passage and approval.

Assemblyman Claborn moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 79.

Bill read second time.

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

Amendment No. 91.

AN ACT relating to ethics in government; prohibiting a public officer or employee from using any governmental time, property, equipment or other facility for any activity relating to a political campaign or for the preparation of certain disclosures or reports; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill prohibits a public officer or employee from using governmental time, property, equipment or other facilities for an activity relating to a political campaign, the preparation of a statement of financial disclosure or the preparation of certain campaign reports. (NRS 281.481)

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

Section 1. NRS 281.481 is hereby amended to read as follows:

281.481 A code of ethical standards is hereby established to govern the conduct of public officers and employees:

1. A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.

2. A public officer or employee shall not use his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity to the interests of that person. As used in this subsection:

(a) "Commitment in a private capacity to the interests of that person" has the meaning ascribed to "commitment in a private capacity to the interests of others" in subsection 8 of NRS 281.501.

(b) "Unwarranted" means without justification or adequate reason.

3. A public officer or employee shall not participate as an agent of government in the negotiation or execution of a contract between the government and any private business in which he has a significant pecuniary interest.

4. A public officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of his duties as a public officer or employee.

5. If a public officer or employee acquires, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, he shall not use the information to further the pecuniary interests of himself or any other person or business entity.

6. A public officer or employee shall not suppress any governmental report or other document because it might tend to affect unfavorably his pecuniary interests.

7. A public officer or employee, other than a member of the Legislature, shall not use governmental time, property, equipment or other facility to benefit his personal or financial interest. <u>This</u> ~~[Except for an activity relating to a political campaign, the preparation of a statement of financial disclosure required pursuant to NRS 281.559 to 281.581, inclusive, or the preparation of a report required pursuant to chapter 294A of NRS, this]~~ subsection does not prohibit:

(a) A limited use of governmental property, equipment or other facility for personal purposes if:

(1) The public officer who is responsible for and has authority to authorize the use of such property, equipment or other facility has established a policy allowing the use or the use is necessary as a result of emergency circumstances;

(2) ***The use does not include any activity relating to a political campaign or the preparation of a report required pursuant to chapter 294A of NRS;***

(3) For an elected public officer, the use does not include any activity relating to the preparation of a statement of financial disclosure required pursuant to NRS 281.559 to 281.581, inclusive;

(4) The use does not interfere with the performance of his public duties;

~~[(3)]~~ ***(5)*** The cost or value related to the use is nominal; and

~~[(4)]~~ ***(6)*** The use does not create the appearance of impropriety;

(b) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(c) The use of telephones or other means of communication if there is not a special charge for that use.

➥ If a governmental agency incurs a cost as a result of a use that is authorized pursuant to this subsection or would ordinarily charge a member of the general public for the use, the public officer or employee shall promptly reimburse the cost or pay the charge to the governmental agency.

8. A member of the Legislature shall not:

(a) Use governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person. This ~~[Except for an activity relating to a political campaign, the preparation of a statement of financial disclosure required pursuant to NRS 281.559 to 281.581, inclusive, or the preparation of a report required pursuant to chapter 294A of NRS, this]~~ paragraph does not prohibit:

(1) A limited use of state property and resources for personal purposes if:

(I) The use does not interfere with the performance of his public duties;

(II) The cost or value related to the use is nominal; ~~[and]~~

(III) The use does not create the appearance of impropriety; ***and***

(IV) The use does not include any activity relating to a political campaign, the preparation of a statement of financial disclosure required pursuant to NRS 281.559 to 281.581, inclusive, or the preparation of a report required pursuant to chapter 294A of NRS;

(2) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(3) The use of telephones or other means of communication if there is not a special charge for that use.

(b) Require or authorize a legislative employee, while on duty, to perform personal services or assist in a private activity, except:

(1) In unusual and infrequent situations where the employee's service is reasonably necessary to permit the Legislator or legislative employee to perform his official duties; or

(2) Where such service has otherwise been established as legislative policy.

9. A public officer or employee shall not attempt to benefit his personal or financial interest through the influence of a subordinate.

10. A public officer or employee shall not seek other employment or contracts through the use of his official position.

11. As used in this section, "activity relating to a political campaign" means activity designed to affect the outcome of any primary, general or special election or question on the ballot.

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

Assemblywoman Koivisto moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 88.

Bill read second time.

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

Amendment No. 282.

AN ACT relating to collection agencies; **providing that certain violations of the Fair Debt Collection Practices Act are a violation of certain provisions governing collection agencies;** requiring a collection agency to ~~[submit]~~ send a written notice to a debtor within a certain period after the initial communication with the debtor; requiring a collection agency to ~~[cease collection of]~~ **verify** a debt ~~[under certain circumstances; prohibiting a collection agency from applying a payment to a debt or portion of a debt that is disputed by the debtor under certain circumstances; revising the circumstances under which a collection agency may commence a legal action against a debtor;]~~ **by obtaining or attempting to obtain certain documents;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1.5 of this bill provides that a violation of certain provisions of the federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692g and 1692h, shall be deemed to be a violation of chapter 649 of NRS governing collection agencies.

Section 2 of this bill requires a collection agency, within 5 days after the initial communication with a debtor in connection with the collection of a debt , ~~[owed by the debtor,]~~ to send to the debtor a written notice setting forth ~~[certain information, including, without limitation, the amount of]~~ **a statement indicating that the payment or agreement to pay** the debt ~~[and the name of the creditor to whom]~~ **may be construed as an acknowledgment of** the debt ~~[is owed.]~~ **and as a waiver of the statute of limitations applicable to the collection of the debt.** Section 2 also provides that, ~~[if a debtor notifies a collection agency in writing that the debtor~~

~~disputes a debt or any portion of a debt, the]~~ **to verify a debt, a** collection agency is required to ~~[cease collection of the debt until the collection agency obtains and mails]~~ **obtain certain documents from the creditor and mail those documents** to the debtor . ~~[a verification of the debt or a copy of a judgment against the debtor concerning the debt or, if requested by the debtor, the name and address of the original creditor.~~

~~Section 3 of this bill provides that if a debtor owes multiple debts and makes a payment to a collection agency for any of those debts, the collection agency is required to apply the payment in accordance with the debtor's directions, if any, and is prohibited from applying the payment to any debt or portion of a debt that is disputed by the debtor.~~

~~Section 4 of this bill provides that a collection agency may commence a legal action against a debtor only in certain courts depending upon where the debtor resides or whether the action involves the enforcement of an interest in real property secured by a debt or a contract signed by the debtor.]~~

Section 5 of this bill makes the provisions of **sections 1.5 and 2 of** this bill applicable to a foreign collection agency.

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

Section 1. Chapter 649 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2, 3 and 4]~~ **1.5 and 2** of this act.

Sec. 1.5. ***A violation of any provision of section 809 or 810 of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692g and 1692h, or any regulation adopted pursuant thereto, shall be deemed to be a violation of this chapter.***

Sec. 2. ***1. Within 5 days after the initial communication with a debtor in connection with the collection of a debt*** , ~~[owed by the debtor,]~~ ***a collection agency shall, unless the*** ~~[debtor has paid the debt, submit]~~ ***following information is included in the initial communication, send a written notice to the debtor*** ~~[setting forth:~~

~~(a) The amount of the debt;~~

~~(b) The name of the creditor to whom the debt is owed;~~

~~(c) A statement indicating that unless the debtor, within 30 days after receiving the written notice, disputes the validity of the debt or any portion of the debt, the collection agency will presume that the debt is valid;~~

~~(d) A statement indicating that, if the debtor notifies the collection agency in writing within 30 days after receiving the written notice that the debtor disputes the debt or any portion of the debt, the collection agency will:~~

~~(1) Obtain a verification of the debt or a copy of a judgment issued against the debtor concerning the debt; and~~

~~(2) Mail a copy of the verification or judgment to the debtor;~~

~~(e) A statement indicating that, if the debtor so requests from the collection agency in writing within 30 days after receiving the written notice, the collection agency will provide to the debtor the name and address of the~~

~~original creditor, if different from the name and address of the current creditor for the debt; and~~

~~(f) A statement indicating that, if the debtor pays or agrees to pay the debt or any portion of the debt, the payment or agreement to pay may be construed as:~~

~~(1) An acknowledgment of the debt; or~~

~~(2) A waiver of any applicable statute of limitations.~~

~~2. If a debtor, within 30 days after receiving a written notice from a collection agency pursuant to subsection 1, notifies the collection agency in writing that the debtor disputes the debt or any portion of the debt or requests in writing the name and address of the original creditor, the collection agency shall cease collection of the debt or any disputed portion of the debt until the collection agency:~~

~~(a) Obtains a verification of the debt or a copy of a judgment issued against the debtor concerning the debt or, if requested by the debtor, the name and address of the original creditor; and~~

~~(b) Mails to the debtor a copy of the verification or judgment or the name and address of the original creditor.~~

~~3. The failure by a debtor to dispute the validity of a debt or any portion of a debt pursuant to this section must not be construed as an admission of liability by the debtor.]~~ ***that includes a statement indicating that:***

(a) If the debtor pays or agrees to pay the debt or any portion of the debt, the payment or agreement to pay may be construed as:

(1) An acknowledgment of the debt by the debtor; and

(2) A waiver by the debtor of any applicable statute of limitations set forth in NRS 11.190 that otherwise precludes the collection of the debt; and

(b) If the debtor does not understand or has questions concerning his legal rights or obligations relating to the debt, the debtor should seek legal advice.

2. To verify a debt, a collection agency shall:

(a) Obtain or attempt to obtain from the creditor any document that is not in the possession of the collection agency and is reasonably responsive to the dispute of the debtor, if any; and

(b) If such a document is obtained, mail the document to the debtor.

Sec. 3. ~~*[If a debtor owes multiple debts and makes a single payment to a collection agency in payment of any of those debts, the collection agency:*~~

~~*1. Shall apply the payment in accordance with the debtor's directions, if any; and*~~

~~*2. Shall not apply the payment to any debt or portion of a debt that is disputed by the debtor.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~*[1. If a collection agency commences any legal action against a debtor concerning a debt owed by the debtor, the collection agency shall:*~~

~~*(a) If the legal action is commenced to enforce an interest in real property securing the debt, commence the legal action only in a court of competent jurisdiction in the area in which the real property is located; or*~~

~~*(b) If the legal action is not commenced to enforce such an interest, commence the legal action only in a court of competent jurisdiction in the area in which the debtor:*~~

~~*(1) Signed the contract that is the subject of the legal action; or*~~

~~*(2) Resides at the commencement of the legal action.*~~

~~*2. The provisions of this section do not authorize a collection agency to commence any legal action specified in this section.]*~~ **(Deleted by amendment.)**

Sec. 5. NRS 649.171 is hereby amended to read as follows:

649.171 1. A person who is not licensed in this State as a collection agency may apply to the Commissioner for a certificate of registration as a foreign collection agency.

2. To be issued and to hold a certificate of registration as a foreign collection agency, a person:

(a) Must hold a license or permit to do business as a collection agency in another state;

(b) Must meet the qualifications to do business as a collection agency in this State;

(c) Must not have any employees or agents present in this State who engage in the collection of claims and must not maintain any business locations in this State as a collection agency;

(d) Must submit proof to the Commissioner, upon application and upon each annual renewal of the ~~[certification]~~ ***certificate*** of registration, that the person and his employees and agents will not, in this State:

(1) Engage in the business of soliciting the right to collect or receive payment for another of any claim; or

(2) Advertise or solicit, either in print, by letter, in person or otherwise, the right to collect or receive payment for another of any claim;

(e) When collecting claims against debtors who are present in this State, must:

(1) Limit his activities and those of his employees and agents to interstate communications by telephone, mail or facsimile; and

(2) Comply with the requirements of NRS 649.305 to 649.375, inclusive, ***and sections*** ~~[2, 3 and 4]~~ ***1.5 and 2 of this act,*** with regard to his activities and those of his employees and agents;

(f) Must pay:

(1) A fee to apply for a certificate of registration of not less than $200 and not more than $600, prorated on the basis of the registration year as determined by the Commissioner; and

(2) An annual renewal fee of not more than $200;

(g) Must deposit and maintain a bond or an appropriate substitute for the bond in the same manner as an applicant or licensee pursuant to NRS 649.105, 649.115 and 649.119;

(h) Must maintain his accounts, books and records in accordance with generally accepted accounting principles and in accordance with the requirements of subsection 1 of NRS 649.335; and

(i) Must pay any fees related to any examination of his accounts, books and records conducted by the Commissioner pursuant to subsection 3.

3. The Commissioner may conduct an annual examination and any additional examinations pursuant to NRS 649.335 of the accounts, books and records of each person who holds a certificate of registration as a foreign collection agency.

4. The Commissioner may take disciplinary action pursuant to NRS 649.385, 649.390 and 649.395 against a person who holds a certificate of registration as a foreign collection agency for any act or omission that would be grounds for taking such disciplinary action under those sections.

5. The Commissioner shall adopt:

(a) Regulations establishing the amount of the fees required pursuant to this section; and

(b) Any other regulations as may be necessary to carry out the provisions of this section.

Sec. 6. ~~[This act becomes effective on July 1, 2007.]~~ **(Deleted by amendment.)**

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 103.

Bill read second time.

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

Amendment No. 230.

AN ACT relating to public utilities; altering schedules under which electric utilities must file general rate applications with the Public Utilities Commission of Nevada; authorizing public utilities to provide, with a general rate application, a statement of reasonably known and measurable changes for specified periods beyond the date the application is filed; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for public utilities to apply to the Public Utilities Commission of Nevada for proposed rate changes and provides a schedule under which electric utilities must file general rate applications with the Commission every 24 months. (NRS 704.110) Section 2 of this bill revises that schedule to require filing every 36 months.

Existing law requires public utilities to provide financial data for the prior 12 months when filing general rate applications and authorizes natural gas utilities to provide ~~[forecasted]~~ **expected** financial data for the period ending 210 days after the general rate application is filed. (NRS 704.110) Section 2

of this bill authorizes **all** public utilities ~~[except PAR carriers]~~ to provide such ~~[forecasted]~~ **expected** financial data when filing general rate applications and ~~[provides that, in the instance of a PAR carrier filing a general rate application, the period that the forecasted financial data may cover is 180 days.]~~ **revises the provisions governing the consideration of that data by the Commission. Section 2 also deletes certain provisions relating to PAR carriers.**

Section 1 of this bill ~~[repeals]~~ **revises** the requirement that the Commission report biennially to the Legislature on the amount of assessments charged public utilities ~~[.]~~ **to require the reporting upon the request of the Legislative Commission.** (NRS 703.145) Section 3 of this bill ~~[repeals]~~ **revises** the requirement that the Commission report quarterly to the Legislative Commission on proposed transactions between customers and providers of new electric sources ~~[.]~~ **to require the reporting upon the request of the Legislative Commission.** (NRS 704B.210)

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

Section 1. NRS 703.145 is hereby amended to read as follows:

703.145 1. Any public utility subject to the jurisdiction of the Commission which elects to maintain its books and records outside the State of Nevada shall, in addition to any other assessment and fees provided for by law, be assessed by the Commission for an amount equal to the travel expenses and the excess of the out-of-state subsistence allowances over the in-state subsistence allowances, as fixed by NRS 281.160, of Commission members and staff, for investigations, inspections and audits required to be performed outside this State.

2. Any public utility subject to the jurisdiction of the Commission shall, in addition to any other assessment and fees provided for by law, be assessed by the Commission for an amount equal to the travel expenses and the excess of the out-of-state subsistence allowances over the in-state subsistence allowances, as fixed by NRS 281.160, of Commission members and staff, for investigations, audits and appearances required to be performed out of this State as a result of interventions in:

(a) Federal Energy Regulatory Commission proceedings as authorized in NRS 703.152; or

(b) Actions involving the Federal Communications Commission or other federal regulatory agencies,

➥ if the intervention is made to benefit the public utility or its customers.

3. The assessments provided for by this section must be determined by the Commission upon the completion of each such investigation, inspection, audit or appearance and are due ~~[and payable]~~ within 30 days ~~[of]~~ ***after*** receipt by the affected utility of the notice of assessment. The total amount assessed by the Commission in 1 year pursuant to subsection 2 must not exceed $50,000.

4. The records of the Commission relating to the additional costs incurred by reason of the necessary additional travel must be open for inspection by the affected utility at any time within the 30-day period.

5. The Commission shall ***, not later than 2 business days after receiving a written request from the Legislative Commission,*** report to the Legislature ~~[no later than February 1 of each odd-numbered year]~~ the amount of assessments charged public utilities ***pursuant to subsection 2*** during the previous biennium ~~[pursuant to subsection 2.]~~ ***or any other period specified by the Legislative Commission.***

Sec. 2. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075 and 704.68904 to 704.68984, inclusive, or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097 or pursuant to the regulations adopted by the Commission in accordance with subsection 4 of NRS 704.040:

1. If a public utility files with the Commission an application to make changes in any schedule, including, without limitation, changes that will result in a discontinuance, modification or restriction of service, the Commission shall investigate the propriety of the proposed changes to determine whether to approve or disapprove the proposed changes. If an electric utility files such an application and the application is a general rate application or an application to clear its deferred accounts, the Consumer's Advocate shall be deemed a party of record.

2. Except as otherwise provided in ~~[subsections 3 and 13,]~~ ***subsection 3,*** if a public utility files with the Commission an application to make changes in any schedule, the Commission shall ***, not later than 210 days after the application is filed,*** issue a written order approving or disapproving, in whole or in part, the proposed changes***.*** ~~[:~~

~~(a) For a public utility that is a PAR carrier, not later than 180 days after the date on which the application is filed; and~~

~~(b) For all other public utilities, not later than 210 days after the date on which the application is filed.]~~

3. If a public utility files with the Commission a general rate application, the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared. Except as otherwise provided in subsection 4, in determining whether to approve or disapprove any increased rates, the Commission shall consider evidence in support of the increased rates based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the Commission and changes in the costs of securities which are known and are measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months, but the public utility shall not place into effect any increased rates until the

changes have been experienced and certified by the public utility to the Commission and the Commission has approved the increased rates. The Commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an annual basis. Within 90 days after the date on which the certification required by this subsection is filed with the Commission, or within the period set forth in subsection 2, whichever time is longer, the Commission shall make such order in reference to the increased rates as is required by this chapter. An electric utility shall file a general rate application pursuant to this subsection at least once every ~~[24]~~ ***36*** months based on the following schedule:

(a) An electric utility that primarily serves less densely populated counties shall file a general rate application ***not later than 5 p.m.*** on or before ~~[October]~~ ~~[3, 2005,]~~ ~~[1,]~~ ***the first Monday in December 2007,*** and at least once every ~~[24]~~ ***36*** months thereafter.

(b) An electric utility that primarily serves densely populated counties shall file a general rate application ***not later than 5 p.m.*** on or before ~~[November]~~ ~~[15, 2006,]~~ ~~[17,]~~ ***the first Monday in December 2008,*** and at least once every ~~[24]~~ ***36*** months thereafter.

4. In addition to submitting the statement required pursuant to subsection 3, a public utility ~~[which purchases natural gas for resale]~~ may submit with its general rate application a statement showing the effects, on an annualized basis, of all expected changes in circumstances. If such a statement is filed, ~~[by a public utility other than a PAR carrier,]~~ it must include all increases and decreases in revenue and expenses which may occur within 210 days after the date on which its general rate application is filed with the Commission if such expected changes in circumstances are reasonably known and are measurable with reasonable accuracy. ~~[If such a statement is filed by a PAR carrier, it must include all increases or decreases in revenue and expenses which may occur within 180 days after the date on which its general rate application is filed with the Commission if such expected changes in circumstances are reasonably known and are measurable with reasonable accuracy.]~~ If a public utility submits such a statement, the public utility has the burden of proving that the expected changes in circumstances set forth in the statement are reasonably known and are measurable with reasonable accuracy. ***The Commission shall consider expected changes in circumstances to be reasonably known and measurable with reasonable accuracy if the expected changes in circumstances consist of specific and identifiable events or programs rather than general trends, patterns or developments, have an objectively high probability of occurring to the degree, in the amount and at the time expected, are primarily measurable by recorded or verifiable revenues and expenses and are easily and objectively calculated, with the calculation of the expected changes relying***

only secondarily on estimates, forecasts, projections or budgets. If the Commission determines that the public utility has met its burden of proof:

(a) The Commission shall consider the statement submitted pursuant to this subsection and evidence relevant to the statement ***, including all reasonable projected or forecasted offsets in revenue and expenses that are directly attributable to or associated with the expected changes in circumstances under consideration,*** in addition to the statement required pursuant to subsection 3 as evidence in establishing just and reasonable rates for the public utility; and

(b) The public utility is not required to file with the Commission the certification that would otherwise be required pursuant to subsection 3.

5. If a public utility files with the Commission an application to make changes in any schedule and the Commission does not issue a final written order regarding the proposed changes within the time required by this section, the proposed changes shall be deemed to be approved by the Commission.

6. If a public utility files with the Commission a general rate application, the public utility shall not file with the Commission another general rate application until all pending general rate applications filed by that public utility have been decided by the Commission unless, after application and hearing, the Commission determines that a substantial financial emergency would exist if the public utility is not permitted to file another general rate application sooner. The provisions of this subsection do not prohibit the public utility from filing with the Commission, while a general rate application is pending, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale pursuant to subsection 7 or an application to clear its deferred accounts pursuant to subsection 9, if the public utility is otherwise authorized by those provisions to file such an application.

7. A public utility may file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale once every 30 days. The provisions of this subsection do not apply to:

(a) An electric utility using deferred accounting pursuant to NRS 704.187; or

(b) A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8.

8. A public utility which purchases natural gas for resale must request approval from the Commission to adjust its rates on a quarterly basis between annual rate adjustment applications based on changes in the public utility's recorded costs of natural gas purchased for resale. If the Commission approves such a request:

(a) The public utility shall file written notice with the Commission before the public utility makes a quarterly rate adjustment between annual rate adjustment applications. A quarterly rate adjustment is not subject to the

requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The public utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill. The public utility shall begin providing such written notice to its customers not later than 30 days after the date on which the public utility files its written notice with the Commission pursuant to paragraph (a). The written notice that is included with a customer's regular monthly bill:

(1) Must be printed separately on fluorescent-colored paper and must not be attached to the pages of the bill; and

(2) Must include the following:

(I) The total amount of the increase or decrease in the public utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission; and

(IV) Any other information required by the Commission.

(c) The public utility shall file an annual rate adjustment application with the Commission. The annual rate adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual rate adjustment application must include a review of each quarterly rate adjustment and a review of the transactions and recorded costs of natural gas included in each quarterly rate adjustment and the annual rate adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the public utility to recover any recorded costs of natural gas which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the public utility, and the Commission shall order the public utility to adjust its rates if the Commission determines that any recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application were not reasonable or prudent.

9. Except as otherwise provided in subsection 10 and subsection 5 of NRS 704.100, if an electric utility using deferred accounting pursuant to NRS 704.187 files an application to clear its deferred accounts and to change

one or more of its rates based upon changes in the costs for purchased fuel or purchased power, the Commission, after a public hearing and by an appropriate order:

(a) Shall allow the electric utility to clear its deferred accounts by refunding any credit balance or recovering any debit balance over a period not to exceed 3 years, as determined by the Commission.

(b) Shall not allow the electric utility to recover any debit balance, or portion thereof, in an amount that would result in a rate of return during the period of recovery that exceeds the rate of return authorized by the Commission in the most recently completed rate proceeding for the electric utility.

10. Before allowing an electric utility to clear its deferred accounts pursuant to subsection 9, the Commission shall determine whether the costs for purchased fuel and purchased power that the electric utility recorded in its deferred accounts are recoverable and whether the revenues that the electric utility collected from customers in this State for purchased fuel and purchased power are properly recorded and credited in its deferred accounts. The Commission shall not allow the electric utility to recover any costs for purchased fuel and purchased power that were the result of any practice or transaction that was undertaken, managed or performed imprudently by the electric utility.

11. If an electric utility files an application to clear its deferred accounts pursuant to subsection 9 while a general rate application is pending, the electric utility shall:

(a) Submit with its application to clear its deferred accounts information relating to the cost of service and rate design; and

(b) Supplement its general rate application with the same information, if such information was not submitted with the general rate application.

12. A utility facility identified in a 3-year plan submitted pursuant to NRS 704.741 and accepted by the Commission for acquisition or construction pursuant to NRS 704.751 and the regulations adopted pursuant thereto shall be deemed to be a prudent investment. The utility may recover all just and reasonable costs of planning and constructing such a facility.

13. ~~[A PAR carrier may, in accordance with this section and NRS 704.100, file with the Commission a request to approve or change any schedule to provide volume or duration discounts to rates for telecommunication service for an offering made to all or any class of business customers. The Commission may conduct a hearing relating to the request, which must occur within 45 days after the date the request is filed with the Commission. The request and schedule shall be deemed approved if the request and schedule are not disapproved by the Commission within 60 days after the date the Commission receives the request.~~

~~14.]~~ As used in this section:

(a) "Electric utility" has the meaning ascribed to it in NRS 704.187.

(b) "Electric utility that primarily serves densely populated counties" has the meaning ascribed to it in NRS 704.187.

(c) "Electric utility that primarily serves less densely populated counties" has the meaning ascribed to it in NRS 704.187.

~~[(d) "PAR carrier" has the meaning ascribed to it in NRS 704.68942.]~~

Sec. 3. NRS 704B.210 is hereby ~~[repealed.]~~ **amended to read as follows:**

704B.210 ~~[Not]~~ ***The Commission shall, not*** later than ~~[30]~~ ***2 business*** days after ~~[the end of each calendar quarter, the Commission shall]~~ ***receiving a request in writing from the Legislative Commission,*** submit to the Legislative Commission a written report which summarizes for ~~[that calendar quarter:]~~ ***the period requested by the Legislative Commission:***

1. Each application which was filed with the Commission pursuant to the provisions of this chapter and which requested approval of a proposed transaction between an eligible customer and a provider of new electric resources;

2. The information that the eligible customer included with the application;

3. The findings of the Commission concerning the effect of the proposed transaction on the public interest; and

4. Whether the Commission approved the application and, if so, the effective date of the proposed transaction, the terms and conditions of the proposed transaction, and the terms, conditions and payments ordered by the Commission.

Sec. 4. This act becomes effective on July 1, 2007.

~~[~~

~~TEXT OF REPEALED SECTION~~

~~704B.210 Submission of report to Legislative Commission. Not later than 30 days after the end of each calendar quarter, the Commission shall submit to the Legislative Commission a written report which summarizes for that calendar quarter:~~

~~1. Each application which was filed with the Commission pursuant to the provisions of this chapter and which requested approval of a proposed transaction between an eligible customer and a provider of new electric resources;~~

~~2. The information that the eligible customer included with the application;~~

~~3. The findings of the Commission concerning the effect of the proposed transaction on the public interest; and~~

~~4. Whether the Commission approved the application and, if so, the effective date of the proposed transaction, the terms and conditions of the proposed transaction, and the terms, conditions and payments ordered by the Commission.]~~

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 143.

Bill read second time.

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

Amendment No. 106.

AN ACT relating to the Commission on Ethics; ***requiring the Commission to render certain opinions within a certain period;*** increasing the time within which the Executive Director of the Commission ~~[on Ethics]~~ is required to complete his investigation of the facts and circumstances relating to ~~[a request]~~ ***certain requests*** for an opinion; requiring the Commission to disclose the general status of ***such*** a request for an opinion to the person who made the request; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a public officer or employee to request from the Commission on Ethics an opinion interpreting the statutory ethical standards and applying those standards to a particular set of facts and circumstances which directly relate to the propriety of his own past, present or future conduct as an officer or employee. (NRS 281.511) This bill requires the Commission to render the opinion within 45 days after receiving the request.

Existing law ***also*** authorizes ~~[a person]~~ ***certain other persons*** to request from the Commission ~~[on Ethics]~~ an opinion interpreting the statutory ethical standards and applying those standards to a particular set of facts and circumstances. Upon receipt of such a request, the Executive Director of the Commission must investigate the facts and circumstances relating to the request and determine whether there is just and sufficient cause for the Commission to render an opinion in the matter. The Executive Director has 45 days after the receipt of the request to investigate and present his recommendation to a panel of the Commission. (NRS 281.511) This bill increases from 45 days to ~~[1 year]~~ ***120 days*** the period given the Executive Director to make his investigation and present his recommendation to a panel of the Commission. This bill also requires the Commission to disclose the general status of ***such*** a request for an opinion to the person who made the request.

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

Section 1. NRS 281.511 is hereby amended to read as follows:

281.511 1. The Commission shall render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances ~~[upon]~~ ***within 45 days after receiving a*** request, on a form

prescribed by the Commission, from a public officer or employee who is seeking guidance on questions which directly relate to the propriety of his own past, present or future conduct as an officer or employee. He may also request the Commission to hold a public hearing regarding the requested opinion. If a requested opinion relates to the propriety of his own present or future conduct, the opinion of the Commission is:

(a) Binding upon the requester as to his future conduct; and

(b) Final and subject to judicial review pursuant to NRS 233B.130, except that a proceeding regarding this review must be held in closed court without admittance of persons other than those necessary to the proceeding, unless this right to confidential proceedings is waived by the requester.

2. The Commission may render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances:

(a) Upon request from a specialized or local ethics committee.

(b) Except as otherwise provided in this subsection, upon request from a person, if the requester submits:

(1) The request on a form prescribed by the Commission; and

(2) All related evidence deemed necessary by the Executive Director and the panel to make a determination of whether there is just and sufficient cause to render an opinion in the matter.

(c) Upon the Commission's own motion regarding the propriety of conduct by a public officer or employee. The Commission shall not initiate proceedings pursuant to this paragraph based solely upon an anonymous complaint.

➥ The Commission shall not render an opinion interpreting the statutory ethical standards or apply those standards to a given set of facts and circumstances if the request is submitted by a person who is incarcerated in a correctional facility in this State.

3. Upon receipt of a request for an opinion by the Commission or upon the motion of the Commission pursuant to subsection 2, the Executive Director shall investigate the facts and circumstances relating to the request to determine whether there is just and sufficient cause for the Commission to render an opinion in the matter. The public officer or employee that is the subject of the request may submit to the Executive Director any information relevant to the request. The Executive Director shall complete an investigation and present his recommendation relating to just and sufficient cause to the panel within ~~[45 days]~~ ~~[1 year]~~ ***120 days*** after the receipt of or the motion of the Commission for the request, unless the public officer or employee waives this time limit. If the Executive Director determines after an investigation that just and sufficient cause exists for the Commission to render an opinion in the matter, he shall state such a recommendation in writing, including, without limitation, the specific evidence that supports his recommendation. If, after an investigation, the Executive Director does not determine that just and sufficient cause exists for the Commission to render

an opinion in the matter, he shall state such a recommendation in writing, including, without limitation, the specific reasons for his recommendation. Within 15 days after the Executive Director has provided his recommendation in the matter to the panel, the panel shall make a final determination regarding whether just and sufficient cause exists for the Commission to render an opinion in the matter, unless the public officer or employee waives this time limit. The panel shall not determine that there is just and sufficient cause for the Commission to render an opinion unless the panel has provided the public officer or employee an opportunity to respond to the allegations against him. The panel shall cause a record of its proceedings in each matter to be kept, and such a record must remain confidential until the panel determines whether there is just and sufficient cause for the Commission to render an opinion in the matter.

4. If the panel determines that just and sufficient cause exists for the Commission to render an opinion requested pursuant to this section, the Commission shall hold a hearing and render an opinion in the matter within 30 days after the determination of just and sufficient cause by the panel, unless the public officer or employee waives this time limit.

5. Each request for an opinion that a public officer or employee submits to the Commission pursuant to subsection 1, each opinion rendered by the Commission in response to such a request and any motion, determination, evidence or record of a hearing relating to such a request are confidential unless the public officer or employee who requested the opinion:

(a) Acts in contravention of the opinion, in which case the Commission may disclose the request for the opinion, the contents of the opinion and any motion, evidence or record of a hearing related thereto;

(b) Discloses the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto; or

(c) Requests the Commission to disclose the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto.

6. Except as otherwise provided in this subsection, each document in the possession of the Commission or its staff that is related to a request for an opinion regarding a public officer or employee submitted to or initiated by the Commission pursuant to subsection 2, including, without limitation, the Commission's copy of the request and all materials and information gathered in an investigation of the request, is confidential until the panel determines whether there is just and sufficient cause to render an opinion in the matter. The public officer or employee who is the subject of a request for an opinion submitted or initiated pursuant to subsection 2 may in writing authorize the Commission to make its files, material and information which are related to the request publicly available.

7. Except as otherwise provided in paragraphs (a) and (b), the proceedings of a panel are confidential until the panel determines whether there is just and sufficient cause to render an opinion. A person who:

(a) Requests an opinion from the Commission pursuant to paragraph (b) of subsection 2 may:

(1) At any time, reveal to a third party the alleged conduct of a public officer or employee underlying the request that he filed with the Commission or the substance of testimony, if any, that he gave before the Commission.

(2) After the panel determines whether there is just and sufficient cause to render an opinion in the matter, reveal to a third party the fact that he requested an opinion from the Commission.

(b) Gives testimony before the Commission may:

(1) At any time, reveal to a third party the substance of testimony that he gave before the Commission.

(2) After the panel determines whether there is just and sufficient cause to render an opinion in the matter, reveal to a third party the fact that he gave testimony before the Commission.

8. ***The Commission shall disclose to a person who requests an opinion from the Commission pursuant to paragraph (b) of subsection 2 the general status of his request, including, without limitation, whether the request has been received and an abbreviated summary of the actions that the Commission is taking with regard to the request. The provisions of this subsection do not require the Commission, its officers or members to provide, and do not authorize or entitle a person requesting an opinion to obtain:***

(a) Personally identifying information concerning a person other than the requester of the opinion;

(b) Information that is confidential;

(c) Information that is otherwise protected from disclosure by any other provision of federal or state law; or

(d) Information the release of which, as determined by the Executive Director, would interfere with:

(1) The ability of the Executive Director to conduct an investigation;

(2) The ability of a panel to determine whether there is just and sufficient cause for the Commission to render an opinion; or

(3) The ability of the Commission to render an opinion.

9. Whenever the Commission holds a hearing pursuant to this section, the Commission shall:

(a) Notify the person about whom the opinion was requested of the place and time of the Commission's hearing on the matter;

(b) Allow the person to be represented by counsel; and

(c) Allow the person to hear the evidence presented to the Commission and to respond and present evidence on his own behalf.

➥ The Commission's hearing may be held no sooner than 10 days after the notice is given unless the person agrees to a shorter time.

~~[9.]~~ ***10.*** If a person who is not a party to a hearing before the Commission, including, without limitation, a person who has requested an opinion pursuant to paragraph (a) or (b) of subsection 2, wishes to ask a

question of a witness at the hearing, the person must submit the question to the Executive Director in writing. The Executive Director may submit the question to the Commission if he deems the question relevant and appropriate. This subsection does not require the Commission to ask any question submitted by a person who is not a party to the proceeding.

~~[10.]~~ ***11.*** If a person who requests an opinion pursuant to subsection 1 or 2 does not:

(a) Submit all necessary information to the Commission; and

(b) Declare by oath or affirmation that he will testify truthfully,

➥ the Commission may decline to render an opinion.

~~[11.]~~ ***12.*** For good cause shown, the Commission may take testimony from a person by telephone or video conference.

~~[12.]~~ ***13.*** For the purposes of NRS 41.032, the members of the Commission and its employees shall be deemed to be exercising or performing a discretionary function or duty when taking an action related to the rendering of an opinion pursuant to this section.

~~[13.]~~ ***14.*** A meeting or hearing that the Commission or the panel holds to receive information or evidence concerning the propriety of the conduct of a public officer or employee pursuant to this section and the deliberations of the Commission and the panel on such information or evidence are not subject to the provisions of chapter 241 of NRS.

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

Assemblywoman Koivisto moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 144.

Bill read second time and ordered to third reading.

Assembly Bill No. 165.

Bill read second time.

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

Amendment No. 215.

SUMMARY—Creates the Justice Assistance Grant Trust ~~[Fund]~~ **Account** in the State ~~[Treasury.]~~ **General Fund**. (BDR 43-1083)

AN ACT relating to public safety; creating the Justice Assistance Grant Trust ~~[Fund]~~ **Account** in the State ~~[Treasury;]~~ **General Fund**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law establishes the Edward Byrne Memorial Justice Assistance Grant Program. (42 U.S.C. §§ 3750 et seq.) The grant program authorizes the Attorney General of the United States to make grants of money to states to provide additional personnel, equipment, supplies, contractual support, training, technical assistance and information systems for criminal justice. (42 U.S.C. § 3751) The grant program also requires each

state to establish a trust fund in which to deposit money received by the state from the grant program. (42 U.S.C. § 3757) This bill, in compliance with federal law, establishes such a trust ~~[fund]~~ **account** for all money received by the State of Nevada from the Grant Program.

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

Section 1. Chapter 480 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Justice Assistance Grant Trust ~~[Fund]~~ ***Account is hereby created in the State*** ~~[Treasury.]~~ ***General Fund. All money received by the State of Nevada pursuant to the Edward Byrne Memorial Justice Assistance Grant Program, 42 U.S.C. §§ 3750 et seq., must be deposited in the Trust*** ~~[Fund.]~~ ***Account.***

2. The Director shall administer the Trust ~~[Fund.]~~ ***Account.***

3. The money in the Trust ~~[Fund]~~ ***Account may only be expended in accordance with the provisions of the Edward Byrne Memorial Justice Assistance Grant Program, 42 U.S.C. §§ 3750 et seq., and any regulations adopted pursuant thereto.***

4. The interest and income earned on the money in the Trust ~~[Fund,]~~ ***Account, after deducting any applicable charges, must be credited to the Trust*** ~~[Fund.]~~ ***Account.***

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

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 195.

Bill read second time.

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

Amendment No. 138.

AN ACT relating to property; revising the provisions relating to the conversion of a common-interest community; requiring a landlord to provide copies of written rental agreements; revising the provisions relating to the required disclosure of the names and addresses of managers and owners; providing that a dwelling unit is not habitable if it violates ~~[building,]~~ **certain provisions of** housing or health codes; revising provisions relating to the enforceability of an adopted rule or regulation governing a rental agreement; making changes to the provisions relating to a tenant's remedies under certain circumstances; making various other changes relating to residential landlords and tenants; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain requirements for notification of residential tenants and subtenants relating to the conversion of a common-interest

community. (NRS 116.4112) Section 1 of this bill establishes a rebuttable presumption of an intent by the owner to evade such notice requirements if a declaration of conversion is filed within 6 months after a tenant is evicted. Section 1 also provides that a tenant retains his right to receive an offer to convey the unit and to recover damages if he was unlawfully evicted before the declaration was filed.

Existing law sets forth certain requirements relating to a written rental agreement. (NRS 118A.200) Section 2 of this bill requires a landlord to provide to the tenant one free copy of any written agreement entered into by the tenant and landlord. Section 2 also requires a landlord to provide additional copies of any such agreement upon request by the tenant within a reasonable time and for a reasonable fee.

Existing law requires a landlord to disclose the name and address of managers and owners and provides that service of process in any action may be made upon the manager of the property. (118A.260) Section 3 of this bill requires a landlord to provide an address in Nevada for a person authorized to act for and on behalf of the landlord for service of process. Section 3 also allows service of process to be made upon certain persons in addition to the manager. Section 4 of this bill provides that a dwelling unit is not habitable if it violates ~~[any building,]~~ provisions of housing or health codes ~~[.]~~ **concerning the health, safety, sanitation or fitness for habitation of the dwelling unit.** (NRS 118A.290)

Existing law provides that rules and regulations adopted after a tenant enters into a rental agreement are enforceable against the tenant under certain circumstances. (NRS 118A.320) Section 5 of this bill provides **that the adoption** of such rules or regulations ~~[are enforceable before the end of the duration of the agreement only if the tenant consents in writing or if such rules or regulations must be enforced to comply with a change in law and the tenant is given advance notice of the change.]~~ **does not affect the tenant's obligation to pay rent and other charges or the tenant's right under a rental agreement to keep a pet.**

Existing law sets forth various remedies for a tenant when there is a breach of a rental agreement **or a failure by the landlord to maintain the dwelling unit in a habitable condition** and requires a tenant to give notice of such breach **or failure** to the landlord before the tenant may recover damages under certain circumstances. (NRS 118A.350, 118A.380) ~~[Section]~~ **Sections 1.5 and** 6 of this bill **separate the provisions concerning a breach of a rental agreement from the provisions concerning a landlord's failure to maintain a dwelling unit in a habitable condition** ~~[allows]~~ **and allow** a tenant to withhold rent when there is a breach if he gives notice of such breach to the landlord. Sections **1.5,** 6 and 7 of this bill also allow a tenant to withhold rent without giving such notice if the landlord has received a notice of the condition constituting the breach **or failure** from a governmental agency and the landlord fails to remedy or attempt in good faith to remedy the breach or failure within a specified time. ~~[Sections 6 and 7 further~~

~~provide~~] **Section 6 further provides that** a tenant's failure to give notice of a breach does not affect the tenant's ability to recover damages for a violation of the rental agreement.

Existing law provides that a tenant is guilty of an unlawful detainer if he suffers, permits or maintains on or about the premises any nuisance. (NRS 40.2514) Section 8 of this bill requires that such a nuisance must consist of [~~persistent~~] conduct or an ongoing condition that obstructs the free use of property and causes injury and damage for the nuisance to evidence guilt of an unlawful detainer.

Section 9 of this bill makes a technical correction to an internal reference to a statute.

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

Section 1. NRS 116.4112 is hereby amended to read as follows:

116.4112 1. A declarant of a common-interest community containing converted buildings, and any dealer who intends to offer units in such a common-interest community, shall give each of the residential tenants and any residential subtenant in possession of a portion of a converted building notice of the conversion and provide those persons with the public offering statement no later than 120 days before the tenants and any subtenant in possession are required to vacate. The notice must set forth generally the rights of tenants and subtenants under this section and must be hand-delivered to the unit or mailed by prepaid United States mail to the tenant and subtenant at the address of the unit or any other mailing address provided by a tenant. No tenant or subtenant may be required to vacate upon less than 120 days' notice, except by reason of nonpayment of rent, waste or conduct that disturbs other tenants' peaceful enjoyment of the premises, and the terms of the tenancy may not be altered during that period. Failure to give notice as required by this section is a defense to an action for possession.

2. For 60 days after delivery or mailing of the notice described in subsection 1, the person required to give the notice shall offer to convey each unit or proposed unit occupied for residential use to the tenant who leases that unit. If a tenant fails to purchase the unit during that 60-day period, the offeror may not offer to dispose of an interest in that unit during the following 180 days at a price or on terms more favorable to the offeree than the price or terms offered to the tenant. This subsection does not apply to any unit in a converted building if that unit will be restricted exclusively to nonresidential use or the boundaries of the converted unit do not substantially conform to the dimensions of the residential unit before conversion.

3. If a seller, in violation of subsection 2, conveys a unit to a purchaser for value who has no knowledge of the violation, the recordation of the deed conveying the unit or, in a cooperative, the conveyance of the unit, extinguishes any right a tenant may have under subsection 2 to purchase that unit if the deed states that the seller has complied with subsection 2, but the

conveyance does not affect the right of a tenant to recover damages from the seller for a violation of subsection 2.

4. If a notice of conversion specifies a date by which a unit or proposed unit must be vacated and otherwise complies with the provisions of NRS 40.251 and 40.280, the notice also constitutes a notice to vacate specified by those sections.

5. This section does not permit termination of a lease by a declarant in violation of its terms.

6. A purchaser shall not evade the provisions of this section by evicting a tenant other than for cause, including the nonpayment of rent, and subsequently recording a declaration pursuant to NRS 116.2101. A declaration that is filed within 6 months of removing a tenant pursuant to NRS 40.255 creates a rebuttable presumption of an intent to evade the provisions of this section which may only be overcome by clear and convincing evidence that the owner did not intend to convert at the time of the notice. A tenant evicted in violation of this subsection:

(a) Retains the right to receive an offer to convey the unit occupied by the tenant pursuant to subsection 2 for 60 days after the declaration; and

(b) May recover damages pursuant to NRS 116.4117.

Sec. 1.5. **Chapter 118A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in this chapter, if a landlord fails to maintain a dwelling unit in a habitable condition as required by this chapter, the tenant may deliver a written notice to the landlord specifying each failure by the landlord to maintain the dwelling unit in a habitable condition and requesting that the landlord remedy the failures. If a failure is remediable and the landlord adequately remedies the failure or uses his best efforts to remedy the failure within 14 days after receipt of the notice, the tenant may not proceed under this section. If the landlord fails to remedy a material failure to maintain the dwelling unit in a habitable condition or to make a reasonable effort to do so within the prescribed time, the tenant may:

(a) Terminate the rental agreement immediately.

(b) Recover actual damages.

(c) Apply to the court for such relief as the court deems proper under the circumstances.

(d) Withhold any rent that becomes due without incurring late fees, charges for notice or any other charge or fee authorized by this chapter or the rental agreement until the landlord has remedied, or has attempted in good faith to remedy, the failure.

2. The tenant may not proceed under this section:

(a) For a condition caused by his own deliberate or negligent act or omission or that of a member of his household or other person on the premises with his consent; or

(b) If the landlord's inability adequately to remedy the failure or use his best efforts to remedy the failure within 14 days is due to the tenant's refusal to allow lawful access to the dwelling unit as required by the rental agreement or this chapter.

3. If the rental agreement is terminated, the landlord shall return all prepaid rent and security recoverable by the tenant under this chapter.

4. A tenant may not proceed under this section unless he has given notice as required by subsection 1, except that the tenant may, without giving that notice:

(a) Recover damages under paragraph (b) of subsection 1 if the landlord:

(1) Admits to the court that he had knowledge of the condition constituting the failure to maintain the dwelling in a habitable condition; or

(2) Has received written notice of that condition from a governmental agency authorized to inspect for violations of building, housing or health codes.

(b) Withhold rent under paragraph (d) of subsection 1 if the landlord:

(1) Has received written notice of the condition constituting the failure to maintain the dwelling in a habitable condition from a governmental agency authorized to inspect for violations of building, housing or health codes; and

(2) Fails to remedy or attempt in good faith to remedy the failure within the time prescribed in the written notice of that condition from the governmental agency.

Sec. 2. NRS 118A.200 is hereby amended to read as follows:

118A.200 1. Any written agreement for the use and occupancy of a dwelling unit or premises must be signed by the landlord or his agent and the tenant or his agent.

2. ***The landlord shall provide one copy of any written agreement described in subsection 1 to the tenant free of cost at the time the agreement is executed and, upon request of the tenant, provide additional copies of any such agreement to the tenant within a reasonable time. The landlord may charge a reasonable fee for providing the additional copies.***

3. Any written rental agreement must contain, but is not limited to, provisions relating to the following subjects:

(a) Duration of the agreement.

(b) Amount of rent and the manner and time of its payment.

(c) Occupancy by children or pets.

(d) Services included with the dwelling rental.

(e) Fees which are required and the purposes for which they are required.

(f) Deposits which are required and the conditions for their refund.

(g) Charges which may be required for late or partial payment of rent or for return of any dishonored check.

(h) Inspection rights of the landlord.

(i) A listing of persons or numbers of persons who are to occupy the dwelling.

(j) Respective responsibilities of the landlord and the tenant as to the payment of utility charges.

(k) A signed record of the inventory and condition of the premises under the exclusive custody and control of the tenant.

(l) A summary of the provisions of NRS 202.470.

(m) Information regarding the procedure pursuant to which a tenant may report to the appropriate authorities:

(1) A nuisance.

(2) A violation of a building, safety or health code or regulation.

(n) Information regarding the right of the tenant to engage in the display of the flag of the United States, as set forth in NRS 118A.325.

~~[3.]~~ ***4.*** The absence of a written agreement raises a disputable presumption that:

(a) There are no restrictions on occupancy by children or pets.

(b) Maintenance and waste removal services are provided without charge to the tenant.

(c) No charges for partial or late payments of rent or for dishonored checks are paid by the tenant.

(d) Other than normal wear, the premises will be returned in the same condition as when the tenancy began.

~~[4.]~~ ***5.*** It is unlawful for a landlord or any person authorized to enter into a rental agreement on his behalf to use any written agreement which does not conform to the provisions of this section, and any provision in an agreement which contravenes the provisions of this section is void.

Sec. 3. NRS 118A.260 is hereby amended to read as follows:

118A.260 1. The landlord, or any person authorized to enter into a rental agreement on his behalf, shall disclose to the tenant in writing at or before the commencement of the tenancy:

(a) The name and address of:

(1) The persons authorized to manage the premises;

(2) A person ***within this State*** authorized to act for and on behalf of the landlord for the purpose of service of process and receiving notices and demands; and

(3) The principal or corporate owner.

(b) A telephone number at which a responsible person who resides in the county or within 60 miles of where the premises are located may be called in case of emergency.

2. The information required to be furnished by this section must be kept current, and this section is enforceable against any successor landlord or manager of the premises.

3. A party who enters into a rental agreement on behalf of the landlord and fails to comply with this section is an agent of the landlord for purposes of:

(a) Service of process and receiving notices and demands; and

(b) Performing the obligations of the landlord under law and under the rental agreement.

4. In any action against a landlord which involves his rental property, service of process upon the manager of the property ***or a person described in paragraph (a) of subsection 1*** shall be deemed to be service upon the landlord. The obligations of the landlord devolve upon the persons authorized to enter into a rental agreement on his behalf.

5. This section does not limit or remove the liability of an undisclosed landlord.

Sec. 4. NRS 118A.290 is hereby amended to read as follows:

118A.290 1. The landlord shall at all times during the tenancy maintain the dwelling unit in a habitable condition. A dwelling unit is not habitable ***if it violates*** ~~[building,]~~ ***provisions of housing or health codes concerning the health, safety, sanitation or fitness for habitation of the dwelling unit or*** if it substantially lacks:

(a) Effective waterproofing and weather protection of the roof and exterior walls, including windows and doors.

(b) Plumbing facilities which conformed to applicable law when installed and which are maintained in good working order.

(c) A water supply approved under applicable law, which is:

(1) Under the control of the tenant or landlord and is capable of producing hot and cold running water;

(2) Furnished to appropriate fixtures; and

(3) Connected to a sewage disposal system approved under applicable law and maintained in good working order to the extent that the system can be controlled by the landlord.

(d) Adequate heating facilities which conformed to applicable law when installed and are maintained in good working order.

(e) Electrical lighting, outlets, wiring and electrical equipment which conformed to applicable law when installed and are maintained in good working order.

(f) An adequate number of appropriate receptacles for garbage and rubbish in clean condition and good repair at the commencement of the tenancy. The landlord shall arrange for the removal of garbage and rubbish from the premises unless the parties by written agreement provide otherwise.

(g) Building, grounds, appurtenances and all other areas under the landlord's control at the time of the commencement of the tenancy in every part clean, sanitary and reasonably free from all accumulations of debris, filth, rubbish, garbage, rodents, insects and vermin.

(h) Floors, walls, ceilings, stairways and railings maintained in good repair.

(i) Ventilating, air-conditioning and other facilities and appliances, including elevators, maintained in good repair if supplied or required to be supplied by the landlord.

2. The landlord and tenant may agree that the tenant is to perform specified repairs, maintenance tasks and minor remodeling only if:

(a) The agreement of the parties is entered into in good faith; and

(b) The agreement does not diminish the obligations of the landlord to other tenants in the premises.

3. An agreement pursuant to subsection 2 is not entered into in good faith if the landlord has a duty under subsection 1 to perform the specified repairs, maintenance tasks or minor remodeling and the tenant enters into the agreement because the landlord or his agent has refused to perform them.

Sec. 5. NRS 118A.320 is hereby amended to read as follows:

118A.320 1. The landlord, from time to time, may adopt rules or regulations concerning the tenant's use and occupancy of the premises. Such a rule or regulation is enforceable against the tenant only if:

(a) Its purpose is to promote the convenience, safety or welfare of the landlord or tenants in the premises, preserve the landlord's property from abusive use or make a fair distribution of services and facilities held out for the tenants generally;

(b) It is reasonably related to the purpose for which it is adopted;

(c) It applies to all tenants in the premises in a fair manner;

(d) It is sufficiently explicit in its prohibition, direction or limitation of the tenant's conduct fairly to inform the tenant of what must or must not be done to comply;

(e) It is in good faith and not for the purpose of evading an obligation of the landlord; ~~[and]~~

(f) ***It does not affect the tenant's obligation to pay rent, utilities or other charges;***

(g) It does not affect, before the end of the duration of the rental agreement, any right the tenant may have under the rental agreement to keep a pet; and

(h) The tenant has notice of the rule or regulation at the time he enters into the rental agreement or after the rule or regulation is adopted by the landlord.

2. A rule or regulation adopted after the tenant enters into the rental agreement which works a material modification of the bargain is enforceable against a tenant :

(a) Who ~~[before the end of the duration of the rental agreement only if:~~

~~(a) The tenant]~~ expressly consents to ~~[it]~~ ***the rule or regulation*** in writing; or

(b) Who ~~[The rule or regulation must be enforced to comply with a change in the law that becomes effective during the duration of the rental agreement and the tenant]~~ has 30 days' advance written notice of ~~[it.]~~ ***the rule or regulation.***

Sec. 6. NRS 118A.350 is hereby amended to read as follows:

118A.350 1. Except as otherwise provided in this chapter, if the landlord fails to comply with the rental agreement , ~~[or fails to maintain the dwelling unit in a habitable condition as required by this chapter,]~~ the tenant

shall deliver a written notice to the landlord specifying the acts and omissions constituting the breach and stating that the rental agreement will terminate as provided in this section. If the breach is remediable and the landlord adequately remedies the breach or uses his best efforts to remedy the breach within 14 days after receipt of the notice, the rental agreement does not terminate by reason of the breach. If the landlord fails to remedy the breach or make a reasonable effort to do so within the prescribed time, the tenant may:

(a) Terminate the rental agreement immediately.

(b) Recover actual damages.

(c) Apply to the court for such relief as the court deems proper under the circumstances.

(d) Withhold any rent that becomes due without incurring late fees, charges for notice or any other charge or fee authorized by this chapter or the rental agreement, until the landlord has attempted in good faith to remedy the breach.

2. The tenant may not terminate ***the rental agreement*** for a condition caused by his own deliberate or negligent act or omission or that of a member of his household or other person on the premises with his consent.

3. If the rental agreement is terminated, the landlord shall return all prepaid rent and security recoverable by the tenant under this chapter.

4. A tenant may not proceed under this section unless he has given notice as required by subsection 1, except that the tenant may, without giving that notice ~~[, recover]~~ ***:***

(a) Recover damages under paragraph (b) of subsection 1 if the landlord:

~~[(a)]~~ ***(1)*** Admits to the court that he had knowledge of the condition constituting the breach; or

~~[(b)]~~ ***(2)*** Has received written notice of that condition from a governmental agency authorized to inspect for violations of building, housing or health codes.

(b) Withhold rent under paragraph (d) of subsection 1 if the landlord:

(1) Has received written notice of the condition constituting the breach from a governmental agency authorized to inspect for violations of building, housing or health codes; and

(2) Fails to remedy or attempt in good faith to remedy the breach within the time prescribed in the written notice of that condition from the governmental agency.

5. A tenant's failure to give notice as required by subsection 1 does not affect a tenant's ability to recover damages for a violation of the rental agreement.

Sec. 7. NRS 118A.380 is hereby amended to read as follows:

118A.380 1. If the landlord is required by the rental agreement or this chapter to supply heat, air-conditioning, running water, hot water, electricity, gas, or another essential service and he willfully or negligently fails to do so, causing the premises to become unfit for habitation, the tenant shall give

written notice to the landlord specifying the breach. If the landlord does not adequately remedy the breach, or use his best efforts to remedy the breach within 48 hours, except a Saturday, Sunday or legal holiday, after it is received by the landlord, the tenant may, in addition to any other remedy:

(a) Procure reasonable amounts of such essential services during the landlord's noncompliance and deduct their actual and reasonable cost from the rent;

(b) Recover actual damages, including damages based upon the lack of use of the premises or the diminution of the fair rental value of the dwelling unit;

(c) Withhold any rent that becomes due during the landlord's noncompliance without incurring late fees, charges for notice or any other charge or fee authorized by this chapter or the rental agreement, until the landlord has attempted in good faith to restore the essential services; or

(d) Procure other housing which is comparable during the landlord's noncompliance, and the rent for the original premises fully abates during this period. The tenant may recover the actual and reasonable cost of that other housing which is in excess of the amount of rent which is abated.

2. If the tenant proceeds under this section, he may not proceed under NRS 118A.350 and 118A.360 as to that breach.

3. The rights of the tenant under this section do not arise until he has given written notice as required by subsection 1, except that the tenant may, without having given that notice ~~[, recover]~~ ***:***

(a) Recover damages as authorized under paragraph (b) of subsection 1 if the landlord:

~~[(a)]~~ ***(1)*** Admits to the court that he had knowledge of the lack of such essential services; or

~~[(b)]~~ ***(2)*** Has received written notice of the uninhabitable condition caused by such a lack from a governmental agency authorized to inspect for violations of building, housing or health codes.

(b) Withhold rent under paragraph (c) of subsection 1 if the landlord:

(1) Has received written notice of the condition constituting the breach from a governmental agency authorized to inspect for violations of building, housing or health codes; and

(2) Fails to remedy or attempt in good faith to remedy the breach within the time prescribed in the written notice of that condition from the governmental agency.

4. The rights of the tenant under paragraph (c) of subsection 1 do not arise unless the tenant is current in the payment of rent at the time of giving written notice pursuant to subsection 1.

5. If such a condition was caused by the deliberate or negligent act or omission of the tenant, a member of his household or other person on the premises with his consent, the tenant has no rights under this section.

~~[6. A tenant's failure to give notice as required by subsection 1 does not affect a tenant's ability to recover damages for a violation of the rental agreement.]~~

Sec. 8. NRS 40.2514 is hereby amended to read as follows:

40.2514 A tenant of real property or a mobile home for a term less than life is guilty of an unlawful detainer when he:

1. Assigns or sublets the leased premises contrary to the covenants of the lease;

2. Commits or permits waste thereon;

3. Sets up or carries on therein or thereon any unlawful business;

4. Suffers, permits or maintains on or about the premises any nuisance ~~[,]~~ ***that consists of*** ~~[persistent]~~ ***conduct or an ongoing condition which constitutes an unreasonable obstruction to the free use of property and causes injury and damage to other tenants or occupants of that property or adjacent buildings or structures;*** or

5. Violates any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, therein or thereon,

➥ and remains in possession after service upon him of 3 days' notice to quit.

Sec. 9. NRS 40.280 is hereby amended to read as follows:

40.280 1. Except as otherwise provided in NRS 40.253, the notices required by NRS 40.251 to 40.260, inclusive, may be served:

(a) By delivering a copy to the tenant personally, in the presence of a witness;

(b) If he is absent from his place of residence or from his usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the tenant at his place of residence or place of business; or

(c) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the leased property, delivering a copy to a person there residing, if the person can be found, and mailing a copy to the tenant at the place where the leased property is situated.

2. Service upon a subtenant may be made in the same manner as provided in subsection 1.

3. Before an order to remove a tenant is issued pursuant to subsection ~~[6]~~ ***5*** of NRS 40.253, a landlord shall file with the court a proof of service of any notice required by that section. Except as otherwise provided in subsection 4, this proof must consist of:

(a) A statement, signed by the tenant and a witness, acknowledging that the tenant received the notice on a specified date;

(b) A certificate of mailing issued by the United States Postal Service; or

(c) The endorsement of a sheriff, constable or other process server stating the time and manner of service.

4. If service of the notice was not delivered in person to a tenant whose rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, proof of service must include:

(a) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or his agent; or

(b) The endorsement of a sheriff or constable stating the:

(1) Time and date the request for service was made by the landlord or his agent;

(2) Time, date and manner of the service; and

(3) Fees paid for the service.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 216.

Bill read second time.

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

Amendment No. 234.

AN ACT relating to manufactured home parks; requiring a landlord who proposes to close or convert a manufactured home park to submit a resident impact statement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law describes the obligations that a landlord must meet when closing or converting a manufactured home park. (NRS 118B.177, 118B.180, 118B.183) Sections 1-4 of this bill add to those requirements by requiring the landlord to submit a resident impact statement before beginning the process of closure or conversion. Additionally, section 1 sets forth the requirements for a resident impact statement.

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

Section 1. Chapter 118B of NRS is hereby amended by adding thereto a new section to read as follows:

Before a landlord begins the process of closing or converting a manufactured home park, he shall first submit a resident impact statement to the appropriate local zoning board, planning commission or governing body. The resident impact statement must be in such form as the Division shall prescribe by regulation and must include, without limitation, the following information:

1. The ~~[names,]~~ ***addresses and corresponding manufactured home identification numbers of all tenants of the park;***

2. An analysis of replacement housing needs or requirements for the tenants; and

3. An analysis of any sites to which the homes of the tenants may be moved.

Sec. 2. NRS 118B.177 is hereby amended to read as follows:

118B.177 1. If a landlord closes a manufactured home park, or if a landlord is forced to close a manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park permanently for health or safety reasons, the landlord shall pay the amount described in subsection 2 or 3, in accordance with the choice of the tenant.

2. If the tenant chooses to move the manufactured home, the landlord shall pay to the tenant:

(a) The cost of moving each tenant's manufactured home and its appurtenances to a new location within 50 miles from the manufactured home park; or

(b) If the new location is more than 50 miles from the manufactured home park, the cost of moving the manufactured home for the first 50 miles,

➥ including fees for inspection, any deposits for connecting utilities, and the cost of taking down, moving, setting up and leveling the manufactured home and its appurtenances in the new lot or park.

3. If the tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged ~~[.]~~ or there is no manufactured home park within 50 miles that is willing to accept the manufactured home, the landlord:

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home less the reasonable cost of removing and disposing of the manufactured home.

4. Written notice of any closure must be served timely on each:

(a) Tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before he is required to move his manufactured home from the lot.

(b) Prospective tenant by:

(1) Handing each prospective tenant or his agent a copy of the written notice; and

(2) Maintaining a copy of the written notice at the entrance of the manufactured home park.

5. For the purposes of this section, the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home must be determined by:

(a) A dealer licensed pursuant to chapter 489 of NRS who is agreed upon by the landlord and tenant; or

(b) If the landlord and tenant cannot agree pursuant to paragraph (a), a dealer licensed pursuant to chapter 489 of NRS who is selected for this purpose by the Division.

6. A landlord shall not increase the rent of a tenant after notice is served on the tenant as required by subsection 4.

7. ***Before a landlord may begin the process of closing a manufactured home park, he shall submit a resident impact statement pursuant to section 1 of this act.***

8. As used in this section, "timely" means not later than 3 days after the landlord learns of a closure.

Sec. 3. NRS 118B.180 is hereby amended to read as follows:

118B.180 1. A landlord may convert an existing manufactured home park into individual manufactured home lots for sale to manufactured home owners if the change is approved by the appropriate local zoning board, planning commission or governing body. In addition to any other reasons, a landlord may apply for such approval if the landlord is forced to close the manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park for health or safety reasons.

2. The landlord may undertake a conversion pursuant to this section only if:

(a) The landlord gives notice in writing to each tenant within 5 days after he files his application for the change in land use with the local zoning board, planning commission or governing body;

(b) The landlord offers, in writing, to sell the lot to the tenant at the same price the lot will be offered to the public and holds that offer open for at least 90 days or until the landlord receives a written rejection of the offer from the tenant, whichever occurs earlier;

(c) The landlord does not sell the lot to a person other than the tenant for 90 days after the termination of the offer required pursuant to paragraph (b) at a price or on terms that are more favorable than the price or terms offered to the tenant;

(d) If a tenant does not exercise his option to purchase the lot pursuant to paragraph (b), the landlord pays:

(1) The cost of moving the tenant's manufactured home and its appurtenances to a comparable location within 50 miles from the manufactured home park; or

(2) If the new location is more than 50 miles from the manufactured home park, the cost of moving the manufactured home for the first 50 miles,

➥ including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his manufactured home and its appurtenances in the new lot or park; ~~[and]~~

(e) After the landlord is granted final approval of the change by the appropriate local zoning board, planning commission or governing body, notice in writing is served on each tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before he is required to move his manufactured home from the lot ~~[.]~~ ***; and***

(f) Before he begins the process of converting a manufactured home park, the landlord submits a resident impact statement pursuant to section 1 of this act.

3. Notice sent pursuant to paragraph (a) of subsection 2 or an offer to sell a manufactured home lot to a tenant required pursuant to paragraph (b) of subsection 2 does not constitute notice of termination of the tenancy.

4. Upon the sale of a manufactured home lot and a manufactured home which is situated on that lot, the landlord shall indicate what portion of the purchase price is for the manufactured home lot and what portion is for the manufactured home.

5. The provisions of this section do not apply to a corporate cooperative park.

Sec. 4. NRS 118B.183 is hereby amended to read as follows:

118B.183 1. A landlord may convert an existing manufactured home park to any other use of the land if the change is approved by the appropriate local zoning board, planning commission or governing body. In addition to any other reasons, a landlord may apply for such approval if the landlord is forced to close the manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park for health or safety reasons.

2. The landlord may undertake a conversion pursuant to this section only if:

(a) The landlord gives notice in writing to each tenant within 5 days after he files his application for the change in land use with the local zoning board, planning commission or governing body;

(b) The landlord pays the amount described in subsection 3 or 4, in accordance with the choice of the tenant; ~~[and]~~

(c) After the landlord is granted final approval of the change by the appropriate local zoning board, planning commission or governing body, written notice is served on each tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before he is required to move his manufactured home from the lot ~~[.]~~ ***; and***

(d) Before he begins the process of converting a manufactured home park, the landlord submits a resident impact statement pursuant to section 1 of this act.

3. If the tenant chooses to move the manufactured home, the landlord shall pay to the tenant:

(a) The cost of moving the tenant's manufactured home and its appurtenances to a new location within 50 miles from the manufactured home park; or

(b) If the new location is more than 50 miles from the manufactured home park, the cost of moving the manufactured home for the first 50 miles,

➥ including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his manufactured home and its appurtenances in the new lot or park.

4. If the tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged ~~[,]~~ or there is no manufactured home park within 50 miles that is willing to accept the manufactured home, the landlord:

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home less the reasonable cost of removing and disposing of the manufactured home.

5. A landlord shall not increase the rent of any tenant:

(a) For 180 days before filing an application for a change in land use, permit or variance affecting the manufactured home park; or

(b) At any time after filing an application for a change in land use, permit or variance affecting the manufactured home park unless:

(1) The landlord withdraws the application or the appropriate local zoning board, planning commission or governing body denies the application; and

(2) The landlord continues to operate the manufactured home park after the withdrawal or denial.

6. For the purposes of this section, the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home must be determined by:

(a) A dealer licensed pursuant to chapter 489 of NRS who is agreed upon by the landlord and tenant; or

(b) If the landlord and tenant cannot agree pursuant to paragraph (a), a dealer licensed pursuant to chapter 489 of NRS who is selected for this purpose by the Division.

7. The provisions of this section do not apply to a corporate cooperative park.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 235.

Bill read second time.

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

Amendment No. 135.

AN ACT relating to pharmacy; requiring a practitioner to include on a prescription the symptom or purpose for which a prescription drug is prescribed if requested by the patient; requiring such information to be included on the label of a prescription if requested by the patient; authorizing a practitioner to prohibit the inclusion on the label of a prescription certain information concerning the substitution of a generic drug for a drug with a brand name; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires a practitioner to include on a prescription the symptom or purpose for which the drug is prescribed if requested by the patient. Section 2 of this bill requires each pharmacy located outside Nevada that provides prescription drugs to residents of this State to include in the information it is required to report to the State Board of Pharmacy concerning each prescription, the symptom or purpose for which the drug is prescribed if ~~[that information is included on the label pursuant to the request of]~~ **requested by** the patient. Section 3 of this bill requires the symptom or purpose for which a drug is prescribed to be included on a written prescription ~~[if requested by the patient.]~~ **under certain circumstances.** Section 4 of this bill authorizes a practitioner to prohibit the inclusion on the label of a prescription certain information concerning the substitution of a generic drug for a brand name drug. Section 5 of this bill requires each label of a prescription to include the symptom or purpose for which a drug is prescribed ~~[if requested by the patient.]~~ **under certain circumstances.** Section 6 of this bill requires the symptom or purpose for which a dangerous drug is prescribed to be included on a written prescription ~~[if requested by the patient.]~~ **under certain circumstances.**

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

Section 1. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

Before issuing a prescription, a practitioner may ask the patient whether he wishes to have included on the label of the prescription the symptom or purpose for which the drug is prescribed. If the patient requests that the information be included on the label, the practitioner shall include on the prescription the symptom or purpose for which the drug is prescribed.

Sec. 2. NRS 639.23284 is hereby amended to read as follows:

639.23284 1. Every pharmacy located outside Nevada that provides mail order service to a resident of Nevada:

(a) Shall report to the Board any change of information that appears on its license and pay the fee required by regulation of the Board.

(b) Shall make available for inspection all pertinent records, reports, documents or other material or information required by the Board.

(c) As required by the Board, must be inspected by the Board or:

(1) The regulatory board or licensing authority of the state or country in which the pharmacy is located; or

(2) The Drug Enforcement Administration.

(d) As required by the Board, shall provide the following information concerning each prescription for a drug that is shipped, mailed or delivered to a resident of Nevada:

(1) The name of the patient;

(2) The name of the prescriber;

(3) The number of the prescription;

(4) The date of the prescription;

(5) The name of the drug; ~~[and]~~

(6) ***The symptom or purpose for which the drug is prescribed, if*** ~~[that information is included on the label]~~ ***requested by the patient pursuant to section 1 of this act; and***

(7) The strength and quantity of the dose.

2. In addition to complying with the requirements of subsection 1, every Canadian pharmacy which is licensed by the Board and which has been recommended by the Board pursuant to subsection 4 of NRS 639.2328 for inclusion on the Internet website established and maintained pursuant to subsection 9 of NRS 223.560 that provides mail order service to a resident of Nevada shall not sell, distribute or furnish to a resident of this State:

(a) A controlled substance;

(b) A prescription drug that has not been approved by the Federal Food and Drug Administration;

(c) A generic prescription drug that has not been approved by the Federal Food and Drug Administration;

(d) A prescription drug for which the Federal Food and Drug Administration has withdrawn or suspended its approval; or

(e) A quantity of prescription drugs at one time that includes more drugs than are prescribed to the patient as a 3-month supply of the drugs.

Sec. 3. NRS 639.2353 is hereby amended to read as follows:

639.2353 Except as otherwise provided in a regulation adopted pursuant to NRS 453.385 or 639.2357:

1. A prescription must be given:

(a) Directly from the practitioner to a pharmacist;

(b) Indirectly by means of an order signed by the practitioner;

(c) By an oral order transmitted by an agent of the practitioner; or

(d) Except as otherwise provided in subsection 5, by electronic transmission or transmission by a facsimile machine, including, without limitation, transmissions made from a facsimile machine to another facsimile machine, a computer equipped with a facsimile modem to a facsimile machine or a computer to another computer, pursuant to the regulations of the Board.

2. A written prescription must contain:

(a) Except as otherwise provided in this section, the name and signature of the practitioner, and his address if not immediately available to the pharmacist;

(b) The classification of his license;

(c) The name of the patient, and his address if not immediately available to the pharmacist;

(d) The name, strength and quantity of the drug prescribed;

(e) ***The symptom or purpose for which the drug is prescribed, if*** ~~[requested]~~ ***included by the*** ~~[patient]~~ ***practitioner pursuant to section 1 of this act;***

(f) Directions for use; and

~~[(f)]~~ ***(g)*** The date of issue.

3. The directions for use must be specific in that they indicate the portion of the body to which the medication is to be applied or, if to be taken into the body by means other than orally, the orifice or canal of the body into which the medication is to be inserted or injected.

4. Each written prescription must be written in such a manner that any registered pharmacist would be able to dispense it. A prescription must be written in Latin or English and may include any character, figure, cipher or abbreviation which is generally used by pharmacists and practitioners in the writing of prescriptions.

5. A prescription for a controlled substance must not be given by electronic transmission or transmission by a facsimile machine unless authorized by federal law.

6. A prescription that is given by electronic transmission is not required to contain the signature of the practitioner if:

(a) It contains a facsimile signature, security code or other mark that uniquely identifies the practitioner; or

(b) A voice recognition system, biometric identification technique or other security system approved by the Board is used to identify the practitioner.

Sec. 4. NRS 639.2587 is hereby amended to read as follows:

639.2587 If a generic drug is substituted for a drug prescribed by brand name, the pharmacist or practitioner:

1. Shall note the name of the manufacturer, packer or distributor of the drug actually dispensed on the prescription; and

2. ~~[May]~~ ***Unless prohibited by the practitioner, may*** indicate the substitution ***by writing or typing*** on the label ~~[by use of]~~ the words "substituted for" following the generic name and preceding the brand name of the drug.

Sec. 5. NRS 639.2801 is hereby amended to read as follows:

639.2801 Unless specified to the contrary in writing on the prescription by the prescribing practitioner, all prescriptions filled by any practitioner must be dispensed in a container to which is affixed a label or other device which clearly shows:

1. The date.

2. The name, address and prescription serial number of the practitioner who filled the prescription.

3. The names of the prescribing practitioner and of the person for whom prescribed.

4. The number of dosage units.

5. ***The symptom or purpose for which the drug is prescribed, if*** ~~[requested]~~ ***included by the*** ~~[patient]~~ ***practitioner pursuant to section 1 of this act.***

6. Specific directions for use given by the prescribing practitioner.

~~[6.]~~ ***7.*** The expiration date of the effectiveness of the drug or medicine dispensed, if that information is included on the original label of the manufacturer of that drug or medicine. If the expiration date specified by the manufacturer is not less than 1 year after the date of dispensing, the practitioner may use a date that is 1 year after the date of dispensing as the expiration date.

~~[7.]~~ ***8.*** The proprietary or generic name of the drug or medicine as written by the prescribing practitioner.

~~[8.]~~ ***9.*** The strength of the drug or medicine.

➥ The label must contain the warning:

Caution: Do not use with alcohol or nonprescribed drugs without consulting the prescribing practitioner.

Sec. 6. NRS 454.223 is hereby amended to read as follows:

454.223 1. Each prescription for a dangerous drug must be written on a prescription blank or as an order on the chart of a patient. A chart of a patient may be used to order multiple prescriptions for that patient.

2. A written prescription must contain:

(a) The name of the practitioner, his signature if the prescription was not transmitted orally and his address if not immediately available to the pharmacist;

(b) The classification of his license;

(c) The name of the patient, and his address if not immediately available to the pharmacist;

(d) The name, strength and quantity of the drug or drugs prescribed;

(e) ***The symptom or purpose for which the drug is prescribed, if*** ~~[requested]~~ ***included by the*** ~~[patient]~~ ***practitioner pursuant to section 1 of this act;***

(f) Directions for use; and

~~[(f)]~~ ***(g)*** The date of issue.

3. Directions for use must be specific in that they must indicate the portion of the body to which the medication is to be applied, or, if to be taken into the body by means other than orally, the orifice or canal of the body into which the medication is to be inserted or injected.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 248.

Bill read second time and ordered to third reading.

Assembly Bill No. 267.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 275.

SUMMARY— ~~[Requires]~~ **Authorizes** the board of trustees of ~~[a]~~ **certain** school ~~[district in certain counties]~~ **districts** to cause each meeting of the board to be televised. (BDR 34-1164)

AN ACT relating to school districts; ~~[requiring]~~ **authorizing** the board of trustees of a school district in certain counties to cause each meeting of the board to be televised; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ **Section 1 of this** bill ~~[requires]~~ **authorizes** the board of trustees of a school district in a county whose population is ~~[400,000]~~ **50,000** or more ~~[(currently Clark County)]~~ **(currently Clark and Washoe Counties and Carson City)** to cause each meeting of the board to be broadcast on a television station created to provide community access to cable television by using the facilities of the **school district,** county or any city located in the county. **Section 2 of this bill requires those school districts to provide a report to the Legislative Committee on Education and the Legislature concerning the progress of the school district in televising the meetings of the board of trustees.**

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

Section 1. NRS 386.330 is hereby amended to read as follows:

386.330 1. The board of trustees shall hold a regular meeting at least once each month, at such time and place as the board shall determine.

2. Special meetings of the board of trustees shall be held at the call of the president whenever there is sufficient business to come before the board, or upon the written request of three members of the board.

3. The clerk of the board of trustees shall give written notice of each special meeting to each member of the board of trustees by personal delivery of the notice of the special meeting to each trustee at least 1 day before the meeting, or by mailing the notice to each trustee's residence of record, by deposit in the United States mails, postage prepaid, at least 4 days before the meeting. The notice shall specify the time, place and purpose of the meeting. If all of the members of the board of trustees are present at a special meeting, the lack of notice shall not invalidate the proceedings of the board of trustees.

4. A majority of the members of the board of trustees shall constitute a quorum for the transaction of business, and no action of the board of trustees shall be valid unless such action shall receive, at a regularly called meeting, the approval of a majority of all the members of the board of trustees.

5. In any county whose population is ~~[400,000]~~ ***50,000 or more, the board of trustees*** ~~[shall]~~ ***may cause each meeting of the board to be broadcast on a television station created to provide community access to cable television by using the facilities of the school district, county or any city located in the county. The board of trustees and the county or city shall***

cooperate fully with each other ~~[in arranging for the use of the facilities by the board in carrying out the requirements of this subsection.]~~ ***to determine:***

(a) The feasibility of televising the meetings of the board of trustees;

(b) The costs to televise the meetings of the board of trustees for each proposed method of televising; and

(c) The number of potential viewers of the meetings of the board of trustees for each proposed method of televising.

Sec. 2. **The board of trustees of each school district in a county whose population is 50,000 or more shall cooperate with the board of county commissioners of the county and the governing body of each city in the county, if applicable, to prepare a written report describing their progress in carrying out the provisions of NRS 386.330, as amended by section 1 of this act. The report must be submitted on or before February 1, 2009, to the Legislative Committee on Education and to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Legislature.**

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 428.

Bill read second time and ordered to third reading.

Assembly Bill No. 460.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 254.

AN ACT relating to education; ~~[increasing the minimum number of school days in each school year; revising provisions governing apportionments from the State Distributive School Account to provide money to school districts for professional development;]~~ requiring each school district to develop a program to provide enhanced compensation to employees of the school district; making various changes regarding the evaluation and admonition of educational personnel; ~~[making appropriations;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This bill amends existing law to increase the minimum required days of school from 180 days to 183 days in each school year. (NRS 386.550, 388.090)~~

~~Existing law requires the basic support guarantee per pupil to be established by law for each school year. (NRS 387.122) Section 2 of this bill requires an additional apportionment from the State Distributive School Account to be distributed to the school districts for the professional development of the teachers and other educational personnel employed by the school district.]~~

Section 5 of this bill requires the board of trustees of each school district to establish a design team to facilitate the design, development and implementation of a program to provide enhanced compensation to employees of the school district.

Existing law requires each probationary teacher to be evaluated at least three times during each school year and a postprobationary teacher to be evaluated at least once each school year. (NRS 391.3125) Section 6 of this bill requires an administrator who is responsible for evaluating a teacher to personally observe that teacher in the classroom for not less than 60 minutes during each evaluation period. If a deficiency is discovered during the evaluation process, ~~[every]~~ **a reasonable** effort must be made to assist the teacher to correct the deficiency. Existing law prescribes the circumstances under which an administrator may admonish an employee. (NRS 391.313) Section 7 of this bill requires an admonition to include a description of the deficiencies of the teacher and the actions that are necessary to correct those deficiencies.

~~[Sections 9 and 10 of this bill make appropriations to provide the additional apportionment for professional development and for the additional instructional days per school year.]~~

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

Section 1. ~~[NRS 386.550 is hereby amended to read as follows:~~

~~386.550 1. A charter school shall:~~

~~(a) Comply with all laws and regulations relating to discrimination and civil rights.~~

~~(b) Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.~~

~~(c) Refrain from charging tuition or fees, levying taxes or issuing bonds.~~

~~(d) Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.~~

~~(e) Comply with the provisions of chapter 241 of NRS.~~

~~(f) Except as otherwise provided in this paragraph, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction for a waiver from providing the days of instruction required by this paragraph. The Superintendent of Public Instruction may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent that:~~

~~(1) Extenuating circumstances exist to justify the waiver; and~~

~~(2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of [180] *183* days.~~

~~(g) Cooperate with the board of trustees of the school district in the administration of the achievement and proficiency examinations administered pursuant to NRS 389.015 and the examinations required pursuant to NRS 389.550 to the pupils who are enrolled in the charter school.~~

~~(h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this State.~~

~~(i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This paragraph does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.~~

~~(j) If the parent or legal guardian of a child submits an application to enroll in kindergarten, first grade or second grade at the charter school, comply with NRS 392.040 regarding the ages for enrollment in those grades.~~

~~(k) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.~~

~~(l) Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.~~

~~(m) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the [Commission on Schools of the] Northwest Association of *Accredited* Schools . [and of Colleges and Universities.]~~

~~(n) Adopt a final budget in accordance with the regulations adopted by the Department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.~~

~~(o) If the charter school provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program.~~

~~2. A charter school shall not provide instruction through a program of distance education to children who are exempt from compulsory attendance authorized by the State Board pursuant to subsection 1 of NRS 392.070. As used in this subsection, "distance education" has the meaning ascribed to it in NRS 388.826.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 387.122 is hereby amended to read as follows:~~

~~387.122 *1.* For making the apportionments of the State Distributive School Account in the State General Fund required by the provisions of this title, the basic support guarantee per pupil for each school district and the basic support guarantee for each special education program unit maintained and operated during at least 9 months of a school year are established by law for each school year.~~

~~*2. After the basic support guarantee is established for each school year pursuant to subsection 1, the Legislature will provide for an additional apportionment for each school year from the State Distributive School Account to each school district in an amount equal to one half of one percent of the basic support guarantee established for the school district for each pupil included in the count of basic support of the school district. Each school district shall use the money received pursuant to this subsection only to provide professional development for the teachers and other educational personnel employed by the school district.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 388.090 is hereby amended to read as follows:~~

~~388.090 1. Except as otherwise provided in this section, boards of trustees of school districts shall schedule and provide a minimum of [180] *183* days of free school in the districts under their charge.~~

~~2. Except for an alternative schedule described in subsection 3, the Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize the school district to provide a program of instruction based on an alternative schedule if the number of minutes of instruction to be provided is equal to or greater than the number of minutes of instruction that would be provided in a program of instruction consisting of [180] *183* school days. The Superintendent of Public Instruction shall notify the board of trustees of the school district of the approval or denial of the application not later than 30 days after the Superintendent of Public Instruction receives the application. An alternative schedule proposed pursuant to this subsection must be developed in accordance with chapter 288 of NRS. If a school district is located in a county whose population is 100,000 or more, the school district may not submit an application pursuant to this subsection unless the proposed alternative schedule of the school district will apply only to a rural portion or a remote portion of the county in which the school district is located, as defined by the State Board pursuant to subsection 9.~~

~~3. The Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize a reduction of not more than 15 school days in that particular district to establish or maintain an alternative schedule consisting of a 12 month school program if the board of trustees demonstrates that the proposed alternative schedule for the program provides for a number of minutes of instruction that is equal to or greater than that which would be provided under a program consisting of [180] *183* school days. Before authorizing a reduction in the number of required school days pursuant to this subsection, the Superintendent of Public Instruction must~~

~~find that the proposed alternative schedule will be used to alleviate problems associated with a growth in enrollment or overcrowding.~~

~~4. The Superintendent of Public Instruction may, upon application by a board of trustees, authorize the addition of minutes of instruction to any scheduled day of free school if days of free school are lost because of any interscholastic activity. Not more than 5 days of free school so lost may be rescheduled in this manner. The provisions of this subsection do not apply to an alternative schedule approved pursuant to subsection 2.~~

~~5. The number of minutes of instruction required for a particular group of pupils in a program of instruction based on an alternative schedule approved pursuant to this section must be determined by multiplying the appropriate minimum daily period of instruction established by the State Board by regulation for that particular group of pupils by [180.] *183*.~~

~~6. Each school district shall schedule at least 3 contingent days of school, or its equivalent if the school district operates under an alternative schedule authorized pursuant to this section, in addition to the number of days required by this section, which must be used if a natural disaster, inclement weather or an accident necessitates the closing of a majority of the facilities within the district. The 3 contingent days of school, or its equivalent, may be scheduled as:~~

~~(a) Full days of school;~~

~~(b) An equivalent number of minutes of instruction added to any scheduled day of instruction, except that the minutes added must not be less than 30 minutes per school day; or~~

~~(c) Any combination thereof.~~

~~7. If more than 3 days of free school or minutes of instruction equaling 3 days of free school, or the equivalent if the school district operates under an alternative schedule authorized pursuant to this section, are lost because a natural disaster, inclement weather or an accident necessitates the closing of a majority of the facilities within a school district, the Superintendent of Public Instruction, upon application by the school district, may permit the additional days or equivalent minutes of instruction lost to be counted as school days in session. The application must be submitted in the manner prescribed by the Superintendent of Public Instruction.~~

~~8. The Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize additional days or minutes of instruction for a program of remedial education that is fully paid for through the school district, including, without limitation, the provision of transportation. If the Superintendent of Public Instruction authorizes such additional days or minutes, the board of trustees may adopt a policy prescribing the minimum number of days of attendance or the minimum number of minutes of attendance for a pupil who is determined to need such remedial education. If the board of trustees adopts such a policy, the policy must include, without limitation, the criteria for determining that a pupil be enrolled in the program of remedial education, the procedure pursuant to~~

~~which parents and guardians will be notified of the pupil's progress throughout the school year and a process for appealing a determination regarding a pupil's need for remedial education.~~

~~9. The State Board shall adopt regulations:~~

~~(a) Providing procedures for changing schedules of instruction to be used if a natural disaster, inclement weather or an accident necessitates the closing of a particular school within a school district.~~

~~(b) Defining a rural portion of a county and a remote portion of a county for the purposes of subsection 2.~~] **(Deleted by amendment.)**

Sec. 4. ~~[NRS 388.842 is hereby amended to read as follows:~~

~~388.842 1. A program of distance education may include, without limitation, an opportunity for pupils to participate in the program:~~

~~(a) For a shorter school day or a longer school day than that regularly provided for in the school district or charter school, as applicable; and~~

~~(b) During any part of the calendar year.~~

~~2. If a program of distance education is provided for pupils on a full-time basis, the program must include at least as many hours or minutes of instruction as would be provided under a program consisting of~~ [180] ~~*183* days.~~] **(Deleted by amendment.)**

Sec. 5. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district shall establish a design team to facilitate the design, development and implementation of strategies to improve conditions of teaching and learning within the school district.

2. The membership of a design team created pursuant to subsection 1 must consist of persons appointed by the board of trustees from among:

(a) Representatives of the school district; and

(b) Representatives of recognized employee organizations which represent one or more groups of employees of the school district.

➥ At least 50 percent of the members that the board of trustees appoints to the design team must be representatives of recognized employee organizations which represent one or more groups of employees of the school district.

3. In carrying out its duties to facilitate the design, development and implementation of strategies to improve conditions of teaching and learning within the school district, the design team for each school district shall develop a program for the school district pursuant to which an employee of the school district may become eligible to earn an enhanced level of compensation by achieving outstanding development in his profession or employment, as assessed in accordance with the criteria developed pursuant to subsection 4.

4. To determine whether an employee of the school district has achieved outstanding development in his profession or employment, the design team for each school district shall develop criteria for use in the school district setting forth, without limitation:

(a) The activities in which an employee of the school district must participate to achieve outstanding development in his profession or employment;

(b) The duties an employee of the school district must carry out to achieve outstanding development in his profession or employment; and

(c) The knowledge and skills an employee of the school district must acquire to achieve outstanding development in his profession or employment.

5. A program of enhanced compensation developed pursuant to subsection 3 must be:

(a) Applicable to all employees of the school district for which the program is developed, regardless of whether those employees are licensed or unlicensed; and

(b) Bargained for in accordance with the provisions of chapter 288 of NRS.

6. As used in this section, "employee organization" has the meaning ascribed to it in NRS 288.040.

Sec. 6. NRS 391.3125 is hereby amended to read as follows:

391.3125 1. It is the intent of the Legislature that a uniform system be developed for objective evaluation of teachers and other licensed personnel in each school district.

2. Each board, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations in narrative form. The policy must set forth a means according to which an employee's overall performance may be determined to be satisfactory or unsatisfactory. The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. In a similar manner, counselors, librarians and other licensed personnel must be evaluated on forms developed specifically for their respective specialties. A copy of the policy adopted by the board must be filed with the Department. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

3. A conference and a written evaluation for a probationary employee must be concluded ~~[no]~~ ***not*** later than:

(a) December 1;

(b) February 1; and

(c) April 1,

➥ of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board. ***An administrator charged with the evaluation of a probationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes***

during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 45 consecutive minutes.

4. Whenever an administrator charged with the evaluation of a probationary employee believes the employee will not be reemployed for the second year of the probationary period or the school year following the probationary period, he shall bring the matter to the employee's attention in a written document which is separate from the evaluation ~~[no]~~ ***not*** later than ~~[February 15]~~ ***March 1*** of the current school year. The notice must include the reasons for the potential decision not to reemploy or refer to the evaluation in which the reasons are stated. Such a notice is not required if the probationary employee has received a letter of admonition during the current school year.

5. Each postprobationary teacher must be evaluated at least once each year. ***An administrator charged with the evaluation of a postprobationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 30 consecutive minutes.***

6. The evaluation of a probationary teacher or a postprobationary teacher must ~~[, if]~~ ***include, without limitation:***

(a) An evaluation of the classroom management skills of the teacher;

(b) A review of the lesson plans and the work log or grade book of pupils prepared by the teacher;

(c) An evaluation of whether the curriculum taught by the teacher is aligned with the standards of content and performance established pursuant to NRS 389.520, as applicable for the grade level taught by the teacher;

(d) An evaluation of the whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic diversity, the needs of pupils enrolled in advanced courses of study and the needs of pupils who are limited English proficient;

(e) If necessary, ~~[include]~~ recommendations for improvements in ~~[his]~~ ***the*** performance ~~[. A reasonable effort must be made to assist the teacher to correct any deficiencies noted in the evaluation.]~~ ***of the teacher;***

(f) A description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation; and

(g) A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.

7. The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. ***Upon the request of a teacher, a reasonable effort must be made to assist the teacher***

to correct those deficiencies reported in the evaluation of the teacher for which the teacher requests assistance.

Sec. 7. NRS 391.313 is hereby amended to read as follows:

391.313 1. Whenever an administrator charged with supervision of a licensed employee believes it is necessary to admonish the employee for a reason that he believes may lead to demotion ~~[,]~~ ***or*** dismissal or cause the employee not to be reemployed under the provisions of NRS 391.312, he shall:

(a) Except as otherwise provided in subsection ~~[2,]~~ ***3,*** bring the matter to the attention of the employee involved, in writing, stating the reasons for the admonition and that it may lead to his demotion, dismissal or a refusal to reemploy him, and make a reasonable effort to assist the employee to correct whatever appears to be the cause for his potential demotion, dismissal or a potential recommendation not to reemploy him; and

(b) Except as otherwise provided in NRS 391.314, allow reasonable time for improvement, which must not exceed 3 months for the first admonition.

➥ ***The admonition must include a description of the deficiencies of the teacher and the action that is necessary to correct those deficiencies.***

2. An admonition issued to a licensed employee who, within the time granted for improvement, has met the standards set for him by the administrator who issued the admonition must be removed from the records of the employee together with all notations and indications of its having been issued. The admonition must be removed from the records of the employee not later than 3 years after it is issued.

~~[2.]~~ ***3.*** An administrator need not admonish an employee pursuant to paragraph (a) of subsection 1 if his employment will be terminated pursuant to NRS 391.3197. If by ~~[February 15]~~ ***March 1*** of the first or second year of his probationary period a probationary employee does not receive a written notice pursuant to subsection 4 of NRS 391.3125 of a potential decision not to reemploy him, he must receive an admonition before any such decision is made.

~~[3.]~~ ***4.*** A licensed employee is subject to immediate dismissal or a refusal to reemploy according to the procedures provided in NRS 391.311 to 391.3197, inclusive, without the admonition required by this section, on grounds contained in paragraphs (b), (f), (g), (h) and (p) of subsection 1 of NRS 391.312.

Sec. 8. NRS 391.3197 is hereby amended to read as follows:

391.3197 1. A probationary employee is employed on a contract basis for two 1-year periods and has no right to employment after either of the two probationary contract years.

2. The board shall notify each probationary employee in writing on or before May 1 of the first and second school years of his probationary period, as appropriate, whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. The employee must advise the board in writing on or before

May 10 of the first or second year of his probationary period, as appropriate, of his acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify him in writing, in both the first and second years of his probationary period, no later than 45 days before his last day of work for the year under his contract whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. He must advise the board in writing within 10 days after the date of notification of his acceptance or rejection of reemployment for another year. Failure to advise the board of his acceptance of reemployment constitutes rejection of the contract.

3. A probationary employee who completes his 2-year probationary period and receives a notice of reemployment from the school district in the second year of his probationary period is entitled to be a postprobationary employee in the ensuing year of employment.

4. ~~[A]~~ ***If a*** probationary employee ~~[who receives an unsatisfactory evaluation]~~ ***receives notice pursuant to subsection 4 of NRS 391.3125 not later than March 1 of a potential decision not to reemploy him, the employee*** may request a supplemental evaluation by another administrator in the school district selected by him and the superintendent. If a school district has five or fewer administrators, the supplemental evaluator may be an administrator from another school district in ~~[the]~~ ***this*** State. If a probationary employee has received during the first school year of his probationary period three evaluations which state that the employee's overall performance has been satisfactory, the superintendent of schools of the school district or his designee shall waive the second year of the employee's probationary period by expressly providing in writing on the final evaluation of the employee for the first probationary year that the second year of his probationary period is waived. Such an employee is entitled to be a postprobationary employee in the ensuing year of employment.

5. If a probationary employee is notified that he will not be reemployed for the second year of his probationary period or the ensuing school year, his employment ends on the last day of the current school year. The notice that he will not be reemployed must include a statement of the reasons for that decision.

6. A new employee or a postprobationary teacher who is employed as an administrator shall be deemed to be a probationary employee for the purposes of this section and must serve a 2-year probationary period as an administrator in accordance with the provisions of this section. If the administrator does not receive an unsatisfactory evaluation during the first year of probation, the superintendent or his designee shall waive the second year of the administrator's probationary period. Such an administrator is entitled to be a postprobationary employee in the ensuing year of employment. If:

(a) A postprobationary teacher who is an administrator is not reemployed as an administrator after either year of his probationary period; and

(b) There is a position as a teacher available for the ensuing school year in the school district in which the person is employed,

➥ the board of trustees of the school district shall, on or before May 1, offer the person a contract as a teacher for the ensuing school year. The person may accept the contract in writing on or before May 10. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.

7. An administrator who has completed his probationary period pursuant to subsection 6 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the additional probationary period, the board of trustees of the school district in which the person is employed shall, on or before May 1, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10. If the person fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.

8. Before dismissal, the probationary employee is entitled to a hearing before a hearing officer which affords due process as set out in NRS 391.311 to 391.3196, inclusive.

Sec. 9. ~~[1. There is hereby appropriated from the State General Fund to the State Distributive School Account created by NRS 387.030 in the State General Fund:~~

~~For the Fiscal Year 2007-2008 $38,844,422~~

~~For the Fiscal Year 2008-2009 $41,774,035~~

~~2. The money appropriated by subsection 1 must be distributed by the Department of Education in a fair and equitable manner among the 17 county school districts to provide 3 additional instructional days to the school year.~~

~~3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2008, and September 18, 2009, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2008, and September 18, 2009, respectively.]~~ (Deleted by amendment.)

Sec. 10. ~~[1. There is hereby appropriated from the State General Fund to the State Distributive School Account created by NRS 387.030 in the State General Fund:~~

~~For the Fiscal Year 2007-2008 $11,084,643~~

~~For the Fiscal Year 2008-2009 $11,843,603~~

~~2. The money appropriated by subsection 1 must be distributed in accordance with the provisions of NRS 387.122, as amended by section 2 of this act.~~

~~3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2008, and September 18, 2009, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2008, and September 18, 2009, respectively.]~~ **(Deleted by amendment.)**

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

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 469.

Bill read second time.

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

Amendment No. 370.

SUMMARY— ~~[Provides for the creation of a state]~~ **Requires the Division of State Parks of the State Department of Conservation and Natural Resources to conduct a study to consider the feasibility of establishing a** park for the protection of certain paleontologically sensitive sites. (BDR ~~[35]~~ **S**-717)

AN ACT relating to ~~[state parks; creating a state park in the Upper Las Vegas Wash;]~~ **parks;** requiring the Division of State Parks of the State Department of Conservation and Natural Resources to conduct a study of the feasibility of **establishing and** developing ~~[the park;]~~ **a park in the Upper Las Vegas Wash;** making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section ~~[1]~~ 2 of this bill ~~[creates a state park on approximately 315 acres of land owned by the State in the Upper Las Vegas Wash. Section 2 of this bill]~~ requires the Division of State Parks of the State Department of Conservation and Natural Resources to work with the University of Nevada, Las Vegas, to conduct a study of the feasibility of **establishing and** developing ~~[the park created in section 1 to contain]~~ **a park in the Upper Las Vegas Wash. Section 1 further requires the study to include a consideration of the feasibility of developing** a museum and a live dig site that the public may

visit. Section 3 of this bill contains an appropriation for the costs of the study.

WHEREAS, The portion of the Upper Las Vegas Wash known as the Tule Springs Archaeological Site was the site of significant archaeological and paleontological digs in the 1960s; and

WHEREAS, The Upper Las Vegas Wash is world-famous for its abundant and well-preserved fossils of extinct animals dating to the latter part of the ice age; and

WHEREAS, The fossils found in the Upper Las Vegas Wash range in age from more than 40,000 years old to 11,000 years old and include remains of extinct mammoths, ground sloths, giant lions, camels and llamas, giant bison and large and small horses, as well as abundant small mammals, birds, reptiles, amphibians and fish; and

WHEREAS, Study of these fossils could provide significant educational resources to the people of the State of Nevada; and

WHEREAS, The Upper Las Vegas Wash is one of the last remnants of untouched desert immediately adjacent to the City of Las Vegas, and thus is an important natural resource for the State of Nevada; and

WHEREAS, The Upper Las Vegas Wash should be preserved to ensure the resource is not lost; and

WHEREAS, A ~~[state]~~ park created in the Upper Las Vegas Wash could become a major attraction for the people of Nevada, bringing national and international tourists to the State in the same way that the La Brea Tar Pits of Los Angeles attract visitors to California; now, therefore,

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

Section 1. ~~[Chapter 407 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*Lot 7, SE 1/4 of the SW 1/4, S 1/2 of the SE 1/4 of section 6; and lot 1, the NE 1/4 of the NW 1/4, the N 1/2 of the NE 1/4 of section 7; all in T. 19 S., R. 61 E., M.D.B. & M., containing 315 acres, more or less, are hereby reserved from sale and are set apart for all time for state park and recreational purposes.]*~~ **(Deleted by amendment.)**

Sec. 2. 1. The Division of State Parks of the State Department of Conservation and Natural Resources, in cooperation with the University of Nevada, Las Vegas, shall conduct or cause to be conducted, a study to consider the feasibility of **establishing and** developing ~~[the park created by section 1 of this act to contain]~~ **a park in the area of Clark County, Nevada, known as the Upper Las Vegas Wash. The study must include, without limitation, a consideration of the feasibility of developing** a museum and a live dig site that is available for the public to visit.

2. The Division may receive and expend money from any public or private institution or person to carry out the provisions of this act.

3. The Administrator of the Division of State Parks may appoint an advisory board consisting of recognized paleontologists from within or without the State of Nevada to assist him in carrying out the study required by subsection 1.

Sec. 3. 1. There is hereby appropriated from the State General Fund to the Division of State Parks of the State Department of Conservation and Natural Resources the sum of $50,000 to be used for the study required by section 2 of this act.

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

Sec. 4. This act becomes effective on July 1, 2007.

Assemblyman Claborn moved the adoption of the amendment.

Amendment adopted.

Assemblyman Claborn moved that upon return from the printer, Assembly Bill No. 469 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 477.

Bill read second time and ordered to third reading.

Assembly Bill No. 534.

Bill read second time and ordered to third reading.

Assembly Bill No. 541.

Bill read second time and ordered to third reading.

Assembly Bill No. 542.

Bill read second time and ordered to third reading.

Assembly Bill No. 591.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 255.

AN ACT relating to education; revising provisions governing the sponsorship of charter schools; prescribing the circumstances under which certain charter schools are exempt from annual **performance** audits and are authorized to receive **certain money** ~~[or financing]~~ for facilities ; ~~[from a school district;]~~ revising provisions regarding the membership of a governing

body of a charter school; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the board of trustees of a school district and the State Board of Education may sponsor charter schools. (NRS 386.515) Section 17 of this bill authorizes a college or university within the Nevada System of Higher Education to sponsor charter schools. Sections 1-14, 17-20, 25, 26 and 28 of this bill revise provisions to reflect sponsorship by a college or university.

~~[Existing law requires annual audits of charter schools. (NRS 386.540; NAC 386.380)]~~ Section 15 of this bill sets forth the requirements for a charter school that has been in operation for at least 5 years to be exempt from ~~[the]~~ **an** annual **performance** audit and undergo ~~[an]~~ **a performance** audit every 3 years and to be eligible for **available** money ~~[or financing]~~ **from legislative appropriation or otherwise** for facilities . ~~[from the school district in which the charter school is located. Section 27 of this bill requires the board of trustees of a school district that includes such a charter school to provide money or financing for the charter school for facilities under certain circumstances.]~~ Section 30 of this bill makes an appropriation for those charter schools which satisfy the requirements ~~[.]~~ **for school facilities.**

Existing law requires the Department of Education and the sponsor of a charter school to provide certain assistance and information to charter schools. (NRS 386.545) Section 22 of this bill expands the services that a school district must provide if the school district sponsors a charter school.

Existing law prescribes the membership of the governing body of a charter school. (NRS 386.549) Existing regulation of the Department of Education prohibits more than one member on the governing body representing the same nonprofit organization or business. (NAC 386.345) Section 23 of this bill prohibits more than two persons who serve on the governing body from representing the same organization or business or otherwise representing the interests of the same organization or business.

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

Section 1. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed ***educational*** personnel in ~~[education in]~~ the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of each school district shall ~~[:~~

~~(a) Report]~~ ***report*** the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school.

~~[(b) For the information that is reported in an aggregated format, include the data that is applicable to]~~ ***The information for charter schools must be reported separately and must denote*** the charter schools sponsored by the school district ~~[but not the charter schools that are sponsored by the State Board.~~

~~(c) Denote separately in the report those charter schools that are located within the school district and]~~ ***, the charter schools*** sponsored by the State Board ~~[.]~~ ***and the charter schools sponsored by a college or university within the Nevada System of Higher Education.***

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations;

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school;

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following subgroups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board;

(4) A comparison of the achievement of pupils in each subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board;

(5) The percentage of pupils who were not tested;

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the subgroups identified in subparagraph (3);

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available;

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison; and

(9) For each school in the district, including, without limitation, each charter school in the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

➥ A separate reporting for a subgroup of pupils must not be made pursuant to this paragraph if the number of pupils in that subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a subgroup for that subgroup to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district.

(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school in the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty

schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(f) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school in the district.

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(h) The annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole, excluding pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) An identification of each program of remedial study, listed by subject area.

(s) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who received:

(1) A standard high school diploma.

(2) An adjusted diploma.

(3) A certificate of attendance.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school in the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(dd) Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which he is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;
(2) Nevada Association of School Boards;
(3) Nevada Association of School Administrators;
(4) Nevada Parent Teacher Association;
(5) Budget Division of the Department of Administration; and
(6) Legislative Counsel Bureau,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before August 15 of each year, the board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;
(2) State Board;
(3) Department;
(4) Committee; and
(5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school in the district.

9. Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.

10. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2. NRS 385.349 is hereby amended to read as follows:

385.349 1. The board of trustees of each school district shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.347 on the form prescribed by the Department pursuant to subsection 3 or an expanded form, as applicable. The summary must include, without limitation:

(a) The information set forth in subsection 1 of NRS 385.34692, reported for the school district as a whole and for each school within the school district;

(b) Information on the involvement of parents and legal guardians in the education of their children; and

(c) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.

2. The summary prepared pursuant to subsection 1 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. The Department shall, in consultation with the Bureau and the school districts, prescribe a form that contains the basic information required by subsection 1. The board of trustees of a school district may use an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

4. On or before September 7 of each year, the board of trustees of each school district shall:

(a) Submit the summary in an electronic format to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee;

(5) Bureau; and

(6) Schools within the school district.

(b) Provide for the public dissemination of the summary by posting a copy of the summary on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the summary. The board of trustees of each school district shall ensure that the parents and guardians of pupils enrolled in the school district have sufficient information concerning the availability of the summary, including, without limitation, information that describes how to access the summary on the Internet website maintained by the school district, if any. Upon the request of a parent or legal guardian, the school district shall provide the parent or legal guardian with a written copy of the summary.

5. The board of trustees of each school district shall ~~[:~~

~~(a) Report]~~ ***report*** the information required by this section for each charter school that is located within the school district, regardless of the sponsor of the charter school.

~~[(b) For the information that is reported in an aggregated format, include the data that is applicable to]~~ ***The information for charter schools must be reported separately and must denote*** the charter schools sponsored by the school district ~~[but not the charter schools that are sponsored by the State Board.~~

~~(c) Denote separately in the report those charter schools that are located within the school district and]~~ ***, the charter schools*** sponsored by the State Board ~~[.]~~ ***and the charter schools sponsored by a college or university within the Nevada System of Higher Education.***

Sec. 3. NRS 385.3613 is hereby amended to read as follows:

385.3613 1. Except as otherwise provided in subsection 2, on or before June 15 of each year, the Department shall determine whether each public school is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361.

2. On or before June 30 of each year, the Department shall determine whether each public school that operates on a schedule other than a traditional 9-month schedule is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361.

3. The determination pursuant to subsection 1 or 2, as applicable, for a public school, including, without limitation, a charter school sponsored by the board of trustees of the school district, must be made in consultation with the board of trustees of the school district in which the public school is located. If a charter school is sponsored by the State Board ~~[,]~~ ***or a college or university within the Nevada System of Higher Education,*** the Department shall make a determination for the charter school in consultation with the State Board ~~[.]~~ ***or the institution that sponsors the charter school, as applicable.*** The determination made for each school must be based only upon the information and data for those pupils who are enrolled in the school for a full academic year. On or before June 15 or June 30 of each year, as applicable, the Department shall transmit:

(a) Except as otherwise provided in paragraph (b) ~~[,]~~ ***or (c),*** the determination made for each public school to the board of trustees of the school district in which the public school is located.

(b) To the State Board the determination made for each charter school that is sponsored by the State Board.

(c) The determination made for the charter school to the institution that sponsors the charter school if a charter school is sponsored by a college or university within the Nevada System of Higher Education.

4. Except as otherwise provided in this subsection, the Department shall determine that a public school has failed to make adequate yearly progress if any subgroup identified in paragraph (b) of subsection 1 of NRS 385.361

does not satisfy the annual measurable objectives established by the State Board pursuant to that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the regulations adopted pursuant thereto, the State Board shall prescribe by regulation the conditions under which a school shall be deemed to have made adequate yearly progress even though a subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 did not satisfy the annual measurable objectives of the State Board.

5. In addition to the provisions of subsection 4, the Department shall determine that a public school has failed to make adequate yearly progress if:

(a) The number of pupils enrolled in the school who took the examinations administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable, is less than 95 percent of all pupils enrolled in the school who were required to take the examinations; or

(b) Except as otherwise provided in subsection 6, for each subgroup of pupils identified in paragraph (b) of subsection 1 of NRS 385.361, the number of pupils in the subgroup enrolled in the school who took the examinations administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable, is less than 95 percent of all pupils in that subgroup enrolled in the school who were required to take the examinations.

6. If the number of pupils in a particular subgroup who are enrolled in a public school is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school has failed to make adequate yearly progress pursuant to paragraph (b) of subsection 5 based solely upon that particular subgroup.

(b) The pupils in such a subgroup must be included in the overall count of pupils enrolled in the school who took the examinations.

➥ The State Board shall prescribe the mechanism for determining the number of pupils that must be in a subgroup for that subgroup to yield statistically reliable information.

7. If an irregularity in testing administration or an irregularity in testing security occurs at a school and the irregularity invalidates the test scores of pupils, those test scores must be included in the scores of pupils reported for the school, the attendance of those pupils must be counted towards the total number of pupils who took the examinations and the pupils must be included in the total number of pupils who were required to take the examinations.

8. As used in this section:

(a) "Irregularity in testing administration" has the meaning ascribed to it in NRS 389.604.

(b) "Irregularity in testing security" has the meaning ascribed to it in NRS 389.608.

Sec. 4. NRS 385.362 is hereby amended to read as follows:

385.362 1. If a public school fails to make adequate yearly progress for 1 year:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district in which the school is located shall ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto. For a charter school sponsored by the school district, the board of trustees shall provide the technical assistance to the charter school in conjunction with the governing body of the charter school.

(b) For a charter school sponsored by the State Board ~~[,]~~ ***or a college or university within the Nevada System of Higher Education,*** the Department shall ensure, in conjunction with the governing body of the charter school, that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

2. If a public school fails to make adequate yearly progress for 1 year, the principal of the school shall ensure that the plan to improve the achievement of pupils enrolled in the school is reviewed, revised and approved in accordance with NRS 385.357.

Sec. 5. NRS 385.366 is hereby amended to read as follows:

385.366 1. Based upon the information received from the Department pursuant to NRS 385.3613, the board of trustees of each school district shall, on or before July 1 of each year, issue a preliminary designation for each public school in the school district in accordance with the criteria set forth in NRS 385.3623, excluding charter schools sponsored by the State Board ~~[.]~~ ***or a college or university within the Nevada System of Higher Education.*** The board of trustees shall make preliminary designations for all charter schools that are sponsored by the board of trustees. The Department shall make preliminary designations for all charter schools that are sponsored by the State Board ~~[.]~~ ***and all charter schools sponsored by a college or university within the Nevada System of Higher Education.*** The initial designation of a school as demonstrating need for improvement must be based upon 2 consecutive years of data and information for that school.

2. Before making a final designation for a school, the board of trustees of the school district or the Department, as applicable, shall provide the school an opportunity to review the data upon which the preliminary designation is based and to present evidence in the manner set forth in 20 U.S.C. § 6316(b)(2) and the regulations adopted pursuant thereto. If the school is a public school of the school district or a charter school sponsored by the board of trustees, the board of trustees of the school district shall, in consultation with the Department, make a final determination concerning the designation for the school on August 1. If the school is a charter school sponsored by the State Board ~~[,]~~ ***or a college or university within the Nevada System of Higher Education,*** the Department shall make a final determination concerning the designation for the school on August 1.

3. On or before August 1 of each year, the Department shall provide written notice of the determinations made pursuant to NRS 385.3613 and the final designations made pursuant to this section as follows:

(a) The determinations and final designations made for all schools in this State to the:

(1) Governor;

(2) State Board;

(3) Committee; and

(4) Bureau.

(b) The determinations and final designations made for all schools within a school district to the:

(1) Superintendent of schools of the school district; and

(2) Board of trustees of the school district.

(c) The determination and final designation made for each school to the principal of the school.

Sec. 6. NRS 385.3661 is hereby amended to read as follows:

385.3661 1. If a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721 or 385.3745 do not apply, the technical assistance partnership established for the school pursuant to this section shall carry out the requirements of NRS 385.3692.

2. Except as otherwise provided in subsection 3, if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721 or 385.3745 do not apply, the board of trustees of the school district shall:

(a) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382;

(b) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto; and

(c) Establish a technical assistance partnership for the school, with the membership prescribed pursuant to NRS 385.3691.

3. If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721 or 385.3745 do not apply:

(a) The governing body of the charter school shall:

(1) Provide notice of the designation to the parents and guardians of pupils enrolled in the charter school on the form prescribed by the Department pursuant to NRS 385.382; and

(2) Establish a technical assistance partnership for the charter school, with the membership prescribed pursuant to NRS 385.3691.

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto. The provisions of this paragraph do not require the school

district to pay for the technical assistance partnership established by the governing body of the charter school.

(c) For a charter school sponsored by the State Board ~~[,]~~ ***or a college or university within the Nevada System of Higher Education,*** the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

4. In addition to the requirements of subsection 2 or 3, as applicable, if a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721 or 385.3745 do not apply:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall provide school choice to the parents and guardians of pupils enrolled in the school, including, without limitation, a charter school sponsored by the school district, in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(b) For a charter school sponsored by the State Board ~~[,]~~ ***or a college or university within the Nevada System of Higher Education,*** the Department shall work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

Sec. 7. NRS 385.3691 is hereby amended to read as follows:

385.3691 1. The membership of each technical assistance partnership established by the board of trustees of a school district for a public school pursuant to NRS 385.3661:

(a) Must consist of:

(1) At least one employee of the public school for which the partnership is established; and

(2) At least one representative of the school district.

(b) May consist of other persons, as determined by the board of trustees, in accordance with the needs of the school based upon the data and information pertaining to that school.

2. The membership of each technical assistance partnership established by the governing body of a charter school:

(a) Must consist of:

(1) At least one employee of the charter school;

(2) At least one member of the governing body of the charter school;

(3) For a charter school sponsored by the board of trustees of the school district, at least one representative of the school district, appointed by the school district; ~~[and]~~

(4) For a charter school sponsored by the State Board, at least one representative of the Department, appointed by the Department ~~[.]~~ ***; and***

(5) For a charter school sponsored by a college or university within the Nevada System of Higher Education, at least one representative of that institution, appointed by the president of the institution.

(b) May consist of other persons, as determined by the governing body, in accordance with the needs of the charter school based upon the data and information pertaining to that charter school.

Sec. 8. NRS 385.3693 is hereby amended to read as follows:

385.3693 1. If a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years, the technical assistance partnership established for the school pursuant to NRS 385.3661 shall carry out the requirements of NRS 385.3692.

2. Except as otherwise provided in subsection 3, if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years, the board of trustees of the school district shall:

(a) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382;

(b) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto; and

(c) Continue the technical assistance partnership for the school.

3. If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years:

(a) The governing body of the charter school shall:

(1) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; and

(2) Continue the technical assistance partnership for the school.

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto. The provisions of this paragraph do not require the school district to pay for the technical assistance partnership established by the governing body of the charter school.

(c) For a charter school sponsored by the State Board ~~[,]~~ ***or a college or university within the Nevada System of Higher Education,*** the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

Sec. 9. NRS 385.372 is hereby amended to read as follows:

385.372 1. In addition to the requirements of NRS 385.3693, if a Title I school is designated as demonstrating need for improvement pursuant to

NRS 385.3623 for 2 consecutive years for failing to make adequate yearly progress:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall:

(1) Provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(2) Except as otherwise provided in subsection 2, provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

(b) If the school is a charter school:

(1) Sponsored by the board of trustees of a school district, the board of trustees shall provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(2) Sponsored by the State Board ~~[,]~~ ***or a college or university within the Nevada System of Higher Education,*** the Department shall work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(3) Except as otherwise provided in subsection 3, the governing body of the charter school shall provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

2. The board of trustees of a school district shall grant a delay from the imposition of supplemental educational services for a school for a period not to exceed 1 year if the school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the provisions of NRS 385.3721 apply to the school as if the delay never occurred.

3. The sponsor of a charter school shall grant a delay from the imposition of supplemental educational services for the charter school for a period not to exceed 1 year if the charter school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the charter school fails to make adequate yearly progress during the period of the delay, the provisions of NRS 385.3721 apply to the charter school as if the delay never occurred.

Sec. 10. NRS 385.3721 is hereby amended to read as follows:

385.3721 1. If a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years, the support team established for the school pursuant to this section shall carry out the requirements of NRS 385.3741 and 385.3742.

2. Except as otherwise provided in subsection 3, if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years:

(a) The board of trustees of the school district shall:

(1) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; and

(2) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(b) The Department shall establish a support team for the school, with the membership prescribed pursuant to NRS 385.374.

3. If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years:

(a) The governing body of the charter school shall provide notice of the designation to the parents and guardians of pupils enrolled in the charter school on the form prescribed by the Department pursuant to NRS 385.382.

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(c) For a charter school sponsored by the State Board ~~[,]~~ ***or a college or university within the Nevada System of Higher Education,*** the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(d) The Department shall establish a support team for the school, with the membership prescribed pursuant to NRS 385.374.

Sec. 11. NRS 385.3741 is hereby amended to read as follows:

385.3741 1. Each support team established for a public school pursuant to NRS 385.3721 shall:

(a) Review and analyze the operation of the school, including, without limitation, the design and operation of the instructional program of the school.

(b) Review and analyze the data pertaining to the school upon which the report required pursuant to subsection 2 of NRS 385.347 is based and review and analyze any data that is more recent than the data upon which the report is based.

(c) Review the most recent plan to improve the achievement of the school's pupils.

(d) Identify and investigate the problems and factors at the school that contributed to the designation of the school as demonstrating need for improvement.

(e) Assist the school in developing recommendations for improving the performance of pupils who are enrolled in the school.

(f) Except as otherwise provided in this paragraph, make recommendations to the board of trustees of the school district, the State Board and the Department concerning additional assistance for the school in carrying out the plan for improvement of the school. For a charter school sponsored by the State Board, the support team shall make the recommendations to the State Board and the Department. ***For a charter school sponsored by a college or university within the Nevada System of Higher Education, the support team shall make the recommendations to the sponsor, the State Board and the Department.***

(g) In accordance with its findings pursuant to this section and NRS 385.3742, submit, on or before November 1, written revisions to the most recent plan to improve the achievement of the school's pupils for approval pursuant to NRS 385.357. The written revisions must:

(1) Comply with NRS 385.357;

(2) If the school is a Title I school, be developed in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity that created the support team, outside experts;

(3) Include the data and findings of the support team that provide support for the revisions;

(4) Set forth goals, objectives, tasks and measures for the school that are:

(I) Designed to improve the achievement of the school's pupils;

(II) Specific;

(III) Measurable; and

(IV) Conducive to reliable evaluation;

(5) Set forth a timeline to carry out the revisions;

(6) Set forth priorities for the school in carrying out the revisions; and

(7) Set forth the names and duties of each person who is responsible for carrying out the revisions.

(h) Except as otherwise provided in this paragraph, work cooperatively with the board of trustees of the school district in which the school is located, the employees of the school, and the parents and guardians of pupils enrolled in the school to carry out and monitor the plan for improvement of the school. If a charter school is sponsored by the State Board, the Department shall assist the school with carrying out and monitoring the plan for improvement of the school. ***If a charter school is sponsored by a college or university within the Nevada System of Higher Education, that institution shall assist the school with carrying out and monitoring the plan for improvement of the school.***

(i) Prepare a monthly progress report in the format prescribed by the Department and:

(1) Submit the progress report to the Department.

(2) Distribute copies of the progress report to each employee of the school for review.

(j) In addition to the requirements of this section, if the support team is established for a Title I school, carry out the requirements of 20 U.S.C. § 6317(a)(5).

2. A school support team may require the school for which the support team was established to submit plans, strategies, tasks and measures that, in the determination of the support team, will assist the school in improving the achievement and proficiency of pupils enrolled in the school.

3. The Department shall prescribe a concise monthly progress report for use by each support team in accordance with paragraph (i) of subsection 1.

Sec. 12. NRS 385.3743 is hereby amended to read as follows:

385.3743 1. In addition to the requirements of NRS 385.3721, if a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall:

(1) Provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto;

(2) Provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law; and

(3) Except as otherwise provided in subsection 2, take corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the regulations adopted pursuant thereto.

(b) If the school is a charter school:

(1) Sponsored by the board of trustees of a school district, the board of trustees shall:

(I) Provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1); and

(II) Except as otherwise provided in subsection 3, take corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the regulations adopted pursuant thereto.

(2) Sponsored by the State Board ~~[,]~~ ***or a college or university within the Nevada System of Higher Education,*** the Department shall:

(I) Work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto; and

(II) Except as otherwise provided in subsection 3, take corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the regulations adopted pursuant thereto.

(3) Regardless of the sponsor, the governing body of the charter school shall provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider

approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

2. The board of trustees of a school district shall grant a delay from the imposition of corrective action for a school for a period not to exceed 1 year if the school qualifies for a delay pursuant to 20 U.S.C. 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the provisions of NRS 385.3745 apply as if the delay never occurred.

3. The sponsor of a charter school shall grant a delay from the imposition of corrective action for the charter school for a period not to exceed 1 year if the charter school qualifies for a delay pursuant to 20 U.S.C. 6316(b)(7)(D). If the charter school fails to make adequate yearly progress during the period of the delay, the provisions of NRS 385.3745 apply as if the delay never occurred.

Sec. 13. NRS 385.3745 is hereby amended to read as follows:

385.3745 1. If a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years, the support team established for the school pursuant to NRS 385.3721 shall carry out the requirements of NRS 385.3741, 385.3742 and 385.3744, as applicable.

2. Except as otherwise provided in subsection 3, if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years:

(a) The board of trustees of the school district shall:

(1) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; and

(2) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(b) The Department shall continue a support team for the school.

3. If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years:

(a) The governing body of the charter school shall provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382.

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(c) For a charter school sponsored by the State Board ~~[,]~~ ***or a college or university within the Nevada System of Higher Education,*** the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(d) The Department shall continue a support team for the charter school.

Sec. 14. NRS 385.3746 is hereby amended to read as follows:

385.3746 1. In addition to the requirements of NRS 385.3745, if a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall:

(1) Provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto;

(2) Provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law; and

(3) Except as otherwise provided in subsection 2, proceed with a plan for restructuring the school if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.

(b) If the school is a charter school:

(1) Sponsored by the board of trustees of a school district, the board of trustees shall:

(I) Provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1); and

(II) Except as otherwise provided in subsection 3, proceed with a plan for restructuring the school if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.

(2) Sponsored by the State Board ~~[,]~~ ***or a college or university within the Nevada System of Higher Education,*** the Department shall:

(I) Work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto; and

(II) Except as otherwise provided in subsection 3, proceed with a plan for restructuring the school if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.

(3) Regardless of the sponsor, the governing body of the charter school shall provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

2. The board of trustees of a school district shall grant a delay from the imposition of a plan for restructuring for a school for a period not to exceed 1 year if the school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the board of trustees shall proceed with a plan for restructuring the school as if the delay never occurred.

3. The sponsor of a charter school shall grant a delay from the imposition of a plan for restructuring for the charter school for a period not to exceed 1 year if the charter school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the charter school fails to make adequate yearly progress during the period of the delay, the Department shall proceed with a plan for restructuring the charter school as if the delay never occurred.

4. Before the board of trustees of a school district or the Department proceeds with a plan for restructuring, the board of trustees or the Department, as applicable, shall provide to the administrators, teachers and other educational personnel employed at that school, and parents and guardians of pupils enrolled in the school:

(a) Notice that the board of trustees or the Department, as applicable, will develop a plan for restructuring the school;

(b) An opportunity to comment before the plan to restructure is developed; and

(c) An opportunity to participate in the development of the plan to restructure.

Sec. 15. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ ***To the extent money is available from legislative appropriation or otherwise, a charter school may apply to the*** ~~[board of trustees of a school district]~~ ***Department for money for facilities*** ~~[pursuant to section 27 of this act]~~ ***if:***

(a) The charter school has been operating in this State for at least 5 consecutive years and is in good financial standing;

(b) Each financial audit and each performance audit of the charter school required by the Department ~~[pursuant to NRS 386.540]~~ ***contains no major notations, corrections or errors concerning the charter school for at least 5 consecutive years;***

(c) The charter school has met or exceeded adequate yearly progress as determined pursuant to NRS 385.3613 for the majority of the years of its operation; ~~[and]~~

(d) The charter school offers instruction on a daily basis during the school week of the charter school on the campus of the charter school; and

(e) ~~[The charter school enrolls pupils at a high school grade level and at]~~ ***At least 75 percent of*** ~~[those]~~ ***the pupils enrolled in the charter school who are required to take the high school proficiency examination have passed that examination*** ~~[.]~~ ***, if the charter school enrolls pupils at a high school grade level.***

2. A charter school that satisfies the requirements of subsection 1 shall submit ~~[an]~~ ***to a performance audit as required by the Department one time every 3 years. The sponsor of the charter school and the Department shall not request*** ~~[an]~~ ***a performance audit of the charter school more frequently than every 3 years without showing good cause for such a request.***

3. A charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the charter school if requested by the sponsor of the charter school.

Sec. 16. NRS 386.500 is hereby amended to read as follows:

386.500 For the purposes of NRS 386.500 to 386.610, inclusive, ***and section 15 of this act*** a pupil is "at risk" if he has an economic or academic disadvantage such that he requires special services and assistance to enable him to succeed in educational programs. The term includes, without limitation, pupils who are members of economically disadvantaged families, pupils who are limited English proficient, pupils who are at risk of dropping out of high school and pupils who do not meet minimum standards of academic proficiency. The term does not include a pupil with a disability.

Sec. 17. NRS 386.515 is hereby amended to read as follows:

386.515 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district. An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Board shall sponsor charter schools whose applications have been approved by the State Board pursuant to NRS 386.525. Except as otherwise provided by specific statute, if the State Board sponsors a charter school, the State Board or the Department is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may sponsor charter schools.

Sec. 18. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of at least three teachers, as defined in subsection 4. In addition to the teachers who serve, the committee may consist of:

(a) Members of the general public;

(b) Representatives of nonprofit organizations and businesses; or

(c) Representatives of a college or university within the Nevada System of Higher Education.

➥ A majority of the persons described in paragraphs (a), (b) and (c) who serve on the committee must be residents of this State at the time that the application to form the charter school is submitted to the Department.

2. Before a committee to form a charter school may submit an application to the board of trustees of a school district, the Subcommittee on Charter Schools ***,*** ~~[or]~~ the State Board ~~[,]~~ ***or a college or university within the Nevada System of Higher Education,*** it must submit the application to the Department. The application must include all information prescribed by the Department by regulation and:

(a) A written description of how the charter school will carry out the provisions of NRS 386.500 to 386.610, inclusive.

(b) A written description of the mission and goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(1) Improving the opportunities for pupils to learn;

(2) Encouraging the use of effective methods of teaching;

(3) Providing an accurate measurement of the educational achievement of pupils;

(4) Establishing accountability of public schools;

(5) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(6) Creating new professional opportunities for teachers.

(c) The projected enrollment of pupils in the charter school.

(d) The proposed dates of enrollment for the charter school.

(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method of selecting the persons who will govern and the term of office for each person.

(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.

(g) The proposed curriculum for the charter school and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the school district in which the charter school is located for receipt of a high school diploma.

(h) The textbooks that will be used at the charter school.

(i) The qualifications of the persons who will provide instruction at the charter school.

(j) Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.

(k) A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.

(l) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

(m) The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.3125. If the procedure is different from the procedure prescribed in NRS 391.3125, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125.

(n) The time by which certain academic or educational results will be achieved.

(o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, for which the charter school intends to operate.

3. The Department shall review an application to form a charter school to determine whether it is complete. If an application proposes to convert an existing public school, home school or other program of home study into a charter school, the Department shall deny the application. The Department shall provide written notice to the applicant of its approval or denial of the application. If the Department denies an application, the Department shall include in the written notice the reason for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

4. As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS; and

(b) Has at least 2 years of experience as an employed teacher.

➥ The term does not include a person who is employed as a substitute teacher.

Sec. 19. NRS 386.525 is hereby amended to read as follows:

386.525 1. Upon approval of an application by the Department, a committee to form a charter school may submit the application to the board of trustees of the school district in which the proposed charter school will be located ***, a college or university within the Nevada System of Higher Education*** or directly to the Subcommittee on Charter Schools. If the board of trustees of a school district ***, a college or a university, as applicable,*** receives an application to form a charter school, the board of trustees ***or the institution, as applicable,*** shall consider the application at a meeting that must be held not later than 45 days after the receipt of the application, or a period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district ~~[,]~~ ***or the institution, as applicable,*** and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees, ***the college, the university,*** the Subcommittee on Charter Schools or the State Board, as applicable, shall review an application to determine whether the application:

(a) Complies with NRS 386.500 to 386.610, inclusive, and the regulations applicable to charter schools; and

(b) Is complete in accordance with the regulations of the Department.

2. The Department shall assist the board of trustees of a school district ***, the college or the university, as applicable,*** in the review of an application. The board of trustees ***, the college or the university, as applicable,*** may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1. The board of trustees ***, the college or the university, as applicable,*** shall provide written notice to the applicant of its approval or denial of the application.

3. If the board of trustees ***, the college or the university, as applicable,*** denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

4. If the board of trustees ***, the college or the university, as applicable,*** denies an application after it has been resubmitted pursuant to subsection 3, the applicant may submit a written request for sponsorship by the State Board to the Subcommittee on Charter Schools created pursuant to NRS 386.507 not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

5. If the Subcommittee on Charter Schools receives an application pursuant to subsection 1 or 4, it shall hold a meeting to consider the application. The meeting must be held not later than 45 days after receipt of the application. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The Subcommittee shall review the application in accordance with the factors set forth in paragraphs (a) and (b) of subsection 1. The Subcommittee may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1.

6. The Subcommittee on Charter Schools shall transmit the application and the recommendation of the Subcommittee for approval or denial of the application to the State Board. Not more than 14 days after the date of the meeting of the Subcommittee pursuant to subsection 5, the State Board shall hold a meeting to consider the recommendation of the Subcommittee. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Board shall review the application in accordance with the factors set forth in paragraphs (a) and (b) of subsection 1. The State Board may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1. Not more than 30 days after the meeting, the State Board shall provide written notice of its determination to the applicant.

7. If the State Board denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

8. If the State Board denies an application after it has been resubmitted pursuant to subsection 7, the applicant may, not more than 30 days after the receipt of the written notice from the State Board, appeal the final

determination to the district court of the county in which the proposed charter school will be located.

9. On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district **,** ~~[or]~~ the State Board ***, a college or a university*** during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 20. NRS 386.527 is hereby amended to read as follows:

386.527 1. If the State Board **,** ~~[or,]~~ the board of trustees of a school district ***or a college or university within the Nevada System of Higher Education*** approves an application to form a charter school, it shall grant a written charter to the applicant. The State Board **,** ~~[or]~~ the board of trustees, ***the college or the university,*** as applicable, shall, not later than 10 days after the approval of the application, provide written notice to the Department of the approval and the date of the approval. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

2. If the State Board approves the application:

(a) The State Board shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

3. ~~[Upon the initial renewal of a written charter and each renewal thereafter, the]~~ ***If a college or university within the Nevada System of Higher Education approves the application:***

(a) That institution shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

4. The governing body of a charter school may request **,** ***at any time,*** a change in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to NRS 386.515. The State Board shall adopt objective criteria for the conditions under which such a request may be granted.

~~[4.]~~ ***5.*** Except as otherwise provided in subsection ~~[6,]~~ ***7,*** a written charter must be for a term of 6 years unless the governing body of a charter school renews its initial charter after 3 years of operation pursuant to subsection 2 of NRS 386.530. A written charter must include all conditions of operation set forth in paragraphs (a) to (o), inclusive, of subsection 2 of

NRS 386.520 and include the kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020 for which the charter school is authorized to operate. If the State Board is the sponsor of the charter school, the written charter must set forth the responsibilities of the sponsor and the charter school with regard to the provision of services and programs to pupils with disabilities who are enrolled in the charter school in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and NRS 388.440 to 388.520, inclusive. As a condition of the issuance of a written charter pursuant to this subsection, the charter school must agree to comply with all conditions of operation set forth in NRS 386.550.

~~[5.]~~ ***6.*** The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter of the charter school. Such an amendment may include, without limitation, the expansion of instruction and other educational services to pupils who are enrolled in grade levels other than the grade levels of pupils currently enrolled in the charter school if the expansion of grade levels does not change the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate. If the proposed amendment complies with the provisions of this section, NRS 386.500 to 386.610, inclusive, and any other statute or regulation applicable to charter schools, the sponsor may amend the written charter in accordance with the proposed amendment. If a charter school wishes to expand the instruction and other educational services offered by the charter school to pupils who are enrolled in grade levels other than the grade levels of pupils currently enrolled in the charter school and the expansion of grade levels changes the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate, the governing body of the charter school must submit a new application to form a charter school. If such an application is approved, the charter school may continue to operate under the same governing body and an additional governing body does not need to be selected to operate the charter school with the expanded grade levels.

~~[6.]~~ ***7.*** The State Board shall adopt objective criteria for the issuance of a written charter to an applicant who is not prepared to commence operation on the date of issuance of the written charter. The criteria must include, without limitation, the:

(a) Period for which such a written charter is valid; and

(b) Timelines by which the applicant must satisfy certain requirements demonstrating its progress in preparing to commence operation.

➥ A holder of such a written charter may apply for grants of money to prepare the charter school for operation. A written charter issued pursuant to this subsection must not be designated as a conditional charter or a provisional charter or otherwise contain any other designation that would indicate the charter is issued for a temporary period.

~~[7.]~~ ***8.*** The holder of a written charter that is issued pursuant to subsection ~~[6]~~ ***7*** shall not commence operation of the charter school and is

not eligible to receive apportionments pursuant to NRS 387.124 until the sponsor has determined that the requirements adopted by the State Board pursuant to subsection ~~[6]~~ ***7*** have been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

(a) Schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or

(b) Charter school,

➥ whichever date the sponsor selects. The sponsor shall not require a charter school to demonstrate compliance with the requirements of this subsection more than 30 days before the date selected. However, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.

Sec. 21. NRS 386.540 is hereby amended to read as follows:

386.540 1. The Department shall adopt regulations that prescribe:

(a) The process for submission of an application by the board of trustees of a school district to the Department for authorization to sponsor charter schools and the contents of the application;

(b) The process for submission of an application to form a charter school to the Department, the board of trustees of a school district and the Subcommittee on Charter Schools, and the contents of the application;

(c) The process for submission of an application to renew a written charter; and

(d) The criteria and type of investigation that must be applied by the board of trustees, the Subcommittee on Charter Schools and the State Board in determining whether to approve an application to form a charter school or an application to renew a written charter.

2. The Department may adopt regulations as it determines are necessary to carry out the provisions of NRS 386.500 to 386.610, inclusive, including, without limitation, regulations that prescribe the ~~[procedures]~~ ***:***

(a) Procedures for accounting ~~[,]~~ ***and*** budgeting ~~[and annual audits]~~ ***;***

(b) ~~[Audits]~~ ***Requirements for performance audits and financial audits*** of charter schools ~~[.]~~ ***on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of section 15 of this act; and***

(c) ~~[Audits of charter schools]~~ ***Requirements for performance audits every 3 years and financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of section 15 of this act.***

Sec. 22. NRS 386.545 is hereby amended to read as follows:

386.545 1. The Department and the board of trustees of a school district shall:

(a) Upon request, provide information to the general public concerning the formation and operation of charter schools; and

(b) Maintain a list available for public inspection that describes the location of each charter school.

2. The sponsor of a charter school shall:

(a) Provide reasonable assistance to an applicant for a charter school and to a charter school in carrying out the provisions of NRS 386.500 to 386.610, inclusive;

(b) Provide technical and other reasonable assistance to a charter school for the operation of the charter school; ~~[and]~~

(c) Provide information to the governing body of a charter school concerning the availability of money for the charter school, including, without limitation, money available from the Federal Government ~~[.]~~ ***; and***

(d) Provide timely access to the electronic data concerning the pupils enrolled in the charter school that is maintained pursuant to NRS 386.650.

3. ***If the board of trustees of a school district is the sponsor of a charter school, the sponsor shall:***

(a) If a pupil enrolled in the charter school is on an extended leave of absence from the charter school due to a physical condition or illness, provide for in-home educational services to the pupil in the same manner as other pupils enrolled in the school district receive those services.

(b) Provide the charter school with an updated list of available substitute teachers within the school district.

(c) Provide access to school buses for use by the charter school for field trips. The school district may charge a reasonable fee for the use of the school buses.

(d) If the school district offers summer school or Internet-based credit recovery classes, allow the pupils enrolled in the charter school to participate if space is available. The school district shall apply the same fees, if any, for participation of the pupils enrolled in the charter school as it applies to pupils enrolled in the school district.

4. The Department shall provide appropriate information, education and training for charter schools and the governing bodies of charter schools concerning the applicable provisions of title 34 of NRS and other laws and regulations that affect charter schools and the governing bodies of charter schools.

Sec. 23. NRS 386.549 is hereby amended to read as follows:

386.549 1. The governing body of a charter school must consist of at least three teachers, as defined in subsection 4, and may consist of, without limitation, parents and representatives of nonprofit organizations and businesses. ***Not more than two persons who serve on the governing body may represent the same organization or business or otherwise represent the interests of the same organization or business.*** A majority of the members of the governing body must reside in this State. If the membership of the governing body changes, the governing body shall provide written notice to

the sponsor of the charter school within 10 working days after such change. A person may serve on the governing body only if he submits an affidavit to the Department indicating that the person:

(a) Has not been convicted of a felony relating to serving on the governing body of a charter school or any offense involving moral turpitude.

(b) Has read and understands material concerning the roles and responsibilities of members of governing bodies of charter schools and other material designed to assist the governing bodies of charter schools, if such material is provided to the person by the Department.

2. The governing body of a charter school is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the charter school is established and to promote the welfare of pupils who are enrolled in the charter school.

3. The governing body of a charter school shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which the charter school is located.

4. As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS; and

(b) Has at least 2 years of experience as an employed teacher.

➥ The term does not include a person who is employed as a substitute teacher.

Sec. 24. NRS 386.560 is hereby amended to read as follows:

386.560 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located or the Nevada System of Higher Education for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation ~~[and]~~ **,** the provision of health services for the pupils who are enrolled in the charter school ~~[.]~~ ***and the provision of school police officers.***

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district and during times that are not regular school hours.

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the charter school is located shall authorize the pupil to participate in a class that is not available to the pupil at the charter school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the pupil in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

➥ If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to attend the class or activity. The provisions of this subsection do not apply to a pupil who is enrolled in a charter school and who desires to participate on a part-time basis in a program of distance education provided by the board of trustees of a school district pursuant to NRS 388.820 to 388.874, inclusive. Such a pupil must comply with NRS 388.858.

5. Upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the charter school is located shall authorize the pupil to participate in sports at the public school that he would otherwise be required to attend within the school district, or upon approval of the board of trustees, any public school within the same zone of attendance as the charter school if:

(a) Space is available for the pupil to participate; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

➥ If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to participate.

6. The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sports at a public school pursuant to subsections 4 and 5 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or an association for interscholastic activities. If the board of trustees so revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

Sec. 25. NRS 386.570 is hereby amended to read as follows:

386.570 1. Each pupil who is enrolled in a charter school, including, without limitation, a pupil who is enrolled in a program of special education in a charter school, must be included in the count of pupils in the school district for the purposes of apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive, unless the pupil is exempt from compulsory attendance pursuant to NRS 392.070. A charter school is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive. If a charter school receives special education program units directly from this State, the amount of money for special education that the school district pays

to the charter school may be reduced proportionately by the amount of money the charter school received from this State for that purpose.

2. All money received by the charter school from this State or from the board of trustees of a school district must be deposited in a bank, credit union or other financial institution in this State. The governing body of a charter school may negotiate with the board of trustees of the school district and the State Board for additional money to pay for services which the governing body wishes to offer.

3. Upon completion of a school year, the sponsor of a charter school may request reimbursement from the governing body of the charter school for the administrative costs associated with sponsorship for that school year if the sponsor provided administrative services during that school year. ***The request must include an itemized list of those costs.*** Upon receipt of such a request, the governing body shall pay the reimbursement to the board of trustees of the school district ~~[,]~~ if the board of trustees sponsors the charter school, ~~[or]~~ to the Department if the State Board sponsors the charter school ~~[.]~~ ***or to the college or university within the Nevada System of Higher Education if that institution sponsors the charter school.*** If a governing body fails to pay the reimbursement, the charter school shall be deemed to have violated its written charter and the sponsor may take such action to revoke the written charter pursuant to NRS 386.535 as it deems necessary. If the board of trustees of a school district is the sponsor of a charter school, the amount of money that may be paid to the sponsor pursuant to this subsection for administrative expenses in 1 school year must not exceed:

(a) For the first year of operation of the charter school, 2 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124.

(b) For any year after the first year of operation of the charter school, 1 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124.

4. If the State Board ***or a college or university within the Nevada System of Higher Education*** is the sponsor of a charter school, the amount of money that may be paid to the Department ***or to the institution, as applicable,*** pursuant to subsection 3 for administrative expenses in 1 school year must not exceed:

(a) For the first year of operation of the charter school, 2 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124.

(b) For any year after the first year of operation of the charter school, 1.5 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124.

5. To determine the amount of money for distribution to a charter school in its first year of operation, the count of pupils who are enrolled in the charter school must initially be determined 30 days before the beginning of the school year of the school district, based on the number of pupils whose

applications for enrollment have been approved by the charter school. The count of pupils who are enrolled in the charter school must be revised on the last day of the first school month of the school district in which the charter school is located for the school year, based on the actual number of pupils who are enrolled in the charter school. Pursuant to subsection 5 of NRS 387.124, the governing body of a charter school may request that the apportionments made to the charter school in its first year of operation be paid to the charter school 30 days before the apportionments are otherwise required to be made.

6. If a charter school ceases to operate as a charter school during a school year, the remaining apportionments that would have been made to the charter school pursuant to NRS 387.124 for that year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the charter school reside.

7. The governing body of a charter school may solicit and accept donations, money, grants, property, loans, personal services or other assistance for purposes relating to education from members of the general public, corporations or agencies. The governing body may comply with applicable federal laws and regulations governing the provision of federal grants for charter schools. The State Board may assist a charter school that operates exclusively for the enrollment of pupils who receive special education in identifying sources of money that may be available from the Federal Government or this State for the provision of educational programs and services to such pupils.

8. If a charter school uses money received from this State to purchase real property, buildings, equipment or facilities, the governing body of the charter school shall assign a security interest in the property, buildings, equipment and facilities to the State of Nevada.

Sec. 26. NRS 386.610 is hereby amended to read as follows:

386.610 1. On or before August 15 of each year, if the board of trustees of a school district ***or a college or university within the Nevada System of Higher Education*** sponsors a charter school, the board of trustees ***or the institution, as applicable,*** shall submit a written report to the State Board. The written report must include:

(a) An evaluation of the progress of each charter school sponsored by the board of trustees ***or institution, as applicable,*** in achieving its educational goals and objectives.

(b) A description of all administrative support and services provided by the school district ***or institution, as applicable,*** to the charter school.

2. The governing body of a charter school shall, after 3 years of operation under its initial charter, submit a written report to the sponsor of the charter school. The written report must include a description of the progress of the charter school in achieving its educational goals and objectives. If the charter school submits an application for renewal in

accordance with the regulations of the Department, the sponsor may renew the written charter of the school pursuant to subsection 2 of NRS 386.530.

Sec. 27. ~~[Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The board of trustees of a school district that includes a charter school which satisfies the requirements of subsection 1 of section 15 of this act, regardless of the sponsor of the charter school, shall provide money or financing for school facilities for those charter schools in an amount equal to 1 percent of the proceeds of all bonds issued by the school district for school facilities after July 1, 2007. This percentage is solely a measure of the amount for use by charter schools pursuant to this section and does not authorize or require a school district to set aside or in any way hold bond proceeds.*~~

~~*2. The governing body of a charter school that satisfies the requirements of subsection 1 of section 15 of this act may submit an application for money from the school district in which the charter school is located, regardless of the sponsor of the charter school, for the construction, alteration or remodel of a facility for the charter school. The application must include:*~~

~~*(a) A description of the project;*~~

~~*(b) The cost of the project;*~~

~~*(c) The amount requested by the governing body; and*~~

~~*(d) Unless standard plans, designs and specifications adopted by the State Board of Education pursuant to NRS 385.125 are to be used for the project, proof that the plans for the project have been approved by the State Public Works Board or local building department, as applicable, for the county.*~~

~~*3. Upon receipt of an application, the board of trustees of a school district shall provide a grant of money to the governing body of the charter school to the extent that money or other financing is available pursuant to subsection 1 if the application submitted by the governing body satisfies the requirements of subsection 2. The board of trustees shall ensure that the money available is distributed in a fair and equitable manner among those charter schools that submit applications which comply with this section.*~~

~~*4. If a charter school does not use the money provided pursuant to subsection 3 in the manner set forth in its application, the charter school shall repay the entire amount provided to the school district. If a charter school completes the project for which the money was provided and a portion of that money remains unexpended, the charter school shall repay the unexpended portion to the school district.*~~

~~*5. The board of trustees of each school district that includes one or more charter schools which satisfy the requirements of subsection 1 of section 15 of this act shall adopt a policy prescribing the procedure for the submission of applications by those charter schools and the annual deadline for submission of applications.]*~~ **(Deleted by amendment.)**

Sec. 28. NRS 387.124 is hereby amended to read as follows:

387.124 Except as otherwise provided in this section and NRS 387.528:

1. On or before August 1, November 1, February 1 and May 1 of each year, the Superintendent of Public Instruction shall apportion the State Distributive School Account in the State General Fund among the several county school districts and charter schools in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. The apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school and all the funds attributable to pupils who reside in the county and are enrolled full time or part time in a program of distance education provided by another school district or a charter school. No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support. If an agreement is not filed for a pupil who is enrolled in a program of distance education as required by NRS 388.854, the Superintendent of Public Instruction shall not apportion money for that pupil to the board of trustees of the school district in which the pupil resides, or the board of trustees or governing body that provides the program of distance education.

2. Except as otherwise provided in subsection 3, the apportionment to a charter school, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides minus all the funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part time in a program of distance education provided by a school district or another charter school. If the apportionment per pupil to a charter school is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school resides, the school district in which the pupil resides shall pay the difference directly to the charter school.

3. The apportionment to a charter school that is sponsored by the State Board ~~[,]~~ ***or a college or university within the Nevada System of Higher Education,*** computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides, minus all funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part time in a program of distance education provided by a school district or another charter school.

4. In addition to the apportionments made pursuant to this section, an apportionment must be made to a school district or charter school that provides a program of distance education for each pupil who is enrolled part time in the program if an agreement is filed for that pupil pursuant to NRS 388.854 or 388.858, as applicable. The amount of the apportionment must be equal to the percentage of the total time services are provided to the

pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides.

5. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the charter school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A charter school may receive all four apportionments in advance in its first year of operation.

6. The Superintendent of Public Instruction shall apportion, on or before August 1 of each year, the money designated as the "Nutrition State Match" pursuant to NRS 387.105 to those school districts that participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school district must be directly related to the district's reimbursements for the Program as compared with the total amount of reimbursements for all school districts in this State that participate in the Program.

7. If the State Controller finds that such an action is needed to maintain the balance in the State General Fund at a level sufficient to pay the other appropriations from it, he may pay out the apportionments monthly, each approximately one-twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the State Controller shall submit a report to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau documenting reasons for the action.

Sec. 29. ~~[NRS 387.335 is hereby amended to read as follows:~~

~~387.335 1. The board of trustees of a county school district may issue its general obligations to raise money for the following purposes, and no others:~~

~~(a) Construction, design or purchase of new buildings for schools, including, [but not limited to,] *without limitation, charter schools that satisfy the requirements of subsection 1 of section 15 of this act,* teacherages, dormitories, dining halls, gymnasiums and stadiums.~~

~~(b) Enlarging, remodeling or repairing existing buildings or grounds for schools, including, [but not limited to,] *without limitation, charter schools that satisfy the requirements of subsection 1 of section 15 of this act,* teacherages, dormitories, dining halls, gymnasiums and stadiums.~~

~~(c) Acquiring sites for building schools, or additional real property for necessary purposes related to schools, including, [but not limited to,] *without limitation, charter schools that satisfy the requirements of subsection 1 of section 15 of this act,* playgrounds, athletic fields and sites for stadiums.~~

~~(d) Paying expenses relating to the acquisition of school facilities which have been leased by a school district pursuant to NRS 393.080.~~

~~(c) Purchasing necessary furniture and equipment for schools. If money from the issuance of general obligations is used to purchase furniture and equipment to replace existing furniture and equipment, and that existing furniture and equipment subsequently is sold, the proceeds from the sale must be applied toward the retirement of those obligations.~~

~~2. Any one or more of the purposes enumerated in subsection 1 may, by order of the board of trustees entered in its minutes, be united and voted upon as one single proposition.~~

~~3. Any question submitted pursuant to this section and any question submitted pursuant to NRS 387.3285 may, by order of the board of trustees entered in its minutes, be united and voted upon as a single proposition.]~~ **(Deleted by amendment.)**

Sec. 30. 1. There is hereby appropriated from the State General Fund to the Department of Education the sum of $1,000,000 for distribution to charter schools that satisfy certain requirements ~~[.]~~ **for facilities for those charter schools.**

2. The governing body of a charter school that satisfies the requirements of subsection 1 of section 15 of this act may submit an application to the Department of Education, on a form prescribed by the Department, for a grant of money in the amount of $250,000. The application must include proof satisfactory to the Department that the charter school satisfies the requirements of subsection 1 of section 15 of this act.

3. Upon receipt of an application and verification by the Department of Education that the charter school satisfies the requirements of subsection 1 of section 15 of this act, the Department shall provide the charter school with a grant of money in the amount of $250,000. A charter school that receives a grant of money shall use the money ~~[in accordance with its written charter.]~~ **for facilities for the charter school.**

4. Applications must be considered and accepted in the order in which the applications are received. A charter school that satisfies the requirements of subsection 1 of section 15 of this act is eligible for one grant pursuant to this section and may not reapply after it receives a grant.

5. Any remaining balance of the appropriation made by ~~[section 1 of this act]~~ **subsection 1** must not be committed for expenditure after June 30, 2011, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2011, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2011.

Sec. 31. This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

GENERAL FILE AND THIRD READING

Assembly Bill No. 127.

Bill read third time.

The following amendment was proposed by Assemblymen Mabey, Carpenter, Allen, Cobb, and Goedhart:

Amendment No. 284.

SUMMARY—Revises provisions relating to interception of wire communications. (BDR ~~[15-1049)]~~ **54-1049)**

AN ACT relating to communications; ~~[authorizing]~~ **clarifying that** a person ~~[to]~~ **may** record certain telephone calls made by collection agents and collection agencies ~~[without obtaining their consent;]~~ **after providing notice that the call is being recorded and making a statement to that effect on the recording;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally requires two-party consent before a person may record a telephone conversation. (NRS 200.620) The Nevada Supreme Court has interpreted existing law to prohibit a person from recording his own telephone conversations unless the other party to the conversation gives prior consent to the recording. (***Lane v. Allstate Ins. Co.***, 114 Nev. 1176 (1998)) ~~[However, the law recognizes exceptions to the requirement of two-party consent for certain situations, including: (1) interceptions of wire communications made pursuant to a court order; (2) interceptions of wire communications made with the consent of one party in an emergency situation and later ratified by a court; (3) interceptions of communications made by an offender in an institution or facility with a person outside of the institution or facility in certain circumstances; and (4) a public utility recording telephone calls relating to emergencies and service outages in certain circumstances. (NRS 179.410-179.515, 209.419, 704.195)]~~ **Existing law also prohibits the surreptitious listening, monitoring or recording of private conversations engaged in by other persons. (NRS 200.650)**

~~[Sections 1 and]~~ **Section** 4 of this bill ~~[provide an additional exception to the two-party consent requirement set forth in NRS 200.620. Section 4]~~ authorizes a person to record any telephone call concerning a debt which is owed or asserted to be owed by the person if the telephone call is initiated by a collection agency or collection agent and received by the person who owes or is alleged to owe the debt ~~[. Section 4 further provides that the person who records the telephone call is not required to obtain the consent of the collection agency or collection agent to record the telephone call or provide]~~ **after providing** notice to the collection agency or collection agent that the

telephone call is being recorded ~~[.]~~ **and making a statement to that effect on the recording.**

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

Section 1. ~~[NRS 200.620 is hereby amended to read as follows:~~

~~200.620 1. Except as otherwise provided in NRS 179.410 to 179.515, inclusive, 209.419 and 704.195,~~ *and section 4 of this act,* ~~it is unlawful for any person to intercept or attempt to intercept any wire communication unless:~~

~~(a) The interception or attempted interception is made with the prior consent of one of the parties to the communication; and~~

~~(b) An emergency situation exists and it is impractical to obtain a court order as required by NRS 179.410 to 179.515, inclusive, before the interception, in which event the interception is subject to the requirements of subsection 3. If the application for ratification is denied, any use or disclosure of the information so intercepted is unlawful, and the person who made the interception shall notify the sender and the receiver of the communication that:~~

~~(1) The communication was intercepted; and~~

~~(2) Upon application to the court, ratification of the interception was denied.~~

~~2. This section does not apply to any person, or to the officers, employees or agents of any person, engaged in the business of providing service and facilities for wire communication where the interception or attempted interception is to construct, maintain, conduct or operate the service or facilities of that person.~~

~~3. Any person who has made an interception in an emergency situation as provided in paragraph (b) of subsection 1 shall, within 72 hours of the interception, make a written application to a justice of the Supreme Court or district judge for ratification of the interception. The interception must not be ratified unless the applicant shows that:~~

~~(a) An emergency situation existed and it was impractical to obtain a court order before the interception; and~~

~~(b) Except for the absence of a court order, the interception met the requirements of NRS 179.410 to 179.515, inclusive.~~

~~4. NRS 200.610 to 200.690, inclusive, do not prohibit the recording, and NRS 179.410 to 179.515, inclusive, do not prohibit the reception in evidence, of conversations on wire communications installed in the office of an official law enforcement or fire-fighting agency, or a public utility, if the equipment used for the recording is installed in a facility for wire communications or on a telephone with a number listed in a directory, on which emergency calls or requests by a person for response by the law enforcement or fire-fighting agency or public utility are likely to be received. In addition, those sections do not prohibit the recording or reception in evidence of conversations~~

~~initiated by the law enforcement or fire-fighting agency or public utility from such a facility or telephone in connection with responding to the original call or request, if the agency or public utility informs the other party that the conversation is being recorded.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 200.650 is hereby amended to read as follows:~~

~~200.650 Except as otherwise provided in NRS 179.410 to 179.515, inclusive, and 704.195,~~ *~~and section 4 of this act~~*~~, a person shall not intrude upon the privacy of other persons by surreptitiously listening to, monitoring or recording, or attempting to listen to, monitor or record, by means of any mechanical, electronic or other listening device, any private conversation engaged in by the other persons, or disclose the existence, content, substance, purport, effect or meaning of any conversation so listened to, monitored or recorded, unless authorized to do so by one of the persons engaging in the conversation.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 179.458 is hereby amended to read as follows:~~

~~179.458 The provisions of NRS 179.410 to 179.515, inclusive, do not prohibit the recording of any telephone call by~~ [a]~~:~~

~~*1. A public utility pursuant to NRS 704.195* [.]~~*; or*

~~*2. A person authorized to record a telephone call made by a collection agency or collection agent pursuant to section 4 of this act.]*~~ **(Deleted by amendment.)**

Sec. 4. Chapter 649 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ ***After providing notice that the telephone conversation will be recorded, a person may record any telephone call that:***

(a) Concerns a claim which is owed or asserted to be owed by the person;

(b) Is made by a collection agency or collection agent; and

(c) Is received by the person.

2. A person who records a telephone call pursuant to this section is ~~[not]~~ ***required to*** ~~[:~~

~~(a) Obtain the consent of the collection agency or collection agent to record the telephone call; or~~

~~(b) Provide notice to the collection agency or collection agent that the person is recording the telephone call.]~~ ***make a statement immediately after the recording begins that the telephone call is being recorded.***

3. As used in this section, "record" means the acquisition of the contents of a wire communication through the use of a recording device.

Assemblyman Mabey moved the adoption of the amendment.

Remarks by Assemblymen Mabey, Smith, and Segerblom.

Amendment lost.

Remarks by Assemblymen Smith, Carpenter, and Mortenson.

Roll call on Assembly Bill No. 127:

YEAS—28.

NAYS—Allen, Carpenter, Christensen, Cobb, Gansert, Goedhart, Goicoechea, Grady, Hardy, Mabey, Marvel, Settelmeyer, Stewart, Weber—14.

Assembly Bill No. 127 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 25.

Bill read third time.

The following amendment was proposed by Assemblyman Anderson:

Amendment No. 492.

AN ACT relating to business associations; revising certain fees charged by the Office of the Secretary of State; revising the provisions pertaining to the name of a foreign limited partnership; making various other changes pertaining to business associations; providing for the correction of certain records filed with the Office of the Secretary of State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2, 3 and 6 of this bill revise the fees for filing and certifying certain documents with the Office of the Secretary of State. (NRS 87.4318, 87.4328, 104.9525)

Section 4 of this bill allows a foreign limited partnership to abbreviate its name. (NRS 88.585)

Section 7 of this bill authorizes the Secretary of State to adopt regulations prescribing procedures for correcting certain fraudulent or false records filed with the Office of the Secretary of State.

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

Section 1. NRS 86.263 is hereby amended to read as follows:

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

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

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

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

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

(e) The name and street address of its lawfully designated resident agent in this State; and

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

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

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

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

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

4. Upon filing:

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

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

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

6. The Secretary of State shall, 90 days before the last day for filing each list required by subsection 2, cause to be mailed to each limited-liability company which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due under subsection 4 and a reminder to file a list required by subsection 2. Failure of any company to receive a notice or form does not excuse it from the penalty imposed by law.

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

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

Sec. 2. NRS 87.4318 is hereby amended to read as follows:

87.4318 1. A statement may be filed in the Office of the Secretary of State. A certified copy of a statement that is filed in an office in another state may be filed in the Office of the Secretary of State. Either filing has the effect provided in NRS 87.4301 to 87.4357, inclusive, with respect to partnership property located in or transactions that occur in this State.

2. A certified copy of a statement that has been filed in the Office of the Secretary of State and recorded in the office of the applicable county recorder has the effect provided for recorded statements in NRS 87.4301 to 87.4357,

inclusive. A recorded statement that is not a certified copy of a statement filed in the Office of the Secretary of State does not have the effect provided for recorded statements in NRS 87.4301 to 87.4357, inclusive.

3. A statement filed by a partnership must be executed by at least two partners. Other statements must be executed by a partner or other person authorized by NRS 87.4301 to 87.4357, inclusive. A natural person who executes a statement as, or on behalf of, a partner or other person named as a partner in a statement shall personally declare under penalty of perjury that the contents of the statement are accurate. ***The fee for filing a statement of partnership authority is $75.***

4. A person authorized by NRS 87.4301 to 87.4357, inclusive, to file a statement may amend or cancel the statement by filing an amendment or cancellation that names the partnership, identifies the statement and states the substance of the amendment or cancellation. ***The fee for filing an amendment or cancellation of a statement of partnership authority is $175.***

5. A person who files a statement pursuant to this section shall promptly send a copy of the statement to every nonfiling partner and to any other person named as a partner in the statement. Failure to send a copy of a statement to a partner or other person does not limit the effectiveness of the statement as to a person not a partner.

Sec. 3. NRS 87.4328 is hereby amended to read as follows:

87.4328 A partner or other person named as a partner in a filed statement of partnership authority or in a list maintained by an agent pursuant to subsection 2 of NRS 87.4327 may file a statement of denial stating the name of the partnership and the fact that is being denied, which may include denial of a person's authority or status as a partner. A statement of denial is a limitation on authority as provided in subsections 4 and 5 of NRS 87.4327. ***The fee for filing a statement of denial is $75.***

Sec. 4. NRS 88.585 is hereby amended to read as follows:

88.585 Except as otherwise provided in NRS 88.609, a foreign limited partnership may register with the Secretary of State under any name, whether or not it is the name under which it is registered in its state of organization, that ~~[includes without abbreviation]~~ ***contains*** the words "limited partnership" ***or the abbreviation "LP" or "L.P."*** and that could be registered by a domestic limited partnership.

Sec. 5. NRS 92A.205 is hereby amended to read as follows:

92A.205 1. After a plan of conversion is approved as required by this chapter, if the resulting entity is a domestic entity, the constituent entity shall deliver to the Secretary of State for filing:

(a) Articles of conversion setting forth:

(1) The name and jurisdiction of organization of the constituent entity and the resulting entity; and

(2) That a plan of conversion has been adopted by the constituent entity in compliance with the law of the jurisdiction governing the constituent entity.

(b) The charter document of the domestic resulting entity required by the applicable provisions of chapter 78, 78A, ~~[82,]~~ 86, 88, 88A or 89 of NRS.

(c) A certificate of acceptance of appointment of a resident agent for the resulting entity which is signed by the resident agent.

2. After a plan of conversion is approved as required by this chapter, if the resulting entity is a foreign entity, the constituent entity shall deliver to the Secretary of State for filing articles of conversion setting forth:

(a) The name and jurisdiction of organization of the constituent entity and the resulting entity;

(b) That a plan of conversion has been adopted by the constituent entity in compliance with the laws of this State; and

(c) The address of the resulting entity where copies of process may be sent by the Secretary of State.

3. If the entire plan of conversion is not set forth in the articles of conversion, the filing party must include in the articles of conversion a statement that the complete signed plan of conversion is on file at the registered office or principal place of business of the resulting entity or, if the resulting entity is a domestic limited partnership, the office described in paragraph (a) of subsection 1 of NRS 88.330.

4. If the conversion takes effect on a later date specified in the articles of conversion pursuant to NRS 92A.240, the charter document to be filed with the Secretary of State pursuant to paragraph (b) of subsection 1 must state the name and the jurisdiction of the constituent entity and that the existence of the resulting entity does not begin until the later date.

5. Any records filed with the Secretary of State pursuant to this section must be accompanied by the fees required pursuant to this title for filing the charter document.

Sec. 6. NRS 104.9525 is hereby amended to read as follows:

104.9525 1. Except as otherwise provided in subsection ~~[5,]~~ ***6,*** the fee for filing and indexing a record under this part, other than an initial financing statement of the kind described in subsection 2 of NRS 104.9502, is:

(a) Forty dollars if the record is communicated in writing and consists of one or two pages;

(b) Sixty dollars if the record is communicated in writing and consists of more than two pages, and $2 for each page over 20 pages;

(c) Twenty dollars if the record is communicated by another medium authorized by filing-office rule; and

(d) Two dollars for each additional debtor, trade name or reference to another name under which business is done.

2. The filing officer may charge and collect $2 for each page of copy or record of filings produced by him at the request of any person.

3. Except as otherwise provided in subsection ~~[5,]~~ ***6,*** the fee for filing and indexing an initial financing statement of the kind described in subsection 3 of NRS 104.9502 is ~~[:~~

~~(a) Sixty dollars]~~ ***$40*** if the financing statement indicates that it is filed in connection with a public-finance transaction ~~[; and~~

~~(b) Forty dollars if the financing statement indicates that it is filed in connection with]~~ ***or*** a manufactured-home transaction.

4. The fee for responding to a request for information from the filing office, including for issuing a certificate showing whether there is on file any financing statement naming a particular debtor, is:

(a) Forty dollars if the request is communicated in writing; and

(b) Twenty dollars if the request is communicated by another medium authorized by filing-office rule.

5. ***The fee for certifying a copy of a financing statement, amendment or other record on file in the Office of the Secretary of State pursuant to chapter 104 of NRS is $30.***

6. This section does not require a fee with respect to a mortgage that is effective as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut under subsection 3 of NRS 104.9502. However, the fees for recording and satisfaction which otherwise would be applicable to the mortgage apply.

Sec. 7. NRS 225.084 is hereby amended to read as follows:

225.084 1. A person shall not willfully file, promote the filing of, or cause to be filed, or attempt or conspire to file, promote the filing of, or cause to be filed, any record in the Office of the Secretary of State if the person has actual knowledge that the record:

(a) Is forged or fraudulently altered;

(b) Contains a false statement of material fact; or

(c) Is being filed in bad faith or for the purpose of harassing or defrauding any person.

2. Any person who violates this section is liable in a civil action brought pursuant to this section for:

(a) Actual damages caused by each separate violation of this section, or $10,000 for each separate violation of this section, whichever is greater;

(b) All costs of bringing and maintaining the action, including investigative expenses and fees for expert witnesses;

(c) Reasonable attorney's fees; and

(d) Any punitive damages that the facts may warrant.

3. A civil action may be brought pursuant to this section by:

(a) Any person who is damaged by a violation of this section, including, without limitation, any person who is damaged as the result of an action taken in reliance on a record filed in violation of this section; or

(b) The Attorney General, in the name of the State of Nevada, if the matter is referred to the Attorney General by the Secretary of State and if the Attorney General, after due inquiry, determines that a civil action should be brought pursuant to this section. Any money recovered by the Attorney General pursuant to this paragraph, after deducting all costs and expenses

incurred by the Attorney General and the Secretary of State to investigate and act upon the violation, must be deposited in the State General Fund.

4. For the purposes of this section, each filing of a single record that constitutes a violation of this section shall be deemed to be a separate violation.

5. The rights, remedies and penalties provided pursuant to this section are cumulative and do not abrogate and are in addition to any other rights, remedies and penalties that may exist at law or in equity, including, without limitation, any criminal penalty that may be imposed pursuant to NRS 239.330.

6. ***The Secretary of State may adopt regulations prescribing procedures for correcting any record filed in violation of this section.***

7. As used in this section, "record" means information that is:

(a) Inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and

(b) Filed or offered for filing by a person pursuant to any provision of title 7 of NRS or Article 9 of the Uniform Commercial Code.

Sec. 8. **Assembly Bill No. 26 of this session is hereby amended by adding thereto a new section to be designated as sec. 6.5, following sec. 6, to read as follows:**

Sec. 6.5. The amendatory provisions of this act do not apply to a:

1. Corporation that files its articles of incorporation with the Secretary of State;

2. Foreign corporation that files the records required pursuant to subsection 1 of NRS 80.010 or NRS 80.110 with the Secretary of State;

3. Nonprofit corporation that files its articles of incorporation with the Secretary of State;

4. Limited-liability company that files its articles of organization with the Secretary of State;

5. Registered limited-liability partnership that files its certificate of registration with the Secretary of State; or

6. Limited partnership that files its certificate of limited partnership with the Secretary of State,

↪ before the effective date of this act.

Sec. 9. **1. This section and section 8 of this act become effective upon passage and approval.**

2. Sections 1 to 6, inclusive, of this act become effective on October 1, 2007.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 329.

Bill read third time.

Remarks by Assemblyman Parks.
Roll call on Assembly Bill No. 329:
YEAS—41.
NAYS—None.
NOT VOTING—Arberry.
Assembly Bill No. 329 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 366.
Bill read third time.
Remarks by Assemblywoman Womack.
Roll call on Assembly Bill No. 366:
YEAS—42.
NAYS—None.
Assembly Bill No. 366 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 404.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Assembly Bill No. 404:
YEAS—41.
NAYS—Goedhart.
Assembly Bill No. 404 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 560.
Bill read third time.
Remarks by Assemblyman Christensen.
Roll call on Assembly Bill No. 560:
YEAS—42.
NAYS—None.
Assembly Bill No. 560 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 4.
Bill read third time.
Remarks by Assemblyman Mabey.
Roll call on Assembly Bill No. 4:
YEAS—42.
NAYS—None.
Assembly Bill No. 4 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 8.
Bill read third time.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:32 p.m.

ASSEMBLY IN SESSION

At 12:35 p.m.
Madam Speaker presiding.
Quorum present.

Remarks by Assemblyman Manendo.
Roll call on Assembly Bill No. 8:
YEAS—42.
NAYS—None.
Assembly Bill No. 8 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 37.
Bill read third time.
Remarks by Assemblywoman Weber.
Roll call on Assembly Bill No. 37:
YEAS—41.
NAYS—Cobb.
Assembly Bill No. 37 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 38.
Bill read third time.
Remarks by Assemblyman Carpenter.
Roll call on Assembly Bill No. 38:
YEAS—42.
NAYS—None.
Assembly Bill No. 38 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 52.
Bill read third time.
Remarks by Assemblyman Carpenter.
Roll call on Assembly Bill No. 52:
YEAS—42.
NAYS—None.

Assembly Bill No. 52 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 54.

Bill read third time.

Remarks by Assemblyman Atkinson.

Roll call on Assembly Bill No. 54:

YEAS—42.

NAYS—None.

Assembly Bill No. 54 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 58.

Bill read third time.

Remarks by Assemblyman Oceguera.

Roll call on Assembly Bill No. 58:

YEAS—42.

NAYS—None.

Assembly Bill No. 58 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 71.

Bill read third time.

Remarks by Assemblywoman Gerhardt.

Roll call on Assembly Bill No. 71:

YEAS—42.

NAYS—None.

Assembly Bill No. 71 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 72.

Bill read third time.

Remarks by Assemblywoman Gansert.

Roll call on Assembly Bill No. 72:

YEAS—42.

NAYS—None.

Assembly Bill No. 72 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 76.

Bill read third time.

Remarks by Assemblyman Manendo.
Roll call on Assembly Bill No. 76:
YEAS—42.
NAYS—None.
Assembly Bill No. 76 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 106.
Bill read third time.
Remarks by Assemblywoman McClain.
Roll call on Assembly Bill No. 106:
YEAS—41.
NAYS—Anderson.
Assembly Bill No. 106 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 136.
Bill read third time.
Remarks by Assemblyman Segerblom.
Roll call on Assembly Bill No. 136:
YEAS—42.
NAYS—None.
Assembly Bill No. 136 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 176.
Bill read third time.
Remarks by Assemblywoman Allen.
Roll call on Assembly Bill No. 176:
YEAS—42.
NAYS—None.
Assembly Bill No. 176 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 227.
Bill read third time.
Remarks by Assemblymen Carpenter and Anderson.
Roll call on Assembly Bill No. 227:
YEAS—42.
NAYS—None.
Assembly Bill No. 227 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 247.
Bill read third time.
Remarks by Assemblymen Leslie and Conklin.
Roll call on Assembly Bill No. 247:
YEAS—38.
NAYS—Beers, Cobb, Gansert, Settelmeyer—4.
Assembly Bill No. 247 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Atkinson moved that Assembly Bill No. 266 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:01 p.m.

ASSEMBLY IN SESSION

At 1:12 p.m.
Madam Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 282.
Bill read third time.
Remarks by Assemblywoman Leslie.
Roll call on Assembly Bill No. 282:
YEAS—42.
NAYS—None.
Assembly Bill No. 282 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 289.
Bill read third time.
Remarks by Assemblyman Grady.
Roll call on Assembly Bill No. 289:
YEAS—42.
NAYS—None.
Assembly Bill No. 289 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 299.
Bill read third time.

Remarks by Assemblyman Conklin.
Roll call on Assembly Bill No. 299:
YEAS—42.
NAYS—None.
Assembly Bill No. 299 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 307.
Bill read third time.
Remarks by Assemblymen Claborn and Anderson.
Roll call on Assembly Bill No. 307:
YEAS—42.
NAYS—None.
Assembly Bill No. 307 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 334.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Assembly Bill No. 334:
YEAS—39.
NAYS—Beers, Christensen, Settelmeyer—3.
Assembly Bill No. 334 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 350.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Assembly Bill No. 350:
YEAS—42.
NAYS—None.
Assembly Bill No. 350 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 353.
Bill read third time.
Remarks by Assemblywoman Gerhardt.
Roll call on Assembly Bill No. 353:
YEAS—42.
NAYS—None.
Assembly Bill No. 353 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 358.
Bill read third time.
Remarks by Assemblyman Manendo.
Roll call on Assembly Bill No. 358:
YEAS—32.
NAYS—Allen, Beers, Christensen, Cobb, Gansert, Hardy, Mabey, Marvel, Stewart, Weber—10.
Assembly Bill No. 358 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 359.
Bill read third time.
Remarks by Assemblywoman Pierce.
Roll call on Assembly Bill No. 359:
YEAS—41.
NAYS—Goedhart.
Assembly Bill No. 359 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 373.
Bill read third time.
Remarks by Assemblyman Grady.
Roll call on Assembly Bill No. 373:
YEAS—42.
NAYS—None.
Assembly Bill No. 373 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 380.
Bill read third time.
Remarks by Assemblymen Kirkpatrick and Anderson.
Roll call on Assembly Bill No. 380:
YEAS—42.
NAYS—None.
Assembly Bill No. 380 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 381.
Bill read third time.
Remarks by Assemblyman Kihuen.
Roll call on Assembly Bill No. 381:
YEAS—42.
NAYS—None.

Assembly Bill No. 381 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 468.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Assembly Bill No. 468:

YEAS—42.

NAYS—None.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 483.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 483:

YEAS—42.

NAYS—None.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 497.

Bill read third time.

Remarks by Assemblyman Atkinson.

Roll call on Assembly Bill No. 497:

YEAS—42.

NAYS—None.

Assembly Bill No. 497 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 512.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 512:

YEAS—42.

NAYS—None.

Assembly Bill No. 512 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 515.

Bill read third time.

Remarks by Assemblymen Kihuen and Leslie.

Conflict of interest declared by Assemblywoman Leslie.

Roll call on Assembly Bill No. 515:

YEAS—29.

NAYS—Allen, Beers, Christensen, Cobb, Gansert, Goedhart, Hardy, Mabey, Marvel, Settelmeyer, Stewart, Weber—12.

NOT VOTING—Leslie.

Assembly Bill No. 515 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 552.

Bill read third time.

Remarks by Assemblyman Atkinson.

Roll call on Assembly Bill No. 552:

YEAS—42.

NAYS—None.

Assembly Bill No. 552 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 554.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 554:

YEAS—42.

NAYS—None.

Assembly Bill No. 554 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 575.

Bill read third time.

Remarks by Assemblymen Leslie and Carpenter.

Roll call on Assembly Bill No. 575:

YEAS—42.

NAYS—None.

Assembly Bill No. 575 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Manendo moved that Assembly Bill No. 584 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 585.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Assembly Bill No. 585:

YEAS—42.

NAYS—None.

Assembly Bill No. 585 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 589.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Assembly Bill No. 589:

YEAS—42.

NAYS—None.

Assembly Bill No. 589 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 593.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 593:

YEAS—42.

NAYS—None.

Assembly Bill No. 593 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 594 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 601.

Bill read third time.

Remarks by Assemblymen Claborn, Mabey, and Parnell.

Roll call on Assembly Bill No. 601:

YEAS—28.

NAYS—Allen, Beers, Carpenter, Christensen, Cobb, Gansert, Goedhart, Grady, Hardy, Mabey, Marvel, Settelmeyer, Stewart, Weber—14.

Assembly Bill No. 601 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 1.

Resolution read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Joint Resolution No. 1:

YEAS—41.

NAYS—Hardy.

Assembly Joint Resolution No. 1 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 9.

Resolution read third time.

Remarks by Assemblymen Mortenson and Carpenter.

Roll call on Assembly Joint Resolution No. 9:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 9 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 10.

Resolution read third time.

Remarks by Assemblywoman Pierce.

Roll call on Assembly Joint Resolution No. 10:

YEAS—32.

NAYS—Allen, Beers, Christensen, Cobb, Goedhart, Hardy, Marvel, Settelmeyer, Stewart, Weber—10.

Assembly Joint Resolution No. 10 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 1 of the 22nd Special Session.

Resolution read third time.

Remarks by Assemblyman Mortenson.

Roll call on Assembly Joint Resolution No. 1 of the 22nd Special Session:

YEAS—41.

NAYS—Ohrenschall.

Assembly Joint Resolution No. 1 of the 22nd Special Session having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 420 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 572 be rereferred to the Committee on Ways and Means.

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CONKLIN:

This morning, I would like to rise and congratulate Cimarron Memorial High School in Las Vegas. It is the high school that resides in my district. They participated this weekend in the FIRST Robotic World Championship in Atlanta. There were 344 teams.

I do not know how many folks are familiar with this program. It is a program where schools can participate. From six weeks out, they get a list of things that a robot must be able to do, and they start from scratch. In six weeks, they build these robots and send them to compete in tasks that are timed against the clock and against other programs around the world. The reason I believe it is so important to rise this morning, even though members of the team are not here, is because out of 344 teams, Cimarron Memorial High School placed first from around the world. That is absolutely fantastic, and when you consider how important it is to continue to recruit and retain good students in science, math, and engineering, I cannot tell you how incredibly proud I am of this accomplishment and how spectacular this really is. Please join me in congratulating the kids from Cimarron Memorial High School.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Randall Sayre.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to members of the National Coalition of Black Women: Ethel Archibald, Constance Brooks, Lula Caldwell, Ina Dorman, Azell Gittens, Sonya Hordford, E. Lavonne Lewis, Sandra Mack, Barbara McCants-Hill, Carrie Peery, Yvonne Qualls, Billie Rayford, Shirley Savage-Hampton, Diane E. Stith, and Muzetta Thrower; Verlia Davis Hoggard.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Home Educators of Faith: Jane Smith, Ryan Smith, Bradley Smith, Laura Smith, Pam Jackson, Rachel Jackson, Joshua Jackson, Harrison Jackson, Cynthia Robison, Chad Robison, Autumn Robison, Christian Robison, La Rena Fry, Brandi Vorderbruggen, Lorraine Vazquez, Bryan Vazquez, Mia Vazquez, Kayla Vazquez, Michael Vazquez, Jose Vazquez, Tasha Vazquez, Gabby Vazquez, Hannah Vazquez, Courtney Vazquez, Paola Vazquez, Devante Vazquez, Aimee Vazquez, Anahi Vazquez, Stephanie Parker, Will Parker, Scott Myer, Gina Myer, Olivia Myer, Kathleen Hill , Brian Hill, Barb Sikora, Annika Sikora, Kira Sikora, Annika Sikora, Kira Sikora, Alyce Pagniello, Travis Homan, Toree Homan, T.J. Pagniello, Andrew Pagniello, Bethany Callahan, Zachary Callahan, Ryan Callahan, Jennifer Anderson, Katelyn Anderson, Alex Anderson, Samantha Anderson, Lupita Tripp, Nathan Tripp, Debbie Palamar, Shannon Palamar, Jennifer Van Beuge, Eric Van Beuge, Jake Van Beuge, Vickie Etchart, Cameron Etchart, Haley Etchart, Terry Schendel, Madeline I.S. Bush, Nikki Willis , Emily Willis, Daniel Willis, Shawnna Roser, Mariya Roser, Yvette

Hansen, James Hansen, Jessica Hansen, Nicholas Hansen, Lisa Williams, Jonathan Williams, Andrew Williams, Romana Baxter, Courtney Baxter, Karen Foster, Ethan Foster, Alyssa Foster, Crystal Navarro, Symona Navarro, Jonah Navarro, Sequoia Navarro, Catalina Navarro, Josiah Navarro, Melanie Reyman, Gatalon Reyman, Shantel Reyman, Crieghton Reyman, Karen Anderson, Jacob Anderson, Grace Anderson, Anna Lise Anderson, Diane Centric, Elijah Centric, Helen Lundgren, Wendy Lundgren, Caleb Lundgren, Mia Wolf, Devina Wolf, Irene Rushing, Seleah Rushing, Aliana Rushing, Rimi Rushing, Tina Goodman and Harrison Jackson.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Richard B. Matta and Jan Matta.

On request of Assemblywoman Womack, the privilege of the floor of the Assembly Chamber for this day was extended to Christina Vela, Amy Jaffe, and Paula Hammack.

Assemblyman Oceguera moved that the Assembly adjourn until Tuesday, April 17, 2007, at 11 a.m. and that it do so in support of the families and victims of the tragedy at Virginia Tech University.

Motion carried.

Assembly adjourned at 2:13 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE SEVENTY-SECOND DAY

CARSON CITY (Tuesday), April 17, 2007

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

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Rabbi Jacob Benzaquen.

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

Teach us to appreciate the treasure of our lives. Reawaken joy and save us from dissension and jealousy. Guide our leaders with your light and truth; help them with your good counsel. Let love and justice flow like a mighty stream. And let us all say:

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 385, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 222, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended and rerefer to the Committee on Ways and Means.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 313, 354, 386, 391, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Concurrent Committee on Education, to which were referred Assembly Bills Nos. 563, 565, 567, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Bill No. 516, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 6, 91, 94, 120, 218, 233, 253, 258, 296, 463, 533, 558, 559, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 291, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended and rerefer to the Committee on Ways and Means.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 158, 261, 305 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 49, 63, 77, 83, 107, 194, 344, 406, 418, 498, 519, 520, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 236, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KATHY MCCLAIN, *Chair*

Madam Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 243, 252, 269 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended and rerefer to the Committee on Ways and Means.

KATHY MCCLAIN, *Chair*

Madam Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 57, 118, 154, 489, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 16, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 19, 20.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 378, 474, 496, 508, 541; Senate Joint Resolutions Nos. 11, 12, 13, 14, 17, 18.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 19, 154, 281, 284.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 6, 49, 57, 63, 77, 83, 91, 94, 107, 118, 120, 154, 158, 194, 218, 222, 233, 236, 243, 252, 253, 258, 261, 269, 291, 296, 305, 313, 344, 354, 385, 386, 391, 406, 418, 463, 489, 498, 516, 519, 520, 533, 558, 559, 563, 565, 567, just reported out committee, be placed on the Second Reading File.

Motion carried.

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

Motion carried.

Senate Joint Resolution No. 11.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Joint Resolution No. 12.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Joint Resolution No. 13.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Joint Resolution No. 14.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Senate Joint Resolution No. 17.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Senate Joint Resolution No. 18.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Transportation.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 609—AN ACT making an appropriation to the Division of Welfare and Supportive Services of the Department of Health and Human Services for a feasibility study of the NOMADS software application; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 19.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 154.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 281.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 284.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 378.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 474.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 496.

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

Motion carried.

Senate Bill No. 508.

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

Motion carried.

Senate Bill No. 541.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:23 a.m.

ASSEMBLY IN SESSION

At 11:24 a.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that the action whereby Senate Bill No. 496 was referred to the Committee on Government Affairs be rescinded.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 496 be referred to the Select Committee on Corrections, Parole, and Probation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 6.

Bill read second time.

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

Amendment No. 12.

AN ACT relating to counties; authorizing a board of county commissioners to enter into ~~[a contract or other agreement]~~ ***contracts or other agreements*** to provide the residents of the county with discounts on prescription drugs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

A board of county commissioners is authorized under existing law to enact laws to protect the public health. (NRS 244.357) This bill specifically authorizes a board of county commissioners to enter into ~~[a contract or other agreement]~~ ***contracts or other agreements*** to provide the residents of the county with discounts on prescription drugs. ***Any such contract or agreement is not subject to competitive bidding procedures.***

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A board of county commissioners may enter into ~~[a contract]~~ ***one or more contracts or other*** ~~[agreement]~~ ***agreements to provide the residents of the county with a reduction in the price of a drug or medicine dispensed by a pharmacy pursuant to a prescription.*** ~~[The]~~ ***Such contract or other agreement may, without limitation, provide for the participation of the county in a program that provides prescription drugs or medicines at a discounted price.***

2. A contract or agreement entered into pursuant to subsection 1 is not subject to any requirement of competitive bidding or other restriction imposed on the procedure for the awarding of contracts.

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

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 49.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 430.

SUMMARY— ~~[Exempts certain persons from]~~ **Revises certain provisions concerning** jury service. (BDR 1-145)

AN ACT relating to juries; exempting certain persons from jury service; **providing that certain primary caregivers may be temporarily excused from jury service;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ **Section 1 of this** bill revises provisions of existing law which exempt certain persons from jury service by reinstating ~~[certain exemptions]~~ **an exemption** from jury service **for any police officer** which ~~[were]~~ **was** repealed during the 72nd Session of the Nevada Legislature. (NRS 6.020; Chapter 255, Statutes of Nevada 2003, p. 1347) ~~[Specifically, this bill reinstates exemptions from jury service for: (1) any federal or state officer; (2) any judge, justice of the peace or attorney at law; (3) any county clerk, recorder, assessor, sheriff, deputy sheriff, constable or police officer; and (4) any officer or correctional officer employed by the Department of Corrections. This bill also adds a new exemption]~~ **Section 3 of this bill provides a prospective expiration date for this exemption of July 1, 2011. Section 2 of this bill authorizes a court to temporarily excuse a juror** from jury service ~~[for any other correctional officer.]~~ **if that juror is a primary caregiver of another person who has a documented medical condition which requires the assistance of another person at all times. (NRS 6.030)**

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

Section 1. NRS 6.020 is hereby amended to read as follows:

6.020 1. Except as otherwise provided in subsections 2 and 3 and NRS 67.050, upon satisfactory proof, made by affidavit or otherwise, the following-named persons, and no others, are exempt from service as grand or trial jurors:

(a) While the Legislature is in session, any member of the Legislature or any employee of the Legislature or the Legislative Counsel Bureau; ~~[and]~~

(b) Any person who has a fictitious address pursuant to NRS 217.462 to 217.471, inclusive ~~[.]~~ ***; and***

(c) Any ~~[federal or state officer;~~

~~(d) Any judge, justice of the peace or attorney at law;~~

~~(e) Any county clerk, recorder, assessor, sheriff, deputy sheriff, constable or police officer;~~

~~(f) Any officer employed by the Department of Corrections; and~~

~~(g) Any correctional officer.]~~ ***police officer as defined in NRS 617.135.***

2. All persons of the age of 70 years or over are exempt from serving as grand or trial jurors. Whenever it appears to the satisfaction of the court, by affidavit or otherwise, that a juror is over the age of 70 years, the court shall order the juror excused from all service as a grand or trial juror, if the juror so desires.

3. A person who is the age of 65 years or over who lives 65 miles or more from the court is exempt from serving as a grand or trial juror. Whenever it appears to the satisfaction of the court, by affidavit or otherwise, that a juror is the age of 65 years or over and lives 65 miles or more from the court, the court shall order the juror excused from all service as a grand or trial juror, if the juror so desires.

Sec. 2. **NRS 6.030 is hereby amended to read as follows:**

6.030 1. The court may at any time temporarily excuse any juror on account of:

(a) Sickness or physical disability.

(b) Serious illness or death of a member of his immediate family.

(c) Undue hardship or extreme inconvenience.

(d) Public necessity.

~~[2.]~~

2. In addition to the reasons set forth in subsection 1, the court may at any time temporarily excuse a person who provides proof that he is the primary caregiver of another person who has a documented medical condition which requires the assistance of another person at all times.

3. A person temporarily excused shall appear for jury service as the court may direct.

~~[2.]~~ ***4.*** The court shall permanently excuse any person from service as a juror if he is incapable, by reason of a permanent physical or mental

disability, of rendering satisfactory service as a juror. The court may require the prospective juror to submit a physician's certificate concerning the nature and extent of the disability and the certifying physician may be required to testify concerning the disability when the court so directs.

Sec. 3. **1. This act becomes effective upon passage and approval.**

2. The amendatory provisions of section 1 of this act expire by limitation on July 1, 2011.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 57.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 69.

AN ACT relating to traffic laws; revising provisions governing the stopping, standing or parking of a vehicle near a crosswalk; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill expands the prohibition in existing law from stopping, standing or parking a vehicle within 20 feet of a crosswalk that is located at an intersection by prohibiting such activity at any crosswalk, regardless of location. (NRS 484.399)

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

Section 1. NRS 484.399 is hereby amended to read as follows:

484.399 1. A person shall not stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or official traffic-control device, in any of the following places:

(a) On a sidewalk;

(b) In front of a public or private driveway;

(c) Within an intersection;

(d) Within 15 feet of a fire hydrant in a place where parallel parking is permitted, or within 20 feet of a fire hydrant if angle parking is permitted and a local ordinance requires the greater distance;

(e) On a crosswalk;

(f) Within 20 feet of a crosswalk **;** ~~[at an intersection;]~~

(g) ~~[;~~

~~(f)]~~ Within 30 feet upon the approach to any official traffic-control signal located at the side of a highway;

(h) ~~[(g)]~~ Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone;

(i) ~~[(h)]~~ Within 50 feet of the nearest rail of a railroad;

(j) ~~[(i)]~~ Within 20 feet of a driveway entrance to any fire station and, on the side of a highway opposite the entrance to any fire station, within 75 feet of that entrance;

(k) ~~[(j)]~~ Alongside or opposite any highway excavation or obstruction when stopping, standing or parking would obstruct traffic;

(l) ~~[(k)]~~ On the highway side of any vehicle stopped or parked at the edge of or curb of a highway;

(m) ~~[(l)]~~ Upon any bridge or other elevated structure or within a highway tunnel;

(n) ~~[(m)]~~ Except as otherwise provided in subsection 2, within 5 feet of a public or private driveway; and

(o) ~~[(n)]~~ At any place where official traffic-control devices prohibit stopping, standing or parking.

2. The provisions of paragraph (n) ~~[(m)]~~ of subsection 1 do not apply to a person operating a vehicle of the United States Postal Service if the vehicle is being operated for the official business of the United States Postal Service.

3. A person shall not move a vehicle not owned by him into any prohibited area or away from a curb to a distance which is unlawful.

4. A local authority may place official traffic-control devices prohibiting or restricting the stopping, standing or parking of vehicles on any highway where in its opinion stopping, standing or parking is dangerous to those using the highway or where the vehicles which are stopping, standing or parking would unduly interfere with the free movement of traffic. It is unlawful for any person to stop, stand or park any vehicle in violation of the restrictions stated on those devices.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 63.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 391.

AN ACT relating to crimes; revising the additional penalty that must be imposed under certain circumstances for using a firearm, other deadly weapon or a weapon containing or capable of emitting tear gas in the commission of a crime; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who uses a firearm, other deadly weapon or a weapon containing or capable of emitting tear gas in the commission of a crime must be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment for the underlying crime. (NRS 193.165) This bill revises the term of imprisonment for this additional penalty to require instead that, in addition to the punishment prescribed for

the underlying crime, a person who uses a firearm, other deadly weapon or a weapon containing or capable of emitting tear gas in the commission of a crime must be punished by imprisonment in the state prison for a term of not less than 1 year and not more than ~~[10]~~ **20** years ~~[.]~~ **, except that the additional term of imprisonment must not exceed the length of the sentence imposed for the underlying crime.**

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

Section 1. NRS 193.165 is hereby amended to read as follows:

193.165 1. Except as otherwise provided in NRS 193.169, any person who uses a firearm or other deadly weapon or a weapon containing or capable of emitting tear gas, whether or not its possession is permitted by NRS 202.375, in the commission of a crime shall ***, in addition to the term of imprisonment prescribed by statute for the crime,*** be punished by imprisonment in the state prison for ~~[a term equal to and in addition to the]~~ ***a minimum*** term of ~~[imprisonment prescribed by statute for the crime.]~~ ***not less than 1 year and a maximum term of not more than*** ~~[10]~~ ***20 years.*** The sentence prescribed by this section ~~[runs]~~ ***:***

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs consecutively with the sentence prescribed by statute for the crime.

2. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

3. The provisions of subsections 1 and 2 do not apply where the use of a firearm, other deadly weapon or tear gas is a necessary element of such crime.

4. The court shall not grant probation to or suspend the sentence of any person who is convicted of using a firearm, other deadly weapon or tear gas in the commission of any of the following crimes:

(a) Murder;

(b) Kidnapping in the first degree;

(c) Sexual assault; or

(d) Robbery.

5. As used in this section, "deadly weapon" means:

(a) Any instrument which, if used in the ordinary manner contemplated by its design and construction, will or is likely to cause substantial bodily harm or death;

(b) Any weapon, device, instrument, material or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing substantial bodily harm or death; or

(c) A dangerous or deadly weapon specifically described in NRS 202.255, 202.265, 202.290, 202.320 or 202.350.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 77.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 235.

AN ACT relating to criminal procedure; revising provisions for determining whether a defendant is competent to stand trial or be punished for a criminal offense; requiring all other departments of the court which has suspended a trial to determine competency of a defendant to suspend any other proceedings related to the defendant; reducing the time by which a court must determine competency when a trial is not requested; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person may not be tried or punished for a criminal offense while he is incompetent and defines the term "incompetent." (NRS 178.400) Section 1 of this bill revises the definition of "incompetent" to include a person who does not have the ~~[capacity]~~ **present ability** to understand the nature and purpose of the court proceedings ~~[.]~~ **or to assist his counsel with a reasonable degree of rational understanding.**

Existing law requires the court to suspend proceedings if a question arises as to the competency of a criminal defendant until the question of competence is resolved. (NRS 178.405) Section 2 of this bill clarifies that competency may be determined at any time after the arrest of a defendant. Section 2 also requires the suspension of any other proceedings relating to the defendant once the question of competency is raised until the defendant is determined to be competent.

In certain circumstances, existing law requires the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services to evaluate the competency of certain criminal defendants and to send a written report of his findings and opinions regarding the competency of the defendant to the court. (NRS 178.455) Section 3 of this bill requires the Administrator, in evaluating the competency of a defendant, to consider ~~[, among other factors, whether the defendant is of sufficient mentality to understand the nature and purpose of the court proceedings.]~~ **and make findings concerning each of the factors for determining whether a person meets the definition of incompetent.** (NRS 178.455)

Existing law provides that the district attorney or counsel for the defendant may request a hearing on the report prepared by the Administrator. Sections 3 and 4 of this bill revise the time by which the court, when no hearing is requested, is required to make and enter its finding of competence or incompetence of the defendant from within 20 days to within 10 days after

the Administrator sends the court the report required pursuant to NRS 178.455. (NRS 178.455, 178.460)

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

Section 1. NRS 178.400 is hereby amended to read as follows:

178.400 1. A person may not be tried or adjudged to punishment for a public offense while he is incompetent.

2. For the purposes of this section, "incompetent" means that the person ~~[is not of sufficient mentality to be able to understand]~~ ***does not have the*** ~~[capacity]~~ ***present ability to:***

(a) Understand the nature of the criminal charges against him ~~[, and because of that insufficiency, is not able to aid]~~ ***;***

(b) Understand the nature and purpose of the court proceedings; or

(c) Aid and assist his counsel in the defense ~~[interposed upon the trial or against the pronouncement of the judgment thereafter.]~~ ***at any time during the proceedings with a reasonable degree of rational understanding.***

Sec. 2. NRS 178.405 is hereby amended to read as follows:

178.405 ***1.*** Any time ***after the arrest of a defendant, including, without limitation, proceedings*** before trial, ~~[or]~~ ***during trial,*** when upon conviction the defendant is brought up for judgment ~~[,]~~ ***or when a defendant who has been placed on probation or whose sentence has been suspended is brought before the court,*** if doubt arises as to the competence of the defendant, the court shall suspend the ***proceedings, the*** trial or the pronouncing of the judgment, as the case may be, until the question of competence is determined.

2. If the proceedings, the trial or the pronouncing of the judgment are suspended, the court must notify any other departments of the court of the suspension in writing. Upon receiving such notice, the other departments of the court shall suspend any other proceedings relating to the defendant until the defendant is determined to be competent.

Sec. 3. NRS 178.455 is hereby amended to read as follows:

178.455 1. Except as otherwise provided for persons charged with or convicted of a misdemeanor, the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services or his designee shall appoint a licensed psychiatrist and a licensed psychologist from the treatment team who is certified pursuant to NRS 178.417 to evaluate the defendant. The Administrator or his designee shall also appoint a third evaluator who must be a licensed psychiatrist or psychologist, must be certified pursuant to NRS 178.417 and must not be a member of the treatment team. Upon the completion of the evaluation and treatment of the defendant, the Administrator or his designee shall report to the court in writing his specific findings and opinion upon ~~[:~~

~~(a) Whether]~~ ***whether*** the person ~~[is of sufficient mentality]~~ ***has the present ability*** to ~~[understand]~~ ***:***

(a) Understand the nature of the offense charged;

(b) ~~[Whether the person is of sufficient mentality to understand]~~ ***Understand the nature and purpose of the court proceedings; and***

(c) ~~[Whether the person is of sufficient mentality to aid]~~ ***Aid*** and assist ***his*** counsel ~~[in the defense of the offense charged, or to show cause why judgment should not be pronounced; and]~~

~~[(c)]~~ ~~[(d)]~~ ***in the defense at any time during the proceedings with a reasonable degree of rational understanding.***

2. If the ***Administrator or his designee finds that the*** person ~~[is not of sufficient mentality]~~ ***does not have the present ability*** pursuant to ~~[paragraphs]~~ ***paragraph*** (a) ***,*** ~~[and]~~ (b) ~~[and]~~ ***or (c) of subsection 1*** to ~~[be placed upon trial or receive pronouncement of judgment,]~~ ***understand or to aid and assist his counsel during the court proceedings, the Administrator or his designee shall include in the written report the reasons for the finding and*** whether there is a substantial probability that he can receive treatment to competency and will attain competency in the foreseeable future.

~~[2.]~~ ***3.*** A copy of the report must be:

(a) Maintained by the Administrator of the Division of Mental Health and Developmental Services or his designee and incorporated in the medical record of the person; and

(b) Sent to the office of the district attorney and to the counsel for the outpatient or person committed.

3. In the case of a person charged with or convicted of a misdemeanor, the judge shall, upon receipt of the report set forth in NRS 178.450 from the Administrator of the Division of Mental Health and Developmental Services or his designee:

(a) Send a copy of the report by the Administrator or his designee to the prosecuting attorney and to the defendant's counsel;

(b) Hold a hearing, if one is requested within 10 days after the report is sent pursuant to paragraph (a), at which the attorneys may examine the Administrator or his designee or the members of the defendant's treatment team on the determination of the report; and

(c) Within 10 days after the hearing, if any, or ~~[20]~~ ***10*** days after the report is sent if no hearing is requested, enter his finding of competence or incompetence in the manner set forth in subsection 4 of NRS 178.460.

Sec. 4. NRS 178.460 is hereby amended to read as follows:

178.460 1. If requested by the district attorney or counsel for the defendant within 10 days after the report by the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services or his designee is sent to them, the judge shall hold a hearing within 10 days after the request at which the district attorney and the defense counsel may examine the members of the treatment team on their report.

2. If the judge orders the appointment of a licensed psychiatrist or psychologist who is not employed by the Division of Mental Health and Developmental Services of the Department of Health and Human Services to perform an additional evaluation and report concerning the defendant, the cost of the additional evaluation and report is a charge against the county.

3. Within 10 days after the hearing or ~~[20]~~ ***10*** days after the report is sent, if no hearing is requested, the judge shall make and enter his finding of competence or incompetence, and if he finds the defendant to be incompetent:

(a) Whether there is substantial probability that the defendant can receive treatment to competency and will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future; and

(b) Whether the defendant is at that time a danger to himself or to society.

4. If the judge finds the defendant:

(a) Competent, the judge shall, within 10 days, forward his finding to the prosecuting attorney and counsel for the defendant. Upon receipt thereof, the prosecuting attorney shall notify the sheriff of the county or chief of police of the city that the defendant has been found competent and prearrange with the facility for the return of the defendant to that county or city for trial upon the offense there charged or the pronouncement of judgment, as the case may be.

(b) Incompetent, but there is a substantial probability that he can receive treatment to competency and will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future and finds that he is dangerous to himself or to society, the judge shall recommit the defendant and may order the involuntary administration of medication for the purpose of treatment to competency.

(c) Incompetent, but there is a substantial probability that he can receive treatment to competency and will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future and finds that he is not dangerous to himself or to society, the judge shall order that the defendant remain an outpatient or be transferred to the status of an outpatient under the provisions of NRS 178.425.

(d) Incompetent, with no substantial probability of attaining competency in the foreseeable future, the judge shall order the defendant released from custody or if the defendant is an outpatient, released from his obligations as an outpatient if, within 10 days, a petition is not filed to commit the person pursuant to NRS 433A.200. After the initial 10 days, the defendant may remain an outpatient or in custody under the provisions of this chapter only as long as the petition is pending unless the defendant is involuntarily committed pursuant to chapter 433A of NRS.

5. No person who is committed under the provisions of this chapter may be held in the custody of the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services or his designee longer than the longest period of incarceration provided for the crime or crimes with which he is charged or 10 years,

whichever period is shorter. Upon expiration of the applicable period, the defendant must be returned to the committing court for a determination as to whether or not involuntary commitment pursuant to chapter 433A of NRS is required.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 83.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 363.

AN ACT relating to crimes; providing an additional penalty for specified crimes motivated by the victim's actual or perceived status as a homeless person; ~~[expanding the aggravating circumstances for murder of the first degree to include crimes motivated by the victim's actual or perceived status as a homeless person;]~~ expanding provisions governing civil liability for certain crimes to include crimes motivated by the victim's actual or perceived status as a homeless person; expanding the program for reporting crimes motivated by certain characteristics of the victim within the Central Repository for Nevada Records of Criminal History; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for an additional penalty when a person commits certain "hate crimes" in which the perpetrator of the crime is motivated by certain actual or perceived characteristics of the victim. (NRS 193.1675) Section 1 of this bill expands the scope of that provision to provide that the additional penalty may also be imposed for certain hate crimes committed against a person whom the perpetrator believed to be a homeless person.

~~[Section 2 of this bill expands existing law to provide that a hate crime committed because of the actual or perceived status of the victim as a homeless person constitutes an aggravating circumstance for murder of the first degree. (NRS 200.033)]~~

Section 3 of this bill provides that, unless a greater penalty is provided, certain hate crimes committed against such a victim are gross misdemeanors. (NRS 207.185)

Section 4 of this bill expands the provisions permitting recovery of actual and punitive damages in a civil suit by a victim of a hate crime to include recovery against a perpetrator who acted because of the victim's actual or perceived status as a homeless person. (NRS 41.690)

Section 5 of this bill adds crimes committed based on the victim's actual or perceived status as a homeless person to the types of hate crimes for which the Program for Reporting Crimes of the Central Repository for Nevada Records of Criminal History must collect, compile and analyze statistical data. (NRS 179A.175)

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

Section 1. NRS 193.1675 is hereby amended to read as follows:

193.1675 1. Except as otherwise provided in NRS 193.169, any person who willfully violates any provision of NRS 200.280, 200.310, 200.366, 200.380, 200.400, 200.460 to 200.465, inclusive, paragraph (b) of subsection 2 of NRS 200.471, NRS 200.508, 200.5099 or subsection 2 of NRS 200.575 because the actual or perceived race, color, religion, national origin, physical or mental disability ***,*** ~~[or]~~ sexual orientation ***or status as a homeless person*** of the victim was different from that characteristic of the perpetrator may be punished by imprisonment in the state prison for an additional term not to exceed 25 percent of the term of imprisonment prescribed by statute for the crime.

2. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

3. As used in this section, "homeless person" means ~~[:~~

~~(a) A person who does not have a fixed, regular and adequate nighttime residence; or~~

~~(b) A]~~ ***a person whose primary nighttime residence is:***

~~[(1)]~~ ***(a) Any supervised publicly or privately operated shelter designed to provide temporary living accommodations, including, without limitation, a*** ~~[welfare]~~ ***motel, hotel, congregate shelter and transitional housing*** ~~[for the mentally ill;~~

~~(2) Any institution that provides a temporary residence for persons intended to be institutionalized;]~~ ***; or***

~~[(3)]~~ ***(b) Any public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.***

Sec. 2. ~~[NRS 200.033 is hereby amended to read as follows:~~

~~200.033 The only circumstances by which murder of the first degree may be aggravated are:~~

~~1. The murder was committed by a person under sentence of imprisonment.~~

~~2. The murder was committed by a person who, at any time before a penalty hearing is conducted for the murder pursuant to NRS 175.552, is or has been convicted of:~~

~~(a) Another murder and the provisions of subsection 12 do not otherwise apply to that other murder; or~~

~~(b) A felony involving the use or threat of violence to the person of another and the provisions of subsection 4 do not otherwise apply to that felony.~~

~~→ For the purposes of this subsection, a person shall be deemed to have been convicted at the time the jury verdict of guilt is rendered or upon pronouncement of guilt by a judge or judges sitting without a jury.~~

~~3. The murder was committed by a person who knowingly created a great risk of death to more than one person by means of a weapon, device or course of action which would normally be hazardous to the lives of more than one person.~~

~~4. The murder was committed while the person was engaged, alone or with others, in the commission of, or an attempt to commit or flight after committing or attempting to commit, any robbery, arson in the first degree, burglary, invasion of the home or kidnapping in the first degree, and the person charged:~~

~~(a) Killed or attempted to kill the person murdered; or~~

~~(b) Knew or had reason to know that life would be taken or lethal force used.~~

~~5. The murder was committed to avoid or prevent a lawful arrest or to effect an escape from custody.~~

~~6. The murder was committed by a person, for himself or another, to receive money or any other thing of monetary value.~~

~~7. The murder was committed upon a peace officer or firefighter who was killed while engaged in the performance of his official duty or because of an act performed in his official capacity, and the defendant knew or reasonably should have known that the victim was a peace officer or firefighter. For the purposes of this subsection, "peace officer" means:~~

~~(a) An employee of the Department of Corrections who does not exercise general control over offenders imprisoned within the institutions and facilities of the Department, but whose normal duties require him to come into contact with those offenders when carrying out the duties prescribed by the Director of the Department.~~

~~(b) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, when carrying out those powers.~~

~~8. The murder involved torture or the mutilation of the victim.~~

~~9. The murder was committed upon one or more persons at random and without apparent motive.~~

~~10. The murder was committed upon a person less than 14 years of age.~~

~~11. The murder was committed upon a person because of the actual or perceived race, color, religion, national origin, physical or mental disability , [or] sexual orientation *or status as a homeless person* of that person. *For the purposes of this subsection, "homeless person" has the meaning ascribed to it in NRS 193.1675.*~~

~~12. The defendant has, in the immediate proceeding, been convicted of more than one offense of murder in the first or second degree. For the purposes of this subsection, a person shall be deemed to have been convicted of a murder at the time the jury verdict of guilt is rendered or upon pronouncement of guilt by a judge or judges sitting without a jury.~~

~~13. The person, alone or with others, subjected or attempted to subject the victim of the murder to nonconsensual sexual penetration immediately~~

~~before, during or immediately after the commission of the murder. For the purposes of this subsection:~~

~~(a) "Nonconsensual" means against the victim's will or under conditions in which the person knows or reasonably should know that the victim is mentally or physically incapable of resisting, consenting or understanding the nature of his conduct, including, but not limited to, conditions in which the person knows or reasonably should know that the victim is dead.~~

~~(b) "Sexual penetration" means cunnilingus, fellatio or any intrusion, however slight, of any part of the victim's body or any object manipulated or inserted by a person, alone or with others, into the genital or anal openings of the body of the victim, whether or not the victim is alive. The term includes, but is not limited to, anal intercourse and sexual intercourse in what would be its ordinary meaning.~~

~~14. The murder was committed on the property of a public or private school, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties by a person who intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person. For the purposes of this subsection, "school bus" has the meaning ascribed to it in NRS 483.160.~~

~~15. The murder was committed with the intent to commit, cause, aid, further or conceal an act of terrorism. For the purposes of this subsection, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.]~~ **(Deleted by amendment.)**

Sec. 3. NRS 207.185 is hereby amended to read as follows:

207.185 ***1.*** Unless a greater penalty is provided by law, a person who, by reason of the actual or perceived race, color, religion, national origin, physical or mental disability **,** ~~[or]~~ sexual orientation ***or status as a homeless person*** of another person or group of persons, willfully violates any provision of NRS 200.471, 200.481, 200.5099, 200.571, 200.575, 203.010, 203.020, 203.030, 203.060, 203.080, 203.090, 203.100, 203.110, 203.119, 206.010, 206.040, 206.140, 206.200, 206.310, 207.180, 207.200 or 207.210 is guilty of a gross misdemeanor.

2. As used in this section, the term "homeless person" has the meaning ascribed to it in NRS 193.1675.

Sec. 4. NRS 41.690 is hereby amended to read as follows:

41.690 1. A person who has suffered injury as the proximate result of the willful violation of the provisions of NRS 200.280, 200.310, 200.366, 200.380, 200.400, 200.460, 200.463, 200.464, 200.465, 200.471, 200.481, 200.508, 200.5099, 200.571, 200.575, 203.010, 203.020, 203.030, 203.060, 203.080, 203.090, 203.100, 203.110, 203.119, 206.010, 206.040, 206.140, 206.200, 206.310, 207.180, 207.200 or 207.210 by a perpetrator who was motivated by the injured person's actual or perceived race, color, religion, national origin, physical or mental disability **,** ~~[or]~~ sexual orientation ***or status as a homeless person*** may bring an action for the recovery of his

actual damages and any punitive damages which the facts may warrant. If the person who has suffered injury prevails in an action brought pursuant to this subsection, the court shall award him costs and reasonable attorney's fees.

2. The liability imposed by this section is in addition to any other liability imposed by law.

3. As used in this section, the term "homeless person" has the meaning ascribed to it in NRS 193.1675.

Sec. 5. NRS 179A.175 is hereby amended to read as follows:

179A.175 1. The Director of the Department shall establish within the Central Repository a Program for Reporting Crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability **,** ~~[or]~~ sexual orientation ~~[.]~~ ***or status as a homeless person.***

2. The Program must be designed to collect, compile and analyze statistical data about crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability **,** ~~[or]~~ sexual orientation ~~[.]~~ ***or status as a homeless person.*** The Director shall adopt guidelines for the collection of the statistical data, including, but not limited to, the criteria to establish the presence of prejudice.

3. The Criminal Repository shall include in its annual report to the Governor pursuant to subsection 6 of NRS 179A.075, and in any other appropriate report, an independent section relating solely to the analysis of crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability **,** ~~[or]~~ sexual orientation ~~[.]~~ ***or status as a homeless person.***

4. Data acquired pursuant to this section must be used only for research or statistical purposes and must not contain any information that may reveal the identity of an individual victim of a crime.

5. As used in this section, the term "homeless person" has the meaning ascribed to it in NRS 193.1675.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 91.

Bill read second time.

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

Amendment No. 80.

AN ACT relating to explosives; ~~[providing a list of chemicals designated as explosives;]~~ ***establishing a definition of the term "explosive";*** enacting provisions relating to the labeling of containers used for storing explosives; establishing requirements concerning the making of mandatory reports ~~[to law enforcement agencies]~~ regarding the distribution of explosives under certain circumstances; revising the provisions relating to records regarding transactions and inventories of explosives; ~~[revising the provisions relating to~~

~~the inspection of facilities used for explosives;~~ ***revising provisions relating to the storage of explosives;*** providing ~~[a penalty;]~~ ***penalties;*** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill establishes a definition of the term "explosive" for the purposes of certain provisions relating to explosives ***.*** ~~[and provides a list of chemicals that are included within the definition of the term.]~~ Section 3 of this bill provides that any container used to store an explosive must be properly labeled in accordance with all applicable state and federal laws and regulations. Section 4 of this bill ~~[requires]~~ ***makes it a gross misdemeanor for*** a person to ***fail to*** make a report to a local law enforcement agency ***and fire department*** if he has knowledge of any unusual circumstances involving explosives. ***Section 4 of this bill excludes from its application persons working in their official capacities in the mining industry.*** Section 5 of this bill requires persons who conduct certain transactions involving explosives to create and maintain certain written records and inventories concerning those transactions and prohibits such persons from falsifying such records or failing to create or maintain such records. ~~[Section 6 of this bill revises the provisions relating to the storage of explosives to require that the local law enforcement agency be notified of any public hearing involving a conditional use permit and also that the notice include a statement regarding the magazine to be used. (NRS 278.147) Section 7 of this bill expands existing law allowing for the inspection of facilities where explosives are manufactured, used, processed, handled, moved on-site or stored to allow also for the inspection of facilities where required records relating to explosives are stored. (NRS 459.3819)]~~ ***Section 5 of this bill also requires persons to store explosives in conformity with federal law and requires persons who store explosives to notify a local law enforcement agency and fire department of certain information relating to that storage. Section 5 of this bill excludes from its application persons working in their official capacities in the mining industry.***

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

Section 1. Chapter 476 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***As used in this chapter, "explosive" means*** ~~[*gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuses, other than electric circuit breakers, detonators and other detonating agents, smokeless powders, other explosive or incendiary devices and any chemical compounds, mechanical mixtures or device that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing that ignition by fire, friction, concussion, percussion or detonation of the compound, mixture or device, or any part thereof, may cause an explosion. The term includes, without limitation:*~~

~~1. Acetylides of heavy metals.~~
~~2. Acetone.~~
~~3. Aluminum containing polymeric propellant.~~
~~4. Aluminum ophorite explosive.~~
~~5. Aluminum powder.~~
~~6. Amatex.~~
~~7. Ammonal.~~
~~8. Ammonium nitrate explosive mixtures (cap sensitive).~~
~~9. Ammonium nitrate explosive mixtures (non-cap sensitive).~~
~~10. Ammonium nitrate (common lawn fertilizer).~~
~~11. Ammonium perchlorate composite propellant.~~
~~12. Ammonium perchlorate explosive mixtures.~~
~~13. Ammonium picrate (picrate of ammonia, explosive D).~~
~~14. Ammonium salt lattice with isomorphously substituted inorganic salts.~~
~~15. Ammonium nitrate-fuel oil (ANFO).~~
~~16. Aromatic nitro-compound explosive mixtures.~~
~~17. Azide explosives.~~
~~18. Baranol.~~
~~19. Baratol.~~
~~20. BEAF (1,2-bis (2, 2-difluoro-2-nitroacetoxyethane)).~~
~~21. Black powder.~~
~~22. Black powder based explosive mixtures.~~
~~23. Blasting agents (nitro-carbo-nitrates, including non-cap sensitive slurry and water gel explosives).~~
~~24. Blasting caps.~~
~~25. Blasting gelatin.~~
~~26. Blasting powder.~~
~~27. BTEN bis (trinitroethyl) nitramine.~~
~~28. BTNEC bis (trinitroethyl) carbonate.~~
~~29. BTTN 1,2,4 butanetrio1 trinitrate.~~
~~30. Bulk salutes.~~
~~31. Butyl tetryl.~~
~~32. Calcium nitrate explosive mixtures.~~
~~33. Cellulose hexanitrate explosive mixture.~~
~~34. Chlorate explosive mixtures (composition A and variations, composition B and variations, composition C and variations).~~
~~35. Copper acetylide.~~
~~36. Cyanuric triazide.~~
~~37. Cyclonite (RDX).~~
~~38. Cyclotetramethylenetetranitramine (HMX).~~
~~39. Cyclotol.~~
~~40. Cyclotrimethylenetrinitramine (RDX).~~
~~41. DATB (diaminotrinitrobenzene).~~
~~42. DDNP (diazodinitrophenol).~~

~~43. Detonating cord.~~
~~44. Detonators.~~
~~45. Dimethylol dimethyl methane dinitrate composition.~~
~~46. Dinitroethyleneurea.~~
~~47. Dinitroglycerine (glycerol dinitrate).~~
~~48. Dinitrophenol.~~
~~49. Dinitrophenolates.~~
~~50. Dinitrophenyl hydrazine.~~
~~51. Dinitroresorcinol.~~
~~52. Dinitrotoluene-sodium nitrate explosive mixtures.~~
~~53. DIPAM (dipicramide: diaminohexanitrobiphenyl).~~
~~54. Dipicryl sulfone.~~
~~55. Dipicrylamine.~~
~~56. Display fireworks.~~
~~57. DNPA (2,2-dinitropropyl acrylate).~~
~~58. DNPD (dinitropentano nitrile).~~
~~59. EDDN (ethylene diamine dinitrate).~~
~~60. EDNA (ethylenedinitramine).~~
~~61. Ednatol.~~
~~62. EDNP (ethyl 4,4-dinitropentanoate).~~
~~63. EGDN (ethylene glycol dinitrate).~~
~~64. Erythritol tetranitrate explosives.~~
~~65. Esters of nitro-substituted alcohols.~~
~~66. Ethyl-tetryl.~~
~~67. Explosive conitrates.~~
~~68. Explosive gelatins.~~
~~69. Explosive liquids.~~
~~70. Explosive mixtures containing oxygen-releasing inorganic salts and hydrocarbons.~~
~~71. Explosive mixtures containing oxygen-releasing inorganic salts and nitro bodies.~~
~~72. Explosive mixtures containing oxygen-releasing inorganic salts and water insoluble fuels.~~
~~73. Explosive mixtures containing oxygen-releasing inorganic salts and water soluble fuels.~~
~~74. Explosive mixtures containing sensitized nitromethane.~~
~~75. Explosive mixtures containing tetranitromethane (nitroform).~~
~~76. Explosive nitro compounds of aromatic hydrocarbons.~~
~~77. Explosive organic nitrate mixtures.~~
~~78. Explosive powders.~~
~~79. Flash powder.~~
~~80. Fulminate of mercury.~~
~~81. Fulminate of silver.~~
~~82. Fulminating gold.~~
~~83. Fulminating mercury.~~

~~84. Fulminating platinum.~~
~~85. Fulminating silver.~~
~~86. Gelatinized nitrocellulose.~~
~~87. Gem-dinitro aliphatic explosive mixtures.~~
~~88. Guanyl nitrosamino guanyl tetrazene.~~
~~89. Guanyl nitrosamino guanylidene hydrazine.~~
~~90. Guncotton.~~
~~91. Heavy metal azides.~~
~~92. Hexanite hexanitrodiphenylamine.~~
~~93. Hexanitrostilbene.~~
~~94. Hexogen (RDX).~~
~~95. Hexogene or octogene and a nitrated N-methylaniline.~~
~~96. Hexolites.~~
~~97. HMTD (hexamethylenetriperoxidediamine).~~
~~98. HMX (cyclo-1,3,5,7-tetramethylene-2,4,6,8-tetranitramine, octogen).~~
~~99. Hydrazinium nitrate/hydrazine/aluminum explosive system.~~
~~100. Hydrazoic acid.~~
~~101. Hydrochloric acid.~~
~~102. Hydrogen peroxide.~~
~~103. Ignitor cord.~~
~~104. Igniters.~~
~~105. Initiating tube systems.~~
~~106. KDNBF (potassium dinitrobenzo-furoxane).~~
~~107. Lead azide.~~
~~108. Lead mannite.~~
~~109. Lead mononitroresorcinate.~~
~~110. Lead picrate.~~
~~111. Lead salts (explosive).~~
~~112. Lead styphnate (staphynate of lead, lead trinitroresorcinate).~~
~~113. Liquid nitrated polyol and trimethylolethane.~~
~~114. Liquid oxygen explosives.~~
~~115. Magnesium ophorite explosives.~~
~~116. Mannitol hexanitrate.~~
~~117. MDNP (methyl 4,4-dinitropentanoate).~~
~~118. MEAN (monoethanolamine nitrate).~~
~~119. Mercuric fulminate.~~
~~120. Mercury oxalate.~~
~~121. Mercury tartrate.~~
~~122. Metriol trinitrate.~~
~~123. Minol-2 (40 percent TNT, 40 percent ammonia nitrate, 20 percent aluminum).~~
~~124. Mononitrotoluene-nitroglycerin.~~
~~125. Monopropellants.~~
~~126. NIBTN (nitroisobutametriol trinitrate).~~
~~127. Nitrate explosive mixtures.~~

~~128.—Nitrate sensitized with gelled nitroparaffin.~~
~~129.—Nitrated carbohydrate explosive.~~
~~130.—Nitrated glucoside explosive.~~
~~131.—Nitrated polyhydric alcohol explosives.~~
~~132.—Nitric acid.~~
~~133.—Nitric acid and a nitro aromatic compound explosive.~~
~~134.—Nitric acid and carboxylic fuel explosive.~~
~~135.—Nitric acid explosive mixtures.~~
~~136.—Nitric aromatic explosive mixtures.~~
~~137.—Nitro compounds of furane explosive mixtures.~~
~~138.—Nitrocellulose explosive.~~
~~139.—Nitrogelatin explosive.~~
~~140.—Nitrogen trichloride.~~
~~141.—Nitrogen tri-iodide.~~
~~142.—Nitroglycerine (NG, RNG, nitro, glyceryl trinitrate, trinitroglycerine).~~
~~143.—Nitroglycide.~~
~~144.—Nitroglycol (ethylene glycol, dinitrate, EGDN).~~
~~145.—Nitroguanidine explosives.~~
~~146.—Nitronium perchlorate propellant mixtures.~~
~~147.—Nitroparaffins explosive grade and ammonium nitrate mixtures.~~
~~148.—Nitrostarch.~~
~~149.—Nitro-substituted carboxylic acids.~~
~~150.—Octogen (HMX).~~
~~151.—Octol (75 percent HMX, 25 percent TNT).~~
~~152.—Organic amine nitrates.~~
~~153.—Organic nitramines.~~
~~154.—PBX (plastic bonded explosives).~~
~~155.—Pellet powder.~~
~~156.—Penthrinite composition.~~
~~157.—Pentolite.~~
~~158.—Perchlorate explosive mixtures.~~
~~159.—Peroxide-based explosive mixtures.~~
~~160.—PETN (nitropentaerythrite, pentaerythrite tetranitrate, pentaerythritol tetranitrate).~~
~~161.—Picramic acid and its salts.~~
~~162.—Picramide.~~
~~163.—Picrate acid.~~
~~164.—Picrate explosives.~~
~~165.—Picrate of potassium explosive mixtures.~~
~~166.—Picratol.~~
~~167.—Picric acid (manufactured as an explosive).~~
~~168.—Picryl chloride.~~
~~169.—Picryl fluoride.~~
~~170.—PLX (95 percent nitromethane, 5 percent ethylenediamine).~~

~~171. Polynitro aliphatic compounds.~~
~~172. Polyolpolynitrate nitrocellulose explosive gels.~~
~~173. Potassium chlorate and lead sulfocyanate explosive.~~
~~174. Potassium nitrate explosive mixtures.~~
~~175. Potassium nitroaminotetrazole.~~
~~176. Pyrotechnic compositions.~~
~~177. PYX (2,6 bis (picrylamino) 3,5 dinitropyridine).~~
~~178. RDX (cyclonite, hexogen, T4) (Cyclo 1,3,5, trimethylene 2,4,6, trinitramine, hexahydro 1,3,5 trinitro S triazine).~~
~~179. Safety fuse.~~
~~180. Salts of organic amino sulfonic acid explosive mixture.~~
~~181. Salutes (bulk).~~
~~182. Silver acetylide.~~
~~183. Silver azide.~~
~~184. Silver fulminate.~~
~~185. Silver oxalate explosive mixtures.~~
~~186. Silver styphnate.~~
~~187. Silver tartrate explosive mixtures.~~
~~188. Silver tetrazene.~~
~~189. Slurried explosive mixtures of water, inorganic oxidizing salt, gelling agent, fuel and sensitizer (cap sensitive).~~
~~190. Smokeless powder.~~
~~191. Sodatol.~~
~~192. Sodium amatol.~~
~~193. Sodium azide explosive mixture.~~
~~194. Sodium dinitro ortho cresolate.~~
~~195. Sodium nitrate explosive mixtures.~~
~~196. Sodium nitrate potassium nitrate explosive mixture.~~
~~197. Sodium picramate.~~
~~198. Special fireworks.~~
~~199. Squibs.~~
~~200. Sulfuric acid.~~
~~201. Styphnic acid explosives.~~
~~202. Tacot (tetranitro 2,3,5,6 dibenzo 1,3a,4,6a tatrazapentalene).~~
~~203. TATB (triaminotrinitrobenzene).~~
~~204. TATP (triacetonetriperoxide).~~
~~205. TEGDN (triethylene glycol dinitrate).~~
~~206. Tetranitrocarbazole.~~
~~207. Tetrazene (tetracene, tetrazine, 1(5 tetrazolyl) 4 guanyl tetrazene hydrate).~~
~~208. Tetryl (2,4,6 tetranitro N methlaniline).~~
~~209. Tetrytol.~~
~~210. Thickened inorganic oxidizer salt slurried explosive mixture.~~
~~211. TMETN (trimethylolethane trinitrate).~~
~~212. TNEF (trinitroethyl formal).~~

~~213. TNEOC (trinitroethylorthocarbonate).~~
~~214. TNEOF (trinitroethylorthoformate).~~
~~215. TNT (trinitrotoluene, trotyl, trilite, triton).~~
~~216. Torpex.~~
~~217. Trimethylol ethyl methane trinitrate composition.~~
~~218. Trimethylolthane trinitrate-nitrocellulose.~~
~~219. Trimonite.~~
~~220. Trinitroanisole.~~
~~221. Trinitrobenzene.~~
~~222. Trinitrobenzoic acid.~~
~~223. Trinitrocresol.~~
~~224. Trinitro-meta-cresol.~~
~~225. Trinitronaphthalene.~~
~~226. Trinitrophenetol.~~
~~227. Trinitrophloroglucinol.~~
~~228. Trinitroresorcinol.~~
~~229. Tritonal.~~
~~230. Water-bearing explosives having salts of oxidizing acids and nitrogen bases, sulfates, or sulfamates (cap sensitive).~~
~~231. Water-in-oil emulsion explosive compositions.~~
~~232. Xanthamonas hydrophilic colloid *explosive* mixture.~~] ***any explosive material included in the list of explosive materials published in the Federal Register and revised annually by the Attorney General of the United States pursuant to 18 U.S.C. §§ 841 et seq.***

Sec. 3. ***Any container used to store an explosive must be marked in accordance with all applicable state and federal laws and regulations.***

Sec. 4. ~~[Any]~~

1. Except as otherwise provided in subsection 3, any person who has knowledge of an unusual sale, purchase, theft or loss of any explosive shall, within 24 hours after the discovery, report the sale, purchase, theft or loss to the local law enforcement agency ~~[.]~~ ***and local fire department in whose jurisdiction the sale, purchase, theft or loss occurred. The report must contain, when possible:***

~~[1.]~~ ***(a) The name, birth date and address of the persons involved.***

~~[2.]~~ ***(b) The amount and type of explosive involved.***

~~[3.]~~ ***(c) Any other information the person making the report believes to be useful.***

2. Any person who violates the provisions of this section is guilty of a gross misdemeanor.

3. The provisions of this section do not apply with respect to a person who is acting in his official capacity as an owner, officer or employee of a company, corporation or partnership engaged in the business of mining.

4. For the purposes of this section, there is a rebuttable presumption that a sale, purchase, theft or loss of any explosive is "unusual" if that type

of sale, purchase, theft or loss does not regularly occur in the ordinary course of business.

Sec. 5. NRS 476.010 is hereby amended to read as follows:

476.010 1. Except in the due course of trade [,] ***or as otherwise provided in subsection 9,*** it is unlawful for any dealer in dynamite, nitroglycerine, gunpowder or ***any*** other [high] explosive to [dispose of, transfer or sell] ***distribute*** to any person, in any unusual manner, an excessive amount of such commodities.

2. [A record shall be kept by all dealers in such commodities of all such sales of the same made by them, showing the purpose for which the same is to be used and to whom sold.

3. No such sale of such commodities shall be made to any person except upon a signed order delivered to the merchant dealing in the same, stating the purpose and use to which the same is to be put.

4.] ***It is unlawful for any person to manufacture, import, purchase or distribute any explosive without creating and maintaining a written record that includes the information required pursuant to this section.***

3. If a person involved in a transaction is not a business or governmental entity or an agent of a business or governmental entity, the written record required pursuant to subsection 2 must include all the following information:

(a) The name of the [persons involved in the transaction.] ***person.***

(b) The signature of the [persons involved in the transaction.] ***person.***

(c) [The social security numbers of the persons involved in the transaction.

(d)] ***The*** [taxpayer identification numbers] ***driver's license number of the*** [persons involved in the transaction.] ***person.***

[(e)] ***(d) The residential*** [addresses] ***address of the*** [persons involved in the transaction.] ***person.***

[(f)] ***(e) The date of the transaction.***

[(g)] ***(f) A statement of intended use.***

[(h)] ***4. If a person involved in a transaction is a business or governmental entity or an agent of a business or governmental entity, the written record required pursuant to subsection 2 must include all the following information with respect to the business or governmental entity and the agent of the business or governmental entity*** [:] ***, if appropriate:***

[(1)] ***(a) The name of the business or governmental entity.***

[(2)] ***(b) The taxpayer identification number of the business or governmental entity.***

(c) The principal and local addresses of the business or governmental entity.

[(3)] ***(d) The name*** [, place of birth and residential address of] ***and any other appropriate personal identifying information that is sufficient to identify the agent authorized to act for the business or governmental entity.***

(e) The date of the transaction.

(f) A statement of intended use.

~~[3.]~~ ***5. It is unlawful for any person to knowingly and intentionally:***

(a) Make any false or misleading entry in a written record required pursuant to subsection 2; or

(b) Fail to make an entry in a written record required pursuant to subsection 2.

~~[4.]~~ ***6. Any person who keeps any explosive for any purpose shall*** ~~[establish and update, on at least a daily basis, a true and accurate inventory of the explosives on hand.~~

~~5.]~~ ***do so in conformity with the regulations governing the storage of explosives promulgated by the Attorney General of the United States pursuant to 18 U.S.C. § 842 and set forth in 27 C.F.R. §§ 555.201 et seq.***

7. Any person who stores any explosive shall, within 24 hours after beginning to store the explosive, notify the local law enforcement agency and local fire department in whose jurisdiction the explosive is stored of:

(a) The type of explosive that is being stored; and

(b) The location of the site where the explosive is stored.

8. Any person ~~[violating]~~ ***who violates*** the provisions of this section ~~[shall be]~~ ***is*** guilty of a gross misdemeanor.

~~[6.]~~ ***9. The provisions of this section do not apply with respect to a person who is acting in his official capacity as an owner, officer or employee of a company, corporation or partnership engaged in the business of mining.***

10. As used in this section:

(a) "Distribute" means to sell, issue, give, transfer or otherwise dispose of an explosive.

(b) "Person" means any of the following:

(1) A natural person.

(2) Any form of business or social organization and any other nongovernmental legal entity, including, without limitation, a corporation, partnership, association, trust or unincorporated organization.

(3) A government, a political subdivision of a government or an agency or instrumentality of a government or a political subdivision of a government.

Sec. 6. ~~[NRS 278.147 is hereby amended to read as follows:~~

~~278.147 1. No person may commence operation in this State of a facility where an explosive, a highly hazardous substance designated pursuant to NRS 459.3816 if present in a quantity equal to or greater than the amount designated pursuant to NRS 459.3816, or a hazardous substance listed in the regulations adopted pursuant to NRS 459.3833 will be used, manufactured, processed, transferred or stored without first obtaining a conditional use permit therefor from the governing body of the city or county in which the facility is to be located. Each governing body shall establish by local ordinance, in accordance with the provisions of this section, the procedures for obtaining such a permit.~~

~~2. An application for a conditional use permit must be filed with the planning commission of the city, county or region in which the facility is to be located. The planning commission shall, within 90 days after the filing of an application, hold a public hearing to consider the application. The planning commission shall, at least 30 days before the date of the hearing, cause notice of the time, date, place and purpose of the hearing to be:~~

~~(a) Sent by mail or, if requested by a party to whom notice must be provided pursuant to this paragraph, by electronic means if receipt of such an electronic notice can be verified, to:~~

~~(1) The applicant;~~

~~(2) Each owner or tenant of real property located within 1,000 feet of the property in question;~~

~~(3) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest the property in question, to the extent this notice does not duplicate the notice given pursuant to subparagraph (2);~~

~~(4) If a mobile home park or multiple unit residence is located within 1,000 feet of the property in question, each tenant of that mobile home park or multiple-unit residence;~~

~~(5) Any advisory board that has been established for the affected area by the governing body;~~

~~(6) The Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources;~~

~~(7) The State Fire Marshal;~~ [and]

~~*(8) The local law enforcement agency in whose jurisdiction the facility is to be located; and*~~

~~*(9)* The Administrator of the Division of Industrial Relations of the Department of Business and Industry; and~~

~~(b) Published in a newspaper of general circulation within the city or county in which the property in question is located.~~

~~3. The notice required by subsection 2 must:~~

~~(a) Be written in language that is easy to understand;~~ [and]

~~(b) Include a physical description or map of the property in question and a description of all explosives, and all substances described in subsection 1, that will be located at the facility~~ [.] ~~*; and*~~

~~*(c) Include a statement that contains all the following information:*~~

~~*(1) The type of magazine to be used.*~~

~~*(2) The location and distance of the magazine from the person's place of business.*~~

~~*(3) The distance of the magazine from the next nearest magazine.*~~

~~*(4) A description of the significant terrain features and physical features within the proximity of the magazine that may be damaged if the magazine explodes.*~~

~~*(5) The materials used to construct the magazine.*~~

~~*(6) The dimensions and capacity of the magazine.*~~

~~*(7) The name of the owner of the magazine.*~~

~~*(8) The names and telephone numbers, that must be updated annually, of the persons who are authorized to open the magazine for inspection by law enforcement officers.*~~

~~*(9) Any special conditions pertaining to the magazine.*~~

~~4. In considering the application, the planning commission shall:~~

~~(a) Consult with:~~

~~(1) Local emergency planning committees;~~

~~(2) The Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources;~~

~~(3) The State Fire Marshal;~~

~~(4) The Administrator of the Division of Industrial Relations of the Department of Business and Industry;~~ [and]

~~*(5) The local law enforcement agency in whose jurisdiction the facility is to be located; and*~~

~~*(6)* The governing body of any other city or county that may be affected by the operation of the facility; and~~

~~(b) Consider fully the effect the facility will have on the health and safety of the residents of the city, county or region.~~

~~5. The planning commission shall, within a reasonable time after the public hearing, submit to the governing body its recommendations for any actions to be taken on the application. If the planning commission recommends that a conditional use permit be granted to the applicant, the planning commission shall include in its recommendations such terms and conditions for the operation of the facility as it deems necessary for the protection of the health and safety of the residents of the city, county or region.~~

~~6. The governing body shall, within 30 days after the receipt of the recommendations of the planning commission, hold a public hearing to consider the application. The governing body shall:~~

~~(a) Cause notice of the hearing to be given in the manner prescribed by subsection 2; and~~

~~(b) Grant or deny the conditional use permit within 30 days after the public hearing.~~

~~7. Notwithstanding any provision of this section to the contrary, the provisions of this section do not apply to the mining industry.~~

~~8. As used in this section~~ [, "explosive"] ~~:~~

~~*(a) "Explosive"* means a material subject to regulation as an explosive pursuant to NRS 459.3816.~~

~~*(b) "Magazine" means any building, structure or device used for temporary or permanent storage of explosives.]~~ ***(Deleted by amendment.)***

Sec. 7. ~~[NRS 459.3819 is hereby amended to read as follows:~~

~~459.3819 1. The Division shall enter into cooperative agreements with state and local agencies to provide inspections of facilities where explosives are manufactured,~~ [or] ~~where an explosive is used, processed, handled, moved on-site or stored in relation to its manufacture~~ [.] ~~*or where records*~~

~~*made pursuant to NRS 476.010 are stored.* The Division shall schedule the inspections in such a manner as to provide an opportunity for participation by:~~

~~(a) A representative of the fire fighting agency that exercises jurisdiction over the facility;~~

~~(b) A representative of the law enforcement agency that exercises jurisdiction over the facility; and~~

~~(c) Representatives of the Division and any other state agency responsible for minimizing risks to persons and property posed by such facilities.~~

~~2. The owner or operator of such a facility shall make the facility available for the inspections required by this section at such times as are designated by the Division.~~

~~3. Any inspection of a facility conducted pursuant to this section is in addition to, and not in lieu of, any other inspection of the facility required or authorized by state statute or regulation, or local ordinance.~~

~~4. Notwithstanding any provision of this section to the contrary, the provisions of this section do not apply to the mining industry.]~~ ***(Deleted by amendment.)***

Sec. 8. ~~[This act becomes effective upon passage and approval.]~~ ***(Deleted by amendment.)***

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 94.

Bill read second time.

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

Amendment No. 13.

AN ACT relating to administrative procedure; eliminating the prohibition against the admission of a person as a party to an administrative proceeding in a contested case involving the grant, denial or renewal of a license if the person does not have a direct financial interest in the grant, denial or renewal of the license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits the admission of a person as a party to an administrative proceeding in a contested case involving the grant, denial or renewal of a license if the person does not have a direct financial interest in the grant, denial or renewal of the license. (NRS 233B.127) Section 1 of this bill eliminates that prohibition.

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

Section 1. NRS 233B.127 is hereby amended to read as follows:

233B.127 1. When the grant, denial or renewal of a license is required to be preceded by notice and opportunity for hearing, the provisions of this chapter concerning contested cases apply.

2. When a licensee has made timely and sufficient application for the renewal of a license or for a new license with reference to any activity of a continuing nature, the existing license does not expire until the application has been finally determined by the agency, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

3. No revocation, suspension, annulment or withdrawal of any license is lawful unless, ~~[prior to]~~ ***before*** the institution of agency proceedings, the agency gave notice by certified mail to the licensee of facts or conduct which warrant the intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the license. If the agency finds that public health, safety or welfare imperatively require emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. Such proceedings ~~[shall]~~ ***must*** be promptly instituted and determined.

~~[4. Except as otherwise provided in this subsection, a person must not be admitted as a party to an administrative proceeding in a contested case involving the grant, denial or renewal of a license unless he demonstrates to the satisfaction of the presiding hearing officer that:~~

~~(a) His financial situation is likely to be maintained or to improve as a direct result of the grant or renewal of the license; or~~

~~(b) His financial situation is likely to deteriorate as a direct result of the denial of the license or refusal to renew the license.~~

~~➥ The provisions of this subsection do not preclude the admission, as a party, of any person who will participate in the administrative proceeding as the agent or legal representative of an agency.]~~

Sec. 2. NRS 233B.130 is hereby amended to read as follows:

233B.130 1. Any party who is:

(a) Identified as a party of record by an agency in an administrative proceeding; and

(b) Aggrieved by a final decision in a contested case,

➥ is entitled to judicial review of the decision. Where appeal is provided within an agency, only the decision at the highest level is reviewable unless a decision made at a lower level in the agency is made final by statute. Any preliminary, procedural or intermediate act or ruling by an agency in a contested case is reviewable if review of the final decision of the agency would not provide an adequate remedy.

2. Petitions for judicial review must:

(a) Name as respondents the agency and all parties of record to the administrative proceeding;

(b) Be instituted by filing a petition in the district court in and for Carson City, in and for the county in which the aggrieved party resides or in and for the county where the agency proceeding occurred; and

(c) Be filed within 30 days after service of the final decision of the agency.

➥ Cross-petitions for judicial review must be filed within 10 days after service of a petition for judicial review.

3. The agency and any party desiring to participate in the judicial review must file a statement of intent to participate in the petition for judicial review and serve the statement upon the agency and every party within 20 days after service of the petition.

4. A petition for rehearing or reconsideration must be filed within 15 days after the date of service of the final decision. An order granting or denying

the petition must be served on all parties at least 5 days before the expiration of the time for filing the petition for judicial review. If the petition is granted, the subsequent order shall be deemed the final order for the purpose of judicial review.

5. The petition for judicial review and any cross-petitions for judicial review must be served upon the agency and every party within 45 days after the filing of the petition, unless, upon a showing of good cause, the district court extends the time for such service. If the proceeding involves a petition for judicial review or cross-petition for judicial review of a final decision of the State Contractors' Board **,** ~~[or of a final decision of an agency or hearing officer in a contested case involving the grant, denial or renewal of a license,]~~ the district court ~~[shall,]~~ ***may,*** on its own motion or the motion of a party, dismiss from the proceeding any agency or person who:

(a) Is named as a party in the petition for judicial review or cross-petition for judicial review; and

(b) Was not a party to the administrative proceeding for which the petition for judicial review or cross-petition for judicial review was filed.

6. The provisions of this chapter are the exclusive means of judicial review of, or judicial action concerning, a final decision in a contested case involving an agency to which this chapter applies.

Sec. 3. This act becomes effective ~~[on July 1, 2007.]~~ **upon passage and approval.**

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 107.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 539.

AN ACT relating to weapons; prohibiting the possession of ~~[a dangerous knife]~~ **certain dangerous weapons** on the property of **the Nevada System of Higher Education or** a school ~~[, at an activity sponsored by a school or]~~ and in a school vehicle; prohibiting the possession of certain weapons at an activity sponsored by a school; **providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits the possession of certain weapons on the property of the Nevada System of Higher Education or a private or public school or while in a vehicle of a private or public school. (NRS 202.265) A person who possesses a prohibited weapon is guilty of a gross misdemeanor. Additionally, a person who commits a gross misdemeanor on the property of a private or public school, at an activity sponsored by a private or public school, on a school bus or at a bus stop must be punished by imprisonment in the county jail for not fewer than 15 days and may be punished by a fine of not more than $2,000. (NRS 193.1605)

This bill adds ~~[a "dangerous knife"]~~ **items** to the list of prohibited weapons and provides that a person must not carry or possess a prohibited weapon at an activity sponsored by a private or public school. **This bill further provides an exception for carrying a knife if necessary for an employee to perform his job or if the knife is provided for use in a class or as part of a program.**

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

Section 1. NRS 202.265 is hereby amended to read as follows:

202.265 1. Except as otherwise provided in this section, a person shall not carry or possess, while on the property of the Nevada System of Higher Education or a private or public school ~~[, at an activity sponsored by a private or public school]~~ or while in a vehicle of a private or public school:

(a) An explosive or incendiary device;

(b) A dirk, dagger **,** ~~[or]~~ switchblade knife ~~[.]~~ ***or dangerous knife;***

(c) A nunchaku or trefoil;

(d) A blackjack or billy club or metal knuckles; ~~[or]~~

(e) ***A sword;***

(f) An ax or hatchet;

(g) A machete;

(h) A pistol, revolver or other firearm ~~[.]~~ ***; or***

(i) Other deadly weapon.

2. ***Except as otherwise provided in this section, a pupil of a private or public school shall not carry or possess any of the items set forth in subsection 1 at an activity sponsored by a private or public school.***

3. Any person who violates subsection 1 ***or 2*** is guilty of a gross misdemeanor.

~~[3.]~~ ***4.*** This section does not prohibit the possession of a weapon listed in subsection 1 on the property of a private or public school by a:

(a) Peace officer;

(b) School security guard; or

(c) Person having written permission from the president of a branch or facility of the Nevada System of Higher Education or the principal of the school to carry or possess the weapon.

~~[4.]~~ ***5. This section does not prohibit the possession of a knife on the property of the Nevada System of Higher Education or a private or public school by:***

(a) An employee if a knife is necessary to perform the functions of his job.

(b) A student or pupil who is enrolled in a class or program in which a knife must be used if the knife is provided to the student or pupil for use in the class or as part of the program.

6. For the purposes of this section:

(a) ***"Dangerous knife" means a knife having a blade that is 2 inches or more in length when measured from the tip of the knife which is customarily sharpened to the unsharpened extension of the blade which forms the hinge connecting the blade to the handle.***

(b) "Firearm" includes:

(1) Any device used to mark the clothing of a person with paint or any other substance; and

(2) Any device from which a metallic projectile, including any ball bearing or pellet, may be expelled by means of spring, gas, air or other force.

~~[(b)]~~ ***(c)*** "Nunchaku" has the meaning ascribed to it in NRS 202.350.

~~[(c)]~~ ***(d)*** "Switchblade knife" has the meaning ascribed to it in NRS 202.350.

~~[(d)]~~ ***(e)*** "Trefoil" has the meaning ascribed to it in NRS 202.350.

~~[(e)]~~ ***(f)*** "Vehicle" has the meaning ascribed to "school bus" in NRS 484.148.

Sec. 2. **NRS 202.3673 is hereby amended to read as follows:**

202.3673 1. Except as otherwise provided in subsections 2 and 3, a permittee may carry a concealed firearm while he is on the premises of any public building.

2. A permittee shall not carry a concealed firearm while he is on the premises of a public building that is located on the property of a public airport.

3. A permittee shall not carry a concealed firearm while he is on the premises of:

(a) A public building that is located on the property of a public school or the property of the Nevada System of Higher Education, unless the permittee has obtained written permission to carry a concealed firearm while he is on the premises of the public building pursuant to paragraph (c) of subsection ~~[3]~~ ***4*** of NRS 202.265.

(b) A public building that has a metal detector at each public entrance or a sign posted at each public entrance indicating that no firearms are allowed in the building, unless the permittee is not prohibited from carrying a concealed firearm while he is on the premises of the public building pursuant to subsection 4.

4. The provisions of paragraph (b) of subsection 3 do not prohibit:

(a) A permittee who is a judge from carrying a concealed firearm in the courthouse or courtroom in which he presides or from authorizing a permittee to carry a concealed firearm while in the courtroom of the judge and while traveling to and from the courtroom of the judge.

(b) A permittee who is a prosecuting attorney of an agency or political subdivision of the United States or of this State from carrying a concealed firearm while he is on the premises of a public building.

(c) A permittee who is employed in the public building from carrying a concealed firearm while he is on the premises of the public building.

(d) A permittee from carrying a concealed firearm while he is on the premises of the public building if the permittee has received written permission from the person in control of the public building to carry a concealed firearm while the permittee is on the premises of the public building.

5. A person who violates subsection 2 or 3 is guilty of a misdemeanor.

6. As used in this section, "public building" means any building or office space occupied by:

(a) Any component of the Nevada System of Higher Education and used for any purpose related to the System; or

(b) The Federal Government, the State of Nevada or any county, city, school district or other political subdivision of the State of Nevada and used for any public purpose.

➥ If only part of the building is occupied by an entity described in this subsection, the term means only that portion of the building which is so occupied.

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective on July 1, 2007.

Assemblyman Anderson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 118.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 277.

SUMMARY—Requires the Department of Transportation ~~[and local governments to designate specific lanes on certain highways on]~~ **to erect advisory signs on certain highways designating the lane in** which certain larger vehicles ~~[must]~~ **should** travel. (BDR 43-762)

AN ACT relating to motor vehicles; requiring the ~~[designation of specific lanes on certain highways on which]~~ **Department of Transportation to erect advisory signs designating the lanes in which** certain larger vehicles ~~[must]~~ should travel; ~~[providing a penalty;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the Department of Transportation ~~[and the governing body of a local government to designate specific lanes on highways]~~ **to erect advisory signs on controlled-access facilities** within their jurisdiction **which have three or more lanes for traffic traveling in one direction** ~~[that have three or more lanes for traffic traveling in one direction upon]~~ **regarding the lanes in** which vehicles with a declared gross weight in excess of 26,000 pounds ~~[must]~~ **should** travel.

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

Section 1. Chapter 484 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department of Transportation ~~[and the governing body of a local government shall:~~

~~(a) For each highway within its jurisdiction which has three or more lanes for traffic traveling in one direction, designate a specific lane or lanes on which vehicles with a declared gross weight in excess of 26,000 pounds must travel, unless the Department of Transportation or governing body determines that such a designation would not facilitate the safe and orderly movement of traffic; and~~

~~(b) Erect]~~ ***may erect advisory signs at reasonable intervals on*** ~~[the highway to give notice of those lanes.~~

~~2. Notwithstanding the designation of specific lanes for travel pursuant to subsection 1, the driver of a motor vehicle may drive in any lane if necessary:~~

~~(a) To prepare for a turn;~~

~~(b) To enter or exit a highway;~~

~~(c) To continue on the intended route; or~~

~~(d) To avoid a hazardous condition on the highway.~~

~~3. A person who violates the provisions of this section is guilty of a misdemeanor.]~~ ***any controlled-access facility within its jurisdiction which has three or more lanes for traffic traveling in one direction to advise operators of vehicles with a declared gross weight in excess of 26,000 pounds in which lanes they should travel.***

2. As used in this section, "controlled-access facility" means a highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement, or only a controlled right or easement of access, light, air or view, by reason of the fact that their property abuts upon the controlled-access facility or for any other reason.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 120.

Bill read second time.

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

Amendment No. 81.

SUMMARY—Revises notice requirements for a proposal to vacate certain rights-of-way or easements ***or to vacate or abandon certain streets***. (BDR 22-376)

AN ACT relating to land use planning; revising the notice requirements for proposals to vacate certain rights-of-way or easements; ***providing requirements for notice to certain public utilities and television companies regarding proposals to abandon or vacate certain streets; requiring cities and counties to reserve and convey certain easements;*** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill changes the method by which a city or county that proposes to vacate a right-of-way or easement owned by the city or county ~~[that]~~ ***, which right-of-way or easement*** is required for a public purpose ~~[is required to]~~ ***, must*** notify each owner of property abutting the proposed abandonment ***.*** ~~[from certified mail to: (1) if a right-of-way is proposed to be vacated, by mail pursuant to a method that provides confirmation of delivery and does not require the signature of the recipient; or (2) if an easement is proposed to be vacated, by first-class mail.]~~ ***This bill requires such notice to be made in a manner that provides confirmation of delivery but does not require the signature of the recipient.*** (NRS 278.480) ***This bill also requires a city or county to provide notice to certain public utilities and community antenna television companies before vacating or abandoning a street, and to reserve and convey an easement to the utility or television company if the utility or television company so requests. (NRS 278.480)***

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

Section 1. NRS 278.480 is hereby amended to read as follows:

278.480 1. Except as otherwise provided in subsection 11, any abutting owner or local government desiring the vacation or abandonment of any street or easement owned by a city or a county, or any portion thereof, shall file a petition in writing with the planning commission or the governing body having jurisdiction.

2. The governing body may establish by ordinance a procedure by which, after compliance with the requirements for notification of public hearing set forth in this section, a vacation or abandonment of a street or an easement

may be approved in conjunction with the approval of a tentative map pursuant to NRS 278.349.

3. A government patent easement which is no longer required for a public purpose may be vacated by:

(a) The governing body; or

(b) The planning commission, hearing examiner or other designee, if authorized to take final action by the governing body,

➥ without conducting a hearing on the vacation if the applicant for the vacation obtains the written consent of each owner of property abutting the proposed vacation and any utility that is affected by the proposed vacation.

4. Except as otherwise provided in subsection 3, if any right-of-way ***held in fee*** or easement required for a public purpose that is owned by a city or a county is proposed to be vacated, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall ~~[notify by certified mail]~~ ~~[:]~~ ***, not less than 10 business days before the public hearing described in subsection 5:***

(a) Notify each owner of property abutting the proposed abandonment ***.*** ~~[and cause]~~ ***Such notice must be provided*** ~~[:~~

~~(1) If a right-of-way is proposed to be vacated,]~~ ***by mail pursuant to a method that provides confirmation of delivery and does not require the signature of the recipient .*** ~~[; or~~

~~(2) If an easement is proposed to be vacated, by first-class mail.]~~

(b) Cause a notice to be published at least once in a newspaper of general circulation in the city or county, setting forth the extent of the proposed abandonment and setting a date for public hearing ***.*** ~~[, which must be not less than 10 days and not more than 40 days after the date the notice is first published.]~~

5. Except as ***otherwise*** provided in subsection 6, if, upon public hearing, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed. An applicant or other person aggrieved by the decision of the planning commission, hearing examiner or other designee may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.3195.

6. ~~[If a utility has an easement over the property,]~~ ***In addition to any other applicable requirements set forth in this section, before vacating or abandoning a street,*** the governing body ~~[,]~~ ***of the local government having jurisdiction over the street,*** or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall provide ~~[in its order for the continuation of that easement.]~~ ***each public utility and community antenna television company serving the affected***

area with written notice that a petition has been filed requesting the vacation or abandonment of the street. After receiving the written notice, the public utility or community antenna television company, as applicable, shall respond in writing, indicating either that the public utility or community antenna television company, as applicable, does not require an easement or that the public utility or community antenna television company, as applicable, wishes to request the reservation of an easement. If a public utility or community antenna television company indicates in writing that it wishes to request the reservation of an easement, the governing body of the local government having jurisdiction over the street that is proposed to be vacated or abandoned, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall reserve and convey an easement in favor of the public utility or community antenna television company, as applicable, and shall ensure that such easement is recorded in the office of the county recorder.

7. The order must be recorded in the office of the county recorder, if all the conditions of the order have been fulfilled, and upon the recordation, title to the street or easement reverts to the abutting property owners in the approximate proportion that the property was dedicated by the abutting property owners or their predecessors in interest. In the event of a partial vacation of a street where the vacated portion is separated from the property from which it was acquired by the unvacated portion of it, the governing body may sell the vacated portion upon such terms and conditions as it deems desirable and in the best interests of the city or county. If the governing body sells the vacated portion, it shall afford the right of first refusal to each abutting property owner as to that part of the vacated portion which abuts his property, but no action may be taken by the governing body to force the owner to purchase that portion and that portion may not be sold to any person other than the owner if the sale would result in a complete loss of access to a street from the abutting property.

8. If the street was acquired by dedication from the abutting property owners or their predecessors in interest, no payment is required for title to the proportionate part of the street reverted to each abutting property owner. If the street was not acquired by dedication, the governing body may make its order conditional upon payment by the abutting property owners for their proportionate part of the street of such consideration as the governing body determines to be reasonable. If the governing body determines that the vacation has a public benefit, it may apply the benefit as an offset against a determination of reasonable consideration which did not take into account the public benefit.

9. If an easement for light and air owned by a city or a county is adjacent to a street vacated pursuant to the provisions of this section, the easement is vacated upon the vacation of the street.

10. In any vacation or abandonment of any street owned by a city or a county, or any portion thereof, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, may reserve and except therefrom all easements, rights or interests therein which the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, deems desirable for the use of the city ~~[, the county or any public utility.]~~ ***or county.***

11. The governing body may establish by local ordinance a simplified procedure for the vacation or abandonment of an easement for a public utility owned or controlled by the governing body.

12. As used in this section ~~[, "government]~~ **:**

(a) "Community antenna television company" has the meaning ascribed to it in NRS 711.030.

(b) "Government patent easement" means an easement for a public purpose owned by the governing body over land which was conveyed by a patent.

(c) "Public utility" has the meaning ascribed to it in NRS 360.815.

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

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 154.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 129.

SUMMARY—Revises provisions governing **the** transportation of pupils by **certain** private schools. (BDR 58-1190)

AN ACT relating to motor carriers; exempting **the** transportation ~~[by a private school]~~ of persons or property in connection with the operation of ~~[the school]~~ **certain private schools** or related school activities from certain provisions governing motor carriers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation and licensing of motor carriers. (NRS 706.011-706.791) Current exemptions from such provisions are, without limitation, provided for: (1) a contractor transporting his own equipment from job to job; (2) a person transporting his own personal effects; (3) special mobile equipment such as forklifts, road construction and maintenance machinery and earth-moving equipment; (4) vehicles used in the production of motion pictures and films; (5) a private motor carrier of property used for conventions, shows or sporting events; and (6) a private motor carrier of property used for livestock shows and sales. (NRS 706.736)

However, the exemptions do not extend to certain provisions concerning the safety of drivers and vehicles. (NRS 706.736) This bill provides a similar exemption from the provisions of NRS ~~[706.011-706.791]~~ **706.011 to 706.791, inclusive,** for the transportation by ~~[a private school]~~ **certain private schools** of persons or property in connection with the operation of the school or related school activities ~~[.]~~ **under certain circumstances.**

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

Section 1. NRS 706.736 is hereby amended to read as follows:

706.736 1. Except as otherwise provided in subsection 2, the provisions of NRS 706.011 to 706.791, inclusive, do not apply to:

(a) The transportation by a contractor licensed by the State Contractors' Board of his own equipment in his own vehicles from job to job.

(b) Any person engaged in transporting his own personal effects in his own vehicle, but the provisions of this subsection do not apply to any person engaged in transportation by vehicle of property sold or to be sold, or used by him in the furtherance of any commercial enterprise other than as provided in paragraph (d), or to the carriage of any property for compensation.

(c) Special mobile equipment.

(d) The vehicle of any person, when that vehicle is being used in the production of motion pictures, including films to be shown in theaters and on television, industrial training and educational films, commercials for television and video discs and tapes.

(e) A private motor carrier of property which is used for any convention, show, exhibition, sporting event, carnival, circus or organized recreational activity.

(f) A private motor carrier of property which is used to attend livestock shows and sales.

(g) The transportation by a private school of persons or property in connection with the operation of the school or related school activities ~~[.]~~ ***, so long as the vehicle that is used to transport the persons or property does not have a gross vehicle weight rating of 26,001 pounds or more and is not registered pursuant to NRS 706.801 to 706.861, inclusive.***

2. Unless exempted by a specific state statute or a specific federal statute, regulation or rule, any person referred to in subsection 1 is subject to:

(a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

(b) All rules and regulations adopted by reference pursuant to paragraph (b) of subsection 1 of NRS 706.171 concerning the safety of drivers and vehicles.

(c) All standards adopted by regulation pursuant to NRS 706.173.

3. The provisions of NRS 706.311 to 706.453, inclusive, 706.471, 706.473, 706.475 and 706.6411 which authorize the Authority to issue:

(a) Except as otherwise provided in paragraph (b), certificates of public convenience and necessity and contract carriers' permits and to regulate rates, routes and services apply only to fully regulated carriers.

(b) Certificates of public convenience and necessity to operators of tow cars and to regulate rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle apply to operators of tow cars.

4. Any person who operates pursuant to a claim of an exemption provided by this section but who is found to be operating in a manner not covered by any of those exemptions immediately becomes liable, in addition to any other penalties provided in this chapter, for the fee appropriate to his actual operation as prescribed in this chapter, computed from the date when that operation began.

5. As used in this section, "private school" means a nonprofit private elementary or secondary educational institution that is licensed in this State.

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

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 158.

Bill read second time.

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

Amendment No. 224.

AN ACT relating to health care; requiring the Secretary of State to establish and maintain the Registry of Advance Directives for Health Care on his Internet website; establishing the requirements to register an advance directive and to obtain access to an advance directive in the Registry; providing civil and criminal immunity to providers of health care and the Secretary of State, his deputies, employees and attorneys under certain circumstances; requiring the Secretary of State to conduct an interim study of the Registry; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person may provide an advance directive concerning his health care in the form of a declaration governing the withholding or withdrawal of life-sustaining treatment, a durable power of attorney for health care decisions or a do-not-resuscitate order. (NRS 449.535-449.690, 449.800-449.860, 450B.420)

Section 6 of this bill requires the Secretary of State to establish and maintain the Registry of Advance Directives for Health Care by posting a digital photograph of each advance directive to a secure portion of his Internet website.

Section 7 of this bill establishes the procedures that a person must follow to register his advance directive with the Secretary of State and obtain the registration number and password that are needed to access his advance directive in the registry.

Section 8 of this bill requires any person requesting access to an advance directive in the Registry to provide the correct registration number and password. Section 8 also restricts access to a person's advance directive in the Registry to the registrant and his personal representative or provider of health care unless: (1) the registrant requests that another person be granted access; (2) the Secretary of State determines that the access is in the registrant's best interest; or (3) the access is necessary to comply with a court order.

Section 10 of this bill provides that the Secretary of State is not required to determine whether an advance directive is accurate or valid before posting it to the Registry and clarifies that the validity of an advance directive or a revocation of an advance directive is not affected by posting or failing to post the advance directive to the Registry.

Sections 11 and 12 of this bill provide civil and criminal immunity for providers of health care and the Secretary of State, his deputies, employees and attorneys in connection with the Registry if they act in good faith.

Section 13 of this bill authorizes the Secretary of State to charge fees and accept contributions to establish and maintain the Registry.

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

Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 15, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Advance directive" means an advance directive for health care. The term includes:***

1. A declaration governing the withholding or withdrawal of life-sustaining treatment as set forth in NRS 449.535 to 449.690, inclusive;

2. A durable power of attorney for health care decisions as set forth in NRS 449.800 to 449.860, inclusive; and

3. A do-not-resuscitate order as defined in NRS 450B.420.

Sec. 4. ***"Registrant" means a person whose advance directive is registered with the Secretary of State pursuant to section 7 of this act.***

Sec. 5. ***"Registry" means the Registry of Advance Directives for Health Care established by the Secretary of State pursuant to section 6 of this act.***

Sec. 6. ***The Secretary of State shall establish and maintain the Registry of Advance Directives for Health Care on his Internet website. The Registry must include, without limitation*** [:]

~~1. In a publicly accessible portion of the website, the name of each registrant; and~~

~~2. In~~] ***, in a secure portion of the website, an electronic reproduction of each advance directive. The electronic reproduction must be capable of being viewed on the website and downloaded, printed or otherwise retrieved by a person as set forth in section 8 of this act.***

Sec. 7. ***1. A person who wishes to register an advance directive must submit to the Secretary of State:***

(a) An application in the form prescribed by the Secretary of State;

(b) A copy of the advance directive; and

(c) The fee, if any, established by the Secretary of State pursuant to section 13 of this act.

2. If the person satisfies the requirements of subsection 1, the Secretary of State shall:

(a) Make an electronic reproduction of the advance directive and post it to the Registry;

(b) Assign a registration number and password to the registrant; and

(c) Provide the registrant with a registration card that includes, without limitation, the name, registration number and password of the registrant.

3. The Secretary of State shall establish procedures for:

(a) The registration of an advance directive that replaces an advance directive that is posted on the Registry;

(b) The removal from the Registry of an advance directive that has been revoked following the revocation of the advance directive or the death of the registrant; and

(c) The issuance of a duplicate registration card or the provision of other access to the registrant's registration number and password if a registration card issued pursuant to this section is lost, stolen, destroyed or otherwise unavailable.

Sec. 8. ***1. Except as otherwise provided in this section, the Secretary of State shall not provide access to a registrant's advance directive unless:***

(a) The person requesting access provides the registration number and password of the registrant;

(b) The Secretary of State determines that providing access to the advance directive is in the best interest of the registrant;

(c) Access to the advance directive is required pursuant to the lawful order of a court of competent jurisdiction; or

(d) Access to the advance directive is requested by the registrant or his personal representative.

2. A registrant or the personal representative of a registrant may access the registrant's advance directive for any purpose. A provider of health care to the registrant may access the registrant's advance directive only in connection with the provision of health care to the registrant.

Sec. 9. ***The Secretary of State shall remove from the Registry the advance directives of deceased registrants. The State Registrar of Vital***

Statistics shall cooperate with the Secretary of State to identify registrants whose advance directives must be removed from the Registry. The Secretary of State shall remove from the Registry the advance directives of deceased registrants at least once every 5 years.

Sec. 10. ***1. The provisions of sections 2 to 15, inclusive, of this act do not require the Secretary of State to determine whether the contents of an advance directive submitted for registration are accurate or the execution or issuance of the advance directive complies with the requirements necessary to make the advance directive valid.***

2. The registration of an advance directive does not establish or create a presumption that the contents of the advance directive are accurate or the execution or issuance of the advance directive complies with the requirements necessary to make the advance directive valid.

3. Failure to register an advance directive does not affect the validity of the advance directive.

4. Failure to notify the Secretary of State of the revocation of a registrant's advance directive does not affect the validity of the revocation.

Sec. 11. ***1. The provisions of sections 2 to 15, inclusive, of this act do not require a provider of health care to inquire whether a patient has an advance directive registered on the Registry or to access the Registry to determine the terms of the advance directive.***

2. A provider of health care who relies in good faith on the provisions of an advance directive retrieved from the Registry is immune from criminal and civil liability as set forth in:

(a) NRS 449.630, if the advance directive is a declaration governing the withholding or withdrawal of life-sustaining treatment executed pursuant to NRS 449.535 to 449.690, inclusive, or a durable power of attorney for health care decisions executed pursuant to NRS 449.800 to 449.860, inclusive; or

(b) NRS 450B.540, if the advance directive is a do-not-resuscitate order as defined in NRS 450B.420.

Sec. 12. ***The Secretary of State and the deputies, employees and attorneys of the Secretary of State are not liable for any action or omission made in good faith by the Secretary of State, deputy, employee or attorney in carrying out the provisions of sections 2 to 15, inclusive, of this act.***

Sec. 13. ***The Secretary of State may charge and collect fees and accept gifts, grants, bequests and other contributions from any source for the purpose of carrying out the provisions of sections 2 to 15, inclusive, of this act.***

Sec. 14. ***1. All money received by the Secretary of State pursuant to sections 2 to 15, inclusive, of this act must be:***

(a) Deposited in the State Treasury and accounted for separately in the State General Fund; and

(b) Used only for the purpose of carrying out the provisions of sections 2 to 15, inclusive, of this act.

2. The Secretary of State shall administer the account. The interest and income earned on the money in the account, after deducting any applicable charges, must be credited to the account.

3. The money in the account does not lapse to the State General Fund at the end of any fiscal year.

4. Claims against the account must be paid as other claims against the State are paid.

Sec. 15. ***The Secretary of State may adopt regulations to carry out the provisions of sections 2 to 15, inclusive, of this act.***

Sec. 16. 1. The Secretary of State shall conduct a study of the Registry of Advance Directives for Health Care.

2. In conducting the study pursuant to subsection 1, the Secretary of State shall work in consultation with and solicit advice and recommendations from the Nevada Center for Ethics and Health Policy of the University of Nevada, Reno.

3. The Secretary of State shall submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

Sec. 17. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on July 1, 2007, for all other purposes.

Assemblywoman Gerhardt moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 194.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 299.

AN ACT relating to victims of crime; prohibiting an adverse party named in an extended order for protection against domestic violence from ~~[owning,]~~ possessing or having under his custody or control a firearm; making various changes to provisions regarding orders for protection against domestic violence; expanding the persons against whom domestic violence may be committed; revising provisions regarding the testing of certain persons accused of committing certain crimes for exposure to the human immunodeficiency virus and commonly contracted sexually transmitted diseases; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain unlawful acts which constitute domestic violence when committed against certain specified persons. (NRS 33.018) Existing law authorizes a court to issue a temporary or extended order for

protection to protect a person listed in that statute from domestic violence. (NRS 33.020, 33.030) Section ~~[3]~~ **5** of this bill expands the list of persons against whom domestic violence may be committed to include a person who has been appointed the custodian or legal guardian of a child.

~~[Section 1 of this bill makes it a gross misdemeanor for an adverse party who is named in an extended order for protection against domestic violence to own, possess or have under his custody or control any firearm while the order is in effect.]~~ Section ~~[4]~~ **2** of this bill ~~[requires]~~ **authorizes** the court, when issuing an extended order, to ~~[order]~~ **include a requirement that** the adverse party ~~[to]~~ surrender any firearms ~~[owned]~~ **possessed** by him ~~[and requires the court to include a statement in the order informing the adverse party of the penalty for having a firearm while the order is in effect. (NRS 33.030) Section 4 further authorizes a court, when granting a temporary order for protection, to provide for the care of an animal.]~~ **or under his custody or control and that he not possess or have under his custody or control any firearm while the order is in effect. Section 2 requires the court to consider certain factors in deciding whether to include such provisions in an extended order and provides for a limited exception that may be granted if the adverse party can establish that the use or possession of a firearm is an integral part of his employment and that the employer will provide for the storage of any such firearm during any period that the adverse party is not working. Section 3 of this bill establishes the procedures governing the surrender, sale or transfer of any firearm possessed or under the custody or control of an adverse party subject to such an extended order. Section 2 makes it a gross misdemeanor for an adverse party to violate those provisions of an extended order.**

Section ~~[4 also]~~ **6 of this bill** authorizes a court, when granting an extended order, to provide for the support of a minor child for whom a guardian has been appointed or who has been placed in protective custody and to pay compensation to the applicant for lost earnings and expenses ~~[related to personal injury and damage to property that resulted from the domestic violence.]~~ **incurred by the applicant in attending any hearing concerning an application for an extended order. (NRS 33.030)**

Section ~~[5]~~ 7 of this bill requires a law enforcement officer to inform an adverse party who violates an order for protection against domestic violence of the date and time set for a hearing on an application for an extended order in certain circumstances. (NRS 33.070)

Existing federal law requires, as a condition to receiving certain federal grants, that states provide by law for certain procedures concerning the testing of a defendant who is arrested for certain crimes involving sexual conduct. (42 U.S.C. § 3796hh(d)) Section ~~[7]~~ **9** of this bill revises the procedures for testing certain alleged criminals who commit a sexual assault and victims of sexual assault for the human immunodeficiency virus and other commonly contracted sexually transmitted diseases to comply with those federal requirements. (NRS 441A.320)

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

Section 1. Chapter 33 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 2 and 3 of this act.**

Sec. 2. 1. ~~[An adverse party who is named in an extended order shall not own or have in his possession or under his custody or control any firearm while the order is in effect.]~~ ***A court may include in an extended order issued pursuant to NRS 33.030:***

(a) A requirement that the adverse party surrender, sell or transfer any firearm in his possession or under his custody or control in the manner set forth in section 3 of this act; and

(b) A prohibition on the adverse party against possessing or having under his custody or control any firearm while the order is in effect.

2. ~~[A person who violates the provisions of this section is guilty of a gross misdemeanor.]~~ ***In determining whether to include the provisions set forth in subsection 1 in an extended order, the court must consider, without limitation, whether the adverse party:***

(a) Has a documented history of domestic violence;

(b) Has used or threatened to use a firearm to injure or harass the applicant, a minor child or any other person; and

(c) Has used a firearm in the commission or attempted commission of any crime.

3. If a court includes the provisions set forth in subsection 1 in an extended order, the court may include a limited exception from the prohibition to possess or have under his custody or control any firearm if the adverse party establishes that:

(a) The adverse party is employed by an employer who requires the adverse party to use or possess a firearm as an integral part of his employment; and

(b) The employer will provide for the storage of any such firearm during any period when the adverse party is not working.

4. An adverse party who violates any provision included in an extended order pursuant to this section concerning the surrender, sale, transfer, possession, custody or control of a firearm is guilty of a gross misdemeanor. If the court includes any such provision in an extended order, the court must include in the order a statement that violation of such a provision in the order is a gross misdemeanor.

Sec. 3. 1. If a court orders an adverse party to surrender any firearm pursuant to section 2 of this act, the adverse party shall, not later than 24 hours after service of the order:

(a) Surrender any firearm in his possession or under his custody or control to the appropriate local law enforcement agency designated by the court in the order;

(b) Surrender any firearm in his possession or under his custody or control to a person designated by the court in the order; or

(c) Sell or transfer any firearm in his possession or under his custody or control to a licensed firearm dealer.

2. If the court orders the adverse party to surrender any firearm to a local law enforcement agency pursuant to paragraph (a) of subsection 1, the law enforcement agency shall provide the adverse party with a receipt which includes a description of each firearm surrendered and the adverse party shall, not later than 72 hours after surrendering any such firearm, provide the receipt to the court.

3. If the court orders the adverse party to surrender any firearm to a person designated by the court pursuant to paragraph (b) of subsection 1, the adverse party shall, not later than 48 hours after he surrenders any firearm to such person, provide to the court and the appropriate local law enforcement agency the name and address of the person designated in the order and a written description of each firearm surrendered to such person.

4. If the adverse party sells or transfers any firearm to a licensed firearm dealer that is subject to an order pursuant to paragraph (c) of subsection 1, the adverse party shall, not later than 72 hours after such sale or transfer, provide to the court and the appropriate local law enforcement agency a receipt of such sale or transfer and a written description of each firearm sold or transferred.

5. A local law enforcement agency may charge and collect a fee from the adverse party for the collection and storage of a firearm pursuant to this section. The fee must not exceed the cost incurred by the local law enforcement agency to provide the service.

~~[Sec. 2.]~~ ***Sec. 4.*** NRS 33.017 is hereby amended to read as follows:

33.017 As used in NRS 33.017 to 33.100, inclusive, ***and*** ~~[section 1]~~ ***sections 2 and 3 of this act,*** unless the context otherwise requires:

1. "Extended order" means an extended order for protection against domestic violence.

2. "Temporary order" means a temporary order for protection against domestic violence.

~~[Sec. 3.]~~ ***Sec. 5.*** NRS 33.018 is hereby amended to read as follows:

33.018 1. Domestic violence occurs when a person commits one of the following acts against or upon his spouse, former spouse, any other person to whom he is related by blood or marriage, a person with whom he is or was actually residing, a person with whom he has had or is having a dating relationship, a person with whom he has a child in common, the minor child of any of those persons ***,*** ~~[or]~~ his minor child ~~[.]~~ ***or any person who has been appointed the custodian or legal guardian for his minor child:***

(a) A battery.

(b) An assault.

(c) Compelling the other by force or threat of force to perform an act from which he has the right to refrain or to refrain from an act which he has the right to perform.

(d) A sexual assault.

(e) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, but is not limited to:

(1) Stalking.

(2) Arson.

(3) Trespassing.

(4) Larceny.

(5) Destruction of private property.

(6) Carrying a concealed weapon without a permit.

(f) A false imprisonment.

(g) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

2. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

~~[Sec. 4.]~~ ***Sec. 6.*** NRS 33.030 is hereby amended to read as follows:

33.030 1. The court by a temporary order may:

(a) Enjoin the adverse party from threatening, physically injuring or harassing the applicant or minor child, either directly or through an agent;

(b) Exclude the adverse party from the applicant's place of residence;

(c) Prohibit the adverse party from entering the residence, school or place of employment of the applicant or minor child and order him to stay away from any specified place frequented regularly by them;

(d) If it has jurisdiction under chapter 125A of NRS, grant temporary custody of the minor child to the applicant; and

(e) ~~[Order either party to take care of an animal that has been kept as a pet by either of them or by the minor child of either of them; and~~

~~(f)~~] Order such other relief as it deems necessary in an emergency situation.

2. The court by an extended order may grant any relief enumerated in subsection 1 and:

(a) Specify arrangements for visitation of the minor child by the adverse party and require supervision of that visitation by a third party if necessary; and

(b) Order the adverse party to:

(1) Avoid or limit communication with the applicant or minor child;

(2) Pay rent or make payments on a mortgage on the applicant's place of residence ~~[or pay]~~ ***;***

(3) Pay for the support of the applicant or minor child ***, including, without limitation, support of a minor child for whom a guardian has been***

appointed pursuant to chapter 159 of NRS or a minor child who has been placed in protective custody pursuant to chapter 432B of NRS, if he is found to have a duty to support the applicant or minor child; ~~[and~~

~~(3)]~~ ***(4)*** Pay all costs and fees incurred by the applicant in bringing the action ~~[.]~~ ***; and***

(5) Pay monetary compensation to the applicant for lost earnings and expenses ~~[related to personal injury and damage to property that resulted from the domestic violence.]~~ ***incurred as a result of the applicant attending any hearing concerning an application for an extended order.***

3. ~~[The court shall include in any extended order a requirement that the adverse party surrender to the court any firearm owned by him and shall include a statement informing the adverse party that pursuant to section 1 of this act, he is prohibited from owning, possessing or having under his custody or control any firearm while the order is in effect and that violation of that prohibition is a gross misdemeanor.~~

~~4.]~~ If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

4. ~~[5.]~~ A temporary or extended order must specify, as applicable, the county and city, if any, in which the residence, school, child care facility or other provider of child care, and place of employment of the applicant or minor child are located.

5. ~~[6.]~~ A temporary or extended order must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after his arrest if the arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm.

~~[Sec. 5.]~~ ***Sec. 7.*** NRS 33.070 is hereby amended to read as follows:

33.070 1. Every temporary or extended order must include a provision ordering any law enforcement officer to arrest an adverse party if the officer has probable cause to believe that the adverse party has violated any provision of the order. The law enforcement officer may make an arrest with or without a warrant and regardless of whether the violation occurs in his presence.

2. If a law enforcement officer cannot verify that the adverse party was served with a copy of the application and order, he shall:

(a) Inform the adverse party of the specific terms and conditions of the order;

(b) Inform the adverse party that he now has notice of the provisions of the order and that a violation of the order will result in his arrest; ~~[and]~~

(c) Inform the adverse party of the location of the court that issued the original order and the hours during which the adverse party may obtain a copy of the order ~~[.]~~ ***; and***

(d) Inform the adverse party of the date and time set for a hearing on an application for an extended order, if any.

3. Information concerning the terms and conditions of the order, the date and time of the notice provided to the adverse party and the name and identifying number of the officer who gave the notice must be provided in writing to the applicant and noted in the records of the law enforcement agency and the court.

~~[Sec. 6.]~~ ***Sec. 8.*** NRS 441A.220 is hereby amended to read as follows:

441A.220 All information of a personal nature about any person provided by any other person reporting a case or suspected case of a communicable disease, or by any person who has a communicable disease, or as determined by investigation of the health authority, is confidential medical information and must not be disclosed to any person under any circumstances, including pursuant to any subpoena, search warrant or discovery proceeding, except as follows:

1. For statistical purposes, provided that the identity of the person is not discernible from the information disclosed.

2. In a prosecution for a violation of this chapter.

3. In a proceeding for an injunction brought pursuant to this chapter.

4. In reporting the actual or suspected abuse or neglect of a child or elderly person.

5. To any person who has a medical need to know the information for his own protection or for the well-being of a patient or dependent person, as determined by the health authority in accordance with regulations of the Board.

6. If the person who is the subject of the information consents in writing to the disclosure.

7. Pursuant to subsection ~~[2]~~ ***4*** of NRS 441A.320 or NRS 629.069.

8. If the disclosure is made to the Department of Health and Human Services and the person about whom the disclosure is made has been diagnosed as having acquired immunodeficiency syndrome or an illness related to the human immunodeficiency virus and is a recipient of or an applicant for Medicaid.

9. To a firefighter, police officer or person providing emergency medical services if the Board has determined that the information relates to a communicable disease significantly related to that occupation. The information must be disclosed in the manner prescribed by the Board.

10. If the disclosure is authorized or required by specific statute.

~~[Sec. 7.]~~ ***Sec. 9.*** NRS 441A.320 is hereby amended to read as follows:

441A.320 1. ~~[As soon as practicable after:~~

~~(a) A person is arrested for the commission of a crime; or~~

~~(b) A minor is detained for the commission of an act which, if committed by a person other than a minor would have constituted a crime,~~

~~➥ which]~~ ***If*** the ***alleged*** victim or a witness ***to a crime*** alleges ***that the crime*** involved the sexual penetration of the victim's body, the health authority shall ***perform the tests set forth in subsection 2 as soon as practicable after the arrest of the person alleged to have committed the crime, but not later***

than 48 hours after the person is charged with the crime by indictment or information, unless the person alleged to have committed the crime is a child who will be adjudicated in juvenile court and then not later than 48 hours after the petition is filed with the juvenile court alleging that the child is delinquent for committing such an act.

2. If the health authority is required to perform tests pursuant to subsection 1, it must test a specimen obtained from the arrested person ~~[or detained minor]~~ for exposure to the human immunodeficiency virus and any commonly contracted sexually transmitted disease, regardless of whether he or, if ~~[a detained minor,]~~ ***the person is a child,*** his parent or guardian consents to providing the specimen. The agency that has custody of the arrested person ~~[or detained minor]~~ shall obtain the specimen and submit it to the health authority for testing. The health authority shall perform the test in accordance with generally accepted medical practices.

~~[2. The]~~

3. In addition to the test performed pursuant to subsection 2, the health authority shall perform such follow-up tests for the human immunodeficiency virus as may be deemed medically appropriate.

4. As soon as practicable, the health authority shall disclose the results of all tests performed pursuant to subsection ~~[1]~~ ***2 or 3*** to:

(a) The victim or to the victim's parent or guardian if the victim is a ~~[minor;]~~ ***child;*** and

(b) The arrested person and, if ~~[a minor is detained,]~~ ***the person is a child,*** to his parent or guardian.

~~[3.]~~ ***5.*** If the health authority determines, from the results of a test performed pursuant to subsection ~~[1,]~~ ***2 or 3,*** that a victim of sexual assault may have been exposed to the human immunodeficiency virus or any commonly contracted sexually transmitted disease, it shall, at the request of the victim, provide him with:

(a) An examination for exposure to the human immunodeficiency virus and any commonly contracted sexually transmitted disease to which the health authority determines he may have been exposed;

(b) Counseling regarding the human immunodeficiency virus and any commonly contracted sexually transmitted disease to which the health authority determines he may have been exposed; and

(c) A referral for health care and other assistance,

➥ as appropriate.

~~[4.]~~ ***6.*** If the court in:

(a) A criminal proceeding determines that a person has committed a crime; or

(b) A proceeding conducted pursuant to title 5 of NRS determines that a ~~[minor]~~ ***child*** has committed an act which, if committed by ~~[a person other than a minor,]~~ ***an adult,*** would have constituted a crime,

➥ involving the sexual penetration of a victim's body, the court shall, upon application by the health authority, order that ~~[minor]~~ ***child*** or other person to

pay any expenses incurred in carrying out this section with regard to that ~~[minor]~~ ***child*** or other person and that victim.

~~[5.]~~ ***7.*** The Board shall adopt regulations identifying, for the purposes of this section, sexually transmitted diseases which are commonly contracted.

~~[6.]~~ ***8.*** As used in this section:

(a) "Sexual assault" means a violation of NRS 200.366.

(b) "Sexual penetration" has the meaning ascribed to it in NRS 200.364.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:42 a.m.

ASSEMBLY IN SESSION

At 11:43 a.m.

Madam Speaker presiding.

Quorum present.

Assembly Bill No. 218.

Bill read second time.

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

Amendment No. 174.

AN ACT relating to public works; clarifying the definition of an "offense"; clarifying that the Labor Commissioner may impose an administrative penalty against a person for the commission of an offense; revising provisions relating to the temporary disqualification of certain contractors from being awarded contracts for public works; **requiring the Labor Commissioner to adopt certain regulations;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth general provisions applicable to public works, including provisions requiring the payment of prevailing wages to mechanics and workmen employed on a public works project. (NRS 338.010-338.090) Such provisions are also applied by reference to other state and local construction and improvement projects. (NRS 244.286, 244A.763, 268.568, 271.710, 271.800, 271A.130, 278C.240, 279.500, 349.670, 349.956, 543.545)

Existing law provides that, as used in chapter 338 of NRS, an "offense" means failing to pay the prevailing wage, failing to pay contributions for unemployment compensation, failing to provide and secure industrial insurance compensation or failing to comply with certain recordkeeping requirements. (NRS 338.010) Section 1 of this bill clarifies that each instance

of the failure to pay one or more workmen the prevailing wage on a public work constitutes an offense.

Under existing law, the Labor Commissioner is required to enforce certain provisions of chapter 338 of NRS and if a person violates those provisions, the Labor Commissioner is required to report the violation to the Attorney General and is authorized to impose administrative penalties for the violation. (NRS 338.015) Section 2 of this bill clarifies that the Labor Commissioner is required to report the commission of an "offense" to the Attorney General and is authorized to impose administrative penalties for the commission of an "offense." (NRS 338.010, 338.015)

Existing law provides that if an administrative penalty is imposed against a person for the commission of an "offense," the person and any corporate officers of the person are prohibited from receiving a contract for a public work for a period of 3 years, if the offense is a first offense, and for a period of 5 years, if the offense is a second or subsequent offense. (NRS 338.010, 338.017) Section 3 of this bill graduates the periods of temporary disqualification following the imposition of an administrative penalty as follows: (1) at least 6 months but not more than 1 year for a first offense; (2) at least 1 year but not more than 3 years for a second offense; (3) at least 3 years but not more than 5 years for a third offense; and (4) at least 5 years for a fourth or subsequent offense. Also, the Labor Commissioner has discretion to temporarily disqualify a person for a first offense, but must disqualify a person for second and subsequent offenses. **The Labor Commissioner is required to adopt by regulation criteria to determine whether the commission of an offense counts toward the cumulative offenses and corresponding penalties.**

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

Section 1. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that he is not required to be licensed pursuant to chapter 624 of NRS.

(b) A design-build team.

4. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a

workman or workmen employed by them on public works by the day and not under a contract in writing.

5. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. "Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

9. "General contractor" means a person who is licensed to conduct business in one ~~[,]~~ or both ~~[,]~~ of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

10. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

11. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

12. "Offense" means ***:*** ~~[failing to:]~~

(a) ~~[Pay]~~ ***Each instance of failing to pay*** the prevailing wage required pursuant to this chapter ~~[;]~~ ***to one or more workmen on a public work; or***

(b) ***Failing to:***

(1) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

~~[(c)]~~ ***(2)*** Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

~~[(d)]~~ ***(3)*** Comply with subsection 4 or 5 of NRS 338.070.

13. "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➥ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

14. "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

15. "Public work" means any project for the new construction, repair or reconstruction of:

(a) A project financed in whole or in part from public money for:

(1) Public buildings;

(2) Jails and prisons;

(3) Public roads;

(4) Public highways;

(5) Public streets and alleys;

(6) Public utilities;

(7) Publicly owned water mains and sewers;

(8) Public parks and playgrounds;

(9) Public convention facilities which are financed at least in part with public money; and

(10) All other publicly owned works and property.

(b) A building for the Nevada System of Higher Education of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.

16. "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

17. "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

➥ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

18. "Subcontract" means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

➥ for the provision of labor, materials, equipment or supplies for a construction project.

19. "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that he is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

20. "Supplier" means a person who provides materials, equipment or supplies for a construction project.

21. "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the workman.

22. "Workman" means a skilled mechanic, skilled workman, semiskilled mechanic, semiskilled workman or unskilled workman in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 2. NRS 338.015 is hereby amended to read as follows:

338.015 1. The Labor Commissioner shall enforce the provisions of NRS 338.010 to 338.130, inclusive.

2. In addition to any other remedy or penalty provided in this chapter, if any person, including, without limitation, a public body, ***commits an offense or*** violates any provision of NRS 338.010 to 338.130, inclusive, or any regulation adopted pursuant thereto, the Labor Commissioner may, after providing the person with notice and an opportunity for a hearing, impose against the person an administrative penalty of not more than $5,000 for each such ***offense or*** violation.

3. The Labor Commissioner may, by regulation, establish a sliding scale based on the severity of the ***offense or*** violation to determine the amount of the administrative penalty to be imposed against the person pursuant to this section.

4. The Labor Commissioner shall report the ***offense or*** violation to the Attorney General, and the Attorney General may prosecute the person in accordance with law.

Sec. 3. NRS 338.017 is hereby amended to read as follows:

338.017 ***1.*** If any administrative penalty is imposed against a person for the commission of ~~[an offense:~~

~~1. That]~~ ***:***

(a) A first offense, the Labor Commissioner may prohibit that person, and the corporate officers, if any, of that person, ~~[may not be]~~ ***from being*** awarded a contract for a public work ~~[:~~

~~(a) For the first offense,]~~ ***by a public body*** for a period of ~~[3 years after the date of the imposition of the administrative penalty; and~~

~~(b) For the second or subsequent offense,]~~ ***at least 6 months but not more than 1 year.***

(b) A second offense, the Labor Commissioner shall prohibit that person, and the corporate officers, if any, of that person, from being awarded a contract for a public work by a public body for a period of ***at least 1 year but not more than 3 years.***

(c) A third offense, the Labor Commissioner shall prohibit that person, and the corporate officers, if any, of that person, from being awarded a contract for a public work by a public body for a period of at least 3 years but not more than 5 years ***.*** ~~[after the date of the imposition of the administrative penalty.]~~

(d) A fourth or subsequent offense, the Labor Commissioner shall prohibit that person, and the corporate officers, if any, of that person, from being awarded a contract for a public work by a public body for a period of at least 5 years.

2. The Labor Commissioner shall notify the State Contractors' Board ***, and every public body,*** of each contractor who is prohibited from being awarded a contract for a public work pursuant to this section.

3. ~~[Whether]~~ ***Except as otherwise provided in regulations adopted by the Labor Commissioner pursuant to subsection 4, whether or not the Labor Commissioner:***

(a) Imposes an administrative penalty against a person pursuant to NRS 338.015 for the commission of an offense; or

(b) Prohibits a person, and the corporate officers, if any, of that person, from being awarded a contract for a public work by a public body for the commission of a first offense pursuant to paragraph (a) of subsection 1,

➥ the commission of an offense counts toward the cumulative offenses and corresponding penalties set forth in paragraphs (b), (c) and (d) of subsection 1.

4. The Labor Commissioner shall by regulation adopt criteria to determine whether the commission of an offense counts toward the cumulative offenses and corresponding penalties set forth in paragraphs (b), (c) and (d) of subsection 1. The criteria so adopted must:

(a) Distinguish between offenses of different levels of severity; and

(b) Recognize that when a person commits an offense deliberately, knowingly, intentionally or willfully, such an act involves a degree of culpability which is greater than that involved when a person commits an offense negligently, inadvertently or through clerical error.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 222.

Bill read second time.

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

Amendment No. 280.

AN ACT relating to energy; placing the Task Force for Renewable Energy and Energy Conservation in the Office of Energy within the Office of the Governor; requiring the Director of the Office of Energy to employ a Deputy Director for Renewable Energy and Energy Conservation; requiring an energy audit of certain public buildings; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires that an energy audit be conducted on any public building of a local government, the State of Nevada and the Nevada System of Higher Education that is constructed on or after July 1, 2007. Section 2 of this bill requires the Director of the Office of Energy within the Office of the Governor to employ a Deputy Director for Renewable Energy and Energy Conservation. Section 3 of this bill places the Task Force for Renewable Energy and Energy Conservation in the Office of Energy ~~[.]~~ **and revises its membership.** Section 4 of this bill requires that an energy audit be conducted ~~[not later than July 1, 2008, on any public building]~~ **on certain public buildings** existing before July 1, 2007, of a local government, the State of Nevada and the Nevada System of Higher Education. Section 5 of this bill makes an appropriation to the Office of Energy in the sum of

$125,000 to pay the salary and other expenses relating to the position of Deputy Director for Renewable Energy and Energy Conservation.

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

Section 1. Chapter 701 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each person who is responsible for the operation of a public building of a local government, the State of Nevada or the Nevada System of Higher Education that is constructed on or after July 1, 2007, shall cause an energy audit of the building to be conducted not ~~[earlier than 6 months and not]~~ ***later than*** ~~[1 year]~~ ***5 years after the building is occupied. A copy of the energy audit must be submitted to the Director not later than 90 days after the audit is completed.***

2. An energy audit required by this section must:

(a) Include, without limitation:

(1) An assessment of the feasibility of implementing any measure which will reduce the consumption of energy in the building;

(2) An estimate of the costs to implement any measure described in subparagraph (1);

(3) A comparison of the energy consumption in the building to the energy consumption in similar buildings; and

(4) A report that compares the current pattern of the costs associated with the energy consumption in the building and any related labor costs to the projected costs if those measures were implemented; and

(b) Be based on:

(1) A review and analysis of the history of the energy usage of the building; and

(2) Surveys, plans, specifications or drawings that provide details of the structure or design of the building.

3. As used in this section, "local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318 and 379 of NRS, NRS 450.550 to 450.750, inclusive, and chapters 474, 541, 543 and 555 of NRS, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision.

Sec. 2. NRS 701.150 is hereby amended to read as follows:

701.150 1. The Office of Energy is hereby created within the Office of the Governor.

2. The Governor shall appoint the Director. The Director:

(a) Is in the unclassified service of the State; and

(b) Serves at the pleasure of the Governor.

3. ***The Director shall employ a Deputy Director for Renewable Energy and Energy Conservation who is in the unclassified service of the State.***

4. The Director may, within the limits of available money, employ:

(a) Such persons in the unclassified service of the State as the Director determines to be necessary to carry out the duties of the Office of Energy pursuant to this chapter; and

(b) Such additional personnel as may be required to carry out the duties of the Office of Energy pursuant to this chapter, who must be in the classified service of the State.

~~[4.]~~ ***5.*** A person employed by the Director pursuant to this section must be qualified by training and experience to perform the duties for which the Director employs him.

~~[5.]~~ ***6.*** The Director and the persons employed by the Director shall not have any conflict of interest relating to the performance of their duties pursuant to this chapter.

~~[6.]~~ ***7.*** The provisions of NRS 223.085 do not apply to the Director or to any person employed by the Director pursuant to this section.

Sec. 3. NRS 701.350 is hereby amended to read as follows:

701.350 1. The Task Force for Renewable Energy and Energy Conservation is hereby created ~~[.]~~ ***in the Office of Energy.*** The Task Force consists of ~~[11]~~ ***15*** members who are appointed as follows:

(a) Two members appointed by the Majority Leader of the Senate, one of whom represents the interests of the renewable energy industry in this State with respect to biomass and the other of whom represents the interests of the mining industry in this State.

(b) Two members appointed by the Speaker of the Assembly, one of whom represents the interests of the renewable energy industry in this State with respect to geothermal energy and the other of whom represents the interests of a nonprofit organization dedicated to the protection of the environment or to the conservation of energy or the efficient use of energy.

(c) ~~[One member]~~ ***Two members*** appointed by the Minority Leader of the Senate ~~[to represent]~~ ***, one of whom represents the interests of the natural gas industry in this State and one of whom represents*** the interests of the renewable energy industry in this State with respect to solar energy.

(d) ~~[One member]~~ ***Two members*** appointed by the Minority Leader of the Assembly to represent the interests of the public utilities in this State.

(e) ~~[Two members]~~ ***One member*** appointed by the Governor ~~[, one of whom represents the interests of the renewable energy industry in this State with respect to wind and the other of whom represents]~~ ***to represent*** the interests of the gaming industry in this State.

(f) One member appointed by the Consumer's Advocate to represent the interests of the consumers in this State.

(g) One member appointed by the governing board of the State of Nevada AFL-CIO or, if the State of Nevada AFL-CIO ceases to exist, by its

successor organization or, if there is no successor organization, by the Governor.

(h) One member appointed by the Governor to represent the interests of energy conservation and the efficient use of energy in this State.

(i) Two members appointed jointly by the United States Senators of this State.

(j) One member appointed by the Governor to represent the interests of public utilities that purchase natural gas for resale in this State.

2. A member of the Task Force:

(a) Must be a citizen of the United States and a resident of this State.

(b) Must have training, education, experience or knowledge concerning:

(1) The development or use of renewable energy;

(2) Financing, planning or constructing renewable energy generation projects;

(3) Measures which conserve or reduce the demand for energy or which result in more efficient use of energy;

(4) Weatherization;

(5) Building and energy codes and standards;

(6) Grants or incentives concerning energy;

(7) Public education or community relations; or

(8) Any other matter within the duties of the Task Force.

(c) Must not be an officer or employee of the Legislative or Judicial Department of State Government.

3. After the initial terms, the term of each member of the Task Force is 3 years. A vacancy on the Task Force must be filled for the remainder of the unexpired term in the same manner as the original appointment. A member may be reappointed to the Task Force.

4. A member of the Task Force who is an officer or employee of this State or a political subdivision of this State must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Task Force and perform any work that is necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Task Force to:

(a) Make up the time he is absent from work to carry out his duties as a member of the Task Force; or

(b) Take annual leave or compensatory time for the absence.

Sec. 4. 1. Each person who is responsible for the operation of a public building existing before July 1, 2007, of a local government, the State of Nevada or the Nevada System of Higher Education shall cause an energy audit of the building to be conducted ~~[not earlier than 6 months after the building was first occupied and not later than July 1, 2008.]~~ **by that governmental entity, a consultant or a public utility in accordance with a plan prepared by the governmental entity which is submitted to the Office of Energy within the Office of the Governor and posted on the**

Internet website of the Office of Energy. Except as otherwise provided in subsections 3, 4 and 5, the energy audit must be completed not later than:

(a) July 1, 2010, if the energy audit is conducted on a public building of a local government in a county whose population is less than 100,000;

(b) July 1, 2012, if the energy audit is conducted on a public building of a local government in a county whose population is 100,000 or more; and

(c) July 1, 2010, if the energy audit is conducted on a public building of the State of Nevada or the Nevada System of Higher Education.

➥ A copy of the energy audit must be submitted to the Director of the Office of Energy ~~[within the Office of the Governor]~~ not later than 90 days after the audit is completed.

2. An energy audit required by this section must:

(a) Include, without limitation:

(1) An assessment of the feasibility of implementing any measure which will reduce the consumption of energy in the building;

(2) An estimate of the costs to implement any measure described in subparagraph (1);

(3) A comparison of the energy consumption in the building to the energy consumption in similar buildings; and

(4) A report that compares the current pattern of the costs associated with the energy consumption in the building and any related labor costs to the projected costs if those measures were implemented; and

(b) Be based on:

(1) A review and analysis of the history of the energy usage of the building; and

(2) Surveys, plans, specifications or drawings that provide details of the structure or design of the building.

3. The plan prepared by a governmental entity pursuant to subsection 1 must begin with the oldest building and be updated annually to incorporate the results of the audits that have been completed. If a governmental entity fails to submit its plan on or before July 1, 2008, the governmental entity shall conduct all the audits that it is required to conduct pursuant to this section and submit a report concerning the results of those audits to the Office of Energy for transmittal to the Legislature not later than February 2, 2009.

4. A public building that is certified at or meets the equivalent of the silver level or higher of the Leadership in Energy and Environmental Design Green Building Rating System or its equivalent, if such a system is adopted for public buildings by the Director of the Office of Energy pursuant to NRS 701.217, is exempt from the provisions of this section until July 1, 2017. Upon the expiration of the exemption, the deadline for:

(a) The energy audit of the public building pursuant to subsection 1 must be determined by adding 10 years to the applicable deadline set forth in subsection 1;

(b) The submission of a plan pursuant to subsection 3 is July 1, 2018; and

(c) The submission of a report pursuant to subsection 3 is February 2, 2019.

5. A public building that, in a facilities plan approved by a governmental entity before July 1, 2008, has been identified for disposal before July 1, 2013, is exempt from the provisions of this section, except that, if the public building is not disposed of in accordance with the approved facilities plan, the responsible governmental entity shall complete the energy audit of the public building required by subsection 1 not later than September 1, 2013, and submit a report concerning the results of the audit to the Office of Energy not later than 90 days after the completion of the audit.

6. As used in this section ~~[, "local]~~ :

(a) "Disposal" means demolition or transfer from public ownership.

(b) "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318 and 379 of NRS, NRS 450.550 to 450.750, inclusive, and chapters 474, 541, 543 and 555 of NRS, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision.

Sec. 5. There is hereby appropriated from the State General Fund to the Office of Energy **within the Office of the Governor** the sum of $125,000 to pay the salary and other expenses relating to the position of Deputy Director for Renewable Energy and Energy Conservation created in NRS 701.150, as amended by section 2 of this act.

Sec. 6. Any remaining balance of the appropriation made by section 5 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 7. **1. Notwithstanding the provisions of subsection 3 of NRS 701.350, the term of the member of the Task Force for Renewable Energy and Energy Conservation appointed by the Governor pursuant to paragraph (e) of subsection 1 of NRS 701.350 to represent the**

interests of the renewable energy industry in this State with respect to wind expires on July 1, 2007.

2. The appointments of additional members to the Task Force for Renewable Energy and Energy Conservation required by NRS 701.350, as amended by section 3 of this act, must be made as soon as practicable on or after July 1, 2007.

~~[Sec. 7.]~~ ***Sec. 8.*** This act becomes effective on July 1, 2007.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 233.

Bill read second time.

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

Amendment No. 158.

AN ACT relating to mental health; increasing the number of members of the Commission on Mental Health and Developmental Services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Commission on Mental Health and Developmental Services in the Department of Health and Human Services consists of nine members appointed by the Governor. (NRS 232.361) This bill increases the number of members on the Commission to 10 members and requires that the additional member have knowledge and experience in the prevention ~~[or]~~ **and** treatment of alcohol and drug abuse. The Governor is required to appoint the additional member from a list of three candidates submitted by the Division of Mental Health and Developmental Services of the Department.

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

Section 1. NRS 232.361 is hereby amended to read as follows:

232.361 1. There is hereby created in the Department a Commission on Mental Health and Developmental Services consisting of ~~[nine]~~ ***10*** members appointed by the Governor, at least ~~[three]~~ ***3*** of whom have training or experience in dealing with mental retardation.

2. The Governor shall appoint:

(a) A psychiatrist licensed to practice medicine in this State, from a list of three candidates submitted by the Nevada Psychiatric Association;

(b) A psychologist licensed to practice in this State and experienced in clinical practice, from a list of four candidates submitted by the Nevada State Psychological Association, two of whom must be from northern Nevada and two of whom must be from southern Nevada;

(c) A physician, other than a psychiatrist, licensed to practice medicine in this State and who has experience in dealing with mental retardation, from a list of three candidates submitted by the Nevada State Medical Association;

(d) A social worker who has a master's degree and has experience in dealing with mental illness or mental retardation, or both;

(e) A registered nurse licensed to practice in this State who has experience in dealing with mental illness or mental retardation, or both, from a list of three candidates submitted by the Nevada Nurses Association;

(f) A marriage and family therapist licensed to practice in this State, from a list of three candidates submitted by the Nevada Association for Marriage and Family Therapy;

(g) ***A person who has knowledge and experience in the prevention of alcohol and drug abuse*** ~~[or]~~ ***and the treatment and recovery of alcohol and drug abusers through a program or service provided pursuant to chapter 458 of NRS, from a list of three candidates submitted by the Division of Mental Health and Developmental Services of the Department;***

(h) A current or former recipient of mental health services provided by the State or any agency thereof;

~~[(h)]~~ ***(i)*** A representative of the general public who has a special interest in the field of mental health; and

~~[(i)]~~ ***(j)*** A representative of the general public who has a special interest in the field of mental retardation.

3. The Governor shall appoint the Chairman of the Commission from among its members.

4. After the initial terms, each member shall serve a term of 4 years. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this section to replace that member for the remainder of the unexpired term.

Sec. 2. 1. As soon as practicable after July 1, 2007, but before September 1, 2007, the Division of Mental Health and Developmental Services of the Department of Health and Human Services shall submit to the Governor a list of three candidates for appointment to the Commission on Mental Health and Developmental Services in accordance with paragraph (g) of subsection 2 of NRS 232.361.

2. On or before October 1, 2007, the Governor shall appoint from the list of candidates submitted by the Division pursuant to subsection 1 the member of the Commission described in paragraph (g) of subsection 2 of NRS 232.361 to an initial term of 4 years commencing on October 1, 2007.

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

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 236.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 219.

AN ACT relating to taxation; allowing the Department of Taxation to refrain from taking any action to collect unpaid sales and use taxes due from a person if the cost of that action would exceed the total amount due; revising the provisions governing the reporting and payment period for those taxes and the maximum amount which may be required as security for the payment of those taxes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the imposition and administration of sales and use taxes pursuant to the Sales and Use Tax Act and the Local School Support Tax Law. (Chapters 372 and 374 of NRS) Section 1 of this bill authorizes the Department of Taxation to refrain from taking any action to collect any unpaid sales or use taxes due from a person if the cost of that action would exceed the total amount due, including any applicable interest and penalties.

Existing law provides for the filing of sales and use tax returns on a quarterly basis from taxpayers whose taxable sales do not exceed $10,000 per month. (NRS 372.380, 374.385) Sections 2 and 4 of this bill allow such a taxpayer to file those returns on an annual basis if the taxpayer had no taxes due for the previous 3 calendar quarters or if the taxable sales did not exceed $1,500 for the previous 4 calendar quarters.

Existing law prescribes the maximum amount of security for the payment of sales and use taxes which the Department of Taxation may require from taxpayers who file tax returns for quarterly periods or for monthly periods. (NRS 372.510, 374.515) Sections 3 and 5 of this bill prescribe a proportionate maximum amount of security which may be required from taxpayers who are allowed to file tax returns on an annual basis.

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

Section 1. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section or directed by the Nevada Tax Commission and notwithstanding any other provision of law, the Department is not required to take any action for the collection of any unpaid sales or use taxes for which a person may be liable if the Department determines that the cost of taking that action would exceed the total accumulated amount of all the unpaid sales and use taxes, and any applicable interest and penalties, for which that person is liable.

2. The Nevada Tax Commission shall annually determine the average cost of collecting sales and use taxes in this State which must be used by the Department in making any determination pursuant to subsection 1.

3. This section does not:

(a) Affect the liability of any person for the payment of any taxes, interest or penalties; or

(b) Authorize the Department to refrain from taking any action for the collection of any unpaid sales or use taxes from a person when the Department determines that the cost of taking that action would be less than or equal to the total accumulated amount of all the unpaid sales and use taxes, and any applicable interest and penalties, for which that person is liable.

Sec. 2. NRS 372.380 is hereby amended to read as follows:

372.380 1. Except as otherwise provided in ~~[subsection 2]~~ ***this section*** or required by the Department pursuant to NRS 360B.200, the reporting and payment period of ~~[a]~~ ***:***

(a) A taxpayer whose taxable sales do not exceed $10,000 per month is a calendar quarter.

(b) A taxpayer who files reports on a quarterly basis in accordance with paragraph (a) and:

(1) From whom no tax is due pursuant to this chapter for the immediately preceding three quarterly reporting periods; or

(2) Whose taxable sales do not exceed a total amount of $1,500 for the immediately preceding four quarterly reporting periods,

➥ is 12 calendar months, unless the taxable sales of the taxpayer exceed a total amount of $1,500 for such a 12-month reporting and payment period or $10,000 for a calendar month.

2. The Department, if it deems this action necessary ~~[in order to insure]~~ ***to ensure*** payment to or facilitate the collection by the State of the amount of taxes, may require returns and payment of the amount of taxes for periods other than calendar months or quarters, depending upon the principal place of business of the seller, retailer or purchaser, as the case may be, or for other than monthly ***,*** ~~[or]~~ quarterly ***or annual*** periods.

Sec. 3. NRS 372.510 is hereby amended to read as follows:

372.510 1. The Department, whenever it deems it necessary to insure compliance with this chapter, may require any person subject to the chapter to place with it such security as the Department may determine. The Department shall fix the amount of the security which, except as ***otherwise*** provided in subsection 2, may not be greater than twice the estimated average tax due quarterly of persons filing returns for quarterly periods ***,*** ~~[or]~~ three times the estimated average tax due monthly of persons filing returns for monthly periods ~~[,]~~ ***or four times the estimated average tax due annually of persons filing returns for annual periods,*** determined in such ***a*** manner as the Department deems proper.

2. In the case of persons who are habitually delinquent in their obligations under this chapter, the amount of the security may not be greater than three times the average actual tax due quarterly of persons filing returns for quarterly periods ***,*** ~~[or]~~ five times the average actual tax due monthly of

persons filing returns for monthly periods ~~[.]~~ ***or seven times the average actual tax due annually of persons filing returns for annual periods.***

3. The limitations provided in this section apply regardless of the type of security placed with the Department.

4. The amount of the security may be increased or decreased by the Department subject to the limitations provided in this section.

5. The Department may sell the security at public auction if it becomes necessary to recover any tax or any amount required to be collected, ***or*** interest or penalty due. Notice of the sale may be served upon the person who placed the security personally or by mail ***.*** ~~[; if]~~ ***If the notice is served*** by mail, service must be made in the manner prescribed for service of a notice of a deficiency determination and must be addressed to the person at his address as it appears in the records of the Department. Security in the form of a bearer bond issued by the United States or the State of Nevada which has a prevailing market price may be sold by the Department at a private sale at a price not lower than the prevailing market price.

6. Upon any sale any surplus above the amounts due must be returned to the person who placed the security.

Sec. 4. NRS 374.385 is hereby amended to read as follows:

374.385 1. Except as otherwise provided in ~~[subsection 2]~~ ***this section*** or required by the Department pursuant to NRS 360B.200, the reporting and payment period of ~~[a]~~ ***:***

(a) A taxpayer whose taxable sales do not exceed $10,000 per month is a calendar quarter.

(b) A taxpayer who files reports on a quarterly basis in accordance with paragraph (a) and:

(1) From whom no tax is due pursuant to this chapter for the immediately preceding three quarterly reporting periods; or

(2) Whose taxable sales do not exceed a total amount of $1,500 for the immediately preceding four quarterly reporting periods,

➥ is 12 calendar months, unless the taxable sales of the taxpayer exceed a total amount of $1,500 for such a 12-month reporting and payment period or $10,000 for a calendar month.

2. The Department, if it deems this action necessary ~~[in order to insure]~~ ***to ensure*** payment to or facilitate the collection by the county of the amount of taxes, may require returns and payment of the amount of taxes for periods other than calendar months or quarters, depending upon the principal place of business of the seller, retailer or purchaser as the case may be, or for other than monthly ***,*** ~~[or]~~ quarterly ***or annual*** periods.

Sec. 5. NRS 374.515 is hereby amended to read as follows:

374.515 1. The Department, whenever it deems it necessary to insure compliance with this chapter, may require any person subject to the chapter to place with it such security as the Department may determine. The ***Department shall fix the*** amount of the security ~~[must be fixed by the Department but,]~~ ***which,*** except as ***otherwise*** provided in subsection 2, may

not be greater than twice the estimated average tax due quarterly of persons filing returns for quarterly periods **,** ~~[or]~~ three times the estimated average tax due monthly of persons filing returns for monthly periods ~~[,]~~ ***or four times the estimated average tax due annually of persons filing returns for annual periods,*** determined in such ***a*** manner as the Department deems proper.

2. In case of persons habitually delinquent in their obligations under this chapter, the amount of the security ~~[must]~~ ***may*** not be greater than three times the average actual tax due quarterly of persons filing returns for quarterly periods **,** ~~[or]~~ five times the average actual tax due monthly of persons filing returns for monthly periods ~~[.]~~ ***or seven times the average actual tax due annually of persons filing returns for annual periods.***

3. The limitations provided in this section apply regardless of the type of security placed with the Department.

4. The amount of the security may be increased or decreased by the Department subject to the limitations in this section.

5. The Department may sell the security at public auction if it becomes necessary to recover any tax or any amount required to be collected, ***or*** interest or penalty due. Notice of the sale may be served upon the person who placed the security personally or by mail **.** ~~[; if]~~ ***If the notice is served*** by mail, service must be made in the manner prescribed for service of a notice of a deficiency determination and must be addressed to the person at his address as it appears in the records of the Department. Security in the form of a bearer bond issued by the United States or the State of Nevada which has a prevailing market price may be sold by the Department at a private sale at a price not lower than the prevailing market price.

6. Upon any sale any surplus above the amounts due must be returned to the person who placed the security.

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

Assemblywoman McClain moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 243.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 216.

AN ACT relating to taxation; providing for the reduction of certain excise taxes payable by employers that make donations to public schools in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides for a reduction of the payroll tax of 2 percent that is imposed on financial institutions by NRS 363A.130. A financial institution that donates cash or property to a public school in this State may take a deduction for the donation that is equal to the fair market value of the donation, except that the deduction, when combined with all other deductions

and abatements applicable to the payroll tax, may not exceed 100 percent of the payroll tax that the financial institution would otherwise pay. If the deduction claimed for an item or group of similar items of donated property is more than $5,000, the deduction must be supported by a written appraisal.

Section 2 of this bill similarly provides for a reduction of the business tax of 0.63 percent that is imposed on other employers by NRS 363B.110. An employer that donates cash or property to a public school in this State may take a deduction for the donation that is equal to the fair market value of the donation, except that the deduction, when combined with all other deductions and abatements applicable to the business tax, may not exceed 100 percent of the business tax that the financial institution would otherwise pay. If the deduction claimed for an item or group of similar items of donated property is more than $5,000, the deduction must be supported by a written appraisal.

Section 3 of this bill makes the provisions of this bill expire by limitation on June 30, 2009.

WHEREAS, The formation of informal partnerships between businesses and the public schools in this State may be beneficial in providing additional funding and materials helpful in the educational process; and

WHEREAS, Such partnerships may improve the educational capacities of the public schools in this State by providing resources to complement the public funding of education, increasing access to new technology and providing greater opportunities for interested pupils through the provision of equipment for enhanced vocational training; and

WHEREAS, Such partnerships may benefit pupils by providing pupils with apprenticeship programs, tutoring and mentoring programs to improve academic and job skills, and college and vocational scholarships, thereby assisting pupils to make the transition to college or the workplace and improving their chances of success; and

WHEREAS, Such partnerships may result in the enhancement of the corporate images of such businesses locally, statewide and nationally, and reduce the costs to those businesses of recruiting and training qualified employees; and

WHEREAS, The provision of contributions of property to the public schools in this State would allow businesses to recycle useful, excess equipment and materials for the benefit of the public schools in an environmentally friendly way; and

WHEREAS, Businesses in this State should be encouraged to strengthen the connections between business and education in this State; and

WHEREAS, The Nevada Legislature finds and declares that it encourages the formation of such informal partnerships between businesses and public schools in this State; now, therefore,

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

Section 1. Chapter 363A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 6, an employer may, from the total amount of wages reported and upon which the excise tax is imposed by NRS 363A.130, deduct any amount donated by the employer to public schools in this State in the calendar quarter for which the tax is paid. The amounts for which the deduction is allowed include donations of cash and property.

2. Donations of property must be valued based on the fair market value of the property on the date of the donation. If the deduction claimed for an item or group of similar items of donated property is more than $5,000, the deduction must be supported by the written appraisal of a qualified appraiser.

3. An employer claiming the deduction allowed pursuant to this section shall, upon the request of the Department, explain the amount claimed to the satisfaction of the Department and provide the Department with such documentation as the Department deems appropriate for that purpose.

4. If the amount of the deduction allowed pursuant to this section to an employer for a calendar quarter exceeds the amount of reported wages for that calendar quarter, the excess amount of that deduction may not be carried forward to the following calendar quarter.

5. The deduction allowed pursuant to this section is in addition to any other deduction or abatement otherwise provided for by law with respect to the tax imposed by NRS 363A.130.

6. In no case may the amount of a deduction allowed pursuant to this section, when combined with all other deductions and abatements otherwise provided for by law with respect to the tax imposed by NRS 363A.130, exceed 100 percent of the taxes otherwise payable by the employer pursuant to NRS 363A.130.

7. As used in this section, unless the context otherwise requires:

(a) "Public schools" has the meaning ascribed to it in NRS 385.007.

(b) "Qualified appraiser" means a person who, on a written appraisal prepared by him, declares that he:

(1) Is aware that the appraisal is being made for the purposes of this section;

(2) Holds himself out to the public as an appraiser or performs appraisals on a regular basis;

(3) Is qualified to make appraisals of the type of property being valued; and

(4) To the best of his knowledge and belief, is not the donor of the property, an officer or employee of the donor, or related within the third degree of consanguinity or affinity to the donor or an officer or employee of the donor.

Sec. 2. Chapter 363B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 6, an employer may, from the total amount of wages reported and upon which the excise tax is imposed by NRS 363B.110, deduct any amount donated by the employer to public schools in this State in the calendar quarter for which the tax is paid. The amounts for which the deduction is allowed include donations of cash and property.

2. Donations of property must be valued based on the fair market value of the property on the date of the donation. If the deduction claimed for an item or group of similar items of donated property is more than $5,000, the deduction must be supported by the written appraisal of a qualified appraiser.

3. An employer claiming the deduction allowed pursuant to this section shall, upon the request of the Department, explain the amount claimed to the satisfaction of the Department and provide the Department with such documentation as the Department deems appropriate for that purpose.

4. If the amount of the deduction allowed pursuant to this section to an employer for a calendar quarter exceeds the amount of reported wages for that calendar quarter, the excess amount of that deduction may not be carried forward to the following calendar quarter.

5. The deduction allowed pursuant to this section is in addition to any other deduction or abatement otherwise provided for by law with respect to the tax imposed by NRS 363B.110.

6. In no case may the amount of a deduction allowed pursuant to this section, when combined with all other deductions and abatements otherwise provided for by law with respect to the tax imposed by NRS 363B.110, exceed 100 percent of the taxes otherwise payable by the employer pursuant to NRS 363B.110.

7. As used in this section, unless the context otherwise requires:

(a) "Public schools" has the meaning ascribed to it in NRS 385.007.

(b) "Qualified appraiser" means a person who, on a written appraisal prepared by him, declares that he:

(1) Is aware that the appraisal is being made for the purposes of this section;

(2) Holds himself out to the public as an appraiser or performs appraisals on a regular basis;

(3) Is qualified to make appraisals of the type of property being valued; and

(4) To the best of his knowledge and belief, is not the donor of the property, an officer or employee of the donor, or related within the third degree of consanguinity or affinity to the donor or an officer or employee of the donor.

Sec. 3. This act becomes effective on July 1, 2007 ~~.~~ **, and expires by limitation on June 30, 2009.**

Assemblywoman McClain moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 252.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 493.

SUMMARY—Authorizes deductions from the state taxes on financial institutions and other businesses for payments on behalf of employees to certain ~~[pension plans and]~~ apprenticeship programs. (BDR 32-883)

AN ACT relating to the taxation of businesses; authorizing deductions from the state taxes on financial institutions and other businesses for payments on behalf of employees to certain ~~[pension plans and]~~ apprenticeship programs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes excise taxes on financial institutions and other businesses based upon the amount of wages they pay to their employees each calendar quarter. (NRS 363A.130, 363B.110) Existing law authorizes deductions from these taxes for certain amounts paid for health insurance and health benefit plans for employees and their dependents. (NRS 363A.135, 363B.115)

This bill authorizes additional deductions from these taxes for amounts paid on behalf of employees to ~~[certain pension plans regulated under the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq., and]~~ apprenticeship programs approved by the State Apprenticeship Council. This bill allows any unused amount of such a deduction to be carried forward each calendar quarter until exhausted and requires an employer who claims such a deduction to provide an explanation and appropriate documentation of the amount claimed upon the request of the Department of Taxation.

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

Section 1. Chapter 363A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ~~*[1. Except as otherwise provided in subsection 2, an employer may deduct from the total amount of wages reported and upon which the excise tax is imposed pursuant to NRS 363A.130 any amount paid by the employer into a qualified pension plan for its employees in the calendar quarter for which the tax is paid.*~~

~~*2. An employer may not deduct from the wages upon which the excise tax is imposed pursuant to NRS 363A.130 any payments made by employees into*~~

~~*a qualified pension plan or amounts deducted from the wages of employees for a qualified pension plan.*~~

~~*3. As used in this section:*~~

~~*(a) "Employees" means employees whose wages are included within the measure of the excise tax imposed upon an employer by NRS 363A.130.*~~

~~*(b) "Qualified pension plan" means an employee pension benefit plan that qualifies as a defined benefit plan pursuant to the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq.]*~~ **(Deleted by amendment.)**

Sec. 3. ***1. Except as otherwise provided in subsection 2, an employer may deduct from the total amount of wages reported and upon which the excise tax is imposed pursuant to NRS 363A.130 any amount paid by the employer on behalf of its employees to a qualified apprenticeship program in the calendar quarter for which the tax is paid.***

2. An employer may not deduct from the wages upon which the excise tax is imposed pursuant to NRS 363A.130 any payments made by employees to a qualified apprenticeship program or amounts deducted from the wages of employees for a qualified apprenticeship program.

3. As used in this section:

(a) "Employees" means employees whose wages are included within the measure of the excise tax imposed upon an employer by NRS 363A.130.

(b) "Qualified apprenticeship program" means an apprenticeship program that is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS.

Sec. 4. ***1. If the amount of the deductions allowed pursuant to NRS 363A.135 and*** ~~[sections 2 and]~~ ***section 3 of this act to an employer for a calendar quarter exceeds the amount of reported wages for that calendar quarter, the excess amount of those deductions may be carried forward to the following calendar quarter until the deductions are exhausted.***

2. An employer claiming a deduction allowed pursuant to NRS 363A.135 or section ~~[2 or]~~ ***3 of this act shall, upon the request of the Department, explain the amount claimed to the satisfaction of the Department and provide the Department with such documentation as the Department deems appropriate for that purpose.***

Sec. 5. NRS 363A.135 is hereby amended to read as follows:

363A.135 1. Except as otherwise provided in subsection 2, an employer may deduct from the total amount of wages reported and upon which the excise tax is imposed pursuant NRS 363A.130 any amount authorized pursuant to this section that is paid by the employer for health insurance or a health benefit plan for its employees in the calendar quarter for which the tax is paid. The amounts for which the deduction is allowed include:

(a) For a self-insured employer, all amounts paid during the calendar quarter for claims, direct administrative services costs, including such services provided by the employer, and any premiums paid for individual or

aggregate stop-loss insurance coverage. An employer is not authorized to deduct the costs of a program of self-insurance unless the program is a qualified employee welfare benefit plan pursuant to the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq.

(b) The premiums for a policy of health insurance or reinsurance for a health benefit plan for employees.

(c) Any amounts which are:

(1) Paid by an employer to a Taft-Hartley trust which:

(I) Is formed pursuant to 29 U.S.C. § 186(c)(5); and

(II) Qualifies as an employee welfare benefit plan; and

(2) Considered by the Internal Revenue Service to be fully tax deductible pursuant to the provisions of the Internal Revenue Code.

(d) Such other similar payments for health care or insurance for health care for employees as are authorized by the Department.

2. An employer may not deduct from the wages upon which the excise tax is imposed pursuant to NRS 363A.130:

(a) Amounts paid for health care or premiums paid for insurance for an industrial injury or occupational disease for which coverage is required pursuant to chapters 616A to 616D, inclusive, or 617 of NRS; or

(b) Any payments made by employees for health care or health insurance or amounts deducted from the wages of employees for such health care or insurance.

3. ~~[If the amount of the deduction allowed pursuant to this section to an employer for a calendar quarter exceeds the amount of reported wages for that calendar quarter, the excess amount of that deduction may be carried forward to the following calendar quarter until the deduction is exhausted. An employer claiming the deduction allowed pursuant to this section shall, upon the request of the Department, explain the amount claimed to the satisfaction of the Department and provide the Department with such documentation as the Department deems appropriate for that purpose.~~

~~4.]~~ As used in this section:

(a) "Claims" means claims for those categories of health care expenses that are generally deductible by employees on their individual federal income tax returns pursuant to the provisions of 26 U.S.C. § 213 and any federal regulations relating thereto, if those expenses had been borne directly by those employees.

(b) "Direct administrative services costs" means, if borne directly by a self-insured employer and reasonably allocated to the direct administration of claims:

(1) Payments for medical or office supplies that will be consumed in the course of the provision of medical care or the direct administration of claims;

(2) Payments to third-party administrators or independent contractors for the provision of medical care or the direct administration of claims;

(3) Rent and utility payments for the maintenance of medical or office space used for the provision of medical care or the direct administration of claims;

(4) Payments for the maintenance, repair and upkeep of medical or office space used for the provision of medical care or the direct administration of claims;

(5) Salaries and wages paid to medical, clerical and administrative staff and other personnel employed to provide medical care or directly to administer claims; and

(6) The depreciation of property other than medical or office supplies, used for the provision of medical care or the direct administration of claims.

(c) "Employee welfare benefit plan" has the meaning ascribed to it in 29 U.S.C. § 1002.

(d) "Employees" means employees whose wages are included within the measure of the excise tax imposed upon an employer by NRS 363A.130, and their spouses, children and other dependents who qualify for coverage under the terms of the health insurance or health benefit plan provided by that employer.

(e) "Health benefit plan" means a health benefit plan that covers only those categories of health care expenses that are generally deductible by employees on their individual federal income tax returns pursuant to the provisions of 26 U.S.C. § 213 and any federal regulations relating thereto, if those expenses had been borne directly by those employees.

(f) "Self-insured employer" means an employer that provides a program of self-insurance for its employees.

Sec. 6. Chapter 363B of NRS is hereby amended by adding thereto the provisions set forth as sections 7, 8 and 9 of this act.

Sec. 7. ~~*[1. Except as otherwise provided in subsection 2, an employer may deduct from the total amount of wages reported and upon which the excise tax is imposed pursuant to NRS 363B.110 any amount paid by the employer into a qualified pension plan for its employees in the calendar quarter for which the tax is paid.*~~

~~*2. An employer may not deduct from the wages upon which the excise tax is imposed pursuant to NRS 363B.110 any payments made by employees into a qualified pension plan or amounts deducted from the wages of employees for a qualified pension plan.*~~

~~*3. As used in this section:*~~

~~*(a) "Employees" means employees whose wages are included within the measure of the excise tax imposed upon an employer by NRS 363B.110.*~~

~~*(b) "Qualified pension plan" means an employee pension benefit plan that qualifies as a defined benefit plan pursuant to the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq.]*~~ **(Deleted by amendment.)**

Sec. 8. ***1. Except as otherwise provided in subsection 2, an employer may deduct from the total amount of wages reported and upon which the***

excise tax is imposed pursuant to NRS 363B.110 any amount paid by the employer on behalf of its employees to a qualified apprenticeship program in the calendar quarter for which the tax is paid.

2. An employer may not deduct from the wages upon which the excise tax is imposed pursuant to NRS 363B.110 any payments made by employees to a qualified apprenticeship program or amounts deducted from the wages of employees for a qualified apprenticeship program.

3. As used in this section:

(a) "Employees" means employees whose wages are included within the measure of the excise tax imposed upon an employer by NRS 363B.110.

(b) "Qualified apprenticeship program" means an apprenticeship program that is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS.

Sec. 9. ***1. If the amount of the deductions allowed pursuant to NRS 363B.115 and*** ~~[sections 7 and]~~ ***section 8 of this act to an employer for a calendar quarter exceeds the amount of reported wages for that calendar quarter, the excess amount of those deductions may be carried forward to the following calendar quarter until the deductions are exhausted.***

2. An employer claiming a deduction allowed pursuant to NRS 363B.115 or section ~~[7 or]~~ ***8 of this act shall, upon the request of the Department, explain the amount claimed to the satisfaction of the Department and provide the Department with such documentation as the Department deems appropriate for that purpose.***

Sec. 10. NRS 363B.115 is hereby amended to read as follows:

363B.115 1. Except as otherwise provided in subsection 2, an employer may deduct from the total amount of wages reported and upon which the excise tax is imposed pursuant to NRS 363B.110 any amount authorized pursuant to this section that is paid by the employer for health insurance or a health benefit plan for its employees in the calendar quarter for which the tax is paid. The amounts for which the deduction is allowed include:

(a) For a self-insured employer, all amounts paid during the calendar quarter for claims, direct administrative services costs, including such services provided by the employer, and any premiums paid for individual or aggregate stop-loss insurance coverage. An employer is not authorized to deduct the costs of a program of self-insurance unless the program is a qualified employee welfare benefit plan pursuant to the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq.

(b) The premiums for a policy of health insurance or reinsurance for a health benefit plan for employees.

(c) Any amounts which are:

(1) Paid by an employer to a Taft-Hartley trust which:

(I) Is formed pursuant to 29 U.S.C. § 186(c)(5); and

(II) Qualifies as an employee welfare benefit plan; and

(2) Considered by the Internal Revenue Service to be fully tax deductible pursuant to the provisions of the Internal Revenue Code.

(d) Such other similar payments for health care or insurance for health care for employees as are authorized by the Department.

2. An employer may not deduct from the wages upon which the excise tax is imposed pursuant to NRS 363B.110:

(a) Amounts paid for health care or premiums paid for insurance for an industrial injury or occupational disease for which coverage is required pursuant to chapters 616A to 616D, inclusive, or 617 of NRS; or

(b) Any payments made by employees for health care or health insurance or amounts deducted from the wages of employees for such health care or insurance.

3. ~~[If the amount of the deduction allowed pursuant to this section to an employer for a calendar quarter exceeds the amount of reported wages for that calendar quarter, the excess amount of that deduction may be carried forward to the following calendar quarter until the deduction is exhausted. An employer claiming the deduction allowed pursuant to this section shall, upon the request of the Department, explain the amount claimed to the satisfaction of the Department and provide the Department with such documentation as the Department deems appropriate for that purpose.~~

~~4.]~~ As used in this section:

(a) "Claims" means claims for those categories of health care expenses that are generally deductible by employees on their individual federal income tax returns pursuant to the provisions of 26 U.S.C. § 213 and any federal regulations relating thereto, if those expenses had been borne directly by those employees.

(b) "Direct administrative services costs" means, if borne directly by a self-insured employer and reasonably allocated to the direct administration of claims:

(1) Payments for medical or office supplies that will be consumed in the course of the provision of medical care or the direct administration of claims;

(2) Payments to third-party administrators or independent contractors for the provision of medical care or the direct administration of claims;

(3) Rent and utility payments for the maintenance of medical or office space used for the provision of medical care or the direct administration of claims;

(4) Payments for the maintenance, repair and upkeep of medical or office space used for the provision of medical care or the direct administration of claims;

(5) Salaries and wages paid to medical, clerical and administrative staff and other personnel employed to provide medical care or directly to administer claims; and

(6) The depreciation of property other than medical or office supplies, used for the provision of medical care or the direct administration of claims.

(c) "Employee welfare benefit plan" has the meaning ascribed to it in 29 U.S.C. § 1002.

(d) "Employees" means employees whose wages are included within the measure of the excise tax imposed upon an employer by NRS 363B.110, and their spouses, children and other dependents who qualify for coverage under the terms of the health insurance or health benefit plan provided by that employer.

(e) "Health benefit plan" means a health benefit plan that covers only those categories of health care expenses that are generally deductible by employees on their individual federal income tax returns pursuant to the provisions of 26 U.S.C. § 213 and any federal regulations relating thereto, if those expenses had been borne directly by those employees.

(f) "Self-insured employer" means an employer that provides a program of self-insurance for its employees.

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

Assemblywoman McClain moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 253.

Bill read second time.

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

Amendment No. 258.

AN ACT relating to impact fees; clarifying that the costs of construction for which a local government may impose impact fees include the cost of connecting a capital improvement or facility expansion to water and sewer lines and facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes local governments to impose by ordinance impact fees to pay the cost of constructing capital improvements and facility expansions required as the result of new development. (NRS 278B.160) This bill clarifies that the costs of construction for which impact fees may be imposed include the cost of connecting capital improvements and facility expansions to water and sewer lines and facilities.

Existing law defines "service area" for the purpose of provisions of law relating to impact fees as any area within a city or county that is served and benefited by capital improvements or facilities expansions set forth in a capital improvements plan. (NRS 278B.100) This bill alters that definition so that new development must necessitate the capital improvements or facility expansions for an area to be considered a service area. This bill also provides that a service area cannot be the entire area of a city or county, unless the city has a population of less than 10,000 (currently Caliente, Carlin, Ely, Fallon, Fernley, Lovelock, Mesquite, Wells, West Wendover, Winnemucca and Yerington) or the

county has a population of less than 15,000 (currently Esmeralda, Eureka, Lander, Lincoln, Mineral, Pershing, Storey and White Pine Counties).

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

Section 1. **NRS 278B.100 is hereby amended to read as follows:**

278B.100 "Service area" means ~~[the]~~ ***any specified*** area within the boundaries of ~~[the]~~ ***a*** local government ***in*** which ***new development necessitates capital improvements or facility expansions and within which new development*** is served ***directly*** and benefited by the capital improvement or ~~[facilities]~~ ***facility*** expansion as set forth in the capital improvements plan. ***The term does not include any area that makes up the entire area of a local government, unless the local government is a city whose population is 10,000 or less or a county whose population is 15,000 or less.***

~~[Section 1.]~~ ***Sec. 2.*** NRS 278B.160 is hereby amended to read as follows:

278B.160 1. A local government may by ordinance impose an impact fee in a service area to pay the cost of constructing a capital improvement or facility expansion necessitated by and attributable to new development. Except as otherwise provided in NRS 278B.220, the cost may include only:

(a) The estimated cost of actual construction ~~[;]~~ ***, including, without limitation, the cost of connecting a capital improvement or facility expansion to a line or facility used to provide water or sewer service;***

(b) Estimated fees for professional services;

(c) The estimated cost to acquire the land; and

(d) The fees paid for professional services required for the preparation or revision of a capital improvements plan in anticipation of the imposition of an impact fee.

2. All property owned by a school district is exempt from the requirement of paying impact fees imposed pursuant to this chapter.

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective on July 1, 2007.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 258.

Bill read second time.

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

Amendment No. 237.

AN ACT relating to land use; clarifying that certain divisions, exchanges and transfers of land for agricultural purposes are exempt from requirements pertaining to boundary line adjustments and the filing of parcel maps and records of survey; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally requires the preparation and filing of a parcel map when land will be divided into four lots or less for transfer or development. (NRS 278.461) However, with respect to the adjustment of boundary lines or the transfer of land as between two abutting parcels, a parcel map is not required if the applicable governing body grants its approval and a professional land surveyor performs a field survey, sets monuments and files a record of survey. (NRS 278.461, 278.5692, 278.5693) In addition, certain divisions of land for agricultural purposes are exempt from the provisions in existing law governing planning and zoning. (NRS 278.320)

This bill clarifies that divisions, exchanges and transfers of land for agricultural purposes are exempt from the provisions in existing law governing planning and zoning, including any requirements pertaining to the adjustment of boundary lines or the filing of a parcel map or record of survey, if each parcel resulting from the division, exchange or transfer: (1) is 10 acres or more in size ~~[;]~~ **, unless local zoning laws prescribe a larger minimum parcel size;** (2) **has a zoning designation consistent with that specified in the applicable master plan, if any; (3)** can be described with reference to the standard subdivisions used in the United States Public Land Survey System; ~~[(3)]~~ **(4)** qualifies for agricultural use assessment; and ~~[(4)]~~ (5) is served by certain types of access. **This bill provides further that such a parcel ceases to be exempt from the provisions of chapter 278 of NRS if it ceases to qualify for agricultural use assessment or if commercial buildings or residential dwellings which did not exist previously are constructed on the parcel.**

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

Section 1. NRS 278.320 is hereby amended to read as follows:

278.320 1. "Subdivision" means any land, vacant or improved, which is divided or proposed to be divided into five or more lots, parcels, sites, units or plots, for the purpose of any transfer or development, or any proposed transfer or development, unless exempted by one of the following provisions:

(a) The term "subdivision" does not apply to any division of land which is subject to the provisions of NRS 278.471 to 278.4725, inclusive.

(b) Any joint tenancy or tenancy in common shall be deemed a single interest in land.

(c) Unless a method of disposition is adopted for the purpose of evading this chapter or would have the effect of evading this chapter, the term "subdivision" does not apply to:

(1) Any division of land which is ordered by any court in this State or created by operation of law;

(2) A lien, mortgage, deed of trust or any other security instrument;

(3) A security or unit of interest in any investment trust regulated under the laws of this State or any other interest in an investment entity;

(4) Cemetery lots; or

(5) An interest in oil, gas, minerals or building materials, which are now or hereafter severed from the surface ownership of real property.

2. A common-interest community consisting of five or more units shall be deemed to be a subdivision of land within the meaning of this section, but need only comply with NRS 278.326 to 278.460, inclusive, and 278.473 to 278.490, inclusive.

3. The board of county commissioners of any county may exempt any parcel or parcels of land from the provisions of NRS 278.010 to 278.630, inclusive, if:

(a) The land is owned by a railroad company or by a nonprofit corporation organized and existing pursuant to the provisions of chapter 81 or 82 of NRS which is an immediate successor in title to a railroad company, and the land was in the past used in connection with any railroad operation; and

(b) Other persons now permanently reside on the land.

4. ~~[This]~~ ***Except as otherwise provided in subsection 5, this*** chapter ***, including, without limitation, any requirements relating to the adjustment of boundary lines or the filing of a parcel map or record of survey,*** does not apply to the division ***, exchange or transfer*** of land for agricultural purposes ~~[into parcels of more than 10 acres, if a street, road, or highway opening or widening or easement of any kind is not involved.]~~ ***if each parcel resulting from such a division, exchange or transfer:***

(a) Is 10 acres or more in size ~~[,]~~ ***, unless local zoning laws require a larger minimum parcel size, in which case each parcel resulting from the division, exchange or transfer must comply with the parcel size required by those local zoning laws;***

(b) Has a zoning classification that is consistent with the designation in the master plan, if any, regarding land use for the parcel;

(c) Can be described by reference to the standard subdivisions used in the United States Public Land Survey System;

~~[(c) By itself or in conjunction with other land owned by the same person, whether or not such other land is adjacent, qualifies]~~

(d) Qualifies for agricultural use assessment under NRS 361A.100 to 361A.160, inclusive, and any regulations adopted pursuant thereto; and

~~[(d)]~~ ***(e) Is accessible:***

(1) By way of an existing street, road or highway;

(2) Through other adjacent lands owned by the same person; or

(3) By way of an easement for agricultural purposes that was granted in connection with the division, exchange or transfer.

5. The exemption from the provisions of this chapter, which exemption is set forth in subsection 4, does not apply with respect to any parcel resulting from the division, exchange or transfer of agricultural lands if:

(a) Such resulting parcel ceases to qualify for agricultural use assessment under NRS 361A.100 to 361A.160, inclusive, and any regulations adopted pursuant thereto; or

(b) New commercial buildings or residential dwelling units are proposed to be constructed on the parcel after the date on which the division, exchange or transfer took place. The provisions of this paragraph do not prohibit the expansion, repair, reconstruction, renovation or replacement of preexisting buildings or dwelling units that are:

(1) Dilapidated;

(2) Dangerous;

(3) At risk of being declared a public nuisance;

(4) Damaged or destroyed by fire, flood, earthquake or any natural or man-made disaster; or

(5) Otherwise in need of expansion, repair, reconstruction, renovation or replacement.

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

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 261.

Bill read second time.

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

Amendment No. 497.

AN ACT relating to children; authorizing an agency which provides child welfare services to release to certain governmental agencies certain information concerning missing children who are in protective custody or with whom the agency has had contact; requiring an agency which provides child welfare services to release, upon request, certain information relating to a case of abuse or neglect which results in a fatality or near fatality; **requires the Legislative Auditor to receive and review certain information concerning certain children who suffer a fatality or near fatality;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes certain reports and records concerning reports of child abuse or neglect confidential except in certain circumstances and authorizes the release of certain information relating to data and information concerning reports and investigations of abuse and neglect of a child to specific persons. (NRS 432B.280, 432B.290) Section 2 of this bill authorizes an agency which provides child welfare services to release certain information relating to a missing child who is the subject of an investigation of ~~[alleged]~~ abuse or neglect ~~[or]~~ **and** who is in the protective custody of the agency which provides child welfare services **or who is in the custody of another entity pursuant to the order of a juvenile court** to certain governmental agencies

that need the information to assist in locating the child and to carry out their duties in protecting children from abuse and neglect. The information that may be released includes the child's name, age, physical description and photograph. The agencies receiving this information may disclose the information to ~~[others.]~~ **members of the general public upon request.**

Section 3 of this bill requires an agency which provides child welfare services to release upon request certain information relating to a case of abuse or neglect of a child which results in a fatality or near fatality. The information that must be released includes the information that the Eighth Judicial District Court held in *In re Clark County*, 05-A510196 (April 4, 2006), may be disclosed in cases of child fatalities or near fatalities pursuant to the Child Abuse Prevention and Treatment Act of 1974, Public Law 93-247.

Sections 8-12 of this bill require the Legislative Auditor to receive and review certain information concerning any child who has had contact with or who has been in the custody of an agency which provides child welfare services and who suffers a fatality or near fatality. The Legislative Auditor is required to release certain information concerning such children upon request.

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

Section 1. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. For purposes of assisting in locating a missing child who is the subject of an investigation of*** ~~[alleged]~~ ***abuse or neglect*** ~~[or]~~ ***and who is in the protective custody of an agency which provides child welfare services*** ~~[,]~~ ***or in the custody of another entity pursuant to the order of the juvenile court, an agency which provides child welfare services may provide the following information to a federal, state or local governmental entity, or an agency of such an entity, that needs access to the information to carry out its legal responsibilities to protect children from abuse or neglect:***

(a) The name of the child;

(b) The age of the child;

(c) A physical description of the child; and

(d) A photograph of the child.

2. Information provided pursuant to subsection 1 is not confidential and may be disclosed ~~[.]~~ ***to any member of the general public upon request.***

Sec. 3. ***1. Data or information concerning reports and investigations thereof made pursuant to this chapter must be made available pursuant to this section to any member of the general public upon request if the child who is the subject of a report of*** ~~[alleged]~~ ***abuse or neglect suffered a fatality or near fatality. Any such data and information which is known must be made available not later than 48 hours after a fatality and not later than 5 business days after a near fatality. Except as otherwise provided in***

subsection 2, the data or information which must be disclosed includes, without limitation:

(a) A summary of the report of abuse or neglect and a factual description of the contents of the report;

(b) The date of birth and gender of the child;

(c) The date that the child suffered the fatality or near fatality;

(d) The cause of the fatality or near fatality, if such information has been determined;

(e) Whether the agency which provides child welfare services had any contact with the child or a member of the child's family or household before the fatality or near fatality and, if so:

(1) The frequency of any contact or communication with the child or a member of the child's family or household before the fatality or near fatality and the date on which the last contact or communication occurred before the fatality or near fatality;

(2) Whether the agency which provides child welfare services provided any child welfare services to the child or to a member of the child's family or household before or at the time of the fatality or near fatality;

~~[(2)]~~ ***(3) Whether the agency which provides child welfare services made any referrals for child welfare services for the child or for a member of the child's family or household before or at the time of the fatality or near fatality;***

~~[(3)]~~ ***(4) Whether the agency which provides child welfare services took any other actions concerning the welfare of the child before or at the time of the fatality or near fatality; and***

~~[(4)]~~ ***(5) A summary of the status of the child's case at the time of the fatality or near fatality, including, without limitation, whether the child's case was closed by the agency which provides child welfare services before the fatality or near fatality and, if so, the reasons that the case was closed; and***

(f) Whether the agency which provides child welfare services, in response to the fatality or near fatality:

(1) Has provided or intends to provide child welfare services to the child or to a member of the child's family or household;

(2) Has made or intends to make a referral for child welfare services for the child or for a member of the child's family or household; and

(3) Has taken or intends to take any other action concerning the welfare and safety of the child [.] or any member of the child's family or household.

2. An agency which provides child welfare services shall not disclose the following data or information pursuant to subsection 1:

(a) Except as otherwise provided in subsection 3 of NRS 432B.290, data or information concerning the identity of the person responsible for reporting the ~~[alleged]~~ ***abuse or neglect of the child to a public agency;***

(b) The name of the child who suffered a near fatality or the name of any member of the family or other person who lives in the household of the child who suffered the fatality or near fatality;

(c) A privileged communication between an attorney and client;

~~[(c) Information that the agency which provides child welfare services believes may cause mental or physical harm to a child, a child's sibling or any other child living in the child's household;]~~ ***and***

(d) Information that may undermine a criminal investigation or pending criminal prosecution.

3. The Division of Child and Family Services shall adopt regulations to carry out the provisions of this section.

4. As used in this section, "near fatality" means an act that ~~[, as certified by a physician,]~~ ***places a child in serious or critical condition*** ~~[.]~~ ***as verified orally or in writing by a physician, a registered nurse or other licensed provider of health care. Such verification may be given in person or by telephone, mail, electronic mail or facsimile.***

Sec. 4. NRS 432B.280 is hereby amended to read as follows:

432B.280 1. ~~[Reports]~~ ***Except as otherwise provided in sections 2 and 3 of this act, reports*** made pursuant to this chapter, as well as all records concerning these reports and investigations thereof, are confidential.

2. Any person, law enforcement agency or public agency, institution or facility who willfully releases data or information concerning such reports and investigations, except:

(a) Pursuant to a criminal prosecution relating to the abuse or neglect of a child;

(b) ***As otherwise authorized pursuant to section 2 or 3 of this act;***

(c) As otherwise authorized or required pursuant to NRS 432B.290; or

~~[(c)]~~ ***(d)*** As otherwise required pursuant to NRS 432B.513,

➥ is guilty of a misdemeanor.

Sec. 5. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Except as otherwise provided in subsections 2 ~~[, 5 and 6]~~ ***and 3*** and NRS 432B.513, ***and sections 2 and 3 of this act,*** data or information concerning reports and investigations thereof made pursuant to this chapter may be made available only to:

(a) A physician, if the physician has before him a child who he has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him a child who he has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) A court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to him;

(g) The attorney and the guardian ad litem of the child;

(h) A grand jury upon its determination that access to these records is necessary in the conduct of its official business;

(i) A federal, state or local governmental entity, or an agency of such an entity, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(j) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

(k) A team organized pursuant to NRS 432B.350 for the protection of a child;

(l) A team organized pursuant to NRS 432B.405 to review the death of a child;

(m) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, if the identity of the person responsible for reporting the ~~[alleged]~~ abuse or neglect of the child to a public agency is kept confidential;

(n) The persons who are the subject of a report;

(o) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

(p) Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized, by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:

(1) The identity of the person making the report is kept confidential; and

(2) The officer, Legislator or a member of his family is not the person alleged to have committed the abuse or neglect;

(q) The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

(r) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;

(s) The Rural Advisory Board to Expedite Proceedings for the Placement of Children created pursuant to NRS 432B.602 or a local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604;

(t) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services; or

(u) An employer in accordance with subsection 3 of NRS 432.100.

2. ~~[Except as otherwise provided in subsection 3, data or information concerning reports and investigations thereof made pursuant to this chapter may be made available to any member of the general public if the child who is the subject of a report dies or is critically injured as a result of alleged abuse or neglect , except that the data or information which may be disclosed is limited to:~~

~~(a) The fact that a report of abuse or neglect has been made and, if appropriate, a factual description of the contents of the report;~~

~~(b) Whether an investigation has been initiated pursuant to NRS 432B.260, and the result of a completed investigation; and~~

~~(c) Such other information as is authorized for disclosure by a court pursuant to subsection 4.~~

~~3. An agency which provides child welfare services shall not disclose data or information pursuant to subsection 2 if the agency determines that the disclosure is not in the best interests of the child or if disclosure of the information would adversely affect any pending investigation concerning a report.~~

~~4. Upon petition, a court of competent jurisdiction may authorize the disclosure of additional information to the public pursuant to subsection 2 if good cause is shown by the petitioner for the disclosure of the additional information.~~

~~5.]~~ An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect.

~~[6.]~~ ***3.*** An agency which provides child welfare services shall disclose the identity of a person who makes a report or otherwise initiates an investigation pursuant to this chapter if a court, after reviewing the record in camera and determining that there is reason to believe that the person knowingly made a false report, orders the disclosure.

~~[7.]~~ ***4.*** Any person, except for:

(a) The subject of a report;

(b) A district attorney or other law enforcement officer initiating legal proceedings; or

(c) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151,

➥ who is given access, pursuant to subsection 1 or 2, to information identifying the subjects of a report and who makes this information public is guilty of a misdemeanor.

~~[8.]~~ ***5.*** The Division of Child and Family Services shall adopt regulations to carry out the provisions of this section.

Sec. 6. Chapter 218 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 to 12, inclusive, of this act.

Sec. 7. ***As used in sections 7 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 8, 9 and 10 of this act have the meanings ascribed to them in those sections.***

Sec. 8. ***"Abuse or neglect of a child" has the meaning ascribed to it in NRS 432B.020.***

Sec. 9. ***"Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.***

Sec. 10. ***"Near fatality" means an act that places a child in serious or critical condition as verified orally or in writing by a physician, a registered nurse or other licensed provider of health care. Such verification may be given in person or by telephone, mail, electronic mail or facsimile.***

Sec. 11. ***1. Any time that a child who has had contact with, or who has been in the custody of, an agency which provides child welfare services suffers a fatality or a near fatality, the agency which provides child welfare services shall notify the Legislative Auditor or his designee and shall forward to the Legislative Auditor or his designee as soon as possible any files, notes, information and records which the agency has concerning the child, the manner in which the case was handled, any services that were provided to the child or the family of the child and any other relevant information.***

2. The Legislative Auditor or his designee shall review the information obtained pursuant to subsection 1 to determine whether the case was handled in a manner which is consistent with state and federal law and to determine whether any measures, procedures or protocols could have assisted in preventing the fatality or near fatality.

3. Each agency which provides child welfare services shall:

(a) Cooperate fully with the Legislative Auditor or his designee;

(b) Provide the Legislative Auditor or his designee with any data, reports or information concerning a report or investigation of the abuse or neglect of a child and the response by the agency; and

(c) Allow the Legislative Auditor to inspect, review and copy any records, reports and other documents relevant to his duties pursuant to this section.

Sec. 12. 1. Except as otherwise provided in subsections 2 and 3, upon request, the Legislative Auditor or his designee shall provide data and information obtained pursuant to section 11 of this act concerning a child who suffered a fatality or near fatality who had contact with or who was in the custody of an agency which provides child welfare services. The data or information which must be disclosed includes, without limitation:

(a) A summary of the report of the abuse or neglect of the child and a factual description of the contents of the report;

(b) The date of birth and gender of the child;

(c) The date that the child suffered the fatality or near fatality;

(d) The cause of the fatality or near fatality, if such information has been determined;

(e) Whether the agency which provides child welfare services had any contact with the child or a member of the child's family or household before the fatality or near fatality and, if so:

(1) The frequency of any contact or communication with the child or a member of the child's family or household before the fatality or near fatality and the date on which the last contact or communication occurred before the fatality or near fatality;

(2) Whether the agency which provides child welfare services provided any child welfare services to the child or to a member of the child's family or household before or at the time of the fatality or near fatality;

(3) Whether the agency which provides child welfare services made any referrals for child welfare services for the child or for a member of the child's family or household before or at the time of the fatality or near fatality;

(4) Whether the agency which provides child welfare services took any other actions concerning the welfare of the child before or at the time of the fatality or near fatality; and

(5) A summary of the status of the child's case at the time of the fatality or near fatality, including, without limitation, whether the child's case was closed by the agency which provides child welfare services before the fatality or near fatality and, if so, the reasons that the case was closed; and

(f) Whether the agency which provides child welfare services, in response to the fatality or near fatality:

(1) Has provided or intends to provide child welfare services to the child or to a member of the child's family or household;

(2) Has made or intends to make a referral for child welfare services for the child or for a member of the child's family or household; and

(3) Has taken or intends to take any other action concerning the welfare and safety of the child or a member of the child's family or household.

2. The Legislative Auditor or his designee shall not disclose information pursuant to subsection 1 unless the person making the request has requested such information from the agency which provides child welfare services and has been denied access to such information or has not received the information in a timely manner.

3. The Legislative Auditor or his designee shall not disclose the following data or information pursuant to subsection 1:

(a) Except as otherwise provided in subsection 3 of NRS 432B.290, data or information concerning the identity of the person responsible for reporting the abuse or neglect of the child to a public agency;

(b) The name of the child who suffered a near fatality or the name of any member of the family or other person who lives in the household of the child who suffered the fatality or near fatality;

(c) A privileged communication between an attorney and client; or

(d) Information that may undermine a criminal investigation or pending criminal prosecution.

~~[Sec. 6.]~~ ***Sec. 13.*** This act becomes effective on July 1, 2007.

Assemblywoman Gerhardt moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 269.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 218.

SUMMARY—Authorizes ~~[deductions from]~~ **credits against** the state taxes on financial institutions and other businesses for certain qualified employee housing assistance provided by employers. (BDR 32-1142)

AN ACT relating to taxation; authorizing ~~[deductions from]~~ **credits against** the state taxes on financial institutions and other businesses for certain qualified employee housing assistance provided by employers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes excise taxes on financial institutions and other businesses based upon the amount of wages they pay to their employees each calendar quarter. (NRS 363A.130, 363B.110) ~~[Existing law authorizes deductions from these taxes for certain amounts paid for health insurance and~~

~~health benefit plans for employees and their dependents. (NRS 363A.135, 363B.115)]~~

Sections 2 and 6 of this bill authorize ~~[additional deductions from]~~ **credits against** these taxes for certain donations made for the provision of housing assistance to employees. Sections 2 and 6 require that such a donation must be made to certain nonprofit organizations or Taft-Hartley trusts that administer the provision of that housing assistance, and specify the types of housing assistance that may qualify for the ~~[deductions.]~~ **credits.** Sections 2 and 6 further require the prior approval of the Housing Division of the Department of Business and Industry of the specific types of housing assistance provided, and ~~[provide for]~~ **impose** limitations on the **total** amount of tax ~~[deductions]~~ **credits** available each fiscal year. Sections 3 and 7 of this bill ~~[allow any unused amount of such a deduction to be carried forward each calendar quarter until exhausted and]~~ require an employer who claims such a ~~[deduction]~~ **credit** to provide an explanation and appropriate documentation of the amount claimed upon the request of the Department of Taxation.

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

Section 1. Chapter 363A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Except as otherwise provided in subsection 2, an employer may*** ~~[deduct from the total amount of wages reported and upon which]~~ ***receive credit against the excise tax*** ~~[is imposed]~~ ***otherwise required to be paid by the employer pursuant to NRS 363A.130 in an amount equal to 50 percent of the monetary value of any qualified employee housing assistance provided by the employer*** ~~[for the benefit of its employees]~~ ***in the calendar quarter for which the tax is*** ~~[paid.]~~ ***due.***

2. An employer may not ~~[deduct from the wages upon which the excise]~~ ***receive any tax*** ~~[is imposed pursuant to NRS 363A.130:]~~ ***credit for:***

(a) Any amount deducted from the wages of an employee.

(b) Any amount expended for a project that has not been approved by the Housing Division pursuant to subsection 3.

(c) ~~[Except for any amount carried forward from a previous calendar quarter pursuant to section 3 of this act, any]~~ ***Any amount that exceeds the amount allocated for a project by the Housing Division pursuant to subsection 3.***

3. A sponsor must apply to the Housing Division for the approval of a project. The Housing Division shall allocate a specific dollar amount of tax ~~[deductions]~~ ***credit available for a fiscal year for each project it approves. An allocation for general operating support may be made only in connection with an allocation for an employer-assisted housing program or for technical assistance, and must not exceed 10 percent of the amount allocated for the related employer-assisted housing program or technical***

assistance. The Housing Division shall not allocate pursuant to this subsection any total sum of tax ~~[deductions]~~ ***credit for any fiscal year:***

(a) In excess of $4,000,000 for all employer-assisted housing programs it approves.

(b) In excess of $1,000,000 for all technical assistance and general operating support it approves.

4. The Department, with the advice and assistance of the Housing Division, shall adopt such regulations as it deems appropriate to carry out the provisions of this section.

5. As used in this section:

(a) "Employee" means ~~[an]~~ ***any employee whose wages are included within the measure of the excise tax imposed upon*** ~~[an]~~ ***any employer by NRS 363A.130, and the members of the household of the employee.***

(b) "Employer-assisted housing program" means a program for the provision of down-payment assistance, closing-cost assistance, reduced-interest mortgages, mortgage guarantees, rental subsidies or individual development account savings plans, or any combination thereof, by a sponsor ~~[on behalf of an employer]~~ ***to assist in securing affordable housing in this State for employees whose gross household income does not exceed 120 percent of the median income, as adjusted for the size of the household, for the county in which the applicable housing is located, as determined in accordance with the guidelines most recently published by the United States Department of Housing and Urban Development.***

(c) "Fiscal year" means the 12-month period beginning on the first day of July and ending on the last day of June.

(d) "General operating support" means any cost incurred by a sponsor as a part of its general costs of operation. The term is not limited to the direct costs of an employer-assisted housing program or technical assistance.

(e) "Housing Division" means the Housing Division of the Department of Business and Industry.

(f) "Project" means:

(1) An employer-assisted housing program;

(2) Technical assistance; or

(3) General operating support.

(g) "Qualified employee housing assistance" means a donation of money, securities or real or personal property, or any combination thereof, to a sponsor which is used solely to pay for the costs of a project.

(h) "Sponsor" means a nonprofit organization that is organized under the laws of this State or of any other state, or a Taft-Hartley trust formed pursuant to 29 U.S.C. § 186(c)(7)(C), for which one of the purposes of the organization or trust is education in home ownership.

(i) "Tax ~~[deduction"]~~ ***credit" means the*** ~~[deduction]~~ ***credit authorized by subsection 1.***

(j) "Technical assistance" means any costs incurred by a sponsor for:

(1) Project planning;

(2) Providing assistance to employees in applying for financing to obtain housing; or

(3) Providing counseling services to employees who are prospective homebuyers.

Sec. 3. ~~[1. If the amount of the deductions allowed pursuant to NRS 363A.135 and section 2 of this act to an employer for a calendar quarter exceeds the amount of reported wages for that calendar quarter, the excess amount of those deductions may be carried forward to the following calendar quarter until the deductions are exhausted.~~

~~2.]~~ ***An employer claiming a deduction allowed pursuant to NRS 363A.135 or a credit allowed pursuant to section 2 of this act shall, upon the request of the Department, explain the amount claimed to the satisfaction of the Department and provide the Department with such documentation as the Department deems appropriate for that purpose.***

Sec. 4. NRS 363A.135 is hereby amended to read as follows:

363A.135 1. Except as otherwise provided in subsection 2, an employer may deduct from the total amount of wages reported and upon which the excise tax is imposed pursuant to NRS 363A.130 any amount authorized pursuant to this section that is paid by the employer for health insurance or a health benefit plan for its employees in the calendar quarter for which the tax is paid. The amounts for which the deduction is allowed include:

(a) For a self-insured employer, all amounts paid during the calendar quarter for claims, direct administrative services costs, including such services provided by the employer, and any premiums paid for individual or aggregate stop-loss insurance coverage. An employer is not authorized to deduct the costs of a program of self-insurance unless the program is a qualified employee welfare benefit plan pursuant to the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq.

(b) The premiums for a policy of health insurance or reinsurance for a health benefit plan for employees.

(c) Any amounts which are:

(1) Paid by an employer to a Taft-Hartley trust which:

(I) Is formed pursuant to 29 U.S.C. § 186(c)(5); and

(II) Qualifies as an employee welfare benefit plan; and

(2) Considered by the Internal Revenue Service to be fully tax deductible pursuant to the provisions of the Internal Revenue Code.

(d) Such other similar payments for health care or insurance for health care for employees as are authorized by the Department.

2. An employer may not deduct from the wages upon which the excise tax is imposed pursuant to NRS 363A.130:

(a) Amounts paid for health care or premiums paid for insurance for an industrial injury or occupational disease for which coverage is required pursuant to chapters 616A to 616D, inclusive, or 617 of NRS; or

(b) Any payments made by employees for health care or health insurance or amounts deducted from the wages of employees for such health care or insurance.

3. If the amount of the deduction allowed pursuant to this section to an employer for a calendar quarter exceeds the amount of reported wages for that calendar quarter, the excess amount of that deduction may be carried forward to the following calendar quarter until the deduction is exhausted. ~~[An employer claiming the deduction allowed pursuant to this section shall, upon the request of the Department, explain the amount claimed to the satisfaction of the Department and provide the Department with such documentation as the Department deems appropriate for that purpose.]~~

4. As used in this section:

(a) "Claims" means claims for those categories of health care expenses that are generally deductible by employees on their individual federal income tax returns pursuant to the provisions of 26 U.S.C. § 213 and any federal regulations relating thereto, if those expenses had been borne directly by those employees.

(b) "Direct administrative services costs" means, if borne directly by a self-insured employer and reasonably allocated to the direct administration of claims:

(1) Payments for medical or office supplies that will be consumed in the course of the provision of medical care or the direct administration of claims;

(2) Payments to third-party administrators or independent contractors for the provision of medical care or the direct administration of claims;

(3) Rent and utility payments for the maintenance of medical or office space used for the provision of medical care or the direct administration of claims;

(4) Payments for the maintenance, repair and upkeep of medical or office space used for the provision of medical care or the direct administration of claims;

(5) Salaries and wages paid to medical, clerical and administrative staff and other personnel employed to provide medical care or directly to administer claims; and

(6) The depreciation of property other than medical or office supplies, used for the provision of medical care or the direct administration of claims.

(c) "Employee welfare benefit plan" has the meaning ascribed to it in 29 U.S.C. § 1002.

(d) "Employees" means employees whose wages are included within the measure of the excise tax imposed upon an employer by NRS 363A.130, and their spouses, children and other dependents who qualify for coverage under the terms of the health insurance or health benefit plan provided by that employer.

(e) "Health benefit plan" means a health benefit plan that covers only those categories of health care expenses that are generally deductible by employees on their individual federal income tax returns pursuant to the

provisions of 26 U.S.C. § 213 and any federal regulations relating thereto, if those expenses had been borne directly by those employees.

(f) "Self-insured employer" means an employer that provides a program of self-insurance for its employees.

Sec. 5. Chapter 363B of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.

Sec. 6. ***1. Except as otherwise provided in subsection 2, an employer may*** ~~[deduct from the total amount of wages reported and upon which]~~ ***receive credit against the excise tax*** ~~[is imposed]~~ ***otherwise required to be paid by the employer pursuant to NRS 363B.110 in an amount equal to 50 percent of the monetary value of any qualified employee housing assistance provided by the employer*** ~~[for the benefit of its employees]~~ ***in the calendar quarter for which the tax is*** ~~[paid.]~~ ***due.***

2. An employer may not ~~[deduct from the wages upon which the excise]~~ ***receive any tax*** ~~[is imposed pursuant to NRS 363B.110:]~~ ***credit for:***

(a) Any amount deducted from the wages of an employee.

(b) Any amount expended for a project that has not been approved by the Housing Division pursuant to subsection 3.

(c) ~~[Except for any amount carried forward from a previous calendar quarter pursuant to section 7 of this act, any]~~ ***Any amount that exceeds the amount allocated for a project by the Housing Division pursuant to subsection 3.***

3. A sponsor must apply to the Housing Division for the approval of a project. The Housing Division shall allocate a specific dollar amount of tax ~~[deductions]~~ ***credit available for a fiscal year for each project it approves. An allocation for general operating support may be made only in connection with an allocation for an employer-assisted housing program or for technical assistance, and must not exceed 10 percent of the amount allocated for the related employer-assisted housing program or technical assistance. The Housing Division shall not allocate pursuant to this subsection any total sum of tax*** ~~[deductions]~~ ***credit for any fiscal year:***

(a) In excess of $4,000,000 for all employer-assisted housing programs it approves.

(b) In excess of $1,000,000 for all technical assistance and general operating support it approves.

4. The Department, with the advice and assistance of the Housing Division, shall adopt such regulations as it deems appropriate to carry out the provisions of this section.

5. As used in this section:

(a) "Employee" means ~~[an]~~ ***any employee whose wages are included within the measure of the excise tax imposed upon*** ~~[an]~~ ***any employer by NRS 363B.110, and the members of the household of the employee.***

(b) "Employer-assisted housing program" means a program for the provision of down-payment assistance, closing-cost assistance, reduced-interest mortgages, mortgage guarantees, rental subsidies or individual

development account savings plans, or any combination thereof, by a sponsor ~~[on behalf of an employer]~~ ***to assist in securing affordable housing in this State for employees whose gross household income does not exceed 120 percent of the median income, as adjusted for the size of the household, for the county in which the applicable housing is located, as determined in accordance with the guidelines most recently published by the United States Department of Housing and Urban Development.***

(c) "Fiscal year" means the 12-month period beginning on the first day of July and ending on the last day of June.

(d) "General operating support" means any costs incurred by a sponsor as a part of its general costs of operation. The term is not limited to the direct costs of an employer-assisted housing program or technical assistance.

(e) "Housing Division" means the Housing Division of the Department of Business and Industry.

(f) "Project" means:

(1) An employer-assisted housing program;

(2) Technical assistance; or

(3) General operating support.

(g) "Qualified employee housing assistance" means a donation of money, securities or real or personal property, or any combination thereof, to a sponsor which is used solely to pay for the costs of a project.

(h) "Sponsor" means a nonprofit organization that is organized under the laws of this State or of any other state, or a Taft-Hartley trust formed pursuant to 29 U.S.C. § 186(c)(7)(C), for which one of the purposes of the organization or trust is education in home ownership.

(i) "Tax ~~[deduction"]~~ ***credit" means the*** ~~[deduction]~~ ***credit authorized by subsection 1.***

(j) "Technical assistance" means any costs incurred by a sponsor for:

(1) Project planning;

(2) Providing assistance to employees in applying for financing to obtain housing; or

(3) Providing counseling services to employees who are prospective homebuyers.

Sec. 7. ~~[1. If the amount of the deductions allowed pursuant to NRS 363B.115 and section 6 of this act to an employer for a calendar quarter exceeds the amount of reported wages for that calendar quarter, the excess amount of those deductions may be carried forward to the following calendar quarter until the deductions are exhausted.~~

~~2.]~~ ***An employer claiming a deduction allowed pursuant to NRS 363B.115 or a credit allowed pursuant to section 6 of this act shall, upon the request of the Department, explain the amount claimed to the satisfaction of the Department and provide the Department with such documentation as the Department deems appropriate for that purpose.***

Sec. 8. NRS 363B.115 is hereby amended to read as follows:

363B.115 1. Except as otherwise provided in subsection 2, an employer may deduct from the total amount of wages reported and upon which the excise tax is imposed pursuant to NRS 363B.110 any amount authorized pursuant to this section that is paid by the employer for health insurance or a health benefit plan for its employees in the calendar quarter for which the tax is paid. The amounts for which the deduction is allowed include:

(a) For a self-insured employer, all amounts paid during the calendar quarter for claims, direct administrative services costs, including such services provided by the employer, and any premiums paid for individual or aggregate stop-loss insurance coverage. An employer is not authorized to deduct the costs of a program of self-insurance unless the program is a qualified employee welfare benefit plan pursuant to the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq.

(b) The premiums for a policy of health insurance or reinsurance for a health benefit plan for employees.

(c) Any amounts which are:

(1) Paid by an employer to a Taft-Hartley trust which:

(I) Is formed pursuant to 29 U.S.C. § 186(c)(5); and

(II) Qualifies as an employee welfare benefit plan; and

(2) Considered by the Internal Revenue Service to be fully tax deductible pursuant to the provisions of the Internal Revenue Code.

(d) Such other similar payments for health care or insurance for health care for employees as are authorized by the Department.

2. An employer may not deduct from the wages upon which the excise tax is imposed pursuant to NRS 363B.110:

(a) Amounts paid for health care or premiums paid for insurance for an industrial injury or occupational disease for which coverage is required pursuant to chapters 616A to 616D, inclusive, or 617 of NRS; or

(b) Any payments made by employees for health care or health insurance or amounts deducted from the wages of employees for such health care or insurance.

3. If the amount of the deduction allowed pursuant to this section to an employer for a calendar quarter exceeds the amount of reported wages for that calendar quarter, the excess amount of that deduction may be carried forward to the following calendar quarter until the deduction is exhausted. ~~[An employer claiming the deduction allowed pursuant to this section shall, upon the request of the Department, explain the amount claimed to the satisfaction of the Department and provide the Department with such documentation as the Department deems appropriate for that purpose.]~~

4. As used in this section:

(a) "Claims" means claims for those categories of health care expenses that are generally deductible by employees on their individual federal income tax returns pursuant to the provisions of 26 U.S.C. § 213 and any federal

regulations relating thereto, if those expenses had been borne directly by those employees.

(b) "Direct administrative services costs" means, if borne directly by a self-insured employer and reasonably allocated to the direct administration of claims:

(1) Payments for medical or office supplies that will be consumed in the course of the provision of medical care or the direct administration of claims;

(2) Payments to third-party administrators or independent contractors for the provision of medical care or the direct administration of claims;

(3) Rent and utility payments for the maintenance of medical or office space used for the provision of medical care or the direct administration of claims;

(4) Payments for the maintenance, repair and upkeep of medical or office space used for the provision of medical care or the direct administration of claims;

(5) Salaries and wages paid to medical, clerical and administrative staff and other personnel employed to provide medical care or directly to administer claims; and

(6) The depreciation of property other than medical or office supplies, used for the provision of medical care or the direct administration of claims.

(c) "Employee welfare benefit plan" has the meaning ascribed to it in 29 U.S.C. § 1002.

(d) "Employees" means employees whose wages are included within the measure of the excise tax imposed upon an employer by NRS 363B.110, and their spouses, children and other dependents who qualify for coverage under the terms of the health insurance or health benefit plan provided by that employer.

(e) "Health benefit plan" means a health benefit plan that covers only those categories of health care expenses that are generally deductible by employees on their individual federal income tax returns pursuant to the provisions of 26 U.S.C. § 213 and any federal regulations relating thereto, if those expenses had been borne directly by those employees.

(f) "Self-insured employer" means an employer that provides a program of self-insurance for its employees.

Sec. 9. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2007, for all other purposes.

Assemblywoman McClain moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 291.

Bill read second time.

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

Amendment No. 186.

SUMMARY—Revises provisions governing the use of money deposited in a ~~[local governmental]~~ fund established to stabilize the operation of ~~[the local government and mitigate the effects of natural disasters.]~~ **a school district.** (BDR 31-189)

"AN ACT relating to local financial administration; expanding the purposes for which, in certain smaller counties, money may be expended from a ~~[local governmental]~~ **school district** fund established to stabilize the operation of ~~[the local government and mitigate the effects of natural disasters;]~~ **the school district;** and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~[Existing law authorizes the governing body of a local government to establish a fund to stabilize the operation of the local government and mitigate the effects of natural disasters, and restricts the purposes for which the money in the fund may be expended. (NRS 354.6115) This bill expands those purposes to authorize local governments in counties with a population of less than 9,000 (currently Pershing, Lander, Mineral, Lincoln, Storey, Eureka and Esmeralda Counties) to use the money to retire outstanding debt.]~~ **Existing law provides for each county to receive a portion of the proceeds of an ad valorem tax levied against mining operations in that county and for each county treasurer to apportion certain amounts of those proceeds to each local government or other local entity. (NRS 362.170) Existing law also authorizes each school district that receives a portion of those proceeds to set aside a portion of the amount received for a fund to mitigate the adverse effects upon the school district that result from a decline in revenues from the tax on mining operations or the opening or closing of a mining operation in the county. (NRS 362.171) This bill expands those purposes to authorize school districts in counties with a population of less than 15,000 (currently White Pine, Pershing, Lander, Mineral, Lincoln, Storey, Eureka and Esmeralda Counties) to use the money to retire outstanding debt and, if available revenues are below a certain amount, to use the money in the fund as the school district determines is necessary.**

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

Delete existing sections 1 and 2 of this bill and replace with the following new sections 1 through 3:

Section 1. **Chapter 354 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Each school district to which money is apportioned by a county pursuant to subsection 2 of NRS 362.170 may set aside a percentage of the

amount apportioned to establish a school district fund for mitigation. Except as otherwise provided in subsection 2, money from the fund may be used by the school district only to mitigate adverse effects upon the school district which result from:

(a) A decline in the revenue received by the school district from the tax on the net proceeds of minerals during the 2 fiscal years immediately preceding the current fiscal year; or

(b) The opening or closing of an extractive operation from the net proceeds of which revenue has been or is reasonably expected to be derived pursuant to chapter 362 of NRS.

2. A school district in a county whose population is less than 15,000 may:

(a) Use money from the fund to retire bonds issued by the school district or any other outstanding obligations of the school district.

(b) If the revenues available to the school district for the current fiscal year are less than 90 percent of the revenues available to the school district for the immediately preceding fiscal year, expend such money in the fund created pursuant to subsection 1 as the board of trustees of the school district determines is necessary.

Sec. 2. **NRS 362.171 is hereby amended to read as follows:**

362.171 ~~[1.]~~ Each county to which money is appropriated by subsection 1 of NRS 362.170 may set aside a percentage of that appropriation to establish a county fund for mitigation. Money from the fund may be appropriated by the board of county commissioners only to mitigate adverse effects upon the county, or the school district located in the county, which result from:

~~[(a)]~~ ***1.*** A decline in the revenue received by the county from the tax on the net proceeds of minerals during the 2 fiscal years immediately preceding the current fiscal year; or

~~[(b)]~~ ***2.*** The opening or closing of an extractive operation from the net proceeds of which revenue has been or is reasonably expected to be derived pursuant to this chapter.

~~[2. Each school district to which money is apportioned by a county pursuant to subsection 2 of NRS 362.170 may set aside a percentage of the amount apportioned to establish a school district fund for mitigation. Money from the fund may be used by the school district only to mitigate adverse effects upon the school district which result from:~~

~~(a) A decline in the revenue received by the school district from the tax on the net proceeds of minerals during the 2 fiscal years immediately preceding the current fiscal year; or~~

~~(b) The opening or closing of an extractive operation from the net proceeds of which revenue has been or is reasonably expected to be derived pursuant to this chapter.]~~

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

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 296.

Bill read second time.

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

Amendment No. 188.

SUMMARY—~~[Makes various changes concerning the lease]~~ **Expresses the sense of the Legislature concerning the temporary conversion** of certain water rights. (BDR 48-978)

AN ACT relating to water; ~~[authorizing the lease]~~ **expressing the sense of the Legislature as to the policy of this State concerning the temporary conversion** of certain water rights ~~[,]~~ **for certain ecological purposes;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill ~~[authorizes the lease of]~~ **provides that it is the policy of the State of Nevada to allow the temporary conversion of certain agricultural** water rights ~~[used primarily for agricultural purposes if the lease is]~~ for wildlife purposes or to improve the quality or flow of water. ~~[The lease term for such water rights may not exceed 10 years.]~~

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

Section 1. Chapter 533 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[1. A water right that is used primarily for agricultural purposes may be leased for a term of not more than 10 years, if:~~

~~(a) The lease is]~~

The Legislature hereby finds and declares that it is the policy of this State to allow the temporary conversion of agricultural water rights for wildlife purposes or to improve the quality or flow of water. ~~[; and~~

~~(b) The parties to such transaction:~~

~~(1) Apply to the State Engineer for a permit for the change of manner of use and place of use.~~

~~(2) Share in the payment of the assessments, tolls or charges related to the delivery of the water to the former place of use during the period of the lease.~~

~~2. A water right that is leased pursuant to subsection 1 may not be used for industrial, municipal or agricultural purposes.]~~

Sec. 2. ~~[NRS 533.345 is hereby amended to read as follows:~~

~~533.345 1. Every application for a permit to change the place of diversion, manner of use or place of use of water already appropriated must~~

~~contain such information as may be necessary to a full understanding of the proposed change, as may be required by the State Engineer.~~

~~2. If an applicant is seeking a temporary change of place of diversion, manner of use or place of use of water already appropriated, the State Engineer shall approve the application if:~~

~~(a) The application is accompanied by the prescribed fees;~~

~~(b) The temporary change is in the public interest; and~~

~~(c) The temporary change does not impair the water rights held by other persons.~~

~~3. If the State Engineer determines that the temporary change may not be in the public interest, or may impair the water rights held by other persons, he shall give notice of the application as provided in NRS 533.360 and hold a hearing and render a decision as provided in this chapter.~~

~~4. [A]~~ ~~*Except as otherwise provided in section 1 of this act, a* temporary change may be granted for any period not to exceed 1 year.~~] **(Deleted by amendment.)**

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

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 305.

Bill read second time.

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

Amendment No. 223.

AN ACT relating to the protection of children; creating the Legislative Committee on the Health, Welfare, Safety and Protection of Children; creating the position of Child Welfare Specialist to audit and survey certain governmental and private facilities that have custody of children pursuant to a court order; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-12 of this bill create a Legislative Committee on the Health, Welfare, Safety and Protection of Children to study various issues relating to children in this State, including, without limitation, issues relating to child welfare services, children placed in governmental and private facilities for children pursuant to a court order, juvenile justice and other matters relating to children.

Sections 13-20 of this bill provide for the Legislative Auditor to employ or enter into a contract with an auditor to serve as a Child Welfare Specialist. The Child Welfare Specialist is charged with various duties, including conducting performance audits of certain governmental facilities that have custody of children pursuant to a court order and to inspect, review and survey governmental and private facilities that have custody of children pursuant to a court order to determine whether such facilities adequately

protect the health, safety and welfare of the children in the facilities and whether the facilities respect the civil and other rights of the children in their care. The Child Welfare Specialist is required to report to the Legislative Committee on the Health, Welfare, Safety and Protection of Children and to follow directions from the Committee.

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

Section 1. Chapter 218 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 20, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Abuse or neglect of a child" has the meaning ascribed to it in NRS 432B.020.***

Sec. 4. ***"Child Welfare Specialist" means the auditor selected to serve in that position pursuant to section 18 of this act.***

Sec. 5. ***"Committee" means the Legislative Committee on the Health, Welfare, Safety and Protection of Children created by section 8 of this act.***

Sec. 6. ***"Governmental facility for children" has the meaning ascribed to it in section 15 of this act.***

Sec. 7. ***"Private facility for children" has the meaning ascribed to it in section 17 of this act.***

Sec. 8. ***1. There is hereby created the Legislative Committee on the Health, Welfare, Safety and Protection of Children consisting of three members appointed by the Majority Leader of the Senate and three members appointed by the Speaker of the Assembly.***

2. The Committee shall elect a Chairman and a Vice Chairman from among its members. The Chairman must be elected from one House of the Legislature and the Vice Chairman from the other House. The chairmanship of the Committee must alternate each biennium between the Houses of the Legislature. After the initial election, the Chairman and Vice Chairman shall hold office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the Committee shall elect a Chairman or Vice Chairman, as applicable, from among its members to serve in that position for the remainder of the unexpired term.

3. Any member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the convening of the next session of the Legislature.

4. Vacancies on the Committee must be filled in the same manner as the original appointments.

Sec. 9. ***1. The Committee shall meet throughout each year at the times and places as are specified by a call of the Chairman or a majority of the Committee.***

2. The Director of the Legislative Counsel Bureau or a person he has designated shall act as the nonvoting recording Secretary.

3. The Committee shall prescribe regulations for its own management and government.

4. Except as otherwise provided in subsection 5, four members of the Committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Committee.

5. Any recommended legislation proposed by the Committee must be approved by a majority of the members of the Senate and by a majority of the members of the Assembly appointed to the Committee.

6. Except during a regular or special session of the Legislature, the members of the Committee are entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218.2207 for each day or portion of a day of attendance at a meeting of the Committee and while engaged in the business of the Committee.

➥ The compensation, per diem allowances and travel expenses paid pursuant to this subsection must be paid from the Legislative Fund.

Sec. 10. ***The Committee may:***

1. Study various issues relating to the provision of child welfare services in this State, including, without limitation:

(a) Programs for the provision of child welfare services;

(b) Licensing and reimbursement of providers of foster care;

(c) The availability and provision of mental health services;

(d) Compliance with any federal requirements in the provision of services;

(e) The quality of care provided to children in the child welfare system;

(f) The manner in which cases of alleged abuse or neglect of a child are handled and reported; and

(g) Other related issues.

2. Study issues relating to the health, safety, welfare, and civil and other rights of children placed in governmental and private facilities for children pursuant to a court order.

3. Study issues relating to juvenile justice.

4. Review and consider any other matter relating to the health, safety, welfare or protection of children in this State.

5. Conduct investigations and hold hearings.

6. Contract with a consultant to obtain assistance and advice.

Sec. 11. ***The Committee shall:***

1. Receive reports from and provide direction to the Child Welfare Specialist selected pursuant to section 18 of this act.

2. Make any appropriate recommendations for legislation to the Legislature.

Sec. 12. ***1. In conducting the investigations and hearings of the Committee:***

(a) The Secretary of the Committee or, in his absence, any member of the Committee may administer oaths.

(b) The Secretary or Chairman of the Committee may cause the deposition of witnesses, residing either within or outside the State, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.

(c) The Chairman may issue subpoenas to compel the attendance of witnesses and the production of books and papers.

2. If any witness refuses to attend or testify or produce any books and papers as required by the subpoena, the Chairman may report to the district court by petition setting forth that:

(a) Due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) The witness has been subpoenaed by the Committee pursuant to this section; and

(c) The witness has failed or refused to attend or produce the books and papers required by the subpoena before the Committee which is named in the subpoena, or has refused to answer questions propounded to him,

➥ and asking for an order of the court compelling the witness to attend and testify or produce the books and papers before the Committee.

3. Upon such petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and to show cause why he has not attended or testified or produced the books or papers before the Committee. A certified copy of the order must be served upon the witness.

4. If it appears to the court that the subpoena was regularly issued by the Committee, the court shall enter an order that the witness appear before the Committee at the time and place fixed in the order and testify or produce

the required books or papers. Failure to obey the order constitutes contempt of court.

Sec. 13. ***As used in sections 13 to 20, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 14 to 17, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 14. ***"Child Welfare Specialist" means the person selected to serve in that position pursuant to section 18 of this act.***

Sec. 15. ***"Governmental facility for children" means any facility, detention center, treatment center, hospital, institution, group shelter or other establishment which is owned or operated by a governmental entity***

and which has physical custody of children pursuant to the order of a court.

Sec. 16. ***"Near fatality" means an act that*** [~~, as certified by a physician,~~] ***places a child in serious or critical condition*** [~~.~~] ***as verified orally or in writing by a physician, a registered nurse or other licensed provider of health care. Such verification may be given in person or by telephone, mail, electronic mail or facsimile.***

Sec. 17. ***"Private facility for children" means any facility, detention center, treatment center, hospital, institution, group shelter or other establishment which is owned or operated by a person or entity which has physical custody of children pursuant to the order of a court.***

Sec. 18. ***1. The Legislative Auditor shall employ or contract with an auditor to serve as the Child Welfare Specialist. The Child Welfare Specialist shall:***

(a) Conduct such performance audits of governmental facilities for children as assigned by the Legislative Committee on the Health, Welfare, Safety and Protection of Children created by section 8 of this act; and

(b) Inspect, review and survey other governmental and private facilities for children to determine whether such facilities adequately protect the health, safety and welfare of the children in the facilities and whether the facilities respect the civil and other rights of the children in their care.

2. In performing its duties pursuant to this section, the Child Welfare Specialist shall:

(a) Receive and review copies of all guidelines used by governmental and private facilities for children concerning the health, safety, welfare, and civil and other rights of children;

(b) Receive and review copies of each complaint that is filed by any child or other person on behalf of a child who is under the care of a governmental or private facility for children concerning the health, safety, welfare, and civil and other rights of the child;

(c) Perform unannounced site visits and on-site inspections of governmental and private facilities for children;

(d) Review reports and other documents prepared by governmental and private facilities for children concerning the disposition of any complaint which was filed by a child or any other person on behalf of a child concerning the health, safety, welfare, and civil and other rights of the child;

(e) Review practices, policies and procedures of governmental and private facilities for children for filing and investigating complaints made by children under their care or by any other person on behalf of such children concerning the health, safety, welfare, and civil and other rights of the children;

(f) Receive, review and evaluate all information and reports from governmental and private facilities for children relating to a child who

suffers a fatality or near fatality while under the care or custody of a governmental or private facility for children;

(g) Report periodically to the Legislative Committee on the Health, Welfare, Safety and Protection of Children created by section 8 of this act; and

(h) Perform such other duties as directed by the Legislative Committee on the Health, Welfare, Safety and Protection of Children.

Sec. 19. ***Each governmental and private facility for children shall:***

1. Cooperate fully with the Child Welfare Specialist;

2. Allow the Child Welfare Specialist to enter the facility and any area within the facility with or without prior notice;

3. Allow the Child Welfare Specialist to interview children and staff at the facility;

4. Allow the Child Welfare Specialist to inspect, review and copy any records, reports and other documents relevant to the duties of the Child Welfare Specialist; and

5. Forward to the Child Welfare Specialist copies of any complaint that is filed by a child under the care or custody of a governmental or private facility for children or by any other person on behalf of such a child concerning the health, safety, welfare, and civil and other rights of the child.

Sec. 20. ***1. When conducting any performance audit pursuant to section 18 of this act, the Child Welfare Specialist shall carry out his duties in accordance with the provisions of NRS 218.737 to 218.893, inclusive, except that the Legislative Committee on the Health, Welfare, Safety and Protection of Children created by section 8 of this act replaces any reference to the Legislative Commission in those sections.***

2. The Legislative Auditor and the Child Welfare Specialist shall keep or cause to be kept a complete file of copies of all reports of audits, examinations, investigations and all other reports or releases issued by him.

3. All working papers from an audit are confidential and may be destroyed by the Legislative Auditor or the Child Welfare Specialist 5 years after the report is issued, except that the Legislative Auditor or the Child Welfare Specialist:

(a) Shall release such working papers when subpoenaed by a court; and

(b) May make such working papers available for inspection by an authorized representative of any other governmental entity for a matter officially before him or by any other person authorized by the Legislative Committee on the Health, Welfare, Safety and Protection of Children.

Sec. 21. This act becomes effective on July 1, 2007.

Assemblywoman Gerhardt moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 313.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 314.

AN ACT relating to education; requiring the Department of Education to establish a procedure for the notification, tracking and monitoring of the status of criminal cases involving licensed teachers and other licensed educational personnel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Board of Education may, upon certain grounds, suspend or revoke the license of a teacher and other educational personnel. (NRS 391.330) Existing law also sets forth the process for the suspension or revocation of such a license. (NRS 391.320-391.361)

This bill requires the Department of Education to **adopt regulations that** establish a procedure for the notification, tracking and monitoring of the status of criminal cases involving persons who are licensed pursuant to chapter 391 of NRS. Under the procedure, each school district and each charter school is required to notify the Department of the arrest of a person who is licensed pursuant to chapter 391 of NRS if: (1) the act for which the licensee is arrested may be a ground for the suspension or revocation of the person's license; and (2) the school district or charter school has knowledge of that arrest. Upon receipt of such notice, the Department is required to prepare a separate file for the documentation and monitoring of the status of the case involving the licensee. If the case is referred to the State Board for its review and the State Board determines that there is not sufficient evidence to suspend or revoke the license, the file maintained by the Department and any related documents must not be made a part of the licensee's permanent employment record. This bill also provides immunity from civil or criminal liability for persons who make reports or provide notice concerning a person who is licensed pursuant to chapter 391 of NRS and who is arrested.

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

Section 1. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~[, 3 and 4]~~ **to 5, inclusive,** of this act.

Sec. 2. ***As used in sections 2 to 5, inclusive, of this act, "arrest" has the meaning ascribed to it in NRS 171.104.***

~~[Sec. 2.]~~ ***Sec. 3. 1. The Department shall adopt regulations that establish a procedure for the notification, tracking and monitoring of the status of criminal cases involving persons who are licensed pursuant to chapter 391 of NRS. The procedure must include, without limitation:***

(a) A method by which the superintendent of schools of a school district and the administrative head of a charter school must notify the Department in a timely manner of the arrest of a person who is licensed pursuant to chapter 391 of NRS if:

(1) The act for which the licensee is arrested ~~[may]~~ ***:***

(I) May be a ground for the suspension or revocation of the person's license pursuant to NRS 391.330; and

(II) Is not excluded by the Department from the notification requirements of this section; and

(2) The school district or charter school has knowledge of that arrest.

(b) A method by which the superintendent of schools of a school district and the administrative head of a charter school must notify the Department in a timely manner of:

(1) Each action, if any, taken against the licensee by the school district or charter school after the arrest; and

(2) The conviction of the licensee, if he is convicted of the act for which he was arrested.

(c) The steps that the Department must follow in response to the receipt of notice pursuant to this section, including, without limitation, the preparation of a separate file on the licensee for the documentation and monitoring of the status of the case.

2. Each file that is maintained on a licensee pursuant to subsection 1 must include, without limitation:

(a) The date on which the person was arrested and the date on which the Department received notice of the arrest from the school district or charter school;

(b) The reason why the licensee was arrested;

(c) The steps taken by the Department in response to all notices received by the Department from a school district or charter school pursuant to subsection 1;

(d) An indication whether the case was referred to the Attorney General's office for review and the date of the referral, if any;

(e) An indication whether the Superintendent of Public Instruction has presented the case to the State Board for action and the type of action recommended by the Superintendent, if any;

(f) A description of any action taken by the State Board against the licensee and the reason for that action, or if no action is taken by the State Board, the reason for the inaction; and

(g) The final resolution of the case and the date of resolution.

3. If the Department receives notice of a conviction of a licensee and the conviction is for an act which is a ground for the suspension or revocation of a license, the ~~[State Board]~~ ***Superintendent of Public Instruction shall immediately recommend that the State Board proceed in accordance with the provisions of NRS 391.320 to 391.361, inclusive.***

4. If the Department maintains a file on a licensee pursuant to this section and the State Board determines that there is not sufficient evidence to suspend or revoke the license, the file and any related documents must not be made a part of that licensee's permanent employment record.

~~[Sec. 3.]~~ ***Sec. 4. The superintendent of schools of each school district and the administrative head of each charter school shall submit all information required by the Department pursuant to section*** ~~[2]~~ ***3 of this act within the time prescribed by the Department.***

~~[Sec. 4.]~~ ***Sec. 5. Immunity from civil or criminal liability extends to every person who, pursuant to sections 2*** ~~[and]~~ ***, 3 and 4 of this act, in good faith:***

1. Participates in the making of a report;

2. Causes or conducts an investigation of a person who is licensed pursuant to chapter 391 of NRS and who is arrested; or

3. Submits information to the Department concerning a person who is licensed pursuant to chapter 391 of NRS and who is arrested.

~~[Sec. 5.]~~ ***Sec. 6.*** NRS 391.322 is hereby amended to read as follows:

391.322 1. If the board of trustees of a school district or the Superintendent of Public Instruction or his designee submits a recommendation to the State Board for the suspension or revocation of a license issued pursuant to this chapter, the State Board shall give written notice of the recommendation to the person to whom the license has been issued.

2. A notice given pursuant to subsection 1 must contain:

(a) A statement of the charge upon which the recommendation is based;

(b) A copy of the recommendation received by the State Board;

(c) A statement that the licensee is entitled to a hearing before a hearing officer if the licensee makes a written request for the hearing as provided by subsection 3; and

(d) A statement that the grounds and procedure for the suspension or revocation of a license are set forth in NRS 391.320 to 391.361, inclusive.

3. A licensee to whom notice has been given pursuant to this section may request a hearing before a hearing officer selected pursuant to subsection 4. Such a request must be in writing and must be filed with the Superintendent of Public Instruction within 15 days after receipt of the notice by the licensee.

4. Upon receipt of a request filed pursuant to subsection 3, the Superintendent of Public Instruction shall request from the Hearings Division of the Department of Administration a list of potential hearing officers. The licensee requesting a hearing and the Superintendent of Public Instruction shall select a person to serve as hearing officer from the list provided by the Hearings Division of the Department of Administration by alternately striking one name until the name of only one hearing officer remains. The Superintendent of Public Instruction shall strike the first name.

5. ~~[If]~~ ***Except as otherwise provided in subsection 6, if*** no request for a hearing is filed within the time specified in subsection 3, the State Board may suspend or revoke the license or take no action on the recommendation.

6. If the Department receives notice of a conviction of a licensee and the conviction is for an act which is a ground for the suspension or revocation of a license, the State Board shall immediately process the

recommendation in accordance with the provisions of NRS 391.320 to 391.361, inclusive . ~~[, regardless of whether a request for a hearing is filed within the time specified in subsection 3.]~~ ***If no request for a hearing is filed within the time specified in subsection 3, the State Board may accept, reject or modify the recommendation.***

~~[Sec. 6.]~~ ***Sec. 7.*** On or before December 1, 2007, the Department of Education shall submit a written report to the Legislative Committee on Education that includes a description of the procedure established by the Department pursuant to section ~~[2]~~ 3 of this act for the notification, tracking and monitoring of the status of criminal cases involving persons who are licensed pursuant to chapter 391 of NRS.

~~[Sec. 7.]~~ ***Sec. 8.*** This act becomes effective on July 1, 2007.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 344.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 112.

SUMMARY— ~~[Prohibits intentionally making certain false or misleading statements to activate]~~ **Makes various changes relating to** the Statewide Alert System for the Safe Return of Abducted Children. (BDR 15-1276)

AN ACT relating to crimes; prohibiting a person from intentionally making certain false or misleading statements to activate the Statewide Alert System for the Safe Return of Abducted Children; **revising the membership of the Committee for the Statewide Alert System;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ **Section 1 of this** bill makes it a category ~~[D]~~ **E** felony to intentionally or knowingly make a false or misleading statement for the purpose of activating the Statewide Alert System for the Safe Return of Abducted Children. **Section 2 of this bill increases the membership of the Committee for the Statewide Alert System from 12 members to 15 members. The three new members of the Committee will consist of a representative of the Department of Transportation, the Advocate for Missing or Exploited Children and a representative of the public at large appointed by the Governor from among at least three nominees recommended to the Governor by the other members of the Committee. (NRS 432.350)**

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

Section 1. Chapter 207 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who intentionally makes any false or misleading statement, including, without limitation, any statement that conceals facts, omits facts or contains false or misleading information concerning any material fact, to any police officer, sheriff, district attorney, deputy sheriff, deputy district attorney or member of the Department of Public Safety to cause the System to be activated is guilty of a category ~~[D]~~ ***E felony and shall be punished as provided in NRS 193.130.***

2. The Attorney General or the district attorney of the county in which a person made a false or misleading statement may investigate and prosecute any violation of the provisions of this section.

3. As used in this section, "System" means the Statewide Alert System for the Safe Return of Abducted Children created by NRS 432.340.

Sec. 2. **NRS 432.350 is hereby amended to read as follows:**

432.350 1. There is hereby created the Committee for the Statewide Alert System consisting of ~~[12]~~ ***15*** members as follows:

(a) Five members appointed by the Governor who represent local law enforcement agencies;

(b) Five members appointed by the Governor who represent state law enforcement agencies;

(c) One representative of this state's Emergency Alert System, appointed by the Nevada Broadcasters Association or its successor; ~~[and]~~

(d) One representative of the Nevada Broadcasters Association or its successor, appointed by that Association ~~[.]~~ ***;***

(e) One representative of the Department of Transportation, appointed by the Director of the Department of Transportation;

(f) The Advocate for Missing or Exploited Children, appointed pursuant to NRS 432.157; and

(g) One representative of the public at large, appointed by the Governor from among the names of nominees provided to him pursuant to subsection 5.

2. The Governor shall select a Chairman and Vice Chairman of the Committee.

3. After the initial terms, each member of the Committee serves a term of 3 years ***.*** ~~[, commencing on July 1 of each odd-numbered year.]~~ A vacancy on the Committee must be filled in the same manner as the original appointment.

4. Members of the Committee serve without salary or compensation for their travel or per diem expenses.

5. The Committee shall, at least 30 days before the beginning of the term of any member appointed pursuant to paragraph (g) of subsection 1, or within 30 days after such a position on the Committee becomes vacant, submit to the Governor the names of at least three persons qualified for membership on the Committee pursuant to paragraph (g) of subsection 1. The Governor shall appoint a new member or fill the vacancy from the list,

or request a new list. The Governor may appoint any qualified person who is a resident of this State to the position described in paragraph (g) of subsection 1.

Sec. 3. **1. As soon as practicable after the effective date of this act, the Committee for the Statewide Alert System shall submit to the Governor the names of at least three persons qualified for membership on the Committee pursuant to paragraph (g) of subsection 1 of NRS 432.350.**

2. On or before July 1, 2007:

(a) The Director of the Department of Transportation shall appoint one member to the Committee for the Statewide Alert System pursuant to paragraph (e) of subsection 1 of NRS 432.350 to a term commencing on July 1, 2007, and expiring on June 30, 2009.

(b) The Attorney General shall appoint the Advocate for Missing and Exploited Children to the Committee for the Statewide Alert System to a term commencing on July 1, 2007, and expiring on June 30, 2009.

(c) The Governor shall appoint one member to the Committee for the Statewide Alert System pursuant to paragraph (g) of subsection 1 of NRS 432.350 appointed from among the persons recommended to the Governor pursuant to subsection 2 to a term commencing on July 1, 2007, and expiring on June 30, 2010.

~~[Sec. 2.]~~ ***Sec. 4.*** This act becomes effective ~~[on July 1, 2007.]~~ **upon passage and approval.**

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 354.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 343.

ASSEMBLYMEN PARNELL, SMITH, AND **MABEY.**

AN ACT relating to the health of pupils; requiring that certain physical examinations of children required in schools include an examination of ~~[the abnormal growth and development of the children;]~~ **height and weight;** requiring school nurses to report the aggregate results of such physical examinations to the State Health Officer for statistical purposes and to exclude from the reports any identifying information relating to a particular child; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, physical examinations of children are required in certain grades in school to determine if a child has scoliosis, any visual or auditory problem or any gross physical defect. (NRS 392.420) ~~[Section 1 of this]~~ **This** bill **adds an additional physical examination before the**

completion of the first year of enrollment in elementary school. This bill also requires ~~[such]~~ **the** examinations ~~[also]~~ to ~~[determine if a child has any abnormal growth or development. Section 1 also]~~ **include an examination of height and weight. This bill authorizes school districts to collaborate with qualified health care providers and students enrolled in health care programs in postsecondary educational institutions to assist in the physical examinations. This bill** requires school nurses to report the aggregate results of such physical examinations to the State Health Officer for statistical purposes and to exclude from the reports any identifying information relating to a particular child.

Section 2 of this bill makes an appropriation of $75,000 to the Health Division of the Department of Health and Human Services for contracting with the Nevada Public Health Foundation to convene at least two statewide meetings with representatives of all health authorities and local health officers in this State to identify the health-related issues, needs and priorities of children in this State, and to provide a written report to the Legislative Committee on Health Care concerning the findings and recommendations resulting from those meetings.

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

Section 1. NRS 392.420 is hereby amended to read as follows:

392.420 1. In each school at which he is responsible for providing nursing services, a school nurse shall plan for and carry out, or supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district to ***conduct examinations of height and weight and to*** determine whether the child has scoliosis, any visual or auditory problem, ~~[any abnormal growth or development]~~ or any gross physical defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems ~~[,]~~ ***and to conduct examinations of height and weight*** ~~[, in]~~ ***:***

(1) Before the completion of the first year of initial enrollment in elementary school;

(2) In addition to subparagraph (1), in at least two grades of the elementary schools ~~[,]~~ ***; and***

(3) In at least one grade of the middle or junior high schools ~~[,]~~ and ***in at least*** one grade of the high schools; and

(b) For scoliosis, in at least one grade of schools below the high schools.

➥ Any person other than a school nurse who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

2. If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination,

he must be included in the current schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.

3. A special examination for a possible visual or auditory problem must be provided for any child who:

(a) Is enrolled in a special program;

(b) Is repeating a grade;

(c) Has failed an examination for a visual or auditory problem during the previous school year; or

(d) Shows in any other way that he may have such a problem.

4. The school authorities shall notify the parents or guardian of any child who is found or believed to have ~~[a]~~ ***scoliosis, any*** visual or auditory problem, ~~[scoliosis]~~ ~~[any abnormal growth or development]~~ or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it.

5. In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used to meet the responsibilities assigned under the provisions of this section. The board of trustees of the school district may employ qualified personnel to perform them. Any nursing services provided by such qualified personnel must be performed in compliance with chapter 632 of NRS.

6. ***The board of trustees of a school district may collaborate with:***

(a) Qualified health care providers within the community to perform, or assist in the performance of, the services required by this section; and

(b) Postsecondary educational institutions for qualified students enrolled in such an institution in a health-related program to perform, or assist in the performance of, the services required by this section.

7. Any child must be exempted from the examination if his parents or guardian filed with the teacher a written statement objecting to the examination.

~~[7.]~~ ***8. Each school nurse shall report the results of the examinations conducted pursuant to this section in each school at which he is responsible for providing nursing services to the State Health Officer in the format prescribed by the State Health Officer. Each such report must include only aggregate information for statistical purposes and exclude any identifying information relating to a particular child. The State Health Officer shall compile all such aggregate information he receives to monitor the health status of children and shall retain the aggregate information.***

Sec. 2. 1. There is hereby appropriated from the State General Fund to the Health Division of the Department of Health and Human Services the sum of $75,000 for contracting with the Nevada Public Health Foundation to convene at least two statewide meetings with representatives of all health authorities and local health officers in this State to identify the health-related issues, needs and priorities of children in this State, and to provide a written

report to the Legislative Committee on Health Care concerning the findings and recommendations resulting from those meetings.

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

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

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 385.

Bill read second time.

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

Amendment No. 445.

AN ACT relating to the practice of medicine; authorizing the Board of Medical Examiners to issue special restricted licenses and establish fees for those licenses; regulating the performance of laser surgery, intense pulsed light therapy and the injection of cosmetic and chemotherapeutic substances; increasing certain penalties; revising the scope of practice authorized for a physician practicing under a special volunteer medical license; making physicians subject to discipline for incurring or failing to report any disciplinary action in another jurisdiction or failing to obtain the informed consent of a patient to any procedure or therapy; providing peer reviewers and employees and volunteers working in a diversion program of the Board with limited civil immunity; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and 16 of this bill extend to physician assistants certain duties and immunities applicable to other providers of health care. (NRS 41.505, 629.031)

Sections 3 and 12 of this bill authorize the Board of Medical Examiners to issue special restricted licenses to graduates of foreign medical schools who wish to engage in research, teaching or the practice of clinical medicine in special medical programs.

~~[Section]~~ **Sections** 4 **and 15.5** of this bill ~~[requires]~~ **prohibit a person from performing a medical procedure in connection with laser surgery or intense pulsed light therapy unless the person is licensed as a physician, physician assistant, osteopathic physician or osteopathic**

physician's assistant. Sections 4 and 15.5 also require that laser surgery or intense pulsed light therapy on the globe of the eye be performed by a licensed physician **or osteopathic physician** who has completed a residency program in ophthalmology . ~~[, but authorizes other licensed health care workers to perform other medical services in connection with laser surgery and intense pulsed light therapy if the service is within the scope of their licenses.]~~

Section 5 of this bill prohibits a person, other than a physician, from injecting a patient with any cosmetic or chemotherapeutic substance unless the person is a licensed or certified health care worker, acting within the scope of his license or certificate and under the supervision of a physician.

Sections 8 and 9 of this bill increase the penalties for physicians who fail to provide written notice to the Board of changes in their status and location. (NRS 630.254, 630.255)

Section 10 of this bill expands the scope of practice authorized for a physician practicing under a special volunteer medical license to include the treatment of persons who are uninsured or unable to afford health care in addition to the treatment of persons who are indigent.

Sections 13 and 14 of this bill expand the acts for which the Board may initiate discipline or deny licensure to include: (1) any disciplinary action taken against a physician by another jurisdiction; (2) failing to report the disciplinary action; and (3) failing to obtain the informed consent of a patient before performing any procedure or prescribing any therapy. (NRS 630.301, 630.306)

Section 15 of this bill extends the Board's limited immunity from civil liability to the Board's peer reviewers and persons working in diversion programs. (NRS 630.364)

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

Section 1. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by specific statute:

1. "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, ***physician assistant,*** dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed marriage and family therapist, chiropractor, athletic trainer, doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist or a licensed hospital as the employer of any such person.

2. For the purposes of NRS 629.051, 629.061 and 629.065, the term includes a facility that maintains the health care records of patients.

Sec. 2. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. ***1. Except as otherwise provided in NRS 630.161, the Board may issue a special restricted license to practice medicine to a graduate of a***

foreign medical school who intends to teach, engage in research or practice clinical medicine in a special medical program that is approved by the Board and conducted by the University of Nevada School of Medicine or a medical research center that is recognized by the Board.

2. A person who applies for a special restricted license is not required to take or pass a written examination concerning his qualifications to practice medicine, but the person must satisfy the requirements for a special restricted license set forth in regulations adopted by the Board.

3. A person who holds a special restricted license may practice medicine in this State only in accordance with the terms and restrictions established by the Board.

4. A special restricted license expires automatically if the holder of the license ceases to practice medicine in the special medical program for which he received the license. The University of Nevada School of Medicine or medical research center that conducts the special medical program shall notify the Board within 10 days after the holder of the license ceases to practice medicine in the special medical program.

5. The Board may renew or modify a special restricted license unless the license expired automatically or was revoked by the Board.

6. The Board shall adopt regulations to carry out the provisions of this section.

Sec. 4. ***1. Except as otherwise provided in*** ~~[this section,]~~ ***section 15.5 of this act, a person*** ~~[who is licensed pursuant to this title to perform medical services may]~~ ***shall not perform a medical*** ~~[service]~~ ***procedure in connection with laser surgery or intense pulsed light therapy*** ~~[if the service is within the scope of his license.]~~ ***unless he holds a license issued pursuant to this chapter as a physician or physician assistant.***

2. Laser surgery or intense pulsed light therapy on the globe of the eye of a patient may be performed only by a licensed physician who has completed a program of progressive postgraduate education in ophthalmology as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education or the Council on Medical Education of the Canadian Medical Association.

Sec. 5. ***A person, other than a physician, shall not inject a patient with any cosmetic or chemotherapeutic substance unless:***

1. The person is licensed or certified to perform medical services pursuant to this title;

2. The administration of the injection is within the scope of the person's license or certificate; and

3. The person administers the injection under the supervision of a physician. The Board shall prescribe the requirements for supervision pursuant to this subsection.

Sec. 6. NRS 630.025 is hereby amended to read as follows:

630.025 "Supervising physician" means an active physician licensed ***and in good standing*** in the State of Nevada who ~~[employs and]~~ supervises a physician assistant.

Sec. 7. NRS 630.160 is hereby amended to read as follows:

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

2. Except as otherwise provided in NRS 630.1605, 630.161 and 630.258 to 630.265, inclusive, ***and section 3 of this act,*** a license may be issued to any person who:

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

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

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

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

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

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

(2) All parts of the Federation Licensing Examination;

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

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

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

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

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

(1) Has completed 36 months of progressive postgraduate:

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

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

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

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

Sec. 8. NRS 630.254 is hereby amended to read as follows:

630.254 1. Each licensee shall maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent. A licensee who changes his permanent mailing address shall notify the Board ***in writing*** of his new permanent mailing address within 30 days after the change. If a licensee fails to notify the Board ***in writing*** of a change in his permanent mailing address within 30 days after the change, the Board:

(a) Shall impose upon the licensee a fine not to exceed ~~[$100;]~~ ***$250;*** and

(b) May initiate disciplinary action against the licensee as provided pursuant to subsection 9 of NRS 630.306.

2. Any licensee who changes the location of his office in this State shall notify the Board ***in writing*** of the change before practicing at the new location.

3. Any licensee who closes his office in this State shall:

(a) Notify the Board ***in writing*** of this occurrence within 14 days after the closure; and

(b) For a period of 5 years thereafter keep the Board apprised ***in writing*** of the location of the medical records of his patients.

Sec. 9. NRS 630.255 is hereby amended to read as follows:

630.255 1. Any licensee who changes the location of his practice of medicine from this State to another state or country, has never engaged in the practice of medicine in this State after licensure or has ceased to engage in the practice of medicine in this State for 12 consecutive months may be placed on inactive status by order of the Board.

2. Each inactive registrant shall maintain a permanent mailing address with the Board to which all communications from the Board to the registrant must be sent. An inactive registrant who changes his permanent mailing address shall notify the Board ***in writing*** of his new permanent mailing address within 30 days after the change. If an inactive registrant fails to notify the Board ***in writing*** of a change in his permanent mailing address within 30 days after the change, the Board shall impose upon the registrant a fine not to exceed ~~[$100.]~~ ***$250.***

3. Before resuming the practice of medicine in this State, the inactive registrant must:

(a) Notify the Board of his intent to resume the practice of medicine in this State;

(b) File an affidavit with the Board describing his activities during the period of his inactive status;

(c) Complete the form for registration for active status;

(d) Pay the applicable fee for biennial registration; and

(e) Satisfy the Board of his competence to practice medicine.

4. If the Board determines that the conduct or competence of the registrant during the period of inactive status would have warranted denial of an application for a license to practice medicine in this State, the Board may refuse to place the registrant on active status.

Sec. 10. NRS 630.258 is hereby amended to read as follows:

630.258 1. A physician who is retired from active practice and who wishes to donate his expertise for the medical care and treatment of ~~[indigent]~~ persons in this State ***who are indigent, uninsured or unable to afford health care*** may obtain a special volunteer medical license by submitting an application to the Board pursuant to this section.

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

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

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

(c) Proof that the physician satisfies the requirements for licensure set forth in NRS 630.160 or the requirements for licensure by endorsement set forth in NRS 630.1605;

(d) Acknowledgment that the practice of the physician under the special volunteer medical license will be exclusively devoted to providing medical care to ~~[indigent]~~ persons in this State ~~[;]~~ ***who are indigent, uninsured or unable to afford health care;*** and

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

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

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

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer medical license; or

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

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

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

Sec. 11. NRS 630.265 is hereby amended to read as follows:

630.265 1. Except as otherwise provided in NRS 630.161, the Board may issue to a qualified applicant a limited license to practice medicine as a resident physician in a graduate program approved by the Accreditation Council for Graduate Medical Education if he is:

(a) A graduate of an accredited medical school in the United States or Canada; or

(b) A graduate of a foreign medical school and has received the standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that Commission that he passed the examination given by it.

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

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

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

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

Sec. 12. NRS 630.268 is hereby amended to read as follows:

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

For application for and issuance of a license to practice as a physician, including a license by endorsement $600

For application for and issuance of a temporary, locum tenens, limited, restricted, special ***, special restricted*** or special purpose license 400

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

2. In addition to the fees prescribed in subsection 1, the Board shall charge and collect necessary and reasonable fees for its other services.

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

Sec. 13. NRS 630.301 is hereby amended to read as follows:

630.301 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Conviction of a felony relating to the practice of medicine or the ability to practice medicine. A plea of nolo contendere is a conviction for the purposes of this subsection.

2. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, or 616D.350 to 616D.440, inclusive.

3. ~~[The]~~ ***Any disciplinary action, including, without limitation, the*** revocation, suspension, modification or limitation of ~~[the]~~ ***a*** license to practice any type of medicine ***, taken*** by ***another state, the Federal Government, a foreign country or*** any other jurisdiction or the surrender of the license or discontinuing the practice of medicine while under investigation by any licensing authority, a medical facility, a branch of the Armed Services of the United States, an insurance company, an agency of the Federal Government or an employer.

4. Malpractice, which may be evidenced by claims settled against a practitioner, but only if ~~[such]~~ ***the*** malpractice is established by a preponderance of the evidence.

5. The engaging by a practitioner in any sexual activity with a patient who is currently being treated by the practitioner.

6. Disruptive behavior with physicians, hospital personnel, patients, members of the families of patients or any other persons if the behavior interferes with patient care or has an adverse impact on the quality of care rendered to a patient.

7. The engaging in conduct that violates the trust of a patient and exploits the relationship between the physician and the patient for financial or other personal gain.

8. The failure to offer appropriate procedures or studies, to protest inappropriate denials by organizations for managed care, to provide necessary services or to refer a patient to an appropriate provider, when ~~[such a]~~ ***the*** failure occurs with the intent of positively influencing the financial well-being of the practitioner or an insurer.

9. The engaging in conduct that brings the medical profession into disrepute, including, without limitation, conduct that violates any provision of a code of ethics adopted by the Board by regulation based on a national code of ethics.

10. The engaging in sexual contact with the surrogate of a patient or other key persons related to a patient, including, without limitation, a spouse, parent or legal guardian, which exploits the relationship between the physician and the patient in a sexual manner.

11. Conviction of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any felony involving the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS; or

(g) Any offense involving moral turpitude.

Sec. 14. NRS 630.306 is hereby amended to read as follows:

630.306 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

2. Engaging in any conduct:

(a) Which is intended to deceive;

(b) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

(c) Which is in violation of a regulation adopted by the State Board of Pharmacy.

3. Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or to others except as authorized by law.

4. Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

5. Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he is not competent to perform.

6. Performing, without first obtaining the informed consent of the patient or his family, any procedure or prescribing any therapy ~~[, including, without limitation, a procedure or therapy]~~ which by the current standards of the practice of medicine ~~[are]~~ ***is*** experimental.

7. Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

8. Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

9. Failing to comply with the requirements of NRS 630.254.

10. Habitual intoxication from alcohol or dependency on controlled substances.

11. Failure by a licensee or applicant to report ~~[,]~~ ***in writing,*** within 30 days, ***any disciplinary action taken against him by another state, the Federal Government or a foreign country, including, without limitation,*** the revocation, suspension or surrender of his license to practice medicine in another jurisdiction.

12. Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

Sec. 15. NRS 630.364 is hereby amended to read as follows:

630.364 1. Any person or organization who furnishes information concerning an applicant for a license or a licensee in good faith and without malicious intent in accordance with the provisions of this chapter is immune from any civil action for furnishing that information.

2. The Board and any of its members and its staff, counsel, investigators, experts, ***peer reviewers,*** committees, panels, hearing officers and consultants ***and the employees or volunteers of a diversion program*** are immune from any civil liability for:

(a) Any decision or action taken in good faith and without malicious intent in response to information acquired by the Board.

(b) Disseminating information concerning an applicant for a license or a licensee to other boards or agencies of the State, the Attorney General, any hospitals, medical societies, insurers, employers, patients and their families or any law enforcement agency.

3. As used in this section, "diversion program" means a program approved by the Board to correct a licensee's alcohol or drug dependence or any other impairment.

Sec. 15.5. **Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in section 4 of this act, a person shall not perform a medical procedure in connection with laser surgery or intense pulsed light therapy unless he holds a license or certificate issued pursuant to this chapter as an osteopathic physician or osteopathic physician's assistant.

2. Laser surgery or intense pulsed light therapy on the globe of the eye of a patient may be performed only by a licensed osteopathic physician who has completed a program of progressive postgraduate education in ophthalmology as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education or the Council on Medical Education of the Canadian Medical Association.

Sec. 16. NRS 41.505 is hereby amended to read as follows:

41.505 1. Any physician ***, physician assistant*** or registered nurse who in good faith gives instruction or provides supervision to an emergency medical attendant ***, physician assistant*** or registered nurse, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in giving that instruction or providing that supervision. An emergency medical attendant, ***physician assistant,*** registered nurse or licensed practical nurse who obeys an instruction given by a physician, ***physician assistant,*** registered nurse or licensed practical nurse and thereby renders emergency care, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in rendering that emergency care.

2. Except as otherwise provided in subsection 3, any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state, who renders emergency care or assistance in an emergency, gratuitously and in good faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance or as a result of any failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person. This section does not excuse a physician ***, physician assistant*** or nurse from liability for damages resulting from his acts or omissions which occur in a licensed medical facility relative to any person with whom there is a preexisting relationship as a patient.

3. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who renders emergency obstetrical care or assistance to a pregnant woman during labor or the delivery of the child is not liable for any civil damages as a result of any act or omission by him in rendering that care or assistance if:

(a) The care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct;

(b) The person has not previously provided prenatal or obstetrical care to the woman; and

(c) The damages are reasonably related to or primarily caused by a lack of prenatal care received by the woman.

➥ A licensed medical facility in which ~~[such]~~ ***the*** care or assistance is rendered is not liable for any civil damages as a result of any act or omission by the person in rendering that care or assistance if that person is not liable for any civil damages pursuant to this subsection and the actions of the medical facility relating to the rendering of that care or assistance do not amount to gross negligence or reckless, willful or wanton conduct.

4. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who:

(a) Is retired or otherwise does not practice on a full-time basis; and

(b) Gratuitously and in good faith, renders medical care within the scope of his license to an indigent person,

➥ is not liable for any civil damages as a result of any act or omission by him, not amounting to gross negligence or reckless, willful or wanton conduct, in rendering that care.

5. Any person licensed to practice medicine under the provisions of chapter 630 or 633 of NRS or licensed to practice dentistry under the provisions of chapter 631 of NRS who renders care or assistance to a patient for a governmental entity or a nonprofit organization is not liable for any civil damages as a result of any act or omission by him in rendering that care or assistance if the care or assistance is rendered gratuitously, in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct.

6. As used in this section:

(a) ”Emergency medical attendant” means a person licensed as an attendant or certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to chapter 450B of NRS.

(b) ”Gratuitously” has the meaning ascribed to it in NRS 41.500.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 386.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 331.

SUMMARY—Requires the ~~[State Board of Education]~~ **Nevada Interscholastic Activities Association** to adopt regulations governing spirit squads. (BDR 34-1108)

AN ACT relating to interscholastic events; requiring the ~~[State Board of Education]~~ **Nevada Interscholastic Activities Association** to adopt regulations governing spirit squads; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires the State Board of Education to establish policies governing the supervision, management and control of public schools in Nevada and authorizes the Board to adopt regulations to carry out the powers and duties conferred upon the Board by law. (NRS 385.075, 385.080) In addition, existing]~~ **Existing** law authorizes the Nevada Interscholastic Activities Association to adopt regulations that are necessary to control, supervise and regulate all interscholastic events at public schools, charter schools, private schools and parochial schools in Nevada. (NRS 386.420-386.470) Pursuant to that authority, the Association has adopted regulations governing the activities of cheerleaders and other members of a spirit squad at those schools. (NAC 386.754-386.7548)

Section 1 of this bill requires the ~~[State Board of Education]~~ **Association** to adopt regulations setting forth the standards of safety for each event, competition or other activity engaged in by a spirit squad and the qualifications required for a person to become a coach of a spirit squad. ~~[Section 1 further requires the regulations adopted by the Board to comply substantially with the rules of the Spirit Association of the National Federation of State High School Associations relating to spirit squad safety and the qualifications to become a coach of a spirit squad. Section 2 of this bill ensures that those regulations apply equally to homeschooled children.]~~

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

Section 1. NRS 386.430 is hereby amended to read as follows:

386.430 1. The ~~[Except as otherwise provided in subsection 2, the]~~ Nevada Interscholastic Activities Association shall adopt rules and regulations in the manner provided for state agencies by chapter 233B of NRS ~~[,]~~ as may be necessary to carry out the provisions of NRS 386.420 to 386.470, inclusive. The regulations must include provisions governing the eligibility and participation of homeschooled children in interscholastic activities and events.

2. ***The*** ~~[State Board]~~ ***Nevada Interscholastic Activities Association shall adopt regulations setting forth:***

(a) The standards of safety for each event, competition or other activity engaged in by a spirit squad of a school that is a member of the Nevada Interscholastic Activities Association; and

(b) The qualifications required for a person to become a coach of a spirit squad.

3. The regulations adopted pursuant to subsection 2 must ~~[, to the greatest extent practicable, substantially]~~ **:**

(a) Substantially comply with the spirit rules of the ~~[Spirit Association of the]~~ ***National Federation of State High School Associations , or its successor organization*** ~~[relating to the standards and qualifications specified in subsection 2.]~~ **, *and the qualifications for coaching of the American Association of Cheerleading Coaches and Administrators, or its successor organization; and***

(b) Provide for the regulation of the activities of spirit squads as an athletic activity.

4. If the Nevada Interscholastic Activities Association intends to adopt, repeal or amend a policy, rule or regulation concerning or affecting homeschooled children , ~~[or if, pursuant to this section, the State Board intends to adopt, repeal or amend a regulation concerning or affecting those children,]~~ the Association ~~[or the State Board]~~ shall consult with the Northern Nevada Homeschool Advisory Council and the Southern Nevada Homeschool Advisory Council, or their successor organizations, to provide those Councils with a reasonable opportunity to submit data, opinions or arguments, orally or in writing, concerning the proposal or change. The Association ~~[or the State Board]~~ shall consider all written and oral submissions respecting the proposal or change before taking final action.

5. As used in this section, "spirit squad" means any team or other group of persons that is formed for the purpose of:

(a) Leading cheers or rallies to encourage support for a team that participates in a sport that is sanctioned by the Nevada Interscholastic Activities Association; or

(b) Participating in a competition against another team or other group of persons to determine the ability of each team or group of persons to engage in an activity specified in paragraph (a).

Sec. 2. ~~[NRS 386.462 is hereby amended to read as follows:~~

~~386.462 1. A homeschooled child must be allowed to participate in interscholastic activities and events in accordance with the regulations adopted by the Nevada Interscholastic Activities Association *and the State Board* pursuant to NRS 386.430.~~

~~2. The provisions of NRS 386.420 to 386.470, inclusive, and the regulations adopted pursuant thereto that apply to pupils enrolled in public schools who participate in interscholastic activities and events apply in the same manner to homeschooled children who participate in interscholastic activities and events, including, without limitation, provisions governing:~~

~~(a) Eligibility and qualifications for participation;~~

~~(b) Fees for participation;~~
~~(c) Insurance;~~
~~(d) Transportation;~~
~~(e) Requirements of physical examination;~~
~~(f) Responsibilities of participants;~~
~~(g) Schedules of events;~~
~~(h) Safety and welfare of participants;~~
~~(i) Eligibility for awards, trophies and medals;~~
~~(j) Conduct of behavior and performance of participants; and~~
~~(k) Disciplinary procedures.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 386.464 is hereby amended to read as follows:~~

~~386.464 A school district, public school or private school shall not prescribe any regulations, rules, policies, procedures or requirements governing the:~~

~~1. Eligibility of homeschooled children to participate in interscholastic activities and events pursuant to NRS 386.420 to 386.470, inclusive; or~~

~~2. Participation of homeschooled children in interscholastic activities and events pursuant to NRS 386.420 to 386.470, inclusive,~~

~~* that are more restrictive than the provisions governing eligibility and participation prescribed by the Nevada Interscholastic Activities Association *or the State Board* pursuant to NRS 386.430.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[Any regulation adopted by the Nevada Interscholastic Activities Association which sets forth the standards of safety for each event, competition or other activity engaged in by a spirit squad of a school that is a member of the Nevada Interscholastic Activities Association or the qualifications required for a person to become a coach of a spirit squad remains in effect until:~~

~~1. The State Board of Education adopts the regulations required pursuant to NRS 386.430, as amended by section 1 of this act; and~~

~~2. Those regulations become effective.]~~ **(Deleted by amendment.)**

Sec. 5. This act becomes effective on July 1, 2007.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 391.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 332.

SUMMARY—~~[Makes]~~ **Revises provisions governing the** decisions of the Nevada Interscholastic Activities Association and certain of its designees . ~~[final and binding.]~~ (BDR 34-79)

AN ACT relating to education; ~~[making]~~ **providing that the** decisions of the Nevada Interscholastic Activities Association and certain of its designees ~~[final and not subject to judicial review;]~~ **must not be stayed by a court**

pending the court's final judgment on the matter; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the county school districts to form the Nevada Interscholastic Activities Association, which controls, supervises and regulates all interscholastic athletic and other events in the public schools. (NRS 386.420-386.470) Under existing law, the Association is required to adopt rules and regulations to carry out its responsibilities, including, without limitation, an adequate process for reviewing and determining disputes. (NRS 386.430, 386.440) This bill provides that a decision of the Association or a designee of the Association that is authorized to make final decisions on disputes ~~[is final and not subject to judicial review.]~~ **must not be stayed by a court pending the court's final judgment on the matter.**

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

Section 1. NRS 386.440 is hereby amended to read as follows:

386.440 ***1.*** The rules and regulations of the Nevada Interscholastic Activities Association adopted pursuant to NRS 386.430 must provide for adequate review procedures to determine and review disputes arising in regard to the Association's decisions and activities.

2. A decision of the Nevada Interscholastic Activities Association or a decision of a person designated by the Association to review and make final decisions on disputes on behalf of the Association pursuant to the rules and regulations adopted pursuant to NRS 386.430 ~~[is final and not subject to judicial review.]~~ ***must not be stayed by a court pending the court's final judgment on the matter.***

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

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 406.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 270.

AN ACT relating to marriage; requiring the board of county commissioners of certain counties to designate a branch office of the county clerk at which marriage licenses may be issued and to establish and maintain that branch office in certain incorporated cities; ~~[revising the requirements to obtain a marriage license;]~~ revising provisions governing the content of ~~[marriage licenses and]~~ marriage certificates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires persons who wish to marry to obtain a license from the county clerk of any county in the State. This license must be issued at the seat of the county, unless the board of county commissioners, at the request of the county clerk, has designated a branch office of the county clerk at which marriage licenses may be issued. (NRS 122.040) Section 2 of this bill requires the board of county commissioners of a county whose population is 400,000 or more (currently Clark County) to designate one branch office of the county clerk at which marriage licenses may be issued and to establish and maintain that branch office in an incorporated city whose population is 150,000 or more and less than 400,000 (currently Henderson).

~~[Existing law provides that, before issuing a marriage license, the county clerk may require the applicant to produce evidence that the applicant is of age. (NRS 122.040) Section 2 of this bill requires each applicant for a marriage license to provide proof of the applicant's full legal name and age by presenting certain documents to the county clerk.~~

~~Existing law requires an applicant for a marriage license to answer under oath each question contained in the form of license and to include his social security number on the affidavit of application for the marriage license. (NRS 122.040) Section 2 of this bill requires both applicants for a marriage license to satisfy these requirements, unless a district court finds that extraordinary circumstances prevent one applicant from appearing before the county clerk and authorizes the county clerk to issue the license if one applicant satisfies these requirements.]~~

Existing law provides for the content of ~~[marriage licenses and]~~ marriage certificates. (NRS ~~[122.050,]~~ 122.120) ~~[Section 3 of this bill requires a marriage license to include the full legal name of each applicant.]~~ Section 4 of this bill requires a marriage certificate to include the ~~[full legal name and]~~ date of birth of each applicant.

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

Section 1. ~~[Chapter 122 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*As used in this chapter, "full legal name" means the first name, middle names or family names and last name of a natural person, without the use of nicknames.]~~ **(Deleted by amendment.)**

Sec. 2. NRS 122.040 is hereby amended to read as follows:

122.040 1. Before persons may be joined in marriage, a license must be obtained for that purpose from the county clerk of any county in the State. Except as otherwise provided in this subsection, the license must be issued at the county seat of that county. The board of county commissioners:

(a) In a county whose population is 400,000 or more ~~[may,]~~ ***:***

(1) Shall designate one branch office of the county clerk at which marriage licenses may be issued and shall establish and maintain the

designated branch office in an incorporated city whose population is 150,000 or more and less than 400,000; and

(2) May, in addition to the branch office described in subparagraph (1), at the request of the county clerk, designate two branch offices of the county clerk at which marriage licenses may be issued, if the designated branch offices are located outside of the county seat.

(b) In a county whose population is less than 400,000 may, at the request of the county clerk, designate one branch office of the county clerk at which marriage licenses may be issued, if the designated branch office is established in a county office building which is located outside of the county seat.

2. Before issuing a marriage license, the county clerk may require evidence that the applicant for the license is of age. The county clerk shall accept a statement under oath by the applicant and the applicant's parent, if available, that the applicant is of age. ~~[shall require each applicant to provide proof of the applicant's full legal name and age by displaying an original or certified copy of at least one of the following:~~

~~(a) A valid driver's license, instruction permit or identification card issued by this State or another state, the District of Columbia or any territory of the United States.~~

~~(b) A valid passport.~~

~~(c) A birth certificate and a valid form of identification that contains a photograph of the applicant. If the birth certificate is written in a language other than English, the applicant must provide a copy of the birth certificate which is translated into English and notarized.~~

~~(d) A valid military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States.~~

~~(e) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the Bureau of Citizenship and Immigration Services.]~~

3. The ~~[Except as otherwise provided by subsection 4, the]~~ county clerk issuing the license shall require the ~~[each]~~ applicant to answer under oath each of the questions contained in the form of license ~~[.]~~ ~~[,]~~ and, if the applicant cannot answer positively any questions with reference to the other person named in the license, the clerk shall require both persons named in the license to appear before him and to answer, under oath, the questions contained in the form of license. The county clerk shall require the ~~[each]~~ applicant to include his ~~[the applicant's]~~ social security number and the social security number of the other person named in the license on the affidavit of application for the marriage license. If either ~~[a]~~ person does not have a social security number, the person responding to the question must state that fact. The county clerk shall not require any evidence to verify a social security number. If any of the information required is unknown to the person ~~[,]~~ responding to the question, he ~~[the person]~~ must state that the answer is unknown.

4. ~~[Upon finding that extraordinary circumstances exist which result in only one applicant being able to appear before the county clerk, the district court may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk. If the district court waives the requirements of subsection 3, the district court shall notify the county clerk in writing and the county clerk shall require the applicant who is able to appear before the county clerk to do the following:~~

~~(a) Answer under oath each of the questions contained in the form of the license. The applicant shall answer any questions with reference to the other person named in the license.~~

~~(b) Include the applicant's social security number and the social security number of the other person named in the license on the affidavit of application for the marriage license. If either person does not have a social security number, the person responding to the question must state that fact. The county clerk shall not require any evidence to verify a social security number.~~

~~➥ If any of the information required on the application is unknown to the person responding to the question, the person must state that the answer is unknown.~~

~~5.]~~ If any of the persons intending to marry are under age and have not been previously married, and if the authorization of a district court is not required, the clerk shall issue the license if the consent of the parent or guardian is:

(a) Personally given before the clerk;

(b) Certified under the hand of the parent or guardian, attested by two witnesses, one of whom must appear before the clerk and make oath that he saw the parent or guardian subscribe his name to the annexed certificate, or heard him or her acknowledge it; or

(c) In writing, subscribed to and acknowledged before a person authorized by law to administer oaths. A facsimile of the acknowledged writing must be accepted if the original is not available.

5. ~~[6.]~~ If the authorization of a district court is required, the county clerk shall issue the license if that authorization is given to him in writing.

6. ~~[7.]~~ All records pertaining to marriage licenses are public records and open to inspection pursuant to the provisions of NRS 239.010.

7. ~~[8.]~~ A marriage license issued on or after July 1, 1987, expires 1 year after its date of issuance.

Sec. 3. ~~[NRS 122.050 is hereby amended to read as follows:~~

~~122.050 The marriage license must *contain the full legal name of each applicant and must* be substantially in the following form:~~

~~MARRIAGE LICENSE~~

~~(EXPIRES 1 YEAR AFTER ISSUANCE)~~

~~State of Nevada }~~

~~}ss.~~

~~County of }~~

~~These presents are to authorize any minister who has obtained a certificate of permission, any Supreme Court justice or district judge within this State, or justice of the peace within a township wherein he is permitted to solemnize marriages or if authorized pursuant to subsection 3 of NRS 122.080, or a municipal judge if authorized pursuant to subsection 4 of NRS 122.080 or any commissioner of civil marriages or his deputy within a commissioner township wherein they are permitted to solemnize marriages, to join in marriage .... of (City, town or location) ...., State of .... State of birth (If not in U.S.A., name of country) ....; Date of birth .... Father's name .... Father's state of birth (If not in U.S.A., name of country) .... Mother's maiden name .... Mother's state of birth (If not in U.S.A., name of country) .... Number of this marriage (1st, 2nd, etc.) ... Wife deceased .... Divorced .... Annulled .... When .... Where .... And .... of (City, town or location) ...., State of .... State of birth (If not in U.S.A., name of country) ....; Date of birth .... Father's name .... Father's state of birth (If not in U.S.A., name of country) .... Mother's maiden name .... Mother's state of birth (If not in U.S.A., name of country) .... Number of this marriage (1st, 2nd, etc.) ... Husband deceased .... Divorced .... Annulled .... When .... Where ....; and to certify the marriage according to law.~~

~~Witness my hand and the seal of the county, this ... day of the month of ……. of the year .....~~

~~(Seal)~~ ~~Clerk~~

~~Deputy clerk]~~ **(Deleted by amendment.)**

Sec. 4. NRS 122.120 is hereby amended to read as follows:

122.120 1. After a marriage is solemnized, the person solemnizing the marriage shall give to each couple being married a certificate of marriage.

2. The certificate of marriage ***must contain*** ~~[the full legal name of each applicant and]~~ ***the date of birth of each applicant as contained in the form of marriage license pursuant to NRS 122.050. The certificate of marriage*** must be in substantially the following form:

STATE OF NEVADA
MARRIAGE CERTIFICATE

State of Nevada }
}ss.
County of .....

This is to certify that the undersigned, ... (a minister of the gospel, judge, justice of the peace of ..... County, commissioner of civil marriages or deputy commissioner of civil marriages, as the case may be), did on the ..... day of the month of ……. of the year ....., at ..... (address or church), ... (city), Nevada, join in lawful wedlock ..... (name), of ..... (city), State of ..... ***, Date of birth ....,*** and ..... (name), of

.....(city), State of ..... ***, Date of birth ....,*** with their mutual consent, in the presence of ..... and ..... (witnesses).

.....
Signature of person performing the marriage

(Seal of County Clerk)

.....
Name under signature typewritten or printed in black ink

.....
County Clerk

.....
Official title of person performing the marriage

Couple's mailing address

3. All information contained in the certificate of marriage must be typewritten or legibly printed in black ink, except the signatures. The signature of the person performing the marriage must be an original signature.

Sec. 5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of section 2 of this act.

Sec. 6. This act becomes effective on January 1, 2008.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 418.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 389.

AN ACT relating to unarmed combat; ~~[eliminating the Medical Advisory Board;]~~ removing references to wrestling in various statutes relating to unarmed combat; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 4 of this bill eliminates the Medical Advisory Board, which currently recommends standards for the physical and mental examination of contestants, recommends physicians for licensing, advises the Nevada Athletic Commission as to the physical or mental fitness of a contestant and submits reports containing recommendations for revisions in the law to protect the health of contestants. (NRS 467.018)]~~ Sections 1-3 of this bill remove references to wrestling that are contained in various statutes relating to unarmed combat.

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

Section 1. NRS 467.0107 is hereby amended to read as follows:

467.0107 "Unarmed combat" means boxing ~~[, wrestling]~~ or any form of competition in which a blow is usually struck which may reasonably be expected to inflict injury.

Sec. 2. NRS 467.108 is hereby amended to read as follows:

467.108 1. Except as otherwise provided in subsection 2, in addition to the payment of any other fees or taxes required by this chapter, a promoter shall pay to the Commission a fee of $1.00 for each ticket sold for admission to a live professional ~~[boxing or wrestling]~~ contest ~~[, match or exhibition]~~ ***of unarmed combat*** which is held in this State.

2. In lieu of the fee imposed pursuant to subsection 1, the Executive Director of the Commission may require a promoter to pay to the Commission a fee of $0.50 for each ticket sold for admission to a live professional ~~[boxing or wrestling]~~ contest ~~[, match or exhibition]~~ ***of unarmed combat*** which is held in this State if the gross receipts from admission fees to the contest ~~[, match or exhibition]~~ ***of unarmed combat*** are less than $500,000.

3. The money collected pursuant to subsections 1 and 2 must be used by the Commission to award grants to organizations which promote amateur ~~[boxing]~~ contests or exhibitions ***of unarmed combat*** in this State.

4. The Commission shall adopt by regulation ~~[the]~~ ***:***

(a) The manner in which ~~[~~**.**

~~(a) The]~~ ***the*** fees required by subsections 1 and 2 must be paid.

(b) ~~[Applications]~~ ***The manner in which applications*** for grants may be submitted to the Commission **.** ~~[and the]~~

(c) The standards to be used to award grants to organizations which promote amateur ~~[boxing]~~ contests or exhibitions ***of unarmed combat*** in this State.

Sec. 3. NRS 467.135 is hereby amended to read as follows:

467.135 1. The Commission, its Executive Director or any other employee authorized by the Commission may order the promoter to withhold any part of a purse or other money belonging or payable to any contestant, manager or second if, in the judgment of the Commission, Executive Director or other employee:

(a) The contestant is not competing honestly or to the best of his skill and ability or the contestant otherwise violates any regulations adopted by the Commission or any of the provisions of this chapter, including, but not limited to, the provisions of subsection 1 of NRS 467.110; or

(b) The manager or seconds violate any regulations adopted by the Commission or any of the provisions of this chapter, including, but not limited to, the provisions of subsection 1 of NRS 467.110.

2. ~~[This section does not apply to any contestant in a wrestling exhibition who appears not to be competing honestly or to the best of his skill and ability.~~

~~3.]~~ Upon the withholding of any part of a purse or other money pursuant to this section, the Commission shall immediately schedule a hearing on the matter, provide adequate notice to all interested parties and dispose of the matter as promptly as possible.

~~[4.]~~ ***3.*** If it is determined that a contestant, manager or second is not entitled to any part of his share of the purse or other money, the promoter shall pay the money over to the Commission. Subject to the provisions of subsection ~~[5,]~~ ***4,*** the money must be deposited with the State Treasurer for credit to the State General Fund.

~~[5.]~~ ***4.*** Money turned over to the Commission pending final action in any matter must be credited to the Athletic Commission's Agency Account and must remain in that Account until the Commission orders its disposition in accordance with the final action taken.

Sec. 4. ~~[NRS 467.0101, 467.012, 467.015 and 467.018 are hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 5. This act becomes effective on July 1, 2007.

~~[~~

~~LEADLINES OF REPEALED SECTIONS~~

~~467.0101 "Board" defined.~~

~~467.012 Creation; Chairman; terms.~~

~~467.015 Qualifications of members.~~

~~467.018 Duties.]~~

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 463.

Bill read second time.

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

Amendment No. 187.

AN ACT relating to land use planning; making various changes pertaining to residential establishments and group homes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Health Division of the Department of Health and Human Services is required to compile, maintain and disseminate a registry pertaining to each "residential establishment" that exists in this State. (NRS 278.021) Sections 2-7 of this bill: (1) require local governments to assist in obtaining such information; (2) expand the registry to include certain information likely to be helpful to agencies that provide police, fire-fighting,

rescue or emergency medical services; and (3) broaden the scope of the registry to apply not just to licensed residential establishments, but to any facility that provides similar services to four or more persons. Thus, facilities operating unlawfully as residential establishments are included in the registry, providing necessary information to licensing and law enforcement authorities.

Section 8 of this bill provides that if a county or city requires a certain approval or permit before a residential establishment may operate, the county or city must, before granting that approval or permit, ensure that the establishment, or its owner or operator, has secured the necessary certifications or licenses that are required by federal, state or local authorities. Section 8 also allows for conditional or provisional approval or permitting by a local government pending receipt by the establishment of the necessary certification or license.

Under existing law, the governing body of a county whose population is 100,000 or more (currently Clark and Washoe Counties), and the governing body of each city in such a county, is required to establish by ordinance a minimum distance between residential establishments that is at least 660 feet but not more than 1,500 feet. (NRS 278.021) **Section 9 of this bill changes the minimum distance prospectively to at least 1,500 feet but not more than 2,500 feet**. Section 10 of this bill provides that if a governing body fails to establish the minimum distance requirement by December 31, 2007, its ordinances will be conformed by operation of state law to a ~~[1,500-foot]~~ **2,500-foot** distance requirement.

WHEREAS, Residential establishments, commonly referred to as "group homes," include such facilities as halfway houses for recovering alcohol and drug abusers, homes for individual residential care, and residential facilities for groups; and

WHEREAS, Residential establishments serve an important purpose in the various communities of this State, allowing persons with special needs to receive assistance or care in a setting that may be more comfortable, less informal and less expensive than the setting of a more formal institution, such as a hospital; and

WHEREAS, Federal law, including the Fair Housing Act of 1968 and the Fair Housing Amendments Act of 1988, clearly prohibits discriminatory housing practices, including practices which have the effect of discriminating against persons with disabilities in regard to the availability of housing; and

WHEREAS, The statutes of this State already require, in large part, that residential establishments be treated as single-family residences for zoning purposes, and already require the Health Division of the Department of Health and Human Services to compile and maintain a registry of information relating to such establishments; and

WHEREAS, Ensuring that such information is accurate, current and disseminated to the pertinent authorities is of vital importance to several state and local governmental agencies, because: (1) persons who reside in

residential establishments may be more susceptible than other persons to become victims of mistreatment or unscrupulous behavior, including, without limitation, Medicaid fraud or Medicare fraud; (2) governmental agencies and officers who enforce health and safety standards must be notified of the location of residential establishments in order to protect adequately the persons who reside in those establishments; and (3) fire departments, law enforcement agencies and other first responders must be notified of the locations of residential establishments so that they may be prepared to address the special needs of the residents of those establishments in the event of a fire, medical crisis or other emergency; and

WHEREAS, In several communities throughout the State, the names ascribed to residential establishments may be different, and certain persons may attempt to operate on an informal or unlicensed basis facilities that are, in practical effect, residential establishments; now, therefore,

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

Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***As used in NRS 278.021 and sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Halfway house for recovering alcohol and drug abusers" has the meaning ascribed to it in NRS 449.008.***

Sec. 4. ***"Home for individual residential care" has the meaning ascribed to it in NRS 449.0105.***

Sec. 5. ***"Residential establishment" means a home for individual residential care in a county whose population is 100,000 or more, a halfway house for recovering alcohol and drug abusers or a residential facility for groups.***

Sec. 6. ***"Residential facility for groups" has the meaning ascribed to it in NRS 449.017.***

Sec. 7. ***1. Each political subdivision of the State of Nevada shall, within the limits of available money:***

(a) Conduct a reasonable investigation or survey to determine, insofar as is practicable, the following information regarding each group home that is located within the territorial limits of the political subdivision:

(1) The name of the owner of the group home;

(2) If the group home is leased or rented, the name of the lessee or renter;

(3) The name of the administrator of the group home, if any;

(4) The address of the group home;

(5) The phone number of the group home;

(6) If the group home is licensed, the number of clients for which the home is licensed; and

(7) If known, any information that may be helpful to agencies providing police, fire-fighting, rescue or emergency medical services with respect to persons residing in the group home who may need special assistance in the event of a fire, medical crisis or other emergency; and

(b) As often as is reasonably necessary, but not less frequently than once each calendar quarter, transmit the information to the Health Division.

2. If a political subdivision is not able to obtain all of the information described in subsection 1, it shall transmit to the Health Division such information as it is able to obtain.

3. Using the information transmitted by political subdivisions pursuant to subsection 1 and using any other resources at its disposal, the Health Division shall compile and maintain a registry of information relating to each group home that exists in this State. The Health Division shall make the information contained in the registry available to:

(a) Any agency of the State of Nevada or a political subdivision of this State that provides police, fire-fighting, rescue or emergency medical services;

(b) Any agency of the Federal Government, the State of Nevada or a political subdivision of this State that is involved in the investigation of acts of abuse, fraud or similar crimes; and

(c) Except as otherwise provided in this paragraph, the general public, through the use of the Internet website maintained by the Health Division. The Health Division shall not make available on its Internet website any personally identifying information relating to a resident of a group home.

4. Insofar as the Health Division is able to obtain the relevant information, the registry compiled and maintained by the Health Division must include, with respect to each group home that exists in this State:

(a) Each item of information described in paragraph (a) of subsection 1; and

(b) An entry indicating whether the group home is or is not formally licensed or certified as a residential establishment.

5. Any department or agency of the State of Nevada or a political subdivision of this State that becomes aware of the existence of a group home which is not included in the registry shall, within 30 days after obtaining such information, transmit the information to the Health Division as is necessary for inclusion in the registry.

6. As used in this section:

(a) "Group home" means:

(1) A residential establishment; and

(2) Any other home, facility or residence, whether or not it is licensed, whether it is operated formally or informally and by whatever name it may be known, that provides to four or more unrelated persons services similar to those provided by a residential establishment.

(b) "Health Division" means the Health Division of the Department of Health and Human Services.

(c) "Political subdivision" means a city or county.

Sec. 8. ***1. As a prerequisite to the approval or issuance of any rezoning, zone variance or special use permit that is necessary to operate a residential establishment, the governing body of a county or city shall ensure that the establishment or the owner or operator thereof has obtained any licenses or certifications that are required by federal, state or local authorities.***

2. Pending a residential establishment or the owner or operator thereof obtaining the required licenses and certifications, the governing body of a county or city or another entity designated to act on behalf of the governing body may conditionally or provisionally approve or issue any rezoning, zone variance or special use permit that is necessary to operate the establishment.

Sec. 9. NRS 278.021 is hereby amended to read as follows:

278.021 1. In any ordinance adopted by a city or county, the definition of "single-family residence" must include a:

(a) Residential facility for groups in which 10 or fewer unrelated persons with disabilities reside with:

(1) House parents or guardians who need not be related to any of the persons with disabilities; and

(2) If applicable, additional persons who are related to the house parents or guardians within the third degree of consanguinity or affinity.

(b) Home for individual residential care.

(c) Halfway house for recovering alcohol and drug abusers.

2. The provisions of subsection 1 do not prohibit a definition of "single-family residence" which permits more persons to reside in a residential facility for groups, nor does it prohibit regulation of homes which are operated on a commercial basis. For the purposes of this subsection, a residential facility for groups, a halfway house for recovering alcohol and drug abusers or a home for individual residential care shall not be deemed to be a home that is operated on a commercial basis for any purposes relating to building codes or zoning.

3. ~~[The Health Division of the Department of Health and Human Services shall compile and maintain a registry of information relating to each residential establishment that exists in this State and shall make available for access on the Internet or its successor, if any, the information contained in the registry. The registry must include with respect to each residential establishment:~~

~~(a) The name of the owner of the establishment;~~

~~(b) The name of the administrator of the establishment;~~

~~(c) The address of the establishment; and~~

~~(d) The number of clients for which the establishment is licensed.~~

~~➥ Any department or agency of a county or city that becomes aware of the existence of a residential establishment that is not included in the registry shall transmit such information to the Health Division, as is necessary, for inclusion in the registry within 30 days after obtaining the information.~~

~~4.~~] The governing body of a county whose population is 100,000 or more or the governing body of a city in such a county or any department or agency of the city or county shall approve the first application submitted on or after July 1, 2000, to operate a residential establishment within a particular neighborhood in the jurisdiction of the governing body. If a subsequent application is submitted to operate an additional residential establishment at a location that is within the minimum distance established by the governing body pursuant to this subsection from an existing residential establishment, the governing body shall review the application based on applicable zoning ordinances. The requirements of this subsection do not require the relocation or displacement of any residential establishment which existed before July 1, 2001, from its location on that date. The provisions of this subsection do not create or impose a presumption that the location of more than one residential establishment within the minimum distance of each other established by the governing body pursuant to this subsection is inappropriate under all circumstances with respect to the enforcement of zoning ordinances and regulations. For purposes of this subsection, each governing body shall establish by ordinance a minimum distance between residential establishments that is at least ~~[660]~~ ***1,500*** feet but not more than ~~[1,500]~~ ***2,500*** feet.

~~[5. The]~~

4. Except as otherwise provided in section 8 of this act, the governing body of a county or city shall not refuse to issue a special use permit to a residential establishment that meets local public health and safety standards.

~~[6.]~~ ***5.*** The provisions of this section must not be applied in any manner which would result in a loss of money from the Federal Government for programs relating to housing.

~~[7.]~~ ***6.*** As used in this section ~~[~~:

~~(a) "Halfway house for recovering alcohol and drug abusers" has the meaning ascribed to it in NRS 449.008.~~

~~(b) "Home for individual residential care" has the meaning ascribed to it in NRS 449.0105.~~

~~(c) "Person]~~ ***, "person*** with a disability" means a person:

~~[(1)]~~ ***(a)*** With a physical or mental impairment that substantially limits one or more of the major life activities of the person;

~~[(2)]~~ ***(b)*** With a record of such an impairment; or

~~[(3)]~~ ***(c)*** Who is regarded as having such an impairment.

~~[(d) "Residential establishment" means a home for individual residential care in a county whose population is 100,000 or more, a halfway house for recovering alcohol and drug abusers or a residential facility for groups.~~

~~(e) "Residential facility for groups" has the meaning ascribed to it in NRS 449.017.]~~

Sec. 10. 1. On or before December 31, 2007, the governing body of each county whose population is 100,000 or more, and the governing body of each city in such a county, shall establish by ordinance the minimum distance between residential establishments that is set forth in subsection 3 of NRS 278.021.

2. If a governing body fails to comply with the provisions of subsection 1 on or before December 31, 2007, on that date the ordinances of the governing body shall be deemed to establish by operation of law a minimum distance between residential establishments of ~~[1,500]~~ **2,500** feet.

3. As used in this section, "residential establishment" has the meaning ascribed to it in section 5 of this act.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 489.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 451.

AN ACT relating to motor vehicles; allowing a civil action to be filed against the owner or person in lawful possession of real property on which public parking is restricted in a certain manner for the improper towing of a vehicle; ~~[reducing]~~ **increasing** the time within which a court must hold a hearing relating to an improper towing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows an owner of an off-street parking facility to authorize the towing or removing of a vehicle from the facility in certain circumstances. (NRS 487.037) Existing law also allows the owner or person in lawful possession of any real property to have a vehicle that is parked in an unauthorized manner on the property towed if certain signs are posted and certain notices are given. (NRS 487.038) Finally, existing law allows a person whose car has been towed from private property, but not property where public parking is allowed, to bring a civil action against the person who authorized the towing to determine if the towing was lawful. (NRS 487.039)

This bill allows a person who believes his vehicle has been unlawfully towed from real property where public parking is allowed to file a civil action and for process to be served on the owner or person in lawful possession of the real property. This bill also ~~[reduces]~~ **increases** the time within which the court must hold a hearing on the matter of the propriety of

the towing from 7 **calendar** days to ~~[2]~~ **7** working days after the action is filed.

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

Section 1. NRS 487.039 is hereby amended to read as follows:

487.039 1. If a vehicle is towed ~~[from private property upon the request of the owner of the private property, or a person in lawful possession of that property,]~~ ***pursuant to NRS 487.037 or 487.038*** and the owner of the vehicle believes that the vehicle was unlawfully towed, the owner of the vehicle may file a civil action pursuant to paragraph (b) of subsection 1 of NRS 4.370 in the justice court of the township where the ~~[private]~~ property ***from which the vehicle was towed*** is located, on a form provided by the court, to determine whether the towing of the vehicle was lawful.

2. An action may be filed pursuant to this section only if the cost of towing and storing the vehicle does not exceed $10,000.

3. Upon the filing of a civil action pursuant to subsection 1, the court shall schedule a date for a hearing. The hearing must be held not later than 7 ~~[2]~~ ***working*** days after the action is filed. The court shall affix the date of the hearing to the form and order a copy served by the sheriff, constable or other process server upon the ***owner or*** person ***in lawful possession of the property*** who authorized the towing of the vehicle.

4. The court shall:

(a) If it determines that the vehicle was:

(1) Lawfully towed, order the owner of the vehicle to pay the cost of towing and storing the vehicle and order the person who is storing the vehicle to release the vehicle to the owner upon payment of that cost; or

(2) Unlawfully towed, order the ***owner or*** person ***in lawful possession of the property*** who authorized the towing to pay the cost of towing and storing the vehicle and order the person who is storing the vehicle to release the vehicle to the owner immediately; and

(b) Determine the actual cost incurred in towing and storing the vehicle.

5. The operator of any facility or other location where vehicles which are towed ~~[from private property]~~ are stored shall display conspicuously at that facility or location a sign which sets forth the provisions of this section.

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

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 498.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 191.

AN ACT relating to parentage; creating a conclusive presumption of paternity in certain circumstances; expanding the persons authorized to perform certain tests to determine paternity; **revising certain provisions concerning voluntary acknowledgments of paternity;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that if the results of a blood test or genetic test establish a probability of the alleged father's paternity of 99 percent or more, the results of such a test create a conclusive presumption of paternity ~~[.]~~ **except in certain limited circumstances.** (NRS 126.051)

Sections 4 and 12 of this bill amend existing law to provide that ~~[an employee of]~~ **a person designated by** the Division of Welfare and Supportive Services of the Department of Health and Human Services, the district attorney or the Attorney General is authorized to perform certain tests for the typing of blood or the taking of specimens for genetic identification in paternity cases. (NRS 126.121, 652.210)

Sections 2 and 7-11 of this bill amend existing law to provide that the mother and father of a child may sign a declaration under penalty of perjury, rather than an affidavit which requires the signature of a notary public, for the voluntary acknowledgment of paternity of a child. (NRS 126.053, 440.280, 440.283, 440.287, 440.325, 449.246)

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

Section 1. NRS 126.051 is hereby amended to read as follows:

126.051 1. A man is presumed to be the natural father of a child if:

(a) He and the child's natural mother are or have been married to each other and the child is born during the marriage, or within 285 days after the marriage is terminated by death, annulment, declaration of invalidity or divorce, or after a decree of separation is entered by a court.

(b) He and the child's natural mother were cohabiting for at least 6 months before the period of conception and continued to cohabit through the period of conception.

(c) Before the child's birth, he and the child's natural mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is invalid or could be declared invalid, and:

(1) If the attempted marriage could be declared invalid only by a court, the child is born during the attempted marriage, or within 285 days after its termination by death, annulment, declaration of invalidity or divorce; or

(2) If the attempted marriage is invalid without a court order, the child is born within 285 days after the termination of cohabitation.

(d) While the child is under the age of majority, he receives the child into his home and openly holds out the child as his natural child.

~~[(e) Blood]~~

2. A conclusive presumption that a man is the natural father of a child is established if tests ***for the typing of blood*** or tests for genetic identification made pursuant to NRS 126.121 show a probability of 99 percent or more that he is the father ~~[.]~~ ***except that the presumption may be rebutted if he establishes that he has an identical sibling who may be the father.***

~~[2.]~~ ***3.*** A presumption under ~~[this section]~~ ***subsection 1*** may be rebutted in an appropriate action only by clear and convincing evidence. If two or more presumptions arise which conflict with each other, the presumption which on the facts is founded on the weightier considerations of policy and logic controls. The presumption is rebutted by a court decree establishing paternity of the child by another man.

Sec. 2. **NRS 126.053 is hereby amended to read as follows:**

126.053 1. After the expiration of the period described in subsection 2, ~~[an affidavit]~~ ***a declaration*** for the voluntary acknowledgment of paternity developed by the State Board of Health pursuant to NRS 440.283 shall be deemed to have the same effect as a judgment or order of a court determining the existence of the relationship of parent and child if the ~~[affidavit]~~ ***declaration*** is signed in this or any other state by the mother and father of the child. ~~[An affidavit]~~ ***A declaration*** for the voluntary acknowledgment of paternity that is signed pursuant to this subsection is not required to be ratified by a court of this State before the ~~[affidavit]~~ ***declaration*** is deemed to have the same effect as a judgment or order of a court determining the existence of the relationship of parent and child.

2. A person who signs an acknowledgment of paternity in this State may rescind the acknowledgment:

(a) Within 60 days after the acknowledgment is signed by both persons; or

(b) Before the date on which an administrative or judicial proceeding relating to the child begins if that person is a party to the proceeding,

➥ whichever occurs earlier.

3. After the expiration of the period during which an acknowledgment may be rescinded pursuant to subsection 2, the acknowledgment may not be challenged except upon the grounds of fraud, duress or material mistake of fact. The burden of proof is on the person challenging the acknowledgment to establish that the acknowledgment was signed because of fraud, duress or material mistake of fact.

4. Except upon a showing of good cause, a person's obligation for the support of a child must not be suspended during a hearing to challenge a voluntary acknowledgment of paternity.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 126.101 is hereby amended to read as follows:

126.101 1. The child must be made a party to the action. If he is a minor, he must be represented by his general guardian or a guardian ad litem appointed by the court. The child's mother or father may not represent the child as guardian or otherwise. If a district attorney brings an action pursuant to NRS 125B.150 and the interests of the child:

(a) Are adequately represented by the appointment of the district attorney as his guardian ad litem, the district attorney shall act as guardian ad litem for the child without the need for court appointment.

(b) Are not adequately represented by the appointment of the district attorney as his guardian ad litem, the Division of Welfare and Supportive Services of the Department of Health and Human Services must be appointed as guardian ad litem in the case.

2. The natural mother and a man presumed to be the father under NRS 126.051 must be made parties, but if more than one man is presumed to be the natural father, only a man presumed pursuant to subsection 2 ***or 3*** of NRS 126.051 is an indispensable party. Any other presumed or alleged father may be made a party.

3. The court may align the parties.

~~[Sec. 3.]~~ ***Sec. 4.*** NRS 126.121 is hereby amended to read as follows:

126.121 1. The court may, and shall upon the motion of a party, order the mother, child, alleged father or any other person so involved to submit to one or more tests for the typing of blood or taking of specimens for genetic identification to be made by ~~[the employee of]~~ ***a person designated by an enforcing authority,*** qualified physicians or other qualified persons, under such restrictions and directions as the court or judge deems proper. Whenever such a test is ordered and made, the results of the test must be received in evidence and must be made available to a judge, master or referee conducting a hearing pursuant to NRS 126.111. Unless a party files a written objection to the result of a test at least 30 days before the hearing at which the result is to be received in evidence, the result is admissible as evidence of paternity without foundational testimony or other proof of authenticity or accuracy. The order for such a test also may direct that the testimony of the experts and of the persons so examined may be taken by deposition or written interrogatories.

2. If any party refuses to submit to or fails to appear for a test ordered pursuant to subsection 1, the court may presume that the result of the test would be adverse to the interests of that party or may enforce its order if the rights of others and the interests of justice so require.

3. The court, upon reasonable request by a party, shall order that independent tests for determining paternity be performed by other experts or qualified laboratories.

4. In all cases, the court shall determine the number and qualifications of the experts and laboratories.

5. As used in this section, "enforcing authority" means the Division of Welfare and Supportive Services of the Department of Health and Human Services, its designated representative, a district attorney or the Attorney General when acting pursuant to NRS 425.380.

~~[Sec. 4.]~~ ***Sec. 5.*** NRS 128.150 is hereby amended to read as follows:

128.150 1. If a mother relinquishes or proposes to relinquish for adoption a child who has:

(a) A presumed father ~~[under subsection 1 of]~~ ***pursuant to*** NRS 126.051;

(b) A father whose relationship to the child has been determined by a court; or

(c) A father as to whom the child is a legitimate child under chapter 126 of NRS, under prior law of this State or under the law of another jurisdiction,

➥ and the father has not consented to the adoption of the child or relinquished the child for adoption, a proceeding must be brought pursuant to this chapter and a determination made of whether a parent and child relationship exists and if so, if it should be terminated.

2. If a mother relinquishes or proposes to relinquish for adoption a child who does not have:

(a) A presumed father ~~[under subsection 1 of]~~ ***pursuant to*** NRS 126.051;

(b) A father whose relationship to the child has been determined by a court;

(c) A father as to whom the child is a legitimate child under chapter 126 of NRS, under prior law of this State or under the law of another jurisdiction; or

(d) A father who can be identified in any other way,

➥ or if a child otherwise becomes the subject of an adoption proceeding, the agency or person to whom the child has been or is to be relinquished, or the mother or the person having custody of the child, shall file a petition in the district court to terminate the parental rights of the father, unless the father's relationship to the child has been previously terminated or determined not to exist by a court.

3. In an effort to identify and protect the interests of the natural father, the court which is conducting a proceeding pursuant to this chapter shall cause inquiry to be made of the mother and any other appropriate person. The inquiry must include the following:

(a) Whether the mother was married at the time of conception of the child or at any time thereafter.

(b) Whether the mother was cohabiting with a man at the time of conception or birth of the child.

(c) Whether the mother has received support payments or promises of support with respect to the child or in connection with her pregnancy.

(d) Whether any man has formally or informally acknowledged or declared his possible paternity of the child.

4. If, after the inquiry, the natural father is identified to the satisfaction of the court, or if more than one man is identified as a possible father, each must be given notice of the proceeding in accordance with subsection 6 of this section or with this chapter, as applicable. If any of them fails to appear or, if appearing, fails to claim custodial rights, such failure constitutes abandonment of the child. If the natural father or a man representing himself to be the natural father, claims custodial rights, the court shall proceed to determine custodial rights.

5. If, after the inquiry, the court is unable to identify the natural father or any possible natural father and no person has appeared claiming to be the

natural father and claiming custodial rights, the court shall enter an order terminating the unknown natural father's parental rights with reference to the child. Subject to the disposition of any appeal, upon the expiration of 6 months after an order terminating parental rights is issued under this subsection, or this chapter, the order cannot be questioned by any person in any manner or upon any ground, including fraud, misrepresentation, failure to give any required notice or lack of jurisdiction of the parties or of the subject matter.

6. Notice of the proceeding must be given to every person identified as the natural father or a possible natural father in the manner provided by law and the Nevada Rules of Civil Procedure for the service of process in a civil action, or in any manner the court directs. Proof of giving the notice must be filed with the court before the petition is heard.

Sec. 6. **NRS 425.345 is hereby amended to read as follows:**

425.345 To the extent they are not inconsistent with the provisions of this chapter, the provisions of chapters 31A, 125B and 126 of NRS apply to ~~[a hearing held]~~ ***any action taken*** pursuant to the provisions of this chapter.

Sec. 7. **NRS 440.280 is hereby amended to read as follows:**

440.280 1. If a birth occurs in a hospital or the mother and child are immediately transported to a hospital, the person in charge of the hospital or his designated representative shall obtain the necessary information, prepare a birth certificate, secure the signatures required by the certificate and file it within 10 days with the health officer of the registration district where the birth occurred. The physician in attendance shall provide the medical information required by the certificate and certify to the fact of birth within 72 hours after the birth. If the physician does not certify to the fact of birth within the required 72 hours, the person in charge of the hospital or his designated representative shall complete and sign the certification.

2. If a birth occurs outside a hospital and the mother and child are not immediately transported to a hospital, the birth certificate must be prepared and filed by one of the following persons in the following order of priority:

(a) The physician in attendance at or immediately after the birth.

(b) Any other person in attendance at or immediately after the birth.

(c) The father, mother or, if the father is absent and the mother is incapacitated, the person in charge of the premises where the birth occurred.

3. If a birth occurs in a moving conveyance, the place of birth is the place where the child is removed from the conveyance.

4. In cities, the certificate of birth must be filed sooner than 10 days after the birth if so required by municipal ordinance or regulation.

5. If the mother was:

(a) Married at the time of birth, the name of her husband must be entered on the certificate as the father of the child unless:

(1) A court has issued an order establishing that a person other than the mother's husband is the father of the child; or

(2) The mother and a person other than the mother's husband have signed ~~[an affidavit]~~ ***a declaration*** for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283.

(b) Widowed at the time of birth but married at the time of conception, the name of her husband at the time of conception must be entered on the certificate as the father of the child unless:

(1) A court has issued an order establishing that a person other than the mother's husband at the time of conception is the father of the child; or

(2) The mother and a person other than the mother's husband at the time of conception have signed ~~[an affidavit]~~ ***a declaration*** for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283.

6. If the mother was unmarried at the time of birth, the name of the father may be entered on the original certificate of birth only if:

(a) The provisions of paragraph (b) of subsection 5 are applicable;

(b) A court has issued an order establishing that the person is the father of the child; or

(c) The mother and father of the child have signed ~~[an affidavit]~~ ***a declaration*** for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283. If both the father and mother execute ~~[an affidavit]~~ ***a declaration*** consenting to the use of the surname of the father as the surname of the child, the name of the father must be entered on the original certificate of birth and the surname of the father must be entered thereon as the surname of the child.

7. An order entered or ~~[an affidavit]~~ ***a declaration*** executed pursuant to subsection 6 must be submitted to the local health officer, his authorized representative, or the attending physician or midwife before a proper certificate of birth is forwarded to the State Registrar. The order or ~~[affidavit]~~ ***declaration*** must then be delivered to the State Registrar for filing. The State Registrar's file of orders and ~~[affidavits]~~ ***declarations*** must be sealed and the contents of the file may be examined only upon order of a court of competent jurisdiction or at the request of the father or mother or the Division of Welfare and Supportive Services of the Department of Health and Human Services as necessary to carry out the provisions of 42 U.S.C. § 654a. The local health officer shall complete the original certificate of birth in accordance with subsection 6 and other provisions of this chapter.

8. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

Sec. 8. **NRS 440.283 is hereby amended to read as follows:**

440.283 1. The Board shall:

(a) Develop ~~[an affidavit]~~ ***a declaration to be signed under penalty of perjury*** for the voluntary acknowledgment of paternity in this State that complies with the requirements prescribed by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 652(a); and

(b) Distribute the ~~[affidavits]~~ ***declarations*** to:

(1) Each hospital or obstetric center in this State; and

(2) Any other entity authorized to provide services relating to the voluntary acknowledgment of paternity pursuant to the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

2. Subject to the provisions of subsection 3, the State Registrar of Vital Statistics and the entities described in paragraph (b) of subsection 1 shall offer to provide services relating to the voluntary acknowledgment of paternity in the manner prescribed in the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

3. Before providing ~~[an affidavit]~~ ***a declaration*** for the acknowledgment of paternity to the mother of a child or a person who wishes to acknowledge the paternity of the child, the agencies described in paragraph (b) of subsection 1 shall ensure that the mother and the person who wishes to acknowledge paternity are given notice, orally and in writing, of the rights, responsibilities and legal consequences of, and the alternatives to, signing the ~~[affidavit]~~ ***declaration*** for the acknowledgment of paternity.

Sec. 9. **NRS 440.287 is hereby amended to read as follows:**

440.287 1. If a mother or a person who has signed ~~[an affidavit]~~ ***a declaration*** for the voluntary acknowledgment of paternity with the mother rescinds the acknowledgment pursuant to subsection 2 of NRS 126.053, the State Registrar shall not issue a new certificate of birth to remove the name of the person who originally acknowledged paternity unless a court issues an order establishing that the person who acknowledged paternity is not the father of the child.

2. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

Sec. 10. **NRS 440.325 is hereby amended to read as follows:**

440.325 1. In the case of the paternity of a child being established by the:

(a) Mother and father acknowledging paternity of a child by signing ~~[an affidavit]~~ ***a declaration*** for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283; or

(b) Order of a district court,

➥ the State Registrar, upon the receipt of the ~~[affidavit]~~ ***declaration*** or court order, shall prepare a new certificate of birth in the name of the child as shown in the ~~[affidavit]~~ ***declaration*** or order with no reference to the fact of legitimation.

2. The new certificate must be identical with the certificate registered for the birth of a child born in wedlock.

3. Except as otherwise provided in subsection 4, the evidence upon which the new certificate was made and the original certificate must be sealed and filed and may be opened only upon the order of a court of competent jurisdiction.

4. The State Registrar shall, upon the request of the Division of Welfare and Supportive Services of the Department of Health and Human Services, open a file that has been sealed pursuant to subsection 3 to allow the Division to compare the information contained in the ~~[affidavit]~~ ***declaration*** or order upon which the new certificate was made with the information maintained pursuant to 42 U.S.C. § 654a.

Sec. 11. **NRS 449.246 is hereby amended to read as follows:**

449.246 1. Before discharging an unmarried woman who has borne a child, a hospital or obstetric center shall provide to the child's mother and father:

(a) The opportunity to sign, in the hospital, ~~[an affidavit]~~ ***a declaration*** for the voluntary acknowledgment of paternity developed pursuant to NRS 440.283;

(b) Written materials about establishing paternity;

(c) The forms necessary to acknowledge paternity voluntarily;

(d) A written description of the rights and responsibilities of acknowledging paternity; and

(e) The opportunity to speak by telephone with personnel of the program for enforcement of child support who are trained to clarify information and answer questions about the establishment of paternity.

2. The Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services shall adopt the regulations necessary to ensure that the services provided by a hospital or obstetric center pursuant to this section are in compliance with the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

~~[Sec. 5.]~~ ***Sec. 12.*** NRS 652.210 is hereby amended to read as follows:

652.210 ~~[No]~~

1. Except as otherwise provided in subsection 2 and NRS 126.121, no person other than a licensed physician, a licensed optometrist, a licensed practical nurse, a registered nurse, a licensed physician assistant, a certified osteopathic physician's assistant, a certified intermediate emergency medical technician, a certified advanced emergency medical technician, a practitioner of respiratory care licensed pursuant to chapter 630 of NRS or a licensed dentist may manipulate a person for the collection of specimens **.** ~~[, except that]~~

2. The technical personnel of a laboratory may collect blood, remove stomach contents, perform certain diagnostic skin tests or field blood tests or collect material for smears and cultures.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 516.

Bill read second time.

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

Amendment No. 225.

AN ACT relating to elections; revising provisions governing the review of arguments advocating and opposing the approval of certain measures proposed by initiative or referendum; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides a procedure by which committees prepare arguments advocating and opposing the approval of certain measures proposed by initiative or referendum on the ballot at statewide and local elections. Under this procedure, the Secretary of State or county or city clerk, as applicable, is required to reject each statement contained in such arguments that he believes is libelous or factually inaccurate. The committee that prepared a rejected statement may appeal the rejection to the Attorney General concerning statewide measures or the district attorney or city attorney concerning local measures. The Attorney General, district attorney or city attorney, as applicable, is required to review the decision and determine whether the statement should be rejected or accepted, which determination is a final decision for the purposes of judicial review. (NRS 293.252, 295.121, 295.217) This bill eliminates the role of the Attorney General, district attorney and city attorney in the review of a decision to reject such a statement by the Secretary of State or county or city clerk, as applicable, and provides for the appeal of such a decision by a committee directly to district court.

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

Section 1. NRS 293.252 is hereby amended to read as follows:

293.252 1. For each constitutional amendment or statewide measure proposed by initiative or referendum to be placed on the ballot by the Secretary of State, the Secretary of State shall, pursuant to subsection 4, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative or referendum and the other committee must be composed of three persons who oppose approval by the voters of the initiative or referendum.

2. If the Secretary of State is unable to appoint three persons who are willing to serve on a committee, he may appoint fewer than three persons to that committee, but he must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of an initiative or referendum and the committee that opposes approval by the voters of that initiative or referendum.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the initiative or referendum.

4. The Secretary of State shall consider appointing to a committee pursuant to this section:

(a) Any person who has expressed an interest in serving on the committee; and

(b) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.

5. A committee appointed pursuant to this section:

(a) Shall elect a chairman for the committee;

(b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;

(c) May seek and consider comments from the general public;

(d) Shall, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative or referendum, prepare an argument either advocating or opposing approval by the voters of the initiative or referendum;

(e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section;

(f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):

(1) The fiscal impact of the initiative or referendum;

(2) The environmental impact of the initiative or referendum; and

(3) The impact of the initiative or referendum on the public health, safety and welfare; and

(g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the Secretary of State not later than the date prescribed by the Secretary of State pursuant to subsection 6.

6. The Secretary of State shall provide, by rule or regulation:

(a) The maximum permissible length of an argument and rebuttal prepared pursuant to this section; and

(b) The date by which an argument and rebuttal prepared pursuant to this section must be submitted by a committee to the Secretary of State.

7. Upon receipt of an argument or rebuttal prepared pursuant to this section, the Secretary of State:

(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative or referendum pertains; and

(b) Shall reject each statement in the argument or rebuttal that he believes is libelous or factually inaccurate.

➥ ***The decision of the Secretary of State to reject a statement pursuant to this subsection is a final decision for the purposes of judicial review.*** Not later than 5 days after the Secretary of State rejects a statement pursuant to

this subsection, the committee that prepared the statement may appeal that rejection ~~[to the Attorney General. The Attorney General shall review the statement and the reasons for its rejection and may receive evidence, documentary or testimonial, to aid him in his decision. Not later than 3 business days after the appeal by the committee, the Attorney General shall issue his decision rejecting or accepting the statement. The decision of the Attorney General is a final decision for the purposes of judicial review.]~~ ***by filing a complaint in the First Judicial District Court. The Court shall set the matter for hearing not later than*** ~~[30]~~ ***3 working days after the complaint is filed and shall give priority to such a complaint over all other matters pending before the court, except for criminal proceedings.***

8. The Secretary of State may revise the language submitted by a committee pursuant to this section so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect of the language without the consent of the committee.

Sec. 2. NRS 295.121 is hereby amended to read as follows:

295.121 1. In a county whose population is 40,000 or more, for each initiative, referendum or other question to be placed on the ballot by:

(a) The board, including, without limitation, pursuant to NRS 293.482, 295.115 or 295.160;

(b) The governing body of a school district, public library or water district authorized by law to submit questions to some or all of the qualified electors or registered voters of the county; or

(c) A metropolitan police committee on fiscal affairs authorized by law to submit questions to some or all of the qualified electors or registered voters of the county,

➥ the board shall, in consultation with the county clerk pursuant to subsection 5, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative, referendum or other question and the other committee must be composed of three persons who oppose approval by the voters of the initiative, referendum or other question.

2. If, after consulting with the county clerk pursuant to subsection 5, the board is unable to appoint three persons who are willing to serve on a committee, the board may appoint fewer than three persons to that committee, but the board must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of an initiative, referendum or other question and the committee that opposes approval by the voters of that initiative, referendum or other question.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the initiative, referendum or other question.

4. The county clerk may establish and maintain a list of the persons who have expressed an interest in serving on a committee appointed pursuant to this section. The county clerk, after exercising due diligence to locate persons who favor approval by the voters of an initiative, referendum or other question to be placed on the ballot or who oppose approval by the voters of an initiative, referendum or other question to be placed on the ballot, may use the names on a list established pursuant to this subsection to:

(a) Make recommendations pursuant to subsection 5; and

(b) Appoint members to a committee pursuant to subsection 6.

5. Before the board appoints a committee pursuant to this section, the county clerk shall:

(a) Recommend to the board persons to be appointed to the committee; and

(b) Consider recommending pursuant to paragraph (a):

(1) Any person who has expressed an interest in serving on the committee; and

(2) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.

6. If the board of a county whose population is 40,000 or more fails to appoint a committee as required pursuant to this section, the county clerk shall, in consultation with the district attorney, prepare an argument advocating approval by the voters of the initiative, referendum or other question and an argument opposing approval by the voters of the initiative, referendum or other question. Each argument prepared by the county clerk must satisfy the requirements of paragraph (f) of subsection 7 and any rules or regulations adopted by the county clerk pursuant to subsection 8. The county clerk shall not prepare the rebuttal of the arguments required pursuant to paragraph (e) of subsection 7.

7. A committee appointed pursuant to this section:

(a) Shall elect a chairman for the committee;

(b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;

(c) May seek and consider comments from the general public;

(d) Shall prepare an argument either advocating or opposing approval by the voters of the initiative, referendum or other question, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative, referendum or other question;

(e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section;

(f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):

(1) The fiscal impact of the initiative, referendum or other question;

(2) The environmental impact of the initiative, referendum or other question; and

(3) The impact of the initiative, referendum or other question on the public health, safety and welfare; and

(g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the county clerk not later than the date prescribed by the county clerk pursuant to subsection 8.

8. The county clerk of a county whose population is 40,000 or more shall provide, by rule or regulation:

(a) The maximum permissible length of an argument or rebuttal prepared pursuant to this section; and

(b) The date by which an argument or rebuttal prepared pursuant to this section must be submitted by the committee to the county clerk.

9. Upon receipt of an argument or rebuttal prepared pursuant to this section, the county clerk:

(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative, referendum or other question pertains; and

(b) Shall reject each statement in the argument or rebuttal that he believes is libelous or factually inaccurate.

➥ ***The decision of the county clerk to reject a statement pursuant to this subsection is a final decision for purposes of judicial review.*** Not later than 5 days after the county clerk rejects a statement pursuant to this subsection, the committee may appeal that rejection ~~[to the district attorney. The district attorney shall review the statement and the reasons for its rejection and may receive evidence, documentary or testimonial, to aid him in his decision. Not later than 3 business days after the appeal by the committee, the district attorney shall issue his decision rejecting or accepting the statement. The decision of the district attorney is a final decision for the purposes of judicial review. If the decision of the district attorney is challenged]~~ by filing a complaint in district court **.** ~~[, the]~~ ***The*** court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

10. The county clerk shall place in the sample ballot provided to the registered voters of the county each argument and rebuttal prepared pursuant to this section, containing all statements that were not rejected pursuant to subsection 9. The county clerk may revise the language submitted by the committee so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect without the consent of the committee.

11. In a county whose population is less than 40,000:

(a) The board may appoint committees pursuant to this section.

(b) If the board appoints committees pursuant to this section, the county clerk shall provide for rules or regulations pursuant to subsection 8.

12. Except as otherwise provided in this subsection, if a question is to be placed on the ballot by an entity described in paragraph (b) or (c) of subsection 1, the entity must provide a copy and explanation of the question to the county clerk at least 30 days earlier than the date required for the submission of such documents pursuant to subsection 1 of NRS 293.481. This subsection does not apply to a question if the date that the question must be submitted to the county clerk is governed by subsection 2 of NRS 293.481.

13. The provisions of chapter 241 of NRS do not apply to any consultations, deliberations, hearings or meetings conducted pursuant to this section.

Sec. 3. NRS 295.217 is hereby amended to read as follows:

295.217 1. In a city whose population is 10,000 or more, for each initiative, referendum or other question to be placed on the ballot by the:

(a) Council, including, without limitation, pursuant to NRS 293.482 or 295.215; or

(b) Governing body of a public library or water district authorized by law to submit questions to some or all of the qualified electors or registered voters of the city,

➥ the council shall, in consultation pursuant to subsection 5 with the city clerk or other city officer authorized to perform the duties of the city clerk, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative, referendum or other question and the other committee must be composed of three persons who oppose approval by the voters of the initiative, referendum or other question.

2. If, after consulting with the city clerk pursuant to subsection 5, the council is unable to appoint three persons willing to serve on a committee, the council may appoint fewer than three persons to that committee, but the council must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of an initiative, referendum or other question and the committee that opposes approval by the voters of that initiative, referendum or other question.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the initiative, referendum or other question.

4. The city clerk may establish and maintain a list of the persons who have expressed an interest in serving on a committee appointed pursuant to this section. The city clerk, after exercising due diligence to locate persons who favor approval by the voters of an initiative, referendum or other question to be placed on the ballot or who oppose approval by the voters of

an initiative, referendum or other question to be placed on the ballot, may use the names on a list established pursuant to this subsection to:

(a) Make recommendations pursuant to subsection 5; and

(b) Appoint members to a committee pursuant to subsection 6.

5. Before the council appoints a committee pursuant to this section, the city clerk shall:

(a) Recommend to the council persons to be appointed to the committee; and

(b) Consider recommending pursuant to paragraph (a):

(1) Any person who has expressed an interest in serving on the committee; and

(2) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.

6. If the council of a city whose population is 10,000 or more fails to appoint a committee as required pursuant to this section, the city clerk shall, in consultation with the city attorney, prepare an argument advocating approval by the voters of the initiative, referendum or other question and an argument opposing approval by the voters of the initiative, referendum or other question. Each argument prepared by the city clerk must satisfy the requirements of paragraph (f) of subsection 7 and any rules or regulations adopted by the city clerk pursuant to subsection 8. The city clerk shall not prepare the rebuttal of the arguments required pursuant to paragraph (e) of subsection 7.

7. A committee appointed pursuant to this section:

(a) Shall elect a chairman for the committee;

(b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;

(c) May seek and consider comments from the general public;

(d) Shall prepare an argument either advocating or opposing approval by the voters of the initiative, referendum or other question, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative, referendum or other question;

(e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section;

(f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):

(1) The fiscal impact of the initiative, referendum or other question;

(2) The environmental impact of the initiative, referendum or other question; and

(3) The impact of the initiative, referendum or other question on the public health, safety and welfare; and

(g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the city clerk not later than the date prescribed by the city clerk pursuant to subsection 8.

8. The city clerk of a city whose population is 10,000 or more shall provide, by rule or regulation:

(a) The maximum permissible length of an argument or rebuttal prepared pursuant to this section; and

(b) The date by which an argument or rebuttal prepared pursuant to this section must be submitted by the committee to the city clerk.

9. Upon receipt of an argument or rebuttal prepared pursuant to this section, the city clerk:

(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative, referendum or other question pertains; and

(b) Shall reject each statement in the argument or rebuttal that he believes is libelous or factually inaccurate.

➥ ***The decision of the city clerk to reject a statement pursuant to this subsection is a final decision for purposes of judicial review.*** Not later than 5 days after the city clerk rejects a statement pursuant to this subsection, the committee may appeal that rejection ~~[to the city attorney or other city officer appointed to hear the appeal by the city council. The city attorney or other city officer appointed to hear the appeal shall review the statement and the reasons for its rejection and may receive evidence, documentary or testimonial, to aid him in his decision. Not later than 3 business days after the appeal by the committee, the city attorney or other city officer appointed to hear the appeal shall issue his decision rejecting or accepting the statement. The decision of the city attorney or other city officer appointed to hear the appeal is a final decision for the purposes of judicial review. If the decision of the city attorney or other city officer appointed to hear the appeal is challenged]~~ by filing a complaint in district court **.** ~~[, the]~~ ***The*** court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

10. The city clerk shall place in the sample ballot provided to the registered voters of the city each argument and rebuttal prepared pursuant to this section, containing all statements that were not rejected pursuant to subsection 9. The city clerk may revise the language submitted by the committee so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect without the consent of the committee.

11. In a city whose population is less than 10,000:

(a) The council may appoint committees pursuant to this section.

(b) If the council appoints committees pursuant to this section, the city clerk shall provide for rules or regulations pursuant to subsection 8.

12. If a question is to be placed on the ballot by an entity described in paragraph (b) of subsection 1, the entity must provide a copy and explanation of the question to the city clerk at least 30 days earlier than the date required for the submission of such documents pursuant to subsection 1 of

NRS 293.481. This subsection does not apply to a question if the date that the question must be submitted to the city clerk is governed by subsection 2 of NRS 293.481.

Assemblywoman Koivisto moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 519.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 295.

AN ACT relating to ~~[confidentiality;]~~ **judicial records;** prohibiting a district court from sealing a judicial public record except in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill prohibits a district court from sealing a judicial public record unless a preponderance of the evidence indicates the existence of certain factors. According to this bill, before a district court seals a judicial public record, the district court must hold a hearing, provide notice of the hearing to the parties and the public, and allow both the parties and the public to present evidence and written briefs at the hearing.

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

Section 1. Chapter 3 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ ***Except as otherwise provided by specific statute, a district court may*** ~~[not]~~ ***seal a judicial public record*** ~~[unless]~~ ***only if a preponderance of the evidence indicates that:***

(a) Sealing the judicial public record does not have the purpose or effect of concealing a public hazard or information concerning a public hazard;

(b) Sealing the judicial public record furthers a public interest;

(c) Dissemination of the information contained in the judicial public record will create a serious and imminent danger to the public interest;

(d) There is no other reasonable method of avoiding any prejudicial effect created by dissemination of the information;

(e) There is a substantial probability that sealing the judicial public record will be effective in protecting the public interest against the perceived danger; and

(f) It is reasonably necessary for the judicial public record to remain sealed for a period of time.

2. Before a district court may seal a judicial public record, the court must hold a hearing at a date and time established by the court. The court shall send a notice of the hearing by certified mail, return receipt

requested, to each party and shall post notice of the hearing at a place in the courthouse that is designated for the posting of notices.

3. At the hearing, the district court shall allow the parties and members of the public to present evidence and submit written briefs.

4. Any judicial public record that is sealed pursuant to this section must be unsealed at the earliest possible time after the circumstances necessitating the sealing no longer exist.

5. As used in this section:

(a) "Information concerning a public hazard" means any information concerning a public hazard that may be useful to members of the public in protecting themselves from substantial bodily harm or death which may result from the public hazard.

(b) "Judicial public record" means any writing, paper, report, study, map, photograph, book, card, tape recording or other material which is created, received, retained, maintained or filed by or with a district court and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data or any other material, regardless of form or characteristics. The term does not include information:

(1) Declared confidential by other law of this State.

(2) Required to be kept confidential by federal law.

(3) Containing a trade secret. As used in this subparagraph, "trade secret" has the meaning ascribed to it in NRS 600A.030.

(4) Containing confidential financial information obtained, upon request, from a person and which is not information that is filed with or received by a district court pursuant to other law of this State.

(5) Concerning research conducted under the auspices of an institution of higher education, including, without limitation:

(I) Information concerning any negotiations made with respect to the research; and

(II) Information received from another party involved in the research.

(6) Containing grade transcripts and license examination scores obtained as part of a licensure process.

(7) Containing medical records.

(8) Containing a photograph, video recording or audio recording of an autopsy.

(9) Containing a social security number.

(c) "Public hazard" means any instrumentality, device, procedure, product or condition of any instrumentality, device, procedure or product that has caused or is likely to cause substantial bodily harm or death.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 520.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 202.

AN ACT relating to children; requiring a person to meet with the enforcing authority before ~~[requesting]~~ a hearing **is held** relating to the enforcement of an order of support for a child or relating to paternity; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes a master to order a parent who is responsible for the support of a dependent child to participate in certain programs to eliminate barriers to employment. (NRS 425.382) Sections 5-9 of this bill require a person requesting a certain hearing relating to the enforcement of an order for the support of a child or paternity to meet with the enforcing authority before ~~[making the request.]~~ **the hearing may be held.** Specifically, section 5 addresses a hearing concerning the collection of arrearages in payments of child support (NRS 425.470), sections 6 and 7 address a hearing concerning the suspension of a driver's license of a person who failed to pay child support (NRS 425.510) and sections 8 and 9 address a hearing concerning the suspension of a professional, occupational or recreational license of a person who failed to pay child support or did not comply with certain processes relating to paternity or child support proceedings. (NRS 425.530)

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

Section 1. NRS 425.382 is hereby amended to read as follows:

425.382 1. Except as otherwise provided in NRS 425.346, the Chief may proceed pursuant to NRS 425.3822 to 425.3852, inclusive, after:

(a) Payment of public assistance by the Division; or

(b) Receipt of a request for services to carry out the Program.

2. Subject to approval by the district court, a master may:

(a) Take any action authorized pursuant to chapter 130 of NRS, including any of the actions described in subsection 2 of NRS 130.305.

(b) Except as otherwise provided in chapter 130 of NRS and NRS 425.346:

(1) Issue and enforce an order for the support of a dependent child, and modify or adjust such an order in accordance with NRS 125B.145;

(2) Require coverage for health care of a dependent child;

(3) Establish paternity;

(4) Order a responsible parent to comply with an order for the support of a dependent child, specifying the amount and the manner of compliance;

(5) Order the withholding of income;

(6) Determine the amount of any arrearages and specify a method of payment;

(7) Enforce orders by civil or criminal contempt, or both;

(8) Set aside property for satisfaction of an order for the support of a dependent child;

(9) Place liens and order execution on the property of the responsible parent;

(10) Order a responsible parent to keep the master informed of his current residential address, telephone number, employer, address of employment and telephone number at the place of employment;

(11) Issue a bench warrant for a responsible parent who has failed after proper notice to appear at a hearing ordered by the master and enter the bench warrant in any local and state computer system for criminal warrants;

(12) Order the responsible parent to seek appropriate employment by specified methods;

(13) ***Order the responsible parent to participate in a program intended to resolve issues that prevent the responsible parent from obtaining employment, including, without limitation, a program for the treatment of substance abuse or a program to address mental health issues;***

(14) Upon the request of the Division, require a responsible parent to:

(I) Pay any support owed in accordance with a plan approved by the Division; or

(II) Participate in such work activities, as that term is defined in 42 U.S.C. § 607(d), as the Division deems appropriate;

~~[(14)]~~ ***(15)*** Award reasonable attorney's fees and other fees and costs; and

~~[(15)]~~ ***(16)*** Grant any other available remedy.

Sec. 2. NRS 425.3824 is hereby amended to read as follows:

425.3824 1. The notice and finding of financial responsibility issued pursuant to NRS 425.3822 must include:

(a) The name of the person who has physical custody of the dependent child and the name of the child for whom support is to be paid.

(b) A statement of the monthly support for which the parent is responsible.

(c) A statement of the amount of arrearages sought, if any.

(d) A statement that the parent may be required to provide coverage for the health care of the dependent child when coverage is available to the parent at a reasonable cost.

(e) A statement of any requirements the Division will request pursuant to subparagraph ~~[(13)]~~ ***(14)*** of paragraph (b) of subsection 2 of NRS 425.382, regarding a plan for the payment of support by the parent or the participation of the parent in work activities.

(f) A statement that if the parent desires to discuss the amount of support or coverage for health care that the parent should be required to pay or provide, the parent may contact the office that sent the notice within 20 days after the date of receipt of service and request a conference for negotiation.

(g) A statement that if the parent objects to any part of the notice and finding of financial responsibility, the parent must send to the office that

issued the notice a written response within 20 days after the date of receipt of service that sets forth any objections and requests a hearing.

(h) A statement that if a response is received within the specified period, the parent is entitled to a hearing and that if a written response is not received within the specified period, the master may enter a recommendation for support of a dependent child in accordance with the notice and finding of financial responsibility.

(i) A statement that as soon as the recommendation is entered and approved by the court, the property of the parent is subject to an attachment or other procedure for collection, including, but not limited to, withholding of wages, garnishment, liens and execution on liens.

(j) A reference to NRS 425.382 to 425.3852, inclusive.

(k) A statement that the parent is responsible for notifying the office of any change of address or employment.

(l) A statement that if the parent has any questions, the parent may contact the office or consult an attorney.

(m) Such other information as the Chief finds appropriate.

2. The statement of the monthly support required pursuant to paragraph (b) of subsection 1 must be computed in accordance with NRS 125B.070.

3. After a conference for negotiation is held pursuant to paragraph (f) of subsection 1, if an agreement is not reached on the monthly support to be paid or the coverage to be provided, a hearing must be held pursuant to NRS 425.3832 and notice of the hearing must be sent to the parent by regular mail at his last known address or to the last known address of his attorney.

Sec. 3. NRS 425.3828 is hereby amended to read as follows:

425.3828 1. If a written response setting forth objections and requesting a hearing is received by the office issuing the notice and finding of financial responsibility within the specified period, a hearing must be held pursuant to NRS 425.3832 and notice of the hearing must be sent to the parent by regular mail.

2. If a written response and request for hearing is not received by the office issuing the notice and finding of financial responsibility within the specified period, the master may enter a recommendation for the support of a dependent child in accordance with the notice and shall:

(a) Include in that recommendation:

(1) If the paternity of the dependent child is established by the recommendation, a declaration of that fact.

(2) The amount of monthly support to be paid, including directions concerning the manner of payment.

(3) The amount of arrearages owed.

(4) Whether coverage for health care must be provided for the dependent child.

(5) Any requirements to be imposed pursuant to subparagraph ~~[(13)]~~ ***(14)*** of paragraph (b) of subsection 2 of NRS 425.382, regarding a plan for

the payment of support by the parent or the participation of the parent in work activities.

(6) The names of the parents or legal guardians of the child.

(7) The name of the person to whom, and the name and date of birth of the dependent child for whom support is to be paid.

(8) A statement that the property of the parent is subject to an attachment or other procedure for collection, including, but not limited to, withholding of wages, garnishment, liens and execution on liens.

(9) A statement that objections to the recommendation may be filed with the district court and served upon the other party within 10 days after receipt of the recommendation.

(b) Ensure that the social security numbers of the parents or legal guardians of the child and the person to whom support is to be paid are:

(1) Provided to the enforcing authority.

(2) Placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.

3. The parent must be sent a copy of the recommendation for the support of a dependent child by regular mail addressed to the last known address of the parent, or if applicable, the last known address of the attorney for the parent.

4. The recommendation for the support of a dependent child is final upon approval by the district court pursuant to NRS 425.3844. The Chief may take action to enforce and collect upon the order of the court approving the recommendation, including arrearages, from the date of the approval of the recommendation.

5. If a written response and request for hearing is not received by the office issuing the notice and finding of financial responsibility within the specified period, and the master enters a recommendation for the support of a dependent child, the court may grant relief from the recommendation on the grounds set forth in paragraph (b) of Rule 60 of the Nevada Rules of Civil Procedure.

Sec. 4. NRS 425.3836 is hereby amended to read as follows:

425.3836 1. After the issuance of an order for the support of a dependent child by a court, the Chief may issue a notice of intent to enforce the order. The notice must be served upon the responsible parent in the manner prescribed for service of summons in a civil action or mailed to the responsible parent by certified mail, restricted delivery, with return receipt requested.

2. The notice must include:

(a) The names of the person to whom support is to be paid and the dependent child for whom support is to be paid.

(b) The amount of monthly support the responsible parent is required to pay by the order for support.

(c) A statement of the arrearages owed pursuant to the order for support.

(d) A demand that the responsible parent make full payment to the enforcing authority within 14 days after the receipt or service of the notice.

(e) A statement that the responsible parent may be required to provide coverage for the health care of the dependent child when coverage is available to the parent at a reasonable cost.

(f) A statement of any requirements the Division will request pursuant to subparagraph ~~[(13)]~~ ***(14)*** of paragraph (b) of subsection 2 of NRS 425.382, regarding a plan for the payment of support by the responsible parent or the participation of the responsible parent in work activities.

(g) A statement that if the responsible parent objects to any part of the notice of intent to enforce the order, he must send to the office that issued the notice a written response within 14 days after the date of receipt of service that sets forth any objections and includes a request for a hearing.

(h) A statement that if full payment is not received within 14 days or a hearing has not been requested in the manner provided in paragraph (g), the Chief is entitled to enforce the order and that the property of the responsible parent is subject to an attachment or other procedure for collection, including, but not limited to, withholding of wages, garnishment, liens and execution on liens.

(i) A reference to NRS 425.382 to 425.3852, inclusive.

(j) A statement that the responsible parent is responsible for notifying the office of any change of address or employment.

(k) A statement that if the responsible parent has any questions, he may contact the appropriate office or consult an attorney.

(l) Such other information as the Chief finds appropriate.

3. If a written response setting forth objections and requesting a hearing is received within the specified period by the office issuing the notice of intent to enforce the order, a hearing must be held pursuant to NRS 425.3832 and notice of the hearing must be sent to the responsible parent by regular mail. If a written response and request for hearing is not received within the specified period by the office issuing the notice, the master may enter a recommendation for the support of a dependent child in accordance with the notice and shall include in that recommendation:

(a) The amount of monthly support to be enforced, including directions concerning the manner of payment.

(b) The amount of arrearages owed and the manner of payment.

(c) Whether coverage for health care must be provided for the dependent child.

(d) Any requirements to be imposed pursuant to subparagraph ~~[(13)]~~ ***(14)*** of paragraph (b) of subsection 2 of NRS 425.382, regarding a plan for the payment of support by the parent or the participation of the parent in work activities.

(e) A statement that the property of the parent is subject to an attachment or other procedure for collection, including, but not limited to, the withholding of wages, garnishment, liens and execution on liens.

4. After the district court approves the recommendation for the support of a dependent child, the recommendation is final. The Chief may take action to enforce and collect upon the order of the court approving the recommendation, including arrearages, from the date of the approval of the recommendation.

5. This section does not prevent the Chief from using other available remedies for the enforcement of an obligation for the support of a dependent child at any time.

6. The master may hold a hearing to enforce a recommendation for the support of a dependent child after the recommendation has been entered and approved by the district court. The master may enter a finding that the parent has not complied with the order of the court and may recommend to the district court that the parent be held in contempt of court. The finding and recommendation is effective upon review and approval of the district court.

Sec. 5. NRS 425.470 is hereby amended to read as follows:

425.470 1. The Chief shall send a notice by first-class mail to each responsible parent who is in arrears in any payment for the support of one or more children required pursuant to an order enforced by a court in this State. The notice must include a statement of the amount of the arrearage and the information prescribed in subsection 2.

2. If the responsible parent does not satisfy the arrearage within 20 days after he receives the notice required by subsection 1, the Chief may, to collect the arrearage owed:

(a) Require the responsible parent to pay monthly the amount he is required to pay pursuant to the order for support plus an additional amount to satisfy the arrearage; or

(b) Issue a notice of attachment to the financial institutions in which the assets of the responsible parent are held and attach and seize such assets as are necessary to satisfy the arrearage.

3. If the Chief proceeds to collect an arrearage pursuant to subsection 2, he shall notify the responsible parent of that fact in writing. The notice must be sent by first-class mail.

4. The Chief shall determine the amount of any additional payment required pursuant to paragraph (a) of subsection 2 based upon the amount of the arrearage owed by the responsible parent and his ability to pay.

5. A ~~[Except as otherwise provided in this subsection, a]~~ responsible parent against whom the Division proceeds pursuant to subsection 2 may, within 20 days after he receives the notice required pursuant to subsection 3, submit to the Chief a request for a hearing. ***Before a hearing may be*** ~~[requested,]~~ ***held, the responsible parent and a representative of the enforcing authority must meet*** ~~[within 20 days after the responsible parent receives the notice required pursuant to subsection 3]~~ ***and make a good faith effort to resolve the matter.***

6. If a hearing is requested within the period prescribed in ~~[pursuant to]~~ subsection 5 ~~[,]~~ ***and the responsible parent and the enforcing authority***

meet as required pursuant to subsection 5, the hearing must be held pursuant to NRS 425.3832 within 20 days after the Chief receives the request. The master shall notify the responsible parent of his recommendation or decision at the conclusion of the hearing or as soon thereafter as is practicable.

7. For the purposes of this section, a person shall be deemed to have received a notice 3 days after it is mailed, by first-class mail, postage prepaid, to that person at his last known address.

Sec. 6. NRS 425.510 is hereby amended to read as follows:

425.510 1. Each district attorney or other public agency collecting support for children shall send a notice by first-class mail to each person who:

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

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

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

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

(a) Comply with the subpoena or warrant;

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

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

➥ the district attorney or other public agency shall report the name of that person to the Department of Motor Vehicles.

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

4. If a person requests a hearing within the period prescribed in subsection 2 ~~[,]~~ ~~[after meeting]~~ ***and meets with the enforcing authority as required pursuant to subsection 3,*** a hearing must be held pursuant to NRS 425.3832. The master shall notify the person of his recommendation at the conclusion of the hearing or as soon thereafter as is practicable. If the master determines that the person has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child, he shall include in the notice the information set forth in subsection ~~[4.]~~ ***5.*** If the master determines that the person is in arrears in the payment for the support of one or more children, he shall include in the notice the information set forth in subsection ~~[5.]~~ ***6.***

~~[4.]~~ ***5.*** If the master determines that a person who requested a hearing pursuant to subsection 2 has not complied with a subpoena or warrant

relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child and the district court issues an order approving the recommendation of the master, the district attorney or other public agency shall report the name of that person to the Department.

~~[5.]~~ ***6.*** If the master determines that a person who requested a hearing pursuant to subsection 2 is in arrears in the payment for the support of one or more children, the master shall notify the person that if he does not immediately agree to enter into a plan for the repayment of the arrearages that is approved by the district attorney or other public agency, his driver's license and motorcycle driver's license may be subject to suspension. If the person does not agree to enter into such a plan and the district court issues an order approving the recommendation of the master, the district attorney or other public agency shall report the name of that person to the Department of Motor Vehicles.

~~[6.]~~ ***7.*** The district attorney or other public agency shall, within 5 days after the person who has failed to comply with a subpoena or warrant or is in arrears in the payment for the support of one or more children complies with the subpoena or warrant or satisfies the arrearage pursuant to NRS 425.560, notify the Department of Motor Vehicles that the person has complied with the subpoena or warrant or has satisfied the arrearage.

~~[7.]~~ ***8.*** For the purposes of this section, a person shall be deemed to have received a notice 3 days after it is mailed, by first-class mail, postage prepaid, to that person at his last known address.

Sec. 7. NRS 425.510 is hereby amended to read as follows:

425.510 1. Each district attorney or other public agency collecting support for children shall send a notice by first-class mail to each person who is in arrears in the payment for the support of one or more children. The notice must include the information set forth in subsection 2 and a statement of the amount of the arrearage.

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

(a) Satisfy the arrearage pursuant to subsection ~~[6,]~~ ***7;*** or

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

➥ the district attorney or other public agency shall report the name of that person to the Department of Motor Vehicles.

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

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

master determines that the person is in arrears in the payment for the support of one or more children, he shall include in the notice the information set forth in subsection ~~[4.]~~ ***5.***

~~[4.]~~ ***5.*** If the master determines that a person who requested a hearing pursuant to subsection 2 is in arrears in the payment for the support of one or more children, the master shall notify the person that if he does not immediately agree to enter into a plan for the repayment of the arrearages that is approved by the district attorney or other public agency, his driver's license and motorcycle driver's license may be subject to suspension. If the person does not agree to enter into such a plan and the district court issues an order approving the recommendation of the master, the district attorney or other public agency shall report the name of that person to the Department of Motor Vehicles.

~~[5.]~~ ***6.*** The district attorney or other public agency shall, within 5 days after the person who is in arrears in the payment for the support of one or more children satisfies the arrearage pursuant to subsection 6, notify the Department of Motor Vehicles that the person has satisfied the arrearage.

~~[6.]~~ ***7.*** For the purposes of this section:

(a) A person is in arrears in the payment for the support of one or more children if:

(1) He:

(I) Owes a total of more than $1,000 for the support of one or more children for which payment is past due; and

(II) Is delinquent for not less than 2 months in payments for the support of one or more children or any payments ordered by a court for arrearages in such payments; or

(2) He has failed to provide medical insurance for a child as required by a court order.

(b) A person who is in arrears in the payment for the support of one or more children may satisfy the arrearage by:

(1) Paying all of the past due payments;

(2) If he is unable to pay all past due payments:

(I) Paying the amounts of the overdue payments for the preceding 12 months which a court has determined are in arrears; or

(II) Entering into and complying with a plan for the repayment of the arrearages which is approved by the district attorney or other public agency enforcing the order; or

(3) If the arrearage is for a failure to provide and maintain medical insurance, providing proof that the child is covered under a policy, contract or plan of medical insurance.

(c) A person shall be deemed to have received a notice 3 days after it is mailed, by first-class mail, postage prepaid, to that person at his last known address.

Sec. 8. NRS 425.530 is hereby amended to read as follows:

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

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

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

➥ The notice must include the information set forth in subsections 2 and ~~[3]~~ ***4*** and a copy of the subpoena or warrant or a statement of the amount of the arrearage.

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

(a) Comply with the subpoena or warrant;

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

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

➥ the district attorney or other public agency shall request in writing that the master suspend all professional, occupational and recreational licenses, certificates and permits issued to that person.

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

4. If the master receives from a district attorney or other public agency a request to suspend the professional, occupational and recreational licenses, certificates and permits issued to a person, the master shall enter a recommendation determining whether the person:

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

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

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

~~[4.]~~ ***5.*** If a person requests a hearing within the period prescribed in subsection 2 ~~[,]~~ ~~[after meeting]~~ ***and meets with the enforcing authority as required in subsection 3,*** a hearing must be held pursuant to NRS 425.3832. The master shall notify the person of his recommendation at the conclusion of the hearing or as soon thereafter as is practicable.

Sec. 9. NRS 425.530 is hereby amended to read as follows:

425.530 1. Each district attorney or other public agency collecting support for children shall send a notice by certified mail, restricted delivery, with return receipt requested to each person who is issued a professional or occupational license, certificate or permit pursuant to title 54 of NRS and:

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

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

➥ The notice must include the information set forth in subsections 2 and ~~[3]~~ ***4*** and a copy of the subpoena or warrant or a statement of the amount of the arrearage.

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

(a) Comply with the subpoena or warrant;

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

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

➥ the district attorney or other public agency shall request in writing that the master suspend any professional or occupational license, certificate or permit issued pursuant to title 54 of NRS to that person.

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

4. If the master receives from a district attorney or other public agency a request to suspend any professional or occupational license, certificate or permit issued pursuant to title 54 of NRS to a person, the master shall enter a recommendation determining whether the person:

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

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

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

~~[4.]~~ ***5.*** If a person requests a hearing within the period prescribed in subsection 2 ~~[,]~~ ~~[after meeting]~~ ***and meets with the enforcing authority as required in subsection 3,*** a hearing must be held pursuant to NRS 425.3832. The master shall notify the person of his recommendation at the conclusion of the hearing or as soon thereafter as is practicable.

Sec. 10. 1. This section and sections 1 to 6, inclusive, and 8 of this act become effective on October 1, 2007.

2. Sections 6 and 8 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

3. Sections 7 and 9 of this act become effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

4. Section 9 of this act expires by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 533.

Bill read second time.

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

Amendment No. 207.

AN ACT relating to notaries public; **revising provisions pertaining to the training of notaries public;** revising provisions governing the notarization of the signature of a person unknown to the notary public; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Secretary of State is allowed to adopt regulations prescribing the procedure for the voluntary training of notaries public and is allowed to provide courses of study for the voluntary training of notaries public. (NRS 240.017, 240.018) Sections 1-4 of this bill provide that such training is mandatory for: (1) a person applying for appointment as a notary public for the first time; (2) a person renewing his appointment as a notary public, if his appointment has expired for a period greater than 1 year; and (3) a person renewing his appointment as a notary public, if he has been fined for failing to

comply with a statute or regulation of this State relating to notaries public during his immediately preceding period of appointment.

Under existing law, a notary public is guilty of a gross misdemeanor if he notarizes the signature of a person in his presence who is unknown to him unless the person provides documentary evidence of his identity. (NRS 240.155) Existing law also provides that a notarial officer has satisfactory evidence that a person is the person whose signature is on a document if, in pertinent part, the person is identified upon the oath and affirmation of a credible witness. (NRS 240.1655) A credible witness is a person who is known personally to the signer of the document and the notarial officer. (NRS 240.0025) ~~[This]~~ **Section 5 of this** bill resolves the conflict between those provisions by providing an additional exception to the criminal penalty which allows a notary public to notarize the signature of a person unknown to him who provides a credible witness.

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

Section 1. **NRS 240.010 is hereby amended to read as follows:**

240.010 1. The Secretary of State may appoint notaries public in this State.

2. The Secretary of State shall not appoint as a notary public a person:

(a) Who submits an application containing a substantial and material misstatement or omission of fact.

(b) Whose previous appointment as a notary public in this State has been revoked.

(c) Who has been convicted of a crime involving moral turpitude, if the Secretary of State is aware of such a conviction before he makes the appointment.

(d) Against whom a complaint that alleges a violation of a provision of this chapter is pending.

(e) Who has not submitted to the Secretary of State proof satisfactory to the Secretary of State that he has enrolled in and successfully completed a course of study provided pursuant to NRS 240.018.

3. A notary public may cancel his appointment by submitting a written notice to the Secretary of State.

4. It is unlawful for a person to:

(a) Represent himself as a notary public appointed pursuant to this section if he has not received a certificate of appointment from the Secretary of State pursuant to this chapter.

(b) Submit an application for appointment as a notary public that contains a substantial and material misstatement or omission of fact.

5. The Secretary of State may request that the Attorney General bring an action to enjoin any violation of paragraph (a) of subsection 4.

Sec. 2. NRS 240.017 is hereby amended to read as follows:

240.017 The Secretary of State:

1. May adopt regulations:

(a) Prescribing the procedure for the appointment and ~~[voluntary]~~ ***mandatory*** training of a notary public.

(b) Establishing procedures for the notarization of digital or electronic signatures.

2. Shall adopt regulations prescribing the form of each affidavit required pursuant to subsection 2 of NRS 240.030.

Sec. 3. **NRS 240.018 is hereby amended to read as follows:**

240.018 1. The Secretary of State may:

(a) Provide courses of study for the ~~[voluntary]~~ ***mandatory*** training of notaries public ***.*** ~~[at such times and for such duration as he determines appropriate; and]~~ ***Such courses of study must include at least 4 hours of instruction relating to the functions and duties of notaries public.***

(b) Charge a reasonable fee to each person who enrolls in a course of study for the ~~[voluntary]~~ ***mandatory*** training of notaries public.

2. A course of study provided pursuant to this section must comply with the regulations adopted pursuant to subsection 1 of NRS 240.017.

3. ***The following persons are required to enroll in and successfully complete a course of study provided pursuant to this section:***

(a) A person applying for appointment as a notary public for the first time.

(b) A person renewing his appointment as a notary public, if his appointment as a notary public has expired for a period greater than 1 year.

(c) A person renewing his appointment as a notary public, if during the immediately preceding 4 years he has been fined for failing to comply with a statute or regulation of this State relating to notaries public.

➥ A person who holds a current appointment as a notary public is not required to enroll in and successfully complete a course of study provided pursuant to this section if he is in compliance with all of the statutes and regulations of this State relating to notaries public.

4. The Secretary of State shall deposit the fees collected pursuant to paragraph (b) of subsection 1 in the Notary Public Training Fund which is hereby created as a special revenue fund in the State Treasury. The Fund must be administered by the Secretary of State. Any interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Any money remaining in the Fund at the end of a fiscal year does not revert to the State General Fund and the balance in the Fund must be carried forward. All claims against the Fund must be paid as other claims against the State are paid. The money in the Fund may be expended only to pay for expenses related to providing courses of study for the ~~[voluntary]~~ ***mandatory*** training of notaries public, including, without limitation, the rental of rooms and other facilities, advertising, travel and the printing and preparation of course materials.

Sec. 4. **NRS 240.030 is hereby amended to read as follows:**

240.030 1. Except as otherwise provided in subsection 4, each person applying for appointment as a notary public must:

(a) At the time he submits his application, pay to the Secretary of State $35.

(b) Take and subscribe to the oath set forth in Section 2 of Article 15 of the Constitution of the State of Nevada as if he were a public officer.

(c) ***Submit to the Secretary of State proof satisfactory to the Secretary of State that he has enrolled in and successfully completed a course of study provided pursuant to NRS 240.018.***

(d) Enter into a bond to the State of Nevada in the sum of $10,000, to be filed with the clerk of the county in which the applicant resides or, if the applicant is a resident of an adjoining state, with the clerk of the county in this State in which the applicant maintains a place of business or is employed. The applicant shall submit to the Secretary of State a certificate issued by the appropriate county clerk which indicates that the applicant filed the bond required pursuant to this paragraph.

2. In addition to the requirements set forth in subsection 1, an applicant for appointment as a notary public, including, without limitation, a court reporter, who resides in an adjoining state must submit to the Secretary of State with his application:

(a) An affidavit setting forth the adjoining state in which he resides, his mailing address and the address of his place of business or employment that is located within the State of Nevada; and

(b) Unless the applicant is self-employed, an affidavit from his employer setting forth the facts that show:

(1) The employer is licensed to do business in the State of Nevada; and

(2) The employer regularly employs the applicant at an office, business or facility which is located within the State of Nevada.

3. In completing an application, bond, oath or other document necessary to apply for appointment as a notary public, an applicant must not be required to disclose his residential address or telephone number on any such document which will become available to the public.

4. A court reporter who has received a certificate of registration pursuant to NRS 656.180 may apply for appointment as a notary public with limited powers. Such an applicant is not required to enter into a bond to obtain the limited power of a notary public to administer oaths or affirmations.

5. If required, the bond, together with the oath, must be filed and recorded in the office of the county clerk of the county in which the applicant resides when he applies for his appointment or, if the applicant is a resident of an adjoining state, with the clerk of the county in this State in which the applicant maintains a place of business or is employed. On a form provided by the Secretary of State, the county clerk shall immediately certify to the Secretary of State that the required bond and oath have been filed and recorded. Upon receipt of the application, fee and certification that the

required bond and oath have been filed and recorded, the Secretary of State shall issue a certificate of appointment as a notary public to the applicant.

6. Except as otherwise provided in subsection 7, the term of a notary public commences on the effective date of the bond required pursuant to paragraph ~~[(c)]~~ ***(d)*** of subsection 1. A notary public shall not perform a notarial act after the effective date of the bond unless he has been issued a certificate of appointment.

7. The term of a notary public with limited powers commences on the date set forth in his certificate of appointment.

8. Except as otherwise provided in this subsection, the Secretary of State shall charge a fee of $10 for each duplicate or amended certificate of appointment which is issued to a notary. If the notary public does not receive an original certificate of appointment, the Secretary of State shall provide a duplicate certificate of appointment without charge if the notary public requests such a duplicate within 60 days after the date on which the original certificate was issued.

~~[Section 1.]~~ ***Sec. 5.*** NRS 240.155 is hereby amended to read as follows:

240.155 1. A notary public who is appointed pursuant to this chapter shall not willfully notarize the signature of a person unless the person is in the presence of the notary public and:

(a) Is known to the notary public; or

(b) If unknown to the notary public, provides ***a credible witness or*** documentary evidence of identification to the notary public.

2. A person who:

(a) Violates the provisions of subsection 1; or

(b) Aids and abets a notary public to commit a violation of subsection 1,

➥ is guilty of a gross misdemeanor.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 558.

Bill read second time.

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

Amendment No. 208.

AN ACT relating to planning and zoning; authorizing governing bodies to reject certain land use applications if the applications are incomplete; requiring governing bodies to ~~[return incomplete applications to the applicants with a description of the additional information required under certain circumstances;]~~ **describe the additional information required to make such an application complete;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing bodies of cities and counties to regulate and restrict land use within their jurisdictions. (NRS 278.020) Section 1 of this bill authorizes governing bodies to reject land use applications if the applications are incomplete. Section 1 also requires governing bodies that have rejected applications that are incomplete to ~~[return each application to the applicant with a description of]~~ **: (1) describe to the applicant** the additional information required ~~[, if to do so is practicable.]~~ **; and (2) if requested by the applicant, explain why the additional information is necessary. Section 1 of this bill clarifies that its provisions apply only with respect to the review, acceptance or rejection of land use applications for the purpose of processing, and do not affect other substantive provisions of law.**

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

Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any application submitted to a governing body or its designee, which application concerns any matter relating to land use planning pursuant to NRS 278.010 to 278.630, inclusive, or any ordinance, resolution or regulation adopted pursuant thereto, may be rejected by the governing body or its designee if the application is incomplete.

2. The governing body or its designee shall, ~~[if practicable, return the incomplete application to the applicant with]~~ ***within 3 working days after receiving an application of the type described in subsection 1:***

(a) Review the application for completeness;

(b) Accept or reject the application; and

(c) If it rejects the application:

(1) Provide to the applicant a description of the additional information required ~~[.]~~ ***; and***

(2) If requested by the applicant, provide to the applicant an explanation of why the additional information is necessary.

3. The provisions of this section:

(a) Apply with respect to an application of the type described in subsection 1 only for the limited purposes of:

(1) Determining whether the application is sufficiently complete to be processed; and

(2) Accepting or rejecting the application on that basis; and

(b) Do not alter, limit or otherwise affect the operation of any statute or regulation of this State which prescribes standards, criteria or other requirements relating to the submission, acceptance, approval or rejection of such an application.

Sec. 2. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in

NRS 278.0105 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 559.

Bill read second time.

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

Amendment No. 206.

AN ACT relating to State Government; authorizing the Governor to designate a temporary replacement if the State Controller or the State Treasurer becomes temporarily incapacitated; **requiring certification by a licensed physician; defining "incapacity";** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if a vacancy occurs in the office of any state officer, the Governor is required to appoint a person to serve in that office until the next general election. (NRS 283.110) Existing law sets forth the events that cause a vacancy in office, including death and illness of a certain duration, but does not address the situation in which a state officer may be unable to perform the duties and functions of his office because of temporary incapacity. (NRS 283.040) This bill provides that if the Governor determines the State Controller or the State Treasurer suffers from illness or incapacity of indeterminate duration and that the illness or incapacity seriously interferes with or otherwise poses a critical and immediate danger to the financial operations of this State, the Governor may designate the Secretary of State or the Lieutenant Governor to perform the duties and functions of the State Controller or the State Treasurer, as applicable, for a limited period. **This bill prohibits such a designation unless a physician licensed under the laws of this State examines the State Controller or the State Treasurer, as applicable, and certifies that the officer suffers from such illness or incapacity.** This bill also authorizes the Office of the State Controller, in advance, to obtain and secure any necessary mechanical device that would be required by the Secretary of State or the Lieutenant Governor if designated to perform the duties and functions of the State Controller or the State Treasurer, as applicable, so that the designee may use a facsimile signature in place of his handwritten signature in performing such duties and functions.

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

Section 1. Chapter 283 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[If]~~ ***Except as otherwise provided in subsection 2, if the Governor determines that the State Controller or the State Treasurer suffers from illness or incapacity which:***

(a) Is likely to be of indeterminate or unknown duration;

(b) Does not constitute a vacancy in office as described in NRS 283.040; and

(c) Seriously interferes with or otherwise poses a critical and immediate danger to the financial operations of this State,

➥ the Governor may designate the Secretary of State or the Lieutenant Governor to perform such duties and functions of the State Controller or the State Treasurer, as applicable, as are necessary for the continuing financial operations of this State.

2. The Governor shall not make a designation pursuant to subsection 1 unless a physician licensed under the laws of this State certifies that he has examined the State Controller or the State Treasurer, as applicable, and has found such officer to suffer from illness or incapacity.

3. If the Governor makes a designation pursuant to subsection 1:

(a) The designation is effective until the earliest of the following events:

(1) The State Controller or the State Treasurer, as applicable, becomes capable of returning to the performance of his duties ~~[;]~~ ***, as certified by an examining physician licensed under the laws of this State;***

(2) The office of the State Controller or the State Treasurer, as applicable, is vacated by operation of law and a successor is appointed; or

(3) A successor is elected to replace the State Controller or the State Treasurer, as applicable, and has been qualified following the next general election.

(b) The officer designated to perform the duties and functions of the State Controller or the State Treasurer, as applicable, shall, for the effective duration of the designation, as described in paragraph (a), be deemed to be the State Controller or the State Treasurer, as applicable, to the extent necessary to carry out the duties and functions assigned by law to that office.

~~[3.]~~ ***4. The Office of the State Controller may obtain and secure in advance any necessary mechanical device that would be required by the Secretary of State or the Lieutenant Governor if designated pursuant to subsection 1 to perform the duties and functions of the State Controller or the State Treasurer, as applicable, so that the Secretary of State or the Lieutenant Governor may, as described in NRS 226.080 and 227.090 and for the purpose of performing such duties and functions, use a facsimile signature produced by way of such a mechanical device in place of his handwritten signature.***

5. As used in this section, "incapacity" means inability to perform the duties of office because of advanced age, or mental or physical disability.

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

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 563.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 333.

AN ACT relating to education; revising the requirements for the biennial budgetary request for the State Distributive School Account; revising provisions governing the distribution of certain grants; providing that a certain percentage in the ending fund balance of the general fund of a school district is not subject to negotiations; revising provisions governing the calculation of basic support to provide kindergarten for a full school day; making various appropriations for education and for educational personnel; repealing the provision requiring the purchase of retirement service for certain teachers and school psychologists; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1 of this bill requires the Superintendent of Public Instruction to prepare a compilation of certain information for inclusion in the biennial budgetary request for the State Distributive School Account.]~~

Existing law creates the Commission on Educational Excellence and provides for grants of money by the Commission from the Account for Programs of Innovation and the Prevention of Remediation. (NRS 385.3781-385.379) Section 2 of this bill revises the application process for a grant of money from the Account to provide that school districts and charter schools may submit an application and removes the submission of an application by an individual public school of a school district.

Section 3 of this bill prohibits a certain percentage of the ending fund balance in a school district's general fund from being used to: (1) settle negotiations or arbitrate disputes between the school district and an employee organization; and (2) raise salaries or increase benefits of employees.

Existing law requires the board of trustees of each school district to establish a kindergarten department in each elementary school in the school district. Certain exceptions apply to schools with fewer than 15 children applying for enrollment in kindergarten. (NRS 388.060) Existing law also provides money to the school districts for the operation of kindergarten through the State Distributive School Account in an amount that is calculated based upon six-tenths of each pupil enrolled in kindergarten. (NRS 387.1233) Sections 4 and 7 of this bill require the board of trustees of each school district to provide kindergarten for a full school day beginning with the 2008-2009 school year and amends the basic support calculation so that each pupil enrolled in kindergarten is counted in the same manner as pupils enrolled in grades 1 to 12, inclusive.

Sections 5 and 6 of this bill revise provisions governing the annual required expenditures of school districts. (NRS 387.206, 387.207)

Existing law requires the board of trustees of each school district to submit to the Superintendent of Public Instruction and to the Department of Taxation a written report of the annual budget of the school district. The Superintendent of Public Instruction is required to compile the reports of the annual budgets and submit the written compilation to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau. (NRS 387.303) Section 7 of this bill requires the Superintendent of Public Instruction to include certain information in the biennial budget request for the State Distributive School Account for submission to the Department of Administration based upon the annual budgets submitted by the school districts.

Section ~~[8]~~ **9** of this bill creates a Grant Fund for Incentives for Licensed Educational Personnel and requires the board of trustees of each school district to establish a program of incentive pay for licensed educational personnel.

Sections ~~[10-23]~~ **11-24** of this bill make various appropriations for education as follows: (1) inflationary costs of school districts; (2) books, supplies and equipment; (3) increasing salaries and associated benefits for teachers and licensed educational personnel; (4) health insurance for licensed educational personnel; (5) programs of incentive pay; (6) signing bonuses to licensed educational personnel and school nurses; (7) various student programs and career and technical education courses; (8) the provision of full-day kindergarten; and (9) professional development for teachers.

Under existing law, the board of trustees of a school district is required to purchase one-fifth of a year of retirement service for certain teachers and school psychologists. (NRS 391.165) Section ~~[25]~~ **26** of this bill repeals that section of NRS.

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

Section 1. ~~[Chapter 385 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Superintendent of Public Instruction shall compile information from each school district for use by the Department in preparing its biennial budgetary request for the State Distributive School Account. In compiling the request, the Superintendent shall take into account, without limitation:*~~

~~*(a) The projected enrollment of pupils for each school district and for the school districts as a whole;*~~

~~*(b) The projected costs of salaries and benefits for existing and newly hired teachers, and for other school district employees, including, without limitation, the cost of merit increases and the cost of living adjustments recommended by the Superintendent of Public Instruction;*~~

~~*(c) The projected costs of supplies, equipment, services, fuel and utilities based upon such published indexes, reports and research as the Superintendent of Public Instruction considers are credible and reliable regarding those costs to schools;*~~

~~*(d) The projected cost of existing and proposed educational programs, including, without limitation, enhancements to existing programs that are not included in the per pupil basic support guarantee; and*~~

~~*(e) The revenue that is anticipated to be available for the general operations of school districts other than money available from the State General Fund.*~~

~~*2. The compilation prepared pursuant to subsection 1 must be included with the biennial budgetary request for the State Distributive School Account prepared by the Department.*~~

~~*3. The compilation prepared pursuant to subsection 1 must be presented by the Superintendent of Public Instruction to such standing committees of the Legislature that the Superintendent determines appropriate for the purpose of developing educational programs and providing appropriations for those programs.*~~

~~*4. The compilation prepared pursuant to subsection 1 must be prepared in such a manner that allows for the direct comparison between the amount of the appropriations recommended in the Executive Budget for education and the amount of money which is necessary if the Legislature appropriated amounts sufficient to support the Department's entire request, including the compilation.]*~~ **(Deleted by amendment.)**

Sec. 2. NRS 385.3785 is hereby amended to read as follows:

385.3785 1. The Commission shall:

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

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

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

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

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

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

(c) Develop a concise application and simple procedures for the submission of applications by school districts and ~~[~~public schools, including, without limitation,~~]~~ charter schools ~~[,]~~ for participation in a program of educational excellence and for grants of money from the Account. Grants of money must be made for programs designed for the achievement of pupils

that are linked to the plan to improve the achievement of pupils or for innovative programs, or both. All school districts and ~~[public schools, including, without limitation,]~~ charter schools ~~[,]~~ are eligible to submit such an application, regardless of whether the school district or ***charter*** school has made adequate yearly progress or failed to make adequate yearly progress. A school district or ~~[public]~~ ***charter*** school selected for participation may be approved by the Commission for participation for a period not to exceed 2 years, but may reapply.

(d) Prescribe a long-range timeline for the review, approval and evaluation of applications received from school districts and ~~[public]~~ ***charter*** schools that desire to participate in the program.

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

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

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

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

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

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

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

(2) If applicable, the achievement of pupils enrolled in the school district as a whole, based upon measurable criteria identified in the plan to improve the achievement of pupils for the school district prepared pursuant to NRS 385.348;

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

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

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

2. To the extent money is available, the Commission shall make allocations of money to school districts and public schools for effective programs for grades 7 through 12 that are designed to improve the achievement of pupils and effective programs of innovation for pupils. In making such allocations, the Commission shall comply with the requirements of subsection 1.

3. If a school district or public school that receives money pursuant to subsection 1 or 2 does not meet the criteria for effectiveness as prescribed in paragraph (h) of subsection 1 over a 2-year period, the Commission may consider not awarding future allocations of money to that school district or public school.

4. On or before July 1 of each year, the Department shall provide a list of priorities of schools based upon the adequate yearly progress status of schools in the immediately preceding year for consideration by the Commission in its development of procedures for the applications.

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

Sec. 3. Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:

Any ending fund balance maintained in the general fund of a school district of up to 8.3 percent must not be used to:

1. Settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations.

2. Adjust the district-wide schedules of salaries and benefits of the employees of a school district.

Sec. 4. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) ~~[Six-tenths the]~~ ***The*** count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(3) The count of pupils not included under subparagraph (1) or (2) who are enrolled full time in a program of distance education provided by that school district or a charter school located within that school district on the last day of the first school month of the school district for the school year.

(4) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part time in a program of distance education provided by another school district or a charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(II) In a charter school and are concurrently enrolled part time in a program of distance education provided by a school district or another charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(5) The count of pupils not included under subparagraph (1), (2), (3) or (4), who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school district for the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on that day.

(6) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on the last day of the first school month of the school district for the school year.

(7) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school district for the school year.

(8) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 4 of NRS 386.560, subsection 5 of NRS 386.580 or subsection 3 of NRS 392.070, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. If the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is less than the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for either or both of the immediately preceding 2 school years, the largest number must be used from among the 3 years for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

3. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

4. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

5. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

Sec. 5. NRS 387.206 is hereby amended to read as follows:

387.206 1. On or before July 1 of each year, the Department, in consultation with the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, shall develop or revise, as applicable, a formula for determining the minimum amount of money that each school district is required to expend each fiscal year for textbooks, instructional supplies ***,*** ~~[and]~~ instructional hardware ~~[.]~~ ***, library books, software for computers and equipment relating to instruction, including, without limitation, equipment for telecommunications.*** The formula must be used only to develop expenditure requirements and must not be used to alter the ~~[distribution of money for]~~ basic support ~~[to school districts.]~~ ***amount per pupil established by the Legislature for a fiscal year.***

2. Upon approval of the formula pursuant to subsection 1, the Department shall provide written notice to each school district within the first ~~[30]~~ ***10*** days of each fiscal year that sets forth the required minimum combined amount of money that the school district must expend for ~~[textbooks, instructional supplies and instructional hardware for]~~ ***the purposes set forth in subsection 1 in*** that fiscal year.

3. On or before January 1 of each year, the Department shall determine whether each school district has expended, during the immediately preceding fiscal year, the required minimum amount of money set forth in the notice provided pursuant to subsection 2. In making this determination, the

Department shall use the report submitted by the school district pursuant to NRS 387.303.

4. Except as otherwise provided in subsection 5, if the Department determines that a school district has not expended the required minimum amount of money set forth in the notice provided pursuant to subsection 2, a reduction must be made from the basic support allocation otherwise payable to that school district in an amount that is equal to the difference between the actual combined expenditure for textbooks, instructional supplies **,** ~~[and]~~ instructional hardware ***, library books, software for computers and equipment relating to instruction, including, without limitation, equipment for telecommunications*** and the minimum required combined expenditure set forth in the notice provided pursuant to subsection 2. A reduction in the amount of the basic support allocation pursuant to this subsection:

(a) Does not reduce the amount that the school district is required to expend on textbooks, instructional supplies **,** ~~[and]~~ instructional hardware ***, library books, software for computers and equipment relating to instruction, including, without limitation, equipment for telecommunications*** in the current fiscal year; and

(b) Must not exceed the amount of basic support that was provided to the school district for the fiscal year in which the minimum expenditure amount was not satisfied.

5. If the actual enrollment of pupils in a school district is less than the enrollment included in the projections used in the school district's biennial budget submitted pursuant to NRS 387.303, the required expenditure for textbooks, instructional supplies **,** ~~[and]~~ instructional hardware ***, library books, software for computers and equipment relating to instruction, including, without limitation, equipment for telecommunications*** pursuant to this section must be reduced proportionately.

Sec. 6. NRS 387.207 is hereby amended to read as follows:

387.207 1. ~~[Except as otherwise provided in this section, in each school year a school district shall spend for library books and software for computers an amount of money, expressed as an amount per pupil, that is at least equal to the average of the total amount of money that was expended per year by the school district for those items in the immediately preceding 3 years.~~

~~2. Except as otherwise provided in this section, in each school year a school district shall spend for the purchase of equipment relating to instruction, including, without limitation, equipment for telecommunications and for the purchase of equipment relating to the transportation of pupils, an amount of money, expressed as an amount per pupil, that is at least equal to the average of the total amount of money that was expended per year by the school district for those items in the immediately preceding 3 years.~~

~~3.]~~ Except as otherwise provided in this section, in each school year a school district shall spend for the maintenance and repair of equipment, vehicles, ~~[and]~~ buildings and facilities ***and for the purchase of equipment***

relating to the transportation of pupils an amount of money, expressed as an amount per pupil, that is at least equal to the average of the total amount of money that was expended per year by the school district for those items in the immediately preceding 3 years, excluding any amount of money derived from the proceeds of bonds.

~~[4.]~~ ***2.*** A school district may satisfy the expenditures required by ~~[subsections 1, 2 and 3]~~ ***subsection 1*** if the school district spends an aggregate amount of money for all the items identified in ~~[those subsections]~~ that ***subsection which*** is at least equal to the average of the total amount of money expended by the school district per year for all those items in the immediately preceding 3 years.

~~[5.]~~ ***3.*** A school district is not required to satisfy the expenditures required by this section for a school year in which:

(a) The total number of pupils who are enrolled in public schools within the school district has declined from the immediately preceding school year; or

(b) The total revenue available in the general fund of the school district has declined from the immediately preceding school year.

Sec. 7. **NRS 387.303 is hereby amended to read as follows:**

387.303 1. Not later than November 10 of each year, the board of trustees of each school district shall submit to the Superintendent of Public Instruction and the Department of Taxation a report which includes the following information:

(a) For each fund within the school district, including, without limitation, the school district's general fund and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the school district in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the school district's final budget, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(b) The count of pupils computed pursuant to paragraph (a) of subsection 1 of NRS 387.1233.

(c) The school district's actual expenditures in the fiscal year immediately preceding the report.

(d) The school district's proposed expenditures for the current fiscal year.

(e) The schedule of salaries for licensed employees in the current school year and a statement of whether the negotiations regarding salaries for the current school year have been completed. If the negotiations have not been completed at the time the schedule of salaries is submitted, the board of trustees shall submit a supplemental report to the Superintendent of Public Instruction upon completion of negotiations or the determination of an

arbitrator concerning the negotiations that includes the schedule of salaries agreed to or required by the arbitrator.

(f) The number of teachers who received an increase in salary pursuant to subsection 2 of NRS 391.160 for the current and preceding fiscal years. If the board of trustees is required to pay an increase in salary retroactively pursuant to subsection 2 of NRS 391.160, the board of trustees shall submit a supplemental report to the Superintendent of Public Instruction not later than February 15 of the year in which the retroactive payment was made that includes the number of teachers to whom an increase in salary was paid retroactively.

(g) The number of employees eligible for health insurance within the school district for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

(h) The rates for fringe benefits, excluding health insurance, paid by the school district for its licensed employees in the preceding and current fiscal years.

(i) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay and the number of employees receiving that pay in the preceding and current fiscal years.

(j) The expenditures from the account created pursuant to subsection 3 of NRS 179.1187. The report must indicate the total amount received by the district in the preceding fiscal year, and the specific amount spent on books and computer hardware and software for each grade level in the district.

2. On or before November 25 of each year, the Superintendent of Public Instruction shall submit to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, in a format approved by the Director of the Department of Administration, a compilation of the reports made by each school district pursuant to subsection 1.

3. ***In preparing the agency biennial budget request for the State Distributive School Account for submission to the Department of Administration, the Superintendent of Public Instruction shall:***

(a) Compile the information from the most recent report submitted pursuant to subsection 2;

(b) Increase the line items of expenditure or revenue based on merit salary increases, cost of living adjustments or inflation, as deemed credible and reliable based upon published indexes and research relevant to the specific line item of expenditure or revenue;

(c) Adjust expenditures and revenues pursuant to paragraph (b) for any year remaining before the biennium for which the budget is being prepared and for the 2 years of the biennium covered by the biennial budget request to project the cost of expenditures or the receipt of revenues for the specific line items;

(d) Consider the cost of enhancements to existing programs or the projected cost of proposed new educational programs, regardless of whether those enhancements or new programs are included in the per

pupil basic support guarantee for inclusion in the biennial budget request to the Department of Administration; and

(e) Obtain approval from the State Board for any inflationary increase, enhancement to an existing program or addition of a new program included in the agency biennial budget request.

4. The Superintendent of Public Instruction shall, in the compilation required by subsection 2, reconcile the revenues ~~[and expenditures]~~ of the school districts with the apportionment received by those districts from the State Distributive School Account for the preceding year.

5. The request prepared pursuant to subsection 3 must:

(a) Be presented by the Superintendent of Public Instruction to such standing committees of the Legislature that the Superintendent determines appropriate for the purpose of developing educational programs and providing appropriations for those programs; and

(b) Provide for a direct comparison of appropriations to the proposed budget of the Governor submitted pursuant to subsection 4 of NRS 353.230.

~~[Sec. 7.]~~ ***Sec. 8.*** NRS 388.060 is hereby amended to read as follows:

388.060 1. Except as otherwise provided in ~~[this subsection,]~~ ***subsection 2,*** the board of trustees of each school district shall ~~[establish,]~~ ***:***

(a) Establish, equip and maintain a kindergarten in each elementary school ~~[or each school attendance area]~~ in the district.

(b) Provide kindergarten in each elementary school for a full school day.

2. If, on or before June 1 immediately preceding the school year, admittance to kindergarten has been requested for fewer than 15 children, the mandatory provisions of ~~[this]~~ subsection ***1*** do not apply to that school, and the board may decide whether to establish a kindergarten for those children. If the board decides not to establish such a kindergarten, it ~~[may]~~ ***shall*** provide:

(a) Transportation for each child to enable him to attend kindergarten at another school; or

(b) Upon agreement with a child's parent or guardian, an authorized program of instruction for kindergarten to be offered in the child's home, which includes, without limitation, assigning licensed educational personnel to assist and consult with the parent or guardian as necessary.

~~[2. The board of trustees of a school district in which a kindergarten is to be established under the provisions of this title of NRS shall budget for this purpose by including the costs in the next regular budget for the school district.]~~

~~[Sec. 8.]~~ ***Sec. 9.*** Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. There is hereby created a Grant Fund for Incentives for Licensed Educational Personnel to be administered by the Department. The

Department may accept gifts and grants from any source for deposit in the Grant Fund.

2. The board of trustees of each school district shall establish a program of incentive pay for licensed educational personnel which must be designed to attract and retain educational personnel. The program may include, without limitation, the attraction and retention of:

(a) Teachers who teach in schools with a specified percentage of pupils who are at risk;

(b) Teachers who hold an endorsement in the field of mathematics, science, special education, English as a second language or other area of need within the school district; and

(c) School psychologists.

3. A program of incentive pay established by a school district must specify the type of financial incentives offered to the licensed educational personnel.

4. If the board of trustees of a school district wishes to receive a grant of money from the Grant Fund for Incentives for Licensed Educational Personnel, the board of trustees shall submit to the Department an application on a form prescribed by the Department. The application must include a description of the program of incentive pay established by the school district.

5. Within the limits of money available in the Grant Fund for Incentives for Licensed Educational Personnel, the Department shall provide grants of money to each school district that submits an application pursuant to subsection 4 based upon the amount of money that is necessary to carry out each program. If an insufficient amount of money is available to pay for each program submitted to the Department, the amount of money available must be distributed pro rata based upon the number of licensed employees who are estimated to be eligible to participate in the program in each school district who submitted an application.

6. The board of trustees of each school district that receives a grant of money pursuant to this section shall evaluate the effectiveness of the program for which the grant was awarded. The evaluation must include, without limitation, an evaluation of whether the program is effective in recruiting and retaining licensed educational personnel. On or before December 1 of each year, the board of trustees shall submit a report of its evaluation to the:

(a) Governor;

(b) State Board;

(c) If the report is submitted in an even-numbered year, Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(d) If the report is submitted in an odd-numbered year, Legislative Committee on Education.

~~[Sec. 9.]~~ ***Sec. 10.*** NRS 286.3005 is hereby amended to read as follows:

286.3005 A state agency may purchase credit for service on behalf of a member only as provided in NRS 286.3007. Except as otherwise required as a result of NRS 286.537 **,** ~~[or 391.165,]~~ any other public employer may pay any portion of the cost to purchase credit for service under NRS 286.300, but is not required to do so. No credit may be validated unless the cost of purchasing credit has been paid.

~~[Sec. 10.]~~ ***Sec. 11.*** 1. There is hereby appropriated from the State General Fund to the State Distributive School Account the following sums to pay for the inflation of certain projected costs:

For the Fiscal Year 2007-2008 $11,373,101

For the Fiscal Year 2008-2009 $23,087,395

2. The money appropriated by subsection 1 must be distributed to the school districts throughout this State to pay for the inflation of the costs projected by the school districts for utilities, property and liability insurance, health insurance and educational supplies, material and equipment in preparing the biennial budgetary request for the State Distributive School Account for the 2007-2009 biennium. The money allocated pursuant to this subsection must be in addition to the money that is otherwise distributed to school districts from the State Distributive School Account for those costs for the 2007-2009 biennium.

~~[Sec. 11.]~~ ***Sec. 12.*** 1. There is hereby appropriated from the State General Fund to the State Distributive School Account the following sums for textbooks, instructional supplies, classroom supplies, library books, instructional equipment, laboratory science equipment, physical education supplies, athletic supplies, musical instruments, instructional computer hardware and instructional computer software:

For the Fiscal Year 2007-2008 $22,303,750

For the Fiscal Year 2008-2009 $22,997,950

2. To the extent money is available from the appropriation made by subsection 1, the money must be distributed to the school districts throughout this State in an amount approximating $55 per pupil enrolled in each school district. A school district shall use the money only for textbooks, instructional supplies, classroom supplies, library books, instructional equipment, laboratory science equipment, physical education supplies, athletic supplies, musical instruments, instructional computer hardware and instructional computer software. A school district may not use the money to reduce or supplant the money which would otherwise be expended by the school district for those items.

~~[Sec. 12.]~~ ***Sec. 13.*** 1. There is hereby appropriated from the State General Fund to the Department of Education the following sums to provide increases in salaries and associated benefits, excluding health insurance, for teachers and other licensed educational personnel:

For the Fiscal Year 2007-2008 $110,986,030

For the Fiscal Year 2008-2009 $231,061,080

2. The money from the appropriation made by subsection 1 must be apportioned in the same proportions per pupil as established by the Department of Education for the various county school districts for the 2007-2008 Fiscal Year and for the 2008-2009 Fiscal Year. Each school district shall use the money to provide increases in salaries and associated benefits, excluding health insurance, of approximately 5 percent per fiscal year for the teachers and other licensed educational personnel employed by the school district.

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2008, and September 18, 2009, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2008, and September 18, 2009, respectively.

~~[Sec. 13.]~~ ***Sec. 14.*** 1. There is hereby appropriated from the State General Fund to the State Distributive School Account the following sums for expenses related to providing health insurance for licensed educational personnel:

For the Fiscal Year 2007-2008 $32,057,556

For the Fiscal Year 2008-2009 $72,914,398

2. The money appropriated by subsection 1 must be distributed to the school districts throughout this State to increase the amount of money available to pay the costs of health insurance for the licensed educational personnel of each school district. The money allocated pursuant to this subsection must be in addition to the money that is otherwise distributed to school districts from the State Distributive School Account for the 2007-2009 biennium.

~~[Sec. 14.]~~ ***Sec. 15.*** 1. There is hereby appropriated from the State General Fund to the Public Employees' Benefits Program the following sums for providing health insurance subsidies to retired school district employees pursuant to paragraph (b) of subsection 4 of NRS 287.023:

For the Fiscal Year 2007-2008 $18,400,000

For the Fiscal Year 2008-2009 $21,500,000

2. The Public Employees' Benefits Program shall, from the money appropriated by subsection 1, make an allocation to each school district in the proportion of its obligation to the total obligation for all school districts.

~~[Sec. 15.]~~ ***Sec. 16.*** 1. There is hereby appropriated from the State General Fund to the Grant Fund for Incentives for Licensed Educational Personnel created by section ~~[8]~~ **9** of this act the following sums:

For the Fiscal Year 2007-2008 $29,665,947

For the Fiscal Year 2008-2009 $31,070,767

2. The Department of Education shall distribute the money appropriated by subsection 1 in accordance with section ~~[8]~~ **9** of this act.

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2008, and September 18, 2009, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2008, and September 18, 2009, respectively.

~~[Sec. 16.]~~ ***Sec. 17.*** 1. There is hereby appropriated from the State General Fund to the Department of Education the following sums to provide signing bonuses to licensed educational personnel and school nurses who are newly hired by school districts:

For the Fiscal Year 2007-2008 $11,882,550
For the Fiscal Year 2008-2009 $12,834,375

2. A person may not receive a signing bonus until he has been employed with a school district in this State for at least 30 days. A school administrator is not eligible for a signing bonus pursuant to this section. A person may not receive more than one signing bonus pursuant to this section. A person who is employed with a school district in this State before July 1, 2007, and who subsequently transfers to another school district in this State is not eligible to receive a signing bonus pursuant to this section.

3. A school district that wishes to provide signing bonuses to its newly hired licensed educational personnel and school nurses shall submit information to the Department of Education, in a format prescribed by the Department, concerning the number of licensed educational personnel and school nurses who are newly hired by the school district for:

(a) The 2007-2008 school year.

(b) The 2008-2009 school year.

➥ A school district shall submit a request for each fiscal year that it wishes to provide signing bonuses pursuant to this section.

4. Within the limits of the money available from the appropriation made by subsection 1, the Department of Education shall use the money to provide signing bonuses to:

(a) Licensed educational personnel, excluding school administrators, and to school nurses who are newly hired for the 2007-2008 school year; and

(b) Licensed educational personnel, excluding school administrators, and to school nurses who are newly hired for the 2008-2009 school year.

➥ The amount of a bonus paid to each employee must not exceed $2,500.

5. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after

June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2008, and September 18, 2009, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2008, and September 18, 2009, respectively.

~~[Sec. 17.]~~ ***Sec. 18.*** 1. There is hereby appropriated from the State General Fund to the Account for Programs for Innovation and the Prevention of Remediation created by NRS 385.379:

For the Fiscal Year 2007-2008 $21,411,600
For the Fiscal Year 2008-2009 $22,078,032

2. The sums appropriated by subsection 1 must be allocated by the Commission on Educational Excellence created **by** NRS 385.3784 in accordance with the provisions of NRS 385.3781 to 385.379, inclusive.

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2008, and September 18, 2009, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2008, and September 18, 2009, respectively.

~~[Sec. 18.]~~ ***Sec. 19.*** 1. There is hereby appropriated from the State General Fund to the State Distributive School Account the following sums for English language learner programs:

For the Fiscal Year 2007-2008 $41,697,482
For the Fiscal Year 2008-2009 $52,032,102

2. The money appropriated by subsection 1 must be distributed to the school districts throughout this State based upon the number of pupils enrolled in English language learner programs in each school district. The money allocated pursuant to this subsection must be in addition to the money that is otherwise distributed to school districts from the State Distributive School Account for the 2007-2009 biennium for per pupil basic support.

~~[Sec. 19.]~~ ***Sec. 20.*** 1. There is hereby appropriated from the State General Fund to the Department of Education for the purchase of portable classrooms for the provision of full-day kindergarten the sum of $28,380,000.

2. The Department of Education shall distribute the money appropriated by subsection 1 to school districts to assist the school districts with the purchase of the necessary school facilities to provide full-day kindergarten beginning with the 2008-2009 school year.

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

~~[Sec. 20.]~~ ***Sec. 21.*** There is hereby appropriated from the State General Fund to the State Distributive School Account the sum of $75,584,692 for distribution to the school districts for the costs of providing full-day kindergarten in the 2008-2009 school year.

~~[Sec. 21.]~~ ***Sec. 22.*** 1. There is hereby appropriated from the State General Fund to the State Distributive School Account the following sums for the addition of 5 days of school to be used for professional development:

For the Fiscal Year 2007-2008 $35,844,715

For the Fiscal Year 2008-2009 $36,991,505

2. The money appropriated by subsection 1 must be used by the Department of Education for allocation to the 17 school districts in a fair and equitable manner. A school district that receives an allocation of money shall use the money to provide 5 days of school for the 2007-2008 school year and 5 days of school for the 2008-2009 school year for the professional development of teachers. The 5 days of school for each school year must be in addition to the 180 days required by NRS 388.090 and must be used solely for the professional development of teachers to ensure that the 180 days required by NRS 388.090 are used for the instruction of pupils.

~~[Sec. 22.]~~ ***Sec. 23.*** 1. There is hereby appropriated from the State General Fund to the Department of Education the following sums for the support of programs of education for certain pupils who are temporarily removed from the classroom and assigned to a temporary alternative placement:

For the Fiscal Year 2007-2008 $38,808,000

For the Fiscal Year 2008-2009 $40,017,000

2. A school district may apply to the Department of Education for a grant of money from the appropriation made by subsection 1. An application must include:

(a) A description of the manner in which the school district ensures that the public schools within the school district comply with NRS 392.4642 to 392.4648, inclusive.

(b) A plan for the school district to use a grant of money to provide programs of education to pupils who are temporarily removed from the classroom and assigned to a temporary alternative placement pursuant to NRS 392.4642 to 392.4648, inclusive, including, without limitation, the

payment of salaries and benefits to teachers who provide the programs of education to those pupils.

(c) The proposed budget for the plan set forth in paragraph (b).

(d) Any additional information requested by the Department.

3. The Department shall distribute the money appropriated by subsection 1 to school districts with approved applications based upon the number of elementary schools and secondary schools in each school district. A school district that receives a grant of money shall use the money to pay the salaries and benefits of teachers who provide programs of education to pupils who are temporarily removed from the classroom and assigned to a temporary alternative placement pursuant to NRS 392.4642 to 392.4648, inclusive.

4. If a school district receives a grant of money for the 2007-2008 Fiscal Year and the school district desires to receive a grant of money for the 2008-2009 Fiscal Year, it must submit another application pursuant to subsection 2.

5. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2008, and September 18, 2009, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2008, and September 18, 2009, respectively.

~~[Sec. 23.]~~ ***Sec. 24.*** 1. There is hereby appropriated from the State General Fund to the Department of Education the following sums for school districts to offer career and technical education courses:

For the Fiscal Year 2007-2008 $7,000,000

For the Fiscal Year 2008-2009 $7,000,000

2. The Department of Education shall distribute the money appropriated by subsection 1 to the 17 school districts based upon the number of pupils enrolled in each school district in career and technical education courses. A school district that receives a grant of money pursuant to this subsection must use the money to purchase equipment, supplies, software and related technology, and to pay other costs associated with providing career and technical education courses.

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2008, and September 18, 2009, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently

granted or transferred, and must be reverted to the State General Fund on or before September 19, 2008, and September 18, 2009, respectively.

~~[Sec. 24.]~~ ***Sec. 25.*** 1. If a teacher or school psychologist entered into a contract or other agreement of employment with a school district before July 1, 2007, the board of trustees of the school district shall purchase one-fifth of a year of service for that employee pursuant to subsection 2 of NRS 286.300 if the employee qualified under the provisions of NRS 391.165. On or before August 1, 2007, the board of trustees of each school district shall notify each such employee that he may elect to participate in the program of incentive pay for licensed educational personnel established pursuant to section ~~[8]~~ **9** of this act if he otherwise qualifies for participation in the program in lieu of the purchase of retirement service on behalf of the employee pursuant to NRS 391.165.

2. On or before October 1, 2007, each employee who was given notice pursuant to subsection 1 shall notify the school district whether he will participate in the program of incentive pay for licensed educational personnel in lieu of the purchase of retirement service on behalf of the employee pursuant to NRS 391.165, as that section existed before July 1, 2007.

~~[Sec. 25.]~~ ***Sec. 26.*** NRS 391.165 is hereby repealed.

~~[Sec. 26.]~~ ***Sec. 27.*** 1. This section and sections 1, 2, 3, 5, 6 , 7 and ~~[8]~~ 9 to ~~[25,]~~ 26, inclusive, of this act become effective on July 1, 2007.

2. Sections 4 and ~~[7]~~ **8** of this act become effective on July 1, 2008.

TEXT OF REPEALED SECTION

391.165 Purchase of retirement credit for certain teachers and school psychologists.

1. Except as otherwise provided in subsection 3 and except as otherwise required as a result of NRS 286.537, the board of trustees of a school district shall pay the cost for a licensed teacher or licensed school psychologist to purchase one-fifth of a year of service pursuant to subsection 2 of NRS 286.300 if:

(a) The teacher or school psychologist is a member of the Public Employees' Retirement System and has at least 5 years of service;

(b) The teacher or school psychologist has been employed as a licensed teacher or licensed school psychologist in this State for at least 5 consecutive school years, regardless of whether the employment was with one or more school districts in this State;

(c) Each evaluation of the teacher or school psychologist conducted pursuant to NRS 391.3125 is at least satisfactory for the years of employment required by paragraph (b); and

(d) In addition to the years of employment required by paragraph (b):

(1) The teacher has been employed as a licensed teacher for 2 school years at a school within the school district during his employment at the school:

(I) Which carried the designation of demonstrating need for improvement; or

(II) At which at least 65 percent of the pupils who are enrolled in the school are children who are at risk;

(2) The teacher holds an endorsement in the field of mathematics, science, special education or English as a second language and has been employed for at least 1 school year to teach in the subject area for which he holds an endorsement; or

(3) The school psychologist has been employed as a licensed school psychologist for at least 1 school year.

➥ The provisions of this paragraph do not require consecutive years of employment or employment at the same school within the school district.

2. Except as otherwise provided in subsection 3, the board of trustees of a school district shall pay the cost for a licensed teacher or school psychologist to purchase one-fifth of a year of service for each year that a teacher or school psychologist satisfies the requirements of subsection 1. If, in 1 school year, a teacher satisfies the criteria set forth in both subparagraphs (1) and (2) of paragraph (d) of subsection 1, the school district in which the teacher is employed is not required to pay for more than one-fifth of a year of service pursuant to subsection 2 of NRS 286.300 for that school year.

3. In no event may the years of service purchased by a licensed teacher or school psychologist as a result of subsection 2 of NRS 286.300 exceed 5 years.

4. The board of trustees of a school district shall not:

(a) Assign or reassign a licensed teacher or school psychologist to circumvent the requirements of this section.

(b) Include as part of a teacher's or school psychologist's salary the costs of paying the teacher or school psychologist to purchase service pursuant to this section.

5. As used in this section:

(a) A child is "at risk" if he is eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.

(b) "Service" has the meaning ascribed to it in NRS 286.078.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 565.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 334.

AN ACT relating to education; revising provisions governing the required minimum expenditures of school districts for certain items; **revising the requirements for the biennial budgetary request for the State**

Distributive School Account; creating the Grant Fund for Incentives for Licensed Educational Personnel; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each school district to expend a required minimum amount of money each fiscal year, as determined by the Department of Education, for textbooks, instructional supplies and instructional hardware. (NRS 387.206) Section 1 of this bill ~~[provides that if a school district has purchased all the textbooks, instructional supplies and instructional hardware that it needs for a fiscal year, the school district may purchase library books, including instructional materials for libraries, to satisfy the required minimum expenditure for that fiscal year.]~~ **adds library books, software for computers and equipment relating to instruction to the list of required annual expenditures.**

~~[Existing law requires each school district to expend a certain amount of money in each school year for library books and software for computers based upon a 3-year average of those expenditures. (NRS 387.207) Section 2 of this bill provides a definition of "library books" to include instructional materials for libraries.]~~

Existing law requires the board of trustees of each school district to submit to the Superintendent of Public Instruction and to the Department of Taxation a written report of the annual budget of the school district. The Superintendent of Public Instruction is required to compile the reports of the annual budgets and submit the written compilation to the Department of Administration and to the Fiscal Analysis Division of the Legislative Counsel Bureau. (NRS 387.303) Section 3 of this bill requires the Superintendent of Public Instruction to include certain information in the biennial budget request for the State Distributive School Account for submission to the Department of Administration based upon the annual budgets submitted by the school districts.

Section 4 of this bill creates the Grant Fund for Incentives for Licensed Educational Personnel and requires the board of trustees of each school district to establish a program of incentive pay for licensed educational personnel.

Under existing law, the board of trustees of each school district that employs a speech pathologist who is licensed and certified by certain boards and associations is required to add 5 percent to the salary of the speech pathologist. (NRS 391.160) Section ~~[3]~~ **5** of this bill makes an appropriation to assist the school districts with paying the 5 percent increase.

Section ~~[4]~~ **6** of this bill makes an appropriation for distribution as grants to school districts that establish a pilot program for programs of alternative education for disruptive pupils.

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

Section 1. NRS 387.206 is hereby amended to read as follows:

387.206 1. On or before July 1 of each year, the Department, in consultation with the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, shall develop or revise, as applicable, a formula for determining the minimum amount of money that each school district is required to expend each fiscal year for textbooks, instructional supplies**,** ~~[and]~~ instructional hardware ~~[.]~~ **, *library books, software for computers and equipment relating to instruction, including, without limitation, equipment for telecommunications.*** The formula must be used only to develop expenditure requirements and must not be used to alter the ~~[distribution of money for]~~ basic support ~~[to school districts.]~~ ***amount per pupil established by the Legislature for a fiscal year.***

2. Upon approval of the formula pursuant to subsection 1, the Department shall provide written notice to each school district within the first ~~[30]~~ ***10*** days of each fiscal year that sets forth the required minimum combined amount of money that the school district must expend for ~~[textbooks, instructional supplies and instructional hardware for]~~ ***the purposes set forth in subsection 1 in*** that fiscal year. ~~[If a school district has purchased all the textbooks, instructional supplies and instructional hardware that it needs for that fiscal year, the school district may expend money for library books to satisfy the required minimum amount of money set forth in the notice to the school district.]~~

3. On or before January 1 of each year, the Department shall determine whether each school district has expended, during the immediately preceding fiscal year, the required minimum amount of money set forth in the notice provided pursuant to subsection 2. In making this determination, the Department shall use the report submitted by the school district pursuant to NRS 387.303.

4. Except as otherwise provided in subsection 5, if the Department determines that a school district has not expended the required minimum amount of money set forth in the notice provided pursuant to subsection 2, a reduction must be made from the basic support allocation otherwise payable to that school district in an amount that is equal to the difference between the actual combined expenditure for textbooks, instructional supplies**,** ~~[and]~~ instructional hardware ***, library books, software for computers and equipment relating to instruction, including, without limitation, equipment for telecommunications*** and the minimum required combined expenditure set forth in the notice provided pursuant to subsection 2. A reduction in the amount of the basic support allocation pursuant to this subsection:

(a) Does not reduce the amount that the school district is required to expend on textbooks, instructional supplies**,** ~~[and]~~ instructional hardware **,**

library books, software for computers and equipment relating to instruction, including, without limitation, equipment for telecommunications in the current fiscal year; and

(b) Must not exceed the amount of basic support that was provided to the school district for the fiscal year in which the minimum expenditure amount was not satisfied.

5. If the actual enrollment of pupils in a school district is less than the enrollment included in the projections used in the school district's biennial budget submitted pursuant to NRS 387.303, the required expenditure for textbooks, instructional supplies**,** ~~[and]~~ instructional hardware ***, library books, software for computers and equipment relating to instruction, including, without limitation, equipment for telecommunications*** pursuant to this section must be reduced proportionately.

6. As used in this section, "library books" includes, without limitation, instructional materials for libraries.

Sec. 2. NRS 387.207 is hereby amended to read as follows:

387.207 1. ~~[Except as otherwise provided in this section, in each school year a school district shall spend for library books and software for computers an amount of money, expressed as an amount per pupil, that is at least equal to the average of the total amount of money that was expended per year by the school district for those items in the immediately preceding 3 years.~~

~~2. Except as otherwise provided in this section, in each school year a school district shall spend for the purchase of equipment relating to instruction, including, without limitation, equipment for telecommunications and for the purchase of equipment relating to the transportation of pupils, an amount of money, expressed as an amount per pupil, that is at least equal to the average of the total amount of money that was expended per year by the school district for those items in the immediately preceding 3 years.~~

~~3.]~~ Except as otherwise provided in this section, in each school year a school district shall spend for the maintenance and repair of equipment, vehicles, ~~[and]~~ buildings and facilities ***and for the purchase of equipment relating to the transportation of pupils*** an amount of money, expressed as an amount per pupil, that is at least equal to the average of the total amount of money that was expended per year by the school district for those items in the immediately preceding 3 years, excluding any amount of money derived from the proceeds of bonds.

~~[4.]~~ ***2.*** A school district may satisfy the expenditures required by ~~[subsections 1, 2 and 3]~~ ***subsection 1*** if the school district spends an aggregate amount of money for all the items identified in ~~[those subsections]~~ that ***subsection which*** is at least equal to the average of the total amount of money expended by the school district per year for all those items in the immediately preceding 3 years.

~~[5.]~~ ***3.*** A school district is not required to satisfy the expenditures required by this section for a school year in which:

(a) The total number of pupils who are enrolled in public schools within the school district has declined from the immediately preceding school year; or

(b) The total revenue available in the general fund of the school district has declined from the immediately preceding school year.

~~[6. As used in this section, "library books" includes, without limitation, instructional materials for libraries.]~~

Sec. 3. **NRS 387.303 is hereby amended to read as follows:**

387.303 1. Not later than November 10 of each year, the board of trustees of each school district shall submit to the Superintendent of Public Instruction and the Department of Taxation a report which includes the following information:

(a) For each fund within the school district, including, without limitation, the school district's general fund and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the school district in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the school district's final budget, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(b) The count of pupils computed pursuant to paragraph (a) of subsection 1 of NRS 387.1233.

(c) The school district's actual expenditures in the fiscal year immediately preceding the report.

(d) The school district's proposed expenditures for the current fiscal year.

(e) The schedule of salaries for licensed employees in the current school year and a statement of whether the negotiations regarding salaries for the current school year have been completed. If the negotiations have not been completed at the time the schedule of salaries is submitted, the board of trustees shall submit a supplemental report to the Superintendent of Public Instruction upon completion of negotiations or the determination of an arbitrator concerning the negotiations that includes the schedule of salaries agreed to or required by the arbitrator.

(f) The number of teachers who received an increase in salary pursuant to subsection 2 of NRS 391.160 for the current and preceding fiscal years. If the board of trustees is required to pay an increase in salary retroactively pursuant to subsection 2 of NRS 391.160, the board of trustees shall submit a supplemental report to the Superintendent of Public Instruction not later than February 15 of the year in which the retroactive payment was made that includes the number of teachers to whom an increase in salary was paid retroactively.

(g) The number of employees eligible for health insurance within the school district for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

(h) The rates for fringe benefits, excluding health insurance, paid by the school district for its licensed employees in the preceding and current fiscal years.

(i) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay and the number of employees receiving that pay in the preceding and current fiscal years.

(j) The expenditures from the account created pursuant to subsection 3 of NRS 179.1187. The report must indicate the total amount received by the district in the preceding fiscal year, and the specific amount spent on books and computer hardware and software for each grade level in the district.

2. On or before November 25 of each year, the Superintendent of Public Instruction shall submit to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, in a format approved by the Director of the Department of Administration, a compilation of the reports made by each school district pursuant to subsection 1.

3. ***In preparing the agency biennial budget request for the State Distributive School Account for submission to the Department of Administration, the Superintendent of Public Instruction shall:***

(a) Compile the information from the most recent report submitted pursuant to subsection 2;

(b) Increase the line items of expenditure or revenue based on merit salary increases, cost of living adjustments or inflation, as deemed credible and reliable based upon published indexes and research relevant to the specific line item of expenditure or revenue;

(c) Adjust expenditures and revenues pursuant to paragraph (b) for any year remaining before the biennium for which the budget is being prepared and for the 2 years of the biennium covered by the biennial budget request to project the cost of expenditures or the receipt of revenues for the specific line items;

(d) Consider the cost of enhancements to existing programs or the projected cost of proposed new educational programs, regardless of whether those enhancements or new programs are included in the per pupil basic support guarantee for inclusion in the biennial budget request to the Department of Administration; and

(e) Obtain approval from the State Board for any inflationary increase, enhancement to an existing program or addition of a new program included in the agency biennial budget request.

4. The Superintendent of Public Instruction shall, in the compilation required by subsection 2, reconcile the revenues ~~[and expenditures]~~ of the school districts with the apportionment received by those districts from the State Distributive School Account for the preceding year.

5. The request prepared pursuant to subsection 3 must:

(a) Be presented by the Superintendent of Public Instruction to such standing committees of the Legislature as the Superintendent determines appropriate for the purpose of developing educational programs and providing appropriations for those programs; and

(b) Provide for a direct comparison of appropriations to the proposed budget of the Governor submitted pursuant to subsection 4 of NRS 353.230.

Sec. 4. **Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. There is hereby created a Grant Fund for Incentives for Licensed Educational Personnel to be administered by the Department. The Department may accept gifts and grants from any source for deposit in the Grant Fund.

2. The board of trustees of each school district shall establish a program of incentive pay for licensed educational personnel which must be negotiated pursuant to chapter 288 of NRS and must be designed to attract and retain educational personnel. The program may include, without limitation, the attraction and retention of:

(a) Teachers who teach in schools with a specified percentage of pupils who are at risk;

(b) Teachers who hold an endorsement in the field of mathematics, science, special education, English as a second language or other area of need within the school district; and

(c) School psychologists.

3. A program of incentive pay established by a school district must specify the type of financial incentives offered to the licensed educational personnel.

4. If the board of trustees of a school district wishes to receive a grant of money from the Grant Fund, the board of trustees shall submit to the Department an application on a form prescribed by the Department. The application must include a description of the program of incentive pay established by the school district.

5. Within the limits of money available in the Grant Fund, the Department shall provide grants of money to each school district that submits an application pursuant to subsection 4 based upon the amount of money that is necessary to carry out each program. If an insufficient amount of money is available to pay for each program submitted to the Department, the amount of money available must be distributed pro rata based upon the number of licensed employees who are estimated to be eligible to participate in the program in each school district who submitted an application.

6. The board of trustees of each school district that receives a grant of money pursuant to this section shall evaluate the effectiveness of the program for which the grant was awarded. The evaluation must include, without limitation, an evaluation of whether the program is effective in

recruiting and retaining licensed educational personnel. On or before December 1 of each year, the board of trustees shall submit a report of its evaluation to the:

(a) Governor;

(b) State Board;

(c) If the report is submitted in an even-numbered year, Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(d) If the report is submitted in an odd-numbered year, Legislative Committee on Education.

~~[Sec. 3.]~~ ***Sec. 5.*** 1. There is hereby appropriated from the State General Fund to the Department of Education for a 5-percent increase to the salary of certain speech pathologists:

For the Fiscal Year 2007-2008 $597,268

For the Fiscal Year 2008-2009 $706,444

2. The Department shall distribute the money appropriated to the school districts to assist the school districts with paying the 5-percent increase to the salary of certain speech pathologists pursuant to subsection 3 of NRS 391.160. If the money from the appropriation is insufficient to pay the total costs of the increase, the school district shall pay the difference.

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

~~[Sec. 4.]~~ ***Sec. 6.*** 1. There is hereby appropriated from the State General Fund to the Department of Education for pilot programs for alternative programs of education for disruptive pupils established pursuant to this section:

For the Fiscal Year 2007-2008 $500,000

For the Fiscal Year 2008-2009 $500,000

2. The Superintendent of Public Instruction shall prescribe:

(a) The form for an application to establish a pilot program for an alternative program of education for disruptive pupils; and

(b) Criteria for the selection of schools to establish such a pilot program.

3. A public school in this State may submit an application to the Department to establish a pilot program pursuant to this section. Such an application must include an estimate of the costs of establishing a program. If a school is selected to establish a pilot program, the school will receive a grant of money from the appropriation made by subsection 1 to carry out a

program in an amount based upon the estimated costs of establishing the program.

4. A pilot program established pursuant to this section must:

(a) Comply with NRS 392.4642 to 392.4648, inclusive;

(b) Be provided in a setting outside the regular classroom of the pupil;

(c) Ensure that pupils who are participating in the program are separated from pupils who are not participating in the program;

(d) Provide supervision of and counseling to pupils who participate in the program;

(e) Provide and emphasize instruction in English language arts, mathematics, science and history, as appropriate to the grade level of the pupils participating in the program;

(f) Provide and emphasize training in self-discipline;

(g) Provide for a transitional stage between in-school or in-home suspension and regular school activities; and

(h) Include an evaluation phase based on the collection of data to measure the effectiveness of the program.

5. A pilot program established pursuant to this section may:

(a) Be located on the grounds of the school or at another location.

(b) Include programs that:

(1) Use innovative instructional, counseling or disciplinary concepts.

(2) Encourage the effective involvement of the parents and legal guardians of pupils who are participating in the program.

(c) Provide instructional and other services to pupils through the existing staff at a public school or from other personnel, or any combination thereof.

6. On or before October 1, 2008, the schools that establish a pilot program pursuant to this section shall submit a report to the Department for the period ending September 1, 2008, that includes:

(a) The manner in which the pilot program was carried out;

(b) The number of pupils who participated in the program;

(c) The expenditures made by the school for the program;

(d) The number of disciplinary referrals, suspensions and expulsions that occurred at the school before and after the establishment of the program; and

(e) An analysis of the academic achievement and performance of the pupils before and after the pupils participated in the program.

7. The Department shall evaluate the effectiveness of the pilot programs established pursuant to this section based on the reports submitted by the schools pursuant to subsection 6. In addition, the Department shall solicit and analyze data from schools that did not establish pilot programs pursuant to this section but have established alternative programs of education for disruptive pupils. The Department may spend not more than $10,000 of the amount appropriated by subsection 1 during the Fiscal Years 2007-2009 to hire a contractor to assist with the evaluation.

8. On or before December 1, 2008, the Department shall submit a report of its findings to the Legislative Committee on Education.

9. On or before February 1, 2009, the Department shall submit a final report of its findings to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

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

~~[Sec. 5.]~~ ***Sec. 7.*** This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 567.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 344.

AN ACT relating to education; revising provisions governing the Nevada Plan and the apportionments and allowances from the State Distributive School Account to include pupils who are enrolled in a university school for profoundly gifted pupils; requiring the governing body of a university school to adopt certain rules; revising provisions governing the employment of unlicensed personnel at a university school; ~~[revising provisions governing the eligibility of a child for enrollment in a university school;]~~ revising provisions relating to the appointment and membership of the governing body of a university school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the formation and operation of university schools for profoundly gifted pupils. (Chapter 392A of NRS) Under existing law, a university school for profoundly gifted pupils is a public school but is not entitled to receive any money from this State. (NRS 392A.050) Section 12 of this bill provides that the pupils enrolled in a university school for profoundly gifted pupils must be included in the count of pupils of the school district in which the university school is located for purposes of apportionments and allowances from the State Distributive School Account. Section 12 also provides that a university school for profoundly gifted pupils is entitled to receive its proportionate share of any other money available from federal, state or local sources that the university school or the pupils enrolled in the university school are eligible to receive. Sections 2-10 of this

bill revise provisions governing the count of pupils for support from the State Distributive School Account to reflect the enrollment of pupils enrolled in a university school for profoundly gifted pupils.

Sections 14-16 of this bill require the governing body of a university school for profoundly gifted pupils to: (1) adopt rules for the academic advancement pupils, including the development of a 4-year academic plan for each pupil; (2) submit information to the Department of Education in the format prescribed by the Department for the purposes of accountability reporting for the university school; and (3) adopt written rules of behavior for the pupils enrolled in the university school.

Section 17 of this bill requires each applicant for employment with a university school for profoundly gifted pupils who is not licensed by the Superintendent of Public Instruction to submit a complete set of his fingerprints for a criminal background check.

Under existing law, the provisions of title 34 of NRS do not apply to a university school for profoundly gifted pupils, except as otherwise provided by specific statute. (NRS 392A.060) Section 20 of this bill provides that in addition to specific statute, the State Board of Education may adopt regulations governing university schools for profoundly gifted pupils as determined necessary by the Superintendent of Public Instruction.

Section 21 of this bill revises provisions concerning the appointment and membership of the governing body of a university school for profoundly gifted pupils.

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

Section 1. NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.3469 and 385.347; and

(2) In a separate reporting for each subgroup of pupils identified in paragraph (b) of subsection 1 of NRS 385.361;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State; and

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils and which paraprofessionals, if any, are assigned to provide services to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the designation of schools and school districts pursuant to NRS 385.3623 and 385.377, respectively, and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

➥ The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction but must not be used for the purpose of evaluating an individual teacher or paraprofessional.

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to subsection 2 ~~[,]~~ ***and by each university school for profoundly gifted pupils;***

(c) Prescribe the format for the data;

(d) Prescribe the date by which each school district shall report the data ~~[,]~~ ***to the Department;***

(e) Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;

(f) ***Prescribe the date by which each university school for profoundly gifted pupils shall report the data to the Department;***

(g) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

(1) Individual pupils;

(2) Individual teachers and paraprofessionals;

(3) Individual schools and school districts; and

(4) Programs and financial information;

~~[(g)]~~ ***(h)*** Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school ***and university school for profoundly gifted pupils*** located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and

~~[(h)]~~ ***(i)*** Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the Nevada System of Higher Education to provide access to data contained within the automated system for research purposes.

Sec. 2. NRS 387.121 is hereby amended to read as follows:

387.121 The Legislature declares that the proper objective of state financial aid to public education is to ensure each Nevada child a reasonably equal educational opportunity. Recognizing wide local variations in wealth and costs per pupil, this State should supplement local financial ability to whatever extent necessary in each school district to provide programs of instruction in both compulsory and elective subjects that offer full opportunity for every Nevada child to receive the benefit of the purposes for which public schools are maintained. Therefore **,** the quintessence of the State's financial obligation for such programs can be expressed in a formula

partially on a per pupil basis and partially on a per program basis as: State financial aid to school districts equals the difference between school district basic support guarantee and local available funds produced by mandatory taxes minus all the local funds attributable to pupils who reside in the county but attend a charter school ~~[.]~~ ***or a university school for profoundly gifted pupils.*** This formula is designated the Nevada Plan.

Sec. 3. NRS 387.1211 is hereby amended to read as follows:

387.1211 As used in NRS 387.121 to 387.126, inclusive:

1. "Average daily attendance" means the total number of pupils attending a particular school each day during a period of reporting divided by the number of days school is in session during that period.

2. "Enrollment" means the count of pupils enrolled in and scheduled to attend programs of instruction of a school district ***,*** ~~[or a]~~ charter school ***or university school for profoundly gifted pupils*** at a specified time during the school year.

3. "Special education program unit" means an organized unit of special education and related services which includes full-time services of persons licensed by the Superintendent of Public Instruction or other appropriate licensing body, providing a program of instruction in accordance with minimum standards prescribed by the State Board.

Sec. 4. NRS 387.1221 is hereby amended to read as follows:

387.1221 1. The basic support guarantee for any special education program unit maintained and operated during a period of less than 9 school months is in the same proportion to the amount established by law for that school year as the period during which the program unit actually was maintained and operated is to 9 school months.

2. Any unused allocations for special education program units may be reallocated to other school districts ***,*** ~~[or]~~ charter schools ***or university schools for profoundly gifted pupils*** by the Superintendent of Public Instruction. In such a reallocation, first priority must be given to special education programs with statewide implications, and second priority must be given to special education programs maintained and operated within counties whose allocation is less than or equal to the amount provided by law. If there are more unused allocations than necessary to cover programs of first and second priority but not enough to cover all remaining special education programs eligible for payment from reallocations, then payment for the remaining programs must be prorated. If there are more unused allocations than necessary to cover programs of first priority but not enough to cover all programs of second priority, then payment for programs of second priority must be prorated. If unused allocations are not enough to cover all programs of first priority, then payment for programs of first priority must be prorated.

3. A school district ***,*** ~~[or]~~ a charter school ***or a university school for profoundly gifted pupils*** may, after receiving the approval of the Superintendent of Public Instruction, contract with any person, state agency

or legal entity to provide a special education program unit for pupils of the district pursuant to NRS 388.440 to 388.520, inclusive.

Sec. 5. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, ~~[or]~~ pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, ***and pupils who are enrolled in a university school for profoundly gifted pupils located in the county,*** for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.

(d) Pupils who reside in the county and are enrolled part time in a program of distance education if an agreement is filed with the Superintendent of Public Instruction pursuant to NRS 388.854 or 388.858, as applicable.

(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(f) Pupils who are enrolled in classes pursuant to subsection 4 of NRS 386.560 and pupils who are enrolled in classes pursuant to subsection 5 of NRS 386.580.

(g) Pupils who are enrolled in classes pursuant to subsection 3 of NRS 392.070.

(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the State Board:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days, or its equivalent for those public schools operating under an alternative schedule authorized pursuant to NRS 388.090.

(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(c) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

3. Except as otherwise provided in subsection 4 and NRS 388.700, the State Board shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught

in separate classes, for each school district of this State which is consistent with:

(a) The maintenance of an acceptable standard of instruction;

(b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and

(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

➥ If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless he finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, he shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the State Board may direct him to withhold the quarterly apportionment entirely.

4. The provisions of subsection 3 do not apply to a charter school ~~[or]~~ ***, a university school for profoundly gifted pupils or*** a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 6. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year ~~[.]~~ ***and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.***

(3) The count of pupils not included under subparagraph (1) or (2) who are enrolled full time in a program of distance education provided by that school district or a charter school located within that school district on the last day of the first school month of the school district for the school year.

(4) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part time in a program of distance education provided by another school district or a charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total

time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(II) In a charter school and are concurrently enrolled part time in a program of distance education provided by a school district or another charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(5) The count of pupils not included under subparagraph (1), (2), (3) or (4), who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school district for the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on that day.

(6) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on the last day of the first school month of the school district for the school year.

(7) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school district for the school year.

(8) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 4 of NRS 386.560, subsection 5 of NRS 386.580 or subsection 3 of NRS 392.070, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. If the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is less than the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for either or both of the immediately preceding 2 school years, the largest number must be used from among the 3 years for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

3. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

4. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

5. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

Sec. 7. NRS 387.124 is hereby amended to read as follows:

387.124 Except as otherwise provided in this section and NRS 387.528:

1. On or before August 1, November 1, February 1 and May 1 of each year, the Superintendent of Public Instruction shall apportion the State Distributive School Account in the State General Fund among the several county school districts **,** ~~[and]~~ charter schools ***and university schools for profoundly gifted pupils*** in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. The apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school **,** ~~[and]~~ all the funds attributable to pupils who reside in the county and are enrolled full time or part time in a program of distance education provided by another school district or a charter school ~~[.]~~ ***and all the funds attributable to pupils who are enrolled in a university school for profoundly gifted pupils located in the county.*** No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support. If an agreement is not filed for a pupil who is enrolled in a program of distance education as required by NRS 388.854, the Superintendent of Public Instruction shall not apportion money for that pupil to the board of trustees of the school district in which the pupil resides, or the board of trustees or governing body that provides the program of distance education.

2. Except as otherwise provided in subsection 3, the apportionment to a charter school, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides minus all the funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part time in a program of distance education provided by a school district or another charter school. If the apportionment per pupil to a charter school is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school resides, the school district in which the pupil resides shall pay the difference directly to the charter school.

3. The apportionment to a charter school that is sponsored by the State Board, computed on a yearly basis, is equal to the sum of the basic support

per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides, minus all funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part time in a program of distance education provided by a school district or another charter school.

4. In addition to the apportionments made pursuant to this section, an apportionment must be made to a school district or charter school that provides a program of distance education for each pupil who is enrolled part time in the program if an agreement is filed for that pupil pursuant to NRS 388.854 or 388.858, as applicable. The amount of the apportionment must be equal to the percentage of the total time services are provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides.

5. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the charter school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A charter school may receive all four apportionments in advance in its first year of operation.

6. ***The apportionment to a university school for profoundly gifted pupils, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the university school is located plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the university school is located. If the apportionment per pupil to a university school for profoundly gifted pupils is more than the amount to be apportioned to the school district in which the university school is located, the school district shall pay the difference directly to the university school. The governing body of a university school for profoundly gifted pupils may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the university school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A university school for profoundly gifted pupils may receive all four apportionments in advance in its first year of operation.***

7. The Superintendent of Public Instruction shall apportion, on or before August 1 of each year, the money designated as the "Nutrition State Match" pursuant to NRS 387.105 to those school districts that participate in the

National School Lunch Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school district must be directly related to the district's reimbursements for the Program as compared with the total amount of reimbursements for all school districts in this State that participate in the Program.

~~[7.]~~ ***8.*** If the State Controller finds that such an action is needed to maintain the balance in the State General Fund at a level sufficient to pay the other appropriations from it, he may pay out the apportionments monthly, each approximately one-twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the State Controller shall submit a report to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau documenting reasons for the action.

Sec. 8. NRS 387.1243 is hereby amended to read as follows:

387.1243 1. The first apportionment based on an estimated number of pupils and special education program units and succeeding apportionments are subject to adjustment from time to time as the need therefor may appear.

2. The apportionments to a school district may be adjusted during a fiscal year by the Department of Education, upon approval by the State Board of Examiners and the Interim Finance Committee, if the Department of Taxation and the county assessor in the county in which the school district is located certify to the Department of Education that the school district will not receive the tax levied pursuant to subsection 1 of NRS 387.195 on property of the Federal Government located within the county if:

(a) The leasehold interest, possessory interest, beneficial interest or beneficial use of the property is subject to taxation pursuant to NRS 361.157 and 361.159 and one or more lessees or users of the property are delinquent in paying the tax; and

(b) The total amount of tax owed but not paid for the fiscal year by any such lessees and users is at least 5 percent of the proceeds that the school district would have received from the tax levied pursuant to subsection 1 of NRS 387.195.

➥ If a lessee or user pays the tax owed after the school district's apportionment has been increased in accordance with the provisions of this subsection to compensate for the tax owed, the school district shall repay to the State Distributive School Account in the State General Fund an amount equal to the tax received from the lessee or user for the year in which the school district received an increased apportionment, not to exceed the increase in apportionments made to the school district pursuant to this subsection.

3. On or before August 1 of each year, the board of trustees of a school district shall provide to the Department, in a format prescribed by the Department, the count of pupils calculated pursuant to subparagraph (8) of paragraph (a) of subsection 1 of NRS 387.1233 who completed at least one semester during the immediately preceding school year. The count of pupils

submitted to the Department must be included in the final adjustment computed pursuant to subsection 4.

4. A final adjustment for each school district **,** ~~[and]~~ charter school ***and university school for profoundly gifted pupils*** must be computed as soon as practicable following the close of the school year, but not later than August 25. The final computation must be based upon the actual counts of pupils required to be made for the computation of basic support and the limits upon the support of special education programs, except that for any year when the total enrollment of pupils and children in a school district **,** ~~[or]~~ a charter school located within the school district ***or a university school for profoundly gifted pupils located within the school district*** described in paragraphs (a), (b), (c) and (e) of subsection 1 of NRS 387.123 is greater on the last day of any school month of the school district after the second school month of the school district and the increase in enrollment shows at least:

(a) A 3-percent gain, basic support as computed from first-month enrollment for the school district **,** ~~[or]~~ charter school ***or university school for profoundly gifted pupils*** must be increased by 2 percent.

(b) A 6-percent gain, basic support as computed from first-month enrollment for the school district **,** ~~[or]~~ charter school ***or university school for profoundly gifted pupils*** must be increased by an additional 2 percent.

5. If the final computation of apportionment for any school district **,** ~~[or]~~ charter school ***or university school for profoundly gifted pupils*** exceeds the actual amount paid to the school district **,** ~~[or]~~ charter school ***or university school for profoundly gifted pupils*** during the school year, the additional amount due must be paid before September 1. If the final computation of apportionment for any school district **,** ~~[or]~~ charter school ***or university school for profoundly gifted pupils*** is less than the actual amount paid to the school district **,** ~~[or]~~ charter school ***or university school for profoundly gifted pupils*** during the school year, the difference must be repaid to the State Distributive School Account in the State General Fund by the school district **,** ~~[or]~~ charter school ***or university school for profoundly gifted pupils*** before September 25.

Sec. 9. NRS 387.126 is hereby amended to read as follows:

387.126 The Superintendent of Public Instruction may in his discretion and shall when so directed by the State Board verify by independent audit or other suitable examination the reports of enrollment and daily attendance submitted by any school district **,** ~~[or]~~ charter school ***or university school for profoundly gifted pupils*** for apportionment purposes.

Sec. 10. NRS 387.185 is hereby amended to read as follows:

387.185 1. Except as otherwise provided in subsection 2 and NRS 387.528, all school money due each county school district must be paid over by the State Treasurer to the county treasurer on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the county treasurer may apply for it, upon the warrant of the State Controller drawn in

conformity with the apportionment of the Superintendent of Public Instruction as provided in NRS 387.124.

2. Except as otherwise provided in NRS 387.528, if the board of trustees of a school district establishes and administers a separate account pursuant to the provisions of NRS 354.603, all school money due that school district must be paid over by the State Treasurer to the school district on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the school district may apply for it, upon the warrant of the State Controller drawn in conformity with the apportionment of the Superintendent of Public Instruction as provided in NRS 387.124.

3. No county school district may receive any portion of the public school money unless that school district has complied with the provisions of this title and regulations adopted pursuant thereto.

4. Except as otherwise provided in this subsection, all school money due each charter school must be paid over by the State Treasurer to the governing body of the charter school on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the governing body may apply for it, upon the warrant of the State Controller drawn in conformity with the apportionment of the Superintendent of Public Instruction as provided in NRS 387.124. If the Superintendent of Public Instruction has approved, pursuant to subsection 5 of NRS 387.124, a request for payment of an apportionment 30 days before the apportionment is otherwise required to be made, the money due to the charter school must be paid by the State Treasurer to the governing body of the charter school on July 1, October 1, January 1 or April 1, as applicable.

5. Except as otherwise provided in this subsection, all school money due each university school for profoundly gifted pupils must be paid over by the State Treasurer to the governing body of the university school on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the governing body may apply for it, upon the warrant of the State Controller drawn in conformity with the apportionment of the Superintendent of Public Instruction as provided in NRS 387.124. If the Superintendent of Public Instruction has approved, pursuant to subsection 6 of NRS 387.124, a request for payment of an apportionment 30 days before the apportionment is otherwise required to be made, the money due to the university school must be paid by the State Treasurer to the governing body of the university school on July 1, October 1, January 1 or April 1, as applicable.

Sec. 11. Chapter 392A of NRS is hereby amended by adding thereto the provisions set forth as sections 12 to 17, inclusive, of this act.

Sec. 12. ***1. Each pupil who is enrolled in a university school for profoundly gifted pupils, including, without limitation, a pupil who is enrolled in a program of special education in a university school for profoundly gifted pupils, must be included in the count of pupils in the school district in which the school is located for the purposes of***

apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive, unless the pupil is exempt from compulsory school attendance pursuant to NRS 392.070.

2. A university school for profoundly gifted pupils is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive.

3. If a university school for profoundly gifted pupils receives money for special education program units directly from this State, the amount of money

for special education that the school district pays to the university school for profoundly gifted pupils may be reduced proportionately by the amount of money the university school received from this State for that purpose.

4. All money received by a university school for profoundly gifted pupils from this State or from the board of trustees of a school district must be deposited in a bank, credit union or other financial institution in this State.

5. The governing body of a university school for profoundly gifted pupils may negotiate with the board of trustees of the school district in which the school is located or the State Board for additional money to pay for services that the governing body wishes to offer.

6. To determine the amount of money for distribution to a university school for profoundly gifted pupils in its first year of operation in which state funding is provided, the count of pupils who are enrolled in the university school must initially be determined 30 days before the beginning of the school year of the school district in which the university school is located, based upon the number of pupils whose applications for enrollment have been approved by the university school. The count of pupils who are enrolled in a university school for profoundly gifted pupils must be revised on the last day of the first school month of the school district in which the university school is located for the school year, based upon the actual number of pupils who are enrolled in the university school.

7. Pursuant to subsection 6 of NRS 387.124, the governing body of a university school for profoundly gifted pupils may request that the apportionments made to the university school in its first year of operation be paid to the university school 30 days before the apportionments are otherwise required to be made.

8. If a university school for profoundly gifted pupils ceases to operate pursuant to this chapter during a school year, the remaining apportionments that would have been made to the university school pursuant to NRS 387.124 for that school year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the university school reside.

9. If the governing body of a university school for profoundly gifted pupils uses money received from this State to purchase real property,

buildings, equipment or facilities, the governing body of the university school shall assign a security interest in the property, buildings, equipment and facilities to the State of Nevada.

Sec. 13. ***1. The governing body of a university school for profoundly gifted pupils shall designate a person to draw all orders for the payment of money belonging to the university school. The orders must be listed on cumulative voucher sheets.***

2. The governing body of a university school for profoundly gifted pupils shall prescribe the procedures by which the orders must be approved and the cumulative vouchers sheets signed.

3. An order for the payment of money to a member of the governing body of a university school for profoundly gifted pupils may only be drawn for salary, travel expenses, subsistence allowances or for services rendered by a member.

4. An action may not be maintained against the governing body of a university school for profoundly gifted pupils or against a university school for profoundly gifted pupils to collect upon any bill not presented for payment to the governing body within 6 months after the bill was incurred.

Sec. 14. ***1. The governing body of a university school for profoundly gifted pupils shall adopt rules for the academic advancement of pupils who are enrolled in the university school, including, without limitation, the development of a 4-year academic plan for each pupil. The rules must prescribe the conditions under which the equivalent grade level of a pupil will be identified for the purpose of administering the achievement and proficiency examinations pursuant to NRS 392A.110.***

2. On an annual basis, each university school for profoundly gifted pupils shall evaluate the progress of each pupil in satisfying the requirements set forth in the 4-year academic plan for the pupil.

3. If a pupil has successfully completed equivalent courses at a university school for profoundly gifted pupils, the pupil must be allowed to transfer the credit that he received at the university school as applicable toward promotion to the next grade at any public school in this State or toward graduation from a public high school in this State.

Sec. 15. ***The governing body of a university school for profoundly gifted pupils shall submit to the Department in a format prescribed by the Department such information as requested by the Superintendent of Public Instruction for purposes of accountability reporting for the university school.***

Sec. 16. ***1. The governing body of a university school for profoundly gifted pupils shall adopt:***

(a) Written rules of behavior for pupils enrolled in the university school, including, without limitation, prohibited acts; and

(b) Appropriate punishments for violations of the rules.

2. Except as otherwise provided in subsection 3, if suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the

university school for profoundly gifted pupils shall ensure that, before the suspension or expulsion, the pupil has been given notice of the charges against him, an explanation of the evidence and an opportunity for a hearing. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such a hearing must be closed to the public.

3. A pupil who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the university school for profoundly gifted pupils immediately upon being given an explanation of the reasons for his removal and pending proceedings, which must be conducted as soon as practicable after removal, for his suspension or expulsion.

4. A pupil who is enrolled in a university school for profoundly gifted pupils and participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented, may, in accordance with the procedural policy adopted by the governing body of the university school for such matters, be:

(a) Suspended from the university school pursuant to this section for not more than 10 days.

(b) Suspended from the university school for more than 10 days or permanently expelled from school pursuant to this section only after the governing body has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

5. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters the university school for profoundly gifted pupils during the year.

(b) Available for public inspection at the university school.

6. The governing body of a university school for profoundly gifted pupils may adopt rules relating to the truancy of pupils who are enrolled in the university school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If the governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

Sec. 17. ***1. Each applicant for employment with a university school for profoundly gifted pupils, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to employment, submit to the governing body of the university school a complete set of his fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history***

of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

2. If the reports on the criminal history of an applicant indicate that the applicant has not been convicted of a felony or an offense involving moral turpitude, the governing body of the university school for profoundly gifted pupils may employ the applicant.

3. If a report on the criminal history of an applicant indicates that the applicant has been convicted of a felony or an offense involving moral turpitude and the governing body of the university school for profoundly gifted pupils does not disqualify the applicant from further consideration of employment on the basis of that report, the governing body shall, upon the written authorization of the applicant, forward a copy of the report to the Superintendent of Public Instruction. If the applicant refuses to provide his written authorization to forward a copy of the report pursuant to this subsection, the university school shall not employ the applicant.

4. The Superintendent of Public Instruction or his designee shall promptly review the report to determine whether the conviction of the applicant is related or unrelated to the position with the university school for profoundly gifted pupils for which the applicant has applied. If the applicant desires employment with the university school, he shall, upon the request of the Superintendent of Public Instruction or his designee, provide any further information that the Superintendent or his designee determines is necessary to make the determination. If the governing body of the university school desires to employ the applicant, the governing body shall, upon the request of the Superintendent of Public Instruction or his designee, provide any further information that the Superintendent or his designee determines is necessary to make the determination. The Superintendent of Public Instruction or his designee shall provide written notice of the determination to the applicant and to the governing body of the university school.

5. If the Superintendent of Public Instruction or his designee determines that the conviction of the applicant is related to the position with the university school for profoundly gifted pupils for which the applicant has applied, the governing body of the university school shall not employ the applicant. If the Superintendent of Public Instruction or his designee determines that the conviction of the applicant is unrelated to the position with the university school for which the applicant has applied, the governing body of the university school may employ the applicant for that position.

Sec. 18. ~~[NRS 392A.030 is hereby amended to read as follows:~~

~~392A.030 "Profoundly gifted pupil" means a person who is under the age of 18 years:~~

~~1. Whose intelligence quotient as determined by an individual administration of the Wechsler or Stanford-Binet Series tests or other test~~

~~approved by the governing body of the university school for profoundly gifted pupils is~~ [at or above] ~~*within* the 99.9th percentile; or~~

~~2. Who scores at or above the~~ [99.9th] ~~*highest* percentile for his age on an aptitude or achievement test, including, without limitation, the Scholastic Aptitude Test or the American College Test.~~] **(Deleted by amendment.)**

Sec. 19. NRS 392A.050 is hereby amended to read as follows:

392A.050 ~~[Notwithstanding the provisions of NRS 385.007 to the contrary,]~~ ***Pursuant to NRS 385.007,*** a university school for profoundly gifted pupils shall be deemed a public school ~~[, except that a university school for profoundly gifted pupils is not]~~ ***and is*** entitled to receive ~~[any]~~ money from the State.

Sec. 20. NRS 392A.060 is hereby amended to read as follows:

392A.060 1. Except as otherwise provided by specific statute ~~[,]~~ ***and by regulation of the State Board as determined necessary by the Superintendent of Public Instruction,*** the provisions of title 34 of NRS do not apply to a university school for profoundly gifted pupils.

2. The employees of a university school for profoundly gifted pupils shall be deemed public employees.

Sec. 21. NRS 392A.080 is hereby amended to read as follows:

392A.080 1. The ~~[Except as otherwise provided by this subsection, the]~~ governing body of a university school for profoundly gifted pupils ~~[must consist]~~ ***consists*** of ~~[nine]~~ ~~[seven]~~ ***10*** members **.** ~~[and must include the]~~ ***The*** Superintendent of Public Instruction, the president of the university where the university school for profoundly gifted pupils is located ~~[, who]~~ ***and the superintendent of schools of the school district in which the university school for profoundly gifted pupils is located shall*** serve ex officio ~~[.]~~ ***as nonvoting advisory members of the governing body.*** The Governor ***, the Majority Leader of the Senate and the Speaker of the Assembly*** shall ***each*** appoint ~~[three members]~~ ***one voting member*** to serve ***a*** 4-year ~~[terms.]~~ ***term.*** The members appointed by the Governor ***, the Majority Leader of the Senate and the Speaker of the Assembly*** may not be ***Legislators,*** employees of the State, a municipality of the State or the Board of Regents of the University of Nevada. The remaining four ***voting*** members of the governing body ~~[shall]~~ ***must*** be appointed by the entity that operates the university school for profoundly gifted pupils. A person may serve on a governing body pursuant to this subsection only if he submits an affidavit to the Department indicating that the person has not been convicted of a felony or any crime involving moral turpitude. ~~[Not more than two persons who serve on the governing body may represent the same organization or business or otherwise represent the interests of the same organization or business.]~~

2. The governing body of a university school for profoundly gifted pupils is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be required to attain the ends for which the school is established and to promote the welfare of pupils who are enrolled in the school.

3. The governing body of a university school for profoundly gifted pupils shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which the school is located.

Sec. 22. NRS 392A.100 is hereby amended to read as follows:

392A.100 1. A university school for profoundly gifted pupils shall determine the eligibility of a pupil for admission to the school based upon a comprehensive assessment of the pupil's potential for academic and intellectual achievement at the school, including, without limitation, intellectual and academic ability, motivation, emotional maturity and readiness for the environment of an accelerated educational program. The assessment must be conducted by a broad-based committee of professionals in the field of education.

2. A person who wishes to apply for admission to a university school for profoundly gifted pupils must:

(a) Submit to the governing body of the school:

(1) A completed application;

(2) Evidence that he possesses advanced intellectual and academic ability, including, without limitation, proof that he ~~[scored in the 99.9th percentile or above on achievement and aptitude tests such as the Scholastic Aptitude Test and the American College Test;]~~ ***satisfies the requirements of NRS 392A.030;***

(3) At least three letters of recommendation from teachers or mentors familiar with the academic and intellectual ability of the applicant; ~~[and]~~

(4) A transcript from each school previously attended by the applicant ~~[.]~~ ***; and***

(5) Such other information as may be requested by the university school or governing body of the school.

(b) If requested by the governing body of the school, participate in an on-campus interview.

3. The curriculum developed for pupils in a university school for profoundly gifted pupils must provide exposure to the subject areas required of pupils enrolled in other public schools.

4. The Superintendent of Public Instruction shall, upon recommendation of the governing body, issue a high school diploma to a pupil who is enrolled in a university school for profoundly gifted pupils if that pupil successfully passes the high school proficiency examination and the courses in American government and American history as required by NRS 389.020 and 389.030, and successfully completes any requirements established by the State Board of Education for graduation from high school.

5. On or before March 1 of each odd-numbered year, the governing body of a university school for profoundly gifted pupils shall prepare and submit to the Superintendent of Public Instruction, the president of the university where the university school for profoundly gifted pupils is located, the State Board and the Director of the Legislative Counsel Bureau a report that contains information regarding the school, including, without limitation, the

process used by the school to identify and recruit profoundly gifted pupils from diverse backgrounds and with diverse talents, and data assessing the success of the school in meeting the educational needs of its pupils.

Sec. 23. This act becomes effective on July 1, 2007.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 17, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 186 and 291.

MARK STEVENS
Fiscal Analysis Division

Assemblyman Oceguera moved that upon return from the printer Assembly Bill No. 222 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that upon return from the printer Assembly Bill No. 243 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that upon return from the printer Assembly Bill No. 252 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that upon return from the printer Assembly Bill No. 269 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that upon return from the printer Assembly Bill No. 291 be rereferred to the Committee on Ways and Means.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:18 p.m.

ASSEMBLY IN SESSION

At 12:42 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 144 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 477 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 14 be taken from the Chief Clerk's desk and placed at the top of General File.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 113 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 14.

Bill read third time.

Remarks by Assemblymen Oceguera and Carpenter.

Roll call on Assembly Bill No. 14:

YEAS—42.

NAYS—None.

Assembly Bill No. 14 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 113.

Bill read third time.

Remarks by Assemblymen Pierce, Goicoechea, and Leslie.

Roll call on Assembly Bill No. 113:

YEAS—27.

NAYS—Allen, Beers, Carpenter, Christensen, Cobb, Gansert, Goedhart, Goicoechea, Grady, Hardy, Mabey, Marvel, Settelmeyer, Stewart, Weber—15.

Assembly Bill No. 113 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 1:

YEAS—42.

NAYS—None.

Assembly Bill No. 1 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 15.
Bill read third time.
Remarks by Assemblyman Horne.
Roll call on Assembly Bill No. 15:
YEAS—42.
NAYS—None.
Assembly Bill No. 15 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 25.
Bill read third time.
Remarks by Assemblymen Conklin, Settelmeyer, Horne, and Oceguera.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Mabey moved that Assembly Bill No. 67 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 67.
Bill read third time.
Remarks by Assemblyman Bobzien.
Roll call on Assembly Bill No. 67:
YEAS—42.
NAYS—None.
Assembly Bill No. 67 having received a two-thirds majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 79.
Bill read third time.
Remarks by Assemblymen Koivisto and Hardy.
Roll call on Assembly Bill No. 79:
YEAS—38.
NAYS—Beers, Christensen, Hardy, Stewart—4.
Assembly Bill No. 79 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 88.
Bill read third time.
Remarks by Assemblyman Horne.
Roll call on Assembly Bill No. 88:
YEAS—42.
NAYS—None.

Assembly Bill No. 88 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 103.

Bill read third time.

Remarks by Assemblymen Conklin, Carpenter, and Kirkpatrick.

Madam Speaker requested the privilege of the Chair for the purpose of making remarks.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Carpenter moved that Assembly Bill No. 103 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Carpenter.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 143.

Bill read third time.

Remarks by Assemblyman Goedhart.

Roll call on Assembly Bill No. 143:

YEAS—42.

NAYS—None.

Assembly Bill No. 143 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 165.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 165:

YEAS—42.

NAYS—None.

Assembly Bill No. 165 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 195.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 195:

YEAS—42.

NAYS—None.

Assembly Bill No. 195 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 216.
Bill read third time.
Remarks by Assemblyman Manendo.
Roll call on Assembly Bill No. 216:
YEAS—34.
NAYS—Beers, Cobb, Goedhart, Mabey, Marvel, Stewart, Weber—7.
NOT VOTING—Carpenter.
Assembly Bill No. 216 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 235.
Bill read third time.
Remarks by Assemblyman Bobzien.
Roll call on Assembly Bill No. 235:
YEAS—42.
NAYS—None.
Assembly Bill No. 235 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 248.
Bill read third time.
Remarks by Assemblymen Segerblom and Carpenter.
Roll call on Assembly Bill No. 248:
YEAS—27.
NAYS—Beers, Buckley, Carpenter, Christensen, Cobb, Gansert, Hardy, Leslie, Marvel, Mortenson, Parnell, Settelmeyer, Smith, Stewart, Weber—15.
Assembly Bill No. 248 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 267.
Bill read third time.
Remarks by Assemblymen Segerblom and Goicoechea.
Roll call on Assembly Bill No. 267:
YEAS—42.
NAYS—None.
Assembly Bill No. 267 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 428.
Bill read third time.
Remarks by Assemblyman Parks.
Roll call on Assembly Bill No. 428:
YEAS—42.
NAYS—None.

Assembly Bill No. 428 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 534.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Assembly Bill No. 534:

YEAS—42.

NAYS—None.

Assembly Bill No. 534 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 541.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 541:

YEAS—42.

NAYS—None.

Assembly Bill No. 541 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 542.

Bill read third time.

Remarks by Assemblyman Hogan.

Roll call on Assembly Bill No. 542:

YEAS—42.

NAYS—None.

Assembly Bill No. 542 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson gave notice that on the next legislative day, he would move to reconsider the vote whereby Assembly Bill No. 248 was this day passed.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 9.

The following Senate amendment was read:

Amendment No. 26.

AN ACT relating to mortgage agents; authorizing a natural person to be licensed as a mortgage agent on behalf of a corporation or limited-liability

company under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill authorizes a natural person who is qualified to be licensed as a mortgage agent under existing law to be issued such a license on behalf of a professional corporation of which he is the sole shareholder or on behalf of a limited-liability company of which he is the manager.

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

Section 1. Chapter 645B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any natural person who meets the qualifications of a mortgage agent and:

(a) Except as otherwise provided in subsection 2, is the sole shareholder of a corporation organized pursuant to the provisions of chapter 89 of NRS; or

(b) Is the manager of a limited-liability company organized pursuant to the provisions of chapter 86 of NRS,

➥ may be licensed on behalf of the corporation or limited-liability company for the purpose of associating with a licensed mortgage broker in the capacity of a mortgage agent.

2. The spouse of the owner of the corporation who has a community interest in any shares of the corporation shall not be deemed a second shareholder of the corporation for the purposes of paragraph (a) of subsection 1, if the spouse does not vote any of those shares.

3. A license issued pursuant to this section entitles only the sole shareholder of the corporation or the manager of the limited-liability company to act as a mortgage agent, and only as an officer or agent of the corporation or limited-liability company and not on his own behalf. The licensee shall not do or deal in any act, acts or transactions included within the definition of a mortgage ~~[agent]~~ ***broker in NRS*** ~~[645B.0125,]~~ ***645B.0127, except as that activity is permitted pursuant to this chapter to licensed mortgage agents.***

4. The corporation or limited-liability company shall, within 30 days after a license is issued on its behalf pursuant to this section and within 30 days after any change in its ownership, file an affidavit with the Division stating:

(a) For a corporation, the number of issued and outstanding shares of the corporation and the names of all persons to whom the shares have been issued.

(b) For a limited-liability company, the names of members who have an interest in the company.

5. A license issued pursuant to this section automatically expires upon:

(a) The death of the licensed shareholder in the corporation or the manager of the limited-liability company; or

(b) The issuance of shares in the corporation to more than one person other than the spouse.

6. This section does not alter any of the rights, duties or liabilities which otherwise arise in the legal relationship between a mortgage broker or mortgage agent and a person who deals with him.

Sec. 2. ~~[NRS 645B.0123 is hereby amended to read as follows:~~

~~645B.0123 ”Licensee” means a person who is licensed as a mortgage broker pursuant to this chapter. The term does not include a person issued a license as a mortgage agent pursuant to NRS 645B.410 [.] *or section 1 of this act.]*~~ ***(Deleted by amendment.)***

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

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 9.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 607.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to the following members of Youth Voice: Justin McCrary, Melissa Hamilton, Sarah Cocanour, Lizeth Ramirez, Edson Almacher, Anita Hawkins, Brittany Stevenson, Tara Seachris, Nancy Burrows, Matt Ford, Kyle Young, Austen Walsh, Brian Bosma, Gabe Legorburu, Chris Schwartz, Jaryd Neiman, Sean Neely, Greg Lintz, Kassi Mast, Darby Dickton, Eric Lee, Shobian Flinn, Sinead Camilo, Austin Wallis, Amy O’Brien, Marissa Houk, Morgan Holmgren, Ali Cernoch, Becky Tachihara, America Acevedo, Emerson Acevedo, Sari Carter, Michele Casbarro, Kyle Swanson, Brook Lawrence, Nick Chrysanthou, Kalie Sawyer, Taylor Echieverra, Alejandra Reyes, Jasmine Aguirre, Emily Stetson, Carl Hernandez, Destiny Casci, Adam Solinger and Ryan Keating.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to the following members of the Mexican American Legal Defense Education Fund: Maria Reyes, Claudia Martinez, Margarita Salas, Amelia Isiordia, Rosario Valdez, Angie De La Cruz, Oscar Lopez, and Mary Anne Read.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Kidding Around Preschool:

Jordan Clements, Jessica Clements, Makayla Peden, Alexa Martin, Cole Johnson, Nathan Reynolds, Cynthia Crittenden, Sasha Handschuh, Rylan Howell, Ben Larkin, Lilly Malone, McKenzie Repp, Trey Tonzi, Hailee Whitten, Johnny Morrison, Daniel Campbell, Terra Maddox, Tonya clements, Jennifer Rogacs, Savannah Carlon, Tifany Fraker, Rochell Rysdam, and Melissa Peden.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and teachers of Robert Mitchell Elementary School: Monica Baldwin, Joey Castill-Meza, Elba Centeno, Celeste Cortes, John'ne Craig, Joseph Dominguez, Antonio Garcia, Rachel Goodwin, Thomas Guerrero-Bonilla, Soledad Martinez, Ruben Pacheco, Edgar Parra Sambrano, Parsh Patel, Michelle Quintero, Phoenix Robinson, Dilon Cattanach, Tony Martinez-Vincent, Cameron Stewart, Jareth Trottot, Ericka Thrasher, Daniel Sandoval, Beatriz Adame, Haley Brown, Rafael Cerrillo, Sandy Espino, Devon Fox Rhyner, Gregorio Garcia Luna, Danny Gomez, Ashley Goodale, Adilene Hernandez Reyes, Dalisha Kindle, Chase Kynast, J'Quan Lee, Dustin Lemons, Edgar Leon, Vanessa Orellana, David Ortega, Dayanna Parra Sambrano, Eddy Pichardo, Armando Reyes, Jasmine Scott, Jeremy Soriano, Ashley Walker, Bob Wing, and Jonathan Lomeli.

Assemblyman Oceguera moved that the Assembly adjourn until Wednesday, April 18, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 1:35 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE SEVENTY-THIRD DAY

CARSON CITY (Wednesday), April 18, 2007

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

Madam Speaker presiding.

Roll called.

All present except Assemblywoman Womack, who was excused.

Prayer by the Chaplain, Rabbi Jacob Benzaquen.

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

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

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

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

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

JOHN OCEGUERA, *Chair*

Madam Speaker:

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

ELLEN KOIVISTO, *Chair*

Madam Speaker:

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

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

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

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

BERNIE ANDERSON, *Chair*

Madam Speaker:

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

BERNIE ANDERSON, *Chair*

Madam Speaker:

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

JERRY D. CLABORN, *Chair*

Madam Speaker:

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

DAVID R. PARKS, *Chair*

Madam Speaker:

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

KATHY MCCLAIN, *Chair*

Madam Speaker:

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

KELVIN ATKINSON, *Chair*

Madam Speaker:

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

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

MORSE ARBERRY JR., *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 17, 2007

To the Honorable the Assembly:

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

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

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

Motion carried.

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

Motion carried.

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

Motion carried.

NOTICE OF EXEMPTION

April 18, 2007

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

MARK STEVENS
Fiscal Analysis Division

Senate Joint Resolution No. 2.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 50.

Bill read second time.

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

Amendment No. 439.

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

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

Legislative Counsel's Digest:

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

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

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

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

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

(a) If the peace officer authorizes the release; or

(b) If the peace officer has been arrested.

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

(a) A report of a 911 telephone call.

(b) A police report, investigative report or complaint which a person filed with a law enforcement agency.

(c) A statement made by a witness.

(d) A report prepared pursuant to NRS 432B.540 by an agency which provides child welfare services, which report details a plan for the placement of a child.

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

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 87.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 297.

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

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

Legislative Counsel's Digest:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(c) A coroner.~~

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

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

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

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

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

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

~~(j) Every social worker.~~

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

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

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

~~6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney and the Aging Services Division of the Department of Health and Human Services his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.~~

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

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

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

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

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

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

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

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

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

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

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

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

~~(c) A coroner.~~

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

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

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

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

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

~~(i) Every social worker.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 138.

Bill read second time.

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

Amendment No. 278.

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

Legislative Counsel's Digest:

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

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

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

278B.045 ***1.*** "Fire station project" means ~~[a] [:~~

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

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

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

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

~~2. Any~~]

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

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

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

(b) Storage areas.

(c) Kitchen facilities.

(d) Dormitories and locker rooms.

(e) Restroom facilities.

(f) Training or exercise facilities.

(g) Briefing or conference facilities.

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

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

(j) Parking areas for employees and the public.

(k) Landscaping.

(l) Utilities.

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

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

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

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

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

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

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

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

278B.087 ***1.*** "Police station project" means [~~a~~] [~~:~~

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

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

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

~~(2) A use related to the~~ **:**

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

~~2. Any]~~ ~~[; and~~

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

(b) Storage areas.

(c) Locker rooms.

(d) Restroom facilities.

(e) Training or exercise facilities.

(f) Briefing or conference facilities.

(g) Parking areas for employees and the public.

(h) Landscaping.

(i) Utilities.

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

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

~~(b) To provide administrative services.]~~ ***:***

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

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

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

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

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 145.

Bill read second time.

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

Amendment No. 441.

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

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

Legislative Counsel's Digest:

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

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

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

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

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

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

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

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

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 160.

Bill read second time.

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

Amendment No. 240.

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

Legislative Counsel's Digest:

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

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

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

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

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

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

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

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

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

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

268.620 "Executive officer" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) All property owners of record in the territory proposed to be annexed ~~[.]~~ ***; and***

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

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

268.656 1. Any owner of real property ~~[in]~~ ***:***

(a) In the territory proposed to be annexed ***;*** ~~[or]~~

(b) In the unincorporated area that is within ~~[one-half mile]~~ ***750 feet outside the boundaries of the territory proposed to be annexed*** ~~[,]~~ ***; or***

(c) Who owns one of the 30 separately owned parcels in the unincorporated area outside the boundaries of the territory proposed to be annexed, which parcels are nearest the territory proposed to be annexed, to the extent that such an owner of real property is not already described in paragraph (b),

➥ may file a written protest to such annexation during the 20-day notice period and may appear and be heard prior to any vote of the governing body on the annexation.

2. Such protest may relate to ~~[a part only of such]~~ ***the*** territory ***proposed to be annexed or to the unincorporated area*** ~~[that is within one-half mile outside the boundaries of the territory proposed to be annexed,]~~ ***in which***

owners of real property are required to be given notice pursuant to paragraph (b) or (c) of subsection 2 of NRS 268.654, and when so relating ~~[shall]~~ ***must*** be granted for any good cause shown, including **,** without limitation **,** the inability of the annexing city to provide appropriate governmental services within a reasonable time to ~~[such part.]~~ ***the territory proposed to be annexed.***

Sec. 7. NRS 268.660 is hereby amended to read as follows:

268.660 1. Except as ***otherwise*** provided in subsection 2, the annexation must be denied if protests are made, either in writing as provided in NRS 268.656 or at the public hearing, by:

(a) A majority in number of the ***owners of*** real property ~~[owners of:]~~ ***:***

(1) In the territory proposed to be annexed; or

(2) In the unincorporated area ~~[that is within one-half mile outside the boundaries of the territory proposed to be annexed;]~~ ***in which owners of real property are required to be given notice pursuant to paragraph (b) or (c) of subsection 2 of NRS 268.654; or***

(b) The owners of real property whose combined value is greater than 50 percent of the total value of real property ~~[in]~~ ***:***

(1) In the territory proposed to be annexed, as determined by assessment for taxation ~~[.]~~ ***; or***

(2) In the unincorporated area ~~[that is within one-half mile outside the boundaries of the territory proposed to be annexed, as determined by assessment for taxation.]~~ ***in which owners of real property are required to be given notice pursuant to paragraph (b) or (c) of subsection 2 of NRS 268.654.***

2. Annexation of territory to a city may be approved over any protest if:

(a) The territory proposed to be annexed is entirely surrounded by such city and:

(1) Does not exceed 40 acres in area; or

(2) Is subdivided for residential, commercial or industrial purposes;

(b) Provision of municipal services, including **,** without limitation **,** water, sewerage, police protection and fire protection, to the territory proposed to be annexed is necessary to the public health, safety, convenience or welfare; and

(c) The city to which annexation is proposed is or within a reasonable time will be able to supply the municipal services so required.

3. In a county that is subject to the provisions of NRS 278.026 to 278.029, inclusive, if an annexation is denied because of:

(a) A protest made pursuant to subsection 1, the regional planning commission shall review the program of annexation and the comprehensive regional plan and shall:

(1) Place the territory removed from the program of annexation in a category in the comprehensive regional plan that is not scheduled to receive public facilities or public services for the duration of the annexation program;

(2) Place the territory removed from the program of annexation, with the consent of the governing body of the county and the governing body of

the affected city, in a category in the comprehensive regional plan that is scheduled to receive public facilities and public services from the county; or

(3) Retain the territory within the program of annexation. This subparagraph does not preclude a subsequent proceeding with respect to all or part of that territory if the proceeding is commenced more than 1 year after the public hearing.

(b) A failure of the city to put into effect the program of annexation, the regional planning commission may direct that the territory be placed in a category in the comprehensive regional plan that allows the county to provide services to the territory.

4. A public body may exclude its own lands from annexation if they are held for purposes other than highways.

Sec. 8. NRS 268.662 is hereby amended to read as follows:

268.662 1. Whenever it is necessary for the purposes of NRS 268.610 to 268.670, inclusive, to determine ~~[the]~~ ***:***

(a) The number or identity of the owners of real property in a territory proposed to be annexed ~~[,]~~ ***or in an unincorporated area that is within a certain distance outside the boundaries of the territory proposed to be annexed*** ~~[,]~~ ***; or***

(b) The identity of the owners of a certain number of parcels of real property in an unincorporated area, which parcels are nearest the boundaries of the territory proposed to be annexed,

➥ a list of such owners, certified by the county assessor on any date between the initiation as provided in NRS 268.636 and the hearing as provided in NRS 268.658, both dates inclusive, ~~[shall be]~~ ***is*** prima facie evidence that only those persons named thereon are such owners.

2. A petition or protest is sufficient for the purposes of NRS 268.610 to 268.670, inclusive, as to any parcel of real property:

(a) Which is owned by more than one natural person, if it is signed by a majority of the owners.

(b) Which is owned by an artificial person, if it is signed by any authorized agent.

Sec. 9. NRS 268.670 is hereby amended to read as follows:

268.670 1. ~~[As]~~ ***Except as otherwise provided in*** ~~[subsection]~~ ***subsections 2, 3 and 4, as*** an alternative to the procedures for initiation of annexation proceedings set forth in NRS 268.610 to 268.668, inclusive, the governing body of a city may, subject to the provisions of NRS 268.663 and after notifying the board of county commissioners of the county in which the city lies ~~[providing notice]~~ of its intention , ~~[as required pursuant to subsection 2,]~~ annex:

(a) Contiguous territory owned in fee by the city.

(b) Other contiguous territory if 100 percent of the owners of record of individual lots or parcels of land within such ~~[area]~~ ***territory*** sign a petition requesting the governing body to annex such ~~[area]~~ ***territory*** to the city. ~~[If]~~ ***Except as otherwise provided in*** ~~[subsection]~~ ***subsections 2, 3 and 4, if*** such

petition is received and accepted by the governing body, the governing body may proceed to adopt an ordinance annexing such ~~[area]~~ ***territory*** and to take such other action as is necessary and appropriate to accomplish such annexation.

2. ~~[At]~~ ***In a county whose population is 100,000 or more but less than 400,000, at least 30 days before the governing body of a city annexes territory*** ~~[pursuant to subsection 1,]~~ ***that is not within the city's sphere of influence, the governing body shall provide notice of its intention to annex that territory. Such notice must be provided in writing and sent by*** ~~[certified mail, return receipt requested,]~~ ***first-class mail to:***

(a) The board of county commissioners of the county in which the city is located; ~~[and]~~

(b) Each owner of real property in the unincorporated area that is within ~~[1 mile]~~ ***750 feet outside the boundaries of the territory proposed to be annexed*** ~~[.]~~ ***; and***

(c) The owner of each of the 30 separately owned parcels in the unincorporated area outside the boundaries of the territory proposed to be annexed, which parcels are nearest the territory proposed to be annexed, to the extent this notice does not duplicate the notice given pursuant to paragraph (b).

3. Within 30 days after the mailing of the notice pursuant to subsection 2, the board of county commissioners or an owner of real property in the unincorporated area ~~[that is within 1 mile outside the boundaries of the territory proposed to be annexed]~~ ***in which owners of real property are required to be given notice pursuant to paragraph (b) or (c) of subsection 2 may file with the governing body a written protest to the proposed annexation.***

4. If the governing body of a city receives a written protest pursuant to subsection 3, the governing body shall, if it wishes to continue pursuing the annexation, follow the procedures for initiation of annexation proceedings set forth in NRS 268.610 to 268.668, inclusive.

5. For the purposes of this section, "contiguous" means either abutting directly on the boundary of the annexing municipality or separated from the boundary thereof by a street, alley, public right-of-way, creek, river or the right-of-way of a railroad or other public service corporation, or by lands owned by the annexing municipality, by some other political subdivision of the State or by the State of Nevada.

Sec. 10. In a county whose population is 100,000 or more but less than 400,000:

1. If the governing bodies of the county and each incorporated city in the county have executed an interlocal agreement pursuant to subsection 2 of NRS 268.626, as that subsection existed before October 1, 2007:

(a) The interlocal agreement becomes void on October 1, 2007; and

(b) As soon as practicable after October 1, 2007, the members of the city annexation commission must be selected in the manner prescribed in

NRS 268.626, as amended by this act. The members so selected serve until the selection and qualification of their successors in January 2009 pursuant to subsection 1 of NRS 268.628.

2. If the governing bodies of the county and each incorporated city in the county have not executed an interlocal agreement pursuant to subsection 2 of NRS 268.626, as that subsection existed before October 1, 2007, the chairman of the regional planning commission shall, as soon as practicable after October 1, 2007, appoint to the city annexation commission a member representing the general public as described in subsection 3 of NRS 268.626, as amended by this act. The member so selected serves until the selection and qualification of his successor in January 2009 pursuant to subsection 1 of NRS 268.628.

Sec. 11. 1. If any proceedings to annex territory to a city pursuant to NRS 268.610 to 268.670, inclusive, have been commenced but not concluded as of October 1, 2007, such proceedings must be terminated and, if the party who initiated the proceedings wishes to continue pursuing the annexation, recommenced pursuant to NRS 268.610 to 268.670, inclusive, as amended by this act.

2. If proceedings to annex territory to a city must be recommenced as described in subsection 1 and if such proceedings were being considered by a regional planning commission pursuant to an interlocal agreement entered into under subsection 2 of NRS 268.626, as that subsection existed before October 1, 2007, the proceedings must be transferred to the city annexation commission for consideration by that entity.

Sec. 12. ~~[The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 181.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 126.

AN ACT relating to motor vehicles; revising provisions concerning the survey of labor rates charged by body shops; requiring the Department **of Motor Vehicles** to allow on-line verification of a license of a body shop; requiring an operator of a body shop to complete the survey as a condition for renewal of his license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2 and 8 of this bill transfer the duty to conduct an annual survey of rates charged by licensed body shops from the Commissioner of Insurance

to the Department of Motor Vehicles. (NRS 690B.015) Section 2 further requires the Department to conduct the survey by providing an on-line form which must be completed and submitted electronically by the operator of each licensed body shop and made available to the public on the Department's website ~~[within 48 hours]~~ **not more than 30 days** after the ~~[completion of the survey.]~~ **renewal of the body shop's license.** Section 3 of this bill requires the Department to compile the results of each survey in a report which must be ~~[updated daily and]~~ made available to the public on-line. Section 4 of this bill requires the Department to provide a method by which a person may verify the license of a body shop on-line. Sections 6 and 7 of this bill require an operator of a body shop to complete the survey as a condition for the renewal of his license. (NRS 487.630)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 487 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. A body shop licensed in this State must complete an on-line survey within*** ~~[90]~~ ***60 days immediately preceding the date of the submission of the application for renewal of the license of the body shop.***

2. The Department shall conduct the survey by providing a form on its website or other Internet site to be completed by each body shop and submitted electronically to the Department.

3. Each survey must include, without limitation:

(a) The name and address of the body shop;

(b) The labor rate charged by the body shop; and

(c) Any other information the Department deems necessary.

4. The information obtained from each survey must be available to the public on-line ~~[within 48 hours]~~ ***not more than 30 days after the*** ~~[completion of the survey by]~~ ***renewal of the body*** ~~[shop.]~~ ***shop's license.***

Sec. 3. ***1. The Department must compile the results of each survey completed pursuant to section 2 of this act in a report which must be*** ~~[updated daily and]~~ ***made available to the public on-line. The report must include, without limitation:***

(a) The names and addresses of all body shops that complete the survey;

(b) The prevailing labor rate for body shops in a specific geographic area as established by the Department; and

(c) Any other information the Department deems necessary.

2. As used in this section, "prevailing labor rate" means the ~~[most commonly occurring labor rate charged by body shops]~~ ***average labor rate reported in the survey in a specific geographic area.***

Sec. 4. ***The Department shall provide a method on its website or other Internet site by which a person may verify the license of a body shop.***

Sec. 5. NRS 487.600 is hereby amended to read as follows:

487.600 As used in NRS ~~[487.610]~~ ***487.600*** to 487.690, inclusive, ***and sections 2, 3 and 4 of this act,*** "body shop" means any place where the body of a motor vehicle is painted, fixed, repaired or replaced for compensation.

Sec. 6. NRS 487.630 is hereby amended to read as follows:

487.630 1. An application for a license to operate a body shop must be filed with the Department upon forms supplied by the Department. The application must include the social security number of the applicant and ***must*** be accompanied by such proof as the Department requires to demonstrate that the applicant meets the statutory requirements to operate a body shop.

2. The Department shall charge a fee of $300 for the issuance or renewal of a license to operate a body shop. Fees collected by the Department pursuant to this subsection must be deposited with the State Treasurer to the credit of the Account for Regulation of Salvage Pools, Automobile Wreckers, Body Shops and Garages.

3. Upon receipt of the application and the statement required pursuant to NRS 487.003 and when satisfied that the applicant is entitled thereto, the Department shall issue to the applicant a license to operate a body shop. The license must contain the name and the address of the body shop and the name of the operator.

4. Upon receipt of the license, the operator shall post the license in a conspicuous place clearly visible to the general public in the body shop and include the license number on all estimates and invoices for repairs.

5. A license expires on April 30 of each year.

6. A licensee may renew his license by submitting to the Department:

(a) A completed application for renewal upon a form supplied by the Department;

(b) The statement required pursuant to NRS 487.003; ~~[and]~~

(c) ***Evidence satisfactory to the Department that the licensee has completed and electronically submitted, within*** ~~[90]~~ ***60 days immediately preceding the date of the submission of the application for renewal of a license, the survey required pursuant to section 2 of this act; and***

(d) The fee for renewal of a license provided in subsection 2.

Sec. 7. NRS 487.630 is hereby amended to read as follows:

487.630 1. An application for a license to operate a body shop must be filed with the Department upon forms supplied by the Department. The application must be accompanied by such proof as the Department requires to demonstrate that the applicant meets the statutory requirements to operate a body shop.

2. The Department shall charge a fee of $300 for the issuance or renewal of a license to operate a body shop. Fees collected by the Department pursuant to this subsection must be deposited with the State Treasurer to the credit of the Account for Regulation of Salvage Pools, Automobile Wreckers, Body Shops and Garages.

3. Upon receipt of the application and when satisfied that the applicant is entitled thereto, the Department shall issue to the applicant a license to

operate a body shop. The license must contain the name and the address of the body shop and the name of the operator.

4. Upon receipt of the license, the operator shall post the license in a conspicuous place clearly visible to the general public in the body shop and include the license number on all estimates and invoices for repairs.

5. A license expires on April 30 of each year.

6. A licensee may renew his license by submitting to the Department:

(a) A completed application for renewal upon a form supplied by the Department; ~~[and]~~

(b) ***Evidence satisfactory to the Department that the licensee has completed and electronically submitted, within*** ~~[90]~~ ***60 days immediately preceding the date of the submission of the application for renewal of a license, the survey required pursuant to section 2 of this act; and***

(c) The fee for renewal of a license provided in subsection 2.

Sec. 8. NRS 690B.015 is hereby repealed.

Sec. 9. 1. This section and sections 1 to 6, inclusive, and 8 of this act become effective on July 1, 2007.

2. Section 6 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has the authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

3. Section 7 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has the authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTION

690B.015 Commissioner to conduct survey of operators of body shops; information to be compiled in report.

1. The Commissioner shall annually conduct a survey of licensed operators of body shops in this State to determine:

(a) The rates charged by such operators for painting and other repairs; and

(b) The difference, if any, between the amount paid by the operators for new and used parts acquired for repairs and the amount charged to customers for those parts.

2. The information obtained by the survey must be compiled in a written report, which must set forth information relating to:

(a) Each county separately whose population is 50,000 or more; and

(b) The remaining counties of the State.

➥ The report is a public record for the purposes of NRS 239.010.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 230.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 552.

AN ACT relating to justice courts; expanding the jurisdiction of justice courts in criminal cases in which an arrest was made by a field agent or an inspector of the State Department of Agriculture; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that in criminal cases, the jurisdiction of justice courts extends to the limits of their respective counties with two exceptions. (NRS 4.370) First, each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established. Second, in the case of an arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justice courts extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties. This bill similarly expands the jurisdiction of justice courts by providing that in the case of an arrest made by a field agent or an inspector of the State Department of Agriculture, the jurisdiction of the justice courts extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties. **This bill also provides that if a person is arrested by a field agent or inspector of the State Department of Agriculture in the county in which the person resides, the justice of the peace of that county has sole jurisdiction of the matter.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed $10,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed $10,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding $10,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed $10,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed $10,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed $10,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed $10,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed $10,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed $10,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $10,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $10,000.

(l) In actions for a fine imposed for a violation of NRS 484.757.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is more than 100,000 and less than 400,000;

(2) In any township whose population is 100,000 or more located within a county whose population is more than 400,000; or

(3) If a party to the action is a party in another action pending in the district court in which such an order may be granted by the district court.

(n) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(o) In small claims actions under the provisions of chapter 73 of NRS.

(p) In actions to contest the validity of liens on mobile homes or manufactured homes.

(q) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

(r) In actions transferred from the district court pursuant to NRS 3.221.

(s) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250.

4. Except as otherwise provided in subsections 5 and 6, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. In the case of any arrest made by a member of the Nevada Highway Patrol , ~~[or a person designated by the Director of the State Department of Agriculture as a field agent or an inspector pursuant to subsection 2 of NRS 561.225,]~~ the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

6. ***In the case of any arrest made by a person designated by the Director of the State Department of Agriculture as a field agent or an inspector pursuant to subsection 2 of NRS 561.225, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties, except that if a person is arrested in a county in which he resides, the justice of the peace of such county has sole jurisdiction of the matter.***

7. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 2. This act becomes effective on July 1, 2007.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 259.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 346.

AN ACT relating to wildlife; ~~[classifying a wild mountain lion as an unprotected mammal; designating the Department of Wildlife as the Department of Fish and Game; placing the Department under the control of the Board of Wildlife Commissioners; authorizing the Commission to adopt regulations for the hunting, killing or nonlethal control of mountain lions from an aircraft; revising certain provisions relating to the use of a spring gun, set gun or other device for the destruction of a mountain lion;]~~ **requiring the Department of Wildlife to submit a financial report to the Legislature relating to certain accounts and subaccounts administered by the Department;** making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Department of Wildlife. The Department is required to administer the laws of this State relating to wildlife and the provisions of chapter 488 of NRS relating to watercraft and the use of watercraft. (NRS 501.331) ~~[Sections 9 and 27 of this bill designate the Department of Wildlife as the Department of Fish and Game. Section 27 also places the newly designated Department of Fish and Game under the control of the Board of Wildlife Commissioners.~~

~~Existing law requires the Board of Wildlife Commissioners to classify by regulation each species of wildlife within this State as a wild mammal, wild bird, fish, reptile, amphibian, mollusk or crustacean. Each species of wildlife so classified must be further classified as protected or unprotected. Any wildlife that is classified as protected may be designated as sensitive, threatened or endangered. If it is in the public interest to do so, and upon reasonable public notice and hearing, the Commission may place a species of wildlife within another classification. (NRS 501.110) Section 25 of this bill specifically classifies a wild mountain lion as an unprotected mammal.~~

~~Existing law prohibits a person from intentionally killing or aiding and abetting another person in killing a mountain lion unless the person has a valid tag to hunt the mountain lion and the person hunts the mountain lion in the manner prescribed on the tag. (NRS 501.376) Section 28 of this bill eliminates the prohibition against hunting a mountain lion without a valid tag and in the manner specified on the tag.~~

~~Existing law requires a person who wishes to apply for a restricted nonresident deer tag to complete an application and submit a fee for the tag in the amount of $300. All such fees collected by the Department must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. (NRS 502.148) Section 31 of this bill increases the fee for a restricted nonresident deer tag from $300 to $303. Section 31 also~~

~~requires the Department to account separately for an amount of money that is equal to $3 of each fee collected and to use that money only for the control of predatory animals or birds.~~

~~In addition to the fee for a restricted nonresident deer tag, existing law imposes fees in various amounts for the issuance of resident and nonresident tags to hunt deer, antelope, elk, bighorn sheep, mountain goat and mountain lion. (NRS 502.250) Existing law further requires the fees so collected to be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. (NRS 501.356) Section 32 of this bill increases each of those fees by $3 and requires the Department to account separately for an amount of money that is equal to $3 of each of those fees and to use that money only for the control of predatory animals or birds. Because section 25 of this bill classifies a wild mountain lion as an unprotected mammal for which a tag is not required to hunt, section 32 also eliminates the fees for issuing a resident or nonresident mountain lion tag.~~

~~Existing law prohibits a person from killing or attempting to kill any birds or animals from an aircraft unless the person is hunting a coyote, bobcat or raven from the aircraft and the person has a permit authorizing him to hunt the coyote, bobcat or raven issued pursuant to a regulation adopted by the Commission. (NRS 503.005) Existing law further prohibits a person from hunting a big game mammal, except a mountain lion, with any breed of dog. (NRS 503.150) Section 33 of this bill authorizes the Commission to adopt a regulation authorizing the issuance of a permit to hunt, kill or engage in the nonlethal control of a mountain lion from an aircraft. Section 34 of this bill eliminates the exception for mountain lions to be hunted with any breed of dog.]~~

Section 26 of this bill requires the Department to submit to the Legislature, on or before the fifth calendar day of each regular session, a financial report setting forth the activity and status of the Wildlife Obligated Reserve Account and any other account or subaccount administered by the Department for which the use of the money in the account or subaccount is restricted. The report must include, without limitation, a description of each project for which money is spent and a description of each recipient of that money.

Section 36 of this bill appropriates $200,000 from the State General Fund to the Department ~~[of Fish and Game]~~ to be used only for ~~[managing]~~ **the preservation of mule deer and the management** of predatory animals or birds.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 501 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*As used in this title, unless the context otherwise requires, the words and terms defined in NRS 501.003 to 501.097, inclusive, have the meanings ascribed to them in those sections.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 501.003 is hereby amended to read as follows:~~

~~501.003 — [As used in this title, "alternative] "*Alternative* livestock" means the following species, including subspecies, of the family Cervidae, if they are born and reared in captivity and raised on private property to produce meat or other by-products of animals or as breeding stock to produce alternative livestock:~~

~~1. — Fallow deer (Dama dama).~~

~~2. — Reindeer (Rangifer tarandus).]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 501.005 is hereby amended to read as follows:~~

~~501.005 — [As used in this title, "big] "*Big* game mammal" means any game mammal so classified by a Commission regulation.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 501.010 is hereby amended to read as follows:~~

~~501.010 — [As used in this title, "board"] "*Board*" means the county advisory board to manage wildlife.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 501.013 is hereby amended to read as follows:~~

~~501.013 — [As used in this title, "chumming"] "*Chumming*" means the placing in the water of fish, parts of fish or other material upon which fish feed, for the purpose of attracting fish to a particular area in order that they may be taken.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 501.015 is hereby amended to read as follows:~~

~~501.015 — [As used in this title, "closed] "*Closed* season" means all periods except those designated as "open season." During any such season it is unlawful to fish, to hunt game mammals or game birds or to hunt or trap fur bearing mammals. There is no closed season on those species of wild mammals or wild birds classified as unprotected.]~~ **(Deleted by amendment.)**

Sec. 7. ~~[NRS 501.020 is hereby amended to read as follows:~~

~~501.020 — Except as otherwise provided in NRS 504.430 to 504.490, inclusive, [as used in this title, unless the context otherwise requires,] "Commission" means the Board of Wildlife Commissioners.]~~ **(Deleted by amendment.)**

Sec. 8. ~~[NRS 501.023 is hereby amended to read as follows:~~

~~501.023 — [As used in this title, "county,"] "*County*," when appearing alone or in the reference framework of county advisory board to manage wildlife, board of county commissioners or any county officer, includes and applies to Carson City.]~~ **(Deleted by amendment.)**

Sec. 9. ~~[NRS 501.024 is hereby amended to read as follows:~~

~~501.024 — [As used in this title,] "Department" means the Department of [Wildlife.] *Fish and Game.]*~~ **(Deleted by amendment.)**

Sec. 10. ~~[NRS 501.026 is hereby amended to read as follows:~~

~~501.026 — [As used in this title,] "Director" means the Director of the Department.]~~ **(Deleted by amendment.)**

Sec. 11. ~~[NRS 501.030 is hereby amended to read as follows:~~

~~501.030 —~~ [As used in this title, the] ~~*The* words "to fish" and their derivatives, "fishes," "fishing" and "fished," mean catching, taking, capturing, killing, injuring or crippling of a fish or game amphibian, and every attempt to do so.]~~ **(Deleted by amendment.)**

Sec. 12. ~~[NRS 501.035 is hereby amended to read as follows:~~

~~501.035 —~~ [As used in this title, "fur bearing] ~~"*Fur bearing* mammal" means any mammal so classified by *a* Commission regulation.]~~ **(Deleted by amendment.)**

Sec. 13. ~~[NRS 501.037 is hereby amended to read as follows:~~

~~501.037 —~~ [As used in this title, "game] ~~"*Game* amphibian" means any amphibian so classified by *a* Commission regulation.]~~ **(Deleted by amendment.)**

Sec. 14. ~~[NRS 501.045 is hereby amended to read as follows:~~

~~501.045 —~~ [As used in this title, "game] ~~"*Game* fish" means any fish so classified by *a* Commission regulation.]~~ **(Deleted by amendment.)**

Sec. 15. ~~[NRS 501.046 is hereby amended to read as follows:~~

~~501.046 —~~ [As used in this title, "game] ~~"*Game* mammal" means any mammal so classified by *a* Commission regulation.]~~ **(Deleted by amendment.)**

Sec. 16. ~~[NRS 501.047 is hereby amended to read as follows:~~

~~501.047 —~~ [As used in this title, "game] ~~"*Game* warden" means any person authorized by the Director to enforce the provisions of this title and [of] chapter 488 of NRS.]~~ **(Deleted by amendment.)**

Sec. 17. ~~[NRS 501.050 is hereby amended to read as follows:~~

~~501.050 —~~ [As used in this title, the] ~~*The* words "to hunt" and their derivatives, "hunting" and "hunted," mean to search for, pursue or attract wild mammals or birds for the purpose and with the means of capturing, injuring or killing them, every attempt to capture, injure or kill wild mammals or birds, and every act of assistance to any other person in capturing, injuring or killing [such] *those* mammals or birds.]~~ **(Deleted by amendment.)**

Sec. 18. ~~[NRS 501.055 is hereby amended to read as follows:~~

~~501.055 —~~ [As used in this title, "migratory] ~~"*Migratory* game birds" means any birds so classified by *a* Commission regulation.]~~ **(Deleted by amendment.)**

Sec. 19. ~~[NRS 501.065 is hereby amended to read as follows:~~

~~501.065 —~~ [As used in this title, "open] ~~"*Open* season" means that period designated pursuant to the provisions of this title during which it is legal to fish or to hunt game mammals or game birds or to hunt or to trap fur bearing mammals. [Such] *The* period includes the first day and last day designated. There is no open season on those species of wildlife classified as protected.]~~ **(Deleted by amendment.)**

Sec. 20. ~~[NRS 501.088 is hereby amended to read as follows:~~

~~501.088 —[As used in this title, unless the context otherwise requires, the]~~ ~~*The* words "to take" and their derivatives, "took," "taken" and "taking," when used in reference to wildlife, mean to kill, capture, shoot, trap, catch, wound, possess, collect, seine, snare or net, and every attempt to do so.~~] **(Deleted by amendment.)**

Sec. 21. ~~[NRS 501.090 is hereby amended to read as follows:~~

~~501.090 —[As used in this title, the]~~ ~~*The* words "to trap" and their derivatives, "trapping" and "trapped," mean to set or operate any device, mechanism or contraption that is designed, built or made to close upon or hold fast any wild mammal or wild bird and every act of assistance to any person in so doing.~~] **(Deleted by amendment.)**

Sec. 22. ~~[NRS 501.095 is hereby amended to read as follows:~~

~~501.095 —[As used in this title, "upland]~~ ~~"*Upland* game birds" means any birds so classified by *a* Commission regulation.~~] **(Deleted by amendment.)**

Sec. 23. ~~[NRS 501.096 is hereby amended to read as follows:~~

~~501.096 —[As used in this title, "vessel"]~~ ~~"*Vessel*" means every kind of watercraft, other than a seaplane on the water, which is used or capable of being used as a means of transportation on water.~~] **(Deleted by amendment.)**

Sec. 24. ~~[NRS 501.097 is hereby amended to read as follows:~~

~~501.097 —[As used in this title, "wildlife"]~~ ~~"*Wildlife*" means any wild mammal, wild bird, fish, reptile, amphibian, mollusk or crustacean found naturally in a wild state, whether indigenous to Nevada or not and whether raised in captivity or not.~~] **(Deleted by amendment.)**

Sec. 25. ~~[NRS 501.110 is hereby amended to read as follows:~~

~~501.110 —1. —For the purposes of this title, wildlife must be classified as follows:~~

~~(a) Wild mammals, which must be further classified as [either] game mammals, fur bearing mammals, protected mammals or unprotected mammals.~~

~~(b) Wild birds, which must be further classified as [either] game birds, protected birds or unprotected birds. Game birds must be further classified as upland game birds or migratory game birds.~~

~~(c) Fish, which must be further classified as [either] game fish, protected fish or unprotected fish.~~

~~(d) Reptiles, which must be further classified as [either] protected reptiles or unprotected reptiles.~~

~~(e) Amphibians, which must be further classified as [either] game amphibians, protected amphibians or unprotected amphibians.~~

~~(f) Mollusks, which must be further classified as [either] protected mollusks or unprotected mollusks.~~

~~(g) Crustaceans, which must be further classified as [either] protected crustaceans or unprotected crustaceans.~~

~~2. —Protected wildlife may be further classified as [either] sensitive, threatened or endangered.~~

~~3. [Each] *Except as otherwise provided in subsection 4, each* species of wildlife must be placed in a classification by regulation of the Commission and, when it is in the public interest to do so, *and upon reasonable public notice and hearing, a* species may be moved from one classification to another.~~

~~*4. A wild mountain lion (felis concolor) is an unprotected mammal.]*~~ **(Deleted by amendment.)**

Sec. 26. NRS 501.331 is hereby amended to read as follows:

501.331 ~~[There]~~ ***The Department of*** ~~[Fish and Game]~~ ***Wildlife*** is hereby created**.** ~~[the Department of Wildlife which shall]~~ ***The Department:***

1. Shall administer the wildlife laws of this State and chapter 488 of NRS.

2. ~~[Is under the control of the Commission.]~~ ***Shall, on or before the fifth calendar day of each regular session of the Legislature, submit to the Legislature a financial report for each of the immediately preceding 2 fiscal years setting forth the activity and status of the Wildlife Obligated Reserve Account in the State General Fund, each subaccount within that Account and any other account or subaccount administered by the Department for which the use of the money in the account or subaccount is restricted. The report must include, without limitation:***

(a) A description of each project for which money is expended from each of those accounts and subaccounts and a description of each recipient of that money; and

(b) The total amount of money expended from each of those accounts and subaccounts for each fiscal year, including, without limitation, the amount of any matching contributions received for those accounts and subaccounts for each fiscal year.

Sec. 27. ~~[NRS 501.356 is hereby amended to read as follows:~~

~~501.356 1. Money received by the Department from:~~

~~(a) The sale of licenses;~~

~~(b) Fees pursuant to the provisions of NRS 488.075 and 488.1795;~~

~~(c) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;~~

~~(d) Appropriations made by the Legislature; and~~

~~(e) All other sources, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife Heritage Trust Account pursuant to NRS 501.3575 or in the Trout Management Account pursuant to NRS 502.327,~~

~~→ must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.~~

~~2. The interest and income earned on the money in the Wildlife Account, after deducting any applicable charges, must be credited to the Account.~~

~~3. Except as otherwise provided in subsection 4, the Department may use money in the Wildlife Account only to carry out the provisions of this title~~

~~and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.~~

~~4. Except as otherwise provided in NRS 502.*148*, 502.250 and 504.155, all fees for the sale or issuance of stamps, tags, permits and licenses that are required to be deposited in the Wildlife Account pursuant to the provisions of this title must be accounted for separately and may be used only for the management of wildlife.]~~ **(Deleted by amendment.)**

Sec. 28. ~~[NRS 501.376 is hereby amended to read as follows:~~

~~501.376 1. Except as otherwise provided in this section, a person shall not intentionally kill or aid and abet another person to kill a bighorn sheep, mountain goat, elk, deer, pronghorn antelope [, mountain lion] or black bear:~~

~~(a) Outside of the prescribed season set by the Commission for the lawful hunting of that animal;~~

~~(b) Through the use of an aircraft, helicopter or motor-driven vehicle in violation of NRS 503.010;~~

~~(c) By a method other than the method prescribed on the tag issued by the Department for hunting that animal;~~

~~(d) In a manner, during a time or in a place otherwise prohibited by a specific statute or a regulation adopted by the Commission; or~~

~~(e) Without a valid tag issued by the Department for hunting that animal. A tag issued for hunting any animal specified in this subsection is not valid if knowingly used by a person:~~

~~(1) Other than the person specified on the tag;~~

~~(2) Outside of the management area or other area specified on the tag; or~~

~~(3) If the tag was obtained by a false or fraudulent representation.~~

~~2. The provisions of subsection 1 do not prohibit the killing of an animal specified in subsection 1 if:~~

~~(a) The killing of the animal is necessary to protect the life or property of any person in imminent danger of being attacked by the animal; or~~

~~(b) The animal killed was not the intended target of the person who killed the animal and the killing of the animal which was the intended target would not violate the provisions of subsection 1.~~

~~3. A person who violates the provisions of subsection 1 shall be punished for a category E felony as provided in NRS 193.130 or, if the court reduces the penalty pursuant to this subsection, for a gross misdemeanor. In determining whether to reduce the penalty, the court shall consider:~~

~~(a) The nature of the offense;~~

~~(b) The circumstances surrounding the offense;~~

~~(c) The defendant's understanding and appreciation of the gravity of the offense;~~

~~(d) The attitude of the defendant towards the offense; and~~

~~(e) The general objectives of sentencing.~~

~~4. A person shall not willfully possess any animal specified in subsection 1 if the person knows the animal was killed in violation of subsection 1 or the~~

~~circumstances should have caused a reasonable person to know that the animal was killed in violation of subsection 1.~~

~~5. A person who violates the provisions of subsection 4 is guilty of a gross misdemeanor.]~~ **(Deleted by amendment.)**

Sec. 29. ~~[NRS 501.388 is hereby amended to read as follows:~~

~~501.388 1. The Commission may, in addition to any suspension, revocation or other penalty imposed pursuant to any other provision of this title:~~

~~(a) Revoke any license of any person who is convicted of a violation of NRS 503.050, and may refuse to issue any new license to the convicted person for any period not to exceed 5 years after the date of the conviction; and~~

~~(b) Revoke any license of any person who is convicted of unlawfully killing or possessing a bighorn sheep, mountain goat, elk, deer, pronghorn antelope [, mountain lion] or black bear in violation of NRS 501.376, and may:~~

~~(1) Refuse to issue any new license to the convicted person for any period not to exceed 3 years; and~~

~~(2) Revoke that person's privilege to apply for any big game tag for a period not to exceed 10 years.~~

~~2. The court in which the conviction is had shall require the immediate surrender of all such licenses and shall forward them to the Commission.]~~ **(Deleted by amendment.)**

Sec. 30. ~~[NRS 502.060 is hereby amended to read as follows:~~

~~502.060 1. A person applying for and procuring a license, as provided in this chapter, shall give to the license agent his name and residence address, which must be entered by the license agent on the license and stub, together with the date of issuance and a description of the person. If a child under the age of 18 years is applying for a license to hunt, the child's parent or legal guardian must sign the application and an attached statement acknowledging that the parent or legal guardian has been advised of the provisions of NRS 41.472.~~

~~2. Except as otherwise provided in subsection 3, any person who makes any false statement or furnishes false information to obtain any license, tag or permit issued pursuant to the provisions of this title is guilty of a misdemeanor.~~

~~3. Any person who makes any false statement or furnishes false information to obtain any big game tag issued pursuant to the provisions of this title is guilty of a gross misdemeanor.~~

~~4. It is unlawful for any person to hunt, fish or trap using any hunting, fishing or trapping license which is invalid by reason of expiration or a false statement made to obtain the license.~~

~~5. As used in this section, "big game tag" means a tag permitting a person to hunt any species of pronghorn antelope, bear, deer, mountain goat, [mountain lion,] bighorn sheep or elk.]~~ **(Deleted by amendment.)**

Sec. 31. ~~[NRS 502.148 is hereby amended to read as follows:~~

~~502.148 1. Except as otherwise provided in this subsection, any person who wishes to apply for a restricted nonresident deer tag pursuant to NRS 502.147 must complete an application on a form prescribed and furnished by the Department. A licensed master guide may complete the application for an applicant. The application must be signed by the applicant and the master guide who will be responsible for conducting the restricted nonresident deer hunt.~~

~~2. The application must be accompanied by a fee for the tag of [$300,] *$303*, plus any other fees which the Department may require. The Commission shall establish the time limits and acceptable methods for submitting [such] *the* applications to the Department.~~

~~3. Any application for a restricted nonresident deer tag which contains an error or omission must be rejected and the fee for the tag returned to the applicant.~~

~~4. A person who is issued a restricted nonresident deer tag is not eligible to apply for any other deer tag issued in this State for the same hunting season as that restricted nonresident deer hunt.~~

~~5. [All] *Except as otherwise provided in subsection 6, all* fees collected pursuant to this section must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.~~

~~*6. The Department shall account separately for an amount that is equal to $3 of each fee collected pursuant to subsection 2 and shall use that money only for the control of predatory animals or birds.]~~ **(Deleted by amendment.)**

Sec. 32. ~~[NRS 502.250 is hereby amended to read as follows:~~

~~502.250 1. The amount of the fee that must be charged for the following tags is:~~

~~Resident deer tag [$30] *$33*~~
~~Resident antelope tag [60] *63*~~
~~Resident elk tag [120] *$123*~~
~~Resident bighorn sheep tag [120] *123*~~
~~Resident mountain goat tag [120~~
~~Resident mountain lion tag 25] *123*~~
~~Nonresident deer tag [240] *243*~~
~~Nonresident antelope tag [300] *303*~~
~~Nonresident elk tag [1,200] *1,203*~~
~~Nonresident bighorn sheep tag [1,200] *1,203*~~
~~Nonresident mountain goat tag [1,200~~
~~Nonresident mountain lion tag 100] *1,203*~~

~~2. The amount of the fee for other resident or nonresident big game tags must not exceed the highest fee for a resident or nonresident big game tag established pursuant to this section.~~

~~3. The amount of the fee for a tag determined to be necessary by the Commission for other species pursuant to NRS 502.130 must not exceed the~~

~~highest fee for a resident or nonresident tag established pursuant to this section.~~

~~4. A fee not to exceed $10 may be charged for processing an application for a game species or permit other than an application for an elk. A fee of not less than $5 but not more than $15 must be charged for processing an application for an elk, $5 of which must be deposited with the State Treasurer for credit to the Wildlife Obligated Reserve Account in the State General Fund and used for the prevention and mitigation of damage caused by elk or game mammals not native to this State.~~

~~5. The Commission may accept sealed bids for or may auction not more than 15 big game tags and not more than 5 wild turkey tags each year. To reimburse the Department for the cost of managing wildlife and administering and conducting the bid or auction, not more than 18 percent of the total amount of money received from the bid or auction may be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. Any amount of money received from the bid or auction that is not so deposited must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in the State General Fund in accordance with the provisions of NRS 501.3575.~~

~~6. The Commission may by regulation establish an additional drawing for big game tags, which may be entitled the Partnership in Wildlife Drawing. To reimburse the Department for the cost of managing wildlife and administering and conducting the drawing, not more than 18 percent of the total amount of money received from the drawing may be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. Except as otherwise provided by regulations adopted by the Commission pursuant to subsection 7, the money received by the Department from applicants in the drawing who are not awarded big game tags must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in accordance with the provisions of NRS 501.3575.~~

~~7. The Commission may adopt regulations which authorize the return of all or a portion of any fee collected from a person pursuant to the provisions of this section.~~

~~*8. The Department shall account separately for an amount that is equal to $3 of each fee collected for a tag pursuant to this section and NRS 502.142, 502.145 and 502.280, and shall use that money only for the control of predatory animals or birds.*~~ **(Deleted by amendment.)**

Sec. 33. ~~[NRS 503.005 is hereby amended to read as follows:~~

~~503.005 1. Except as otherwise provided in subsection 2, a person shall not kill or attempt to kill any birds or animals while flying in an aircraft.~~

~~2. The Commission may promulgate rules and regulations whereby the Department may issue permits authorizing the hunting, killing or nonlethal control of coyotes, bobcats , *mountain lions* or ravens from an aircraft.~~

~~3. Every person who willfully violates the provisions of subsection 1 is guilty of a misdemeanor.]~~ **(Deleted by amendment.)**

Sec. 34. ~~[NRS 503.150 is hereby amended to read as follows:~~

~~503.150 1. Unless otherwise specified by a Commission regulation, it is unlawful to hunt:~~

~~(a) Any game bird or game mammal with any gun capable of firing more than one round with one continuous pull of the trigger, or with any full steel, full steel core, full metal jacket, tracer or incendiary bullet or shell, or any shotgun larger than number 10 gauge.~~

~~(b) Big game mammals in any manner other than with a rifle, held in the hand, that exerts at least 1,000 foot-pounds of energy at 100 yards, or with a longbow and arrow which meet the specifications established by a Commission regulation.~~

~~(c) Small game mammals in any manner other than with a handgun, shotgun, rifle, longbow and arrow or by means of falconry.~~

~~(d) Game birds with any rifle or handgun, or in any manner other than with a shotgun held in the hand, with a longbow and arrow or by means of falconry.~~

~~(e) Migratory game birds with any shotgun capable of holding more than three shells.~~

~~(f) Any game bird or game mammal with the aid of any artificial light.~~

~~(g) Any big game mammal [, except mountain lions,] with a dog of any breed.~~

~~2. [Nothing in] *The provisions of* this section [prohibits] *do not prohibit* the use of dogs in the hunting of game birds or small game mammals.]~~

(Deleted by amendment.)

Sec. 35. ~~[NRS 202.255 is hereby amended to read as follows:~~

~~202.255 1. A person who sets a so-called trap, spring pistol, rifle [,] or other deadly weapon shall be punished:~~

~~(a) If no injury results therefrom to any human being, for a gross misdemeanor.~~

~~(b) If injuries not fatal result therefrom to any human being, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.~~

~~(c) If the death of a human being results therefrom:~~

~~(1) Under circumstances not rendering the act murder, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000; or~~

~~(2) Otherwise, for murder which is a category A felony as provided in NRS 200.030.~~

~~2. Subsection 1 does not prevent the use of any loaded spring gun, set gun or other device for the destruction of gophers, moles [, coyotes] or other burrowing rodents or *coyotes, mountain lions or other* predatory animals by agents or employees of governmental agencies engaged in cooperative predatory animal and rodent control work, but:~~

~~(a) A loaded spring gun, set gun or other device must not be set within 15 miles of the boundaries of any incorporated city or unincorporated town; and~~

~~(b) Before setting any such loaded spring gun, set gun or other device on any real property permission must first be obtained from the owner, lessee or administrator thereof.]~~ **(Deleted by amendment.)**

Sec. 36. 1. There is hereby appropriated from the State General Fund to the Department of ~~[Fish and Game]~~ **Wildlife** the sum of $200,000 to be used only for ~~[managing]~~ **the preservation of mule deer and the management of** predatory animals or birds.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 37. ~~[1. Any bond filed with the Department of Wildlife that is in effect on January 1, 2008, shall be deemed to have been filed with the Department of Fish and Game.~~

~~2. Any license, tag, stamp, permit, privilege, certificate of number or exempt number issued by the Department of Wildlife that is in effect on January 1, 2008, or any license, tag, stamp or permit issued by a license agent of the Department of Wildlife that is in effect on that date remains in effect until its expiration unless earlier suspended, terminated, revoked, lapsed, discontinued or replaced, and shall be deemed to have been issued by the Department of Fish and Game or a license agent of the Department of Fish and Game.~~

~~3. Any contract or other agreement entered into by the Department of Wildlife that is in effect on January 1, 2008, is binding upon the Department of Fish and Game and may be enforced by the Department of Fish and Game.~~

~~4. Any form prescribed or furnished by the Department of Wildlife pursuant to title 45 or chapter 488 of NRS shall be deemed to be a form that is prescribed or furnished by the Department of Fish and Game pursuant to that title or chapter.]~~ **(Deleted by amendment.)**

Sec. 38. ~~[The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.]~~ **(Deleted by amendment.)**

Sec. 39. This act becomes effective on ~~[January 1, 2008.]~~ **July 1, 2007.**

Assemblyman Claborn moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 298.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 259.

SUMMARY—Makes various changes to provisions concerning ~~[school police]~~ +

officers. (BDR 23-1027)

AN ACT relating to ~~[school police]~~ **peace** officers; prohibiting the suspension without pay of a ~~[school police]~~ **peace** officer in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes each agency in this State that employs peace officers to investigate a peace officer in response to a complaint or allegation that the peace officer engaged in activities which could result in punitive action and sets forth procedures for such investigations. (NRS 289.057, 289.060, 289.070, 289.080) Such procedures do not apply to an investigation concerning alleged criminal activity. (NRS 289.090) This bill prohibits a ~~[chief of school police or other person who supervises school police officers]~~ **law enforcement agency** from suspending a ~~[school police]~~ **peace** officer without pay during or pursuant to an investigation in response to a complaint or allegation which does not involve criminal activity until all investigations relating to the matter have concluded.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 289.057 is hereby amended to read as follows:

289.057 1. An investigation of a peace officer may be conducted in response to a complaint or allegation that the peace officer has engaged in activities which could result in punitive action.

2. ***A*** ~~[chief of school police or other person who supervises school police officers]~~ ***law enforcement agency shall not suspend a*** ~~[school police]~~ ***peace officer without pay during or pursuant to an investigation conducted pursuant to this section until all investigations relating to the matter have concluded.***

3. After the conclusion of the investigation:

(a) If the investigation causes a law enforcement agency to impose punitive action against the peace officer who was the subject of the investigation and the peace officer has received notice of the imposition of the punitive action, the peace officer or a representative authorized by the peace officer may, except as otherwise prohibited by federal or state law, review any administrative or investigative file maintained by the law enforcement agency relating to the investigation, including any recordings, notes, transcripts of interviews and documents.

(b) If, pursuant to a policy of a law enforcement agency or a labor agreement, the record of the investigation or the imposition of punitive action is subject to being removed from any administrative file relating to the peace officer maintained by the law enforcement agency, the law enforcement agency shall not, except as otherwise required by federal or state law, keep or make a record of the investigation or the imposition of punitive action after the record is required to be removed from the administrative file.

Sec. 2. The amendatory provisions of this act do not apply to the investigation of a ~~[school police]~~ **peace** officer which is pending on July 1, 2007.

Sec. 3. This act becomes effective on July 1, 2007.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 301.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 424.

AN ACT relating to counties; revising the qualifications for the office of county sheriff; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, to be eligible for the office of county sheriff, a person must be a qualified elector and at least 21 years old on the date on which he would take office if elected. (NRS 248.005) This bill prescribes ~~[two]~~ additional qualifications for eligibility for the office of sheriff, which are effective on or after January 1, 2010. ~~[First,]~~ **In a county whose population is 100,000 or more (currently Clark and Washoe Counties), before filing a declaration of candidacy or acceptance of candidacy,** a person must **: (1)** have accumulated at least ~~[10]~~ **5** consecutive years of any combination of employment or service as a peace officer in this State, or as a law enforcement officer of the Federal Government or another state or political subdivision thereof ~~[. Second, in a county whose population is 100,000 or more (currently Clark and Washoe Counties), a person must be or]~~ **; and (2)** have been certified as a category I peace officer in this State or the equivalent in another state or have successfully completed a federal law enforcement training program approved by the Peace Officers' Standards and Training Commission. In a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties), the person ~~[must be or have been certified as either]~~ **is not required to meet any requirements with respect to employment, service, certification or training at the time he files his declaration of candidacy or acceptance of candidacy. However, such a person forfeits his office if, within 1 year after the date on which he takes office as sheriff, he fails to earn certification by the Commission**

as a category I , ~~[or category]~~ II **or III** peace officer . ~~[, or the equivalent in another state or have successfully completed a federal law enforcement training program approved by the Commission.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 248.005 is hereby amended to read as follows:

248.005 1. No person is eligible to the office of sheriff unless:

(a) He will have attained the age of 21 years on the date he would take office if so elected; ~~[and]~~

(b) He is a qualified elector ~~[.]~~ ***; and***

(c) On or after January 1, 2010, he meets the ~~[following]~~ ***requirements set forth in subsection 2 or 3, as applicable.***

2. If a person described in paragraph (c) of subsection 1 is a candidate for the office of sheriff in a county whose population is 100,000 or more, he must meet the following requirements at the time he files his declaration of candidacy or acceptance of candidacy for the office:

~~[(1)]~~ ***(a) He has a history of at least*** ~~[10]~~ ***5 consecutive years of employment or service:***

~~[(I)]~~ ***(1) As a peace officer*** ~~[, as that term is defined in NRS 289.010;~~ ~~(II)]~~ ***;***

(2) As a law enforcement officer of an agency of the United States;

~~[(III)]~~ ***(3) As a law enforcement officer of another state or political subdivision thereof; or***

~~[(IV)]~~ ***(4) In any combination of the positions described in*** ~~[sub-subparagraphs (I), (II) and (III).~~

~~(2) If he]~~ ***subparagraphs (1), (2) and (3); and***

(b) He has:

(1) Been certified as a category I peace officer by the Commission;

(2) Been certified as a category I peace officer or its equivalent by the certifying authority of another state that, as determined by the Commission, imposes requirements for certification as a category I peace officer in this State; or

(3) Successfully completed a federal law enforcement training program approved by the Commission.

3. If a person described in paragraph (c) of subsection 1 is a candidate for the office of sheriff in a county whose population is less than 100,000 ~~[or more:~~

~~(I) He is or has been certified as a category I peace officer by the Commission;~~

~~(II) He is or has been certified as a category I peace officer or its equivalent by the certifying authority of another state that, as determined by the Commission, imposes requirements for certification that are substantially equivalent to the requirements for certification as a category I peace officer in this State; or~~

~~(III) He has successfully completed a federal law enforcement training program approved by the Commission.~~

~~(3) If he is a candidate for the office of sheriff in a county whose population is less than 100,000:~~

~~(I) He is or has been certified as a category I or category II peace officer by the Commission;~~

~~(II) He is or has been certified as a category I or category II peace officer or the equivalent of either by the certifying authority of another state that, as determined by the Commission, imposes requirements for certification that are substantially equivalent to the requirements for~~ ***, he is not required to meet any requirements with respect to employment, service, certification or training at the time he files his declaration of candidacy or acceptance of candidacy for the office. However, such a person forfeits his office if, within 1 year after the date on which he takes office, he fails to earn certification by the Commission as a category I*** ~~or~~ ***peace officer, category II peace officer*** ~~, as applicable, in this State; or~~

~~(III) He has successfully completed a federal law enforcement training program approved by the Commission.~~

~~2.~~ ***or category III peace officer.***

4. A person who has been convicted of a felony in this State or any other state is not qualified to be a candidate for or elected or appointed to the office of sheriff regardless of whether he has been restored to his civil rights.

~~[3.]~~ ***5. As used in this section:***

(a) "Category I peace officer" has the meaning ascribed to it in NRS 289.460.

(b) "Category II peace officer" has the meaning ascribed to it in NRS 289.470.

(c) "Category III peace officer" has the meaning ascribed to it in NRS 289.480.

(d) "Commission" means the Peace Officers' Standards and Training Commission created pursuant to NRS 289.500.

(e) "Peace officer" has the meaning ascribed to it in NRS 289.010.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 319.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 484.

AN ACT relating to public employees' retirement; pledging that the Legislature will not increase the retirement benefits for certain public employees unless the retirement fund from which the benefits will be paid is

funded at or above a certain level; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the retirement benefits of public employees under the Public Employees' Retirement System are generally governed by the provisions of chapter 286 of NRS. There are two separate retirement funds established under the System pursuant to chapter 286 of NRS, the Public Employees' Retirement Fund and the Police and Firefighters' Retirement Fund. (NRS 286.220, 286.225) This bill sets forth the pledge of the Legislature that it will not increase any benefit or allowance payable under the System pursuant to chapter 286 of NRS **that is not cost neutral** unless the actuarial value of the assets of the retirement fund from which the benefit or allowance will be paid is equal to or greater than 85 percent of the actuarial accrued liabilities of that retirement fund.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 286 of NRS is hereby amended by adding thereto a new section to read as follows:

The Legislature hereby pledges that it will not enact any law which has the effect of increasing any benefit or allowance payable under the System pursuant to this chapter that is not cost neutral unless the actuarial value of the assets of the retirement fund from which the benefit or allowance will be paid is equal to or greater than 85 percent of the actuarial accrued liabilities of that retirement fund, as determined in accordance with generally accepted accounting principles for government as prescribed by the Governmental Accounting Standards Board.

Sec. 2. ~~[This act becomes effective upon passage and approval.]~~ **(Deleted by amendment.)**

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 322.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 156.

AN ACT relating to elections; ~~[requiring persons or groups who advocate the passage or defeat of ballot questions to register with the Secretary of State; clarifying the application to certain groups of certain]~~ **revising the** reporting requirements for contributions and expenditures ~~[;]~~ **for certain persons or groups of persons who advocate the passage or defeat of ballot questions;** making various changes relating to elections and petitions

for initiative or referendum; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, committees for political action and nonprofit corporations are required to register with and submit certain information to the Secretary of State before engaging in certain activities related to elections. (NRS 294A.230, 294A.375) Section 1 of this bill requires persons and groups of persons who advocate the passage or defeat of ballot questions to register with and submit certain information to the Secretary of State before engaging in such activity.]~~

Under existing law, persons and groups of persons who either advocate the passage or defeat of ballot questions, or who initiate or circulate petitions for constitutional amendments or statewide measures and who receive money in excess of $10,000 to support such initiation or circulation, are required to report certain campaign contributions and expenditures. (NRS 294A.150, 294A.220) Sections 2 and 3 of this bill ~~[clarify]~~ **provide** that the $10,000 threshold applies ~~[only]~~ to **both** persons or groups of persons initiating or circulating petitions ~~[,]~~ and ~~[not]~~ to persons or groups of persons advocating the passage or defeat of ballot questions.

Section 4 of this bill provides that if a petition for initiative or referendum is amended after it is placed on file with the Secretary of State: (1) an amended copy of the petition must be placed on file with the Secretary of State; ~~[and]~~ (2) any signatures that were collected on the original petition before it was amended are not valid ~~[.]~~ ; **and (3) the revised petition must be submitted not later than the third Tuesday in May of an even-numbered year.**

Section 5 of this bill provides that a petition may be challenged in the First Judicial District Court on the basis that the petition violates the single subject rule, not later than 30 days, Saturdays, Sundays and holidays excluded, after a copy of the petition is placed on file with the Secretary of State. Section 5 also provides that a description of the effect of an initiative or referendum that is successfully challenged and amended in compliance with a court order may not be further challenged.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election shall, before it engages in any such activity, register with the Secretary of State on forms supplied by him.*~~

~~*2. The form must require:*~~

~~*(a) The names, addresses and phone numbers of the person or group of persons; and*~~

~~*(b) Any other information deemed necessary by the Secretary of State.*~~

~~*3. The person or persons shall file with the Secretary of State an amended form for registration within 30 days after any change in the information contained in the form for registration.*~~

~~*4. The Secretary of State shall include on his Internet website the information required pursuant to subsection 2.]*~~ **(Deleted by amendment.)**

Sec. 2. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. Every ~~[person]~~ ***:***

(a) Person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election ~~[;]~~ ***and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions;*** and ~~[every person]~~

(b) Person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of $10,000 to support such initiation or circulation ***,***

➥ shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $100 received during that period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

2. The provisions of ~~[this]~~ subsection ***1*** apply to the person or group of persons:

(a) Each year in which ~~[an]~~ ***:***

(1) An election or city election is held for each question for which the person or group advocates passage or defeat ***;*** ~~[or]~~ ~~[each year in which a]~~

(2) A person or group of persons receives or expends money in excess of $10,000 to advocate the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election; or

(3) A person or group ***of persons*** receives or expends money in excess of $10,000 to support the initiation or circulation of a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum; and

(b) The year after each year described in paragraph (a).

~~[2.]~~ ***3.*** If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately

following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question ***and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions*** shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question ***and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions*** shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through June 30 of that year,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury.

~~[3.]~~ ***4.*** The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

~~[4.]~~ ***5.*** If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question ***and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions*** shall comply with the requirements of this subsection. If a question

is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question ***and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions*** shall comply with the requirements of this subsection. Every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of $10,000 to support such initiation or circulation shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

~~[5.]~~ ***6.*** Except as otherwise provided in subsection ~~[6,]~~ ***7,*** every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election ***and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions*** shall, not later than:

(a) Seven days before the special election, for the period from the date that the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

~~[6.]~~ ***7.*** Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of

questions on the ballot at a special election to determine whether a public officer will be recalled ***and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions*** shall report each of the contributions received on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

~~[7.]~~ ***8.*** The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

~~[8.]~~ ***9.*** A person may mail or transmit his report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

~~[9.]~~ ***10.*** If the person or group of persons is advocating passage or defeat of a group of questions or is receiving or expending money to support a group of petitions for constitutional amendments, a group of petitions for statewide measures proposed by initiative or referendum or a group of petitions for both constitutional amendments and statewide measures proposed by initiative or referendum, the reports must be itemized by question or petition.

~~[10.]~~ ***11.*** Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

Sec. 3. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. Every ~~[person]~~ ***:***

(a) Person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election ~~[;]~~ ***and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions;*** and ~~[every person]~~

(b) Person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of $10,000 to support such initiation or circulation ***,***

➥ shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

2. The provisions of ~~[this]~~ subsection ***1*** apply to the person or group of persons:

(a) Each year in which ~~[an]~~ ***:***

(1) An election or city election is held for a question for which the person or group advocates passage or defeat ***;*** ~~[or]~~ ~~[each year in which a]~~

(2) A person or group of persons receives or expends money in excess of $10,000 to advocate the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election; or

(3) A person or group of persons receives or expends money in excess of $10,000 to support the initiation or circulation of a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum; and

(b) The year after each year described in paragraph (a).

~~[2.]~~ ***3.*** If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question ***and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions*** shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question ***and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions*** shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or

primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through the June 30 immediately preceding that July 15,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury.

~~[3.]~~ ***4.*** If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question ***and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions*** shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question ***and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions*** shall comply with the requirements of this subsection. Every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of $10,000 to support such initiation or circulation shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the

Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

~~[4.]~~ ***5.*** Except as otherwise provided in subsection ~~[5,]~~ ***6,*** every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

~~[5.]~~ ***6.*** Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled ***and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions*** shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

~~[6.]~~ ***7.*** Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

~~[7.]~~ ***8.*** The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

~~[8.]~~ ***9.*** If an expenditure is made on behalf of a group of questions or a group of petitions for constitutional amendments, a group of petitions for statewide measures proposed by initiative or referendum or a group of petitions for both constitutional amendments and statewide measures proposed by initiative or referendum, the reports must be itemized by question or petition. A person may mail or transmit his report to the appropriate filing officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the filing officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the filing officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

~~[9.]~~ ***10.*** Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

Sec. 4. NRS 295.015 is hereby amended to read as follows:

295.015 1. Before a petition for initiative or referendum may be presented to the registered voters for their signatures, a copy of the petition for initiative or referendum, including the description required pursuant to NRS 295.009, must be placed on file with the Secretary of State.

2. ~~[Except as otherwise provided in subsection 3, if]~~ ***If a petition for initiative or referendum or a description of the effect of an initiative or referendum required pursuant to NRS 295.009 is amended after the petition is placed on file with the Secretary of State pursuant to subsection 1:***

(a) The revised petition must be placed on file with the Secretary of State before it is presented to the registered voters for their signatures; ~~[and]~~

(b) Any signatures that were collected on the original petition before it was amended are not valid ~~[~~.

~~3. A revised petition is not required to be filed with the Secretary of State if a petition for initiative or referendum or a description of the effect of an initiative or referendum required pursuant to NRS 295.009 is amended by a court pursuant to NRS 295.061. Any signatures that were collected on the original petition are not valid.]~~ ***; and***

(c) The requirements for submission of the petition to each county clerk set forth in NRS 295.056 apply to the revised petition.

~~[4.]~~ ***3.*** Upon receipt of a petition for initiative or referendum placed on file pursuant to subsection 1 ~~[,]~~ ***or 2,*** the Secretary of State shall consult with the Fiscal Analysis Division of the Legislative Counsel Bureau to determine if the initiative or referendum may have any anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters. If the Fiscal Analysis Division determines that the initiative or referendum may have an anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters, the

Division must prepare a fiscal note that includes an explanation of any such effect.

~~[3.]~~ ~~[5.]~~ ***4.*** Not later than 10 business days after the Secretary of State receives a petition for initiative or referendum filed pursuant to subsection 1 ~~[,]~~ ***or 2,*** the Secretary of State shall post a copy of the petition, including the description required pursuant to NRS 295.009 and any fiscal note prepared pursuant to subsection ~~[2,]~~ ***3,*** on his Internet website.

Sec. 5. NRS 295.061 is hereby amended to read as follows:

295.061 1. ~~[The]~~ ***Except as otherwise provided in subsection 3, whether an initiative or referendum embraces but one subject and matters necessarily connected therewith and pertaining thereto, and the*** description of the effect of an initiative or referendum required pursuant to NRS 295.009 ***,*** may be challenged by filing a complaint in the First Judicial District Court not later than 30 days, Saturdays, Sundays and holidays excluded, after a copy of the petition is ~~[initially]~~ placed on file with the Secretary of State pursuant to NRS 295.015. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 30 days after the complaint is filed and shall give priority to such a complaint over all criminal proceedings.

2. The legal sufficiency of a petition for initiative or referendum may be challenged by filing a complaint in district court not later than 7 days, Saturdays, Sundays and holidays excluded, after the petition is certified as sufficient by the Secretary of State. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 30 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

3. If a description of the effect of an initiative or referendum required pursuant to NRS 295.009 is challenged successfully pursuant to subsection 1 and such description is amended in compliance with the order of the court, the amended description may not be challenged.

Assemblywoman Koivisto moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 326.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 366.

SUMMARY—~~[Establishes certain requirements relating]~~ **Revises provisions relating** to buildings constructed of unreinforced masonry. (BDR 28-716)

AN ACT relating to construction; requiring the State Public Works Board to compile a list ~~[and develop and implement a plan]~~ regarding buildings

owned by the State that are constructed of unreinforced masonry; requiring certain local governments to compile a list of certain buildings constructed of unreinforced masonry that are owned by the local government or located within its jurisdiction; ~~[requiring the public and private owners of such buildings to develop and implement a plan regarding each such building;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Board of Public Works must adopt by regulation and local governments must include in their building codes the seismic provisions of the International Building Code. (NRS 278.580, 341.143) ~~[This bill requires the State, local governments and private owners of unreinforced masonry buildings to take certain actions if those buildings do not comply with those seismic provisions. Buildings with five or fewer dwelling units, certain warehouses and certain historic structures are exempted from these requirements.]~~

Section 1 of this bill requires the Board to compile a list of all unreinforced masonry buildings owned by the State that are not in compliance with the adopted seismic provisions. ~~[Section 1 also requires the Board to develop and implement a plan to retrofit, change the use of or demolish each such building.]~~

Sections ~~[3 and]~~ 4 **and 5** of this bill require the governing body of each city and county to compile a list of all nonstate public and private unreinforced masonry buildings within the jurisdiction of the governing body that are not in compliance with the seismic provisions. ~~[Sections 3 and 4 require each governing body to develop and implement a plan to retrofit, change the use of or demolish each such unreinforced masonry building owned by the governing body.]~~ Each governing body is also required by sections ~~[3 and]~~ 4 **and 5** to notify each private owner of an unreinforced masonry building within its jurisdiction that the ~~[owner is required to develop and implement a plan to retrofit, change the use of or demolish such a building. Sections 3 and 4 authorize each governing body to adopt an ordinance imposing a civil penalty for a violation of these requirements and provide for judicial review of certain decisions of the governing bodies concerning these requirements.]~~ **building is included on the list.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 341.143 is hereby amended to read as follows:

341.143 ***1.*** For the purposes of the design and construction of buildings or other projects of this State, the Board shall adopt by regulation:

~~[1.]~~ ***(a)*** The seismic provisions of the International Building Code published by the International Code Council; and

~~[2.]~~ ***(b)*** Standards for the investigation of hazards relating to seismic activity, including, without limitation, potential surface ruptures and liquefaction.

2. On or before July 1, 2009, the Board shall compile a list of:

(a) All unreinforced masonry buildings owned by the State; and

(b) All other unreinforced masonry buildings located in this State, as reported to the Board pursuant to the provisions of sections ~~[3 and]~~ ***4 and 5 of this act.***

3. ~~[On or before July 1, 2013, the Board shall develop, for each unreinforced masonry building identified pursuant to paragraph (a) of subsection 2, a plan to:~~

~~(a) Retrofit the building to bring it into compliance with the seismic provisions adopted pursuant to subsection 1;~~

~~(b) Change the use of the building so that the building does not qualify as an unreinforced masonry building; or~~

~~(c) Demolish the building.~~

~~4. The Board shall complete the action required by each plan developed pursuant to subsection 3 for each unreinforced masonry building owned by the State on or before July 1, 2017.~~

~~5.]~~ ***As used in this section, "unreinforced masonry building" has the meaning ascribed to it in section 3 of this act.***

Sec. 2. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. ***1. As used in this section and sections 4 and 5 of this act, unless the context otherwise requires, "unreinforced masonry building" means any building constructed of unreinforced brick, stone, adobe, block and mortar or other unreinforced masonry wall construction that does not comply, as applicable, with the*** ~~[seismic provisions adopted pursuant to NRS 341.143 or included in the building codes of a city or county pursuant to subsection 6 of NRS 278.580.]~~ ***1961 edition of the Uniform Building Code.***

2. The term does not include any building that:

(a) Contains five or fewer dwelling units;

(b) Is a warehouse or other building not used for human occupation and not used to store equipment or supplies for emergency services; or

(c) Is a historic structure, as defined in NRS 349.485.

Sec. 4. ~~[1.]~~ ***On or before July 1, 2009, the governing body of each county:***

~~[(a)]~~ ***1. Shall compile and submit to the State Public Works Board a list of all unreinforced masonry buildings located in the unincorporated areas within the county; and***

~~[(b)]~~ ***2. For each unreinforced masonry building identified pursuant to*** ~~[paragraph (a)]~~ ***subsection 1 that is not owned by the county, notify the owner of the unreinforced masonry building of*** ~~[the requirements of subsection 2.~~

~~2. Within 4 years after receiving notification pursuant to subsection 1, the owner of an unreinforced masonry building notified pursuant to subsection 1 shall submit to the governing body a plan to:~~

~~(a) Retrofit the building to bring it into compliance with the seismic provisions included in the building codes of the county pursuant to subsection 6 of NRS 278.580;~~

~~(b) Change the use of the building so that the building does not qualify as an unreinforced masonry building; or~~

~~(c) Demolish the building.~~

~~3. Within 8 years after receiving notification pursuant to subsection 1, the owner of an unreinforced masonry building notified pursuant to subsection 1 shall complete the action required by the plan developed for the building pursuant to subsection 2. If the owner had developed a plan to retrofit the building pursuant to subsection 2, the owner shall, at the time of completion of the plan, provide evidence satisfactory to the governing body that the building meets the seismic provisions included in the building codes of the county pursuant to subsection 6 of NRS 278.580.~~

~~4. On or before July 1, 2013, the governing body of each county shall develop, for each unreinforced masonry building identified pursuant to paragraph (a) of subsection 1 that is owned by the county, a plan to:~~

~~(a) Retrofit the building to bring it into compliance with the seismic provisions included in the building codes of the county pursuant to subsection 6 of NRS 278.580;~~

~~(b) Change the use of the building so that the building does not qualify as an unreinforced masonry building; or~~

~~(c) Demolish the building.~~

~~5. The governing body of each county shall complete the action required by each plan developed pursuant to subsection 4 for each unreinforced masonry building owned by the county on or before July 1, 2017.~~

~~6. The governing body of each county may adopt an ordinance imposing a civil penalty for the failure of an owner of an unreinforced masonry building to comply with subsection 2 or 3.~~

~~7. A decision of a governing body of a county that:~~

~~(a) A building is an unreinforced masonry building; or~~

~~(b) A person is liable for a civil penalty imposed in accordance with an ordinance adopted pursuant to subsection 6,~~

~~➥ is a final decision for the purposes of judicial review.~~

~~8. Any person aggrieved by a final decision pursuant to subsection 7 may appeal that decision to the district court of the county in which the building is located within 25 days after the date of filing of notice of the decision with the clerk or secretary of the governing body, as set forth in NRS 278.0235.]~~ ***its inclusion on the list described in subsection 1 and the seismic hazards resulting from unreinforced masonry.***

Sec. 5. ~~[1.]~~ ***On or before July 1, 2009, the governing body of each city:***

~~[(a)]~~ ***1. Shall compile and submit to the State Public Works Board a list of all unreinforced masonry buildings located in the city; and***

~~[(b)]~~ ***2. For each unreinforced masonry building identified pursuant to*** ~~[paragraph (a)]~~ ***subsection 1 that is not owned by the city, notify the owner of the building of*** ~~[the requirements of subsection 2.~~

~~2. Within 4 years after receiving notification pursuant to subsection 1, the owner of an unreinforced masonry building notified pursuant to subsection 1 shall submit to the governing body a plan to:~~

~~(a) Retrofit the building to bring it into compliance with the seismic provisions included in the building codes of the city pursuant to subsection 6 of NRS 278.580;~~

~~(b) Change the use of the building so that the building does not qualify as an unreinforced masonry building; or~~

~~(c) Demolish the building.~~

~~3. Within 8 years after receiving notification pursuant to subsection 1, the owner of an unreinforced masonry building notified pursuant to subsection 1 shall complete the action required by the plan developed for the building pursuant to subsection 2. If the owner had developed a plan to retrofit the building pursuant to subsection 2, the owner shall, at the time of completion of the plan, provide evidence satisfactory to the governing body that the building meets the seismic provisions included in the building codes of the city pursuant to subsection 6 of NRS 278.580.~~

~~4. On or before July 1, 2013, the governing body of each city shall develop, for each unreinforced masonry building identified pursuant to paragraph (a) of subsection 1 that is owned by the city, a plan to:~~

~~(a) Retrofit the building to bring it into compliance with the seismic provisions included in its building codes pursuant to subsection 6 of NRS 278.580;~~

~~(b) Change the use of the building so that the building does not qualify as an unreinforced masonry building; or~~

~~(c) Demolish the building.~~

~~5. The governing body of each city shall complete the action required by each plan developed pursuant to subsection 4 for each unreinforced masonry building owned by the city on or before July 1, 2017.~~

~~6. The governing body of each city may adopt an ordinance imposing a civil penalty for the failure of an owner of an unreinforced masonry building to comply with subsection 2 or 3.~~

~~7. A decision of a governing body of a city that:~~

~~(a) A building is an unreinforced masonry building; or~~

~~(b) A person is liable for a civil penalty imposed in accordance with an ordinance adopted pursuant to subsection 6,~~

~~➥ is a final decision for the purposes of judicial review.~~

~~8. Any person aggrieved by a final decision pursuant to subsection 7 may appeal that decision to the district court of the county in which the building is located within 25 days after the date of filing of notice of the decision with the clerk or secretary of the governing body, as set forth in NRS 278.0235.]~~

its inclusion on the list described in subsection 1 and the seismic hazards resulting from unreinforced masonry.

Sec. 6. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 7. This act becomes effective on July 1, 2007.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 331.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 367.

AN ACT relating to water; making various changes to the requirements for plans and joint plans of water conservation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each supplier of water to prepare and adopt a plan of water conservation and sets forth the requirements for such a plan. Suppliers of water may also adopt joint plans of water conservation with other suppliers of water. (NRS 540.131, 540.141) Section 3 of this bill requires such plans to include an estimate of the amount of water that will be conserved each year as the result of specified conservation measures and an analysis of how the rates proposed in the plans to be charged for the use of water will maximize water conservation. Also, section 3 requires the State Engineer to ~~[review and evaluate the accuracy of the estimate of the amount of water that will be conserved as a result of the adoption of the plans.]~~ **post plans and joint plans on his Internet website.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 540.011 is hereby amended to read as follows:

540.011 1. The Legislature determines that it is the policy of the State of Nevada to continue to recognize the critical nature of the State's limited water resources. It is acknowledged that many of the State's surface water resources are committed to existing uses, under existing water rights, and that in many areas of the State the available groundwater supplies have been appropriated for current uses. It is the policy of the State of Nevada to recognize and provide for the protection of these existing water rights. It is ~~[also]~~ the policy of the State to encourage efficient and nonwasteful use of these limited supplies. ***It is also the policy of the State to encourage suppliers of water to establish prices for the use of water that maximize water conservation with due consideration to the essential service needs of***

customers and the economic burdens on businesses, public services and low-income households.

2. The Legislature further recognizes the relationship between the critical nature of the State's limited water resources and the increasing demands placed on these resources as the population of the State continues to grow.

3. The Legislature further recognizes the relationship between the quantity of water and the quality of water, and the necessity to consider both factors simultaneously when planning the uses of water.

4. The Legislature further recognizes the important role of water resource planning and that such planning must be based upon identifying current and future needs for water. The Legislature determines that the purpose of the State's water resource planning is to assist the State, its local governments and its citizens in developing effective plans for the use of water.

~~[5. The Legislature further recognizes that many communities in the arid western United States have reduced system-wide water consumption to 200 gallons per person per day or less.]~~

Sec. 2. NRS 540.131 is hereby amended to read as follows:

540.131 1. Except as otherwise provided in subsection 5, each supplier of water which supplies water for municipal, industrial or domestic purposes shall, on or before July 1, 1992, adopt a plan of water conservation based on the climate and the living conditions of its service area in accordance with the provisions of NRS 540.141, and shall update the plan pursuant to paragraph (c) of subsection 4. The provisions of the plan must apply only to the supplier's property and its customers. The supplier of water shall submit the plan to the Section for review by the Section pursuant to subsection 3.

2. As part of the procedure of adopting a plan, the supplier of water shall provide an opportunity for any interested person, including, but not limited to, any private or public entity that supplies water for municipal, industrial or domestic purposes, to submit written views and recommendations on the plan.

3. The plan must be reviewed by the Section within 30 days after its submission and approved for compliance with this section ***and NRS 540.141*** before it is adopted by the supplier of water.

4. The plan:

(a) Must be available for inspection by members of the public during office hours at the offices of the supplier of water;

(b) May be revised from time to time to reflect the changing needs and conditions of the service area. Each such revision must be made available for inspection by members of the public; and

(c) Must be updated every 5 years and comply with the requirements of this section and NRS 540.141.

5. Suppliers of water:

(a) Who are required to adopt a plan of water conservation pursuant to this section; and

(b) Whose service areas are located in a common geographical area,

➥ may adopt joint plans of water conservation based on the climate and living conditions of that common geographical area. Such a plan must comply with the requirements of this section and NRS 540.141.

6. The board of county commissioners of a county, the governing body of a city and the town board or board of county commissioners having jurisdiction of the affairs of a town shall:

(a) Adopt any ordinances necessary to carry out a plan of conservation adopted pursuant to this section which applies to property within its jurisdiction;

(b) Establish a schedule of fines for the violation of any ordinances adopted pursuant to this subsection; and

(c) Hire such employees as it deems necessary to enforce the provisions of any ordinances it adopts pursuant to this subsection.

Sec. 3. NRS 540.141 is hereby amended to read as follows:

540.141 1. A plan or joint plan of water conservation submitted to the Section for review must include provisions relating to:

(a) Methods of public education to:

(1) Increase public awareness of the limited supply of water in this State and the need to conserve water.

(2) Encourage reduction in the size of lawns and encourage the use of plants that are adapted to arid and semiarid climates.

(b) Specific conservation measures required to meet the needs of the service area, including, but not limited to, any conservation measures required by law.

(c) The management of water to:

(1) Identify and reduce leakage in water supplies, inaccuracies in water meters and high pressure in water supplies; and

(2) Where applicable, increase the reuse of effluent.

(d) A contingency plan for drought conditions that ensures a supply of potable water.

(e) A schedule for carrying out the plan ~~[.]~~ ***or joint plan.***

(f) Measures to evaluate the effectiveness of the plan ~~[.]~~ ***or joint plan.***

(g) For each conservation measure specified in the plan or joint plan, an estimate of the amount of water that will be conserved each year as a result of the adoption of the plan or joint plan, stated in terms of gallons of water per person per day.

2. A plan or joint plan submitted for review must be accompanied by an analysis of ~~[the]~~ ***:***

(a) The feasibility of charging variable rates for the use of water to encourage the conservation of water.

(b) How the rates that are proposed to be charged for the use of water in the plan or joint plan will maximize water conservation, including, without limitation, an estimate of the manner in which the rates will affect consumption of water.

3. ~~[The] [Within 30 days after the plan or joint plan is submitted, the State Engineer shall review and evaluate the accuracy of the estimate provided with the plan or joint plan pursuant to paragraph (g) of subsection 1 and paragraph (b) of subsection 2 and submit his findings to the Section.~~

~~4. Within 30 days after the State Engineer submits his findings to the Section pursuant to subsection 3, the]~~ ***The*** Section shall review any ~~[the]~~ plan or joint plan submitted to it within 30 days after its submission and approve the plan if it is based on the climate and living conditions of the service area and complies with the requirements of this section.

4. ~~[5.]~~ The Chief may exempt wholesale water purveyors from the provisions of this section which do not reasonably apply to wholesale supply.

5. To the extent practicable, the State Engineer shall provide on his Internet website a link to the plans and joint plans that are submitted for review. In carrying out the provisions of this subsection, the State Engineer is not responsible for ensuring, and is not liable for failing to ensure, that the plans and joint plans which are provided on his Internet website are accurate and current.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 342.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 155.

AN ACT relating to elections; providing **under certain circumstances** that a registered voter who lives in a mailing precinct or an absent ballot mailing precinct of a county ~~[or city]~~ who has received a mailing ballot may vote in person at the office of the county ~~[or city]~~ clerk or at designated polling places on election day or at polling places during the period for early voting; requiring **certain** county ~~[and city]~~ clerks to designate at least one polling place to be the polling place to which any registered voter who lives in any of the mailing precincts or absent ballot mailing precincts of the county ~~[or city]~~ may apply to vote in person on election day; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Sections 4, 6, 11 and 13]~~ **Section 4** of this bill ~~[provide authorization for]~~ **requires county clerks in counties with a population of 100,000 or more to designate at least one polling place in the county as the polling place where** a person who lives in a mailing precinct or an absent ballot mailing precinct ~~[of a county or a city who has received a mailing ballot to]~~ **may** vote in person on election day . ~~[or during the period for early voting, instead of returning such a ballot by mail, and sets forth a procedure for the processing of a ballot voted in person pursuant to this authorization. Sections 6 and 13~~

~~prohibit.~~] **In counties with a population of less than 100,000, section 4 provides that a county clerk may, but is not required to, designate such a polling place. Section 6 prohibits** the return of a mailing ballot by any person other than the registered voter to whom the ballot was sent unless a family member returns the ballot at the request of the voter. A person who violates this provision is guilty of a category E felony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 293.230 is hereby amended to read as follows:~~

~~293.230 1. In precincts or districts where there are less than 200 registered voters and paper ballots are used, the election board shall perform all duties required from the time of preparing for the opening of the polls through delivering the supplies and result of votes cast to the county clerk.~~

~~2. Except as otherwise provided in NRS 293.235, one election board must be appointed by the county clerk for all mailing precincts within the county and must be designated the central election board. The county clerk shall deliver the mailed ballots to that board in his office , and the board shall count the votes on those ballots in the manner required by law.~~

~~*3. The county clerk shall appoint one election board to:*~~

~~*(a) Be present at each of the polling places designated by the county clerk pursuant to NRS 293.343; and*~~

~~*(b) Serve any registered voter who lives in any one of the mailing precincts or absent ballot mailing precincts within the county and who applies to vote in person pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353 on election day.*~~

~~*→ Such board or boards may be comprised of the same persons serving on the central election board appointed pursuant to subsection 2 or an absent ballot central counting board appointed pursuant to NRS 293.235.*~~] **(Deleted by amendment.)**

Sec. 2. ~~[NRS 293.245 is hereby amended to read as follows:~~

~~293.245 When the county clerk determines it necessary to cause any precincts in the county to be designated absent ballot mailing precincts, the precinct's *mailing* ballots must be placed by the central election board [,] or the absent ballot central counting board [,] in the proper absent ballot mailing precinct ballot box.~~] **(Deleted by amendment.)**

Sec. 3. ~~[NRS 293.275 is hereby amended to read as follows:~~

~~293.275 No election board may perform its duty in serving registered voters at any precinct or district polling place in any election provided for in this title, unless it has before it the election board register for *the registered voters of* its precinct or district [.] *, which, in the case of an election board assigned to serve any registered voter who lives in any one of the mailing precincts or absent ballot mailing precincts within a single county or city and who applies to vote in person, must include all the registered voters*~~

~~*enrolled in the mailing precinct record book pursuant to NRS 293.350 or 293C.347.]*~~ **(Deleted by amendment.)**

Sec. 4. NRS 293.343 is hereby amended to read as follows:

293.343 1. A registered voter who resides in an election precinct in which there were not more than 200 voters registered for the last preceding general election, or in a precinct in which it appears to the satisfaction of the county clerk that there are not more than 200 registered voters, may vote at any election regulated by this chapter in the manner provided in NRS 293.345 to 293.355, inclusive.

2. Whenever the county clerk has designated a precinct as a mailing precinct, registered voters residing in that precinct may vote at any election regulated by this chapter in the manner provided in NRS 293.345 to 293.355, inclusive.

3. ~~[Whenever]~~ ***In a county whose population is 100,000 or more, whenever a registered voter is entitled to vote in a mailing precinct or an absent ballot mailing precinct, the county clerk:***

(a) Shall designate at least one polling place in the county as the polling place to which such a voter may apply to vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, on election day; and

(b) May designate certain polling places for early voting as the polling places to which such a voter may apply to vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, during the period for early voting, if it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county.

4. In a county whose population is less than 100,000, whenever a registered voter is entitled to vote in a mailing precinct or an absent ballot mailing precinct, the county clerk:

(a) May designate one or more polling places in the county as the polling place to which such a voter may apply to vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, on election day; and

(b) May designate certain polling places for early voting as the polling places to which such a voter may apply to vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, during the period for early voting, if it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county.

5. Polling places designated pursuant to subsection 3 or 4 may include, without limitation, polling places located as closely as practicable to the mailing precincts.

Sec. 5. NRS 293.345 is hereby amended to read as follows:

293.345 ~~[The]~~

1. Before 5 p.m. on the last business day preceding the first day of the period for early voting for any primary election or general election, the county clerk shall ~~[mail]~~ ***cause to be mailed*** to each registered voter in each mailing precinct and in each absent ballot mailing precinct ~~[, before 5 p.m. on the second Thursday before the primary election and before 5 p.m. on the fourth Tuesday in October of any year in which a general election is to be held,]~~ an official mailing ballot to be voted by him at the election ~~[.]~~ ***, and accompanying supplies, as specified in NRS 293.350.***

2. ~~[The]~~ ***If the county clerk has designated, pursuant to subsection 3 or 4 of NRS 293.343, one or more polling places to which a voter may apply to vote in person, the official ballot and the sample ballot must include a notice in bold type informing the voter of the location of the designated polling place or polling places on election day and the polling places during the period for early voting to which the voter may apply to vote in person pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353.***

Sec. 6. NRS 293.353 is hereby amended to read as follows:

293.353 ~~[Upon]~~

1. Except as otherwise provided in subsection 2 or 3, upon receipt of a mailing ballot from the county clerk, the registered voter must ~~[:~~

~~1. Except as otherwise provided in subsection 2:~~

~~(a) Immediately after opening the envelope,]~~ ***, in accordance with the instructions,*** mark and fold the ballot ~~[;~~

~~(b) Place the ballot]~~ ***, if it is a paper ballot, or punch it and leave it unfolded, if the ballot is voted by punching a card, deposit and seal the ballot*** in the return envelope ~~[;~~

~~(c) Affix]~~ ***, affix*** his signature on the back of the envelope ~~[; and~~

~~(d) Mail or deliver]~~ ***and mail*** the envelope to the county clerk.

2. ~~[In those counties using a mechanical voting system whereby a vote is cast by punching a card:~~

~~(a) Immediately after opening the envelope, punch the card;~~

~~(b) Place the unfolded card in the return envelope;~~

~~(c) Affix his signature on the back of the envelope; and~~

~~(d) Mail or deliver the envelope to the county clerk.]~~ ***Except as otherwise provided in subsection 3, if a registered voter who has received a mailing ballot applies to vote in person at:***

(a) The office of the county clerk, he must mark or punch the ballot, place and seal it in the return envelope and affix his signature in the same manner as provided in subsection 1, and deliver the envelope to the clerk.

(b) One of the ~~[designated]~~ ***polling places on election day or a polling place for early voting in the county*** ~~[,]~~ ***designated pursuant to subsection 3 or 4 of NRS 293.343, he must surrender the mailing ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered mailing ballot shall mark it "Cancelled."***

3. If a registered voter who has received a mailing ballot applies to vote in person at the office of the county clerk or at one of the ~~[designated]~~ ***polling places on election day or a polling place for early voting in the county*** ~~[,]~~ ***designated pursuant to subsection 3 or 4 of NRS 293.343, and the voter does not have the mailing ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:***

(a) Provides satisfactory identification;

(b) Is a registered voter who is otherwise entitled to vote; and

(c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.

4. It is unlawful for any person to return a mailing ballot other than the registered voter to whom the ballot was sent or, at the request of the voter, a member of the family of that voter. A person who returns a mailing ballot and who is a member of the family of the voter who received the mailing ballot shall, under penalty of perjury, indicate on a form prescribed by the county clerk that he is a member of the family of the voter who received the mailing ballot and that the voter requested that he return the mailing ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 7. NRS 293.355 is hereby amended to read as follows:

293.355 ***1.*** Upon receipt of the return envelope from ~~[the]~~ ***a*** registered voter ~~[,]~~ ***of a mailing precinct or absent ballot mailing precinct, whether through the mail or in person at the office of the county clerk pursuant to paragraph (a) of subsection 2 of NRS 293.353,*** the county clerk shall follow the same procedure as in the case of absent ballots.

2. Ballots voted in person at a polling place pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, or at the office of the county clerk pursuant to subsection 3 of NRS 293.353, by registered voters of a mailing precinct or absent ballot mailing precinct must be processed and reported by the appointed election board or county clerk in the same manner as required by law for absent ballots voted in person pursuant to NRS 293.330.

Sec. 8. ~~[NRS 293.563 is hereby amended to read as follows:~~

~~293.563 1. During the interval between the closing of registration and the election, the county clerk shall:~~

~~(a) In counties where records of registration are not kept by computer, prepare for each precinct or district a binder containing in alphabetical order the original applications to register to vote of the electors in the precinct or district. The binder constitutes the election board register.~~

~~(b) In counties where records of registration are kept by computer, have printed and placed in a binder for each precinct or district a computer listing in alphabetical order of the applications to register to vote of the electors in the precinct or district. The binder constitutes the election board register.~~

~~2. Each election board register must be delivered or caused to be delivered by the county or city clerk , *before the opening of the polls,* to~~ [an] ~~:~~

~~*(a) An* election officer of the proper precinct or district [before the opening of the polls.] ; or~~

~~*(b) The election board appointed by the county or city clerk pursuant to subsection 3 of NRS 293.230 or subsection 3 of NRS 293C.230.]~~ (Deleted by amendment.)

Sec. 9. ~~[NRS 293C.230 is hereby amended to read as follows:~~

~~293C.230 1. In precincts or districts in a city where there are less than 200 registered voters and paper ballots are used, the election board shall perform all duties required from the time of preparing for the opening of the polls through delivering the supplies and result of votes cast to the city clerk.~~

~~2. Except as otherwise provided in NRS 293C.240, one election board must be appointed by the city clerk for all mailing precincts within the city and must be designated the central election board. The city clerk shall deliver the mailed ballots to that board in his office , and the board shall count the votes on those ballots in the manner required by law.~~

~~*3. The city clerk shall appoint one election board to:*~~

~~*(a) Be present at each of the polling places designated by the city clerk pursuant to NRS 293C.342; and*~~

~~*(b) Serve any registered voter who lives in any one of the mailing precincts or absent ballot mailing precincts within the city and who applies to vote in person pursuant to paragraph (b) of subsection 2 of NRS 293C.350 or subsection 3 of NRS 293C.350 on election day.*~~

~~*→ The election board may be comprised of the same persons serving on the central election board appointed pursuant to subsection 2 or an absent ballot central counting board appointed pursuant to NRS 293C.240.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[NRS 293C.250 is hereby amended to read as follows:~~

~~293C.250 When the city clerk determines it necessary to cause any precincts in the city to be designated absent ballot mailing precincts, the precinct's *mailing* ballots must be placed by the central election board or the absent ballot central counting board in the proper absent ballot mailing precinct ballot box.]~~ **(Deleted by amendment.)**

Sec. 11. ~~[NRS 293C.342 is hereby amended to read as follows:~~

~~293C.342 1. A registered voter who resides in an election precinct in which there were not more than 200 voters registered for the last preceding city general election, or in a precinct in which it appears to the satisfaction of the city clerk that there are not more than 200 registered voters, may vote at any election regulated by this chapter in the manner provided in NRS 293C.345 to 293C.352 [.] *, inclusive.*~~

~~2. Whenever the city clerk has designated a precinct as a mailing precinct, registered voters residing in that precinct may vote at any election~~

~~regulated by this chapter in the manner provided in NRS 293C.345 to 293C.352 [.] , inclusive.~~

~~*3. Whenever a registered voter is entitled to vote in a mailing precinct or an absent ballot mailing precinct, the city clerk:*~~

~~*(a) Shall designate at least one polling place in the city as the polling place to which such a voter may apply to vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293C.350 or subsection 3 of NRS 293C.350, on election day; and*~~

~~*(b) May designate certain polling places for early voting as the polling places to which such a voter may apply to vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293C.350 or subsection 3 of NRS 293C.350, during the period for early voting, if it is impractical for the city clerk to provide at each polling place for early voting a ballot in every form required in the city.]~~ **(Deleted by amendment.)**

Sec. 12. ~~[NRS 293C.345 is hereby amended to read as follows:~~

~~293C.345 [Except as otherwise provided in NRS 293C.115,]~~

~~*1. Before 5 p.m. on the last business day preceding the first day of the period for early voting for any primary city election or general city election,* the city clerk shall [mail] *cause to be mailed* to each registered voter in each mailing precinct and in each absent ballot mailing precinct [, before 5 p.m. on the third Thursday in March and before 5 p.m. on the fourth Tuesday in May of any year in which a general city election is held,] an official mailing ballot to be voted by him at the election [.] , *and accompanying supplies, as specified in NRS 293C.347.*~~

~~*2. The official ballot and the sample ballot must include a notice in bold type informing the voter of the location of the designated polling place or polling places on election day and the polling places during the period for early voting to which the voter may apply to vote in person pursuant to paragraph (b) of subsection 2 of NRS 293C.350 or subsection 3 of NRS 293C.350.]~~ **(Deleted by amendment.)**

Sec. 13. ~~[NRS 293C.350 is hereby amended to read as follows:~~

~~293C.350 [Upon]~~

~~*1. Except as otherwise provided in subsection 2 or 3, upon* receipt of a mailing ballot from the city clerk, the registered voter must [:~~

~~1. Except as otherwise provided in subsection 2:~~

~~(a) Immediately after opening the envelope,] , *in accordance with the instructions,* mark and fold the ballot [;~~

~~(b) Place the ballot] , *if it is a paper ballot, or punch it and leave it unfolded, if the ballot is voted by punching a card, deposit and seal the ballot* in the return envelope [;~~

~~(c) Affix] , *affix* his signature on the back of the envelope [; and~~

~~(d) Mail or deliver] *and mail* the envelope to the city clerk.~~

~~2. [In those cities using a mechanical voting system whereby a vote is cast by punching a card:~~

~~(a) Immediately after opening the envelope, punch the card;~~

~~(b) Place the unfolded card in the return envelope;~~

~~(c) Affix his signature on the back of the envelope; and~~

~~(d) Mail or deliver the envelope to the city clerk.]~~ ~~*Except as otherwise provided in subsection 3, if a registered voter who has received a mailing ballot applies to vote in person at:*~~

~~*(a) The office of the city clerk, he must mark or punch the ballot, place and seal it in the return envelope and affix his signature in the same manner as provided in subsection 1, and deliver the envelope to the clerk.*~~

~~*(b) One of the designated polling places on election day or a polling place for early voting in the city, he must surrender the mailing ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered mailing ballot shall mark it "Cancelled."*~~

~~*3. If a registered voter who has received a mailing ballot applies to vote in person at the office of the city clerk or at one of the designated polling places on election day or a polling place for early voting in the city, and the voter does not have the mailing ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:*~~

~~*(a) Provides satisfactory identification;*~~

~~*(b) Is a registered voter who is otherwise entitled to vote; and*~~

~~*(c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.*~~

~~*4. It is unlawful for any person to return a mailing ballot other than the registered voter to whom the ballot was sent or, at the request of the voter, a member of the family of that voter. A person who returns a mailing ballot and who is a member of the family of the voter who received the mailing ballot shall, under penalty of perjury, indicate on a form prescribed by the city clerk that he is a member of the family of the voter who received the mailing ballot and that the voter requested that he return the mailing ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.]~~ **(Deleted by amendment.)**

Sec. 14. ~~[NRS 293C.352 is hereby amended to read as follows:~~

~~293C.352 1. Upon receipt of the return envelope from [the]~~ ~~*a*~~ ~~registered voter [,]~~ ~~*of a mailing precinct or absent ballot mailing precinct, whether through the mail or in person at the office of the city clerk pursuant to paragraph (a) of subsection 2 of NRS 293C.350,*~~ ~~the city clerk shall follow the same procedure as in the case of absent ballots.~~

~~*2. Ballots voted in person at a polling place pursuant to paragraph (b) of subsection 2 of NRS 293C.350 or subsection 3 of NRS 293C.350, or at the office of the city clerk pursuant to subsection 3 of NRS 293C.350, by registered voters of a mailing precinct or absent ballot mailing precinct must be processed and reported by the appointed election board or city clerk in*~~

~~*the same manner as required by law for absent ballots voted in person pursuant to NRS 293C.330.]*~~ **(Deleted by amendment.)**

Assemblywoman Koivisto moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 348.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 368.

AN ACT relating to the Elko Convention and Visitors Authority; revising the boundaries and composition of the Authority; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law specifies the number and qualifications of members of the Board of Governors of the Elko Convention and Visitors Authority. Certain of the members must reside within the boundaries of the Authority. (Elko Convention and Visitors Authority Act § 8) This bill revises the boundaries of the Authority and, thus, also revises the composition (membership) of the Authority. (Elko Convention and Visitors Authority Act § 18)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 18 of the Elko Convention and Visitors Authority Act, being chapter 227, Statutes of Nevada 1975, as amended by chapter 70, Statutes of Nevada 2001, at page 517, is hereby amended to read as follows:

Sec. 18. The boundaries of the Authority ~~[include all lands, except the incorporated City of Carlin and those lands that have a current agricultural use assessment from the county assessor of Elko County pursuant to chapter 361A of NRS, located within the boundaries described as follows: Beginning at the southwest corner of Elko County, and running thence northerly and westerly along the boundary common to Elko and Eureka Counties to its intersection with a line perpendicular to the northern boundary of the City of Carlin; thence easterly along the northern boundary of the City of Carlin to its extended intersection with the Cadastral Survey Range Line common to Range 52 and Range 53, M.D.B. & M.; thence north along the Cadastral Survey Range Line common to Range 52 and Range 53, M.D.B. & M., to its intersection with Fish Creek; thence easterly to the summit of Swales Mountain of the Independence Mountain Range; thence northerly along the crest of the Independence Mountain Range to its intersection with the Cadastral Survey Township Line common to Township 43 and Township 44, M.D.B. & M.; thence east along the Cadastral Survey Township Line common to Township 43 and Township 44, M.D.B. & M., to its intersection with the Cadastral Survey Range Line common to Range 61 and Range 62,~~

~~M.D.B. & M.; thence south along the Cadastral Survey Range Line common to Range 61 and Range 62, M.D.B. & M., to its intersection with the centerline of State Route 231, also known as the Angel Lake access road; thence southerly and westerly along the centerline of State Route 231 to Angel Lake; thence west to the crest of the East Humboldt Mountain Range; thence southerly and westerly along the crest of the East Humboldt Mountain Range and the Ruby Mountain Range to its intersection with the southern boundary of Elko County; thence west along the southern boundary of Elko County to the point of beginning.~~] [~~consist of, in Elko County:~~

~~1. Census tracts 950700, 950800, 950900, 951000, 951300 and 951400.~~

~~2. Census voting districts 160, 180 and 200.~~

~~3. In census tract 950200, blocks 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1035, 1036, 1077, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1102, 1104, 1111, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1158, 1159, 1160, 1161, 1162, 1293, 1294, 1295, 1296, 1297, 1298 and 1999.~~

~~4. In census tract 950600, blocks 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2318, 2319, 2320, 2321, 2322, 2323,~~

~~2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2639, 2640, 2641, 2642, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2682, 2683, 2684, 2685, 2686, 2687, 2688, 2689, 2690, 2691, 2692, 2693, 2694, 2695, 2696, 2697, 2698, 2699, 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2713, 2714, 2715, 2716, 2717, 2718, 2719, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734, 2735, 2736, 2737, 2738, 2739, 2740, 2741, 2742, 2743, 2744, 2745, 2746, 2747, 2748, 2749, 2750, 2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769, 2770, 2771, 2772, 2773, 2774, 2775, 2776, 2777, 2778, 2779, 2780, 2781, 2782, 2783, 2784, 2785, 2786, 2787, 2788, 2789, 2790, 2791, 2792, 2793, 2794, 2795, 2796, 2797, 2798, 2799, 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2809, 2810, 2811, 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2834, 2835, 2836, 2837, 2838, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847, 2848, 2849, 2850, 2851, 2852, 2853, 2854, 2855, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869, 2870, 2871, 2874, 2876, 2877, 2878, 2879, 2880, 2881, 2882, 2883, 2884,~~

~~2885, 2886, 2887, 2888, 2889, 2890, 2891, 2892, 2893, 2894, 2895, 2896, 2897, 2898, 2899, 2900, 2901, 2902, 2903, 2904, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2924, 2925, 2926, 2927, 2928, 2929, 2930, 2931, 2932, 2933, 2934, 2935, 2936, 2937, 2938, 2939, 2940, 2941, 2942, 2943, 2944, 2945, 2946, 2947, 2948, 2949, 2950, 2951, 2952, 2953, 2954, 2955, 2956, 2957, 2958, 2959, 2960, 2961, 2962, 2963, 2964, 2965, 2966, 2967, 2968, 2969, 2970, 2971, 2972, 2973, 2974, 2975, 2976, 2977, 2978, 2979, 2980, 2981, 2982, 2983, 2984, 2985, 2992, 2993, 2994, 2995, 2996, 2997 and 2998.~~

~~5. In census tract 951200, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1091, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1439, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1460, 1461, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1548, 1549, 1550, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1600, 1602, 1603, 1605, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1647, 1648, 1649, 1650, 1651, 1653, 1654, 1721, 1722, 1743, 1744, 1745, 1770, 1771, 1772, 1773, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2024, 2052, 2055, 2087, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031 and 3032.~~

~~6. In census tract 951600, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1052, 1053, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1079, 1080, 1081, 1082, 1086, 1087, 1088, 1089, 1090, 1091, 1092,~~

~~1093, 1094, 1095, 1112, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1191, 1195, 1196, 1202, 1237, 1261, 1262, 1999, 2069, 2070 and 2071.~~] ***include a portion of Elko County westerly of the crest of the Ruby Mountain Range, East Humboldt Mountain Range and U.S. Highway 93, excluding the incorporated City of Wells, incorporated City of Carlin, unincorporated Town of Jackpot, Town of Jarbidge, Town of Mountain City and the Town of Midas/Gold Circle all located in Elko County more particularly described as follows:***

Commencing at the northwest corner of Elko County common to the northeast corner of Humboldt County and the Nevada and Idaho state boundary, the point of beginning, thence southerly along the most western boundary of Elko County to a point 30 feet northerly of and parallel to the centerline of Elko County Road 724; thence northeasterly along a line 30 feet northerly of and parallel to the centerline of said Elko County Road 724 to its intersection with the portion of Elko County Road 724 traversing to the Town of Midas/Gold Circle; thence traversing northwesterly continuing along a line 30 feet westerly of and parallel to the centerline of said Elko County Road 724 to the most southerly boundary of the Town of Midas/Gold Circle as shown on the official map of Gold Circle filed in the Office of the Elko County Recorder as File No. 000082; thence traversing westerly, northerly, easterly and southerly around the exterior boundary of the Town of Midas/Gold Circle as shown on said official map of Gold Circle to its intersection with a point 30 feet easterly of and parallel to the centerline of said Elko County Road 724; thence southeasterly along a line 30 feet easterly of and parallel to the centerline of that portion of Elko County Road 724 traversing to the main portion of Elko County Road 724 to a point on a line 30 feet southerly of and parallel to the centerline of Elko County Road 724; thence southwesterly along a line 30 feet southerly of and parallel to Elko County Road 724 to its intersection with the west boundary of Elko County; thence southerly along the most western boundary of Elko County to a point being a common corner to Elko County and Lander County; thence easterly along the Elko County boundary common to Lander and Eureka Counties to a point being a common corner to Elko County and the northeast corner of said Eureka County; thence southerly along the common boundary of Elko County and Eureka County to a point on the most northerly right-of-way of U.S. Interstate Highway 80; thence easterly along the most northerly right-of-way of said U.S. Interstate Highway 80 to its intersection with the most westerly boundary of the incorporated city limits of Carlin; thence northerly along the western boundary of said City of Carlin to the northwest corner of said City of Carlin; thence easterly traversing along the most northerly boundary of said City of Carlin to the northeast corner of said City of Carlin; thence southerly along the eastern boundary of said City of Carlin to the southeast corner of said City of Carlin; thence

westerly along the southern boundary of said City of Carlin to the southwest corner of said City of Carlin; thence northerly along the western boundary of said City of Carlin to its intersection with the most southerly right-of-way of said U.S. Interstate Highway 80; thence westerly along the southerly right-of-way of said U.S. Interstate Highway 80 to its intersection with the most westerly boundary of Elko County common to Elko and Eureka County; thence southerly continuing along the boundary of Elko County common to Elko and Eureka County to the most southwesterly corner of Elko County, said corner being the most northwest corner of White Pine County; thence easterly along the southern boundary of Elko County to its intersection with the crest of the Ruby Mountain Range; thence northeasterly along the crest of the said Ruby Mountain Range to its intersection with the crest of the East Humboldt Mountain Range; thence continuing northeasterly along the crest of the East Humboldt Mountain Range to a point directly west of the end of State Route 231 accessing Angel Lake; thence east to the end of said State Route 231 accessing Angel Lake; thence traversing northeasterly along the centerline of said State Route 231 to its intersection with the most western boundary of the incorporated city limits of Wells; thence northerly along the western boundary of said City of Wells to the northwest corner of said City of Wells; thence easterly along the northern boundary of said City of Wells to its intersection with the centerline of U.S. Highway 93; thence northerly along the centerline of said U.S. Highway 93 to a point directly east of the Boise Ranch located in section 15, T. 44 N., R. 63 E., M.D.B. & M.; thence northwesterly to the northwest corner of said section 15, T. 44 N., R. 63 E., M.D.B. & M., being a point on the most westerly boundary of voting precinct 38 common to voting precincts 33 and 38; thence northerly along the most westerly boundary of said voting precinct 38 to its intersection with the northern boundary of Elko County, being a point on the Nevada and Idaho state boundary; thence westerly along the northern boundary of Elko County to its intersection with a point 30 feet east of and parallel to the centerline of Elko County Road 748; thence southerly along a line 30 feet east of and parallel to the centerline of said Elko County Road 748 to its intersection with the Town of Jarbidge boundary as shown on the official map of the Town of Jarbidge filed in the Office of the Elko County Recorder as File No. 031210; thence traversing easterly, southerly, westerly and northerly around the exterior boundary of the Town of Jarbidge to its intersection with a point 30 feet west of and parallel to the centerline of said Elko County Road 748; thence northerly along a line 30 feet west of and parallel to the centerline of said Elko County Road 748 to its intersection with the northern boundary of Elko County; thence westerly along the northern boundary of Elko County to a point on the eastern boundary of the Duck Valley Indian Reservation; thence southerly along the eastern boundary of said Duck Valley Indian Reservation to its intersection with the most northerly right-of-way of State Route 225;

thence southeasterly along the most northerly right-of-way of said State Route 225 to its intersection with the most westerly boundary of the Town of Mountain City as shown on the official map of Mountain City filed in the Office of the Elko County Recorder as File No. 52684; thence traversing easterly, southerly, westerly and northerly around the exterior boundary of Mountain City to its intersection with the most southerly right-of-way of said State Route 225; thence northwesterly along the most southerly right-of-way of said State Route 225 to its intersection with the eastern boundary of said Duck Valley Indian Reservation; thence southerly along the eastern boundary of said Duck Valley Indian Reservation to the southeast corner of said Duck Valley Indian Reservation; thence westerly along the southern boundary of said Duck Valley Indian Reservation to the southwest corner of said Duck Valley Indian Reservation; thence northerly along the western boundary of said Duck Valley Indian Reservation to a point on the northern boundary of Elko County; thence westerly along the northern boundary of Elko County to the northwest corner of Elko County to the point of beginning.

Sec. 2. This act becomes effective on July 1, 2007.

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywomen Leslie and Pierce.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 422.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 446.

AN ACT relating to trade practices; requiring an employee of a call center to disclose his location ~~[to each customer during a telephone call;]~~ **, upon request, to customers during calls;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires an employee of a call center to disclose the ~~[city,]~~ state and country in which he is located to a customer during a phone call **upon request.** Section 2 of this bill makes failure to disclose the information a "deceptive trade practice." (NRS 598.0918)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

1. When a person places a telephone call to, or receives a telephone call from, an employee of a call center, the employee of the call center shall

disclose , upon request, the ~~[city,]~~ ***state and country where the employee is located.***

2. For the purposes of this section, a "call center" means a location that provides customer service and sales assistance or technical assistance and expertise to persons via telephone, the Internet or other telecommunications and information technology.

Sec. 2. NRS 598.0918 is hereby amended to read as follows:

598.0918 A person engages in a "deceptive trade practice" if, during a solicitation by telephone or sales presentation, he:

1. Uses threatening, intimidating, profane or obscene language;

2. Repeatedly or continuously conducts the solicitation or presentation in a manner that is considered by a reasonable person to be annoying, abusive or harassing;

3. Solicits a person by telephone at his residence between 8 p.m. and 9 a.m.;

4. Blocks or otherwise intentionally circumvents any service used to identify the caller when placing an unsolicited telephone call; ~~[or]~~

5. Places an unsolicited telephone call that does not allow a service to identify the caller by the telephone number or name of the business, unless such identification is not technically feasible ~~[.]~~ ***; or***

6. Refuses to provide his location as required by section 1 of this act.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 447.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 372.

AN ACT relating to cooperative agreements; creating an advisory bistate commission to study various environmental and land-use issues that are common to the areas of **Nye County, Nevada,** Clark County, Nevada, Inyo County, California, and San Bernardino County, California **,** and make recommendations to certain governing bodies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates an advisory bistate commission to study various environmental and land-use issues that are common to the areas of **Nye County, Nevada,** Clark County, Nevada, Inyo County, California, and San Bernardino County, California **,** and make recommendations to certain governing bodies. The advisory commission is modeled loosely on the Advisory Planning Commission of the Tahoe Regional Planning Agency.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 277 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Commission" means the*** ~~[Tricounty]~~ ***Mojave Desert Advisory Commission established pursuant to section 6 of this act.***

Sec. 4. ***"Region" includes:***

1. Nye County, Nevada;

2. Clark County, Nevada;

~~[2.]~~ ***3. Inyo County, California; and***

~~[3.]~~ ***4. San Bernardino County, California.***

Sec. 5. ***It is found and declared that:***

1. The natural resources of the region are threatened with deterioration or degeneration, which endangers the natural beauty and economic productivity of the region.

2. The public and private interests and investments in the region are substantial.

3. The region exhibits unique environmental and ecological values which are irreplaceable.

4. By virtue of the special conditions and circumstances of the region's natural ecology, developmental pattern, population distribution and human needs, the region is experiencing problems of resource use and deficiencies of environmental control.

5. Environmental and land-use issues in the region, including, without limitation, the health and continued viability of aquifers and the construction and maintenance of roadways, are not amenable to being addressed successfully by policies that are limited to local scope.

6. Increasing urbanization is threatening the ecological values of the region and threatening the public opportunities for use of the public lands.

7. Maintenance of the social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific, natural and public health values of the region.

8. There is a public interest in protecting, preserving and enhancing these values for the residents of the region and for visitors to the region.

9. Responsibilities for providing recreational and scientific opportunities, preserving scenic and natural areas, and safeguarding the public who live, work and play in or visit the region are divided among local governments, regional agencies, the states of California and Nevada, and the Federal Government.

10. In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to ensure an equilibrium between the region's natural endowment and its man-made environment.

11. There is a need for a regional voice to study relevant issues and make recommendations for the betterment of the region.

Sec. 6. ***1. In order to enhance the efficiency and governmental effectiveness of the region, the*** ~~[Tricounty]~~ ***Mojave Desert Advisory Commission, representing*** ~~[Clark County,]~~ ***Nye and Clark Counties, Nevada, and Inyo and San Bernardino Counties, California, is hereby established with the power to study the pertinent issues in the region and make recommendations to the relevant governing bodies relating to the Commission's findings.***

2. The issues in the region to be studied by the Commission include, without limitation:

(a) Water.

(b) Transportation and traffic.

(c) Zoning and land-use planning.

(d) Air quality and pollution.

(e) The preservation of wildlife habitats.

(f) Generation of energy.

(g) Any other issues that the Commission determines are common among the areas of the region.

Sec. 7. ***1. The Commission consists of*** ~~[13]~~ ***8 members as follows:***

(a) ~~[Three members appointed by the Majority Leader of the California Senate from among persons knowledgeable in one or more of the areas of energy, the environment, land use, transportation, water or wildlife. At least one such person must reside in the region.~~

~~(b) Three members appointed by the Speaker of the California Assembly from among persons knowledgeable in one or more of the areas of energy, the environment, land use, transportation, water or wildlife. At least one such person must reside in the region.~~

~~(c) Three members appointed by the Majority Leader of the Nevada Senate from among persons knowledgeable in one or more of the areas of energy, the environment, land use, transportation, water or wildlife. At least one such person must reside in the region.~~

~~(d) Three members appointed by the Speaker of the Nevada Assembly from among persons knowledgeable in one or more of the areas of energy, the environment, land use, transportation, water or wildlife. At least one such person must reside in the region.~~

~~(e) A member of the general public who resides in the region, appointed by the governor of the state in which he resides. In odd-numbered years, the member must be a resident of the State of California. In even numbered years, the member must be a resident of the State of Nevada.]~~ ***One member appointed by the Board of County Commissioners for Nye County, Nevada, who is a resident of the County and resides within 20 miles of the border between Nevada and California;***

(b) One member appointed by the Board of County Commissioners for Clark County, Nevada, who is a resident of the County and resides within 20 miles of the border between Nevada and California;

(c) One member appointed by the Board of Supervisors for Inyo County, California, who is a resident of the County and resides within 20 miles of the border between Nevada and California;

(d) One member appointed by the Board of Supervisors for San Bernardino County, California, who is a resident of the County and resides within 20 miles of the border between Nevada and California;

(e) Two members appointed by the Governor of Nevada, at least one of whom is a hydrologist; and

(f) Two members appointed by the Governor of California, at least one of whom is a hydrologist.

➥ ***Each person appointed pursuant to this subsection must be knowledgeable in one or more of the areas of energy, the environment, land use, transportation, water or wildlife. No person appointed pursuant to this section may be an elected public officer of a city, county or state government at the time of appointment.*** ~~[Except as otherwise provided in this subsection, the]~~ ***The term of each member is 4 years.*** ~~[The term of the member of the general public described in paragraph (e) is 1 year.]~~ ***Any vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term. A member may be reappointed to the Commission.***

2. The Commission shall elect from its own members a Chairman and a Vice Chairman, whose terms of office must be 1 year and who may be reelected. If a vacancy occurs in either office, the Commission shall fill such vacancy for the unexpired term.

3. ~~[A]~~ ***All recommendations considered by the Commission relating to the Commission's findings must be transferred to the relevant governing bodies regardless of whether a recommendation is supported by a majority of the members of the Commission .*** ~~[constitutes a quorum for the transaction of the business of the Commission. A majority vote of the quorum present is required to take action with respect to any matter.]~~

Sec. 8. ***The Commission shall establish and maintain an office within the region, and for this purpose, the Commission may rent or own property and equipment. Every book or record of the Commission which is of such nature as to constitute a public record under the law of either the State of California or the State of Nevada must be open to inspection and copying during regular office hours.***

Sec. 9. ***Each authority charged pursuant to the provisions of sections 2 to 9, inclusive, of this act or by the law of either state with the duty of appointing a member of the Commission shall, by certified copy of its resolution or other action, notify the Secretary of State of its own state of the action taken.***

Sec. 10. This act becomes effective on the date on which all members have been appointed to the ~~[Tricounty]~~ **Mojave** Desert Advisory Commission by their respective appointing authorities.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 510.

Bill read second time.

The following amendment was proposed by Select Committee on Corrections, Parole, and Probation:

Amendment No. 546.

AN ACT relating to offenders; revising provisions relating to the residential confinement of certain offenders; authorizing the Director of the Department of Corrections to award greater amounts of credit against the sentence of offenders under certain circumstances; revising provisions relating to programs for the reentry of offenders and parolees into the community; ~~[repealing provisions relating to centers for the purpose of making restitution;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill eliminates certain requirements that an offender must meet to be eligible for residential confinement and revises the prohibition against assigning a prisoner who has been convicted of a sexual offense to residential confinement by prohibiting the Director of the Department of Corrections from assigning a prisoner to a minimum security facility if the prisoner has ever been convicted of a sexual offense that is a felony. In addition, section 2 revises a provision which prohibits an offender from receiving residential confinement if the offender has ever been convicted of a violent crime by prohibiting an offender from receiving residential confinement if the offender has, within the immediately preceding 3 years, been convicted of a violent crime that is a felony. (NRS 209.392) Finally, section 2 provides that an offender who has been convicted of a category A or B felony is not eligible for residential confinement.

Existing law requires the Director to assign certain offenders who are abusers of alcohol or drugs to residential confinement. (NRS 209.429) Section 3 of this bill eliminates certain requirements that such an offender must meet for the Director to assign him to residential confinement.

Section 5 of this bill increases from 10 days to 20 days the deduction from the sentence of an offender who engages in certain good behavior. In addition, section 5 increases by 30 days the deductions from the sentence of an offender who obtains certain educational achievements. (NRS 209.4465) Section 6 of this bill increases from 10 days to 20 days the deduction from the sentence of a parolee who is current with any fee to defray the cost of his supervision and who is current with any restitution payments. (NRS 209.4475)

Section 7 of this bill revises the prohibition against assigning a prisoner who has been convicted of a sexual offense to a minimum security facility by prohibiting the Director from assigning a prisoner to such a facility if the

prisoner has ever been convicted of a sexual offense that is a felony. In addition, section 7 revises the prohibition against assigning a prisoner who has committed a violent act during the previous year to a minimum security facility by prohibiting the Director from assigning a prisoner to such a facility if the prisoner has, within the preceding year, been convicted of a violent crime that is a felony. (NRS 209.481)

Existing law allows the Director to establish a program for reentry of offenders and parolees into the community. Section 8 of this bill revises ~~[the requirements an offender or parolee must meet to be eligible for the program by providing that an offender is eligible for the program if the offender is within 1 year, rather than 2 years, of his probable release from prison. In addition, section 8 revises]~~ a provision which provides that an offender is not eligible for the program if the offender has, within the immediately preceding 5 years, been convicted of a violent crime by providing that an offender is not eligible for the program if the offender has, within the immediately preceding year, been convicted of a violent crime that is a felony. (NRS 209.4888)

~~[Existing law allows the Director to establish centers that house offenders in the community so that offenders may earn wages with which to pay restitution to the victims of their crimes. (NRS 209.4827-209.4843) Section 9 of this bill repeals all provisions of existing law relating to centers for the purpose of making restitution.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 209.221 is hereby amended to read as follows:~~

~~209.221 1. The Offenders' Store Fund is hereby created as a special revenue fund. All money received for the benefit of offenders through contributions, and from other sources not otherwise required to be deposited in another fund, must be deposited in the Offenders' Store Fund.~~

~~2. The Director shall:~~

~~(a) Keep, or cause to be kept, a full and accurate account of the Fund;~~

~~(b) Submit reports to the Board relative to money in the Fund as may be required from time to time; and~~

~~(c) Submit a monthly report to the offenders of the amount of money in the Fund by posting copies of the report at locations accessible to offenders generally or by delivery of copies to the appropriate representatives of the offenders if any are selected.~~

~~3. Except as otherwise provided in subsections 4 to 7, inclusive, money in the Offenders' Store Fund, except interest earned upon it, must be expended for the welfare and benefit of all offenders.~~

~~4. If necessary to cover a shortfall of money in the Prisoners' Personal Property Fund, the Director may, after obtaining the approval of the Interim Finance Committee, authorize the State Controller to transfer money from~~

~~the Offenders' Store Fund to the Prisoners' Personal Property Fund, and the State Controller shall make the transfer.~~

~~5. If an offender has insufficient money in his individual account in the Prisoners' Personal Property Fund to repay or defray costs assessed to the offender pursuant to NRS 209.246, the Director shall authorize the State Controller to transfer sufficient money from the Offenders' Store Fund to the appropriate account in the State General Fund to pay costs remaining unpaid, and the State Controller shall make the transfer. Any money so transferred must be accounted for separately. The Director shall cause the Offenders' Store Fund to be reimbursed from the offender's individual account in the Prisoners' Personal Property Fund, as money becomes available.~~

~~6. If the Department incurs costs related to state property that has been willfully damaged, destroyed or lost or incurs costs related to medical examination, diagnosis or treatment for an injury to an offender, the Director may authorize the State Controller to transfer money from the Offenders' Store Fund to the appropriate account in the State General Fund to repay or defray those costs if:~~

~~(a) The Director has reason to believe that an offender caused the damage, destruction, loss or injury; and~~

~~(b) The identity of the offender is unknown or cannot be determined by the Director with reasonable certainty.~~

~~➡ The State Controller shall make the transfer if authorized by the Director. Any money transferred must be accounted for separately. If the identity of the offender is determined after money has been transferred, the Director shall cause the Offenders' Store Fund to be reimbursed from the offender's individual account in the Prisoners' Personal Property Fund, as money becomes available.~~

~~7. [If an offender who has been assigned to a center for the purpose of making restitution is returned to an institution for committing an infraction of the regulations of the Department and the center has not been fully compensated for the cost of providing the offender with housing, transportation, meals, or medical or dental services at the center, the Director may authorize the State Controller to transfer money from the Offenders' Store Fund to the appropriate account in the State General Fund to repay or defray those costs. The State Controller shall make the transfer if authorized by the Director. Any money transferred must be accounted for separately. The Director shall cause the Offenders' Store Fund to be reimbursed from the offender's individual account in the Prisoners' Personal Property Fund, as money becomes available.~~

~~8.] If an offender has insufficient money in his individual account in the Prisoners' Personal Property Fund to repay or defray costs assessed to the offender pursuant to NRS 209.246, the offender shall sign a statement under penalty of perjury concerning his financial situation. Such a statement must include, but is not limited to, the following information:~~

~~(a) The value of any interest the offender has in real estate;~~

~~(b) The value of the personal property of the offender;~~

~~(c) The assets in any bank account of the offender; and~~

~~(d) The employment status of the offender.~~

~~[9.] 8. The statement required by subsection [8] 7 must also authorize the Department to access any relevant document, for the purpose of verifying the accuracy of the information provided by the offender pursuant to this section, including, but not limited to, information regarding any bank account of the offender, information regarding any bank account held in trust for the offender and any federal income tax return, report or withholding form of the offender.~~

~~[10.] 9. An offender who conceals assets from the Department or provides false or misleading information on a statement prepared pursuant to this section is guilty of a gross misdemeanor.~~

~~[11.] 10. A person who aids or encourages an offender to conceal assets from the Department or to provide false or misleading information on a statement prepared pursuant to this section is guilty of a gross misdemeanor.]~~

(Deleted by amendment.)

Sec. 2. NRS 209.392 is hereby amended to read as follows:

209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429, the Director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the Director pursuant to subsection 3 and who has:

(a) Established a position of employment in the community;

(b) Enrolled in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime,

➥ assign the offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his sentence.

2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the Director shall notify the Division of Parole and Probation. If any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.130, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim of the offender's request and advise the victim that he may submit documents regarding the request to the Division of Parole and Probation. If a current address has not been provided as required by subsection 4 of NRS 213.130, the Division of Parole and Probation must not be held responsible if such notification is not received by the victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

3. The Director, after consulting with the Division of Parole and Probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the Director must provide that an offender who:

(a) ~~[Is not eligible for parole or release from prison within a reasonable period;~~

~~(b)]~~ Has recently committed a serious infraction of the rules of an institution or facility of the Department;

~~[(c)]~~ ***(b)*** Has not performed the duties assigned to him in a faithful and orderly manner;

~~[(d)]~~ ***(c)*** Has ever been convicted of:

(1) Any crime ***that is punishable as a felony*** involving the use or threatened use of force or violence against the victim ~~[; or]~~ ***within the immediately preceding 3 years;***

(2) A sexual offense ~~[;~~

~~(e)]~~ ***that is punishable as a felony; or***

(3) A category A or B felony;

(d) Has more than one prior conviction for any felony in this State or any offense in another state that would be a felony if committed in this State, not including a violation of NRS 484.379, 484.3795 or 484.37955; ***or***

~~[(f)]~~ ***(e)*** Has escaped or attempted to escape from any jail or correctional institution for adults **,** ~~[; or~~

~~(g) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the Director,]~~

➥ is not eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section.

4. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by him before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.

5. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

6. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 3. NRS 209.429 is hereby amended to read as follows:

209.429 1. Except as otherwise provided in subsection 6, the Director shall assign an offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of the maximum term of his sentence if ~~[~~:

~~(a) The]~~ ***the*** offender has:

~~[(1)]~~ ***(a)*** Established a position of employment in the community; ~~[or]~~

~~[(2)]~~ ***(b)*** Enrolled in a program for education or rehabilitation ~~[.]~~ ; or

~~[(3)]~~ ***(c)*** Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime . ~~[.]~~

~~[(b) The offender has successfully completed the initial period of treatment required under the program of treatment established pursuant to NRS 209.425; and~~

~~(c) The Director believes that the offender will be able to:~~

~~(1) Comply with the terms and conditions required under residential confinement; and~~

~~(2) Complete successfully the remainder of the program of treatment while under residential confinement.~~

~~➥ If an offender assigned to the program of treatment pursuant to NRS 209.427 completes the initial phase of the program and thereafter refuses to enter the remainder of the program of treatment pursuant to this section, the offender forfeits all or part of the credits earned by him to reduce his sentence pursuant to this chapter before this refusal, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.]~~

2. Before a person may be assigned to serve a term of residential confinement pursuant to this section, he must submit to the Division of Parole and Probation a signed document stating that:

(a) He will comply with the terms or conditions of his residential confinement; and

(b) If he fails to comply with the terms or conditions of his residential confinement and is taken into custody outside of this State, he waives all his rights relating to extradition proceedings.

3. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits earned by him to reduce his sentence pursuant to this chapter before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as he considers proper. The decision of the Director regarding forfeiture of credits is final.

4. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

5. A person does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

6. The Director shall not assign an offender who is serving a sentence for committing a battery which constitutes domestic violence pursuant to NRS 33.018 to the custody of the Division of Parole and Probation to serve a term of residential confinement unless the Director makes a finding that the offender is not likely to pose a threat to the victim of the battery.

Sec. 4. NRS 209.446 is hereby amended to read as follows:

209.446 1. Every offender who is sentenced to prison for a crime committed on or after July 1, 1985, but before July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his residential confinement, or the laws of the State recorded against him, and who performs in a faithful, orderly and peaceable manner the duties assigned to him, must be allowed:

(a) For the period he is actually incarcerated under sentence;

(b) For the period he is in residential confinement; and

(c) For the period he is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

➥ a deduction of 10 days from his sentence for each month he serves.

2. In addition to the credit provided for in subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate, 30 days.

(b) For earning a high school diploma, 60 days.

(c) For earning an associate degree, 90 days.

3. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, ***program for reentry of offenders and parolees into the community,*** conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is entitled to the entire 20 days of credit each month which is authorized in subsections 1 and 2.

4. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

5. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

6. Credits earned pursuant to this section:

(a) Must be deducted from the maximum term imposed by the sentence; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence which must be served before a person becomes eligible for parole.

Sec. 5. NRS 209.4465 is hereby amended to read as follows:

209.4465 1. An offender who is sentenced to prison for a crime committed on or after July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his residential confinement or the laws of the State recorded against him, and who performs in a faithful, orderly and peaceable manner the duties assigned to him, must be allowed:

(a) For the period he is actually incarcerated pursuant to his sentence;

(b) For the period he is in residential confinement; and

(c) For the period he is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

➥ a deduction of ~~[10]~~ ***20*** days from his sentence for each month he serves.

2. In addition to the credits allowed pursuant to subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition

to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate, ~~[30]~~ ***60*** days.

(b) For earning a high school diploma, ~~[60]~~ ***90*** days.

(c) For earning his first associate degree, ~~[90]~~ ***120*** days.

3. The Director may, in his discretion, authorize an offender to receive a maximum of 90 days of credit for each additional degree of higher education earned by the offender.

4. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, ***program for reentry of offenders and parolees into the community,*** conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is eligible to earn the entire 20 days of credit each month that is allowed pursuant to subsections 1 and 2.

5. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

6. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

7. Credits earned pursuant to this section:

(a) Must be deducted from the maximum term imposed by the sentence; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.

Sec. 6. NRS 209.4475 is hereby amended to read as follows:

209.4475 1. In addition to any credits earned pursuant to NRS 209.447, an offender who is on parole as of January 1, 2004, or who is released on parole on or after January 1, 2004, for a term less than life must be allowed for the period he is actually on parole a deduction of ~~[10]~~ ***20*** days from his sentence for each month he serves if:

(a) He is current with any fee to defray the costs of his supervision pursuant to NRS 213.1076; and

(b) He is current with any payment of restitution required pursuant to NRS 213.126.

2. In addition to any credits earned pursuant to subsection 1 and NRS 209.447, the Director may allow not more than 10 days of credit each month for an offender:

(a) Who is on parole as of January 1, 2004, or who is released on parole on or after January 1, 2004, for a term less than life; and

(b) Whose diligence in labor or study merits such credits.

3. An offender is entitled to the deductions authorized by this section only if he satisfies the conditions of subsection 1 or 2, as determined by the

Director. The Chief Parole and Probation Officer or other person responsible for the supervision of an offender shall report to the Director the failure of an offender to satisfy those conditions.

4. Credits earned pursuant to this section must, in addition to any credits earned pursuant to NRS 209.443, 209.446, 209.4465, 209.447, 209.448 and 209.449, be deducted from the maximum term imposed by the sentence.

5. The Director shall maintain records of the credits to which each offender is entitled pursuant to this section.

Sec. 7. NRS 209.481 is hereby amended to read as follows:

209.481 1. The Director shall not assign any prisoner to an institution or facility of minimum security if the prisoner:

(a) Except as otherwise provided in NRS 484.3792, 484.3795, 484.37955, 488.420 and 488.427, is not eligible for parole or release from prison within a reasonable period;

(b) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(c) Has not performed the duties assigned to him in a faithful and orderly manner;

(d) Has ***ever*** been convicted of a sexual offense ~~[;]~~ ***that is punishable as a felony;***

(e) Has ~~[committed an act of serious violence during the previous year;]~~ ***, within the immediately preceding year, been convicted of any crime involving the use or threatened use of force or violence against a victim that is punishable as a felony;*** or

(f) Has attempted to escape or has escaped from an institution of the Department.

2. The Director shall, by regulation, establish procedures for classifying and selecting qualified prisoners.

Sec. 8. NRS 209.4888 is hereby amended to read as follows:

209.4888 1. Except as otherwise provided in this section, if a correctional program has been established by the Director in the county in which an offender was sentenced to imprisonment, the Director may, after consulting with the Division, determine that an offender is suitable to participate in the correctional program if:

(a) The Director believes that the offender would participate successfully in and benefit from the correctional program;

(b) The offender has demonstrated a willingness to:

(1) Engage in employment or participate in vocational rehabilitation or job skills training; and

(2) Meet any existing obligation for restitution to any victim of his crime; and

(c) The offender is within 2 years ~~[1 year]~~ of his probable release from prison, as determined by the Director.

2. Except as otherwise provided in this section, if the Director determines that an offender is suitable to participate in the correctional program, the

Director shall request that the Chairman of the State Board of Parole Commissioners assign the offender to the custody of the Division to participate in the correctional program. The Chairman may assign the offender to the custody of the Division to participate in the correctional program for not longer than the remainder of his sentence.

3. The Director shall, by regulation, adopt standards setting forth which offenders are suitable to participate in the correctional program pursuant to this section. The standards adopted by the Director must be approved by the Board and must provide that an offender who:

(a) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(b) Has not performed the duties assigned to him in a faithful and orderly manner;

(c) Has, within the immediately preceding ~~[5 years,]~~ ***year,*** been convicted of any crime involving the use or threatened use of force or violence against a victim that is punishable as a felony;

(d) Has ever been convicted of a sexual offense ~~[;]~~ ***that is punishable as a felony; or***

(e) Has escaped or attempted to escape from any jail or correctional institution for adults ***,*** ~~[; or~~

~~(f) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the Director,]~~

➥ is not eligible for assignment to the custody of the Division pursuant to this section to participate in a correctional program.

4. The Director shall adopt regulations requiring offenders who are assigned to the custody of the Division pursuant to this section to reimburse the Division and the Department for the cost of their participation in a correctional program, to the extent of their ability to pay.

5. The Director may return the offender to the custody of the Department at any time for any violation of the terms and conditions agreed upon by the Director and the Chairman.

6. If an offender assigned to the custody of the Division pursuant to this section violates any of the terms or conditions agreed upon by the Director and the Chairman and is returned to the custody of the Department, the offender forfeits all or part of the credits for good behavior earned by him before he was returned to the custody of the Department, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this subsection only after proof of the violation and notice is given to the offender. The Director may restore credits so forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.

7. The assignment of an offender to the custody of the Division pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

8. An offender does not have a right to be assigned to the custody of the Division pursuant to this section, or to remain in that custody after such an assignment. It is not intended that the establishment or operation of a correctional program creates any right or interest in liberty or property or establishes a basis for any cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 9. ~~[NRS 209.4827, 209.4829, 209.4831, 209.4837, 209.4841 and 209.4843 are hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 10. **For the purpose of calculating the credits earned by an offender pursuant to NRS 209.4465, the amendatory provisions of section 5 of this act apply only to credits earned by an offender on or after July 1, 2008.**

Sec. 11. **This act becomes effective on July 1, 2008.**

~~[~~

~~HEADLINES OF REPEALED SECTIONS~~

~~209.4827 Centers to house offenders.~~

~~209.4829 Assignment of offender to center.~~

~~209.4831 Deduction from wages of offender for living expenses.~~

~~209.4837 Agreement for assignment and distribution of wages of offender; schedule of restitution.~~

~~209.4841 Distribution of earnings of offender.~~

~~209.4843 Termination of payments of restitution.]~~

Assemblyman Parks moved the adoption of the amendment.

Assemblyman Horne moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:42 a.m.

ASSEMBLY IN SESSION

At 11:44 a.m.

Madam Speaker presiding.

Quorum present.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 573.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 330.

AN ACT relating to wildlife; requiring the Department of Wildlife to issue a 1-day ~~[family]~~ **group** fishing permit under certain circumstances; requiring the Board of Wildlife Commissioners to adopt certain regulations; prohibiting a person from hunting or fishing any wildlife without a license or permit to do so; revising the information that the Department must include in certain permits; revising the fees for certain tags and permits; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Department of Wildlife and requires the Department to administer the wildlife laws of this State. (NRS 501.331)

Section 25 of this bill requires the Department to issue a 1-day ~~[family]~~ **group** fishing permit to ~~[an immediate family]~~ **a group** upon payment of the fee for the permit. ~~[An "immediate family"]~~ **A "group"** means a **group of persons that consists of at least one** ~~[person]~~ **adult** who is at least ~~[18]~~ **16** years of age ~~[, the spouse, if any, of that person and each child of a certain age who is a child or grandchild of that person or a child for whom the adult is a legal guardian.]~~ **and at least one child who is at least 12 years of age but less than 16 years of age.** Section 30 of this bill authorizes a person to fish for trout without obtaining a state trout stamp if the person is fishing under the authority of a 1-day ~~[family]~~ **group** fishing permit.

Existing law states that a person who hunts or traps any wild bird or mammal or who fishes without first obtaining a license or permit to do so is guilty of a misdemeanor. (NRS 502.010) Existing law further states that a person who traps fur-bearing mammals must obtain a trapping license. (NRS 503.454) Section 26 of this bill states that a person who hunts or fishes any wildlife without a license or permit is guilty of a misdemeanor. "Wildlife" means any wild mammal, wild bird, fish, reptile, amphibian, mollusk or crustacean found naturally in a wild state. (NRS 501.097)

Existing law requires a license that grants the privilege to hunt, fish or trap to include certain information, including, without limitation, the name, address and description of the holder of the license and the date the license is issued. (NRS 502.030) Section 27 of this bill expands that requirement to include any permit to hunt, fish or trap.

Existing law sets forth the fees that must be paid for licenses, permits and tags to hunt, fish and trap in Nevada. (NRS 502.240, 502.250) Section 28 of this bill imposes a fee of $20 for the issuance of a 1-day permit to hunt migratory game birds and a fee of $8 for each consecutive day added to that permit. Section 29 of this bill imposes a fee of $1,200 for the issuance of a nonresident antlered elk tag and a fee of $500 for the issuance of a nonresident antlerless elk tag.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 501 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this title, unless the context otherwise requires, the words and terms defined in NRS 501.003 to 501.097, inclusive, have the meanings ascribed to them in those sections.

Sec. 2. NRS 501.003 is hereby amended to read as follows:

501.003 ~~[As used in this title, "alternative]~~ ***"Alternative*** livestock" means the following species, including subspecies, of the family Cervidae, if they are born and reared in captivity and raised on private property to produce meat or other by-products of animals or as breeding stock to produce alternative livestock:

1. Fallow deer (***Dama dama***).
2. Reindeer (***Rangifer tarandus***).

Sec. 3. NRS 501.005 is hereby amended to read as follows:

501.005 ~~[As used in this title, "big]~~ ***"Big*** game mammal" means any game mammal so classified by Commission regulation.

Sec. 4. NRS 501.010 is hereby amended to read as follows:

501.010 ~~[As used in this title, "board"]~~ ***"Board"*** means the county advisory board to manage wildlife.

Sec. 5. NRS 501.013 is hereby amended to read as follows:

501.013 ~~[As used in this title, "chumming"]~~ ***"Chumming"*** means the placing in the water of fish, parts of fish or other material upon which fish feed, for the purpose of attracting fish to a particular area in order that they may be taken.

Sec. 6. NRS 501.015 is hereby amended to read as follows:

501.015 ~~[As used in this title, "closed]~~ ***"Closed*** season" means all periods except those designated as "open season." During any such season it is unlawful to fish, to hunt game mammals or game birds or to hunt or trap fur-bearing mammals. There is no closed season on those species of wild mammals or wild birds classified as unprotected.

Sec. 7. NRS 501.020 is hereby amended to read as follows:

501.020 Except as otherwise provided in NRS 504.430 to 504.490, inclusive, ~~[as used in this title, unless the context otherwise requires,]~~ "Commission" means the Board of Wildlife Commissioners.

Sec. 8. NRS 501.023 is hereby amended to read as follows:

501.023 ~~[As used in this title, "county,"]~~ ***"County,"*** when appearing alone or in the reference framework of county advisory board to manage wildlife, board of county commissioners or any county officer, includes and applies to Carson City.

Sec. 9. NRS 501.024 is hereby amended to read as follows:

501.024 ~~[As used in this title,]~~ "Department" means the Department of Wildlife.

Sec. 10. NRS 501.026 is hereby amended to read as follows:

501.026 ~~[As used in this title,]~~ "Director" means the Director of the Department.

Sec. 11. NRS 501.030 is hereby amended to read as follows:

501.030 ~~[As used in this title, the]~~ ***The*** words "to fish" and their derivatives, "fishes," "fishing" and "fished," mean catching, taking, capturing, killing, injuring or crippling of a fish or game amphibian, and every attempt to do so.

Sec. 12. NRS 501.035 is hereby amended to read as follows:

501.035 ~~[As used in this title, "fur-bearing]~~ ***"Fur-bearing*** mammal" means any mammal so classified by Commission regulation.

Sec. 13. NRS 501.037 is hereby amended to read as follows:

501.037 ~~[As used in this title, "game]~~ ***"Game*** amphibian" means any amphibian so classified by Commission regulation.

Sec. 14. NRS 501.045 is hereby amended to read as follows:

501.045 ~~[As used in this title, "game]~~ ***"Game*** fish" means any fish so classified by Commission regulation.

Sec. 15. NRS 501.046 is hereby amended to read as follows:

501.046 ~~[As used in this title, "game]~~ ***"Game*** mammal" means any mammal so classified by Commission regulation.

Sec. 16. NRS 501.047 is hereby amended to read as follows:

501.047 ~~[As used in this title, "game]~~ ***"Game*** warden" means any person authorized by the Director to enforce the provisions of this title and of chapter 488 of NRS.

Sec. 17. NRS 501.050 is hereby amended to read as follows:

501.050 ~~[As used in this title, the]~~ ***The*** words "to hunt" and their derivatives, "hunting" and "hunted," mean to search for, pursue or attract ~~[wild mammals or birds]~~ ***any wildlife*** for the purpose and with the means of capturing, injuring or killing ~~[them,]~~ ***that wildlife,*** every attempt to capture, injure or kill ~~[wild mammals or birds,]~~ ***wildlife,*** and every act of assistance to any other person in capturing, injuring or killing ~~[such mammals or birds.]~~ ***that wildlife.***

Sec. 18. NRS 501.055 is hereby amended to read as follows:

501.055 ~~[As used in this title, "migratory]~~ ***"Migratory*** game birds" means any birds so classified by Commission regulation.

Sec. 19. NRS 501.065 is hereby amended to read as follows:

501.065 ~~[As used in this title, "open]~~ ***"Open*** season" means that period designated pursuant to the provisions of this title during which it is legal to fish or to hunt game mammals or game birds or to hunt or to trap fur-bearing mammals. ~~[Such]~~ ***The*** period includes the first day and last day designated. There is no open season on those species of wildlife classified as protected.

Sec. 20. NRS 501.088 is hereby amended to read as follows:

501.088 ~~[As used in this title, unless the context otherwise requires, the]~~ ***The*** words "to take" and their derivatives, "took," "taken" and "taking,"

when used in reference to wildlife, mean to kill, capture, shoot, trap, catch, wound, possess, collect, seine, snare or net, and every attempt to do so.

Sec. 21. NRS 501.090 is hereby amended to read as follows:

501.090 ~~[As used in this title, the]~~ ***The*** words "to trap" and their derivatives, "trapping" and "trapped," mean to set or operate any device, mechanism or contraption that is designed, built or made to close upon or hold fast any ~~[wild mammal or wild bird]~~ ***wildlife*** and every act of assistance to any person in so doing.

Sec. 22. NRS 501.095 is hereby amended to read as follows:

501.095 ~~[As used in this title, "upland]~~ ***"Upland*** game birds" means any birds so classified by Commission regulation.

Sec. 23. NRS 501.096 is hereby amended to read as follows:

501.096 ~~[As used in this title, "vessel"]~~ ***"Vessel"*** means every kind of watercraft, other than a seaplane on the water, which is used or capable of being used as a means of transportation on water.

Sec. 24. NRS 501.097 is hereby amended to read as follows:

501.097 ~~[As used in this title, "wildlife"]~~ ***"Wildlife"*** means any wild mammal, wild bird, fish, reptile, amphibian, mollusk or crustacean found naturally in a wild state, whether indigenous to Nevada or not and whether raised in captivity or not.

Sec. 25. Chapter 502 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall issue a 1-day ~~[family]~~ ***group fishing permit to*** ~~[an immediate family]~~ ***a group upon the payment of the fee required pursuant to this section. A 1-day*** ~~[family]~~ ***group fishing permit authorizes each member of the*** ~~[immediate family]~~ ***group to fish during the period specified on the permit in accordance with the regulations adopted by the Commission pursuant to this section. Each group that applies for the issuance of a 1-day group fishing permit pursuant to this section must designate a person who is at least 18 years of age to act as the primary adult for that group.***

2. ~~[The fee]~~ ***Except as otherwise provided in subsection 3, the fees for the issuance of a 1-day*** ~~[family]~~ ***group fishing permit*** ~~[is:~~

~~(a) Nineteen dollars, if]~~ ***are:***

(a) If at least one member of the ~~[immediate family]~~ ***group is a bona fide resident of this State pursuant to NRS 502.015*** ~~[.~~

~~(b) Thirty-nine dollars, if]~~ ***:***

(1) Eight dollars for the primary adult for the group;

(2) Five dollars for each other adult in the group; and

(3) Four dollars for each child in the group.

(b) If no member of the ~~[immediate family]~~ ***group is a bona fide resident of this State pursuant to NRS 502.015*** ~~[.]~~ ***:***

(1) Seventeen dollars for the primary adult for the group;

(2) Eleven dollars for each other adult in the group; and

(3) Five dollars for each child in the group.

3. The fees specified in subsection 2 are payable only with respect to each member of the group who does not hold a license or permit to fish issued pursuant to NRS 502.240.

4. The Commission shall adopt regulations to carry out the provisions of this section, including, without limitation, the requirements for using a 1-day ~~[family]~~ ***group fishing permit.***

~~[4.]~~ ***5. As used in this section*** ~~[, "immediate family" means a family consisting of:~~

~~(a) A married or unmarried person who is at least 18 years of age;~~

~~(b) The spouse, if any, of a person specified in paragraph (a) who is at least 18 years of age; and~~

~~(c) Each child:~~

~~(1) For whom a person specified in paragraph (a) or (b) is a parent, grandparent or legal guardian; and~~

~~(2) Who]~~ **:**

(a) "Adult" means a person who is at least 16 years of age.

(b) "Child" means a person who is at least 12 years of age but less than 16 years of age .

~~[~~

(c) "Group" means a group of persons consisting of at least one adult and one child at the time the 1-day ~~[family]~~ ***group fishing permit is purchased.***

Sec. 26. NRS 502.010 is hereby amended to read as follows:

502.010 1. A person who hunts or ~~[traps any of the wild birds or mammals or who]~~ fishes ***any wildlife*** without having first procured a license or permit to do so, as provided in this title, is guilty of a misdemeanor, except that:

(a) A license to hunt or fish is not required of a resident of this State who is under 12 years of age, unless required for the issuance of tags as prescribed in this title or by the regulations of the Commission.

(b) A license to fish is not required of a nonresident of this State who is under 12 years of age, but the number of fish taken by the nonresident must not exceed 50 percent of the daily creel and possession limits as provided by law.

(c) Except as otherwise provided in subsection 5 or 6 of NRS 202.300, it is unlawful for any child who is under 18 years of age to hunt any ~~[of the wild birds or mammals]~~ ***wildlife*** with any firearm, unless the child is accompanied at all times by his parent or guardian or is accompanied at all times by an adult person authorized by his parent or guardian to have control or custody of the child to hunt if the authorized person is also licensed to hunt.

(d) A child under 12 years of age, whether accompanied by a qualified person or not, shall not hunt big game in the State of Nevada. This section does not prohibit any child from accompanying an adult licensed to hunt.

(e) The Commission may adopt regulations setting forth:

(1) The species of ~~[wild birds or mammals]~~ ***wildlife*** which may be hunted or trapped without a license or permit; or

(2) The circumstances under which a person may fish without a license, permit or stamp in a lake or pond that is located entirely on private property and is stocked with lawfully acquired fish.

(f) The Commission may declare one day per year as a day upon which persons may fish without a license to do so.

2. This section does not apply to the protection of persons or property from unprotected ~~[wild birds or mammals]~~ ***wildlife*** on or in the immediate vicinity of home or ranch premises.

Sec. 27. NRS 502.030 is hereby amended to read as follows:

502.030 1. Licenses ***or permits*** granting the privilege to hunt, fish or trap as provided in this title must be of such a form as is deemed necessary by the Department, but must include the following information:

(a) The holder's name, address and description.

(b) The date issued.

(c) The period of validity.

(d) The correct designation as to whether a fishing, hunting or trapping license ~~[.]~~ ***or permit.***

(e) A statement to be signed by the holder: "I, the signator holder in signing this license ~~[,]~~ ***or permit,*** hereby state that I am entitled to this license ***or permit*** under the laws of the State of Nevada and that no false statement has been made by me to obtain this license ~~[."]~~ ***or permit."***

2. The Commission may provide rules and regulations requiring an applicant to exhibit proof of his identity and residence. Such information must be included on the license ***or permit*** as is deemed necessary by the Department.

3. The Commission may provide rules and regulations establishing a permanent licensing ***or permitting*** system. Such a system may authorize the use of applications for the issuance of temporary hunting, fishing and trapping licenses ***or permits*** for residents and the issuance of annual licenses ***or permits*** therefrom. The system may provide for the automatic renewal and validation of the annual license ~~[.]~~ ***or permit.***

4. The Commission may ~~[provide regulations covering]~~ ***adopt regulations setting forth*** the method of applying for, the term and expiration date of any license ***or permit*** required by this title to be issued without the payment of a fee.

Sec. 28. NRS 502.240 is hereby amended to read as follows:

502.240 The Department shall issue annual licenses and limited permits:

1. To any person who has not attained his 16th birthday and who has been a bona fide resident of the State of Nevada for 6 months immediately preceding his application for a license, upon payment of a fee of $10 for an annual trapping license.

2. Except as otherwise provided in NRS 502.245 and 504.390, ***and section 25 of this act,*** to any person who has attained his 16th birthday and

who has been a bona fide resident of the State of Nevada for 6 months immediately preceding his application for a license, upon the payment of a fee of:

For ~~[a]~~ ***an annual*** fishing license $25
For a 1-day permit to fish 8
For each consecutive day added to a 1-day permit to fish 3
For a hunting license 29
For a combined hunting and fishing license 50
For a trapping license 38
For a fur dealer's license 63
For an annual master guide's license 750
For an annual subguide's license 125

3. To any person who has attained his 12th birthday but who has not attained his 16th birthday, and who is not a bona fide resident of the State of Nevada, upon the payment of a fee of $17 for an annual fishing license.

4. Except as otherwise provided in subsection 3 ~~[,]~~ ***and section 25 of this act,*** to any person who is not a bona fide resident of the State of Nevada, upon the payment of a fee of:

For an annual fishing license $65
For a 1-day permit to fish 17
For each consecutive day added to a 1-day permit to fish 7
For a hunting license 138
For a combined hunting and fishing license 195
For an annual trapper's license 188
For a fur dealer's license 125
For an annual master guide's license 1,500
For an annual subguide's license 250
For a 1-day permit to hunt upland game and ~~[waterfowl]~~ ***migratory game birds*** 20
For each consecutive day added to a 1-day permit to hunt upland game and ~~[waterfowl]~~ ***migratory game birds*** 8

5. To any person, without regard to residence, upon the payment of a fee of:

For a noncommercial license for the possession of live wildlife $15
For a commercial or private shooting preserve 125
For a commercial license for the possession of live wildlife 500
For a live bait dealer's permit 44
For a competitive field trials permit 31
For a permit to train dogs or falcons 15
For a 1-year falconry license 38
For a 3-year falconry license 94
For an importation permit 15
For an import eligibility permit 31
For an exportation permit 15

For any other special permit issued by the Department, a fee not to exceed the highest fee established for any other special permit set by the Commission.

Sec. 29. NRS 502.250 is hereby amended to read as follows:

502.250 1. The amount of the fee that must be charged for the following tags is:

Resident deer tag.....$30
Resident antelope tag.....60
Resident elk tag.....120
Resident bighorn sheep tag.....120
Resident mountain goat tag.....120
Resident mountain lion tag.....25
Nonresident deer tag.....240
Nonresident antelope tag.....300
Nonresident ***antlered*** elk tag.....1,200
Nonresident antlerless elk tag ***500***
Nonresident bighorn sheep tag.....1,200
Nonresident mountain goat tag.....1,200
Nonresident mountain lion tag.....~~100~~

2. The amount of the fee for other resident or nonresident big game tags must not exceed the highest fee for a resident or nonresident big game tag established pursuant to this section.

3. The amount of the fee for a tag determined to be necessary by the Commission for other species pursuant to NRS 502.130 must not exceed the highest fee for a resident or nonresident tag established pursuant to this section.

4. A fee not to exceed $10 may be charged for processing an application for a game species or permit other than an application for an elk. A fee of not less than $5 but not more than $15 must be charged for processing an application for an elk, $5 of which must be deposited with the State Treasurer for credit to the Wildlife Obligated Reserve Account in the State General Fund and used for the prevention and mitigation of damage caused by elk or game mammals not native to this State.

5. The Commission may accept sealed bids for or may auction not more than 15 big game tags and not more than 5 wild turkey tags each year. To reimburse the Department for the cost of managing wildlife and administering and conducting the bid or auction, not more than 18 percent of the total amount of money received from the bid or auction may be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. Any amount of money received from the bid or auction that is not so deposited must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in the State General Fund in accordance with the provisions of NRS 501.3575.

6. The Commission may by regulation establish an additional drawing for big game tags, which may be entitled the Partnership in Wildlife

Drawing. To reimburse the Department for the cost of managing wildlife and administering and conducting the drawing, not more than 18 percent of the total amount of money received from the drawing may be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. Except as otherwise provided by regulations adopted by the Commission pursuant to subsection 7, the money received by the Department from applicants in the drawing who are not awarded big game tags must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in accordance with the provisions of NRS 501.3575.

7. The Commission may adopt regulations which authorize the return of all or a portion of any fee collected from a person pursuant to the provisions of this section.

Sec. 30. NRS 502.326 is hereby amended to read as follows:

502.326 1. Except as otherwise provided in subsection 2, it is unlawful for any person to take or possess trout unless at the time he is fishing he carries on his person:

(a) An unexpired state trout stamp affixed to his fishing license and validated by his signature in ink across the face of the stamp; or

(b) Such documentation as the Department provides as proof that he has paid to the Department, for the licensing period that includes the time he is fishing, the same fee as that required pursuant to subsection 3 for the purchase of a state trout stamp for that period.

2. The provisions of subsection 1 do not apply to a person who:

(a) Is under the age of 12; or

(b) Is fishing:

(1) Under the authority of a valid 1-day permit to fish or during a consecutive day validly added to that permit; **[**~~or~~**]**

(2) ***Under the authority of a valid 1-day*** [~~family~~] ***group fishing permit; or***

(3) In accordance with regulations adopted by the Commission pursuant to subparagraph (2) of paragraph (e) of subsection 1 of NRS 502.010.

3. State trout stamps must be sold for a fee of $10 each by the Department and by persons authorized by the Department to sell hunting, fishing and trapping licenses.

4. The Department shall determine the form of the stamps.

Sec. 31. This act becomes effective on July 1, 2007.

Assemblyman Claborn moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 596.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 392.

AN ACT relating to child support; revising certain provisions concerning the right of a physical custodian of a child to recover support for a child from the noncustodial parent in certain circumstances; requiring every court order for the support of a child to include a provision to provide coverage for the ~~[health care]~~ **medical support** of the child; requiring the Chief of the Program established to locate absent parents, establish paternity and obtain child support to charge and collect certain fees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, when the parents of a child are separated, the physical custodian of the child may recover from the parent without physical custody of the child a reasonable portion of certain costs provided by the physical custodian. In the absence of a court order for support of the child, the parent who has physical custody of the child may not recover more than 4 years of support furnished before the bringing of the action. (NRS 125B.030) Section 1 of this bill revises this provision to authorize the physical custodian to recover such support in any situation in which the parents of the child do not reside together.

Section 2 of this bill revises provisions of existing law concerning orders for the support of a child to require that every court order for the support of a child issued or modified in this State on or after the effective date of this act must include a provision specifying that one or both of the parents are required to provide coverage for the ~~[health care]~~ **medical support** of the child. (NRS 125B.085)

Existing federal law requires the State to charge certain fees relating to the collection of child support through the Program established to locate absent parents, establish paternity and obtain child support pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq. To comply with the federal law, section 3 of this bill requires the Chief of the Program to charge and collect **from the noncustodial parent of a child** a fee of up to $25 each year in each case in which the State has collected more than $500 and in which the person ~~[who has physical custody of the child]~~ **for whom the collection is made** has never received Temporary Assistance for Needy Families pursuant to Title IV of the Social Security Act. The fee must be retained from the support collected for the child which exceeds $500. **The Chief may collect the fees from the noncustodial parent of a child in the same manner as the Chief collects support from the noncustodial parent.** The fees collected by the Chief must be deposited in the State Child Support Disbursement Fund for use in carrying out the Program.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 125B.030 is hereby amended to read as follows:

125B.030 Where the parents of a child ~~[are separated,]~~ ***do not reside together,*** the physical custodian of the child may recover from the parent

without physical custody a reasonable portion of the cost of care, support, education and maintenance provided by the physical custodian. In the absence of a court order ~~[,]~~ ***for the support of a child,*** the parent who has physical custody may recover not more than 4 years' support furnished before the bringing of the action ~~[.]~~ ***to establish an obligation for the support of the child.***

Sec. 2. NRS 125B.085 is hereby amended to read as follows:

125B.085 ***1.*** Except as otherwise provided in NRS 125B.012, every court order for the support of a child issued or modified in this State on or after

~~[October 1, 1997,]~~ ***the effective date of this act,*** must include a provision specifying ~~[whether the parent required to pay support is]~~ ***that one or both parents are*** required to provide ~~[coverage]~~ ***medical support*** for ~~[the health care of]~~ the child and ~~[, if so,]~~ any details relating to that requirement.

2. As used in this section, "medical support" means payment for any medical expenses or coverage for health care under a plan of insurance, including, without limitation, payment of any premium, copayment or deductible.

Sec. 3. Chapter 425 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Chief shall ~~[retain]~~ ***collect from the noncustodial parent of a child an annual fee of up to $25 in each case for which*** ~~[he]~~ ***the Chief provides services from any amount collected in the case during the year in excess of $500, but only if the person*** ~~[who has physical custody of the child in the case]~~ ***for whom the collection is made is not and has never been a recipient of Temporary Assistance for Needy Families pursuant to Title IV of the Social Security Act , 42*** ~~[,]~~ ***U.S.C. §§ 601 et seq.***

2. The Chief may collect from the noncustodial parent of a child any fee pursuant to this section in the same manner as he collects support for the child from the noncustodial parent of the child.

3. Any fee collected pursuant to subsection 1 must be used to carry out the Program.

Sec. 4. NRS 425.382 is hereby amended to read as follows:

425.382 1. Except as otherwise provided in NRS 425.346, the Chief may proceed pursuant to NRS 425.3822 to 425.3852, inclusive, ***and section 3 of this act,*** after:

(a) Payment of public assistance by the Division; or

(b) Receipt of a request for services to carry out the Program.

2. Subject to approval by the district court, a master may:

(a) Take any action authorized pursuant to chapter 130 of NRS, including any of the actions described in subsection 2 of NRS 130.305.

(b) Except as otherwise provided in chapter 130 of NRS and NRS 425.346:

(1) Issue and enforce an order for the support of a dependent child, and modify or adjust such an order in accordance with NRS 125B.145;

(2) Require coverage for health care of a dependent child;

(3) Establish paternity;

(4) Order a responsible parent to comply with an order for the support of a dependent child, specifying the amount and the manner of compliance;

(5) Order the withholding of income;

(6) Determine the amount of any arrearages and specify a method of payment;

(7) Enforce orders by civil or criminal contempt, or both;

(8) Set aside property for satisfaction of an order for the support of a dependent child;

(9) Place liens and order execution on the property of the responsible parent;

(10) Order a responsible parent to keep the master informed of his current residential address, telephone number, employer, address of employment and telephone number at the place of employment;

(11) Issue a bench warrant for a responsible parent who has failed after proper notice to appear at a hearing ordered by the master and enter the bench warrant in any local and state computer system for criminal warrants;

(12) Order the responsible parent to seek appropriate employment by specified methods;

(13) Upon the request of the Division, require a responsible parent to:

(I) Pay any support owed in accordance with a plan approved by the Division; or

(II) Participate in such work activities, as that term is defined in 42 U.S.C. § 607(d), as the Division deems appropriate;

(14) Award reasonable attorney's fees and other fees and costs; and

(15) Grant any other available remedy.

Sec. 5. **1.** This act becomes effective upon passage and approval.

2. Section 3 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 654 requiring each state to impose an annual fee of $25 in the case of a person who has never received assistance pursuant to Title IV of the Social Security Act, 42 U.S.C. §§ 601 et seq., and for whom the State has collected $500 or more of support are repealed by the Congress of the United States.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Joint Resolution No. 7.

Resolution read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 185.

SUMMARY—Urges the Secretary of the Interior to fully fund the interagency airtanker base programs for wildland fire suppression in **Battle Mountain,** Minden and Stead. (BDR R-290)

ASSEMBLY JOINT RESOLUTION—Urging the Secretary of the Interior to fully fund the interagency airtanker base programs for wildland fire suppression in **Battle Mountain,** Minden and Stead.

WHEREAS, The United States Department of the Interior, through the Bureau of Land Management, has provided vital fire suppression services to the State of Nevada; and

WHEREAS, These services include air support for wildland fire suppression in northern Nevada through interagency airtanker base operations at the **Battle Mountain,** Minden-Tahoe and Reno Stead Airports; and

WHEREAS, The areas of service include the forests and watershed surrounding Lake Tahoe, one of the nation's premiere natural treasures, and the wildland urban interface along the Sierra Front in both Nevada and California; and

WHEREAS, In July 2006, Nevada ranked first in the nation in the amount of wildland acreage burned by wildfire in the United States; and

WHEREAS, The Federal Government owns and manages 87 percent of the land in Nevada; and

WHEREAS, The Bureau of Land Management has provided exemplary air support for fighting the wildland fires which have threatened Nevada's residents, private property, public lands and other valuable natural resources; and

WHEREAS, The Sierra Front has complex and challenging conditions that generate volatile and high-intensity wildland fires which are fought over rugged terrain, and airtankers are a critical component of the fight, being used primarily for initial attack and support; and

WHEREAS, Continued funding for the full operation of the interagency airtanker base programs in **Battle Mountain,** Minden and Stead with single-engine airtankers that can provide the quick response needed for early suppression of a wildland fire is critical; and

WHEREAS, The Secretary of the Interior has the authority to authorize the expenditure of money to provide full funding for the interagency airtanker base programs; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 74th Session of the Nevada Legislature hereby urge the Secretary of the Interior to fully fund the interagency airtanker base programs for wildland fire suppression in **Battle Mountain,** Minden and Stead; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of

Representatives, the Secretary of the Interior and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the General File.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 487 just reported out of committee, be placed on the Second Reading file.

Motion carried.

Assemblyman Oceguera moved that upon return from the printer Assembly Bill No. 447 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that upon return from the printer Assembly Bill No. 510 be rereferred to the committee on Ways and Means.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:51 a.m.

ASSEMBLY IN SESSION

At 11:56 a.m.

Madam Speaker presiding.

Quorum present.

Assemblyman Oceguera moved that Assembly Bill No. 83 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 154 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 158 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 305 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 354 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that the motion whereby Assembly Bill No. 510 was to be rereferred to the Committee on Ways and Means upon return from the printer be rescinded.

Motion carried.

Assemblyman Oceguera moved that upon return from the printer Assembly Bill No. 510 be placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 103 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 470 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 144 be taken from the Chief Clerk's desk and rereferred to the Committee on Ways and Means

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 266 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 584 be taken from the Chief Clerk's desk and rereferred to the Committee on Ways and Means.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:02 p.m.

ASSEMBLY IN SESSION

At 12:06 p.m.

Madam Speaker presiding.

Quorum present.

Assemblyman Anderson moved that Assembly Bill No. 107 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

In compliance with a notice given on a previous day, Assemblyman Anderson moved that the vote whereby Assembly Bill No. 248 was passed be reconsidered.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 248 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 266.

Bill read third time.

The following amendment was proposed by Assemblyman Atkinson:

Amendment No. 554.

AN ACT relating to motor vehicles; requiring the owner of a motor vehicle that has been declared a total loss to forward the endorsed certificate of title to the insurance company within 30 days after accepting a settlement; requiring the Department of Motor Vehicles to issue a salvage title or nonrepairable vehicle certificate to an insurance company for a salvage vehicle in the absence of an endorsed certificate of title under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that when an insurance company acquires a motor vehicle as a result of a settlement in which a motor vehicle has been declared a total loss, the owner of the motor vehicle must endorse and forward the certificate of title to the motor vehicle to the insurance company. The insurance company must then forward the endorsed certificate of title, together with an application for a salvage title to the Department of Motor Vehicles within 30 days after receipt of the endorsed certificate of title. (NRS 487.800) Section 2 of this bill requires the owner of the motor vehicle who is relinquishing ownership to forward the endorsed certificate of title to the insurance company within 30 days after accepting the settlement.

Existing law provides that if an endorsed certificate of title is not available, any applicant may apply to the Department for a salvage title. The Department may examine the circumstances and review affidavits or other information and, if satisfied the applicant is entitled to a salvage title, issue the salvage title. (NRS 487.820) Section 2 of this bill requires the Department to issue a salvage title or nonrepairable vehicle certificate to an insurance company if the insurance company submits an application, without an endorsed certificate of title, to the Department for a motor vehicle that has been declared a total loss together with certain documentation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 487.480 is hereby amended to read as follows:

487.480 1. Before an operator of a salvage pool sells any vehicle subject to registration pursuant to the laws of this State, he must have in his possession the certificate of title for a vehicle obtained pursuant to subsection ~~[2]~~ ***3*** of NRS 487.800 or the salvage title for that vehicle. The Department

shall not issue a certificate of registration or certificate of title for a vehicle with the same identification number if the vehicle was manufactured in the 5 years preceding the date on which the salvage title was issued, unless the Department authorizes the restoration of the vehicle pursuant to subsection 2 of NRS 482.553.

2. Upon sale of the vehicle, the operator of the salvage pool shall provide a salvage title to the licensed automobile wrecker, dealer of new or used motor vehicles or rebuilder who purchased the vehicle.

Sec. 2. NRS 487.800 is hereby amended to read as follows:

487.800 1. ~~[Except with respect to a nonrepairable vehicle, when]~~ ***When*** an insurance company acquires a motor vehicle as a result of a settlement in which the motor vehicle is determined to be a salvage vehicle, the owner of the motor vehicle who is relinquishing ownership of the motor vehicle shall endorse the ***certificate of*** title of the motor vehicle and forward the endorsed ***certificate of*** title to the insurance company ~~[.]~~ ***within 30 days after accepting the settlement from the insurance company.*** The insurance company or its authorized agent shall forward the endorsed ***certificate of*** title, together with an application for ***a*** salvage title ***or nonrepairable vehicle certificate,*** to the state agency within ~~[30]~~ ***60*** days after receipt of the endorsed ***certificate of*** title.

2. ***If the owner of the motor vehicle who is relinquishing ownership does not provide the endorsed certificate of title to the insurance company within 30 days after accepting the settlement pursuant to subsection 1, the insurance company shall, within 60 days after the expiration of that 30-day period, forward an application for a salvage title or nonrepairable vehicle certificate to the state agency. The state agency shall issue a salvage title or nonrepairable vehicle certificate to the insurance company for the vehicle upon receipt of:***

(a) The application;

(b) A motor vehicle inspection certificate signed by a representative of the Department or, as one of the authorized agents of the Department, by a peace officer, dealer, rebuilder, automobile wrecker, operator of a salvage pool or garageman; ~~[and]~~

(c) Documentation that the insurance company has made at least two written attempts by certified mail, return receipt requested, or by use of a delivery service with a tracking system, to obtain the endorsed certificate of title ~~[.]~~ ***; and***

(d) Proof satisfactory to the state agency that the certificate of title was required to be surrendered to the insurance company as part of the settlement.

3. Except as otherwise provided in ~~[subsection 1,]~~ ***subsections 1 and 2,*** before any ownership interest in a salvage vehicle, except a nonrepairable vehicle, may be transferred, the owner or other person to whom the motor vehicle is titled:

(a) If the person has possession of the ***certificate of*** title to the vehicle, shall forward the endorsed ***certificate of*** title, together with an application for salvage title to the state agency within 30 days after the vehicle becomes a salvage vehicle.

(b) If the person does not have possession of the ***certificate of*** title to the vehicle and the ***certificate of*** title is held by a lienholder, shall notify the lienholder within 10 days after the vehicle becomes a salvage vehicle that the vehicle has become a salvage vehicle. The lienholder shall, within 30 days after receiving such notice, forward the ***certificate of*** title, together with an application for salvage title, to the state agency.

~~[3.]~~ ***4.*** An insurance company or its authorized agent may sell a vehicle for which a total loss settlement has been made with the properly endorsed ***certificate of*** title if the total loss settlement resulted from the theft of the vehicle and the vehicle, when recovered, was not a salvage vehicle.

~~[4.]~~ ***5.*** An owner who has determined that a vehicle is a total loss salvage vehicle may sell the vehicle with the properly endorsed ***certificate of*** title obtained pursuant to this section, without making any repairs to the vehicle, to a salvage pool, automobile auction, rebuilder, automobile wrecker or a new or used motor vehicle dealer.

~~[5.]~~ ***6.*** Except with respect to a nonrepairable vehicle, if a salvage vehicle is rebuilt and restored to operation, the vehicle may not be licensed for operation, displayed or offered for sale, or the ownership thereof transferred, until there is submitted to the state agency with the prescribed salvage title, an appropriate application, other documents, including, without limitation, an affidavit from the state agency attesting to the inspection and verification of the vehicle identification number and the identification numbers, if any, for parts used to repair the motor vehicle and fees required, together with a certificate of inspection completed pursuant to NRS 487.860.

~~[6.]~~ ***7.*** Except with respect to a nonrepairable vehicle, if a total loss insurance settlement between an insurance company and any person results in the retention of the salvage vehicle by that person, before the execution of the total loss settlement, the insurance company or its authorized agent shall:

(a) Obtain, upon an application for salvage title, the signature of the person who is retaining the salvage vehicle;

(b) Append to the application for salvage title the ***certificate of*** title to the motor vehicle or an affidavit stating that the original ***certificate of*** title has been lost; and

(c) Apply to the state agency for a salvage title on behalf of the person who is retaining the salvage vehicle.

~~[7.]~~ ***8.*** If the state agency determines that a salvage vehicle retained pursuant to subsection ~~[5]~~ ***6*** is titled in another state or territory of the United States, the state agency shall notify the appropriate authority of that state or territory that the owner has retained the salvage vehicle.

~~[8.]~~ ***9.*** A person who retains a salvage vehicle pursuant to subsection ~~[6]~~ ***7*** may not transfer any ownership interest in the vehicle unless he has received a salvage title.

Sec. 3. NRS 487.820 is hereby amended to read as follows:

487.820 1. ~~[If]~~ ***Except as otherwise provided in subsection 2 of NRS 487.800, if*** the applicant for a salvage title is unable to furnish the certificates of title and registration last issued for the vehicle, the state agency may accept the application, examine the circumstances of the case and require the filing of suitable affidavits or other information or documents. If satisfied that the applicant is entitled to a salvage title, the state agency may issue the salvage title.

2. No duplicate certificate of title or registration may be issued when a salvage title is applied for, and no fees are required for the affidavits of any stolen, lost or damaged certificate, or duplicates thereof, unless the vehicle is subsequently registered.

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 323.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 483.

AN ACT relating to witnesses; revising the amount paid to witnesses for mileage in traveling to and from a proceeding; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill revises the amount paid to a witness who attends a proceeding before a court or grand jury from 19 cents for each mile necessarily and actually traveled to and from his place of residence to the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax for each mile so traveled. (NRS 50.225)

This bill has a delayed effective date of July 1, 2008.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 50.225 is hereby amended to read as follows:

50.225 1. For attending the courts of this State in any criminal case, or civil suit or proceeding before a court of record, master, commissioner, justice of the peace, or before the grand jury, in obedience to a subpoena, each witness is entitled:

(a) To be paid a fee of $25 for each day's attendance, including Sundays and holidays.

(b) Except as otherwise provided in this paragraph, to be paid for attending a court of the county in which he resides at the ***standard mileage reimbursement*** rate ~~[of 19 cents a mile]~~ ***for which a deduction is allowed for the purposes of federal income tax*** for each mile necessarily and actually traveled from and returning to the place of residence by the shortest and most practical route. A board of county commissioners may provide that, for each mile so traveled to attend a court of the county in which he resides, each witness is entitled to be paid an amount equal to the allowance for travel by private conveyance provided for state officers and employees generally pursuant to subsection 3 of NRS 281.160. If the board so provides, each witness at any other hearing or proceeding held in that county who is entitled to receive the payment for mileage specified in this paragraph must be paid mileage in an amount equal to the allowance for travel by private conveyance provided for state officers and employees generally pursuant to subsection 3 of NRS 281.160.

2. In addition to the fee and payment for mileage specified in subsection 1, a board of county commissioners may provide that, for each day of attendance in a court of the county in which he resides, each witness is entitled to be paid a per diem allowance in an amount equal to the per diem allowance provided for state officers and employees generally while away from the office and within this State pursuant to subsection 1 of NRS 281.160. If the board so provides, each witness at any other hearing or proceeding held in that county who is a resident of that county and who is entitled to receive the fee specified in paragraph (a) of subsection 1 ~~[,]~~ must be paid, in addition to that fee, a per diem allowance in an amount equal to the per diem allowance provided in this subsection.

3. If a witness is from without the county ~~[,]~~ or, being a resident of another state, voluntarily appears as a witness at the request of the Attorney General or the district attorney and the board of county commissioners of the county in which the court is held, he is entitled to reimbursement for the actual and necessary expenses for going to and returning from the place where the court is held. He is also entitled to receive the same allowances for subsistence and lodging as are provided for state officers and employees generally.

4. Any person in attendance at a trial who is sworn as a witness is entitled to the fees, the per diem allowance, if any, travel expenses and any other reimbursement set forth in this section, irrespective of the service of a subpoena.

5. Witness fees, per diem allowances, travel expenses and other reimbursement in civil cases must be taxed as disbursement costs against the defeated party upon proof by affidavit that they have been actually incurred. Costs must not be allowed for more than two witnesses to the same fact or series of facts, and a party plaintiff or defendant must not be allowed any fees, per diem allowance, travel expenses or other reimbursement for attendance as a witness in his own behalf.

6. A person is not obligated to appear in a civil action or proceeding unless he has been paid an amount equal to 1 day's fees, the per diem allowance provided by the board pursuant to subsection 2, if any, and the travel expenses reimbursable pursuant to this section.

Sec. 2. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 3. **This act becomes effective on July 1, 2008.**

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 6.

Bill read third time.

Remarks by Assemblymen Hardy, Conklin, and Kirkpatrick.

Roll call on Assembly Bill No. 6:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 6 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 49.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 49:

YEAS—40.

NAYS—Mabey.

EXCUSED—Womack.

Assembly Bill No. 49 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 57.

Bill read third time.

Remarks by Assemblymen Manendo, Carpenter, Anderson, and Madam Speaker.

Assemblyman Grady requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CARPENTER:

I rise in strong support of Assembly Bill 57, but I really do not know what it is about. My colleague from District 18 assured me that my horses could use the crosswalk, and I think every horse needs a crosswalk, especially those that come in from Dayton, Virginia City, and north Reno. When they come into town, they need to be able to use that crosswalk. I guess what we need to figure out is if it is going to be easier to teach the horses or the kids to use the crosswalk and also whether the cars are going to stop first for the kids or the horses. This crosswalk going across here to the parking lot—I do not want to put my horse in there because he is probably not going to make it. I think they should rename this one over here either the Carson Speedway or Suicide Alley because you can hardly get across there.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Is this a filibuster Mr. Carpenter?

ASSEMBLYMAN CARPENTER:

Madam Speaker, in the committee I think it was a unanimous vote that I should help my friend from District 18 paint his crosswalks, so I searched all over Elko and I did find a gallon of the finest crosswalk paint in town.

Madam Speaker, the police thought this was going to blow up every day because it has been here for quite a while. They asked me, "What are you going to do with this paint?" I could not tell them because I did not want to give away a secret, and you know there are not many secrets kept in this house so I did not tell anybody what it was for.

I would like to present this paint to my friend. Thank you, Madam Speaker. Now I forgot where I was, but I think my friend is going to have to get a special dispensation from the Secretary of State to accept this gift, and when he puts it on his gift claim report, it will probably be the only time in history that someone has received a gallon of paint for a gift.

Madam Speaker, if this bill does not pass, I want my paint back, and also, Madam Speaker, I got the littlest brush I could find because if my friend has to take a long time painting the crosswalks, it will give him less time to think about those mobile home bills.

ASSEMBLYMAN MANENDO:

Thank you, Mr. Carpenter.

ASSEMBLYMAN ANDERSON:

In light of the stirring presentation from our colleague from Elko County, I was wondering if the chief sponsor of the bill was then planning on designating all such crosswalks as Carpenter-walks.

Roll call on Assembly Bill No. 57:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 57 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 63.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 63:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 63 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 77.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 77:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 77 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:29 p.m.

ASSEMBLY IN SESSION

At 12:39 p.m.

Madam Speaker presiding.

Quorum present.

Assembly Bill No. 91.

Bill read third time.

Remarks by Assemblywoman Gerhardt.

Roll call on Assembly Bill No. 91:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 91 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 94.

Bill read third time.

Remarks by Assemblymen Pierce, Carpenter, Leslie, and Bobzien.

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN PIERCE:

Assembly Bill 94 eliminates the prohibition against the admission of a person as a party to an administrative proceeding in a contested case that involves the granting, denial, or renewal of a license if the person does not have a direct financial interest in the license.

It is very important that we pass Assembly Bill 94 in order to right a wrong that we legislated last session. Sometimes, no matter how careful we are, the legislation we pass has unintended consequences. This is one of those cases. Last session's action in passing Senate Bill 428 unintentionally removed the rights of citizens and public interest groups to challenge agency's decisions in the cases of contested licenses and permits unless they could prove they had a financial stake in the license or permit. This means that many individuals, environmental groups, and other concerned public interest groups cannot currently be a party in a contested case for the licenses and permits issued by most state executive agencies. The committee wants to make clear the legislative intent for this measure.

During our deliberations, we decided that any cases that are currently in the process of being contested in Nevada should be reexamined. This would allow the people who have filed suit to be given standing in the process if they were excluded due to this provision in the *Nevada Revised Statutes*. The Nevada Division of Environmental Protection has assured us they are willing to reopen the deliberations for the contested cases they are currently working on.

Passing this measure will also ensure that the federal Environmental Protection Agency does not take control over the administration of federal programs in our state, which they may do if we do not correct this law. In order for the state to maintain responsibility for federal

environmental programs, the state must provide opportunities for public participation, which the law in its current form impedes. On behalf of the Assembly Committee on Government Affairs, I urge your support for this measure in order to allow citizens full participation in administrative procedure and in order to correct what we unintentionally changed last session.

ASSEMBLYMAN CARPENTER:

Thank you, Madam Speaker. I rise in support of A.B. 94. I believe I was the only one in the Assembly to vote against this measure last session. Certainly, I could see the wrong that it was going to do at that time. By righting it, I think we are putting it back where it should be. In reality, there are some times out there when we cowboys and miners don't want people speaking in favor of something we think is not proper. I think in those situations that we must have a better message than they do. Everyone needs to have their say. I now support A.B. 94 and will vote yes rather than no.

ASSEMBLYWOMAN LESLIE:

Thank you, Madam Speaker. Just to add a few more words to my colleagues. I think it is important to remember transparency means openness, communication, and accountability. The current statute goes against these basic tenets, which I think all of us in this body hold dear. We need a transparent democracy. We all value open and transparent government and the right for the public to participate in that government. The *First Amendment* to the *Constitution* in the United States proclaims that every American has the right to petition the government for a redress of grievances. This bill will ensure that right in Nevada. Your support of A.B. 94 will give back a seat at the table to our citizens and public interest organizations. It will let everyone be heard. I urge your support.

ASSEMBLYMAN BOBZIEN:

Thank you, Madam Speaker, I, too, rise in support of A.B. 94. Just to echo the comments made by my colleagues previously, voting for this bill is a vote for fairness and openness, and I urge your support.

Roll call on Assembly Bill No. 94:

YEAS—40.

NAYS—None.

NOT VOTING—Goedhart.

EXCUSED—Womack.

Assembly Bill No. 94 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 103.

Bill read third time.

Roll call on Assembly Bill No. 103:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 103 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 118.

Bill read third time.

Remarks by Assemblymen Denis, Goicoechea, Anderson, Atkinson, and Koivisto.

Roll call on Assembly Bill No. 118:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 118 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 120.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Roll call on Assembly Bill No. 120:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 120 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 194.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 194:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 194 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 218.

Bill read third time.

Remarks by Assemblyman Hogan.

Roll call on Assembly Bill No. 218:

YEAS—30.

NAYS—Allen, Beers, Carpenter, Christensen, Cobb, Gansert, Goedhart, Hardy, Mabey, Marvel, Stewart—11.

EXCUSED—Womack.

Assembly Bill No. 218 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 233.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Assembly Bill No. 233:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 233 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 236.

Bill read third time.

The following amendment was proposed by Assemblyman Mabey:

Amendment No. 558.

ASSEMBLYMEN **SETTELMEYER,** MABEY, ALLEN, GANSERT, **[**~~SETTELMEYER,~~**]** COBB, BEERS, CARPENTER, CHRISTENSEN, GOEDHART, GOICOECHEA, GRADY, HARDY, MARVEL, STEWART AND WEBER; JOINT SPONSORS: SENATORS WASHINGTON, HARDY, TOWNSEND, AMODEI, BEERS, CEGAVSKE, HECK, MCGINNESS, NOLAN, RAGGIO AND RHOADS

AN ACT relating to taxation; allowing the Department of Taxation to refrain from taking any action to collect unpaid sales and use taxes due from a person if the cost of that action would exceed the total amount due; revising the provisions governing the reporting and payment period for those taxes and the maximum amount which may be required as security for the payment of those taxes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the imposition and administration of sales and use taxes pursuant to the Sales and Use Tax Act and the Local School Support Tax Law. (Chapters 372 and 374 of NRS) Section 1 of this bill authorizes the Department of Taxation to refrain from taking any action to collect any unpaid sales or use taxes due from a person if the cost of that action would exceed the total amount due, including any applicable interest and penalties.

Existing law provides for the filing of sales and use tax returns on a quarterly basis from taxpayers whose taxable sales do not exceed $10,000 per month. (NRS 372.380, 374.385) Sections 2 and 4 of this bill allow such a taxpayer to file those returns on an annual basis if the taxpayer had no taxes due for the previous 3 calendar quarters or if the taxable sales did not exceed $1,500 for the previous 4 calendar quarters.

Existing law prescribes the maximum amount of security for the payment of sales and use taxes which the Department of Taxation may require from taxpayers who file tax returns for quarterly periods or for monthly periods. (NRS 372.510, 374.515) Sections 3 and 5 of this bill prescribe a proportionate maximum amount of security which may be required from taxpayers who are allowed to file tax returns on an annual basis.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section or directed by the Nevada Tax Commission and notwithstanding any other provision of law, the Department is not required to take any action for the collection of any unpaid sales or use taxes for which a person may be liable if the Department determines that the cost of taking that action would exceed the total accumulated amount of all the unpaid sales and use taxes, and any applicable interest and penalties, for which that person is liable.

2. The Nevada Tax Commission shall annually determine the average cost of collecting sales and use taxes in this State which must be used by the Department in making any determination pursuant to subsection 1.

3. This section does not:

(a) Affect the liability of any person for the payment of any taxes, interest or penalties; or

(b) Authorize the Department to refrain from taking any action for the collection of any unpaid sales or use taxes from a person when the Department determines that the cost of taking that action would be less than or equal to the total accumulated amount of all the unpaid sales and use taxes, and any applicable interest and penalties, for which that person is liable.

Sec. 2. NRS 372.380 is hereby amended to read as follows:

372.380 1. Except as otherwise provided in ~~[subsection 2]~~ ***this section*** or required by the Department pursuant to NRS 360B.200, the reporting and payment period of ~~[a]~~ ***:***

(a) A taxpayer whose taxable sales do not exceed $10,000 per month is a calendar quarter.

(b) A taxpayer who files reports on a quarterly basis in accordance with paragraph (a) and:

(1) From whom no tax is due pursuant to this chapter for the immediately preceding three quarterly reporting periods; or

(2) Whose taxable sales do not exceed a total amount of $1,500 for the immediately preceding four quarterly reporting periods,

➥ is 12 calendar months, unless the taxable sales of the taxpayer exceed a total amount of $1,500 for such a 12-month reporting and payment period or $10,000 for a calendar month.

2. The Department, if it deems this action necessary ~~[in order to insure]~~ ***to ensure*** payment to or facilitate the collection by the State of the amount of taxes, may require returns and payment of the amount of taxes for periods other than calendar months or quarters, depending upon the principal place of business of the seller, retailer or purchaser, as the case may be, or for other than monthly ***,*** ~~[or]~~ quarterly ***or annual*** periods.

Sec. 3. NRS 372.510 is hereby amended to read as follows:

372.510 1. The Department, whenever it deems it necessary to insure compliance with this chapter, may require any person subject to the chapter to place with it such security as the Department may determine. The Department shall fix the amount of the security which, except as ***otherwise*** provided in subsection 2, may not be greater than twice the estimated average tax due quarterly of persons filing returns for quarterly periods **,** ~~[or]~~ three times the estimated average tax due monthly of persons filing returns for monthly periods ~~[,]~~ ***or four times the estimated average tax due annually of persons filing returns for annual periods,*** determined in such ***a*** manner as the Department deems proper.

2. In the case of persons who are habitually delinquent in their obligations under this chapter, the amount of the security may not be greater than three times the average actual tax due quarterly of persons filing returns for quarterly periods **,** ~~[or]~~ five times the average actual tax due monthly of persons filing returns for monthly periods ~~[.]~~ ***or seven times the average actual tax due annually of persons filing returns for annual periods.***

3. The limitations provided in this section apply regardless of the type of security placed with the Department.

4. The amount of the security may be increased or decreased by the Department subject to the limitations provided in this section.

5. The Department may sell the security at public auction if it becomes necessary to recover any tax or any amount required to be collected, ***or*** interest or penalty due. Notice of the sale may be served upon the person who placed the security personally or by mail **.** ~~[; if]~~ ***If the notice is served*** by mail, service must be made in the manner prescribed for service of a notice of a deficiency determination and must be addressed to the person at his address as it appears in the records of the Department. Security in the form of a bearer bond issued by the United States or the State of Nevada which has a prevailing market price may be sold by the Department at a private sale at a price not lower than the prevailing market price.

6. Upon any sale any surplus above the amounts due must be returned to the person who placed the security.

Sec. 4. NRS 374.385 is hereby amended to read as follows:

374.385 1. Except as otherwise provided in ~~[subsection 2]~~ ***this section*** or required by the Department pursuant to NRS 360B.200, the reporting and payment period of ~~[a]~~ ***:***

(a) A taxpayer whose taxable sales do not exceed $10,000 per month is a calendar quarter.

(b) A taxpayer who files reports on a quarterly basis in accordance with paragraph (a) and:

(1) From whom no tax is due pursuant to this chapter for the immediately preceding three quarterly reporting periods; or

(2) Whose taxable sales do not exceed a total amount of $1,500 for the immediately preceding four quarterly reporting periods,

➥ is 12 calendar months, unless the taxable sales of the taxpayer exceed a total amount of $1,500 for such a 12-month reporting and payment period or $10,000 for a calendar month.

2. The Department, if it deems this action necessary ~~[in order to insure]~~ ***to ensure*** payment to or facilitate the collection by the county of the amount of taxes, may require returns and payment of the amount of taxes for periods other than calendar months or quarters, depending upon the principal place of business of the seller, retailer or purchaser as the case may be, or for other than monthly ***,*** ~~[or]~~ quarterly ***or annual*** periods.

Sec. 5. NRS 374.515 is hereby amended to read as follows:

374.515 1. The Department, whenever it deems it necessary to insure compliance with this chapter, may require any person subject to the chapter to place with it such security as the Department may determine. The ***Department shall fix the*** amount of the security ~~[must be fixed by the Department but,]~~ ***which,*** except as ***otherwise*** provided in subsection 2, may not be greater than twice the estimated average tax due quarterly of persons filing returns for quarterly periods ***,*** ~~[or]~~ three times the estimated average tax due monthly of persons filing returns for monthly periods ~~[,]~~ ***or four times the estimated average tax due annually of persons filing returns for annual periods,*** determined in such ***a*** manner as the Department deems proper.

2. In case of persons habitually delinquent in their obligations under this chapter, the amount of the security ~~[must]~~ ***may*** not be greater than three times the average actual tax due quarterly of persons filing returns for quarterly periods ***,*** ~~[or]~~ five times the average actual tax due monthly of persons filing returns for monthly periods ~~[.]~~ ***or seven times the average actual tax due annually of persons filing returns for annual periods.***

3. The limitations provided in this section apply regardless of the type of security placed with the Department.

4. The amount of the security may be increased or decreased by the Department subject to the limitations in this section.

5. The Department may sell the security at public auction if it becomes necessary to recover any tax or any amount required to be collected, ***or*** interest or penalty due. Notice of the sale may be served upon the person who placed the security personally or by mail ***.*** ~~[; if]~~ ***If the notice is served*** by mail, service must be made in the manner prescribed for service of a notice of a deficiency determination and must be addressed to the person at his address as it appears in the records of the Department. Security in the form of a bearer bond issued by the United States or the State of Nevada which has a prevailing market price may be sold by the Department at a private sale at a price not lower than the prevailing market price.

6. Upon any sale any surplus above the amounts due must be returned to the person who placed the security.

Sec. 6. This act becomes effective on July 1, 2007.

Assemblyman Mabey moved the adoption of the amendment.

Remarks by Assemblyman Mabey.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 253.
Bill read third time.
Remarks by Assemblyman Goedhart.
Roll call on Assembly Bill No. 253:
YEAS—41.
NAYS—None.
EXCUSED—Womack.
Assembly Bill No. 253 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 258.
Bill read third time.
Remarks by Assemblymen Carpenter and Horne.
Roll call on Assembly Bill No. 258:
YEAS—40.
NAYS—Anderson.
EXCUSED—Womack.
Assembly Bill No. 258 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 261.
Bill read third time.
Remarks by Assemblywoman Gerhardt.
Roll call on Assembly Bill No. 261:
YEAS—41.
NAYS—None.
EXCUSED—Womack.
Assembly Bill No. 261 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 296.
Bill read third time.
Remarks by Assemblyman Bobzien.
Roll call on Assembly Bill No. 296:
YEAS—41.
NAYS—None.
EXCUSED—Womack.
Assembly Bill No. 296 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 313.
Bill read third time.
Remarks by Assemblyman Oceguera.
Roll call on Assembly Bill No. 313:
YEAS—41.
NAYS—None.
EXCUSED—Womack.
Assembly Bill No. 313 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 344.
Bill read third time.
Remarks by Assemblyman Oceguera.
Roll call on Assembly Bill No. 344:
YEAS—41.
NAYS—None.
EXCUSED—Womack.
Assembly Bill No. 344 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 385.
Bill read third time.
Remarks by Assemblyman Mabey.
Roll call on Assembly Bill No. 385:
YEAS—41.
NAYS—None.
EXCUSED—Womack.
Assembly Bill No. 385 having received a two-thirds majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 386.
Bill read third time.
Remarks by Assemblymen Mabey and Carpenter.
Roll call on Assembly Bill No. 386:
YEAS—41.
NAYS—None.
EXCUSED—Womack.
Assembly Bill No. 386 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 391.
Bill read third time.

Remarks by Assemblyman Munford.
Roll call on Assembly Bill No. 391:
YEAS—40.
NAYS—Anderson.
EXCUSED—Womack.
Assembly Bill No. 391 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 406.
Bill read third time.
Roll call on Assembly Bill No. 406:
YEAS—41.
NAYS—None.
EXCUSED—Womack.
Assembly Bill No. 406 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 418.
Bill read third time.
Remarks by Assemblyman Munford.
Roll call on Assembly Bill No. 418:
YEAS—41.
NAYS—None.
EXCUSED—Womack.
Assembly Bill No. 418 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 463.
Bill read third time.
Remarks by Assemblywoman Kirkpatrick.
Roll call on Assembly Bill No. 463:
YEAS—41.
NAYS—None.
EXCUSED—Womack.
Assembly Bill No. 463 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 470.
Bill read third time.
Remarks by Assemblymen Pierce, Carpenter, and Segerblom.
Roll call on Assembly Bill No. 470:
YEAS—34.
NAYS—Beers, Christensen, Cobb, Gansert, Goedhart, Settelmeyer, Weber—7.
EXCUSED—Womack.

Assembly Bill No. 470 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 489.

Bill read third time.

Remarks by Assemblyman Atkinson.

Roll call on Assembly Bill No. 489:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 489 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 498.

Bill read third time.

Remarks by Assemblyman Mabey.

Roll call on Assembly Bill No. 498:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 498 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 516.

Bill read third time.

Remarks by Assemblyman Kihuen.

Roll call on Assembly Bill No. 516:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 516 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 519.

Bill read third time.

The following amendment was proposed by Assemblyman Cobb:

Amendment No. 548.

"AN ACT relating to judicial records; prohibiting a district court from sealing a judicial public record except in certain circumstances; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill prohibits a district court from sealing a judicial public record unless a preponderance of the evidence indicates the existence of **one of** certain factors. According to this bill, before a district court seals a judicial

public record, the district court must hold a hearing, provide notice of the hearing to the parties and the public, and allow both the parties and the public to present evidence and written briefs at the hearing.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 3 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided by specific statute, a district court may seal a judicial public record only if a preponderance of the evidence indicates that:

(a) Sealing the judicial public record does not have the purpose or effect of concealing a public hazard or information concerning a public hazard;

(b) Sealing the judicial public record furthers a public interest;

(c) Dissemination of the information contained in the judicial public record will create a serious and imminent danger to the public interest;

(d) There is no other reasonable method of avoiding any prejudicial effect created by dissemination of the information;

(e) There is a substantial probability that sealing the judicial public record will be effective in protecting the public interest against the perceived danger; ~~[and]~~ ***or***

(f) It is reasonably necessary for the judicial public record to remain sealed for a period of time.

2. Before a district court may seal a judicial public record, the court must hold a hearing at a date and time established by the court. The court shall send a notice of the hearing by certified mail, return receipt requested, to each party and shall post notice of the hearing at a place in the courthouse that is designated for the posting of notices.

3. At the hearing, the district court shall allow the parties and members of the public to present evidence and submit written briefs.

4. Any judicial public record that is sealed pursuant to this section must be unsealed at the earliest possible time after the circumstances necessitating the sealing no longer exist.

5. As used in this section:

(a) "Information concerning a public hazard" means any information concerning a public hazard that may be useful to members of the public in protecting themselves from substantial bodily harm or death which may result from the public hazard.

(b) "Judicial public record" means any writing, paper, report, study, map, photograph, book, card, tape recording or other material which is created, received, retained, maintained or filed by or with a district court and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data or any other material, regardless of form or characteristics. The term does not include information:

(1) Declared confidential by other law of this State.

(2) Required to be kept confidential by federal law.

(3) Containing a trade secret. As used in this subparagraph, "trade secret" has the meaning ascribed to it in NRS 600A.030.

(4) Containing confidential financial information obtained, upon request, from a person and which is not information that is filed with or received by a district court pursuant to other law of this State.

(5) Concerning research conducted under the auspices of an institution of higher education, including, without limitation:

(I) Information concerning any negotiations made with respect to the research; and

(II) Information received from another party involved in the research.

(6) Containing grade transcripts and license examination scores obtained as part of a licensure process.

(7) Containing medical records.

(8) Containing a photograph, video recording or audio recording of an autopsy.

(9) Containing a social security number.

(c) "Public hazard" means any instrumentality, device, procedure, product or condition of any instrumentality, device, procedure or product that has caused or is likely to cause substantial bodily harm or death.

Assemblyman Cobb moved the adoption of the amendment.

Remarks by Assemblymen Cobb and Anderson.

Amendment lost.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 519:

YEAS—39.

NAYS—Beers, Marvel—2.

EXCUSED—Womack.

Assembly Bill No. 519 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 520.

Bill read third time.

Remarks by Assemblywoman Gerhardt.

Roll call on Assembly Bill No. 520:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 520 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 533.

Bill read third time.

Roll call on Assembly Bill No. 533:
YEAS—41.
NAYS—None.
EXCUSED—Womack.

Assembly Bill No. 533 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 558.

Bill read third time.

Remarks by Assemblyman Kihuen.

Roll call on Assembly Bill No. 558:
YEAS—41.
NAYS—None.
EXCUSED—Womack.

Assembly Bill No. 558 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 559.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 559:
YEAS—41.
NAYS—None.
EXCUSED—Womack.

Assembly Bill No. 559 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 487.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 495.

SUMMARY—Exempts certain professional **minor league** baseball events from the state tax on live entertainment. (BDR 32-1361)

AN ACT relating to taxation; exempting certain professional **minor league** baseball events from the state tax on live entertainment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the imposition of a state excise tax on admission to facilities where live entertainment is provided. (NRS 368A.200) Section 1 of this bill provides an exemption from that tax for professional **minor league** baseball events conducted at a stadium.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 368A.200 is hereby amended to read as follows:

368A.200 1. Except as otherwise provided in this section, there is hereby imposed an excise tax on admission to any facility in this State where live entertainment is provided. If the live entertainment is provided at a facility with a maximum occupancy of:

(a) Less than 7,500 persons, the rate of the tax is 10 percent of the admission charge to the facility plus 10 percent of any amounts paid for food, refreshments and merchandise purchased at the facility.

(b) At least 7,500 persons, the rate of the tax is 5 percent of the admission charge to the facility.

2. Amounts paid for:

(a) Admission charges collected and retained by a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c), or by a nonprofit corporation organized or existing under the provisions of chapter 82 of NRS, are not taxable pursuant to this section.

(b) Gratuities directly or indirectly remitted to persons employed at a facility where live entertainment is provided or for service charges, including those imposed in connection with the use of credit cards or debit cards, which are collected and retained by persons other than the taxpayer are not taxable pursuant to this section.

3. A business entity that collects any amount that is taxable pursuant to subsection 1 is liable for the tax imposed, but is entitled to collect reimbursement from any person paying that amount.

4. Any ticket for live entertainment must state whether the tax imposed by this section is included in the price of the ticket. If the ticket does not include such a statement, the taxpayer shall pay the tax based on the face amount of the ticket.

5. The tax imposed by subsection 1 does not apply to:

(a) Live entertainment that this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Live entertainment that is provided by or entirely for the benefit of a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c), or a nonprofit corporation organized or existing under the provisions of chapter 82 of NRS.

(c) Any boxing contest or exhibition governed by the provisions of chapter 467 of NRS.

(d) Live entertainment that is not provided at a licensed gaming establishment if the facility in which the live entertainment is provided has a maximum occupancy of less than 200 persons.

(e) Live entertainment that is provided at a licensed gaming establishment that is licensed for less than 51 slot machines, less than 6 games, or any combination of slot machines and games within those respective limits, if the facility in which the live entertainment is provided has a maximum occupancy of less than 200 persons.

(f) Merchandise sold outside the facility in which the live entertainment is provided, unless the purchase of the merchandise entitles the purchaser to admission to the entertainment.

(g) Live entertainment that is provided at a trade show.

(h) Music performed by musicians who move constantly through the audience if no other form of live entertainment is afforded to the patrons.

(i) Live entertainment that is provided at a licensed gaming establishment at private meetings or dinners attended by members of a particular organization or by a casual assemblage if the purpose of the event is not primarily for entertainment.

(j) Live entertainment that is provided in the common area of a shopping mall, unless the entertainment is provided in a facility located within the mall.

(k) Food and product demonstrations provided at a shopping mall, a craft show or an establishment that sells grocery products, housewares, hardware or other supplies for the home.

(l) Live entertainment that is incidental to an amusement ride, a motion simulator or a similar digital, electronic, mechanical or electromechanical attraction. For the purposes of this paragraph, live entertainment shall be deemed to be incidental to an amusement ride, a motion simulator or a similar digital, electronic, mechanical or electromechanical attraction if the live entertainment is:

(1) Not the predominant element of the attraction; and

(2) Not the primary purpose for which the public rides, attends or otherwise participates in the attraction.

(m) Live entertainment that is provided to the public in an outdoor area, without any requirements for the payment of an admission charge or the purchase of any food, refreshments or merchandise.

(n) An outdoor concert, unless the concert is provided on the premises of a licensed gaming establishment.

(o) Beginning July 1, 2007, race events scheduled at a race track in this State as a part of the National Association for Stock Car Auto Racing Nextel Cup Series, or its successor racing series, and all races associated therewith.

(p) ***Beginning July 1, 2007, a baseball contest, event or exhibition conducted by professional*** ~~[athletes]~~ ***minor league baseball players at a stadium in this State.***

(q) Live entertainment provided in a restaurant which is incidental to any other activities conducted in the restaurant or which only serves as ambience so long as there is no charge to the patrons for that entertainment.

6. The Commission may adopt regulations establishing a procedure whereby a taxpayer that is a licensed gaming establishment may request an exemption from the tax pursuant to paragraph ~~[(p)]~~ ***(q)*** of subsection 5. The regulations must require the taxpayer to seek an administrative ruling from the Chairman of the Board, provide a procedure for appealing that ruling to

the Commission and further describe the forms of incidental or ambient entertainment exempted pursuant to that paragraph.

7. As used in this section, "maximum occupancy" means, in the following order of priority:

(a) The maximum occupancy of the facility in which live entertainment is provided, as determined by the State Fire Marshal or the local governmental agency that has the authority to determine the maximum occupancy of the facility;

(b) If such a maximum occupancy has not been determined, the maximum occupancy of the facility designated in any permit required to be obtained in order to provide the live entertainment; or

(c) If such a permit does not designate the maximum occupancy of the facility, the actual seating capacity of the facility in which the live entertainment is provided.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman McClain moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 555.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Charlie Fettig.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Sylwia Hutniczak and Fernanda Ucha-Caetano.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Kaycean Buma, Drew Stephenson, Christian Enad, Calvin Ruyak, Davis Onesian, Warren Edward Trepp, Christopher Miller, Ian McClintock, Sahajpreet Singh, Keegan Stover, Meghan Aspittle, Nicholas Parino, Alexandra Sasse, River Creger, Kristina Ierace, Colton DiLoreto-Long, Allison Thornton and Annette Friedlander.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from St. Teresa Catholic School: Rose Alauria, Emma Beauchamp, Patrick Beauchamp, Elizabeth Bennett, Angelo Calabrese, Elizabeth Cates, Kaitlin Cates, Shelby Cates, Mia Cavilla, Kayse Childers, Leah DiMambro, Jaskarit Dhami, Rebecca Doyle, Jerrod Evans, Jeremy Froland, Emma Garcia, Kelsey

Hamilton, Karla Hendrickson, Brennan Hogan, Emily Hogan, Avalon Hope, Samuel Hughes, Scott Johnson, Chase Keller, Kristen Klein, Mitchell Miles, Odile Reid, Jack Robertson, Sommer Rollenhagen, Nathan Rough, Cody Schmidlin, April Shonnard, Sadie Sproull, Jacob Taylor, Kailey Taylor, Jady Tolda, Kristen Torvinen, Connor Van Dyck, Jesse Weathers, Griffin Wilcher; teacher Mary Alice Murdock; chaperones Lisa Hollenback, John Sullivan, Tina Schilling, Corena Doyle, Ana Belle Hendrickson, Abby Carroll, Mike Klein, Mary Robertson, Pam Alauria, and Sukhdip Dhami; the following students from Bordewich Bray Elementary School: Julian Alvarado, Alison Barrette, Grace Brooks, Caleb Burton, Samantha Byassee, Charcrist Chotisin, Shelby Darney, Louis Evans, Jacob Fenzke, Adrian Gutierrez Flores, Charles Hersey, Makayla Horrocks, Jacob Hurin, Luz Jimenez, Andrew Lu, Kassidy Martin, Daniel Martinez, Rocio Mascareno Roque, Robbin Porter, Joseph Prater, Britzel Ramos, Eric Reymus Jr., Abraham Roque Reyes, Makayla Smith, Andrew St. George, Kyle Steele, Joseph West, Adrianna White, Rita Wilkie, Reid Williamson, Manuel Oceguerra, Mike Palomo, Rafael Diez, Jose Alvarado Lopez, Jesus Bravo, Kyle Bryan, Swayzee Elefante, Derek Encinas, Kennith Frank, Diana Gurrola, Patrick Hayden, Jonathan Hernandez, Angelo Jimenez, James Kiernan, Connor Leahy, Emely Lopez, Rayden Mann, Melanie McGruder, Reagan McLaughlin, Paulina Morelund, Caitlin Murray, Austin Ostler, Brett Paulson, Madison Preston, Logan Reynolds, Brianna Rotter, Brandon Ruf, Maggie Rupert, Ruben Sanchez, Daniel Sepulveda, Kaylee Wahler, Justin Whitehead, Shelby Wood, Diamon Wilson, Brittany Owens, Garrett Turner, Vilma Avalos Ortiz, Carson Barnett, Kalee Beer Van Meter, Meichelea Cantrell, Cristian Casillas, Melissa Castillo, Sarah Christl, Michael Corder, Acsa Cordoba Lopez, Hannah Dickinson, Saa Monyeh Dixon, Sara Eckert, Michael Ferrigno, Zachary Foore, Tristan Fox, Sarai Garcia, Sabian Harting, Bethany Kniffen, Sabrina Lathrop, Elizabeth Lavelle, Megan Lynch, Jessica March, Jason Peck, Austin Portch, Nolan Shine, Lindsey Smith, Nadia Tung, Nathan Will, Drew Winebarger, Elijah Wright, Lucas Wright, Alyssa McKenzie, Hector Soto, Raven Miller, Jeromey Leonardo; teachers Konnie McGruder, Jackie Gereats-Rauh, Jorja Longero, Sharon Meier, and Corazon Rough; teacher aides Janet Ingram, Brenda Grigsby, and Sherry Ravenelle; chaperones Alicia Williamson, Renee Steele, Mike Barrette, Eve Oceguera, Rene McGruder, Nancy Paulson, Vicki Preston, Cecilia Tung, Debbie Eckert, Joan Freedland, and Martha Soto.

Assemblyman Oceguera moved that the Assembly adjourn until Thursday, April 19, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 1:49 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE SEVENTY-FOURTH DAY

CARSON CITY (Thursday), April 19, 2007

Assembly called to order at 11:10 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Rabbi Jacob Benzaquen.

Our Lord, God and the God of our ancestors, we ask for Your blessings for our great republic and the great state of Nevada—for its government, legislature, leaders, and for all who exercise just and rightful authority. God, You are the source of all blessing as it is stated in Genesis to Abraham ". . . I will bless those who bless You . . ."

Creator of all and who renews creation day after day, renew our spirits as it has been sorely tested these last few days. Bless us with deliverance and consolation, for leadership demands devotion; good leadership is never automatic. Bless the leaders of this Assembly with wisdom, vigor, and understanding for the burden of the state and its communities' prosperity rest upon our leaders. Help us to know and remove from us all that is hateful, shameful, and reproachable; bring us near to all that You love. Grant that our labors not be in vain and that they be a blessing and a source of life and peace and welfare. And let us all say:

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 341, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 432, 459, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 122, 529, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 394, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 193, 226, 421, 521, 536, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 64, 141, 437, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 18, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Assembly Concurrent Resolution No. 9, Senate Amendment No. 64, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 316, 361, 486, 500, 504; Senate Joint Resolution No. 4.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 6, 7, 32, 74, 85, 117, 148, 149, 195, 202, 217, 294, 389, 420, 519; Senate Joint Resolutions Nos. 15, 16.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 19, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 154, 510, and 609.

MARK STEVENS
Fiscal Analysis Division

Assemblyman Oceguera moved that the reading of Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

Assemblyman Oceguera moved that Assembly Bills Nos. 64, 122, 141, 193, 226, 341, 394, 421, 432, 437, 459, 521, 529, 536 just reported out committee, be placed on the Second Reading File.

Motion carried.

Senate Joint Resolution No. 4.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Joint Resolution No. 15.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Joint Resolution No. 16.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 6.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 7.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 32.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 74.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 85.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 117.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 148.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 149.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 195.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 202.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 217.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 294.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 316.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 361.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 389.

Assemblyman Oceguera moved that the bill be referred to Select Committee on Corrections, Parole, and Probation.

Motion carried.

Senate Bill No. 420.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 486.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 500.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 504.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 519.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 107 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 522 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 259 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 422 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 487 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 573 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 145 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 326 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 107.

Bill read third time.

The following amendment was proposed by Assemblymen Carpenter, Anderson, Buckley, and Atkinson:

Amendment No. 572.

AN ACT relating to weapons; prohibiting the possession of certain dangerous weapons on the property of the Nevada System of Higher Education or a school and in a school vehicle; prohibiting the possession of certain weapons at an activity sponsored by a school; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits the possession of certain weapons on the property of the Nevada System of Higher Education or a private or public school or while in a vehicle of a private or public school. (NRS 202.265) A person who possesses a prohibited weapon is guilty of a gross misdemeanor. Additionally, a person who commits a gross misdemeanor on the property of a private or public school, at an activity sponsored by a private or public school, on a school bus or at a bus stop must be punished by imprisonment in the county jail for not fewer than 15 days and may be punished by a fine of not more than $2,000. (NRS 193.1605)

This bill adds items to the list of prohibited weapons and provides that a person must not carry or possess a prohibited weapon at an activity sponsored by a private or public school. This bill further **prohibits a person from carrying certain dangerous knives on school property during school hours or in a school vehicle. This** bill provides an exception for carrying a knife if necessary for an employee to perform his job or if the knife is provided for use in a class or as part of a program.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 202.265 is hereby amended to read as follows:

202.265 1. Except as otherwise provided in this section, a person shall not carry or possess, while on the property of the Nevada System of Higher Education or a private or public school or while in a vehicle of a private or public school:

(a) An explosive or incendiary device;

(b) A dirk, dagger ~~[,]~~ or switchblade knife ; ~~[or dangerous knife;]~~

(c) A nunchaku or trefoil;

(d) A blackjack or billy club or metal knuckles; ~~[or]~~

(e) ***A sword;***

(f) An ax or hatchet;

(g) A machete;

(h) A pistol, revolver or other firearm ~~[.]~~ ***; or***

(i) Other deadly weapon.

2. ***Except as otherwise provided in this section, a*** ~~[pupil of a private or public school]~~ ***person shall not carry or possess any of the items set forth in subsection 1 at an activity sponsored by a private or public school.***

3. Except as otherwise provided in this subsection, a person shall not carry or possess a dangerous knife while on the property of a private or public school during school hours or while in a vehicle of a private or public school. This subsection does not prohibit a person from carrying or possessing a knife in such situations if the person is:

(a) An employee of the school, if a knife is necessary to perform the functions of his job.

(b) A pupil who is enrolled in a class or program in which a knife must be used, so long as the knife is provided to the pupil by the teacher of the class or the person responsible for the program for use in the class or as part of the program.

4. Any person who violates ~~[subsection 1 or 2]~~ ***this section*** is guilty of a gross misdemeanor.

~~[3.]~~ ~~[4.]~~ ***5.*** This section does not prohibit the possession of a weapon listed in ~~[subsection 1]~~ ***this section*** on the property of a private or public school by a:

(a) Peace officer;

(b) School security guard; or

(c) Person having written permission from the president of a branch or facility of the Nevada System of Higher Education or the principal of the school to carry or possess the weapon.

~~[4.]~~ ~~[5. This section does not prohibit the possession of a knife on the property of the Nevada System of Higher Education or a private or public school by:~~

~~(a) An employee if a knife is necessary to perform the functions of his job.~~

~~(b) A student or pupil who is enrolled in a class or program in which a knife must be used if the knife is provided to the student or pupil for use in the class or as part of the program.]~~

6. For the purposes of this section:

(a) ***"Dangerous knife" means a knife having a blade that is 2 inches or more in length when measured from the tip of the knife which is customarily sharpened to the unsharpened extension of the blade which forms the hinge connecting the blade to the handle.***

(b) "Firearm" includes:

(1) Any device used to mark the clothing of a person with paint or any other substance; and

(2) Any device from which a metallic projectile, including any ball bearing or pellet, may be expelled by means of spring, gas, air or other force.

~~[(b)]~~ ***(c)*** "Nunchaku" has the meaning ascribed to it in NRS 202.350.

~~[(c)]~~ ***(d)*** "Switchblade knife" has the meaning ascribed to it in NRS 202.350.

~~[(d)]~~ ***(e)*** "Trefoil" has the meaning ascribed to it in NRS 202.350.

~~[(e)]~~ ***(f)*** "Vehicle" has the meaning ascribed to "school bus" in NRS 484.148.

Sec. 2. NRS 202.3673 is hereby amended to read as follows:

202.3673 1. Except as otherwise provided in subsections 2 and 3, a permittee may carry a concealed firearm while he is on the premises of any public building.

2. A permittee shall not carry a concealed firearm while he is on the premises of a public building that is located on the property of a public airport.

3. A permittee shall not carry a concealed firearm while he is on the premises of:

(a) A public building that is located on the property of a public school or the property of the Nevada System of Higher Education, unless the permittee has obtained written permission to carry a concealed firearm while he is on the premises of the public building pursuant to paragraph (c) of subsection ~~[3]~~ ~~[4]~~ ***5*** of NRS 202.265.

(b) A public building that has a metal detector at each public entrance or a sign posted at each public entrance indicating that no firearms are allowed in the building, unless the permittee is not prohibited from carrying a concealed firearm while he is on the premises of the public building pursuant to subsection 4.

4. The provisions of paragraph (b) of subsection 3 do not prohibit:

(a) A permittee who is a judge from carrying a concealed firearm in the courthouse or courtroom in which he presides or from authorizing a permittee to carry a concealed firearm while in the courtroom of the judge and while traveling to and from the courtroom of the judge.

(b) A permittee who is a prosecuting attorney of an agency or political subdivision of the United States or of this State from carrying a concealed firearm while he is on the premises of a public building.

(c) A permittee who is employed in the public building from carrying a concealed firearm while he is on the premises of the public building.

(d) A permittee from carrying a concealed firearm while he is on the premises of the public building if the permittee has received written permission from the person in control of the public building to carry a concealed firearm while the permittee is on the premises of the public building.

5. A person who violates subsection 2 or 3 is guilty of a misdemeanor.

6. As used in this section, "public building" means any building or office space occupied by:

(a) Any component of the Nevada System of Higher Education and used for any purpose related to the System; or

(b) The Federal Government, the State of Nevada or any county, city, school district or other political subdivision of the State of Nevada and used for any public purpose.

➥ If only part of the building is occupied by an entity described in this subsection, the term means only that portion of the building which is so occupied.

Sec. 3. This act becomes effective on July 1, 2007.

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 50.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 50:

YEAS—41.

NAYS—Pierce.

Assembly Bill No. 50 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 87.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 87:

YEAS—41.

NAYS—None.

NOT VOTING—Marvel.

Assembly Bill No. 87 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 138.

Bill read third time.

Remarks by Assemblyman Bobzien.

Roll call on Assembly Bill No. 138:

YEAS—42.

NAYS—None.

Assembly Bill No. 138 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 160.

Bill read third time.

Remarks by Assemblymen Parnell and Bobzien.

Roll call on Assembly Bill No. 160:

YEAS—42.

NAYS—None.

Assembly Bill No. 160 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 181.

Bill read third time.

Remarks by Assemblymen Manendo and Carpenter.

Roll call on Assembly Bill No. 181:

YEAS—42.

NAYS—None.

Assembly Bill No. 181 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 230.

Bill read third time.

Remarks by Assemblymen Horne, Goicoechea, and Anderson.

Roll call on Assembly Bill No. 230:

YEAS—28.

NAYS—Allen, Beers, Carpenter, Christensen, Cobb, Gansert, Goedhart, Goicoechea, Grady, Hardy, Mabey, Marvel, Settelmeyer, Stewart—14.

Assembly Bill No. 230 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 236.

Bill read third time.

Remarks by Assemblyman Settelmeyer.

Roll call on Assembly Bill No. 236:

YEAS—42.

NAYS—None.

Assembly Bill No. 236 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 266.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Assembly Bill No. 266:

YEAS—42.

NAYS—None.

Assembly Bill No. 266 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 298.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Assembly Bill No. 298:

YEAS—39.

NAYS—Cobb, Goedhart, Settelmeyer—3.

Assembly Bill No. 298 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 301.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 301:

YEAS—33.

NAYS—Beers, Christensen, Claborn, Cobb, Goedhart, Hardy, Mabey, Munford, Weber—9.

Assembly Bill No. 301 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 319.

Bill read third time.

Remarks by Assemblymen Arberry, Oceguera, and Settelmeyer.

Potential conflicts of interest declared by Assemblymen Anderson, Atkinson, Bobzien, Buckley, Carpenter, Denis, Gerhardt, Goicoechea, Grady, Kihuen, Koivisto, Leslie, Manendo, McClain, Munford, Oceguera, Parks, Parnell, Segerblom, Settelmeyer, and Stewart.

Roll call on Assembly Bill No. 319:

YEAS—41.

NAYS—None.

NOT VOTING—Stewart.

Assembly Bill No. 319 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 322.

Bill read third time.

Remarks by Assemblywoman Gansert.

Roll call on Assembly Bill No. 322:

YEAS—42.

NAYS—None.

Assembly Bill No. 322 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 323.

Bill read third time.

Remarks by Assemblywoman Womack.

Roll call on Assembly Bill No. 323:

YEAS—42.

NAYS—None.

Assembly Bill No. 323 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 331.

Bill read third time.

Remarks by Assemblyman Hogan.

Roll call on Assembly Bill No. 331:

YEAS—27.

NAYS—Allen, Beers, Carpenter, Christensen, Cobb, Gansert, Goedhart, Goicoechea, Grady, Hardy, Mabey, Marvel, Settelmeyer, Stewart, Weber—15.

Assembly Bill No. 331 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 342.

Bill read third time.

Remarks by Assemblywoman Gansert.

Roll call on Assembly Bill No. 342:

YEAS—42.

NAYS—None.

Assembly Bill No. 342 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 348.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 348:

YEAS—41.

NAYS—Kirkpatrick.

Assembly Bill No. 348 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 7.

Resolution read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Joint Resolution No. 7:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 7 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:07 p.m.

ASSEMBLY IN SESSION

At 12:08 p.m.
Madam Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 154 be taken from the Chief Clerk's desk and rereferred to the Committee on Ways and Means.
Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 510 be taken from the Chief Clerk's desk and rereferred to the Committee on Ways and Means.
Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Concurrent Resolution No. 9.
The following Senate amendment was read:
Amendment No. 64.
SUMMARY—Urges the Commission on Economic Development **, *regional economic development authorities and local redevelopment agencies*** to promote economic development and urban renewal and to stimulate employment in certain areas. (BDR R-191)
"ASSEMBLY CONCURRENT RESOLUTION—Urging the Commission on Economic Development **, *regional economic development authorities and local redevelopment agencies*** to develop programs to promote economic development and urban renewal and to stimulate employment in certain areas."
WHEREAS, The health, safety and welfare of the people of this State are dependent upon a healthy economy and vibrant communities; and
WHEREAS, The continual encouragement, development, growth and expansion of private enterprise within the State require a cooperative and continuous partnership between government and private organizations; and
WHEREAS, There are certain depressed and blighted areas in this State that need the particular attention of government, business, labor and the residents of Nevada to help attract private investment into the area; and
WHEREAS, Many older neighborhoods in urban areas are in need of a redevelopment program focused on breathing new life into deteriorated areas plagued by social, environmental or economic conditions which act as a barrier to new investment by private enterprise; and
WHEREAS, Many of these areas are fully populated communities in this State that have not benefited from any new growth or new industry in years, and this has led to a depressed economy, a negative image for the community and a lost sense of pride among its residents; and

WHEREAS, As taxpayers in this State, the residents of these areas deserve to see a portion of the revenue from their tax dollars used to restore and strengthen their communities, thereby improving their quality of life; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislature hereby urges the Commission on Economic Development ***, regional economic development authorities and local redevelopment agencies*** to establish ~~[a program]~~ ***programs*** of economic development for the older neighborhoods in depressed areas of this State to improve economic prosperity and create economic benefits for the community, its residents, the local government and the State; and be it further

RESOLVED, That the Commission on Economic Development ~~[is]~~ ***, regional economic development authorities and local redevelopment agencies are*** encouraged to utilize the provisions of Senate Bill No. 229 of the 2005 Legislative Session which became effective on October 1, 2005, to promote the growth of business and industry in certain deprived areas in this State, thereby creating new jobs, increased property values and an enhanced standard of living desired by all Nevadans; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Commission on Economic Development ~~[.]~~ ***, Nevada Development Authority, Economic Development Authority of Western Nevada, Northern Nevada Development Authority, Elko County Economic Diversification Authority, Economic Development Authority for Esmeralda and Nye Counties, Churchill Economic Development Authority, Humboldt County Development Authority, White Pine County Economic Diversification Council, Pershing County Economic Development Authority, Lander Economic Development Authority, Mineral County Economic Development Authority, Lincoln County Regional Development Authority, Eureka County Economic Development Council, Western Nevada Development District, Clark County Redevelopment Agency, Las Vegas Redevelopment Agency, Reno Redevelopment Agency, Henderson Redevelopment Agency, North Las Vegas Redevelopment Agency, Sparks Redevelopment Agency, Carson City Redevelopment Agency, Elko Redevelopment Agency, Douglas County Redevelopment Agency, Boulder City Redevelopment Agency and Mesquite Redevelopment Agency.***

Assemblyman Munford moved that the Assembly concur in the Senate amendment to Assembly Concurrent Resolution No. 9.

Remarks by Assemblyman Munford.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:11 p.m.

ASSEMBLY IN SESSION

At 12:23 p.m.

Madam Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 64.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 570.

SUMMARY—Makes various changes concerning the ~~[enforcement of a court order to complete certain training]~~ **penalties imposed by a court** when a defendant ~~[failed]~~ **fails** to properly secure a child in a child restraint system in a vehicle. (BDR 43-268)

AN ACT relating to traffic laws; making various changes concerning the ~~[enforcement of a court order to complete certain training]~~ **penalties imposed by a court** when a defendant ~~[failed]~~ **fails** to properly secure a child in a child restraint system in a vehicle; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person who transports a child who is less than 6 years of age and who weighs 60 pounds or less to secure the child in a child restraint system. A court is required to order a defendant who did not comply with that requirement to complete a program of training in the installation and use of child restraint systems, unless the defendant is not a resident of the State of Nevada. The court is further required to impose a fine or require the defendant to perform community service, but may waive a portion of the fine or community service if the program of training certifies to the court that the defendant completed the program of training. ~~[Section 1 of this]~~ **This** bill ~~[revises the procedures so that the person or agency which conducts the program of training is required to provide the defendant with a certificate of completion. The defendant is then required to submit the certificate to the court. Failure to complete the training or submit the certificate results in the suspension of the driver's license of the person until the person provides the Department of Motor Vehicles with a copy of the certificate of completion.]~~ **deletes the requirement that a court order a defendant to undergo a program of training and requires the court to provide the defendant with a referral list of available programs of training. This bill also increases the amount of the fine or hours of community service a court may impose for failing to properly secure the child in a child restraint system. Further, for a first offense, a defendant may have the fine or hours of community service waived if he successfully completes a program of training recommended by the court and presents proof of**

completion of the training to the court. For a second offense, a defendant may have the fine or hours of community service reduced by half if he successfully completes a program of training recommended by the court and presents proof of completion of the training to the court.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 484 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Upon satisfactory completion of a program of training, the person or agency which conducts a program of training pursuant to NRS 484.474 shall provide the defendant with a certificate of completion.*~~

~~*2. The certificate of completion must contain:*~~

~~*(a) The defendant's full name;*~~

~~*(b) The dates of the training;*~~

~~*(c) The signature of the person or representative of the agency who conducted the training verifying that the defendant successfully completed the program; and*~~

~~*(d) A current mailing address and telephone number of the person or representative of the agency who conducted the training.*~~

~~*3. The defendant must provide a copy of the certificate of completion to the court that ordered the training within the time set forth in the order pursuant to NRS 484.474.*~~

~~*4. If the court does not receive a copy of the certificate of completion from the defendant within the time set forth in the order, the court shall issue an order suspending the driver's license of the defendant, unless the court finds that the defendant failed to provide a copy of the certificate for good cause.*~~

~~*5. If the court issues an order suspending the driver's license of the defendant pursuant to subsection 4, the court shall require the defendant to surrender to the court all driver's licenses then held by the defendant. The court shall, within 5 days after issuing the order, forward the driver's licenses and a copy of the order to the Department.*~~

~~*6. The Department shall reinstate a license suspended pursuant to subsection 4 when the defendant provides the Department with a copy of a certificate of completion.]*~~ **(Deleted by amendment.)**

Sec. 2. NRS 484.474 is hereby amended to read as follows:

484.474 1. Except as otherwise provided in subsection 7, any person who is transporting a child who is less than 6 years of age and who weighs 60 pounds or less in a motor vehicle operated in this State which is equipped to carry passengers shall secure the child in a child restraint system which:

(a) Has been approved by the United States Department of Transportation in accordance with the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. Part 571;

(b) Is appropriate for the size and weight of the child; and

(c) Is installed within and attached safely and securely to the motor vehicle:

(1) In accordance with the instructions for installation and attachment provided by the manufacturer of the child restraint system; or

(2) In another manner that is approved by the National Highway Traffic Safety Administration.

2. If a defendant pleads or is found guilty of violating the provisions of subsection 1, the court shall:

(a) ~~[In addition to any other penalty imposed by law, order the defendant to complete a program of training conducted by a person or agency approved by the Department of Public Safety in the installation and use of child restraint systems]~~ ~~[,]~~ ~~[within 60 days except that the court shall waive the requirements of this paragraph if the defendant is not a resident of the State of Nevada; and~~

~~(b) Except as otherwise provided in this paragraph, order the defendant to pay a fine of not less than $50 nor more than $500, or order the defendant to perform not less than 8 hours nor more than 50 hours of community service. The court may:~~

~~(1) For a first offense by a defendant who completes a program of training described in paragraph (a), waive any amount of the fine or any amount of the community service; and~~

~~(2) For a second or subsequent offense by a defendant who completes a program of training described in paragraph (a), waive any amount of the fine in excess of $50 or any amount of the community service in excess of 8 hours,~~

~~→ if the defendant provides the court with a copy of the certificate of completion provided by the person or representative of the agency]~~ ~~[which]~~ ~~[who provided the program of training to the defendant .]~~ ~~[certifies to the court]~~ ~~[The certificate must certify that the defendant has completed the program of training required by paragraph (a), has paid the fee, if any, established for the program pursuant to subsection 4 and has presented for inspection by the person or agency an installed child restraint system that satisfies the provisions of subsection 1. The provisions of this paragraph do not authorize the waiver of any fee established by a person or agency pursuant to subsection 4.]~~ ***For a first offense, order the defendant to pay a fine of not less than $100 nor more than $500 or order the defendant to perform not less than 10 hours nor more than 50 hours of community service;***

(b) For a second offense, order the defendant to pay a fine of not less than $500 nor more than $1000 or order the defendant to perform not less than 50 hours nor more than 100 hours of community service; and

(c) For a third or subsequent offense, suspend the driver's license of the defendant for not less than 30 days nor more than 180 days.

3. ~~[The]~~ ***At the time of sentencing, the*** court shall ~~[make available]~~ ***provide the defendant with*** a list of persons and agencies approved by the

Department of Public Safety to conduct programs of training and perform inspections of child restraint systems. The list must include, without limitation, an indication of the fee, if any, established by the person or agency pursuant to subsection 4. ***If, within 60 days after sentencing, a defendant provides the court with proof of satisfactory completion of a program of training provided for in this subsection, the court shall:***

(a) If the defendant was sentenced pursuant to paragraph (a) of subsection 2, waive the fine or community service previously imposed; or

(b) If the defendant was sentenced pursuant to paragraph (b) of subsection 2, reduce by one-half the fine or community service previously imposed.

4. A person or agency approved by the Department of Public Safety to conduct programs of training and perform inspections of child restraint systems may, in cooperation with the Department, establish a fee to be paid by defendants who are ordered to complete a program of training. The amount of the fee, if any:

(a) Must be reasonable; ~~[not exceed the actual operating costs associated with providing the program of training;]~~ and

(b) May, if a defendant desires to acquire a child restraint system from such a person or agency, include the cost of a child restraint system provided by the person or agency to the defendant.

➥ A program of training may not be operated for profit.

5. For the purposes of NRS 483.473, a violation of this section is not a moving traffic violation.

6. A violation of this section may not be considered:

(a) Negligence in any civil action; or

(b) Negligence or reckless driving for the purposes of NRS 484.377.

7. This section does not apply:

(a) To a person who is transporting a child in a means of public transportation, including a taxi, school bus or emergency vehicle.

(b) When a physician determines that the use of such a child restraint system for the particular child would be impractical or dangerous because of such factors as the child's weight, physical unfitness or medical condition. In this case, the person transporting the child shall carry in the vehicle the signed statement of the physician to that effect.

8. As used in this section, "child restraint system" means any device that is designed for use in a motor vehicle to restrain, seat or position children. The term includes, without limitation:

(a) Booster seats and belt-positioning seats that are designed to elevate or otherwise position a child so as to allow the child to be secured with a safety belt;

(b) Integrated child seats; and

(c) Safety belts that are designed specifically to be adjusted to accommodate children.

Assemblyman Manendo moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 122.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 386.

AN ACT relating to counties; revising the provisions governing systems used for reporting emergencies in certain counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, counties whose population is 20,000 or more but less than 400,000 (currently Washoe, Elko, Douglas, Nye, Lyon and Churchill Counties and Carson City) may impose a surcharge to enhance the telephone system for reporting an emergency in the county so that the number and address from which a call received by the system is made may be determined. The proceeds of the surcharge are required to be deposited in a special revenue fund of the county and may only be used to enhance the telephone system. (NRS 244A.7643, 244A.7645) Sections 1 and 2 of this bill expand the authority to impose such a surcharge to counties whose population is less than 20,000 (currently Humboldt, White Pine, Pershing, Lander, Mineral, Lincoln, Storey, Eureka and Esmeralda Counties). Sections 1 and 2 also allow counties that impose such a surcharge, other than a county whose population is 100,000 or more **but less than 400,000** (currently Washoe County), to spend the proceeds of the surcharge for the additional purpose of improving the telephone system for reporting an emergency in the county . ~~[and any related communications system, which may include purchasing, leasing or renting the equipment and software necessary to ensure the interoperability of the communications system among emergency response agencies.]~~

Existing law authorizes local governments to impose certain fees on public utilities, including persons and local governments that sell or resell personal wireless services, for a business license, franchise or right-of-way, which are deposited in the general fund of the local government. (NRS 354.59881-354.59889) Under existing law, if a surcharge to enhance the telephone system for reporting an emergency is imposed in a county whose population is less than 100,000 and the governing body of the county or a city within the county also imposes a fee for a business license on a provider of personal wireless service, the money generated by the fee is required to be deposited into the same special revenue fund in which the proceeds of the surcharge are deposited. (NRS 244A.7645, 244A.76455) Section ~~[3]~~ **4** of this bill eliminates the requirement that these fees be deposited in the special revenue fund; therefore, such fees will be deposited in the county general fund in the

same manner as before the enactment of the ordinance imposing the surcharge.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 244A.7643 is hereby amended to read as follows:

244A.7643 1. Except as otherwise provided in this section, the board of county commissioners in a county whose population is ~~[20,000]~~ ***100,000*** or more but less than 400,000 may ~~[,]~~ by ordinance, ***for the enhancement of the telephone system for reporting an emergency in the county,*** impose a surcharge on:

(a) Each access line or trunk line of each customer to the local exchange of any ~~[telephone company]~~ ***telecommunications provider*** providing those lines in the county; and

(b) The mobile telephone service provided to each customer of that service whose place of primary use is in the county . ~~[,~~

~~➥ for the enhancement of the telephone system for reporting an emergency in the county.]~~

2. ***Except as otherwise provided in this section, the board of county commissioners in a county whose population is less than 100,000 may by ordinance, for the enhancement or improvement of the telephone*** ~~[and communications]~~ ***system for reporting an emergency in the county, impose a surcharge on:***

(a) Each access line or trunk line of each customer to the local exchange of any ~~[telephone company]~~ ***telecommunications provider providing those lines in the county; and***

(b) The mobile telephone service provided to each customer of that service whose place of primary use is in the county.

3. The board of county commissioners of a county whose population is less than 100,000 may not impose a surcharge pursuant to this section unless the board first adopts a 5-year master plan for the enhancement ***or improvement*** of the telephone ~~[and communications]~~ system for reporting emergencies in the county. The master plan must include an estimate of the cost of the enhancement ***or improvement*** of the telephone ~~[and communications]~~ system and all proposed sources of money for funding the enhancement ~~[.~~

~~3.]~~ ***or improvement.***

4. The surcharge imposed by a board of county commissioners pursuant to this section:

(a) For each access line to the local exchange of a ~~[telephone company,]~~ ***telecommunications provider,*** must not exceed 25 cents each month;

(b) For each trunk line to the local exchange of a ~~[telephone company,]~~ ***telecommunications provider,*** must equal 10 times the amount of the surcharge imposed for each access line to the local exchange of a ~~[telephone company]~~ ***telecommunications provider*** pursuant to paragraph (a); and

(c) For each telephone number assigned to a customer by a supplier of mobile telephone service, must equal the amount of the surcharge imposed for each access line to the local exchange of a ~~[telephone company]~~ ***telecommunications provider*** pursuant to paragraph (a).

~~[4.]~~ ***5.*** A ~~[telephone company]~~ ***telecommunications provider*** which provides access lines or trunk lines in a county which imposes a surcharge pursuant to this section or a supplier which provides mobile telephone service to a customer in such a county shall collect the surcharge from its customers each month. Except as otherwise provided in NRS 244A.7647, the ~~[telephone company]~~ ***telecommunications provider*** or supplier shall remit the surcharge it collects to the treasurer of the county in which the surcharge is imposed not later than the 15th day of the month after the month it receives payment of the surcharge from its customers.

~~[5.]~~ ***6.*** An ordinance adopted pursuant to subsection 1 ***or 2*** may include a schedule of penalties for the delinquent payment of amounts due from ~~[telephone companies]~~ ***telecommunications providers*** or suppliers pursuant to this section. Such a schedule:

(a) Must provide for a grace period of not less than 90 days after the date on which the ~~[telephone company]~~ ***telecommunications provider*** or supplier must otherwise remit the surcharge to the county treasurer; and

(b) Must not provide for a penalty that exceeds 5 percent of the cumulative amount of surcharges owed by a ~~[telephone company]~~ ***telecommunications provider*** or a supplier.

~~[6.]~~ ***7.*** As used in this section, "trunk line" means a line which provides a channel between a switchboard owned by a customer of a ~~[telephone company]~~ ***telecommunications provider*** and the local exchange of the ~~[telephone company.]~~ ***telecommunications provider.***

Sec. 2. NRS 244A.7645 is hereby amended to read as follows:

244A.7645 ***1.*** If a surcharge is imposed ~~[in a county]~~ pursuant to NRS 244A.7643 ~~[,]~~ ***in a county whose population is 100,000 or more but less than 400,000,*** the board of county commissioners of that county shall ~~[:~~

~~1. Establish,]~~ ***establish*** by ordinance ~~[,]~~ an advisory committee to develop a plan to enhance the telephone system for reporting an emergency in that county and to oversee any money allocated for that purpose. The advisory committee must consist of not less than five members who:

(a) Are residents of the county;

(b) Possess knowledge concerning telephone systems for reporting emergencies; and

(c) Are not elected public officers.

~~[2. If the county in which the]~~

2. If a surcharge is ~~[being]~~ imposed pursuant to NRS 244A.7643 ~~[has a population of]~~ ***in a county whose population is*** less than 100,000, the ***board of county commissioners of that county shall establish by ordinance an advisory committee to develop a plan to enhance or improve the telephone*** ~~[and communications]~~ ***system for reporting an emergency in that county***

and to oversee any money allocated for that purpose. The advisory committee must ~~[include]~~ ***:***

(a) Consist of not less than five members who:

(1) Are residents of the county;

(2) Possess knowledge concerning telephone ~~[and communications]~~ ***systems for reporting emergencies; and***

(3) Are not elected public officers; and

(b) Include a representative of an incumbent local exchange carrier which provides service to persons in that county. As used in this ~~[subsection,]~~ ***paragraph,*** "incumbent local exchange carrier" has the meaning ascribed to it in 47 U.S.C. § 251(h)(1), as that section existed on October 1, 1999, and includes a local exchange carrier that is treated as an incumbent local exchange carrier pursuant to that section.

~~[2. Create]~~

3. If a surcharge is imposed in a county pursuant to NRS 244A.7643, the board of county commissioners of that county shall create a special revenue fund of the county for the deposit of the money collected pursuant to NRS 244A.7643. The money in the fund must be used only ~~[to]~~ ***:***

(a) To enhance the telephone system for reporting an emergency so that the number and address from which a call received by the system is made may be determined, including only:

~~[(a)]~~ ***(1)*** Paying recurring and nonrecurring charges for telecommunication services necessary for the operation of the enhanced telephone system;

~~[(b)]~~ ***(2)*** Paying costs for personnel and training associated with the routine maintenance and updating of the database for the system;

~~[(c)]~~ ***(3)*** Purchasing, leasing or renting the equipment and software necessary to operate the enhanced telephone system; and

~~[(d)]~~ ***(4)*** Paying costs associated with any maintenance, upgrade and replacement of equipment and software necessary for the operation of the enhanced telephone system.

~~[3.]~~ ***(b) In a county whose population is less than 100,000, to improve the telephone*** ~~[and communications]~~ ***system for reporting an emergency in the county .*** ~~[, including, without limitation, purchasing, leasing or renting the equipment and software necessary to ensure the interoperability of the system for communication among emergency response agencies, including, without limitation, local police and fire departments.]~~

4. If the balance in the fund created pursuant to subsection ~~[2]~~ ***3*** which has not been committed for expenditure exceeds $500,000 at the end of any fiscal year, ***the board of county commissioners shall*** reduce the amount of the surcharge imposed during the next fiscal year by the amount necessary to ensure that the unencumbered balance in the fund at the end of the next fiscal year does not exceed $500,000.

Sec. 3. **NRS 244A.7647 is hereby amended to read as follows:**

244A.7647 A ~~[telephone company]~~ ***telecommunications provider*** or supplier which collects the surcharge imposed pursuant to NRS 244A.7643 is

entitled to retain an amount of the surcharge collected which is equal to the cost to collect the surcharge.

~~[Sec. 3.]~~ ***Sec. 4.*** NRS 244A.76455 is hereby repealed.

~~[Sec. 4.]~~ ***Sec. 5.*** This act becomes effective on July 1, 2007.

TEXT OF REPEALED SECTION

244A.76455 Requiring deposit of business license fees imposed in county whose population is less than 100,000 on providers of personal wireless service into special revenue fund; exceptions.

1. If the board of county commissioners of a county whose population is less than 100,000 imposes a surcharge pursuant to NRS 244A.7643 and:

(a) The board also imposes a fee on a provider of personal wireless service and the fee is a fee for a business license which is regulated pursuant to NRS 354.59881 to 354.59889, inclusive, the county treasurer shall, except as otherwise provided in this section, deposit the money generated from that fee, including any penalty and interest assessed pursuant to NRS 354.59887, into the special revenue fund.

(b) A city located within the county imposes a fee on a provider of personal wireless service and the fee is a fee for a business license which is regulated pursuant to NRS 354.59881 to 354.59889, inclusive, the governing body of the city shall transfer the money generated from that fee, including any penalty and interest assessed pursuant to NRS 354.59887, to the county treasurer for deposit into the special revenue fund.

2. A county treasurer shall not deposit any money into the special revenue fund pursuant to this section if the deposit of the money would cause the unencumbered balance in the special revenue fund to exceed the maximum allowable balance for the special revenue fund set forth in NRS 244A.7645.

3. If the governing body of a city transfers to the county treasurer for deposit into the special revenue fund pursuant to this section money generated from fees for business licenses which fees are regulated by NRS 354.59881 to 354.59889, inclusive, and the deposit of that money into the special revenue fund would cause the unencumbered balance of the special revenue fund to exceed the maximum allowable balance for the special revenue fund set forth in NRS 244A.7645, the county treasurer shall refund to the governing body of the city that amount of such money which, if so deposited, would cause the unencumbered balance of the special revenue fund to exceed its maximum allowable balance.

4. As used in this section:

(a) "Personal wireless service" has the meaning ascribed to it in NRS 354.598816.

(b) "Special revenue fund" means the special revenue fund created pursuant to NRS 244A.7645.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 141.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 450.

AN ACT relating to motor vehicles; providing for the inspection and forfeiture of certain seized vehicles or parts which have altered or missing identification numbers or marks; prohibiting the disclosure of certain information related to the investigation of such a vehicle or part; prohibiting a vehicle dealer, garage owner and certain other businesses from possessing a vehicle or part which has a missing or altered identification number or mark; revising the penalty for possessing such a vehicle or part; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 7 of this bill ~~[requires]~~ **prohibits** vehicle dealers, garagemen, automobile wreckers, operators of salvage pools or body shops or the employees of any such establishment ~~[to inspect vehicles or parts from vehicles that come into their possession in the ordinary course of business to ensure that the required]~~ **from taking possession of a motor vehicle or part from a motor vehicle which he knows to have** identification numbers or marks ~~[have not]~~ **that have** been falsely attached, removed, defaced, altered or obliterated. A person who violates ~~[the requirements of]~~ this provision is guilty of a category D felony.

Section 8 of this bill requires vehicle dealers, garagemen, automobile wreckers, operators of salvage pools or body shops, tow car operators and certain other businesses or the employees of any such establishment who discover during the course of business that a motor vehicle or part from a motor vehicle has an identification number or mark that has been falsely attached, removed, defaced, altered or obliterated to ~~[immediately]~~ notify law enforcement **within 24 hours after discovery** and makes failure to notify a misdemeanor.

Section 9 of this bill prohibits a person from disclosing in open court or in discoverable documents the confidential investigative techniques or the location of confidential identifying numbers or marks used by law enforcement with regard to stolen vehicles or parts.

Section 12 of this bill requires law enforcement or an employee of the Department of Motor Vehicles to inspect vehicles or parts from vehicles seized by law enforcement to determine if a required identification number or mark has been falsely attached, removed, defaced, altered or obliterated. This section authorizes the forfeiture of the vehicle if the identification number or

mark has been falsely attached, removed, defaced, altered or obliterated and there is no satisfactory evidence of ownership of the vehicle or part.

Existing law prohibits a person from knowingly possessing with the intent to sell, transfer, import or export more than one motor vehicle or parts from more than one motor vehicle that have an identification number or mark that is defaced, destroyed or altered. (NRS 482.551) Section 15 of this bill: (1) deletes the intent requirement; (2) deletes the requirement that there must be more than one motor vehicle; and (3) changes the penalty from a category D felony to a gross misdemeanor.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. ***As used in NRS 482.544 to 482.554, inclusive, and sections 2 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 484.544 and sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Automobile wrecker" means a person who obtains a license pursuant to NRS 487.050 to dismantle, scrap, process or wreck a vehicle.***

Sec. 4. ***"Body shop" has the meaning ascribed to it in NRS 487.600.***

Sec. 5. ***"Garageman" has the meaning ascribed to it in NRS 487.545.***

Sec. 6. ***"Salvage pool" has the meaning ascribed to it in subsection 2 of NRS 487.400.***

Sec. 7. ~~[1. Before a vehicle dealer or employee of a vehicle dealer takes possession of a vehicle pursuant to an agreement to purchase or exchange a motor vehicle or part from a motor vehicle, the vehicle dealer or employee shall inspect or cause the vehicle to be inspected to ensure that any required identification number or mark on the vehicle or part from the vehicle has not been falsely attached, removed, defaced, altered or obliterated.~~

~~2. Before a garageman, employee of a garageman, owner or employee of an automobile wrecker, or operator of a salvage pool or body shop takes possession of a motor vehicle or part from a motor vehicle to perform any work on the motor vehicle or part from the motor vehicle or otherwise takes possession of a motor vehicle or part from a motor vehicle in the ordinary course of business, he shall inspect or cause the motor vehicle or part from the motor vehicle to be inspected to ensure that any required identification number or mark has not been falsely attached, removed, defaced, altered or obliterated.~~

~~3.~~] ***A vehicle dealer, employee of a vehicle dealer, garageman, employee of a garageman, owner or employee of an automobile wrecker, or operator of a salvage pool or body shop who*** ~~[violates the provisions of this section or who otherwise knowingly possesses]~~ ***takes possession of a motor vehicle or part from a motor vehicle*** ~~[which has]~~ ***knowing that an***

identification number or mark ~~[which]~~ ***has been falsely attached, removed, defaced, altered or obliterated, unless the motor vehicle or part has an identification number attached to it which has been assigned or approved by the Department in lieu of the original identification number or mark, is guilty of a category D felony and shall be punished as provided in NRS 193.130.*** ~~[, and may be further punished by a fine of not more than $30,000.]~~

Sec. 8. ***1. A vehicle dealer, garageman, automobile wrecker, operator of a salvage pool or body shop, tow car operator, any other business subject to inspection pursuant to NRS 480.610 and the employee of any such establishment who discovers during the course of business that a motor vehicle or part from a motor vehicle has an identification number or mark that has been falsely attached, removed, defaced, altered or obliterated shall*** ~~[immediately]~~ ***notify the Department or a local law enforcement agency*** ~~[.]~~ ***within 24 hours after discovery.***

2. A person who fails to provide ~~[immediate]~~ ***notification pursuant to subsection 1 is guilty of a misdemeanor.***

Sec. 9. ***1. Except as otherwise provided in this section, a person shall not disclose during any court proceeding or in any written document produced pursuant to a request for discovery of documents in any action involving the theft of a motor vehicle or part from a motor vehicle the identification of any confidential investigative technique or the location of any confidential identifying number or mark used by a law enforcement agency or the Department to identify a motor vehicle or part from a motor vehicle.***

2. Upon request of a party to the action, the court may review confidential techniques and information related to the location of confidential identifying numbers or marks in camera to determine whether disclosure of such information is necessary to determine the issue before the court and may make any orders that justice may require.

Sec. 10. NRS 482.290 is hereby amended to read as follows:

482.290 1. The Department is authorized to assign a distinguishing number to any motor vehicle or trailer whenever the vehicle identification number thereon has been ~~[destroyed]~~ ***falsely attached, removed, defaced, altered*** or obliterated, and any motor vehicle or trailer to which there is assigned a distinguishing number as authorized in this section shall be registered under such distinguishing number.

2. The Department shall collect a fee of $2 for the assignment and recording of each such vehicle identification number and for the assignment of distinguishing numbers pursuant to NRS 482.553.

3. The number by which a motor vehicle or trailer is registered shall be permanently stamped or attached to the vehicle. ~~[Willful defacement, alteration, substitution, or removal]~~ ***False attachment or willful removal, defacement, alteration or obliteration*** of such a number with intent to defraud ~~[shall be]~~ ***is*** a gross misdemeanor.

Sec. 11. NRS 482.3175 is hereby amended to read as follows:

482.3175 1. The Department may refuse to issue or suspend or revoke a license as a vehicle transporter upon any of the following grounds:

(a) Conviction of a felony in the State of Nevada or any other state, territory or nation.

(b) Material misstatement in the application for a license.

(c) Evidence of unfitness of the applicant or licensee.

(d) Willful failure to comply with the provisions of this chapter or the regulations adopted pursuant thereto, or any law relating to the operation of a motor vehicle.

(e) Failure or refusal to furnish and keep in force any bond.

(f) Failure of the licensee to maintain any other license required by any political subdivision of this State.

(g) Knowingly having possession of a stolen motor vehicle or a motor vehicle with a ~~[defaced, altered or obliterated]~~ manufacturer's identification number or other distinguishing number or identification mark ~~[.]~~ ***which has been falsely attached, removed, defaced, altered or obliterated.***

(h) Loaning or permitting the improper use of any special license plate assigned to him.

2. Any person whose application is denied or license is suspended or revoked pursuant to this section is entitled to a hearing as provided in NRS 482.353.

Sec. 12. NRS 482.540 is hereby amended to read as follows:

482.540 1. Any police officer, without a warrant, may seize and take possession of any vehicle:

(a) Which is being operated with improper registration;

(b) Which the officer has probable cause to believe has been stolen;

(c) On which any motor number, manufacturer's number or identification mark has been falsely attached, ***removed,*** defaced, altered or obliterated; or

(d) Which contains a part on which was placed or stamped by the manufacturer pursuant to federal law or regulation an identification number or other distinguishing number or mark that has been falsely attached, ***removed,*** defaced, altered or obliterated.

2. ***A law enforcement agency or an employee of the Department whose primary responsibility is to conduct investigations involving the theft of motor vehicles shall inspect any vehicle seized pursuant to paragraph (c) or (d) of subsection 1 to determine whether the number or mark in question on the vehicle or part from the vehicle has been falsely attached, removed, defaced, altered or obliterated and whether any person has presented satisfactory evidence of ownership of the vehicle. The agency or employee shall prepare a written report which sets forth the results of the inspection within 30 days after the vehicle is seized.***

3. If the results of the report conclude that the number or mark in question has been falsely attached, removed, defaced, altered or obliterated and that there is no satisfactory evidence of ownership, the court shall

declare the vehicle forfeited and proceed in the manner set forth in NRS 482.542.

4. A person must not be charged with any criminal act which caused a motor vehicle to be seized pursuant to paragraph (c) or (d) of subsection 1 until the report is completed pursuant to subsection 2.

5. As used in this section, "police officer" means:

(a) Any peace officer of the Department;

(b) Sheriffs of counties and ***officers*** of metropolitan police departments and their deputies; and

(c) Marshals and policemen of cities and towns.

Sec. 13. NRS 482.544 is hereby amended to read as follows:

482.544 ~~[As used in NRS 482.544 to 482.554, inclusive, unless the context otherwise requires, "identification"]~~ ***"Identification*** number or mark" means:

1. The motor number, other distinguishing number or identification mark of a vehicle required or employed for purposes of registration; or

2. The identification number or other distinguishing number or identification mark of a vehicle or part of a motor vehicle that was placed or stamped on that vehicle or part by the manufacturer pursuant to federal law or regulations.

Sec. 14. NRS 482.545 is hereby amended to read as follows:

482.545 It is unlawful for any person to commit any of the following acts:

1. To operate, or for the owner thereof knowingly to permit the operation of, upon a highway any motor vehicle, trailer or semitrailer which is not registered or which does not have attached thereto and displayed thereon the number of plate or plates assigned thereto by the Department for the current period of registration or calendar year, subject to the exemption allowed in NRS 482.316 to 482.3175, inclusive, 482.320 to 482.363, inclusive, 482.385 to 482.3965, inclusive, and 482.420.

2. To display, cause or permit to be displayed or to have in possession any certificate of registration, license plate, certificate of title or other document of title knowing it to be fictitious or to have been cancelled, revoked, suspended or altered.

3. To lend to **,** or knowingly permit the use of by **,** one not entitled thereto any registration card or plate issued to the person so lending or permitting the use thereof.

4. To fail or to refuse to surrender to the Department, upon demand, any registration card or plate which has been suspended, cancelled or revoked as provided in this chapter.

5. To use a false or fictitious name or address in any application for the registration of any vehicle or for any renewal or duplicate thereof, or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in an application. A violation of this subsection is a gross misdemeanor.

6. Knowingly to operate a vehicle which:

(a) Has an ~~[altered]~~ identification number or mark ~~[; or]~~ ***which has been falsely attached, removed, defaced, altered or obliterated; or***

(b) Contains a part which has an ~~[altered]~~ identification number or mark ~~[.]~~ ***which has been falsely attached, removed, defaced, altered or obliterated.***

Sec. 15. NRS 482.551 is hereby amended to read as follows:

482.551 1. Except as otherwise provided in ~~[subsections 3 and 4,]~~ ***subsection 3,*** a person who knowingly:

(a) Buys with the intent to resell;

(b) Disposes of;

(c) Sells; or

(d) Transfers,

➥ ~~[more than one]~~ ***a*** motor vehicle or ~~[parts from more than one]~~ ***part from a*** motor vehicle that ~~[have]~~ ***has*** an identification number or mark that ~~[is]~~ ***has been falsely attached, removed,*** defaced, ~~[destroyed or]~~ altered ***or obliterated*** to misrepresent the identity or to prevent the identification of the motor ~~[vehicles or parts of the motor vehicles,]~~ ***vehicle or part from a motor vehicle*** is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $60,000, or by both fine and imprisonment.

2. Except as otherwise provided in ~~[subsections 3 and 4,]~~ ***subsection 3 and section 7 of this act, or if a greater penalty is otherwise provided by law,*** a person who ~~[knowingly possesses]~~ ~~[with the intent to sell, transfer, import or export more than one]~~ ***takes possession of a*** motor vehicle or ~~[parts from more than one]~~ ***part from a*** motor vehicle ***knowing*** that ~~[have]~~ ~~[has]~~ an identification number or mark ~~[that]~~ ~~[is]~~ ***has been falsely attached, removed,*** defaced, ~~[destroyed or altered to misrepresent the identity or prevent the identification of the motor vehicles or parts of the motor vehicles, is guilty of a category D felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than $30,000.~~

~~3. The provisions of this section do not apply to a licensed automobile wrecker or salvage pool that in the normal, legal course of business and in good faith, processes a motor vehicle or part of a motor vehicle by crushing, compacting or using other similar methods to process the motor vehicle or part if:~~

~~(a) The identification number or mark of the motor vehicle or part of the motor vehicle was not defaced, destroyed or altered before the processing; or~~

~~(b) The motor vehicle or part of the motor vehicle was obtained from a person described in subsection 4.~~

~~4.]~~ ***altered or obliterated is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 1 year, or by a fine of not more than $10,000, or by both fine and imprisonment.***

3. The provisions of this section do not apply to an owner of or person authorized to possess a motor vehicle or part of a motor vehicle:

(a) If the motor vehicle or part of the motor vehicle was recovered by a law enforcement agency after having been stolen; ~~[or]~~

(b) If the condition of the identification number or mark of the motor vehicle or part of the motor vehicle is known to, or has been reported to, a law enforcement agency ~~[.~~

~~5. For the purposes of this section:~~

~~(a) "Automobile wrecker" means a person who obtains a license pursuant to NRS 487.050 to dismantle, scrap, process or wreck a vehicle.~~

~~(b) "Salvage pool" has the meaning ascribed to it in subsection 2 of NRS 487.400.]~~ ***; or***

(c) If the motor vehicle or part from the motor vehicle has an identification number attached to it which has been assigned or approved by the Department in lieu of the original identification number or mark.

Sec. 16. NRS 482.553 is hereby amended to read as follows:

482.553 1. A person shall not intentionally ***remove,*** deface, ~~[destroy or]~~ alter ***or obliterate*** the identification number or mark of a vehicle or part ~~[of]~~ ***from*** a motor vehicle without written authorization from the Department, nor shall any person ***attach to or*** place or stamp ***upon a vehicle or the parts thereof*** any serial, motor or other number or mark ~~[upon a vehicle or the parts thereof]~~ except one assigned thereto by the Department.

2. This section does not prohibit the restoration by an owner of the original vehicle identification number or mark when the restoration is authorized by the Department, nor prevent any manufacturer from placing in the ordinary course of business numbers or marks upon new motor vehicles or new parts thereof.

3. The Department shall assign serial numbers to all homemade vehicles, and the serial numbers must be placed:

(a) If an open trailer, on the left-hand side of the tongue of the trailer.

(b) If an enclosed vehicle, on the pillar post for the left-hand door hinge ~~[,]~~ or **,** if such placement is not appropriate, then on the left-hand side of the fire wall, under the hood.

4. Any person who violates a provision of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than $25,000.

Assemblyman Manendo moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 193.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 361.

AN ACT relating to crimes; establishing the requirements for determining whether a person is insane for purposes of the plea of not guilty by reason of insanity and for the insanity defense; authorizing a plea and verdict of guilty but mentally ill under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In 1995, the Legislature enacted Senate Bill No. 314 which abolished the insanity defense in criminal cases and instead authorized a plea of guilty but mentally ill. In 2001, the Nevada Supreme Court interpreted the provisions of Senate Bill No. 314 and ruled that the federal and state constitutions require the State to provide to criminal defendants the option of raising an insanity defense for crimes that require an element of intent. (*Finger v. State*, 117 Nev. 548 (2001)) Based on this reasoning and because the Court did not believe that the Legislature would wish to preserve the plea of guilty but mentally ill under these circumstances, the Court struck Senate Bill No. 314 in its entirety and reinstated the insanity defense as it existed before Senate Bill No. 314. (*Finger***,** 117 Nev. at 575) In response to *Finger***,** the Legislature enacted legislation in 2003, Assembly Bill No. 156, which statutorily abolished the plea of guilty but mentally ill and reinstated the insanity defense.

Section 4 of this bill reinstates the plea of guilty but mentally ill as an additional plea. Section 4 also provides that a defendant who pleads guilty but mentally ill bears the burden of establishing his mental illness by a preponderance of the evidence and that generally such a defendant is subject to the same penalties and procedures as a defendant who pleads guilty. (NRS 174.035)

Section 10 of this bill authorizes the verdict of guilty but mentally ill. Specifically, section 10 authorizes a judge or jury to find a defendant guilty but mentally ill if the judge or jury finds that the defendant: (1) is guilty of the offense; (2) has established that he was mentally ill at the time the offense was committed; and (3) has not established that he was insane for purposes of the defense of insanity. Generally, a defendant who is found guilty but mentally ill is subject to the same penalties and procedures as a defendant who is found guilty.

Section 17 of this bill provides the types of sentences a court may impose upon a defendant who pleads or is found guilty but mentally ill. Regardless of whether a defendant is mentally ill at the time of sentencing, the court is required to impose any sentence available to the court for a defendant who pleads or is found guilty of the same offense. However, if the defendant is mentally ill at the time of sentencing **[**,**]** **and the sentence includes a term of confinement,** the court is also required, under certain circumstances, to direct the Department of Corrections to provide to the defendant such treatment as is ~~[available]~~ **medically indicated** for his mental illness during his confinement . ~~[or probation.]~~ This bill contains many of the same provisions that were included in Senate Bill No. 314 of the 1995 Legislative

Session, as well as many new sections that were included to provide for the plea and verdict of guilty but mentally ill.

Under existing case law in Nevada, a defendant in a criminal case who asserts the insanity defense must prove ~~[:]~~ **that he was in a delusional state at the time of the alleged crime and due to that delusional state, he either:** (1) ~~[his insanity at the time of the alleged crime by proving that he]~~ did not understand the nature or ~~[quality]~~ **capacity** of his act ; or ~~[understand]~~ **(2) did not appreciate** that his act was wrong, meaning that the act is not authorized by law . ~~[; and (2) that if the facts, as believed by the defendant at the time of the offense, were true, the facts would justify the commission of the offense.]~~ (*Finger*, 117 Nev. at 576) This standard for establishing insanity is commonly referred to as the "M'Naghten Rule." The Nevada Supreme Court has recognized that the Legislature may determine that legal insanity be proven by the defendant by any one of the established standards, including by the M'Naghten Rule. (*Finger***,** 117 Nev. at 575) Section 4 of this bill codifies the M'Naghten Rule, as stated above, as the standard for establishing insanity for purposes of the insanity defense. (NRS 174.035)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 169.195 is hereby amended to read as follows:

169.195 1. "Trial" means that portion of a criminal action which:

(a) If a jury is used, begins with the impaneling of the jury and ends with the return of the verdict, both inclusive.

(b) If no jury is used, begins with the opening statement, or if there is no opening statement, when the first witness is sworn, and ends with the closing argument or upon submission of the cause to the court without argument, both inclusive.

2. "Trial" does not include any proceeding had upon a plea of guilty ***or guilty but mentally ill*** to determine the degree of guilt or to fix the punishment.

Sec. 2. NRS 173.035 is hereby amended to read as follows:

173.035 1. An information may be filed against any person for any offense when the person:

(a) Has had a preliminary examination as provided by law before a justice of the peace, or other examining officer or magistrate, and has been bound over to appear at the court having jurisdiction; or

(b) Has waived his right to a preliminary examination.

2. If, however, upon the preliminary examination the accused has been discharged, or the affidavit or complaint upon which the examination has been held has not been delivered to the clerk of the proper court, the Attorney General when acting pursuant to a specific statute or the district attorney may, upon affidavit of any person who has knowledge of the commission of an offense, and who is a competent witness to testify in the case, setting forth the offense and the name of the person or persons charged with the

commission thereof, upon being furnished with the names of the witnesses for the prosecution, by leave of the court first had, file an information, and process must forthwith be issued thereon. The affidavit need not be filed in cases where the defendant has waived a preliminary examination, or upon a preliminary examination has been bound over to appear at the court having jurisdiction.

3. The information must be filed within 15 days after the holding or waiver of the preliminary examination. Each information must set forth the crime committed according to the facts.

4. If, with the consent of the prosecuting attorney, a defendant waives his right to a preliminary examination in accordance with an agreement by the defendant to plead guilty ***, guilty but mentally ill*** or nolo contendere to a lesser charge or ***to*** at least one ***,*** but not all, of the initial charges, the information filed against the defendant pursuant to this section may contain only the offense or offenses to which the defendant has agreed to enter a plea of guilty ***, guilty but mentally ill*** or nolo contendere. If, for any reason, the agreement is rejected by the district court or withdrawn by the defendant, the prosecuting attorney may file an amended information charging all of the offenses which were in the criminal complaint upon which the preliminary examination was waived. The defendant must then be arraigned in accordance with the amended information.

Sec. 3. NRS 173.125 is hereby amended to read as follows:

173.125 The prosecution is not required to elect between the different offenses or counts set forth in the indictment or information, and a plea of guilty ***or guilty but mentally ill*** to one or more offenses charged in the indictment or information does not preclude prosecution for the other offenses.

Sec. 4. NRS 174.035 is hereby amended to read as follows:

174.035 1. A defendant may plead not guilty, guilty ***, guilty but mentally ill*** or, with the consent of the court, nolo contendere. The court may refuse to accept a plea of guilty ~~[.]~~ ***or guilty but mentally ill.***

2. If a plea of guilty ***or guilty but mentally ill*** is made in a written plea agreement, the agreement must be in substantially the form prescribed in NRS 174.063. If a plea of guilty ***or guilty but mentally ill*** is made orally, the court shall not accept such a plea or a plea of nolo contendere without first addressing the defendant personally and determining that the plea is made voluntarily with understanding of the nature of the charge and consequences of the plea.

3. With the consent of the court and the district attorney, a defendant may enter a conditional plea of guilty ***, guilty but mentally ill*** or nolo contendere, reserving in writing the right, on appeal from the judgment, to a review of the adverse determination of any specified pretrial motion. A defendant who prevails on appeal must be allowed to withdraw the plea.

4. ***A plea of guilty but mentally ill must be entered not less than 21 days before the date set for trial. A defendant who has entered a plea of guilty***

but mentally ill has the burden of establishing his mental illness by a preponderance of the evidence. Except as otherwise provided by specific statute, a defendant who enters such a plea is subject to the same criminal, civil and administrative penalties and procedures as a defendant who pleads guilty.

5. The defendant may, in the alternative or in addition to any one of the pleas permitted by subsection 1, plead not guilty by reason of insanity. A plea of not guilty by reason of insanity must be entered not less than 21 days before the date set for trial. A defendant who has not so pleaded may offer the defense of insanity during trial upon good cause shown. Under such a plea or defense, the burden of proof is upon the defendant to establish [~~his insanity~~] by a preponderance of the evidence [~~.~~

~~5.~~] ***that:***

(a) Due to [~~his insanity, he could not understand~~] ***a disease or defect of the mind, he was in a delusional state at the time of the alleged offense; and***

(b) Due to the delusional state, he either did not:

(1) Know or understand the nature and [~~consequences~~] ***capacity of his*** [~~conduct~~] ***act; or***

(2) Appreciate that his conduct was wrong, meaning not authorized by law. [~~; and~~

~~(b) If the facts, as believed by the defendant at the time of the offense, were true, the facts would justify the commission of the offense.~~]

6. If a defendant refuses to plead or if the court refuses to accept a plea of guilty ***or guilty but mentally ill*** or if a defendant corporation fails to appear, the court shall enter a plea of not guilty.

[~~6.~~] ***7.*** A defendant may not enter a plea of guilty ***or guilty but mentally ill*** pursuant to a plea bargain for an offense punishable as a felony for which:

(a) Probation is not allowed; or

(b) The maximum prison sentence is more than 10 years,

➥ unless the plea bargain is set forth in writing and signed by the defendant, the defendant's attorney, if he is represented by counsel, and the prosecuting attorney.

8. As used in this section, a "disease or defect of the mind" does not include a disease or defect which is caused solely by voluntary intoxication.

Sec. 5. NRS 174.055 is hereby amended to read as follows:

174.055 In [~~the~~] ***a*** justice court, if the defendant pleads guilty [~~,~~] ***or guilty but mentally ill,*** the court may, before entering such a plea or pronouncing judgment, examine witnesses to ascertain the gravity of the offense committed. If it appears to the court that a higher offense has been committed than the offense charged in the complaint, the court may order the defendant to be committed or admitted to bail or to answer any indictment that may be found against him or any information which may be filed by the district attorney.

Sec. 6. NRS 174.061 is hereby amended to read as follows:

174.061 1. If a prosecuting attorney enters into an agreement with a defendant in which the defendant agrees to testify against another defendant in exchange for a plea of guilty ***, guilty but mentally ill*** or nolo contendere to a lesser charge or for a recommendation of a reduced sentence, the agreement:

(a) Is void if the defendant's testimony is false.

(b) Must be in writing and include a statement that the agreement is void if the defendant's testimony is false.

2. A prosecuting attorney shall not enter into an agreement with a defendant which:

(a) Limits the testimony of the defendant to a predetermined formula.

(b) Is contingent on the testimony of the defendant contributing to a specified conclusion.

Sec. 7. NRS 174.063 is hereby amended to read as follows:

174.063 1. If a plea of guilty ***or guilty but mentally ill*** is made in a written plea agreement, the agreement must be substantially in the following form:

Case No. .....
Dept. No. .....

IN THE ..... JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF.....,

The State of Nevada ***,***
PLAINTIFF,
v.
(Name of defendant) ***,***
DEFENDANT.

GUILTY ***OR GUILTY BUT MENTALLY ILL*** PLEA AGREEMENT

I hereby agree to plead guilty ***or guilty but mentally ill*** to: (List charges to which defendant is pleading guilty ~~D,~~ ***or guilty but mentally ill),*** as more fully alleged in the charging document attached hereto as Exhibit 1.

My decision to plead guilty ***or guilty but mentally ill*** is based upon the plea agreement in this case which is as follows:

(State the terms of the agreement.)

CONSEQUENCES OF THE PLEA

I understand that by pleading guilty ***or guilty but mentally ill*** I admit the facts which support all the elements of the offenses to which I now plead as set forth in Exhibit 1.

I understand that as a consequence of my plea of guilty ***or guilty but mentally ill*** I may be imprisoned for a period of not more than (maximum term of imprisonment) and that I (may or will) be fined up to (maximum

amount of fine). I understand that the law requires me to pay an administrative assessment fee.

I understand that, if appropriate, I will be ordered to make restitution to the victim of the offenses to which I am pleading guilty ***or guilty but mentally ill*** and to the victim of any related offense which is being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to reimburse the State of Nevada for expenses ~~[related]~~ ***relating*** to my extradition, if any.

I understand that I (am or am not) eligible for probation for the offense to which I am pleading guilty ~~[.]~~ ***or guilty but mentally ill.*** (I understand that, except as otherwise provided by statute, the question of whether I receive probation is in the discretion of the sentencing judge, or I understand that I must serve a mandatory minimum term of (term of imprisonment) or pay a minimum mandatory fine of (amount of fine) or serve a mandatory minimum term (term of imprisonment) and pay a minimum mandatory fine of (amount of fine).)

I understand that if more than one sentence of imprisonment is imposed and I am eligible to serve the sentences concurrently, the sentencing judge has the discretion to order the sentences served concurrently or consecutively.

I understand that information regarding charges not filed, dismissed charges or charges to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

I have not been promised or guaranteed any particular sentence by anyone. I know that my sentence is to be determined by the court within the limits prescribed by statute. I understand that if my attorney or the State of Nevada or both recommend any specific punishment to the court, the court is not obligated to accept the recommendation.

I understand that the Division of Parole and Probation of the Department of Public Safety may or will prepare a report for the sentencing judge before sentencing. This report will include matters relevant to the issue of sentencing, including my criminal history. I understand that this report may contain hearsay information regarding my background and criminal history. My attorney (if represented by counsel) and I will each have the opportunity to comment on the information contained in the report at the time of sentencing.

WAIVER OF RIGHTS

By entering my plea of guilty ~~[,]~~ ***or guilty but mentally ill,*** I understand that I have waived the following rights and privileges:

1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.

2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or

retained. At trial, the State would bear the burden of proving beyond a reasonable doubt each element of the offense charged.

3. The constitutional right to confront and cross-examine any witnesses who would testify against me.

4. The constitutional right to subpoena witnesses to testify on my behalf.

5. The constitutional right to testify in my own defense.

6. The right to appeal the conviction, with the assistance of an attorney, either appointed or retained, unless the appeal is based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings and except as otherwise provided in subsection 3 of NRS 174.035.

VOLUNTARINESS OF PLEA

I have discussed the elements of all the original charges against me with my attorney (if represented by counsel) and I understand the nature of these charges against me.

I understand that the State would have to prove each element of the charge against me at trial.

I have discussed with my attorney (if represented by counsel) any possible defenses and circumstances which might be in my favor.

All of the foregoing elements, consequences, rights and waiver of rights have been thoroughly explained to me by my attorney (if represented by counsel).

I believe that pleading guilty ***or guilty but mentally ill*** and accepting this plea bargain is in my best interest and that a trial would be contrary to my best interest.

I am signing this agreement voluntarily, after consultation with my attorney (if represented by counsel) and I am not acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in this agreement.

I am not now under the influence of intoxicating liquor, a controlled substance or other drug which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea.

My attorney (if represented by counsel) has answered all my questions regarding this guilty ***or guilty but mentally ill*** plea agreement and its consequences to my satisfaction and I am satisfied with the services provided by my attorney.

Dated: This ..... day of the month of ……. of the year …….

.....

Defendant

Agreed to on this ..... day of the month of ……. of the year …….

....

Deputy District Attorney

2. If the defendant is represented by counsel, the written plea agreement must also include a certificate of counsel that is substantially in the following form:

CERTIFICATE OF COUNSEL

I, the undersigned, as the attorney for the defendant named herein and as an officer of the court hereby certify that:

1. I have fully explained to the defendant the allegations contained in the charges to which guilty ***or guilty but mentally ill*** pleas are being entered.

2. I have advised the defendant of the penalties for each charge and the restitution that the defendant may be ordered to pay.

3. All pleas of guilty ***or guilty but mentally ill*** offered by the defendant pursuant to this agreement are consistent with all the facts known to me and are made with my advice to the defendant and are in the best interest of the defendant.

4. To the best of my knowledge and belief, the defendant:

(a) Is competent and understands the charges and the consequences of pleading guilty ***or guilty but mentally ill*** as provided in this agreement.

(b) Executed this agreement and will enter all guilty ***or guilty but mentally ill*** pleas pursuant hereto voluntarily.

(c) Was not under the influence of intoxicating liquor, a controlled substance or other drug at the time of the execution of this agreement.

Dated: This ..... day of the month of ……. of the year …….

....
Attorney for defendant.

Sec. 8. NRS 174.065 is hereby amended to read as follows:

174.065 Except as otherwise provided in NRS 174.061:

1. On a plea of guilty ***or guilty but mentally ill*** to an information or indictment accusing a defendant of a crime divided into degrees, when consented to by the prosecuting attorney in open court and approved by the court, the plea may specify the degree, and in such event the defendant shall not be punished for a higher degree than that specified in the plea.

2. On a plea of guilty ***or guilty but mentally ill*** to an indictment or information for murder of the first degree, when consented to by the prosecuting attorney in open court and approved by the court, the plea may specify a punishment less than death. The specified punishment, or any lesser punishment, may be imposed by a single judge.

Sec. 9. NRS 174.075 is hereby amended to read as follows:

174.075 1. Pleadings in criminal proceedings are the indictment, the information and, in justice court, the complaint, and the pleas of guilty, ***guilty but mentally ill,*** not guilty ***, not guilty by reason of insanity*** and nolo contendere.

2. All other pleas, ~~[and]~~ demurrers and motions to quash are abolished, and defenses and objections raised before trial which could have been raised by one or more of them may be raised only by motion to dismiss or to grant appropriate relief, as provided in this title.

Sec. 10. Chapter 175 of NRS is hereby amended by adding thereto a new section to read as follows:

1. During a trial, upon a plea of not guilty by reason of insanity, the trier of fact may find the defendant guilty but mentally ill if the trier of fact finds all of the following:

(a) The defendant is guilty beyond a reasonable doubt of an offense;

(b) The defendant has established by a preponderance of the evidence that due to a disease or defect of the mind, he was mentally ill at the time of the commission of the offense; and

(c) The defendant has not established by a preponderance of the evidence that ~~[:~~

~~(1) His mental illness prevented him, at the time of the offense, from understanding the nature and consequences of his conductor that his conduct was wrong, meaning not authorized by law; and~~

~~(2) If the facts, as believed by the defendant at the time of the offense, were true, the facts would justify the commission of the offense.]~~ ***he is not guilty by reason of insanity pursuant to subsection 5 of NRS 174.035.***

2. Except as otherwise provided by specific statute, a defendant who is found guilty but mentally ill is subject to the same criminal, civil and administrative penalties and procedures as a defendant who is found guilty.

3. As used in this section, a "disease or defect of the mind" does not include a disease or defect which is caused solely by voluntary intoxication.

Sec. 11. NRS 175.101 is hereby amended to read as follows:

175.101 If by reason of absence from the judicial district, death, sickness or other disability the judge before whom the defendant has been tried is unable to perform the duties to be performed by the court after a verdict or finding of ~~[guilt,]~~ ***guilty or guilty but mentally ill,*** any other judge regularly sitting in or assigned to the court may perform those duties ***,*** ~~[;]~~ but if such other judge is satisfied that he cannot perform those duties because he did not preside at the trial or for any other reason, he may in his discretion grant a new trial.

Sec. 12. NRS 175.282 is hereby amended to read as follows:

175.282 If a prosecuting attorney enters into an agreement with a defendant in which the defendant agrees to testify against another defendant in exchange for a plea of guilty ***, guilty but mentally ill*** or nolo contendere to a lesser charge or for a recommendation of a reduced sentence, the court shall:

1. After excising any portion it deems irrelevant or prejudicial, permit the jury to inspect the agreement;

2. If the defendant who is testifying has not entered his plea or been sentenced pursuant to the agreement, instruct the jury regarding the possible

related pressures on the defendant by providing the jury with an appropriate cautionary instruction; and

3. Allow the defense counsel to cross-examine fully the defendant who is testifying concerning the agreement.

Sec. 13. NRS 175.381 is hereby amended to read as follows:

175.381 1. If, at any time after the evidence on either side is closed, the court deems the evidence insufficient to warrant a conviction, it may advise the jury to acquit the defendant, but the jury is not bound by such advice.

2. The court may, on a motion of a defendant or on its own motion, which is made after the jury returns a verdict of guilty ~~[,]~~ ***or guilty but mentally ill,*** set aside the verdict and enter a judgment of acquittal if the evidence is insufficient to sustain a conviction. The motion for a judgment of acquittal must be made within 7 days after the jury is discharged or within such further time as the court may fix during that period.

3. If a motion for a judgment of acquittal after a verdict of guilty ***or guilty but mentally ill*** pursuant to this section is granted, the court shall also determine whether any motion for a new trial should be granted if the judgment of acquittal is thereafter vacated or reversed. The court shall specify the grounds for that determination. If the motion for a new trial is granted conditionally, the order thereon does not affect the finality of the judgment. If the motion for a new trial is granted conditionally and the judgment is reversed on appeal, the new trial must proceed unless the appellate court has otherwise ordered. If the motion is denied conditionally, the defendant on appeal may assert error in that denial, and if the judgment is reversed on appeal, subsequent proceedings must be in accordance with the order of the appellate court.

Sec. 14. NRS 175.501 is hereby amended to read as follows:

175.501 The defendant may be found guilty ***or guilty but mentally ill*** of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or an offense necessarily included therein if the attempt is an offense.

Sec. 15. NRS 175.547 is hereby amended to read as follows:

175.547 1. In any case in which a defendant pleads or is found guilty ***or guilty but mentally ill*** of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home, the court shall, at the request of the prosecuting attorney, conduct a separate hearing to determine whether the offense was sexually motivated. A request for such a hearing may not be submitted to the court unless the prosecuting attorney, before the commencement of the trial, files and serves upon the defendant a written notice of his intention to request such a hearing.

2. A hearing requested pursuant to subsection 1 must be conducted before:

(a) The court imposes its sentence; or

(b) A separate penalty hearing is conducted.

3. At the hearing, only evidence concerning the question of whether the offense was sexually motivated may be presented. The prosecuting attorney must prove beyond a reasonable doubt that the offense was sexually motivated.

4. The court shall enter its finding in the record.

5. For the purposes of this section, an offense is "sexually motivated" if one of the purposes for which the person committed the offense was his sexual gratification.

Sec. 16. NRS 175.552 is hereby amended to read as follows:

175.552 1. Except as otherwise provided in subsection 2, in every case in which there is a finding that a defendant is guilty ***or guilty but mentally ill*** of murder of the first degree, whether or not the death penalty is sought, the court shall conduct a separate penalty hearing. The separate penalty hearing must be conducted as follows:

(a) If the finding is made by a jury, the separate penalty hearing must be conducted in the trial court before the trial jury, as soon as practicable.

(b) If the finding is made upon a plea of guilty ***or guilty but mentally ill*** or a trial without a jury and the death penalty is sought, the separate penalty hearing must be conducted before a jury impaneled for that purpose, as soon as practicable.

(c) If the finding is made upon a plea of guilty ***or guilty but mentally ill*** or a trial without a jury and the death penalty is not sought, the separate penalty hearing must be conducted ***as soon as practicable*** before the judge who conducted the trial or who accepted the plea **.** ~~[of guilty, as soon as practicable.]~~

2. In a case in which the death penalty is not sought or in which a court has made a finding that the defendant is mentally retarded and has stricken the notice of intent to seek the death penalty pursuant to NRS 174.098, the parties may by stipulation waive the separate penalty hearing required in subsection 1. When stipulating to such a waiver, the parties may also include an agreement to have the sentence, if any, imposed by the trial judge. Any stipulation pursuant to this subsection must be in writing and signed by the defendant, his attorney, if any, and the prosecuting attorney.

3. During the hearing, evidence may be presented concerning aggravating and mitigating circumstances relative to the offense, defendant or victim and on any other matter which the court deems relevant to sentence, whether or not the evidence is ordinarily admissible. Evidence may be offered to refute hearsay matters. No evidence which was secured in violation of the Constitution of the United States or the Constitution of the State of Nevada may be introduced. The State may introduce evidence of additional aggravating circumstances as set forth in NRS 200.033, other than the aggravated nature of the offense itself, only if it has been disclosed to the defendant before the commencement of the penalty hearing.

4. In a case in which the death penalty is not sought or in which a court has found the defendant to be mentally retarded and has stricken the notice of

intent to seek the death penalty pursuant to NRS 174.098, the jury or the trial judge shall determine whether the defendant should be sentenced to life with the possibility of parole or life without the possibility of parole.

Sec. 17. Chapter 176 of NRS is hereby amended by adding a new section to read as follows:

1. If a defendant is found guilty but mentally ill pursuant to section 10 of this act or the court accepts his plea of guilty but mentally ill entered pursuant to NRS 174.035, and the court finds by a preponderance of the evidence that:

(a) The defendant is not mentally ill at the time of sentencing, the court shall impose any sentence that the court is authorized to impose upon a defendant who pleads or is found guilty of the same offense; or

(b) The defendant is mentally ill at the time of sentencing, the court shall:

(1) Impose any sentence that the court is authorized to impose upon a defendant who pleads or is found guilty of the same offense; and

(2) Include in that sentence an order that the defendant, during the period of his confinement or probation, be given or obtain such treatment as is ~~[available]~~ ***medically indicated for his mental illness .*** ~~[if the court determines that the relative risks and benefits of the available treatment are such that a reasonable person would consent to such treatment.]~~

2. ~~[The]~~ ***If the sentence of a defendant includes a period of confinement, the Department of Corrections shall provide any treatment ordered by a court pursuant to subsection 1*** ~~[.]~~ ***at a facility designated by the Department to provide such treatment. The Department shall separate such a person from the general population of the prison and shall not return the person to that population until a licensed psychiatrist or psychologist finds that the person is no longer mentally ill.***

Sec. 18. NRS 176.059 is hereby amended to read as follows:

176.059 1. Except as otherwise provided in subsection 2, when a defendant pleads guilty ***or guilty but mentally ill*** or is found guilty ***or guilty but mentally ill*** of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum prescribed by the following schedule as an administrative assessment and render a judgment against the defendant for the assessment:

Fine	Assessment
$5 to $49	$25
50 to 59	40
60 to 69	45
70 to 79	50
80 to 89	55
90 to 99	60
100 to 199	70
200 to 299	80
300 to 399	90

400 to 499 100
500 to 1,000 115

If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the amount of the administrative assessment that corresponds with the fine for which the defendant would have been responsible as prescribed by the schedule in this subsection.

2. The provisions of subsection 1 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

3. The money collected for an administrative assessment must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 5 or 6. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he has paid and the justice or judge shall not recalculate the administrative assessment.

4. If the justice or judge permits the fine and administrative assessment to be paid in installments, the payments must be first applied to the unpaid balance of the administrative assessment. The city treasurer shall distribute partially collected administrative assessments in accordance with the requirements of subsection 5. The county treasurer shall distribute partially collected administrative assessments in accordance with the requirements of subsection 6.

5. The money collected for administrative assessments in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall distribute, on or before the 15th day of that month, the money received in the following amounts for each assessment received:

(a) Two dollars to the county treasurer for credit to a special account in the county general fund for the use of the county's juvenile court or for services to juvenile offenders. Any money remaining in the special account after 2 fiscal years must be deposited in the county general fund if it has not been committed for expenditure. The county treasurer shall provide, upon request by a juvenile court, monthly reports of the revenue credited to and expenditures made from the special account.

(b) Seven dollars for credit to a special revenue fund for the use of the municipal courts. Any money remaining in the special revenue fund after 2 fiscal years must be deposited in the municipal general fund if it has not been committed for expenditure. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

(c) The remainder of each assessment to the State Controller for credit to a special account in the State General Fund.

6. The money collected for administrative assessments in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall distribute, on or before the 15th day of that month, the money received in the following amounts for each assessment received:

(a) Two dollars for credit to a special account in the county general fund for the use of the county's juvenile court or for services to juvenile offenders. Any money remaining in the special account after 2 fiscal years must be deposited in the county general fund if it has not been committed for expenditure. The county treasurer shall provide, upon request by a juvenile court, monthly reports of the revenue credited to and expenditures made from the special account.

(b) Seven dollars for credit to a special revenue fund for the use of the justice courts. Any money remaining in the special revenue fund after 2 fiscal years must be deposited in the county general fund if it has not been committed for expenditure. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

(c) The remainder of each assessment to the State Controller for credit to a special account in the State General Fund.

7. The money apportioned to a juvenile court, a justice court or a municipal court pursuant to this section must be used, in addition to providing services to juvenile offenders in the juvenile court, to improve the operations of the court, or to acquire appropriate advanced technology or the use of such technology, or both. Money used to improve the operations of the court may include expenditures for:

(a) Training and education of personnel;

(b) Acquisition of capital goods;

(c) Management and operational studies; or

(d) Audits.

8. Of the total amount deposited in the State General Fund pursuant to subsections 5 and 6, the State Controller shall distribute the money received to the following public agencies in the following manner:

(a) Not less than 51 percent to the Office of Court Administrator for allocation as follows:

(1) Eighteen and one-half percent of the amount distributed to the Office of Court Administrator for the administration of the courts.

(2) Nine percent of the amount distributed to the Office of Court Administrator for the development of a uniform system for judicial records.

(3) Nine percent of the amount distributed to the Office of Court Administrator for continuing judicial education.

(4) Sixty percent of the amount distributed to the Office of Court Administrator for the Supreme Court.

(5) Three and one-half percent of the amount distributed to the Office of Court Administrator for the payment for the services of retired justices and retired district judges.

(b) Not more than 49 percent must be used to the extent of legislative authorization for the support of:

(1) The Central Repository for Nevada Records of Criminal History;

(2) The Peace Officers' Standards and Training Commission;

(3) The operation by the Nevada Highway Patrol of a computerized switching system for information related to law enforcement;

(4) The Fund for the Compensation of Victims of Crime; and

(5) The Advisory Council for Prosecuting Attorneys.

9. As used in this section:

(a) "Juvenile court" has the meaning ascribed to it in NRS 62A.180.

(b) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320.

Sec. 19. NRS 176.0611 is hereby amended to read as follows:

176.0611 1. A county or a city, upon recommendation of the appropriate court, may, by ordinance, authorize the justices or judges of the justice or municipal courts within its jurisdiction to impose for not longer than 50 years, in addition to the administrative assessments imposed pursuant to NRS 176.059 and 176.0613, an administrative assessment for the provision of court facilities.

2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, when a defendant pleads guilty or ***guilty but mentally ill or*** is found guilty ***or guilty but mentally ill*** of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $10 as an administrative assessment for the provision of court facilities and render a judgment against the defendant for the assessment. If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance that is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of court facilities must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the

fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of court facilities to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to this section;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613; and

(d) To pay the fine.

6. The money collected for administrative assessments for the provision of court facilities in municipal courts must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall deposit the money received in a special revenue fund. The city may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(b) Construct or acquire additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(c) Renovate or remodel existing facilities for the municipal courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the municipal courts or a regional justice center that includes the municipal courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or

renovation of facilities for the municipal courts or a regional justice center that includes the municipal courts.

➥ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the municipal general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

7. The money collected for administrative assessments for the provision of court facilities in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall deposit the money received to a special revenue fund. The county may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the justice courts or a regional justice center that includes the justice courts.

(b) Construct or acquire additional facilities for the justice courts or a regional justice center that includes the justice courts.

(c) Renovate or remodel existing facilities for the justice courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the justice courts or a regional justice center that includes the justice courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the justice courts or a regional justice center that includes the justice courts.

➥ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the county general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

8. If money collected pursuant to this section is to be used to acquire land on which to construct a regional justice center, to construct a regional justice center or to pay debt service on bonds issued for these purposes, the county and the participating cities shall, by interlocal agreement, determine such issues as the size of the regional justice center, the manner in which the

center will be used and the apportionment of fiscal responsibility for the center.

Sec. 20. NRS 176.0613 is hereby amended to read as follows:

176.0613 1. The justices or judges of the justice or municipal courts shall impose, in addition to an administrative assessment imposed pursuant to NRS 176.059 and 176.0611, an administrative assessment for the provision of specialty court programs.

2. Except as otherwise provided in subsection 3, when a defendant pleads guilty ***or guilty but mentally ill*** or is found guilty ***or guilty but mentally ill*** of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $7 as an administrative assessment for the provision of specialty court programs and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of specialty court programs must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of specialty court programs to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs; and

(d) To pay the fine.

6. The money collected for an administrative assessment for the provision of specialty court programs in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

7. The money collected for an administrative assessment for the provision of specialty court programs in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

8. The Office of Court Administrator shall allocate the money credited to the State General Fund pursuant to subsections 6 and 7 to courts to assist with the funding or establishment of specialty court programs.

9. Money that is apportioned to a court from administrative assessments for the provision of specialty court programs must be used by the court to:

(a) Pay for the treatment and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Supplementing the funds used to pay for judges to oversee a specialty court program; or

(7) Acquiring or using appropriate technology.

10. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or abuses alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250 or 453.580.

Sec. 21. NRS 176.062 is hereby amended to read as follows:

176.062 1. When a defendant pleads guilty ***or guilty but mentally ill*** or is found guilty ***or guilty but mentally ill*** of a felony or gross misdemeanor, the judge shall include in the sentence the sum of $25 as an administrative assessment and render a judgment against the defendant for the assessment.

2. The money collected for an administrative assessment:

(a) Must not be deducted from any fine imposed by the judge;

(b) Must be taxed against the defendant in addition to the fine; and

(c) Must be stated separately on the court's docket.

3. The money collected for administrative assessments in district courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall distribute, on or before the 15th day of that month, the money received in the following amounts for each assessment received:

(a) Five dollars for credit to a special account in the county general fund for the use of the district court.

(b) The remainder of each assessment to the State Controller.

4. The State Controller shall credit the money received pursuant to subsection 3 to a special account for the assistance of criminal justice in the State General Fund, and distribute the money from the account to the Attorney General as authorized by the Legislature. Any amount received in excess of the amount authorized by the Legislature for distribution must remain in the account.

Sec. 22. NRS 176.135 is hereby amended to read as follows:

176.135 1. Except as otherwise provided in this section and NRS 176.151, the Division shall make a presentence investigation and report to the court on each defendant who pleads guilty **,** ***guilty but mentally ill*** or nolo contendere to **,** or is found guilty ***or guilty but mentally ill*** of **,** a felony.

2. If a defendant is convicted of a felony that is a sexual offense, the presentence investigation and report:

(a) Must be made before the imposition of sentence or the granting of probation; and

(b) If the sexual offense is an offense for which the suspension of sentence or the granting of probation is permitted, must include a psychosexual evaluation of the defendant.

3. If a defendant is convicted of a felony other than a sexual offense, the presentence investigation and report must be made before the imposition of sentence or the granting of probation unless:

(a) A sentence is fixed by a jury; or

(b) Such an investigation and report on the defendant has been made by the Division within the 5 years immediately preceding the date initially set for sentencing on the most recent offense.

4. Upon request of the court, the Division shall make presentence investigations and reports on defendants who plead guilty **,** ***guilty but mentally ill*** or nolo contendere to **,** or are found guilty ***or guilty but mentally ill*** of **,** gross misdemeanors.

Sec. 23. NRS 176.151 is hereby amended to read as follows:

176.151 1. If a defendant pleads guilty **,** ***guilty but mentally ill*** or nolo contendere to **,** or is found guilty ***or guilty but mentally ill*** of **,** one or more category E felonies, but no other felonies, the Division shall not make a

presentence investigation and report on the defendant pursuant to NRS 176.135, unless the Division has not made a presentence investigation and report on the defendant pursuant to NRS 176.135 within the 5 years immediately preceding the date initially set for sentencing on the category E felony or felonies and:

(a) The court requests a presentence investigation and report; or

(b) The prosecuting attorney possesses evidence that would support a decision by the court to deny probation to the defendant pursuant to paragraph (b) of subsection 1 of NRS 176A.100.

2. If the Division does not make a presentence investigation and report on a defendant pursuant to subsection 1, the Division shall, not later than 45 days after the date on which the defendant is sentenced, make a general investigation and report on the defendant that contains:

(a) Any prior criminal record of the defendant;

(b) Information concerning the characteristics of the defendant, the circumstances affecting his behavior and the circumstances of his offense that may be helpful to persons responsible for the supervision or correctional treatment of the defendant;

(c) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination and the extent of the information included in the report is solely at the discretion of the Division;

(d) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS that relate to the defendant and are made available pursuant to NRS 432B.290; and

(e) Any other information that the Division believes may be helpful to persons responsible for the supervision or correctional treatment of the defendant.

Sec. 24. NRS 176.165 is hereby amended to read as follows:

176.165 Except as otherwise provided in this section, a motion to withdraw a plea of guilty ***, guilty but mentally ill*** or nolo contendere may be made only before sentence is imposed or imposition of sentence is suspended. To correct manifest injustice, the court after sentence may set aside the judgment of conviction and permit the defendant to withdraw his plea.

Sec. 25. NRS 176A.255 is hereby amended to read as follows:

176A.255 1. A justice court or a municipal court may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving an eligible defendant.

2. As used in this section, "eligible defendant" means a person who:

(a) Has not tendered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, or been found guilty ***or guilty but mentally ill*** of, an offense that is a misdemeanor;

(b) Appears to suffer from mental illness or to be mentally retarded; and

(c) Would benefit from assignment to a program established pursuant to NRS 176A.250.

Sec. 26. NRS 176A.260 is hereby amended to read as follows:

176A.260 1. Except as otherwise provided in subsection 2, if a defendant who suffers from mental illness or is mentally retarded tenders a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, or is found guilty ***or guilty but mentally ill*** of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the court may, without entering a judgment of conviction and with the consent of the defendant, suspend further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.250.

2. If the offense committed by the defendant involved the use or threatened use of force or violence or if the defendant was previously convicted in this State or in any other jurisdiction of a felony that involved the use or threatened use of force or violence, the court may not assign the defendant to the program unless the prosecuting attorney stipulates to the assignment.

3. Upon violation of a term or condition:

(a) The court may enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged.

(b) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

4. Upon fulfillment of the terms and conditions, the court shall discharge the defendant and dismiss the proceedings against him. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of him for any purpose.

Sec. 27. NRS 177.015 is hereby amended to read as follows:

177.015 The party aggrieved in a criminal action may appeal only as follows:

1. Whether that party is the State or the defendant:

(a) To the district court of the county from a final judgment of the justice court.

(b) To the Supreme Court from an order of the district court granting a motion to dismiss, a motion for acquittal or a motion in arrest of judgment, or granting or refusing a new trial.

(c) To the Supreme Court from a determination of the district court about whether a defendant is mentally retarded that is made as a result of a hearing held pursuant to NRS 174.098. If the Supreme Court entertains the appeal, it shall enter an order staying the criminal proceedings against the defendant for such time as may be required.

2. The State may, upon good cause shown, appeal to the Supreme Court from a pretrial order of the district court granting or denying a motion to suppress evidence made pursuant to NRS 174.125. Notice of the appeal must be filed with the clerk of the district court within 2 judicial days and with the Clerk of the Supreme Court within 5 judicial days after the ruling by the district court. The clerk of the district court shall notify counsel for the defendant or, in the case of a defendant without counsel, the defendant within 2 judicial days after the filing of the notice of appeal. The Supreme Court may establish such procedures as it determines proper in requiring the appellant to make a preliminary showing of the propriety of the appeal and whether there may be a miscarriage of justice if the appeal is not entertained. If the Supreme Court entertains the appeal, or if it otherwise appears necessary, it may enter an order staying the trial for such time as may be required.

3. The defendant only may appeal from a final judgment or verdict in a criminal case.

4. Except as otherwise provided in subsection 3 of NRS 174.035, the defendant in a criminal case shall not appeal a final judgment or verdict resulting from a plea of guilty ***, guilty but mentally ill*** or nolo contendere that the defendant entered into voluntarily and with a full understanding of the nature of the charge and the consequences of the plea, unless the appeal is based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings. The Supreme Court may establish procedures to require the defendant to make a preliminary showing of the propriety of the appeal.

Sec. 28. NRS 177.075 is hereby amended to read as follows:

177.075 1. Except where appeal is automatic, an appeal from a district court to the Supreme Court is taken by filing a notice of appeal with the clerk of the district court. Bills of exception and assignments of error in cases governed by this chapter are abolished.

2. When a court imposes sentence upon a defendant who has not pleaded guilty ***or guilty but mentally ill*** and who is without counsel, the court shall advise the defendant of his right to appeal, and if he so requests, the clerk shall prepare and file forthwith a notice of appeal on his behalf.

3. A notice of appeal must be signed:

(a) By the appellant or appellant's attorney; or

(b) By the clerk if prepared by him.

Sec. 29. NRS 178.388 is hereby amended to read as follows:

178.388 1. Except as otherwise provided in this title, the defendant must be present at the arraignment, at every stage of the trial including the impaneling of the jury and the return of the verdict, and at the imposition of sentence. A corporation may appear by counsel for all purposes.

2. In prosecutions for offenses not punishable by death:

(a) The defendant's voluntary absence after the trial has been commenced in his presence must not prevent continuing the trial to and including the return of the verdict.

(b) If the defendant was present at the trial through the time he pleads guilty ***or guilty but mentally ill*** or is found guilty ***or guilty but mentally ill*** but at the time of his sentencing is incarcerated in another jurisdiction, he may waive his right to be present at the sentencing proceedings and agree to be sentenced in this State in his absence. The defendant's waiver is valid only if it is:

(1) Made knowingly, intelligently and voluntarily after consulting with an attorney licensed to practice in this State;

(2) Signed and dated by the defendant and notarized by a notary public or judicial officer; and

(3) Signed and dated by his attorney after it has been signed by the defendant and notarized.

3. In prosecutions for offenses punishable by fine or by imprisonment for not more than 1 year, or both, the court, with the written consent of the defendant, may permit arraignment, plea, trial and imposition of sentence in the defendant's absence, if the court determines that the defendant was fully aware of his applicable constitutional rights when he gave his consent.

4. The presence of the defendant is not required at the arraignment or any preceding stage if the court has provided for the use of a closed-circuit television to facilitate communication between the court and the defendant during the proceeding. If closed-circuit television is provided for, members of the news media may observe and record the proceeding from both locations unless the court specifically provides otherwise.

5. The defendant's presence is not required at the settling of jury instructions.

Sec. 30. NRS 179.225 is hereby amended to read as follows:

179.225 1. If the punishment of the crime is the confinement of the criminal in prison, the expenses must be paid from money appropriated to the Office of the Attorney General for that purpose, upon approval by the State Board of Examiners. After the appropriation is exhausted, the expenses must be paid from the Reserve for Statutory Contingency Account upon approval by the State Board of Examiners. In all other cases, they must be paid out of

the county treasury in the county wherein the crime is alleged to have been committed. The expenses are:

(a) If the prisoner is returned to this State from another state, the fees paid to the officers of the state on whose governor the requisition is made;

(b) If the prisoner is returned to this State from a foreign country or jurisdiction, the fees paid to the officers and agents of this State or the United States; or

(c) If the prisoner is temporarily returned for prosecution to this State from another state pursuant to this chapter or chapter 178 of NRS and is then returned to the sending state upon completion of the prosecution, the fees paid to the officers and agents of this State,

➥ and the necessary traveling expenses and subsistence allowances in the amounts authorized by NRS 281.160 incurred in returning the prisoner.

2. If a person is returned to this State pursuant to this chapter or chapter 178 of NRS and is convicted of, or pleads guilty **,** ***guilty but mentally ill*** or nolo contendere to **,** the criminal charge for which he was returned or a lesser criminal charge, the court shall conduct an investigation of the financial status of the person to determine his ability to make restitution. In conducting the investigation, the court shall determine if the person is able to pay any existing obligations for:

(a) Child support;

(b) Restitution to victims of crimes; and

(c) Any administrative assessment required to be paid pursuant to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062.

3. If the court determines that the person is financially able to pay the obligations described in subsection 2, it shall, in addition to any other sentence it may impose, order the person to make restitution for the expenses incurred by the Attorney General or other governmental entity in returning him to this State. The court shall not order the person to make restitution if payment of restitution will prevent him from paying any existing obligations described in subsection 2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of the completion of his sentence.

4. The Attorney General may adopt regulations to carry out the provisions of this section.

Sec. 31. NRS 1.4675 is hereby amended to read as follows:

1.4675 1. The Commission shall suspend a justice or judge from the exercise of office with salary:

(a) While there is pending an indictment or information charging the justice or judge with a crime punishable as a felony pursuant to the laws of the State of Nevada or the United States; or

(b) When the justice or judge has been adjudged mentally incompetent or insane.

2. The Commission may suspend a justice or judge from the exercise of office without salary if the justice or judge:

(a) Pleads guilty **,** ***guilty but mentally ill*** or no contest to a charge of; or

(b) Is found guilty ***or guilty but mentally ill*** of,

➥ a crime punishable as a felony pursuant to the laws of the State of Nevada or the United States. If the conviction is later reversed, the justice or judge must be paid his salary for the period of suspension.

3. The Commission may suspend a justice or judge from the exercise of office with salary if the Commission determines, pending a final determination in a judicial disciplinary proceeding, that the justice or judge poses a substantial threat of serious harm to the public or to the administration of justice.

4. A justice or judge suspended pursuant to this section may appeal the suspension to the Supreme Court for reconsideration of the order.

5. The Commission may suspend a justice or judge pursuant to this section only in accordance with its procedural rules.

Sec. 32. NRS 33.400 is hereby amended to read as follows:

33.400 1. In addition to any other remedy provided by law, the parent or guardian of a child may petition any court of competent jurisdiction on behalf of the child for a temporary or extended order against a person who is 18 years of age or older and who the parent or guardian reasonably believes has committed or is committing a crime involving:

(a) Physical or mental injury to the child of a nonaccidental nature; or

(b) Sexual abuse or sexual exploitation of the child.

2. If such an order on behalf of a child is granted, the court may direct the person who allegedly committed or is committing the crime to:

(a) Stay away from the home, school, business or place of employment of the child and any other location specifically named by the court.

(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the child and any other person specifically named by the court, who may include, without limitation, a member of the family or the household of the child.

(c) Comply with any other restriction which the court deems necessary to protect the child or to protect any other person specifically named by the court **,** who may include, without limitation, a member of the family or the household of the child.

3. If a defendant charged with committing a crime described in subsection 1 is released from custody before trial or is found guilty ***or guilty but mentally ill*** during the trial, the court may issue a temporary or extended order or provide as a condition of the release or sentence that the defendant:

(a) Stay away from the home, school, business or place of employment of the child against whom the alleged crime was committed and any other location specifically named by the court.

(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the child against whom the alleged crime was committed and any other person specifically named by the court, who may include, without limitation, a member of the family or the household of the child.

(c) Comply with any other restriction which the court deems necessary to protect the child or to protect any other person specifically named by the court **,** who may include, without limitation, a member of the family or the household of the child.

4. A temporary order may be granted with or without notice to the adverse party. An extended order may be granted only after:

(a) Notice of the petition for the order and of the hearing thereon is served upon the adverse party pursuant to the Nevada Rules of Civil Procedure; and

(b) A hearing is held on the petition.

5. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

6. Unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, any person who intentionally violates:

(a) A temporary order is guilty of a gross misdemeanor.

(b) An extended order is guilty of a category C felony and shall be punished as provided in NRS 193.130.

7. Any court order issued pursuant to this section must:

(a) Be in writing;

(b) Be personally served on the person to whom it is directed; and

(c) Contain the warning that violation of the order:

(1) Subjects the person to immediate arrest.

(2) Is a gross misdemeanor if the order is a temporary order.

(3) Is a category C felony if the order is an extended order.

Sec. 33. NRS 33.440 is hereby amended to read as follows:

33.440 1. Upon the request of the parent or guardian of a child, the prosecuting attorney in any trial brought against a person for a crime described in subsection 1 of NRS 33.400 shall inform the parent or guardian of the final disposition of the case.

2. If the defendant is found guilty ***or guilty but mentally ill*** and the court issues an order or provides a condition of his sentence restricting the ability of the defendant to have contact with the child against whom the crime was committed or witnesses, the clerk of the court shall:

(a) Keep a record of the order or condition of the sentence; and

(b) Provide a certified copy of the order or condition of the sentence to the parent or guardian of the child and other persons named in the order.

Sec. 34. NRS 34.735 is hereby amended to read as follows:

34.735 A petition must be in substantially the following form, with appropriate modifications if the petition is filed in the Supreme Court:

Case No.

Dept. No.

IN THE ..... JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF .....

.....

Petitioner,

v.

PETITION FOR WRIT
OF HABEAS CORPUS
(POSTCONVICTION)

.. ..

Respondent.

INSTRUCTIONS:

(1) This petition must be legibly handwritten or typewritten, signed by the petitioner and verified.

(2) Additional pages are not permitted except where noted or with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.

(3) If you want an attorney appointed, you must complete the Affidavit in Support of Request to Proceed in Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.

(4) You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the Department of Corrections, name the warden or head of the institution. If you are not in a specific institution of the Department but within its custody, name the Director of the Department of Corrections.

(5) You must include all grounds or claims for relief which you may have regarding your conviction or sentence. Failure to raise all grounds in this petition may preclude you from filing future petitions challenging your conviction and sentence.

(6) You must allege specific facts supporting the claims in the petition you file seeking relief from any conviction or sentence. Failure to allege specific facts rather than just conclusions may cause your petition to be dismissed. If your petition contains a claim of ineffective assistance of counsel, that claim will operate to waive the attorney-client privilege for the proceeding in which you claim your counsel was ineffective.

(7) When the petition is fully completed, the original and one copy must be filed with the clerk of the state district court for the county in which you were convicted. One copy must be mailed to the respondent, one copy to the Attorney General's Office, and one copy to the district attorney of the county in which you were convicted or to the original prosecutor if you are challenging your original conviction or sentence. Copies must conform in all particulars to the original submitted for filing.

PETITION

1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty: .....
.....
2. Name and location of court which entered the judgment of conviction under attack: .....
.....
3. Date of judgment of conviction: .....
4. Case number: .....
5. (a) Length of sentence: .....
.....
(b) If sentence is death, state any date upon which execution is scheduled:
6. Are you presently serving a sentence for a conviction other than the conviction under attack in this motion? Yes .... No ....
If "yes," list crime, case number and sentence being served at this time: .....
.....
.....
7. Nature of offense involved in conviction being challenged: .....
.....
8. What was your plea? (check one)
(a) Not guilty ....
(b) Guilty ....
(c) ***Guilty but mentally ill ...***
(d) Nolo contendere ....
9. If you entered a plea of guilty ***or guilty but mentally ill*** to one count of an indictment or information, and a plea of not guilty to another count of an indictment or information, or if a plea of guilty ***or guilty but mentally ill*** was negotiated, give details: .....
.....
.....
10. If you were found guilty ***or guilty but mentally ill*** after a plea of not guilty, was the finding made by: (check one)
(a) Jury ....
(b) Judge without a jury ....
11. Did you testify at the trial? Yes .... No ....
12. Did you appeal from the judgment of conviction? Yes .... No ....
13. If you did appeal, answer the following:
(a) Name of court: .....
(b) Case number or citation: .....
(c) Result: .....
(d) Date of result: .....
(Attach copy of order or decision, if available.)
14. If you did not appeal, explain briefly why you did not: .....
.....
.....

15. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications or motions with respect to this judgment in any court, state or federal? Yes .... No ....

16. If your answer to No. 15 was "yes," give the following information:

(a) (1) Name of court: .....

(2) Nature of proceeding: .....

.....

.....

(3) Grounds raised: .....

.....

.....

(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes .... No ....

(5) Result: .....

(6) Date of result: .....

(7) If known, citations of any written opinion or date of orders entered pursuant to such result: .....

.....

(b) As to any second petition, application or motion, give the same information:

(1) Name of court: .....

(2) Nature of proceeding: .....

(3) Grounds raised: .....

(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes .... No ....

(5) Result: .....

(6) Date of result: .....

(7) If known, citations of any written opinion or date of orders entered pursuant to such result: .....

.....

(c) As to any third or subsequent additional applications or motions, give the same information as above, list them on a separate sheet and attach.

(d) Did you appeal to the highest state or federal court having jurisdiction, the result or action taken on any petition, application or motion?

(1) First petition, application or motion? Yes .... No ....

Citation or date of decision: .....

(2) Second petition, application or motion? Yes .... No .....

Citation or date of decision: .....

(3) Third or subsequent petitions, applications or motions? Yes .... No ....

Citation or date of decision: .....

(e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not. (You must relate specific facts in response to this question. Your response may be included on

paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.) .....

.....

.....

17. Has any ground being raised in this petition been previously presented to this or any other court by way of petition for habeas corpus, motion, application or any other postconviction proceeding? If so, identify:

(a) Which of the grounds is the same: .....

.....

(b) The proceedings in which these grounds were raised: .....

.....

(c) Briefly explain why you are again raising these grounds. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.).....

.....

18. If any of the grounds listed in Nos. 23(a), (b), (c) and (d), or listed on any additional pages you have attached, were not previously presented in any other court, state or federal, list briefly what grounds were not so presented, and give your reasons for not presenting them. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.) .....

.....

19. Are you filing this petition more than 1 year following the filing of the judgment of conviction or the filing of a decision on direct appeal? If so, state briefly the reasons for the delay. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.) .....

.....

20. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack? Yes .... No ....

If yes, state what court and the case number: .....

.....

21. Give the name of each attorney who represented you in the proceeding resulting in your conviction and on direct appeal: .....

.....

22. Do you have any future sentences to serve after you complete the sentence imposed by the judgment under attack? Yes .... No ....

If yes, specify where and when it is to be served, if you know: .....

.....

23. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If

necessary you may attach pages stating additional grounds and facts supporting same.

(a) Ground one: .....

.....

Supporting FACTS (Tell your story briefly without citing cases or law.): .....

.....

.....

(b) Ground two:.....

.....

Supporting FACTS (Tell your story briefly without citing cases or law.):.....

.....

.....

(c) Ground three: .....

.....

Supporting FACTS (Tell your story briefly without citing cases or law.):.....

.....

.....

(d) Ground four: .....

.....

Supporting FACTS (Tell your story briefly without citing cases or law.): .....

.....

.....

WHEREFORE, petitioner prays that the court grant petitioner relief to which he may be entitled in this proceeding.

EXECUTED at ..... on the .... day of the month of .... of the year ....

.....

Signature of petitioner

.....

Address

.....

Signature of attorney (if any)

.....

Attorney for petitioner

.....

Address

VERIFICATION

Under penalty of perjury, the undersigned declares that he is the petitioner named in the foregoing petition and knows the contents thereof; that the pleading is true of his own knowledge, except as to those matters stated on information and belief, and as to such matters he believes them to be true.

.....

Petitioner

.....
Attorney for petitioner

CERTIFICATE OF SERVICE BY MAIL

I, ..., hereby certify , pursuant to N.R.C.P. 5(b), that on this .... day of the month of .... of the year ...., I mailed a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS addressed to:

.....
Respondent prison or jail official

.....
Address

.....
Attorney General
Heroes' Memorial Building
Capitol Complex
Carson City, Nevada 89710

.....
District Attorney of County of Conviction

.....
Address

.....
Signature of Petitioner

Sec. 35. NRS 34.810 is hereby amended to read as follows:

34.810 1. The court shall dismiss a petition if the court determines that:

(a) The petitioner's conviction was upon a plea of guilty ***or guilty but mentally ill*** and the petition is not based upon an allegation that the plea was involuntarily or unknowingly entered or that the plea was entered without effective assistance of counsel.

(b) The petitioner's conviction was the result of a trial and the grounds for the petition could have been:

(1) Presented to the trial court;

(2) Raised in a direct appeal or a prior petition for a writ of habeas corpus or postconviction relief; or

(3) Raised in any other proceeding that the petitioner has taken to secure relief from his conviction and sentence,

➥ unless the court finds both cause for the failure to present the grounds and actual prejudice to the petitioner.

2. A second or successive petition must be dismissed if the judge or justice determines that it fails to allege new or different grounds for relief and that the prior determination was on the merits or, if new and different

grounds are alleged, the judge or justice finds that the failure of the petitioner to assert those grounds in a prior petition constituted an abuse of the writ.

3. Pursuant to subsections 1 and 2, the petitioner has the burden of pleading and proving specific facts that demonstrate:

(a) Good cause for the petitioner's failure to present the claim or for presenting the claim again; and

(b) Actual prejudice to the petitioner.

➥ The petitioner shall include in the petition all prior proceedings in which he challenged the same conviction or sentence.

4. The court may dismiss a petition that fails to include any prior proceedings of which the court has knowledge through the record of the court or through the pleadings submitted by the respondent.

Sec. 36. NRS 41B.070 is hereby amended to read as follows:

41B.070 "Convicted" and "conviction" mean a judgment based upon:

1. A plea of guilty ***, guilty but mentally ill*** or nolo contendere;

2. A finding of ~~[guilt]~~ ***guilty or guilty but mentally ill*** by a jury or a court sitting without a jury;

3. An adjudication of delinquency or finding of ~~[guilt]~~ ***guilty or guilty but mentally ill*** by a court having jurisdiction over juveniles; or

4. Any other admission or finding of ~~[guilt]~~ ***guilty or guilty but mentally ill*** in a criminal action or a proceeding in a court having jurisdiction over juveniles.

Sec. 37. NRS 48.125 is hereby amended to read as follows:

48.125 1. Evidence of a plea of guilty ~~[,]~~ ***or guilty but mentally ill,*** later withdrawn, or of an offer to plead guilty ***or guilty but mentally ill*** to the crime charged or any other crime is not admissible in a criminal proceeding involving the person who made the plea or offer.

2. Evidence of a plea of nolo contendere or of an offer to plead nolo contendere to the crime charged or any other crime is not admissible in a civil or criminal proceeding involving the person who made the plea or offer.

Sec. 38. NRS 50.068 is hereby amended to read as follows:

50.068 1. A defendant is not incompetent to be a witness solely by reason of the fact that he enters into an agreement with the prosecuting attorney in which he agrees to testify against another defendant in exchange for a plea of guilty ***, guilty but mentally ill*** or nolo contendere to a lesser charge or for a recommendation of a reduced sentence.

2. The testimony of the defendant who is testifying may be admitted whether or not he has entered his plea or been sentenced pursuant to the agreement with the prosecuting attorney.

Sec. 39. NRS 51.295 is hereby amended to read as follows:

51.295 1. Evidence of a final judgment, entered after trial or upon a plea of guilty ~~[,]~~ ***or guilty but mentally ill,*** but not upon a plea of nolo contendere, adjudging a person guilty of a crime punishable by death or imprisonment in excess of 1 year ~~[,]~~ is not inadmissible under the hearsay rule to prove any fact essential to sustain the judgment.

2. This section does not make admissible, when offered by the State in a criminal prosecution for purposes other than impeachment, a judgment against a person other than the accused.

3. The pendency of an appeal may be shown but does not affect admissibility.

Sec. 40. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➥ The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➥ The person shall be further punished by a fine of not less than $500, but not more than $1,000.

(c) For the third and any subsequent offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) Except as otherwise provided in this subsection, for the first offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

(b) Except as otherwise provided in this subsection, for the second offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

➥ If the person resides more than 70 miles from the nearest location at which counseling services are available, the court may allow the person to participate in counseling sessions in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470 every other week for the number of months required pursuant to paragraph (a) or (b) so long as the number of hours of counseling is not less than 6 hours per month. If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

3. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

4. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of $35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

5. In addition to any other penalty, the court may require such a person to participate, at his expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the Health Division of the Department of Health and Human Services.

6. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of his ability to pay.

7. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty ***, guilty but mentally ill*** or nolo contendere to a lesser charge or for any other reason unless he knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. A court shall not grant probation to and, except

as otherwise provided in NRS 4.373 and 5.055, a court shall not suspend the sentence of such a person.

8. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

Sec. 41. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➥ The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➥ The person shall be further punished by a fine of not less than $500, but not more than $1,000.

(c) For the third and any subsequent offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

(b) For the second offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for

12 months, at his expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

➥ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

3. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

4. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of $35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

5. In addition to any other penalty, the court may require such a person to participate, at his expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the Health Division of the Department of Health and Human Services.

6. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of his ability to pay.

7. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty ***, guilty but mentally ill*** or nolo contendere to a lesser charge or for any other reason unless he knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. A court shall not grant probation to and, except as otherwise provided in NRS 4.373 and 5.055, a court shall not suspend the sentence of such a person.

8. As used in this section:

(a) ”Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.

(b) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

Sec. 42. NRS 202.270 is hereby amended to read as follows:

202.270 1. A person who destroys, or attempts to destroy, with dynamite, nitroglycerine, gunpowder or other high explosive, any dwelling house or other building, knowing or having reason to believe that a human being is therein at the time, is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(a) For life without the possibility of parole;

(b) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(c) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,

➥ in the discretion of the jury, or of the court upon a plea of guilty ~~[.]~~ ***or guilty but mentally ill.***

2. A person who conspires with others to commit the offense described in subsection 1 shall be punished in the same manner.

Sec. 43. NRS 202.885 is hereby amended to read as follows:

202.885 1. A person may not be prosecuted or convicted pursuant to NRS 202.882 unless a court in this State or any other jurisdiction has entered a judgment of conviction against a culpable actor for:

(a) The violent or sexual offense against the child; or

(b) Any other offense arising out of the same facts as the violent or sexual offense against the child.

2. For any violation of NRS 202.882, an indictment must be found or an information or complaint must be filed within 1 year after the date on which:

(a) A court in this State or any other jurisdiction has entered a judgment of conviction against a culpable actor as provided in subsection 1; or

(b) The violation is discovered,

➥ whichever occurs later.

3. For the purposes of this section:

(a) A court in "any other jurisdiction" includes, without limitation, a tribal court or a court of the United States or the Armed Forces of the United States.

(b) "Convicted" and "conviction" mean a judgment based upon:

(1) A plea of guilty ***, guilty but mentally ill*** or nolo contendere;

(2) A finding of ~~[guilt]~~ ***guilty or guilty but mentally ill*** by a jury or a court sitting without a jury;

(3) An adjudication of delinquency or finding of ~~[guilt]~~ ***guilty or guilty but mentally ill*** by a court having jurisdiction over juveniles; or

(4) Any other admission or finding of ~~[guilt]~~ ***guilty or guilty but mentally ill*** in a criminal action or a proceeding in a court having jurisdiction over juveniles.

(c) A court "enters" a judgment of conviction against a person on the date on which guilt is admitted, adjudicated or found, whether or not:

(1) The court has imposed a sentence, a penalty or other sanction for the conviction; or

(2) The person has exercised any right to appeal the conviction.

(d) "Culpable actor" means a person who:

(1) Causes or perpetrates an unlawful act;

(2) Aids, abets, commands, counsels, encourages, hires, induces, procures or solicits another person to cause or perpetrate an unlawful act; or

(3) Is a principal in any degree, accessory before or after the fact, accomplice or conspirator to an unlawful act.

Sec. 44. NRS 207.016 is hereby amended to read as follows:

207.016 1. A conviction pursuant to NRS 207.010, 207.012 or 207.014 operates only to increase, not to reduce, the sentence otherwise provided by law for the principal crime.

2. If a count pursuant to NRS 207.010, 207.012 or 207.014 is included in an information charging the primary offense, each previous conviction must be alleged in the accusatory pleading, but no such conviction may be alluded to on trial of the primary offense, nor may any allegation of the conviction be read in the presence of a jury trying the offense or a grand jury considering an indictment for the offense. A count pursuant to NRS 207.010, 207.012 or 207.014 may be separately filed after conviction of the primary offense, but if it is so filed, sentence must not be imposed, or the hearing required by subsection 3 held, until 15 days after the separate filing.

3. If a defendant charged pursuant to NRS 207.010, 207.012 or 207.014 pleads guilty ***or guilty but mentally ill*** to **,** or is found guilty ***or guilty but mentally ill*** of **,** the primary offense but denies any previous conviction charged, the court shall determine the issue of the previous conviction after hearing all relevant evidence presented on the issue by the prosecution and the defendant. At such a hearing, the defendant may not challenge the validity of a previous conviction. The court shall impose sentence:

(a) Pursuant to NRS 207.010 upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitual criminality;

(b) Pursuant to NRS 207.012 upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitual felon; or

(c) Pursuant to NRS 207.014 upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitually fraudulent felon.

4. Nothing in the provisions of this section, NRS 207.010, 207.012 or 207.014 limits the prosecution in introducing evidence of prior convictions for purposes of impeachment.

5. For the purposes of NRS 207.010, 207.012 and 207.014, a certified copy of a felony conviction is prima facie evidence of conviction of a prior felony.

6. Nothing in the provisions of this section, NRS 207.010, 207.012 or 207.014 prohibits a court from imposing an adjudication of habitual criminality, adjudication of habitual felon or adjudication of habitually fraudulent felon based upon a stipulation of the parties.

Sec. 45. NRS 207.193 is hereby amended to read as follows:

207.193 1. Except as otherwise provided in subsection 4, if a person is convicted of coercion or attempted coercion in violation of paragraph (a) of subsection 2 of NRS 207.190, the court shall, at the request of the prosecuting attorney, conduct a separate hearing to determine whether the offense was sexually motivated. A request for such a hearing may not be submitted to the court unless the prosecuting attorney, not less than 72 hours before the commencement of the trial, files and serves upon the defendant a written notice of his intention to request such a hearing.

2. A hearing requested pursuant to subsection 1 must be conducted before:

(a) The court imposes its sentence; or

(b) A separate penalty hearing is conducted.

3. At the hearing, only evidence concerning the question of whether the offense was sexually motivated may be presented. The prosecuting attorney must prove beyond a reasonable doubt that the offense was sexually motivated.

4. A person may stipulate that his offense was sexually motivated before a hearing held pursuant to subsection 1 or as part of an agreement to plead nolo contendere ***, guilty*** or guilty ~~[.]~~ ***but mentally ill.***

5. The court shall enter in the record:

(a) Its finding from a hearing held pursuant to subsection 1; or

(b) A stipulation made pursuant to subsection 4.

6. For the purposes of this section, an offense is "sexually motivated" if one of the purposes for which the person committed the offense was his sexual gratification.

Sec. 46. NRS 212.189 is hereby amended to read as follows:

212.189 1. Except as otherwise provided in subsection 9, a prisoner who is in lawful custody or confinement, other than residential confinement, shall not knowingly:

(a) Store or stockpile any human excrement or bodily fluid;

(b) Sell, supply or provide any human excrement or bodily fluid to any other person;

(c) Buy, receive or acquire any human excrement or bodily fluid from any other person; or

(d) Use, propel, discharge, spread or conceal, or cause to be used, propelled, discharged, spread or concealed, any human excrement or bodily fluid:

(1) With the intent to have the excrement or bodily fluid come into physical contact with any portion of the body of an officer or employee of a prison or any other person, whether or not such physical contact actually occurs; or

(2) Under circumstances in which the excrement or bodily fluid is reasonably likely to come into physical contact with any portion of the body of an officer or employee of a prison or any other person, whether or not such physical contact actually occurs.

2. Except as otherwise provided in subsection 3, if a prisoner violates any provision of subsection 1, the prisoner is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

3. If a prisoner violates any provision of paragraph (d) of subsection 1 and, at the time of the offense, the prisoner knew that any portion of the excrement or bodily fluid involved in the offense contained a communicable disease that causes or is reasonably likely to cause substantial bodily harm, whether or not the communicable disease was transmitted to a victim as a result of the offense, the prisoner is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,

➥ and may be further punished by a fine of not more than $50,000.

4. A sentence imposed upon a prisoner pursuant to subsection 2 or 3:

(a) Is not subject to suspension or the granting of probation; and

(b) Must run consecutively after the prisoner has served any sentences imposed upon him for the offense or offenses for which the prisoner was in lawful custody or confinement when he violated the provisions of subsection 1.

5. In addition to any other penalty, the court shall order a prisoner who violates any provision of paragraph (d) of subsection 1 to reimburse the appropriate person or governmental body for the cost of any examinations or testing:

(a) Conducted pursuant to paragraphs (a) and (b) of subsection 7; or

(b) Paid for pursuant to subparagraph (2) of paragraph (c) of subsection 7.

6. The warden, sheriff, administrator or other person responsible for administering a prison shall immediately and fully investigate any act described in subsection 1 that is reported or suspected to have been committed in the prison.

7. If there is probable cause to believe that an act described in paragraph (d) of subsection 1 has been committed in a prison:

(a) Each prisoner believed to have committed the act or to have been the bodily source of any portion of the excrement or bodily fluid involved in the act must submit to any appropriate examinations and testing to determine whether each such prisoner has any communicable disease.

(b) If possible, a sample of the excrement or bodily fluid involved in the act must be recovered and tested to determine whether any communicable disease is present in the excrement or bodily fluid.

(c) If the excrement or bodily fluid involved in the act came into physical contact with any portion of the body of an officer or employee of a prison or any other person:

(1) The results of any examinations or testing conducted pursuant to paragraphs (a) and (b) must be provided to each such officer, employee or other person; and

(2) For each such officer or employee, the person or governmental body operating the prison where the act was committed shall pay for any appropriate examinations and testing requested by the officer or employee to determine whether a communicable disease was transmitted to him as a result of the act.

(d) The results of the investigation conducted pursuant to subsection 6 and the results of any examinations or testing conducted pursuant to paragraphs (a) and (b) must be submitted to the district attorney of the county in which the act was committed or to the Office of the Attorney General for possible prosecution of each prisoner who committed the act.

8. If a prisoner is charged with committing an act described in paragraph (d) of subsection 1 and a victim or an intended victim of the act was an officer or employee of a prison, the prosecuting attorney shall not dismiss the charge in exchange for a plea of guilty ***, guilty but mentally ill*** or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.

9. The provisions of this section do not apply to a prisoner who commits an act described in subsection 1 if the act:

(a) Is otherwise lawful and is authorized by the warden, sheriff, administrator or other person responsible for administering the prison, or his designee, and the prisoner performs the act in accordance with the directions or instructions given to him by that person;

(b) Involves the discharge of human excrement or bodily fluid directly from the body of the prisoner and the discharge is the direct result of a temporary or permanent injury, disease or medical condition afflicting the prisoner that prevents the prisoner from having physical control over the discharge of his own excrement or bodily fluid; or

(c) Constitutes voluntary sexual conduct with another person in violation of the provisions of NRS 212.187.

Sec. 47. NRS 244.3485 is hereby amended to read as follows:

244.3485 1. The board of county commissioners of each county shall, by ordinance, require each person who wishes to engage in the business of a secondhand dealer in an unincorporated area of the county to obtain a license issued by the board before he engages in the business of a secondhand dealer.

2. The ordinance must require the applicant to submit:

(a) An application for a license to the board of county commissioners in a form prescribed by the board.

(b) With his application a complete set of his fingerprints and written permission authorizing the board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. The board of county commissioners shall not issue a license pursuant to this section to an applicant who has been convicted of, or entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, a felony involving moral turpitude or related to the qualifications, functions or duties of a secondhand dealer.

4. The board of county commissioners may:

(a) Establish and collect a fee for the issuance or renewal of a license;

(b) Establish and collect a fee to cover the costs of the investigation of an applicant, including a fee to process the fingerprints of the applicant;

(c) Place conditions, limitations or restrictions upon the license;

(d) Establish any other requirements necessary to carry out the provisions of this section; or

(e) Enact an ordinance which covers the same or similar subject matter included in the provisions of NRS 647.140 and which provides that any person who violates any provision of that ordinance shall be punished:

(1) For the first offense, by a fine of not more than $500.

(2) For the second offense, by a fine of not more than $1,000.

(3) For the third offense, by a fine of not more than $2,000 and by revocation of the license of the secondhand dealer.

Sec. 48. NRS 244.3695 is hereby amended to read as follows:

244.3695 1. The board of county commissioners shall create a graffiti reward and abatement fund. The money in the fund must be used to pay a reward to a person who, in response to the offer of a reward, provides information which results in the identification, apprehension and conviction of a person who violates a county ordinance that prohibits graffiti or other defacement of property.

2. When a defendant pleads or is found guilty ***or guilty but mentally ill*** of violating a county ordinance that prohibits graffiti or other defacement of property, the court shall include an administrative assessment of $250 for each violation in addition to any other fine or penalty. The money collected must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for credit to the graffiti reward and abatement fund.

3. If sufficient money is available in the graffiti reward and abatement fund, a county law enforcement agency may offer a reward, not to exceed $1,000, for information leading to the identification, apprehension and conviction of a person who violates a county ordinance that prohibits graffiti or other defacement of property. The reward must be paid out of the graffiti reward and abatement fund upon approval of the board of county commissioners.

Sec. 49. NRS 268.0974 is hereby amended to read as follows:

268.0974 1. The governing body of an incorporated city in this State, whether organized pursuant to general law or special charter shall, by ordinance, require each person who wishes to engage in the business of a secondhand dealer in the incorporated city to obtain a license issued by the governing body before he engages in the business of a secondhand dealer.

2. The ordinance must require the applicant to submit:

(a) An application for a license to the governing body of the incorporated city in a form prescribed by the governing body.

(b) With his application a complete set of his fingerprints and written permission authorizing the governing body of the incorporated city to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. The governing body of the incorporated city shall not issue a license pursuant to this section to an applicant who has been convicted of, or entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, a felony involving moral turpitude or related to the qualifications, functions or duties of a secondhand dealer.

4. The governing body of the incorporated city may:

(a) Establish and collect a fee for the issuance or renewal of a license;

(b) Establish and collect a fee to cover the costs of the investigation of an applicant, including a fee to process the fingerprints of the applicant;

(c) Place conditions, limitations or restrictions upon the license;

(d) Establish any other requirements necessary to carry out the provisions of this section; or

(e) Enact an ordinance which covers the same or similar subject matter included in the provisions of NRS 647.140 and which provides that any person who violates any provision of that ordinance shall be punished:

(1) For the first offense, by a fine of not more than $500.

(2) For the second offense, by a fine of not more than $1,000.

(3) For the third offense, by a fine of not more than $2,000 and by revocation of the license of the secondhand dealer.

Sec. 50. NRS 268.4085 is hereby amended to read as follows:

268.4085 1. The governing body of each city shall create a graffiti reward and abatement fund. The money in the fund must be used to pay a reward to a person who, in response to the offer of a reward, provides information which results in the identification, apprehension and conviction

of a person who violated a city ordinance that prohibits graffiti or other defacement of property.

2. When a defendant pleads or is found guilty ***or guilty but mentally ill*** of violating a city ordinance that prohibits graffiti or other defacement of property, the court shall include an administrative assessment of $250 for each violation in addition to any other fine or penalty. The money collected must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for credit to the graffiti reward and abatement fund.

3. If sufficient money is available in the graffiti reward and abatement fund, a law enforcement agency for the city may offer a reward, not to exceed $1,000, for information leading to the identification, apprehension and conviction of a person who violates a city ordinance that prohibits graffiti or other defacement of property. The reward must be paid out of the graffiti reward and abatement fund upon approval of the governing body of the city.

Sec. 51. NRS 357.170 is hereby amended to read as follows:

357.170 1. An action pursuant to this chapter may not be commenced more than 3 years after the date of discovery of the fraudulent activity by the Attorney General or more than 5 years after the fraudulent activity occurred, whichever is earlier. Within those limits, an action may be based upon fraudulent activity that occurred before October 1, 1999.

2. In an action pursuant to this chapter, the standard of proof is a preponderance of the evidence. A finding of ~~[guilt]~~ ***guilty or guilty but mentally ill*** in a criminal proceeding charging false statement or fraud, whether upon a verdict of guilty ***or guilty but mentally ill*** or a plea of guilty ***, guilty but mentally ill*** or nolo contendere, estops the person found guilty ***or guilty but mentally ill*** from denying an essential element of that offense in an action pursuant to this chapter based upon the same transaction as the criminal proceeding.

Sec. 52. NRS 453.3363 is hereby amended to read as follows:

453.3363 1. If a person who has not previously been convicted of any offense pursuant to NRS 453.011 to 453.552, inclusive, or pursuant to any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant or hallucinogenic substances tenders a plea of guilty, ***guilty but mentally ill,*** nolo contendere or similar plea to a charge pursuant to subparagraph (1) of paragraph (a) of subsection 2 of NRS 453.3325, subsection 2 or 3 of NRS 453.336, NRS 453.411 or 454.351, or is found guilty ***or guilty but mentally ill*** of one of those charges, the court, without entering a judgment of conviction and with the consent of the accused, may suspend further proceedings and place him on probation upon terms and conditions that must include attendance and successful completion of an educational program or, in the case of a person dependent upon drugs, of a program of treatment and rehabilitation pursuant to NRS 453.580.

2. Upon violation of a term or condition, the court may enter a judgment of conviction and proceed as provided in the section pursuant to which the

accused was charged. Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, upon violation of a term or condition, the court may order the person to the custody of the Department of Corrections.

3. Upon fulfillment of the terms and conditions, the court shall discharge the accused and dismiss the proceedings against him. A nonpublic record of the dismissal must be transmitted to and retained by the Division of Parole and Probation of the Department of Public Safety solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section.

4. Except as otherwise provided in subsection 5, discharge and dismissal under this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the arrest, indictment or information. He may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of him for any purpose. Discharge and dismissal under this section may occur only once with respect to any person.

5. A professional licensing board may consider a proceeding under this section in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to him.

Sec. 53. NRS 453.348 is hereby amended to read as follows:

453.348 In any proceeding brought under NRS 453.316, 453.321, 453.322, 453.333, 453.334, 453.337, 453.338 or 453.401, any previous convictions of the offender for a felony relating to controlled substances must be alleged in the indictment or information charging the primary offense, but the conviction may not be alluded to on the trial of the primary offense nor may any evidence of the previous offense be produced in the presence of the jury except as otherwise prescribed by law. If the offender pleads guilty ***or guilty but mentally ill*** to **,** or is convicted of **,** the primary offense but denies any previous conviction charged, the court shall determine the issue after hearing all relevant evidence. A certified copy of a conviction of a felony is prima facie evidence of the conviction.

Sec. 54. NRS 453.575 is hereby amended to read as follows:

453.575 1. If a defendant pleads guilty ***or guilty but mentally ill*** to **,** or is found guilty ***or guilty but mentally ill*** of, any violation of this chapter and an analysis of a controlled substance or other substance or drug was performed in relation to his case, the court shall include in the sentence an

order that the defendant pay the sum of $60 as a fee for the analysis of the controlled substance or other substance or drug.

2. Except as otherwise provided in this subsection, any money collected for such an analysis must not be deducted from, and is in addition to, any fine otherwise imposed by the court and must be:

(a) Collected from the defendant before or at the same time that the fine is collected.

(b) Stated separately in the judgment of the court or on the court's docket.

3. The money collected pursuant to subsection 1 in any district, municipal or justice court must be paid by the clerk of the court to the county or city treasurer, as appropriate, on or before the fifth day of each month for the preceding month.

4. The board of county commissioners of each county shall by ordinance create in the county treasury a fund to be designated as the fund for forensic services. The governing body of each city shall create in the city treasury a fund to be designated as the fund for forensic services. Upon receipt, the county or city treasurer, as appropriate, shall deposit any fee for the analyses of controlled substances or other substances or drugs in the fund. The money from such deposits must be accounted for separately within the fund.

5. Except as otherwise provided in subsection 6, each month the treasurer shall, from the money credited to the fund pursuant to subsection 3, pay any amount owed for forensic services and deposit any remaining money in the county or city general fund, as appropriate.

6. In counties which do not receive forensic services under a contract with the State, the money deposited in the fund for forensic services pursuant to subsection 4 must be expended, except as otherwise provided in this subsection:

(a) To pay for the analyses of controlled substances or other substances or drugs performed in connection with criminal investigations within the county;

(b) To purchase and maintain equipment to conduct these analyses; and

(c) For the training and continuing education of the employees who conduct these analyses.

➥ Money from the fund must not be expended to cover the costs of analyses conducted by, equipment used by or training for employees of an analytical laboratory not registered with the Drug Enforcement Administration of the United States Department of Justice.

Sec. 55. NRS 454.358 is hereby amended to read as follows:

454.358 1. When a defendant pleads guilty ***or guilty but mentally ill*** to **,** or is found guilty ***or guilty but mentally ill*** of **,** any violation of this chapter and an analysis of a dangerous drug was performed in relation to his case, the justice or judge shall include in the sentence the sum of $50 as a fee for the analysis of the dangerous drug.

2. The money collected for such an analysis must not be deducted from the fine imposed by the justice or judge, but must be taxed against the

defendant in addition to the fine. The money collected for such an analysis must be stated separately on the court's docket and must be included in the amount posted for bail. If the defendant is found not guilty or the charges are dropped, the money deposited with the court must be returned to the defendant.

3. The money collected pursuant to subsection 1 in municipal court must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month.

4. The money collected pursuant to subsection 1 in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month.

5. The board of county commissioners of each county shall by ordinance, before September 1, 1987, create in the county treasury a fund to be designated as the fund for forensic services. Upon receipt, the county treasurer shall deposit any fee for the analyses of dangerous drugs in the fund.

6. In counties which receive forensic services under a contract with the State, any money in the fund for forensic services must be paid monthly by the county treasurer to the State Treasurer for deposit in the State General Fund, after retaining 2 percent of the money to cover his administrative expenses.

7. In counties which do not receive forensic services under a contract with the State, money in the fund for forensic services must be expended, except as otherwise provided in this subsection:

(a) To pay for the analyses of dangerous drugs performed in connection with criminal investigations within the county;

(b) To purchase and maintain equipment to conduct these analyses; and

(c) For the training and continuing education of the employees who conduct these analyses.

➥ Money from the fund must not be expended to cover the costs of analyses conducted by, equipment used by or training for employees of an analytical laboratory not registered with the Drug Enforcement Administration of the United States Department of Justice.

Sec. 56. NRS 483.560 is hereby amended to read as follows:

483.560 1. Except as otherwise provided in subsection 2, any person who drives a motor vehicle on a highway or on premises to which the public has access at a time when his driver's license has been cancelled, revoked or suspended is guilty of a misdemeanor.

2. Except as otherwise provided in this subsection, if the license of the person was suspended, revoked or restricted because of:

(a) A violation of NRS 484.379, 484.3795 or 484.384;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

➥ the person shall be punished by imprisonment in jail for not less than 30 days nor more than 6 months or by serving a term of residential confinement for not less than 60 days nor more than 6 months, and shall be further punished by a fine of not less than $500 nor more than $1,000. A person who is punished pursuant to this subsection may not be granted probation, and a sentence imposed for such a violation may not be suspended. A prosecutor may not dismiss a charge of such a violation in exchange for a plea of guilty**,** ***guilty but mentally ill*** or ~~[of]~~ nolo contendere to a lesser charge or for any other reason, unless in his judgment the charge is not supported by probable cause or cannot be proved at trial. The provisions of this subsection do not apply if the period of revocation has expired but the person has not reinstated his license.

3. A term of imprisonment imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the person convicted. However, the full term of imprisonment must be served within 6 months after the date of conviction, and any segment of time the person is imprisoned must not consist of less than 24 hours.

4. Jail sentences simultaneously imposed pursuant to this section and NRS 484.3792, 484.37937 or 484.3794 must run consecutively.

5. If the Department receives a record of the conviction or punishment of any person pursuant to this section upon a charge of driving a vehicle while his license was:

(a) Suspended, the Department shall extend the period of the suspension for an additional like period.

(b) Revoked, the Department shall extend the period of ineligibility for a license, permit or privilege to drive for an additional 1 year.

(c) Restricted, the Department shall revoke his restricted license and extend the period of ineligibility for a license, permit or privilege to drive for an additional 1 year.

(d) Suspended or cancelled for an indefinite period, the Department shall suspend his license for an additional 6 months for the first violation and an additional 1 year for each subsequent violation.

6. Suspensions and revocations imposed pursuant to this section must run consecutively.

Sec. 57. NRS 484.3792 is hereby amended to read as follows:

484.3792 1. Unless a greater penalty is provided pursuant to NRS 484.3795 or 484.37955, and except as otherwise provided in subsection 2, a person who violates the provisions of NRS 484.379:

(a) For the first offense within 7 years, is guilty of a misdemeanor. Unless he is allowed to undergo treatment as provided in NRS 484.37937, the court shall:

(1) Except as otherwise provided in subparagraph (4) or subsection 7, order him to pay tuition for an educational course on the abuse of alcohol and controlled substances approved by the Department and complete the course within the time specified in the order, and the court shall notify the Department if he fails to complete the course within the specified time;

(2) Unless the sentence is reduced pursuant to NRS 484.37937, sentence him to imprisonment for not less than 2 days nor more than 6 months in jail, or to perform not less than 48 hours, but not more than 96 hours, of community service while dressed in distinctive garb that identifies him as having violated the provisions of NRS 484.379;

(3) Fine him not less than $400 nor more than $1,000; and

(4) If he is found to have a concentration of alcohol of 0.18 or more in his blood or breath, order him to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484.37945.

(b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484.3794, the court shall:

(1) Sentence him to:

(I) Imprisonment for not less than 10 days nor more than 6 months in jail; or

(II) Residential confinement for not less than 10 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive;

(2) Fine him not less than $750 nor more than $1,000, or order him to perform an equivalent number of hours of community service while dressed in distinctive garb that identifies him as having violated the provisions of NRS 484.379; and

(3) Order him to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484.37945.

➥ A person who willfully fails or refuses to complete successfully a term of residential confinement or a program of treatment ordered pursuant to this paragraph is guilty of a misdemeanor.

(c) For a third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and shall be further punished by a fine of not less than $2,000 nor more than $5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. Unless a greater penalty is provided in NRS 484.37955, a person who has previously been convicted of:

(a) A violation of NRS 484.379 that is punishable as a felony pursuant to paragraph (c) of subsection 1;

(b) A violation of NRS 484.3795;

(c) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled

substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or

(d) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a), (b) or (c),

➥ and who violates the provisions of NRS 484.379 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than $2,000 nor more than $5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

3. Except as otherwise provided in this subsection, an offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. An offense which is listed in paragraphs (a) to (d), inclusive, of subsection 2 that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard for the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

4. A person convicted of violating the provisions of NRS 484.379 must not be released on probation, and a sentence imposed for violating those provisions must not be suspended except, as provided in NRS 4.373, 5.055, 484.37937 and 484.3794, that portion of the sentence imposed that exceeds the mandatory minimum. A prosecuting attorney shall not dismiss a charge of violating the provisions of NRS 484.379 in exchange for a plea of guilty**,** ***guilty but mentally ill*** or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.

5. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484.37937 or 484.3794 and the suspension of his sentence was revoked, within 6 months after the date of revocation. Any time

for which the offender is confined must consist of not less than 24 consecutive hours.

6. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560 or 485.330 must run consecutively.

7. If the person who violated the provisions of NRS 484.379 possesses a driver's license issued by a state other than the State of Nevada and does not reside in the State of Nevada, in carrying out the provisions of subparagraph (1) of paragraph (a) of subsection 1, the court shall:

(a) Order the person to pay tuition for and submit evidence of completion of an educational course on the abuse of alcohol and controlled substances approved by a governmental agency of the state of his residence within the time specified in the order; or

(b) Order him to complete an educational course by correspondence on the abuse of alcohol and controlled substances approved by the Department within the time specified in the order,

➥ and the court shall notify the Department if the person fails to complete the assigned course within the specified time.

8. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

9. For the purpose of determining whether one offense occurs within 7 years of another offense, any period of time between the two offenses during which, for any such offense, the offender is imprisoned, serving a term of residential confinement, confined in a treatment facility, on parole or on probation must be excluded.

10. As used in this section, unless the context otherwise requires:

(a) "Concentration of alcohol of 0.18 or more in his blood or breath" means 0.18 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.

(b) "Offense" means:

(1) A violation of NRS 484.379 or 484.3795;

(2) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or

(3) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in subparagraph (1) or (2).

(c) "Treatment facility" has the meaning ascribed to it in NRS 484.3793.

Sec. 58. NRS 484.3795 is hereby amended to read as follows:

484.3795 1. Unless a greater penalty is provided pursuant to NRS 484.37955, a person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his blood or breath;

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his blood or breath;

(d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely driving or exercising actual physical control of a vehicle; or

(f) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379,

➥ and does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on or off the highways of this State, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, a person other than himself, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and must be further punished by a fine of not less than $2,000 nor more than $5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty ***, guilty but mentally ill*** or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 may not be suspended nor may probation be granted.

3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.08 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

4. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

Sec. 59. NRS 484.3795 is hereby amended to read as follows:

484.3795 1. Unless a greater penalty is provided pursuant to NRS 484.37955, a person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.10 or more in his blood or breath;

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.10 or more in his blood or breath;

(d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely driving or exercising actual physical control of a vehicle; or

(f) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379,

➥ and does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on or off the highways of this State, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, a person other than himself, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and must be further punished by a fine of not less than $2,000 nor more than $5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty ***, guilty but mentally ill*** or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 may not be suspended nor may probation be granted.

3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.10 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

4. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

Sec. 60. NRS 484.37955 is hereby amended to read as follows:

484.37955 1. A person commits vehicular homicide if he:

(a) Drives or is in actual physical control of a vehicle on or off the highways of this State and:

(1) Is under the influence of intoxicating liquor;

(2) Has a concentration of alcohol of 0.08 or more in his blood or breath;

(3) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his blood or breath;

(4) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(5) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely driving or exercising actual physical control of a vehicle; or

(6) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379;

(b) Proximately causes the death of a person other than himself while driving or in actual physical control of a vehicle on or off the highways of this State; and

(c) Has previously been convicted of at least three offenses.

2. A person who commits vehicular homicide is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.

3. A person imprisoned pursuant to subsection 2 must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

4. A prosecuting attorney shall not dismiss a charge of vehicular homicide in exchange for a plea of guilty ***, guilty but mentally ill*** or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 2 may not be suspended nor may probation be granted.

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.08 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

6. If the defendant was transporting a person who is less than 15 years of age in the vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

7. As used in this section, "offense" means:

(a) A violation of NRS 484.379 or 484.3795;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 484.379 or 484.3795; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

Sec. 61. NRS 484.37955 is hereby amended to read as follows:

484.37955 1. A person commits vehicular homicide if he:

(a) Drives or is in actual physical control of a vehicle on or off the highways of this State and:

(1) Is under the influence of intoxicating liquor;

(2) Has a concentration of alcohol of 0.10 or more in his blood or breath;

(3) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.10 or more in his blood or breath;

(4) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(5) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely driving or exercising actual physical control of a vehicle; or

(6) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379;

(b) Proximately causes the death of a person other than himself while driving or in actual physical control of a vehicle on or off the highways of this State; and

(c) Has previously been convicted of at least three offenses.

2. A person who commits vehicular homicide is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.

3. A person imprisoned pursuant to subsection 2 must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

4. A prosecuting attorney shall not dismiss a charge of vehicular homicide in exchange for a plea of guilty ***, guilty but mentally ill*** or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be

proved at the time of trial. A sentence imposed pursuant to subsection 2 may not be suspended nor may probation be granted.

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.10 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

6. If the defendant was transporting a person who is less than 15 years of age in the vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

7. As used in this section, "offense" means:

(a) A violation of NRS 484.379 or 484.3795;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 484.379 or 484.3795; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

Sec. 62. NRS 484.3797 is hereby amended to read as follows:

484.3797 1. The judge or judges in each judicial district shall cause the preparation and maintenance of a list of the panels of persons who:

(a) Have been injured or had members of their families or close friends injured or killed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955 or a law of any other jurisdiction that prohibits the same or similar conduct; and

(b) Have, by contacting the judge or judges in the district, expressed their willingness to discuss collectively the personal effect of those crimes.

➥ The list must include the name and telephone number of the person to be contacted regarding each such panel and a schedule of times and locations of the meetings of each such panel. The judge or judges shall establish, in cooperation with representatives of the members of the panels, a fee, if any, to be paid by defendants who are ordered to attend a meeting of the panel. The amount of the fee, if any, must be reasonable. The panel may not be operated for profit.

2. Except as otherwise provided in this subsection, if a defendant pleads guilty ***or guilty but mentally ill*** to **,** or is found guilty ***or guilty but mentally ill*** of **,** any violation of NRS 484.379, 484.3795 or 484.37955, the court shall, in addition to imposing any other penalties provided by law, order the defendant to:

(a) Attend, at the defendant's expense, a meeting of a panel of persons who have been injured or had members of their families or close friends injured or killed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955 or a law of any other jurisdiction that prohibits the same or similar conduct, in order to have the defendant understand the effect such a crime has on other persons; and

(b) Pay the fee, if any, established by the court pursuant to subsection 1.

➥ The court may, but is not required to, order the defendant to attend such a meeting if one is not available within 60 miles of the defendant's residence.

3. A person ordered to attend a meeting pursuant to subsection 2 shall, after attending the meeting, present evidence or other documentation satisfactory to the court that he attended the meeting and remained for its entirety.

Sec. 63. NRS 484.3798 is hereby amended to read as follows:

484.3798 1. If a defendant pleads guilty ***or guilty but mentally ill*** to **,** or is found guilty ***or guilty but mentally ill*** of **,** any violation of NRS 484.379, 484.3795 or 484.37955 and a chemical analysis of his blood, urine, breath or other bodily substance was conducted, the court shall, in addition to any penalty provided by law, order the defendant to pay the sum of $60 as a fee for the chemical analysis. Except as otherwise provided in this subsection, any money collected for the chemical analysis must not be deducted from, and is in addition to, any fine otherwise imposed by the court and must be:

(a) Collected from the defendant before or at the same time that the fine is collected.

(b) Stated separately in the judgment of the court or on the court's docket.

2. All money collected pursuant to subsection 1 must be paid by the clerk of the court to the county or city treasurer, as appropriate, on or before the fifth day of each month for the preceding month.

3. The treasurer shall deposit all money received by him pursuant to subsection 2 in the county or city treasury, as appropriate, for credit to the fund for forensic services created pursuant to NRS 453.575. The money must be accounted for separately within the fund.

4. Except as otherwise provided in subsection 5, each month the treasurer shall, from the money credited to the fund pursuant to subsection 3, pay any amount owed for forensic services and deposit any remaining money in the county or city general fund, as appropriate.

5. In counties that do not receive forensic services under a contract with the State, the money credited to the fund pursuant to subsection 3:

(a) Except as otherwise provided in paragraph (b), must be:

(1) Expended to pay for the chemical analyses performed within the county;

(2) Expended to purchase and maintain equipment to conduct such analyses;

(3) Expended for the training and continuing education of the employees who conduct such analyses; and

(4) Paid to law enforcement agencies which conduct such analyses to be used by those agencies in the manner provided in this subsection.

(b) May only be expended to cover the costs of chemical analyses conducted by, equipment used by ~~[,]~~ or training for employees of an analytical laboratory that is approved by the Committee on Testing for Intoxication created in NRS 484.388.

Sec. 64. NRS 484.3945 is hereby amended to read as follows:

484.3945 1. A person required to install a device pursuant to NRS 484.3943 shall not operate a motor vehicle without a device or tamper with the device.

2. A person who violates any provision of subsection 1:

(a) Must have his driving privilege revoked in the manner set forth in subsection 4 of NRS 483.460; and

(b) Shall be:

(1) Punished by imprisonment in jail for not less than 30 days nor more than 6 months; or

(2) Sentenced to a term of not less than 60 days in residential confinement nor more than 6 months, and by a fine of not less than $500 nor more than $1,000.

➥ No person who is punished pursuant to this section may be granted probation, and no sentence imposed for such a violation may be suspended. No prosecutor may dismiss a charge of such a violation in exchange for a plea of guilty ***, guilty but mentally ill*** or ~~[of]~~ nolo contendere to a lesser charge or for any other reason unless, in his judgment, the charge is not supported by probable cause or cannot be proved at trial.

Sec. 65. NRS 484.777 is hereby amended to read as follows:

484.777 1. The provisions of this chapter are applicable and uniform throughout this State on all highways to which the public has a right of access or to which persons have access as invitees or licensees.

2. Unless otherwise provided by specific statute, any local authority may enact by ordinance traffic regulations which cover the same subject matter as the various sections of this chapter if the provisions of the ordinance are not in conflict with this chapter. It may also enact by ordinance regulations requiring the registration and licensing of bicycles.

3. A local authority shall not enact an ordinance:

(a) Governing the registration of vehicles and the licensing of drivers;

(b) Governing the duties and obligations of persons involved in traffic accidents, other than the duties to stop, render aid and provide necessary information; or

(c) Providing a penalty for an offense for which the penalty prescribed by this chapter is greater than that imposed for a misdemeanor.

4. No person convicted or adjudged guilty ***or guilty but mentally ill*** of a violation of a traffic ordinance may be charged or tried in any other court in this State for the same offense.

Sec. 66. NRS 487.650 is hereby amended to read as follows:

487.650 1. The Department may refuse to issue a license or, after notice and hearing, may suspend, revoke or refuse to renew a license to operate a body shop upon any of the following grounds:

(a) Failure of the applicant or licensee to have or maintain an established place of business in this State.

(b) Conviction of the applicant or licensee or an employee of the applicant or licensee of a felony, or of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter.

(c) Any material misstatement in the application for the license.

(d) Willful failure of the applicant or licensee to comply with the motor vehicle laws of this State and NRS 487.035, 487.610 to 487.690, inclusive, or 597.480 to 597.590, inclusive.

(e) Failure or refusal by the licensee to pay or otherwise discharge any final judgment against him arising out of the operation of the body shop.

(f) Failure or refusal to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 2.

(g) A finding of ~~[guilt]~~ ***guilty or guilty but mentally ill*** by a court of competent jurisdiction in a case involving a fraudulent inspection, purchase, sale or transfer of a salvage vehicle by the applicant or licensee or an employee of the applicant or licensee.

(h) An improper, careless or negligent inspection of a salvage vehicle pursuant to NRS 487.800 by the applicant or licensee or an employee of the applicant or licensee.

(i) A false statement of material fact in a certification of a salvage vehicle pursuant to NRS 487.800 or a record regarding a salvage vehicle by the applicant or licensee or an employee of the applicant or licensee.

2. Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the operation of a body shop, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS 487.610 to 487.690, inclusive, or to determine the suitability of an applicant or a licensee for such licensure.

3. As used in this section, "salvage vehicle" has the meaning ascribed to it in NRS 487.770.

Sec. 67. NRS 488.420 is hereby amended to read as follows:

488.420 1. Unless a greater penalty is provided pursuant to NRS 488.425, a person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his blood or breath;

(c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under power or sail to have a concentration of alcohol of 0.08 or more in his blood or breath;

(d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely operating or being in actual physical control of a vessel under power or sail; or

(f) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 488.410,

➥ and does any act or neglects any duty imposed by law while operating or being in actual physical control of any vessel under power or sail, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, a person other than himself, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than $2,000 nor more than $5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty ***, guilty but mentally ill*** or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 must not be suspended, and probation must not be granted.

3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel under power or sail, and before his blood was tested, to cause him to have a concentration of alcohol of 0.08 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

4. If a person less than 15 years of age was in the vessel at the time of the defendant's violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

Sec. 68. NRS 488.420 is hereby amended to read as follows:

488.420 1. Unless a greater penalty is provided pursuant to NRS 488.425, a person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.10 or more in his blood or breath;

(c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under power or sail to have a concentration of alcohol of 0.10 or more in his blood or breath;

(d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely operating or being in actual physical control of a vessel under power or sail; or

(f) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 488.410,

➥ and does any act or neglects any duty imposed by law while operating or being in actual physical control of any vessel under power or sail, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, a person other than himself, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than $2,000 nor more than $5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty ***, guilty but mentally ill*** or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 must not be suspended, and probation must not be granted.

3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel under power or sail, and before his blood was tested, to cause him to have a concentration of alcohol of 0.10 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

4. If a person less than 15 years of age was in the vessel at the time of the defendant's violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

Sec. 69. NRS 488.425 is hereby amended to read as follows:

488.425 1. A person commits homicide by vessel if he:

(a) Operates or is in actual physical control of a vessel under power or sail on the waters of this State and:

(1) Is under the influence of intoxicating liquor;

(2) Has a concentration of alcohol of 0.08 or more in his blood or breath;

(3) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under power or sail to have a concentration of alcohol of 0.08 or more in his blood or breath;

(4) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(5) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely operating or exercising actual physical control of a vessel under power or sail; or

(6) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 488.410;

(b) Proximately causes the death of a person other than himself while operating or in actual physical control of a vessel under power or sail; and

(c) Has previously been convicted of at least three offenses.

2. A person who commits homicide by vessel is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.

3. A person imprisoned pursuant to subsection 2 must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

4. A prosecuting attorney shall not dismiss a charge of homicide by vessel in exchange for a plea of guilty ***, guilty but mentally ill*** or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 2 may not be suspended nor may probation be granted.

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.08 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

6. If the defendant was transporting a person who is less than 15 years of age in the vessel at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

7. As used in this section, "offense" means:

(a) A violation of NRS 488.410 or 488.420;

(b) A homicide resulting from operating or being in actual physical control of a vessel while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 488.410 or 488.420; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

Sec. 70. NRS 488.425 is hereby amended to read as follows:

488.425 1. A person commits homicide by vessel if he:

(a) Operates or is in actual physical control of a vessel under power or sail on the waters of this State and:

(1) Is under the influence of intoxicating liquor;

(2) Has a concentration of alcohol of 0.10 or more in his blood or breath;

(3) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under power or sail to have a concentration of alcohol of 0.10 or more in his blood or breath;

(4) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(5) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely operating or exercising actual physical control of a vessel under power or sail; or

(6) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 488.420;

(b) Proximately causes the death of a person other than himself while operating or in actual physical control of a vessel under power or sail; and

(c) Has previously been convicted of at least three offenses.

2. A person who commits homicide by vessel is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.

3. A person imprisoned pursuant to subsection 2 must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

4. A prosecuting attorney shall not dismiss a charge of homicide by vessel in exchange for a plea of guilty ***, guilty but mentally ill*** or nolo contendere to a lesser charge or for any other reason unless he knows or it is

obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 2 may not be suspended nor may probation be granted.

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.10 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

6. If the defendant was transporting a person who is less than 15 years of age in the vessel at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

7. As used in this section, "offense" means:

(a) A violation of NRS 488.410 or 488.420;

(b) A homicide resulting from operating or being in actual physical control of a vessel while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 488.410 or 488.420; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

Sec. 71. NRS 488.427 is hereby amended to read as follows:

488.427 1. Unless a greater penalty is provided pursuant to NRS 488.425, a person who violates the provisions of NRS 488.410 and who has previously been convicted of a violation of NRS 488.420 or 488.425 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct as set forth in NRS 488.420 or 488.425 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than $2,000 nor more than $5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. The facts concerning a prior violation of NRS 488.420 or 488.425 must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing.

3. A prosecuting attorney shall not dismiss a charge of violating the provisions of NRS 488.410 against a person previously convicted of violating NRS 488.420 or 488.425 in exchange for a plea of guilty ***, guilty but mentally ill*** or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable

cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 must not be suspended, and probation must not be granted.

4. If a person less than 15 years of age was in the vessel at the time of the defendant's violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

Sec. 72. NRS 488.440 is hereby amended to read as follows:

488.440 1. If a defendant pleads guilty ***or guilty but mentally ill*** to **,** or is found guilty ***or guilty but mentally ill*** of, a violation of NRS 488.410, 488.420 or 488.425 and a chemical analysis of his blood, urine, breath or other bodily substance was conducted, the court shall, in addition to any penalty provided by law, order the defendant to pay the sum of $60 as a fee for the chemical analysis. Except as otherwise provided in this subsection, any money collected for the chemical analysis must not be deducted from, and is in addition to, any fine otherwise imposed by the court and must be:

(a) Collected from the defendant before or at the same time that the fine is collected.

(b) Stated separately in the judgment of the court or on the court's docket.

2. All money collected pursuant to subsection 1 must be paid by the clerk of the court to the county or city treasurer, as appropriate, on or before the fifth day of each month for the preceding month.

3. The treasurer shall deposit all money received by him pursuant to subsection 2 in the county or city treasury, as appropriate, for credit to the fund for forensic services created pursuant to NRS 453.575. The money must be accounted for separately within the fund.

4. Except as otherwise provided in subsection 5, each month the treasurer shall, from the money credited to the fund pursuant to subsection 3, pay any amount owed for forensic services and deposit any remaining money in the county or city general fund, as appropriate.

5. In counties that do not receive forensic services under a contract with the State, the money credited to the fund pursuant to subsection 3:

(a) Except as otherwise provided in paragraph (b), must be:

(1) Expended to pay for the chemical analyses performed within the county;

(2) Expended to purchase and maintain equipment to conduct such analyses;

(3) Expended for the training and continuing education of the employees who conduct such analyses; and

(4) Paid to law enforcement agencies which conduct such analyses to be used by those agencies in the manner provided in this subsection.

(b) May only be expended to cover the costs of chemical analyses conducted by, equipment used by or training for employees of an analytical laboratory that is approved by the Committee on Testing for Intoxication created in NRS 484.388.

Sec. 73. NRS 489.421 is hereby amended to read as follows:

489.421 The following grounds, among others, constitute grounds for disciplinary action under NRS 489.381:

1. Revocation or denial of a license issued pursuant to this chapter or an equivalent license in any other state, territory or country.

2. Failure of the licensee to maintain any other license required by any political subdivision of this State.

3. Failure to respond to a notice served by the Division as provided by law within the time specified in the notice.

4. Failure to take the corrective action required in a notice of violation issued pursuant to NRS 489.291.

5. Failure or refusing to permit access by the Administrator to documentary materials set forth in NRS 489.231.

6. Disregarding or violating any order of the Administrator, any agreement with the Division, or any provision of this chapter or any regulation adopted under it.

7. Conviction of a misdemeanor for violation of any of the provisions of this chapter.

8. Conviction of or entering a plea of guilty ***, guilty but mentally ill*** or nolo contendere to:

(a) A felony relating to the position for which the applicant has applied or the licensee has been licensed pursuant to this chapter; or

(b) A crime of moral turpitude in this State or any other state, territory or country.

9. Any other conduct that constitutes deceitful, fraudulent or dishonest dealing.

Sec. 74. NRS 597.1143 is hereby amended to read as follows:

597.1143 1. A supplier shall not terminate, fail to renew or substantially change the terms of a dealer agreement without good cause.

2. Except as otherwise provided in this section, a supplier may terminate or refuse to renew a dealer agreement for good cause if the supplier provides to the dealer a written notice setting forth the reasons for the termination or nonrenewal of the dealer agreement at least 180 days before the termination or nonrenewal of the dealer agreement.

3. A supplier shall include in the written notice required by subsection 2 an explanation of the deficiencies of the dealer and the manner in which those deficiencies must be corrected. If the dealer corrects the deficiencies set forth in the notice within 60 days after he receives the notice, the supplier shall not terminate or fail to renew the dealer agreement for the reasons set forth in the notice.

4. A supplier shall not terminate or refuse to renew a dealer agreement based solely on the failure of the dealer to comply with the requirements of the dealer agreement concerning the share of the market the dealer was required to obtain unless the supplier has, for not less than 1 year, provided assistance to the dealer in the dealer's effort to obtain the required share of the market.

5. A supplier is not required to comply with the provisions of subsections 2 and 3 if the supplier terminates or refuses to renew a dealer agreement for any reason set forth in paragraphs (b) to (i), inclusive, of subsection 6.

6. As used in this section, "good cause" means:

(a) A dealer fails to comply with the terms of a dealer agreement, if the terms are not substantially different from the terms required for other dealers in this State or any other state;

(b) A closeout or sale of a substantial part of the business assets of a dealer or a commencement of the dissolution or liquidation of the business assets of the dealer;

(c) A dealer changes its principal place of business or adds other places of business without the prior approval of the supplier, which may not be unreasonably withheld;

(d) A dealer substantially defaults under a chattel mortgage or other security agreement between the dealer and the supplier;

(e) A guarantee of a present or future obligation of a dealer to the supplier is revoked or discontinued;

(f) A dealer fails to operate in the normal course of business for at least 7 consecutive days;

(g) A dealer abandons the dealership;

(h) A dealer pleads guilty ***or guilty but mentally ill*** to **,** or is convicted of **,** a felony affecting the business relationship between the dealer and supplier; or

(i) A dealer transfers a financial interest in the dealership, a person who has a substantial financial interest in the ownership or control of the dealership dies or withdraws from the dealership, or the financial interest of a partner or major shareholder in the dealership is substantially reduced.

➥ For the purposes of this section, good cause does not exist if the supplier consents to any action described in this section.

Sec. 75. NRS 597.155 is hereby amended to read as follows:

597.155 1. Except as otherwise provided in subsection 2, a supplier must, at least 90 days before he terminates or refuses to continue any franchise with a wholesaler or causes a wholesaler to resign from any franchise, send a notice by certified mail, return receipt requested, to the wholesaler. The notice must include:

(a) The reason for the proposed action and a description of any failure of the wholesaler to comply with the terms, provisions and conditions of the franchise alleged by the supplier pursuant to NRS 597.160; and

(b) A statement that the wholesaler may correct any such failure within the period prescribed in NRS 597.160.

2. Any action taken by a supplier pursuant to subsection 1 becomes effective on the date the wholesaler receives the notice required pursuant to subsection 1 if the wholesaler:

(a) Has had his license to sell alcoholic beverages issued pursuant to state or federal law revoked or suspended for more than 31 days;

(b) Is insolvent pursuant to 11 U.S.C. § 101;

(c) Has had an order for relief entered against him pursuant to 11 U.S.C. §§ 701 et seq.;

(d) Has had his ability to conduct business substantially affected by a liquidation or dissolution;

(e) Or any other person who has a financial interest in the wholesaler of not less than 10 percent and is active in the management of the wholesaler has been convicted of **,** or has pleaded guilty ***or guilty but mentally ill*** to **,** a felony and the supplier determines that the conviction or plea substantially and adversely affects the ability of the wholesaler to sell the products of the supplier;

(f) Has committed fraud or has made a material misrepresentation in his dealings with the supplier or the products of the supplier;

(g) Has sold alcoholic beverages which the wholesaler received from the supplier to:

(1) A retailer who the wholesaler knows or should know does not have a place of business where the retailer is entitled to sell alcoholic beverages within the marketing area of the wholesaler; or

(2) Any person who the wholesaler knows or should know sells or supplies alcoholic beverages to any retailer who does not have a place of business where the retailer is entitled to sell alcoholic beverages within the marketing area of the wholesaler;

(h) Has failed to pay for any product ordered and delivered pursuant to the provisions of an agreement between the supplier and wholesaler within 7 business days after the supplier sends to the wholesaler a written notice which includes a statement that he has failed to pay for the product and a demand for immediate payment;

(i) Has made an assignment for the benefit of creditors or a similar disposition of substantially all the assets of his franchise;

(j) Or any other person who has a financial interest in the wholesaler has:

(1) Transferred or attempted to transfer the assets of the franchise, voting stock of the wholesaler or voting stock of any parent corporation of the wholesaler; or

(2) Changed or attempted to change the beneficial ownership or control of any such entity,

➥ unless the wholesaler first notified the supplier in writing and the supplier has not unreasonably withheld his approval; or

(k) Discontinues selling the products of the supplier, unless:

(1) The discontinuance is a result of an accident which the wholesaler was unable to prevent;

(2) The wholesaler has, if applicable, taken action to correct the condition which caused the accident; and

(3) The wholesaler has notified the supplier of the accident if he has discontinued selling the products of the supplier for more than 10 days.

Sec. 76. NRS 597.818 is hereby amended to read as follows:

597.818 1. A person who violates any provision of NRS 597.814 is guilty of a misdemeanor.

2. If a person is found guilty ***or guilty but mentally ill*** of, or has pleaded guilty ***, guilty but mentally ill*** or nolo contendere to, violating any provision of NRS 597.814, his telephone service to which a device for automatic dialing and announcing has been connected must be suspended for a period determined by the court.

Sec. 77. NRS 616A.250 is hereby amended to read as follows:

616A.250 "Incarcerated" means confined in:

1. Any local detention facility, county jail, state prison, reformatory or other correctional facility as a result of a conviction or a plea of guilty ***, guilty but mentally ill*** or nolo contendere in a criminal proceeding; or

2. Any institution or facility for the mentally ill as a result of a plea of not guilty by reason of insanity in a criminal proceeding,

➥ in this State, another state or a foreign country.

Sec. 78. NRS 623.270 is hereby amended to read as follows:

623.270 1. The Board may place the holder of any certificate of registration issued pursuant to the provisions of this chapter on probation, publicly reprimand him, fine him not more than $10,000, suspend or revoke his license, impose the costs of investigation and prosecution upon him or take any combination of these disciplinary actions for any of the following acts:

(a) The certificate was obtained by fraud or concealment of a material fact.

(b) The holder of the certificate has been found guilty by the Board or ***found guilty or guilty but mentally ill*** by a court of justice of any fraud, deceit or concealment of a material fact in his professional practice, or has been convicted by a court of justice of a crime involving moral turpitude.

(c) The holder of the certificate has been found guilty by the Board of incompetency, negligence or gross negligence in:

(1) The practice of architecture or residential design; or

(2) His practice as a registered interior designer.

(d) The holder of a certificate has affixed his signature or seal to plans, drawings, specifications or other instruments of service which have not been prepared by him or in his office, or under his responsible control, or has permitted the use of his name to assist any person who is not a registered architect, registered interior designer or residential designer to evade any provision of this chapter.

(e) The holder of a certificate has aided or abetted any unauthorized person to practice:

(1) Architecture or residential design; or

(2) As a registered interior designer.

(f) The holder of the certificate has violated any law, regulation or code of ethics pertaining to:

(1) The practice of architecture or residential design; or

(2) Practice as a registered interior designer.

(g) The holder of a certificate has failed to comply with an order issued by the Board or has failed to cooperate with an investigation conducted by the Board.

2. The conditions for probation imposed pursuant to the provisions of subsection 1 may include, but are not limited to:

(a) Restriction on the scope of professional practice.

(b) Peer review.

(c) Required education or counseling.

(d) Payment of restitution to each person who suffered harm or loss.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The Board shall not privately reprimand the holder of any certificate of registration issued pursuant to this chapter.

5. As used in this section:

(a) "Gross negligence" means conduct which demonstrates a reckless disregard of the consequences affecting the life or property of another person.

(b) "Incompetency" means conduct which, in:

(1) The practice of architecture or residential design; or

(2) Practice as a registered interior designer,

➥ demonstrates a significant lack of ability, knowledge or fitness to discharge a professional obligation.

(c) "Negligence" means a deviation from the normal standard of professional care exercised generally by other members in:

(1) The profession of architecture or residential design; or

(2) Practice as a registered interior designer.

Sec. 79. NRS 624.165 is hereby amended to read as follows:

624.165 1. The Board shall:

(a) Designate one or more of its employees for the investigation of constructional fraud;

(b) Cooperate with other local, state or federal investigative and law enforcement agencies, and the Attorney General;

(c) Assist the Attorney General or any official of an investigative or a law enforcement agency of this State, any other state or the Federal Government who requests assistance in investigating any act of constructional fraud; and

(d) Furnish to those officials any information concerning its investigation or report on any act of constructional fraud.

2. The Board may obtain records of a law enforcement agency or any other agency that maintains records of criminal history, including, without limitation, records of:

(a) Arrests;

(b) Guilty ***and guilty but mentally ill*** pleas;

(c) Sentencing;

(d) Probation;

(e) Parole;

(f) Bail;

(g) Complaints; and

(h) Final dispositions,

➥ for the investigation of constructional fraud.

3. For the purposes of this section, constructional fraud occurs if a person engaged in construction knowingly:

(a) Misapplies money under the circumstances described in NRS 205.310;

(b) Obtains money, property or labor by false pretense as described in NRS 205.380;

(c) Receives payments and fails to state his own true name, or states a false name, contractor's license number, address or telephone number of the person offering a service;

(d) Diverts money or commits any act of theft, forgery, fraud or embezzlement, in connection with a construction project, that violates a criminal statute of this State;

(e) Acts as a contractor without:

(1) Possessing a contractor's license issued pursuant to this chapter; or

(2) Possessing any other license required by this State or a political subdivision of this State;

(f) In any report relating to a contract for a public work, submits false information concerning a payroll to a public officer or agency; or

(g) Otherwise fails to disclose a material fact.

Sec. 80. NRS 624.265 is hereby amended to read as follows:

624.265 1. An applicant for a contractor's license or a licensed contractor and each officer, director, partner and associate thereof must possess good character. Lack of character may be established by showing that the applicant or licensed contractor, or any officer, director, partner or associate thereof, has:

(a) Committed any act which would be grounds for the denial, suspension or revocation of a contractor's license;

(b) A bad reputation for honesty and integrity;

(c) Entered a plea of ***guilty, guilty but mentally ill or*** nolo contendere [or guilty] to, been found guilty ***or guilty but mentally ill*** of **,** or been convicted, in this State or any other jurisdiction, of a crime arising out of, in connection with or related to the activities of such person in such a manner as to demonstrate his unfitness to act as a contractor, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal; or

(d) Had a license revoked or suspended for reasons that would preclude the granting or renewal of a license for which the application has been made.

2. Upon the request of the Board, an applicant for a contractor's license, and any officer, director, partner or associate of the applicant, must submit to the Board completed fingerprint cards and a form authorizing an investigation of the applicant's background and the submission of his fingerprints to the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation. The fingerprint cards and

authorization form submitted must be those that are provided to the applicant by the Board. The applicant's fingerprints may be taken by an agent of the Board or an agency of law enforcement.

3. The Board shall keep the results of the investigation confidential and not subject to inspection by the general public.

4. The Board shall establish by regulation the fee for processing the fingerprints to be paid by the applicant. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

5. The Board may obtain records of a law enforcement agency or any other agency that maintains records of criminal history, including, without limitation, records of:

(a) Arrests;

(b) Guilty ***and guilty but mentally ill*** pleas;

(c) Sentencing;

(d) Probation;

(e) Parole;

(f) Bail;

(g) Complaints; and

(h) Final dispositions,

➥ for the investigation of a licensee or an applicant for a contractor's license.

Sec. 81. NRS 632.320 is hereby amended to read as follows:

632.320 The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that he:

1. Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

2. Is guilty of any offense:

(a) Involving moral turpitude; or

(b) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

➥ in which case the record of conviction is conclusive evidence thereof.

3. Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

4. Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

5. Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his ability to conduct the practice authorized by his license or certificate.

6. Is mentally incompetent.

7. Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(a) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(b) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(c) Impersonating another licensed practitioner or holder of a certificate.

(d) Permitting or allowing another person to use his license or certificate to practice as a licensed practical nurse, registered nurse or nursing assistant.

(e) Repeated malpractice, which may be evidenced by claims of malpractice settled against him.

(f) Physical, verbal or psychological abuse of a patient.

(g) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

8. Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

9. Is guilty of aiding or abetting any person in a violation of this chapter.

10. Has falsified an entry on a patient's medical chart concerning a controlled substance.

11. Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

12. Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or has committed an act in another state which would constitute a violation of this chapter.

13. Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

14. Has willfully failed to comply with a regulation, subpoena or order of the Board.

➥ For the purposes of this section, a plea or verdict of guilty ***or guilty but mentally ill*** or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

Sec. 82. NRS 639.006 is hereby amended to read as follows:

639.006 "Conviction" means a plea or verdict of guilty ***or guilty but mentally ill*** or a conviction following a plea of nolo contendere to a charge of a felony, any offense involving moral turpitude or any violation of the provisions of this chapter or chapter 453 or 454 of NRS.

Sec. 83. NRS 639.500 is hereby amended to read as follows:

639.500 1. In addition to the requirements for an application set forth in NRS 639.100, each applicant for a license to engage in wholesale distribution shall submit with his application a complete set of his fingerprints and written permission authorizing the Board to forward the

fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. If the applicant is a:

(a) Natural person, that person must submit his fingerprints.

(b) Partnership, each partner must submit his fingerprints.

(c) Corporation, each officer and director of the corporation must submit his fingerprints.

(d) Sole proprietorship, that sole proprietor must submit his fingerprints.

2. In addition to the requirements of subsection 1, the applicant shall submit with his application a list containing each employee, agent, independent contractor, consultant, guardian, personal representative, lender or holder of indebtedness of the applicant. The Board may require any person on the applicant's list to submit a complete set of his fingerprints to the Board if the Board determines that the person has the power to exercise significant influence over the operation of the applicant as a licensed wholesaler. The fingerprints must be submitted with written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The provisions of this subsection do not apply to a:

(a) Lender or holder of indebtedness of an applicant who is a commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, personal property broker, consumer finance lender, commercial finance lender or insurer, or any other person engaged in the business of extending credit, who is regulated by an officer or agency of the State or the Federal Government.

(b) Common motor carrier or other delivery service that delivers a drug at the direction of a manufacturer.

3. The Board may issue a provisional license to an applicant pending receipt of the reports from the Federal Bureau of Investigation if the Board determines that the applicant is otherwise qualified.

4. An applicant who is issued a license by the Board shall not allow a person who is required to submit his fingerprints pursuant to subsection 2 to act in any capacity in which he exercises significant influence over the operation of the wholesaler if the:

(a) Person does not submit a complete set of his fingerprints in accordance with subsection 2; or

(b) Report of the criminal history of the person indicates that he has been convicted of, or entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, a felony or offense involving moral turpitude or related to the qualifications, functions or duties of that person in connection with the operation of the wholesaler.

5. The Board shall not issue a license to an applicant if the requirements of this section are not satisfied.

Sec. 84. NRS 639.505 is hereby amended to read as follows:

639.505 1. On an annual basis, each licensed wholesaler shall submit to the Board an updated list of each employee, agent, independent contractor, consultant, guardian, personal representative, lender or holder of indebtedness of the wholesaler who is employed by or otherwise contracts with the wholesaler for the provision of services in connection with the operation of the licensee as a wholesaler. Any changes to the list must be submitted to the Board not later than 30 days after the change is made.

2. If a person identified on an updated list of the wholesaler is employed by or otherwise contracts with the wholesaler after the wholesaler is issued a license and that person did not submit his fingerprints pursuant to NRS 639.500, the Board may require that person to submit a complete set of his fingerprints to the Board if the Board determines that the person has the power to exercise significant influence over the operation of the licensee as a wholesaler. The fingerprints must be submitted within 30 days after being requested to do so by the Board and must include written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The provisions of this subsection do not apply to a:

(a) Lender or holder of indebtedness of a wholesaler who is a commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, personal property broker, consumer finance lender, commercial finance lender or insurer, or any other person engaged in the business of extending credit, who is regulated by an officer or agency of the State or the Federal Government.

(b) Common motor carrier or other delivery service that delivers a drug at the direction of a manufacturer.

3. A wholesaler shall not allow a person who is required to submit his fingerprints pursuant to subsection 2 to act in any capacity in which he exercises significant influence over the operation of the wholesaler if the:

(a) Person does not submit a complete set of his fingerprints in accordance with subsection 2; or

(b) Report of the criminal history of the person indicates that he has been convicted of, or entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, a felony or offense involving moral turpitude or related to qualifications, functions or duties of that person in connection with the operation of the wholesaler.

Sec. 85. NRS 645.330 is hereby amended to read as follows:

645.330 1. Except as otherwise provided by a specific statute, the Division may approve an application for a license for a person who meets all the following requirements:

(a) Has a good reputation for honesty, trustworthiness and integrity and who offers proof of those qualifications satisfactory to the Division.

(b) Has not made a false statement of material fact on his application.

(c) Is competent to transact the business of a real estate broker, broker-salesman or salesman in a manner which will safeguard the interests of the public.

(d) Has passed the examination.

(e) Has submitted all information required to complete the application.

2. The Division:

(a) May deny a license to any person who has been convicted of, or entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, engaging in a real estate business without a license, possessing for the purpose of sale any controlled substance or any crime involving moral turpitude, in any court of competent jurisdiction in the United States or elsewhere; and

(b) Shall not issue a license to such a person until at least 3 years after:

(1) The person pays any fine or restitution ordered by the court; or

(2) The expiration of the period of the person's parole, probation or sentence,

➥ whichever is later.

3. Suspension or revocation of a license pursuant to this chapter or any prior revocation or current suspension in this or any other state, district or territory of the United States or any foreign country before the date of the application is grounds for refusal to grant a license.

4. Except as otherwise provided in NRS 645.332, a person may not be licensed as a real estate broker unless he has been actively engaged as a full-time licensed real estate broker-salesman or salesman in this State, or actively engaged as a full-time licensed real estate broker, broker-salesman or salesman in another state or the District of Columbia, for at least 2 of the 4 years immediately preceding the issuance of a broker's license.

Sec. 86. NRS 645.350 is hereby amended to read as follows:

645.350 1. An application for a license as a real estate broker, broker-salesman or salesman must be submitted in writing to the Division upon blanks prepared or furnished by the Division.

2. Every application for a real estate broker's, broker-salesman's or salesman's license must set forth the following information:

(a) The name, age and address of the applicant. If the applicant is a partnership or an association which is applying to do business as a real estate broker, the application must contain the name and address of each member thereof. If the application is for a corporation which is applying to do business as a real estate salesman, real estate broker-salesman or real estate broker, the application must contain the name and address of each officer and director thereof. If the applicant is a limited-liability company which is applying to do business as a real estate broker, the company's articles of organization must designate a manager, and the name and address of the manager and each member must be listed in the application.

(b) In the case of a broker, the name under which the business is to be conducted. The name is a fictitious name if it does not contain the name of the applicant or the names of the members of the applicant's company, firm, partnership or association. Except as otherwise provided in NRS 645.387, a license must not be issued under a fictitious name which includes the name of a real estate salesman or broker-salesman. A license must not be issued under the same fictitious name to more than one licensee within the State. All licensees doing business under a fictitious name shall comply with other pertinent statutory regulations regarding the use of fictitious names.

(c) In the case of a broker, the place or places, including the street number, city and county, where the business is to be conducted.

(d) The business or occupation engaged in by the applicant for at least 2 years immediately preceding the date of the application, and the location thereof.

(e) The time and place of the applicant's previous experience in the real estate business as a broker or salesman.

(f) Whether the applicant has ever been convicted of or is under indictment for a felony or has entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to a charge of felony and, if so, the nature of the felony.

(g) Whether the applicant has been convicted of or entered a plea of nolo contendere to forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, engaging in the business of selling real estate without a license or any crime involving moral turpitude.

(h) Whether the applicant has been refused a real estate broker's, broker-salesman's or salesman's license in any state, or whether his license as a broker or salesman has been revoked or suspended by any other state, district or territory of the United States or any other country.

(i) If the applicant is a member of a limited-liability company, partnership or association, or an officer of a corporation, the name and address of the office of the limited-liability company, partnership, association or corporation of which the applicant is a member or officer.

(j) All information required to complete the application.

3. An applicant for a license as a broker-salesman or salesman shall provide a verified statement from the broker with whom he will be associated, expressing the intent of that broker to associate the applicant with him and to be responsible for the applicant's activities as a licensee.

4. If a limited-liability company, partnership or association is to do business as a real estate broker, the application for a broker's license must be verified by at least two members thereof. If a corporation is to do business as a real estate broker, the application must be verified by the president and the secretary thereof.

Sec. 87. NRS 645.633 is hereby amended to read as follows:

645.633 1. The Commission may take action pursuant to NRS 645.630 against any person subject to that section who is guilty of any of the following acts:

(a) Willfully using any trade name, service mark or insigne of membership in any real estate organization of which the licensee is not a member, without the legal right to do so.

(b) Violating any order of the Commission, any agreement with the Division, any of the provisions of this chapter, chapter 116, 119, 119A, 119B, 645A or 645C of NRS or any regulation adopted pursuant thereto.

(c) Paying a commission, compensation or a finder's fee to any person for performing the services of a broker, broker-salesman or salesman who has not secured his license pursuant to this chapter. This subsection does not apply to payments to a broker who is licensed in his state of residence.

(d) A conviction of, or the entry of a plea of guilty ***, guilty but mentally ill*** or nolo contendere to:

(1) A felony relating to the practice of the licensee, property manager or owner-developer; or

(2) Any crime involving fraud, deceit, misrepresentation or moral turpitude.

(e) Guaranteeing, or having authorized or permitted any person to guarantee, future profits which may result from the resale of real property.

(f) Failure to include a fixed date of expiration in any written brokerage agreement or failure to leave a copy of such a brokerage agreement or any property management agreement with the client.

(g) Accepting, giving or charging any undisclosed commission, rebate or direct profit on expenditures made for a client.

(h) Gross negligence or incompetence in performing any act for which he is required to hold a license pursuant to this chapter, chapter 119, 119A or 119B of NRS.

(i) Any other conduct which constitutes deceitful, fraudulent or dishonest dealing.

(j) Any conduct which took place before he became licensed which was in fact unknown to the Division and which would have been grounds for denial of a license had the Division been aware of the conduct.

(k) Knowingly permitting any person whose license has been revoked or suspended to act as a real estate broker, broker-salesman or salesman, with or on behalf of the licensee.

(l) Recording or causing to be recorded a claim pursuant to the provisions of NRS 645.8701 to 645.8811, inclusive, that is determined by a district court to be frivolous and made without reasonable cause pursuant to NRS 645.8791.

2. The Commission may take action pursuant to NRS 645.630 against a person who is subject to that section for the suspension or revocation of a real estate broker's, broker-salesman's or salesman's license issued to him by any other jurisdiction.

3. The Commission may take action pursuant to NRS 645.630 against any person who:

(a) Holds a permit to engage in property management issued pursuant to NRS 645.6052; and

(b) In connection with any property for which the person has obtained a property management agreement pursuant to NRS 645.6056:

(1) Is convicted of violating any of the provisions of NRS 202.470;

(2) Has been notified in writing by the appropriate governmental agency of a potential violation of NRS 244.360, 244.3603 or 268.4124, and has failed to inform the owner of the property of such notification; or

(3) Has been directed in writing by the owner of the property to correct a potential violation of NRS 244.360, 244.3603 or 268.4124, and has failed to correct the potential violation, if such corrective action is within the scope of the person's duties pursuant to the property management agreement.

4. The Division shall maintain a log of any complaints that it receives relating to activities for which the Commission may take action against a person holding a permit to engage in property management pursuant to subsection 3.

5. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 4; and

(b) Any disciplinary actions taken by the Commission pursuant to subsection 3.

Sec. 88. NRS 645C.290 is hereby amended to read as follows:

645C.290 An application for a certificate or license must be in writing upon a form prepared and furnished by the Division. The application must include the following information:

1. The name, age and address of the applicant.

2. The place or places, including the street number, city and county, where the applicant intends to conduct business as an appraiser.

3. The business, occupation or other employment of the applicant during the 5 years immediately preceding the date of the application, and the location thereof.

4. The periods during which, and the locations where, he gained his experience as an intern.

5. Whether the applicant has ever been convicted of, is under indictment for, or has entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to:

(a) A felony and, if so, the nature of the felony.

(b) Forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude.

6. Whether the applicant has ever been refused a certificate, license or permit to act as an appraiser, or has ever had such a certificate, license or permit suspended or revoked, in any other jurisdiction.

7. If the applicant is a member of a partnership or association or is an officer of a corporation, the name and address of the principal office of the partnership, association or corporation.

8. Any other information the Division requires.

Sec. 89. NRS 645C.320 is hereby amended to read as follows:

645C.320 1. The Administrator shall issue a certificate or license, as appropriate, to any person:

(a) Of good moral character, honesty and integrity;

(b) Who meets the educational requirements and has the experience prescribed in NRS 645C.330 or any regulation adopted pursuant to that section;

(c) Who, except as otherwise provided in NRS 645C.360, has satisfactorily passed a written examination approved by the Commission; and

(d) Who submits all information required to complete an application for a certificate or license.

2. The Administrator may deny an application for a certificate or license to any person who:

(a) Has been convicted of, or entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude;

(b) Makes a false statement of a material fact on his application; or

(c) Has had a certificate, license or registration card suspended or revoked pursuant to this chapter, or a certificate, license or permit to act as an appraiser suspended or revoked in any other jurisdiction, within the 10 years immediately preceding the date of his application.

Sec. 90. NRS 645D.170 is hereby amended to read as follows:

645D.170 An application for a certificate must be in writing upon a form prepared and furnished by the Division. The application must include the following information:

1. The name, age and address of the applicant.

2. The place or places, including the street number, city and county, at which the applicant intends to maintain an office to conduct business as an inspector.

3. The business, occupation or other employment of the applicant during the 5 years immediately preceding the date of the application, and the location thereof.

4. The applicant's education and experience to qualify for a certificate.

5. Whether the applicant has ever been convicted of, is under indictment for, or has entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to:

(a) A felony ~~[,]~~ and **,** if so, the nature of the felony.

(b) Forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude.

6. If the applicant is a member of a partnership or association or is an officer of a corporation, the name and address of the principal office of the partnership, association or corporation.

7. Any other information relating to the qualifications or background of the applicant that the Division requires.

8. All other information required to complete the application.

Sec. 91. NRS 645D.200 is hereby amended to read as follows:

645D.200 1. The Administrator shall issue a certificate to any person who:

(a) Is of good moral character, honesty and integrity;

(b) Has the education and experience prescribed in the regulations adopted pursuant to NRS 645D.120;

(c) Has submitted proof that he or his employer holds a policy of insurance that complies with the requirements of subsection 1 of NRS 645D.190; and

(d) Has submitted all information required to complete an application for a certificate.

2. The Administrator may deny an application for a certificate to any person who:

(a) Has been convicted of, or entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude;

(b) Makes a false statement of a material fact on his application;

(c) Has had a certificate suspended or revoked pursuant to this chapter within the 10 years immediately preceding the date of his application; or

(d) Has not submitted proof that he or his employer holds a policy of insurance that complies with the requirements of subsection 1 of NRS 645D.190.

Sec. 92. NRS 683A.0892 is hereby amended to read as follows:

683A.0892 1. The Commissioner:

(a) Shall suspend or revoke the certificate of registration of an administrator if the Commissioner has determined, after notice and a hearing, that the administrator:

(1) Is in an unsound financial condition;

(2) Uses methods or practices in the conduct of his business that are hazardous or injurious to insured persons or members of the general public; or

(3) Has failed to pay any judgment against him in this State within 60 days after the judgment became final.

(b) May suspend or revoke the certificate of registration of an administrator if the Commissioner determines, after notice and a hearing, that the administrator:

(1) Has willfully violated or failed to comply with any provision of this Code, any regulation adopted pursuant to this Code or any order of the Commissioner;

(2) Has refused to be examined by the Commissioner or has refused to produce accounts, records or files for examination upon the request of the Commissioner;

(3) Has, without just cause, refused to pay claims or perform services pursuant to his contracts or has, without just cause, caused persons to accept less than the amount of money owed to them pursuant to the contracts, or has caused persons to employ an attorney or bring a civil action against him to receive full payment or settlement of claims;

(4) Is affiliated with, managed by or owned by another administrator or an insurer who transacts insurance in this State without a certificate of authority or certificate of registration;

(5) Fails to comply with any of the requirements for a certificate of registration;

(6) Has been convicted of **,** or has entered a plea of guilty **,** ***guilty but mentally ill*** or nolo contendere to **,** a felony, whether or not adjudication was withheld;

(7) Has had his authority to act as an administrator in another state limited, suspended or revoked; or

(8) Has failed to file an annual report in accordance with NRS 683A.08528.

(c) May suspend or revoke the certificate of registration of an administrator if the Commissioner determines, after notice and a hearing, that a responsible person:

(1) Has refused to provide any information relating to the administrator's affairs or refused to perform any other legal obligation relating to an examination upon request by the Commissioner; or

(2) Has been convicted of **,** or has entered a plea of guilty **,** ***guilty but mentally ill*** or nolo contendere to **,** a felony committed on or after October 1, 2003, whether or not adjudication was withheld.

(d) May, upon notice to the administrator, suspend the certificate of registration of the administrator pending a hearing if:

(1) The administrator is impaired or insolvent;

(2) A proceeding for receivership, conservatorship or rehabilitation has been commenced against the administrator in any state; or

(3) The financial condition or the business practices of the administrator represent an imminent threat to the public health, safety or welfare of the residents of this State.

(e) May, in addition to or in lieu of the suspension or revocation of the certificate of registration of the administrator, impose a fine of $2,000 for each act or violation.

2. As used in this section, "responsible person" means any person who is responsible for or controls or is authorized to control or advise the affairs of an administrator, including, without limitation:

(a) A member of the board of directors, board of trustees, executive committee or other governing board or committee of the administrator;

(b) The president, vice president, chief executive officer, chief operating officer or any other principal officer of an administrator, if the administrator is a corporation;

(c) A partner or member of the administrator, if the administrator is a partnership, association or limited-liability company; and

(d) Any shareholder or member of the administrator who directly or indirectly holds 10 percent or more of the voting stock, voting securities or voting interest of the administrator.

Sec. 93. NRS 684A.070 is hereby amended to read as follows:

684A.070 1. For the protection of the people of this State, the Commissioner may not issue or continue any license as an adjuster except in compliance with the provisions of this chapter. Any person for whom a license is issued or continued must:

(a) Be at least 18 years of age;

(b) Except as otherwise provided in subsection 2, be a resident of this State, and have resided therein for at least 90 days before his application for the license;

(c) Be competent, trustworthy, financially responsible and of good reputation;

(d) Never have been convicted of, or entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude;

(e) Have had at least 2 years' recent experience with respect to the handling of loss claims of sufficient character reasonably to enable him to fulfill the responsibilities of an adjuster;

(f) Pass all examinations required under this chapter; and

(g) Not be concurrently licensed as a producer of insurance for property, casualty or surety or a surplus lines broker, except as a bail agent.

2. The Commissioner may waive the residency requirement set forth in paragraph (b) of subsection 1 if the applicant is:

(a) An adjuster licensed under the laws of another state who has been brought to this State by a firm or corporation with whom he is employed that is licensed as an adjuster in this State to fill a vacancy in the firm or corporation in this State;

(b) An adjuster licensed in an adjoining state whose principal place of business is located within 50 miles from the boundary of this State; or

(c) An adjuster who is applying for a limited license pursuant to NRS 684A.155.

3. A conviction of, or plea of guilty ***, guilty but mentally ill*** or nolo contendere by, an applicant or licensee for any crime listed in paragraph (d) of subsection 1 is a sufficient ground for the Commissioner to deny a license to the applicant, or to suspend, revoke or limit the license of an adjuster pursuant to NRS 684A.210.

Sec. 94. NRS 686A.292 is hereby amended to read as follows:

686A.292 1. A court may, in addition to imposing the penalties set forth in NRS 193.130, order a person who is convicted of, or who pleads guilty ***, guilty but mentally ill*** or nolo contendere to, insurance fraud to pay:

(a) Court costs; and

(b) The cost of the investigation and prosecution of the insurance fraud for which the person was convicted or to which the person pleaded guilty ***, guilty but mentally ill*** or nolo contendere.

2. Any money received by the Attorney General pursuant to paragraph (b) of subsection 1 must be accounted for separately and used to pay the expenses of the Fraud Control Unit for Insurance established pursuant to NRS 228.412, and is hereby authorized for expenditure for that purpose. The money in the account does not revert to the State General Fund at the end of any fiscal year and must be carried forward to the next fiscal year.

3. An insurer or other organization, or any other person, subject to the jurisdiction of the Commissioner pursuant to this title shall be deemed to be a victim for the purposes of restitution in a case that involves insurance fraud or that is related to a claim of insurance fraud.

Sec. 95. NRS 686A.295 is hereby amended to read as follows:

686A.295 If a person who is licensed or registered under the laws of the State of Nevada to engage in a business or profession is convicted of **,** or pleads guilty ***or guilty but mentally ill*** to **,** engaging in an act of insurance fraud, the Commissioner and the Attorney General shall forward to each agency by which the convicted person is licensed or registered a copy of the conviction or plea and all supporting evidence of the act of insurance fraud. An agency that receives information from the Commissioner and Attorney General pursuant to this section shall, not later than 1 year after the date on which it receives the information, submit a report which sets forth the action taken by the agency against the convicted person, including, but not limited to, the revocation or suspension of the license or any other disciplinary action, to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

Sec. 96. NRS 688C.210 is hereby amended to read as follows:

688C.210 After notice, and after a hearing if requested, the Commissioner may suspend, revoke, refuse to issue or refuse to renew a license under this chapter if he finds that:

1. There was material misrepresentation in the application for the license;

2. The licensee or an officer, partner, member or significant managerial employee has been convicted of fraudulent or dishonest practices, is subject

to a final administrative action for disqualification, or is otherwise shown to be untrustworthy or incompetent;

3. A provider of viatical settlements has engaged in a pattern of unreasonable payments to viators;

4. The applicant or licensee has been found guilty ***or guilty but mentally ill*** of, or pleaded guilty ***, guilty but mentally ill*** or nolo contendere to, a felony or a misdemeanor involving fraud, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude, whether or not a judgment of conviction has been entered by the court;

5. A provider of viatical settlements has entered into a viatical settlement in a form not approved pursuant to NRS 688C.220;

6. A provider of viatical settlements has failed to honor obligations of a viatical settlement;

7. The licensee no longer meets a requirement for initial licensure;

8. A provider of viatical settlements has assigned, transferred or pledged a viaticated policy to a person other than another provider licensed under this chapter, a purchaser of the viatical settlement, a special organization or a trust for a related provider;

9. The applicant or licensee has provided materially untrue information to an insurer that issued a policy that is the subject of a viatical settlement;

10. The applicant or licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS; or

11. The applicant or licensee has violated a provision of this chapter.

Sec. 97. NRS 689.235 is hereby amended to read as follows:

689.235 1. To qualify for an agent's license, the applicant:

(a) Must file a written application with the Commissioner on forms prescribed by the Commissioner;

(b) Must have a good business and personal reputation; and

(c) Must not have been convicted of, or entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude.

2. The application must:

(a) Contain information concerning the applicant's identity, address, social security number and personal background and business, professional or work history.

(b) Contain such other pertinent information as the Commissioner may require.

(c) Be accompanied by a complete set of the fingerprints of the applicant and written permission authorizing the Commissioner to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) Be accompanied by a fee representing the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant.

(e) Be accompanied by the statement required pursuant to NRS 689.258.

(f) Be accompanied by the applicable fee established in NRS 680B.010, which is not refundable.

3. A conviction of, or plea of guilty ***, guilty but mentally ill*** or nolo contendere by, an applicant or licensee for any crime listed in paragraph (c) of subsection 1 is a sufficient ground for the Commissioner to deny a license to the applicant, or to suspend or revoke the agent's license pursuant to NRS 689.265.

Sec. 98. NRS 689.235 is hereby amended to read as follows:

689.235 1. To qualify for an agent's license, the applicant:

(a) Must file a written application with the Commissioner on forms prescribed by the Commissioner;

(b) Must have a good business and personal reputation; and

(c) Must not have been convicted of, or entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude.

2. The application must:

(a) Contain information concerning the applicant's identity, address, personal background and business, professional or work history.

(b) Contain such other pertinent information as the Commissioner may require.

(c) Be accompanied by a complete set of his fingerprints and written permission authorizing the Commissioner to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) Be accompanied by a fee representing the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant.

(e) Be accompanied by the applicable fee established in NRS 680B.010, which is not refundable.

3. A conviction of, or plea of guilty ***, guilty but mentally ill*** or nolo contendere by, an applicant or licensee for any crime listed in paragraph (c) of subsection 1 is a sufficient ground for the Commissioner to deny a license to the applicant, or to suspend or revoke the agent's license pursuant to NRS 689.265.

Sec. 99. NRS 689.520 is hereby amended to read as follows:

689.520 1. To qualify for an agent's license, the applicant:

(a) Must file a written application with the Commissioner on forms prescribed by the Commissioner; and

(b) Must not have been convicted of, or entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, forgery, embezzlement, obtaining

money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude.

2. The application must:

(a) Contain information concerning the applicant's identity, address, social security number, personal background and business, professional or work history.

(b) Contain such other pertinent information as the Commissioner may require.

(c) Be accompanied by a complete set of fingerprints and written permission authorizing the Commissioner to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) Be accompanied by a fee representing the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant.

(e) Be accompanied by the statement required pursuant to NRS 689.258.

(f) Be accompanied by the applicable fee established in NRS 680B.010, which is not refundable.

3. A conviction of, or plea of guilty ***, guilty but mentally ill*** or nolo contendere by, an applicant or licensee for any crime listed in paragraph (b) of subsection 1 is a sufficient ground for the Commissioner to deny a license to the applicant, or to suspend or revoke the agent's license pursuant to NRS 689.535.

Sec. 100. NRS 689.520 is hereby amended to read as follows:

689.520 1. To qualify for an agent's license, the applicant:

(a) Must file a written application with the Commissioner on forms prescribed by the Commissioner; and

(b) Must not have been convicted of, or entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude.

2. The application must:

(a) Contain information concerning the applicant's identity, address, personal background and business, professional or work history.

(b) Contain such other pertinent information as the Commissioner may require.

(c) Be accompanied by a complete set of fingerprints and written permission authorizing the Commissioner to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) Be accompanied by a fee representing the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant.

(e) Be accompanied by the applicable fee established in NRS 680B.010, which is not refundable.

3. A conviction of, or plea of guilty ***, guilty but mentally ill*** or nolo contendere by, an applicant or licensee for any crime listed in paragraph (b) of subsection 1 is a sufficient ground for the Commissioner to deny a license to the applicant, or to suspend or revoke the agent's license pursuant to NRS 689.535.

Sec. 101. NRS 690B.029 is hereby amended to read as follows:

690B.029 1. A policy of insurance against liability arising out of the ownership, maintenance or use of a motor vehicle delivered or issued for delivery in this State to a person who is 55 years of age or older must contain a provision for the reduction in the premiums for 3-year periods if the insured:

(a) Successfully completes, after attaining 55 years of age and every 3 years thereafter, a course of traffic safety approved by the Department of Motor Vehicles; and

(b) For the 3-year period before completing the course of traffic safety and each 3-year period thereafter:

(1) Is not involved in an accident involving a motor vehicle for which the insured is at fault;

(2) Maintains a driving record free of violations; and

(3) Has not been convicted of **,** or entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to **,** a moving traffic violation or an offense involving:

(I) The operation of a motor vehicle while under the influence of intoxicating liquor or a controlled substance; or

(II) Any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955 or a law of any other jurisdiction that prohibits the same or similar conduct.

2. The reduction in the premiums provided for in subsection 1 must be based on the actuarial and loss experience data available to each insurer and must be approved by the Commissioner. Each reduction must be calculated based on the amount of the premium before any reduction in that premium is made pursuant to this section, and not on the amount of the premium once it has been reduced.

3. A course of traffic safety that an insured is required to complete as the result of moving traffic violations must not be used as the basis for a reduction in premiums pursuant to this section.

4. The organization that offers a course of traffic safety approved by the Department of Motor Vehicles shall issue a certificate to each person who successfully completes the course. A person must use the certificate to qualify for the reduction in the premiums pursuant to this section.

5. The Commissioner shall review and approve or disapprove a policy of insurance that offers a reduction in the premiums pursuant to subsection 1. An insurer must receive written approval from the Commissioner before delivering or issuing a policy with a provision containing such a reduction.

Sec. 102. NRS 692A.105 is hereby amended to read as follows:

692A.105 1. The Commissioner may refuse to license any title agent or escrow officer or may suspend or revoke any license or impose a fine of not more than $500 for each violation by entering an order to that effect, with his findings in respect thereto, if **,** upon a hearing, it is determined that the applicant or licensee:

(a) In the case of a title agent, is insolvent or in such a financial condition that he cannot continue in business with safety to his customers;

(b) Has violated any provision of this chapter or any regulation adopted pursuant thereto or has aided and abetted another to do so;

(c) Has committed fraud in connection with any transaction governed by this chapter;

(d) Has intentionally or knowingly made any misrepresentation or false statement to, or concealed any essential or material fact known to him from, any principal or designated agent of the principal in the course of the escrow business;

(e) Has intentionally or knowingly made or caused to be made to the Commissioner any false representation of a material fact or has suppressed or withheld from him any information which the applicant or licensee possesses;

(f) Has failed without reasonable cause to furnish to the parties of an escrow their respective statements of the settlement within a reasonable time after the close of escrow;

(g) Has failed without reasonable cause to deliver, within a reasonable time after the close of escrow, to the respective parties of an escrow transaction any money, documents or other properties held in escrow in violation of the provisions of the escrow instructions;

(h) Has refused to permit an examination by the Commissioner of his books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter;

(i) Has been convicted of a felony relating to the practice of title agents or any misdemeanor of which an essential element is fraud;

(j) In the case of a title agent, has failed to maintain complete and accurate records of all transactions within the last 7 years;

(k) Has commingled the money of other persons with his own or converted the money of other persons to his own use;

(l) Has failed, before the close of escrow, to obtain written instructions concerning any essential or material fact or intentionally failed to follow the written instructions which have been agreed upon by the parties and accepted by the holder of the escrow;

(m) Has failed to disclose in writing that he is acting in the dual capacity of escrow agent or agency and undisclosed principal in any transaction;

(n) In the case of an escrow officer, has been convicted of, or entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, any crime involving moral turpitude; or

(o) Has failed to obtain and maintain a copy of the executed agreement or contract that establishes the conditions for the sale of real property.

2. It is sufficient cause for the imposition of a fine or the refusal, suspension or revocation of the license of a partnership, corporation or any other association if any member of the partnership or any officer or director of the corporation or association has been guilty of any act or omission directly arising from the business activities of a title agent which would be cause for such action had the applicant or licensee been a natural person.

3. The Commissioner may suspend or revoke the license of a title agent, or impose a fine, if the Commissioner finds that the title agent:

(a) Failed to maintain adequate supervision of an escrow officer or title agent he has appointed or employed.

(b) Instructed an escrow officer to commit an act which would be cause for the revocation of the escrow officer's license and the escrow officer committed the act. An escrow officer is not subject to disciplinary action for committing such an act under instruction by the title agent.

4. The Commissioner may refuse to issue a license to any person who, within 10 years before the date of applying for a current license, has had suspended or revoked a license issued pursuant to this chapter or a comparable license issued by any other state, district or territory of the United States or any foreign country.

Sec. 103. NRS 697.150 is hereby amended to read as follows:

697.150 1. Except as otherwise provided in subsection 2, a person is entitled to receive, renew or hold a license as a bail agent if he:

(a) Is a resident of this State and has resided in this State for not less than 1 year immediately preceding the date of the application for the license.

(b) Is a natural person not less than 18 years of age.

(c) Has been appointed as a bail agent by an authorized surety insurer, subject to the issuance of the license.

(d) Is competent, trustworthy and financially responsible.

(e) Has passed any written examination required under this chapter.

(f) Has filed the bond required by NRS 697.190.

(g) Has, on or after July 1, 1999, successfully completed a 6-hour course of instruction in bail bonds that is:

(1) Offered by a state or national organization of bail agents or another organization that administers training programs for bail agents; and

(2) Approved by the Commissioner.

2. A person is not entitled to receive, renew or hold a license as a bail agent if he has been convicted of, or entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude. A conviction of, or plea of guilty ***, guilty but mentally ill*** or nolo contendere by, an applicant or licensee for any crime listed in this subsection is a sufficient ground for the Commissioner to deny a license to the applicant or to suspend or revoke the license of the agent.

Sec. 104. 1. This section and sections 1 to 40, inclusive, 42 to 58, inclusive, 60, 62 to 67, inclusive, 69, 71 to 97, inclusive, 99, 101, 102 and 103 of this act become effective on October 1, 2007.

2. Section 40 of this act expires by limitation on June 30, 2009.

3. Sections 58, 60, 67 and 69 of this act expire by limitation on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.

4. Sections 97 and 99 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

5. Section 41 of this act becomes effective on July 1, 2009.

6. Sections 59, 61, 68 and 70 of this act become effective on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.

7. Sections 98 and 100 of this act become effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 226.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 294.

SUMMARY— ~~[Establishes teams specializing in the investigation and prosecution of]~~ **Makes various changes relating to** crimes against older persons. (BDR ~~[15]~~ **18**-162)

AN ACT relating to older persons; creating the Unit for the ~~[Review and Oversight of the]~~ Investigation and Prosecution of Crimes Against Older Persons **within the Office of the Attorney General;** ~~[, the Initial Crime Evaluation Team, and the Civilian Volunteer Investigation and Prosecution Team; providing for the appointment of an Executive Director of Crimes Against Older Persons;]~~ **authorizing the Unit to investigate, prosecute and commence certain legal proceedings to prevent certain crimes against older persons; providing for a civil penalty to be imposed against a person who commits certain crimes against an older person;** creating the Repository for Information Concerning Crimes Against Older Persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 5 of this bill creates the Unit for the ~~[Review and Oversight of the]~~ Investigation and Prosecution of Crimes Against Older Persons ~~[to facilitate cooperation among law enforcement agencies in the detection, investigation and prosecution of crimes against persons 60 years of age or older. Section 6 of this bill establishes the meeting requirements for members of the Unit. Section 7 of this bill establishes the duties of the Unit, including the creation of the Initial Crime Evaluation Team and the Civilian Volunteer Investigation and Prosecution Team. Section 8 of this bill establishes the duties of the Initial Crime Evaluation Team. Section 9 of this bill establishes the duties of the Civilian Volunteer Investigation and Prosecution Team. Section 10 of this bill provides for the appointment of an Executive Director of Crimes Against Older Persons within the Office of the Attorney General. Section 11 of this bill provides for the appointment of a full-time secretary for the Unit.]~~ **within the Office of the Attorney General.** Section 12 of this bill **authorizes the Unit to investigate and prosecute alleged incidences of abuse, neglect, exploitation or isolation of an older person in certain circumstances. Section 13 of this bill requires the Unit, to the extent of legislative appropriation, to provide training to persons who have regular contact with older persons in their professions and occupations. Section 14 of this bill authorizes the Unit to bring an action to enjoin or obtain other equitable relief to prevent abuse, neglect, exploitation or isolation of an older person.**

Section 15 of this bill provides for the imposition of a civil penalty against a person who engages in such acts. Any money collected from such civil penalties will be divided between the Fund for the Compensation of Victims of Crime and the Account for the Unit.

Section 16 of this bill creates in the State General Fund an account for the Unit to pay expenses relating to the duties of the Unit. Section ~~[13]~~ **17** of this bill allows the Unit to apply for grants and accept gifts, grants, appropriations or donations to assist in carrying out its duties.

Section ~~[14]~~ **18** of this bill creates the Repository for Information Concerning Crimes Against Older Persons in the Central Repository for Nevada Records of Criminal History.

Section 19 of this bill requires certain reports concerning the abuse, neglect, exploitation or isolation of an older person to be forwarded to the Unit. (NRS 200.5093)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Title 15]~~ **Chapter 228** of NRS is hereby amended by adding thereto ~~[a new chapter to consist of]~~ the provisions set forth as sections 2 to ~~[14,]~~ **17**, inclusive, of this act.

Sec. 2. ***As used in*** ~~[this chapter,]~~ ***sections 2 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Older person" means a person who is 60 years of age or older.***

Sec. 4. ***"Unit" means the Unit for the*** ~~[Review and Oversight of the]~~ ***Investigation and Prosecution of Crimes Against Older Persons created pursuant to section 5 of this act.***

Sec. 5. ***1. There is hereby created in the Office of the Attorney General the Unit for the*** ~~[Review and Oversight of the]~~ ***Investigation and Prosecution of Crimes Against Older Persons.***

2. The ~~[Unit consists of the following members:~~

~~(a) One prosecuting attorney from the Office of the Attorney General.~~

~~(b) One prosecuting attorney from the office of the district attorney of each county.~~

~~(c) One officer from:~~

~~(1) Each police department of an incorporated city located in a county whose population is 100,000 or more.~~

~~(2) The sheriff's office of each county, except that if the county is within the jurisdiction of a metropolitan police department, then two officers from the metropolitan police department.~~

~~3. Each member of the Unit who is appointed to the Unit serves for a term of 4 years. A vacancy on the Unit in an appointed position must be filled in the same manner as the original appointment. A member may be reappointed to the Unit.~~

~~4. The members of the Unit shall elect a Chairman and Vice Chairman by majority vote. After the initial election, the Chairman and Vice Chairman shall hold office for a term of 1 year beginning on July 1 of each year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the Unit shall elect a Chairman or Vice Chairman, as appropriate, from among its members for the remainder of the unexpired term.~~

~~5. The members of the Unit:~~

~~(a) Serve without compensation; and~~

~~(b) May, upon written request, receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the business of the Unit.~~

~~6. A member of the Unit who is an officer or employee of this State or a political subdivision of this State must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Unit and perform any work necessary to carry out the duties of the Unit in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Unit to make up the time he is absent from work to carry out his duties as a member of the Unit or use annual vacation or compensatory time for the absence.~~] ***Attorney General shall appoint to the Unit one attorney, at least one investigator and at least one other person to provide outreach services to older persons concerning the duties of the Unit and to provide administrative support to the Unit.***

Sec. 6. [~~*1. The Unit shall meet at least once every quarter and at the times and places specified by a call of the Chairman or a majority of the members of the Unit.*~~

~~*2. A member of the Unit may designate in writing a person to represent him at a meeting of the Unit. A representative who has been so designated:*~~

~~*(a) Shall be deemed to be a member of the Unit for the purpose of determining a quorum at the meeting; and*~~

~~*(b) May vote on any matter that is voted on by the regular members of the Unit at the meeting.*~~

~~*3. A majority of the members of the Unit constitute a quorum. A quorum may exercise all the power and authority conferred on the Unit.*~~

~~*4. Notwithstanding any other provision of law, a member of the Unit:*~~

~~*(a) Is not disqualified from public employment or holding a public office because of his membership on the Unit; and*~~

~~*(b) Does not forfeit his public office or public employment because of his membership on the Unit.*~~] **(Deleted by amendment.)**

Sec. 7. [~~*The Unit shall:*~~

~~*1. Facilitate cooperation among state, local and federal law enforcement officers in detecting, investigating and prosecuting crimes against older persons.*~~

~~*2. Provide appropriate review and oversight of all active investigations and activities relating to the prosecution of crimes against older persons, including, without limitation, the allegation of a crime, all stages of legal proceedings and the financial compensation of the victim.*~~

~~*3. Establish an Initial Crime Evaluation Team.*~~

~~*4. Establish a Civilian Volunteer Investigation and Prosecution Team.*~~

~~*5. Coordinate and provide training and education for members of the general public, private industry and governmental agencies, including, without limitation, law enforcement agencies, concerning the national, state and local statistics of crimes against older persons.*~~

~~*6. Evaluate and recommend changes to the existing civil and criminal laws relating to crimes against older persons in response to current and projected studies and data relating to crimes against older persons.*~~

~~*7. Authorize the payment of expenses incurred by the Unit in carrying out its duties pursuant to this chapter.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~*[1. The Initial Crime Evaluation Team created pursuant to section 7 of this act shall consist of:*~~

~~*(a) Local law enforcement officers, investigators and prosecutors who are specifically trained to investigate and prosecute crimes against older persons; and*~~

~~*(b) Persons from state governmental agencies that conduct activities related to older persons.*~~

~~*2. The Initial Crime Evaluation Team shall:*~~

~~*(a) Establish a procedure to determine the seriousness and category of each reported offense against an older person; and*~~

~~*(b) Coordinate with local law enforcement officers, investigators and prosecutors to provide additional assistance in the investigation and prosecution of crimes against older persons.*~~

~~*3. The members of the Initial Crime Evaluation Team:*~~

~~*(a) Serve without compensation; and*~~

~~*(b) May, upon written request, receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the business of the Initial Crime Evaluation Team.*~~

~~*4. A member of the Initial Crime Evaluation Team who is an officer or employee of this State or a political subdivision of this State must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Initial Crime Evaluation Team and perform any work necessary to carry out the duties of the Initial Crime Evaluation Team in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Initial Crime Evaluation Team to make up the time he is absent from work to carry out his duties as a member of the Initial Crime Evaluation Team or use annual vacation or compensatory time for the absence.]*~~ **(Deleted by amendment.)**

Sec. 9. ~~*[1. The Civilian Volunteer Investigation and Prosecution Team created pursuant to section 7 of this act shall consist of retired law enforcement officers, attorneys licensed to practice in this State, social workers and other persons who are selected with appropriate regard for their expertise with and knowledge of matters relating to crimes against older persons.*~~

~~*2. Volunteers of the Civilian Volunteer Investigation and Prosecution Team shall investigate reports of financial crimes against older persons and provide assistance to the victim throughout any civil proceeding.*~~

~~*3. The Unit shall establish regulations to provide a stipend for volunteer work, a training program and the investigation of a volunteer's background.*~~

~~*4. As used in this section, "financial crimes" include, without limitation, any act by a person conducted to:*~~

~~*(a) Obtain control, through deception, intimidation or undue influence, over an older person's ownership, use, benefit or possession of his money, assets or property; or*~~

~~*(b) Unlawfully convert money, assets or property of an older person with the intention of permanently depriving the older person of the ownership, use, benefit or possession of his money, assets or property.]*~~ **(Deleted by amendment.)**

Sec. 10. ~~*[1. The Unit shall appoint an Executive Director of Crimes Against Older Persons within the Office of the Attorney General.*~~

~~*2. The Executive Director is in the unclassified service of the State and serves at the pleasure of the Unit.*~~

~~*3. The Unit shall establish the qualifications, powers and duties of the Executive Director.]*~~ **(Deleted by amendment.)**

Sec. 11. ~~*[The Unit shall appoint a full-time secretary who is in the unclassified service of the State and serves at the pleasure of the Unit.]*~~ (Deleted by amendment.)

Sec. 12. ***The Unit may investigate and prosecute any alleged abuse, neglect, exploitation or isolation of an older person in violation of NRS 200.5099 or 200.50995 and any failure to report such a violation pursuant to NRS 200.5093:***

1. At the request of the district attorney of the county in which the violation occurred;

2. If the district attorney of the county in which the violation occurred fails, neglects or refuses to prosecute the violation; or

3. Jointly with the district attorney of the county in which the violation occurred.

Sec. 13. ***To the extent of legislative appropriation, the Unit shall provide training concerning the manner in which to recognize, prevent and intervene in cases of abuse, neglect, exploitation and isolation of older persons to persons who are likely to have regular contact with older persons in their professions or occupations, including, without limitation, persons described in subsection 4 of NRS 200.5093, attorneys, bankers, investment brokers and administrators of health care facilities.***

Sec. 14. ***The Unit may bring an action to enjoin or obtain any other equitable relief to prevent the abuse, neglect, exploitation or isolation of an older person. The court may award reasonable attorney's fees and costs if the Unit prevails in such an action.***

Sec. 15. ***1. In addition to any criminal penalty, a person who is found guilty of abuse, neglect, exploitation or isolation of an older person pursuant to NRS 200.5099 or 200.50995 is liable for a civil penalty to be recovered by the Attorney General in a civil action brought in the name of the State of Nevada:***

(a) For the first offense, in an amount which is not less than $5,000 and not more than $20,000.

(b) For a second or subsequent offense, in an amount which is not less than $10,000 and not more than $30,000.

2. The Attorney General shall deposit any money collected for civil penalties pursuant to subsection 1 in equal amounts to:

(a) A separate account in the Fund for the Compensation of Victims of Crime created pursuant to NRS 217.260 to provide compensation to older persons who are abused, neglected, exploited or isolated in violation of NRS 200.5099 and 200.50995; and

(b) The Account for the Unit for the Investigation and Prosecution of Crimes Against Older Persons created pursuant to section 16 of this act.

~~[Sec. 12.]~~ ***Sec. 16. 1. The Account for the Unit for the*** ~~[Review and Oversight of the]~~ ***Investigation and Prosecution of Crimes Against Older Persons is hereby created in the State General Fund. The*** ~~[Unit]~~ ***Attorney General shall administer the Account.***

2. The money in the Account must only be used to carry out the provisions of ~~[this chapter]~~ ***sections 2 to 17, inclusive, of this act and to pay the expenses incurred by the Unit in the discharge of its duties, including, without limitation,*** ~~[the payment of any expenses related to the creation and subsequent activities of the Initial Crime Evaluation Team and the Civilian Volunteer Investigation and Prosecution Team.]~~ ***expenses relating to the provision of training and salaries and benefits for employees of the Unit.***

3. ~~[Claims against]~~ ***Money in the Account must remain in the Account and must not revert to the State General Fund at the end of any fiscal year.***

~~[Sec. 13.]~~ ***Sec. 17. 1. The Unit may apply for any available grants and accept gifts, grants, appropriations or donations to assist the Unit in carrying out its duties pursuant to the provisions of this chapter.***

2. Any money received by the Unit must be deposited in the Account for the Unit for the ~~[Review and Oversight of the]~~ ***Investigation and Prosecution of Crimes Against Older Persons created pursuant to section*** ~~[12]~~ ***16 of this act.***

~~[Sec. 14.]~~ ***Sec. 18.*** Chapter 179A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Repository for Information Concerning Crimes Against Older Persons is hereby created within the Central Repository.

2. The Repository for Information Concerning Crimes Against Older Persons must contain a complete and systematic record of all reports of crimes against older persons committed in this State ~~[, in accordance with regulations adopted]~~ ***that must be prepared in a manner approved by the Director of the Department.***

3. The Director of the Department shall compile and analyze the data collected pursuant to this section to assess ~~[:~~

~~(a) The]~~ ***the incidence of crimes against older persons .*** ~~[; and~~

~~(b) The effectiveness of programs for the prevention of crimes against older persons.~~

~~4. The Director of the Department shall report the statistical data and findings from the program to the Legislature at the beginning of each regular session.]~~

4. On or before July 1 of each year, the Director of the Department shall prepare and submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature that sets forth statistical data on crimes against older persons.

5. The data acquired pursuant to this section is confidential and must be used only for the purpose of research. The data and findings generated pursuant to this section must not contain information that may reveal the identity of an individual victim of a crime.

6. As used in this section, "older person" means a person who is 60 years of age or older.

Sec. 19. **NRS 200.5093 is hereby amended to read as follows:**

200.5093 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:

(1) The local office of the Aging Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging Services Division of the Department of Health and Human Services ~~[.]~~ ***and the Unit for the Investigation and Prosecution of Crimes.***

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, marriage and

family therapist, alcohol or drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Any employee of the Department of Health and Human Services.

(g) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(h) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(i) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met.

(j) Every social worker.

(k) Any person who owns or is employed by a funeral home or mortuary.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney**_** ~~[and]~~ the Aging Services Division of the Department of Health and Human Services ***and the Unit for the Investigation and Prosecution of Crimes*** his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging Services Division of the Department of Health and Human Services, must be forwarded to the Aging Services Division within 90 days after the completion of the report**_** ~~[.]~~ ***and a copy of any final report of an investigation must be forwarded to the Unit***

for the Investigation and Prosecution of Crimes within 90 days after completion of the report.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, the Aging Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if he is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons in the Office of the Attorney General created pursuant to section 5 of this act.

Sec. 20. **NRS 217.050 is hereby amended to read as follows:**

217.050 "Personal injury" means:

1. Actual bodily harm or threat of bodily harm which results in a need for medical treatment;

2. In the case of a minor who was involved in the production of pornography in violation of NRS 200.710, 200.720, 200.725 or 200.730, any harm which results in a need for medical treatment or any psychological or psychiatric counseling, or both; or

3. Any harm which results from sexual abuse.

4. Any harm which results from a violation of NRS 200.5099 or 200.50995.

Sec. 21. **NRS 217.070 is hereby amended to read as follows:**

217.070 "Victim" means:

1. A person who is physically injured or killed as the direct result of a criminal act;

2. A minor who was involved in the production of pornography in violation of NRS 200.710, 200.720, 200.725 or 200.730;

3. A minor who was sexually abused, as "sexual abuse" is defined in NRS 432B.100;

4. A person who is physically injured or killed as the direct result of a violation of NRS 484.379 or any act or neglect of duty punishable pursuant to NRS 484.3795 or 484.37955;

5. A pedestrian who is physically injured or killed as the direct result of a driver of a motor vehicle who failed to stop at the scene of an accident involving the driver and the pedestrian in violation of NRS 484.219; ~~[or]~~

6. ***An older person who is abused, neglected, exploited or isolated in violation of NRS 200.5099 or 200.50995; or***

7. A resident who is physically injured or killed as the direct result of an act of international terrorism as defined in 18 U.S.C. § 2331(1).

➥ The term includes a person who was harmed by any of these acts whether the act was committed by an adult or a minor.

~~[Sec. 15.]~~ ***Sec. 22.*** This act becomes effective on July 1, 2007.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 341.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 447.

SUMMARY—Makes various changes relating to energy conservation. (BDR ~~[58]~~ **27**-389)

AN ACT relating to energy conservation; ~~[revising the composition of the Task Force for Renewable Energy and Energy Conservation;]~~ revising various provisions ~~[relating to the conservation of energy; making an appropriation;]~~ **governing performance contracts for operating cost-savings measures; revising various provisions governing energy conservation in certain public buildings; creating the Nevada Integrated Design Laboratories Fund;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill makes various changes relating to energy conservation. ~~[Section 1 of this bill adds two members to the Task Force for Renewable Energy and Energy Conservation, a representative of the transportation fuels industry and a representative of the natural gas industry, and places the Task Force in the Office of Energy. Section 2 of this bill allows the use of certain money generated by the Universal Energy Charge for solar hot water systems and solar hot air systems. Sections 3-6 of this bill revise certain limitations relating to the generating capacity of net metering systems. Sections 7-9]~~ **Sections 1-3** of this bill increase the maximum period of performance contracts **for operating cost-savings measures** and contracts for their financing ~~[.]~~ **entered into by certain state agencies and local governments. (NRS 332.300-332.440, chapter 333A of NRS)** Section ~~[10]~~ **4** of this bill extends the payback period for energy savings measures incorporated into public buildings, and requires identification of measures for the use of ground-source geothermal heat pumps in such buildings. **(NRS 338.190)** Section ~~[11]~~ **5** of this bill ~~[makes an appropriation to the Nevada System of Higher Education]~~ **creates the Nevada Integrated Design Laboratories Fund and authorizes the Nevada System of Higher Education to apply for and accept grants, gifts, donations, bequests or devises to the Fund. The money in the Fund must be used** to support the establishment and operations of two Nevada Integrated Design Laboratories, one located in northern Nevada and one located in southern Nevada.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 12 of this bill and replace with the following new sections 1 through 6:

Section 1. **NRS 332.380 is hereby amended to read as follows:**

332.380 1. A performance contract must provide that all payments, other than any obligations that become due if the contract is terminated before the contract expires, must be made over time.

2. Except as otherwise provided in this subsection, a performance contract, and the payments provided thereunder, may extend beyond the fiscal year in which the performance contract becomes effective for costs incurred in future fiscal years. The performance contract may extend for a term not to exceed ~~[15]~~ ***20*** years. The length of a performance contract may reflect the useful life of the operating cost-savings measure being installed or purchased under the performance contract.

3. The period over which payments are made on a performance contract must equal the period over which the operating cost savings are amortized. Payments on a performance contract must not commence until the operating cost-savings measures have been installed by the qualified service company.

Sec. 2. **NRS 333A.0902 is hereby amended to read as follows:**

333A.0902 In connection with any installment-purchase contract or lease-purchase contract entered into to finance a performance contract, the Board may:

1. Grant a security interest in any property that is the subject of the installment-purchase contract or lease-purchase contract and execute an instrument to evidence such a security interest, including, without limitation, a deed of trust, a leasehold interest deed of trust, a mortgage or a financing agreement.

2. Offer certificates of participation.

3. If the installment-purchase contract or lease-purchase contract involves an improvement to property owned by the State of Nevada or the using agency, enter into a lease of the property to which the improvement will be made and any property that is adjacent to that property if the installment-purchase contract or lease-purchase contract:

(a) Except as otherwise provided in NRS 333A.0916, has a term of not more than ~~[15]~~ ***20*** years beyond the date on which construction of the work required by the installment-purchase contract or lease-purchase contract is completed; and

(b) Provides for rental payments that approximate the fair market rental of the property before the improvement is made, as determined by the Board at the time the parties enter into the lease, which must be paid if the installment-purchase contract or lease-purchase contract terminates before the expiration of the lease because the Legislature fails to appropriate money for payments due pursuant to the installment-purchase contract or lease-purchase contract.

➥ A lease entered into pursuant to this subsection may provide for nominal rental payments to be paid pursuant to the lease before the installment-purchase contract or lease-purchase contract terminates.

4. Enter into any other agreement, contract or arrangement that the Board determines would be beneficial to the purpose of the installment-purchase contract or lease-purchase contract, including, without limitation, contracts for professional services, trust indentures, paying agent agreements and contracts of insurance.

Sec. 3. **NRS 333A.100 is hereby amended to read as follows:**

333A.100 1. Notwithstanding any provision of this chapter to the contrary, a performance contract entered into pursuant to this chapter does not create a debt for the purposes of Section 3 of Article 9 of the Nevada Constitution.

2. Except as otherwise provided in this section, the term of a performance contract may extend beyond the biennium in which the contract is executed, provided that the performance contract contains a provision which states that all obligations of the State under the performance contract are extinguished at the end of any fiscal year if the Legislature fails to provide an appropriation to the using agency for the ensuing fiscal year for payments to be made under the performance contract. If the Legislature fails to appropriate money to a using agency for a performance contract, there is no remedy against the State, except that if a security interest in any property was created pursuant to the performance contract, the holder of such a security interest may enforce the security interest against that property. Except as otherwise provided in NRS 333A.0916, the term of a performance contract must not exceed ~~[15]~~ ***20*** years after the date on which the work required by the performance contract is completed.

3. The length of a performance contract may reflect the useful life of the operating cost-savings measure being installed or purchased under the performance contract.

Sec. 4. **NRS 338.190 is hereby amended to read as follows:**

338.190 1. Before it begins to construct or renovate any occupied public building which is larger than 20,000 square feet, each agency of the State or a political subdivision, district, authority, board or public corporation of the State shall obtain a detailed analysis of the cost of operating and maintaining the building for its expected useful life.

2. The analysis must:

(a) Estimate the cost to construct or renovate the occupied public building and the cost to operate and maintain the building; and

(b) Identify measures, including, without limitation, for the:

(1) Conservation of water;

(2) Conservation of energy and energy efficiency that will generate cost savings within ~~[10]~~ ***20*** years that are equal to or greater than the cost of implementation; ~~[and]~~

(3) Use of types of energy which are alternatives to fossil fuels, such as active and passive applications of solar energy, wind and geothermal energy ~~[.]~~ ***and***

(4) Use of ground-source geothermal heat pumps,

➥ which can be included in the building in its construction or renovation.

3. The agency of government which proposes to construct or renovate the occupied public building must consider the results of the analysis required by this section in deciding upon the type of construction or renovation and the components and systems which will be included in the building. The agency of government shall consider the use of types of energy which are alternatives to fossil fuels and any other energy conservation measures identified in the analysis into the design of the building if it is determined to be in the best interest of the State.

4. The agency of government may select, through the bidding process, a contractor to conduct the analysis required pursuant to this section. If a contractor is selected to conduct the analysis, any contract for the purchase, lease or rental of cost-saving measures must provide that all payments, other than any obligations that become due if the contract is terminated before the contract expires, be made from the cost savings.

5. As used in this section, "occupied public building" means a public building used primarily as an office space or work area for persons employed by an agency of the State or a political subdivision, district, authority, board or public corporation of the State. The term does not include a public building used primarily as a storage facility or warehouse or for similar purposes.

Sec. 5. **Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Nevada Integrated Design Laboratories Fund is hereby created.

2. The money in the Fund must be used by the Nevada Small Business Development Center to support the establishment and operations of two Nevada Integrated Design Laboratories, one located in northern Nevada and one located in southern Nevada.

3. The Board of Regents:

(a) Shall administer the Fund.

(b) May apply for and accept on behalf of the Nevada Small Business Development Center any grants, gifts, donations, bequests or devises to support the establishment and operations of the Nevada Integrated Design Laboratories. The money received from any such grants, gifts, donations, bequests or devises must be deposited in the Fund.

4. The interest and income earned on the money in the Fund must, after deducting any applicable charges, be credited to the Fund.

5. The money in the Fund remains in the Fund and does not revert to the State General Fund at the end of any fiscal year.

6. As used in this section, "Nevada Small Business Development Center" means the Nevada Small Business Development Center established by the System in cooperation with the United States Small Business Administration or any entity established as a successor to the Nevada Small Business Development Center.

Sec. 6. **This act becomes effective on July 1, 2007.**

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 394.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 478.

SUMMARY—Makes an appropriation to the **Division of Mental Health and Developmental Services of the** Department of Health and Human Services to establish a pilot program to provide respite care for families of ~~[persons with mental disabilities.]~~ **adults who are severely mentally ill and children who are severely emotionally disturbed.** (BDR S-1006)

AN ACT making an appropriation to the **Division of Mental Health and Developmental Services of the** Department of Health and Human Services to establish a pilot program to provide respite care for families of ~~[persons with mental disabilities;]~~ **adults who are severely mentally ill and children who are severely emotionally disturbed;** and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the **Division of Mental Health and Developmental Services of the** Department of Health and Human Services for establishment of a pilot program to provide respite care for families of ~~[mentally disabled persons]~~ **adults who are severely mentally ill and children who are severely emotionally disturbed,** in accordance with section 2 of this act:

For the Fiscal Year 2007-2008 ..... $50,000

For the Fiscal Year 2008-2009 ..... $100,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal year by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2008, and September 18, 2009, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2008, and September 18, 2009, respectively.

Sec. 2. 1. The pilot program established by the **Division of Mental Health and Developmental Services of the** Department of Health and Human Services shall provide respite care for 50 families in Las Vegas in

Fiscal Year 2007-2008, and 75 families in Las Vegas and 25 families in Reno in Fiscal Year 2008-2009.

2. On or before February 2, 2009, the ~~[Department of Health and Human Services]~~ **Division** shall submit a report to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature. The report must include, without limitation:

(a) An evaluation of the pilot program, including, without limitation, the effect of the program on the families and the mentally disabled persons participating in the program; and

(b) Any recommendations for legislation relating to the pilot programs.

Sec. 3. This act becomes effective on July 1, 2007.

Assemblywoman Gerhardt moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 421.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 556.

AN ACT relating to crimes; establishing the crime of participating in an organized retail theft ring; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person commits the crime of theft if the person: (1) controls any property of another person with the intent to deprive that person of the property; (2) converts, makes an unauthorized transfer of an interest in, or without authorization controls any property of another person; (3) obtains real, personal or intangible property or the services of another person by a material misrepresentation with intent to deprive that person of the property or services; (4) comes into control of lost, mislaid or misdelivered property of another person and appropriates that property; (5) controls property of another person knowing or having reason to know that the property was stolen; (6) obtains services or parts, products or other items related to such services which he knows are available only for compensation without paying or agreeing to pay compensation; (7) takes, destroys, conceals or disposes of property in which another person has a security interest, with intent to defraud that person; (8) commits any act that is declared to be theft by a specific statute; (9) draws or passes a check, and in exchange obtains property or services, if he knows that the check will not be paid when presented; or (10) obtains gasoline or other fuel or automotive products which are available only for compensation without paying or agreeing to pay compensation. (NRS 205.0832) A person who commits theft is guilty of: (1) a misdemeanor, if the value of the property or services involved in the theft is less than $250; (2) a category C felony if the value of the property or services

involved in the theft is $250 or more but less than $2,500; or (3) a category B felony, punishable by imprisonment for a minimum term of not less than 1 year and a maximum term of not less than 10 years, if the value of the property or services involved in the theft is $2,500 or more. (NRS 205.0835)

Section 1 of this bill provides that a person who participates in an organized retail theft ring is guilty of a category B felony, punishable by imprisonment for: (1) a minimum term of not less than ~~[2 years]~~ **1 year** and a maximum term of not more than 10 years, if the aggregated value of the property or services involved in all thefts committed by the organized retail theft ring during a period of ~~[180]~~ **90** days is **at least $2,500 but** less than $10,000; or (2) a minimum term of not less than ~~[3]~~ **2** years and a maximum term of not more than 15 years, if the aggregated value of the property or services involved in all thefts committed by the organized retail theft ring during a period of ~~[180]~~ **90** days is $10,000 or more. Under section 1, an organized retail theft ring is defined as ~~[“an association of]~~ three or more persons who ~~[engage]~~ **associate for the purpose of engaging** in the conduct of ~~[or are associated for the purpose of]~~ committing a series of thefts **of retail merchandise** against more than one merchant in this State ~~[.”]~~ **or against one merchant but at more than one location of a retail business of the merchant in this State.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 205 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who participates in an organized retail theft ring is guilty of a category B felony and shall be punished by imprisonment in the state prison for:

(a) If the aggregated value of the property or services involved in all thefts committed by the organized retail theft ring in this State during a period of ~~[180]~~ ***90 days is at least $2,500 but less than $10,000, a minimum term of not less than*** ~~[2 years]~~ ***1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.***

(b) If the aggregated value of the property or services involved in all thefts committed by the organized retail theft ring in this State during a period of ~~[180]~~ ***90 days is $10,000 or more, a minimum term of not less than*** ~~[3]~~ ***2 years and a maximum term of not more than 15 years, and by a fine of not more than $20,000.***

2. In addition to any other penalty, the court shall order a person who violates this section to pay restitution.

3. For the purposes of this section, in determining the aggregated value of the property or services involved in all thefts committed by an organized retail theft ring in this State during a period of ~~[180]~~ ***90 days:***

(a) The amount involved in a single theft shall be deemed to be the highest value, by any reasonable standard, of the property or services which are obtained; and

(b) The amounts involved in all thefts committed by all participants in the organized retail theft ring must be aggregated.

4. In any prosecution for a violation of this section, the violation shall be deemed to have been committed and may be prosecuted in any jurisdiction in this State in which any theft committed by any participant in an organized retail theft ring was committed, regardless of whether the defendant was ever physically present in that jurisdiction.

5. As used in this section:

(a) "Merchant" has the meaning ascribed to it in NRS 597.850.

(b) "Organized retail theft ring" means ~~[an association of]~~ ***three or more persons who*** ~~[engage]~~ ***associate for the purpose of engaging in the conduct of*** ~~[or are associated for the purpose of]~~ ***committing a series of thefts of retail merchandise against more than one merchant in this State*** ~~[.]~~ ***or against one merchant but at more than one location of a retail business of the merchant in this State.***

Sec. 2. NRS 205.0821 is hereby amended to read as follows:

205.0821 As used in NRS 205.0821 to 205.0835, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 205.0822 to 205.0831, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 205.0833 is hereby amended to read as follows:

205.0833 1. Conduct denominated theft in NRS 205.0821 to 205.0835, inclusive, ***and section 1 of this act*** constitutes a single offense embracing the separate offenses commonly known as larceny, receiving or possessing stolen property, embezzlement, obtaining property by false pretenses, issuing a check without sufficient money or credit, and other similar offenses.

2. A criminal charge of theft may be supported by evidence that an act was committed in any manner that constitutes theft pursuant to NRS 205.0821 to 205.0835, inclusive, ***and section 1 of this act*** notwithstanding the specification of a different manner in the indictment or information, subject to the power of the court to ensure a fair trial by granting a continuance or other appropriate relief if it determines that, in a specific case, strict application of the provisions of this subsection would result in prejudice to the defense by lack of fair notice or by surprise.

Sec. 4. NRS 205.0835 is hereby amended to read as follows:

205.0835 1. Unless a greater penalty is imposed by a specific statute ~~[,]~~ ***and unless the provisions of section 1 of this act apply under the circumstances,*** a person who commits theft in violation of any provision of NRS 205.0821 to 205.0835, inclusive, ***and section 1 of this act*** shall be punished pursuant to the provisions of this section.

2. If the value of the property or services involved in the theft is less than $250, the person who committed the theft is guilty of a misdemeanor.

3. If the value of the property or services involved in the theft is $250 or more but less than $2,500, the person who committed the theft is guilty of a category C felony and shall be punished as provided in NRS 193.130.

4. If the value of the property or services involved in the theft is $2,500 or more, the person who committed the theft is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

5. In addition to any other penalty, the court shall order the person who committed the theft to pay restitution.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 432.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 359.

AN ACT relating to education; requiring a school district to maintain an employee in his position of employment rather than suspend his employment for failure to maintain a valid license if the lapse of the employee's license occurs during a time that school is in session; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill requires the Superintendent of Public Instruction to provide written notice to a person who is licensed pursuant to chapter 391 of NRS of the date of expiration of the person's license.

Existing law prescribes the action that must be taken by a school district if the license of a teacher or other person who is licensed pursuant to chapter 391 of NRS fails to maintain his license in force. (NRS 391.301-391.309) A school district shall immediately suspend without pay such a person from employment. If the person does not reinstate his license within a prescribed time, the school district shall terminate the person's employment. (NRS 391.302) ~~[This]~~ **Section 3 of this** bill provides that if the employee's license lapses during a time that school is in session, the ~~[school district shall maintain the employee in his position of employment with pay. The school district is still required to terminate the]~~ **employee must not be suspended from employment for 90 days or until the end of the school year, whichever is longer. The** person's employment **shall be deemed terminated** if the person does not reinstate his license within ~~[a]~~ **the** prescribed time.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 4 of this bill and replace with the following new sections 1 through 9:

Section 1. **Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.**

Sec. 2. ***The Superintendent of Public Instruction shall provide written notice to each person who holds a license issued pursuant to this chapter of the date on which the license expires. The written notice must be mailed, by first-class mail, to the last known address of the licensee, as reflected in the records of the Superintendent, not less than 6 months and not more than 1 year before the date of expiration.***

Sec. 3. ***1. Except as otherwise provided by subsection 3, if the license of an employee lapses during a time that school is in session:***

(a) The school district that employs him shall provide written notice to the employee of the lapse of his license and of the provisions of this section;

(b) The employee must not be suspended from employment for the lapsed license for a period of 90 days after the date of the notice pursuant to paragraph (a) or the end of the school year, whichever is longer; and

(c) The employee's license shall be deemed valid for the period described in paragraph (b) for purposes of the employee's continued employment with the school district during that period.

2. If a school district complies with subsection 1 and an employee fails to reinstate his license within the time prescribed in paragraph (b) of subsection 1, his employment shall be deemed terminated at the end of the period described in paragraph (b) of subsection 1 and the school district is not otherwise required to comply with NRS 391.301 to 391.309, inclusive.

3. The provisions of this section do not apply to an employee whose license has been suspended or revoked by the State Board pursuant to NRS 391.320 to 391.361, inclusive.

Sec. 4. NRS 391.120 is hereby amended to read as follows:

391.120 1. Boards of trustees of the school districts in this State may employ legally qualified teachers and other licensed personnel and may determine their salaries and the length of the term of school for which they are employed. These conditions and any other conditions agreed upon by the parties must be embodied in a written contract, or notice of reemployment, to be approved by the board of trustees and accepted and signed by the employee. A copy of the contract or notice of reemployment, properly written, must be delivered to each teacher or other licensed employee not later than the opening of the term of school.

2. A board of trustees may not employ teachers or other licensed personnel for any school year commencing after the expiration of the time for which any member of the board of trustees was elected or appointed.

3. It is unlawful for the board of trustees of any school district to employ any teacher who is not legally qualified to teach all the grades which the teacher is engaged to teach. ~~[The]~~ ***Except as otherwise provided in section 3***

of this act, the board of trustees shall suspend or terminate, as applicable, the employment of any teacher who fails to maintain a license issued pursuant to this chapter in force, if such a license is required for employment. Any such suspension or termination must comply with the requirements of NRS 391.301 to 391.309, inclusive ~~.~~ ***, and section 3 of this act.***

4. On or before November 15 of each year, the school district shall submit to the Department, in a form prescribed by the Superintendent of Public Instruction, the following information for each licensed employee employed by the school district on October 1 of that year:

(a) The amount of salary of the employee; and

(b) The designated assignment, as that term is defined by the Department of Education, of the employee.

Sec. 5. **NRS 391.301 is hereby amended to read as follows:**

391.301 As used in NRS 391.301 to 391.309, inclusive, ***and section 3 of this act,*** unless the context otherwise requires, "employee" means a person who:

1. Is employed by a school district in this State; and

2. Is required, as a condition of his employment, to hold a license issued pursuant to this chapter.

Sec. 6. **NRS 391.302 is hereby amended to read as follows:**

391.302 1. ~~If~~ ***Except as otherwise provided in section 3 of this act, if*** an employee fails to maintain his license in force, the school district that employs him shall:

(a) Immediately suspend the employee without pay; and

(b) Terminate his employment if he fails to reinstate his license within the time prescribed by subsection 2 of NRS 391.305.

2. If an employee is suspended pursuant to this section and, within 90 days after the date of suspension, is granted by the Department or Commission an extension of time or any other relief which has the effect of reinstating or continuing his license in force, the suspension of the employee is ineffective and the school district shall immediately reinstate the employee while his license remains in force. The employee must be reinstated to the position he held at the time of his suspension. If the employee thereafter fails again to maintain his license in force, the school district shall again suspend the employee without pay and proceed in accordance with NRS 391.305, 391.308 and 391.309.

Sec. 7. **NRS 391.3115 is hereby amended to read as follows:**

391.3115 1. The demotion, suspension, dismissal and nonreemployment provisions of NRS 391.311 to 391.3197, inclusive, do not apply to:

(a) Substitute teachers; or

(b) Adult education teachers.

2. The provisions of NRS 391.311 to 391.3194, inclusive, do not apply to a teacher whose employment is suspended or terminated pursuant to

subsection 3 of NRS 391.120 ***or section 3 of this act*** for failure to maintain a license in force.

3. A licensed employee who is employed in a position fully funded by a federal or private categorical grant or to replace another licensed employee during that employee's leave of absence is employed only for the duration of the grant or leave. Such a licensed employee and licensed employees who are employed on temporary contracts for 90 school days or less, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, to replace licensed employees whose employment has terminated after the beginning of the school year are entitled to credit for that time in fulfilling any period of probation and during that time the provisions of NRS 391.311 to 391.3197, inclusive, for demotion, suspension or dismissal apply to them.

Sec. 8. **The provisions of this act apply to any employee who fails to maintain his license in force on or after July 1, 2007.**

Sec. 9. **This act becomes effective on July 1, 2007.**

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 437.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 452.

AN ACT relating to drivers' licenses; requiring the Department of Motor Vehicles to establish a program to imprint certain indicators of a medical condition on a driver's license or identification card; ~~[providing for a fee;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Motor Vehicles to establish a program for the imprinting of a symbol or other indicator of a medical condition on a driver's license issued by the Department and requires the Department to give a person the opportunity to request such a symbol or indicator should the Department choose to establish such a program. (NRS 483.340, 483.3485) This bill requires the Department to establish such a program . ~~[and establishes a fee of $2 for the placement of such a symbol or indicator on a driver's license.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 483.340 is hereby amended to read as follows:

483.340 1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive. The license must bear a unique

number assigned to the licensee pursuant to NRS 483.345, the licensee's social security number, if he has one, unless he requests that it not appear on the license, the name, date of birth, mailing address and a brief description of the licensee, and a space upon which the licensee shall write his usual signature in ink immediately upon receipt of the license. A license is not valid until it has been so signed by the licensee.

2. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations and agents of the State Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General or the Chairman of the State Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

3. Information pertaining to the issuance of a driver's license pursuant to subsection 2 is confidential.

4. It is unlawful for any person to use a driver's license issued pursuant to subsection 2 for any purpose other than the special investigation for which it was issued.

5. At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to have indicated on his driver's license that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, or to refuse to make an anatomical gift of his body or part of his body.

(b) Give the holder the opportunity to have indicated whether he wishes to donate $1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the organ donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with an organization which registers as donors persons who desire to make anatomical gifts.

(d) ~~[If the Department has established a program for imprinting a symbol or other indicator of a medical condition on a driver's license pursuant to~~

~~NRS 483.3485, give]~~ ***Give*** the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his driver's license ~~[.]~~ ***as provided for by the program established pursuant to subsection 1 of NRS 483.3485.***

6. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

7. The Department shall submit to the organ donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 5 information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 2. NRS 483.3485 is hereby amended to read as follows:

483.3485 1. The Department ~~[may adopt regulations establishing]~~ ***shall establish by regulation*** a program for the imprinting of a symbol or other indicator of a medical condition on a driver's license issued by the Department.

2. Regulations adopted pursuant to subsection 1 must require the symbol or other indicator of a medical condition which is imprinted on a driver's license to conform with the ***International Classification of Diseases, Ninth Revision, Clinical Modification***, or the most current revision, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services.

3. The Department may apply for and accept any gift, grant, appropriation or other donation to assist in carrying out a program established pursuant to the provisions of this section.

Sec. 3. ~~[NRS 483.410 is hereby amended to read as follows:~~

~~483.410 1. Except as otherwise provided in subsection 6 and NRS 483.417, for every driver's license, including a motorcycle driver's license, issued and service performed, the following fees must be charged:~~

~~An original or renewal license issued to a person 65 years of age or older $13.50~~

~~An original or renewal license issued to any person less than 65 years of age 18.50~~

~~Reinstatement of a license after suspension, revocation or cancellation, except a revocation for a violation of NRS 484.379, 484.3795 or 484.37955, or pursuant to NRS 484.384 and 484.385 $40.00~~

~~Reinstatement of a license after revocation for a violation of NRS 484.379, 484.3795 or 484.37955, or pursuant to NRS 484.384 and 484.385 65.00~~

~~A new photograph, change of name, change of other information, except address, or any combination 5.00~~

~~A duplicate license 14.00~~

~~*An imprint of a symbol or other indicator of a medical condition on the driver's license pursuant to paragraph (d) of subsection 5 of NRS 483.340*~~ *2.00*

~~2. For every motorcycle endorsement to a driver's license, a fee of $5 must be charged.~~

~~3. If no other change is requested or required, the Department shall not charge a fee to convert the number of a license from the licensee's social security number, or a number that was formulated by using the licensee's social security number as a basis for the number, to a unique number that is not based on the licensee's social security number.~~

~~4. Except as otherwise provided in NRS 483.417, the increase in fees authorized by NRS 483.347 and the fees charged pursuant to NRS 483.415 must be paid in addition to the fees charged pursuant to subsections 1 and 2.~~

~~5. A penalty of $10 must be paid by each person renewing his license after it has expired for a period of 30 days or more as provided in NRS 483.386 unless he is exempt pursuant to that section.~~

~~6. The Department may not charge a fee for the reinstatement of a driver's license that has been:~~

~~(a) Voluntarily surrendered for medical reasons; or~~

~~(b) Cancelled pursuant to NRS 483.310.~~

~~7. All fees and penalties are payable to the Administrator at the time a license or a renewal license is issued.~~

~~8. Except as otherwise provided in NRS 483.340, subsection 3 of NRS 483.3485, NRS 483.415 and 483.840, and subsection 3 of NRS 483.863, all money collected by the Department pursuant to this chapter must be deposited in the State Treasury for credit to the Motor Vehicle Fund.]~~

(Deleted by amendment.)

Sec. 4. ~~[NRS 483.820 is hereby amended to read as follows:~~

~~483.820 1. A person who applies for an identification card in accordance with the provisions of NRS 483.810 to 483.890, inclusive, and who is not ineligible to receive an identification card pursuant to NRS 483.861, is entitled to receive an identification card if he is:~~

~~(a) A resident of this State and is 10 years of age or older and does not hold a valid driver's license or identification card from any state or jurisdiction; or~~

~~(b) A seasonal resident who does not hold a valid Nevada driver's license.~~

~~2. Except as otherwise provided in NRS 483.825, the Department shall charge and collect the following fees for the issuance of an original, duplicate or changed identification card:~~

~~An original or duplicate identification card issued to a person 65 years of age or older $4~~

~~An original or duplicate identification card issued to a person under 18 years of age 3~~

~~A renewal of an identification card for a person under 18 years of age 3~~

~~An original or duplicate identification card issued to any other person 9~~

~~A renewal of an identification card for any person at least 18 years of age, but less than 65 years of age 9~~
~~A new photograph or change of name, or both 4~~
~~*An imprint of a symbol or other indicator of a medical condition on the identification card pursuant to paragraph (d) of subsection 5 of NRS 483.840* 2~~

~~3. The Department shall not charge a fee for:~~

~~(a) An identification card issued to a person who has voluntarily surrendered his driver's license pursuant to NRS 483.420; or~~

~~(b) A renewal of an identification card for a person 65 years of age or older.~~

~~4. Except as otherwise provided in NRS 483.825, the increase in fees authorized in NRS 483.347 must be paid in addition to the fees charged pursuant to this section.~~

~~5. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.]~~ **(Deleted by amendment.)**

Sec. 5. NRS 483.840 is hereby amended to read as follows:

483.840 1. The form of the identification cards must be similar to that of drivers' licenses but distinguishable in color or otherwise.

2. Identification cards do not authorize the operation of any motor vehicles.

3. Identification cards must include the following information concerning the holder:

(a) The name and sample signature of the holder.

(b) A unique identification number assigned to the holder that is not based on the holder's social security number.

(c) A personal description of the holder.

(d) The date of birth of the holder.

(e) The current address of the holder in this State.

(f) A colored photograph of the holder.

4. The information required to be included on the identification card pursuant to subsection 3 must be placed on the card in the manner specified in subsection 1 of NRS 483.347.

5. At the time of the issuance or renewal of the identification card, the Department shall:

(a) Give the holder the opportunity to have indicated on his identification card that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, or to refuse to make an anatomical gift of his body or part of his body.

(b) Give the holder the opportunity to indicate whether he wishes to donate $1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the organ donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry

out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with an organization which registers as donors persons who desire to make anatomical gifts.

(d) ~~[If the Department has established a program for imprinting a symbol or other indicator of a medical condition on an identification card pursuant to NRS 483.863, give]~~ ***Give*** the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his identification card ~~[.]~~ ***as provided for by the program established pursuant to subsection 1 of NRS 483.863.***

6. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

7. The Department shall submit to the organ donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 5 information from the records of the Department relating to persons who have identification cards issued by the Department that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

8. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 6. NRS 483.863 is hereby amended to read as follows:

483.863 1. The Department ~~[may adopt regulations establishing]~~ ***shall establish by regulation*** a program for the imprinting of a symbol or other indicator of a medical condition on an identification card issued by the Department.

2. Regulations adopted pursuant to subsection 1 must require the symbol or other indicator of a medical condition which is imprinted on an identification card to conform with the ***International Classification of Diseases, Ninth Revision, Clinical Modification***, or the most current revision, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services.

3. The Department may apply for and accept any gift, grant, appropriation or other donation to assist in carrying out a program established pursuant to the provisions of this section.

Assemblyman Manendo moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 459.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 373.

AN ACT relating to education; making various changes relating to teachers; **requiring the board of trustees of larger school districts to**

create an office of teacher advocacy and school climate; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill provides specified rights for a teacher in a meeting with an administrator or representative of a school district which involves the performance, employment status, discipline or transfer of the teacher, or any complaint made by the teacher concerning his working conditions or the manner in which he has been treated. Section 3 of this bill regulates investigations of administrators of school districts which are requested by teachers. Section 4 of this bill specifies the written notice which must be provided to a teacher against whom an allegation of improper conduct or performance is made. ~~[Section 5 of this bill provides that if the termination of the employment of a teacher is subsequently overturned by an arbitrator, the teacher is entitled to full back pay for all missed days of work and is not required to mitigate his damages.]~~ Section 6 of this bill imposes restrictions on the involuntary transfer **or reassignment** of a teacher . ~~[within a school or between schools.]~~ Section 7 of this bill requires each school district to adopt a written policy prohibiting the intimidation, humiliation, abuse or mistreatment of teachers.

Section 8 of this bill requires the board of trustees of a school district in a county whose population is 400,000 or more to create an office of teacher advocacy and school climate.

Under existing law, a licensed employee of a school district who is suspended from employment must be reinstated with full compensation, plus interest, if sufficient grounds for dismissal from employment do not exist. (NRS 391.314) Section 12 of this bill provides that the reinstated employee is entitled to full compensation, plus interest, for all missed days of work and that the employee is not required to mitigate damages.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[7,]~~ **8,** inclusive, of this act.

Sec. 2. ***1. Except as otherwise provided by NRS 391.3116 or other specific statute, any meeting between a teacher and an administrator or representative of a school district which involves the performance, employment status, discipline or transfer of the teacher, or any complaint made by the teacher concerning his working conditions or the manner in which he has been treated, is subject to the provisions of this section.***

2. If the administrator or representative of the school district knows that a meeting which is scheduled with a teacher is subject to the provisions of this section, the administrator or representative shall inform the teacher of that fact in writing not less than 24 hours before the meeting.

3. The teacher may select any person to represent him at the meeting and may, at his own expense, record the meeting by use of a recording device or a court reporter.

4. If a meeting which is not subject to the provisions of this section is held between a teacher and an administrator or representative of a school district and, during the meeting, the administrator or representative raises an issue which subjects the meeting to the provisions of this section, the teacher must, upon request, be granted an immediate continuance of the meeting for not less than 24 hours to arrange for a person to represent him at the meeting and to arrange for the recording of the meeting.

5. If an administrator or representative of a school district determines in good faith that the circumstances require that a meeting which is subject to the provisions of this section be held on an emergency basis, the meeting must address only such circumstances and the teacher may select any other teacher to attend the meeting with him.

6. A teacher who wishes to request a meeting which is subject to the provisions of this section concerning a complaint about his working conditions or the manner in which he has been treated shall, in writing, notify the school district of the complaint and request such a meeting.

Sec. 3. ***1. If a teacher or his representative requests in writing the investigation of an administrator and provides facts which justify the investigation, the school district may not appoint another administrator or the superintendent to conduct the investigation unless the teacher agrees in writing. If the teacher does not so agree, the school district shall, at its own expense, appoint a disinterested person to conduct the investigation.***

2. An investigation conducted pursuant to subsection 1 must be conducted with reasonable timeliness.

3. Upon the conclusion of the investigation, the school district shall ensure that the teacher is provided with:

(a) The detailed written results of the investigation; and

(b) A written report detailing all investigative efforts, including the names and addresses of all persons interviewed, written statements of each administrator who is the subject of the complaint and identification of all documents examined.

Sec. 4. ***1. Before a school district may require a teacher to respond to an allegation of improper conduct or performance, the school district must provide the teacher with a detailed written notice of the allegation, including the names of all accusers and the date, time, place of, and a detailed explanation concerning, the alleged improper conduct or performance. If such written notice is not provided before an investigative interview, the teacher may refuse to answer questions and may not be disciplined for that refusal.***

2. A teacher against whom an allegation of improper conduct or performance is made may submit to the school district a list of witnesses who will testify on his behalf. If a teacher submits such a list, the witnesses

must be interviewed in full before the teacher may be disciplined with respect to the allegation.

Sec. 5. ~~[If the employment of a teacher is terminated and the termination is subsequently overturned by an arbitrator, the teacher is entitled to full back pay for all missed days of work and is not required to mitigate his damages. Any decision of an arbitrator that is inconsistent with the provisions of this section is not enforceable to the extent of the inconsistency.]~~ **(Deleted by amendment.)**

Sec. 6. ***1.*** ~~[A teacher may be involuntarily transferred within a school or between schools only if:~~

~~(a) The transfer is necessary because of a budgetary emergency; and~~

~~(b) The teacher does not refuse the transfer based on seniority, if applicable.]~~ ***Any involuntary transfer or reassignment of a teacher must be based upon assignment and seniority and may not be made as a form of discipline.***

2. Any transfer or reassignment of a teacher, or any attempted transfer or reassignment of a teacher , in violation of this section is prima facie evidence of the abuse and mistreatment of the teacher.

Sec. 7. ***1. Each school district shall adopt and enforce a written policy prohibiting administrators or their agents from committing any act or making any statement which:***

(a) Intimidates, humiliates, abuses or mistreats teachers;

(b) Constitutes a misuse of their power with respect to teachers; or

(c) Is intended to convince teachers to waive their rights pursuant to sections 2 to 7, inclusive, of this act.

2. The policy must include penalties for its violation, including suspension and loss of pay.

3. The school district shall ensure that a copy of the policy is provided to each teacher who is employed by the school district. The principal of each school within the school district shall ensure that the policy is reviewed during a staff meeting at the school at least annually.

Sec. 8. The board of trustees of each school district in a county whose population is 400,000 or more shall:

1. Create an office of teacher advocacy and school climate; and

2. Appoint a qualified person to serve as the director of the office who has experience in human resources.

~~[Sec. 8.]~~ ***Sec. 9.*** NRS 391.311 is hereby amended to read as follows:

391.311 As used in NRS 391.311 to 391.3197, inclusive, ***and sections 2 to 7, inclusive, of this act,*** unless the context otherwise requires:

1. "Administrator" means any employee who holds a license as an administrator and who is employed in that capacity by a school district.

2. "Board" means the board of trustees of the school district in which a licensed employee affected by NRS 391.311 to 391.3197, inclusive, ***and sections 2 to 7, inclusive, of this act*** is employed.

3. "Demotion" means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.

4. "Immorality" means:

(a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, 453.337, 453.338, 453.3385 to 453.3405, inclusive, 453.560 or 453.562; or

(b) An act forbidden by NRS 201.540 or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary school. As used in this paragraph, "sexual conduct" has the meaning ascribed to it in NRS 201.520.

5. "Postprobationary employee" means an administrator or a teacher who has completed the probationary period as provided in NRS 391.3197 and has been given notice of reemployment.

6. "Probationary employee" means an administrator or a teacher who is employed for the period set forth in NRS 391.3197.

7. "Superintendent" means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.

8. "Teacher" means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.

~~[Sec. 9.]~~ ***Sec. 10.*** NRS 391.3115 is hereby amended to read as follows:

391.3115 1. The demotion, suspension, dismissal and nonreemployment provisions of NRS 391.311 to 391.3197, inclusive, ***and sections 2 to 7, inclusive, of this act*** do not apply to:

(a) Substitute teachers; or

(b) Adult education teachers.

2. The provisions of NRS 391.311 to 391.3194, inclusive, ***and sections 2 to 7, inclusive, of this act*** do not apply to a teacher whose employment is suspended or terminated pursuant to subsection 3 of NRS 391.120 for failure to maintain a license in force.

3. A licensed employee who is employed in a position fully funded by a federal or private categorical grant or to replace another licensed employee during that employee's leave of absence is employed only for the duration of the grant or leave. Such a licensed employee and licensed employees who are employed on temporary contracts for 90 school days or less, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, to replace licensed employees whose employment has terminated after the beginning of the school year are entitled to credit for that time in fulfilling any period of probation and during that time the provisions of NRS 391.311 to 391.3197, inclusive, ***and sections 2 to 7, inclusive, of this act*** for demotion, suspension or dismissal apply to them.

~~[Sec. 10.]~~ ***Sec. 11.*** NRS 391.3116 is hereby amended to read as follows:

391.3116 ***1.*** The provisions of NRS 391.311 to 391.3197, inclusive, ~~[and sections 2 to 7, inclusive, of this act]~~ do not apply to a teacher, administrator, or other licensed employee who has entered into a contract with the board negotiated pursuant to chapter 288 of NRS if the contract contains separate provisions relating to the board's right to dismiss or refuse to reemploy the employee or demote an administrator.

2. The provisions of sections 2 to 7, inclusive, of this act do not apply to a teacher, administrator or other licensed employee who has entered into a contract with the board negotiated pursuant to chapter 288 of NRS if the contract contains provisions which conflict with sections 2 to 7, inclusive, of this act.

Sec. 12. **NRS 391.314 is hereby amended to read as follows:**

391.314 1. If a superintendent has reason to believe that cause exists for the dismissal of a licensed employee and he is of the opinion that the immediate suspension of the employee is necessary in the best interests of the pupils in the district, the superintendent may suspend the employee without notice and without a hearing. Notwithstanding the provisions of NRS 391.312, a superintendent may suspend a licensed employee who has been officially charged but not yet convicted of a felony or a crime involving moral turpitude or immorality. If the charge is dismissed or if the employee is found not guilty, he must be reinstated with back pay, plus interest, and normal seniority. The superintendent shall notify the employee in writing of the suspension.

2. Within 5 days after a suspension becomes effective, the superintendent shall begin proceedings pursuant to the provisions of NRS 391.312 to 391.3196, inclusive, to effect the employee's dismissal. The employee is entitled to continue to receive his salary and other benefits after the suspension becomes effective until the date on which the dismissal proceedings are commenced. The superintendent may recommend that an employee who has been charged with a felony or a crime involving immorality be dismissed for another ground set forth in NRS 391.312.

3. If sufficient grounds for dismissal do not exist, the employee must be reinstated with ***, and is entitled to,*** full compensation, plus interest ~~[.]~~ ***, for all missed days of work. The employee is not required to mitigate his damages. Any decision of a hearing officer that is inconsistent with this subsection is invalid to the extent of the inconsistency.***

4. A licensed employee who furnishes to the school district a bond or other security which is acceptable to the board as a guarantee that he will repay any amounts paid to him pursuant to this subsection as salary during a period of suspension is entitled to continue to receive his salary from the date on which the dismissal proceedings are commenced until the decision of the board or the report of the hearing officer, if the report is final and binding. The board shall not unreasonably refuse to accept security other than a bond.

An employee who receives salary pursuant to this subsection shall repay it if he is dismissed or not reemployed as a result of a decision of the board or a report of a hearing officer.

5. A licensed employee who is convicted of a crime which requires registration pursuant to NRS 179D.200 to 179D.290, inclusive, or 179D.350 to 179D.550, inclusive, or is convicted of an act forbidden by NRS 200.508, 201.190, 201.265, 201.540, 201.560 or 207.260 forfeits all rights of employment from the date of his arrest.

6. A licensed employee who is convicted of any crime and who is sentenced to and serves any sentence of imprisonment forfeits all rights of employment from the date of his arrest or the date on which his employment terminated, whichever is later.

7. A licensed employee who is charged with a felony or a crime involving immorality or moral turpitude and who waives his right to a speedy trial while suspended may receive no more than 12 months of back pay and seniority upon reinstatement if he is found not guilty or the charges are dismissed, unless proceedings have been begun to dismiss the employee upon one of the other grounds set forth in NRS 391.312.

8. A superintendent may discipline a licensed employee by suspending the employee with loss of pay at any time after a hearing has been held which affords the due process provided for in this chapter. The grounds for suspension are the same as the grounds contained in NRS 391.312. An employee may be suspended more than once during the employee's contract year, but the total number of days of suspension may not exceed 20 in 1 contract year. Unless circumstances require otherwise, the suspensions must be progressively longer.

~~[Sec. 11.]~~ ***Sec. 13.*** This act becomes effective on July 1, 2007.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 521.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 364.

AN ACT relating to crimes; providing that it is unlawful for a person to engage in certain fraudulent acts in the course of an enterprise or occupation; revising provisions relating to the crime of racketeering; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various crimes relating to fraud. (Chapter 205 of NRS) Section 2 of this bill, which is patterned in part after existing securities laws, provides that a person commits a category B felony if the person knowingly or intentionally engages in at least two similar transactions **within 4 years after the completion of the first transaction** by ~~[: (1)]~~ **engaging in**

an act, practice or course of business or employing a device, scheme or artifice to defraud ~~[, (2)]~~ **another person by** making an untrue statement of fact or not stating a material fact necessary in light of the circumstances ~~[, or (3) engaging in an act, practice or course of business which operates as a fraud or deceit upon another person.]~~ **which: (1) the person knows to be false; (2) the person intends another to rely on; and (3) which causes a loss to any person who relied on the false statement or omission of material fact.** (NRS 90.570) Section 1 of this bill imposes an additional penalty against a person who commits the new crime established by section 2 against a person who is 60 years of age or older or a vulnerable person. (NRS 193.167) Section 3 of this bill revises the definition of a crime related to racketeering to include the new crime established by section 2. Section 5 of this bill provides that a prosecution of the new crime established by section 2 must be commenced within 4 years after the crime is committed.

Existing law establishes various crimes relating to racketeering activity. (NRS 207.400) Section 4 of this bill prohibits a person from transporting property, attempting to transport property or providing property to another person knowing that the other person intends to use the property to further racketeering activity. In addition, section 4 prohibits a person who knows that property represents proceeds of any unlawful activity to conduct or attempt to conduct any transaction involving the property with the intent to further racketeering activity or with the knowledge that the transaction conceals the location, source, ownership or control of the property. (NRS 207.400)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 193.167 is hereby amended to read as follows:

193.167 1. Except as otherwise provided in NRS 193.169, any person who commits the crime of:

(a) Murder;

(b) Attempted murder;

(c) Assault;

(d) Battery;

(e) Kidnapping;

(f) Robbery;

(g) Sexual assault;

(h) Embezzlement of money or property of a value of $250 or more;

(i) Obtaining money or property of a value of $250 or more by false pretenses; or

(j) Taking money or property from the person of another,

➥ against any person who is 60 years of age or older or against a vulnerable person shall be punished by imprisonment in the county jail or state prison, whichever applies, for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime. The sentence prescribed by

this subsection must run consecutively with the sentence prescribed by statute for the crime.

2. Except as otherwise provided in NRS 193.169, any person who commits a criminal violation of the provisions of chapter 90 or 91 of NRS ***or section 2 of this act*** against any person who is 60 years of age or older or against a vulnerable person shall be punished by imprisonment in the county jail or state prison, whichever applies, for a term equal to and in addition to the term of imprisonment prescribed by statute for the criminal violation. The sentence prescribed by this subsection must run consecutively with the sentence prescribed by statute for the criminal violation.

3. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

4. As used in this section, "vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.

Sec. 2. Chapter 205 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person shall not, in the course of an enterprise or occupation, knowingly ~~[or intentionally:]~~ ***and with the intent to defraud,***

~~[~~ ~~(a) Employ a device, scheme or artifice to defraud;~~

~~(b) Make an untrue statement of material fact or omit to state a material fact necessary to make statements made not misleading in light of the circumstances under which the statements are made; or~~

~~(c) Engage]~~ ***engage in an act, practice or course of business or employ a device, scheme or artifice which operates or would operate as a fraud or deceit upon a person*** ~~[,]~~ ***by means of a false representation or omission of a material fact that:***

(a) The person knows to be false;

(b) The person intends another to rely on; and

(c) Results in a loss to any person who relied on the false representation or omission,

➥ in at least two transactions that have the same or similar pattern, intents, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics and are not isolated incidents ~~[.]~~ ***within 4 years and in which the aggregate loss or intended loss is more than $250.***

2. Each act which violates subsection 1 constitutes a separate offense.

3. A person who violates subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $10,000.

4. In addition to any other penalty, the court shall order a person who violates subsection 1 to pay restitution.

5. As used in this section, "enterprise" has the meaning ascribed to it in NRS 207.380.

Sec. 3. NRS 207.360 is hereby amended to read as follows:

207.360 "Crime related to racketeering" means the commission of, attempt to commit or conspiracy to commit any of the following crimes:

1. Murder;
2. Manslaughter, except vehicular manslaughter as described in NRS 484.3775;
3. Mayhem;
4. Battery which is punished as a felony;
5. Kidnapping;
6. Sexual assault;
7. Arson;
8. Robbery;
9. Taking property from another under circumstances not amounting to robbery;
10. Extortion;
11. Statutory sexual seduction;
12. Extortionate collection of debt in violation of NRS 205.322;
13. Forgery;
14. Any violation of NRS 199.280 which is punished as a felony;
15. Burglary;
16. Grand larceny;
17. Bribery or asking for or receiving a bribe in violation of chapter 197 or 199 of NRS which is punished as a felony;
18. Battery with intent to commit a crime in violation of NRS 200.400;
19. Assault with a deadly weapon;
20. Any violation of NRS 453.232, 453.316 to 453.3395, inclusive, or 453.375 to 453.401, inclusive;
21. Receiving or transferring a stolen vehicle;
22. Any violation of NRS 202.260, 202.275 or 202.350 which is punished as a felony;
23. Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;
24. Receiving, possessing or withholding stolen goods valued at $250 or more;
25. Embezzlement of money or property valued at $250 or more;
26. Obtaining possession of money or property valued at $250 or more, or obtaining a signature by means of false pretenses;
27. Perjury or subornation of perjury;
28. Offering false evidence;
29. Any violation of NRS 201.300 or 201.360;
30. Any violation of NRS 90.570, 91.230 or 686A.290, or insurance fraud pursuant to NRS 686A.291;
31. Any violation of NRS 205.506, 205.920 or 205.930; ~~[or]~~
32. Any violation of NRS 202.445 or 202.446 ~~[.]~~ ***; or***
33. Any violation of section 2 of this act.

Sec. 4. NRS 207.400 is hereby amended to read as follows:

207.400 1. It is unlawful for a person:

(a) Who has with criminal intent received any proceeds derived, directly or indirectly, from racketeering activity to use or invest, whether directly or indirectly, any part of the proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of:

(1) Any title to or any right, interest or equity in real property; or

(2) Any interest in or the establishment or operation of any enterprise.

(b) Through racketeering activity to acquire or maintain, directly or indirectly, any interest in or control of any enterprise.

(c) Who is employed by or associated with any enterprise to conduct or participate, directly or indirectly, in:

(1) The affairs of the enterprise through racketeering activity; or

(2) Racketeering activity through the affairs of the enterprise.

(d) Intentionally to organize, manage, direct, supervise or finance a criminal syndicate.

(e) Knowingly to incite or induce others to engage in violence or intimidation to promote or further the criminal objectives of the criminal syndicate.

(f) To furnish advice, assistance or direction in the conduct, financing or management of the affairs of the criminal syndicate with the intent to promote or further the criminal objectives of the syndicate.

(g) Intentionally to promote or further the criminal objectives of a criminal syndicate by inducing the commission of an act or the omission of an act by a public officer or employee which violates his official duty.

(h) ***To transport property, to attempt to transport property or to provide property to another person knowing that the other person intends to use the property to further racketeering activity.***

(i) Who knows that property represents proceeds of, or is directly or indirectly derived from, any unlawful activity to conduct or attempt to conduct any transaction involving the property:

(1) With the intent to further racketeering activity; or

(2) With the knowledge that the transaction conceals the location, source, ownership or control of the property.

(j) To conspire to violate any of the provisions of this section.

2. A person who violates this section is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $25,000.

3. As used in this section, "unlawful activity" has the meaning ascribed to it in NRS 207.195.

Sec. 5. NRS 171.085 is hereby amended to read as follows:

171.085 Except as otherwise provided in NRS 171.083, 171.084 and 171.095, an indictment for:

1. Theft, robbery, burglary, forgery, arson, sexual assault, a violation of NRS 90.570 **,** ~~[or]~~ a violation punishable pursuant to paragraph (c) of subsection 3 of NRS 598.0999 ***or a violation of section 2 of this act*** must be found, or an information or complaint filed, within 4 years after the commission of the offense.

2. Any felony other than murder, theft, robbery, burglary, forgery, arson, sexual assault, a violation of NRS 90.570 or a violation punishable pursuant to paragraph (c) of subsection 3 of NRS 598.0999 must be found, or an information or complaint filed, within 3 years after the commission of the offense.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 529.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 476.

AN ACT relating to the State Fire Marshal; clarifying that, with certain exceptions, regulations adopted by the State Fire Marshal concerning building codes do not apply in certain larger counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Fire Marshal is required to enforce all laws and adopt regulations relating, in pertinent part, to the safety, access, means and adequacy of exit in case of fire from certain buildings used by the public. (NRS 477.030) In accordance with this duty, the State Fire Marshal has adopted by reference in regulation the ***International Building Code***, 2003 edition, Volumes 1 and 2, with certain changes. (NAC 477.281, 477.283) Although the regulations adopted by the State Fire Marshal apply throughout the State, the State Fire Marshal is only authorized under existing law to enforce those regulations: (1) with respect to buildings owned or occupied by the State; and (2) in counties whose population is less than 100,000 other than consolidated municipalities (currently counties other than Clark and Washoe Counties and Carson City). In counties whose population is 100,000 or more (currently Clark and Washoe Counties and Carson City), the local jurisdictions in those counties are required to enforce the regulations of the State Fire Marshal except if a local jurisdiction in such a county requests the State Fire Marshal to perform such enforcement. (NRS 477.030) Existing law also authorizes the governing body of a city or county to adopt building codes and authorizes boards of county commissioners to regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county. (NRS 244.3675, 268.413, 278.580)

This bill makes the regulations adopted by the State Fire Marshal concerning building codes inapplicable in a county whose population is 400,000 or more (currently Clark County) **if** that **county** has adopted a ~~[building code,]~~ **code at least as stringent as the edition of the *International Fire Code* most recently published,** except with respect to buildings owned or occupied by the State and public schools and except in a local jurisdiction in such a county in which the State Fire Marshal is requested to enforce those regulations by the chief executive officer of the jurisdiction.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 477.030 is hereby amended to read as follows:

477.030 1. Except as otherwise provided in this section, the State Fire Marshal shall enforce all laws and adopt regulations relating to:

(a) The prevention of fire.

(b) The storage and use of:

(1) Combustibles, flammables and fireworks; and

(2) Explosives in any commercial construction, but not in mining or the control of avalanches,

➥ under those circumstances that are not otherwise regulated by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.890.

(c) The safety, access, means and adequacy of exit in case of fire from mental and penal institutions, facilities for the care of children, foster homes, residential facilities for groups, facilities for intermediate care, nursing homes, hospitals, schools, all buildings, except private residences, which are occupied for sleeping purposes, buildings used for public assembly and all other buildings where large numbers of persons work, live or congregate for any purpose. As used in this paragraph, "public assembly" means a building or a portion of a building used for the gathering together of 50 or more persons for purposes of deliberation, education, instruction, worship, entertainment, amusement or awaiting transportation, or the gathering together of 100 or more persons in establishments for drinking or dining.

(d) The suppression and punishment of arson and fraudulent claims or practices in connection with fire losses.

➥ ~~[The]~~ ***Except as otherwise provided in subsection 12, the*** regulations of the State Fire Marshal apply throughout the State, but ~~[,]~~ except with respect to state-owned or state-occupied buildings, his authority to enforce them or conduct investigations under this chapter does not extend to a county whose population is 100,000 or more or which has been converted into a consolidated municipality, except in those local jurisdictions in those counties where he is requested to exercise that authority by the chief officer of the organized fire department of that jurisdiction or except as otherwise provided in a regulation adopted pursuant to paragraph (b) of subsection 2.

2. The State Fire Marshal may:

(a) Set standards for equipment and appliances pertaining to fire safety or to be used for fire protection within this State, including the threads used on fire hose couplings and hydrant fittings; and

(b) Adopt regulations based on nationally recognized standards setting forth the requirements for fire departments to provide training to firefighters using techniques or exercises that involve the use of fire or any device that produces or may be used to produce fire.

3. The State Fire Marshal shall cooperate with the State Forester Firewarden in the preparation of regulations relating to standards for fire retardant roofing materials pursuant to paragraph (e) of subsection 1 of NRS 472.040.

4. The State Fire Marshal shall cooperate with the Division of Child and Family Services of the Department of Health and Human Services in establishing reasonable minimum standards for overseeing the safety of and directing the means and adequacy of exit in case of fire from family foster homes and group foster homes.

5. The State Fire Marshal shall coordinate all activities conducted pursuant to 15 U.S.C. §§ 2201 et seq. and receive and distribute money allocated by the United States pursuant to that act.

6. Except as otherwise provided in subsection 10, the State Fire Marshal shall:

(a) Investigate any fire which occurs in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature.

(b) Investigate any fire which occurs in a county whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature, if requested to do so by the chief officer of the fire department in whose jurisdiction the fire occurs.

(c) Cooperate with the Commissioner of Insurance, the Attorney General and the Fraud Control Unit established pursuant to NRS 228.412 in any investigation of a fraudulent claim under an insurance policy for any fire of a suspicious nature.

(d) Cooperate with any local fire department in the investigation of any report received pursuant to NRS 629.045.

(e) Provide specialized training in investigating the causes of fires if requested to do so by the chief officer of an organized fire department.

7. The State Fire Marshal shall put the National Fire Incident Reporting System into effect throughout the State and publish at least annually a summary of data collected under the System.

8. The State Fire Marshal shall provide assistance and materials to local authorities, upon request, for the establishment of programs for public education and other fire prevention activities.

9. The State Fire Marshal shall:

(a) ~~[Assist]~~ ***Except as otherwise provided in subsection 12, assist*** in checking plans and specifications for construction;

(b) Provide specialized training to local fire departments; and

(c) Assist local governments in drafting regulations and ordinances,

➥ on request or as he deems necessary.

10. Except as otherwise provided in this subsection, in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, the State Fire Marshal shall, upon request by a local government, delegate to the local government by interlocal agreement all or a portion of his authority or duties if the local government's personnel and programs are, as determined by the State Fire Marshal, equally qualified to perform those functions. If a local government fails to maintain the qualified personnel and programs in accordance with such an agreement, the State Fire Marshal shall revoke the agreement. The provisions of this subsection do not apply to the authority of the State Fire Marshal to adopt regulations pursuant to paragraph (b) of subsection 2.

11. The State Fire Marshal may, as a public safety officer or as a technical expert on issues relating to hazardous materials, participate in any local, state or federal team or task force that is established to conduct enforcement and interdiction activities involving:

(a) Commercial trucking;

(b) Environmental crimes;

(c) Explosives and pyrotechnics;

(d) Drugs or other controlled substances; or

(e) Any similar activity specified by the State Fire Marshal.

12. Any regulations of the State Fire Marshal concerning matters relating to building codes, including, without limitation, matters relating to the construction, maintenance or safety of buildings, structures and property in this State, do not apply in a county whose population is 400,000 or more that has adopted a ~~[building code,]~~ ***code at least as stringent as the edition of the International Fire Code most recently published, except with respect to state-owned or state-occupied buildings or public schools in such a county and except in those local jurisdictions in such a county in which the State Fire Marshal is requested to exercise that authority by the chief executive officer of that jurisdiction. As used in this subsection, "public school" has the meaning ascribed to it in NRS 385.007.***

Sec. 2. NRS 244.3675 is hereby amended to read as follows:

244.3675 Subject to the limitations set forth in NRS 244.368, 278.580, 278.582 ***,*** ~~[and]~~ 444.340 to 444.430, inclusive, ***and 477.030,*** the boards of county commissioners within their respective counties may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county.

2. Adopt any building, electrical, housing, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as

may be necessary. Except as otherwise provided in NRS 278.580, these fees do not apply to the State of Nevada, the Nevada System of Higher Education or any school district.

Sec. 3. NRS 268.413 is hereby amended to read as follows:

268.413 Subject to the limitations contained in NRS 244.368, 278.580, 278.582 **,** ~~[and]~~ 444.340 to 444.430, inclusive, ***and 477.030,*** the city council or other governing body of an incorporated city may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the city.

2. Adopt any building, electrical, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, these fees do not apply to the State of Nevada, the Nevada System of Higher Education or any school district.

Sec. 4. This act becomes effective on July 1, 2007.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 536.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 190.

SUMMARY—~~[Transfers certain authority concerning enforcement of child support and related services from the district attorneys to the Division of Welfare and Supportive Services of the Department of Health and Human Services.]~~ **Requires certain reports to be submitted to the 75th Session of the Nevada Legislature regarding the status of certain recommendations concerning child support enforcement.** (BDR ~~[38]~~ **S**-1405)

AN ACT relating to child support; ~~[prospectively transferring the authority for a program for the enforcement of child support and related services from district attorneys to the Division of Welfare and Supportive Services of the Department of Health and Human Services;]~~ requiring the District Attorney of Clark County **and the Division of Welfare and Supportive Services of the Department of Health and Human Services** to report to the 75th Session of the Nevada Legislature ~~[on]~~ **regarding** the status of certain recommendations concerning child support enforcement; ~~[requiring the Division of Welfare and Supportive Services and the district attorneys of this State to report to the 75th Session of the Nevada Legislature concerning plans for carrying out the prospective transfer;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law provides for the enforcement of obligations of child support under a program established pursuant to federal law through the district attorneys of this State, in conjunction with the Division of Welfare and~~

~~Supportive Services of the Department of Health and Human Services. (Chapter 425 of NRS) This bill transfers all authority for that program to the Division of Welfare and Supportive Services, effective July 1, 2011. Section 3 of this bill requires the Chief of the Program to establish three regional offices to carry out the program, and requires each county to contribute to the funding of the program. Section 4 of this bill authorizes the Administrator of the Division to contract with the district attorneys to assist in carrying out the program.~~

~~Section 290 of this bill requires the District Attorney of Clark County to report to the 75th Session of the Nevada Legislature concerning reviews conducted of the child support system by Policy Studies Inc. and MAXIMUS. Section 291 of this bill requires the Division of Welfare and Supportive Services and the district attorneys of this State to prepare for the transition of duties and to report to the 75th Session of the Nevada Legislature concerning plans for carrying out the prospective transfer of the authority for the program.~~]

This bill requires the District Attorney of Clark County to prepare a report for submission to the 75th Session of the Nevada Legislature concerning the progress made in carrying out recommendations that were provided to the District Attorney concerning the Family Support Division of the Office of the District Attorney in a report made in 2003. This bill further requires the Division of Welfare and Supportive Services of the Department of Health and Human Services to prepare a report for submission to the 75th Session of the Nevada Legislature concerning the progress made towards carrying out recommendations contained in an audit from 2006 concerning the enforcement of child support in this State. The district attorneys of this State are required to cooperate with and provide to the Division any information necessary for inclusion in the report. This bill further specifies additional topics to be included in the report from the Division. The report by the District Attorney and the report by the Division must be submitted to the Director of the Legislative Counsel Bureau not later than September 1, 2008.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 293 of this bill and replace with the following new section 1:

Section 1. **1. The District Attorney of Clark County shall prepare a report concerning the manner in which the recommendations have been carried out or the status of such recommendations that are contained in the July 2, 2003, report entitled "Organizational Assessment of the Clark County, Nevada, District Attorney's Family Support Division," which was submitted to the District Attorney by Policy Studies Inc.**

2. The Division of Welfare and Supportive Services of the Department of Health and Human Services shall prepare a report providing the manner in which the recommendations contained the December 22, 2006, "Performance Audit of the State of Nevada's Enforcement and Collection of Child Support" prepared by MAXIMUS have been carried out or the status of such recommendations. Each district attorney in this State shall cooperate with the Division and provide the necessary information to the Division for inclusion in the report. The report must include, without limitation, the status of, or the manner in which the Division and the district attorneys have carried out, specific recommendations to:

(a) Centralize processing of cases and call center functions;

(b) Measure the success of the Program for the Enforcement of Child Support through performance measures rather than policy adherence;

(c) Improve reporting by management;

(d) Develop and adhere to a strategic plan; and

(e) Develop a document imaging system.

3. The report prepared pursuant to subsection 2 must also include, without limitation, information concerning:

(a) Strategic planning among the district attorneys of this State concerning the future funding for the enforcement of child support in Nevada;

(b) Programs to enforce child support in other states with a distribution of population which is similar to the distribution in Nevada;

(c) Options for creating a regional structure in Nevada and whether such options would enhance efficiency and benefit the Program for the Enforcement of Child Support and the agencies involved in the collection of child support;

(d) Training programs that have been implemented for employees who assist in the collection of child support;

(e) An analysis of the benefits and detriments of using administrative hearing officers rather than masters in matters relating to the enforcement of child support; and

(f) The status of improvements in information technology, including, without limitation, technology for case management to replace the Nevada Operations of Multi-Automated Data Systems currently used in the collection of child support.

4. The reports prepared pursuant to this section must be submitted to the Director of the Legislative Counsel Bureau not later than September 1, 2008, for distribution to the 75th Session of the Nevada Legislature.

5. As used in this section, "Program for the Enforcement of Child Support" means the program established to locate absent parents, establish paternity and obtain child support pursuant to Part D of Title

IV of the Social Security Act, 42 U.S.C. §§ 651 et seq., and other provisions of that Act relating to the enforcement of child support.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 522.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 9; Assembly Concurrent Resolutions Nos. 19 and 20.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Grace Foley.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Double Diamond Elementary School: Connor Allison, Jessica Anderson, Bianca Blueian, Victor Brown, Guinivere Clark, Danielle Crowley, Chanelle Curd, McKenna Fortier, Sarah Hewitt, Thomas Hibbard, Trey Kaul, Joshua Lawson, Michael McBride, Sonja McBride, Keaton McCullough, Nancy Parr, Gari Peterson, Logan Pingel, Sarah Rader, Zachary Robertson, Charles Self, Jaida Sproed, Kaylee Summerville, Peyton Trujillo, Holly Velasco, Jacob Weiss, Chandler Williams, James Wilson, Jazmine Wright, Angelo Gabriel Zuniga, Derrick Ackroyd, Tayla Anderson, Meghan Barna, Stephon Bazemore, Kinor Boland, Alyssa Mae Carreon, Anthony Chartier, Mitchell Claussen, Devin Eckner, Jacob Hadden, Jordan Hadden, Monterio Hall, Thomas Hayward, Johana Kawelmacher, David Kennedy, Rayce Malmed, Charles Mancera, Darius Maxie, Michael Maynew, Brianna Memro, Rachel Munson, Jack Ray, Amber Sifert, Zachary Smirlock, Lauren Stegman, Kristofer Street, Kristian Trinidad, Kari Van Der Wal, Edronio Walter, and Landon Wickham; teachers Kay Henjum and Jennifer Luna.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from St. Viator School: Ogechi Amadi, Kaitlin Andrewjeski, Katelyn Barnett, Astrud Benson, James Bishop, Kimberly Briones, John Cadena, Christian Campbell, Mary Carothers, Kristofer Castillo, Elizabeth Charles, Bridget Cirone, Dalton Clark, Theresa Daly, Noah Delacalzada, Nicole Derosier, Tiffany Diersen, Nicholas Dion, Taylor Erling, Danielle Fayad, Chelsea Gamboa, Rachel Godby, William Hall, Lauren Healy, Joshua Herrick, Matthew Ho, Justin Holinski, Stephen Joseph, Rizhon King, Ruth Larmore, Erin Lousigmont, Billy Lovelace, Joseph Manfredi, Marty Mazzara, Aspen

Minden, Caleigh Morris, Erin Morse, Kyle Nowins, Mallika Pal, Andy Pasbakhsh, Nicholas Pfeiffer, Alexis Pollnow, Michael Puggi, Joy Saddi, Brian Salame, Stephanie Scaglione, Alejandra Sierra, Henock Sileshi, Erica Silvestri, Damani Smith, Jacob Snyder, Jimmy Spatafore, James Spatafore, Michaele Sullivan, Laney Tinnell, Jake Wasserkrug, Christian Wilhelm, Allyson Williams, Tina Williams, William Williams, Ratouille Pruna, Lauren Oldfield, Courtney McGowan, Sean McGahey, Tasha Joseph, Bradley Hahnfeld, Connor Burns, Scott Brenske, Gertie Burns, Harald Vogel and Daniel Cox; chaperones Anne Marie Fayad, Belinda Morse, Beth Puggi, Debra Barnett, Elise Carothers, Kirk Godby, Luke Desjarlais, Nina Queen, Pam Charles, Cynthia Parmentier, Terri Hanlon, and Veronica Pruna.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Edna Clem.

Assemblyman Oceguera moved that the Assembly adjourn until Friday, April 20, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 12:38 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SEVENTY-FOURTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2007

BEGUN ON MONDAY, THE FIFTH DAY OF FEBRUARY, AND ENDED ON MONDAY, THE FOURTH DAY OF JUNE

VOLUME 3

THE SEVENTY-FIFTH DAY—THE EIGHTIETH DAY

SEE VOLUME 1 FOR TABLE OF CONTENTS
SEE VOLUME 7 FOR INDEX

ARRANGEMENT AND CONTENTS OF VOLUME 3

ASSEMBLY PROCEEDINGS 1451

THE SEVENTY-FIFTH DAY

CARSON CITY (Friday), April 20, 2007

Assembly called to order at 11:10 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Rabbi Jacob Benzaquen.

Our Lord, God and Rock of all Ages, who rules all universes, infinite and awesome beyond praise and description; source of all blessing, bless our great country and the great state of Nevada—for its government, legislature, leaders, and for all who exercise just and rightful authority.

Creator of all and who renews creation day after day, revive and renew our spirits and souls as they have been sorely tested these last few days. Grant peace to the families and friends who lost their loved ones in Virginia, who passed like grass which flourished for a day. Heal us, O Lord, and we shall he healed, God of healing. Be merciful to us, O God, for it is only with You where we can truly take refuge. We shall take shelter under your wings until calamities have passed. You are good to all and compassionate to all creatures. Teach us to use all of our days that we may attain a heart of wisdom

Psalm 15: "O Lord, who shall dwell in your sanctuary? Who shall abide upon Your holy mountain? He who lives integrity, does what is right, and speaks the truth in his heart; who has no slander upon their tongue, who does no evil to his fellow man, and bitterness he not places on his neighbor. In his eyes, a vile person is abhorred, but he honors those who revere the Lord. He takes an oath, even to his own harm and does not change. He does not lend money at usurious interest; he does not take a bribe against the innocent. Whoever does these, shall stand firm forever. And let us say:

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 53, 207, 234, 279, 352, 494, 518, 526, 592 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Bill No. 517, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 95, 139, 415, 439, 445, 602 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Concurrent Committee on Health and Human Services, to which were referred Assembly Bills Nos. 182, 293, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 369, 535, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Select Committee on Corrections, Parole, and Probation, to which were referred Assembly Bills Nos. 508, 579, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID R. PARKS, *Chair*

Madam Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 240, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 19, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 153, 192.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 83, 84, 137, 145, 159, 200, 263, 272, 306, 315, 369, 409, 410, 447, 451, 457, 497, 517.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that the reading of Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

Assemblyman Oceguera moved that Assembly Bills Nos. 95, 139, 182, 234, 279, 293, 352, 369, 415, 439, 445, 494, 508, 517, 535, 579, 592, 602, just reported out committee, be placed on the Second Reading File.

Motion carried.

Senate Bill No. 83.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 84.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 137.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 145.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 159.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 200.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 263.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 272.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 306.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 315.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 369.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 409.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 410.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 447.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 451.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 457.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 497.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 517.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 141 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 226 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 341 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 437 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 64.

Bill read third time.

Remarks by Assemblyman Atkinson.

Roll call on Assembly Bill No. 64:

YEAS—42.

NAYS—None.

Assembly Bill No. 64 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 107.

Bill read third time.

Remarks by Assemblymen Manendo and Carpenter.

Roll call on Assembly Bill No. 107:

YEAS—42.

NAYS—None.

Assembly Bill No. 107 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 122.

Bill read third time.

Remarks by Assemblymen Pierce, Conklin, and Kirkpatrick.

Madam Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Assembly Bill No. 122:

YEAS—42.

NAYS—None.

Assembly Bill No. 122 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 193.

Bill read third time.

Remarks by Assemblyman Horne.
Roll call on Assembly Bill No. 193:
YEAS—42.
NAYS—None.
Assembly Bill No. 193 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 421.
Bill read third time.
Remarks by Assemblywoman Weber.
Roll call on Assembly Bill No. 421:
YEAS—42.
NAYS—None.
Assembly Bill No. 421 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 432.
Bill read third time.
Remarks by Assemblyman Kihuen.
Roll call on Assembly Bill No. 432:
YEAS—42.
NAYS—None.
Assembly Bill No. 432 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 459.
Bill read third time.
Remarks by Assemblymen Segerblom and Mabey.
Roll call on Assembly Bill No. 459:
YEAS—42.
NAYS—None.
Assembly Bill No. 459 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 521.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Assembly Bill No. 521:
YEAS—42.
NAYS—None.
Assembly Bill No. 521 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 522.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 522:

YEAS—40.

NAYS—Beers, Settelmeyer—2.

Assembly Bill No. 522 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 529.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Roll call on Assembly Bill No. 529:

YEAS—40.

NAYS—Cobb, Settelmeyer—2.

Assembly Bill No. 529 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 536.

Bill read third time.

Remarks by Assemblywoman Gerhardt.

Roll call on Assembly Bill No. 536:

YEAS—42.

NAYS—None.

Assembly Bill No. 536 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 210, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended and rerefer to the Committee on Ways and Means.

KATHY MCCLAIN, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 53, 207, 210, 240, 518, and 526 just reported out committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 95.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 448.

AN ACT relating to firearms; excluding from the powers granted to certain state officers during an emergency or a disaster the authority to take certain actions concerning firearms; authorizing civil suits against the State of Nevada, its political subdivisions and their officers and employees for the wrongful confiscation of a firearm during an emergency or a disaster; ~~[providing for the termination of employment or removal from office upon conviction of wrongfully confiscating a firearm during an emergency or a disaster; prohibiting an officer or employee of the State of Nevada or a political subdivision thereof or certain other persons from wrongfully confiscating a firearm during an emergency or a disaster; providing penalties;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 3 of this bill excludes from the emergency powers that the Governor and the executive heads or governing bodies of the political subdivisions of this State are authorized to exercise during an emergency or a disaster the authority to: (1) confiscate ~~[or authorize the confiscation of]~~ firearms from persons in lawful possession of the firearms; or (2) impose **additional** restrictions on certain aspects of the trade, possession or use of firearms ~~[that are in addition to those restrictions imposed by state and federal law.]~~ **, ammunition and components thereof.** (Chapter 414 of NRS) ~~[Section 10 of this bill prohibits the wrongful confiscation or authorization of the wrongful confiscation of a firearm during an emergency or a disaster by an emergency worker or officer or employee of the State or a political subdivision thereof. Section 9 of this bill requires that an employee who is convicted of that crime must be terminated from his employment and an officer who is convicted of that crime must be removed from office or referred to the Assembly for the preparation of articles of impeachment.]~~

Existing law provides limited civil immunity to the State, its political subdivisions and officers, employees and workers for certain injuries they cause to persons and property during an emergency or a disaster. (NRS 414.110) ~~[Section 6 of this bill creates an exception to that immunity in cases of the wrongful confiscation of firearms during an emergency or a disaster.]~~ Section 8 of this bill authorizes a person from whom a firearm is wrongfully confiscated during an emergency or a disaster to bring legal proceedings against the State, its political subdivisions and the officer, employee or worker who wrongfully confiscated or authorized the confiscation of the firearm.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 414 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***"Firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force. The term includes ammunition for a firearm.***

Sec. 3. ~~*[The]*~~ ***Pursuant to Amendment II of the Constitution of the United States and Section 11 of Article 1 of the Constitution of the State of Nevada, and notwithstanding any other provision of law, the emergency powers conferred upon the Governor and upon the executive heads or governing bodies of the political subdivisions of*** ~~*[the State by this chapter do not include the authority to:*~~

~~*1. Confiscate or authorize the]*~~ ***this State must not be construed to allow:***

1. The confiscation of a firearm from a person unless the person is:

(a) In unlawful possession of the firearm; or

(b) Unlawfully carrying the firearm ~~*[.*~~

~~*2. Impose a restriction or limitation on]*~~ ***; or***

2. The imposition of additional restrictions as to the lawful possession, transfer, sale, ~~*[purchase, possession, ownership, transportation, registration or licensing of firearms that is in addition to the restrictions and limitations otherwise imposed by state or federal law.]*~~ ***carrying, storage, display or use of:***

(a) Firearms;

(b) Ammunition; or

(c) Components of firearms or ammunition.

Sec. 4. NRS 414.030 is hereby amended to read as follows:

414.030 As used in this chapter, the words and terms defined in NRS 414.031 to 414.038, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 414.070 is hereby amended to read as follows:

414.070 The provisions of this section are operative only during the existence of a state of emergency or declaration of disaster. The existence of such an emergency or disaster may be proclaimed by the Governor or by resolution of the Legislature if the Governor in his proclamation, or the Legislature in its resolution, finds that an attack upon the United States has occurred or is anticipated in the immediate future, or that a natural, technological or man-made emergency or disaster of major proportions has actually occurred within this State, and that the safety and welfare of the inhabitants of this State require an invocation of the provisions of this section. Any such emergency or disaster, whether proclaimed by the Governor or by the Legislature, terminates upon the proclamation of the termination thereof by the Governor, or the passage by the Legislature of a resolution terminating the emergency or disaster. During the period when a state of emergency or declaration of disaster exists or continues, the Governor may exercise the following additional powers:

1. To enforce all laws and regulations relating to emergency management and to assume direct operational control of any or all forces, including,

without limitation, volunteers and auxiliary staff for emergency management in the State.

2. To sell, lend, lease, give, transfer or deliver materials or perform services for the purpose of emergency management on such terms and conditions as the Governor prescribes and without regard to the limitations of any existing law, and to account to the State Treasurer for any funds received for such property.

3. ~~[To]~~ ***Except as otherwise provided in section 3 of this act, to*** procure, by purchase, condemnation, seizure or other means, construct, lease, transport, store, maintain, renovate or distribute materials and facilities for emergency management without regard to the limitations of any existing law. ~~[He]~~ ***The Governor*** shall make compensation for the property so seized, taken or condemned on the following basis:

(a) If property is taken for temporary use, the Governor, within 90 days after the taking, shall fix the amount of compensation to be paid therefor. If the property is returned to the owner in a damaged condition, or is not returned to the owner, the Governor shall fix within 90 days the amount of compensation to be paid for the damage or failure to return the property. ~~[Whenever]~~ ***If*** the Governor deems it advisable for the State to take title to property taken under this section, he shall forthwith cause the owner of ~~[such]~~ ***the*** property to be notified thereof in writing by registered or certified mail, postage prepaid, or by the best means available, and forthwith cause to be filed a copy of the notice with the Secretary of State.

(b) Within the 90-day period prescribed in paragraph (a), the Governor shall make an offer in writing to the person or persons entitled to receive it of the amount of money proposed to be paid as full compensation. If the offer is accepted, the money must be paid out of such fund, funds or other sources as are available and no further action ~~[either]~~ in law or in equity may ever be maintained in connection therewith. If the offer of payment is refused, the person or persons entitled thereto have the same rights as plaintiffs in actions of eminent domain insofar as the fixing of damages and compensation is concerned, NRS 37.060, 37.070, 37.080 and 37.090, so far as applicable, apply, and proceedings must be had in conformity therewith so far as possible. ~~[Such]~~ ***The*** action must be commenced within 1 year after the receipt of the offer of settlement from the Governor.

4. To provide for and compel the evacuation of all or part of the population from any stricken or threatened area or areas within the State and to take such steps as are necessary for the receipt and care of those persons.

5. Subject to the provisions of the State Constitution, to remove from office any public officer having administrative responsibilities under this chapter for willful failure to obey an order or regulation adopted pursuant to this chapter. ~~[Such]~~ ***The*** removal must be upon charges after service upon the officer of a copy of the charges and after giving him an opportunity to be heard in his defense. Pending the preparation and disposition of charges, the Governor may suspend the officer for a period not exceeding 30 days. A

vacancy resulting from removal or suspension pursuant to this section must be filled as provided by law.

6. To perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population.

Sec. 6. ~~[NRS 414.110 is hereby amended to read as follows:~~

~~414.110 1. All functions under this chapter and all other activities relating to emergency management are hereby declared to be governmental functions.~~ [Neither] ~~*Except as otherwise provided in section 8 of this act, neither* the State nor any political subdivision thereof nor other agencies of the State or political subdivision thereof, nor, except in cases of willful misconduct, gross negligence [,] or bad faith, any worker complying with or reasonably attempting to comply with this chapter, or any order or regulation adopted pursuant to the provisions of this chapter, or pursuant to any ordinance relating to any necessary emergency procedures or other precautionary measures enacted by any political subdivision of the State, is liable for the death of or injury to persons, or for damage to property, as a result of any such activity. The provisions of this section do not affect the right of any person to receive benefits to which he would otherwise be entitled under this chapter, or under the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS, or under any pension law, nor the right of any such person to receive any benefits or compensation pursuant to any act of Congress.~~

~~2. Any requirement for a license to practice any professional, mechanical or other skill does not apply to any authorized worker who, in the course of performing his duties as such, practices that professional, mechanical or other skill during an emergency or disaster.~~

~~3. As used in this section, "worker" includes, without limitation, any full-time or part-time paid, volunteer or auxiliary employee of this State, of any political subdivision thereof, of other states, territories, possessions or the District of Columbia, of the Federal Government, of any neighboring country, or of any political subdivision thereof, or of any agency or organization, performing services for emergency management at any place in this State subject to the order or control of, or pursuant to a request of, the State Government or any political subdivision thereof.]~~ **(Deleted by amendment.)**

Sec. 7. ~~[NRS 13.020 is hereby amended to read as follows:~~

~~13.020~~ [Actions] ~~*Except as otherwise provided in section 8 of this act, actions* for the following causes must be tried in the county where the cause, or some part thereof, arose, subject to the power of the court to change the place of trial:~~

~~1. For the recovery of a penalty or forfeiture imposed by statute ,~~ [;] ~~except [,] that when it is imposed for an offense committed on a lake, river or other stream of water [,] *which is* situated in two or more counties, the action~~

~~may be brought in any county bordering on~~ [such] ~~*that* lake, river or stream, and opposite to the place where the offense was committed.~~

~~2. Against a public officer, or person especially appointed to execute his duties, for an act done by him in virtue of his office, or against a person who, by his command [,] or in his aid, does anything touching the duties of the officer.~~

~~3. Against the State of Nevada or any agency of the State for any tort action, except that any such tort action may also be brought in Carson City.~~] **(Deleted by amendment.)**

Sec. 8. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person from whom a firearm is confiscated in violation of section ~~[10]~~ 3 of this act may seek relief in a suit, action or other proceeding at law or in equity, including, without limitation, an action for the return of the firearm, against:

(a) The State of Nevada or a political subdivision thereof; and

(b) The officer or employee of the State or a political subdivision thereof or worker who confiscated or authorized the confiscation of the firearm.

2. The proceeding may be commenced in a court of competent jurisdiction in the county in which:

(a) The person bringing the proceeding resides; or

(b) The firearm may be found.

3. If a person who brings a proceeding pursuant to this section prevails, the court shall award him, in addition to any other remedy provided by law, reasonable attorney's fees and costs.

4. As used in this section:

(a) "Firearm" has the meaning ascribed to it in section 2 of this act.

(b) "Worker" has the meaning ascribed to it in NRS 414.110.

Sec. 9. ~~[Chapter 193 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. If, during the course of his employment, an employee of this State or a political subdivision thereof is convicted of violating section 10 of this act, the employer upon discovery of the conviction shall terminate the employment of the employee.*~~

~~*2. If, during the course of his tenure in office, an officer of any county, city or township of the State is convicted of violating section 10 of this act, the court as part of the penalty for such a conviction shall remove the officer from his office.*~~

~~*3. If, during the course of his tenure in office, an elected or appointed officer of the State is convicted of violating section 10 of this act, the prosecuting officer who obtained the conviction shall file a certified copy of the judgment roll with the Secretary of State. The Secretary of State shall lay the certified copy of the judgment roll before the Assembly at its next session for the preparation of articles of impeachment.*~~

~~*4. This section does not apply to a justice or judge of the court system.]*~~ **(Deleted by amendment.)**

Sec. 10. ~~[Chapter 197 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. An officer or employee of this State or a political subdivision thereof or a worker who, during an emergency or a disaster, intentionally or knowingly confiscates or authorizes the confiscation of a firearm from a person other than a person who is:*~~

~~*(a) In unlawful possession of the firearm; or*~~

~~*(b) Unlawfully carrying the firearm,*~~

~~*↵ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment.*~~

~~*2. In addition to any other penalty, the court shall order the person to pay restitution.*~~

~~*3. As used in this section:*~~

~~*(a) "Disaster" has the meaning ascribed to it in NRS 414.0335.*~~

~~*(b) "Emergency" has the meaning ascribed to it in NRS 414.0345.*~~

~~*(c) "Firearm" has the meaning ascribed to it in section 2 of this act.*~~

~~*(d) "Worker" has the meaning ascribed to it NRS 414.110.]*~~ **(Deleted by amendment.)**

Sec. 11. This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 139.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 540.

AN ACT relating to local governmental administration; **authorizing boards of county commissioners to apply for and accept certain rights over federal lands and to indemnify the Federal Government in connection with rights granted over those federal lands;** providing for the disposition of excess payments made to a county recorder; revising provisions relating to the appointment and oath of deputy sheriffs; **exempting the sheriff of a county whose population is 400,000 or more from the requirement to attend in person or by deputy all sessions in district court in that county; authorizing boards of county commissioners to delegate authority to approve certain claims for refunds of charges or fees paid to county departments of aviation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes boards of county commissioners to apply for and accept grants of rights-of-way, permits, leases and patents over federal lands within the National Forest System pursuant to certain federal laws. (NRS 244.277) Section 1 of this bill adds the Southern Nevada Public Lands Management Act of 1998, Public Law 105-263, to the list of federal laws concerning lands with respect to which boards of county commissioners may apply for and accept such land rights. Section 1 of this bill also authorizes boards of county commissioners to indemnify the United States in connection with such land rights.

Under existing law, a county recorder collects various fees. (NRS 247.305) Section ~~[1]~~ **2** of this bill provides that if a fee collected by a county recorder exceeds by $5 or less the amount required by law to be paid, the county recorder is required to deposit the overpayment with the county treasurer for credit to the county general fund. If the overpayment is more than $5, the county recorder is required to refund the entire amount of the overpayment.

Existing law authorizes a sheriff to appoint, in writing, deputy sheriffs and requires each deputy sheriff to take an oath to discharge his duties. (NRS 248.040) Section ~~[2]~~ **3** of this bill changes the office where the oath and written appointment of a deputy sheriff must be officially retained from the county auditor to the county recorder. Under existing law, the oaths and written appointments of deputies of many county elected officers are recorded with the county recorder or their respective counties. (NRS 246.030, 247.040, 249.060, 250.060, 252.070, 253.025, 258.060)

Existing law requires each county sheriff to attend in person or by deputy all sessions of the district court in that county. (NRS 248.100) Section 4 of this bill exempts the sheriff of a county whose population is 400,000 or more (currently Clark County) from that requirement.

Existing law authorizes boards of county commissioners to delegate to the county manager, the county administrator or, in counties without a manager or administrator, any other county employee the authority to approve certain claims for refunds of registration fees or deposits paid to the county department of parks and recreation. (NRS 354.240) Section 5 of this bill authorizes boards of county commissioners to delegate to the same types of county officials or employees the authority to approve certain claims for refunds of registration fees or deposits paid to the county department of aviation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 244.277 is hereby amended to read as follows:**

244.277 The board of county commissioners may apply for and accept:

1. Grants of rights-of-way, permits, leases and patents and subsequent renewals of grants of rights-of-way, permits, leases and patents over, upon, under or through any land or interest in land owned by the United States and administered by the Secretary of the Interior through the Bureau of Land

Management and by the Secretary of Agriculture with respect to lands within the National Forest System, pursuant to Title V of the Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1761-1771, ~~[and]~~ the Recreation and Public Purposes Act, 43 U.S.C. §§ 869-869-4 ~~[;]~~ ***, and the Southern Nevada Public Land Management Act of 1998, Public Law 105-263;*** and

2. Special use permits for parks, forests and public property owned by the United States and administered by the Secretary of Agriculture, through the United States Forest Service, pursuant to Title 16 of the United States Code and 36 C.F.R. Part 251,

➥ and in connection therewith may ***indemnify the United States and may*** comply with federal regulations and stipulations consistent with the federal statutes and regulations set forth in this section or any other applicable federal statute or regulation.

~~[Section 1.]~~ ***Sec. 2.*** NRS 247.305 is hereby amended to read as follows:

247.305 1. If another statute specifies the fee to be charged for a service, county recorders shall charge and collect only the fee specified. Otherwise, unless prohibited by NRS 375.060, county recorders shall charge and collect the following fees:

For recording any document, for the first page $10
For each additional page 1
For recording each portion of a document which must be separately indexed, after the first indexing 3
For copying any record, for each page 1
For certifying, including certificate and seal 4
For a certified copy of a certificate of marriage $10
For a certified abstract of a certificate of marriage 10

2. Except as otherwise provided in this subsection and NRS 375.060, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed $3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder may not charge the additional fee authorized in this subsection for recording the originally signed copy of a certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him pursuant to this subsection to the county treasurer for credit to the account established pursuant to NRS 247.306.

3. Except as otherwise provided in this subsection and NRS 375.060, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of $1 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized in this subsection for recording the originally signed copy of a certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees

collected by him pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him pursuant to this subsection to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care established pursuant to NRS 432.017.

4. Except as otherwise provided in this subsection, subsection 5 or by specific statute, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of $25 for recording any document that does not meet the standards set forth in subsection 3 of NRS 247.110. A county recorder shall not charge the additional fee authorized by this subsection for recording a document that is exempt from the provisions of subsection 3 of NRS 247.110.

5. Except as otherwise provided in subsection 6, a county recorder shall not charge or collect any fees for any of the services specified in this section when rendered by him to:

(a) The county in which his office is located.

(b) The State of Nevada or any city or town within the county in which his office is located, if the document being recorded:

(1) Conveys to the State, or to that city or town, an interest in land;

(2) Is a mortgage or deed of trust upon lands within the county which names the State or that city or town as beneficiary;

(3) Imposes a lien in favor of the State or that city or town; or

(4) Is a notice of the pendency of an action by the State or that city or town.

6. A county recorder shall charge and collect the fees specified in this section for copying any document at the request of the State of Nevada, and any city or town within the county. For copying, and for his certificate and seal upon the copy, the county recorder shall charge the regular fee.

7. For the purposes of this section, "State of Nevada," "county," "city" and "town" include any department or agency thereof and any officer thereof in his official capacity.

8. ***If the amount of money collected by a county recorder for a fee pursuant to this section:***

(a) Exceeds by $5 or less the amount required by law to be paid, the county recorder shall deposit the excess payment with the county treasurer for credit to the county general fund.

(b) Exceeds by more than $5 the amount required by law to be paid, the county recorder shall refund the entire amount of the excess payment.

9. Except as otherwise provided in subsection 2 ***,*** ~~[or]~~ 3 ***or 8*** or by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the fifth working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 248.040 is hereby amended to read as follows:

248.040 1. Except as provided in NRS 248.045, each sheriff may:

(a) Appoint, in writing signed by him, one or more deputies, who may perform all the duties devolving on the sheriff of the county and such other duties as the sheriff may from time to time direct. The appointment of a deputy sheriff must not be construed to confer upon that deputy policymaking authority for the office of the sheriff or the county by which the deputy sheriff is employed.

(b) Except as otherwise provided in this paragraph, only remove a deputy who has completed a probationary period of 12 months for cause. A deputy who functions as the head of a department or an administrative employee or who has not completed the probationary period may be removed at the sheriff's pleasure.

2. No deputy sheriff is qualified to act as such unless he has taken an oath to discharge the duties of the office faithfully and impartially. The oath ***, together with the written appointment,*** must be ~~[certified on the back of his appointment and filed]~~ ***recorded*** in the office of the ***recorder of the*** county ~~[auditor.]~~ ***within which the sheriff legally holds and exercises his office. Revocations of such appointments must be recorded as provided in this subsection. From the time of the recording of the appointments or revocations therein, persons shall be deemed to have notice of the appointments or revocations.***

3. The sheriff may require of his deputies such bonds as to him seem proper.

Sec. 4. **NRS 248.100 is hereby amended to read as follows:**

248.100 1. The sheriff shall:

(a) ~~[Attend]~~ ***Except in counties whose population is 400,000 or more, attend*** in person, or by deputy, all sessions of the district court in his county.

(b) Obey all the lawful orders and directions of the ~~[same.]~~ ***district court in his county.***

(c) Except as otherwise provided in subsection 2, execute the process, writs or warrants of courts of justice, judicial officers and coroners, when delivered to him for that purpose.

2. The sheriff may authorize the constable of the appropriate township to receive and execute the process, writs or warrants of courts of justice, judicial officers and coroners.

Sec. 5. **NRS 354.240 is hereby amended to read as follows:**

354.240 1. If a board of county commissioners determines by competent evidence that money has been paid into the treasury of the county under any of the circumstances mentioned in NRS 354.220, the board of county commissioners, by its unanimous resolution, may direct the county treasurer to refund to the applicant the amount of money paid into the county treasury in excess of the amount legally payable.

2. In the case of a claim for a refund of property tax, if the board has unanimously found that the applicant is entitled to a refund, it shall direct the county treasurer to refund to the applicant the amount claimed if the claim is

made within 3 years after the tax was due. The county may withhold amounts refunded from its subsequent apportionments of revenues from property tax to the other taxing units in the county which levied a tax represented in the combined tax rate.

3. If the county treasurer determines by competent evidence that money in the amount of $500 or less has been paid into the county treasury under any of the circumstances listed in NRS 354.220, he may, upon receiving the written approval of the district attorney, refund to the applicant the amount paid which is in excess of the amount legally payable.

4. In the case of a claim for a refund of property tax which has been authorized and approved in the manner provided in subsection 3, the county treasurer shall make a refund to the applicant in the amount claimed if the claim is made within 3 years after the tax was due. The county may withhold amounts refunded from its subsequent apportionments of revenues from property tax to the other taxing units in the county which levied a tax represented in the combined tax rate.

5. A board of county commissioners may, in the case of a claim for a refund of a registration fee or deposit paid to the county department of parks and recreation, delegate the authority to approve all such claims of less than $1,000, to:

(a) The county manager or his designee;

(b) The county administrator or his designee; or

(c) In a county that has neither a county manager nor a county administrator, any other county employee.

6. ***A board of county commissioners may, in the case of a claim for a refund of a registration fee or deposit paid to the county department of aviation, delegate the authority to approve all such claims of less than $100, to:***

(a) The county manager or his designee;

(b) The county administrator or his designee; or

(c) In a county that has neither a county manager nor a county administrator, any other county employee.

7. A county treasurer, upon receiving written approval of a claim pursuant to subsection 5 ~~[,]~~ ***or 6,*** may refund to the applicant the amount of the refund due.

~~[7.]~~ ***8.*** At the end of each month the county treasurer shall provide to the board of county commissioners a list of all refunds made by him during that month. The list must contain the name of each taxpayer or other person to whom a refund was made and the amount of the refund. The county treasurer shall maintain a copy of the list and make it available for public inspection.

~~[Sec. 3.]~~ ***Sec. 6.*** This act becomes effective on July 1, 2007.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 182.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 507.

AN ACT relating to public health; revising the percentages of and the manner of allocating money in the Fund for a Healthy Nevada for certain programs; ~~[removing the requirement that certain allocations from the Fund be approved by the Interim Finance Committee;]~~ revising provisions governing the subsidies from the Fund for the cost of prescription drugs, pharmaceutical services and certain other benefits; **revising the membership and duties of the Grants Management Advisory Committee**; **repealing the Task Force for the Fund for a Healthy Nevada;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Task Force for the Fund for a Healthy Nevada ~~[allocates itself,]~~ **makes allocations,** or reserves for allocation or expenditure by the Department of Health and Human Services or the Aging Services Division of that Department, certain percentages of money in the Fund for a Healthy Nevada for certain programs and services. (NRS 439.630) Section 3 of this bill eliminates the role of the ~~[Aging Services Division]~~ **Task Force** in making allocations of money from the Fund ~~[concerning programs relating to senior citizens]~~ and requires the ~~[Task Force]~~ **Department** to make such allocations itself.

Section 3 of this bill revises the percentages of revenues deposited in the Fund that are required to be allocated for ~~[prescription drugs, pharmaceutical services and other benefits for senior citizens and for]~~ prescription drugs and pharmaceutical services for persons with disabilities . ~~[, from 30 percent and 2.5 percent, respectively, to a combined total of 25 percent.]~~ Section 3 also revises the percentages of revenues deposited in the Fund that are required to be expended for programs to assist ~~[senior citizens and]~~ persons with disabilities to live independently . ~~[from 30 percent (minus $350,000) and 7.5 percent, respectively, to a combined total of 50 percent (minus $200,000).]~~

Section 3 of this bill ~~[reduces from 20 percent to 10 percent the revenues allocated for programs relating to tobacco use and]~~ requires that the money **allocated for programs relating to tobacco use** be expended with a particular emphasis on programs that prevent the use of tobacco by children. Section 3 also requires the ~~[Task Force]~~ **Department** to allocate 5 percent of the revenues deposited in the Fund to collect data, conduct research, perform assessments of needs and conduct evaluations concerning the allocations made by the ~~[Task Force.]~~ **Department.** The remaining 10 percent of the revenues deposited in the Fund is allocated under existing law for programs that improve health services for children, and section 3 requires that the money be expended with a particular emphasis on oral health.

~~[Finally, section 3 of this bill removes the requirement that the Interim Finance Committee approve a proposed allocation from the Fund which would be used to expand or augment an existing state program.]~~

Existing law establishes a program to provide subsidies for senior citizens and persons with disabilities for the cost of prescription drugs and pharmaceutical services and, for senior citizens, other benefits, including, without limitation, dental and vision benefits. (NRS 439.635-439.690, 439.705-439.795) Sections **3,** 4 and 5 of this bill specifically add hearing aids and other hearing devices to the list of benefits available for both senior citizens and persons with disabilities pursuant to these programs. ~~[Section 5 also makes]~~ **Sections 3 and 5 also make** persons with disabilities eligible for the same additional benefits for which senior citizens are currently eligible under existing law, including, without limitation, dental and vision benefits. This bill also allows **certain** veterans to receive such benefits if they qualify as a senior citizen or person with a disability . ~~[even if the veteran receives benefits or services for the same purpose from another source.]~~

The Grants Management Advisory Committee provides assistance to the Department in the allocation and administration of certain grants administered by the Department. (NRS 232.383, 232.385) Section 6.3 of this bill increases the membership of the Advisory Committee.

Section 6.7 of this bill repeals the Task Force for the Fund for a Healthy Nevada.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 439.600 is hereby amended to read as follows:

439.600 1. The Legislature hereby declares that its priorities in expending the proceeds to the State of Nevada from settlement agreements with and civil actions against manufacturers of tobacco products are:

(a) To increase the number of Nevada students who attend and graduate from Nevada institutions of higher education; and

(b) To assist Nevada residents in obtaining and maintaining good health.

2. To further these priorities, the Legislature hereby declares that it is in the best interest of the residents of this State that all money received by the State of Nevada pursuant to any settlement entered into by the State of Nevada and a manufacturer of tobacco products and all money recovered by the State of Nevada from a judgment in a civil action against a manufacturer of tobacco products be dedicated solely toward the achievement of the following goals:

(a) Increasing the number of Nevada residents who enroll in and attend a university, college or community college in the State of Nevada;

(b) Reducing and preventing the use of tobacco products, alcohol and illegal drugs, especially by children;

(c) Expanding the availability of health insurance and health care for children and adults in this State, especially for children and for adults with disabilities;

(d) Assisting senior citizens ***and persons with disabilities*** who have modest incomes in purchasing prescription drugs, pharmaceutical services and ~~[, to the extent money is available,]~~ other services, including, without limitation, dental and vision services ***, and hearing aids or other devices that enhance the ability to hear,*** and assisting those senior citizens ***and persons with disabilities*** in meeting their needs related to health care, home care, respite care and their ability to live independent of institutional care; and

(e) Promoting the general health of all residents of the State of Nevada.

Sec. 2. NRS 439.620 is hereby amended to read as follows:

439.620 1. The Fund for a Healthy Nevada is hereby created in the State Treasury. The State Treasurer shall deposit in the Fund:

(a) Fifty percent of all money received by this State pursuant to any settlement entered into by the State of Nevada and a manufacturer of tobacco products; and

(b) Fifty percent of all money recovered by this State from a judgment in a civil action against a manufacturer of tobacco products.

2. The State Treasurer shall administer the Fund. As administrator of the Fund, the State Treasurer:

(a) Shall maintain the financial records of the Fund;

(b) Shall invest the money in the Fund as the money in other state funds is invested;

(c) Shall manage any account associated with the Fund;

(d) Shall maintain any instruments that evidence investments made with the money in the Fund;

(e) May contract with vendors for any good or service that is necessary to carry out the provisions of this section; and

(f) May perform any other duties necessary to administer the Fund.

3. The interest and income earned on the money in the Fund must, after deducting any applicable charges, be credited to the Fund. All claims against the Fund must be paid as other claims against the State are paid.

4. ~~[Upon receiving a request from the]~~ ***The*** State Treasurer or the Department ***may submit to the Interim Finance Committee a request*** for an allocation for administrative expenses from the Fund pursuant to this section ***.*** ~~[, the Task Force for the Fund for a Healthy Nevada shall consider the request within 45 days after receipt of the request. If the Task Force approves the amount requested for allocation, the Task Force shall notify the State Treasurer of the allocation. If the Task Force does not approve the requested allocation within 45 days after receipt of the request, the State Treasurer or the Department, as applicable, may submit its request for allocation to the Interim Finance Committee.]~~ Except as otherwise limited by this subsection, the Interim Finance Committee may allocate all or part of the money so requested. The annual allocation for administrative expenses from the Fund ~~[,~~

~~whether allocated by the Task Force or the Interim Finance Committee must not exceed:~~ ***must:***

(a) Not ~~more *More* than~~ ***exceed*** 2 percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the State Treasurer to administer the Fund;

(b) Not ~~more *More* than~~ ***exceed*** 2.025 percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the Department , including, without limitation, the Aging Services Division of the Department, to carry out its duties set forth in NRS ~~439.625 and~~ 439.630;

(c) Not ~~more *More* than~~ ***exceed*** 1.5 percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the Department to administer the provisions of NRS 439.635 to 439.690, inclusive; and

(d) Not ~~more *More* than~~ ***exceed*** 0.125 percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the Department to administer the provisions of NRS 439.705 to 439.795, inclusive.

➥ For the purposes of this subsection, the amount of money available for allocation to pay for the administrative costs must be calculated at the beginning of each fiscal year based on the total amount of money anticipated by the State Treasurer to be deposited in the Fund during that fiscal year.

5. The money in the Fund remains in the Fund and does not revert to the State General Fund at the end of any fiscal year.

6. All money that is deposited or paid into the Fund is hereby appropriated to the Department ~~and~~ ~~, except as otherwise provided in paragraphs (c) to (f), inclusive, and (j) of subsection 1 of NRS 439.630,~~ ~~may only be expended pursuant to an~~ ***for expenditure or*** allocation ~~made by the Task Force for the Fund for a Healthy Nevada.~~ ***in accordance with the provisions of NRS 439.630.*** Money expended from the Fund ~~for a Healthy Nevada~~ must not be used to supplant existing methods of funding that are available to public agencies.

Sec. 3. NRS 439.630 is hereby amended to read as follows:

439.630 1. The ~~Task Force for the Fund for a Healthy Nevada~~ ***Department*** shall:

(a) Conduct ***, or require the Grants Management Advisory Committee created by NRS 232.383 to conduct,*** public hearings to accept public testimony from a wide variety of sources and perspectives regarding existing or proposed programs that:

(1) Promote public health;

(2) Improve health services for children, senior citizens and persons with disabilities;

(3) Reduce or prevent the use of tobacco;

(4) Reduce or prevent the abuse of and addiction to alcohol and drugs; and

(5) Offer other general or specific information on health care in this State.

(b) Establish a process to evaluate the health and health needs of the residents of this State and a system to rank the health problems of the residents of this State, including, without limitation, the specific health problems that are endemic to urban and rural communities.

(c) ~~[Reserve]~~ ***Allocate*** not more than 30 ~~*[25]*~~ percent of ~~[all]~~ ***available*** revenues ~~[deposited in the Fund for a Healthy Nevada each year]~~ for direct expenditure by the Department to pay for prescription drugs, pharmaceutical services and ~~[, to the extent money is available,]~~ other benefits, including, without limitation, dental and vision benefits ***and hearing aids or other devices that enhance the ability to hear,*** for senior citizens pursuant to NRS 439.635 to 439.690, inclusive ***.*** ~~*[, and persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive.]*~~ From the money ~~[reserved]~~ ***allocated*** to the Department pursuant to this paragraph, the Department may subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and ~~[, to the extent money is available,]~~ other benefits, including, without limitation, dental and vision benefits ***and hearing aids or other devices that enhance the ability to hear,*** to senior citizens pursuant to NRS 439.635 to 439.690, inclusive ***.*** ~~*[, and persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive.*~~ The Department shall consider ~~recommendations from the Task Force]~~ ~~[for the Fund for a Healthy Nevada] [in carrying out the provisions of NRS 439.635 to 439.690, 439.795, inclusive.]~~ The Department shall submit a quarterly report to the Governor, ~~[the Task Force]~~ ~~[for the Fund for a Healthy Nevada]~~ ~~[and]~~ the Interim Finance Committee ***and any other committees or commissions the Director deems appropriate*** regarding the general manner in which expenditures have been made pursuant to this paragraph ***.*** ~~[and the status of the program.]~~

(d) ~~[Reserve]~~ ***Allocate, by contract or grant, for expenditure*** not more than 30 ~~*[50]*~~ percent ~~[minus]~~ ~~[$350,000]~~ ~~*[$200,000 of all]*~~ ***of available*** revenues ~~[deposited in the Fund]~~ ~~[for a Healthy Nevada]~~ ~~[each year]~~ for allocation by the Aging Services Division of the Department in the form of grants for existing or new programs that assist senior citizens ~~*[and persons with disabilities]*~~ with independent living, including, without limitation, programs that provide:

(1) Respite care or relief of ~~[family]~~ ***informal*** caretakers;

(2) Transportation to new or existing services to assist senior citizens ~~*[and persons with disabilities]*~~ in living independently; and

(3) ~~*[Assistance with living safely and independently in the community outside of an institutional setting; and*~~

~~*(4)]*~~ Care in the home which allows senior citizens ~~*[and persons with disabilities]*~~ to remain at home instead of in institutional care.

➥ The Aging Services Division of the Department shall consider recommendations from the ~~[Task Force for the Fund for a Healthy Nevada]~~

Grants Management Advisory Committee concerning the independent living needs of senior citizens.

(e) ~~[Reserve]~~

~~[~~ ~~*(e) Allocate* not more than]~~ ***Allocate*** $200,000 of all revenues deposited in the Fund ~~[for a Healthy Nevada]~~ each year for ~~[allocation]~~ ***direct expenditure*** by the Director to:

(1) Provide guaranteed funding to finance assisted living facilities that satisfy the criteria for certification set forth in NRS 319.147; and

(2) Fund assisted living facilities that satisfy the criteria for certification set forth in NRS 319.147 and assisted living supportive services that are provided pursuant to the provisions of the home and community-based services waiver which are amended pursuant to NRS 422.2708.

➥ The Director shall develop policies and procedures for ~~[allocating money which is reserved]~~ ***distributing the money allocated*** pursuant to this paragraph. ***Money allocated pursuant to this paragraph does not revert to the Fund at the end of the fiscal year.***

(f) ~~[Reserve $150,000 of all revenues deposited in the Fund for a Healthy Nevada each year, if available, for allocation by the Aging Services Division of the Department in the form of contracts or grants for existing or new programs that provide dental benefits to persons who are domiciled in this State and are 62 years of age or older:~~

~~(1) Who satisfy the residency requirement set forth in subsection 2 of NRS 439.665; and~~

~~(2) Whose incomes are not over the amounts set forth in subsection 2 of NRS 439.665, as adjusted pursuant to the provisions of that section.~~

~~(g)]~~ Allocate, by contract or grant, for expenditure not more than ~~[20]~~ ***10*** percent of ~~[all]~~ ***available*** revenues ~~[deposited in the Fund]~~ ~~[for a Healthy Nevada]~~ ~~[each year]~~ for programs that prevent, reduce or treat the use of tobacco and the consequences of the use of tobacco ~~[~~.

~~(h)]~~ ***, with particular emphasis on programs that prevent the use of tobacco by children.***

(g) Allocate, by contract or grant, for expenditure not more than 10 percent of ~~[all]~~ ***available*** revenues ~~[deposited in the Fund]~~ ~~[for a Healthy Nevada]~~ ~~[each year]~~ for programs that improve health services for children ~~[~~.

~~(i)]~~ ***, with particular emphasis on programs that improve the oral health of children.***

(h) Allocate, by contract or grant, for expenditure not more than ~~[7.5]~~ ***10*** percent of ~~[all]~~ ***available*** revenues ~~[deposited in the Fund for a Healthy Nevada each year]~~ for programs that improve the health and well-being of persons with disabilities. In making allocations pursuant to this paragraph, the ~~[Task Force]~~ ***Department*** shall, to the extent practicable, allocate the money evenly among the following three types of programs:

(1) Programs that provide respite ~~[for persons caring]~~ ***care or relief of informal caretakers*** for persons with disabilities;

(2) Programs that provide positive behavioral supports to persons with disabilities; and

(3) Programs that assist persons with disabilities to live safely and independently in their communities outside of an institutional setting.

~~[(j) Reserve]~~

(i) Allocate not more than ~~[2.5]~~ ***5*** percent of ~~[all]~~ ***available*** revenues ~~[deposited in the Fund for a Healthy Nevada each year]~~ for direct expenditure by the Department to subsidize any portion of the cost of providing prescription drugs ***,*** ~~[and]~~ pharmaceutical services ***and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** to persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive. ~~[The Department shall consider recommendations from the Task Force for the Fund for a Healthy Nevada in carrying out the provisions of NRS 439.705 to 439.795, inclusive.]~~ ~~*[, with particular emphasis on programs that improve the oral health of children.*~~

~~*(h)]*~~ ***(j) Allocate, by contract or grant, for expenditure not more than 5 percent of*** ~~*[all]*~~ ***available revenues*** ~~*[deposited in the Fund each year]*~~ ***to collect data, conduct research, perform assessments of needs and conduct evaluations concerning the money allocated pursuant to this section.***

(k) ~~*[(i)]*~~ Maximize expenditures through local, federal and private matching contributions.

(l) ~~*[(j)]*~~ Ensure that any money expended from the Fund ~~[for a Healthy Nevada]~~ will not be used to supplant existing methods of funding that are available to public agencies.

(m) ~~*[(k)]*~~ Develop policies and procedures for the administration and distribution of contracts, grants and other expenditures to state agencies, political subdivisions of this State, nonprofit organizations, universities, state colleges and community colleges. A condition of any such contract or grant must be that not more than 8 percent of the contract or grant may be used for administrative expenses or other indirect costs. The procedures must require at least one competitive round of requests for proposals per biennium.

(n) ~~*[(l)]*~~ To make the allocations required by paragraphs ~~*[(d),]*~~ ***(f)*** ~~*[and]*~~ ***,*** (g) ~~[,]~~ ***and*** (h) ***:*** ~~[and (i):]~~

(1) Prioritize and quantify the needs for these programs;

(2) Develop, solicit and accept applications for allocations;

(3) ***Consider the recommendations of the Grants Management Advisory Committee submitted pursuant to NRS 232.385;***

(4) Conduct annual evaluations of programs to which allocations have been awarded; and

~~[(4)]~~ ***(5)*** Submit annual reports concerning the programs to the Governor ***,*** ~~[and]~~ the Interim Finance Committee ~~[.]~~ ***and any other committees or commissions the Director deems appropriate.***

(o) ~~*[(m)]*~~ Transmit a report of all findings, recommendations and expenditures to the Governor ***,*** ~~[and]~~ each regular session of the Legislature

~~[.]~~ ***and any other committees or commissions the Director deems appropriate.***

2. The ~~[Task Force]~~ ***Department*** may take such other actions as are necessary to carry out its duties.

3. ~~[The Department shall take all actions necessary to ensure that all allocations for expenditures made by the Task Force are carried out as directed by the Task Force.~~

~~4. ~~] To make the allocations required by ~~[paragraphs (d) and (f)]~~ ***paragraph (d)*** of subsection 1, the Aging Services Division of the Department shall:

(a) Prioritize and quantify the needs of senior citizens for these programs;

(b) Develop, solicit and accept grant applications for allocations;

(c) As appropriate, expand or augment existing state programs for senior citizens upon approval of the Interim Finance Committee;

(d) Award grants, contracts or other allocations;

(e) Conduct annual evaluations of programs to which grants or other allocations have been awarded; and

(f) Submit annual reports concerning the allocations made by the Aging Services Division pursuant to ~~[paragraphs]~~ ***paragraph*** (d) ~~[and (f)]~~ of subsection 1 to the Governor ***,*** ~~[and]~~ the Interim Finance Committee ~~[.]~~ ***and any other committees or commissions the Director deems appropriate.***

~~[5.]~~ ***4.*** The Aging Services Division of the Department shall submit each proposed grant or contract which would be used to expand or augment an existing state program to the Interim Finance Committee for approval before the grant or contract is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money. The Aging Services Division of the Department shall not expend or transfer any money allocated to the Aging Services Division pursuant to this section to subsidize any portion of the cost of providing prescription drugs ***,*** ~~[and]~~ pharmaceutical services ***and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** to senior citizens pursuant to NRS 439.635 to 439.690, inclusive, or to subsidize any portion of the cost of providing prescription drugs ***,*** ~~[and]~~ pharmaceutical services ***and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** to persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive.

~~[6. The Department, on behalf of the Task Force, shall submit each allocation proposed pursuant to paragraph (g), (h) or (i) of subsection 1 which would be used to expand or augment an existing state program to the Interim Finance Committee for approval before the contract or grant is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money.]~~

5. A veteran may receive benefits or other services which are available from the money allocated pursuant to this section for senior citizens or persons with disabilities ~~*[and which are in addition to any]*~~ ***to the extent that the veteran does not receive other benefits or services provided to*** ~~*[the veteran]*~~ ***veterans for the same purpose if the veteran qualifies for the benefits or services as a senior citizen or a person with a disability, or both.***

6. As used in this section, "available revenues" means the total revenues deposited in the Fund for a Healthy Nevada each year minus $200,000.

Sec. 4. NRS 439.665 is hereby amended to read as follows:

439.665 1. The Department may:

(a) Enter into contracts with private insurers who transact health insurance in this State to subsidize the cost of prescription drugs, pharmaceutical services and ~~[, to the extent money is available,]~~ other benefits, including, without limitation, dental and vision benefits ~~[,]~~ ***and hearing aids or other devices that enhance the ability to hear,*** for senior citizens by arranging for the availability, at a reasonable cost, of policies of health insurance that provide coverage to senior citizens for prescription drugs, pharmaceutical services and ~~[, to the extent money is available,]~~ other benefits, including, without limitation, dental and vision benefits ~~[;]~~ ***and hearing aids or other devices that enhance the ability to hear;*** or

(b) Subsidize the cost of prescription drugs, pharmaceutical services and ~~[, to the extent money is available,]~~ other benefits, including, without limitation, dental and vision benefits ~~[,]~~ ***and hearing aids or other devices that enhance the ability to hear,*** for senior citizens in any other manner.

2. Within the limits of the money available for this purpose in the Fund for a Healthy Nevada, a senior citizen who is not eligible for Medicaid and who is eligible for a subsidy that is made available pursuant to subsection 1 is entitled to an annual grant from the Fund to subsidize the cost of prescription drugs, pharmaceutical services and ~~[, to the extent money is available,]~~ other benefits, including, without limitation, dental and vision benefits ~~[,]~~ ***and hearing aids or other devices that enhance the ability to hear,*** if he has been domiciled in this State for at least 1 year immediately preceding the date of his application and ~~[:]~~ ***except as otherwise provided in subsection 5:***

(a) If the senior citizen is single, his income is not over $21,500; or

(b) If the senior citizen is married, his household income is not over $28,660.

➥ The monetary amounts set forth in this subsection must be adjusted for each fiscal year by adding to each amount the product of the amount shown multiplied by the percentage increase in the Consumer Price Index from December 2002 to the December preceding the fiscal year for which the adjustment is calculated.

3. The subsidy granted pursuant to this section must not exceed the annual cost of prescription drugs, pharmaceutical services and other benefits **,**

including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, provided to the senior citizen.

4. A subsidy that is made available pursuant to subsection 1 must provide for:

(a) A copayment of not more than $10 per prescription drug or pharmaceutical service that is generic as set forth in the formulary of the insurer or as set forth by the Department; and

(b) A copayment of not more than $25 per prescription drug or pharmaceutical service that is preferred as set forth in the formulary of the insurer or as set forth by the Department.

5. The Department may waive the eligibility requirement set forth in subsection 2 regarding household income upon written request of the applicant or enrollee based on one or more of the following circumstances:

(a) Illness;

(b) Disability; or

(c) Extreme financial hardship, when considering the current financial circumstances of the applicant or enrollee.

➥ An applicant or enrollee who requests such a waiver shall include with that request all medical and financial documents that support his request.

6. If the Federal Government provides any coverage for:

(a) Prescription drugs and pharmaceutical services; or

(b) Other benefits, including, without limitation, dental or vision benefits ~~[,]~~ ***or hearing aids or other devices that enhance the ability to hear,***

➥ for senior citizens who are eligible for a subsidy pursuant to subsections 1 to 5, inclusive, the Department may, upon approval of the Legislature, or the Interim Finance Committee if the Legislature is not in session, change any program established pursuant to NRS 439.635 to 439.690, inclusive, and otherwise provide assistance with prescription drugs, pharmaceutical services and ~~[, to the extent money is available,]~~ other benefits, including, without limitation, dental and vision benefits ***and hearing aids or other devices that enhance the ability to hear,*** for senior citizens within the limits of the money available for this purpose in the Fund ***.*** ~~[for a Healthy Nevada.]~~

7. The provisions of subsections 1 to 5, inclusive, do not apply to the extent that the Department provides assistance ***with prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** for senior citizens pursuant to subsection 6.

8. A veteran may receive assistance with prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, pursuant to this section ~~*[which are in addition to any]*~~ ***to the extent that the veteran does not receive other services or benefits provided to*** ~~*[the veteran]*~~ ***veterans for the same purpose if the veteran qualifies for the assistance as a senior citizen.***

Sec. 5. NRS 439.745 is hereby amended to read as follows:

439.745 1. The Department may:

(a) Enter into contracts with private insurers who transact health insurance in this State to subsidize the cost of prescription drugs **,** ~~[and]~~ pharmaceutical services ***and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** for persons with disabilities by arranging for the availability, at a reasonable cost, of policies of health insurance that provide coverage to persons with disabilities for prescription drugs **,** ~~[and]~~ pharmaceutical services ~~[,]~~ ***and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear;*** or

(b) Subsidize the cost of prescription drugs **,** ~~[and]~~ pharmaceutical services ***and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** for persons with disabilities in any other manner.

2. Within the limits of the money available for this purpose in the Fund for a Healthy Nevada, a person with a disability who is not eligible for Medicaid and who is eligible for a subsidy for the cost of prescription drugs **,** ~~[and]~~ pharmaceutical services ***and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear*** that is made available pursuant to subsection 1 is entitled to an annual grant from the Fund to subsidize the cost of prescription drugs **,** ~~[and]~~ pharmaceutical services ~~[,]~~ ***and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** if he has been domiciled in this State for at least 1 year immediately preceding the date of his application and ~~[:]~~ ***except as otherwise provided in subsection 5:***

(a) If the person with a disability is single, his income is not over $21,500; or

(b) If the person with a disability is married, his household income is not over $28,660.

➥ The monetary amounts set forth in this subsection must be adjusted for each fiscal year by adding to each amount the product of the amount shown multiplied by the percentage increase in the Consumer Price Index from December 2002 to the December preceding the fiscal year for which the adjustment is calculated.

3. The subsidy granted pursuant to this section must not exceed the annual cost of prescription drugs **,** ~~[and]~~ pharmaceutical services ***and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** provided to the person with a disability.

4. A subsidy that is made available pursuant to subsection 1 must provide for:

(a) A copayment of not more than $10 per prescription drug or pharmaceutical service that is generic as set forth in the formulary of the insurer or as set forth by the Department; and

(b) A copayment of not more than $25 per prescription drug or pharmaceutical service that is preferred as set forth in the formulary of the insurer or as set forth by the Department.

5. The Department may waive the eligibility requirement set forth in subsection 2 regarding household income upon written request of the applicant or enrollee based on one or more of the following circumstances:

(a) Illness;

(b) Disability; or

(c) Extreme financial hardship, when considering the current financial circumstances of the applicant or enrollee.

➥ An applicant or enrollee who requests such a waiver shall include with that request all medical and financial documents that support his request.

6. If the Federal Government provides any coverage ~~[of prescription]~~ ***for:***

(a) Prescription drugs and pharmaceutical services ***; or***

(b) Other benefits, including, without limitation, dental or vision benefits or hearing aids or other devices that enhance the ability to hear,

➥ for persons with disabilities who are eligible for a subsidy pursuant to subsections 1 to 5, inclusive, the Department may, upon approval of the Legislature, or the Interim Finance Committee if the Legislature is not in session, change any program established pursuant to NRS 439.705 to 439.795, inclusive, and otherwise provide assistance with prescription drugs **,** ~~[and]~~ pharmaceutical services ***and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** for persons with disabilities within the limits of the money available for this purpose in the Fund **.** ~~[for a Healthy Nevada.]~~

7. The provisions of subsections 1 to 5, inclusive, do not apply if the Department provides assistance with prescription drugs **,** ~~[and]~~ pharmaceutical services ***and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** for persons with disabilities pursuant to subsection 6.

8. A veteran may receive assistance with prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, pursuant to this section ~~*[which are in addition to any]*~~ ***to the extent that the veteran does not receive other services or benefits provided to*** ~~*[the veteran]*~~ ***veterans for the same purpose if the veteran qualifies for the assistance as a person with a disability.***

Sec. 6. ~~[NRS 218.6827 is hereby amended to read as follows:~~

~~218.6827 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in regular or special session.~~

~~2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by subsection 5 of NRS 284.115, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, and 353.335, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 439.620, [439.630,] 445B.830 and 538.650. In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results of their respective votes to the Chairman of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.]~~ **(Deleted by amendment.)**

Sec. 6.3. **NRS 232.383 is hereby amended to read as follows:**

232.383 1. The Grants Management Advisory Committee is hereby created within the Department ~~[.]~~ ***, consisting of 17 members.***

2. The Advisory Committee consists of ~~[the following 11]~~ ***:***

(a) The following 15 members appointed by the Director:

~~[(a)]~~ ***(1)*** A superintendent of a county school district;

~~[(b)]~~ ***(2)*** A director of a local agency providing services for abused or neglected children;

~~[(c)]~~ ***(3)*** A representative of a community organization involved with children;

~~[(d)]~~ ***(4)*** A representative of a department of juvenile justice services;

~~[(e)]~~ ***(5)*** A member who possesses knowledge, skill and experience in the provision of services to senior citizens;

~~[(f)]~~ ***(6)*** Two members who possess knowledge, skill and experience in finance or in business generally;

~~[(g)]~~ ***(7)*** A representative of the Nevada Association of Counties;

~~[(h)]~~ ***(8)*** A representative of a broad-based nonprofit organization who possesses knowledge, skill and experience in collaborating with the community and in building partnerships between the public sector and the private sector; ~~[and~~

~~(i)]~~ ***(9)*** Two members of the public who possess knowledge of or experience in the provision of services to persons or families who are disadvantaged or at risk ~~[.]~~ ***;***

(10) A member who possesses knowledge, skill and experience in the provision of services to persons with disabilities;

(11) A member who possesses knowledge, skill and experience in the provision of services relating to the cessation of the use of tobacco;

(12) A member who possesses knowledge, skill and experience in the provision of health services to children; and

(13) A representative who is a member of the Nevada Commission on Aging, created by NRS 427A.032, who must not be a Legislator.

(b) One member of the Senate appointed by the Legislative Commission, who is a nonvoting member of the Advisory Committee.

(c) One member of the Assembly appointed by the Legislative Commission, who is a nonvoting member of the Advisory Committee.

3. ~~[The Director]~~ ***Each person who appoints members pursuant to subsection 2*** shall ensure that, insofar as practicable, the members whom he appoints reflect the ethnic and geographical diversity of this State.

4. After the initial terms, each member of the Advisory Committee serves for a term of 2 years. Each member of the Advisory Committee continues in office until his successor is appointed.

5. Each member of the Advisory Committee who is not an officer or employee of this State or a political subdivision of this State is entitled to receive a salary of not more than $80 per day, fixed by the Director, while engaged in the business of the Advisory Committee.

6. While engaged in the business of the Advisory Committee, each member of the Advisory Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

7. A majority of the members of the Advisory Committee constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Advisory Committee.

8. A member of the Advisory Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Advisory Committee and perform any work necessary to carry out the duties of the Advisory Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Advisory Committee to:

(a) Make up the time he is absent from work to carry out his duties as a member of the Advisory Committee; or

(b) Take annual leave or compensatory time for the absence.

9. The Advisory Committee shall:

(a) At its first meeting and annually thereafter, elect a Chairman from among its members;

(b) Meet at the call of the Director, the Chairman or a majority of its members as necessary, within the budget of the Advisory Committee, but not to exceed six meetings per year; and

(c) Adopt rules for its own management and government.

Sec. 6.5. **NRS 232.385 is hereby amended to read as follows:**

232.385 The Grants Management Advisory Committee created by NRS 232.383 shall:

1. Review all requests received by the Department for awards of money from agencies of the State or its political subdivisions and nonprofit community organizations or educational institutions which provide or will

provide services to persons served by the programs administered by the Department;

2. Submit recommendations to the Director concerning each request for an award of money that the Advisory Committee believes should be granted, including, without limitation, the name of the agency, nonprofit community organization or educational institution that submitted the request;

3. Adopt policies setting forth criteria to determine which agencies, organizations and institutions to recommend for an award of money;

4. Monitor awards of money granted by the Department to agencies of the State or its political subdivisions, and nonprofit community organizations or educational institutions which provide or will provide services to persons served by the programs administered by the Department ~~[;]~~ ***, including, without limitation, awards of money granted pursuant to NRS 439.630;***

5. Assist the staff of the Department in determining the needs of local communities and in setting priorities for funding programs administered by the Department; and

6. Consider funding strategies for the Department, including, without limitation, seeking ways to avoid unnecessary duplication of the services for which awards of money to agencies of the State or its political subdivisions and nonprofit community organizations or educational institutions are granted, and make recommendations concerning funding strategies to the Director.

Sec. 6.7. **NRS 439.625 is hereby repealed.**

Sec. 7. ~~[1.]~~ Any money allocated or reserved for direct expenditure pursuant to paragraph (f) ~~[or (j)]~~ of subsection 1 of NRS 439.630 on or before

June 30, 2008, that is unspent and returned must be allocated, on and after July 1, 2008, in accordance with the amendatory provisions of paragraph (c) of subsection 1 of NRS 439.630.

~~[2. Any money allocated pursuant to paragraph (i) of subsection 1 of NRS 439.630 on or before June 30, 2008, that is unspent and returned must be allocated, on and after July 1, 2008, in accordance with the amendatory provisions of paragraph (d) of subsection 1 of NRS 439.630.]~~

Sec. 7.5. **1. The Legislative Commission shall appoint a member of the Senate to serve as a nonvoting member of the Grants Management Advisory Committee pursuant to NRS 232.383, as amended by section 6.3 of this act, whose term begins on July 1, 2007, and expires on June 30, 2008.**

2. The Legislative Commission shall appoint a member of the Assembly to serve as a nonvoting member of the Grants Management Advisory Committee pursuant to NRS 232.383, as amended by section 6.3 of this act, whose term begins on July 1, 2007, and expires on June 30, 2009.

3. The Director of the Department of Health and Human Services shall appoint one member to the Grants Management Advisory

Committee pursuant to NRS 232.383, as amended by section 6.3 of this act, who:

(a) Possesses knowledge, skill and experience in the provision of services to persons with disabilities whose term begins on July 1, 2007, and expires on June 30, 2008.

(b) Possesses knowledge, skill and experience in the provision of services relating to the cessation of the use of tobacco whose term begins on July 1, 2007, and expires on June 30, 2009.

(c) Possesses knowledge, skill and experience in the provision of health services to children whose term begins on July 1, 2007, and expires on June 30, 2009.

(d) Is a member of the Nevada Commission on Aging whose term begins on July 1, 2007, and expires on June 30, 2008.

Sec. 8. ~~[1.]~~ This ~~[section and section 7 of this act become]~~ **act becomes** effective on July 1, 2007.

~~[2. Sections 1 to 6, inclusive, of this act become effective on July 1, 2008.]~~

TEXT OF REPEALED SECTION

439.625 Task Force for Fund: Creation; membership; selection and term of Chairman and Vice Chairman; compensation of members; relief from regular duties of member who is officer or employee of local government; administrative support and technical assistance.

1. The Task Force for the Fund for a Healthy Nevada is hereby created. The membership of the Task Force consists of:

(a) Three members appointed by the Majority Leader of the Senate, one of whom must be a Senator and one of whom must be a member of a nonprofit organization dedicated to health issues in this State;

(b) Three members appointed by the Speaker of the Assembly, one of whom must be an Assemblyman and one of whom must be a member of a nonprofit organization dedicated to health issues in this State; and

(c) Three members appointed by the Governor, one of whom must have experience with and knowledge of matters relating to health care.

➥ Each member appointed pursuant to this subsection must be a resident of this State and must not be employed in the Executive or Judicial Branch of State Government. Each person who appoints members pursuant to this subsection shall ensure that insofar as practicable, the members whom he appoints reflect the ethnic and geographical diversity of this State.

2. At its first meeting on or after July 1 of each odd-numbered year, the Task Force shall select the Chairman and Vice Chairman of the Task Force from among the legislative members of the Task Force. Each such officer shall hold office for a term of 2 years or until his successor is selected. The chairmanship of the Task Force must alternate each biennium between the houses of the Legislature.

3. For each day or portion of a day during which a member of the Task Force who is a Legislator attends a meeting of the Task Force or is otherwise engaged in the work of the Task Force, except during a regular or special session of the Legislature, he is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218.2207.

➥ The compensation, per diem allowances and travel expenses of the legislative members of the Task Force must be paid from the Legislative Fund.

4. Members of the Task Force who are not Legislators serve without salary, except that they are entitled to receive travel expenses provided for state officers and employees generally. The travel expenses of:

(a) A member of the Task Force who is an officer or employee of a local government thereof must be paid by the local government that employs him.

(b) Each remaining member of the Task Force must be paid from the Legislative Fund.

5. Each member of the Task Force who is an officer or employee of a local government must be relieved from his duties without loss of his regular compensation so that he may perform his duties relating to the Task Force in the most timely manner practicable. A local government shall not require an officer or employee who is a member of the Task Force to:

(a) Make up the time he is absent from work to fulfill his obligations as a member of the Task Force; or

(b) Take annual leave or compensatory time for the absence.

6. The Legislative Counsel Bureau and the Department shall provide such administrative support to the Task Force as is required to carry out the duties of the Task Force. The State Health Officer shall provide such technical advice and assistance to the Task Force as is requested by the Task Force.

Assemblywoman Gerhardt moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 80 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 234.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 443.

SUMMARY—~~[Makes various changes concerning homeopathy.]~~ **Eliminates the Nevada Institutional Review Board.** (BDR 54-646)

AN ACT relating to homeopathy; ~~[revising various provisions governing the regulation of homeopathic physicians; requiring the Nevada Institutional Review Board to reimburse the Board of Homeopathic Medical Examiners for the expenses it incurs to supervise the Nevada Institutional Review Board; requiring the Board of Homeopathic Medical Examiners to adopt regulations for the]~~ **eliminating the** Nevada Institutional Review Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[The practice of homeopathic medicine in this State is regulated by the Board of Homeopathic Medical Examiners. (Chapter 630A of NRS)~~

~~Sections 5 and 13 of this bill revise the procedures for determining which medical licensing board may investigate a complaint against a homeopathic physician who is licensed by the Board of Homeopathic Medical Examiners and is also licensed by another medical licensing board.~~

~~Section 6 of this bill authorizes the Board of Homeopathic Medical Examiners to make up any shortfall in its revenues by assessing each homeopathic physician, advanced practitioner of homeopathy and homeopathic assistant for his pro rata share of the shortfall.~~

~~Section 7 of this bill requires the Nevada Institutional Review Board to reimburse the Board of Homeopathic Medical Examiners for the expenses it incurs to supervise the Nevada Institutional Review Board.~~

~~Section 9 of this bill revises and expands the scope of the practice of homeopathic medicine to include, among other things: (1) the use of any linear or nonlinear method of diagnosis or treatment; and (2) the prescription of drugs, medicines, controlled substances and dangerous drugs.~~

~~Sections 16, 17 and 20-26 of this bill replace the existing provisions for the renewal of licenses to practice homeopathic medicine and certificates as advanced practitioners of homeopathy and homeopathic assistants with provisions for the annual registration of the licenses and certificates.~~

~~Sections 19 and 23 of this bill change the licensure requirements for graduates of medical schools or schools of osteopathic medicine that are located outside the United States or Canada.~~

~~Sections 28-34 of this bill make various changes concerning the Nevada Institutional Review Board, which is supervised by the Board of Homeopathic Medical Examiners.~~

~~Section 30 replaces the indefinite terms for members of the Nevada Institutional Review Board with 3-year terms.~~

~~Section 32 requires the Board of Homeopathic Medical Examiners to adopt, rather than merely approve, regulations that prescribe the manner in which the Nevada Institutional Review Board must discharge its duties.]~~

Existing law establishes the Nevada Institutional Review Board which, under the supervision of the Board of Homeopathic Medical Examiners, oversees, reviews and controls certain research studies. (NRS 630A.800-630A.910) This bill eliminates the Nevada Institutional Review Board.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 39 of this bill and replace with the following new sections 1 through 5:

Section 1. **NRS 630A.090 is hereby amended to read as follows:**

630A.090 1. ~~[Except as otherwise provided in NRS 630A.800 to 630A.910, inclusive, this]~~ ***This*** chapter does not apply to:

(a) The practice of dentistry, chiropractic, Oriental medicine, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Services or a medical officer of any division or department of the United States in the discharge of his official duties.

(c) Licensed or certified nurses in the discharge of their duties as nurses.

(d) Homeopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to any physician licensed in this State, and who are legally qualified to practice in the state or country where they reside.

2. This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in case of emergency.

(b) The domestic administration of family remedies.

4. This chapter does not authorize a homeopathic physician to practice medicine, including allopathic medicine, except as otherwise provided in NRS 630A.040.

Sec. 2. **NRS 630A.155 is hereby amended to read as follows:**

630A.155 The Board shall:

1. Regulate the practice of homeopathic medicine in this State and any activities that are within the scope of such practice, to protect the public health and safety and the general welfare of the people of this State.

2. Determine the qualifications of, and examine, applicants for licensure or certification pursuant to this chapter, and specify by regulation the methods to be used to check the background of such applicants.

3. License or certify those applicants it finds to be qualified.

4. Investigate and, if required, hear and decide in a manner consistent with the provisions of chapter 622A of NRS all complaints made against any homeopathic physician, advanced practitioner of homeopathy, homeopathic assistant or any agent or employee of any of them, or any facility where the primary practice is homeopathic medicine. If a complaint concerns a practice which is within the jurisdiction of another licensing board or any other possible violation of state law, the Board shall refer the complaint to the other licensing board.

5. ~~[Supervise the Nevada Institutional Review Board created by NRS 630A.865, including, without limitation, approving or denying the regulations adopted by the Nevada Institutional Review Board.~~

~~6.]~~ Submit an annual report to the Legislature and make recommendations to the Legislature concerning the enactment of legislation relating to alternative and complementary integrative medicine, including, without limitation, homeopathic medicine.

Sec. 3. **NRS 630A.800, 630A.815, 630A.825, 630A.835, 630A.855, 630A.865, 630A.870, 630A.875, 630A.880, 630A.900, 630A.905 and 630A.910 are hereby repealed.**

Sec. 4. **1. The Nevada Institutional Review Board shall, not later than July 1, 2007:**

(a) Return the unexpended portion of any grant, gift, appropriation or donation that was received by the Board subject to a condition that requires its return if it cannot be used to carry out the duties of the Board;

(b) Transfer any money that remains in any account maintained by the Nevada Institutional Review Board after complying with paragraph (a) to the Board of Homeopathic Medical Examiners; and

(c) Transfer all books, records, minutes, documents and other property of the Nevada Institutional Review Board to the Board of Homeopathic Medical Examiners.

2. Any regulations adopted by the Nevada Institutional Review Board, or by the Board of Homeopathic Medical Examiners concerning the Nevada Institutional Review Board, are void on July 1, 2007. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after July 1, 2007.

3. Any contract entered into by the Nevada Institutional Review Board, or by the Board of Homeopathic Medical Examiners concerning the Nevada Institutional Review Board, including, without limitation, a contract for employment and a contract for the services of a person pursuant to NRS 284.013, that is not fully performed on July 1, 2007, is void.

4. If the Board of Homeopathic Medical Examiners has created a nonprofit organization pursuant to NRS 630A.875, including, without limitation, the NIRB Medical Foundation, the Board of Homeopathic

Medical Examiners shall, not later than July 1, 2007, dissolve the nonprofit organization.

5. The Nevada Institutional Review Board shall cooperate with the Board of Homeopathic Medical Examiners to ensure that the provisions of this act are carried out in an orderly manner.

6. The terms of the members of the Nevada Institutional Review Board expire on July 1, 2007.

Sec. 5. **1. This section and section 4 of this act become effective upon passage and approval.**

2. Sections 1, 2 and 3 of this act become effective on July 1, 2007.

LEADLINES OF REPEALED SECTIONS

630A.800 Definitions.
630A.815 "Practitioner" defined.
630A.825 "Research study" defined.
630A.835 "Researcher" defined.
630A.855 Applicability.
630A.865 Creation; supervision; appointment of members; period of service; vacancies; per diem allowance and travel expenses; quorum; officers; meetings; rules of procedure.
630A.870 Oath.
630A.875 Funding of Review Board; limitations.
630A.880 Deposit and use of money received by Review Board.
630A.900 Adoption of regulations.
630A.905 Administrative powers and duties.
630A.910 Requirements governing researchers and research studies.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 279.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 533.

AN ACT relating to ~~[unclaimed property; requiring a statement to be printed on gift certificates to give notice to buyers that value remaining on gift certificates will be presumed abandoned and escheat to the State if the value is not redeemed or charged by certain dates;]~~ **gift certificates; prohibiting an issuer from charging a service fee on the basis of inactivity if the inactivity is for less than 3 continuous years;** requiring the unused value of certain gift certificates to escheat to the State; ~~[requiring the State Treasurer in his capacity as the Administrator of Unclaimed Property to hold payments received from abandoned gift certificates in a separate account to be vested in the State of Nevada]~~ **providing for the use of the**

proceeds from abandoned gift certificates for educational purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law provides that it is a deceptive trade practice if certain requirements are not met in the issuance of a gift certificate. (NRS 598.0921) Section 1 of this bill provides an additional requirement to include on the gift certificate a notice to the buyer that any value remaining on the certificate is presumed abandoned and will escheat to the State if it is not redeemed or charged by certain dates.]~~

Section 1 of this bill prohibits the issuer of a gift certificate from charging a service fee on the basis of inactivity if the inactivity is for less than 3 continuous years.

Section 2 of this bill ~~[adds a new section to chapter 120A of NRS which]~~ provides that the unredeemed or uncharged value remaining on a gift certificate **that is issued or sold in this State and has an expiration date** is presumed abandoned on the ~~[earlier of the gift certificate's]~~ expiration date . ~~[or, if the certificate does not have an expiration date, 3 years after the date the certificate was issued if it was never used, or 3 years after the date the certificate was last used or value was added.]~~ Section 3 of this bill requires **that all proceeds received from abandoned gift certificates by** the State Treasurer in his capacity as the Administrator of Unclaimed Property ~~[to hold payments received from abandoned gift certificates in a separate account to be vested in the State of Nevada]~~ **be accounted for separately and may be used only** for educational purposes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 598.0921 is hereby amended to read as follows:

598.0921 1. A person engages in a "deceptive trade practice" if, in the course of his business or occupation:

(a) He issues a gift certificate that expires on a certain date, unless either of the following is printed plainly and conspicuously on the front or back of the gift certificate in at least 10-point font and in such a manner that the print is readily visible to the buyer of the gift certificate before the buyer purchases the gift certificate:

(1) The expiration date of the gift certificate; or

(2) A toll-free telephone number accompanied by a statement setting forth that the buyer or holder of the gift certificate may call the telephone number to obtain the balance of the gift certificate and the expiration date of the gift certificate;

(b) ~~*[He issues a gift certificate without a statement printed plainly and conspicuously on the front or back of the gift certificate in at least 10-point font and in such a manner that the print is readily visible to the buyer of the gift certificate before the buyer purchases the gift certificate setting forth in substantially the following form:*~~

~~*Pursuant to NRS 598.0921 and section 2 of this act, any value remaining on this gift certificate is presumed abandoned and will be delivered to the State of Nevada for educational purposes if it is not redeemed or charged by the earlier of the expiration date printed on this certificate or, if this certificate does not have an expiration date, 3 years after the date this certificate was issued if this certificate was never in use, or 3 years after the date this certificate was last used or value was added.*~~

~~*(e)]*~~ He imposes upon the buyer or holder of a gift certificate a service fee, unless each of the following is printed plainly and conspicuously on the front or back of the gift certificate in at least 10-point font and in such a manner that the print is readily visible to the buyer of the gift certificate before the buyer purchases the gift certificate:

(1) The amount of the service fee;

(2) The event or events that will cause the service fee to be imposed;

(3) The frequency with which the service fee will be imposed; and

(4) If the service fee will be imposed on the basis of inactivity, the duration of inactivity ***, which must not be less than 3 continuous years of nonuse,*** that will cause the service fee to be imposed; or

(c) ~~*[(d)]*~~ Regardless of the notice provided, he imposes upon the buyer or holder of a gift certificate:

(1) A service fee or a combination of service fees that exceed a total of $1 per month; or

(2) A service fee that commences or is imposed within the first 12 months after the issuance of the gift certificate.

2. The provisions of this section do not apply to:

(a) A gift certificate that is issued as part of an award, loyalty, promotional, rebate, incentive or reward program and for which issuance the issuer does not receive money or any other thing of value;

(b) A gift certificate that is sold at a reduced price to an employer or nonprofit or charitable organization, if the expiration date of the gift certificate is not more than 30 days after the date of sale; and

(c) A gift certificate that is issued by an establishment licensed pursuant to the provisions of chapter 463 of NRS.

3. As used in this section:

(a) "Gift certificate" means an instrument or a record evidencing a promise by the seller or issuer of the instrument or record to provide goods or services to the holder of the gift certificate for the value shown in, upon or ascribed to the instrument or record and for which the value shown in, upon or ascribed to the instrument or record is decreased in an amount equal to the value of goods or services provided by the issuer or seller to the holder. The term includes, without limitation, a gift card, certificate or similar instrument. The term does not include:

(1) An instrument or record for prepaid telecommunications or technology services, including, without limitation, a card for prepaid

telephone services, a card for prepaid technical support services and an instrument for prepaid Internet service purchased or otherwise distributed to a consumer of such services, including, without limitation, as part of an award, loyalty, promotional or reward program; or

(2) An instrument or record, by whatever name called, that may be used to obtain goods or services from more than one person or business entity, if the expiration date is printed plainly and conspicuously on the front or back of the instrument or record.

(b) "Issue" means to sell or otherwise provide a gift certificate to any person and includes, without limitation, adding value to an existing gift certificate.

(c) "Record" means information which is inscribed on a tangible medium or which is stored in an electronic or other medium, including, without limitation, information stored on a microprocessor chip or magnetic strip, and is retrievable in perceivable form.

(d) "Service fee" means any charge or fee other than the charge or fee imposed for the issuance of the gift certificate, including, without limitation, a service fee imposed on the basis of inactivity or any other type of charge or fee imposed after the sale of the gift certificate.

Sec. 2. Chapter 120A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any unredeemed or uncharged value remaining on a gift certificate that is issued or sold in this State and has an expiration date is presumed abandoned and subject to the provisions of this chapter on the ~~*[earlier of:*~~

~~*(a) The gift certificate's expiration date; or*~~

~~*(b) If the gift certificate does not have an expiration date, the third anniversary of:*~~

~~*(1) The date the gift certificate was issued if the gift certificate is not used after it is issued; or*~~

~~*(2) The date the gift certificate was last used or value was last added to the gift certificate.]*~~ ***expiration date.***

2. If a gift certificate is issued or sold in this State and the seller or issuer does not obtain and maintain in his records the name and address of the owner of the gift certificate, the address of the owner of the gift certificate shall be deemed to be the address of the Office of the State Treasurer in Carson City.

3. This section does not create a cause of action against a person who issues or sells a gift certificate.

~~*[3.]*~~ ***4. As used in this section, "gift certificate" has the meaning ascribed to it in NRS 598.0921.***

Sec. 3. NRS 120A.360 is hereby amended to read as follows:

120A.360 1. Except as otherwise provided in subsections 4 ~~[, 5 and 6,]~~ ***to 7, inclusive,*** all abandoned property other than money delivered to the Administrator under this chapter must, within 2 years after the delivery, be sold by the Administrator to the highest bidder at public sale in whatever

manner affords in his judgment the most favorable market for the property involved. The Administrator may decline the highest bid and reoffer the property for sale if he considers the price bid insufficient.

2. Any sale held under this section must be preceded by a single publication of notice thereof at least 2 weeks in advance of the sale in a newspaper of general circulation in the county where the property is to be sold.

3. The purchaser at any sale conducted by the Administrator pursuant to this chapter is vested with title to the property purchased, free from all claims of the owner or prior holder and of all persons claiming through or under them. The Administrator shall execute all documents necessary to complete the transfer of title.

4. The Administrator need not offer any property for sale if, in his opinion, the probable cost of the sale exceeds the value of the property. The Administrator may destroy or otherwise dispose of such property or may transfer it to:

(a) The Nevada Museum and Historical Society, the Nevada State Museum or the Nevada Historical Society, upon its written request, if the property has, in the opinion of the requesting institution, historical, artistic or literary value and is worthy of preservation;

(b) A genealogical library, upon its written request, if the property has genealogical value and is not wanted by the Nevada Museum and Historical Society, the Nevada State Museum or the Nevada Historical Society; or

(c) A veterans' or military museum, upon its written request, if the property has military or military historical value and is not wanted by the Nevada Museum and Historical Society, the Nevada State Museum or the Nevada Historical Society.

➥ An action may not be maintained by any person against the holder of the property because of that transfer, disposal or destruction.

5. Securities listed on an established stock exchange must be sold at the prevailing price for that security on the exchange at the time of sale. Other securities not listed on an established stock exchange may be sold:

(a) Over the counter at the prevailing price for that security at the time of sale; or

(b) By any other method the Administrator deems acceptable.

6. The Administrator shall hold property that was removed from a safe-deposit box or other safekeeping repository for 1 year after the date of the delivery of the property to the Administrator, unless that property is a will or a codicil to a will, in which case the Administrator shall hold the property for 10 years after the date of the delivery of the property to the Administrator. If no claims are filed for the property within that period, it may be destroyed.

7. ~~*[The Administrator shall hold payments from gift certificates in a separate account to be vested in the State of Nevada]*~~ ***All proceeds received by the Administrator from abandoned gift certificates must be accounted for separately in the Abandoned Property Trust Fund in the State***

Treasury. At the end of each fiscal year, before any other money in the Abandoned Property Trust Fund is transferred pursuant to NRS 120A.370, the balance in the account created pursuant to this subsection, less any costs, service charges or claims chargeable to the account, must be transferred to the Educational Trust Fund which is hereby created in the State Treasury. The money in the Educational Trust Fund may be expended only as authorized by the Legislature for educational purposes.

Sec. 4. This act applies to gift certificates issued on or after October 1, 2007.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 293.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 479.

AN ACT making an appropriation to the Legislative Fund for the Legislative Auditor to enter into a contract with a consultant to conduct a performance audit of agencies which provide child welfare services; **requiring the consultant to submit a report of the performance audit to the Director of the Legislative Counsel Bureau;** and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Legislative Fund created by NRS 218.085 the sum of ~~[$200,000]~~ **$400,000** for the Legislative Auditor to enter into a contract with a qualified, independent consultant to conduct a performance audit of each agency which provides child welfare services.

2. The consultant shall perform random unannounced visits to the agencies which provide child welfare services. During ~~[such]~~ **those** visits, the consultant shall review files of open and closed cases concerning children who have been abused or neglected. The consultant ~~[also]~~ shall:

(a) Review the manner in which the agencies which provide child welfare services document, respond to and report cases of child abuse or neglect;

(b) Review the procedures used by the agencies which provide child welfare services to determine whether to close a case;

(c) Determine whether the agencies which provide child welfare services are complying with federal and state laws in the manner in which they carry out their responsibilities with respect to child abuse or neglect;

(d) Evaluate the effectiveness and availability of appropriate intervention services;

(e) Determine the frequency with which the agencies **which provide child welfare services** have direct contact with children placed in foster homes or emergency shelters;

(f) Determine whether the agencies **which provide child welfare services** have successfully incorporated the recommendations set forth in the Report of the Clark County Blue Ribbon Panel for the Review of Child Deaths and of the Northern Blue Ribbon Panel for the Review of Child Deaths, as applicable; and

(g) Evaluate the progress and efforts made towards meeting the requirements set forth in the federally approved Performance Improvement Plan and Corrective Action Plan.

3. **The consultant shall, in determining the frequency with which the agencies which provide child welfare services have direct contact with children placed in foster homes or emergency shelters pursuant to paragraph (e) of subsection 1, determine whether:**

(a) The frequency of visits is in accordance with the established policy of each agency which provides child welfare services concerning the frequency of visits to children placed in foster homes or emergency shelters; and

(b) The frequency of visits to each child is appropriate for that child.

4. In reviewing the files of open and closed cases concerning children who have been abused or neglected, the consultant:

(a) Shall, if he becomes aware of circumstances which he reasonably believes may cause a child to be in imminent danger of abuse or neglect, immediately report those circumstances to the appropriate agency which provides child welfare services; and

(b) May interview any relative, foster parent or any other person identified in a case file who may have additional information concerning the case.

5. Each agency which provides child welfare services shall:

(a) Cooperate with the consultant;

(b) Allow the consultant to inspect, review and copy any records, reports and other documents relevant to the duties of the consultant;

(c) Provide access to the consultant to any facility within its jurisdiction which has custody of children pursuant to court order; and

(d) Allow the consultant to interview members of the staff of ~~[such]~~ **those** facilities and children who are in the custody of ~~[such]~~ **those** facilities.

~~[4.]~~ **6. The independent consultant shall prepare and submit a report of the performance audit to the Director of the Legislative Counsel Bureau not later than October 1, 2008.**

7. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 2. **1. Not later than October 1, 2007:**

(a) The Legislative Auditor shall enter into a contract with an independent consultant pursuant to section 1 of this act; and

(b) The Legislative Commission shall review the contract.

2. The contract does not become effective unless approved by the Legislative Commission.

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective on July 1, 2007.

Assemblywoman Gerhardt moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 352.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 534.

AN ACT relating to work cards; prohibiting the issuance of work cards for employment at certain kinds of dwelling units to persons who have been convicted of certain crimes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a landlord of dwelling units intended and operated exclusively for persons 55 years of age and older is prohibited from employing persons to perform certain work on the premises unless the person has obtained a work card from the county sheriff. (NRS 118A.335) This bill prohibits the sheriff from issuing such a work card to a person who has been convicted of certain crimes, including a **category A, B or C** felony ~~[,]~~ **or a similar crime in another state,** a sexual offense, certain crimes against the elderly or other vulnerable persons, certain batteries, certain thefts or certain violations of state or federal drug laws. **This bill further provides that a person who is denied a work card who believes the information provided to the sheriff by the Central Repository for Nevada Records of Criminal History is incorrect must be given an opportunity to correct the information.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 118A.335 is hereby amended to read as follows:

118A.335 1. Except as otherwise provided in subsection ~~[4,]~~ ***5,*** a landlord of dwelling units intended and operated exclusively for persons 55 years of age and older may not employ any person who will work 36 hours or more per week and who will have access to all dwelling units to perform work on the premises unless the person has obtained a work card issued pursuant to subsection 2 by the sheriff of the county in which the dwelling units are located and renewed that work card as necessary.

2. The sheriff of a county shall issue a work card to each person who is required by this section to obtain a work card and who complies with the

requirements established by the sheriff for the issuance of such a card. A work card issued pursuant to this section must be renewed:

(a) Every 5 years; and

(b) Whenever the person changes his employment to perform work for an employer other than the employer for which his current work card was issued.

3. If the sheriff of a county requires an applicant for a work card to be investigated:

(a) The applicant must submit with his application a complete set of his fingerprints and written permission authorizing the sheriff to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(b) The sheriff ~~[may]~~ ***shall*** submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of the applicant.

(c) The sheriff shall issue a temporary work card pending the determination of the criminal history of the applicant by the Federal Bureau of Investigation.

4. ***The sheriff shall not issue a work card to any person who:***

(a) Has been convicted of a category A, B or C felony ~~[;]~~ ***or of a crime in another state which would be a category A, B or C felony if committed in this State;***

(b) Has been convicted of a sexual offense;

(c) Has been convicted of a crime against any person who is 60 years of age or older or against a vulnerable person for which an additional term of imprisonment ~~[was]~~ ***may be imposed pursuant to NRS 193.167 or the laws of any other jurisdiction;***

(d) Has been convicted of a battery punishable as a gross misdemeanor; or

(e) Within the immediately preceding 5 years:

(1) Has been convicted of a theft; or

(2) Has been convicted of a violation of any state or federal law regulating the possession, distribution or use of a controlled substance.

5. The following persons are not required to obtain a work card pursuant to this section:

(a) A person who holds a permit to engage in property management pursuant to chapter 645 of NRS.

(b) An independent contractor. As used in this paragraph, "independent contractor" means a person who performs services for a fixed price according to his own methods and without subjection to the supervision or control of the landlord, except as to the results of the work, and not as to the means by which the services are accomplished.

(c) An offender in the course and scope of his employment in a work program directed by the warden, sheriff, administrator or other person responsible for administering a prison, jail or other detention facility.

(d) A person performing work through a court-assigned restitution or community-service program.

6. If the sheriff does not issue a work card to a person because the information received from the Central Repository for Nevada Records of Criminal History indicates that the person has been convicted of a crime listed in subsection 4 and the person believes that the information provided by the Central Repository is incorrect, the person may immediately inform the sheriff. If the sheriff is so informed, he shall give the person at least 30 days in which to correct the information before terminating the temporary work card issued pursuant to subsection 3.

7. As used in this section, unless the context otherwise requires:

(a) "Sexual offense" has the meaning ascribed to it in NRS 179D.410.

(b) "Vulnerable person" has the meaning ascribed to it in NRS 200.5092.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 369.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 362.

AN ACT relating to criminal procedure; providing for annual evaluations and the **discharge or** conditional release of a person who is committed to the custody of the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services after an acquittal by reason of insanity in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a court to order a person who is acquitted by reason of insanity committed to the custody of the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services if the court determines that there is clear and convincing evidence that the person is mentally ill. (NRS 175.539) Existing law provides that such a person committed to the custody of the Administrator is generally subject to the same procedures upon commitment as a person who is committed to the custody of the Administrator because he is incompetent to stand trial. (NRS 175.539, 178.400-178.460)

~~[Section 2 of this bill requires the Administrator or his designee to conduct annual evaluations of a person who is acquitted by reason of insanity while he is in the custody of the Administrator. Section 2 allows a person who is committed after an acquittal by reason of insanity to petition the court for~~

~~conditional release if the Administrator reports that the person is no longer mentally ill or does not present a danger to himself or others. The court may order the conditional release of the person if, after a hearing on the petition, the court determines that conditional release is in the best interest of the person and will not be detrimental to the public welfare. The Division must conduct periodic evaluations of a person granted conditional release as specified by the court. Section 2 authorizes the court to return a person to the custody of the Administrator if the person violates any condition of his release or if the court determines that the person presents a clear and present danger of harm to himself or others.]~~

Sections 4-13 of this bill establish the procedures governing the discharge or conditional release of a person who is committed to the custody of the Administrator following an acquittal by reason of insanity. Section 10 provides that such a person is eligible for discharge or conditional release from custody if he establishes by a preponderance of the evidence that he would not be a danger, as a result of any mental disorder, to himself or others. Section 11 provides that an initial hearing to determine whether a person is eligible for discharge or conditional release must be held not later than 60 days after the person has been committed to the custody of the Administrator, except in certain circumstances. Not later than 21 days before this hearing and annually thereafter, the Administrator shall prepare a report concerning the condition of the person and provide a copy of it to the person, his attorney, the prosecuting attorney and the court. Section 12 provides that if a person is not discharged or conditionally released from the custody of the Administrator following his initial hearing, the person may petition annually for a discharge or conditional release. Section 12 further provides that the Division may petition for a discharge or conditional release at any time if the petition is accompanied by the affidavit of a physician or licensed psychologist which states that the person's mental condition has improved since the most recent hearing concerning the discharge or conditional release of the person.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 175.539 is hereby amended to read as follows:

175.539 1. Where on a trial a defense of insanity is interposed by the defendant and he is acquitted by reason of that defense, the finding of the jury pending the judicial determination pursuant to subsection 2 has the same effect as if he were regularly adjudged insane, and the judge must:

(a) Order a peace officer to take the person into protective custody and transport him to a forensic facility for detention pending a hearing to determine his mental health;

(b) Order the examination of the person by two psychiatrists, two psychologists, or one psychiatrist and one psychologist who are employed by a division facility; and

(c) At a hearing in open court, receive the report of the examining advisers and allow counsel for the State and for the person to examine the advisers, introduce other evidence and cross-examine witnesses.

2. If the court finds, after the hearing:

(a) That there is not clear and convincing evidence that the person is a mentally ill person, the court must order his discharge; or

(b) That there is clear and convincing evidence that the person is a mentally ill person, the court must order that he be committed to the custody of the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services until he is ~~[regularly]~~ discharged ***or conditionally released*** therefrom in accordance with ~~[law.]~~ ***sections 4 to 13, inclusive, of this act.***

➥ The court shall issue its finding within 90 days after the defendant is acquitted.

3. The Administrator shall make the ~~[same]~~ reports and the court shall proceed in the ~~[same]~~ manner ~~[in the case of a person committed to the custody of the Division of Mental Health and Developmental Services pursuant to this section as of a person committed because he is incompetent to stand trial pursuant to NRS]~~ [178.400] ~~*[178.399 to 178.460, inclusive, and section 2 of this act, except as otherwise]*~~ ***provided in*** ~~*[section 2]*~~ ***sections 4 to 13, inclusive, of this act .*** ~~*[and except*~~ that the determination to be made by the Administrator and the district judge on the question of release is whether the person has recovered from his mental illness or has improved to such an extent that he is no longer a mentally ill person.~~]~~

4. As used in this section, unless the context otherwise requires:

(a) "Division facility" has the meaning ascribed to it in NRS 433.094.

(b) "Forensic facility" means a secure facility of the Division of Mental Health and Developmental Services of the Department of Health and Human Services for mentally disordered offenders and defendants. The term includes, without limitation, Lakes Crossing Center.

(c) "Mentally ill person" has the meaning ascribed to it in ~~[NRS 433A.115.]~~ ***section 9 of this act.***

Sec. 2. ~~[Chapter 178 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services or his designee shall keep each mentally ill person committed to his custody pursuant to NRS 175.539 under observation.*~~

~~*2. The Administrator or his designee shall report in writing to the court which committed the person whether, in his opinion, upon medical consultation, the person has recovered from his mental illness or has improved to such an extent that he is no longer a mentally ill person. The*~~

~~*Administrator or his designee shall submit the report to the court within 1 year after the person is committed to the custody of the Administrator and annually thereafter. If the Administrator or his designee determines that the person has not recovered from his mental illness or has not improved to such an extent that he is no longer a mentally ill person, the Administrator or his designee shall also include in the report his opinion concerning whether:*~~

~~*(a) There is a substantial probability that the person may receive treatment and recover from his mental illness or improve to such an extent that he is no longer a mentally ill person in the foreseeable future; and*~~

~~*(b) The person is at that time a danger to himself or to society.*~~

~~*3. A person committed to the custody of the Administrator pursuant to NRS 175.539 may petition the court for an order for conditional release if the Administrator or his designee has determined in the report submitted to the court pursuant to subsection 2 that the person is no longer mentally ill or does not present a danger to himself or to society.*~~

~~*4. A person may be conditionally released from a Division facility only if the court determines, after a hearing on the petition submitted pursuant to subsection 3, that conditional release is in the best interest of the person and will not be detrimental to the public welfare. The court shall prescribe the period for which the conditional release is effective.*~~

~~*5. When a person is conditionally released pursuant to subsection 4:*~~

~~*(a) The State or any of its agents or employees are not liable for any debts or contractual obligations, medical or otherwise, incurred or damages caused by the actions of the person; and*~~

~~*(b) The court shall order the restoration of full civil and legal rights as deemed necessary to facilitate the person's rehabilitation.*~~

~~*6. When a person is conditionally released pursuant to subsection 4, the court shall order the Division to conduct an evaluation of the person as often as is deemed necessary to determine whether the person:*~~

~~*(a) Has complied with the conditions of his release; or*~~

~~*(b) Presents a clear and present danger of harm to himself or others as described in NRS 433A.115.*~~

~~*7. The court may order a person who is conditionally released pursuant to subsection 4 returned to the custody of the Administrator if the court determines that the conditional release is no longer appropriate because that person:*~~

~~*(a) Violates any condition of his release; or*~~

~~*(b) Presents a clear and present danger of harm to himself or others as described in NRS 433A.115.*~~

~~*8. As used in this section:*~~

~~*(a) "Division facility" has the meaning ascribed to it in NRS 433.094.*~~

~~*(b) "Mentally ill person" has the meaning ascribed to it in NRS 433A.115.]*~~ **(Deleted by amendment.)**

Sec. 3. **Chapter 178 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 13, inclusive, of this act.**

Sec. 4. ***As used in sections 4 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 to 9, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 5. ***"Administrator" means the Administrator of the Division.***

Sec. 6. ***"Division" means the Division of Mental Health and Developmental Services of the Department of Health and Human Services.***

Sec. 7. ***"Division facility" has the meaning ascribed to it in NRS 433.094.***

Sec. 8. ***"Mental disorder" means a mental illness that results from a psychiatric or neurological disorder that so substantially impairs the mental or emotional functioning of the person as to make care or treatment necessary or advisable for the welfare of the person or for the safety of the person or property of another and includes, without limitation, mental retardation and related conditions.***

Sec. 9. ***"Mentally ill person" means a person who has a mental disorder.***

Sec. 10. ***1. The Administrator or his designee shall keep each mentally ill person committed to his custody pursuant to NRS 175.539 under observation.***

2. A person committed to the custody of the Administrator pursuant to NRS 175.539 is eligible for:

(a) Discharge from commitment if the person establishes by a preponderance of the evidence that he would not be a danger, as a result of any mental disorder, to himself or to the person or property of another if discharged; or

(b) Conditional release from commitment if the person establishes by a preponderance of the evidence that he would not be a danger, as a result of any mental disorder, to himself or to the person or property of another if released from commitment with conditions imposed by the court in consultation with the Division.

3. If a person who is conditionally released from the custody of the Administrator fails to comply with any condition imposed by the court, the court shall issue an order to have the person recommitted to the custody of the Administrator.

Sec. 11. ***1. Except as otherwise provided in this section, a court must hold a hearing not later than 60 days after:***

(a) A person is committed to the custody of the Administrator pursuant to NRS 175.539; or

(b) The Division or the person committed to the custody of the Administrator files a petition for discharge or conditional release pursuant to section 12 of this act.

2. During the hearing held pursuant to subsection 1, the court shall consider any relevant information that will enable the court to determine whether the person is eligible for discharge or conditional release pursuant to section 10 of this act. The court may postpone the hearing described in

this subsection for good cause or upon agreement by the person committed to the custody of the Administrator, the court and the Division.

3. Not later than 21 days before the date of the hearing held pursuant to paragraph (a) of subsection 1 and annually thereafter, the Administrator or his designee shall prepare a written report stating whether, in his opinion, upon medical consultation, the person who was committed to the custody of the Administrator has recovered from his mental disorder or has improved to such an extent that he is no longer a mentally ill person. If the Administrator or his designee determines that the person has not recovered from his mental disorder or has not improved to such an extent that he is no longer a mentally ill person, the Administrator or his designee shall include in the report his opinion concerning whether:

(a) There is a substantial probability that the person may receive treatment and recover from his mental disorder or improve to such an extent that he is no longer a mentally ill person in the foreseeable future; and

(b) The person is at that time a danger to himself or to society.

4. Within the period prescribed in subsection 3, the Administrator or his designee shall provide a copy of the report to:

(a) The person committed to the custody of the Administrator and his attorney;

(b) The prosecuting attorney; and

(c) The court.

Sec. 12. 1. A person committed to the custody of the Administrator pursuant to NRS 175.539 may petition the court for discharge or conditional release not sooner than 1 year after the person is committed to the custody of the Administrator and not more than once each year thereafter.

2. The Division may file a petition for the discharge or conditional release of a person committed to the custody of the Administrator pursuant to NRS 175.539 at any time if the petition is accompanied by an affidavit of a physician or licensed psychologist which states that the mental disorder of the person has improved since the date of the most recent hearing concerning the discharge or conditional release of the person such that the physician or licensed psychologist recommends the discharge or conditional release of the person.

3. A person who is committed to the custody of the Administrator pursuant to NRS 175.539 may apply for discharge or conditional release pursuant to subsection 1 by:

(a) Filing a petition for discharge or conditional release with the court that ordered the person committed pursuant to NRS 175.539; and

(b) Providing a copy of the petition to the Division and the prosecuting attorney.

4. The Division may file a petition for discharge or conditional release pursuant to subsection 2 by:

(a) Filing the petition with the court that ordered the person committed to the custody of the Administrator pursuant to NRS 175.539;

(b) Including with the petition an affidavit of a physician or licensed psychologist pursuant to subsection 2; and

(c) Providing a copy of the petition to the person committed to the custody of the Administrator, his attorney and the prosecuting attorney.

Sec. 13. 1. When a person is conditionally released pursuant to sections 4 to 13, inclusive, of this act:

(a) The State and any of its agents or employees are not liable for any debts or contractual obligations, medical or otherwise, incurred or damages caused by the actions of the person; and

(b) The court shall order the restoration of full civil and legal rights as deemed necessary to facilitate the person's rehabilitation.

2. When a person is conditionally released pursuant to sections 4 to 13, inclusive, of this act, the court shall order the Division to conduct an evaluation of the person as often as is deemed necessary to determine whether the person:

(a) Has complied with the conditions of his release; or

(b) Presents a clear and present danger of harm to himself or others.

3. The court may order a person who is conditionally released pursuant to sections 4 to 13, inclusive, of this act returned to the custody of the Administrator if the court determines that the conditional release is no longer appropriate because that person:

(a) Has violated a condition of his release; or

(b) Presents a clear and present danger of harm to himself or others.

~~[Sec. 3.]~~ ***Sec. 14.*** NRS 178.399 is hereby amended to read as follows:

178.399 As used in NRS ~~[178.400]~~ ***178.399*** to 178.460, inclusive, ~~*[and section 2 of this act,]*~~ unless the context otherwise requires, "treatment to competency" means treatment provided to a defendant to attempt to cause him to attain competency to stand trial or receive pronouncement of judgment.

Sec. 15. **The amendatory provisions of this act concerning the discharge or conditional release of a person committed to the custody of the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services pursuant to NRS 175.539 apply to any such person who is in the custody of the Administrator on or after October 1, 2007.**

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 415.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 369.

AN ACT relating to local governmental finances; authorizing the financing of projects by a local government through the issuance of commercial paper; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the issuance of various types of municipal securities pursuant to the Local Government Securities Law. (NRS 350.500-350.720) Section 3 of this bill amends the Local Government Securities Law to authorize, under certain conditions, the issuance of any of those municipal securities in the form of commercial paper, which is a type of short-term borrowing instrument, and the use of that commercial paper in a manner similar to a short-term revolving line of credit. Sections 2 and 3 of this bill clarify the circumstances under which the governing body of a municipality may designate an agent to sign contracts for the purchase of municipal securities, accept binding bids for municipal securities or fix the rates of interest of municipal securities.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 350.014 is hereby amended to read as follows:

350.014 1. Before any proposal to incur a general obligation debt or levy a special elective tax may be submitted to the electors of a municipality, before any issuance of general obligation bonds pursuant to subsection 4 of NRS 350.020, before entering into an installment-purchase agreement with a term of more than 10 years or, before any other formal action may be taken preliminary to the incurrence of any general obligation debt, the proposed incurrence or levy must receive the favorable vote of two-thirds of the members of the commission of each county in which the municipality is situated.

2. Before the board of trustees of a district organized or reorganized pursuant to chapter 318 of NRS whose population within its boundaries is less than 5,000 incurs a medium-term obligation or otherwise borrows money or issues securities to evidence such borrowing, other than securities representing a general obligation debt or installment-purchase agreements with a term of 10 years or less, the proposed borrowing or issuing of securities must receive the favorable vote of a majority of the members of the commission of each county in which the district is situated.

3. When any municipality other than a general improvement district whose population within its boundaries is less than 5,000 issues any special obligations, it shall so notify in its annual report the commission of each county in which any of its territory is situated.

4. The commission shall not approve any proposal submitted to it pursuant to this section by a municipality:

(a) Which, if the proposal is for the financing of a capital improvement, is not included in its plan for capital improvement submitted pursuant to NRS 350.013, if such a plan is required to be submitted;

(b) If, based upon:

(1) Estimates of the amount of tax revenue from property taxes needed for the special elective tax, or to repay the general obligation debt, and the dates that revenue will be needed, as provided by the municipality;

(2) Estimates of the assessed valuation of the municipality for each of the years in which tax revenue is needed, as provided by the municipality;

(3) The amount of any other required levies of property taxes, as shown on the most recently filed final budgets of each entity authorized to levy property taxes on any property within the municipality submitting the proposal; and

(4) Any other factor the municipality discloses to the commission,

➥ the proposal would result in a combined property tax rate in any of the overlapping entities within the county which exceeds the limit provided in NRS 361.453, unless the proposal also includes an agreement which complies with NRS 361.457 and which is approved by the governing bodies of all affected municipalities within the area as to how the combined property tax rates will be brought into compliance with the statutory limitation or unless the commission adopts a plan that is approved by the Executive Director of the Department of Taxation pursuant to which the combined property tax rate will be in compliance with the statutory limitation; or

(c) If, based upon the factors listed in subparagraphs (1) to (4), inclusive, of paragraph (b), the proposal will affect the ability of an affected governmental entity to levy the maximum amount of property taxes that it may levy pursuant to NRS 354.59811, unless:

(1) The proposal includes a resolution approving the proposal pursuant to subsection 3 of NRS 350.0135 from each affected governmental entity whose ability to levy property taxes will be affected by the commission's approval of the proposal; or

(2) The commission has resolved all conflicts between the municipality and all affected governmental entities and has approved the increase in property taxes resulting from the proposal pursuant to NRS 350.0135.

5. Except as otherwise provided in subsection 6 ~~,~~ ***or in paragraph (b) of subsection 3 of NRS 350.583,*** if general obligation debt is to be incurred more than 36 months after the approval of that debt by the commission, the governing body of the municipality shall obtain additional approval of the commission before incurring the general obligation debt. The commission shall only approve a proposal that is submitted pursuant to this subsection if, based on the information set forth in paragraph (b) of subsection 4 that is accurate as of the date on which the governing body submits, pursuant to this subsection, its request for approval to the commission:

(a) Incurrence of the general obligation debt will not result in a combined property tax rate in any of the overlapping entities within the county which exceeds the limit provided in NRS 361.453;

(b) The proposal includes an agreement approved by the governing bodies of all affected municipalities within the area as to how the combined tax rates will be brought into compliance with the statutory limitation; or

(c) The commission adopts a plan that is approved by the Executive Director of the Department of Taxation pursuant to which the combined property tax rate will be in compliance with the statutory limitation.

➥ The approval of the commission pursuant to this subsection is effective for 18 months. The governing body of the municipality may renew that approval for successive periods of 18 months by filing an application for renewal with the commission. Such an application must be accompanied by the information set forth in paragraph (b) of subsection 4 that is accurate as of the date the governing body files the application for renewal.

6. The commission may not approve a proposal pursuant to subsection 5 which, based upon the factors listed in subparagraphs (1) to (4), inclusive, of paragraph (b) of subsection 4, will affect the ability of an affected governmental entity to levy the maximum amount of property taxes that it may levy pursuant to NRS 354.59811, unless:

(a) The proposal includes a resolution approving the proposal pursuant to subsection 3 of NRS 350.0135 from each affected governmental entity whose ability to levy property taxes will be affected by the commission's approval of the proposal; or

(b) The commission has resolved all conflicts between the municipality and all affected governmental entities and has approved the increase in property taxes resulting from the proposal pursuant to NRS 350.0135.

7. As used in this section, "affected governmental entity" has the meaning ascribed to it in subsection 9 of NRS 350.0135.

Sec. 2. NRS 350.165 is hereby amended to read as follows:

350.165 1. The governing body of a municipality may, before any sale of bonds, whether by competitive bid or negotiated sale, delegate to the chief administrative officer or chief financial officer of the municipality ***or, if the bonds consist of any securities to which subsection 1 of NRS 350.583 applies, a designated agent,*** the authority to sign a contract for the purchase of the bonds or to accept a binding bid for the bonds subject to the requirements specified by the governing body concerning:

(a) The rate of interest on the bonds;

(b) The dates on which and the prices at which the bonds may be called for redemption before maturity;

(c) The price at which the bonds will be sold; and

(d) The principal amount of the bonds and the amount of principal maturing in any particular year.

2. All terms of the bonds other than:

(a) The rate of interest;

(b) The dates and prices for the redemption of the bonds;

(c) The price for the sale of the bonds;

(d) The principal amount of the bonds; and

(e) The requirements for the principal maturing in particular years,

➥ must be approved by the governing body of the municipality before the bonds are delivered.

3. The final rate of interest, dates and prices of redemption, price for the sale of the bonds, principal amount and the requirements for the principal amount maturing in particular years are not required to be approved by the governing body of the municipality if each of those terms complies with the requirements specified by the governing body before the contract for the purchase of the bonds is signed or the bid for the bonds is accepted.

Sec. 3. NRS 350.583 is hereby amended to read as follows:

350.583 1. The ordinance or resolution authorizing the issuance of any municipal securities ***that bear interest at a variable rate or any securities described in subsection 3,*** or any trust indenture or other instrument appertaining thereto **,** may fix a rate or rates of interest or provide for the determination of the rate or rates from time to time by a designated agent according to the procedure specified in that ordinance or other instrument ~~[.]~~ **,** ***which procedure must include the parameters within which the rate may be fixed by that agent.*** The rate so determined must approximate the rates then being paid for other securities which contain similar provisions and have an equivalent rating. A governing body of a municipality may contract with or select any person to make that determination.

2. A governing body of a municipality may enter into an agreement with a third party for an assurance of payment of the principal of, the interest on, or premiums, if any, due in connection with any municipal securities issued by the governing body. The obligation of the governing body to reimburse that third party for any advances made pursuant to that agreement may be provided in that agreement, recited in those securities or evidenced by another instrument as designated in the ordinance or resolution authorizing the issuance of those securities or any other instrument appertaining thereto. The governing body may assign its rights under that agreement.

3. A municipality may, in accordance with the provisions of this subsection, issue any securities it is otherwise authorized to issue as commercial paper to fund the cost of any project or to refinance any commercial paper or other securities previously issued by that municipality. The term of any commercial paper issued pursuant to this subsection must not exceed 270 days. An agent may be appointed to fix the rates of interest and maturity dates for the commercial paper. ~~*[The program under which the commercial paper is issued must terminate within 6 years if the commercial paper comprises a general obligation of the municipality and within 10 years if the commercial paper comprises a special obligation of the municipality.]*~~ ***Any commercial paper issued pursuant to this subsection may be refunded by any other commercial***

paper or other securities as may be specified in the ordinance or resolution authorizing the issuance of the commercial paper and the program under which the commercial paper is issued, without any further action by the governing body of the municipality or any other governmental entity, subject to the limitations provided in this section and any limitations provided in that ordinance or resolution. The ordinance or resolution authorizing the issuance of the commercial paper and the program under which the commercial paper is issued:

(a) Must state the maximum principal amount of commercial paper that may be outstanding at any time; and

(b) Except as otherwise provided in this paragraph, may provide that any amount of the commercial paper which is issued and subsequently retired and repaid, other than through a refunding with commercial paper issued under the same program, may be reissued in an amount that does not exceed the amount previously issued, without any reauthorization of those obligations, if the proceeds of that reissued commercial paper are used only for the purposes specified in that ordinance or resolution. The authority granted pursuant to this paragraph may be exercised under a program for the issuance of commercial paper that comprises a general obligation of the municipality only if:

(1) The municipality indicates an intention to exercise that authority in the proposal to incur that general obligation debt which it submits to the debt management commission; ~~*[and]*~~

(2) The maximum principal amount of commercial paper which is authorized to be outstanding is counted against any applicable debt limit of the municipality ~~*[.]*~~ ***; and***

(3) The program terminates:

(I) Within 6 years, if the commercial paper comprises a general obligation of the municipality; or

(II) Within 10 years, if the commercial paper comprises a special obligation of the municipality.

Sec. 4. This act becomes effective on July 1, 2007.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 439.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 486.

AN ACT relating to affordable housing; requiring cities and counties to adopt certain measures to implement a housing plan that is included in a master plan; amending the definition of "affordable housing"; making

various changes to the requirements for a master plan relating to affordable housing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires planning commissions to adopt master plans and sets forth the requirements for master plans. In certain counties, master plans are required to include housing plans, which must include, in part, a plan for maintaining and developing affordable housing to meet the housing needs of the community. (NRS 278.150, 278.160)

Section 1 of this bill requires the governing body of a city or county, in implementing a plan for maintaining and developing affordable housing to meet the housing needs of the community, to adopt at least three of the following measures: (1) ~~[waiving or reducing]~~ **at the expense of the city or county, as applicable, subsidizing all or part of any** impact fees and fees collected for the issuance of building permits; (2) selling land owned by the city or county to developers exclusively for the development of affordable housing at not more than 10 percent of its appraised value; (3) establishing a trust fund for affordable housing; or (4) establishing a process that expedites the approval of plans and specifications relating to maintaining and developing affordable housing. Section 1 also: (1) requires cities and counties to report annually to the Housing Division of the Department of Business and Industry concerning how such measures assisted the city or county in maintaining and developing affordable housing; and (2) authorizes the Division to impose a penalty against a city or county that does not make adequate progress in maintaining and developing affordable housing. Section 5 of this bill set forth the formula for determining the amount of any such penalty.

Existing law defines "affordable housing" to mean housing that is affordable for a family with a total gross income less than 110 percent of the median gross income for the county concerned, based upon estimates by the United States Department of Housing and Urban Development of the most current median gross family income for the county. Section 2 of this bill amends the definition of "affordable housing" to mean housing that is affordable for a family with a total gross income that does not exceed 80 percent of the median gross income for the county concerned, based upon estimates by the United States Department of Housing and Urban Development of the most current median gross family income for the county.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In carrying out a plan for maintaining and developing affordable housing to meet the housing needs of the community, which plan is included in a master plan pursuant to subparagraph (8) of paragraph (e) of

subsection 1 of NRS 278.160, the governing body of a city or county must adopt at least three of the following measures:

(a) ~~[Waiving or reducing]~~ At the expense of the city or county, as applicable, subsidizing in whole or in part impact fees and fees for the issuance of building permits collected pursuant to NRS 278.580.

(b) Selling land owned by the city or county, as applicable, to developers exclusively for the development of affordable housing at not more than 10 percent of the appraised value of the land. Nothing in this paragraph authorizes a city or county to obtain land pursuant to the power of eminent domain for the purposes set forth in this paragraph.

(c) Establishing a trust fund for affordable housing that must be used for the acquisition, construction or rehabilitation of affordable housing.

(d) Establishing a process that expedites the approval of plans and specifications relating to maintaining and developing affordable housing.

2. On or before January 15 of each year, the governing body shall submit to the Housing Division of the Department of Business and Industry a report, in the form prescribed by the Division, of how the measures adopted pursuant to subsection 1 assisted the city or county in maintaining and developing affordable housing to meet the needs of the community for the preceding year.

3. On or before February 15 of each year, the Division shall determine, based on the report submitted pursuant to subsection 2, whether the city or county made adequate progress in maintaining and developing affordable housing to meet the housing needs of the community. The Division shall establish criteria for determining whether a city or county makes adequate progress in maintaining and developing affordable housing to meet the housing needs of the community.

4. If the Division determines pursuant to subsection 3 that a city or county has not made adequate progress in maintaining and developing affordable housing to meet the housing needs of the community:

(a) On or before February 21, the Division shall notify the governing body of the city or county and the Executive Director of the Department of Taxation that the Division is imposing a penalty against the city or county; and

(b) The Executive Director shall determine the amount of the penalty pursuant to section 5 of this act.

5. The governing body of a city or county against whom a penalty is imposed pursuant to subsection 4 may apply to the Division for an amount from the Account for Low-Income Housing created pursuant to NRS 319.500 that does not exceed the amount of the penalty determined by the Executive Director pursuant to section 5 of this act. Any money that the governing body receives pursuant to this subsection must be used exclusively for the purpose of maintaining and developing affordable housing in the community.

Sec. 2. NRS 278.0105 is hereby amended to read as follows:

278.0105 "Affordable housing" means housing affordable for a family with a total gross income ~~[less than 110]~~ ***that does not exceed 80*** percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.

Sec. 3. NRS 278.160 is hereby amended to read as follows:

278.160 1. Except as otherwise provided in subsection 4 of NRS 278.150 and subsection 3 of NRS 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following subject matter or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) Community design. Standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(b) Conservation plan. For the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, solar or wind energy, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The plan must also indicate the maximum tolerable level of air pollution.

(c) Economic plan. Showing recommended schedules for the allocation and expenditure of public money in order to provide for the economical and timely execution of the various components of the plan.

(d) Historical properties preservation plan. An inventory of significant historical, archaeological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(e) Housing plan. The housing plan must include, without limitation:

(1) An inventory of housing conditions, needs and plans and procedures for improving housing standards and for providing adequate housing ~~[.]~~ ***to individuals and families in the community, regardless of income level.***

(2) An inventory of ***existing*** affordable ~~*[existing]*~~ housing in the community ~~[.]~~ ***, including, without limitation, housing that is available to rent or own, housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government, and housing that is accessible to persons with disabilities.***

(3) An analysis of ***projected growth and*** the demographic characteristics of the community.

(4) A determination of the present and prospective need for affordable housing in the community.

(5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.

(6) An analysis of the characteristics of the land that is ~~[the most appropriate for the construction of affordable housing.]~~ ***suitable for residential development. The analysis must include, without limitation:***

(I) A determination of whether the existing infrastructure is sufficient to sustain the current needs and projected growth of the community; and

(II) An inventory of available parcels that are suitable for residential development and any zoning, environmental and other land-use planning restrictions that affect such parcels.

(7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.

(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community ~~[.]~~ ***for a period of at least 5 years.***

(f) Land use plan. An inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan:

(1) Must address, if applicable, mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts.

(2) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.

(g) Population plan. An estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

(h) Public buildings. Showing locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

(i) Public services and facilities. Showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145.

(j) Recreation plan. Showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

(k) Rural neighborhoods preservation plan. In any county whose population is 400,000 or more, showing general plans to preserve the character and density of rural neighborhoods.

(l) Safety plan. In any county whose population is 400,000 or more, identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The plan may set forth policies for avoiding or minimizing the risks from those hazards.

(m) School facilities plan. Showing the general locations of current and future school facilities based upon information furnished by the appropriate local school district.

(n) Seismic safety plan. Consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

(o) Solid waste disposal plan. Showing general plans for the disposal of solid waste.

(p) Streets and highways plan. Showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

(q) Transit plan. Showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.

(r) Transportation plan. Showing a comprehensive transportation system, including, without limitation, locations of rights-of-way, terminals, viaducts and grade separations. The plan may also include port, harbor, aviation and related facilities.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other subjects as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, ***and section 1 of this act*** prohibits the preparation and adoption of any such subject as a part of the master plan.

Sec. 4. NRS 319.510 is hereby amended to read as follows:

319.510 1. Money deposited in the Account for Low-Income Housing must be used:

(a) For the acquisition, construction or rehabilitation of housing for eligible families by public or private nonprofit charitable organizations, housing authorities or local governments through loans, grants or subsidies;

(b) To provide technical and financial assistance to public or private nonprofit charitable organizations, housing authorities and local governments for the acquisition, construction or rehabilitation of housing for eligible families;

(c) To provide funding for projects of public or private nonprofit charitable organizations, housing authorities or local governments that

provide assistance to or guarantee the payment of rent or deposits as security for rent for eligible families, including homeless persons;

(d) To reimburse the Division for the costs of administering the Account; and

(e) In any other manner consistent with this section to assist eligible families in obtaining or keeping housing, including use as the State's contribution to facilitate the receipt of related federal money.

2. Except as otherwise provided in this subsection, the Division may expend money from the Account as reimbursement for the necessary costs of efficiently administering the Account and any money received pursuant to 42 U.S.C. §§ 12701 et seq. In no case may the Division expend more than $40,000 per year or an amount equal to 6 percent of any money made available to the State pursuant to 42 U.S.C. §§ 12701 et seq., whichever is greater. Of the remaining money allocated from the Account:

(a) Except as otherwise provided in subsection 3, 15 percent must be distributed to the Division of Welfare and Supportive Services of the Department of Health and Human Services for use in its program developed pursuant to 45 C.F.R. § 233.120 to provide emergency assistance to needy families with children, subject to the following:

(1) The Division of Welfare and Supportive Services shall adopt regulations governing the use of the money that are consistent with the provisions of this section.

(2) The money must be used solely for activities relating to low-income housing that are consistent with the provisions of this section.

(3) The money must be made available to families that have children and whose income is at or below the federally designated level signifying poverty.

(4) All money provided by the Federal Government to match the money distributed to the Division of Welfare and Supportive Services pursuant to this section must be expended for activities consistent with the provisions of this section.

(b) Eighty-five percent must be distributed to public or private nonprofit charitable organizations, housing authorities and local governments for the acquisition, construction and rehabilitation of housing for eligible families, subject to the following:

(1) Priority must be given to those projects that qualify for the federal tax credit relating to low-income housing.

(2) Priority must be given to those projects that anticipate receiving federal money to match the state money distributed to them.

(3) Priority must be given to those projects that have the commitment of a local government to provide assistance to them.

(4) ~~[All]~~ ***Priority must be given to a local government that applies for and receives money pursuant to section 1 of this act.***

(5) Except as otherwise provided in this subparagraph, all money must be used to benefit families whose income does not exceed 60 percent of the

median income for families residing in the same county, as defined by the United States Department of Housing and Urban Development.

~~[(5)]~~ ***If a local government applies for and receives money pursuant to section 1 of this act, the money must be used to benefit families whose income does not exceed 80 percent of the median income for families residing in the same county, as defined by the United States Department of Housing and Urban Development.***

(6) Not less than 15 percent of the units acquired, constructed or rehabilitated must be affordable to persons whose income is at or below the federally designated level signifying poverty. For the purposes of this subparagraph, a unit is affordable if a family does not have to pay more than 30 percent of its gross income for housing costs, including both utility and mortgage or rental costs.

~~[(6)]~~ ***(7)*** To be eligible to receive money pursuant to this paragraph, a project must be sponsored by a local government.

3. The Division may, pursuant to contract and in lieu of distributing money to the Division of Welfare and Supportive Services pursuant to paragraph (a) of subsection 2, distribute any amount of that money to private or public nonprofit entities for use consistent with the provisions of this section.

Sec. 5. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Housing Division of the Department of Business and Industry imposes a penalty against a city or county pursuant to section 1 of this act, the Executive Director shall, on or before March 1 of the year in which the penalty is imposed:

(a) Determine the amount of the penalty by determining the total amount of the real property transfer tax described in paragraph (a) of subsection 1 of NRS 375.070 which is attributable to the city or county for the preceding fiscal year; and

(b) Report the amount determined pursuant to paragraph (a) to the State Treasurer and the city or county.

2. For the fiscal year beginning on July 1 of the year in which the penalty is imposed, the State Treasurer shall:

(a) Subtract one-twelfth of the amount of the penalty that is determined by the Executive Director pursuant to subsection 1 from the amount remitted monthly to the city or county pursuant to NRS 360.690; or

(b) If the city or county has entered into a cooperative agreement pursuant to NRS 360.730, collect, on a monthly basis, one-twelfth of the amount of the penalty that is determined by the Executive Director pursuant to subsection 1 from the city or county,

➥ and deposit that amount into the Account for Low-Income Housing established pursuant to NRS 319.500.

Sec. 6. NRS 704.848 is hereby amended to read as follows:

704.848 1. "Other permitting entity" means any state or local entity:

(a) That is responsible for the enforcement of environmental laws and whose approval is required for the construction of a utility facility, including, without limitation, the State Environmental Commission, the State Department of Conservation and Natural Resources and a local air pollution control board; or

(b) Whose approval is required for granting any variance, special use permit, conditional use permit or other special exception under NRS 278.010 to 278.319, inclusive, ***and section 1 of this act,*** or 278.640 to 278.675, inclusive, or any regulation or ordinance adopted pursuant thereto, that is required for the construction of a utility facility.

2. The term does not include the Commission or the State Engineer.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 445.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 557.

AN ACT relating to the State Personnel System; providing that final decisions of the Employee-Management Committee are binding; authorizing the Committee **or an employee** to petition a court for enforcement of ~~[its]~~ **the Committee's** binding decisions; adding the occupational group of positions requiring certification by the Peace Officers' Standards and Training Commission to the index of occupational groups in the classified service; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Employee-Management Committee performs various duties relating to the State Personnel System, including holding hearings and making final decisions for the adjustment of grievances. (NRS 284.073, 284.384) Unless the Budget Division of the Department of Administration determines that the resolution of a grievance by the Committee is not feasible based on its fiscal effects, section 2 of this bill provides that the decisions of the Committee are binding and authorizes the Committee **or an employee** to petition a court to enforce ~~[its]~~ **the Committee's** binding decisions.

Existing law requires the Director of the Department of Personnel to prepare and maintain an index that categorizes all positions in the classified service of the State into broad occupational groups. (NRS 284.171) Section 1 of this bill adds the occupational group of positions requiring certification by the Peace Officers' Standards and Training Commission to the index.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 284.171 is hereby amended to read as follows:

284.171 For the purposes of NRS 353.205 and 353.224, the Director shall prepare and maintain an index which categorizes all positions in the classified service of the State into the following broad occupational groups:

1. Occupations in the fields of agriculture and conservation.
2. Clerical and related occupations.
3. Occupations relating to custodial and domestic services.
4. Occupations relating to library services.
5. Occupations in the field of education.
6. Engineering and allied occupations.
7. Occupations in fiscal management and related staff services.
8. Occupations relating to legal services.
9. Occupations in the mechanical and construction trades.
10. Occupations in the fields of medicine and health and related services.
11. Occupations in regulatory fields and in public safety.
12. Occupations in social services and rehabilitation.
13. ***Positions that require certification by the Peace Officers' Standards and Training Commission pursuant to NRS 289.150 to 289.360, inclusive.***
14. Other occupations.

Sec. 2. NRS 284.384 is hereby amended to read as follows:

284.384 1. The Commission shall adopt regulations which provide for the adjustment of grievances for which a hearing is not provided by NRS 284.165, 284.245, 284.3629, 284.376 or 284.390. Any grievance for which a hearing is not provided by NRS 284.165, 284.245, 284.3629, 284.376 or 284.390 is subject to adjustment pursuant to this section.

2. The regulations must provide procedures for:

(a) Consideration and adjustment of the grievance within the agency in which it arose.

(b) Submission to the Employee-Management Committee for a final decision if the employee is still dissatisfied with the resolution of the dispute.

3. The regulations must include provisions for:

(a) Submitting each proposed resolution of a dispute which has a fiscal effect to the Budget Division of the Department of Administration for a determination by that Division whether the resolution is feasible on the basis of its fiscal effects; and

(b) Making the resolution binding.

4. Any grievance which is subject to adjustment pursuant to this section may be appealed to the Employee-Management Committee for a final decision. ***Except as otherwise provided in subsection 3, a final decision of the Employee-Management Committee is binding. The Committee or an employee may petition a court of competent jurisdiction for enforcement of ~~[its]~~ the Committee's binding decisions.***

5. The employee may represent himself at any hearing regarding a grievance which is subject to adjustment pursuant to this section or be represented by an attorney or other person of the employee's own choosing.

6. As used in this section, "grievance" means an act, omission or occurrence which an employee who has attained permanent status feels constitutes an injustice relating to any condition arising out of the relationship between an employer and an employee, including, but not limited to, compensation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation or disagreement.

Sec. 3. This act becomes effective on July 1, 2007.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 494.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 471.

AN ACT relating to unemployment compensation; providing that a person who is unemployed due to a lockout is eligible for unemployment compensation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person cannot receive unemployment compensation if the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation finds that the unemployment is due to a labor dispute. (NRS 612.395) This bill ~~[defines]~~ **provides that** "labor dispute" ~~[to mean any dispute which is]~~ **does** not **include** a lockout. As such, a person who is unemployed due to a lockout is now eligible to receive unemployment compensation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 612.395 is hereby amended to read as follows:

612.395 1. A person is disqualified for benefits for any week with respect to which the Administrator finds that his total or partial unemployment is due to a labor dispute in active progress at the factory, establishment or other premises at which he is or was last employed.

2. This section does not apply if it is shown to the satisfaction of the Administrator that:

(a) The person is not participating in or financing or directly interested in the labor dispute which caused his unemployment; and

(b) The person does not belong to a grade or class of workers of which, immediately before the commencement of the labor dispute, there were members employed at the premises at which the labor dispute occurs, any of whom are participating in or financing or directly interested in the labor dispute, but if in any case separate branches of work which are commonly

conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purposes of this section, be deemed to be a separate factory, establishment or other premises.

3. As used in this section [:

*~~(a) "Labor dispute" includes any type of]~~ **" labor dispute "** ~~[, except]~~ **does not include a lockout.**

~~[~~ ~~(b) "Lockout" means a labor dispute in which the employer withholds employment from an employee and wholly or partially closes the workplace.]~~

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 508.

Bill read second time.

The following amendment was proposed by the Select Committee on Corrections, Parole, and Probation:

Amendment No. 376.

AN ACT relating to the Advisory Commission on Sentencing; revising the membership and duties of the Commission; **authorizing the Commission to issue subpoenas;** requiring the Commission to hold meetings at least once every 3 months; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill **authorizes the Advisory Commission on Sentencing or a member acting on behalf of the Commission to issue subpoenas to compel the attendance of witnesses and the production of books, records, documents and other papers and testimony.**

Section 2 of this bill adds **: (1)** a **sitting or** retired justice of the Nevada Supreme Court **; (2) a representative of an organization that advocates on behalf of inmates; and (3) a representative of the Nevada Sheriffs' and Chiefs' Association** to the ~~[Advisory]~~ Commission ~~[on Sentencing]~~ and removes **the member appointed by the Nevada Association of Counties. Section 2 also removes** the Attorney General as the Chairman of the Commission. Instead, members are required to elect a Chairman at the first meeting of each ~~[calendar]~~ **odd-numbered** year. The Commission is further required to meet at least quarterly.

Section ~~[2]~~ **3** of this bill revises the duties of the **Advisory** Commission **on Sentencing** by requiring the Commission to evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners and to consider whether it is feasible and advisable to establish an oversight or advisory board to perform various functions. **Section 3 also requires the Commission to evaluate the effectiveness of specialty court programs in this State and to evaluate the policies and**

practices concerning presentence investigations and reports of the Division of Parole and Probation of the Department of Public Safety.

Section ~~[3]~~ **4** of this bill makes an appropriation to the Advisory Commission on Sentencing to enter into a contract with a consultant to assist the Commission in carrying out its duties.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. To carry out its powers and duties pursuant to this section NRS 176.0121 to 176.0129, inclusive, and the Commission, or any member thereof acting on behalf of the Commission with a concurrence of a majority of the members of the Commission, may issue subpoenas to compel the attendance of witnesses and the production of books, records, documents or other papers and testimony.

2. If any person fails to comply with a subpoena issued by the Commission or any member thereof pursuant to this section within 20 days after the date of service of the subpoena, the Commission may petition the district court for an order of the court compelling compliance with the subpoena.

3. Upon such a petition, the court shall enter an order directing the person subpoenaed to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 20 days after the date of service of the order, and show cause why he has not complied with the subpoena. A certified copy of the order must be served upon the person subpoenaed.

4. If it appears to the court that the subpoena was regularly issued by the Commission or a member thereof pursuant to this section, the court shall enter an order compelling compliance with the subpoena, and upon failure to obey the order the person shall be dealt with as for contempt of court.

~~[Section 1.]~~ ***Sec. 2.*** NRS 176.0123 is hereby amended to read as follows:

176.0123 1. The Advisory Commission on Sentencing is hereby created. The Commission consists of:

(a) One member who is a district judge, appointed by the governing body of the Nevada District Judges Association;

(b) ***One member who is a justice of the Supreme Court of Nevada or a retired justice of the Supreme Court of Nevada, appointed by the Chief Justice of the Supreme Court of Nevada;***

(c) One member who is a district attorney, appointed by the governing body of the Nevada District Attorneys Association;

[(c)] ***(d)*** One member who is an attorney in private practice, experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada;

[(d)] ***(e)*** One member who is a public defender, appointed by the governing body of the State Bar of Nevada;

[(e)] ***(f)*** One member who is a representative of a law enforcement agency, appointed by the Governor;

[(f)] ***(g)*** One member who is a representative of the Division of Parole and Probation of the Department of Public Safety, appointed by the Governor;

[(g)] ***(h)*** One member who has been a victim of a crime or is a representative of an organization supporting the rights of victims of crime, appointed by the Governor;

[(h)] ***(i) One member who is a representative of an organization that advocates on behalf of inmates, appointed by the Governor;***

(j) One member who is a [county commissioner,] ***representative of the Nevada Sheriffs' and Chiefs' Association,*** appointed by [the governing body of] the Nevada ***Sheriffs' and Chiefs'*** Association ***;*** [of Counties;]

[(i)] ~~*(j)*~~ ***(k)*** The Director of the Department of Corrections;

[(j)] ~~*(k)*~~ ***(l)*** Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate; and

[(k)] ~~*(l)*~~ ***(m)*** Two members who are Assemblymen, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly.

➥ If any association listed in this subsection ceases to exist, the appointment required by this subsection must be made by the association's successor in interest or, if there is no successor in interest, by the Governor.

2. The Attorney General is an ex officio voting member of the Commission **.** [and shall serve as the Chairman of the Commission.]

3. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment.

4. The Legislators who are members of the Commission are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Commission.

5. ***The members appointed pursuant to paragraphs (a) to (j), inclusive, of subsection 1 must be appointed not later than 60 days after the appointment of the Legislators who are appointed pursuant to paragraphs (l) and (m) of subsection 1.***

6. At the first regular meeting of each ~~*[calendar]*~~ ***odd-numbered year, the members of the Commission shall elect a Chairman by majority vote who shall serve until the next Chairman is elected.***

~~[6.]~~ ***7. The Commission shall meet at least once every 3 months and may meet at such further times as deemed necessary by the Chairman.***

~~[7.]~~ ***8. A majority of the members of the Commission constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Commission.***

9. While engaged in the business of the Commission, to the extent of legislative appropriation, each member of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~[6.]~~ ~~*[8.]*~~ ***10.*** To the extent of legislative appropriation, the Attorney General shall provide the Commission with such staff as is necessary to carry out the duties of the Commission.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 176.0125 is hereby amended to read as follows:

176.0125 The Commission shall:

1. Identify and study the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.

2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, but not limited to, the use of plea bargaining, probation, programs of intensive supervision, programs of regimental discipline, imprisonment, ***sentencing recommendations,*** mandatory and minimum sentencing, ***mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances,*** structured or tiered sentencing, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, but not limited to, the following:

(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.

(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.

(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.

(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.

(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must

serve while incarcerated or before being released from confinement or supervision.

(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.

4. ***Evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners with consideration as to whether it is feasible and advisable to establish an oversight or advisory board to perform various functions and make recommendations concerning:***

(a) ~~[Actions]~~ Policies relating to parole;

(b) Regulatory procedures and policies of the State Board of Parole Commissioners;

(c) Policies for the operation of the Department of Corrections;

~~[(c)]~~ (d) Budgetary issues; and

~~[(d)]~~ (e) Other related matters.

5. Evaluate the effectiveness of specialty court programs in this State with consideration as to whether such programs have the effect of limiting or precluding reentry of offenders and parolees into the community.

6. Evaluate the policies and practices concerning presentence investigations and reports made by the Division of Parole and Probation of the Department of Public Safety, including, without limitation, the resources relied on in preparing such investigations and reports and the extent to which judges in this State rely on and follow the recommendations contained in such presentence investigations and reports.

7. Compile and develop statistical information concerning sentencing in this State.

~~[5.]~~ ***~~[6.]~~ 8.*** For each regular session of the Legislature, prepare a comprehensive report including the Commission's recommended changes in the structure of sentencing in this State, the Commission's findings and any recommendations of the Commission for proposed legislation. The report must be submitted to the Legislature not later than 10 days after the commencement of the session.

~~[Sec. 3.]~~ ***Sec. 4.*** 1. There is hereby appropriated from the State General Fund to the Advisory Commission on Sentencing the sum of $50,000 so that the Commission may enter into a contract with a qualified, independent consultant to assist the Commission in carrying out its duties.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, by the entity to

which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

~~[Sec. 4.]~~ ***Sec. 5.*** The Attorney General shall continue to serve as Chairman of the Advisory Commission on Sentencing until the members elect a Chairman at the first regular meeting of the Commission that is held ~~[in 2008.]~~ **after July 1, 2007. The Commission shall meet not later than 120 days after July 1, 2007, and shall elect a Chairman at that meeting.**

~~[Sec. 5.]~~ ***Sec. 6.*** This act becomes effective on July 1, 2007.

Assemblyman Parks moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 517.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 226.

AN ACT relating to elections; eliminating various obsolete provisions; providing that a voter registration card does not provide proof of the identity, address or residence of a person; revising the definition of "candidate" for the purposes of requirements relating to campaign finance; requiring that the signatures on a petition for an initiative or referendum must be submitted to each county clerk on the same day if circulated in more than one county; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes various references to punch card ballots and the duties of various persons in relation to punch card ballots. (Title 24 of NRS) Sections 1, 3, 4, 7-20, 24-31, 33, 35-48, 50-53 and 57-59 of this bill eliminate these provisions.

Existing law requires a person to furnish proof of identity or residence when filing a declaration or acceptance of candidacy, when registering to vote or when voting in certain circumstances. (NRS 293.177, 293.2725, 293.303, 293.517, 293.541, 293C.185, 293C.292) Sections 2, 5, 6, 21, 22, 32 and 34 of this bill provide that a voter registration card does not provide proof of address, identity or residence.

Existing law requires that a sample ballot be mailed to each registered voter before the period for early voting at an election begins, but not later than 10 days before the election. (NRS 293.565, 293C.530) Sections 23 and 49 of this bill require that the sample ballots be mailed ~~[not later than 10 days]~~ before the period of early voting for the election begins.

Existing law defines the term "candidate" for the purposes of the campaign finance laws to include anyone who has filed a declaration or acceptance of candidacy, anyone whose name appears on an official ballot or anyone who has accepted more than $100. (NRS 294A.005) Section 54 of this bill clarifies that a candidate is anyone who has accepted more than $100, regardless of whether the person has filed a declaration or acceptance of candidacy or whether the name of the person appears on an official ballot.

Existing law requires that all documents submitted to a county clerk for signature verification on a petition for an initiative or referendum must be submitted at the same time. (NRS 295.056) Section 55 of this bill requires that all documents submitted for signature verification on a petition for an initiative or referendum which was circulated in more than one county must be submitted to each county clerk on the same day.

Existing law authorizes the Secretary of State to issue a fictitious address to a person who has been the victim of domestic violence, sexual assault or stalking. (NRS 217.462-217.471) The Secretary of State is authorized to cancel the fictitious address of a person in certain circumstances. (NRS 217.468) Section 56 of this bill provides that the Secretary of State may cancel a fictitious address if the person files a declaration or acceptance of candidacy.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 293.025 is hereby amended to read as follows:

293.025 "Ballot" means the record of a voter's preference of candidates and questions voted upon at an election. The term includes, without limitation, any paper given to a voter upon which he places his vote ~~[, a punch card which records the vote of a voter]~~ and electronic storage tapes.

Sec. 2. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier than the first Monday in May of the year in which the election is to be held nor later than 5 p.m. on the second Friday after the first Monday in May.

2. A declaration of candidacy or an acceptance of candidacy required to be filed by this section must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF .... FOR THE OFFICE OF .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ……, I, the undersigned ……., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ……., in the City or Town of ……., County of ……., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since September 1 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ... day of the month of ... of the year ...

.....
Notary Public or other person
authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF .... FOR THE OFFICE OF .....

State of Nevada
County of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ……, in the City or Town of ……., County of ……, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ... day of the month of ... of the year ...
.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where he actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate's address is listed as a post office box unless a street address has not been assigned to his residence; or

(b) The candidate does not present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including ~~[, without limitation,]~~ a check ~~[,]~~ which indicates the candidate's name and residential address ~~[.]~~ ***, but not including a voter registration card issued pursuant to NRS 293.517.***

4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number or driver's license or identification card number of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at his specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

6. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether he has had his civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

7. The receipt of information by the Attorney General or district attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the filing officer must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.

Sec. 3. NRS 293.262 is hereby amended to read as follows:

293.262 An absent ballot or a ballot voted by a voter who resides in a mailing precinct must be voted:

1. On a paper ballot ~~[~~.

~~2. On a ballot which is voted by punching a card; or~~

~~3.]~~ ***; or***

2. By any other system authorized by state or federal law.

Sec. 4. NRS 293.2693 is hereby amended to read as follows:

293.2693 If a county or city uses paper ballots **,** ~~[or punch cards in an election,]~~ including, without limitation, for absent ballots and ballots voted in a mailing precinct, the county or city clerk shall provide a voter education program specific to the voting system used by the county or city. The voter education program must include, without limitation, information concerning the effect of overvoting and the procedures for correcting a vote on a ballot before it is cast and counted and for obtaining a replacement ballot.

Sec. 5. NRS 293.2725 is hereby amended to read as follows:

293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081 and 293.3083 and in federal law, a person who registers by mail to vote in this State and who has not previously voted in an election for federal office in this State:

(a) May vote at a polling place only if the person presents to the election board officer at the polling place:

(1) A current and valid photo identification of the person; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including ~~[, without limitation,]~~ a check ~~[,]~~ which indicates the name and address of the person ~~[,]~~ ***, but not including a voter registration card issued pursuant to NRS 293.517;*** and

(b) May vote by mail only if the person provides to the county or city clerk:

(1) A copy of a current and valid photo identification of the person; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including ~~[, without limitation,]~~ a check ~~[,]~~ which indicates the name and address of the person ~~[,]~~ ***, but not including a voter registration card issued pursuant to NRS 293.517.***

2. The provisions of this section do not apply to a person who:

(a) Registers to vote by mail and submits with his application to register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including ~~[, without limitation,]~~ a check ~~[,]~~ which indicates the name and address of the person ~~[,]~~ ***, but not including a voter registration card issued pursuant to NRS 293.517;***

(b) Registers to vote by mail and submits with his application to register to vote a driver's license number or at least the last four digits of his social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in his application;

(c) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq.;

(d) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 42 U.S.C. §§ 1973ee et seq.; or

(e) Is entitled to vote otherwise than in person under any other federal law.

Sec. 6. NRS 293.303 is hereby amended to read as follows:

293.303 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct or district upon the ground that he is not the person entitled to vote as claimed or has voted before at the same election; or

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that he does not belong to the political party designated upon the register, "I swear or affirm under penalty of perjury that I belong to the political party designated upon the register";

(b) If the challenge is on the ground that the register does not show that he designated the political party to which he claims to belong, "I swear or affirm under penalty of perjury that I designated on the application to register to vote the political party to which I claim to belong";

(c) If the challenge is on the ground that he does not reside at the residence for which the address is listed in the election board register, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the election board register";

(d) If the challenge is on the ground that he previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(e) If the challenge is on the ground that he is not the person he claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this election board register."

➥ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. Except as otherwise provided in subsection 4, if the challenged person refuses to execute the oath or affirmation so tendered, he must not be issued a ballot, and the officer in charge of the election board register shall write the words "Challenged ....." opposite his name in the election board register.

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) or (b) of subsection 2, the election board officers shall issue him a nonpartisan ballot.

5. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (c) of subsection 2, the election board officers shall inform him that he is entitled to vote only in the manner prescribed in NRS 293.304.

6. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (e) of subsection 2, the election board officers shall issue him a partisan ballot.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he furnishes satisfactory identification which contains proof of the address at which he actually resides. ***For the purposes of this subsection, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the address at which a person resides.***

8. If the challenge is based on the ground set forth in paragraph (e) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless he:

(a) Furnishes official identification which contains a photograph of himself, such as his driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of himself, such as his driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he swears he is.

9. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

Sec. 7. NRS 293.304 is hereby amended to read as follows:

293.304 1. If a person is successfully challenged on the ground set forth in paragraph (c) of subsection 2 of NRS 293.303 or if a person refuses to provide an affirmation pursuant to NRS 293.525, the election board shall instruct the voter that he may vote only at the special polling place in the manner set forth in this section.

2. The county clerk of each county shall maintain a special polling place in his office and at such other locations as he deems necessary during each election. The ballots voted at the special polling place must be kept separate from the ballots of voters who have not been so challenged or who have provided an affirmation pursuant to NRS 293.525 in:

(a) A special ballot box if the ballots are paper ballots ***;*** ~~[or ballots which are voted by punching a card;]~~ or

(b) A special sealed container if the ballots are ballots which are voted on a mechanical recording device which directly records the votes electronically.

3. A person who votes at a special polling place may place his vote only for the following offices and questions:

(a) President and Vice President of the United States;

(b) United States Senator;

(c) All state officers for whom all voters in the State may vote;

(d) All officers for whom all voters in the county may vote; and

(e) Questions which have been submitted to all voters of the county or State.

4. The ballots voted at the special polling place must be counted when other ballots are counted and:

(a) If the ballots are paper ballots **,** ~~[or ballots which are voted by punching a card,]~~ maintained in a separate ballot box; or

(b) If the ballots are ballots which are voted on a mechanical recording device which directly records the votes electronically, maintained in a separate sealed container,

➥ until any contest of election is resolved or the date for filing a contest of election has passed, whichever is later.

Sec. 8. NRS 293.323 is hereby amended to read as follows:

293.323 1. Except as otherwise provided in subsection 2, if the request for an absent ballot is made by mail or facsimile machine, the county clerk shall, as soon as the official absent ballot for the precinct or district in which the applicant resides has been printed, send to the voter by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base, or by air mail if the absent voter is in a foreign country but not on a military base:

(a) ~~[Except as otherwise provided in paragraph (b):~~

~~(1)]~~ An absent ballot;

~~[(2)]~~ ***(b)*** A return envelope;

~~[(3)]~~ ***(c)*** Supplies for marking the ballot;

~~[(4)]~~ ***(d)*** An envelope or similar device into which the ballot is inserted to ensure its secrecy; and

~~[(5) Instructions.~~

~~(b) In those counties using a mechanical voting system whereby a vote is cast by punching a card:~~

~~(1) A card attached to a sheet of foam plastic or similar backing material;~~

~~(2) A return envelope;~~

~~(3) A punching instrument;~~

~~(4) A sample ballot;~~

~~(5) An envelope or similar device into which the card is inserted to ensure its secrecy; and~~

~~(6)]~~ ***(e)*** Instructions.

2. If the county clerk fails to send an absent ballot pursuant to subsection 1 to a voter who resides within the continental United States, the county clerk may use a facsimile machine to send an absent ballot and instructions to the voter. The voter shall mail his absent ballot to the county clerk.

3. The return envelope sent pursuant to subsection 1 must include postage prepaid by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Nothing may be enclosed or sent with an absent ballot except as required by subsection 1 or 2.

5. Before depositing a ballot in the mails or sending a ballot by facsimile machine, the county clerk shall record the date the ballot is issued, the name of the registered voter to whom it is issued, his precinct or district, his political affiliation, if any, the number of the ballot and any remarks he finds appropriate.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsection 2.

Sec. 9. NRS 293.330 is hereby amended to read as follows:

293.330 1. Except as otherwise provided in NRS 293.3157 and subsection 2 of NRS 293.323 and any regulations adopted pursuant thereto, when an absent voter receives his ballot, he must mark and fold it ~~[, if it is a paper ballot, or punch it, if the ballot is voted by punching a card,]~~ in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his signature on the back of the envelope in the space provided therefor and mail the return envelope.

2. Except as otherwise provided in subsection 3, if an absent voter who has requested a ballot by mail applies to vote the ballot in person at:

(a) The office of the county clerk, he must mark ~~[or punch]~~ the ballot, seal it in the return envelope and affix his signature in the same manner as provided in subsection 1, and deliver the envelope to the clerk.

(b) A polling place, including, without limitation, a polling place for early voting, he must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."

3. If an absent voter who has requested a ballot by mail applies to vote in person at the office of the county clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

(a) Provides satisfactory identification;

(b) Is a registered voter who is otherwise entitled to vote; and

(c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.

4. Except as otherwise provided in NRS 293.316, it is unlawful for any person to return an absent ballot other than the voter who requested the

absent ballot or, at the request of the voter, a member of his family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the county clerk that he is a member of the family of the voter who requested the absent ballot and that the voter requested that he return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 10. NRS 293.350 is hereby amended to read as follows:

293.350 1. The county clerk shall:

(a) Make certain of the names and addresses of all voters registered to vote in mailing precincts and absent ballot mailing precincts;

(b) Enroll the name and address of each voter found eligible to vote in those precincts in the mailing precinct record book;

(c) Mark the number of the ballot on the return envelope; and

(d) Mail the ballot to the registered voter.

2. ~~[Except as otherwise provided in subsection 3, the]~~ ***The*** ballot must be accompanied by:

(a) Supplies for marking the ballot;

(b) A return envelope;

(c) An envelope or similar device into which the ballot is inserted to ensure its secrecy;

(d) A sample ballot; and

(e) Instructions regarding the manner of marking and returning the ballot.

~~[3. In those counties using a mechanical voting system whereby a vote is cast by punching a card, the ballot must be accompanied by:~~

~~(a) A sheet of foam plastic or similar backing material attached to the card;~~

~~(b) A punching instrument;~~

~~(c) A return envelope;~~

~~(d) An envelope or similar device into which the card is inserted to ensure its secrecy;~~

~~(e) A sample ballot; and~~

~~(f) Instructions regarding the manner of punching and returning the card.]~~

Sec. 11. NRS 293.353 is hereby amended to read as follows:

293.353 Upon receipt of a mailing ballot from the county clerk, the registered voter must:

1. ~~[Except as otherwise provided in subsection 2:~~

~~(a)]~~ Immediately after opening the envelope, mark and fold the ballot;

~~[(b)]~~ ***2.*** Place the ballot in the return envelope;

~~[(c)]~~ ***3.*** Affix his signature on the back of the envelope; and

~~[(d)]~~ ***4.*** Mail or deliver the envelope to the county clerk.

~~[2. In those counties using a mechanical voting system whereby a vote is cast by punching a card:~~

~~(a) Immediately after opening the envelope, punch the card;~~

~~(b) Place the unfolded card in the return envelope;~~

~~(c) Affix his signature on the back of the envelope; and~~

~~(d) Mail or deliver the envelope to the county clerk.]~~

Sec. 12. NRS 293.356 is hereby amended to read as follows:

293.356 If a request is made to vote early by a registered voter in person, the election board shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of a polling place for early voting established pursuant to NRS 293.3564 or 293.3572 and returned to the election board. If the ballot is a paper ballot ~~[, a ballot which is voted by punching a card]~~ or a ballot which is voted by any other system authorized by state or federal law, the election board shall follow the same procedure as in the case of absent ballots received by mail.

Sec. 13. NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Upon the appearance of a person to cast a ballot for early voting, the deputy clerk for early voting shall:

(a) Determine that the person is a registered voter in the county;

(b) Instruct the voter to sign the roster for early voting; and

(c) Verify the signature of the voter against that contained on the original application to register to vote or facsimile thereof, the card issued to the voter at the time of registration or some other piece of official identification.

2. The county clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted pursuant to this section.

3. The roster for early voting must contain:

(a) The voter's name, the address where he is registered to vote, his voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number; and

(c) The date of voting early in person.

4. When a voter is entitled to cast his ballot and has identified himself to the satisfaction of the deputy clerk for early voting, he is entitled to receive the appropriate ballot or ballots, but only for his own use at the polling place for early voting.

5. ~~[If the ballot is voted by punching a card, the deputy clerk for early voting shall:~~

~~(a) Ensure that the voter's precinct or voting district and the form of ballot are indicated on the card;~~

~~(b) Direct the voter to the appropriate mechanical recording device for his form of ballot; and~~

~~(c) Allow the voter to place his voted ballot in the ballot box.~~

~~6.]~~ If the ballot is voted on a mechanical recording device which directly records the votes electronically, the deputy clerk for early voting shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of ballot are indicated on each part of the voting receipt;

(c) Retain one part of the voting receipt for the election board and return the other part of the voting receipt to the voter; and

(d) Allow the voter to cast his vote.

~~[7.]~~ ***6.*** A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

Sec. 14. NRS 293.359 is hereby amended to read as follows:

293.359 The ballot box for early voting in which voted ballots which are paper ballots ~~[or ballots which are voted by punching a card]~~ are deposited must have two numbered seals, and must be designed and constructed so that the box can be sealed to detect any unauthorized opening of the box and that the ballot slot can be sealed to prevent any unauthorized deposit in the box. The seals for the boxes must be serially numbered for each election.

Sec. 15. NRS 293.3602 is hereby amended to read as follows:

293.3602 If paper ballots ~~[or ballots which are voted by punching a card]~~ are used during the period for early voting by personal appearance:

1. Each voting day during that period, the ballots voted at the permanent or temporary polling place may be removed from the ballot box and neatly stacked in a container that is sealed with a numbered seal after the ballots are stacked inside. The ballot box or sealed container must be delivered by an election board officer to the county clerk's office at the close of each voting day. The seal on the ballot box or container must indicate the number of voted ballots contained in that box or container for that day.

2. When the ballot box or container is delivered pursuant to subsection 1, the county clerk shall provide a new ballot box sealed in the manner prescribed in NRS 293.359.

3. At the close of each voting day before the fourth voting day before the last day to vote early, the county clerk may deliver all ballots voted to the ballot board for early voting. At the close of the fourth voting day before the last day to vote early and at the close of each of the 3 days thereafter, the county clerk shall deliver all ballots voted to the ballot board for early voting. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:

(a) Each remaining ballot box and container that holds the ballots voted early by personal appearance;

(b) A voting roster of all persons who voted early by personal appearance; and

(c) Any list of registered voters used in conducting early voting.

4. Upon the receipt of ballots, the board shall:

(a) Remove all ballots from the ballot boxes and containers and sort the ballots by precinct or voting district;

(b) Count the number of ballots by precinct or voting district;

(c) Account for all ballots on an official statement of ballots; and

(d) Place all official ballots in the container provided to transport those items to a central counting place and seal the container with a numbered seal.

The official statement of ballots must accompany the voted ballots to the central counting place.

5. The county clerk shall allow members of the general public to observe the handling of the ballots pursuant to subsections 1 and 4 if those members do not interfere with the handling of the ballots.

Sec. 16. NRS 293.363 is hereby amended to read as follows:

293.363 When the polls are closed, the counting board shall prepare to count the ballots voted. The counting procedure must be public and continue without adjournment until completed. If the ballots are paper ballots **,** ~~[or ballots which are voted by punching a card,]~~ the counting board shall prepare in the following manner:

1. The pollbooks must be compared and errors corrected until the books agree.

2. The container that holds the ballots, or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to ascertain whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If, on comparison of the count with the pollbook, a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.

3. If the ballots in the container or box are found to exceed in number the number of names on the pollbooks, the ballots must be replaced in the container or box, and a counting board officer, with his back turned to the container or box, shall draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the county clerk with the other ballots rejected for any cause.

4. When it has been ascertained that the pollbook and the number of ballots agree with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.

Sec. 17. NRS 293.367 is hereby amended to read as follows:

293.367 1. The basic factor to be considered by an election board when making a determination of whether a particular ballot must be rejected is whether any identifying mark appears on the ballot which, in the opinion of the election board, constitutes an identifying mark such that there is a reasonable belief entertained in good faith that the ballot has been tampered with and, as a result of the tampering, the outcome of the election would be affected.

2. The regulations for counting ballots must include provisions that:

(a) An error in marking one or more votes on a ballot does not invalidate any votes properly marked on that ballot.

(b) A soiled or defaced ballot may not be rejected if it appears that the soiling or defacing was inadvertent and was not done purposely to identify the ballot.

(c) Only devices provided for in this chapter or chapter 293B of NRS may be used in marking ballots.

(d) It is unlawful for any election board officer to place any mark upon any ballot other than a spoiled ballot.

(e) When an election board officer rejects a ballot for any alleged defect or illegality, the officer shall seal the ballot in an envelope and write upon the envelope a statement that it was rejected and the reason for rejecting it. Each election board officer shall sign the envelope.

~~[(f) In counties where mechanical voting systems are used whereby a vote is cast by punching a card, a superfluous punch into any card does not constitute grounds for rejection of the ballot unless the election board determines that the condition of the ballot justifies its exclusion pursuant to subsection 1.]~~

Sec. 18. NRS 293.3677 is hereby amended to read as follows:

293.3677 1. When counting a vote in an election, if more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.

2. Except as otherwise provided in subsection 1, in an election in which a paper ballot is used whereby a vote is cast by placing a cross in the designated square on the paper ballot, a vote on the ballot must not be counted unless indicated by a cross in the designated square.

3. ~~[Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by punching a card:~~

~~(a) A chip on the card must be counted as a vote if:~~

~~(1) The chip has at least one corner that is detached from the card; or~~

~~(2) The fibers of paper on at least one edge of the chip are broken in a way that permits unimpeded light to be seen through the card.~~

~~(b) A writing or other mark on the card, including, without limitation, a cross, check, tear or scratch, may not be counted as a vote. The remaining votes on such a card must be counted unless the ballot is otherwise disqualified.~~

~~4.]~~ Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.

~~[5.]~~ ***4.*** The Secretary of State:

(a) May adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2 ~~[, 3 or 4,]~~ ***or 3;*** and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2 ~~[, 3 or 4,]~~ ***or 3,*** including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Sec. 19. NRS 293.373 is hereby amended to read as follows:

293.373 If paper ballots ~~[or ballots which are voted by punching a card]~~ are used:

1. After the tally lists have been completed, the voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the county clerk.

2. The other pollbooks, tally lists and election board register must be returned to the county clerk.

Sec. 20. NRS 293.385 is hereby amended to read as follows:

293.385 1. After 8 a.m. on election day, the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw from the appropriate ballot boxes or containers all the ballots received the previous day and ascertain that each box or container has the required number of ballots according to the county clerk's absent voters' ballot record.

2. If any absent ballots are received by the county clerk on election day pursuant to NRS 293.316, the county clerk shall deposit the absent ballots in the appropriate ballot boxes or containers.

3. After 8 a.m. on election day, the appropriate board shall count in public the votes cast on the absent ballots.

4. If paper ballots are used, the results of the absent ballot vote in each precinct must be certified and submitted to the county clerk who shall have the results added to the regular votes of the precinct. ~~[If a mechanical voting system is used in which a voter casts his ballot by punching a card which is counted by a computer, the absent ballots may be counted with the regular votes of the precinct.]~~ The returns of absent ballots must be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of a voter's ballot. The county clerks shall develop a procedure to ensure that each ballot is kept secret.

5. Any person who disseminates to the public in any way information pertaining to the count of absent ballots before the polls close is guilty of a misdemeanor.

Sec. 21. NRS 293.517 is hereby amended to read as follows:

293.517 1. Any elector residing within the county may register:

(a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar or a voter registration agency, completing the application to register to vote, giving true and satisfactory answers to all questions relevant to his identity and right to vote, and providing proof of his residence and identity;

(b) By completing and mailing or personally delivering to the county clerk an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) Pursuant to the provisions of NRS 293.501 or 293.524; or

(d) At his residence with the assistance of a field registrar pursuant to NRS 293.5237.

➥ The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before registering him. If the applicant registers to vote pursuant to this subsection and fails to provide proof of his residence and identity, the applicant must provide proof of his residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3081 or 293.3083. ***For the purposes of this subsection, a voter registration card issued pursuant to subsection 6 does not provide proof of the residence or identity of a person.***

2. The application to register to vote must be signed and verified under penalty of perjury by the elector registering.

3. Each elector who is or has been married must be registered under his own given or first name, and not under the given or first name or initials of his spouse.

4. An elector who is registered and changes his name must complete a new application to register to vote. He may obtain a new application:

(a) At the office of the county clerk or field registrar;

(b) By submitting an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to register to vote; or

(d) At any voter registration agency.

➥ If the elector fails to register under his new name, he may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

5. An elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of his application to register to vote.

6. After the county clerk determines that the application to register to vote of a person is complete and that the person is eligible to vote, he shall issue a voter registration card to the voter which contains:

(a) The name, address, political affiliation and precinct number of the voter;

(b) The date of issuance; and

(c) The signature of the county clerk.

Sec. 22. NRS 293.541 is hereby amended to read as follows:

293.541 1. The county clerk shall cancel the registration of a voter ~~[.]~~ if:

(a) After consultation with the district attorney, the district attorney determines that there is probable cause to believe that information in the registration concerning the identity or residence of the voter is fraudulent;

(b) The county clerk provides a notice as required pursuant to subsection 2 or executes an affidavit of cancellation pursuant to subsection 3; and

(c) The voter fails to present satisfactory proof of his identity and residence pursuant to subsection 2, 4 or 5.

2. Except as otherwise provided in subsection 3, the county clerk shall notify the voter by registered or certified mail, return receipt requested, of a determination made pursuant to subsection 1. The notice must set forth the grounds for cancellation. Unless the voter, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of his identity and residence to the county clerk, the county clerk shall cancel his registration.

3. If insufficient time exists before a pending election to provide the notice required by subsection 2, the county clerk shall execute an affidavit of cancellation and file the affidavit of cancellation with the registrar of voters' register and:

(a) In counties where records of registration are not kept by computer, the county clerk shall attach a copy of the affidavit of cancellation in the election board register.

(b) In counties where records of registration are kept by computer, the county clerk shall have the affidavit of cancellation printed on the computer entry for the registration and add a copy of it to the election board register.

4. If a voter appears to vote at the election next following the date that an affidavit of cancellation was executed for the voter pursuant to this section, the voter must be allowed to vote only if he furnishes:

(a) Official identification which contains a photograph of himself, including, without limitation, a driver's license or other official document; and

(b) Satisfactory identification that contains proof of the address at which he actually resides and that address is consistent with the address listed on the election board register.

5. If a determination is made pursuant to subsection 1 concerning information in the registration to vote of a voter and an absent ballot or a ballot voted by a voter who resides in a mailing precinct is received from the voter, the ballot must be kept separate from other ballots and must not be counted unless the voter presents satisfactory proof to the county clerk of his identity and residence before such ballots are counted on election day.

6. For the purposes of this section, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the:

(a) Address at which a person actually resides; or

(b) Residence or identity of a person.

Sec. 23. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 2, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note, as provided pursuant to NRS 218.443, 293.250, 293.481 or 293.482, for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218.443, 293.250, 293.481, 293.482 or 295.121, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218.443, 293.250, 293.252, 293.481, 293.482 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

3. Before ~~*[Not later than 10 days before]*~~ the period for early voting ~~[,~~ ~~but not later than 10 days before]~~ ***for*** any election ~~[,]~~ ***begins,*** the county clerk shall cause to be mailed to each registered voter in the county a sample ballot for his precinct with a notice informing the voter of the location of his polling place. If the location of the polling place has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before mailing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

4. Except as otherwise provided in subsection 5, a sample ballot required to be mailed pursuant to this section must:

(a) Be printed in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice printed in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

5. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

6. The sample ballot mailed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be printed in at least 14-point type, or larger when practicable.

7. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots mailed to that person from the county are in large type.

8. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his polling place and provide reasonable assistance to the voter in casting his vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his ballot at such a centralized voting location rather than at his regularly designated polling place.

9. The cost of mailing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 24. NRS 293B.032 is hereby amended to read as follows:

293B.032 "Mechanical recording device" means a device ~~[:~~

~~1. Which]~~ ***which*** mechanically or electronically compiles a total of the number of votes cast for each candidate and for or against each measure voted on **.** ~~[; or~~

~~2. To which a list of offices and candidates and the statements of measures to be voted on may be affixed and into which a card may be~~

~~inserted so that the votes cast for each candidate and for or against each measure may be indicated by punching the card with reference to the list.]~~

Sec. 25. NRS 293B.033 is hereby amended to read as follows:

293B.033 "Mechanical voting system" means a system of voting whereby a voter may cast his vote:

1. On a device which mechanically or electronically compiles a total of the number of votes cast for each candidate and for or against each measure voted on; or

2. By ~~[punching a card or]~~ marking a paper ballot which is subsequently counted on an electronic tabulator, counting device or computer.

Sec. 26. NRS 293B.103 is hereby amended to read as follows:

293B.103 ~~[1. If a mechanical voting system is used whereby votes are cast by punching a card:~~

~~(a) The cards to be used must have two detachable stubs.~~

~~(b) Each of the stubs attached to a particular card must bear the number of that card.~~

~~(c) One of the stubs must be detached and given to the voter when he returns his voted ballot, and the other stub must be retained by the election board.~~

~~2.]~~ If a mechanical voting system is used whereby votes are directly recorded electronically:

~~[(a)]~~ ***1.*** A voting receipt which has two parts must be used.

~~[(b)]~~ ***2.*** Each part of the voting receipt must bear the same number for identification.

~~[(c)]~~ ***3.*** One part of the voting receipt must be given to the voter when he votes and the other part of the voting receipt must be retained by the election board.

Sec. 27. NRS 293B.155 is hereby amended to read as follows:

293B.155 1. The tests prescribed by NRS 293B.150 and 293B.165 must be conducted by processing a preaudited group of logic and accuracy test ballots so ~~[punched,]~~ voted or marked as to record a predetermined number of valid votes for each candidate and on each measure, and must include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the mechanical recording device or the automatic tabulating equipment and programs to reject those votes.

2. If any error is detected, the cause therefor must be ascertained and corrected and an errorless count must be made before the mechanical recording device or the automatic tabulating equipment and programs are approved.

3. When satisfied with the accuracy of the mechanical recording device or automatic tabulating equipment and computer program, the accuracy certification board and the county or city clerk shall date and sign all reports, and seal the program, if any, and the reports and all test material in an appropriate container. The container must be kept sealed by the clerk.

4. Except as otherwise provided in this subsection, the contents of such a sealed container are not subject to the inspection of anyone except in the case of a contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of that judge, body or board. For the period set forth in NRS 293.413 during which a candidate may file a statement of contest, the results of the test must be made available in the clerk's office for public inspection.

Sec. 28. NRS 293B.305 is hereby amended to read as follows:

293B.305 Unless a major political party allows a nonpartisan voter to vote for its candidates:

1. In a primary election, a member of the election board for a precinct shall issue each nonpartisan voter a ballot with a distinctive code and printed designation identifying it as a nonpartisan ballot.

2. If a mechanical voting system is used in a primary election whereby votes are directly recorded electronically, a member of the election board shall, in addition to the ballot described in subsection 1, issue the nonpartisan voter a voting receipt with a printed designation identifying it as a nonpartisan ballot.

3. The member of the election board shall:

(a) Direct the nonpartisan voter to a mechanical recording device containing a list of offices and candidates setting forth only the nonpartisan ballot; ***or***

(b) Direct the nonpartisan voter to a mechanical recording device containing a list of offices and candidates arranged for a partisan ballot, instruct the voter to vote only the nonpartisan section of the list and advise the voter that any votes he may cast in the partisan section will not be counted**.** ~~[, or~~

~~(c) Issue a nonpartisan ballot attached to a sheet of foam plastic or similar backing material, a punching instrument, a sample nonpartisan ballot and an instruction sheet to the nonpartisan voter and instruct him to punch his ballot by reference to the sample ballot.]~~

Sec. 29. NRS 293B.330 is hereby amended to read as follows:

293B.330 1. Upon closing of the polls, the election board shall:

(a) Secure all mechanical recording devices against further voting.

(b) ~~[If a mechanical voting system is used whereby votes are cast by punching a card:~~

~~(1) Count the number of ballots in the ballot boxes.~~

~~(2) Account for all ballots on the statement of ballots.~~

~~(3) Place all official ballots, the ballot statement and any other records, reports and materials as directed by the county clerk into the container provided by him to transport those items to a central counting place and seal the container.~~

~~(c)]~~ If a mechanical voting system is used whereby votes are directly recorded electronically:

(1) Ensure that each mechanical recording device:

(I) Provides a record printed on paper of the total number of votes recorded on the device for each candidate and for or against each measure; and

(II) Transfers the ballots voted on that device to the storage device required pursuant to NRS 293B.084.

(2) Count the number of ballots voted at the polling place.

(3) Account for all ballots on the statement of ballots.

(4) Place all records printed on paper provided by the mechanical recording devices, all storage devices which store the ballots voted on the mechanical recording devices, and any other records, reports and materials as directed by the county clerk into the container provided by him to transport those items to a central counting place and seal the container.

~~[(d)]~~ ***(c)*** Record the number of voters on a form provided by the county clerk.

2. If a difference exists between the number of voters and the number of ballots voted, the election board shall report the difference and any known reasons for the difference, in writing, to the county clerk.

3. After closing the polls, the election board shall:

(a) Compare the quantity of the supplies furnished by the county clerk with the inventory of those supplies; and

(b) Note any shortages.

4. The county clerk shall allow members of the general public to observe the handling of the ballots pursuant to subsection 1 if those members do not interfere with the handling of the ballots.

Sec. 30. NRS 293B.365 is hereby amended to read as follows:

293B.365 The central ballot inspection board shall:

1. Receive the ballots in sealed containers.

2. Inspect the containers, record the number indicated on each container and its seal pursuant to NRS 293.462 and remove the ballots or storage devices which store the ballots voted on mechanical recording devices which directly record votes electronically.

3. Register the numbers of ballots by precinct.

4. Deliver any damaged ballots to the ballot duplicating board **.** ~~[, if the ballots were voted by punching a card.]~~

5. Receive duplicates of damaged ballots from the ballot duplicating board and place the duplicates with the voted ballots of the appropriate precinct **.** ~~[, if the ballots were voted by punching a card.]~~

6. Place each damaged original ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct **.** ~~[, if the ballot was voted by punching a card.]~~

7. Reject any ballot that has been marked in a way that identifies the voter.

8. Place each rejected ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason

for the board's rejection of the ballot **.** ~~[, if the ballot was voted by punching a card.]~~

Sec. 31. NRS 293B.375 is hereby amended to read as follows:

293B.375 ~~[If ballots which are voted by punching a card are used, the]~~ ***The*** ballot duplicating board shall:

1. Receive damaged ballots, including ballots which have been torn, bent or mutilated.

2. ~~[Receive cards with incompletely punched chips.~~

~~3.]~~ Prepare on a distinctly colored, serially numbered ballot marked "duplicate" an exact copy of each damaged ballot.

~~[4. In the case of a card with an incompletely punched chip:~~

~~(a) Remove the incompletely punched chip if:~~

~~(1) The chip has at least one corner that is detached from the card; or~~

~~(2) The fibers of paper on at least one edge of the chip are broken in a way that permits unimpeded light to be seen through the card; or~~

~~(b) Duplicate the card without punching the location of the incompletely punched chip if:~~

~~(1) The chip does not have at least one corner that is detached from the card; and~~

~~(2) The fibers of paper on no edge of the chip are broken in a way that permits unimpeded light to be seen through the card.~~

~~5.]~~ ***3.*** Record the serial number of the duplicate ballot on the damaged original ballot and return the damaged and duplicate ballots to the appropriate ballot inspection board.

~~[6.]~~ ***4.*** Hold aside the duplicated ballots for counting after all other ballots are counted if this procedure is directed by the county clerk.

Sec. 32. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.115 and 293C.190, a name may not be printed on a ballot to be used at a primary city election, unless the person named has filed a declaration of candidacy or an acceptance of candidacy and has paid the fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.

2. A declaration of candidacy required to be filed by this section must be in substantially the following form:

DECLARATION OF CANDIDACY OF .... FOR THE OFFICE OF .....

State of Nevada

City of.....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, ..., the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada;

that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ... day of the month of ... of the year ...

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where he actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate's address is listed as a post office box unless a street address has not been assigned to his residence; or

(b) The candidate does not present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including ~~[, without limitation,]~~ a check ~~[,]~~ which indicates the candidate's name and residential address ~~[.]~~ ***, but not including a voter registration card issued pursuant to NRS 293.517.***

4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number or driver's license or identification card number of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at his specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

6. If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the city clerk:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether he has had his civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.

7. The receipt of information by the city attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the city clerk must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.

Sec. 33. NRS 293C.256 is hereby amended to read as follows:

293C.256 An absent ballot for a city election or a ballot for a city election voted by a voter who resides in a mailing precinct must be voted on a paper ballot **.** ~~[or a ballot which is voted by punching a card.]~~

Sec. 34. NRS 293C.292 is hereby amended to read as follows:

293C.292 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct or district upon the ground that he is not the person entitled to vote as claimed or has voted before at the same election; or

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that he does not reside at the residence for which the address is listed in the election board register, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the election board register";

(b) If the challenge is on the ground that he previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(c) If the challenge is on the ground that he is not the person he claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this election board register."

➥ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. If the challenged person refuses to execute the oath or affirmation so tendered, he must not be issued a ballot, and the officer in charge of the election board register shall write the words "Challenged ....." opposite his name in the election board register.

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) of subsection 2, the election board officers shall inform him that he is entitled to vote only in the manner prescribed in NRS 293C.295.

5. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (c) of subsection 2, the election board officers shall issue him a ballot.

6. If the challenge is based on the ground set forth in paragraph (a) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he furnishes satisfactory identification that contains proof of the address at which he actually resides. ***For the purposes of this subsection, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the address at which a person resides.***

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless he:

(a) Furnishes official identification which contains a photograph of himself, such as his driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of himself, such as his driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he swears he is.

8. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

Sec. 35. NRS 293C.295 is hereby amended to read as follows:

293C.295 1. If a person is successfully challenged on the ground set forth in paragraph (a) of subsection 2 of NRS 293C.292 or if a person refuses to provide an affirmation pursuant to NRS 293C.525, the election board shall instruct the voter that he may vote only at the special polling place in the manner set forth in this section.

2. The city clerk shall maintain at least one special polling place at such locations as he deems necessary during each election. The ballots voted at the special polling place must be kept separate from the ballots of voters who have not been so challenged or who have provided an affirmation pursuant to NRS 293C.525 in:

(a) A special ballot box if the ballots are paper ballots ***;*** ~~[or ballots that are voted by punching a card;]~~ or

(b) A special sealed container if the ballots are ballots that are voted on a mechanical recording device which directly records the votes electronically.

3. A person who votes at a special polling place may place his vote only for the following offices and questions:

(a) All officers for whom all voters in the city may vote; and

(b) Questions that have been submitted to all voters of the city.

4. The ballots voted at the special polling place must be counted when other ballots are counted and:

(a) If the ballots are paper ballots **,** ~~[or ballots that are voted by punching a card,]~~ maintained in a separate ballot box; or

(b) If the ballots are ballots that are voted on a mechanical recording device that directly records the votes electronically, maintained in a separate sealed container,

➥ until any contest of election is resolved or the date for filing a contest of election has passed, whichever is later.

Sec. 36. NRS 293C.322 is hereby amended to read as follows:

293C.322 1. Except as otherwise provided in subsection 2, if the request for an absent ballot is made by mail or facsimile machine, the city clerk shall, as soon as the official absent ballot for the precinct or district in which the applicant resides has been printed, send to the voter by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base, or by air mail if the absent voter is in a foreign country but not on a military base:

(a) ~~[Except as otherwise provided in paragraph (b):~~

~~(1)]~~ An absent ballot;

~~[(2)]~~ ***(b)*** A return envelope;

~~[(3)]~~ ***(c)*** Supplies for marking the ballot;

~~[(4)]~~ ***(d)*** An envelope or similar device into which the ballot is inserted to ensure its secrecy; and

~~[(5) Instructions.~~

~~(b) In those cities using a mechanical voting system whereby a vote is cast by punching a card:~~

~~(1) A card attached to a sheet of foam plastic or similar backing material;~~

~~(2) A return envelope;~~

~~(3) A punching instrument;~~

~~(4) A sample ballot;~~

~~(5) An envelope or similar device into which the card is inserted to ensure its secrecy; and~~

~~(6)]~~ ***(e)*** Instructions.

2. If the city clerk fails to send an absent ballot pursuant to subsection 1 to a voter who resides within the continental United States, the city clerk may use a facsimile machine to send an absent ballot and instructions to the voter. The voter shall mail his absent ballot to the city clerk.

3. The return envelope sent pursuant to subsection 1 must include postage prepaid by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Nothing may be enclosed or sent with an absent ballot except as required by subsection 1 or 2.

5. Before depositing a ballot with the United States Postal Service or sending a ballot by facsimile machine, the city clerk shall record the date the ballot is issued, the name of the registered voter to whom it is issued, his precinct or district, the number of the ballot and any remarks he finds appropriate.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsection 2.

Sec. 37. NRS 293C.330 is hereby amended to read as follows:

293C.330 1. Except as otherwise provided in NRS 293C.315 and subsection 2 of NRS 293C.322 and any regulations adopted pursuant thereto, when an absent voter receives his ballot, he must mark and fold it ~~[, if it is a paper ballot, or punch it, if the ballot is voted by punching a card,]~~ in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his signature on the back of the envelope in the space provided therefor and mail the return envelope.

2. Except as otherwise provided in subsection 3, if an absent voter who has requested a ballot by mail applies to vote the ballot in person at:

(a) The office of the city clerk, he must mark ~~[or punch]~~ the ballot, seal it in the return envelope and affix his signature in the same manner as provided in subsection 1, and deliver the envelope to the city clerk.

(b) A polling place, including, without limitation, a polling place for early voting, he must surrender the absent ballot and provide satisfactory

identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."

3. If an absent voter who has requested a ballot by mail applies to vote in person at the office of the city clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

(a) Provides satisfactory identification;

(b) Is a registered voter who is otherwise entitled to vote; and

(c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.

4. Except as otherwise provided in NRS 293C.317, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of his family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the city clerk that he is a member of the family of the voter who requested the absent ballot and that the voter requested that he return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 38. NRS 293C.347 is hereby amended to read as follows:

293C.347 1. The city clerk shall:

(a) Make certain of the names and addresses of all voters registered to vote in mailing precincts and absent ballot mailing precincts;

(b) Enroll the name and address of each voter found eligible to vote in those precincts in the mailing precinct record book;

(c) Mark the number of the ballot on the return envelope; and

(d) Mail the ballot to the registered voter.

2. ~~[Except as otherwise provided in subsection 3, the]~~ ***The*** ballot must be accompanied by:

(a) Supplies for marking the ballot;

(b) A return envelope;

(c) An envelope or similar device into which the ballot is inserted to ensure its secrecy;

(d) A sample ballot; and

(e) Instructions regarding the manner of marking and returning the ballot.

~~[3. In those cities using a mechanical voting system whereby a vote is cast by punching a card, the ballot must be accompanied by:~~

~~(a) A sheet of foam plastic or similar backing material attached to the card;~~

~~(b) A punching instrument;~~

~~(c) A return envelope;~~

~~(d) An envelope or similar device into which the card is inserted to ensure its secrecy;~~

~~(e) A sample ballot; and~~

~~(f) Instructions concerning the manner of punching and returning the card.]~~

Sec. 39. NRS 293C.350 is hereby amended to read as follows:

293C.350 Upon receipt of a mailing ballot from the city clerk, the registered voter must:

1. ~~[Except as otherwise provided in subsection 2:~~

~~(a)]~~ Immediately after opening the envelope, mark and fold the ballot;

~~[(b)]~~ ***2.*** Place the ballot in the return envelope;

~~[(c)]~~ ***3.*** Affix his signature on the back of the envelope; and

~~[(d)]~~ ***4.*** Mail or deliver the envelope to the city clerk.

~~[2. In those cities using a mechanical voting system whereby a vote is cast by punching a card:~~

~~(a) Immediately after opening the envelope, punch the card;~~

~~(b) Place the unfolded card in the return envelope;~~

~~(c) Affix his signature on the back of the envelope; and~~

~~(d) Mail or deliver the envelope to the city clerk.]~~

Sec. 40. NRS 293C.356 is hereby amended to read as follows:

293C.356 1. If a request is made to vote early by a registered voter in person, the city clerk shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of the clerk's office and returned to the clerk. If the ballot is a paper ballot ***,*** ~~[or a ballot which is voted by punching a card,]~~ the clerk shall follow the same procedure as in the case of absent ballots received by mail.

2. On the dates for early voting prescribed in NRS 293C.3568, each city clerk shall provide a voting booth, with suitable equipment for voting, on the premises of his office for use by registered voters who are issued ballots for early voting in accordance with this section.

Sec. 41. NRS 293C.3585 is hereby amended to read as follows:

293C.3585 1. Upon the appearance of a person to cast a ballot for early voting, the deputy clerk for early voting shall:

(a) Determine that the person is a registered voter in the county;

(b) Instruct the voter to sign the roster for early voting; and

(c) Verify the signature of the voter against that contained on the original application to register to vote or ***a*** facsimile thereof, the card issued to the voter at the time of registration or some other piece of official identification.

2. The city clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted pursuant to this section.

3. The roster for early voting must contain:

(a) The voter's name, the address where he is registered to vote, his voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number; and

(c) The date of voting early in person.

4. When a voter is entitled to cast his ballot and has identified himself to the satisfaction of the deputy clerk for early voting, he is entitled to receive the appropriate ballot or ballots, but only for his own use at the polling place for early voting.

5. ~~[If the ballot is voted by punching a card, the deputy clerk for early voting shall:~~

~~(a) Ensure that the voter's precinct or voting district and the form of ballot are indicated on the card;~~

~~(b) Direct the voter to the appropriate mechanical recording device for his form of ballot; and~~

~~(c) Allow the voter to place his voted ballot in the ballot box.~~

~~6.]~~ If the ballot is voted on a mechanical recording device which directly records the votes electronically, the deputy clerk for early voting shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of ballot are indicated on each part of the voting receipt;

(c) Retain one part of the voting receipt for the election board and return the other part of the voting receipt to the voter; and

(d) Allow the voter to cast his vote.

~~[7.]~~ ***6.*** A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.

Sec. 42. NRS 293C.359 is hereby amended to read as follows:

293C.359 The ballot box for early voting in which voted ballots which are paper ballots ~~[or ballots which are voted by punching a card]~~ are deposited must have two numbered seals, and must be designed and constructed so that the box can be sealed to detect any unauthorized opening of the box and that the ballot slot can be sealed to prevent any unauthorized deposit in the box. The seals for the boxes must be serially numbered for each election.

Sec. 43. NRS 293C.3602 is hereby amended to read as follows:

293C.3602 If paper ballots ~~[or ballots which are voted by punching a card]~~ are used during the period for early voting by personal appearance:

1. Each voting day during that period, the ballots voted at the permanent or temporary polling place may be removed from the ballot box and neatly stacked in a container that is sealed with a numbered seal after the ballots are stacked inside. The ballot box or sealed container must be delivered by an election board officer to the city clerk's office at the close of each voting day. The seal on the ballot box or container must indicate the number of voted ballots contained in that box or container for that day.

2. When the ballot box or container is delivered pursuant to subsection 1, the city clerk shall provide a new ballot box sealed in the manner prescribed in NRS 293C.359.

3. At the close of each voting day before the fourth voting day before the last day to vote early, the city clerk may deliver all ballots voted to the ballot

board for early voting. At the close of the fourth voting day before the last day to vote early and at the close of each of the 3 days thereafter, the city clerk shall deliver all ballots voted to the ballot board for early voting. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:

(a) Each remaining ballot box and container that holds the ballots voted early by personal appearance;

(b) A voting roster of all persons who voted early by personal appearance; and

(c) Any list of registered voters used in conducting early voting.

4. Upon the receipt of ***the*** ballots, the board shall:

(a) Remove all ballots from the ballot boxes and containers and sort the ballots by precinct or voting district;

(b) Count the number of ballots by precinct or voting district;

(c) Account for all ballots on an official statement of ballots; and

(d) Place all official ballots in the container provided to transport those items to a central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the voted ballots to the central counting place.

5. The city clerk shall allow members of the general public to observe the handling of the ballots pursuant to subsections 1 and 4 if those members do not interfere with the handling of the ballots.

Sec. 44. NRS 293C.362 is hereby amended to read as follows:

293C.362 When the polls are closed, the counting board shall prepare to count the ballots voted. The counting procedure must be public and continue without adjournment until completed. If the ballots are paper ballots **,** ~~[or ballots that are voted by punching a card,]~~ the counting board shall prepare in the following manner:

1. The pollbooks must be compared and errors corrected until the books agree.

2. The container that holds the ballots ~~[,]~~ or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to determine whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If, on comparison of the count with the pollbook, a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.

3. If the ballots in the container or box are found to exceed the number of names on the pollbooks, the ballots must be replaced in the container or box and a counting board officer shall, with his back turned to the container or box, draw out a number of ballots equal to the excess. The excess ballots

must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the city clerk with the other ballots rejected for any cause.

4. When it has been determined that the pollbook and the number of ballots agree with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.

Sec. 45. NRS 293C.367 is hereby amended to read as follows:

293C.367 1. The basic factor to be considered by an election board when making a determination of whether a particular ballot must be rejected is whether any identifying mark appears on the ballot which, in the opinion of the election board, constitutes an identifying mark such that there is a reasonable belief entertained in good faith that the ballot has been tampered with and, as a result of the tampering, the outcome of the election would be affected.

2. Regulations for counting ballots must include provisions that:

(a) An error in marking one or more votes on a ballot does not invalidate any votes properly marked on that ballot.

(b) A soiled or defaced ballot may not be rejected if it appears that the soiling or defacing was inadvertent and was not done purposely to identify the ballot.

(c) Only devices provided for in this chapter, chapter 293 or 293B of NRS may be used in marking ballots.

(d) It is unlawful for any election board officer to place any mark upon any ballot other than a spoiled ballot.

(e) When an election board officer rejects a ballot for any alleged defect or illegality, the officer shall seal the ballot in an envelope and write upon the envelope a statement that it was rejected and the reason for rejecting it. Each election board officer shall sign the envelope.

~~[(f) In cities where mechanical voting systems are used whereby a vote is cast by punching a card, a superfluous punch into any card does not constitute grounds for rejection of the ballot unless the election board determines that the condition of the ballot justifies its exclusion pursuant to subsection 1.]~~

Sec. 46. NRS 293C.369 is hereby amended to read as follows:

293C.369 1. When counting a vote in an election, if more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.

2. Except as otherwise provided in subsection 1, in an election in which a paper ballot is used whereby a vote is cast by placing a cross in the designated square on the paper ballot, a cross in the designated square must be counted as a vote.

3. ~~[Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by punching a card:~~

~~(a) A chip on the card must be counted as a vote if:~~

~~(1) The chip has at least one corner that is detached from the card; or~~

~~(2) The fibers of paper on at least one edge of the chip are broken in a way that permits unimpeded light to be seen through the card.~~

~~(b) A writing or other mark on the card, including, without limitation, a cross, check, tear or scratch, may not be counted as a vote. The remaining votes on such a card must be counted unless the ballot is otherwise disqualified.~~

~~4.]~~ Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.

~~[5.]~~ ***4.*** The Secretary of State:

(a) May adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2 ~~[, 3 or 4,]~~ ***or 3;*** and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2 ~~[, 3 or 4,]~~ ***or 3,*** including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Sec. 47. NRS 293C.375 is hereby amended to read as follows:

293C.375 If paper ballots ~~[or ballots which are voted by punching a card]~~ are used:

1. After the tally lists have been completed, the voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the city clerk.

2. The other pollbooks, tally lists and ***the*** election board register must be returned to the city clerk.

Sec. 48. NRS 293C.385 is hereby amended to read as follows:

293C.385 1. After 8 a.m. on election day, the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw from the appropriate ballot boxes or containers all the ballots received the previous day and determine whether each box or container has the required number of ballots according to the city clerk's absent voters' ballot record.

2. If any absent ballots are received by the city clerk on election day pursuant to NRS 293C.317, the city clerk shall deposit the absent ballots in the appropriate ballot boxes or containers.

3. After 8 a.m. on election day, the appropriate board shall count in public the votes cast on the absent ballots.

4. If paper ballots are used, the results of the absent ballot vote in each precinct must be certified and submitted to the city clerk, who shall have the results added to the regular votes of the precinct. ~~[If a mechanical voting system is used in which a voter casts his ballot by punching a card that is counted by a computer, the absent ballots may be counted with the regular votes of the precinct.]~~ The returns of absent ballots must be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of a voter's ballot. The city clerks shall develop a procedure to ensure that each ballot is kept secret.

5. Any person who disseminates to the public information relating to the count of absent ballots before the polls close is guilty of a misdemeanor.

Sec. 49. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. Before ~~*[Not later than 10 days before]*~~ the period for early voting ~~[, but not later than 10 days before]~~ ***for*** ~~[an]~~ ***any*** election ~~[,]~~ ***begins,*** the city clerk shall cause to be mailed to each registered voter in the city a sample ballot for his precinct **,** with a notice informing the voter of the location of his polling place. If the location of the polling place has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before mailing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

2. Except as otherwise provided in subsection 3, a sample ballot required to be mailed pursuant to this section must:

(a) Be printed in at least 12-point type;

(b) Include the fiscal note and explanation, as required pursuant to NRS 293.481 or 293.482, of each citywide measure and advisory question, including arguments for and against it; and

(c) Include on the front page, in a separate box created by bold lines, a notice printed in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

3. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

4. The sample ballot mailed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be printed in at least 14-point type, or larger when practicable.

5. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots mailed to that person from the city are in large type.

6. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his polling place and provide reasonable assistance to the voter in casting his vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his ballot at such a centralized voting location rather than at his regularly designated polling place.

7. The cost of mailing sample ballots for a city election must be borne by the city holding the election.

Sec. 50. NRS 293C.620 is hereby amended to read as follows:

293C.620 1. At each election a member of the election board for a precinct shall issue each voter a ballot.

2. If a mechanical voting system is used in a primary city election whereby votes are directly recorded electronically, a member of the election board shall, in addition to the ballot described in subsection 1, issue the voter a voting receipt.

3. The member of the election board shall ~~[:~~

~~(a) Direct]~~ ***direct*** the voter to a mechanical recording device containing a list of offices and candidates **.** ~~[; or~~

~~(b) Issue a ballot attached to a sheet of foam plastic or similar backing material, a punching instrument, a sample ballot and an instruction sheet to the voter and instruct him to punch his ballot by reference to the sample ballot.]~~

Sec. 51. NRS 293C.630 is hereby amended to read as follows:

293C.630 1. Upon closing of the polls, the election board shall:

(a) Secure all mechanical recording devices against further voting.

(b) ~~[If a mechanical voting system is used whereby votes are cast by punching a card:~~

~~(1) Count the number of ballots in the ballot boxes.~~

~~(2) Account for all ballots on the statement of ballots.~~

~~(3) Place all official ballots, the ballot statement and any other records, reports and materials as directed by the city clerk into the container provided by him to transport those items to a central counting place and seal the container.~~

~~(c)]~~ If a mechanical voting system is used whereby votes are directly recorded electronically:

(1) Ensure that each mechanical recording device:

(I) Provides a record printed on paper of the total number of votes recorded on the device for each candidate and for or against each measure; and

(II) Transfers the ballots voted on that device to the storage device required pursuant to NRS 293B.084.

(2) Count the number of ballots voted at the polling place.

(3) Account for all ballots on the statement of ballots.

(4) Place all records printed on paper provided by the mechanical recording devices, all storage devices which store the ballots voted on the mechanical recording devices, and any other records, reports and materials as directed by the city clerk into the container provided by him to transport those items to a central counting place and seal the container.

~~[(d)]~~ ***(c)*** Record the number of voters on a form provided by the city clerk.

2. If a difference exists between the number of voters and the number of ballots voted, the election board shall report the difference and any known reasons for the difference, in writing, to the city clerk.

3. After closing the polls, the election board shall:

(a) Compare the quantity of the supplies furnished by the city clerk with the inventory of those supplies; and

(b) Note any shortages.

4. The city clerk shall allow members of the general public to observe the handling of the ballots pursuant to subsection 1 if those members do not interfere with the handling of the ballots.

Sec. 52. NRS 293C.645 is hereby amended to read as follows:

293C.645 The central ballot inspection board shall:

1. Receive the ballots in sealed containers.

2. Inspect the containers, record the number indicated on each container and its seal pursuant to NRS 293.462 and remove the ballots or storage devices that store the ballots voted on mechanical recording devices that directly record votes electronically.

3. Register the numbers of ballots by precinct.

4. Deliver any damaged ballots to the ballot duplicating board **.** ~~[, if the ballots were voted by punching a card.]~~

5. Receive duplicates of damaged ballots from the ballot duplicating board and place the duplicates with the voted ballots of the appropriate precinct **.** ~~[, if the ballots were voted by punching a card.]~~

6. Place each damaged original ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct **.** ~~[, if the ballot was voted by punching a card.]~~

7. Reject any ballot that has been marked in a way that identifies the voter.

8. Place each rejected ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the board's rejection of the ballot **.** ~~[, if the ballot was voted by punching a card.]~~

Sec. 53. NRS 293C.655 is hereby amended to read as follows:

293C.655 ~~[If ballots that are voted by punching a card are used, the]~~ ***The*** ballot duplicating board shall:

1. Receive damaged ballots, including ballots that have been torn, bent or mutilated.

2. ~~[Receive cards with incompletely punched chips.~~

~~3.]~~ Prepare on a distinctly colored, serially numbered ballot marked "duplicate" an exact copy of each damaged ballot.

~~[4. In the case of a card with an incompletely punched chip:~~

~~(a) Remove the incompletely punched chip if:~~

~~(1) The chip has at least one corner that is detached from the card; or~~

~~(2) The fibers of paper on at least one edge of the chip are broken in a way that permits unimpeded light to be seen through the card; or~~

~~(b) Duplicate the card without punching the location of the incompletely punched chip if:~~

~~(1) The chip does not have at least one corner that is detached from the card; and~~

~~(2) The fibers of paper on no edge of the chip are broken in a way that permits unimpeded light to be seen through the card.~~

~~5.]~~ ***3.*** Record the serial number of the duplicate ballot on the damaged original ballot and return the damaged and duplicate ballots to the appropriate ballot inspection board.

~~[6.]~~ ***4.*** Hold aside the duplicated ballots for counting after all other ballots are counted if this procedure is directed by the city clerk.

Sec. 54. NRS 294A.005 is hereby amended to read as follows:

294A.005 "Candidate" means any person:

1. Who files a declaration of candidacy;

2. Who files an acceptance of candidacy;

3. Whose name appears on an official ballot at any election; or

4. Who has received contributions in excess of $100 ~~[.]~~ ***, regardless of whether:***

(a) The person has filed a declaration of candidacy or an acceptance of candidacy; or

(b) The name of the person appears on an official ballot at any election.

Sec. 55. NRS 295.056 is hereby amended to read as follows:

295.056 1. Before a petition for initiative or referendum is filed with the Secretary of State, the petitioners must submit to each county clerk for verification pursuant to NRS 293.1276 to 293.1279, inclusive, the document or documents which were circulated for signature within his county. The clerks shall give the person submitting a document or documents a receipt stating the number of documents and pages and the person's statement of the number of signatures contained therein.

2. If a petition for initiative proposes a statute or an amendment to a statute, the document or documents must be submitted not later than the second Tuesday in November of an even-numbered year.

3. If a petition for initiative proposes an amendment to the Constitution, the document or documents must be submitted not later than the third Tuesday in June of an even-numbered year.

4. If the petition is for referendum, the document or documents must be submitted not later than the third Tuesday in May of an even-numbered year.

5. All documents which are submitted to a county clerk for verification must be submitted at the same time. ***If documents concerning the same petition are submitted for verification to more than one county clerk, the documents must be submitted to each county clerk on the same day.***

Sec. 56. NRS 217.468 is hereby amended to read as follows:

217.468 1. Except as otherwise provided in subsections 2 and 3, the Secretary of State shall cancel the fictitious address of a participant 4 years after the date on which the Secretary of State approved the application.

2. The Secretary of State shall not cancel the fictitious address of a participant if, before the fictitious address of the participant is cancelled, the participant shows to the satisfaction of the Secretary of State that the participant remains in imminent danger of becoming a victim of domestic violence, sexual assault or stalking.

3. The Secretary of State may cancel the fictitious address of a participant at any time if:

(a) The participant changes his confidential address from the one listed in the application and fails to notify the Secretary of State within 48 hours after the change of address; ~~[or]~~

(b) The Secretary of State determines that false or incorrect information was knowingly provided in the application ~~[.]~~ ***; or***

(c) The participant files a declaration or acceptance of candidacy pursuant to NRS 293.177 or 293C.185.

Sec. 57. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.050, 176.485, 179.310, 212.040, 212.050,

212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235;

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 ~~[, 213.153 and 293B.210,]~~ ***and 213.153,***

➥ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims; and

(d) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board.

Sec. 58. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235;

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 ~~[, 213.153 and 293B.210,]~~ ***and 213.153,***

➥ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims; and

(d) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board.

Sec. 59. NRS 293B.160 and 293B.210 are hereby repealed.

Sec. 60. 1. This section, sections 1 to 57, inclusive, and 59 of this act become effective upon passage and approval.

2. Section 57 of this act expires by limitation upon enactment of the Interstate Compact for Juveniles into law by the 35th jurisdiction.

3. Section 58 of this act becomes effective upon enactment of the Interstate Compact for Juveniles into law by the 35th jurisdiction.

TEXT OF REPEALED SECTIONS

293B.160 Test program and card deck to be used for certain mechanical voting systems at election. If a mechanical voting system is used whereby votes are cast by punching a card, the computer program and the program card deck used for the test prescribed by NRS 293B.150 must be used to count those ballots which were voted by punching a card for the election.

293B.210 Clerk to furnish lists of candidates and measures to be voted on at election; Secretary of State to provide to or reimburse county for cards used in elections.

1. If a mechanical voting system is used whereby a vote is cast by punching a card, the county or city clerk shall furnish sufficient lists of offices and candidates and the statements of measures to be voted on for the mechanical recording devices used at any election.

2. The Secretary of State shall provide to or reimburse each county for all cards used in each primary or general election. Any reimbursement must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.

Assemblywoman Koivisto moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:05 p.m.

ASSEMBLY IN SESSION

At 12:19 p.m.

Madam Speaker presiding.

Quorum present.

Assembly Bill No. 535.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 243.

AN ACT relating to gaming; revising the provisions governing which persons are required to register as gaming employees; providing that foreign limited-liability companies and foreign limited partnerships may obtain state gaming licenses; revising the provisions governing the acquisition or disposition of certain interests in **certain corporations,** limited-liability companies and limited partnerships; prohibiting certain acts involving counterfeit wagering instruments and counterfeit promotional items; making various other changes pertaining to gaming; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Gaming Control Board is required to maintain and make available to every licensee a list of persons who have been denied a license, been found unsuitable or had a license or finding of suitability revoked by the Nevada Gaming Commission. (NRS 463.165, 463.167, 463.645) Sections 1, 5, 6 and 22 of this bill reorganize the provisions pertaining to that list and provide that a person whose name is on the list may apply to have his name removed from the list no earlier than 5 years after his license was denied, he was found unsuitable or his license or finding of suitability was revoked.

Independent agents who reside in Nevada are currently required to register as independent agents pursuant to the regulations adopted by the Nevada Gaming Commission and are additionally required to register as gaming employees pursuant to statute, whereas independent agents who reside outside Nevada are required only to register as independent agents. (NRS 463.335; Regulation 25 of the Nevada Gaming Commission) Sections ~~[1-5]~~ **2-4, 7 and 8** of this bill remove the requirement that independent agents who reside in Nevada must register as gaming employees. Section ~~[1]~~ 2 also provides that persons involved in the process of registration of gaming

employees and persons directly involved in the manufacture, repair or distribution of gaming devices and other systems and equipment must be registered as gaming employees.

Section 9 of this bill revises the existing provisions pertaining to disputes involving patrons and licensees to make those provisions apply to the award or distribution of cash, prizes, benefits, tickets or any other item or items in a game, tournament, contest, drawing, promotion or similar activity or event. (NRS 463.362)

Sections ~~[6-8, 10 and 13]~~ **10-12, 15 and 18** of this bill revise existing law to allow foreign limited-liability companies and limited partnerships to obtain state gaming licenses. (NRS 463.564, 463.5731)

Sections ~~[9, 11, 12, 14 and 15]~~ **13, 14, 16, 17, 19 and 20** of this bill require holding companies **and intermediary companies** for **certain corporations,** limited-liability companies and limited partnerships to seek administrative approval for the acquisition or disposition of certain interests in such entities. Existing law is also amended to provide that such acquisitions or dispositions are void if not approved as required, rather than ineffective. (NRS 463.5665, 463.567, 463.57325, 463.5733)

Existing law provides that each person who acquires, directly or indirectly, beneficial ownership of any voting security in a publicly traded corporation which is registered with the Commission may be required to be found suitable if the Commission has reason to believe that his acquisition of that ownership would otherwise be inconsistent with the declared policy of this State. (NRS 463.643) Section 21 of this bill provides that a person may also be required to be found suitable if the person acquires beneficial or record ownership of any non-voting security in such a corporation.

Section ~~[16]~~ **22** of this bill makes the provisions concerning unsuitable and unlicensed persons associated with certain business entities consistent with other statutory provisions by expressly stating that such persons may not receive remuneration, enter into a contract or be employed by any licensee or affiliate of a licensee. (NRS 463.165, 463.166, 463.645)

Sections ~~[17]~~ **23** and ~~[19]~~ **25** of this bill provide that persons in Nevada may place pari-mutuel wagers on horse racing in other states and foreign countries where such wagering is legal.

Section ~~[18]~~ **24** of this bill amends the existing prohibition against the use of counterfeit wagering instruments to make unlawful the possession, sale or manufacture of such counterfeit wagering instruments. (NRS 465.080) Section ~~[18]~~ **24** also prohibits the possession, use, sale or manufacture of counterfeit promotional items.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Board shall maintain and make available to every licensee a complete and current list containing the names of every person who has been denied a license, been found unsuitable or had a license or finding of suitability revoked by the Commission.

2. Any person whose name has been placed on the list maintained by the Board pursuant to subsection 1 may apply, on a form prescribed by the Board, for removal of his name from the list no earlier than 5 years after the date on which the person was denied a license, found unsuitable or had a license or finding of suitability revoked by the Commission.

~~[Section 1.]~~ ***Sec. 2.*** NRS 463.0157 is hereby amended to read as follows:

463.0157 1. "Gaming employee" means any person connected directly with an operator of a slot route, the operator of a pari-mutuel system, the operator of an inter-casino linked system or a manufacturer, distributor or disseminator, or with the operation of a gaming establishment licensed to conduct any game, 16 or more slot machines, a race book, sports pool or pari-mutuel wagering, including:

(a) Accounting or internal auditing personnel who are directly involved in any recordkeeping or the examination of records associated with revenue from gaming;

(b) Boxmen;

(c) Cashiers;

(d) Change personnel;

(e) Counting room personnel;

(f) Dealers;

(g) Employees of a person required by NRS 464.010 to be licensed to operate an off-track pari-mutuel system;

(h) Employees of a person required by NRS 463.430 to be licensed to disseminate information concerning racing;

(i) Employees ~~[of manufacturers or distributors of gaming equipment within this State]~~ whose duties are directly involved with the manufacture, repair or distribution of gaming devices, cashless wagering systems, mobile gaming systems, equipment associated with mobile gaming systems, interactive gaming systems or equipment associated with interactive gaming;

(j) Employees of operators of slot routes who have keys for slot machines or who accept and transport revenue from the slot drop;

(k) Employees of operators of inter-casino linked systems, mobile gaming systems or interactive gaming systems whose duties include the operational or supervisory control of the systems or the games that are part of the systems;

(l) ***Employees whose responsibilities include performing the duties relating to the process of registration of gaming employees that a licensee is required to perform pursuant to the provisions of this chapter and any regulations adopted pursuant thereto;***

(m) Floormen;

~~[(m)]~~ ***(n)*** Hosts or other persons empowered to extend credit or complimentary services;

~~[(n)]~~ ***(o)*** Keno runners;

~~[(o)]~~ ***(p)*** Keno writers;

~~[(p)]~~ ***(q)*** Machine mechanics;

~~[(q)]~~ ***(r)*** Odds makers and line setters;

~~[(r)]~~ ***(s)*** Security personnel;

~~[(s)]~~ ***(t)*** Shift or pit bosses;

~~[(t)]~~ ***(u)*** Shills;

~~[(u)]~~ ***(v)*** Supervisors or managers;

~~[(v)]~~ ***(w)*** Ticket writers; and

~~[(w)]~~ ***(x)*** Employees of a person required by NRS 463.160 to be licensed to operate an information service.

2. "Gaming employee" does not include bartenders, cocktail waitresses or other persons engaged exclusively in preparing or serving food or beverages.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 463.01858 is hereby amended to read as follows:

463.01858 "Registered as a gaming employee" means authorized to be employed as a gaming employee in this State **.** ~~[or to serve as an independent agent.]~~

~~[Sec. 3.]~~ ***Sec. 4.*** NRS 463.01955 is hereby amended to read as follows:

463.01955 "Temporarily registered as a gaming employee" means authorized to be employed as a gaming employee in this State ~~[or serve as an independent agent]~~ from the date of submitting a complete application for registration or renewal of registration for a period not to exceed 120 days following receipt of the complete application by the Board, including classifiable fingerprints, unless otherwise suspended.

Sec. 5. **NRS 463.165 is hereby amended to read as follows:**

463.165 1. Except for persons associated with licensed corporations, limited partnerships or limited-liability companies and required to be licensed pursuant to NRS 463.530, 463.569 or 463.5735, each employee, agent, guardian, personal representative, lender or holder of indebtedness of a gaming licensee who, in the opinion of the Commission, has the power to exercise a significant influence over the licensee's operation of a gaming establishment may be required to apply for a license.

2. A person required to be licensed pursuant to subsection 1 shall apply for a license within 30 days after the Commission requests that he do so.

3. If an employee required to be licensed under subsection 1:

(a) Does not apply for a license within 30 days after being requested to do so by the Commission, and the Commission makes a finding of unsuitability for that reason;

(b) Is denied a license; or

(c) Has his license revoked by the Commission,

➥ the licensee by whom he is employed shall terminate his employment in any capacity in which he is required to be licensed and shall not permit him to exercise a significant influence over the operation of the gaming establishment upon being notified by registered or certified mail of that action.

4. A gaming licensee or an affiliate of the licensee shall not pay to a person whose employment has been terminated pursuant to subsection 3 any remuneration for any service performed in any capacity in which he is required to be licensed, except for amounts due for services rendered before the date of receipt of notice of the action by the Commission. Any contract or agreement for personal services or for the conduct of any activity at the licensed gaming establishment between a gaming licensee or an affiliate of the licensee and a person terminated pursuant to subsection 3 is subject to termination. Every such agreement shall be deemed to include a provision for its termination without liability on the part of the licensee or affiliate upon a finding by the Commission that the person is unsuitable to be associated with a gaming enterprise. Failure expressly to include that condition in the agreement is not a defense in any action brought pursuant to this section to terminate the agreement.

5. A gaming licensee or an affiliate of the licensee shall not, without the prior approval of the Commission, enter into any contract or agreement with a person who is found unsuitable or who is denied a license or whose license is revoked by the Commission, ~~[and whose name has been placed on the list maintained pursuant to subsection 8,]~~ or with any business enterprise that the licensee knows or under the circumstances reasonably should know is under the control of that person after the date of receipt of notice of the action by the Commission. Every contract or agreement for personal services to a gaming licensee or an affiliate or for the conduct of any activity at a licensed gaming establishment shall be deemed to include a provision for its termination without liability on the part of the licensee or affiliate upon a finding by the Commission that the person is unsuitable to be associated with a gaming enterprise. Failure expressly to include such a condition in the agreement is not a defense in any action brought pursuant to this section to terminate the agreement.

6. A gaming licensee or an affiliate of the licensee shall not, without the prior approval of the Commission, employ any person in a capacity for which ~~[he]~~ ***the person*** is required to be licensed, if ~~[he]~~ ***the person*** has been found unsuitable or denied a license, or ~~[whose]~~ ***if his*** license has been revoked by the Commission, ~~[and whose name has been placed on the list maintained pursuant to subsection 8,]~~ after the date of receipt of notice of the action by the Commission. Every contract or agreement for employment with a gaming licensee or an affiliate shall be deemed to include a provision for its termination without liability on the part of the licensee or affiliate upon a finding by the Commission that the person is unsuitable to be associated with a gaming enterprise. Failure to expressly include such a condition in the

agreement is not a defense in any action brought pursuant to this section to terminate the agreement.

7. As used in this section, "affiliate" means a person who, directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with a licensee.

~~[8. The Board shall maintain and make available to every licensee a complete and current list containing the names of every person the Commission has denied a license, who has been found unsuitable or who has had a license or finding of suitability revoked. The list must also contain the names of any business organization under the control of any such person known to the Board.]~~

Sec. 6. **NRS 463.167 is hereby amended to read as follows:**

463.167 1. The Commission may determine the suitability, or may require the licensing, of any person who furnishes services or property to a state gaming licensee under any arrangement pursuant to which the person receives payments based on earnings, profits or receipts from gaming. The Commission may require any such person to comply with the requirements of this chapter and with the regulations of the Commission. If the Commission determines that any such person is unsuitable, it may require the arrangement to be terminated.

2. If the premises of a licensed gaming establishment are directly or indirectly owned or under the control of the licensee therein, or of any person controlling, controlled by, or under common control with the licensee, the Commission may, upon recommendation of the Board, require the application of any person for a determination of suitability to be associated with a gaming enterprise if the person:

(a) Does business on the premises of the licensed gaming establishment;

(b) Is an independent agent or does business with a licensed gaming establishment as a ticket purveyor, a tour operator, the operator of a bus program, or as the operator of any other type of casino travel program or promotion; or

(c) Provides any goods or services to the licensed gaming establishment for a compensation which the Board finds to be grossly disproportionate to the value of the goods or services.

3. If the Commission determines that the person is unsuitable to be associated with a gaming enterprise, the association must be terminated. Any agreement which entitles a business other than gaming to be conducted on the premises, or entitles a person other than gaming to conduct business with the licensed gaming establishment as set forth in paragraph (b) or (c) of subsection 2, is subject to termination upon a finding of unsuitability of the person associated therewith. Every such agreement must be deemed to include a provision for its termination without liability on the part of the licensee upon a finding by the Commission that the person associated therewith is unsuitable to be associated with a gaming enterprise. Failure expressly to include that condition in the agreement is not a defense in any

action brought pursuant to this section to terminate the agreement. If the application is not presented to the board within 30 days following demand or the unsuitable association is not terminated, the Commission may pursue any remedy or combination of remedies provided in this chapter.

~~[4. The name of any person determined to be unsuitable pursuant to this section must be included on the list required pursuant to subsection 8 of NRS 463.165.]~~

~~[Sec. 4.]~~ ***Sec. 7.*** NRS 463.335 is hereby amended to read as follows:

463.335 1. The Legislature finds that, to protect and promote the health, safety, morals, good order and general welfare of the inhabitants of the State of Nevada and to carry out the policy declared in NRS 463.0129, it is necessary that the Board:

(a) Ascertain and keep itself informed of the identity, prior activities and present location of all gaming employees ~~[and independent agents]~~ in the State of Nevada; and

(b) Maintain confidential records of such information.

2. ~~[Except as otherwise provided in subsection 4, a]~~ ***A*** person may not be employed as a gaming employee ~~[or serve as an independent agent]~~ unless he is temporarily registered or registered as a gaming employee pursuant to this section. An applicant for registration or renewal of registration as a gaming employee must file an application for registration or renewal of registration with the Board. Whenever a registered gaming employee, whose registration has not expired, has not been objected to by the Board, or has not been suspended or revoked becomes employed as a gaming employee at another or additional gaming establishment, he must file a change of employment notice within 10 days with the Board. The application for registration and change of employment notice must be filed through the licensee for whom the applicant will commence or continue working as a gaming employee, unless otherwise filed with the Board as prescribed by regulation of the Commission.

3. The Board shall prescribe the forms for the application for registration as a gaming employee and the change of employment notice.

4. ~~[An independent agent is not required to be registered as a gaming employee if he is not a resident of this State and has registered with the Board in accordance with the provisions of the regulations adopted by the Commission.~~

~~5.]~~ A complete application for registration or renewal of registration as a gaming employee or a change of employment notice received by a licensee must be mailed or delivered to the Board within 5 business days ~~[of]~~ ***after*** receipt unless the date is administratively extended by the Chairman of the Board for good cause. A licensee is not responsible for the accuracy or completeness of any application for registration or renewal of registration as a gaming employee or any change of employment notice.

~~[6.]~~ ***5.*** The Board shall immediately conduct an investigation of each person who files an application for registration or renewal of registration as a

gaming employee to determine whether he is eligible for registration as a gaming employee. In conducting the investigation, two complete sets of the applicant's fingerprints must be submitted to the Central Repository for Nevada Records of Criminal History for:

(a) A report concerning the criminal history of the applicant; and

(b) Submission to the Federal Bureau of Investigation for a report concerning the criminal history of the applicant.

➥ The investigation need not be limited solely to consideration of the results of the report concerning the criminal history of the applicant. The fee for processing an application for registration or renewal of registration as a gaming employee may be charged only to cover the actual investigative and administrative costs related to processing the application and the fees charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation to process the fingerprints of an applicant pursuant to this subsection.

~~[7.]~~ ***6.*** Upon receipt of a change of employment notice, the Board may conduct any investigations of the gaming employee that the Board deems appropriate to determine whether the gaming employee may remain registered as a gaming employee. The filing of a change of employment notice constitutes an application for registration as a gaming employee, and if the Board, after conducting its investigation, suspends or objects to the continued registration of the gaming employee, the provisions of subsections ~~[11 to 17,]~~ ***10 to 16,*** inclusive, apply to such suspension by or objection of the Board. No fee may be charged by the Board to cover the actual investigative and administrative costs related to processing a change of employment notice.

~~[8.]~~ ***7.*** Except as otherwise prescribed by regulation of the Commission, an applicant for registration or renewal of registration as a gaming employee is deemed temporarily registered as a gaming employee as of the date a complete application for registration or renewal of registration is submitted to the licensee for which he will commence or continue working as a gaming employee. Unless objected to by the Board or suspended or revoked, the initial registration of an applicant as a gaming employee expires 5 years after the date employment commences with the applicable licensee **.** ~~[or, in the case of an independent agent, 5 years after the date he contracts with an applicable licensee.]~~ Any subsequent renewal of registration as a gaming employee, unless objected to by the Board or suspended or revoked, expires 5 years after the expiration date of the most recent registration or renewal of registration of the gaming employee.

~~[9.]~~ ***8.*** If, within 120 days after receipt by the Board of a complete application for registration or renewal of registration as a gaming employee, including classifiable fingerprints, or a change of employment notice, the Board has not notified the applicable licensee of any suspension or objection, the applicant shall be deemed to be registered as a gaming employee. A

complete application for registration or renewal of registration as a gaming employee is composed of:

(a) The fully completed form for application for registration as a gaming employee prescribed in subsection 3;

(b) Two complete sets of the fingerprints of the applicant, unless directly forwarded electronically or by another means to the Central Repository for Nevada Records of Criminal History;

(c) The fee for processing the application for registration or renewal of registration as a gaming employee prescribed by the Board pursuant to subsection ~~[6,]~~ ***5,*** unless otherwise prescribed by regulation of the Commission; and

(d) A completed statement as prescribed in subsections 1 and 2 of NRS 463.3351.

➥ If the Board determines after receiving an application for registration or renewal of registration as a gaming employee that the application is incomplete, the Board may suspend the temporary registration as a gaming employee of the applicant who filed the incomplete application. An applicant whose temporary registration is suspended shall not be eligible to work as a gaming employee until such time as he files a complete application.

~~[10.]~~ ***9.*** A person who is temporarily registered or registered as a gaming employee is eligible for employment in any licensed gaming establishment in this State until such registration is objected to by the Board, expires or is suspended or revoked. The Commission shall adopt regulations to:

(a) Establish uniform procedures for the registration of gaming employees;

(b) Establish uniform criteria for objection by the Board of an application for registration; and

(c) Provide for the creation and maintenance of a system of records that contain information regarding the current place of employment of each person who is registered as a gaming employee and each person whose registration as a gaming employee has expired, was objected to by the Board, or was suspended or revoked. The system of records must be accessible by:

(1) Licensees for the limited purpose of complying with subsection 2; and

(2) The Central Repository for Nevada Records of Criminal History for the limited purpose of complying with NRS 179D.570.

~~[11.]~~ ***10.*** If the Board, within the 120-day period prescribed in subsection ~~[9,]~~ ***8,*** notifies:

(a) The applicable licensee; and

(b) The applicant,

➥ that the Board suspends or objects to the temporary registration of an applicant as a gaming employee, the licensee shall immediately terminate the applicant from employment or reassign him to a position that does not require registration as a gaming employee. The notice of suspension or objection by the Board which is sent to the applicant must include a

statement of the facts upon which the Board relied in making its suspension or objection.

~~[12.]~~ ***11.*** Any person whose application for registration or renewal of registration as a gaming employee has been suspended or objected to by the Board may, not later than 60 days after receiving notice of the suspension or objection, apply to the Board for a hearing. A failure of a person whose application has been objected to or suspended to apply for a hearing within 60 days or his failure to appear at a hearing of the Board conducted pursuant to this section shall be deemed to be an admission that the suspension or objection is well-founded, and the failure precludes administrative or judicial review. At the hearing, the Board shall take any testimony deemed necessary. After the hearing, the Board shall review the testimony taken and any other evidence, and shall, within 45 days after the date of the hearing, mail to the applicant its decision sustaining or reversing the suspension or the objection to the registration of the applicant as a gaming employee.

~~[13.]~~ ***12.*** The Board may suspend or object to the registration of an applicant as a gaming employee for any cause deemed reasonable by the Board. The Board may object to or suspend the registration if the applicant has:

(a) Failed to disclose or misstated information or otherwise attempted to mislead the Board with respect to any material fact contained in the application for registration as a gaming employee;

(b) Knowingly failed to comply with the provisions of this chapter or chapter 463B, 464 or 465 of NRS or the regulations of the Commission at a place of previous employment;

(c) Committed, attempted or conspired to commit any crime of moral turpitude, embezzlement or larceny or any violation of any law pertaining to gaming, or any crime which is inimical to the declared policy of this State concerning gaming;

(d) Committed, attempted or conspired to commit a crime which is a felony or gross misdemeanor in this State or an offense in another state or jurisdiction which would be a felony or gross misdemeanor if committed in this State and which relates to the applicant's suitability or qualifications to work as a gaming employee;

(e) Been identified in the published reports of any federal or state legislative or executive body as being a member or associate of organized crime, or as being of notorious and unsavory reputation;

(f) Been placed and remains in the constructive custody of any federal, state or municipal law enforcement authority; or

(g) Had registration as a gaming employee revoked or committed any act which is a ground for the revocation of registration as a gaming employee or would have been a ground for revoking registration as a gaming employee if the applicant had then been registered as a gaming employee.

➥ If the Board registers or does not suspend or object to the registration of an applicant as a gaming employee, it may specially limit the period for

which the registration is valid, limit the job classifications for which the registered gaming employee may be employed and establish such individual conditions for the renewal and effectiveness of the registration as the Board deems appropriate, including required submission to unscheduled tests for the presence of alcohol or controlled substances. ***If a gaming employee fails to comply with any limitation or condition placed on the effectiveness of his registration as a gaming employee, notwithstanding any other provision of this section, the Board may object to his registration. If the Board objects to his registration, the provisions regarding the continued effectiveness of the registration and the review of the objection set forth in subsections 10 to 16, inclusive, apply, including, without limitation, the requirement to notify the applicable licensee about the objection.***

~~[14.]~~ ***13.*** Any applicant aggrieved by the decision of the Board may, within 15 days after the announcement of the decision, apply in writing to the Commission for review of the decision. Review is limited to the record of the proceedings before the Board. The Commission may sustain, modify or reverse the Board's decision. The decision of the Commission is subject to judicial review pursuant to NRS 463.315 to 463.318, inclusive.

~~[15.]~~ ***14.*** The Chairman of the Board may designate a member of the Board or the Board may appoint a hearing examiner and authorize that person to perform on behalf of the Board any of the following functions required of the Board by this section concerning the registration or renewal of registration of gaming employees:

(a) Conducting a hearing and taking testimony;

(b) Reviewing the testimony and evidence presented at the hearing;

(c) Making a recommendation to the Board based upon the testimony and evidence or rendering a decision on behalf of the Board to sustain or reverse the suspension of or the objection to the registration of an applicant as a gaming employee; and

(d) Notifying the applicant of the decision.

~~[16.]~~ ***15.*** Notice by the Board as provided pursuant to subsections 1 to ~~[15,]~~ ***14,*** inclusive, is sufficient if it is mailed to the applicant's last known address as indicated on the application for registration as a gaming employee or the record of the hearing, as the case may be. The date of mailing may be proven by a certificate signed by an officer or employee of the Board which specifies the time the notice was mailed. The notice shall be deemed to have been received by the applicant 5 days after it is deposited with the United States Postal Service with the postage thereon prepaid.

~~[17.]~~ ***16.*** Except as otherwise provided in this subsection, all records acquired or compiled by the Board or Commission relating to any application made pursuant to this section, all lists of persons registered as gaming employees, all lists of persons suspended or objected to by the Board and all records of the names or identity of persons engaged in the gaming industry in this State are confidential and must not be disclosed except in the proper administration of this chapter or to an authorized law enforcement agency.

Upon receipt of a request from the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.400 for information relating to a specific person who has applied for registration as a gaming employee or is registered as a gaming employee, the Board shall disclose to the Division his social security number, residential address and current employer as that information is listed in the files and records of the Board. Any record of the Board or Commission which shows that the applicant has been convicted of a crime in another state must show whether the crime was a misdemeanor, gross misdemeanor, felony or other class of crime as classified by the state in which the crime was committed. In a disclosure of the conviction, reference to the classification of the crime must be based on the classification in the state where it was committed.

~~[18.]~~ ***17.*** If the Central Repository for Nevada Records of Criminal History, in accordance with the provisions of NRS 179D.570, provides the Board with the name and other identifying information of a registered gaming employee who is not in compliance with the provisions of chapter 179D of NRS, the Board shall notify the person that, unless he provides the Board with verifiable documentation confirming that he is currently in compliance with the provisions of chapter 179D of NRS within 15 days after receipt of such notice, the Board shall, notwithstanding any other provisions of this section, conduct a hearing for the purpose of determining whether the registration of the person as a gaming employee must be suspended for noncompliance with the provisions of chapter 179D of NRS.

~~[19.]~~ ***18.*** Notwithstanding any other provisions of this section, if a person notified by the Board pursuant to subsection ~~[18]~~ ***17*** does not provide the Board, within the 15 days prescribed therein, with verifiable documentation establishing that he is currently in compliance with the provisions of chapter 179D of NRS, the Chairman of the Board shall, within 10 days thereof, appoint a hearing examiner to conduct a hearing to determine whether the person is, in fact, not in compliance with the provisions of chapter 179D of NRS. The hearing examiner shall, within 5 days after the date he is appointed by the Chairman, notify the person of the date of the hearing. The hearing must be held within 20 days after the date on which the hearing examiner is appointed by the Chairman, unless administratively extended by the Chairman for good cause. At the hearing, the hearing examiner may take any testimony deemed necessary and shall render a decision sustaining or reversing the findings of the Central Repository for Nevada Records of Criminal History. The hearing examiner shall notify the person of his decision within 5 days after the date on which the decision is rendered. A failure of a person to appear at a hearing conducted pursuant to this section shall be deemed to be an admission that the findings of the hearing examiner are well-founded.

~~[20.]~~ ***19.*** If, after conducting the hearing prescribed in subsection ~~[19,]~~ ***18,*** the hearing examiner renders a decision that the person who is the subject of the hearing:

(a) Is not in compliance with the provisions of chapter 179D of NRS, the Board shall, notwithstanding any other provisions of this section:

(1) Suspend the registration of the person as a gaming employee;

(2) Notify the person to contact the Central Repository for Nevada Records of Criminal History to determine the actions that he must take to be in compliance with the provisions of chapter 179D of NRS; and

(3) Notify the licensee for which the person is employed as a gaming employee, in the manner prescribed in subsection ~~[21,]~~ ***20,*** that the Board has suspended the registration of the person as a gaming employee and that the licensee must immediately terminate the person from employment or reassign him to a position that does not require registration as a gaming employee.

(b) Is in compliance with the provisions of chapter 179D of NRS, the Board shall notify the person and the Central Repository for Nevada Records of Criminal History, in the manner prescribed in subsection ~~[21,]~~ ***20,*** of the findings of the hearing examiner.

~~[21.]~~ ***20.*** Notice as provided pursuant to subsections ~~[18, 19 and 20]~~ ***17, 18 and 19*** is sufficient if it is mailed to the person's last known address as indicated on the most recent application for registration as a gaming employee or the record of the hearing, or to the person at his place of gaming employment. The date of mailing may be proven by a certificate signed by an officer or employee of the Board which specifies the time the notice was mailed. The notice shall be deemed to have been received by the applicant 5 days after it is deposited with the United States Postal Service with the postage thereon prepaid.

~~[22.]~~ ***21.*** The Board shall remove a suspension entered in accordance with subsection ~~[20]~~ ***19*** and reinstate the registration of a person as a gaming employee upon receipt of verifiable documentation confirming that the person is currently in compliance with the provisions of chapter 179D of NRS.

~~[Sec. 5.]~~ ***Sec. 8.*** NRS 463.337 is hereby amended to read as follows:

463.337 1. If any gaming employee ~~[or independent agent,]~~ who is registered as a gaming employee with the Board ~~[,]~~ is convicted of any violation of this chapter or chapter 463B, 464 or 465 of NRS, or if in investigating an alleged violation of this chapter by any licensee the Commission finds that a registered gaming employee employed by ~~[or a registered independent agent contracting with]~~ the licensee has been guilty of cheating, the Commission shall, after a hearing as provided in NRS 463.310 and 463.312 to 463.3145, inclusive, revoke the registration.

2. The Commission may revoke the registration of a gaming employee ~~[or independent agent]~~ if the Commission finds, after a hearing as provided in NRS 463.310 and 463.312 to 463.3145, inclusive, that the gaming employee ~~[or independent agent]~~ has failed to disclose, misstated or otherwise misled the Board in respect to any fact contained within any

application for registration as a gaming employee or, subsequent to being registered as a gaming employee:

(a) Committed, attempted or conspired to do any of the acts prohibited by this chapter or chapter 463B, 464 or 465 of NRS;

(b) Knowingly possessed or permitted to remain in or upon any licensed premises any cards, dice, mechanical device or any other cheating device whatever, the use of which is prohibited by statute or ordinance;

(c) Concealed or refused to disclose any material fact in any investigation by the Board;

(d) Committed, attempted or conspired to commit larceny or embezzlement against a gaming licensee or upon the premises of a licensed gaming establishment;

(e) Been convicted in any jurisdiction other than Nevada of any offense involving or relating to gambling;

(f) Accepted employment without prior Commission approval in a position for which he could be required to be licensed under this chapter after having been denied a license for a reason involving personal unsuitability or after failing to apply for licensing when requested to do so by the Commission;

(g) Been refused the issuance of any license, permit or approval to engage in or be involved with gaming or pari-mutuel wagering in any jurisdiction other than Nevada, or had any such license, permit or approval revoked or suspended;

(h) Been prohibited under color of governmental authority from being present upon the premises of any gaming establishment or any establishment where pari-mutuel wagering is conducted for any reason relating to improper gambling activities or any illegal act;

(i) Contumaciously defied any legislative investigative committee or other officially constituted bodies acting on behalf of the United States or any state, county or municipality which seeks to investigate crimes relating to gaming, corruption of public officials, or any organized criminal activities; or

(j) Been convicted of any felony or gross misdemeanor, other than one constituting a violation of this chapter or chapter 463B, 464 or 465 of NRS.

3. A gaming employee ~~[or independent agent]~~ whose registration as a gaming employee has been revoked pursuant to this section is entitled to judicial review of the Commission's action in the manner prescribed by NRS 463.315 to 463.318, inclusive.

4. Nothing in this section limits or prohibits the enforcement of NRS 463.165, 463.560, 463.595, 463.637 or 463.645.

Sec. 9. **NRS 463.362 is hereby amended to read as follows:**

463.362 1. Whenever a ~~[licensee and a]~~ patron ***and a licensee, or any person acting on behalf of or in conjunction with a licensee,*** have any dispute ~~[as to alleged]~~ ***which cannot be resolved to the satisfaction of the patron and which involves:***

(a) Alleged winnings, alleged losses or the ***award or distribution of cash, prizes, benefits, tickets or any other item or items in a game, tournament, contest, drawing, promotion or similar activity or event; or***

(b) The manner in which a game ***, tournament, contest, drawing, promotion or similar activity or event*** is conducted,

➥ the licensee ~~[and the patron are unable to resolve the dispute to the satisfaction of the patron and the dispute involves:]~~ ***is responsible for notifying the Board or patron in accordance with the provisions of subsection 2, regardless of whether the licensee is directly or indirectly involved in the dispute.***

2. Whenever a dispute described in subsection 1 involves:

(a) At least $500, the licensee shall immediately notify the Board; or

(b) Less than $500, the licensee shall ~~[inform]~~ ***notify*** the patron of his right to request that the Board conduct an investigation.

~~[➥ The]~~

3. Upon being notified of a dispute, the Board, through an agent, shall conduct whatever investigation it deems necessary and shall determine whether payment should be made.

~~[2.]~~ The agent of the Board shall mail written notice to the Board, the licensee and the patron of his decision resolving the dispute within 30 days after the date the Board first receives notification from the licensee or a request to conduct an investigation from the patron. The failure of the agent to mail notice of his decision within the time required by this subsection does not divest the Board of its exclusive jurisdiction over the dispute.

~~[3.]~~ ***4.*** Failure of the licensee to notify the Board or ~~[inform the]~~ patron as provided in subsection ~~[1]~~ ***2*** is grounds for disciplinary action pursuant to NRS 463.310 to 463.3145, inclusive.

~~[4.]~~ ***5.*** The decision of the agent of the Board is effective on the date the aggrieved party receives notice of the decision. Notice of the decision shall be deemed sufficient if it is mailed to the last known address of the licensee and patron. The date of mailing may be proven by a certificate signed by an officer or employee of the Board which specifies the time the notice was mailed. The notice shall be deemed to have been received by the licensee or the patron 5 days after it is deposited with the United States Postal Service with the postage thereon prepaid.

~~[Sec. 6.]~~ ***Sec. 10.*** NRS 463.4862 is hereby amended to read as follows:

463.4862 "Limited-liability company" means a limited-liability company organized and existing pursuant to the provisions of chapter 86 of NRS ~~[.]~~ ***or formed under the laws of any jurisdiction other than this State.***

~~[Sec. 7.]~~ ***Sec. 11.*** NRS 463.4864 is hereby amended to read as follows:

463.4864 "Limited partnership" means a partnership formed by two or more persons pursuant to the terms of chapter 88 of NRS ~~[,]~~ ***or the laws of***

any state other than this State, having as members one or more general partners and one or more limited partners.

~~[Sec. 8.]~~ ***Sec. 12.*** NRS 463.4865 is hereby amended to read as follows:

463.4865 "Limited partnership interest" means the right of a general or limited partner to receive from a limited partnership:

1. A share of the profits;

2. Any other compensation by way of income; or

3. A return of any or all of his contribution to capital of the limited partnership,

➥ or the right to exercise any of the rights or powers provided in chapter 88 of NRS ~~[,]~~ ***or the laws of any state other than this State,*** whether directly or indirectly.

~~[Sec. 9.]~~ ***Sec. 13.*** NRS 463.505 is hereby amended to read as follows:

463.505 1. The purported granting of an option to purchase any security issued by a corporation, other than a publicly traded corporation, which holds a state gaming license ~~[,]~~ ***or which is a holding company or an intermediary company for an entity that holds a state gaming license*** or the purported sale, assignment, transfer, pledge or other disposition of an existing option to acquire such a security is void unless administratively approved in advance by the Chairman of the Board.

2. A request for administrative approval pursuant to subsection 1 must:

(a) Be made on forms approved by the Chairman of the Board; and

(b) To the extent consistent with this section, be considered in all respects as an application.

3. The Chairman of the Board may refer a request for administrative approval to the Board and Commission for consideration or deny the request for administrative approval for any reasonable cause. A denial may be submitted for review by the Board and Commission in the manner set forth by the regulations of the Commission pertaining to the review of administrative approval decisions.

4. The Commission, upon recommendation by the Board, may require a person to apply for a finding of suitability to hold an option to purchase such a security.

Sec. 14. **NRS 463.510 is hereby amended to read as follows:**

463.510 1. The purported sale, assignment, transfer, pledge, exercise of an option to purchase or other disposition of any security issued by a corporation, other than a publicly traded corporation, which holds a state gaming license ***or which is a holding company or an intermediary company for an entity that holds a state gaming license*** is void unless approved in advance by the Commission.

2. If at any time the Commission finds that an individual owner of any such security is unsuitable to continue as a gaming licensee in this state, the owner shall immediately offer the security to the issuing corporation for

purchase. The corporation shall purchase the security so offered, for cash at fair market value, within 10 days after the date of the offer.

3. Beginning upon the date when the Commission serves notice of a determination of unsuitability pursuant to subsection 2 upon the corporation, it is unlawful for the unsuitable owner:

(a) To receive any dividend or interest upon any such security;

(b) To exercise, directly or through any trustee or nominee, any voting right conferred by such security; or

(c) To receive any remuneration in any form from the corporation, for services rendered or otherwise.

4. Every security issued by a corporation, other than a publicly traded corporation, which holds a state gaming license must bear a statement, on both sides of the certificate evidencing the security, of the restrictions imposed by this section.

~~[Sec. 10.]~~ ***Sec. 15.*** NRS 463.564 is hereby amended to read as follows:

463.564 In order to be eligible to receive a state gaming license, a limited partnership shall:

1. ~~[Be formed under the laws of this State;~~

~~2.]~~ Maintain an office of the limited partnership on the licensed premises;

~~[3.]~~ ***2.*** Comply with all of the requirements of the laws of this State pertaining to limited partnerships; and

~~[4.]~~ ***3.*** Maintain a ledger in the principal office of the limited partnership in this State, which must:

(a) At all times reflect the ownership of all interests in the limited partnership; and

(b) Be available for inspection by the Board, Commission and their authorized agents, at all reasonable times without notice.

~~[Sec. 11.]~~ ***Sec. 16.*** NRS 463.5665 is hereby amended to read as follows:

463.5665 1. The purported granting of an option to purchase any interest in a limited partnership which holds a state gaming license ***or which is a holding company or an intermediary company for an entity that holds a state gaming license*** or the purported sale, assignment, transfer, pledge or other disposition of an existing option to acquire such an interest is ~~[ineffective]~~ ***void*** unless administratively approved in advance by the Chairman of the Board.

2. A request for administrative approval pursuant to subsection 1 must:

(a) Be made on forms approved by the Chairman of the Board; and

(b) To the extent consistent with this section, be considered in all respects as an application.

3. The Chairman of the Board may refer a request for administrative approval to the Board and Commission for consideration or deny the request for administrative approval for any reasonable cause. A denial may be

submitted for review by the Board and Commission in the manner set forth by the regulations of the Commission pertaining to the review of administrative approval decisions.

4. The Commission, upon recommendation by the Board, may require a person to apply for a finding of suitability to hold an option to purchase such an interest.

~~[Sec. 12.]~~ ***Sec. 17.*** NRS 463.567 is hereby amended to read as follows:

463.567 1. The purported sale, assignment, transfer, pledge, exercise of an option to purchase, or other disposition of any interest in a limited partnership which holds a state gaming license ***or which is a holding company or an intermediary company for an entity that holds a state gaming license*** is ~~[ineffective]~~ ***void*** unless approved in advance by the Commission.

2. If at any time the Commission finds that an individual owner of any such interest is unsuitable to hold that interest, the Commission shall immediately notify the limited partnership of that fact. The limited partnership shall, within 10 days ~~[from]~~ ***after*** the date that it receives the notice from the Commission, return to the unsuitable owner, in cash, the amount of his capital account as reflected on the books of the partnership.

3. Beginning on the date when the Commission serves notice of a determination of unsuitability pursuant to subsection 2 upon the limited partnership, it is unlawful for the unsuitable owner:

(a) To receive any share of the profits or interest upon any limited partnership interest;

(b) To exercise, directly or through any trustee or nominee, any voting right conferred by such interest; or

(c) To receive any remuneration in any form from the limited partnership, for services rendered or otherwise.

4. The certificate of limited partnership of any limited partnership holding a state gaming license must contain a statement of the restrictions imposed by this section.

~~[Sec. 13.]~~ ***Sec. 18.*** NRS 463.5731 is hereby amended to read as follows:

463.5731 In order to be eligible to receive a license, a limited-liability company must:

1. ~~[Be formed under the laws of this State;~~

~~2.]~~ Maintain an office of the limited-liability company on the licensed premises;

~~[3.]~~ ***2.*** Comply with all of the requirements of the laws of this State pertaining to limited-liability companies; and

~~[4.]~~ ***3.*** Maintain a ledger in the principal office of the limited-liability company in this State, which must:

(a) At all times reflect the ownership of all interests in the limited-liability company; and

(b) Be available for inspection by the Board, Commission and their authorized agents, at all reasonable times without notice.

~~[Sec. 14.]~~ ***Sec. 19.*** NRS 463.57325 is hereby amended to read as follows:

463.57325 1. The purported granting of an option to purchase any interest in a limited-liability company which holds a state gaming license ***or which is a holding company or an intermediary company for an entity that holds a state gaming license*** or the purported sale, assignment, transfer, pledge or other disposition of an existing option to acquire such an interest is ~~[ineffective]~~ ***void*** unless administratively approved in advance by the Chairman of the Board.

2. A request for administrative approval pursuant to subsection 1 must:

(a) Be made on forms approved by the Chairman of the Board; and

(b) To the extent consistent with this section, be considered in all respects as an application.

3. The Chairman of the Board may refer a request for administrative approval to the Board and Commission for consideration or deny the request for administrative approval for any reasonable cause. A denial may be submitted for review by the Board and Commission in the manner set forth by the regulations of the Commission pertaining to the review of administrative approval decisions.

4. The Commission, upon recommendation by the Board, may require a person to apply for a finding of suitability to hold an option to purchase such an interest.

~~[Sec. 15.]~~ ***Sec. 20.*** NRS 463.5733 is hereby amended to read as follows:

463.5733 1. The purported sale, assignment, transfer, pledge, exercise of an option to purchase **,** or other disposition of any interest in a limited-liability company which holds a state gaming license ***or which is a holding company or an intermediary company for an entity that holds a state gaming license*** is ~~[ineffective]~~ ***void*** unless approved in advance by the Commission.

2. If at any time the Commission finds that a member is unsuitable to hold an interest in a limited-liability company, the Commission shall immediately notify the limited-liability company of that fact. The limited-liability company shall, within 10 days after it receives the notice from the Commission, return to the member, in cash, the amount of his capital account as reflected on the books of the company.

3. Except as otherwise provided in subsection 2, beginning on the date when the Commission serves notice of a determination of unsuitability pursuant to subsection 2 upon the limited-liability company, it is unlawful for the unsuitable member:

(a) To receive any share of the distribution of profits of the limited-liability company or any payments upon dissolution of the company;

(b) To exercise any voting right conferred by the member's interest in the limited-liability company;

(c) To participate in the management of the limited-liability company; or

(d) To receive any remuneration in any form from the limited-liability company, for services rendered or otherwise.

4. The articles of organization of any limited-liability company holding a state gaming license must contain a statement of the restrictions imposed by this section.

Sec. 21. **NRS 463.643 is hereby amended to read as follows:**

463.643 1. Each person who acquires, directly or indirectly [, ~~beneficial~~] **:**

(a) Beneficial ownership of any voting security **; *or***

(b) Beneficial or record ownership of any nonvoting security,

in a publicly traded corporation which is registered with the Commission may be required to be found suitable if the Commission has reason to believe that his acquisition of that ownership would otherwise be inconsistent with the declared policy of this state.

2. Each person who acquires, directly or indirectly, beneficial ***or record*** ownership of any debt security in a publicly traded corporation which is registered with the Commission may be required to be found suitable if the Commission has reason to believe that his acquisition of the debt security would otherwise be inconsistent with the declared policy of this state.

3. Each person who, individually or in association with others, acquires, directly or indirectly, beneficial ownership of more than 5 percent of any class of voting securities of a publicly traded corporation registered with the Nevada Gaming Commission, and who is required to report, or voluntarily reports, the acquisition to the Securities and Exchange Commission pursuant to section 13(d)(1), 13(g) or 16(a) of the Securities Exchange Act of 1934, as amended, 15 U.S.C. §§ 78m(d)(1), 78m(g) and 78p(a), respectively, shall file a copy of that report, and any amendments thereto, with the Nevada Gaming Commission within 10 days after filing that report with the Securities and Exchange Commission.

4. Each person who, individually or in association with others, acquires, directly or indirectly, the beneficial ownership of more than 10 percent of any class of voting securities of a publicly traded corporation registered with the Commission, or who is required to report, or voluntarily reports, such acquisition pursuant to section 13(d)(1), 13(g) or 16(a) of the Securities Exchange Act of 1934, as amended, 15 U.S.C. §§ 78m(d)(1), 78m(g) and 78p(a), respectively, shall apply to the Commission for a finding of suitability within 30 days after the Chairman of the Board mails the written notice.

5. A person who acquires ~~[beneficial]~~ ***, directly or indirectly:***

(a) Beneficial ownership of any voting security **;** or

(b) Beneficial or record ownership of any nonvoting security or debt security **.**

➥ in a publicly traded corporation created under the laws of a foreign country which is registered with the Commission shall file such reports and is subject to such a finding of suitability as the Commission may prescribe.

6. Any person required by the Commission or by this section to be found suitable shall:

(a) Except as otherwise required in subsection 4, apply for a finding of suitability within 30 days after the Commission requests that he do so; and

(b) Together with the application, deposit with the Board a sum of money which, in the opinion of the Board, will be adequate to pay the anticipated costs and charges incurred in the investigation and processing of the application, and deposit such additional sums as are required by the Board to pay final costs and charges.

7. Any person required by the Commission or this section to be found suitable who is found unsuitable by the Commission shall not hold directly or indirectly the ~~[beneficial]~~ **:**

(a) Beneficial ownership of any voting security **;** or

(b) Beneficial or record ownership of any nonvoting security or debt security **.**

➥ of a publicly traded corporation which is registered with the Commission beyond the time prescribed by the Commission.

8. The violation of subsection 6 or 7 is a gross misdemeanor.

9. As used in this section, "debt security" means any instrument generally recognized as a corporate security representing money owed and reflected as debt on the financial statement of a publicly traded corporation, including, but not limited to, bonds, notes and debentures.

~~[Sec. 16.]~~ ***Sec. 22.*** NRS 463.645 is hereby amended to read as follows:

463.645 ~~[1.]~~ If any person who is required by or pursuant to this chapter to be licensed or found suitable because of his connection with a corporation, partnership, limited partnership, limited-liability company or other business organization holding a license, or a holding company or intermediary company, including a publicly traded corporation, fails to apply for a license or a finding of suitability after being requested to do so by the Commission or is denied a license or a finding of suitability, or if his license or finding of suitability is revoked, ~~[and his name has been placed on the list maintained pursuant to subsection 8 of NRS 463.165,]~~ the corporation, partnership, limited partnership, limited-liability company, business organization, holding company, intermediary company or any person who directly or indirectly controls, is controlled by or is under common control with the corporation, partnership, limited partnership, limited-liability company, business organization, holding company or intermediary company shall not, ***and any licensee or an affiliate of the licensee shall not,*** after receipt of written notice from the Commission:

~~[(a)]~~ ***1.*** Pay him any remuneration for any service relating to the activities of a licensee, except for amounts due for services rendered before

the date of receipt of notice of such action by the Commission. Any contract or agreement for personal services or the conduct of any activity at a licensed gaming establishment between a former employee whose employment was terminated because of failure to apply for a license or a finding of suitability, denial of a license or finding of suitability, or revocation of a license or a finding of suitability, or any business enterprise under the control of that employee and the licensee, holding or intermediary company or registered publicly traded corporation is subject to termination. Every such agreement shall be deemed to include a provision for its termination without liability on the part of the licensee upon a finding by the Commission that the business or any person associated therewith is unsuitable to be associated with a gaming enterprise. Failure expressly to include such a condition in the agreement is not a defense in any action brought pursuant to this section to terminate the agreement.

~~[(b)]~~ ***2.*** Enter into any contract or agreement with him or with a business organization that the licensee knows or under the circumstances reasonably should know is under his control which involves the operations of a licensee, without the prior approval of the Commission.

~~[(c)]~~ ***3.*** Employ him in any position involving the activities of a licensee without prior approval of the Commission.

~~[2. The name of any person who has been denied a license, been found unsuitable or had a license or finding of suitability revoked pursuant to subsection 1 must be included on the list required pursuant to subsection 8 of NRS 463.165.]~~

~~[Sec. 17.]~~ ***Sec. 23.*** NRS 464.020 is hereby amended to read as follows:

464.020 1. The Nevada Gaming Commission is charged with the administration of this chapter for the protection of the public and in the public interest.

2. The Nevada Gaming Commission may issue licenses permitting the conduct of the pari-mutuel system of wagering, including off-track pari-mutuel wagering, and may adopt, amend and repeal regulations relating to the conduct of such wagering.

3. The wagering must be conducted only by the licensee at the times determined by the Nevada Gaming Commission and only:

(a) Within the enclosure wherein the race or other sporting event which is the subject of the wagering occurs; or

(b) Within a licensed gaming establishment which has been approved to conduct off-track pari-mutuel wagering.

➥ This subsection does not prohibit a person licensed to accept, pursuant to regulations adopted by the Nevada Gaming Commission, off-track pari-mutuel wagers from accepting wagers made by wire communication from patrons within the State of Nevada, from other states in which such wagering is legal or from places outside the United States in which such wagering is legal. ***This subsection does not prohibit a patron within the State of Nevada***

from placing off-track pari-mutuel wagers by wire communication in other states in which such wagering is legal or in places outside the United States in which such wagering is legal, if such wagers are placed in compliance with all applicable laws and regulations of the state or place outside the United States.

4. The regulations of the Nevada Gaming Commission may include, without limitation:

(a) Requiring fingerprinting of an applicant or licensee, or other method of identification.

(b) Requiring information concerning an applicant's antecedents, habits and character.

(c) Prescribing the method and form of application which any applicant for a license issued pursuant to this chapter must follow and complete before consideration of his application by the Nevada Gaming Commission.

(d) Prescribing the permissible communications technology and requiring the implementation of border control technology that will ensure that a person cannot place a wager with a race book in this State from another state or another location where placing such a wager is illegal.

5. The Nevada Gaming Commission may appoint an Off-Track Pari-Mutuel Wagering Committee consisting of 11 persons who are licensed to engage in off-track pari-mutuel wagering. If the Commission appoints such a Committee, it shall appoint to the Committee:

(a) Five members from a list of nominees provided by the State Association of Gaming Establishments whose members collectively paid the most gross revenue fees to the State pursuant to NRS 463.370 in the preceding year;

(b) Three members who, in the preceding year, paid gross revenue fees pursuant to NRS 463.370 in an amount that was less than the average amount of gross revenue fees paid by licensees engaged in off-track pari-mutuel wagering in the preceding year; and

(c) Three other members.

➥ If a vacancy occurs in a position on the Committee for any reason, including, but not limited to, termination of a member, the Commission shall appoint a successor member who satisfies the same criteria in paragraph (a), (b) or (c) that applied to the member whose position has been vacated.

6. If the Nevada Gaming Commission appoints an Off-Track Pari-Mutuel Wagering Committee pursuant to subsection 5, the Commission shall:

(a) Grant to the Off-Track Pari-Mutuel Wagering Committee the exclusive right to negotiate an agreement relating to off-track pari-mutuel wagering with:

(1) A person who is licensed or otherwise permitted to operate a wagering pool in another state; and

(2) A person who is licensed pursuant to chapter 464 of NRS as an operator of a system.

(b) Require the Off-Track Pari-Mutuel Wagering Committee to grant to each person licensed pursuant to this chapter to operate an off-track pari-mutuel race pool the right to receive, on a fair and equitable basis, all services concerning wagering in such a race pool that the Committee has negotiated to bring into or provide within this State.

7. The Nevada Gaming Commission shall, and it is granted the power to, demand access to and inspect all books and records of any person licensed pursuant to this chapter pertaining to and affecting the subject of the license.

~~[Sec. 18.]~~ ***Sec. 24.*** NRS 465.080 is hereby amended to read as follows:

465.080 1. It is unlawful for any licensee, employee or other person ***, not a duly authorized employee of a licensee acting in furtherance of his employment within an establishment,*** to ***possess,*** use ***, sell or manufacture*** counterfeit chips, counterfeit debit instruments or other counterfeit wagering instruments in a gambling game, associated equipment or a cashless wagering system.

2. ***It is unlawful for any licensee, employee or other person, not a duly authorized employee of a licensee acting in furtherance of his employment within an establishment, to possess, use, sell or manufacture any counterfeit instruments, counterfeit tickets or other counterfeit items that are used to determine the outcome of any contest or promotional activity conducted by or on behalf of any licensee.***

3. It is unlawful for any person, in playing or using any gambling game, associated equipment or cashless wagering system designed to be played with, receive or be operated by chips, tokens, wagering credits or other wagering instruments approved by the State Gaming Control Board or by lawful coin of the United States of America:

(a) Knowingly to use other than chips, tokens, wagering credits or other wagering instruments approved by the State Gaming Control Board or lawful coin, legal tender of the United States of America, or to use coin or tokens not of the same denomination as the coin or tokens intended to be used in that gambling game, associated equipment or cashless wagering system; or

(b) To use any device or means to violate the provisions of this chapter.

~~[3.]~~ ***4.*** It is unlawful for any person, not a duly authorized employee of a licensee acting in furtherance of his employment within an establishment, to have on his person or in his possession on or off the premises of any licensed gaming establishment any device intended to be used to violate the provisions of this chapter.

~~[4.]~~ ***5.*** It is unlawful for any person, not a duly authorized employee of a licensee acting in furtherance of his employment within an establishment, to have on his person or in his possession on or off the premises of any licensed gaming establishment any key or device known to have been designed for the purpose of and suitable for opening, entering or affecting the operation of any gambling game, cashless wagering system or drop box, or any electronic

or mechanical device connected thereto, or for removing money or other contents therefrom.

~~[5.]~~ ***6.*** It is unlawful for any person ***, not a duly authorized employee of a licensee acting in furtherance of his employment within an establishment,*** to have on his person or in his possession any paraphernalia for manufacturing slugs. As used in this subsection, "paraphernalia for manufacturing slugs" means the equipment, products and materials that are intended for use or designed for use in manufacturing, producing, fabricating, preparing, testing, analyzing, packaging, storing or concealing a counterfeit facsimile of the chips, tokens, debit instruments or other wagering instruments approved by the State Gaming Control Board or a lawful coin of the United States, the use of which is unlawful pursuant to subsection ~~[2.]~~ ***3.*** The term includes, but is not limited to:

(a) Lead or lead alloys;

(b) Molds, forms or similar equipment capable of producing a likeness of a gaming token or United States coin;

(c) Melting pots or other receptacles;

(d) Torches;

(e) Tongs, trimming tools or other similar equipment; and

(f) Equipment which can be reasonably demonstrated to manufacture facsimiles of debit instruments or wagering instruments approved by the State Gaming Control Board.

~~[6.]~~ ***7.*** Possession of more than one of the devices, equipment, products or materials described in this section permits a rebuttable inference that the possessor intended to use them for cheating.

~~[Sec. 19.]~~ ***Sec. 25.*** NRS 465.094 is hereby amended to read as follows:

465.094 The provisions of NRS 465.092 and 465.093 do not apply to a wager placed by a person for his own benefit or, without compensation, for the benefit of another that is accepted or received by, placed with, or sent, transmitted or relayed to:

1. A race book or sports pool that is licensed pursuant to chapter 463 of NRS, if the wager is accepted or received within this State and otherwise complies with all other applicable laws and regulations concerning wagering;

2. A person who is licensed to engage in off-track pari-mutuel wagering pursuant to chapter 464 of NRS, if the wager is accepted or received within this State and otherwise complies with subsection 3 of NRS 464.020 and all other applicable laws and regulations concerning wagering;

3. ***A person who is licensed to accept off-track pari-mutuel horse race wagers in another state in which such wagering is legal or in a place outside the United States in which such wagering is legal, if such wagering complies with all applicable laws and regulations of the state or place outside the United States;***

4. A person who is licensed to operate a mobile gaming system pursuant to chapter 463 of NRS, if the wager is accepted or received within this State

and otherwise complies with all other applicable laws and regulations concerning wagering; or

~~[4.]~~ ***5.*** Any other person or establishment that is licensed to engage in wagering pursuant to title 41 of NRS, if the wager is accepted or received within this State and otherwise complies with all other applicable laws and regulations concerning wagering.

~~[Sec. 20.]~~ ***Sec. 26.*** 1. This section and section ~~[18]~~ 24 of this act become effective upon passage and approval.

2. Sections 1 to ~~[17,]~~ **23,** inclusive, and ~~[19]~~ **25** of this act become effective on July 1, 2007.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 579.

Bill read second time.

The following amendment was proposed by the Select Committee on Corrections, Parole, and Probation:

Amendment No. 379.

AN ACT relating to crimes; revising provisions relating to the registration of and community notification concerning sex offenders and certain offenders convicted of a crime against a child; **providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In 2006, the federal "Adam Walsh Child Protection and Safety Act of 2006" ("the Act") was enacted to protect the public by establishing a comprehensive national system for the registration of sex offenders and offenders against children which includes, without limitation, the establishment of a uniform nationwide system for the registration of and community notification concerning such offenders. (42 U.S.C. §§ 16901 et seq.) In furtherance of this purpose, the Act requires each state to enact laws regarding the registration of and community notification concerning sex offenders and offenders convicted of a crime against a child which conform to the provisions of the Act. (42 U.S.C. § 16912) States which do not enact such laws by the date provided in the Act may not receive certain federal funds. (42 U.S.C. §§ 16924-16925)

Existing law requires all sex offenders and offenders convicted of a crime against a child to register with certain local law enforcement agencies. (NRS 179D.230, 179D.240, 179D.450, 179D.460) Section 27 of this bill adds a new requirement that each such offender register for the first time before he is released from prison or, if he is not imprisoned for the offense, within 3 days after he is sentenced for the offense. Existing law requires an offender to appear in person at a local law enforcement agency to notify the appropriate agencies of any change in his address and to provide updated information to certain agencies. (NRS 179D.250, 179D.470) Section 28 of

this bill expands this duty to apply when there is a change to certain other information contained in an offender's registration record. Existing law requires each offender to mail a verification form to the Central Repository for Nevada Records of Criminal History each year to verify the information in his registration record. (NRS 179D.260, 179D.480) Section 40 of this bill removes this annual requirement and instead requires each offender to appear in person at a local law enforcement agency to register at least once every 90 days, every 180 days or every year, depending on whether the offender is designated as a Tier I, Tier II or Tier III offender.

Existing law provides that, under certain circumstances, an offender may petition for termination of his duty to register. (NRS 179D.270, 179D.490) Section 41 of this bill revises existing law to further restrict which offenders may petition for termination of the duty to register.

Existing law provides for community notification of sex offenders depending upon whether the sex offender is designated as a Tier 1, Tier 2 or Tier 3 sex offender. (NRS 179D.600-179D.800) Such designation is based upon an assessment of the sex offender's risk of recidivism, with Tier 1 sex offenders being the least likely to reoffend and Tier 3 sex offenders being the most likely to reoffend. (NRS 179D.720, 179D.730) The assessment must be conducted in compliance with the guidelines and procedures for community notification established by the Attorney General. Sections 31-42 of this bill revise existing law to require that all sex offenders and offenders convicted of a crime against a child be subject to community notification regardless of their designated tier level. Section 56 of this bill repeals the existing tier levels and the existing laws concerning the guidelines and procedures for community notification established by the Attorney General. (NRS 179D.710, 179D.720, 179D.730) Sections 22-24 of this bill establish three new tiers for registration and community notification for all sex offenders and offenders convicted of a crime against a child. The determination as to which tier level an offender is assigned is based upon the specific crime committed by the offender.

Section 13 of this bill revises provisions regarding the content and format of the community notification website maintained by the Department of Public Safety to ensure compliance with the requirements of federal law. (NRS 179B.250) **Section 10.5 of this bill provides a new criminal penalty, not required by the Act, for any person who uses information obtained from the community notification website to commit a crime.**

The Act provides that the new uniform system of registration and community notification does not apply to certain offenses which involve consensual sexual conduct. Section 46 of this bill amends existing law to exclude such offenses from the new registration and community notification requirements.

The Act prospectively repeals certain provisions of federal law concerning sex offenders who are designated "sexually violent predators." For consistency with the Act, section 56 of this bill repeals existing state laws

which apply to sexually violent predators. (NRS 179D.055, 179D.060, 179D.360, 179D.370, 179D.380, 179D.420, 179D.430, 179D.510, 179D.530) The Act also provides that the new uniform system of registration and community notification applies to juveniles who are at least 14 years of age and who have been adjudicated delinquent for committing certain sexual offenses. Section 56 of this bill repeals certain existing state laws which are inconsistent with such provisions of the federal law. (NRS 62A.050, 62F.210, 62F.230, 62F.240, 62F.250, 179D.800) Sections 16-21 of this bill reenact certain provisions of existing law to restructure chapter 179D of NRS as a result of the changes to the chapter as a result of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 176.0913 is hereby amended to read as follows:

176.0913 1. If a defendant is convicted of an offense listed in subsection 4, the court, at sentencing, shall order that:

(a) The name, social security number, date of birth and any other information identifying the defendant be submitted to the Central Repository for Nevada Records of Criminal History; and

(b) A biological specimen be obtained from the defendant pursuant to the provisions of this section and that the specimen be used for an analysis to determine the genetic markers of the specimen.

2. If the defendant is committed to the custody of the Department of Corrections, the Department of Corrections shall arrange for the biological specimen to be obtained from the defendant. The Department of Corrections shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917.

3. If the defendant is not committed to the custody of the Department of Corrections, the Division shall arrange for the biological specimen to be obtained from the defendant. The Division shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917. Any cost that is incurred to obtain a biological specimen from a defendant pursuant to this subsection is a charge against the county in which the defendant was convicted and must be paid as provided in NRS 176.0915.

4. Except as otherwise provided in subsection 5, the provisions of subsection 1 apply to a defendant who is convicted of:

(a) A category A felony;

(b) A category B felony;

(c) A category C felony involving the use or threatened use of force or violence against the victim;

(d) A crime against a child as defined in ~~[NRS 179D.210;]~~ ***section 16 of this act;***

(e) A sexual offense as defined in ~~[NRS 179D.410;]~~ ***section 21 of this act;***

(f) Abuse or neglect of an older person or a vulnerable person pursuant to NRS 200.5099;

(g) A second or subsequent offense for stalking pursuant to NRS 200.575;

(h) An attempt or conspiracy to commit an offense listed in paragraphs (a) to (g), inclusive;

(i) Failing to register with a local law enforcement agency as a convicted person as required pursuant to NRS 179C.100, if the defendant previously was:

(1) Convicted in this State of committing an offense listed in paragraph (a), (b), (c), (f), (g) or (h); or

(2) Convicted in another jurisdiction of committing an offense that would constitute an offense listed in paragraph (a), (b), (c), (f), (g) or (h) if committed in this State;

(j) Failing to register with a local law enforcement agency after being convicted of a crime against a child as required pursuant to NRS ~~[179D.240;]~~ ***179D.450;*** or

(k) Failing to register with a local law enforcement agency after being convicted of a sexual offense as required pursuant to NRS 179D.450.

5. A court shall not order a biological specimen to be obtained from a defendant who has previously submitted such a specimen for conviction of a prior offense unless the court determines that an additional sample is necessary.

Sec. 2. NRS 176.0923 is hereby amended to read as follows:

176.0923 "Crime against a child" has the meaning ascribed to it in ~~[NRS 179D.210.]~~ ***section 16 of this act.***

Sec. 3. NRS 176.0925 is hereby amended to read as follows:

176.0925 "Sexual offense" has the meaning ascribed to it in ~~[NRS 179D.410.]~~ ***section 21 of this act.***

Sec. 4. NRS 176.0926 is hereby amended to read as follows:

176.0926 1. If a defendant is convicted of a crime against a child, the court shall, following the imposition of a sentence:

(a) Notify the Central Repository of the conviction of the defendant, so the Central Repository may carry out the provisions for registration of the defendant pursuant to NRS ~~[179D.230.]~~ ***179D.450.***

(b) Inform the defendant of the requirements for registration, including, but not limited to:

(1) ***The duty to register initially pursuant to section 27 of this act;***

(2) The duty to register in this State during any period in which he is a resident of this State or a nonresident who is a student or worker within this State and the time within which he is required to register pursuant to NRS ~~[179D.240;]~~ ***179D.450;***

~~[(2)]~~ **(3)** The duty to register in any other jurisdiction during any period in which he is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;

~~[(3)]~~ ***(4)*** If he moves from this State to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction;

~~[(4)]~~ ***(5)*** The duty to notify the local law enforcement agency in whose jurisdiction he formerly resided, in person or in writing, if he changes the address at which he resides, including if he moves from this State to another jurisdiction, or changes the primary address at which he is a student or worker; and

~~[(5)]~~ ***(6)*** The duty to notify immediately the appropriate local law enforcement agency if the defendant is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education or if the defendant is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education.

(c) Require the defendant to read and sign a form ~~[confirming]~~ ***stating*** that the requirements for registration have been explained to him ~~[.]~~ ***and that he understands the requirements for registration.***

2. The failure to provide the defendant with the information or confirmation form required by paragraphs (b) and (c) of subsection 1 does not affect the duty of the defendant to register and to comply with all other provisions for registration pursuant to NRS ~~[179D.200 to 179D.290, inclusive.]~~ ***179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act.***

Sec. 5. NRS 176.0927 is hereby amended to read as follows:

176.0927 1. If a defendant is convicted of a sexual offense, the court shall, following the imposition of a sentence:

(a) Notify the Central Repository of the conviction of the defendant, so the Central Repository may carry out the provisions for registration of the defendant pursuant to NRS 179D.450.

(b) Inform the defendant of the requirements for registration, including, ~~[but not limited to:]~~ **without limitation:**

(1) ***The duty to register initially pursuant to section 27 of this act;***

(2) The duty to register in this State during any period in which he is a resident of this State or a nonresident who is a student or worker within this State and the time within which he is required to register pursuant to NRS 179D.460;

~~[(2)]~~ ***(3)*** The duty to register in any other jurisdiction during any period in which he is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;

~~[(3)]~~ ***(4)*** If he moves from this State to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction;

~~[(4)]~~ ***(5)*** The duty to notify the local law enforcement agency in whose jurisdiction he formerly resided, in person or in writing, if he changes the

address at which he resides, including if he moves from this State to another jurisdiction, or changes the primary address at which he is a student or worker; and

~~[(5)]~~ ***(6)*** The duty to notify immediately the appropriate local law enforcement agency if the defendant is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education or if the defendant is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education.

(c) Require the defendant to read and sign a form stating that the requirements for registration have been explained to him ~~[.]~~ ***and that he understands the requirements for registration.***

2. The failure to provide the defendant with the information or confirmation form required by paragraphs (b) and (c) of subsection 1 does not affect the duty of the defendant to register and to comply with all other provisions for registration pursuant to NRS ~~[179D.350]~~ ***179D.010*** to 179D.550, inclusive ~~[.]~~ ***, and sections 16 to 30, inclusive, of this act.***

Sec. 6. NRS 176.0931 is hereby amended to read as follows:

176.0931 1. If a defendant is convicted of a sexual offense, the court shall include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision.

2. The special sentence of lifetime supervision commences after any period of probation or any term of imprisonment and any period of release on parole.

3. A person sentenced to lifetime supervision may petition the sentencing court or the State Board of Parole Commissioners for release from lifetime supervision. The sentencing court or the Board shall grant a petition for release from a special sentence of lifetime supervision if:

(a) The person has complied with the requirements of the provisions of NRS ~~[179D.350]~~ ***179D.010*** to 179D.550, inclusive ~~[.]~~ ***, and sections 16 to 30, inclusive, of this act;***

(b) The person has not been convicted of an offense that poses a threat to the safety or well-being of others for an interval of at least 10 consecutive years after his last conviction or release from incarceration, whichever occurs later; and

(c) The person is not likely to pose a threat to the safety of others, as determined by a person professionally qualified to conduct psychosexual evaluations, if released from lifetime supervision.

4. A person who is released from lifetime supervision pursuant to the provisions of subsection 3 remains subject to the provisions for registration as a sex offender and to the provisions for community notification, unless he is otherwise relieved from the operation of those provisions pursuant to the provisions of NRS ~~[179D.350 to 179D.800, inclusive.]~~ ***179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act.***

5. As used in this section:

(a) "Offense that poses a threat to the safety or well-being of others" ~~[has the meaning ascribed to it in NRS 179D.060.]~~ **includes, without limitation:**

(1) An offense that involves:

(I) A victim less than 18 years of age;

(II) A crime against a child as defined in section 16 of this act;

(III) A sexual offense as defined in section 21 of this act;

(IV) A deadly weapon, explosives or a firearm;

(V) The use or threatened use of force or violence;

(VI) Physical or mental abuse;

(VII) Death or bodily injury;

(VIII) An act of domestic violence;

(IX) Harassment, stalking, threats of any kind or other similar acts;

(X) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or

(XI) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.

(2) Any offense listed in subparagraph (1) that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(b) "Person professionally qualified to conduct psychosexual evaluations" has the meaning ascribed to it in NRS 176.133.

(c) "Sexual offense" means:

(1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of subsection 1 of NRS 201.195, NRS 201.230 or 201.450 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

(2) An attempt to commit an offense listed in subparagraph (1); or

(3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

Sec. 7. NRS 176A.410 is hereby amended to read as follows:

176A.410 1. Except as otherwise provided in subsection 3, if a defendant is convicted of a sexual offense and the court grants probation or suspends the sentence, the court shall, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension of sentence that the defendant:

(a) Submit to a search and seizure of his person, residence or vehicle or any property under his control, at any time of the day or night, without a warrant, by any parole and probation officer or any peace officer, for the

purpose of determining whether the defendant has violated any condition of probation or suspension of sentence or committed any crime;

(b) Reside at a location only if it has been approved by the parole and probation officer assigned to the defendant and keep the parole and probation officer informed of his current address;

(c) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the defendant and keep the parole and probation officer informed of the location of his position of employment or position as a volunteer;

(d) Abide by any curfew imposed by the parole and probation officer assigned to the defendant;

(e) Participate in and complete a program of professional counseling approved by the Division;

(f) Submit to periodic tests, as requested by the parole and probation officer assigned to the defendant, to determine whether the defendant is using a controlled substance;

(g) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the defendant;

(h) Abstain from consuming, possessing or having under his control any alcohol;

(i) Not have contact or communicate with a victim of the sexual offense or a witness who testified against the defendant or solicit another person to engage in such contact or communication on behalf of the defendant, unless approved by the parole and probation officer assigned to the defendant, and a written agreement is entered into and signed in the manner set forth in subsection 2;

(j) Not use aliases or fictitious names;

(k) Not obtain a post office box unless the defendant receives permission from the parole and probation officer assigned to the defendant;

(l) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of a sexual offense is present and permission has been obtained from the parole and probation officer assigned to the defendant in advance of each such contact;

(m) Unless approved by the parole and probation officer assigned to the defendant and by a psychiatrist, psychologist or counselor treating the defendant, if any, not be in or near:

(1) A playground, park, school or school grounds;

(2) A motion picture theater; or

(3) A business that primarily has children as customers or conducts events that primarily children attend;

(n) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication;

(o) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the defendant;

(p) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the defendant;

(q) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the defendant; and

(r) Inform the parole and probation officer assigned to the defendant if the defendant expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education. As used in this paragraph, "institution of higher education" has the meaning ascribed to it in NRS 179D.045.

2. A written agreement entered into pursuant to paragraph (i) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or communication authorized. The written agreement must be signed and agreed to by:

(a) The victim or the witness;

(b) The defendant;

(c) The parole and probation officer assigned to the defendant;

(d) The psychiatrist, psychologist or counselor treating the defendant, victim or witness, if any; and

(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child.

3. The court is not required to impose a condition of probation or suspension of sentence listed in subsection 1 if the court finds that extraordinary circumstances are present and the court enters those extraordinary circumstances in the record.

4. As used in this section, "sexual offense" has the meaning ascribed to it in ~~[NRS 179D.410.]~~ ***section 21 of this act.***

Sec. 8. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 179.259 and 453.3365, a person may petition the court in which he was convicted for the sealing of all records relating to a conviction of:

(a) A category A or B felony after 15 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(b) A category C or D felony after 12 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 7 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Any gross misdemeanor after 7 years from the date of his release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 484.379 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after 2 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by current, verified records of the petitioner's criminal history received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) The local law enforcement agency of the city or county in which the conviction was entered;

(b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, including, but not limited to, the Federal Bureau of Investigation, the California Bureau of Identification and Information, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court

may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in ~~[NRS 179D.210.]~~ ***section 16 of this act.***

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(11) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(12) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(13) Lewdness with a child pursuant to NRS 201.230.

(14) Sexual penetration of a dead human body pursuant to NRS 201.450.

(15) Luring a child or mentally ill person pursuant to NRS 201.560, if punishable as a felony.

(16) An attempt to commit an offense listed in subparagraphs (1) to (15), inclusive.

Sec. 9. NRS 179.259 is hereby amended to read as follows:

179.259 1. Except as otherwise provided in subsections 3 and 4, 5 years after an eligible person completes a program for reentry, the court may order sealed all documents, papers and exhibits in the eligible person's record, minute book entries and entries on dockets, and other documents

relating to the case in the custody of such other agencies and officers as are named in the court's order. The court may order those records sealed without a hearing unless the Division of Parole and Probation of the Department of Public Safety petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the court orders sealed the record of an eligible person, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

3. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

4. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

5. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in ~~[NRS 179D.210.]~~ ***section 16 of this act.***

(b) "Eligible person" means a person who has:

(1) Successfully completed a program for reentry to which he participated in pursuant to NRS 209.4886, 209.4888, 213.625 or 213.632; and

(2) Been convicted of a single offense which was punishable as a felony and which did not involve the use or threatened use of force or violence against the victim. For the purposes of this subparagraph, multiple convictions for an offense punishable as a felony shall be deemed to constitute a single offense if those offenses arose out of the same transaction or occurrence.

(c) "Program for reentry" means:

(1) A correctional program for reentry of offenders and parolees into the community that is established by the Director of the Department of Corrections pursuant to NRS 209.4887; or

(2) A judicial program for reentry of offenders and parolees into the community that is established in a judicial district pursuant to NRS 209.4883.

(d) "Sexual offense" has the meaning ascribed to it in paragraph (b) of subsection 7 of NRS 179.245.

Sec. 10. NRS 179A.066 is hereby amended to read as follows:

179A.066 –"Offender convicted of a crime against a child" has the meaning ascribed to it in ~~[NRS 179D.216.]~~ ***section 18 of this act.***

Sec. 10.5. **Chapter 179B of NRS is hereby amended by adding thereto a new section to read as follows:**

In addition to any civil liability provided pursuant to NRS 179B.280, if any person uses information obtained from the community notification website to commit a crime punishable as:

1. A misdemeanor, the person is guilty of a gross misdemeanor.

2. A gross misdemeanor, the person is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 11. NRS 179B.030 is hereby amended to read as follows:

179B.030 "Crime against a child" has the meaning ascribed to it in ~~[NRS 179D.210.]~~ ***section 16 of this act.***

Sec. 12. NRS 179B.075 is hereby amended to read as follows:

179B.075 "Offender convicted of a crime against a child" has the meaning ascribed to it in ~~[NRS 179D.216.]~~ ***section 18 of this act.***

Sec. 13. NRS 179B.250 is hereby amended to read as follows:

179B.250 1. The Department shall establish and maintain within the Central Repository a community notification website to provide the public with access to certain information contained in the statewide registry in accordance with the procedures set forth in this section.

2. ***The community notification website must:***

(a) Be maintained in a manner that will allow the public to obtain relevant information for each offender by a single query for any given zip code or geographical radius set by the user;

(b) Include in its design all the search field capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Website maintained by the Attorney General of the United States pursuant to 42 U.S.C. § 16920;

(c) Include, to the extent practicable, links to sex offender safety and education resources;

(d) Include instructions on how to seek correction of information that a person contends is erroneous; and

(e) Include a warning that the information on the website should not be used to unlawfully injure, harass or commit a crime against any person named in the registry or residing or working at any reported address and a notice that any such action could result in civil or criminal penalties.

3. For each inquiry to the community notification website, the requester ~~[must]~~ ***may*** provide:

(a) The name of the subject of the search;

(b) Any alias of the subject of the search;

(c) The zip code of the residence, place of work or school of the subject of the search; or

(d) Any other information concerning the identity or location of the subject of the search that is deemed sufficient in the discretion of the Department.

~~[3.]~~ ***4.*** For each inquiry to the community notification website made by the requester, the Central Repository shall:

(a) Explain the levels of ***registration and community*** notification that are assigned to sex offenders pursuant to ~~[NRS 179D.730;]~~ ***NRS 179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act;*** and

(b) Explain that the Central Repository is prohibited by law from disclosing certain information concerning certain offenders, even if those offenders are listed in the statewide registry.

~~[4.]~~ ***5.*** If an offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search, the Central Repository ~~[:~~

~~(a) Shall]~~ ***shall*** disclose to the requester information ***in the statewide*** registry concerning ~~[an offender who is assigned a Tier 2 or Tier 3 level of notification.~~

~~(b) Shall not disclose to the requester information concerning an offender who is assigned a Tier 1 level of notification.~~

~~5.]~~ ***the offender as provided pursuant to subsection 6.***

6. After each inquiry to the community notification website made by the requester, the Central Repository shall inform the requester that:

(a) No offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search;

(b) The search of the statewide registry has not produced information that is available to the public through the statewide registry; ***or***

(c) ~~[The requester needs to provide additional information concerning the identity or location of the subject of the search before the Central Repository may disclose the results of the search; or~~

~~(d)]~~ An offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search. ~~[If]~~ ***Except as otherwise provided in subsection 7, if*** a search of the statewide registry results in a match pursuant to this paragraph, the Central Repository shall provide the requester with the following information:

(1) The name of the offender and all aliases that the offender has used or under which the offender has been known.

(2) A complete physical description of the offender.

(3) A current photograph of the offender.

(4) The year of birth of the offender.

(5) The complete address of any residence at which the offender resides ~~[.]~~ ***or will reside.***

(6) The ~~[number of the street block, but not the specific street number,]~~ ***address*** of any location where the offender is ~~[currently:]~~ ***or will be:***

(I) A student, as defined in NRS 179D.110; or

(II) A worker, as defined in NRS 179D.120.

(7) ***The license plate number and a description of any motor vehicle owned or operated by the offender.***

(8) The following information for each offense for which the offender has been convicted:

(I) The offense that was committed, including a citation to ***and the text of*** the specific statute that the offender violated.

(II) The court in which the offender was convicted.

(III) The name under which the offender was convicted.

(IV) The name and location of each penal institution, school, hospital, mental facility or other institution to which the offender was committed for the offense.

(V) The city, township or county where the offense was committed.

~~[(8)]~~ ***(9)*** The tier level of ***registration and community*** notification assigned to the offender ~~[~~.

~~6.]~~ ***pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act.***

(10) Any other information required by federal law.

7. If a search of the statewide registry results in a match pursuant to paragraph ~~[(d)]~~ ***(c)*** of subsection ~~[5,]~~ ***6,*** the Central Repository shall not provide the requester with ~~[any]~~ :

(a) The identity of any victim of a sexual offense or crime against a child;

(b) Any information relating to a Tier I offender unless he has been convicted of a sexual offense against a child or a crime against a child;

(c) The social security number of the offender;

(d) The name of any location where the offender is or will be:

(1) A student, as defined in NRS 179D.110; or

(2) A worker, as defined in NRS 179D.120;

(e) Any reference to arrests of the offender that did not result in conviction;

(f) Any other information that is included in the record of registration for the offender other than the information required pursuant to paragraph ~~[(d)]~~ ***(c)*** of subsection ~~[5.~~

~~7.]~~ ***6; or***

(g) Any other information exempted from disclosure by the Attorney General of the United States pursuant to federal law.

8. For each inquiry to the community notification website, the Central Repository shall maintain a log of the information provided by the requester to the Central Repository and the information provided by the Central Repository to the requester.

~~[8.]~~ ***9.*** A person may not use information obtained through the community notification website as a substitute for information relating to the offenses listed in subsection 4 of NRS 179A.190 that must be provided by the Central Repository pursuant to NRS 179A.180 to 179A.240, inclusive, or another provision of law.

~~[9.]~~ ***10.*** The provisions of this section do not prevent law enforcement officers, the Central Repository and its officers and employees, or any other person from:

(a) Accessing information in the statewide registry pursuant to NRS 179B.200;

(b) Carrying out any duty pursuant to chapter 179D of NRS; or

(c) Carrying out any duty pursuant to another provision of law.

11. As used in this section, "Tier I offender" has the meaning ascribed to it in section 22 of this act.

Sec. 14. NRS 179C.010 is hereby amended to read as follows:

179C.010 1. Except as otherwise provided in subsection 2, as used in this chapter, unless the context otherwise requires, "convicted person" means:

(a) A person convicted in the State of Nevada or convicted in any place other than the State of Nevada of two or more offenses punishable as felonies.

(b) A person convicted in the State of Nevada of an offense punishable as a category A felony.

(c) A person convicted in the State of Nevada or convicted in any place other than the State of Nevada of a crime that would constitute a category A felony if committed in this State on July 1, 2003.

2. For the purposes of this chapter, "convicted person" does not include:

(a) A person who has been convicted of a crime against a child, as defined in ~~[NRS 179D.210,]~~ ***section 16 of this act,*** or a sexual offense, as defined in ~~[NRS 179D.410;]~~ ***section 21 of this act;*** or

(b) Except as otherwise provided in this chapter, a person whose conviction is or has been set aside in the manner provided by law.

Sec. 15. Chapter 179D of NRS is hereby amended by adding thereto the provisions set forth as sections 16 to 30, inclusive, of this act.

Sec. 16. ***"Crime against a child" means any of the following offenses if the victim of the offense was less than 18 years of age when the offense was committed:***

1. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive, unless the offender is the parent or guardian of the victim.

2. False imprisonment pursuant to NRS 200.460, unless the offender is the parent or guardian of the victim.

3. An offense involving pandering or prostitution pursuant to NRS 201.300 to 201.340, inclusive.

4. An attempt to commit an offense listed in this section.

5. An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

6. An offense against a child committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as an offender who has

committed a crime against a child because of the offense. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

(c) A court having jurisdiction over juveniles.

Sec. 17. ***"Nonresident offender or sex offender who is a student or worker within this State" or "nonresident offender or sex offender" means an offender or sex offender who is a student or worker within this State but who is not otherwise deemed a resident offender or sex offender pursuant to subsection 2 or 3 of NRS 179D.460.***

Sec. 18. ***1. "Offender convicted of a crime against a child" or "offender" means a person who, after July 1, 1956, is or has been:***

(a) Convicted of a crime against a child that is listed in section 16 of this act; or

(b) Adjudicated delinquent by a court having jurisdiction over juveniles of a crime against a child that is listed in NRS 62F.200 if the offender was 14 years of age or older at the time of the crime.

2. The term includes, without limitation, an offender who is a student or worker within this State but who is not otherwise deemed a resident offender pursuant to subsection 2 or 3 of NRS 179D.460.

Sec. 19. ***"Registration" means registration as an offender or sex offender pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act.***

Sec. 20. ***1. "Sex offender" means a person who, after July 1, 1956, is or has been:***

(a) Convicted of a sexual offense listed in section 21 of this act; or

(b) Adjudicated delinquent by a court having jurisdiction over juveniles of a sexual offense listed in NRS 62F.200 if the offender was 14 years of age or older at the time of the offense.

2. The term includes, without limitation, a sex offender who is a student or worker within this State but who is not otherwise deemed a resident offender pursuant to subsection 2 or 3 of NRS 179D.460.

Sec. 21. ***1. "Sexual offense" means any of the following offenses:***

(a) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(b) Sexual assault pursuant to NRS 200.366.

(c) Statutory sexual seduction pursuant to NRS 200.368.

(d) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.

(e) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section.

(f) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section.

(g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(h) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(i) Incest pursuant to NRS 201.180.

(j) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(k) Open or gross lewdness pursuant to NRS 201.210.

(l) Indecent or obscene exposure pursuant to NRS 201.220.

(m) Lewdness with a child pursuant to NRS 201.230.

(n) Sexual penetration of a dead human body pursuant to NRS 201.450.

(o) Luring a child or mentally ill person pursuant to NRS 201.560, if punished as a felony.

(p) Any other offense that has an element involving a sexual act or sexual conduct with another;

(q) An attempt or conspiracy to commit an offense listed in paragraphs (a) to (p), inclusive.

(r) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

(s) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

(t) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subsection includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

(3) A court having jurisdiction over juveniles.

2. The term does not include an offense involving consensual sexual conduct if the victim was:

(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 22. ***"Tier I offender" means an offender convicted of a crime against a child or a sex offender other than a Tier II offender or Tier III offender.***

Sec. 23. ***"Tier II offender" means an offender convicted of a crime against a child or a sex offender, other than a Tier III offender, whose crime against a child ~~[or sexual offense]~~ is punishable by imprisonment for more than 1 year ~~[and:]~~ or whose sexual offense:***

1. If committed against a child, constitutes:

(a) Luring a child pursuant to NRS 201.560, if punishable as a felony;

(b) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;

(c) An offense involving pandering or prostitution pursuant to NRS 201.300 to 201.340, inclusive;

(d) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive; or

(e) Any other offense that is comparable to or more severe than the offenses described in 42 U.S.C. § 16911(3);

2. Involves an attempt or conspiracy to commit any offense described in subsection 1;

3. If committed in another jurisdiction, is an offense that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court; or

(b) A court of the United States or the Armed Forces of the United States; or

4. ~~*[Occurs]*~~ ***Is committed after the person becomes a Tier I offender ~~[.]~~ if the crime committed by the person for which he became a Tier I offender is an offense punishable by imprisonment for more than 1 year.***

Sec. 24. ***"Tier III offender" means an offender convicted of a crime against a child or a sex offender who has been convicted of:***

1. Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030;

2. Sexual assault pursuant to NRS 200.366;

3. Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400;

4. Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and if the victim of the offense was less than 13 years of age when the offense was committed;

5. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive, if the victim of the offense was less than 18 years of age when the offense was committed, unless the offender is the parent or guardian ***of the victim;***

6. Any sexual offense or crime against a child after the person becomes a Tier II offender;

7. Any other offense that is comparable to or more severe than the offenses described in 42 U.S.C. § 16911(4);

8. An attempt or conspiracy to commit an offense described in subsections 1 to 7, inclusive; or

9. An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court; or

(b) A court of the United States or the Armed Forces of the United States.

Sec. 25. ***Each offender convicted of a crime against a child and each sex offender shall:***

1. Register initially with the local law enforcement agency of the jurisdiction in which the offender or sex offender was convicted as required pursuant to section 27 of this act;

2. Register with the appropriate law enforcement agency as required pursuant to NRS 179D.460 and 179D.480; and

3. Keep his registration current as required pursuant to section 28 of this act.

Sec. 26. ***When an offender convicted of a crime against a child or a sex offender registers with a local law enforcement agency as required pursuant to NRS 179D.460 or 179D.480 or section 27 of this act, or updates his registration as required pursuant to section 28 of this act:***

1. The offender or sex offender shall provide the local law enforcement agency with the following:

(a) The name of the offender or sex offender and all aliases that he has used or under which he has been known;

(b) The social security number of the offender or sex offender;

(c) The address of any residence or location at which the offender or sex offender resides or will reside;

(d) The name and address of any place where the offender or sex offender is a worker or will be a worker;

(e) The name and address of any place where the offender or sex offender is a student or will be a student;

(f) The license plate number and a description of all motor vehicles registered to or frequently driven by the offender or sex offender; and

(g) Any other information required by federal law.

2. The local law enforcement agency shall ensure that the record of registration of the offender or sex offender includes, without limitation:

(a) A complete physical description of the offender or sex offender, a current photograph of the offender or sex offender and the fingerprints and palm prints of the offender or sex offender;

(b) The text of the provision of law defining each offense for which the offender or sex offender is required to register;

(c) The criminal history of the offender or sex offender, including, without limitation:

(1) The dates of all arrests and convictions of the offender or sex offender;

(2) The status of parole, probation or supervised release of the offender or sex offender;

(3) The status of the registration of the offender or sex offender; and

(4) The existence of any outstanding arrest warrants for the offender or sex offender;

(d) A report of the analysis of the genetic markers of the specimen obtained from the offender or sex offender pursuant to NRS 176.0913;

(e) The identification number from a driver's license or an identification card issued to the offender or sex offender by this State or any other jurisdiction and a photocopy of such driver's license or identification card; and

(f) Any other information required by federal law.

Sec. 27. ***1. In addition to any other registration that is required pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act, each offender or sex offender who, on or after October 1, 2007, is or has been convicted of a crime against a child or a sexual offense shall register initially with the appropriate local law enforcement agency of the jurisdiction in which the offender or sex offender was convicted pursuant to the provisions of this section.***

2. An offender or sex offender shall initially register with a local law enforcement agency as required pursuant to subsection 1:

(a) If the offender or sex offender is sentenced to a term of imprisonment for the crime, before completing the term of imprisonment for the crime; and

(b) If the offender or sex offender is not sentenced to a term of imprisonment for the crime, not later than 3 business days after the date on which the offender or sex offender was sentenced for the crime.

Sec. 28. ***1. An offender convicted of a crime against a child or a sex offender convicted of a sexual offense who changes his name, residence, employment or student status shall, not later than 3 business days after such change of name, residence, employment or student status:***

(a) Appear in person in at least one of the jurisdictions in which the offender or sex offender resides, is a student or worker; and

(b) Provide all information concerning such change to the appropriate local law enforcement agency.

2. The local law enforcement agency shall immediately provide the updated information provided by an offender or sex offender pursuant to subsection 1 to the Central Repository and to all other jurisdictions in which the offender or sex offender is required to register.

Sec. 29. ***1. Except as otherwise provided in subsection ~~[2,]~~ 3, the Central Repository shall immediately provide all updated information obtained pursuant to NRS 179D.460 or 179D.480 or section 27 or 28 of this act to:***

(a) The Attorney General of the United States;

(b) The appropriate local law enforcement agencies for each jurisdiction in which the offender or sex offender resides or is a student or worker;

(c) ~~[Each school and public housing authority in each jurisdiction in which the offender or sex offender resides or is a student or worker;~~

~~(d)~~ Each jurisdiction in which the offender or sex offender now resides or is a student or worker and the jurisdiction in which he most recently resided or was a student or worker, if he changes the address at which he resides or is a student or worker;

~~[~~ ~~(e) Any agency responsible for conducting employment-related background checks pursuant to 42 U.S.C. § 5119a;~~

~~(f) Each agency which provides child welfare services as defined in NRS 432B.030;~~

~~(g) Volunteer organizations in which contact with children or other vulnerable persons might occur; and~~

~~(h)~~ and

(d) Any organization, company or person who requests such notification.

2. Except as otherwise provided in subsection 3, a local law enforcement agency:

(a) Shall immediately provide all updated information obtained from the Central Repository pursuant to subsection 1 to:

(1) Each school, religious organization, youth organization and public housing authority in which the offender or sex offender resides or is a student or worker;

(2) Each agency which provides child welfare services as defined in NRS 432B.030;

(3) Volunteer organizations in which contact with children or other vulnerable persons might occur; and

(4) If the offender or sex offender is a Tier III offender, members of the public who are likely to encounter the offender or sex offender; and

(b) May provide any updated information obtained from the Central Repository pursuant to subsection 1 to any other person or entity whom the law enforcement agency determines warrants such notification.

3. An entity or person described in ~~[paragraphs (g) and (h)]~~ paragraph (d) of subsection 1 ***or subparagraph (1) of paragraph (a) of subsection 2 may request to receive the updated information obtained pursuant to subsection 1 not less frequently than once every 5 business days.***

Sec. 30. ***If a person who is required to register pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act has been convicted of an offense described in paragraph (p) of***

subsection 1 of section 21 of this act, paragraph (e) of subsection 1 or subsection 3 of section 23 of this act or subsection 7 or 9 of section 24 of this act, the Central Repository shall determine whether the person is required to register as a Tier I offender, Tier II offender or Tier III offender.

Sec. 31. NRS 179D.010 is hereby amended to read as follows:

179D.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 179D.020 to 179D.120, inclusive, ***and sections 16 to 24, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 32. NRS 179D.030 is hereby amended to read as follows:

179D.030 "Community notification" means notification of a community pursuant to the ~~[guidelines and procedures established by the Attorney General pursuant to NRS 179D.600 to 179D.800, inclusive.]~~ ***provisions of section 29 of this act.***

Sec. 33. NRS 179D.035 is hereby amended to read as follows:

179D.035 "Convicted" includes, but is not limited to, an adjudication of delinquency ~~[or a finding of guilt]~~ by a court having jurisdiction over juveniles if ~~[the]~~ :

1. The adjudication of delinquency ~~[or the finding of guilt]~~ is for the commission of ~~[any of the following offenses:~~

~~1. A crime against a child that is listed in subsection 6 of NRS 179D.210.~~

~~2. A sexual offense that is listed in subsection 19 of NRS 179D.410.~~

~~3. A]~~ ***a*** sexual offense that is listed in ~~[paragraph (b) of subsection 2 of NRS 62F.260.]~~ ***NRS 62F.200; and***

2. The offender was 14 years of age or older at the time of the offense.

Sec. 34. NRS 179D.110 is hereby amended to read as follows:

179D.110 "Student" means a person who is enrolled in and attends, on a full-time or part-time basis within this State, any course of academic or vocational instruction conducted by a public or private educational institution or school, including, but not limited to, any of the following institutions or schools:

1. An institution of higher education.
2. A trade school or vocational school.
3. A ~~[public school, as defined in NRS 385.007, or a private school, as defined in NRS 394.103.]~~ ***secondary school.***

Sec. 35. NRS 179D.120 is hereby amended to read as follows:

179D.120 ~~[1.]~~ "Worker" means a person who is ***self-employed or who*** engages in or who knows or reasonably should know that he will engage in any type of occupation, employment, work or volunteer service , ~~[on a full-time or part-time basis within this State for:~~

~~(a) Any period exceeding 14 days; or~~

~~(b) More than 30 days, in the aggregate, during any calendar year,~~

~~.]~~ whether or not the person engages in or will engage in the occupation, employment, work or volunteer service for compensation . ~~[or for the purposes of a governmental or educational benefit.~~

~~2. The term includes, but is not limited to:~~

~~(a) A person who is self-employed.~~

~~(b) An employee or independent contractor.~~

~~(c) A paid or unpaid intern, extern, aide, assistant or volunteer.]~~

Sec. 36. NRS 179D.150 is hereby amended to read as follows:

179D.150 ~~[Except as otherwise provided in NRS 179D.530, a]~~ ***A*** record of registration must include, if the information is available:

1. Information identifying the offender ~~[,]~~ or sex offender, including, but not limited to:

(a) The name of the offender ***or sex offender*** and all aliases that he has used or under which he has been known;

(b) A complete physical description of the offender ~~[,]~~ ***or sex offender,*** a current photograph of the offender ***or sex offender*** and the fingerprints ***and palm prints*** of the offender ~~[,]~~ ***or sex offender;***

(c) The date of birth and the social security number of the offender ~~[,]~~ ***or sex offender;***

(d) The identification number from a driver's license or an identification card issued to the offender ***or sex offender*** by this State or any other jurisdiction ~~[,]~~ and ***a photocopy of such driver's license or identification card;***

(e) ***A report of the analysis of the genetic markers of the specimen obtained from the offender or sex offender pursuant to NRS 176.0913; and***

(f) Any other information that identifies the offender ~~[,]~~ ***or sex offender.***

2. Information concerning the residence of the offender ~~[,]~~ ***or sex offender,*** including, but not limited to:

(a) The address at which the offender ***or sex offender*** resides;

(b) The length of time he has resided at that address and the length of time he expects to reside at that address;

(c) The address or location of any other place where he expects to reside in the future and the length of time he expects to reside there; and

(d) The length of time he expects to remain in the county where he resides and in this State.

3. Information concerning the offender's ***or sex offender's*** occupations, employment or work or expected occupations, employment or work, including, but not limited to, the name, address and type of business of all current and expected future employers of the offender ~~[.]~~ ***or sex offender.***

4. Information concerning the offender's ***or sex offender's*** volunteer service or expected volunteer service in connection with any activity or organization within this State, including, but not limited to, the name, address and type of each such activity or organization.

5. Information concerning the offender's ***or sex offender's*** enrollment or expected enrollment as a student in any public or private educational

institution or school within this State, including, but not limited to, the name, address and type of each such educational institution or school.

6. Information concerning whether:

(a) The offender ***or sex offender*** is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education; or

(b) The offender ***or sex offender*** is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education,

➥ including, but not limited to, the name, address and type of each such institution of higher education.

7. The license ***plate*** number and a description of all motor vehicles registered to or frequently driven by the offender ~~[.]~~ ***or sex offender.***

8. The level of ***registration and*** community notification ~~[assigned to]~~ ***of*** the offender ~~[.]~~ ***or sex offender.***

9. ***The criminal history of the offender or sex offender, including, without limitation:***

(a) The dates of all arrests and convictions of the offender or sex offender;

(b) The status of parole, probation or supervised release of the offender or sex offender;

(c) The status of the registration of the offender or sex offender; and

(d) The existence of any outstanding arrest warrants for the offender or sex offender.

10. The following information for each offense for which the offender ***or sex offender*** has been convicted:

(a) The court in which he was convicted;

(b) ***The text of the provision of law defining each offense;***

(c) The name under which he was convicted;

~~[(c)]~~ ***(d)*** The name and location of each penal institution, school, hospital, mental facility or other institution to which he was committed;

~~[(d)]~~ ***(e)*** The specific location where the offense was committed;

~~[(e)]~~ ***(f)*** The age, the gender, the race and a general physical description of the victim; and

~~[(f)]~~ ***(g)*** The method of operation that was used to commit the offense, including, but not limited to:

(1) Specific sexual acts committed against the victim;

(2) The method of obtaining access to the victim, such as the use of enticements, threats, forced entry or violence against the victim;

(3) The type of injuries inflicted on the victim;

(4) The types of instruments, weapons or objects used;

(5) The type of property taken; and

(6) Any other distinctive characteristic of the behavior or personality of the offender ~~[.]~~ ***or sex offender.***

11. Any other information required by federal law.

Sec. 37. NRS 179D.170 is hereby amended to read as follows:

179D.170 Upon receiving from a local law enforcement agency, pursuant to NRS 179D.010 to 179D.550, inclusive ~~[:]~~ ***, and sections 16 to 30, inclusive, of this act:***

1. A record of registration;

2. Fingerprints ***, palm prints*** or a photograph of an offender ~~[;]~~ ***or sex offender;***

3. A new address of an offender ~~[;]~~ ***or sex offender;*** or

4. Any other updated information,

➥ the Central Repository shall immediately provide the record of registration, fingerprints, ***palm prints,*** photograph, new address or updated information to the Federal Bureau of Investigation.

Sec. 38. NRS 179D.450 is hereby amended to read as follows:

179D.450 1. If the Central Repository receives notice from a court pursuant to NRS ***176.0926 that an offender has been convicted of a crime against a child pursuant to NRS*** 176.0927 ***,*** that a sex offender has been convicted of a sexual offense or pursuant to NRS ~~[62F.250]~~ ***62F.220*** that a juvenile ~~[sex offender]~~ has been ~~[deemed to be an adult sex offender,]~~ ***adjudicated delinquent for an offense for which he is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act,*** the Central Repository shall:

(a) If a record of registration has not previously been established for the ***offender or*** sex offender, notify the local law enforcement agency so that a record of registration may be established; or

(b) If a record of registration has previously been established for the ***offender or*** sex offender, update the record of registration for the ***offender or*** sex offender and notify the appropriate local law enforcement agencies.

2. If the ***offender or*** sex offender named in the notice is granted probation or otherwise will not be incarcerated or confined ~~[or if the sex offender named in the notice has been deemed to be an adult sex offender pursuant to NRS 62F.250 and is not otherwise incarcerated or confined:~~

~~(a) The~~] ***, the*** Central Repository shall ~~[immediately]~~ ***:***

(a) Immediately provide notification concerning the ***offender or*** sex offender to the appropriate local law enforcement agencies and, if the ***offender or*** sex offender resides in a jurisdiction which is outside of this State, to the appropriate law enforcement agency in that jurisdiction; and

(b) ~~[If the sex offender is subject to community notification, the Central Repository shall arrange for the assessment of the risk of recidivism of]~~ ***Immediately provide community notification concerning*** the ***offender or*** sex offender pursuant to the ~~[guidelines and procedures for community notification established by the Attorney General pursuant to NRS 179D.600 to 179D.800, inclusive.]~~ ***provisions of section 29 of this act.***

3. If ~~[a]~~ ***an offender or*** sex offender is incarcerated or confined and has previously been convicted of ***a crime against a child as described in section 16 of this act or*** a sexual offense as described in ~~[NRS 179D.410,]~~ ***section 21 of this act,*** before the ***offender or*** sex offender is released:

(a) The Department of Corrections or a local law enforcement agency in whose facility the ***offender or*** sex offender is incarcerated or confined shall:

(1) Inform the ***offender or*** sex offender of the requirements for registration, including, but not limited to:

(I) ***The duty to register initially with the appropriate law enforcement agency in the jurisdiction in which the offender or sex offender was convicted if the offender or sex offender is not a resident of that jurisdiction pursuant to section 27 of this act;***

(II) The duty to register in this State during any period in which he is a resident of this State or a nonresident who is a student or worker within this State and the time within which he is required to register pursuant to NRS 179D.460;

~~[(II)]~~ ***(III)*** The duty to register in any other jurisdiction during any period in which he is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;

~~[(III)]~~ ***(IV)*** If he moves from this State to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction;

~~[(IV)]~~ ***(V)*** The duty to notify the local law enforcement agency for the jurisdiction in which he now resides, in person, and the jurisdiction in which he formerly resided, in person or in writing, if he changes the address at which he resides, including if he moves from this State to another jurisdiction, or changes the primary address at which he is a student or worker; and

~~[(V)]~~ ***(VI)*** The duty to notify immediately the appropriate local law enforcement agency if the ***offender or*** sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education or if the ***offender or*** sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education; and

(2) Require the ***offender or*** sex offender to read and sign a form ~~[confirming]~~ ***stating*** that the requirements for registration have been explained to him ***and that he understands the requirements for registration,*** and to forward the form to the Central Repository.

(b) The Central Repository shall:

(1) Update the record of registration for the ***offender or*** sex offender;

(2) ~~[If the sex offender is subject to community notification, arrange for the assessment of the risk of recidivism of]~~ ***Provide community notification concerning*** the ***offender or*** sex offender pursuant to the ~~[guidelines and~~

~~procedures for community notification established by the Attorney General pursuant to NRS 179D.600 to 179D.800, inclusive;~~] ***provisions of section 29 of this act;*** and

(3) Provide notification concerning the ***offender or*** sex offender to the appropriate local law enforcement agencies and, if the ***offender or*** sex offender will reside upon release in a jurisdiction which is outside of this State, to the appropriate law enforcement agency in that jurisdiction.

4. The failure to provide ~~[a]~~ ***an offender or*** sex offender with the information or confirmation form required by paragraph (a) of subsection 3 does not affect the duty of the ***offender or*** sex offender to register and to comply with all other provisions for registration.

5. If the Central Repository receives notice from another jurisdiction or the Federal Bureau of Investigation that ~~[a]~~ ***an offender or*** sex offender is now residing or is a student or worker within this State, the Central Repository shall:

(a) Immediately provide notification concerning the ***offender or*** sex offender to the appropriate local law enforcement agencies;

(b) Establish a record of registration for the ***offender or*** sex offender; and

(c) ~~[If the sex offender is subject to community notification, arrange for the assessment of the risk of recidivism of]~~ ***Immediately provide community notification concerning*** the ***offender or*** sex offender pursuant to the ~~[guidelines and procedures for community notification established by the Attorney General pursuant to NRS 179D.600 to 179D.800, inclusive.]~~ ***provisions of section 29 of this act.***

Sec. 39. NRS 179D.460 is hereby amended to read as follows:

179D.460 1. In addition to any other registration that is required pursuant to NRS 179D.450, each ***offender or*** sex offender who, after July 1, 1956, is or has been convicted of a ***crime against a child or a*** sexual offense shall register with a local law enforcement agency pursuant to the provisions of this section.

2. Except as otherwise provided in subsection 3, if the ***offender or*** sex offender resides or is present for 48 hours or more within:

(a) A county; or

(b) An incorporated city that does not have a city police department,

➥ the ***offender or*** sex offender shall be deemed a resident ***offender or*** sex offender and shall register with the sheriff's office of the county or, if the county or the city is within the jurisdiction of a metropolitan police department, the metropolitan police department, not later than 48 hours after arriving or establishing a residence within the county or the city.

3. If the ***offender or*** sex offender resides or is present for 48 hours or more within an incorporated city that has a city police department, the ***offender or*** sex offender shall be deemed a resident ***offender or*** sex offender and shall register with the city police department not later than 48 hours after arriving or establishing a residence within the city.

4. If the ***offender or*** sex offender is a nonresident ***offender or*** sex offender who is a student or worker within this State, the ***offender or*** sex offender shall register with the appropriate sheriff's office, metropolitan police department or city police department in whose jurisdiction he is a student or worker not later than 48 hours after becoming a student or worker within this State.

5. A resident or nonresident ***offender or*** sex offender shall immediately notify the appropriate local law enforcement agency if:

(a) The ***offender or*** sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education; or

(b) The ***offender or*** sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education.

➥ The ***offender or*** sex offender shall provide the name, address and type of each such institution of higher education.

6. To register with a local law enforcement agency pursuant to this section, the ***offender or*** sex offender shall:

(a) Appear personally at the office of the appropriate local law enforcement agency;

(b) Provide all information that is requested by the local law enforcement agency, including, but not limited to, fingerprints and a photograph; and

(c) Sign and date the record of registration or some other proof of registration of the local law enforcement agency in the presence of an officer of the local law enforcement agency.

7. When ~~[a]~~ ***an offender or*** sex offender registers, the local law enforcement agency shall:

(a) Inform the ***offender or*** sex offender of the duty to notify the local law enforcement agency if the ***offender or*** sex offender changes the address at which he resides, including if he moves from this State to another jurisdiction, or changes the primary address at which he is a student or worker; and

(b) Inform the ***offender or*** sex offender of the duty to register with the local law enforcement agency in whose jurisdiction the sex offender relocates.

8. After the ***offender or*** sex offender registers with the local law enforcement agency, the local law enforcement agency shall forward to the Central Repository the information collected, including the fingerprints and a photograph of the ***offender or*** sex offender.

9. If the Central Repository has not previously established a record of registration for ~~[a]~~ ***an offender or*** sex offender described in subsection 8, the Central Repository shall:

(a) Establish a record of registration for the ***offender or*** sex offender;

(b) Provide notification concerning the ***offender or*** sex offender to the appropriate local law enforcement agencies; and

(c) ~~[If the sex offender is subject to community notification and has not otherwise been assigned a level of notification, arrange for the assessment of the risk of recidivism of]~~ ***Provide community notification concerning*** the ***offender or*** sex offender pursuant to the ~~[guidelines and procedures for community notification established by the Attorney General pursuant to NRS 179D.600 to 179D.800, inclusive.]~~ ***provisions of section 29 of this act.***

10. When ~~[a]~~ ***an offender or*** sex offender notifies a local law enforcement agency that:

(a) The ***offender or*** sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education; or

(b) The ***offender or*** sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education,

➥ and provides the name, address and type of each such institution of higher education, the local law enforcement agency shall immediately provide that information to the Central Repository and to the appropriate campus police department.

Sec. 40. NRS 179D.480 is hereby amended to read as follows:

179D.480 1. Except as otherwise provided in ~~[subsections 2 and 5, each year, on the anniversary of the date that the Central Repository establishes a record of registration for the sex offender, the Central Repository shall mail to the sex offender, at the address last registered by the sex offender, a nonforwardable verification form. The sex offender shall complete and sign the form and mail the form to the Central Repository not later than 10 days after receipt of the form to verify that he still resides at the address he last registered.~~

~~2. Except as otherwise provided in subsection 5, if a sex offender has been declared to be a sexually violent predator, every 90 days, beginning on the date that the Central Repository establishes a record of registration for the sex offender, the Central Repository shall mail to the sex offender, at the address last registered by the sex offender, a nonforwardable verification form. The sex offender shall complete and sign the form and mail the form to the Central Repository not later than 10 days after receipt of the form to verify that he still resides at the address he last registered.~~

~~3. A sex offender shall include with each verification form]~~ ***subsection 3, an offender convicted of a crime against a child or sex offender shall appear in person in at least one jurisdiction in which the offender or sex offender resides or is a student or worker:***

(a) Not less frequently than annually, if the offender or sex offender is a Tier I offender;

(b) Not less frequently than every 180 days, if the offender or sex offender is a Tier II offender; or

(c) Not less frequently than every 90 days, if the offender or sex offender is a Tier III offender,

➥ ***and shall allow the appropriate local law enforcement agency to collect*** a current set of fingerprints ~~[,]~~ ***and palm prints,*** a current photograph and all other information that is relevant to updating his record of registration, including, but not limited to, any change in his name, occupation, employment, work, volunteer service or driver's license and any change in the license number or description of a motor vehicle registered to or frequently driven by him. ~~[The Central Repository shall provide all updated information to the appropriate local law enforcement agencies.~~

~~4. If the Central Repository does not receive a verification form from a]~~

2. If an offender or sex offender ~~[and otherwise cannot verify the address or location of the sex offender,]~~ ***does not comply with the provisions of subsection 1,*** the Central Repository shall ~~[immediately]~~ ***:***

(a) Immediately notify the appropriate local law enforcement agencies ~~[.~~

~~5. The Central Repository]~~ ***and the Attorney General of the United States; and***

(b) Update the record of registration for the sex offender to reflect his failure to comply with the provisions of subsection 1.

3. An offender or sex offender is not required to ~~[complete the mailing pursuant to]~~ ***comply with the provisions of*** subsection 1 ~~[or 2:~~

~~(a) During]~~ ***during*** any period in which ~~[a]~~ ***the offender or*** sex offender is incarcerated or confined **.** ~~[or has changed his place of residence from this State to another jurisdiction; or~~

~~(b) For a nonresident sex offender who is a student or worker within this State.]~~

Sec. 41. NRS 179D.490 is hereby amended to read as follows:

179D.490 1. ~~[A]~~ ***An offender convicted of a crime against a child or a*** sex offender shall comply with the provisions for registration for as long as the ***offender or*** sex offender resides or is present within this State or is a nonresident ***offender or*** sex offender who is a student or worker within this State, unless the ***period of time during which the offender or sex offender has the*** duty ~~[of the sex offender]~~ to register is ~~[terminated]~~ ***reduced*** pursuant to the provisions of this section.

2. Except as otherwise provided in subsection ~~[5, if a]~~ ***3, the full period of registration is:***

(a) Fifteen years, if the offender or sex offender is a Tier I offender;

(b) Twenty-five years, if the offender or sex offender is a Tier II offender; and

(c) The life of the offender or sex offender, if the offender or sex offender is a Tier III offender,

➥ *exclusive of any time during which the offender or sex offender is incarcerated or confined.*

3. If an offender or sex offender complies with the provisions for registration ~~[for]~~ ***:***

(a) For an interval of at least ~~[15]~~ ***10*** consecutive years ***, if the offender or sex offender is a Tier I offender; or***

(b) For an interval of at least 25 consecutive years, if the offender or sex offender is a Tier III offender adjudicated delinquent for the offense which required registration as an offender or sex offender,

➥ during which he is not convicted of an offense ~~[that poses a threat to the safety or well-being of others,]~~ ***for which imprisonment for more than 1 year may be imposed, is not convicted of a sexual offense, successfully completes any periods of supervised release, probation or parole, and successfully completes a sex offender treatment program certified by the State or by the Attorney General ~~[,]~~ of the United States,*** the ***offender or*** sex offender may file a petition to ~~[terminate his]~~ ***reduce the period of time during which the offender or sex offender has a*** duty to register with the district court in whose jurisdiction he resides or, if he is a nonresident ***offender or*** sex offender, in whose jurisdiction he is a student or worker. For the purposes of this subsection, registration begins on the date that the Central Repository ***or appropriate agency of another jurisdiction*** establishes a record of registration for the ***offender or*** sex offender or the date that the ***offender or*** sex offender is released, whichever occurs later.

~~[3.]~~ ***4.*** If the ***offender or*** sex offender satisfies the requirements of subsection ~~[2,]~~ ***3,*** the court shall hold a hearing on the petition at which the ***offender or*** sex offender and any other interested person may present witnesses and other evidence. If the court determines from the evidence presented at the hearing that the ***offender or*** sex offender ~~[is not likely to pose a threat to the safety of others,]~~ ***satisfies the requirements of subsection 3,*** the court shall ~~[terminate the duty of]~~ ***:***

(a) If the offender or sex offender is a Tier I offender, reduce the period of time during which the ***offender or*** sex offender ***is required*** to register ~~[.~~

~~4. If the court does not terminate the duty of the sex offender to register after a petition is heard pursuant to subsections 2 and 3, the sex offender may file another petition after each succeeding interval of 5 consecutive years if the sex offender is not convicted of an offense that poses a threat to the safety or well-being of others.~~

~~5. A sex offender may not file a petition to terminate his duty to register pursuant to this section if the sex offender:~~

~~(a) Is subject to community notification or to lifetime supervision pursuant to NRS 176.0931;~~

~~(b) Has been declared to be a sexually violent predator; or~~

~~(c) Has been convicted of:~~

~~(1) One or more sexually violent offenses;~~

~~(2) Two or more sexual offenses against persons less than 18 years of age;~~

~~(3) Two or more crimes against a child, as defined in NRS 179D.210; or~~

~~(4) At least one of each offense listed in subparagraphs (2) and (3).]~~ ***by 5 years; and***

(b) If the offender or sex offender is a Tier III offender adjudicated delinquent for the offense which required registration as an offender or sex offender, reduce the period of time during which the offender or sex offender is required to register from the life of the offender or sex offender to that period of time for which the offender or sex offender meets the requirements of subsection 3.

Sec. 42. NRS 179D.550 is hereby amended to read as follows:

179D.550 1. Except as otherwise provided in subsection 2, ~~[a]~~ ***an offender or*** sex offender who:

(a) Fails to register with a local law enforcement agency;

(b) Fails to notify the local law enforcement agency of a change of ~~[address;]~~ ***name, residence, employment or student status as required pursuant to section 28 of this act;***

(c) Provides false or misleading information to the Central Repository or a local law enforcement agency; or

(d) Otherwise violates the provisions of NRS ~~[179D.350]~~ ***179D.010*** to 179D.550, inclusive, ***and sections 16 to 30, inclusive, of this act,***

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. ~~[A]~~ ***An offender or*** sex offender who commits a second or subsequent violation of subsection 1 within 7 years after the first violation is guilty of a category C felony and shall be punished as provided in NRS 193.130. A court shall not grant probation to or suspend the sentence of a person convicted pursuant to this subsection.

3. If a local law enforcement agency is aware that an offender or sex offender in its jurisdiction has failed to comply with a provision of NRS 179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act, the local law enforcement agency must take any appropriate action to ensure his compliance.

Sec. 43. NRS 179D.570 is hereby amended to read as follows:

179D.570 1. The Central Repository shall, in accordance with the requirements of this section, share information concerning sex offenders and offenders convicted of a crime against a child with:

(a) The State Gaming Control Board to carry out the provisions of NRS 463.335 pertaining to the registration of a gaming employee who is a sex offender or an offender convicted of a crime against a child. The Central Repository shall, at least once each calendar month, provide the State Gaming Control Board with the name and other identifying information of each offender who is not in compliance with the provisions of this chapter, in the manner and form agreed upon by the Central Repository and the State Gaming Control Board.

(b) The Department of Motor Vehicles to carry out the provisions of NRS 483.283, 483.861 and 483.929.

2. The information shared by the Central Repository pursuant to this section must indicate whether a sex offender or an offender convicted of a crime against a child is in compliance with the provisions of this chapter.

3. The Central Repository shall share information pursuant to this section as expeditiously as possible under the circumstances.

4. The Central Repository may adopt regulations to carry out the provisions of this section.

~~[5. As used in this section:~~

~~(a) "Offender convicted of a crime against a child" has the meaning ascribed to it in NRS 179D.216.~~

~~(b) "Sex offender" has the meaning ascribed to it in NRS 179D.400.]~~

Sec. 44. NRS 40.770 is hereby amended to read as follows:

40.770 1. Except as otherwise provided in subsection 6, in any sale, lease or rental of real property, the fact that the property is or has been:

(a) The site of a homicide, suicide or death by any other cause, except a death that results from a condition of the property;

(b) The site of any crime punishable as a felony other than a crime that involves the manufacturing of any material, compound, mixture or preparation which contains any quantity of methamphetamine; or

(c) Occupied by a person exposed to the human immunodeficiency virus or suffering from acquired immune deficiency syndrome or any other disease that is not known to be transmitted through occupancy of the property,

➥ is not material to the transaction.

2. In any sale, lease or rental of real property, the fact that a sex offender, as defined in ~~[NRS 179D.400,]~~ ***section 20 of this act,*** resides or is expected to reside in the community is not material to the transaction, and the seller, lessor or landlord or any agent of the seller, lessor or landlord does not have a duty to disclose such a fact to a buyer, lessee or tenant or any agent of a buyer, lessee or tenant.

3. In any sale, lease or rental of real property, the fact that a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS is located near the property being sold, leased or rented is not material to the transaction.

4. A seller, lessor or landlord or any agent of the seller, lessor or landlord is not liable to the buyer, lessee or tenant in any action at law or in equity because of the failure to disclose any fact described in subsection 1, 2 or 3 that is not material to the transaction or of which the seller, lessor or landlord or agent of the seller, lessor or landlord had no actual knowledge.

5. Except as otherwise provided in an agreement between a buyer, lessee or tenant and his agent, an agent of the buyer, lessee or tenant is not liable to the buyer, lessee or tenant in any action at law or in equity because of the failure to disclose any fact described in subsection 1, 2 or 3 that is not

material to the transaction or of which the agent of the buyer, lessee or tenant had no actual knowledge.

6. For purposes of this section, the fact that the property is or has been the site of a crime that involves the manufacturing of any material, compound, mixture or preparation which contains any quantity of methamphetamine is not material to the transaction if:

(a) All materials and substances involving methamphetamine have been removed from or remediated on the property by an entity certified or licensed to do so; or

(b) The property has been deemed safe for habitation by a governmental entity.

7. As used in this section, "facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.

Sec. 45. NRS 62A.030 is hereby amended to read as follows:

62A.030 1. "Child" means:

(a) A person who is less than 18 years of age;

(b) A person who is less than 21 years of age and subject to the jurisdiction of the juvenile court for an unlawful act that was committed before the person reached 18 years of age; or

(c) A person who is otherwise subject to the jurisdiction of the juvenile court as a juvenile sex offender pursuant to the provisions of NRS 62F.200 ~~[to 62F.260, inclusive.]~~ ***, 62F.220 and 62F.260.***

2. The term does not include a person who is excluded from the jurisdiction of the juvenile court pursuant to NRS 62B.330 or a person who is certified for criminal proceedings as an adult pursuant to NRS 62B.390 or 62B.400.

Sec. 46. NRS 62F.200 is hereby amended to read as follows:

62F.200 ***1.*** As used in NRS 62F.200 ~~[to 62F.260, inclusive,]~~ ***, 62F.220 and 62F.260,*** unless the context otherwise requires, "sexual offense" means:

~~[1.]~~ ***(a)*** Sexual assault pursuant to NRS 200.366;

~~[2.]~~ ***(b)*** Battery with intent to commit sexual assault pursuant to NRS 200.400;

~~[3. An offense involving pornography and a minor pursuant to NRS 200.710 or 200.720;~~

~~4.]~~ ***(c)*** Lewdness with a child pursuant to NRS 201.230; or

~~[5.]~~ ***(d)*** An attempt ***or conspiracy*** to commit an offense listed in this section.

2. The term does not include an offense involving consensual sexual conduct if the victim was at least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 47. NRS 62F.220 is hereby amended to read as follows:

62F.220 1. ~~[In addition to any other action authorized or required pursuant to the provisions of this title, if]~~ ***If*** a child ***who is 14 years of age or older*** is adjudicated delinquent for an unlawful act that would have been a

sexual offense if committed by an adult **,** ~~[or is adjudicated delinquent for a sexually motivated act,]~~ the juvenile court shall:

(a) Notify the ~~[Attorney General of the adjudication, so the Attorney General may arrange for the assessment of the risk of recidivism of the child pursuant to the guidelines and procedures for community notification;~~

~~(b) Place the child under the supervision of a probation officer or parole officer, as appropriate, for a period of not less than 3 years;~~

~~(c)]~~ ***Central Repository of the adjudication of the child, so the Central Repository may carry out any provisions for registration of the child pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act;***

(b) Inform the child and the parent or guardian of the child that the child is subject to ~~[community notification as a juvenile sex offender and may be subject to]~~ registration and community notification ~~[as an adult sex offender]~~ pursuant to NRS ~~[62F.250; and~~

~~(d) Order the child, and the parent or guardian of the child during the minority of the child, while the child is subject to community notification as a juvenile sex offender, to inform the probation officer or parole officer, as appropriate, assigned to the child of a change of the address at which the child resides not later than 48 hours after the change of address.]~~ ***179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act.***

2. The juvenile court may not terminate its jurisdiction concerning the child for the purposes of carrying out the provisions of NRS 62F.200 ~~[to 62F.260, inclusive,]~~ ***, 62F.220 and 62F.260*** until the child is no longer subject to ***registration and*** community notification as a juvenile sex offender pursuant to NRS 62F.200 ~~[to 62F.260, inclusive.]~~ ***, 62F.220 and 62F.260.***

Sec. 48. NRS 62F.260 is hereby amended to read as follows:

62F.260 ~~[1.]~~ The records relating to a child must not be sealed pursuant to the provisions of NRS 62H.100 to 62H.170, inclusive, while the child is subject to ***registration and*** community notification as a juvenile sex offender ~~[.~~

~~2. If a child is deemed to be an adult sex offender pursuant to NRS 62F.250, is convicted of a sexual offense, as defined in NRS 179D.410, before reaching 21 years of age or is otherwise subject to registration and community notification pursuant to NRS 179D.350 to 179D.800, inclusive, before reaching 21 years of age:~~

~~(a) The records relating to the child must not be sealed pursuant to the provisions of NRS 62H.100 to 62H.170, inclusive; and~~

~~(b) Each delinquent act committed by the child that would have been a sexual offense, as defined in NRS 179D.410 if committed by an adult, shall be deemed to be a criminal conviction for the purposes of:~~

~~(1) Registration and community notification pursuant to NRS 179D.350 to 179D.800, inclusive; and~~

~~(2) The statewide registry established within the Central Repository pursuant to chapter 179B of NRS.]~~ ***pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act.***

Sec. 49. NRS 213.1099 is hereby amended to read as follows:

213.1099 1. Except as otherwise provided in this section and NRS 213.1214 and 213.1215, the Board may release on parole a prisoner who is otherwise eligible for parole pursuant to NRS 213.107 to 213.157, inclusive.

2. In determining whether to release a prisoner on parole, the Board shall consider:

(a) Whether there is a reasonable probability that the prisoner will live and remain at liberty without violating the laws;

(b) Whether the release is incompatible with the welfare of society;

(c) The seriousness of the offense and the history of criminal conduct of the prisoner;

(d) The standards adopted pursuant to NRS 213.10885 and the recommendation, if any, of the Chief; and

(e) Any documents or testimony submitted by a victim notified pursuant to NRS 213.130.

3. When a person is convicted of a felony and is punished by a sentence of imprisonment, he remains subject to the jurisdiction of the Board from the time he is released on parole under the provisions of this chapter until the expiration of the maximum term of imprisonment imposed by the court less any credits earned to reduce his sentence pursuant to chapter 209 of NRS.

4. Except as otherwise provided in NRS 213.1215, the Board may not release on parole a prisoner whose sentence to death or to life without possibility of parole has been commuted to a lesser penalty unless it finds that the prisoner has served at least 20 consecutive years in the state prison, is not under an order to be detained to answer for a crime or violation of parole or probation in another jurisdiction, and that he does not have a history of:

(a) Recent misconduct in the institution, and that he has been recommended for parole by the Director of the Department of Corrections;

(b) Repetitive criminal conduct;

(c) Criminal conduct related to the use of alcohol or drugs;

(d) Repetitive sexual deviance, violence or aggression; or

(e) Failure in parole, probation, work release or similar programs.

5. In determining whether to release a prisoner on parole pursuant to this section, the Board shall not consider whether the prisoner will soon be eligible for release pursuant to NRS 213.1215.

6. The Board shall not release on parole an offender convicted of an offense listed in ~~[NRS 179D.410]~~ ***section 21 of this act*** until the ~~[law enforcement agency in whose jurisdiction the offender will be released on parole]~~ ***Central Repository for Nevada Records of Criminal History*** has been provided an opportunity to give the notice required ~~[by the Attorney General]~~ pursuant to ~~[NRS 179D.600 to 179D.800, inclusive.]~~ ***section 29 of this act.***

Sec. 50. NRS 213.1245 is hereby amended to read as follows:

213.1245 1. Except as otherwise provided in subsection 3, if the Board releases on parole a prisoner convicted of an offense listed in ~~[NRS 179D.620,]~~ ***section 21 of this act,*** the Board shall, in addition to any other condition of parole, require as a condition of parole that the parolee:

(a) Reside at a location only if it has been approved by the parole and probation officer assigned to the parolee and keep the parole and probation officer informed of his current address;

(b) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the parolee and keep the parole and probation officer informed of the location of his position of employment or position as a volunteer;

(c) Abide by any curfew imposed by the parole and probation officer assigned to the parolee;

(d) Participate in and complete a program of professional counseling approved by the Division;

(e) Submit to periodic tests, as requested by the parole and probation officer assigned to the parolee, to determine whether the parolee is using a controlled substance;

(f) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the parolee;

(g) Abstain from consuming, possessing or having under his control any alcohol;

(h) Not have contact or communicate with a victim of the offense or a witness who testified against the parolee or solicit another person to engage in such contact or communication on behalf of the parolee, unless approved by the parole and probation officer assigned to the parolee, and a written agreement is entered into and signed in the manner set forth in subsection 2;

(i) Not use aliases or fictitious names;

(j) Not obtain a post office box unless the parolee receives permission from the parole and probation officer assigned to the parolee;

(k) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of an offense listed in ~~[NRS 179D.410]~~ ***section 21 of this act*** is present and permission has been obtained from the parole and probation officer assigned to the parolee in advance of each such contact;

(l) Unless approved by the parole and probation officer assigned to the parolee and by a psychiatrist, psychologist or counselor treating the parolee, if any, not be in or near:

(1) A playground, park, school or school grounds;

(2) A motion picture theater; or

(3) A business that primarily has children as customers or conducts events that primarily children attend;

(m) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication;

(n) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the parolee;

(o) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the parolee;

(p) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the parolee; and

(q) Inform the parole and probation officer assigned to the parolee if the parolee expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education. As used in this paragraph, "institution of higher education" has the meaning ascribed to it in NRS 179D.045.

2. A written agreement entered into pursuant to paragraph (h) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or communication authorized. The written agreement must be signed and agreed to by:

(a) The victim or the witness;

(b) The parolee;

(c) The parole and probation officer assigned to the parolee;

(d) The psychiatrist, psychologist or counselor treating the parolee, victim or witness, if any; and

(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child.

3. The Board is not required to impose a condition of parole listed in subsection 1 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.

Sec. 51. NRS 391.314 is hereby amended to read as follows:

391.314 1. If a superintendent has reason to believe that cause exists for the dismissal of a licensed employee and he is of the opinion that the immediate suspension of the employee is necessary in the best interests of the pupils in the district, the superintendent may suspend the employee without notice and without a hearing. Notwithstanding the provisions of NRS 391.312, a superintendent may suspend a licensed employee who has been officially charged but not yet convicted of a felony or a crime involving moral turpitude or immorality. If the charge is dismissed or if the employee is found not guilty, he must be reinstated with back pay, plus interest, and normal seniority. The superintendent shall notify the employee in writing of the suspension.

2. Within 5 days after a suspension becomes effective, the superintendent shall begin proceedings pursuant to the provisions of NRS 391.312 to 391.3196, inclusive, to effect the employee's dismissal. The employee is entitled to continue to receive his salary and other benefits after the suspension becomes effective until the date on which the dismissal proceedings are commenced. The superintendent may recommend that an employee who has been charged with a felony or a crime involving immorality be dismissed for another ground set forth in NRS 391.312.

3. If sufficient grounds for dismissal do not exist, the employee must be reinstated with full compensation, plus interest.

4. A licensed employee who furnishes to the school district a bond or other security which is acceptable to the board as a guarantee that he will repay any amounts paid to him pursuant to this subsection as salary during a period of suspension is entitled to continue to receive his salary from the date on which the dismissal proceedings are commenced until the decision of the board or the report of the hearing officer, if the report is final and binding. The board shall not unreasonably refuse to accept security other than a bond. An employee who receives salary pursuant to this subsection shall repay it if he is dismissed or not reemployed as a result of a decision of the board or a report of a hearing officer.

5. A licensed employee who is convicted of a crime which requires registration pursuant to NRS ~~[179D.200 to 179D.290, inclusive, or 179D.350]~~ ***179D.010*** to 179D.550, inclusive, ***and sections 16 to 30, inclusive, of this act,*** or is convicted of an act forbidden by NRS 200.508, 201.190, 201.265, 201.540, 201.560 or 207.260 forfeits all rights of employment from the date of his arrest.

6. A licensed employee who is convicted of any crime and who is sentenced to and serves any sentence of imprisonment forfeits all rights of employment from the date of his arrest or the date on which his employment terminated, whichever is later.

7. A licensed employee who is charged with a felony or a crime involving immorality or moral turpitude and who waives his right to a speedy trial while suspended may receive no more than 12 months of back pay and seniority upon reinstatement if he is found not guilty or the charges are dismissed, unless proceedings have been begun to dismiss the employee upon one of the other grounds set forth in NRS 391.312.

8. A superintendent may discipline a licensed employee by suspending the employee with loss of pay at any time after a hearing has been held which affords the due process provided for in this chapter. The grounds for suspension are the same as the grounds contained in NRS 391.312. An employee may be suspended more than once during the employee's contract year, but the total number of days of suspension may not exceed 20 in 1 contract year. Unless circumstances require otherwise, the suspensions must be progressively longer.

Sec. 52. NRS 458.300 is hereby amended to read as follows:

458.300 Subject to the provisions of NRS 458.290 to 458.350, inclusive, an alcoholic or a drug addict who has been convicted of a crime is eligible to elect to be assigned by the court to a program of treatment for the abuse of alcohol or drugs pursuant to NRS 453.580 before he is sentenced unless:

1. The crime is:

(a) A crime against the person punishable as a felony or gross misdemeanor as provided in chapter 200 of NRS;

(b) A crime against a child as defined in ~~[NRS 179D.210;]~~ ***section 16 of this act;***

(c) A sexual offense as defined in ~~[NRS 179D.410;]~~ ***section 21 of this act;*** or

(d) An act which constitutes domestic violence as set forth in NRS 33.018;

2. The crime is that of trafficking of a controlled substance;

3. The crime is a violation of NRS 484.379, 484.3795 or 484.37955;

4. The alcoholic or drug addict has a record of two or more convictions of a crime described in subsection 1 or 2, a similar crime in violation of the laws of another state, or of three or more convictions of any felony;

5. Other criminal proceedings alleging commission of a felony are pending against the alcoholic or drug addict;

6. The alcoholic or drug addict is on probation or parole and the appropriate parole or probation authority does not consent to the election; or

7. The alcoholic or drug addict elected and was admitted, pursuant to NRS 458.290 to 458.350, inclusive, to a program of treatment not more than twice within the preceding 5 years.

Sec. 53. NRS 483.283 is hereby amended to read as follows:

483.283 1. The Department shall not issue a driver's license to an offender or renew the driver's license of an offender until the Department has received information submitted by the Central Repository pursuant to NRS 179D.570 or other satisfactory evidence indicating that the offender is in compliance with the provisions of chapter 179D of NRS.

2. If an offender is not in compliance with the provisions of chapter 179D of NRS, the Department:

(a) Shall not issue a driver's license to the offender or renew the driver's license of the offender; and

(b) Shall advise the offender to contact the Central Repository to determine the actions that the offender must take to be in compliance with the provisions of chapter 179D of NRS.

3. A driver's license issued to an offender expires on the first anniversary date of the offender's birthday, measured in the case of an original license, or a renewal license and a renewal of an expired license, from the birthday nearest the date of issuance or renewal.

4. The Department may adopt regulations to carry out the provisions of this section.

5. As used in this section:

(a) "Central Repository" means the Central Repository for Nevada Records of Criminal History.

(b) "Offender" includes an "offender convicted of a crime against a child" as defined in ~~[NRS 179D.216]~~ ***section 18 of this act*** and a "sex offender" as defined in ~~[NRS 179D.400.]~~ ***section 20 of this act.***

Sec. 54. NRS 483.861 is hereby amended to read as follows:

483.861 1. The Department shall not issue an identification card to an offender or renew the identification card of an offender until the Department has received information submitted by the Central Repository pursuant to NRS 179D.570 or other satisfactory evidence indicating that the offender is in compliance with the provisions of chapter 179D of NRS.

2. If an offender is not in compliance with the provisions of chapter 179D of NRS, the Department:

(a) Shall not issue an identification card to the offender or renew the identification card of the offender; and

(b) Shall advise the offender to contact the Central Repository to determine the actions that the offender must take to be in compliance with the provisions of chapter 179D of NRS.

3. An identification card issued to an offender expires on the first anniversary date of the offender's birthday, measured in the case of an original identification card, a renewal identification card and a renewal of an expired identification card, from the birthday nearest the date of issuance or renewal.

4. The Department may adopt regulations to carry out the provisions of this section.

5. As used in this section:

(a) "Central Repository" means the Central Repository for Nevada Records of Criminal History.

(b) "Offender" includes ***, without limitation,*** an "offender convicted of a crime against a child" as defined in ~~[NRS 179D.216]~~ ***section 18 of this act*** and a "sex offender" as defined in ~~[NRS 179D.400.]~~ ***section 20 of this act.***

Sec. 55. NRS 483.929 is hereby amended to read as follows:

483.929 1. The Department shall not issue a commercial driver's license to an offender or renew the commercial driver's license of an offender until the Department has received information submitted by the Central Repository pursuant to NRS 179D.570 or other satisfactory evidence indicating that the offender is in compliance with the provisions of chapter 179D of NRS.

2. If an offender is not in compliance with the provisions of chapter 179D of NRS, the Department:

(a) Shall not issue a commercial driver's license to the offender or renew the commercial driver's license of the offender; and

(b) Shall advise the offender to contact the Central Repository to determine the actions that the offender must take to be in compliance with the provisions of chapter 179D of NRS.

3. A commercial driver's license issued to an offender expires on the first anniversary date of the offender's birthday, measured in the case of an original license, a renewal license and a renewal of an expired license, from the birthday nearest the date of issuance or renewal.

4. The Department may adopt regulations to carry out the provisions of this section.

5. As used in this section:

(a) "Central Repository" means the Central Repository for Nevada Records of Criminal History.

(b) "Offender" includes ***, without limitation,*** an "offender convicted of a crime against a child" as defined in ~~[NRS 179D.216]~~ ***section 18 of this act*** and a "sex offender" as defined in ~~[NRS 179D.400.]~~ ***section 20 of this act.***

Sec. 56. NRS 62A.050, 62F.210, 62F.230, 62F.240, 62F.250, 179D.055, 179D.060, 179D.200, 179D.210, 179D.214, 179D.216, 179D.220, 179D.230, 179D.240, 179D.250, 179D.260, 179D.270, 179D.290, 179D.350, 179D.360, 179D.365, 179D.370, 179D.380, 179D.390, 179D.400, 179D.410, 179D.420, 179D.430, 179D.510, 179D.530, 179D.600, 179D.605, 179D.610, 179D.620, 179D.630, 179D.640, 179D.650, 179D.660, 179D.700, 179D.710, 179D.720, 179D.730, 179D.740, 179D.750, 179D.760, 179D.770 and 179D.800 are hereby repealed.

Sec. 57. **This act becomes effective on July 1, 2008.**

LEADLINES OF REPEALED SECTIONS

62A.050 "Community notification" defined.

62F.210 Applicability of provisions.

62F.230 Notification to local law enforcement agency.

62F.240 Power of juvenile court to relieve child of being subject to community notification.

62F.250 Hearing to determine whether to deem child adult sex offender; termination of registration and community notification.

179D.055 "Nonconsensual" defined.

179D.060 "Offense that poses a threat to the safety or well-being of others" defined.

179D.200 Definitions.

179D.210 "Crime against a child" defined.

179D.214 "Nonresident offender who is a student or worker within this State" and "nonresident offender" defined.

179D.216 "Offender convicted of a crime against a child" and "offender" defined.

179D.220 "Registration" defined.

179D.230 Registration after conviction; duties and procedure; offender informed of duty to register; effect of failure to inform; duties and procedure upon receipt of notification from another jurisdiction or Federal Bureau of Investigation.

179D.240 Registration with local law enforcement agency within 48 hours; duties of offender and procedure; local law enforcement agency to inform offender of his duties after registration; establishment of record of registration; duty of local law enforcement agency when notified of certain information about offender who enrolls in or works at institution of higher education.

179D.250 Offender to notify appropriate agencies of change of address and provide updated information; duties and procedure.

179D.260 Verification form.

179D.270 Duration of duty to register; termination of duty; procedure; exceptions.

179D.290 Prohibited acts; penalties.

179D.350 Definitions.

179D.360 "Mental disorder" defined.

179D.365 "Nonresident sex offender who is a student or worker within this State" and "nonresident sex offender" defined.

179D.370 "Personality disorder" defined.

179D.380 "Qualified professional" defined.

179D.390 "Registration" defined.

179D.400 "Sex offender" defined.

179D.410 "Sexual offense" defined.

179D.420 "Sexually violent offense" defined.

179D.430 "Sexually violent predator" defined.

179D.510 Petition by prosecuting attorney; procedure; access to records of sex offender; rights of confidentiality and privileges deemed waived.

179D.530 Contents of record of registration for sexually violent predator.

179D.600 Definitions.

179D.605 "Nonresident sex offender who is a student or worker within this State" and "nonresident sex offender" defined.

179D.610 "Sex offender" defined.

179D.620 "Sexual offense" defined.

179D.630 "Sexually violent predator" defined.

179D.640 "Tier 1 level of notification" defined.

179D.650 "Tier 2 level of notification" defined.

179D.660 "Tier 3 level of notification" defined.

179D.700 Advisory Council for Community Notification; creation; members; vacancies; recommendations concerning notification.

179D.710 Attorney General to establish guidelines and procedures; uniform application; scope.

179D.720 Assessment of risk of recidivism; factors considered; access to records of sex offender; rights of confidentiality and privileges deemed waived.

179D.730 Levels of notification; persons notified; when notification to include photograph; mandatory level of notification for certain sex offenders;

existence of community notification website does not affect responsibility to provide notification.

179D.740 Notice to sex offender of level of notification assigned and procedure for reconsideration; exceptions.

179D.750 Change in level of notification after unlawful or harmful act.

179D.760 Reassessment of risk of recidivism; termination of notification; procedure; exceptions.

179D.770 Disclosure of information by law enforcement agencies.

179D.800 Attorney General to establish guidelines and procedures; disclosure of information; access to records of juvenile sex offender; rights of confidentiality and privileges deemed waived.

Assemblyman Parks moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 592.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 523.

AN ACT relating to contractors; requiring the State Contractors' Board to designate a contracting classification for licenses that authorize the licensee to abate or remove asbestos **;** ~~[or other hazardous materials;]~~ requiring the Board to establish a specific limit on the amount of asbestos ~~[or other hazardous material]~~ that a contractor not licensed to remove asbestos ~~[or other hazardous material]~~ may remove; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for contracting licenses to be classified as licenses for general engineering contracting, general building contracting or specialty contracting. (NRS 624.215) Existing law also authorizes the State Contractors' Board to limit the field and scope of work that may be done pursuant to a specific contracting license. (NRS 624.220) Existing law authorizes a licensed specialty contractor to perform work outside the field and scope for which the contractor is licensed if the work is incidental and supplemental to the performance of work for which the contractor is licensed. (NRS 624.220)

This bill requires the Board to adopt regulations designating a specialty contracting classification for licenses that authorize the licensee to abate or remove asbestos . ~~[or other hazardous materials.]~~ This bill also requires the Board to adopt regulations establishing a specific limit on the amount of asbestos ~~[or other hazardous material]~~ that a contractor not licensed to remove asbestos ~~[or other hazardous material]~~ may remove.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 624.220 is hereby amended to read as follows:

624.220 1. The Board shall adopt regulations necessary to effect the classification and subclassification of contractors in a manner consistent with established usage and procedure as found in the construction business, and may limit the field and scope of the operations of a licensed contractor to those in which he is classified and qualified to engage as defined by NRS 624.215 and the regulations of the Board.

2. The Board shall limit the field and scope of the operations of a licensed contractor by establishing a monetary limit on a contractor's license, and the limit must be the maximum contract a licensed contractor may undertake on one or more construction contracts on a single construction site or subdivision site for a single client. The Board may take any other action designed to limit the field and scope of the operations of a contractor as may be necessary to protect the health, safety and general welfare of the public. The limit must be determined after consideration of the factors set forth in NRS 624.260 to 624.265, inclusive.

3. A licensed contractor may request that the Board increase the monetary limit on his license, either on a permanent basis or for a single construction project. A request submitted to the Board pursuant to this subsection must be in writing on a form prescribed by the Board and accompanied by such supporting documentation as the Board may require. If a request submitted pursuant to this section is for a single construction project, the request must be submitted to the Board at least 2 working days before the date on which the licensed contractor intends to submit his bid for the project.

4. ~~[Nothing]~~ ***Subject to the provisions of regulations adopted pursuant to subsection 5, nothing*** contained in this section prohibits a specialty contractor from taking and executing a contract involving the use of two or more crafts or trades, if the performance of the work in the crafts or trades, other than in which he is licensed, is incidental and supplemental to the performance of work in the craft for which the specialty contractor is licensed.

5. The Board shall adopt regulations:

(a) Designating a specialty contracting classification for licenses that authorize the licensee to abate or remove asbestos ~~*[or other hazardous materials;]*~~ ***; and***

(b) Establishing a specific limit on the amount of asbestos ~~*[or other hazardous material]*~~ ***that a licensed contractor with a license that is not classified pursuant to paragraph (a) may abate or remove pursuant to subsection 4.***

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 602.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 274.

AN ACT relating to the state personnel system; ~~[increasing]~~ **decreasing** the number of members of the Employee-Management Committee; requiring that certain persons in the classified service of the State be granted a leave of absence without pay to serve as full-time representatives in organizations representing state employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Employee-Management Committee consisting of three members representing management positions within the Executive Department of State Government and three members representing employees within the Executive Department. (NRS 284.068) Section 1 of this bill ~~[adds a seventh member to the Committee,]~~ **reduces the membership of the Committee to five members: two representing management positions within the Executive Department, two representing employees within the Executive Department and one** to be jointly recommended by the other members and appointed by the Governor. Section 1 also provides that the new member of the Committee serves as the Chairman of the Committee. Section 2 of this bill provides for the ~~[salary and]~~ per diem and travel expenses of the Chairman of the Committee.

Existing law authorizes a state employee to be granted a leave of absence without pay in certain circumstances. (NRS 284.360) Section 3 of this bill requires that a permanent, classified worker must be granted a leave of absence without pay to serve as a full-time representative in an organization that represents state employees. Section 3 also provides that when the person no longer serves as such a representative, the person must be reinstated to the position he held before the leave of absence, without loss of pay or certain other benefits.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 284.068 is hereby amended to read as follows:

284.068 1. The Employee-Management Committee, consisting of ~~[six]~~ ~~*[seven]*~~ ***five*** members **,** ~~[appointed by the Governor,]~~ is hereby created.

2. The Governor shall appoint to the Committee:

(a) ~~[Three]~~ ***Two*** persons to represent management within the Executive Department of State Government, and ~~[three]~~ ***two*** persons to serve as alternates for them.

(b) ~~[Three]~~ ***Two*** persons to represent employees within the Executive Department of State Government, and ~~[three]~~ ***two*** persons to serve as alternates for them.

(c) One person recommended to the Governor by the members of the Committee appointed pursuant to paragraphs (a) and (b).

3. The representatives of employees and their alternates must be selected from a list, supplied by state employees or one or more state employees' groups, or any combination of these, containing twice as many names as there are vacancies to be filled.

4. ***The members of the Committee appointed pursuant to paragraphs (a) and (b) of subsection 2 must hold a vote to determine the person to recommend to the Governor pursuant to paragraph (c) of subsection 2. If a majority of the members of the Committee do not agree upon the person to recommend, the Director shall request from the*** ~~*[American Arbitration Association or its]*~~ ***Federal Mediation and Conciliation Service or a successor organization a list of seven arbitrators who specialize in labor disputes and who are residents of this State. One member of the Committee appointed pursuant to paragraph (a) of subsection 2 and one member of the Committee appointed pursuant to paragraph (b) of subsection 2 shall alternately strike one name from the list until the name of only one arbitrator remains, and that arbitrator must be recommended to the Governor to serve as a member of the Committee. The representative to strike the first name must be determined by the toss of a coin.***

5. The person appointed by the Governor pursuant to paragraph (c) of subsection 2 shall serve as Chairman of the Committee.

6. The members of the Committee and the alternates shall serve for 2 years.

Sec. 2. NRS 284.071 is hereby amended to read as follows:

284.071 1. ~~[The Chairman of the Employee Management Committee must be chosen by a majority vote of the members.~~

~~2.]~~ The ***Employee-Management*** Committee shall adopt such rules as it deems necessary for its own management.

~~[3.]~~ ***2.*** The Committee shall meet at least once every 3 months and at such other times as the Chairman may designate.

~~[4.]~~ ***3.*** The Department shall provide secretarial services for the Committee.

4. ~~*[The Chairman of the Committee is entitled to receive a salary equal to that of the Director.*~~

~~*5.]*~~ ***While engaged in the business of the Committee, the Chairman of the Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.***

Sec. 3. NRS 284.360 is hereby amended to read as follows:

284.360 1. Any person holding a permanent position in the classified service may be granted a leave of absence without pay. Leave of absence may be granted to any person holding a position in the classified service to permit acceptance of an appointive position in the unclassified service. Leave of absence must be granted to any person holding a position in the classified service to permit acceptance of a position in the Legislative Branch during a

regular or special session of the Legislature, including a reasonable period before and after the session if the entire period of employment in the Legislative Branch is continuous.

2. If a person is granted a leave of absence without pay to permit acceptance of an appointive position in the unclassified service or a position in the Legislative Branch, any benefits earned while he is in the:

(a) Classified service are retained and must be paid by the employer in the classified service, whether or not the person returns to the classified service.

(b) Unclassified service or employed by the Legislative Branch are retained and must be paid by the appointing authority in the unclassified service or by the Legislative Branch, if he does not return to the classified service, or by the employer in the classified service, if he returns to the classified service.

3. Any person in the unclassified service, except members of the academic staff of the Nevada System of Higher Education, may be granted by the appointing authority a leave of absence without pay for a period not to exceed 6 months.

4. Officers and members of the faculty of the Nevada System of Higher Education may be granted leaves of absence without pay as provided by the regulations prescribed pursuant to subsection 2 of NRS 284.345.

5. Except as otherwise provided in subsection 6, a person in the classified or unclassified service who:

(a) Is the natural parent of a child who is less than 6 months old; or

(b) Has recently adopted a child,

➥ must be granted, upon request, a leave of absence without pay for a period not to exceed 12 weeks. Such a request by natural parents must be submitted at least 3 months before the date upon which the requested leave will begin, unless a shorter notice is approved by the employer. Such a request by adoptive parents must be submitted not fewer than 2 working days after the parents receive notice of the approval of the adoption. This subsection does not affect the rights of an employee set forth in NRS 284.350 or 284.355.

6. The provisions of subsection 5 are effective only if the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq., or a subsequent federal law ceases to provide for a parental leave of absence of at least 12 weeks.

7. Any person holding a permanent position in the classified service must be granted a leave of absence without pay to serve as a full-time representative of state employees in an organization which represents state employees. When the person no longer serves as a full-time representative in such an organization, the person must be reinstated to his former position in the classified service without loss of pay, tenure, status or benefits earned while in the classified service.

Sec. 4. ~~[As soon as is practicable after July 1, 2007, the members of the Employee-Management Committee appointed pursuant to paragraphs (a) and (b) of subsection 1 of NRS 284.068 shall recommend a person to be~~

~~appointed as a member of the Committee to the Governor in accordance with the provisions of NRS 284.068, as amended by section 1 of this act, and the Governor shall appoint such member, whose term expires on the same date as the other members of the Committee.]~~ **Notwithstanding the provisions of subsection 4 of NRS 284.068, as amended by section 1 of this act:**

1. The terms of the current members of the Employee-Management Committee expire on June 30, 2007.

2. As soon as is practicable on or after July 1, 2007, the Governor shall appoint to the Committee:

(a) The following, each to serve an initial term that expires on June 30, 2008:

(1) One member and one alternate appointed in accordance with the provisions of paragraph (a) of subsection 2 of NRS 284.068, as amended by section 1 of this act; and

(2) One member and one alternate appointed in accordance with the provisions of paragraph (b) of subsection 2 of NRS 284.068, as amended by section 1 of this act; and

(b) The following, each to serve an initial term that expires on June 30, 2009:

(1) One member and one alternate appointed in accordance with the provisions of paragraph (a) of subsection 2 of NRS 284.068, as amended by section 1 of this act; and

(2) One member and one alternate appointed in accordance with the provisions of paragraph (b) of subsection 2 of NRS 284.068, as amended by section 1 of this act.

3. As soon as is practicable after being appointed pursuant to subsection 2, the members appointed pursuant to subsection 2 shall recommend to the Governor a person to be appointed as a member of the Committee in accordance with the provisions of NRS 284.068, as amended by section 1 of this act, and the Governor shall appoint such member, to serve an initial term that expires on June 30, 2009.

Sec. 5. This act becomes effective on ~~[July 1,]~~ **June 30,** 2007.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 53.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 529.

AN ACT relating to administrators of facilities for long-term care; providing for the reinstatement of expired licenses for administrators of a residential facility for groups or nursing facility administrators; requiring the payment of a fee for reinstatement; requiring the Nevada State Board of

Examiners for Administrators of Facilities for Long-Term Care to make reasonable efforts to notify licensees of license renewal requirements and license expirations; revising provisions governing the authority of the Board to take disciplinary action against a person who holds a license; authorizing the Board to proceed with certain investigations, actions or disciplinary proceedings against persons with expired licenses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensing of administrators of facilities for long-term care. (NRS 654.140-654.180) The license of a nursing facility administrator or an administrator of a residential facility for groups expires 2 years after it was issued unless it is renewed. (NRS 654.170) Section ~~[1.]~~ **2** of this bill requires the Nevada State Board of Examiners for Administrators of Facilities for Long-Term Care to reinstate a license that expired if the person who held the license pays a fee and fulfills certain other requirements. Section ~~[1.]~~ **2** also requires the Board to make reasonable efforts to notify a person who holds a license that renewal of a license is coming due and to notify a person if the license held by the person expired.

Under existing law, the Board may impose an administrative fine of not more than $2,500 on a person who holds a license and may suspend or revoke a license for various violations. (NRS 654.190) Section ~~[2.]~~ **3** of this bill increases the maximum amount of the administrative fine that the Board may impose to not more than $5,000 and authorizes the Board to recover reasonable investigative fees and costs, to place conditions on a license and to place a person who holds a license on probation. Section ~~[2.]~~ **3** also adds violations which would subject a person who holds a license to disciplinary action by the Board and provides that the expiration of a license or the voluntary surrender of a license does not deprive the Board of jurisdiction to continue disciplinary proceedings against the person who held the license.

Existing law authorizes the reinstatement of a suspended license of an administrator of a residential facility for groups if a majority of the members of the Board vote in favor of the reinstatement. (NRS 654.195) Section ~~[3.]~~ **4** of this bill additionally authorizes reinstatement of the license if the person who held the license reapplies for the license and the Board determines that the person meets the requirements for the issuance of a license.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 654.028 is hereby amended to read as follows:**

654.028 "Nursing facility administrator" means a person who manages, supervises and is in general administrative charge of a facility for skilled nursing or facility for intermediate care ~~[.]~~ ***of patients.***

~~[Section 1.]~~ ***Sec. 2.*** NRS 654.170 is hereby amended to read as follows:

654.170 1. The Board shall issue a numbered license, in such form as it may prescribe, to each applicant who meets the requirements of NRS 654.150 or 654.155 and shall affix its official seal to the license.

2. Each license issued by the Board pursuant to this chapter expires 2 years after the last day of the calendar month in which it was issued and may be renewed on or before that date biennially.

3. Any licensed nursing facility administrator or administrator of a residential facility for groups may renew his license by applying for renewal in the manner prescribed by the Board, paying the renewal fee fixed by the Board and submitting all information required to complete the renewal.

4. The Board shall, as a prerequisite for the renewal of a license, require each holder to comply with:

(a) The requirements for continuing education adopted by the Board; and

(b) The duties of the administrator set forth in NRS 449.0357.

5. The Board shall reinstate a license which has expired pursuant to subsection 2 if:

(a) Not later than 2 years after the date the license expired, the person who held the license:

(1) Applies to the Board for the reinstatement of the license in the manner prescribed by the Board;

(2) Pays to the Board a fee for the reinstatement of the license equal to twice the amount of the renewal fee fixed by the Board pursuant to subsection 3; and

(3) Submits all information required by the Board pursuant to subsection 3 for renewal; and

(b) The Board determines that the person meets the requirements of NRS 654.150 or 654.155.

6. The Board shall make reasonable efforts to notify each person who holds a license:

(a) Before the license expires pursuant to subsection 2, that if the person does not submit the renewal fee and all the information required to complete the renewal, the license will expire pursuant to subsection 2; and

(b) That if the person did not pay the renewal fee and submit all the information required to complete the renewal before the license expired pursuant to subsection 2, the license has expired.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and a hearing as required by law, impose an administrative fine of not more than ~~[$2,500 on and suspend or]~~ ***$5,000 on, recover reasonable investigative fees and costs incurred from, suspend,*** revoke ***or place conditions on*** the license of ***, and place on probation*** any nursing facility administrator or administrator of a residential facility for groups who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.001 to 449.240, inclusive, as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for nursing facility administrators or administrators of residential facilities for groups ~~[.]~~ ***, including, without limitation, a code of ethics.***

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the nursing facility administrator or administrator of a residential facility for groups and the patient or resident for the financial or other gain of the licensee.

2. The Board shall give a licensee against whom proceedings are brought pursuant to this section written notice of a hearing not less than 10 days before the date of the hearing.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

~~[Sec. 3.]~~ ***Sec. 4.*** NRS 654.195 is hereby amended to read as follows:

654.195 1. Except as otherwise provided in subsection 2, the Board may reinstate the license of an administrator of a residential facility for groups that has been suspended by the Board if ~~[a]~~ ***:***

(a) A majority of the members of the Board vote in favor of the reinstatement ~~[.]~~ ***; or***

(b) The person who held the license reapplies for a license as an administrator of a residential facility for groups pursuant to NRS 654.140 and the Board determines that the person meets the requirements of NRS 654.155.

2. The Board may reinstate a license of an administrator of a residential facility for groups that has been suspended pursuant to NRS 425.540 only if the holder of the license complies with the requirements for reinstatement set forth in NRS 654.193.

3. In a manner consistent with the provisions of chapter 622A of NRS, the Board may reinstate the license of an administrator of a residential facility for groups that has been revoked by the Board if all of the members of the Board vote in favor of reinstatement.

~~[Sec. 4.]~~ ***Sec. 5.*** NRS 654.195 is hereby amended to read as follows:

654.195 1. The Board may reinstate the license of an administrator of a residential facility for groups that has been suspended by the Board if ~~[a]~~ ***:***

(a) A majority of the members of the Board vote in favor of the reinstatement ~~[.]~~ ***; or***

(b) The person who held the license reapplies for a license as an administrator of a residential facility for groups pursuant to NRS 654.140 and the Board determines that the person meets the requirements of NRS 654.155.

2. In a manner consistent with the provisions of chapter 622A of NRS, the Board may reinstate the license of an administrator of a residential facility for groups that has been revoked by the Board if all of the members of the Board vote in favor of reinstatement.

~~[Sec. 5.]~~ ***Sec. 6.*** 1. This section and sections 1, 2 and 3 of this act become effective upon passage and approval.

2. Section 3 of this act expires by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

3. Section 4 of this act becomes effective 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 207.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 442.

SUMMARY— ~~[Provides for the payment of a cash benefit to certain injured workers unable to return to the positions that they held at the time of injury.]~~ **Revises provisions governing vocational rehabilitation services.** (BDR 53-546)

AN ACT relating to industrial insurance; ~~[repealing provisions which require that vocational rehabilitation services be provided to eligible injured workers; providing for the payment of a cash benefit to certain injured workers who are unable to return to the position they held before the injury;]~~ **revising provisions governing vocational rehabilitation services;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the provision of vocational rehabilitation services to injured employees who are unable to return to the positions that they held at the time of the injury. Existing law also authorizes the payment of a lump-sum cash benefit to an injured employee in lieu of the provision of vocational rehabilitation services. (NRS 616C.530-616C.600) ~~[Sections 1-6, 8 and 9 of this bill eliminate the provisions which require that vocational rehabilitation services be provided to injured employees who are unable to return to the positions that they held at the time of the injury. Section 7 of this bill provides for the payment of a lump-sum cash benefit to an injured employee who is unable to return to the position that he held at the time of the injury. Section 7 establishes the rate for determining the amount of the cash benefit and establishes minimum and maximum amounts for the cash benefit. Section 10 of this bill provides for the applicability of the eliminated provisions to injured workers who entered programs for vocation rehabilitation services before July 1, 2007.]~~ **Section 3 of this bill prohibits a vocational rehabilitation counselor from performing certain acts concerning injured employees, including offering a lump-sum payment in lieu of vocational rehabilitation services without providing certain notices to the injured employee or his attorney, making certain statements to the injured employee and interfering with the relationship of the injured employee and his attorney. Section 6 of this bill provides administrative penalties for such violations. Section 4 of this bill requires an insurer that receives a written request from an injured employee for a lump-sum payment in lieu of vocational rehabilitation services to respond to the request within 30 days. Section 5 of this bill provides that vocational rehabilitation services may be provided outside of Nevada in any state that borders Nevada.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 11 of this bill and replace with the following new sections 1 through 6:

Section 1. **NRS 616A.070 is hereby amended to read as follows:**

616A.070 "Benefit penalty" means an additional amount of money that is payable to a claimant if the Administrator has determined that a violation of any of the provisions of paragraphs (a) to (e), inclusive, or (h) of subsection 1 of NRS 616D.120 ***, or section 3 of this act,*** has occurred.

Sec. 2. **Chapter 616C of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.**

Sec. 3. ***A vocational rehabilitation counselor shall not:***

1. Offer payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation services to an injured employee:

(a) Without providing written notice of the offer to the attorney for the injured employee; or

(b) If the injured employee is not represented by an attorney, without providing a written notice to the employee which satisfies the requirements of the notice required by paragraph (c) of subsection 3 of NRS 616C.595;

2. Offer any monetary payment to an injured employee in an amount that is less than the amount authorized by the insurer;

3. Make any false statement or implication that an injured employee must make a decision regarding vocational rehabilitation within a certain period of time;

4. Make any statement or implication to an injured employee that he should not hire an attorney or recommend that an injured employee terminate an existing relationship with an attorney; or

5. Interfere in any other manner with the relationship between an injured employee and his attorney, including, without limitation, interfering in any manner with an agreement regarding attorney's fees.

Sec. 4. ***An insurer shall, within 30 days after receiving a written request from an injured employee for payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation services, respond in writing to the request and, if the insurer agrees to the request, include in the response:***

1. The amount of the lump sum that the insurer is offering to pay;

2. A statement that the injured employee has 30 days after the date of the written response to accept or reject the lump-sum offer; and

3. A statement indicating that, if the injured employee rejects the lump-sump offer, he must continue working with his vocational rehabilitation counselor in accordance with the provisions of this chapter and the regulations adopted pursuant thereto.

Sec. 5. **NRS 616C.580 is hereby amended to read as follows:**

616C.580 1. Except as otherwise provided in this section, vocational rehabilitation services must not be provided outside of this State.

2. An injured employee ~~[who:~~

~~(a) Resides outside of this State, within 50 miles from any border of this State, on the date of injury; or~~

~~(b) Was injured while temporarily employed in this State by an employer subject to the provisions of chapters 616A to 617, inclusive, of NRS who can demonstrate that, on the date of injury, his permanent residence was outside of this State,~~

~~•~~] may receive vocational rehabilitation services ~~[at a location within 50 miles from his residence if such services are available at such a location.]~~

outside of this State if the state in which the vocational rehabilitation services are provided borders this State.

3. An injured employee who:

(a) Is eligible for vocational rehabilitation services pursuant to NRS 616C.590; and

(b) Resides outside of this State but does not qualify to receive vocational rehabilitation services outside of this State pursuant to subsection 2,

➥ may execute a written agreement with the insurer which provides for the payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation services pursuant to NRS 616C.595. The amount of the lump sum must not exceed $20,000.

4. An injured employee who resides outside of this State but does not qualify to receive vocational rehabilitation services outside of this State pursuant to subsection 2 may receive the vocational rehabilitation services to which he is entitled pursuant to NRS 616C.545 to 616C.575, inclusive, and 616C.590 if he relocates to:

(a) This State; or

(b) A ~~[location within 50 miles from any border of]~~ ***state that borders*** this State,

➥ at his own expense, if such services are available at such a location.

5. An injured employee who resides in this State may receive vocational rehabilitation services outside of this State at a location ~~[within 50 miles from his residence]~~ ***in a state that borders this State*** if such services are available at such a location. An insurer may not unreasonably deny a request made by an injured employee pursuant to this subsection to receive vocational rehabilitation services outside of this State.

Sec. 6. **NRS 616D.120 is hereby amended to read as follows:**

616D.120 1. Except as otherwise provided in this section, if the Administrator determines that an insurer, organization for managed care, health care provider, third-party administrator or employer has:

(a) Induced a claimant to fail to report an accidental injury or occupational disease;

(b) Without justification, persuaded a claimant to:

(1) Settle for an amount which is less than reasonable;

(2) Settle for an amount which is less than reasonable while a hearing or an appeal is pending; or

(3) Accept less than the compensation found to be due him by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties pursuant to chapters 616A to 617, inclusive, of NRS;

(c) Refused to pay or unreasonably delayed payment to a claimant of compensation or other relief found to be due him by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties

pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, if the refusal or delay occurs:

(1) Later than 10 days after the date of the settlement agreement or stipulation;

(2) Later than 30 days after the date of the decision of a court, hearing officer, appeals officer or the Division, unless a stay has been granted; or

(3) Later than 10 days after a stay of the decision of a court, hearing officer, appeals officer or the Division has been lifted;

(d) Refused to process a claim for compensation pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(e) Made it necessary for a claimant to initiate proceedings pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for compensation or other relief found to be due him by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(f) Failed to comply with the Division's regulations covering the payment of an assessment relating to the funding of costs of administration of chapters 616A to 617, inclusive, of NRS;

(g) Failed to provide or unreasonably delayed payment to an injured employee or reimbursement to an insurer pursuant to NRS 616C.165; or

(h) Intentionally failed to comply with any provision of, or regulation adopted pursuant to, this chapter or chapter 616A, 616B, 616C or 617 of NRS,

➥ the Administrator shall impose an administrative fine of $1,500 for each initial violation, or a fine of $15,000 for a second or subsequent violation.

2. Except as otherwise provided in chapters 616A to 616D, inclusive, or chapter 617 of NRS, if the Administrator determines that an insurer, organization for managed care, health care provider, third-party administrator or employer has failed to comply with any provision of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto, the Administrator may take any of the following actions:

(a) Issue a notice of correction for:

(1) A minor violation, as defined by regulations adopted by the Division; or

(2) A violation involving the payment of compensation in an amount which is greater than that required by any provision of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto.

➥ The notice of correction must set forth with particularity the violation committed and the manner in which the violation may be corrected. The provisions of this section do not authorize the Administrator to modify or negate in any manner a determination or any portion of a determination made by a hearing officer, appeals officer or court of competent jurisdiction or a provision contained in a written settlement agreement or written stipulation.

(b) Impose an administrative fine for:

(1) A second or subsequent violation for which a notice of correction has been issued pursuant to paragraph (a); or

(2) Any other violation of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto, for which a notice of correction may not be issued pursuant to paragraph (a).

➥ The fine imposed must not be greater than $375 for an initial violation, or more than $1,500 for any second or subsequent violation.

(c) Order a plan of corrective action to be submitted to the Administrator within 30 days after the date of the order.

3. If the Administrator determines that a violation of any of the provisions of paragraphs (a) to (e), inclusive, or (h) of subsection 1 has occurred, the Administrator shall order the insurer, organization for managed care, health care provider, third-party administrator or employer to pay to the claimant a benefit penalty in an amount that is not less than $5,000 and not greater than $37,500. To determine the amount of the benefit penalty, the Administrator shall consider the degree of physical harm suffered by the injured employee or his dependents as a result of the violation of paragraph (a), (b), (c), (d), (e) or (h) of subsection 1, the amount of compensation found to be due the claimant and the number of fines and benefit penalties previously imposed against the insurer, organization for managed care, health care provider, third-party administrator or employer pursuant to this section. If this is the third violation within 5 years for which a benefit penalty has been imposed against the insurer, organization for managed care, health care provider, third-party administrator or employer, the Administrator shall also consider the degree of economic harm suffered by the injured employee or his dependents as a result of the violation of paragraph (a), (b), (c), (d), (e) or (h) of subsection 1. Except as otherwise provided in this section, the benefit penalty is for the benefit of the claimant and must be paid directly to him within 10 days after the date of the Administrator's determination. If the claimant is the injured employee and he dies before the benefit penalty is paid to him, the benefit penalty must be paid to his estate. Proof of the payment of the benefit penalty must be submitted to the Administrator within 10 days after the date of his determination unless an appeal is filed pursuant to NRS 616D.140. Any compensation to which the claimant may otherwise be entitled pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS must not be reduced by the amount of any benefit penalty received pursuant to this subsection.

4. In addition to any fine or benefit penalty imposed pursuant to this section, the Administrator may assess against an insurer who violates any regulation concerning the reporting of claims expenditures or premiums received that are used to calculate an assessment, an administrative penalty of up to twice the amount of any underpaid assessment.

5. If:

(a) The Administrator determines that a person has violated any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310 or 616D.350 to 616D.440, inclusive; and

(b) The Fraud Control Unit for Industrial Insurance of the Office of the Attorney General established pursuant to NRS 228.420 notifies the Administrator that the Unit will not prosecute the person for that violation,

➥ the Administrator shall impose an administrative fine of not more than $15,000.

6. Two or more fines of $1,000 or more imposed in 1 year for acts enumerated in subsection 1 must be considered by the Commissioner as evidence for the withdrawal of:

(a) A certificate to act as a self-insured employer.

(b) A certificate to act as an association of self-insured public or private employers.

(c) A certificate of registration as a third-party administrator.

7. The Commissioner may, without complying with the provisions of NRS 616B.327 or 616B.431, withdraw the certification of a self-insured employer, association of self-insured public or private employers or third-party administrator if, after a hearing, it is shown that the self-insured employer, association of self-insured public or private employers or third-party administrator violated any provision of subsection 1.

8. If the Administrator determines that a vocational rehabilitation counselor has violated the provisions of section 3 of this act, the Administrator may impose an administrative fine or benefit penalty of not more than $250 for a first violation, $500 for a second violation and $1,000 for a third or subsequent violation.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 240.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 514.

AN ACT relating to motor vehicles; ~~[requiring]~~ **authorizing** a peace officer to impound a motor vehicle if the driver does not have a driver's license or evidence of insurance in his possession; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a driver who does not have his driver's license or evidence of insurance in his possession while driving must be issued a citation, though he may not be convicted if he later produces his driver's license or evidence of insurance in court or to the arresting officer. (NRS 483.350, 484.792) Sections 1 and 2 of this bill ~~[require]~~ **provide** that, in

addition to issuing a citation, a peace officer ~~[shall]~~ **may** impound a vehicle if the driver does not have his driver's license or evidence of insurance in his possession. The driver or owner must produce the driver's license or evidence of insurance and pay the towing and impounding fees before the vehicle is returned to him.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 483.350 is hereby amended to read as follows:

483.350 ***1.*** Every licensee shall have his driver's license in his immediate possession at all times when driving a motor vehicle and shall manually surrender the license for examination, upon demand, to a justice of the peace, a peace officer ~~[,]~~ or a deputy of the Department. ~~[However, no]~~

2. If a licensee fails to have his driver's license in his immediate possession when driving a motor vehicle, and the peace officer or deputy of the Department is unable to ascertain that the driver holds a valid driver's license in this State or in any other jurisdiction, the peace officer or deputy of the Department ~~[shall]~~ may cause the vehicle to be towed and impounded until:

(a) The licensee produces in court or in the office of the arresting officer a driver's license theretofore issued to him and valid at the time of the demand; and

(b) The owner of the motor vehicle claims the vehicle by paying the cost of the towing and impoundment.

3. Neither the peace officer or deputy of the Department nor the governmental entity which employs him is civilly liable for any damage to a motor vehicle seized pursuant to subsection 2 that occurs after the vehicle is seized, but before the towing process begins.

4. No person charged with violating this section shall be convicted ***pursuant to NRS 483.620*** if he produces in court or ***in*** the office of the arresting officer a driver's license theretofore issued to him and valid at the time of the demand.

Sec. 2. NRS 484.792 is hereby amended to read as follows:

484.792 ***1.*** Whenever the driver of a vehicle is stopped by a peace officer for violating a provision of this chapter, except for violating a provision of NRS 484.395 to 484.443, inclusive, the officer shall demand ~~[proof]~~ ***evidence*** of the insurance required by NRS 485.185, and issue a citation as provided in NRS 484.799 if the officer has probable cause to believe that the driver of the vehicle is in violation of NRS 485.187.

2. If the driver of the vehicle is not the owner, a citation must also be issued to the owner, and in such a case the driver:

~~[1.]~~ ***(a)*** May sign the citation on behalf of the owner; and

~~[2.]~~ ***(b)*** Shall notify the owner of the citation within 3 days after it is issued.

➥ The agency which employs the peace officer shall immediately forward a copy of the citation to the registered owner of the vehicle, by certified mail, at his address as it appears on the certificate of registration.

3. If the driver of the vehicle fails to provide evidence of insurance upon demand pursuant to subsection 1, and the peace officer has probable cause to believe that the driver is in violation of NRS 485.187, the officer ~~[shall]~~ may cause the vehicle to be towed and impounded until:

(a) The driver or owner presents evidence of insurance in effect at the time of demand to the court pursuant to NRS 485.187; and

(b) The owner of the motor vehicle claims the vehicle by paying the cost of the towing and impoundment.

4. Neither the peace officer nor the governmental entity which employs him is civilly liable for any damage to a motor vehicle seized pursuant to subsection 3 that occurs after the vehicle is seized, but before the towing process begins.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 249, 446, 491, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 321, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 249, 321, 446, 491, just reported out committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 518.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 469.

AN ACT relating to telecommunication service; revising provisions governing the regulation of certain incumbent local exchange carriers; revising provisions governing the regulation of competitive suppliers of telecommunication service; allowing for greater competition among various telecommunication providers; repealing provisions governing the plan of

alternative regulation and PAR carriers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Public Utilities Commission of Nevada to regulate public utilities that provide telecommunication service to the public. With regard to local telephone service, each service territory has an incumbent local exchange carrier that has an obligation to serve the customers within that particular territory. If no other telecommunication provider is authorized to serve the customers in that particular territory, the incumbent local exchange carrier essentially has a monopoly with regard to local telephone service. (Chapter 704 of NRS)

To foster competition in the local telephone market, existing law allows the Commission to establish a plan of alternative regulation (PAR), whereby an incumbent local exchange carrier may elect to become a PAR carrier under a regulatory scheme which allows flexibility of pricing for certain competitive, discretionary and deregulated services. Under the PAR regulatory scheme, the PAR carrier is allowed to sell such services under less regulated conditions, and other telecommunication providers, known as competitive suppliers, have the opportunity to compete with the PAR carrier in the local telephone market. However, as the incumbent local exchange carrier, the PAR carrier generally retains its obligations as the provider of last resort of basic telephone service and must ensure that such telephone service remains available at affordable rates to the customers within its service territory. (NRS 704.040, 704.68904-704.68984)

This bill repeals the PAR regulatory scheme and replaces it with a regulatory scheme that is intended to promote more competition in the local telephone market. Under this bill, all telecommunication providers, with the exception of certain small-scale providers of last resort, are classified as competitive suppliers. This bill reduces the regulatory authority of the Commission over such competitive suppliers and provides for greater flexibility of pricing with regard to most components of local telephone service, including basic telephone service.

This bill also ~~[allows]~~ **requires the Commission to adopt regulations establishing the terms, conditions and procedures under which: (1)** an incumbent local exchange carrier ~~[to]~~ **may** be excused from its obligations as the provider of last resort ~~[under certain limited circumstances.]~~ **; and (2) those obligations may be reinstated. The regulations must also establish the manner of giving prior notice and the terms of any bond necessary to protect consumers and ensure continuity of basic telephone service when a provider other than an incumbent local exchange carrier intends to terminate or discontinue such service.**

Finally, to maintain the availability of telephone service to rural, insular and high-cost areas, this bill requires the Commission to continue to levy and collect a uniform and equitable assessment from all telecommunication providers. The proceeds of the assessment must be used to reimburse

providers of last resort so that they are able to provide telephone service to rural, insular and high-cost areas.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 30, inclusive, of this act.

Sec. 2. ***"Basic network service" means the provision of stand-alone telephone service furnished to a residential customer through the customer's primary residential line as the only service that:***

1. Is not:

(a) Part of a package of services;

(b) Sold in a promotion;

(c) Purchased pursuant to a contract; or

(d) Otherwise offered at a discounted price; and

2. Provides to the customer:

(a) Voice-grade access to the public switched telephone network with a minimum bandwidth of 300 to 3,000 hertz;

(b) Dual tone multifrequency signaling and single party service;

(c) Access to:

(1) Operator services;

(2) Telephone relay services;

(3) Local directory assistance;

(4) Interexchange service; and

(5) Emergency 911 service.

(d) The first single-line directory listing; and

(e) Universal lifeline service for those eligible for such service.

Sec. 3. ***"Business line service" means flat or measured rate service for business lines or business trunk lines.***

Sec. 4. ***1. "Competitive supplier" means a telecommunication provider that is subject to the provisions of sections 18 to 30, inclusive, of this act.***

2. The term does not include a small-scale provider of last resort unless the provider is authorized by the Commission pursuant to section 21 of this act to be regulated as a competitive supplier.

Sec. 5. ***"Fund to maintain the availability of telephone service" means the fund established by the Commission pursuant to NRS 704.040 to maintain the availability of telephone service.***

Sec. 6. ***"Incumbent local exchange carrier" has the meaning ascribed to it in 47 U.S.C. § 251(h)(1), as that section existed on October 1, 1999, and includes a local exchange carrier that is treated as an incumbent local exchange carrier pursuant to that section.***

Sec. 7. ***"Interexchange carrier" means any person providing either or both intrastate and interstate telecommunication service for a fee between two or more exchanges.***

Sec. 8. ***"Local exchange carrier" has the meaning ascribed to it in 47 U.S.C. § 153(26), as that section existed on December 1, 2006.***

Sec. 9. ***"Provider of last resort" means the telecommunication provider designated by the regulations of the Commission to provide basic network service and business line service to any person requesting and eligible to receive telephone service in a particular service territory.***

Sec. 10. ***"Small-scale provider of last resort" means an incumbent local exchange carrier that is a provider of last resort of basic network service and business line service to customers through less than 60,000 access lines.***

Sec. 11. ***"Telecommunication" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information sent and received, regardless of the facilities, equipment or technology used.***

Sec. 12. ***"Telecommunication provider" or "telephone company" means any person required to obtain from the Commission a certificate of public convenience and necessity pursuant to NRS 704.330 to provide telecommunication service.***

Sec. 13. ***"Telecommunication service" or "telephone service" means the offering of telecommunication for a fee directly to the public, or such classes of users as to be effectively available directly to the public, regardless of the equipment, facilities or technology used.***

Sec. 14. ***1. The Commission shall by regulation establish a procedure for an incumbent local exchange carrier to provide notice via the Internet of interconnection agreements entered into with another telecommunication provider.***

2. The procedure established by the Commission pursuant to this section for providing notice via the Internet is the exclusive method for providing such notice, and the Commission may not require another method of notice.

3. When an incumbent local exchange carrier provides notice via the Internet pursuant to this section, the notice must include a link to the public area of its website where an electronic copy of the interconnection agreements may be obtained.

Sec. 15. ~~*[A telecommunication provider is immediately excused by operation of law from all obligations as a provider of last resort to any real property or the occupants of any real property if the owner, operator or developer of the real property or the homeowners' association for the common-interest community where the real property is located directly or indirectly engages in any of the following acts:*~~

~~*1. Grants to another person who provides, directly or by an affiliate, telecommunication service or the functional equivalent of such service through any form of telephony technology exclusive rights to:*~~

~~*(a) Construct or install the facilities or equipment of that person during the construction or development phase of the real property; or*~~

~~*(b) Serve the occupants of the real property with such service.*~~

~~*2. Collects from the occupants of the real property any mandatory rent, fee or other charge for the provision of telecommunication service or the functional equivalent of such service through any form of telephony technology to the occupants of the real property.*~~

~~*3. Prevents or interferes with or imposes unreasonable restrictions upon the provider of last resort's construction or installation of facilities or equipment on the real property which have been requested by the occupants of the real property.*~~

~~*4. Discriminates against the provider of last resort or imposes unduly burdensome conditions on the terms, conditions and compensation for the provider of last resort's construction or installation of facilities or equipment on the real property.*~~

~~*5. Imposes an unreasonable payment or charge on the occupants of the real property or on the provider of last resort as a condition of allowing access to the real property by the provider of last resort.]*~~

1. The Commission shall adopt regulations that establish:

(a) The obligations of incumbent local exchange carriers as providers of last resort giving due consideration to the status of the incumbent local exchange carriers as either competitive suppliers or small-scale providers of last resort.

(b) The terms, conditions and procedures under which:

(1) An incumbent local exchange carrier may be excused from the obligations of the provider of last resort; and

(2) The Commission may request an incumbent local exchange carrier to reinstate the obligations of the provider of last resort.

(c) The manner of giving prior written notice of not less than 180 days before another provider of basic network service or business line service may terminate or discontinue such services and the terms of any bond necessary to protect consumers and ensure continuity of such services.

2. The regulations adopted by the Commission may not allow an incumbent local exchange carrier to be excused from the obligations of the provider of last resort in situations where the incumbent local exchange carrier, before the effective date of this act, made an agreement to or was specifically ordered to act as the provider of last resort.

Sec. 16. ~~*[1. If a telecommunication provider is not excused by operation of law from all obligations as a provider of last resort to any real property or the occupants of any real property pursuant to section 15 of this act, the telecommunication provider may petition the Commission for a waiver of those obligations pursuant to this section.*~~

~~*2. The Commission may approve a waiver for good cause shown based on the facts and circumstances of the provision of service to the real property or the occupants of the real property, including, without limitation, the provision of broadband service in a greenfield area.*~~

~~*3. If a telecommunication provider petitions the Commission for a waiver, the telecommunication provider shall, on the same day it files the petition with the Commission, send notice of the petition, by first-class mail, to:*~~

~~*(a) The owner, operator or developer of the real property;*~~

~~*(b) If the real property is located in a common-interest community, the homeowners' association for the common-interest community; and*~~

~~*(c) Any other affected telecommunication provider.*~~

~~*4. The Commission shall act upon a petition for a waiver not later than 90 days after the date on which the petition is filed with the Commission.*~~

~~*5. As used in this section, "greenfield area" means any real property except real property for which a local government has issued a certificate of occupancy before the effective date of this act.]*~~ **(Deleted by amendment.)**

~~Sec. 17. [1. If a telecommunication provider is excused by operation of law or is given a waiver from all obligations as a provider of last resort to any real property or the occupants of any real property pursuant to section 15 or 16 of this act, the Commission may reinstate those obligations pursuant to this section based on its own motion, pursuant to a complaint or in response to an application filed pursuant to subsection 2 by:~~

~~*(a) The occupants of the real property, if any;*~~

~~*(b) The owner, operator or developer of the real property; or*~~

~~*(c) If the real property is located in a common-interest community, the homeowners' association for the common-interest community.*~~

~~*2. To apply for reinstatement of the obligations of the provider of last resort, the occupants of the real property, the owner, operator or developer of the real property or the homeowners' association for the common-interest community where the real property is located must file a verified application with the Commission and, on the same day, send a copy of the verified application, by first-class mail, to the provider of last resort and any other affected telecommunication provider.*~~

~~*3. The Commission may not reinstate the obligations of the provider of last resort pursuant to this section unless it is established that there has been a termination or cessation of:*~~

~~*(a) The acts which resulted in the provider of last resort being excused from its obligations by operation of law pursuant to section 15 of this act; or*~~

~~*(b) The grounds which the Commission found demonstrated good cause for a waiver pursuant to section 16 of this act.*~~

~~*4. If the Commission orders the reinstatement of the obligations of the provider of last resort pursuant to this section, the order of the Commission:*~~

~~*(a) Must be served on the provider of last resort and any other affected telecommunication provider.*~~

~~*(b) Must not become effective sooner than 30 days after the date of the order.*~~

~~*(c) Must allow the provider of last resort to require the owner, operator or developer of the real property or the homeowners' association for the*~~

~~*common interest community where the real property is located, as appropriate, to pay in advance all costs incurred for the construction and installation of necessary facilities and equipment caused by:*~~

~~*(1) The acts which resulted in the provider of last resort being excused from its obligations by operation of law pursuant to section 15 of this act; or*~~

~~*(2) The grounds which the Commission found demonstrated good cause for a waiver pursuant to section 16 of this act.*~~

~~*(d) Must provide for a reasonable period for the construction and installation of those necessary facilities and equipment by the provider of last resort of not less than 120 days from the date on which the owner, operator, developer or homeowners' association satisfies the financial obligation imposed by paragraph (c).*~~

~~*(e) Must not impose any other restrictions or requirements on the rates, terms or conditions of service except as permitted by this chapter.]*~~ **(Deleted by amendment.)**

Sec. 18. ***1. Except as otherwise provided in this section, any telecommunication provider operating within this State is a competitive supplier that is subject to the provisions of sections 18 to 30, inclusive, of this act.***

2. A small-scale provider of last resort is not a competitive supplier that is subject to the provisions of sections 18 to 30, inclusive, of this act, unless the small-scale provider of last resort is authorized by the Commission pursuant to section 21 of this act to be regulated as a competitive supplier.

Sec. 19. ***The provisions of sections 18 to 30, inclusive, of this act do not:***

1. Apply to the Commission in connection with any actions or decisions required or permitted by the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

2. Limit or modify:

(a) The duties of a competitive supplier that is an incumbent local exchange carrier regarding the provision of network interconnection, unbundled network elements and resold services under the provisions of the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

(b) The authority of the Commission to act pursuant to NRS 704.6881 and 704.6882.

Sec. 20. ***The Commission may adopt any regulations that are necessary to carry out the provisions of sections 18 to 30, inclusive, of this act.***

Sec. 20.5. ***1. Each competitive supplier that is an incumbent local exchange carrier on the effective date of this act shall:***

(a) On or before October 1, 2008, prepare and submit to the Commission and the Bureau of Consumer Protection in the Office of the Attorney General a report regarding competition in the local markets for telecommunication service, including, without limitation, competition from

available alternative services that serve as technological substitutes for telecommunication service. The report must be based on information that is reasonably available from public sources and must contain data, statistical measures and analyses for assessing:

(1) The existing number of customers of the competitive supplier, the forms of telecommunication service provided by the competitive supplier and the prices for such services;

(2) The number of competitors in the local markets within the service territory of the competitive supplier for various forms of telecommunication service, including, without limitation, wireline and wireless telecommunication service, and any available alternative services that serve as technological substitutes for telecommunication service, such as broadband services and video services, and a comparison of the services provided by such competitors and prices for telecommunication service and broadband service;

(3) The growth or decline, if any, in customers and primary access lines of the competitive supplier during the preceding 5 years; and

(4) The number of persons receiving a reduction in rates for telephone service pursuant to NRS 707.400 to 707.500, inclusive, within the service territory of the competitive supplier, the price of such service, the consumer outreach and informational programs used to expand participation of eligible persons in such service, and the management, coordination and training programs implemented by the competitive supplier to increase awareness and use of lifeline and link-up programs.

(b) On or before October 1 of each year thereafter for a period of 4 years, prepare and submit to the Commission and the Bureau of Consumer Protection in the Office of the Attorney General a report that compares and evaluates any changes in the data, prices, statistical measures and analyses set forth in the report submitted by the competitive supplier pursuant to paragraph (a).

2. The Commission shall:

(a) On or before December 1 of each applicable year, provide to the Legislative Commission a copy of the reports received pursuant to subsection 1; and

(b) On or before December 1, 2010, prepare and submit to the Legislative Commission and the Bureau of Consumer Protection in the Office of the Attorney General a report that:

(1) Summarizes and evaluates the data, prices, statistical measures and analyses set forth in the reports submitted by competitive suppliers pursuant to subsection 1;

(2) Provides an assessment of market conditions and the state of competition for telecommunication service in the various geographical areas of this State; and

(3) Includes, without limitation:

(I) A discussion of the types of alternative services that serve as technological substitutes for telecommunication service and the availability of such alternative services in the various geographical areas of this State; and

(II) An assessment of the alternative services that are available for basic network service and business line service considering inter-modal alternatives, technological developments, market conditions and the availability of comparable alternative services in the various geographical areas of this State.

Sec. 21. ***1. A small-scale provider of last resort may apply to the Commission to be regulated as a competitive supplier pursuant to sections 18 to 30, inclusive, of this act.***

2. The Commission may grant the application if it finds that the public interest will be served by allowing the small-scale provider of last resort to be regulated as a competitive supplier.

3. [The application shall be deemed to be denied if the Commission does not act on the application within 180 days after the date the application is filed with the Commission.

4.] If the Commission denies the application, the small-scale provider of last resort:

(a) May not be regulated as a competitive supplier but remains subject to regulation pursuant to this chapter as a telecommunication provider; and

(b) May not submit another application to be regulated as a competitive supplier sooner than [2 years] 1 year after the date the most recent application was denied, unless the Commission, upon a showing of good cause [,] or changed circumstances, allows the provider to submit another application sooner.

Sec. 22. ***1. A competitive supplier is not subject to any review of earnings or monitoring of the rate base or any other regulation by the Commission relating to the net income or rate of return of the competitive supplier, and the Commission shall not consider the rate of return, the rate base or any other earnings of the competitive supplier in carrying out the provisions of sections 18 to 30, inclusive, of this act.***

2. On or before May 15 of each year, a competitive supplier shall file with the Commission an annual statement of income, a balance sheet, a statement of cash flows for the total operations of the competitive supplier and a statement of intrastate service revenues, each prepared in accordance with generally accepted accounting principles.

3. A competitive supplier is not required to submit any other form of financial report or comply with any other accounting requirements, including, without limitation, requirements relating to depreciation and affiliate transactions, imposed upon a public utility by this chapter, chapter 703 of NRS or the regulations of the Commission.

Sec. 23. ***1. Except as otherwise provided in sections 18 to 30, inclusive, of this act, a competitive supplier:***

(a) Is exempt from the provisions of NRS 704.100 and 704.110 and the regulations of the Commission relating thereto and from any other provision of this chapter governing the rates, pricing, terms and conditions of any telecommunication service; and

(b) May exercise complete flexibility in the rates, pricing, terms and conditions of any telecommunication service.

2. The rates, pricing, terms and conditions of intrastate switched or special access service provided by a competitive supplier that is an incumbent local exchange carrier and the applicability of such access service to intrastate interexchange traffic are subject to regulation by the Commission , which must [not conflict] be consistent with federal law [.] , unless the Commission deregulates such access service pursuant to section 26 of this act.

3. A competitive supplier that is an incumbent local exchange carrier shall use a letter of advice to change any rates, pricing, terms and conditions of intrastate switched or special access service, universal lifeline service or access to emergency 911 service. A letter of advice submitted pursuant to this subsection shall be deemed approved if the Commission does not otherwise act on the letter of advice within 120 days after the date on which the letter is filed with the Commission.

Sec. 24. ***1. A competitive supplier is not required to maintain or file any schedule or tariff with the Commission.***

2. Each competitive supplier [must] that is an incumbent local exchange carrier:

(a) Shall publish the rates, pricing, terms and conditions of basic network service [and may] by:

(1) Posting such rates, pricing, terms and conditions electronically on a publicly available Internet website maintained by the competitive supplier;

(2) Maintaining for inspection by the public a copy of such rates, pricing, terms and conditions at the principal office in Nevada of the competitive supplier; or

(3) Delivering to the customer a copy of the rates, pricing, terms and conditions in writing with the first invoice, billing statement or other written summary of charges for the telecommunication service provided by the competitive supplier to the customer; and

(b) May publish the rates, pricing, terms and conditions of other telecommunication service by:

[(a)] (1) Posting such rates, pricing, terms and conditions electronically on a publicly available Internet website maintained by the competitive supplier;

[(b)] (2) Maintaining for inspection by the public a copy of such rates, pricing, terms and conditions at the principal office in Nevada of the competitive supplier; or

~~[(c)]~~ **(3) Delivering to the customer a copy of the rates, pricing, terms and conditions in writing with the first invoice, billing statement or other written summary of charges for the telecommunication service provided by the competitive supplier to the customer.**

Sec. 25. **1. The Commission shall not decrease the rates or pricing of basic network service provided by a competitive supplier** ~~[.]~~ **, unless the competitive supplier files a general rate application pursuant to paragraph (b) of subsection 2 and the Commission orders a decrease in the rates or pricing of such service in a general rate case proceeding conducted pursuant thereto.**

2. Except as otherwise provided in this section , ~~[and section 26 of this act,]~~ **a competitive supplier that is an incumbent local exchange carrier shall not** ~~[, without]~~ **:**

(a) Without the approval of the Commission, discontinue basic network service or ~~[increase the rates or pricing or]~~ **change the terms and conditions of basic network service as set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007.**

~~[3. Except as otherwise provided in section 26 of this act, a competitive supplier that is an incumbent local exchange carrier shall not, sooner than June 30, 2008,]~~

(b) Before January 1, 2012, increase the rates or pricing of basic network service as set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007 ~~[:~~

~~4.]~~ **, except that notwithstanding any other provision of this chapter:**

(1) On or after January 1, 2011, and before January 1, 2012, the competitive supplier may, without the approval of the Commission, increase the rates or pricing of basic network service provided by the competitive supplier but the total of all increases during that period may not result in rates or pricing of basic network service that is more than $1 above the rates or pricing set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007; and

(2) The Commission may allow the competitive supplier to increase the rates or pricing of basic network service above the amounts authorized by this subsection only if the competitive supplier files a general rate application and proves in a general rate case proceeding conducted pursuant to NRS 704.110 and 704.120 that the increase is absolutely necessary to avoid rates or prices that are confiscatory under the Constitution of the United States or the Constitution of this State. In such a general rate case proceeding, the Commission:

(I) May allow an increase in the rates or pricing of basic network service provided by the competitive supplier only in an amount that the competitive supplier proves in the general rate case proceeding is absolutely necessary to avoid an unconstitutional result and shall not authorize in the general rate case proceeding any rate, price or other relief

for the competitive supplier that is not proven by the competitive supplier to be absolutely necessary to avoid an unconstitutional result; and

(II) May order a decrease in the rates or pricing of basic network service provided by the competitive supplier if the Commission determines in the general rate case proceeding that the decrease is necessary to provide customers with just and reasonable rates.

3. On or after ~~[July 1, 2008:]~~ January 1, 2012:

(a) A competitive supplier that is an incumbent local exchange carrier may exercise flexibility in the rates, pricing, terms and conditions of basic network service in the same manner permitted for other telecommunication service pursuant to section 23 of this act; and

(b) The Commission shall not:

(1) Regulate the rates, pricing, terms and conditions of basic network service provided by such a competitive supplier; or

(2) Require such a competitive supplier to maintain any schedule or tariff for basic network service.

~~[5.]~~ 4. A competitive supplier that is an incumbent local exchange carrier must provide reasonably detailed information concerning the rates, pricing, terms and conditions of basic network service in the manner required by section 24 of this act.

Sec. 26. ***1. The Commission may not deregulate access to emergency 911 service provided by a competitive supplier.***

2. The Commission may, upon its own motion or the petition of any person, ~~[classify as a deregulated telecommunication service:~~

~~(a) Before July 1, 2008, a basic network service, except access to emergency 911 service, provided by a competitive supplier; or~~

~~(b) At any time, intrastate access service.~~

~~2.]~~ deregulate intrastate switched or special access service provided by a competitive supplier. Unless the Commission deregulates such access service pursuant to this subsection, the rates, pricing, terms and conditions of such access service are subject to tariff regulation by the Commission.

3. If the Commission receives a ~~[written request for reclassification]~~ petition pursuant to subsection ~~[1,]~~ 2, the Commission shall act upon the ~~[request]~~ petition not later than 120 days after the date the Commission receives the ~~[request.]~~ petition.

Sec. 27. ***1. A competitive supplier that is a provider of last resort may use an alternative technology to satisfy the obligation to provide basic network service or business line service in a service territory.***

2. Except as otherwise provided in this section, the Commission may not exercise jurisdiction over an alternative technology used by a competitive supplier that is a provider of last resort to satisfy the obligation to provide basic network service or business line service in a service territory, including, without limitation, determining the rates, pricing, terms, conditions or availability of an alternative technology.

3. If a competitive supplier that is a provider of last resort uses an alternative technology to satisfy the obligation to provide basic network service or business line service in a service territory, the Commission may investigate whether basic network service or business line service provided through the alternative technology by the competitive supplier is functionally comparable with circuit-switched wireline telephony.

4. If, after notice and hearing, the Commission finds any material deficiency in the competitive supplier's use of the alternative technology to satisfy the obligation to provide basic network service or business line service, the Commission may order the competitive supplier to implement corrective action, within a technically reasonable period, to cure the material deficiency in the use of the alternative technology.

5. As used in this section, "alternative technology" means any technology, facility or equipment, other than circuit-switched wireline telephony, that has the capability to provide customers with service functionally comparable to basic network service or business line service. The term includes, without limitation, wireless or Internet technology, facilities or equipment.

Sec. 28. ~~*[1. The Commission may not prescribe the form or method used by a competitive supplier to present rates, pricing, terms and conditions on any bill or statement issued to a customer.*~~

~~*2.]*~~ ***If a competitive supplier charges a customer a fixed price or amount for a package of services, the competitive supplier, in any bill or statement for the package of services, is permitted to specify only the fixed price or amount for the package of services and is not required to:***

~~*[(a)]*~~ ***1. Identify each separate service or component included in the package of services; or***

~~*[(b)]*~~ ***2. Specify the unit price or amount charged for each separate service or component included in the package of services.***

Sec. 29. ***1. A competitive supplier that is not a provider of last resort may discontinue any telecommunication service by providing written notice, not less than 10 days before the date of the discontinuation, to any customer of that service and the Commission.***

2. A competitive supplier that is a provider of last resort may:

(a) Discontinue any telecommunication service, except basic network service, by providing written notice, not less than 10 days before the date of the discontinuation, to any customer of that service and the Commission.

(b) Apply to the Commission to discontinue basic network service to all or a portion of the service territory of the competitive supplier on terms that are in the public interest.

Sec. 30. ***In exercising flexibility in the rates, pricing, terms and conditions of any telecommunication service, a competitive supplier that is an incumbent local exchange carrier shall not engage in any anticompetitive act or practice or unlawfully discriminate among similarly situated customers.***

Sec. 31. NRS 704.001 is hereby amended to read as follows:

704.001 It is hereby declared to be the purpose and policy of the Legislature in enacting this chapter:

1. To confer upon the Commission the power, and to make it the duty of the Commission, to regulate public utilities to the extent of its jurisdiction;

2. To provide for fair and impartial regulation of public utilities;

3. To provide for the safe, economic, efficient, prudent and reliable operation and service of public utilities; [~~and~~]

4. To balance the interests of customers and shareholders of public utilities by providing public utilities with the opportunity to earn a fair return on their investments while providing customers with just and reasonable rates [~~.~~] ***; and***

5. With regard to telecommunication service:

(a) To regulate competitive suppliers in a manner that allows customers to benefit from full competition regarding rates and services;

(b) To provide for basic network service to economically disadvantaged persons who are eligible for a reduction in rates for telephone service pursuant to NRS 707.400 to 707.500, inclusive; and

(c) To maintain the availability of telephone service to rural, insular and high-cost areas through:

(1) The levy and collection of a uniform and equitable assessment from all persons furnishing intrastate telecommunication service or the functional equivalent of such service through any form of telephony technology; and

(2) Payments to telecommunication providers from the fund to maintain the availability of telephone service.

Sec. 32. NRS 704.005 is hereby amended to read as follows:

704.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 704.007 to 704.030, inclusive, ***and sections 2 to 13, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 33. NRS 704.020 is hereby amended to read as follows:

704.020 1. "Public utility" or "utility" includes:

(a) Any person who owns, operates, manages or controls any railroad or part of a railroad as a common carrier in this State, or cars or other equipment used thereon, or bridges, terminals, or sidetracks, or any docks or wharves or storage elevators used in connection therewith, whether or not they are owned by the railroad.

(b) Any [~~telephone company~~] ***person , other than a provider of commercial mobile radio service,*** that provides a telecommunication service to the public, but only with regard to those operations [~~of the telephone company~~] which consist of providing a telecommunication service to the public.

(c) ***Any provider of commercial mobile radio service, but such providers:***

(1) Must be regulated in a manner consistent with federal law; and

(2) Must not be regulated as telecommunication providers for the purposes of this chapter.

(d) Any radio or broadcasting company or instrumentality that provides a common or contract service.

[~~(d)~~] ***(e)*** Any company that owns cars of any kind or character, used and operated as a part of railroad trains, in or through this State. All duties required of and penalties imposed upon any railroad or any officer or agent thereof are, insofar as applicable, required of and imposed upon [~~the owner or operator of any telephone company that provides a telecommunication service to the public, any radio or broadcasting company or instrumentality that provides a common or contract service~~] ***any public utility*** and any ***other*** company that owns cars of any kind or character, used and operated as a part of railroad trains in or through this State, and their officers and agents, and the Commission may supervise and control all such companies, instrumentalities and persons to the same extent as railroads.

2. "Public utility" or "utility" also includes:

(a) Any person who owns, operates or controls any ditch, flume, tunnel or tunnel and drainage system, charging rates, fares or tolls, directly or indirectly.

(b) Any plant or equipment, or any part of a plant or equipment, within this State for the production, delivery or furnishing for or to other persons, including private or municipal corporations, heat, gas, coal slurry, light, power in any form or by any agency, water for business, manufacturing, agricultural or household use, or sewerage service, whether or not within the limits of municipalities.

(c) Any system for the distribution of liquefied petroleum gas to 10 or more users.

➥ The Commission may supervise, regulate and control all such utilities, subject to the provisions of this chapter and to the exclusion of the jurisdiction, regulation and control of such utilities by any municipality, town or village, unless otherwise provided by law.

3. The provisions of this chapter and the term "public utility" apply to all railroads, express companies, car companies and all associations of persons, whether or not incorporated, that do any business as a common carrier upon or over any line of railroad within this State.

Sec. 34. NRS 704.033 is hereby amended to read as follows:

704.033 1. Except as otherwise provided in subsection 6, the Commission shall levy and collect an annual assessment from all public utilities, providers of discretionary natural gas service and alternative sellers subject to the jurisdiction of the Commission.

2. Except as otherwise provided in subsections 3 and 4, the annual assessment must be:

(a) For the use of the Commission, not more than 3.50 mills; and

(b) For the use of the Consumer's Advocate, not more than 0.75 mills,

➥ on each dollar of gross operating revenue derived from the intrastate operations of such utilities, providers of discretionary natural gas service and alternative sellers in the State of Nevada. The total annual assessment must be not more than 4.25 mills.

3. The levy for the use of the Consumer's Advocate must not be assessed against railroads.

4. The minimum assessment in any 1 year must be $100.

5. The gross operating revenue of the utilities must be determined for the preceding calendar year. In the case of:

(a) [~~Telephone utilities,~~] ***Telecommunication providers,*** except as provided in paragraph (c), the revenue shall be deemed to be all intrastate revenues.

(b) Railroads, the revenue shall be deemed to be the revenue received only from freight and passenger intrastate movements.

(c) All public utilities, providers of discretionary natural gas service and alternative sellers, the revenue does not include the proceeds of any commodity, energy or service furnished to another public utility, provider of discretionary natural gas service or alternative seller for resale.

6. Providers of commercial mobile radio service are not subject to the annual assessment and, in lieu thereof, shall pay to the Commission an annual licensing fee of $200.

Sec. 35. NRS 704.040 is hereby amended to read as follows:

704.040 1. Every public utility shall furnish reasonably adequate service and facilities **.** [~~, and~~] ***Subject to the provisions of subsection 3,*** the charges made for any service rendered or to be rendered, or for any service in connection therewith or incidental thereto, must be just and reasonable.

2. Every unjust and unreasonable charge for service of a public utility is unlawful.

[~~3. The Commission may exempt, to the extent it deems reasonable, services related to telecommunication or public utilities which provide telecommunication services from any or all of the provisions of this chapter, upon a determination after hearing that the services are competitive or discretionary and that regulation thereof is unnecessary. For the purposes of this subsection, basic local exchange service and access services provided to interexchange carriers are not discretionary.~~

~~4. The Commission shall adopt regulations necessary to establish a plan of alternative regulation for a public utility that provides telecommunication services. The plan of alternative regulation may include, but is not limited to, provisions that:~~

~~(a) Allow adjustment of the rates charged by a public utility that provides telecommunication services during the period in which the utility elects the plan of alternative regulation.~~

~~(b) Provide for flexibility of pricing for discretionary services and services that are competitive.~~

~~(c) Specify the provisions of this chapter, NRS 426.295 and chapter 707 of NRS that do not apply to a public utility that elects to be regulated under the plan of alternative regulation.~~

~~(d) Except as otherwise provided in this paragraph and NRS 704.68952, if the public utility is an incumbent local exchange carrier, allow the incumbent local exchange carrier to select the duration of the period in which the incumbent local exchange carrier is to be regulated under the plan of alternative regulation. The incumbent local exchange carrier may not select a period that is less than 3 years or more than 5 years. The provisions of this paragraph do not apply to a plan of alternative regulation of an incumbent local exchange carrier regulated under a plan of alternative regulation that was approved by the Commission before June 11, 2003.~~

~~5. A public utility that elects to be regulated under a plan of alternative regulation established pursuant to subsection 4 is not subject to the remaining~~]

3. Except as otherwise provided in sections 18 to 30, inclusive, of this act:

(a) A competitive supplier is exempt from any provision of this chapter governing the rates, prices, terms and conditions of any telecommunication service.

(b) A small-scale provider of last resort is subject to the provisions of this chapter, NRS 426.295 [~~or~~] ***and*** chapter 707 of NRS **.** [~~to the extent specified pursuant to paragraph (c) of subsection 4.~~

~~6.~~] ***4.*** All ***telecommunication*** providers [~~of telecommunication services~~] which offer the same or similar service must be subject to fair and impartial regulation, to promote adequate, economical and efficient service.

[~~7. The Commission may~~]

5. To maintain the availability of telephone service in accordance with the regulations adopted pursuant to NRS 704.6873, the Commission shall provide for the levy and collection of [~~an~~] ***a uniform and equitable*** assessment, in an amount determined by the Commission, from [~~a public utility that provides telecommunication services in order to maintain the availability of telephone service~~.] ***all persons furnishing intrastate telecommunication service or the functional equivalent of such service through any form of telephony technology, unless the levy and collection of the assessment with regard to a particular form of technology is prohibited by federal law.*** Assessments levied ***and collected*** pursuant to this subsection must be maintained in a separate fund established by the Commission. The Commission shall contract with an independent administrator to administer the fund pursuant to open competitive bidding procedures established by the Commission. The independent administrator shall collect the assessments levied and distribute them from the fund pursuant to a plan which has been approved by the Commission. Money in the fund must be used for the sole purpose of maintaining the availability of telephone service.

[~~8. As used in this section:~~

~~(a) "Incumbent local exchange carrier" has the meaning ascribed to it in NRS 704.68932.~~

~~(b) "Interexchange carrier" means any person providing intrastate telecommunications service for a fee between two or more exchanges.~~]

Sec. 36. NRS 704.070 is hereby amended to read as follows:

704.070 [~~Unless exempt under the provisions of~~] ***Except as otherwise provided in*** NRS 704.075, 704.095 or 704.097 [~~:~~] ***and sections 18 to 30, inclusive, of this act:***

1. Each public utility shall file with the Commission, within a time to be fixed by the Commission, a copy of all schedules that are currently in force for the public utility. Such schedules must be open to public inspection.

2. A copy of each schedule that is currently in force for the public utility, or so much of the schedule as the Commission deems necessary for inspection by the public, must be:

(a) Printed in plain type and posted in each office of the public utility where payments are made to the public utility by its customers; and

(b) Open to inspection by the public and in such form and place as to be readily accessible to and conveniently inspected by the public.

Sec. 37. NRS 704.100 is hereby amended to read as follows:

704.100 Except as otherwise provided in NRS 704.075 and [~~704.68904 to 704.68984,~~] ***sections 18 to 30,*** inclusive, ***of this act*** or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097 ***:*** [~~or pursuant to the regulations adopted by the Commission in accordance with subsection 4 of NRS 704.040:~~]

1. A public utility shall not make changes in any schedule, unless the public utility:

(a) Files with the Commission an application to make the proposed changes and the Commission approves the proposed changes pursuant to NRS 704.110; or

(b) Files the proposed changes with the Commission using a letter of advice in accordance with the provisions of subsection 5.

2. A public utility shall adjust its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8 of NRS 704.110 based on changes in the public utility's recorded costs of natural gas purchased for resale.

3. A public utility shall post copies of all proposed schedules and all new or amended schedules in the same offices and in substantially the same form, manner and places as required by NRS 704.070 for the posting of copies of schedules that are currently in force.

4. A public utility may not set forth as justification for a rate increase any items of expense or rate base that previously have been considered and disallowed by the Commission, unless those items are clearly identified in the application and new facts or considerations of policy for each item are advanced in the application to justify a reversal of the prior decision of the Commission.

5. Except as otherwise provided in subsection 6, if the proposed change in any schedule does not change any rate or will result in an increase in annual gross operating revenue, as certified by the public utility, in an amount that does not exceed $2,500:

(a) The public utility may file the proposed change with the Commission using a letter of advice in lieu of filing an application; and

(b) The Commission shall determine whether it should dispense with a hearing regarding the proposed change.

6. If the applicant is a [~~public utility furnishing telephone service~~] ***small-scale provider of last resort*** and the proposed change in any schedule will result in an increase in annual gross operating revenue, as certified by the applicant, in an amount that does not exceed $50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less, the Commission shall determine whether it should dispense with a hearing regarding the proposed change.

7. In making the determination pursuant to subsection 5 or 6, the Commission shall first consider all timely written protests, any presentation that the Regulatory Operations Staff of the Commission may desire to present, the application of the public utility and any other matters deemed relevant by the Commission.

Sec. 38. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075 and [~~704.68904 to 704.68984,~~] ***sections 18 to 30,*** inclusive, ***of this act*** or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097 ***:*** [~~or pursuant to the regulations adopted by the Commission in accordance with subsection 4 of NRS 704.040:~~]

1. If a public utility files with the Commission an application to make changes in any schedule, including, without limitation, changes that will result in a discontinuance, modification or restriction of service, the Commission shall investigate the propriety of the proposed changes to determine whether to approve or disapprove the proposed changes. If an electric utility files such an application and the application is a general rate application or an application to clear its deferred accounts, the Consumer's Advocate shall be deemed a party of record.

2. Except as otherwise provided in [~~subsections 3 and 13,~~] ***subsection 3,*** if a public utility files with the Commission an application to make changes in any schedule, the Commission shall issue a written order approving or disapproving, in whole or in part, the proposed changes [~~:~~

~~(a) For a public utility that is a PAR carrier, not later than 180 days after the date on which the application is filed; and~~

~~(b) For all other public utilities,~~] not later than 210 days after the date on which the application is filed.

3. If a public utility files with the Commission a general rate application, the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for

its most recent 12 months for which data were available when the application was prepared. Except as otherwise provided in subsection 4, in determining whether to approve or disapprove any increased rates, the Commission shall consider evidence in support of the increased rates based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the Commission and changes in the costs of securities which are known and are measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months, but the public utility shall not place into effect any increased rates until the changes have been experienced and certified by the public utility to the Commission and the Commission has approved the increased rates. The Commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an annual basis. Within 90 days after the date on which the certification required by this subsection is filed with the Commission, or within the period set forth in subsection 2, whichever time is longer, the Commission shall make such order in reference to the increased rates as is required by this chapter. An electric utility shall file a general rate application pursuant to this subsection at least once every 24 months based on the following schedule:

(a) An electric utility that primarily serves less densely populated counties shall file a general rate application on or before October 3, 2005, and at least once every 24 months thereafter.

(b) An electric utility that primarily serves densely populated counties shall file a general rate application on or before November 15, 2006, and at least once every 24 months thereafter.

4. In addition to submitting the statement required pursuant to subsection 3, a public utility which purchases natural gas for resale may submit with its general rate application a statement showing the effects, on an annualized basis, of all expected changes in circumstances. If such a statement is filed, it must include all increases and decreases in revenue and expenses which may occur within 210 days after the date on which its general rate application is filed with the Commission if such expected changes in circumstances are reasonably known and are measurable with reasonable accuracy. If a public utility submits such a statement, the public utility has the burden of proving that the expected changes in circumstances set forth in the statement are reasonably known and are measurable with reasonable accuracy. If the Commission determines that the public utility has met its burden of proof:

(a) The Commission shall consider the statement submitted pursuant to this subsection and evidence relevant to the statement in addition to the

statement required pursuant to subsection 3 as evidence in establishing just and reasonable rates for the public utility; and

(b) The public utility is not required to file with the Commission the certification that would otherwise be required pursuant to subsection 3.

5. If a public utility files with the Commission an application to make changes in any schedule and the Commission does not issue a final written order regarding the proposed changes within the time required by this section, the proposed changes shall be deemed to be approved by the Commission.

6. If a public utility files with the Commission a general rate application, the public utility shall not file with the Commission another general rate application until all pending general rate applications filed by that public utility have been decided by the Commission unless, after application and hearing, the Commission determines that a substantial financial emergency would exist if the public utility is not permitted to file another general rate application sooner. The provisions of this subsection do not prohibit the public utility from filing with the Commission, while a general rate application is pending, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale pursuant to subsection 7 or an application to clear its deferred accounts pursuant to subsection 9, if the public utility is otherwise authorized by those provisions to file such an application.

7. A public utility may file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale once every 30 days. The provisions of this subsection do not apply to:

(a) An electric utility using deferred accounting pursuant to NRS 704.187; or

(b) A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8.

8. A public utility which purchases natural gas for resale must request approval from the Commission to adjust its rates on a quarterly basis between annual rate adjustment applications based on changes in the public utility's recorded costs of natural gas purchased for resale. If the Commission approves such a request:

(a) The public utility shall file written notice with the Commission before the public utility makes a quarterly rate adjustment between annual rate adjustment applications. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The public utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill. The public utility shall begin providing such written notice to its customers not later than 30 days after the date on which the

public utility files its written notice with the Commission pursuant to paragraph (a). The written notice that is included with a customer's regular monthly bill:

(1) Must be printed separately on fluorescent-colored paper and must not be attached to the pages of the bill; and

(2) Must include the following:

(I) The total amount of the increase or decrease in the public utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission; and

(IV) Any other information required by the Commission.

(c) The public utility shall file an annual rate adjustment application with the Commission. The annual rate adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual rate adjustment application must include a review of each quarterly rate adjustment and a review of the transactions and recorded costs of natural gas included in each quarterly rate adjustment and the annual rate adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the public utility to recover any recorded costs of natural gas which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the public utility, and the Commission shall order the public utility to adjust its rates if the Commission determines that any recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application were not reasonable or prudent.

9. Except as otherwise provided in subsection 10 and subsection 5 of NRS 704.100, if an electric utility using deferred accounting pursuant to NRS 704.187 files an application to clear its deferred accounts and to change one or more of its rates based upon changes in the costs for purchased fuel or purchased power, the Commission, after a public hearing and by an appropriate order:

(a) Shall allow the electric utility to clear its deferred accounts by refunding any credit balance or recovering any debit balance over a period not to exceed 3 years, as determined by the Commission.

(b) Shall not allow the electric utility to recover any debit balance, or portion thereof, in an amount that would result in a rate of return during the period of recovery that exceeds the rate of return authorized by the Commission in the most recently completed rate proceeding for the electric utility.

10. Before allowing an electric utility to clear its deferred accounts pursuant to subsection 9, the Commission shall determine whether the costs for purchased fuel and purchased power that the electric utility recorded in its deferred accounts are recoverable and whether the revenues that the electric utility collected from customers in this State for purchased fuel and purchased power are properly recorded and credited in its deferred accounts. The Commission shall not allow the electric utility to recover any costs for purchased fuel and purchased power that were the result of any practice or transaction that was undertaken, managed or performed imprudently by the electric utility.

11. If an electric utility files an application to clear its deferred accounts pursuant to subsection 9 while a general rate application is pending, the electric utility shall:

(a) Submit with its application to clear its deferred accounts information relating to the cost of service and rate design; and

(b) Supplement its general rate application with the same information, if such information was not submitted with the general rate application.

12. A utility facility identified in a 3-year plan submitted pursuant to NRS 704.741 and accepted by the Commission for acquisition or construction pursuant to NRS 704.751 and the regulations adopted pursuant thereto shall be deemed to be a prudent investment. The utility may recover all just and reasonable costs of planning and constructing such a facility.

13. [~~A PAR carrier may, in accordance with this section and NRS 704.100, file with the Commission a request to approve or change any schedule to provide volume or duration discounts to rates for telecommunication service for an offering made to all or any class of business customers. The Commission may conduct a hearing relating to the request, which must occur within 45 days after the date the request is filed with the Commission. The request and schedule shall be deemed approved if the request and schedule are not disapproved by the Commission within 60 days after the date the Commission receives the request.~~

~~14.~~] As used in this section:

(a) "Electric utility" has the meaning ascribed to it in NRS 704.187.

(b) "Electric utility that primarily serves densely populated counties" has the meaning ascribed to it in NRS 704.187.

(c) "Electric utility that primarily serves less densely populated counties" has the meaning ascribed to it in NRS 704.187.

~~[(d) "PAR carrier" has the meaning ascribed to it in NRS 704.68942.]~~

Sec. 39. NRS 704.120 is hereby amended to read as follows:

704.120 1. If, upon any hearing and after ~~[Except as otherwise provided in subsection 2:~~

~~(a) After]~~ due investigation , the rates, tolls, charges, schedules or joint rates shall be found to be ~~[, notice and hearing, the Commission may:~~

~~(1) Determine that any rate, toll, charge, schedule or joint rate of a public utility is]~~ unjust, unreasonable or unjustly discriminatory, or to be preferential, or otherwise in violation of any of the provisions of this chapter , the Commission shall have the power to fix and order substituted therefor such rate or rates, tolls, charges or schedules as shall be just and reasonable.

2. If it shall in like manner be found

~~[(2) Determine]~~ that any regulation, measurement, practice, act or service complained of ~~[a public utility]~~ is unjust, unreasonable, insufficient, preferential, unjustly discriminatory or otherwise in violation of the provisions of this chapter , or if it be found ~~[or]~~ that the service is inadequate , or that any reasonable service ~~[or]~~ cannot be obtained , the Commission shall have the power to ~~[and may]~~ substitute therefor such other regulations, measurements, practices, service or acts and make such order relating thereto as may be just and reasonable.

3. ~~[(b)]~~ When complaint is made of more than one rate, charge or practice, the Commission may, in its discretion, order separate hearings upon the several matters complained of and at such times and places as it may prescribe.

4. ~~[(c)]~~ No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

5. The Commission may at any time, upon its own motion, investigate any of the rates, tolls, charges, rules, regulations, practices and service, and, after a full hearing as above provided, by order, make such changes as may be just and reasonable, the same as if a formal complaint had been made.

~~[2.]~~ ***6. The provisions of ~~[subsection 1]~~ this section do not apply to a competitive supplier, except that a competitive supplier that is an incumbent local exchange carrier is subject to the provisions of ~~[subsection 1]~~ this section with regard to ~~[the]~~ :***

(a) The provision of basic network service until ~~[July 1, 2008.]~~ January 1, 2012; and

(b) Any general rate application filed by the competitive supplier pursuant to paragraph (b) of subsection 2 of section 25 of this act. If the competitive supplier files such a general rate application, the general rate case proceeding must be conducted by the Commission in accordance with this section and NRS 704.110.

Sec. 40. NRS 704.175 is hereby amended to read as follows:

704.175 1. Except as provided in subsection 2, any public utility which installs or modifies any electrical supply line in any building or facility which it owns or operates, if the building or facility is open and accessible to the general public, shall perform such installation or modification as if the National Electrical Code adopted by the National Fire Protection Association

applied to such work, and any local government which regulates electrical construction shall inspect such work within its jurisdiction for compliance with this section.

2. Communication equipment and related apparatus are exempted from the provisions of subsection 1 only if the equipment and apparatus [~~is~~] ***are*** owned, installed, operated and maintained by a [~~public utility which provides communication services~~] ***telecommunication provider*** under the jurisdiction of the Commission.

Sec. 41. NRS 704.210 is hereby amended to read as follows:

704.210 [~~The~~]

1. Except as otherwise provided in subsection 2, the Commission may:

[~~1.~~] ***(a)*** Adopt necessary and reasonable regulations governing the procedure, administration and enforcement of the provisions of this chapter, subject to the provisions of NRS 416.060.

[~~2.~~] ***(b)*** Prescribe classifications of the service of all public utilities and, except as otherwise provided in NRS 704.075, fix and regulate the rates therefor.

[~~3.~~] ***(c)*** Fix just and reasonable charges for transportation of all intrastate freight and passengers and the rates and tolls for the use of telephone lines within the State.

[~~4.~~] ***(d)*** Adopt just and reasonable regulations for the apportionment of all joint rates and charges between public utilities.

[~~5.~~] ***(e)*** Consider the need for the conservation of energy when acting pursuant to the provisions of [~~subsections 1, 2 and 3.~~] ***this subsection.***

2. The provisions of subsection 1 do not apply to a competitive supplier.

Sec. 42. NRS 704.215 is hereby amended to read as follows:

704.215 [~~The~~]

1. Subject to the provisions of this chapter, the Commission may adopt by reference all or part of any appropriate:

[~~1.~~] ***(a)*** Rule, regulation or rate [~~related to telecommunications services~~] ***schedule relating to telecommunication service*** issued by an agency of the Federal Government or of any state.

[~~2.~~] ***(b)*** Regulation proposed by the National Association of Regulatory Utility Commissioners or code issued by a national or state professional society.

[~~➥~~]

2. A copy of each such rule, regulation, rate schedule [~~related to telecommunications services~~] or code [~~so~~] adopted ***by the Commission pursuant to this section*** must be included with the regulations filed with the Secretary of State.

Sec. 43. NRS 704.328 is hereby amended to read as follows:

704.328 The provisions of NRS 704.322 to 704.326, inclusive, [~~shall~~] ***do*** not apply to [~~any~~] ***:***

1. A public utility engaged in:

[~~1.~~] ***(a)*** Interstate commerce if 25 percent or more of the operating revenues of such public utility are derived from interstate commerce.

[~~2.~~] ***(b)*** The business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if the utility:

[~~(a)~~] ***(1)*** Serves 15 persons or less; and

[~~(b)~~] ***(2)*** Operates in a county whose population is 400,000 or more.

2. A competitive supplier.

Sec. 44. [~~NRS 704.329 is hereby amended to read as follows:~~

~~704.329 1. Except as otherwise provided in subsection 6, a person shall not merge with, directly acquire, indirectly acquire through a subsidiary or affiliate, or otherwise directly or indirectly obtain control of a public utility doing business in this State or an entity that holds a controlling interest in such a public utility without first submitting to the Commission an application for authorization of the proposed transaction and obtaining authorization from the Commission.~~

~~2. Any transaction that violates the provisions of this section is void and unenforceable and is not valid for any purpose.~~

~~3. Before authorizing a proposed transaction pursuant to this section, the Commission shall consider the effect of the proposed transaction on the public interest and the customs in this State. The Commission shall not authorize the proposed transaction unless the Commission finds that the proposed transaction:~~

~~(a) Will be in the public interest; and~~

~~(b) Complies with the provisions of NRS 704.7561 to 704.7595, inclusive, if the proposed transaction is subject to those provisions.~~

~~4. The Commission may base its authorization of the proposed transaction upon such terms, conditions or modifications as the Commission deems appropriate.~~

~~5. If the Commission does not issue a final order regarding the proposed transaction within 180 days after the date on which an application or amended application for authorization of the proposed transaction was filed with the Commission, and the proposed transaction is not subject to the provisions of NRS 704.7561 to 704.7595, inclusive, the proposed transaction shall be deemed to be authorized by the Commission.~~

~~6. The provisions of this section do not apply to:~~

~~(a) The transfer of stock of a public utility doing business in this State or to the transfer of the stock of an entity that holds a controlling interest in such a public utility, if a transfer of not more than 25 percent of the common stock of such a public utility or entity is proposed.~~

~~(b) *A proposed transaction involving a competitive supplier or an entity that holds a controlling interest in such a competitive supplier.*~~

~~*(c)* Except as otherwise provided in this paragraph, a proposed transaction involving a~~ [public utility doing business in this State providing ~~telecommunication services~~] ~~*small-scale provider of last resort* or an entity that holds a controlling interest in such a~~ [public utility] ~~*provider* if, in the~~

~~most recently completed calendar year, not more than 10 percent of the gross operating revenue of the [public utility] *provider* or the entity that holds a controlling interest in the [public utility] *provider* was derived from intrastate telecommunication [services] *service* provided to retail customers in this State by the [public utility.] *provider*. Such a proposed transaction is not exempted from the provisions of this section if:~~

~~(1) Not later than 30 days after the date on which the person undertaking the proposed transaction submits the notification required by 15 U.S.C. § 18a, the Regulatory Operations Staff of the Commission or the Consumer's Advocate requests an order from the Commission requiring the person to file an application for authorization of the proposed transaction;~~

~~(2) The request alleges in sufficient detail that the proposed transaction may materially affect retail customers of public utilities in this State; and~~

~~(3) The Commission issues an order requiring the person to file an application for authorization of the proposed transaction.~~

(c)] ~~*(d)* A public utility engaged in the business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if the utility:~~

~~(1) Serves 15 persons or less; and~~

~~(2) Operates in a county whose population is 400,000 or more.~~

~~7. As used in this section:~~

~~(a) "Person" means:~~

~~(1) A natural person;~~

~~(2) Any form of business or social organization and any other nongovernmental legal entity, including, without limitation, a corporation, partnership, association, trust or unincorporated organization;~~

~~(3) A government or an agency or instrumentality of a government, including, without limitation, this State or an agency or instrumentality of this State; and~~

~~(4) A political subdivision of this State or of any other government or an agency or instrumentality of a political subdivision of this State or of any other government.~~

~~(b) "Transaction" means a merger, acquisition or change in control described in subsection 1.~~] (**Deleted by amendment.**)

Sec. 45. NRS 704.330 is hereby amended to read as follows:

704.330 1. [~~Every public utility~~] ***Except as otherwise provided in this section, any person*** owning, controlling, operating or maintaining or having any contemplation of owning, controlling or operating any public utility shall, before beginning such operation or continuing operations or construction of any line, plant or system or any extension of a line, plant or system within this State, obtain from the Commission a certificate that the present or future public convenience or necessity requires or will require such continued operation or commencement of operations or construction.

2. [~~Nothing in~~] ***The provisions of*** this section [~~requires~~] ***do not require*** a public utility to secure such a certificate for any extension within any town or

city within which it lawfully ***has*** commenced operations or for any other extension [~~as long as~~] ***if*** the extension:

(a) Is ***undertaken by a small-scale provider of last resort*** to serve a telephone toll station or stations to be located not more than 10 miles from existing telephone facilities; [~~or~~]

(b) ***Is undertaken for any purpose by a competitive supplier; or***

(c) Remains within the boundaries of the service area which have been established by the Commission for its railroad, line, plant or system, and not then served by a public utility of like character.

3. Upon the granting of any certificate of public convenience, the Commission may make such an order and prescribe such terms and conditions for the location of lines, plants or systems to be constructed, extended or affected as may be just and reasonable.

4. When a complaint has been filed with the Commission alleging that any utility is being operated without a certificate of public convenience and necessity as required by this section, or when the Commission has reason to believe that any provision of this section is being violated, the Commission shall investigate such operations and the Commission may, after a hearing, make its order requiring the owner or operator of the utility to cease and desist from any operation in violation of this section. The Commission shall enforce compliance with such an order under the powers vested in the Commission by law.

5. If any public utility in constructing or extending its line, plant or system interferes or is about to interfere with the operation of the line, plant or system of any other public utility already constructed, the Commission, on complaint of the public utility claiming to be injuriously affected, after hearing, may make such an order prohibiting the construction or extension, or prescribing such terms and conditions for the location of the lines, plants or systems affected, as to it may seem just and reasonable.

6. Except as ***otherwise*** provided in [~~subsection 7, whenever~~] ***subsections 7 and 8, if*** the Commission, after a hearing upon its own motion or upon complaint, finds that there is or will be a duplication of service by public utilities in any area, the Commission shall either issue a certificate of public convenience and necessity assigning specific territories to one or to each of such utilities, or, by certificate of public convenience and necessity, otherwise define the conditions of rendering service and construction, extensions within such territories, and shall order the elimination of such duplication, all upon such terms as are just and reasonable, having due regard to due process of law and to all the rights of the respective parties and to public convenience and necessity.

7. The Commission may allow ***and regulate*** a duplication of service by [~~public utilities~~] ***telecommunication providers*** in an area [~~if:~~

~~(a) The service provided is related to telecommunication; and~~

~~(b) It~~] ***where the provider of last resort is a small-scale provider of last resort if the Commission*** finds that the competition should occur and that any duplication of service is reasonable.

8. The Commission:

(a) Shall allow a duplication of service or facilities by telecommunication providers in an area where the provider of last resort is a competitive supplier; and

(b) On or after ~~[July 1, 2008,]~~ January 1, 2012, shall not regulate a duplication of service or facilities by telecommunication providers in an area where the provider of last resort is a competitive supplier.

9. A competitive supplier that is a provider of last resort:

(a) Must provide to the Commission a description of and map depicting the boundaries of the service area in which the Commission has designated the competitive supplier as the provider of last resort; and

(b) May change the boundaries of that service area by filing an application with the Commission. The application shall be deemed approved if the Commission does not act on the application within 120 days after the date the application is filed with the Commission.

Sec. 46. NRS 704.380 is hereby amended to read as follows:

704.380 [~~No~~] ***1. Except as otherwise provided in subsection 2, any*** public utility beginning, prosecuting or completing any new construction in violation of this chapter [~~shall be~~] ***is not*** permitted to levy any tolls or charges for services rendered, and all such tolls and charges [~~shall be~~] ***are*** void.

2. The provisions of subsection 1 do not apply to a competitive supplier that is operating in accordance with the provisions of this chapter governing telecommunication providers.

Sec. 47. NRS 704.390 is hereby amended to read as follows:

704.390 1. [~~It~~] ***Except as otherwise provided in sections 18 to 30, inclusive, of this act, it*** is unlawful for any public utility to discontinue, modify or restrict service to any city, town, municipality, community or territory theretofore serviced by it, except upon 30 days' notice filed with the Commission, specifying in detail the character and nature of the discontinuance or restriction of the service intended, and upon order of the Commission, made after hearing, permitting such discontinuance, modification or restriction of service.

2. Except as otherwise provided in subsection 3, the Commission, in its discretion and after investigation, may dispense with the hearing on the application for discontinuance, modification or restriction of service if, upon the expiration of the time fixed in the notice thereof, no protest against the granting of the application has been filed by or on behalf of any interested person.

3. The Commission shall not dispense with the hearing on the application of an electric utility.

Sec. 48. NRS 704.410 is hereby amended to read as follows:

704.410 1. Any public utility subject to the provisions of NRS 704.001 to 704.7595, inclusive, to which a certificate of public convenience and necessity has been issued pursuant to NRS 704.001 to 704.7595, inclusive, may transfer the certificate to any person qualified under NRS 704.001 to 704.7595, inclusive. Such a transfer is void and unenforceable and is not valid for any purpose unless:

(a) A joint application to make the transfer has been made to the Commission by the transferor and the transferee ~~[,]~~ ***or the transfer is incident to a transaction that is subject to an application under NRS 704.329 approved by the Commission;*** and

(b) The Commission has authorized the substitution of the transferee for the transferor. If the transferor is an electric utility, the Commission shall not authorize the transfer unless the transfer complies with the provisions of NRS 704.7561 to 704.7595, inclusive.

2. The Commission:

(a) Shall conduct a hearing on a transfer involving an electric utility. The hearing must be noticed and conducted in the same manner as other contested hearings before the Commission.

(b) May direct that a hearing be conducted on a transfer involving any other public utility. If the Commission determines that such a hearing should be held, the hearing must be noticed and conducted in the same manner as other contested hearings before the Commission. The Commission may dispense with such a hearing if, upon the expiration of the time fixed in the notice thereof, no protest to the proposed transfer has been filed by or on behalf of any interested person.

3. In determining whether the transfer of a certificate of public convenience and necessity to an applicant transferee should be authorized, the Commission must take into consideration:

(a) The utility service performed by the transferor and the proposed utility service of the transferee;

(b) Other authorized utility services in the territory for which the transfer is sought;

(c) Whether the transferee is fit, willing and able to perform the services of a public utility and whether the proposed operation will be consistent with the legislative policies set forth in NRS 704.001 to 704.7595, inclusive; and

(d) Whether the transfer will be in the public interest.

4. The Commission may make such amendments, restrictions or modifications in a certificate upon transferring it as the public interest requires.

5. No transfer is valid beyond the life of the certificate transferred.

Sec. 49. NRS 704.440 is hereby amended to read as follows:

704.440 1. [~~The~~] ***Except as otherwise provided in subsection 2, the*** Commission may, in its discretion, investigate and ascertain the value of all property of every public utility actually used and useful for the convenience of the public.

[~~2.~~] In making such ***an*** investigation **,** the Commission may avail itself of all information contained in the assessment rolls of the various counties and the public records and files of all state departments, offices and commissions, and any other information obtainable.

2. The provisions of subsection 1 do not apply to a competitive supplier.

Sec. 50. NRS 704.684 is hereby amended to read as follows:

704.684 1. Except as otherwise provided in [~~subsection 2 and NRS 704.68984,~~] ***this section,*** the Commission shall not regulate any broadband service, including imposing any requirements relating to the terms, conditions, rates or availability of broadband service.

2. The provisions of subsection 1 do not limit or modify the authority of the Commission to:

(a) Consider any revenues, costs and expenses that a [~~public utility~~] ***small-scale provider of last resort*** derives from providing a broadband service, if the Commission is determining the rates of the [~~public utility~~] ***provider*** under a general rate application that is filed pursuant to subsection 3 of NRS 704.110;

(b) Act on a complaint filed pursuant to NRS 703.310, if the complaint relates to a broadband service that is provided by a public utility;

(c) Include any appropriate gross operating revenue that a public utility derives from providing broadband service when the Commission calculates the gross operating revenue of the public utility for the purposes of levying and collecting the annual assessment in accordance with the provisions of NRS 704.033; or

(d) Determine the rates, ***pricing,*** terms and conditions of intrastate ***switched or*** special access [~~services.~~] ***service provided by a telecommunication provider.***

3. ***The provisions of subsection 1 do not:***

(a) Apply to the Commission in connection with any actions or decisions required or permitted by the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

(b) Limit or modify:

(1) The duties of a telecommunication provider regarding the provision of network interconnection, unbundled network elements and resold services under the provisions of the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

(2) The authority of the Commission to act pursuant to NRS 704.6881 and 704.6882.

4. As used in this section [~~:~~

~~(a) "Affiliate of an incumbent local exchange carrier" has the meaning ascribed to it in NRS 704.6891.~~

~~(b) "Broadband]~~ **, *"broadband*** service" means any two-way service that transmits information at a rate that is generally not less than 200 kilobits per second in at least one direction.

~~[(c) "Incumbent local exchange carrier" has the meaning ascribed to it in NRS 704.68932.]~~

Sec. 51. NRS 704.6873 is hereby amended to read as follows:

704.6873 1. The Commission shall adopt regulations that require each [~~utility which provides telecommunication services~~] ***telecommunication provider furnishing service*** to:

(a) An elementary or secondary public school; or

(b) A public library,

➥ to establish discounts in the rates for the telecommunication services that the [~~utility provides~~] ***provider furnishes*** to that school or library. The amount of the discount must be determined by the Commission in a manner that is consistent with the provisions of 47 U.S.C. § 254.

2. The Commission shall adopt regulations that require each [~~utility which provides telecommunication services~~] ***telecommunication provider furnishing service*** to:

(a) Public or private nonprofit providers of health care which serve persons in rural areas; or

(b) Persons with low income and persons in rural, insular and high-cost areas,

➥ to ensure that such providers of health care and persons have access to telecommunication services that are reasonably comparable to those services available in urban areas and that the rates for such services charged by the [~~utility~~] ***telecommunication provider*** are reasonably comparable to those charged in the urban areas, to the extent required by the provisions of 47 U.S.C. § 254.

3. The Commission shall adopt regulations which set forth the requirements for eligibility for [~~persons~~] ***:***

(a) Persons with low income [~~and definitions for~~] ***to receive a reduction in rates for telephone service pursuant to NRS 707.400 to 707.500, inclusive . [,] The regulations adopted pursuant to this paragraph must provide that if a person is a customer of:***

(1) A competitive supplier that is an incumbent local exchange carrier, the person is eligible to receive a reduction in rates if the person's household has a total household gross income not exceeding 175 percent of the federally established poverty level for a household with the same number of persons; and

(2) Any other competitive supplier or a small-scale provider of last resort, the person is eligible to receive a reduction in rates if the person's household has a total household gross income not exceeding 150 percent of the federally established poverty level for a household with the same number of persons.

(b) Small-scale providers of last resort to apply to receive payments from the fund to maintain the availability of telephone service with regard to rural, insular and high-cost areas . ~~[; and]~~

(c) Competitive suppliers that are providers of last resort to apply to receive payments from the fund to maintain the availability of telephone service with regard to rural, insular and high-cost areas.

4. Any regulations adopted pursuant to this section ***and NRS 704.040 regarding the availability of telephone service*** must [~~be~~] ***:***

(a) Be consistent with the ***applicable*** provisions of 47 U.S.C. § 254 [~~.~~] ***;***

(b) Define rural, insular and high-cost areas;

(c) Establish nondiscriminatory eligibility requirements for all small-scale providers of last resort that apply to receive payments from the fund to maintain the availability of telephone service with regard to rural, insular and high-cost areas; and

(d) Allow competitive suppliers which are providers of last resort and which meet the eligibility requirements established by the Commission to apply to receive payments from the fund to maintain the availability of telephone service with regard to rural, insular and high-cost areas.

Sec. 52. NRS 704.6875 is hereby amended to read as follows:

704.6875 1. Except as otherwise provided in subsection 2, each [~~public utility which provides telecommunication services~~] ***telecommunication provider*** shall provide timely written notice to a customer of the duration of each call that is billed to the customer, reported in minutes, seconds or any fraction thereof, if the charges for the telecommunication services are calculated, in whole or in part, on the basis of the duration of the call.

2. The provisions of this section do not apply to measured rate service **.** [~~that is regulated by the Commission.~~]

Sec. 53. NRS 704.6881 is hereby amended to read as follows:

704.6881 The Commission shall, by regulation:

1. Establish standards of performance and reporting regarding the provision of interconnection, unbundled network elements and resold services, which encourage competition and discourage discriminatory conduct in the provision of local telecommunication services; and

2. Notwithstanding the provisions of NRS 703.320 to the contrary, establish penalties and expedited procedures for imposing penalties upon a ***telecommunication*** provider [~~of telecommunication services~~] for actions that are inconsistent with the standards established by the Commission pursuant to subsection 1. Such penalties may include financial payment to the complaining ***telecommunication*** provider [~~of telecommunication services~~] for a violation of the standards established by the Commission pursuant to subsection 1, provided that any penalty paid must be deducted, with interest, from any other award under any other judicial or administrative procedure for the same conduct in the same reporting period. Any penalty imposed pursuant to this subsection is in lieu of the civil penalties set forth in NRS 703.380 and must be:

(a) Imposed for violating a standard or standards established by regulations of the Commission pursuant to subsection 1;

(b) Determined by the Commission to further the goal of encouraging competition or discouraging discriminatory conduct; and

(c) In an amount reasonable to encourage competition or discourage discriminatory conduct.

Sec. 54. NRS 704.6882 is hereby amended to read as follows:

704.6882 Notwithstanding the provisions of NRS 703.310 and 703.320, the Commission shall establish by regulation expedited procedures for complaints filed by a ***telecommunication*** provider [~~of telecommunication services~~] against another ***telecommunication*** provider [~~of telecommunication services~~] for any dispute arising under this chapter ***, including, without limitation, a dispute arising under the standards set forth in section 30 of this act,*** or ***arising under*** chapter 703 of NRS***.*** ~~[, including]~~ ***The regulations may include, without limitation,*** specific procedures for interim relief that may include a preliminary decision by a single Commissioner except as to the imposition of monetary penalties.

Sec. 55. NRS 704.6884 is hereby amended to read as follows:

704.6884 The provisions of NRS 704.6881 to 704.6884, inclusive, must not be construed to exempt ***telecommunication*** providers [~~of telecommunication services~~] from any other applicable statute of this State or the United States relating to consumer and antitrust protections. The exemption provided in paragraph (c) of subsection 3 of NRS 598A.040 does not apply to conduct of, or actions taken by, a ***telecommunication*** provider [~~of telecommunication services~~] in violation of the standards established pursuant to subsection 1 of NRS 704.6881.

Sec. 56. Chapter 707 of NRS is hereby amended by adding thereto the provisions set forth as sections 57 to 60, inclusive, of this act.

Sec. 57. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 58, 59 and 60 of this act have the meanings ascribed to them in those sections.***

Sec. 58. ***"Basic network service" has the meaning ascribed to it in section 2 of this act.***

Sec. 59. ***"Telecommunication provider" or "telephone company" has the meaning ascribed to it in section 12 of this act.***

Sec. 60. ***"Telecommunication service" or "telephone service" has the meaning ascribed to it in section 13 of this act.***

Sec. 61. NRS 707.440 is hereby amended to read as follows:

707.440 "Eligible provider" means a ***telecommunication*** provider [~~of telecommunication services~~] that has been designated as an eligible telecommunications carrier by the Commission to receive universal service support pursuant to 47 U.S.C. § 214, as that section existed on January 1, 1999.

Sec. 62. NRS 707.490 is hereby amended to read as follows:

707.490 1. The reduction in the telephone rates provided by lifeline or link up services must be based on the methods for determining reductions which are adopted by the Commission by regulation. The Commission may

provide different methods for determining reductions to allow for differences between eligible providers. The methods may include, without limitation:

(a) Basing the reduction on the tariff filed by the eligible provider with the Commission; or

(b) Establishing a formula pursuant to which the amount of the reduction may be determined.

2. The reduction in such telephone rates applies only to:

(a) [~~Residential flat rate basic local exchange service;~~

~~(b) Residential local exchange access service;~~

~~(c) Residential local calling area service; and~~

~~(d)~~] ***Basic network service; and***

(b) Residential service connection charges ~~[.]~~ ***for such basic network service.***

3. [~~The reduced rate for residential local exchange access service, when combined with the reduced rate for residential local calling area service, must not exceed the comparable reduced rate for residential flat rate basic local exchange service.~~

~~4.~~] If the amount of the reduction in rates provided by an eligible provider to an eligible customer for lifeline services is greater than the amount which the eligible provider receives as universal service support pursuant to 47 U.S.C. § 254, the eligible provider is entitled to reimbursement from the fund ***to maintain the availability of telephone service*** established by the Commission pursuant to NRS 704.040 for the difference between the amount of the reduction and the amount received as universal service support pursuant to 47 U.S.C. § 254.

Sec. 63. NRS 709.050 is hereby amended to read as follows:

709.050 1. The board of county commissioners may grant to any person, company, corporation or association the franchise, right and privilege to construct, install, operate and maintain street railways, electric light, heat and power lines, gas and water mains, telephone and telegraph lines, and all necessary or proper appliances used in connection therewith or appurtenant thereto, in the streets, alleys, avenues and other places in any unincorporated town in the county, and along the public roads and highways of the county, when the applicant complies with the terms and provisions of NRS 709.050 to 709.170, inclusive.

2. The board of county commissioners shall not:

(a) Impose any terms or conditions on a franchise granted pursuant to subsection 1 for the provision of [~~telecommunications~~] ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides [~~telecommunications~~] ***telecommunication*** service or interactive computer service to obtain a

franchise if it provides [~~telecommunications~~] ***telecommunication*** service over the telephone or telegraph lines owned by another company.

3. As used in NRS 709.050 to 709.170, inclusive:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § [~~230(e)(2),~~] ***230(f)(2),*** as that section existed on [~~July 16, 1997.~~] ***January 1, 2007.***

(b) "Street railway" means:

(1) A system of public transportation operating over fixed rails on the surface of the ground; or

(2) An overhead or underground system, other than a monorail, used for public transportation.

➥ The term does not include a super speed ground transportation system as defined in NRS 705.4292.

(c) [~~"Telecommunications~~] ***"Telecommunication*** service" has the meaning ascribed to it in [~~47 U.S.C. § 153(46), as that section existed on July 16, 1997.~~] ***section 13 of this act.***

4. As used in this section, "monorail" has the meaning ascribed to it in NRS 705.650.

Sec. 64. NRS 709.130 is hereby amended to read as follows:

709.130 1. Every person, company, corporation or association receiving a franchise pursuant to the provisions of NRS 709.050 to 709.170, inclusive, shall:

(a) Provide a plant with all necessary appurtenances of approved construction for the full performance of his franchise duties, rights and obligations, and for the needs, comfort and convenience of the inhabitants of the various unincorporated towns and cities, county or place to which his franchise relates.

(b) Keep the plants and appurtenances, including all tracks, cars, poles, wires, pipes, mains and other attachments, in good repair, so as not to interfere with the passage of persons or vehicles, or the safety of persons or property.

2. Except as otherwise provided in this subsection, the board of county commissioners may when granting such franchise, fix and direct the location of all tracks, poles, wires, mains, pipes and other appurtenances upon the public streets, alleys, avenues and highways as best to serve the convenience of the public. The board may change the location of any appurtenances and permit, upon proper showing, all necessary extensions thereof when the interest or convenience of the public requires. The board shall not require a company that provides [~~telecommunications~~] ***telecommunication*** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the county.

3. All poles, except poles from which trolley wires are suspended for streetcar lines, from which wires are suspended for electric railroads, power, light or heating purposes within the boundaries of unincorporated towns and

over public highways must not be less than 30 feet in height, and the wires strung thereon must not be less than 25 feet above the ground.

4. Every person, company, association or corporation operating a telephone, telegraph or electric light, heat or power line, or any electric railway line, shall, with due diligence, provide itself, at its own expense, a competent electrician to cut, repair and replace wires in all cases where cutting or repairing or replacing is made necessary by the removal of buildings or other property through the public streets or highways.

5. No person, company, corporation or association may receive an exclusive franchise nor may any board of county commissioners grant a franchise in such manner or under such terms or conditions as to hinder or obstruct the granting of franchises to other grantees, or in such manner as to obstruct or impede reasonable competition in any business or public service to which NRS 709.050 to 709.170, inclusive, apply.

Sec. 65. NRS 710.140 is hereby amended to read as follows:

710.140 1. The control, management and conduct of any telephone line or system purchased, acquired or constructed by any county must be exercised by the board of county commissioners of such county.

2. The board of county commissioners has the right to employ such persons as may be necessary to carry on the business of the county telephone line or system.

3. The board of county commissioners shall comply with chapter 332 of NRS in letting contracts for the use and benefit of the county telephone line or system.

4. If the Public Utilities Commission of Nevada has provided for the levy and collection of an assessment pursuant to [~~subsection 7 of~~] NRS 704.040 for [~~a~~] ***the*** fund to maintain the availability of telephone service, the county telephone line or system is subject to the levy and collection of the assessment and is entitled to receive money from the fund under the same terms and conditions as a [~~public utility that is subject to subsection 7 of NRS 704.040.~~] ***telecommunication provider regulated pursuant to chapter 704 of NRS.***

5. In carrying on the business of the county telephone line or system, the board of county commissioners may create a separate corporation to provide communication services that are not within the scope of activities regulated pursuant to chapter 704 of NRS. The control and management of the separate corporation must be exercised by the board of county commissioners, and the separate corporation is subject to all applicable provisions of NRS 710.010 to 710.159, inclusive, to the same extent as the county telephone line or system.

6. If, after October 1, 2006, the county telephone line or system provides, outside the territorial boundaries of the county, any communication services that are not within the scope of activities regulated pursuant to chapter 704 of NRS, the county telephone line or system:

(a) With regard to the facilities and property it maintains outside the territorial boundaries of the county, shall comply with the same federal, state

and local requirements that would apply to a privately held company providing the same communication services; and

(b) With regard to the provision of such services outside the territorial boundaries of the county:

(1) Shall comply with any regulations and rules of the Public Utilities Commission of Nevada that would apply to a privately held company providing the same communication services;

(2) Shall not use any money from the county general fund for the provision of such services; and

(3) Shall not engage in any transaction with an affiliated entity at prices and terms that are lower than or more favorable than the prices and terms that the county telephone line or system or the affiliated entity would offer to or charge an unaffiliated third party for such a transaction.

7. Nothing in this section requires a county telephone line or system to offer any services to or engage in any transaction with an affiliated entity or an unaffiliated third party.

8. Except as otherwise provided in subsections 4 and 6, nothing in this section vests jurisdiction over a county telephone line or system in the Public Utilities Commission of Nevada.

9. It is expressly provided that no general or other statute shall limit or restrict the conduct and carrying on of the business of a county telephone line or system by the board of county commissioners except as specifically set forth in this section and NRS 710.145.

10. As used in this section, "affiliated entity" means any entity that is owned, operated or controlled by the same county that owns, operates or controls the county telephone line or system.

Sec. 66. NRS 710.145 is hereby amended to read as follows:

710.145 1. Notwithstanding the provisions of any other statute, a county telephone line or system may extend its communication services outside the territorial boundaries of the county if:

(a) The services are not within the scope of activities regulated pursuant to chapter 704 of NRS and the county telephone line or system complies with the provisions of subsection 6 of NRS 710.140;

(b) The [~~Public Utilities Commission of Nevada has, pursuant to subsection 3 of NRS 704.040, determined that the~~] services are ***extended into an area served by one or more*** competitive [~~or discretionary and that regulation thereof is unnecessary;~~] ***suppliers regulated pursuant to sections 18 to 30, inclusive, of this act;*** or

(c) The Public Utilities Commission of Nevada has, in an action commenced under NRS 704.330 and after 20 days' notice to all telephone utilities providing service in the county into which the extension is to be made, determined that no other telephone service can reasonably serve the area into which the extension is to be made and approves the extension of the system. No such extension may be permitted for a distance of more than 10 miles.

2. If, after October 1, 2005, a county telephone line or system provides any communication services pursuant to paragraph (b) or (c) of subsection 1 outside the territorial boundaries of the county, the county telephone line or system shall:

(a) With regard to the facilities and property it maintains outside the territorial boundaries of the county, comply with the same federal, state and local requirements that would apply to a privately held company providing the same communication services; and

(b) With regard to the provision of such services outside the territorial boundaries of the county, comply with any regulations and rules of the Public Utilities Commission of Nevada that would apply to a privately held company providing the same communication services.

3. If a county telephone line or system and an affiliated entity engage in any transaction to provide communication services outside the territorial boundaries of the county, the Public Utilities Commission of Nevada has jurisdiction over such a transaction to the extent necessary to enforce this section and NRS 710.140.

4. Nothing in this section requires a county telephone line or system to offer any services to or engage in any transaction with an affiliated entity or an unaffiliated third party.

5. Except as otherwise provided in subsections 1, 2 and 3, nothing in this section vests jurisdiction over a county telephone line or system in the Public Utilities Commission of Nevada.

6. As used in this section, "affiliated entity" has the meaning ascribed to it in NRS 710.140.

Sec. 67. NRS 710.147 is hereby amended to read as follows:

710.147 1. The governing body of a county whose population is 50,000 or more:

(a) Shall not sell [~~telecommunications~~] ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing [~~telecommunications~~] ***telecommunication*** that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

2. Any information relating to the study conducted pursuant to subsection 1 must be maintained by the county clerk and made available for public inspection during the business hours of the office of the county clerk.

3. Notwithstanding the provisions of paragraph (a) of subsection 1, an airport may sell [~~telecommunications~~] ***telecommunication*** service to the general public.

4. As used in this section:

(a) [~~"Telecommunications"~~] ***"Telecommunication"*** has the meaning ascribed to it in [~~47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~(b) "Telecommunications~~] ***section 11 of this act.***

(b) "Telecommunication service" has the meaning ascribed to it in [~~47 U.S.C. § 153(46), as that section existed on July 16, 1997.~~] ***section 13 of this act.***

Sec. 68. NRS 711.190 is hereby amended to read as follows:

711.190 1. Except as otherwise provided in NRS 318.1194:

(a) A city may grant a franchise to a community antenna television company for the construction, maintenance and operation of a community antenna television system which requires the use of city property or that portion of the city dedicated to public use for the maintenance of cables or wires underground, on the surface or on poles for the transmission of a television picture.

(b) A county may grant a franchise to a community antenna television company for the construction, maintenance and operation of a community antenna television system which requires the use of the property of the county or any town in the county or that portion of the county or town dedicated to public use for the maintenance of cables or wires underground, on the surface or on poles for the transmission of a television picture.

2. If a local government grants a franchise to two or more community antenna television companies to construct, maintain or operate a community antenna television system in the same area, the local government shall impose the same terms and conditions on each franchise and shall enforce those terms and conditions in a nondiscriminatory manner.

3. A community antenna television company that is granted a franchise pursuant to this chapter may provide [~~telecommunications~~] ***telecommunication*** service or interactive computer service without obtaining a separate franchise from the local government.

4. A local government that grants a franchise pursuant to this chapter shall not require the community antenna television company to place its facilities in ducts or conduits or on poles owned or leased by the local government.

5. If a county whose population is 400,000 or more, or an incorporated city located in whole or in part within such a county, grants a franchise pursuant to this chapter, the term of the franchise must be at least 10 years. If a franchisee notifies such a county or city on or before the end of the eighth year of a franchise that it wishes to extend the franchise, the county or city shall, on or before the end of the ninth year of the franchise, grant an extension of 5 years on the same terms and conditions, unless the franchisee has not substantially complied with the terms and conditions of the franchise agreement.

6. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § [~~230(e)(2),~~] ***230(f)(2),*** as that section existed on [~~July 16, 1997.~~

~~(b) "Telecommunications~~] ***January 1, 2007.***

(b) "Telecommunication service" has the meaning ascribed to it in [~~47 U.S.C. § 153(46), as that section existed on July 16, 1997.~~] ***section 13 of this act.***

Sec. 69. NRS 268.086 is hereby amended to read as follows:

268.086 1. The governing body of an incorporated city whose population is 25,000 or more:

(a) Shall not sell [~~telecommunications~~] ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing [~~telecommunications~~] ***telecommunication*** that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

2. Any information relating to the study conducted pursuant to subsection 1 must be maintained by the city clerk and made available for public inspection during the business hours of the office of the city clerk.

3. Notwithstanding the provisions of paragraph (a) of subsection 1, an airport may sell [~~telecommunications~~] ***telecommunication*** service to the general public.

4. As used in this section:

(a) [~~"Telecommunications"~~] ***"Telecommunication"*** has the meaning ascribed to it in [~~47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~(b) "Telecommunications~~] ***section 11 of this act.***

(b) "Telecommunication service" has the meaning ascribed to it in [~~47 U.S.C. § 153(46), as that section existed on July 16, 1997.~~] ***section 13 of this act.***

Sec. 70. NRS 268.088 is hereby amended to read as follows:

268.088 The governing body of an incorporated city shall not:

1. Impose any terms or conditions on a franchise for the provision of [~~telecommunications~~] ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

2. Require a company that provides [~~telecommunications~~] ***telecommunication*** service or interactive computer service to obtain a franchise if it provides [~~telecommunications~~] ***telecommunication*** service over the telephone or telegraph lines owned by another company.

3. Require a person who holds a franchise for the provision of [~~telecommunications~~] ***telecommunication*** service to place its facilities in ducts or conduits or on poles owned or leased by the city.

4. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § [~~230(e)(2),~~] ***230(f)(2),*** as that section existed on [~~July 16, 1997.~~

~~(b) "Telecommunications~~] ***January 1, 2007.***

(b) "Telecommunication service" has the meaning ascribed to it in [~~47 U.S.C. § 153(46), as that section existed on July 16, 1997.~~] ***section 13 of this act.***

Sec. 71. NRS 360.820 is hereby amended to read as follows:

360.820 [~~"Telecommunications~~] ***"Telecommunication*** service" has the meaning ascribed to it in [~~47 U.S.C. § 153(46), as that section existed on July 1, 2003.~~] ***section 13 of this act.***

Sec. 72. NRS 360.825 is hereby amended to read as follows:

360.825 1. Except as otherwise provided in this section, if on or after July 1, 2003, a local government acquires from another entity a public utility that provides electric service, natural gas service, [~~telecommunications~~] ***telecommunication*** service or community antenna television service:

(a) The local government shall make payments in lieu of and equal to all state and local taxes and franchise fees from which the local government is exempt but for which the public utility would be liable if the public utility was not owned by a governmental entity; and

(b) The Nevada Tax Commission shall, solely for the purpose set forth in this paragraph, annually determine and apportion the assessed valuation of the property of the public utility. For the purpose of calculating any allocation or apportionment of money for distribution among local governments pursuant to a formula required by state law which is based partially or entirely on the assessed valuation of taxable property:

(1) The property of the public utility shall be deemed to constitute taxable property to the same extent as if the public utility was not owned by a governmental entity; and

(2) To the extent that the property of the public utility is deemed to constitute taxable property pursuant to this paragraph:

(I) The assessed valuation of that property must be included in that calculation as determined and apportioned by the Nevada Tax Commission pursuant to this paragraph; and

(II) The payments required by paragraph (a) in lieu of any taxes that would otherwise be required on the basis of the assessed valuation of that property shall be deemed to constitute payments of those taxes.

2. The payments in lieu of taxes and franchise fees required by subsection 1 are due at the same time and must be collected, accounted for and distributed in the same manner as those taxes and franchise fees would be due, collected, accounted for and distributed if the public utility was not owned by a governmental entity, except that no lien attaches upon any

property or money of the local government by virtue of any failure to make all or any part of those payments. The local government may contest the validity and amount of any payment in lieu of a tax or franchise fee to the same extent as if that payment was a payment of the tax or franchise fee itself. The payments in lieu of taxes and franchise fees must be reduced if and to the extent that such a contest is successful.

3. The provisions of this section do not:

(a) Apply to the acquisition by a local government of a public utility owned by another governmental entity, except a public utility owned by another local government for which any payments in lieu of state or local taxes or franchise fees was required before its acquisition as provided in this section.

(b) Require a local government to make any payments in lieu of taxes or franchise fees to the extent that the making of those payments would cause a deficiency in the money available to the local government to make required payments of principal of, premium, if any, or interest on any bonds or other securities issued to finance the acquisition of that public utility or to make required payments to any funds established under the proceedings under which those bonds or other securities were issued.

(c) Require a county to duplicate any payments in lieu of taxes required pursuant to NRS 244A.755.

Sec. 73. NRS 360.830 is hereby amended to read as follows:

360.830 1. Except as otherwise provided in this section, if on or after July 1, 2003, a local government:

(a) Acquires from another entity a public utility that provides water service or sewer service; or

(b) Expands facilities for the provision of water service, sewer service, electric service, natural gas service, [~~telecommunications~~] ***telecommunication*** service or community antenna television service, and the expansion results in the local government serving additional retail customers who were, before the expansion, retail customers of a public utility which provided that service,

➥ the local government shall enter into an interlocal agreement with each affected local government to compensate the affected local government each fiscal year, as nearly as practicable, for the amount of any money from state and local taxes and franchise fees and from payments in lieu of those taxes and franchise fees, and for any compensation from a local government pursuant to this section, the affected local government would be entitled to receive but will not receive because of the acquisition of that public utility or expansion of those facilities as provided in this section.

2. An affected local government may waive any or all of the compensation to which it may be entitled pursuant to subsection 1.

3. The provisions of this section do not require a:

(a) Local government to provide any compensation to an affected local government to the extent that the provision of that compensation would cause

a deficiency in the money available to the local government to make required payments of principal of, premium, if any, or interest on any bonds or other securities issued to finance the acquisition of that public utility or expansion of those facilities, or to make required payments to any funds established under the proceedings under which those bonds or other securities were issued.

(b) County to duplicate any compensation an affected local government receives from any payments in lieu of taxes required pursuant to NRS 244A.755.

Sec. 74. NRS 598.9682 is hereby amended to read as follows:

598.9682 "Provider" means:

1. A [~~person who is in the business of providing a telecommunications service;~~] ***telecommunication provider as defined in section 12 of this act;***

2. An agent, employee, independent contractor or representative of ***such*** a [~~person who is in the business of providing a telecommunications service;~~] ***telecommunication provider;*** or

3. A person who originates a charge for a [~~telecommunications~~] ***telecommunication*** service and directly or indirectly bills a customer for the charge.

Sec. 75. NRS 598.9684 is hereby amended to read as follows:

598.9684 [~~"Telecommunications service" means a service that is designed or has the capability to generate, process, store, retrieve, convey, emit, transmit, receive, relay, record or reproduce any data, information, image, program, signal or sound over a communications system or network, including, without limitation, a communications system or network that uses analog, digital, electronic, electromagnetic, magnetic or optical technology.~~] ***"Telecommunication service" has the meaning ascribed to it in section 13 of this act.***

Sec. 76. NRS 598.969 is hereby amended to read as follows:

598.969 A provider shall not:

1. Make a statement or representation regarding the provision of a [~~telecommunications~~] ***telecommunication*** service, including, without limitation, a statement regarding the rates, terms or conditions of a [~~telecommunications~~] ***telecommunication*** service, that:

(a) Is false, misleading or deceptive; or

(b) Fails to include material information which makes the statement or representation false, misleading or deceptive.

2. Misrepresent his identity.

3. Falsely state to a person that the person has subscribed or authorized a subscription to or has received a [~~telecommunications~~] ***telecommunication*** service.

4. Omit, when explaining the terms and conditions of a subscription to a [~~telecommunications~~] ***telecommunication*** service, a material fact concerning the subscription.

5. Fail to provide a customer with timely written notice containing:

(a) A clear and detailed description relating directly to the services for which the customer is being billed and the amount the customer is being charged for each service;

(b) All terms and conditions relating directly to the services provided; and

(c) The name, address and telephone number of the provider.

6. Fail to honor, within a reasonable period, a request of a customer to cancel a [~~telecommunications~~] ***telecommunication*** service pursuant to the terms and conditions for the service.

7. Bill a customer for a [~~telecommunications~~] ***telecommunication*** service after the customer has cancelled the [~~telecommunications~~] ***telecommunication*** service pursuant to the terms and conditions of the service.

8. Bill a customer for services that the provider knows the customer has not authorized, unless the service is required to be provided by law. The failure of a customer to refuse a proposal from a provider does not constitute specific authorization.

9. Change a customer's subscription to a local exchange carrier or an interexchange carrier unless:

(a) The customer has authorized the change within the 30 days immediately preceding the date of the change; and

(b) The provider complies with the provisions of 47 U.S.C. § 258, as amended, and the verification procedures set forth in 47 C.F.R. part 64, subpart K, as amended.

10. Fail to provide to a customer who has authorized the provider to change his subscription to a local exchange carrier or an interexchange carrier a written confirmation of the change within 30 days after the date of the change.

11. Propose or enter into a contract with a person that purports to:

(a) Waive the protection afforded to the person by any provision of this section; or

(b) Authorize the provider or an agent, employee, independent contractor or representative of the provider to violate any provision of this section.

Sec. 77. NRS 598.9691 is hereby amended to read as follows:

598.9691 The Public Utilities Commission of Nevada may adopt regulations governing the disclosures that must be made by a provider to a customer before the customer may be charged for a [~~telecommunications~~] ***telecommunication*** service.

Sec. 78. Section 2.270 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 416, Statutes of Nevada 2001, at page 2096, is hereby amended to read as follows:

Sec. 2.270 Power of Board: Provision of utilities.

1. Except as otherwise provided in subsection 2 and section 2.272, the Board may:

(a) Provide, by contract, franchise or public enterprise, for any utility to be furnished to Carson City or the residents thereof.

(b) Provide for the construction of any facility necessary for the provision of such utilities.

(c) Fix the rate to be paid for any utility provided by public enterprise.

(d) Provide that any public utility be authorized, for any purpose or object whatever, to install, operate or use within the city mechanical water meters, or similar mechanical devices, to measure the quantity of water delivered to water users.

2. The Board:

(a) Shall not sell [~~telecommunications~~] ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing [~~telecommunications~~] ***telecommunication*** that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the Clerk and made available for public inspection during the business hours of the Office of the Clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell [~~telecommunications~~] ***telecommunication*** service to the general public.

5. As used in this section:

(a) [~~"Telecommunications"~~] ***"Telecommunication"*** has the meaning ascribed to it in [~~47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~(b) "~~Telecommunications] ***section 11 of this act.***

(b) "Telecommunication service" has the meaning ascribed to it in [~~47 U.S.C. § 153(46), as that section existed on July 16, 1997.~~] ***section 13 of this act.***

Sec. 79. Section 2.272 of the Charter of Carson City, being chapter 565, Statutes of Nevada 1997, at page 2750, is hereby amended to read as follows:

Sec. 2.272 Franchises for the provision of [~~telecommunications~~] ***telecommunication*** service.

1. The Board shall not:

(a) Impose any terms or conditions on a franchise for the provision of [~~telecommunications~~] ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides [~~telecommunications~~] ***telecommunication*** service or interactive computer service to obtain a franchise if it provides [~~telecommunications~~] ***telecommunication*** service over the telephone or telegraph lines owned by another company.

(c) Require a person who holds a franchise for the provision of [~~telecommunications~~] ***telecommunication*** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § [~~230(e)(2),~~] ***230(f)(2),*** as that section existed on [~~July 16, 1997.~~

~~(b) "Telecommunications~~] ***January 1, 2007.***

(b) "Telecommunication service" has the meaning ascribed to it in [~~47 U.S.C. § 153(46), as that section existed on July 16, 1997.~~] ***section 13 of this act.***

Sec. 80. Section 2.280 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 416, Statutes of Nevada 2001, at page 2098, is hereby amended to read as follows:

Sec. 2.280 Powers of City Council: Provision of utilities.

1. Except as otherwise provided in subsection 2 and section 2.285, the City Council may:

(a) Provide, by contract, franchise or public enterprise, for any utility to be furnished to the City for the residents thereof.

(b) Provide for the construction of any facility necessary for the provision of such utilities.

(c) Fix the rate to be paid for any utility provided by public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the City is a lien upon the property to which the service is rendered and must be perfected by filing with the County Recorder of Clark County a statement by the City Clerk of the amount due and unpaid and describing the property subject to the lien. Each such lien must:

(1) Be coequal with the latest lien thereon to secure the payment of general taxes.

(2) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(3) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

2. The City Council:

(a) Shall not sell [~~telecommunications~~] ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing [~~telecommunications~~] ***telecommunication*** that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell [~~telecommunications~~] ***telecommunication*** service to the general public.

5. As used in this section:

(a) [~~"Telecommunications"~~] ***"Telecommunication"*** has the meaning ascribed to it in [~~47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~(b) "Telecommunications~~] ***section 11 of this act.***

(b) "Telecommunication service" has the meaning ascribed to it in [~~47 U.S.C. § 153(46), as that section existed on July 16, 1997.~~] ***section 13 of this act.***

Sec. 81. Section 2.285 of the Charter of the City of Henderson, being chapter 565, Statutes of Nevada 1997, at page 2752, is hereby amended to read as follows:

Sec. 2.285 Franchises for the provision of [~~telecommunications~~] ***telecommunication*** service.

1. The City Council shall not:

(a) Impose any terms or conditions on a franchise for the provision of [~~telecommunications~~] ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides [~~telecommunications~~] ***telecommunication*** service or interactive computer service to obtain a franchise if it provides [~~telecommunications~~] ***telecommunication*** service over the telephone or telegraph lines owned by another company.

(c) Require a person who holds a franchise for the provision of [~~telecommunications~~] ***telecommunication*** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 +.U.S.C. § [~~230(e)(2),~~] ***230(f)(2),*** as that section existed on [~~July 16, 1997.~~

~~(b) "Telecommunications~~] ***January 1, 2007.***

(b) "Telecommunication service" has the meaning ascribed to it in [~~47 U.S.C. § 153(46), as that section existed on July 16, 1997.~~] ***section 13 of this act.***

Sec. 82. Section 2.300 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 416, Statutes of Nevada 2001, at page 2100, is hereby amended to read as follows:

Sec. 2.300 Powers of City Council: Provision of utilities.

1. Except as otherwise provided in subsection 3 and section 2.315, the City Council may:

(a) Provide, by contract, franchise or public ownership or operation, for any utility to be furnished to the residents of the City.

(b) Provide for the construction and maintenance of any facility which is necessary for the provision of those utilities.

(c) Prescribe, revise and collect rates, fees, tolls and charges, including fees for connection, for the services, facilities or commodities which are furnished by any municipally owned or municipally operated utility or undertaking and no rate, fee, toll or charge for the services, facilities or commodities which are furnished by any municipally owned or municipally operated utility or undertaking may be prescribed, revised, amended, altered, increased or decreased without proceeding as follows:

(1) There must be filed with the City Clerk and available for public inspection schedules of all rates, fees, tolls and charges which the City has established and which are in force at that time for any service which is performed or product which is furnished in connection with any utility which is owned or operated by the City.

(2) No change may be made in any of those schedules except upon 30 days' notice to the inhabitants of the City and the holding of a public hearing with respect to the proposed change. Notice of the proposed change must be given by at least two publications during the 30-day period before the hearing.

(3) At the time which is set for the hearing on the proposed change, any person may appear and be heard and offer any evidence in support of or against the proposed change.

(4) Every utility which is owned or operated by the City shall furnish reasonably adequate service and facilities, and the charges which are made for any service which is or will be rendered, or for any service which is connected with or incidental to any service which is or will be rendered, by the City must be just and reasonable.

2. Any rate, fee, toll or charge, including any fee for connection which is due for services, facilities or commodities which are furnished by the City or by any utility which is owned or operated by the City pursuant to this section is a lien upon the property to which the service is rendered. The lien:

(a) Must be perfected by filing with the County Recorder of the County a statement by the City Clerk in which he states the amount which is due and unpaid and describes the property which is subject to the lien.

(b) Is coequal with the latest lien upon that property to secure the payment of general taxes.

(c) Is not subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(d) Is prior and superior to all liens, claims, encumbrances and titles, other than the liens of assessments and general taxes.

(e) May be enforced and foreclosed in such manner as may be prescribed by ordinance.

3. The City Council:

(a) Shall not sell [~~telecommunications~~] ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing [~~telecommunications~~] ***telecommunication*** that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

4. Any information relating to the study conducted pursuant to subsection 3 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

5. Notwithstanding the provisions of paragraph (a) of subsection 3, an airport may sell [~~telecommunications~~] ***telecommunication*** service to the general public.

6. As used in this section:

(a) [~~"Telecommunications"~~] ***"Telecommunication"*** has the meaning ascribed to it in [~~47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~(b) "~~Telecommunications] ***section 11 of this act.***

(b) Telecommunication service" has the meaning ascribed to it in [~~47 U.S.C. § 153(46), as that section existed on July 16, 1997.~~] ***section 13 of this act.***

Sec. 83. Section 2.315 of the Charter of the City of Las Vegas, being chapter 565, Statutes of Nevada 1997, at page 2754, is hereby amended to read as follows:

Sec. 2.315 Franchises for the provision of [~~telecommunications~~] ***telecommunication*** service.

1. The City Council shall not:

(a) Impose any terms or conditions on a franchise for the provision of [~~telecommunications~~] ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides [~~telecommunications~~] ***telecommunication*** service or interactive computer service to obtain a franchise if it provides [~~telecommunications~~] ***telecommunication*** service over the telephone or telegraph lines owned by another company.

(c) Require a person who holds a franchise for the provision of [~~telecommunications~~] ***telecommunication*** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § [~~230(e)(2),~~] ***230(f)(2),*** as that section existed on [~~July 16, 1997.~~

~~(b) "Telecommunications~~] ***January 1, 2007.***

(b) "Telecommunication service" has the meaning ascribed to it in [~~47 U.S.C. § 153(46), as that section existed on July 16, 1997.~~] ***section 13 of this act.***

Sec. 84. Section 2.280 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 416, Statutes of Nevada 2001, at page 2103, is hereby amended to read as follows:

Sec. 2.280 Powers of City Council: Provision of utilities.

1. Except as otherwise provided in subsection 3 and section 2.285, the City Council may:

(a) Provide, by contract, franchise and public enterprise, for any utility to be furnished to the City for residents located within or without the City.

(b) Provide for the construction and maintenance of any facilities necessary for the provision of all such utilities.

(c) Prescribe, revise and collect rates, fees, tolls and charges for the services, facilities or commodities furnished by any municipally operated or municipally owned utility or undertaking. Notwithstanding any provision of this Charter to the contrary or in conflict herewith, no rates, fees, tolls or charges for the services, facilities or commodities furnished by any municipally operated or municipally owned utility or undertaking may be prescribed, revised, amended or altered, increased or decreased, without this procedure first being followed:

(1) There must be filed with the City Clerk schedules of rates, fees, tolls or charges which must be open to public inspection, showing all rates, fees, tolls or charges which the City has established and which are in force at the time for any service performed or product furnished in connection therewith by any utility controlled and operated by the City.

(2) No changes may be made in any schedule so filed with the City Clerk except upon 30 days' notice to the inhabitants of the City and a public hearing held thereon. Notice of the proposed change or changes must be given by at least two publications in a newspaper published in the City during the 30-day period before the hearing thereon.

(3) At the time set for the hearing on the proposed change, any person may appear and be heard and offer any evidence in support of or against the proposed change.

(4) Every utility operated by the City shall furnish reasonably adequate service and facilities, and the charges made for any service rendered or to be rendered, or for any service in connection therewith or incidental thereto, must be just and reasonable.

(d) Provide, by ordinance, for an additional charge to each business customer and for each housing unit within the City to which water is provided by a utility of up to 25 cents per month. If such a charge is provided

for, the City Council shall, by ordinance, provide for the expenditure of that money for any purpose relating to the beautification of the City.

2. Any charges due for services, facilities or commodities furnished by the City or by any utility operated by the City pursuant to this section is a lien upon the property to which the service is rendered and must be perfected by filing with the County Recorder of Clark County of a statement by the City Clerk stating the amount due and unpaid and describing the property subject to the lien. Each such lien must:

(a) Be coequal with the latest lien thereon to secure the payment of general taxes.

(b) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(c) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

3. The City Council:

(a) Shall not sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing ~~[telecommunications]~~ ***telecommunication*** that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

4. Any information relating to the study conducted pursuant to subsection 3 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

5. Notwithstanding the provisions of paragraph (a) of subsection 3, an airport may sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

6. As used in this section:

(a) "Housing unit" means a:

(1) Single-family dwelling;

(2) Townhouse, condominium or cooperative apartment;

(3) Unit in a multiple-family dwelling or apartment complex; or

(4) Mobile home.

(b) ~~[~~"Telecommunications"~~]~~ ***"Telecommunication"*** has the meaning ascribed to it in ~~[47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~(c) "Telecommunications]~~ ***section 11 of this act.***

(c) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 85. Section 2.285 of the Charter of the City of North Las Vegas, being chapter 565, Statutes of Nevada 1997, at page 2758, is hereby amended to read as follows:

Sec. 2.285 Franchises for the provision of ~~[telecommunications]~~ ***telecommunication*** service.

1. The City Council shall not:

(a) Impose any terms or conditions on a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to obtain a franchise if it provides ~~[telecommunications]~~ ***telecommunication*** service over the telephone or telegraph lines owned by another company.

(c) Require a person who holds a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § ~~[230(e)(2),]~~ ***230(f)(2),*** as that section existed on ~~[July 16, 1997.~~

~~(b) "Telecommunications]~~ ***January 1, 2007.***

(b) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 86. Section 2.140 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 325, Statutes of Nevada 2005, at page 1143, is hereby amended to read as follows:

Sec. 2.140 General powers of City Council.

1. Except as otherwise provided in subsection 2 and section 2.150, the City Council may:

(a) Acquire, control, improve and dispose of any real or personal property for the use of the City, its residents and visitors.

(b) Except as otherwise provided in NRS 598D.150 and 640C.100, regulate and impose a license tax for revenue upon all businesses, trades and professions.

(c) Provide or grant franchises for public transportation and utilities.

(d) Appropriate money for advertising and publicity and for the support of a municipal band.

(e) Enact and enforce any police, fire, traffic, health, sanitary or other measure which does not conflict with the general laws of the State of Nevada. An offense that is made a misdemeanor by the laws of the State of Nevada shall also be deemed to be a misdemeanor against the City whenever the offense is committed within the City.

(f) Fix the rate to be paid for any utility service provided by the City as a public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the City is a lien upon the property to which the service is rendered and is perfected by filing with the County Recorder a statement by the City Clerk of the amount due and unpaid and describing the property subject to the lien. Any such lien is:

(1) Coequal with the latest lien upon the property to secure the payment of general taxes.

(2) Not subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(3) Prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

2. The City Council:

(a) Shall not sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing ~~[telecommunications]~~ ***telecommunication*** that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

5. As used in this section:

(a) ~~[“Telecommunications”]~~ ***“Telecommunication”*** has the meaning ascribed to it in ~~[47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~(b) ”Telecommunications]~~ ***section 11 of this act.***

(b) ”Telecommunication service” has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 87. Section 2.150 of the Charter of the City of Reno, being chapter 565, Statutes of Nevada 1997, at page 2761, is hereby amended to read as follows:

Sec. 2.150 Franchises for the provision of ~~[telecommunications]~~ ***telecommunication*** service.

1. The City Council shall not:

(a) Impose any terms or conditions on a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location

of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to obtain a franchise if it provides ~~[telecommunications]~~ ***telecommunication*** service over the telephone or telegraph lines owned by another company.

(c) Require a person who holds a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § ~~[230(e)(2),]~~ ***230(f)(2),*** as that section existed on ~~[July 16, 1997.~~

~~(b) "Telecommunications]~~ ***January 1, 2007.***

(b) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 88. Section 2.110 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 416, Statutes of Nevada 2001, at page 2107, is hereby amended to read as follows:

Sec. 2.110 Powers of City Council: Provisions for utilities.

1. Except as otherwise provided in subsection 2 and section 2.115, the City Council may:

(a) Provide by contract, franchise or public enterprise, for any utility to be furnished to the City for the residents thereof.

(b) Provide for the construction of any facility necessary for the provisions of such utility.

(c) Fix the rate to be paid for any utility provided by public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the City is a lien upon the property to which the service is rendered and must be performed by filing with the County Recorder a statement by the City Clerk of the amount due and unpaid and describing the property subject to the lien. Each such lien must:

(1) Be coequal with the latest lien thereon to secure the payment of general taxes.

(2) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(3) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

2. The City Council:

(a) Shall not sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing ~~[telecommunications]~~ ***telecommunication*** that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

5. As used in this section:

(a) ~~[“Telecommunications”]~~ ***“Telecommunication”*** has the meaning ascribed to it in ~~[47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~(b) ”Telecommunications]~~ ***section 11 of this act.***

(b) ”Telecommunication service” has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 89. Section 2.115 of the Charter of the City of Sparks, being chapter 565, Statutes of Nevada 1997, at page 2763, is hereby amended to read as follows:

Sec. 2.115 Franchises for the provision of ~~[telecommunications]~~ ***telecommunication*** service.

1. The City Council shall not:

(a) Impose any terms or conditions on a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to obtain a franchise if it provides ~~[telecommunications]~~ ***telecommunication*** service over the telephone or telegraph lines owned by another company.

(c) Require a person who holds a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) ”Interactive computer service” has the meaning ascribed to it in 47 U.S.C. § ~~[230(e)(2),]~~ ***230(f)(2),*** as that section existed on ~~[July 16, 1997.~~

~~(b) ”Telecommunications]~~ ***January 1, 2007.***

(b) ”Telecommunication service” has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 90. NRS 704.68904, 704.68908, 704.6891, 704.68912, 704.68916, 704.6892, 704.68922, 704.68924, 704.68928, 704.68932, 704.68936, 704.6894, 704.68942, 704.68944, 704.68946, 704.68947, 704.68948, 704.68952, 704.68956, 704.6896, 704.68964, 704.68966, 704.68968, 704.68972, 704.68976, 704.6898 and 704.68984 are hereby repealed.

Sec. 91. 1. The Public Utilities Commission of Nevada shall:

(a) On or before December 31, 2007, repeal any regulations which the Commission has adopted pursuant to NRS 704.68904 to 704.68984, inclusive, and any other regulations which are inconsistent with this act; and

(b) Except as otherwise provided in ~~[subsection 2,]~~ **subsections 2 and 3,** on or before July 1, 2008, adopt any regulations which are required by or necessary to carry out the provisions of this act.

2. Notwithstanding any other provision of this act:

(a) In carrying out the provisions of NRS 704.6873, as amended by this act, the Commission shall:

(1) Commence a regulatory proceeding to establish the eligibility requirements for competitive suppliers that are providers of last resort to apply to receive payments from the fund to maintain the availability of telephone service based on the need of such competitive suppliers for funding to maintain the availability of telephone service to rural, insular and high-cost areas; and

(2) Conclude that regulatory proceeding and establish the eligibility requirements not later than January 1, 2009.

(b) Except for a small-scale provider of last resort, a competitive supplier that is a provider of last resort:

(1) May not apply to receive payments from the fund to maintain the availability of telephone service until the Commission has completed the regulatory proceeding required by this subsection; and

(2) Is not eligible to receive payments from the fund to maintain the availability of telephone service unless the competitive supplier meets the eligibility requirements established by the Commission in the regulatory proceeding required by this subsection.

3. **Notwithstanding any other provision of this act, the Commission shall:**

(a) As soon as reasonably practicable, commence a regulatory proceeding to adopt the regulations required by section 15 of this act; and

(b) Conclude that regulatory proceeding and adopt those regulations not later than March 1, 2008.

4. As used in this section, unless the context otherwise requires, the words and terms defined in NRS 704.007 to 704.030, inclusive, and sections 2 to 13, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 92. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

704.68904 Definitions.

704.68908 "Affected person" defined.

704.6891 "Affiliate of an incumbent local exchange carrier" and "affiliate" defined.

704.68912 "Basic network service" defined.

704.68916 "Competitive service" defined.

704.6892 "Competitive supplier" defined.

704.68922 "Deregulated service" defined.

704.68924 "Discretionary service" defined.

704.68928 "Electing PAR carrier" defined.

704.68932 "Incumbent local exchange carrier" defined.

704.68936 "Local area of transport and access" or "LATA" defined.

704.6894 "Other essential service" defined.

704.68942 "PAR carrier" defined.

704.68944 "Price floor" defined.

704.68946 "Telecommunication" defined.

704.68947 "Telecommunication service" defined.

704.68948 Authority of PAR carrier to become electing PAR carrier for purposes of regulation; procedure for making election.

704.68952 Regulation of electing PAR carrier: Limitations on power of Commission regarding earnings and rates; termination and continuation of plan of alternative regulation; limitations on receipt of money from fund created pursuant to NRS 704.040.

704.68956 Regulation of electing PAR carrier: Approval of Commission required to discontinue or change terms and conditions relating to provision of certain basic network services.

704.6896 Reclassification of basic network services: Authority of Commission; adoption of criteria for reclassification; period for acting on request for reclassification from PAR carrier.

704.68964 Flexibility in pricing and terms of services: Authority of PAR carrier; procedure and requirements for exercising flexibility; PAR carrier permitted to bill customer using fixed price or amount for package of services.

704.68966 Flexibility in pricing and terms of services: Prohibition against anticompetitive acts and practices and unreasonable discrimination among similarly situated customers.

704.68968 Promotional price reductions: Notice; duration; geographic area; nondiscriminatory basis.

704.68972 Introduction of new services: Notice; conditions; exemption from certain regulations of Commission; classification; price.

704.68976 Rates for services to be averaged geographically; exception.

704.6898 Intrastate access prices: Maximum amount; offset of reductions.

704.68984 Powers and duties of Commission and PAR carriers under certain federal and state laws preserved.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 526.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 470.

SUMMARY—Revises provisions ~~[governing the regulation of]~~ **relating to** community antenna television, cable television , ~~[and other]~~ video service ~~[.]~~ **, Internet service and other information technology.** (BDR 58-1129)

AN ACT relating to ~~[video service;]~~ **information technology;** revising provisions governing the regulation of community antenna television, cable television and other video service; establishing a new regulatory structure for video service providers; requiring the Secretary of State to perform certain duties under the new regulatory structure; limiting the regulatory powers of local governments regarding video service providers; **providing fees; requiring providers of Internet service to offer products or services which enable subscribers to regulate and monitor a child's use of the Internet;** providing remedies and penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill enacts various provisions relating to community antenna television, cable television, video service, Internet service and other information technology.

Under existing law, a local government has the authority to grant local franchises for the operation of a community antenna or cable television system within its jurisdiction. Because each local government has independent authority to grant its own franchises, a cable operator that wants to operate in multiple jurisdictions must negotiate a separate local franchise with each local government. (Chapter 711 of NRS)

To promote competition in the cable industry, the federal Cable Act prohibits a local government from granting an exclusive franchise or unreasonably refusing to grant competitive franchises. The federal Cable Act also prohibits a local government from imposing a franchise fee that exceeds 5 percent of a cable operator's gross revenue. (47 U.S.C. §§ 541, 542)

This bill repeals the existing statutory scheme of regulating video service through local franchises and replaces it with a statutory scheme that is intended to promote more competition in the market for such service. This bill applies to community antenna television companies, cable operators and other video service providers. However, this bill allows an existing franchise

holder to continue operating under its local franchise until that franchise expires.

Under this bill, a video service provider must obtain a certificate of authority from the Secretary of State, which acts as a state-issued franchise to provide video service within the service areas designated in the certificate. This bill establishes various standards and practices for video service providers, including requirements for providing local governments with community access channels for public, educational and governmental programming.

~~[Finally, this]~~ **This** bill preempts most local regulation of video service providers. However, this bill allows a local government to manage the activities of video service providers within any public right-of-way or highway, including inspecting any construction or repair work. This bill also allows a local government to impose a franchise fee that does not exceed 5 percent of a video service provider's gross revenue.

Finally, this bill requires a provider of Internet service to make available to subscribers in this State products or services which enable the subscribers to block, restrict and monitor a child's Internet activities. This bill authorizes the provider to charge a fee to those subscribers who elect to use the products or services. A provider of Internet service that fails to comply with the requirements commits a deceptive trade practice and is subject to civil and administrative remedies and penalties.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 704.030 is hereby amended to read as follows:

704.030 "Public utility" or "utility" does not include:

1. Persons engaged in the production and sale of natural gas, other than sales to the public, or engaged in the transmission of natural gas other than as a common carrier transmission or distribution line or system.

2. Persons engaged in the business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if:

(a) They serve 25 persons or less; and

(b) Their gross sales for water or services for the disposal of sewage, or both, amounted to $5,000 or less during the immediately preceding 12 months.

3. Persons not otherwise engaged in the business of furnishing, producing or selling water or services for the disposal of sewage, or both, but who sell or furnish water or services for the disposal of sewage, or both, as an accommodation in an area where water or services for the disposal of sewage, or both, are not available from a public utility, cooperative corporations and associations or political subdivisions engaged in the

business of furnishing water or services for the disposal of sewage, or both, for compensation, to persons within the political subdivision.

4. Persons who are engaged in the production and sale of energy, including electricity, to public utilities, cities, counties or other entities which are reselling the energy to the public.

5. Persons who are subject to the provisions of NRS 590.465 to 590.645, inclusive.

6. Persons who are engaged in the sale or use of special fuel as defined in NRS 366.060.

7. Persons who provide water from water storage, transmission and treatment facilities if those facilities are for the storage, transmission or treatment of water from mining operations.

8. Persons who are video service providers, as defined in section 27 of this act, except for those operations of the video service provider which consist of providing a telecommunication service to the public, in which case the video service provider is a public utility only with regard to those operations of the video service provider which consist of providing a telecommunication service to the public.

Sec. 2. Chapter 711 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 60, inclusive, of this act.

Sec. 3. ***"Agreement" means any agreement or contract of any kind.***

Sec. 4. ***"Cable operator" has the meaning ascribed to it in 47 U.S.C. § 522, as that section existed on January 1, 2007.***

Sec. 5. ***"Cable service" has the meaning ascribed to it in 47 U.S.C. § 522, as that section existed on January 1, 2007.***

Sec. 6. ***"Cable system" has the meaning ascribed to it in 47 U.S.C. § 522, as that section existed on January 1, 2007.***

Sec. 7. ***"Certificate of authority" or "certificate" means a certificate issued by the Secretary of State pursuant to this chapter which grants the holder of the certificate a state-issued franchise to provide video service and construct and operate a video service network within the service areas designated in the certificate.***

Sec. 8. ***"Commercial mobile service provider" means a person who provides commercial mobile service, as defined in 47 U.S.C. § 332(d), as that section existed on January 1, 2007.***

Sec. 9. ***"Franchise" has the meaning ascribed to it in 47 U.S.C. § 522, as that section existed on January 1, 2007.***

Sec. 10. ***"Franchise fee" means a franchise fee imposed by a local government on a video service provider for the privilege of providing video service.***

Sec. 11. ***1. "Gross revenue" means*** ~~*[any]*~~ ***:***

(a) Any revenue a video service provider receives from its subscribers for providing video service to those subscribers, as determined in accordance with generally accepted accounting principles, except for revenue excluded pursuant to subsection 3 ~~*[.]*~~ ***; and***

(b) Any other consideration a video service provider receives for providing video service when it is received in a transaction that would evade imposition of a franchise fee if such consideration is not included in revenue, except for revenue excluded pursuant to subsection 3.

2. The term includes, without limitation:

(a) Recurring monthly charges;

(b) Event-based charges, including, without limitation, charges for pay per view and video on demand;

(c) Charges for the rental of set-top boxes and other equipment;

(d) Service charges, including, without limitation, charges for activation, installation, repair and maintenance; ~~*[and]*~~

(e) Administrative charges, including, without limitation, charges for service orders and service termination ~~*[.]*~~ ***; and***

(f) The amount of any revenue received by a video service provider for providing video service when such service is a component of a bundle of services or products sold for a single price, but only to the extent the revenue received by the video service provider for the bundle of services or products is proportionately allocated among each of the components.

3. The term does not include:

(a) Revenue not actually received, regardless of when it is billed.

(b) Refunds, rebates or discounts made to subscribers.

(c) Revenue from providing service other than video service, including, without limitation, revenue from providing:

(1) Telecommunication service; or

(2) Information service that is not video service.

(d) Any fee imposed on the video service provider that is passed through to and paid by subscribers, including, without limitation, a franchise fee.

(e) Revenue from the sale of video service to any person who purchases the video service for resale and who, upon resale, is required to pay a franchise fee pursuant to this chapter or the terms of a local franchise.

(f) Any tax of general applicability.

(g) The fair market value of free or reduced-cost video service provided without set-off or exchange to any person who is entitled or permitted to receive such service pursuant to this chapter or federal law.

(h) Late payment fees collected from subscribers.

~~*[(i) Any fees or annual assessment paid by the video service provider for the use of pay or premium channels.]*~~

Sec. 12. ***"Holder of a certificate" or "holder" means a video service provider that has been issued a certificate of authority pursuant to this chapter.***

Sec. 13. ***"Incumbent cable operator" means any cable operator, community antenna television company or other video service provider that, on the effective date of this act, is providing video service in this State pursuant to a local franchise.***

Sec. 14. ***"Information service" has the meaning ascribed to it in 47 U.S.C. § 153(20), as that section existed on January 1, 2007.***

Sec. 15. ***"Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § 230(f)(2), as that section existed on January 1, 2007.***

Sec. 16. ***"Jurisdiction of a local government" means:***

1. In the case of a city, the corporate limits of the city.

2. In the case of a county, the unincorporated area of the county.

Sec. 17. ***"Local franchise" means any franchise, agreement, permit, license or similar authorization, regardless of its name, which:***

1. Permits a person to construct or operate a cable system, community antenna television system or video service network within the jurisdiction of a local government;

2. Was issued, granted, approved or renewed by the governing body of the local government before the effective date of this act pursuant to the authority of any federal, state or local law in effect at the time of the issuance, grant, approval or renewal; and

3. On the effective date of this act, is legally effective and unexpired.

Sec. 18. ***"Local law" means any charter, code, ordinance, regulation or other law of a local government.***

Sec. 19. ***"Multichannel video programming distributor" has the meaning ascribed to it in 47 U.S.C. § 522, as that section existed on January 1, 2007.***

Sec. 20. ***"Service area" means the geographical territory in this State within which a video service provider is authorized to provide video service under a certificate of authority.***

Sec. 21. ***1. "Subscriber" means any person in this State who purchases video service.***

2. The term does not include any person who purchases video service for resale and who, upon resale, is required to pay a franchise fee pursuant to this chapter or the terms of a local franchise.

Sec. 22. ***"Telecommunication" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information sent and received, regardless of the facilities, equipment or technology used.***

Sec. 23. ***"Telecommunication provider" means any person required to obtain from the Public Utilities Commission of Nevada a certificate of public convenience and necessity pursuant to NRS 704.330 to provide telecommunication service.***

Sec. 24. ***"Telecommunication service" means the offering of telecommunication for a fee directly to the public, or such classes of users as to be effectively available directly to the public, regardless of the equipment, facilities or technology used.***

Sec. 25. ***1. "Video service" means the provision of multichannel video programming generally considered comparable to video programming delivered by a television broadcast station, cable service or***

other digital television service, whether provided as part of a tier, on-demand or on a per-channel basis, without regard to the technology used to deliver the video service, including, without limitation, Internet protocol technology or any successor technology.

2. The term includes, without limitation:

(a) Cable service; and

(b) Video service delivered by a community antenna television system.

3. The term does not include:

(a) Any video content provided solely as part of, and through, a service which enables users to access content, information, electronic mail or other services that are offered via the public Internet.

(b) Direct broadcast satellite service.

(c) Any wireless multichannel video programming provided by a commercial mobile service provider.

Sec. 26. ***1. "Video service network" means a wireline facility, or any component thereof, which is:***

(a) Located in this State;

(b) Constructed in whole or in part in, on, under or over any public right-of-way or highway; and

(c) Used to provide video service.

2. The term includes, without limitation:

(a) A cable system; and

(b) A community antenna television system.

Sec. 27. ***1. "Video service provider" or "provider" means any person that provides or offers to provide video service over a video service network to subscribers in this State.***

2. The term includes, without limitation:

(a) A cable operator;

(b) A community antenna television company; and

(c) A multichannel video programming distributor.

Sec. 28. ***This chapter occupies the entire field of franchising and regulation of video service and , except as otherwise provided in sections 45 and 46 of this act, preempts any local law or agreement with a local government that:***

1. Requires a person to obtain or hold from a local government any franchise, permit, license or similar authorization, regardless of its name, to provide video service or to construct or operate a video service network, unless the person is an incumbent cable operator which holds an unexpired local franchise and which has elected pursuant to section 32 of this act to continue to operate within its service area pursuant to the local franchise until the date on which the local franchise expires.

2. Regulates the provision of video service or the construction or operation of a video service network if such regulation conflicts or is otherwise inconsistent with the provisions of this chapter or the purposes and objectives of this chapter.

3. Requires a video service provider to pay any fee to a local government if the payment of such a fee conflicts or is otherwise inconsistent with the provisions of this chapter or the purposes and objectives of this chapter.

Sec. 29. ***1. For the purpose of bringing about fair and reasonable competition for video service, the Secretary of State has the exclusive authority to issue a certificate of authority to a person to provide video service and construct and operate a video service network in any service area in this State.***

2. The Secretary of State:

(a) Shall carry out the provisions of this chapter; and

(b) May adopt regulations necessary for the issuance, modification and termination of a certificate of authority, including, without limitation, prescribing any forms related to the application process.

3. On or after the effective date of this act, a local government does not have the authority to:

(a) Issue, grant, approve or renew any franchise, agreement, permit, license or similar authorization, regardless of its name, for the privilege of ~~*[providing]*~~ ***:***

(1) Providing video service within the jurisdiction of the local government; or

(2) Except as otherwise provided in sections 45 and 46 of this act, constructing or operating a video service network within the jurisdiction of the local government;

(b) Impose any build-out requirements, investment requirements or other requirements relating to infrastructure, facilities or deployment of equipment for the privilege of providing video service or constructing or operating a video service network within the jurisdiction of the local government; or

(c) Except as otherwise provided in ~~*[section]*~~ ***sections 45 and 46 of this act, require the payment of any application, document, franchise, service or other fee, tax, charge or assessment for the privilege of providing video service or constructing or operating a video service network within the jurisdiction of the local government.***

Sec. 29.5. In carrying out the provisions of this chapter, the Secretary of State shall charge and collect:

1. A filing fee, in an amount not to exceed $1,000, for accepting any application or notice pursuant to the provisions of this chapter; and

2. Except as otherwise provided in this subsection, a certification fee, in the amount of $25,000, for issuing an original certificate of authority to a person who does not hold such a certificate pursuant to the provisions of this chapter. The Secretary of State:

(a) May charge and collect the certification fee only once from each such person; and

(b) May not charge and collect the certification fee from a local government that is authorized pursuant to NRS 711.175 to sell video service to the general public, or any entity or agency that is directly or indirectly controlled by the local government, if it provides video service or constructs or operates a video service network exclusively within the territorial boundaries of the local government.

Sec. 30. ***The provisions of this chapter must not be interpreted to:***

1. Authorize the Secretary of State to exercise oversight of video service providers except as provided in this ~~[act.]~~ chapter.

2. Prevent a telecommunication provider from exercising any rights or authority that the provider has as a public utility under federal or state law.

Sec. 31. ***Except as otherwise provided in this chapter, a person shall not act as a video service provider or construct or operate a video service network in any service area unless the person has obtained a certificate of authority for that service area.***

Sec. 32. ***1. If, on the effective date of this act, an incumbent cable operator is providing video service within a service area pursuant to a local franchise, the incumbent cable operator may elect to:***

(a) Continue to operate within that service area pursuant to the local franchise until the date on which the local franchise expires; or

(b) Terminate the local franchise within that service area by applying for and obtaining a certificate of authority pursuant to subsection 3.

2. If an incumbent cable operator elects to continue to operate within a service area pursuant to a local franchise, the incumbent cable operator:

(a) Must comply with the local franchise and all applicable provisions of this chapter until the date on which the local franchise expires; and

(b) To operate within that service area on or after the date on which the local franchise expires, must apply for and obtain a certificate of authority in the same manner as any other video service provider. If the incumbent cable operator is issued a certificate of authority for that service area while operating pursuant to the local franchise, the certificate does not become effective until the date on which the local franchise expires.

3. To elect to terminate a local franchise within a service area, an incumbent cable operator must, not later than 6 months after the effective date of this act, apply for a certificate of authority for that service area in the same manner as any other video service provider. If the incumbent cable operator makes such an election and obtains a certificate of authority for that service area:

(a) The local franchise for that service area is deemed to be terminated by operation of law on the date on which the Secretary of State issues the certificate of authority;

(b) Not later than 3 business days after the date on which the Secretary of State issues the certificate of authority, the incumbent cable operator shall file with the clerk of the local government which granted the franchise a written declaration that the incumbent cable operator has

obtained a certificate of authority and that the local franchise for that service area has been terminated by operation of law; and

(c) The incumbent cable operator shall operate within that service area thereafter subject only to the same requirements that apply to any other holder of a certificate.

Sec. 33. ***1. To obtain a certificate of authority, a person must*** ~~***[file]***~~ ***:***

(a) File with the Secretary of State an application and affidavit which are signed by one of the principal executive officers or general partners of the applicant and which comply with the provisions of this section ~~***[.]***~~ ***; and***

(b) Pay the fees required by section 29.5 of this act.

2. The application and affidavit must be in the form required by the Secretary of State and must contain only the following:

(a) A description of each service area designated by the applicant in which the applicant intends to provide video service and a map of each such service area that shows the territorial boundaries of each local government located, in whole or in part, within the service area.

(b) The location of the principal place of business of the applicant and the names of the principal executive officers or general partners of the applicant.

(c) Certifications that the applicant:

(1) Agrees to comply with all applicable federal and state laws and regulations;

(2) Agrees to comply with all generally applicable, nondiscriminatory local laws regarding the use and occupation of any public right-of-way or highway in the construction, operation, maintenance and repair of a video service network, including, without limitation, any local laws enacted pursuant to the police powers of the local government in which the video service network is located; and

(3) Has filed or will timely file with the Federal Communications Commission all forms required by that agency before offering video service.

3. If the Secretary of State determines that the application and affidavit are incomplete or otherwise deficient, the Secretary of State shall provide written notice to the applicant not later than 15 days after the date on which the application and affidavit are filed. The written notice must:

(a) Explain the incompleteness or deficiency in detail; and

(b) Identify with specificity the information or other items that are necessary to complete the application and affidavit properly.

4. The applicant shall provide a copy of the application and affidavit to the governing body of each local government located, in whole or in part, within each service area designated in the application. The applicant shall provide such a copy:

(a) Not later than 3 business days after the date on which the application and affidavit are first filed with the Secretary of State; and

(b) If a revised application and affidavit are filed, not later than 3 business days after the date on which the revised application and affidavit are filed with the Secretary of State.

5. The copy of the application and affidavit provided by the applicant to a governing body is for informational purposes only, and the governing body may not:

(a) Vote on or take other official action regarding the application and affidavit; or

(b) Require the applicant to obtain the approval of the governing body regarding the application and affidavit.

Sec. 34. ***1. Not later than 20 days after the date on which an applicant files a completed application and affidavit pursuant to section 33 of this act*** ~~[,]~~ ***and pays the fees required by section 29.5 of this act, the Secretary of State shall issue a certificate of authority to the applicant.***

2. The certificate of authority issued by the Secretary of State is a state-issued franchise granting the holder of the certificate with the authority to:

(a) Provide video service in each service area designated in the application and affidavit filed with the Secretary of State; and

(b) Construct and operate a video service network in compliance with the provisions of this chapter and all local laws that are not in conflict or otherwise inconsistent with the provisions of this chapter or the purposes and objectives of this chapter.

3. The Secretary of State may not condition or limit a certificate of authority by imposing on the holder of the certificate any obligations or requirements that are not authorized by the provisions of this chapter, including, without limitation:

(a) Any build-out requirements, investment requirements or other requirements relating to infrastructure, facilities or deployment of equipment; or

(b) Any requirements to pay any application, document, franchise, service or other fee, tax, charge or assessment that is not authorized by the provisions of this chapter.

Sec. 35. ***1. If the holder of a certificate wants to add one or more new service areas to the certificate, the holder must file with the Secretary of State an application for an amendment to the certificate to add the new service areas.***

2. The application for an amendment to the certificate must contain a description of each new service area designated by the holder and a map of each new service area that shows the territorial boundaries of each local government located, in whole or in part, within the new service area.

3. The application for an amendment to the certificate is subject to the same procedures, requirements and time periods as an application for the issuance of a certificate pursuant to sections 33 and 34 of this act ~~[.]~~ ***, except that the holder is not required to pay the certification fee required by section 29.5 of this act.***

Sec. 36. ***1. If the holder of a certificate wants to modify the boundaries of an existing service area authorized under the certificate, the holder must file with the Secretary of State written notice of the modification.***

2. The holder may make the modification on the date on which it files the written notice with the Secretary of State.

Sec. 37. ***1. If the holder of a certificate wants to terminate service to an existing service area authorized under the certificate, the holder must file with the Secretary of State written notice of the termination.***

2. The holder may make the termination on the date on which it files the written notice with the Secretary of State.

Sec. 38. ***1.*** ~~*[A]*~~ ***Except as otherwise provided in this section, a certificate of authority is fully transferable to any successor-in-interest of the holder of the certificate whether the transfer to the successor-in-interest arises through merger, sale, assignment, restructuring, change of control or any other type of transaction.***

2. The holder shall file with the Secretary of State written notice of the transfer of the certificate to the successor-in-interest not later than 10 days after the date on which the transfer is completed.

3. Before the holder may transfer its certificate to the successor-in-interest, the successor-in-interest must agree that any collective bargaining agreement entered into by the holder shall continue to be honored, paid or performed by the successor-in-interest to the same extent as would be required if the holder continued to operate under its certificate unless such continued application of the collective bargaining agreement to the successor-in-interest is prohibited or limited by the terms of the agreement or by federal or state law. Any transfer of a certificate of authority that violates the provisions of this subsection is void and unenforceable and is not valid for any purpose.

Sec. 39. ***1. Not later than 24 months after the date on which the Secretary of State issues a certificate of authority pursuant to*** ~~*[section]*~~ ***sections 33 and 34 of this act or an amended certificate of authority pursuant to section 35 of this act, the holder of the certificate must have the capability to offer and provide video service to at least one subscriber who resides within the territorial boundaries of each service area authorized by the certificate or the amended certificate.***

2. If a holder fails to comply with the provisions of subsection 1, the holder's certificate of authority shall be deemed to be revoked by operation of law without the need for any notice, hearing or action by the Secretary of State.

Sec. 40. ***A holder of a certificate shall provide video service in accordance with the certifications made by the holder in each application and affidavit that the holder files with the Secretary of State pursuant to section 33 or 35 of this act.***

Sec. 40.5. 1. If a video service provider that is not an incumbent cable operator within the jurisdiction of a local government intends to construct facilities within the jurisdiction of the local government pursuant to a certificate of authority, the video service provider shall, until it has constructed all the facilities intended for the jurisdiction of the local government, prepare and submit to the local government a semiannual report which describes the number of service locations within the jurisdiction of the local government that are capable of receiving video service from the video service provider.

2. The video service provider shall submit the report to the local government not later than 10 business days after the last day of the second and fourth calendar quarters of each year.

3. The information contained in a report that is submitted to a local government pursuant to this section:

(a) Is confidential proprietary information of the video service provider;

(b) Is not a public record; and

(c) Must not be disclosed to any person who is not an officer or employee of the local government unless the video service provider consents to the disclosure or the disclosure is made pursuant to subsection 4.

4. Upon request from the Director of the Legislative Counsel Bureau, a local government shall disclose the information contained in a report that is submitted to the local government pursuant to this section to the Director for confidential use by the Legislature and the Legislative Counsel Bureau. The information that is disclosed to the Director:

(a) Is confidential proprietary information of the video service provider;

(b) Is not a public record; and

(c) Must not be disclosed to any person who is not an officer or employee of the Legislature or the Legislative Counsel Bureau unless the video service provider consents to the disclosure.

Sec. 41. ***1. A video service provider shall activate and offer video service in a nondiscriminatory manner within each service area and shall not deny access to video service to any group of potential residential subscribers within a particular part of a service area because of the income profile of the persons who reside in that particular part of the service area.***

2. In providing video service, a video service provider shall comply with:

(a) The provisions of 47 U.S.C. § 551, as that section existed on January 1, 2007.

(b) The provisions of the National Electrical Safety Code, as adopted and as may be amended by the Institute of Electrical and Electronics Engineers, Inc., with regard to the video service provider's construction practices and installation of equipment.

(c) Any technical standards governing the design, construction and operation of a video service network required by federal law.

(d) The provisions of 47 C.F.R. Part 11, as adopted and as may be amended by the Federal Communications Commission, to the extent those provisions require a video service provider to participate in the Emergency Alert System.

Sec. 42. ***1.*** ~~*[If the holder of a certificate is the only video service provider providing video service within the jurisdiction of a local government, the holder:]*~~ ***A video service provider:***

(a) Shall comply with the provisions of 47 C.F.R. §§ 76.309, 76.1601 to 76.1604, inclusive, and 76.1618 to 76.1622, inclusive, as adopted and as may be amended by the Federal Communications Commission, with regard to the standards governing the quality of video service and customer service ~~*[until such time as the holder is subject to the provisions of subsection 2;]*~~ ***; and***

(b) May not be required to comply with more stringent or different customer service obligations than those set forth in paragraph (a).

2. ~~*[If there are two or more video service providers providing video service within the jurisdiction of a local government pursuant to a certificate of authority or an unexpired local franchise, the video service providers:*~~

~~*(a) Are not subject to the customer service obligations set forth in subsection 1 or in the terms of the unexpired local franchise, if any, but are required to comply with the customer service obligations set forth in subsections 3 and 4; and*~~

~~*(b) May not be required to comply with more stringent or different customer service obligations than those set forth in subsections 3 and 4.*~~

~~*3.]*~~ ***To facilitate the resolution of complaints regarding video service made by subscribers, a video service provider shall establish and maintain a customer service department and provide each subscriber with instructions for:***

(a) Contacting the customer service department if the subscriber has a complaint regarding video service; and

(b) Contacting the local government if the video service provider does not resolve the complaint to the satisfaction of the subscriber.

~~*[4.]*~~ ***3.*** ***Before a local government may take the action permitted by subsection 4 or 5 against a video service provider regarding a complaint from a subscriber:***

(a) The subscriber must provide notice of the complaint to the video service provider by contacting the customer service department of the video service provider; and

(b) The video service provider must be given a period of not less than ~~*[15]*~~ ***5 business days after the date on which it receives the notice from the subscriber to resolve the complaint to the satisfaction of the subscriber.***

4. If a subscriber files a written complaint regarding video service with a local government, the local government may impose an administrative fine against the video service provider if, after notice and an opportunity for a hearing before a hearing officer, it is proven by substantial evidence

that the video service provider has, with regard to that subscriber, violated the customer service obligations that apply to the video service provider pursuant to this section. The amount of the administrative fine:

(a) For the first violation involving that subscriber in any period of 12 consecutive months, must not exceed $250.

(b) For the second violation involving that subscriber in any period of 12 consecutive months, must not exceed $500.

(c) For the third and any subsequent violation involving that subscriber in any period of 12 consecutive months, must not exceed $750.

5. If a video service provider fails to pay a fine imposed by a local government pursuant to this section or if a local government has reasonable cause to believe that a video service provider has committed persistent or repeated violations of the customer service obligations that apply to the video service provider pursuant to this section, the local government may file a written complaint with the Bureau of Consumer Protection in the Office of the Attorney General pursuant to section 60 of this act.

Sec. 43. ***1. A video service provider may provide telecommunication service pursuant to chapter 704 of NRS and the regulations approved by the Public Utilities Commission of Nevada for telecommunication providers.***

2. A video service provider shall obtain a certificate of public convenience and necessity pursuant to NRS 704.330 before providing any telecommunication service that is subject to regulation by the Public Utilities Commission of Nevada.

3. A local government shall not require a video service provider to obtain a franchise from the local government to provide:

(a) Telecommunication service; or

(b) Interactive computer service ~~[.]~~ **,**

➥ *if the video service provider uses its own video service network within the jurisdiction of the local government to provide such service.*

Sec. 44. ***1. On or after the effective date of this act, a purveyor of video service shall not enter into any agreement or other arrangement with any person that directly or indirectly:***

(a) Excludes another purveyor of video service from any private easement or right-of-way for the installation on real property of facilities or equipment used to provide video service;

(b) Restricts or limits access to real property on different terms and conditions among different purveyors of video service; or

(c) Grants exclusive rights to the purveyor of video service to:

(1) Install its facilities or equipment on real property during the construction or developmental phase of the real property; or

(2) Provide video service to the occupants of the real property.

2. This section does not prohibit a purveyor of video service from participating in an agreement for exclusive marketing of video programming and other programming service.

3. As used in this section, "purveyor of video service" means any person who furnishes video service to subscribers in this State using any form of technology or type of facilities, regardless of whether the person:

(a) Is a video service provider subject to the provisions of this chapter; or

(b) Provides video service over a video service network that is constructed in whole or in part in, on, under or over any public right-of-way or highway.

Sec. 45. ***1. A local government shall not require a video service provider to place its facilities in ducts or conduits or on poles owned or leased by the local government.***

2. A local government shall manage the use of any public right-of-way or highway by video service providers in a manner that:

(a) Is consistent with federal and state law and the lawful police powers of the local government; and

(b) Is competitively neutral and does not:

(1) Discriminate among video service providers; or

(2) Discriminate between video service providers and ~~[other persons who make comparable use of the public right-of-way or highway; or~~

~~(3) Discriminate against video service providers in favor of]~~ any other users of the public right-of-way or highway ~~[.]~~ for the construction and operation of facilities.

3. In managing any public right-of-way or highway, a local government may:

(a) Require a video service provider that is constructing, installing, working within, maintaining or repairing facilities in, on, under or over any public right-of-way or highway to obtain a construction, encroachment or occupancy permit or license for such work ~~[in a manner that is consistent with the provisions of this chapter;]~~ ; and

(b) Inspect the construction, installation, maintenance or repair work performed on such facilities.

4. If a video service provider makes a request for such a permit or license, the local government shall act upon the request not later than 10 business days after the date on which the request is made.

5. A local government ~~[shall not]~~ may charge a video service provider ~~[any]~~ a fee ~~[or other cost]~~ to issue such a permit or license or to perform any inspection authorized by this section. The amount of any fee charged by a local government pursuant to this subsection may not exceed the actual costs incurred by the local government in administering the process of issuing such permits or licenses and performing such inspections.

6. If there is a situation necessitating emergency response work or repair in, on, under or over any public right-of-way or highway, a video

service provider may begin that work or repair without prior approval from a local government if the provider notifies the local government as promptly as reasonably possible after learning of the need for that work or repair.

Sec. 46. ***1. For the privilege of providing video service*** ~~***[, a]***~~ ***through a video service network that occupies or uses, in whole or in part, any public right-of-way or highway within the jurisdiction of a local government, the local government may require a video service provider to pay a franchise fee to the local government based on the gross revenue that the provider receives from its subscribers within the jurisdiction of the local government.***

2. To require the payment of the franchise fee, the governing body of the local government must adopt a nondiscriminatory ordinance or resolution that imposes the franchise fee equally and uniformly on all video service providers operating within the jurisdiction of the local government.

3. The local government shall not require a video service provider to pay a franchise fee for any year in a total amount that exceeds 5 percent of the gross revenue that the provider received during that year from its subscribers within the jurisdiction of the local government.

4. The entire amount of the franchise fee must be paid by a video service provider directly to the local government in legal tender of the United States or in a check, draft or note that is payable in legal tender of the United States.

5. A video service provider may:

(a) Pass the franchise fee through to and collect the franchise fee from its subscribers within the jurisdiction of the local government based on the gross revenue received from each such subscriber; and

(b) Designate the amount of the franchise fee collected from each subscriber as a separate line item on the subscriber's bill.

6. Except as otherwise provided in subsection 7, the franchise fee authorized by this section:

(a) Is the only fee, tax, assessment or other charge that a local government may impose on a video service provider for the privilege of providing video service or constructing or operating a video service network within the jurisdiction of the local government; and

(b) Is in lieu of any ~~***[permit fee, encroachment fee, degradation fee or]***~~ ***other fee, tax, assessment or charge that may be imposed by a local government on a video service provider for its occupation*** ~~***[,]***~~ ***or use*** ~~***[or work in, on, under or over]***~~ ***of any public right-of-way or highway.***

7. This section does not restrict the right of a local government to impose on a video service provider :

(a) The fees authorized by subsection 5 of section 45 of this act; and

(b) Any generally applicable and nondiscriminatory ~~***[service]***~~ ***fees, ad valorem taxes, sales taxes or other*** ~~***[fees and]***~~ ***taxes that are lawfully***

imposed on other businesses within the jurisdiction of the local government.

Sec. 47. ***1. Not more than once every 3 years, ~~[the Department of Taxation]~~ a local government may, upon reasonable written ~~[request,]~~ notice, review and audit the business records of a video service provider to the extent necessary to ensure payment of a franchise fee pursuant to this chapter. If the results of such a review and audit identify an underpayment of the franchise fee in an amount that requires corrective action, the local government may perform a subsequent compliance review and audit to determine whether the video service provider has corrected the underpayment of the franchise fee. The compliance review and audit must be performed not later than 12 months after the date on which the results of the initial review and audit are submitted to the local government.***

2. The ~~[Department of Taxation]~~ local government and the video service provider shall each pay its own costs and fees relating to ~~[the review.~~

~~2.]~~ each review and audit performed pursuant to subsection 1, except that if the video service provider elects to have the local government review and audit the requested business records of the video service provider at a location outside the territorial boundaries of the local government, the video service provider shall pay the per diem allowances and travel expenses incurred by the local government to perform the review and audit at that location.

3. A person who performs a review and audit pursuant to subsection 1 may not receive compensation that is based, in whole or in part, on:

(a) Finding a particular result; or

(b) The amount of any underpayment of the franchise fee that is identified as a result of the review and audit.

4. Any action to recover ~~[the]~~ a disputed underpayment of a franchise fee from a video service provider must be commenced and prosecuted by the Attorney General on behalf of the affected local governments.

~~[3.]~~ 5. A video service provider may bring an action against a local government to recover ~~[the]~~ a disputed overpayment of a franchise fee to the local government.

~~[4.]~~ 6. Any action to recover ~~[the]~~ a disputed underpayment or overpayment of a franchise fee must be commenced in a district court not later than 4 years after the last day of the tax year to which the disputed underpayment or overpayment relates.

~~[5.]~~ 7. Each party shall pay its own costs and attorney's fees in commencing and prosecuting any action involving ~~[the payment]~~ a disputed underpayment or overpayment of a franchise fee.

Sec. 48. ***As used in sections 48 to 59, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 49 to 53, inclusive, have the meanings ascribed to them in those sections.***

Sec. 49. ***"Hub office" means the facility and related equipment located within a video service network at which video programming is received directly or indirectly from national or international content providers or broadcast networks and combined with local programming and channels for signal distribution to subscribers through central offices and related transmission or transport facilities.***

Sec. 50. ***"Locally produced video programming" means video programming produced for a service area by:***

1. One or more natural persons who reside within the service area; or

2. Any local government, educational institution or other public or nonprofit private entity located within the service area.

Sec. 51. ***"Nonrepeat locally produced video programming" includes, without limitation, the first three videocastings of an official meeting of a local government.***

Sec. 52. ***"PEG access channel" means a channel that videocasts PEG access programming.***

Sec. 53. ***"PEG access programming" means noncommercial public, educational and governmental video programming or the capacity for the transmission of such programming.***

Sec. 54. ***For the purposes of sections 48 to 59, inclusive, of this act, a PEG access channel shall be deemed to be "substantially utilized" if at least 12 hours of PEG access programming, excluding any alpha-numeric programming, is videocast on the PEG access channel each calendar day and at least 80 percent of the PEG access programming on each calendar day is nonrepeat locally produced video programming.***

Sec. 54.5. 1. Except as otherwise provided in subsection 2, the provisions of sections 48 to 59, inclusive, of this act do not apply to any existing PEG access channel in service on the effective date of this act.

2. The provisions of sections 48 to 59, inclusive, of this act do not prevent a video service provider from changing the channel number assigned to any PEG access channel, including, without limitation, any existing PEG access channel in service on the effective date of this act. If a video service provider intends to change the channel number assigned to any PEG access channel, the provider:

(a) Shall use good faith efforts to provide the affected local government with written notice of the change, to the extent reasonably practicable, at least 120 days before the date on which the change is to become effective; and

(b) Shall not provide such notice less than 30 days before the date on which the change is to become effective.

Sec. 55. ***Except as otherwise provided in sections 48 to 59, inclusive, of this act, a holder of a certificate is not required to:***

1. Provide any network or channel capacity or free or discounted cable service or other service to any governmental entity or school, library or other public building; or

2. Furnish any funds, services, programming, facilities, staffing or equipment related to the use of PEG access channels or the production or videocasting of PEG access programming.

Sec. 56. ***1. Not sooner than 12 months after the date on which an incumbent cable operator obtains a certificate of authority, the incumbent cable operator may cease providing any network or channel capacity or free or discounted cable service or other service to any governmental entity or school, library or other public building.***

2. If an incumbent cable operator ceases to provide network or channel capacity to a governmental entity, the incumbent cable operator may reclaim for its own purposes the network or channel capacity that was used by the governmental entity unless:

(a) The governmental entity uses the capacity for PEG access programming pursuant to sections 48 to 59, inclusive, of this act; or

(b) The incumbent cable operator and the governmental entity enter into a commercial agreement regarding the rates, terms and conditions for the governmental entity to continue using the network or channel capacity.

Sec. 57. ***1. On or after the date on which a holder of a certificate first provides video service to at least one subscriber within the service area of a local government, the local government may request that the holder provide capacity for PEG access programming on its video service network on any service tier viewed by more than 50 percent of the subscribers in that service area. Within a reasonable period of not less than 120 days after the date on which the local government submits its request, the holder shall provide the local government with such capacity for PEG access programming subject to the provisions of sections 48 to 59, inclusive, of this act.***

2. If a video service provider did not provide capacity for PEG access programming to a local government while operating pursuant to a local franchise, the video service provider shall, after obtaining a certificate of authority, provide capacity for PEG access programming to the local government upon a request made by the local government pursuant to this section.

Sec. 58. ***1. A local government that requests capacity for PEG access programming may require a holder of a certificate to designate:***

(a) Not more than two PEG access channels, if the population within the jurisdiction of the local government is less than 50,000.

(b) Not more than three PEG access channels, if the population within the jurisdiction of the local government is 50,000 or more.

2. The number of PEG access channels set forth in subsection 1 constitutes the total number of PEG access channels that the holder may be required to designate on any single video service network utilizing a single headend or hub office, or on all commonly owned video service networks that share a common headend or hub office, regardless of the number of local governments served from that headend or hub office. If

more than one local government is served by a single or common headend or hub office, the populations within the jurisdictions of all those local governments must be aggregated to determine the total number of PEG access channels under subsection 1.

3. When a local government submits its request for capacity for PEG access programming, the local government must submit information which establishes that each PEG access channel it has requested will be substantially utilized. If one or more of the PEG access channels available under subsection 1 are being used at the headend or hub office when the local government submits its request, the holder is not required to make any of the remaining PEG access channels available to the local government unless the local government submits information which establishes that all existing PEG access channels at the headend or hub office are being substantially utilized.

4. ~~[Whenever]~~ Except as otherwise provided in subsection 5, if a local government does not substantially utilize a PEG access channel made available to it pursuant this section, the holder may reclaim the channel capacity for its own purposes. After reclaiming the channel capacity, if the local government makes a request for restoration of the PEG access channel and submits to the holder information which establishes that the PEG access channel will be substantially utilized, the holder shall restore the PEG access channel to the local government unless, when the request is submitted to the holder, the maximum number of PEG access channels available under subsection 1 are being used at the headend or hub office which serves the local government. If the restoration can be made within the limits of subsection 1, the holder shall restore the PEG access channel to the local government within a reasonable period of not less than 120 days after the date on which the request is submitted to the holder.

5. The provisions of subsection 4 do not apply to the first PEG access channel which is made available to a local government that does not have a PEG access channel in service on the effective date of this act.

Sec. 59. ***1. A local government receiving the benefit of a PEG access channel, or its designee, is responsible for producing the programming of that channel and for providing that programming to the holder of a certificate. The holder is responsible only for the transmission of the programming to subscribers.***

2. A local government, or its designee, shall provide to the holder all programming for a PEG access channel in a manner or form that is:

(a) Capable of being accepted and transmitted by the holder over its video service network without alteration or change in the content or transmission signal; and

(b) Compatible with the technology or protocol utilized by the holder to deliver its video service.

3. A local government shall:

(a) Make the programming for each PEG access channel available in a nondiscriminatory manner to all holders or incumbent cable operators providing video service in the service area of the local government.

(b) Provide all facilities necessary for connectivity to a single PEG access channel distribution point in the service area of the local government, except that the first 200 feet extending from the video service network for the connectivity is the responsibility of the holder.

4. Where necessary and technically feasible, holders or incumbent cable operators shall use reasonable efforts to interconnect their video service networks for the purpose of exchanging PEG access channel programming on mutually acceptable rates, terms and conditions. Interconnection may be accomplished by direct cable microwave link, satellite or other reasonable methods of connection. Holders and incumbent cable operators shall negotiate interconnection in good faith. The person requesting interconnection is responsible for any costs, including, without limitation, signal transmission from the origination point to the point of interconnection.

Sec. 60. ***1. A video service provider or a local government may file with the Bureau of Consumer Protection in the Office of the Attorney General a written complaint alleging a violation of the provisions of this chapter.***

2. Upon a written complaint ~~*[received from]*~~ ***filed by a video service provider or a local government*** ~~*[,]*~~ ***pursuant to this section, the Attorney General may commence in a district court an action to enforce the provisions of this chapter and to seek injunctive or declaratory relief.***

~~*[2.]*~~ ***3. If such an action is commenced against a video service provider and the district court determines that the provider has violated any provision of this chapter, the court shall issue an order to the provider directing the provider to take corrective action within a specified reasonable period and providing for such other injunctive or declaratory relief as the court finds necessary*** ~~*[.*~~

~~*3.]*~~ ***, including, without limitation, suspending the certificate of authority held by the video service provider.***

4. The provisions of this section do not apply to any action authorized pursuant to NRS 711.265 to 711.290, inclusive, or section 47 of this act.

Sec. 61. NRS 711.020 is hereby amended to read as follows:

711.020 ~~[The words and phrases]~~ ***As*** used in this chapter ~~[have the meanings ascribed to them]~~ ***, unless the context otherwise requires, the words and terms defined*** in NRS 711.030 to 711.074, inclusive, ~~[unless a different meaning clearly appears in the context.]~~ ***and sections 3 to 27, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 62. NRS 711.030 is hereby amended to read as follows:

711.030 ***1.*** "Community antenna television company" means any person ~~[or organization which]~~ ***who*** owns, controls, operates or manages a community antenna television system ***.*** ~~[, except that the definition]~~

2. ***The term*** does not include:

~~[1. A telephone, telegraph]~~

(a) ***A telecommunication provider*** or electric utility regulated by the Public Utilities Commission of Nevada where the ***telecommunication provider or electric*** utility merely leases or rents to a community antenna television company wires or cables for the redistribution of television signals to or toward subscribers of that company; or

~~[2. A telephone or telegraph utility]~~

(b) ***A telecommunication provider*** regulated by the Public Utilities Commission of Nevada where the ~~[utility]~~ ***telecommunication provider*** merely provides channels of communication under published tariffs filed with that Commission to a community antenna television company for the redistribution of television signals to or toward subscribers of that company.

Sec. 63. NRS 711.040 is hereby amended to read as follows:

711.040 1. "Community antenna television system" means any facility ***, or any component thereof, which is:***

(a) ***Located*** within this State ~~[which is constructed]~~ ***;***

(b) ***Constructed*** in whole or in part in, on, under or over any ***public right-of-way or*** highway ~~[or other public place and is operated]~~ ***; and***

(c) ***Operated*** to perform for hire the service of:

~~[(a)]~~ ***(1)*** Receiving and amplifying the signals broadcast by one or more television stations or provided for public, educational or governmental purposes and redistributing those signals by wire, cable or other means of closed transmission; or

~~[(b)]~~ ***(2)*** Providing two-way interactive services by wire, cable or other means of closed transmission, including, without limitation, Internet services, intranet services and electronic mail,

➥ to members of the public who subscribe to the service.

2. ~~[Such a system]~~ ***The term*** does not include any system which serves:

(a) Fewer than 50 subscribers; or

(b) Only the residents of one or more apartment dwellings under common ownership, control or management, and commercial establishments located on the premises of those dwellings **,** if the buildings are separated by not more than one public ~~[street or]~~ right-of-way ~~[.]~~ ***or highway.***

3. As used in this section, "apartment dwelling" does not include a hotel, motel, condominium, town house or other similar dwelling.

Sec. 64. NRS 711.060 is hereby amended to read as follows:

711.060 "Facility" means all real property, antennae, poles, wires, cables, conduits, amplifiers, instruments, appliances, fixtures and other personal property used by a ~~[community antenna television company]~~ ***video service provider*** to provide service to its subscribers.

Sec. 65. NRS 711.074 is hereby amended to read as follows:

711.074 ***1.*** "Local government" means any city or county **.** ~~[which has the power to grant a franchise under NRS 711.190.]~~

2. ***The term includes, without limitation:***

(a) Any entity or agency that is directly or indirectly controlled by any city or county; and

(b) Any entity or agency that is created by joint action or any interlocal or cooperative agreement of two or more cities or counties, or any combination thereof.

Sec. 66. NRS 711.175 is hereby amended to read as follows:

711.175 1. Except as otherwise provided in subsection 2 and NRS 318.1192 ***:*** ~~[, 318.1193 and 318.1194:]~~

(a) The governing body of a county whose population is 50,000 or more, and any entity or agency that is directly or indirectly controlled by such a county, shall not sell ~~[the services of a community antenna television system]~~ ***video service*** to the general public.

(b) The governing body of a city whose population is 25,000 or more, and any entity or agency that is directly or indirectly controlled by such a city, shall not sell ~~[the services of a community antenna television system]~~ ***video service*** to the general public.

2. If the governing body of a county or city, or any entity or agency that is directly or indirectly controlled by such a county or city, was selling ~~[the services of a community antenna television system]~~ ***video service*** to the general public on April 1, 2003, it may continue to sell ~~[the services of a community antenna television system]~~ ***video service*** to the general public after that date, regardless of the population of the county or city.

Sec. 67. NRS 711.178 is hereby amended to read as follows:

711.178 1. If the governing body of a county or city is authorized pursuant to NRS 711.175 to sell ~~[the services of a community antenna television system]~~ ***video service*** to the general public, the governing body, and any entity or agency that is directly or indirectly controlled by the county or city, shall not construct, own, manage or operate a ~~[community antenna television system]~~ ***video service network*** in any area outside its territorial boundaries unless it:

(a) Obtains a ~~[franchise from the appropriate governing body pursuant to NRS 711.190]~~ ***certificate of authority*** for that portion of the ~~[community antenna television system]~~ ***video service network*** which it constructs, owns, manages or operates outside its territorial boundaries ; ~~*[and obtains approval, by ordinance or resolution, from each governing body having jurisdiction over the area that it will be serving outside its territorial boundaries;]*~~ and

(b) Complies with the same federal , state and local ~~*[and state]*~~ requirements that apply to a privately held ~~[community antenna television company]~~ ***video service provider*** with regard to that portion of the ~~[community antenna television system]~~ ***video service network*** which it constructs, owns, manages or operates outside its territorial boundaries.

2. ~~[On and after October 1, 2003, if]~~ ***If*** the governing body of a county or city is authorized pursuant to NRS 711.175 to sell ~~[the services of a community antenna television system]~~ ***video service*** to the general public, the

governing body, and any entity or agency that is directly or indirectly controlled by the county or city, shall not construct, own, manage or operate a ~~[community antenna television system]~~ ***video service network*** in any area within its territorial boundaries which is governed by another governing body and which is served by one or more privately held ~~[community antenna television companies]~~ ***video service providers*** unless it:

(a) Obtains a ~~[franchise from the other governing body pursuant to NRS 711.190 or enters into an interlocal agreement with the other governing body;]~~ ***certificate of authority for that portion of the video service network which it constructs, owns, manages or operates within the jurisdiction of the other governing body*** ~~*[and obtains approval, by ordinance or resolution, from the other governing body;]*~~ ***;***

(b) ~~[Is]~~ ***Except as otherwise provided in section 29.5 of this act, is*** required by the ~~[franchise or interlocal agreement]~~ ***certificate of authority*** to comply with the same ***federal*** ~~*[and]*~~ ***, state and local*** requirements that apply to the privately held ~~[community antenna television companies;]~~ ***video service providers with regard to that portion of the video service network which it constructs, owns, manages or operates within the jurisdiction of the other governing body;*** and

(c) Is prohibited by the ~~[franchise or interlocal agreement]~~ ***certificate of authority*** ~~*[and the other governing body]*~~ from providing the services of the ~~[community antenna television system,]~~ ***video service provider,*** free of charge, to any governmental officer or employee for his personal or household use.

Sec. 68. NRS 711.240 is hereby amended to read as follows:

711.240 1. Except with respect to reasonable promotional activities, a ~~[person]~~ ***video service provider*** shall not advertise, offer to provide or provide any ***video*** service to subscribers ~~[of television services]~~ at a rate, including any rebate, less than the cost to the ~~[company]~~ ***video service provider*** to provide ~~[the service which is advertised, offered or provided]~~ ***that service*** with the intent to:

(a) Impair fair competition or restrain trade among ~~[companies]~~ ***video service providers*** which provide ~~[services]~~ ***video service*** in the same area; or

(b) Create a monopoly.

2. For the purposes of this section, "cost" means the expense of doing business including, without limitation, expenses for labor, rent, depreciation, interest, maintenance, delivery of the ***video*** service, franchise fees, taxes, insurance and advertising.

3. ~~[A community antenna television company may offer any telecommunication or related services which are offered in the same area by a telephone company, pursuant to chapter 704 of NRS and regulations approved by the Public Utilities Commission of Nevada for providers of similar services. A community antenna television company shall obtain a certificate of public convenience and necessity pursuant to NRS 704.330~~

~~before providing telecommunication or related services which are subject to regulation by the Public Utilities Commission of Nevada.~~

~~4.~~] A violation of subsection 1 constitutes a prohibited act under NRS 598A.060. The Attorney General and any other person may exercise the powers conferred by that chapter to prevent, remedy or punish such a violation. The provisions of chapter 598A of NRS apply to any such violation.

Sec. 69. NRS 711.255 is hereby amended to read as follows:

711.255 1. A landlord shall not:

(a) Interfere with the receipt of service by a tenant from a ~~[community antenna television company]~~ ***video service provider*** or discriminate against a tenant for receiving ~~[such a company's service.]~~ ***service from a video service provider.***

(b) Except as otherwise provided in subsection 3, demand or accept payment of any fee, charge or valuable consideration from a ~~[community antenna television company]~~ ***video service provider*** or a tenant in exchange for granting access to the ~~[community antenna television company]~~ ***provider*** to provide ~~[its services]~~ ***service*** to the tenant.

2. A ~~[community antenna television company]~~ ***video service provider*** which desires to provide ~~[such services]~~ ***service*** to a tenant shall give 30 days' written notice of that desire to the landlord before the ~~[company]~~ ***provider*** takes any action to provide that service. Before authorizing the receipt of such service a landlord may:

(a) Take such reasonable steps as are necessary to ensure that the safety, function and appearance of the premises and the convenience and safety of persons on the property are not adversely affected by the installation, construction, operation or maintenance of the facilities necessary to provide the service, and is entitled to be reimbursed by the ~~[community antenna television company]~~ ***provider*** for the reasonable expenses incurred;

(b) Require that the cost of the installation, construction, operation, maintenance or removal of the necessary facilities be borne by the ~~[community antenna television company;]~~ ***provider;*** and

(c) Require the ~~[community antenna television company]~~ ***provider*** to provide evidence that the ~~[company]~~ ***provider*** will indemnify the landlord for any damage caused by the installation, construction, operation, maintenance or removal of the facilities.

3. A landlord is entitled to receive reasonable compensation for any direct adverse economic effect resulting from granting access to a ~~[community antenna television company.]~~ ***video service provider.*** There is a rebuttable presumption that the direct adverse economic effect resulting from granting access to the real property of the landlord is $1,000 or $1 for each dwelling unit thereon, whichever sum is greater. If a landlord intends to require the payment of such compensation in an amount exceeding that sum, the landlord shall notify the ~~[community antenna television company]~~ ***provider*** in writing of that intention. If the ~~[company]~~ ***provider*** does not

receive such a notice within 20 days after the landlord is notified by the ~~[company]~~ ***provider*** that a tenant has requested the ~~[company]~~ ***provider*** to provide ~~[its services]~~ ***service*** to the tenant on the landlord's premises, the landlord may not require compensation for access to that tenant's dwelling unit in an amount exceeding $1,000. If within 30 days after receiving a landlord's request for compensation in an amount exceeding $1,000, the ~~[company]~~ ***provider*** has not agreed to pay the requested amount or an amount mutually acceptable to the ~~[company]~~ ***provider*** and the landlord, the landlord may petition a court of competent jurisdiction to set a reasonable amount of compensation for the damage of or taking of his real property. Such an action must be filed within 6 months after the date the ~~[company]~~ ***provider*** completes construction.

4. In establishing the amount which will constitute reasonable compensation for any damage or taking ***claim*** by a landlord in excess of the sum established by rebuttable presumption pursuant to subsection 3, the court shall consider:

(a) The extent to which the ~~[community antenna television company's]~~ facilities ***of the video service provider*** physically occupy the premises;

(b) The actual long-term damage which the ~~[company's]~~ facilities ***of the video service provider*** may cause to the premises;

(c) The extent to which the ~~[company's]~~ facilities ***of the video service provider*** would interfere with the normal use and enjoyment of the premises; and

(d) The diminution or enhancement in value of the premises resulting from the availability of the service.

~~[➥ The court may also award to the prevailing party reasonable attorney's fees.]~~

5. The ~~[company's]~~ right ***of a video service provider*** to construct, install or repair its facilities and maintain its services within and upon the landlord's premises is not affected or impaired because the landlord requests compensation in an amount exceeding the sum established by rebuttable presumption pursuant to subsection 3, or files an action to assert a specific claim against the ~~[company.]~~ ***provider.***

6. A ~~[community antenna television company]~~ ***video service provider*** shall not offer a special discount or other benefit to a particular group of tenants as an incentive ***for those tenants*** to request ~~[the company's services,]~~ ***service from the provider,*** unless the same discount or benefit is offered generally in the county.

7. ~~[The community antenna television company and the]~~ ***A video service provider and a*** landlord shall negotiate in good faith for the purchase of the landlord's existing cable facilities rather than for the construction of new facilities on the premises.

8. As used in this section, "landlord" means an owner of real property, or his authorized representative, who provides a dwelling unit on the real property for occupancy by another for valuable consideration. The term

includes, without limitation, the lessor of a mobile home lot and the lessor or operator of a mobile home park.

Sec. 70. NRS 711.265 is hereby amended to read as follows:

711.265 1. Any person who:

(a) By the attachment of a ground wire, or by any other contrivance, willfully destroys the insulation of a ~~[telecommunications line of a community antenna television company,]~~ ***wire, cable, conduit, line or similar facility of a video service provider*** or interrupts the transmission of the electric current through ~~[the line;]~~ ***such a wire, cable, conduit, line or similar facility;***

(b) Willfully interferes with the use of ~~[any such line,]~~ ***such a wire, cable, conduit, line or similar facility*** or obstructs or postpones the transmission of any message ***or signal*** over ~~[the line;]~~ ***such a wire, cable, conduit, line or similar facility;*** or

(c) Procures or advises any such injury, interference or obstruction,

➥ is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of any property damaged, altered, removed or destroyed and in no event less than a misdemeanor.

2. Any person who violates the provisions of subsection 1 is, in addition to the penalty set forth in that subsection, liable to the ~~[community antenna television company]~~ ***video service provider*** injured by such conduct in a civil action for all damages occasioned thereby.

Sec. 71. NRS 711.270 is hereby amended to read as follows:

711.270 1. It is unlawful for a person knowingly ***,*** ~~[and]~~ with the intent to intercept or receive a program or other service provided by a ~~[community antenna television company,]~~ ***video service provider and*** without the authorization of the ~~[company,]~~ ***provider,*** to:

(a) Make a connection or attach a device to a line or other ~~[component of a community antenna television company;]~~ ***facility of the provider;***

(b) Purchase or possess a device or kit designed to intercept or receive a program or other service provided by the ~~[community antenna television company;]~~ ***provider;***

(c) Make or maintain a modification to a device installed by or with the authorization of ~~[a community antenna television company]~~ ***the provider*** to intercept or receive a program or other service provided by the ~~[community antenna television company;]~~ ***provider;*** or

(d) Manufacture, import, distribute, advertise, sell, lease, offer to sell or lease, or possess with the intent to sell or lease a device designed to decode, descramble, intercept or otherwise make intelligible a signal encoded by ~~[a community antenna television company.]~~ ***the provider.***

2. Unless a greater penalty is provided in NRS 711.265:

(a) Except as otherwise provided in paragraph (b), a person who violates paragraph (a), (b) or (c) of subsection 1 is guilty of a misdemeanor.

(b) A person who violates paragraph (a), (b) or (c) of subsection 1 for commercial advantage, whether direct or indirect, is guilty of a gross misdemeanor.

(c) A person who violates paragraph (d) of subsection 1:

(1) If the violation involves nine or fewer devices, is guilty of a gross misdemeanor.

(2) If the violation involves 10 or more devices, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 72. NRS 711.280 is hereby amended to read as follows:

711.280 1. A person who violates paragraph (a), (b) or (c) of subsection 1 of NRS 711.270 is, in addition to being criminally liable pursuant to NRS 711.270, civilly liable to the ~~[community antenna television company]~~ ***video service provider*** injured by the conduct for $3,500 or three times any actual damages incurred by the company, whichever is greater, and reasonable attorney's fees.

2. A person who violates paragraph (d) of subsection 1 of NRS 711.270 is, in addition to being criminally liable pursuant to NRS 711.270, civilly liable to the ~~[community antenna television company]~~ ***video service provider*** injured by the conduct for $5,000 or three times any actual damages incurred by the company, whichever is greater, and reasonable attorney's fees.

3. In any action brought pursuant to this section, proof that any of the acts prohibited in subsection 1 were committed on or about the premises occupied by the defendant is prima facie evidence that such acts were committed by the defendant.

4. ~~[An owner or operator of a community antenna television company]~~ ***A video service provider*** may bring an action to enjoin any violation of NRS 711.270.

Sec. 73. NRS 37.010 is hereby amended to read as follows:

37.010 Subject to the provisions of this chapter, the right of eminent domain may be exercised in behalf of the following public purposes:

1. Federal activities. All public purposes authorized by the Government of the United States.

2. State activities. Public buildings and grounds for the use of the State, the Nevada System of Higher Education and all other public purposes authorized by the Legislature.

3. County, city, town and school district activities. Public buildings and grounds for the use of any county, incorporated city or town, or school district, reservoirs, water rights, canals, aqueducts, flumes, ditches or pipes for conducting water for the use of the inhabitants of any county, incorporated city or town, for draining any county, incorporated city or town, for raising the banks of streams, removing obstructions therefrom, and widening, deepening or straightening their channels, for roads, streets and alleys, and all other public purposes for the benefit of any county, incorporated city or town, or the inhabitants thereof.

4. Bridges, toll roads, railroads, street railways and similar uses. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, byroads, plank and turnpike roads, roads for transportation by traction engines or locomotives, roads for logging or lumbering purposes, and railroads and street railways for public transportation.

5. Ditches, canals, aqueducts for smelting, domestic uses, irrigation and reclamation. Reservoirs, dams, water gates, canals, ditches, flumes, tunnels, aqueducts and pipes for supplying persons, mines, mills, smelters or other works for the reduction of ores, with water for domestic and other uses, for irrigating purposes, for draining and reclaiming lands, or for floating logs and lumber on streams not navigable.

6. Mining, smelting and related activities. Mining, smelting and related activities as follows:

(a) Mining and related activities, which are recognized as the paramount interest of this State.

(b) Roads, railroads, tramways, tunnels, ditches, flumes, pipes, reservoirs, dams, water gates, canals, aqueducts and dumping places to facilitate the milling, smelting or other reduction of ores, the working, reclamation or dewatering of mines, and for all mining purposes, outlets, natural or otherwise, for the deposit or conduct of tailings, refuse, or water from mills, smelters, or other work for the reduction of ores from mines, mill dams, pipelines, tanks or reservoirs for natural gas or oil, an occupancy in common by the owners or possessors of different mines, mills, smelters or other places for the reduction of ores, or any place for the flow, deposit or conduct of tailings or refuse matter and the necessary land upon which to erect smelters and to operate them successfully, including the deposit of fine flue dust, fumes and smoke.

7. Byroads. Byroads leading from highways to residences and farms.

8. Public utilities. Lines for telegraph, telephone, electric light and electric power and sites for plants for electric light and power.

9. Sewerage. Sewerage of any city, town, settlement of not less than 10 families or any public building belonging to the State or college or university.

10. Water for generation and transmission of electricity. Canals, reservoirs, dams, ditches, flumes, aqueducts and pipes for supplying and storing water for the operation of machinery to generate and transmit electricity for power, light or heat.

11. Cemeteries, public parks. Cemeteries or public parks.

12. Pipelines of beet sugar industry. Pipelines to conduct any liquids connected with the manufacture of beet sugar.

13. Pipelines for petroleum products, natural gas. Pipelines for the transportation of crude petroleum, petroleum products or natural gas, whether interstate or intrastate.

14. Aviation. Airports, facilities for air navigation and aerial rights-of-way.

15. Monorails. Monorails and any other overhead or underground system used for public transportation.

16. ~~[Community antenna television companies. Community antenna television companies which have been granted a franchise from the governing body of the jurisdictions in which they provide services.]~~ ***Video service providers. Video service providers that are authorized pursuant to chapter 711 of NRS to operate a video service network.*** The exercise of the power of eminent domain may include the right to use the wires, conduits, cables or poles of any public utility if:

(a) It creates no substantial detriment to the service provided by the utility;

(b) It causes no irreparable injury to the utility; and

(c) The Public Utilities Commission of Nevada, after giving notice and affording a hearing to all persons affected by the proposed use of the wires, conduits, cables or poles, has found that it is in the public interest.

17. Redevelopment. The acquisition of property pursuant to NRS 279.382 to 279.685, inclusive.

Sec. 74. NRS 118B.0195 is hereby amended to read as follows:

118B.0195 "Utility" includes ~~[a]~~ ***:***

1. A public utility which provides:

~~[1.]~~ ***(a)*** Electricity;

~~[2.]~~ ***(b)*** Natural gas;

~~[3.]~~ ***(c)*** Liquefied petroleum gas;

~~[4. Cable television;~~

~~5.]~~ ***(d)*** Sewer services;

~~[6.]~~ ***(e)*** Garbage collection; or

~~[7.]~~ ***(f)*** Water.

2. A video service provider which provides video service pursuant to chapter 711 of NRS.

Sec. 75. NRS 205.0829 is hereby amended to read as follows:

205.0829 "Services" includes labor, professional services, transportation, cable television ~~[,]~~ ***or other video service,*** telephone, gas or electricity services, accommodations in hotels, restaurants, leased premises or elsewhere, admissions to exhibitions and the use of vehicles or other movable property.

Sec. 76. NRS 205.4743 is hereby amended to read as follows:

205.4743 1. "Information service" means a service that is designed or has the capability to generate, process, store, retrieve, convey, emit, transmit, receive, relay, record or reproduce any data, information, image, program, signal or sound by means of any component, device, equipment, system or network, including, without limitation, by means of:

(a) A computer, computer system, computer network, modem or scanner.

(b) A telephone, cellular phone, satellite phone, pager, personal communications device or facsimile machine.

(c) Any type of transmitter or receiver.

(d) Any other component, device, equipment, system or network that uses analog, digital, electronic, electromagnetic, magnetic or optical technology.

2. The term does not include ~~[a community antenna television company,]~~ ***video service,*** as defined in ~~[NRS 711.030.]~~ ***section 25 of this act.***

Sec. 76.5. **NRS 228.380 is hereby amended to read as follows:**

228.380 1. Except as otherwise provided in this section, the Consumer's Advocate may exercise the power of the Attorney General in areas of consumer protection, including, but not limited to, enforcement of chapters 90, 597, 598, 598A, 598B, 598C ~~[and]~~ **,** 599B ***and 711*** of NRS.

2. The Consumer's Advocate may not exercise any powers to enforce any criminal statute set forth in ~~[chapters]~~ **:**

(a) Chapters 90, 597, 598, 598A, 598B, 598C or 599B of NRS for any transaction or activity that involves a proceeding before the Public Utilities Commission of Nevada if the Consumer's Advocate is participating in that proceeding as a real party in interest on behalf of the customers or a class of customers of utilities ~~[.~~

~~2.]~~ ***; or***

(b) Chapter 711 of NRS.

3. The Consumer's Advocate may expend revenues derived from NRS 704.033 only for activities directly related to the protection of customers of public utilities.

~~[3.]~~ ***4.*** The powers of the Consumer's Advocate do not extend to proceedings before the Public Utilities Commission of Nevada directly relating to discretionary or competitive telecommunication services.

Sec. 77. NRS 244.186 is hereby amended to read as follows:

244.186 1. If the governing body of a county is authorized pursuant to NRS 711.175 to sell video ~~[programming services]~~ ***service*** to the general public over a ~~[community antenna television system,]~~ ***video service network,*** the governing body, and any entity or agency that is directly or indirectly controlled by the county, shall not do any of the following:

(a) Sell such video ~~[programming services]~~ ***service*** at a price that is less than the actual cost of the video ~~[programming services]~~ ***service*** or sell a bundle of services containing such video ~~[programming services]~~ ***service*** at a price that is less than the actual cost of the bundle of services.

(b) Use any money from the county general fund for the provision of such video ~~[programming services]~~ ***service*** over its ~~[community antenna television system.]~~ ***video service network.***

(c) Use its rights-of-way, its property or any special power it may possess by virtue of its status as a government or a government-owned utility to:

(1) Create a preference or advantage for its ~~[community antenna television system;]~~ ***video service network;*** or

(2) Impose any discriminatory burden on any privately held ~~[community antenna television company.]~~ ***video service provider.***

2. The provisions of this section must be enforced in the manner set forth in paragraph (c) of subsection 4 of NRS 354.624 and paragraph (c) of subsection 5 of NRS 354.624.

3. The provisions of this section do not create an exclusive remedy and do not abrogate or limit any other action or remedy that is available to the governing body or a privately held ~~[community antenna television company]~~ ***video service provider*** pursuant to any other statute or the common law.

4. As used in this section:

(a) ~~["Community antenna television company"]~~ ***"Video service"*** has the meaning ascribed to it in ~~[NRS 711.030.~~

~~(b) "Community antenna television system" has the meaning ascribed to it in NRS 711.040.~~

~~(c) "Video programming services" means services which are provided over a community antenna television system and which contain:~~

~~(1) Programming provided by a television broadcast station; or~~

~~(2) Programming that is generally considered comparable to programming provided by a television broadcast station.]~~ ***section 25 of this act.***

(b) "Video service network" has the meaning ascribed to it in section 26 of this act.

(c) "Video service provider" has the meaning ascribed to it in section 27 of this act.

Sec. 78. NRS 271.204 is hereby amended to read as follows:

271.204 "Service facilities" means any works or improvements used or useful in providing:

1. Electric or communication service; or

2. Service from a ~~[community antenna television system]~~ ***video service network,*** as that term is defined in ~~[NRS 711.040,]~~ ***section 26 of this act,***

➥ including, but not limited to, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, capacitors, meters, communication circuits, appliances, attachments and appurtenances.

Sec. 79. NRS 271.2045 is hereby amended to read as follows:

271.2045 "Service provider" means:

1. A person or corporation subject to the jurisdiction of the Public Utilities Commission of Nevada that provides electric or communication service to the public; and

2. A ~~[community antenna television company]~~ ***video service provider,*** as that term is defined in ~~[NRS 711.030]~~ ***section 27 of this act,*** that provides service from a ~~[community antenna television system,]~~ ***video service network,***

➥ by means of service facilities.

Sec. 80. NRS 271.850 is hereby amended to read as follows:

271.850 1. The service facilities within the boundaries of each lot within a district to finance an underground conversion project established

pursuant to NRS 271.800 must be placed underground at the same time as or after the underground system in private easements and public places is placed underground. The service provider involved, directly or through a contractor, shall, in accordance with the rules and regulations of the service provider, but subject to the regulations of the Public Utilities Commission of Nevada and any other applicable laws, ordinances, rules or regulations of the municipality or any other public agency under the police power, convert to underground its facilities on any such lot:

(a) For service facilities that provide electric service, up to the service entrance.

(b) For service facilities that provide communication service or service from a ~~[community antenna television system]~~ ***video service network,*** as that term is defined in ~~[NRS 711.040,]~~ ***section 26 of this act,*** up to the connection point within the house or structure.

2. All costs or expenses of conversion must be included in the cost on which the cost of the underground conversion for that property is calculated.

3. As used in this section, "lot" includes any portion, piece or parcel of land.

Sec. 81. NRS 278.329 is hereby amended to read as follows:

278.329 A governing body or its authorized representative may relieve a person who proposes to divide land pursuant to NRS 278.360 to 278.460, inclusive, or 278.471 to 278.4725, inclusive, from the requirement to dedicate easements to public utilities that provide gas, electric, telecommunications, water and sewer services and any ~~[franchised community antenna television companies]~~ ***video service providers*** pursuant to paragraph (d) or (e) of subsection 9 of NRS 278.372 or paragraph (c) or (d) of subsection 4 of NRS 278.472 if the person demonstrates to the public body or its authorized representative that there is not an essential nexus to the public purpose for the dedication and the dedication is not roughly proportional in nature and extent to the impact of the proposed development.

Sec. 82. NRS 278.372 is hereby amended to read as follows:

278.372 1. The final map must be clearly and legibly drawn in permanent black ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such purpose in the engineering profession. Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the final map with permanent black ink.

2. The size of each sheet of the final map must be 24 by 32 inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom, and right edges, and of 2 inches at the left edge along the 24-inch dimension.

3. The scale of the final map must be large enough to show all details clearly. The final map must have a sufficient number of sheets to accomplish this end.

4. Each sheet of the final map must indicate its particular number, the total number of sheets in the final map and its relation to each adjoining sheet.

5. The final map must show all surveyed and mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including the bearings and distances of straight lines, central angle, radii and arc length for all curves and such information as may be necessary to determine the location of the centers of curves.

6. Each lot must be numbered or lettered.

7. Each street must be named and each block may be numbered or lettered.

8. The exterior boundary of the land included within the subdivision must be indicated by graphic border.

9. The final map must show:

(a) The definite location of the subdivision, particularly its relation to surrounding surveys.

(b) The area of each lot and the total area of the land in the subdivision in the following manner:

(1) In acres, calculated to the nearest one-hundredth of an acre, if the area is 2 acres or more; or

(2) In square feet if the area is less than 2 acres.

(c) Any roads or easements of access which the owner intends to offer for dedication.

(d) Except as otherwise provided in NRS 278.329, an easement for public utilities that provide gas, electric and telecommunications services and for any ~~[community antenna television companies that have a franchise]~~ ***video service providers that are authorized pursuant to chapter 711 of NRS*** to operate a ~~[community antenna television system]~~ ***video service network*** in that area.

(e) Except as otherwise provided in NRS 278.329, an easement for public utilities that provide water and sewer services.

10. The final map for a condominium must also indicate, for the purpose of assessing taxes, whether any garage units, parking spaces or storage units may be conveyed separately from the units within the condominium or are parceled separately from those units. As used in this subsection, "condominium" has the meaning ascribed to it in NRS 116.027.

11. The final map must also satisfy any additional survey and map requirements, including the delineation of Nevada state plane coordinates established pursuant to chapter 327 of NRS, for any corner of the subdivision or any other point prescribed by the local ordinance.

Sec. 83. NRS 278.374 is hereby amended to read as follows:

278.374 1. Except as otherwise provided in subsection 2, a final map presented for filing must include a certificate signed and acknowledged, in

the manner provided in NRS 240.1665 or 240.167, by each person who is an owner of the land:

(a) Consenting to the preparation and recordation of the final map.

(b) Offering for dedication that part of the land which the person wishes to dedicate for public use, subject to any reservation contained therein.

(c) Reserving any parcel from dedication.

(d) Granting any permanent easement for utility or ~~[community antenna television cable]~~ ***video service network*** installation or access, as designated on the final map, together with a statement approving such easement, signed by the public utility, ~~[community antenna television company]~~ ***video service provider*** or person in whose favor the easement is created or whose services are required.

2. If the map presented for filing is an amended map of a common-interest community, the certificate need only be signed and acknowledged by a person authorized to record the map under chapter 116 of NRS.

3. A final map of a common-interest community presented for recording and, if required by local ordinance, a final map of any other subdivision presented for recording must include:

(a) A report from a title company in which the title company certifies that it has issued a guarantee for the benefit of the local government which lists the names of:

(1) Each owner of record of the land to be divided; and

(2) Each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust.

➥ The guarantee accompanying a final map of a common-interest community must also show that there are no liens of record against the common-interest community or any part thereof for delinquent state, county, municipal, federal or local taxes or assessments collected as taxes or special assessments.

(b) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a), to the preparation and recordation of the final map. A holder of record may consent by signing:

(1) The final map; or

(2) A separate document that is filed with the final map and declares his consent to the division of land.

4. For the purpose of this section, the following shall be deemed not to be an interest in land:

(a) A lien for taxes or special assessments.

(b) A trust interest under a bond indenture.

5. As used in this section, "guarantee" means a guarantee of the type filed with the Commissioner of Insurance pursuant to paragraph (e) of subsection 1 of NRS 692A.120.

Sec. 84. NRS 278.4713 is hereby amended to read as follows:

278.4713 1. Unless the filing of a tentative map is waived, a person who proposes to make a division of land pursuant to NRS 278.471 to 278.4725, inclusive, must first:

(a) File a tentative map for the area in which the land is located with the planning commission or its designated representative or with the clerk of the governing body if there is no planning commission; and

(b) Pay a filing fee of no more than $750 set by the governing body.

2. This map must be:

(a) Entitled "Tentative Map of Division into Large Parcels"; and

(b) Prepared and certified by a professional land surveyor.

3. This map must show:

(a) The approximate, calculated or actual acreage of each lot and the total acreage of the land to be divided.

(b) Any roads or easements of access which exist, are proposed in the applicable master plan or are proposed by the person who intends to divide the land.

(c) Except as otherwise provided in NRS 278.329, an easement for public utilities that provide gas, electric and telecommunications services and for any ~~[community antenna television companies that have a franchise]~~ ***video service providers that are authorized pursuant to chapter 711 of NRS*** to operate a ~~[community antenna television system]~~ ***video service network*** in that area.

(d) Except as otherwise provided in NRS 278.329, an easement for public utilities that provide water and sewer services.

(e) Any existing easements for irrigation or drainage, and any normally continuously flowing watercourses.

(f) An indication of any existing road or easement which the owner does not intend to dedicate.

(g) The name and address of the owner of the land.

Sec. 85. NRS 278.472 is hereby amended to read as follows:

278.472 1. After the planning commission or the governing body or its authorized representative has approved the tentative map or waived the requirement of its filing, or 60 days after the date of its filing, whichever is earlier, the person who proposes to divide the land may file a final map of the division with the governing body or its authorized representative or, if authorized by the governing body, with the planning commission. The map must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.

2. This map must be:

(a) Entitled "Map of Division into Large Parcels."

(b) Filed with the governing body or its authorized representative or, if authorized by the governing body, with the planning commission not later than 1 year after the date that the tentative map was first filed with the

planning commission or the governing body or its authorized representative or that the requirement of its filing was waived.

(c) Prepared by a professional land surveyor.

(d) Based upon an actual survey by the preparer and show the date of the survey and contain the certificate of the surveyor required pursuant to NRS 278.375.

(e) Clearly and legibly drawn in permanent black ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for this purpose in the engineering profession. Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with permanent black ink.

(f) Twenty-four by 32 inches in size with a marginal line drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom, and right edges, and of 2 inches at the left edge along the 24-inch dimension.

(g) Of scale large enough to show clearly all details.

3. The particular number of the sheet and the total number of sheets comprising the map must be stated on each of the sheets, and its relation to each adjoining sheet must be clearly shown.

4. This map must show and define:

(a) All subdivision lots by the number and actual acreage of each lot.

(b) Any roads or easements of access which exist and which the owner intends to offer for dedication, any roads or easements of access which are shown on the applicable master plan and any roads or easements of access which are specially required by the planning commission or the governing body or its authorized representative.

(c) Except as otherwise provided in NRS 278.329, an easement for public utilities that provide gas, electric and telecommunications services and for any ~~[community antenna television companies that have a franchise]~~ ***video service providers that are authorized pursuant to chapter 711 of NRS*** to operate a ~~[community antenna television system]~~ ***video service network*** in that area.

(d) Except as otherwise provided in NRS 278.329, an easement for public utilities that provide water and sewer services.

(e) Any existing easements for irrigation or drainage, and any normally continuously flowing watercourses.

Sec. 86. NRS 318.1192 is hereby amended to read as follows:

318.1192 In the case of a district created wholly or in part for acquiring television maintenance facilities, the board shall have power to:

1. Acquire television broadcast, transmission and relay improvements ~~[.]~~ ***and construct and operate a video service network pursuant to chapter 711 of NRS.***

2. Levy special assessments against specially benefited real property on which are located television receivers operated within the district and able to receive television broadcasts supplied by the district.

3. Fix tolls, rates and other service or use charges for services furnished by the district or facilities of the district, including, without limitation, any one, all or any combination of the following:

(a) Flat rate charges;

(b) Charges classified by the number of receivers;

(c) Charges classified by the value of property served by television receivers;

(d) Charges classified by the character of the property served by television receivers;

(e) Minimum charges;

(f) Stand-by charges; or

(g) Other charges based on the availability of service.

4. The district shall not have the power in connection with the basic power stated in this section to borrow money which loan is evidenced by the issuance of any general obligation bonds or other general obligations of the district.

Sec. 87. NRS 354.59881 is hereby amended to read as follows:

354.59881 As used in NRS 354.59881 to 354.59889, inclusive, unless the context otherwise requires, the words and terms defined in NRS ~~[354.598811]~~ ***354.598812*** to 354.598818, inclusive, have the meanings ascribed to them in those sections.

Sec. 88. NRS 354.598814 is hereby amended to read as follows:

354.598814 "Fee" means a charge imposed by a city or county upon a public utility for a business license, franchise or right-of-way over streets or other public areas, except ~~[:~~

~~1. Any]~~ ***any*** charge paid pursuant to the provisions of NRS 709.110, 709.230 or 709.270 **.** ~~[; or~~

~~2. A term or condition of a franchise granted by:~~

~~(a) A county whose population is 400,000 or more, or by an incorporated city that is located in whole or in part within such a county, that requires a community antenna television company to provide channels for public, educational or governmental access.~~

~~(b) A county or an incorporated city not specified in paragraph (a) that requires a community antenna television company to provide channels, facilities or equipment for public, educational or governmental access.]~~

Sec. 89. NRS 354.598817 is hereby amended to read as follows:

354.598817 ***1.*** "Public utility" includes ~~[:~~

~~1. A]~~ ***a*** person or local government that:

(a) Provides electric energy or gas, whether or not the person or local government is subject to regulation by the Public Utilities Commission of Nevada;

(b) Is a telecommunication carrier as that term is defined in 47 U.S.C. § 153 on July 16, 1997, if the person or local government holds a certificate of public convenience and necessity issued by the Public Utilities Commission

of Nevada and derives intrastate revenue from the provision of telecommunication service to retail customers; or

(c) Sells or resells personal wireless services.

2. ~~[A community antenna television company as that term is]~~ ***The term does not include a video service provider, as*** defined in ~~[NRS 711.030.]~~ ***section 27 of this act.***

Sec. 90. NRS 354.598818 is hereby amended to read as follows:

354.598818 "Revenue" does not include:

1. Any proceeds from the interstate sale of natural gas to a provider of electric energy that holds a certificate of public convenience and necessity issued by the Public Utilities Commission of Nevada; ***or***

2. Any revenue of a provider of a telecommunication service other than intrastate revenue that the provider collects from retail customers **.** ~~[; or~~

~~3. The amount deducted from the gross revenue of a community antenna television company pursuant to paragraph (b) of subsection 2 of NRS 711.200.]~~

Sec. 91. NRS 354.5989 is hereby amended to read as follows:

354.5989 1. A local government shall not increase any fee for a business license or adopt a fee for a business license issued for revenue or regulation, or both, except as permitted by this section. This prohibition does not apply to fees:

(a) Imposed by hospitals, county airports, airport authorities, convention authorities, the Las Vegas Valley Water District or the Clark County Sanitation District;

(b) Imposed on public utilities for the privilege of doing business pursuant to a franchise;

(c) ***Imposed in compliance with the provisions of section 46 of this act on video service providers for the privilege of doing business pursuant to chapter 711 of NRS;***

(d) For business licenses which are calculated as a fraction or percentage of the gross revenue of the business;

~~[(d)]~~ ***(e)*** Imposed pursuant to NRS 244.348, 268.0973, 268.821 or 269.182; or

~~[(e)]~~ ***(f)*** Regulated pursuant to NRS 354.59881 to 354.59889, inclusive.

2. The amount of revenue the local government derives or is allowed to derive, whichever is greater, from all fees for business licenses except:

(a) The fees excluded by subsection 1, for the fiscal year ended on June 30, 1991; and

(b) The fees collected for a particular type of business during the immediately preceding fiscal year ending on June 30 that a local government will not collect in the next subsequent fiscal year,

➥ is the base from which the maximum allowable revenue from such fees must be calculated for the next subsequent fiscal year. To the base must be added the sum of the amounts respectively equal to the product of the base multiplied by the percentage increase in the population of the local

government added to the percentage increase in the Consumer Price Index for the year ending on December 31 next preceding the year for which the limit is being calculated. The amount so determined becomes the base for computing the allowed increase for each subsequent year.

3. A local government may not increase any fee for a business license which is calculated as a fraction or percentage of the gross revenue of the business if its total revenues from such fees have increased during the preceding fiscal year by more than the increase in the Consumer Price Index during that preceding calendar year. The provisions of this subsection do not apply to a fee ~~[imposed]~~ ***:***

(a) Imposed in compliance with the provisions of section 46 of this act on video service providers for the privilege of doing business pursuant to chapter 711 of NRS;

(b) Imposed pursuant to NRS 244.348, 268.0973, 268.821 or 269.182 ~~[, or regulated]~~ ***; or***

(c) Regulated pursuant to NRS 354.59881 to 354.59889, inclusive.

4. A local government may submit an application to increase its revenue from fees for business licenses beyond the amount allowable pursuant to this section to the Nevada Tax Commission, which may grant the application only if it finds that the rate of a business license of the local government is substantially below that of other local governments in the State.

5. The provisions of this section apply to a business license regardless of the fund to which the revenue from it is assigned. An ordinance or resolution enacted by a local government in violation of the provisions of this section is void.

6. As used in this section, "fee for a business license" does not include a tax imposed on the revenues from the rental of transient lodging.

Sec. 92. NRS 360.825 is hereby amended to read as follows:

360.825 1. Except as otherwise provided in this section, if on or after July 1, 2003, a local government acquires from another entity a public utility that provides electric service, natural gas service, telecommunications service or community antenna television ***, cable television or other video*** service:

(a) The local government shall make payments in lieu of and equal to all state and local taxes and franchise fees from which the local government is exempt but for which the public utility would be liable if the public utility was not owned by a governmental entity; and

(b) The Nevada Tax Commission shall, solely for the purpose set forth in this paragraph, annually determine and apportion the assessed valuation of the property of the public utility. For the purpose of calculating any allocation or apportionment of money for distribution among local governments pursuant to a formula required by state law which is based partially or entirely on the assessed valuation of taxable property:

(1) The property of the public utility shall be deemed to constitute taxable property to the same extent as if the public utility was not owned by a governmental entity; and

(2) To the extent that the property of the public utility is deemed to constitute taxable property pursuant to this paragraph:

(I) The assessed valuation of that property must be included in that calculation as determined and apportioned by the Nevada Tax Commission pursuant to this paragraph; and

(II) The payments required by paragraph (a) in lieu of any taxes that would otherwise be required on the basis of the assessed valuation of that property shall be deemed to constitute payments of those taxes.

2. The payments in lieu of taxes and franchise fees required by subsection 1 are due at the same time and must be collected, accounted for and distributed in the same manner as those taxes and franchise fees would be due, collected, accounted for and distributed if the public utility was not owned by a governmental entity, except that no lien attaches upon any property or money of the local government by virtue of any failure to make all or any part of those payments. The local government may contest the validity and amount of any payment in lieu of a tax or franchise fee to the same extent as if that payment was a payment of the tax or franchise fee itself. The payments in lieu of taxes and franchise fees must be reduced if and to the extent that such a contest is successful.

3. The provisions of this section do not:

(a) Apply to the acquisition by a local government of a public utility owned by another governmental entity, except a public utility owned by another local government for which any payments in lieu of state or local taxes or franchise fees was required before its acquisition as provided in this section.

(b) Require a local government to make any payments in lieu of taxes or franchise fees to the extent that the making of those payments would cause a deficiency in the money available to the local government to make required payments of principal of, premium, if any, or interest on any bonds or other securities issued to finance the acquisition of that public utility or to make required payments to any funds established under the proceedings under which those bonds or other securities were issued.

(c) Require a county to duplicate any payments in lieu of taxes required pursuant to NRS 244A.755.

Sec. 93. NRS 360.830 is hereby amended to read as follows:

360.830 1. Except as otherwise provided in this section, if on or after July 1, 2003, a local government:

(a) Acquires from another entity a public utility that provides water service or sewer service; or

(b) Expands facilities for the provision of water service, sewer service, electric service, natural gas service, telecommunications service or community antenna television ***, cable television or other video*** service, and the expansion results in the local government serving additional retail customers who were, before the expansion, retail customers of a public utility which provided that service,

➥ the local government shall enter into an interlocal agreement with each affected local government to compensate the affected local government each fiscal year, as nearly as practicable, for the amount of any money from state and local taxes and franchise fees and from payments in lieu of those taxes and franchise fees, and for any compensation from a local government pursuant to this section, the affected local government would be entitled to receive but will not receive because of the acquisition of that public utility or expansion of those facilities as provided in this section.

2. An affected local government may waive any or all of the compensation to which it may be entitled pursuant to subsection 1.

3. The provisions of this section do not require a:

(a) Local government to provide any compensation to an affected local government to the extent that the provision of that compensation would cause a deficiency in the money available to the local government to make required payments of principal of, premium, if any, or interest on any bonds or other securities issued to finance the acquisition of that public utility or expansion of those facilities, or to make required payments to any funds established under the proceedings under which those bonds or other securities were issued.

(b) County to duplicate any compensation an affected local government receives from any payments in lieu of taxes required pursuant to NRS 244A.755.

Sec. 94. NRS 361.320 is hereby amended to read as follows:

361.320 1. At the regular session of the Nevada Tax Commission commencing on the first Monday in October of each year, the Nevada Tax Commission shall examine the reports filed pursuant to NRS 361.318 and establish the valuation for assessment purposes of any property of an interstate or intercounty nature used directly in the operation of all interstate or intercounty railroad, sleeping car, private car, natural gas transmission and distribution, water, telephone, scheduled and unscheduled air transport, electric light and power companies, and the property of all railway express companies operating on any common or contract carrier in this State. This valuation must not include the value of vehicles as defined in NRS 371.020.

2. Except as otherwise provided in subsections 3, 4 and 7 and NRS 361.323, the Nevada Tax Commission shall establish and fix the valuation of all physical property used directly in the operation of any such business of any such company in this State, as a collective unit. If the company is operating in more than one county, on establishing the unit valuation for the collective property, the Nevada Tax Commission shall then determine the total aggregate mileage operated within the State and within its several counties and apportion the mileage upon a mile-unit valuation basis. The number of miles apportioned to any county are subject to assessment in that county according to the mile-unit valuation established by the Nevada Tax Commission.

3. After establishing the valuation, as a collective unit, of a public utility which generates, transmits or distributes electricity, the Nevada Tax Commission shall segregate the value of any project in this State for the generation of electricity which is not yet put to use. This value must be assessed in the county where the project is located and must be taxed at the same rate as other property.

4. After establishing the valuation, as a collective unit, of an electric light and power company that places a facility into operation on or after July 1, 2003, in a county whose population is less than 100,000, the Nevada Tax Commission shall segregate the value of the facility from the collective unit. This value must be assessed in the county where the facility is located and taxed at the same rate as other property.

5. The Nevada Tax Commission shall adopt formulas and incorporate them in its records, providing the method or methods pursued in fixing and establishing the taxable value of all property assessed by it. The formulas must be adopted and may be changed from time to time upon its own motion or when made necessary by judicial decisions, but the formulas must in any event show all the elements of value considered by the Nevada Tax Commission in arriving at and fixing the value for any class of property assessed by it. These formulas must take into account, as indicators of value, the company's income and the cost of its assets, but the taxable value may not exceed the cost of replacement as appropriately depreciated.

6. If two or more persons perform separate functions that collectively are needed to deliver electric service to the final customer and the property used in performing the functions would be centrally assessed if owned by one person, the Nevada Tax Commission shall establish its valuation and apportion the valuation among the several counties in the same manner as the valuation of other centrally assessed property. The Nevada Tax Commission shall determine the proportion of the tax levied upon the property by each county according to the valuation of the contribution of each person to the aggregate valuation of the property. This subsection does not apply to a qualifying facility, as defined in 18 C.F.R. § 292.101, which was constructed before July 1, 1997, or to an exempt wholesale generator, as defined in 15 U.S.C. § 79z-5a.

7. A company engaged in a business described in subsection 1 that does not have property of an interstate or intercounty nature must be assessed as provided in subsection 8.

8. All other property, including, without limitation, that of any company engaged in providing commercial mobile radio service, radio or television transmission services or cable television ***or other video*** services, must be assessed by the county assessors, except as otherwise provided in NRS 361.321 and 362.100 and except that the valuation of land and mobile homes must be established for assessment purposes by the Nevada Tax Commission as provided in NRS 361.325.

9. On or before November 1 of each year, the Department shall forward a tax statement to each private car line company based on the valuation established pursuant to this section and in accordance with the tax levies of the several districts in each county. The company shall remit the ad valorem taxes due on or before December 15 to the Department, which shall allocate the taxes due each county on a mile-unit basis and remit the taxes to the counties no later than January 31. The portion of the taxes which is due the State must be transmitted directly to the State Treasurer. A company which fails to pay the tax within the time required shall pay a penalty of 10 percent of the tax due or $5,000, whichever is greater, in addition to the tax. Any amount paid as a penalty must be deposited in the State General Fund. The Department may, for good cause shown, waive the payment of a penalty pursuant to this subsection. As an alternative to any other method of recovering delinquent taxes provided by this chapter, the Attorney General may bring a civil action in a court of competent jurisdiction to recover delinquent taxes due pursuant to this subsection in the manner provided in NRS 361.560.

10. For the purposes of this section, an unscheduled air transport company does not include a company that only uses three or fewer fixed-wing aircraft with a weight of less than 12,500 pounds to provide transportation services, if the company elects, in the form and manner prescribed by the Department, to have the property of the company assessed by a county assessor.

11. As used in this section:

(a) "Company" means any person, company, corporation or association engaged in the business described.

(b) "Commercial mobile radio service" has the meaning ascribed to it in 47 C.F.R. § 20.3, as that section existed on January 1, 1998.

Sec. 95. NRS 372.728 is hereby amended to read as follows:

372.728 In administering the provisions of this chapter, the Department shall construe the term "retailer maintaining a place of business in this State" to include:

1. A retailer maintaining, occupying or using, permanently or temporarily, directly or indirectly, or through a subsidiary or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or place of storage, or any other place of business, in this State.

2. A retailer having any representative, agent, salesman, canvasser or solicitor operating in this State under the authority of the retailer or its subsidiary to sell, deliver or take orders for tangible personal property.

3. With respect to a lease, a retailer deriving rentals from a lease of tangible personal property situated in this State.

4. A retailer soliciting orders for tangible personal property through a system for shopping by means of telecommunication or television, using toll-free telephone numbers, which is intended by the retailer to be broadcast by

cable television or ***other video service network or any*** other means of broadcasting to persons located in this State or through a website on the Internet or other electronic means of communication to provide solicitations to persons in this State.

5. A retailer who, pursuant to a contract with a broadcaster or publisher located in this State, solicits orders for tangible personal property by means of advertising which is disseminated primarily to persons located in this State and only secondarily to bordering jurisdictions.

6. A retailer soliciting orders for tangible personal property by mail or electronic facsimile if the solicitations are substantial and recurring and if the retailer benefits from any activities occurring in this State related to banking, financing, the collection of debts, telecommunication or marketing, or benefits from the location in this State of authorized facilities for installation, servicing or repairs.

7. A retailer owned or controlled by the same person who owns or controls a retailer who maintains a place of business in the same or a similar line of business in this State.

8. A retailer having a person operating under its trade name, pursuant to a franchise or license authorized by the retailer, if the person so operating is required to collect the tax pursuant to NRS 372.195.

9. A retailer who, pursuant to a contract with the operator of a ~~[system of]~~ cable television ***system or other video service network*** located in this State, solicits orders for tangible personal property by means of advertising which is transmitted or distributed over a ~~[system of]~~ cable television ***system or other video service network located*** in this State.

Sec. 96. NRS 372.734 is hereby amended to read as follows:

372.734 In administering the provisions of this chapter, the Department shall not consider the activities of persons that are directly related to the process of transmitting radio, television, cable television ***, video*** or data signals, including the transmission of news or information by ***video or*** data signal, the transmission of signals from one broadcaster to another and from a broadcaster to a member of the public and including the production and airing of any form of speech or broadcast by radio or television, whether or not compensation is provided to the broadcaster in connection therewith, to be transactions that are taxable pursuant to the provisions of this chapter.

Sec. 97. NRS 374.728 is hereby amended to read as follows:

374.728 In administering the provisions of this chapter, the Department shall construe the term "retailer maintaining a place of business in a county" to include:

1. A retailer maintaining, occupying or using, permanently or temporarily, directly or indirectly, or through a subsidiary or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or place of storage, or any other place of business, in the county.

2. A retailer having any representative, agent, salesman, canvasser or solicitor operating in the county under the authority of the retailer or its subsidiary to sell, deliver or take orders for tangible personal property.

3. With respect to a lease, a retailer deriving rentals from a lease of tangible personal property situated in the county.

4. A retailer soliciting orders for tangible personal property through a system for shopping by means of telecommunication or television, using toll-free telephone numbers, which is intended by the retailer to be broadcast by cable television or ***other video service network or any*** other means of broadcasting to persons located in the county or through a website on the Internet or other electronic means of communication to provide solicitations to persons in this State.

5. A retailer who, pursuant to a contract with a broadcaster or publisher located in the State, solicits orders for tangible personal property by means of advertising which is disseminated primarily to persons located in the State and only secondarily to bordering jurisdictions, and which is disseminated to persons located in the county.

6. A retailer soliciting orders for tangible personal property by mail or electronic facsimile if the solicitations are substantial and recurring and if the retailer benefits from any activities occurring in the county related to banking, financing, the collection of debts, telecommunication or marketing, or benefits from the location in the county of authorized facilities for installation, servicing or repairs.

7. A retailer owned or controlled by the same persons who own or control a retailer who maintains a place of business in the same or a similar line of business in the county.

8. A retailer having a person operating under its trade name, pursuant to a franchise or license authorized by the retailer, if the person so operating is required to collect the tax pursuant to NRS 374.200.

9. A retailer who, pursuant to a contract with the operator of a ~~[system of]~~ cable television ***system or other video service network*** located in the State, solicits orders for tangible personal property by means of advertising which is transmitted or distributed over a ~~[system of]~~ cable television ***system or other video service network located*** in the county.

Sec. 98. NRS 374.739 is hereby amended to read as follows:

374.739 In administering the provisions of this chapter, the Department shall not consider the activities of persons that are directly related to the process of transmitting radio, television, cable television ***, video*** or data signals, including the transmission of news or information by ***video or*** data signal, the transmission of signals from one broadcaster to another and from a broadcaster to a member of the public and including the production and airing of any form of speech or broadcast by radio or television, whether or not compensation is provided to the broadcaster in connection therewith, to be transactions that are taxable pursuant to the provisions of this chapter.

Sec. 99. NRS 425.393 is hereby amended to read as follows:

425.393 1. The Chief may request the following information to carry out the provisions of this chapter:

(a) The records of the following public officers and state, county and local agencies:

(1) The State Registrar of Vital Statistics;

(2) Agencies responsible for maintaining records relating to state and local taxes and revenue;

(3) Agencies responsible for keeping records concerning real property and personal property for which a title must be obtained;

(4) All boards, commissions and agencies that issue occupational or professional licenses, certificates or permits;

(5) The Secretary of State;

(6) The Employment Security Division of the Department of Employment, Training and Rehabilitation;

(7) Agencies that administer public assistance;

(8) The Department of Motor Vehicles;

(9) The Department of Public Safety;

(10) The Department of Corrections; and

(11) Law enforcement agencies and any other agencies that maintain records of criminal history.

(b) The names and addresses of:

(1) The customers of public utilities and ~~[community antenna television companies;]~~ ***video service providers;*** and

(2) The employers of the customers described in subparagraph (1).

(c) Information in the possession of financial institutions relating to the assets, liabilities and any other details of the finances of a person.

(d) Information in the possession of a public or private employer relating to the employment, compensation and benefits of a person employed by the employer as an employee or independent contractor.

2. If a person or other entity fails to supply the information requested pursuant to subsection 1, the Administrator may issue a subpoena to compel the person or entity to provide that information. A person or entity who fails to comply with a request made pursuant to subsection 1 is subject to a civil penalty not to exceed $500 for each failure to comply.

3. A disclosure made in good faith pursuant to subsection 1 does not give rise to any action for damages for the disclosure.

Sec. 100. NRS 432.310 is hereby amended to read as follows:

432.310 "Broadcaster" means a radio broadcasting station, cable operator ***or other video service provider*** or television broadcasting station primarily engaged in, and deriving income from, the business of facilitating speech via over-the-air communications, both as to pure speech and commercial speech.

Sec. 101. NRS 455.210 is hereby amended to read as follows:

455.210 The provisions of NRS 455.220 and 455.230 are not applicable to:

1. An employee of a public utility which produces, transmits or delivers electricity, or a public utility which provides communication services, while the employee, in the course of his employment, constructs, modifies, operates or maintains:

(a) Electrical systems;

(b) Communication systems; or

(c) Overhead electrical or communication circuits or conductors, or the structures supporting them.

2. An employee of a ~~[cable antenna television system]~~ ***video service provider operating pursuant to chapter 711 of NRS*** or a business which provides communication services, while the employee, acting within the scope of his employment, is making service attachments to the structure supporting an overhead line carrying high voltage, if authorized to do so by the public utility operating the overhead line.

Sec. 102. NRS 597.816 is hereby amended to read as follows:

597.816 The provisions of NRS 597.814 do not prohibit the use of a device for automatic dialing and announcing by any person exclusively on behalf of:

1. A school or school district to contact the parents or guardians of a pupil regarding the attendance of the pupil or regarding other business of the school or school district.

2. A nonprofit organization.

3. A ~~[company]~~ ***video service provider*** that provides cable television ***or other video*** services to contact its customers regarding a previously arranged installation of such services at the premises of the customer.

4. A public utility to contact its customers regarding a previously arranged installation of utility services at the premises of the customer.

5. A facility that processes or stores petroleum, volatile petroleum products, natural gas, liquefied petroleum gas, combustible chemicals, explosives, high-level radioactive waste or other dangerous substances to advise local residents, public service agencies and news media of an actual or potential life-threatening emergency.

6. A state or local governmental agency, or a private entity operating under contract with and at the direction of such an agency, to provide:

(a) Information relating to public safety;

(b) Information relating to a police or fire emergency; or

(c) A warning of an impending or threatening emergency.

7. A candidate for public office, committee advocating the passage or defeat of a ballot question, political party, committee sponsored by a political party or a committee for political action.

Sec. 103. NRS 598.137 is hereby amended to read as follows:

598.137 1. A person shall not, in connection with the sale or lease or solicitation for sale or lease of any goods, property or service, represent that another person has a chance to receive a prize or item of value without

clearly disclosing on whose behalf the contest or promotion is conducted and all conditions that a participant must meet.

2. A person who makes a representation described in subsection 1 must display, clearly and conspicuously, adjacent to the description of the item or prize to which it relates:

(a) The actual retail value of each item or prize;

(b) The number of each item or prize to be awarded; and

(c) The odds of receiving each item or prize, expressed in whole numbers.

3. It is unlawful to make a representation described in subsection 1 if it has already been determined which items will be given to the person to whom the representation is made.

4. The provisions of this section do not apply if:

(a) Participants are asked to complete and mail or deposit, at a local retail commercial establishment, an entry blank obtained locally or by mail, or to call in their entry by telephone; and

(b) Participants are not asked to listen to a sales presentation.

5. Advertisements with representations made pursuant to subsection 1 that are broadcast by radio or television may be broadcast without the required disclosures, conditions and restrictions but must clearly broadcast the availability of such disclosures, conditions and restrictions to an interested person, without any charge, upon request.

6. This section does not create liability for acts of a publisher, owner, agent or employee of a newspaper, periodical, radio station, television station, cable television system ***or other video service network*** or other advertising medium for the publication or dissemination of an advertisement or promotion pursuant to this section if the publisher, owner, agent or employee did not know that the advertisement or promotion violated the provisions of this section.

7. For the purposes of this section, the actual retail value of an item or prize is the price at which substantial sales of the item were made in an area within the last 90 days, or if no substantial sales were made, the cost of the item or prize to the person on whose behalf the contest or promotion is conducted.

Sec. 104. NRS 598A.040 is hereby amended to read as follows:

598A.040 The provisions of this chapter do not apply to:

1. Any labor, agricultural or horticultural organizations organized for the purpose of self-help and not for profit to itself nor to individual members thereof, while lawfully carrying out its legitimate objects.

2. Bona fide religious and charitable activities of any nonprofit corporation, trust or organization established exclusively for religious or charitable purposes.

3. Conduct which is expressly authorized, regulated or approved by:

(a) A statute of this State or of the United States;

(b) An ordinance of any city or county of this State, except for ordinances relating to ~~[community antenna television companies;]~~ ***video service providers;*** or

(c) An administrative agency of this State or of the United States or of a city or county of this State, having jurisdiction of the subject matter.

4. Conduct or agreements relating to rates, fares, classifications, divisions, allowances or charges, including charges between carriers and compensation paid or received for the use of facilities and equipment, that are authorized, regulated or approved by the Transportation Services Authority pursuant to chapter 706 of NRS.

5. Restrictive covenants:

(a) Which are part of a contract of sale for a business and which bar the seller of the business from competing with the purchaser of the business sold within a reasonable market area for a reasonable period of time; or

(b) Which are part of a commercial shopping center lease and which bar the parties from permitting or engaging in the furnishing of certain services or the sale of certain commodities within the commercial shopping center where such leased premises are located.

Sec. 105. NRS 599B.010 is hereby amended to read as follows:

599B.010 As used in this chapter, unless the context otherwise requires:

1. "Chance promotion" means any plan in which premiums are distributed by random or chance selection.

2. "Commissioner" means the Commissioner of Consumer Affairs.

3. "Consumer" means a person who is solicited by a seller or salesman.

4. "Division" means the Consumer Affairs Division of the Department of Business and Industry.

5. "Donation" means a promise, grant or pledge of money, credit, property, financial assistance or other thing of value given in response to a solicitation by telephone, including, but not limited to, a payment or promise to pay in consideration for a performance, event or sale of goods or services. The term does not include volunteer services, government grants or contracts or a payment by members of any organization of membership fees, dues, fines or assessments or for services rendered by the organization to those persons, if:

(a) The fees, dues, fines, assessments or services confer a bona fide right, privilege, professional standing, honor or other direct benefit upon the member; and

(b) Membership in the organization is not conferred solely in consideration for making a donation in response to a solicitation.

6. "Goods or services" means any property, tangible or intangible, real, personal or mixed, and any other article, commodity or thing of value.

7. "Premium" includes any prize, bonus, award, gift or any other similar inducement or incentive to purchase.

8. "Recovery service" means a business or other practice whereby a person represents or implies that he will, for a fee, recover any amount of

money that a consumer has provided to a seller or salesman pursuant to a solicitation governed by the provisions of this chapter.

9. "Salesman" means any person:

(a) Employed or authorized by a seller to sell, or to attempt to sell, goods or services by telephone;

(b) Retained by a seller to provide consulting services relating to the management or operation of the seller's business; or

(c) Who communicates on behalf of a seller with a consumer:

(1) In the course of a solicitation by telephone; or

(2) For the purpose of verifying, changing or confirming an order,

➥ except that a person is not a salesman if his only function is to identify a consumer by name only and he immediately refers the consumer to a salesman.

10. Except as otherwise provided in subsection 11, "seller" means any person who, on his own behalf, causes or attempts to cause a solicitation by telephone to be made through the use of one or more salesmen or any automated dialing announcing device under any of the following circumstances:

(a) The person initiates contact by telephone with a consumer and represents or implies:

(1) That a consumer who buys one or more goods or services will receive additional goods or services, whether or not of the same type as purchased, without further cost, except for actual postage or common carrier charges;

(2) That a consumer will or has a chance or opportunity to receive a premium;

(3) That the items for sale are gold, silver or other precious metals, diamonds, rubies, sapphires or other precious stones, or any interest in oil, gas or mineral fields, wells or exploration sites or any other investment opportunity;

(4) That the product offered for sale is information or opinions relating to sporting events;

(5) That the product offered for sale is the services of a recovery service; or

(6) That the consumer will receive a premium or goods or services if he makes a donation;

(b) The solicitation by telephone is made by the person in response to inquiries from a consumer generated by a notification or communication sent or delivered to the consumer that represents or implies:

(1) That the consumer has been in any manner specially selected to receive the notification or communication or the offer contained in the notification or communication;

(2) That the consumer will receive a premium if the recipient calls the person;

(3) That if the consumer buys one or more goods or services from the person, the consumer will also receive additional or other goods or services, whether or not the same type as purchased, without further cost or at a cost that the person represents or implies is less than the regular price of the goods or services;

(4) That the product offered for sale is the services of a recovery service; or

(5) That the consumer will receive a premium or goods or services if he makes a donation; or

(c) The solicitation by telephone is made by the person in response to inquiries generated by advertisements that represent or imply that the person is offering to sell any:

(1) Gold, silver or other metals, including coins, diamonds, rubies, sapphires or other stones, coal or other minerals or any interest in oil, gas or other mineral fields, wells or exploration sites, or any other investment opportunity;

(2) Information or opinions relating to sporting events; or

(3) Services of a recovery service.

11. "Seller" does not include:

(a) A person licensed pursuant to chapter 90 of NRS when soliciting offers, sales or purchases within the scope of his license.

(b) A person licensed pursuant to chapter 119A, 119B, 624, 645 or 696A of NRS when soliciting sales within the scope of his license.

(c) A person licensed as an insurance broker, agent or solicitor when soliciting sales within the scope of his license.

(d) Any solicitation of sales made by the publisher of a newspaper or magazine or by an agent of the publisher pursuant to a written agreement between the agent and publisher.

(e) A broadcaster soliciting sales who is licensed by any state or federal authority, if the solicitation is within the scope of the broadcaster's license.

(f) A person who solicits a donation from a consumer when:

(1) The person represents or implies that the consumer will receive a premium or goods or services with an aggregated fair market value of 2 percent of the donation or $50, whichever is less; or

(2) The consumer provides a donation of $50 or less in response to the solicitation.

(g) A charitable organization which is registered or approved to conduct a lottery pursuant to chapter 462 of NRS.

(h) A public utility or motor carrier which is regulated pursuant to chapter 704 or 706 of NRS, or by an affiliate of such a utility or motor carrier, if the solicitation is within the scope of its certificate or license.

(i) A utility which is regulated pursuant to chapter 710 of NRS, or by an affiliate of such a utility.

(j) A person soliciting the sale of books, recordings, video cassettes, software for computer systems or similar items through:

(1) An organization whose method of sales is governed by the provisions of Part 425 of Title 16 of the Code of Federal Regulations relating to the use of negative option plans by sellers in commerce;

(2) The use of continuity plans, subscription arrangements, arrangements for standing orders, supplements, and series arrangements pursuant to which the person periodically ships merchandise to a consumer who has consented in advance to receive the merchandise on a periodic basis and has the opportunity to review the merchandise for at least 10 days and return it for a full refund within 30 days after it is received; or

(3) An arrangement pursuant to which the person ships merchandise to a consumer who has consented in advance to receive the merchandise and has the opportunity to review the merchandise for at least 10 days and return it for a full refund within 30 days after it is received.

(k) A person who solicits sales by periodically publishing and delivering a catalog to consumers if the catalog:

(1) Contains a written description or illustration of each item offered for sale and the price of each item;

(2) Includes the business address of the person;

(3) Includes at least 24 pages of written material and illustrations;

(4) Is distributed in more than one state; and

(5) Has an annual circulation by mailing of not less than 250,000.

(l) A person soliciting without the intent to complete and who does not complete, the sales transaction by telephone but completes the sales transaction at a later face-to-face meeting between the solicitor and the consumer, if the person, after soliciting a sale by telephone, does not cause another person to collect the payment from or deliver any goods or services purchased to the consumer.

(m) Any commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, trust company, savings and loan association, credit union, industrial loan company, personal property broker, consumer finance lender, commercial finance lender, or insurer subject to regulation by an official or agency of this State or of the United States, if the solicitation is within the scope of the certificate or license held by the entity.

(n) A person holding a certificate of authority issued pursuant to chapter 452 of NRS when soliciting sales within the scope of the certificate.

(o) A person licensed pursuant to chapter 689 of NRS when soliciting sales within the scope of his license.

(p) A person soliciting the sale of services provided by a ~~[community antenna television company]~~ ***video service provider*** subject to regulation pursuant to chapter 711 of NRS.

(q) A person soliciting the sale of agricultural products, if the solicitation is not intended to and does not result in a sale of more than $100 that is to be delivered to one address. As used in this paragraph, "agricultural products" has the meaning ascribed to it in NRS 587.290.

(r) A person who has been operating, for at least 2 years, a retail business establishment under the same name as that used in connection with the solicitation of sales by telephone if, on a continuing basis:

(1) Goods are displayed and offered for sale or services are offered for sale and provided at the person's business establishment; and

(2) At least 50 percent of the person's business involves the buyer obtaining such goods or services at the person's business establishment.

(s) A person soliciting only the sale of telephone answering services to be provided by the person or his employer.

(t) A person soliciting a transaction regulated by the Commodity Futures Trading Commission, if:

(1) The person is registered with or temporarily licensed by the Commission to conduct that activity pursuant to the Commodity Exchange Act**,** ~~[(]~~ 7 U.S.C. §§ 1 et seq. **;** ~~[).]~~ and

(2) The registration or license has not expired or been suspended or revoked.

(u) A person who contracts for the maintenance or repair of goods previously purchased from the person:

(1) Making the solicitation; or

(2) On whose behalf the solicitation is made.

(v) A person to whom a license to operate an information service or a nonrestricted gaming license, which is current and valid, has been issued pursuant to chapter 463 of NRS when soliciting sales within the scope of his license.

(w) A person who solicits a previous customer of the business on whose behalf the call is made if the person making the call:

(1) Does not offer the customer any premium in connection with the sale;

(2) Is not selling an investment or an opportunity for an investment that is not registered with any state or federal authority; and

(3) Is not regularly engaged in telephone sales.

(x) A person who solicits the sale of livestock.

(y) An issuer which has a class of securities that is listed on the New York Stock Exchange, the American Stock Exchange or the National Market System of the National Association of Securities Dealers Automated Quotation System.

(z) A subsidiary of an issuer that qualifies for exemption pursuant to paragraph (y) if at least 60 percent of the voting power of the shares of the subsidiary is owned by the issuer.

Sec. 105.1. **For the purposes of sections 105.3 to 106.2, inclusive, of this act, the Legislature hereby finds and declares that:**

1. There is a need to balance the goal of providing children with the benefits and opportunities available on the Internet against the compelling need and duty to protect children from contact with sexual predators.

2. Sexual predators use Internet and network sites, including chat rooms and social networking websites, to locate, approach and befriend children, to acquire personal information about children and to prey on children by engaging in sexually explicit conversations, requesting photographs and attempting to lure children into meeting with them in person.

3. According to the United States Attorney General, one in five children has been approached sexually on the Internet.

4. The explosive growth of chat rooms and social networking websites has increased the difficulty of monitoring the Internet activities of children and protecting children from sexual predators, particularly when children use the Internet without supervision.

5. Providers of Internet service and the owners and operators of chat rooms and social networking websites are well-situated to help parents and guardians in the on-going effort to guard against sexual predators who misuse Internet technology as a tool to prey on and victimize children.

Sec. 105.2. **Chapter 603 of NRS is hereby amended by adding thereto the provisions set forth as sections 105.3 to 106.2, inclusive, of this act.**

Sec. 105.3. ***As used in sections 105.3 to 106.2, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 105.4 to 105.7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 105.4. ***"Child" means a person who is less than 18 years of age.***

Sec. 105.5. ***"Electronic mail" has the meaning ascribed to it in NRS 41.715.***

Sec. 105.6. ***1. "Internet or any other computer network" means:***

(a) The computer network commonly known as the Internet and any other local, regional or global computer network that is similar to or is a predecessor or successor of the Internet; and

(b) Any identifiable site on the Internet or such other computer network.

2. The term includes, without limitation:

(a) A website or other similar site on the World Wide Web;

(b) A site that is identifiable through a Uniform Resource Location;

(c) A site on a computer network that is owned, operated, administered or controlled by a provider of Internet service;

(d) An electronic bulletin board;

(e) A list server;

(f) A newsgroup; or

(g) A chat room.

Sec. 105.7. ***"Provider of Internet service" or "provider" means any person who, for a fee or other consideration, provides subscribers with access to the Internet or any other computer network.***

Sec. 105.8. ***For the purposes of sections 105.3 to 106.2, inclusive, of this act, a person has "reasonable cause to believe" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.***

Sec. 106. ***1. If a provider of Internet service knows or has reasonable cause to believe that a subscriber resides within this State, the provider shall make available to the subscriber a product or service which enables the subscriber to regulate a child's use of the Internet service provided to the subscriber. The product or service must enable the subscriber to:***

(a) Block all access to the Internet;

(b) Block access to specific websites or domains disapproved by the subscriber;

(c) Restrict access exclusively to specific websites or domains approved by the subscriber; and

(d) Allow the subscriber to monitor a child's use of the Internet service by providing a report to the subscriber of the specific websites or domains that the child has visited or has attempted to visit but could not access because the websites or domains were blocked or restricted by the subscriber.

2. For the purposes of subsection 1, a provider of Internet service shall be deemed to know that a subscriber resides within this State if the subscriber identifies Nevada as his place of residence at the time of subscription.

3. A provider of Internet service:

(a) Shall provide to the subscriber, at the time of subscription, notice of the availability of the product or service described in subsection 1. The notice must be provided to the subscriber by electronic mail or in a written form through another reasonable means.

(b) May make the product or service described in subsection 1 available to the subscriber either directly or through a third-party vendor. The provider or third-party vendor may charge the subscriber a fee for the product or service.

Sec. 106.2. ***1. Any violation of sections 105.3 to 106.2, inclusive, of this act constitutes a deceptive trade practice for the purposes of the civil and administrative remedies and penalties set forth in NRS 598.0903 to 598.0999, inclusive.***

2. The remedies, duties and prohibitions set forth in sections 105.3 to 106.2, inclusive, of this act are not exclusive and are in addition to any other remedies, duties and prohibitions provided by law.

Sec. 106.4. **NRS 603.010 is hereby amended to read as follows:**

603.010 As used in ~~[this chapter]~~ ***NRS 603.010 to 603.090, inclusive,*** unless the context otherwise requires, the words and terms defined in NRS 603.020 and 603.030, have the meanings ascribed to them in those sections.

Sec. 106.6. **NRS 603.090 is hereby amended to read as follows:**

603.090 The civil remedies provided in ~~[this chapter:]~~ ***NRS 603.010 to 603.090, inclusive:***

1. Do not preclude the prosecution of a defendant under the penal laws of this State.

2. Are in addition to any rights or remedies to which the owner of a proprietary program or data stored in a computer is entitled under the common law.

~~[Sec. 106.]~~ ***Sec. 106.8.*** NRS 618.880 is hereby amended to read as follows:

618.880 1. The Division shall adopt regulations establishing standards and procedures for the operation of cranes, including, without limitation, regulations requiring the:

(a) Establishment and implementation of site safety plans and procedures for the erection and dismantling of tower cranes;

(b) Establishment of a clear zone around the erection, dismantling or other highly hazardous lifts with a crane;

(c) Annual certification of the mechanical lifting parts of the crane; and

(d) Certification of tower cranes each time a tower crane is erected and additional annual certifications of tower cranes while they continue to be in use.

2. Except as otherwise provided in subsection 3:

(a) The Division shall adopt regulations requiring the establishment and implementation of programs for the certification of all persons who operate:

(1) Tower cranes; or

(2) Mobile cranes having a usable boom length of 25 feet or greater or a maximum machine rated capacity of 15,000 pounds or greater.

(b) A person shall not operate a tower crane or a mobile crane described in subparagraph (2) of paragraph (a) unless the person holds certification as a crane operator issued pursuant to this subsection for the type of crane being operated.

(c) An applicant for certification as a crane operator must hold a certificate which:

(1) Is issued by an organization whose program of certification for crane operators:

(I) Is accredited by the National Commission for Certifying Agencies or an equivalent accrediting body approved by the Division; or

(II) Meets other criteria established by the Division; and

(2) Certifies that the person has met the standards to be a crane operator established by the American Society of Mechanical Engineers in its standards B30.3, B30.4 or B30.5 as adopted by regulation of the Division.

3. The provisions of subsection 2 do not apply to a person who:

(a) Is an employee of a utility while the person is engaged in work for or at the direction of the utility;

(b) Operates an electric or utility line truck that is regulated pursuant to 29 C.F.R. § 1910.269 or 29 C.F.R. Part 1926, Subpart V; or

(c) Operates an aerial or lifting device, whether or not self-propelled, that is designed and manufactured with the specific purpose of lifting one or more persons in a bucket or basket or on a ladder or platform and holding those persons in the lifted position while they perform tasks. Such devices include, without limitation:

(1) A bucket truck or lift;

(2) An aerial platform;

(3) A platform lift; or

(4) A scissors lift.

4. As used in this section, "utility" means any public or private utility, whether or not the utility is subject to regulation by the Public Utilities Commission of Nevada, that provides, at wholesale or retail:

(a) Electric service;

(b) Gas service;

(c) Water or sewer service;

(d) Telecommunication service, including, without limitation, local exchange service, long distance service and personal wireless service; or

(e) Television service, including, without limitation, community antenna television ***, cable television and other video*** service.

Sec. 107. NRS 624.218 is hereby amended to read as follows:

624.218 1. The Board shall adopt by regulation a classification of licensing for persons who construct or improve ~~[community antenna television systems.]~~ ***video service networks.*** Except as otherwise provided in subsection 2, a person who engages in such construction, alteration or improvement must be licensed in this classification and may not be required to be licensed in any other classification.

2. The licensing requirements adopted pursuant to subsection 1 do not apply to a person who is engaged solely in the alteration or repair of antennae used by a community antenna television system.

3. As used in this section, "video service network" has the meaning ascribed to it in section 26 of this act.

Sec. 108. 1. NRS 318.1193, 318.1194, 354.598811, 711.185, 711.190, 711.200, 711.210, 711.230 and 711.250 are hereby repealed.

2. Section 2.290 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, at page 63, is hereby repealed.

3. Section 2.320 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, at page 612, is hereby repealed.

4. Section 2.280 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, at page 300, is hereby repealed.

5. Section 2.350 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 51, Statutes of Nevada 2001, at page 460, is hereby repealed.

6. Section 2.300 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 410, is hereby repealed.

7. Section 2.330 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1405, is hereby repealed.

8. Section 2.300 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1219, is hereby repealed.

9. Section 2.320 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, at page 466, is hereby repealed.

10. Section 2.300 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as amended by chapter 184, Statutes of Nevada 1985, at page 645, is hereby repealed.

Sec. 109. On or before October 1, 2007, the Secretary of State ~~[and the Department of Taxation]~~ shall adopt any regulations that are necessary to carry out the provisions of this act.

~~Sec. 110.~~ This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

318.1193 Facilities for television: Limitation on organization if area includes existing service.

318.1194 Facilities for television: Approval of electors required in certain districts for franchise for community antenna television system.

354.598811 Limitations on fees applicable to public utilities: "Community antenna television company" defined.

711.185 Governing body may grant exclusive franchise.

711.190 Franchise granted by city or county: Conditions; requirements.

711.200 Fees for franchise.

711.210 Renewal of franchise.

711.230 Considerations in granting franchise.

711.250 Adoption of ordinance to establish procedure to resolve complaints of subscribers; notice.

Caliente City Charter Sec. 2.290 Powers of City Council: Television franchises.

Carlin City Charter Sec. 2.320 Powers of Board of Councilmen: Television franchises.

Carson City Charter Sec. 2.280 Power of Board: Television franchises.

Elko City Charter Sec. 2.350 Powers of City Council: Television franchises.

Henderson City Charter Sec. 2.300 Powers of City Council: Television franchises.

Las Vegas City Charter Sec. 2.330 Powers of City Council: Television franchises.

North Las Vegas City Charter Sec. 2.300 Powers of City Council: Television franchises.

Wells City Charter Sec. 2.320 Powers of Board of Councilmen: Television franchises.

Yerington City Charter Sec. 2.300 Powers of City Council: Franchises for television and cable television.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 210.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 457.

SUMMARY—Revises provisions governing certain exemptions from and refunds of property taxes . ~~[and requirements for the assessment of common-interest communities.]~~ (BDR 32-470)

AN ACT relating to property taxes; revising provisions governing the eligibility of certain veterans for an exemption from taxation **;** ~~[and certain requirements for the assessment of common interest communities;]~~ increasing the maximum amount to which certain senior citizens are entitled as a refund of part of the taxes on their homes; repealing the prospective expiration of an exemption from the taxation of the property of certain apprenticeship programs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes an exemption from property taxes for a portion of the property of veterans who have served a minimum of 90 continuous days on active duty during certain specified periods. (NRS 361.090) Section 1 of this bill repeals the requirement for the completion of that continuous service during any particular period.

~~[Existing law provides for the assessment of property taxes for a common-interest community on the community units and not on the common elements of the community. (NRS 361.233) Section 2 of this bill revises the applicable statutory definition of those common elements.]~~

Existing law provides for the refund of a portion of the property taxes paid on homes owned by certain senior citizens. (NRS 427A.515) Section 3 of this bill increases the maximum amount of such a refund from $500 to ~~[$750.]~~ **$1,000.**

Existing law prescribes an exemption from property taxes for the property of certain apprenticeship programs and provides for the prospective expiration of that exemption on July 1, 2007. (NRS 361.106) Sections 4 and 5 of this bill repeal the prospective expiration of that exemption.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 361.090 is hereby amended to read as follows:

361.090 1. The property, to the extent of $2,000 assessed valuation, of any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 continuous days on active duty ***;*** ~~[, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996;]~~

(b) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1; or

(c) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the government of the United States, regardless of the number of days served on active duty,

➥ and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. For the purpose of this section, the first $2,000 assessed valuation of property in which an applicant has any interest shall be deemed the property of the applicant.

3. The exemption may be allowed only to a claimant who files an affidavit with his claim for exemption on real property pursuant to NRS 361.155. The affidavit may be filed at any time by a person claiming exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county in this State. After the filing of the original affidavit, the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

➥ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

5. Persons in actual military service are exempt during the period of such service from filing the annual forms for renewal of the exemption, and the county assessors shall continue to grant the exemption to such persons on the basis of the original affidavits filed. In the case of any person who has

entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his behalf during the period of such service by any person having knowledge of the facts.

6. Before allowing any veteran's exemption pursuant to the provisions of this chapter, the county assessor shall require proof of status of the veteran, and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.

7. If any person files a false affidavit or produces false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

8. Beginning with the 2006-2007 Fiscal Year, the monetary amounts in subsections 1 and 2 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July 2004 to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 2. ~~[NRS 361.233 is hereby amended to read as follows:~~

~~361.233 1. Notwithstanding any other provision of law:~~

~~(a) Any ad valorem taxes or special assessments assessed upon any real property within a common-interest community:~~

~~(1) Must be assessed upon the community units and not upon the common-interest community as a whole; and~~

~~(2) Must not be assessed upon any common elements of the common-interest community.~~

~~(b) Each community unit must be assessed separately for the purposes of ad valorem taxes and special assessments.~~

~~(c) Any lien created by the levy of an ad valorem tax or special assessment upon a community unit applies only to the community unit assessed and does not apply to any other portion of the common-interest community.~~

~~2. For the purposes of this section:~~

~~(a) "Ad valorem tax" means an ad valorem tax levied by any governmental entity or political subdivision in this State on or after July 1, 2006.~~

~~(b) "Common elements" means all real property within a common-interest community other than the community units, which is owned:~~

~~(1) By the community association;~~

~~(2) By any person on behalf or for the *exclusive* benefit of the owners of the community units; or~~

~~(3) Jointly by the owners of the community units.~~

~~(c) "Common-interest community" means real property with respect to which a person, by virtue of his ownership of a community unit, is obligated~~

~~to pay for any real property other than that unit. The term includes a common-interest community governed by the provisions of chapter 116 of NRS, a condominium project governed by the provisions of chapter 117 of NRS and any time share project, planned unit development or other real property which is organized as a common-interest community in this State.~~

~~(d) "Community association" means an association whose membership:~~

~~(1) Consists exclusively of the owners of the community units or their elected or appointed representatives; and~~

~~(2) Is a required condition of the ownership of a community unit.~~

~~(e) "Community unit" means a physical portion of a common interest community designated for separate ownership or occupancy.~~

~~(f) "Special assessment" means a special assessment levied by any governmental entity or political subdivision in this State on or after July 1, 2006.]~~ **(Deleted by amendment.)**

Sec. 3. NRS 427A.515 is hereby amended to read as follows:

427A.515 1. A senior citizen whose home is placed upon the secured or unsecured tax roll, who has owned the home and maintained it as his primary residence since July 1 immediately preceding the filing of his claim and whose household income is not more than $24,016, as adjusted pursuant to subsection 3, is entitled to a refund of the property tax accrued against his home, except as otherwise provided in subsection 2, as follows:

(a) If the amount of the applicant's household income is at or below the federally designated level signifying poverty for a family unit of one or two, the applicant is entitled to a refund of 100 percent of the property taxes accrued.

(b) If the amount of the applicant's household income is above the federally designated level signifying poverty for a family unit of one or two, the applicant is entitled to a refund of a percentage of the property taxes accrued based on a graduated schedule adopted by the Division.

2. The amount of the refund must not exceed the amount of the accrued property tax or ~~[$500,]~~ ***~~[$750,]~~*** ***$1,000,*** whichever is less.

3. The maximum allowable income to qualify for a refund set forth in subsection 1 must be adjusted for each fiscal year by adding to $24,016 the product of $24,016 multiplied by the percentage increase in the Consumer Price Index from December 2002 to the November preceding the fiscal year for which the adjustment is calculated.

Sec. 4. Section 2 of chapter 389, Statutes of Nevada 1997, at page 1367, is hereby amended to read as follows:

Sec. 2. This act becomes effective on July 1, 1997 . ~~[, and expires by limitation on July 1, 2007.]~~

Sec. 5. Section 2 of chapter 210, Statutes of Nevada 1999, as amended by section 58 of chapter 10, Statutes of Nevada 2001, at page 68, is hereby amended to read as follows:

Sec. 2. This act becomes effective on July 1, 1999 . ~~[, and expires by limitation on July 1, 2007.]~~

Sec. 6. 1. This section and sections 4 and 5 of this act become effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective on July 1, 2007.

Assemblywoman McClain moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that upon return from the printer Assembly Bill No. 210 be rereferred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 80.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 537.

SUMMARY—Requires ~~[limited liability companies]~~ **certain business entities** that engage in certain political activities to register with the Secretary of State. (BDR 24-170)

AN ACT relating to elections; requiring ~~[limited liability companies]~~ **certain business entities** to register with and provide certain identifying information to the Secretary of State before engaging in certain political activities; requiring the Secretary of State to make such information available on his Internet website; requiring ~~[limited liability companies]~~ **certain business entities** that make expenditures on behalf of a candidate or group of candidates or who advocate the passage or defeat of a question or group of questions on a ballot to file certain campaign finance reports; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that certain entities, including committees for political action and nonprofit corporations, must register with and provide certain information to the Secretary of State before engaging in certain political activities. (NRS 294A.0055, 294A.230, 294A.375) Under existing law, the definition of the term "committee for political action" excludes business associations that are required to file documentation of organization with the Secretary of State. (NRS 294A.0055) Sections 2 and 3 of this bill provide that ~~[a limited liability company]~~ **business entities for which the owners, investors, officers, directors, members or other organizers are not disclosed in a public record** must register with and provide to the Secretary of State certain identifying information ~~[, including the name of the company, its purpose and certain information regarding its members and resident agent,]~~ before the ~~[company]~~ **business entity** may solicit or receive contributions, make contributions or make expenditures designed to affect

the outcome of an election. Section 3 also requires the Secretary of State to make such information available on the Internet website of the Secretary of State.

Under existing law, certain persons and entities which make an expenditure on behalf of a candidate or group of candidates, advocate the passage or defeat of a ballot question or group of questions, or initiate or circulate a petition for a constitutional amendment or a statewide measure proposed by initiative or referendum, are required to report the receipt of certain campaign contributions and report certain campaign expenditures. (NRS 294A.004, 294A.005, 294A.007, 294A.140, 294A.150, 294A.210, 294A.220) Sections 5-9 of this bill apply the same requirements to ~~[a limited-liability company that engages]~~ **business entities that are required to register with the Secretary of State pursuant to section 3 of this bill that engage** in such activities.

Existing law requires the Secretary of State to prepare and make available for public inspection a compilation of certain contributions, loans and expenditures made by certain persons and entities in supporting or opposing a ballot question or candidate. (NRS 294A.400) Section 13 of this bill requires the Secretary of State to include within that compilation the same types of contributions, loans and expenditures if made by a ~~[limited-liability company.]~~ **business entity that is required to register with the Secretary of State pursuant to section 3 of this bill.**

Existing law provides that if a person or entity fails to file a report or registration form as required pursuant to certain sections of chapter 294A of NRS, the person or entity may be subject to a civil penalty recovered in a civil action brought by the Secretary of State in the First Judicial District Court. (NRS 294A.420) Section 14 of this bill applies the same provisions to ~~[limited-liability companies]~~ **business entities** that are required to register with the Secretary of State pursuant to section 3 of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ~~*[“Limited-liability company” has the meaning ascribed to it in NRS 86.061.]*~~ ***“Business entity” means any corporation, company or other form of business organization for which the owners, investors, officers, directors, members or other organizers of the entity are not disclosed in any public record.***

Sec. 3. ***1. A*** ~~*[limited-liability company]*~~ ***business entity shall register with the Secretary of State by submitting the completed form described in subsection 2 before it engages in any of the following activities in this State:***

(a) Soliciting or receiving contributions from any other person, group or entity;

(b) Making contributions to candidates or other persons; or

(c) Making expenditures,

➥ *designed to affect the outcome of any primary election, primary city election, general election, general city election, special election or question on the ballot.*

2. The form must require:

(a) The name of the ~~[limited liability company;]~~ business entity;

(b) The purpose for which it was organized;

(c) The names ~~[,]~~ and addresses ~~[and telephone numbers of its members;]~~ of each owner, investor, officer, director, member or other organizer of the entity;

(d) If the ~~[limited liability company]~~ business entity is affiliated with any other ~~[organizations,]~~ organization, the name, address and telephone number of each such organization;

(e) The name, address and telephone number of its resident agent ~~[,]~~ , if any;

(f) A designation of the activities listed in subsection 1 in which it intends to engage; and

(g) Any other information deemed necessary by the Secretary of State.

3. The Secretary of State shall , in a timely manner, include ~~[,]~~ on the portion of his Internet website that is devoted to information concerning elections and campaigns ~~[,]~~ the information required pursuant to subsection 2.

Sec. 4. NRS 294A.002 is hereby amended to read as follows:

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.004 to 294A.009, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 4.5. **NRS 294A.0055 is hereby amended to read as follows:**

294A.0055 1. "Committee for political action" means any group of natural persons or entities that solicits or receives contributions from any other person, group or entity and:

(a) Makes or intends to make contributions to candidates or other persons; or

(b) Makes or intends to make expenditures,

➥ designed to affect the outcome of any primary, general or special election or question on the ballot.

2. "Committee for political action" does not include:

(a) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts.

(b) An entity solely because it provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public.

(c) An individual natural person.

(d) An individual corporation or other business ~~[entity]~~ ***organization*** who has filed articles of incorporation or other documentation of organization with the Secretary of State pursuant to title 7 of NRS.

(e) A labor union.

(f) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as campaign contributions or expenditures by the candidate.

(g) A committee for the recall of a public officer.

Sec. 5. NRS 294A.007 is hereby amended to read as follows:

294A.007 1. "Contribution" means a gift, loan, conveyance, deposit, payment, transfer or distribution of money or of anything of value other than the services of a volunteer, and includes:

(a) The payment by any person, other than a candidate, of compensation for the personal services of another person which are rendered to a:

(1) Candidate;

(2) Person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group;

(3) Committee for political action, political party ***,*** ~~[or]~~ committee sponsored by a political party ***or*** ~~*[limited liability company]*~~ ***business entity*** which makes an expenditure on behalf of a candidate or group of candidates; or

(4) Person or group of persons organized formally or informally ***,*** ***including a*** ~~*[limited liability company,]*~~ ***business entity,*** who advocates the passage or defeat of a question or group of questions on the ballot,

➥ without charge to the candidate, person, committee or political party.

(b) The value of services provided in kind for which money would have otherwise been paid, such as paid polling and resulting data, paid direct mail, paid solicitation by telephone, any paid paraphernalia that was printed or otherwise produced to promote a campaign and the use of paid personnel to assist in a campaign.

2. As used in this section, "volunteer" means a person who does not receive compensation of any kind, directly or indirectly, for the services he provides to a campaign.

Sec. 6. NRS 294A.140 is hereby amended to read as follows:

294A.140 1. Every person who is not under the direction or control of a candidate for office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every committee for political action, political party ***,*** ~~[and]~~ committee sponsored by a political party ***and*** ~~*[limited liability company]*~~ ***business entity*** which makes an expenditure on behalf of such a candidate or group of candidates shall, not later than January 15 of

each year that the provisions of this subsection apply to the person, committee **,** ~~[or]~~ political party ~~[.]~~ ***or*** ~~*[company,]*~~ ***business entity,*** for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $100 he or it received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The provisions of this subsection apply to the person, committee **,** ~~[or]~~ political party ***or*** ~~*[company]*~~ ***business entity*** beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office.

2. Every person, committee **,** ~~[or]~~ political party ***or*** ~~*[company]*~~ ***business entity*** described in subsection 1 which makes an expenditure on behalf of the candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election for that office, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election for that office, for the period from 11 days before the general election or general city election through June 30 of that year,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee **,** ~~[or]~~ political party ***or*** ~~*[company]*~~ ***business entity*** under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of $100 since the beginning of the current reporting period.

4. Every person, committee **,** ~~[or]~~ political party ***or*** ~~*[company]*~~ ***business entity*** described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which

the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election for that office, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee **,** ~~[or]~~ political party ***or*** ~~***[company]***~~ ***business entity*** under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person, committee **,** ~~[or]~~ political party ***or*** ~~***[company]***~~ ***business entity*** described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:

(a) Seven days before the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee **,** ~~[or]~~ political party ***or*** ~~***[company]***~~ ***business entity*** under penalty of perjury.

6. Every person, committee **,** ~~[or]~~ political party ***or*** ~~***[company]***~~ ***business entity*** described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of candidates for offices at such special elections shall report each contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee **,** ~~[or]~~ political party ***or*** ~~***[company]***~~ ***business entity*** under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

7. The reports of contributions required pursuant to this section must be filed with:

(a) If the candidate is elected from one county, the county clerk of that county;

(b) If the candidate is elected from one city, the city clerk of that city; or

(c) If the candidate is elected from more than one county or city, the Secretary of State.

8. A person or entity may file the report with the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

10. Every person, committee ***,*** ~~[or]~~ political party ***or*** ~~*[company]*~~ ***business entity*** described in subsection 1 shall file a report required by this section even if he or it receives no contributions.

Sec. 7. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. Every person or group of persons organized formally or informally ***, including a*** ~~*[limited liability company,]*~~ ***business entity,*** who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election and every person or group of persons ***, including a*** ~~*[limited liability company,]*~~ ***business entity,*** who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of $10,000 to support such initiation or circulation shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $100 received during that period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group ***or*** ~~*[company]*~~ ***business entity*** under penalty of perjury. The provisions of this

subsection apply to the person or group of persons ~~[:]~~ ***or*** ~~*[company:]*~~ ***business entity:***

(a) Each year in which an election or city election is held for each question for which the person ***,*** ~~[or]~~ group ***or*** ~~*[company]*~~ ***business entity*** advocates passage or defeat or each year in which a person ***,*** ~~[or]~~ group ***or*** ~~*[company]*~~ ***business entity*** receives or expends money in excess of $10,000 to support the initiation or circulation of a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum; and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally ***, including a*** ~~*[limited liability company,]*~~ ***business entity,*** who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally ***, including a*** ~~*[limited liability company,]*~~ ***business entity,*** who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person ***,*** ~~[or]~~ group of persons ***or*** ~~*[company]*~~ ***business entity*** described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through June 30 of that year,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group ***or*** ~~*[company]*~~ ***business entity*** under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has

made cumulatively in excess of that amount since the beginning of the current reporting period.

4. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally ***, including a*** ~~*[limited liability company,]*~~ ***business entity,*** who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally ***, including a*** ~~*[limited liability company,]*~~ ***business entity,*** who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. Every person ***,*** ~~[or]~~ group of persons ***or*** ~~*[company]*~~ ***business entity*** who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of $10,000 to support such initiation or circulation shall comply with the requirements of this subsection. A person ***,*** ~~[or]~~ group of persons ***or*** ~~*[company]*~~ ***business entity*** described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group ***or*** ~~*[company]*~~ ***business entity*** under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person or group of persons organized formally or informally ***, including a*** ~~*[limited liability company,]*~~ ***business entity,*** who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date that the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group ***or*** ~~***[company]***~~ ***business entity*** under penalty of perjury.

6. Every person or group of persons organized formally or informally ***, including a*** ~~***[limited liability company,]***~~ ***business entity,*** who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall report each of the contributions received on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group ***or*** ~~***[company]***~~ ***business entity*** under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. A person may mail or transmit his report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. If the person or group of persons ***, including a*** ~~***[limited liability company,]***~~ ***business entity,*** is advocating passage or defeat of a group of questions or is receiving or expending money to support a group of petitions for constitutional amendments, a group of petitions for statewide measures proposed by initiative or referendum or a group of petitions for both constitutional amendments and statewide measures proposed by initiative or referendum, the reports must be itemized by question or petition.

10. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

Sec. 8. NRS 294A.210 is hereby amended to read as follows:

294A.210 1. Every person who is not under the direction or control of a candidate for an office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every committee for political action, political party **,** ~~[or]~~ committee sponsored by a political party ***or*** ~~*[limited liability company]*~~ ***business entity*** which makes an expenditure on behalf of such a candidate or group of candidates shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee **,** ~~[or]~~ political party ~~[,]~~ ***or*** ~~*[company,]*~~ ***business entity,*** for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee **,** ~~[or]~~ political party ***or*** ~~*[company]*~~ ***business entity*** under penalty of perjury. The provisions of this subsection apply to the person, committee **,** ~~[or]~~ political party ***or*** ~~*[company]*~~ ***business entity*** beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office.

2. Every person, committee **,** ~~[or]~~ political party ***or*** ~~*[company]*~~ ***business entity*** described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election for that office, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election for that office, for the period from 11 days before the general election or general city election through the June 30 of that year,

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of

the committee , ~~[or]~~ political party ***or*** ~~*[company]*~~ ***business entity*** under penalty of perjury.

3. Every person, committee **,** ~~[or]~~ political party ***or*** ~~*[company]*~~ ***business entity*** described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election for that office, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee **,** ~~[or]~~ political party ***or*** ~~*[company]*~~ ***business entity*** under penalty of perjury.

4. Except as otherwise provided in subsection 5, every person, committee **,** ~~[or]~~ political party ***or*** ~~*[company]*~~ ***business entity*** described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:

(a) Seven days before the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee **,** ~~[or]~~ political party ***or*** ~~*[company]*~~ ***business entity*** under penalty of perjury.

5. Every person, committee **,** ~~[or]~~ political party ***or*** ~~*[company]*~~ ***business entity*** described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of such candidates shall list each expenditure made on behalf of the candidate, the group of candidates or a

candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee **,** ~~[or]~~ political party ***or*** ~~*[company]*~~ ***business entity*** under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. The reports must be filed with:

(a) If the candidate is elected from one county, the county clerk of that county;

(b) If the candidate is elected from one city, the city clerk of that city; or

(c) If the candidate is elected from more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of candidates, the reports must be itemized by the candidate. A person may mail or transmit his report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

10. Every person, committee **,** ~~[or]~~ political party ***or*** ~~*[company]*~~ ***business entity*** described in subsection 1 shall file a report required by this section even if he or it receives no contributions.

Sec. 9. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. Every person or group of persons organized formally or informally ***, including a*** ~~*[limited liability company,]*~~ ***business entity,*** who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election and every person or group of persons ***, including a*** ~~*[limited liability company,]*~~ ***business entity,*** who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of $10,000 to support such initiation or circulation shall,

not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group ***or*** ~~*[company]*~~ ***business entity*** under penalty of perjury. The provisions of this subsection apply to the person or group of persons ~~[:]~~ ***or*** ~~*[company:]*~~ ***business entity:***

(a) Each year in which an election or city election is held for a question for which the person **,** ~~[or]~~ group ***or*** ~~*[company]*~~ ***business entity*** advocates passage or defeat or each year in which a person **,** ~~[or]~~ group of persons ***or*** ~~*[company]*~~ ***business entity*** receives or expends money in excess of $10,000 to support the initiation or circulation of a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum; and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally ***, including a*** ~~*[limited liability company,]*~~ ***business entity,*** who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally ***, including a*** ~~*[limited liability company,]*~~ ***business entity,*** who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person **,** ~~[or]~~ group of persons ***or*** ~~*[company]*~~ ***business entity*** described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through the June 30 immediately preceding that July 15,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on

the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group ***or*** ~~***[company]***~~ ***business entity*** under penalty of perjury.

3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally ***, including a*** ~~***[limited liability company,]***~~ ***business entity,*** who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally ***, including a*** ~~***[limited liability company,]***~~ ***business entity,*** who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. Every person ***,*** ~~[or]~~ group of persons ***or*** ~~***[company]***~~ ***business entity*** who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of $10,000 to support such initiation or circulation shall comply with the requirements of this subsection. A person ***,*** ~~[or]~~ group of persons ***or*** ~~***[company]***~~ ***business entity*** described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group ***or*** ~~***[company]***~~ ***business entity*** under penalty of perjury.

4. Except as otherwise provided in subsection 5, every person or group of persons organized formally or informally ***, including a*** ~~***[limited liability company,]***~~ ***business entity,*** who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group ***or*** ~~***[company]***~~ ***business entity*** under penalty of perjury.

5. Every person or group of persons organized formally or informally ***, including a*** ~~***[limited liability company,]***~~ ***business entity,*** who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group ***or*** ~~***[company]***~~ ***business entity*** under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of questions or a group of petitions for constitutional amendments, a group of petitions for statewide measures proposed by initiative or referendum or a group of petitions for both constitutional amendments and statewide measures proposed by initiative or referendum, the reports must be itemized by question or petition. A person may mail or transmit his report to the appropriate filing officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the filing officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the filing officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

Sec. 10. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design a single form to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362.

2. The form designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

3. Upon request, the Secretary of State shall provide a copy of the form designed pursuant to this section to each person, committee, political party **,** ~~[and]~~ group ***and*** ~~*[limited liability company]*~~ ***business entity*** that is required to file a report described in subsection 1.

4. The Secretary of State must obtain the advice and consent of the Legislative Commission before providing a copy of a form designed or revised by the Secretary of State pursuant to this section to a person, committee, political party **,** ~~[or]~~ group ***or*** ~~*[company]*~~ ***business entity*** that is required to use the form.

Sec. 11. NRS 294A.382 is hereby amended to read as follows:

294A.382 The Secretary of State shall not request or require a candidate, person, group of persons, committee **,** ~~[or]~~ political party ***or*** ~~*[limited liability company]*~~ ***business entity*** to list each of the expenditures or campaign expenses of $100 or less on a form designed and provided pursuant to NRS 294A.373.

Sec. 12. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;

2. An acceptance of candidacy;

3. The registration of a committee for political action pursuant to NRS 294A.230 **,** ~~[or]~~ a committee for the recall of a public officer pursuant to NRS 294A.250 ~~[;]~~ ***or a*** ~~*[limited liability company]*~~ ***business entity that wishes to engage in certain political activity pursuant to section 3 of this act;*** or

4. The reporting of campaign contributions, expenses or expenditures pursuant to NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360,

➥ shall furnish the candidate with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220,

294A.270, 294A.280 or 294A.360 relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420 must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 13. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 and 294A.280, prepare and make available for public inspection a compilation of:

1. The total campaign contributions, the contributions which are in excess of $100 and the total campaign expenses of each of the candidates from whom reports of those contributions and expenses are required.

2. The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the total amount of written commitments for contributions received by a candidate.

3. The contributions made to a committee for the recall of a public officer in excess of $100.

4. The expenditures exceeding $100 made by a:

(a) Person on behalf of a candidate other than himself.

(b) Person **,** ~~[or]~~ group of persons ***or*** ~~*[limited liability company]*~~ ***business entity*** on behalf of or against a question or group of questions on the ballot.

(c) Group of persons ***or*** ~~*[limited liability company]*~~ ***business entity*** advocating the election or defeat of a candidate.

(d) Committee for the recall of a public officer.

5. The contributions in excess of $100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.

(b) A person or group of persons organized formally or informally **,** ***including a*** ~~*[limited liability company,]*~~ ***business entity,*** who advocates the passage or defeat of a question or group of questions on the ballot.

(c) A committee for political action, political party **,** ~~[or]~~ committee sponsored by a political party ***or*** ~~*[limited liability company]*~~ ***business entity*** which makes an expenditure on behalf of a candidate or group of candidates.

Sec. 14. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280 or 294A.360 ***or section 3 of this act*** has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a person or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.128, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280, 294A.300, 294A.310, 294A.320 or 294A.360 ***or section 3 of this act*** is subject to a civil penalty of not more than $5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a person or entity has reported its contributions, expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblyman Goicoechea and Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 249.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 532.

AN ACT relating to dispensing opticians; requiring the Board of Dispensing Opticians to adopt minimum standards for eyewear and certain

devices dispensed by a dispensing optician; authorizing any member of the Board to issue subpoenas to compel the production of books, papers and documents; revising provisions governing the reinstatement of an expired license or limited license; ~~[requiring the Board to establish the required amount of continuing education in ophthalmic dispensing;]~~ authorizing the Board to impose an administrative fine against a person who engages in ophthalmic dispensing without a license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Dispensing Opticians to regulate the practice of ophthalmic dispensing. (Chapter 637 of NRS) Section 1 of this bill requires the Board to adopt minimum standards for eyewear and certain optical and ophthalmic devices dispensed by a dispensing optician. **The standards must be consistent with the minimum standards of quality approved by the American National Standards Institute.** Section 6 of this bill provides that a dispensing optician may be disciplined by the Board for dispensing **, without proper verification,** such eyewear or devices that do not meet the minimum standards adopted by the Board.

Existing law authorizes any member of the Board to issue subpoenas to compel the attendance of a witness to testify before the Board. (NRS 637.040) Section 2 of this bill authorizes any member of the Board to issue subpoenas to compel the production of books, papers and documents.

Existing law authorizes the Board to renew an expired license or limited license to practice ophthalmic dispensing. (NRS 637.121, 637.140) Sections 3 and 5 of this bill provide that the Board may only renew an expired license or limited license if the license or limited license has been expired for 2 years or less.

~~[Existing law establishes the number of hours of continuing education that a dispensing optician must complete every 12 months. (NRS 637.121, 637.135) Sections 3 and 4 of this bill provide that the Board shall establish by regulation the number of hours, not to exceed 18, of continuing education that a dispensing optician must complete every 12 months.]~~

Existing law authorizes the Board to issue a cease and desist order to a person practicing ophthalmic dispensing without a license. If the person does not comply with the cease and desist order within 30 days, the Board shall impose an administrative fine of up to $10,000 against the person. (NRS 637.181) Section 7 of this bill authorizes the Board to impose an administrative fine against a person practicing ophthalmic dispensing without a license without regard to whether or not the person failed to comply with a cease and desist order.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 637 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall adopt regulations setting forth minimum standards for lenses, frames, specially fabricated optical devices and other ophthalmic devices dispensed by a person licensed as a dispensing optician.

2. The standards adopted by the Board must be consistent with the minimum standards of quality approved by the American National Standards Institute.

Sec. 2. NRS 637.040 is hereby amended to read as follows:

637.040 1. The Board shall elect a President, Vice President, Secretary and Treasurer from its membership.

2. Any member of the Board may:

(a) Issue subpoenas to compel ***the*** attendance of witnesses to testify before the Board ~~[.]~~ ***or the production of books, papers and documents.*** Subpoenas must issue under the seal of the Board and must be served in the same manner as subpoenas issued out of the district court.

(b) Administer oaths in taking testimony in any matter pertaining to the duties of the Board.

Sec. 3. NRS 637.121 is hereby amended to read as follows:

637.121 1. Except as otherwise provided in this section, a limited license as a dispensing optician authorizes the licensee to engage in the practice of ophthalmic dispensing pursuant to this chapter.

2. Only a person who is deemed to hold an active, inactive or delinquent limited license as a dispensing optician on February 1, 2004, may hold a limited license as a dispensing optician. A limited license as a dispensing optician may not be issued to any other person.

3. A person practicing ophthalmic dispensing pursuant to a limited license:

(a) Except as otherwise provided in this section, is subject to the provisions of this chapter in the same manner as a person practicing ophthalmic dispensing pursuant to a license issued pursuant to NRS 637.120, including, without limitation, the provisions of this chapter governing the renewal or reactivation of a license; and

(b) Shall not sell, furnish or fit contact lenses.

4. A limited license as a dispensing optician:

(a) Expires on January 31 of each year.

(b) May be renewed before its expiration upon:

(1) Presentation of proof of completion of the continuing education required by this section; and

(2) Payment of a renewal fee set by the Board of not more than $200.

(c) Except as otherwise provided in subsection 5, is delinquent if it is not renewed before January 31 of each year. ~~[Such]~~ ***Not later than 2 years after the expiration of a limited license,*** a delinquent limited license may be reinstated, at the discretion of the Board, upon payment of each applicable annual renewal fee in addition to the annual delinquency fee set by the Board of not more than $500.

5. Upon written request to the Board, and payment of a fee not to exceed $300, a licensee in good standing may have his name and limited license as a dispensing optician transferred to an inactive list. Such a licensee shall not practice ophthalmic dispensing during the time the limited license is inactive. If an inactive licensee ~~[desires]~~ ***wishes*** to resume the practice of ophthalmic dispensing as limited by this section, the Board shall reactivate the limited license upon:

(a) If deemed necessary by the Board, the demonstration by the licensee that the licensee is then qualified and competent to practice;

(b) The completion of an application; and

(c) Payment of the renewal fee set by the Board pursuant to subsection 4.

6. To reactivate a limited license as a dispensing optician pursuant to subsection 5, an inactive licensee is not required to pay the delinquency fee and the renewal fee for any year while the license was inactive.

7. Except as otherwise provided in subsection 8, each person with a limited license as a dispensing optician must complete courses of continuing education in ophthalmic dispensing each year. Such ~~*[The Board shall adopt regulations establishing the requirements for]*~~ continuing education ~~*[. The regulations]*~~ must :

(a) Encompass such subjects as are established by regulations of the Board.

(b) Consist of a minimum of 12 ~~*[establish:*~~

~~*(a) The subjects that the courses of continuing education in ophthalmic dispensing must encompass; and*~~

~~*(b) The number of]*~~ hours ~~*[, not to exceed 18, of continuing education required]*~~ for a period of 12 months.

8. A person with a limited license as a dispensing optician who is on active military service is exempt from the requirements of subsection 7.

9. The Board shall adopt any ***other*** regulations ***it determines are*** necessary to carry out the provisions of this section.

Sec. 4. ~~[NRS 637.135 is hereby amended to read as follows:~~

~~637.135 1. Except as otherwise provided in subsection 2, all licensed dispensing opticians must complete a yearly program of continuing education in ophthalmic dispensing.~~

~~2. Licensed dispensing opticians on active military service are exempt from the requirement of this section.~~

~~3. The *Board shall adopt regulations establishing a* program of continuing education in ophthalmic dispensing . *The regulations* must [:~~

~~(a) Encompass such subjects as are established by regulations of the Board.~~

~~(b) Consist of a minimum of 14]~~ ~~*establish:*~~

~~*(a) The subjects that the program of continuing education in ophthalmic dispensing must encompass;*~~

~~*(b) The number of* hours *, not to exceed 18, of continuing education required* for a period of 12 months [. Of these 14 hours, 7 hours] *; and*~~

~~*(c) Of the number of hours of continuing education established pursuant to paragraph (b), the number of hours that* must be related to contact lenses.]~~
(Deleted by amendment.)

Sec. 5. NRS 637.140 is hereby amended to read as follows:

637.140 1. A license as a dispensing optician issued under the provisions of this chapter expires on January 31 of each year.

2. A license may be renewed before its expiration upon:

(a) Presentation of proof of completion of the continuing education required by NRS 637.135; and

(b) Payment of a renewal fee set by the Board of not more than $500.

3. Except as otherwise provided in subsection 4, any license which is not renewed before January 31 of each year shall be deemed delinquent. ~~[A]~~ ***Not later than 2 years after the expiration of a license, a*** delinquent license may be reinstated, at the discretion of the Board, upon payment of each applicable annual renewal fee in addition to the annual delinquency fee set by the Board of not more than $500.

4. Upon written request to the Board, and payment of a fee not to exceed $300, a licensee in good standing may have his name and license transferred to an inactive list. Such a licensee shall not practice ophthalmic dispensing during the time the license is inactive. If an inactive licensee desires to resume the practice of ophthalmic dispensing, the Board shall reactivate the license upon the:

(a) Demonstration **,** if deemed necessary by the Board **,** that the licensee is then qualified and competent to practice;

(b) Completion of an application; and

(c) Payment of the renewal fee set by the Board pursuant to subsection 2.

➥ Payment of the delinquency fee and the renewal fee for any year while the license was inactive is not required.

Sec. 6. NRS 637.150 is hereby amended to read as follows:

637.150 1. Upon proof by substantial evidence that an applicant or holder of a license:

(a) Has been adjudicated insane;

(b) Habitually uses any controlled substance or intoxicant;

(c) Has been convicted of a crime involving moral turpitude;

(d) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(e) Has advertised in any manner which would tend to deceive, defraud or mislead the public;

(f) Has presented to the Board any diploma, license or certificate that has been signed or issued unlawfully or under fraudulent representations, or obtains or has obtained a license to practice in the State through fraud of any kind;

(g) Has been convicted of a violation of any federal or state law relating to a controlled substance;

(h) ***Has , without proper verification, dispensed a lens, frame, specially fabricated optical device or other ophthalmic device that does not satisfy the minimum standards established by the Board pursuant to section 1 of this act;***

(i) Has violated any regulation of the Board;

~~[(i)]~~ ***(j)*** Has violated any provision of this chapter;

~~[(j)]~~ ***(k)*** Is incompetent;

~~[(k)]~~ ***(l)*** Is guilty of unethical or unprofessional conduct as determined by the Board;

~~[(l)]~~ ***(m)*** Is guilty of repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner; or

~~[(m)]~~ ***(n)*** Is guilty of a fraudulent or deceptive practice as determined by the Board,

➥ the Board may, in the case of an applicant, refuse to grant him a license, or may, in the case of a holder of a license, place him on probation, reprimand him publicly, require him to pay an administrative fine of not more than $10,000, suspend or revoke his license, or take any combination of these disciplinary actions.

2. The Board shall not privately reprimand a holder of a license.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 7. NRS 637.181 is hereby amended to read as follows:

637.181 Notwithstanding the provisions of chapter 622A of NRS:

1. The Board shall conduct an investigation if it receives a complaint that sets forth reason to believe that a person, without the proper license, is engaging in an activity for which a license is required pursuant to this chapter. The complaint must be:

(a) Made in writing; and

(b) Signed and verified by the person filing the complaint.

2. If the Board determines that a person, without the proper license, is engaging in an activity for which a license is required pursuant to this chapter, the Board ~~[shall]~~ ***:***

(a) Shall issue and serve on the person an order to cease and desist ***from*** engaging in the activity until such time as the person obtains the proper license from the Board.

~~[3. If a person upon whom an order to cease and desist is served does not comply with the order within 30 days after service, the Board shall,]~~

(b) May, after notice and opportunity for a hearing, impose upon the person an administrative fine of not more than $10,000. The imposition of an administrative fine is a final decision for the purposes of judicial review.

~~[4.]~~ ***3.*** An administrative fine imposed pursuant to this section is in addition to any other penalty provided in this chapter.

Sec. 8. NRS 637.190 is hereby amended to read as follows:

637.190 1. The district court in the county in which any hearing is being conducted by the Board may compel the attendance of witnesses, the

giving of testimony and the production of books **,** ~~[and]~~ papers ***or documents*** as required by any subpoena issued by the Board.

2. If any witness refuses to attend or testify or produce any ***books,*** papers ***or documents*** required by such ***a*** subpoena, the Board may report to the district court for the county in which the hearing is pending by petition, setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books ~~[and papers;]~~ **,** ***papers or documents;***

(b) That the witness has been subpoenaed in the manner prescribed in NRS 637.040; and

(c) That the witness has failed and refused to attend or produce the ***books,*** papers ***or documents*** required by subpoena before the Board in the hearing named in the subpoena, or has refused to answer questions propounded to him in the course of ~~[such]~~ ***the*** hearing,

➥ and asking an order of the court compelling the witness to attend and testify or produce the books **,** ~~[or]~~ papers ***or documents*** before the Board.

3. The court, upon petition of the Board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in ~~[such]~~ ***the*** order, the time to be not more than 10 days ~~[from]~~ ***after*** the date of the order, and then and there show cause why he has not attended or testified or produced the books **,** ~~[or]~~ papers ***or documents*** before the Board. A certified copy of the order must be served upon the witness. If it appears to the court that the subpoena was regularly issued by the Board, the court may thereupon enter an order that the witness appear before the Board at the time and place fixed in the order and testify or produce the required books ~~[or papers,]~~ **,** ***papers or documents*** and upon failure to obey the order the witness shall be dealt with as for contempt of court.

Sec. 9. This act becomes effective on July 1, 2007.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 446.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 587.

AN ACT relating to prescriptions; revising provisions governing the tracking of prescriptions for controlled substances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the creation of a computerized program to track prescriptions for controlled substances listed in schedule II, III or IV. (NRS 453.1545) Section 1 of this bill requires a practitioner, **under certain**

circumstances, before he writes a prescription for such a controlled substance for a patient, to ~~[check]~~ **obtain a patient utilization report concerning the patient from** the computerized program to ensure that the patient does not already have a prescription for that controlled substance. Section 2 of this bill provides that each practitioner who is authorized to write prescriptions for controlled substances listed in schedule II, III or IV must have **Internet** access to the **database of the** computerized program. **Section 3 of this bill requires the State Board of Pharmacy to report to the Legislature concerning the implementation of this bill.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

A practitioner shall, before he writes a prescription for a controlled substance listed in schedule II, III or IV for a patient, ~~*[check]*~~ ***obtain a patient utilization report regarding the patient for the preceding 12 months from the computerized program established by the Board and the Investigation Division of the Department of Public Safety pursuant to NRS 453.1545*** ~~*[to ensure that the patient does not already have a prescription for the controlled substance to be prescribed.]*~~ ***if:***

1. The patient is a new patient of the practitioner;

2. The patient has not received any prescription for a controlled substance from the practitioner in the preceding 12 months; or

3. The practitioner has a reasonable belief that the patient may be seeking the controlled substance, in whole or in part, for any reason other than the treatment of an existing medical condition.

➥ The practitioner shall review the patient utilization report to assess whether the prescription for the controlled substance is medically necessary.

Sec. 2. NRS 453.1545 is hereby amended to read as follows:

453.1545 1. The Board and the Division shall cooperatively develop a computerized program to track each prescription for a controlled substance listed in schedule II, III or IV that is filled by a pharmacy that is registered with the Board or that is dispensed by a practitioner who is registered with the Board. The program must:

(a) Be designed to provide information regarding:

(1) The inappropriate use by a patient of controlled substances listed in schedules II, III and IV to pharmacies, practitioners and appropriate state agencies to prevent the improper or illegal use of those controlled substances; and

(2) Statistical data relating to the use of those controlled substances that is not specific to a particular patient.

(b) Be administered by the Board, the Division, the Health Division of the Department and various practitioners, representatives of professional

associations for practitioners, representatives of occupational licensing boards and prosecuting attorneys selected by the Board and the Division.

(c) Not infringe on the legal use of a controlled substance for the management of severe or intractable pain.

2. ~~*[Each]*~~ ***The Board shall provide each practitioner who is authorized to write prescriptions for controlled substances listed in schedule II, III or IV*** ~~*[must have]*~~ ***with Internet access to the database of the program established pursuant to subsection 1 to carry out the provisions of section 1 of this act.***

3. The Board and the Division must have access to the program established pursuant to subsection 1 to identify any suspected fraudulent or illegal activity related to the dispensing of controlled substances.

~~[3.]~~ ***4.*** The Board or the Division shall report any activity it reasonably suspects may be fraudulent or illegal to the appropriate law enforcement agency or occupational licensing board and provide the law enforcement agency or occupational licensing board with the relevant information obtained from the program for further investigation.

~~[4.]~~ ***5.*** Information obtained from the program relating to a practitioner or a patient is confidential and, except as otherwise provided by this section, must not be disclosed to any person. That information must be disclosed:

(a) Upon the request of a person about whom the information requested concerns or upon the request on his behalf by his attorney; or

(b) Upon the lawful order of a court of competent jurisdiction.

~~[5.]~~ ***6.*** The Board and the Division may apply for any available grants and accept any gifts, grants or donations to assist in developing and maintaining the program required by this section.

Sec. 3. **The State Board of Pharmacy shall, on or before February 1, 2009, submit a report concerning the implementation of this act to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.**

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 491.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 472.

AN ACT relating to the practice of nursing; ~~[prohibiting a person from enrolling]~~ **establishing the procedure to apply for a certificate of privilege to participate** in a course of clinical education ; ~~[unless he first obtains a certificate of privilege to enroll in such a course;]~~ requiring a person who wishes to obtain such a certificate to submit his fingerprints to the Board for use by the Board in obtaining a report on the person's criminal history;

authorizing the imposition of certain fees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Board of Nursing regulates the practice of nursing and schools of nursing. (Chapter 632 of NRS) ~~[Section 1 of this bill prohibits a nursing student from enrolling in a course of clinical education conducted by a school of nursing unless he has obtained from the Board]~~ **Section 1.7 of this bill establishes the procedure for a nursing student to apply for** a certificate of privilege to ~~[enroll]~~ **participate** in a course of clinical education. To obtain such a certificate, a nursing student must apply to the Board and submit his fingerprints and his authorization for the Board to use the fingerprints to obtain a report of his criminal history. The Board ~~[will]~~ **may** issue the certificate unless the report reveals that the applicant has been convicted of ~~[a crime that would, if it had been committed by a licensee, be grounds for initiating disciplinary action against the licensee.]~~ **a crime that disqualifies him from participating in a course of clinical education or the Board determines that the person is not otherwise of good moral character.** Section 2 of this bill establishes the range of certain fees that the Board must impose with respect to an application for such a certificate.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 632 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.3, 1.5 and 1.7 of this act.**

Sec. 1.3. "Certificate of privilege to participate in a course of clinical education" means a document issued by the Board certifying that a person has complied with the requirements of section 1.7 of this act and the Board has determined that he has not been convicted of a disqualifying crime and is of good moral character.

Sec. 1.5. "Disqualifying crime" means:

1. Murder, voluntary manslaughter or mayhem;

2. Assault with intent to kill or to commit sexual assault or mayhem;

3. Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

4. Abuse or neglect of a child or contributory delinquency;

5. A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the past 7 years;

6. A violation of any provision of NRS 200.50955 or 200.5099;

7. Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years; or

8. Any other felony involving the use of a firearm or other deadly weapon, within the immediately preceding 7 years.

Sec. 1.7. 1. ~~*[A person may not enroll in a course of clinical education conducted by a school of nursing unless he first obtains a certificate of privilege to enroll in a course of clinical education issued by the Board.*~~

~~*2.]*~~ ***A person who is enrolled in a school of nursing and wishes to obtain a certificate of privilege to*** ~~*[enroll]*~~ ***participate in a course of clinical education must submit an application to the Board which is accompanied by:***

(a) Written evidence, under oath, that he:

(1) Is of good moral character; and

(2) Has not been convicted of a disqualifying crime.

(b) Two complete sets of the person's fingerprints and written permission authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. A person may submit his fingerprints electronically.

~~*[(b)]*~~ ***(c) The fees established pursuant to NRS 632.345.***

~~*[3.]*~~ ***2. The Board*** ~~*[shall]*~~ ***may issue a certificate of privilege to*** ~~*[enroll]*~~ ***participate in a course of clinical education to an applicant who has complied with the requirements of subsection 1 upon receipt of the report issued by the Federal Bureau of Investigation unless*** ~~*[the]*~~ ***:***

(a) The report includes evidence that the applicant has been convicted of a disqualifying crime ~~*[that would, if committed by a licensee, be grounds for initiating disciplinary action pursuant to NRS 632.320.*~~

~~*4.]*~~ ***; or***

(b) The Board determines that the applicant is not otherwise of good moral character.

3. As used in this section ~~*[:*~~

~~*(a) "Clinical education" means a course of instruction or class in which a student has contact with a patient in a clinical setting.*~~

~~*(b) "School"*~~ ***, "school of nursing" means an:***

~~*[(1)]*~~ ***(a) Accredited school of nursing.***

~~*[(2)]*~~ ***(b) Accredited school of practical nursing.***

~~*[(3)]*~~ ***(c) Accredited school of professional nursing.***

~~*[(4)]*~~ ***(d) Approved school of nursing.***

~~*[(5)]*~~ ***(e) Approved school of practical nursing.***

~~*[(6)]*~~ ***(f) Approved school of professional nursing.***

Sec. 1.9. **NRS 632.010 is hereby amended to read as follows:**

632.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 632.011 to 632.0195, inclusive, ***and sections 1.3 and 1.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 2. NRS 632.345 is hereby amended to read as follows:

632.345 1. The Board shall establish and may amend a schedule of fees and charges for the following items and within the following ranges:

	Not less than	Not more than
Application for license to practice professional nursing (registered nurse)	$45	$100
Application for license to practice practical nursing	30	90
Application for temporary license to practice professional nursing or practical nursing pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular license, if the applicant applies for a license	15	50
Application for a certificate to practice as a nursing assistant	15	50
Application for a temporary certificate to practice as a nursing assistant pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular certificate, if the applicant applies for a certificate	5	40
Application for a certificate of privilege to ~~[enroll]~~ participate in a course of clinical education	***40***	***100***
Fee for the electronic submission of fingerprints	***5***	***50***
Biennial fee for renewal of a license	40	100
Biennial fee for renewal of a certificate	20	50
Fee for reinstatement of a license	10	100
Application for recognition as an advanced practitioner of nursing	50	200
Application for recognition as a certified registered nurse anesthetist	50	200
Biennial fee for renewal of recognition as an advanced practitioner of nursing or certified registered nurse anesthetist	50	200
Examination fee for license to practice professional nursing	20	100
Examination fee for license to practice practical nursing	10	90
Rewriting examination for license to practice professional nursing	20	100
Rewriting examination for license to practice practical nursing	$10	$90
Duplicate license	5	30
Duplicate certificate	5	30
Proctoring examination for candidate from another state	25	150
Fee for approving one course of continuing education	10	50
Fee for reviewing one course of continuing		

education which has been changed since approval	5	30
Annual fee for approval of all courses of continuing education offered	100	500
Annual fee for review of training program	60	100
Certification examination	10	90
Approval of instructors of training programs	50	100
Approval of proctors for certification examinations	20	50
Approval of training programs	150	250
Validation of licensure or certification	5	25

2. The Board may collect the fees and charges established pursuant to this section, and those fees or charges must not be refunded.

Sec. 3. This act becomes effective on July 1, 2007.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 321.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 586.

SUMMARY—~~[Authorizes the Department of Motor Vehicles to issue special license plates and registration certificates for custom vehicles.]~~ **Exempts certain vehicles from inspection requirements for the control of emissions.** (BDR 43-1185)

AN ACT relating to motor vehicles; ~~[authorizing the Department of Motor Vehicles to issue special license plates and registration certificates for custom vehicles; imposing fees for the issuance of those special license plates;]~~ **exempting replica vehicles from inspection requirements for the control of emissions;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This bill authorizes the Department of Motor Vehicles to issue special license plates and registration certificates for custom vehicles, which are vehicles manufactured after 1968 to resemble vehicles manufactured before 1968. This bill provides that a custom vehicle which is not used for general transportation may be registered without the payment of the usual registration fees and governmental services tax, instead requiring an owner of a custom vehicle to pay a specific fee for the issuance of the special license plates. This bill exempts a custom vehicle not used for general transportation from vehicle inspection and emission control inspection requirements. An owner of a custom vehicle may elect to use the custom vehicle for general transportation if the full registration fee and governmental services tax is paid and if the vehicle passes required inspections.]~~ **Section 1 of this bill provides that the Department of Motor Vehicles may not register more than 100 replica vehicles per year. Existing law exempts military tactical**

vehicles from the inspection requirements required by chapter 445B of NRS. (NRS 445B.759) Section 3 of this bill defines "replica vehicles" and expands the exemption to apply to replica vehicles as well.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 7 of this bill and replace with the following new section 1:

Section 1. **Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Department may not issue a certificate of registration for more than 100 replica vehicles each year. The fact that the vehicle is to be registered as a replica vehicle must be stated in the application for registration.

2. For purposes of this section, "replica vehicle" has the meaning ascribed to it in NRS 445B.759.

Sec. 2. **NRS 445B.759 is hereby amended to read as follows:**

445B.759 1. The provisions of NRS 445B.700 to 445B.845, inclusive, do not apply to ~~[military]~~ ***:***

(a) Military tactical vehicles ~~[.]~~ ***; or***

(b) Replica vehicles.

2. As used in this section ~~[, "military tactical vehicle"]~~ ***:***

(a) "Military tactical vehicle" means a motor vehicle that is:

~~[(a)]~~ ***(1)*** Owned or controlled by the United States Department of Defense or by a branch of the Armed Forces of the United States; and

~~[(b)]~~ ***(2)*** Used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(b) "Replica vehicle" means any passenger car or light-duty motor vehicle which:

(1) Has a body manufactured after 1968 which is made to resemble a vehicle of a model manufactured before 1968;

(2) Has been altered from the original design of the manufacturer or has a body constructed from materials which are not original to the vehicle;

(3) Is maintained solely for occasional transportation, including exhibitions, club activities, parades, tours or other similar uses; and

(4) Is not used for daily transportation.

➥ The term does not include a vehicle which has been restored to its original design by replacing parts.

Sec. 3. **This act becomes effective on July 1, 2007.**

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to the following members of the Asian American Leadership Council: Nita Bork, Christine De Corte, Cholly Fernando, Julie Hereford, Swadeep Nigam, Grace Ritchie, Bashir Sulaharia, Dolly De Leon, Jintana Patnaude, Joe Salcedo, Jeanne Gamboa, Ken Allen, Sophia Phillips, Dorotea Tuzon, Yiwen Zhang, Florida Magers-Lunden, Gigi Swezey, Gloria Libang, Chamberlain Fevre, Virgil Planas, Sonny Escudero, Luisa Pecson, Jintana Patnaude, Farrokh Hormazdi and Elena Brady.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Eagle Valley Middle School: Edward Meza, Maria Chavez, Jose Garcia, Apolinar Conchas, Alfredo Fernandez, Jaqueline Pierrot, Yesenia Resendez, Juan Rivera, Sergio Rodriguez, Victor Rosales, Edgar Medina, Dallana Medina, Cynthia Medina, Omar Aldana, Elena Charles, Kyle Cuthill, Christopher Espinoza, Jullian Fawcett, Kristina Harrison, Michaela Hoff, Alberto Jimenez, Christian Johnson, Manuel Lopez, Cynthia Loza, Brittany Lynch, Timothy Ortiz, Shelby Parks, Fernando Platero, Jill Ratcliff, Camelia Sandoval, Elizabeth Santillanez, Taylor Swanson, Andrew Toland, Natalie Trejo, Richard Wroth, Cory Zacha, Kyle Smith, Tyler Jackson, Zachary Barnes, Michael Bunce, Elizabeth Conrad, Logan Dargert, Sebastian de la Torre, Emma Dempsey, Elizabeth Fakkema, Whitney Giron, Taylor Goodale, Skyler Guimont, Nathan Landes, Kellie Leal, Marissa Lopez, Andreah McCoy, Laura Mohlenkamp, Hailey Morton, Mary Novak, Caitlin Oleson, Tiffany Patrick, Tyler Pembrook, Jessica Roberts, Amanda Smith, Shanice Turtle, Zachary Vanzyll, Alexander Vargas, Darian Sheldon, Micaela Fausto, Caila Carrowicz, Allison Alavarado, R.J. Decender, Vincent Dillenback-Mays, Salena Ghostbear, Joshua Gogna, Kimberly Gordon, Angela Hartman, Alexandra Herrera, Brandon McGuire, Ricardo Montalvo, Jacob Myers, Julia A. Nauyoks, Melissa Papp, Cassidy Perry, Erica Ramirez, Bryce Ridley, Kurtis Scull, Gage Seaver, Gabriela Solis, Sara Stratham, Monserrat Vazquez, Courtney Vidovich, Amber Holbert, Aaron Leval, Christopher Davis, Amanda Cornejo, Jared Link, Timothy Grunert, Jessica Wagner, Luis Avila, Samuel Blei, John Bragg, Dulce Bravo, Morgen Brown, Luis Camacho, Iris Carillo, McKenzie Comba, Michael Dang, Jeremy Dimmick, Kristen Good, Mariah Hartley, Marlies Herzing, Charles Humpal, Samuel Hutchinson, Christa McGahuey, Dylan Rhea, Karenza Strode, Brighton Traver, Juan Amaya, Nathanial Wing, Simon White, Sydney Wirkus, William Struble, Miranda Peragallo, Desiree Rico, Andrew McComb, and Christian Navarro; teachers and charperones Bonnie Preston, Nancy Green, Yvette Griffith, Troy Walters, Jackie Page, Shirely Fakkema, Lourdes McGowan, Tim Harris, Sharon Swanson, Yvette Griffith, Marcy Goodale, and Mike Mathis.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Billie Jean Reafs and Emilie Reafs.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Diana Orrock.

Assemblyman Oceguera moved that the Assembly adjourn until Monday, April 23, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 12:41 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE SEVENTY-EIGHTH DAY

CARSON CITY (Monday), April 23, 2007

Assembly called to order at 11:18 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Louie Locke.

Let us pray. Lord, we take a moment this morning to reflect upon Your goodness and blessings in our lives. May we never take You or what comes from Your hand for granted. As Your Word says in the book of Psalms: "We give thanks to You, O God, we give thanks! For Your wondrous works declare that Your Name is near." (Psalm 75:1)

So, we do give You thanks and ask for Your grace and wisdom, to guide in the discussions and decisions made in this body. Bless each of this Assembly, their families, and staff. We pray also for safety and effectiveness for all who serve this nation in the military.

In the Name of the Most High God, I pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 101, 115, 161, 238, 365, 375, 383, 393, 424, 440, 478, 496, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 186, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended and rerefer to the Committee on Ways and Means.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Bill No. 506, 570, 605, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Bill No. 384, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, but without recommendation.

Also, your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Bill No. 328, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, without recommendation, and rerefer to the Committee on Ways and Means.

ELLEN KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 285, 462, 513, 514, 527, 600, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 255, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended and rerefer to the Committee on Ways and Means.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 257, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, without recommendation, and rerefer to the Committee on Ways and Means.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 97, 146, 147, 150, 232, 263, 283, 360, 367, 443, 490, 507, 525, 576, 577, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chair*

Madam Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 168, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 396, 431, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Committee on Select Committee on Corrections, Parole, and Probation, to which was referred Assembly Bill No. 416, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID R. PARKS, *Chair*

Madam Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 209, 246, 433, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KATHY MCCLAIN, *Chair*

Madam Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 39, 278, 311, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Madam Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 70, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 23, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 384.

MARK STEVENS
Fiscal Analysis Division

Assemblyman Oceguera moved that the reading of Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

Assemblyman Oceguera moved that Assembly Bills Nos. 39, 97, 101, 115, 146, 147, 150, 161, 168, 209, 232, 238, 255, 257, 263, 278, 283, 285, 311, 360, 365, 367, 375, 383, 384, 393, 396, 416, 431, 433, 440, 443, 461, 462, 490, 496, 507, 513, 514, 525, 527, 570, 576, 577, 600 just reported out committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 39.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 449.

SUMMARY—Revises ~~[provisions relating to the registration of certain heavier motor vehicles.]~~ **the definition of "special mobile equipment."** (BDR 43-619)

AN ACT relating to motor vehicles; ~~[requiring the Department of Motor Vehicles to set varying dates of registration of certain vehicles registered by the Motor Carrier Division of the Department and certain heavier vehicles; providing for the payment of fees for registration in installments;]~~ **revising the definition of "special mobile equipment";** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections ~~[1, 2 and 4-6 of this bill authorize the Department of Motor Vehicles to set varying dates for the registration of vehicles which weigh over 26,000 pounds or which otherwise must be registered through the Motor Carrier Division of the Department instead of requiring registration for 12 consecutive months beginning the day after the first registration by the owner. (NRS 371.070, 371.080, 482.206, 706.841) Section 3 of this bill allows the Department to establish by regulation dates for installment payments for the registration of motor vehicles in a fleet instead of requiring payment on dates established by statute. (NRS 482.482) Section 7 of this bill provides that the registration requirements become effective on January 1, 2009.]~~ **1-4 of this bill clarify that concrete pumpers, cranes and drill rigs**

with highway-rated tires are not considered special mobile equipment in certain circumstances. Sections 1-4 also require the Department of Motor Vehicles to define, by regulation, "incidentally operated or moved upon a highway" for purposes of those sections of NRS that use the phrase in the definition of "special mobile equipment." (NRS 366.085, 482.123, 484.173, 706.121)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 7 of this bill and replace with the following new sections 1 through 6:

Section 1. NRS 482.123 is hereby amended to read as follows:

482.123 1. "Special mobile equipment" means every ***motor*** vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved upon a highway, including, but not limited to, scoopmobiles, forklifts, ditch-digging apparatus, well-boring apparatus and road construction and maintenance machinery such as asphalt graders, bituminous mixers, bucket loaders, tractors other than truck tractors, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and scrapers, power shovels and draglines, ~~[and self-propelled cranes]~~ and earth-moving equipment.

2. "Special mobile equipment" does not include house trailers, dump trucks, truck-mounted transit mixers ***, concrete pumpers, cranes or drill rigs with highway-rated tires*** or other vehicles designed for the transportation of persons or property to which machinery has been attached.

3. The Director may make ~~[an individual]~~ ***the final*** determination as to whether ~~[any particular vehicle or kind of]~~ ***a*** vehicle ~~[,]~~ not specifically ~~[listed]~~ ***enumerated*** in subsection 1 or 2 ~~[,]~~ falls within this definition.

4. The Department shall, by regulation, define "incidentally operated or moved upon a highway" for purposes of this section.

Sec. 2. Chapter 484 of NRS is hereby amended by adding thereto a new section to read as follows:

The Department may adopt regulations relating to the administration and enforcement of provisions in this chapter pertaining to special mobile equipment, as defined in NRS 484.173.

Sec. 3. NRS 484.173 is hereby amended to read as follows:

484.173 1. "Special mobile equipment" means every ***motor*** vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved upon a highway, including but not limited to scoopmobiles, forklifts, ditch-digging apparatus, well-boring apparatus and road construction and maintenance machinery such as asphalt graders, bituminous mixers, bucket loaders, tractors other than truck-tractors, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and scrapers, power shovels and draglines, ~~[and self-propelled cranes]~~ and earth-moving equipment.

2. "Special mobile equipment" does not include house trailers, dump trucks, truck-mounted transit mixers, ***concrete pumpers, cranes or drill rigs with highway-rated tires*** or other vehicles designed for the transportation of persons or property to which machinery has been attached.

3. The Director may make ~~[an individual]~~ ***the final*** determination as to whether ~~[any particular]~~ **a** vehicle ~~[,]~~ not specifically enumerated in ~~[subsections]~~ ***subsection*** 1 ~~[and]~~ ***or*** 2 ~~[, is special mobile equipment as defined in this section.]~~ ***falls within this definition.***

4. The Department shall, by regulation, define "incidentally operated or moved upon a highway" for purposes of this section.

Sec. 4. NRS 366.085 is hereby amended to read as follows:

366.085 ***1.*** "Special mobile equipment" means ~~[a]~~ ***every motor*** vehicle not designed or used primarily for the transportation of persons or property, and only incidentally operated or moved upon a highway. The term includes scoopmobiles, forklifts, ditch-digging apparatus, well-boring apparatus and road construction and maintenance machinery, such as asphalt graders, bituminous mixers, bucket loaders, tractors other than truck tractors; leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and scrapers, power shovels ~~[,]~~ ***and*** draglines ~~[and self-propelled cranes]~~ **,** and earth-moving equipment.

2. "Special mobile equipment" does not include house trailers, dump trucks, truck-mounted transit mixers, ***concrete pumpers, cranes or drill rigs with highway-rated tires*** or other vehicles designed for the transportation of persons or property to which machinery has been attached.

3. The Director of the Department may make the final determination as to whether a vehicle not specifically enumerated in subsection 1 or 2 falls within this definition.

Sec. 5. NRS 706.121 is hereby amended to read as follows:

706.121 1. "Special mobile equipment" means every ***motor*** vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved upon a highway, including but not limited to scoopmobiles, forklifts, ditch-digging apparatus, well-boring apparatus and road construction and maintenance machinery such as asphalt graders, bituminous mixers, bucket loaders, tractors other than truck tractors, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and scrapers, power shovels and draglines, ~~[and self-propelled cranes]~~ and earth-moving equipment.

2. "Special mobile equipment" does not include house trailers, dump trucks, truck-mounted transit mixers, ***concrete pumpers, cranes or drill rigs with highway-rated tires*** or other vehicles designed for the transportation of persons or property to which machinery has been attached.

3. The Director of the Department may make the final determination as to whether a vehicle not specifically enumerated in subsection 1 or 2 falls within this definition.

4. The Department shall, by regulation, define "incidentally operated or moved upon a highway" for purposes of this section.

Sec. 6. This act becomes effective on July 1, 2007.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 97.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 509.

AN ACT relating to health care; revising provisions governing contracts between certain insurers and hospitals that are located in certain counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill prohibits a hospital that is located in a county whose population is 100,000 or more but less than 400,000 (currently Washoe County) **or any other person or entity on behalf of such a hospital** and a health insurance company, self-insured employer, association of self-insured public or private employers or a private carrier from entering into a contract for the provision of health care to insureds or employees if the contract prohibits the insurer from contracting with other hospitals which are located in that county ~~[.]~~ **or from entering into such a contract with any of those insurers if the insurer has entered into a separate contract or is bound by a separate contract which has the effect of preventing the insurer from contracting with such other hospitals.** This prohibition applies only to contracts that are executed or renewed on and after the effective date of the bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A hospital that is located in a county whose population is 100,000 or more but less than 400,000 or other person or entity on behalf of such a hospital shall not ~~[enter]~~ :

(a) Enter into a contract for the provision of health care to insureds or employees, as applicable, with a health insurance company, a self-insured employer, an association of self-insured public or private employers or a private carrier if the contract prohibits the health insurance company, self-insured employer, association or private carrier from contracting with other hospitals which are located in that county ~~[.]~~ ; or

(b) Enter into a contract described in paragraph (a) with a health insurance company, a self-insured employer, an association of self-insured public or private employers or a private carrier which has entered into a

separate contract or which is bound by a separate contract that has the effect of preventing it from contracting with other hospitals which are located in that county.

2. As used in this section:

(a) "Association of self-insured private employers" has the meaning ascribed to it in NRS 616A.050.

(b) "Association of self-insured public employers" has the meaning ascribed to it in NRS 616A.055.

(c) "Health insurance company" has the meaning ascribed to it in section 4 of this bill.

(d) "Private carrier" has the meaning ascribed to it in NRS 616A.290.

(e) "Self-insured employer" has the meaning ascribed to it in NRS 616A.305.

Sec. 2. Chapter 616B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A self-insured employer, an association of self-insured public or private employers or a private carrier shall not enter into a contract for the provision of health care to employees with ~~[a]~~ :

(a) A hospital that is located in a county whose population is 100,000 or more but less than 400,000 ; or

(b) Another person or entity on behalf of such a hospital,

➥ if the contract prohibits the self-insured employer, association or private carrier from contracting with other hospitals which are located in that county.

2. As used in this section, "hospital" has the meaning ascribed to it in NRS 449.012.

Sec. 3. NRS 616B.527 is hereby amended to read as follows:

616B.527 1. A self-insured employer, an association of self-insured public or private employers or a private carrier may:

(a) Except as otherwise provided in NRS 616B.5273, enter into a contract or contracts with one or more organizations for managed care to provide comprehensive medical and health care services to employees for injuries and diseases that are compensable pursuant to chapters 616A to 617, inclusive, of NRS.

(b) ~~[Enter]~~ ***Except as otherwise provided in section 2 of this act, enter*** into a contract or contracts with providers of health care, including, without limitation, physicians who provide primary care, specialists, pharmacies, physical therapists, radiologists, nurses, diagnostic facilities, laboratories, hospitals and facilities that provide treatment to outpatients, to provide medical and health care services to employees for injuries and diseases that are compensable pursuant to chapters 616A to 617, inclusive, of NRS.

(c) Require employees to obtain medical and health care services for their industrial injuries from those organizations and persons with whom the self-insured employer, association or private carrier has contracted pursuant to

paragraphs (a) and (b), or as the self-insured employer, association or private carrier otherwise prescribes.

(d) Except as otherwise provided in subsection 3 of NRS 616C.090, require employees to obtain the approval of the self-insured employer, association or private carrier before obtaining medical and health care services for their industrial injuries from a provider of health care who has not been previously approved by the self-insured employer, association or private carrier.

2. An organization for managed care with whom a self-insured employer, association of self-insured public or private employers or a private carrier has contracted pursuant to this section shall comply with the provisions of NRS 616B.528, 616B.5285 and 616B.529.

Sec. 4. Chapter 679A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health insurance company shall not enter into a contract for the provision of health care to insureds with ~~[a]~~ :

(a) A hospital that is located in a county whose population is 100,000 or more but less than 400,000 ; or

(b) Another person or entity on behalf of such a hospital,

➥ if the contract prohibits the health insurance company from contracting with other hospitals which are located in that county.

2. As used in this section:

(a) "Health insurance company" means any person authorized pursuant to this title to provide or arrange for the provision of a plan of health insurance or health benefits, including, without limitation, an insurer, a producer of insurance, a managing general agent, a third-party administrator, an organization composed of or using preferred providers of health care, a health maintenance organization, a carrier serving small employers, a fraternal benefit society, a hospital, medical or dental service corporation, a plan for dental care or a prepaid limited health service organization.

(b) "Hospital" has the meaning ascribed to it in NRS 449.012.

Sec. 5. The provisions of this act do not apply to contracts that are executed or renewed before the effective date of this act.

Sec. 6. This act becomes effective upon passage and approval.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 101.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 440.

AN ACT relating to the Commission on Tourism; **amending the membership of the Commission;** making certain ex officio nonvoting members of the Commission voting members; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Commission on Tourism is comprised of the Lieutenant Governor, eight members who are appointed by the Governor and three ex officio nonvoting members who are the chief administrative officers of the county fair and recreation boards or, if there are no county fair and recreation boards, the chairmen of the boards of county commissioners, of the three counties that paid the largest amount of the proceeds from the tax on transient lodging for credit to the Fund for the Promotion of Tourism. (NRS 231.170, 231.250) Section ~~[1]~~ **2** of this bill **reduces the number of ex officio members on the Commission from three to two (the overall membership of the Commission is therefore reduced from twelve to eleven) and provides that the ex officio members are the executive officers of the convention and visitors authorities of the two counties that paid the largest amount of the proceeds from the tax on transient lodging for credit to the Fund. Section 2 of this bill also** makes the ~~[three]~~ ex officio nonvoting members of the Commission voting members.

Section ~~[2]~~ **3** of this bill increases the number of members of the Commission required to constitute a quorum from four members to ~~[seven]~~ **six** members as a result of the increased number of voting members on the Commission. (NRS 231.180)

Section ~~[3]~~ **4** of this bill clarifies that only the appointed members of the Commission are entitled to a salary for their attendance at meetings of the Commission. (NRS 231.190)

Sections 1 and 5-12 of this bill change the title of the "Executive Director" of the Commission to the "Director" for the purpose of conformance to existing usage.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 231.015 is hereby amended to read as follows:**

231.015 1. The Interagency Committee for Coordinating Tourism and Economic Development is hereby created. The Committee consists of the Governor, who is its Chairman, the Lieutenant Governor, who is its Vice Chairman, the ~~[Executive]~~ Director of the Commission on Tourism, the Executive Director of the Commission on Economic Development and such other members as the Governor may from time to time appoint. The appointed members of the Committee serve at the pleasure of the Governor.

2. The Committee shall meet at the call of the Governor.

3. The Committee shall:

(a) Identify the strengths and weaknesses in state and local governmental agencies which enhance or diminish the possibilities of tourism and economic development in this State.

(b) Foster coordination and cooperation among state and local governmental agencies, and enlist the cooperation and assistance of federal agencies, in carrying out the policies and programs of the Commission on Tourism and the Commission on Economic Development.

(c) Formulate cooperative agreements between the Commission on Tourism or the Commission on Economic Development, and state and other public agencies pursuant to the Interlocal Cooperation Act, so that each of those commissions may receive applications from and, as appropriate, give governmental approval for necessary permits and licenses to persons who wish to promote tourism, develop industry or produce motion pictures in this State.

4. The Governor may from time to time establish regional or local subcommittees to work on regional or local problems of economic development or the promotion of tourism.

~~[Section 1.]~~ ***Sec. 2.*** NRS 231.170 is hereby amended to read as follows:

231.170 1. The Commission on Tourism is composed of ~~[the]~~ ~~*[12]*~~ ***11*** ***voting members as follows:***

(a) The Lieutenant Governor, who is its Chairman ~~[, and eight]~~ ***;***

(b) Eight members ***,*** ~~[who are]~~ appointed by the Governor ***,*** ~~[.~~

~~2. The Governor shall appoint as members of the Commission persons]~~ who are informed on and have experience in travel and tourism, including the business of gaming ~~[.~~

~~3.]~~ ***; and***

(c) The chief ~~[administrative]~~ ***executive*** officers of the ~~[county fair and recreation boards]~~ ***convention and visitors authorities*** or, if there is no ~~[county fair and recreation board]~~ ***convention and visitors authority*** in the county, the chairman of the board of county commissioners, of the ~~[three]~~ ***two*** counties that paid the largest amount of the proceeds from the taxes imposed on the revenue from the rental of transient lodging to the Department of Taxation for deposit with the State Treasurer for credit to the Fund for the Promotion of Tourism created by NRS 231.250 for the previous fiscal year ***.*** ~~[are ex officio but nonvoting members of the Commission.]~~

2. A change in any member of the Commission who serves pursuant to ~~[the provisions of this]~~ ***paragraph (c) of*** subsection ***1*** that is required because of a change in the amount of the proceeds paid to the Department of Taxation by each county must be effective on January 1 of the calendar year immediately following the fiscal year in which the proceeds were paid to the Department of Taxation.

~~[4. In addition to the appointments made]~~

3. Of the members appointed by the Governor pursuant to ***paragraph (b) of*** subsection ~~[3, the Governor shall appoint:]~~ ***1:***

(a) At least one member ~~[who is]~~ ***must be*** a resident of ~~[Clark County.]~~ ***a county whose population is 400,000 or more.***

(b) At least one member ~~[who is]~~ ***must be*** a resident of ~~[Washoe County.]~~ ***a county whose population is 100,000 or more but less than 400,000.***

(c) At least two members ~~[who are]~~ ***must be*** residents of counties whose population is ***less than*** 100,000 **.** ~~[or less.]~~

(d) ~~[One member]~~ ~~[who is]~~ ***Four members must be*** ~~[a resident]~~ ***residents*** of any county in this State.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 231.180 is hereby amended to read as follows:

231.180 1. The Commission on Tourism shall meet once each calendar quarter, or at more frequent times if it deems necessary, and may, within the limitations of its budget, hold special meetings at the call of the Chairman or a majority of the members.

2. The ~~[Executive]~~ Director is the Secretary of the Commission.

3. The Commission shall prescribe rules for its own management and government.

4. ~~[Four]~~ ~~*[Seven]*~~ ***Six*** members of the Commission constitute a quorum **.** ~~[, but a majority of the members of the Commission are required to exercise the power conferred on the Commission.]~~

5. The Governor may remove ~~[a]~~ ***an appointed*** member from the Commission if the member neglects his duty or commits malfeasance in office.

~~[Sec. 3.]~~ ***Sec. 4.*** NRS 231.190 is hereby amended to read as follows:

231.190 Each ***appointed*** member of the Commission on Tourism is entitled to receive a salary of $80 for each day's attendance at a meeting of the Commission.

Sec. 5. **NRS 231.210 is hereby amended to read as follows:**

231.210 The ~~[Executive]~~ Director of the Commission on Tourism:

1. Must be appointed by the Governor from a list of three persons submitted to him by the Commission.

2. Is responsible to the Commission and serves at its pleasure.

3. Shall, except as otherwise provided in NRS 284.143, devote his entire time to the duties of his office, and he shall not follow any other gainful employment or occupation.

Sec. 6. **NRS 231.220 is hereby amended to read as follows:**

231.220 The ~~[Executive]~~ Director of the Commission on Tourism shall direct and supervise all its administrative and technical activities, including coordinating its plans for tourism and publications, scheduling its programs, analyzing the effectiveness of those programs and associated expenditures, and cooperating with other governmental agencies which have programs related to travel and tourism. In addition to other powers and duties, the ~~[Executive]~~ Director:

1. Shall attend all meetings of the Commission and act as its Secretary, keeping minutes and audio recordings or transcripts of its proceedings.

2. Shall report regularly to the Commission concerning the administration of its policies and programs.

3. Shall serve as the Director of the Division of Tourism.

4. Shall appoint the Administrator of the Division of Publications.

5. May perform any other lawful acts which he considers necessary to carry out the provisions of NRS 231.160 to 231.360, inclusive.

Sec. 7. **NRS 231.230 is hereby amended to read as follows:**

231.230 1. The Commission on Tourism through its ~~[Executive]~~ Director may:

(a) Employ such professional, technical, clerical and operational employees as the operation of the Commission may require; and

(b) Employ such experts, researchers and consultants and enter into such contracts with any public or private entities as may be necessary to carry out the provisions of NRS 231.160 to 231.360, inclusive.

2. The ~~[Executive]~~ Director and all other nonclerical employees of the Commission are in the unclassified service of the State.

3. The clerical employees of the Commission are in the classified service of the State.

Sec. 8. **NRS 231.240 is hereby amended to read as follows:**

231.240 1. The ~~[Executive]~~ Director of the Commission on Tourism may charge reasonable fees for materials prepared for distribution.

2. All such fees must be deposited with the State Treasurer for credit to the Commission. The fees must first be expended exclusively for materials and labor incident to preparing and printing those materials for distribution. Any remaining fees may be expended, in addition to any other money appropriated, for the support of the Commission.

Sec. 9. **NRS 231.300 is hereby amended to read as follows:**

231.300 In performing their duties, the ~~[Executive]~~ Director of the Commission on Tourism and the Administrator of the Division of Publications shall not interfere with the functions of any other state agencies, but those agencies shall, from time to time, on reasonable request, furnish the ~~[Executive]~~ Director and Administrator with data and other information from their records bearing on the objectives of the Commission and its divisions. The ~~[Executive]~~ Director and Administrator shall avail themselves of records and assistance of such other state agencies as might make a contribution to the work of the Commission.

Sec. 10. **NRS 235.012 is hereby amended to read as follows:**

235.012 1. The Director, after consulting with the ~~[Executive]~~ Director of the Commission on Tourism, the Administrator of the Division of Museums and History of the Department of Cultural Affairs and the Administrator of the Division of Minerals of the Commission on Mineral Resources, may contract with a mint to produce medallions made of gold, silver, platinum or nonprecious metals and bars made of gold, silver or platinum.

2. The decision of the Director to award a contract to a particular mint must be based on the ability of the mint to:

(a) Provide a product of the highest quality;

(b) Advertise and market the product properly, including the promotion of museums and tourism in this State; and

(c) Comply with the requirements of the contract.

3. The Director shall award the contract to the lowest responsible bidder, except that if in his judgment no satisfactory bid has been received, he may reject all bids.

4. All bids for the contract must be solicited in the manner prescribed in NRS 333.310 and comply with the provisions of NRS 333.330.

Sec. 11. **NRS 235.014 is hereby amended to read as follows:**

235.014 1. The ore used to produce a medallion or bar must be mined in Nevada, if the ore is available. If it is not available, ore newly mined in the United States may be used. Each medallion or bar made of gold, silver or platinum must be 0.999 fine. Additional series of medallions made of gold, silver or platinum at degrees of fineness of 0.900 or greater may be approved by the Director with the concurrence of the Interim Finance Committee. The degree of fineness of the materials used must be clearly indicated on each medallion.

2. Medallions may be minted in weights of 1 ounce, 0.5 ounce, 0.25 ounce and 0.1 ounce.

3. Bars may be minted in weights of 1 ounce, 5 ounces, 10 ounces and 100 ounces.

4. Each medallion must bear on its obverse The Great Seal of the State of Nevada and on its reverse a design selected by the Director, in consultation with the ~~[Executive]~~ Director of the Commission on Tourism, the Administrator of the Division of Museums and History of the Department of Cultural Affairs and the Administrator of the Division of Minerals of the Commission on Mineral Resources.

Sec. 12. **NRS 408.210 is hereby amended to read as follows:**

408.210 1. The Director may restrict the use of, or close, any highway whenever he considers the closing or restriction of use necessary:

(a) For the protection of the public.

(b) For the protection of such highway from damage during storms or during construction, reconstruction, improvement or maintenance operations thereon.

(c) To promote economic development or tourism in the best interest of the State or upon the written request of the Executive Director of the Commission on Economic Development or the ***Director of the*** Commission on Tourism.

2. The Director may:

(a) Divide or separate any highway into separate roadways, wherever there is particular danger to the traveling public of collisions between vehicles proceeding in opposite directions or from vehicular turning

movements or cross-traffic, by constructing curbs, central dividing sections or other physical dividing lines, or by signs, marks or other devices in or on the highway appropriate to designate the dividing line.

(b) Lay out and construct frontage roads on and along any highway or freeway and divide and separate any such frontage road from the main highway or freeway by means of curbs, physical barriers or by other appropriate devices.

3. The Director may remove from the highways any unlicensed encroachment which is not removed, or the removal of which is not commenced and thereafter diligently prosecuted, within 5 days after personal service of notice and demand upon the owner of the encroachment or his agent. In lieu of personal service upon that person or his agent, service of the notice may also be made by registered or certified mail and by posting, for a period of 5 days, a copy of the notice on the encroachment described in the notice. Removal by the Department of the encroachment on the failure of the owner to comply with the notice and demand gives the Department a right of action to recover the expense of the removal, cost and expenses of suit, and in addition thereto the sum of $100 for each day the encroachment remains beyond 5 days after the service of the notice and demand.

4. If the Director determines that the interests of the Department are not compromised by a proposed or existing encroachment, he may issue a license to the owner or his agent permitting an encroachment on the highway. Such a license is revocable and must provide for relocation or removal of the encroachment in the following manner. Upon notice from the Director to the owner of the encroachment or his agent, the owner or agent may propose a time within which he will relocate or remove the encroachment as required. If the Director and the owner or his agent agree upon such a time, the Director shall not himself remove the encroachment unless the owner or his agent has failed to do so within the time agreed. If the Director and the owner or his agent do not agree upon such a time, the Director may remove the encroachment at any time later than 30 days after the service of the original notice upon the owner or his agent. Service of notice may be made in the manner provided by subsection 3. Removal of the encroachment by the Director gives the Department the right of action provided by subsection 3, but the penalty must be computed from the expiration of the agreed period or 30-day period, as the case may be.

~~[Sec. 4.]~~ ***Sec. 13.*** This act becomes effective on July 1, 2007.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 115.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 530.

SUMMARY—Enacts provisions governing mines . ~~[with the potential to emit mercury.]~~ (BDR 46-858)

AN ACT relating to mines; making various changes governing the regulation of mines **;** ~~[with the potential to emit mercury;]~~ requiring the State Environmental Commission to ~~[raise additional revenue from fees charged for operating permits issued to certain mine operators to pay for certain projects relating to mercury emissions; providing penalties;]~~ **adopt regulations prescribing a fee for operators of mines with the potential to emit mercury;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Administrator of the Division of Industrial Relations of the Department of Business and Industry is authorized to adopt regulations for mine health and safety. (NRS 512.131) Section 1 of this bill requires the Administrator to adopt regulations ~~[establishing a program for the protection of workers in mines with the potential to emit mercury.~~

~~Under existing law, the State Department of Conservation and Natural Resources is designated as the Air Pollution Control Agency for Nevada. (NRS 445B.205) The State Environmental Commission is authorized to adopt regulations to prevent, abate and control air pollution. (NRS 445B.210) "Air pollution" is defined as the presence of one or more air contaminants in the outdoor atmosphere that tend to injure human health or property, limit visibility or interfere with the enjoyment of life or property. (NRS 445B.115) An air contaminant is any substance discharged into the atmosphere other than water vapor and water droplets. (NRS 445B.110) The emission of mercury into the atmosphere qualifies as an air contaminant. Section 9 of this bill requires a mine operator who is operating a mine that has the potential to emit mercury to monitor and measure mercury emissions from the mine and to make certain reports of mercury emissions to the Department. The Director of the Department will determine which mines have the potential to emit mercury. Section 10 of this bill requires the Department to conduct unannounced visits to mines that have the potential to emit mercury and to measure and make public the quality of ambient air at the mine. Section 11 of this bill requires the Department to impose a limit on mercury emissions for mines with the potential to emit mercury and reduce, to the greatest extent practicable, current levels of mercury emissions by at least 25 percent on or before January 1, 2012.]~~ **as necessary to provide safe and healthful working conditions at mines.**

Under existing law, the **State Environmental** Commission is required to adopt regulations that require a person operating or responsible for the existence of a source of air contaminant to apply for and obtain an operating permit ~~[. (NRS 445B.300) The Commission is also required to adopt regulations that]~~ **and to** charge appropriate fees for an operating permit. (NRS 445B.300) Section ~~[12]~~ **2** of this bill requires the Commission to ~~[raise an additional $500,000 in revenue from annual fees charged to mine]~~ **adopt**

regulations prescribing a fee for operators of mines ~~[that have]~~ **with** the potential to emit mercury ~~[for operating permits.]~~ **, which must be in addition to the fee for an operating permit.** The additional ~~[$500,000 in]~~ revenue will be used by the ~~[Chairman of the Commission]~~ **State Department of Conservation and Natural Resources** to pay for ~~[research projects relating to mercury emissions and for projects]~~ **employees** that will monitor ~~[the presence of mercury in ambient air, fish and water.]~~ **compliance with the Nevada Mercury Air Emissions Control Program. (NRS 445B.210, 445B.300; NAC 445B.3611-445B.3689)**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 512.131 is hereby amended to read as follows:

512.131 1. The Administrator ~~[:~~

~~*(a) Except as otherwise provided in paragraph (b), may adopt any]*~~ ***shall adopt*** regulations for mine health and safety ~~[he deems necessary and which are consistent with]~~ ***as necessary to provide safe and healthful working conditions at mines. The regulations must provide protection that is at least equal to the protection provided by*** the Federal Mine Safety and Health Act **,** ~~[(]~~ 30 U.S.C. §§ 801 et seq. **,** ~~[),]~~ as amended.

~~*[(b) Shall adopt regulations establishing a program for the protection of workers in mines with the potential to emit mercury. The regulations must include, without limitation, provisions that require an operator to:*~~

~~*(1) Submit urine samples to a laboratory each month, for each worker who may receive exposure to mercury, to be tested for levels of mercury;*~~

~~*(2) Each month, test the quality of the ambient air in and around the mine by measuring the presence of elemental mercury; and*~~

~~*(3) Submit the results of each test to the Administrator.]*~~ ***The administrator may consider the following sources in adopting the regulations:***

(a) Common practices of the mining industry;

(b) The American National Standards Institute;

(c) The American Society of Mechanical Engineers;

(d) The American Society for Testing and Materials International;

(e) Applicable provisions contained in the Code of Federal Regulations;

(f) The National Fire Protection Association, including, without limitation, the National Electrical Code;

(g) Any national consensus standard; and

(h) Any safety order legally adopted by the Administrator.

2. The Administrator shall forward a copy of ~~[every]~~ ***each*** regulation adopted under this section to the operator of each mine and to the representative of the workers, if any, at the mine. Failure to receive a copy of the regulation does not relieve anyone of the obligation to comply with it.

~~*[3. As used in this section, "mine with the potential to emit mercury" has the meaning ascribed to it in section 6 of this act.]*~~

Sec. 2. Chapter 445B of NRS is hereby amended by adding thereto ~~[the provisions set forth as sections 3 to 12, inclusive, of this act.]~~ a new section to read as follows:

1. In addition to the fees for an operating permit, the Commission shall adopt regulations prescribing the appropriate fee to be imposed on the operator of a mine with the potential to emit mercury, and the schedule for payment of the fee. The Commission shall ensure that the fees imposed pursuant to this subsection are in an amount sufficient to pay the cost of employing two full-time employees of the Department whose employment responsibilities include ensuring compliance with a program to control mercury emissions adopted pursuant to NRS 445B.100 to 445B.640, inclusive, and any regulations adopted thereto. The Department shall advise the Commission in prescribing an appropriate fee pursuant to this subsection.

2. Each operator of a mine with the potential to emit mercury shall pay the fee prescribed by the Commission in accordance with the schedule prescribed by the Commission.

3. As used in this section, "mine with the potential to emit mercury" means a mine that, as determined by the Director, has the potential to emit mercury.

Sec. 3. ~~*[*~~*"Elemental mercury" means mercury in a liquid state.*~~*]*~~ (Deleted by amendment.)

Sec. 4. ~~*[*~~*"Mine" has the meaning ascribed to it in NRS 512.006.*~~*]*~~ (Deleted by amendment.)

Sec. 5. ~~*[*~~*"Mine operator" has the meaning ascribed to the term "operator" in NRS 512.007.*~~*]*~~ **(Deleted by amendment.)**

Sec. 6. ~~*[*~~*"Mine with the potential to emit mercury" means a mine that, as determined by the Director, has the potential to emit mercury.*~~*]*~~ **(Deleted by amendment.)**

Sec. 7. ~~*[*~~*"Precious metals mining" means the mining of gold or silver ore by the owner or operator of a stationary source that belongs to Industry Group 104, Gold and Silver Ores, of Major Group 10, Metal Mining, of the Standard Industrial Classification Manual, 1987 edition, which is published by the United States Office of Management and Budget.*~~*]*~~ **(Deleted by amendment.)**

Sec. 8. ~~*[*~~*"Thermal unit" means an emission unit which:*

1. Is located at a stationary source that conducts precious metals mining; and

2. Uses direct or indirect sources of heat energy.~~*]*~~ **(Deleted by amendment.)**

Sec. 9. ~~*[A mine operator of a mine with the potential to emit mercury shall:*

1. Monitor and submit a report to the Department setting forth:

(a) On a quarterly basis, all emissions of elemental mercury at the mine, if any; and~~

~~*(b) On an annual basis, all emissions of total mercury at the mine, if any, including, without limitation, elemental, oxidized and particulate-bound mercury.*~~

~~*2. Immediately report to the Department all deviations in performance, resulting in increased emissions of mercury, of the technologies that have been implemented at the mine to control mercury emissions.*~~

~~*3. Establish at least two sites for the mine at which the quality of ambient air must be measured by monitoring the presence of elemental mercury. The measurements must be taken at least once each month. The monitoring sites must be located in areas of the mine where concentrations of elemental mercury are expected to be the highest and located in proximity to and generally downwind of a thermal unit that emits mercury or an operating heap. The mine operator shall collect and submit the measurements to the Department on a quarterly basis together with a report documenting each thermal unit in operation at the time the measurements were taken.]*~~ **(Deleted by amendment.)**

Sec. 10. ~~*[At least twice each year, the Department shall conduct unannounced visits to each mine with the potential to emit mercury and measure the quality of ambient air at the mine. The measurements must be maintained at the Department and made available to the public by posting the measurements to the website of the Department.]*~~ **(Deleted by amendment.)**

Sec. 11. ~~*[The Department shall impose a limit on mercury emissions for mines with the potential to emit mercury based on the total amount of mercury emissions from those mines measured for the year 2005. The amount of the limitation must be determined by the Department. The Department shall, to the greatest extent practicable, ensure that mercury emissions from those mines are reduced by not less than 25 percent on or before January 1, 2012, with a reduction of not less than 4 percent in mercury emissions each year. If, during a year, a 4 percent reduction in mercury emissions is not obtained, the Department shall conduct discussions with mine operators and determine the manner in which the 4 percent minimum reduction may be obtained for the following year.]*~~ **(Deleted by amendment.)**

Sec. 12. ~~*[Each year, the Commission shall increase the total amount of fees charged to mine operators for operating permits by an amount that is equal to $500,000 for that year. Each year, the additional $500,000 must be accounted for separately in the State General Fund and may only be used by the Commission to pay for:*~~

~~*1. Projects to monitor the presence of mercury in ambient air, fish and water; and*~~

~~*2. Research concerning the health effects and control of mercury emissions from mining.]*~~ **(Deleted by amendment.)**

Sec. 13. NRS 445B.100 is hereby amended to read as follows:

445B.100 1. It is the public policy of the State of Nevada and the purpose of NRS 445B.100 to 445B.640, inclusive, ***and*** ~~***[sections 3 to 12, inclusive,]***~~ ***section 2 of this act*** to achieve and maintain levels of air quality which will protect human health and safety, prevent injury to plant and animal life, prevent damage to property, and preserve visibility and scenic, esthetic and historic values of the State.

2. It is the intent of NRS 445B.100 to 445B.640, inclusive, ***and*** ~~***[sections 3 to 12, inclusive,]***~~ ***section 2 of this act*** to:

(a) Require the use of reasonably available methods to prevent, reduce or control air pollution throughout the State of Nevada;

(b) Maintain cooperative programs between the State and its local governments; and

(c) Facilitate cooperation across jurisdictional lines in dealing with problems of air pollution not confined within a single jurisdiction.

3. The quality of air is declared to be affected with the public interest, and NRS 445B.100 to 445B.640, inclusive, ***and*** ~~***[sections 3 to 12, inclusive,]***~~ ***section 2 of this act*** are enacted in the exercise of the police power of this State to protect the health, peace, safety and general welfare of its people.

4. It is also the public policy of this State to provide for the integration of all programs for the prevention of accidents in this State involving chemicals, including, without limitation, accidents involving hazardous air pollutants, highly hazardous chemicals, highly hazardous substances and extremely hazardous substances.

Sec. 14. NRS 445B.105 is hereby amended to read as follows:

445B.105 As used in NRS 445B.100 to 445B.640, inclusive, ***and*** ~~***[sections 3 to 12, inclusive,]***~~ ***section 2 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 445B.110 to 445B.155, inclusive, ~~***[and sections 3 to 8, inclusive, of this act]***~~ have the meanings ascribed to them in those sections.

Sec. 15. ~~[NRS 445B.210 is hereby amended to read as follows:~~

~~445B.210 The Commission may:~~

~~1. Subject to the provisions of NRS 445B.215, adopt regulations consistent with the general intent and purposes of NRS 445B.100 to 445B.640, inclusive, *and sections 3 to 12, inclusive, of this act* to prevent, abate and control air pollution.~~

~~2. Establish standards for air quality.~~

~~3. Require access to records relating to emissions which cause or contribute to air pollution.~~

~~4. Cooperate with other governmental agencies, including other states and the Federal Government.~~

~~5. Establish such requirements for the control of emissions as may be necessary to prevent, abate or control air pollution.~~

~~6. By regulation:~~

~~(a) Designate as a hazardous air pollutant any substance which, on or after October 1, 1993, is on the federal list of hazardous air pollutants pursuant to 42 U.S.C. § 7412(b); and~~

~~(b) Delete from designation as a hazardous air pollutant any substance which, after October 1, 1993, is deleted from the federal list of hazardous air pollutants pursuant to 42 U.S.C. § 7412(b),~~

~~→ based upon the Commission's determination of the extent to which such a substance presents a risk to the public health.~~

~~7. Hold hearings to carry out the provisions of NRS 445B.100 to 445B.640, inclusive, *and sections 3 to 12, inclusive, of this act*, except as otherwise provided in those sections.~~

~~8. Establish fuel standards for both stationary and mobile sources of air contaminants. Fuel standards for mobile sources of air contaminants must be established to achieve air quality standards that protect the health of the residents of the State of Nevada.~~

~~9. Require elimination of devices or practices which cannot be reasonably allowed without generation of undue amounts of air contaminants.]~~ **(Deleted by amendment.)**

Sec. 16. ~~[NRS 445B.220 is hereby amended to read as follows:~~

~~445B.220 In carrying out the purposes of NRS 445B.100 to 445B.640, inclusive, *and sections 3 to 12, inclusive, of this act*, the Commission, in addition to any other action which may be necessary or appropriate to carry out such purposes, may:~~

~~1. Cooperate with appropriate federal officers and agencies of the Federal Government, other states, interstate agencies, local governmental agencies and other interested parties in all matters relating to air pollution control in preventing or controlling the pollution of the air in any area.~~

~~2. Recommend measures for control of air pollution originating in this State.]~~ **(Deleted by amendment.)**

Sec. 17. ~~[NRS 445B.230 is hereby amended to read as follows:~~

~~445B.230 The Department shall:~~

~~1. Make such determinations and issue such orders as may be necessary to implement the purposes of NRS 445B.100 to 445B.640, inclusive [.], *and sections 3 to 12, inclusive, of this act*.~~

~~2. Apply for and receive grants or other funds or gifts from public or private agencies.~~

~~3. Cooperate and contract with other governmental agencies, including other states and the Federal Government.~~

~~4. Conduct investigations, research and technical studies consistent with the general purposes of NRS 445B.100 to 445B.640, inclusive [.] , *and sections 3 to 12, inclusive, of this act*.~~

~~5. Prohibit as specifically provided in NRS 445B.300 and 445B.320 and as generally provided in NRS 445B.100 to 445B.640, inclusive, *and sections 3 to 12, inclusive, of this act* the installation, alteration or establishment of any equipment, device or other article capable of causing air pollution.~~

~~6. Require the submission of such preliminary plans and specifications and other information as it deems necessary to process permits.~~

~~7. Enter into and inspect at any reasonable time any premises containing an air contaminant source or a source under construction for purposes of ascertaining compliance with NRS 445B.100 to 445B.640, inclusive.~~[.]~~, *and sections 3 to 12, inclusive, of this act.*~~

~~8. Specify the manner in which incinerators may be constructed and operated.~~

~~9. Institute proceedings to prevent continued violation of any order issued by the Director and to enforce the provisions of NRS 445B.100 to 445B.640, inclusive.~~[.]~~, *and sections 3 to 12, inclusive, of this act.*~~

~~10. Require access to records relating to emissions which cause or contribute to air pollution.~~

~~11. Take such action in accordance with the rules, regulations and orders promulgated by the Commission as may be necessary to prevent, abate and control air pollution.~~] **(Deleted by amendment.)**

Sec. 18. ~~[NRS 445B.235 is hereby amended to read as follows:~~

~~445B.235 In carrying out the purposes of NRS 445B.100 to 445B.640, inclusive, *and sections 3 to 12, inclusive, of this act,* the Department may :~~[, if it considers it necessary or appropriate:]

~~1. Cooperate with appropriate federal officers and agencies of the Federal Government, other states, interstate agencies, local governmental agencies and other interested parties in all matters relating to air pollution control in preventing or controlling the pollution of the air in any area.~~

~~2. On behalf of this State, apply for and receive funds made available to the State for programs from any private source or from any agency of the Federal Government under the Federal Act. All~~ [moneys] ~~*money* received from any federal agency or private source as provided in this section~~ [shall] ~~*must* be paid into the State Treasury and~~ [shall] ~~*must* be expended, under the direction of the Department, solely for the purpose~~ [or purposes] ~~for which the grant~~ [or grants have] ~~*has* been made.~~

~~3. Certify to the appropriate federal authority that facilities are in conformity with the state program and requirements for control of air pollution, or will be in conformity with the state program and requirements for control of air pollution if such *a* facility is constructed and operated in accordance with the application for certification.~~

~~4. Develop measures for control of air pollution originating in the State.~~] **(Deleted by amendment.)**

Sec. 19. ~~[NRS 445B.240 is hereby amended to read as follows:~~

~~445B.240 1. Any~~ [duly] ~~authorized officer, employee or representative of the Department may enter and inspect any property, premises or place on or at which an air contaminant source is located or is being constructed, installed or established at any reasonable time for the purpose of ascertaining the state of compliance with NRS 445B.100 to 445B.640, inclusive, *and*~~

~~*sections 3 to 12, inclusive, of this act* and rules and regulations in force pursuant thereto.~~

~~2. No person~~ [shall:] ~~*may:*~~

~~(a) Refuse entry or access to any authorized representative of the Department who requests entry for purposes of inspection, as provided in this section, and who presents appropriate credentials.~~

~~(b) Obstruct, hamper or interfere with any such inspection.~~

~~3. If requested, the owner or operator of the premises shall receive a report setting forth all facts found which relate to compliance status.~~] **(Deleted by amendment.)**

Sec. 20. ~~[NRS 445B.300 is hereby amended to read as follows:~~

~~445B.300 1. The Commission shall by regulation:~~

~~(a) Require the person operating or responsible for the existence of each source of air contaminant, generally or within a specified class or classes, to apply for and obtain an operating permit for the source.~~

~~(b) Require that written notice be given to the Director before the construction, installation, alteration or establishment of any source of air contaminant or of any specified class or classes of such sources, or the alteration of any device intended primarily to prevent or reduce air pollution. If , within the time prescribed by regulation , the Director determines that:~~

~~(1) The proposed construction, installation, alteration or establishment will not be in accordance with the provisions of the plans, specifications and other design material required to be submitted under NRS 445B.100 to 445B.640, inclusive, *and sections 3 to 12, inclusive, of this act* or applicable regulations; or~~

~~(2) The design material or the construction itself is of such a nature that it patently cannot bring such *a* source into compliance with NRS 445B.100 to 445B.640, inclusive, *and sections 3 to 12, inclusive, of this act* or applicable regulations,~~

~~→ the Director shall issue an order prohibiting the construction, installation, alteration or establishment of the source or sources of air contaminant.~~

~~2. The Commission shall by regulation provide for:~~

~~(a) The issuance, renewal, modification, revocation and suspension of operating permits, and charge appropriate fees for their issuance in an amount sufficient to pay the expenses of administering NRS 445B.100 to 445B.640, inclusive, *and sections 3 to 12, inclusive, of this act* and any regulations adopted pursuant to those sections.~~

~~(b) The issuance of authorizations for the issuance of building permits pursuant to paragraph (a) of subsection 2 of NRS 445B.320.~~

~~3. Any failure of the Commission or the Department to issue a regulation or order to prohibit any act does not relieve the person so operating from any legal responsibility for the construction, operation or existence of the source of air contaminant.~~

~~4. All administrative fees collected by the Commission pursuant to subsection 2 must be~~ [accounted for separately and] ~~deposited in the State~~

~~General Fund for credit to the Account for the Management of Air Quality. This subsection does not apply to any fees collected by political subdivisions or their agencies.]~~ **(Deleted by amendment.)**

Sec. 21. ~~[NRS 445B.330 is hereby amended to read as follows:~~

~~445B.330 When the Department takes any regulatory action, under the provisions of NRS 445B.100 to 445B.640, inclusive, *and sections 3 to 12, inclusive, of this act*, or under any rule, regulation, order or standard based thereon, it shall give reasonable notice to all parties by certified mail, which notice [shall] *must* state the legal authority, jurisdiction and reasons for the action taken.]~~ **(Deleted by amendment.)**

Sec. 22. ~~[NRS 445B.460 is hereby amended to read as follows:~~

~~445B.460 1. If, in the judgment of the Director, any person is engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of NRS 445B.100 to 445B.640, inclusive, *and sections 3 to 12, inclusive, of this act*, or any rule, regulation, order or operating permit issued pursuant to NRS 445B.100 to 445B.640, inclusive, *and sections 3 to 12, inclusive, of this act*, the Director may request that the Attorney General apply to the district court for an order enjoining the act or practice, or for an order directing compliance with any provision of NRS 445B.100 to 445B.640, inclusive, *and sections 3 to 12, inclusive, of this act*, or any rule, regulation, order or operating permit issued pursuant to NRS 445B.100 to 445B.640, inclusive [.] *, and sections 3 to 12, inclusive, of this act.*~~

~~2. If, in the judgment of the control officer of a local air pollution control board, any person is engaged in or is about to engage in such an act or practice, the control officer may request that the district attorney of the county in which the act or practice is being engaged in or is about to be engaged in apply to the district court for such an order.~~

~~3. Upon a showing by the Director or the control officer that a person has engaged in or is about to engage in any such act or practice, a permanent or temporary injunction, restraining order or other appropriate order may be granted by the court.]~~ **(Deleted by amendment.)**

Sec. 23. ~~[NRS 445B.470 is hereby amended to read as follows:~~

~~445B.470 1. A person shall not knowingly:~~

~~(a) Violate any applicable provision, the terms or conditions of any permit or any provision for the filing of information;~~

~~(b) Fail to pay any fee;~~

~~(c) Falsify any material statement, representation or certification in any notice or report; or~~

~~(d) Render inaccurate any monitoring device or method,~~

~~required pursuant to the provisions of NRS 445B.100 to 445B.450, inclusive, or 445B.470 to 445B.640, inclusive, *and sections 3 to 12, inclusive, of this act* or any regulation adopted pursuant to those provisions.~~

~~2. Any person who violates any provision of subsection 1 shall be punished by a fine of not more than $10,000 for each day of the violation.~~

~~3. The burden of proof and degree of knowledge required to establish a violation of subsection 1 are the same as those required by 42 U.S.C. § 7413(c), as that section existed on October 1, 1993.~~

~~4. If, in the judgment of the Director~~ [of the Department] ~~or his designee, any person is engaged in any act or practice which constitutes a criminal offense pursuant to NRS 445B.100 to 445B.640, inclusive, *and sections 3 to 12, inclusive, of this act*, the Director~~ [of the Department] ~~or his designee may request that the Attorney General or the district attorney of the county in which the criminal offense is alleged to have occurred institute by indictment or information a criminal prosecution of the person.~~

~~5. If, in the judgment of the control officer of a local air pollution control board, any person is engaged in such an act or practice, the control officer may request that the district attorney of the county in which the criminal offense is alleged to have occurred institute by indictment or information a criminal prosecution of the person.]~~ **(Deleted by amendment.)**

Sec. 24. ~~[NRS 445B.590 is hereby amended to read as follows:~~

~~445B.590 1. The Account for the Management of Air Quality is hereby created in the State General Fund, to be administered by the Department.~~

~~2.~~ [Money] ~~*Except as otherwise provided in subsection 3, money* in the Account~~ [for the Management of Air Quality] ~~must be expended only:~~

~~(a) To carry out and enforce the provisions of NRS 445B.100 to 445B.640, inclusive, and *sections 3 to 12, inclusive, of this act, and* of any regulations adopted pursuant to those sections, including, without limitation, the direct and indirect costs of:~~

~~(1) Preparing regulations and recommendations for legislation regarding those provisions;~~

~~(2) Furnishing guidance for compliance with those provisions;~~

~~(3) Reviewing and acting upon applications for operating permits;~~

~~(4) Administering and enforcing the terms and conditions of operating permits;~~

~~(5) Monitoring emissions and the quality of the ambient air;~~

~~(6) Preparing inventories and tracking emissions;~~

~~(7) Performing modeling, analyses and demonstrations; and~~

~~(8) Establishing and administering a program for the provision of assistance, pursuant to 42 U.S.C. § 7661f, to small businesses operating stationary sources; and~~

~~(b) In any other manner required as a condition to the receipt of federal money for the purposes of NRS 445B.100 to 445B.640, inclusive~~ [.] ~~*, and sections 3 to 12, inclusive, of this act.*~~

~~*3. Money in the Account must not be expended for any project or research for which money is available pursuant to section 12 of this act.*~~

~~*4.* All interest earned on the money in the Account~~ [for the Management of Air Quality] ~~must be credited to the Account. Claims against the Account~~ [for the Management of Air Quality] ~~must be paid as other claims against the State are paid.]~~ **(Deleted by amendment.)**

Sec. 25. ~~[NRS 445B.600 is hereby amended to read as follows:~~

~~445B.600 *The provisions of* NRS 445B.100 to 445B.595, inclusive, [does] *and sections 3 to 12, inclusive, of this act do* not abridge, limit, impair, create, enlarge or otherwise affect substantively or procedurally the right of any person to damages or other relief on account of injury to persons or property and to maintain any action or other appropriate proceeding therefor in the courts of this State or the courts of the United States on a tort claim against the United States or a federal agency as authorized by federal statutes.]~~ **(Deleted by amendment.)**

Sec. 26. ~~[NRS 445B.640 is hereby amended to read as follows:~~

~~445B.640 1. Except as otherwise provided in subsection 4 and NRS 445C.010 to 445C.120, inclusive, any person who violates any provision of NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, *and sections 3 to 12, inclusive, of this act,* or any regulation in force pursuant thereto, other than NRS 445B.570 on confidential information, is guilty of a civil offense and shall pay an administrative fine levied by the Commission of not more than $10,000 per day per offense. Each day of violation constitutes a separate offense.~~

~~2. The Commission shall by regulation establish a schedule of administrative fines not exceeding $500 for lesser violations of any provision of NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, *and sections 3 to 12, inclusive, of this act,* or any regulation in force pursuant thereto.~~

~~3. Action pursuant to subsection 1 or 2 is not a bar to enforcement of the provisions of NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, *and sections 3 to 12, inclusive, of this act,* regulations in force pursuant thereto, and orders made pursuant to NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, *and sections 3 to 12, inclusive, of this act,* by injunction or other appropriate remedy, and the Commission or the Director may institute and maintain in the name of the State of Nevada any such enforcement proceedings.~~

~~4. Any person who fails to pay a fine levied pursuant to subsection 1 or 2 within 30 days after the fine is imposed is guilty of a misdemeanor. The provisions of this subsection do not apply to persons found by the court to be indigent.~~

~~5. All administrative fines collected by the Commission pursuant to this section must be deposited in the county school district fund of the county where the violation occurred.]~~ **(Deleted by amendment.)**

Sec. 27. ~~[NRS 445C.030 is hereby amended to read as follows:~~

~~445C.030 "Environmental requirement" means a requirement contained in NRS 444.440 to 444.645, inclusive, 445A.300 to 445A.730, inclusive, 445B.100 to 445B.640, inclusive, *and sections 3 to 12, inclusive, of this act,* 459.400 to 459.600, inclusive, 459.700 to 459.856, inclusive, or 519A.010 to 519A.280, inclusive, or in a regulation adopted pursuant to any of those [statutes.] *sections.]*~~ **(Deleted by amendment.)**

Sec. 28. **The Administrator of the Division of Industrial Relations of the Department of Business and Industry shall, on or before June 30, 2009, review the regulations adopted pursuant to NRS 512.131 and revise those regulations to ensure the regulations comply with the amendatory provisions of section 1 of this act.**

Sec. 29. **The State Environmental Commission shall adopt the regulations required pursuant to section 2 of this act on or before December 31, 2007.**

~~[Sec. 28.]~~ ***Sec. 30.*** This act becomes effective upon passage and approval . ~~[for the purpose of adopting regulations necessary to carry out the provisions of this act, and on January 1, 2008, for all other purposes.]~~

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 146.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 508.

AN ACT relating to health care; requiring the Department of Health and Human Services to establish a program to increase public awareness of health care information concerning the hospitals in this State; requiring the Department to establish and maintain an Internet website which provides certain information concerning the charges imposed and the quality of health care provided by the hospitals in this State; requiring hospitals to submit certain information to the Department for the program; **requiring similar information to be submitted by surgical centers for ambulatory patients; requiring that the information submitted by surgical centers for ambulatory patients be posted on the Internet website established and maintained by the Department under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the planning for health care in this State, including the promotion of equal access to quality health care at a reasonable cost. (Chapter 439A of NRS) Section 3 of this bill requires the Department of Health and Human Services to establish a program to increase public awareness of health care information concerning the hospitals in this State. The program must include the provision of information concerning the charges imposed and the quality of services provided by the hospitals in this State. Sections 4 and 5 of this bill require the hospitals in this State to submit the information for the program and require the Department to collect and maintain that information. Section 6 of this bill requires the Department to establish and maintain an Internet website which provides information to the

general public concerning the charges imposed and the quality of services provided by the hospitals in this State.

Under existing law, the Director of the Office for Consumer Health Assistance maintains an Internet website which includes certain information concerning prescription drug programs and pharmacies. (NRS 223.560) Section ~~[12]~~ **14** of this bill requires the Director to include on the website a link to the website maintained by the Department of Health and Human Services to provide information to the general public concerning the charges imposed and the quality of services provided by the hospitals in this State.

Section 16 of this bill requires the Department to collect and maintain similar information relating to surgical centers for ambulatory patients. Section 16 also requires the Department to reconcile the data submitted from surgical centers for ambulatory patients with the information submitted by hospitals to ensure that a consumer is able to reasonably compare the two types of medical facility. Section 16 further requires the Department to post this information if the Department is able to adequately reconcile the data submitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires,*** ~~*[“program” means the program that is established by the Department pursuant to section 3 of this act to increase public awareness of health care information concerning the hospitals in this State.]*~~ ***the words and terms defined in sections 2.3 and 2.7 of this act have the meanings ascribed to them in those sections.***

Sec. 2.3. ”Hospital” has the meaning ascribed to it in NRS 449.012.

Sec. 2.7. ”Program” means the program that is established by the Department pursuant to section 3 of this act to increase public awareness of health care information concerning the hospitals in this State.

Sec. 3. ***1. The Department shall establish and maintain a program to increase public awareness of health care information concerning the hospitals in this State. The program must be designed to assist consumers with comparing the quality of care provided by the hospitals in this State and the charges for that care.***

2. The program must include, without limitation, the collection, maintenance and provision of information concerning:

(a) The charges imposed on inpatients by each hospital in this State ~~*[, including, without limitation, the information contained in the uniform list of billed charges maintained pursuant to NRS 439B.400 and the summary of charges for common services prepared pursuant to NRS 449.243;]*~~ ***as reported in the forms submitted pursuant to NRS 449.485;***

(b) The charges imposed on outpatients by each hospital in this State ~~*[;]*~~ ***as reported in the forms submitted pursuant to NRS 449.485;***

(c) The quality of care provided by each hospital in this State ~~*[for the most common medical diagnoses and procedures,]*~~ ***as determined by applying uniform measures of quality*** ~~*[, including, without limitation, the measures of quality endorsed by the Agency for Healthcare Research and Quality, the National Quality Forum and the Joint Commission on Accreditation of Healthcare Organizations;]*~~ ***prescribed by the Department pursuant to section 4 of this act;***

(d) How consistently each hospital ~~*[in this State]*~~ ***follows recognized practices to prevent the infection of patients, to speed the recovery of patients and to avoid medical complications of patients;***

(e) For each hospital, the total number of patients discharged, the average length of stay and the average billed charges, reported for the 50 most common medical diagnoses and treatments of inpatients and the 50 most common medical diagnoses and treatments of outpatients; and

(f) Any other information relating to the charges imposed and the quality of the services provided by the hospitals in this State that the Department determines is useful to consumers.

Sec. 4. ***1. The Department shall, by regulation:***

~~*[1.]*~~ ***(a) Prescribe the information that each hospital in this State must submit to the Department for the program as set forth in section 3 of this act .*** ~~*[, which may include charges imposed by the hospitals and measures of quality for hospitals that are in addition to those prescribed in subsection 2 of section 3 of this act; and*~~

~~*2.*~~ ~~*(*~~ ***b) Prescribe the measures of quality for hospitals that are required pursuant to paragraph (c) of subsection 2 of section 3 of this act. In adopting the regulations, the Department shall:***

(1) Use the measures of quality endorsed by the Agency for Healthcare Research and Quality, the National Quality Forum and the Joint Commission;

(2) Prescribe a reasonable number of measures of quality which must not be unduly burdensome on the hospitals; and

(3) Take into consideration the financial burden placed on the hospitals to comply with the regulations.

(c) Require each hospital to:

~~*[(a)]*~~ ***(1) Provide the information prescribed in*** ~~*[subsection 1]*~~ ***paragraphs (a) and (b) in the format required by the Department; and***

~~*[(b)]*~~ ***(2) Report the information separately for inpatients and outpatients.***

2. If a hospital fails to submit the information required pursuant to this section or section 3 of this act or submits information that is incomplete or inaccurate, the Department shall send a notice of such failure to the hospital and to the Health Division of the Department.

Sec. 5. ***1. The Department shall collect and maintain all information that it receives from the hospitals in this State pursuant to*** ~~*[section]*~~ ***sections 3 and 4 of this act. Upon request, the Department shall make the information available in printed form or an electronic format, as indicated by the requester, to:***

(a) Consumers of health care;

(b) Providers of health care;

(c) Representatives of the health insurance industry; and

(d) The general public.

2. The Department shall ensure that the information it provides pursuant to this section is aggregated so as not to reveal the identity of a specific inpatient or outpatient of a hospital.

Sec. 6. ***1. The Department shall establish and maintain an Internet website that includes the information concerning the charges imposed and the quality of the services provided by the hospitals in this State as required by the program .*** ~~*[pursuant to section 3 of this act.]*~~ ***The information must be presented in a manner that:***

(a) Allows a person to view and compare the information for the hospitals by:

(1) Geographic location of each hospital;

(2) Type of medical diagnosis; and

(3) Type of medical ~~*[procedure;]*~~ ***treatment;***

(b) Allows a person to view and compare the information separately for the inpatients and outpatients of each hospital; and

(c) Is readily accessible and understandable by a member of the general public.

2. The Department shall:

(a) Publicize the availability of the Internet website;

(b) Update the information contained on the Internet website at least quarterly;

(c) Ensure that the information contained on the Internet website is accurate and reliable;

(d) Ensure that the information contained on the Internet website is aggregated so as not to reveal the identity of a specific inpatient or outpatient of a hospital;

(e) Post a disclaimer on the Internet website indicating that the information contained on the website is provided to assist with the comparison of hospitals and is not a guarantee by the Department or its employees as to the charges imposed by the hospitals in this State or the quality of the services provided by the hospitals in this State, including, without limitation, an explanation that the actual amount charged to a person by a particular hospital may not be the same charge as posted on the website for that hospital; and

(f) Upon request, make the information that is contained on the Internet website available in printed form.

Sec. 7. ***In carrying out the provisions of sections 2 to 7, inclusive, of this act, the Department may contract with the Nevada System of Higher Education or any appropriate, independent and qualified person or entity to analyze the information collected and maintained by the Department pursuant to sections 2 to 7, inclusive, of this act. Such a contractor shall not release or publish or otherwise use any information made available to it pursuant to the contract except as required to carry out the provisions of sections 2 to 7, inclusive, of this act.***

Sec. 8. NRS 439A.020 is hereby amended to read as follows:

439A.020 The purposes of this chapter are to:

1. Promote equal access to quality health care at a reasonable cost;
2. Promote an adequate supply and distribution of health resources;
3. Promote uniform, effective methods of delivering health care;
4. Promote and encourage the adequate distribution of health and care facilities and man power;
5. Promote and encourage the effective use of methods for controlling increases in the cost of health care;
6. Encourage participation in health planning by members of the several health professions, representatives of institutions and agencies interested in the provision of health care and the reduction of the cost of such care, and the general public;
7. Utilize the viewpoint of the general public for making decisions;
8. ***Provide information to the general public concerning the charges imposed and the quality of the services provided by the hospitals in this State;***
9. Encourage public education regarding proper personal health care and methods for the effective use of available health services; and

~~[9.]~~ ***10.*** Promote a program of technical assistance to purchasers to contain effectively the cost of health care, including:

(a) Providing information to purchasers regarding the charges made by practitioners.

(b) Training purchasers to negotiate successfully for a policy of health insurance.

(c) Conducting studies and providing other information about measures to assist purchasers in containing the cost of health care.

Sec. 9. ~~[NRS 439B.400 is hereby amended to read as follows:~~

~~439B.400 1. Each hospital in this State shall maintain and use a uniform list of billed charges for that hospital for units of service or goods provided to all inpatients. A hospital may not use a billed charge for an inpatient that is different than the billed charge used for another inpatient for the same service or goods provided. This section does not restrict the ability of a hospital or other person to negotiate a discounted rate from the hospital's billed charges or to contract for a different rate or mechanism for payment of the hospital.~~

~~2. *Each hospital in this State shall submit to the Department the uniform list of billed charges for the program established by the Department pursuant to section 3 of this act to increase public awareness of health care information concerning the hospitals in this State.*~~ **(Deleted by amendment.)**

Sec. 10. ~~[NRS 449.243 is hereby amended to read as follows:~~

~~449.243 Every hospital licensed pursuant to the provisions of NRS 449.001 to 449.240, inclusive:~~

~~1. May, except as otherwise provided in subsection 2, utilize the Uniform Billing and Claims Forms established by the American Hospital Association.~~

~~2. Shall, except as otherwise provided in this section, on its billings to patients, itemize, on a daily basis, all charges for services, and charges for equipment used and the supplies and medicines provided incident to the provision of those services with specificity and in language that is understandable to an ordinary lay person. This itemized list must be timely provided after the patient is discharged at no additional cost.~~

~~3. Except as otherwise provided in this subsection, if a patient is charged a rate, pursuant to a contract or other agreement, that is different than the billed charges, [the hospital] shall provide to the patient either:~~

~~(a) A copy of the billing prepared pursuant to subsection 2;~~

~~(b) A statement specifying the agreed rate for the services; or~~

~~(c) If the patient is not obligated to pay any portion of the bill, a statement of the total charges.~~

~~→ In any case, the hospital shall include on the billing or statement any copayment or deductible for which the patient is responsible. The hospital shall answer any questions regarding the bill.~~

~~4. If the hospital is paid by the insurer of a patient a rate that is based on the number of persons treated and not on the services actually rendered, [the hospital] shall, upon the discharge of the patient, advise the patient of the status of any copayment or deductible for which the patient is responsible.~~

~~5. Shall prepare a summary of charges for common services for patients admitted to the hospital and make it available to the public. *The summary must be submitted to the Department of Health and Human Services for the program established by the Department pursuant to section 3 of this act to increase public awareness of health care information concerning the hospitals in this State.*~~

~~6. Shall provide to any patient upon request a copy of the billing prepared pursuant to subsection 2.]~~ **(Deleted by amendment.)**

Sec. 11. **NRS 449.485 is hereby amended to read as follows:**

449.485 1. Each hospital in this State shall use for all patients discharged the form commonly referred to as the "UB-82," or a different form prescribed by the Director with the approval of a majority of the hospitals licensed in this State, and shall include in the form all information required by the Department.

2. ~~[The Department shall by regulation:~~

~~(a) Specify:~~ ***Each hospital shall, on a monthly basis, report to the Department*** the information required to be included in the form for each patient**.** ~~[; and~~

~~(b) Require each hospital to provide specified information from the form to the Department.]~~

3. Each insurance company or other payer shall accept the form as the bill for services provided by hospitals in this State.

4. Except as otherwise provided in subsection 5, each hospital with 100 or more beds shall provide the information required pursuant to paragraph (b) of subsection 2 on magnetic tape or by other means specified by the Department, or shall provide copies of the forms and pay the costs of entering the information manually from the copies.

5. The Director may exempt a hospital from the requirements of subsection 4 if requiring the hospital to comply with the requirements would cause the hospital financial hardship.

6. The Department shall use the information submitted pursuant to this section for the program established pursuant to section 3 of this act to increase public awareness of health care information concerning the hospitals in this State.

Sec. 12. **NRS 449.490 is hereby amended to read as follows:**

449.490 1. Every institution which is subject to the provisions of NRS 449.450 to 449.530, inclusive, shall file with the Department the following financial statements or reports in a form and at intervals specified by the Director but at least annually:

(a) A balance sheet detailing the assets, liabilities and net worth of the institution for its fiscal year; and

(b) A statement of income and expenses for the fiscal year.

2. Each hospital with 100 or more beds shall file with the Department, in a form and at intervals specified by the Director but at least annually, a capital improvement report which includes, without limitation, any major service line that the hospital has added or is in the process of adding since the previous report was filed, any major expansion of the existing facilities of the hospital that has been completed or is in the process of being completed since the previous report was filed, and any major piece of equipment that the hospital has acquired or is in the process of acquiring since the previous report was filed.

3. In addition to the information required to be filed pursuant to subsections 1 and 2, each hospital with 100 or more beds shall file with the Department, in a form and at intervals specified by the Director but at least annually:

(a) The corporate home office allocation methodology of the hospital, if any.

(b) The expenses that the hospital has incurred for providing community benefits and the in-kind services that the hospital has provided to the community in which it is located. For the purposes of this paragraph,

"community benefits" includes, without limitation, goods, services and resources provided by a hospital to a community to address the specific needs and concerns of that community, services provided by a hospital to the uninsured and underserved persons in that community, training programs for employees in a community and health care services provided in areas of a community that have a critical shortage of such services, for which the hospital does not receive full reimbursement.

(c) A statement of its policies and procedures for providing discounted services to, or reducing charges for services provided to, persons without health insurance that are in addition to any reduction or discount required to be provided pursuant to NRS 439B.260.

(d) A statement of its policies regarding patients' account receivables, including, without limitation, the manner in which a hospital collects or makes payment arrangements for patients' account receivables, the factors that initiate collections and the method by which unpaid account receivables are collected.

4. A complete current charge master must be available at each hospital during normal business hours for review by the Director, any payor that has a contract with the hospital to pay for services provided by the hospital, any payor that has received a bill from the hospital and any state agency that is authorized to review such information. ***The complete and current charge master must be made available to the Department, at the request of the Director, in an electronic format specified by the Department. The Department may use the electronic copy of the charge master to review and analyze the data contained in the charge master and, except as otherwise provided in sections 2 to 7, inclusive, of this act, shall not release or publish the information contained in the charge master.***

5. The Director shall require the certification of specified financial reports by an independent certified public accountant and may require attestations from responsible officers of the institution that the reports are, to the best of their knowledge and belief, accurate and complete to the extent that the certifications and attestations are not required by federal law.

6. The Director shall require the filing of all reports by specified dates, and may adopt regulations which assess penalties for failure to file as required, but he shall not require the submission of a final annual report sooner than 6 months after the close of the fiscal year, and may grant extensions to institutions which can show that the required information is not available on the required reporting date.

7. All reports, except privileged medical information, filed under any provisions of NRS 449.450 to 449.530, inclusive, are open to public inspection and must be available for examination at the office of the Department during regular business hours.

~~[Sec. 11.]~~ ***Sec. 13.*** NRS 449.520 is hereby amended to read as follows:

449.520 1. On or before October 1 of each year, the Director shall prepare and transmit to the Governor, the Legislative Committee on Health Care and the Interim Finance Committee a report of the Department's operations and activities for the preceding fiscal year.

2. The report prepared pursuant to subsection 1 must include:

(a) Copies of all summaries, compilations and supplementary reports required by NRS 449.450 to 449.530, inclusive, together with such facts, suggestions and policy recommendations as the Director deems necessary;

(b) A summary of the trends of the audits of hospitals in this State that the Department required or performed during the previous year;

(c) An analysis of the trends in the costs, expenses and profits of hospitals in this State;

(d) An analysis of the corporate home office allocation methodologies of hospitals in this State;

(e) An examination and analysis of the manner in which hospitals are reporting the information that is required to be filed pursuant to NRS 449.490, including, without limitation, an examination and analysis of whether that information is being reported in a standard and consistent manner, which fairly reflect the operations of each hospital;

(f) A review and comparison of the policies and procedures used by hospitals in this State to provide discounted services to, and to reduce charges for services provided to, persons without health insurance; ~~[and]~~

(g) A review and comparison of the policies and procedures used by hospitals in this State to collect unpaid charges for services provided by the hospitals ~~[.]~~ ***; and***

(h) A summary of the status of the program that is established pursuant to section 3 of this act to increase public awareness of health care information concerning the hospitals in this State, including, without limitation, the information that was posted in the preceding fiscal year on the Internet website maintained for that program pursuant to section 6 of this act.

3. The Legislative Committee on Health Care shall develop a comprehensive plan concerning the provision of health care in this State which includes, without limitation:

(a) A review of the health care needs in this State as identified by state agencies, local governments, providers of health care and the general public; and

(b) A review of the capital improvement reports submitted by hospitals pursuant to subsection 2 of NRS 449.490.

~~[Sec. 12.]~~ ***Sec. 14.*** NRS 223.560 is hereby amended to read as follows:

223.560 The Director shall:

1. Respond to written and telephonic inquiries received from consumers and injured employees regarding concerns and problems related to health care and workers' compensation;

2. Assist consumers and injured employees in understanding their rights and responsibilities under health care plans and policies of industrial insurance;

3. Identify and investigate complaints of consumers and injured employees regarding their health care plans and policies of industrial insurance and assist those consumers and injured employees to resolve their complaints, including, without limitation:

(a) Referring consumers and injured employees to the appropriate agency, department or other entity that is responsible for addressing the specific complaint of the consumer or injured employee; and

(b) Providing counseling and assistance to consumers and injured employees concerning health care plans and policies of industrial insurance;

4. Provide information to consumers and injured employees concerning health care plans and policies of industrial insurance in this State;

5. Establish and maintain a system to collect and maintain information pertaining to the written and telephonic inquiries received by the Office for Consumer Health Assistance;

6. Take such actions as are necessary to ensure public awareness of the existence and purpose of the services provided by the Director pursuant to this section;

7. In appropriate cases and pursuant to the direction of the Governor, refer a complaint or the results of an investigation to the Attorney General for further action;

8. Provide information to and applications for prescription drug programs for consumers without insurance coverage for prescription drugs or pharmaceutical services; and

9. Establish and maintain an Internet website which includes:

(a) Information concerning purchasing prescription drugs from Canadian pharmacies that have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328; ~~[and]~~

(b) Links to websites of Canadian pharmacies which have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328 ~~[.]~~ ***; and***

(c) A link to the website established and maintained pursuant to section 6 of this act which provides information to the general public concerning the charges imposed and the quality of the services provided by the hospitals in this State.

Sec. 15. **1. Each hospital in this State shall, on July 1, 2007, begin submitting to the Department of Health and Human Services the information concerning inpatient data required pursuant to sections 2 to 7, inclusive, of this act.**

2. The Department shall review the data concerning inpatients submitted by each hospital in this State and, on or before January 1,

2008, begin posting such information on the Internet website established pursuant to section 6 of this act.

3. Each hospital in this State shall, on January 1, 2008, begin submitting to the Department the information concerning outpatient data that is required pursuant to sections 2 to 7, inclusive, of this act.

4. The Department shall review the data concerning outpatients submitted by each hospital in this State and, on or before January 1, 2009, begin posting such information on the Internet website established pursuant to section 6 of this act.

Sec. 16. **1. Each surgical center for ambulatory patients shall, on January 1, 2008, and on a monthly basis thereafter, begin submitting to the Department of Health and Human Services all information required by the Department pursuant to this section.**

2. The Department shall determine how best to reconcile the information submitted pursuant to this section with the information required from the hospitals in this State pursuant to sections 2 to 7, inclusive, of this act so that the information may be posted on the Internet website established pursuant to section 6 of this act in a manner which allows a consumer to reasonably compare the charges imposed and the quality of services provided by the surgical centers for ambulatory patients and the hospitals in this State.

3. The Department shall, on or before December 1, 2008, report to the Legislative Committee on Health Care concerning the activities of the Department pursuant to this section, including, without limitation, a report on whether the Department was able to adequately reconcile the information submitted pursuant to this section with the information submitted pursuant to sections 2 to 7, inclusive, of this act. If the Department submits to the Legislative Committee on Health Care a report that the information collected pursuant to this section is not ready for posting on the Internet website or that the information cannot be adequately reconciled with the information submitted by the hospitals, the Legislative Committee on Health Care may extend the deadline by which the information must be posted pursuant to subsection 4.

4. Except as otherwise provided in subsection 3, the Department shall, on January 1, 2009, begin posting the information received pursuant to this section on the Internet website established pursuant to section 6 of this act.

5. The Department shall adopt regulations prescribing:

(a) The surgical centers for ambulatory patients in this State which must report information pursuant to this section.

(b) The information concerning the charges imposed and the quality of services provided by the surgical centers for ambulatory patients that must be submitted pursuant to this section, which must be similar to the information submitted by the hospitals pursuant to sections 2 to 7, inclusive, of this act.

Sec. 17. **In addition to any other report required pursuant to this act or a state law, the Department of Health and Human Services shall submit to the Legislative Committee on Health Care, on or before the first day of each month, a report which includes:**

1. The status of the collection of data pursuant to sections 2 to 7, inclusive, and section 16 of this act;

2. The status of the establishment of an Internet website pursuant to section 6 of this act;

3. Any regulations adopted pursuant to sections 4 and 16 of this act; and

4. Any other information related to carrying out the provisions of this act.

Sec. 18. **The Department of Health and Human Services shall not send to the Health Division of the Department a notice required pursuant to subsection 2 of section 4 of this act until:**

1. July 1, 2008, if the notice concerns the submission of information relating to inpatients; and

2. January 1, 2009, if the notice concerns the submission of information relating to outpatients.

Sec. 19. **This act becomes effective on July 1, 2007.**

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 147.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 220.

AN ACT relating to the protection of children; prohibiting a person who takes a child ~~[who is under the age of 6 years]~~ into protective custody from placing the child in ~~[certain group shelters;]~~ **a child care institution under certain circumstances;** requiring a court to establish a plan with an agency which provides child welfare services for the transfer of a child ~~[who is under the age of 6 years and]~~ who has been placed in a ~~[group shelter]~~ **child care institution** to another placement ~~[.]~~ **under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for a child to be removed from his home and placed into protective custody in certain circumstances. When the child is removed, he may be placed in a hospital or a shelter, which may include a foster home or other home or facility. (NRS 432B.390) Section 1 of this bill provides that a child placed in protective custody who is under the age of ~~[6]~~ **3** years may not be placed in a ~~[group shelter which provides care and supervision to more than 16 children.]~~ **child care institution unless appropriate foster care is**

unavailable in the county in which the child resides, the child requires medical services that cannot be provided at any other placement or it is necessary to avoid separating siblings. Section 6 of this bill amends section 1 to provide that on and after January 1, 2009, this prohibition applies to any child under the age of 6 years. Sections 3 and 4 of this bill further require the court to establish whether a child under the age of ~~[6]~~ **3** years has been placed in such a ~~[group home]~~ **child care institution in** violation of statute and, if so, to prepare a plan with the agency which provides child welfare services to have the child moved to a different placement. (NRS 432B.480, 432B.510) Section 1 also requires the Director of the Department of Health and Human Services to submit an annual report to the Legislature concerning any child under the age of ~~[6]~~ **3** years who was placed in a ~~[group shelter]~~ **child care institution** during the previous 12 months. **Section 6 of this bill amends section 1 to provide that the report applies to children under the age of 6 years.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An employee of an agency which provides child welfare services or its designee, an agent or officer of a law enforcement agency, an officer of a local juvenile probation department or the local department of juvenile services or any other person who places a child in protective custody pursuant to this chapter :

(a) Except as otherwise provided in subsection 2, shall not transfer a child who is under the age of ~~[6]~~ 3 years to, or place such a child in, a ~~[group shelter.]~~ child care institution unless appropriate foster care is not available at the time of placement in the county in which the child resides; and

(b) Shall make all reasonable efforts to place siblings in the same location.

2. A child under the age of 3 years may be placed in a child care institution:

(a) If the child requires medical services and such medical services could not be provided at any other placement; or

(b) If necessary to avoid separating siblings.

3. If a child is transferred to or placed in a ~~[group shelter]~~ child care institution in violation of subsection 1, the agency which provides child welfare services that is responsible for the child shall immediately notify the Director of the Department of Health and Human Services and shall move the child to another placement as soon as possible.

~~[3.]~~ 4. The Director of the Department shall, on or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a written report concerning any child under

the age of ~~[6]~~ 3 years who was placed in a ~~[group shelter]~~ child care institution during the previous 12 months. Such a report must include, without limitation:

(a) An explanation of the situation that required the transfer of the child to or placement of the child in a ~~[group shelter;]~~ child care institution;

(b) A summary of any actions that were taken to ensure the health, welfare and safety of the child; and

(c) The length of time that the child was required to remain in the ~~[group shelter.]~~ child care institution.

➥ *The Director of the Legislative Counsel Bureau shall cause such report to be made available to each Senator and Assemblyman.*

~~[4.]~~ 5. As used in this section, ~~["group shelter" means]~~ "child care institution":

(a) Means any type of home or facility that ~~[provides]~~ :

(1) Provides care and shelter during the day and night to 16 or more children who are in protective custody of an agency which provides child welfare services ~~[.]~~ ;or

(2) Provides care and shelter during the day and night, through the use of caregivers who work in shifts, to children who are in protective custody of an agency which provides child welfare services.

(b) Does not include a home or facility that provides medical services to children.

Sec. 2. NRS 432B.390 is hereby amended to read as follows:

432B.390 1. An agent or officer of a law enforcement agency, an officer of the local juvenile probation department or the local department of juvenile services, or a designee of an agency which provides child welfare services:

(a) May place a child in protective custody without the consent of the person responsible for the child's welfare if he has reasonable cause to believe that immediate action is necessary to protect the child from injury, abuse or neglect.

(b) Shall place a child in protective custody upon the death of a parent of the child, without the consent of the person responsible for the welfare of the child, if the agent, officer or designee has reasonable cause to believe that the death of the parent of the child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018.

2. When an agency which provides child welfare services receives a report pursuant to subsection 2 of NRS 432B.630, a designee of the agency which provides child welfare services shall immediately place the child in protective custody.

3. If there is reasonable cause to believe that the death of a parent of a child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018, a protective custody hearing must be held pursuant to NRS 432B.470, whether the child was placed in protective custody or with a relative. If an agency other than an agency which

provides child welfare services becomes aware that there is reasonable cause to believe that the death of a parent of a child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018, that agency shall immediately notify the agency which provides child welfare services and a protective custody hearing must be scheduled.

4. An agency which provides child welfare services shall request the assistance of a law enforcement agency in the removal of a child if the agency has reasonable cause to believe that the child or the person placing the child in protective custody may be threatened with harm.

5. Before taking a child for placement in protective custody, the person taking the child shall show his identification to any person who is responsible for the child and is present at the time the child is taken. If a person who is responsible for the child is not present at the time the child is taken, the person taking the child shall show his identification to any other person upon request. The identification required by this subsection must be a single card that contains a photograph of the person taking the child and identifies him as a person authorized pursuant to this section to place a child in protective custody.

6. A child placed in protective custody pending an investigation and a hearing held pursuant to NRS 432B.470 must be placed in a hospital, if the child needs hospitalization, or in a shelter, which may include ***, without limitation,*** a foster home or other home or facility which provides care for those children, ~~[but the]~~ ***except as otherwise provided in section 1 of this act. Such a*** child must not be placed in a jail or other place for detention, incarceration or residential care of persons convicted of a crime or children charged with delinquent acts.

7. A person placing a child in protective custody pursuant to subsection 1 shall:

(a) Immediately take steps to protect all other children remaining in the home or facility, if necessary;

(b) Immediately make a reasonable effort to inform the person responsible for the child's welfare that the child has been placed in protective custody;

(c) Give preference in placement of the child to any person related within the third degree of consanguinity to the child who is suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State; and

(d) As soon as practicable, inform the agency which provides child welfare services and the appropriate law enforcement agency ~~[.]~~ ***, except that if the placement violates the provisions of section 1 of this act, the person shall immediately provide such notification.***

8. If a child is placed with any person who resides outside this State, the placement must be in accordance with NRS 127.330.

Sec. 3. NRS 432B.480 is hereby amended to read as follows:

432B.480 1. At each hearing conducted pursuant to NRS 432B.470:

(a) At the commencement of the hearing, the court shall advise the parties of their right to be represented by an attorney and of their right to present evidence.

(b) The court shall determine whether there is reasonable cause to believe that it would be:

(1) Contrary to the welfare of the child for him to reside at his home; or

(2) In the best interests of the child to place him outside of his home.

➥ The court shall prepare an explicit statement of the facts upon which each of its determinations is based. If the court makes an affirmative finding regarding either subparagraph (1) or (2), the court shall issue an order keeping the child in protective custody pending a disposition by the court.

(c) ~~*[If the child is under the age of 6 years, the]*~~ ***The court shall determine whether the child has been placed in a home or facility that complies with the requirements of section 1 of this act. If the placement does not comply with the requirements of section 1 of this act, the court shall establish a plan with the agency which provides child welfare services for the prompt transfer of the child into a home or facility that complies with the requirements of section 1 of this act.***

2. If the court issues an order keeping the child in protective custody pending a disposition by the court and it is in the best interests of the child, the court may:

(a) Place the child in the temporary custody of a grandparent, great-grandparent or other person related within the third degree of consanguinity to the child who the court finds has established a meaningful relationship with the child, with or without supervision upon such conditions as the court prescribes, regardless of whether the relative resides within this State; or

(b) Grant the grandparent, great-grandparent or other person related within the third degree of consanguinity to the child a reasonable right to visit the child while he is in protective custody.

3. If the court finds that the best interests of the child do not require that the child remain in protective custody, the court shall order his immediate release.

4. If a child is placed with any person who resides outside this State, the placement must be in accordance with NRS 127.330.

Sec. 4. NRS 432B.510 is hereby amended to read as follows:

432B.510 1. A petition alleging that a child is in need of protection may be signed only by:

(a) A representative of an agency which provides child welfare services;

(b) A law enforcement officer or probation officer; or

(c) The district attorney.

2. The district attorney shall countersign every petition alleging need of protection, and shall represent the interests of the public in all proceedings. If the district attorney fails or refuses to countersign the petition, the petitioner may seek a review by the Attorney General. If the Attorney General

determines that a petition should be filed, he shall countersign the petition and shall represent the interests of the public in all subsequent proceedings.

3. Every petition must be entitled ~~[,]~~ "In the Matter of ....., a child," and must be verified by the person who signs it.

4. Every petition must set forth specifically:

(a) The facts which bring the child within the jurisdiction of the court as indicated in NRS 432B.410.

(b) The name, date of birth and address of the residence of the child.

(c) The names and addresses of the residences of his parents and any other person responsible for the child's welfare, and spouse if any. If his parents or other person responsible for his welfare do not reside in this State or cannot be found within the State, or if their addresses are unknown, the petition must state the name of any known adult relative residing within the State ~~[,]~~ or **,** if there is none, the known adult relative residing nearest to the court.

(d) Whether the child is in protective custody ~~[,]~~ and **,** if so ~~[, the]~~ ***:***

(1) The agency responsible for placing the child in protective custody and the reasons therefor ~~[.]~~ ***; and***

(2) Whether the child has been placed in a home or facility in compliance with the provisions of section 1 of this act. If the placement does not comply with the provisions of section 1 of this act, the petition must include a plan for transferring the child to a placement which complies with the provisions of section 1 of this act.

5. When any of the facts required by subsection 4 are not known, the petition must so state.

Sec. 5. NRS 432B.540 is hereby amended to read as follows:

432B.540 1. If the court finds that the allegations of the petition are true, it shall order that a report be made in writing by an agency which provides child welfare services, concerning:

(a) Except as otherwise provided in paragraph (b), the conditions in the child's place of residence, the child's record in school, the mental, physical and social background of his family, its financial situation and other matters relevant to the case; or

(b) If the child was delivered to a provider of emergency services pursuant to NRS 432B.630, any matters relevant to the case.

2. If the agency believes that it is necessary to remove the child from the physical custody of his parents, it must submit with the report a plan designed to achieve a placement of the child in a safe setting as near to the residence of his parent as is consistent with the best interests and special needs of the child. The plan must include ~~[:]~~ ***, without limitation:***

(a) A description of the type, safety and appropriateness of the home or institution in which the child could be placed, ***including, without limitation,*** ~~*[if the child is under the age of 6 years,]*~~ ***a statement that the home or institution would comply with the provisions of section 1 of this act, and*** a plan for ensuring that he would receive safe and proper care and a description of his needs;

(b) A description of the services to be provided to the child and to a parent to facilitate the return of the child to the custody of his parent or to ensure his permanent placement;

(c) The appropriateness of the services to be provided under the plan; and

(d) A description of how the order of the court will be carried out.

Sec. 6. **Section 1 of this act is hereby amended to read as follows:**

Section 1. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An employee of an agency which provides child welfare services or its designee, an agent or officer of a law enforcement agency, an officer of a local juvenile probation department or the local department of juvenile services or any other person who places a child in protective custody pursuant to this chapter:

(a) Except as otherwise provided in subsection 2, shall not transfer a child who is under the age of ~~[3]~~ ***6*** years to, or place such a child in, a child care institution unless appropriate foster care is not available at the time of placement in the county in which the child resides; and

(b) Shall make all reasonable efforts to place siblings in the same location.

2. A child under the age of ~~[3]~~ ***6*** years may be placed in a child care institution:

(a) If the child requires medical services and such medical services could not be provided at any other placement; or

(b) If necessary to avoid separating siblings.

3. If a child is transferred to or placed in a child care institution in violation of subsection 1, the agency which provides child welfare services that is responsible for the child shall immediately notify the Director of the Department of Health and Human Services and shall move the child to another placement as soon as possible.

4. The Director of the Department shall, on or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a written report concerning any child under the age of ~~[3]~~ ***6*** years who was placed in a child care institution during the previous 12 months. Such a report must include, without limitation:

(a) An explanation of the situation that required the transfer of the child to or placement of the child in a child care institution;

(b) A summary of any actions that were taken to ensure the health, welfare and safety of the child; and

(c) The length of time that the child was required to remain in the child care institution.

➥ The Director of the Legislative Counsel Bureau shall cause such report to be made available to each Senator and Assemblyman.

5. As used in this section, "child care institution":

(a) Means any type of home or facility that:

(1) Provides care and shelter during the day and night to 16 or more children who are in protective custody of an agency which provides child welfare services; or

(2) Provides care and shelter during the day and night, through the use of caregivers who work in shifts, to children who are in protective custody of an agency which provides child welfare services.

(b) Does not include a home or facility that provides medical services to children.

~~[Sec. 6.]~~ ***Sec. 7.*** 1. As soon as possible, but not later than ~~[2 weeks after the effective date of this act,]~~ **January 15, 2008,** an agency which provides child welfare services shall determine whether any children for whom the agency is responsible ~~[is]~~ **are** in the custody of a ~~[group shelter]~~ **child care institution** in violation of the provisions of section 1 of this act and shall establish a plan for the transfer of any such children into a home or facility that complies with the provisions of section 1 of this act. The agency shall provide the Director of the Department of Health and Human Services with a list of any such children and the plans for their transfer.

2. As soon as possible, but not later than January 15, 2009, an agency which provides child welfare services shall determine whether any children for whom the agency is responsible are in the custody of a child care institution in violation of the provisions of section 6 of this act and shall establish a plan for the transfer of any such children into a home or facility that complies with the provisions of section 6 of this act. The agency shall provide the Director of the Department of Health and Human Services with a list of any such children and the plans for their transfer.

~~[Sec. 7.]~~ ***Sec. 8.*** **1.** This **section and sections 1 to 5, inclusive, and 7 of this** act ~~[becomes]~~ **become** effective on ~~[July 1, 2007.]~~ **January 1, 2008.**

2. Section 1 of this act expires by limitation on December 31, 2008.

3. Section 6 of this act becomes effective on January 1, 2009.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 150.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 481.

AN ACT relating to controlled substances; ~~[requiring the State Board of Pharmacy to classify certain precursors to methamphetamine as controlled substances which must not be dispensed by a pharmacy without a prescription;]~~ requiring the Office of Court Administrator to apply for federal grants for drug courts; making various other changes pertaining to crimes related to the use or manufacturing of methamphetamine and other controlled

substances; revising various provisions pertaining to nuisances; making various changes relating to lithium metal, sodium metal and anhydrous ammonia; **enacting provisions relating to the sale or transfer of certain precursors to methamphetamine;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill makes various changes pertaining to methamphetamine and other controlled substances.

~~[Existing law allows the State Board of Pharmacy to adopt regulations that add or delete substances from the schedules of controlled substances. (NRS 453.146) The Board has designated ephedrine, pseudoephedrine and phenylpropanolamine as controlled substances included on schedule III, but has excluded such substances if they are sold over the counter in packages containing not more than 3 grams of the substances. (NAC 453.530) Sections 4-6 of this bill require the Board to classify all ephedrine, pseudoephedrine and phenylpropanolamine as controlled substances included on schedule III and provide that these substances may not be dispensed without a prescription. (NRS 453.256)]~~

Section 40 of this bill prohibits a person from: (1) selling or transferring in the course of business a product that is a precursor to methamphetamine; or (2) engaging in the business of selling at retail a product that is a precursor to methamphetamine, unless the person is a pharmacy or the holder of a permit which allows the person to sell or transfer products that are precursors to methamphetamine. A person who violates these prohibitions is guilty of a category C felony. To obtain a permit to sell or transfer products that are precursors to methamphetamine, a person must submit an application to the State Board of Pharmacy and pay a fee of $200. The Board must issue a permit to a person if the Board determines, after considering certain factors, that the person will safely and lawfully sell products that are precursors to methamphetamine.

Section 41 of this bill requires a pharmacy or the holder of a permit to: (1) comply with state and federal law concerning the sale and transfer of products that are precursors to methamphetamine; and (2) submit to the Department of Public Safety a quarterly report of the quantity of each purchase and sale or transfer of a product that is a precursor to methamphetamine. If a pharmacy or permit holder does not comply with either of these requirements, section 45 allows the State Board of Pharmacy to take certain disciplinary action against the pharmacy or permit holder.

Section 2 of this bill prohibits the possession or disposition of chemical waste or debris resulting from the manufacture of methamphetamine. Section 3 of this bill prohibits the possession of lithium metal or sodium metal under certain circumstances.

Existing law prohibits a person from possessing certain chemicals with the intent to manufacture or compound a controlled substance other than marijuana. (NRS 453.322) Section 7 of this bill adds lithium metal and sodium metal to the list of prohibited chemicals. Section 7 also prohibits a person from providing such a chemical to another person with the intent that it be used in the manufacturing or compounding of a controlled substance other than marijuana.

Existing law creates the Office of Court Administrator and prescribes the duties of the Court Administrator. (NRS 1.320, 1.360) Section 9 of this bill requires the Court Administrator to apply for any federal grants for the establishment, support or expansion of drug courts and to allocate to the courts any money received.

Existing law provides that a building or place used to unlawfully manufacture a controlled substance is a nuisance, which creates civil liability, and a public nuisance, which is punishable criminally. (NRS 40.140, 202.450, 202.470) Sections 10 and 11 of this bill provide that a building or place that was used to unlawfully manufacture a controlled substance is both a nuisance and a public nuisance if certain activities relating to the decontamination of the building or place have not occurred within a certain period.

Section 12 of this bill provides that a person commits first degree arson if, by knowingly engaging in the manufacture of methamphetamine, the person sets fire to or causes an explosion that damages a dwelling house or personal property that is occupied by one or more persons. Section 13 of this bill provides that a person commits second degree arson if, by knowingly engaging in the manufacture of methamphetamine, the person sets fire to or causes an explosion that damages any abandoned building or structure. Section 14 of this bill provides that a person is guilty of a category B felony if the person commits the theft of certain chemicals that are precursors to controlled substances, regardless of the value of those chemicals.

Sections 21-32 of this bill require the State Department of Agriculture, in consultation with the Department of Public Safety, to certify substances that are added to anhydrous ammonia for the purpose of rendering the anhydrous ammonia unusable or undesirable for the manufacture of methamphetamine. To assist in advising the State Department of Agriculture on the certification of such substances, sections 32 and 33 of this bill create the Anhydrous Ammonia Advisory Committee.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 453 of NRS is hereby amended by adding thereto the provisions set forth as section 2 and 3 of this act.

Sec. 2. ***1. Except as otherwise provided in subsection 2, a person who knowingly possesses or disposes of methamphetamine manufacturing***

waste is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. A person does not violate subsection 1 if the person:

(a) Possesses or disposes of the methamphetamine manufacturing waste pursuant to state or federal laws regulating the storage, cleanup or disposal of waste products from unlawful methamphetamine manufacturing;

(b) Has notified a law enforcement agency of the existence of the methamphetamine manufacturing waste; or

(c) Possesses or disposes of methamphetamine manufacturing waste that had previously been disposed of by another person on the person's property in violation of subsection 1.

3. As used in this section:

(a) "Disposes of" means to discharge, deposit, inject, spill, leak or place methamphetamine manufacturing waste into or onto land or water.

(b) "Methamphetamine manufacturing waste" means chemical waste or debris, used in or resulting from:

(1) The manufacture of any material, compound, mixture or preparation which contains any quantity of methamphetamine; or

(2) The grinding, soaking or otherwise breaking down of a substance that is a precursor for the manufacture of any material, compound, mixture or preparation which contains any quantity of methamphetamine.

Sec. 3. ***1. Except as otherwise provided in this subsection, it is unlawful for a person to knowingly or intentionally possess lithium metal or sodium metal. A person does not violate this subsection if the person:***

(a) Is conducting a lawful manufacturing operation that involves the use of lithium metal or sodium metal;

(b) Possesses lithium metal or sodium metal in conjunction with experiments conducted in a chemistry or chemistry-related laboratory maintained by a:

(1) Regularly established public or private secondary school; or

(2) Public or private institution of higher education that is accredited by a national or regional accrediting agency recognized by the United States Department of Education;

(c) Is a retail distributor, wholesaler, manufacturer, warehouseman or common carrier, or an agent of any of those persons, who possesses lithium metal or sodium metal in the regular course of lawful business activities; or

(d) Possesses lithium metal or sodium metal as a component of a commercially produced product, including, without limitation, rechargeable batteries.

2. A person who violates this section is guilty of a gross misdemeanor.

Sec. 4. ~~[NRS 453.146 is hereby amended to read as follows:~~

~~453.146 1. The Board shall administer the provisions of NRS 453.011 to 453.552, inclusive, and may add substances to or delete or reschedule all substances enumerated in schedules I, II, III, IV and V by regulation.~~

~~2. In making a determination regarding a substance, the Board shall consider the following:~~

~~(a) The actual or relative potential for abuse;~~

~~(b) The scientific evidence of its pharmacological effect, if known;~~

~~(c) The state of current scientific knowledge regarding the substance;~~

~~(d) The history and current pattern of abuse;~~

~~(e) The scope, duration and significance of abuse;~~

~~(f) The risk to the public health;~~

~~(g) The potential of the substance to produce psychic or physiological dependence liability; and~~

~~(h) Whether the substance is an immediate precursor of a controlled substance.~~

~~3. The Board may consider findings of the federal Food and Drug Administration or the Drug Enforcement Administration as prima facie evidence relating to one or more of the determinative factors.~~

~~4. After considering the factors enumerated in subsection 2, the Board shall make findings with respect thereto and adopt a regulation controlling the substance if it finds the substance has a potential for abuse.~~

~~5. The Board shall designate as a controlled substance a steroid or other product which is used to enhance athletic performance, muscle mass, strength or weight without medical necessity. The Board may not designate as a controlled substance an anabolic steroid which is:~~

~~(a) Expressly intended to be administered through an implant to cattle, poultry or other animals; and~~

~~(b) Approved by the Food and Drug Administration for such use.~~

~~*6. Except as otherwise provided in subsection 7, the Board shall designate as a controlled substance included in schedule III, regardless of the amount thereof:*~~

~~*(a) Ephedrine, its optical isomers, salts and salts of optical isomers;*~~

~~*(b) Pseudoephedrine, its optical isomers, salts and salts of optical isomers; and*~~

~~*(c) Phenylpropanolamine, its optical isomers, salts and salts of optical isomers.*~~

~~*7. The Board may exempt a product that contains a substance described in subsection 6 from regulation as a controlled substance if:*~~

~~*(a) The manufacturer of the product applies to the Board for an exemption; and*~~

~~*(b) The Board finds that the product is formulated to effectively prevent conversion of the active ingredient into methamphetamine or its salts or precursors.*~~

~~*➡ Upon notification from the Department of Public Safety that the Department has probable cause to believe that a product described in this subsection does not effectively prevent conversion of the active ingredient into methamphetamine or its salts or precursors, the Board may issue an*~~

~~*emergency rule revoking the exemption for the product pending a full hearing.*~~] **(Deleted by amendment.)**

Sec. 5. ~~[NRS 453.2186 is hereby amended to read as follows:~~

~~453.2186 1. Authority to control pursuant to NRS 453.146, 453.218, 453.2182 and 453.2184 does not extend to distilled spirits, wine, malt beverages or tobacco.~~

~~2. The Board shall not include any nonnarcotic substance on any schedule if that substance is in a form suitable for final dosage and has been approved by the Food and Drug Administration for sale over the counter without a prescription, unless *subsection 6 of NRS 453.146 requires the Board to include the substance on a schedule* or the Board affirmatively finds that:~~

~~(a) The substance itself or one or more of its active ingredients is an immediate precursor of a controlled substance; and~~

~~(b) The substance is materially misbranded or mislabeled, or the public interest requires the scheduling of the substance as a controlled substance in schedule I, II, III or IV.~~

~~3. In determining whether the public interest requires the scheduling of the substance, the Board shall consider:~~

~~(a) Whether the customary methods of marketing and distributing the substance are likely to lead to its unlawful distribution or use, including any relevant information with regard to a manufacturer or distributor of the substance concerning:~~

~~(1) His record of compliance with applicable federal, state and local statutes, ordinances and regulations;~~

~~(2) His past experience in the manufacture and distribution of controlled substances, and the existence in his establishment of effective controls against the unlawful distribution or use of the substance;~~

~~(3) Whether he has ever been convicted under any federal or state law relating to a controlled substance; and~~

~~(4) Whether he has ever furnished materially falsified or fraudulent material in any application filed pursuant to NRS 453.011 to 453.552, inclusive.~~

~~(b) Whether the substance is controlled under the federal Controlled Substances Act;~~

~~(c) The status of any pending proceeding to determine whether the substance should be controlled or exempted from control;~~

~~(d) Any history of abuse or misuse of the substance in this State; and~~

~~(e) Any other factors which are relevant to the public health and safety.~~

~~4. In determining whether a substance is misbranded or mislabeled, the Board shall consider the requirements of the federal Food, Drug, and Cosmetic Act and the Code of Federal Regulations concerning indications for its use and any advertising for a use not so indicated.~~] **(Deleted by amendment.)**

Sec. 6. ~~[NRS 453.256 is hereby amended to read as follows:~~

~~453.256 1. Except as otherwise provided in subsection 2, a substance included in schedule II must not be dispensed without the written prescription of a practitioner.~~

~~2. A controlled substance included in schedule II may be dispensed without the written prescription of a practitioner only:~~

~~(a) In an emergency, as defined by regulation of the Board, upon oral prescription of a practitioner, reduced to writing promptly and in any case within 72 hours, signed by the practitioner and filed by the pharmacy.~~

~~(b) Upon the use of a facsimile machine to transmit the prescription for a substance included in schedule II by a practitioner or a practitioner's agent to a pharmacy for:~~

~~(1) Direct administration to a patient by parenteral solution; or~~

~~(2) A resident of a facility for intermediate care or a facility for skilled nursing which is licensed as such by the Health Division of the Department.~~

~~➤ A prescription transmitted by a facsimile machine pursuant to this paragraph must be printed on paper which is capable of being retained for at least 2 years. For the purposes of this section, such a prescription constitutes a written prescription. The pharmacy shall keep prescriptions in conformity with the requirements of NRS 453.246. A prescription for a substance included in schedule II must not be refilled.~~

~~3. Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a substance included in schedule III or IV which is a dangerous drug as determined under NRS 454.201 [,] *or which is set forth in subsection 6 of NRS 453.146* must not be dispensed without a written or oral prescription of a practitioner. The prescription must not be filled or refilled more than 6 months after the date thereof or be refilled more than five times, unless renewed by the practitioner.~~

~~4. A substance included in schedule V may be distributed or dispensed only for a medical purpose, including medical treatment or authorized research.~~

~~5. A practitioner may dispense or deliver a controlled substance to or for a person or animal only for medical treatment or authorized research in the ordinary course of his profession.~~

~~6. No civil or criminal liability or administrative sanction may be imposed on a pharmacist for action taken in good faith in reliance on a reasonable belief that an order purporting to be a prescription was issued by a practitioner in the usual course of professional treatment or in authorized research.~~

~~7. An individual practitioner may not dispense a substance included in schedule II, III or IV for his own personal use except in a medical emergency.~~

~~8. A person who violates this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~

~~9. As used in this section:~~

~~(a) "Facsimile machine" means a device which sends or receives a reproduction or facsimile of a document or photograph which is transmitted electronically or telephonically by telecommunications lines.~~

~~(b) "Medical treatment" includes dispensing or administering a narcotic drug for pain, whether or not intractable.~~

~~(c) "Parenteral solution" has the meaning ascribed to it in NRS 639.0105.]~~

(Deleted by amendment.)

Sec. 7. NRS 453.322 is hereby amended to read as follows:

453.322 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to knowingly or intentionally:

(a) Manufacture or compound a controlled substance other than marijuana.

(b) Possess, with the intent to manufacture or compound a controlled substance other than marijuana ~~[.]~~ ***, or sell, exchange, barter, supply, prescribe, dispense or give away, with the intent that the chemical be used to manufacture or compound a controlled substance other than marijuana:***

(1) Any chemical identified in subsection 4; or

(2) Any other chemical which is proven by expert testimony to be commonly used in manufacturing or compounding a controlled substance other than marijuana. The district attorney may present expert testimony to provide a prima facie case that any chemical, whether or not it is a chemical identified in subsection 4, is commonly used in manufacturing or compounding such a controlled substance.

➥ The provisions of this paragraph do not apply to a person who, without the intent to commit an unlawful act, possesses any chemical at a laboratory that is licensed to store the chemical.

(c) Offer or attempt to do any act set forth in paragraph (a) or (b).

2. Unless a greater penalty is provided in NRS 453.3385 or 453.3395, a person who violates any provision of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $100,000.

3. The court shall not grant probation to a person convicted pursuant to this section.

4. The following chemicals are identified for the purposes of subsection 1:

(a) Acetic anhydride.

(b) Acetone.

(c) N-Acetylanthranilic acid, its esters and its salts.

(d) Anthranilic acid, its esters and its salts.

(e) Benzaldehyde, its salts, isomers and salts of isomers.

(f) Benzyl chloride.

(g) Benzyl cyanide.

(h) 1,4-Butanediol.

(i) 2-Butanone (or methyl ethyl ketone or MEK).

(j) Ephedrine, its salts, isomers and salts of isomers.
(k) Ergonovine and its salts.
(l) Ergotamine and its salts.
(m) Ethylamine, its salts, isomers and salts of isomers.
(n) Ethyl ether.
(o) Gamma butyrolactone.
(p) Hydriodic acid, its salts, isomers and salts of isomers.
(q) Hydrochloric gas.
(r) Iodine.
(s) Isosafrole, its salts, isomers and salts of isomers.
(t) ***Lithium metal.***
(u) Methylamine, its salts, isomers and salts of isomers.
~~[(u)]~~ ***(v)*** 3,4-Methylenedioxy-phenyl-2-propanone.
~~[(v)]~~ ***(w)*** N-Methylephedrine, its salts, isomers and salts of isomers.
~~[(w)]~~ ***(x)*** Methyl isobutyl ketone (MIBK).
~~[(x)]~~ ***(y)*** N-Methylpseudoephedrine, its salts, isomers and salts of isomers.
~~[(y)]~~ ***(z)*** Nitroethane, its salts, isomers and salts of isomers.
~~[(z)]~~ ***(aa)*** Norpseudoephedrine, its salts, isomers and salts of isomers.
~~[(aa)]~~ ***(bb)*** Phenylacetic acid, its esters and its salts.
~~[(bb)]~~ ***(cc)*** Phenylpropanolamine, its salts, isomers and salts of isomers.
~~[(cc)]~~ ***(dd)*** Piperidine and its salts.
~~[(dd)]~~ ***(ee)*** Piperonal, its salts, isomers and salts of isomers.
~~[(ee)]~~ ***(ff)*** Potassium permanganate.
~~[(ff)]~~ ***(gg)*** Propionic anhydride, its salts, isomers and salts of isomers.
~~[(gg)]~~ ***(hh)*** Pseudoephedrine, its salts, isomers and salts of isomers.
~~[(hh)]~~ ***(ii)*** Red phosphorous.
~~[(ii)]~~ ***(jj)*** Safrole, its salts, isomers and salts of isomers.
~~[(jj)]~~ ***(kk) Sodium metal.***
(ll) Sulfuric acid.
~~[(kk)]~~ ***(mm)*** Toluene.

Sec. 8. NRS 453.553 is hereby amended to read as follows:

453.553 1. In addition to any criminal penalty imposed for a violation of the provisions of NRS 453.011 to 453.552, inclusive, ***and sections 2 and 3 of this act,*** any person who unlawfully sells, manufactures, delivers or brings into this State, possesses for sale or participates in any way in a sale of a controlled substance listed in schedule I, II or III or who engages in any act or transaction in violation of the provisions of NRS 453.3611 to 453.3648, inclusive, is subject to a civil penalty for each violation. This penalty must be recovered in a civil action, brought in the name of the State of Nevada by the Attorney General or by any district attorney in a court of competent jurisdiction.

2. As used in ~~[this section and]~~ NRS ~~[453.5531, 453.5532 and]~~ ***453.553 to*** 453.5533 ~~[.]~~ ***, inclusive:***

(a) "Each violation" includes a continuous or repetitive violation arising out of the same act.

(b) "Sell" includes exchange, barter, solicitation or receipt of an order, transfer to another for sale or resale and any other transfer for any consideration or a promise obtained directly or indirectly.

(c) "Substitute" means a substance which:

(1) Was manufactured by a person who at the time was not currently registered with the Secretary of Health and Human Services; and

(2) Is an imitation of or intended for use as a substitute for a substance listed in schedule I, II or III.

Sec. 9. NRS 1.360 is hereby amended to read as follows:

1.360 Under the direction of the Supreme Court, the Court Administrator shall:

1. Examine the administrative procedures employed in the offices of the judges, clerks, court reporters and employees of all courts of this State and make recommendations, through the Chief Justice, for the improvement of those procedures;

2. Examine the condition of the dockets of the courts and determine the need for assistance by any court;

3. Make recommendations to and carry out the directions of the Chief Justice relating to the assignment of district judges where district courts are in need of assistance;

4. Develop a uniform system for collecting and compiling statistics and other data regarding the operation of the State Court System and transmit that information to the Supreme Court so that proper action may be taken in respect thereto;

5. Prepare and submit a budget of state appropriations necessary for the maintenance and operation of the State Court System and make recommendations in respect thereto;

6. Develop procedures for accounting, internal auditing, procurement and disbursement for the State Court System;

7. Collect statistical and other data and make reports relating to the expenditure of all public money for the maintenance and operation of the State Court System and the offices connected therewith;

8. Compile statistics from the information required to be maintained by the clerks of the district courts pursuant to NRS 3.275 and make reports as to the cases filed in the district courts;

9. Formulate and submit to the Supreme Court recommendations of policies or proposed legislation for the improvement of the State Court System;

10. On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report compiling the information submitted to the Court Administrator pursuant to NRS 3.243, 4.175 and 5.045 during the immediately preceding fiscal year;

11. On or before January 1 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau a written report concerning:

(a) The distribution of money deposited in the special account created pursuant to NRS 176.0613 to assist with funding and establishing specialty court programs;

(b) The current status of any specialty court programs to which money from the account was allocated since the last report; and

(c) Such other related information as the Court Administrator deems appropriate;

12. On or before February 15 of each odd-numbered year, submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling the information submitted by clerks of courts to the Court Administrator pursuant to NRS 630.307 and 633.533 which includes only aggregate information for statistical purposes and excludes any identifying information related to a particular person;

13. On or before February 15 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report concerning the effectiveness of participation in counseling sessions in a program for the treatment of persons who commit domestic violence ordered by a court pursuant to NRS 200.485 and the effect of such counseling sessions on recidivism of the offenders who commit battery which constitutes domestic violence pursuant to NRS 33.018; ~~[and]~~

14. ***Apply for and accept any money appropriated and made available by any act of Congress for the establishment, support or expansion of specialty court programs that facilitate the testing, treatment and oversight of persons who abuse alcohol or drugs;***

15. Allocate the money received pursuant to subsection 14 to courts to assist with the establishment, support or expansion of specialty court programs that facilitate the testing, treatment and oversight of persons who abuse alcohol or drugs; and

16. Attend to such other matters as may be assigned by the Supreme Court or prescribed by law.

Sec. 10. NRS 40.140 is hereby amended to read as follows:

40.140 1. Except as otherwise provided in this section ~~[, anything]~~ ***:***

(a) Anything which is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property ~~[, including, without limitation, a]~~ ***;***

(b) A building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor ~~[as defined in NRS 453.086]~~ or controlled substance analog ~~[as defined in NRS 453.043,]~~ ***; or***

(c) A building or place which was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(1) Which has not been deemed safe for habitation by a governmental entity; or

(2) From which all materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed or remediated by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog,

➥ is a nuisance, and the subject of an action. The action may be brought by any person whose property is injuriously affected, or whose personal enjoyment is lessened by the nuisance, and by the judgment the nuisance may be enjoined or abated, as well as damages recovered.

2. It is presumed:

(a) That an agricultural activity conducted on farmland, consistent with good agricultural practice and established before surrounding nonagricultural activities is reasonable. Such activity does not constitute a nuisance unless the activity has a substantial adverse effect on the public health or safety.

(b) That an agricultural activity which does not violate a federal, state or local law, ordinance or regulation constitutes good agricultural practice.

3. A shooting range does not constitute a nuisance with respect to any noise attributable to the shooting range if the shooting range is in compliance with the provisions of all applicable statutes, ordinances and regulations concerning noise:

(a) As those provisions existed on October 1, 1997, for a shooting range in operation on or before October 1, 1997; or

(b) As those provisions exist on the date that the shooting range begins operation, for a shooting range that begins operation after October 1, 1997.

➥ A shooting range is not subject to any state or local law related to the control of noise that is adopted or amended after the date set forth in paragraph (a) or (b), as applicable, and does not constitute a nuisance for failure to comply with any such law.

4. As used in this section ~~[, "shooting]~~ ***:***

(a) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043;

(b) "Immediate precursor" has the meaning ascribed to it in NRS 453.086; and

(c) "Shooting range" means an area designed and used for archery or sport shooting, including, but not limited to, sport shooting that involves the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or other similar items.

Sec. 11. NRS 202.450 is hereby amended to read as follows:

202.450 1. A public nuisance is a crime against the order and economy of the State.

2. Every place:

(a) Wherein any gambling, bookmaking or pool selling is conducted without a license as provided by law, or wherein any swindling game or device, or bucket shop, or any agency therefor is conducted, or any article, apparatus or device useful therefor is kept;

(b) Wherein any fighting between animals or birds is conducted;

(c) Wherein any dog races are conducted as a gaming activity;

(d) Wherein any intoxicating liquors are kept for unlawful use, sale or distribution;

(e) Wherein a controlled substance, immediate precursor ~~[as defined in NRS 453.086]~~ or controlled substance analog ~~[as defined in NRS 453.043]~~ is unlawfully sold, served, stored, kept, manufactured, used or given away; or

(f) Where vagrants resort,

➥ is a public nuisance.

3. Every act unlawfully done and every omission to perform a duty, which act or omission:

(a) Annoys, injures or endangers the safety, health, comfort or repose of any considerable number of persons;

(b) Offends public decency;

(c) Unlawfully interferes with, befouls, obstructs or tends to obstruct, or renders dangerous for passage, a lake, navigable river, bay, stream, canal, ditch, millrace or basin, or a public park, square, street, alley, bridge, causeway or highway; or

(d) In any way renders a considerable number of persons insecure in life or the use of property,

➥ is a public nuisance.

4. ***A building or place which was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog is a public nuisance if the building or place has not been deemed safe for habitation by a governmental entity and:***

(a) The owner of the building or place allows the building or place to be used for any purpose before all materials or substances involving the controlled substance, immediate precursor or controlled substance analog have been removed from or remediated on the building or place by an entity certified or licensed to do so; or

(b) The owner of the building or place fails to have all materials or substances involving the controlled substance, immediate precursor or controlled substance analog removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

5. Agricultural activity conducted on farmland consistent with good agricultural practice and established before surrounding nonagricultural activities is not a public nuisance unless it has a substantial adverse effect on the public health or safety. It is presumed that an agricultural activity which

does not violate a federal, state or local law, ordinance or regulation constitutes good agricultural practice.

~~[5.]~~ ***6.*** A shooting range is not a public nuisance with respect to any noise attributable to the shooting range if the shooting range is in compliance with the provisions of all applicable statutes, ordinances and regulations concerning noise:

(a) As those provisions existed on October 1, 1997, for a shooting range that begins operation on or before October 1, 1997; or

(b) As those provisions exist on the date that the shooting range begins operation, for a shooting range in operation after October 1, 1997.

➥ A shooting range is not subject to any state or local law related to the control of noise that is adopted or amended after the date set forth in paragraph (a) or (b), as applicable, and does not constitute a nuisance for failure to comply with any such law.

~~[6.]~~ ***7.*** As used in this section ~~[, "shooting]~~ ***:***

(a) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043;

(b) "Immediate precursor" has the meaning ascribed to it in NRS 453.086; and

(c) "Shooting range" has the meaning ascribed to it in NRS 40.140.

Sec. 12. NRS 205.010 is hereby amended to read as follows:

205.010 A person who ~~[willfully]~~ ***:***

1. Willfully and maliciously sets fire to or burns or causes to be burned ~~[, or who aids,]~~ ***;***

2. Aids, counsels or procures the burning of ~~[any:~~

~~1. Dwelling]~~ ***; or***

3. By knowingly engaging in the manufacture of any material, compound, mixture or preparation which contains any quantity of methamphetamine, sets fire to or causes an explosion that damages,

➥ ***any dwelling*** house or other structure or mobile home, whether occupied or vacant ~~[; or~~

~~2. Personal]~~ ***and whether the property of himself or another, or personal*** property which is occupied by one or more persons, ~~[~~ ➥~~]~~ whether the property of himself or of another, is guilty of arson in the first degree which is a category B felony and shall be punished by imprisonment for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $15,000.

Sec. 13. NRS 205.015 is hereby amended to read as follows:

205.015 A person who ~~[willfully]~~ ***:***

1. Willfully and maliciously sets fire to or burns or causes to be burned ~~[, or who aids,]~~ ***;***

2. Aids, counsels or procures the burning of ***; or***

3. By knowingly engaging in the manufacture of any material, compound, mixture or preparation which contains any quantity of methamphetamine, sets fire to or causes an explosion that damages,

➥ any abandoned building or structure, whether the property of himself or of another, is guilty of arson in the second degree which is a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

Sec. 14. NRS 205.0835 is hereby amended to read as follows:

205.0835 1. Unless a greater penalty is imposed by a specific statute, a person who commits theft in violation of any provision of NRS 205.0821 to 205.0835, inclusive, shall be punished pursuant to the provisions of this section.

2. ~~[If]~~ ***Except as otherwise provided in subsection 3, if*** the value of the property or services involved in the theft ~~[is]~~ ***:***

(a) Is less than $250, the person who committed the theft is guilty of a misdemeanor.

~~[3. If the value of the property or services involved in the theft is]~~

(b) Is $250 or more but less than $2,500, the person who committed the theft is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~[4.]~~ ***3.*** If the value of the property or services involved in the theft is $2,500 or more ~~[,]~~ ***or if the property involved in the theft is a chemical identified in subsection 4 of NRS 453.322,*** the person who committed the theft is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

~~[5.]~~ ***4.*** In addition to any other penalty, the court shall order the person who committed the theft to pay restitution.

Sec. 15. NRS 244.3603 is hereby amended to read as follows:

244.3603 1. Each board of county commissioners may, by ordinance, to protect the public health, safety and welfare of the residents of the county, adopt procedures pursuant to which the district attorney may file an action in a court of competent jurisdiction to:

(a) Seek the abatement of a chronic nuisance that is located or occurring within the unincorporated area of the county;

(b) If applicable, seek the closure of the property where the chronic nuisance is located or occurring; and

(c) If applicable, seek penalties against the owner of the property within the unincorporated area of the county and any other appropriate relief.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent a notice, by certified mail, return receipt requested, by the sheriff or other person authorized to issue a citation of the existence on his

property of nuisance activities and the date by which he must abate the condition to prevent the matter from being submitted to the district attorney for legal action; and

(2) Afforded an opportunity for a hearing before a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the county will recover money expended to abate the condition on the property if the owner fails to abate the condition.

3. If the court finds that a chronic nuisance exists and action is necessary to avoid serious threat to the public welfare or the safety or health of the occupants of the property, the court may order the county to secure and close the property until the nuisance is abated and may:

(a) Impose a civil penalty of not more than $500 per day for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;

(b) Order the owner to pay the county for the cost incurred by the county in abating the condition; and

(c) Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the county to abate the chronic nuisance, the board may make the expense a special assessment against the property upon which the chronic nuisance is located or occurring. The special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

5. As used in this section:

(a) A "chronic nuisance" exists:

(1) When three or more nuisance activities exist or have occurred during any 90-day period on the property **.** ~~[,]~~

(2) When a person associated with the property has engaged in three or more nuisance activities during any 90-day period on the property or within 100 feet of the property **.** ~~[,]~~

(3) When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of chapter 459 of NRS **.** ~~[; or]~~

(4) When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor ~~[as defined in NRS 453.086]~~ or controlled substance analog **.** ~~[as defined in NRS 453.043.]~~

(5) When a building or place was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(I) The building or place has not been deemed safe for habitation by a governmental entity; or

(II) All materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

(b) ***"Controlled substance analog" has the meaning ascribed to it in NRS 453.043.***

(c) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

(d) "Nuisance activity" means:

(1) Criminal activity;

(2) The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;

(3) Violations of building codes, housing codes or any other codes regulating the health or safety of occupants of real property;

(4) Excessive noise and violations of curfew; or

(5) Any other activity, behavior or conduct defined by the board to constitute a public nuisance.

~~[(c)]~~ ***(e)*** "Person associated with the property" means:

(1) The owner of the property;

(2) The manager or assistant manager of the property;

(3) The tenant of the property; or

(4) A person who, on the occasion of a nuisance activity, has:

(I) Entered, patronized or visited;

(II) Attempted to enter, patronize or visit; or

(III) Waited to enter, patronize or visit,

➥ the property or a person present on the property.

Sec. 16. NRS 244.363 is hereby amended to read as follows:

244.363 Except as otherwise provided in subsection 3 of NRS 40.140 and subsection ~~[5]~~ ***6*** of NRS 202.450, the boards of county commissioners in their respective counties may, by ordinance regularly enacted, regulate, control and prohibit, as a public nuisance, excessive noise which is injurious to health or which interferes unreasonably with the comfortable enjoyment of life or property within the boundaries of the county.

Sec. 17. NRS 266.335 is hereby amended to read as follows:

266.335 The city council may:

1. Except as otherwise provided in subsection 3 of NRS 40.140 and subsection ~~[5]~~ ***6*** of NRS 202.450, determine by ordinance what shall be deemed nuisances.

2. Provide for the abatement, prevention and removal of the nuisances at the expense of the person creating, causing or committing the nuisances.

3. Provide that the expense of removal is a lien upon the property upon which the nuisance is located. The lien must:

(a) Be perfected by recording with the county recorder a statement by the city clerk of the amount of expenses due and unpaid and describing the property subject to the lien.

(b) Be coequal with the latest lien thereon to secure the payment of general taxes.

(c) Not be subject to extinguishment by the sale of any property because of the nonpayment of general taxes.

(d) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

4. Provide any other penalty or punishment of persons responsible for the nuisances.

Sec. 18. NRS 268.412 is hereby amended to read as follows:

268.412 Except as otherwise provided in subsection 3 of NRS 40.140 and subsection ~~[5]~~ ***6*** of NRS 202.450, the city council or other governing body of a city may, by ordinance regularly enacted, regulate, control and prohibit, as a public nuisance, excessive noise which is injurious to health or which interferes unreasonably with the comfortable enjoyment of life or property within the boundaries of the city.

Sec. 19. NRS 268.4124 is hereby amended to read as follows:

268.4124 1. The governing body of a city may, by ordinance, to protect the public health, safety and welfare of the residents of the city, adopt procedures pursuant to which the city attorney may file an action in a court of competent jurisdiction to:

(a) Seek the abatement of a chronic nuisance that is located or occurring within the city;

(b) If applicable, seek the closure of the property where the chronic nuisance is located or occurring; and

(c) If applicable, seek penalties against the owner of the property within the city and any other appropriate relief.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, by the city police or other person authorized to issue a citation, of the existence on his property of two or more nuisance activities and the date by which he must abate the condition to prevent the matter from being submitted to the city attorney for legal action; and

(2) Afforded an opportunity for a hearing before a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the city will recover money expended for labor and materials used to abate the condition on the property if the owner fails to abate the condition.

3. If the court finds that a chronic nuisance exists and emergency action is necessary to avoid immediate threat to the public health, welfare or safety, the court shall order the city to secure and close the property for a period not to exceed 1 year or until the nuisance is abated, whichever occurs first, and may:

(a) Impose a civil penalty of not more than $500 per day for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;

(b) Order the owner to pay the city for the cost incurred by the city in abating the condition;

(c) If applicable, order the owner to pay reasonable expenses for the relocation of any tenants who are affected by the chronic nuisance; and

(d) Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the city to abate the chronic nuisance, the governing body may make the expense a special assessment against the property upon which the chronic nuisance is or was located or occurring. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.

5. As used in this section:

(a) A "chronic nuisance" exists:

(1) When three or more nuisance activities exist or have occurred during any 30-day period on the property **.** ~~[;]~~

(2) When a person associated with the property has engaged in three or more nuisance activities during any 30-day period on the property or within 100 feet of the property **.** ~~[;]~~

(3) When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of chapter 459 of NRS **.** ~~[; or]~~

(4) When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor ~~[as defined in NRS 453.086]~~ or controlled substance analog **.** ~~[as defined in NRS 453.043.]~~

(5) When a building or place was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(I) The building or place has not been deemed safe for habitation by a governmental entity; or

(II) All materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

(b) ***"Controlled substance analog" has the meaning ascribed to it in NRS 453.043.***

(c) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

(d) "Nuisance activity" means:

(1) Criminal activity;

(2) The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;

(3) Excessive noise and violations of curfew; or

(4) Any other activity, behavior or conduct defined by the governing body to constitute a public nuisance.

~~[(c)]~~ ***(e)*** "Person associated with the property" means a person who, on the occasion of a nuisance activity, has:

(1) Entered, patronized or visited;

(2) Attempted to enter, patronize or visit; or

(3) Waited to enter, patronize or visit,

➥ a property or a person present on the property.

Sec. 20. Title 51 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 21 to 33, inclusive, of this act.

Sec. 21. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 22 to 30, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 22. ***"Advisory Committee" means the Anhydrous Ammonia Additive Advisory Committee created by section 32 of this act.***

Sec. 23. ***"Anhydrous ammonia" means a liquid or gaseous inorganic compound that is formed by the chemical combination of nitrogen and hydrogen in the molar proportion of one part nitrogen to three parts hydrogen. The term does not include ammonium hydroxide.***

Sec. 24. ***"Board" means the State Board of Agriculture.***

Sec. 25. ***"Department" means the State Department of Agriculture.***

Sec. 26. ***"Director" means the Director of the Department.***

Sec. 27. ***"Distributor" means a person that imports, consigns, sells, offers for sale, barters, exchanges or otherwise facilitates the supply of anhydrous ammonia to a user in this State.***

Sec. 28. ***"Nontoxic dye" means a biodegradable, clear liquid product that causes staining when exposed to air.***

Sec. 29. ***"Other additive" means a product other than a nontoxic dye that, when put in tanks containing anhydrous ammonia, renders the***

anhydrous ammonia nonreactive, unusable or undesirable for use in the manufacture of any material, compound, mixture or preparation which contains any quantity of methamphetamine.

Sec. 30. ***"User" means a person that uses anhydrous ammonia in the course of engaging in agricultural activity in this State to promote or stimulate the growth of plants, increase the productiveness of plants, improve the quality of crops or produce any chemical or physical change in the soil.***

Sec. 31. ***1. The Department, in consultation with the Department of Public Safety, shall certify each brand of nontoxic dye or other additive that a distributor of anhydrous ammonia or user may add to anhydrous ammonia.***

2. The Board, in consultation with the Advisory Committee, shall adopt regulations establishing standards to be used in making certifications pursuant to subsection 1 and for the administration of this chapter.

Sec. 32. ***1. The Anhydrous Ammonia Additive Advisory Committee is hereby created within the Department.***

2. The Advisory Committee consists of one representative of each of the following:

(a) The Department.

(b) The Department of Public Safety.

(c) Manufacturers of anhydrous ammonia fertilizers.

(d) The Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education.

(e) Retail distributors of anhydrous ammonia.

(f) Users who are growers of agricultural products.

3. The Director, in consultation with the Director of the Department of Public Safety, shall appoint the members of the Advisory Committee.

4. After the initial term, each member of the Advisory Committee shall serve for a term of 4 years.

5. Each member of the Advisory Committee serves without compensation. If sufficient money is available to the Department, members are entitled to travel allowances provided for state officers and employees generally while attending meetings of the Advisory Committee.

6. Each member of the Advisory Committee who is an officer or employee of the State must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Advisory Committee.

Sec. 33. ***The Advisory Committee:***

1. May review all relevant scientific and economic data on nontoxic dyes or other additives for anhydrous ammonia that are submitted to the Department for certification.

2. Shall require the manufacturer of any nontoxic dye or other additive submitted to the Department for certification to provide sufficient

scientifically valid data for each submitted nontoxic dye or other additive to allow the Department to determine the:

(a) Impact of the nontoxic dye or other additive on crop yield;

(b) Specific food crop residue analysis of the nontoxic dye or other additive; and

(c) Impact of the nontoxic dye or other additive on the environment.

3. May issue recommendations to the Department regarding whether the Department should certify a nontoxic dye or other additive.

Sec. 34. ~~[It is an affirmative defense to a charge of violating NRS 453.336 or 453.411 by possessing or using ephedrine, pseudoephedrine, phenylpropanolamine, the optical isomers, salts and salts of optical isomers of those substances or any combination of these substances that the person:~~

~~1. Lawfully obtained possession of the ephedrine, pseudoephedrine, phenylpropanolamine, optical isomers, salts and salts of optical isomers of those substances or any combination of these substances before October 1, 2007;~~

~~2. Possesses not more than 6 grams of ephedrine, pseudoephedrine, phenylpropanolamine, the optical isomers, salts and salts of optical isomers of those substances or any combination of these substances; and~~

~~3. Possesses ephedrine, pseudoephedrine, phenylpropanolamine, the optical isomers, salts and salts of optical isomers of those substances or any combination of these substances under circumstances that are consistent with typical medicinal or household use, as indicated by factors that include, without limitation, storage location, purchase date, possession of the products in a variety of strengths, brands, types or purposes and expiration date.]~~ **(Deleted by amendment.)**

Sec. 35. **Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 36 to 42, inclusive, of this act.**

Sec. 36. As used in sections 36 to 42, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 37, 38 and 39 of this act have the meanings ascribed to them in those sections.

Sec. 37. "Department" means the Department of Public Safety.

Sec. 38. "Permit" means a permit to sell or transfer a product that is a precursor to methamphetamine issued by the Board pursuant to sections 36 to 42, inclusive, of this act.

Sec. 39. "Product that is a precursor to methamphetamine" means a product which contains ephedrine, pseudoephedrine or phenylpropanolamine or the salts, optical isomers or salts of optical isomers of such chemicals and may be marketed or distributed lawfully in the United States under the Federal Food, Drug and Cosmetic Act, 21 U.S.C. §§ 301 et seq., as a nonprescription drug.

Sec. 40. 1. A person shall not sell or transfer to an ultimate user in the course of any business, or engage in the business of selling to ultimate users, a product that is a precursor to methamphetamine, unless the person:

(a) Is a pharmacy; or

(b) Holds a valid permit issued by the Board pursuant to this section.

2. A person who violates subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. To obtain or renew a permit, a person must:

(a) Submit an application to the Executive Secretary of the Board on a form furnished by the Board;

(b) Pay the fee required by NRS 639.170; and

(c) Submit any other documentation that the Board may require by regulation.

4. The Board shall issue or renew a permit if the person applying for the permit has complied with subsection 2 and the Board determines that the person will safely and lawfully sell or transfer a product that is a precursor to methamphetamine. To determine whether a person will safely and lawfully sell or transfer a product that is a precursor to methamphetamine, the Board shall consider the following factors:

(a) Whether the business operated by the person contains a pharmacy which is not open to the public at all times.

(b) The proximity of the business operated by the person to a pharmacy that is open to the public at all times.

(c) Whether an owner, partner, member, manager, stockholder who owns more than 10 percent of the outstanding stock, director or officer of the person, or an employee of the person who will sell or transfer a product that is a precursor to methamphetamine, has been arrested for, charged with or convicted of:

(1) A felony;

(2) Any crime involving moral turpitude; or

(3) Any crime related to the unlawful possession, sale or use of a controlled substance or dangerous drug.

(d) Whether the business operated by the person is the type of business at which a reasonable person purchases a product that is a precursor to methamphetamine.

(e) The previous experience of the person with the sale of a product that is a precursor to methamphetamine.

Sec. 41. A pharmacy or a person who holds a permit shall:

1. Comply with the law of this State and federal law concerning the sale or transfer of a product that is a precursor to methamphetamine.

2. Submit to the Department a report of the quantity of each purchase and sale or transfer of a product that is a precursor to methamphetamine not later than:

(a) April 30, for the period from January 1 through March 31;

(b) July 31, for the period from April 1 through June 30;

(c) October 31, for the period from July 1 through September 30; and

(d) January 31, for the period from October 1 of the previous year through December 31 of the previous year.

➥ The Department shall adopt regulations governing the form of the report and the manner in which the report is submitted to the Department.

Sec. 42. ***At any time that a pharmacy or a business operated by a holder of a permit is open to the public, an agent of the Board, the Department or a local law enforcement agency may examine, copy, seize or impound any records of the pharmacy or the holder of a permit concerning the purchase, sale or transfer of a product that is a precursor to methamphetamine.***

Sec. 43. **NRS 639.129 is hereby amended to read as follows:**

639.129 1. In addition to any other requirements set forth in this chapter:

(a) A natural person who applies for the issuance of a certificate of registration as a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training, ~~[or]~~ a license issued pursuant to NRS 639.233 ***or a permit issued pursuant to sections 36 to 42, inclusive, of this act*** shall include the social security number of the applicant in the application submitted to the Board.

(b) A natural person who applies for the issuance or renewal of a certificate of registration as a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training, ~~[or]~~ a license issued pursuant to NRS 639.233 ***or a permit issued pursuant to sections 36 to 42, inclusive, of this act*** shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate, ~~[or]~~ license ***or permit***; or

(b) A separate form prescribed by the Board.

3. A certificate of registration as a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training, ~~[or]~~ a license issued pursuant to NRS 639.233 ***or a permit issued pursuant to sections 36 to 42, inclusive, of this act*** may not be issued or renewed by the Board if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount

owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 44. **NRS 639.170 is hereby amended to read as follows:**

639.170 1. The Board shall charge and collect not more than the following fees for the following services:

For the examination of an applicant for registration as a pharmacist	Actual cost of the examination
For the investigation or registration of an applicant as a registered pharmacist	$200
For the investigation, examination or registration of an applicant as a registered pharmacist by reciprocity	300
For the investigation or issuance of an original license to conduct a retail pharmacy	600
For the biennial renewal of a license to conduct a retail pharmacy	500
For the investigation or issuance of an original license to conduct an institutional pharmacy	600
For the biennial renewal of a license to conduct an institutional pharmacy	500
For the issuance of an original or duplicate certificate of registration as a registered pharmacist	50
For the biennial renewal of registration as a registered pharmacist	200
For the reinstatement of a lapsed registration (in addition to the fees for renewal for the period of lapse)	100
For the initial registration of a pharmaceutical technician or pharmaceutical technician in training	50
For the biennial renewal of registration of a pharmaceutical technician or pharmaceutical technician in training	50
For the investigation or registration of an intern pharmacist	50
For the biennial renewal of registration as an intern pharmacist	40
For investigation or issuance of an original license to a manufacturer or wholesaler	500
For the biennial renewal of a license for a manufacturer or wholesaler	500
For the reissuance of a license issued to a pharmacy, when no change of ownership is involved, but the license must be reissued because of a change in the information required thereon	100
For authorization of a practitioner to dispense controlled substances or dangerous drugs, or both	300
For the biennial renewal of authorization of a practitioner to dispense controlled substances or dangerous drugs, or both	300

For the issuance or renewal of a permit to sell or transfer a product that is a precursor to methamphetamine issued by the Board pursuant to sections 36 to 42, inclusive, of this act ***200***

2. If a person requests a special service from the Board or requests the Board to convene a special meeting, he must pay the actual costs to the Board as a condition precedent to the rendition of the special service or the convening of the special meeting.

3. All fees are payable in advance and are not refundable.

4. The Board may, by regulation, set the penalty for failure to pay the fee for renewal for any license, permit, authorization or certificate within the statutory period, at an amount not to exceed 100 percent of the fee for renewal for each year of delinquency in addition to the fees for renewal for each year of delinquency.

Sec. 45. **NRS 639.210 is hereby amended to read as follows:**

639.210 The Board may suspend or revoke any certificate, license, registration or permit issued pursuant to this chapter, and deny the application of any person for a certificate, license, registration or permit, if the holder or applicant:

1. Is not of good moral character;

2. Is guilty of habitual intemperance;

3. Becomes or is intoxicated or under the influence of liquor, any depressant drug or a controlled substance, unless taken pursuant to a lawfully issued prescription, while on duty in any establishment licensed by the Board;

4. Is guilty of unprofessional conduct or conduct contrary to the public interest;

5. Is addicted to the use of any controlled substance;

6. Has been convicted of a violation of any law or regulation of the Federal Government or of this or any other state related to controlled substances, dangerous drugs, drug samples, or the wholesale or retail distribution of drugs;

7. Has been convicted of:

(a) A felony relating to holding a certificate, license, registration or permit pursuant to this chapter;

(b) A felony pursuant to NRS 639.550 or 639.555; or

(c) Other crime involving moral turpitude, dishonesty or corruption;

8. Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

9. Has willfully made to the Board or its authorized representative any false statement which is material to the administration or enforcement of any of the provisions of this chapter;

10. Has obtained any certificate, certification, license or permit by the filing of an application, or any record, affidavit or other information in support thereof, which is false or fraudulent;

11. Has violated any provision of the Federal Food, Drug and Cosmetic Act or any other federal law or regulation relating to prescription drugs;

12. Has violated, attempted to violate, assisted or abetted in the violation of or conspired to violate any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy, or has knowingly permitted, allowed, condoned or failed to report a violation of any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy committed by the holder of a certificate, license, registration or permit;

13. Has failed to renew his certificate, license or permit by failing to submit the application for renewal or pay the renewal fee therefor;

14. Has had his certificate, license or permit suspended or revoked in another state on grounds which would cause suspension or revocation of a certificate, license or permit in this State;

15. Has, as a managing pharmacist, violated any provision of law or regulation concerning recordkeeping or inventory in a store over which he presides, or has knowingly allowed a violation of any provision of this chapter or other state or federal laws or regulations relating to the practice of pharmacy by personnel of the pharmacy under his supervision;

16. Has repeatedly been negligent, which may be evidenced by claims of malpractice settled against him;

17. Has failed to maintain and make available to a state or federal officer any records in accordance with the provisions of this chapter or chapter 453 or 454 of NRS; or

18. Has failed to file or maintain a bond or other security if required by NRS 639.515.

19. Has violated any provision of section 41 of this act or any regulations adopted pursuant thereto.

Sec. 46. **1. The State Board of Pharmacy shall, during the 2007-2009 interim, conduct a study to identify computer software that will create an electronic database which:**

(a) Identifies each sale or transfer of a product that is a precursor to methamphetamine immediately after the sale or transfer has occurred; and

(b) A pharmacy or person who holds a permit issued by the Board pursuant to sections 36 to 42, inclusive, of this act may access for the purpose of determining whether a sale or transfer of a product that is a precursor to methamphetamine would violate state or federal law.

2. The State Board of Pharmacy shall submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

~~[Sec. 35.]~~ ***Sec. 47.*** As soon as practicable after October 1, 2007, the Director of the State Department of Agriculture shall appoint to the

Anhydrous Ammonia Additive Advisory Committee created by section 32 of this act:

1. Three members whose terms expire on September 30, 2009; and

2. Three members whose terms expire on September 30, 2011.

~~[Sec. 36.]~~ ***Sec. 48.*** 1. This section ~~[becomes]~~ **and section 46 of this act become** effective upon passage and approval.

2. Sections 4, 5 ~~[and]~~ **,** 6 **and 35 to 45, inclusive,** of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the amendatory provisions of sections 4, 5 ~~[and]~~ , 6 and 35 to 45, inclusive, of this act; and

(b) On October 1, 2007, for all other purposes.

3. Sections 1, 2, 3 **,** ~~[and]~~ 7 to ~~[35,]~~ **34,** inclusive, **and 47** of this act become effective on October 1, 2007.

4. Section 43 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 161.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 516.

AN ACT relating to insurance; making various changes relating to persons licensed or regulated by the Commissioner of Insurance; increasing the maximum annual assessment on member insurers of the Nevada Life and Health Insurance Guaranty Association; revising provisions governing policies of various types of insurance; revising reporting requirements for an insurer that issues a policy of insurance covering the liability of a physician or osteopathic physician; making certain provisions applicable to title insurers, title agents and escrow officers; requiring a motor club to pay an administrative penalty for failing to pay an annual fee to the Commissioner timely; revising provisions governing claims against an insolvent insurer;

making certain provisions applicable to licensed bail agents, bail solicitors, bail enforcement agents and general agents; repealing the requirement that a trustee of a medical savings account file an annual report with the Commissioner; increasing the number of deputies that the Commissioner may appoint; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain requirements for business organizations to be licensed as producers of insurance. (NRS 683A.251) Sections ~~[1]~~ **1.3** and 2 of this bill require such a business organization to report to the Commissioner of Insurance when another producer of insurance is authorized to act on its behalf and when such authorization is terminated.

~~[Existing law prohibits insurance fraud. (NRS 686A.290) Section 4 of this bill requires insurers to adopt programs to detect, prevent and prosecute insurance fraud.]~~

Under existing law, insurers are required to be members of the Nevada Life and Health Insurance Guaranty Association. Member insurers are required to pay an annual assessment to the Association. (NRS 686C.240) Section 7 of this bill increases the maximum amount of such an assessment.

Existing law requires that an insurer which issues a policy covering the liability of a physician or osteopathic physician file a report with the Commissioner whenever a claim on the policy is closed. (NRS 690B.260) Section 16 of this bill changes the filing requirement to require that such a report be filed at the end of each calendar quarter on all claims closed during that quarter.

Existing law requires captive insurers to maintain certain levels of unimpaired paid-in capital and unencumbered surplus. (NRS 694C.250, 694C.260) Additionally, certain captive insurers are required to submit to the Commissioner an annual report on their financial condition. Section 19 of this bill increases the required levels of such capital and surplus. Section 23 of this bill applies the reporting requirement of captive insurers to sponsored captive insurers.

Existing law governs the filing of claims against an insurer against which delinquency proceedings have begun. Currently, claims are filed with the receiver and a court determines the validity of the claim. (NRS 696B.330) Existing law establishes classes for the order of priority for distribution of the assets of an insurer to claimants against the insurer. (NRS 696B.420) Section 27 of this bill requires the receiver to determine the validity of a claim and to determine the priority of the claim. If a person objects to the determination of the receiver, the determination may be appealed to a court.

Existing law authorizes the Commissioner to appoint two deputies. Section 31 of this bill authorizes the Commissioner to appoint one additional deputy.

Existing law requires a trustee of a medical savings account to file an annual report with the Commissioner. (NRS 689A.735) Section 32 of this bill repeals that requirement.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 681B.050 is hereby amended to read as follows:**

681B.050 1. As to casualty insurance transacted by it, each insurer shall maintain at all times reserves in an amount estimated in the aggregate to provide for payment of all losses and claims incurred, whether reported or unreported, which are unpaid and for which the insurer may be liable and to provide for the expenses of adjustment or settlement of losses and claims. The reserves must be computed in accordance with regulations adopted from time to time by the Commissioner upon reasonable consideration of the ascertained experience and the character of such kind of business for the purpose of adequately protecting the insured and the solvency of the insurer.

2. Whenever the loss and loss expense experience of the insurer show that reserves, calculated in accordance with those regulations, are inadequate, the Commissioner may require the insurer to maintain additional reserves.

3. ~~[The minimum reserve requirements prescribed by the Commissioner for unpaid losses and loss expenses incurred during each of the most recent 3 years for coverages included in the lines of business described in the insurer's annual statement as workmen's compensation, liability other than automobile (B.I.), and automobile liability (B.I.) must not be less than the following: For workmen's compensation, 65 percent of premiums earned during each year less the amount already paid for losses and expenses incidental thereto incurred during the year; for liability other than automobile (B.I.) and automobile liability (B.I.), 60 percent of premiums earned during each year less the amount already paid for losses and expenses incidental thereto incurred during the year.~~

~~4.]~~ The Commissioner may, by regulation, prescribe the manner and form of reporting pertinent information concerning the reserves provided for in this section.

~~[Section 1.]~~ ***Sec. 1.1.*** Chapter 683A of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.3 and 1.5 of this act.**

Sec. 1.3. 1. A business organization which is licensed as a producer of insurance and which authorizes another producer of insurance to transact business on its behalf shall notify the Commissioner within 15 days after the effective date of the authorization in the manner prescribed by the Commissioner.

2. A business organization which is licensed as a producer of insurance and which terminates the authorization of a producer of insurance for any reason shall notify the Commissioner within 30 days after the effective date of the termination in the manner prescribed by the Commissioner. The business organization shall provide additional information or documents if so requested in writing by the Commissioner.

3. If the reason for termination is an activity described in NRS 683A.451 as a cause for disciplinary action or the business organization knows that the producer of insurance has been found to have engaged in such an activity by a court, governmental agency or self-regulatory organization authorized by law, the business organization shall notify the Commissioner, in the manner prescribed by the Commissioner, if the business organization discovers additional information that would have been reportable originally to the Commissioner if the business organization had then known it.

Sec. 1.5. ***1. If an administrator establishes a panel of providers of health care or contracts with an organization that establishes a panel of providers of health care, the administrator shall not charge a provider of health care or such an organization:***

(a) Any fee to include the name of the provider of health care on the panel; or

(b) Any other fee related to establishing the provider of health care as a provider on the panel.

2. If an administrator violates the provisions of subsection 1, the administrator shall pay to the provider of health care or organization, as appropriate, an amount that is equal to twice the fee charged to the provider of health care or the organization.

3. A court shall award costs and reasonable attorney's fees to the prevailing party in any action brought to enforce the provisions of this section.

4. In addition to any relief granted pursuant to this section, if an administrator violates the provisions of subsection 1, the Division shall require the administrator to suspend the prohibited activities until the administrator, as determined by the Division:

(a) Complies with the provisions of subsection 1; and

(b) Refunds to all providers of health care or organizations, as appropriate, all fees obtained by the administrator in violation of subsection 1.

Sec. 1.7. **NRS 683A.0805 is hereby amended to read as follows:**

683A.0805 As used in NRS 683A.0805 to 683A.0893, inclusive, ***and section 1.5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 683A.081 to 683A.084, inclusive, have the meanings ascribed to them in those sections.

Sec. 1.9. **NRS 683A.08528 is hereby amended to read as follows:**

683A.08528 1. Not later than July 1 of each year, each holder of a certificate of registration as an administrator shall file with the Commissioner an annual report for the most recently completed fiscal year of the administrator. Each annual report must be verified by at least two officers of the administrator.

2. Each annual report filed pursuant to this section must include all the following:

(a) ~~[Except as otherwise provided in this paragraph, a]~~ ***A*** financial statement of the administrator that has been ~~[audited and prepared by an independent certified public accountant. In lieu of a financial statement that has been audited and prepared by an independent certified public accountant, the administrator may include with the annual report a financial statement that has been]~~ reviewed by an independent certified public accountant**.** ~~[if:~~

~~(1) The total business assets of the administrator were less than $100,000 at the end of the most recently completed fiscal year of the administrator; or~~

~~(2) The administrator did not have any agreements to act as an administrator during the most recently completed fiscal year of the administrator.]~~

(b) The complete name and address of each person, if any, for whom the administrator agreed to act as an administrator during the most recently completed fiscal year of the administrator.

(c) Any other information required by the Commissioner.

3. In addition to the information required pursuant to subsection 2, if an annual report is prepared on a consolidated basis, the annual report must include a columnar or combining worksheet that:

(a) Includes the amounts shown on the consolidated financial statement accompanying the annual report;

(b) Separately sets forth the amounts for each entity included in the worksheet; and

(c) Includes an explanation of each consolidating and eliminating entry included in the worksheet.

4. Each administrator who files an annual report pursuant to this section shall, at the time of filing the annual report, pay a filing fee in an amount determined by the Commissioner.

5. ~~[On or before September 1 of each year, the]~~ ***The*** Commissioner shall, for each administrator, review the annual report that is most recently filed by the administrator. As soon as practicable after reviewing the report, the Commissioner shall:

(a) Issue a certificate to the administrator:

(1) Indicating that, based on the annual report and accompanying financial statement, the administrator has a positive net worth and is currently licensed and in good standing in this State; or

(2) Setting forth any deficiency found by the Commissioner in the annual report and accompanying financial statement; or

(b) Submit a statement to any electronic database maintained by the National Association of Insurance Commissioners or any affiliate or subsidiary of the Association:

(1) Indicating that, based on the annual report and accompanying financial statement, the administrator has a positive net worth and is in compliance with existing law; or

(2) Setting forth any deficiency found by the Commissioner in the annual report and accompanying financial statement.

Sec. 2. NRS 683A.251 is hereby amended to read as follows:

683A.251 1. The Commissioner shall prescribe the form of application by a natural person for a license as a resident producer of insurance. The applicant must declare, under penalty of refusal to issue, or suspension or revocation of, the license, that the statements made in the application are true, correct and complete to the best of his knowledge and belief. Before approving the application, the Commissioner must find that the applicant has:

(a) Attained the age of 18 years;

(b) Not committed any act that is a ground for refusal to issue, or suspension or revocation of, a license;

(c) Completed a course of study for the lines of authority for which the application is made, unless the applicant is exempt from this requirement;

(d) Paid the fee prescribed for the license and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account, neither of which may be refunded; and

(e) Successfully passed the examinations for the lines of authority for which application is made, unless the applicant is exempt from this requirement.

2. A business organization must be licensed as a producer of insurance in order to act as such. Application must be made on a form prescribed by the Commissioner. Before approving the application, the Commissioner must find that the applicant has:

(a) Paid the fee prescribed for the license and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account, neither of which may be refunded; ~~[and]~~

(b) Designated a natural person who is licensed as a producer of insurance and who is ~~[affiliated with]~~ ***authorized to transact business on behalf of*** the business organization to be responsible for the organization's compliance with the laws and regulations of this State relating to insurance ~~[.]~~ ***; and***

(c) If the business organization has authorized a producer of insurance not designated pursuant to paragraph (b) to transact business on behalf of the business organization, submitted to the Commissioner on a form prescribed by the Commissioner the name of each producer of insurance authorized to transact business on behalf of the business organization.

3. A natural person who is a resident of this State applying for a license must furnish a complete set of his fingerprints which the Commissioner may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The Commissioner shall adopt regulations concerning the procedures for obtaining this information.

4. The Commissioner may require any document reasonably necessary to verify information contained in an application.

Sec. 3. NRS 683A.261 is hereby amended to read as follows:

683A.261 1. Unless the Commissioner refuses to issue the license under NRS 683A.451, he shall issue a license as a producer of insurance to a person who has satisfied the requirements of NRS 683A.241 and 683A.251. A producer of insurance may qualify for a license in one or more of the lines of authority permitted by statute or regulation, including:

(a) Life insurance on human lives, which includes benefits from endowments and annuities and may include additional benefits from death by accident and benefits for dismemberment by accident and for disability.

(b) Health insurance for sickness, bodily injury or accidental death, which may include benefits for disability.

(c) Property insurance for direct or consequential loss or damage to property of every kind.

(d) Casualty insurance against legal liability, including liability for death, injury or disability and damage to real or personal property.

(e) Surety indemnifying financial institutions or providing bonds for fidelity, performance of contracts or financial guaranty.

(f) Variable annuities and variable life insurance, including coverage reflecting the results of a separate investment account.

(g) Credit insurance, including life, disability, property, unemployment, involuntary unemployment, mortgage life, mortgage guaranty, mortgage disability, guaranteed protection of assets, and any other form of insurance offered in connection with an extension of credit that is limited to wholly or partially extinguishing the obligation which the Commissioner determines should be considered as limited-line credit insurance.

(h) Personal lines, consisting of automobile and motorcycle insurance and residential property insurance, including coverage for flood, of personal watercraft and of excess liability, written over one or more underlying policies of automobile or residential property insurance.

(i) Fixed annuities as a limited line.

(j) Travel and baggage as a limited line.

(k) Rental car agency as a limited line.

2. A license as a producer of insurance remains in effect unless revoked, suspended or otherwise terminated if a request for a renewal is submitted on or before the date for the renewal specified on the license, the fee for renewal and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account are paid for each license and each ~~[affiliation with]~~ ***authorization to transact business on behalf of*** a business organization licensed pursuant to subsection 2 of NRS 683A.251, and any requirement for education or any other requirement to renew the license is satisfied by the date specified on the license for the renewal. A producer of insurance may submit a request for a renewal of his license within 30 days after the date specified on the license for the renewal if the producer of insurance otherwise complies with the provisions of this subsection and pays, in addition to any fee paid pursuant to this subsection, a penalty of 50 percent of the renewal fee. A license as a producer of insurance expires if the

Commissioner receives a request for a renewal of the license more than 30 days after the date specified on the license for the renewal. A fee paid pursuant to this subsection is nonrefundable.

3. A natural person who allows his license as a producer of insurance to expire may reapply for the same license within 12 months after the date specified on the license for a renewal without passing a written examination or completing a course of study required by paragraph (c) of subsection 1 of NRS 683A.251, but a penalty of twice the renewal fee is required for any request for a renewal of the license that is received after the date specified on the license for the renewal.

4. A licensed producer of insurance who is unable to renew his license because of military service, extended medical disability or other extenuating circumstance may request a waiver of the time limit and of any fine or sanction otherwise required or imposed because of the failure to renew.

5. A license must state the licensee's name, address, personal identification number, the date of issuance, the lines of authority and the date of expiration and must contain any other information the Commissioner considers necessary. A resident producer of insurance shall maintain a place of business in this State which is accessible to the public and where he principally conducts transactions under his license. The place of business may be in his residence. The license must be conspicuously displayed in an area of the place of business which is open to the public.

6. A licensee shall inform the Commissioner of each change of location from which he conducts business as a producer of insurance and each change of business or residence address, in writing or by other means acceptable to the Commissioner, within 30 days after the change. If a licensee changes the location from which he conducts business as a producer of insurance or his business or residence address without giving written notice and the Commissioner is unable to locate the licensee after diligent effort, he may revoke the license without a hearing. The mailing of a letter by certified mail, return receipt requested, addressed to the licensee at his last mailing address appearing on the records of the Division, and the return of the letter undelivered, constitutes a diligent effort by the Commissioner.

Sec. 4. ~~[Chapter 686A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Each insurer, including, without limitation, each health maintenance organization, shall establish and maintain a program for the detection, prevention and prosecution of insurance fraud.*~~

~~*2. A program for the detection, prevention and prosecution of insurance fraud established and maintained pursuant to subsection 1 may include, without limitation, employing or contracting with persons who provide investigative services for the purpose of detecting, preventing or prosecuting insurance fraud.* *3. If a program for the detection, prevention and prosecution of insurance fraud established and maintained pursuant to subsection 1 does not include employing or contracting with persons who*~~

~~*provide investigative services for the purpose of detecting, preventing or prosecuting insurance fraud, the program must be submitted to the Commissioner.*~~

~~*4. A program submitted to the Commissioner pursuant to subsection 3 is confidential and privileged, is not a public record and is not subject to discovery or subpoena in a civil action or criminal prosecution.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 686A.281 is hereby amended to read as follows:~~

~~686A.281 As used in NRS 686A.281 to 686A.295, inclusive, *and section 4 of this act*, unless the context otherwise requires, the words and terms defined in NRS 686A.2815, 686A.282 and 686A.2825 have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 686A.283 is hereby amended to read as follows:~~

~~686A.283 1. Any person, governmental entity, insurer or authorized representative of an insurer , *including, without limitation, any health maintenance organization, administrator or other person required to be licensed, registered or certified pursuant to the provisions of this title,* shall report any information concerning insurance fraud *or any activity that may reasonably be believed is related to insurance fraud* to the Commissioner and Attorney General on a form prescribed by the Commissioner and Attorney General.~~

~~2. The Commissioner and Attorney General shall each independently:~~

~~(a) Review each report of insurance fraud; and~~

~~(b) Determine whether an investigation should be made of the facts in the report.~~

~~3. During their respective investigations, the Commissioner and Attorney General shall independently determine whether there is probable cause to believe that insurance fraud has occurred.~~

~~4. A district attorney of any county where fraudulent activity has occurred or is occurring or where a fraudulent claim that would constitute insurance fraud has been made may, with the permission of the Attorney General or at the request of the Attorney General, institute proceedings in the name of the State of Nevada.]~~ **(Deleted by amendment.)**

Sec. 7. NRS 686C.240 is hereby amended to read as follows:

686C.240 1. The Board of Directors ***of the Association*** shall determine the amount of each assessment in Class A and may, but need not, prorate it. If an assessment is prorated, the Board may provide that any surplus be credited against future assessments in Class B. An assessment which is not prorated must not exceed ~~[$150]~~ ***$300*** for each member insurer for any ~~[one]~~ ***1*** calendar year.

2. The Board may allocate any assessment in Class B among the accounts according to the premiums or reserves of the impaired or insolvent insurer or any other standard which it considers fair and reasonable under the circumstances.

3. Assessments in Class B against member insurers for each account and subaccount must be in the proportion that the premiums received on business in this State by each assessed member insurer on policies or contracts covered by each account or subaccount for the 3 most recent calendar years for which information is available preceding the year in which the insurer became impaired or insolvent bears to premiums received on business in this State for those calendar years by all assessed member insurers.

4. Assessments for money to meet the requirements of the Association with respect to an impaired or insolvent insurer must not be authorized or called until necessary to carry out the purposes of this chapter. Classification of assessments under subsection 2 of NRS 686C.230 and computation of assessments under this section must be made with a reasonable degree of accuracy, recognizing that exact determinations may not always be possible. The Association shall notify each member insurer of its anticipated prorated share of an assessment authorized but not yet called within 180 days after it is authorized.

Sec. 8. NRS 687B.350 is hereby amended to read as follows:

687B.350 1. Except as otherwise provided in subsection 2, an insurer shall not renew a policy on different terms, including different rates, unless the insurer notifies the insured in writing of the different terms or rates at least 30 days before the expiration of the policy. If the insurer fails to provide adequate and timely notice, the insurer shall renew the policy at the expiring terms and rates:

(a) For a period that is equal to the expiring term if the agreed term is 1 year or less; or

(b) For 1 year if the agreed term is more than 1 year.

2. The provisions of this section do not apply to ***a change in the rate for*** a policy of industrial insurance ~~[.]~~ ***which is based on:***

(a) A change to a prospective loss cost filed by the Advisory Organization pursuant to NRS 686B.177 that is applicable to the risk ***;*** ~~*[in accordance with the manual of rules formulated pursuant to NRS 686B.1764;]*~~ ***or***

(b) A correction based on the experience that is applicable to the risk in accordance with the Uniform Plan for Rating Experience filed with the Commissioner pursuant to NRS 686B.177.

Sec. 9. NRS 689.150 is hereby amended to read as follows:

689.150 As used in NRS 689.150 to 689.375, inclusive, unless the context otherwise requires:

1. "Funeral service or services" means those services performed normally by funeral directors or funeral or mortuary parlors and includes their sales of supplies and equipment for burial. The term includes cremations and crematory services. The term does not include services performed by a cemetery or the sale by a cemetery of services, interests in land, markers, memorials, monuments or merchandise and equipment in relation to the cemetery or the sale of crypts or niches constructed or to be

constructed in a mausoleum or columbarium or otherwise on the property of a cemetery.

2. "Performer" means any person designated in a prepaid contract to furnish the funeral services, supplies and equipment covered by the contract on the demise of the beneficiary.

3. "Prepaid contract" means any contract under which, for a specified consideration paid in advance in a lump sum or by installments ~~[, a person]~~ ***or payable solely from the proceeds of a policy of life insurance, the seller of the contract guarantees or*** promises either before or upon the death of a beneficiary named in or otherwise ascertainable from the contract to furnish funeral services and merchandise. The term does not include a contract of insurance or any instrument in writing whereby any charitable, religious, benevolent or fraternal benefit society, corporation, association, institution or organization, not having for its object or purpose pecuniary profit, promises or agrees to embalm, inter or otherwise dispose of the remains of any person, or to procure or pay the expenses, or any part thereof, of embalming, interring or otherwise disposing of the remains of any person.

Sec. 10. NRS 689.185 is hereby amended to read as follows:

689.185 1. ***Except as otherwise provided in subsection 2:***

(a) Before the issuance of a certificate of authority, the seller shall post with the Commissioner and thereafter maintain in force a bond in the principal sum of $50,000 issued by an authorized corporate surety in favor of the State of Nevada, or a deposit of cash or negotiable securities or a combination of cash and negotiable securities. If a deposit is made in lieu of a bond, the deposit must at all times have a market value of not less than the amount of the bond required by the Commissioner.

~~[2.]~~ ***(b)*** The bond or deposit must be held for the benefit of buyers of prepaid contracts, and other persons as their interests may appear, who may be damaged by misuse or diversion of money by the seller or his agents, or to satisfy any judgments against the seller for failure to perform a prepaid contract. The aggregate liability of the surety for all breaches of the conditions of the bond must not exceed the sum of the bond. The surety on the bond has the right to cancel the bond upon giving 30 days' notice to the Commissioner and thereafter is relieved of liability for any breach of condition occurring after the effective date of the cancellation.

~~[3.]~~ ***(c)*** The Commissioner shall release the bond or deposit after the seller has ceased doing business as such and the Commissioner is satisfied of the nonexistence of any obligation or liability of the seller for which the bond or deposit was held.

2. The Commissioner may waive the requirements of subsection 1 if the seller agrees:

(a) To offer for sale only prepaid contracts that are payable solely from the proceeds of a policy of life insurance; and

(b) Not to collect any money from the purchaser of a prepaid contract.

Sec. 11. NRS 689.315 is hereby amended to read as follows:

689.315 1. ***Except as otherwise provided in subsection 2:***

(a) The seller shall establish and maintain a trust fund with an authorized trustee, for the benefit of the beneficiary of the prepaid contract, in accordance with the trust agreement filed with and approved by the Commissioner.

~~[2.]~~ ***(b)*** The seller shall maintain unimpaired and shall deposit in the trust fund, within 15 days after the end of the month in which payment was received, all installments received on prepaid contracts sold after the sales commission has been deducted.

~~[3.]~~ ***(c)*** The trustee shall, with respect to the money in the trust fund, exercise the judgment and care under the circumstances then prevailing which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their money, considering the probable income as well as the probable safety of their capital. Within the limitations of such standards, and subject to any express provision or limitation contained in any particular trust instrument, a trustee may acquire and retain every kind of investment, specifically including bonds, debentures and other corporate obligations and stocks, preferred or common, which persons of prudence, discretion and intelligence acquire or retain for their own account.

~~[4.]~~ ***(d)*** Except as otherwise provided in NRS 689.150 to 689.375, inclusive, or the trust agreement approved in writing by the Commissioner or as may be required by an order of a court of competent jurisdiction, the trustees shall maintain the trust fund intact and unimpaired and shall make no other payment or disbursement from the trust fund.

2. The requirements of subsection 1 do not apply if:

(a) The prepaid contract is payable solely from the proceeds of a policy of life insurance; and

(b) The seller of the prepaid contract does not collect any money from the purchaser of the prepaid contract.

Sec. 12. NRS 689.475 is hereby amended to read as follows:

689.475 1. "Prepaid contract" means any contract under which, for a specified consideration paid in advance in a lump sum or by installments ~~[, a person]~~ ***or payable solely from the proceeds of a policy of life insurance, the seller of the contract guarantees or*** promises, either before or upon the death of a beneficiary named in or otherwise ascertainable from the contract, to provide burial services and to furnish adaptable or suitable personal property, merchandise, supplies or facilities in connection with such services.

2. "Prepaid contract" does not include a contract of insurance or any instrument in writing whereby any charitable, religious, benevolent or fraternal benefit society, corporation, association, institution or organization, not having for its object or purpose pecuniary profit, promises or agrees to embalm, inter or otherwise dispose of the remains of any person, or to procure or pay the expenses, or any part thereof, for embalming, interring or otherwise disposing of the remains of any person.

Sec. 13. NRS 689.495 is hereby amended to read as follows:

689.495 1. ***Except as otherwise provided in subsection 2:***

(a) Before the issuance of a permit to a seller, the seller shall post with the Commissioner and thereafter maintain in force a bond in the principal sum of $50,000 issued by an authorized corporate surety in favor of the State of Nevada, or a deposit of cash or negotiable securities or a combination of cash and negotiable securities. If a deposit is made in lieu of a bond, the deposit must at all times have a market value not less than the amount of the bond required by the Commissioner.

~~[2.]~~ ***(b)*** The bond or deposit must be held for the benefit of buyers of prepaid contracts, and other persons as their interests may appear, who may be damaged by misuse or diversion of money by the seller or his agents, or to satisfy any judgments against the seller for failure to perform a prepaid contract. The aggregate liability of the surety for all breaches of the conditions of the bond must not exceed the sum of the bond. The surety on the bond has the right to cancel the bond upon giving 30 days' notice to the Commissioner and thereafter is relieved of liability for any breach of condition occurring after the effective date of the cancellation.

~~[3.]~~ ***(c)*** The Commissioner shall release the bond or deposit after the seller has ceased doing business as such and the Commissioner is satisfied of the nonexistence of any obligation or liability of the seller for which the bond or deposit was held.

2. The Commissioner may waive the requirements of subsection 1 if the seller agrees:

(a) To offer for sale only prepaid contracts that are payable solely from the proceeds of a policy of life insurance; and

(b) Not to collect any money from the purchaser of a prepaid contract.

Sec. 14. NRS 689.560 is hereby amended to read as follows:

689.560 1. ***Except as otherwise provided in subsection 2:***

(a) The seller shall establish and maintain a trust fund with an authorized trustee, for the benefit of the beneficiary of the prepaid contract, in accordance with the trust agreement filed with and approved by the Commissioner.

~~[2.]~~ ***(b)*** The seller shall maintain unimpaired and shall deposit in the trust fund, within 15 days after the end of the month in which payment was received, all installments received on prepaid contracts sold after the sales commission has been deducted.

~~[3.]~~ ***(c)*** The trustee shall, with respect to the money in the trust fund, exercise the judgment and care under the circumstances then prevailing which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their money, considering the probable income as well as the probable safety of their capital. Within the limitations of such standards, and subject to any express provision or limitation contained in any particular trust instrument, a trustee may acquire and retain every kind of

investment, specifically including bonds, debentures and other corporate obligations and stocks, preferred or common, which persons of prudence, discretion and intelligence acquire or retain for their own account.

~~[4. Except]~~

(d) The trustee shall, except as otherwise provided in NRS 689.450 to 689.595, inclusive, or the trust agreement approved in writing by the Commissioner or as may be required by an order of a court of competent jurisdiction, ~~[the trustees shall]~~ maintain the trust fund intact and unimpaired and ~~[shall]~~ not make any payment or disbursement from the trust fund.

2. The requirements of subsection 1 do not apply if:

(a) The prepaid contract is payable solely from the proceeds of a policy of life insurance; and

(b) The seller of the prepaid contract does not collect any money from the purchaser of the prepaid contract.

Sec. 15. NRS 689C.075 is hereby amended to read as follows:

689C.075 1. "Health benefit plan" means a policy ~~[or certificate for hospital or medical expenses, a contract for dental, hospital or medical services, or a health care plan of a health maintenance organization available for use, offered or sold to a small employer.]~~ ***, contract, certificate or agreement to provide for, deliver payment for, arrange for the payment of, pay for or reimburse any of the costs of health care services.*** Except as otherwise provided in this section, the term includes short-term and catastrophic health insurance policies ~~[,]~~ and a policy that pays on a cost-incurred basis.

2. The term does not include:

(a) Coverage that is only for accident or disability income insurance, or any combination thereof;

(b) Coverage issued as a supplement to liability insurance;

(c) Liability insurance, including general liability insurance and automobile liability insurance;

(d) Workers' compensation or similar insurance;

(e) Coverage for medical payments under a policy of automobile insurance;

(f) Credit insurance;

(g) Coverage for on-site medical clinics;

(h) Coverage under a short-term health insurance policy;

(i) Coverage under a blanket student accident and health insurance policy; and

(j) Other similar insurance coverage specified in federal regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, under which benefits for medical care are secondary or incidental to other insurance benefits.

3. If the benefits are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of a health benefit plan, the term does not include the following benefits:

(a) Limited-scope dental or vision benefits;

(b) Benefits for long-term care, nursing home care, home health care or community-based care, or any combination thereof; and

(c) Such other similar benefits as are specified in any federal regulations adopted pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

4. If the benefits are provided under a separate policy, certificate or contract of insurance, there is no coordination between the provision of the benefits and any exclusion of benefits under any group health plan maintained by the same plan sponsor, and the benefits are paid for a claim without regard to whether benefits are provided for such a claim under any group health plan maintained by the same plan sponsor, the term does not include:

(a) Coverage that is only for a specified disease or illness; and

(b) Hospital indemnity or other fixed indemnity insurance.

5. If offered as a separate policy, certificate or contract of insurance, the term does not include:

(a) Medicare supplemental health insurance as defined in section 1882(g)(1) of the Social Security Act, 42 U.S.C. § 1395ss, as that section existed on July 16, 1997;

(b) Coverage supplemental to the coverage provided pursuant to the Civilian Health and Medical Program of Uniformed Services, CHAMPUS, 10 U.S.C. §§ 1071 et seq.; and

(c) Similar supplemental coverage provided under a group health plan.

Sec. 15.5. **NRS 689C.170 is hereby amended to read as follows:**

689C.170 1. A carrier serving small employers may vary the application of requirements for minimum participation of eligible employees and minimum employer's contributions only by the size of the small employer's group ~~[.]~~ ***or the product offered.***

2. In applying requirements for minimum participation with respect to a small employer, a carrier shall not consider employees or dependents who have creditable coverage when determining whether the applicable percentage of participation is met, but may consider employees or dependents who have coverage under another health benefit plan that is sponsored by the employer.

3. A carrier shall not deny an application for coverage solely because the applicant works in a certain industry.

4. After a small employer has been accepted for coverage, a carrier shall not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to the small employer.

Sec. 16. NRS 690B.260 is hereby amended to read as follows:

690B.260 1. Each insurer which issues a policy of insurance covering the liability of a physician licensed under chapter 630 of NRS or an osteopathic physician licensed under chapter 633 of NRS for a breach of his

professional duty toward a patient shall, within 45 days after ~~[a claim is closed under the policy,]~~ ***the end of a calendar quarter,*** submit a report to the Commissioner concerning ~~[the claim.]~~ ***each claim that was closed during that calendar quarter under such a policy of insurance issued by the insurer and any change during that calendar quarter to any claim under such a policy of insurance issued by the insurer that was closed during a previous calendar quarter.*** The report must include, without limitation:

(a) The name and address of the claimant and the insured under ~~[the]~~ ***each*** policy;

(b) A statement setting forth the circumstances of ~~[the]~~ ***that*** case;

(c) Information indicating whether any payment was made on ~~[the]~~ ***a*** claim and the amount of the payment, if any; and

(d) The information specified in subsection 2 of NRS 679B.144 ~~[.]~~ ***for each claim.***

2. An insurer who fails to comply with the provisions of subsection 1 is subject to the imposition of an administrative fine pursuant to NRS 679B.460.

3. The Commissioner shall, within 30 days after receiving a report from an insurer pursuant to this section, submit a report to the Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, setting forth the information provided to the Commissioner by the insurer pursuant to this section.

Sec. 17. NRS 690C.080 is hereby amended to read as follows:

690C.080 ***1.*** "Service contract" means a contract pursuant to which a provider, in exchange for separately stated consideration, is obligated for a specified period to a holder to repair, replace or perform maintenance on, or indemnify or reimburse the holder for the costs of repairing, replacing or performing maintenance on, goods that are described in the service contract and which have an operational or structural failure as a result of a defect in materials, workmanship or normal wear and tear, including, without limitation:

~~[1.]~~ ***(a)*** A contract that includes a provision for incidental payment of indemnity under limited circumstances, including, without limitation, towing, rental and emergency road service; and

~~[2.]~~ ***(b)*** A contract that provides for the repair, replacement or maintenance of goods for damages that result from power surges or accidental damage from handling.

2. The term does not include a contract pursuant to which a provider, other than the manufacturer, builder, seller or lessor of a manufactured home, in exchange for separately stated consideration, is obligated for a specified period to a holder to repair or replace, or indemnify or reimburse the holder for the costs of repairing or replacing, any component of the physical structure of the manufactured home, including, without limitation, the walls, roof supports, structural floor base or foundation.

Sec. 18. NRS 692A.270 is hereby amended to read as follows:

692A.270 The provisions of NRS ***683A.321, 683A.331,*** 683A.341, 683A.400, 683A.451 to 683A.490, inclusive, and 683A.520 apply to title insurers, title agents and escrow officers.

Sec. 19. NRS 694C.250 is hereby amended to read as follows:

694C.250 1. A captive insurer must not be issued a license, and shall not hold a license, unless the captive insurer has and maintains, in addition to any other capital ***or surplus*** required to be maintained pursuant to subsection 3, unimpaired paid-in capital ***and unencumbered surplus*** of:

(a) For a pure captive insurer, not less than ~~[$100,000;]~~ ***$200,000;***

(b) For an association captive insurer ***,*** ~~[incorporated as a stock insurer,]~~ not less than ~~[$200,000;]~~ ***$500,000;***

(c) For an agency captive insurer, not less than ~~[$300,000;]~~ ***$600,000;***

(d) For a rental captive insurer, not less than ~~[$400,000;]~~ ***$800,000;*** and

(e) For a sponsored captive insurer, not less than ~~[$200,000.]~~ ***$500,000.***

2. Except as otherwise provided by the Commissioner pursuant to subsection 3, the capital ***and surplus*** required to be maintained pursuant to this section must be in the form of cash or an irrevocable letter of credit.

3. The Commissioner may prescribe additional requirements relating to capital ***or surplus*** based on the type, volume and nature of the insurance business that is transacted by the captive insurer and requirements regarding which capital ~~[,]~~ ***and surplus,*** if any, may be in the form of an irrevocable letter of credit.

4. A letter of credit used by a captive insurer as evidence of capital ***and surplus*** required pursuant to this section must:

(a) Be issued by a bank chartered by this State or a bank that is a member of the United States Federal Reserve System and has been approved by the Commissioner; and

(b) Include a provision pursuant to which the letter of credit is automatically renewable each year, unless the issuer gives written notice to the Commissioner and the captive insurer at least 90 days before the expiration date.

Sec. 20. NRS 694C.270 is hereby amended to read as follows:

694C.270 1. The Commissioner may suspend or revoke the license of a captive insurer if, after an examination and hearing, the Commissioner determines that:

(a) The captive insurer:

(1) Is insolvent or has impaired its required capital or surplus;

(2) Has failed to meet a requirement of NRS 694C.250, ~~[694C.260,]~~ 694C.320 or 694C.330;

(3) Has refused or failed to submit an annual report, as required by NRS 694C.400, or any other report or statement required by law or by order of the Commissioner;

(4) Has failed to comply with the provisions of its charter or bylaws;

(5) Has failed to submit to an examination required pursuant to NRS 694C.410;

(6) Has refused or failed to pay the cost of an examination required pursuant to NRS 694C.410;

(7) Has used any method in transacting insurance pursuant to this chapter which is detrimental to the operation of the captive insurer or would make its condition unsound with respect to its policyholders or the general public; or

(8) Has failed otherwise to comply with the laws of this State; and

(b) The suspension or revocation of the license of the captive insurer is in the best interest of its policyholders or the general public.

2. The provisions of NRS 679B.310 to 679B.370, inclusive, apply to hearings conducted pursuant to this section.

Sec. 21. NRS 694C.340 is hereby amended to read as follows:

694C.340 1. Except as otherwise provided in this section and NRS 694C.382, an association captive insurer, an agency captive insurer, a rental captive insurer or a sponsored captive insurer shall comply with the requirements relating to investments set forth in chapter 682A of NRS. Upon the request of the association captive insurer, agency captive insurer, rental captive insurer or sponsored captive insurer, the Commissioner may approve the use of reliable, alternative methods of valuation and rating.

2. A pure captive insurer is not subject to any restrictions on allowable investments, except that the Commissioner may prohibit or limit any investment that threatens the solvency or liquidity of the pure captive insurer.

3. A pure captive insurer may make a loan to its parent or affiliated company if the loan:

(a) Is first approved in writing by the Commissioner;

(b) Is evidenced by a note that is in a form that is approved by the Commissioner; and

(c) Does not include any money that has been set aside as capital or surplus as required by subsection 1 of NRS 694C.250 **.** ~~[or subsection 1 of NRS 694C.260.]~~

Sec. 22. NRS 694C.384 is hereby amended to read as follows:

694C.384 1. As security for the payment of liabilities attributable to the branch operations of a branch captive insurer, the Commissioner shall require that a trust fund, funded by an irrevocable letter of credit or other acceptable asset, be established and maintained in the United States for the benefit of United States policyholders and ceding United States insurers under insurance policies or reinsurance contracts issued or assumed by the branch captive insurer through its branch operations.

2. The amount of the security must be not less than the total amount required by NRS 694C.250 **,** ~~[and 694C.260,]~~ and any reserves on such insurance policies or reinsurance contracts, including reserves for losses, allocated loss adjustment expenses, incurred but not reported losses and unearned premiums with regard to business written through the branch operations. The Commissioner may authorize a branch captive insurer that is required to post security for loss reserves on branch business by its reinsurer

to reduce the funds in the trust account required by this section by that same amount as long as the security remains posted with the reinsurer.

3. If the form of the security is a letter of credit, the letter of credit must be established, issued or confirmed by a bank chartered in this State or a bank that is a member of the Federal Reserve System.

Sec. 23. NRS 694C.400 is hereby amended to read as follows:

694C.400 1. On or before March 1 of each year, a captive insurer shall submit to the Commissioner a report of its financial condition, as prepared by a certified public accountant. A captive insurer shall use generally accepted accounting principles and include any useful or necessary modifications or adaptations thereof that have been approved or accepted by the Commissioner for the type of insurance and kinds of insurers to be reported upon, and as supplemented by additional information required by the Commissioner. Except as otherwise provided in this section, each association captive insurer, agency captive insurer **,** ~~[or]~~ rental captive insurer ***or sponsored captive insurer*** shall file its report in the form required by NRS 680A.265. The Commissioner shall adopt regulations designating the form in which pure captive insurers must report.

2. A pure captive insurer may apply, in writing, for authorization to file its annual report based on a fiscal year that is consistent with the fiscal year of the parent company of the pure captive insurer. If an alternative date is granted:

(a) The annual report is due not later than 60 days after the end of each such fiscal year; and

(b) The pure captive insurer shall file on or before March 1 of each year such forms as required by the Commissioner by regulation to provide sufficient detail to support its premium tax return filed pursuant to NRS 694C.450.

Sec. 24. NRS 695D.270 is hereby amended to read as follows:

695D.270 1. The Commissioner shall, ~~[once:~~

~~(a) Every 6 months for the first]~~ ***not less frequently than once every*** 3 years **,** ~~[after an organization for dental care receives its certificate of authority; and~~

~~(b) Each year thereafter,~~

~~➥]~~ conduct an examination of ~~[the]~~ ***an*** organization ***for dental care*** pursuant to NRS 679B.250 to 679B.300, inclusive.

2. The Commissioner may examine any organization which holds a certificate of authority from this State or another state at any other time he deems necessary. For those organizations transacting business in this State which are not organized in this State, the Commissioner may accept a full report of the last examination of the organization certified by the state officer who supervises those organizations in the other state, if that examination is equivalent to an examination conducted by the Commissioner.

3. The Commissioner shall, in like manner, examine all organizations applying for a certificate of authority.

Sec. 25. NRS 695F.310 is hereby amended to read as follows:

695F.310 1. The Commissioner may examine the affairs of any prepaid limited health service organization as often as is reasonably necessary to protect the interests of the residents of this State, but not less frequently than once every ~~[2]~~ ***3*** years.

2. A prepaid limited health service organization shall make its books and records available for examination and cooperate with the Commissioner to facilitate the examination.

3. In lieu of such an examination, the Commissioner may accept the report of an examination conducted by the commissioner of insurance of another state.

4. The reasonable expenses of an examination conducted pursuant to this section must be charged to the organization being examined and remitted to the Commissioner.

Sec. 26. NRS 696A.185 is hereby amended to read as follows:

696A.185 1. Every motor club shall file with the Commissioner on or before March 1 of each year a report which summarizes its activities for the preceding calendar year. The report must be verified by at least two officers of the motor club.

2. The report must be on a form prescribed by the Commissioner and must include:

(a) A financial statement for the motor club, including its balance sheet and receipts and disbursements for the preceding calendar year;

(b) Any material changes in the information given in the previous report;

(c) The number of members enrolled in the year;

(d) The costs of all services provided for that year; and

(e) Any other information relating to the motor club requested by the Commissioner.

3. The motor club must pay to the Commissioner an annual fee of $500.

4. Every motor club shall file with the Commissioner on or before June 1 of each year a financial statement of the motor club certified by an independent public accountant.

5. Any motor club failing, without just cause beyond its reasonable control, to file timely the report or financial statement ***or to pay timely the annual fee*** required by this section shall pay an administrative penalty of $100 per day until the report or statement is filed, except that the total penalty must not exceed $3,000. The Attorney General shall recover the penalty in the name of the State of Nevada.

6. A motor club is not exempt from the provisions of NRS 679B.700.

Sec. 27. NRS 696B.330 is hereby amended to read as follows:

696B.330 1. All claims against an insurer against which delinquency proceedings have ~~[been begun shall]~~ ***commenced must be filed in the manner and form established by the receiver and*** set forth in reasonable detail the amount of the claim, or the basis upon which ~~[such]~~ ***that*** amount can be ascertained, the facts upon which the claim is based, and the priorities

asserted, if any. All such claims ~~[shall]~~ ***must*** be verified by the affidavit of the claimant, or someone authorized to act on his behalf and having knowledge of the facts, and ~~[shall]~~ be supported by such documents as may be material thereto.

2. All claims filed in this State ~~[shall]~~ ***must*** be filed with the receiver, whether domiciliary or ancillary, in this State, on or before the last date for filing as specified in this chapter ~~[.]~~ ***or as directed by the court.***

3. ~~[Within 10 days of the receipt of any claim, or within such further period as the court may fix for good cause shown, the receiver shall report the claim to the court, specifying in such report his recommendation with respect to the action to be taken thereon. Upon receipt of such report, the court shall fix a time for hearing the claim and shall direct that the claimant or the receiver, as the court shall specify, shall give such notice as the court determines to such persons as appear to the court to be interested therein. All such notices shall specify the time and place of the hearing and shall concisely state the amount and nature of the claim, the priorities asserted, if any, and the recommendation of the receiver with reference thereto.~~

~~4. At the hearing, all persons interested shall be entitled to appear, and the court shall enter an order allowing, allowing in part, or disallowing the claim. Any such order is an appealable order.]~~ ***Except as otherwise provided in subsection 4, after the last date for filing a claim against an insurer as specified in this chapter, the receiver shall:***

(a) Determine whether to approve or deny, in whole or in part, each claim against the insurer filed with the receiver pursuant to subsection 2; and

(b) If the receiver approves a claim, in whole or in part, determine the class of the claim as provided in NRS 696B.420.

4. The receiver ~~[shall not]~~ is not required to process any claims in a class until it appears that assets will be available for distribution to that class. If there are insufficient assets to process claims for a class, the receiver shall notify the court and may make a recommendation to the court for the processing of any such claims.

5. The receiver shall mail, by first-class mail, postage prepaid, to each claimant that filed a claim with the receiver pursuant to subsection 2, written notice of the determination regarding the claim.

6. The receiver shall submit to the court a report on the determination of the receiver on each claim approved in whole or in part.

7. Not more than 60 days after the mailing of the written notice pursuant to subsection 5 ~~[,]~~ or the submission of the report pursuant to subsection 6, whichever occurs later, a person may file with the receiver an objection to the determination of the receiver on a claim.

~~[7.]~~ 8. If an objection is filed pursuant to subsection ~~[6,]~~ 7, the receiver shall submit to the court a report on the determination of the receiver on each claim to which an objection has been filed. The court shall fix a time

for a hearing on such claims and shall direct the receiver to give notice of the hearing. The notice provided by the receiver must:

(a) Be sent to the claimant by first-class mail, postage prepaid, not more than 30 days and not less than 10 days before the hearing, on any claim to which an objection has been filed; and

(b) Specify the time and place of the hearing.

~~[8.]~~ 9. A hearing may be conducted by the court or by a master or referee appointed by the court. If a hearing is conducted by a master or referee, the master or referee shall submit findings of fact and his recommendations to the court. The court shall enter an order approving or denying, in whole or in part, a claim filed against an insurer. Any such order is an appealable order.

Sec. 28. NRS 697.360 is hereby amended to read as follows:

697.360 Licensed bail agents, bail solicitors and bail enforcement agents, and general agents are also subject to the following provisions of this Code, to the extent reasonably applicable:

1. Chapter 679A of NRS.
2. Chapter 679B of NRS.
3. NRS 683A.261.
4. NRS 683A.301.
5. NRS 683A.311.
6. ***NRS 683A.331.***

7. NRS 683A.341.

~~[7.]~~ ***8.*** NRS 683A.361.

~~[8.]~~ ***9.*** NRS 683A.400.

~~[9.]~~ ***10.*** NRS 683A.451.

~~[10.]~~ ***11.*** NRS 683A.461.

~~[11.]~~ ***12.*** NRS 683A.480.

~~[12.]~~ ***13.*** NRS 683A.500.

~~[13.]~~ ***14.*** NRS 683A.520.

~~[14.]~~ ***15.*** NRS 686A.010 to 686A.310, inclusive.

Sec. 28.3. **NRS 616A.050 is hereby amended to read as follows:**

616A.050 "Association of self-insured private employers" means a nonprofit, unincorporated association composed of five or more private employers that has been issued a certificate by the Commissioner and is subject to the provisions of NRS 616B.350 to 616B.446, inclusive ~~[.]~~ ***, and section 29.5 of this act.***

Sec. 28.7. **NRS 616A.055 is hereby amended to read as follows:**

616A.055 "Association of self-insured public employers" means a nonprofit, unincorporated association composed of five or more public employers that has been issued a certificate by the Commissioner and is subject to the provisions of NRS 616B.350 to 616B.446, inclusive ~~[.]~~ ***, and section 29.5 of this act.***

Sec. 29. NRS 616A.330 is hereby amended to read as follows:

616A.330 "Tangible net worth" means ***the value of*** all ~~[of]~~ the assets ***, minus the value of all the liabilities,*** of an association of self-insured private employers or of a member of such an association except:

1. Accounts receivable, if they are factored or collateralized.
2. An inventory, except one held for resale and not collateralized.
3. A prepaid expense.
4. An unqualified investment.
5. An allocated bond fund.
6. An investment in an affiliate.
7. A restricted fund.
8. A reserve.
9. A security cost, such as a capitalized bond cost.
10. A cash equivalent, unless it is described in the footnotes for the balance sheet by item, and for investments, by duration and nature. A cash flow statement is not a sufficient description.
11. A contingency or commitment, including any estimated cost.
12. Any book adjustment caused by a change in an accounting policy or a restatement.
13. Goodwill or excess cost over the fair market value of assets.
14. Any other items listed in the assets that are deemed unacceptable by the Commissioner because they cannot be justified or because they do not directly support the ability of the association or the member to pay a claim.

Sec. 29.5. **Chapter 616B of NRS is hereby amended by adding thereto a new section to read as follows:**

If a member of an association of self-insured public or private employers requests, in writing, information required for his certificate of insurance, the association shall, within 30 days after receiving the request, provide to the member information regarding claims paid and reserves for claims incurred that are maintained on behalf of the member.

Sec. 30. NRS 616B.386 is hereby amended to read as follows:

616B.386 1. If an employer wishes to become a member of an association of self-insured public or private employers, the employer must:

(a) Submit an application for membership to the board of trustees or third-party administrator of the association; and

(b) Enter into an indemnity agreement as required by NRS 616B.353.

2. The membership of the applicant becomes effective when each member of the association approves the application or on a later date specified by the association. The application for membership and the action taken on the application must be maintained as permanent records of the board of trustees.

3. Each member who is a member of an association during the 12 months immediately following the formation of the association must:

(a) Have a tangible net worth of at least $500,000; or

(b) Have had a reported payroll for the previous 12 months which would have resulted in a manual premium of at least $15,000, calculated in

accordance with a manual prepared pursuant to subsection 4 of NRS 686B.1765.

4. An employer who seeks to become a member of the association after the 12 months immediately following the formation of the association must meet the requirement set forth in paragraph (a) or (b) of subsection 3 unless the Commissioner adjusts the requirement for membership in the association after conducting an annual review of the actuarial solvency of the association pursuant to subsection 1 of NRS 616B.353.

5. An association of self-insured private employers may apply to the Commissioner for authority to determine the amount of tangible net worth and manual premium that an employer must have to become a member of the association. The Commissioner shall approve the application if the association:

(a) Has been certified to act as an association for at least the 3 consecutive years immediately preceding the date on which the association filed the application with the Commissioner;

(b) Has a combined tangible net worth of all members in the association of at least $5,000,000;

(c) Has at least 15 members; and

(d) Has not been required to meet informally with the Commissioner pursuant to subsection 1 of NRS 616B.431 during the 18-month period immediately preceding the date on which the association filed the application with the Commissioner or, if the association has been required to attend such a meeting during that period, has not had its certificate withdrawn before the date on which the association filed the application.

6. An association of self-insured private employers may apply to the Commissioner for authority to determine the documentation demonstrating solvency that an employer must provide to become a member of the association. The Commissioner shall approve the application if the association:

(a) Has been certified to act as an association for at least the 3 consecutive years immediately preceding the date on which the association filed the application with the Commissioner;

(b) Has a combined tangible net worth of all members in the association of at least $5,000,000; and

(c) Has at least 15 members.

7. The Commissioner may withdraw his approval of an application submitted pursuant to subsection 5 or 6 if he determines the association has ceased to comply with any of the requirements set forth in subsection 5 or 6, as applicable.

8. A member of an association may terminate his membership at any time. To terminate his membership, a member must submit to the association's administrator a notice of intent to withdraw from the association at least 120 days before the effective date of withdrawal. The

notice of intent to withdraw must include a statement indicating that the member has:

(a) Been certified as a self-insured employer pursuant to NRS 616B.312;

(b) Become a member of another association of self-insured public or private employers; or

(c) Become insured by a private carrier.

9. The members of an association may cancel the membership of any member of the association in accordance with the bylaws of the association.

10. The association shall:

(a) Within 30 days after the addition of an employer to the membership of the association, notify the Commissioner of the addition and:

(1) If the association has not received authority from the Commissioner pursuant to subsection 5 or 6, as applicable, provide to the Commissioner all information and assurances for the new member that were required from each of the original members of the association upon its organization; or

(2) If the association has received authority from the Commissioner pursuant to subsection 5 or 6, as applicable, provide to the Commissioner evidence that is satisfactory to the Commissioner that the new member is a member or associate member of the bona fide trade association as required pursuant to paragraph (a) of subsection 2 of NRS 616B.350, a copy of the indemnity agreement that jointly and severally binds the new member, the other members of the association and the association that is required to be executed pursuant to paragraph (a) of subsection 1 of NRS 616B.353 and any other information the Commissioner may reasonably require to determine whether the amount of security deposited with the Commissioner pursuant to paragraph (d) or (e) of subsection 1 of NRS 616B.353 is sufficient, but such information must not exceed the information required to be provided to the Commissioner pursuant to subparagraph (1);

(b) Notify the Commissioner and the Administrator of the termination or cancellation of the membership of any member of the association within 10 days after the termination or cancellation; and

(c) At the expense of the member whose membership is terminated or cancelled, maintain coverage for that member for ~~[30]~~ ***60*** days after notice is given pursuant to paragraph (b), unless the association first receives notice from the Administrator that the member has:

(1) Been certified as a self-insured employer pursuant to NRS 616B.312;

(2) Become a member of another association of self-insured public or private employers; or

(3) Become insured by a private carrier.

11. If a member of an association changes his name or form of organization, the member remains liable for any obligations incurred or any responsibilities imposed pursuant to chapters 616A to 617, inclusive, of NRS under his former name or form of organization.

12. An association is liable for the payment of any compensation required to be paid by a member of the association pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during his period of membership. The insolvency or bankruptcy of a member does not relieve the association of liability for the payment of the compensation.

Sec. 30.3. **NRS 616B.425 is hereby amended to read as follows:**

616B.425 1. The Commissioner may issue an order requiring an association of self-insured public or private employers or a member of the association to cease and desist from engaging in any act or practice found to be in violation of any provision of NRS 616B.350 to 616B.446, inclusive, ***and section 29.5 of this act,*** or any regulation adopted pursuant thereto.

2. If the Commissioner determines that an association or a member of the association has violated an order to cease and desist, the Commissioner may impose an administrative fine of not more than $10,000 for each violation of the order, not to exceed an aggregate amount of $100,000, or withdraw the certificate of the association, or both.

Sec. 30.5. **NRS 616B.428 is hereby amended to read as follows:**

616B.428 1. The Commissioner may impose an administrative fine for each violation of any provision of NRS 616B.350 to 616B.446, inclusive, ***and section 29.5 of this act,*** or any regulation adopted pursuant thereto. Except as otherwise provided in those sections, the amount of the fine may not exceed $1,000 for each violation or an aggregate amount of $10,000.

2. The Commissioner may withdraw the certificate of an association of self-insured public or private employers if:

(a) The association's certificate was obtained by fraud;

(b) The application for certification contained a material misrepresentation;

(c) The association is found to be insolvent;

(d) The association fails to have five or more members;

(e) The association fails to pay the costs of any examination or any penalty, fee or assessment required by the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(f) The association fails to comply with any of the provisions of this chapter or chapter 616A, 616C, 616D or 617 of NRS, or any regulation adopted pursuant thereto;

(g) The association fails to comply with any order of the Commissioner within the time prescribed by the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS or in the order of the Commissioner; or

(h) The association or its third-party administrator misappropriates, converts, illegally withholds or refuses to pay any money to which a person is entitled and that was entrusted to the association in its fiduciary capacity.

3. If the Commissioner withdraws the certification of an association of self-insured public or private employers, each employer who is a member of the association remains liable for his obligations incurred before and after the order of withdrawal.

4. Any employer who is a member of an association whose certification is withdrawn shall, on the effective date of the withdrawal, qualify as an employer pursuant to NRS 616B.650.

Sec. 30.7. **NRS 616B.446 is hereby amended to read as follows:**

616B.446 The Commissioner may adopt such regulations as are necessary to carry out the provisions of NRS 616B.350 to 616B.446, inclusive ~~[.]~~ ***, and section 29.5 of this act.***

Sec. 31. NRS 232.825 is hereby amended to read as follows:

232.825 The Commissioner:

1. May appoint ~~[two]~~ ***three*** deputies. The deputies are in the unclassified service of the State. Except as otherwise provided in NRS 284.143, each deputy shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

2. Is responsible for the administration of the provisions of title 57 of NRS, and all other provisions of law relating to the functions of the Division.

3. May employ such staff as is necessary for the performance of his duties.

4. Has such other powers and duties as are provided by law.

Sec. 32. NRS 689A.735 and 694C.260 are hereby repealed.

TEXT OF REPEALED SECTIONS

689A.735 Report to Commissioner by trustee of medical savings account. On or before July 1 of each year, a trustee of a medical savings account established and maintained in accordance with 26 U.S.C. § 220 shall report to the Commissioner the number of medical savings accounts administered by the trustee during the previous calendar year.

694C.260 Surplus required: Amount; form; Commissioner authorized to prescribe additional requirements; letter of credit.

1. A captive insurer must not be issued a license, and shall not hold a license, unless the captive insurer has and maintains, in addition to any other surplus required to be maintained pursuant to subsection 3, an unencumbered surplus of:

(a) For a pure captive insurer, not less than $100,000;

(b) For an association captive insurer incorporated as a stock insurer, not less than $300,000;

(c) For an agency captive insurer, not less than $300,000;

(d) For a rental captive insurer, not less than $400,000;

(e) For an association captive insurer incorporated as a mutual insurer or reciprocal insurer, not less than $500,000; and

(f) For a sponsored captive insurer, not less than $300,000.

2. Except as otherwise provided in subsection 3, the surplus required to be maintained pursuant to this section must be in the form of cash or an irrevocable letter of credit.

3. The Commissioner may prescribe additional requirements relating to surplus based on the type, volume and nature of the insurance business that is transacted by the captive insurer and requirements regarding which surplus, if any, may be in the form of an irrevocable letter of credit.

4. A letter of credit used by a captive insurer as evidence of required surplus pursuant to this section must:

(a) Be issued by a bank chartered by this State or a bank that is a member of the United States Federal Reserve System and has been approved by the Commissioner; and

(b) Include a provision pursuant to which the letter of credit is automatically renewable each year, unless the issuer gives written notice to the Commissioner and the captive insurer at least 90 days before the expiration date.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 168.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 107.

ASSEMBLYMEN BUCKLEY, LESLIE, PARKS, GERHARDT, CONKLIN, ANDERSON, ARBERRY, ATKINSON, BEERS, BOBZIEN, CARPENTER, CLABORN, DENIS, HARDY, HOGAN, HORNE, KIHUEN, KIRKPATRICK, KOIVISTO, MANENDO, **MARVEL,** MCCLAIN, MUNFORD, OCEGUERA, OHRENSCHALL, PARNELL, PIERCE, SEGERBLOM, SMITH, STEWART AND WOMACK

AN ACT relating to health care; increasing the income threshold used to establish eligibility of pregnant women for certain programs that provide health care; providing for a subsidy to be made available to certain employees or their spouses toward health insurance; **authorizing the use of money that is reverted from the Health Insurance Flexibility and Accountability Holding Account in the State General Fund to the Fund for Hospital Care to Indigent Persons at the end of each fiscal year to pay claims for any previous fiscal years;** making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Health and Human Services to apply to the Federal Government for a waiver pursuant to the Health Insurance Flexibility and Accountability demonstration initiative to provide certain health care benefits to more residents of Nevada for which matching funds are available from the Federal Government. (NRS 422.2726) Existing law further provides that the waiver is to provide coverage for services to pregnant women whose income is not more than 185 percent of the federally designated level signifying poverty. (NRS 422.2727) Section 1

of this bill increases that income threshold to 200 percent of the federally designated level signifying poverty. Existing law further provides that the waiver is to provide a monthly subsidy of up to $100 toward a policy of insurance purchased by an employee or the spouse of an employee who works for certain small employers if the employee or spouse meet certain requirements. Section 1 requires the Director, if the waiver is authorized only for employees or the spouses of employees who have children, **to establish a program to provide such a subsidy to an employee or spouse of an employee who does not have a child which must** include the subsidy in ~~[its state plan,]~~ **that program,** to the extent that money is available for that purpose, for employees or their spouses who do not have children but would otherwise qualify for the subsidy pursuant to the waiver.

Section 2 of this bill provides an appropriation in the amount of $4,500,000 for each fiscal year of the biennium to pay for the cost of increasing the income threshold for making pregnant women eligible for coverage through the waiver. Section 3 of this bill provides an appropriation in the amount of $6,000,000 for each fiscal year to pay for the cost of providing the subsidy toward a policy of insurance provided to employees or their spouses who do not have children. Section 4 of this bill provides an appropriation in the amount of $4,500,000 for each fiscal year to allow the Department of Health and Human Services to provide insurance to more children through the Children's Health Insurance Program.

Existing law provides that any money remaining in the Health Insurance Flexibility and Accountability Holding Account in the State General Fund at the end of each fiscal year reverts to the Fund for Hospital Care to Indigent Persons and to the State General Fund in equal amounts. (NRS 428.305) Section 5 of this bill provides that any such money that is reverted from the Health Insurance Flexibility and Accountability Holding Account to the Fund for Hospital Care to Indigent Persons at the end of each fiscal year may be used to pay claims for any previous fiscal years.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 422.2727 is hereby amended to read as follows:

422.2727 ***1.*** The Director shall include in the application for the Medicaid waiver pursuant to NRS 422.2726, to the extent authorized by federal law, that the waiver is to:

~~[1.]~~ ***(a)*** Provide coverage for medical services to pregnant women who have household incomes that are more than 133 percent of the federally designated level signifying poverty but not more than ~~[185]~~ ***200*** percent of the federally designated level signifying poverty.

~~[2.]~~ ***(b)*** Provide a monthly subsidy of up to $100 toward a policy of insurance purchased by an employee or the spouse of an employee:

~~[(a)]~~ ***(1)*** Who works for an employer that employs at least 2 but not more than 50 employees;

~~[(b)]~~ ***(2)*** Whose household income is less than 200 percent of the federally designated level signifying poverty; and

~~[(c)]~~ ***(3)*** Who is otherwise ineligible for Medicaid.

~~[3.]~~ ***(c)*** Provide coverage for hospital care to persons who have low incomes, ***who*** are otherwise ineligible for Medicaid and who have a catastrophic illness or injury which results in unpaid charges for hospital care. As used in this subsection, "hospital care" has the meaning ascribed to it in NRS 428.155.

2. If a waiver obtained to provide the subsidy set forth in paragraph (b) of subsection 1 is only authorized for an employee or spouse of an employee who has a child, the Director shall establish a program to provide such a subsidy to an employee or spouse of an employee who does not have a child which must include in ~~[the State Plan for Medicaid,]~~ that program, to the extent that money is available for that purpose, such a monthly subsidy which is made available to an employee or the spouse of an employee who does not have a child if the employee would otherwise qualify for such a subsidy.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services for the cost of making additional pregnant women eligible for medical services through the waiver applied for pursuant to NRS 422.2727 by increasing the income threshold for eligibility for such services to not more than 200 percent of the federally designated level signifying poverty:

For the Fiscal Year 2007-2008 $4,500,000

For the Fiscal Year 2008-2009 $4,500,000

2. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 3. 1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services to include in the ~~[state plan]~~ **program described in subsection 2 of NRS 422.2727, as amended by section 1 of this act,** a subsidy of up to $100 toward a policy of insurance purchased by an employee or the spouse of an employee who does not have a child and who would otherwise qualify for such a subsidy pursuant to paragraph (b) of subsection 1 of NRS 422.2727 ~~[.]~~ **, as amended by section 1 of this act:**

For the Fiscal Year 2007-2008 $6,000,000

For the Fiscal Year 2008-2009 $6,000,000

2. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 4. 1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services to allow the Department to provide insurance to additional children through the Children's Health Insurance Program:

For the Fiscal Year 2007-2008 $4,500,000

For the Fiscal Year 2008-2009 $4,500,000

2. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 5. **Any money that is reverted from the Health Insurance Flexibility and Accountability Holding Account in the State General Fund to the Fund for Hospital Care to Indigent Persons at the end of each fiscal year may be used to pay claims for any previous fiscal years, including, without limitation, claims incurred before July 1, 2005.**

~~[Sec. 5.]~~ ***Sec. 6.*** This act becomes effective on July 1, 2007.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 209.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 458.

AN ACT relating to the taxation of property; revising the provisions governing certain exemptions from taxes and appeals by taxpayers; **revising certain requirements for the assessment of common-interest communities;** revising the provisions governing the **calculation of certain**

partial abatements of taxes and the collection of taxes following certain fluctuations in taxable value; **requiring the Committee on Local Government Finance to adopt regulations for the allocation of certain reductions in revenue resulting from the partial abatement of taxes;** providing limitations upon certain requests for the waiver of interest and penalties imposed for the late payment of taxes; repealing the prospective expiration of certain provisions for the funding of accounts for the acquisition and improvement of technology in the offices of county assessors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each county assessor to provide certain information regarding property taxes on the Internet. (NRS 361.0445) Section 1 of this bill authorizes a county assessor to disseminate, by additional means, certain information to the public concerning the taxation of property.

Existing law provides an exemption from property taxes for any value added to the assessed value of a building by certain qualified systems that provide heating, cooling or electricity. (NRS 361.079) Section 2 of this bill simplifies the administration of this exemption by removing any calculation of the value of such a qualified system from the determination of the assessed value of a building to which the exemption applies.

Existing law provides partial exemptions from property taxes for the property of surviving spouses, blind persons, veterans, disabled veterans and certain veterans' organizations, and provides for annual increases in those exemptions beginning with the 2006-2007 Fiscal Year based upon the increase in the Consumer Price Index from July 2004. (NRS 361.080, 361.085, 361.090, 361.091, 361.095) Sections 3-7 of this bill provide for the commencement of those annual increases during the 2005-2006 Fiscal Year based upon the increase in the Consumer Price Index from July 2003.

Section 7.5 of this bill provides an exemption from property taxes for certain property held by the Archaeological Conservancy.

Section 8 of this bill repeals a $5,000 limitation on the amount of an exemption from property taxes applicable to the funds, furniture, paraphernalia and regalia of certain lodges and other charitable organizations. (NRS 361.135)

Existing law requires the filing of claims for personal tax exemptions on real property, and the initial claim of an organization for a tax exemption on real property, to be filed on or before June 15. (NRS 361.155) Section 9 of this bill extends that deadline to July 5 for real property acquired after June 15 and before July 1.

Existing law provides for the assessment of property taxes for a common-interest community on the community units and not on the common elements of the community. (NRS 361.233) Section 10 of this bill specifies the methodology for determining the taxable value of a parcel that includes such a community unit and clarifies the definitions of "community unit" and "common elements" for this purpose.

Existing law allows taxpayers to appeal the amount of certain assessments of their property to the State Board of Equalization. (NRS 361.360) Section ~~[10]~~ **11** of this bill limits the effect of a change in assessment resulting from such an appeal to the fiscal year for which the assessment was made.

Under existing law, a property owner may protest the payment of taxes claimed to be in excess of the amount justly due and, if the State Board of Equalization denies relief, commence a legal proceeding in any county of this State to recover any overpayment. (NRS 361.420) Existing law authorizes a property owner to consolidate similar suits regarding property in more than one county into a single legal action. (NRS 361.435) Sections ~~[11 and]~~ **12 and 13** of this bill clarify that these proceedings consist of a judicial review of the decision of the State Board of Equalization and limit the locations where these proceedings may be brought.

Existing law provides for a generally applicable partial abatement of the property taxes levied on property for which an assessed valuation has previously been established or on a remainder parcel of property, based upon the average change in the assessed valuation of property in the county over the last 10 years or twice the increase in the Consumer Price Index for the last year, whichever is greater. (NRS 361.4722) Section 15 of this bill ensures that this partial abatement cannot be less than zero nor greater than 8 percent.

Existing law exempts from certain partial abatements of property taxes certain increases in the taxable value of property following large fluctuations in that value and requires the collection of the resulting taxes due over a period of 3 years. (NRS 361.4725) Section ~~[13]~~ **19** of this bill allows the collection of the amount due in a single year if that amount does not exceed $100 and authorizes the Nevada Tax Commission to exempt from collection any amount which is less than the cost of collection.

Existing law provides formulas for the allocation of reductions in revenue resulting from certain partial abatements of property taxes applicable to property for which the tax rate increases and authorizes the Committee on Local Government Finance to adopt regulations for the administration and interpretation of those formulas. (NRS 361.473, 361.4731, 361.4733) Section 23 of this bill requires the Committee to adopt such regulations as it determines to be appropriate, in accordance with certain specified principles, for the allocation of reductions in revenue resulting from those partial abatements of property taxes. Section 29 of this bill ratifies the regulations previously adopted by the Committee and requires the adoption of additional regulations not later than December 31, 2007. Section 28 of this bill repeals the existing formulas after the adoption of the additional regulations.

Existing law allows a taxpayer to petition the tax receiver for the review of a determination regarding the applicability of certain partial abatements from property taxes. (NRS 361.4734) Section ~~[14]~~ **25** of this bill requires the submission of the petition ~~[within 30 days after the taxpayer has notice of the~~

~~determination.]~~ **on or before January 15 of the fiscal year for which the determination is effective.**

Existing law authorizes a county treasurer or county assessor to waive all or part of the interest or penalty due from a person who fails to make a timely payment of property taxes as a result of circumstances beyond his control and who files a statement setting forth the facts of his claim. (NRS 361.4835) Section ~~[15]~~ **26** of this bill requires a person seeking such relief to pay the amount of the taxes due and file the statement within 30 days after that payment is made.

Under existing law, 2 percent of the property taxes collected for each county on personal property and the net proceeds of mines must be deposited into an account for the acquisition and improvement of technology in the office of the county assessor. (NRS 361.530, 362.170) Sections ~~[16 and 17]~~ **27 and 28** of this bill provide for the continuation of this funding by repealing its prospective expiration on July 1, 2007.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A county assessor may, by regular mail, electronic means or any other means the assessor deems appropriate, disseminate information to the public concerning the taxation of property, including, without limitation, information relating to the valuation and assessment of property, exemptions from taxation, the declaration of a homestead and programs for the assistance of senior citizens.

2. Any information provided pursuant to subsection 1 must, to the extent practicable, be in a form that is easily understood and readily accessible to the public.

Sec. 2. NRS 361.079 is hereby amended to read as follows:

361.079 1. Except as otherwise provided in subsection 2, ~~[for any assessment made on or after July 1, 1983, any value added by]~~ ***the value of*** a qualified system must ~~[be excluded from]~~ ***not be included in*** the assessed value of ~~[the building regardless of the date the system was installed.~~

~~2. Value]~~ ***a building.***

2. Any value added by a qualified system must ~~[not be excluded from]~~ ***be included in*** the assessed value of a commercial or industrial building during any period in which the business that owns the commercial or industrial building is receiving another abatement or exemption ***pursuant to NRS 361.045 to 361.159, inclusive,*** from the taxes imposed by this chapter.

3. As used in this section, "qualified system" means any system, method, construction, installation, machinery, equipment, device or appliance which is designed, constructed or installed in a residential, commercial or industrial building to heat or cool the building or water used in the building, or to provide electricity used in the building, by using:

(a) Energy from the wind or from solar devices not thermally insulated from the area where the energy is used;

(b) Geothermal resources;

(c) Energy derived from conversion of solid wastes; or

(d) Waterpower,

➥ which conforms to standards established by regulation of the Department.

Sec. 3. NRS 361.080 is hereby amended to read as follows:

361.080 1. The property of surviving spouses, not to exceed the amount of $1,000 assessed valuation, is exempt from taxation, but no such exemption may be allowed to anyone but a bona fide resident of this State, and must be allowed in but one county in this State to the same family.

2. For the purpose of this section, property in which the surviving spouse has any interest shall be deemed the property of the surviving spouse.

3. The person claiming such an exemption must file with the county assessor an affidavit declaring that he is a bona fide resident of this State and that the exemption has been claimed in no other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

4. A surviving spouse is not entitled to the exemption provided by this section in any fiscal year beginning after any remarriage, even if the remarriage is later annulled.

5. If any person files a false affidavit or provides false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

6. Beginning with the ~~[2006-2007]~~ ***2005-2006*** Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July ~~[2004]~~ ***2003*** to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 4. NRS 361.085 is hereby amended to read as follows:

361.085 1. The property of all blind persons, not to exceed the amount of $3,000 of assessed valuation, is exempt from taxation, including community property to the extent only of the blind person's interest therein, but no such exemption may be allowed to anyone but a bona fide resident of this State, and must be allowed in but one county in this State on account of the same blind person.

2. The person claiming such an exemption must file with the county assessor an affidavit declaring that he is a bona fide resident of the State of Nevada who meets all the other requirements for the exemption and that the

exemption is not claimed in any other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

3. Upon first claiming the exemption in a county **,** the claimant shall furnish to the assessor a certificate of a licensed physician setting forth that he has examined the claimant and has found him to be a blind person.

4. If any person files a false affidavit or provides false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

5. Beginning with the ~~[2006-2007]~~ ***2005-2006*** Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July ~~[2004]~~ ***2003*** to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

6. As used in this section, "blind person" includes any person whose visual acuity with correcting lenses does not exceed 20/200 in the better eye, or whose vision in the better eye is restricted to a field which subtends an angle of not greater than 20°.

Sec. 5. NRS 361.090 is hereby amended to read as follows:

361.090 1. The property, to the extent of $2,000 assessed valuation, of any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 continuous days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996;

(b) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1; or

(c) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the government of the United States, regardless of the number of days served on active duty,

➥ and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States,

or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. For the purpose of this section, the first $2,000 assessed valuation of property in which an applicant has any interest shall be deemed the property of the applicant.

3. The exemption may be allowed only to a claimant who files an affidavit with his claim for exemption on real property pursuant to NRS 361.155. The affidavit may be filed at any time by a person claiming exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county in this State. After the filing of the original affidavit, the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

➥ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

5. Persons in actual military service are exempt during the period of such service from filing the annual forms for renewal of the exemption, and the county assessors shall continue to grant the exemption to such persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his behalf during the period of such service by any person having knowledge of the facts.

6. Before allowing any veteran's exemption pursuant to the provisions of this chapter, the county assessor shall require proof of status of the veteran, and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.

7. If any person files a false affidavit or produces false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

8. Beginning with the ~~[2006-2007]~~ ***2005-2006*** Fiscal Year, the monetary amounts in subsections 1 and 2 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July ~~[2004]~~ ***2003*** to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 6. NRS 361.091 is hereby amended to read as follows:

361.091 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or his surviving spouse, is entitled to a disabled veteran's exemption.

2. The amount of exemption is based on the total percentage of permanent service-connected disability. The maximum allowable exemption for total permanent disability is the first $20,000 assessed valuation. A person with a permanent service-connected disability of:

(a) Eighty to 99 percent, inclusive, is entitled to an exemption of $15,000 assessed value.

(b) Sixty to 79 percent, inclusive, is entitled to an exemption of $10,000 assessed value.

➥ For the purposes of this section, any property in which an applicant has any interest is deemed to be the property of the applicant.

3. The exemption may be allowed only to a claimant who has filed an affidavit with his claim for exemption on real property pursuant to NRS 361.155. The affidavit may be made at any time by a person claiming an exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and be filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada, that he meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county within this State. After the filing of the original affidavit, the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

➥ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

5. Before allowing any exemption pursuant to the provisions of this section, the county assessor shall require proof of the applicant's status, and for that purpose shall require him to produce an original or certified copy of:

(a) An honorable discharge or other document of honorable separation from the Armed Forces of the United States which indicates the total percentage of his permanent service-connected disability;

(b) A certificate of satisfactory service which indicates the total percentage of his permanent service-connected disability; or

(c) A certificate from the Department of Veterans Affairs or any other military document which shows that he has incurred a permanent service-connected disability and which indicates the total percentage of that disability, together with a certificate of honorable discharge or satisfactory service.

6. A surviving spouse claiming an exemption pursuant to this section must file with the county assessor an affidavit declaring that:

(a) The surviving spouse was married to and living with the disabled veteran for the 5 years preceding his death;

(b) The disabled veteran was eligible for the exemption at the time of his death or would have been eligible if he had been a resident of the State of Nevada;

(c) The surviving spouse has not remarried; and

(d) The surviving spouse is a bona fide resident of the State of Nevada.

➥ The affidavit required by this subsection is in addition to the certification required pursuant to subsections 4 and 5. After the filing of the original affidavit required by this subsection, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

7. If a veteran or the surviving spouse of a veteran submits, as proof of disability, documentation that indicates a percentage of permanent service-connected disability for more than one permanent service-connected disability, the amount of the exemption must be based on the total of those combined percentages, not to exceed 100 percent.

8. If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 361.090.

9. If any person files a false affidavit or produces false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

10. Beginning with the ~~[2006-2007]~~ ***2005-2006*** Fiscal Year, the monetary amounts in subsection 2 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July ~~[2004]~~ ***2003*** to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 7. NRS 361.095 is hereby amended to read as follows:

361.095 1. The funds, furniture, paraphernalia and regalia owned and used exclusively by any post of any national organization of ex-servicemen or ex-servicewomen for the legitimate purposes and customary objects of such posts are exempt from taxation, but such an exemption must not exceed the sum of $10,000 assessed valuation to any one post or organization thereof.

2. The buildings, with their fixtures and the lots of ground on which they stand, used for its legitimate purposes and necessary thereto, of any such organization are exempt from taxation, but when any such property is used for purposes other than those of such an organization, and a rent or other valuable consideration is received for its use, the property so used must be taxed.

3. Where any structure or parcel of land is used partly for the purposes of such an organization and partly for rental purposes, the area used for rental purposes must be assessed separately and that portion only may be taxed.

4. Beginning with the ~~[2006-2007]~~ ***2005-2006*** Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July ~~[2004]~~ ***2003*** to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 7.5. **NRS 361.111 is hereby amended to read as follows:**

361.111 1. Except as otherwise provided in subsections 2 and 3, all real property and improvements thereon acquired by the ***Archaeological Conservancy,*** Nature Conservancy, American Land Conservancy or Nevada Land Conservancy and held for ultimate acquisition by the State or a local governmental unit are exempt from taxation if:

(a) The State or a local governmental unit has agreed, in writing, that acquisition of the property will be given serious consideration; and

(b) For property for which the State has given the statement required by paragraph (a), the governing body of the county in which the property is located has approved the potential acquisition of the property by the State.

2. When the ***Archaeological Conservancy,*** Nature Conservancy, American Land Conservancy or Nevada Land Conservancy transfers property it has held for purposes of conservation to any person, partnership, association, corporation or entity other than the State or a local governmental unit, the property must be assessed at the rate set for first-class pasture by the Nevada Tax Commission for each year it was exempt pursuant to subsection 1 and the taxes must be collected as other taxes under this chapter are collected.

3. When the ***Archaeological Conservancy,*** Nature Conservancy, American Land Conservancy or Nevada Land Conservancy transfers property it has held for purposes other than conservation to any person, partnership, association, corporation or entity other than the State or a local governmental unit, the tax imposed by this chapter must be assessed against the property for each year it was exempt pursuant to subsection 1 and collected in the manner provided in this chapter.

4. The Nevada Tax Commission shall adopt regulations specifying the criteria for determining when property has been held by the ***Archaeological Conservancy,*** Nature Conservancy, American Land Conservancy or Nevada Land Conservancy for purposes of conservation.

Sec. 8. NRS 361.135 is hereby amended to read as follows:

361.135 1. The funds, furniture, paraphernalia and regalia owned by any lodge of the Benevolent Protective Order of Elks, Fraternal Order of Eagles, Free and Accepted Masons, Independent Order of Odd Fellows, Knights of Pythias or Knights of Columbus, or by any similar charitable

organization, or by the Lahontan Audubon Society, the National Audubon Society, Inc., of New York, the Defenders of Wildlife of the District of Columbia or any similar benevolent or charitable society, so long as ~~[the same shall be]~~ ***they are*** used for the legitimate purposes of such lodge or society or for such charitable or benevolent purposes, ~~[shall be]~~ ***are*** exempt from taxation **.** ~~[, but such exemption shall in no case exceed the sum of $5,000 assessed valuation to any one lodge, society or organization.]~~

2. The real estate and fixtures of any such organization or society ~~[shall be]~~ ***are*** exempt from taxation, but when any such property is used for purposes other than those of such organization or society, and a rent or other valuable consideration is received for its use, the property so used ~~[shall]~~ ***must*** be taxed.

3. Where any structure or parcel of land is used partly for the purposes of such organization or society and partly for rental purposes, the area used for rental purposes ~~[shall]~~ ***must*** be assessed separately and that portion only ~~[shall]~~ ***may*** be taxed.

Sec. 9. NRS 361.155 is hereby amended to read as follows:

361.155 1. ~~[All]~~ ***Except as otherwise provided in this subsection, all*** claims for personal tax exemptions on real property, the initial claim of an organization for a tax exemption on real property and the designation of any amount to be credited to the Gift Account for Veterans' Homes pursuant to NRS 361.0905 must be filed on or before June 15. ***An initial claim for a tax exemption on real property acquired after June 15 and before July 1 must be filed on or before July 5.***

2. All exemptions provided for pursuant to this chapter apply on a fiscal year basis and any exemption granted pursuant to this chapter must not be in an amount which gives the taxpayer a total exemption greater than that to which he is entitled during any fiscal year.

~~[2.]~~ ***3.*** Each claim for an exemption provided for pursuant to this chapter must be filed with the county assessor of:

(a) The county in which the claimant resides for personal tax exemptions; or

(b) Each county in which property is located for the tax exemption of an organization.

~~[3.]~~ ***4.*** After the initial claim for an exemption pursuant to NRS 361.088 or 361.098 to 361.150, inclusive, an organization is not required to file annual claims if the property remains exempt. If any portion of the property loses its exemption pursuant to NRS 361.157 or for any other reason becomes taxable, the organization must notify the county assessor.

~~[4.]~~ ***5.*** If an exemption is granted or renewed in error because of an incorrect claim or failure of an organization to give the notice required by subsection ~~[3,]~~ ***4,*** the assessor shall assess the taxable portion of the property retroactively pursuant to NRS 361.769 and a penalty of 10 percent of the tax due for the current year and any prior years may be added.

Sec. 10. **NRS 361.233 is hereby amended to read as follows:**

361.233 1. Notwithstanding any other provision of law:

(a) Any ad valorem taxes or special assessments assessed upon any real property within a common-interest community:

(1) Must be assessed upon the community units and not upon the common-interest community as a whole; and

(2) Must not be assessed upon any common elements of the common-interest community.

(b) ~~[Each community unit must be assessed separately for the purposes of ad valorem taxes and special assessments.~~

~~(c) Any lien created by the levy of an ad valorem tax or special assessment upon a community unit applies only to the community unit assessed and does not apply to any other portion of the common-interest community.]~~ ***The taxable value of each parcel:***

(1) Composed solely of a community unit must consist of:

(I) The taxable value of that community unit; and

(II) A percentage of the taxable value of all the common elements of that common-interest community which is equal to 1 divided by the total number of community units in that common-interest community; or

(2) Composed of a community unit and any portion of the common elements of the common-interest community must consist of:

(I) The taxable value of that community unit only; and

(II) A percentage of the taxable value of all the common elements of that common-interest community which is equal to 1 divided by the total number of community units in that common-interest community.

2. ***The Nevada Tax Commission shall adopt such regulations as it determines to be appropriate to ensure that this section is carried out in a uniform and equal manner that does not result in the double taxation of any common elements of a common-interest community.***

3. For the purposes of this section:

(a) "Ad valorem tax" means an ad valorem tax levied by any governmental entity or political subdivision in this State on or after July 1, 2006.

(b) "Common elements" means ~~[all real property within]~~ ***the physical portion of*** a common-interest community ~~[other than the community units,]~~ ***, including, without limitation, any landscaping, swimming pools, fitness centers, community centers, maintenance and service areas, parking areas, hallways, elevators and mechanical rooms,*** which is ~~[owned:]~~ ***:***

(1) ***Intended for the general benefit of and potential use by all the owners of the community units and their invitees; and***

(2) Owned:

(I) By the community association;

~~[(2)]~~ ***(II)*** By any person on behalf or for the benefit of the owners of the community units; or

~~[(3)]~~ ***(III)*** Jointly by the owners of the community units.

(c) "Common-interest community" means real property with respect to which a person, by virtue of his ownership of a community unit, is obligated to pay for any real property other than that unit. The term includes a common-interest community governed by the provisions of chapter 116 of NRS, a condominium project governed by the provisions of chapter 117 of NRS and any time-share project, planned unit development or other real property which is organized as a common-interest community in this State.

(d) "Community association" means an association whose membership:

(1) Consists exclusively of the owners of the community units or their elected or appointed representatives; and

(2) Is a required condition of the ownership of a community unit.

(e) "Community unit" means a physical portion of a common-interest community ~~[designated]~~ ***, other than the common elements, which is:***

(1) Designated for separate ownership or occupancy ~~[.]~~ ***; and***

(2) Intended for:

(I) Residential use by the owner of that unit and his invitees; or

(II) Commercial use by the owner of that unit for the generation of revenue from any persons other than the owners of community units in that common-interest community and their invitees.

(f) "Special assessment" means a special assessment levied by any governmental entity or political subdivision in this State on or after July 1, 2006.

~~[Sec. 10.]~~ ***Sec. 11.*** NRS 361.360 is hereby amended to read as follows:

361.360 1. Any taxpayer aggrieved at the action of the county board of equalization in equalizing, or failing to equalize, the value of his property, or property of others, or a county assessor, may file an appeal with the State Board of Equalization on or before March 10 and present to the State Board of Equalization the matters complained of at one of its sessions. If March 10 falls on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day.

2. All such appeals must be presented upon the same facts and evidence as were submitted to the county board of equalization in the first instance, unless there is discovered new evidence pertaining to the matter which could not, by due diligence, have been discovered before the final adjournment of the county board of equalization. The new evidence must be submitted in writing to the State Board of Equalization and served upon the county assessor not less than 7 days before the hearing.

3. Any taxpayer whose real or personal property placed on the unsecured tax roll was assessed after December 15 but before or on the following April 30 may likewise protest to the State Board of Equalization. Every such appeal must be filed on or before May 15. If May 15 falls on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day. A meeting must be held before May 31 to hear those protests that in the opinion of the State Board of Equalization may have a substantial effect on tax

revenues. One or more meetings may be held at any time and place in the State before October 1 to hear all other protests.

4. The State Board of Equalization may not reduce the assessment of the county assessor if:

(a) The appeal involves an assessment on property which the taxpayer has refused or, without good cause, has neglected to include in the list required of him pursuant to NRS 361.265 or ***if the taxpayer*** has refused or, without good cause, has neglected to provide the list to the county assessor; or

(b) The taxpayer has, without good cause, refused entry to the assessor for the purpose of conducting the physical examination authorized by NRS 361.260.

5. ***Any change made in an assessment appealed to the State Board of Equalization is effective only for the fiscal year for which the assessment was made.*** The county assessor shall ***review*** each ~~[year review any]~~ ***such*** change ~~[made in an assessment for the previous fiscal year]~~ and maintain or remove the change as circumstances warrant ~~[.]~~ ***for the next fiscal year.***

6. If the State Board of Equalization determines that the record of a case on appeal from the county board of equalization is inadequate because of an act or omission of the county assessor, the district attorney or the county board of equalization, the State Board of Equalization may remand the case to the county board of equalization with directions to develop an adequate record within 30 days after the remand. The directions must indicate specifically the inadequacies to be remedied. If the State Board of Equalization determines that the record returned from the county board of equalization after remand is still inadequate, the State Board of Equalization may hold a hearing anew on the appellant's complaint or it may, if necessary, contract with an appropriate person to hear the matter, develop an adequate record in the case and submit recommendations to the State Board. The cost of the contract and all costs, including attorney's fees, to the State or the appellant necessary to remedy the inadequate record on appeal are a charge against the county.

~~[Sec. 11.]~~ ***Sec. 12.*** NRS 361.420 is hereby amended to read as follows:

361.420 1. Any property owner whose taxes are in excess of the amount which the owner claims justly to be due may pay each installment of taxes as it becomes due under protest in writing. The protest must be in the form of a separate, signed statement from the property owner and filed with the tax receiver at the time of the payment of the installment of taxes.

2. The property owner, having protested the payment of taxes as provided in subsection 1 and having been denied relief by the State Board of Equalization, may ~~[commence a suit]~~ ***file for the judicial review of the decision of the State Board of Equalization*** in any court of competent jurisdiction in the ~~[State of Nevada]~~ ***county in which the taxes were paid*** against the State and county in which the taxes were paid, and, in a proper case, both the Nevada Tax Commission and the Department may be joined as

a defendant for a recovery of the difference between the amount of taxes paid and the amount which the owner claims justly to be due, and the owner may complain upon any of the grounds contained in subsection 4.

3. Every action commenced under the provisions of this section must be commenced within 3 months after the date of the payment of the last installment of taxes, and if not so commenced is forever barred. If the tax complained of is paid in full and under the written protest provided for in this section, at the time of the payment of the first installment of taxes, suit for the recovery of the difference between the amount paid and the amount claimed to be justly due must be commenced within 3 months after the date of the full payment of the tax or the issuance of the decision of the State Board of Equalization denying relief, whichever occurs later, and if not so commenced is forever barred.

4. In any suit brought under the provisions of this section, the person assessed may complain or defend upon any of the following grounds:

(a) That the taxes have been paid before the suit;

(b) That the property is exempt from taxation under the provisions of the revenue or tax laws of the State, specifying in detail the claim of exemption;

(c) That the person assessed was not the owner and had no right, title or interest in the property assessed at the time of assessment;

(d) That the property is situate in and has been assessed in another county, and the taxes thereon paid;

(e) That there was fraud in the assessment or that the assessment is out of proportion to and above the taxable cash value of the property assessed;

(f) That the assessment is out of proportion to and above the valuation fixed by the Nevada Tax Commission for the year in which the taxes were levied and the property assessed; or

(g) That the assessment complained of is discriminatory in that it is not in accordance with a uniform and equal rate of assessment and taxation, but is at a higher rate of the taxable value of the property so assessed than that at which the other property in the State is assessed.

5. In a suit based upon any one of the grounds mentioned in paragraphs (e), (f) and (g) of subsection 4, the court shall conduct the trial without a jury and confine its review to the record before the State Board of Equalization. Where procedural irregularities by the Board are alleged and are not shown in the record, the court may take evidence respecting the allegation and, upon the request of either party, shall hear oral argument and receive written briefs on the matter.

6. In all cases mentioned in this section where the complaint is based upon any grounds mentioned in subsection 4, the entire assessment must not be declared void but is void only as to the excess in valuation.

7. In any judgment recovered by the taxpayer under this section, the court may provide for interest thereon not to exceed 6 percent per annum from and after the date of payment of the tax complained of.

~~[Sec. 12.]~~ ***Sec. 13.*** NRS 361.435 is hereby amended to read as follows:

361.435 Any property owner owning property of like kind in more than one county in the State and desiring to proceed with a suit under the provisions of NRS 361.420 may, where the issues in the cases are substantially the same in all or in some of the counties concerning the assessment of taxes on such property, consolidate any of the suits in one action and bring the action in any court of competent jurisdiction in ~~[Carson City,]~~ the county of this State where the property owner resides or maintains his principal place of business or a county in which any relevant proceedings were conducted by the Department.

Sec. 14. **NRS 361.471 is hereby amended to read as follows:**

361.471 As used in NRS 361.471 to 361.4735, inclusive, unless the context otherwise requires, the words and terms defined in NRS ~~[361.4711 to 361.4721, inclusive,]~~ ***361.4712, 361.4715 and 361.4721*** have the meanings ascribed to them in those sections.

Sec. 15. **NRS 361.4722 is hereby amended to read as follows:**

361.4722 1. Except as otherwise provided in or required to carry out the provisions of subsection 3 and NRS 361.4725 to 361.4728, inclusive, the owner of any parcel or other taxable unit of property, including property entered on the central assessment roll, for which an assessed valuation was separately established for the immediately preceding fiscal year is entitled to a partial abatement of the ad valorem taxes levied in a county on that property each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The ~~[lesser]~~ ***greater*** of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years; ~~[or]~~

(II) ~~[Eight percent; or~~

~~(2)]~~ Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year ~~[.]~~ ***; or***

(III) Zero; or

(2) Eight percent,

➥ whichever is ~~[greater.]~~ ***less.***

2. Except as otherwise provided in or required to carry out the provisions of NRS 361.4725 to 361.4728, inclusive, the owner of any remainder parcel of real property for which no assessed valuation was separately established for the immediately preceding fiscal year, is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for a fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any amount of that assessed valuation attributable to any improvement to or change in the actual or authorized use of the property that would not have been included in the calculation of the assessed valuation of the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year, and if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The ~~[lesser]~~ ***greater*** of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years; ~~[or]~~

(II) ~~[Eight percent; or~~

~~(2)]~~ Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year ~~[,]~~ ***; or***

(III) Zero; or

(2) Eight percent,

➥ whichever is ~~[greater.]~~ ***less.***

3. The provisions of subsection 1 do not apply to any property for which the provisions of subsection 1 of NRS 361.4723 or subsection 1 of NRS 361.4724 provide a greater abatement from taxation.

4. Except as otherwise required to carry out the provisions of NRS 361.473 to 361.4733, inclusive, and any regulations adopted pursuant thereto, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsections 1 and 2 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

5. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to ensure that this section is carried out in a uniform and equal manner.

6. For the purposes of this section ~~[:~~

~~(a) "Ad valorem taxes levied in a county" means any ad valorem taxes levied by the State or any other taxing entity in a county.~~

~~(b) "Remainder]~~ ***, "remainder*** parcel of real property" means a parcel of real property which remains after the creation of new parcels of real property for development from one or more existing parcels of real property, if the use of that remaining parcel has not changed from the immediately preceding fiscal year.

~~[(c) "Taxing entity" means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.]~~

Sec. 16. **NRS 361.4722 is hereby amended to read as follows:**

361.4722 1. Except as otherwise provided in or required to carry out the provisions of subsection 3 and NRS 361.4725 to 361.4728, inclusive, the owner of any parcel or other taxable unit of property, including property entered on the central assessment roll, for which an assessed valuation was separately established for the immediately preceding fiscal year is entitled to a partial abatement of the ad valorem taxes levied in a county on that property each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal

year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The ~~[lesser]~~ ***greater*** of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years; ~~[or]~~

(II) ~~[Eight percent; or~~

~~(2)]~~ Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year ~~[.]~~ ***; or***

(III) Zero; or

(2) Eight percent,

➥ whichever is ~~[greater.]~~ ***less.***

2. Except as otherwise provided in or required to carry out the provisions of NRS 361.4725 to 361.4728, inclusive, the owner of any remainder parcel of real property for which no assessed valuation was separately established for the immediately preceding fiscal year, is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for a fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any amount of that assessed valuation attributable to any improvement to or change in the actual or authorized use of the property that would not have been included in the calculation of the assessed valuation of the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year, and if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The ~~[lesser]~~ ***greater*** of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years; ~~[or]~~

(II) ~~[Eight percent; or~~

~~(2)]~~ Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year ~~[,]~~ ***; or***

(III) Zero; or

(2) Eight percent,

➥ whichever is ~~[greater.]~~ ***less.***

3. The provisions of subsection 1 do not apply to any property for which the provisions of subsection 1 of NRS 361.4723 or subsection 1 of NRS 361.4724 provide a greater abatement from taxation.

4. Except as otherwise required to carry out the provisions of NRS ~~[361.473 to 361.4733, inclusive,]~~ ***361.4732*** and any regulations adopted pursuant ~~[thereto,]~~ ***to NRS 361.4733,*** the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsections 1 and 2 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

5. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to ensure that this section is carried out in a uniform and equal manner.

6. For the purposes of this section ~~[:~~

~~(a) "Ad valorem taxes levied in a county" means any ad valorem taxes levied by the State or any other taxing entity in a county.~~

~~(b) "Remainder]~~ ***, "remainder*** parcel of real property" means a parcel of real property which remains after the creation of new parcels of real property

for development from one or more existing parcels of real property, if the use of that remaining parcel has not changed from the immediately preceding fiscal year.

~~[(c) "Taxing entity" means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.]~~

Sec. 17. **NRS 361.4723 is hereby amended to read as follows:**

361.4723 The Legislature hereby finds and declares that an increase in the tax bill of the owner of a home by more than 3 percent over the tax bill of that homeowner for the previous year constitutes a severe economic hardship within the meaning of subsection 10 of Section 1 of Article 10 of the Nevada Constitution. The Legislature therefore directs a partial abatement of taxes for such homeowners as follows:

1. Except as otherwise provided in or required to carry out the provisions of subsection 2 and NRS 361.4725 to 361.4728, inclusive, the owner of a single-family residence which is the primary residence of the owner is entitled to a partial abatement of the ad valorem taxes levied in a county on that property each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) Three percent of the amount determined pursuant to paragraph (a).

2. The provisions of subsection 1 do not apply to any property for which:

(a) No assessed valuation was separately established for the immediately preceding fiscal year; or

(b) The provisions of subsection 1 of NRS 361.4722 provide a greater abatement from taxation.

3. Except as otherwise required to carry out the provisions of NRS ~~[361.473 to 361.4733, inclusive,]~~ ***361.4732*** and any regulations adopted pursuant ~~[thereto,]~~ ***to NRS 361.4733,*** the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsection 1 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied

in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

4. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to carry out this section, including, without limitation, regulations providing a methodology for applying the partial abatement provided pursuant to subsection 1 to a parcel of real property of which only a portion qualifies as a single-family residence which is the primary residence of the owner and the remainder is used in another manner.

5. The owner of a single-family residence does not become ineligible for the partial abatement provided pursuant to subsection 1 as a result of:

(a) The operation of a home business out of a portion of that single-family residence; or

(b) The manner in which title is held by the owner if the owner occupies the residence, including, without limitation, if the owner has placed the title in a trust for purposes of estate planning.

6. For the purposes of this section:

(a) ~~["Ad valorem taxes levied in a county" means any ad valorem taxes levied by the State or any other taxing entity in a county.~~

~~(b)]~~ "Primary residence of the owner" means a residence which:

(1) Is designated by the owner as the primary residence of the owner in this State, exclusive of any other residence of the owner in this State; and

(2) Is not rented, leased or otherwise made available for exclusive occupancy by any person other than the owner of the residence and members of the family of the owner of the residence.

~~[(c)]~~ ***(b)*** "Single-family residence" means a parcel or other unit of real property or unit of personal property which is intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

~~[(d) "Taxing entity" means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.~~

~~(e)]~~ ***(c)*** "Unit of personal property" includes, without limitation, any:

(1) Mobile or manufactured home, whether or not the owner thereof also owns the real property upon which it is located; or

(2) Taxable unit of a condominium, common-interest community, planned unit development or similar property,

➥ if classified as personal property for the purposes of this chapter.

~~[(f)]~~ ***(d)*** "Unit of real property" includes, without limitation, any taxable unit of a condominium, common-interest community, planned unit development or similar property, if classified as real property for the purposes of this chapter.

Sec. 18. **NRS 361.4724 is hereby amended to read as follows:**

361.4724 The Legislature hereby finds and declares that many Nevadans who cannot afford to own their own homes would be adversely affected by large unanticipated increases in property taxes, as those tax increases are passed down to renters in the form of rent increases and therefore the benefits of a charitable exemption pursuant to subsection 8 of Section 1 of Article 10 of the Nevada Constitution should be afforded to those Nevadans through an abatement granted to the owners of residential rental dwellings who charge rent that does not exceed affordable housing standards for low-income housing. The Legislature therefore directs a partial abatement of taxes for such owners as follows:

1. Except as otherwise provided in or required to carry out the provisions of subsection 2 and NRS 361.4725 to 361.4728, inclusive, if the amount of rent collected from each of the tenants of a residential dwelling does not exceed the fair market rent for the county in which the dwelling is located, as most recently published by the United States Department of Housing and Urban Development, the owner of the dwelling is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) Three percent of the amount determined pursuant to paragraph (a).

2. The provisions of subsection 1 do not apply to:

(a) Any hotels, motels or other forms of transient lodging;

(b) Any property for which no assessed valuation was separately established for the immediately preceding fiscal year; and

(c) Any property for which the provisions of subsection 1 of NRS 361.4722 provide a greater abatement from taxation.

3. Except as otherwise required to carry out the provisions of NRS ~~[361.473 to 361.4733, inclusive,]~~ ***361.4732*** and any regulations adopted pursuant ~~[thereto,]~~ ***to NRS 361.4733,*** the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsection 1 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for

that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

4. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to carry out this section.

~~[5. For the purposes of this section:~~

~~(a) "Ad valorem taxes levied in a county" means any ad valorem taxes levied by the State or any other taxing entity in a county.~~

~~(b) "Taxing entity" means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.]~~

~~[Sec. 13.]~~ ***Sec. 19.*** NRS 361.4725 is hereby amended to read as follows:

361.4725 1. ~~[Notwithstanding]~~ ***Except as otherwise provided in this section and notwithstanding*** the provisions of NRS 361.4722, 361.4723 and 361.4724, if the taxable value of any parcel or other taxable unit of property:

(a) Decreases by 15 percent or more from its taxable value on:

(1) July 1, 2003; or

(2) July 1 of the second year immediately preceding the lien date for the current year,

➥ whichever is later; and

(b) For any fiscal year beginning on or after July 1, 2005, increases by 15 percent or more from its taxable value for the immediately preceding fiscal year,

➥ the amount of any ad valorem taxes levied in a county which, if not for the provisions of NRS 361.4722, 361.4723 and 361.4724, would otherwise have been collected for the property for that fiscal year as a result of that increase in taxable value, excluding any amount attributable to any increase in the taxable value of the property above the taxable value of the property on the most recent date determined pursuant to paragraph (a), must be levied on the property and carried forward each fiscal year, without any penalty or interest, in such a manner that one-third of that amount may be collected during that fiscal year and each of the succeeding 2 fiscal years.

2. ***If the total amount otherwise required to be collected during a fiscal year and each of the succeeding 2 fiscal years pursuant to subsection 1 for a parcel or other taxable unit of property is less than or equal to $100, the entire amount may be levied on the property and collected during that initial fiscal year.***

3. The Nevada Tax Commission may exempt from the requirements of this section the levy of any taxes in an amount which is less than the cost of collecting those taxes.

4. The amount of any taxes ~~[which are carried forward and]~~ levied on any property pursuant to this section must be added to the amount of ad

valorem taxes each taxing entity would otherwise be entitled to receive for a fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

~~[3.]~~ ***5.*** The Nevada Tax Commission shall adopt such regulations as it deems appropriate to ensure that this section is carried out in a uniform and equal manner.

~~[4. For the purposes of this section:~~

~~(a) "Ad valorem taxes levied in a county" means any ad valorem taxes levied by the State or any other taxing entity in a county.~~

~~(b) "Taxing entity" means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.]~~

Sec. 20. **NRS 361.473 is hereby amended to read as follows:**

361.473 ***Except as otherwise required to carry out any regulations adopted pursuant to NRS 361.4733:***

1. On or before August 1 of each fiscal year, the tax receiver of each county shall determine for each parcel or other taxable unit of property located in that county, other than any property to which subsection 2 or NRS 361.4731 applies, for which the owner thereof is entitled to a partial abatement of taxes pursuant to NRS 361.4722, 361.4723 or 361.4724, and the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping tax rate applicable to the property for the immediately preceding fiscal year, the amount which equals the lesser of:

(a) The amount of the partial abatement of taxes to which the owner of the property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year; or

(b) The product of the assessed value of the property for the current fiscal year and the difference between:

(1) The combined overlapping tax rate applicable to the property for the current fiscal year; and

(2) The combined overlapping tax rate applicable to the property for the immediately preceding fiscal year.

2. On or before August 1 of each fiscal year, the Department shall determine for each parcel or other taxable unit of property which is valued pursuant to NRS 361.320 or 361.323, other than any property to which NRS 361.4731 applies, and for which the owner thereof is entitled to a partial abatement of taxes pursuant to NRS 361.4722, 361.4723 or 361.4724 and the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping tax rate applicable to the property for the immediately preceding fiscal year, the amount which equals the lesser of:

(a) The amount of the partial abatement of taxes to which the owner of the property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year; or

(b) The product of the assessed value of the property for the current fiscal year and the difference between:

(1) The combined overlapping tax rate applicable to the property for the current fiscal year; and

(2) The combined overlapping tax rate applicable to the property for the immediately preceding fiscal year.

3. That portion of the amount of any reduction in the ad valorem taxes levied on any parcel or other taxable unit of property to which subsection 1 or 2 applies for a fiscal year as a result of the application of NRS 361.4722, 361.4723 and 361.4724 which is determined pursuant to subsection 1 or 2 must be deducted from the amount of ad valorem taxes that each taxing entity which has increased its rate of ad valorem taxes applicable to the property from the rate for the immediately preceding fiscal year, would otherwise be entitled to receive for the current fiscal year in the same proportion as that increase in its ad valorem tax rate bears to the total increase in the combined overlapping tax rate applicable to the property for the current fiscal year.

Sec. 21. **NRS 361.4731 is hereby amended to read as follows:**

361.4731 ***Except as otherwise required to carry out any regulations adopted pursuant to NRS 361.4733:***

1. On or before August 1 of each fiscal year, the tax receiver of each county in which is located a redevelopment area for which there is any incremental assessed value shall determine for each parcel or other taxable unit of property in that redevelopment area, other than any property to which subsection 2 applies, for which the owner thereof is entitled to a partial abatement of taxes pursuant to NRS 361.4722, 361.4723 or 361.4724, and the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping tax rate applicable to the property for the immediately preceding fiscal year:

(a) The amount which equals the lesser of:

(1) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year; or

(2) The product of the parcel-proportionate share of the base value for that property for the current fiscal year and the greater of:

(I) Zero; or

(II) The rate that results when the rate obtained by adding the combined overlapping tax rate for that property for the immediately preceding fiscal year to a percentage of that rate which is equal to the abatement percentage applicable to the property for the current fiscal year, is subtracted from the combined overlapping tax rate for that property for the current fiscal year; and

(b) The amount which equals the difference between:

(1) The amount determined pursuant to paragraph (a); and

(2) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year.

2. On or before August 1 of each fiscal year, the Department shall determine for each parcel or other taxable unit of property which is valued pursuant to NRS 361.320 or 361.323 and apportioned to a redevelopment area for which there is any incremental assessed value, and for which the owner thereof is entitled to a partial abatement of taxes pursuant to NRS 361.4722, 361.4723 or 361.4724, and the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping tax rate applicable to the property for the immediately preceding fiscal year:

(a) The amount which equals the lesser of:

(1) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year; or

(2) The product of the parcel-proportionate share of the base value for that property for the current fiscal year and the greater of:

(I) Zero; or

(II) The rate that results when the rate obtained by adding the combined overlapping tax rate for that property for the immediately preceding fiscal year to a percentage of that rate which is equal to the abatement percentage applicable to the property for the current fiscal year, is subtracted from the combined overlapping tax rate for that property for the current fiscal year; and

(b) The amount which equals the difference between:

(1) The amount determined pursuant to paragraph (a); and

(2) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year.

3. That portion of the amount of any reduction in the ad valorem taxes levied on any parcel or other taxable unit of property to which subsection 1 or 2 applies for a fiscal year as a result of the application of NRS 361.4722, 361.4723 or 361.4724 which is determined pursuant to:

(a) Paragraph (a) of subsection 1 or paragraph (a) of subsection 2 for each such parcel or other taxable unit of property for which the combined overlapping tax rate for the current fiscal year has increased from the combined overlapping tax rate for the immediately preceding fiscal year by a percentage that exceeds the abatement percentage for that property, must be deducted from the amount of ad valorem taxes that each redevelopment taxing entity which has increased its rate of ad valorem taxes applicable to the property from the rate for the immediately preceding fiscal year, would otherwise be entitled to receive for the current fiscal year from the ad

valorem taxes levied on the base-year assessed value for that property in the same proportion as that increase in its ad valorem tax rate bears to the total increase in the combined overlapping tax rate applicable to the property for the current fiscal year; and

(b) Paragraph (b) of subsection 1 or paragraph (b) of subsection 2 must be deducted from the amount of ad valorem taxes the redevelopment agency and each redevelopment taxing entity would otherwise be entitled to receive pursuant to paragraphs (b), (c) and (d) of subsection 1 of NRS 279.676 for the current fiscal year in the same proportion as each of those entities would otherwise share in the total amount distributed pursuant to those paragraphs.

Sec. 22. **NRS 361.4732 is hereby amended to read as follows:**

361.4732 ~~[Notwithstanding]~~ ***Except as otherwise required to carry out any regulations adopted pursuant to NRS 361.4733 and notwithstanding*** any other provision of NRS 361.471 to 361.4735, inclusive, to the contrary, after a parcel or other taxable unit of real property is annexed to a taxing entity:

1. The amount otherwise required to be determined pursuant to paragraph (a) of subsection 1 of NRS 361.4722, paragraph (a) of subsection 2 of NRS 361.4722, paragraph (a) of subsection 1 of NRS 361.4723 or paragraph (a) of subsection 1 of NRS 361.4724 with respect to that property for the first fiscal year in which that taxing entity is entitled to levy or require the levy on its behalf of any ad valorem taxes on the property as a result of that annexation of the property, shall be deemed to be the amount of ad valorem taxes which would have been levied on the property for the immediately preceding fiscal year if the annexation had occurred 1 year earlier, based upon the tax rates that would have applied to the property for the immediately preceding fiscal year if the annexation had occurred 1 year earlier and without regard to any exemptions from taxation that applied to the property for the immediately preceding fiscal year but do not apply to the property for the current fiscal year; and

2. For the purposes of any other calculations required pursuant to the provisions of NRS 361.471 to 361.4735, inclusive, the combined overlapping tax rate applicable to that property for the fiscal year immediately preceding the first fiscal year in which that taxing entity is entitled to levy or require the levy on its behalf of any ad valorem taxes on the property as a result of that annexation of the property, shall be deemed to be the combined overlapping tax rate that would have applied to the property for that year if the annexation had occurred 1 year earlier.

Sec. 23. **NRS 361.4733 is hereby amended to read as follows:**

361.4733 1. The Committee on Local Government Finance ~~[may]~~ ***shall*** adopt:

(a) ***Such regulations as it determines to be appropriate to provide for the allocation among the appropriate taxing entities of the amount of any reduction in the ad valorem taxes levied on a parcel or other taxable unit of***

real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724, in accordance with the principles that:

(1) Any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724 which is caused by an increase in the rate of taxes imposed by one or more taxing entities should be allocated to the taxing entities that would have received the benefit of that increase in proportion to the relative amount of benefit that otherwise would have been received from that increase;

(2) Any increase in the rate of ad valorem taxes imposed by a taxing entity should not affect the amount of ad valorem taxes received by other taxing entities, except for redevelopment agencies and tax increment areas whose property tax receipts depend on the tax rate of the taxing entity that increases its rate of taxes and whose territory is included, in whole or in part, in the territory of the taxing entity that increases its rate of taxes; and

(3) A taxing entity that does not increase its rate of ad valorem taxes should not be allocated any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724, except for any reduction caused by an increase in the assessed value of that parcel or other taxable unit of real property; and

(b) Subject to the principles set forth in paragraph (a):

(1) Such regulations as it determines to be appropriate for the administration and interpretation of the provisions of NRS 361.473, 361.4731 and 361.4732; and

~~[(b)]~~ ***(2)*** Regulations which provide, in a manner that is consistent with the provisions of NRS 361.473, 361.4731 and 361.4732, methodologies for allocating among the appropriate taxing entities the amount of any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724 if the property is included in or excluded from the boundaries of a redevelopment area, tax increment area or taxing entity after June 14, 2005.

2. Any regulations adopted by the Committee on Local Government Finance pursuant to this section must be adopted in the manner prescribed for state agencies in chapter 233B of NRS.

Sec. 24. **NRS 361.4733 is hereby amended to read as follows:**

361.4733 1. The Committee on Local Government Finance ~~[may]~~ ***shall*** adopt:

(a) ***Such regulations as it determines to be appropriate to provide for the allocation among the appropriate taxing entities of the amount of any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724, in accordance with the principles that:***

(1) Any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722,

361.4723 and 361.4724 which is caused by an increase in the rate of taxes imposed by one or more taxing entities should be allocated to the taxing entities that would have received the benefit of that increase in proportion to the relative amount of benefit that otherwise would have been received from that increase;

(2) Any increase in the rate of ad valorem taxes imposed by a taxing entity should not affect the amount of ad valorem taxes received by other taxing entities, except for redevelopment agencies and tax increment areas whose property tax receipts depend on the tax rate of the taxing entity that increases its rate of taxes and whose territory is included, in whole or in part, in the territory of the taxing entity that increases its rate of taxes; and

(3) A taxing entity that does not increase its rate of ad valorem taxes should not be allocated any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724, except for any reduction caused by an increase in the assessed value of that parcel or other taxable unit of real property; and

(b) Subject to the principles set forth in paragraph (a):

(1) Such regulations as it determines to be appropriate for the administration and interpretation of the provisions of NRS ~~[361.473, 361.4731 and]~~ 361.4732; and

~~[(b)]~~ ***(2)*** Regulations which provide ~~[, in a manner that is consistent with the provisions of NRS 361.473, 361.4731 and 361.4732,]~~ methodologies for allocating among the appropriate taxing entities the amount of any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724 if the property is included in or excluded from the boundaries of a redevelopment area, tax increment area or taxing entity after June 14, 2005.

2. Any regulations adopted by the Committee on Local Government Finance pursuant to this section must be adopted in the manner prescribed for state agencies in chapter 233B of NRS.

~~[Sec. 14.]~~ ***Sec. 25.*** NRS 361.4734 is hereby amended to read as follows:

361.4734 1. A taxpayer who is aggrieved by a determination of the applicability of a partial abatement from taxation pursuant to NRS 361.4722, 361.4723 or 361.4724 may, if the property which is the subject of that determination:

(a) Is not valued pursuant to NRS 361.320 or 361.323, submit a written petition for the review of that determination to the tax receiver of the county in which the property is located. ***The petition must be submitted*** ~~*[not later than 30 days after the taxpayer receives:*~~

~~*(1) Written notification of the determination from the county assessor or county treasurer; or*~~

~~*(2) The individual tax bill or individual tax notice for the property from the tax receiver,*~~

~~*, whichever occurs first.]*~~ ***on or before January 15 of the fiscal year for which the determination is effective.*** The tax receiver shall, after consulting with the county assessor of that county regarding the determination and within 30 days after receiving the petition, render a decision on the petition and notify the taxpayer of that decision.

(b) Is valued pursuant to NRS 361.320 or 361.323, submit a written petition for the review of that determination to the Department. The Department shall, within 30 days after receiving the petition, render a decision on the petition and notify the taxpayer of that decision.

2. A taxpayer who is aggrieved by a decision rendered by a tax receiver or the Department pursuant to subsection 1 may, within 30 days after receiving notice of that decision, appeal the decision to the Nevada Tax Commission.

3. A taxpayer who is aggrieved by a determination of the Nevada Tax Commission rendered on an appeal made pursuant to subsection 2 is entitled to a judicial review of that determination.

~~[Sec. 15.]~~ ***Sec. 26.*** NRS 361.4835 is hereby amended to read as follows:

361.4835 1. If the county treasurer or the county assessor finds that a person's failure to make a timely return or payment of tax that is assessed by the county treasurer or county assessor and that is imposed pursuant to chapter 361 of NRS, except NRS 361.320, is the result of circumstances beyond his control and occurred despite the exercise of ordinary care and without intent, the county treasurer or the county assessor may relieve him of all or part of any interest or penalty, or both.

2. A person seeking this relief must ***pay the amount of the tax due and, within 30 days after the date the payment is made,*** file a statement setting forth the facts upon which he bases his claim with the county treasurer or the county assessor.

3. The county treasurer or the county assessor shall disclose, upon the request of any person:

(a) The name of the person; and

(b) The amount of the relief.

4. If the relief sought by the taxpayer is denied, he may appeal from the denial to the Nevada Tax Commission.

5. The county treasurer or the county assessor may defer the decision to the Department.

~~[Sec. 16.]~~ ***Sec. 27.*** Section 57 of chapter 496, Statutes of Nevada 2005, at page 2680, is hereby amended to read as follows:

Sec. 57. 1. This section and sections 52.1 to 52.8, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to 22, inclusive, 24 to 28, inclusive, 42 to 52, inclusive, and 53 to 56, inclusive, of this act become effective on July 1, 2005.

3. Sections 29 to 41, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of those sections; and

(b) On July 1, 2006, for all other purposes.

~~[4. Section 23 of this act becomes effective on July 1, 2007.~~

~~5. Section 43 of this act expires by limitation on June 30, 2007.]~~

~~[Sec. 17.]~~ ***Sec. 28.*** **1. NRS 361.4711, 361.4713, 361.4714, 361.4716, 361.4717, 361.4718, 361.4719, 361.472, 361.473 and 361.4731 are hereby repealed.**

2. Section 23 of chapter 496, Statutes of Nevada 2005, at page 2660, is hereby repealed.

Sec. 29. **1. The Legislature hereby approves, confirms and ratifies the regulations adopted by the Committee on Local Government Finance pursuant to NRS 361.4733 before the effective date of this section.**

2. The Committee on Local Government Finance shall adopt the regulations required pursuant to the amendatory provisions of section 23 of this act not later than December 31, 2007.

~~[Sec. 18.]~~ ***Sec. 30.*** 1. This section and ~~[sections 16 and 17]~~ **section 27, subsection 2 of section 28 and section 29** of this act become effective upon passage and approval.

2. Sections 1 to ~~[15,]~~ **13,** inclusive, **15, 19 to 23, inclusive, 25 and 26** of this act become effective on July 1, 2007.

3. Sections 15 and 23 of this act expire by limitation on December 31, 2007.

4. Sections 14, 16, 17, 18 and 24 and subsection 1 of section 28 of this act become effective on January 1, 2008.

LEADLINES OF REPEALED SECTIONS OF NRS AND
TEXT OF REPEALED SECTION OF STATUTES OF NEVADA

361.4711 "Abatement percentage" defined.

361.4713 "Base-year assessed value" defined.

361.4714 "Base-year assessed value percentage" defined.

361.4716 "Incremental assessed value" defined.

361.4717 "Parcel-proportionate share of the base value" defined.

361.4718 "Redevelopment agency" defined.

361.4719 "Redevelopment area" defined.

361.472 "Redevelopment taxing entity" defined.

361.473 Allocation of certain portions of reduction in revenue resulting from partial abatements applicable to property for which tax rate increases: Generally.

361.4731 Allocation of certain portions of reduction in revenue resulting from partial abatements applicable to property for which tax rate increases: Property in or apportioned to redevelopment area.

Section 23 of chapter 496, Statutes of Nevada 2005:

Sec. 23. NRS 361.530 is hereby amended to read as follows:

361.530 ~~[1. Except as otherwise provided in this section, on]~~ ***On*** all money collected from personal property tax by the several county assessors and county treasurers, there must be reserved and paid into the county treasury, for the benefit of the general fund of their respective counties, by the county assessor or county treasurer, a percentage commission of ~~[8]~~ ***6*** percent on the gross amount of collections from personal property tax.

~~[2. One quarter of the commission reserved pursuant to subsection 1 must be accounted for separately in the account for the acquisition and improvement of technology in the office of the county assessor created pursuant to NRS 250.085.]~~

Assemblywoman McClain moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 232.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 480.

SUMMARY—Requires the ~~[State Board of Pharmacy]~~ **Department of Health and Human Services** to make available to consumers certain information relating to pharmacies and the prices of commonly prescribed prescription drugs. (BDR ~~[54-856)]~~ **40-856)**

AN ACT relating to the ~~[State Board of Pharmacy;]~~ **Department of Health and Human Services;** requiring the ~~[Board to compile and]~~ **Department to** make available to consumers certain information relating to pharmacies and the prices of commonly prescribed prescription drugs; making an appropriation; providing an administrative penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Sections 2 and 4-7 of this bill require the State Board of Pharmacy to: (1)]~~ **Section 3 of this bill requires the Retail Association of Nevada or its successor** to compile a list of not less than 100 prescription drugs, and their generic equivalents, that are most commonly prescribed to residents of this State . ~~[; (2)]~~ **Sections 5-8 of this bill require the Department of Health and Human Services to: (1)** combine the contents of the list with ~~[retail]~~ **usual and customary** pricing information received from pharmacies that are licensed by the **State** Board ~~[; and (3)]~~ **of Pharmacy; and (2)** present the combined information on the ~~[Board's]~~ **Department's** Internet website so that consumers may compare the ~~[retail]~~ prices currently being charged by those pharmacies for those prescription drugs**. By regulation, links to such information on the Department's website may be placed on the Internet websites of other persons and entities, including pharmacies and other governmental entities.** Section ~~[3]~~ **4** of this bill requires pharmacies that are

licensed by the **State** Board **of Pharmacy** and located in the State of Nevada to provide to the ~~[Board,]~~ **Department,** at least once each month, the ~~[retail]~~ **usual and customary** prices that the pharmacy charges for the prescription drugs on the ~~[Board's most prescribed]~~ **list of most-prescribed drugs compiled by the Retail Association of Nevada,** as well as certain contact information for the pharmacy. Pharmacies that are licensed by the **State** Board **of Pharmacy** but located outside the State of Nevada may, but are not required to, provide such information. Section ~~[8]~~ **9** of this bill allows the ~~[Board]~~ **Department** to accept grants, donations, gifts and other public and private money to carry out the provisions of this bill. Section ~~[9]~~ **10** of this bill provides that if a pharmacy is required to provide information to the ~~[Board]~~ **Department** pursuant to section ~~[3]~~ **4** and the pharmacy, without good cause, fails to do so or fails to do so in a timely manner, the ~~[Board]~~ **Department** may impose an administrative penalty of up to $500 for each day on which such a failure occurs. Section ~~[12]~~ **13** of this bill makes an appropriation to the ~~[Board]~~ **Department** to pay for the goods and services needed by the ~~[Board]~~ **Department** in order to furnish information to consumers by way of its Internet website. **This bill excludes institutional pharmacies from the application of its provisions.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter ~~[639]~~ **439** of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[9,]~~ **10,** inclusive, of this act.

Sec. 2. ***As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, "pharmacy" means every store or shop licensed by the State Board of Pharmacy where drugs, controlled substances, poisons, medicines or chemicals are stored or possessed, or dispensed or sold at retail, or displayed for sale at retail, or where prescriptions are compounded or dispensed. The term does not include an institutional pharmacy as defined in NRS 639.0085.***

~~[Sec. 2]~~ ***Sec. 3. The ~~[Board]~~ Retail Association of Nevada or its successor shall:***

1. Compile a list of not less than the 100 brand name prescription drugs most commonly prescribed to residents of this State; ~~[and]~~

2. Ensure that the list compiled pursuant to subsection 1 ~~[:~~

~~(a) Sets]~~ sets forth a separate entry for the generic equivalent, if any, of each brand name prescription drug included on the list; and

~~[(b) Is updated at]~~

3. At least once each calendar quarter ~~[,]~~ , update the list compiled pursuant to subsection 1 and transmit the list to the Department.

~~[Sec. 3.]~~ ***Sec. 4. 1. Except as otherwise provided in subsections 2 and 3, each pharmacy ~~[that is licensed under the provisions of this chapter]~~ shall, in accordance with the regulations adopted pursuant to section ~~[7]~~ 8 of this act, provide to the ~~[Board:]~~ Department:***

(a) Information that a consumer may use to locate, contact or otherwise do business with the pharmacy, including, without limitation:

(1) The name of the pharmacy;

(2) The physical address of the pharmacy; and

(3) The phone number of the pharmacy;

(b) If the pharmacy maintains an electronic mail address, the electronic mail address of the pharmacy;

(c) If the pharmacy maintains an Internet website, the Internet address of that website; and

(d) Not less frequently than once each month:

(1) For each prescription drug that is on the list compiled pursuant to section ~~[2]~~ 3 of this act and that is stocked by the pharmacy, the ~~[retail]~~ usual and customary price that the pharmacy is currently charging for the prescription drug; and

(2) For each generic equivalent that is on the list compiled pursuant to section ~~[2]~~ 3 of this act and that is stocked by the pharmacy, the ~~[retail]~~ usual and customary price that the pharmacy is currently charging for the generic equivalent.

2. If a pharmacy ~~[that is licensed under the provisions of this chapter]~~ is not located within the State of Nevada, the pharmacy may, but is not required to, provide to the ~~[Board]~~ Department the information described in subsection 1.

3. If a pharmacy is part of a larger company or corporation or a chain of pharmacies or retail stores, the parent company or corporation may provide to the ~~[Board]~~ Department the information described in subsection 1.

4. As used in this section, ~~[~~"retail~~]~~ "usual and customary price" means the ~~[price that an uninsured consumer, in the absence of any discount plan or other form of subsidy, would be required to pay to obtain:~~

~~(a) A 30-day supply of a prescription drug; or~~

~~(b) If a prescription drug is typically prescribed for a course of treatment that is of less than 30 days' duration, a supply of the prescription drug sufficient to complete the typical course of treatment.]~~ usual and customary charges that a provider charges to the general public for a drug, as described in 42 C.F.R. § 447.331.

~~[Sec. 4.]~~ Sec. 5. 1. Except as otherwise provided in subsection 2, the ~~[Board]~~ Department shall:

(a) Place or cause to be placed on the Internet website maintained by the ~~[Board]~~ Department the information provided by each pharmacy pursuant to section ~~[3]~~ 4 of this act;

(b) ~~[If a pharmacy maintains an Internet website, place or cause to be placed on the Internet website maintained by the Board a link to the pharmacy's Internet website;~~

~~(c)~~ Ensure that the information provided by each pharmacy pursuant to section ~~[3]~~ 4 of this act and placed on the Internet website maintained by

the ~~[Board]~~ Department is organized so that each individual pharmacy has its own separate entry on that website; and

~~[(d)]~~ (c) Ensure that the pricing information provided by each pharmacy pursuant to section ~~[3]~~ 4 of this act and placed on the Internet website maintained by the ~~[Board.]~~ Department:

(1) Is presented in a manner which complies with the requirements of section ~~[5]~~ 6 of this act; and

(2) Is updated not less frequently than once each month.

2. If a pharmacy is part of a larger company or corporation or a chain of pharmacies or retail stores, the ~~[Board]~~ Department may present the pricing information ~~[relative]~~ pertaining to such a pharmacy in such a manner that the pricing information is combined with the pricing information relative to other pharmacies that are part of the same company, corporation or chain, to the extent that the pricing information does not differ among those pharmacies.

3. The ~~[Board]~~ Department may establish additional or alternative procedures by which a consumer who is unable to access the Internet or is otherwise unable to receive the information described in subsection 1 in the manner in which it is presented by the ~~[Board]~~ Department may obtain that information:

(a) In the form of paper records;

(b) Through the use of a telephonic system; or

(c) Using other methods or technologies designed specifically to assist consumers who are hearing impaired or visually impaired.

~~[Sec. 5.]~~ *Sec. 6. 1. Except as otherwise provided in this section, the ~~[Board]~~ Department shall ensure that the list of prescription drugs compiled pursuant to section ~~[2]~~ 3 of this act and the information that pharmacies provide pursuant to section ~~[3]~~ 4 of this act are combined and presented to consumers in such a manner that a consumer may easily compare the prices for particular prescription drugs, and their generic equivalents, that are currently charged by:*

~~[1.]~~ (a) Pharmacies located within the same city, county or zip code in which the consumer resides;

~~[2.]~~ (b) Internet pharmacies; and

~~[3.]~~ (c) Pharmacies that provide mail order service to residents of Nevada.

➥ The requirements of ~~[subsections 2 and 3]~~ paragraphs (b) and (c) apply only to the extent that information regarding such pharmacies is made available to the ~~[Board.]~~ ~~Department.~~

2. As used in this section, "Internet pharmacy" has the meaning ascribed to it in NRS 639.00865.

~~[Sec. 6.]~~ *Sec. 7. The ~~[Board]~~ Department and its members, officers and employees are not liable civilly or criminally for any act, omission, error or technical problem that results in:*

1. The failure to provide to consumers information regarding a pharmacy, including, without limitation, the prices charged by the pharmacy for the prescription drugs and generic equivalents that are on the list compiled pursuant to section ~~[2]~~ 3 of this act; or

2. The providing to consumers of incorrect information regarding a pharmacy, including, without limitation, the prices charged by the pharmacy for the prescription drugs and generic equivalents that are on the list compiled pursuant to section ~~[2]~~ 3 of this act.

~~[Sec. 7.]~~ *Sec. 8. The ~~[Board]~~ Department shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of sections 2 to ~~[9,]~~ 10, inclusive, of this act. Such regulations must provide for, without limitation:*

1. Notice to consumers stating that:

(a) Although the ~~[Board]~~ Department will strive to ensure that consumers receive accurate information regarding pharmacies, including, without limitation, the prices charged by those pharmacies for the prescription drugs and generic equivalents that are on the list compiled pursuant to section ~~[2]~~ 3 of this act, the ~~[Board]~~ Department is unable to guarantee the accuracy of such information;

(b) If a consumer follows an Internet link from the Internet website maintained by the ~~[Board]~~ Department to an Internet website maintained by a pharmacy, the ~~[Board]~~ Department is unable to guarantee the accuracy of any information made available on the Internet website maintained by the pharmacy; and

(c) The ~~[Board]~~ Department advises consumers to contact a pharmacy directly to verify the accuracy of any information regarding the pharmacy which is made available to consumers pursuant to sections 2 to ~~[9,]~~ 10, inclusive, of this act;

2. Procedures adopted cooperatively with the Office of the Governor to direct consumers who have questions regarding the program described in sections 2 to 10, inclusive, of this act to contact the Office for Consumer Health Assistance in the Office of the Governor;

3. Provisions in accordance with which the Department will allow an Internet link to the information provided by each pharmacy pursuant to section 4 of this act and made available on the Department's Internet website to be placed on other Internet websites managed or maintained by other persons and entities, including, without limitation, Internet websites managed or maintained by:

(a) Pharmacies;

(b) Other governmental entities, including, without limitation, the State Board of Pharmacy and the Office of the Governor; and

(c) Nonprofit organizations and advocacy groups;

4. Procedures pursuant to which consumers and pharmacies may report to the ~~[Board]~~ Department that information made available to

consumers pursuant to sections 2 to ~~[9,]~~ 10, inclusive, of this act is inaccurate;

~~[3.]~~ 5. The form and manner in which pharmacies are to provide to the ~~[Board]~~ Department the information described in section ~~[3]~~ 4 of this act; and

~~[4.]~~ 6. Standards and criteria pursuant to which the ~~[Board]~~ Department may remove from its Internet website information regarding a pharmacy or an Internet link to the Internet website maintained by a pharmacy, or both, if the ~~[Board]~~ Department determines that the pharmacy has:

(a) Ceased to be licensed and in good standing pursuant to ~~[this chapter;]~~ chapter 639 of NRS;

(b) Engaged in a pattern of providing to consumers information that is false or would be misleading to reasonably informed persons; or

(c) Violated any state or federal law governing the practice of pharmacy.

~~[Sec. 8.]~~ ***Sec. 9. The ~~[Board]~~ Department may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source to carry out the provisions of sections 2 to ~~[9,]~~ 10, inclusive, of this act.***

~~[Sec. 9.]~~ ***Sec. 10. If a pharmacy that is licensed under the provisions of ~~[this]~~ chapter 639 of NRS and is located within the State of Nevada fails to provide to the ~~[Board]~~ Department the information required to be provided pursuant to section ~~[3]~~ 4 of this act or fails to provide such information on a timely basis, and the failure was not caused by excusable neglect, technical problems or other extenuating circumstances, the ~~[Board]~~ Department may impose against the pharmacy an administrative penalty of not more than $500 for each day of such failure.***

~~[Sec. 10.]~~ ***Sec. 11.*** NRS 639.2802 is hereby amended to read as follows:

639.2802 ~~[Prescription]~~ ***In addition to any applicable requirements set forth in sections 2 to ~~[9,]~~ 10, inclusive, of this act, prescription*** price information must be made available, upon request, by a pharmacist or practitioner who dispenses drugs.

~~[Sec. 11.]~~ ***Sec. 12.*** NRS 639.28025 is hereby amended to read as follows:

639.28025 ~~[Every]~~ ***In addition to any applicable requirements set forth in sections 2 to ~~[9,]~~ 10, inclusive, of this act, every*** practitioner who dispenses drugs shall post on the premises in a place conspicuous to customers and easily accessible and readable by customers a notice, provided by the Board, advising customers that a price list of drugs and professional services is available to them upon request.

~~[Sec. 12.]~~ ***Sec. 13.*** 1. There is hereby appropriated from the State General Fund to the ~~[State Board of Pharmacy]~~ **Department of Health and Human Services** for the purpose of allowing the ~~[Board]~~ **Department** to acquire such equipment, goods, services and technologies as may be

necessary for the ~~[Board]~~ **Department** to provide to consumers, by way of the ~~[Board's]~~ **Department's** Internet website, the information described in sections 2 to ~~[9,]~~ **10,** inclusive, of this act:

For the Fiscal Year 2007-2008 $25,000

For the Fiscal Year 2008-2009 $10,000

2. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

~~[Sec. 13.]~~ ***Sec. 14.*** 1. This section and section ~~[12]~~ **13** of this act become effective upon passage and approval.

2. Sections 1 to ~~[11,]~~ **12,** inclusive, of this act become effective on October 1, 2007.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 238.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 531.

AN ACT relating to tanning establishments; providing for the regulation of tanning establishments by the State Board of Cosmetology; prohibiting a person from operating a tanning establishment unless he is licensed with the Board; prescribing the requirements for licensure; providing standards for the operation of tanning establishments and tanning equipment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Board of Cosmetology regulates aestheticians, cosmetologists, electrologists, hair designers and manicurists. (Chapter 644 of NRS) This bill requires the Board to regulate operators of tanning establishments and tanning equipment. ~~[Section 8 of this bill creates the Tanning Establishment Advisory Committee to advise and assist the Board on matters relating to tanning establishments.]~~ Section 9 of this bill requires that an operator of a tanning establishment ensure that an operator of tanning equipment has sufficient knowledge and expertise regarding the operation of tanning equipment. Section 10 of this bill requires a person using a tanning establishment to sign a consent form before using a tanning

establishment for the first time. ~~[Sections 11 and 12]~~ **Section 11** of this bill ~~[place]~~ **places** restrictions on the use of tanning establishments by minors. Section 13 of this bill requires an operator of a tanning establishment to maintain a record on a person who uses tanning equipment at the tanning establishment. Section 14 of this bill requires an operator of a tanning establishment to provide information on the procedure to file a complaint with the Board.

Section 16 of this bill ~~[expands]~~ **alters** the membership of the Board ~~[to include an]~~ **so that one of the four members who are cosmetologists must also be an** operator of a tanning establishment. (NRS 644.030) Sections 17-20 of this bill expand the duties of the Board to include the regulation of tanning establishments. (NRS 644.090, 644.110-644.130) Section 21 of this bill prohibits a person from operating a tanning establishment without being licensed by the Board. (NRS 644.190) Sections 22, 23 and 25 of this bill provide for the licensure of a tanning establishment, including application, renewal and expiration. (NRS 644.325, 644.340, 644.350) Section 24 of this bill requires that a licensee to operate a tanning establishment notify the Board of any change in ownership, name or location of the tanning establishment. (NRS 644.345) Section 26 of this bill requires that a licensee display his license in plain view in the tanning establishment for which the license was issued. (NRS 644.360) Section 27 of this bill authorizes the sale of food and beverages in tanning establishments. (NRS 644.375) Section 28 of this bill authorizes the Board to take disciplinary action against tanning establishment licensees for failure to comply with the provisions of chapter 644 of NRS as amended. (NRS 644.430)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 644 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. ***"Operator of tanning equipment" means*** ~~*[a person]*~~ ***an employee of a tanning establishment who engages in the practice of operating tanning equipment.***

Sec. 3. ***"Practice of operating tanning equipment" means:***

1. Controlling the amount of and duration of exposure to ultraviolet radiation emitted by tanning equipment; or

2. Providing instruction on the proper use of tanning equipment and other related equipment, including, without limitation, protective eyewear, a timer or handrails.

Sec. 4. ***"Sunburn and tanning history scale" means the following scale for the classification of skin types based on the skin's reaction to the first 10 to 45 minutes of sun exposure after winter:***

1. Type 1: Always burns easily and never tans.

2. Type 2: Always burns easily and tans minimally.

3. Type 3: Burns moderately and tans gradually.

4. Type 4: Burns minimally and always tans well.

5. Type 5: Rarely burns and tans profusely.

6. Type 6: Never burns.

Sec. 5. ***"Tanning equipment" means any device that emits ultraviolet radiation for the purpose of tanning of human skin, including, without limitation, sunlamps, tanning booths and tanning beds.***

Sec. 6. ***"Tanning establishment" means any premises, mobile unit, building or part of a building where access to tanning equipment is provided for a fee, membership dues or any other compensation.***

Sec. 7. ***"Ultraviolet radiation" means electromagnetic radiation with a wavelength between 200 and 400 nanometers.***

Sec. 8. ~~*[1. The Tanning Establishment Advisory Committee to the Board consisting of five members is hereby created.*~~

~~*2. The Committee must consist of:*~~

~~*(a) Two physicians licensed to practice medicine in this State, appointed by the Governor;*~~

~~*(b) Two operators of tanning establishments licensed pursuant to NRS 644.340, appointed by the Governor; and*~~

~~*(c) One member of the Board, appointed by the President of the Board.*~~

~~*3. The Committee shall:*~~

~~*(a) Advise the Board on matters relating to tanning equipment, tanning establishments and operators of tanning equipment;*~~

~~*(b) Advise and assist the Board in drafting regulations for carrying out the provisions of this chapter relating to tanning equipment, tanning establishments and operators of tanning equipment;*~~

~~*(c) Make recommendations to the Board on methods for the appropriate inspection of tanning establishments and methods to monitor compliance with state and federal laws relating to tanning establishments; and*~~

~~*(d) Advise and assist the Board in identifying educational courses available in the State for the training of operators of tanning equipment and developing standards for the approval of such courses.]*~~ **(Deleted by amendment.)**

Sec. 9. ***1. An operator of a tanning establishment shall ensure that each operator of tanning equipment employed at the establishment:***

(a) Is at least 18 years of age; and

(b) Has sufficient knowledge and expertise in the operation of tanning equipment, including, without limitation, knowledge of:

(1) The provisions of this chapter relating to tanning equipment, tanning establishments and operators of tanning equipment, any regulations adopted pursuant thereto, and 21 C.F.R. § 1040.20;

(2) Any ultraviolet radiation exposure schedules recommended by the United States Food and Drug Administration;

(3) The procedures for the correct operation of the tanning establishment and all tanning equipment at the establishment;

(4) Possible injuries from overexposure to ultraviolet radiation and the procedures of the establishment in the event of emergency and nonemergency injuries from overexposure to ultraviolet radiation;

(5) The procedures recommended by the manufacturer of all tanning equipment used in the establishment, including the operation and maintenance of each such piece of equipment;

(6) The proper use of protective eyewear by users of tanning equipment;

(7) The biological effects and health risks of acute or chronic exposure to ultraviolet radiation;

(8) Photosensitizing agents; and

(9) The sunburn and tanning history scale.

2. The Board shall approve programs or courses used to train operators of tanning ~~[equipment]~~ establishments in the requirements of subsection 1.

3. An operator of a tanning establishment shall maintain at the establishment a list of the operators of tanning equipment employed by the operator of the tanning establishment that:

(a) Includes the date on which each operator of tanning equipment satisfied the requirements of subsection 1; and

(b) Is available for inspection by the Board.

4. Nothing in this section shall be construed to prohibit the operator of a tanning establishment from employing a person who is less than 18 years of age if such person is not an operator of tanning equipment.

Sec. 10. ***1. An operator of a tanning establishment shall not allow a person to use tanning equipment for the first time unless ~~[:~~***

~~(a) The warning described in subsection 2 has been read aloud to the person by an operator of tanning equipment; and~~

~~(b) A]~~ a form containing the warning described in subsection ~~[3]~~ 2 has been signed by the person.

2. The form required pursuant to subsection 1 must contain the sunburn and tanning history scale and a warning in substantially the following form in at least 12-point font:

DANGER: ULTRAVIOLET RADIATION

Follow instructions.

Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injuries and allergic reactions.

Repeated overexposure can cause skin cancer and premature aging of the skin.

Wear protective eyewear. Failure to wear protective eyewear may result in severe burns or long-term injury to the eyes.

Medication or cosmetics may increase your sensitivity to the ultraviolet radiation.

Consult a physician before using sunlamp or tanning equipment if you are using medications, have a history of skin problems or believe yourself to be especially sensitive to sunlight.

Sec. 11. ***1. An operator of a tanning establishment shall not allow a person who is less than 18 years of age to use tanning equipment unless a parent or guardian of the person:***

(a) Provides written consent to the operator of the tanning establishment for the person to use tanning equipment;

(b) Signs the form required pursuant to section 10 of this act; and

(c) Is present at the tanning establishment the first time that the person uses tanning equipment.

2. The written consent of a parent or guardian provided to an operator of a tanning establishment pursuant to subsection 1 shall expire after ~~*[the person who is less than 18 years of age uses tanning equipment at the tanning establishment a total of 12 times.]*~~ ***1 year.***

3. A parent or guardian of a person who is less than 18 years of age may renew the written consent for a person who is less than 18 years of age to use tanning equipment at a tanning establishment.

4. An operator of tanning equipment must be present at the tanning establishment for the entire time while a person who is less than 18 years of age uses the tanning equipment.

Sec. 12. ~~*[In addition to the requirements of section 11 of this act, an operator of a tanning establishment shall not allow a person who is less than 14 years of age to use tanning equipment unless a physician licensed to practice medicine in this State has provided written authorization for the person to use tanning equipment.]*~~ **(Deleted by amendment.)**

Sec. 13. ***1. The operator of a tanning establishment shall maintain a record of each person who uses tanning equipment at that establishment.***

2. The record required pursuant to subsection 1 must include, without limitation:

(a) Each date that the person uses tanning equipment at the tanning establishment;

(b) The amount and duration of each exposure of the person to ultraviolet radiation from tanning equipment;

(c) The form required to be signed by the person pursuant to section 10 of this act; and

(d) If the person is less than 18 years of age, the written consent signed by the parent or guardian of the person required pursuant to section 11 of this act. ~~*[; and*~~

~~*(e) If the person is less than 14 years of age, a copy of the written authorization of a physician for the person to use tanning equipment required pursuant to section 12 of this act.]*~~

3. The record required pursuant to this section must be maintained for at least ~~*[3 years]*~~ ***1 year after the most recent use by the person of tanning equipment at the tanning establishment.***

Sec. 14. ***If a person files a complaint with the operator of a tanning establishment regarding the tanning establishment, an operator of tanning equipment or an injury from overexposure to ultraviolet radiation, the operator of the tanning establishment shall notify the person of the procedures for filing a complaint with the Board pursuant to this chapter.***

Sec. 15. NRS 644.020 is hereby amended to read as follows:

644.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 644.0205 to 644.029, inclusive, ***and sections 2 to 7, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 16. NRS 644.030 is hereby amended to read as follows:

644.030 1. The State Board of Cosmetology consisting of seven ~~*[eight]*~~ members appointed by the Governor is hereby created.

2. The Board must consist of four cosmetologists, ***one of whom must be an operator of a tanning establishment,*** one manicurist, one aesthetician ~~*[one operator of a tanning establishment]*~~ and one member representing customers of cosmetology.

Sec. 17. NRS 644.090 is hereby amended to read as follows:

644.090 The Board shall:

1. Hold examinations to determine the qualifications of all applicants for a license, except as otherwise provided in this chapter, whose applications have been submitted to it in proper form.

2. Issue licenses to such applicants as may be entitled thereto.

3. License cosmetological establishments **,** ~~[and]~~ schools of cosmetology ~~[.]~~ ***and tanning establishments.***

4. Report to the proper prosecuting officers all violations of this chapter coming within its knowledge.

5. Inspect schools of cosmetology **,** ~~[and]~~ cosmetological establishments ***and tanning establishments*** to ensure compliance with the statutory requirements and adopted regulations of the Board. This authority extends to any member of the Board or its authorized employees.

Sec. 18. NRS 644.110 is hereby amended to read as follows:

644.110 The Board shall adopt reasonable regulations:

1. For carrying out the provisions of this chapter.

2. For conducting examinations of applicants for licenses.

3. For governing the recognition of, and the credits to be given to, the study of cosmetology under a licensed electrologist or in a school of cosmetology licensed pursuant to the laws of another state or territory of the United States or the District of Columbia.

4. For governing the conduct of schools of cosmetology. The regulations must include **,** but need not be limited to, provisions:

(a) Prohibiting schools from requiring that students purchase beauty supplies for use in the course of study;

(b) Prohibiting schools from deducting earned hours of school credit or any other compensation earned by a student as a punishment for misbehavior of the student;

(c) Providing for lunch and coffee recesses for students during school hours; and

(d) Allowing a member or an authorized employee of the Board to review the records of a student's training and attendance.

5. Governing the courses of study and practical training required of persons for treating the skin of the human body, except the scalp.

6. For governing the conduct of cosmetological establishments.

7. For governing the conduct of tanning establishments.

Sec. 19. NRS 644.120 is hereby amended to read as follows:

644.120 1. The Board may adopt such regulations governing sanitary conditions as it deems necessary with particular reference to the precautions to be employed to prevent the creating or spreading of infectious or contagious diseases in cosmetological establishments ***, tanning establishments*** or schools of cosmetology, or in the practice of a cosmetologist ~~[.]~~ ***or the practice of operating tanning equipment.***

2. No regulation governing sanitary conditions thus adopted has any effect until it has been approved by the State Board of Health.

3. A copy of all regulations governing sanitary conditions which are adopted must be furnished to each person to whom a license is issued for the conduct of a cosmetological establishment, ***tanning establishment,*** school of cosmetology or practice of cosmetology.

Sec. 20. NRS 644.130 is hereby amended to read as follows:

644.130 1. The Board shall keep a record containing the name, known place of business, and the date and number of the license of every manicurist, electrologist, aesthetician, hair designer, demonstrator of cosmetics and cosmetologist, together with the names and addresses of all cosmetological establishments ***, tanning establishments*** and schools of cosmetology licensed pursuant to this chapter. The record must also contain the facts which the applicants claimed in their applications to justify their licensure.

2. The Board may disclose the information contained in the record kept pursuant to subsection 1 to:

(a) Any other licensing board or agency that is investigating a licensee.

(b) A member of the general public, except information concerning the home and work address and telephone number of a licensee.

Sec. 21. NRS 644.190 is hereby amended to read as follows:

644.190 1. It is unlawful for any person to conduct or operate a cosmetological establishment, ***tanning establishment,*** school of cosmetology or any other place of business in which any one or any combination of the occupations of cosmetology are taught or practiced unless he is licensed in accordance with the provisions of this chapter.

2. Except as otherwise provided in subsection 4, it is unlawful for any person to engage in, or attempt to engage in, the practice of cosmetology or

any branch thereof, whether for compensation or otherwise, unless he is licensed in accordance with the provisions of this chapter.

3. This chapter does not prohibit:

(a) Any student in any school of cosmetology established pursuant to the provisions of this chapter from engaging, in the school and as a student, in work connected with any branch or any combination of branches of cosmetology in the school.

(b) An electrologist's apprentice from participating in a course of practical training and study.

(c) A person issued a provisional license as an instructor pursuant to NRS 644.193 from acting as an instructor and accepting compensation therefor while accumulating the hours of training as a teacher required for an instructor's license.

(d) The rendering of cosmetological services by a person who is licensed in accordance with the provisions of this chapter, if those services are rendered in connection with photographic services provided by a photographer.

(e) A registered cosmetologist's apprentice from engaging in the practice of cosmetology under the immediate supervision of a licensed cosmetologist.

(f) An operator of tanning equipment from operating tanning equipment in accordance with section 9 of this act.

4. A person employed to render cosmetological services in the course of and incidental to the production of a motion picture, television program, commercial or advertisement is exempt from the licensing requirements of this chapter if he renders cosmetological services only to persons who will appear in that motion picture, television program, commercial or advertisement.

Sec. 22. NRS 644.325 is hereby amended to read as follows:

644.325 1. An application for renewal of any license issued pursuant to this chapter must be:

(a) Made on a form prescribed and furnished by the Board;

(b) Made on or before the date for renewal specified by the Board;

(c) Accompanied by the fee for renewal; and

(d) Accompanied by all information required to complete the renewal.

2. The fees for renewal are:

(a) For manicurists, electrologists, aestheticians, hair designers, demonstrators of cosmetics and cosmetologists, not less than $50 and not more than $100.

(b) For instructors, not less than $60 and not more than $100.

(c) For cosmetological establishments ~~[,]~~ ***and tanning establishments,*** not less than $100 and not more than $200.

(d) For schools of cosmetology, not less than $500 and not more than $800.

3. For each month or fraction thereof after the date for renewal specified by the Board in which a license is not renewed, there must be assessed and

collected at the time of renewal a penalty of $50 for a school of cosmetology and $20 for a cosmetological establishment ***or tanning establishment*** and all persons licensed pursuant to this chapter.

4. An application for the renewal of a license as a cosmetologist, hair designer, aesthetician, electrologist, manicurist, demonstrator of cosmetics or instructor must be accompanied by two current photographs of the applicant which are 1 1/2 by 1 1/2 inches. The name and address of the applicant must be written on the back of each photograph.

Sec. 23. NRS 644.340 is hereby amended to read as follows:

644.340 1. Any person wishing to operate a cosmetological establishment in which any one or a combination of the occupations of cosmetology are practiced ***or wishing to operate a tanning establishment*** must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain a detailed floor plan of the proposed cosmetological establishment ***or tanning establishment*** and proof of the particular requisites for a license provided for in this chapter, and must be verified by the oath of the maker.

2. The applicant must submit the application accompanied by the required fees for inspection and licensing. After the applicant has submitted the application, the applicant must contact the Board and request a verbal review concerning the application to determine if the cosmetological establishment ***or tanning establishment*** complies with the requirements of this chapter and the regulations adopted by the Board. If, based on the verbal review, the Board determines that the cosmetological establishment ***or tanning establishment*** meets those requirements, the Board shall issue to the applicant the required license. Upon receipt of the license, the applicant must contact the Board to request the activation of the license. A license issued pursuant to this subsection is not valid until it is activated. The Board shall conduct an on-site inspection of the cosmetological establishment ***or tanning establishment*** not later than 90 days after the date on which the license is activated.

3. The fee for a license for a cosmetological establishment ***or tanning establishment*** is $200. The fee for the initial inspection is $15. If an additional inspection is necessary, the fee is $25.

Sec. 24. NRS 644.345 is hereby amended to read as follows:

644.345 1. The Board must be notified of any change of ownership, name, services offered or location of a cosmetological establishment ~~[.]~~ ***or tanning establishment.*** The establishment may not be operated after the change until a new license is issued. The owner of the establishment must apply to the Board for the license and pay the fees established pursuant to subsection 3 ***or 4*** of NRS 644.340 ~~[.]~~ ***, as applicable.***

2. After a license has been issued for the operation of a cosmetological establishment ~~[,]~~ ***or tanning establishment,*** any changes in the physical structure of the establishment must be approved by the Board.

Sec. 25. NRS 644.350 is hereby amended to read as follows:

644.350 1. The license of every cosmetological establishment ***or tanning establishment*** expires on July 1 of the next succeeding odd-numbered year.

2. If a cosmetological establishment ***or tanning establishment*** fails to pay the required fee by October 1 of the year in which renewal of the license is required, the establishment must be immediately closed.

Sec. 26. NRS 644.360 is hereby amended to read as follows:

644.360 1. Every holder of a license issued by the Board to operate a cosmetological establishment shall display the license in plain view of members of the general public in the principal office or place of business of the holder.

2. ***Every holder of a license issued by the Board to operate a tanning establishment shall display the license in plain view of members of the general public in the tanning establishment for which the license was issued.***

3. Except as otherwise provided in this section, the operator of a cosmetological establishment may lease space to or employ only licensed manicurists, electrologists, aestheticians, hair designers, demonstrators of cosmetics and cosmetologists at his establishment to provide cosmetological services. This subsection does not prohibit an operator of a cosmetological establishment from:

(a) Leasing space to or employing a barber. Such a barber remains under the jurisdiction of the State Barbers' Health and Sanitation Board and remains subject to the laws and regulations of this State applicable to his business or profession.

(b) Leasing space to any other professional, including, without limitation, a provider of health care pursuant to subsection ~~[3.]~~ ***4.*** Each such professional remains under the jurisdiction of the regulatory body which governs his business or profession and remains subject to the laws and regulations of this State applicable to his business or profession.

~~[3.]~~ ***4.*** The operator of a cosmetological establishment may lease space at his cosmetological establishment to a provider of health care for the purpose of providing health care within the scope of his practice. The provider of health care shall not use the leased space to provide such health care at the same time a cosmetologist uses that space to engage in the practice of cosmetology. A provider of health care who leases space at a cosmetological establishment pursuant to this subsection remains under the jurisdiction of the regulatory body which governs his business or profession and remains subject to the laws and regulations of this State applicable to his business or profession.

~~[4.]~~ ***5.*** As used in this section:

(a) "Provider of health care" means a person who is licensed, certified or otherwise authorized by the law of this State to administer health care in the ordinary course of business or practice of a profession.

(b) "Space" includes, without limitation, a separate room in the cosmetological establishment.

Sec. 27. NRS 644.375 is hereby amended to read as follows:

644.375 Food or beverages for immediate consumption may be sold in a cosmetological ***or tanning*** establishment.

Sec. 28. NRS 644.430 is hereby amended to read as follows:

644.430 1. The following are grounds for disciplinary action by the Board:

(a) Failure of an owner of a cosmetological establishment, ***an operator of a tanning establishment,*** a licensed aesthetician, cosmetologist, hair designer, electrologist, instructor, manicurist, demonstrator of cosmetics or school of cosmetology, or a cosmetologist's apprentice to comply with the requirements of this chapter or the applicable regulations adopted by the Board.

(b) Obtaining practice in cosmetology or any branch thereof, for money or any thing of value, by fraudulent misrepresentation.

(c) Gross malpractice.

(d) Continued practice by a person knowingly having an infectious or contagious disease.

(e) Drunkenness or the use or possession, or both, of a controlled substance or dangerous drug without a prescription, while engaged in the practice of cosmetology ~~[.]~~ ***or the practice of operating tanning equipment.***

(f) Advertisement by means of knowingly false or deceptive statements.

(g) Permitting a license to be used where the holder thereof is not personally, actively and continuously engaged in business.

(h) Failure to display the license as provided in NRS 644.290, 644.360 and 644.410.

(i) Entering, by a school of cosmetology, into an unconscionable contract with a student of cosmetology.

(j) Continued practice of cosmetology or operation of a cosmetological ***or tanning*** establishment or school of cosmetology after the license therefor has expired.

(k) Any other unfair or unjust practice, method or dealing which, in the judgment of the Board, may justify such action.

2. If the Board determines that a violation of this section has occurred, it may:

(a) Refuse to issue or renew a license;

(b) Revoke or suspend a license;

(c) Place the licensee on probation for a specified period;

(d) Impose a fine not to exceed $2,000; or

(e) Take any combination of the actions authorized by paragraphs (a) to (d), inclusive.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 29. ~~[As soon as is practicable after]~~ **After** the passage and approval of this act ~~[,]~~ **and upon the first vacancy in the State Board of Cosmetology of a position on the Board that must be filled by a cosmetologist pursuant to the provisions of NRS 644.030,** the Governor shall appoint one **cosmetologist who is an** operator of a tanning establishment ~~[, whose term begins on October 1, 2007,]~~ to the ~~[State]~~ Board ~~[of Cosmetology]~~ in accordance with the provisions of NRS 644.030, as amended by section 16 of this act.

Sec. 30. 1. This section and ~~[section]~~ **sections 16 and** 29 of this act become effective upon passage and approval for the purpose of appointing the member to the State Board of Cosmetology and on October 1, ~~[2007,]~~ **2008,** for all other purposes.

2. Sections 1 to **15, inclusive, and 17 to** 28, inclusive, of this act become effective on October 1, ~~[2007.]~~ **2008.**

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 255.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 239.

AN ACT relating to housing; providing for the creation and maintenance of a statewide low-income housing database; providing ~~[under certain circumstances for the reporting of available rental housing that is suitable for persons with disabilities;]~~ **for the maintenance of the Nevada Housing Registry;** creating new definitions of "affordable housing" and "attainable housing"; revising old definitions of "affordable housing"; revising provisions relating to "affordable housing" to include new definitions of "affordable housing" and "attainable housing"; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law contains numerous provisions relating to "affordable housing." (Chapters 233J, 244, 244A, 268, 277, 278, 279, 279A, 279B, 319, 349 and 375 of NRS).

Section 2 of this bill creates a new definition for "affordable housing" as housing affordable for a family with an income of 80 percent or less of their county median income. Section 18 of this bill creates a new definition for "attainable housing" as housing affordable for a family with an income of more than 80 percent but equal to or less than 120 percent of their county median income. Sections 6-17 and 19-45 of this bill make necessary amendments so that these new definitions apply throughout most of NRS.

Sections 3 and 4 of this bill provide for the creation and maintenance of a statewide low-income housing database. **Sections 2.3 and 4 of this bill**

recognize the existence of the Nevada Housing Registry and provide for its maintenance. Section 5 of this bill requires that owners of residential rental units that are receiving or have received government money for those housing units must ~~[annually]~~ report ~~[which of those units are available and suitable for persons with disabilities.]~~ **certain information regarding those units on a quarterly basis.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 319 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***"Affordable housing" means housing affordable for a family with a total gross income equal to or less than 80 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.***

Sec. 2.1. "Consortia" means the consortia described in 42 U.S.C. § 12746.

Sec. 2.3. "Nevada Housing Registry" means the housing registry maintained as a joint project of:

1. The Office of Disability Services created pursuant to NRS 426.235; and

2. The State Council on Developmental Disabilities established in this State pursuant to section 125 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. § 15025.

Sec. 2.7. "Nevada Low-Income Housing Database" means the database created and maintained pursuant to section 3 of this act.

Sec. 3. ***1. The demographer employed pursuant to NRS 360.283 shall provide for the creation and maintenance of a statewide low-income housing database*** ~~[.]~~ ***to be known as the Nevada Low-Income Housing Database.***

2. The Database must include, without limitation, the compilation and analysis of demographic, economic and housing data from a variety of sources that:

(a) Provides for an annual assessment of the affordable housing market at the city and county level, including data relating to housing units, age of housing, rental rates and rental vacancy rates, new home sales and resale of homes, new construction permits, mobile homes, lots available for mobile homes, and conversions of multifamily condominiums;

(b) Addresses the housing needs of various population groups in Nevada, such as households that rent, homeowners, elderly households, veterans, persons with disabilities or special needs, homeless persons, recovering drug abusers, persons suffering from mental health ailments and abused women, with each group broken down to show the percentage of the population group at different income levels, and a determination of

the number of households within each special needs group experiencing housing costs greater than 50 percent of their income, overcrowding or substandard housing;

(c) Contains an estimate of the number and condition of subsidized and other low-income housing units at the county level and the identification of any subsidized units that are forecast to convert to market-rate units within a 2-year planning period;

(d) Provides a demographic and economic overview by local and county jurisdiction, if feasible, for the population of Nevada, including age, race and ethnicity, household size, migration, current and forecast employment, household income and a summary relating to the effects of demographics and economic factors on housing demand;

(e) Provides the number of housing units available to a victim of domestic violence from any housing authority, as defined in NRS 315.021, and from participation in the program of housing assistance pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f; and

(f) Provides the number of terminations of victims of domestic violence in this State from the program of housing assistance pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f.

3. The Database created pursuant to this section must provide sufficient information to satisfy the requirements imposed by 24 C.F.R. Part 91 upon all relevant consortia and jurisdictions of this State.

Sec. 4. ***1. The costs of the Nevada Housing Registry must be paid from the Account for Low-Income Housing created pursuant to NRS 319.500. The amount used for the Registry must not exceed $50,000 per year.***

2. The costs of the ~~[database described in section 3 of this act]~~ Nevada Low-Income Housing Database must be paid from the Account for Low-Income Housing created pursuant to NRS 319.500. The amount used for the Database must not exceed ~~[$175,000]~~ $250,000 per year.

Sec. 5. ***If an owner of residential housing that is accessible or affordable and is available for rent or lease in this State has received any loans, grants or contributions for the residential housing from the Federal Government, the State or any public body, the owner shall ~~[annually]~~ , not less than quarterly, report to the Office of Disability Services ~~[of the Department of Health and Human Services all of those residential housing units which are available and suitable for persons with disabilities.]~~ created pursuant to NRS 426.235, information to include the following:***

1. Whether the housing is currently vacant or occupied;

2. The number of persons, if any, who are currently on a waiting list to rent or lease the housing;

3. The current duration of the waiting list to rent or lease the housing; and

4. Such additional information as the Office of Disability Services may direct, to allow a determination of whether a particular unit of housing

may be appropriate for occupancy by persons in different demographic groups, including those based on income, age, level of disability, family size or any other relevant factors.

Sec. 6. NRS 319.030 is hereby amended to read as follows:

319.030 As used in this chapter, the words and terms defined in NRS 319.040 to 319.135, inclusive, ***and*** ~~*[section]*~~ ***sections 2 , 2.1, 2.3 and 2.7 of this act*** have the meanings ascribed to them in those sections.

Sec. 6.5. **NRS 319.060 is hereby amended to read as follows:**

319.060 "Eligible family" means a person or family, selected without regard to race, creed, national origin or sex, determined by the Division to require such assistance as is made available by this chapter on account of insufficient personal or family income after taking into consideration, without limitation, such factors as:

1. The amount of the total income of that person or family available for housing needs;
2. The size of the family;
3. The cost and condition of housing facilities available;
4. The ability of the person or family to compete successfully in the normal private housing market and to pay the amounts at which private enterprise is providing decent, safe and sanitary housing;
5. If appropriate, standards established for various federal programs determining eligibility based on income of those persons and families; and
6. Service in the Armed Forces of the United States with a minimum of 90 days on active duty at some time between:

(a) April 21, 1898, and June 15, 1903;
(b) April 6, 1917, and November 11, 1918;
(c) December 7, 1941, and December 31, 1946;
(d) June 25, 1950, and January 31, 1955; ~~[or]~~
(e) January 1, 1961, and May 7, 1975 ~~[,]~~ ***;***

(f) August 2, 1990, and April 3, 1991; or

(g) September 11, 2001, and the date on which the Federal Government declares officially that the War on Terror has ended,

➥ and at least 2 years' continuous residence in Nevada immediately preceding any application for assistance under this chapter.

Sec. 7. NRS 319.147 is hereby amended to read as follows:

319.147 1. The Division shall certify an assisted living facility for the purpose of providing services pursuant to the provisions of the home and community-based services waiver which are amended pursuant to NRS 422.2708 if the facility:

(a) Provides assisted living supportive services to senior citizens of low or moderate income;

(b) Provides or arranges for the provision of case management services for its residents;

(c) Guarantees ~~[affordable]~~ housing ***for persons of low or moderate income*** for a period of at least 15 years after the facility is certified;

(d) Is financed through tax credits relating to low-income housing or other public funds; and

(e) Satisfies any other requirements set forth by the Division in any regulations adopted by the Division.

2. The Division shall adopt regulations concerning the certification of assisted living facilities pursuant to this section.

3. As used in this section:

(a) "Assisted living facility" has the meaning ascribed to it in paragraph (a) of subsection 3 of NRS 422.2708.

(b) "Assisted living supportive services" has the meaning ascribed to it in paragraph (b) of subsection 3 of NRS 422.2708.

Sec. 8. NRS 319.510 is hereby amended to read as follows:

319.510 1. Money deposited in the Account for Low-Income Housing must be used:

(a) For the acquisition, construction or rehabilitation of housing for eligible families by public or private nonprofit charitable organizations, housing authorities or local governments through loans, grants or subsidies;

(b) To provide technical and financial assistance to public or private nonprofit charitable organizations, housing authorities and local governments for the acquisition, construction or rehabilitation of housing for eligible families;

(c) To provide funding for projects of public or private nonprofit charitable organizations, housing authorities or local governments that provide assistance to or guarantee the payment of rent or deposits as security for rent for eligible families, including homeless persons;

(d) To reimburse the Division for the costs of administering the Account; and

(e) In any other manner consistent with this section to assist eligible families in obtaining or keeping housing, including use as the State's contribution to facilitate the receipt of related federal money.

2. Except as otherwise provided in this subsection, the Division may expend ***not more than 6 percent of the*** money ~~[from]~~ ***in*** the Account as reimbursement for the necessary costs ~~[of efficiently administering]~~ ***for the Division to:***

(a) Efficiently administer the Account ~~[and any money received pursuant to 42 U.S.C. §§ 12701 et seq. In no case may the Division expend more than $40,000 per year or an amount equal to 6 percent of any money made available to the State pursuant to 42 U.S.C. §§ 12701 et seq., whichever is greater.~~

~~*In addition, the Division may expend money from the Account as required by section 4 of this act.* Of the~~] ***;***

(b) Administer money in the Account that the Division allocates to local jurisdictions and consortia; and

(c) Pay the necessary administrative costs associated with programs the Division, local jurisdictions and consortia may fund with money from the Account.

3. The remaining money allocated from the Account ~~[~~:

~~(a) Except as otherwise provided in subsection 3, 15 percent must be distributed to the Division of Welfare and Supportive Services of the Department of Health and Human Services for use in its program developed pursuant to 45 C.F.R. § 233.120 to provide emergency assistance to needy families with children, subject to the following:~~

~~(1) The Division of Welfare and Supportive Services shall adopt regulations governing the use of the money that are consistent with the provisions of this section.~~

~~(2) The money must be used solely for activities relating to low income housing that are consistent with the provisions of this section.~~

~~(3) The money must be made available to families that have children and whose income is at or below the federally designated level signifying poverty.~~

~~(4) All money provided by the Federal Government to match the money distributed to the Division of Welfare and Supportive Services pursuant to this section must be expended for activities consistent with the provisions of this section.~~

~~(b)]~~ ***, after the expenditures authorized pursuant to subsection 2, must be allocated as follows:***

(a) Before the distribution of money for the purposes set forth in paragraphs (b) and (c), the Division must pay the necessary costs for:

(1) That portion of any Homeless Management Information System which is required by, but not paid for by, the Department of Housing and Urban Development;

(2) An amount not to exceed $50,000 per year to pay for the costs described in subsection 1 of section 4 of this act; and

(3) An amount not to exceed $250,000 per year to pay for the costs described in subsection 2 of section 4 of this act.

(b) Fifteen percent of the amount remaining after the expenditures required pursuant to paragraph (a) must be distributed to public or private nonprofit organizations, housing authorities and local governments for activities to prevent homelessness, including, but not limited to, assistance relating to emergency housing. All such money must be used to benefit persons and families with a total gross income equal to or less than 60 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.

(c) Eighty-five percent ***of the amount remaining after the expenditures required pursuant to paragraph (a)*** must be distributed to public or private nonprofit charitable organizations, housing authorities and local governments

for the [~~acquisition, construction and rehabilitation of housing for eligible families,~~] ***purposes described in paragraphs (a), (b), (c) and (e) of subsection 1,*** subject to the following:

(1) Priority must be given to those projects that qualify for the federal tax credit relating to low-income housing.

(2) Priority must be given to those projects that anticipate receiving federal money to match the state money distributed to them.

(3) Priority must be given to those projects that have the commitment of a local government to provide assistance to them.

(4) [~~All~~] ***Except as otherwise provided in this subparagraph, all*** money must be used to benefit families [~~whose income does not exceed 60 percent of the median income for families residing in the same county, as defined by the United States Department of Housing and Urban Development.~~] ***eligible for affordable housing. Money that is deposited in the Account pursuant to paragraph (a) of subsection 1 of NRS 375.070 must be used to benefit families with a total gross income equal to or less than 60 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.***

(5) Not less than 15 percent of the units acquired, constructed or rehabilitated must be affordable to persons whose income is at or below the federally designated level signifying poverty. For the purposes of this subparagraph, a unit is affordable if a family does not have to pay more than 30 percent of its gross income for housing costs, including both utility and mortgage or rental costs.

(6) To be eligible to receive money pursuant to this paragraph, a project must be sponsored by a local government.

[~~3. The Division may, pursuant to contract and in lieu of distributing money to the Division of Welfare and Supportive Services pursuant to paragraph (a) of subsection 2, distribute any amount of that money to private or public nonprofit entities for use consistent with the provisions of this section.~~]

4. As used in this section, "Homeless Management Information System" means an information system described in Homeless Management Information Systems (HMIS) Data and Technical Standards Notice; Notice, as issued by the Department of Housing and Urban Development in 68 Federal Register 43,430 on July 22, 2003.

Sec. 9. Chapter 233J of NRS is hereby amended by adding thereto the provisions set forth as sections 10, 11 and 12 of this act.

Sec. 10. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 233J.010 and sections 11 and 12 of this act have the meanings ascribed to them in those sections.***

Sec. 11. ***"Affordable housing" has the meaning ascribed to it in section 2 of this act.***

Sec. 12. ***"Attainable housing" has the meaning ascribed to it in section 18 of this act.***

Sec. 13. NRS 233J.010 is hereby amended to read as follows:

233J.010 ~~[As used in this chapter, unless the context otherwise requires,]~~ "Commission" means the Nevada Commission on Minority Affairs created by NRS 233J.020.

Sec. 14. NRS 233J.060 is hereby amended to read as follows:

233J.060 The Commission shall, within the limits of available money:

1. Study matters affecting the social and economic welfare and well-being of minorities residing in the State of Nevada;

2. Collect and disseminate information on activities, programs and essential services available to minorities in the State of Nevada;

3. Study the:

(a) Availability of employment for minorities in this State, and the manner in which minorities are employed;

(b) Manner in which minorities can be encouraged to start and manage their own businesses successfully; and

(c) Availability of affordable housing ***and attainable housing*** for minorities;

4. In cooperation with the Nevada Equal Rights Commission, act as a liaison to inform persons regarding:

(a) The laws of this State that prohibit discriminatory practices; and

(b) The procedures pursuant to which aggrieved persons may file complaints or otherwise take action to remedy such discriminatory practices;

5. To the extent practicable, strive to create networks within the business community between businesses that are owned by minorities and businesses that are not owned by minorities;

6. Advise the Governor on matters relating to minorities and of concern to minorities; and

7. Recommend proposed legislation to the Governor.

Sec. 15. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 16, 17 and 18 of this act.

Sec. 16. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 17 and 18 of this act have the meanings ascribed to them in those sections.***

Sec. 17. ***"Affordable housing" has the meaning ascribed to it in section 2 of this act.***

Sec. 18. ***"Attainable housing" means housing affordable for a family with a total gross income greater than 80 percent and equal to or less than 120 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.***

Sec. 19. NRS 244.189 is hereby amended to read as follows:

244.189 1. Except as otherwise provided in subsection 2 and in addition to any other powers authorized by specific statute, a board of county commissioners may exercise such powers and enact such ordinances, not in conflict with the provisions of NRS or other laws or regulations of this State, as the board determines are necessary and proper for:

(a) The development of affordable housing ~~[,]~~ ***and attainable housing;***

(b) The control and protection of animals;

(c) The rehabilitation of rental property in residential neighborhoods; and

(d) The rehabilitation of abandoned residential property.

2. The board of county commissioners shall not impose or increase a tax unless the tax or increase is otherwise authorized by specific statute.

3. The board of county commissioners may, in lieu of a criminal penalty, provide a civil penalty for a violation of an ordinance enacted pursuant to this section unless state law provides a criminal penalty for the same act or omission.

Sec. 20. NRS 244.287 is hereby amended to read as follows:

244.287 1. A nonprofit organization may submit to a board of county commissioners an application for conveyance of property that is owned by the county if the property was:

(a) Received by donation for the use and benefit of the county pursuant to NRS 244.270.

(b) Purchased by the county pursuant to NRS 244.275.

2. Before the board of county commissioners makes a determination on such an application for conveyance, it shall hold at least one public hearing on the application. Notice of the time, place and specific purpose of the hearing must be:

(a) Published at least once in a newspaper of general circulation in the county.

(b) Mailed to all owners of record of real property which is located not more than 300 feet from the property that is proposed for conveyance.

(c) Posted in a conspicuous place on the property that is proposed for conveyance.

➥ The hearing must be held not ~~[fewer]~~ ***less*** than 10 days but not more than 40 days after the notice is published, mailed and posted in accordance with this subsection.

3. The board of county commissioners may approve such an application for conveyance if the nonprofit organization demonstrates to the satisfaction of the board that the organization or its assignee will use the property to develop affordable housing ~~[for families whose income at the time of application for such housing does not exceed 80 percent of the median gross income for families residing in the same county, as that percentage is defined by the United States Department of Housing and Urban Development.]~~ ***or attainable housing.*** If the board of county commissioners receives more than one application for conveyance of the property, the board must give priority to an application of a nonprofit organization that demonstrates to the

satisfaction of the board that the organization or its assignee will use the property to develop affordable housing ***or attainable housing*** for persons who are disabled or elderly.

4. If the board of county commissioners approves an application for conveyance, it may convey the property to the nonprofit organization without consideration. Such a conveyance must not be in contravention of any condition in a gift or devise of the property to the county.

5. As a condition to the conveyance of the property pursuant to subsection 4, the board of county commissioners shall enter into an agreement with the nonprofit organization that requires the nonprofit organization or its assignee to use the property to provide affordable housing ***or attainable housing, as applicable,*** for at least 50 years. If the nonprofit organization or its assignee fails to use the property to provide affordable housing ***or attainable housing, as applicable,*** pursuant to the agreement, the board of county commissioners may take reasonable action to return the property to use as affordable housing ~~[,]~~ ***or attainable housing, as applicable,*** including, without limitation:

(a) Repossessing the property from the nonprofit organization or its assignee.

(b) Transferring ownership of the property from the nonprofit organization or its assignee to another person or governmental entity that will use the property to provide affordable housing ~~[.]~~ ***or attainable housing, as applicable.***

6. The agreement required by subsection 5 must be recorded in the office of the county recorder of the county in which the property is located and must specify:

(a) The number of years for which the nonprofit organization or its assignee must use the property to provide affordable housing ~~[,]~~ ***or attainable housing, as applicable;*** and

(b) The action that the board of county commissioners will take if the nonprofit organization or its assignee fails to use the property to provide affordable housing ***or attainable housing, as applicable,*** pursuant to the agreement.

7. A board of county commissioners that has conveyed property pursuant to subsection 4 shall:

(a) Prepare annually a list which includes a description of all property that was conveyed to a nonprofit organization pursuant to this section; and

(b) Include the list in the annual audit of the county which is conducted pursuant to NRS 354.624.

8. If, 5 years after the date of a conveyance pursuant to subsection 4, a nonprofit organization or its assignee has not commenced construction of affordable housing ~~[,]~~ ***or attainable housing, as applicable,*** or entered into such contracts as are necessary to commence the construction of affordable housing ~~[,]~~ ***or attainable housing, as applicable,*** the property that was conveyed automatically reverts to the county.

9. A board of county commissioners may subordinate the interest of the county in property conveyed pursuant to subsection 4 to a first or subsequent holder of a mortgage on that property to the extent the board deems necessary to promote investment in the construction of affordable housing ~~[.]~~ ***or attainable housing, as applicable.***

10. As used in this section, unless the context otherwise requires, "nonprofit organization" means an organization that is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3).

Sec. 21. NRS 268.058 is hereby amended to read as follows:

268.058 1. A nonprofit organization may submit to the governing body of a city an application for conveyance of property that is owned by the city if the property was purchased or received by the city pursuant to NRS 268.008.

2. Before the governing body makes a determination on such an application for conveyance, it shall hold at least one public hearing on the application. Notice of the time, place and specific purpose of the hearing must be:

(a) Published at least once in a newspaper of general circulation in the city.

(b) Mailed to all owners of record of real property which is located not more than 300 feet from the property that is proposed for conveyance.

(c) Posted in a conspicuous place on the property that is proposed for conveyance.

➥ The hearing must be held not ~~[fewer]~~ ***less*** than 10 days but not more than 40 days after the notice is published, mailed and posted in accordance with this subsection.

3. The governing body may approve such an application for conveyance if the nonprofit organization demonstrates to the satisfaction of the governing body that the organization or its assignee will use the property to develop affordable housing ~~[for families whose income at the time of application for such housing does not exceed 80 percent of the median gross income for families residing in the same city, as that percentage is defined by the United States Department of Housing and Urban Development.]~~ ***or attainable housing.*** If the governing body receives more than one application for conveyance of the property, the governing body must give priority to an application of a nonprofit organization that demonstrates to the satisfaction of the governing body that the organization or its assignee will use the property to develop affordable housing ***or attainable housing*** for persons who are disabled or elderly.

4. If the governing body approves an application for conveyance, it may convey the property to the nonprofit organization without consideration. Such a conveyance must not be in contravention of any condition in a gift or devise of the property to the city.

5. As a condition to the conveyance of the property pursuant to subsection 4, the governing body shall enter into an agreement with the

nonprofit organization that requires the nonprofit organization or its assignee to use the property to provide affordable housing ***or attainable housing, as applicable,*** for at least 50 years. If the nonprofit organization or its assignee fails to use the property to provide affordable housing ***or attainable housing, as applicable,*** pursuant to the agreement, the governing body may take reasonable action to return the property to use as affordable housing ~~[,]~~ ***or attainable housing, as applicable,*** including, without limitation:

(a) Repossessing the property from the nonprofit organization or its assignee.

(b) Transferring ownership of the property from the nonprofit organization or its assignee to another person or governmental entity that will use the property to provide affordable housing ~~[.]~~ ***or attainable housing, as applicable.***

6. The agreement required by subsection 5 must be recorded in the office of the county recorder of the county in which the property is located and must specify:

(a) The number of years for which the nonprofit organization or its assignee must use the property to provide affordable housing ~~[;]~~ ***or attainable housing, as applicable;*** and

(b) The action that the governing body will take if the nonprofit organization or its assignee fails to use the property to provide affordable housing ***or attainable housing, as applicable,*** pursuant to the agreement.

7. A governing body that has conveyed property pursuant to subsection 4 shall:

(a) Prepare annually a list which includes a description of all property conveyed to a nonprofit organization pursuant to this section; and

(b) Include the list in the annual audit of the city which is conducted pursuant to NRS 354.624.

8. If, 5 years after the date of a conveyance pursuant to subsection 4, a nonprofit organization or its assignee has not commenced construction of affordable housing ~~[,]~~ ***or attainable housing, as applicable,*** or entered into such contracts as are necessary to commence the construction of affordable housing ~~[,]~~ ***or attainable housing, as applicable,*** the property that was conveyed automatically reverts to the city.

9. A governing body may subordinate the interest of the city in property conveyed pursuant to subsection 4 to a first or subsequent holder of a mortgage on that property to the extent the governing body deems necessary to promote investment in the construction of affordable housing ~~[.]~~ ***or attainable housing, as applicable.***

10. As used in this section, unless the context otherwise requires, "nonprofit organization" means an organization that is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3).

11. As used in this section:

(a) "Affordable housing" has the meaning ascribed to it in section 2 of this act; and

(b) "Attainable housing" has the meaning ascribed to it in section 18 of this act.

Sec. 22. NRS 268.190 is hereby amended to read as follows:

268.190 Except as otherwise provided by law, the city planning commission may:

1. Recommend and advise the city council and all other public authorities concerning:

(a) The laying out, widening, extending, paving, parking and locating of streets, sidewalks and boulevards.

(b) The betterment of housing and sanitary conditions, and the establishment of zones or districts within which lots or buildings may be restricted to residential use, or from which the establishment, conduct or operation of certain business, manufacturing or other enterprises may be excluded, and limiting the height, area and bulk of buildings and structures therein.

2. Recommend to the city council and all other public authorities plans and regulations for the future growth, development and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, which must include for each city a population plan if required by NRS 278.170 and a plan for the development of affordable housing ~~[.]~~ ***and attainable housing.***

3. Perform any other acts and things necessary or proper to carry out the provisions of NRS 268.110 to 268.220, inclusive, and in general to study and propose such measures as may be for the municipal welfare and in the interest of protecting the municipal area's natural resources from impairment.

4. As used in this section:

(a) "Affordable housing" has the meaning ascribed to it in section 2 of this act; and

(b) "Attainable housing" has the meaning ascribed to it in section 18 of this act.

Sec. 23. NRS 277.360 is hereby amended to read as follows:

277.360 1. A regional development district may establish a nonprofit corporation for any purpose for which the district is authorized to act pursuant to NRS 277.300 to 277.390, inclusive, including increasing the supply of affordable housing ***and attainable housing*** and improving opportunities for home ownership in a development region. A nonprofit corporation formed pursuant to this section may, among other things, acquire land and buildings, accept private, state and federal grant and loan funds, construct and rehabilitate housing units, and buy, sell or manage housing within the boundaries of the development district.

2. A regional development district may receive and administer private, state and federal affordable housing ***and attainable housing*** funds to increase the supply of affordable housing ***and attainable housing*** and to improve opportunities for home ownership within the boundaries of the district. The creation of a regional development district does not affect the

right of a county or city to receive and administer affordable housing ***or attainable housing*** funds or to develop and implement subregional affordable housing ***or attainable housing*** programs.

3. As used in this section:

(a) "Affordable housing" has the meaning ascribed to it in section 2 of this act.

(b) "Attainable housing" has the meaning ascribed to it in section 18 of this act.

Sec. 24. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

"Attainable housing" has the meaning ascribed to it in section 18 of this act.

Sec. 25. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and section 24 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0105 to 278.0195, inclusive, ***and section 24 of this act*** have the meanings ascribed to them in those sections.

Sec. 26. NRS 278.0105 is hereby amended to read as follows:

278.0105 "Affordable housing" ~~[means housing affordable for a family with a total gross income less than 110 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.]~~ ***has the meaning ascribed to it in section 2 of this act.***

Sec. 27. NRS 278.020 is hereby amended to read as follows:

278.020 1. For the purpose of promoting health, safety, morals, or the general welfare of the community, the governing bodies of cities and counties are authorized and empowered to regulate and restrict the improvement of land and to control the location and soundness of structures.

2. Any such regulation, restriction and control must take into account:

(a) The potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment; and

(b) The availability of and need for affordable housing ***and attainable housing*** in the community, including affordable housing ***and attainable housing*** that is accessible to persons with disabilities.

Sec. 28. NRS 278.02095 is hereby amended to read as follows:

278.02095 1. Except as otherwise provided in this section, in an ordinance relating to the zoning of land adopted or amended by a governing body, the definition of "single-family residence" must include a manufactured home.

2. Notwithstanding the provisions of subsection 1, a governing body shall adopt standards for the placement of a manufactured home that will not be affixed to a lot within a mobile home park which require that:

(a) The manufactured home:

(1) Be permanently affixed to a residential lot;

(2) Be manufactured within the 5 years immediately preceding the date on which it is affixed to the residential lot;

(3) Have exterior siding and roofing which is similar in color, material and appearance to the exterior siding and roofing primarily used on other single-family residential dwellings in the immediate vicinity of the manufactured home, as established by the governing body;

(4) Consist of more than one section; and

(5) Consist of at least 1,200 square feet of living area unless the governing body, by administrative variance or other expedited procedure established by the governing body, approves a lesser amount of square footage based on the size or configuration of the lot or the square footage of single-family residential dwellings in the immediate vicinity of the manufactured home; and

(b) If the manufactured home has an elevated foundation, the foundation is masked architecturally in a manner determined by the governing body.

➥ The governing body of a local government in a county whose population is less than 40,000 may adopt standards that are less restrictive than the standards set forth in this subsection.

3. Standards adopted by a governing body pursuant to subsection 2 must be objective and documented clearly and must not be adopted to discourage or impede the construction or provision of affordable housing ~~[,]~~ ***or attainable housing,*** including, without limitation, the use of manufactured homes for affordable housing ~~[.]~~ ***or attainable housing.***

4. Before a building department issues a permit to place a manufactured home on a lot pursuant to this section, other than a new manufactured home, the owner must surrender the certificate of ownership to the Manufactured Housing Division of the Department of Business and Industry. The Division shall provide proof of such a surrender to the owner who must submit that proof to the building department.

5. The provisions of this section do not abrogate a recorded restrictive covenant prohibiting manufactured homes nor do the provisions apply within the boundaries of a historic district established pursuant to NRS 384.005 or 384.100. An application to place a manufactured home on a residential lot pursuant to this section constitutes an attestation by the owner of the lot that the placement complies with all covenants, conditions and restrictions placed on the lot and that the lot is not located within a historic district.

6. As used in this section:

(a) "Manufactured home" has the meaning ascribed to it in NRS 489.113.

(b) "New manufactured home" has the meaning ascribed to it in NRS 489.125.

Sec. 29. NRS 278.160 is hereby amended to read as follows:

278.160 1. Except as otherwise provided in subsection 4 of NRS 278.150 and subsection 3 of NRS 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may

include such of the following subject matter or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) Community design. Standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(b) Conservation plan. For the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, solar or wind energy, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The plan must also indicate the maximum tolerable level of air pollution.

(c) Economic plan. Showing recommended schedules for the allocation and expenditure of public money in order to provide for the economical and timely execution of the various components of the plan.

(d) Historical properties preservation plan. An inventory of significant historical, archaeological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(e) Housing plan. The housing plan must include, without limitation:

(1) An inventory of housing conditions, needs and plans and procedures for improving housing standards and for providing adequate housing.

(2) An inventory of affordable housing ***and attainable housing*** in the community.

(3) An analysis of the demographic characteristics of the community.

(4) A determination of the present and prospective need for affordable housing ***and attainable housing*** in the community.

(5) An analysis of any impediments to the development of affordable housing ***and attainable housing*** and the development of policies to mitigate those impediments.

(6) An analysis of the characteristics of the land that is the most appropriate for the construction of affordable housing ~~[.]~~ ***and attainable housing.***

(7) An analysis of the needs and appropriate methods for the construction of affordable housing ***and attainable housing*** or the conversion or rehabilitation of existing housing to affordable housing ~~[.]~~ ***or attainable housing.***

(8) A plan for maintaining and developing affordable housing ***and attainable housing*** to meet the housing needs of the community.

(f) Land use plan. An inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan:

(1) Must address, if applicable, mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts.

(2) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.

(g) Population plan. An estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

(h) Public buildings. Showing locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

(i) Public services and facilities. Showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145.

(j) Recreation plan. Showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

(k) Rural neighborhoods preservation plan. In any county whose population is 400,000 or more, showing general plans to preserve the character and density of rural neighborhoods.

(l) Safety plan. In any county whose population is 400,000 or more, identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The plan may set forth policies for avoiding or minimizing the risks from those hazards.

(m) School facilities plan. Showing the general locations of current and future school facilities based upon information furnished by the appropriate local school district.

(n) Seismic safety plan. Consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

(o) Solid waste disposal plan. Showing general plans for the disposal of solid waste.

(p) Streets and highways plan. Showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

(q) Transit plan. Showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.

(r) Transportation plan. Showing a comprehensive transportation system, including, without limitation, locations of rights-of-way, terminals, viaducts and grade separations. The plan may also include port, harbor, aviation and related facilities.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other subjects as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, ***and section 24 of this act*** prohibits the preparation and adoption of any such subject as a part of the master plan.

Sec. 30. NRS 278.230 is hereby amended to read as follows:

278.230 1. Except as otherwise provided in subsection 4 of NRS 278.150, whenever the governing body of any city or county has adopted a master plan or part thereof for the city or county, or for any major section or district thereof, the governing body shall, upon recommendation of the planning commission, determine upon reasonable and practical means for putting into effect the master plan or part thereof, in order that the same will serve as:

(a) A pattern and guide for that kind of orderly physical growth and development of the city or county which will cause the least amount of natural resource impairment and will conform to the adopted population plan, where required, and ensure an adequate supply of housing, including affordable housing ~~[;]~~ ***and attainable housing;*** and

(b) A basis for the efficient expenditure of funds thereof relating to the subjects of the master plan.

2. The governing body may adopt and use such procedure as may be necessary for this purpose.

Sec. 31. NRS 278.250 is hereby amended to read as follows:

278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive, ***and section 24 of this act,*** the governing body may divide the city, county or region into zoning districts of such number, shape and area as are best suited to carry out the purposes of NRS 278.010 to 278.630, inclusive ~~[.]~~ ***, and section 24 of this act.*** Within the zoning district, it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

2. The zoning regulations must be adopted in accordance with the master plan for land use and be designed:

(a) To preserve the quality of air and water resources.

(b) To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment.

(c) To consider existing views and access to solar resources by studying the height of new buildings which will cast shadows on surrounding residential and commercial developments.

(d) To reduce the consumption of energy by encouraging the use of products and materials which maximize energy efficiency in the construction of buildings.

(e) To provide for recreational needs.

(f) To protect life and property in areas subject to floods, landslides and other natural disasters.

(g) To conform to the adopted population plan, if required by NRS 278.170.

(h) To develop a timely, orderly and efficient arrangement of transportation and public facilities and services, including public access and sidewalks for pedestrians, and facilities and services for bicycles.

(i) To ensure that the development on land is commensurate with the character and the physical limitations of the land.

(j) To take into account the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development.

(k) To promote health and the general welfare.

(l) To ensure the development of an adequate supply of housing for the community, including the development of affordable housing ~~[.]~~ ***and attainable housing.***

(m) To ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods.

(n) To promote systems which use solar or wind energy.

3. The zoning regulations must be adopted with reasonable consideration, among other things, to the character of the area and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, county or region.

4. In exercising the powers granted in this section, the governing body may use any controls relating to land use or principles of zoning that the governing body determines to be appropriate, including, without limitation, density bonuses, inclusionary zoning and minimum density zoning.

5. As used in this section:

(a) "Density bonus" means an incentive granted by a governing body to a developer of real property that authorizes the developer to build at a greater density than would otherwise be allowed under the master plan, in exchange for an agreement by the developer to perform certain functions that the governing body determines to be socially desirable, including, without limitation, developing an area to include a certain proportion of affordable housing ~~[.]~~ ***or attainable housing.***

(b) "Inclusionary zoning" means a type of zoning pursuant to which a governing body requires or provides incentives to a developer who builds

residential dwellings to build a certain percentage of those dwellings as affordable housing ~~[.]~~ ***or attainable housing.***

(c) "Minimum density zoning" means a type of zoning pursuant to which development must be carried out at or above a certain density to maintain conformance with the master plan.

Sec. 32. Chapter 279 of NRS is hereby amended by adding thereto the provisions set forth as sections 33 and 34 of this act.

Sec. 33. ***"Affordable housing" has the meaning ascribed to it in section 2 of this act.***

Sec. 34. ***"Attainable housing" has the meaning ascribed to it in section 18 of this act.***

Sec. 35. NRS 279.384 is hereby amended to read as follows:

279.384 As used in NRS 279.382 to 279.685, inclusive, ***and sections 33 and 34 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 279.386 to 279.414, inclusive, ***and sections 33 and 34 of this act*** have the meanings ascribed to them in those sections.

Sec. 36. NRS 279.397 is hereby amended to read as follows:

279.397 "Low-income household" means a household ~~[,]~~ which may include one or more persons ~~[, whose total gross income is less than 80 percent of the median gross income for households of the same size within the same geographic region.]~~ ***and which is eligible for affordable housing or attainable housing.***

Sec. 37. NRS 279.425 is hereby amended to read as follows:

279.425 It is further found and declared that:

1. The provision of housing is a fundamental purpose of the Community Redevelopment Law and that a generally inadequate supply of decent, safe and sanitary housing available to low-income households threatens the accomplishment of the primary purposes of the Community Redevelopment Law, including, without limitation, creating new employment opportunities, attracting new private investments of money in the area and creating physical, economic, social and environmental conditions to remove and prevent the recurrence of blight.

2. The provision and improvement of housing which can be rented or sold to families with low incomes and which is inside or outside the boundaries of the redevelopment area can be of direct benefit to the redevelopment area in assisting the accomplishment of project objectives whether or not the redevelopment plan provides for housing within the project area.

3. The provision of affordable housing ***and attainable housing*** by redevelopment agencies and the use of taxes allocated to the agency pursuant thereto is of statewide benefit and assistance to all local governmental agencies in the areas where housing is provided.

Sec. 38. NRS 279A.010 is hereby amended to read as follows:

279A.010 The Legislature hereby finds and declares that:

1. There exists within the urban areas of this State a large number of deteriorated, substandard and unsanitary residential properties because of the inability of their owners, for whatever reason, to pay for their repair and maintenance;

2. These properties are a threat not only to the health, safety and well-being of the persons who occupy them but also to neighboring persons and property;

3. There is also a shortage of decent ~~[, safe]~~ and ***safe*** affordable housing ~~[for persons of low or moderate income]~~ ***and attainable housing*** and the counties and cities of this State have an obligation to encourage persons who own residential property to maintain that property in a decent, safe and sanitary condition;

4. It is in the public interest to encourage the preservation and maintenance of ***affordable housing and attainable*** housing in this State ***,*** ~~[for persons of low or moderate income,]~~ in order to improve ~~[their]~~ living conditions and, in doing so, to benefit the health, safety and welfare of the people of this State; and

5. The provisions of this chapter are in addition to, and do not abrogate or limit the application of, any other provisions of law granting to a county or city the authority to:

(a) Develop affordable housing ~~[,]~~ ***and attainable housing;*** and

(b) Rehabilitate residential neighborhoods and individual properties within those neighborhoods.

Sec. 39. NRS 279A.020 is hereby amended to read as follows:

279A.020 As used in this chapter, unless the context otherwise requires:

1. ***"Affordable housing" has the meaning ascribed to it in section 2 of this act.***

2. "Agency" means an agency of a county or city established or designated to administer a program.

~~[2.]~~ ***3. "Attainable housing" has the meaning ascribed to it in section 18 of this act.***

4. "Fund" means a revolving fund for loans for the rehabilitation of residential property.

~~[3.]~~ ***5.*** "Governing body" means the governing body of a county or city.

~~[4.]~~ ***6.*** "Program" means a program for the rehabilitation of residential neighborhoods established by a governing body pursuant to this chapter.

~~[5.]~~ ***7.*** "Rehabilitation" includes structural improvements, landscaping and any other measure to improve the appearance of property or maintain property in a decent, safe and sanitary condition.

Sec. 40. NRS 279A.040 is hereby amended to read as follows:

279A.040 1. An applicant for a loan for the rehabilitation of residential property must, at the time application is made:

(a) Be a natural person who:

(1) Is a resident of or an owner of residential property in the city or an unincorporated area of the county, as the case may be;

(2) Is a member of a household ~~[having a gross income of less than 80 percent of the median gross income for households of the same size residing in the same county or city, as applicable, as that percentage is defined by the United States Department of Housing and Urban Development, or rents residential property to such households;]~~ ***eligible for affordable housing or attainable housing;***

(3) Owns and resides on or rents for residential purposes only the property for which the loan is sought;

(4) Has the financial resources to repay the loan in accordance with the terms of the agreement;

(5) Has the ability to complete the rehabilitation within a reasonable time and maintain the property in a decent, safe and sanitary condition; and

(6) Meets such other requirements as are imposed by the governing body; or

(b) Be an organization that:

(1) Is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3) or 501(c)(4);

(2) Provides affordable housing ***or attainable housing*** to natural persons who meet the criteria set forth in subparagraphs (1) and (2) of paragraph (a); and

(3) Has the financial resources to repay the loan in accordance with the terms of the agreement.

2. Any residential property for which a loan for rehabilitation is sought must be:

(a) Entirely situated within the boundaries of the city or within an unincorporated area of the county, as the case may be;

(b) Capable of rehabilitation within reasonable limits; and

(c) Subject to not more than two encumbrances.

Sec. 41. NRS 279B.010 is hereby amended to read as follows:

279B.010 The Legislature hereby finds and declares that:

1. There exists within the urban areas of this State a large number of deteriorated, substandard and unsanitary residential properties which have been abandoned by their owners;

2. These properties are a threat to the health, safety and well-being of the persons occupying neighboring properties;

3. There is also a shortage of decent ~~[, safe]~~ and ***safe*** affordable housing ~~[for persons of low or moderate income]~~ ***and attainable housing*** and the counties and cities of this State have an obligation to provide ~~[such persons]~~ ***their residents*** with an opportunity to obtain residential property;

4. It is in the public interest to encourage the preservation and maintenance of ***affordable housing and attainable*** housing in this State ***,*** ~~[for persons of low or moderate income,]~~ in order to improve ~~[their]~~ living conditions and, in doing so, to benefit the health, safety and welfare of the people of this State; and

5. The provisions of this chapter are in addition to, and do not abrogate or limit the application of, any other provisions of law granting to a county or city the authority to:

(a) Develop affordable housing ~~[,]~~ ***and attainable housing;*** and

(b) Rehabilitate abandoned residential properties.

Sec. 42. NRS 279B.020 is hereby amended to read as follows:

279B.020 As used in this chapter, unless the context otherwise requires:

1. "Abandoned residential property" means residential property which has been:

(a) Acquired by the governing body pursuant to the provisions of NRS 361.603 or subsection 3 of NRS 279B.100, or by a grant from the Federal Government, the state government or any political subdivision of the State;

(b) Declared to have been abandoned by the Federal Government, the state government or the governing body; and

(c) Determined by the governing body to be in need of rehabilitation because of its deteriorated, substandard or unsanitary condition.

2. ***"Affordable housing" has the meaning ascribed to it in section 2 of this act.***

3. "Agency" means an agency of a county or city established or designated to administer a program.

4. "Attainable housing" has the meaning ascribed to it in section 18 of this act.

~~[3.]~~ ***5.*** "Governing body" means the governing body of a county or city.

~~[4.]~~ ***6.*** "Program" means a program for the rehabilitation of abandoned residential properties established by a governing body pursuant to this chapter.

~~[5.]~~ ***7.*** "Rehabilitation" includes structural improvements, landscaping and any other measure to improve the appearance of property or maintain property in a decent, safe and sanitary condition.

Sec. 43. NRS 279B.040 is hereby amended to read as follows:

279B.040 1. An applicant for rehabilitation of abandoned residential property must, at the time application is made:

(a) Be a natural person who:

(1) Is a resident of the city or an unincorporated area of the county, as the case may be;

(2) Is a member of a household ~~[having a gross income of less than 80 percent of the median gross income for households of the same size residing in the same county or city, as applicable, as that percentage is defined by the United States Department of Housing and Urban Development;]~~ ***eligible for affordable housing or attainable housing;***

(3) Intends to reside on the abandoned residential property for which the rehabilitation is sought;

(4) Has the financial resources to rehabilitate the abandoned residential property in accordance with the terms of the agreement;

(5) Has the ability to complete the rehabilitation within a reasonable time and maintain the property in a decent, safe and sanitary condition; and

(6) Meets such other requirements as are imposed by the governing body; or

(b) Be an organization that:

(1) Is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3) or 501(c)(4);

(2) Provides affordable housing ***or attainable housing*** to natural persons who meet the criteria set forth in subparagraphs (1) and (2) of paragraph (a); and

(3) Has the financial resources to rehabilitate the abandoned residential property in accordance with the terms of the agreement.

2. Any abandoned residential property for which an application for the rehabilitation is sought must be:

(a) Entirely situated within the boundaries of the city or within an unincorporated area of the county, as the case may be;

(b) Capable of rehabilitation within reasonable limits; and

(c) Subject to not more than two encumbrances.

Sec. 44. NRS 375.010 is hereby amended to read as follows:

375.010 1. The following terms, wherever used or referred to in this chapter, have the following meaning unless a different meaning clearly appears in the context:

(a) ***"Affordable housing" has the meaning ascribed to it in section 2 of this act.***

(b) "Attainable housing" has the meaning ascribed to it in section 18 of this act.

(c) "Buyer" means a person or other legal entity acquiring title to any estate or present interest in real property in this State by deed, including, without limitation, a grantee or other transferee of real property.

~~[(b)]~~ ***(d)*** "Deed" means every instrument in writing, whatever its form and by whatever name it is known in law, by which title to any estate or present interest in real property, including a water right, permit, certificate or application, is conveyed or transferred to, and vested in, another person, except that the term does not include:

(1) A lease for any term of years;

(2) An easement;

(3) A deed of trust or common-law mortgage instrument that encumbers real property;

(4) A last will and testament;

(5) A distribution of the separate property of a decedent pursuant to chapter 134 of NRS;

(6) An affidavit of a surviving tenant;

(7) A conveyance of a right-of-way; or

(8) A conveyance of an interest in gas, oil or minerals.

~~[(c)]~~ ***(e)*** "Escrow" means the delivery of a deed by the seller into the hands of a third person, including an attorney, title company, real estate broker or other person engaged in the business of administering escrows for compensation, to be held by the third person until the happening of a contingency or performance of a condition, and then to be delivered by the third person to the buyer.

~~[(d)]~~ ***(f)*** "Seller" means a person or other legal entity transferring title to any estate or present interest in real property in this State by deed, including, without limitation, a grantor or other transferor of real property.

~~[(e)]~~ ***(g)*** "Value" means:

(1) In the case of any deed which is not a gift, the amount of the full purchase price paid or to be paid for the real property.

(2) In the case of a gift, or any deed with nominal consideration or without stated consideration, the estimated fair market value of the property.

2. As used in paragraph ~~[(e)]~~ ***(g)*** of subsection 1, "estimated fair market value" means the estimated price the real property would bring on the open market in a sale between a willing buyer and a willing seller. Such price may be derived from the assessor's taxable value or the prior purchase price, if the prior purchase was within the 5 years immediately preceding the date of valuation, whichever is higher.

Sec. 45. NRS 375.070 is hereby amended to read as follows:

375.070 1. The county recorder shall transmit the proceeds of the tax imposed by NRS 375.020 at the end of each quarter in the following manner:

(a) An amount equal to that portion of the proceeds which is equivalent to 10 cents for each $500 of value or fraction thereof must be transmitted to the State Controller who shall deposit that amount in the Account for Low-Income Housing created pursuant to NRS 319.500.

(b) In a county whose population is more than 400,000, an amount equal to that portion of the proceeds which is equivalent to 60 cents for each $500 of value or fraction thereof must be transmitted to the county treasurer for deposit in the county school district's fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund.

(c) The remaining proceeds must be transmitted to the State Controller for deposit in the Local Government Tax Distribution Account created by NRS 360.660 for credit to the respective accounts of Carson City and each county.

2. In addition to any other authorized use of the proceeds it receives pursuant to subsection 1, a county or city may use the proceeds to pay expenses related to or incurred for the development of affordable housing ~~[for families whose income does not exceed 80 percent of the median income for families residing in the same county, as that percentage is defined by the United States Department of Housing and Urban Development.]~~ ***and attainable housing.*** A county or city that uses the proceeds in that manner must give priority to the development of affordable housing ***and attainable housing*** for persons who are disabled or elderly.

3. The expenses authorized by subsection 2 include, but are not limited to:

(a) The costs to acquire land and developmental rights;

(b) Related predevelopment expenses;

(c) The costs to develop the land, including the payment of related rebates;

(d) Contributions toward down payments made for the purchase of affordable housing ~~[;]~~ ***and attainable housing;*** and

(e) The creation of related trust funds.

Sec. 46. The provisions of sections ~~[10, 11 and 12]~~ **9 to 13, inclusive,** of this act ~~[expire by limitation when chapter 233J of NRS as a whole expires by limitation. The provisions of section 13 of this act]~~ expire by limitation when NRS 233J.010 expires by limitation. The provisions of section 14 of this act expire by limitation when NRS 233J.060 expires by limitation.

Sec. 47. 1. This **section and sections 9 to 14, inclusive, of this act** ~~[becomes]~~ **become** effective **on June 30, 2007.**

2. Sections 1 to 8, inclusive, and 15 to 46, inclusive, of this act become effective on July 1, 2007.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 257.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 485.

SUMMARY—~~[Establishes a career incentive program to provide salary increases to]~~ **Requires employers of** certain emergency medical technicians, firefighters and peace officers ~~[who complete certain educational requirements.]~~ **to establish a program of educational assistance.** (BDR 23-828)

AN ACT relating to public safety; ~~[establishing a career incentive program to provide salary increases to]~~ **requiring the employers of** certain emergency medical technicians, firefighters and peace officers ~~[who complete certain educational requirements; requiring the State to pay for such salary increases; requiring the Peace Officers' Standards and Training Commission to administer the program; requiring the Commission to consult with other governmental entities;]~~ **to establish a program of educational assistance; setting forth the requirements of such a program;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill ~~[establishes a career incentive]~~ **requires certain employers to establish an educational assistance** program pursuant to which persons who: (1) are employed as full-time, salaried emergency medical technicians, firefighters or peace officers by a state or local governmental entity; (2) after

gaining such employment, **begin a course of study to** obtain an approved degree from an institution of the Nevada System of Higher Education; and (3) enter into a binding **service commitment** agreement to remain with their employer for a period of at least 3 additional years, are eligible to receive ~~[salary increases based upon the level of the degree obtained.]~~ **educational assistance in the form of reimbursement for tuition, fees, books and similar materials.** If such a person fails to fulfill his service commitment without good cause, or by causing his own termination, he is required to reimburse ~~[the State]~~ **his employer** for any ~~[increased salary]~~ **educational assistance** that he has received under the program.

~~[Under the career incentive program, an emergency medical technician, firefighter or peace officer would be eligible to receive a 6 percent increase in base salary for obtaining an associate's degree, a 12 percent increase in base salary for obtaining a bachelor's degree and an 18 percent increase in base salary for obtaining a master's degree, law degree or other doctoral degree.~~

~~The career incentive program will be administered by the Peace Officers' Standards and Training Commission in consultation with state and local governmental entities which employ emergency medical technicians, firefighters or peace officers, or any combination of such personnel. The program does]~~ **The provisions of this bill do** not apply to **: (1)** persons who obtained their degrees before becoming emergency medical technicians, firefighters or peace officers ~~[.]~~ **; or (2) programs of educational assistance, tuition reimbursement or other similar programs that were in existence before July 1, 2007.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 285 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[13,]~~ **14,** inclusive, of this act.

Sec. 2. ***As used in sections 2 to ~~[13,]~~ 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to ~~[7,]~~ 8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ~~[*"Commission" means the Peace Officers' Standards and Training Commission.*]~~ **(Deleted by amendment.)**

Sec. 4. ***"Emergency medical technician" means a person who is certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to chapter 450B of NRS.***

Sec. 5. "Employer" means the State of Nevada, an agency of this State or a political subdivision of this State which employs emergency medical technicians, firefighters or peace officers.

~~[Sec. 5.]~~ ***Sec. 6. "Firefighter" means a person who is a member of a fire prevention or suppression unit and whose principal duty is to control and extinguish fires.***

~~[Sec. 6.]~~ ***Sec. 7. "Peace officer" has the meaning ascribed to it in NRS 289.010.***

~~[Sec. 7.]~~ ***Sec. 8. "Program" means ~~[the career incentive]~~ a program of educational assistance established by an employer pursuant to section ~~[8]~~ 9 of this act.***

~~[Sec. 8.]~~ ***Sec. 9. 1. ~~[There is hereby established a career incentive]~~ Each employer shall establish a program to provide ~~[salary increases]~~ educational assistance to emergency medical technicians, firefighters and peace officers ~~[who:~~***

~~(a) Are employed]~~ :

(a) Whom the employer employs as such in a full-time salaried ~~[positions by the State of Nevada, an agency of this State or a political subdivision of this State;~~

~~(b) After]~~ position;

(b) Who, after becoming employed as such in a full-time salaried ~~[positions by the State of Nevada, an agency of this State or a political subdivision of this State,]~~ position, begin a course of study to obtain a degree:

(1) In a field or subject approved by the ~~[Commission;]~~ employer; and

(2) From a university, state college or community college within the Nevada System of Higher Education; and

(c) ~~[Enter]~~ Who enter into and comply with a service commitment agreement as described in section ~~[10]~~ 11 of this act.

2. ~~[The Commission]~~ Each employer shall administer ~~[the]~~ its own program. In administering ~~[the program, the Commission shall]~~ its program, an employer may consult with ~~[state and local governmental entities which employ:~~

~~(a) Emergency medical technicians;~~

~~(b) Firefighters;~~

~~(c) Peace officers; or~~

~~(d) Any combination of such personnel.]~~ the Nevada System of Higher Education or an institution thereof.

~~[Sec. 9.]~~ ***Sec. 10. 1. ~~[The]~~ Each program must provide for an eligible emergency medical technician, firefighter or peace officer to receive reimbursement for the following ~~[increases in base salary:~~***

~~(a) For obtaining an associate's degree, 6 percent.~~

~~(b) For obtaining a bachelor's degree, 12 percent.~~

~~(c) For obtaining a master's degree, juris doctorate or other doctoral degree, 18 percent.~~

~~2. As used in this section, "base salary" does not include any component of the salary of an emergency medical technician, firefighter or peace officer~~

~~*that is attributable to a salary increase described in subsection 1.*~~] ***educational expenses:***

(a) Tuition;

(b) Fees; and

(c) The cost of books and other materials that are directly related to the person's course of study.

2. A program need not provide reimbursement for any living expenses or other expenses that the emergency medical technician, firefighter or peace officer would incur regardless of whether he was enrolled in a course of study to obtain a degree.

~~[Sec. 10]~~ ***Sec. 11. 1. To be eligible to receive*** ~~*[a salary increase under the]*~~ ***educational assistance pursuant to a program, an emergency medical technician, firefighter or peace officer must enter into a binding service commitment agreement pursuant to which he agrees to remain in the employ of*** ~~*[the state or local governmental employer which employs him in that capacity]*~~ ***his employer for a period of at least 3 years after the date on which he*** ~~*[begins to receive the salary increase.]*~~ ***is awarded the degree for which he received reimbursement for educational expenses as described in section 10 of this act.***

2. An emergency medical technician, firefighter or peace officer who enters into a service commitment agreement and, in the absence of circumstances constituting death, disability, impossibility or an undue hardship, fails to remain in the employ of his employer for the period prescribed in the agreement, is thereby in violation of the agreement and shall reimburse ~~*[the State of Nevada]*~~ ***his employer for any amount that he received*** ~~*[as a salary increase under the program]*~~ ***in the form of educational assistance in connection with that agreement.***

3. Except as otherwise provided in subsection 4, if the employment of an emergency medical technician, firefighter or peace officer who has entered into a service commitment agreement is involuntarily terminated before he is able to fulfill the agreement, the involuntary termination does not constitute a violation of the terms of the agreement.

4. If the employment of an emergency medical technician, firefighter or peace officer who has entered into a service commitment agreement is involuntarily terminated before he is able to fulfill the agreement and ~~*[the Commission,]*~~ ***his employer, after notice and a hearing, determines that he engaged in a pattern of conduct reasonably calculated to cause his own termination, he shall be deemed to have violated the terms of the agreement.***

~~[Sec. 11.]~~ ***Sec. 12.*** ~~*[An emergency medical technician, firefighter or peace officer who wishes to participate in the program and receive a salary increase under the program shall:*~~

~~*1. Pay the cost of obtaining his degree, including, without limitation, tuition, books and fees, unless he qualifies for an educational assistance or tuition reimbursement program offered by his employer, if any;*~~

~~*2. Submit an application to the Commission on a form provided by the Commission;*~~

~~*3. Demonstrate to the satisfaction of the Commission that he fulfills the requirements set forth in subsection 1 of section 8 of this act; and*~~

~~*4. Comply with any other applicable requirements specified by the Commission.]*~~ **(Deleted by amendment.)**

~~[Sec. 12.]~~ ***Sec. 13.*** ~~*[1. The costs and expenses incurred by employers to pay salary increases under the program must be borne by the State.*~~

~~*2. If an employer is a local governmental employer, such costs and expenses must first be paid by city or county warrants. The appropriate city or county officer, as applicable, shall then present a claim to the State Board of Examiners for the amount of such costs and expenses. Upon approval of the claim by the State Board of Examiners, the State Controller shall draw his warrant for the payment thereof, and the State Treasurer shall pay the same from the Reserve for Statutory Contingency Account.]*~~ **(Deleted by amendment.)**

~~[Sec. 13.]~~ ***Sec. 14. 1.*** ~~*[The Commission shall, in consultation with state and local governmental entities which employ emergency medical technicians, firefighters or peace officers, or any combination of such personnel,]*~~ ***Each employer shall adopt such*** ~~*[regulations]*~~ ***guidelines and procedures as it determines to be necessary or advisable to carry out*** ~~*[the provisions of sections 2 to 13, inclusive, of this act.]*~~ ***its program.***

2. The ~~*[regulations]*~~ ***guidelines and procedures adopted by*** ~~*[the Commission]*~~ ***an employer pursuant to subsection 1 must include, without limitation, provisions:***

(a) Setting forth the fields or subjects in which a ~~*[qualifying]*~~ ***degree may be obtained;***

(b) Prescribing the form of ~~*[applications and]*~~ ***service commitment agreements*** ~~*[,]*~~ ***and any other relevant documents;***

(c) Specifying the conditions under which impossibility or undue hardship excuses what would otherwise constitute a violation of a service commitment agreement;

(d) Describing the specific manner in which ~~*[salary increases]*~~ ***educational assistance required to be paid under the program*** ~~*[must]*~~ ***will be disbursed;***

(e) Setting forth the manner in which ~~*[salary increases]*~~ ***educational assistance must be repaid to the*** ~~*[State]*~~ ***employer in the event that the recipient of such*** ~~*[increases]*~~ ***assistance violates his service commitment agreement;*** ~~*[and]*~~

(f) Addressing the respective obligations of the parties in the situation in which an emergency medical technician, firefighter or peace officer receives educational assistance but fails to earn a degree; and

(g) Addressing such other matters as the ~~*[Commission]*~~ ***employer deems appropriate.***

~~[Sec. 14.]~~ ***Sec. 15.*** NRS 285.010 is hereby amended to read as follows:

285.010 As used in ~~[this chapter]~~ ***NRS 285.010 to 285.070, inclusive,*** unless the context otherwise requires:

1. "Adoption" means the putting of an employee suggestion into effect.

2. "Board" means the Merit Award Board.

3. "Employee suggestion" means a proposal by a state employee which would:

(a) Reduce or eliminate state expenditures; or

(b) Improve the operation of State Government.

4. "Merit award" means an award to a state employee for an adopted suggestion in the form of either the Governor's certificate of commendation or a cash payment.

5. "State employee" means any person employed by a state agency who is not the head of the department.

~~[Sec. 15.]~~ ***Sec. 16.*** NRS 286.025 is hereby amended to read as follows:

286.025 1. Except as otherwise provided by specific statute, "compensation" is the salary paid to a member by his principal public employer.

2. The term includes:

(a) Base pay, which is the monthly rate of pay excluding all fringe benefits.

(b) Additional payment ~~[for]~~ ***:***

(1) For longevity, shift differential, hazardous duty, work performed on a holiday if it does not exceed the working hours of the normal workweek or pay period for that employee, holding oneself ready for duty while off duty and returning to duty after one's regular working hours.

(2) Received pursuant to ~~*[the career incentive program created by section 8]*~~ ***an educational assistance program established in accordance with section 9 of this act.***

(c) Payment for extra duty assignments if it is the standard practice of the public employer to include such pay in the employment contract or official job description for the calendar or academic year in which it is paid and such pay is specifically included in the member's employment contract or official job description.

(d) The aggregate compensation paid by two separate public employers if one member is employed half-time or more by one, and half-time or less by the other, if the total does not exceed full-time employment, if the duties of both positions are similar and if the employment is pursuant to a continuing relationship between the employers.

3. The term does not include any type of payment not specifically described in subsection 2.

~~[Sec. 16.]~~ ***Sec. 17.*** ~~[NRS 289.510 is hereby amended to read as follows:~~

~~289.510 1. The Commission:~~

~~(a) Shall meet at the call of the Chairman, who must be elected by a majority vote of the members of the Commission.~~

~~(b) Shall provide for and encourage the training and education of persons whose primary duty is law enforcement to ensure the safety of the residents of and visitors to this State.~~

~~(c) Shall adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. The regulations must establish:~~

~~(1) Requirements for basic training for category I, category II and category III peace officers and reserve peace officers;~~

~~(2) Standards for programs for the continuing education of peace officers, including minimum courses of study and requirements concerning attendance;~~

~~(3) Qualifications for instructors of peace officers; and~~

~~(4) Requirements for the certification of a course of training.~~

~~(d) Shall, when necessary, present courses of training and continuing education courses for category I, category II and category III peace officers and reserve peace officers.~~

~~(e) May make necessary inquiries to determine whether the agencies of this State and of the local governments are complying with standards set forth in its regulations.~~

~~(f) Shall carry out the duties required of the Commission pursuant to NRS 432B.610 and 432B.620.~~

~~(g) May perform any other acts that may be necessary and appropriate to the functions of the Commission as set forth in NRS 289.450 to 289.600, inclusive.~~

~~(h) May enter into an interlocal agreement with an Indian tribe to provide training to and certification of persons employed as police officers by that Indian tribe.~~

~~*(i) Shall administer the provisions of sections 2 to 13, inclusive, of this act.*~~

~~2. Regulations adopted by the Commission:~~

~~(a) Apply to all agencies of this State and of local governments in this State that employ persons as peace officers;~~

~~(b) Must require that all peace officers receive training in the handling of cases involving abuse or neglect of children or missing children; and~~

~~(c) May require that training be carried on at institutions which it approves in those regulations.]~~ **(Deleted by amendment.)**

Sec. 18. **The amendatory provisions of this act do not pertain to, and do not alter or otherwise affect:**

1. The terms or conditions of an educational assistance program, tuition reimbursement program or any similar program that an employer has established before July 1, 2007.

2. Any rights, remedies, obligations or procedures relating to a program described in subsection 1.

Sec. 19. **The provisions of NRS 354.599 do not apply to any additional expenses of local government that are related to the provisions of this act.**

~~[Sec. 17.]~~ ***Sec. 20.*** This act becomes effective on July 1, 2007.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 263.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 222.

AN ACT relating to children; making various changes to provisions governing the abuse and neglect of children; requiring district attorneys, under certain circumstances, to prosecute certain incidents involving a child fatality; ~~[authorizing an agency which provides child welfare services to release to certain governmental agencies certain information concerning missing children who are in protective custody or with whom the agency has had contact;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law makes certain reports and records concerning reports of child abuse or neglect confidential except in certain circumstances and authorizes the release of certain information relating to data and information concerning such reports and investigations only to specific persons. (NRS 432B.280, 432B.290) Section 3 of this bill authorizes an agency which provides child welfare services to release certain information relating to a missing child who is the subject of an investigation of alleged abuse or neglect or who is in the protective custody of an agency which provides child welfare services to certain governmental agencies that need the information to assist in locating the child and to carry out their duties in protecting children from abuse and neglect. The information that may be released includes the child's name, age, physical description and photograph. The agencies receiving this information may disclose the information to others.]~~

Existing law authorizes an agency which provides child welfare services to organize one or more multidisciplinary teams to review the death of a child. (NRS 432B.405) Section 4 of this bill authorizes the Administrator of the Division of Child and Family Services of the Department of Health and Human Services to organize a multidisciplinary team to oversee the child fatality review process for such agencies. Section 5 of this bill imposes civil penalties upon members of teams and committees involved in the child fatality review process who disclose any confidential information concerning the death of the child. Section 6 of this bill provides that ~~[certain meetings,~~

~~hearings and deliberations of~~] multidisciplinary and administrative teams [~~are not subject to the Open Meeting Law.~~] **may hold a closed meeting, or portion thereof, to consider confidential information related to a child fatality. A multidisciplinary team must prepare a written summary of any meeting or hearing and make such summary available to the public upon request.**

Section 7 of this bill requires a district attorney [~~who determines that prosecution is not appropriate for an incident that involves a child fatality~~] to notify the appropriate district court of [~~the~~] **any** incident **that involves a child fatality** and of his decision **whether or** not to prosecute. Section 7 further requires [~~, in certain circumstances,~~] that **in certain counties** a grand jury be impaneled to inquire into the incident [~~and that the~~] **if the prosecutor decides not to prosecute.** The district attorney **shall** prosecute the case if the grand jury completes its inquiry and returns an indictment. **Section 7 also requires the court to forward information received from the district attorneys to the Court Administrator. Section 20 of this bill requires the Court Administrator to compile the information and provide an annual report to the Director of the Legislative Counsel Bureau. The report also must be made available to the public.**

[~~Section 14 of this bill requires an agency which provides child welfare services to release upon request certain information relating to a case of abuse or neglect of a child which results in a fatality or near fatality.~~]

Section 8 of this bill requires the Division of Child and Family Services to evaluate child welfare services provided in this State and to take certain corrective action against an agency which provides child welfare services that fails to comply with federal or state laws relating to the provision of child welfare services. (NRS 432B.180)

Section 12 of this bill expands existing law by authorizing a designee of an agency investigating a report of abuse or neglect of a child to interview a sibling of the child concerning any possible abuse or neglect without the consent of any person responsible for the child's welfare. (NRS 432B.270)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 432.0155 is hereby amended to read as follows:

432.0155 1. The Department, through the Division, is the sole state agency for the establishment of standards for the receipt of federal money in the field of [~~juvenile~~] ***:***

(a) Juvenile development and for programs to prevent, combat and control delinquency [~~.~~] ***; and***

(b) Child welfare and child welfare services.

➥ *The Department, through the Division, shall enforce such standards.*

2. The Administrator, with the approval of the Director, may develop ***and enforce*** state plans, make reports to the Federal Government and comply with such other conditions as may be imposed by the Federal Government for

the receipt of assistance for ~~[~~those~~]~~ ***such*** programs ~~[.]~~ ***and services described in subsection 1.*** In developing and revising state plans, the Administrator shall consider, among other things, the amount of money available from the Federal Government for ~~[~~those~~]~~ ***such*** programs and ***services,*** the conditions attached to that money ~~[,]~~ and the limitations of legislative appropriations for the programs ~~[.]~~ ***and services.***

~~[~~2.~~]~~ ***3.*** The Administrator shall cause to be deposited with the State Treasurer all money allotted to this State by the Federal Government for the purposes described in this section and shall cause to be paid out of the State Treasury the money therein deposited for those purposes.

4. As used in this section, "child welfare services" has the meaning ascribed to it in NRS 432B.044.

Sec. 2. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 7, inclusive, of this act.

Sec. 3. ~~*[1. For purposes of assisting in locating a missing child who is the subject of an investigation of alleged abuse or neglect or who is in the protective custody of an agency which provides child welfare services, an agency which provides child welfare services may provide the following information to a federal, state or local governmental entity, or an agency of such an entity, that needs access to the information to carry out its legal responsibilities to protect children from abuse or neglect:*~~

~~*(a) The name of the child;*~~

~~*(b) The age of the child;*~~

~~*(c) A physical description of the child; and*~~

~~*(d) A photograph of the child.*~~

~~*2. Information provided pursuant to subsection 1 is not confidential and may be disclosed.]*~~ **(Deleted by amendment.)**

Sec. 4. ***1. The Administrator of the Division of Child and Family Services may organize a multidisciplinary team to oversee any review of the death of a child conducted by a multidisciplinary team that is organized by an agency which provides child welfare services pursuant to NRS 432B.405.***

2. A multidisciplinary team organized pursuant to subsection 1 is entitled to the same access and privileges granted to a multidisciplinary team to review the death of a child pursuant to NRS 432B.407.

Sec. 5. ***1. Each member of a multidisciplinary team organized pursuant to NRS 432B.405, a multidisciplinary team organized pursuant to section 4 of this act, an administrative team organized pursuant to NRS 432B.408 or the Executive Committee to Review the Death of Children established pursuant to NRS 432B.409 who discloses any confidential information concerning the death of a child is personally liable for a civil penalty of not more than $500.***

2. The Administrator of the Division of Child and Family Services:

(a) May bring an action to recover a civil penalty imposed pursuant to subsection 1 against a member of a multidisciplinary team organized

pursuant to section 4 of this act, an administrative team or the Executive Committee; and

(b) Shall deposit any money received from the civil penalty with the State Treasurer for credit to the State General Fund.

3. Each director or other authorized representative of the agency which provides child welfare services that organized a multidisciplinary team pursuant to NRS 432B.405:

(a) May bring an action to recover a civil penalty pursuant to subsection 1 against a member of the multidisciplinary team; and

(b) Shall deposit any money received from the civil penalty in the appropriate county treasury.

Sec. 6. ***1. [A] Except as otherwise provided in subsection 2, a meeting or hearing to carry out the purposes of this section and NRS 432B.403 to 432B.409, inclusive, and sections 4 , [and] 5 and 6 of this act that is held by a multidisciplinary team organized pursuant to NRS 432B.405 or an administrative team organized pursuant to NRS 432B.408 and any deliberations [of the team on the information or evidence received by the team are not] are subject to any provision of chapter 241 of NRS.***

2. [An] A multidisciplinary team or an administrative team [organized pursuant to NRS 432B.408] may hold a closed meeting or close a portion of a meeting to discuss or consider confidential information concerning a particular child fatality or near fatality as defined in NRS 432B.290.

3. Within a reasonable time after holding a meeting or hearing to carry out the purposes of this section and NRS 432B.403 to 432B.409, inclusive, and sections 4, 5 and 6 of this act, a multidisciplinary team shall prepare a written summary of the meeting or hearing. The summary must be made available to the public upon request.

Sec. 7. ***1. [If the district attorney determines that prosecution is not appropriate for an incident that involves a child fatality, the] A district attorney shall notify the appropriate district court of [the] any incident that involves a child fatality and of his decision whether or not to prosecute.***

2. [If] In a county whose population is 100,000 or more, when a district [judge of the appropriate district court determines that further review of the] attorney notifies a district court pursuant to subsection 1 of a decision not to prosecute in relation to an incident that involves a child fatality : [is necessary:]

(a) The district judge shall impanel a grand jury to inquire into the incident; and

(b) The district attorney shall appear before the grand jury and present evidence concerning the incident.

3. If the grand jury returns an indictment after inquiring into an incident [described in subsections 1 and 2:] that involves a child fatality:

(a) The indictment must be returned in the manner set forth in NRS 172.255; and

(b) The district attorney shall prosecute the person identified by the grand jury as having committed an offense.

4. The failure of the grand jury to return an indictment after inquiring into an incident ~~*[described in subsections 1 and 2]*~~ ***that involves a child fatality does not prevent the district attorney from prosecuting a person who was a subject of the grand jury investigation if the district attorney subsequently discovers additional evidence against the person.***

5. Each district court shall forward to the Court Administrator at such times as the Court Administrator requests:

(a) Any information received from a district attorney pursuant to this section concerning a child fatality;

(b) Information concerning whether a grand jury was impaneled; and

(c) If a grand jury was impaneled, whether the grand jury returned an indictment.

Sec. 8. NRS 432B.180 is hereby amended to read as follows:

432B.180 The Division of Child and Family Services shall:

1. Administer any money granted to the State by the Federal Government.

2. Plan, coordinate and monitor the delivery of child welfare services provided throughout the State.

3. Provide child welfare services directly or arrange for the provision of those services in a county whose population is less than 100,000.

4. Coordinate its activities with and assist the efforts of any law enforcement agency, a court of competent jurisdiction, an agency which provides child welfare services and any public or private organization which provides social services for the prevention, identification and treatment of abuse or neglect of children and for permanent placement of children.

5. Involve communities in the improvement of child welfare services.

6. Evaluate all child welfare services provided throughout the State and ~~[withhold money from any agency providing]~~ ***, if an agency which provides child welfare services is not complying with any federal or state law relating to the provision of child welfare services, regulations adopted pursuant to those laws or statewide plans or policies relating to the provision of child welfare services, recommend corrective action to the agency which provides child welfare services. If the agency which provides child welfare services fails to take corrective action within a reasonable period, the Division shall take one or more of the following actions against an agency which provides child welfare services :*** ~~*[if the Division determines that the agency which provides*~~ child welfare services~~]~~ ~~[which]~~ ~~[is not complying with]~~ ~~[the]~~ ~~*[federal or state laws relating to providing child welfare services,*~~ regulations adopted~~]~~ ~~[by the Division of Child and Family Services.~~

~~*7. Evaluate the plans submitted for approval pursuant to NRS 432B.395.]*~~ ~~*[pursuant to those laws or statewide plans or policies relating to providing child welfare services:]*~~

(a) Withhold money from the agency which provides child welfare services;

(b) Impose an administrative fine against the agency which provides child welfare services;

(c) Provide the agency which provides child welfare services with direct supervision and recover the cost and expenses incurred by the Division in providing such supervision; and

(d) Require the agency which provides child welfare services to determine whether it is necessary to impose disciplinary action that is consistent with the personnel rules of the agency which provides child welfare services against an employee who substantially contributes to the noncompliance of the agency which provides child welfare services with the federal or state laws, regulations adopted pursuant to such laws or statewide plans or policies, including, without limitation, suspension of the employee without pay, if appropriate.

~~[8.]~~ ***7.*** In consultation with each agency which provides child welfare services, request sufficient money for the provision of child welfare services throughout this State.

8. Deposit any money received from the administrative fines imposed pursuant to this section with the State Treasurer for credit to the State General Fund. The State Treasurer shall account separately for the money deposited pursuant to this subsection. The money in the account may only be used by the Division to improve the provision of child welfare services in this State.

Sec. 9. NRS 432B.190 is hereby amended to read as follows:

432B.190 The Division of Child and Family Services shall, in consultation with each agency which provides child welfare services, adopt:

1. Regulations establishing reasonable and uniform standards for:

(a) Child welfare services provided in this State;

(b) Programs for the prevention of abuse or neglect of a child and the achievement of the permanent placement of a child;

(c) The development of local councils involving public and private organizations;

(d) Reports of abuse or neglect, records of these reports and the response to these reports;

(e) Carrying out the provisions of NRS 432B.260, including, without limitation, the qualifications of persons with whom agencies which provide child welfare services enter into agreements to provide services to children and families;

(f) The management and assessment of reported cases of abuse or neglect;

(g) The protection of the legal rights of parents and children;

(h) Emergency shelter for a child;

(i) The prevention, identification and correction of abuse or neglect of a child in residential institutions;

(j) ~~[Evaluating the development and contents of a plan submitted for approval pursuant to NRS 432B.395;~~

~~(k)]~~ Developing and distributing to persons who are responsible for a child's welfare a pamphlet that is written in language which is easy to understand, is available in English and in any other language the Division determines is appropriate based on the demographic characteristics of this State and sets forth:

(1) Contact information regarding persons and governmental entities which provide assistance to persons who are responsible for the welfare of children, including, without limitation, persons and entities which provide assistance to persons who are being investigated for allegedly abusing or neglecting a child;

(2) The procedures for taking a child for placement in protective custody; and

(3) The state and federal legal rights of:

(I) A person who is responsible for a child's welfare and who is the subject of an investigation of alleged abuse or neglect of a child, including, without limitation, the legal rights of such a person at the time an agency which provides child welfare services makes initial contact with the person in the course of the investigation and at the time the agency takes the child for placement in protective custody, and the legal right of such a person to be informed of any allegation of abuse or neglect of a child which is made against the person at the initial time of contact with the person by the agency; and

(II) Persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, during all stages of the proceeding; and

~~[(l)]~~ ***(k)*** Making the necessary inquiries required pursuant to NRS 432B.397 to determine whether a child is an Indian child; and

2. Such other regulations as are necessary for the administration of NRS 432B.010 to 432B.606, inclusive.

Sec. 10. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is

receiving child care outside of his home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, clinical social worker, athletic trainer, advanced emergency medical technician or other person providing medical services licensed or certified in this State.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of suspected abuse or neglect of a child by a member of the staff of the hospital.

(c) A coroner.

(d) A clergyman, practitioner of Christian Science or religious healer, unless he has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A social worker and an administrator, teacher, librarian or counselor of a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) An attorney, unless he has acquired the knowledge of the abuse or neglect from a client who is or may be accused of the abuse or neglect.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for an approved youth shelter. As used in this paragraph, "approved youth shelter" has the meaning ascribed to it in NRS 244.422.

(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to ***an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and*** the appropriate medical examiner or coroner ~~[, who]~~ ***of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection*** shall investigate the report and submit ***his written findings*** to ~~[an]~~ ***the appropriate*** agency which provides child welfare services ~~[his written findings.]~~ ***, the appropriate district attorney and a law enforcement agency.*** The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

Sec. 11. NRS 432B.260 is hereby amended to read as follows:

432B.260 1. Upon the receipt of a report concerning the possible abuse or neglect of a child, an agency which provides child welfare services or a law enforcement agency shall promptly notify the appropriate licensing authority, if any. A law enforcement agency shall promptly notify an agency which provides child welfare services of any report it receives.

2. Upon receipt of a report concerning the possible abuse or neglect of a child, an agency which provides child welfare services or a law enforcement agency shall immediately initiate an investigation if the report indicates that:

(a) The child is 5 years of age or younger;

(b) There is a high risk of serious harm to the child; ~~[or]~~

(c) ***The child has suffered a fatality; or***

(d) The child is living in a household in which another child has died, or the child is seriously injured or has visible signs of physical abuse.

3. Except as otherwise provided in subsection 2, upon receipt of a report concerning the possible abuse or neglect of a child or notification from a law enforcement agency that the law enforcement agency has received such a report, an agency which provides child welfare services shall conduct an evaluation not later than 3 days after the report or notification was received to determine whether an investigation is warranted. For the purposes of this subsection, an investigation is not warranted if:

(a) The child is not in imminent danger of harm;

(b) The child is not vulnerable as the result of any untreated injury, illness or other physical, mental or emotional condition that threatens his immediate health or safety;

(c) The alleged abuse or neglect of the child or the alleged effect of prenatal illegal substance abuse on or the withdrawal symptoms resulting from ***any*** prenatal drug exposure of the newborn infant could be eliminated if the child and his family ~~[receive]~~ ***are referred to*** or participate in social or health services offered in the community, or both; or

(d) The agency determines that the:

(1) Alleged abuse or neglect was the result of the reasonable exercise of discipline by a parent or guardian of the child involving the use of corporal punishment, including, without limitation, spanking or paddling; and

(2) Corporal punishment so administered was not so excessive as to constitute abuse or neglect as described in NRS 432B.150.

4. If the agency determines that an investigation is warranted, the agency shall initiate the investigation not later than 3 days after the evaluation is completed.

5. If an agency which provides child welfare services investigates a report of alleged abuse or neglect of a child pursuant to NRS 432B.010 to 432B.400, inclusive, the agency shall inform the person responsible for the child's welfare who is named in the report as allegedly causing the abuse or neglect of the child of any allegation which is made against the person at the initial time of contact with the person by the agency. The agency shall not identify the person responsible for reporting the alleged abuse or neglect.

6. Except as otherwise provided in this subsection, if the agency determines that an investigation is not warranted, the agency may, as appropriate:

(a) Provide counseling, training or other services relating to child abuse and neglect to the family of the child, or refer the family to a person who has entered into an agreement with the agency to provide those services; or

(b) Conduct an assessment of the family of the child to determine what services, if any, are needed by the family and, if appropriate, provide any such services or refer the family to a person who has entered into a written agreement with the agency to make such an assessment.

➥ If an agency determines that an investigation is not warranted for the reason set forth in paragraph (d) of subsection 3, the agency shall take no

further action in regard to the matter and shall delete all references to the matter from its records.

7. If an agency which provides child welfare services enters into an agreement with a person to provide services to a child or his family pursuant to subsection 6, the agency shall require the person to notify the agency if the child or his family ~~[refuse or fail]~~ ***refuses or fails*** to participate in the services, or if the person determines that there is a serious risk to the health or safety of the child.

8. An agency which provides child welfare services that determines that an investigation is not warranted may, at any time, reverse that determination and initiate an investigation.

9. An agency which provides child welfare services and a law enforcement agency shall cooperate in the investigation, if any, of a report of abuse or neglect of a child.

Sec. 12. NRS 432B.270 is hereby amended to read as follows:

432B.270 1. A designee of an agency investigating a report of abuse or neglect of a child may, without the consent of and outside the presence of any person responsible for the child's welfare, interview a child ***and any sibling of the child*** concerning any possible abuse or neglect. The child ***and any sibling of the child*** may be interviewed at any place where ~~[he]~~ ***the child or his sibling*** is found. The designee shall, immediately after the conclusion of the interview, if reasonably possible, notify a person responsible for the child's welfare that the child ***or his sibling*** was interviewed, unless the designee determines that such notification would endanger the child ~~[.]~~ ***or his sibling.***

2. A designee of an agency investigating a report of abuse or neglect of a child may, without the consent of the person responsible for a child's welfare:

(a) Take or cause to be taken photographs of the child's body, including the areas of trauma; and

(b) If indicated after consultation with a physician, cause X rays or medical tests to be performed on a child.

3. Upon the taking of any photographs or X rays or the performance of any medical tests pursuant to subsection 2, the person responsible for the child's welfare must be notified immediately, if reasonably possible, unless the designee determines that the notification would endanger the child. The reasonable cost of these photographs, X rays or medical tests must be paid by the agency which provides child welfare services if money is not otherwise available.

4. Any photographs or X rays taken or records of any medical tests performed pursuant to subsection 2, or any medical records relating to the examination or treatment of a child pursuant to this section, or copies thereof, must be sent to the agency which provides child welfare services, the law enforcement agency participating in the investigation of the report and the

prosecuting attorney's office. Each photograph, X ray, result of a medical test or other medical record:

(a) Must be accompanied by a statement or certificate signed by the custodian of medical records of the health care facility where the photograph or X ray was taken or the treatment, examination or medical test was performed, indicating:

(1) The name of the child;

(2) The name and address of the person who took the photograph or X ray, performed the medical test, or examined or treated the child; and

(3) The date on which the photograph or X ray was taken or the treatment, examination or medical test was performed;

(b) Is admissible in any proceeding relating to the abuse or neglect of the child; and

(c) May be given to the child's parent or guardian if he pays the cost of duplicating them.

5. As used in this section, "medical test" means any test performed by or caused to be performed by a provider of health care, including, without limitation, a computerized axial tomography scan and magnetic resonance imaging.

Sec. 13. NRS 432B.280 is hereby amended to read as follows:

432B.280 1. ~~[~~Reports~~]~~ ***~~[section 3 of this act and]~~ Except as otherwise provided in subsection 2 of NRS 432B.290, reports*** made pursuant to this chapter, as well as all records concerning these reports and investigations thereof, are confidential.

2. Any person, law enforcement agency or public agency, institution or facility who willfully releases data or information concerning such reports and investigations, except:

(a) Pursuant to a criminal prosecution relating to the abuse or neglect of a child;

(b) ~~*[As otherwise authorized pursuant to section 3 of this act;*~~

~~*(c)]*~~ As otherwise authorized or required pursuant to NRS 432B.290; or

(c) ~~*[(d)]*~~ As otherwise required pursuant to NRS 432B.513,

➥ is guilty of a misdemeanor.

Sec. 14. ~~[NRS 432B.290 is hereby amended to read as follows:~~

~~432B.290 1. Except as otherwise provided in subsections 2, 5 and 6 and NRS 432B.513, data or information concerning reports and investigations thereof made pursuant to this chapter may be made available only to:~~

~~(a) A physician, if the physician has before him a child who he has reasonable cause to believe has been abused or neglected;~~

~~(b) A person authorized to place a child in protective custody, if the person has before him a child who he has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;~~

~~(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:~~

~~(1) The child; or~~

~~(2) The person responsible for the welfare of the child;~~

~~(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;~~

~~(e) A court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;~~

~~(f) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to him;~~

~~(g) The attorney and the guardian ad litem of the child;~~

~~(h) A grand jury upon its determination that access to these records is necessary in the conduct of its official business;~~

~~(i) A federal, state or local governmental entity, or an agency of such an entity, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;~~

~~(j) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;~~

~~(k) A team organized pursuant to NRS 432B.350 for the protection of a child;~~

~~(l) A team organized pursuant to NRS 432B.405 to review the death of a child;~~

~~(m) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, if the identity of the person responsible for reporting the alleged abuse or neglect of the child to a public agency is kept confidential;~~

~~(n) The persons who are the subject of a report;~~

~~(o) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;~~

~~(p) Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized, by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:~~

~~(1) The identity of the person making the report is kept confidential; and~~

~~(2) The officer, Legislator or a member of his family is not the person alleged to have committed the abuse or neglect;~~

~~(q) The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;~~

~~(r) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;~~

~~(s) The Rural Advisory Board to Expedite Proceedings for the Placement of Children created pursuant to NRS 432B.602 or a local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604;~~

~~(t) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services; or~~

~~(u) An employer in accordance with subsection 3 of NRS 432.100.~~

~~2. Except as otherwise provided in subsection 3, data or information concerning reports and investigations thereof made pursuant to this chapter [may] *must, upon request,* be made available to any member of the general public if the child who is the subject of a report [dies or is critically injured as a result] of alleged abuse or neglect [, except that the] *suffers a fatality or near fatality. The* data or information which [may] *must* be disclosed [is limited to:~~

~~(a) The fact that a] *includes, without limitation:*~~

~~*(a) A summary of the* report of abuse or neglect [has been made and, if appropriate,] *and* a factual description of the contents of the report [;] , *including, without limitation:*~~

~~*(1) The date of notification of the child fatality or near fatality to the agency which provides child welfare services;*~~

~~*(2) The age of the child;*~~

~~*(3) The location, including, without limitation, the city and county, of the child at the time of the child fatality or near fatality; and*~~

~~*(4) The cause of the child fatality or near fatality if that information has been determined;*~~

~~(b) Whether an investigation has been initiated pursuant to NRS 432B.260, and *a summary of* the [result of a] *results of any such* completed investigation [; and] , *including, without limitation:*~~

~~*(1) A description of any credible evidence which supports the findings of the report concerning the child fatality or near fatality; and*~~

~~*(2) Whether the agency which provides child welfare services had any contact with the child or a member of the child's family before the child fatality or near fatality;*~~

~~*(c) A summary of any child welfare services provided, within the 5 years immediately preceding the child fatality or near fatality, by an agency which provides child welfare services to the child or a member of the child's family;*~~

(d) Whether the child's case was closed by the agency which provides child welfare services before the child fatality or near fatality and, if so, the reasons that the case was closed; and

(e) Such other information as is authorized for disclosure by a court pursuant to subsection 4.

3. An agency which provides child welfare services shall not disclose *the following* data or information pursuant to subsection 2 [if the agency determines that the disclosure is not in the best interests of the child or if disclosure of the information would adversely affect any pending investigation concerning a report.]*:*

(a) The name of the child;

(b) The name of a sibling of the child or other identifying information concerning the sibling of the child;

(c) The name of a person who made a report to an agency which provides child welfare services or to a law enforcement agency pursuant to NRS 432B.220;

(d) Any information that tends to undermine or adversely affect an ongoing or future criminal investigation;

(e) Any medical, mental health or psychological information that is otherwise confidential;

(f) Any communication protected by the attorney-client privilege;

(g) Any information that may cause mental or physical harm to a sibling of the child or to another child who resides in the same household as the child who is the subject of a report;

(h) Any information that may undermine the prosecution of or the right to a fair trial of an alleged perpetrator of abuse or neglect of a child; and

(i) Any information the release of which is prohibited by federal or state law.

4. Upon petition, a court of competent jurisdiction may authorize the disclosure of additional information to the public pursuant to subsection 2 if good cause is shown by the petitioner for the disclosure of the additional information.

5. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child.

~~The summary must not identify the person responsible for reporting the alleged abuse or neglect.~~

~~6. An agency which provides child welfare services shall disclose the identity of a person who makes a report or otherwise initiates an investigation pursuant to this chapter if a court, after reviewing the record in camera and determining that there is reason to believe that the person knowingly made a false report, orders the disclosure.~~

~~7. Any person, except for:~~

~~(a) The subject of a report;~~

~~(b) A district attorney or other law enforcement officer initiating legal proceedings; or~~

~~(c) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151,~~

~~→ who is given access, pursuant to subsection 1 or 2, to information identifying the subjects of a report and who makes this information public is guilty of a misdemeanor.~~

~~8. The Division of Child and Family Services shall adopt regulations to carry out the provisions of this section.~~

~~*9. As used in this section, "near fatality" means an act that, as verified or certified by a physician, registered nurse or other person licensed in this State to provide medical services, places a child in serious or critical condition. The verification or certification may be obtained in person, by telephone, in writing, by electronic mail or by facsimile.]*~~ **(Deleted by amendment.)**

Sec. 15. NRS 432B.300 is hereby amended to read as follows:

432B.300 Except as otherwise provided in NRS 432B.260, an agency which provides child welfare services shall investigate each report of abuse or neglect received or referred to it to determine:

1. The composition of the family, household or facility, including the name, address, age, sex and race of each child named in the report, any siblings or other children in the same place or under the care of the same person, the persons responsible for the children's welfare and any other adult living or working in the same household or facility;

2. Whether there is reasonable cause to believe any child is abused or neglected or threatened with abuse or neglect, the nature and extent of existing or previous injuries, abuse or neglect and any evidence thereof, and the person apparently responsible;

3. ***Whether there is reasonable cause to believe that a child has suffered a fatality as a result of abuse or neglect regardless of whether or not there are any siblings of the child or other children who are residing in the same household as the child who is believed to have suffered a fatality as a result of abuse or neglect;***

4. If there is reasonable cause to believe that a child is abused or neglected, the immediate and long-term risk to the child if he remains in the same environment; and

~~[4.]~~ ***5.*** The treatment and services which appear necessary to help prevent further abuse or neglect and to improve his environment and the ability of the person responsible for the child's welfare to care adequately for him.

Sec. 16. NRS 432B.310 is hereby amended to read as follows:

432B.310 1. Except as otherwise provided in subsection 6 of NRS 432B.260, the agency investigating a report of abuse or neglect of a child shall, upon completing the investigation, report to the Central Registry:

(a) Identifying and demographic information on the child alleged to be abused or neglected, his parents, any other person responsible for his welfare and the person allegedly responsible for the abuse or neglect;

(b) The facts of the alleged abuse or neglect, including the date and type of alleged abuse or neglect, the manner in which the abuse was inflicted ***,*** ~~[and]~~ the severity of the injuries ~~[,]~~ ***and, if applicable, any information concerning the death of the child;*** and

(c) The disposition of the case.

2. An agency which provides child welfare services shall not report to the Central Registry any information concerning a child identified as being affected by prenatal illegal substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure unless the agency determines that a person has abused or neglected the child.

3. As used in this section, "Central Registry" has the meaning ascribed to it in NRS 432.0999.

Sec. 17. NRS 432B.403 is hereby amended to read as follows:

432B.403 The purpose of organizing multidisciplinary teams to review the deaths of children pursuant to NRS 432B.403 to 432B.409, inclusive, ***and sections 4, 5 and 6 of this act*** is to:

1. Review the records of selected cases of deaths of children under 18 years of age in this State;

2. Review the records of selected cases of deaths of children under 18 years of age who are residents of Nevada and who die in another state;

3. Assess and analyze such cases;

4. Make recommendations for improvements to laws, policies and practice;

5. Support the safety of children; and

6. Prevent future deaths of children.

Sec. 18. NRS 432B.405 is hereby amended to read as follows:

432B.405 1. ~~[An]~~ ***The director or other authorized representative of an*** agency which provides child welfare services:

(a) May ***provisionally appoint and*** organize one or more multidisciplinary teams to review the death of a child; ~~[and]~~

(b) ***Shall submit names to the Executive Committee to Review the Death of Children established pursuant to NRS 432B.409 for review and approval***

of persons whom the director or other authorized representative recommends for appointment to a multidisciplinary team to review the death of a child; and

(c) Shall organize one or more multidisciplinary teams to review the death of a child under any of the following circumstances:

(1) Upon receiving a written request from an adult related to the child within the third degree of consanguinity, if the request is received by the agency within 1 year after the date of death of the child;

(2) If the child dies while in the custody of or involved with an agency which provides child welfare services, or if the child's family previously received services from such an agency;

(3) If the death is alleged to be from abuse or neglect of the child;

(4) If a sibling, household member or daycare provider has been the subject of a child abuse and neglect investigation within the previous 12 months, including ***, without limitation,*** cases in which the report was unsubstantiated or the investigation is currently pending;

(5) If the child was adopted through an agency which provides child welfare services; or

(6) If the child died of Sudden Infant Death Syndrome.

2. A review conducted pursuant to subparagraph (2) of paragraph ~~[(b)]~~ ***(c)*** of subsection 1 must occur within 3 months after the issuance of a certificate of death.

Sec. 19. NRS 432B.409 is hereby amended to read as follows:

432B.409 1. The Administrator of the Division of Child and Family Services shall establish an Executive Committee to Review the Death of Children, consisting of representatives from multidisciplinary teams formed pursuant to ***paragraph (a) of subsection 1 of*** NRS 432B.405 and ***NRS*** 432B.406, vital statistics, law enforcement, public health and the Office of the Attorney General.

2. The Executive Committee shall:

(a) Adopt statewide protocols for the review of the death of a child;

(b) ~~[Designate the members of an administrative team for the purposes of NRS 432B.408;]~~ ***Adopt regulations to carry out the provisions of NRS 432B.403 to 432B.409, inclusive, and sections 4, 5 and 6 of this act;***

(c) Adopt bylaws to govern the management and operation of the Executive Committee;

(d) Appoint one or more multidisciplinary teams to review the death of a child from the names submitted to the Executive Committee pursuant to paragraph (b) of subsection 1 of NRS 432B.405;

~~[(c)]~~ ***(e)*** Oversee training and development of multidisciplinary teams to review the death of children; and

~~[(d)]~~ ***(f)*** Compile and distribute a statewide annual report, including statistics and recommendations for regulatory and policy changes.

3. The Review of Death of Children Account is hereby created in the State General Fund. The Executive Committee may use money in the

Account to carry out the provisions of NRS 432B.403 to 432B.409, inclusive ~~[.]~~ ***, and sections 4, 5 and 6 of this act.***

Sec. 20. **Chapter 2 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. On or before February 1 of each year, the Court Administrator shall submit a report to the Director of the Legislative Counsel Bureau compiling the information received pursuant to section 7 of this act. The report must include, without limitation:

(a) The name of each child who suffered a child fatality in this State during the previous calendar year;

(b) Whether the district attorney prosecuted the case;

(c) Whether the district court impaneled a grand jury to inquire into the incident; and

(d) If a grand jury was impaneled, whether the grand jury returned an indictment in the case.

2. The report prepared pursuant to this section must be made available to the public.

~~[Sec. 20.]~~ ***Sec. 21.*** NRS 432B.395 is hereby repealed.

TEXT OF REPEALED SECTION

432B.395 Plan of efforts to prevent or eliminate need for removal of child from home and to make safe return to home possible. An agency which provides child welfare services shall submit annually to the Division of Child and Family Services for its approval a plan to ensure that the reasonable efforts required by subsection 1 of NRS 432B.393 are made by that agency.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 278.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 590.

SUMMARY—Requires the ~~[Department of Motor Vehicles to issue certain special license plates available for use on motorcycles.]~~ **Commission on Special License plates to study the feasibility of the design, preparation and issuance of special license plates for use on motorcycles.** (BDR ~~[43]~~ **S**-1191)

AN ACT relating to license plates; requiring the ~~[Department of Motor Vehicles to issue special license plates authorized for use by veterans to be available for use on motorcycles;]~~ **Commission on Special License Plates to study the feasibility of the design, preparation and issuance of certain**

special license plates for use on motorcycles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law does not authorize special license plates to be made for use on motorcycles. (NRS 482.272) ~~[Five special license plates are authorized to be issued to specific categories of veterans of the United States Armed Forces for use on passenger cars and light commercial vehicles. (NRS 482.3763, 482.3765, 482.377, 482.3775, 482.378) This bill requires the Department of Motor Vehicles to issue these five special license plates to veterans for use on motorcycles.]~~ **This bill requires the Commission on Special License Plates to study the feasibility of the design, preparation and issuance of certain special license plates for use on motorcycles.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 6 of this bill and replace with the following new section 1:

Section 1. **1. The Commission on Special License Plates shall study the feasibility of the design, preparation and issuance of special license plates for use on motorcycles. The study must include, without limitation:**

(a) A determination of the feasibility of designing and preparing special license plates for use on motorcycles;

(b) A plan for the issuance of special license plates for use on motorcycles, including special license plates issued pursuant to NRS 482.3672 to 482.37945, inclusive; and

(c) The costs of implementing the plan described in paragraph (b).

2. On or before January 1, 2009, the Commission on Special License Plates shall submit a report of the results of the feasibility study conducted pursuant to subsection 1, including, without limitation, any recommendations for legislation, to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 283.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 506.

AN ACT relating to care facilities; requiring child care facilities and facilities for the care of adults during the day to maintain and provide certain information to the parents, guardians or legal representatives of persons cared

for in those facilities; requiring licensing authorities to provide summaries **and reports** to the facilities of certain complaints against the facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the licensing of child care facilities (chapter 432A of NRS) and facilities for the care of adults during the day (chapter 449 of NRS). Section 1 of this bill requires child care facilities to maintain records of licensure ~~[, inspections]~~ and disciplinary action, and to make that information available to the public and the parents or guardians of children cared for in the facility. Section 2 of this bill makes failure to comply with this requirement a ground for revocation of the facility's license. Sections 3 and 4 of this bill impose similar requirements with respect to facilities for the care of adults during the day. Sections 2 and 4 also require that summaries **and reports** of complaints against the facilities be provided to the facilities under certain circumstances and made available to the public.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 432A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A child care facility shall maintain a copy of:

(a) The license issued to the facility by the Bureau or an agency for the licensing of child care facilities established by a county or incorporated city;

(b) ~~*[The report of any investigation or inspection of the facility conducted by the Bureau, the State Fire Marshal, the State Health Officer or their designees;*~~

~~*(c)]*~~ ***Any summaries of complaints provided to the facility pursuant to subsection 3 of NRS 432A.190;*** ~~*[and]*~~

(c) The report of any investigation conducted with respect to the complaints; and

(d) The report of any disciplinary action taken against the facility pursuant to NRS 432A.190.

~~*[→ Copies of the information maintained pursuant to this subsection must be retained by the child care facility for at least 12 months after receipt.]*~~

2. The information maintained pursuant to subsection 1 must be provided ~~*[.]*~~ ***in the form prescribed pursuant to subsection 3:***

(a) To the parent or guardian of a child who enrolls the child in the facility, at or before the time of enrollment.

(b) To the parent or guardian of a child, upon request, who is considering enrolling the child in the facility.

(c) In the case of disciplinary action taken pursuant to NRS 432A.190, to the parents or guardians of all children admitted to the facility. Notice of disciplinary action must be provided to the parents or guardians of the

children admitted to the facility within 3 working days after receipt by the licensed child care facility.

3. The Bureau shall develop a standard form for reporting the information required to be provided pursuant to subsection 2. The information reported on the form must include all required information for the 12-month period ending on the last day of the month immediately preceding the month in which the information is provided.

4. The Bureau and every agency for the licensing of child care facilities established by a county or incorporated city shall inform persons seeking information concerning child care facilities of their right to information pursuant to this section.

Sec. 2. NRS 432A.190 is hereby amended to read as follows:

432A.190 1. The Bureau may deny an application for a license or may suspend or revoke any license issued under the provisions of this chapter upon any of the following grounds:

(a) Violation by the applicant or licensee or an employee of the applicant or licensee of any of the provisions of this chapter or of any other law of this State or of the standards and other regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the child care facility for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the child care facility, or the clients of the outdoor youth program.

(e) Conviction of any crime listed in subsection 2 of NRS 432A.170 committed by the applicant or licensee or an employee of the applicant or licensee, or by a resident of the child care facility or participant in the outdoor youth program who is 18 years of age or older.

(f) Failure to comply with the provisions of section 1 of this act.

2. In addition to the provisions of subsection 1, the Bureau may revoke a license to operate a child care facility if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Bureau shall maintain a log of any complaints that it receives relating to activities for which the Bureau may revoke the license to operate a child care facility pursuant to subsection 2. ***The Bureau shall provide to a child care facility*** ~~*[a]*~~ ***:***

(a) A summary of a complaint against the facility if the investigation of the complaint by the Bureau either substantiates the complaint or is inconclusive ~~*[.]*~~ ***;***

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the ~~*[summary accessible]*~~ ***information available to the public pursuant to section 1 of this act.***

4. On or before February 1 of each odd-numbered year, the Bureau shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Bureau pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Bureau pursuant to subsection 2.

Sec. 3. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A facility for the care of adults during the day shall maintain a copy of:

(a) The license issued to the facility pursuant to NRS 449.001 to 449.240, inclusive;

(b) ~~*[The report of any investigation or inspection of the facility conducted by the Health Division, the State Fire Marshal, the Aging Services Division of the Department of Health and Human Services or their designees;*~~

~~*(c)]*~~ ***Any summaries of complaints provided to the facility pursuant to subsection 3 of NRS 449.160;*** ~~*[and]*~~

(c) The report of any investigation conducted with respect to the complaints; and

(d) The report of any disciplinary action taken against the facility pursuant to NRS 449.160 or 449.163.

~~*[➥ Copies of the information maintained pursuant to this subsection must be retained by the facility for the care of adults during the day for at least 12 months after receipt.]*~~

2. The information maintained pursuant to subsection 1 must be provided ~~*[:]*~~ ***in the form prescribed pursuant to subsection 3:***

(a) To each patient or his legal representative, at or before the time of admission.

(b) To a prospective patient or his legal representative, upon request, who is considering admission of the patient to the facility.

(c) In the case of disciplinary action taken pursuant to NRS 449.160 or 449.163, to all patients admitted to the facility and their legal representatives. Notice of disciplinary action must be provided to the legal representatives of all patients admitted to the facility within 3 working days after receipt by the facility.

3. The Health Division shall develop a standard form for reporting the information required to be provided pursuant to subsection 2. The

information reported on the form must include all required information for the 12-month period ending on the last day of the month immediately preceding the month in which the information is provided.

4. The Health Division shall inform persons seeking information concerning facilities for the care of adults during the day of their right to information pursuant to this section.

Sec. 4. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Health Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.001 to 449.240, inclusive, upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.001 to 449.245, inclusive, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to this chapter, if such approval is required.

(f) Failure to comply with the provisions of section 3 of this act.

2. In addition to the provisions of subsection 1, the Health Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Health Division shall maintain a log of any complaints that it receives relating to activities for which the Health Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. ***The Health Division shall provide to a facility for the care of adults during the day*** ~~*[(a)]*~~ ***:***

(a) A summary of a complaint against the facility if the investigation of the complaint by the Health Division either substantiates the complaint or is inconclusive ~~*[.]*~~ ***;***

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the ~~[summary accessible]~~ information available to the public pursuant to section 3 of this act.

4. On or before February 1 of each odd-numbered year, the Health Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Health Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Health Division pursuant to subsection 2.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 285.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 286.

SUMMARY—Revises provisions governing ~~[the adjudication of water rights.]~~ **certain transfers of groundwater.** (BDR 48-913)

AN ACT relating to water; ~~[requiring the State Engineer to repeat the notice]~~ **revising provisions relating to the protest** of **certain** applications ~~[for permits to appropriate water under certain circumstances;]~~ **involving interbasin transfers of groundwater;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth requirements for the State Engineer to provide certain notice of an application for a permit to appropriate water. These requirements include publishing the notice in a newspaper and if the application is for a well, mailing a copy of the notice to owners of real property containing a domestic well that is within 2,500 feet of the proposed well. (NRS 533.360) Existing law also allows an interested person to file with the State Engineer a written protest to the application. (NRS 533.365)

This bill requires that if the State Engineer fails to ~~[approve or]~~ **grant,** deny **or hear** an application for a permit to appropriate **, change the point of diversion of, change the manner of use of, or change the place of use of more than 250 acre-feet of** water **per annum** within ~~[5]~~ **7** years after the date on which the application was submitted, the State Engineer must ~~[repeat the notice that is required by NRS 533.360. This bill also provides another opportunity for an interested person to file a written protest with the State Engineer after the notice of application is repeated.]~~ **, if the application involves an interbasin transfer of groundwater, notice a new period of protest of 45 days. This bill also provides that certain successors in interest of persons who had already filed a written protest against the granting of such an application must be allowed to continue pursuing the**

protest as though they were the person who had filed the original protest.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 533.365 is hereby amended to read as follows:**

533.365 1. Any person interested may, within 30 days from the date of last publication of the notice of application, file with the State Engineer a written protest against the granting of the application, setting forth with reasonable certainty the grounds of such protest, which shall be verified by the affidavit of the protestant, his agent or attorney.

2. On receipt of a protest, the State Engineer shall advise the applicant whose application has been protested of the fact that the protest has been filed with him, which advice shall be sent by certified mail.

3. The State Engineer shall consider the protest, and may, in his discretion, hold hearings and require the filing of such evidence as he may deem necessary to a full understanding of the rights involved. The State Engineer shall give notice of the hearing by certified mail to both the applicant and the protestant. The notice must state the time and place at which the hearing is to be held and must be mailed at least 15 days before the date set for the hearing.

4. The State Engineer shall adopt rules of practice regarding the conduct of such hearings. The rules of practice must be adopted in accordance with the provisions of NRS 233B.040 to 233B.120, inclusive, and codified in the Nevada Administrative Code. The technical rules of evidence do not apply at such a hearing.

5. The provisions of this section do not prohibit the noticing of a new period of 45 days in which a person may file with the State Engineer a written protest against the granting of the application, if such notification is required to be given pursuant to subsection 8 of NRS 533.370.

~~[Section 1.]~~ ***Sec. 2.*** NRS 533.370 is hereby amended to read as follows:

533.370 1. Except as otherwise provided in this section and NRS 533.345, 533.371, 533.372 and 533.503, the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

(a) The application is accompanied by the prescribed fees;

(b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and

(c) The applicant provides proof satisfactory to the State Engineer of:

(1) His intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and

(2) His financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.

2. Except as otherwise provided in this subsection and subsections 3 and ~~[8,]~~ ***11,*** the State Engineer shall approve or reject each application within 1 year after the final date for filing a protest. The State Engineer may:

(a) Postpone action upon written authorization to do so by the applicant or, if an application is protested, by the protestant and the applicant.

(b) Postpone action if the purpose for which the application was made is municipal use.

(c) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368 or where court actions are pending, withhold action until it is determined there is unappropriated water or the court action becomes final.

3. Except as otherwise provided in subsection ~~[8,]~~ ***11,*** the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may:

(a) Postpone action upon written authorization to do so by the applicant or, if the application is protested, by the protestant and the applicant.

(b) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368 or where court actions are pending, withhold action until it is determined there is unappropriated water or the court action becomes final.

4. If the State Engineer does not act upon an application within 1 year after the final date for filing a protest, the application remains active until acted upon by the State Engineer.

5. Except as otherwise provided in subsection ~~[8,]~~ ***11,*** where there is no unappropriated water in the proposed source of supply, or where its proposed use or change conflicts with existing rights or with protectible interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the requested permit. If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.

6. In determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:

(a) Whether the applicant has justified the need to import the water from another basin;

(b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;

(c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;

(d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and

(e) Any other factor the State Engineer determines to be relevant.

7. If a hearing is held regarding an application, the decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection ~~[9,]~~ ~~*[10,]*~~ ***12,*** if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected, the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force.

8. ***If:***

(a) The State Engineer receives an application to appropriate any of the public waters, or to change the point of diversion, manner of use or place of use of water already appropriated;

(b) The application involves an amount of water exceeding 250 acre-feet per annum;

(c) The application involves an interbasin transfer of groundwater; and

(d) Within 7 years after the date of last publication of the notice of application, the State Engineer has not granted the application, denied the application, held an administrative hearing on the application or issued a permit in response to the application,

➥ the State Engineer shall notice a new period of 45 days in which a person may file with the State Engineer a written protest against the granting of the application. Such notification must be entered on the Internet website of the State Engineer and must, concurrently with that notification, be mailed to the board of county commissioners of the county of origin.

9. Except as otherwise provided in subsection 10, a person who wishes to protest an application in accordance with a new period of protest noticed pursuant to subsection 8 shall, within 45 days after the date on which the notification was entered and mailed, file with the State Engineer a written

protest that complies with the provisions of this chapter and with the regulations adopted by the State Engineer, including, without limitation, any regulations prescribing the use of particular forms or requiring the payment of certain fees.

10. If a person is the successor in interest of an owner of a water right, an owner of real property containing a domestic well or an owner of an interest in a domestic well, and if that previous owner had already filed a written protest against the granting of an application to allow an interbasin transfer of groundwater, the successor in interest must be allowed to pursue that protest in the same manner as though he were the previous owner to whose interest he succeeded. If such a successor in interest wishes to protest an application in accordance with a new period of protest noticed pursuant to subsection 8, the successor need not file with the State Engineer a new written protest but must, within 45 days after the date on which the notification was entered and mailed, inform the Office of the State Engineer that he wishes to continue pursuing the protest.

11. The provisions of subsections 1 to 6, inclusive, do not apply to an application for an environmental permit.

~~[9. If the State Engineer does not approve or reject an application within 5 years after the date on which the application is submitted, before the State Engineer may approve or deny such application, he shall again comply with the notice requirements set forth in NRS 533.360. Any person interested may, within 30 days after the date of last publication of such notice, file with the State Engineer a written protest pursuant to NRS 533.365.~~

~~*10.]*~~ ***12.*** The provisions of subsection 7 do not authorize the recipient of an approved application to use any state land administered by the Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.

~~[10.]~~ ~~*[11.]*~~ ***13.*** As used in this section ~~[, "interbasin]~~ ***:***

(a) "County of origin" means the county from which groundwater is transferred or proposed to be transferred.

(b) "Domestic well" has the meaning ascribed to it in NRS 534.350.

(c) "Interbasin transfer of groundwater" means a transfer of groundwater for which the proposed point of diversion is in a different basin than the proposed place of beneficial use.

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective on July 1, 2007.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 311.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 453.

AN ACT relating to motor vehicles; prohibiting certain fees from being charged for the storage of a motor vehicle in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a tow car operator from charging an owner of a motor vehicle any administrative or processing fee for the period ending 14 days after the date on which the motor vehicle was placed in storage. (NRS 706.4479) This bill expands existing law and provides that an operator shall not impose any ~~[administrative or processing]~~ fees ~~[or charge]~~ for the storage of ~~[any vehicle that was towed at the request of someone other than the owner, for any period in excess of 21 days after the date the motor vehicle was placed in storage,]~~ **a vehicle for a period longer than 21 days after placing the motor vehicle in storage if the vehicle was towed at the request of a law enforcement officer following an accident involving the vehicle or for a period longer than 15 days after placing any other motor vehicle in storage,** unless the operator ~~[notifies]~~ **makes a reasonable attempt to ascertain the identity of** the owner of the vehicle **and provide notification** by certified mail that the vehicle has been towed and stored.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 706.4479 is hereby amended to read as follows:

706.4479 1. If a motor vehicle is towed at the request of someone other than the owner, or authorized agent of the owner, of the motor vehicle, the operator shall, in addition to the requirements set forth in the provisions of chapter 108 of NRS:

(a) Notify the registered and legal owner of the motor vehicle by certified mail not later than 21 days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer following an accident involving the motor vehicle or not later than 15 days after placing any other vehicle in storage:

(1) Of the location where the motor vehicle is being stored;

(2) Whether the storage is inside a locked building, in a secured, fenced area or in an unsecured, open area;

(3) Of the charge for ***towing and*** storage; and

(4) Of the date and time the vehicle was placed in storage.

(b) If the identity of the registered and legal ~~[owners]~~ ***owner*** is not ***known or*** readily available, ~~[request the]~~ ***make every reasonable attempt and use all resources reasonably necessary, as evidenced by written documentation, to obtain the identity of the owner and any other*** necessary information from the ~~[Department]~~ ~~[.]~~ ***agency charged with the registration of the motor vehicle in this State or any other state within*** ~~*[15]*~~ **:**

(1) Twenty-one days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer following an accident involving the motor vehicle; or

(2) Fifteen days after placing ~~[the]~~ any other motor vehicle in storage.

➥ The operator shall attempt to notify the owner of the vehicle ***by certified mail*** as soon as possible, but in no case later than ~~[:~~

~~(1) Twenty-one days after identification of the owner is obtained if the motor vehicle that is placed in storage was towed at the request of a law enforcement officer following an accident involving the motor vehicle; or~~

~~(2) Fifteen]~~ ***15*** days after identification of the owner is obtained for any ~~[other]~~ motor vehicle.

~~[(c) Use all resources reasonably necessary to ascertain the name of the owner of a vehicle]~~ ~~[and is responsible for making]~~ ~~*[, make* an independent inquiry *if necessary* and *provide* correct notification]~~ ~~[of]~~ ~~*[to* the owner.]~~

2. ~~[If a motor vehicle that is placed in storage was towed at the request of a law enforcement officer following an accident involving the motor vehicle, the operator shall not impose any administrative or processing fee or charge with respect to the vehicle for the period ending 14 days after the date on which the motor vehicle was placed in storage.]~~ ***If an operator includes in his tariff a fee to be charged to the registered and legal owner of a vehicle for the towing and storage of the vehicle, the fee may not be charged:***

(a) For more than 21 days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer following an accident involving the motor vehicle; or

(b) For more than 15 days after placing any other vehicle in storage,

➥ unless the operator complies with the requirements set forth in subsection 1.

~~*[3. If a motor vehicle that is placed in storage was towed at the request of someone other than the owner, or authorized agent of the owner, of the motor vehicle, the operator shall not impose any administrative or processing fee or charge with respect to the vehicle, including, without limitation, a fee for storage of the vehicle, for any period in excess of 21 days after the date on which the motor vehicle was placed in storage, unless the operator notifies the owner of the motor vehicle by certified mail that the vehicle has been towed and stored.]*~~

Sec. 2. This act becomes effective on January 1, 2008.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 360.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 505.

AN ACT relating to public health; requiring the Health Division of the Department of Health and Human Services to establish the State Program for Vascular Health; requiring the Administrator of the Division to appoint a Coordinator for Vascular Health; creating the Advisory Committee for Vascular Health; ~~[requiring the Advisory Committee to adopt a State Plan for the Recommended Prevention and Treatment of Stroke;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 11 of this bill requires the Health Division of the Department of Health and Human Services to establish the State Program for Vascular Health. Sections 12 and 13 of this bill provide for the appointment of a Coordinator for Vascular Health and prescribe the duties of the Coordinator. Sections 14 and 15 of this bill create the Advisory Committee for Vascular Health and prescribe the duties of the Committee. ~~[Section 16 of this bill requires the Advisory Committee to adopt a State Plan for the Recommended Treatment and Prevention of Stroke.]~~ Sections 18 and 19 of this bill set forth the powers and duties of the Health Division related to the State Program for Vascular Health . ~~[and the State Plan for the Recommended Prevention and Treatment of Stroke.~~

~~Existing law requires the licensure of hospitals and other medical facilities before the hospital or facility may operate in this State. (NRS 449.030) Certain licensed facilities are required to amend their licenses to operate before the facilities may offer certain additional services. (NRS 449.087) Section 20 of this bill requires a licensed facility to amend its license before offering services as a center for the treatment of stroke.]~~ **Section 18 requires the Health Division to conduct public education campaigns and to submit an annual report to the Governor and the Legislative Counsel Bureau summarizing information about the Coordinator, the Committee, the public education campaigns, activities undertaken for the Program and recommendation. Section 19 authorizes the Health Division to enter into contracts and to apply for and accept gifts, grants, donations and bequests.**

~~[WHEREAS, Cardiovascular disease is the number one killer of men and women in this country and stroke is the third leading cause of death in this country; and~~

~~WHEREAS, Stroke is the leading cause of serious, long-term disability and can result in both physical and emotional devastation, leaving many victims struggling with the activities of daily living; and~~

~~WHEREAS, Heart attacks and strokes are life and death emergencies in which every second counts because today victims of heart attacks and strokes can benefit from medical treatments that are effective if administered in a timely manner after the heart attack or the first onset of symptoms of a stroke; and~~

~~WHEREAS, Advances in the prevention and treatment of stroke, heart disease and other vascular disease have improved the quality of life for millions of American men and women; and~~

~~WHEREAS, The Institute of Medicine of the National Academies has concluded that the fragmentation of the delivery of health care services for victims of stroke frequently results in suboptimal treatment, concerns for the safety of the victims and the inefficient use of health care resources; and~~

~~WHEREAS, The Institute of Medicine has recommended the establishment of a coordinated system of care that integrates services for the prevention and treatment of stroke; and~~

~~WHEREAS, The main purpose of such a coordinated system includes the establishment and recognition of stroke centers, emergency medical services, protocols and field triage, proper transfer of victims of stroke between health facilities and the statewide collection of data relating to stroke; and~~

~~WHEREAS, The establishment of a State Program for Vascular Health is necessary to:~~

~~1. Increase public knowledge and awareness of the prevention and treatment of stroke and heart attack and the recognition of the onset of symptoms to ensure effective medical treatment in a timely manner; and~~

~~2. Develop a coordinated system to effectuate true change in the way victims of stroke and heart attack are treated statewide and to ensure that those victims have access to the most advanced treatment; and~~

~~WHEREAS, The members of the 74th Session of the Legislature hereby recognize the importance of vascular health and the establishment of a State Program for Vascular Health, now therefore,~~]

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 19, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 19, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 10, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Committee" means the Advisory Committee for Vascular Health created by section 14 of this act.***

Sec. 4. ***"Coordinator" means the Coordinator for Vascular Health appointed pursuant to section 12 of this act.***

Sec. 5. ***"Hospital" has the meaning ascribed to it in NRS 449.012.***

Sec. 6. ~~[*"Plan" means the State Plan for the Recommended Prevention and Treatment of Stroke adopted pursuant to section 16 of this act.*]~~ **(Deleted by amendment.)**

Sec. 7. ***"Primary prevention" means the treatment of risk factors for stroke, heart disease and other vascular disease in the general population before the onset of any symptoms.***

Sec. 8. ***"Program" means the State Program for Vascular Health established pursuant to section 11 of this act.***

Sec. 9. ***"Provider of health care" has the meaning ascribed to it in NRS 629.031.***

Sec. 10. ***"Secondary prevention" means the treatment of patients who have developed symptoms of stroke, heart disease or other vascular disease that is designed to prevent the onset of additional symptoms and attacks of the condition.***

Sec. 11. ***The Health Division shall establish the State Program for Vascular Health to increase public knowledge and raise public awareness relating to vascular health, including, without limitation, the prevention and treatment of stroke, heart disease and other vascular disease. The Program must not limit or otherwise address options concerning the transfer of a patient.***

Sec. 12. ~~*[1.]*~~ ***The Administrator shall appoint a Coordinator for Vascular Health. The Coordinator must have*** ~~*[at least the following education and experience:*~~

~~*(a) A bachelor's degree in public health policy or a related field; and*~~

~~*(b) At least 5 years of work experience in the area of public health policy or a related field.*~~

~~*➡ If the qualifications of the applicants are equal, preference must be given to a person with a master's degree or graduate degree in medicine, public health policy or a related field, or a person with more than 5 years of work experience in public health policy or a related field.*~~

~~*2. The Coordinator is in the unclassified service of the State and serves at the pleasure of the Administrator.]*~~ ***appropriate education and experience in public health or a related field.***

Sec. 13. ~~*[1.]*~~ ***The Coordinator shall:***

~~*[(a)]*~~ ***1. Facilitate discussion and collaboration concerning the proper care of victims of stroke, heart disease and other vascular disease among:***

~~*[(1)]*~~ ***(a) Providers of health care who provide services to victims of stroke, heart disease and other vascular disease;***

~~*[(2)]*~~ ***(b) Physicians who provide emergency medical services;***

~~*[(3)]*~~ ***(c) County and local agencies that provide emergency medical services;***

~~*[(4)]*~~ ***(d) Hospitals;***

~~*[(5)]*~~ ***(e) The Board of Medical Examiners and other boards responsible for issuing a license to a provider of health care;***

~~*[(6)]*~~ ***(f) Providers of health insurance; and***

~~*[(7)]*~~ ***(g) Any other person deemed appropriate by the Coordinator who provides services to victims of stroke, heart disease and other vascular disease.***

~~*[(b)]*~~ ***2. Establish a comprehensive plan for the prevention of stroke, heart disease and other vascular disease with an emphasis on developing a policy for primary prevention and secondary prevention to eliminate the***

disparities in vascular health among populations that are disproportionately affected by stroke, heart disease and other vascular disease.

~~[(c)]~~ 3. Identify appropriate methods by which to promote vascular health among populations that are disproportionately affected by stroke, heart disease and other vascular disease.

~~[(d)]~~ 4. Assist the Health Division with public education campaigns pursuant to section 18 of this act.

~~[~~ ~~(e) Support changes, as the Coordinator determines appropriate, to the system of health care in this State to ensure proper quality of care for victims of stroke, heart disease and other vascular disease and the implementation of measures for the prevention of stroke, heart disease and other vascular disease.~~

~~(f) Implement, monitor and evaluate strategies and programs for the prevention of stroke, heart disease and other vascular disease provided at medical facilities, in the community, at schools and through employers in this State.~~

~~(g) Offer training and technical assistance to providers of health care and public health professionals, including, without limitation, training to recognize a person who has a disproportionate risk of stroke and training for the prevention of stroke, heart disease and other vascular disease.~~

~~(h) Establish a mechanism for evaluating whether a medical facility, including, without limitation, a facility that offers rehabilitative services to victims of stroke, provides proper care to victims of stroke.~~

~~(i) Monitor the quality of strategies for the prevention of stroke, heart disease and other vascular disease throughout this State.~~

~~(j)~~ 5. Assist providers of health care, hospitals and other facilities and organizations in procuring grants of money to improve vascular health.

~~[(k) Assist the Health Division in developing and maintaining a database of information relating to victims of stroke pursuant to section 18 of this act.~~

~~(l)~~ 6. Facilitate, monitor and evaluate strategies and programs for the prevention of stroke, heart disease and other vascular disease.

7. Perform such other duties relating to vascular health as may be required by the Administrator.

~~[~~ ~~2. As used in this section, "medical facility" has the meaning ascribed to it in NRS 449.0151.]~~

Sec. 14. ***1. The Advisory Committee for Vascular Health is hereby created.***

2. The Committee consists of ~~[13]~~ 14 members. The ~~[Administrator and the Coordinator serve]~~ State Health Officer serves as an ex officio voting ~~[members]~~ member of the Committee.

3. The Administrator shall appoint to the Committee:

(a) ~~[Two neurologists who are]~~ A neurologist who is licensed to practice in this State and who ~~[are]~~ is experienced in treating victims of stroke, ~~[one~~

~~of whom must be a resident of northern Nevada and one of whom must be a resident of southern Nevada;~~

~~(b) Two physicians who are~~ ***or a physician who is*** *licensed to practice in this State and who ~~[work]~~* ***works*** *in an emergency room ~~[, one of whom must be a resident of northern Nevada and one of whom must be a resident of southern Nevada;]~~* ***;***

(b) A provider of emergency medical services;

(c) A representative of the Health Division whose primary responsibilities relate to the licensure and certification of persons who provide emergency medical services;

(d) A representative of a health district created pursuant to NRS 439.362 whose primary responsibilities relate to the licensure and certification of persons who provide emergency medical services;

(e) *~~[A representative]~~* ***Two representatives of the American Heart Association or its successor, one of whom is a representative*** *from a local chapter or the state chapter of the American Stroke Association or its successor ~~[, a division of the American Heart Association or its successor;]~~* ***;***

(f) A representative of *~~[an organization committed to the prevention of chronic diseases;]~~* ***a school of public health of the Nevada System of Higher Education;***

(g) A representative from rural Nevada;

(h) A representative of hospitals in this State;

(i) A representative of administrators, individual health insurers, group health insurers, nonprofit hospitals, medical and dental service corporations, health maintenance organizations, collectively bargained plans, self-funded plans or other entities that pay claims under a contract for health insurance;

(j) One person selected from the list of nominees provided by the Governor pursuant to subsection 4;

~~[(h)]~~ (k) One person selected from the list of nominees provided by the Majority Leader of the Senate pursuant to subsection 4; and

~~[(i)]~~ (l) One person selected from the list of nominees provided by the Speaker of the Assembly pursuant to subsection 4.

4. On or before May 1 of each odd-numbered year, the Governor, the Majority Leader of the Senate and the Speaker of the Assembly shall each submit to the Administrator a list of nominees containing the name of:

(a) One representative of a population disproportionately affected by heart disease or stroke;

(b) One registered nurse who is licensed to practice professional nursing in this State; and

(c) One person who is a *~~[victim]~~* ***survivor*** *of stroke.*

➥ From among the nominees submitted, the Administrator shall appoint to the Committee one person from each of the three categories listed in this subsection.

5. The Committee shall elect a Chairman and a Vice Chairman from among its members. After the initial election, each of those officers holds office for a term of 2 years beginning on July 1 of each odd-numbered year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the Committee shall elect a replacement for the remainder of the unexpired term.

6. After the initial terms, each member of the Committee serves a term of 2 years beginning on July 1 . [of each odd-numbered year.] A member may be reappointed for additional terms of 2 years.

7. A vacancy on the Committee must be filled for the remainder of the unexpired term in the same manner as the original appointment.

8. The members of the Committee serve without compensation. If sufficient money is available, each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while attending meetings of the Committee or otherwise engaged in the business of the Committee.

9. The Health Division shall provide administrative support to the Committee.

Sec. 15. ***The Committee shall:***

1. Adopt rules for its own governance.

2. Meet at least once each calendar quarter and at other times upon the call of the Chairman.

3. Advise and make recommendations to the Coordinator and the Health Division in carrying out the Program.

4. On or before May 1 of each year, submit a written report to the Health Division summarizing the activities of the Committee and [the effectiveness of the Plan.] any recommendations it has made.

5. In carrying out its duties, solicit suggestions and information from:

(a) Providers of emergency medical services;

(b) Associations of medical professionals;

(c) Hospitals;

(d) The Health Division; [and]

(e) The Board of Medical Examiners and other boards responsible for issuing a license to a provider of health care [.] ; and

(f) Other persons with interests relating to vascular health as deemed necessary by the Committee.

Sec. 16. *[1. The Committee shall adopt the State Plan for the Recommended Prevention and Treatment of Stroke. The Plan must include, without limitation, recommendations for:*

(a) Training for practitioners licensed in this State in rapid assessment, triage and management of victims of acute stroke.

(b) Protocols for the transport of victims of acute stroke to an appropriate hospital by an emergency medical responder.

~~*(c) Standards for quality assurance for hospitals and other facilities that provide services to victims of stroke and methods to monitor compliance with the standards.*~~

~~*(d) The procedure by which a hospital or other facility may amend its license to operate as a center for the treatment of victims of stroke pursuant to NRS 449.087.*~~

~~*(e) Standards for quality assurance for a hospital or other facility that operates as a center for the treatment of victims of stroke pursuant to NRS 449.087, including, without limitation, applicable guidelines of the American Stroke Association or its successor.*~~

~~*(f) Guidelines for a hospital or other facility to follow when preparing a plan of care for a victim of stroke.*~~

~~*(g) The information relating to victims of stroke for inclusion in the database established and maintained by the Health Division pursuant to section 18 of this act.*~~

~~*(h) Reporting requirements for all hospitals and facilities that provide services to victims of stroke.*~~

~~*(i) Guidelines for the establishment of a telemedicine network pursuant to section 18 of this act.*~~

~~*(j) Procedures to assist a center for the treatment of victims of stroke in procuring grants of money to implement the standards for quality assurance recommended pursuant to paragraph (c).*~~

~~*(k) Methods for reducing health care costs associated with stroke, heart disease and other vascular disease.*~~

~~*2. The standards for quality assurance recommended pursuant to paragraph (c) of subsection 1 must include, without limitation, a declaration that:*~~

~~*(a) All victims of stroke should receive rapid triage and an assessment by a competent provider of health care to increase the likelihood of a favorable poststroke outcome;*~~

~~*(b) Candidacy for reperfusion therapy should be established in a timely manner for all victims of acute ischemic stroke;*~~

~~*(c) All victims of stroke deserve access to appropriate rehabilitation services;*~~

~~*(d) Each person with a disproportionate risk for stroke should be properly evaluated to develop an appropriate plan for the prevention of stroke; and*~~

~~*(e) All victims of stroke deserve access to secondary prevention that has proven effective.*~~

~~*3. The Committee shall review the Plan annually and make revisions as it deems necessary.]*~~ **(Deleted by amendment.)**

Sec. 17. ~~*[The State Board of Health shall review all recommendations contained in the Plan periodically and adopt regulations if deemed necessary by the Board to carry out a part or parts of the Plan within the jurisdiction of the Board.]*~~ **(Deleted by amendment.)**

Sec. 18. ***The Health Division shall:***

1. ~~[Review all recommendations contained in the Plan periodically and make recommendations to the State Board of Health for the adoption of regulations to carry out a part or parts of the Plan within the jurisdiction of the Board.~~

~~2. Establish and maintain a database of information relating to victims of stroke in this State. The Health Division shall consider the recommendations contained in the Plan when determining the information for inclusion in the database.~~

~~3.]~~ Conduct public education campaigns to increase public awareness about the signs and symptoms of stroke, heart disease and other vascular disease and the need to call emergency medical services at the onset of symptoms. The campaigns must include, without limitation, providing educational materials and information concerning vascular health in written form, public service announcements and the development and maintenance of a website.

~~[4. Establish a system to provide, via telemedicine and other electronic means, triage, assessment and treatment to victims of stroke in rural areas of this State. The Health Division shall consider the guidelines contained in the Plan in establishing the system.~~

~~5. Provide assistance to facilities licensed to operate as a center for the treatment of victims of stroke pursuant to NRS 449.087 in obtaining grants, gifts and donations.~~

~~6.]~~ 2. On or before July 1 of each year, prepare and submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature which summarizes:

(a) The activities of the Coordinator and the Committee;

(b) The effectiveness of the public education campaigns conducted pursuant to this section;

(c) The activities undertaken to carry out the Program; and

(d) ~~[The effectiveness of the Plan; and~~

~~(e)]~~ Any recommendations of the Health Division, the Coordinator or the Committee concerning the prevention and treatment of stroke, heart disease and other vascular disease in this State.

Sec. 19. ***1. The Health Division may:***

(a) Enter into contracts for any service necessary to carry out the provisions of sections 2 to 19, inclusive, of this act; and

(b) Apply for and accept gifts, grants, donations and bequests from any source to carry out the provisions of sections 2 to 19, inclusive, of this act.

2. Any money collected pursuant to subsection 1 and any money appropriated to carry out the provisions of sections 2 to 19, inclusive, of this act:

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund; and

(b) Except as otherwise provided by the terms of a specific gift, grant, donation or bequest, must only be expended to carry out the provisions of sections 2 to 19, inclusive, of this act.

3. The Administrator shall administer the account. Any interest or income earned on the money in the account must be credited to the account.

4. Any claims against the account must be paid as other claims against the State are paid.

Sec. 20. ~~[NRS 449.087 is hereby amended to read as follows:~~

~~449.087 1. A licensee must obtain the approval of the Health Division to amend his license to operate a facility before the addition of any of the following services:~~

~~(a) The intensive care of newborn babies.~~

~~(b) The treatment of burns.~~

~~(c) The transplant of organs.~~

~~(d) The performance of open heart surgery.~~

~~(e) A center for the treatment of trauma.~~

~~*(f) A center for the treatment of victims of stroke.*~~

~~2. The Health Division shall approve an application to amend a license to allow a facility to provide any of the services described in subsection 1 if the applicant satisfies the requirements contained in NRS 449.080. The Health Division may revoke its approval if the licensee fails to maintain substantial compliance with standards approved by the Board for the provision of such services, or with any conditions included in the written approval of the Director issued pursuant to the provisions of NRS 439A.100.~~

~~3. The Board shall consider standards adopted by appropriate national organizations as a guide for adopting standards for the approval of the provision of services pursuant to this section.~~

~~*4. In addition to subsection 3, the Board shall consider the recommendations of the Advisory Committee for Vascular Health created by section 14 of this act relating to the standards for a center for the treatment of victims of stroke.]*~~ **(Deleted by amendment.)**

Sec. 21. 1. On or before ~~[September 1, 2007,]~~ **March 1, 2008,** the Administrator of the Health Division of the Department of Health and Human Services shall appoint the following members to the Advisory Committee for Vascular Health created by section 14 of this act:

(a) One member each pursuant to paragraphs (a), ~~[(b),]~~ (c), (f) **,** ~~[and (h)]~~ **(g), (j), (k) and (l)** of subsection 3 of section 14 of this act to an initial term commencing on ~~[September 1, 2007,]~~ **March 1, 2008,** and expiring on June 30, ~~[2008.]~~ **2009.**

(b) One member each pursuant to paragraphs ~~[(a),]~~ (b), (d), ~~[(e), (g) and (i)]~~ **(h) and (i)** of subsection 3 of section 14 of this act **and two members pursuant to paragraph (e) of subsection 3 of section 14 of this act** to an initial term commencing on ~~[September 1, 2007,]~~ **March 1, 2008,** and expiring on June 30, ~~[2009.~~

~~2. The Advisory Committee for Vascular Health created by section 14 of this act shall adopt the State Plan for the Recommended Prevention and Treatment of Stroke pursuant to section 16 of this act on or before March 1, 2008.]~~ **2010.**

2. On or before February 1, 2008, the Governor, the Majority Leader of the Senate and the Speaker of the Assembly shall submit lists of nominees for appointment to the Advisory Committee for Vascular Health to the Administrator of the Health Division pursuant to subsection 4 of section 14 of this act.

Sec. 22. This act becomes effective on July 1, 2007.

Assemblywoman Gerhardt moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 365.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 528.

AN ACT relating to real estate; authorizing the Real Estate Division of the Department of Business and Industry to create and maintain ~~[a secure website]~~ **secure websites** on the Internet for the renewal of licenses, permits, certificates and registrations issued by the Division; authorizing the Division to charge an additional fee for each such renewal under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the expiration and renewal of licenses issued by the Real Estate Division of the Department of Business and Industry. ~~[(NRS 645.780)]~~ **Chapters 116A and 119A of NRS, NRS 119.165, 119B.200, 645.780, 645C.390, 645D.230)** This bill authorizes the Division to create and maintain ~~[a]~~ secure Internet ~~[website]~~ **websites** for the renewal of licenses, permits, certificates and registrations issued by the Division. This bill also authorizes the Division to charge, in addition to any other fee, a fee for each renewal made through the use of such a website, not to exceed the cost to the Division for providing that service.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 645.780 is hereby amended to read as follows:

645.780 1. Each license issued under the provisions of this chapter expires at midnight on the last day of the last month of the applicable license period for the license.

2. The initial license period for an original license as a real estate broker, broker-salesman or salesman is a period of 12 consecutive months beginning on the first day of the first calendar month after the original license is issued

by the Division. Thereafter, each subsequent license period is a period of 24 consecutive months beginning on the first day of the first calendar month after a renewal of the license is issued by the Division for the subsequent license period.

3. For all other licenses, the license period is a period of 24 consecutive months beginning on the first day of the first calendar month after the license or any renewal of the license is issued by the Division, unless a specific statute:

(a) Provides for a different license period; or

(b) Expressly authorizes a different license period to be provided for by regulation.

4. The Division may:

(a) Create and maintain a secure website on the Internet through which each license, permit, certificate or registration issued pursuant to the provisions of this chapter may be renewed; and

(b) For each license, permit, certificate or registration renewed through the use of a website created and maintained pursuant to paragraph (a), charge a fee in addition to any other fee provided for pursuant to this chapter which must not exceed the actual cost to the Division for providing that service.

Sec. 2. **NRS 645C.390 is hereby amended to read as follows:**

645C.390 1. The Division shall issue a certificate, license or registration card to each eligible person in the form and size prescribed by the Commission. A certificate, license or registration card must:

(a) Show the name and address of the appraiser or intern and the location of each place where he transacts business as an appraiser or intern;

(b) Have imprinted thereon the seal of the Commission; and

(c) Contain any additional matter prescribed by the Commission.

2. A certificate, license or registration card is valid for 2 years after the first day of the first calendar month immediately following the date it is issued.

3. If an appraiser fails to apply for the renewal of his certificate or license and pay the fee for renewal before the certificate or license expires, and then applies for renewal:

(a) No later than 1 year after the date of expiration, he must pay a fee equal to 150 percent of the amount otherwise required for renewal.

(b) Later than 1 year after the date of expiration, he must apply in the same manner as for an original certificate or license.

4. The Division may:

(a) Create and maintain a secure website on the Internet through which each certificate, license or registration card issued pursuant to the provisions of this chapter may be renewed; and

(b) For each certificate, license or registration card renewed through the use of a website created and maintained pursuant to paragraph (a), charge a fee in addition to any other fee provided for pursuant to this chapter

which must not exceed the actual cost to the Division for providing that service.

Sec. 3. **NRS 645D.230 is hereby amended to read as follows:**

645D.230 1. The Division shall issue a certificate to each eligible person in the form and size prescribed by the Division. A certificate must:

(a) Indicate the name and address of the inspector and the location of each place where he transacts business as an inspector; and

(b) Contain any additional matter prescribed by the Division.

2. A certificate is valid for 2 years after the first day of the first calendar month immediately following the date it is issued.

3. If an inspector fails to apply for the renewal of his certificate and pay the fee for renewal before the certificate expires, and applies for renewal:

(a) Not later than 1 year after the date of expiration, he must pay a fee equal to 150 percent of the amount otherwise required for renewal.

(b) Later than 1 year after the date of expiration, he must apply in the same manner as for an original certificate.

4. The Division may:

(a) Create and maintain a secure website on the Internet through which each certificate issued pursuant to the provisions of this chapter may be renewed; and

(b) For each certificate renewed through the use of a website created and maintained pursuant to paragraph (a), charge a fee in addition to any other fee provided for pursuant to this chapter which must not exceed the actual cost to the Division for providing that service.

Sec. 4. **Chapter 116A of NRS is hereby amended by adding thereto a new section to read as follows:**

The Division may:

1. Create and maintain a secure website on the Internet through which each certificate or permit issued pursuant to the provisions of this chapter may be renewed; and

2. For each certificate or permit renewed through the use of a website created and maintained pursuant to subsection 1, charge a fee in addition to any other fee provided for pursuant to this chapter which must not exceed the actual cost to the Division for providing that service.

Sec. 5. **Chapter 119 of NRS is hereby amended by adding thereto a new section to read as follows:**

The Division may:

1. Create and maintain a secure website on the Internet through which each registered representative's license issued pursuant to the provisions of this chapter may be renewed; and

2. For each registered representative's license renewed through the use of a website created and maintained pursuant to subsection 1, charge a fee in addition to any other fee provided for pursuant to this chapter which must not exceed the actual cost to the Division for providing that service.

Sec. 6. **NRS 119.165 is hereby amended to read as follows:**

119.165 1. A developer's permit must be renewed annually by the developer by filing an application with and paying the fee for renewal to the Administrator. The application must be filed and the fee paid not later than 30 days before the date on which the permit expires. The application must include any change that has occurred in the information previously provided to the Administrator or in a property report provided to a prospective purchaser pursuant to the provisions of NRS 119.182.

2. The renewal is effective on the 30th day after the filing of the application unless the Administrator:

(a) Denies the renewal pursuant to NRS 119.325 or for any other reason; or

(b) Approves the renewal on an earlier date.

3. The Division may:

(a) Create and maintain a secure website on the Internet through which each developer's permit issued pursuant to the provisions of this chapter may be renewed; and

(b) For each developer's permit renewed through the use of a website created and maintained pursuant to paragraph (a), charge a fee in addition to any other fee provided for pursuant to this chapter which must not exceed the actual cost to the Division for providing that service.

Sec. 7. **Chapter 119A of NRS is hereby amended by adding thereto a new section to read as follows:**

The Division may:

1. Create and maintain a secure website on the Internet through which each license, permit or registration issued pursuant to the provisions of this chapter may be renewed; and

2. For each license, permit or registration renewed through the use of a website created and maintained pursuant to subsection 1, charge a fee in addition to any other fee provided for pursuant to this chapter which must not exceed the actual cost to the Division for providing that service.

Sec. 8. **NRS 119B.200 is hereby amended to read as follows:**

119B.200 1. A permit must be renewed annually by the developer by filing the application with and paying the fee for renewal to the Administrator. The application must be filed and the fee paid not later than the 30th day before the date of expiration and must include any change that has occurred in the information previously provided to the Administrator or in a statement of disclosure provided to a prospective member pursuant to the provisions of NRS 119B.270.

2. The renewal is effective on the 30th day after the filing of the application unless the Administrator:

(a) Denies the renewal; or

(b) Sooner approves the renewal.

3. The Division may:

(a) Create and maintain a secure website on the Internet through which each permit issued pursuant to the provisions of this chapter may be renewed; and

(b) For each permit renewed through the use of a website created and maintained pursuant to paragraph (a), charge a fee in addition to any other fee provided for pursuant to this chapter which must not exceed the actual cost to the Division for providing that service.

~~[Sec. 2.]~~ ***Sec. 9.*** This act becomes effective on July 1, 2007.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 367.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 504.

SUMMARY—Requires employment of **an administrator to provide services to** outreach coordinators ~~[to]~~ **who** provide ~~[education and]~~ information relating to resources available for adults with disabilities. (BDR 38-847)

AN ACT relating to persons with disabilities; requiring the Director of ~~[the Department of Health and Human Services]~~ **a certain family resource center** to employ **an administrator to provide certain services** to two outreach coordinators ~~[to]~~ **who** provide ~~[education and]~~ information relating to the availability of services, programs, financial assistance and other resources for adults with disabilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the Director of the ~~[Department of Health and Human Services]~~ **Ron Wood Family Resource Center** to employ **an administrator to provide education, information and oversight to** a Northern Nevada Outreach Coordinator and a Southern Nevada Outreach Coordinator. ~~[to]~~ **The Outreach Coordinators** provide ~~[education and]~~ information relating to services, programs, financial assistance and other resources that are available to adults with disabilities and their families from the Department ~~[,]~~ **of Health and Human Services,** the Federal Government, local governments and private organizations. **This bill requires the Outreach Coordinators to be graduate students at the University of Nevada, Reno, and the University of Nevada, Las Vegas, who are engaged in a practicum or internship that is a requirement for their degrees.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing section 1 of this bill and replace with the following new sections 1 and 2:

Section 1. **Chapter 430A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Director of the Ron Wood Family Resource Center shall employ a part-time administrator, not more than 30 hours per week, to provide education, information and oversight to a Northern Nevada Outreach Coordinator and a Southern Nevada Outreach Coordinator.

2. Each Outreach Coordinator shall, under the auspices of the Ron Wood Family Resource Center, provide information relating to the services, programs, financial assistance and other resources that are available to adults with disabilities and their families. The resources for which education and information must be provided include, without limitation, the resources available from the Department of Health and Human Services, the Federal Government, local governments and private organizations.

3. An Outreach Coordinator must be:

(a) A graduate student in a field of study approved by the Director of the Ron Wood Family Resource Center; and

(b) Engaged in a practicum or internship in fulfillment of a requirement for his graduate degree.

➥ The Northern Nevada Outreach Coordinator must be enrolled at the University of Nevada, Reno, and the Southern Nevada Outreach Coordinator must be enrolled at the University of Nevada, Las Vegas.

Sec. 2. **This act becomes effective on July 1, 2007.**

Assemblywoman Gerhardt moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 375.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 283.

AN ACT relating to loans; requiring the Commissioner **of Mortgage Lending** to adopt certain regulations concerning investors and limitations on loans to directors, officers and employees; prohibiting a mortgage broker from assigning all or part of his interest in a loan that is secured by a lien on real property under certain circumstances; requiring a mortgage banker to ensure that each loan secured by a lien on real property ~~[is serviced by certain third parties and includes a minimum fee for servicing;]~~ **includes a reasonable fee for servicing the loan and that the fee is deposited in a trust account;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law regulates the activities of various mortgage lenders, including the activities of mortgage brokers and mortgage bankers. (Chapters 645B and 645E of NRS) Existing law further provides that, subject to administrative supervision by the Director of the Department of Business and Industry, the Commissioner of Mortgage Lending is required to administer the provisions of law governing the licensing and regulation of mortgage brokers and mortgage bankers. (NRS 645B.060, 645E.300, 645F.250)

Sections ~~[1 and 7]~~ **2 and 9** of this bill **: (1)** require a mortgage broker and a mortgage banker, respectively, to ensure that each loan secured by a lien on real property for which the mortgage broker or mortgage banker engages in activity as a mortgage broker or mortgage banker ~~[is serviced by a third party who is not affiliated with the mortgage broker or mortgage banker and that the loan includes a certain minimum]~~ **includes a reasonable** fee ~~[.]~~ **for servicing the loan; and (2) require the establishment and maintenance of a trust account for the deposit of the fee for servicing a loan.** Section ~~[2]~~ **3** of this bill prohibits ~~[the Commissioner from issuing, renewing or reinstating a license as]~~ a mortgage broker ~~[if the mortgage broker]~~ **who** is **licensed or** exempt from licensing as a broker-dealer, sales representative, investment advisor or representative of an investment advisor under the laws of this State ~~[.]~~ **from commingling money received from mortgage transactions with money received from securities transactions.**

Existing law defines an "investor" for purposes of chapter 645B of NRS to mean a person who wishes to acquire or who acquires ownership of or a beneficial interest in a loan that is secured by a lien on real property. (NRS 645B.0121) Section ~~[3]~~ **5** of this bill requires the Commissioner to establish, by regulation, the financial conditions for an investor to acquire that ownership or beneficial interest in the loan.

Existing law authorizes the Commissioner of Financial Institutions to establish limitations on loans made by a bank to its directors, officers or employees. (NRS 662.145) Sections ~~[3 and 8]~~ **5 and 11** of this bill require the Commissioner of Mortgage Lending to establish similar limitations on loans made by mortgage brokers and mortgage bankers to directors, officers or employees of the mortgage broker or mortgage banker.

Existing law prohibits a mortgage broker from assigning his interest in a loan that is secured by a lien on real property unless the mortgage broker obtains title insurance for the property and records the assignment in the county recorder's office of the county in which the property is located. (NRS 645B.310) Section ~~[4]~~ **6** of this bill requires the mortgage broker also to obtain the approval of each investor in the loan if, at the time of the assignment, the debtor on the loan is in default on his loan payments.

~~[Section 9 of this bill provides for the temporary validity of a license as a mortgage broker if the license would otherwise be rendered invalid by the amendatory provisions of section 2 of this bill.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 645B of NRS is hereby amended by adding thereto ~~[a new section to read as follows:~~

~~*A mortgage broker shall ensure that each loan secured by a lien on real property for which he engages in activity as a mortgage broker:*~~

~~*1. Is serviced by a third party who is not affiliated with the mortgage broker; and*~~

~~*2. Includes a fee for servicing the loan in an amount that is not less than 0.25 percent of the total amount of principal of the loan.]~~ **the provisions set forth as sections 2 and 3 of this act.**

Sec. 2. 1. A mortgage broker shall ensure that:

(a) Each loan secured by a lien on real property for which he engages in activity as a mortgage broker includes a fee for servicing the loan which must be specified in the loan. The fee must be in an amount reasonably necessary to pay the cost of servicing the loan.

(b) All money paid to the mortgage broker and his mortgage agents for servicing such a loan must be deposited in an insured depository financial institution and kept separate, distinct and apart from money belonging to the mortgage broker. Such money, when deposited, is to be deposited under an appropriate name indicating that the accounts are not the money of the mortgage broker.

2. A mortgage broker has a fiduciary duty to each debtor with respect to the money in a trust account maintained pursuant to subsection 1.

3. A mortgage broker shall, upon reasonable notice, account to any debtor whose real property secures a loan arranged by the mortgage broker for any money which that person has paid to the mortgage broker for the cost of servicing a loan.

4. A mortgage broker shall submit to the Commissioner each calendar quarter a financial statement concerning the trust accounts established and maintained pursuant to subsection 1.

5. A mortgage broker shall annually review a trust account and, within 30 days after the completion of the annual review, notify the debtor:

(a) Of the amount by which the contributions exceed the amount reasonably necessary to pay the annual cost of servicing the loan; and

(b) That the debtor may specify the disposition of the excess money within 20 days after receipt of the notice. If the debtor fails to specify such a disposition within that time, the mortgage broker shall maintain the excess money in the trust account.

Sec. 3. 1. A mortgage broker who is a broker-dealer or a sales representative licensed pursuant to NRS 90.310 or who is exempt from licensure pursuant to NRS 90.320:

(a) Shall not commingle money received for mortgage transactions and money received for securities transactions; and

(b) Shall ensure that all money received for mortgage transactions is accounted for separately from all money received for securities transactions.

2. A mortgage broker who is an investment advisor or a representative of an investment advisor licensed pursuant to NRS 90.330 or exempt from licensure pursuant to NRS 90.340:

(a) Shall not commingle money received for mortgage transactions and money received for securities transactions; and

(b) Shall ensure that all money received for mortgage transactions is accounted for separately from all money received for securities transactions.

~~[Sec. 2.]~~ ***Sec. 4.*** ~~[NRS 645B.050 is hereby amended to read as follows:~~

~~645B.050 1. A license as a mortgage broker issued pursuant to this chapter expires each year on June 30, unless it is renewed. To renew such a license, the licensee must submit to the Commissioner on or before May 31 of each year:~~

~~(a) An application for renewal;~~

~~(b) The fee required to renew the license pursuant to this section;~~

~~(c) The information required pursuant to NRS 645B.051; and~~

~~(d) All information required to complete the renewal.~~

~~2. If the licensee fails to submit any item required pursuant to subsection 1 to the Commissioner on or before May 31 of any year, the license is cancelled as of June 30 of that year.~~ [The] ~~*Except as otherwise provided in subsection 10, the* Commissioner may reinstate a cancelled license if the licensee submits to the Commissioner:~~

~~(a) An application for renewal;~~

~~(b) The fee required to renew the license pursuant to this section;~~

~~(c) The information required pursuant to NRS 645B.051;~~

~~(d) Except as otherwise provided in this section, a reinstatement fee of $200; and~~

~~(e) All information required to complete the reinstatement.~~

~~3. Except as otherwise provided in NRS 645B.016, a certificate of exemption issued pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a certificate of exemption, a person must submit to the Commissioner on or before November 30 of each year:~~

~~(a) An application for renewal that includes satisfactory proof that the person meets the requirements for an exemption from the provisions of this chapter; and~~

~~(b) The fee required to renew the certificate of exemption.~~

~~4. If the person fails to submit any item required pursuant to subsection 3 to the Commissioner on or before November 30 of any year, the certificate of exemption is cancelled as of December 31 of that year. Except as otherwise provided in NRS 645B.016, the Commissioner may reinstate a cancelled certificate of exemption if the person submits to the Commissioner:~~

~~(a) An application for renewal that includes satisfactory proof that the person meets the requirements for an exemption from the provisions of this chapter;~~

~~(b) The fee required to renew the certificate of exemption; and~~

~~(c) Except as otherwise provided in this section, a reinstatement fee of $100.~~

~~5. Except as otherwise provided in this section, a person must pay the following fees to apply for, to be issued or to renew a license as a mortgage broker pursuant to this chapter:~~

~~(a) To file an original application for a license, $1,500 for the principal office and $40 for each branch office. The person must also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary.~~

~~(b) To be issued a license, $1,000 for the principal office and $60 for each branch office.~~

~~(c) To renew a license, $500 for the principal office and $100 for each branch office.~~

~~6. Except as otherwise provided in this section, a person must pay the following fees to apply for or to renew a certificate of exemption pursuant to this chapter:~~

~~(a) To file an application for a certificate of exemption, $200.~~

~~(b) To renew a certificate of exemption, $100.~~

~~7. To be issued a duplicate copy of any license or certificate of exemption, a person must make a satisfactory showing of its loss and pay a fee of $10.~~

~~8. Except as otherwise provided in this chapter, all fees received pursuant to this chapter must be deposited in the Fund for Mortgage Lending created by~~
~~NRS 645F.270.~~

~~9. The Commissioner may, by regulation, increase any fee set forth in this section if the Commissioner determines that such an increase is necessary for the Commissioner to carry out his duties pursuant to this chapter. The amount of any increase in a fee pursuant to this subsection must not exceed the amount determined to be necessary for the Commissioner to carry out his duties pursuant to this chapter.~~

~~*10. The Commissioner shall not issue, renew or reinstate a license as a mortgage broker if the mortgage broker is:*~~

~~*(a) A broker-dealer or sales representative who is exempt from licensing pursuant to NRS 90.320; or*~~

~~*(b) An investment advisor, sales representative or representative of an investment advisor who is exempt from licensing pursuant to NRS 90.340.]*~~

(Deleted by amendment.)

~~[Sec. 3.]~~ ***Sec. 5.*** NRS 645B.060 is hereby amended to read as follows:

645B.060 1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise

general supervision and control over mortgage brokers and mortgage agents doing business in this State.

2. In addition to the other duties imposed upon him by law, the Commissioner shall:

(a) Adopt ***regulations:***

(1) Setting forth the requirements for an investor to acquire ownership of or a beneficial interest in a loan secured by a lien on real property. The regulations must include, without limitation, the minimum financial conditions that the investor must comply with before and after becoming an investor.

(2) Establishing limitations on loans made by a mortgage broker to a director, officer, mortgage agent or employee of the mortgage broker.

(b) Adopt any ***other*** regulations that are necessary to carry out the provisions of this chapter, except as to loan brokerage fees.

~~[(b)]~~ ***(c)*** Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

~~[(c)]~~ ***(d)*** Conduct an annual examination of each mortgage broker doing business in this State. The annual examination must include, without limitation, a formal exit review with the mortgage broker. The Commissioner shall adopt regulations prescribing:

(1) Standards for determining the rating of each mortgage broker based upon the results of the annual examination; and

(2) Procedures for resolving any objections made by the mortgage broker to the results of the annual examination. The results of the annual examination may not be opened to public inspection pursuant to NRS 645B.090 until any objections made by the mortgage broker have been decided by the Commissioner.

~~[(d)]~~ ***(e)*** Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary ~~[and proper]~~ for the efficient administration of the laws of this State regarding mortgage brokers and mortgage agents. The Commissioner shall adopt regulations specifying the general guidelines that will be followed when a periodic or special audit of a mortgage broker is conducted pursuant to this chapter.

~~[(e)]~~ ***(f)*** Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by:

(1) The Legislative Auditor; or

(2) The Department of Taxation if necessary to carry out the provisions of chapter 363A of NRS.

~~[(f)]~~ ***(g)*** Conduct such examinations and investigations as are necessary to ensure that mortgage brokers and mortgage agents meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination, a mortgage broker or mortgage agent shall pay a fee based on the rate established pursuant to NRS 645F.280.

~~[Sec. 4.]~~ ***Sec. 6.*** NRS 645B.310 is hereby amended to read as follows:

645B.310 A mortgage broker shall not assign all or a part of his interest in a loan secured by a lien on real property, unless the mortgage broker:

1. Obtains a policy of title insurance for the real property; ~~[and]~~

2. ***Obtains the approval of the assignment from each investor who has acquired ownership of or a beneficial interest in the loan if, at the time of the assignment, the debtor on the loan has defaulted in making a payment required for the loan or any portion of the loan; and***

3. Records the assignment in the office of the county recorder of the county in which the real property is located.

~~[Sec. 5.]~~ ***Sec. 7.*** ~~[NRS 645B.490 is hereby amended to read as follows:~~

~~645B.490 1. Any mortgage broker or mortgage agent licensed under the provisions of this chapter who is called into the military service of the United States shall, at his request, be relieved from compliance with the provisions of this chapter and placed on inactive status for the period of such military service and for a period of 6 months after discharge therefrom.~~

~~2.~~ [At] ~~*Except as otherwise provided in NRS 645B.050, at* any time within 6 months after termination of such service, if the mortgage broker or mortgage agent complies with the provisions of subsection 1, the mortgage broker or mortgage agent may be reinstated, without having to meet any qualification or requirement other than the payment of the reinstatement fee, as provided in NRS 645B.050 or 645B.430, and the mortgage broker or mortgage agent is not required to make payment of the renewal fee for the current year.~~

~~3. Any mortgage broker or mortgage agent seeking to qualify for reinstatement, as provided in subsections 1 and 2, must present a certified copy of his honorable discharge or certificate of satisfactory service to the Commissioner.]~~ **(Deleted by amendment.)**

~~[Sec. 6.]~~ ***Sec. 8.*** ~~[NRS 645B.680 is hereby amended to read as follows:~~

~~645B.680 1. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license as a mortgage broker or mortgage agent, the Commissioner shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.~~

~~2. [The] *Except as otherwise provided in NRS 645B.050, the* Commissioner shall reinstate a license as a mortgage broker or mortgage agent that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.]~~ **(Deleted by amendment.)**

~~[Sec. 7.]~~ ***Sec. 9.*** Chapter 645E of NRS is hereby amended by adding thereto a new section to read as follows:

1. A mortgage banker shall ensure that ~~[each]~~ :

(a) Each loan secured by a lien on real property for which he engages in activity as a mortgage banker ~~[:~~

~~*1. Is serviced by a third party who is not affiliated with the mortgage banker; and*~~

~~*2. Includes]*~~ ***includes a fee for servicing the loan ~~[in an amount that is not less than 0.25 percent of the total amount of principal of]~~ which must be specified in the loan. The fee must be in an amount reasonably necessary to pay the cost of servicing the loan.***

(b) All money paid to the mortgage banker for servicing such a loan must be deposited in an insured depository financial institution and kept separate, distinct and apart from money belonging to the mortgage banker. Such money, when deposited, is to be deposited under an appropriate name indicating that the accounts are not the money of the mortgage banker.

2. A mortgage banker has a fiduciary duty to each debtor with respect to the money in a trust account maintained pursuant to subsection 1.

3. A mortgage banker shall, upon reasonable notice, account to any debtor whose real property secures a loan arranged by the mortgage banker for any money which that person has paid to the mortgage banker for the cost of servicing a loan.

4. A mortgage banker shall submit to the Commissioner each calendar quarter a financial statement concerning the trust accounts established and maintained pursuant to subsection 1.

5. A mortgage banker shall annually review a trust account and, within 30 days after the completion of the annual review, notify the debtor:

(a) Of the amount by which the contributions exceed the amount reasonably necessary to pay the annual cost of servicing the loan; and

(b) That the debtor may specify the disposition of the excess money within 20 days after receipt of the notice. If the debtor fails to specify such a disposition within that time, the mortgage banker shall maintain the excess money in the trust account.

Sec. 10. **NRS 645E.150 is hereby amended to read as follows:**

645E.150 Except as otherwise provided in NRS 645E.160, the provisions of this chapter do not apply to:

1. Any person doing business under the laws of this State, any other state or the United States relating to banks, savings banks, trust companies, savings and loan associations, consumer finance companies, industrial loan companies, credit unions, thrift companies or insurance companies, ~~[unless the business conducted in this State is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.]~~ ***including, without limitation, an affiliate, a subsidiary or a holding company of such a bank, company, association or union.***

2. A real estate investment trust, as defined in 26 U.S.C. § 856, unless the business conducted in this State is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his duties as an attorney at law.

5. A real estate broker rendering services in the performance of his duties as a real estate broker.

6. Any person doing any act under an order of any court.

7. Any one natural person, or husband and wife, who provides money for investment in loans secured by a lien on real property, on his own account, unless such a person makes a loan secured by a lien on real property using his own money and assigns all or a part of his interest in the loan to another person, other than his spouse or child, within 5 years after the date on which the loan is made or the deed of trust is recorded, whichever occurs later.

8. Agencies of the United States and of this State and its political subdivisions, including the Public Employees' Retirement System.

9. A seller of real property who offers credit secured by a mortgage of the property sold.

~~[Sec. 8.]~~ ***Sec. 11.*** NRS 645E.300 is hereby amended to read as follows:

645E.300 1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise general supervision and control over mortgage bankers doing business in this State.

2. In addition to the other duties imposed upon him by law, the Commissioner shall:

(a) Adopt ***regulations establishing limitations on loans made by a mortgage banker to a director, officer or employee of the mortgage banker.***

(b) Adopt any ***other*** regulations that are necessary to carry out the provisions of this chapter, except as to loan fees.

~~[(b)]~~ ***(c)*** Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

~~[(c)]~~ ***(d)*** Conduct an annual examination of each mortgage banker doing business in this State.

~~[(d)]~~ ***(e)*** Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary ~~[and proper]~~ for the efficient administration of the laws of this State regarding mortgage bankers.

~~[(e)]~~ ***(f)*** Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by:

(1) The Legislative Auditor; or

(2) The Department of Taxation if necessary to carry out the provisions of chapter 363A of NRS.

~~[(f)]~~ ***(g)*** Conduct such examinations and investigations as are necessary to ensure that mortgage bankers meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination, a mortgage banker shall pay a fee based on the rate established pursuant to NRS 645F.280.

~~[Sec. 9.]~~ ***Sec. 12.*** ~~[Notwithstanding the provisions of NRS 645B.050 as amended by section 2 of this act to the contrary, if the Commissioner of Mortgage Lending is prohibited by those provisions from renewing or reinstating a license as a mortgage broker, the license remains in effect until its expiration unless earlier suspended, cancelled or revoked.]~~ **(Deleted by amendment.)**

~~[Sec. 10.]~~ ***Sec. 13.*** ~~[1.]~~ This act becomes effective upon passage and approval for the purpose of adopting regulations and on October 1, 2007, for all other purposes.

~~[2. Section 6 of this act expires by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:~~

~~(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or~~

~~(b) Are in arrears in the payment for the support of one or more children,~~

~~→ are repealed by the Congress of the United States.]~~

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 383.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 598.

SUMMARY— ~~[Requires the Labor Commissioner to include a link on his website to the Social Security Administration.]~~ **Makes various changes to laws related to immigration.** (BDR ~~[53-1053)]~~ **15-1053**)

AN ACT relating to ~~[employment;]~~ **immigration; creating new crimes relating to trafficking in persons; providing for punitive damages in a civil action against a person who commits such crimes in certain circumstances; making property of a person who commits such crimes subject to forfeiture; adding the crimes to the list of felonies that may cause a person to be charged as a habitual felon;** requiring the ~~[Labor Commissioner]~~ **Director of the Department of Business and Industry** to include ~~[a link]~~ on ~~[his]~~ **the** website **of the Department a link** to the Social Security Administration for employers to verify employee social security numbers; **providing for disciplinary action to be taken against a person who holds a state business license if the person engages in the unlawful hiring or employment of an unauthorized alien in violation of federal law; providing penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Chapter 607 of NRS sets forth the duties of the Labor Commissioner. This bill expands those duties to require the Labor Commissioner.]~~ **Section 1.3 of this bill creates the crime of trafficking in persons for illegal purposes which involves engaging in certain acts concerning the transportation of an illegal alien into this State with the intent: 1) to subject the person to certain acts relating to involuntary servitude; 2) to commit another felony; or 3) to violate any state or federal labor law. A person who commits such a crime is guilty of a category B felony punishable by a term of imprisonment in the state prison for not less than 1 year and not more than 20 years, and by a fine of not more than $50,000. Section 1.5 of this bill creates the crime of trafficking in persons which contains the same elements as for trafficking in persons for illegal purposes except that rather than committing the act with the intent to commit another crime, the person commits the act in exchange for money or other financial gain. A person who commits the crime of trafficking in persons is guilty of a category B felony which is punishable by a term of imprisonment in the state prison for a minimum term of 1 year and a maximum term of 10 years, and by a fine of not more than $50,000.**

Section 3 of this bill adds the two new crimes of trafficking in persons to the list of crimes that may cause a person to be charged as a habitual felon. (NRS 207.012) Section 4 of this bill allows a person who suffers an injury as the result of the willful violation of such crimes by a person who was motivated by certain characteristics of the person to recover actual and punitive damages in a civil action. (NRS 41.690) Section 5 of

this bill makes personal property of a person who engages in either of the two crimes of trafficking in persons subject to forfeiture. (NRS 179.121)

Section 6 of this bill requires the Director of the Department of Business and Industry to include on ~~[this]~~ **the** website **maintained by the Department** a link to the Social Security Administration where an employer may verify the social security numbers of his employees.

Section 10 of this bill requires the Nevada Tax Commission to hold a hearing concerning any person who holds a state business license who has been found to have engaged in the unlawful hiring or employment of an unauthorized alien in violation of federal law. If the violation was inadvertent, the Commission may impose an administrative fine and require the person to demonstrate the manner in which he will prevent such violations in the future. If the violation is willful, the Commission is authorized to suspend or revoke the license depending upon the egregiousness of the violation. If the license is revoked, the person may not obtain a new license for a certain period.

WHEREAS, Trafficking in persons provides opportunities for modern day slavery to occur; and

WHEREAS, Thousands of persons of all ages worldwide are trafficked annually across international borders; and

WHEREAS, Victims of trafficking in persons are often subjected to force, fraud or coercion for the purpose of subjecting the victims to sexual exploitation, prostitution, providing other forms of sexual entertainment or forced labor; and

WHEREAS, Victims of trafficking in persons may also be used to provide labor in a manner that violates labor laws, including, without limitation, providing labor for reduced wages in the areas of domestic services, restaurants, janitorial services, production work in factories and agricultural labor; and

WHEREAS, Traffickers often employ tactics to instill fear in victims and to deny them freedom, including, without limitation, keeping the victims locked against their will, isolating victims from the public and from their families, confiscating passports, visas or other documents, using or threatening to use violence against victims or their families, informing victims that they will be imprisoned or deported for the violation of immigration laws if they disobey or try to inform the authorities about their situation and controlling any money of the victims; and

WHEREAS, The Legislature recognizes that it is necessary for the State to protect these victims by ensuring that persons who engage in trafficking of persons are punished severely for engaging in such conduct; now therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 200 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.5 of this act.**

Sec. 1.3. ***1. A person shall not transport, procure transportation for or assist in the transportation of or procurement of transportation for another person into the State of Nevada whom he knows or has reason to know does not have the legal right to enter or remain in the United States with the intent to:***

(a) Subject the person to involuntary servitude or any other act prohibited pursuant to NRS 200.463 or 200.465;

(b) Violate any state or federal labor law, including, without limitation, 8 U.S.C. § 1324a; or

(c) Commit any other crime which is punishable by not less than 1 year imprisonment in the state prison.

2. A person who violates the provisions of subsection 1 is guilty of trafficking in persons for illegal purposes and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $50,000.

Sec. 1.5. ***1. A person shall not transport, procure transportation for or assist in the transportation of or procurement of transportation for another person into the State of Nevada whom he knows or has reason to know does not have the legal right to enter or remain in the United States in exchange for money or other financial gain.***

2. A person who violates the provisions of subsection 1 is guilty of trafficking in persons and, unless a greater penalty is provided pursuant to NRS 200.464 or section 1.3 of this act, shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $50,000.

Sec. 2. **NRS 200.464 is hereby amended to read as follows:**

200.464 ~~[A]~~ ***Unless a greater penalty is provided pursuant to section 1.3 of this act, a*** person who knowingly:

1. Recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person, intending or knowing that the person will be held in involuntary servitude; or

2. Benefits, financially or by receiving anything of value, from participating in a violation of NRS 200.463,

➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $50,000.

Sec. 3. **NRS 207.012 is hereby amended to read as follows:**

207.012 1. A person who:

(a) Has been convicted in this State of a felony listed in subsection 2; and

(b) Before the commission of that felony, was twice convicted of any crime which under the laws of the situs of the crime or of this State would be a felony listed in subsection 2, whether the prior convictions occurred in this State or elsewhere,

➥ is a habitual felon and shall be punished for a category A felony by imprisonment in the state prison:

(1) For life without the possibility of parole;

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(3) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.

2. The district attorney shall include a count under this section in any information or shall file a notice of habitual felon if an indictment is found, if each prior conviction and the alleged offense committed by the accused constitutes a violation of subparagraph (1) of paragraph (a) of subsection 1 of NRS 193.330, NRS 199.160, 199.500, 200.030, 200.310, 200.340, 200.366, 200.380, 200.390, subsection 3 or 4 of NRS 200.400, NRS 200.410, subsection 3 of NRS 200.450, subsection 5 of NRS 200.460, NRS 200.463, 200.464, 200.465, subsection 1, paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, NRS 200.710, 200.720, 201.230, 201.450, 202.170, 202.270, subsection 2 of NRS 202.780, paragraph (b) of subsection 2 of NRS 202.820, subsection 2 of NRS 202.830, NRS 205.010, subsection 4 of NRS 205.060, subsection 4 of NRS 205.067, NRS 205.075, 207.400, paragraph (a) of subsection 1 of NRS 212.090, NRS 453.3325, 453.333, 484.219, 484.3795 or 484.37955 ~~.~~ ***or section 1.3 or 1.5 of this act.***

3. The trial judge may not dismiss a count under this section that is included in an indictment or information.

Sec. 4. **NRS 41.690 is hereby amended to read as follows:**

41.690 1. A person who has suffered injury as the proximate result of the willful violation of the provisions of NRS 200.280, 200.310, 200.366, 200.380, 200.400, 200.460, 200.463, 200.464, 200.465, 200.471, 200.481, 200.508, 200.5099, 200.571, 200.575, 203.010, 203.020, 203.030, 203.060, 203.080, 203.090, 203.100, 203.110, 203.119, 206.010, 206.040, 206.140, 206.200, 206.310, 207.180, 207.200 or 207.210 ***or section 1.3 or 1.5 of this act*** by a perpetrator who was motivated by the injured person's actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation may bring an action for the recovery of his actual damages and any punitive damages which the facts may warrant. If the person who has suffered injury prevails in an action brought pursuant to this subsection, the court shall award him costs and reasonable attorney's fees.

2. The liability imposed by this section is in addition to any other liability imposed by law.

Sec. 5. **NRS 179.121 is hereby amended to read as follows:**

179.121 1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes is subject to forfeiture:

(a) The commission of or attempted commission of the crime of murder, robbery, kidnapping, burglary, invasion of the home, grand larceny, theft if it is punishable as a felony, or pandering;

(b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;

(c) A violation of NRS 202.445 or 202.446;

(d) The commission of any crime by a criminal gang, as defined in NRS 213.1263; or

(e) A violation of NRS 200.463, 200.464, 200.465, 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405 or 465.070 to 465.085, inclusive ~~[.]~~ ***, or section 1.3 or 1.5 of this act.***

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge, consent or willful blindness;

(c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 if the firearm used in the violation of that section was not loaded at the time of the violation; and

(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

3. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

4. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

~~[Section 1.]~~ ***Sec. 6.*** Chapter ~~[607]~~ **232** of NRS is hereby amended by adding thereto a new section to read as follows:

1. The ~~[Labor Commissioner]~~ Director shall include on ~~[his]~~ the Internet website maintained by the Department a link which connects to the Social Security Administration where an employer may verify the social security number of an employee.

2. The link required pursuant to subsection 1 must be maintained in the area of the website that encourages and promotes the growth, development and legal operation of businesses within the State of Nevada.

Sec. 7. **NRS 232.505 is hereby amended to read as follows:**

232.505 As used in NRS 232.505 to 232.840, inclusive, ***and section 6 of this act,*** unless the context requires otherwise:

1. "Department" means the Department of Business and Industry.
2. "Director" means the Director of the Department.

Sec. 8. **Chapter 360 of NRS is hereby amended by adding thereto the provisions set forth as sections 9 and 10 of this act.**

Sec. 9. "Unauthorized alien" has the meaning ascribed to it in 8 U.S.C. § 1324a(h)(3).

Sec. 10. 1. Upon finding that the Attorney General of the United States has made a final decision and entered an order that a person who holds a state business license has engaged in the unlawful hiring or employment of an unauthorized alien pursuant to U.S.C § 1324a(e), the Nevada Tax Commission shall hold a hearing to determine whether to take action against the state business license of the person.

2. The Nevada Tax Commission shall consider any proof submitted by the person who holds a state business license which demonstrates that the person attempted to verify the social security number of the unauthorized alien within 6 months from the date on which the unauthorized alien was allegedly employed. Such proof may include, without limitation, a printout from the link maintained on the Internet website of the Department of Business and Industry pursuant to section 6 of this act. Such proof may be used as prima facie evidence that the violation was inadvertent.

3. If the Nevada Tax Commission determines that the person who holds the state business license violated the federal law:

(a) Inadvertently, the Commission may impose an administrative fine upon the person or require the person to provide an explanation concerning the manner in which the person will conduct business in the future to prevent additional violations of the law; or

(b) Willfully, flagrantly or otherwise egregiously, the Commission may suspend or revoke the state business license of the person depending on the egregiousness of the violation.

4. The Department shall not issue a new license to a person whose state business license is revoked pursuant to this section:

(a) For 1 year after the date of revocation for the first revocation pursuant to this section.

(b) For 5 years after the date of revocation for a second or subsequent revocation pursuant to this section.

5. Upon revoking a state business license pursuant to this section, the Department shall provide written notice of the revocation to the governing body of the city or county in which the business is being conducted.

6. The Nevada Tax Commission shall adopt such regulations as it determines necessary to carry out the provisions of this section.

Sec. 11. **NRS 360.760 is hereby amended to read as follows:**

360.760 As used in NRS 360.760 to 360.798, inclusive, ***and sections 9 and 10 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 360.765 to 360.775, inclusive, ***and section 9 of this act,*** have the meanings ascribed to them in those sections.

Sec. 12. **NRS 360.798 is hereby amended to read as follows:**

360.798 1. If a person who holds a state business license fails to comply with a provision of NRS 360.760 to 360.798, inclusive, or a regulation of the Department adopted pursuant thereto, ***or if the Nevada Tax Commission determines that the person has engaged in the unlawful hiring or employment of an unauthorized alien pursuant to section 10 of this act,*** the Department may revoke or suspend the state business license of the person. Before so doing, the Department must hold a hearing after 10 days' written notice to the licensee. The notice must specify the time and place of the hearing and require the licensee to show cause why his license should not be revoked.

2. If the license is suspended or revoked, the Department shall give written notice of the action to the person who holds the state business license.

3. The notices required by this section may be served personally or by mail in the manner provided in NRS 360.350 for the service of a notice of the determination of a deficiency.

4. The Department shall not issue a new license to the former holder of a revoked state business license unless the Department is satisfied that the person will comply with the provisions of this chapter and the regulations of the Department adopted pursuant thereto.

Sec. 13. **NRS 613.080 is hereby amended to read as follows:**

613.080 1. The immigration to this State of all slaves and other people bound by contract to involuntary servitude for a term of years is hereby prohibited.

2. It is unlawful for any company, person or persons to collect the wages or compensation for the labor of the persons described in subsection 1.

3. It is unlawful for any corporation, company, person or persons to pay to any owner or agent of the owner of any such persons mentioned in subsection 1 any wages or compensation for the labor of such slaves or persons so bound by the contract to involuntary servitude.

4. Unless a greater penalty is provided in NRS 200.463 or 200.464 ~~[.]~~ ~~,~~ ***or section 1.3 of this act,*** a violation of any of the provisions of this section is a gross misdemeanor.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 384.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 460.

AN ACT relating to elections; enacting the Agreement Among the States to Elect the President by National Popular Vote; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the nominees for presidential elector of the candidates for President and Vice President who receive the highest number of votes in this State at the general election thereby become the official presidential electors for this State. (NRS 298.025) After being selected, the official presidential electors convene to vote for President and Vice President. The official presidential electors are bound to vote for the nominees for President and Vice President that prevailed in this State at the general election. (NRS 298.050) This bill provides that the nominees for presidential elector of the candidates for President and Vice President who received the highest number of votes in the nation would become the official presidential electors for Nevada. The provisions of this bill will become effective on the date that states with enough electoral votes to equal a majority of the electoral votes have adopted this agreement (270 of 538).

This bill contains the text of the Agreement Among the States to Elect the President by National Popular Vote without any changes necessary to conform to Nevada law because each state wishing to participate in the compact is required to enact the same 888 words, in addition to the enacting clause contained in the Agreement.

Section 5 of this bill makes an appropriation of $250,000 to the Secretary of State for a voter education campaign.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 298 of NRS is hereby amended by adding thereto a new section to read as follows:

The Agreement Among the States to Elect the President by National Popular Vote is hereby enacted into law and entered into with all jurisdictions legally joining the Compact, in substantially the form set forth in this section:

Article I–Membership

Any State of the United States and the District of Columbia may become a member of this agreement by enacting this agreement.

Article II–Right of the People in Member States to Vote for President and Vice President

Each member state shall conduct a statewide popular election for President and Vice President of the United States.

Article III–Manner of Appointing Presidential Electors in Member States

Prior to the time set by law for the meeting and voting by the presidential electors, the chief election official of each member state shall determine the number of votes for each presidential slate in each State of the United States and in the District of Columbia in which votes have been cast in a statewide popular election and shall add such votes together to produce a "national popular vote total" for each presidential slate.

The chief election official of each member state shall designate the presidential slate with the largest national popular vote total as the "national popular vote winner."

The presidential elector certifying official of each member state shall certify the appointment in that official's own state of the elector slate nominated in that state in association with the national popular vote winner.

At least six days before the day fixed by law for the meeting and voting by the presidential electors, each member state shall make a final determination of the number of popular votes cast in the state for each presidential slate and shall communicate an official statement of such determination within 24 hours to the chief election official of each other member state.

The chief election official of each member state shall treat as conclusive an official statement containing the number of popular votes in a state for each presidential slate made by the day established by federal law for making a state's final determination conclusive as to the counting of electoral votes by Congress.

In event of a tie for the national popular vote winner, the presidential elector certifying official of each member state shall certify the appointment of the elector slate nominated in association with the

presidential slate receiving the largest number of popular votes within that official's own state.

If, for any reason, the number of presidential electors nominated in a member state in association with the national popular vote winner is less than or greater than that state's number of electoral votes, the presidential candidate on the presidential slate that has been designated as the national popular vote winner shall have the power to nominate the presidential electors for that state and that state's presidential elector certifying official shall certify the appointment of such nominees. The chief election official of each member state shall immediately release to the public all vote counts or statements of votes as they are determined or obtained.

This article shall govern the appointment of presidential electors in each member state in any year in which this agreement is, on July 20, in effect in states cumulatively possessing a majority of the electoral votes.

Article IV–Other Provisions

This agreement shall take effect when states cumulatively possessing a majority of the electoral votes have enacted this agreement in substantially the same form and the enactments by such states have taken effect in each state.

Any member state may withdraw from this agreement, except that a withdrawal occurring six months or less before the end of a President's term shall not become effective until a President or Vice President shall have been qualified to serve the next term.

The chief executive of each member state shall promptly notify the chief executive of all other states of when this agreement has been enacted and has taken effect in that official's state, when the state has withdrawn from this agreement, and when this agreement takes effect generally.

This agreement shall terminate if the electoral college is abolished.

If any provision of this agreement is held invalid, the remaining provisions shall not be affected.

Article V–Definitions

For purposes of this agreement,

"chief executive" shall mean the Governor of a State of the United States or the Mayor of the District of Columbia;

"elector slate" shall mean a slate of candidates who have been nominated in a state for the position of presidential elector in association with a presidential slate;

"chief election official" shall mean the state official or body that is authorized to certify the total number of popular votes for each presidential slate;

"presidential elector" shall mean an elector for President and Vice President of the United States;

"presidential elector certifying official" shall mean the state official or body that is authorized to certify the appointment of the state's presidential electors;

"presidential slate" shall mean a slate of two persons, the first of whom has been nominated as a candidate for President of the United States and the second of whom has been nominated as a candidate for Vice President of the United States, or any legal successors to such persons, regardless of whether both names appear on the ballot presented to the voter in a particular state;

"state" shall mean a State of the United States and the District of Columbia;

and "statewide popular election" shall mean a general election in which votes are cast for presidential slates by individual voters and counted on a statewide basis.

Sec. 2. NRS 298.025 is hereby amended to read as follows:

298.025 Presidential electors are not nominated at the primary election or placed upon the general election ballot **.** ~~[, but the nominees of the presidential and vice presidential candidates who receive the highest number of votes at the general election thereby become the official presidential electors.]~~ The presidential electors shall perform the duties of such electors as required by law and the Constitution of the United States.

Sec. 3. NRS 298.050 is hereby amended to read as follows:

298.050 The presidential electors, when convened, shall vote by ballot for one person for President and one person for Vice President of the United States, one of whom, at least, must not be an inhabitant of this State. ~~[The presidential electors shall vote only for the nominees for President and Vice President of the party or the independent candidates that prevailed in this State in the preceding general election.]~~

Sec. 4. NRS 298.040 is hereby repealed.

Sec. 5. **1. There is hereby appropriated from the State General Fund to the Secretary of State the sum of $250,000 for a voter education campaign.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner,

and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or to the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

~~[Sec. 5.]~~ ***Sec. 6.*** 1. This section and section 1 of this act become effective upon passage and approval.

2. **Section 5 of this act becomes effective on July 1, 2007.**

3. Sections 2, 3 and 4 of this act become effective on the date the Agreement Among the States to Elect the President by National Popular Vote becomes effective as provided in Article IV of that Agreement and if that Agreement governs the appointment of presidential electors for a presidential election as provided in Article III of that Agreement.

TEXT OF REPEALED SECTION

298.040 Filling vacancy upon death or absence of presidential elector. In case of the death or absence of any presidential elector chosen, or if the number of presidential electors shall from any cause be deficient, the national committeewoman, the national committeeman and the state chairman of the party whose nominees for President and Vice President received the greatest number of votes in the State at the next preceding general election shall forthwith elect, from the qualified electors of this State registered as affiliated with such prevailing party, as many persons as will supply the deficiency. A majority of such three party officials shall be sufficient to fill such vacancies.

Assemblywoman Koivisto moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 393.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 524.

AN ACT relating to motor vehicles; **amending provisions relating to the wrecking and salvaging of vehicles;** transferring the authority for the regulation of trade practices by garagemen from the Commissioner of Consumer Affairs to the Department of Motor Vehicles; requiring that a transferor of an interest in a motor vehicle indicate if the vehicle is a rebuilt vehicle or a reconstructed vehicle; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 3 of this bill sets forth the conditions under which an automobile wrecker, operator of a salvage pool, garageman or owner of a body shop is unfit to hold a license or registration, as applicable.

Section 4 of this bill set forth the conditions under which a salvage vehicle is considered to be in its entirety as opposed to when it is considered to be in parts.

Existing law provides for regulation of garages and garagemen by the Commissioner of Consumer Affairs and their registration with the Department of Motor Vehicles. (NRS 487.530-487.570, 597.480-597.590) Sections ~~[2-14]~~ **5-19** of this bill transfer authority for regulation to the Department and provide for **joint** enforcement of those provisions by the Director of the Department **and the Commissioner.** Section ~~[20]~~ **36** of this bill requires that a transferor of an interest in a motor vehicle indicate if the vehicle is a rebuilt vehicle or a reconstructed vehicle.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 487 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[14,]~~ **19,** inclusive, of this act.

Sec. 2. ***As used in this section, NRS 487.050 to 487.200, inclusive, and sections 3 and 4 of this act, unless the context otherwise requires, "automobile wrecker" or "wrecker" means a person who obtains a license to dismantle, scrap, process or wreck any vehicle, including, without limitation, wrecked, salvage, nonrepairable, abandoned and junk vehicles, which includes, without limitation, removing or selling an individual part or parts of such a vehicle or crushing, shredding or dismantling such a vehicle to be disposed of as scrap metal.***

Sec. 3. ***Evidence of unfitness of an applicant, registrant or licensee for purposes of denial, suspension or revocation of or failure to renew a license or registration as an automobile wrecker, operator of a salvage pool, garageman or owner of a body shop may consist of, but is not limited to, the applicant, registrant or licensee:***

1. Purchasing, selling, dismantling, disposing of or having in his possession any vehicle which he knows, or a reasonable person should know, is stolen or otherwise illegally appropriated.

2. Being the former holder of, or being a partner, officer, director, owner or manager involved in management decisions of, an automobile wrecker that held a license issued pursuant to this chapter which was revoked for cause and never reissued or was suspended upon terms which were never fulfilled.

3. Defrauding or attempting to defraud the State or a political subdivision of the State of any taxes or fees in connection with the sale or transfer of a vehicle.

4. Forging the signature of the registered or legal owner of an abandoned vehicle on any document that releases the interest of the owner in the abandoned vehicle.

5. Forging the signature of the registered or legal owner of a vehicle on a certificate of title or other document to obtain or transfer ownership in that vehicle.

6. Willfully failing to deliver to a purchaser a salvage title to a vehicle that the applicant, registrant or licensee has sold.

7. Refusing to allow any peace officer or agent of a state agency to inspect, during normal business hours, all books, records and files of the applicant, registrant or licensee which are maintained within the State.

8. Committing any fraud which includes, without limitation:

(a) Misrepresenting in any manner, whether intentional or grossly negligent, a material fact.

(b) Intentionally failing to disclose a material fact.

9. Willfully failing to comply with any regulation adopted by the Department.

Sec. 4. 1. Whenever an entire salvage vehicle is sold to any person by a licensed automobile wrecker, the automobile wrecker shall deliver a properly endorsed salvage title to the buyer for such an entire salvage vehicle.

2. A salvage vehicle shall be deemed an entire salvage vehicle:

(a) If all the following essential components are included and identifiable as coming from the same salvage vehicle:

(1) The cowl assembly;

(2) The floor pan assembly;

(3) The passenger compartment;

(4) The rear clip assembly; and

(5) The roof assembly; and

(b) In addition to the essential components required pursuant to paragraph (a):

(1) If the salvage vehicle was manufactured with a conventional frame, the conventional frame is included and identifiable as coming from the same salvage vehicle;

(2) If the salvage vehicle was manufactured with a unibody, the complete front inner structure is included and identifiable as coming from the same salvage vehicle;

(3) If the salvage vehicle is a truck which was manufactured with a conventional frame, the conventional frame and the truck cab assembly are included and identifiable as coming from the same salvage vehicle; and

(4) If the salvage vehicle is a truck which was manufactured with a unibody, the complete front inner structure and the truck cab assembly are included and identifiable as coming from the same salvage vehicle.

3. A salvage vehicle that does not satisfy the requirements of subsection 2 is deemed a part or parts of an entire salvage vehicle.

Sec. 5. A person shall be deemed to be engaged in a "deceptive trade practice" if, in the course of his business or occupation, he:

1. Engages in any deceptive trade practice, as defined in NRS 598.0915 to 598.0925, inclusive, that involves the repair of a motor vehicle; or

2. Engages in any other acts prescribed by the Commissioner of Consumer Affairs by regulation as a deceptive trade practice.

~~[Sec. 2.]~~ ***Sec. 6. "Person authorizing repairs" means a person who uses the services of a garage. The term includes an insurance company, its agents or representatives, authorizing repairs to motor vehicles under a policy of insurance.***

~~[Sec. 3.]~~ ***Sec. 7. 1. Each garageman shall display conspicuously in those areas of his place of business frequented by persons seeking repairs on motor vehicles a sign, not less than 22 inches by 28 inches in size, setting forth in boldface letters the following:***

STATE OF NEVADA

REGISTERED GARAGE

THIS GARAGE IS REGISTERED WITH THE DEPARTMENT OF MOTOR VEHICLES

NEVADA AUTOMOTIVE REPAIR CUSTOMER BILL OF RIGHTS

AS A CUSTOMER IN NEVADA:

YOU have the right to receive repairs from a business that is REGISTERED with the Department of Motor Vehicles ~~*[that will ensure the proper repair of your vehicle.]*~~ ***as a garage authorized to repair motor vehicles. (cite to this section of this act)***

YOU have the right to receive a WRITTEN ESTIMATE of charges for repairs made to your vehicle which exceed $50. (cite to section ~~*[5]*~~ ***9 of this act)***

YOU have the right to read and understand all documents and warranties BEFORE YOU SIGN THEM. (cite to this section ~~*[7]*~~ ***of this act)***

YOU have the right to INSPECT ALL REPLACED PARTS and accessories that are covered by a warranty and for which a charge is made. (cite to section ~~*[9]*~~ ***13 of this act)***

YOU have the right to request that all replaced parts and accessories that are not covered by a warranty BE RETURNED TO YOU AT THE TIME OF SERVICE. (cite to section ~~*[9]*~~ ***13 of this act)***

YOU have the right to require authorization BEFORE any additional repairs are made to your vehicle if the charges for those repairs exceed 20% of the original estimate or $100, whichever is less. (cite to section ~~*[6]*~~ ***10 of this act)***

YOU have the right to receive a COMPLETED STATEMENT OF CHARGES for repairs made to your vehicle. (NRS 487.035)

YOU have the right to a FAIR RESOLUTION of any dispute that develops concerning the repair of your vehicle. (cite to this section ~~[)]~~ of this act)

FOR MORE INFORMATION PLEASE CONTACT:

THE DEPARTMENT OF MOTOR VEHICLES

IN CLARK COUNTY: ~~[(702) 486-4368]~~ (telephone number for the Department of Motor Vehicles in Clark County)

ALL OTHER AREAS TOLL-FREE: ~~[1-877-368-7828]~~ (toll-free telephone number for the Department of Motor Vehicles)

2. The sign required pursuant to the provisions of subsection 1 must include a replica of the great seal of the State of Nevada. The seal must be 2 inches in diameter and be centered on the face of the sign directly above the words "STATE OF NEVADA."

3. Any person who violates the provisions of this section is guilty of a misdemeanor.

~~[Sec. 4.]~~ ***Sec. 8. If any garageman accepts or assumes control of a motor vehicle for the purpose of making or completing any repair, he shall comply with the provisions of sections ~~[3 to 14,]~~ 7 to 19, inclusive, of this act.***

~~[Sec. 5.]~~ ***Sec. 9. 1. Except as otherwise provided in section ~~[7]~~ 11 of this act, a person requesting or authorizing the repair of a motor vehicle that is more than $50 must be furnished an estimate or statement signed by the person making the estimate or statement on behalf of the garageman, indicating the total charge for the performance of the work necessary to accomplish the repair, including the charge for labor and all parts and accessories necessary to perform the work.***

2. If the estimate is for the purpose of diagnosing a malfunction, the estimate must include the cost of:

(a) Diagnosis and disassembly; and

(b) Reassembly, if the person does not authorize the repair.

3. The provisions of this section do not require a garageman to reassemble a motor vehicle if he determines that the reassembly of the motor vehicle would render the vehicle unsafe to operate.

~~[Sec. 6.]~~ ***Sec. 10. Except as otherwise provided in section ~~[7]~~ 11 of this act, if it is determined that additional charges are required to perform the repair authorized, and those additional charges exceed, by 20 percent or $100, whichever is less, the amount set forth in the estimate or statement required to be furnished pursuant to the provisions of section ~~[5]~~ 9 of this act, the garageman shall notify the person authorizing the repairs of the amount of those additional charges.***

~~[Sec. 7.]~~ ***Sec. 11. The person authorizing the repairs may waive the estimate or statement required pursuant to the provisions of section ~~[5]~~ 9 of this act or the notification required by section ~~[6]~~ 10 of this act by executing a written waiver of that requirement or notification. The waiver must be executed by the person authorizing the repairs at the time he authorizes those repairs ~~[.]~~ or at any time before the repairs are performed.***

~~[Sec. 8.]~~ ***Sec. 12. 1. A person authorizing repairs who has been notified of additional charges pursuant to section ~~[6]~~ 10 of this act shall:***

(a) Authorize the performance of the repair at the additional expense; or

(b) Without delay, and upon payment of the authorized charges, take possession of the motor vehicle.

2. Until the election provided for in subsection 1 has been made, the garageman shall not undertake any repair which would involve such additional charges.

3. If the person elects to take possession of the motor vehicle but fails to take possession within a 24-hour period after such election, the garageman may charge for storage of the vehicle.

~~[Sec. 9.]~~ ***Sec. 13. 1. If the repair work performed on a motor vehicle requires the replacement of any parts or accessories, the garageman shall, at the request of the person authorizing the repairs or any person entitled to possession of the motor vehicle, deliver to such person all parts and accessories replaced as a result of the work done.***

2. The provisions of subsection 1 do not apply to parts or accessories which must be returned to a manufacturer or distributor under a warranty arrangement or which are subject to exchange, but the customer on request is entitled to be shown such warranty parts for which a charge is made.

~~[Sec. 10.]~~ ***Sec. 14. The garageman shall retain copies of any estimate, statement or waiver required by sections ~~[6 to 9,]~~ 10 to 13, inclusive, of this act as an ordinary business record of the garage, for a period of not less than 1 year after the date such estimate, statement or waiver is signed.***

~~[Sec. 11.]~~ ***Sec. 15. In every instance where charges are made for the repair of a motor vehicle, the garageman making the repairs shall comply with the provisions of NRS 487.035 as well as the provisions of sections ~~[6 to 9,]~~ 10 to 13, inclusive, of this act. He is not entitled to detain a motor vehicle by virtue of any common law or statutory lien, or otherwise enforce such lien, nor shall he have the right to sue on any contract for repairs made by him, unless he has complied with the requirements of sections ~~[6 to 9,]~~ 10 to 13, inclusive, of this act in addition to those of NRS 487.035.***

~~[Sec. 12.]~~ ***Sec. 16. 1. A person may file with the Director a complaint alleging that he has been aggrieved by a deceptive trade practice or any violation of sections 7 to 19, inclusive, of this act. Such a complaint must:***

(a) Be submitted in writing in the form prescribed by the Director; or

(b) Be reported to the Director via the toll-free telephone number established pursuant to NRS 598.990.

2. Upon receipt of a complaint submitted pursuant to subsection 1, the Director:

(a) If the complaint alleges that a garageman engaged in a deceptive trade practice, shall submit the complaint to the Commissioner of Consumer Affairs. The Commissioner:

(1) Shall investigate the merits of the complaint and may submit his findings to the Director; and

(2) May request that the Attorney General or a district attorney take action pursuant to subsection 3.

(b) If the complaint alleges that a garageman committed a violation of sections 7 to 19, inclusive, of this act:

(1) Shall investigate the merits of the complaint and may submit his findings to the Commissioner; and

(2) May request that the Attorney General or a district attorney take action pursuant to subsection 3.

3. The Attorney General or any district attorney may bring an action in any court of competent jurisdiction in the name of the State of Nevada on the complaint of the Director , of the Commissioner or of any person allegedly aggrieved by ~~[such violation to enjoin]~~ any deceptive trade practice or violation of the provisions of sections ~~[3 to 14,]~~ 7 to 19, inclusive, of this act ~~.~~

~~*2. Any person who knowingly violates any provision of sections 7 to 19, inclusive, of this act is liable, in addition to any other penalty or remedy which may be provided by law, for a civil penalty of not more than $500 for each offense, which may be recovered by civil action on complaint of the Director or the district attorney.]*~~ ***to obtain an injunction, temporary restraining order or other appropriate relief.***

~~[Sec. 13.]~~ ***Sec. 17. 1. There is hereby created a Revolving Account for the ~~[Department of Motor Vehicles]~~ Bureau of Consumer Protection created within the Office of the Attorney General pursuant to NRS 228.310 in the sum of $7,500, which must be used for the payment of expenses relating to conducting an undercover investigation of a person who is allegedly engaging in a deceptive trade practice or violating the provisions of sections ~~[3 to 14,]~~ 7 to 19, inclusive, of this act.***

2. The ~~[Director]~~ Consumer's Advocate appointed pursuant to NRS 228.320 shall deposit the money in the Revolving Account in a bank or credit union qualified to receive deposits of public money as provided by law, and the deposit must be secured by a depository bond satisfactory to the State Board of Examiners.

3. The ~~[Director]~~ Consumer's Advocate or his designee may:

(a) Sign all checks drawn upon the Revolving Account; and

(b) Make withdrawals of cash from the Revolving Account.

4. Payments made from the Revolving Account must be promptly reimbursed from the legislative appropriation, if any, to the ~~[Director]~~ Consumer's Advocate for the expenses relating to conducting an undercover investigation of a person who is allegedly engaging in a deceptive trade practice or violating the provisions of sections ~~[3 to 14,]~~ 7 to 19, inclusive, of this act. The claim for reimbursement must be processed and paid as other claims against the State are paid.

5. The ~~[Director]~~ Consumer's Advocate shall:

(a) Approve any disbursement from the Revolving Account; and

(b) Maintain records of any such disbursement.

Sec. 18. 1. The Commissioner of Consumer Affairs or the Director may request an undercover investigation of a person who is allegedly engaging in a deceptive trade practice or violating the provisions of sections 7 to 19, inclusive, of this act.

2. The Bureau of Consumer Protection created within the Office of the Attorney General pursuant to NRS 228.310 may conduct an undercover investigation of a person who is allegedly engaging in a deceptive trade practice or violating the provisions of sections 7 to 19, inclusive, of this act on its own motion or upon a request received pursuant to subsection 1. Nothing in this subsection requires the Bureau to conduct an undercover investigation.

~~[Sec. 14.]~~ *Sec. 19. 1. In addition to any other penalty, the ~~[Department]~~ Commissioner of Consumer Affairs may impose an administrative fine of not more than $10,000 against any person who engages in a deceptive trade practice. The ~~[Department]~~ Commissioner shall provide to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.*

2. ~~[For the purposes of this section, a person shall be deemed to be engaged in a "deceptive trade practice" if, in the course of his business or occupation, he:~~

~~(a) Engages in any deceptive trade practice, as defined in NRS 598.0915 to 598.0925, inclusive, that involves the repair of a motor vehicle; or~~

~~(b) Engages in any other acts prescribed by the Department by regulation as a deceptive trade practice.~~

~~3. The Director]~~ The Commissioner may negotiate the recovery of losses by a person aggrieved by a deceptive trade practice from the garageman who engaged in the practice in lieu of imposing an administrative fine, and may mediate any disputes between customers and garagemen.

~~[4.]~~ 3. All administrative fines collected by the ~~[Department]~~ Commissioner pursuant to this section must be deposited with the State Treasurer to the credit of the State Highway Fund.

~~[5.]~~ 4. Except as otherwise provided in this subsection, the administrative remedy provided in this section is not exclusive and is intended to supplement existing law. The ~~[Department]~~ Commissioner may

not impose a fine pursuant to this section against any person who engages in a deceptive trade practice if a fine has previously been imposed against that person pursuant to NRS 598.0903 to 598.0999, inclusive, for the same act. The provisions of this section do not deprive a person injured by a deceptive trade practice from resorting to any other legal remedy.

Sec. 20. **NRS 487.035 is hereby amended to read as follows:**

487.035 1. If charges are made for the repair of a motor vehicle, the ~~[person]~~ ***garageman or operator of the body shop*** making the charges shall present to the person requesting the repairs or the person entitled to possession of the motor vehicle a statement of the charges containing the following information:

(a) The name and signature of the person authorizing or requesting the repairs;

(b) A statement of the total charges;

(c) An itemization and description of all parts used to repair the motor vehicle indicating the charges made for each part;

(d) A statement of the charges made for labor; and

(e) A description of all other charges.

2. Any person violating this section is guilty of a misdemeanor.

3. In the case of a motor vehicle registered in the State of Nevada, no lien for labor or materials provided under NRS 108.265 to 108.360, inclusive, may be enforced by sale or otherwise unless a statement as described in subsection 1 has been given by delivery in person or by certified mail to the last known address of the registered and the legal owner of the motor vehicle. In all other cases, such notice must be made to the last known address of the registered owner and any other person known to have or to claim an interest in the motor vehicle.

4. As used in this section, "motor vehicle" has the meaning ascribed to it in NRS 487.550.

Sec. 21. **NRS 487.160 is hereby amended to read as follows:**

487.160 1. The Department ~~[, after notice and hearing,]~~ may suspend, revoke or refuse to renew a license of an automobile wrecker upon determining that the automobile wrecker:

(a) Is not lawfully entitled thereto;

(b) Has made, or knowingly or negligently permitted, any illegal use of that license;

(c) Has failed to return a salvage title to the state agency when and as required of him by NRS 487.710 to 487.890, inclusive; or

(d) Has failed to surrender to the state agency certificates of title for vehicles before beginning to dismantle or wreck the vehicles.

2. The applicant or licensee may, within 30 days after receipt of the notice of refusal, suspension or revocation, petition the Department in writing for a hearing.

3. Hearings under this section and appeals therefrom must be conducted in the manner prescribed in NRS 482.353 and 482.354.

4. The Department may suspend, revoke or refuse to renew a license of an automobile wrecker, or ***may*** deny a license to an applicant therefor, ***for any reason determined by the Director to be in the best interest of the public, or*** if the licensee or applicant:

(a) Does not have or maintain an established place of business in this State.

(b) Made a material misstatement in any application.

(c) Willfully fails to comply with any applicable provision of this chapter.

(d) Fails to furnish and keep in force any bond required by NRS 487.050 to 487.200, inclusive.

(e) Fails to discharge any final judgment entered against him when the judgment arises out of any misrepresentation of a vehicle, trailer or semitrailer.

(f) Fails to maintain any license or bond required by a political subdivision of this State.

(g) Has been convicted of a felony.

(h) Has been convicted of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter.

(i) Fails or refuses to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 7.

(j) Knowingly submits or causes to be submitted any false, forged or otherwise fraudulent document to the Department to obtain a lien, title, salvage title or certificate of ownership, or any duplicate thereof, for a vehicle.

(k) Knowingly causes or allows a false, forged or otherwise fraudulent document to be maintained as a record of his business.

(l) Interferes with or refuses to allow any peace officer or agent of a state agency access to and, upon demand, the opportunity to examine any record held in conjunction with the operation of the wrecker.

(m) Displays evidence of unfitness for a license pursuant to section 3 of this act.

5. If an application for a license as an automobile wrecker is denied, the applicant may not submit another application for at least 6 months after the date of the denial.

6. The Department may refuse to review a subsequent application for licensing submitted by any person who violates any provision of this chapter.

7. Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy any financial obligation related to the business of dismantling, scrapping, processing or wrecking of vehicles, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for

initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS 487.050 to 487.200, inclusive, ***and sections 2, 3 and 4 of this act*** or to determine the suitability of an applicant or a licensee for such licensure.

8. For the purposes of this section, failure to adhere to the directives of the state agency advising the licensee of his noncompliance with any provision of NRS 487.050 to 487.200, inclusive, ***and sections 2, 3 and 4 of this act*** or NRS 487.710 to 487.890, inclusive, or regulations of the state agency, within 10 days after the receipt of those directives, is prima facie evidence of willful failure to comply.

Sec. 22. **NRS 487.170 is hereby amended to read as follows:**

487.170 Every licensed automobile wrecker, rebuilder or scrap processor shall maintain a record of all vehicles ***acquired and processed, junked,*** dismantled ~~[or wrecked, which contains the name and]~~ ***, wrecked, sold as a part or parts or disposed of as scrap metal. The records must be open to inspection during business hours by any peace officer or investigator of a state agency. Every vehicle record must contain:***

1. The name, address ***and original signature*** of the person from whom the vehicle was ~~[purchased or acquired and the date thereof, the]~~ ***acquired, until such time as the original signature is submitted to the Department, at which time the record must contain a duplicate of the signature;***

2. The date the vehicle was acquired;

3. The manner in which the vehicle was acquired by the wrecker, rebuilder or scrap processor;

4. The registration number last assigned to the vehicle ***;*** and ~~[a]~~

5. A brief description of the vehicle, including, insofar as the data may exist with respect to a given vehicle, the make, type, serial number and motor number, or any other number of the vehicle. ~~[The record must be open to inspection during business hours by any peace officer or investigator of the state agency.]~~

Sec. 23. **NRS 487.200 is hereby amended to read as follows:**

487.200 Any person who violates any of the provisions of NRS 487.050 to 487.200, inclusive, ***and sections 2, 3 and 4 of this act*** is guilty of a misdemeanor.

Sec. 24. **NRS 487.260 is hereby amended to read as follows:**

487.260 1. If the vehicle is appraised at a value of more than $500***,*** the state agency or political subdivision shall dispose of it as provided in NRS 487.270.

2. If the vehicle is appraised as a junk vehicle, the Department may issue a junk certificate to the automobile wrecker or tow operator who removed the vehicle.

3. An automobile wrecker who possesses a junk certificate for a junk vehicle may dismantle, scrap, crush or otherwise destroy the vehicle.

4. A vehicle for which a junk certificate has been issued may be sold to an automobile wrecker by the person to whom the junk certificate was issued by the seller's endorsement on the certificate. An automobile wrecker who purchases a vehicle for which a junk certificate has been issued ***shall immediately affix the business name of the automobile wrecker as purchaser to the first available space provided on the reverse side of the certificate. For the purposes of this subsection, such an automobile wrecker is the owner of the junk vehicle.***

5. If insufficient space exists on the reverse side of a junk certificate to transfer the vehicle pursuant to subsection 4, an automobile wrecker who purchases a junk vehicle for which a junk certificate has been previously issued shall, within 10 days after purchase, apply to the Department for a new junk certificate and surrender the original certificate.

~~[5.]~~ ***6.*** A person who sells, dismantles, scraps, crushes or otherwise destroys a junk vehicle shall maintain, for at least 2 years, a copy of the junk certificate and a record of the name and address of the person from whom the vehicle was acquired and the date thereof. He shall allow any peace officer or any investigator employed by a state agency to inspect the records during business hours.

~~[6.]~~ ***7.*** As used in this section, "junk vehicle" means a vehicle, including component parts, which:

(a) Has been discarded or abandoned;

(b) Has been ruined, wrecked, dismantled or rendered inoperative;

(c) Is unfit for further use in accordance with the original purpose for which it was constructed;

(d) Is not registered with the Department or has not been reclaimed by the registered owner or a person having a security interest in the vehicle within 15 days after notification pursuant to NRS 487.250; and

(e) Has value principally as scrap which does not exceed $200.

Sec. 25. **NRS 487.490 is hereby amended to read as follows:**

487.490 1. The Department may refuse to issue a license or ~~[, after notice and hearing,]~~ may suspend, revoke or refuse to renew a license of an operator of a salvage pool upon determining that the operator:

(a) Is not lawfully entitled to the license;

(b) Has made, or knowingly or negligently permitted, any illegal use of that license;

(c) Made a material misstatement in any application;

(d) Willfully fails to comply with any provision of NRS 487.400 to 487.510, inclusive;

(e) Fails to discharge any final judgment entered against him when the judgment arises out of any misrepresentation regarding a vehicle;

(f) Fails to maintain any license or bond required by a political subdivision of this State;

(g) Has been convicted of a felony;

(h) Has been convicted of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter; ~~[or]~~

(i) Fails or refuses to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 6 ~~[.]~~ ***;or***

(j) Displays evidence of unfitness for a license pursuant to section 3 of this act.

2. The applicant or licensee may, within 30 days after receipt of the notice of refusal to grant or renew or the suspension or revocation of a license, petition the Department in writing for a hearing.

3. Hearings under this section and appeals therefrom must be conducted in the manner prescribed in NRS 482.353 and 482.354.

4. If an application for a license as an operator of a salvage pool is denied, the applicant may not submit another application for at least 6 months after the date of the denial.

5. The Department may refuse to review a subsequent application for licensing submitted by any person who violates any provision of NRS 487.400 to 487.510, inclusive.

6. Upon the receipt of any report or complaint that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the operation of a salvage pool, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS 487.400 to 487.510, inclusive, or to determine the suitability of an applicant or a licensee for such licensure.

7. For the purposes of this section, the failure to adhere to the directives of the Department advising the licensee of his noncompliance with any provision of NRS 487.400 to 487.510, inclusive, or regulations of the Department, within 10 days after the receipt of those directives, is prima facie evidence of willful failure to comply.

~~[Sec. 15.]~~ ***Sec. 26.*** NRS 487.530 is hereby amended to read as follows:

487.530 As used in NRS 487.530 to 487.570, inclusive, ***and sections*** ~~*[2 to 14,]*~~ ***5 to 19, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS ~~[487.535]~~ ***487.540*** to 487.550, inclusive, ***and*** ~~*[section 2]*~~ ***sections 5 and 6 of this act*** have the meanings ascribed to them in those sections.

~~[Sec. 16.]~~ ***Sec. 27.*** NRS 487.555 is hereby amended to read as follows:

487.555 The provisions of NRS 487.530 to 487.570, inclusive, ***and sections*** ~~*[2 to 14,]*~~ ***5 to 19, inclusive, of this act*** do not apply to a service station that is exclusively engaged in the business of selling motor vehicle fuel, lubricants or goods unrelated to the repair of motor vehicles.

Sec. 28. **NRS 487.560 is hereby amended to read as follows:**

487.560 1. On and after January 1, 1998, a garageman shall register with the Department for authorization to operate a garage.

2. An application for registration must be on a form provided by the Department. The application must include:

(a) The name of the applicant, including each name under which he intends to do business;

(b) The complete street address of each location from which the applicant will be conducting business, including a designation of the location that will be his principal place of business;

(c) A copy of the business license for each garage operated by the applicant if the county or city in which the applicant operates a garage requires such a license;

(d) The type of repair work offered at each garage operated by the applicant;

(e) The number of mechanics employed at each garage operated by the applicant; ***and***

(f) ~~[The statement required by NRS 487.563; and~~

~~(g)]~~ Any other information required by the Department.

3. Except as otherwise provided in this subsection, for each garage operated by an applicant, the Department shall charge a fee of $25 for the issuance or renewal of registration. If an applicant operates more than one garage, he may file one application if he clearly indicates on the application the location of each garage operated by the applicant and each person responsible for the management of each garage. The Department shall waive the fee for the issuance or renewal of registration for a person that is licensed as:

(a) An authorized inspection station, authorized maintenance station or authorized station pursuant to chapter 445B of NRS;

(b) A manufacturer, distributor, dealer or rebuilder pursuant to chapter 482 of NRS; or

(c) An automobile wrecker, salvage pool or body shop pursuant to chapter 487 of NRS.

4. All fees collected pursuant to this section must be deposited with the State Treasurer to the credit of the Account for Regulation of Salvage Pools, Automobile Wreckers, Body Shops and Garages.

5. An applicant for registration or renewal of registration shall notify the Department of any material change in the information contained in his application for registration or renewal within 10 days after his knowledge of the change.

~~[Sec. 17.]~~ ***Sec. 29.*** NRS 487.563 is hereby amended to read as follows:

487.563 1. Each person who submits an application for registration pursuant to the provisions of NRS 487.560 ~~[must include in the application a written statement to the Department that specifies whether he agrees to submit to binding arbitration any claims against him arising out of a contract for repairs made by him to a motor vehicle. If the person fails to submit the statement to the Department or specifies in the statement that he does not agree to arbitrate those claims, the person]~~ shall file with the Department a bond in the amount of $5,000, with a corporate surety for the bond that is licensed to do business in this State. The form of the bond must be approved by the Attorney General and be conditioned upon whether the applicant conducts his business as an owner or operator of a garage without fraud or fraudulent representation and in compliance with the provisions of NRS 487.035, 487.530 to 487.570, inclusive, and ~~[597.480 to 597.590, inclusive.]~~ ***sections*** ~~*[2 to 14,]*~~ ***5 to 19, inclusive, of this act.***

2. The bond must be continuous in form and the total aggregate liability on the bond must be limited to the payment of the total amount of the bond.

3. ***The bond must provide that any person injured by the action of the garageman may:***

(a) Apply to the Director for compensation from the bond. The Director, for good cause shown and after notice and opportunity for hearing, may determine the amount of compensation and the person to whom it is to be paid. The surety shall then make payment.

(b) Present to the Director an order of a court requiring the Director to pay to the person an amount of compensation from the bond. The Director shall inform the surety, and the surety shall then make payment.

4. In lieu of a bond required to be filed pursuant to the provisions of subsection 1, a person may deposit with the Department, pursuant to the terms prescribed by the Department:

(a) A like amount of money or bonds of the United States or of the State of Nevada of an actual market value of not less than the amount fixed by the Department; or

(b) A savings certificate of a bank or savings and loan association located in this State, which must indicate an account of an amount equal to the amount of the bond that would otherwise be required pursuant to this section and that the amount is unavailable for withdrawal except upon order of the Department. Interest earned on the certificate accrues to the account of the applicant.

~~[4. If a claim is arbitrated pursuant to the provisions of this section, the proceedings for arbitration must be conducted in accordance with the provisions of NRS 38.206 to 38.248, inclusive.~~

~~5. If a person:~~

~~(a) Submits the statement to the Department specifying that he agrees to arbitrate a claim pursuant to the provisions of subsection 1; and~~

~~(b) Fails to submit to binding arbitration any claim specified in that subsection,~~

~~→ the person asserting the claim may notify the Department of that fact. Upon receipt of the notice, the Department shall, after notice and hearing, revoke or refuse to renew the certificate of registration of the person who failed to submit the claim to arbitration.~~

~~6.~~ ***5. A deposit made pursuant to subsection 4 may be disbursed by the Director, for good cause shown and after notice and opportunity for hearing, in an amount determined by him to compensate a person injured by an action of the garageman or released upon receipt of:***

(a) An order of a court requiring the Director to release all or a specified portion of the deposit; or

(b) A statement signed by the person under whose name the deposit is made and acknowledged before any person authorized to take acknowledgments in this State, requesting that the Director release the deposit, or a specified portion thereof, and stating the purpose for which the release is requested.

6. If a person fails to comply with an order of a court that relates to the repair of a motor vehicle, ***or fails to pay or otherwise discharge any final judgment rendered and entered against him or any court order issued and arising out of the repair of a motor vehicle in the operation of a garage,*** the Department shall ~~[, after notice and hearing,]~~ revoke or refuse to renew the certificate of registration of the person who failed to comply with the order ~~[.]~~ ***or satisfy the judgment.***

7. The Department may reinstate or renew a certificate of registration that is ~~[:~~

~~(a) Revoked pursuant to the provisions of subsection 5 if the person whose certificate of registration is revoked:~~

~~(1) Submits the claim to arbitration pursuant to the provisions of subsection 4 and notifies the Department of that fact; or~~

~~(2) Files a bond or makes a deposit with the Department pursuant to the provisions of this section.~~

~~(b) Revoked]~~ ***revoked*** pursuant to the provisions of subsection 6 if the person whose certificate of registration is revoked complies with the order of the court.

8. A garageman whose registration has been revoked pursuant to the provisions of subsection 6 shall furnish to the Department a bond in the amount specified in subsection 1 before the reinstatement of his registration.

Sec. 30. **NRS 487.564 is hereby amended to read as follows:**

487.564 1. The Department may refuse to issue a registration or ~~[, after notice and hearing,]~~ may suspend, revoke or refuse to renew a registration to operate a garage upon any of the following grounds:

(a) A false statement of a material fact in a certification for a salvage vehicle required pursuant to NRS 487.800.

(b) A false statement or certification for an inspection pursuant to NRS 487.800 which attests to the mechanical fitness or safety of a salvage vehicle.

(c) The Director determines that the garage or garageman has engaged in a deceptive trade practice or violated the provisions of sections 7 to 19, inclusive, of this act.

(d) Evidence of unfitness of the applicant or registrant pursuant to section 3 of this act.

(e) A violation of any regulation adopted by the Department governing the operation of a garage.

(f) A violation of any statute or regulation that constitutes fraud in conjunction with the repair of a motor vehicle or operation of a garage.

2. ***A person for whom a certificate of registration has been suspended or revoked pursuant to the provisions of this section, subsection 6 of NRS 487.563 or similar provisions of the laws of any other state or territory of the United States shall not be employed by, or in any manner affiliated with, the operation of a garage subject to registration in this State.***

3. As used in this section, "salvage vehicle" has the meaning ascribed to it in NRS 487.770.

Sec. 31. **NRS 487.565 is hereby amended to read as follows:**

487.565 1. If the Department receives an application for registration that contains the information required by NRS 487.560, it shall issue to the applicant a certificate of registration for each garage operated by the applicant. The certificate must contain the name of the applicant, the name under which his business will be conducted, the address of his business and the registration number for the garage.

2. A certificate of registration is valid for 1 year after the date of issuance. A garageman may renew his registration by submitting to the Department:

(a) An application for renewal on a form provided by the Department; and

(b) Except as otherwise provided in NRS 487.560, the fee for renewal set forth in that section.

~~[→ The application must include the statement required by NRS 487.563.]~~

~~[Sec. 18.]~~ ***Sec. 32.*** NRS 487.568 is hereby amended to read as follows:

487.568 A person who violates any provision of NRS 487.530 to 487.570, inclusive, ***and sections*** ~~*[2 to 14,]*~~ ***5 to 19, inclusive, of this act*** is guilty of a misdemeanor.

~~[Sec. 19.]~~ ***Sec. 33.*** NRS 487.570 is hereby amended to read as follows:

487.570 A garageman shall comply with the provisions of ~~[NRS 597.480 to 597.590, inclusive.]~~ ***sections*** ~~*[3 to 14,]*~~ ***7 to 19, inclusive, of this act.***

~~[Sec. 20.]~~ ***Sec. 34.*** NRS 487.640 is hereby amended to read as follows:

487.640 1. No license may be issued to an operator of a body shop until he procures and files with the Department a good and sufficient bond in

the amount of $10,000, with a corporate surety thereon licensed to do business in the State of Nevada, approved as to form by the Attorney General, and conditioned that the applicant shall conduct his business as an operator of a body shop without fraud or fraudulent representation, and in compliance with the provisions of NRS 487.035, ***sections*** ~~*[3 to 14,]*~~ ***7 to 19, inclusive, of this act and NRS*** 487.600 to 487.690, inclusive **.** ~~[, and 597.480 to 597.590, inclusive.]~~ The Department may, by agreement with any operator of a body shop who has been licensed by the Department for 5 years or more, allow a reduction in the amount of the bond of the operator, if the business of the operator has been conducted satisfactorily for the preceding 5 years, but no bond may be in an amount less than $1,000.

2. The bond may be continuous in form and the total aggregate liability on the bond must be limited to the payment of the total amount of the bond.

3. The bond must provide that any person injured by the action of the operator of the body shop in violation of any of the provisions of NRS 487.035, ***sections*** ~~*[3 to 14,]*~~ ***7 to 19, inclusive, of this act and NRS*** 487.600 to 487.690, inclusive **,** ~~[, and 597.480 to 597.590, inclusive,]~~ may apply to the Director for compensation from the bond. The Director, for good cause shown and after notice and opportunity for hearing, may determine the amount of compensation and the person to whom it is to be paid. The surety shall then make the payment.

4. In lieu of a bond an operator of a body shop may deposit with the Department, under the terms prescribed by the Department:

(a) A like amount of money or bonds of the United States or of the State of Nevada of an actual market value of not less than the amount fixed by the Department; or

(b) A savings certificate of a bank, credit union or savings and loan association situated in Nevada, which must indicate an account of an amount equal to the amount of the bond which would otherwise be required by this section and that this amount is unavailable for withdrawal except upon order of the Department. Interest earned on the certificate accrues to the account of the applicant.

5. A deposit made pursuant to subsection 4 may be disbursed by the Director, for good cause shown and after notice and opportunity for hearing, in an amount determined by him to compensate a person injured by an action of the licensee, or released upon receipt of:

(a) An order of a court requiring the Director to release all or a specified portion of the deposit; or

(b) A statement signed by the person under whose name the deposit is made and acknowledged before any person authorized to take acknowledgments in this State, requesting the Director to release the deposit, or a specified portion thereof, and stating the purpose for which the release is requested.

6. When a deposit is made pursuant to subsection 4, liability under the deposit is in the amount prescribed by the Department. If the amount of the

deposit is reduced or there is an outstanding judgment of a court for which the licensee is liable under the deposit, the license is automatically suspended. The license must be reinstated if the licensee:

(a) Files an additional bond pursuant to subsection 1;

(b) Restores the deposit with the Department to the original amount required under this section; or

(c) Satisfies the outstanding judgment for which he is liable under the deposit.

7. A deposit made pursuant to subsection 4 may be refunded:

(a) By order of the Director, 3 years after the date the licensee ceases to be licensed by the Department, if the Director is satisfied that there are no outstanding claims against the deposit; or

(b) By order of court, at any time within 3 years after the date the licensee ceases to be licensed by the Department, upon evidence satisfactory to the court that there are no outstanding claims against the deposit.

8. Any money received by the Department pursuant to subsection 4 must be deposited with the State Treasurer for credit to the Motor Vehicle Fund.

~~[Sec. 21.]~~ ***Sec. 35.*** NRS 487.650 is hereby amended to read as follows:

487.650 1. The Department may refuse to issue a license or ~~[, after notice and hearing,]~~ may suspend, revoke or refuse to renew a license to operate a body shop upon any of the following grounds:

(a) Failure of the applicant or licensee to have or maintain an established place of business in this State.

(b) Conviction of the applicant or licensee or an employee of the applicant or licensee of a felony, or of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter.

(c) Any material misstatement in the application for the license.

(d) Willful failure of the applicant or licensee to comply with the motor vehicle laws of this State and NRS 487.035, 487.610 to 487.690, inclusive, or ~~[597.480 to 597.590, inclusive.]~~ ***sections*** ~~*[3 to 14,]*~~ ***7 to 19, inclusive, of this act.***

(e) Failure or refusal by the licensee to pay or otherwise discharge any final judgment against him arising out of the operation of the body shop.

(f) Failure or refusal to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 2.

(g) A finding of guilt by a court of competent jurisdiction in a case involving a fraudulent inspection, purchase, sale or transfer of a salvage vehicle by the applicant or licensee or an employee of the applicant or licensee.

(h) An improper, careless or negligent inspection of a salvage vehicle pursuant to NRS 487.800 by the applicant or licensee or an employee of the applicant or licensee.

(i) A false statement of material fact in a certification of a salvage vehicle pursuant to NRS 487.800 or a record regarding a salvage vehicle by the applicant or licensee or an employee of the applicant or licensee.

(j) The display of evidence of unfitness for a license pursuant to section 3 of this act.

2. Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the operation of a body shop, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS 487.610 to 487.690, inclusive, or to determine the suitability of an applicant or a licensee for such licensure.

3. As used in this section, "salvage vehicle" has the meaning ascribed to it in NRS 487.770.

~~[Sec. 22.]~~ ***Sec. 36.*** NRS 487.830 is hereby amended to read as follows:

487.830 1. Any person who transfers an interest in a motor vehicle in this State shall, before the transfer, disclose in writing to the transferee any information that the transferor knows or reasonably should know concerning whether the vehicle is a salvage vehicle ~~[.]~~ ***, a rebuilt vehicle or a reconstructed vehicle, as that term is defined in NRS 482.100.***

2. If the transferor is subject to any of the provisions of NRS 482.423 to 482.4245, inclusive, the transferor shall:

(a) Make the disclosure required by subsection 1 before executing a contract of sale or a long-term lease;

(b) Provide a copy of the disclosure to the transferee; and

(c) Retain the written disclosure in his records for the period specified in NRS 482.3263.

3. A person who violates subsection 1 is guilty of obtaining property by false pretenses as provided in NRS 205.380.

~~[Sec. 23.]~~ ***Sec. 37.*** NRS 598.985 is hereby amended to read as follows:

598.985 1. The Division and the Department shall cooperate to enhance the protection of persons who authorize the repair of motor vehicles by a garage that is registered with the Department pursuant to the provisions of NRS 487.530 to 487.570, inclusive ~~[.]~~ ***, and sections ~~[2 to 14,]~~ 5 to 19, inclusive, of this act.***

2. The ~~[Commissioner of Consumer Affairs may]~~ ***Department shall*** provide to the ~~[Department]~~ ***Commissioner of Consumer Affairs*** a copy of any complaint filed with the ~~[Division]~~ ***Department*** that alleges a deceptive

trade practice pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, by a garage or garageman registered pursuant to the provisions of NRS 487.530 to 487.570, inclusive [.] ***, and sections*** ~~*[2 to 14,]*~~ ***5 to 19, inclusive, of this act.*** ~~[If the Commissioner provides the Department with a copy of a complaint, the Department is]~~ ***The Department and the Commissioner are*** subject to the provisions of NRS 598.098 with respect to the complaint.

3. The ~~[Department]~~ ***Division*** may provide assistance to the ~~[Division]~~ ***Department*** in carrying out the provisions of NRS 598.990.

~~[Sec. 24.]~~ ***Sec. 38.*** NRS 598.990 is hereby amended to read as follows:

598.990 ***1.*** The ~~[Division]~~ ***Department*** shall ~~[:~~

~~1. Establish]~~ ***establish*** and maintain a toll-free telephone number for persons to report to the ~~[Division]~~ ***Department*** information concerning alleged violations of NRS 487.035, 487.530 to 487.570, inclusive, ~~[597.480 to 597.590, inclusive,]~~ ***and sections*** ~~*[2 to 14,]*~~ ***5 to 19, inclusive, of this act,*** and 598.0903 to 598.0999, inclusive.

2. ~~[Develop]~~ ***The Division shall develop*** a program to provide information to the public concerning:

(a) The duties imposed on a garageman by the provisions of NRS 487.035, 487.530 to 487.570, inclusive, and ~~[597.480 to 597.590, inclusive;]~~ ***sections*** ~~*[2 to 14,]*~~ ***5 to 19, inclusive, of this act;***

(b) The rights and protections established for a person who uses the services of a garage;

(c) The repair of motor vehicles; and

(d) Deceptive trade practices relating to the repair of motor vehicles by a garage.

~~[Sec. 25.]~~ ***Sec. 39***. NRS 487.535, 597.480, 597.490, 597.500, 597.510, 597.520, 597.530, 597.540, 597.550, 597.560, 597.570, 597.580 and 597.590 are hereby repealed.

Sec. 40. **A garageman shall display the sign required pursuant to section 7 of this act on or before:**

1. October 1, 2007; or

2. The date that he submits to the Department of Motor Vehicles his application for the renewal of a certificate of registration pursuant to NRS 487.565, as amended by section 31 of this act,

↪ whichever is later.

LEADLINES OF REPEALED SECTIONS

487.535 "Division" defined.
597.480 Definitions.
597.490 Display of sign required; contents of sign; penalty.
597.500 Duties of garageman on acceptance of vehicle for repair.
597.510 Estimate of costs required for certain repairs.

597.520 Notice of additional charges over estimate required in certain cases.

597.530 Waiver of estimate of costs or notice of additional charges; execution of waiver.

597.540 Duties of person authorizing repairs upon receipt of notice of additional charges.

597.550 Replaced parts to be delivered to person authorizing repairs if requested; exception.

597.560 Records to be retained by garageman.

597.570 Compliance with NRS 487.035 also required; enforcement of liens and contracts.

597.580 Violations: Injunctive relief.

597.590 Violations: Civil penalties.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 396.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 388.

"AN ACT relating to common-interest communities; **requiring a member of an executive board who stands to profit personally from a matter before the board to disclose and abstain from voting on the matter;** prohibiting the use of delegates or representatives to exercise the voting rights of units' owners ~~[,]~~ **in the election or removal of a member of the executive board; allowing the use of delegates or representatives to exercise the voting rights of owners of certain time shares; prohibiting an association in a common-interest community from imposing an assessment against certain tax-exempt property; requiring the signatures of certain persons before money in the operating account of an association may be withdrawn;** revising the provisions relating to foreclosure of liens against units; providing that official publications related to issues of official interest must provide equal space for opposing views and opinions; requiring applicants for a certificate for the management of a common-interest community to post certain bonds; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides additional ethical requirements for members of an executive board by requiring a member who stands to gain any personal profit or compensation from a matter before the executive board to disclose the matter to the executive board and to abstain from voting on the matter. (NRS 116.31185, 116.31187)

Under existing law, a common-interest community created before January 1, 1992, and a common-interest community, with a declaration so providing,

that consists of at least 1,000 units, may have the voting rights of the units' owners in the association for that common-interest community be exercised by delegates or representatives. (NRS 116.1201, 116.31105) Sections ~~[1-6]~~ **1.3** and ~~[11]~~ **3-6.3** of this bill prohibit the use of delegates or representatives to exercise the voting rights of units' owners ~~[.]~~ **in the election or removal of a member of the executive board. However, a master association which governs a time-share plan created pursuant to chapter 119A of NRS is allowed to continue using delegates or representatives to exercise the voting rights of owners of time shares.**

Section 2.5 of this bill prohibits an association from imposing an assessment against property in the common-interest community that is exempt from taxation pursuant to NRS 361.125.

Existing law requires certain signatures before money in the reserve account of an association may be withdrawn. (NRS 116.31153) Section 6.7 of this bill also requires certain signatures before money in the operating account of an association may be withdrawn.

Existing law provides for an association to have a lien on a unit for any construction penalty, assessment or fine imposed against the unit's owner which may later be foreclosed upon. (NRS 116.3116) Section ~~[7]~~ **7.5** of this bill requires an association to obtain approval from the Commission on Common-Interest Communities before attempting to foreclose its lien. **The Commission must approve the foreclosure of the lien if the association has followed certain procedures.** In addition, section 8 of this bill changes existing law to provide that the sale of a unit as a result of a foreclosure of a lien is subject to an equity or right of redemption. (NRS 116.31166)

Section ~~9~~ of this bill provides that if an official publication contains the views or opinions of the association concerning an issue of official interest, the official publication must, upon request, ~~[without charge and without prior censorship, devote and include]~~ **provide** equal space and equivalent exposure to opposing views and opinions. **If an official publication contains information concerning a civil action or claim in which the association is a party, the official publication is not required to provide equal space to opposing views and opinions. In addition, section 9 provides that if an official publication contains any mention of a candidate or ballot question, the official publication must provide equal space in the same issue to the candidate or a representative of an organization which advocates the passage or defeat of the ballot question.**

Existing law provides for the Commission to adopt regulations concerning the issuance of certificates for community managers. (NRS 116A.410) Section 10 of this bill provides that the regulations must: (1) require an applicant to post a bond in **a form and in** an amount established by regulation; and (2) adopt a sliding scale for the amount of the bond that is based upon the amount of money that applicants are expected to control.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:**

A member of an executive board who stands to gain any personal profit or compensation of any kind from a matter before the executive board shall:

1. Disclose the matter to the executive board; and

2. Abstain from voting on any such matter.

~~[Section 1.]~~ ***Sec. 1.3.*** **NRS 116.1201 is hereby amended to read as follows:**

116.1201 1. Except as otherwise provided in this section and NRS 116.1203, this chapter applies to all common-interest communities created within this State.

2. This chapter does not apply to:

(a) A limited-purpose association, except that a limited-purpose association:

(1) Shall pay the fees required pursuant to NRS 116.31155;

(2) Shall register with the Ombudsman pursuant to NRS 116.31158;

(3) Shall comply with the provisions of:

(I) NRS 116.31038, 116.31083 and 116.31152; and

(II) NRS 116.31075, if the limited-purpose association is created for a rural agricultural residential common-interest community;

(4) Shall comply with the provisions of NRS 116.4101 to 116.412, inclusive, as required by the regulations adopted by the Commission pursuant to paragraph (b) of subsection 5; and

(5) Shall not enforce any restrictions concerning the use of units by the units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.

(b) A planned community in which all units are restricted exclusively to nonresidential use unless the declaration provides that this chapter does apply to that planned community. This chapter applies to a planned community containing both units that are restricted exclusively to nonresidential use and other units that are not so restricted only if the declaration so provides or if the real estate comprising the units that may be used for residential purposes would be a planned community in the absence of the units that may not be used for residential purposes.

(c) Common-interest communities or units located outside of this State, but the provisions of NRS 116.4102 to 116.4108, inclusive, apply to all contracts for the disposition thereof signed in this State by any party unless exempt under subsection 2 of NRS 116.4101.

(d) A common-interest community that was created before January 1, 1992, is located in a county whose population is less than 50,000, and has

less than 50 percent of the units within the community put to residential use, unless a majority of the units' owners otherwise elect in writing.

(e) Except as otherwise provided in this chapter, time shares governed by the provisions of chapter 119A of NRS.

3. The provisions of this chapter do not:

(a) Prohibit a common-interest community created before January 1, 1992, from providing for separate classes of voting for the units' owners;

(b) Require a common-interest community created before January 1, 1992, to comply with the provisions of NRS 116.2101 to 116.2122, inclusive; ~~[or]~~

(c) Invalidate any assessments that were imposed on or before October 1, 1999, by a common-interest community created before January 1, 1992 ~~[.]~~ ; ~~[or]~~

(d) Prohibit a common-interest community created before January 1, 1992, or a common-interest community described in NRS 116.31105 from providing for a representative form of government ~~[.]~~ ***, except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives; or***

(e) Prohibit a master association which governs a time-share plan created pursuant to chapter 119A of NRS from providing for a representative form of government for the time-share plan.

4. The provisions of chapters 117 and 278A of NRS do not apply to common-interest communities.

5. The Commission shall establish, by regulation:

(a) The criteria for determining whether an association, a limited-purpose association or a common-interest community satisfies the requirements for an exemption or limited exemption from any provision of this chapter; and

(b) The extent to which a limited-purpose association must comply with the provisions of NRS 116.4101 to 116.412, inclusive.

6. As used in this section, "limited-purpose association" means an association that:

(a) Is created for the limited purpose of maintaining:

(1) The landscape of the common elements of a common-interest community;

(2) Facilities for flood control; or

(3) A rural agricultural residential common-interest community; and

(b) Is not authorized by its governing documents to enforce any restrictions concerning the use of units by units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.

Sec. 1.7. **NRS 116.1203 is hereby amended to read as follows:**

116.1203 1. Except as otherwise provided in subsection 2, if a planned community contains no more than 12 units and is not subject to any developmental rights, it is subject only to NRS 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.

2. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive, ***and section 1 of this act,*** and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than six units.

Sec. 2. ~~[NRS 116.212 is hereby amended to read as follows:~~

~~116.212 1. If the declaration provides that any of the powers described in NRS 116.3102 are to be exercised by or may be delegated to a profit or nonprofit corporation that exercises those or other powers on behalf of one or more common-interest communities or for the benefit of the units' owners of one or more common-interest communities, or on behalf of a common-interest community and a time-share plan created pursuant to chapter 119A of NRS, all provisions of this chapter applicable to unit-owners' associations apply to any such corporation, except as modified by this section.~~

~~2. Unless it is acting in the capacity of an association described in NRS 116.3101, a master association may exercise the powers set forth in paragraph (b) of subsection 1 of NRS 116.3102 only to the extent expressly permitted in:~~

~~(a) The declarations of common-interest communities which are part of the master association or expressly described in the delegations of power from those common-interest communities to the master association; or~~

~~(b) The declaration of the common-interest community which is a part of the master association and the time-share instrument creating the time-share plan governed by the master association.~~

~~3. If the declaration of any common-interest community provides that the executive board may delegate certain powers to a master association, the members of the executive board have no liability for the acts or omissions of the master association with respect to those powers following delegation.~~

~~4. The rights and responsibilities of units' owners with respect to the unit-owners' association set forth in NRS 116.3103, 116.31032, 116.31034, 116.31036, 116.3108, 116.31085, 116.3109, 116.311 [, 116.31105] and 116.3112 apply in the conduct of the affairs of a master association only to persons who elect the board of a master association, whether or not those persons are otherwise units' owners within the meaning of this chapter.~~

~~5. Even if a master association is also an association described in NRS 116.3101, the certificate of incorporation or other instrument creating the master association and the declaration of each common-interest community, the powers of which are assigned by the declaration or delegated to the master association, may provide that the executive board of the master association must be elected after the period of the declarant's control in any of the following ways:~~

~~(a) All units' owners of all common-interest communities subject to the master association may elect all members of the master association's executive board.~~

~~(b) All members of the executive boards of all common interest communities subject to the master association may elect all members of the master association's executive board.~~

~~(c) All units' owners of each common interest community subject to the master association may elect specified members of the master association's executive board.~~

~~(d) All members of the executive board of each common interest community subject to the master association may elect specified members of the master association's executive board.]~~ **(Deleted by amendment.)**

Sec. 2.5. **NRS 116.3102 is hereby amended to read as follows:**

116.3102 1. Except as otherwise provided in ~~[subsection 2,]~~ ***this section,*** and subject to the provisions of the declaration, the association may do any or all of the following:

(a) Adopt and amend bylaws, rules and regulations.

(b) Adopt and amend budgets for revenues, expenditures and reserves and collect assessments for common expenses from the units' owners.

(c) Hire and discharge managing agents and other employees, agents and independent contractors.

(d) Institute, defend or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more units' owners on matters affecting the common-interest community.

(e) Make contracts and incur liabilities.

(f) Regulate the use, maintenance, repair, replacement and modification of common elements.

(g) Cause additional improvements to be made as a part of the common elements.

(h) Acquire, hold, encumber and convey in its own name any right, title or interest to real estate or personal property, but:

(1) Common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to NRS 116.3112; and

(2) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to NRS 116.3112.

(i) Grant easements, leases, licenses and concessions through or over the common elements.

(j) Impose and receive any payments, fees or charges for the use, rental or operation of the common elements, other than limited common elements described in subsections 2 and 4 of NRS 116.2102, and for services provided to the units' owners.

(k) Impose charges for late payment of assessments.

(l) Impose construction penalties when authorized pursuant to NRS 116.310305.

(m) Impose reasonable fines for violations of the governing documents of the association only if the association complies with the requirements set forth in NRS 116.31031.

(n) Impose reasonable charges for the preparation and recordation of any amendments to the declaration or any statements of unpaid assessments, and impose reasonable fees, not to exceed the amounts authorized by NRS 116.4109, for preparing and furnishing the documents and certificate required by that section.

(o) Provide for the indemnification of its officers and executive board and maintain directors' and officers' liability insurance.

(p) Assign its right to future income, including the right to receive assessments for common expenses, but only to the extent the declaration expressly so provides.

(q) Exercise any other powers conferred by the declaration or bylaws.

(r) Exercise all other powers that may be exercised in this State by legal entities of the same type as the association.

(s) Direct the removal of vehicles improperly parked on property owned or leased by the association, as authorized pursuant to NRS 487.038, or improperly parked on any road, street, alley or other thoroughfare within the common-interest community in violation of the governing documents. In addition to complying with the requirements of NRS 487.038 and any requirements in the governing documents, if a vehicle is improperly parked as described in this paragraph, the association must post written notice in a conspicuous place on the vehicle or provide oral or written notice to the owner or operator of the vehicle at least 48 hours before the association may direct the removal of the vehicle, unless the vehicle:

(1) Is blocking a fire hydrant, fire lane or parking space designated for the handicapped; or

(2) Poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community.

(t) Exercise any other powers necessary and proper for the governance and operation of the association.

2. The declaration may not impose limitations on the power of the association to deal with the declarant which are more restrictive than the limitations imposed on the power of the association to deal with other persons.

3. Notwithstanding any provision of this chapter or the governing documents to the contrary, an association may not impose any assessment pursuant to this chapter or the governing documents on any property in the common-interest community that is exempt from taxation pursuant to NRS 361.125.

Sec. 3. NRS 116.31034 is hereby amended to read as follows:

116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's

control, the units' owners shall elect an executive board of at least three members, at least a majority of whom must be units' owners. Unless the governing documents provide otherwise, the remaining members of the executive board do not have to be units' owners. The executive board shall elect the officers of the association. The members of the executive board and the officers of the association shall take office upon election.

2. The term of office of a member of the executive board may not exceed 2 years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

(a) Members of the executive board who are appointed by the declarant; and

(b) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of his eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.

5. Each person whose name is placed on the ballot as a candidate for a member of the executive board must:

(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

(b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate has any unpaid and past due assessments or construction penalties that are required to be paid to the association.

➥ The candidate must make all disclosures required pursuant to this subsection in writing to the association with his candidacy information. The association shall distribute the disclosures to each member of the association with the ballot in the manner established in the bylaws of the association.

6. Unless a person is appointed by the declarant:

(a) A person may not be a member of the executive board or an officer of the association if the person, his spouse or his parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

(b) A person may not be a member of the executive board of a master association or an officer of that master association if the person, his spouse or his parent or child, by blood, marriage or adoption, performs the duties of a community manager for:

(1) That master association; or

(2) Any association that is subject to the governing documents of that master association.

7. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, he shall file proof in the records of the association that:

(a) He is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

8. ~~[The]~~ ***Except as otherwise provided in NRS 116.31105, the*** election of any member of the executive board must be conducted by secret written ballot ~~[unless the declaration of the association provides that voting rights may be exercised by delegates or representatives as set forth in NRS 116.31105. If the election of any member of the executive board is conducted by secret written ballot:]~~ ***in the following manner:***

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.

(e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for a member of the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association

before those secret written ballots have been opened and counted at a meeting of the association.

9. Each member of the executive board shall, within 90 days after his appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that he has read and understands the governing documents of the association and the provisions of this chapter to the best of his ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.

Sec. 4. NRS 116.31036 is hereby amended to read as follows:

116.31036 1. Notwithstanding any provision of the declaration or bylaws to the contrary, any member of the executive board, other than a member appointed by the declarant, may be removed from the executive board, with or without cause, if at a removal election held pursuant to this section the number of votes cast in favor of removal constitutes:

(a) At least 35 percent of the total number of voting members of the association; and

(b) At least a majority of all votes cast in that removal election.

2. ~~[The]~~ ***Except as otherwise provided in NRS 116.31105, the*** removal of any member of the executive board must be conducted by secret written ballot ~~[unless the declaration of the association provides that voting rights may be exercised by delegates or representatives as set forth in NRS 116.31105. If the removal of a member of the executive board is conducted by secret written ballot:]~~ ***in the following manner:***

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) Only the secret written ballots that are returned to the association may be counted to determine the outcome.

(d) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(e) The incumbent members of the executive board, including, without limitation, the member who is subject to the removal, may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

3. If a member of an executive board is named as a respondent or sued for liability for actions undertaken in his role as a member of the board, the

association shall indemnify him for his losses or claims, and undertake all costs of defense, unless it is proven that he acted with willful or wanton misfeasance or with gross negligence. After such proof, the association is no longer liable for the cost of defense, and may recover costs already expended from the member of the executive board who so acted. Members of the executive board are not personally liable to the victims of crimes occurring on the property. Punitive damages may not be recovered against the association, but may be recovered from persons whose activity gave rise to the damages.

4. The provisions of this section do not prohibit the Commission from taking any disciplinary action against a member of an executive board pursuant to NRS 116.745 to 116.795, inclusive.

Sec. 5. NRS 116.3108 is hereby amended to read as follows:

116.3108 1. A meeting of the units' owners must be held at least once each year. If the governing documents do not designate an annual meeting date of the units' owners, a meeting of the units' owners must be held 1 year after the date of the last meeting of the units' owners. If the units' owners have not held a meeting for 1 year, a meeting of the units' owners must be held on the following March 1.

2. Special meetings of the units' owners may be called by the president, by a majority of the executive board or by units' owners constituting at least 10 percent, or any lower percentage specified in the bylaws, of the total number of voting members of the association. The same number of units' owners may also call a removal election pursuant to NRS 116.31036. To call a special meeting or a removal election, the units' owners must submit a written petition which is signed by the required percentage of the total number of voting members of the association pursuant to this section and which is mailed, return receipt requested, or served by a process server to the executive board or the community manager for the association. If the petition calls for a special meeting, the executive board shall set the date for the special meeting so that the special meeting is held not less than 15 days or more than 60 days after the date on which the petition is received. If the petition calls for a removal election ~~[,]~~ and:

(a) The voting rights of the ~~[units']~~ owners ***of time shares*** will be exercised by delegates or representatives as set forth in NRS 116.31105, the executive board shall set the date for the removal election so that the removal election is held not less than 15 days or more than 60 days after the date on which the petition is received; or

(b) The voting rights of the units' owners will be exercised through the use of secret written ballots pursuant to NRS 116.31036, the secret written ballots for the removal election must be sent in the manner required by NRS 116.31036 not less than 15 days or more than 60 days after the date on which the petition is received, and the executive board shall set the date for the meeting to open and count the secret written ballots so that the meeting is

held not more than 15 days after the deadline for returning the secret written ballots.

3. Not less than 15 days or more than 60 days in advance of any meeting of the units' owners, the secretary or other officer specified in the bylaws shall cause notice of the meeting to be hand-delivered, sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner or, if the association offers to send notice by electronic mail, sent by electronic mail at the request of the unit's owner to an electronic mail address designated in writing by the unit's owner. The notice of the meeting must state the time and place of the meeting and include a copy of the agenda for the meeting. The notice must include notification of the right of a unit's owner to:

(a) Have a copy of the minutes or a summary of the minutes of the meeting provided to the unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.

(b) Speak to the association or executive board, unless the executive board is meeting in executive session.

4. The agenda for a meeting of the units' owners must consist of:

(a) A clear and complete statement of the topics scheduled to be considered during the meeting, including, without limitation, any proposed amendment to
the declaration or bylaws, any fees or assessments to be imposed or increased by the association, any budgetary changes and any proposal to remove an officer of the association or member of the executive board.

(b) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items. In an emergency, the units' owners may take action on an item which is not listed on the agenda as an item on which action may be taken.

(c) A period devoted to comments by units' owners and discussion of those comments. Except in emergencies, no action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to paragraph (b).

5. If the association adopts a policy imposing fines for any violations of the governing documents of the association, the secretary or other officer specified in the bylaws shall prepare and cause to be hand-delivered or sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner, a schedule of the fines that may be imposed for those violations.

6. The secretary or other officer specified in the bylaws shall cause minutes to be recorded or otherwise taken at each meeting of the units' owners. Not more than 30 days after each such meeting, the secretary or other officer specified in the bylaws shall cause the minutes or a summary of the minutes of the meeting to be made available to the units' owners. A copy

of the minutes or a summary of the minutes must be provided to any unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.

7. Except as otherwise provided in subsection 8, the minutes of each meeting of the units' owners must include:

(a) The date, time and place of the meeting;

(b) The substance of all matters proposed, discussed or decided at the meeting; and

(c) The substance of remarks made by any unit's owner at the meeting if he requests that the minutes reflect his remarks or, if he has prepared written remarks, a copy of his prepared remarks if he submits a copy for inclusion.

8. The executive board may establish reasonable limitations on materials, remarks or other information to be included in the minutes of a meeting of the units' owners.

9. The association shall maintain the minutes of each meeting of the units' owners until the common-interest community is terminated.

10. A unit's owner may record on audiotape or any other means of sound reproduction a meeting of the units' owners if the unit's owner, before recording the meeting, provides notice of his intent to record the meeting to the other units' owners who are in attendance at the meeting.

11. The units' owners may approve, at the annual meeting of the units' owners, the minutes of the prior annual meeting of the units' owners and the minutes of any prior special meetings of the units' owners. A quorum is not required to be present when the units' owners approve the minutes.

12. As used in this section, "emergency" means any occurrence or combination of occurrences that:

(a) Could not have been reasonably foreseen;

(b) Affects the health, welfare and safety of the units' owners or residents of the common-interest community;

(c) Requires the immediate attention of, and possible action by, the executive board; and

(d) Makes it impracticable to comply with the provisions of subsection 3 or 4.

Sec. 6. NRS 116.311 is hereby amended to read as follows:

116.311 1. If only one of several owners of a unit is present at a meeting of the association, that owner is entitled to cast all the votes allocated to that unit. If more than one of the owners are present, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the owners, unless the declaration expressly provides otherwise. There is majority agreement if any one of the owners cast the votes allocated to that unit without protest made promptly to the person presiding over the meeting by any of the other owners of the unit.

2. Except as otherwise provided in this section, votes allocated to a unit may be cast pursuant to a proxy executed by a unit's owner. A unit's owner may give a proxy only to a member of his immediate family, a tenant of the

unit's owner who resides in the common-interest community , ~~[or]~~ another unit's owner who resides in the common-interest community ~~[.]~~ , or a delegate or representative when authorized pursuant to NRS 116.31105. If a unit is owned by more than one person, each owner of the unit may vote or register protest to the casting of votes by the other owners of the unit through an executed proxy. A unit's owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the person presiding over a meeting of the association.

3. Before a vote may be cast pursuant to a proxy:

(a) The proxy must be dated.

(b) The proxy must not purport to be revocable without notice.

(c) The proxy must designate the meeting for which it is executed.

(d) The proxy must designate each specific item on the agenda of the meeting for which the unit's owner has executed the proxy, except that the unit's owner may execute the proxy without designating any specific items on the agenda of the meeting if the proxy is to be used solely for determining whether a quorum is present for the meeting. If the proxy designates one or more specific items on the agenda of the meeting for which the unit's owner has executed the proxy, the proxy must indicate, for each specific item designated in the proxy, whether the holder of the proxy must cast a vote in the affirmative or the negative on behalf of the unit's owner. If the proxy does not indicate whether the holder of the proxy must cast a vote in the affirmative or the negative for a particular item on the agenda of the meeting, the proxy must be treated, with regard to that particular item, as if the unit's owner were present but not voting on that particular item.

(e) The holder of the proxy must disclose at the beginning of the meeting for which the proxy is executed the number of proxies pursuant to which the holder will be casting votes.

4. A proxy terminates immediately after the conclusion of the meeting for which it is executed.

5. ~~[A]~~ ***Except as otherwise provided in this subsection, a*** vote may not be cast pursuant to a proxy for the election or removal of a member of the executive board of an association **.** ~~[unless]~~ ***A vote may be cast pursuant to a proxy for the election or removal of a member of the executive board of a master association which governs a time-share plan created pursuant to chapter 119A of NRS if*** the proxy is exercised through a delegate or representative authorized pursuant to NRS 116.31105.

6. The holder of a proxy may not cast a vote on behalf of the unit's owner who executed the proxy in a manner that is contrary to the proxy.

7. A proxy is void if the proxy or the holder of the proxy violates any provision of subsections 1 to 6, inclusive.

8. If the declaration requires that votes on specified matters affecting the common-interest community must be cast by the lessees of leased units rather than the units' owners who have leased the units:

(a) The provisions of subsections 1 to 7, inclusive, apply to the lessees as if they were the units' owners;

(b) The units' owners who have leased their units to the lessees may not cast votes on those specified matters;

(c) The lessees are entitled to notice of meetings, access to records and other rights respecting those matters as if they were the units' owners; and

(d) The units' owners must be given notice, in the manner provided in NRS 116.3108, of all meetings at which the lessees are entitled to vote.

9. If any votes are allocated to a unit that is owned by the association, those votes may not be cast, by proxy or otherwise, for any purpose.

~~*[10. The executive board shall not and the governing documents must not provide for or authorize a representative form of government or the use of delegates or representatives to exercise the voting rights of the units' owners.]*~~

Sec. 6.3. **NRS 116.31105 is hereby amended to read as follows:**

116.31105 1. If the declaration so provides, in a common-interest community that consists of at least 1,000 units, the voting rights of the units' owners in the association for that common-interest community may be exercised by delegates or representatives ~~[.]~~ ***except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives.***

2. In addition to a common-interest community identified in subsection 1, if the declaration so provides, in a common-interest community created before October 1, 1999, the voting rights of the units' owners in the association for that common-interest community may be exercised by delegates or representatives ~~[.]~~ ***except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives.***

3. In addition to a common-interest community identified in subsections 1 and 2, if the declaration so provides, the voting rights of the owners of time shares within a time-share plan created pursuant to chapter 119A of NRS which is governed by a master association may be exercised by delegates or representatives.

4. For the purposes of subsection 1, each unit that a declarant has reserved the right to create pursuant to NRS 116.2105 and for which developmental rights exist must be counted in determining the number of units in a common-interest community.

~~[4.]~~ ***5. For the purposes of subsection 3, each time share that a developer has reserved the right to create pursuant to paragraph (g) of subsection 2 of NRS 119A.380 must be counted in determining the number of time shares in a time-share plan.***

6. Notwithstanding any provision in the declaration, the election of any delegate or representative must be conducted by secret written ballot.

~~[5.]~~ ***7.*** When an election of a delegate or representative is conducted by secret written ballot:

(a) The secretary or other officer of the association specified in the bylaws of the association shall cause a secret written ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) Only the secret written ballots that are returned to the association in the manner prescribed on the ballot may be counted to determine the outcome of the election.

(d) The secret written ballots must be opened and counted at a meeting called for the purpose of electing delegates or representatives. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(e) A candidate for delegate or representative may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association in the manner prescribed on the ballot before those secret written ballots have been opened and counted at a meeting called for that purpose.

Sec. 6.7. **NRS 116.31153 is hereby amended to read as follows:**

116.31153 ***1.*** Money in the reserve account of an association required by paragraph (b) of subsection 2 of NRS 116.3115 may not be withdrawn without the signatures of at least two members of the executive board or the signatures of at least one member of the executive board and one officer of the association who is not a member of the executive board.

2. Money in the operating account of an association may not be withdrawn without the signatures of at least one member of the executive board or one officer of the association and a member of the executive board, an officer of the association or the community manager.

Sec. 7. ~~[NRS 116.3116 is hereby amended to read as follows:~~

~~116.3116 1. The association has a lien on a unit for any construction penalty that is imposed against the unit's owner pursuant to NRS 116.310305, any assessment levied against that unit or any fines imposed against the unit's owner from the time the construction penalty, assessment or fine becomes due. Unless the declaration otherwise provides, any penalties, fees, charges, late charges, fines and interest charged pursuant to paragraphs (j) to (n), inclusive, of subsection 1 of NRS 116.3102 are enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.~~

~~2. A lien under this section is prior to all other liens and encumbrances on a unit except:~~

~~(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances which the association creates, assumes or takes subject to;~~

~~(b) A first security interest on the unit recorded before the date on which the assessment sought to be enforced became delinquent or, in a cooperative, the first security interest encumbering only the unit's owner's interest and perfected before the date on which the assessment sought to be enforced became delinquent; and~~

~~(c) Liens for real estate taxes and other governmental assessments or charges against the unit or cooperative.~~

~~➡ The lien is also prior to all security interests described in paragraph (b) to the extent of the assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 which would have become due in the absence of acceleration during the 6 months immediately preceding institution of an action to enforce the lien. This subsection does not affect the priority of mechanics' or materialmen's liens, or the priority of liens for other assessments made by the association.~~

~~3. Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority.~~

~~4. Recording of the declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessment under this section is required.~~

~~5. A lien for unpaid assessments is extinguished unless proceedings to enforce the lien are instituted within 3 years after the full amount of the assessments becomes due.~~

~~6. This section does not prohibit actions to recover sums for which subsection 1 creates a lien or prohibit an association from taking a deed in lieu of foreclosure.~~

~~7. A judgment or decree in any action brought under this section must include costs and reasonable attorney's fees for the prevailing party.~~

~~8. The association, upon written request, shall furnish to a unit's owner a statement setting forth the amount of unpaid assessments against the unit. If the interest of the unit's owner is real estate or if a lien for the unpaid assessments may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the statement must be in recordable form. The statement must be furnished within 10 business days after receipt of the request and is binding on the association, the executive board and every unit's owner.~~

~~9. In a cooperative, upon nonpayment of an assessment on a unit, the unit's owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and:~~

~~(a) In a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, the association's lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive.~~

~~(b) In a cooperative where the owner's interest in a unit is personal property under NRS 116.1105, the association's lien:~~

~~(1) May be foreclosed as a security interest under NRS 104.9101 to 104.9709, inclusive; or~~

~~(2) If the declaration so provides, may be foreclosed under NRS 116.31162 to 116.31168, inclusive.~~

~~*10. The association must obtain approval from the Commission before attempting to foreclose its lien pursuant to the provisions of NRS 116.31162 to 116.31168, inclusive.*~~ **(Deleted by amendment.)**

Sec. 7.5. **NRS 116.31162 is hereby amended to read as follows:**

116.31162 1. Except as otherwise provided in subsection 4, in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the association may foreclose its lien by sale after all of the following occur:

(a) The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his successor in interest, at his address if known and at the address of the unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.

(b) Not less than 30 days after mailing the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) State the name and address of the person authorized by the association to enforce the lien by sale.

(3) Contain, in 14-point bold type, the following warning:

WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!

(c) ***The Commission has approved of the foreclosure of the lien. The Commission shall grant approval for the foreclosure of the lien if the Commission finds that the association has complied with paragraph (a) and the association or other person conducting the sale has complied with paragraph (b).***

(d) The unit's owner or his successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its

enforcement, for 90 days following the recording of the notice of default and election to sell.

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.

3. The period of 90 days begins on the first day following:

(a) The date on which the notice of default is recorded; or

(b) The date on which a copy of the notice of default is mailed by certified or registered mail, return receipt requested, to the unit's owner or his successor in interest at his address, if known, and at the address of the unit,

➥ whichever date occurs later.

4. The association may not foreclose a lien by sale based on a fine or penalty for a violation of the governing documents of the association unless:

(a) The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community; or

(b) The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.

Sec. 8. NRS 116.31166 is hereby amended to read as follows:

116.31166 1. The recitals in a deed made pursuant to NRS 116.31164 of:

(a) Default, the mailing of the notice of delinquent assessment, and the recording of the notice of default and election to sell;

(b) The elapsing of the 90 days; and

(c) The giving of notice of sale,

➥ are conclusive proof of the matters recited.

2. Such a deed containing those recitals is conclusive against the unit's former owner, his heirs and assigns, and all other persons. The receipt for the purchase money contained in such a deed is sufficient to discharge the purchaser from obligation to see to the proper application of the purchase money.

3. The sale of a unit pursuant to NRS 116.31162, 116.31163 and 116.31164 ~~[vests in the purchaser the title of the unit's owner without]~~ ***is subject to an*** equity or right of redemption.

Sec. 9. NRS 116.31175 is hereby amended to read as follows:

116.31175 1. Except as otherwise provided in this subsection, the executive board of an association shall, upon the written request of a unit's owner, make available the books, records and other papers of the association for review during the regular working hours of the association, including, without limitation, all contracts to which the association is a party and all records filed with a court relating to a civil or criminal action to which the association is a party. The provisions of this subsection do not apply to:

(a) The personnel records of the employees of the association, except for those records relating to the number of hours worked and the salaries and benefits of those employees;

(b) The records of the association relating to another unit's owner, except for those records described in subsection 2; and

(c) A contract between the association and an attorney.

2. The executive board of an association shall maintain a general record concerning each violation of the governing documents, other than a violation involving a failure to pay an assessment, for which the executive board has imposed a fine, a construction penalty or any other sanction. The general record:

(a) Must contain a general description of the nature of the violation and the type of the sanction imposed. If the sanction imposed was a fine or construction penalty, the general record must specify the amount of the fine or construction penalty.

(b) Must not contain the name or address of the person against whom the sanction was imposed or any other personal information which may be used to identify the person or the location of the unit, if any, that is associated with the violation.

(c) Must be maintained in an organized and convenient filing system or data system that allows a unit's owner to search and review the general records concerning violations of the governing documents.

3. If the executive board refuses to allow a unit's owner to review the books, records or other papers of the association, the Ombudsman may:

(a) On behalf of the unit's owner and upon written request, review the books, records or other papers of the association during the regular working hours of the association; and

(b) If he is denied access to the books, records or other papers, request the Commission, or any member thereof acting on behalf of the Commission, to issue a subpoena for their production.

4. The books, records and other papers of an association must be maintained for at least 10 years. The provisions of this subsection do not apply to:

(a) The minutes of a meeting of the units' owners which must be maintained in accordance with NRS 116.3108; or

(b) The minutes of a meeting of the executive board which must be maintained in accordance with NRS 116.31083.

5. The executive board shall not require a unit's owner to pay an amount in excess of $10 per hour to review any books, records, contracts or other papers of the association pursuant to the provisions of this section.

6. If an official publication contains or will contain any mention of a candidate or ballot question, the official publication must, upon request and without charge, provide equal space in the same issue to the candidate or a representative of an organization which supports the passage or defeat of the ballot question.

7. Except as otherwise provided in this subsection, if an official publication contains or will contain the views or opinions of the association, the executive board, a community manager or an officer,

employee or agent of an association concerning an issue of official interest, the official publication must, upon request ~~[,]~~ and without charge , ~~[and without any prior censorship, devote and include]~~ provide equal space ~~[and equivalent exposure to any]~~ to opposing views and opinions of a unit's owner, tenant or resident of the common-interest community. If an official publication contains or will contain any information concerning a civil action or claim in which the association is a party, the official publication is not required to provide equal space to any opposing views or opinions.

8. As used in this ~~[subsection:]~~ section:

(a) "Issue of official interest" includes, without limitation:

(1) Any issue on which the executive board or the units' owners will be voting , ~~[or have voted,]~~ including, without limitation, the election of members of the executive board; and

(2) The enactment or adoption of ~~[proposed legislation or administrative]~~ rules or regulations that will affect a common-interest community.

(b) "Official publication" means:

(1) An official website;

(2) An official newsletter or other similar publication that is circulated to each unit's owner; or

(3) An official bulletin board that is available to each unit's owner,

➥ which is published or maintained at the cost of an association and by an association, an executive board, a member of an executive board, a community manager or an officer, employee or agent of an association.

Sec. 10. NRS 116A.410 is hereby amended to read as follows:

116A.410 1. The Commission shall by regulation provide for the issuance by the Division of certificates. The regulations:

(a) Must establish the qualifications for the issuance of such a certificate, including, without limitation, the education and experience required to obtain such a certificate.

(b) ***Must require an applicant to post a bond in a form and in an amount established by regulation. The Commission shall, by regulation, adopt a sliding scale for the amount of the bond that is based upon the amount of money that applicants are expected to control.***

(c) May require applicants to pass an examination in order to obtain a certificate. If the regulations require such an examination, the Commission shall by regulation establish fees to pay the costs of the examination, including any costs which are necessary for the administration of the examination.

~~[(c)]~~ ***(d)*** May require an investigation of an applicant's background. If the regulations require such an investigation, the Commission shall by regulation establish fees to pay the costs of the investigation.

~~[(d)]~~ ***(e)*** Must establish the grounds for initiating disciplinary action against a person to whom a certificate has been issued, including, without

limitation, the grounds for placing conditions, limitations or restrictions on a certificate and for the suspension or revocation of a certificate.

~~[(c)]~~ ***(f)*** Must establish rules of practice and procedure for conducting disciplinary hearings.

2. The Division may collect a fee for the issuance of a certificate in an amount not to exceed the administrative costs of issuing the certificate.

Sec. 11. ~~[NRS 116.31105 is hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 12. **1.** This ~~[act]~~ **section** becomes **effective upon passage and approval.**

2. Section 10 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2008, for all other purposes.

3. Sections 1 to 9, inclusive, and 11 of this act become effective on ~~[July]~~ **October** 1, 2007.

~~[~~

~~TEXT OF REPEALED SECTION~~

~~116.31105 Voting by delegates or representatives; procedure for electing delegates or representatives.~~

~~1. If the declaration so provides, in a common-interest community that consists of at least 1,000 units, the voting rights of the units' owners in the association for that common-interest community may be exercised by delegates or representatives.~~

~~2. In addition to a common-interest community identified in subsection 1, if the declaration so provides, in a common-interest community created before October 1, 1999, the voting rights of the units' owners in the association for that common-interest community may be exercised by delegates or representatives.~~

~~3. For the purposes of subsection 1, each unit that a declarant has reserved the right to create pursuant to NRS 116.2105 and for which developmental rights exist must be counted in determining the number of units in a common-interest community.~~

~~4. Notwithstanding any provision in the declaration, the election of any delegate or representative must be conducted by secret written ballot.~~

~~5. When an election of a delegate or representative is conducted by secret written ballot:~~

~~(a) The secretary or other officer of the association specified in the bylaws of the association shall cause a secret written ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.~~

~~(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.~~

~~(c) Only the secret written ballots that are returned to the association in the manner prescribed on the ballot may be counted to determine the outcome of the election.~~

~~(d) The secret written ballots must be opened and counted at a meeting called for the purpose of electing delegates or representatives. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.~~

~~(e) A candidate for delegate or representative may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association in the manner prescribed on the ballot before those secret written ballots have been opened and counted at a meeting called for that purpose.]~~

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 416.

Bill read second time.

The following amendment was proposed by the Select Committee on Corrections, Parole, and Probation:

Amendment No. 380.

AN ACT relating to correctional institutions; requiring the Department of Corrections to conduct peer review of certain employees; ~~[providing the Board of State Prison Commissioners with the sole authority to prescribe regulations for the Department;]~~ requiring the Legislative Auditor to perform biennial performance audits of the Department; creating the ~~[Committee on Prison Oversight,]~~ **Policy Advisory Commission on Corrections;** making certain changes concerning ~~[mandatory]~~ the parole of certain prisoners; providing that meetings of the State Board of Parole Commissioners are subject to the Open Meeting Law; revising the additional penalty that must be imposed for the commission of certain crimes under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law authorizes the Director of the Department of Corrections to establish certain regulations concerning the Department. (NRS 209.131, 209.243, 209.246, 209.361, 209.365, 209.367, 209.385, 209.392, 209.419, 209.423, 209.481, 209.4886, 209.4888, 209.501) Section 8 of this bill provides that the Board of State Prison Commissioners has the sole authority to establish regulations for the Department. Sections 9-22 of this bill amend existing law to repeal the authority of the Director to establish regulations.]~~

Section 2 of this bill requires the Department **of Corrections** to carry out a process for peer review of employees of the Department who are in the

unclassified service of the State and requires the Board **of State Prison Commissioners** to prescribe the requirements for the process for peer review. Section 3 of this bill requires the Legislative Auditor to conduct biennial performance audits of the Department and to report the findings of such performance audits to the Audit Subcommittee of the Legislative Commission. Sections 4 ~~[, 6]~~ **and 5** of this bill create the ~~[Committee on Prison Oversight]~~ **Policy Advisory Commission on Corrections** to evaluate prisons in this State and make certain reports to the Governor and the Legislative Commission concerning the status of prisons. **Section 37 of this bill provides that the provisions creating the Commission will expire by limitation on June 30, 2011.**

~~[Section 7 of this bill requires that if the duties of an officer, employee or independent contractor of the Department require contact with a prisoner, the officer, employee or independent contractor must be of the same gender as the prisoner.]~~

Section 23 of this bill revises certain provisions concerning determinations by the State Board of Parole Commissioners concerning the granting or revoking of parole. (NRS 213.10885) Section 24 of this bill ~~[requires the Board to release on parole certain prisoners once the prisoners have served the minimum sentence imposed by a court in certain circumstances. Section 24 also requires the Board to release certain prisoners on parole if the Department determines that the population of the institutions in this State exceeds 97 percent of total capacity.]~~ **requires that certain prisoners must be released on parole 18 months before the end of their maximum term rather than 12 months as is provided in existing law. Section 24 also authorizes the Division of Parole and Probation of the Department of Public Safety to waive certain requirements concerning the close supervision of a prisoner who is released on parole for a category D or category E felony.** (NRS 213.1215)

Sections 25 and 35 of this bill provide that meetings of the State Board of Parole Commissioners are subject to the Open Meeting Law. (NRS 213.130, 241.030) **Section 25 also requires the Board to provide notice of a meeting to consider a prisoner for parole to be given to the prisoner and the victim. Section 25 further requires the Board to provide certain information to prisoners and to make a final decision concerning parole within 10 working days after a meeting to consider parole.**

Existing law provides that persons who commit certain crimes must be punished by the imposition of a penalty equal to and in addition to the term of imprisonment for the underlying crime. (NRS 193.161-193.1685) Sections 26-34 of this bill provide that the additional penalty for such crimes must be a minimum term of not less than 1 year and a maximum term of not more than 10 years ~~[.]~~ **, except that the additional term of imprisonment must not exceed the sentence imposed for the underlying crime.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 209 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[7,]~~ **6,** inclusive, of this act.

Sec. 2. ***1. The Department shall carry out a process for peer review of the performance of employees of the Department who are in the unclassified service of the State. The Board shall prescribe the requirements for the process for peer review, including, without limitation, the qualifications of persons who may serve as peer reviewers.***

2. On or before January 1 of each even-numbered year, the Board shall review comprehensively the process for peer review adopted by the Board. The review must include a determination of whether the process is effective in identifying problems concerning the performance of employees of the Department who are in the unclassified service. If the process is found to be ineffective, the Board shall adopt a revised process for peer review as soon as practicable.

3. The Board shall report to each regular session of the Legislature:

(a) The findings of the Board concerning the effectiveness of the process for peer review;

(b) The results and conclusions from the Board's review pursuant to subsection 2; and

(c) Any changes in the Department's standards, policies, procedures or programs that have been or will be made as a result of the review.

Sec. 3. ***1. On or before January 1 of each even-numbered year, the Legislative Auditor shall conduct a performance audit of the Department. The performance audit must include, without limitation, issues concerning:***

(a) Financial management of the Department;

(b) Facilities management of the Department; ~~***[and]***~~

(c) Personnel management of the Department ~~***[.]***~~ ***;***

(d) Monitoring of the Offender's Store Fund created pursuant to NRS 209.221; and

(e) The availability to prisoners of educational programs, medical care, employment programs and credits for good behavior.

2. The Legislative Auditor shall prepare a final written report for each performance audit conducted pursuant to subsection 1 and present the report to the Audit Subcommittee of the Legislative Commission on or before January 1 of each odd-numbered year.

3. Upon the request of the Legislative Auditor or his authorized representative, the officers and employees of the Department shall make available to the Legislative Auditor any of their books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise and irrespective of their form or location, which the Legislative Auditor deems necessary to conduct the audits required by this section.

Sec. 4. ***1. The ~~[Committee on Prison Oversight]~~ Policy Advisory Commission on Corrections is hereby created.***

2. The ~~[Committee on Prison Oversight]~~ Policy Advisory Commission on Corrections consists of ~~[16]~~ 13 members:

(a) ~~[Four]~~ Three members appointed by the Majority Leader of the Senate, ~~[two]~~ one of whom must be ~~[members]~~ a member of the minority political party.

(b) ~~[Four]~~ Three members appointed by the Speaker of the Assembly, ~~[two]~~ one of whom must be ~~[members]~~ a member of the minority political party.

(c) ~~[Eight members, at least one of whom must have medical training, appointed by the Legislative Commission as follows:~~

~~(1) Two persons whose names appear on the list of registered voters of the City of Reno or Carson City.~~

~~(2) Two persons whose names appear on the list of registered voters of the City of Las Vegas.~~

~~(3) One person whose name appears on the list of registered voters of the City of Lovelock.~~

~~(4) One person whose name appears on the list of registered voters of the City of Ely.~~

~~(5) Two persons whose names appear on the list of registered voters of any unincorporated town of this State.]~~ Seven members who are representatives of the general public, appointed by the Legislative Commission from among written nominations submitted by the general public of persons who have experience, training or a demonstrated interest in issues relating to correctional institutions, including, without limitation, health care, mental health, substance abuse, social work and programs for reentry into the community. To the extent practicable, the members appointed pursuant to this paragraph must be representative of the various geographic areas of this State.

3. The members of the ~~[Committee on Prison Oversight]~~ Policy Advisory Commission on Corrections shall select a Chairman from among their membership.

4. Each member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments.

5. A vacancy occurring in the membership of the ~~[Committee on Prison Oversight]~~ Policy Advisory Commission on Corrections must be filled in the same manner as the original appointments.

6. A majority of the ~~[Committee on Prison Oversight]~~ Policy Advisory Commission on Corrections constitutes a quorum , and a majority of those members present must concur in any decision.

7. Each member of the ~~[Committee on Prison Oversight]~~ Policy Advisory Commission on Corrections serves without compensation. Each nonlegislative member of the ~~[Committee]~~ Commission is entitled to receive

the per diem allowance and travel expenses provided for state officers and employees generally. Each Legislator who is a member of the ~~[Committee]~~ Commission is entitled to receive the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207.

8. Each member of the ~~[Committee on Prison Oversight]~~ Policy Advisory Commission on Corrections who is an officer or employee of the State must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the ~~[Committee]~~ Commission and perform any work necessary to accomplish the tasks assigned to the ~~[Committee]~~ Commission in the most timely manner practicable. A state agency shall not require an officer or employee who is a member of the ~~[Committee]~~ Commission to make up the time he is absent from work to fulfill his obligations as a member, nor shall it require the member to take annual vacation or compensatory time for the absence. Such a member shall serve on the ~~[Committee]~~ Commission without additional compensation, except that while he is engaged in the business of the ~~[Committee]~~ Commission, he is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, which must be paid by the state agency which employs him.

Sec. 5. ***1. The ~~[Committee on Prison Oversight]~~ Policy Advisory Commission on Corrections shall:***

(a) Be informed on issues and developments relating to correctional institutions;

(b) Submit a semiannual report to the Governor and the Legislative Commission on or before July 1 and December 1 of each year on the status of correctional institutions in this State;

(c) Report to the Governor and the Legislative Commission on any other matter relating to correctional institutions that it deems appropriate; and

(d) Meet at least quarterly and at the call of the Chairman to review the operation of correctional institutions in this State.

2. Members of the ~~[Committee on Prison Oversight]~~ Policy Advisory Commission on Corrections may enter any correctional institution in this State and examine any prisoner at any time without prior authorization of the Director or the Department.

3. The ~~[Committee on Prison Oversight]~~ Policy Advisory Commission on Corrections may receive testimony from any source, including, without limitation, prisoners and members of their families.

4. Upon request, the Director and the Department shall provide to the ~~[Committee on Prison Oversight]~~ Policy Advisory Commission on Corrections any information the ~~[Committee]~~ Commission determines is relevant to the performance of the duties of the ~~[Committee.]~~ Commission.

Sec. 6. ***~~[All]~~ Except as otherwise prohibited by federal or state law, all books and papers kept by, prisons operated by, employees employed by and prisoners held in the custody of the Department shall at all times, on all***

legal days, be open to and available for the inspection of the members of the Legislature.

Sec. 7. ~~*[If the duties of an officer, employee or independent contractor of the Department require any direct contact of that officer, employee or independent contractor with:*~~

~~*1. A female offender confined to a prison, institution or facility, the officer, employee or independent contractor must be a female.*~~

~~*2. A male offender confined to a prison, institution or facility, the officer, employee or independent contractor must be a male.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~[NRS 209.111 is hereby amended to read as follows:~~

~~209.111 The Board has full control of all grounds, buildings, labor [,] and property of the Department, and shall:~~

~~1. Purchase, or cause to be purchased, all commissary supplies, materials and tools necessary for any lawful purpose carried on at any institution or facility of the Department.~~

~~2. Regulate the number of officers and employees of the Department.~~

~~3. [Prescribe] *Have the sole authority to prescribe* regulations for carrying on the business of the Board and the Department.]~~ **(Deleted by amendment.)**

Sec. 9. ~~[NRS 209.131 is hereby amended to read as follows:~~

~~209.131 The Director shall:~~

~~1. Administer the Department under the direction of the Board.~~

~~2. Supervise the administration of all institutions and facilities of the Department.~~

~~3. Receive, retain and release, in accordance with law, offenders sentenced to imprisonment in the state prison.~~

~~4. Be responsible for the supervision, custody, treatment, care, security and discipline of all offenders under his jurisdiction.~~

~~5. Ensure that any person employed by the Department whose primary responsibilities are:~~

~~(a) The supervision, custody, security, discipline, safety and transportation of an offender;~~

~~(b) The security and safety of the staff; and~~

~~(c) The security and safety of an institution or facility of the Department,~~

~~→ is a correctional officer who has the powers of a peace officer pursuant to subsection 1 of NRS 289.220~~

~~6. [Establish regulations with the approval of the Board and enforce] *Enforce* all laws governing the administration of the Department and the custody, care and training of offenders.~~

~~7. Take proper measures to protect the health and safety of the staff and offenders in the institutions and facilities of the Department.~~

~~8. Cause to be placed from time to time in conspicuous places about each institution and facility copies of laws and regulations relating to visits and correspondence between offenders and others.~~

~~9. Provide for the holding of religious services in the institutions and facilities and make available to the offenders copies of appropriate religious materials.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[NRS 209.243 is hereby amended to read as follows:~~

~~209.243 1. A prisoner or former prisoner may file an administrative claim with the Department to recover compensation for the loss of his personal property, property damage, personal injuries or any other claim arising out of a tort alleged to have occurred during his incarceration as a result of an act or omission of the Department or any of its agents, former officers, employees or contractors. The claim must be filed within 6 months after the date of the alleged loss, damage or injury.~~

~~2. The Department shall evaluate each claim filed pursuant to subsection 1 and determine the amount due, if any. If the amount due is $500 or less, the Department, within the limits of legislative appropriations, shall approve the claim for payment and submit it to be paid as other claims against the State are paid. The Department shall submit all claims in which the amount due exceeds $500, with any recommendations it deems appropriate, to the State Board of Examiners. The State Board of Examiners, in acting upon the claim, shall consider any recommendations of the Department.~~

~~3. The [Department] *Board* shall adopt regulations necessary to carry out the provisions of this section.]~~ **(Deleted by amendment.)**

Sec. 11. ~~[NRS 209.246 is hereby amended to read as follows:~~

~~209.246 The [Director shall, with the approval of the Board,] *Board shall* establish by regulation criteria for a reasonable deduction from money credited to the account of an offender to:~~

~~1. Repay the cost of:~~

~~(a) State property willfully damaged, destroyed or lost by the offender during his incarceration.~~

~~(b) Medical examination, diagnosis or treatment for injuries:~~

~~(1) Inflicted by the offender upon himself or other offenders; or~~

~~(2) Which occur during voluntary recreational activities.~~

~~(c) Searching for and apprehending the offender when he escapes or attempts to escape.~~

~~(d) Quelling any riot or other disturbance in which the offender is unlawfully involved.~~

~~(e) Providing a funeral for an offender.~~

~~(f) Providing an offender with clothing, transportation and money upon his release from prison pursuant to NRS 209.511.~~

~~(g) Transportation of an offender pursuant to a court order in cases other than a criminal prosecution, a proceeding for postconviction relief involving the offender or a proceeding in which the offender has challenged the conditions of his confinement.~~

~~(h) Monetary sanctions imposed under the code of penal discipline adopted by the Department.~~

~~2. Defray, as determined by the Director, a portion of the costs paid by the Department for medical care for the offender, including, but not limited to:~~

~~(a) Except as otherwise provided in paragraph (b) of subsection 1, expenses for medical or dental care, prosthetic devices and pharmaceutical items; and~~

~~(b) Expenses for prescribed medicine and supplies.~~

~~3. Repay the costs incurred by the Department on behalf of the offender for:~~

~~(a) Postage for personal items and items related to litigation;~~

~~(b) Photocopying of personal documents and legal documents, for which the offender must be charged a reasonable fee not to exceed the actual costs incurred by the Department;~~

~~(c) Legal supplies;~~

~~(d) Telephone calls charged to the Department;~~

~~(e) Charges relating to checks returned for insufficient funds and checks for which an order to stop payment has been made;~~

~~(f) Items related to the offender's work, including, but not limited to, clothing, shoes, boots, tools, a driver's license or identification card issued by the Department of Motor Vehicles, a work card issued by a law enforcement agency and a health card; and~~

~~(g) The replacement of an identification card or prepaid ticket for bus transportation issued to the offender by the Department.~~

~~4. Repay any cost to the State of Nevada or any agency or political subdivision thereof that is incurred in defending the State against an action filed by an offender in federal court alleging a violation of his civil rights which is determined by the court to be frivolous.~~

~~→ All money collected pursuant to this section must be deposited in the appropriate account in the State General Fund for reimbursement of the related expenditure.]~~ **(Deleted by amendment.)**

Sec. 12. ~~[NRS 209.361 is hereby amended to read as follows:~~

~~209.361 The [Director] *Board* shall:~~

~~1. Adopt [with the approval of the board] such regulations as are necessary to:~~

~~(a) Maintain proper custody of an offender in accordance with his current classification.~~

~~(b) Prevent escapes and maintain good order and discipline.~~

~~2. Establish procedures by regulation for disposing of cases involving violations of law in institutions or facilities of the Department.~~

~~3. Establish sanctions appropriate to the type and severity of such violations.]~~ **(Deleted by amendment.)**

Sec. 13. ~~[NRS 209.365 is hereby amended to read as follows:~~

~~209.365 1. The [Director shall adopt, with the approval of the Board,] *Board shall adopt* regulations establishing and governing a program, to be carried out within each facility and institution, to prevent an offender from~~

~~possessing or receiving a publication which is detrimental to his rehabilitation or which has the potential to disrupt security or promote violence or disorder in the facility or institution because the subject matter of the publication:~~

~~(a) Is sexually explicit;~~

~~(b) Is graphically violent; or~~

~~(c) Encourages or glamorizes:~~

~~(1) Crime;~~

~~(2) The activities of a criminal gang; or~~

~~(3) Violence against law enforcement, women, children or members of a particular religion, ethnic group or race.~~

~~2. The regulations must provide that if an offender is prohibited from possessing or receiving a publication pursuant to this section, the offender possessing or receiving the publication must be provided with notice of the determination and an opportunity to appeal the determination. An appeal may be summarily denied if the appeal involves a publication that is similar to a publication that previously has been prohibited.~~

~~3. The establishment of the program required pursuant to this section does not affect:~~

~~(a) The authority of the Department to review materials that are possessed or received by an offender, including, but not limited to, publications, for any other lawful purpose or reason; or~~

~~(b) The procedures used by the Department to conduct such reviews.~~

~~4. The Department and its officers, employees and independent contractors are immune from liability for damages arising from an act or omission that allows an offender to possess or receive a publication that is prohibited pursuant to this section.~~

~~5. As used in this section:~~

~~(a) "Criminal gang" has the meaning ascribed to it in NRS 213.1263.~~

~~(b) "Publication" means a book, magazine, newsletter, bulletin, pamphlet or other similar item as determined by the Director.~~] **(Deleted by amendment.)**

Sec. 14. ~~[NRS 209.367 is hereby amended to read as follows:~~

~~209.367 1. The Director shall establish a program, to be carried out within each facility and institution, that provides for periodic testing of offenders for use of alcohol and controlled substances. The program must provide that the selection of offenders to be tested for use of alcohol and controlled substances must be made on a random basis.~~

~~2. The~~ [Director shall adopt, with the approval of the Board,] ~~*Board shall adopt*~~ regulations governing the operation of the program. ~~The regulations must set forth the procedure for testing, including, but not limited to:~~

~~(a) The types of tests to be used;~~

~~(b) The manner in which a sample for a test is to be obtained;~~

~~(c) The persons who are authorized to obtain a sample for a test; and~~

~~(d) The method for preserving the chain of custody of a sample obtained for a test.~~

~~3. The Department shall inform the offenders in each facility and institution of the requirement to submit to a test and the sanctions for refusing or failing to submit to a test and for using alcohol or a controlled substance. The Department may provide this information through a general notice posted or distributed in each facility and institution.~~

~~4. The Department may sanction, pursuant to subsection 5, an offender:~~

~~(a) Who refuses or fails to submit to a test;~~

~~(b) Whose test detects alcohol or a controlled substance;~~

~~(c) Who manufactures, possesses, uses, sells, supplies, provides, distributes, conceals or stores alcohol or a controlled substance; or~~

~~(d) Who attempts to manufacture, possess, use, sell, supply, provide, distribute, conceal or store alcohol or a controlled substance.~~

~~5. In addition to any other sanction or penalty that may be imposed pursuant to law or regulation, an offender who violates subsection 4 may be sanctioned by:~~

~~(a) Forfeiture of all deductions of time earned by the offender before commission of the violation or forfeiture of such part of those deductions as the Director considers just, pursuant to NRS 209.451; and~~

~~(b) Denial of the privilege to have visitors for a specified period, as determined by the Director.~~

~~6. If alcohol or a controlled substance is found in a facility or institution, the Director may order that for a specified period:~~

~~(a) The offenders housed in the general area where the alcohol or controlled substance is found; or~~

~~(b) All offenders in the facility or institution,~~

~~→ be confined to their cells or housing units or be denied the privilege to have visitors, or both.~~

~~7. The establishment of the program to test offenders for use of alcohol and controlled substances pursuant to this section does not affect:~~

~~(a) The authority of the Department to test an offender for use of alcohol or a controlled substance for any other lawful purpose or reason; or~~

~~(b) The procedures used by the Department to conduct such tests.]~~

(Deleted by amendment.)

Sec. 15. ~~[NRS 209.385 is hereby amended to read as follows:~~

~~209.385 1. Each offender committed to the custody of the department for imprisonment shall submit to such initial tests as the Director determines appropriate to detect exposure to the human immunodeficiency virus. Each such test must be approved by regulation of the State Board of Health. At the time the offender is committed to custody and after an incident involving the offender:~~

~~(a) The appropriate approved tests must be administered; and~~

~~(b) The offender must receive counseling regarding the virus.~~

~~2. If the results of an initial test are positive, the offender shall submit to such supplemental tests as the Director determines appropriate. Each such test must be approved for the purpose by regulation of the State Board of Health.~~

~~3. If the results of a supplemental test are positive, the name of the offender must be disclosed to:~~

~~(a) The Director;~~

~~(b) The administrative officers of the Department who are responsible for the classification and medical treatment of offenders;~~

~~(c) The manager or warden of the facility or institution at which the offender is confined; and~~

~~(d) Each other employee of the Department whose normal duties involve him with the offender or require him to come into contact with the blood or bodily fluids of the offender.~~

~~4. The offender must be segregated from every other offender whose test results are negative if:~~

~~(a) The results of a supplemental test are positive; and~~

~~(b) The offender engages in behavior that increases the risk of transmitting the virus, such as battery, the infamous crime against nature, sexual intercourse in its ordinary meaning or illegal intravenous injection of a controlled substance or a dangerous drug as defined in chapter 454 of NRS.~~

~~5. The Director, with the approval of the Board [:~~

~~(a) Shall]~~, ~~*shall*~~ ~~establish for inmates and employees of the Department an educational program regarding the virus whose curriculum is provided by the Health Division of the Department of Health and Human Services. A person who provides instruction for this program must be certified to do so by the Health Division.~~

~~[(b) May]~~

~~*6. The Board may* adopt such regulations as are necessary to carry out the provisions of this section.~~

~~[6.] 7. As used in this section:~~

~~(a) "Incident" means an occurrence, of a kind specified by regulation of the State Board of Health, that entails a significant risk of exposure to the human immunodeficiency virus.~~

~~(b) "Infamous crime against nature" means anal intercourse, cunnilingus or fellatio between natural persons of the same sex.]~~ **(Deleted by amendment.)**

Sec. 16. ~~[NRS 209.392 is hereby amended to read as follows:~~

~~209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429, the Director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the [Director]~~ *Board* ~~pursuant to subsection 3 and who has:~~

~~(a) Established a position of employment in the community;~~

~~(b) Enrolled in a program for education or rehabilitation; or~~

~~(c) Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime,~~

~~➥ assign the offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his sentence.~~

~~2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the Director shall notify the Division of Parole and Probation. If any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.130, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim of the offender's request and advise the victim that he may submit documents regarding the request to the Division of Parole and Probation. If a current address has not been provided as required by subsection 4 of NRS 213.130, the Division of Parole and Probation must not be held responsible if such notification is not received by the victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.~~

~~3. The [Director,]~~ *Board*, ~~after consulting with the Division of Parole and Probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the [Director]~~ *Board* ~~must provide that an offender who:~~

~~(a) Is not eligible for parole or release from prison within a reasonable period;~~

~~(b) Has recently committed a serious infraction of the rules of an institution or facility of the Department;~~

~~(c) Has not performed the duties assigned to him in a faithful and orderly manner;~~

~~(d) Has ever been convicted of:~~

~~(1) Any crime involving the use or threatened use of force or violence against the victim; or~~

~~(2) A sexual offense;~~

~~(e) Has more than one prior conviction for any felony in this State or any offense in another state that would be a felony if committed in this State, not including a violation of NRS 484.379, 484.3795 or 484.37955;~~

~~(f) Has escaped or attempted to escape from any jail or correctional institution for adults; or~~

~~(g) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the Director,~~

~~➥ is not eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section.~~

~~4. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:~~

~~(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.~~

~~(b) The offender forfeits all or part of the credits for good behavior earned by him before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.~~

~~5. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:~~

~~(a) A continuation of his imprisonment and not a release on parole; and~~

~~(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,~~

~~→ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.~~

~~6. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.]~~ **(Deleted by amendment.)**

Sec. 17. ~~[NRS 209.419 is hereby amended to read as follows:~~

~~209.419 1. Communications made by an offender on any telephone in an institution or facility to any person outside the institution or facility may be intercepted if:~~

~~(a) The interception is made by an authorized employee of the Department; and~~

~~(b) Signs are posted near all telephones in the institution or facility indicating that communications may be intercepted.~~

~~2. The Director shall provide notice or cause notice to be provided to both parties to a communication which is being intercepted pursuant to subsection 1, indicating that the communication is being intercepted. For the purposes of this section, a periodic sound which is heard by both parties during the communication shall be deemed notice to both parties that the communication is being intercepted.~~

~~3. The~~ [Director] *Board* ~~shall adopt regulations providing for an alternate method of communication for those communications by offenders which are confidential.~~

~~4. A communication made by an offender is confidential if it is made to:~~

~~(a) A federal or state officer.~~

~~(b) A local governmental officer who is at some time responsible for the custody of the offender.~~

~~(c) An officer of any court.~~

~~(d) An attorney who has been admitted to practice law in any state or is employed by a recognized agency providing legal assistance.~~

~~(e) A reporter or editorial employee of any organization that reports general news including, but not limited to, any wire service or news service, newspaper, periodical, press association or radio or television station.~~

~~(f) The Director.~~

~~(g) Any other employee of the Department whom the Director may [, by regulation,] designate.~~

~~5. Reliance in good faith on a request or order from the Director or his authorized representative constitutes a complete defense to any action brought against any public utility intercepting or assisting in the interception of communications made by offenders pursuant to subsection 1.]~~ **(Deleted by amendment.)**

Sec. 18. ~~[NRS 209.423 is hereby amended to read as follows:~~

~~209.423 Wardens and managers may authorize visits and correspondence between offenders and appropriate friends, relatives, and others under regulations adopted by the [Director and approved by the] Board.]~~ **(Deleted by amendment.)**

Sec. 19. ~~[NRS 209.481 is hereby amended to read as follows:~~

~~209.481 1. The Director shall not assign any prisoner to an institution or facility of minimum security if the prisoner:~~

~~(a) Except as otherwise provided in NRS 484.3792, 484.3795, 484.37955, 488.420 and 488.427, is not eligible for parole or release from prison within a reasonable period;~~

~~(b) Has recently committed a serious infraction of the rules of an institution or facility of the Department;~~

~~(c) Has not performed the duties assigned to him in a faithful and orderly manner;~~

~~(d) Has been convicted of a sexual offense;~~

~~(e) Has committed an act of serious violence during the previous year; or~~

~~(f) Has attempted to escape or has escaped from an institution of the Department.~~

~~2. The [Director] *Board* shall, by regulation, establish procedures for classifying and selecting qualified prisoners.]~~ **(Deleted by amendment.)**

Sec. 20. ~~[NRS 209.4886 is hereby amended to read as follows:~~

~~209.4886 1. Except as otherwise provided in this section, if a judicial program has been established in the judicial district in which an offender was sentenced to imprisonment, the Director may, after consulting with the Division, refer the offender to the reentry court if:~~

~~(a) The Director believes that the offender would participate successfully in and benefit from the judicial program;~~

~~(b) The offender has demonstrated a willingness to:~~

~~(1) Engage in employment or participate in vocational rehabilitation or job skills training; and~~

~~(2) Meet any existing obligation for restitution to any victim of his crime; and~~

~~(c) The offender is within 2 years of his probable release from prison, as determined by the Director.~~

~~2. Except as otherwise provided in this section, if the Director is notified by the reentry court pursuant to NRS 209.4883 that an offender should be assigned to the custody of the Division to participate in the judicial program, the Director shall assign the offender to the custody of the Division to participate in the judicial program for not longer than the remainder of his sentence.~~

~~3. The~~ [Director] *Board* ~~shall, by regulation, adopt standards setting forth which offenders are eligible to be assigned to the custody of the Division to participate in the judicial program pursuant to this section. The standards adopted by the~~ [Director must be approved by the] ~~Board~~ [and] ~~must provide that an offender who:~~

~~(a) Has recently committed a serious infraction of the rules of an institution or facility of the Department;~~

~~(b) Has not performed the duties assigned to him in a faithful and orderly manner;~~

~~(c) Has, within the immediately preceding 5 years, been convicted of any crime involving the use or threatened use of force or violence against a victim that is punishable as a felony;~~

~~(d) Has ever been convicted of a sexual offense;~~

~~(e) Has escaped or attempted to escape from any jail or correctional institution for adults; or~~

~~(f) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the Director,~~

~~→ is not eligible for assignment to the custody of the Division pursuant to this section to participate in a judicial program.~~

~~4. The~~ [Director] *Board* ~~shall adopt regulations requiring offenders who are assigned to the custody of the Division pursuant to this section to reimburse the reentry court, the Division and the Department for the cost of their participation in a judicial program, to the extent of their ability to pay.~~

~~5. The reentry court may return the offender to the custody of the Department at any time for any violation of the terms and conditions imposed by the reentry court.~~

~~6. If an offender assigned to the custody of the Division pursuant to this section violates any of the terms or conditions imposed by the reentry court and is returned to the custody of the Department, the offender forfeits all or part of the credits for good behavior earned by him before he was returned to the custody of the Department, as determined by the Director. The Director~~

~~may provide for a forfeiture of credits pursuant to this subsection only after proof of the violation and notice is given to the offender. The Director may restore credits so forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.~~

~~7. The assignment of an offender to the custody of the Division pursuant to this section shall be deemed:~~

~~(a) A continuation of his imprisonment and not a release on parole; and~~

~~(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,~~

~~" except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.~~

~~8. An offender does not have a right to be assigned to the custody of the Division pursuant to this section, or to remain in that custody after such an assignment. It is not intended that the establishment or operation of a judicial program creates any right or interest in liberty or property or establishes a basis for any cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees.]~~ **(Deleted by amendment.)**

Sec. 21. NRS 209.4888 is hereby amended to read as follows:

209.4888 1. Except as otherwise provided in this section, if a correctional program has been established by the Director in the county in which an offender was sentenced to imprisonment, the Director may, after consulting with the Division, determine that an offender is suitable to participate in the correctional program if:

(a) The Director believes that the offender would participate successfully in and benefit from the correctional program;

(b) The offender has demonstrated a willingness to:

(1) Engage in employment or participate in vocational rehabilitation or job skills training; and

(2) Meet any existing obligation for restitution to any victim of his crime; and

(c) The offender is within 2 years of his probable release from prison, as determined by the Director.

2. Except as otherwise provided in this section, if the Director determines that an offender is suitable to participate in the correctional program, the Director shall request that the Chairman of the State Board of Parole Commissioners assign the offender to the custody of the Division to participate in the correctional program. The Chairman may assign the offender to the custody of the Division to participate in the correctional program for not longer than the remainder of his sentence.

3. The Director ~~*[Board]*~~ shall, by regulation, adopt standards setting forth which offenders are suitable to participate in the correctional program pursuant to this section. The standards adopted by the Director must be approved by the Board and must provide that an offender who:

(a) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(b) Has not performed the duties assigned to him in a faithful and orderly manner;

(c) Has, within the immediately preceding ~~[5 years,]~~ ***year,*** been convicted of any crime involving the use or threatened use of force or violence against a victim that is punishable as a felony;

(d) Has ever been convicted of a sexual offense ~~[;]~~ ***that is punishable as a felony;***

(e) Has escaped or attempted to escape from any jail or correctional institution for adults ~~[; or~~

~~(f) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the Director;]~~

➥ is not eligible for assignment to the custody of the Division pursuant to this section to participate in a correctional program.

4. The Director ~~*[Board]*~~ shall adopt regulations requiring offenders who are assigned to the custody of the Division pursuant to this section to reimburse the Division and the Department for the cost of their participation in a correctional program, to the extent of their ability to pay.

5. The Director may return the offender to the custody of the Department at any time for any violation of the terms and conditions agreed upon by the Director and the Chairman.

6. If an offender assigned to the custody of the Division pursuant to this section violates any of the terms or conditions agreed upon by the Director and the Chairman and is returned to the custody of the Department, the offender forfeits all or part of the credits for good behavior earned by him before he was returned to the custody of the Department, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this subsection only after proof of the violation and notice is given to the offender. The Director may restore credits so forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.

7. The assignment of an offender to the custody of the Division pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

8. An offender does not have a right to be assigned to the custody of the Division pursuant to this section, or to remain in that custody after such an assignment. It is not intended that the establishment or operation of a correctional program creates any right or interest in liberty or property or

establishes a basis for any cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 22. ~~[NRS 209.501 is hereby amended to read as follows:~~

~~209.501 1. The Director may grant temporary furloughs consistent with classification evaluations and requirements:~~

~~(a) To permit offenders to:~~

~~(1) Be interviewed by prospective employers;~~

~~(2) Respond to family emergencies; or~~

~~(3) Participate in other approved activities.~~

~~(b) For such other purposes as may be deemed appropriate by the Director with the approval of the Board.~~

~~2. Furloughs:~~

~~(a) Are limited to the confines of the State.~~

~~(b) Must not be granted to offenders:~~

~~(1) Sentenced to life imprisonment without the possibility of parole.~~

~~(2) Imprisoned for violations of chapter 201 of NRS who have not been certified by the designated board as eligible for parole.~~

~~(c) Must not be granted to an offender who is imprisoned for committing a battery which constitutes domestic violence pursuant to NRS 33.018, unless the Director makes a finding that the offender is not likely to pose a threat to the victim of the battery.~~

~~3. The Director shall notify appropriate law enforcement authorities in the affected county or city to anticipate the arrival of the offender within their jurisdiction and inform them of the date and time of the offender's arrival, the reason the furlough was granted, the time when the furlough expires and any other pertinent information which the Director deems appropriate.~~

~~4. The [Director with the approval of the] Board shall adopt regulations for administering the provisions of this section and governing the conduct of offenders granted a furlough.]~~ **(Deleted by amendment.)**

Sec. 23. NRS 213.10885 is hereby amended to read as follows:

213.10885 1. The Board shall adopt by regulation specific standards for each type of convicted person to assist the Board in determining whether to grant or revoke parole. The regulations must include standards for determining whether to grant or revoke the parole of a convicted person:

(a) Who committed a capital offense.

(b) Who was sentenced to serve a term of imprisonment for life.

(c) Who was convicted of a sexual offense involving the use or threat of use of force or violence.

(d) Who was convicted as a habitual criminal.

(e) Who is a repeat offender.

(f) Who was convicted of any other type of offense.

➥ The standards must be based upon objective criteria for determining the person's probability of success on parole.

2. In establishing the standards, the Board shall consider the information on decisions regarding parole that is compiled and maintained pursuant to NRS 213.10887 and all other factors which are relevant in determining the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued. The other factors the Board considers must include, but are not limited to:

(a) The severity of the crime committed;

(b) ***Whether the crime committed was part of the same act or transaction as another crime for which the person was convicted;***

(c) The criminal history of the person;

~~[(c)]~~ ***(d)*** Any disciplinary action taken against the person while incarcerated;

~~[(d)]~~ ***(e)*** Any previous parole violations or failures;

~~[(e)]~~ ***(f)*** Any potential threat to society or himself; ~~[and~~

~~(f)]~~ ***(g) Any potential family or community support available to the person; and***

(h) The length of his incarceration.

3. ***In determining whether to grant parole to a prisoner, the Board shall not consider whether the prisoner has appealed the judgment of imprisonment for which the prisoner is being considered for parole.***

4. The standards adopted by the Board must provide for a greater punishment for a convicted person who has a history of repetitive criminal conduct or who commits a serious crime, with a violent crime considered the most serious, than for a convicted person who does not have a history of repetitive crimes and did not commit a serious crime.

~~[4.]~~ ***5.*** The Board shall make available to the public a sample of the form the Board uses in determining the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued.

~~[5.]~~ ***6.*** On or before January 1 of each even-numbered year, the Board shall review comprehensively the standards adopted by the Board. The review must include a determination of whether the standards are effective in predicting the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued. If a standard is found to be ineffective, the Board shall not use that standard in its decisions regarding parole and shall adopt revised standards as soon as practicable after the review.

~~[6. The]~~

7. On or before February 1 of each odd-numbered year, the Board shall ~~[report to each]~~ ***submit to the Director of the Legislative Counsel Bureau for transmittal to the next*** regular session of the Legislature ~~[:]~~ ***a written report of:***

(a) The number and percentage of the Board's decisions that conflicted with the standards;

(b) The results and conclusions from the Board's review pursuant to subsection ~~[5,]~~ ***6;*** and

(c) Any changes in the Board's standards, policies, procedures, programs or forms that have been or will be made as a result of the review.

Sec. 24. NRS 213.1215 is hereby amended to read as follows:

213.1215 1. Except as otherwise provided in subsections 3, 4 and 5 ~~*[, 6 and 7]*~~ and in cases where a consecutive sentence is still to be served, if a prisoner ~~*[has served the minimum sentence of imprisonment imposed, he must be released on parole. For the purposes of determining the eligibility of a prisoner for parole pursuant to this subsection, the minimum sentence of imprisonment imposed must be calculated without consideration of any credits the prisoner may have earned to reduce his sentence pursuant to chapter 209 of NRS.*~~

~~*2. If the Department of Corrections determines that the population of the institutions of this State exceeds 97 percent of total capacity, the Board shall release on parole a sufficient number of prisoners to reduce the population of the institutions of this State to not more than 95 percent of total capacity as provided in this subsection. Except as otherwise provided in this subsection and subsections 1, 3, 5, 6 and 7, and in cases where a consecutive sentence is still to be served, the Board shall release a prisoner on parole 24 months before the end of his maximum term, as reduced by any credits he has earned to reduce his sentence pursuant to chapter 209 of NRS, if the prisoner:*~~

~~*(a) Has not been released on parole previously for that sentence; and*~~

~~*(b) Is not otherwise ineligible for parole.*~~

~~*3. Except as otherwise provided in subsections 1, 2, 5, 6 and 7, and in cases where a consecutive sentence is still to be served, if a prisoner]*~~ sentenced to imprisonment for a term of 3 years or more:

(a) Has not been released on parole previously for that sentence; and

(b) Is not otherwise ineligible for parole,

➥ he must be released on parole ~~[12]~~ ***18*** months before the end of his maximum term, as reduced by any credits he has earned to reduce his sentence pursuant to chapter 209 of NRS. The Board shall prescribe any conditions necessary for the orderly conduct of the parolee upon his release.

2. ~~*[4.]*~~ Each parolee ~~[so]~~ released ***pursuant to this section*** must be supervised closely by the Division, in accordance with the plan for supervision developed by the Chief pursuant to NRS 213.122 ~~[.]~~ ***, except that the Division may waive the requirement that a prisoner who is released on parole for a category D or category E felony is subject to close supervision if the Division determines that close supervision of the prisoner is impractical.***

3. ~~*[5.]*~~ If the Board finds, at least 2 months before a prisoner would otherwise be paroled pursuant to subsection 1, ~~*[this section,]*~~ that there is a reasonable probability that the prisoner will be a danger to public safety

while on parole, the Board may require the prisoner to serve the balance of his sentence and not grant the parole provided for in subsection 1.

4. ~~[this section.~~

~~6.]~~ If the prisoner is the subject of a lawful request from another law enforcement agency that he be held or detained for release to that agency, the prisoner must not be released on parole, but released to that agency.

5. ~~[7.]~~ If the Division has not completed its establishment of a program for the prisoner's activities during his parole pursuant to this section, the prisoner must be released on parole as soon as practicable after the prisoner's program is established.

6. ~~[8. The Board shall prescribe any conditions necessary for the orderly conduct of a parolee upon his release pursuant to this section.~~

~~9. For the purposes of release of a prisoner on parole to reduce the population of the institutions of this State pursuant to subsection 2, the Board shall give priority to the release on parole of a prisoner who has been sentenced to a term of imprisonment imposed for conviction of a crime which did not involve the use of force or violence against a victim.~~

~~10.]~~ ***If the Board finds pursuant to subsection 3 that there is a reasonable probability that the prisoner will be a danger to public safety and does not grant the parole provided for in subsection 1, the Board shall provide to the prisoner its reasons for denying parole in writing.***

7. For the purposes of this section, the determination of the ~~[12-month]~~ ***18-month*** ~~[or 24-month]~~ period before the end of a prisoner's term must be calculated without consideration of any credits he may have earned to reduce his sentence had he not been paroled.

8. On or before January 1 of each odd-numbered year, the Board shall complete a comprehensive review of the prisoners released on parole pursuant to this section. The review must include, without limitation, a review of each decision in which the Board did not release a prisoner on parole pursuant to a finding pursuant to subsection 3.

9. On or before February 1 of each odd-numbered year, the Board shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report of:

(a) The number and percentage of the decisions concerning parole in which the Board did not release a prisoner on parole pursuant to a finding pursuant to subsection 3; and

(b) The results and conclusions from the review pursuant to subsection 8.

Sec. 25. NRS 213.130 is hereby amended to read as follows:

213.130 1. The Department of Corrections shall:

(a) Determine when a prisoner sentenced to imprisonment in the state prison is eligible to be considered for parole;

(b) Notify the State Board of Parole Commissioners of the eligibility of the prisoner to be considered for parole; and

(c) Before a meeting to consider the prisoner for parole, compile and provide to the Board data that will assist the Board in determining whether parole should be granted.

2. If a prisoner is being considered for parole from a sentence imposed for conviction of a crime which involved the use of force or violence against a victim and which resulted in bodily harm to a victim and if original or duplicate photographs that depict the injuries of the victim or the scene of the crime were admitted at the trial of the prisoner ~~[or were part of the report of the presentence investigation]~~ and are reasonably available, a representative sample of such photographs must be included with the information submitted to the Board at the meeting. A prisoner may not bring a cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees for any action that is taken pursuant to this subsection or for failing to take any action pursuant to this subsection, including, without limitation, failing to include photographs or including only certain photographs. As used in this subsection, "photograph" includes any video, digital or other photographic image.

3. Meetings to consider prisoners for parole may be held semiannually or more often, on such dates as may be fixed by the Board. ~~[All meetings must be open to the public.~~

~~4. Not later than 5 days after the date on which the Board fixes the date of the]~~ ***Except as otherwise provided in subsection 6, the Board shall comply with the provisions of chapter 241 of NRS and all meetings of the Board must be conducted in accordance with that chapter.***

4. In addition to satisfying the requirements set forth in NRS 241.020 and regardless of whether the Board holds a closed meeting pursuant to subsection 6, the Board shall:

(a) Cause notice of a meeting to consider a prisoner for parole ~~[, the Board shall notify the]~~ ***to be given in accordance with NRS 241.020 to:***

(1) The prisoner who is being considered for parole; and

(2) The victim of the prisoner who is being considered for parole ***,*** ~~[of the date of the meeting and of his rights pursuant to this subsection,]~~ if the victim has requested notification in writing and has provided his current address or if the victim's current address is otherwise known by the Board ~~[. The]~~ ***; and***

(b) Allow the prisoner who is being considered for parole, his representative and the victim of ~~[a]~~ ***the*** prisoner ***who is*** being considered for parole ~~[may]~~ ***to*** submit documents to the Board and ~~[may]~~ ***to*** testify at the meeting held to consider the prisoner for parole.

5. ~~[A prisoner must not be considered for parole until the Board has notified any victim of his rights pursuant to this subsection and he is given the opportunity to exercise those rights.]~~ If ~~[a]~~ ***the*** current address ***of a victim who has requested notification pursuant to subsection 4*** is not provided to or otherwise known by the Board, the Board must not be held responsible if

~~[such]~~ ***the*** notification ***described in subsection 4*** is not received by the victim.

~~[5.]~~ ***6.*** The Board may ~~[deliberate in private after a public meeting held]~~ ***hold a closed meeting*** to consider a prisoner for parole ~~[.~~

~~6.]~~ ***if the Board determines that a closed meeting is necessary to protect the identity of a minor, witness, victim or other person whose identity is in need of protection for safety reasons. The Board shall develop procedures for determining when it is necessary to hold a closed meeting pursuant to this subsection.***

7. The Board of State Prison Commissioners shall provide suitable and convenient rooms or space for use of the Board.

~~[7.]~~ ***8. The Board shall provide to a prisoner all information which the Board will rely on in considering whether to grant parole to the prisoner not later than 30 days before the date of the meeting and shall make such information available to the prisoner and his representative at the meeting.***

9. The Board shall make its final decision concerning the parole of a prisoner and shall notify the prisoner of its final decision not later than 10 working days after the date on which the meeting is held to consider his parole.

10. If a victim is notified of a meeting to consider a prisoner for parole pursuant to subsection 4, the Board shall, upon making a final decision concerning the parole of the prisoner, notify the victim of its final decision.

~~[8.]~~ ~~*[9.]*~~ ***11.*** All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Board pursuant to this section is confidential.

~~[9.]~~ ~~*[10.]*~~ ***12.*** For the purposes of this section, "victim" has the meaning ascribed to it in NRS 213.005.

Sec. 26. NRS 193.161 is hereby amended to read as follows:

193.161 1. Except as otherwise provided in subsection 2 and NRS 193.169, any person who commits a felony on the property of a public or private school, at an activity sponsored by a public or private school or on a school bus while the bus is engaged in its official duties shall ***, in addition to the term of imprisonment prescribed by statute for the crime,*** be punished by imprisonment in the state prison for a ~~[term equal to and in addition to the]~~ ***minimum*** term of ~~[imprisonment prescribed by statute for the crime.]~~ ***not less than 1 year and a maximum term of not more than 10 years.*** The sentence prescribed by this section must ~~[run]~~ ***:***

(a) Not exceed the sentence imposed for the crime; and

(b) Run consecutively with the sentence prescribed by statute for the crime.

2. Unless a greater penalty is provided by specific statute and except as otherwise provided in NRS 193.169, in lieu of an additional term of imprisonment as provided pursuant to subsection 1, if a felony that resulted in death or substantial bodily harm to the victim was committed on the property of a public or private school when pupils or employees of the school

were present or may have been present, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties, and the person who committed the felony intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person, the felony may be deemed a category A felony and the person who committed the felony may be punished by imprisonment in the state prison:

(a) For life without the possibility of parole;

(b) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served; or

(c) For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served.

3. Subsection 1 does not create a separate offense but provides an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact. Subsection 2 does not create a separate offense but provides an alternative penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

4. For the purposes of this section, "school bus" has the meaning ascribed to it in NRS 483.160.

Sec. 27. NRS 193.162 is hereby amended to read as follows:

193.162 1. Except as otherwise provided in NRS 193.169 and 454.306, an adult who, with the assistance of a child:

(a) Commits a crime that is punishable as a category A or a category B felony shall ***, in addition to the term of imprisonment prescribed by statute for the crime,*** be punished by imprisonment in the state prison for ~~[an additional term equal to the]~~ ***a minimum*** term of ~~[imprisonment prescribed by statute for the crime.]~~ ***not less than 1 year and a maximum term of not more than 10 years.***

(b) Commits any felony other than a category A or a category B felony shall ***, in addition to the term of imprisonment prescribed by statute for the crime,*** be punished by imprisonment in the state prison for ~~[an additional term not less than 25 percent and not more than 100 percent of the]~~ ***a minimum*** term of ~~[imprisonment prescribed by statute for the crime.]~~ ***not less than 1 year and a maximum term of not more than 10 years.***

➥ An additional sentence prescribed by this section ***must not exceed the sentence imposed for the crime and*** runs consecutively with the sentence prescribed by statute for the crime.

2. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

3. As used in this section:

(a) "Adult" means a person who is 18 years of age or older.

(b) "Child" means a person who is less than 18 years of age.

Sec. 28. NRS 193.163 is hereby amended to read as follows:

193.163 1. Except as otherwise provided in NRS 193.169, any person who uses a handgun containing a metal-penetrating bullet in the commission of a crime shall ***, in addition to the term of imprisonment prescribed by statute for the crime,*** be punished by imprisonment in the state prison for a ~~[term equal to and in addition to the]~~ ***minimum*** term of ~~[imprisonment prescribed by statute for the crime.]~~ ***not less than 1 year and a maximum term of not more than 10 years.*** The sentence prescribed by this section ~~[runs]~~ ***:***

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs consecutively with the sentence prescribed by statute for the crime.

2. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

3. As used in this section, "metal-penetrating bullet" has the meaning ascribed to it in NRS 202.273.

Sec. 29. NRS 193.165 is hereby amended to read as follows:

193.165 1. Except as otherwise provided in NRS 193.169, any person who uses a firearm or other deadly weapon or a weapon containing or capable of emitting tear gas, whether or not its possession is permitted by NRS 202.375, in the commission of a crime shall ***, in addition to the term of imprisonment prescribed by statute for the crime,*** be punished by imprisonment in the state prison for a ~~[term equal to and in addition to the]~~ ***minimum*** term of ~~[imprisonment prescribed by statute for the crime.]~~ ***not less than 1 year and a maximum term of not more than 10 years.*** The sentence prescribed by this section ~~[runs]~~ ***:***

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs consecutively with the sentence prescribed by statute for the crime.

2. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

3. The provisions of subsections 1 and 2 do not apply where the use of a firearm, other deadly weapon or tear gas is a necessary element of such crime.

4. The court shall not grant probation to or suspend the sentence of any person who is convicted of using a firearm, other deadly weapon or tear gas in the commission of any of the following crimes:

(a) Murder;

(b) Kidnapping in the first degree;

(c) Sexual assault; or

(d) Robbery.

5. As used in this section, "deadly weapon" means:

(a) Any instrument which, if used in the ordinary manner contemplated by its design and construction, will or is likely to cause substantial bodily harm or death;

(b) Any weapon, device, instrument, material or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing substantial bodily harm or death; or

(c) A dangerous or deadly weapon specifically described in NRS 202.255, 202.265, 202.290, 202.320 or 202.350.

Sec. 30. NRS 193.166 is hereby amended to read as follows:

193.166 1. Except as otherwise provided in NRS 193.169, a person who commits a crime that is punishable as a felony, other than a crime that is punishable as a felony pursuant to subsection 5 of NRS 200.591, in violation of:

(a) A temporary or extended order for protection against domestic violence issued pursuant to NRS 33.020;

(b) An order for protection against harassment in the workplace issued pursuant to NRS 33.270;

(c) A temporary or extended order for the protection of a child issued pursuant to NRS 33.400;

(d) An order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS; or

(e) A temporary or extended order issued pursuant to NRS 200.591,

➥ shall ***, in addition to the term of imprisonment prescribed by statute for the crime,*** be punished by imprisonment in the state prison, except as otherwise provided in this subsection, for a ~~[term equal to and in addition to the]~~ ***minimum*** term of ~~[imprisonment prescribed by statute for that crime.]~~ ***not less than 1 year and a maximum term of not more than 10 years.*** If the crime committed by the person is punishable as a category A felony or category B felony, in addition to the term of imprisonment prescribed by statute for that crime, the person shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years. The sentence prescribed by this section ***must not exceed the sentence imposed for the crime and*** runs concurrently or consecutively with the sentence prescribed by statute for the crime, as ordered by the court.

2. The court shall not grant probation to or suspend the sentence of any person convicted of attempted murder, battery which involves the use of a deadly weapon, or battery which results in substantial bodily harm if an additional term of imprisonment may be imposed for that primary offense pursuant to this section.

3. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

Sec. 31. NRS 193.167 is hereby amended to read as follows:

193.167 1. Except as otherwise provided in NRS 193.169, any person who commits the crime of:

(a) Murder;

(b) Attempted murder;

(c) Assault;

(d) Battery;

(e) Kidnapping;

(f) Robbery;

(g) Sexual assault;

(h) Embezzlement of money or property of a value of $250 or more;

(i) Obtaining money or property of a value of $250 or more by false pretenses; or

(j) Taking money or property from the person of another,

➥ against any person who is 60 years of age or older or against a vulnerable person shall ***, in addition to the term of imprisonment prescribed by statute for the crime,*** be punished ***, if the crime is a misdemeanor or gross misdemeanor,*** by imprisonment in the county jail ~~[or state prison, whichever applies,]~~ for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime ~~[.]~~ ***, and, if the crime is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years.*** The sentence prescribed by this subsection ***must not exceed the sentence imposed for the crime and*** must run consecutively with the sentence prescribed by statute for the crime.

2. Except as otherwise provided in NRS 193.169, any person who commits a criminal violation of the provisions of chapter 90 or 91 of NRS against any person who is 60 years of age or older or against a vulnerable person shall ***, in addition to the term of imprisonment prescribed by statute for the crime,*** be punished ***, if the crime is a misdemeanor or gross misdemeanor,*** by imprisonment in the county jail ~~[or state prison, whichever applies,]~~ for a term equal to and in addition to the term of imprisonment prescribed by statute for the ~~[criminal violation.]~~ ***crime, and if the crime is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years.*** The sentence prescribed by this subsection ***must not exceed the sentence imposed for the crime and*** must run consecutively with the sentence prescribed by statute for the criminal violation.

3. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

4. As used in this section, "vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.

Sec. 32. NRS 193.1675 is hereby amended to read as follows:

193.1675 1. Except as otherwise provided in NRS 193.169, any person who willfully violates any provision of NRS 200.280, 200.310, 200.366,

200.380, 200.400, 200.460 to 200.465, inclusive, paragraph (b) of subsection 2 of NRS 200.471, NRS 200.508, 200.5099 or subsection 2 of NRS 200.575 because the actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation of the victim was different from that characteristic of the perpetrator may ***, in addition to the term of imprisonment prescribed by statute for the crime,*** be punished by imprisonment in the state prison for ~~[an additional term not to exceed 25 percent of the]~~ ***a minimum*** term of ~~[imprisonment prescribed by statute for the crime.]~~ ***not less than 1 year and a maximum term of not more than 10 years. A sentence of imprisonment prescribed by this section must not exceed the sentence imposed for the crime.***

2. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

Sec. 33. NRS 193.168 is hereby amended to read as follows:

193.168 1. Except as otherwise provided in NRS 193.169, any person who is convicted of a felony committed knowingly for the benefit of, at the direction of, or in affiliation with, a criminal gang, with the specific intent to promote, further or assist the activities of the criminal gang, shall ***, in addition to the term of imprisonment prescribed by statute for the crime,*** be punished by imprisonment in the state prison for a ~~[term equal to and in addition to the]~~ ***minimum*** term of ~~[imprisonment prescribed by the statute for the crime.]~~ ***not less than 1 year and a maximum term of not more than 10 years.*** The sentence prescribed by this section must ~~[run]~~ ***:***

(a) Not exceed the sentence imposed for the crime; and

(b) Run consecutively with the sentence prescribed by statute for the crime.

2. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

3. The court shall not impose an additional penalty pursuant to this section unless:

(a) The indictment or information charging the defendant with the primary offense alleges that the primary offense was committed knowingly for the benefit of, at the direction of, or in affiliation with, a criminal gang, with the specific intent to promote, further or assist the activities of the criminal gang; and

(b) The trier of fact finds that allegation to be true beyond a reasonable doubt.

4. Except as otherwise provided in this subsection, the court shall not grant probation to or suspend the sentence of any person convicted of a felony committed for the benefit of, at the direction of, or in affiliation with a criminal gang if an additional term of imprisonment may be imposed for that primary offense pursuant to this section. The court may, upon the receipt of an appropriate motion, reduce or suspend the sentence imposed for the

primary offense if it finds that the defendant rendered substantial assistance in the arrest or conviction of any other principals, accomplices, accessories or coconspirators to the crime, or of any other persons involved in the commission of a felony which was committed for the benefit of, at the direction of, or in affiliation with a criminal gang. The agency which arrested the defendant must be given an opportunity to support or oppose such a motion before it is granted or denied. If good cause is shown, the motion may be heard in camera.

5. In any proceeding to determine whether an additional penalty may be imposed pursuant to this section, expert testimony is admissible to show particular conduct, status and customs indicative of criminal gangs, including, but not limited to:

(a) Characteristics of persons who are members of criminal gangs;

(b) Specific rivalries between criminal gangs;

(c) Common practices and operations of criminal gangs and the members of those gangs;

(d) Social customs and behavior of members of criminal gangs;

(e) Terminology used by members of criminal gangs;

(f) Codes of conduct, including criminal conduct, of particular criminal gangs; and

(g) The types of crimes that are likely to be committed by a particular criminal gang or by criminal gangs in general.

6. As used in this section, "criminal gang" means any combination of persons, organized formally or informally, so constructed that the organization will continue its operation even if individual members enter or leave the organization, which:

(a) Has a common name or identifying symbol;

(b) Has particular conduct, status and customs indicative of it; and

(c) Has as one of its common activities engaging in criminal activity punishable as a felony, other than the conduct which constitutes the primary offense.

Sec. 34. NRS 193.1685 is hereby amended to read as follows:

193.1685 1. Except as otherwise provided in this section and NRS 193.169, any person who commits a felony with the intent to commit, cause, aid, further or conceal an act of terrorism shall ***, in addition to the term of imprisonment prescribed by statute for the crime,*** be punished by imprisonment in the state prison for a ~~[term equal to and in addition to the]~~ ***minimum*** term of ~~[imprisonment prescribed by statute for the crime.]~~ ***not less than 1 year and a maximum term of not more than 10 years.*** The sentence prescribed by this section must ~~[run]~~ ***:***

(a) Not exceed the sentence imposed for the crime; and

(b) Run consecutively with the sentence prescribed by statute for the crime.

2. Unless a greater penalty is provided by specific statute and except as otherwise provided in NRS 193.169, in lieu of an additional term of

imprisonment as provided pursuant to subsection 1, if a felony that resulted in death or substantial bodily harm to the victim was committed with the intent to commit, cause, aid, further or conceal an act of terrorism, the felony may be deemed a category A felony and the person who committed the felony may be punished by imprisonment in the state prison:

(a) For life without the possibility of parole;

(b) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served; or

(c) For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served.

3. Subsection 1 does not create a separate offense but provides an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact. Subsection 2 does not create a separate offense but provides an alternative penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

4. The provisions of this section do not apply to an offense committed in violation of NRS 202.445.

5. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

Sec. 35. NRS 241.030 is hereby amended to read as follows:

241.030 1. Except as otherwise provided in this section and NRS ***213.130,*** 241.031 and 241.033, a public body may hold a closed meeting to:

(a) Consider the character, alleged misconduct, professional competence, or physical or mental health of a person.

(b) Prepare, revise, administer or grade examinations that are conducted by or on behalf of the public body.

(c) Consider an appeal by a person of the results of an examination that was conducted by or on behalf of the public body, except that any action on the appeal must be taken in an open meeting and the identity of the appellant must remain confidential.

2. A person whose character, alleged misconduct, professional competence, or physical or mental health will be considered by a public body during a meeting may waive the closure of the meeting and request that the meeting or relevant portion thereof be open to the public. A request described in this subsection:

(a) May be made at any time before or during the meeting; and

(b) Must be honored by the public body unless the consideration of the character, alleged misconduct, professional competence, or physical or mental health of the requester involves the appearance before the public body of another person who does not desire that the meeting or relevant portion thereof be open to the public.

3. A public body may close a meeting pursuant to subsection 1 upon a motion which specifies:

(a) The nature of the business to be considered; and

(b) The statutory authority pursuant to which the public body is authorized to close the meeting.

4. This chapter does not:

(a) Apply to judicial proceedings.

(b) Prevent the removal of any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical.

(c) Prevent the exclusion of witnesses from a public or private meeting during the examination of another witness.

(d) Require that any meeting be closed to the public.

(e) Permit a closed meeting for the discussion of the appointment of any person to public office or as a member of a public body.

5. The exceptions provided by this section, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 36. ~~[A regulation adopted by the Director of the Department of Corrections pursuant to title 16 of NRS remains in effect as a regulation of the Board of State Prison Commissioners until amended or repealed by the Board of State Prison Commissioners.]~~ **(Deleted by amendment.)**

Sec. 37. 1. This act becomes effective on July 1, 2007.

2. Sections 4 and 5 of this act expire by limitation on June 30, 2011.

Assemblyman Parks moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 431.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 300.

AN ACT relating to condominium hotels; ~~[providing in skeleton form for the establishment of]~~ **establishing** provisions governing condominium hotels; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill ~~[provides in skeleton form for the establishment of]~~ **establishes** provisions governing condominium hotels. These provisions are set forth in a new chapter that is patterned closely after chapter 116 of NRS which governs common-interest communities. This new chapter governing condominium hotels contains provisions regarding: (1) the creation, alteration and termination of condominium hotels; (2) the management of condominium hotels; (3) the protection of purchasers; and (4) the administration and enforcement of the chapter.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 18 of this bill and replace with the following new sections 1 through 220:

Section 1. **Title 10 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 177, inclusive, of this act.**

Sec. 2. ***This chapter may be cited as the Condominium Hotel Act.***

Sec. 3. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 47, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Administrator" means the Real Estate Administrator.***

Sec. 5. ***1. "Affiliate of a declarant" means any person who controls, is controlled by or is under common control with a declarant.***

2. A person "controls" a declarant if the person:

(a) Is a general partner, officer, director or employer of the declarant;

(b) Directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote or holds proxies representing, more than 20 percent of the voting interest in the declarant;

(c) Controls in any manner the election of a majority of the directors of the declarant; or

(d) Has contributed more than 20 percent of the capital of the declarant.

3. A person "is controlled by" a declarant if the declarant:

(a) Is a general partner, officer, director or employer of the person;

(b) Directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote or holds proxies representing, more than 20 percent of the voting interest in the person;

(c) Controls in any manner the election of a majority of the directors of the person; or

(d) Has contributed more than 20 percent of the capital of the person.

4. Control does not exist if the powers described in this section are held solely as security for an obligation and are not exercised.

Sec. 6. ***"Allocated interests" means the undivided interest in the common elements, the liability for common expenses and votes in the association but not in the shared components or the hotel unit.***

Sec. 7. ***"Association" or "unit-owners' association" means a unit-owners' association for a condominium hotel organized under section 82 of this act.***

Sec. 8. ***"Commission" means the Commission for Common-Interest Communities and Condominium Hotels created by NRS 116.600.***

Sec. 9. ***"Common elements" means any real estate within the condominium hotel, excluding the units and shared components, that is designated or defined in the declaration as being a common element, which may include, without limitation, airspace or subsurface rights.***

Sec. 10. "Common expenses" means expenditures made by, or financial liabilities of, the association, together with any allocations to reserves.

Sec. 11. "Community manager" means a person who provides for or otherwise engages in the management of a common-interest community or the management of an association of a condominium hotel.

Sec. 12. "Complaint" means a complaint filed by the Administrator pursuant to section 172 of this act.

Sec. 13. "Condominium hotel" means a development in which:

1. Portions of the real estate are designated for separate ownership;

2. A hotel unit is defined which may contain shared components;

3. A transient rental program may be offered to the residential units' owners; and

4. The remainder of the real estate, which may be limited to airspace or subsurface rights, is designated as common elements and is controlled by an association.

Sec. 14. "Converted building" means a building that at any time before creation of the condominium hotel was occupied wholly or partially by persons other than purchasers and persons who occupy with the consent of purchasers.

Sec. 15. "Declarant" means any person or group of persons acting in concert who, as part of a common promotional plan, offers to dispose of his or its interest in a unit not previously disposed of, and includes any successors or assignees of the declarant.

Sec. 16. "Declaration" means any instrument, however denominated, that creates a condominium hotel, including any amendment to an instrument.

Sec. 17. "Developmental rights" means any right or combination of rights reserved by a declarant in the declaration to:

1. Add real estate to a condominium hotel;

2. Create units, common elements, limited common elements, shared components or a hotel unit within a condominium hotel;

3. Subdivide units or convert units into common elements, shared components or part of a hotel unit;

4. Subdivide or convert common elements into shared components or part of a hotel unit; or

5. Withdraw real estate from a condominium hotel.

Sec. 18. "Dispose" or "disposition" means a voluntary transfer to a purchaser of any legal or equitable interest in a residential unit, but the term does not include the transfer or release of a security interest.

Sec. 19. "Division" means the Real Estate Division of the Department of Business and Industry.

Sec. 20. "Executive board" means the body, regardless of name, designated in the declaration to act on behalf of the association.

Sec. 21. "Financial statement" means a financial statement of an association that is prepared and presented in accordance with the requirements established by the Commission pursuant to section 112 of this act.

Sec. 22. "Governing documents" means:

1. The declaration for the condominium hotel;

2. The articles of incorporation, articles of association, articles of organization, certificate of registration, certificate of limited partnership, certificate of trust or other documents that are used to organize the association for the condominium hotel;

3. The bylaws and rules of the association; and

4. Any other documents that govern the operation of the association or the common elements.

Sec. 23. "Hearing panel" means a hearing panel appointed by the Commission pursuant to section 164 of this act.

Sec. 24. "Hotel unit" means a physical portion of the condominium hotel initially designated for ownership by the declarant or hotel unit owner that may be used by the declarant or hotel unit owner for commercial uses which include, without limitation, operation of the shared components and other areas within the condominium hotel which are not designated as shared components.

Sec. 25. "Hotel unit owner" means the owner of the hotel unit and the shared components. The hotel unit owner may be the declarant or any successor or assignee of the declarant or an affiliate of the declarant.

Sec. 26. "Identifying number" means a symbol, address or legally sufficient description of real estate which identifies only one unit in a condominium hotel.

Sec. 27. "Leasehold condominium hotel" means a condominium hotel in which all or a portion of the real estate is subject to a lease the expiration or termination of which will terminate the condominium hotel or reduce its size.

Sec. 28. "Liability for common expenses" means the liability for common expenses allocated to each unit pursuant to section 66 of this act.

Sec. 29. "Liability for shared expenses" means the liability for shared expenses allocated to each residential unit as set forth in the declaration. The hotel unit owner has the power to charge the residential unit owners for such unit owner's allocated liability for the shared expenses, including, without limitation, the maintenance, insurance, repair or replacement of the hotel unit and shared components.

Sec. 30. "Limited common element" means a portion of the common elements allocated by the declaration or by operation of this chapter for the exclusive use of one or more but fewer than all of the units.

Sec. 31. "Major component of the common elements" means any component of the common elements, including, without limitation, any amenity, improvement, furnishing, fixture, finish, system or equipment,

that may, within 30 years after its original installation, require repair, replacement or restoration in excess of routine annual maintenance in the annual operating budget of an association.

Sec. 32. "Major component of the shared components" means any component of the shared components, including, without limitation, the facade of any building, any portion of the building structure, any amenity, improvement, furnishing, fixture, finish, system or equipment that is designated as part of the shared components and that may, within 30 years after its original installation, require repair, replacement or restoration in excess of routine annual maintenance.

Sec. 33. "Offering" means any advertisement, inducement, solicitation or attempt to encourage any person to acquire any interest in a residential unit, other than as security for an obligation. An advertisement in a newspaper or other periodical of general circulation, or in any broadcast medium to the general public, of a condominium hotel not located in this State, is not an offering if the advertisement states that an offering may be made only in compliance with the law of the jurisdiction in which the condominium hotel is located. The verb "offer" has a similar meaning.

Sec. 34. "Ombudsman" means the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels created in NRS 116.625.

Sec. 35. "Party to the complaint" means the Division and the respondent.

Sec. 36. "Person" includes a government and governmental subdivision or agency.

Sec. 37. "Purchaser" means a person, other than a declarant, who by means of a voluntary transfer acquires a legal or equitable interest in a unit other than a leasehold interest, including options to renew, of less than 20 years, or as security for an obligation.

Sec. 38. "Real estate" means any leasehold or other estate or interest in, over or under land, including structures, fixtures and other improvements and interests that by custom, usage or law pass with a conveyance of land though not described in the contract of sale or instrument of conveyance. "Real estate" includes parcels with or without upper or lower boundaries, and spaces that may be filled with air or water.

Sec. 39. "Residential unit" means a physical portion of the condominium hotel designated for separate residential ownership or occupancy, the boundaries of which are described in the declaration.

Sec. 40. "Residential unit owner" means a declarant, the hotel unit owner or other person who owns a residential unit, or a lessee of a residential unit in a leasehold condominium hotel whose lease expires simultaneously with any lease the expiration of which will remove the residential unit from the condominium hotel, but does not include a person having an interest in a residential unit solely as security for an obligation.

The declarant is the owner of any residential unit created by the declaration until that unit is conveyed to another person.

Sec. 41. "Security interest" means an interest in real estate or personal property, created by contract or conveyance, which secures payment or performance of an obligation. The term includes a lien created by a mortgage, deed of trust, trust deed, security deed, contract for deed, land sales contract, lease intended as security, assignment of lease or rents intended as security, pledge of an ownership interest in an association and any other consensual lien or contract for retention of title intended as security for an obligation.

Sec. 42. "Shared components" means portions of the condominium hotel, excluding the residential units and the common elements but including easements in favor of the units, which may be located within the hotel unit and which are set forth as shared components in the declaration. Shared components are owned by the hotel unit owner, and the hotel unit owner has the power to charge the residential units' owners for the maintenance, repair, replacement and insurance of the shared components, as provided in the declaration. Shared components may include, without limitation, hallways, lobbies, elevators, recreational facilities and service areas.

Sec. 43. "Shared expenses" means the charges set forth in the declaration that are made to the units by the hotel unit owner for the operation, maintenance, repair, replacement, and insurance of the hotel unit, including, without limitation, the shared components, together with any allocations to reserves, any expenses allocated to the units pursuant to a cost sharing agreement, easement agreement or other agreement that benefits the condominium hotel to which the hotel unit owner is a party and any other charges or fees set forth in the declaration which are allocated to residential owners.

Sec. 44. "Special declarant's rights" means rights reserved for the benefit of a declarant, its successors or assignees or an affiliate of a declarant, including, without limitation, the hotel unit owner, to:

1. Complete improvements indicated on plats and plans or in the declaration;

2. Exercise any developmental right;

3. Maintain sales offices, management offices and signs advertising the condominium hotel and models without the need to reserve such rights;

4. Use easements through the common elements, shared components or hotel unit for the purpose of making improvements within the condominium hotel;

5. Merge or consolidate a condominium hotel with another condominium hotel; or

6. Appoint or remove any officer of the association or any member of an executive board during any period of declarant's control.

Sec. 45. "Time share" has the meaning ascribed to it in NRS 116.091.

Sec. 46. ***"Unit" means a residential unit, a hotel unit and any other unit which is created by the declaration.***

Sec. 47. ***"Unit's owner" means a declarant or other person who owns a unit, or a lessee of a unit in a leasehold condominium hotel. In a condominium hotel, the declarant is the owner of any unit created by the declaration until that unit is conveyed to another person.***

Sec. 48. ***Except as expressly provided in this chapter, its provisions may not be varied by agreement, and rights conferred by it may not be waived. A declarant may not act under a power of attorney, or use any other device, to evade the limitations or prohibitions of this chapter or the declaration.***

Sec. 49. ***1. A building code may not impose any requirement upon any structure in a condominium hotel which it would not impose upon a physically identical development under a different form of ownership.***

2. In a condominium hotel, no zoning, subdivision or other law, ordinance or regulation governing the use of real estate may prohibit the condominium hotel as a form of ownership or impose any requirement upon a condominium hotel which it would not impose upon a physically identical development under a different form of ownership.

3. Except as otherwise provided in subsections 1 and 2, the provisions of this chapter do not invalidate or modify any provision of any building code or zoning, subdivision or other law, ordinance, rule or regulation governing the use of real estate.

4. The provisions of this section do not prohibit a local government from imposing different requirements and standards regarding design and construction on different types of structures within a condominium hotel.

Sec. 50. ***1. If a unit is acquired by eminent domain or part of a unit is acquired by eminent domain leaving the unit's owner with a remnant that may not practically or lawfully be used for any purpose permitted by the declaration, the award must include compensation to the unit's owner for that unit and its allocated interests, whether or not any common elements are acquired. Upon acquisition, unless the decree otherwise provides, that unit's allocated interests are automatically reallocated to the remaining units in proportion to the respective allocated interests of those units before the taking, and the association shall promptly prepare, execute and record an amendment to the declaration reflecting the reallocations.***

2. Except as otherwise provided in subsection 1, if part of a hotel unit is acquired by eminent domain, the award must compensate the hotel unit owner for the reduction in value of the hotel unit and its interest in the common elements, whether or not any common elements are acquired. If part of a residential unit is acquired by eminent domain, the award must compensate the residential unit owner for the reduction in value of the residential unit and its interest in the common elements, whether or not any common elements are acquired. Upon acquisition, unless the decree otherwise provides:

(a) That unit's allocated interests are reduced in proportion to the reduction in the size of the unit, or on any other basis specified in the declaration; and

(b) The portion of the allocated interests divested from the partially acquired unit are automatically reallocated to that unit and to the remaining units in proportion to the respective allocated interests of those units before the taking, with the partially acquired unit participating in the reallocation on the basis of its reduced allocated interests.

3. If part of the common elements is acquired by eminent domain, the portion of the award attributable to the common elements taken must be paid to the association. Unless the declaration provides otherwise, any portion of the award attributable to the acquisition of a limited common element must be equally divided among the owners of the units to which that limited common element was allocated at the time of acquisition.

4. If part of the shared components or hotel unit is acquired by eminent domain, the portion of the award attributable to the shared components or hotel unit taken must be paid to the owner of the hotel unit or the shared components.

5. The judicial decree must be recorded in every county in which any portion of the condominium hotel is located.

Sec. 51. The principles of law and equity, including the law of corporations, the law of unincorporated associations, the law of real property, and the law relative to capacity to contract, principal and agent, eminent domain, estoppel, fraud, misrepresentation, duress, coercion, mistake, receivership, substantial performance, or other validating or invalidating cause supplement the provisions of this chapter, except to the extent inconsistent with this chapter.

Sec. 52. If a matter governed by this chapter is also governed by chapter 78, 81, 82, 86, 87, 88 or 88A of NRS and there is a conflict between the provisions of this chapter and the provisions of those other chapters, the provisions of this chapter prevail.

Sec. 53. This chapter being a general act intended as a unified coverage of its subject matter, no part of it may be construed to be impliedly repealed by subsequent legislation if that construction can reasonably be avoided.

Sec. 54. 1. The court, upon finding as a matter of law that a contract or clause of a contract was unconscionable at the time the contract was made, may refuse to enforce the contract, enforce the remainder of the contract without the unconscionable clause, or limit the application of any unconscionable clause to avoid an unconscionable result.

2. Whenever it is claimed, or appears to the court, that a contract or any clause of a contract is or may be unconscionable, the parties, to aid the court in making the determination, must be afforded a reasonable opportunity to present evidence as to:

(a) The commercial setting of the negotiations; and

(b) The effect and purpose of the contract or clause.

Sec. 55. Every contract or duty governed by this chapter imposes an obligation of good faith in its performance or enforcement.

Sec. 56. 1. The remedies provided by this chapter must be liberally administered to the end that the aggrieved party is put in as good a position as if the other party had fully performed. Consequential, special or punitive damages may not be awarded except as specifically provided in this chapter or by other rule of law.

2. Any right or obligation declared by this chapter is enforceable by judicial proceeding.

Sec. 57. 1. This chapter applies to all condominium hotels created within this State.

2. Except as otherwise provided in this chapter, the provisions of chapters 116, 117 and 278A of NRS do not apply to condominium hotels.

3. This chapter does not apply to:

(a) A common-interest community as that term is defined in NRS 116.021.

(b) Time shares governed by the provisions of chapter 119A of NRS.

(c) A condominium hotel that was created before January 1, 2008, unless the declaration of that condominium hotel otherwise provides or is amended to provide for the applicability of this chapter.

Sec. 58. 1. Any provision contained in a declaration, bylaw or other governing document of a condominium hotel that violates the provisions of this chapter shall be deemed to conform with those provisions by operation of law, and any such declaration, bylaw or other governing document is not required to be amended to conform to those provisions.

2. In the case of amendments to a declaration, bylaws or plats and plans of any condominium hotel created before January 1, 2008:

(a) If the result accomplished by the amendment was permitted before January 1, 2008, the amendment may be made in accordance with that law, in which case that law applies to that amendment, or it may be made under this chapter; and

(b) If the result accomplished by the amendment is permitted by this chapter and was not permitted by law before January 1, 2008, the amendment may be made under this chapter.

Sec. 59. If any change is made to the governing documents, the secretary or other officer specified in the bylaws of the association shall, within 30 days after the change is made, prepare and cause to be hand delivered or sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner, a copy of the change that was made.

Sec. 60. A condominium hotel may be created pursuant to this chapter only by recording a declaration executed in the same manner as a deed. The declaration must be recorded in every county in which any portion of the condominium hotel is located and must be indexed in the grantee's

index in the name of the condominium hotel and the association and in the grantor's index in the name of each person executing the declaration.

Sec. 61. The boundaries of the hotel unit, including the shared components, if any, must be expressly set forth in the declaration or other governing documents of the condominium hotel.

Sec. 62. 1. The inclusion in a governing document of a provision that violates any provision of this chapter does not render any other provisions of the governing document invalid or otherwise unenforceable if the other provisions can be given effect in accordance with their original intent and the provisions of this chapter.

2. The rule against perpetuities and NRS 111.103 to 111.1039, inclusive, do not apply to defeat any provision of the declaration, bylaws, rules or regulations adopted pursuant to section 83 of this act.

3. In the event of a conflict between the provisions of the declaration and the bylaws, the declaration prevails except to the extent the declaration is inconsistent with this chapter.

4. Title to any portion of a condominium hotel is not rendered unmarketable or otherwise affected by reason of an insubstantial failure of the declaration to comply with this chapter. Whether a substantial failure impairs marketability is not affected by this chapter.

Sec. 63. A description of the residential units and the hotel unit which sets forth the name of the condominium hotel, the file number and book or other information to show where the declaration is recorded, the county in which the condominium hotel is located and the identifying number of the units, is a legally sufficient description of those units and all rights, obligations and interests appurtenant to those units which were created by the declaration or bylaws.

Sec. 64. 1. The declaration for a condominium hotel must contain:

(a) The names of the condominium hotel and the association.

(b) The name of every county in which any part of the condominium hotel is situated.

(c) A sufficient description of the real estate included in the condominium hotel.

(d) A statement of the maximum number of units that the declarant reserves the right to create.

(e) A description of the boundaries of each residential unit created by the declaration, including the unit's identifying number, its size or number of rooms, and its location within a building if it is within a building containing more than one unit.

(f) A description of the shared components, hotel unit and the common elements.

(g) A description of any limited common elements.

(h) A description of any developmental rights and other special declarant's rights reserved by the declarant, together with a legally

sufficient description of the real estate to which each of those rights applies, and a time within which each of those rights must be exercised.

(i) If any developmental right may be exercised with respect to different parcels of real estate at different times, a statement to that effect together with:

(1) Either a statement fixing the boundaries of those portions and regulating the order in which those portions may be subjected to the exercise of each developmental right or a statement that no assurances are made in those regards; and

(2) A statement whether, if any developmental right is exercised in any portion of the real estate subject to that developmental right, that developmental right must be exercised in all or in any other portion of the remainder of that real estate.

(j) Any other conditions or limitations under which the rights described in paragraph (h) may be exercised or will lapse.

(k) A description of any easements benefiting or burdening the units, including easements providing the residential unit owners with rights of ingress or egress through the common elements, hotel unit or shared components for the purpose of accessing their respective units.

(l) An allocation to the units of the allocated interests as described in this chapter, and an allocation to the residential units of their respective liability for shared expenses and other charges of the hotel unit owner.

(m) A description of any other payments, fees and charges that may be charged by the hotel unit owner in order to offset the increased burden placed on the shared components as the result of use of residential units as transient rentals.

(n) Any restrictions:

(1) On use, occupancy and alienation of the units; and

(2) On the amount for which a unit may be sold or on the amount that may be received by a unit's owner on sale, condemnation or casualty to the unit or to the condominium hotel, or on termination of the condominium hotel.

(o) The file number and book or other information to show where easements and licenses are recorded appurtenant to or included in the condominium hotel or to which any portion of the condominium hotel is or may become subject by virtue of a reservation in the declaration.

2. The declaration may contain any other matters the declarant considers appropriate.

Sec. 65. 1. Any lease the expiration or termination of which may terminate the condominium hotel or reduce its size must be recorded. Every lessor of such a lease in a condominium hotel shall sign the declaration. The declaration must state:

(a) The recording date where the lease is recorded.

(b) The date on which the lease is scheduled to expire.

(c) A legally sufficient description of the real estate subject to the lease.

(d) Any right of the units' owners to redeem the reversion and the manner whereby those rights may be exercised, or a statement that they do not have those rights.

(e) Any right of the units' owners to remove any improvements within a reasonable time after the expiration or termination of the lease, or a statement that they do not have those rights.

(f) Any rights of the units' owners to renew the lease and the conditions of any renewal, or a statement that such rights do not exist.

2. After the declaration for a leasehold condominium hotel is recorded, neither the lessor nor the lessor's successor in interest may terminate the leasehold interest of a unit's owner who makes timely payment of his share of the rent and otherwise complies with all covenants which, if violated, would entitle the lessor to terminate the lease. The leasehold interest of a unit's owner in a condominium hotel is not affected by failure of any other person to pay rent or fulfill any other covenant.

3. Acquisition of the leasehold interest of any unit's owner by the owner of the reversion or remainder does not merge the leasehold and freehold interests unless the leasehold interests of all units' owners subject to that reversion or remainder are acquired.

4. If the expiration or termination of a lease decreases the number of units in a condominium hotel, the allocated interests must be reallocated in accordance with subsection 1 of section 50 of this act as if those units had been taken by eminent domain. Reallocations must be confirmed by an amendment to the declaration prepared, executed and recorded by the association.

Sec. 66. 1. The declaration must allocate to each unit, including any unit owned by the declarant or hotel unit owner, as applicable, a fraction or percentage of undivided interests in the common elements and in the common expenses of the association and a portion of the votes in the association.

2. The declaration may allocate to each residential unit, including any residential unit owned by the declarant or the hotel unit owner, as applicable, a fraction or percentage of the liability for shared expenses and other charges of the hotel unit owner. Unless the declaration provides otherwise, residential units are not allocated an undivided interest in the ownership of the hotel unit or the shared components.

3. The declaration must state the formulas used to establish allocations of interests and to establish each residential unit's allocated liability for shared expenses. Unless the declaration provides otherwise, the formula used to allocate interests and to allocate liability for shared expenses must be based on the square footage of the residential units. Those allocations of interest and allocations of liability for shared expenses must not discriminate in favor of any unit within the condominium hotel.

4. The declaration may provide:

(a) That different allocations of votes are made to the units on particular matters specified in the declaration;

(b) For cumulative voting only for the purpose of electing members of the executive board;

(c) For class voting on specified issues affecting the class if necessary to protect valid interests of the class; and

(d) For the hotel owner's ability to fine residential unit owners or to prohibit use of the shared components for violation of reasonable rules and regulations as may be established by the hotel unit owner. If the hotel unit owner prohibits use of the shared components, such prohibition may not restrict use of the shared components as is necessary for vehicular or pedestrian ingress or egress to or from the residential unit.

5. Except for minor variations because of rounding, the sum of the liabilities for common expenses allocated at any time to all the units must each equal one if stated as a fraction or 100 percent if stated as a percentage. In the event of discrepancy between an allocated interest and the result derived from application of the pertinent formula, the allocated interest prevails.

6. Except for minor variations because of rounding, the sum of the liabilities for shared expenses allocated at any time to all the residential units must each equal one if stated as a fraction or 100 percent if stated as a percentage. In the event of any discrepancy between a specific residential unit's allocated share of liability for shared expenses and the result derived from the application of the pertinent formula, the specific residential unit's allocation of liability for shared expenses prevails.

7. In a condominium hotel, the common elements are not subject to partition, and any purported conveyance, encumbrance, judicial sale or other voluntary or involuntary transfer of an undivided interest in the common elements made without the unit to which that interest is allocated is void.

8. If units may be added to or withdrawn from the condominium hotel, the declaration must state the formulas to be used to reallocate the allocated interests and the allocations of liability for shared expenses among all units included in the condominium hotel after the addition or withdrawal.

Sec. 67. 1. The declaration may allocate limited common elements to any unit or units within the condominium hotel. The declaration must specify to which unit or units each limited common element is allocated. An allocation may not be altered without the consent of the units' owners to which the limited common elements are allocated.

2. Except as the declaration otherwise provides, a limited common element may be reallocated by an amendment to the declaration executed by the units' owners between or among whose units the reallocation is made. The persons executing the amendment shall provide a copy thereof

to the association, which shall record it. The amendment must be recorded in the names of the parties and the condominium hotel.

3. A common element not previously allocated as a limited common element may be so allocated only by amendments to the declaration.

Sec. 68. 1. Plats and plans are a part of the declaration and are required for all condominium hotels. Each plat and plan must be clear and legible and contain a certification that the plat or plan contains all information required by this section.

2. Each plat must comply with the provisions of chapter 278 of NRS and show:

(a) The name and a survey of the area which is the subject of the plat;

(b) A sufficient description of the real estate;

(c) The extent of any encroachments by or upon any portion of the property which is the subject of the plat;

(d) The location and dimensions of all easements having a specific location and dimension which serve or burden any portion of the condominium hotel;

(e) The location and dimensions with reference to an established datum of any vertical residential unit boundaries and that unit's identifying number;

(f) The location with reference to an established datum of any horizontal unit boundaries not shown or projected on plans recorded pursuant to subsection 4 and that unit's identifying number;

(g) The location and dimensions of the units, shared components and common elements; and

(h) The location and dimensions of limited common elements, if any, including porches, balconies and patios.

3. Each plat must be certified by an independent professional land surveyor. The plans of the units must be certified by an independent professional engineer or architect.

4. Plats and plans need not show the location and dimensions of the units' boundaries and their limited common elements if:

(a) The plat shows the location and dimensions of all buildings containing or comprising the units; and

(b) The declaration includes other information that shows or contains a narrative description of the general layout of the units in those buildings and the limited common elements, if any, allocated to those units.

5. To the extent not shown or projected on the plats, plans of the units must show or project any units in which the declarant has reserved the right to create additional units or common elements, or portions of the shared components or hotel unit, identified appropriately.

6. Unless the declaration provides otherwise, the horizontal boundaries of part of a unit located outside a building have the same elevation as the horizontal boundaries of the inside part and need not be depicted on the plats and plans of the units.

7. Upon exercising any developmental right, the declarant shall prepare, execute and record new or amended plats necessary to conform to the requirements of this section.

Sec. 69. 1. To exercise any developmental right reserved in the declaration, the declarant shall prepare, execute and record an amendment to the declaration. The declarant is the owner of any units thereby created. The amendment to the declaration must assign an identifying number to each new unit created and, except in the case of subdivision or conversion of units described in this section, reallocate the allocated interests and the allocated liability for shared expenses by the declarant or hotel unit owner among all units. The amendment must describe any common elements, limited common elements, shared components or portions of the hotel unit thereby created and, in the case of limited common elements, designate the unit to which each is allocated to the extent required by section 67 of this act.

2. Developmental rights may be reserved within any real estate added to the condominium hotel if the amendment adding that real estate includes all matters required by section 64 or 65 of this act, as the case may be. This provision does not extend the time limit on the exercise of developmental rights imposed by the declaration.

3. Whenever a declarant exercises a developmental right to subdivide or convert a unit or shared components previously created into additional units, common elements, shared components, or additional portions of the hotel unit:

(a) If the declarant converts the unit or shared components entirely to common elements, the amendment to the declaration must convey it to the association or reallocate all the allocated interests and allocated liability for shared expenses of that unit among the other units as if that unit had been taken by eminent domain; and

(b) If the declarant subdivides the unit into two or more units, whether or not any part of the unit is converted into common elements, the amendment to the declaration must reallocate all the allocated interests and shared expenses of the unit among the units created by the subdivision in any reasonable manner prescribed by the declarant.

4. If the declarant converts a shared component into a residential unit, the amendment to the declaration must reallocate all the allocated interests and allocated liability for shared expenses to the residential units.

5. If the declaration provides that all or a portion of the real estate is subject to a right of withdrawal:

(a) If all the real estate is subject to withdrawal, and the declaration does not describe separate portions of real estate subject to that right, none of the real estate may be withdrawn after a unit has been conveyed to a purchaser; and

(b) If any portion is subject to withdrawal, it may not be withdrawn after a unit in that portion has been conveyed to a purchaser.

Sec. 70. ***1. The declaration must describe the boundaries of the hotel unit, which are owned by the hotel unit owner. The hotel unit may be used by the hotel unit owner for commercial purposes, including the operation of a hotel and other commercial uses as set forth in the declaration. Except as otherwise provided in the declaration, the hotel unit owner may subdivide the hotel unit without prior notice or demand to the residential unit owners.***

2. The declaration must describe the shared components which are deemed to be a part of the hotel unit. The hotel unit owner shall, from time to time, be responsible for the repair, replacement, improvement, maintenance, management, operation and insurance of the shared components, all of which must be conducted in a commercially reasonable manner. The hotel unit owner, as applicable, has the power to charge the residential unit owners for the shared expenses.

3. The residential unit owners have an easement for ingress and egress across and upon the hotel unit and the shared components as is reasonably necessary for the residential unit owners and guests to access the residential units. The residential unit owners have an easement for the use and enjoyment of the shared components, subject to reasonable rules and regulations as may be established by the hotel unit owner.

Sec. 71. ***Except as otherwise provided in this section and subject to the provisions of the declaration and other provisions of law, a residential unit owner:***

1. May make any improvements or alterations to his residential unit that do not impair the structural integrity or mechanical systems or lessen the support of any portion of the condominium hotel; and

2. May not change the appearance of the common elements, the shared components, the hotel unit or the exterior appearance of a unit, building or any other portion of the condominium hotel.

Sec. 72. ***The existing physical boundaries of a residential unit or a hotel unit are its legal boundaries, rather than the boundaries derived from the description contained in the original declaration, regardless of vertical or lateral movement of the building or minor variance between those boundaries and the boundaries derived from the description contained in the original declaration. This section does not relieve a unit's owner of liability in case of his willful misconduct or relieve a declarant or any other person of liability for failure to adhere to any plats and plans.***

Sec. 73. ***Subject to the provisions of the declaration and other provisions of law, the boundaries between adjoining units may be relocated by an amendment to the declaration upon application to the hotel unit owner by the owners of those units. If the owners of the adjoining units have specified a reallocation between their units of their allocated interests and allocation of shared expenses, the application must state the proposed reallocations. Unless the hotel unit owner determines within 90 days that the reallocations are unreasonable, the hotel unit owner shall prepare an***

amendment that identifies the units involved and states the reallocations. The amendment must be executed by those units' owners, contain words of conveyance between them and, on recordation, be indexed in the name of the grantor and the grantee, and in the grantee's index in the name of the association and the hotel unit owner.

Sec. 74. 1. If the declaration expressly so permits, a residential unit may be subdivided into two or more residential units upon receipt of consent from the hotel unit owner. Subject to the provisions of the declaration and other provisions of law, upon receipt of consent from the hotel unit owner to subdivide a residential unit, the association shall prepare, execute and record an amendment to the declaration.

2. The amendment to the declaration must be executed by the owner of the unit to be subdivided, assign an identifying number to each residential unit created, and reallocate the allocated interests and allocated liability for shared expenses formerly allocated to the subdivided residential unit to the new residential units in any reasonable manner prescribed by the owner of the subdivided unit.

Sec. 75. 1. Provisions in an agreement to purchase a residential unit between a purchaser and a declarant which permit the declarant to amend or change the governing documents at any time before the close of escrow of a residential unit are enforceable.

2. Following the period of a declarant's control of the association, with regard to an amendment that does not in any way affect the hotel unit or the shared components, the declaration may be amended by a majority of the total voting power in the association. The declaration may specify a larger number of votes necessary to amend the declaration.

3. Following the period of declarant's control of the association, with regard to an amendment that in any way affects the hotel unit or the shared components, such an amendment is not effective without the prior written consent of the declarant or the hotel unit owner and the vote of a majority of the total voting power in the association. The declaration may specify a larger number of votes necessary to amend the declaration.

4. No action to challenge the validity of an amendment adopted pursuant to this section may be brought more than 1 year after the amendment is recorded.

5. Every amendment to the declaration must be recorded in every county in which any portion of the condominium hotel is located and is effective only upon recordation. An amendment must be indexed in the grantee's index in the name of the condominium hotel and the association and in the grantor's index in the name of the parties executing the amendment.

Sec. 76. 1. Except in the case of a taking of the condominium hotel by eminent domain, termination of the condominium hotel or the declaration requires approval by:

(a) The owners representing at least 80 percent of the votes in the association allocated to the residential unit owners; and

(b) The hotel unit owner.

2. An agreement to terminate the condominium hotel or the declaration must be evidenced by the execution of an agreement to terminate in the same manner as a deed by the hotel unit owner and the requisite number of units' owners. The agreement to terminate must specify a date after which the agreement will be void unless it is recorded before that date.

3. An agreement to terminate may provide that all of the common elements, shared components or units must be sold following termination. If, pursuant to the agreement, any real estate in the condominium hotel is to be sold following termination, the agreement must set forth the minimum terms of the sale.

4. The hotel unit owner, on behalf of the units' owners, may contract for the sale of real estate owned by the units' owners in a condominium hotel, but the contract is not binding on the units' owners and the declarant or hotel unit owner, as applicable, until approved pursuant to subsections 1 and 2. If any real estate owned by the units' owners is to be sold following termination, title to that real estate, upon termination, vests in the hotel unit owner as trustee for the holders of all interests in the units. Thereafter, the hotel unit owner has all powers necessary and appropriate to effect the sale. Until the sale has been concluded and the proceeds thereof distributed, the hotel unit owner continues in existence with all powers it had before termination. Proceeds of the sale must be distributed to units' owners and lienholders as their interests may appear, in accordance with sections 77 and 78 of this act. Unless otherwise specified in the agreement to terminate, as long as the unit's owner holds title to the real estate, each unit's owner and his successors in interest have an exclusive right to occupancy of the portion of the real estate that formerly constituted the unit. During the period of that occupancy, each unit's owner and his successors in interest remain liable for all assessments, shared expenses and other obligations imposed on units' owners by this chapter or the declaration.

5. If the real estate is not to be sold following termination, title to the common elements and residential units vests in the units' owners upon termination as tenants in common in proportion to their respective interests in the association as provided in section 78 of this act, and liens on the units shift accordingly. While the tenancy in common exists, each unit's owner and his successors in interest have an exclusive right to occupancy of the portion of the real estate that formerly constituted such unit owners' unit.

6. Following termination of the condominium hotel, the proceeds of any sale of real estate, together with the assets of the association, are held by the hotel unit owner as trustee for units' owners and holders of liens on the units as their interests may appear.

Sec. 77. ***1. Following termination of a condominium hotel, creditors of the association holding liens on the units, which were recorded before termination, may enforce those liens in the same manner as any lienholder. All other creditors of the association are to be treated as if they had perfected liens on the units immediately before termination.***

2. Creditors of the association are not entitled to payment from any unit's owner in excess of the amount of the creditor's lien against that owner's interest.

Sec. 78. ***The respective interests of units' owners referred to in sections 76 and 77 of this act are as follows:***

1. Except as otherwise provided in subsection 2, the respective interests of units' owners are the fair market values of their units, allocated interests, and any limited common elements immediately before the termination, as determined by one or more independent appraisers selected by the hotel unit owner. The decision of the independent appraisers must be distributed to the units' owners and becomes final unless disapproved within 30 days after distribution by units' owners to whom 25 percent of the total number of votes in the association are allocated. The proportion of interest of any unit's owner to that of all units' owners is determined by dividing the fair market value of that unit and its allocated interests by the total fair market values of all the units and their allocated interests.

2. If any unit or any limited common element is destroyed to the extent that an appraisal of the fair market value thereto before destruction cannot be made, the interests of all units' owners are their respective interests in the common elements immediately before the termination.

Sec. 79. ***1. Except as otherwise provided in subsection 2, foreclosure or enforcement of a lien or encumbrance against the entire condominium hotel does not terminate, of itself, the condominium hotel, and foreclosure or enforcement of a lien or encumbrance against a portion of the condominium hotel, other than withdrawable real estate, does not withdraw that portion from the condominium hotel. Foreclosure or enforcement of a lien or encumbrance against withdrawable real estate does not withdraw, of itself, that real estate from the condominium hotel, but the person taking title thereto may require from the hotel unit owner, upon request, an amendment excluding the real estate from the condominium hotel.***

2. If a lien or encumbrance against a portion of the real estate comprising the condominium hotel has priority over the declaration and the lien or encumbrance has not been partially released, the parties foreclosing the lien or encumbrance, upon foreclosure, may record an instrument excluding the real estate subject to that lien or encumbrance from the condominium hotel.

Sec. 80. ***The declaration may require that all or a specified number or percentage of the lenders who hold security interests encumbering the units approve specified actions of the units' owners or the association as a***

condition to the effectiveness of those actions, but no requirement for approval may operate to:

1. Deny or delegate control over the general administrative affairs of the association by the units' owners or the executive board;

2. Prevent the association or the executive board from commencing, intervening in or settling any litigation or proceeding; or

3. Prevent any trustee or the association from receiving and distributing any proceeds of insurance except as otherwise provided in this chapter.

Sec. 81. 1. Any two or more condominium hotels, by agreement of the declarants or hotel unit owners and ratified by the associations as provided in subsection 2, may be merged or consolidated into a single condominium hotel. In the event of a merger or consolidation, unless the agreement otherwise provides, the resultant condominium hotel is the legal successor, for all purposes, of all of the preexisting condominium hotels, and the operations and activities of all associations of the preexisting condominium hotels are merged or consolidated into a single association that holds all powers, rights, obligations, assets and liabilities of all preexisting associations.

2. An agreement of two or more condominium hotels to merge or consolidate pursuant to subsection 1 must be evidenced by an agreement prepared, executed, recorded and certified by the declarant or hotel unit owner, as applicable, of each of the preexisting condominium hotels. The agreement must be ratified in each condominium hotel by the percentage of votes required to terminate that condominium hotel. The agreement must be recorded in every county in which a portion of the condominium hotel is located and is not effective until recorded.

3. Every agreement for merger or consolidation must provide for the reallocation of the allocated interests in the new association among the units of the resultant condominium hotel either by stating the reallocations or the formulas upon which they are based or by stating the percentage of overall allocated interests of the new condominium hotel which are allocated to all of the units comprising each of the preexisting condominium hotels, and providing that the portion of the percentages allocated to each unit formerly constituting a part of the preexisting condominium hotel must be equal to the percentages of allocated interests and shared expenses allocated to that unit by the declaration of the preexisting condominium hotel.

4. Every agreement for merger or consolidation must provide for the reallocation of the liability for shared expenses among the residential units of the resultant condominium hotel either by stating the reallocations or the formulas upon which they are based.

Sec. 82. 1. A unit-owners' association must be organized not later than the date the first residential unit in the condominium hotel is conveyed.

2. The membership of the association at all times consists exclusively of all units' owners, including the hotel unit and any other units owned by the declarant or, following termination of the condominium hotel, of all owners of former units entitled to distributions of proceeds under the declaration, or their heirs, successors or assigns.

3. The association must:

(a) Be organized as a profit or nonprofit corporation, association, limited-liability company, trust or partnership;

(b) Include in its articles of incorporation, articles of association, articles of organization, certificate of registration, certificate of limited partnership, certificate of trust or other documents of organization, or any amendment thereof, that the purpose of the corporation, association, limited-liability company, trust or partnership is to operate as an association pursuant to this chapter;

(c) Contain in its name the words "community association," "homeowners' association" or "unit-owners' association"; and

(d) Comply with the provisions of chapters 78, 81, 82, 86, 87, 88 and 88A of NRS when filing with the Secretary of State its articles of incorporation, articles of association, articles of organization, certificate of registration, certificate of limited partnership, certificate of trust or other documents of organization, or any amendment thereof.

4. Unless otherwise provided in the declaration, the association shall not have any ownership or control over the hotel unit or the shared components.

Sec. 83. Subject to the provisions of the declaration, the association may do any or all of the following:

1. Adopt and amend bylaws, rules and regulations pertaining to the common elements. Unless otherwise provided in the declaration, bylaws, rules or regulations adopted by the association must not attempt to exercise any control over the hotel unit or the shared components.

2. Adopt and amend budgets for revenues, expenditures and reserves relating to the common elements and collect assessments for common expenses from the units' owners.

3. Hire and discharge managing agents and other employees, agents and independent contractors of the association.

4. Institute, defend or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more units' owners on matters affecting the condominium hotel.

5. Make contracts and incur liabilities with regard to the common elements.

6. Regulate the use, maintenance, repair, replacement and modification of common elements.

7. Cause additional improvements to be made as a part of the common elements.

8. Acquire, hold, encumber and convey in its own name any right, title or interest to real estate or personal property, but common elements may be conveyed or subjected to a security interest only pursuant to section 108 of this act.

9. Grant easements, leases, licenses and concessions through or over the common elements.

10. Impose and receive any payments, fees or charges for the use, rental or operation of the common elements.

11. Impose charges for late payment of assessments on common elements.

12. Impose reasonable fines for violations of the governing documents of the association only if the association complies with the requirements set forth in section 85 of this act.

13. Provide for the indemnification of its officers and executive board and maintain directors' and officers' liability insurance.

14. Assign its right to future income, including the right to receive assessments for common expenses, but only to the extent the declaration expressly so provides.

15. Exercise any other powers conferred by the declaration or bylaws.

16. Exercise any other powers necessary and proper for the governance and operation of the association.

Sec. 84. 1. Except as otherwise provided in the declaration, the bylaws, this section or other provisions of this chapter, the executive board may act in all instances on behalf of the association. In the performance of their duties, the officers and members of the executive board are fiduciaries. The members of the executive board are required to exercise the ordinary and reasonable care of directors of a corporation, subject to the business-judgment rule.

2. The executive board may not act on behalf of the association to amend the declaration, to terminate the condominium hotel, or to elect members of the executive board or determine their qualifications, powers and duties or terms of office, but the executive board may fill vacancies in its membership for the unexpired portion of any term.

Sec. 85. 1. Except as otherwise provided in this section and in the declaration, if a residential unit owner or the tenant or guest of a residential unit owner violates any provision of the governing documents of an association, the executive board may, if the governing documents so provide:

(a) Prohibit, for a reasonable time, the residential unit owner or the tenant or guest of the residential unit owner from:

(1) Voting on matters related to the association.

(2) Using the common elements. The provisions of this subparagraph do not prohibit the residential unit owner or the tenant or guest of the residential unit owner from using any portion of the common elements, if

any, as is necessary for vehicular or pedestrian ingress or egress to or from the residential unit.

(b) Impose a fine against the residential unit owner or the tenant or guest of the residential unit owner for each violation. If the violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the residential units' owners or residents of the condominium hotel, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents. If the violation does not pose an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the residential units' owners or residents or guests of the condominium hotel, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents, but the amount of the fine must not exceed $100 for each violation or a total amount of $1,000, whichever is less. The limitations on the amount of the fine do not apply to any interest, charges or costs that may be collected by the association pursuant to this section if the fine becomes past due.

2. The executive board may not impose a fine pursuant to subsection 1 unless:

(a) Not less than 30 days before the violation, the person against whom the fine will be imposed had been provided with written notice of the applicable provisions of the governing documents that form the basis of the violation; and

(b) Within a reasonable time after the discovery of the violation, the person against whom the fine will be imposed has been provided with:

(1) Written notice specifying the details of the violation, the amount of the fine, and the date, time and location for a hearing on the violation; and

(2) A reasonable opportunity to contest the violation at the hearing.

3. The executive board must schedule the date, time and location for the hearing on the violation so that the person against whom the fine will be imposed is provided with a reasonable opportunity to prepare for the hearing and to be present at the hearing.

4. The executive board must hold a hearing before it may impose the fine, unless the person against whom the fine will be imposed:

(a) Pays the fine;

(b) Executes a written waiver of the right to the hearing; or

(c) Fails to appear at the hearing after being provided with proper notice of the hearing.

5. If a fine is imposed pursuant to subsection 1 and the violation is not cured within 14 days, or within any longer period that may be established by the executive board, the violation shall be deemed a continuing violation. Thereafter, the executive board may impose an additional fine for the violation for each 7-day period or portion thereof that the violation

is not cured. Any additional fine may be imposed without notice and an opportunity to be heard.

6. If the governing documents so provide, the executive board may appoint a committee, with not less than three members, to conduct hearings on violations and to impose fines pursuant to this section. While acting on behalf of the executive board for those limited purposes, the committee and its members are entitled to all privileges and immunities and are subject to all duties and requirements of the executive board and its members.

7. The provisions of this section establish the minimum procedural requirements that the executive board must follow before it may impose a fine. The provisions of this section do not preempt any provisions of the governing documents that provide greater procedural protections.

8. Any past due fine:

(a) Bears interest at the rate established by the association, not to exceed the legal rate per annum.

(b) May include any costs of collecting the past due fine at a rate established by the association. If the past due fine is for a violation that does not threaten the health, safety or welfare of the residents of the condominium hotel, the rate established by the association for the costs of collecting the past due fine:

(1) May not exceed $20, if the outstanding balance is less than $200.

(2) May not exceed $50, if the outstanding balance is $200 or more, but is less than $500.

(3) May not exceed $100, if the outstanding balance is $500 or more, but is less than $1,000.

(4) May not exceed $250, if the outstanding balance is $1,000 or more, but is less than $5,000.

(5) May not exceed $500, if the outstanding balance is $5,000 or more.

(c) May include any costs incurred by the association during a civil action to enforce the payment of the past due fine.

9. Unless the declaration provides otherwise, nothing in this section shall be construed as giving the association the power to sanction a unit owner for matters related to the hotel unit or the shared components.

10. As used in this section:

(a) "Costs of collecting" includes, without limitation, any collection fee, filing fee, recording fee, referral fee, fee for postage or delivery, and any other fee or cost that an association may reasonably charge to the unit's owner for the collection of a past due fine. The term does not include any costs incurred by an association during a civil action to enforce the payment of a past due fine.

(b) "Outstanding balance" means the amount of a past due fine that remains unpaid before any interest, charges for late payment or costs of collecting the past due fine are added.

Sec. 86. If an association has imposed a fine against a residential unit owner or a tenant or guest of a residential unit owner pursuant to section

85 of this act for violations of the governing documents of the association, the association:

1. Shall, in the books and records of the association, account for the fine separately from any assessment, fee or other charge; and

2. Shall not apply, in whole or in part, any payment made by the residential unit owner for any assessment, fee or other charge toward the payment of the outstanding balance of the fine or any costs of collecting the fine, unless the residential unit owner provides written authorization which directs the association to apply the payment made by the unit's owner in such a manner.

Sec. 87. 1. Except as otherwise provided in this section, the declaration may provide for a period of declarant's control of the association, during which a declarant, or persons designated by him, may appoint and remove the officers of the association and members of the executive board. Regardless of the period provided in the declaration, a period of declarant's control terminates not later than:

(a) Sixty days after conveyance of 75 percent of the residential units that may be created to residential unit owners other than a declarant;

(b) Five years after all declarants have ceased to offer residential units for sale in the ordinary course of business; or

(c) Five years after any right to add new residential units was last exercised,

whichever occurs earlier.

2. A declarant may voluntarily surrender the right to appoint and remove officers and members of the executive board before termination of that period, but in that event the declarant may require, for the duration of the period of declarant's control, that specified actions of the association or executive board, as described in a recorded instrument executed by the declarant, be approved by the declarant before they become effective.

3. Not later than 60 days after conveyance of 25 percent of the residential units that may be created to units' owners other than a declarant, at least one member and not less than 25 percent of the members of the executive board must be elected by residential units' owners other than the declarant. Not later than 60 days after conveyance of 50 percent of the residential units that may be created to residential units' owners other than a declarant, not less than 33 1/3 percent of the members of the executive board must be elected by residential units' owners other than the declarant.

Sec. 88. 1. Not later than the termination of any period of declarant's control, the residential unit owners and hotel unit owner shall elect an executive board of at least three members, all of whom must be units' owners or, in the case of the hotel unit, a duly authorized representative of the hotel unit owner. The executive board shall elect the officers of the association. The members of the executive board and the officers of the association shall take office upon election.

2. The term of office of a member of the executive board may not exceed 2 years, except for members who are appointed by the declarant or the hotel unit owner. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

(a) Members of the executive board who are appointed by the declarant;

(b) Members of the executive board who are appointed by the hotel unit owner; and

(c) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of his eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.

5. Each person whose name is placed on the ballot as a candidate for a member of the executive board must:

(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

(b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate has any unpaid and past due assessments or charges that are required to be paid to the association.

➥ ***The candidate must make all disclosures required pursuant to this subsection in writing to the association with his candidacy information. The association shall distribute the disclosures to each member of the association with the ballot in the manner established in the bylaws of the association.***

6. Unless a person is appointed by the declarant, a person may not be a member of the executive board or an officer of the association if the person, his spouse or his parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

7. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that

owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, he shall file proof in the records of the association that:

(a) He is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

8. The election of any member of the executive board must be conducted by secret written ballot as follows:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the condominium hotel or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.

(e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for a member of the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

9. Each member of the executive board shall, within 90 days after his appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that he has read and understands the governing documents of the association and the provisions of this chapter to the best of his ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to section 121 of this act.

Sec. 89. 1. Notwithstanding any provision of the declaration or bylaws to the contrary, any member of the executive board, other than a member appointed by the declarant or elected by the hotel unit owner, may be removed from the executive board, with or without cause, if at a removal election held pursuant to this section the number of votes cast in favor of removal constitutes:

(a) At least 35 percent of the total number of voting members of the association; and

(b) At least a majority of all votes cast in that removal election.

2. The removal of any member of the executive board must be conducted by secret written ballot as follows:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the condominium hotel or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) Only the secret written ballots that are returned to the association may be counted to determine the outcome.

(d) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(e) The incumbent members of the executive board, including, without limitation, the member who is subject to the removal, may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

3. If a member of an executive board is named as a respondent or sued for liability for actions undertaken in his role as a member of the board, the association shall indemnify him for his losses or claims, and undertake all costs of defense, unless it is proven that he acted with willful or wanton misfeasance or with gross negligence. After such proof, the association is no longer liable for the cost of defense, and may recover costs already expended from the member of the executive board who so acted. Members of the executive board are not personally liable to the victims of crimes occurring on the property. Punitive damages may not be recovered against the association, but may be recovered from persons whose activity gave rise to the damages.

Sec. 90. 1. In addition to any applicable requirement set forth in this chapter, within 30 days after units' owners other than the declarant may elect a majority of the members of the executive board, the declarant shall deliver to the association all property of the units' owners and of the association held by or controlled by him, including:

(a) The original or a certified copy of the recorded declaration as amended, the articles of incorporation, articles of association, articles of organization, certificate of registration, certificate of limited partnership, certificate of trust or other documents of organization for the association,

the bylaws, minute books and other books and records of the association and any rules or regulations which may have been adopted.

(b) An accounting for money of the association and audited financial statements for each fiscal year and any ancillary period from the date of inception of the association to the date the period of the declarant's control ends. The financial statements must fairly and accurately report the association's financial position.

(c) If major components of the common elements exist within the condominium hotel, a complete study of the reserves of the association, conducted by a person who holds a permit to conduct such a study issued pursuant to chapter 116A of NRS. At the time the control of the declarant ends, he shall:

(1) Except as otherwise provided in this paragraph, deliver to the association a reserve account that contains the declarant's share of the amounts then due, and control of the account.

(2) Disclose, in writing, the amount by which he has subsidized the association's dues on a per unit basis.

(d) The association's money or control thereof.

(e) All of the declarant's tangible personal property that has been represented by the declarant as property of the association or, unless the declarant has disclosed in the public offering statement that all such personal property used in the condominium hotel will remain the declarant's property, all of the declarant's tangible personal property that is necessary for, and has been used exclusively in, the operation and enjoyment of the common elements, and inventories of these properties.

(f) A copy of any plans and specifications used in the construction of the common elements which were completed within 2 years before the declaration was recorded.

(g) All insurance policies then in force, in which the units' owners, the association, or its directors and officers are named as insured persons.

(h) Copies of any certificates of occupancy that may have been issued with respect to any improvements comprising the common elements.

(i) Any renewable permits and approvals issued by governmental bodies applicable to the common elements or the operation of the association which are in force and any other permits and approvals so issued and applicable which are required by law to be kept on the premises of the condominium hotel.

(j) Written warranties of the contractor, subcontractors, suppliers and manufacturers that are still effective pertaining to the residential units or the common elements.

(k) A roster of owners and mortgagees of units and their addresses and telephone numbers, if known, as shown on the declarant's records.

(l) Contracts of employment in which the association is a contracting party.

(m) Any contract for service in which the association is a contracting party or in which the association has any obligation to pay a fee to the persons performing services related to the common elements.

2. The declarant is not required to deliver to the association any property related to the hotel unit or the shared components.

Sec. 91. 1. If a condominium hotel is developed in separate phases and any declarant or successor declarant is constructing any common elements that will be added to the association's common elements after the date on which the units' owners other than the declarant may elect a majority of the members of the executive board, the declarant or its successors or assigns who is constructing such additional common elements is responsible for:

(a) Paying all expenses related to the additional common elements which are incurred before the conveyance of the additional common elements to the association; and

(b) Except as otherwise provided by section 90 of this act, delivering to the association that declarant's share of the amount specified in the study of the reserves completed pursuant to subsection 2.

2. Before conveying the additional common elements to the association, the declarant or successor declarant who constructed the additional common elements shall deliver to the association a study of the reserves for the additional common elements which satisfies the requirements of section 117 of this act.

3. As used in this section, "successor declarant" includes, without limitation, any successor declarant who does not control the association established by the initial declarant.

Sec. 92. 1. At the time of each close of escrow of a unit in a converted building, the declarant shall deliver to the hotel unit owner the amount of the converted shared component reserve deficit allocated to that unit.

2. The allocation to a unit of the amount of any converted shared component reserve deficit must be made in the same manner as liability for shared expenses is allocated to that unit.

3. As used in this section, "converted shared component reserve deficit" means the amount necessary to replace the major components of the shared components needing replacement within 10 years after the date of the first sale of a unit.

Sec. 93. 1. At the time of each close of escrow of a unit in a converted building, the declarant shall deliver to the association the amount of the converted common element reserve deficit allocated to that unit.

2. The allocation to a unit of the amount of any converted common element reserve deficit must be made in the same manner as assessments are allocated to that unit.

3. As used in this section, "converted common element reserve deficit" means the amount necessary to replace the major components of the common elements needing replacement within 10 years after the date of the first sale of a unit.

Sec. 94. 1. A special declarant's right created or reserved under this chapter may be transferred only by an instrument evidencing the transfer recorded in every county in which any portion of the condominium hotel is located. The instrument is not effective unless executed by the transferee.

2. Upon transfer of any special declarant's right, the liability of a transferor declarant is as follows:

(a) A transferor is not relieved of any obligation or liability arising before the transfer and remains liable for warranties imposed upon him by this chapter. Lack of privity does not deprive any unit's owner of standing to maintain an action to enforce any obligation of the transferor.

(b) If a successor to any special declarant's right is an affiliate of a declarant, the transferor is jointly and severally liable with the successor for any obligations or liabilities of the successor relating to the condominium hotel.

(c) If a transferor retains any special declarant's rights, but transfers other special declarant's rights to a successor who is not an affiliate of the declarant, the transferor is liable for any obligations or liabilities imposed on a declarant by this chapter or by the declaration relating to the retained special declarant's rights and arising after the transfer.

(d) A transferor has no liability for any act or omission or any breach of a contractual obligation or warranty arising from the exercise of a special declarant's right by a successor declarant who is not an affiliate of the transferor.

3. Unless otherwise provided in a mortgage, deed of trust or other agreement creating a security interest, in case of foreclosure of a security interest, sale by a trustee under an agreement creating a security interest, tax sale, judicial sale or sale under the Bankruptcy Code or a receivership, of any units owned by a declarant or real estate in a condominium hotel subject to developmental rights, a person acquiring title to all the property being foreclosed or sold, but only upon his request, succeeds to all special declarant's rights related to that property held by that declarant, or only to any rights reserved in the declaration pursuant to this chapter and held by that declarant to maintain models, offices for sales and signs. The judgment or instrument conveying title must provide for transfer of only the special declarant's rights requested.

4. Upon foreclosure of a security interest, sale by a trustee under an agreement creating a security interest, tax sale, judicial sale or sale under the Bankruptcy Code or a receivership of all interests in a condominium hotel owned by a declarant:

(a) The declarant ceases to have any special declarant's rights; and

(b) The period of declarant's control terminates unless the judgment or instrument conveying title provides for transfer of all special declarant's rights held by that declarant to a successor declarant.

Sec. 95. The liabilities and obligations of a person who succeeds to special declarant's rights are as follows:

1. A successor to any special declarant's right who is an affiliate of a declarant is subject to all obligations and liabilities imposed on the transferor by this chapter or by the declaration.

2. A successor to any special declarant's right, other than a successor described in subsection 3 or 4 or a successor who is an affiliate of a declarant, is subject to the obligations and liabilities imposed by this chapter or the declaration:

(a) On a declarant which relate to the successor's exercise or nonexercise of special declarant's rights; or

(b) On his transferor, other than:

(1) Misrepresentations by any previous declarant;

(2) Warranties on improvements made by any previous declarant, or made before the condominium hotel was created;

(3) Breach of any fiduciary obligation by any previous declarant or his appointees to the executive board; or

(4) Any liability or obligation imposed on the transferor as a result of the transferor's acts or omissions after the transfer.

3. A successor to only a right reserved in the declaration to maintain models, offices for sales and signs, may not exercise any other special declarant's right, and is not subject to any liability or obligation as a declarant, except the obligation to provide a public offering statement and any liability arising as a result thereof.

4. A successor to all special declarant's rights held by a transferor who succeeded to those rights pursuant to a deed or other instrument of conveyance in lieu of foreclosure or a judgment or instrument under subsection 3 of section 94 of this act may declare in a recorded instrument the intention to hold those rights solely for transfer to another person. Thereafter, until transferring all special declarant's rights to any person acquiring title to any unit or real estate subject to developmental rights owned by the successor, or until recording an instrument permitting exercise of all those rights, that successor may not exercise any of those rights other than any right held by his transferor to control the executive board in accordance with section 87 of this act for the duration of any period of declarant's control, and any attempted exercise of those rights is void. So long as a successor declarant may not exercise special declarant's rights under this subsection, the successor declarant is not subject to any liability or obligation as a declarant other than liability for his acts and omissions under section 87 of this act.

Sec. 96. Sections 94 and 95 of this act do not subject any successor to a special declarant's right to any claims against or other obligations of a

transferor declarant, other than claims and obligations arising under this chapter or the declaration.

Sec. 97. 1. The bylaws of the association must provide:

(a) The number of members of the executive board and the titles of the officers of the association;

(b) For election by the executive board of a president, treasurer, secretary and any other officers of the association the bylaws specify;

(c) The qualifications, powers and duties, terms of office and manner of electing and removing officers of the association and members of the executive board and filling vacancies;

(d) Which powers, if any, that the executive board or the officers of the association may delegate to other persons, including a community manager;

(e) Which of its officers may prepare, execute, certify and record amendments to the declaration on behalf of the association;

(f) Procedural rules for conducting meetings of the association;

(g) A method for amending the bylaws; and

(h) Procedural rules for conducting elections.

2. Except as otherwise provided in the declaration, the bylaws may provide for any other matters the association deems necessary and appropriate.

3. The bylaws must be written in plain English.

4. The bylaws must not attempt to exercise any control over the shared components or the hotel unit.

Sec. 98. The rules adopted by an association, if any:

1. Must be reasonably related to the duties of the association.

2. Must be sufficiently explicit in their prohibition, direction or limitation to inform a person of any action or omission required for compliance.

3. Must not be adopted to evade any obligation of the association.

4. Must be consistent with the governing documents of the association and must not arbitrarily restrict conduct or require the construction of any capital improvement by a unit's owner that is not required by the governing documents of the association.

5. Must be uniformly enforced under the same or similar circumstances against all units' owners. Any rule that is not so uniformly enforced may not be enforced against any unit's owner.

6. May be enforced by the association through the imposition of a fine only if the association complies with the requirements set forth in section 85 of this act for levying fines.

7. Must not attempt to exercise any control over the shared components or the hotel unit.

Sec. 99. 1. Except to the extent provided by the declaration or this chapter, the association is responsible for maintenance, repair and replacement of the common elements, and each unit's owner is responsible

for maintenance, repair and replacement of his unit. Each unit's owner shall afford to the association and the other units' owners, and to their agents or employees, access through his unit reasonably necessary for those purposes. If damage is inflicted by a residential unit owner on the common elements, hotel unit or on any unit through which access is taken, the residential unit owner responsible for the damage, or the association if it is responsible, is liable for the prompt repair thereof.

2. Except to the extent provided by the declaration, the hotel unit owner is responsible for the maintenance, repair and replacement of the hotel unit and the shared components.

Sec. 100. 1. A meeting of the units' owners must be held as required by the declaration.

2. Special meetings of the units' owners may be called by the president, by a majority of the executive board or by units' owners constituting at least 10 percent, or any lower percentage specified in the bylaws, of the total number of voting members of the association. The same number of units' owners may also call a removal election pursuant to section 89 of this act. To call a special meeting or a removal election, the units' owners must submit a written petition which is signed by the required percentage of the total number of voting members of the association pursuant to this section and which is mailed, return receipt requested, or served by a process server to the executive board for the association. If the petition calls for a special meeting, the executive board shall set the date for the special meeting so that the special meeting is held not less than 15 days or more than 60 days after the date on which the petition is received. If the petition calls for a removal election, the secret written ballots for the removal election must be sent in the manner required by section 89 of this act not less than 15 days or more than 60 days after the date on which the petition is received, and the executive board shall set the date for the meeting to open and count the secret written ballots so that the meeting is held not more than 15 days after the deadline for returning the secret written ballots.

3. Not less than 15 days or more than 60 days in advance of any meeting of the units' owners, the secretary or other officer specified in the bylaws shall cause notice of the meeting to be hand delivered, sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner or, if the association offers to send notice by electronic mail, sent by electronic mail at the request of the unit's owner to an electronic mail address designated in writing by the unit's owner. The notice of the meeting must state the time and place of the meeting and include a copy of the agenda for the meeting. The notice must include notification of the right of a unit's owner to:

(a) Have a copy of the minutes or a summary of the minutes of the meeting provided to the unit's owner upon request and, if required by the

executive board, upon payment to the association of the cost of providing the copy to the unit's owner.

(b) Speak to the association or executive board, unless the executive board is meeting in executive session.

4. The agenda for a meeting of the units' owners must consist of:

(a) A clear and complete statement of the topics scheduled to be considered during the meeting, including, without limitation, any proposed amendment to the declaration or bylaws, any fees or assessments to be imposed or increased by the association, any budgetary changes and any proposal to remove an officer of the association or member of the executive board.

(b) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items. In an emergency, the units' owners may take action on an item which is not listed on the agenda as an item on which action may be taken.

(c) A period devoted to comments by units' owners and discussion of those comments. Except in emergencies, no action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to paragraph (b).

5. If the association adopts a policy imposing fines for any violations of the governing documents of the association, the secretary or other officer specified in the bylaws shall prepare and cause to be hand delivered or sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner, a schedule of the fines that may be imposed for those violations.

6. The secretary or other officer specified in the bylaws shall cause minutes to be recorded or otherwise taken at each meeting of the units' owners. Not more than 30 days after each such meeting, the secretary or other officer specified in the bylaws shall cause the minutes or a summary of the minutes of the meeting to be made available to the units' owners. A copy of the minutes or a summary of the minutes must be provided to any unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.

7. Except as otherwise provided in subsection 8, the minutes of each meeting of the units' owners must include:

(a) The date, time and place of the meeting;

(b) The substance of all matters proposed, discussed or decided at the meeting; and

(c) The substance of remarks made by any unit's owner at the meeting if he requests that the minutes reflect his remarks or, if he has prepared written remarks, a copy of his prepared remarks if he submits a copy for inclusion.

8. The executive board may establish reasonable limitations on materials, remarks or other information to be included in the minutes of a meeting of the units' owners.

9. The association shall maintain the minutes of each meeting of the units' owners until the condominium hotel is terminated.

10. A unit's owner may record on audiotape or any other means of sound reproduction a meeting of the units' owners if the unit's owner, before recording the meeting, provides notice of his intent to record the meeting to the other units' owners who are in attendance at the meeting.

11. The units' owners may approve, at the annual meeting of the units' owners, the minutes of the prior annual meeting of the units' owners and the minutes of any prior special meetings of the units' owners. A quorum is not required to be present when the units' owners approve the minutes.

12. As used in this section, "emergency" means any occurrence or combination of occurrences that:

(a) Could not have been reasonably foreseen;

(b) Affects the health, welfare and safety of the units' owners or residents of the condominium hotel;

(c) Requires the immediate attention of, and possible action by, the executive board; and

(d) Makes it impracticable to comply with the provisions of subsection 3 or 4.

Sec. 101. 1. A meeting of the executive board must be held at least once a year.

2. Except in an emergency or unless the bylaws of an association require a longer period of notice, the secretary or other officer specified in the bylaws of the association shall, not less than 10 days before the date of a meeting of the executive board, cause notice of the meeting to be given to the units' owners. Such notice must be:

(a) Sent prepaid by United States mail to the mailing address of each unit within the condominium hotel or to any other mailing address designated in writing by the unit's owner;

(b) If the association offers to send notice by electronic mail, sent by electronic mail at the request of the unit's owner to an electronic mail address designated in writing by the unit's owner; or

(c) Published in a newsletter or other similar publication that is circulated to each unit's owner.

3. In an emergency, the secretary or other officer specified in the bylaws of the association shall, if practicable, cause notice of the meeting to be sent prepaid by United States mail to the mailing address of each unit within the condominium hotel. If delivery of the notice in this manner is impracticable, the notice must be hand delivered to each unit within the condominium hotel or posted in a prominent place or places within the common elements of the association.

4. The notice of a meeting of the executive board must state the time and place of the meeting and include a copy of the agenda for the meeting or the date on which and the locations where copies of the agenda may be conveniently obtained by the units' owners. The notice must include notification of the right of a unit's owner to:

(a) Have a copy of the minutes or a summary of the minutes of the meeting provided to the unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.

(b) Speak to the association or executive board, unless the executive board is meeting in executive session.

5. The agenda of the meeting of the executive board must comply with the provisions of subsection 4 of section 100 of this act. The period required to be devoted to comments by the units' owners and discussion of those comments must be scheduled for the beginning of each meeting. In an emergency, the executive board may take action on an item which is not listed on the agenda as an item on which action may be taken.

6. At least once every year, unless the declaration or bylaws of the association impose more stringent standards, the executive board shall review, at a minimum, the following financial information at one of its meetings:

(a) A current year-to-date financial statement of the association;

(b) A current year-to-date schedule of revenues and expenses for the operating account and the reserve account, compared to the budget for those accounts;

(c) A current reconciliation of the operating account of the association;

(d) A current reconciliation of the reserve account of the association;

(e) The latest account statements prepared by the financial institutions in which the accounts of the association are maintained; and

(f) The current status of any civil action or claim submitted to arbitration or mediation in which the association is a party.

7. The secretary or other officer specified in the bylaws shall cause minutes to be recorded or otherwise taken at each meeting of the executive board. Not more than 30 days after each such meeting, the secretary or other officer specified in the bylaws shall cause the minutes or a summary of the minutes of the meetings to be made available to the units' owners. A copy of the minutes or a summary of the minutes must be provided to any unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.

8. Except as otherwise provided in subsection 9 and section 102 of this act, the minutes of each meeting of the executive board must include:

(a) The date, time and place of the meeting;

(b) The names of those members of the executive board who were present and of those members who were absent at the meeting;

(c) The substance of all matters proposed, discussed or decided at the meeting;

(d) A record of each member's vote on any matter decided by vote at the meeting; and

(e) The substance of remarks made by any unit's owner who addresses the executive board at the meeting if he requests that the minutes reflect his remarks or, if he has prepared written remarks, a copy of his prepared remarks if he submits a copy for inclusion.

9. The executive board may establish reasonable limitations on materials, remarks or other information to be included in the minutes of its meetings.

10. The association shall maintain the minutes of each meeting of the executive board until the condominium hotel is terminated.

11. A unit's owner may record on audiotape or any other means of sound reproduction a meeting of the executive board, unless the executive board is meeting in executive session, if the unit's owner, before recording the meeting, provides notice of his intent to record the meeting to the members of the executive board and the other units' owners who are in attendance at the meeting.

12. As used in this section, "emergency" means any occurrence or combination of occurrences that:

(a) Could not have been reasonably foreseen;

(b) Affects the health, welfare and safety of the units' owners or residents of the condominium hotel;

(c) Requires the immediate attention of, and possible action by, the executive board; and

(d) Makes it impracticable to comply with the provisions of subsection 2 or 5.

Sec. 102. 1. Except as otherwise provided in this section, a unit's owner may attend any meeting of the units' owners or of the executive board and speak at any such meeting. The executive board may establish reasonable limitations on the time a unit's owner may speak at such a meeting.

2. An executive board may not meet in executive session to enter into, renew, modify, terminate or take any other action regarding a contract, unless it is a contract between the association and an attorney.

3. An executive board may meet in executive session only to:

(a) Consult with the attorney for the association on matters relating to proposed or pending litigation if the contents of the discussion would otherwise be governed by the privilege set forth in NRS 49.035 to 49.115, inclusive, or to enter into, renew, modify, terminate or take any other action regarding a contract between the association and the attorney.

(b) Discuss the character, alleged misconduct, professional competence, or physical or mental health of a community manager or an employee of the association.

(c) Except as otherwise provided in subsection 4, discuss a violation of the governing documents, including, without limitation, the failure to pay an assessment.

4. An executive board shall meet in executive session to hold a hearing on an alleged violation of the governing documents unless the person who may be sanctioned for the alleged violation requests in writing that an open hearing be conducted by the executive board. If the person who may be sanctioned for the alleged violation requests in writing that an open hearing be conducted, the person:

(a) Is entitled to attend all portions of the hearing related to the alleged violation, including, without limitation, the presentation of evidence and the testimony of witnesses; and

(b) Is not entitled to attend the deliberations of the executive board.

5. Except as otherwise provided in this subsection, any matter discussed by the executive board when it meets in executive session must be generally noted in the minutes of the meeting of the executive board. The executive board shall maintain minutes of any decision made pursuant to subsection 4 concerning an alleged violation and, upon request, provide a copy of the decision to the person who was subject to being sanctioned at the hearing or to his designated representative.

6. Except as otherwise provided in subsection 4, a unit's owner is not entitled to attend or speak at a meeting of the executive board held in executive session.

Sec. 103. 1. If an executive board receives a written complaint from a unit's owner alleging that the executive board has violated any provision of this chapter or any provision of the governing documents of the association, the executive board shall, if action is required by the executive board, place the subject of the complaint on the agenda of the next regularly scheduled meeting of the executive board.

2. Not later than 10 business days after the date that the association receives such a complaint, the executive board or an authorized representative of the association shall acknowledge the receipt of the complaint and notify the unit's owner that, if action is required by the executive board, the subject of the complaint will be placed on the agenda of the next regularly scheduled meeting of the executive board.

Sec. 104. 1. The association shall provide written notice to each unit's owner of a meeting at which the commencement of a civil action is to be considered at least 21 calendar days before the date of the meeting. Except as otherwise provided in this subsection, the association may commence a civil action only upon a vote or written agreement of the owners of units to which at least a majority of the votes of the members of the association are allocated. The provisions of this subsection do not apply to a civil action that is commenced:

(a) To enforce the payment of an assessment;

(b) To enforce the declaration, bylaws or rules of the association;

(c) To enforce a contract with a vendor;

(d) To proceed with a counterclaim; or

(e) To protect the health, safety and welfare of the members of the association. If a civil action is commenced pursuant to this paragraph without the required vote or agreement, the action must be ratified within 90 days after the commencement of the action by a vote or written agreement of the owners of the units to which at least a majority of votes of the members of the association are allocated. If the association, after making a good faith effort, cannot obtain the required vote or agreement to commence or ratify such a civil action, the association may thereafter seek to dismiss the action without prejudice for that reason only if a vote of written agreement of the owners of the units to which at least a majority of votes of the members of the association are allocated was obtained at the time the approval to commence or ratify the action was sought.

2. At least 10 days before an association commences or seeks to ratify the commencement of a civil action, the association shall provide a written statement to all the units' owners that includes:

(a) A reasonable estimate of the costs of the civil action, including reasonable attorney's fees;

(b) An explanation of the potential benefits of the civil action and the potential adverse consequences if the association does not commence the action or if the outcome of the action is not favorable to the association; and

(c) All disclosures that are required to be made upon the sale of the property.

3. No person other than a unit's owner may request the dismissal of a civil action commenced by the association on the ground that the association failed to comply with any provision of this section.

4. If any civil action in which the association is a party is settled, the executive board shall disclose the terms and conditions of the settlement at the next regularly scheduled meeting of the executive board after the settlement has been reached. The executive board may not approve a settlement which contains any terms and conditions that would prevent the executive board from complying with the provisions of this subsection.

Sec. 105. 1. Except as otherwise provided in this section and section 88 of this act, and except when the governing documents provide otherwise, a quorum is present throughout any meeting of the association if the number of members of the association who are present in person or by proxy at the beginning of the meeting equals or exceeds 20 percent of the total number of voting members of the association.

2. If the governing documents of an association contain a quorum requirement for a meeting of the association that is greater than the 20 percent required by subsection 1 and, after proper notice has been given for a meeting, the members of the association who are present in person or by proxy at the meeting are unable to hold the meeting because a quorum

is not present at the beginning of the meeting, the members who are present in person at the meeting may adjourn the meeting to a time that is not less than 48 hours or more than 30 days after the date of the meeting. At the subsequent meeting:

(a) A quorum shall be deemed to be present if the number of members of the association who are present in person or by proxy at the beginning of the subsequent meeting equals or exceeds 20 percent of the total number of voting members of the association; and

(b) If such a quorum is deemed to be present but the actual number of members who are present in person or by proxy at the beginning of the subsequent meeting is less than the number of members who are required for a quorum under the governing documents, the members who are present in person or by proxy at the subsequent meeting may take action only on those matters that were included as items on the agenda of the original meeting.

➥ The provisions of this subsection do not change the actual number of votes that are required under the governing documents for taking action on any particular matter.

3. Unless the governing documents specify a larger percentage, a quorum is deemed present throughout any meeting of the executive board if persons entitled to cast 50 percent of the votes on that board are present at the beginning of the meeting.

Sec. 106. 1. If only one of several owners of a unit is present at a meeting of the association, that owner is entitled to cast all the votes allocated to that unit. If more than one of the owners are present, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the owners, unless the declaration expressly provides otherwise. There is majority agreement if any one of the owners cast the votes allocated to that unit without protest made promptly to the person presiding over the meeting by any of the other owners of the unit.

2. Except as otherwise provided in this section, votes allocated to a unit may be cast pursuant to a proxy executed by a unit's owner. A unit's owner may give a proxy only to a member of his immediate family, a tenant of the unit's owner who resides in the condominium hotel, the hotel unit owner or another unit's owner who resides in the condominium hotel. If a unit is owned by more than one person, each owner of the unit may vote or register protest to the casting of votes by the other owners of the unit through an executed proxy. A unit's owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the person presiding over a meeting of the association.

3. Before a vote may be cast pursuant to a proxy:

(a) The proxy must be dated.

(b) The proxy must not purport to be revocable without notice.

(c) The proxy must designate the meeting for which it is executed.

(d) The proxy must designate each specific item on the agenda of the meeting for which the unit's owner has executed the proxy, except that the unit's owner may execute the proxy without designating any specific items on the agenda of the meeting if the proxy is to be used solely for determining whether a quorum is present for the meeting. If the proxy designates one or more specific items on the agenda of the meeting for which the unit's owner has executed the proxy, the proxy must indicate, for each specific item designated in the proxy, whether the holder of the proxy must cast a vote in the affirmative or the negative on behalf of the unit's owner. If the proxy does not indicate whether the holder of the proxy must cast a vote in the affirmative or the negative for a particular item on the agenda of the meeting, the proxy must be treated, with regard to that particular item, as if the unit's owner were present but not voting on that particular item.

(e) The holder of the proxy must disclose at the beginning of the meeting for which the proxy is executed the number of proxies pursuant to which the holder will be casting votes.

4. A proxy terminates immediately after the conclusion of the meeting for which it is executed.

5. A vote may not be cast pursuant to a proxy for the election or removal of a member of the executive board of an association.

6. The holder of a proxy may not cast a vote on behalf of the unit's owner who executed the proxy in a manner that is contrary to the proxy.

7. A proxy is void if the proxy or the holder of the proxy violates any provision of subsections 1 to 6, inclusive.

8. If the declaration requires that votes on specified matters affecting the condominium hotel must be cast by the lessees of leased units rather than the units' owners who have leased the units:

(a) The provisions of subsections 1 to 7, inclusive, apply to the lessees as if they were the units' owners;

(b) The units' owners who have leased their units to the lessees may not cast votes on those specified matters;

(c) The lessees are entitled to notice of meetings, access to records and other rights respecting those matters as if they were the units' owners; and

(d) The units' owners must be given notice, in the manner provided in this chapter, of all meetings at which the lessees are entitled to vote.

9. If any votes are allocated to a unit that is owned by the association, those votes may not be cast, by proxy or otherwise, for any purpose.

Sec. 107. Neither the association nor any unit's owner except the declarant or hotel unit owner, as applicable, is liable for that declarant's or hotel unit owner's torts in connection with any part of the condominium hotel which that declarant or hotel unit owner, as applicable, owns or has the responsibility to maintain. Otherwise, an action alleging a wrong done by the association must be brought against the association and not against any unit's owner. If the wrong occurred during any period of declarant's

control over the association and the association gives the declarant reasonable notice of and an opportunity to defend against the action, the declarant who then controlled the association is liable to the association or to any unit's owner for all tort losses not covered by insurance suffered by the association or that unit's owner, and all costs that the association would not have incurred but for a breach of contract or other wrongful act or omission. Whenever the declarant is liable to the association under this section, the declarant is also liable for all expenses of litigation, including reasonable attorney's fees, incurred by the association. Any statute of limitation affecting the association's right of action under this section is tolled until the period of declarant's control terminates. A unit's owner is not precluded from maintaining an action contemplated by this section because he is a unit's owner or a member or officer of the association.

Sec. 108. 1. Portions of the common elements of a condominium hotel may be conveyed or subjected to a security interest by the association if persons entitled to cast at least a majority of the votes in the association or any larger percentage otherwise specified in the declaration agree to such action. All owners of units to which any limited common element is allocated must agree in order to convey that limited common element or subject it to a security interest. Proceeds of the sale are an asset of the association.

2. An agreement to convey or subject common elements in a condominium hotel to a security interest must be evidenced by the execution of an agreement, or ratifications thereof, in the same manner as a deed, by the requisite number of units' owners. The agreement must specify a date after which the agreement will be void unless recorded before that date. The agreement and all ratifications thereof must be recorded in every county in which a portion of the condominium hotel is situated, and is effective only upon recordation.

3. The association, on behalf of the units' owners, may contract to convey an interest in the common elements pursuant to subsection 1, but the contract is not enforceable against the association until approved pursuant to subsections 1 and 2. Upon approval, the association has all powers necessary and appropriate to effect the conveyance or encumbrance, including the power to execute deeds or other instruments.

4. Unless made pursuant to this section, any purported conveyance, encumbrance, judicial sale or other voluntary transfer of common elements is void.

5. A conveyance or encumbrance of common elements pursuant to this section does not deprive any unit of its rights of access and support.

6. Unless the declaration otherwise provides, a conveyance or encumbrance of common elements pursuant to this section does not affect the priority or validity of preexisting encumbrances.

Sec. 109. 1. Commencing not later than the time of the first conveyance of a unit to a person other than a declarant, and unless the

declaration states otherwise, the association shall maintain, to the extent reasonably available, both of the following:

(a) Property insurance on the common elements insuring against all risks of direct physical loss commonly insured against in an amount specified in the declaration.

(b) Liability insurance on the common elements, including insurance for medical payments, in an amount determined by the executive board but not less than any amount specified in the declaration, covering all occurrences commonly insured against for death, bodily injury, and property damage arising out of or in connection with the use, ownership, or maintenance of the common elements.

2. Commencing not later than the time of the first conveyance of a residential unit to a person other than the declarant, and unless the declaration states otherwise, the hotel unit owner shall maintain, to the extent reasonably available, the following:

(a) Property and casualty insurance on the residential units, hotel unit and shared components insuring against all risks of direct physical loss commonly insured against in an amount specified in the declaration. An insurance policy issued to the hotel unit owner does not prevent a unit's owner from obtaining insurance for his own benefit.

(b) Liability insurance on the residential units, hotel unit and shared components, including insurance for medical payments, in an amount set forth in the declaration, covering all occurrences commonly insured against for death, bodily injury, and property damage arising out of or in connection with the use, ownership, or maintenance of the residential units, shared components or the hotel unit.

Sec. 110. Insurance policies carried pursuant to this chapter must provide to the extent reasonably available that:

1. Each unit's owner is an insured person under the policy with respect to liability arising out of his interest in the common elements or membership in the association;

2. The insurer waives its right to subrogation under the policy against any unit's owner or member of his household;

3. No act or omission by any unit's owner, unless acting within the scope of his authority on behalf of the association, will void the policy or be a condition to recovery under the policy; and

4. If, at the time of a loss under the policy, there is other insurance in the name of a unit's owner covering the same risk covered by the policy, the association's policy or the hotel unit owners' policy, as applicable, provides primary insurance.

Sec. 111. 1. Unless the declaration states otherwise, with respect to repair or replacement of all or any portion of the hotel condominium after fire or other casualty, any portion of the condominium hotel for which insurance is required under section 109 of this act which is damaged or destroyed must be repaired or replaced promptly by the association unless:

(a) The condominium hotel is terminated pursuant to the provisions of this chapter;

(b) Repair or replacement would be illegal under any state or local statute or ordinance governing health or safety; or

(c) The declarant or hotel unit owner, as applicable, and the residential unit owners representing at least 80 percent of the total voting power in the association vote that the damaged or destroyed portion of the hotel condominium not be rebuilt.

2. If a determination is made to effect repair or restoration of the damaged or destroyed portion of the condominium hotel, the insurance proceeds of all insurance policies required to be maintained under section 109 of this act that are attributable to the damaged or destroyed portion of the condominium hotel must be disbursed to the contractors engaged in such repair or restoration in appropriate installment payments, and any proceeds that are in excess of the amounts reasonably necessary to effect repair or restoration must be disbursed:

(a) As to the residential units or common elements, to the unit owners in proportion to their assessments for common expenses.

(b) As to any portion of the shared components or the hotel unit, to the hotel unit owner.

3. If a determination is made not to effect repair or restoration of the damaged portion of the condominium hotel:

(a) The insurance proceeds attributable to units, shared components or common elements that are not rebuilt must be distributed to the owners of those units and the owners of the units to which those limited common elements were allocated, or to lienholders, as their interests may appear; and

(b) The remainder of the proceeds must be distributed:

(1) As to the residential units or common elements, to the unit owners in proportion to their assessments for common expenses.

(2) As to any portion of the shared components or the hotel unit, to the hotel unit owner.

Sec. 112. 1. The Commission shall adopt regulations prescribing the requirements for the preparation and presentation of financial statements of an association pursuant to this chapter.

2. The regulations adopted by the Commission must include, without limitation:

(a) The qualifications necessary for a person to prepare and present financial statements of an association; and

(b) The standards and format to be followed in preparing and presenting financial statements of an association.

Sec. 113. 1. Except as otherwise provided in subsection 2, the executive board shall:

(a) If the annual budget of the association is less than $75,000, cause the financial statement of the association to be audited by an independent certified public accountant at least once every 4 fiscal years.

(b) If the annual budget of the association is $75,000 or more but less than $150,000, cause the financial statement of the association to be:

(1) Audited by an independent certified public accountant at least once every 4 fiscal years; and

(2) Reviewed by an independent certified public accountant every fiscal year for which an audit is not conducted.

(c) If the annual budget of the association is $150,000 or more, cause the financial statement of the association to be audited by an independent certified public accountant every fiscal year.

2. For any fiscal year for which an audit of the financial statement of the association will not be conducted pursuant to subsection 1, the executive board shall cause the financial statement for that fiscal year to be audited by an independent certified public accountant if, within 180 days before the end of the fiscal year, 15 percent of the total number of voting members of the association submit a written request for such an audit.

3. The Commission shall adopt regulations prescribing the requirements for the auditing or reviewing of financial statements of an association pursuant to this section. Such regulations must include, without limitation:

(a) The qualifications necessary for a person to audit or review financial statements of an association; and

(b) The standards and format to be followed in auditing or reviewing financial statements of an association.

Sec. 114. 1. Until the association makes an assessment for common expenses for the common elements, the declarant shall pay all common expenses. After an assessment has been made by the association, assessments must be made at least annually, based on a budget adopted at least annually by the association in accordance with the requirements set forth in this chapter. Unless the declaration imposes more stringent standards, the budget must include a budget for the daily operation of the association and a budget for the reserves required by paragraph (b) of subsection 2.

2. Except for assessments under subsections 4 to 7, inclusive:

(a) All common expenses, including the reserves, must be assessed against all the units in accordance with the allocations set forth in the declaration pursuant to section 66 of this act.

(b) The association shall establish adequate reserves, funded on a reasonable basis, for the repair, replacement and restoration of the major components of the common elements. The reserves may be used only for those purposes and must not be used for daily maintenance. The association may comply with the provisions of this paragraph through a funding plan that is designed to allocate the costs for the repair,

replacement and restoration of the major components of the common elements over a period of years if the funding plan is designed in an actuarially sound manner which will ensure that sufficient money is available when the repair, replacement and restoration of the major components of the common elements are necessary.

3. Any past due assessment for common expenses or installment thereof bears interest at the rate established by the association not exceeding 18 percent per year.

4. To the extent required by the declaration:

(a) Any common expense or portion thereof benefiting fewer than all of the units must be assessed exclusively against the units benefited; and

(b) The costs of insurance must be assessed in proportion to risk and the costs of utilities must be assessed in proportion to usage.

5. Assessments to pay a judgment against the association may be made only against the units in the condominium hotel at the time the judgment was entered, in proportion to their liabilities for common expenses.

6. If any common expense is caused by the misconduct of any unit's owner, the association may assess that expense exclusively against his unit.

7. If liabilities for common expenses are reallocated, assessments for common expenses and any installment thereof not yet due must be recalculated in accordance with the reallocated liabilities.

8. The association shall provide written notice to each unit's owner of a meeting at which an assessment for a capital improvement is to be considered or action is to be taken on such an assessment at least 21 calendar days before the date of the meeting.

Sec. 115. 1. The hotel unit owner may charge all residential units in the condominium hotel:

(a) Shared expenses for the operation, maintenance and insurance of the hotel unit, shared components and the residential units;

(b) Costs for the establishment of reasonable reserve funds for the repair or replacement of the major components of the shared components;

(c) Costs for the establishment of reasonable reserve funds for the maintenance, repair and replacement of the hotel unit or shared components;

(d) Charges for capital improvement;

(e) Charges that the declarant or hotel unit owner, as applicable, establishes in the declaration to offset the burden on the shared components or hotel unit as a result of transient rentals; and

(f) All other charges lawfully imposed by the declarant in connection with the repair, replacement, improvement, maintenance, management, operation and insurance of the shared components.

2. All shared expenses, including the reserves, must be charged against all the residential units in accordance with the allocated liability for shared expenses set forth in the declaration pursuant to this chapter.

3. The shared expenses must be imposed on a calendar-year basis and must be payable by the residential unit owners in monthly, quarterly, semiannual or annual installments as required in the declaration.

4. The declarant or hotel unit owner, as applicable, shall establish adequate reserves, funded on a reasonable basis, for the repair, replacement and restoration of the major components of the shared components. The reserves may be used only for repair, replacement and restoration of the major components of the shared components, and must not be used for daily maintenance. The declarant may comply with the provisions of this subsection through a funding plan that is designed to allocate the costs for the repair, replacement and restoration of the major components of the shared components over a period of years if the funding plan is designed in an actuarially sound manner which will ensure that sufficient money is available when the repair, replacement and restoration of the major components of the shared components is necessary.

5. Any past due assessment authorized pursuant to this section bears interest at the rate established by the declaration but not to exceed 18 percent per year.

6. Payment of shared expenses by a residential unit owner does not entitle that owner to ownership or control over the hotel unit or the shared components.

Sec. 116. 1. Except as otherwise provided in subsection 2 and unless the declaration of a condominium hotel imposes more stringent standards, the executive board shall, not less than 30 days or more than 60 days before the beginning of the fiscal year, prepare and distribute to each unit's owner a copy of:

(a) The budget for the daily operation of the association. The budget must include, without limitation, the estimated annual revenue and expenditures of the association and any contributions to be made to the reserve account of the association.

(b) The budget to provide adequate funding for the reserves required by section 115 of this act. The budget must include, without limitation:

(1) The current estimated replacement cost, estimated remaining life and estimated useful life of each major component of the common elements;

(2) As of the end of the fiscal year for which the budget is prepared, the current estimate of the amount of cash reserves that are necessary, and the current amount of accumulated cash reserves that are set aside, to repair, replace or restore the major components of the common elements;

(3) A statement as to whether the executive board has determined or anticipates that the levy of one or more special assessments will be necessary to repair, replace or restore any major component of the common elements or to provide adequate funding for the reserves designated for that purpose; and

(4) A general statement describing the procedures used for the estimation and accumulation of cash reserves pursuant to subparagraph (2), including, without limitation, the qualifications of the person responsible for the preparation of the study of the reserves required by section 117 of this act.

2. In lieu of distributing copies of the budgets of the association required by subsection 1, the executive board may distribute to each unit's owner a summary of those budgets, accompanied by a written notice that:

(a) The budgets are available for review at the business office of the association or some other suitable location within the county where the condominium hotel is situated or, if it is situated in more than one county, within one of those counties; and

(b) Copies of the budgets will be provided upon request.

3. Within 60 days after adoption of any proposed budget for the association of the condominium hotel, the executive board shall provide a summary of the proposed budget to each unit's owner and shall set a date for a meeting of the units' owners to consider ratification of the proposed budget not less than 14 days or more than 30 days after the mailing of the summaries. Unless at that meeting a majority of all units' owners, or any larger vote specified in the declaration, reject the proposed budget, the proposed budget is ratified, whether or not a quorum is present. If the proposed budget is rejected, the periodic budget last ratified by the units' owners must be continued until such time as the units' owners ratify a subsequent budget proposed by the executive board.

Sec. 117. 1. The executive board shall:

(a) At least once every 5 years, cause to be conducted a study of the reserves required to repair, replace and restore the major components of the common elements;

(b) At least annually, review the results of that study to determine whether those reserves are sufficient; and

(c) At least annually, make any adjustments to the association's funding plan which the executive board deems necessary to provide adequate funding for the required reserves.

2. The study of the reserves required by subsection 1 must be conducted by a person who holds a permit issued pursuant to chapter 116A of NRS.

3. The study of the reserves must include, without limitation:

(a) A summary of an inspection of the major components of the common elements that the association is obligated to repair, replace or restore;

(b) An identification of the major components of the common elements that the association is obligated to repair, replace or restore which have a remaining useful life of less than 30 years;

(c) An estimate of the remaining useful life of each major component of the common elements identified pursuant to paragraph (b);

(d) An estimate of the cost of repair, replacement or restoration of each major component of the common elements identified pursuant to paragraph (b) during and at the end of its useful life; and

(e) An estimate of the total annual assessment that may be necessary to cover the cost of repair, replacement or restoration of the major components of the common elements identified pursuant to paragraph (b), after subtracting the reserves of the association as of the date of the study, and an estimate of the funding plan that may be necessary to provide adequate funding for the required reserves.

4. A summary of the study of the reserves required by subsection 1 must be submitted to the Division not later than 45 days after the date that the executive board adopts the results of the study.

Sec. 118. 1. The hotel unit owner shall:

(a) At least once every 5 years, cause to be conducted a study of the reserves required to repair, replace and restore the major components of the shared components;

(b) At least annually, review the results of that study to determine whether those reserves are sufficient; and

(c) At least annually, make any adjustments to the charges for shared components which is deemed necessary to provide adequate funding for the required reserves for shared components.

2. The study of the reserves required by subsection 1 must be conducted by a person who holds a permit issued pursuant to chapter 116A of NRS.

3. The study of the reserves must include, without limitation:

(a) A summary of an inspection of the major components of the shared components;

(b) An identification of the major components of the shared components that have a remaining useful life of less than 30 years;

(c) An estimate of the remaining useful life of each major component of the shared components identified pursuant to paragraph (b);

(d) An estimate of the cost of repair, replacement or restoration of each major component of the shared components identified pursuant to paragraph (b) during and at the end of its useful life; and

(e) An estimate of the total annual charge that may be necessary to cover the cost of repairing, replacement or restoration of the major components of the shared components identified pursuant to paragraph (b), after subtracting the reserves for shared components as of the date of the study, and an estimate of the funding plan that may be necessary to provide adequate funding for the required reserves.

Sec. 119. Money in the reserve account of an association required by section 114 of this act may not be withdrawn without the signatures of at least two members of the executive board or the signatures of at least one member of the executive board and one officer of the association who is not a member of the executive board.

Sec. 120. 1. Except as otherwise provided in subsection 2, an association shall:

(a) If the association is required to pay the fee imposed by NRS 78.150, 82.193, 86.263, 87.541 or 88.591, pay to the Administrator a fee established by regulation of the Administrator for every unit in the association used for residential use.

(b) If the association is organized as a trust or partnership, or as any other authorized business entity, pay to the Administrator a fee established by regulation of the Administrator for each unit in the association.

2. The fees required to be paid pursuant to this section must be:

(a) Paid at such times as are established by the Division.

(b) Deposited with the State Treasurer for credit to the Account for Common-Interest Communities and Condominium Hotels created by NRS 116.630.

(c) Established on the basis of the actual costs of administering the Office of the Ombudsman and the Commission and not on a basis which includes any subsidy beyond those actual costs. In no event may the fees required to be paid pursuant to this section exceed $3 per unit.

3. The Division shall impose an administrative penalty against an association that violates the provisions of this section by failing to pay the fees owed by the association within the times established by the Division. The administrative penalty that is imposed for each violation must equal 10 percent of the amount of the fees owed by the association or $500, whichever amount is less. The amount of the unpaid fees owed by the association bears interest at the rate set forth in NRS 99.040 from the date the fees are due until the date the fees are paid in full.

4. Upon the payment of the fees and any administrative penalties and interest required by this section, the Administrator shall provide to the association evidence that it paid the fees and the administrative penalties and interest in compliance with this section.

Sec. 121. Each association shall, at the time it pays the fee required by section 120 of this act, register with the Ombudsman on a form prescribed by the Ombudsman.

Sec. 122. 1. The association or the hotel unit owner, as applicable, has a lien on a unit for any assessment or charge, including assessments for common expenses and charges for shared expenses or other charges of the hotel unit owner, authorized by this chapter that is levied against that unit or any fines imposed against the unit's owner from the time the assessment, charge or fine becomes due. If an assessment is payable in installments, the full amount of the assessment or charge is a lien from the time the first installment thereof becomes due.

2. A lien under this section is prior to all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration;

(b) A first security interest on the unit recorded before the date on which the assessment sought to be enforced became delinquent;

(c) Liens for real estate taxes and other governmental assessments or charges against the unit; and

(d) Mechanics' or materialmen's liens.

3. Unless the declaration otherwise provides, if the association and the hotel unit owner both have liens for assessments or charges created at any time on the same property, the priority of those liens is governed by Nevada law.

4. Recording of the declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessment or charge under this section is required.

5. A lien for unpaid assessments or charges is extinguished unless proceedings to enforce the lien are instituted within 3 years after the full amount of the assessments or charges become due.

6. This section does not prohibit actions to recover sums for which subsection 1 creates a lien or prohibit an association, the declarant or hotel unit owner, as applicable, from taking a deed in lieu of foreclosure.

7. A judgment or decree in any action brought under this section must include costs and reasonable attorney's fees for the prevailing party.

8. The association or the hotel unit owner, as applicable, upon written request, shall furnish to a residential unit owner a statement setting forth the amount of unpaid assessments or charges against the unit. If the interest of the unit's owner is real estate or if a lien for the unpaid assessments or charges may be foreclosed under this chapter, the statement must be in recordable form. The statement must be furnished within 10 business days after receipt of the request and is binding on the association or the declarant, as applicable, and every unit's owner.

Sec. 123. 1. Except as otherwise provided in subsection 4, in a condominium hotel, the association or hotel unit owner, as applicable, may foreclose its lien by sale after all of the following occur:

(a) The association or hotel unit owner, as applicable, has mailed by certified or registered mail, return receipt requested, to the residential unit owner or his successor in interest, at his address if known and at the address of the residential unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due, a description of the residential unit against which the lien is imposed and the name of the record owner of the residential unit.

(b) Not less than 30 days after mailing the notice of delinquent assessment or charge pursuant to paragraph (a), the association or hotel unit owner, as applicable, has executed and caused to be recorded, with the county recorder of the county in which the condominium hotel or any part of it is situated, a notice of default and election to sell the residential unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) State the name and address of the person authorized by the association, the declarant or hotel unit owner, as applicable, to enforce the lien by sale.

(3) Contain, in 14-point bold type, the following warning:

WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!

(c) The residential unit owner or his successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 90 days following the recording of the notice of default and election to sell.

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association or hotel unit owner, as applicable, for that purpose.

3. The period of 90 days begins on the first day following:

(a) The date on which the notice of default is recorded; or

(b) The date on which a copy of the notice of default is mailed by certified or registered mail, return receipt requested, to the residential unit owner or his successor in interest at his address, if known, and at the address of the residential unit,

➥ *whichever date occurs later.*

4. The association may not foreclose a lien by sale based on a fine or penalty for a violation of the governing documents of the association unless:

(a) The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the condominium hotel; or

(b) The penalty is imposed for failure to adhere to a schedule required pursuant to this chapter.

Sec. 124. The association or hotel unit owner, as applicable, shall also mail, within 10 days after the notice of default and election to sell is recorded, a copy of the notice by first-class mail to:

1. Each person who has requested notice pursuant to NRS 107.090 or section 128 of this act;

2. Any holder of a recorded security interest encumbering the residential unit owner's interest who has notified the association or hotel unit owner, as applicable, 30 days before the recordation of the notice of default, of the existence of the security interest; and

3. A purchaser of the residential unit, if the residential unit owner has notified the association or hotel unit owner, as applicable, 30 days before the recordation of the notice, that the residential unit is the subject of a contract of sale and the association has been requested to furnish the certificate required by section 147 of this act.

Sec. 125. ***1. The association or hotel unit owner, as applicable, shall also, after the expiration of the 90 days and before selling the unit:***

(a) Give notice of the time and place of the sale in the manner and for a time not less than that required by law for the sale of real property upon execution, except that in lieu of following the procedure for service on a judgment debtor pursuant to NRS 21.130, service must be made on the residential unit owner as follows:

(1) A copy of the notice of sale must be mailed, on or before the date of first publication or posting, by certified or registered mail, return receipt requested, to the residential unit owner or his successor in interest at his address, if known, and to the address of the residential unit; and

(2) A copy of the notice of sale must be served, on or before the date of first publication or posting, in the manner set forth in subsection 2; and

(b) Mail, on or before the date of first publication or posting, a copy of the notice by first-class mail to:

(1) Each person entitled to receive a copy of the notice of default and election to sell notice under section 124 of this act;

(2) The holder of a recorded security interest or the purchaser of the residential unit, if either of them has notified the association, before the mailing of the notice of sale, of the existence of the security interest, lease or contract of sale, as applicable; and

(3) The Ombudsman.

2. In addition to the requirements set forth in subsection 1, a copy of the notice of sale must be served:

(a) By a person who is 18 years of age or older and who is not a party to or interested in the sale by personally delivering a copy of the notice of sale to an occupant of the residential unit who is of suitable age; or

(b) By posting a copy of the notice of sale in a conspicuous place on the residential unit.

3. Any copy of the notice of sale required to be served pursuant to this section must include:

(a) The amount necessary to satisfy the lien as of the date of the proposed sale; and

(b) The following warning in 14-point bold type:

WARNING! A SALE OF YOUR PROPERTY IS IMMINENT! UNLESS YOU PAY THE AMOUNT SPECIFIED IN THIS NOTICE BEFORE THE SALE DATE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE. YOU MUST ACT BEFORE THE SALE DATE. IF YOU HAVE ANY QUESTIONS, PLEASE CALL (name and telephone number of the contact person for the association, declarant, or hotel unit owner). IF YOU NEED ASSISTANCE, PLEASE CALL THE FORECLOSURE SECTION OF THE OMBUDSMAN'S OFFICE, NEVADA REAL ESTATE DIVISION, AT (toll-free telephone number designated by the Division) IMMEDIATELY.

4. Proof of service of any copy of the notice of sale required to be served pursuant to this section must consist of:

(a) A certificate of mailing which evidences that the notice was mailed through the United State Postal Service; or

(b) An affidavit of service signed by the person who served the notice stating:

(1) The time of service, manner of service and location of service; and

(2) The name of the person served or, if the notice was not served on a person, a description of the location where the notice was posted on the residential unit.

Sec. 126. 1. The sale must be conducted in the county in which the condominium hotel or part of it is situated, and may be conducted by the association or hotel unit owner, as applicable, its agent or attorney, or a title insurance company or escrow agent licensed to do business in this State, except that the sale may be made at the office of the association or hotel unit owner, as applicable, if the notice of the sale so provided, whether or not the residential unit is located within the same county as the office of the association or the hotel unit. The association or hotel unit owner, as applicable, may, from time to time, postpone the sale by such advertisement and notice as it considers reasonable or, without further advertisement or notice, by proclamation made to the persons assembled at the time and place previously set and advertised for the sale.

2. On the day of sale originally advertised or to which the sale is postponed, at the time and place specified in the notice or postponement, the person conducting the sale may sell the residential unit at public auction to the highest cash bidder. Unless otherwise provided in the declaration or by agreement, the association or hotel unit owner may purchase the residential unit and hold, lease, mortgage or convey it. The association or hotel unit owner, as applicable, may purchase by a credit bid up to the amount of the unpaid assessments and any permitted costs, fees and expenses incident to the enforcement of its lien.

3. After the sale, the person conducting the sale shall:

(a) Make, execute and, after payment is made, deliver to the purchaser, or his successor or assign, a deed without warranty which conveys to the grantee all title of the residential unit owner to the unit;

(b) Deliver a copy of the deed to the Ombudsman within 30 days after the deed is delivered to the purchaser, or his successor or assign; and

(c) Apply the proceeds of the sale for the following purposes in the following order:

(1) The reasonable expenses of sale;

(2) The reasonable expenses of securing possession before sale, holding, maintaining, and preparing the residential unit for sale, including payment of taxes and other governmental charges, premiums on hazard and liability insurance, and, to the extent provided for by the declaration,

reasonable attorney's fees and other legal expenses incurred by the association or the hotel unit owner, as applicable;

(3) Satisfaction of the association's or hotel unit owner's lien, as applicable;

(4) Satisfaction in the order of priority of any subordinate claim of record; and

(5) Remittance of any excess to the unit's owner.

Sec. 127. 1. The recitals in a deed of a foreclosed unit made pursuant to section 126 of this act of:

(a) Default, the mailing of the notice of delinquent assessment or charge, and the recording of the notice of default and election to sell;

(b) The elapsing of the 90 days; and

(c) The giving of notice of sale,

➥ are conclusive proof of the matters recited.

2. Such a deed containing those recitals is conclusive against the residential unit's former owner, his heirs and assigns, and all other persons. The receipt for the purchase money contained in such a deed is sufficient to discharge the purchaser from obligation to see to the proper application of the purchase money.

3. The sale of a residential unit pursuant to the foreclosure procedures of this chapter vests in the purchaser the title of the unit's owner without equity or right of redemption.

Sec. 128. 1. The provisions of NRS 107.090 apply to the foreclosure of lien of an association or hotel unit owner, as applicable, as if a deed of trust were being foreclosed. The request must identify the lien by stating the names of the unit's owner and the condominium hotel.

2. An association or hotel unit owner, as applicable, may, after recording a notice of default and election to sell, waive the default and withdraw the notice or any proceeding to foreclose. The association or hotel unit owner, as applicable, is thereupon restored to its former position and has the same rights as though the notice had not been recorded.

Sec. 129. 1. Except as otherwise provided in subsection 2, a judgment for money against the association, if a copy of the docket or an abstract or copy of the judgment is recorded, is not a lien on the common elements, but is a lien in favor of the judgment lienholder against all of the units in the condominium hotel at the time the judgment was entered. No other property of a unit's owner or the declarant is subject to the claims of creditors of the association.

2. If the association has granted a security interest in the common elements to a creditor of the association pursuant to section 108 of this act, the holder of that security interest shall exercise its right against the common elements before its judgment lien on any unit may be enforced.

3. Whether perfected before or after the creation of the condominium hotel, if a lien, other than a deed of trust or mortgage, including a judgment lien or lien attributable to work performed or materials supplied

before creation of the condominium hotel, becomes effective against two or more units, the owner of an affected unit may pay to the lienholder the amount of the lien attributable to his unit, and the lienholder, upon receipt of payment, promptly shall deliver a release of the lien covering that unit. The amount of the payment must be proportionate to the ratio which that owner's liability for common expenses bears to the liabilities for common expenses of all owners whose units are subject to the lien. After payment, the association may not assess or have a lien against that owner's unit for any portion of the common expenses incurred in connection with that lien.

4. A judgment against the association must be indexed in the name of the condominium hotel and the association and, when so indexed, is notice of the lien against the units.

Sec. 130. 1. Except as otherwise provided in this subsection, the executive board of an association shall, upon the written request of a unit's owner, make available the books, records and other papers of the association for review during the regular working hours of the association, including, without limitation, all contracts to which the association is a party and all records filed with a court relating to a civil or criminal action to which the association is a party. The provisions of this subsection do not apply to:

(a) The personnel records of the employees of the association, except for those records relating to the number of hours worked and the salaries and benefits of those employees;

(b) The records of the association relating to another unit's owner, except for those records described in subsection 2; and

(c) A contract between the association and an attorney.

2. The executive board of an association shall maintain a general record concerning each violation of the governing documents, other than a violation involving a failure to pay an assessment, for which the executive board has imposed a fine, or any other sanction. The general record:

(a) Must contain a general description of the nature of the violation and the type of the sanction imposed. If the sanction imposed was a fine, the general record must specify the amount of the fine.

(b) Must not contain the name or address of the person against whom the sanction was imposed or any other personal information which may be used to identify the person or the location of the unit, if any, that is associated with the violation.

(c) Must be maintained in an organized and convenient filing system or data system that allows a unit's owner to search and review the general records concerning violations of the governing documents.

3. If the executive board refuses to allow a unit's owner to review the books, records or other papers of the association, the Ombudsman may:

(a) On behalf of the unit's owner and upon written request, review the books, records or other papers of the association during the regular working hours of the association; and

(b) If he is denied access to the books, records or other papers, request the Commission, or any member thereof acting on behalf of the Commission, to issue a subpoena for their production.

4. The books, records and other papers of an association must be maintained for at least 10 years.

5. The executive board shall not require a unit's owner to pay an amount in excess of $10 per hour to review any books, records, contracts or other papers of the association pursuant to the provisions of this section.

Sec. 131. The hotel unit owner shall maintain financial books and records showing its actual receipts and expenditures with respect to the repair, replacement, improvement, maintenance, management, operation, tax obligations and insurance of the shared components and the major components of the shared components, including the budget for the current year, any proposed budget for future years and the study of reserves for shared components required by section 117 of this act. These records may, but need not, be audited or reviewed by a certified public accountant. The hotel unit owner shall make these records available for inspection by any residential unit owner by prior appointment during reasonable business hours. These records must be retained for 3 years after the conclusion of each fiscal year.

Sec. 132. 1. The executive board of an association shall maintain and make available for review at the business office of the association or some other suitable location within the county where the condominium hotel is situated or, if it is situated in more than one county, within one of those counties:

(a) The financial statement of the association;

(b) The budgets of the association required to be prepared pursuant to section 114 of this act; and

(c) The study of the reserves of the association required to be conducted pursuant to section 117 of this act.

2. The executive board shall provide a copy of any of the records required to be maintained pursuant to subsection 1 to a unit's owner or the Ombudsman within 14 days after receiving a written request therefor. The executive board may charge a fee to cover the actual costs of preparing a copy, but not to exceed 25 cents per page.

Sec. 133. 1. The association shall keep financial records sufficiently detailed to enable the association to comply with all of the requirements of this chapter.

2. All financial and other records of the association must be:

(a) Maintained and made available for review at the business office of the association or some other suitable location within the county where the condominium hotel is situated or, if it is situated in more than one county, within one of those counties; and

(b) Made reasonably available for any unit's owner and his authorized agents to inspect, examine, photocopy and audit.

Sec. 134. 1. Except as otherwise provided in subsection 2, a member of an executive board, an officer of an association or a community manager shall not solicit or accept any form of compensation, gratuity or other remuneration that:

(a) Would improperly influence or would appear to a reasonable person to improperly influence the decisions made by those persons; or

(b) Would result or would appear to a reasonable person to result in a conflict of interest for those persons.

2. Notwithstanding the provisions of subsection 1, a member of an executive board, an officer of an association or a community manager shall not accept, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value from:

(a) An attorney, law firm or vendor, or any person working directly or indirectly for the attorney, law firm or vendor, which total more than the amount established by the Commission by regulation, not to exceed $100 per year per such attorney, law firm or vendor; or

(b) A declarant, an affiliate of a declarant or any person responsible for the construction of the applicable condominium hotel or association which total more than the amount established by the Commission by regulation, not to exceed $100 per year per such declarant, affiliate or person.

3. An attorney, law firm or vendor, or any person working directly or indirectly for the attorney, law firm or vendor, shall not provide, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value to a member of the executive board or an officer of the association, the community manager or any person working for the community manager which total more than the amount established by the Commission by regulation, not to exceed $100 per year per such member, officer, community manager or person.

4. A declarant, an affiliate of a declarant or any person responsible for the construction of a condominium hotel or association, shall not provide, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value to a member of the executive board or an officer of the association, the community manager or any person working for the community manager which total more than the amount established by the Commission by regulation, not to exceed $100 per year per such member, officer, community manager or person.

5. In addition to the limitations set forth in subsection 1, a community manager shall not solicit or accept any form of compensation, fee or other remuneration that is based, in whole or in part, on:

(a) The number or amount of fines imposed against or collected from units' owners or tenants or guests of units' owners pursuant to this chapter for violations of the governing documents of the association; or

(b) Any percentage or proportion of those fines.

6. The provisions of this section do not prohibit a community manager from being paid compensation, a fee or other remuneration under the terms of a contract between the community manager and an association if:

(a) The scope of the respective rights, duties and obligations of the parties under the contract comply with the standards of practice for community managers adopted by the Commission pursuant to NRS 116A.400;

(b) The compensation, fee or other remuneration is being paid to the community manager for providing management of the association of the condominium hotel; and

(c) The compensation, fee or other remuneration is not structured in a way that would violate the provisions of subsection 1 or 5.

Sec. 135. 1. Except as otherwise provided in this section, a member of an executive board, an officer of an association or a community manager shall not:

(a) Enter into a contract or renew a contract with the association to provide goods or services to the association; or

(b) Otherwise accept any commission, personal profit or compensation of any kind from the association for providing goods or services to the association.

2. The provisions of this section do not prohibit a declarant, an affiliate of a declarant or an officer, employee or agent of a declarant or an affiliate of a declarant from:

(a) Receiving any commission, personal profit or compensation from the association, the declarant or an affiliate of the declarant for any goods or services furnished to the association;

(b) Entering into contracts with the association, the declarant or affiliate of the declarant; or

(c) Serving as a member of the executive board or as an officer of the association.

Sec. 136. With respect to a third person dealing with the association in the association's capacity as a trustee, the existence of trust powers and their proper exercise by the association may be assumed without inquiry. A third person is not bound to inquire whether the association has power to act as trustee or is properly exercising trust powers. A third person, without actual knowledge that the association is exceeding or improperly exercising its powers, is fully protected in dealing with the association as if it possessed and properly exercised the powers it purports to exercise. A third person is not bound to assure the proper application of trust assets paid or delivered to the association in its capacity as trustee.

Sec. 137. 1. Except as otherwise provided in subsection 2, the executive board of an association shall not and the governing documents of that association must not prohibit a unit's owner from engaging in the display of the flag of the United States within such physical portion of the

condominium hotel as that owner has a right to occupy and use exclusively.

2. The provisions of this section do not:

(a) Apply to the display of the flag of the United States for commercial advertising purposes.

(b) Preclude the hotel unit owner or an association from adopting, and do not preclude the governing documents of an association from setting forth, rules that reasonably restrict the placement and manner of the display of the flag of the United States by a unit's owner.

(c) Preclude the hotel unit owner or an association from adopting, and do not preclude the declaration of the governing documents of an association from setting forth, rules restricting or prohibiting the placement by any person of other signs, symbols or flags within any portion of the condominium hotel.

3. In any action commenced to enforce the provisions of this section, the prevailing party is entitled to recover reasonable attorney's fees and costs.

4. As used in this section, "display of the flag of the United States" means a flag of the United States that is:

(a) Made of cloth, fabric or paper;

(b) Displayed from a pole or staff or in a window; and

(c) Displayed in a manner that is consistent with 4 U.S.C. Chapter 1.

➥ The term does not include a depiction or emblem of the flag of the United States that is made of balloons, flora, lights, paint, paving materials, roofing, siding or any other similar building, decorative or landscaping component.

Sec. 138. 1. The executive board shall not and the governing documents must not prohibit a unit's owner or an occupant of a unit from exhibiting a political sign within such physical portion of the condominium hotel as that owner or occupant has a right to occupy and use exclusively if the political sign is not larger than 24 inches by 36 inches.

2. The provisions of this section establish the minimum rights of a unit's owner or an occupant of a unit to exhibit a political sign. The provisions of this section do not preempt any provisions of the governing documents that provide greater rights and do not require the governing documents or the executive board to impose any restrictions on the exhibition of political signs other than those established by other provisions of law.

3. As used in this section, "political sign" means a sign that expresses support for or opposition to a candidate, political party or ballot question.

Sec. 139. 1. Except as otherwise provided in the declaration, an association may not require a unit's owner to secure or obtain any approval from the association in order to rent or lease his unit.

2. The provisions of this section do not prohibit an association from enforcing any provisions which govern the renting or leasing of units and

which are contained in this chapter or in any other applicable federal, state or local laws or regulations.

Sec. 140. 1. Except as otherwise provided in this section, sections 140 to 152, inclusive, of this act apply to all condominium hotels.

2. Neither a public offering statement nor a certificate of resale need be prepared or delivered in the case of a:

(a) Gratuitous disposition of a unit;

(b) Disposition pursuant to court order;

(c) Disposition by a government or governmental agency;

(d) Disposition by foreclosure or deed in lieu of foreclosure;

(e) Disposition to a dealer;

(f) Disposition that may be cancelled at any time and for any reason by the purchaser without penalty; or

(g) Disposition of a unit not used for residential use.

Sec. 141. 1. Except as otherwise provided in subsection 2, a declarant, before offering any interest in a unit to the public, shall prepare a public offering statement conforming to the requirements of sections 142, 143 and 144 of this act.

2. A declarant may transfer responsibility for the preparation of all or a part of the public offering statement to a successor declarant, the hotel unit owner or to a dealer who intends to offer units in the condominium hotel. In the event of any such transfer, the transferor shall provide the transferee with any information necessary to enable the transferee to fulfill the requirements of subsection 1.

3. Any declarant or dealer who offers a unit to a purchaser shall deliver a public offering statement in the manner prescribed in section 146 of this act. The declarant or his transferee is liable for any false or misleading statement set forth therein or for any omission of a material fact therefrom with respect to that portion of the public offering statement which he prepared. If a declarant or dealer did not prepare any part of a public offering statement that he delivers, he is not liable for any false or misleading statement set forth therein or for any omission of a material fact therefrom unless he had actual knowledge of the statement or omission or, in the exercise of reasonable care, should have known of the statement or omission.

4. If a unit is part of a condominium hotel and is part of any other real estate in connection with the sale of which the delivery of a public offering statement is required under the laws of this State, a single public offering statement conforming to the requirements of this chapter, as those requirements relate to the real estate in which the unit is located, and to any other requirements imposed under the laws of this State, may be prepared and delivered in lieu of providing two or more public offering statements. If the requirements of this chapter conflict with those of another law of this State, the requirements of this chapter prevail.

Sec. 142. 1. Except as otherwise provided in this chapter, a public offering statement must set forth or fully and accurately disclose each of the following:

(a) The name and principal address of the declarant and of the condominium hotel.

(b) A general description of the condominium hotel, including to the extent possible, the types, number and declarant's schedule of commencement and completion of construction of buildings, and amenities that the declarant anticipates including in the condominium hotel.

(c) The estimated number of units in the condominium hotel.

(d) Copies of the declaration, bylaws, and any rules or regulations of the association, but a plat or plan is not required.

(e) A current year-to-date financial statement, including the most recent audited or reviewed financial statement, and the projected budget for the association, either within or as an exhibit to the public offering statement, for 1 year after the date of the first conveyance to a purchaser, and thereafter the current budget of the association. The budget must include, without limitation:

(1) A statement of the amount included in the budget as reserves for repairs, replacement and restoration pursuant to this chapter; and

(2) The projected monthly assessment for common expenses for each type of unit, including the amount established as reserves pursuant to this chapter.

(f) The projected budget for the shared expenses, either within or as an exhibit to the public offering statement. The budget must include, without limitation:

(1) A statement of the amount included in the budget as reserves for repairs, replacement and restoration pursuant to this chapter;

(2) The projected monthly shared expenses for each type of unit, including the amount established as reserves pursuant to this chapter; and

(3) A description of any other payments, fees and charges that may be charged by the hotel unit owner in order to offset the increased burden placed on the shared components due to use of residential units as transient rentals.

(g) After the date of the first conveyance of a residential unit to a purchaser, a current year-to-date statement of the shared expenses charged to the units.

(h) A description of any services or subsidies being provided by the declarant or an affiliate of the declarant not reflected in the budget.

(i) Any initial or special fee due from the purchaser at closing, together with a description of the purpose and method of calculating the fee.

(j) The terms and significant limitations of any warranties provided by the declarant, including statutory warranties and limitations on the enforcement thereof or on damages.

(k) A statement that unless the purchaser or his agent has personally inspected the unit, the purchaser may cancel, by written notice, his contract for purchase until midnight of the fifth calendar day following the date of execution of the contract, and the contract must contain a provision to that effect.

(l) A statement of any unsatisfied judgments or pending suits against the association, and the status of any pending suits material to the condominium hotel of which a declarant has actual knowledge.

(m) Any current or expected fees or charges to be paid by residential unit owners for the use of the shared components or the common elements and other facilities related to the condominium hotel.

(n) The information statements required by this chapter.

2. A declarant is not required to revise a public offering statement more than once each calendar quarter, if the following warning is given prominence in the statement: "THIS PUBLIC OFFERING STATEMENT IS CURRENT AS OF (insert a specified date). RECENT DEVELOPMENTS REGARDING (here refer to particular provisions of sections 142 and 143 of this act) MAY NOT BE REFLECTED IN THIS STATEMENT."

Sec. 143. If the declaration provides that a condominium hotel is subject to any developmental rights, the public offering statement must disclose, in addition to the information required by section 142 of this act:

1. The maximum number of units that may be created;

2. A statement of how many or what percentage of the units that may be created will be restricted exclusively to residential use, or a statement that no representations are made regarding restrictions of use;

3. A statement of the extent to which any buildings or other improvements that may be erected pursuant to any developmental right in any part of the condominium hotel will be compatible with existing buildings and improvements in the condominium hotel in terms of architectural style, quality of construction, and size, or a statement that no assurances are made in those regards;

4. General descriptions of all other improvements that may be made and limited common elements that may be created within any part of the condominium hotel pursuant to any developmental right reserved by the declarant, or a statement that no assurances are made in that regard;

5. A statement of any limitations as to the locations of any building or other improvement that may be constructed or made within any part of the condominium hotel pursuant to any developmental right reserved by the declarant, or a statement that no assurances are made in that regard;

6. A statement that any limited common elements created pursuant to any developmental right reserved by the declarant will be of the same general types and sizes as the limited common elements within other parts of the condominium hotel, or a statement of the types and sizes planned, or a statement that no assurances are made in that regard;

7. A statement that the proportion of limited common elements to units created pursuant to any developmental right reserved by the declarant will be approximately equal to the proportion existing within other parts of the condominium hotel, or a statement of any other assurances in that regard, or a statement that no assurances are made in that regard;

8. A statement that all restrictions in the declaration affecting use, occupancy and alienation of units will apply to any units created pursuant to any developmental right reserved by the declarant, or a statement of any differentiations that may be made as to those units, or a statement that no assurances are made in that regard; and

9. A statement of the extent to which any assurances made pursuant to this section apply or do not apply if any developmental right is not exercised by the declarant.

Sec. 144. The public offering statement of a condominium hotel involving a converted building must contain, in addition to the information required pursuant to section 143 of this act:

1. A statement by the declarant, based on a report prepared by an independent registered architect or licensed professional engineer, describing the present condition of all structural components and mechanical and electrical installations material to the use and enjoyment of the building.

2. A list of any outstanding notices of uncured violations of applicable building codes or other municipal regulations, in addition to the estimated cost of curing such violations.

3. The budget to maintain the reserves required pursuant to subsection 2 of section 114 of this act and subsection 1 of section 115 of this act, which must include, without limitation:

(a) The current estimated replacement cost, estimated remaining life and estimated useful life of each major component of the shared components and major components of the common elements, if any.

(b) As of the end of the fiscal year for which the budget was prepared, the current estimate of the amount of cash reserves that are necessary to repair, replace and restore the major components of the shared components and major components of the common elements, if any, and the current amount of accumulated cash reserves that are set aside for such repairs, replacements and restorations.

(c) A statement as to whether the declarant has determined or anticipates that the levy of one or more special shared expense charges or special assessments, as applicable, will be required within the next 10 years to repair, replace and restore any major component of the shared components and major components of the common elements, if any, or to provide adequate reserves for that purpose.

(d) A general statement describing the procedures used for the estimation and accumulation of cash reserves described in paragraph (b), including, without limitation, the qualifications of the person responsible

for the preparation of the study of reserves required pursuant to sections 117 and 118 of this act.

(e) The funding plan that is designed to allocate the costs for the repair, replacement and restoration of the major components of the shared components and major components of the common elements, if any, over a period of years.

Sec. 145. If an interest in a condominium hotel is currently registered with the Securities and Exchange Commission of the United States or with the State of Nevada pursuant to chapter 119, 119A or 119B of NRS, a declarant satisfies all requirements of this chapter relating to the preparation of a public offering statement if he delivers to the purchaser a copy of the public offering statement filed with the Securities and Exchange Commission or the appropriate Nevada regulatory authority. An interest in a condominium hotel is not a security under the provisions of chapter 90 of NRS.

Sec. 146. 1. A person required to deliver a public offering statement pursuant to subsection 3 of section 141 of this act shall provide a purchaser with a copy of the current public offering statement not later than the date on which an offer to purchase becomes binding on the purchaser. Unless the purchaser has personally inspected the unit, the purchaser may cancel, by written notice, the contract of purchase until midnight of the fifth calendar day following the date of execution of the contract, and the contract for purchase must contain a provision to that effect.

2. If a purchaser elects to cancel a contract pursuant to subsection 1, he may do so by hand delivering notice thereof to the offeror or by mailing notice thereof by prepaid United States mail to the offeror or to his agent for service of process. Cancellation is without penalty, and all payments made by the purchaser before cancellation must be refunded promptly.

3. If a person required to deliver a public offering statement pursuant to subsection 3 of section 141 of this act fails to provide a purchaser to whom a unit is conveyed with a current public offering statement, the purchaser is entitled to actual damages, rescission or other relief, but if the purchaser has accepted a conveyance of the unit, he is not entitled to rescission.

Sec. 147. 1. Except in the case of a sale in which delivery of a public offering statement is required, a unit's owner or his authorized agent shall furnish to a purchaser a resale package containing all of the following:

(a) A copy of the declaration, other than any plats and plans, the bylaws, the rules or regulations of the association and the information statement required by section 148 of this act;

(b) A statement setting forth the amount of the monthly assessment for common expenses and any unpaid assessment of any kind currently due from the selling unit's owner;

(c) A copy of the current operating budget of the association and current year-to-date financial statement for the association, which must include a summary of the reserves of the association required by this chapter;

(d) A current year-to-date statement of the shared expenses charged to the units and the projected budget for the shared expenses, either within or as an exhibit to the public offering statement. The budget must include, without limitation:

(1) A statement of the amount included in the budget as reserves for repairs, replacement and restoration pursuant to this chapter;

(2) The projected monthly shared expenses for each type of unit, including the amount established as reserves pursuant to this chapter;

(e) A description of any other payments, fees and charges that may be charged by the hotel unit owner in order to offset the increased burden placed on the shared components as a result of use of residential units as transient rentals; and

(f) A statement of any unsatisfied judgments or pending legal actions against the association and the status of any pending legal actions relating to the condominium hotel of which the unit's owner has actual knowledge.

2. The purchaser may, by written notice, cancel the contract of purchase until midnight of the fifth calendar day following the date of receipt of the resale package described in subsection 1, and the contract for purchase must contain a provision to that effect. If the purchaser elects to cancel a contract pursuant to this subsection, he must hand deliver the notice of cancellation to the residential unit owner or his authorized agent or mail the notice of cancellation by prepaid United States mail to the residential unit owner or his authorized agent. Cancellation is without penalty, and all payments made by the purchaser before cancellation must be refunded promptly. If the purchaser has accepted a conveyance of the residential unit, the purchaser is not entitled to:

(a) Cancel the contract pursuant to this subsection; or

(b) Damages, rescission or other relief based solely on the ground that the residential unit owner or his authorized agent failed to furnish the resale package, or any portion thereof, as required by this section.

3. Within 10 days after receipt of a written request by a residential unit owner or his authorized agent, the hotel unit owner shall furnish all of the following to the residential unit owner or his authorized agent for inclusion in the resale package:

(a) Copies of the documents required pursuant to paragraphs (a) and (c) of subsection 1; and

(b) A certificate containing the information necessary to enable the residential unit owner to comply with paragraphs (b) and (d) of subsection 1.

4. If the hotel unit owner furnishes the documents and certificate pursuant to subsection 3:

(a) The residential unit owner or his authorized agent shall include the documents and certificate in the resale package provided to the purchaser, and neither the residential unit owner nor his authorized agent is liable to the purchaser for any erroneous information provided by the hotel unit owner and included in the documents and certificate.

(b) The hotel unit owner may charge the residential unit owner a reasonable fee to cover the cost of preparing the certificate furnished pursuant to subsection 3. Such a fee must be based on the actual cost the association incurs to fulfill the requirements of this section in preparing the certificate. The Commission shall adopt regulations establishing the maximum amount of the fee that an association may charge for preparing the certificate.

(c) The hotel unit owner may charge the residential unit owner a reasonable fee, not to exceed 25 cents per page, to cover the cost of copying the other documents furnished pursuant to subsection 3.

(d) Except for the fees allowed pursuant to paragraphs (b) and (c), the hotel unit owner may not charge the residential unit owner any other fees for preparing or furnishing the documents and certificate pursuant to subsection 3.

5. Neither a purchaser nor the purchaser's interest in a residential unit is liable for any unpaid assessment or fee greater than the amount set forth in the documents and certificate prepared by the hotel unit owner. If the hotel unit owner fails to furnish the documents and certificate within the 10 days allowed by this section, the seller is not liable for the delinquent assessment.

6. Upon the request of a residential unit owner or his authorized agent, or upon the request of a purchaser to whom the hotel unit owner has provided a resale package pursuant to this section or his authorized agent, the association shall make the entire study of the reserves of the association or the shared components reasonably available for the residential unit owner, purchaser or authorized agent to inspect, examine, photocopy and audit. The study must be made available at the business office of the association or the hotel unit owner or some other suitable location within the county where the condominium hotel is situated or, if it is situated in more than one county, within one of those counties.

Sec. 148. The information statement required by sections 142 and 147 of this act must be in substantially the following form:

BEFORE YOU PURCHASE PROPERTY IN A CONDOMINIUM HOTEL
DID YOU KNOW . . .

1. YOU GENERALLY HAVE 5 DAYS TO CANCEL THE PURCHASE AGREEMENT?

When you enter into a purchase agreement to buy a home or unit in a condominium hotel, in most cases you should receive either a public

offering statement, if you are the original purchaser of the home or unit, or a resale package, if you are not the original purchaser. The law generally provides for a 5-day period in which you have the right to cancel the purchase agreement. The 5-day period begins on different starting dates, depending on whether you receive a public offering statement or a resale package. Upon receiving a public offering statement or a resale package, you should make sure you are informed of the deadline for exercising your right to cancel. In order to exercise your right to cancel, the law generally requires that you hand deliver the notice of cancellation to the seller within the 5-day period, or mail the notice of cancellation to the seller by prepaid United States mail within the 5-day period. For more information regarding your right to cancel, see section 146 of this act, if you received a public offering statement, or section 147 of this act if you received a resale package.

2. YOU ARE AGREEING TO RESTRICTIONS ON HOW YOU CAN USE YOUR PROPERTY?

These restrictions are contained in a document known as the Declaration of Covenants, Conditions and Restrictions. The CC&Rs become a part of the title to your property. They bind you and every future owner of the property whether or not you have read them or had them explained to you. The CC&Rs, together with other "governing documents" (such as association bylaws and rules and regulations), are intended to preserve the character and value of properties in the condominium hotel, but may also restrict what you can do to improve or change your property and limit how you use and enjoy your property. By purchasing a property encumbered by CC&Rs, you are agreeing to limitations that could affect your lifestyle and freedom of choice. You should review the CC&Rs, and other governing documents before purchasing to make sure that these limitations and controls are acceptable to you.

3. YOU WILL HAVE TO PAY OWNERS' ASSESSMENTS AND CHARGES FOR AS LONG AS YOU OWN YOUR PROPERTY?

As an owner in a condominium hotel, you are responsible for paying your share of expenses relating to the common elements and shared components. The obligation to pay these expenses binds you and every future owner of the property. Owners' fees are usually assessed for these expenses monthly. You have to pay dues whether or not you agree with the way the association or the hotel unit owner is managing the property or spending the assessments or charges. The hotel unit owner executive board of the association may have the power to change and increase the amount of the assessment or charges and to levy special assessments or special charges against your property to meet extraordinary expenses.

4. IF YOU FAIL TO PAY OWNERS' ASSESSMENTS OR CHARGES, YOU COULD LOSE YOUR HOME?

If you do not pay these assessments or charges when due, the hotel unit owner or the association usually has the power to collect them by selling

your property in a nonjudicial foreclosure sale. If fees become delinquent, you may also be required to pay penalties and the association's or hotel unit owner's costs, as applicable, and attorney's fees to become current. If you dispute the obligation or its amount, your only remedy to avoid the loss of your home may be to file a lawsuit and ask a court to intervene in the dispute.

5. YOU MAY BECOME A MEMBER OF A HOMEOWNERS' ASSOCIATION THAT HAS THE POWER TO AFFECT HOW YOU USE AND ENJOY YOUR PROPERTY?

Many condominium hotels have a homeowners' association. In a new development, the association will usually be controlled by the developer until a certain number of units have been sold. After the period of developer control, the association may be controlled by property owners like yourself who are elected by homeowners to sit on an executive board and other boards and committees formed by the association. The association, and its executive board, are responsible for assessing homeowners for the cost of operating the association and the common elements of the condominium hotel. Because homeowners sitting on the executive board and other boards and committees of the association may not have the experience or professional background required to understand and carry out the responsibilities of the association properly, the association may hire professional condominium association managers to carry out these responsibilities.

Homeowners' associations operate on democratic principles. Some decisions require all homeowners to vote, some decisions are made by the executive board or other boards or committees established by the association or governing documents. Although the actions of the association and its executive board are governed by state laws, the CC&Rs and other documents that govern the condominium hotel, decisions made by these persons will affect your use and enjoyment of your property, your lifestyle and freedom of choice, and your cost of living in the condominium hotel. You may not agree with decisions made by the association or its governing bodies even though the decisions are ones which the association is authorized to make. Decisions may be made by a few persons on the executive board or governing bodies that do not necessarily reflect the view of the majority of residential unit in the condominium hotel. If you do not agree with decisions made by the association, its executive board or other governing bodies, your remedy is typically to attempt to use the democratic processes of the association to seek the election of members of the executive board or other governing bodies that are more responsive to your needs. If you have a dispute with the association, its executive board or other governing bodies, you may be able to resolve the dispute through the complaint, investigation and intervention process administered by the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels, the Nevada Real Estate Division and the

Commission for Common-Interest Communities and Condominium Hotels. However, to resolve some disputes, you may have to mediate or arbitrate the dispute and, if mediation or arbitration is unsuccessful, you may have to file a lawsuit and ask a court to resolve the dispute. In addition to your personal cost in mediation or arbitration, or to prosecute a lawsuit, you may be responsible for paying your share of the association's cost in defending against your claim.

6. YOU ARE REQUIRED TO PROVIDE PROSPECTIVE PURCHASERS OF YOUR PROPERTY WITH INFORMATION ABOUT LIVING IN YOUR CONDOMINIUM HOTEL?

The law requires you to provide a prospective purchaser of your property with a copy of the condominium hotel's governing documents, including the CC&Rs, association bylaws, and rules and regulations, as well as a copy of this document. You are also required to provide a copy of the association's current year-to-date financial statement, including, without limitation, the most recent audited or reviewed financial statement, a copy of the association's operating budget and information regarding the amount of the monthly assessment for common expenses, including the amount set aside as reserves for the repair, replacement and restoration of common elements. You are also required to provide a copy of the current year-to-date statement of the shared expenses charged to your unit by the declarant or hotel unit owner, as applicable. You are also required to inform prospective purchasers of any outstanding judgments or lawsuits pending against the association of which you are aware. For more information regarding these requirements, see sections 140 to 152, inclusive, of this act.

7. YOU HAVE CERTAIN RIGHTS REGARDING OWNERSHIP IN A CONDOMINIUM HOTEL THAT ARE GUARANTEED YOU BY THE STATE?

Pursuant to provisions of this chapter, you have the right:

(a) To be notified of all meetings of the association and its executive board, except in cases of emergency.

(b) To attend and speak at all meetings of the association and its executive board, except in some cases where the executive board is authorized to meet in closed, executive session.

(c) To request a special meeting of the association.

(d) To inspect, examine, photocopy and audit financial and other records of the association.

(e) To be notified of all changes in the condominium hotel's rules and regulations and other actions by the association or board that affect you.

8. QUESTIONS?

Although they may be voluminous, you should take the time to read and understand the documents that will control your ownership of a property in a condominium hotel. You may wish to ask your real estate professional, lawyer or other person with experience to explain anything you do not

understand. You may also request assistance from the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels, Nevada Real Estate Division, at (telephone number).
Buyer or prospective buyer's initials:_____
Date:_____

Sec. 149. 1. Except as otherwise provided in subsections 2 and 3, a deposit made in connection with the purchase or reservation of a unit from a person required to deliver a public offering statement pursuant to subsection 3 of section 141 of this act must be placed in escrow and held either in this State or in the state where the unit is located in an account designated solely for that purpose by a licensed title insurance company, an independent bonded escrow company, or an institution whose accounts are insured by a governmental agency or instrumentality until:

(a) Delivered to the declarant at closing;

(b) Delivered to the declarant because of the purchaser's default under a contract to purchase the unit;

(c) Released to the declarant for an additional item, improvement, optional item or alteration, but the amount so released:

(1) Must not exceed the lesser of the amount due the declarant from the purchaser at the time of the release or the amount expended by the declarant for the purpose; and

(2) Must be credited upon the purchase price; or

(d) Refunded to the purchaser.

2. A deposit or advance payment made for an additional item, improvement, optional item or alteration may be deposited in escrow or delivered directly to the declarant, as the parties may contract.

3. In lieu of placing a deposit in escrow pursuant to subsection 1, the declarant may furnish a bond executed by him as principal and by a corporation qualified under the laws of this State as surety, payable to the State of Nevada, and conditioned upon the performance of the declarant's duties concerning the purchase or reservation of a unit. Each bond must be in a principal sum equal to the amount of the deposit. The bond must be held until:

(a) Delivered to the declarant at closing;

(b) Delivered to the declarant because of the purchaser's default under a contract to purchase the unit; or

(c) Released to the declarant for an additional item, improvement, optional item or alteration, but the amount so released must not exceed the amount due the declarant from the purchaser at the time of the release or the amount expended by the declarant for that purpose, whichever is less.

Sec. 150. 1. In the case of a sale of a unit where delivery of a public offering statement is required pursuant to subsection 3 of section 141 of this act, a seller:

(a) Before conveying a unit, shall record or furnish to the purchaser releases of all liens, except liens on real estate that a declarant has the

right to withdraw from the condominium hotel, that the purchaser does not expressly agree to take subject to or assume and that encumber that unit and its interest in the common elements; or

(b) Shall provide a surety bond against the lien as provided for liens on real estate in NRS 108.2413 to 108.2425, inclusive.

2. Before conveying real estate to the association, the declarant shall have that real estate released from:

(a) All liens the foreclosure of which would deprive unit owners of any right of access to or easement of support of their units; and

(b) All other liens on that real estate unless the public offering statement describes certain real estate that may be conveyed subject to liens in specified amounts.

Sec. 151. Implied warranties of quality:

1. May be excluded or modified by agreement of the parties; and

2. Are excluded by expression of disclaimer, such as "as is," "with all faults," or other language that in common understanding calls the purchaser's attention to the exclusion of warranties.

Sec. 152. In the case of a sale of a unit in which delivery of a public offering statement is required, a contract of sale may be executed, but no interest in that unit may be conveyed, until the declaration is recorded and the unit is substantially completed, in accordance with local ordinances.

Sec. 153. The Commission for Common-Interest Communities and Condominium Hotels created by NRS 116.600, the Division and the Director of the Department of Business and Industry have jurisdiction over the enforcement of this chapter as set forth herein.

Sec. 154. 1. The provisions of this chapter must be administered by the Division, subject to the administrative supervision of the Director of the Department of Business and Industry.

2. The Commission and the Division may do all things necessary and convenient to carry out the provisions of this chapter, including, without limitation, prescribing such forms and adopting such procedures as are necessary to carry out the provisions of this chapter.

3. The Commission, or the Administrator with the approval of the Commission, may adopt such regulations as are necessary to carry out the provisions of this chapter.

4. The Commission may by regulation delegate any authority conferred upon it by the provisions of this chapter to the Administrator to be exercised pursuant to the regulations adopted by the Commission.

5. When regulations are proposed by the Administrator, in addition to other notices required by law, the Administrator shall provide copies of the proposed regulations to the Commission not later than 30 days before the next meeting of the Commission. The Commission shall approve, amend or disapprove any proposed regulations at that meeting.

6. All regulations adopted by the Commission, or adopted by the Administrator with the approval of the Commission, must be published by the Division, posted on its website and offered for sale at a reasonable fee.

Sec. 155. 1. Except as otherwise provided in this section and within the limits of legislative appropriations, the Division may employ experts, attorneys, investigators, consultants and other personnel as are necessary to carry out the provisions of this chapter.

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to the provisions of this chapter.

3. The Attorney General shall render to the Commission and the Division opinions upon all questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, that may be submitted to him by the Commission or the Division.

Sec. 156. The Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels created by NRS 116.625 shall:

1. Assist in processing claims arising under this chapter that are submitted to mediation or arbitration pursuant to NRS 38.300 to 38.360, inclusive;

2. Assist owners in condominium hotels to understand their rights and responsibilities as set forth in this chapter and the governing documents of their associations, including, without limitation, publishing materials related to those rights and responsibilities;

3. Assist members of executive boards and officers of associations to carry out their duties;

4. When appropriate, investigate disputes involving the provisions of this chapter or the governing documents of an association and assist in resolving such disputes; and

5. Compile and maintain a registration of each association organized within the State which includes, without limitation, the following information:

(a) The name, address and telephone number of the association;

(b) The names, mailing addresses and telephone numbers of the members of the executive board of the association;

(c) The name of the declarant;

(d) The number of units in the condominium hotel;

(e) The total annual assessment made by the association; and

(f) The number of foreclosures which were completed on units within the condominium hotel and which were based on liens for the failure of the unit's owner to pay any assessments levied against the unit or any fines imposed against the unit's owner.

Sec. 157. The Commission and its members, each hearing panel and its members, the Administrator, the Ombudsman, the Division, and the experts, attorneys, investigators, consultants and other personnel of the

Commission and the Division are immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this chapter.

Sec. 158. Any notice or other information that is required to be served upon the Commission pursuant to the provisions of this chapter may be delivered to the principal office of the Division.

Sec. 159. 1. The Administrator may adopt regulations which establish procedures for the Division to conduct business electronically pursuant to title 59 of NRS with persons who are regulated pursuant to this chapter and with any other persons with whom the Division conducts business. The regulations may include, without limitation, the establishment of fees to pay the costs of conducting business electronically with the Division.

2. In addition to the process authorized by NRS 719.280, if the Division is conducting business electronically with a person and a law requires a signature or record to be notarized, acknowledged, verified or made under oath, the Division may allow the person to substitute a declaration that complies with the provisions of NRS 53.045 to satisfy the legal requirement.

3. The Division may refuse to conduct business electronically with a person who has failed to pay money which the person owes to the Division or the Commission.

Sec. 160. 1. To carry out the purposes of this chapter, the Commission, or any member thereof acting on behalf of the Commission or acting on behalf of a hearing panel, may issue subpoenas to compel the attendance of witnesses and the production of books, records and other papers.

2. If any person fails to comply with a subpoena issued by the Commission or any member thereof pursuant to this section within 20 days after the date of service of the subpoena, the Commission may petition the district court for an order of the court compelling compliance with the subpoena.

3. Upon such a petition, the court shall enter an order directing the person subpoenaed to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 20 days after the date of service of the order, and show cause why he has not complied with the subpoena. A certified copy must be served upon the person subpoenaed.

4. If it appears to the court that the subpoena was regularly issued by the Commission or any member thereof pursuant to this section, the court shall enter an order compelling compliance with the subpoena, and upon failure to obey the order the person shall be dealt with as for contempt of court.

Sec. 161. 1. Each witness who is subpoenaed and appears at a hearing is entitled to receive for his attendance the same fees and mileage allowed by law to a witness in a civil case.

2. The fees and mileage for the witness:

(a) Must be paid by the party at whose request the witness is subpoenaed; or

(b) If the appearance of the witness is not requested by any party but the witness is subpoenaed at the request of the Commission or a hearing panel, must be paid by the Division.

Sec. 162. 1. The Commission shall conduct such hearings and other proceedings as are required by the provisions of this chapter.

2. The Commission shall collect and maintain or cause to be collected and maintained accurate information relating to:

(a) The number of condominium hotels in this State;

(b) The effect of the provisions of this chapter and any regulations adopted pursuant thereto on the development and construction of condominium hotels, the residential lending market for units within condominium hotels and the operation and management of condominium hotels;

(c) Violations of the provisions of this chapter and any regulations adopted pursuant thereto;

(d) The accessibility and use of, and the costs related to, the arbitration and mediation procedures set forth in NRS 38.300 to 38.360, inclusive, and the decisions rendered and awards made pursuant to those arbitration and mediation procedures;

(e) The number of foreclosures which were completed on units within condominium hotels and which were based on liens for the failure of the unit's owner to pay any assessments levied against the unit or any fines imposed against the unit's owner; and

(f) Other issues that the Commission determines are of concern to units' owners, associations, developers and other persons affected by condominium hotels.

3. The Commission shall develop and promote:

(a) Educational guidelines for conducting the elections of the members of an executive board, the meetings of an executive board and the meetings of the units' owners of an association; and

(b) Educational guidelines for the enforcement of the governing documents of an association through liens, penalties and fines.

4. The Commission shall recommend and approve for accreditation programs of education and research relating to condominium hotels, including, without limitation:

(a) The management of condominium hotels;

(b) The sale and resale of units within condominium hotels;

(c) Alternative methods that may be used to resolve disputes relating to condominium hotels; and

(d) The enforcement, including by foreclosure, of liens on units within condominium hotels for the failure of the unit's owner to pay any assessments levied against the unit or any fines imposed against the unit's owner.

Sec. 163. The Commission may:

1. By regulation, establish standards for subsidizing proceedings for mediation and arbitration conducted pursuant to NRS 38.300 to 38.360, inclusive, to ensure that such proceedings are not lengthy and are affordable and readily accessible to all parties;

2. By regulation, establish standards for subsidizing educational programs for the benefit of units' owners, members of executive boards and officers of associations;

3. Accept any gifts, grants or donations; and

4. Enter into agreements with other entities that are required or authorized to carry out similar duties in this State or in other jurisdictions and cooperate with such entities to develop uniform procedures for carrying out the provisions of this chapter and for accumulating information needed to carry out those provisions.

Sec. 164. 1. The Commission may appoint one or more hearing panels. Each hearing panel must consist of one or more independent hearing officers.

2. The Commission may by regulation delegate to one or more hearing panels the power of the Commission to conduct hearings and other proceedings, determine violations, impose fines and penalties and take other disciplinary action authorized by the provisions of this chapter.

3. While acting under the authority of the Commission, a hearing panel and its members are entitled to all privileges and immunities and are subject to all duties and requirements of the Commission and its members.

4. A final order of a hearing panel:

(a) May be appealed to the Commission if, not later than 20 days after the date that the final order is issued by the hearing panel, any party aggrieved by the final order files a written notice of appeal with the Commission.

(b) Must be reviewed and approved by the Commission if, not later than 40 days after the date that the final order is issued by the hearing panel, the Division, upon the direction of the Chairman of the Commission, provides written notice to all parties of the intention of the Commission to review the final order.

Sec. 165. The Commission or a hearing panel may conduct a hearing by means of an audio or video teleconference to one or more locations if the audio or video technology used at the hearing provides the persons present at each location with the ability to hear and communicate with the persons present at each other location.

Sec. 166. As used in sections 167 to 177, inclusive, of this act, unless the context otherwise requires, "violation" means a violation of any

provision of this chapter, any regulation adopted pursuant thereto or any order of the Commission or a hearing panel.

Sec. 167. 1. In carrying out the provisions of sections 167 to 177, inclusive, of this act, the Division and the Ombudsman have jurisdiction to investigate and the Commission and each hearing panel has jurisdiction to take appropriate action against any person who commits a violation, including, without limitation:

(a) Any association and any officer, employee or agent of an association.

(b) Any member of an executive board.

(c) Any declarant, affiliate of a declarant or hotel unit owner.

(d) Any unit's owner.

(e) Any tenant of a unit's owner if the tenant has entered into an agreement with the unit's owner to abide by the governing documents of the association and the provisions of this chapter and any regulations adopted pursuant thereto.

2. The jurisdiction set forth in subsection 1 applies to any officer, employee or agent of an association or any member of an executive board who commits a violation and who:

(a) Currently holds his office, employment, agency or position or who held his office, employment, agency or position at the commencement of proceedings against him.

(b) Resigns his office, employment, agency or position:

(1) After the commencement of proceedings against him; or

(2) Within 1 year after the violation is discovered or reasonably should have been discovered.

Sec. 168. 1. The rights, remedies and penalties provided by sections 166 to 177, inclusive, of this act are cumulative and do not abrogate and are in addition to any other rights, remedies and penalties that may exist at law or in equity.

2. If the Commission, a hearing panel or another agency or officer elects to take a particular action or pursue a particular remedy or penalty authorized by sections 166 to 177, inclusive, of this act, or another specific statute, that election is not exclusive and does not preclude the Commission, the hearing panel or another agency or officer from taking any other actions or pursuing any other remedies or penalties authorized by sections 166 to 167, inclusive, of this act, or another specific statute.

3. In carrying out the provisions of this chapter, the Commission or a hearing panel shall not intervene in any internal activities of an association except to the extent necessary to prevent or remedy a violation.

Sec. 169. 1. Except as otherwise provided in this section, a written affidavit filed with the Division pursuant to this chapter, all documents and other information filed with the written affidavit and all documents and other information compiled as a result of an investigation conducted to

determine whether to file a formal complaint with the Commission are confidential.

2. A formal complaint filed with the Commission and all documents and other information considered by the Commission or a hearing panel when determining whether to impose discipline or take other administrative action pursuant to sections 166 to 177, inclusive, of this act are public records.

Sec. 170. 1. Except as otherwise provided in this section, a person who is aggrieved by an alleged violation may, not later than 1 year after the person discovers or reasonably should have discovered the alleged violation, file with the Division a written affidavit that sets forth the facts constituting the alleged violation. The affidavit may allege any actual damages suffered by the aggrieved person as a result of the alleged violation.

2. An aggrieved person may not file such an affidavit unless the aggrieved person has provided the respondent by certified mail, return receipt requested, with written notice of the alleged violation set forth in the affidavit. The notice must:

(a) Be mailed to the respondent's last known address.

(b) Specify, in reasonable detail, the alleged violation, any actual damages suffered by the aggrieved person as a result of the alleged violation, and any corrective action proposed by the aggrieved person.

3. A written affidavit filed with the Division pursuant to this section must be:

(a) On a form prescribed by the Division.

(b) Be accompanied by evidence that:

(1) The respondent has been given a reasonable opportunity after receiving the written notice to correct the alleged violation; and

(2) Reasonable efforts to resolve the alleged violation have failed.

4. The Commission or a hearing panel may impose an administrative fine of not more than $1,000 against any person who knowingly files a false or fraudulent affidavit with the Division.

Sec. 171. 1. Upon receipt of an affidavit that complies with the provisions of section 170 of this act, the Division shall refer the affidavit to the Ombudsman.

2. The Ombudsman shall give such guidance to the parties as the Ombudsman deems necessary to assist the parties to resolve the alleged violation.

3. If the parties are unable to resolve the alleged violation with the assistance of the Ombudsman, the Ombudsman shall provide to the Division a report concerning the alleged violation and any information collected by the Ombudsman during his efforts to assist the parties to resolve the alleged violation.

4. Upon receipt of the report from the Ombudsman, the Division shall conduct an investigation to determine whether good cause exists to proceed with a hearing on the alleged violation.

5. If, after investigating the alleged violation, the Division determines that the allegations in the affidavit are not frivolous, false or fraudulent and that good cause exists to proceed with a hearing on the alleged violation, the Administrator shall file a formal complaint with the Commission and schedule a hearing on the complaint before the Commission or a hearing panel.

Sec. 172. 1. Except as otherwise provided in subsection 2, if the Administrator files a formal complaint with the Commission, the Commission or a hearing panel shall hold a hearing on the complaint not later than 90 days after the date that the complaint is filed.

2. The Commission or the hearing panel may continue the hearing upon its own motion or upon the written request of a party to the complaint, for good cause shown, including, without limitation, the existence of proceedings for mediation or arbitration or a civil action involving the facts that constitute the basis of the complaint.

3. The Division shall give the respondent written notice of the date, time and place of the hearing on the complaint at least 30 days before the date of the hearing. The notice must be:

(a) Delivered personally to the respondent or mailed to the respondent by certified mail, return receipt requested, to his last known address.

(b) Accompanied by:

(1) A copy of the complaint; and

(2) Copies of all communications, reports, affidavits and depositions in the possession of the Division that are relevant to the complaint.

4. At any hearing on the complaint, the Division may not present evidence that was obtained after the notice was given to the respondent pursuant to this section, unless the Division proves to the satisfaction of the Commission or the hearing panel that:

(a) The evidence was not available, after diligent investigation by the Division, before such notice was given to the respondent; and

(b) The evidence was given or communicated to the respondent immediately after it was obtained by the Division.

5. The respondent must file an answer not later than 30 days after the date that notice of the complaint is delivered or mailed by the Division. The answer must:

(a) Contain an admission or a denial of the allegations contained in the complaint and any defenses upon which the respondent will rely; and

(b) Be delivered personally to the Division or mailed to the Division by certified mail, return receipt requested.

6. If the respondent does not file an answer within the time required by subsection 5, the Division may, after giving the respondent written notice of the default, request the Commission or the hearing panel to enter a finding

of default against the respondent. The notice of the default must be delivered personally to the respondent or mailed to the respondent by certified mail, return receipt requested, to his last known address.

Sec. 173. Any party to the complaint may be represented by an attorney at any hearing on the complaint.

Sec. 174. 1. After conducting its hearings on the complaint, the Commission or the hearing panel shall render a final decision on the merits of the complaint not later than 20 days after the date of the final hearing.

2. The Commission or the hearing panel shall notify all parties to the complaint of its decision in writing by certified mail, return receipt requested, not later than 60 days after the date of the final hearing. The written decision must include findings of fact and conclusions of law.

Sec. 175. 1. If the Commission or the hearing panel, after notice and hearing, finds that the respondent has committed a violation, the Commission or the hearing panel may take any or all of the following actions:

(a) Issue an order directing the respondent to cease and desist from continuing to engage in the unlawful conduct that resulted in the violation.

(b) Issue an order directing the respondent to take affirmative action to correct any conditions resulting from the violation.

(c) Impose an administrative fine of not more than $1,000 for each violation.

2. If the respondent is a member of an executive board or an officer of an association, the Commission or the hearing panel may order the respondent removed from his office or position if the Commission or the hearing panel, after notice and hearing, finds that:

(a) The respondent has knowingly and willfully committed a violation; and

(b) The removal is in the best interest of the association.

3. If the respondent violates any order issued by the Commission or the hearing panel pursuant to this section, the Commission or the hearing panel, after notice and hearing, may impose an administrative fine of not more than $1,000 for each violation.

4. If the Commission or the hearing panel takes any disciplinary action pursuant to this section, the Commission or the hearing panel may order the respondent to pay the costs of the proceedings incurred by the Division, including, without limitation, the cost of the investigation and reasonable attorney's fees.

5. Notwithstanding any other provision of this section, unless the respondent has knowingly and willfully committed a violation, if the respondent is a member of an executive board or an officer of an association:

(a) The association is liable for all fines and costs imposed against the respondent pursuant to this section; and

(b) The respondent may not be held personally liable for those fines and costs.

Sec. 176. 1. If the Commission or a hearing panel, after notice and hearing, finds that the executive board or any person acting on behalf of the association has committed a violation, the Commission or the hearing panel may order an audit of the association.

2. The Commission, or the Division with the approval of the Commission, may apply to a court of competent jurisdiction for the appointment of a receiver for an association if, after notice and a hearing, the Commission or a hearing officer finds that any of the following violations occurred:

(a) The executive board, or any member thereof, has been guilty of fraud or collusion or gross mismanagement in the conduct or control of its affairs;

(b) The executive board, or any member thereof, has been guilty of misfeasance, malfeasance or nonfeasance; or

(c) The assets of the association are in danger of waste or loss through attachment, foreclosure, litigation or otherwise.

3. In any application for the appointment of a receiver pursuant to this section, notice of a temporary appointment of a receiver may be given to the association alone, by process as in the case of an application for a temporary restraining order or injunction. The hearing thereon may be had after 5 days' notice unless the court directs a longer or different notice and different parties.

4. The court may, if good cause exists, appoint one or more receivers pursuant to this section to carry out the business of the association. The members of the executive board who have not been guilty of negligence or active breach of duty must be preferred in making the appointment.

5. The powers of any receiver appointed pursuant to this section may be continued as long as the court deems necessary and proper. At any time, for sufficient cause, the court may order the receivership terminated.

6. Any receiver appointed pursuant to this section has, among the usual powers, all the functions, powers, tenure and duties to be exercised under the direction of the court as are conferred on receivers and as provided in NRS 78.635, 78.640 and 78.645, whether or not the association is insolvent. Such powers include, without limitation, the powers to:

(a) Take charge of the estate and effects of the association;

(b) Appoint an agent or agents;

(c) Collect any debts and property due and belonging to the association and prosecute and defend, in the name of the association, or otherwise, any civil action as may be necessary or proper for the purposes of collecting debts and property;

(d) Perform any other act in accordance with the governing documents of the association and this chapter that may be necessary for the association to carry out its obligations; and

(e) By injunction, restrain the association from exercising any of its powers or doing business in any way except by and through a receiver appointed by the court.

Sec. 177. 1. If the Commission or the Division has reasonable cause to believe, based on evidence satisfactory to it, that any person violated or is about to violate any provision of this chapter, any regulation adopted pursuant thereto or any order, decision, demand or requirement of the Commission or Division or a hearing panel, the Commission or the Division may bring an action in the district court for the county in which the person resides or, if the person does not reside in this State, in any court of competent jurisdiction within or outside this State, to restrain or enjoin that person from engaging in or continuing to commit the violations or from doing any act in furtherance of the violations.

2. The action must be brought in the name of the State of Nevada. If the action is brought in a court of this State, an order or judgment may be entered, when proper, issuing a temporary restraining order, preliminary injunction or final injunction. A temporary restraining order or preliminary injunction must not be issued without at least 5 days' notice to the opposite party.

3. The court may issue the temporary restraining order, preliminary injunction or final injunction without:

(a) Proof of actual damages sustained by any person.

(b) The filing of any bond.

Sec. 178. NRS 116.013 is hereby amended to read as follows:

116.013 "Certificate" means a certificate for the management of a common-interest community ***or the management of an association of a condominium hotel*** issued by the Division pursuant to chapter 116A of NRS.

Sec. 179. NRS 116.015 is hereby amended to read as follows:

116.015 "Commission" means the Commission for Common-Interest Communities ***and Condominium Hotels*** created by NRS 116.600.

Sec. 180. NRS 116.023 is hereby amended to read as follows:

116.023 "Community manager" means a person who provides for or otherwise engages in the management of a common-interest community ~~[.]~~ ***or the management of an association of a condominium hotel.***

Sec. 181. NRS 116.067 is hereby amended to read as follows:

116.067 "Ombudsman" means the Ombudsman for Owners in Common-Interest Communities ~~[.]~~ ***and Condominium Hotels.***

Sec. 182. NRS 116.31155 is hereby amended to read as follows:

116.31155 1. Except as otherwise provided in subsection 2, an association shall:

(a) If the association is required to pay the fee imposed by NRS 78.150, 82.193, 86.263, 87.541 or 88.591, pay to the Administrator a fee established by regulation of the Administrator for every unit in the association used for residential use.

(b) If the association is organized as a trust or partnership, or as any other authorized business entity, pay to the Administrator a fee established by regulation of the Administrator for each unit in the association.

2. If an association is subject to the governing documents of a master association, the master association shall pay the fees required pursuant to this section for each unit in the association that is subject to the governing documents of the master association, unless the governing documents of the master association provide otherwise. The provisions of this subsection do not relieve any association that is subject to the governing documents of a master association from its ultimate responsibility to pay the fees required pursuant to this section to the Administrator if they are not paid by the master association.

3. The fees required to be paid pursuant to this section must be:

(a) Paid at such times as are established by the Division.

(b) Deposited with the State Treasurer for credit to the Account for Common-Interest Communities ***and Condominium Hotels*** created by NRS 116.630.

(c) Established on the basis of the actual costs of administering the Office of the Ombudsman and the Commission and not on a basis which includes any subsidy beyond those actual costs. In no event may the fees required to be paid pursuant to this section exceed $3 per unit.

4. The Division shall impose an administrative penalty against an association or master association that violates the provisions of this section by failing to pay the fees owed by the association or master association within the times established by the Division. The administrative penalty that is imposed for each violation must equal 10 percent of the amount of the fees owed by the association or master association or $500, whichever amount is less. The amount of the unpaid fees owed by the association or master association bears interest at the rate set forth in NRS 99.040 from the date the fees are due until the date the fees are paid in full.

5. A unit's owner may not be required to pay any portion of the fees or any administrative penalties or interest required to be paid pursuant to this section to both an association and a master association.

6. An association that is subject to the governing documents of a master association may not be required to pay any portion of the fees or any administrative penalties or interest required to be paid pursuant to this section to the extent they have already been paid by the master association.

7. A master association may not be required to pay any portion of the fees or any administrative penalties or interest required to be paid pursuant to this section to the extent they have already been paid by an association that is subject to the governing documents of the master association.

8. Upon the payment of the fees and any administrative penalties and interest required by this section, the Administrator shall provide to the association or master association evidence that it paid the fees and the administrative penalties and interest in compliance with this section.

Sec. 183. NRS 116.41095 is hereby amended to read as follows:

116.41095 The information statement required by NRS 116.4103 and 116.4109 must be in substantially the following form:

BEFORE YOU PURCHASE PROPERTY IN A
COMMON-INTEREST COMMUNITY
DID YOU KNOW . . .

1. YOU GENERALLY HAVE 5 DAYS TO CANCEL THE PURCHASE AGREEMENT?

When you enter into a purchase agreement to buy a home or unit in a common-interest community, in most cases you should receive either a public offering statement, if you are the original purchaser of the home or unit, or a resale package, if you are not the original purchaser. The law generally provides for a 5-day period in which you have the right to cancel the purchase agreement. The 5-day period begins on different starting dates, depending on whether you receive a public offering statement or a resale package. Upon receiving a public offering statement or a resale package, you should make sure you are informed of the deadline for exercising your right to cancel. In order to exercise your right to cancel, the law generally requires that you hand deliver the notice of cancellation to the seller within the 5-day period, or mail the notice of cancellation to the seller by prepaid United States mail within the 5-day period. For more information regarding your right to cancel, see Nevada Revised Statutes 116.4108, if you received a public offering statement, or Nevada Revised Statutes 116.4109, if you received a resale package.

2. YOU ARE AGREEING TO RESTRICTIONS ON HOW YOU CAN USE YOUR PROPERTY?

These restrictions are contained in a document known as the Declaration of Covenants, Conditions and Restrictions. The CC&Rs become a part of the title to your property. They bind you and every future owner of the property whether or not you have read them or had them explained to you. The CC&Rs, together with other "governing documents" (such as association bylaws and rules and regulations), are intended to preserve the character and value of properties in the community, but may also restrict what you can do to improve or change your property and limit how you use and enjoy your property. By purchasing a property encumbered by CC&Rs, you are agreeing to limitations that could affect your lifestyle and freedom of choice. You should review the CC&Rs, and other governing documents before purchasing to make sure that these limitations and controls are acceptable to you.

3. YOU WILL HAVE TO PAY OWNERS' ASSESSMENTS FOR AS LONG AS YOU OWN YOUR PROPERTY?

As an owner in a common-interest community, you are responsible for paying your share of expenses relating to the common elements, such as landscaping, shared amenities and the operation of any homeowners' association. The obligation to pay these assessments binds you and every

future owner of the property. Owners' fees are usually assessed by the homeowners' association and due monthly. You have to pay dues whether or not you agree with the way the association is managing the property or spending the assessments. The executive board of the association may have the power to change and increase the amount of the assessment and to levy special assessments against your property to meet extraordinary expenses. In some communities, major components of the common elements of the community such as roofs and private roads must be maintained and replaced by the association. If the association is not well managed or fails to provide adequate funding for reserves to repair, replace and restore common elements, you may be required to pay large, special assessments to accomplish these tasks.

4. IF YOU FAIL TO PAY OWNERS' ASSESSMENTS, YOU COULD LOSE YOUR HOME?

If you do not pay these assessments when due, the association usually has the power to collect them by selling your property in a nonjudicial foreclosure sale. If fees become delinquent, you may also be required to pay penalties and the association's costs and attorney's fees to become current. If you dispute the obligation or its amount, your only remedy to avoid the loss of your home may be to file a lawsuit and ask a court to intervene in the dispute.

5. YOU MAY BECOME A MEMBER OF A HOMEOWNERS' ASSOCIATION THAT HAS THE POWER TO AFFECT HOW YOU USE AND ENJOY YOUR PROPERTY?

Many common-interest communities have a homeowners' association. In a new development, the association will usually be controlled by the developer until a certain number of units have been sold. After the period of developer control, the association may be controlled by property owners like yourself who are elected by homeowners to sit on an executive board and other boards and committees formed by the association. The association, and its executive board, are responsible for assessing homeowners for the cost of operating the association and the common or shared elements of the community and for the day to day operation and management of the community. Because homeowners sitting on the executive board and other boards and committees of the association may not have the experience or professional background required to understand and carry out the responsibilities of the association properly, the association may hire professional community managers to carry out these responsibilities.

Homeowners' associations operate on democratic principles. Some decisions require all homeowners to vote, some decisions are made by the executive board or other boards or committees established by the association or governing documents. Although the actions of the association and its executive board are governed by state laws, the CC&Rs and other documents that govern the common-interest community, decisions made by these persons will affect your use and enjoyment of your property, your lifestyle and freedom of choice, and your cost of living in the community. You may

not agree with decisions made by the association or its governing bodies even though the decisions are ones which the association is authorized to make. Decisions may be made by a few persons on the executive board or governing bodies that do not necessarily reflect the view of the majority of homeowners in the community. If you do not agree with decisions made by the association, its executive board or other governing bodies, your remedy is typically to attempt to use the democratic processes of the association to seek the election of members of the executive board or other governing bodies that are more responsive to your needs. If you have a dispute with the association, its executive board or other governing bodies, you may be able to resolve the dispute through the complaint, investigation and intervention process administered by the Office of the Ombudsman for Owners in Common-Interest Communities ~~,~~ ***and Condominium Hotels,*** the Nevada Real Estate Division and the Commission for Common-Interest Communities ~~.~~ ***and Condominium Hotels.*** However, to resolve some disputes, you may have to mediate or arbitrate the dispute and, if mediation or arbitration is unsuccessful, you may have to file a lawsuit and ask a court to resolve the dispute. In addition to your personal cost in mediation or arbitration, or to prosecute a lawsuit, you may be responsible for paying your share of the association's cost in defending against your claim.

6. YOU ARE REQUIRED TO PROVIDE PROSPECTIVE PURCHASERS OF YOUR PROPERTY WITH INFORMATION ABOUT LIVING IN YOUR COMMON-INTEREST COMMUNITY?

The law requires you to provide a prospective purchaser of your property with a copy of the community's governing documents, including the CC&Rs, association bylaws, and rules and regulations, as well as a copy of this document. You are also required to provide a copy of the association's current year-to-date financial statement, including, without limitation, the most recent audited or reviewed financial statement, a copy of the association's operating budget and information regarding the amount of the monthly assessment for common expenses, including the amount set aside as reserves for the repair, replacement and restoration of common elements. You are also required to inform prospective purchasers of any outstanding judgments or lawsuits pending against the association of which you are aware. For more information regarding these requirements, see Nevada Revised Statutes 116.4109.

7. YOU HAVE CERTAIN RIGHTS REGARDING OWNERSHIP IN A COMMON-INTEREST COMMUNITY THAT ARE GUARANTEED YOU BY THE STATE?

Pursuant to provisions of chapter 116 of Nevada Revised Statutes, you have the right:

(a) To be notified of all meetings of the association and its executive board, except in cases of emergency.

(b) To attend and speak at all meetings of the association and its executive board, except in some cases where the executive board is authorized to meet in closed, executive session.

(c) To request a special meeting of the association upon petition of at least 10 percent of the homeowners.

(d) To inspect, examine, photocopy and audit financial and other records of the association.

(e) To be notified of all changes in the community's rules and regulations and other actions by the association or board that affect you.

8. QUESTIONS?

Although they may be voluminous, you should take the time to read and understand the documents that will control your ownership of a property in a common-interest community. You may wish to ask your real estate professional, lawyer or other person with experience to explain anything you do not understand. You may also request assistance from the Office of the Ombudsman for Owners in Common-Interest Communities ~~[,]~~ ***and Condominium Hotels*** Nevada Real Estate Division, at (telephone number).

Buyer or prospective buyer's initials:_____

Date:_____

Sec. 184. NRS 116.600 is hereby amended to read as follows:

116.600 1. The Commission for Common-Interest Communities ***and Condominium Hotels*** is hereby created.

2. The Commission consists of five members appointed by the Governor. The Governor shall appoint to the Commission:

(a) One member who is a unit's owner residing in this State and who has served as a member of an executive board in this State;

(b) One member who is in the business of developing common-interest communities in this State;

(c) One member who holds a certificate;

(d) One member who is a certified public accountant licensed to practice in this State pursuant to the provisions of chapter 628 of NRS; and

(e) One member who is an attorney licensed to practice in this State.

3. Each member of the Commission must be a resident of this State. At least three members of the Commission must be residents of a county whose population is 400,000 or more.

4. Each member of the Commission must have resided in a common-interest community or have been actively engaged in a business or profession related to common-interest communities for not less than 3 years immediately preceding the date of his appointment.

5. After the initial terms, each member of the Commission serves a term of 3 years. Each member may serve not more than two consecutive full terms. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this section to replace the member for the remainder of the unexpired term.

6. While engaged in the business of the Commission, each member is entitled to receive:

(a) A salary of not more than $80 per day, as established by the Commission; and

(b) The per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 185. NRS 116.625 is hereby amended to read as follows:

116.625 1. The Office of the Ombudsman for Owners in Common-Interest Communities ***and Condominium Hotels*** is hereby created within the Division.

2. The Administrator shall appoint the Ombudsman. The Ombudsman is in the unclassified service of the State.

3. The Ombudsman must be qualified by training and experience to perform the duties and functions of his office.

4. In addition to any other duties set forth in this chapter, the Ombudsman shall:

(a) Assist in processing claims submitted to mediation or arbitration pursuant to NRS 38.300 to 38.360, inclusive;

(b) Assist owners in common-interest communities ***and condominium hotels*** to understand their rights and responsibilities as set forth in this chapter ***and sections 2 to 177, inclusive, of this act*** and the governing documents of their associations, including, without limitation, publishing materials related to those rights and responsibilities;

(c) Assist members of executive boards and officers of associations to carry out their duties;

(d) When appropriate, investigate disputes involving the provisions of this chapter ***or sections 2 to 177, inclusive, of this act*** or the governing documents of an association and assist in resolving such disputes; and

(e) Compile and maintain a registration of each association organized within the State which includes, without limitation, the following information:

(1) The name, address and telephone number of the association;

(2) The name of each community manager for the common-interest community ***or the association of a condominium hotel*** and the name of any other person who is authorized to manage the property at the site of the common-interest community ~~[.]~~ ***or condominium hotel;***

(3) The names, mailing addresses and telephone numbers of the members of the executive board of the association;

(4) The name of the declarant;

(5) The number of units in the common-interest community ~~[.]~~ ***or condominium hotel;***

(6) The total annual assessment made by the association;

(7) The number of foreclosures which were completed on units within the common-interest community ***or condominium hotel*** and which were

based on liens for the failure of the unit's owner to pay any assessments levied against the unit or any fines imposed against the unit's owner; and

(8) Whether the study of the reserves of the association has been conducted pursuant to NRS 116.31152 ***or section 117 of this act*** and, if so, the date on which it was completed.

Sec. 186. NRS 116.630 is hereby amended to read as follows:

116.630 1. There is hereby created the Account for Common-Interest Communities ***and Condominium Hotels*** in the State General Fund. The Account must be administered by the Administrator.

2. Except as otherwise provided in subsection 3, all money received by the Commission, a hearing panel or the Division pursuant to this chapter ~~[,]~~ ***or sections 2 to 177, inclusive, of this act,*** including, without limitation, the fees collected pursuant to NRS 116.31155 ~~[,]~~ ***and section 120 of this act,*** must be deposited into the Account.

3. If the Commission imposes a fine or penalty, the Commission shall deposit the money collected from the imposition of the fine or penalty with the State Treasurer for credit to the State General Fund. If the money is so deposited, the Commission may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.

4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

5. The money in the Account must be used solely to defray:

(a) The costs and expenses of the Commission and the Office of the Ombudsman; and

(b) If authorized by the Commission or any regulations adopted by the Commission, the costs and expenses of subsidizing proceedings for mediation and arbitration conducted pursuant to NRS 38.300 to 38.360, inclusive.

Sec. 187. NRS 116A.030 is hereby amended to read as follows:

116A.030 "Association" has the meaning ascribed to it in NRS 116.011 ~~[.]~~ ***or section 7 of this act.***

Sec. 188. NRS 116A.040 is hereby amended to read as follows:

116A.040 "Certificate" means a certificate for the management of a common-interest community ***or the management of an association of a condominium hotel*** issued by the Division pursuant to this chapter.

Sec. 189. NRS 116A.050 is hereby amended to read as follows:

116A.050 "Commission" means the Commission for Common-Interest Communities ***and Condominium Hotels*** created by NRS 116.600.

Sec. 190. NRS 116A.070 is hereby amended to read as follows:

116A.070 "Community manager" means a person who provides for or otherwise engages in the management of a common-interest community ~~[.]~~ ***or the management of an association of a condominium hotel.***

Sec. 191. NRS 116A.090 is hereby amended to read as follows:

116A.090 "Executive board" has the meaning ascribed to it in NRS 116.045 ~~[.]~~ ***or section 20 of this act.***

Sec. 192. NRS 116A.120 is hereby amended to read as follows:

116A.120 "Permit" means a permit to conduct a study of the reserves of an association pursuant to NRS 116.31152 ***or section 117 of this act*** issued by the Division pursuant to this chapter.

Sec. 193. NRS 116A.130 is hereby amended to read as follows:

116A.130 "Reserve study specialist" means a person who conducts a study of the reserves of an association pursuant to NRS 116.31152 ~~[.]~~ ***or section 117 of this act.***

Sec. 194. NRS 116A.220 is hereby amended to read as follows:

116A.220 1. Except as otherwise provided in subsection 2, all money received by the Commission, a hearing panel or the Division pursuant to this chapter must be deposited into the Account for Common-Interest Communities ***and Condominium Hotels*** created pursuant to NRS 116.630.

2. If the Commission imposes a fine or penalty, the Commission shall deposit the money collected from the imposition of the fine or penalty with the State Treasurer for credit to the State General Fund. If the money is so deposited, the Commission may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.

3. Money for the support of the Commission and Division in carrying out the provisions of this chapter must be provided by direct legislative appropriation and be paid out on claims as other claims against the State are paid.

Sec. 195. NRS 116A.270 is hereby amended to read as follows:

116A.270 1. Except as otherwise provided in this section, a complaint filed with the Division alleging a violation of this chapter or chapter 116 of NRS, ***or sections 2 to 177, inclusive, of this act,*** all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

2. The complaint or other charging documents filed with the Commission to initiate disciplinary action and all documents and other information considered by the Commission or a hearing panel when determining whether to impose discipline are public records.

Sec. 196. NRS 116A.400 is hereby amended to read as follows:

116A.400 1. Except as otherwise provided in this section, a person shall not act as a community manager unless the person holds a certificate.

2. The Commission shall by regulation provide for the standards of practice for community managers who hold certificates.

3. The Division may investigate any community manager who holds a certificate to ensure that the community manager is complying with the provisions of this chapter and chapter 116 of NRS ***and sections 2 to 177,***

inclusive, of this act and the standards of practice adopted by the Commission.

4. In addition to any other remedy or penalty, if the Commission or a hearing panel, after notice and hearing, finds that a community manager who holds a certificate has violated any provision of this chapter or chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** or any of the standards of practice adopted by the Commission, the Commission or the hearing panel may take appropriate disciplinary action against the community manager.

5. In addition to any other remedy or penalty, the Commission may:

(a) Refuse to issue a certificate to a person who has failed to pay money which the person owes to the Commission or the Division.

(b) Suspend, revoke or refuse to renew the certificate of a person who has failed to pay money which the person owes to the Commission or the Division.

6. The provisions of this section do not apply to:

(a) A financial institution that is engaging in an activity permitted by law.

(b) An attorney who is licensed to practice in this State and who is acting in that capacity.

(c) A trustee with respect to the property of the trust.

(d) A receiver with respect to property subject to the receivership.

(e) A member of an executive board or an officer of an association who is acting solely within the scope of his duties as a member of the executive board or an officer of the association.

Sec. 197. NRS 116A.420 is hereby amended to read as follows:

116A.420 1. Except as otherwise provided in this section, a person shall not act as a reserve study specialist unless the person holds a permit.

2. The Commission shall by regulation provide for the standards of practice for reserve study specialists who hold permits.

3. The Division may investigate any reserve study specialist who holds a permit to ensure that the reserve study specialist is complying with the provisions of this chapter and chapter 116 of NRS ***and sections 2 to 177, inclusive, of this act*** and the standards of practice adopted by the Commission.

4. In addition to any other remedy or penalty, if the Commission or a hearing panel, after notice and hearing, finds that a reserve study specialist who holds a permit has violated any provision of this chapter or chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** or any of the standards of practice adopted by the Commission, the Commission or the hearing panel may take appropriate disciplinary action against the reserve study specialist.

5. In addition to any other remedy or penalty, the Commission may:

(a) Refuse to issue a permit to a person who has failed to pay money which the person owes to the Commission or the Division.

(b) Suspend, revoke or refuse to renew the permit of a person who has failed to pay money which the person owes to the Commission or the Division.

6. The provisions of this section do not apply to a member of an executive board or an officer of an association who is acting solely within the scope of his duties as a member of the executive board or an officer of the association.

Sec. 198. NRS 116A.460 is hereby amended to read as follows:

116A.460 The expiration or revocation of a certificate or permit by operation of law or by order or decision of any agency or court of competent jurisdiction, or the voluntary surrender of such a certificate or permit by the holder of the certificate or permit does not:

1. Prohibit the Commission or the Division from initiating or continuing an investigation of, or action or disciplinary proceeding against, the holder of the certificate or permit as authorized pursuant to the provisions of this chapter or chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** or the regulations adopted pursuant thereto; or

2. Prevent the imposition or collection of any fine or penalty authorized pursuant to the provisions of this chapter or chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** or the regulations adopted pursuant thereto against the holder of the certificate or permit.

Sec. 199. NRS 116A.900 is hereby amended to read as follows:

116A.900 1. In addition to any other remedy or penalty, the Commission may impose an administrative fine against any person who knowingly:

(a) Engages or offers to engage in any activity for which a certificate or permit is required pursuant to this chapter or chapter 116 of NRS, ***or sections 2 to 177, inclusive, of this act,*** or any regulation adopted pursuant thereto, if the person does not hold the required certificate or permit or has not been given the required authorization; or

(b) Assists or offers to assist another person to commit a violation described in paragraph (a).

2. If the Commission imposes an administrative fine against a person pursuant to this section, the amount of the administrative fine may not exceed the amount of any gain or economic benefit that the person derived from the violation or $5,000, whichever amount is greater.

3. In determining the appropriate amount of the administrative fine, the Commission shall consider:

(a) The severity of the violation and the degree of any harm that the violation caused to other persons;

(b) The nature and amount of any gain or economic benefit that the person derived from the violation;

(c) The person's history or record of other violations; and

(d) Any other facts or circumstances that the Commission deems to be relevant.

4. Before the Commission may impose the administrative fine, the Commission must provide the person with notice and an opportunity to be heard.

5. The person is entitled to judicial review of the decision of the Commission in the manner provided by chapter 233B of NRS.

6. The provisions of this section do not apply to a person who engages or offers to engage in activities within the purview of this chapter or chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** if:

(a) A specific statute exempts the person from complying with the provisions of this chapter or chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** with regard to those activities; and

(b) The person is acting in accordance with the exemption while engaging or offering to engage in those activities.

Sec. 200. NRS 37.0097 is hereby amended to read as follows:

37.0097 1. A unit-owners' association may not exercise the power of eminent domain pursuant to the provisions of this chapter.

2. As used in this section, "unit-owners' association" has the meaning ascribed to it in NRS 116.011 ~~[.]~~ ***or section 7 of this act.***

Sec. 201. NRS 38.300 is hereby amended to read as follows:

38.300 As used in NRS 38.300 to 38.360, inclusive, unless the context otherwise requires:

1. "Assessments" means:

(a) Any charge which an association may impose against an owner of residential property pursuant to a declaration of covenants, conditions and restrictions, including any late charges, interest and costs of collecting the charges; and

(b) Any penalties, fines, fees and other charges which may be imposed by an association pursuant to paragraphs (j) to (n), inclusive, of subsection 1 of NRS 116.3102 ~~[.]~~ ***or subsections 10, 11 and 12 of section 83 of this act.***

2. "Association" has the meaning ascribed to it in NRS 116.011 ~~[.]~~ ***or section 7 of this act.***

3. "Civil action" includes an action for money damages or equitable relief. The term does not include an action in equity for injunctive relief in which there is an immediate threat of irreparable harm, or an action relating to the title to residential property.

4. "Division" means the Real Estate Division of the Department of Business and Industry.

5. "Residential property" includes, but is not limited to, real estate within a planned community subject to the provisions of chapter 116 of NRS ~~[.]~~ ***or real estate within a condominium hotel subject to the provisions of sections 2 to 177, inclusive, of this act.*** The term does not include commercial property if no portion thereof contains property which is used for residential purposes.

Sec. 202. NRS 38.310 is hereby amended to read as follows:

38.310 1. No civil action based upon a claim relating to:

(a) The interpretation, application or enforcement of any covenants, conditions or restrictions applicable to residential property or any bylaws, rules or regulations adopted by an association; or

(b) The procedures used for increasing, decreasing or imposing additional assessments upon residential property,

➥ may be commenced in any court in this state unless the action has been submitted to mediation or arbitration pursuant to the provisions of NRS 38.300 to 38.360, inclusive, and, if the civil action concerns real estate within a planned community subject to the provisions of chapter 116 of NRS ~~[.]~~ ***or real estate within a condominium hotel subject to the provisions of sections 2 to 177, inclusive, of this act,*** all administrative procedures specified in any covenants, conditions or restrictions applicable to the property or in any bylaws, rules and regulations of an association have been exhausted.

2. A court shall dismiss any civil action which is commenced in violation of the provisions of subsection 1.

Sec. 203. NRS 38.330 is hereby amended to read as follows:

38.330 1. If all parties named in a written claim filed pursuant to NRS 38.320 agree to have the claim submitted for mediation, the parties shall reduce the agreement to writing and shall select a mediator from the list of mediators maintained by the Division pursuant to NRS 38.340. Any mediator selected must be available within the geographic area. If the parties fail to agree upon a mediator, the Division shall appoint a mediator from the list of mediators maintained by the Division. Any mediator appointed must be available within the geographic area. Unless otherwise provided by an agreement of the parties, mediation must be completed within 60 days after the parties agree to mediation. Any agreement obtained through mediation conducted pursuant to this section must, within 20 days after the conclusion of mediation, be reduced to writing by the mediator and a copy thereof provided to each party. The agreement may be enforced as any other written agreement. Except as otherwise provided in this section, the parties are responsible for all costs of mediation conducted pursuant to this section.

2. If all the parties named in the claim do not agree to mediation, the parties shall select an arbitrator from the list of arbitrators maintained by the Division pursuant to NRS 38.340. Any arbitrator selected must be available within the geographic area. If the parties fail to agree upon an arbitrator, the Division shall appoint an arbitrator from the list maintained by the Division. Any arbitrator appointed must be available within the geographic area. Upon appointing an arbitrator, the Division shall provide the name of the arbitrator to each party.

3. The Division may provide for the payment of the fees for a mediator or an arbitrator selected or appointed pursuant to this section from the Account for Common-Interest Communities ***and Condominium Hotels*** created by NRS 116.630, to the extent that:

(a) The Commission for Common-Interest Communities ***and Condominium Hotels*** approves the payment; and

(b) There is money available in the account for this purpose.

4. Except as otherwise provided in this section and except where inconsistent with the provisions of NRS 38.300 to 38.360, inclusive, the

arbitration of a claim pursuant to this section must be conducted in accordance with the provisions of NRS 38.231, 38.232, 38.233, 38.236 to 38.239, inclusive, 38.242 and 38.243. At any time during the arbitration of a claim relating to the interpretation, application or enforcement of any covenants, conditions or restrictions applicable to residential property or any bylaws, rules or regulations adopted by an association, the arbitrator may issue an order prohibiting the action upon which the claim is based. An award must be made within 30 days after the conclusion of arbitration, unless a shorter period is agreed upon by the parties to the arbitration.

5. If all the parties have agreed to nonbinding arbitration, any party to the arbitration may, within 30 days after a decision and award have been served upon the parties, commence a civil action in the proper court concerning the claim which was submitted for arbitration. Any complaint filed in such an action must contain a sworn statement indicating that the issues addressed in the complaint have been arbitrated pursuant to the provisions of NRS 38.300 to 38.360, inclusive. If such an action is not commenced within that period, any party to the arbitration may, within 1 year after the service of the award, apply to the proper court for a confirmation of the award pursuant to NRS 38.239.

6. If all the parties agree in writing to binding arbitration, the arbitration must be conducted in accordance with the provisions of this chapter. An award procured pursuant to such arbitration may be vacated and a rehearing granted upon application of a party pursuant to the provisions of NRS 38.241.

7. If, after the conclusion of arbitration, a party:

(a) Applies to have an award vacated and a rehearing granted pursuant to NRS 38.241; or

(b) Commences a civil action based upon any claim which was the subject of arbitration,

➥ the party shall, if he fails to obtain a more favorable award or judgment than that which was obtained in the initial arbitration, pay all costs and reasonable attorney's fees incurred by the opposing party after the application for a rehearing was made or after the complaint in the civil action was filed.

8. Upon request by a party, the Division shall provide a statement to the party indicating the amount of the fees for a mediator or an arbitrator selected or appointed pursuant to this section.

9. As used in this section, "geographic area" means an area within 150 miles from any residential property or association which is the subject of a written claim submitted pursuant to NRS 38.320.

Sec. 204. NRS 78.045 is hereby amended to read as follows:

78.045 1. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed pursuant to the laws of this State which provides that the name of the corporation contains the word "bank" or "trust," unless:

(a) It appears from the articles or the certificate of amendment that the corporation proposes to carry on business as a banking or trust company, exclusively or in connection with its business as a bank, savings and loan association or thrift company; and

(b) The articles or certificate of amendment is first approved by the Commissioner of Financial Institutions.

2. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed pursuant to the provisions of this chapter if it appears from the articles or the certificate of amendment that the business to be carried on by the corporation is subject to supervision by the Commissioner of Insurance or by the Commissioner of Financial Institutions, unless the articles or certificate of amendment is approved by the Commissioner who will supervise the business of the corporation.

3. Except as otherwise provided in subsection 6, the Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed pursuant to the laws of this State if the name of the corporation contains the words "engineer," "engineered," "engineering," "professional engineer," "registered engineer" or "licensed engineer" unless:

(a) The State Board of Professional Engineers and Land Surveyors certifies that the principals of the corporation are licensed to practice engineering pursuant to the laws of this State; or

(b) The State Board of Professional Engineers and Land Surveyors certifies that the corporation is exempt from the prohibitions of NRS 625.520.

4. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed pursuant to the laws of this State which provides that the name of the corporation contains the word "accountant," "accounting," "accountancy," "auditor" or "auditing" unless the Nevada State Board of Accountancy certifies that the corporation:

(a) Is registered pursuant to the provisions of chapter 628 of NRS; or

(b) Has filed with the Nevada State Board of Accountancy under penalty of perjury a written statement that the corporation is not engaged in the practice of accounting and is not offering to practice accounting in this State.

5. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed or existing pursuant to the laws of this State which provides that the name of the corporation contains the words "common-interest community," "community association," "master association," "unit-owners' association" or "homeowners' association" or if it appears in the articles of incorporation or certificate of amendment that the purpose of the corporation is to operate as a unit-owners' association pursuant to chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** unless the

Administrator of the Real Estate Division of the Department of Business and Industry certifies that the corporation has:

(a) Registered with the Ombudsman for Owners in Common-Interest Communities ***and Condominium Hotels*** pursuant to NRS 116.31158 ~~[,]~~ ***or section 121 of this act;*** and

(b) Paid to the Administrator of the Real Estate Division the fees required pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act.***

6. The provisions of subsection 3 do not apply to any corporation, whose securities are publicly traded and regulated by the Securities Exchange Act of 1934, which does not engage in the practice of professional engineering.

7. The Commissioner of Financial Institutions and the Commissioner of Insurance may approve or disapprove the articles or amendments referred to them pursuant to the provisions of this section.

Sec. 205. NRS 78.170 is hereby amended to read as follows:

78.170 1. Each corporation which is required to make a filing and pay the fee prescribed in NRS 78.150 to 78.185, inclusive, and which refuses or neglects to do so within the time provided shall be deemed in default.

2. Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a corporation which is a unit-owners' association as defined in NRS 116.011 ***or section 7 of this act*** has failed to register pursuant to NRS 116.31158 ***or section 121 of this act*** or failed to pay the fees pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act,*** the Secretary of State shall deem the corporation to be in default. If, after the corporation is deemed to be in default, the Administrator notifies the Secretary of State that the corporation has registered pursuant to NRS 116.31158 ***or section 121 of this act*** and paid the fees pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act,*** the Secretary of State shall reinstate the corporation if the corporation complies with the requirements for reinstatement as provided in this section and NRS 78.180 and 78.185.

3. For default there must be added to the amount of the fee a penalty of $75. The fee and penalty must be collected as provided in this chapter.

Sec. 206. NRS 81.055 is hereby amended to read as follows:

81.055 1. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed under the provisions of NRS 81.010 to 81.160, inclusive, which provides that the name of the corporation contains the words "common-interest community," "community association," "master association," "unit-owners' association" or "homeowners' association" or if it appears in the articles of incorporation or certificate of amendment of articles of incorporation that the purpose of the corporation is to operate as a unit-owners' association pursuant to chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** unless the Administrator of the Real Estate Division of the Department of Business and Industry certifies that the corporation has:

(a) Registered with the Ombudsman for Owners in Common-Interest Communities ***and Condominium Hotels*** pursuant to NRS 116.31158 ~~[,]~~ ***or section 121 of this act;*** and

(b) Paid to the Administrator of the Real Estate Division the fees required pursuant to NRS 116.31155 ~~[,]~~ ***and section 120 of this act.***

2. Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a corporation which is a unit-owners' association as defined in NRS 116.011 ***or section 7 of this act*** has failed to register pursuant to NRS 116.31158 ***or section 121 of this act*** or failed to pay the fees pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act,*** the Secretary of State shall deem the corporation to be in default. If, after the corporation is deemed to be in default, the Administrator notifies the Secretary of State that the corporation has registered pursuant to NRS 116.31158 ***or section 121 of this act*** and paid the fees pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act,*** the Secretary of State shall reinstate the corporation if the corporation complies with the requirements for reinstatement as provided in this section and NRS 78.180 and 78.185.

Sec. 207. NRS 81.205 is hereby amended to read as follows:

81.205 1. The Secretary of State shall not accept for filing any articles of association or any certificate of amendment of articles of association of any association formed under the provisions of NRS 81.170 to 81.270, inclusive, which provides that the name of the association contains the words "common-interest community," "community association," "master association," "unit-owners' association" or "homeowners' association" or if it appears in the articles of association or certificate of amendment of articles of association that the purpose of the association is to operate as a unit-owners' association pursuant to chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** unless the Administrator of the Real Estate Division of the Department of Business and Industry certifies that the association has:

(a) Registered with the Ombudsman for Owners in Common-Interest Communities ***and Condominium Hotels*** pursuant to NRS 116.31158 ~~[,]~~ ***or section 121 of this act;*** and

(b) Paid to the Administrator of the Real Estate Division the fees required pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act.***

2. Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that an association which is a unit-owners' association as defined in NRS 116.011 ***or section 7 of this act*** has failed to register pursuant to NRS 116.31158 ***or section 121 of this act*** or failed to pay the fees pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act,*** the Secretary of State shall deem the association to be in default. If, after the association is deemed to be in default, the Administrator notifies the Secretary of State that the association has registered pursuant to NRS 116.31158 ***or section 121 of this act*** and paid the fees pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act,*** the Secretary of State shall reinstate the association if the association complies with the requirements for

reinstatement as provided in this section and NRS 78.180 and 78.185 and pays the fees required pursuant to NRS 82.193.

Sec. 208. NRS 81.445 is hereby amended to read as follows:

81.445 1. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed under the provisions of NRS 81.410 to 81.540, inclusive, which provides that the name of the corporation contains the words "common-interest community," "community association," "master association," "unit-owners' association" or "homeowners' association" or if it appears in the articles of incorporation or certificate of amendment of articles of incorporation that the purpose of the corporation is to operate as a unit-owners' association pursuant to chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** unless the Administrator of the Real Estate Division of the Department of Business and Industry certifies that the corporation has:

(a) Registered with the Ombudsman for Owners in Common-Interest Communities ***and Condominium Hotels*** pursuant to NRS 116.31158 ~~[,]~~ ***or section 121 of this act;*** and

(b) Paid to the Administrator of the Real Estate Division the fees required pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act.***

2. Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a corporation which is a unit-owners' association as defined in NRS 116.011 ***or section 7 of this act*** has failed to register pursuant to NRS 116.31158 ***or section 121 of this act*** or failed to pay the fees pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act,*** the Secretary of State shall deem the corporation to be in default. If, after the corporation is deemed to be in default, the Administrator notifies the Secretary of State that the corporation has registered pursuant to NRS 116.31158 ***or section 121 of this act*** and paid the fees pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act,*** the Secretary of State shall reinstate the corporation if the corporation complies with the requirements for reinstatement as provided in this section and NRS 78.180 and 78.185 and pays the fees required pursuant to NRS 82.193.

Sec. 209. NRS 82.106 is hereby amended to read as follows:

82.106 1. The Secretary of State shall not accept for filing pursuant to this chapter any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed or existing pursuant to this chapter if the name of the corporation contains the words "trust," "engineer," "engineered," "engineering," "professional engineer" or "licensed engineer."

2. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed or existing under this chapter when it appears from the articles or the certificate of amendment that the business to be carried on

by the corporation is subject to supervision by the Commissioner of Insurance.

3. The Secretary of State shall not accept for filing pursuant to this chapter any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed or existing pursuant to this chapter if the name of the corporation contains the word "accountant," "accounting," "accountancy," "auditor" or "auditing."

4. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed or existing pursuant to the laws of this State which provides that the name of the corporation contains the words "common-interest community," "community association," "master association," "unit-owners' association" or "homeowners' association" or if it appears in the articles of incorporation or certificate of amendment that the purpose of the corporation is to operate as a unit-owners' association pursuant to chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** unless the Administrator of the Real Estate Division of the Department of Business and Industry certifies that the corporation has:

(a) Registered with the Ombudsman for Owners in Common-Interest Communities ***and Condominium Hotels*** pursuant to NRS 116.31158 ~~[,]~~ ***or section 121 of this act;*** and

(b) Paid to the Administrator of the Real Estate Division the fees required pursuant to NRS 116.31155 ~~[.]~~ ***or section 120 of this act.***

Sec. 210. NRS 82.193 is hereby amended to read as follows:

82.193 1. A corporation shall have a resident agent in the manner provided in NRS 78.090, 78.095, 78.097 and 78.110. The resident agent and the corporation shall comply with the provisions of those sections.

2. Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a corporation which is a unit-owners' association as defined in NRS 116.011 ***or section 7 of this act*** has failed to register pursuant to NRS 116.31158 ***or section 121 of this act*** or failed to pay the fees pursuant to NRS 116.31155 ~~[.]~~ ***or section 120 of this act,*** the Secretary of State shall deem the corporation to be in default. If, after the corporation is deemed to be in default, the Administrator notifies the Secretary of State that the corporation has registered pursuant to NRS 116.31158 ***or section 121 of this act*** and paid the fees pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act,*** the Secretary of State shall reinstate the corporation if the corporation complies with the requirements for reinstatement as provided in this section and NRS 78.180 and 78.185.

3. A corporation is subject to the provisions of NRS 78.150 to 78.185, inclusive, except that:

(a) The fee for filing a list is $25;

(b) The penalty added for default is $50; and

(c) The fee for reinstatement is $100.

Sec. 211. NRS 86.171 is hereby amended to read as follows:

86.171 1. The name of a limited-liability company formed under the provisions of this chapter must contain the words "Limited-Liability Company," "Limited Liability Company," "Limited Company," or "Limited" or the abbreviations "Ltd.," "L.L.C.," "L.C.," "LLC" or "LC." The word "Company" may be abbreviated as "Co."

2. The name proposed for a limited-liability company must be distinguishable on the records of the Secretary of State from the names of all other artificial persons formed, organized, registered or qualified pursuant to the provisions of this title that are on file in the Office of the Secretary of State and all names that are reserved in the Office of the Secretary of State pursuant to the provisions of this title. If a proposed name is not so distinguishable, the Secretary of State shall return the articles of organization to the organizer, unless the written, acknowledged consent of the holder of the name on file or reserved name to use the same name or the requested similar name accompanies the articles of organization.

3. For the purposes of this section and NRS 86.176, a proposed name is not distinguishable from a name on file or reserved name solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination thereof.

4. The name of a limited-liability company whose charter has been revoked, which has merged and is not the surviving entity or whose existence has otherwise terminated is available for use by any other artificial person.

5. The Secretary of State shall not accept for filing any articles of organization for any limited-liability company if the name of the limited-liability company contains the word "accountant," "accounting," "accountancy," "auditor" or "auditing" unless the Nevada State Board of Accountancy certifies that the limited-liability company:

(a) Is registered pursuant to the provisions of chapter 628 of NRS; or

(b) Has filed with the Nevada State Board of Accountancy under penalty of perjury a written statement that the limited-liability company is not engaged in the practice of accounting and is not offering to practice accounting in this State.

6. The Secretary of State shall not accept for filing any articles of organization or certificate of amendment of articles of organization of any limited-liability company formed or existing pursuant to the laws of this State which provides that the name of the limited-liability company contains the word "bank" or "trust" unless:

(a) It appears from the articles of organization or the certificate of amendment that the limited-liability company proposes to carry on business as a banking or trust company, exclusively or in connection with its business as a bank, savings and loan association or thrift company; and

(b) The articles of organization or certificate of amendment is first approved by the Commissioner of Financial Institutions.

7. The Secretary of State shall not accept for filing any articles of organization or certificate of amendment of articles of organization of any

limited-liability company formed or existing pursuant to the provisions of this chapter if it appears from the articles or the certificate of amendment that the business to be carried on by the limited-liability company is subject to supervision by the Commissioner of Insurance or by the Commissioner of Financial Institutions unless the articles or certificate of amendment is approved by the Commissioner who will supervise the business of the limited-liability company.

8. Except as otherwise provided in subsection 7, the Secretary of State shall not accept for filing any articles of organization or certificate of amendment of articles of organization of any limited-liability company formed or existing pursuant to the laws of this State which provides that the name of the limited-liability company contains the words "engineer," "engineered," "engineering," "professional engineer," "registered engineer" or "licensed engineer" unless:

(a) The State Board of Professional Engineers and Land Surveyors certifies that the principals of the limited-liability company are licensed to practice engineering pursuant to the laws of this State; or

(b) The State Board of Professional Engineers and Land Surveyors certifies that the limited-liability company is exempt from the prohibitions of NRS 625.520.

9. The Secretary of State shall not accept for filing any articles of organization or certificate of amendment of articles of organization of any limited-liability company formed or existing pursuant to the laws of this State which provides that the name of the limited-liability company contains the words "common-interest community," "community association," "master association," "unit-owners' association" or "homeowners' association" or if it appears in the articles of organization or certificate of amendment of articles of organization that the purpose of the limited-liability company is to operate as a unit-owners' association pursuant to chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** unless the Administrator of the Real Estate Division of the Department of Business and Industry certifies that the limited-liability company has:

(a) Registered with the Ombudsman for Owners in Common-Interest Communities ***and Condominium Hotels*** pursuant to NRS 116.31158 ~~[,]~~ ***or section 121 of this act;*** and

(b) Paid to the Administrator of the Real Estate Division the fees required pursuant to NRS 116.31155 ~~[.]~~ ***or section 120 of this act.***

10. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 212. NRS 86.272 is hereby amended to read as follows:

86.272 1. Each limited-liability company which is required to make a filing and pay the fee prescribed in NRS 86.263 and 86.264 and which refuses or neglects to do so within the time provided is in default.

2. Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a limited-liability company

which is a unit-owners' association as defined in NRS 116.011 ***or section 7 of this act*** has failed to register pursuant to NRS 116.31158 ***or section 121 of this act*** or failed to pay the fees pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act,*** the Secretary of State shall deem the limited-liability company to be in default. If, after the limited-liability company is deemed to be in default, the Administrator notifies the Secretary of State that the limited-liability company has registered pursuant to NRS 116.31158 ***or section 121 of this act*** and paid the fees pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act,*** the Secretary of State shall reinstate the limited-liability company if the limited-liability company complies with the requirements for reinstatement as provided in this section and NRS 86.276.

3. For default there must be added to the amount of the fee a penalty of $75. The fee and penalty must be collected as provided in this chapter.

Sec. 213. NRS 87.450 is hereby amended to read as follows:

87.450 1. The name proposed for a registered limited-liability partnership must contain the words "Limited-Liability Partnership" or "Registered Limited-Liability Partnership" or the abbreviation "L.L.P." or "LLP" as the last words or letters of the name and must be distinguishable on the records of the Secretary of State from the names of all other artificial persons formed, organized, registered or qualified pursuant to the provisions of this title that are on file in the Office of the Secretary of State and all names that are reserved in the Office of the Secretary of State pursuant to the provisions of this title. If the name of the registered limited-liability partnership on a certificate of registration of limited-liability partnership submitted to the Secretary of State is not distinguishable from a name on file or reserved name, the Secretary of State shall return the certificate to the person who signed it unless the written, acknowledged consent of the holder of the name on file or reserved name to use the name accompanies the certificate.

2. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved name solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination thereof.

3. The Secretary of State shall not accept for filing any certificate of registration or certificate of amendment of a certificate of registration of any registered limited-liability partnership formed or existing pursuant to the laws of this State which provides that the name of the registered limited-liability partnership contains the word "accountant," "accounting," "accountancy," "auditor" or "auditing" unless the Nevada State Board of Accountancy certifies that the registered limited-liability partnership:

(a) Is registered pursuant to the provisions of chapter 628 of NRS; or

(b) Has filed with the Nevada State Board of Accountancy under penalty of perjury a written statement that the registered limited-liability partnership is not engaged in the practice of accounting and is not offering to practice accounting in this State.

4. The Secretary of State shall not accept for filing any certificate of registration or certificate of amendment of a certificate of registration of any registered limited-liability partnership formed or existing pursuant to the laws of this State which provides that the name of the registered limited-liability partnership contains the word "bank" or "trust" unless:

(a) It appears from the certificate of registration or the certificate of amendment that the registered limited-liability partnership proposes to carry on business as a banking or trust company, exclusively or in connection with its business as a bank, savings and loan association or thrift company; and

(b) The certificate of registration or certificate of amendment is first approved by the Commissioner of Financial Institutions.

5. The Secretary of State shall not accept for filing any certificate of registration or certificate of amendment of a certificate of registration of any registered limited-liability partnership formed or existing pursuant to the provisions of this chapter if it appears from the certificate of registration or the certificate of amendment that the business to be carried on by the registered limited-liability partnership is subject to supervision by the Commissioner of Insurance or by the Commissioner of Financial Institutions, unless the certificate of registration or certificate of amendment is approved by the Commissioner who will supervise the business of the registered limited-liability partnership.

6. Except as otherwise provided in subsection 5, the Secretary of State shall not accept for filing any certificate of registration or certificate of amendment of a certificate of registration of any registered limited-liability partnership formed or existing pursuant to the laws of this State which provides that the name of the registered limited-liability partnership contains the words "engineer," "engineered," "engineering," "professional engineer," "registered engineer" or "licensed engineer" unless:

(a) The State Board of Professional Engineers and Land Surveyors certifies that the principals of the registered limited-liability partnership are licensed to practice engineering pursuant to the laws of this State; or

(b) The State Board of Professional Engineers and Land Surveyors certifies that the registered limited-liability partnership is exempt from the prohibitions of NRS 625.520.

7. The Secretary of State shall not accept for filing any certificate of registration or certificate of amendment of a certificate of registration of any registered limited-liability partnership formed or existing pursuant to the laws of this State which provides that the name of the registered limited-liability partnership contains the words "common-interest community," "community association," "master association," "unit-owners' association" or "homeowners' association" or if it appears in the certificate of registration or certificate of amendment that the purpose of the registered limited-liability partnership is to operate as a unit-owners' association pursuant to chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** unless the

Administrator of the Real Estate Division of the Department of Business and Industry certifies that the registered limited-liability partnership has:

(a) Registered with the Ombudsman for Owners in Common-Interest Communities ***and Condominium Hotels*** pursuant to NRS 116.31158 ~~[,]~~ ***or section 121 of this act;*** and

(b) Paid to the Administrator of the Real Estate Division the fees required pursuant to NRS 116.31155 ~~[.]~~ ***or section 120 of this act.***

8. The name of a registered limited-liability partnership whose right to transact business has been forfeited, which has merged and is not the surviving entity or whose existence has otherwise terminated is available for use by any other artificial person.

9. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 214. NRS 87.520 is hereby amended to read as follows:

87.520 1. A registered limited-liability partnership that fails to comply with the provisions of NRS 87.510 is in default.

2. Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a registered limited-liability partnership which is a unit-owners' association as defined in NRS 116.011 ***or section 7 of this act*** has failed to register pursuant to NRS 116.31158 ***or section 121 of this act*** or failed to pay the fees pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act,*** the Secretary of State shall deem the registered limited-liability partnership to be in default. If, after the registered limited-liability partnership is deemed to be in default, the Administrator notifies the Secretary of State that the registered limited-liability partnership has registered pursuant to NRS 116.31158 ***or section 121 of this act*** and paid the fees pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act,*** the Secretary of State shall reinstate the registered limited-liability partnership if the registered limited-liability partnership complies with the requirements for reinstatement as provided in this section and NRS 87.530.

3. Any registered limited-liability partnership that is in default pursuant to this section must, in addition to the fee required to be paid pursuant to NRS 87.510, pay a penalty of $75.

4. The Secretary of State shall provide written notice to the resident agent of any registered limited-liability partnership that is in default. The written notice:

(a) Must include the amount of any payment that is due from the registered limited-liability partnership.

(b) At the request of the resident agent, may be provided electronically.

5. If a registered limited-liability partnership fails to pay the amount that is due, the certificate of registration of the registered limited-liability partnership shall be deemed revoked immediately after the last day of the month in which the anniversary date of the filing of the certificate of registration occurs, and the Secretary of State shall notify the registered limited-liability partnership, by providing written notice to its resident agent

or, if the registered limited-liability partnership does not have a resident agent, to a managing partner, that its certificate of registration is revoked. The written notice:

(a) Must include the amount of any fees and penalties incurred that are due.

(b) At the request of the resident agent or managing partner, may be provided electronically.

Sec. 215. NRS 88.320 is hereby amended to read as follows:

88.320 1. Except as otherwise provided in NRS 88.6065, the name proposed for a limited partnership as set forth in its certificate of limited partnership:

(a) Must contain the words "Limited Partnership," or the abbreviation "LP" or "L.P.";

(b) May not contain the name of a limited partner unless:

(1) It is also the name of a general partner or the corporate name of a corporate general partner; or

(2) The business of the limited partnership had been carried on under that name before the admission of that limited partner; and

(c) Must be distinguishable on the records of the Secretary of State from the names of all other artificial persons formed, organized, registered or qualified pursuant to the provisions of this title that are on file in the Office of the Secretary of State and all names that are reserved in the Office of the Secretary of State pursuant to the provisions of this title. If the name on the certificate of limited partnership submitted to the Secretary of State is not distinguishable from any name on file or reserved name, the Secretary of State shall return the certificate to the filer, unless the written, acknowledged consent to the use of the same or the requested similar name of the holder of the name on file or reserved name accompanies the certificate of limited partnership.

2. For the purposes of this section, a proposed name is not distinguished from a name on file or reserved name solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination thereof.

3. The Secretary of State shall not accept for filing any certificate of limited partnership for any limited partnership formed or existing pursuant to the laws of this State which provides that the name of the limited partnership contains the word "accountant," "accounting," "accountancy," "auditor" or "auditing" unless the Nevada State Board of Accountancy certifies that the limited partnership:

(a) Is registered pursuant to the provisions of chapter 628 of NRS; or

(b) Has filed with the Nevada State Board of Accountancy under penalty of perjury a written statement that the limited partnership is not engaged in the practice of accounting and is not offering to practice accounting in this State.

4. The Secretary of State shall not accept for filing any certificate of limited partnership for any limited partnership formed or existing pursuant to the laws of this State which provides that the name of the limited partnership contains the word "bank" or "trust" unless:

(a) It appears from the certificate of limited partnership that the limited partnership proposes to carry on business as a banking or trust company, exclusively or in connection with its business as a bank, savings and loan association or thrift company; and

(b) The certificate of limited partnership is first approved by the Commissioner of Financial Institutions.

5. The Secretary of State shall not accept for filing any certificate of limited partnership for any limited partnership formed or existing pursuant to the provisions of this chapter if it appears from the certificate of limited partnership that the business to be carried on by the limited partnership is subject to supervision by the Commissioner of Insurance or by the Commissioner of Financial Institutions, unless the certificate of limited partnership is approved by the Commissioner who will supervise the business of the limited partnership.

6. Except as otherwise provided in subsection 5, the Secretary of State shall not accept for filing any certificate of limited partnership for any limited partnership formed or existing pursuant to the laws of this State which provides that the name of the limited partnership contains the words "engineer," "engineered," "engineering," "professional engineer," "registered engineer" or "licensed engineer" unless:

(a) The State Board of Professional Engineers and Land Surveyors certifies that the principals of the limited partnership are licensed to practice engineering pursuant to the laws of this State; or

(b) The State Board of Professional Engineers and Land Surveyors certifies that the limited partnership is exempt from the prohibitions of NRS 625.520.

7. The Secretary of State shall not accept for filing any certificate of limited partnership for any limited partnership formed or existing pursuant to the laws of this State which provides that the name of the limited partnership contains the words "common-interest community," "community association," "master association," "unit-owners' association" or "homeowners' association" or if it appears in the certificate of limited partnership that the purpose of the limited partnership is to operate as a unit-owners' association pursuant to chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** unless the Administrator of the Real Estate Division of the Department of Business and Industry certifies that the limited partnership has:

(a) Registered with the Ombudsman for Owners in Common-Interest Communities ***and Condominium Hotels*** pursuant to NRS 116.31158 ~~[,]~~ ***or section 121 of this act;*** and

(b) Paid to the Administrator of the Real Estate Division the fees required pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act.***

8. The name of a limited partnership whose right to transact business has been forfeited, which has merged and is not the surviving entity or whose existence has otherwise terminated is available for use by any other artificial person.

9. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 216. NRS 88.400 is hereby amended to read as follows:

88.400 1. If a limited partnership has filed the list in compliance with NRS 88.395 and has paid the appropriate fee for the filing, the cancelled check or other proof of payment received by the limited partnership constitutes a certificate authorizing it to transact its business within this State until the anniversary date of the filing of its certificate of limited partnership in the next succeeding calendar year.

2. Each limited partnership which is required to make a filing and pay the fee prescribed in NRS 88.395 and 88.397 and which refuses or neglects to do so within the time provided is in default.

3. Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a limited partnership which is a unit-owners' association as defined in NRS 116.011 ***or section 7 of this act*** has failed to register pursuant to NRS 116.31158 ***or section 121 of this act*** or failed to pay the fees pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act,*** the Secretary of State shall deem the limited partnership to be in default. If, after the limited partnership is deemed to be in default, the Administrator notifies the Secretary of State that the limited partnership has registered pursuant to NRS 116.31158 ***or section 121 of this act*** and paid the fees pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act,*** the Secretary of State shall reinstate the limited partnership if the limited partnership complies with the requirements for reinstatement as provided in this section and NRS 88.410.

4. For default there must be added to the amount of the fee a penalty of $75, and unless the filings are made and the fee and penalty are paid on or before the first day of the first anniversary of the month following the month in which filing was required, the defaulting limited partnership, by reason of its default, forfeits its right to transact any business within this State.

Sec. 217. NRS 88.6065 is hereby amended to read as follows:

88.6065 1. The name proposed for a registered limited-liability limited partnership must contain the words "Limited-Liability Limited Partnership" or "Registered Limited-Liability Limited Partnership" or the abbreviation "L.L.L.P." or "LLLP" as the last words or letters of the name and must be distinguishable on the records of the Secretary of State from the names of all other artificial persons formed, organized, registered or qualified pursuant to the provisions of this title that are on file in the Office of the Secretary of State and all names that are reserved in the Office of the Secretary of State pursuant to the provisions of this title. If the name of the registered limited-liability limited partnership on a certificate of registration of limited-liability

limited partnership submitted to the Secretary of State is not distinguishable from any name on file or reserved name, the Secretary of State shall return the certificate to the person who signed it, unless the written, acknowledged consent to the same name of the holder of the name on file or reserved name to use the name accompanies the certificate.

2. The Secretary of State shall not accept for filing any certificate of registration or any certificate of amendment of a certificate of registration of any registered limited-liability limited partnership formed or existing pursuant to the laws of this State which provides that the name of the registered limited-liability limited partnership contains the words "common-interest community," "community association," "master association," "unit-owners' association" or "homeowners' association" or if it appears in the certificate of registration or certificate of amendment that the purpose of the registered limited-liability limited partnership is to operate as a unit-owners' association pursuant to chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** unless the Administrator of the Real Estate Division of the Department of Business and Industry certifies that the registered limited-liability limited partnership has:

(a) Registered with the Ombudsman for Owners in Common-Interest Communities ***and Condominium Hotels*** pursuant to NRS 116.31158 ~~[,]~~ ***or section 121 of this act;*** and

(b) Paid to the Administrator of the Real Estate Division the fees required pursuant to NRS 116.31155 ~~[.]~~ ***or section 120 of this act.***

3. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved name solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination thereof.

4. The name of a registered limited-liability limited partnership whose right to transact business has been forfeited, which has merged and is not the surviving entity or whose existence has otherwise terminated is available for use by any other artificial person.

5. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 218. NRS 645.240 is hereby amended to read as follows:

645.240 1. The provisions of this chapter do not apply to, and the terms "real estate broker" and "real estate salesman" do not include, any:

(a) Owner or lessor of property, or any regular employee of such a person, who performs any of the acts mentioned in NRS 645.030, 645.040, 645.230 and 645.260, with respect to the property in the regular course of or as an incident to the management of or investment in the property. For the purposes of this paragraph, "management" means activities which tend to preserve or increase the income from the property by preserving the physical desirability of the property or maintaining high standards of service to tenants. The term does not include sales activities.

(b) Employee of a real estate broker while engaged in the collection of rent for or on behalf of the broker.

(c) Person while performing the duties of a property manager for a property, if the person maintains an office on the property and does not engage in property management with regard to any other property.

(d) Person while performing the duties of a property manager for a common-interest community governed by the provisions of chapter 116 of NRS, ***an association of a condominium hotel governed by the provisions of sections 2 to 177, inclusive, of this act,*** a condominium project governed by the provisions of chapter 117 of NRS, a time share governed by the provisions of chapter 119A of NRS, or a planned unit development governed by the provisions of chapter 278A of NRS, if the person is a member in good standing of, and, if applicable, holds a current certificate, registration or other similar form of recognition from, a nationally recognized organization or association for persons managing such properties that has been approved by the Real Estate Division by regulation.

(e) Person while performing the duties of a property manager for property used for residential housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government.

2. Except as otherwise provided in NRS 645.606 to 645.6085, inclusive, the provisions of this chapter do not apply to:

(a) Any bank, thrift company, credit union, trust company, savings and loan association or any mortgage or farm loan association licensed under the laws of this State or of the United States, with reference to property it has acquired for development, for the convenient transaction of its business, or as a result of foreclosure of property encumbered in good faith as security for a loan or other obligation it has originated or holds.

(b) A corporation which, through its regular officers who receive no special compensation for it, performs any of those acts with reference to the property of the corporation.

(c) The services rendered by an attorney at law in the performance of his duties as an attorney at law.

(d) A receiver, trustee in bankruptcy, administrator or executor, or any other person doing any of the acts specified in NRS 645.030 under the jurisdiction of any court.

(e) A trustee acting under a trust agreement, deed of trust or will, or the regular salaried employees thereof.

(f) The purchase, sale or locating of mining claims or options thereon or interests therein.

(g) The State of Nevada or a political subdivision thereof.

Sec. 219. NRS 649.020 is hereby amended to read as follows:

649.020 1. "Collection agency" means all persons engaging, directly or indirectly, and as a primary or a secondary object, business or pursuit, in the

collection of or in soliciting or obtaining in any manner the payment of a claim owed or due or asserted to be owed or due to another.

2. "Collection agency" does not include any of the following unless they are conducting collection agencies:

(a) Individuals regularly employed on a regular wage or salary, in the capacity of credit men or in other similar capacity upon the staff of employees of any person not engaged in the business of a collection agency or making or attempting to make collections as an incident to the usual practices of their primary business or profession.

(b) Banks.

(c) Nonprofit cooperative associations.

(d) Unit-owners' associations and the board members, officers, employees and units' owners of those associations when acting under the authority of and in accordance with chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** and the governing documents of the association, except for those community managers included within the term "collection agency" pursuant to subsection 3.

(e) Abstract companies doing an escrow business.

(f) Duly licensed real estate brokers, except for those real estate brokers who are community managers included within the term "collection agency" pursuant to subsection 3.

(g) Attorneys and counselors at law licensed to practice in this State, so long as they are retained by their clients to collect or to solicit or obtain payment of such clients' claims in the usual course of the practice of their profession and the collection, solicitation or obtainment is incidental to the usual course of the practice of their profession.

3. "Collection agency":

(a) Includes a community manager while engaged in the management of a common-interest community ***or the management of an association of a condominium hotel*** if the community manager, or any employee, agent or affiliate of the community manager, performs or offers to perform any act associated with the foreclosure of a lien pursuant to NRS 116.31162 to 116.31168, inclusive ~~[,]~~ ***or sections 123 to 128, inclusive, of this act;*** and

(b) Does not include any other community manager while engaged in the management of a common-interest community ~~[.]~~ ***or the management of an association of a condominium hotel.***

4. As used in this section:

(a) "Community manager" has the meaning ascribed to it in NRS 116.023 ~~[.]~~ ***or section 11 of this act.***

(b) "Unit-owners' association" has the meaning ascribed to it in NRS 116.011 ~~[.]~~ ***or section 7 of this act.***

Sec. 220. **This act becomes effective on January 1, 2008.**

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 433.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 459.

AN ACT relating to meetings of public bodies; providing additional limitations on the authority of public bodies to close meetings; limiting the authority of the Nevada Tax Commission to close certain hearings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that meetings of public bodies be open to the public. (Chapter 241 of NRS) Exceptions to the general rule are allowed by specific statute. (NRS 241.020) Section 1 of this bill provides that if an exception is allowed by specific statute, the meeting may be closed only to the extent specified in the statute and requires that all other portions of the meeting be open and public. ~~[Section 2]~~ **Sections 2 and 3** of this bill ~~[limits]~~ **limit and clarify** a specific exception for the Nevada Tax Commission that allows closed hearings on appeals by taxpayers under certain circumstances. (NRS 360.247 ~~[)]~~ **, 372.750)**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies. ***A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute.*** Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate physically handicapped persons desiring to attend.

2. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

(a) The time, place and location of the meeting.

(b) A list of the locations where the notice has been posted.

(c) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items.

(3) A period devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically

included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).

(4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.

(5) If, during any portion of the meeting, the public body will consider whether to take administrative action against a person, the name of the person against whom administrative action may be taken.

3. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting; and

(b) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) If feasible for the public body and the requester has agreed to receive the public notice by electronic mail, transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

4. If a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 3. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

5. Upon any request, a public body shall provide, at no charge, at least one copy of:

(a) An agenda for a public meeting;

(b) A proposed ordinance or regulation which will be discussed at the public meeting; and

(c) Subject to the provisions of subsection 6, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

➥ As used in this subsection, "proprietary information" has the meaning ascribed to it in NRS 332.025.

6. A copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 5 must be:

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

➥ If the requester has agreed to receive the information and material set forth in subsection 5 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

7. A public body may provide the public notice, information and material required by this section by electronic mail. If a public body makes such notice, information and material available by electronic mail, the public body shall inquire of a person who requests the notice, information or material if the person will accept receipt by electronic mail. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or material required by this section to a person who has agreed to receive such notice, information or material by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

8. As used in this section, "emergency" means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

(a) Disasters caused by fire, flood, earthquake or other natural causes; or

(b) Any impairment of the health and safety of the public.

Sec. 2. NRS 360.247 is hereby amended to read as follows:

360.247 ***1.*** Except as otherwise provided in this section, any appeal to the Nevada Tax Commission which is taken by a taxpayer concerning his liability for tax must be heard during a session of the Commission which is open to the public. ~~[A]~~ ***Upon request by the taxpayer,*** ~~*[and for good cause shown,]*~~ ***a*** hearing on such an appeal may be closed to the public ~~[if the taxpayer requests that it be closed.]~~ ***to receive proprietary or confidential information.***

2. As soon as practicable after closing a hearing pursuant to subsection 1, the Nevada Tax Commission shall make a determination as to whether the material to be presented in the hearing is properly classified as

proprietary or confidential information. If the information is determined not to be proprietary or confidential, the Commission shall immediately open the hearing to the public. If the information is determined to be properly classified as proprietary or confidential information, the Commission shall proceed to gather the information in a manner that ensures that each member of the Commission has a reasonable and adequate opportunity to make any inquiries the member believes to be necessary and appropriate.

3. Upon completion of the information gathering portion of the hearing pursuant to subsection 2, the Nevada Tax Commission shall open the hearing to the public and begin deliberating in a manner that does not make public any proprietary or confidential information.

4. The Nevada Tax Commission shall adopt regulations which establish procedures:

(a) By which a taxpayer may request a closed hearing;

(b) By which the Commission may determine during a closed hearing whether information is appropriately classified as proprietary or confidential information; and

(c) For the manner in which the Commission may deliberate and vote on an appeal in an open meeting without making any proprietary or confidential information public.

5. If the Nevada Tax Commission closes [the] a hearing to receive [such] information, all deliberations must be conducted and all decisions with respect to the appeal must be made in an open and public hearing. The Commission must , at a minimum, provide at the public hearing sufficient information for the public to understand the basis and rationale for the decision of the Commission [.] , including, without limitation:

(a) The name of the taxpayer;

(b) The amount of the taxpayer's liability, including interest and penalties;

(c) The type of tax at issue; and

(d) The general nature of the evidence relied upon by the Commission in reaching its decision.

[2.] 6. A member of the Nevada Tax Commission or an officer, agent or employee of the Department is not subject to any criminal penalty or civil liability for the inadvertent publication of proprietary or confidential information disclosed during a hearing conducted pursuant to this section.

7. [Except as otherwise provided in this subsection, as] As used in this section, "proprietary or confidential information" : [means:]

(a) Means:

(1) Any trade secret or confidential [business] economic information that is submitted to the Nevada Tax Commission by the taxpayer and designated as proprietary or confidential by the Commission; or

~~[(b)]~~ ***(2) Any information declared by specific statute to be confidential or that the Commission is prohibited from making public by specific statute.***

(b) Does not include any information that has been published for public distribution or is otherwise generally available to the public or in the public domain.

➥ ***As used in this subsection, "confidential*** ~~*[business]*~~ ***economic information" means any information that is not generally known to the public, that confers an economic benefit to the holder specifically because it is not known and that is the subject of reasonable efforts to maintain its secrecy, including, without limitation, information relating to the amount or source of any income, profits, losses or expenditures of the taxpayer, including data relating to costs, prices or the customers of the taxpayer.*** ~~*[The term "proprietary or confidential information" does not include any information that is included on a website, has been published for public distribution or is otherwise available to the public or in the public domain.]*~~

Sec. 3. **NRS 372.750 is hereby amended to read as follows:**

372.750 1. Except as otherwise provided in this section ~~[,]~~ ***or NRS 360.247,*** it is a misdemeanor for any member of the Tax Commission or officer, agent or employee of the Department to make known in any manner whatever the business affairs, operations or information obtained by an investigation of records and equipment of any retailer or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular of them, set forth or disclosed in any return, or to permit any return or copy of a return, or any book containing any abstract or particulars of it to be seen or examined by any person not connected with the Department.

2. The Tax Commission may agree with any county fair and recreation board or the governing body of any county, city or town for the continuing exchange of information concerning taxpayers.

3. The Governor may, by general or special order, authorize the examination of the records maintained by the Department under this chapter by other state officers, by tax officers of another state, by the Federal Government, if a reciprocal arrangement exists, or by any other person. The information so obtained may not be made public except to the extent and in the manner that the order may authorize that it be made public.

4. Upon written request made by a public officer of a local government, the Executive Director shall furnish from the records of the Department, the name and address of the owner of any seller or retailer who must file a return with the Department. The request must set forth the social security number of the owner of the seller or retailer about which the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. The information obtained by the local government is confidential and may not be used or

disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Executive Director may charge a reasonable fee for the cost of providing the requested information.

5. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, may be given information as to the items included in the measure and amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties.

6. Relevant information ***that the Tax Commission has determined is not proprietary or confidential information in a hearing conducted pursuant to NRS 360.247*** may be disclosed as evidence in an appeal by the taxpayer from a determination of tax due.

7. At any time after a determination, decision or order of the Executive Director or other officer of the Department imposing upon a person a penalty for fraud or intent to evade the tax imposed by this chapter on the sale, storage, use or other consumption of any vehicle, vessel or aircraft becomes final or is affirmed by the Commission, any member of the Commission or officer, agent or employee of the Department may publicly disclose the identity of that person and the amount of tax assessed and penalties imposed against him.

~~[Sec. 3.]~~ ***Sec. 4.*** This act becomes effective on July 1, 2007.

Assemblywoman McClain moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 440.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 473.

AN ACT relating to financial transactions; prohibiting a person from engaging in certain conduct with the intent to defraud a participant in a mortgage lending transaction; prohibiting certain conduct by a foreclosure consultant; providing an administrative penalty for certain conduct by a foreclosure consultant; providing a civil cause of action against a foreclosure consultant under certain circumstances; **prohibiting a foreclosure purchaser from engaging in certain fraudulent conduct;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, it is an unfair lending practice for a lender to knowingly or intentionally make a home loan to a borrower based solely on the borrower's equity in the home property and without determining that the borrower has the ability to repay the home loan from income or other assets. (NRS 598D.100) Section 2 of this bill clarifies that the provision applies to a low-document, no-document or stated-document home loan if the loan is

made based solely on the borrower's equity in the property or without determining the borrower's ability to repay the loan.

Section 3 of this bill establishes the crime of mortgage lending fraud, which is a category C felony. Section 3 also provides that a person who engages in a pattern of mortgage lending fraud is guilty of a category B felony. **Furthermore, under section 3, if a lender commits mortgage lending fraud, the borrower may rescind the transaction within 2 years after the transaction has been completed.** Chapters 645B and 645E of NRS govern mortgage brokers and mortgage agents and mortgage bankers, respectively.

~~[Sections 4 and 5 of this bill provide that if a person violates any provision of chapter 645B or 645E of NRS or any regulation adopted pursuant thereto, any loan relating to that violation is void and the violation is not entitled to any profit from the loan.]~~

Sections 7-20 of this bill establish specific rights and duties concerning foreclosure consultants and foreclosure purchasers. Section 9 defines a foreclosure consultant as a person who promises to perform, for compensation, various services for a homeowner whose residence is in foreclosure that the foreclosure consultant represents will assist the homeowner to, for example, postpone or prevent a foreclosure sale, obtain an extension of time to repay his mortgage loan, obtain an alternative loan or mortgage, file documents with a bankruptcy court or repair the homeowner's credit after foreclosure. Section 16 prohibits a foreclosure consultant from claiming or receiving any compensation from a homeowner until after the consultant has fully performed all the services he promised to perform and prohibits other conduct relating to his compensation. Section 16 also prohibits a foreclosure consultant from acquiring any interest in the residence of the homeowner. Section 17 authorizes the Commissioner of Mortgage Lending to impose an administrative penalty of not more than $10,000 on a foreclosure consultant who violates any provision of section 16. Section 18 creates a civil cause of action against a foreclosure consultant for a homeowner who is injured as a result of a foreclosure consultant's violation of any provision of section 16. If the homeowner prevails in his action against the foreclosure consultant, the court may award him his actual damages, punitive damages of at least 1 1/2 times his actual damages, his attorney's fees and costs of bringing the action.

Section 10 of this bill defines a foreclosure purchaser as a person who engages in the business of acquiring residences that are in foreclosure from their owners. Section 19 of this bill provides that a foreclosure purchaser who engages in conduct that defrauds or deceives a homeowner whose residence is in foreclosure is guilty of a gross misdemeanor. **Section 19.5 of this bill provides that if a foreclosure purchaser engages in conduct that defrauds or deceives a homeowner whose residence is in foreclosure, the homeowner may rescind the transaction in which the foreclosure purchaser acquired the residence of the homeowner. Section 19.5 further**

provides the procedures a homeowner must follow to rescind the transaction and prevents a homeowner from rescinding a transaction if the foreclosure purchaser has transferred an interest in the property to a bona fide purchaser.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 598D.040 is hereby amended to read as follows:

598D.040 "Home loan" means a consumer credit transaction that ~~[1. Is]~~ ***is*** secured by a mortgage loan which involves real property located within this State ~~*[.]*~~ ~~[; and~~

~~2. Constitutes]~~ ***and includes, without limitation, a consumer credit transaction that constitutes*** a mortgage under § 152 of the Home Ownership and Equity Protection Act of 1994, 15 U.S.C. § 1602(aa), and the regulations adopted by the Board of Governors of the Federal Reserve System pursuant thereto, including, without limitation, 12 C.F.R. § 226.32.

Sec. 2. NRS 598D.100 is hereby amended to read as follows:

598D.100 1. It is an unfair lending practice for a lender to:

(a) Require a borrower, as a condition of obtaining or maintaining a home loan secured by home property, to provide property insurance on improvements to home property in an amount that exceeds the reasonable replacement value of the improvements.

(b) Knowingly or intentionally make a home loan to a borrower ~~[based]~~ ***, including, without limitation, a low-document home loan, no-document home loan or stated-document home loan:***

(1) Based solely upon the equity of the borrower in the home property ~~[and without]~~ ***; or***

(2) Without determining ~~*[or verifying]*~~ that the borrower has the ability to repay the home loan from other assets, including, without limitation, income.

(c) Finance a prepayment fee or penalty in connection with the refinancing by the original borrower of a home loan owned by the lender or an affiliate of the lender.

(d) Finance, directly or indirectly in connection with a home loan, any credit insurance.

2. As used in this section:

(a) "Credit insurance" has the meaning ascribed to it in NRS 690A.015.

(b***) "Low-document home loan" means a home loan:***

(1) Whose terms allow a borrower to establish his ability to repay the home loan by providing only limited verification of his income and other assets; or

(2) Which is evidenced only by a deed transferring some or all of the interest of the borrower in the home property to the creditor.

(c) "No-document home loan" means a home loan whose terms allow a borrower to establish his ability to repay the home loan without providing any verification of his income and other assets.

(d) "Prepayment fee or penalty" means any fee or penalty imposed by a lender if a borrower repays the balance of a loan or otherwise makes a payment on a loan before the regularly scheduled time for repayment.

(e) "Stated-document home loan" means a home loan whose terms allow a borrower to establish his ability to repay the home loan by providing only his own statement of verification of his income and other assets.

Sec. 3. Chapter 205 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who, with the intent to defraud a participant in a mortgage lending transaction:

(a) Knowingly makes a false statement or misrepresentation concerning a material fact or deliberately conceals or fails to disclose a material fact;

(b) Knowingly uses or facilitates the use of a false statement or misrepresentation made by another person concerning a material fact or deliberately uses or facilitates the use of another person's concealment or failure to disclose a material fact;

(c) Receives any proceeds or any other money in connection with a mortgage lending transaction that the person knows resulted from a violation of paragraph (a) or (b);

(d) Conspires with another person to violate any of the provisions of paragraph (a), (b) or (c); or

(e) Files or causes to be filed with a county recorder any document that the person knows to include a misstatement, misrepresentation or omission concerning a material fact,

➥ commits the offense of mortgage lending fraud which is a category C felony and, upon conviction, shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment.

2. A person who engages in a pattern of mortgage lending fraud or conspires or attempts to engage in a pattern of mortgage lending fraud is guilty of a category B felony and, upon conviction, shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, or by a fine of not more than $50,000, or by both fine and imprisonment.

3. Each mortgage lending transaction in which a person violates any provision of subsection 1 constitutes a separate violation.

4. Except as otherwise provided in this subsection, if a lender or any agent of the lender commits the offense of mortgage lending fraud in violation of this section, the mortgage lending transaction is voidable by the borrower and the transaction may be rescinded by the borrower within

2 years after the date the transaction is completed if the borrower gives written notice to the lender and records that notice with the recorder of the county in which the mortgage was recorded. A mortgage lending transaction is not voidable pursuant to this subsection if the lender has transferred the mortgage to a bona fide purchaser.

5. The Attorney General shall investigate and prosecute a violation of this section.

~~[5.]~~ ***6. As used in this section:***

(a) "Bona fide purchaser" means any person who purchases a mortgage in good faith and for valuable consideration and who does not know or have reasonable cause to believe that the lender or any agent of the lender engaged in mortgage lending fraud in violation of this section.

(b) "Mortgage lending transaction" means any transaction between two or more persons for the purpose of making or obtaining, attempting to make or obtain, or assisting another person to make or obtain a loan that is secured by a mortgage or other lien on residential real property. The term includes, without limitation:

(1) The solicitation of a person to make or obtain the loan;

(2) The representation or offer to represent another person to make or obtain the loan;

(3) The negotiation of the terms of the loan;

(4) The provision of services in connection with the loan; and

(5) The execution of any document in connection with making or obtaining the loan.

~~[(b)]~~ ***(c) "Participant in a mortgage lending transaction" includes, without limitation:***

(1) A borrower as defined in NRS 598D.020;

(2) An escrow agent as defined in NRS 645A.010;

(3) A foreclosure consultant as defined in section 9 of this act;

(4) A foreclosure purchaser as defined in section 10 of this act;

(5) An investor as defined in NRS 645B.0121;

(6) A lender as defined in NRS 598D.050;

(7) A mortgage agent as defined in NRS 645B.0125;

(8) A mortgage banker as defined in NRS 645E.100; and

(9) A mortgage broker as defined in NRS 645B.0127.

~~[(c)]~~ ***(d) "Pattern of mortgage lending fraud" means one or more violations of a provision of subsection 1 committed in two or more mortgage lending transactions which have the same or similar intents, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics.***

Sec. 4. ~~[NRS 645B.950 is hereby amended to read as follows:~~

~~645B.950 1. Except as otherwise provided in NRS 645B.960, a person, or any general partner, director, officer, agent or employee of a person, who violates any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner is guilty of a misdemeanor.~~

~~2. In addition to any other penalty [, if].~~ ~~:~~

~~*(a) If* a person is convicted of or enters a plea of nolo contendere to a violation described in subsection 1, the court shall order the person to pay:~~

~~[(a)] *(1)* Court costs; and~~

~~[(b)] *(2)* Reasonable costs of the investigation and prosecution of the violation.~~

~~*(b) If a person, or any general partner, director, officer, agent or employee of a person, violates any provision of this chapter or a regulation adopted pursuant to this chapter any loan relating to that violation is void and the person is not entitled to collect, receive or retain any principal, interest or other charges or fees with respect to that loan.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 645E.950 is hereby amended to read as follows:~~

~~645E.950 1. Except as otherwise provided in NRS 645E.960, a person, or any general partner, director, officer, agent or employee of a person, who violates any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner is guilty of a misdemeanor.~~

~~*2. In addition to any other penalty, if a person, or any general partner, director, officer, agent or employee of a person, violates any provision of this chapter or any regulation adopted pursuant to this chapter any loan relating to that violation is void and the person is not entitled to collect, receive or retain any principal, interest or other charges or fees with respect to that loan.]~~* (Deleted by amendment.)

Sec. 6. Chapter 645F of NRS is hereby amended by adding thereto the provisions set forth as sections 7 to 20, inclusive, of this act.

Sec. 7. ***As used in sections 7 to 20, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 8 to 14, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 8. ***"Covered service" includes, without limitation:***

1. Financial counseling, including, without limitation, debt counseling and budget counseling.

2. Receiving money for the purpose of distributing it to creditors in payment or partial payment of any obligation secured by a mortgage or other lien on a residence in foreclosure.

3. Contacting a creditor on behalf of a homeowner.

4. Arranging or attempting to arrange for an extension of the period within which a homeowner may cure his default and reinstate his obligation pursuant to a note, mortgage or deed of trust.

5. Arranging or attempting to arrange for any delay or postponement of the time of a foreclosure sale.

6. Advising the filing of any document or assisting in any manner in the preparation of any document for filing with a bankruptcy court.

7. Giving any advice, explanation or instruction to a homeowner which in any manner relates to the cure of a default in or the reinstatement of an obligation secured by a mortgage or other lien on the residence in

foreclosure, the full satisfaction of the obligation, or the postponement or avoidance of a foreclosure sale.

Sec. 9. ***"Foreclosure consultant" means a person who, directly or indirectly, makes any solicitation, representation or offer to a homeowner to perform for compensation, or who, for compensation, performs any covered service that the person represents will do any of the following:***

1. Prevent or postpone a foreclosure sale;

2. Obtain any forbearance from any mortgagee or beneficiary of a deed of trust;

3. Assist the homeowner to exercise the right of reinstatement provided in the legal documents;

4. Obtain any extension of the period within which the homeowner may reinstate the homeowner's obligation;

5. Obtain any waiver of an acceleration clause contained in any promissory note or contract secured by a mortgage on a residence in foreclosure or included in the mortgage or deed of trust;

6. Assist the homeowner in foreclosure or loan default to obtain a loan or advance of money;

7. Avoid or ameliorate the impairment of the homeowner's credit resulting from the recording of a notice of default or the conduct of a foreclosure sale;

8. Save the homeowner's residence from foreclosure; or

9. Assist the homeowner to obtain a foreclosure reconveyance.

Sec. 10. ***"Foreclosure purchaser" means a person who, in the course of his business, vocation or occupation, acquires or attempts to acquire title to a residence in foreclosure from a homeowner.***

Sec. 11. ***1. "Foreclosure reconveyance" means a transaction that involves:***

(a) The transfer of title to a residence in foreclosure by a homeowner during a foreclosure proceeding by:

(1) The transfer of an interest in the residence in foreclosure from the homeowner; or

(2) The creation of a mortgage or other lien during the foreclosure process that allows the acquirer to obtain title to the residence in foreclosure by redeeming the property as a junior lien holder; and

(b) The subsequent conveyance, or promise of a subsequent conveyance, of an interest in the residence to the former homeowner by the acquirer, or a person acting in concert with the acquirer, that allows the former homeowner to remain in possession of the residence following the completion of the foreclosure proceeding.

2. As used in this section, "interest in the residence" includes, without limitation, an interest in a contract for a deed, a purchase agreement, and an option to purchase or lease.

Sec. 12. ***"Foreclosure sale" means the sale of real property to enforce an obligation secured by a mortgage or lien on the property, including the exercise of a trustee's power of sale pursuant to NRS 107.080.***

Sec. 13. ***"Homeowner" means the record owner of a residence in foreclosure at the time the notice of the pendency of an action for foreclosure is recorded pursuant to NRS 14.010 or the notice of default and election to sell is recorded pursuant to NRS 107.080.***

Sec. 14. ***"Residence in foreclosure" means residential real property consisting of not more than four family dwelling units, one of which the homeowner occupies as his principal place of residence, and against which there is an outstanding notice of the pendency of an action for foreclosure recorded pursuant to NRS 14.010 or notice of default and election to sell recorded pursuant to NRS 107.080.***

Sec. 15. ***The provisions of sections 7 to 20, inclusive, of this act do not apply to, and the terms "foreclosure consultant" and "foreclosure purchaser" do not include:***

1. An attorney at law rendering services in the performance of his duties as an attorney at law;

2. A person, firm, company or corporation licensed to engage in the business of debt adjustment pursuant to chapter 676 of NRS while engaging in that business;

3. A person licensed as a real estate broker, broker-salesman or salesman pursuant to chapter 645 of NRS while acting under the authority of that license;

4. A person or the authorized agent of a person acting under the provisions of a program sponsored by the Federal Government, this State or a local government, including, without limitation, the Department of Housing and Urban Development, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association or the Federal Home Loan Bank;

5. A person who holds or is owed an obligation secured by a mortgage or other lien on a residence in foreclosure if the person performs services in connection with this obligation or lien and the obligation or lien did not arise as the result of or as part of a proposed foreclosure reconveyance;

6. Any person doing business under the laws of this State or of the United States relating to banks, trust companies, savings and loan associations, industrial loan and thrift companies, regulated lenders, credit unions, insurance companies, or a mortgagee which is a United States Department of Housing and Urban Development approved mortgagee and any subsidiary or affiliate of those persons, and any agent or employee of those persons while engaged in the business of those persons;

7. A person licensed as an escrow agent, title agent, mortgage agent, mortgage broker or mortgage banker pursuant to chapter 645A, 692A, 645B or 645E of NRS, while acting under the authority of his license;

8. A nonprofit agency or organization that offers credit counseling or advice to a homeowner of a residence in foreclosure or a person in default on a loan; or

9. A judgment creditor of the homeowner whose claim accrued before the recording of the notice of the pendency of an action for foreclosure against the homeowner pursuant to NRS 14.010 or the recording of the notice of default and election to sell pursuant to NRS 107.080.

Sec. 16. ***A foreclosure consultant shall not:***

1. Claim, demand, charge, collect or receive any compensation until after the foreclosure consultant has fully performed each covered service that he contracted to perform or represented he would perform.

2. Claim, demand, charge, collect or receive any fee, interest or other compensation for any reason which is not fully disclosed to the homeowner.

3. Take any wage assignment, lien on real or personal property, assignment of a homeowner's equity or other interest in a residence in foreclosure or other security for the payment of compensation. Any such security is void and unenforceable.

4. Receive any consideration from any third party in connection with a covered service provided to a homeowner unless the consideration is first fully disclosed to the homeowner.

5. Acquire, directly or indirectly, any interest in the residence in foreclosure of a homeowner with whom the foreclosure consultant has contracted to perform a covered service.

6. Accept a power of attorney from a homeowner for any purpose, other than to inspect documents as provided by law.

Sec. 17. ***1. In addition to any other remedy or penalty, the Commissioner may, after giving notice and opportunity to be heard, impose an administrative penalty of not more than $10,000 on a foreclosure consultant who violates any provision of section 16 of this act.***

2. Except as otherwise provided in this section, all money collected from administrative penalties imposed pursuant to this section must be deposited in the State General Fund.

3. The money collected from an administrative penalty may be deposited with the State Treasurer for credit to the Fund for Mortgage Lending created by NRS 645F.270 if:

(a) The person pays the administrative penalty without exercising his right to a hearing to contest the penalty; or

(b) The administrative penalty is imposed in a hearing conducted by a hearing officer or panel appointed by the Commissioner.

4. The Commissioner may appoint one or more hearing officers or panels and may delegate to those hearing officers or panels the power of the Commissioner to conduct hearings, determine violations and impose the penalties authorized by this section.

5. If money collected from an administrative penalty is deposited in the State General Fund, the Commissioner may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 18. ***1. A homeowner who is injured as a result of a foreclosure consultant's violation of a provision of section 16 of this act may bring an action against the foreclosure consultant to recover damages caused by the violation, together with reasonable attorney's fees and costs.***

2. If the homeowner prevails in the action, the court may award such punitive damages as may be determined by a jury, or by a court sitting without a jury, but in no case may the punitive damages be less than 1 1/2 times the amount awarded to the homeowner as actual damages.

Sec. 19. ***A foreclosure purchaser who engages in any conduct that operates as a fraud or deceit upon a homeowner in connection with a transaction that is subject to the provisions of sections 7 to 20, inclusive, of this act, including, without limitation, a foreclosure reconveyance, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 1 year, or by a fine of not more than $50,000, or by both fine and imprisonment.***

Sec. 19.5. 1. In addition to the penalty provided in section 19 of this act and except as otherwise provided in subsection 5, if a foreclosure purchaser engages in any conduct that operates as a fraud or deceit upon a homeowner in connection with a transaction that is subject to the provisions of sections 7 to 20, inclusive, of this act, including, without limitation, a foreclosure reconveyance, the transaction in which the foreclosure purchaser acquired title to the residence in foreclosure is voidable by the homeowner and the transaction may be rescinded by the homeowner within 2 years after the date of the recording of the conveyance.

2. To rescind a transaction pursuant to subsection 1, the homeowner must give written notice to the foreclosure purchaser and a successor in interest to the foreclosure purchaser, if the successor in interest is not a bona fide purchaser, and record that notice with the recorder of the county in which the property is located. The notice of rescission must contain:

(a) The name of the homeowner, the foreclosure purchaser and any successor in interest who holds title to the property; and

(b) A description of the property.

3. Within 20 days after receiving notice pursuant to subsection 2:

(a) The foreclosure purchaser and the successor in interest, if the successor in interest is not a bona fide purchaser, shall reconvey to the homeowner title to the property free and clear of encumbrances which were created subsequent to the rescinded transaction and which are due to the actions of the foreclosure purchaser; and

(b) The homeowner shall return to the foreclosure purchaser any consideration received from the foreclosure purchaser in exchange for the property.

4. If the foreclosure purchaser has not reconveyed to the homeowner title to the property within the period described in subsection 3, the homeowner may bring an action to enforce the rescission in the district court of the county in which the property is located.

5. A transaction is not voidable pursuant to this section if the foreclosure purchaser has transferred the property to a bona fide purchaser.

6. As used in this section, "bona fide purchaser" means any person who purchases an interest in a residence in foreclosure from a foreclosure purchaser in good faith and for valuable consideration and who does not know or have reasonable cause to believe that the foreclosure purchaser engaged in conduct which violates subsection 1.

Sec. 20. ***The rights, remedies and penalties provided pursuant to the provisions of sections 7 to 20, inclusive, of this act are cumulative and do not abrogate and are in addition to any other rights, remedies and penalties that may exist at law or in equity, including, without limitation, any criminal penalty that may be imposed pursuant to section 19 of this act.***

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 443.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 500.

AN ACT relating to communicable diseases; making various changes to provisions concerning the human immunodeficiency virus; ~~[providing a penalty;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 8 of this bill requires each county designated by the Director of the Department of Health and Human Services to provide free testing for the human immunodeficiency virus to persons on an anonymous basis. Section 12 of this bill requires the Health Division of the Department of Health and Human Services to reimburse those counties for certain costs associated with providing such testing. Sections 10 and 11 of this bill require each county that the Director designates to provide such testing to: (1) provide certain information to persons who receive a test; and (2) submit to the Health Division a plan for how the county will carry out testing.~~

~~Section 9 of this bill requires the Health Division to establish and maintain for each county a list of providers of health care and medical facilities that~~

~~treat patients with the human immunodeficiency virus and acquired immunodeficiency syndrome.~~

~~Section 13 of this bill sets forth penalties for the disclosure to third persons of results of a test for the human immunodeficiency virus.~~

~~Section 14 of this bill requires providers of health care, medical facilities and medical laboratories to provide to persons who test positive for the human immunodeficiency virus, or are diagnosed with acquired immunodeficiency syndrome, appropriate information and referrals to ensure that the persons receive sufficient medical treatment and counseling.~~

~~Section 16 of this bill provides that the Health Division may require any medical facility or medical laboratory that procures, processes, distributes or uses whole blood, plasma, blood product or blood derivative to submit to the Health Division monthly reports concerning the results of tests conducted to detect the presence of communicable diseases.~~]

Section 3 of this bill expresses the sense of the Legislature regarding the manner in which governmental entities and persons and entities providing services of health care should collaborate to ensure that testing for the human immunodeficiency virus and related counseling is carried out in a culturally and linguistically appropriate manner, and with due regard for the sensitivity and private nature of such information.

Section 4 of this bill requires certain providers of testing for the human immunodeficiency virus to ensure that each person who tests positive for the human immunodeficiency virus receives a counseling session. The counseling session must include information on: (1) the test result; (2) follow-up testing; (3) medical treatment; (4) methods for preventing transmission of the human immunodeficiency virus; (5) the confidentiality of the test result; and (6) appropriate testing for sexual partners of those who test positive for the human immunodeficiency virus. Section 4 also requires each test provider to offer referrals for certain health care services to those who test positive for the human immunodeficiency virus.

Section ~~[18]~~ **5** of this bill prohibits employment discrimination against a person who has tested positive for the human immunodeficiency virus if the fact that the person tested positive would not prevent the proper performance of the work for which he otherwise would have been hired.

~~[Sections 21-23 of this bill provide that an insurer may decline an application for life insurance or disability insurance on the basis that the applicant tested positive for the human immunodeficiency virus. However, an insurer may not test for the presence of the human immunodeficiency virus unless the insurer obtains the written consent of the applicant and pays the cost of the test. Section 24 of this bill sets forth penalties for the disclosure to third persons by an insurer of results of a test for the human immunodeficiency virus.~~]

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 24 of this bill and replace with the following new sections 1 through 6:

Section 1. **Chapter 441A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.**

Sec. 2. ***As used in sections 2, 3 and 4 of this act, "provider of health care" means a physician, nurse or physician assistant licensed in accordance with state law.***

Sec. 3. ***It is the intent of the Legislature that:***

1. The State Board of Health, the Department of Health and Human Services, and all district, county and city health departments, boards of health and health officers, medical laboratories, medical facilities and providers of health care work together in a collaborative manner to ensure that testing for the human immunodeficiency virus and related counseling services are offered in a culturally and linguistically appropriate manner.

2. Information pertaining to testing for the human immunodeficiency virus be reported and maintained in accordance with existing state and federal privacy laws.

3. Information pertaining to cases of the human immunodeficiency virus not be used for any purpose other than public health practices, including, without limitation, surveillance and epidemiology.

Sec. 4. ***1. Counties, providers of health care, medical laboratories and medical facilities that provide testing for the human immunodeficiency virus shall provide, or ensure the provision of, to each person who tests positive for the human immunodeficiency virus, a counseling session that is appropriate and acceptable under current medical and public health practices, as recommended by the Board.***

2. Counseling required pursuant to this section must address, without limitation:

(a) The meaning of the positive result of the test;

(b) Any follow-up testing for the person;

(c) Methods for preventing the transmission of the human immunodeficiency virus;

(d) Medical treatment available for the person;

(e) The confidentiality of the result of the test; and

(f) Recommended testing for the human immunodeficiency virus for sexual partners of the person.

3. Counties, providers of health care, medical laboratories and medical facilities that provide testing for the human immunodeficiency virus must offer to each person who tests positive for the human immunodeficiency virus:

(a) Appropriate referrals for future services, including, without limitation, medical care, mental health care and addiction services; or

(b) If unable to provide referrals pursuant to paragraph (a), referral to the local health authority for a subsequent referral to providers within the community for future services, including, without limitation, medical care, mental health care and addiction services.

4. The Director of the Department of Health and Human Services may adopt regulations to carry out the provisions of this section.

Sec. 5. Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:

It is an unlawful employment practice:

1. For an employer to fail or refuse to hire and employ employees;

2. For an employment agency to fail to classify or refer any person for employment;

3. For a labor organization to fail to classify its membership or to fail to classify or refer any person for employment; or

4. For an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to fail to admit or employ any person in any such program,

➥ because the person has tested positive for the human immunodeficiency virus, if the fact that the person tested positive for the human immunodeficiency virus would not prevent proper performance of the work for which the person would otherwise have been hired, classified, referred or prepared under a training or retraining program.

Sec. 6. **NRS 613.310 is hereby amended to read as follows:**

613.310 As used in NRS 613.310 to 613.435, inclusive, ***and section 5 of this act,*** unless the context otherwise requires:

1. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

2. "Employer" means any person who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, but does not include:

(a) The United States or any corporation wholly owned by the United States.

(b) Any Indian tribe.

(c) Any private membership club exempt from taxation pursuant to 26 U.S.C. § 501(c).

3. "Employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer, but does not include any agency of the United States.

4. "Labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing

with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or other conditions of employment.

5. "Person" includes the State of Nevada and any of its political subdivisions.

6. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Assemblywoman Gerhardt moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 461.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 595.

AN ACT relating to taxation; providing for certain reporting requirements **and the review of certain expenditures** relating to the Clark County Sales and Use Tax Act of 2005; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Clark County Sales and Use Tax Act of 2005 authorized the Board of County Commissioners of Clark County to impose up to one-half of 1 percent sales and use tax to employ and equip additional police officers for various police departments in Clark County. This bill adds a requirement that any governmental entity that authorizes expenditures from the tax revenues for a police department must submit **periodic reports** to the ~~[members of the Legislature a detailed description of]~~ **Legislature concerning** the use of that money ~~[.]~~ **, and authorizes the Legislative Commission to review and investigate those expenditures.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 912, is hereby amended by adding thereto a new section to be designated as section 13.5, immediately following section 13, to read as follows:

Sec. 13.5. 1. Any governing body that has approved expenditures pursuant to section 13 of this ~~*[act shall, on or before September 1 of each year, submit a]*~~ ***Act shall submit to the Director of the Legislative Counsel Bureau for transmittal to the members of the Legislature or the Legislative Commission when the Legislature is not in regular session, the periodic reports required pursuant to this section and such other information relating to the provisions of this Act as may be requested by the Director of the Legislative Counsel Bureau.***

2. The reports required pursuant to this section must be submitted:

(a) On or before:

(1) February 15 for the 3-month period ending on the immediately preceding December 31;

(2) May 15 for the 3-month period ending on the immediately preceding March 31;

(3) August 15 for the 3-month period ending on the immediately preceding June 30; and

(4) November 15 for the 3-month period ending on the immediately preceding September 30; and

(b) On or before August 15 for the 12-month period ending on the immediately preceding June 30.

3. Each report must be submitted on a form provided by the Director of the Legislative Counsel Bureau and include, with respect to the period covered by the report:

(a) The total proceeds received by the respective police department from the sales and use tax imposed pursuant to this Act;

(b) A detailed description of the use of the ~~[money,]~~ proceeds, including, without limitation, ~~[a]~~ :

(1) The total expenditures made by the respective police department from the sales and use tax imposed pursuant to this Act;

(2) The total number of police officers hired by the police department and the number of those officers that are filling authorized, funded positions for new officers; and

(3) A detailed analysis of the manner in which each expenditure:

~~[1.]~~ (I) Conforms to all provisions of this Act; and

~~[2.]~~ (II) Does not replace or supplant funding which existed before October 1, 2005, for the police department ~~[.~~

~~*to the Director of the Legislative Counsel Bureau for transmittal to the members of the Legislature.]*~~ ***; and***

(c) Any other information required to complete the form for the report.

4. The Legislative Commission may review and investigate the reports submitted pursuant to this section and the expenditure of any proceeds pursuant to section 13 of this Act.

Sec. 2. **Notwithstanding the provisions of section 1 of this act, the report submitted pursuant to section 1 of this act by a governing body to the Director of the Legislative Counsel Bureau on or before November 15, 2007, must separately cover:**

1. The period beginning on October 1, 2005, and ending on September 30, 2007; and

2. The period beginning on July 1, 2006, and ending on June 30, 2007.

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective ~~[upon passage and approval.]~~ **on October 1, 2007, and expires by limitation on October 1, 2025.**

Assemblywoman McClain moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 462.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 385.

AN ACT relating to real property; excepting certain sales or leases of real property by governmental entities from requirements that the entities conduct appraisals of the real property before the sale or lease of the real property and that the entities sell or lease the real property by auction; ~~[requiring governmental entities]~~ **authorizing a governmental entity** to hold **a** public ~~[hearings to review certain appraisals of]~~ **hearing in lieu of having a second appraisal conducted before the sale or lease of** real property; requiring persons requesting to purchase real property from governmental entities by auction to deposit a certain amount of money to pay the costs incurred by the entity in acting upon the application; **providing that a political subdivision may convey real property to the State without charge under certain circumstances; making various other changes relating to the sale and lease of real property by governmental entities;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Land Registrar, the board of county commissioners of each county, and the governing body of each incorporated city to obtain two independent appraisals of any real property when selling or leasing the property and to sell or lease the property upon sealed bids followed by oral offers. (NRS 244.2795, 244.281, 244.283, 268.059, 268.062, 321.007, 321.335) Sections 1, 3, 4 **,** ~~[and]~~ 6 **and 7** of this bill amend that requirement to require **that** the State Lan

d Registrar, each board of county commissioners and each city governing body ~~[to]~~ **, when selling or leasing real property: (1) obtain two independent appraisals of the property; or (2)** obtain one independent appraisal of ~~[real property when selling or leasing]~~ the property ~~[. Sections 2-4, 6, 7 and 9 of this bill also require the State Land Registrar, each board of county commissioners and each city governing body to hold a public hearing to review those appraisals.]~~ **and hold a public hearing on the matter of the fair market value of the property.** Sections 1-4 and 6-8 **of this bill** except property sold or leased to a public utility for a public purpose and property sold or leased to the State or another governmental entity from the requirement for an appraisal and to be sold or leased upon sealed bids followed by oral offers. **Sections 1 and 2 of this bill except property leased pursuant to a contract entered into pursuant to chapter 333 of NRS from those requirements.**

Existing law provides for the board of county commissioners of each county and the governing body of each incorporated city to sell real property by auction. (NRS 244.282, 268.062) Sections 5 and 8 of this bill require a person requesting to purchase real property from a county or city by auction to deposit with the board of commissioners or governing body an amount of money sufficient to pay the costs of the board of commissioners or governing body in acting upon the request.

Existing law authorizes the State to lease state land to certain nonprofit organizations or educational institutions for a reduced charge. (NRS 322.065) Sections 2.5 and 5.5 of this bill provide similar authority to the boards of county commissioners of counties and to the governing bodies of cities.

Existing law provides that a political subdivision may convey real property to another political subdivision or an Indian tribe without charge if the property is to be used for a public purpose. (NRS 277.053) Section 9.3 of this bill provides that a political subdivision may also convey real property to the State or an agency of the State without charge if the property is to be used for a public purpose.

Under existing law, the sale or lease of any portion of the property of a municipal airport is required to be made by public auction. (NRS 496.080) Section 9.7 of this bill provides that, in a county whose population is less than 50,000 (currently counties other than Clark and Washoe Counties, and Carson City), leases of property at a county airport are not subject to requirements relating to appraisal and public auction.

Sections 1, 3, 4 and 6-9 of this bill provide additionally that if land or real property is sold or leased in violation of the provisions thereof, the sale or lease is void and any change to an ordinance or law governing the zoning or use of that land or real property is void if the change occurs within the 5-year period after the void sale or lease.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 321.007 is hereby amended to read as follows:

321.007 1. Except as otherwise provided in subsection 5, NRS 322.063, 322.065 or 322.075, except as otherwise required by federal law ***, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity , except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS*** and except for land that is sold or leased pursuant to an agreement entered into pursuant to NRS 277.080 to 277.170, inclusive, when offering any land for sale or lease, the State Land Registrar shall:

(a) ~~[Obtain]~~ ***Except as otherwise provided in this paragraph, obtain*** two independent appraisals ~~*[an independent appraisal]*~~ of the land before selling

or leasing it. ***If the Interim Finance Committee grants its approval after discussion of the fair market value of the land, one independent appraisal of the land is sufficient before selling or leasing it.*** The ***appraisal or*** appraisals ~~*[appraisal]*~~ ***, as applicable,*** must have been prepared not more than 6 months before the date on which the land is offered for sale or lease.

(b) Notwithstanding the provisions of chapter 333 of NRS, select the ***one independent appraiser or*** two independent appraisers ~~*[independent appraiser]*~~ ***, as applicable,*** from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each ~~*[the]*~~ appraiser selected pursuant to paragraph (b). The determination of the State Land Registrar as to the qualifications of an appraiser is conclusive.

2. The State Land Registrar shall adopt regulations for the procedures for creating or amending a list of appraisers qualified to conduct appraisals of land offered for sale or lease by the State Land Registrar. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the land that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the owner of the land or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any land offered for sale or lease by the State Land Registrar if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the land or an adjoining property.

5. If a lease of land is for residential property and the term of the lease is 1 year or less, the State Land Registrar shall obtain an analysis of the market value of similar rental properties prepared by a licensed real estate broker or salesman when offering such a property for lease.

6. If land is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the land is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 2. NRS 321.335 is hereby amended to read as follows:

321.335 1. Except as otherwise provided in NRS 321.125, 321.510, 322.063, 322.065 or 322.075, except as otherwise required by federal law ***, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity , except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS*** and except for an agreement entered into pursuant to the provisions of NRS 277.080 to 277.170, inclusive, or a lease of residential property with a term of 1 year or

less, after April 1, 1957, all sales or leases of any lands that the Division is required to hold pursuant to NRS 321.001, including lands subject to contracts of sale that have been forfeited, are governed by the provisions of this section.

2. Whenever the State Land Registrar deems it to be in the best interests of the State of Nevada that any lands owned by the State and not used or set apart for public purposes be sold or leased, he may, with the approval of the State Board of Examiners and the Interim Finance Committee, cause those lands to be sold or leased upon sealed bids, or oral offer after the opening of sealed bids for cash or pursuant to a contract of sale or lease, at a price not less than the highest appraised value for the lands plus the costs of appraisal and publication of notice of sale or lease.

3. Before offering any land for sale or lease, the State Land Registrar shall ~~[cause] *[:*~~

~~*(a) Cause it to be appraised by a competent]* [appraisers] *[appraiser* selected pursuant to~~] ***comply with the provisions of*** NRS 321.007 ***.*** ~~*[; and*~~

~~*(b) Within 30 days after receipt of the report of the appraisal, hold a public hearing to review the appraisal in the county where the land to be sold or leased is situated.]*~~

4. After ~~[receipt of the report of the]~~ [appraisers,] ~~*[appraiser and after holding the public hearing pursuant to subsection 3,]*~~ ***complying with the provisions of NRS 321.007,*** the State Land Registrar shall cause a notice of sale or lease to be published once a week for 4 consecutive weeks in a newspaper of general circulation published in the county where the land to be sold or leased is situated, and in such other newspapers as he deems appropriate. If there is no newspaper published in the county where the land to be sold or leased is situated, the notice must be so published in a newspaper published in this State having a general circulation in the county where the land is situated.

5. The notice must contain:

(a) A description of the land to be sold or leased;

(b) A statement of the terms of sale or lease;

(c) A statement that the land will be sold pursuant to subsection 6; and

(d) The place where the sealed bids will be accepted, the first and last days on which the sealed bids will be accepted, and the time when and place where the sealed bids will be opened and oral offers submitted pursuant to subsection 6 will be accepted.

6. At the time and place fixed in the notice published pursuant to subsection 4, all sealed bids which have been received must, in public session, be opened, examined and declared by the State Land Registrar. Of the proposals submitted which conform to all terms and conditions specified in the notice published pursuant to subsection 4 and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral offer is accepted or the State Land Registrar rejects all bids and offers. Before finally accepting any written bid, the State Land

Registrar shall call for oral offers. If, upon the call for oral offers, any responsible person offers to buy or lease the land upon the terms and conditions specified in the notice, for a price exceeding by at least 5 percent the highest written bid, then the highest oral offer which is made by a responsible person must be finally accepted.

7. The State Land Registrar may reject any bid or oral offer to purchase or lease submitted pursuant to subsection 6, if he deems the bid or offer to be:

(a) Contrary to the public interest.

(b) For a lesser amount than is reasonable for the land involved.

(c) On lands which it may be more beneficial for the State to reserve.

(d) On lands which are requested by the State of Nevada or any department, agency or institution thereof.

8. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of sale specified in the notice of sale, the State Land Registrar shall convey title by quitclaim or cause a patent to be issued as provided in NRS 321.320 and 321.330.

9. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of lease specified in the notice of lease, the State Land Registrar shall enter into a lease agreement with the person submitting the accepted bid or oral offer pursuant to the terms of lease specified in the notice of lease.

10. The State Land Registrar may require any person requesting that state land be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the State Land Registrar in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.

11. If land that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the land, the State Land Registrar may offer the land for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the land, the State Land Registrar must ***, as applicable*** obtain a new appraisal ***or new appraisals*** of the land pursuant to the provisions of NRS 321.007 before offering the land for sale or lease a second time. If land that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the land, the State Land Registrar may list the land for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the land or an adjoining property.

Sec. 2.5. **Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The board of county commissioners of a county may lease real property to a nonprofit organization that:

(a) Is recognized as exempt under section 501(c)(3) of the Internal Revenue Code;

(b) Is affiliated by contract or other written agreement with the county; and

(c) Provides to residents of the county or to other persons a service that the county would otherwise be required to expend money to provide,

➥ under such terms and for such consideration as the board determines reasonable based upon the costs and benefits to the county and the recommendation of any county officers who may be involved in approving the lease.

2. To lease real property pursuant to this section, the board of county commissioners must approve the lease and establish the recommended amount of rent to be received for the real property. The board shall render a decision on an application to lease real property pursuant to this section within 60 days after it receives the application.

3. In determining the amount of rent for the lease of real property pursuant to this section, consideration must be given to:

(a) The amount the lessee is able to pay;

(b) Whether the real property will be used by the lessee to perform a service of value to members of the general public;

(c) Whether the service to be performed on the real property will be of assistance to any agency of the county; and

(d) The expenses, if any, that the county is likely to incur to lease real property pursuant to this section in comparison to other potential uses of the real property.

4. The board may waive any fee for the consideration of an application submitted pursuant to this section.

Sec. 3. NRS 244.2795 is hereby amended to read as follows:

244.2795 1. Except as otherwise provided in NRS 244.189, 244.276, 244.279, 244.2825, 244.284, 244.287, 244.290***, section 2.5 of this act*** and 278.479 to 278.4965, inclusive, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less ***, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for the sale or lease of real property to the State or another governmental entity*** and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election, the board of county commissioners shall, when offering any real property for sale or lease:

(a) ~~[Obtain]~~ ***Except as otherwise provided in this paragraph, obtain*** two independent appraisals ~~*[an independent appraisal]*~~ of the real property before selling or leasing it. ***If the board of county commissioners holds a public hearing on the matter of the fair market value of the real property, one independent appraisal of the real property is sufficient before selling or leasing it.*** The ***appraisal or*** appraisals ~~*[appraisal]*~~ ***, as applicable,*** must have been prepared not more than 6 months before the date on which the real property is offered for sale or lease.

(b) Select the ***one independent appraiser or*** two independent appraisers ~~*[independent appraiser]*~~ ***, as applicable,*** from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each ~~*[the]*~~ appraiser selected pursuant to paragraph (b). The determination of the board of county commissioners as to the qualifications of the appraiser is conclusive.

2. The board of county commissioners shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the board. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income that may constitute a conflict of interest and any relationship with the real property owner or the owner of an adjoining real property.

4. An appraiser shall not perform an appraisal on any real property for sale or lease by the board of county commissioners if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the real property or an adjoining property.

5. ~~*[Within 30 days after receipt of the report of the appraisal conducted pursuant to subsection 1, the board of county commissioners shall hold a public hearing to review the appraisal.]*~~ ***If real property is sold or leased in violation of the provisions of this section:***

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 4. NRS 244.281 is hereby amended to read as follows:

244.281 Except as otherwise provided in this section and NRS 244.189, 244.276, 244.279, 244.2815, 244.2825, 244.284, 244.287, 244.290, ***section 2.5 of this act, and*** 278.479 to 278.4965, inclusive, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development

agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less , ***except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose*** and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election:

1. When a board of county commissioners has determined by resolution that the sale or lease of any real property owned by the county will be for purposes other than to establish, align, realign, change, vacate or otherwise adjust any street, alley, avenue or other thoroughfare, or portion thereof, or flood control facility within the county and will be in the best interest of the county, it may:

(a) Sell the property in the manner prescribed for the sale of real property in NRS 244.282.

(b) Lease the property in the manner prescribed for the lease of real property in NRS 244.283.

2. Before the board of county commissioners may sell or lease any real property as provided in subsection 1, it shall:

(a) Post copies of the resolution described in subsection 1 in three public places in the county; and

(b) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(2) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

➥ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. ~~[If]~~ ***Except as otherwise provided in this subsection, if*** the board of county commissioners by its resolution further finds that the property to be sold or leased is worth more than $1,000, the board shall appoint two or more ~~*[one]*~~ disinterested, competent real estate appraisers ~~*[appraiser]*~~ pursuant to NRS 244.2795 to appraise the property ***.*** ~~[and, except]~~ ***If the board of county commissioners holds a public hearing on the matter of the fair market value of the property, one disinterested, competent appraisal of the property is sufficient before selling or leasing it. Except*** for property acquired pursuant to NRS 371.047, ***the board of county commissioners*** shall not sell or lease it for less than the highest appraised value.

4. ~~*[Within 30 days after receipt of the appraisal conducted pursuant to subsection 3, the board of county commissioners shall hold a public hearing to review the appraisal.*~~

~~*5.]*~~ If the property is appraised at $1,000 or more, the board of county commissioners may:

(a) Lease the property; or

(b) Sell the property either for cash or for not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust, bearing such interest and upon such further terms as the board of county commissioners may specify.

5. ~~*[6.]*~~ A board of county commissioners may sell or lease any real property owned by the county without complying with the provisions of NRS 244.282 or 244.283 to:

(a) A person who owns real property located adjacent to the real property to be sold or leased if the board has determined by resolution that:

(1) The real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property for sale or lease; and

(2) The sale will be in the best interest of the county.

(b) ~~[Another]~~ ***The State or another*** governmental entity if:

(1) The sale or lease restricts the use of the real property to a public use; and

(2) The board adopts a resolution finding that the sale or lease will be in the best interest of the county.

6. ~~*[7.]*~~ A board of county commissioners that disposes of real property pursuant to subsection 4 ~~*[5]*~~ is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

7. ~~*[8.]*~~ If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the board of county commissioners may offer the real property for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the real property, the board of county commissioners must obtain a new appraisal of the real property pursuant to the provisions of NRS 244.2795 before offering the real property for sale or lease a second time. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of

the real property, the board of county commissioners may list the real property for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property.

8. ~~[9.]~~ ***If real property is sold or leased in violation of the provisions of this section:***

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

9. As used in this section, "flood control facility" has the meaning ascribed to it in NRS 244.276.

Sec. 5. NRS 244.282 is hereby amended to read as follows:

244.282 1. Except as otherwise provided in NRS 244.279, before ordering the sale at auction of any real property the board shall, in open meeting by a majority vote of the members, adopt a resolution declaring its intention to sell the property at auction. The resolution must:

(a) Describe the property proposed to be sold in such a manner as to identify it.

(b) Specify the minimum price and the terms upon which it will be sold.

(c) Fix a time, not less than 3 weeks thereafter, for a public meeting of the board to be held at its regular place of meeting, at which sealed bids will be received and considered.

2. Notice of the adoption of the resolution and of the time and place of holding the meeting must be given by:

(a) Posting copies of the resolution in three public places in the county not less than 15 days before the date of the meeting; and

(b) Causing to be published at least once a week for 3 successive weeks before the meeting, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold at auction in such a manner as to identify it;

(2) The minimum price of the real property proposed to be sold at auction; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

➥ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. At the time and place fixed in the resolution for the meeting of the board, all sealed bids which have been received must, in public session, be

opened, examined and declared by the board. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral bid is accepted or the board rejects all bids.

4. Before accepting any written bid, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to buy the property upon the terms and conditions specified in the resolution, for a price exceeding by at least 5 percent the highest written bid, then the highest oral bid which is made by a responsible person must be finally accepted.

5. The final acceptance by the board may be made either at the same session or at any adjourned session of the same meeting held within the 10 days next following.

6. The board may, either at the same session or at any adjourned session of the same meeting held within the 10 days next following, if it deems the action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from sale.

7. Any resolution of acceptance of any bid made by the board must authorize and direct the chairman to execute a deed and to deliver it upon performance and compliance by the purchaser with all the terms or conditions of his contract which are to be performed concurrently therewith.

8. All money received from sales of real property must be deposited forthwith with the county treasurer to be credited to the county general fund.

9. The board may require any person requesting that real property be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the board in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.

10. If real property is sold in violation of the provisions of this section:

(a) The sale is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale.

Sec. 5.5. **Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The governing body may lease real property to a nonprofit organization that:

(a) Is recognized as exempt under section 501(c)(3) of the Internal Revenue Code;

(b) Is affiliated by contract or other written agreement with the city; and

(c) Provides to residents of the city or to other persons a service that the city would otherwise be required to expend money to provide,

↦ under such terms and for such consideration as the governing body determines reasonable based upon the costs and benefits to the city and the recommendation of any city officers who may be involved in approving the lease.

2. To lease real property pursuant to this section, the governing body must approve the lease and establish the recommended amount of rent to be received for the real property. The governing body shall render a decision on an application to lease real property pursuant to this section within 60 days after it receives the application.

3. In determining the amount of rent for the lease of real property pursuant to this section, consideration must be given to:

(a) The amount the lessee is able to pay;

(b) Whether the real property will be used by the lessee to perform a service of value to members of the general public;

(c) Whether the service to be performed on the real property will be of assistance to any agency of the city; and

(d) The expenses, if any, that the city is likely to incur to lease real property pursuant to this section in comparison to other potential uses of the real property.

4. The governing body may waive any fee for the consideration of an application submitted pursuant to this section.

Sec. 6. NRS 268.059 is hereby amended to read as follows:

268.059 1. Except as otherwise provided in NRS 268.048 to 268.058, inclusive, ***section 5.5 of this act*** and 278.479 to 278.4965, inclusive, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less ***, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for the sale or lease of real property to the State or another governmental entity*** and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election, the governing body shall, when offering any real property for sale or lease:

(a) ~~[Obtain]~~ ***Except as otherwise provided in this paragraph, obtain*** two independent appraisals ~~*[an independent appraisal]*~~ of the real property before selling or leasing it. ***If the governing body holds a public hearing on the matter of the fair market value of the real property, one independent appraisal of the real property is sufficient before selling or leasing it.*** The ***appraisal or*** appraisals ~~*[appraisal]*~~ ***, as applicable,*** must be based on the zoning of the real property as set forth in the master plan for the city and

must have been prepared not more than 6 months before the date on which real property is offered for sale or lease.

(b) Select the ***one independent appraiser or*** two independent appraisers ~~*[independent appraiser]*~~ ***, as applicable,*** from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser ~~*[the appraiser]*~~ selected pursuant to paragraph (b). The determination of the governing body as to the qualifications of the appraiser is conclusive.

2. The governing body shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the governing body. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the property owner or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any real property offered for sale or lease by the governing body if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the real property or an adjoining property.

5. ~~*[Within 30 days after the receipt of the report of the appraisal conducted pursuant to subsection 1, the governing body shall hold a public hearing to review the appraisal.]*~~ ***If real property is sold or leased in violation of the provisions of this section:***

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 7. NRS 268.061 is hereby amended to read as follows:

268.061 Except as otherwise provided in this section and NRS 268.063, 268.048 to 268.058, inclusive, ***section 5.5 of this act*** and 278.479 to 278.4965, inclusive, except as otherwise provided by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less ***, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose*** and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election:

1. If a governing body has determined by resolution that the sale or lease of any real property owned by the city will be in the best interest of the city, it may sell or lease the real property in the manner prescribed for the sale or lease of real property in NRS 268.062.

2. Before the governing body may sell or lease any real property as provided in subsection 1, it shall:

(a) Post copies of the resolution described in subsection 1 in three public places in the city; and

(b) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(2) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

➥ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. If the governing body by its resolution finds additionally that the real property to be sold is worth more than $1,000, the ~~[board]~~ ***governing body*** shall ***, as applicable,*** conduct an appraisal ***or appraisals*** pursuant to NRS 268.059 to determine the value of the real property ***.*** ~~[and, except]~~ ***Except*** for real property acquired pursuant to NRS 371.047, ***the governing body*** shall not sell or lease it for less than the highest appraised value.

4. ~~*[Within 30 days after receipt of the report of the appraisal conducted pursuant to subsection 3, the governing body shall hold a public hearing to review the appraisal.*~~

~~*5.]*~~ If the real property is appraised at $1,000 or more, the governing body may:

(a) Lease the real property; or

(b) Sell the real property for:

(1) Cash; or

(2) Not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust bearing such interest and upon such further terms as the governing body may specify.

5. ~~*[6.]*~~ A governing body may sell or lease any real property owned by the city without complying with the provisions of this section and NRS 268.059 and 268.062 to:

(a) A person who owns real property located adjacent to the real property to be sold or leased if the governing body has determined by resolution that:

(1) The real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; and

(2) The sale or lease will be in the best interest of the city.

(b) ~~[Another]~~ ***The State or another*** governmental entity if:

(1) The sale or lease restricts the use of the real property to a public use; and

(2) The governing body adopts a resolution finding that the sale or lease will be in the best interest of the city.

6. ~~*[7.]*~~ A governing body that disposes of real property pursuant to subsection 5 ~~*[6]*~~ is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

7. ~~*[8.]*~~ If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the governing body may offer the real property for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the real property, the governing body must obtain a new appraisal of the real property pursuant to the provisions of NRS 268.059 before offering the real property for sale or lease a second time. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the governing body may list the real property for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property.

8. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 8. NRS 268.062 is hereby amended to read as follows:

268.062 1. Except as otherwise provided in this section and NRS 268.063, 268.048 to 268.058, inclusive, ***section 5.5 of this act*** and 278.479 to 278.4965, inclusive, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered

into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less ***, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose*** and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, the governing body shall, in open meeting by a majority vote of the members and before ordering the sale or lease at auction of any real property, adopt a resolution declaring its intention to sell or lease the property at auction. The resolution must:

(a) Describe the property proposed to be sold or leased in such a manner as to identify it;

(b) Specify the minimum price and the terms upon which the property will be sold or leased; and

(c) Fix a time, not less than 3 weeks thereafter, for a public meeting of the governing body to be held at its regular place of meeting, at which sealed bids will be received and considered.

2. Notice of the adoption of the resolution and of the time and place of holding the meeting must be given by:

(a) Posting copies of the resolution in three public places in the county not less than 15 days before the date of the meeting; and

(b) Causing to be published at least once a week for 3 successive weeks before the meeting, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or leased at auction in such a manner as to identify it;

(2) The minimum price of the real property proposed to be sold or leased at auction; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

➥ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. At the time and place fixed in the resolution for the meeting of the ~~[board,]~~ ***governing body,*** all sealed bids which have been received must, in public session, be opened, examined and declared by the governing body. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or lease and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral bid is accepted or the governing body rejects all bids.

4. Before accepting any written bid, the governing body shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to buy or lease the property upon the terms and conditions specified in the resolution, for a price exceeding by at least 5 percent the highest written bid, then the highest oral bid which is made by a responsible person must be finally accepted.

5. The final acceptance by the governing body may be made either at the same session or at any adjourned session of the same meeting held within the 21 days next following.

6. The governing body may, either at the same session or at any adjourned session of the same meeting held within the 21 days next following, if it deems the action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from sale or lease.

7. Any resolution of acceptance of any bid made by the governing body must authorize and direct the chairman to execute a deed or lease and to deliver it upon performance and compliance by the purchaser or lessor with all the terms or conditions of his contract which are to be performed concurrently therewith.

8. The governing body may require any person requesting that real property be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the governing body in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.

9. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 9. NRS 268.063 is hereby amended to read as follows:

268.063 1. A governing body may sell, lease or otherwise dispose of real property for the purposes of redevelopment or economic development:

(a) Without first offering the real property to the public; and

(b) For less than fair market value of the real property.

2. Before a governing body may sell, lease or otherwise dispose of real property pursuant to this section, the governing body must:

(a) ~~[Obtain]~~ ***As applicable, obtain*** an appraisal ***or appraisals*** of the property pursuant to NRS 268.059; and

(b) Adopt a resolution finding that it is in the best interests of the public to sell, lease or otherwise dispose of the property:

(1) Without offering the property to the public; and

(2) For less than fair market value of the real property.

3. ~~*[Within 30 days after receipt of the report of the appraisal conducted pursuant to subsection 2, the governing body shall hold a public hearing to review the appraisal.]*~~ ***If real property is sold, leased or otherwise disposed of in violation of the provisions of this section:***

(a) The sale, lease or other disposal is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale, lease or other disposal.

4. As used in this section:

(a) "Economic development" means:

(1) The establishment of new commercial enterprises or facilities within the city;

(2) The support, retention or expansion of existing commercial enterprises or facilities within the city;

(3) The establishment, retention or expansion of public, quasi-public or other facilities or operations within the city;

(4) The establishment of residential housing needed to support the establishment of new commercial enterprises or facilities or the expansion of existing commercial enterprises or facilities; or

(5) Any combination of the activities described in subparagraphs (1) to (4), inclusive,

➥ to create and retain opportunities for employment for the residents of the city.

(b) "Redevelopment" has the meaning ascribed to it in NRS 279.408.

Sec. 9.3. **NRS 277.053 is hereby amended to read as follows:**

277.053 A governing body of a political subdivision may convey real property to ***the State, any agency of the State,*** another political subdivision or an Indian tribe without charge if the property is to be used for a public purpose.

Sec. 9.5. **NRS 371.047 is hereby amended to read as follows:**

371.047 1. A county may use the proceeds of the tax imposed pursuant to NRS 371.045, or of bonds, notes or other obligations incurred to which the proceeds of those taxes are pledged to finance a project related to the construction of a highway with limited access, to:

(a) Purchase residential real property which shares a boundary with a highway with limited access or a project related to the construction of a highway with limited access, and which is adversely affected by the highway. Not more than 1 percent of the proceeds of the tax or of any bonds to which the proceeds of the tax are pledged may be used for this purpose.

(b) Pay for the cost of moving persons whose primary residences are condemned for a right-of-way for a highway with limited access and who qualify for such payments. The board of county commissioners shall, by ordinance, establish the qualifications for receiving payments for the cost of moving pursuant to this paragraph.

2. A county may, in accordance with NRS 244.265 to 244.296, inclusive, ***and section 2.5 of this act,*** dispose of any residential real property purchased pursuant to this section, and may reserve and except easements, rights or interests related thereto, including, but not limited to:

(a) Abutter's rights of light, view or air.

(b) Easements of access to and from abutting land.

(c) Covenants prohibiting the use of signs, structures or devices advertising activities not conducted, services not rendered or goods not produced or available on the real property.

3. Proceeds from the sale or lease of residential real property acquired pursuant to this section must be used for the purposes set forth in this section and in NRS 371.045.

4. For the purposes of this section, residential real property is adversely affected by a highway with limited access if the construction or proposed use of the highway:

(a) Constitutes a taking of all or any part of the property, or interest therein;

(b) Lowers the value of the property; or

(c) Constitutes a nuisance.

5. As used in this section:

(a) "Highway with limited access" means a divided highway for through traffic with full control of access and with grade separations at intersections.

(b) "Primary residence" means a dwelling, whether owned or rented by the occupant, which is the sole principal place of residence of that occupant.

(c) "Residential real property" means a lot or parcel of not more than 1.5 acres upon which a single-family or multifamily dwelling is located.

Sec. 9.7. **NRS 495.040 is hereby amended to read as follows:**

495.040 1. The boards of county commissioners of the respective counties of this state may lease real and personal property of their county for use and occupancy as airports, airport facilities or airport service, to whom and upon such conditions and terms as they deem proper, for a term or terms not exceeding 99 years.

2. Before entering into any agreement for the lease of property as set forth in subsection 1, the board of county commissioners shall publish notice of its intention in a newspaper of general circulation published within the county at least once a week for 21 days or three times during a period of 10 days. If there is not a newspaper of general circulation within the county, the board shall post a notice of its intention in a public place at least once a week for 30 days. The notice must specify that a regular meeting is to be held, at which meeting any interested person may appear. No such lease or agreement may be entered into by the board until after the notice has been given and a meeting held as provided in this subsection.

3. The provisions of NRS 244.281 and 496.080 do not apply to any lease entered into pursuant to this section by a board of county commissioners in a county whose population is less than 50,000.

Sec. 10. This act becomes effective on July 1, 2007.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 490.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 503.

AN ACT relating to mentally ill persons; requiring a court to seal records relating to a person admitted to a public or private mental health facility or hospital under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows a person who has been admitted to a mental health facility to file a petition to seal court and clinical records relating to his admission and treatment. (NRS 433A.703) If the court finds that the person has recovered or his illness is in substantial remission, the court must seal all court and clinical records relating to the person's admission and treatment. (NRS 433A.709) The effect of the sealing of such records is that the person's admission is deemed never to have occurred and the person may answer any question relating to the admission as if the admission had never occurred. (NRS 433A.711)

Section 1 of this bill requires a court to seal all court and clinical records relating to the admission and treatment of a person who has been admitted to a public or private hospital or mental health facility **for the purpose of obtaining mental health treatment, either** voluntarily or as the result of a noncriminal proceeding. However, under section 1, a court may order the inspection of these records under certain circumstances ~~[.]~~ **if the court holds a hearing and the person who is seeking to inspect the records provides notice of the hearing to the person who is the subject of the records. A governmental entity may inspect court records sealed pursuant to section 1 without following these procedures if the governmental entity has made a conditional offer of certain employment concerning public safety to the person and that person provides written consent to the inspection of the records.** The effect of the sealing of such records is that the person's admission is deemed never to have occurred and the person may answer any question relating to the admission as if the admission had never occurred, except ~~[in connection with an application for a permit to carry a concealed firearm.]~~ **under certain circumstances.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 433A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A court shall seal all court and clinical records relating to the admission and treatment of any person who was admitted , voluntarily or as the result of a noncriminal proceeding, to a public or private hospital or mental health facility in this State ~~[voluntarily or as the result of a noncriminal proceeding.]~~ for the purpose of obtaining mental health treatment.

2. ~~[The] **Except as otherwise provided in subsection 4, a person or governmental entity that wishes to inspect records that are sealed pursuant to this section must file a petition with the court that sealed the records. Upon the filing of a petition, the court shall fix a time for a hearing of the matter. The petitioner must provide notice of the hearing and a copy of the petition to the person who is the subject of the records. If the person who is the subject of the records wishes to oppose the petition, the person must appear before the court at the hearing. If the person appears before the court at the hearing, the court must provide the person an opportunity to be heard on the matter.***

3. After the hearing described in subsection 2, the court may order the inspection of records that are sealed pursuant to this section if:

(a) A law enforcement agency must obtain or maintain information concerning persons who have been admitted to a public or private hospital or mental health facility in this State pursuant to state or federal law;

(b) A prosecuting attorney or an attorney who is representing the person who is the subject of the records in a criminal action requests to inspect the records;

(c) The person who is the subject of the records petitions the court to permit the inspection of the records by a person named in the petition; or

(d) The person who is the subject of the records is being treated by a physician or licensed psychologist, and the physician or psychologist:

(1) Determines that it is necessary to obtain a copy of the person's records from the public or private hospital or mental health facility; and

(2) Agrees to use the records solely for the medical treatment or medical analysis of the person.

~~[3.]~~ 4. A governmental entity is entitled to inspect court records that are sealed pursuant this section without following the procedure described in subsection 2 if:

(a) The governmental entity has made a conditional offer of employment to the person who is the subject of the records;

(b) The position of employment conditionally offered to the person concerns public safety, including, without limitation, employment as a firefighter or peace officer;

(c) The governmental entity is required by law, rule, regulation or policy to obtain the mental health records of each individual conditionally offered the position of employment; and

(d) An authorized representative of the governmental entity presents to the court a written authorization signed by the person who is the subject of the records and notarized by a notary public or judicial officer in which the person who is the subject of the records consents to the inspection of the records.

5. Following the sealing of records pursuant to this section, the admission of the person who is the subject of the records to the public or private hospital or mental health facility is deemed never to have occurred, and the person may answer accordingly any question related to its occurrence, except in connection with [an] :

(a) An application for a permit to carry a concealed firearm pursuant to the provisions of NRS 202.3653 to 202.369, inclusive [.] 4.] ;

(b) A transfer of a firearm; or

(c) An application for a position of employment described in subsection 4.

6. As used in this section [, "seal"] :

(a) "Firefighter" means a person who is a salaried employee of a fire-fighting agency and whose principal duties are to control, extinguish, prevent and suppress fires. As used in this paragraph, "fire-fighting agency" means a public fire department, fire protection district or other agency of this State or a political subdivision of this State, the primary functions of which are to control, extinguish, prevent and suppress fires.

(b) "Peace officer" has the meaning ascribed to it in NRS 289.010.

(c) "Seal" means placing records in a separate file or other repository not accessible to the general public.

Sec. 2. NRS 433A.701, 433A.703, 433A.705, 433A.707, 433A.709 and 433A.711 are hereby repealed.

Sec. 3. This act becomes effective on July 1, 2007.

LEADLINES OF REPEALED SECTIONS

433A.701 Definitions.
433A.703 Right to petition for sealing of records.
433A.705 Petition: Filing, contents and supplemental documents.
433A.707 Notice of hearing on petition.
433A.709 Hearing; determination; court order.
433A.711 Effect of sealing records; inspection after sealing.

Assemblywoman Gerhardt moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 496.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 522.

AN ACT relating to workers' compensation; revising various duties of employers, insurers and claimants under the workers' compensation system; revising certain procedures for accepting ~~[, denying and contesting]~~ **and denying** workers' compensation claims; revising certain provisions relating to occupational diseases; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the payment of workers' compensation if, during the course of employment, an employee is injured or killed by a workplace accident or occupational disease. (Chapters 616A-617 of NRS) Existing law authorizes an employer, after a workplace accident, to furnish the injured employee with the name of at least one physician or chiropractor qualified to examine the employee, but the employer may not require the employee to select any particular physician or chiropractor for the examination. The examining physician or chiropractor must report to the employer regarding the character and extent of the injury, but the employer may not require or permit the disclosure of any other information concerning the employee's physical condition. (NRS 616C.010)

Section 1 of this bill requires the employer to furnish the injured employee with the ~~[name]~~ **names** of at least two physicians or chiropractors qualified to examine the employee. **From among those names, the employee must select one of those physicians or chiropractors to conduct the examination, but the employee is not required to select a particular physician or chiropractor preferred by the employer from among the names furnished.** Section 1 **of this bill** also clarifies that the employer shall not ~~[, at any time,]~~ require or permit the disclosure of any other information concerning the employee's physical condition ~~[that is not directly related to the workplace injury.~~

~~Under existing law, if an insurer fails to respond within 30 days to a written request for a determination regarding a workers' compensation claim, a hearing officer must treat the insurer's failure to respond as a denial of the claim. (NRS 616C.315) Section 2 of this bill provides that the insurer's failure to respond must be treated as an acceptance of the claim.~~

~~Existing law requires the claimant or the employer to notify the insurer of a change of address. (NRS 616C.315) Section 2 of this bill provides that only the employer has the duty to notify the insurer of a change of address.]~~ **except as required by NRS 616C.177, which permits an insurer to inquire about and request medical records concerning a preexisting medical condition that is reasonably related to the industrial injury of the injured employee.**

Existing law requires an insurer to accept or deny claims involving **industrial injuries and** occupational diseases within a certain period. (NRS **616C.065,** 617.356) ~~[Section]~~ **Sections 1.5 and** 3 of this bill ~~[requires]~~ **require** the insurer to ~~[send notice of]~~ **mail** its **written** determination

regarding a claim to the claimant or the person acting on behalf of the claimant ~~[by certified or registered mail. Section 3 also provides that the insurer is responsible for determining and using the correct mailing address when providing such notice.]~~ **within the specified period and to obtain a certificate of mailing at the time the written determination is delivered to the United States Postal Service for mailing. The certificate of mailing serves as a receipt that shows the date on which the insurer mailed the written determination.**

Existing law establishes certain general requirements which are used to determine whether a disease is compensable as an occupational disease. (NRS 617.440) However, existing law also provides that for some specific diseases, such as certain cancers, lung diseases, heart diseases and contagious diseases, there is a legal presumption that those diseases are compensable under the workers' compensation system when contracted under certain specific circumstances, such as when contracted by firefighters, police officers and emergency medical attendants. (NRS 617.453, 617.455, 617.457, 617.481, 617.485) Section 4 of this bill provides that the general requirements of NRS 617.440 do not apply to the specific provisions of existing law which create such legal presumptions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 616C.010 is hereby amended to read as follows:

616C.010 1. Whenever any accident occurs to any employee, he shall forthwith report the accident and the injury resulting therefrom to his employer.

2. When an employer learns of an accident, whether or not it is reported, the employer may direct the employee to submit to, or the employee may request, an examination by a physician or chiropractor, in order to ascertain the character and extent of the injury and render medical attention which is required immediately. The employer ~~[may]~~ ***shall*** furnish the names, addresses and telephone numbers of ~~[one]~~ ***two*** or more physicians or chiropractors ~~[,]~~ ***who are qualified to conduct the examination. From among the names furnished by the employer, the employee shall select one of those physicians or chiropractors to conduct the examination,*** but ~~[may]~~ ***the employer shall*** not require the employee to select ~~[any]~~ ***a*** particular physician or chiropractor ~~[.]~~ ***preferred by the employer from among the names furnished by the employer.*** Thereupon, the examining physician or chiropractor shall report forthwith to the employer and to the insurer the character and extent of the injury. The employer shall not ~~*[, at any time,]*~~ require the employee to disclose or permit the disclosure of any other information concerning his physical condition ~~[.]~~ ~~*[that is not directly related to the injury for which treatment is being sought.]*~~ ***except as required by NRS 616C.177.***

3. Further medical attention, except as otherwise provided in NRS 616C.265, must be authorized by the insurer.

4. This section does not prohibit an employer from requiring the employee to submit to an examination by a physician or chiropractor specified by the employer at any convenient time after medical attention which is required immediately has been completed.

Sec. 1.5. **NRS 616C.065 is hereby amended to read as follows:**

616C.065 1. Except as otherwise provided in NRS 616C.136, within 30 days after the insurer has been notified of an industrial accident, every insurer shall:

(a) ~~[Commence payment of]~~ ***Accept*** a claim for compensation ~~[;]~~ ***, notify the claimant or the person acting on behalf of the claimant that the claim has been accepted and commence payment of the claim;*** or

(b) Deny the claim and notify the claimant ***or the person acting on behalf of the claimant*** and ***the*** Administrator that the claim has been denied.

~~[→]~~

2. Payments made by an insurer pursuant to this section are not an admission of liability for the claim or any portion of the claim.

~~[2.]~~ ***3.*** Except as otherwise provided in this subsection, if an insurer unreasonably delays or refuses to pay the claim within 30 days after the insurer has been notified of an industrial accident, the insurer shall pay upon order of the Administrator an additional amount equal to three times the amount specified in the order as refused or unreasonably delayed. This payment is for the benefit of the claimant and must be paid to him with the compensation assessed pursuant to chapters 616A to 617, inclusive, of NRS. The provisions of this section do not apply to the payment of a bill for accident benefits that is governed by the provisions of NRS 616C.136.

4. The insurer shall notify the claimant or the person acting on behalf of the claimant that a claim has been accepted or denied pursuant to subsection 1 by:

(a) Mailing its written determination to the claimant or the person acting on behalf of the claimant; and

(b) Obtaining a certificate of mailing.

5. The failure of the insurer to obtain a certificate of mailing shall be deemed to be a failure of the insurer to mail the written determination as required by this section.

6. Upon request, the insurer shall provide a copy of the certificate of mailing to the claimant or the person acting on behalf of the claimant.

7. For the purposes of this section, the insurer shall mail the written determination to:

(a) The mailing address of the claimant or the person acting on behalf of the claimant that is provided on the form prescribed by the Administrator for filing the claim; or

(b) Another mailing address if the claimant or the person acting on behalf of the claimant provides to the insurer written notice of another mailing address.

8. As used in this section, "certificate of mailing" means a receipt that provides evidence of the date on which the insurer presented its written determination to the United States Postal Service for mailing.

Sec. 2. ~~[NRS 616C.315 is hereby amended to read as follows:~~

~~616C.315 1. Any person who is subject to the jurisdiction of the hearing officers pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS may request a hearing before a hearing officer of any matter within the hearing officer's authority. The insurer shall provide, without cost, the forms necessary to request a hearing to any person who requests them.~~

~~2. A hearing must not be scheduled until the following information is provided to the hearing officer:~~

~~(a) The name of:~~

~~(1) The claimant;~~

~~(2) The employer; and~~

~~(3) The insurer or third-party administrator;~~

~~(b) The number of the claim; and~~

~~(c) If applicable, a copy of the letter of determination being appealed or, if such a copy is unavailable, the date of the determination and the issues stated in the determination.~~

~~3. Except as otherwise provided in NRS 616B.772, 616B.775, 616B.787 and 616C.305, a person who is aggrieved by:~~

~~(a) A written determination of an insurer; or~~

~~(b) The failure of an insurer to respond within 30 days to a written request mailed to the insurer by the person who is aggrieved,~~

~~may appeal from the determination or failure to respond by filing a request for a hearing before a hearing officer. Such a request must include the information required pursuant to subsection 2 and must be filed within 70 days after the date on which the notice of the insurer's determination was mailed by the insurer or the unanswered written request was mailed to the insurer, as applicable. The failure of an insurer to respond to a written request for a determination within 30 days after receipt of such a request shall be deemed by the hearing officer to be a denial of the request. *[an acceptance of the claim.]*~~

~~4. Failure to file a request for a hearing within the period specified in subsection 3 may be excused if the person aggrieved shows by a preponderance of the evidence that he did not receive the notice of the determination and the forms necessary to request a hearing. The [claimant or] employer shall notify the insurer of a change of address.~~

~~5. The hearing before the hearing officer must be conducted as expeditiously and informally as is practicable.~~

~~6. The parties to a contested claim may, if the claimant is represented by legal counsel, agree to forego a hearing before a hearing officer and submit the contested claim directly to an appeals officer.]~~ **(Deleted by amendment.)**

Sec. 3. NRS 617.356 is hereby amended to read as follows:

617.356 *1.* An insurer shall accept or deny ~~[responsibility]~~ ***a claim*** for ~~*[the payment of]*~~ compensation ~~*[to a claimant]*~~ under this chapter ***and notify the claimant or the person acting on behalf of the claimant pursuant to NRS 617.344 that the claim has been accepted or denied*** within ~~*[by sending its written determination by certified or registered mail to:*~~

~~*(a) The claimant; or*~~

~~*(b) The person acting on behalf of the claimant pursuant to NRS 617.344,*~~ ~~*→ not later than]*~~ 30 working days after ~~[claims]~~ ***the forms for filing the claim*** for compensation are received pursuant to both NRS 617.344 and 617.352.

2. ***The insurer shall notify the claimant or the person acting on behalf of the claimant that a claim has been accepted or denied pursuant to subsection 1 by:***

(a) Mailing its written determination to the claimant or the person acting on behalf of the claimant; and

(b) Obtaining a certificate of mailing.

3. The failure of the insurer to obtain a certificate of mailing shall be deemed to be a failure of the insurer to mail the written determination as required by this section.

4. Upon request, the insurer shall provide a copy of the certificate of mailing to the claimant or the person acting on behalf of the claimant.

5. For the purposes of this section, the insurer ~~*[is responsible for determining and using the correct]*~~ ***shall mail the written determination to:***

(a) The mailing address of the claimant or the person acting on behalf of the claimant ~~*[pursuant to NRS 617.344.]*~~ ***that is provided on the form prescribed by the Administrator for filing the claim; or***

(b) Another mailing address if the claimant or the person acting on behalf of the claimant provides to the insurer written notice of another mailing address.

6. As used in this section, "certificate of mailing" means a receipt that provides evidence of the date on which the insurer presented its written determination to the United States Postal Service for mailing.

Sec. 4. NRS 617.440 is hereby amended to read as follows:

617.440 1. An occupational disease defined in this chapter shall be deemed to arise out of and in the course of the employment if:

(a) There is a direct causal connection between the conditions under which the work is performed and the occupational disease;

(b) It can be seen to have followed as a natural incident of the work as a result of the exposure occasioned by the nature of the employment;

(c) It can be fairly traced to the employment as the proximate cause; and

(d) It does not come from a hazard to which workmen would have been equally exposed outside of the employment.

2. The disease must be incidental to the character of the business and not independent of the relation of the employer and employee.

3. The disease need not have been foreseen or expected, but after its contraction must appear to have had its origin in a risk connected with the employment, and to have flowed from that source as a natural consequence.

4. In cases of disability resulting from radium poisoning or exposure to radioactive properties or substances, or to roentgen rays (X rays) or ionizing radiation, the poisoning or illness resulting in disability must have been contracted in the State of Nevada.

5. The requirements set forth in this section do not apply to claims filed pursuant to NRS 617.453, 617.455, 617.457, 617.481 or 617.485.

Sec. 5. This act becomes effective on July 1, 2007.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 507.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 221.

AN ACT relating to children; requiring certain facilities which have physical custody of children pursuant to the order of a court to ensure that employees who come into direct contact with children in the facilities receive certain training; requiring an annual inspection of certain facilities located outside of this State which have physical custody of children from this State; requiring certain child care facilities to be licensed by the Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Health and Human Services rather than by a city or county licensing agency; making various changes concerning the annual inspections of certain facilities which have physical custody of children pursuant to the order of a court; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1, 6, 12, 13 ~~[, 14 and 17]~~ **and 14** of this bill require certain facilities that have custody of children pursuant to the order of a court to ensure that each employee of the facility that comes into direct contact with children in the facility receives training within 30 days after employment and annually thereafter concerning various issues affecting the health, welfare, safety and civil and other rights of those children.

Section 2 of this bill requires the Administrator of the Division of Child and Family Services of the Department of Health and Human Services or his designee to inspect **physically** any ~~[out-of-state]~~ **out-of-state** facility to which a child from this State who is in the custody of the Division may be

transferred **before or at the time of the transfer** to ensure the appropriateness of the placement. Section 2 further requires the Administrator or his designee to inspect **physically** the facility and interview the child placed in the out-of-state facility at least one time each year.

Existing law authorizes the licensing agency of a county or incorporated city, if established, to license child care facilities in the county or city. (NRS 432A.131) Sections 5, 8 and 9 of this bill provide that certain types of child care facilities must be licensed by the Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Health and Human Services regardless of whether there is a county or city licensing agency. (NRS 432A.024, 432A.131)

Sections 10, 15 ~~[, 16 and 24]~~ **and 16** of this bill require that annual inspections of facilities which have custody of children pursuant to the order of a court include the inspection of certain areas and require that the reports of such inspections be made public. (NRS 432A.180, 444.330, 444.335) ~~[, 449.235)]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 424 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A licensee that operates a group foster home shall ensure that each employee who comes into direct contact with children in the home receives training within 30 days after employment and annually thereafter. Such training must include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the home;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the home;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the home; and

(h) Such other matters as required by the licensing authority or pursuant to regulations of the Division.

2. The Division shall adopt regulations necessary to carry out the provisions of this section.

Sec. 2. Chapter 432 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Before or at the time the Division ~~[may transfer]~~ transfers a child who has been committed to the custody of the Division to a ~~[placement]~~ facility located outside this State, the Administrator or his designee shall

***physically** inspect the facility ~~[to which the child may be transferred]~~ to determine whether the facility:*

(a) Provides the services or treatment necessary for the child;

(b) Is either accredited or licensed and in good standing with the entity which accredits or licenses the facility; and

(c) Is subject to health inspections and the results of any such health inspections conducted within the immediately preceding 3 years.

2. If a child is placed in a facility that is located outside this State, the Administrator of the Division or his designee shall, at least one time each year, to ensure the continued appropriateness of the placement:

(a) ~~[Inspect]~~ Physically inspect the facility;

(b) Review the services being provided to the child at the facility and any treatment plan established for the child; and

(c) Interview the child.

3. The provisions of this section apply to any child committed to the custody of the Division pursuant to title 5 of NRS, chapter 432B or 433B of NRS or pursuant to any other authority.

Sec. 3. NRS 432.080 is hereby amended to read as follows:

432.080 All administrative expenses incurred by the Division in carrying out the provisions of NRS 432.010 to 432.085, inclusive, ***and section 2 of this act*** must be paid out of money which may be appropriated by the Legislature from the State General Fund and out of such other money as may be made available to the Division for the payment of administrative expenses. Disbursements must be made upon claims filed and allowed in the same manner as other money in the State Treasury is disbursed. All claims must be approved by the Administrator before they are paid.

Sec. 4. Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. *"Child care institution" means a facility which provides care and shelter during the day and night and provides developmental guidance to 16 or more children who do not routinely return to the homes of their parents or guardians. Such an institution may also provide, without limitation:*

1. Education to the children according to a curriculum approved by the Department of Education;

2. Services to children who have been diagnosed as severely emotionally disturbed as defined in NRS 433B.080, including, without limitation, services relating to mental health and education; or

3. Emergency shelter to children who have been placed in protective custody pursuant to chapter 432B of NRS.

Sec. 6. *1. A licensee that operates a child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court, including, without limitation, an emergency shelter, shall ensure that each employee who comes into direct contact with children in the facility receives training within 30 days after employment and annually*

thereafter. Such training must include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the emergency shelter;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the emergency shelter;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the emergency shelter; and

(h) Such other matters as required by the Board.

2. The Board shall adopt regulations necessary to carry out the provisions of this section.

Sec. 7. NRS 432A.020 is hereby amended to read as follows:

432A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432A.0205 to 432A.028, inclusive, ***and section 5 of this act,*** have the meanings ascribed to them in those sections.

Sec. 8. NRS 432A.024 is hereby amended to read as follows:

432A.024 1. "Child care facility" means:

(a) An establishment operated and maintained for the purpose of furnishing care on a temporary or permanent basis, during the day or overnight, to five or more children under 18 years of age, if compensation is received for the care of any of those children;

(b) An on-site child care facility; ~~[or]~~

(c) ***A child care institution; or***

(d) An outdoor youth program.

2. "Child care facility" does not include:

(a) The home of a natural parent or guardian, foster home as defined in ~~[chapter 424 of]~~ NRS ***424.014*** or maternity home;

(b) A home in which the only children received, cared for and maintained are related within the third degree of consanguinity or affinity by blood, adoption or marriage to the person operating the facility; or

(c) A home in which a person provides care for the children of a friend or neighbor for not more than 4 weeks if the person who provides the care does not regularly engage in that activity.

Sec. 9. NRS 432A.131 is hereby amended to read as follows:

432A.131 1. Child care facilities ***, other than child care institutions,*** in any county or incorporated city where the governing body has established an agency for the licensing of child care facilities and enacted an ordinance requiring that child care facilities be licensed by the county or city need not be licensed by the Bureau. The licensing agency shall adopt such standards

and other regulations as may be necessary for the licensing of child care facilities, and the standards and regulations:

(a) Must be not less restrictive than those adopted by the Board; and

(b) Take effect only upon their approval by the Bureau.

2. An agency for the licensing of child care facilities established by a city or county may waive compliance with a particular standard or other regulation by a child care facility if:

(a) The agency finds that the practices and policies of that facility are substantially equivalent to those required by the agency in its standards and other regulations; and

(b) The waiver does not allow a practice which violates a regulation adopted by the Board.

3. A governing body may adopt such standards and other regulations as may be necessary for the regulation of facilities which provide care for fewer than five children. If the standards so adopted are less restrictive than the standards for the licensure of child care facilities which have been adopted by the Board, the governing body shall not issue a license to the smaller facilities, but may register them in accordance with the standards which are less restrictive.

4. If a governing body intends to amend or repeal an ordinance providing for the licensing of child care facilities and the effect of that action will be the discontinuance of the governing body's licensure of child care facilities, the governing body shall notify the Bureau of its intention to do so at least 12 months before the amendment or repeal becomes effective.

5. A child care institution must be licensed by the Bureau.

Sec. 10. NRS 432A.180 is hereby amended to read as follows:

432A.180 1. Any authorized member or employee of the Bureau may enter and inspect any building or premises of a child care facility or the area of operation of an outdoor youth program at any time to secure compliance with or prevent a violation of any provision of this chapter.

2. The State Fire Marshal or his designate shall, at least annually:

(a) Enter and inspect every building or premises of a child care facility, on behalf of the Bureau; and

(b) Observe and make recommendations regarding the drills conducted pursuant to NRS 432A.077,

➥ to secure compliance with standards for safety from fire and other emergencies.

3. The State Health Officer or his designate shall enter and inspect at least annually, every building or premises of a child care facility and area of operation of an outdoor youth program, on behalf of the Bureau, to secure compliance with standards for health and sanitation.

4. The annual inspection of any child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court must include, without limitation, an inspection of all areas where food is prepared and served, bathrooms, areas used for sleeping, common

areas and areas located outdoors that are used by children at the child care facility. The State Health Officer shall publish reports of the inspections and make them available for public inspection upon request.

Sec. 11. NRS 432A.220 is hereby amended to read as follows:

432A.220 Any person who operates a child care facility without a license issued pursuant to NRS 432A.131 to 432A.220, inclusive, ***and section 6 of this act*** is guilty of a misdemeanor.

Sec. 12. Chapter 62B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall ensure that each employee who comes into direct contact with children who are in custody receives training within 30 days after employment and annually thereafter. Such training must include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the institution or agency;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the institution or agency;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the institution or agency; and

(h) Such other matters as required by the Division of Child and Family Services.

2. The Division of Child and Family Services shall adopt regulations necessary to carry out the provisions of this section.

Sec. 13. Chapter 63 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The superintendent of a facility shall ensure that each employee who comes into direct contact with children in the facility receives training within 30 days after employment and annually thereafter. Such training must include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the facility;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the home;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the facility; and

(h) Such other matters as required by the Administrator of the Division of Child and Family Services.

2. The Administrator of the Division of Child and Family Services shall provide direction to the superintendent of each facility concerning the manner in which to carry out the provisions of this section.

Sec. 14. Chapter 433B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Administrator shall ensure that each employee who comes into direct contact with children at any treatment facility and any other division facility into which a child may be committed by a court order receives training within 30 days after employment and annually thereafter. Such training must include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the emergency shelter;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the emergency shelter;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the emergency shelter; and

(h) Such other matters as required by the Board.

2. The Division shall adopt regulations necessary to carry out the provisions of this section.

Sec. 15. NRS 444.330 is hereby amended to read as follows:

444.330 1. The Health Division has supervision over the sanitation, healthfulness, cleanliness and safety, as it pertains to the foregoing matters, of the following state institutions:

(a) Institutions and facilities of the Department of Corrections.

(b) Northern Nevada Adult Mental Health Services.

(c) Nevada Youth Training Center, Caliente Youth Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

(d) Nevada System of Higher Education.

2. The State Board of Health may adopt regulations pertaining thereto as are necessary to promote properly the sanitation, healthfulness, cleanliness and, as it pertains to the foregoing matters, the safety of those institutions.

3. The State Health Officer or his authorized agent shall inspect those institutions at least once each calendar year and whenever he deems an inspection necessary to carry out the provisions of this section. ***The***

inspection of any state facility for the detention of children that is operated pursuant to title 5 of NRS must include, without limitation, an inspection of all areas where food is prepared and served, bathrooms, areas used for sleeping, common areas and areas located outdoors that are used by children at the facility.

4. The State Health Officer ***shall publish reports of the inspections of any state facility for the detention of children that is operated pursuant to title 5 of NRS and*** may publish reports of the inspections ~~[.]~~ ***other state institutions.***

5. All persons charged with the duty of maintenance and operation of the institutions named in this section shall operate the institutions in conformity with the regulations adopted by the State Board of Health pursuant to subsection 2.

6. The State Health Officer or his authorized agent may, in carrying out the provisions of this section, enter upon any part of the premises of any of the institutions named in this section over which he has jurisdiction, to determine the sanitary conditions of the institutions and to determine whether the provisions of this section and the regulations of the State Board of Health pertaining thereto are being violated.

Sec. 16. NRS 444.335 is hereby amended to read as follows:

444.335 1. The health authority shall have supervision over the sanitation, healthfulness, cleanliness and safety, as it pertains to the foregoing matters, of the following city, county and private institutions:

(a) Jails, correctional institutions and other institutions performing similar functions ~~[.]~~ ***, including, without limitation, any facility for the detention of children;***

(b) Schools; and

(c) School gymnasiums.

2. The State Board of Health shall, with respect to jails, correctional institutions and other institutions performing similar functions, ***including, without limitation, any facility for the detention of children,*** and may, with respect to the other institutions named in subsection 1, adopt and enforce such regulations as are necessary to promote properly the sanitation, healthfulness, cleanliness and safety, as it pertains to the foregoing matters, of those institutions.

3. The health authority shall inspect those institutions at least once each calendar year and at such other times as, in its discretion, it deems an inspection necessary to carry out the provisions of this section, except that inspections of schools and gymnasiums shall be made at least twice each year, once during each semester. ***The inspection of any institution which has physical custody of children pursuant to the order of a court must include, without limitation, an inspection of all areas where food is prepared and served, bathrooms, areas used for sleeping, common areas and areas located outdoors that are used by children at the facility.***

4. A report of the findings of an inspection must be made to the State Health Officer within 20 days following the inspection. The State Health Officer ***shall publish the report of the inspection of any facility which has physical custody of children pursuant to the order of a court and*** may from time to time, in his discretion, publish the reports of ~~[those]~~ ***the*** inspections ~~[.]~~ ***of other institutions.***

5. All persons charged with the duty of maintenance and operation of the institutions named in this section shall operate those institutions in conformity with regulations relating to sanitation, healthfulness, cleanliness and safety, as it pertains to the foregoing matters, adopted by the State Board of Health.

6. The health authority may, in carrying out the provisions of this section, enter upon any part of the premises of any of the institutions named in this section over which it has jurisdiction, to determine the sanitary conditions of those places and to determine whether the provisions of this section and the regulations of the State Board of Health pertaining thereto are being violated.

Sec. 17. ~~[Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. A medical facility or facility for the dependent which occasionally or regularly has physical custody of children pursuant to the order of a court shall ensure that each employee who comes into direct contact with children in the shelter receives training within 30 days after employment and annually thereafter. Such training must include, without limitation, instruction concerning:*~~

~~*(a) Controlling the behavior of children;*~~

~~*(b) Policies and procedures concerning the use of force and restraint on children;*~~

~~*(c) The rights of children in the facility;*~~

~~*(d) Suicide awareness and prevention;*~~

~~*(e) The administration of medication to children;*~~

~~*(f) Applicable state and federal constitutional and statutory rights of children in the home;*~~

~~*(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the facility; and*~~

~~*(h) Such other matters as required by the Board.*~~

~~*2. The Board shall adopt regulations necessary to carry out the provisions of this section.]*~~ **(Deleted by amendment.)**

Sec. 18. ~~[NRS 449.037 is hereby amended to read as follows:~~

~~449.037 1. The Board shall adopt:~~

~~(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.001 to 449.240, inclusive, *and section 17 of this act* and for programs of hospice care.~~

~~(b) Regulations governing the licensing of such facilities and programs.~~

~~(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.~~

~~(d) Regulations establishing a procedure for the indemnification by the Health Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.~~

~~(e) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.001 to 449.240, inclusive.~~[.] *, and section 17 of this act.*

~~2. The Board shall adopt separate regulations governing the licensing and operation of:~~

~~(a) Facilities for the care of adults during the day; and~~

~~(b) Residential facilities for groups,~~

~~which provide care to persons with Alzheimer's disease.~~

~~3. The Board shall adopt separate regulations for:~~

~~(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.~~

~~(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.~~

~~(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.~~

~~4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well being of each person accommodated in the facility.~~

~~5. The Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.~~

~~6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:~~

~~(a) The ultimate user's physical and mental condition is stable and is following a predictable course.~~

~~(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.~~

~~(c) A written plan of care by a physician or registered nurse has been established that:~~

~~(1) Addresses possession and assistance in the administration of the medication; and~~

~~(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.~~

~~(d) The prescribed medication is not administered by injection or intravenously.~~

~~(e) The employee has successfully completed training and examination approved by the Health Division regarding the authorized manner of assistance.~~

~~7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:~~

~~(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.~~

~~(b) The residents of the facility reside in their own living units which:~~

~~(1) Except as otherwise provided in subsection 8, contain toilet facilities;~~

~~(2) Contain a sleeping area or bedroom; and~~

~~(3) Are shared with another occupant only upon consent of both occupants.~~

~~(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:~~

~~(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;~~

~~(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;~~

~~(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and his personal choice of lifestyle;~~

~~(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his own life;~~

~~(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;~~

~~(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and~~

~~(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.~~

~~8. The Health Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility licensed as a residential facility for groups on or before July 1, 2005, and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling, if the Health Division finds that:~~

~~(a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and~~

~~(b) The exception, if granted, would not:~~

~~(1) Cause substantial detriment to the health or welfare of any resident of the facility;~~

~~(2) Result in more than two residents sharing a toilet facility; or~~

~~(3) Otherwise impair substantially the purpose of that requirement.~~

~~9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:~~

~~(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;~~

~~(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;~~

~~(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and~~

~~(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.~~

~~10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:~~

~~(a) Facilities that only provide a housing and living environment;~~

~~(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and~~

~~(c) Facilities that provide or arrange for the provision of alcohol and drug abuse programs, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.~~

~~11. As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility.]~~ **(Deleted by amendment.)**

Sec. 19. ~~[NRS 449.060 is hereby amended to read as follows:~~

~~449.060 1. Each license issued pursuant to NRS 449.001 to 449.240, inclusive,~~ *~~and section 17 of this act~~* ~~expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to NRS 449.050 unless the Health Division finds, after an investigation, that the facility has not:~~

~~(a) Satisfactorily complied with the provisions of NRS 449.001 to 449.240, inclusive,~~ *~~and section 17 of this act~~* ~~or the standards and regulations adopted by the Board;~~

~~(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or~~

~~(c) Conformed to all applicable local zoning regulations.~~

~~2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a residential facility for intermediate care, a facility for skilled nursing or a residential facility for groups must include, without limitation, a statement that the facility or agency is in compliance with the provisions of NRS 449.173 to 449.188, inclusive.]~~ **(Deleted by amendment.)**

Sec. 20. ~~[NRS 449.080 is hereby amended to read as follows:~~

~~449.080 1. If, after investigation, the Health Division finds that the:~~

~~(a) Applicant is in full compliance with the provisions of NRS 449.001 to 449.240, inclusive [;]~~ *~~, and section 17 of this act~~*~~;~~

~~(b) Applicant is in substantial compliance with the standards and regulations adopted by the Board;~~

~~(c) Applicant, if he has undertaken a project for which approval is required pursuant to NRS 439A.100, has obtained the approval of the Director of the Department of Health and Human Services; and~~

~~(d) Facility conforms to the applicable zoning regulations,~~

~~→ the Health Division shall issue the license to the applicant.~~

~~2. A license applies only to the person to whom it is issued, is valid only for the premises described in the license and is not transferable.]~~ **(Deleted by amendment.)**

Sec. 21. ~~[NRS 449.160 is hereby amended to read as follows:~~

~~449.160 1. The Health Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.001 to 449.240, inclusive,~~ *~~and section 17 of this act~~*~~, upon any of the following grounds:~~

~~(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.001 to 449.245, inclusive,~~ *~~and section 17 of this act~~* ~~or of any other law of this State or of the standards, rules and regulations adopted thereunder.~~

~~(b) Aiding, abetting or permitting the commission of any illegal act.~~

~~(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.~~

~~(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.~~

~~(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to this chapter, if such approval is required.~~

~~2. In addition to the provisions of subsection 1, the Health Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:~~

~~(a) Is convicted of violating any of the provisions of NRS 202.470;~~

~~(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or~~

~~(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.~~

~~3. The Health Division shall maintain a log of any complaints that it receives relating to activities for which the Health Division may revoke the license to operate a facility for the dependent pursuant to subsection 2.~~

~~4. On or before February 1 of each odd-numbered year, the Health Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:~~

~~(a) Any complaints included in the log maintained by the Health Division pursuant to subsection 3; and~~

~~(b) Any disciplinary actions taken by the Health Division pursuant to subsection 2.]~~ **(Deleted by amendment.)**

Sec. 22. ~~[NRS 449.163 is hereby amended to read as follows:~~

~~449.163 1. If a medical facility or facility for the dependent violates any provision related to its licensure, including any provision of NRS 439B.410, 449.001 to 449.240, inclusive, *and section 17 of this act*, or any condition, standard or regulation adopted by the Board, the Health Division in accordance with the regulations adopted pursuant to NRS 449.165 may:~~

~~(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;~~

~~(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;~~

~~(c) Impose an administrative penalty of not more than $1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and~~

~~(d) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:~~

~~(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or~~

~~(2) Improvements are made to correct the violation.~~

~~2. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (c) of subsection 1, the Health Division may:~~

~~(a) Suspend the license of the facility until the administrative penalty is paid; and~~

~~(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.~~

~~3. The Health Division may require any facility that violates any provision of NRS 439B.410, 449.001 to 449.240, inclusive, *and section 17 of this act* or any condition, standard or regulation adopted by the Board, to make any improvements necessary to correct the violation.~~

~~4. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used to protect the health or property of the residents of the facility in accordance with applicable federal standards.]~~ **(Deleted by amendment.)**

Sec. 23. ~~[NRS 449.230 is hereby amended to read as follows:~~

~~449.230 1. Any authorized member or employee of the Health Division may enter and inspect any building or premises at any time to secure compliance with or prevent a violation of any provision of NRS 449.001 to 449.245, inclusive [.]~~, *and section 17 of this act.*

~~2. The State Fire Marshal or his designee shall, upon receiving a request from the Health Division or a written complaint concerning compliance with the plans and requirements to respond to an emergency adopted pursuant to subsection 9 of NRS 449.037:~~

~~(a) Enter and inspect a residential facility for groups; and~~

~~(b) Make recommendations regarding the adoption of plans and requirements pursuant to subsection 9 of NRS 449.037,~~

~~→ to ensure the safety of the residents of the facility in an emergency.~~

~~3. The State Health Officer or his designee shall enter and inspect at least annually each building or the premises of a residential facility for groups to ensure compliance with standards for health and sanitation.~~

~~4. An authorized member or employee of the Health Division shall enter and inspect any building or premises operated by a residential facility for groups within 72 hours after the Health Division is notified that a residential facility for groups is operating without a license.]~~ **(Deleted by amendment.)**

Sec. 24. ~~[NRS 449.235 is hereby amended to read as follows:~~

~~449.235 *1.* Every medical facility or facility for the dependent may be inspected at any time, with or without notice, as often as is necessary by:~~

~~[1.] *(a)* The Health Division to ensure compliance with all applicable regulations and standards; and~~

~~[2.] *(b)* Any person designated by the Aging Services Division of the Department of Health and Human Services to investigate complaints made against the facility.~~

~~*2. The Health Division shall inspect, at least annually, any medical facility or facility for the dependent which occasionally or regularly has physical custody of children pursuant to the order of a court. Such an inspection must include, without limitation, an inspection of all areas where food is prepared and served to children, bathrooms, areas used for children to sleep, common areas used by children and areas located outdoors that are used by children at the facility. The Health Division shall publish reports of the inspections and make them available for public inspection upon request.]~~

(Deleted by amendment.)

Sec. 25. 1. The training required for employees pursuant to sections 1, 6, 12, 13 ~~[, 14 and 17]~~ **and 14** must be provided to all employees holding positions on October 1, 2007, by not later than November 1, 2007.

2. A child care institution which must be licensed by the Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Health and Human Services pursuant to section 9 of this act must obtain such a license by not later than January 1, 2008.

3. The amendatory provisions of sections 10, 15 ~~[, 16 and 24]~~ **and 16** of this act apply to the next inspection conducted pursuant to those sections.

Sec. 26. This act becomes effective upon passage and approval for the purpose of adopting regulations and on October 1, 2007, for all other purposes.

Assemblywoman Gerhardt moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 513.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 387.

AN ACT relating to general improvement districts; allowing the board of trustees of a general improvement district to be created or reorganized as either a five-member or seven-member board ~~[,]~~ **under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes each board of county commissioners to create general improvement districts within the county and to appoint five persons to serve as the first board of trustees of each district. (NRS 318.080) ~~[Section]~~ **Sections** 1 **and 2** of this bill ~~[authorizes each]~~ **authorize a** board of county commissioners **, in the alternative,** to appoint ~~[either five or]~~ seven persons to ~~[the first]~~ **such a** board of trustees ~~[of each general improvement district.]~~ **, but provide additionally that no general improvement district**

which is created or reorganized on or after October 1, 2007, may have a board of trustees that consists of seven members unless the board of county commissioners of the county in which the district is located also consists of seven members. Sections ~~[2-4]~~ **3-5** of this bill amend provisions regarding general improvement districts to account for boards of trustees with either five or seven members.

Existing law authorizes qualified electors of a general improvement district to petition the board of county commissioners for the creation of election areas within the district, each area to be represented by one member of the board of trustees of the district. Under existing law, election areas within a general improvement district may be altered or abolished in the same manner in which they are created. (NRS 318.0952) Section ~~[5]~~ **6** of this bill **clarifies that the petition process may be used to reorganize as well as to create election areas. Section 6** requires the election areas specified in the petition to provide, to the extent practicable, proportional representation for the residents of each election area and requires each board of county commissioners, when determining whether the creation of the election areas is desirable, to consider whether the areas provide such proportional representation. Section ~~[5]~~ **6** also requires the petition to specify which two of the election areas will be represented by two members of the board of trustees instead of one, which occurs when the board consists of seven members and there are five election areas, and provides for the election of trustees from areas that will be represented by two members of the board.

Existing law, under certain circumstances, allows the board of county commissioners of a county to serve ex officio as the board of trustees of a general improvement district. However, existing law prohibits such an arrangement if the district exercises other than certain enumerated powers. (NRS 318.0953) Section 7 of this bill provides that, in a county of any size, the board of county commissioners of the county may serve ex officio as the board of trustees of a general improvement district organized on or after October 1, 2007, regardless of which basic powers the district exercises.

Under existing law, a general improvement district is authorized to borrow money and issue short-term indicia of debt upon the affirmative vote of four trustees. (NRS 318.280) Section ~~[6]~~ **8** of this bill changes the voting requirement to a majority plus one additional trustee, thus preserving the voting requirement for five-member boards, and similarly requiring seven-member boards to approve such actions by greater than a simple majority.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 318 of NRS is hereby amended by adding thereto a new section to read as follows:**

If a district is created or reorganized on or after October 1, 2007, the board of trustees of the district must not consist of seven members unless

the board of county commissioners of the county in which the district is located consists of seven members.

~~[Section 1.]~~ ***Sec. 2.*** NRS 318.080 is hereby amended to read as follows:

318.080 1. After adopting an ordinance creating a district and before appointing the first board of trustees for the district, the board of county commissioners is, ex officio, the board of trustees for the district.

2. While acting as the board of trustees, the board of county commissioners shall establish:

(a) Accounting practices and procedures for the district;

(b) Auditing practices and procedures to be used by the district;

(c) A budget for the district; and

(d) Management standards for the district.

3. Except as otherwise provided in NRS 318.0953 and 318.09533, ***and section 1 of this act,*** after the board of county commissioners has performed the duties required by subsection 2, it shall appoint five ***or seven*** persons to serve as the first board of trustees of the district and shall specify therein the terms of office to the first Monday in January next following the respective election dates provided in NRS 318.095. Except as otherwise provided in subsection 5, these persons must be qualified electors of the district.

4. The members of the board of trustees shall qualify by filing with the county clerk their oaths of office and corporate surety bonds, at the expense of the district, the bonds to be in an amount not more than $10,000 each, the form and exact amount thereof to be approved and determined, respectively, by the board of county commissioners, conditioned for the faithful performance of their duties as trustees. The board of county commissioners may from time to time, upon good cause shown, increase or decrease the amount of the bond.

5. The board of county commissioners may appoint as one of the ~~[five]~~ initial trustees as provided by subsection 1 the district attorney for the county or a deputy district attorney on his staff. Such appointee need not be a qualified elector of the district, but no such attorney is qualified for appointment to fill any vacancy on the board pursuant to NRS 318.090 or qualified as a candidate for election to the board at any biennial election pursuant to NRS 318.095 unless he is a qualified elector of the district.

6. The board of county commissioners of the county vested with jurisdiction pursuant to NRS 318.050 may remove any trustee serving on an appointed or elected board of trustees for cause shown, on petition, hearing and notice thereof by publication and by mail addressed to the trustee.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 318.090 is hereby amended to read as follows:

318.090 Except as otherwise provided in NRS 318.0953 and 318.09533:

1. The board shall, by resolution, designate the place where the office or principal place of the district is to be located, which must be within the corporate limits of the district, and which may be changed by resolution of the board. Copies of all those resolutions must be filed with the county clerk

or clerks of the county or counties wherein the district is located within 5 days after their adoption. The official records and files of the district must be kept at that office and must be open to public inspection as provided in NRS 239.010.

2. The board of trustees shall meet regularly at least once each year, and at such other times at the office or principal place of the district as provided in the bylaws.

3. Special meetings may be held on notice to each member of the board as often as, and at such places within the district as, the needs of the district require.

4. ~~[Three]~~ ***A majority of the*** members of the board ~~[constitute]~~ ***constitutes*** a quorum at any meeting.

5. A vacancy on the board must be filled by a qualified elector of the district chosen by the remaining members of the board, the appointee to act until a successor in office qualifies as provided in NRS 318.080 on or after the first Monday in January next following the next biennial election, held in accordance with NRS 318.095, at which election the vacancy must be filled by election if the term of office extends beyond that first Monday in January. Nominations of qualified electors of the district as candidates to fill unexpired terms of 2 years may be made the same as nominations for regular terms of 4 years, as provided in NRS 318.095. If the board fails, neglects or refuses to fill any vacancy within 30 days after the vacancy occurs, the board of county commissioners shall fill that vacancy.

6. Each term of office of 4 years terminates on the first Monday in January next following the general election at which a successor in office is elected, as provided in NRS 318.095. The successor's term of office commences then or as soon thereafter as the successor qualifies as provided in NRS 318.080, subject to the provisions in this chapter for initial appointments to a board, for appointments to fill vacancies of unexpired terms, and for the reorganizations of districts under this chapter which were organized under other chapters of NRS.

~~[Sec. 3.]~~ ***Sec. 4.*** NRS 318.095 is hereby amended to read as follows:

318.095 Except as otherwise provided in NRS 318.0953:

1. There must be held simultaneously with the first general election in the county after the creation of the district and simultaneously with every general election thereafter an election to be known as the biennial election of the district. The election must be conducted under the supervision of the county clerk or registrar of voters. A district shall reimburse the county clerk or registrar of voters for the costs he incurred in conducting the election for the district.

2. The office of trustee is a nonpartisan office. The general election laws of this State govern the candidacy, nominations and election of a member of the board. The names of the candidates for trustee of a district may be placed on the ballot for the primary or general election.

3. ~~[At]~~ ***If a board of trustees consists of five members, at*** the first biennial election in any district organized or reorganized and operating under this chapter, and each fourth year thereafter, there must be elected by the qualified electors of the district two qualified electors as members of the board ***of trustees*** to serve for terms of 4 years. At the second biennial election and each fourth year thereafter, there must be so elected three qualified electors as members of the board ***of trustees*** to serve for terms of 4 years.

4. ***If a board of trustees consists of seven members, at the first biennial election in any district organized or reorganized and operating under this chapter, and each fourth year thereafter, there must be elected by the qualified electors of the district three qualified electors as members of the board of trustees to serve for terms of 4 years. At the second biennial election and each fourth year thereafter, there must be so elected four qualified electors as members of the board of trustees to serve for terms of 4 years.***

5. The secretary of the district shall give notice of election by publication, and shall arrange such other details in connection therewith as the county clerk or registrar of voters may direct.

~~[5.]~~ ***6.*** Any new member of the board must qualify in the same manner as members of the first board qualify.

~~[Sec. 4.]~~ ***Sec. 5.*** NRS 318.0951 is hereby amended to read as follows:

318.0951 Except as otherwise provided in NRS 318.0952 or 318.0953:

1. Each trustee elected at any biennial election must be chosen by a plurality of the qualified electors of the district voting on the candidates for the vacancies to be filled.

2. If there are two regular terms which end on the first Monday in January next following the biennial election, the two qualified electors receiving the highest and next highest number of votes must be elected. If there are three regular terms so ending, the three qualified electors receiving the highest, next highest and third highest number of votes must be elected. ***If there are four regular terms so ending, the four qualified electors receiving the highest, next highest, third highest and fourth highest number of votes must be elected.***

3. If there is a vacancy in an unexpired regular term to be filled at the biennial election, as provided in subsection 5 of NRS 318.090, the candidate who receives the highest number of votes, after there are chosen the successful candidates to fill the vacancies in expired regular terms as provided in subsection 2, must be elected.

~~[Sec. 5.]~~ ***Sec. 6.*** NRS 318.0952 is hereby amended to read as follows:

318.0952 Except as otherwise provided in NRS 318.0953 ~~[:]~~ ***and section 1 of this act:***

1. Trustees may be elected in the alternate manner provided in this section from election areas within the district.

2. Within 30 days before May 1 of any year in which a general election is to be held in the State, 10 percent or more of the qualified electors of the district voting at the next preceding biennial election of the district may file a written petition with the board of county commissioners of the county vested with jurisdiction under NRS 318.050 praying for the creation ***or reorganization*** of election areas within the district in the manner provided in this section. The petition must specify with particularity ~~[the]~~ ***either*** five ***or seven election*** areas proposed to be created ~~[,]~~ ***or into which the district is proposed to be reorganized.*** The description of the proposed election areas need not be given by metes and bounds or by legal subdivisions, but must be sufficient to enable a person to ascertain what territory is proposed to be included within a particular area. ***To the extent practicable, the five or seven election areas so specified must provide for the proportional representation of the residents of each election area. If the board consists of seven members and the petition specifies five areas proposed to be created*** ~~[,]~~ ***or into which the district is proposed to be reorganized, the petition must designate two areas that each will be represented by two trustees.*** The signatures to the petition need not all be appended to one paper, but each signer must add to his name his place of residence, giving the street and number whenever practicable. One of the signers of each paper shall take an oath, before a person competent to administer oaths, that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

3. Immediately after the receipt of the petition, the board of county commissioners shall fix a date for a public hearing to be held during the month of May, and shall give notice thereof by publication at least once in a newspaper published in the county ~~[,]~~ or ***,*** if no such newspaper is published therein ***,*** then in a newspaper published in the State of Nevada and having a general circulation in the county. The costs of publication of that notice are a proper charge against the district fund.

4. If, as a result of the public hearing, the board of county commissioners finds that the creation ***or reorganization*** of election areas within the district is desirable, the board of county commissioners shall, by resolution regularly adopted before June 1, divide the district into the areas specified in the petition, designate them by number and define their boundaries. ***In determining whether the creation or reorganization of the election areas specified in the petition is desirable, the board of county commissioners shall consider whether the election areas specified provide for the proportional representation of the residents of each election area.*** The territory comprising each election area must be contiguous. ~~[One]~~

5. Trustees must be elected from each election area as follows:

(a) If the board consists of five members and five election areas are designated, or if the board consists of seven members and seven election areas are designated, one trustee must be elected from each election area by

a majority of the qualified electors voting on the candidates for any vacancy for that area **,** as provided in subsection ~~[7.]~~ ***8; and***

(b) If the board consists of seven members and five election areas are designated:

(1) From each of the two election areas designated pursuant to subsection 2 as being represented by two trustees, the two qualified electors receiving the highest and next highest number of votes from the qualified electors voting on the candidates for any vacancy for that area, as provided in subsection 8, must be elected; and

(2) From each of the three election areas not designated as being represented by two trustees, one trustee must be elected by a majority of the qualified electors voting on the candidates for any vacancy for that area, as provided in subsection 8.

~~[5.]~~ ***6.*** Before June 1 and immediately following the adoption of the resolution creating ***or reorganizing*** election areas within a district, the clerk of the board of county commissioners shall transmit a certified copy of the resolution to the secretary of the district.

~~[6.]~~ ***7.*** Upon the creation ***or reorganization*** of election areas within a district, the terms of office of all trustees then in office expire on the first Monday of January thereafter next following a biennial election. At the biennial election held following the creation ***or reorganization*** of election areas within a district, district trustees to represent the odd-numbered election areas must be elected for terms of 4 years and district trustees to represent the even-numbered election areas must be elected for terms of 2 years. Thereafter, at each biennial election, the offices of trustees must be filled for terms of 4 years in the order in which the terms of office expire.

~~[7.]~~ ***8.*** Candidates for election as a trustee representing any election area must be elected only by those qualified electors of the district residing in that area. No qualified elector may vote in more than one election area at any one time.

~~[8.]~~ ***9.*** A candidate for the office of trustee of a district in which election areas have been created must be a qualified elector of the district and must be a resident of the election area which he seeks to represent.

~~[9.]~~ ***10.*** Election areas may be altered or abolished in the same manner as provided in this section for the creation ***or reorganization*** of election areas and the election of trustees therefor.

Sec. 7. **NRS 318.0953 is hereby amended to read as follows:**

318.0953 1. In every county whose population is 400,000 or more, the board of county commissioners is, and in counties whose population is less than 400,000 the board of county commissioners may be, ex officio, the board of trustees of each district organized or reorganized pursuant to this chapter and authorized to exercise the basic power of furnishing facilities for sewerage as provided in NRS 318.140, without regard to whether the district is also authorized to furnish facilities for storm drainage, but excluding any district which is authorized, in addition to those basic powers, to exercise any

one or more other basic powers designated in this chapter, except as provided in subsections 2 ~~[and 4.]~~ ***, 4 and 5.***

2. The board of county commissioners of any county may be, at its option, ex officio, the board of trustees of any district organized or reorganized pursuant to this chapter and authorized to exercise the basic power of furnishing facilities for water as provided in NRS 318.144, or, furnishing both facilities for water and facilities for sewerage as provided in NRS 318.144 and 318.140, respectively, without regard to whether the district is also authorized to furnish facilities for storm drainage, but excluding any district which:

(a) Is authorized, in addition to its basic powers, to exercise any one or more other basic powers designated in this chapter ~~[.]~~ ***, except as provided in subsection 4.***

(b) Is organized or reorganized pursuant to this chapter, the boundaries of which include all or a portion of any incorporated city or all or a portion of a district for water created by special law.

3. In every county whose population is less than 100,000, the board of county commissioners may be, ex officio, the board of trustees of each district organized or reorganized pursuant to this chapter and authorized to exercise the basic power of furnishing emergency medical services as provided in NRS 318.1185, which district may overlap the territory of any district authorized to exercise any one or more other basic powers designated in this chapter.

4. ***The board of county commissioners of any county may be, at its option, ex officio, the board of trustees of any district organized on or after October 1, 2007, and authorized to exercise one or more of the basic powers designated in this chapter.***

5. A board of county commissioners may exercise the options provided in subsections 1 ~~[, 2 and 3]~~ ***to 4, inclusive,*** by providing in the ordinance creating the district or in an ordinance thereafter adopted at any time that the board is, ex officio, the board of trustees of the district. The board of county commissioners shall, in the former case, be the board of trustees of the district when the ordinance creating the district becomes effective, or in the latter case, become the board of the district 30 days after the effective date of the ordinance adopted after the creation of the district. In the latter case within the 30-day period the county clerk shall promptly cause a copy of the ordinance to be:

(a) Filed in his office;

(b) Transmitted to the secretary of the district; and

(c) Filed in the Office of the Secretary of State without the payment of any fee and otherwise in the same manner as articles of incorporation are required to be filed under chapter 78 of NRS.

~~[Sec. 6.]~~ ***Sec. 8.*** NRS 318.280 is hereby amended to read as follows:

318.280 1. A district, upon the affirmative vote of ~~[four]~~ ***a majority of the*** trustees, ***plus one additional trustee,*** is authorized to borrow money

without an election in anticipation of the collection of taxes or other revenues **,** ~~[(]~~ but excluding special assessments **,** ~~(])~~ and to issue short-term notes, warrants and interim debentures to evidence the amount so borrowed.

2. Such short-term notes, warrants and interim debentures:

(a) Shall be payable from the fund for which the money was borrowed.

(b) Shall mature before the close of the fiscal year in which the money is so borrowed, except for interim debentures.

(c) Shall not be extended or funded except in compliance with the Local Government Securities Law.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 514.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 517.

AN ACT relating to the City of Las Vegas; making various changes to the powers of the City Council; making various other changes to the Charter of the City of Las Vegas; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that the City Council of the City of Las Vegas has the power to adopt necessary and proper ordinances for the development and provision of affordable housing.

Section 2 of this bill authorizes the City Council to ~~[appoint]~~ **establish** a salary commission with the authority to fix the salaries of the Mayor and City Councilmen ~~[.]~~ **, the members of which are to be appointed by the Majority Leader of the Senate and the Speaker of the Assembly.**

Section 3 of this bill provides that the City Council has the power to adopt necessary and proper ordinances for the development and provision of employment and training programs.

Section 4 of this bill provides for the appointment of Hearing Commissioners **by the City Council** to hear and decide certain misdemeanor actions.

Section 5 of this bill extends the time that the City Council has to fill vacancies in the office of Mayor, Councilman or Municipal Judge from 30 to 60 days.

Section 8 of this bill amends the time by which a proposed ordinance must be adopted or rejected by the City Council from 30 days to 60 days.

Section 9 of this bill authorizes the City Council to adopt an alternative procedure

for a person to appeal the denial, suspension or revocation of a work permit or identification card.

Section 10 of this bill provides that the City Council has such other powers as are conferred generally upon the governing bodies of other cities.

Section 11 of this bill authorizes the Director of Financial Management of the City to serve as the City Treasurer.

Section 12 of this bill removes the requirement that the Director of Public Services be a licensed professional engineer.

Existing law provides that a Master Judge must be selected on the basis of seniority. (Las Vegas City Charter § 4.020) Section 13 of this bill provides that the Master Judge must be selected from each Department on a rotating basis, beginning with Department 1.

Section 14 of this bill provides that the City Council may determine that the System of Civil Service must be administered by a Board of Civil Service Trustees.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, is hereby amended by adding thereto a new section to be designated as section 2.145, immediately following section 2.140, to read as follows:

Sec. 2.145 Powers of City Council: Affordable Housing. In addition to any other powers authorized by specific statute, the City Council may exercise such powers and enact such ordinances, not in conflict with the laws of this State, as the City Council determines are necessary and proper for the development and provision of affordable housing.

Sec. 2. The Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, is hereby amended by adding thereto a new section to be designated as section 2.340, immediately following section 2.330, to read as follows:

Sec. 2.340 Powers of City Council: Salaries of Mayor and Councilmen.

1. The City Council may by ordinance or resolution establish an independent salary commission to fix the salaries of the Mayor and the Councilmen. Such ordinance or resolution must include, without limitation, the terms of office of the members of the salary commission. If the City Council establishes a salary commission by ordinance or resolution, it shall provide written notice of that fact to:

(a) The Majority Leader of the Senate; and

(b) The Speaker of the Assembly.

2. If a salary commission is established pursuant to subsection 1, [each Councilman must appoint a member] the Majority Leader of the Senate and the Speaker of the Assembly, within 60 days after receiving the written notice described in that subsection, shall jointly appoint to the salary commission a total of seven members, one of whom must be a member at large and six of whom must represent the different wards into which the

City is divided. Each of the six members representing one of the wards into which the City is divided must be a person who:

(a) Resides within the ward which ~~[the Councilman]~~ he represents;

(b) Is not a member of the ~~[Councilman's household;]~~ household of the Councilman who represents that ward;

(c) Is not related ~~[to the Councilman]~~ by blood, adoption or marriage within the third degree of consanguinity or affinity ~~[,]~~ to the Councilman who represents that ward; and

(d) Does not have a substantial and continuing business relationship with ~~[the Councilman or]~~ either the City ~~[.]~~ or the Councilman who represents that ward.

3. A member must be appointed on the basis of his education, training, experience and demonstrated abilities. Of the total of the seven members appointed to the salary commission : ~~[by the seven Councilmen:]~~

(a) One member must be affiliated with an organization representing the interests of businesses;

(b) One member must be affiliated with an organization representing the interests of taxpayers;

(c) One member must be affiliated with an organization representing the interests of the development community;

(d) One member must have expertise in human resource management;

(e) One member must have expertise in finance; and

(f) Two members must be representative of the general public.

4. Members of the salary commission:

(a) Serve without compensation; and

(b) May, upon written request, receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the business of the salary commission.

5. The salary commission must meet at least once every 5 years.

6. The salary commission is entitled to such staff or employees of the City as is necessary to assist in the performance of the duties of the salary commission that are set forth in subsection 7.

7. In setting the salaries of the Mayor and Councilmen, the salary commission shall conduct at least one public hearing and consider the following:

(a) The amount of work performed by the Mayor or Councilmen in representing their constituents, based upon the population and geographical size of the area that the Mayor or Councilmen represent.

(b) The amount of time dedicated by the Mayor or Councilmen in representing their constituents.

(c) The projected population growth of the City.

(d) Existing compensation levels for comparable positions in other geographic locations.

(e) The current and projected financial conditions of the City.

(f) Any other condition or factor that the salary commission determines is relevant to fixing the salaries of the Mayor or the Councilmen.

Sec. 3. The Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, is hereby amended by adding thereto a new section to be designated as section 3.300, immediately following section 3.290, to read as follows:

Sec. 3.300 Programs: Employment and Training. In addition to any other powers authorized by specific statute, the City Council may exercise such powers and enact such ordinances, not in conflict with the laws of this State, as the City Council determines are necessary and proper for the development and provision of programs relating to employment and training.

Sec. 4. The Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, is hereby amended by adding thereto a new section to be designated as section 4.040, immediately following section 4.030, to read as follows:

Sec. 4.040 Hearing Commissioners.

1. ~~[Upon authorization by the City Council, the Municipal Judges]~~ The City Council may appoint one or more Hearing Commissioners to hear and decide:

(a) Any action for a misdemeanor constituting a violation of chapter 484 of NRS, except NRS 484.379; and

(b) Any action for a misdemeanor constituting a violation of the Las Vegas Municipal Code, except chapter 11.14 of that Code.

2. Each Hearing Commissioner must:

(a) Be a duly licensed member, in good standing, of the State Bar of Nevada;

(b) Be a resident of the State;

(c) Be a qualified elector in the City;

(d) Have been a bona fide resident of the City for not less than 1 year next preceding his appointment; and

(e) Not have ever been removed or retired from any judicial office by the Commission on Judicial Discipline.

3. In connection with any action of a type described in subsection 1, a Hearing Commissioner has all the powers and duties of a Municipal Judge and a magistrate pursuant to the laws of this State. To the extent possible and practicable, the proceedings in such actions must be subject to and governed by the provisions of the laws of this State, this Charter and city ordinances pertaining to Municipal Judges.

4. Hearing Commissioners shall receive such compensation as may be allowed by the City Council.

Sec. 5. Section 1.160 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 515, Statutes of Nevada 1997, at page 2451, is hereby amended to read as follows:

Sec. 1.160 Elective Offices: Vacancies.

1. A vacancy in the office of Mayor, Councilman or Municipal Judge must be filled by the majority vote of the entire City Council within ~~[30]~~ ***60*** days after the occurrence of that vacancy. A person may be selected to fill a prospective vacancy ~~[in the City Council]~~ before the vacancy occurs. In such a case, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official ~~[.]~~ ***, including, without limitation, any applicable residency requirement.***

2. No appointment extends beyond the first regular meeting of the City Council that follows the next general municipal election, at that election the office must be filled for the remainder of the unexpired term, or beyond the first regular meeting of the City Council after the Tuesday after the first Monday in the next succeeding June in an odd-numbered year, if no general municipal election is held in that year.

Sec. 6. Section 2.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1394, is hereby amended to read as follows:

Sec. 2.020 Mayor and Councilmen: Qualifications; terms of office; salary.

1. The Mayor must be a qualified elector who has resided within the territory which is established by the boundaries of the City for a period of not less than 30 days immediately before the last day for filing a declaration of candidacy for that office and be elected by the registered voters of the City at large.

2. Each Councilman must be a qualified elector who has resided within the ward which he represents for a period of not less than 30 days immediately before the last day for filing a declaration of candidacy for his office and be elected by the registered voters of that ward.

3. The Mayor or any Councilman automatically forfeits the remainder of his term of office and that office becomes vacant if he ceases to be a resident of the City or of the ward which he represents, as the case may be.

4. ~~[The]~~ ***Except as otherwise provided in section 2 of this act, the*** respective salaries of the Mayor and Councilmen must be fixed by ordinance.

Sec. 7. Section 2.040 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1394, is hereby amended to read as follows:

Sec. 2.040 Mayor and Councilmen not to hold other office.

1. The Mayor and Councilmen may not:

(a) Hold any other elective office of the State or any political subdivision of the State or any other employment with the County or the City, except as is provided by law or as a member of a board or commission for which no compensation is received.

(b) Be ~~[elected or]~~ appointed to any office which was created, or the compensation for which was increased or fixed, by the City Council until 1

year after the expiration of the term for which the Mayor or Councilman was elected or appointed.

2. Any person who ~~[accepts any office which is proscribed by]~~ ***violates the provisions of*** subsection 1 automatically forfeits his office as Mayor or Councilman.

Sec. 8. Section 2.110 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 568, Statutes of Nevada 1991, at page 1882, is hereby amended to read as follows:

Sec. 2.110 Ordinances: Procedure for enactment; emergency ordinances.

1. All proposed ordinances, when they are first proposed, must be read to the City Council by title and ***may be*** referred for consideration to a committee which is composed of any number of members of the City Council who are designated by the Mayor, after which an adequate number of copies of the proposed ordinance must be deposited with the City Clerk for public examination and distribution upon request. Except as otherwise provided in subsection 3 and for the adoption of specialized or uniform codes, notice of the deposit must be published once at least 10 days before the adoption of the ordinance. The City Council must adopt or reject the ordinance, or an amendment thereto, within ~~[30]~~ ***60*** days after the date of that publication. ***A committee described in this subsection shall meet as often as is reasonably necessary but not less frequently than once each calendar quarter.***

2. ~~[At the first regular meeting of the City Council, or any adjournment of that meeting, after the proposal of an ordinance and its reference to a committee, the committee must report to the City Council with respect to the proposed ordinance, at which time the committee may request additional time to consider it. The committee must complete its additional consideration of the proposed ordinance and report its recommendations to the board with the 30-day period which is specified in subsection 1. After a recommendation by the committee for the adoption of the proposed ordinance, the]~~ ***Following the first reading by title, an ordinance that has been referred pursuant to subsection 1 must be considered by the committee. Such committee must report its recommendations, if any, to the City Council. Regardless of whether a*** proposed ordinance ***is referred to a committee pursuant to subsection 1, it*** must be read by title as first introduced, or as amended, and finally voted upon or action thereon postponed, but the proposed ordinance must be adopted, with or without amendments, or rejected within ~~[30]~~ ***60*** days after the date of the publication which is provided for in subsection 1.

3. In cases of emergency or where the ordinance is of a kind whose enactment as if an emergency existed is permitted by a provision of NRS or section 7.020 or 8.210 of this Charter, final action, upon the unanimous vote of the entire City Council, may be taken immediately or at a special meeting which has been called for that purpose, and no notice of the filing of copies of the proposed ordinance with the City Clerk need be published.

4. Each ordinance must be signed by the Mayor, attested by the City Clerk and published at least once by title, together with the names of the members of the City Council who voted for or against its adoption, and the ordinance becomes effective on the day after that publication. The City Council may, by majority vote, order the publication of the ordinance in full in lieu of publication by title only.

5. The City Clerk shall record all ordinances which have been adopted in a register which is kept for that purpose, together with the affidavits of publication by the publisher.

Sec. 9. Section 2.130 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1398, is hereby amended to read as follows:

Sec. 2.130 Powers of City Council: Denial, suspension or revocation of work permit; appeal to City Council ~~[.]~~ ***; alternative procedure established by City Council.*** Whenever under any city ordinance a person is required to obtain a work permit or an identification card from the Sheriff of the Las Vegas Metropolitan Police Department or any City officer as a condition of employment in any establishment which has been determined to be privileged by the City Council and licensed by the City, and his work permit or identification card is denied, suspended or revoked by the Sheriff or City officer, the person aggrieved may appeal from that action ~~[to]~~ ***:***

1. To the City Council by filing a written notice of appeal with the City Clerk within 10 days after the date of the denial, suspension or revocation of his work permit or identification card ~~[.]~~ ***; or***

2. To any judicial or administrative body that the City Council has designated to hear such appeals.

Sec. 10. Section 2.350 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1406, is hereby amended to read as follows:

Sec. 2.350 Powers of City Council: General. The City Council has such other powers, which are not in conflict with the express or implied provisions of this Charter, as are conferred generally by statute upon the governing bodies of ***other*** cities ~~[which are]~~ ***, whether*** organized under ***general law or under*** special charters.

Sec. 11. Section 3.150 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1409, is hereby amended to read as follows:

Sec. 3.150 City Treasurer: Duties.

1. The Director of Financial Management may ***serve as the City Treasurer or may*** recommend ***a City Treasurer*** for appointment by the City Manager ***.*** ~~[a City Treasurer.]~~

2. The City Treasurer:

(a) Shall perform such duties as may be designated by the Director of Financial Management or prescribed by ordinance.

(b) Must provide a surety bond in the amount which is fixed by the City Council.

Sec. 12. Section 3.190 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1410, is hereby amended to read as follows:

Sec. 3.190 Director of Public Services: Qualifications. The Director of Public Services must ~~[be a licensed professional engineer in the State and]~~ have such ~~[other]~~ qualifications as may be prescribed by ordinance.

Sec. 13. **Section 4.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 127, Statutes of Nevada 1989, at page 283, is hereby amended to read as follows:**

Sec. 4.020 Municipal Court: Qualifications of Municipal Judges; salary; Master Judge; departments; Alternate Judges.

1. Each Municipal Judge shall devote his full time to the duties of his office and must be:

(a) A duly licensed member, in good standing, of the State Bar of Nevada, but this qualification does not apply to any Municipal Judge who is an incumbent when this Charter becomes effective as long as he continues to serve as such in uninterrupted terms.

(b) A qualified elector who has resided within the territory which is established by the boundaries of the City for a period of not less than 30 days immediately before the last day for filing a declaration of candidacy for the department for which he is a candidate.

(c) Voted upon by the registered voters of the City at large.

2. The salary of the Municipal Judges must be fixed by ordinance and be uniform for all departments of the Municipal Court. The salary may be increased during the terms for which the Judges are elected or appointed.

3. ~~[The Municipal Judge who holds seniority in years of service in office, either elected or appointed, is the Master Judge. If two or more Judges are equal in seniority, the]~~ ***Beginning on July 1, 2007, and at the beginning of each fiscal year thereafter, a*** Master Judge must be chosen from among ~~[them by the City Council.]~~ ***the six departments. The Master Judge must be selected from a different department each year, beginning with Department 1, and thereafter, from the next department in numerical order. If a Municipal Judge so selected declines to take the position of Master Judge, the Municipal Judge from the next department in numerical order must be selected for the position.*** The Master Judge:

(a) Shall establish and enforce administrative regulations for governing the affairs of the Municipal Court.

(b) Is responsible for setting trial dates and other matters which pertain to the Court calendar.

(c) Shall perform such other Court administrative duties as may be required by the City Council.

4. Alternate Judges in sufficient numbers may be appointed annually by the Mayor, each of whom:

(a) Must be a duly licensed member, in good standing, of the State Bar of Nevada and have such other qualifications as are prescribed by ordinance.

(b) Has all of the powers and jurisdiction of a Municipal Judge while he is acting as such.

(c) Is entitled to such compensation as may be fixed by the City Council.

5. Any Municipal Judge, other than an Alternate Judge, automatically forfeits his office if he ceases to be a resident of the City.

~~[Sec. 13.]~~ ***Sec. 14.*** Section 10.010 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 45, Statutes of Nevada 1991, at page 95, is hereby amended to read as follows:

Sec. 10.010 Civil Service.

1. There is hereby created a System of Civil Service which is applicable to and governs all of the employees of the City except the elected officials, persons who serve as members of boards, commissioners or committees for which no compensation is received, the City Manager, the City Attorney, persons who are appointed pursuant to sections 3.040 and 3.070 of this Charter, persons who hold such probationary, provisional or temporary appointments as are designated in the Civil Service rules, Alternate Judges and persons who hold such other positions as are designated by the City Council.

2. The ***City Council may determine that the*** System of Civil Service must be administered by a Board of Civil Service Trustees which is composed of five members who are appointed by the City Council for terms of 4 years.

3. The City Council shall adopt by ordinance ~~[, following their approval by the Board of Civil Service Trustees,]~~ a codification of the rules which govern the System of Civil Service and may from time to time amend those rules ~~[by ordinance upon the recommendation of the]~~ ***If the System of Civil Service is administered by a*** Board of Civil Service Trustees ~~[. Those]~~ ***, the rules which govern the System of Civil Service, and any amendments thereto, must be reviewed by the Board before the City Council adopts them.***

4. The rules ***which govern the System of Civil Service*** must provide for:

(a) The examination of potential employees;

(b) Recruitment and placement procedures;

(c) The classification of positions;

(d) Procedures for the promotion of employees;

(e) Procedures for disciplinary actions against, and the discharge of, employees;

(f) Appeals with respect to actions which are taken pursuant to paragraphs (d) and (e);

(g) The acceptance and processing of citizens' complaints against employees; and

(h) Such other matters ***, if any,*** as the Board of Civil Service Trustees ***or the City Council*** deems are necessary or appropriate.

~~[4.]~~ ***5.*** Copies of the rules of the System of Civil Service must be made available to all of the employees of the City.

~~[Sec. 14.]~~ ***Sec. 15.*** This act becomes effective on July 1, 2007.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 525.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 477.

"SUMMARY—Revises provisions relating to autism. (BDR 40-1374)"

"AN ACT relating to health care; requiring the Health Division of the Department of Health and Human Services to develop a program of public education relating to autism; ~~[prescribing a designation for inclusion on a driver's license or identification card for tissue donations for research relating to autism;]~~ making appropriations; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Sections 2-4 of this bill encourage screening for the detection of autism in children and require the Health Division of the Department of Health and Human Services to develop and carry out a public awareness campaign relating to autism.

~~[Existing law requires the Department of Motor Vehicles to allow the holder of a driver's license or identification card the opportunity to indicate on his license or card that he wishes to be an organ donor. (NRS 483.340, 483.840) Sections 5 and 6 of this bill require the Department to give the holder of the license or card the opportunity to be a tissue donor for research relating to autism.]~~

Section 7 of this bill makes an appropriation for use by ~~[the Lili Claire Foundation, Inc.,]~~ **an organization chosen by the Department of Health and Human Services** which provides services **without charge** to families of children with autism.

Section 8 of this bill makes an appropriation to the Department of Health and Human Services to provide a monthly allocation for certain families of children with autism to pay costs associated with certain programs that provide treatment for children with autism.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 442 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***As used in sections 2, 3 and 4 of this act, "autism" means a spectrum disorder which significantly affects the verbal and nonverbal communication and social skills of a person and which is often characterized by repetitive activities and stereotyped movements, resistance to changes in environment or daily routine and response to sensory experiences in an unusual manner. The term includes, without limitation, a group of ~~[developmental]~~ neurodevelopmental disorders such as autistic disorder, ~~[asperger's]~~ Asperger's syndrome, atypical autism, pervasive developmental disorder and other neurodevelopmental disorders that share the characteristics described in this section.***

Sec. 3. ***The Health Division shall encourage providers of health care or other services who are providing services to a child to:***

1. Recommend that the parent or legal guardian of the child, on or before the child reaches 18 months of age, if practicable, complete the checklist for the detection of autism in toddlers; and

2. Perform a screening of the child, on or before the child reaches 18 months of age, if practicable, for the detection of autism.

Sec. 4. ***1. The Health Division shall develop and carry out a program of public education and awareness relating to autism. The program must:***

(a) Include a description of autism and the spectrums of autism;

(b) Include information for parents and legal guardians of children concerning the importance of screening children for the detection of autism on or before the age of 18 months;

(c) Encourage providers of health care or other services who are providing services to children to carry out section 3 of this act;

(d) Include the checklist for the detection of autism in toddlers and any other information which may assist parents and legal guardians in the detection of autism in children;

(e) Provide access to and information concerning continuing education credits relating to autism for providers of health care and other services who wish to obtain such credit ~~[,]~~ from the appropriate licensing boards;

(f) Identify available resources, services and programs for persons with autism and parents of children with autism, including, without limitation, contact information for those resources, services and programs; and

(g) Other information relating to autism as determined necessary by the Health Division.

2. The Health Division shall ensure that the information required by subsection 1:

(a) Is presented in written materials prepared by the Health Division, including, without limitation, brochures that use terms which are easily understandable;

(b) Is presented on an Internet website maintained by the Health Division, including, without limitation, direct access via the website to the checklist for the detection of autism in toddlers; and

(c) Is made available to child care facilities, public schools, licensed hospitals in this State that provide services for maternity care and the care of newborn children, licensed obstetric centers, providers of health care or other services who are providing services to children and is otherwise made available to the general public.

Sec. 5. ~~[NRS 483.340 is hereby amended to read as follows:~~

~~483.340 1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive. The license must bear a unique number assigned to the licensee pursuant to NRS 483.345, the licensee's social security number, if he has one, unless he requests that it not appear on the license, the name, date of birth, mailing address and a brief description of the licensee, and a space upon which the licensee shall write his usual signature in ink immediately upon receipt of the license. A license is not valid until it has been so signed by the licensee.~~

~~2. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations and agents of the State Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General or the Chairman of the State Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.~~

~~3. Information pertaining to the issuance of a driver's license pursuant to subsection 2 is confidential.~~

~~4. It is unlawful for any person to use a driver's license issued pursuant to subsection 2 for any purpose other than the special investigation for which it was issued.~~

~~5. At the time of the issuance or renewal of the driver's license, the Department shall:~~

~~(a) Give the holder the opportunity to have indicated on his driver's license that he wishes to be a donor of all or part of his body pursuant to NRS~~

~~451.500 to 451.590, inclusive, *to be a donor of tissue for research relating to autism* or to refuse to make an anatomical gift of his body or part of his body.~~

~~(b) Give the holder the opportunity to have indicated whether he wishes to donate $1 or more to the Anatomical Gift Account created by NRS 460.150.~~

~~(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts [,] *and donations of tissue*, including the procedure for registering as a donor with the organ donor registry *or tissue donor registry* with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with an organization which registers as donors persons who desire to make anatomical gifts [.] *and an organization which registers as donors persons who desire to make donations of tissue for research relating to autism.*~~

~~(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on a driver's license pursuant to NRS 483.3485, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his driver's license.~~

~~6. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.~~

~~*7.* The Department shall submit to the organ donor registry *or tissue donor registry* with which the Department has entered into a contract pursuant to paragraph (c) of subsection 5 information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of those persons to make an anatomical gift [.] *or a donation of tissue for research relating to autism.* The Department shall adopt regulations to carry out the provisions of this subsection.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 483.840 is hereby amended to read as follows:~~

~~483.840 1. The form of the identification cards must be similar to that of drivers' licenses but distinguishable in color or otherwise.~~

~~2. Identification cards do not authorize the operation of any motor vehicles.~~

~~3. Identification cards must include the following information concerning the holder:~~

~~(a) The name and sample signature of the holder.~~

~~(b) A unique identification number assigned to the holder that is not based on the holder's social security number.~~

~~(c) A personal description of the holder.~~

~~(d) The date of birth of the holder.~~

~~(e) The current address of the holder in this State.~~

~~(f) A colored photograph of the holder.~~

~~4. The information required to be included on the identification card pursuant to subsection 3 must be placed on the card in the manner specified in subsection 1 of NRS 483.347.~~

~~5. At the time of the issuance or renewal of the identification card, the Department shall:~~

~~(a) Give the holder the opportunity to have indicated on his identification card that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, *to be a donor of tissue for research relating to autism* or to refuse to make an anatomical gift of his body or part of his body.~~

~~(b) Give the holder the opportunity to indicate whether he wishes to donate $1 or more to the Anatomical Gift Account created by NRS 460.150.~~

~~(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts [,] *and donations of tissue*, including the procedure for registering as a donor with the organ donor registry *or tissue donor registry* with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with an organization which registers as donors persons who desire to make anatomical gifts [.] *and an organization which registers as donors persons who desire to make donations of tissue for research relating to autism.*~~

~~(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on an identification card pursuant to NRS 483.863, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his identification card.~~

~~6. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.~~

~~7. The Department shall submit to the organ donor registry *or tissue donor registry* with which the Department has entered into a contract pursuant to paragraph (c) of subsection 5 information from the records of the Department relating to persons who have identification cards issued by the Department that indicate the intention of those persons to make an anatomical gift [.] *or a donation of tissue for research relating to autism.* The Department shall adopt regulations to carry out the provisions of this subsection.~~

~~8. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.]~~ **(Deleted by amendment.)**

Sec. 7. 1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services, the sum of $1,200,000 to assist ~~[the Lili Claire Foundation, Inc.,]~~ **an organization chosen by the Department that provides services without charge to families of children with autism** in accordance with this section. **Such an organization must use diagnostic practices based on scientific evidence and use a multidisciplinary team to conduct evaluations.**

2. The Department ~~[of Health and Human Services]~~ shall distribute the money appropriated by subsection 1 to ~~[the Lili Claire Foundation, Inc.]~~ **the organization,** if the ~~[Foundation]~~ **organization** submits proof satisfactory to the Department that the ~~[Foundation]~~ **organization** has obtained equal

matching money, other than money from this State. The matching money may include, without limitation, money from local governmental agencies, community organizations, the private sector and the Federal Government.

3. ~~[Upon receipt of the money pursuant to subsection 2, the Lili Claire Foundation, Inc., shall use the money for:~~

~~(a) The enhancement of the facilities and operations of the Foundation in southern Nevada; and~~

~~(b) The establishment and operation of the Foundation in northern Nevada in collaboration with the Nevada System of Higher Education.]~~ **The Department shall ensure that the money appropriated to the organization pursuant to subsection 1 is used to provide services to families of children with autism in northern Nevada and southern Nevada.**

4. Any remaining balance of the appropriation made by subsection 1 ~~[of this act]~~ must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 8. 1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services to assist parents and legal guardians in paying the costs for the treatment of children with autism:

For the Fiscal Year 2007-2008 ..... ~~[$2,600,000]~~ **$2,000,000**

For the Fiscal Year 2008-2009 ..... ~~[$2,600,000]~~ **$3,200,000**

2. The parent or legal guardian of a child with autism may apply to the Department of Health and Human Services, through the Office of Disability Services, for a grant of money appropriated by subsection 1 to assist in paying the cost for the child to participate in a program for the treatment of autism. The application must be on a form prescribed by the Department. The Department shall provide monthly allocations to the parent or legal guardian of a child with autism whose application is approved. The money must be used to assist in paying the cost of a program of treatment which has proven effective through evidence and research in assisting children with autism. If a sufficient amount of money is not available to pay the total amount requested in each approved application, the Department shall allocate the money equitably among parents and legal guardians whose applications are approved.

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated

money remaining must not be spent for any purpose after September 19, 2008, and September 18, 2009, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2008, and September 18, 2009, respectively.

Sec. 9. This act becomes effective on July 1, 2007.

Assemblywoman Gerhardt moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 527.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 428.

SUMMARY—Revises provisions ~~[governing the planning for and funding of redevelopment and affordable housing.]~~ **relating to governmental entities.** (BDR ~~[20]~~ **32**-143)

AN ACT relating to governmental entities; ~~[eliminating the regional planning coalition required for certain larger counties; requiring the establishment of a regional planning commission for those larger counties; authorizing local governments to enact certain ordinances relating to affordable and attainable housing; revising various provisions concerning financial administration of redevelopment agencies;]~~ authorizing certain governmental entities **and businesses** to appeal certain decisions concerning appraisals conducted by a county assessor; **expanding the matters that must be considered in connection with the infrastructure required to support certain projects;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law establishes a regional planning coalition for counties whose population is 400,000 or more (currently Clark County). (NRS 278.02507-278.02598) Existing law establishes a regional planning commission for counties whose population is 100,000 or more but less than 400,000 (currently Washoe County). (NRS 278.026-278.029) Sections 2-5 and 15 of this bill eliminate the current regional planning coalition and provide that counties whose population is 400,000 or more (currently Clark County) will be governed by a regional planning commission that operates and functions in the same manner as the regional planning commission currently established for counties whose population is 100,000 or more but less than 400,000 (currently Washoe County).~~

~~Section 1 of this bill expands the provisions authorizing local governments to enact ordinances for the development of affordable housing to further authorize the enactment of ordinances for the acquisition, construction,~~

~~improvement, rehabilitation or expansion of affordable and attainable housing. (NRS 244.189)]~~

Section 8 of this bill authorizes certain ~~[persons and]~~ entities aggrieved by the actions of a county assessor to appeal to the Nevada Tax Commission. Section 12 of this bill authorizes a governmental entity that believes it has been adversely affected by an incorrect appraisal conducted by a county assessor to apply to the county assessor for reconsideration of the appraisal. If the county assessor grants the application for reconsideration, the county assessor must report the results of his reconsideration to the governmental entity that submitted the application. ~~[Existing law requires a redevelopment agency in a city whose population is 300,000 or more (currently Las Vegas) to set aside revenue for low-income housing. (NRS 279.685) Section 7 of this bill expands the applicability of this existing law by lowering the population threshold for such cities from 300,000 to 150,000 (currently Henderson, Reno and Las Vegas).]~~

Existing law provides that a "tentative map" is a map made to show the design of a proposed subdivision and the existing conditions in and around it. (NRS 278.019) Under existing law, the governing body of a local government, or the planning commission if it is authorized to take final action, is required to consider certain issues and factors when it determines whether to approve, conditionally approve or disapprove a tentative map. (NRS 278.015, 278.349) Section 16 of this bill expands the matters that must be considered in connection with the infrastructure required to support certain projects.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. [NRS 244.189 is hereby amended to read as follows:

244.189 1. Except as otherwise provided in subsection 2 and in addition to any other powers authorized by specific statute, a board of county commissioners may exercise such powers and enact such ordinances, not in conflict with the provisions of NRS or other laws or regulations of this State, as the board determines are necessary and proper for:

(a) The ~~*acquisition, construction,*~~ development ~~*, improvement, rehabilitation or expansion*~~ of affordable ~~*and attainable*~~ housing;

(b) The control and protection of animals;

(c) The rehabilitation of rental property in residential neighborhoods; and

(d) The rehabilitation of abandoned residential property.

2. The board of county commissioners shall not impose or increase a tax unless the tax or increase is otherwise authorized by specific statute.

3. The board of county commissioners may, in lieu of a criminal penalty, provide a civil penalty for a violation of an ordinance enacted pursuant to this section unless state law provides a criminal penalty for the same act or omission.] **(Deleted by amendment.)**

Sec. 2. [NRS 278.0261 is hereby amended to read as follows:

278.0261 The Legislature hereby finds and declares that:

1. The process of regional planning in a county whose population is 100,000 or more~~,~~ ~~[but less than 400,000,]~~ as set forth in NRS 278.026 to 278.029, inclusive, ensures that comprehensive planning will be carried out with respect to population, conservation, land use and transportation, public facilities and services, annexation and intergovernmental coordination.

2. The process of regional planning set forth in NRS 278.026 to 278.029, inclusive, does not specifically limit the premature expansion of development into undeveloped areas or address the unique needs and opportunities that are characteristic of older neighborhoods in a county whose population is 100,000 or more~~.~~ ~~[but less than 400,000.]~~

3. The problem of the premature expansion of development into undeveloped areas and the unique needs and opportunities that are characteristic of older neighborhoods may be addressed through:

(a) Cooperative efforts to preserve and revitalize urban areas and older neighborhoods; and

(b) Review of the master plans, facilities plans and other similar plans of local governments and other affected entities.

4. It is the intent of the Legislature with respect to NRS 278.026 to 278.029, inclusive, that each local government and affected entity shall exercise its powers and duties in a manner that is in harmony with the powers and duties exercised by other local governments and affected entities to enhance the long-term health and welfare of the county and all its residents.] (Deleted by amendment.)

Sec. 3. [NRS 278.0262 is hereby amended to read as follows:

278.0262 1. There is hereby created in each county whose population is 100,000 or more ~~[but less than 400,000,]~~ a regional planning commission consisting of:

(a) Three members from the local planning commission of each city in the county whose population is 60,000 or more, appointed by the respective governing bodies of those cities;

(b) One member from the local planning commission of each city in the county whose population is less than 60,000, appointed by the respective governing bodies of those cities; and

(c) Three members from the local planning commission of the county, appointed by the governing body of the county, at least two of whom must reside in unincorporated areas of the county.

2. Except for the terms of the initial members of the commission, the term of each member is 3 years and until the selection and qualification of his successor. A member may be reappointed. A member who ceases to be a member of the local planning commission of the jurisdiction from which he is appointed automatically ceases to be a member of the commission. A vacancy must be filled for the unexpired term by the governing body which made the original appointment.

3. The commission shall elect its chairman from among its members. The term of the chairman is 1 year. The member elected chairman must have been appointed by the governing body of the county or a city whose population is 60,000 or more, as determined pursuant to a schedule adopted by the commission and made a part of its bylaws which provides for the annual rotation of the chairmanship among each of those governing bodies.

4. A member of the commission must be compensated at the rate of $80 per meeting or $400 per month, whichever is less.

5. Each member of the commission must successfully complete the course of training prescribed by the governing body pursuant to subsection 2 of NRS 278.0265 within 1 year after the date on which his term of appointment commences. A member who fails to complete successfully the course of training as required pursuant to this subsection forfeits his appointment 1 year after the date on which his term of appointment commenced.] **(Deleted by amendment.)**

Sec. 4. [NRS 278.0264 is hereby amended to read as follows:

278.0264 1. There is hereby created in each county whose population is 100,000 or more ~~[but less than 400,000,]~~ a governing board for regional planning consisting of:

(a) Three representatives appointed by the board of county commissioners, at least two of whom must represent or reside within unincorporated areas of the county. If the representative is:

(1) A county commissioner, his district must be one of the two districts in the county with the highest percentage of unincorporated area.

(2) Not a county commissioner, he must reside within an unincorporated area of the county.

(b) Four representatives appointed by the governing body of the largest incorporated city in the county.

(c) Three representatives appointed by the governing body of every other incorporated city in the county whose population is 60,000 or more.

(d) One representative appointed by the governing body of each incorporated city in the county whose population is less than 60,000.

2. Except for the terms of the initial members of the governing board, the term of each member is 3 years and until the selection and qualification of his successor. A member may be reappointed. A vacancy must be filled for the unexpired term by the governing body which made the original appointment.

3. The governing bodies may appoint representatives to the governing board from within their respective memberships. A member of a local governing body who is so appointed and who subsequently ceases to be a member of that body, automatically ceases to be a member of the governing board. The governing body may also appoint alternative representatives who may act in the respective absences of the principal appointees.

4. The governing board shall elect its chairman from among its members. The term of the chairman is 1 year. The member elected chairman must have been appointed by the governing body of the county or a city whose

population is more than 60,000, as determined pursuant to a schedule adopted by the governing board and made a part of its bylaws which provides for the annual rotation of the chairmanship among each of those governing bodies.

5. A member of the governing board who is also a member of the governing body which appointed him shall serve without additional compensation. All other members must be compensated at the rate of $40 per meeting or $200 per month, whichever is less.

6. The governing board may appoint such employees as it deems necessary for its work and may contract with city planners, engineers, architects and other consultants for such services as it requires.

7. The local governments represented on the governing board shall provide the necessary facilities, equipment, staff, supplies and other usual operating expenses necessary to enable the governing board to carry out its functions. The local governments shall enter into an agreement whereby those costs are shared by the local governments in proportion to the number of members that each appoints to the governing board. The agreement must also contain a provision specifying the responsibility of each local government, respectively, of paying for legal services needed by the governing board or by the regional planning commission.

8. The governing board may sue or be sued in any court of competent jurisdiction.

9. The governing board shall prepare and adopt an annual budget and transmit it as a recommendation for funding to each of the local governments.] **(Deleted by amendment.)**

Sec. 5. [NRS 278.315 is hereby amended to read as follows:

278.315 1. The governing body may provide by ordinance for the granting of variances, special use permits, conditional use permits or other special exceptions by the board of adjustment, the planning commission or a hearing examiner appointed pursuant to NRS 278.262. The governing body may impose this duty entirely on the board, commission or examiner, respectively, or provide for the granting of enumerated categories of variances, special use permits, conditional use permits or special exceptions by the board, commission or examiner.

2. A hearing to consider an application for the granting of a variance, special use permit, conditional use permit or special exception must be held before the board of adjustment, planning commission or hearing examiner within 65 days after the filing of the application, unless a longer time or a different process of review is provided in an agreement entered into pursuant to NRS 278.0201.

3. In a county whose population is less than 100,000, notice setting forth the time, place and purpose of the hearing must be sent at least 10 days before the hearing to:

(a) The applicant;

(b) Each owner of real property, as listed on the county assessor's records, located within 300 feet of the property in question;

(c) If a mobile home park is located within 300 feet of the property in question, each tenant of that mobile home park; and

(d) Any advisory board which has been established for the affected area by the governing body.

4. Except as otherwise provided in subsection 7, in a county whose population is 100,000 or more, a notice setting forth the time, place and purpose of the hearing must be sent at least 10 days before the hearing to:

(a) The applicant;

(b) If the application is for a deviation of at least 10 percent but not more than 30 percent from a standard for development:

(1) Each owner, as listed on the county assessor's records, of real property located within 100 feet of the property in question; and

(2) Each tenant of a mobile home park located within 100 feet of the property in question;

(c) If the application is for a special use permit or a deviation of more than 30 percent from a standard for development:

(1) Each owner, as listed on the county assessor's records, of real property located within 500 feet of the property in question;

(2) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest the property in question, to the extent this notice does not duplicate the notice given pursuant to subparagraph (1); and

(3) Each tenant of a mobile home park located within 500 feet of the property in question;

(d) If the application is for a project of regional significance~~.~~ ~~[, as that term is described in NRS 278.02542:]~~

(1) Each owner, as listed on the county assessor's records, of real property located within 750 feet of the property in question;

(2) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest the property in question, to the extent this notice does not duplicate the notice given pursuant to subparagraph (1); and

(3) Each tenant of a mobile home park located within 750 feet of the property in question; and

(e) Any advisory board which has been established for the affected area by the governing body.

5. If an application is filed with the governing body for the issuance of a special use permit with regard to property situated within an unincorporated town that is located more than 10 miles from an incorporated city, the governing body shall, at least 10 days before the hearing on the application is held pursuant to subsection 2, transmit a copy of any information pertinent to the application to the town board, citizens' advisory council or town advisory board, whichever is applicable, of the unincorporated town. The town board,

citizens' advisory council or town advisory board may make recommendations regarding the application and submit its recommendations before the hearing on the application is held pursuant to subsection 2. The governing body or other authorized person or entity conducting the hearing shall consider any recommendations submitted by the town board, citizens' advisory council or town advisory board regarding the application and, within 10 days after making its decision on the application, shall transmit a copy of its decision to the town board, citizens' advisory council or town advisory board.

6. An applicant or a protestant may appeal a decision of the board of adjustment, planning commission or hearing examiner in accordance with the ordinance adopted pursuant to NRS 278.3195.

7. In a county whose population is 400,000 or more, if the application is for the issuance of a special use permit for an establishment which serves alcoholic beverages for consumption on or off of the premises as its primary business in a district which is not a gaming enterprise district as defined in NRS 463.0158, the governing body shall, at least 10 days before the hearing:

(a) Send a notice setting forth the time, place and purpose of the hearing to:

(1) The applicant;

(2) Each owner, as listed on the county assessor's records, of real property located within 1,500 feet of the property in question;

(3) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest the property in question, to the extent this notice does not duplicate the notice given pursuant to subparagraph (2);

(4) Each tenant of a mobile home park located within 1,500 feet of the property in question; and

(5) Any advisory board which has been established for the affected area by the governing body; and

(b) Erect or cause to be erected on the property, at least one sign not less than 2 feet high and 2 feet wide. The sign must be made of material reasonably calculated to withstand the elements for 40 days. The governing body must be consistent in its use of colors for the background and lettering of the sign. The sign must include the following information:

(1) The existing permitted use and zoning designation of the property in question;

(2) The proposed permitted use of the property in question;

(3) The date, time and place of the public hearing; and

(4) A telephone number which may be used by interested persons to obtain additional information.

8. A sign required pursuant to subsection 7 is for informational purposes only and must be erected regardless of any local ordinance regarding the size, placement or composition of signs to the contrary.

9. A governing body may charge an additional fee for each application for a special use permit to cover the actual costs resulting from the erection

of not more than one sign required by subsection 7, if any. The additional fee is not subject to the limitation imposed by NRS 354.5989.

10. The governing body shall remove or cause to be removed any sign required by subsection 7 within 5 days after the final hearing for the application for which the sign was erected. There must be no additional charge to the applicant for such removal.

11. The notice required to be provided pursuant to subsections 3, 4 and 7 must be sent by mail or, if requested by a party to whom notice must be provided pursuant to those subsections, by electronic means if receipt of such an electronic notice can be verified, and must be written in language which is easy to understand. The notice must set forth the time, place and purpose of the hearing and a physical description or map of the property in question.

12. The provisions of this section do not apply to an application for a conditional use permit filed pursuant to NRS 278.147.] **(Deleted by amendment.)**

Sec. 6. [NRS 278C.250 is hereby amended to read as follows:

278C.250 1. After the effective date of the ordinance adopted pursuant to NRS 278C.220, any taxes levied upon taxable property in the tax increment area each year by or for the benefit of the State, the municipality and any public body must be divided as follows:

(a) That portion of the taxes that would be produced by the rate upon which the tax is levied each year by or for each of those taxing agencies upon the total sum of the assessed value of the taxable property in the tax increment area as shown upon the last equalized assessment roll used in connection with the taxation of the property by the taxing agency, must be allocated to and when collected must be paid into the funds of the respective taxing agencies as taxes by or for the taxing agencies on all other property are paid.

(b) Except as otherwise provided in this section, the portion of the taxes levied each year in excess of the amount determined pursuant to paragraph (a) must be allocated to, and when collected must be paid into, the tax increment account pertaining to the undertaking to pay the bond requirements of loans, money advanced to, or indebtedness, whether funded, refunded, assumed or otherwise, incurred by the municipality to finance or refinance, in whole or in part, the undertaking. Unless the total assessed valuation of the taxable property in the tax increment area exceeds the total assessed value of the taxable property in the area as shown by the last equalized assessment roll referred to in this subsection, all of the taxes levied and collected upon the taxable property in the area must be paid into the funds of the respective taxing agencies. When the loans, advances and indebtedness, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the tax increment area must be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

(c) The amount of the taxes levied each year which are paid into the tax increment account pursuant to paragraph (b) must be limited by the

governing body to an amount not to exceed the combined total amount required for annual debt service of the project or projects acquired, improved or equipped, or any combination thereof, as part of the undertaking.

(d) Any revenues generated within the tax increment district in excess of the amount referenced in paragraph (c), if any, will be paid into the funds of the respective taxing agencies in the same proportion as their base amount was distributed.

2. In any fiscal year, the total revenue paid to a tax increment area in combination with the total revenue paid to any other tax increment areas and any redevelopment agencies of a municipality must not exceed:

(a) In a municipality whose population is 100,000 or more, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 10 percent of the total assessed valuation of the municipality.

(b) In a municipality whose population is less than 100,000, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 15 percent of the total assessed valuation of the municipality.

➥ If the revenue paid to a tax increment area must be limited pursuant to paragraph (a) or (b) and the municipality has more than one redevelopment agency or tax increment area, or one of each, the municipality shall determine the allocation to each agency and area. Any revenue that would be allocated to a tax increment area but for the provisions of this section must be paid into the funds of the respective taxing agencies.

3. ~~*Any revenue required to be allocated and paid to a redevelopment agency of a municipality pursuant to this section must be paid as soon as practicable after the revenue is collected.*~~

~~*4.*~~ The portion of the taxes levied each year in excess of the amount determined pursuant to paragraph (a) of subsection 1 which is attributable to any tax rate levied by a taxing agency:

(a) To produce revenue in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness that was approved by a majority of the registered voters within the area of the taxing agency voting upon the question, must be allocated to, and when collected must be paid into, the debt service fund of that taxing agency.

(b) In excess of any tax rate of that taxing agency applicable to the last taxation of the property before the effective date of the ordinance, if that additional rate was approved by a majority of the registered voters within the area of the taxing agency voting upon the question, must be allocated to, and when collected must be paid into, the appropriate fund of that taxing agency.

(c) Pursuant to NRS 387.3285 or 387.3287, if that rate was approved by a majority of the registered voters within the area of the taxing agency voting upon the question, must be allocated to, and when collected must be paid into, the appropriate fund of that taxing agency.

(d) For the support of the public schools within a county school district pursuant to NRS 387.195, must be allocated to, and when collected must be paid into, the appropriate fund of that taxing agency.

~~[4.]~~ ***5.*** The provisions of paragraph (a) of subsection ~~[3]~~ ***4*** include, without limitation, a tax rate approved for bonds of a county school district issued pursuant to NRS 350.020, including, without limitation, amounts necessary for a reserve account in the debt service fund.

~~[5.]~~ ***6.*** As used in this section, the term "last equalized assessment roll" means the assessment roll in existence on the 15th day of March immediately preceding the effective date of the ordinance.] **(Deleted by amendment.)**

Sec. 7. [NRS 279.685 is hereby amended to read as follows:

279.685 1. Except as otherwise provided in this section, an agency of a city whose population is ~~[300,000]~~ ***150,000*** or more that receives revenue from taxes pursuant to paragraph (b) of subsection 1 of NRS 279.676 shall set aside not less than 15 percent of that revenue received on or before October 1, 1999, and 18 percent of that revenue received after October 1, 1999, to increase, improve and preserve the number of dwelling units in the community for low-income households.

2. The obligation of an agency to set aside not less than 15 percent of the revenue from taxes allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before July 1, 1993, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency after July 1, 1993, shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

3. The obligation of an agency to set aside an additional 3 percent of the revenue from taxes allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before October 1, 1999, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency after October 1, 1999, shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

4. The agency may expend or otherwise commit money for the purposes of subsection 1 outside the boundaries of the redevelopment area.] **(Deleted by amendment.)**

Sec. 8. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any ~~[natural person,]~~ partnership, corporation, association or other business or legal entity ~~[who]~~ that is aggrieved by an action of a county

assessor may appeal the action by filing a notice of appeal with the Nevada Tax Commission.

2. The Nevada Tax Commission shall, ~~[within 30 days]~~ at its next meeting held after receipt of an appeal made pursuant to this section, decide the appeal by taking any of the actions set forth in paragraph (f) of subsection 2 of NRS 360.250.

Sec. 9. NRS 360.250 is hereby amended to read as follows:

360.250 1. The Nevada Tax Commission shall adopt general and uniform regulations governing the assessment of property by the county assessors of the various counties, county boards of equalization, the State Board of Equalization and the Department. The regulations must include, without limitation, standards for the appraisal and reappraisal of land to determine its taxable value.

2. The Nevada Tax Commission may:

(a) Confer with, advise and direct county assessors, sheriffs as ex officio collectors of licenses and all other county officers having to do with the preparation of the assessment roll or collection of taxes or other revenues as to their duties.

(b) Prescribe the form and manner in which assessment rolls or tax lists must be kept by county assessors.

(c) Prescribe the form of the statements of property owners in making returns of their property.

(d) Require county assessors, sheriffs as ex officio collectors of licenses and all other county officers having to do with the preparation of the assessment roll or collection of taxes or other revenues, to furnish such information in relation to assessments, licenses or the equalization of property valuations, and in such form as the Nevada Tax Commission may demand.

(e) Except as otherwise provided in this title, share information in its records with agencies of local governments which are responsible for the collection of debts or obligations if the confidentiality of the information is otherwise maintained under the terms and conditions required by law.

(f) Reverse, affirm or modify any action of a county assessor that is appealed to the Nevada Tax Commission by a taxpayer pursuant to section 8 of this act.

3. Each assessor and any other such officer shall certify under penalty of perjury that in assessing property or furnishing other information required pursuant to this section he has complied with the regulations of the Nevada Tax Commission. This certificate must be appended to each assessment roll and any other information furnished.

4. A county assessor or other county officer whose certificate is knowingly falsified is guilty of a misdemeanor. If the Nevada Tax Commission finds that a county assessor or other county officer has knowingly violated its regulations and thereby has caused less revenue to be collected from taxes, it shall deduct the amount of the undercollection from

the money otherwise payable to the county from the proceeds of the supplemental city-county relief tax.

Sec. 10. Chapter 361 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 and 12 of this act.

Sec. 11. ***1. A local government may request that the county board of equalization reconsider a reduction by the county assessor in the assessed value of taxable property in a redevelopment area.***

2. A local government may appeal any action of the county board of equalization made pursuant to subsection 1 to the State Board of Equalization.

3. The county board of equalization and the State Board of Equalization shall decide any request for reconsideration or appeal made pursuant to this section ~~*[within 30 days]*~~ ***at its next meeting after receipt of the request or appeal.***

Sec. 12. ***1. A governmental entity that believes it has been adversely affected by an incorrect appraisal conducted by a county assessor may apply to the county assessor for reconsideration of the appraisal.***

2. If a county assessor grants an application for reconsideration submitted pursuant to subsection 1, the county assessor shall report the results of his reconsideration to the governmental entity that submitted the application.

Sec. 13. [NRS 373.146 is hereby amended to read as follows:

373.146 1. In a county whose population is 400,000 or more, the ~~*regional transportation*~~ commission shall cooperate with the local air pollution control board and the regional planning ~~[coalition]~~ ~~*commission*~~ in the county in which it is located to:

(a) Ensure that the plans, policies and programs adopted by each of them are consistent to the greatest extent practicable.

(b) Establish and carry out a program of integrated, long-range planning that conserves the economic, financial and natural resources of the region and supports a common vision of desired future conditions.

2. Before adopting or amending a plan, policy or program, a ~~*regional transportation*~~ commission shall:

(a) Consult with the local air pollution control board and the regional planning ~~[coalition;]~~ ~~*commission;*~~ and

(b) Conduct hearings to solicit public comment on the consistency of the plan, policy or program with:

(1) The plans, policies and programs adopted or proposed to be adopted by the local air pollution control board and the regional planning ~~[coalition;]~~ ~~*commission;*~~ and

(2) Plans for capital improvements that have been prepared pursuant to NRS 278.0226.

3. As used in this section:

(a) "Local air pollution control board" means a board that establishes a program for the control of air pollution pursuant to NRS 445B.500.

(b) "Regional planning ~~[coalition" has the meaning ascribed to it in NRS 278.0172.] *commission" means a regional planning commission created pursuant to NRS 278.0262.]*~~ **(Deleted by amendment.)**

Sec. 14. [NRS 445B.503 is hereby amended to read as follows:

445B.503 1. In addition to the duties set forth in NRS 445B.500, the local air pollution control board in a county whose population is 400,000 or more shall cooperate with the regional planning ~~[coalition]~~ *commission* and the regional transportation commission in the county in which it is located to:

(a) Ensure that the plans, policies and programs adopted by each of them are consistent to the greatest extent practicable.

(b) Establish and carry out a program of integrated, long-range planning that conserves the economic, financial and natural resources of the region and supports a common vision of desired future conditions.

2. Before adopting or amending a plan, policy or program, a local air pollution control board shall:

(a) Consult with the regional planning ~~[coalition]~~ *commission* and the regional transportation commission; and

(b) Conduct hearings to solicit public comment on the consistency of the plan, policy or program with:

(1) The plans, policies and programs adopted or proposed to be adopted by the regional planning ~~[coalition]~~ *commission* and the regional transportation commission; and

(2) Plans for capital improvements that have been prepared pursuant to NRS 278.0226.

3. As used in this section:

(a) "Local air pollution control board" means a board that establishes a program for the control of air pollution pursuant to NRS 445B.500.

(b) "Regional planning ~~[coalition" has the meaning ascribed to it in NRS 278.0172.] *commission" means a regional planning commission created pursuant to NRS 278.0262.*~~

(c) "Regional transportation commission" means a regional transportation commission created and organized in accordance with chapter 373 of NRS.] **(Deleted by amendment.)**

Sec. 14.5. **NRS 278.349 is hereby amended to read as follows:**

278.349 1. Except as otherwise provided in subsection 2, the governing body, if it has not authorized the planning commission to take final action, shall, by an affirmative vote of a majority of all the members, approve, conditionally approve or disapprove a tentative map filed pursuant to NRS 278.330:

(a) In a county whose population is 400,000 or more, within 45 days; or

(b) In a county whose population is less than 400,000, within 60 days,

➥ after receipt of the planning commission's recommendations.

2. If there is no planning commission, the governing body shall approve, conditionally approve or disapprove a tentative map:

(a) In a county whose population is 400,000 or more, within 45 days; or

(b) In a county whose population is less than 400,000, within 60 days, ➥ after the map is filed with the clerk of the governing body.

3. The governing body, or planning commission if it is authorized to take final action on a tentative map, shall consider:

(a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;

(b) The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;

(c) The availability and accessibility of utilities;

(d) The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks;

(e) Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;

(f) General conformity with the governing body's master plan of streets and highways;

(g) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;

(h) Physical characteristics of the land such as floodplain, slope and soil;

(i) The recommendations and comments of those entities and persons reviewing the tentative map pursuant to NRS 278.330 to 278.3485, inclusive; ~~[and]~~

(j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands ~~[.]~~ ***; and***

(k) If the tentative map is prepared in connection with a project that is proposed to be more than 20 acres but less than 100 acres in size, and that is proposed to be constructed at a density of greater than six dwelling units per acre, the development of such infrastructure as will be necessary to support such a project when it is completed, including, without limitation:

(1) The anticipated needs of the area that will be affected by the project with respect to emergency services, recreational facilities, open space, educational facilities, flood control facilities and regional transportation; and

(2) An estimate of the date on which each phase of the project will be completed,

➥ to the extent that the consideration of such matters does not duplicate the matters required to be considered pursuant to paragraphs (a) to (j), inclusive.

4. The governing body or planning commission shall, by an affirmative vote of a majority of all the members, make a final disposition of the

tentative map. Any disapproval or conditional approval must include a statement of the reason for that action.

Sec. 15. [NRS 218.2417, 278.0172, 278.02507, 278.02514, 278.02521, 278.02528, 278.02535, 278.02542, 278.02549, 278.02556, 278.02563, 278.0257, 278.02577, 278.02584, 278.02591 and 278.02598 are hereby repealed.] **(Deleted by amendment.)**

~~[LEADLINES OF REPEALED SECTIONS]~~

~~[218.2417 Preparation of legislative measures for regional planning coalition by Legislative Counsel and Legal Division of Legislative Counsel Bureau.~~

~~278.0172 "Regional planning coalition" defined.~~

~~278.02507 Applicability.~~

~~278.02514 Regional planning coalition: Establishment.~~

~~278.02521 Legislative intent.~~

~~278.02528 Regional planning coalition to develop comprehensive regional policy plan; consultation; contents of plan; adoption or amendment of plan.~~

~~278.02535 Regional planning coalition: Study and development of incentives for certain types of development.~~

~~278.02542 Powers of regional planning coalition; establishment of definition of term "project of regional significance."~~

~~278.02549 Certain public entities to submit plans to regional planning coalition for review; certain public entities to ensure consistency of land use plans and decisions with comprehensive regional policy plan and certified plans.~~

~~278.02556 Certain public entities prohibited from adopting or amending certain plans after March 1, 2001, unless regional planning coalition afforded opportunity to make recommendations; exception.~~

~~278.02563 Regional planning coalition to annually prepare, adopt and submit budget to local governments in region.~~

~~278.0257 Regional planning coalition authorized to employ persons and contract for services to carry out certain duties.~~

~~278.02577 Regional planning coalition to biennially review plans of public entities for conformance with comprehensive regional policy plan; procedure if nonconformance exists; determination of substantial conformance; certification; grants.~~

~~278.02584 Regional planning coalition to cooperate with local air pollution control board and regional transportation commission for consistency of action and to carry out program of integrated, long-range planning; public hearings; preparation and submission of report.~~

~~278.02591 Analysis by governing body of cost to construct infrastructure in undeveloped area: Establishment; contents; approval; provision to regional planning coalition.~~

~~278.02598—Governing body authorized to negotiate master development agreements to carry out plan for infrastructure.]~~

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 570.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 462.

SUMMARY—Revises certain provisions relating to ~~[city government.]~~ **elections.** (BDR 24-429)

AN ACT relating to ~~[cities;]~~ **elections;** revising the date upon which the governing body of a **county or** city is required to conduct a canvass of election returns; ~~[providing that the City Attorneys for Reno and Sparks must be appointed rather than elected;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the governing body of a **county or** city to complete a canvass of election returns on or before the fifth working day following an election. (NRS 267.050, **293.387, 293.393,** 293C.387 ~~[)]~~ **, 309.060, 309.335, 318.118, 539.055, 539.155, 541.360)** Sections ~~[1 and 2]~~ **1-2.7** of this bill amend that requirement to provide that the canvass of the election returns must be completed on or before the sixth working day following an election. Sections 3-5 and 17 of this bill amend the Charters of the Cities of Caliente, Carlin, Elko and Wells in the same manner. **Sections 18-20 of this bill amend the Airport Authority Acts for Battle Mountain, Carson City and Reno-Tahoe in the same manner.**

~~[Existing law requires the City Attorneys of Reno and Sparks to be elected. Sections 6-16 of this bill revise this requirement to require that the City Attorneys be appointed by the City Council of their respective cities instead.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 293.387 is hereby amended to read as follows:**

293.387 1. As soon as the returns from all the precincts and districts in any county have been received by the board of county commissioners, the board shall meet and canvass the returns. The canvass must be completed on or before the ~~[fifth]~~ ***sixth*** working day following the election.

2. In making its canvass, the board shall:

(a) Note separately any clerical errors discovered; and

(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

3. The county clerk shall, as soon as the result is declared, enter upon the records of the board an abstract of the result, which must contain the number of votes cast for each candidate. The board, after making the abstract, shall cause the county clerk to certify the abstract and, by an order made and entered in the minutes of its proceedings, to make:

(a) A copy of the certified abstract; and

(b) A mechanized report of the abstract in compliance with regulations adopted by the Secretary of State,

➥ and transmit them to the Secretary of State not more than 6 working days after the election.

4. The Secretary of State shall, immediately after any primary election, compile the returns for all candidates voted for in more than one county. He shall make out and file in his office an abstract thereof, and shall certify to the county clerk of each county the name of each person nominated, and the name of the office for which he is nominated.

Sec. 1.3. **NRS 293.393 is hereby amended to read as follows:**

293.393 1. On or before the ~~[fifth]~~ ***sixth*** working day after any general election or any other election at which votes are cast for any United States Senator, Representative in Congress, member of the Legislature or any state officer who is elected statewide, the board of county commissioners shall open the returns of votes cast and make abstracts of the votes.

2. Abstracts of votes must be prepared in the manner prescribed by the Secretary of State by regulation.

3. The county clerk shall make out a certificate of election to each of the persons having the highest number of votes for the district, county and township offices.

4. Each certificate must be delivered to the person elected upon application at the office of the county clerk.

~~[Section 1.]~~ ***Sec. 1.7.*** NRS 293C.387 is hereby amended to read as follows:

293C.387 1. The election returns from a special election, primary city election or general city election must be filed with the city clerk, who shall immediately place the returns in a safe or vault. No person may handle, inspect or in any manner interfere with the returns until they are canvassed by the mayor and the governing body of the city.

2. After the governing body of a city receives the returns from all the precincts and districts in the city, it shall meet with the mayor to canvass the returns. The canvass must be completed on or before the ~~[fifth]~~ ***sixth*** working day following the election.

3. In completing the canvass of the returns, the governing body of the city and the mayor shall:

(a) Note separately any clerical errors discovered; and

(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

4. After the canvass is completed, the governing body of the city and mayor shall declare the result of the canvass.

5. The city clerk shall enter upon the records of the governing body of the city an abstract of the result. The abstract must be prepared in the manner prescribed by regulations adopted by the Secretary of State and must contain the number of votes cast for each candidate.

6. After the abstract is entered, the:

(a) City clerk shall seal the election returns, maintain them in a vault for at least 22 months and give no person access to them during that period, unless access is ordered by a court of competent jurisdiction or by the governing body of the city.

(b) Governing body of the city shall, by an order made and entered in the minutes of its proceedings, cause the city clerk to:

(1) Certify the abstract;

(2) Make a copy of the certified abstract;

(3) Make a mechanized report of the abstract in compliance with regulations adopted by the Secretary of State;

(4) Transmit a copy of the certified abstract and the mechanized report of the abstract to the Secretary of State within ~~[6]~~ ***7*** working days after the election; and

(5) Transmit on paper or by electronic means to each public library in the city, or post on a website maintained by the city or the city clerk on the Internet or its successor, if any, a copy of the certified abstract within 30 days after the election.

7. After the abstract of the results from a:

(a) Primary city election has been certified, the city clerk shall certify the name of each person nominated and the name of the office for which he is nominated.

(b) General city election has been certified, the city clerk shall:

(1) Issue under his hand and official seal to each person elected a certificate of election; and

(2) Deliver the certificate to the persons elected upon their application at the office of the city clerk.

8. The officers elected to the governing body of the city qualify and enter upon the discharge of their respective duties on the first regular meeting of that body next succeeding that in which the canvass of returns was made pursuant to subsection 2.

Sec. 2. NRS 267.050 is hereby amended to read as follows:

267.050 Within ~~[5]~~ ***6 working*** days after the date of the election the legislative authority of the incorporated city shall:

1. Meet and canvass the returns of the election.

2. Declare the result thereof.

3. Issue certificates of election to the 15 qualified electors having the highest vote therefor.

Sec. 2.2. **NRS 309.060 is hereby amended to read as follows:**

309.060 The board of county commissioners shall meet on ~~[the second Monday]~~ ***or before the sixth working day*** succeeding the election provided for in NRS 309.050 and proceed to canvass the votes and, if upon the canvass it appears that a majority of votes cast were for "Local Improvement District—Yes," the board, by an order entered upon its minutes, shall declare the territory organized as an improvement district under the name and style theretofore designated, and declare the persons receiving respectively the highest number of votes for directors to be elected, and cause a copy of the order and a plat of the district, each certified by the clerk of the board of county commissioners, to be recorded immediately in the office of the county recorder of each county in which any portion of the district is situated, and certified copies thereof must also be recorded with the county clerks of those counties. Thereafter the organization of the district is complete.

Sec. 2.3. **NRS 309.335 is hereby amended to read as follows:**

309.335 At any regular or special meeting of the board held within ~~[5]~~ ***6 working*** days following the date of such election, the returns thereof shall be canvassed and the results thereof declared.

Sec. 2.4. **NRS 318.118 is hereby amended to read as follows:**

318.118 1. In the case of a district created wholly or in part for exterminating and abating mosquitoes, flies, other insects, rats, and liver fluke or ***Fasciola hepatica***, the board may:

(a) Take all necessary or proper steps for the extermination of mosquitoes, flies, other insects, rats, or liver fluke or ***Fasciola hepatica*** in the district or in territory not in the district but so situated with respect to the district that mosquitoes, flies, other insects, rats, or liver fluke or ***Fasciola hepatica*** from that territory migrate or are caused to be carried into the district;

(b) Subject to the paramount control of any county or city in which the district has jurisdiction, abate as nuisances all stagnant pools of water and other breeding places for mosquitoes, flies, other insects, rats, or liver fluke or ***Fasciola hepatica*** in the district or in territory not in the district but so situated with respect to the district that mosquitoes, flies, other insects, rats, or liver fluke or ***Fasciola hepatica*** from that territory migrate or are caused to be carried into the district;

(c) If necessary or proper, in the furtherance of the objects of this chapter, build, construct, repair and maintain necessary dikes, levees, cuts, canals or ditches upon any land, and acquire by purchase, condemnation or by other lawful means, in the name of the district, any lands, rights-of-way, easements, property or material necessary for any of those purposes;

(d) Make contracts to indemnify or compensate any owner of land or other property for any injury or damage necessarily caused by the use or taking of property for dikes, levees, cuts, canals or ditches;

(e) Enter upon without hindrance any lands, within or without the district, for the purpose of inspection to ascertain whether breeding places of mosquitoes, flies, other insects, rats, or liver fluke or ***Fasciola hepatica*** exist upon those lands;

(f) Abate public nuisances in accordance with this chapter;

(g) Ascertain if there has been a compliance with notices to abate the breeding of mosquitoes, flies, other insects, rats, or liver fluke or ***Fasciola hepatica*** upon those lands;

(h) Treat with oil, other larvicidal material, or other chemicals or other material any breeding places of mosquitoes, flies, other insects, rats, or liver fluke or ***Fasciola hepatica*** upon those lands;

(i) Sell or lease any land, rights-of-way, easements, property or material acquired by the district; and

(j) Sell real property pursuant to this subsection to the highest bidder at public auction after 5 days' notice given by publication.

2. In connection with the basic power stated in this section, the district may:

(a) Levy annually a general ad valorem property tax of not exceeding:

(1) Fifteen cents on each $100 of assessed valuation of taxable property; or

(2) Twenty cents on each $100 of assessed valuation of taxable property if the board of county commissioners of each county in which the district is located approves such a tax in excess of 15 cents on each $100 of assessed valuation of taxable property.

(b) Levy a tax in addition to a tax authorized in paragraph (a), if the additional tax is authorized by the qualified electors of the district, as provided in subsections 4 to 7, inclusive.

3. The proceeds of any tax levied pursuant to the provisions of this section must be used for purposes pertaining to the basic purpose stated in this section, including, without limitation, the establishment and maintenance of:

(a) A cash-basis fund of not exceeding in any fiscal year 60 percent of the estimated expenditures for the fiscal year to defray expenses between the beginning of the fiscal year and the respective times tax proceeds are received in the fiscal year; and

(b) An emergency fund of not exceeding in any fiscal year 25 percent of the estimated expenditures for the fiscal year to defray unusual and unanticipated expenses incurred during epidemics or threatened epidemics from diseases from sources which the district may exterminate or abate.

4. Whenever it appears to the board of a district authorized to exercise the basic power stated in subsection 1 that the amount of money required during an ensuing fiscal year will exceed the amount that can be raised by a levy permitted by paragraph (a) of subsection 2, the board may:

(a) At a special election or the next primary or general election submit to the qualified electors of the district a question of whether a tax shall be voted for raising the additional money;

(b) Provide the form of the ballot for the election, which must contain the words "Shall the district vote a tax to raise the additional sum of ....?" or words equivalent thereto;

(c) Provide the form of the notice of the election and provide for the notice to be given by publication; and

(d) Arrange other details in connection with the election.

5. A special election may be held only if the board determines, by a unanimous vote, that an emergency exists. The determination made by the board is conclusive unless it is shown that the board acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the board must be commenced within 15 days after the board's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the board to prevent or mitigate a substantial financial loss to the district or to enable the board to provide an essential service to the residents of the district.

6. Except as otherwise provided in this chapter:

(a) The secretary of the district shall give notice of the election by publication and shall arrange such other details in connection with the election as the board may direct;

(b) The election board officers shall conduct the election in the manner prescribed by law for the holding of general elections and shall make their returns to the secretary of the district; and

(c) The board shall canvass the returns of the election at any regular or special meeting held within ~~[5]~~ ***6 working*** days following the date of the election, or at such later time as the returns are available for canvass, and shall declare the results of the election.

7. If a majority of the qualified electors of the district who voted on any proposition authorizing the additional tax voted in favor of the proposition, and the board so declares the result of the election:

(a) The district board shall report the result to the board of county commissioners of the county in which the district is situated, stating the additional amount of money required to be raised. If the district is in more than one county the additional amount must be prorated for each county by the district board in the same way that the district's original total estimate of money is prorated, and the district board shall furnish the board of county commissioners and auditor of each county a written statement of the apportionment for that county; and

(b) The board of county commissioners of each county receiving the written statement shall, at the time of levying county taxes, levy an additional tax upon all the taxable property of the district in the county sufficient to raise the amount apportioned to that county for the district.

8. The district shall not:

(a) Borrow money except for medium-term obligations pursuant to chapter 350 of NRS;

(b) Levy special assessments; or

(c) Fix any rates, fees or other charges except as otherwise provided in this section.

9. The district may determine to cause an owner of any real property to abate any nuisance pertaining to the basic power stated in this section, after a hearing on a proposal for such an abatement and notice thereof by mail addressed to the last known owner or owners of record at his or their last known address or addresses, as ascertained from any source the board deems reliable, or in the absence of the abatement within a reasonable period fixed by the board, to cause the district to abate the nuisance, as follows:

(a) At the hearing the district board shall redetermine whether the owner must abate the nuisance and prevent its recurrence, and shall specify a time within which the work must be completed;

(b) If the nuisance is not abated within the time specified in the notice or at the hearing, the district board shall abate the nuisance by destroying the larvae or pupae, or otherwise, by taking appropriate measures to prevent the recurrence of further breeding;

(c) The cost of abatement must be repaid to the district by the owner;

(d) The money expended by the district in abating a nuisance or preventing its recurrence is a lien upon the property on which the nuisance is abated or its recurrence prevented;

(e) Notice of the lien must be filed and recorded by the district board in the office of the county recorder of the county in which the property is situated within 6 months after the first item of expenditure by the board;

(f) An action to foreclose the lien must be commenced within 6 months after the filing and recording of the notice of lien;

(g) The action must be brought by the district board in the name of the district;

(h) When the property is sold, enough of the proceeds to satisfy the lien and the costs of foreclosure must be paid to the district and the surplus, if any, must be paid to the owner of the property if known, and if not known, must be paid into the court in which the lien was foreclosed for the use of the owner if ascertained; and

(i) The lien provisions of this section do not apply to the property of any county, city, district or other public corporation, except that the governing body of the county, city, district or other public corporation shall repay to any district exercising the basic power stated in subsection 1 the amount expended by the district upon any of its property pursuant to this chapter upon presentation by the district board of a verified claim or bill.

Sec. 2.5. **NRS 539.055 is hereby amended to read as follows:**

539.055 1. The board of county commissioners shall meet on ~~[the second Monday]~~ ***or before the sixth working day*** succeeding such election and proceed to canvass the votes cast thereat.

2. If upon such canvass it appears that a majority of the electors voted "Irrigation District—Yes," the board, by an order entered upon its minutes, shall:

(a) Declare such territory duly organized as an irrigation district under the name and style theretofore designated.

(b) Declare the persons receiving respectively the highest number of votes for directors to be duly elected.

(c) Cause a copy of such order and a plat of the district, each duly certified by the clerk of the board of county commissioners, to be immediately filed for record in the office of the county recorder of each county in which any portion of such lands is situated. Certified copies thereof shall also be filed with the county clerks of such counties.

3. Thereafter, the organization of the district shall be complete.

Sec. 2.6. **NRS 539.155 is hereby amended to read as follows:**

539.155 1. The returns shall be delivered to the secretary of the district. No list, tally paper or returns from any election shall be set aside or rejected for want of form if they can be satisfactorily understood.

2. The board of directors shall meet at its usual place of meeting on ~~[the second Monday]~~ ***or before the sixth working day*** after an election to canvass the returns, and it shall proceed in the same manner and with like effect, as near as may be, as the board of county commissioners in canvassing the returns of general elections.

3. When the board of directors shall have declared the result, the secretary shall make full entries in his record in like manner as is required of the county clerk in general elections.

Sec. 2.7. **NRS 541.360 is hereby amended to read as follows:**

541.360 The respective election boards shall conduct the election in their respective precincts in the manner prescribed by law for the holding of general elections, and shall make their returns to the secretary of the district. At any regular or special meeting of the board held not earlier than ~~[5]~~ ***6 working*** days following the date of the election, the returns thereof must be canvassed and the results thereof declared. If any election held pursuant to NRS 541.340 is consolidated with any primary or general election, the returns thereof must be made and canvassed at the time and in the manner provided by law for the canvass of the returns of such a primary or general election. The canvassing body shall promptly certify and transmit to the board a statement of the result of the vote upon the proposition submitted pursuant to NRS 541.340. Upon receipt of the statement, the board shall tabulate and declare the results of the proposition voted on at the election.

Sec. 3. Section 5.100 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, at page 67, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the City Council.

2. The City Council shall meet within ~~[5]~~ ***6 working*** days after any election and canvass the returns and declare the result. The election returns

shall then be sealed and kept by the City Clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the 1st Monday in July next following their election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 4. Section 5.090 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, at page 616, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the Board of Councilmen.

2. The Board of Councilmen shall meet on ***or before*** the ~~[first] [Tuesday] *[Wednesday]*~~ ***sixth working day*** after any election and canvass the returns and declare the result. The election returns shall then be sealed and kept by the City Clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the Board of Councilmen.

3. The City Clerk, under his hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the 1st Monday in July next following their election.

4. If any election should result in a tie, the Board of Councilmen shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 5. Section 5.090 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 51, Statutes of Nevada 2001, at page 464, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from a municipal election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault. No person may handle, inspect or in any manner interfere with the returns until the returns are canvassed by the City Council.

2. The City Council shall meet within ~~[5]~~ ***6 working*** days after an election and canvass the returns and declare the result. The election returns must be sealed and kept by the City Clerk for 2 years, and no person may

have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the first Monday in July next following their election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 6. ~~[Section 1.060 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 373, Statutes of Nevada 1979, at page 644, is hereby amended to read as follows:~~

~~Sec. 1.060 Elective offices.~~

~~1. The elective officers of the City consist of:~~

~~(a) A Mayor.~~

~~(b) Six Councilmen.~~

~~(c) One Municipal Judge and as many additional judges as the City Council deems necessary.~~

~~[(d) A City Attorney.]~~

~~2. Such officers shall be elected as provided by this Charter.]~~ **(Deleted by amendment.)**

Sec. 7. ~~[Section 1.090 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 210, Statutes of Nevada 1997, at page 734, is hereby amended to read as follows:~~

~~Sec. 1.090 Appointive officers.~~

~~1. The City Council shall provide for the appointment of a City Manager to perform the duties outlined in section 3.020. A vacancy in the office of City Manager must be filled within 6 months.~~

~~2. Applicants for the position of City Manager need not be residents of the City or State at the time of their appointment, except that applicants who are residents of the City and who have qualifications equal to those of nonresidents must be given preference in filling the position.~~

~~3. The City Council may establish such other appointive offices as it may deem necessary for the operation of the City by designating the position and the qualifications therefor by ordinance. Appointive offices are limited to the head of each department or division except:~~

~~(a) One immediate assistant for the Director of Public Works.~~

~~(b) Special technical staff members who report directly to the City Manager.~~

~~(c) In the Fire Department and Police Department, no positions below the office of Chief.~~

~~➥ Appointment of such officers must be made by the City Manager, and the appointment of the Chief of Police and the Fire Chief must be confirmed by the City Council.~~

~~4. A City Clerk must be appointed by the City Council.~~

~~*5. A City Attorney must be appointed by the City Council.*~~] **(Deleted by amendment.)**

Sec. 8. ~~[Section 1.100 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 210, Statutes of Nevada 1997, at page 734, is hereby amended to read as follows:~~

~~Sec. 1.100 Appointive officers: Miscellaneous provisions.~~

~~1. All appointive officers, except the City Clerk and his deputy [,]~~ ~~*and the City Attorney and his assistant attorneys*~~, ~~shall perform such duties as may be designated by the City Manager.~~

~~2. Any employee of the City holding a Civil Service rating under the City and who is appointed to any position provided for in section 1.090 does not lose his Civil Service rating while serving in that position.~~

~~3. All appointive officers are entitled to all employment benefits to which Civil Service employees are entitled.~~

~~4. The City Council may require from all other officers and employees of the City constituted or appointed under this Charter, except the Mayor and Councilmen, sufficient security for the faithful and honest performance of their respective duties.~~] **(Deleted by amendment.)**

Sec. 9. ~~[Section 1.110 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1964, is hereby amended to read as follows:~~

~~Sec. 1.110 Appointive officers: Duties; salary.~~

~~1. All appointive officers of the City, except the City Manager~~ ~~*, the City Attorney and his assistant attorneys*~~ ~~and the Board of Health, shall perform such duties under the direction of the City Manager [,] as may be designated by the City Council.~~

~~2. All appointive officers of the City shall receive such salary as may be designated by the City Council.~~] **(Deleted by amendment.)**

Sec. 10. ~~[Section 3.060 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1369, is hereby amended to read as follows:~~

~~Sec. 3.060 City Attorney: Qualifications; duties; salary.~~

~~*1. Except as otherwise provided in section 3.070, the City Council shall appoint a City Attorney and fix his salary by resolution.*~~

~~*2. The City Attorney is the Chief Legal Officer of the City and shall perform such duties as may be designated by the City Council or prescribed by ordinance.*~~

~~*3. The City Attorney is under the general direction and supervision of the City Council.*~~

~~*4.* The City Attorney must be a duly licensed member of the State Bar of Nevada and a qualified elector within the City. [Once elected, he shall hold office for a term of 4 years and until his successor is duly elected and qualified.~~

~~2.~~] ~~*5.*~~ The City Attorney [is the Legal Officer of the City and] ~~shall:~~

~~(a)~~ [Perform such duties as may be designated by ordinance;

~~(b)] Be present at all meetings of the City Council;~~

~~[(c)]~~ ~~*(b)* Be counsel for the Civil Service Commission;~~

~~[(d)]~~ ~~*(c)* Devote his full time to the duties of the office; and~~

~~[(e)]~~ ~~*(d)* Not engage in the private practice of law.~~

~~[3. The City Attorney is entitled to receive a salary as fixed by resolution of the City Council.~~

~~4.]~~ ~~*6. The City Attorney serves at the pleasure of the City Council and may be removed by an affirmative vote of a majority of the entire membership of the City Council at any time.*~~

~~*7.* The City Attorney may appoint and remove such assistants as he may require in the discharge of the duties of his office. Such assistants must not be Civil Service employees. The Council may appropriate such an amount of money as it may deem proper to compensate such assistants. Such assistants who are attorneys and are employed for more than 20 hours per week by the City Attorney shall not engage in the private practice of law.~~

~~*8. Any elected City Attorney who holds office on October 1, 2007, is entitled to serve the remainder of the elected term or through the conclusion of the elected term expiring in November 2014, whichever occurs later.]*~~

(Deleted by amendment.)

Sec. 11. ~~[Section 1.060 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 41, Statutes of Nevada 2001, at page 394, is hereby amended to read as follows:~~

~~Sec. 1.060 Elective officers: Qualifications; salaries.~~

~~1. The elective officers of the City consist of:~~

~~(a) A Mayor.~~

~~(b) Five members of the Council.~~

~~(c) [A City Attorney.~~

~~(d)] Municipal Judges, the number to be determined pursuant to section 4.010.~~

~~2. All elective officers of the City must be:~~

~~(a) Bona fide residents of the City for at least 30 days immediately preceding the last day for filing a declaration of candidacy for such an office.~~

~~(b) Residents of the City during their term of office, and, in the case of a member of the Council, a resident of the ward the member represents.~~

~~(c) Registered voters within the City.~~

~~3. No person may be elected or appointed as a member of the Council who was not an actual bona fide resident of the ward to be represented by him for a period of at least 30 days immediately preceding the last day for filing a declaration of candidacy for the office, or, in the case of appointment, 30 days immediately preceding the day the office became vacant.~~

~~4. [The City Attorney must be a licensed member of the State Bar of Nevada.~~

~~5.] Each elective officer is entitled to receive a salary in an amount fixed by the City Council. At any time before January 1 of the year in which a general election is held, the City Council shall enact an ordinance fixing the~~

~~initial salary for each elective office for the term beginning on the first Monday following that election. This ordinance may not be amended to increase or decrease the salary for the office of Mayor, City Councilman or City Attorney during the term. If the City Council fails to enact such an ordinance before January 1 of the election year, the succeeding elective officers are entitled to receive the same salaries as their respective predecessors.]~~ **(Deleted by amendment.)**

Sec. 12. ~~[Section 1.070 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 41, Statutes of Nevada 2001, at page 395, is hereby amended to read as follows:~~

~~Sec. 1.070 Elective offices; vacancies. Except as otherwise provided in NRS 268.325:~~

~~1. A vacancy in the City Council, or in the office of [City Attorney or] Municipal Judge must be filled by appointment of the Mayor, subject to confirmation by the City Council, within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the City Council before the vacancy occurs. In such a case, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. If the majority of the Council is unable or refuses for any reason to confirm any appointment made by the Mayor within 30 days after the vacancy occurs, the City Council shall present to the Mayor the names of two qualified persons to fill the vacancy. The Mayor shall, within 15 days after the presentation, select one of the two qualified persons to fill the vacancy. The appointee must have the same qualifications required of the elected official.~~

~~2. A vacancy in the office of the Mayor must be filled by the Mayor pro tempore. The resulting vacancy in the City Council must be filled as provided in subsection 1.~~

~~3. The appointee or Mayor pro tempore, in case of a vacancy in the office of Mayor, shall serve until his successor is elected and qualified at the next election to serve the remainder of the unexpired term.]~~ **(Deleted by amendment.)**

Sec. 13. ~~[Section 1.080 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 129, Statutes of Nevada 1993, at page 229, is hereby amended to read as follows:~~

~~Sec. 1.080 Appointive positions.~~

~~1. The Mayor of the City shall appoint a City Manager, subject to confirmation by the City Council.~~

~~2. Subject to confirmation by the City Council, the City Manager shall appoint:~~

~~(a) The heads of the Fire and Police departments and one technical assistant in each of those departments. A technical assistant may not supervise any other employees.~~

~~(b) Any employee employed in a bona fide executive, administrative or professional capacity. As used in this paragraph:~~

~~(1) "Employee employed in a bona fide executive capacity" has the meaning ascribed to it in 29 C.F.R. § 541.1, as that section existed on October 1, 1993.~~

~~(2) "Employee employed in a bona fide administrative capacity" has the meaning ascribed to it in 29 C.F.R. § 541.2, as that section existed on October 1, 1993.~~

~~(3) "Employee employed in a bona fide professional capacity" has the meaning ascribed to it in 29 C.F.R. § 541.3, as that section existed on October 1, 1993.~~

~~*(c) The City Attorney.*~~

~~3. The City Council shall create and revise as necessary a document which:~~

~~(a) Describes the organization of all departments, divisions and offices of the City; and~~

~~(b) Sets forth all appointive positions of the City.]~~ **(Deleted by amendment.)**

Sec. 14. ~~[Section 3.050 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 129, Statutes of Nevada 1993, at page 231, is hereby amended to read as follows:~~

~~Sec. 3.050 City Attorney: Duties .~~ [; Assistant City Attorneys.

~~1.]~~ ~~The City Attorney shall:~~

~~[(a)]~~ ~~*1.* Be the Legal Officer of the City.~~

~~[(b)]~~ ~~*2.* Represent the City and any officer or employee or former officer or employee of the City, for any act arising out of his employment or duties, in any action or proceeding in which the City or such officer or employee is concerned or is a party.~~

~~[(c)]~~ ~~*3.* Perform such duties as may be designated by~~ [ordinance.

~~(d)]~~ ~~*the City Manager and such other duties as may be directed by the City Council.*~~

~~*4.* Attend all regular, special and emergency meetings of the City Council, and may attend executive sessions concerning public officers.~~

~~[(e)]~~ ~~*5.* Approve any contract made by and any bond or security given to the City endorsing his approval in writing on the document.~~

~~[(f)]~~ ~~*6.* Prepare all proposed ordinances and review all resolutions and amendments to the ordinances or resolutions.~~

~~[(g)]~~ ~~*7.* Not engage in any other business or occupation nor in the private practice of law without the approval of the City Council.~~

~~[2. The City Attorney may appoint and remove or discharge assistant city attorneys pursuant to ordinances adopted relating thereto. The City Council may appropriate the money it considers proper to compensate such assistants.~~

~~3. An Assistant City Attorney who is removed from his position by the City Attorney has the right of appeal to the Mayor and City Council and may demand a hearing before the City Council. The demand must be made within~~

~~10 days after the removal. The decision of the City Council upon the hearing is final.]~~

~~*8. Any elected City Attorney who holds office on October 1, 2007, is entitled to serve the remainder of the elected term.]*~~ **(Deleted by amendment.)**

Sec. 15. ~~[Section 5.010 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 52, Statutes of Nevada 2005, at page 104, is hereby amended to read as follows:~~

~~Sec. 5.010 General elections.~~

~~1. On the Tuesday after the first Monday in June 2001, there must be elected by the registered voters of the City, at a general municipal election, Council members to represent the first, third and fifth wards, *and* a Municipal Judge for Department 1 ,~~ [~~and a City Attorney,~~] ~~all of whom hold office until their successors have been elected and qualified, pursuant to subsection 3 or 4.~~

~~2. On the Tuesday after the first Monday in June 2003, there must be elected by the registered voters of the City, at a general municipal election, Council members to represent the second and fourth wards, a Mayor and a Municipal Judge for Department 2, all of whom hold office until their successors have been elected and qualified, pursuant to subsection 5 or 6.~~

~~3. On the Tuesday after the first Monday in November 2004, and at each successive interval of 4 years, there must be elected by the registered voters of the City, at the general election, Council members to represent the first, third and fifth wards ,~~ [~~and a City Attorney,~~] ~~all of whom hold office for a term of 4 years and until their successors have been elected and qualified.~~

~~4. On the Tuesday after the first Monday in November 2004, and at each successive interval of 4 years, there must be elected by the registered voters of the City, at the general election, a Municipal Judge for Department 1, who holds office for a term of 4 years and until his successor has been elected and qualified, pursuant to subsection 7.~~

~~5. On the Tuesday after the first Monday in November 2006, and at each successive interval of 4 years, there must be elected by the registered voters of the City, at the general election, Council members to represent the second and fourth wards and a Mayor, all of whom hold office for a term of 4 years and until their successors have been elected and qualified.~~

~~6. On the Tuesday after the first Monday in November 2006, and at each successive interval of 6 years, there must be elected by the registered voters of the City, at the general election, a Municipal Judge for Department 2, who holds office for a term of 6 years and until his successor has been elected and qualified.~~

~~7. On the Tuesday after the first Monday in November 2008, and at each successive interval of 6 years, there must be elected by the registered voters of the City, at the general election, a Municipal Judge for Department 1, who holds office for a term of 6 years and until his successor has been elected and qualified.~~

~~8. All candidates at an election that is held pursuant to this section must be voted upon by the registered voters of the City at large.]~~ **(Deleted by amendment.)**

Sec. 16. ~~[Section 5.020 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 41, Statutes of Nevada 2001, at page 398, is hereby amended to read as follows:~~

~~Sec. 5.020 Primary~~ *municipal* ~~elections.~~

~~1. Candidates for the offices of Mayor [, City Attorney] and Municipal Judge must be voted upon by the registered voters of the City at large. Candidates to represent a ward as a member of the City Council must be voted upon by the registered voters of the ward to be represented by them.~~

~~2. The names of the two candidates for Mayor [, City Attorney] and Municipal Judge and the names of the two candidates to represent the ward as a member of the City Council from each ward who receive the highest number of votes at the primary election must be placed on the ballot for the general election.]~~ **(Deleted by amendment.)**

Sec. 17. Section 5.090 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, at page 470, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the Board of Councilmen.

2. The Board of Councilmen shall meet on ***or before*** the ~~[1st Tuesday]~~ ~~*[first Wednesday]*~~ ***sixth working day*** after any election and canvass the returns and declare the result. The election returns shall then be sealed and kept by the City Clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the Board of Councilmen.

3. The City Clerk, under his hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the 1st Monday in July next following their election.

4. If any election should result in a tie, the Board of Councilmen shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 18. **Section 22 of the Airport Authority Act for Battle Mountain, being chapter 458, Statutes of Nevada 1983, at page 1214, is hereby amended to read as follows:**

Sec. 22. Election: Conduct; canvass of returns; declaration of results.

1. The Election Board shall conduct the election in the manner prescribed by law for the holding of general elections, and shall make their returns to the Secretary of the Authority.

2. At any regular or special meeting of the Board of County Commissioners of Lander County held within ~~[5]~~ ***6 working*** days following the date of the election, the returns thereof must be canvassed and the results thereof declared.

Sec. 19. **Section 16 of the Airport Authority Act for Carson City, being chapter 844, Statutes of Nevada 1989, at page 2028, is hereby amended to read as follows:**

Sec. 16. Election: Conduct; canvas of returns; declaration of results.

1. The Election Board shall conduct the election in the manner prescribed by law for the holding of general elections, and shall make its returns to the Secretary of the Board.

2. The Board of Supervisors shall, within ~~[5]~~ ***6 working*** days after the election, canvass the returns and declare the results of the election.

Sec. 20. **Section 22 of the Reno-Tahoe Airport Authority Act, being chapter 474, Statutes of Nevada 1977, at page 974, is hereby amended to read as follows:**

Sec. 22. Election: Conduct; canvass of returns; declaration of results.

1. The Election Board or boards shall conduct the election in the manner prescribed by law for the holding of general elections, and shall make their returns to the Secretary of the Authority.

2. At any regular or special meeting of the Board held within ~~[5]~~ ***6 working*** days following the date of the election, the returns thereof shall be canvassed and the results thereof declared.

Assemblywoman Koivisto moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 576.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 502.

AN ACT relating to public welfare; providing for the certification of intermediary service organizations which provide certain services relating to personal assistance received by persons with disabilities; clarifying the definition of "agency to provide personal care services in the home" for purposes of licensing; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-25 of this bill provide for the certification of an intermediary service organization by the Office of Disability Services. Section 3 provides that an intermediary service organization is authorized to provide certain services for a person with a disability or for another person responsible for the care of a person with a disability relating to the provision of personal assistance to the person with a disability. Such services may relate to

employment matters concerning a personal assistant and other financial management relating to the personal assistance for the disabled person. Section 4 makes it a misdemeanor to operate an intermediary service organization without a certificate issued by the Office of Disability Services.

Section 9 of this bill authorizes the Department of Health and Human Services to prescribe a fee for an application for the issuance of a certificate to operate as an intermediary service organization. Sections 18 and 19 of this bill require the Department to adopt regulations governing the certification of intermediary service organizations and to establish the criteria for the imposition of sanctions for certain violations relating to the certification of the intermediary service organization.

Section 31 of this bill clarifies the term "agency to provide personal care services in the home" so that certain **organized** groups of persons ~~[who form a nonprofit corporation to]~~ **that** employ or contract with persons to provide certain ~~[medical and]~~ nonmedical services for a person with a disability are not required to obtain a license from the Health Division of the Department of Health and Human Services. Section 31 also excludes an intermediary service organization so that such organizations are not required to obtain a license from the Health Division. ~~[Finally, section 31 also clarifies that the services that may be provided by an agency to provide personal care services in the home include nonmedical services and certain authorized medical services.]~~ (NRS 449.0021)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 426 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 25, inclusive, of this act.

Sec. 2. ***"Intermediary service organization" means*** ~~*[an]*~~ ***a nongovernmental entity that provides services authorized pursuant to section 3 of this act for a person who has a disability or other responsible person.***

Sec. 3. ***1. An intermediary service organization that is certified pursuant to sections 2 to 25, inclusive, of this act may provide services for a person with a disability or other responsible person relating to personal assistance received by the person with a disability. The services that may be provided by an intermediary service organization include, without limitation:***

(a) Obtaining a criminal background check of a personal assistant selected by the person with a disability or other responsible person to provide nonmedical services and any medical services authorized pursuant to NRS 629.091;

(b) Providing payroll services to pay the personal assistant and determine any tax liability;

(c) Providing services relating to financial management; and

(d) Providing any other services relating to the employment of a personal assistant and any other financial assistance relating to the personal assistance for the person with a disability.

2. As used in this section:

(a) "Other responsible person" means:

(1) A parent or guardian of, or any other person legally responsible for, a person with a disability who is under the age of 18 years; or

(2) A parent, spouse, guardian or adult child of a person with a disability who suffers from a cognitive impairment.

(b) "Personal assistance" means the provision of any goods or services to help a person with a disability maintain his independence, personal hygiene and safety, including, without limitation, the provision of services by a personal assistant.

(c) "Personal assistant" means a person who, for compensation and under the direction of a person with a disability or other responsible person, performs services for a person with a disability to help him maintain his independence, personal hygiene and safety.

Sec. 4. ***1. A person*** ~~[, state or local government or agency thereof]~~ ***shall not operate or maintain in this State an intermediary service organization without first obtaining a certificate therefor as provided in sections 2 to 25, inclusive, of this act.***

2. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 5. ***Any person*** ~~[, state or local government or agency thereof]~~ ***wishing to obtain a certificate pursuant to the provisions of sections 2 to 25, inclusive, of this act must file with the Office an application on a form prescribed, prepared and furnished by the Office, containing:***

1. The name of the applicant and, if a natural person, whether the applicant has attained the age of 21 years.

2. The location of the intermediary service organization.

3. The name of the person in charge of the intermediary service organization.

4. Such other information as may be required by the Office for the proper administration and enforcement of sections 2 to 25, inclusive, of this act.

5. Evidence satisfactory to the Office that the applicant is of reputable and responsible character. If the applicant is a firm, association, organization, partnership, business trust, corporation or company, similar evidence must be submitted as to the members thereof, and the person in charge of the intermediary service organization for which application is made. ~~*[If the applicant is a political subdivision of the State or other governmental agency, similar evidence must be submitted as to the person in charge of the intermediary service organization for which application is made.]*~~

6. Evidence satisfactory to the Office of the ability of the applicant to comply with the provisions of sections 2 to 25, inclusive, of this act and the standards and regulations adopted by the Department.

Sec. 6. ***1. An applicant for the issuance or renewal of a certificate as an intermediary service organization must submit to the Office the statement prescribed by the Division of Welfare and Supportive Services of the Department pursuant to NRS 425.520. The statement must be completed and signed by the applicant.***

2. The Office shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate; or

(b) A separate form prescribed by the Office.

3. A certificate as an intermediary service organization may not be issued or renewed by the Office if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Office shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 7. ***An application for the issuance of a certificate to operate an intermediary service organization pursuant to section 5 of this act must include the social security number of the applicant.***

Sec. 8. ***1. If the Office receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a certificate to operate an intermediary service organization, the Office shall deem the certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Office receives a letter issued to the holder of the certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.***

2. The Office shall reinstate a certificate to operate an intermediary service organization that has been suspended by a district court pursuant to

NRS 425.540 if the Office receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate was suspended stating that the person whose certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 9. ***Each application for a certificate must be accompanied by such fee as may be determined by regulation of the Department. The Department may, by regulation, allow or require payment of a fee for a certificate in installments and may fix the amount of each payment and the date on which the payment is due.***

Sec. 10. ***1. Each certificate issued pursuant to sections 2 to 25, inclusive, of this act expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to section 9 of this act unless the Office finds, after an investigation, that the intermediary service organization has not satisfactorily complied with the provisions of sections 2 to 25, inclusive, of this act or the standards and regulations adopted by the Department.***

2. Each reapplication for an intermediary service organization must include, without limitation, a statement that the organization is in compliance with the provisions of sections 20 to 23, inclusive, of this act.

Sec. 11. ***1. The Office shall issue the certificate to the applicant if, after investigation, the Office finds that the:***

(a) Applicant is in full compliance with the provisions of sections 2 to 25, inclusive, of this act; and

(b) Applicant is in substantial compliance with the standards and regulations adopted by the Department.

2. A certificate applies only to the person to whom it is issued and is not transferable.

Sec. 12. ***Each certificate issued by the Office must be in the form prescribed by the Office and must contain:***

1. The name of the person or persons authorized to operate the intermediary service organization;

2. The location of the intermediary service organization; and

3. The services offered by the intermediary service organization.

Sec. 13. ***1. The Office may cancel the certificate of an intermediary service organization and issue a provisional certificate, effective for a period determined by the Office, to the intermediary service organization if the intermediary service organization:***

(a) Is in operation at the time of the adoption of standards and regulations pursuant to the provisions of sections 2 to 25, inclusive, of this act and the Office determines that the intermediary service organization requires a reasonable time under the particular circumstances within which to comply with the standards and regulations; or

(b) Has failed to comply with the standards or regulations and the Office determines that the intermediary service organization is in the process of

making the necessary changes or has agreed to make the changes within a reasonable time.

2. The provisions of subsection 1 do not require the issuance of a certificate or prevent the Office from refusing to renew or from revoking or suspending any certificate if the Office deems such action necessary for the health and safety of a person for whom the intermediary service organization provides services.

Sec. 14. ***1. Money received from the certification of intermediary service organizations ~~[must]~~ :***

(a) Must be forwarded to the State Treasurer for deposit in the State ~~[General Fund.]~~ Treasury;

(b) Must be accounted for separately in the State General Fund; and

(c) May only be used to carry out the provisions of sections 2 to 25, inclusive, of this act.

2. The Office shall enforce the provisions of ~~[section]~~ sections 2 to 25, inclusive, of this act and may incur any necessary expenses not in excess of money appropriated for that purpose by the State or received from the Federal Government.

Sec. 15. ***The Office may:***

1. Upon receipt of an application for a certificate, conduct an investigation into the qualifications of personnel, methods of operation and policies and purposes of any person proposing to engage in the operation of an intermediary service organization.

2. Upon receipt of a complaint against an intermediary service organization, except for a complaint concerning the cost of services, conduct an investigation into the qualifications of personnel, methods of operation and policies, procedures and records of that intermediary service organization or any other intermediary service organization which may have information pertinent to the complaint.

3. Employ such professional, technical and clerical assistance as it deems necessary to carry out the provisions of sections 2 to 25, inclusive, of this act.

Sec. 16. ***The Office may deny an application for a certificate or may suspend or revoke any certificate issued under the provisions of sections 2 to 25, inclusive, of this act upon any of the following grounds:***

1. Violation by the applicant or the holder of a certificate of any of the provisions of sections 2 to 25, inclusive, of this act or of any other law of this State or of the standards, rules and regulations adopted thereunder.

2. Aiding, abetting or permitting the commission of any illegal act.

3. Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the operation of an intermediary service organization.

4. Conduct or practice detrimental to the health or safety of a person under contract with or employees of the intermediary service organization.

Sec. 17. ***1. If an intermediary service organization violates any provision related to its certification, including, without limitation, any provision of sections 2 to 25, inclusive, of this act or any condition, standard or regulation adopted by the Department, the Office, in accordance with the regulations adopted pursuant to section 18 of this act, may, as it deems appropriate:***

(a) Prohibit the intermediary service organization from providing services pursuant to section 3 of this act until it determines that the intermediary service organization has corrected the violation;

(b) Impose an administrative penalty of not more than $1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(c) Appoint temporary management to oversee the operation of the intermediary service organization and to ensure the health and safety of the persons for whom the intermediary service organization performs services, until:

(1) It determines that the intermediary service organization has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the intermediary service organization fails to pay any administrative penalty imposed pursuant to paragraph (b) of subsection 1, the Office may:

(a) Suspend the certificate of the intermediary service organization until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Office may require any intermediary service organization that violates any provision of sections 2 to 25, inclusive, of this act or any condition, standard or regulation adopted by the Department, to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used to protect the health or property of the persons for whom the intermediary service organization performs services in accordance with applicable federal standards.

Sec. 18. ***The Department shall adopt regulations establishing the criteria for the imposition of each sanction prescribed by section 17 of this act. These regulations must:***

1. Prescribe the circumstances and manner in which each sanction applies;

2. Minimize the time between identification of a violation and the imposition of a sanction;

3. Provide for the imposition of incrementally more severe sanctions for repeated or uncorrected violations; and

4. Provide for less severe sanctions for lesser violations of applicable state statutes, conditions, standards or regulations.

Sec. 19. ***1. When the Office intends to deny, suspend or revoke a certificate or impose any sanction prescribed by section 17 of this act, it shall give reasonable notice to the holder of the certificate by certified mail. The notice must contain the legal authority, jurisdiction and reasons for the action to be taken. Notice is not required if the Office finds that the public health requires immediate action. In that case, it may order a summary suspension of a certificate or impose any sanction prescribed by section 17 of this act, pending proceedings for revocation or other action.***

2. If a person wants to contest the action of the Office, he must file an appeal pursuant to regulations adopted by the Department.

3. Upon receiving notice of an appeal, the Office shall hold a hearing pursuant to regulations adopted by the Department.

4. The Department shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 20. ***1. Except as otherwise provided in subsection 2, within 10 days after hiring an employee or entering into a contract with an independent contractor, the holder of a certificate to operate an intermediary service organization shall:***

(a) Obtain a written statement from the employee or independent contractor stating whether he has been convicted of any crime listed in subsection 1 of section 23 of this act;

(b) Obtain an oral and written confirmation of the information contained in the written statement obtained pursuant to paragraph (a);

(c) Obtain from the employee or independent contractor two sets of fingerprints and a written authorization to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(d) Submit to the Central Repository for Nevada Records of Criminal History the fingerprints obtained pursuant to paragraph (c).

2. The holder of a certificate to operate an intermediary service organization is not required to obtain the information described in subsection 1 from an employee or independent contractor who provides proof that an investigation of his criminal history has been conducted by the Central Repository for Nevada Records of Criminal History within the immediately preceding 6 months and the investigation did not indicate that the employee or independent contractor had been convicted of any crime set forth in subsection 1 of section 23 of this act.

3. The holder of a certificate to operate an intermediary service organization shall ensure that the criminal history of each employee or independent contractor who works at or for the intermediary service organization is investigated at least once every 5 years. The certificate holder shall:

(a) If the intermediary service organization does not have the fingerprints of the employee or independent contractor on file, obtain two sets of fingerprints from the employee or independent contractor;

(b) Obtain written authorization from the employee or independent contractor to forward the fingerprints on file or obtained pursuant to paragraph (a) to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) Submit the fingerprints to the Central Repository for Nevada Records of Criminal History.

4. Upon receiving fingerprints submitted pursuant to this section, the Central Repository for Nevada Records of Criminal History shall determine whether the employee or independent contractor has been convicted of a crime listed in subsection 1 of section 23 of this act and immediately inform the Office and the holder of a certificate to operate the intermediary service organization for which the person works whether the employee or independent contractor has been convicted of such a crime.

5. The Central Repository for Nevada Records of Criminal History may impose a fee upon an intermediary service organization that submits fingerprints pursuant to this section for the reasonable cost of the investigation. The intermediary service organization may recover from the employee or independent contractor not more than one-half of the fee imposed by the Central Repository. If the intermediary service organization requires the employee or independent contractor to pay for any part of the fee imposed by the Central Repository, it shall allow the employee or independent contractor to pay the amount through periodic payments.

Sec. 21. ***Each intermediary service organization shall maintain accurate records of the information concerning its employees and independent contractors collected pursuant to section 20 of this act and shall maintain a copy of the fingerprints submitted to the Central Repository for Nevada Records of Criminal History and proof that it submitted two sets of fingerprints to the Central Repository for its report. These records must be made available for inspection by the Office at any reasonable time, and copies thereof must be furnished to the Office upon request.***

Sec. 22. ***1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to section 20 of this act, or evidence from any other source, that an employee or independent contractor of an intermediary service organization has been convicted of a crime listed in subsection 1 of section 23 of this act, the holder of a certificate to operate the intermediary service organization shall terminate the employment or contract of that person after allowing him time to correct the information pursuant to subsection 2.***

2. If an employee or independent contractor believes that the information provided by the Central Repository is incorrect, he may

immediately inform the intermediary service organization. An intermediary service organization that is so informed shall give the employee or independent contractor a reasonable amount of time of not less than 30 days to correct the information received from the Central Repository before terminating the employment or contract of the person pursuant to subsection 1.

3. An intermediary service organization that has complied with section 20 of this act may not be held civilly or criminally liable based solely upon the ground that the intermediary service organization allowed an employee or independent contractor to work:

(a) Before it received the information concerning the employee or independent contractor from the Central Repository;

(b) During any period required pursuant to subsection 2 to allow the employee or independent contractor to correct that information;

(c) Based on the information received from the Central Repository, if the information received from the Central Repository was inaccurate; or

(d) Any combination thereof.

➥ An intermediary service organization may be held liable for any other conduct determined to be negligent or unlawful.

Sec. 23. ***In addition to the grounds listed in section 16 of this act, the Office may deny a certificate to operate an intermediary service organization to an applicant or may suspend or revoke the certificate of a holder of a certificate to operate an intermediary service organization if:***

1. The applicant or holder of a certificate has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Assault with intent to kill or to commit sexual assault or mayhem;

(c) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(d) Abuse or neglect of a child or contributory delinquency;

(e) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the past 7 years;

(f) A violation of any provision of NRS 200.50955 or 200.5099;

(g) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years; or

(h) Any other felony involving the use of a firearm or other deadly weapon, within the immediately preceding 7 years; or

2. The holder of a certificate has continued to employ a person who has been convicted of a crime listed in subsection 1.

Sec. 24. ***1. The Office may bring an action in the name of the State to enjoin any person*** ~~*[, state or local government unit or agency thereof]*~~ ***from operating or maintaining an intermediary service organization within the meaning of sections 2 to 25, inclusive, of this act:***

(a) Without first obtaining a certificate therefor; or

(b) After his certificate has been revoked or suspended by the Office.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain the intermediary service organization without a certificate.

Sec. 25. ***The district attorney of the county in which an intermediary service organization operates shall, upon application by the Office, institute and conduct the prosecution of any action for violation of any provisions of sections 2 to 25, inclusive, of this act.***

Sec. 26. NRS 426.205 is hereby amended to read as follows:

426.205 As used in NRS 426.205 to 426.295, inclusive, ***and sections 2 to 25, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 426.215 and 426.225 ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 27. NRS 426.245 is hereby amended to read as follows:

426.245 ***1.*** The Department may adopt any regulations to carry out the provisions of NRS 426.205 to 426.295, inclusive ~~.~~ ***, and sections 2 to 25, inclusive, of this act.***

2. The Department shall adopt regulations governing the certification of intermediary service organizations and such other regulations as it deems necessary to carry out the provisions of sections 3 to 25, inclusive, of this act.

Sec. 28. NRS 427A.175 is hereby amended to read as follows:

427A.175 1. Within 1 year after an older patient sustains damage to his property as a result of any act or failure to act by a facility for intermediate care, a facility for skilled nursing, a residential facility for groups, an agency to provide personal care services in the home ***, an intermediary service organization*** or an agency to provide nursing in the home in protecting the property, the older patient may file a verified complaint with the Division setting forth the details of the damage.

2. Upon receiving a verified complaint pursuant to subsection 1, the Administrator shall investigate the complaint and attempt to settle the matter through arbitration, mediation or negotiation.

3. If a settlement is not reached pursuant to subsection 2, the facility, agency or older patient may request a hearing before the Specialist for the Rights of Elderly Persons. If requested, the Specialist for the Rights of Elderly Persons shall conduct a hearing to determine whether the facility or agency is liable for damages to the patient. If the Specialist for the Rights of Elderly Persons determines that the facility or agency is liable for damages to the patient, he shall order the amount of the surety bond pursuant to NRS 449.065 or the substitute for the surety bond necessary to pay for the damages pursuant to NRS 449.067 to be released to the Division. The Division shall pay any such amount to the older patient or the estate of the older patient.

4. The Division shall create a separate account for money to be collected and distributed pursuant to this section.

5. As used in this section:

(a) "Agency to provide nursing in the home" has the meaning ascribed to it in NRS 449.0015;

(b) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021;

(c) "Facility for intermediate care" has the meaning ascribed to it in NRS 449.0038;

(d) "Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039;

(e) ***"Intermediary Service Organization" has the meaning ascribed to it in section 2 of this act;***

(f) "Older patient" has the meaning ascribed to it in NRS 449.063; and

~~[(f)]~~ ***(g)*** "Residential facility for groups" has the meaning ascribed to it in NRS 449.017.

Sec. 29. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates or issues, and any information in its possession relating to the genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of NRS 176.0913, to the Department:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

➥ within the period prescribed by the Director of the Department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Department. The Department shall delete all references in the Central Repository relating to that particular arrest.

4. The Department shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of NRS 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

5. The Department may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with federal and state repositories to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required to be obtained pursuant to NRS 449.179 ~~[;]~~ ***and section 20 of this act;*** or

(5) About whom any agency of the State of Nevada or any political subdivision thereof has a legitimate need to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

➥ To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to this subsection, the Central Repository must receive the person's complete set of fingerprints from the agency or political subdivision and submit the fingerprints to the Federal Bureau of Investigation for its report.

6. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for a license;

(2) Has applied to a county school district, charter school or private school for employment; or

(3) Is employed by a county school district, charter school or private school,

➥ and notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➥ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits fingerprints or has his fingerprints submitted pursuant to NRS 449.176 or 449.179 ~~[.]~~ ***or section 20 of this act.***

(g) On or before July 1 of each year, prepare and present to the Governor a printed annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the Governor throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2, and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

7. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

8. As used in this section:

(a) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) The fingerprints, voiceprint, retina image and iris image of a person.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 30. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:

(1) The local office of the Aging Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging Services Division, another division of the Department of Health and Human

Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging Services Division of the Department of Health and Human Services.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) ***Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in section 2 of this act.***

(g) Any employee of the Department of Health and Human Services.

~~[(g)]~~ ***(h)*** Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

~~[(h)]~~ ***(i)*** Any person who maintains or is employed by a facility or establishment that provides care for older persons.

~~[(i)]~~ ***(j)*** Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met.

~~[(j)]~~ ***(k)*** Every social worker.

~~[(k)]~~ ***(l)*** Any person who owns or is employed by a funeral home or mortuary.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner,

who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney and the Aging Services Division of the Department of Health and Human Services his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging Services Division of the Department of Health and Human Services, must be forwarded to the Aging Services Division within 90 days after the completion of the report.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, the Aging Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if he is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 31. NRS 449.0021 is hereby amended to read as follows:

449.0021 1. "Agency to provide personal care services in the home" means any person, other than a natural person, which provides in the home, through its employees or by contractual arrangement with other persons, nonmedical services ~~*[and medical services authorized pursuant to NRS 629.091]*~~ related to personal care to elderly persons or persons with ~~[mental or physical]~~ disabilities to assist those persons with activities of daily living, including, without limitation:

(a) The elimination of wastes from the body;
(b) Dressing and undressing;
(c) Bathing;
(d) Grooming;
(e) The preparation and eating of meals;
(f) Laundry;
(g) Shopping;
(h) Cleaning;
(i) Transportation; and
(j) Any other minor needs related to the maintenance of personal hygiene.

2. The term does not include:

(a) An independent contractor who provides nonmedical services specified by subsection 1 without the assistance of employees; ~~[or~~

~~(b) A microboard, as defined by regulations adopted by the Board.]~~

(b) ~~*[A]*~~ ***An organized group*** ~~*[composed]*~~ ***of persons comprised of the family*** ~~*[members]*~~ ***or friends of*** ~~*[an elderly person or person with a disability who organize as a nonprofit corporation and employ or contract]*~~ ***a person***

needing personal care services that employs or contracts with persons to provide services specified by subsection 1 for the person if:

(1) The ~~[articles of incorporation are]~~ organization of the group of persons is set forth in a written document that is made available for review by the Health Division upon request; and

(2) The personal care services are provided to only one person or one family who resides in the same residence; or

(c) An intermediary service organization.

3. As used in this section, "intermediary service organization" has the meaning ascribed to it in section 2 of this act.

Sec. 32. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, physician assistant, psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) ***Any person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in section 2 of this act.***

(f) Any person who maintains or is employed by an agency to provide nursing in the home.

~~[(f)]~~ ***(g)*** Any employee of the Department of Health and Human Services.

~~[(g)]~~ ***(h)*** Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

~~[(h)]~~ ***(i)*** Any person who maintains or is employed by a facility or establishment that provides care for older persons.

~~[(i)]~~ ***(j)*** Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

~~[(j)]~~ ***(k)*** Any social worker.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section, "agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

Sec. 33. 1. This act becomes effective upon passage and approval for the purpose of adopting regulations and on October 1, 2007, for all other purposes.

2. The provisions of sections 6, 7 and 8 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblywoman Gerhardt moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 577.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 501.

AN ACT relating to medical facilities; requiring certain medical facilities to establish a program and policy relating to **the** safe handling of patients; requiring such a facility to establish a committee on safe handling of patients; **requiring such a facility to submit annual reports to the Legislature concerning the safe handling of patients;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires a hospital or facility for skilled nursing ~~[care]~~ to establish a committee on safe handling of patients. The committee is required to develop a program for safe handling of patients and recommend the program to the hospital or facility for skilled nursing **.** ~~[care.]~~ The hospital or facility

for skilled nursing ~~[care]~~ is required to adopt a program for safe handling of patients, including annual training for employees on safe handling of patients and an annual evaluation of the policy.

This bill also requires the hospital or facility for skilled nursing ~~[care]~~ to consider the incorporation of lifting equipment when constructing or remodeling the facility ~~[.]~~ **and to submit annual reports to the Legislature concerning the safe handling of patients.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[7,]~~ **9,** inclusive, of this act.

Sec. 2. ***As used in sections 2 to ~~[7,]~~ 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 ~~[, 4 and 5]~~ to 6, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Lifting equipment" means a mechanical device designed to assist or aid in the lifting, transfer , transport or repositioning of a patient.***

Sec. 4. ***"Lifting team" means a group of persons ~~[specifically]~~ trained to conduct a lift, transfer , transport or significant repositioning of ~~[a]~~ an immobile or obese large child or adult patient, with or without the assistance of lifting equipment.***

Sec. 5. "Manual handling" means the use of a caregiver's hands and muscle strength, unaided by technology or lifting equipment, to lift, transfer, transport or reposition a patient.

~~[Sec. 5.]~~ ***Sec. 6. "Safe handling of a patient" means the use of manual handling, lifting teams or lifting equipment to lift, transfer , transport or reposition a patient.***

~~[Sec. 6.]~~ ***Sec. 7. 1. ~~[A]~~ Except as otherwise provided in subsection 2, a hospital or facility for skilled nursing ~~[care]~~ shall establish a committee on safe handling of patients. The committee must consist of an equal number of members who:***

(a) Represent the interests of the ownership or management of the hospital or facility for skilled nursing ; ~~[care;]~~ and

(b) Provide medical care directly to the patients at the hospital or facility for skilled nursing . ~~[care.]~~

2. If an official committee on staffing or patient care exists at a hospital or facility for skilled nursing and the committee includes at least one nurse who is not a representative of management of the hospital or facility for skilled nursing, the committee on staffing or patient care shall serve as the committee on safe handling of patients.

3. The committee on safe handling of patients shall:

(a) Design a program for safe handling of patients at the hospital or facility for skilled nursing ; ~~[care;]~~ and

(b) Recommend the program designed pursuant to paragraph (a) to the hospital or facility for skilled nursing ***.*** ~~*[care.]*~~

~~[Sec. 7.]~~ ***Sec. 8. 1. A hospital or facility for skilled nursing*** ~~*[care]*~~ ***shall adopt a program for safe handling of patients which must include, without limitation:***

(a) The policy of the hospital or facility for skilled nursing ~~*[care for the]*~~ ***for:***

(1) The required use of lifting teams or lifting equipment ;

(2) Manual handling and the reduction of hazards relating to manual handling; and

(3) The lifting or significant repositioning of an immobile or obese large child or adult patient,

➥ in all units and during all shifts.

(b) Annual training for persons employed by the hospital or facility for skilled nursing on:

(1) The policy for the use of manual handling, lifting teams and lifting equipment adopted pursuant to paragraph (a);

(2) The proper use of lifting equipment; and

(3) The proper use of lifting teams.

(c) An annual evaluation of the policy adopted pursuant to paragraph (a).

(d) If the hospital or facility for skilled nursing ~~*[care]*~~ ***is constructing or renovating a building, a consideration of the incorporation of lifting equipment into the building.***

(e) Procedures that allow an employee to refuse to be involved in handling of a patient that the employee believes in good faith will expose the patient or an employee to an unacceptable risk of injury. An employee who follows the procedure in good faith must not be the subject of disciplinary action for the refusal.

2. When adopting the program for safe handling of patients pursuant to subsection 1, the hospital or facility for skilled nursing ~~*[care]*~~ ***shall consider, without limitation:***

(a) The recommendations submitted to the hospital or facility for skilled nursing ~~*[care]*~~ ***pursuant to section*** ~~*[6]*~~ ***7 of this act; and***

(b) The safety of the patients at the hospital or facility for skilled nursing ***.*** ~~*[care.]*~~

Sec. 9. 1. A hospital or facility for skilled nursing shall prepare an annual report which includes, for the previous year:

(a) The number of employees who have received injuries relating to the lifting of patients;

(b) The collective number of days that employees were away from direct medical care because of injuries relating to the lifting of patients;

(c) The number of workers' compensation claims that were filed because of injuries relating to the lifting of patients;

(d) The number of employees who were placed on light-duty assignments because of injuries relating to the lifting of patients;

(e) The number of employees who terminated their employment because of injuries relating to the lifting of patients;

(f) The policies and protocols relating to safe handling of patients that have been implemented;

(g) A list of the names of the members of the committee on safe handling of patients established pursuant to section 7 of this act and their positions with the hospital or facility for skilled nursing; and

(h) The calendar of the meetings of the committee on safe handling of patients that were held and the minutes of those meetings.

2. The report prepared pursuant to subsection 1 must be submitted on or before June 10 of each year to:

(a) The Senate and Assembly standing committees with jurisdiction over health care issues, if the Legislature is in session; or

(b) The Legislative Committee on Health Care, if the Legislature is not in session.

Sec. 10. **NRS 449.160 is hereby amended to read as follows:**

449.160 1. The Health Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.001 to 449.240, inclusive, ***and sections 2 to 9, inclusive, of this act*** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.001 to 449.245, inclusive, ***or sections 2 to 9, inclusive, of this act*** or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to this chapter, if such approval is required.

2. In addition to the provisions of subsection 1, the Health Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Health Division shall maintain a log of any complaints that it receives relating to activities for which the Health Division may revoke the license to operate a facility for the dependent pursuant to subsection 2.

4. On or before February 1 of each odd-numbered year, the Health Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Health Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Health Division pursuant to subsection 2.

~~[Sec. 8.]~~ ***Sec. 11.*** 1. A hospital or facility for skilled nursing ~~[care shall adopt]~~ **shall:**

(a) Adopt the program required by section ~~[7]~~ **8** of this act on or before January 10, ~~[2010.]~~ **2008.**

(b) Submit its initial annual report pursuant to section 9 of this act on or before June 10, 2008.

2. As used in this section:

(a) "Facility for skilled nursing " ~~[care"]~~ has the meaning ascribed to it in NRS 449.0039.

(b) "Hospital" has the meaning ascribed to it in NRS 449.012.

Assemblywoman Gerhardt moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 600.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 549.

AN ACT relating to privacy; revising provisions concerning the protection of certain personal identifying information; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, documents submitted to governmental agencies must not include the social security number of a person except in certain circumstances. (NRS 239B.030) Existing law also prohibits public bodies from disclosing on their websites personal information about a person, except in certain circumstances. Personal information is defined to mean the person's name in combination with his social security number, driver's license number or certain other account numbers. (NRS 239B.050, 603A.040) Sections ~~[1 and]~~ 2 **and 3** of this bill make consistent the information that is protected from disclosure by public entities on documents

submitted to the entity or on the entity's website. **Section 2 also authorizes a person to request the redaction of personal information from documents submitted to a governmental agency before January 1, 2007.** Section ~~[7]~~ **8** of this bill ~~[also]~~ provides that the last 4 digits of a social security number are not personal information for the purposes of these provisions.

Section 1 of this bill provides certain immunity to officers **,** ~~[and]~~ employees **and members** of a governmental agency **or public body** relating to the disclosure of personal information ~~[. Section 1 also authorizes a person to request the redaction of personal information from documents submitted to a governmental agency before January 1, 2007.]~~ **pursuant to section 2 or 3 of this bill.**

Section ~~[3]~~ **4** of this bill authorizes the use of the last four digits of a social security number in judgments, and sections ~~[4 and 6]~~ **5 and 7** of this bill remove the requirement of the inclusion of a social security number on certificates of marriage and forms for the reporting of divorces and annulments. (NRS 122.160, 440.135) Section ~~[5]~~ **6** of this bill authorizes the county recorder to allow the inspection and copying of certain records by family members ~~[.]~~ **, guardians and personal representatives.** (NRS 247.090)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 239B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. An officer, employee or member of a governmental agency or public body is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in carrying out the provisions of NRS 239B.030 or 239B.050.

2. As used in this section:

(a) "Governmental agency" means an officer, board, commission, department, division, bureau, district or any other unit of government of the State or a local government.

(b) "Public body" has the meaning ascribed to it in NRS 205.462.

~~[Section 1.]~~ ***Sec. 2.*** NRS 239B.030 is hereby amended to read as follows:

239B.030 1. Except as otherwise provided in subsection 2, a person shall not include and a governmental agency shall not require a person to include ~~[the social security number of]~~ ***any personal information about*** a person on any document that is recorded, filed or otherwise submitted to the governmental agency on or after January 1, 2007.

2. If ~~[the social security number of]~~ ***personal information about*** a person is required to be included in a document that is recorded, filed or otherwise submitted to a governmental agency on or after January 1, 2007, pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant, a governmental agency shall

ensure that the ~~[social security number]~~ ***personal information*** is maintained in a confidential manner ***or obliterated or otherwise removed by any method, including, without limitation, through the use of computer software,*** and may only disclose the ~~[social security number]~~ ***personal information*** as required:

(a) To carry out a specific state or federal law; or

(b) For the administration of a public program or an application for a federal or state grant.

➥ ***Any action taken by a governmental agency pursuant to this subsection must not be construed as affecting the legality of the document.***

3. A governmental agency shall take necessary measures to ensure that notice of the provisions of this section is provided to persons with whom it conducts business. Such notice may include, without limitation, posting notice in a conspicuous place in each of its offices.

4. A governmental agency may require a person who records, files or otherwise submits any document to the governmental agency to provide an affirmation that the document does not contain ~~[the social security number of]~~ ***personal information about*** any person. A governmental agency may refuse to record, file or otherwise accept a document which does not contain such an affirmation when required and any document which contains ~~[the social security number of]~~ ***personal information about*** a person.

5. ~~*[An officer or employee of a governmental agency is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in carrying out the provisions of this section.*~~

~~*6.]*~~ On or before January 1, 2017, each governmental agency shall ensure that any ~~[social security number]~~ ***personal information*** contained in a document that has been recorded, filed or otherwise submitted to the governmental agency before January 1, 2007, which the governmental agency continues to hold is maintained in a confidential manner or is obliterated or otherwise removed from the document ~~[.]~~ ***, by any method, including, without limitation, through the use of computer software.*** Any action taken by a governmental agency pursuant to this subsection must not be construed as affecting the legality of the document.

6. ~~*[7.]*~~ ***A person may request that a governmental agency obliterate or otherwise remove from any document submitted by the person to the governmental agency before January 1, 2007, any personal information about the person contained in the document. The governmental agency shall not charge any fee to perform such a service.***

~~*[8.]*~~ ***7.*** As used in this section ~~[, "governmental]~~ ***:***

(a) "Governmental agency" means an officer, board, commission, department, division, bureau, district or any other unit of government of the State or a local government.

(b) "Personal information" has the meaning ascribed to it in NRS 603A.040.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 239B.050 is hereby amended to read as follows:

239B.050 1. If a public body maintains a website on the Internet, the public body shall not disclose on that website personal information unless the disclosure is required by a federal or state ~~[statute or regulation.]~~ ***law or for the administration of a public program or an application for a federal or state grant.***

2. If it appears that a public body has engaged in or is about to engage in any act or practice which violates subsection 1, the Attorney General or the appropriate district attorney may file an action in any court of competent jurisdiction for an injunction to prevent the occurrence or continuance of that act or practice.

3. An injunction:

(a) May be issued without proof of actual damage sustained by any person.

(b) Does not preclude the criminal prosecution and punishment of an act or practice that may otherwise be prohibited by law.

4. As used in this section:

(a) "Personal information" has the meaning ascribed to it in NRS 603A.040.

(b) "Public body" has the meaning ascribed to it in NRS 205.462.

~~[Sec. 3.]~~ ***Sec. 4.*** NRS 17.150 is hereby amended to read as follows:

17.150 1. Immediately after filing a judgment roll the clerk shall make the proper entries of the judgment, under appropriate heads, in the docket kept by him, noting thereon the hour and minutes of the day of such entries.

2. A transcript of the original docket or an abstract or copy of any judgment or decree of a district court of the State of Nevada or the District Court or other court of the United States in and for the District of Nevada, the enforcement of which has not been stayed on appeal, certified by the clerk of the court where the judgment or decree was rendered, may be recorded in the office of the county recorder in any county, and when so recorded it becomes a lien upon all the real property of the judgment debtor not exempt from execution in that county, owned by him at the time, or which he may afterward acquire, until the lien expires. The lien continues for 6 years after the date the judgment or decree was docketed, and is continued each time the judgment or decree is renewed, unless:

(a) The enforcement of the judgment or decree is stayed on appeal by the execution of a sufficient undertaking as provided in the Nevada Rules of Appellate Procedure or by the Statutes of the United States, in which case the lien of the judgment or decree and any lien by virtue of an attachment that has been issued and levied in the actions ceases;

(b) The judgment is for arrearages in the payment of child support, in which case the lien continues until the judgment is satisfied;

(c) The judgment is satisfied; or

(d) The lien is otherwise discharged.

➥ The time during which the execution of the judgment is suspended by appeal, action of the court or defendant must not be counted in computing the time of expiration.

3. The abstract described in subsection 2 must contain the:

(a) Title of the court and the title and number of the action;

(b) Date of entry of the judgment or decree;

(c) Names of the judgment debtor and judgment creditor;

(d) Amount of the judgment or decree; and

(e) Location where the judgment or decree is entered in the minutes or judgment docket.

4. A judgment creditor who records a judgment or decree shall record at that time an affidavit stating:

(a) The name and address of the judgment debtor;

(b) The judgment debtor's driver's license number and state of issuance or the ***last four digits of the*** judgment debtor's social security number; and

(c) The judgment debtor's date of birth,

➥ if known to the judgment creditor. If any of the information is not known, the affidavit must include a statement of that fact.

~~[Sec. 4.]~~ ***Sec. 5.*** NRS 122.160 is hereby amended to read as follows:

122.160 1. Marriages between Indians performed in accordance with tribal customs within closed Indian reservations and Indian colonies have the same validity as marriages performed in any other manner provided for by the laws of this State, if there is recorded in the county in which the marriage takes place, within 30 days after the performance of the tribal marriage, a certificate declaring the marriage to have been performed.

2. The certificate of declaration required to be recorded by subsection 1 must include the names of the persons married, their ages, ~~[social security numbers,]~~ tribe, and place and date of marriage. The certificate must be signed by an official of the tribe, reservation or colony.

3. The certificate must be recorded with the recorder of the county in which the marriage was performed and recorded by him without charge.

~~[Sec. 5.]~~ ***Sec. 6.*** NRS 247.090 is hereby amended to read as follows:

247.090 ~~[All]~~

1. Except as otherwise provided in subsection 2 and NRS 239B.030, all documents on file in the office of the county recorder, must, during office hours, be open for inspection by any person without charge. The county recorder must arrange the books of record and indexes in his office in such suitable places as to facilitate their inspection.

2. A county recorder may allow inspection and copying of records containing personal information about a deceased or incapacitated person by a spouse, widow or widower, parent, sibling , ~~[or]~~ child , guardian or personal representative of the person. As used in this subsection, "personal information" has the meaning ascribed to in NRS 603A.040.

~~[Sec. 6.]~~ ***Sec. 7.*** NRS 440.135 is hereby amended to read as follows:

440.135 1. The Board shall prescribe, and the State Registrar shall furnish in sufficient numbers to each county clerk for distribution, a form for the reporting of divorces and annulments of marriage.

2. The information required by such form must be limited to:

(a) The names ~~[and social security numbers]~~ of the parties;

(b) The court and county in which the decree is granted; and

(c) The date of the decree.

~~[Sec. 7.]~~ ***Sec. 8.*** NRS 603A.040 is hereby amended to read as follows:

603A.040 "Personal information" means a natural person's first name or first initial and last name in combination with any one or more of the following data elements, when the name and data elements are not encrypted:

1. Social security number.

2. Driver's license number or identification card number.

3. Account number, credit card number or debit card number, in combination with any required security code, access code or password that would permit access to the person's financial account.

➥ The term does not include ***the last four digits of a social security number or*** publicly available information that is lawfully made available to the general public.

~~[Sec. 8.]~~ ***Sec. 9.*** **1.** This section, **section 1 and sections 3 to 8, inclusive, of this** act ~~[becomes]~~ **become** effective upon passage and approval.

2. Section 2 of this act becomes effective on January 1, 2008.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 70, 186, 328, 424, 478, 506, 605 just reported out committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Bobzien moved that Assembly Bill No. 297 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Hardy moved that Assembly Bill No. 145 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 25 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Anderson.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:19 p.m.

ASSEMBLY IN SESSION

At 12:33 p.m.
Madam Speaker presiding.
Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 70.
Bill read second time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 602.
SUMMARY—Revises provisions governing the compensation of the members ~~[and certain officers]~~ of the boards of trustees of school districts. (BDR 34-878)
AN ACT relating to education; revising provisions governing the monthly salaries of the members ~~[and certain officers]~~ of the boards of trustees of school districts; **authorizing the donation of the salaries to schools and school districts;** and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Existing law prescribes varying salaries for the officers and other members of the boards of trustees of school districts based on the number of pupils enrolled in the school district during the immediately preceding school year. (NRS 386.320) ~~[Under existing law, the board of trustees is required to elect a president, who must be a member of the board, and is required to either elect a clerk from among its members or select another qualified person who is not a member to serve as clerk. (NRS 386.310) This bill increases to $2,000 the maximum monthly salary of those officers and the other members of the boards of trustees of school districts and makes that maximum monthly salary applicable in all school districts.]~~ **This bill revises provisions governing the salaries of the members of the boards of trustees of school districts based on the population of the county in which the school district is located. This bill also authorizes a member of the board of trustees to donate all or a part of his salary to a school within the school district or to the school district.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 386.290 is hereby amended to read as follows:**
386.290 1. In addition to salaries ~~[allowed under]~~ ***required by*** NRS 386.320**,** a trustee ~~[shall]~~ ***must*** be allowed:

(a) His traveling expenses for traveling each way between his home and the place where board meetings are held at the rate authorized by law for state officers.

(b) His living expenses necessarily incurred while in actual attendance at board meetings at the rate authorized by law for state officers.

2. Claims for mileage and per diem allowances ~~[shall]~~ ***must*** be allowed and paid in the same manner as other claims against the school district fund are paid, but no claim for mileage and per diem allowances for living expenses ~~[shall]~~ ***must*** be allowed or paid to a trustee residing not more than 5 miles from the place where board meetings are held.

~~[Section 1.]~~ ***Sec. 2.*** NRS 386.320 is hereby amended to read as follows:

386.320 1. ~~[If the total pupil enrollment in the school district for the immediately preceding school year is less than 1,000:~~

~~(a) The clerk and president of the board of trustees may each receive a salary of $85 for each board of trustees meeting they attend, not to exceed $170 a month.~~

~~(b) The other trustees may each receive a salary of $80 for each board of trustees meeting they attend, not to exceed $160 a month.~~

~~(c)]~~ ***Each member of*** ~~*[a]*~~ ***the board of trustees*** ~~*[and the clerk, if the clerk is not a member of the board of trustees, is entitled to receive a salary in an amount not to exceed $2,000 a month, as determined by the board of trustees.]*~~ ***of a school district in a county whose population is less than 100,000 must receive a salary of $115 for each meeting of the board he attends, not to exceed $345 per month.***

2. Each member of the board of trustees of a school district in a county whose population is 100,000 or more must receive a salary of $2,000 per month.

3. A member of the board of trustees of a school district who receives a salary pursuant to this section may:

(a) Donate all or a part of the monthly salary that he receives to a school within the school district or to the school district; or

(b) In lieu of making a donation after he receives the salary, request that all or a part of his monthly salary be paid directly to a school within the school district or to the school district.

4. The board of trustees may hire a stenographer to take the minutes of the meetings of the board of trustees, and the stenographer may be paid a reasonable fee for each meeting attended.

~~[2. If the total pupil enrollment in the school district for the immediately preceding school year is 1,000 or more:~~

~~(a) The clerk and president of the board of trustees may each receive a salary of $85 for each board of trustees meeting they attend, not to exceed $510 a month.~~

~~(b) The other trustees may each receive a salary of $80 for each board of trustees meeting they attend, not to exceed $480 a month.~~

~~(c) The board of trustees may hire a stenographer to take the minutes of the meetings of the board of trustees, and the stenographer may be paid a reasonable fee for each meeting attended.]~~

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 387.310 is hereby amended to read as follows:

387.310 1. Except as otherwise provided by the board of trustees, the clerk of the board shall draw all orders for the payment of money belonging to the school district. The orders must be listed on cumulative voucher sheets.

2. The board of trustees shall prescribe the procedures by which the orders must be approved and the cumulative voucher sheets signed. The procedures must provide:

(a) That the approval of the board of trustees is required before orders are paid unless a payment must be expedited for the school district to:

(1) Receive a discount or other savings which is related to the timeliness of payment;

(2) Avoid a service charge or other cost which is related to the timeliness of payment; or

(3) Abide by a purchase order, contract or other order for payment which has been approved by the board of trustees at a public meeting.

(b) For ratification by the board of trustees at its next regularly scheduled meeting of any payment that is made without the approval of the board pursuant to an exception set forth in paragraph (a).

3. When the orders have been approved and the cumulative voucher sheets have been signed in accordance with such procedures, the orders are valid vouchers in the hands of the county auditor for him to issue warrants on the county treasurer to be paid out of money belonging to the school district.

4. No order in favor of the board of trustees or any member thereof, except for salaries as ~~[authorized]~~ ***required*** by NRS 386.320 ~~[, authorized]~~ ***or*** travel expenses and subsistence ~~[of trustees or for services of any trustee as clerk of the board,]~~ ***as authorized by NRS 386.290,*** may be drawn.

5. No order for salary for any teacher may be drawn unless the teacher is included in the directory of teachers supplied to the clerk of the board of trustees pursuant to the provisions of NRS 391.045.

6. An order drawn by a clerk of a board of trustees pursuant to subsection 1 is void if not presented for payment within 1 year after the date of issuance.

7. Any order remaining unpaid after the expiration of 1 year, whether outstanding or uncalled for in the office of the county auditor, must be cancelled by the county auditor, who shall immediately notify the county treasurer of the cancellation. The county treasurer shall not pay a warrant presented for payment more than 1 year after the date of issuance of such an order. This subsection does not apply if the board of trustees establishes and administers a separate account pursuant to NRS 354.603.

Sec. 4. **Notwithstanding the provisions of NRS 386.320, as amended by section 2 of this act, to the contrary, the salaries of the members of the board of trustees of a school district are not required to be increased pursuant to that section until July 1, 2008.**

~~[Sec. 3.]~~ ***Sec. 5.*** This act becomes effective on July 1, 2007.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 186.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 281.

SUMMARY—Revises various provisions relating to **economic and** energy ~~[.]~~ **development.** (BDR 58-784)

AN ACT relating to ~~[energy; revising various provisions governing the portfolio standard; requiring new renewable energy projects to comply with certain requirements; authorizing certain administrative penalties;]~~ **economic and energy development; creating the Advisory Board for the Development of the Solar Energy Industry; revising various provisions governing partial abatements of certain taxes by the Commission on Economic Development;** revising various provisions governing the Solar Energy Systems Demonstration Program Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[To encourage and accelerate the development of new renewable energy projects and to create successful markets for electricity generated by those projects, existing law requires the Public Utilities Commission of Nevada to establish portfolio standards for certain providers of electric service that require the providers to generate, acquire or save a certain amount of electricity each year from portfolio energy systems. (NRS 704.7801-704.7828)~~

~~Section 6 of this bill requires a new renewable energy project to provide information to the Commission regarding the economic benefits that the project is expected to bring to this State. If the Commission authorizes a provider of electric service to enter into a renewable energy contract with the project, the project must, as part of the terms and conditions of the contract, agree to: (1) take all actions that are necessary and reasonable to bring about the expected economic benefits; and (2) pay an administrative penalty if the expected economic benefits do not occur. Sections 1 and 6 of this bill require those administrative penalties to be deposited in the Trust Fund for Renewable Energy and Energy Conservation, establish two new uses for the money in that Fund and provide that the administrative penalties must be used for the two new uses. The two new uses are: (1) investment of the money to develop the renewable energy industry in Nevada; and (2) supporting the efforts of the State of Nevada AFL-CIO to identify potential gaps in the skills of the workforce required for renewable energy development and supporting training efforts to address the gaps.~~

~~Section 7 of this bill requires a new renewable energy project to: (1) provide notice of any potential contracts or positions of employment to the Department of Business and Industry, the State of Nevada AFL-CIO and any other person who requests to receive such notice; and (2) provide, in writing, to any person who seeks but is denied such a contract or position of employment the reasons for the denial. If a project fails to comply with these requirements, a person aggrieved by that failure may bring a civil action against the project for appropriate relief, unless the person's claim is subject to a grievance procedure under the provisions of a collective bargaining agreement.]~~

Under existing law, one of the components of the State's energy policy is to encourage, support and accelerate the development of Nevada's renewable energy resources, such as solar energy. (Chapter 701 of NRS) Sections 2-8 of this bill create the Advisory Board for the Development of the Solar Energy Industry and establish its organizational structure and procedures. Sections 2-8 also prescribe the duties of the Advisory Board, which include: (1) working with economic development agencies and officials to develop incentives which may be offered to businesses in the solar energy industry that intend to locate or expand their operations in Nevada; (2) identifying and studying photovoltaic technologies and other emerging solar energy technologies which have the potential to reduce the cost of electricity generated by solar energy systems; and (3) developing and carrying out a program of Solar Energy Challenge Zones.

Existing law authorizes the Commission on Economic Development to approve partial abatements of certain taxes imposed on new or expanded businesses. (NRS 360.750) Sections 9, 10 and 13 of this bill require a business that receives such a partial abatement to: (1) allow the Department of Taxation to conduct audits of the business to determine whether it is in compliance with the requirements for the partial abatement; and (2) consent to the disclosure of the audit reports to the Commission on Economic Development and to the public with certain limited exceptions.

Under the Solar Energy Systems Demonstration Program Act, a certain number of schools which install solar energy systems are entitled to participate in the Demonstration Program and receive portfolio energy credits that may be sold to utilities seeking to comply with the portfolio standards. (Chapter 331, Statutes of Nevada 2003, pp. 1868-71) Section ~~[10]~~ **11** of this bill increases the number of schools that may participate in the Demonstration Program ~~[.]~~ **and increases the kilowatts of capacity for solar energy systems in schools from 570 kilowatts to 2 megawatts for the years 2007, 2008 and 2009.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 11 of this bill and replace with the following new sections 1 through 14:

Section 1. **Chapter 701 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.**

Sec. 2. As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.

Sec. 3. "Advisory Board" means the Advisory Board for the Development of the Solar Energy Industry that is created by section 5 of this act.

Sec. 4. "Portfolio standard" has the meaning ascribed to it in NRS 704.7805.

Sec. 5. 1. The Advisory Board for the Development of the Solar Energy Industry is hereby created.

2. The Advisory Board consists of the Lieutenant Governor and six additional members appointed as follows:

(a) Two members appointed by the Lieutenant Governor.

(b) Two members appointed by the Majority Leader of the Senate.

(c) Two members appointed by the Speaker of the Assembly.

3. An appointed member of the Advisory Board must be a citizen of the United States and a resident of this State.

4. After the initial terms, the term of each appointed member of the Advisory Board is 3 years. A vacancy on the Advisory Board must be filled for the remainder of the unexpired term in the same manner as the original appointment. A member may be reappointed to the Advisory Board.

5. Except as otherwise provided in this subsection, the appointed members of the Advisory Board serve without compensation and are not entitled to the per diem and travel expenses provided for state officers and employees generally. For each day of attendance at a meeting of the Advisory Board and while engaged in the business of the Advisory Board, a member of the Advisory Board who is an officer or employee of this State or a political subdivision of this State is entitled to receive the per diem and travel expenses provided for state officers and employees generally, paid by his governmental employer.

6. A member of the Advisory Board who is an officer or employee of this State or a political subdivision of this State must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Advisory Board and perform any work that is necessary to carry out the duties of the Advisory Board in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Advisory Board to:

(a) Make up the time he is absent from work to carry out his duties as a member of the Advisory Board; or

(b) Take annual leave or compensatory time for the absence.

7. Notwithstanding any other provision of law, a member of the Advisory Board:

(a) Is not disqualified from public employment or holding a public office because of his membership on the Advisory Board; and

(b) Does not forfeit his public office or public employment because of his membership on the Advisory Board.

Sec. 6. 1. The Lieutenant Governor serves as the Chairman of the Advisory Board.

2. The members of the Advisory Board shall select a Vice Chairman from among the appointed members. The Vice Chairman shall perform the duties of the Chairman during any absence of the Chairman. The Vice Chairman serves in that position for a term of 1 year. If a vacancy occurs in the Vice Chairmanship, the vacancy must be filled for the remainder of the unexpired term in the same manner as the original selection.

3. A majority of the members of the Advisory Board constitutes a quorum. A majority of the members present during a quorum may exercise all the power and authority conferred on the Advisory Board.

4. The Advisory Board shall meet at least four times annually and may meet more frequently at the discretion of the Chairman.

5. All meetings of the Advisory Board must be conducted in accordance with the provisions of chapter 241 of NRS.

6. The Office of Energy shall provide the Advisory Board with administrative and clerical support and with such other assistance as may be necessary for the Advisory Board to carry out its duties. Such support and assistance must include, without limitation, making arrangements for facilities, equipment and other services in preparation for and during meetings.

Sec. 7. The Advisory Board shall:

1. Formulate policies and plans to encourage, support and accelerate the development of the solar energy industry in this State.

2. Work with state, regional and local economic development agencies and officials to develop incentives which may be offered to businesses in the solar energy industry that intend to locate or expand their operations in this State.

3. Identify and study photovoltaic technologies and other emerging solar energy technologies which have the potential to reduce the cost of electricity generated by solar energy systems.

4. Take any other actions the Advisory Board deems necessary to promote the development of the solar energy industry in this State.

Sec. 8. 1. The Advisory Board shall develop and carry out a program of Solar Energy Challenge Zones.

2. In developing and carrying out the program, the Advisory Board shall:

(a) Designate at least one Solar Energy Challenge Zone covering, in whole or in part, the Las Vegas Strip and any areas adjacent to the Las

Vegas Strip that are appropriate for inclusion in the Solar Energy Challenge Zone; and

(b) Work with local governments, utilities, businesses, environmental advocates and other interested persons to identify and designate other Solar Energy Challenge Zones in this State.

3. For each Solar Energy Challenge Zone, the Advisory Board shall:

(a) Develop, in cooperation with local governments, utilities, businesses, environmental advocates and other interested persons, a target price per kilowatt-hour for electricity generated from solar energy systems that is significantly less than the prevailing price per kilowatt-hour for electricity generated from such systems; and

(b) Offer that target price in a standard offer contract to any business which is willing to accept the challenge of manufacturing or installing solar energy systems that are able to generate electricity at that target price.

4. The Advisory Board may submit such a standard offer contract to the Public Utilities Commission of Nevada for approval as a renewable energy contract for the purposes of the portfolio standard.

Sec. 9. **Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If the Commission on Economic Development approves an application by a business for a partial abatement pursuant to NRS 360.750, the agreement with the Commission must provide that the business:

(a) Agrees to allow the Department to conduct audits of the business to determine whether the business is in compliance with the requirements for the partial abatement; and

(b) Consents to the disclosure of the audit reports in the manner set forth in this section.

2. If the Department conducts an audit of the business to determine whether the business is in compliance with the requirements for the partial abatement, the Department shall, upon request, provide the audit report to the Commission on Economic Development.

3. Until the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit, the information contained in the audit report provided to the Commission on Economic Development:

(a) Is confidential proprietary information of the business;

(b) Is not a public record; and

(c) Must not be disclosed to any person who is not an officer or employee of the Commission on Economic Development unless the business consents to the disclosure.

4. After the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit:

(a) The audit report provided to the Commission on Economic Development is a public record; and

(b) Upon request by any person, the Executive Director of the Commission on Economic Development shall disclose the audit report to the person who made the request, except for any information in the audit report that is protected from disclosure pursuant to subsection 5.

5. Before the Executive Director of the Commission on Economic Development discloses the audit report to the public, the business may submit a request to the Executive Director to protect from disclosure any information in the audit report which, under generally accepted business practices, would be considered a trade secret or other confidential proprietary information of the business. After consulting with the business, the Executive Director shall determine whether to protect the information from disclosure. The decision of the Executive Director is final and is not subject to judicial review. If the Executive Director determines to protect the information from disclosure, the protected information:

(a) Is confidential proprietary information of the business;

(b) Is not a public record;

(c) Must be redacted by the Executive Director from any audit report that is disclosed to the public; and

(d) Must not be disclosed to any person who is not an officer or employee of the Commission on Economic Development unless the business consents to the disclosure.

Sec. 10. **NRS 360.750 is hereby amended to read as follows:**

360.750 1. A person who intends to locate or expand a business in this State may apply to the Commission on Economic Development for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361, 363B or 374 of NRS.

2. The Commission on Economic Development shall approve an application for a partial abatement if the Commission makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Industrial Development and Diversification that is developed by the Commission pursuant to NRS 231.067; and

(2) Any guidelines adopted pursuant to the State Plan.

(b) The applicant has executed an agreement with the Commission which ~~[states]~~ ***must:***

(1) Comply with the requirements of section 9 of this act;

(2) State that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 5, continue in operation in this State for a period specified by the Commission, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection ~~[. The agreement must bind]~~ ***; and***

(3) Bind the successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least two of the following requirements:

(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $1,000,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Commission by regulation pursuant to subsection 9.

(e) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:

(1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $250,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Commission by regulation pursuant to subsection 9.

(f) If the business is an existing business, the business meets at least two of the following requirements:

(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.

(2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the Commission by regulation pursuant to subsection 9.

(g) In lieu of meeting the requirements of paragraph (d), (e) or (f), if the business furthers the development and refinement of intellectual property, a patent or a copyright into a commercial product, the business meets at least two of the following requirements:

(1) The business will have 10 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $500,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet with minimum requirements established by the Commission by regulation pursuant to subsection 9.

3. Notwithstanding the provisions of subsection 2, the Commission on Economic Development:

(a) Shall not consider an application for a partial abatement unless the Commission has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) May, if the Commission determines that such action is necessary:

(1) Approve an application for a partial abatement by a business that does not meet the requirements set forth in paragraph (d), (e), (f) or (g) of subsection 2;

(2) Make the requirements set forth in paragraph (d), (e), (f) or (g) of subsection 2 more stringent; or

(3) Add additional requirements that a business must meet to qualify for a partial abatement.

4. If a person submits an application to the Commission on Economic Development pursuant to subsection 1, the Commission shall provide notice to the governing body of the county, the board of trustees of the school district and the governing body of the city or town, if any, in which the person intends to locate or expand a business. The notice required pursuant to this subsection must set forth the date, time and location of the hearing at which the Commission will consider the application.

5. If the Commission on Economic Development approves an application for a partial abatement, the Commission shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

6. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Commission on Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

➥ the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the

period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

8. A county treasurer:

(a) Shall deposit any money that he receives pursuant to subsection 7 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

9. The Commission on Economic Development:

(a) Shall adopt regulations relating to:

(1) The minimum level of benefits that a business must provide to its employees if the business is going to use benefits paid to employees as a basis to qualify for a partial abatement; and

(2) The notice that must be provided pursuant to subsection 4.

(b) May adopt such other regulations as the Commission on Economic Development determines to be necessary to carry out the provisions of this section ~~[.]~~ ***and section 9 of this act***.

10. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment that a new business must make to meet the requirement set forth in paragraph (d), (e) or (g) of subsection 2; and

(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section ~~[.]~~ ***and section 9 of this act.***

11. An applicant for an abatement who is aggrieved by a final decision of the Commission on Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 11. **Section 18 of the Solar Energy Systems Demonstration Program Act, being chapter 331, Statutes of Nevada 2003, as amended by chapter 2, Statutes of Nevada 2005, 22nd Special Session, at page 88, is hereby amended to read as follows:**

Sec. 18. 1. On or before May 1 of each year, the Public Utilities Commission of Nevada shall:

(a) Review each application nominated by the Committee to ensure that the application meets the requirements of subsection 3 of section 14 of this act; and

(b) From those nominees, select participants for the Demonstration Program for the following program year.

2. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** Public Utilities Commission of Nevada may approve, from among the applications nominated by the Committee, solar energy systems totaling:

(a) For the program year beginning July 1, 2004:

(1) 100 kilowatts of capacity for schools;

(2) 200 kilowatts of capacity for other public buildings; and

(3) 200 kilowatts of capacity for private residences and small businesses.

(b) For the program year beginning July 1, 2005:

(1) An additional 570 kilowatts of capacity for schools;

(2) An additional 570 kilowatts of capacity for other public buildings; and

(3) An additional 760 kilowatts of capacity for private residences and small businesses.

(c) For the program year beginning July 1, 2006:

(1) An additional 570 kilowatts of capacity for schools;

(2) An additional 570 kilowatts of capacity for other public buildings; and

(3) An additional 760 kilowatts of capacity for private residences and small businesses.

(d) For the program year beginning July 1, 2007:

(1) An additional ~~[570 kilowatts]~~ ***2 megawatts*** of capacity for schools;

(2) An additional 570 kilowatts of capacity for other public buildings; and

(3) An additional 760 kilowatts of capacity for private residences and small businesses.

(e) For the program year beginning July 1, 2008:

(1) An additional ~~[570 kilowatts]~~ ***2 megawatts*** of capacity for schools;

(2) An additional 570 kilowatts of capacity for other public buildings; and

(3) An additional 760 kilowatts of capacity for private residences and small businesses.

(f) For the program year beginning July 1, 2009:

(1) An additional ~~[570 kilowatts]~~ ***2 megawatts*** of capacity for schools;

(2) An additional 570 kilowatts of capacity for other public buildings; and

(3) An additional 760 kilowatts of capacity for private residences and small businesses.

3. The Public Utilities Commission of Nevada shall notify each nominee of its selections no later than 10 days after the decision is made.

4. To promote the installation of solar energy systems at as many schools as possible, the Public Utilities Commission of Nevada may not approve for use in the Demonstration Program a solar energy system having a generating capacity of more than 50 kilowatts if the solar energy system is or will be installed at a school on or after July 1, 2007, unless the Commission determines that approval of a solar energy system with a greater generating capacity is more practicable for a particular school.

Sec. 12. **As soon as practicable on or after July 1, 2007:**

1. The Lieutenant Governor shall appoint to the Advisory Board for the Development of the Solar Energy Industry two members whose terms expire on June 30, 2008.

2. The Majority Leader of the Senate shall appoint to the Advisory Board for the Development of the Solar Energy Industry:

(a) One member whose term expires on June 30, 2009; and

(b) One member whose term expires on June 30, 2010.

3. The Speaker of the Assembly shall appoint to the Advisory Board for the Development of the Solar Energy Industry:

(a) One member whose term expires on June 30, 2009; and

(b) One member whose term expires on June 30, 2010.

Sec. 13. **If, on July 1, 2007, the Commission on Economic Development and a business have in effect an agreement for a partial abatement of one or more taxes pursuant to NRS 360.750:**

1. The agreement shall be deemed to include by operation of law the provisions required by section 9 of this act; and

2. The provisions of section 9 of this act shall be deemed to apply to the business notwithstanding any contrary provision in the agreement.

Sec. 14. **This act becomes effective on July 1, 2007.**

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 328.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 543.

AN ACT relating to elections; revising provisions relating to the powers of the chairman of an election board; providing that the Attorney General and district attorneys have concurrent jurisdiction to enforce the provisions of title 24 of NRS ~~[.]~~ **upon request of the Secretary of State;** revising provisions relating to requesting and casting an absent ballot for an election; revising the provisions governing a person who helps another register to vote; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if a vacancy on an election board occurs on the day of an election and there are no reserve election board officers available, the election board may appoint to the election board a registered voter who is qualified and willing to serve. (NRS 293.225) Section 1 of this bill provides that the county or city clerk is required to appoint a poll manager for each polling place. The county or city clerk or the poll manager will have the authority to appoint any person who is qualified and willing to serve to an election board in the cases of a vacancy occurring on election day or if a need

for more election board officials arises. Additionally, if a polling place is the site of more than one election board, the poll manager may reassign election board officers from one election board to another.

Existing law provides that the Secretary of State is responsible for the execution and enforcement of the laws governing elections in this State. (NRS 293.124) Section 2 of this bill provides that **upon request of the Secretary of State,** the Attorney General and the district attorneys ~~[have concurrent jurisdiction to enforce the]~~ **may investigate and prosecute violations of** election laws.

Existing law authorizes a registered voter to request an absent ballot for an election. Additionally, certain registered voters are authorized to request an absent ballot for all elections conducted during the year that the request is made. (NRS 293.313) Sections 5-7 and ~~[10-13]~~ **11-14** of this bill authorize ~~[any registered voter]~~ **certain registered voters** to request an absent ballot for any election conducted after the request is made.

Existing law provides that it is a felony for certain persons to alter, deface or destroy a completed application to register to vote. (NRS 293.505) Section 8 of this bill revises this provision to provide that it is a felony for such persons to knowingly and willfully alter, deface or destroy or to fail to return to the county clerk a completed application to register to vote.

Section 10 of this bill provides that it is a category B felony to tamper or interfere with, or attempt to tamper or interfere with, a mechanical voting system, mechanical voting device or any computer program used to count ballots with the intent of influencing the outcome of an election.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The county or city clerk shall appoint a manager for each polling place at which voting will be conducted during an election.

2. The manager for a polling place may:

(a) Be a chairman of one of the election boards for a precinct located at the polling place; and

(b) If the polling place is a site at which two or more election boards will conduct voting, reassign an election board officer from one of the election boards located at the polling place to a different election board located at the polling place.

Sec. 2. NRS 293.124 is hereby amended to read as follows:

293.124 1. The Secretary of State shall serve as the Chief Officer of Elections for this State. As Chief Officer, the Secretary of State is responsible for the execution and enforcement of the provisions of title 24 of NRS and all other provisions of state and federal law relating to elections in this State.

2. ~~*[The]*~~ ***Upon request of the Secretary of State, the Attorney General and the district attorneys of this State*** ~~*[have concurrent jurisdiction to]*~~ ***may***

investigate and prosecute a person who violates a provision of title 24 of NRS and any other provision of state and federal law relating to elections in this State.

3. The Secretary of State shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 3. NRS 293.217 is hereby amended to read as follows:

293.217 1. The county clerk of each county shall appoint and notify registered voters to act as election board officers for the various precincts and districts in the county as provided in NRS 293.220 to 293.245, inclusive, and 293.384, ***and section 1 of this act*** and shall conclude those duties ~~[no]~~ ***not*** later than 31 days before the election. The registered voters appointed as election board officers for any precinct or district must not all be of the same political party. No candidate for nomination or election or his relative within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the county clerk, the sheriff shall:

(a) Appoint a deputy sheriff for each polling place in the county and for the central election board or the absent ballot central counting board; or

(b) Deputize as a deputy sheriff for the election an election board officer of each polling place in the county and for the central election board or the absent ballot central counting board. The deputized officer shall receive no additional compensation for his services rendered as a deputy sheriff during the election for which he is deputized.

➥ Deputy sheriffs so appointed and deputized shall preserve order during hours of voting and attend closing of the polls.

2. The county clerk may appoint a trainee for the position of election board officer as set forth in NRS 293.2175.

Sec. 4. NRS 293.225 is hereby amended to read as follows:

293.225 1. Members of election boards continue as such from the day before the day of the election ~~[,]~~ until the time for filing contests of the election has expired.

2. Each member of an election board is subject to call by the board of county commissioners or city council to correct any errors discovered during the canvass of votes by the board of county commissioners or city council.

3. Reserve election board officers must be appointed by the county or city clerk, if practicable, to fill any vacancy which occurs on the day of the election, and the reserve officers must be compensated if they serve at the polls.

4. If a vacancy occurs in any election board on the day of the election and no reserves are available, the ***county clerk, city clerk or poll manager of the polling place where the*** election board ***is located*** may appoint, at the polling place, any ~~[registered voter]~~ ***person*** who is ***qualified and*** willing to serve and satisfies the ~~[election board]~~ ***county clerk, city clerk or poll manager*** that he possesses the qualifications required to perform the services required.

5. If the county clerk, city clerk or poll manager of the polling place where an election board is located determines that additional election board officers are needed on the day of the election and no reserves are available, the county clerk, city clerk or poll manager may appoint, at the polling place, any person who is qualified and willing to serve and satisfies the county clerk, city clerk or poll manager that he possesses the qualifications required to perform the services required.

Sec. 5. NRS 293.313 is hereby amended to read as follows:

293.313 1. Except as otherwise provided in NRS 293.272 and 293.502, a registered voter who provides sufficient written notice to the county clerk may vote an absent ballot as provided in this chapter.

2. A registered voter ~~[who:~~

~~(a) Is at least 65 years of age; or~~

~~(b) Has a physical disability or condition which substantially impairs his ability to go to the polling place,~~

~~➥]~~ ***who is at least 65 years of age or has a physical disability or condition which substantially impairs his ability to go to the polling place*** may request an absent ballot for ~~[all]~~ ***:***

(a) The election immediately following the date on which the county clerk receives the ballot; or

(b) All elections held ~~[during the year he requests]~~ ***after he submits the request for*** an absent ballot.

3. As used in this section, "sufficient written notice" means a:

(a) Written request for an absent ballot which is signed by the registered voter and returned to the county clerk in person or by mail or facsimile machine;

(b) Form prescribed by the Secretary of State which is completed and signed by the registered voter and returned to the county clerk in person or by mail or facsimile machine; or

(c) Form provided by the Federal Government.

4. A county clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as a request for an absent ballot for the two primary and general elections immediately following the date on which the county clerk received the request.

5. ***If a registered voter who has a physical disability requests an absent ballot pursuant to paragraph (b) of subsection 2, the county clerk may, every year after an absent ballot is issued to the registered voter, require the registered voter to submit a statement confirming that the registered voter continues to have a physical disability or condition which substantially impairs his ability to go to the polling place.***

6. A county clerk shall not issue an absent ballot for future elections to a registered voter who requests an absent ballot pursuant to paragraph (b) of subsection 2 if:

(a) The registered voter does not submit to the county clerk the statement described in subsection 5 or such statement indicates that the registered voter is no longer physically disabled, if applicable;

(b) The registered voter applies to vote in person pursuant to NRS 293.330;

(c) The registered voter provides written notice to the county clerk that the registered voter no longer wishes to receive an absentee ballot;

(d) An absent ballot mailed to a registered voter is returned as undeliverable to the county clerk; or

(e) The voter's registration has been cancelled.

7. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 6. NRS 293.315 is hereby amended to read as follows:

293.315 1. A registered voter referred to in NRS 293.313 may, at any time before 5 p.m. on the seventh calendar day preceding any election, make an application to that clerk for an absent voter's ballot ~~[.]~~ ***for that election.*** The application must be made available for public inspection.

2. When the voter has identified himself to the satisfaction of the clerk, he is entitled to receive the appropriate ballot or ballots, but only for his own use.

3. A county clerk who allows a person to copy information from an application for an absent ballot is immune from any civil or criminal liability for any damage caused by the distribution of that information, unless he knowingly and willingly allows a person who intends to use the information to further an unlawful act to copy such information.

Sec. 7. NRS 293.3165 is hereby amended to read as follows:

293.3165 1. A registered voter who, because of a physical disability, is unable to mark or sign a ballot or use a voting device without assistance may submit a written statement to the appropriate county clerk requesting that he receive an absent ballot for each election conducted ~~[during the period specified in subsection 3.]~~ ***after he submits the request for an absent ballot.***

2. A written statement submitted pursuant to subsection 1 must:

(a) Include a statement from a physician licensed in this State certifying that the registered voter is a person with a physical disability and, because of the physical disability, he is unable to mark or sign a ballot or use a voting device without assistance;

(b) Designate the person who will assist the registered voter in marking and signing the absent ballot on behalf of the registered voter; and

(c) Include the name, address and signature of the person designated pursuant to paragraph (b).

3. Upon receipt of a written statement submitted by a registered voter pursuant to subsection 1, the county clerk shall, if the statement includes the

information required pursuant to subsection 2, issue an absent ballot to the registered voter for each election that is conducted ~~[during the year immediately succeeding]~~ ***after*** the date the written statement is submitted to the county clerk.

4. To determine whether a registered voter is entitled to receive an absent ballot pursuant to this section, the county clerk may, every year after an absent ballot is issued to a registered voter pursuant to subsection 3, require the registered voter to submit a statement from a licensed physician as specified in paragraph (a) of subsection 2. If a statement from a physician licensed in this State submitted pursuant to this subsection indicates that the registered voter is no longer physically disabled, the county clerk shall not issue an absent ballot to the registered voter pursuant to this section.

5. A person designated pursuant to paragraph (b) of subsection 2 may, on behalf of and at the direction of the registered voter, mark and sign an absent ballot issued to the registered voter pursuant to the provisions of this section. If the person marks and signs the ballot, the person shall indicate next to his signature that the ballot has been marked and signed on behalf of the registered voter.

6. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

Sec. 8. NRS 293.505 is hereby amended to read as follows:

293.505 1. All justices of the peace, except those located in county seats, are ex officio field registrars to carry out the provisions of this chapter.

2. The county clerk shall appoint at least one registered voter to serve as a field registrar of voters who, except as otherwise provided in NRS 293.5055, shall register voters within the county for which he is appointed. Except as otherwise provided in subsection 1, a candidate for any office may not be appointed or serve as a field registrar. A field registrar serves at the pleasure of the county clerk and shall perform his duties as the county clerk may direct.

3. A field registrar shall demand of any person who applies for registration all information required by the application to register to vote and shall administer all oaths required by this chapter.

4. When a field registrar has in his possession five or more completed applications to register to vote, he shall forward them to the county clerk, but in no case may he hold any number of them for more than 10 days.

5. Each field registrar shall forward to the county clerk all completed applications in his possession immediately after the fifth Sunday preceding an election. Within 5 days after the fifth Sunday preceding any general election or general city election, a field registrar shall return all unused applications in his possession to the county clerk. If all of the unused applications are not returned to the county clerk, the field registrar shall account for the unreturned applications.

6. Each field registrar shall submit to the county clerk a list of the serial numbers of the completed applications to register to vote and the names of the electors on those applications. The serial numbers must be listed in numerical order.

7. Each field registrar shall post notices sent to him by the county clerk for posting in accordance with the election laws of this State.

8. A field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Delegate any of his duties to another person; or

(b) Refuse to register a person on account of that person's political party affiliation.

9. A person shall not hold himself out to be or attempt to exercise the duties of a field registrar unless he has been so appointed.

10. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Solicit a vote for or against a particular question or candidate;

(b) Speak to a voter on the subject of marking his ballot for or against a particular question or candidate; or

(c) Distribute any petition or other material concerning a candidate or question which will be on the ballot for the ensuing election,

➥ while he is registering an elector.

11. When the county clerk receives applications to register to vote from a field registrar, he shall issue a receipt to the field registrar. The receipt must include:

(a) The number of persons registered; and

(b) The political party of the persons registered.

12. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Knowingly register a person who is not a qualified elector or a person who has filed a false or misleading application to register to vote; or

(b) Register a person who fails to provide satisfactory proof of identification and the address at which he actually resides.

13. A county clerk, field registrar, employee of a voter registration agency, person assisting a voter pursuant to subsection 13 of NRS 293.5235 or any other person providing a form for the application to register to vote to an elector for the purpose of registering to vote:

(a) If the person who assists an elector with completing the form for the application to register to vote retains the form, shall enter his name on the duplicate copy or receipt retained by the voter upon completion of the form; ~~[and]~~

(b) Shall not ***knowingly and willfully*** alter, deface or destroy an application to register to vote that has been signed by an elector except to

correct information contained in the application after receiving notice from the elector that a change in or addition to the information is required ~~[.]~~ ***; and***

(c) Shall not knowingly and willfully fail to comply with the requirements of subsection 4 or 5 or subsection 3 of NRS 293.504 or NRS 293.5235 with regard to the forwarding of a completed application to register to vote to a county clerk.

14. If a field registrar violates any of the provisions of this section, the county clerk shall immediately suspend the field registrar and notify the district attorney of the county in which the violation occurred.

15. A person who violates any of the provisions of subsection 8, 9, 10, 12 or 13 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 9. ~~[NRS 293.507 is hereby amended to read as follows:~~

~~293.507 1. The Secretary of State shall prescribe:~~

~~(a) A standard form for applications to register to vote; and~~

~~(b) A special form for registration to be used in a county where registrations are performed and records of registration are kept by computer.~~

~~2. The county clerks shall provide forms for applications to register to vote to field registrars in the form and number prescribed by the Secretary of State.~~

~~3. Each form for an application to register to vote must include a:~~

~~(a) Unique control number assigned by the Secretary of State; and~~

~~(b) Receipt which:~~

~~(1) Includes a space for a person assisting a voter in completing the form to enter his name; and~~

~~(2) May be retained by the applicant upon completion of the form.~~

~~4. The form for an application to register to vote must include:~~

~~(a) A line for use by the county clerk to enter:~~

~~(1) The number indicated on the voter's current and valid driver's license issued by the Department of Motor Vehicles, if the voter has such a driver's license;~~

~~(2) The last four digits of the voter's social security number, if the voter does not have a driver's license issued by the Department of Motor Vehicles and does have a social security number; or~~

~~(3) The number issued to the voter pursuant to subsection 5, if the voter does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number.~~

~~(b) A line on which to enter the address at which the voter actually resides, as set forth in NRS 293.486.~~

~~(c) A notice that the voter may not list a business as the address required pursuant to paragraph (b) unless he actually resides there.~~

~~(d) A line on which to enter an address at which the voter may receive mail, including, without limitation, a post office box or general delivery.~~

~~*[(e) A line on which the voter may indicate that the voter submits a request for a permanent absent ballot.]*~~

~~5. If a voter does not have the identification set forth in subparagraph (1) or (2) of paragraph (a) of subsection 4, the voter shall sign an affidavit stating that he does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the voter which must be the same number as the unique identifier assigned to the voter for purposes of the statewide voter registration list.~~

~~6. The Secretary of State shall adopt regulations to carry out the provisions of subsections 3, 4 and 5.]~~ **(Deleted by amendment.)**

Sec. 10. **NRS 293.755 is hereby amended to read as follows:**

293.755 1. A person who tampers or interferes with, or attempts to tamper or interfere with a mechanical voting system, mechanical voting device or any computer program used to count ballots with the intent to prevent the proper operation of that device, system or program is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. ***A person who tampers or interferes with, or attempts to tamper or interfere with a mechanical voting system, mechanical voting device or any computer program used to count ballots with the intent of influencing the outcome of an election is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 10 years.***

3. The county or city clerk shall report any alleged violation of this section to the district attorney who shall cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

~~[Sec. 10.]~~ ***Sec. 11.*** NRS 293C.220 is hereby amended to read as follows:

293C.220 1. The city clerk shall appoint and notify registered voters to act as election board officers for the various precincts and districts in the city as provided in NRS 293.225, 293.227, 293C.227 to 293C.250, inclusive, and 293C.382, ***and section 1 of this act*** and shall conclude those duties not later than 31 days before the election. No candidate for nomination or election or his relative within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the city clerk, the chief law enforcement officer of the city shall:

(a) Appoint an officer for each polling place in the city and for the central election board or the absent ballot central counting board; or

(b) Deputize, as an officer for the election, an election board officer for each polling place and for the central election board or the absent ballot central counting board. The deputized officer may not receive any additional compensation for the services he provides as an officer during the election for which he is deputized.

➥ Officers so appointed and deputized shall preserve order during hours of voting and attend the closing of the polls.

2. The city clerk may appoint a trainee for the position of election board officer as set forth in NRS 293C.222.

~~[Sec. 11.]~~ ***Sec. 12.*** NRS 293C.310 is hereby amended to read as follows:

293C.310 1. Except as otherwise provided in NRS 293.502 and 293C.265, a registered voter who provides sufficient written notice to the city clerk may vote an absent ballot as provided in this chapter.

2. A registered voter ~~[who:~~

~~(a) Is at least 65 years of age; or~~

~~(b) Has a physical disability or condition that substantially impairs his ability to go to the polling place,~~

~~➥~~] ***who is at least 65 years of age or has a physical disability or condition which substantially impairs his ability to go to the polling place*** may request an absent ballot for ~~[all]~~ ***:***

(a) The election immediately following the date on which the city clerk receives the request; or

(b) All elections held ~~[during the year he requests]~~ ***after he submits the request for*** an absent ballot.

3. As used in this section, "sufficient written notice" means a:

(a) Written request for an absent ballot that is signed by the registered voter and returned to the city clerk in person or by mail or facsimile machine;

(b) Form prescribed by the Secretary of State that is completed and signed by the registered voter and returned to the city clerk in person or by mail or facsimile machine; or

(c) Form provided by the Federal Government.

4. A city clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as:

(a) A request for the primary city election and the general city election unless otherwise specified in the request; and

(b) A request for an absent ballot for the two primary and general elections immediately following the date on which the city clerk received the request.

5. ***If a registered voter who has a physical disability requests an absent ballot pursuant to paragraph (b) of subsection 2, the city clerk may, every year after an absent ballot is issued to the registered voter, require the registered voter to submit a statement confirming that the registered voter continues to have a physical disability or condition which substantially impairs his ability to go to the polling place.***

6. A city clerk shall not issue an absent ballot for future elections to a registered voter who requests an absent ballot pursuant to paragraph (b) of subsection 2 if:

(a) The registered voter does not submit to the city clerk the statement described in subsection 5 or such statement indicates that the registered voter is no longer physically disabled, if applicable;

(b) The registered voter applies to vote in person pursuant to NRS 293C.330;

(c) The registered voter provides written notice to the city clerk that the registered voter no longer wishes to receive an absentee ballot;

(d) An absent ballot mailed to a registered voter is returned as undeliverable to the city clerk; or

(e) The voter's registration has been cancelled.

7. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates any provision of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

~~[Sec. 12.]~~ ***Sec. 13.*** NRS 293C.312 is hereby amended to read as follows:

293C.312 1. A registered voter referred to in NRS 293C.310 may, at any time before 5 p.m. on the seventh calendar day preceding any election, make an application to the city clerk for an absent voter's ballot ~~[.]~~ ***for that election.*** The application must be made available for public inspection.

2. When the voter has identified himself to the satisfaction of the city clerk, he is entitled to receive the appropriate ballot or ballots, but only for his own use.

3. A city clerk who allows a person to copy information from an application for an absent ballot is immune from any civil or criminal liability for any damage caused by the distribution of that information, unless he knowingly and willingly allows a person who intends to use the information to further an unlawful act to copy the information.

~~[Sec. 13.]~~ ***Sec. 14.*** NRS 293C.318 is hereby amended to read as follows:

293C.318 1. A registered voter who, because of a physical disability, is unable to mark or sign a ballot or use a voting device without assistance may submit a written statement to the appropriate city clerk requesting that he receive an absent ballot for each city election conducted ~~[during the period specified in subsection 3.]~~ ***after he submits the request for an absent ballot.***

2. A written statement submitted pursuant to subsection 1 must:

(a) Include a statement from a physician licensed in this State certifying that the registered voter is a person with a physical disability and, because of the physical disability, he is unable to mark or sign a ballot or use a voting device without assistance;

(b) Designate the person who will assist the registered voter in marking and signing the absent ballot on behalf of the registered voter; and

(c) Include the name, address and signature of the person designated pursuant to paragraph (b).

3. Upon receipt of a written statement submitted by a registered voter pursuant to subsection 1, the city clerk shall, if the statement includes the information required pursuant to subsection 2, issue an absent ballot to the

registered voter for each city election that is conducted ~~[during the year immediately succeeding]~~ ***after*** the date the written statement is submitted to the city clerk.

4. To determine whether a registered voter is entitled to receive an absent ballot pursuant to this section, the city clerk may, every year after an absent ballot is issued to a registered voter pursuant to subsection 3, require the registered voter to submit a statement from a licensed physician as specified in paragraph (a) of subsection 2. If a statement from a physician licensed in this State submitted pursuant to this subsection indicates that the registered voter is no longer physically disabled, the city clerk shall not issue an absent ballot to the registered voter pursuant to this section.

5. A person designated pursuant to paragraph (b) of subsection 2 may, on behalf of and at the direction of the registered voter, mark and sign an absent ballot issued to the registered voter pursuant to the provisions of this section. If the person marks and signs the ballot, the person shall indicate next to his signature that the ballot has been marked and signed on behalf of the registered voter.

6. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

Assemblywoman Koivisto moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 424.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 474.

AN ACT relating to professions; providing ~~[in skeleton form]~~ for the licensing and regulation of **clinical** professional counselors and ~~[advanced]~~ **clinical** alcohol and drug abuse counselors; revising the name and expanding the membership of the Board of Examiners for Marriage and Family Therapists; **providing a privilege against the disclosure of certain confidential communications between a clinical professional counselor and his client and certain other persons;** requiring reimbursement for services provided by a licensed **clinical** professional counselor or licensed ~~[advanced]~~ **clinical** alcohol and drug abuse counselor under certain policies of health insurance; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections ~~[3 and 4]~~ **6 and 7** of this bill provide definitions for the terms ~~[“practice of professional counseling” and “]~~ “**clinical** professional counselor ~~[.”]~~ **“ and “practice of clinical professional counseling.**” Sections ~~[5 and 6]~~ **8 and 9** of this bill establish the requirements for a license to practice as a

clinical professional counselor. Sections ~~[7-11, 13-25 and 27-29]~~ **10-14, 16-28 and 30-32** of this bill amend certain provisions of chapter 641A of NRS to include **clinical** professional counselors under the regulation of the Board of Examiners for Marriage and Family Therapists ~~[.]~~ **and Clinical Professional Counselors.** Section ~~[12]~~ **15** of this bill increases the membership of the Board of Examiners for Marriage and Family Therapists **and Clinical Professional Counselors** from six to eight members. Section ~~[13]~~ **16** of this bill requires that two members of the Board must be licensed **clinical** professional counselors. Section ~~[26]~~ **29** of this bill prohibits a person from engaging in the practice of **clinical** professional counseling without a license. **Section 35 of this bill provides a definition of "clinical practice of counseling alcohol and drug abusers."** Section ~~[31]~~ **36** of this bill establishes the requirements for the issuance of a license as ~~[an advanced]~~ **a clinical** alcohol and drug abuse counselor. Section ~~[32]~~ **37** of this bill establishes the requirements for ~~[a license as an advanced]~~ **certification as a clinical** alcohol and drug abuse counselor intern. Section ~~[33]~~ **38** of this bill establishes the scope of practice of ~~[an advanced]~~ **a clinical** alcohol and drug abuse counselor and the duration of his license. Section ~~[36]~~ **45** of this bill revises the definition of the "practice of counseling alcohol and drug abusers." Section ~~[38]~~ **54** of this bill clarifies the scope of practice of an alcohol and drug abuse counselor. **Sections 63-66 of this bill provide a privilege against the disclosure of certain confidential communications between a clinical professional counselor and his client and certain other persons. Sections 2, 70, 75, 76 and 85 of this bill include a clinical professional counselor in the definition of the term "provider of health care."** Sections ~~[40-42]~~ **72, 73 and 78** of this bill require a clinical professional counselor to report to certain governmental agencies, including law enforcement agencies, cases of known or suspected abuse or neglect of an older person, vulnerable person or a child. **Sections 70, 79, 81 and 83 of this bill include a clinical professional counselor in the definition of the term "person professionally qualified in the field of psychiatric mental health."** Sections ~~[43-46]~~ **92-99** of this bill require reimbursement for services provided by a licensed **clinical** professional counselor or ~~[advanced]~~ **clinical** alcohol and drug abuse counselor under certain policies of health insurance.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 622A.120 is hereby amended to read as follows:**

622A.120 1. The following regulatory bodies are exempted from the provisions of this chapter:

(a) State Contractors' Board.

(b) State Board of Professional Engineers and Land Surveyors.

(c) Nevada State Board of Accountancy.

(d) Board of Medical Examiners.

(e) Board of Dental Examiners of Nevada.

(f) State Board of Nursing.

(g) Chiropractic Physicians' Board of Nevada.

(h) Nevada State Board of Optometry.

(i) State Board of Pharmacy.

(j) Board of Examiners for Marriage and Family Therapists ~~[.]~~ ***and Clinical Professional Counselors.***

(k) Real Estate Commission, Real Estate Administrator and Real Estate Division of the Department of Business and Industry.

(l) Commission of Appraisers of Real Estate.

(m) Commissioner of Mortgage Lending and Division of Mortgage Lending of the Department of Business and Industry.

(n) Commissioner of Financial Institutions and Division of Financial Institutions of the Department of Business and Industry.

(o) State Board of Health and Health Division of the Department of Health and Human Services.

2. Any regulatory body which is exempted from the provisions of this chapter pursuant to subsection 1 may elect by regulation to follow the provisions of this chapter or any portion thereof.

Sec. 2. **NRS 629.031 is hereby amended to read as follows:**

629.031 Except as otherwise provided by specific statute:

1. "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed marriage and family therapist, ***licensed clinical professional counselor,*** chiropractor, athletic trainer, doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist or a licensed hospital as the employer of any such person.

2. For the purposes of NRS 629.051, 629.061 and 629.065, the term includes a facility that maintains the health care records of patients.

~~[Section 1.]~~ ***Sec. 3.*** NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, physician assistant, psychiatrist, psychologist, marriage and family therapist, ***clinical professional counselor,*** alcohol or drug abuse counselor, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an

administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who maintains or is employed by an agency to provide nursing in the home.

(f) Any employee of the Department of Health and Human Services.

(g) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(h) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(i) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(j) Any social worker.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section, "agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

Sec. 4. **NRS 641.029 is hereby amended to read as follows:**

641.029 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;

2. A person who is licensed to practice dentistry in this State;

3. A person who is licensed as a marriage and family therapist pursuant to chapter 641A of NRS;

4. ***A person who is licensed as a clinical professional counselor pursuant to chapter 641A of NRS;***

5. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;

~~[5.]~~ ***6.*** A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;

~~[6.]~~ ***7.*** A person who is licensed ***as a clinical alcohol and drug abuse counselor, licensed*** or certified as an alcohol and drug abuse counselor or

certified as an alcohol and drug abuse counselor intern, ***a clinical alcohol and drug abuse counselor intern,*** a problem gambling counselor or a problem gambling counselor intern , pursuant to chapter 641C of NRS; or

~~[7.]~~ ***8.*** Any clergyman,

➥ if such a person does not commit an act described in NRS 641.440 or represent himself as a psychologist.

~~[Sec. 2.]~~ ***Sec. 5.*** Chapter 641A of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[3 to 6,]~~ **6 to 9**, inclusive, of this act.

~~[Sec. 3.]~~ ***Sec. 6.*** ~~*[1. "Practice of professional counseling" means assisting clients by the application of established principles, including, without limitation:*~~

~~*(a) Counseling by applying the principles, methods, techniques and theories of counseling, consultation, defining goals and developing a plan designed to prevent and resolve the emotional, social, cognitive, behavioral, educational and career related concerns of a client while promoting the overall development of his whole person;*~~

~~*(b) Consulting by applying principles and methods to provide assistance to a client in addressing the problems of another person;*~~

~~*(c) Referral of a client to another professional based on an evaluation of the needs of the client; and*~~

~~*(d) Research by a systematic effort to collect, analyze and interpret data that addresses the social interactions between persons.*~~

~~*2. The term does not include:*~~

~~*(a) The diagnosis or treatment of a psychotic disorder; or*~~

~~*(b) The use of a psychological or psychometric assessment test to determine intelligence, personality, aptitude, interests or addictions.]*~~ ***"Clinical professional counselor" means a person who describes himself or his services to the public by any title or description which incorporates the term "clinical professional counselor" and under such a title offers to provide or provides services to any person.***

~~[Sec. 4.]~~ ***Sec. 7.*** ~~*["Professional counselor" means a person who describes himself or his services to the public by any title or description which incorporates the term "professional counselor" and under such a title offers to provide or provides services to any person.]*~~

1. "Practice of clinical professional counseling" means assisting clients by the application of established principles, including, without limitation:

(a) Counseling by applying the principles, methods, techniques and theories of counseling, consultation, defining goals and developing a plan designed to prevent and resolve the emotional, social, cognitive and behavioral concerns of a client while promoting the overall development of his whole person;

(b) Consulting by applying principles and methods to provide assistance to a client in addressing the problems of another person;

(c) Referral of a client to another professional based on an evaluation of the needs of the client; and

(d) Research by a systematic effort to collect, analyze and interpret data that addresses the social interactions between persons.

2. The term does not include:

(a) The diagnosis or treatment of a psychotic disorder;

(b) The use of a psychological or psychometric assessment test to determine intelligence, personality, aptitude, interests or addictions; or

(c) The assessment or treatment of couples or families.

~~[Sec. 5.]~~ ***Sec. 8. Each applicant for a license to practice as a clinical professional counselor must furnish evidence satisfactory to the Board that he:***

1. Is at least 21 years of age;

2. Is of good moral character;

3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;

4. Has:

(a) Completed his residency training in psychiatry from an accredited institution approved by the Board;

(b) A graduate degree in ~~*[counseling in a program approved by the Council for Accreditation of Counseling and Related Educational Programs of the American Counseling Association;]*~~ ***an accredited program for mental health counseling; or***

(c) Completed other education and training which is deemed equivalent by the Board;

5. Has ~~*[at]*~~ ***:***

(a) At least ~~*[1 year]*~~ ***2 years of postgraduate experience in professional counseling*** ~~*[deemed satisfactory to the Board;]*~~ ***; and***

(b) At least 3,000 hours of supervised experience in professional counseling, of which at least 1,500 hours must consist of direct contact with clients; and

6. Holds an undergraduate degree from an accredited institution approved by the Board.

~~[Sec. 6.]~~ ***Sec. 9. 1. Except as otherwise provided in subsection 2, each qualified applicant for a license to practice as a clinical professional counselor must be given a written examination by the Board on his knowledge of clinical professional counseling. Examinations must be given at a time and place and under such supervision as the Board may determine. A grade of 70 percent or higher is a passing grade.***

2. The Board shall accept receipt of a passing grade by a qualified applicant on the ~~*[National Counselor Examination or the]*~~ ***National Clinical Mental Health Counselor Examination administered by the National Board of Certified Counselors in lieu of requiring a written examination pursuant to subsection 1.***

3. In addition to the requirements of subsections 1 and 2, the Board may require an oral examination. The Board may examine applicants in any applied or theoretical fields it deems appropriate.

~~[Sec. 7.]~~ ***Sec. 10.*** NRS 641A.010 is hereby amended to read as follows:

641A.010 The practice of marriage and family therapy ~~[is]~~ ***and the practice of clinical professional counseling are*** hereby declared ~~[a learned profession,]~~ ***to be learned professions*** profoundly affecting public safety and welfare and charged with the public interest, and therefore subject to protection and regulation by the State.

~~[Sec. 8.]~~ ***Sec. 11.*** NRS 641A.020 is hereby amended to read as follows:

641A.020 As used in this chapter, unless the context otherwise requires, words and terms defined in NRS 641A.030 to 641A.080, inclusive, ***and sections ~~[3 and 4]~~ 6 and 7 of this act*** have the meanings assigned to them in ~~[such]~~ ***those*** sections.

~~[Sec. 9.]~~ ***Sec. 12.*** NRS 641A.030 is hereby amended to read as follows:

641A.030 "Board" means the Board of Examiners for Marriage and Family Therapists ~~[.]~~ ***and Clinical Professional Counselors.***

~~[Sec. 10.]~~ ***Sec. 13.*** NRS 641A.040 is hereby amended to read as follows:

641A.040 "License" means a license issued by the Board pursuant to this chapter to practice as a marriage and family therapist ~~[.]~~ ***or to practice as a clinical professional counselor.***

~~[Sec. 11.]~~ ***Sec. 14.*** NRS 641A.050 is hereby amended to read as follows:

641A.050 "Licensee" means a person licensed as a marriage and family therapist ***or a clinical professional counselor*** by the Board.

~~[Sec. 12.]~~ ***Sec. 15.*** NRS 641A.090 is hereby amended to read as follows:

641A.090 The Board of Examiners for Marriage and Family Therapists ~~[,]~~ ***and Clinical Professional Counselors,*** consisting of ~~[six]~~ ***eight*** members appointed by the Governor, is hereby created.

~~[Sec. 13.]~~ ***Sec. 16.*** NRS 641A.100 is hereby amended to read as follows:

641A.100 1. The Governor shall appoint to the Board:

(a) Four members who are licensed marriage and family therapists and are in good standing with or acceptable for membership in their local or state societies and associations when they exist; ~~[and]~~

(b) ***Two members who are licensed clinical professional counselors and are in good standing with or acceptable for membership in their local or state societies and associations when they exist; and***

(c) Two members who are representatives of the general public. These members must not be:

(1) A marriage and family therapist; ~~[or]~~

(2) ***A clinical professional counselor; or***

(3) The spouse or the parent or child, by blood, marriage or adoption, of a marriage and family therapist ~~[.]~~ ***or clinical professional counselor.***

2. The members who are representatives of the general public shall not participate in preparing, conducting or grading any examination required by the Board.

3. The Governor may, after notice and hearing, remove any member of the Board for misconduct in office, incompetence, neglect of duty or other sufficient cause.

~~[Sec. 14.]~~ ***Sec. 17.*** NRS 641A.130 is hereby amended to read as follows:

641A.130 The Board shall meet at least once every 6 months at a time and place fixed by the Board. The Board shall hold a special meeting upon a call of the President or upon a request by a majority of the members. ~~[Three]~~ ***Five*** members of the Board constitute a quorum.

~~[Sec. 15.]~~ ***Sec. 18.*** NRS 641A.160 is hereby amended to read as follows:

641A.160 The Board shall adopt regulations not inconsistent with the provisions of this chapter governing its procedure, the examination and licensing of applicants, the granting, refusal, revocation or suspension of licenses **,** and the practice of marriage and family therapy ***and the practice of clinical professional counseling*** as ~~[it applies]~~ ***those practices apply*** to this chapter.

~~[Sec. 16.]~~ ***Sec. 19.*** NRS 641A.180 is hereby amended to read as follows:

641A.180 The Board shall:

1. Adopt regulations specifying the criteria for courses of study that are sufficient for the purposes of licensing; and

2. Determine which schools in and out of this State have courses of study for the preparation of marriage and family therapy ***and clinical professional counseling*** which are sufficient for the purposes of licensing. Published lists of educational institutions accredited by recognized accrediting organizations may be used in the evaluation of ~~[such]~~ ***those*** courses of study.

~~[Sec. 17.]~~ ***Sec. 20.*** NRS 641A.215 is hereby amended to read as follows:

641A.215 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license ~~[as a marriage and family therapist]~~ shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license ~~[as a marriage and family therapist]~~ shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health

and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license ~~[as a marriage and family therapist]~~ may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

~~[Sec. 18.]~~ ***Sec. 21.*** NRS 641A.215 is hereby amended to read as follows:

641A.215 1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a license ~~[as a marriage and family therapist]~~ shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license ~~[as a marriage and family therapist]~~ may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is

not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

~~[Sec. 19.]~~ ***Sec. 22.*** NRS 641A.220 is hereby amended to read as follows:

641A.220 Each applicant ***for a license to practice as a marriage and family therapist*** must furnish evidence satisfactory to the Board that he:

1. Is at least 21 years of age;
2. Is of good moral character;
3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;
4. Has completed his residency training in psychiatry from an accredited institution approved by the Board, has a graduate degree in marriage and family therapy, psychology or social work from an accredited institution approved by the Board or has completed other education and training which is deemed equivalent by the Board;
5. Has ~~[at least 1 year]~~ ***:***

(a) At least 2 years of postgraduate experience in marriage and family therapy ~~[deemed satisfactory to the Board;]~~ ***;*** and

(b) At least 3,000 hours of supervised experience in marriage and family therapy, of which at least 1,500 hours must consist of direct contact with clients; and

6. Holds an undergraduate degree from an accredited institution approved by the Board.

~~[Sec. 20.]~~ ***Sec. 23.*** NRS 641A.230 is hereby amended to read as follows:

641A.230 1. Except as otherwise provided in subsection 2, each qualified applicant for a license ***to practice as a marriage and family therapist*** must be given a written examination by the Board on his knowledge of marriage and family therapy. Examinations must be given at a time and place and under such supervision as the Board may determine. A grade of 70 percent ***or higher*** is a passing grade.

2. The Board shall accept receipt of a passing grade by a qualified applicant on the national examination sponsored by the American Association for Marriage and Family Therapy in lieu of requiring a written examination pursuant to subsection 1.

3. In addition to the requirements of subsections 1 and 2, the Board may require an oral examination. The Board may examine ***applicants*** in whatever applied or theoretical fields it deems appropriate.

~~[Sec. 21.]~~ ***Sec. 24.*** NRS 641A.265 is hereby amended to read as follows:

641A.265 The Board may waive all or part of the requirement of continuing education in a particular year if the marriage and family therapist

or clinical professional counselor was prevented from fulfilling the requirement ~~[by]~~ ***because of*** circumstances beyond his control.

~~[Sec. 22.]~~ ***Sec. 25.*** NRS 641A.285 is hereby amended to read as follows:

641A.285 1. Upon written request to the Board and payment of the fee prescribed by the Board, a licensee in good standing may have his name and license transferred to an inactive list for a period not to exceed 3 continuous years. A licensee shall not practice marriage and family therapy ***or clinical professional counseling*** during the time his license is inactive. If an inactive licensee desires to resume the practice of marriage and family therapy ~~[,]~~ ***or clinical professional counseling,*** the Board must reactivate the license upon the:

(a) Completion of an application for reactivation;

(b) Payment of the fee for renewal of the license; and

(c) Demonstration, if deemed necessary by the Board, that the licensee is then qualified and competent to practice.

➥ Except as otherwise provided in subsection 2, the licensee is not required to pay the delinquency fee or the renewal fee for any year while the license was inactive.

2. Any license that remains inactive for a period which exceeds 3 continuous years is deemed:

(a) To effect a revocation for the purposes of NRS 641A.270.

(b) To have lapsed at the beginning of that period for the purposes of NRS 641A.280.

3. The Board may adopt such regulations as it deems necessary to carry out the provisions of this section, including without limitation, regulations governing the renewal of inactive licenses and any requirement of continuing education for inactive licensees.

~~[Sec. 23.]~~ ***Sec. 26.*** NRS 641A.310 is hereby amended to read as follows:

641A.310 The Board may refuse to grant a license or may suspend or revoke a license for any of the following reasons:

1. Conviction of a felony relating to the practice of marriage and family therapy ***or clinical professional counseling*** or of any offense involving moral turpitude, the record of conviction being conclusive evidence thereof.

2. Habitual drunkenness or addiction to the use of a controlled substance.

3. Impersonating a licensed marriage and family therapist ***or a clinical professional counselor*** or allowing another person to use his license.

4. Using fraud or deception in applying for a license or in passing the examination provided for in this chapter.

5. Rendering or offering to render services outside the area of his training, experience or competence.

6. Committing unethical practices contrary to the interest of the public as determined by the Board.

7. Unprofessional conduct as determined by the Board.

8. Negligence, fraud or deception in connection with services he is licensed to provide pursuant to this chapter.

~~[Sec. 24.]~~ ***Sec. 27.*** NRS 641A.313 is hereby amended to read as follows:

641A.313 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license **,** ~~[as a marriage and family therapist,]~~ the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license ~~[as a marriage and family therapist]~~ that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

~~[Sec. 25.]~~ ***Sec. 28.*** NRS 641A.315 is hereby amended to read as follows:

641A.315 1. If the Board or any investigative committee of the Board has reason to believe that the conduct of any marriage and family therapist ***or clinical professional counselor*** has raised a reasonable question as to his competence to practice therapy ***or clinical professional counseling*** with reasonable skill and safety, it may order the marriage and family therapist ***or clinical professional counselor*** to undergo:

(a) A mental or physical examination administered by an appropriately licensed provider of health care;

(b) An examination testing his competence to practice therapy ~~[,]~~ ***or clinical professional counseling;*** or

(c) Any other examination designated by the Board,

➥ to assist the Board or committee in determining the fitness of the marriage and family therapist to practice therapy ~~[.]~~ ***or the clinical professional counselor to practice clinical professional counseling.***

2. For the purposes of this section:

(a) Every ***marriage and family*** therapist ***or clinical professional counselor*** who applies for a license or who is licensed pursuant to this chapter is deemed to have given his consent to submit to any examination ordered pursuant to subsection 1 when ordered to do so in writing by the Board.

(b) The testimony and reports of the examining provider of health care are not privileged communications.

3. Except in extraordinary circumstances, as determined by the Board, the failure of a ***marriage and family*** therapist ***or clinical professional counselor*** licensed pursuant to this chapter to submit to an examination when ordered to do so as provided in this section constitutes an admission of the charges against him.

4. The Board may require the marriage and family therapist ***or clinical professional counselor*** to pay the cost of the examination.

~~[Sec. 26.]~~ ***Sec. 29.*** NRS 641A.410 is hereby amended to read as follows:

641A.410 1. It is unlawful for any person to engage in the practice of marriage and family therapy ***or the practice of clinical professional counseling*** unless he is licensed under the provisions of this chapter.

2. The provisions of this chapter do not:

(a) Prevent any licensed physician, licensed nurse, licensed psychologist, certified alcohol or drug abuse counselor or other person licensed or certified by the State from carrying out the functions permitted by his respective license or certification if the person does not hold himself out to the public by any title and description of service likely to cause confusion with the titles and descriptions of service set forth in this chapter.

(b) Apply to any activity or service of a student who is obtaining a professional education as recognized by the Board if the activity or service constitutes a part of the student's supervised course of study, the activities are supervised by a licensee under this chapter and the student is designated by the title "intern in marriage and family therapy" ***or "intern in clinical professional counseling"*** or any other title which clearly indicates his status as a student.

(c) Apply to any activity or service of an intern while he is obtaining the experience required for licensing as a marriage and family therapist ~~[.]~~ ***or a clinical professional counselor.***

(d) Apply to a licensed or ordained minister in good standing with his denomination whose duty is primarily to serve his congregation and whose practice of marriage and family therapy ***or clinical professional counseling*** is incidental to his other duties if he does not hold himself out to the public by any title or description of service that is likely to cause confusion with the titles and descriptions or services set forth in this chapter.

~~[Sec. 27.]~~ ***Sec. 30.*** NRS 641A.430 is hereby amended to read as follows:

641A.430 It is unlawful for any person, other than a person licensed under this chapter, to employ or use the term "marriage and family counselor," "marriage and family therapist," "marital adviser," "marital therapist," ~~[or]~~ "marital consultant," ~~"."~~ ***"clinical professional counselor"*** or any similar title in connection with his work, or in any way imply that he is licensed by the Board, unless he is licensed under this chapter.

~~[Sec. 28.]~~ ***Sec. 31.*** NRS 641A.440 is hereby amended to read as follows:

641A.440 Any person who violates any of the provisions of this chapter or, having had his license suspended or revoked, continues to represent himself as a marriage and family therapist ***or a clinical professional counselor*** shall be punished by imprisonment in the county jail for not more than 1 year or by a fine of not more than $5,000, or by both fine and imprisonment. Each violation is a separate offense.

~~[Sec. 29.]~~ ***Sec. 32.*** NRS 641A.450 is hereby amended to read as follows:

641A.450 A violation of this chapter by a person unlawfully representing himself as a marriage and family therapist ***or a clinical professional counselor*** may be enjoined by a district court on petition by the Board. In any such proceeding it is not necessary to show that any person is individually injured. If the respondent is found guilty of misrepresenting himself as a marriage and family therapist ~~[,]~~ ***or a clinical professional counselor,*** the court shall enjoin him from making such a representation until he has been licensed. Procedure in ~~[such]~~ ***those*** cases is the same as in any other application for an injunction. The remedy by injunction is in addition to criminal prosecution and punishment.

Sec. 33. **NRS 641B.040 is hereby amended to read as follows:**

641B.040 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;
2. A nurse who is licensed to practice in this State;
3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS;
4. A person who is licensed as a marriage and family therapist pursuant to chapter 641A of NRS;
5. ***A person who is licensed as a clinical professional counselor pursuant to chapter 641A of NRS;***
6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;

~~[6.]~~ ***7.*** A person who is licensed ***as a clinical alcohol and drug abuse counselor, licensed*** or certified as an alcohol and drug abuse counselor **,** or certified as ***a clinical alcohol and drug abuse counselor intern,*** an alcohol and drug abuse counselor intern, a problem gambling counselor or a problem gambling counselor intern **,** pursuant to chapter 641C of NRS;

~~[7.]~~ ***8.*** Any clergyman;

~~[8.]~~ ***9.*** A county welfare director;

~~[9.]~~ ***10.*** Any person who may engage in social work or clinical social work in his regular governmental employment but does not hold himself out to the public as a social worker; or

~~[10.]~~ ***11.*** A student of social work and any other person preparing for the profession of social work under the supervision of a qualified social worker in a training institution or facility recognized by the Board, unless the student or other person has been issued a provisional license pursuant to paragraph (b) of subsection 1 of NRS 641B.275. Such a student must be designated by

the title "student of social work" or "trainee in social work," or any other title which clearly indicates his training status.

~~[Sec. 30.]~~ ***Sec. 34.*** Chapter 641C of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[31 to 33, inclusive,]~~ 35 to 38, inclusive, of this act.

Sec. 35. 1. "Clinical practice of counseling alcohol and drug abusers" means:

(a) The application of counseling to reduce or eliminate the habitual use of alcohol or other drugs, other than any maintenance dosage of a narcotic or habit-forming drug administered pursuant to chapter 453 of NRS; and

(b) The identification, evaluation, diagnosis and treatment of a mentally ill person who is an alcoholic or abuser of drugs.

2. The term does not include:

(a) The diagnosis or treatment of a psychotic disorder; or

(b) The use of a psychological or psychometric assessment test to determine intelligence, personality, aptitude, interests or addictions.

~~[Sec. 31.]~~ ***Sec. 36. The Board shall issue a license as ~~[an advanced]~~ a clinical alcohol and drug abuse counselor to:***

1. A person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Has received a master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board ~~[;]~~ that includes comprehensive coursework in clinical mental health, including the diagnosis of mental health disorders;

(d) Has completed a program approved by the Board consisting of at least 2,000 hours of supervised, postgraduate counseling of alcohol and drug abusers;

(e) Has completed a program that:

(1) Is approved by the Board ~~[consisting]~~ ; and

(2) Consists of at least 2,000 hours of ~~[supervised,]~~ postgraduate counseling of persons who are mentally ill and who are alcohol and drug abusers ~~[;]~~ that is supervised by a clinical alcohol and drug abuse counselor who is a person professionally qualified in the field of psychiatric mental health and who is approved by the Board;

(f) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

(g) Pays the fees required pursuant to NRS 641C.470; and

(h) Submits all information required to complete an application for a license.

2. A person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Is:

(1) Licensed as a clinical social worker pursuant to chapter 641B of NRS;

(2) Licensed as a marriage and family therapist pursuant to chapter 641A of NRS; or

(3) A nurse who is licensed pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university;

(d) Has completed at least 6 months of supervised counseling of alcohol and drug abusers approved by the Board;

(e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

(f) Pays the fees required pursuant to NRS 641C.470; and

(g) Submits all the information required to complete an application for a license.

3. As used in this section, "person professionally qualified in the field of psychiatric mental health" has the meaning ascribed to it in NRS 433.209.

~~[Sec. 32.]~~ *Sec. 37. 1. The Board shall issue a ~~[license]~~ certificate as ~~[an advanced]~~ a clinical alcohol and drug abuse counselor intern to a person who:*

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) ~~[Has a high school diploma or a general equivalency diploma;~~

~~(d)~~ Pays the fees required pursuant to NRS 641C.470;

~~[(e)]~~ (d) Submits proof to the Board that he has received a master's degree or doctoral degree in a field of social science approved by the Board ~~[;]~~ that includes comprehensive coursework in clinical mental health, including the diagnosis of mental health disorders; and

~~[(f)]~~ (e) Submits all the information required to complete an application for a ~~[license.]~~ certificate.

2. A ~~[license as an advanced]~~ certificate as a clinical alcohol and drug abuse counselor intern is valid for 1 year and may be renewed. The Board may waive any requirement for the renewal of a ~~[license]~~ certificate upon good cause shown by the holder of the ~~[license.]~~ certificate.

3. A ~~[licensed]~~ certified clinical alcohol and drug abuse counselor intern may, under the supervision of a licensed ~~[advanced]~~ clinical alcohol and drug abuse counselor:

(a) Engage in the clinical practice of counseling alcohol and drug abusers who are mentally ill; and

(b) Diagnose or classify a person as an alcoholic or drug abuser.

~~[Sec. 33.]~~ *Sec. 38. 1. A license as ~~[an advanced]~~ a clinical alcohol and drug abuse counselor is valid for ~~[2 years]~~ 1 year and may be renewed.*

2. A licensed ~~[advanced]~~ clinical alcohol and drug abuse counselor may:

(a) Engage in the clinical practice of counseling alcohol and drug abusers;

(b) Diagnose or classify a person as an alcoholic or abuser of drugs; and

(c) ~~[Identify, evaluate, diagnose and treat a mentally ill person who is an alcoholic or abuser of drugs; and~~

~~(d)]~~ Supervise ~~[licensed and]~~ certified interns.

Sec. 39. **NRS 641C.010 is hereby amended to read as follows:**

641C.010 The practice of counseling alcohol and drug abusers ***, the clinical practice of counseling alcohol and drug abusers*** and the practice of counseling problem gamblers are hereby declared to be learned professions affecting public health, safety and welfare and are subject to regulation to protect the public from the practice of counseling alcohol and drug abusers***, the clinical practice of counseling alcohol and drug abusers*** and the practice of counseling problem gamblers by unqualified persons and from unprofessional conduct by persons who are licensed or certified to engage in the practice of counseling alcohol and drug abusers ***, licensed to engage in the clinical practice of counseling alcohol and drug abusers*** or certified to engage in the practice of counseling problem gamblers.

Sec. 40. **NRS 641C.020 is hereby amended to read as follows:**

641C.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 641C.030 to 641C.110, inclusive, ***and section 35 of this act,*** have the meanings ascribed to them in those sections.

Sec. 41. **NRS 641C.040 is hereby amended to read as follows:**

641C.040 "Certificate" means a certificate issued to a person who is certified as an alcohol and drug abuse counselor, ***a clinical alcohol and drug abuse counselor intern,*** an alcohol and drug abuse counselor intern, a problem gambling counselor or a problem gambling counselor intern.

Sec. 42. **NRS 641C.060 is hereby amended to read as follows:**

641C.060 "Certified intern" means a person who is certified as ***a clinical alcohol and drug abuse counselor intern,*** an alcohol and drug abuse counselor intern or a problem gambling counselor intern pursuant to the provisions of this chapter.

~~[Sec. 34.]~~ ***Sec. 43***. NRS 641C.080 is hereby amended to read as follows:

641C.080 "License" means a license issued to a person who is licensed as an alcohol and drug abuse counselor ***~~[, an advanced]~~ or a clinical alcohol and drug abuse counselor ~~[or an advanced alcohol and drug abuse counselor intern]~~*** pursuant to the provisions of this chapter.

~~[Sec. 35.]~~ ***Sec. 44.*** NRS 641C.090 is hereby amended to read as follows:

641C.090 "Licensed counselor" means a person who is licensed as an alcohol and drug abuse counselor ***~~[, an advanced]~~ or a clinical alcohol and***

drug abuse counselor ~~*[or an advanced alcohol and drug abuse counselor intern]*~~ pursuant to the provisions of this chapter.

~~[Sec. 36.]~~ ***Sec. 45.*** ~~[NRS 641C.100 is hereby amended to read as follows:~~

~~641C.100 *1.* "Practice of counseling alcohol and drug abusers" means [the]:~~

~~*(a) The* application of counseling to reduce or eliminate the habitual use of alcohol or other drugs, other than any maintenance dosage of a narcotic or habit-forming drug administered pursuant to chapter 453 of NRS[.]*; or*~~

~~*(b) The identification, evaluation, diagnosis and treatment of a mentally ill person who is an alcoholic or abuser of drugs.*~~

~~*2. The term does not include:*~~

~~*(a) The diagnosis or treatment of a psychotic disorder; or*~~

~~*(b) The use of a psychological or psychometric assessment test to determine intelligence, personality, aptitude, interests or addictions.]*~~

(Deleted by amendment.)

Sec. 46. **NRS 641C.130 is hereby amended to read as follows:**

641C.130 The provisions of this chapter do not apply to:

1. A physician who is licensed pursuant to the provisions of chapter 630 or 633 of NRS;

2. A nurse who is licensed pursuant to the provisions of chapter 632 of NRS and is authorized by the State Board of Nursing to engage in the practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers;

3. A psychologist who is licensed pursuant to the provisions of chapter 641 of NRS;

4. ***A clinical professional counselor who is licensed pursuant to chapter 641A of NRS;***

5. A marriage and family therapist who is licensed pursuant to the provisions of chapter 641A of NRS and is authorized by the Board of Examiners for Marriage and Family Therapists ***and Clinical Professional Counselors*** to engage in the practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers; or

~~[5.]~~ ***6.*** A person who is licensed as a clinical social worker pursuant to the provisions of chapter 641B of NRS and is authorized by the Board of Examiners for Social Workers to engage in the practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers.

Sec. 47. **NRS 641C.150 is hereby amended to read as follows:**

641C.150 1. The Board of Examiners for Alcohol, Drug and Gambling Counselors, consisting of seven members appointed by the Governor, is hereby created.

2. The Board must consist of:

(a) Three members who are licensed as ***clinical alcohol and drug abuse counselors or*** alcohol and drug abuse counselors pursuant to the provisions of this chapter.

(b) One member who is certified as an alcohol and drug abuse counselor pursuant to the provisions of this chapter.

(c) Two members who are licensed pursuant to chapter 630, 632, 641, 641A or 641B of NRS and certified as problem gambling counselors pursuant to the provisions of this chapter.

(d) One member who is a representative of the general public. This member must not be:

(1) A licensed ***clinical alcohol and drug abuse counselor or a licensed*** or certified alcohol and drug abuse counselor or problem gambling counselor; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a licensed ***clinical alcohol and drug abuse counselor or a licensed*** or certified alcohol and drug abuse counselor or problem gambling counselor.

3. A person may not be appointed to the Board unless he is:

(a) A citizen of the United States or is lawfully entitled to remain and work in the United States; and

(b) A resident of this State.

4. No member of the Board may be held liable in a civil action for any act that he performs in good faith in the execution of his duties pursuant to the provisions of this chapter.

Sec. 48. **NRS 641C.220 is hereby amended to read as follows:**

641C.220 The Board may enter into an interlocal agreement with an Indian tribe to provide to members of the tribe training in the practice of counseling alcohol and drug abusers ***or the clinical practice of counseling alcohol and drug abusers*** to assist those persons in obtaining licenses and certificates as alcohol and drug abuse counselors ~~[.]~~ ***and licenses as clinical alcohol and drug abuse counselors.***

~~[Sec. 37.]~~ ***Sec. 49.*** NRS 641C.290 is hereby amended to read as follows:

641C.290 1. ***Each applicant for a license as a clinical alcohol and drug abuse counselor must pass a written and oral examination concerning his knowledge of the clinical practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.***

2. Each applicant for a license ~~*[as an advanced alcohol and drug abuse counselor]*~~ or ~~*[for a license or]*~~ certificate as an alcohol and drug abuse counselor must pass a written and oral examination concerning his knowledge of the practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

~~[2.]~~ ***3.*** Each applicant for a certificate as a problem gambling counselor must pass a written examination concerning his knowledge of the practice of counseling problem gamblers, the applicable provisions of this chapter and

any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

~~[3.]~~ ***4.*** The Board shall:

(a) Examine applicants at least two times each year.

(b) Establish the time and place for the examinations.

(c) Provide such books and forms as may be necessary to conduct the examinations.

(d) Establish, by regulation, the requirements for passing the examination.

~~[4.]~~ ***5.*** The Board may employ other persons to conduct the examinations.

Sec. 50. **NRS 641C.300 is hereby amended to read as follows:**

641C.300 The Board shall issue a license or certificate without examination to a person who holds a license or certificate as ~~[an]~~ ***a clinical alcohol and drug abuse counselor or an*** alcohol and drug abuse counselor in another state, a territory or possession of the United States or the District of Columbia if the requirements of that jurisdiction at the time the license or certificate was issued are deemed by the Board to be substantially equivalent to the requirements set forth in the provisions of this chapter.

Sec. 51. **NRS 641C.310 is hereby amended to read as follows:**

641C.310 1. The Board may hold hearings and conduct investigations concerning any matter related to an application for a license or certificate. In the hearings and investigations, the Board may require the presentation of evidence.

2. The Board may refuse to issue a license or certificate to an applicant if the Board determines that the applicant:

(a) Is not of good moral character as it relates to the practice of counseling alcohol and drug abusers ~~[.]~~ ***or the clinical practice of counseling alcohol and drug abusers;***

(b) Has submitted a false credential to the Board;

(c) Has been disciplined in another state, a possession or territory of the United States or the District of Columbia in connection with the practice of counseling alcohol and drug abusers ~~[.]~~ ***or the clinical practice of counseling alcohol and drug abusers;***

(d) Has committed an act in another state, a possession or territory of the United States or the District of Columbia in connection with the practice of counseling alcohol and drug abusers ***or the clinical practice of counseling alcohol and drug abusers*** that would be a violation of the provisions of this chapter if the act were committed in this State; or

(e) Has failed to comply with any of the requirements for a license or certificate.

Sec. 52. **NRS 641C.320 is hereby amended to read as follows:**

641C.320 1. The Board may issue ~~[a]~~ ***:***

(a) A provisional license ***as a clinical alcohol and drug abuse counselor to a person who has applied to the Board to take the examination for a***

license as a clinical alcohol and drug abuse counselor and is otherwise eligible for that license pursuant to section 36 of this act; or

(b) A provisional license or certificate as an alcohol and drug abuse counselor to a person who has applied to the Board to take the examination for a license or certificate as an alcohol and drug abuse counselor and is otherwise eligible for that license or certificate pursuant to NRS 641C.350 or 641C.390.

2. A provisional license or certificate is valid for not more than 1 year and may not be renewed.

Sec. 53. **NRS 641C.350 is hereby amended to read as follows:**

641C.350 The Board shall issue a license as an alcohol and drug abuse counselor to:

1. A person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Has received a master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;

(d) Has completed 4,000 hours of supervised counseling of alcohol and drug abusers;

(e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

(f) Pays the fees required pursuant to NRS 641C.470; and

(g) Submits all information required to complete an application for a license.

2. A person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Is:

(1) Licensed as a clinical social worker pursuant to chapter 641B of NRS;

(2) ***Licensed as a clinical professional counselor pursuant to chapter 641A of NRS;***

(3) Licensed as a marriage and family therapist pursuant to chapter 641A of NRS; ~~[or~~

~~(3)]~~ ***(4)*** A nurse who is licensed pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university; ***or***

(5) Licensed as a clinical alcohol and drug abuse counselor pursuant to this chapter;

(d) Has completed at least 6 months of supervised counseling of alcohol and drug abusers approved by the Board;

(e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

(f) Pays the fees required pursuant to NRS 641C.470; and

(g) Submits all information required to complete an application for a license.

~~[Sec. 38.]~~ ***Sec. 54.*** NRS 641C.360 is hereby amended to read as follows:

641C.360 1. A license as an alcohol and drug abuse counselor is valid for 2 years and may be renewed.

2. A licensed ***alcohol and drug abuse*** counselor may:

(a) Engage in the practice of counseling alcohol and drug abusers;

(b) Diagnose or classify a person as an alcoholic or abuser of drugs; and

(c) Supervise certified ***alcohol and drug abuse counselor*** interns.

3. A licensed alcohol and drug abuse counselor may not identify, evaluate, diagnose or treat a mentally ill person who is an alcoholic or abuser of drugs.

Sec. 55. **NRS 641C.420 is hereby amended to read as follows:**

641C.420 1. The Board shall issue a certificate as an alcohol and drug abuse counselor intern to a person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Has a high school diploma or a general equivalency diploma;

(d) Pays the fees required pursuant to NRS 641C.470;

(e) Submits proof to the Board that he:

(1) Is enrolled in a program from which he will receive an associate's degree, bachelor's degree, master's degree or doctoral degree in a field of social science approved by the Board; or

(2) Has received an associate's degree, bachelor's degree, master's degree or doctoral degree in a field of social science approved by the Board; and

(f) Submits all information required to complete an application for a certificate.

2. A certificate as an alcohol and drug abuse counselor intern is valid for 1 year and may be renewed. The Board may waive any requirement for the renewal of a certificate upon good cause shown by the holder of the certificate.

3. A certified ***alcohol and drug abuse counselor*** intern may, under the supervision of a licensed ***alcohol and drug abuse*** counselor ~~[.]~~ ***or licensed clinical alcohol and drug abuse counselor:***

(a) Engage in the practice of counseling alcohol and drug abusers; and

(b) Diagnose or classify a person as an alcoholic or drug abuser.

Sec. 56. **NRS 641C.430 is hereby amended to read as follows:**

641C.430 The Board may issue a certificate as a problem gambling counselor to:

1. A person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Has received a bachelor's degree, master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;

(d) Has completed not less than 60 hours of training specific to problem gambling approved by the Board;

(e) Has completed at least 2,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;

(f) Passes the written examination prescribed by the Board pursuant to NRS 641C.290;

(g) Presents himself when scheduled for an interview at a meeting of the Board;

(h) Pays the fees required pursuant to NRS 641C.470; and

(i) Submits all information required to complete an application for a certificate.

2. A person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Is licensed:

(1) A clinical social worker pursuant to chapter 641B of NRS;

(2) ***A clinical professional counselor pursuant to chapter 641A of NRS;***

(3) A marriage and family therapist pursuant to chapter 641A of NRS;

~~[(3)]~~ ***(4)*** A physician pursuant to chapter 630 of NRS;

~~[(4)]~~ ***(5)*** A nurse pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university;

~~[(5)]~~ ***(6)*** A psychologist pursuant to chapter 641 of NRS; ~~[or~~

~~(6)]~~ ***(7)*** An alcohol and drug abuse counselor pursuant to this chapter; ***or***

(8) A clinical alcohol and drug abuse counselor pursuant to this chapter;

(d) Has completed not less than 60 hours of training specific to problem gambling approved by the Board;

(e) Has completed at least 1,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;

(f) Passes the written examination prescribed by the Board pursuant to NRS 641C.290;

(g) Pays the fees required pursuant to NRS 641C.470; and

(h) Submits all information required to complete an application for a certificate.

~~[Sec. 39.]~~ ***Sec. 57.*** NRS 641C.470 is hereby amended to read as follows:

641C.470 1. The Board shall charge and collect not more than the following fees:

For the initial application for a license or certificate $150
For the issuance of a provisional license or certificate 125
For the issuance of an initial license or certificate 60
For the renewal of a license or certificate as an alcohol and drug abuse counselor ***, a license as ~~[an advanced]~~ a clinical alcohol and drug abuse counselor*** or a certificate as a problem gambling counselor 300
For the renewal of a certificate as ***a clinical alcohol and drug abuse counselor intern,*** an alcohol and drug abuse counselor intern or a problem gambling counselor intern 75
For the renewal of a delinquent license or certificate 75
For the restoration of an expired license or certificate 150
For the restoration or reinstatement of a suspended or revoked license or certificate 300
For the issuance of a license or certificate without examination 150
For an examination 150
For the approval of a course of continuing education 150

2. The fees charged and collected pursuant to this section are not refundable.

Sec. 58. **NRS 641C.700 is hereby amended to read as follows:**

641C.700 The grounds for initiating disciplinary action pursuant to the provisions of this chapter include:

1. Conviction of:

(a) A felony relating to the practice of counseling alcohol and drug abusers ***, the clinical practice of counseling alcohol and drug abusers*** or the practice of counseling problem gamblers;

(b) An offense involving moral turpitude; or

(c) A violation of a federal or state law regulating the possession, distribution or use of a controlled substance or dangerous drug as defined in chapter 453 of NRS;

2. Fraud or deception in:

(a) Applying for a license or certificate;

(b) Taking an examination for a license or certificate;

(c) Documenting the continuing education required to renew or reinstate a license or certificate;

(d) Submitting a claim for payment to an insurer; or

(e) The practice of counseling alcohol and drug abusers ~~[;]~~ ***or the clinical practice of counseling alcohol and drug abusers;***

3. Allowing the unauthorized use of a license or certificate issued pursuant to this chapter;

4. Professional incompetence;

5. The habitual use of alcohol or any other drug that impairs the ability of a licensed or certified counselor or certified intern to engage in the practice

of counseling alcohol and drug abusers ~~[.]~~ ***or the clinical practice of counseling alcohol and drug abusers;***

6. Engaging in the practice of counseling alcohol and drug abusers ***or the clinical practice of counseling alcohol and drug abusers*** with an expired, suspended or revoked license or certificate; and

7. Engaging in behavior that is contrary to the ethical standards as set forth in the regulations of the Board.

Sec. 59. **NRS 641C.720 is hereby amended to read as follows:**

641C.720 1. The Board or any of its members who become aware of any ground for initiating disciplinary action against a person engaging in the practice of counseling alcohol and drug abusers ***or the clinical practice of counseling alcohol and drug abusers*** in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Board. The complaint must specifically charge one or more of the grounds for initiating disciplinary action.

2. If, after notice and a hearing as required by law, the Board determines that a licensed or certified counselor or certified intern has violated a provision of this chapter or any regulation adopted pursuant to this chapter, it may:

(a) Administer a public reprimand;

(b) Suspend his license or certificate and impose conditions for the removal of the suspension;

(c) Revoke his license or certificate and prescribe the requirements for the reinstatement of the license or certificate;

(d) If he is a licensed or certified counselor, require him to be supervised by another person while he engages in the practice of counseling alcohol and drug abusers ~~[.]~~ ***or the clinical practice of counseling alcohol and drug abusers;***

(e) Require him to participate in treatment or counseling and pay the expenses of that treatment or counseling;

(f) Require him to pay restitution to any person adversely affected by his acts or omissions;

(g) Impose a fine of not more than $5,000; or

(h) Take any combination of the actions authorized by paragraphs (a) to (g), inclusive.

3. If his license or certificate is revoked or suspended pursuant to subsection 2, the licensed or certified counselor or certified intern may apply to the Board for reinstatement of the suspended license or certificate or may apply to the Board pursuant to the provisions of chapter 622A of NRS for reinstatement of his revoked license or certificate. The Board may accept or reject the application and may require the successful completion of an examination as a condition of reinstatement of the license or certificate.

4. The Board shall not administer a private reprimand.

5. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 60. **NRS 641C.900 is hereby amended to read as follows:**

641C.900 1. Except as otherwise provided in subsection 2, a person shall not engage in the practice of counseling alcohol and drug abusers***, the clinical practice of counseling alcohol and drug abusers*** or the practice of counseling problem gamblers unless he is a licensed counselor, certified counselor or certified intern.

2. A person may engage in the practice of counseling alcohol and drug abusers under the supervision of a licensed counselor ***, the clinical practice of counseling alcohol and drug abusers under the supervision of a clinical alcohol and drug abuse counselor*** or the practice of counseling problem gamblers under the supervision of a certified counselor for not more than 30 days if that person:

(a) Is qualified to be licensed or certified pursuant to the provisions of this chapter; and

(b) Submits an application to the Board for a license or certificate pursuant to the provisions of this chapter.

Sec. 61. **NRS 641C.910 is hereby amended to read as follows:**

641C.910 1. A person shall not:

(a) Hold himself out to a member of the general public as ***a clinical alcohol and drug abuse counselor, a clinical alcohol and drug abuse counselor intern,*** an alcohol and drug abuse counselor, ***an*** alcohol and drug abuse counselor intern, ***a*** problem gambling counselor or ***a*** problem gambling counselor intern;

(b) Use the title ***"clinical alcohol and drug abuse counselor," "clinical alcohol and drug abuse counselor intern,"*** "alcohol and drug abuse counselor," "alcohol and drug abuse counselor intern," "drug abuse counselor," "substance abuse counselor," "problem gambling counselor," "problem gambling counselor intern," "gambling counselor," "detoxification technician" or any similar title in connection with his work; or

(c) Imply in any way that he is licensed or certified by the Board,

➥ unless he is licensed or certified by the Board pursuant to the provisions of this chapter or a regulation adopted pursuant to NRS 641C.500.

2. If the Board believes that any person has violated or is about to violate any provision of this chapter or a regulation adopted pursuant thereto, it may bring an action in a court of competent jurisdiction to enjoin the person from engaging in or continuing the violation. An injunction:

(a) May be issued without proof of actual damage sustained by any person.

(b) Does not prevent the criminal prosecution and punishment of a person who violates a provision of this chapter or a regulation adopted pursuant thereto.

Sec. 62. **Chapter 49 of NRS is hereby amended by adding thereto the provisions set forth as sections 63 to 66, inclusive, of this act.**

Sec. 63. ***As used in sections 63 to 66, inclusive, of this act, unless the context otherwise requires:***

1. "Client" means a person who consults or is interviewed by a clinical professional counselor for the purpose of diagnosis or treatment.

2. "Clinical professional counselor" has the meaning ascribed to it in section 6 of this act.

3. A communication is "confidential" if it is not intended to be disclosed to any third person other than a person:

(a) Present during the consultation or interview to further the interest of the client;

(b) Reasonably necessary for the transmission of the communication; or

(c) Participating in the diagnosis or treatment under the direction of the clinical professional counselor, including a member of the client's family.

Sec. 64. A client has a privilege to refuse to disclose, and to prevent any other person from disclosing, confidential communications among himself, his clinical professional counselor or any other person who is participating in the diagnosis or treatment under the direction of the clinical professional counselor.

Sec. 65. 1. The privilege may be claimed by the client, by his guardian or conservator, or by the personal representative of a deceased client.

2. The person who was the clinical professional counselor may claim the privilege but only on behalf of the client. The authority of the clinical professional counselor to do so is presumed in the absence of evidence to the contrary.

Sec. 66. There is no privilege under section 64 or 65 of this act:

1. If the client communicates to the clinical professional counselor that he intends or plans to commit what the client knows or reasonably should know is a crime.

2. If the clinical professional counselor is required to testify in an administrative or court-related investigation or proceeding involving the welfare of his client or the minor children of his client.

3. For communications relevant to an issue in proceedings to hospitalize the patient for mental illness, if the clinical professional counselor in the course of diagnosis or treatment has determined that the client is in need of hospitalization.

4. As to communications relevant to an issue of the treatment of the client in any proceeding in which the treatment is an element of a claim or defense.

Sec. 67. **NRS 62A.270 is hereby amended to read as follows:**

62A.270 "Qualified professional" means:

1. A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.;

2. A psychologist licensed to practice in this State;

3. A social worker holding a master's degree in social work and licensed in this State as a clinical social worker;

4. A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State; ~~[or]~~

5. A marriage and family therapist licensed in this State pursuant to chapter 641A of NRS ~~[.]~~ ***; or***

6. ~~A clinical professional counselor licensed in this State pursuant to chapter 641A of NRS.~~

Sec. 68. **NRS 62E.620 is hereby amended to read as follows:**

62E.620 1. The juvenile court shall order a delinquent child to undergo an evaluation to determine whether the child is an abuser of alcohol or other drugs if the child committed:

(a) An unlawful act in violation of NRS 484.379, 484.3795 or 484.37955;

(b) The unlawful act of using, possessing, selling or distributing a controlled substance; or

(c) The unlawful act of purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020.

2. Except as otherwise provided in subsection 3, an evaluation of the child must be conducted by:

(a) ~~[An]~~ ***A clinical alcohol and drug abuse counselor who is licensed, an*** alcohol and drug abuse counselor who is licensed or certified ***,*** or an alcohol and drug abuse counselor intern ***or a clinical alcohol and drug abuse counselor intern*** who is certified ***,*** pursuant to chapter 641C of NRS to make that classification; or

(b) A physician who is certified to make that classification by the Board of Medical Examiners.

3. If the child resides in this State but the nearest location at which an evaluation may be conducted is in another state, the court may allow the evaluation to be conducted in the other state if the person conducting the evaluation:

(a) Possesses qualifications that are substantially similar to the qualifications described in subsection 2;

(b) Holds an appropriate license, certificate or credential issued by a regulatory agency in the other state; and

(c) Is in good standing with the regulatory agency in the other state.

4. The evaluation of the child may be conducted at an evaluation center.

5. The person who conducts the evaluation of the child shall report to the juvenile court the results of the evaluation and make a recommendation to the juvenile court concerning the length and type of treatment required for the child.

6. The juvenile court shall:

(a) Order the child to undergo a program of treatment as recommended by the person who conducts the evaluation of the child.

(b) Require the treatment facility to submit monthly reports on the treatment of the child pursuant to this section.

(c) Order the child or the parent or guardian of the child, or both, to the extent of their financial ability, to pay any charges relating to the evaluation

and treatment of the child pursuant to this section. If the child or the parent or guardian of the child, or both, do not have the financial resources to pay all those charges:

(1) The juvenile court shall, to the extent possible, arrange for the child to receive treatment from a treatment facility which receives a sufficient amount of federal or state money to offset the remainder of the costs; and

(2) The juvenile court may order the child, in lieu of paying the charges relating to his evaluation and treatment, to perform community service.

7. After a treatment facility has certified a child's successful completion of a program of treatment ordered pursuant to this section, the treatment facility is not liable for any damages to person or property caused by a child who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484.379, 484.3795, 484.37955, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of any other jurisdiction that prohibits the same or similar conduct.

8. The provisions of this section do not prohibit the juvenile court from:

(a) Requiring an evaluation to be conducted by a person who is employed by a private company if the company meets the standards of the Health Division of the Department of Health and Human Services. The evaluation may be conducted at an evaluation center.

(b) Ordering the child to attend a program of treatment which is administered by a private company.

9. All information relating to the evaluation or treatment of a child pursuant to this section is confidential and, except as otherwise authorized by the provisions of this title or the juvenile court, must not be disclosed to any person other than:

(a) The juvenile court;

(b) The child;

(c) The attorney for the child, if any;

(d) The parents or guardian of the child;

(e) The district attorney; and

(f) Any other person for whom the communication of that information is necessary to effectuate the evaluation or treatment of the child.

10. A record of any finding that a child has violated the provisions of NRS 484.379, 484.3795 or 484.37955 must be included in the driver's record of that child for 7 years after the date of the offense.

Sec. 69. **NRS 89.050 is hereby amended to read as follows:**

89.050 1. Except as otherwise provided in subsection 2, a professional corporation may be organized only for the purpose of rendering one specific type of professional service and may not engage in any business other than rendering the professional service for which it was organized and services reasonably related thereto, except that a professional corporation may own

real and personal property appropriate to its business and may invest its money in any form of real property, securities or any other type of investment.

2. A professional corporation may be organized to render a professional service relating to:

(a) Architecture, interior design, residential design, engineering and landscape architecture, or any combination thereof, and may be composed of persons:

(1) Engaged in the practice of architecture as provided in chapter 623 of NRS;

(2) Practicing as a registered interior designer as provided in chapter 623 of NRS;

(3) Engaged in the practice of residential design as provided in chapter 623 of NRS;

(4) Engaged in the practice of landscape architecture as provided in chapter 623A of NRS; and

(5) Engaged in the practice of professional engineering as provided in chapter 625 of NRS.

(b) Medicine, homeopathy and osteopathy, and may be composed of persons engaged in the practice of medicine as provided in chapter 630 of NRS, persons engaged in the practice of homeopathic medicine as provided in chapter 630A of NRS and persons engaged in the practice of osteopathic medicine as provided in chapter 633 of NRS. Such a professional corporation may market and manage additional professional corporations which are organized to render a professional service relating to medicine, homeopathy and osteopathy.

(c) Mental health services, and may be composed of the following persons, in any number and in any combination:

(1) Any psychologist who is licensed to practice in this State;

(2) Any social worker who holds a master's degree in social work and who is licensed by this State as a clinical social worker;

(3) Any registered nurse who is licensed to practice professional nursing in this State and who holds a master's degree in the field of psychiatric nursing; ~~[and]~~

(4) Any marriage and family therapist who is licensed by this State pursuant to chapter 641A of NRS~~.~~ ~~[.]~~ ***; and***

(5) Any clinical professional counselor who is licensed by this State pursuant to chapter 641A of NRS.

➥ Such a professional corporation may market and manage additional professional corporations which are organized to render a professional service relating to mental health services pursuant to this paragraph.

3. A professional corporation may render a professional service only through its officers and employees who are licensed or otherwise authorized by law to render the professional service.

Sec. 70. **NRS 176.133 is hereby amended to read as follows:**

176.133 As used in NRS 176.133 to 176.159, inclusive, unless the context otherwise requires:

1. "Person professionally qualified to conduct psychosexual evaluations" means a person who has received training in conducting psychosexual evaluations and is:

(a) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.;

(b) A psychologist licensed to practice in this State;

(c) A social worker holding a master's degree in social work and licensed in this State as a clinical social worker;

(d) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State; ~~[or]~~

(e) A marriage and family therapist licensed in this State pursuant to chapter 641A of NRS ~~[.]~~ ***; or***

(f) A clinical professional counselor licensed in this State pursuant to chapter 641A of NRS.

2. "Psychosexual evaluation" means an evaluation conducted pursuant to NRS 176.139.

3. "Sexual offense" means:

(a) Sexual assault pursuant to NRS 200.366;

(b) Statutory sexual seduction pursuant to NRS 200.368, if punished as a felony;

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and is punished as a felony;

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(f) Incest pursuant to NRS 201.180;

(g) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195, if punished as a felony;

(h) Open or gross lewdness pursuant to NRS 201.210, if punished as a felony;

(i) Indecent or obscene exposure pursuant to NRS 201.220, if punished as a felony;

(j) Lewdness with a child pursuant to NRS 201.230;

(k) Sexual penetration of a dead human body pursuant to NRS 201.450;

(l) Luring a child or mentally ill person pursuant to NRS 201.560, if punished as a felony;

(m) An attempt to commit an offense listed in paragraphs (a) to (l), inclusive, if punished as a felony; or

(n) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

Sec. 71. **NRS 200.471 is hereby amended to read as follows:**

200.471 1. As used in this section:

(a) "Assault" means intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail;

(5) A justice of the Supreme Court, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph; or

(6) An employee of the State or a political subdivision of the State whose official duties require him to make home visits.

(c) "Provider of health care" means a physician, a physician assistant, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, an osteopathic physician's assistant, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractor, a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a dentist, a dental hygienist, a pharmacist, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist ~~[and]~~ ***, a clinical professional counselor and*** an emergency medical technician.

(d) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100.

(e) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(f) "Sports official" has the meaning ascribed to it in NRS 41.630.

(g) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(h) "Taxicab driver" means a person who operates a taxicab.

(i) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) ~~[of this subsection]~~ does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon, or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(c) If paragraph (d) ~~[of this subsection]~~ does not apply to the circumstances of the crime and if the assault is committed upon an officer, a

provider of health care, a school employee, a taxicab driver or a transit operator who is performing his duty or upon a sports official based on the performance of his duties at a sporting event, and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his duty or upon a sports official based on the performance of his duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

~~[Sec. 40.]~~ ***Sec. 72.*** NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:

(1) The local office of the Aging Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging Services Division, another division of the Department of Health and Human

Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging Services Division of the Department of Health and Human Services.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, marriage and family therapist, ***clinical professional counselor, clinical alcohol and drug abuse counselor,*** alcohol ~~[or]~~ ***and*** drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Any employee of the Department of Health and Human Services.

(g) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(h) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(i) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met.

(j) Every social worker.

(k) Any person who owns or is employed by a funeral home or mortuary.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney and the Aging Services Division of the Department of Health and

Human Services his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging Services Division of the Department of Health and Human Services, must be forwarded to the Aging Services Division within 90 days after the completion of the report.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, the Aging Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if he is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

~~[Sec. 41.]~~ ***Sec. 73.*** NRS 200.50935 is hereby amended to read as follows:

200.50935 1. Any person who is described in subsection 3 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited or isolated shall:

(a) Report the abuse, neglect, exploitation or isolation of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the vulnerable person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

3. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, marriage and family therapist, ***clinical professional counselor, clinical alcohol and drug abuse counselor,*** alcohol ~~[or]~~ ***and*** drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator,

manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of a vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide nursing in the home.

(e) Any employee of the Department of Health and Human Services.

(f) Any employee of a law enforcement agency or an adult or juvenile probation officer.

(g) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.

(h) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of a vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(i) Every social worker.

(j) Any person who owns or is employed by a funeral home or mortuary.

4. A report may be made by any other person.

5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

6. A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.

7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 74. **NRS 209.448 is hereby amended to read as follows:**

209.448 1. An offender who has no serious infraction of the regulations of the Department or the laws of the State recorded against him must be allowed, in addition to the credits provided pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a deduction of not more than 30 days from the maximum term of his sentence for the successful completion of a program of treatment for the abuse of alcohol or drugs which is conducted jointly by the Department and a person who is licensed ***as a clinical alcohol and drug abuse counselor, licensed*** or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern ***or a clinical alcohol and drug abuse counselor intern,*** pursuant to chapter 641C of NRS.

2. The provisions of this section apply to any offender who is sentenced on or after October 1, 1991.

Sec. 75. **NRS 211.340 is hereby amended to read as follows:**

211.340 1. In addition to the credits on a term of imprisonment provided for in NRS 211.310, 211.320 and 211.330, the sheriff of the county or the chief of police of the municipality in which a prisoner is incarcerated may deduct not more than 5 days from his term of imprisonment if the prisoner:

(a) Successfully completes a program of treatment for the abuse of alcohol or drugs which is conducted jointly by the local detention facility in which he is incarcerated and a person who is licensed ***as a clinical alcohol and drug abuse counselor, licensed*** or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern ***or a clinical alcohol and drug abuse counselor intern,*** pursuant to chapter 641C of NRS; and

(b) Is awarded a certificate evidencing his successful completion of the program.

2. The provisions of this section apply to any prisoner who is sentenced on or after October 1, 1991, to a term of imprisonment of 90 days or more.

Sec. 76. **NRS 372.7285 is hereby amended to read as follows:**

372.7285 1. In administering the provisions of NRS 372.325, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) "Medicare" means the program of health insurance for aged and disabled persons established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech pathologist, licensed hearing aid specialist, licensed marriage

and family therapist, ***clinical professional counselor,*** chiropractor or doctor of Oriental medicine in any form.

Sec. 77. **NRS 374.731 is hereby amended to read as follows:**

374.731 1. In administering the provisions of NRS 374.330, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) "Medicare" means the program of health insurance for aged and disabled persons established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech pathologist, licensed hearing aid specialist, licensed marriage and family therapist, ***clinical professional counselor,*** chiropractor or doctor of Oriental medicine in any form.

~~[Sec. 42.]~~ ***Sec. 78.*** NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is

receiving child care outside of his home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, marriage and family therapist, ***clinical professional counselor,*** ***clinical alcohol and drug counselor,*** alcohol ~~[or]~~ ***and*** drug abuse counselor, clinical social worker, athletic trainer, advanced emergency medical technician or other person providing medical services licensed or certified in this State.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of suspected abuse or neglect of a child by a member of the staff of the hospital.

(c) A coroner.

(d) A clergyman, practitioner of Christian Science or religious healer, unless he has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A social worker and an administrator, teacher, librarian or counselor of a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) An attorney, unless he has acquired the knowledge of the abuse or neglect from a client who is or may be accused of the abuse or neglect.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for an approved youth shelter. As used in this paragraph, "approved youth shelter" has the meaning ascribed to it in NRS 244.422.

(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the report and submit to an agency which provides child welfare services his written findings. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

Sec. 79. **NRS 433.209 is hereby amended to read as follows:**

433.209 "Person professionally qualified in the field of psychiatric mental health" means:

1. A psychiatrist licensed to practice medicine in the State of Nevada and certified by the American Board of Psychiatry and Neurology;

2. A psychologist licensed to practice in this State;

3. A social worker who holds a master's degree in social work, is licensed by the State as a clinical social worker and is employed by the Division;

4. A registered nurse who:

(a) Is licensed to practice professional nursing in this State;

(b) Holds a master's degree in the field of psychiatric nursing; and

(c) Is employed by the Division ~~[.]~~ ***;***

5. A marriage and family therapist licensed pursuant to chapter 641A of NRS ~~[.]~~ ***; or***

6. A clinical professional counselor licensed pursuant to chapter 641A of NRS.

Sec. 80. **NRS 433.265 is hereby amended to read as follows:**

433.265 Any person employed by the Division as a psychiatrist, psychologist, marriage and family therapist, ***clinical professional counselor,*** registered nurse or social worker must be licensed or certified by the appropriate state licensing board for his respective profession.

Sec. 81. **NRS 433A.018 is hereby amended to read as follows:**

433A.018 "Person professionally qualified in the field of psychiatric mental health" means:

1. A psychiatrist licensed to practice medicine in this State who is certified by the American Board of Psychiatry and Neurology;

2. A psychologist licensed to practice in this State;

3. A social worker who holds a master's degree in social work, is licensed by the State as a clinical social worker and is employed by the Division;

4. A registered nurse who:

(a) Is licensed to practice professional nursing in this State;

(b) Holds a master's degree in the field of psychiatric nursing; and

(c) Is employed by the Division; ~~[or]~~

5. A marriage and family therapist licensed pursuant to chapter 641A of NRS ~~[.]~~ ***; or***

6. A clinical professional counselor licensed pursuant to chapter 641A of NRS.

Sec. 82. **NRS 433A.160 is hereby amended to read as follows:**

433A.160 1. Except as otherwise provided in subsection 2, an application for the emergency admission of an allegedly mentally ill person for evaluation, observation and treatment may only be made by an accredited agent of the Department, an officer authorized to make arrests in the State of Nevada or a physician, psychologist, marriage and family therapist, ***clinical professional counselor,*** social worker or registered nurse. The agent, officer, physician, psychologist, marriage and family therapist, ***clinical professional counselor,*** social worker or registered nurse may:

(a) Without a warrant:

(1) Take an allegedly mentally ill person into custody to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Transport the allegedly mentally ill person to a public or private mental health facility or hospital for that purpose, or arrange for the person to be transported by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the Transportation Services Authority;

(III) An entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421; or

(IV) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

➥ only if the agent, officer, physician, psychologist, marriage and family therapist, ***clinical professional counselor,*** social worker or registered nurse has, based upon his personal observation of the allegedly mentally ill person, probable cause to believe that the person is a mentally ill person and, because of that illness, is likely to harm himself or others if allowed his liberty.

(b) Apply to a district court for an order requiring:

(1) Any peace officer to take an allegedly mentally ill person into custody to allow the applicant for the order to apply for the emergency admission of the allegedly mentally ill person for evaluation, observation and treatment; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport the allegedly mentally ill person to a public or private mental health facility or hospital for that purpose.

➥ The district court may issue such an order only if it is satisfied that there is probable cause to believe that the allegedly mentally ill person is a mentally ill person and, because of that illness, is likely to harm himself or others if allowed his liberty.

2. An application for the emergency admission of an allegedly mentally ill person for evaluation, observation and treatment may be made by a spouse, parent, adult child or legal guardian of the person. The spouse, parent, adult child or legal guardian and any other person who has a legitimate interest in the allegedly mentally ill person may apply to a district court for an order described in paragraph (b) of subsection 1.

3. The application for the emergency admission of an allegedly mentally ill person for evaluation, observation and treatment must reveal the circumstances under which the person was taken into custody and the reasons therefor.

4. ~~[As used in subsection 1, "an accredited agent of the Department" means any person appointed or designated by the Director of the Department to take into custody and transport to a mental health facility pursuant to subsections 1 and 2 those persons in need of emergency admission.~~

~~5.]~~ Except as otherwise provided in this subsection, each person admitted to a public or private mental health facility or hospital under an emergency admission must be evaluated at the time of admission by a psychiatrist or a psychologist. If a psychiatrist or a psychologist is not available to conduct an evaluation at the time of admission, a physician may conduct the evaluation. Each such emergency admission must be approved by a psychiatrist.

5. As used in this section, "an accredited agent of the Department" means any person appointed or designated by the Director of the Department to take into custody and transport to a mental health facility pursuant to subsections 1 and 2 those persons in need of emergency admission.

Sec. 83. **NRS 433B.090 is hereby amended to read as follows:**

433B.090 "Person professionally qualified in the field of psychiatric mental health" means:

1. A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology;

2. A psychologist licensed to practice in this State;

3. A social worker who holds a master's degree in social work, is licensed by the State as a clinical social worker and is employed by the Division;

4. A registered nurse who:

(a) Is licensed to practice professional nursing in this State;

(b) Holds a master's degree in the field of psychiatric nursing; and

(c) Is employed by the Division or the Division of Mental Health and Developmental Services of the Department; ~~[or]~~

5. A marriage and family therapist licensed pursuant to chapter 641A of NRS ~~[.]~~ ***; or***

6. A clinical professional counselor licensed pursuant to chapter 641A of NRS.

Sec. 84. **NRS 433B.160 is hereby amended to read as follows:**

433B.160 1. A person employed by the Division as a psychiatrist, psychologist, marriage and family therapist, ***clinical professional counselor,*** registered nurse or social worker must be licensed or certified by the appropriate state licensing board for his respective profession.

2. Any psychiatrist who is employed by the Division must be certified by the American Board of Psychiatry and Neurology within 5 years after his first date of employment with the Division. The Administrator shall terminate the employment of any psychiatrist who fails to receive that certification.

Sec. 85. **NRS 433B.170 is hereby amended to read as follows:**

433B.170 The Administrator shall not employ any psychiatrist, psychologist, social worker, registered nurse ***, clinical professional counselor*** or marriage and family therapist who is unable to demonstrate proficiency in the oral and written expression of the English language.

Sec. 86. **NRS 442.003 is hereby amended to read as follows:**

442.003 As used in this chapter, unless the context requires otherwise:

1. "Advisory Board" means the Advisory Board on Maternal and Child Health.

2. "Department" means the Department of Health and Human Services.

3. "Director" means the Director of the Department.

4. "Fetal alcohol syndrome" includes fetal alcohol effects.

5. "Health Division" means the Health Division of the Department.

6. "Obstetric center" has the meaning ascribed to it in NRS 449.0155.

7. "Provider of health care or other services" means:

(a) ~~[An]~~ ***A clinical alcohol and drug abuse counselor who is licensed, or an*** alcohol and drug abuse counselor who is licensed or certified ***,*** pursuant to chapter 641C of NRS;

(b) A physician or a physician assistant who is licensed pursuant to chapter 630 or an osteopathic physician who is licensed pursuant to chapter 633 of NRS and who practices in the area of obstetrics and gynecology, family practice, internal medicine, pediatrics or psychiatry;

(c) A licensed nurse;

(d) A licensed psychologist;

(e) A licensed marriage and family therapist;

(f) ***A licensed clinical professional counselor;***

(g) A licensed social worker; or

~~[(g)]~~ ***(h)*** The holder of a certificate of registration as a pharmacist.

Sec. 87. **NRS 484.37937 is hereby amended to read as follows:**

484.37937 1. An offender who is found guilty of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792, other than an offender who is found to have a concentration of alcohol of 0.18 or more in his blood or breath, may, at that time or any time before he is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse which is certified by the Health Division of the Department of Health and Human Services for at least 6 months. The court shall authorize that treatment if:

(a) The offender is diagnosed as an alcoholic or abuser of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified ***, or a clinical alcohol and drug abuse counselor who is licensed,*** pursuant to chapter 641C of NRS to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners;

(b) The offender agrees to pay the cost of the treatment to the extent of his financial resources; and

(c) The offender has served or will serve a term of imprisonment in jail of 1 day, or has performed or will perform 24 hours of community service.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the question of whether the offender is eligible to undergo a program of treatment for alcoholism or drug abuse. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion. The hearing must be limited to the question of whether the offender is eligible to undergo such a program of treatment.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

4. If the court grants an application for treatment, the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment facility, that he complete the treatment satisfactorily and that he comply with any other condition ordered by the court.

(c) Advise the offender that:

(1) If he is accepted for treatment by such a facility, he may be placed under the supervision of the facility for a period not to exceed 3 years and during treatment he may be confined in an institution or, at the discretion of the facility, released for treatment or supervised aftercare in the community.

(2) If he is not accepted for treatment by such a facility or he fails to complete the treatment satisfactorily, he shall serve the sentence imposed by

the court. Any sentence of imprisonment must be reduced by a time equal to that which he served before beginning treatment.

(3) If he completes the treatment satisfactorily, his sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the minimum fine provided for the offense in NRS 484.3792, but the conviction must remain on his record of criminal history.

5. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as otherwise provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of any condition of the suspension.

6. The court shall notify the Department, on a form approved by the Department, upon granting the application of the offender for treatment and his failure to be accepted for or complete treatment.

Sec. 88. **NRS 484.3794 is hereby amended to read as follows:**

484.3794 1. An offender who is found guilty of a violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792 may, at that time or any time before he is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse which is certified by the Health Division of the Department of Health and Human Services for at least 1 year if:

(a) The offender is diagnosed as an alcoholic or abuser of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified ***, or a clinical alcohol and drug abuse counselor who is licensed,*** pursuant to chapter 641C of NRS to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners;

(b) The offender agrees to pay the costs of the treatment to the extent of his financial resources; and

(c) The offender has served or will serve a term of imprisonment in jail of 5 days and, if required pursuant to NRS 484.3792, has performed or will perform not less than one-half of the hours of community service.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the matter. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

4. If the court determines that an application for treatment should be granted, the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment facility, that he complete the treatment satisfactorily and that he comply with any other condition ordered by the court.

(c) Advise the offender that:

(1) If he is accepted for treatment by such a facility, he may be placed under the supervision of the facility for a period not to exceed 3 years and during treatment he may be confined in an institution or, at the discretion of the facility, released for treatment or supervised aftercare in the community.

(2) If he is not accepted for treatment by such a facility or he fails to complete the treatment satisfactorily, he shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which he served before beginning treatment.

(3) If he completes the treatment satisfactorily, his sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the minimum provided for the offense in NRS 484.3792, but the conviction must remain on his record of criminal history.

5. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as otherwise provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of a condition of the suspension.

6. The court shall notify the Department, on a form approved by the Department, upon granting the application of the offender for treatment and his failure to be accepted for or complete treatment.

Sec. 89. **NRS 484.37943 is hereby amended to read as follows:**

484.37943 1. If an offender is found guilty of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792 and if the concentration of alcohol in the offender's blood or breath at the time of the offense was 0.18 or more, or if an offender is found guilty of a violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792, the court shall, before sentencing the offender, require an evaluation of the offender pursuant to subsection 3, 4, 5 or 6 to determine whether he is an abuser of alcohol or other drugs.

2. If an offender is convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792 and if the offender is under 21 years of age at the time of the violation, the court shall, before sentencing the offender, require an evaluation of the offender pursuant to subsection 3, 4, 5 or 6 to determine whether he is an abuser of alcohol or other drugs.

3. Except as otherwise provided in subsection 4, 5 or 6, the evaluation of an offender pursuant to this section must be conducted at an evaluation center by:

(a) An alcohol and drug abuse counselor who is licensed or certified ***, or a clinical alcohol and drug abuse counselor who is licensed,*** pursuant to chapter 641C of NRS to make that evaluation; or

(b) A physician who is certified to make that evaluation by the Board of Medical Examiners,

➥ who shall report to the court the results of the evaluation and make a recommendation to the court concerning the length and type of treatment required for the offender.

4. The evaluation of an offender who resides more than 30 miles from an evaluation center may be conducted outside an evaluation center by a person who has the qualifications set forth in subsection 3. The person who conducts the evaluation shall report to the court the results of the evaluation and make a recommendation to the court concerning the length and type of treatment required for the offender.

5. The evaluation of an offender who resides in another state may, upon approval of the court, be conducted in the state where the offender resides by a physician or other person who is authorized by the appropriate governmental agency in that state to conduct such an evaluation. The offender shall ensure that the results of the evaluation and the recommendation concerning the length and type of treatment for the offender are reported to the court.

6. The evaluation of an offender who resides in this State may, upon approval of the court, be conducted in another state by a physician or other person who is authorized by the appropriate governmental agency in that state to conduct such an evaluation if the location of the physician or other person in the other state is closer to the residence of the offender than the nearest location in this State at which an evaluation may be conducted. The offender shall ensure that the results of the evaluation and the recommendation concerning the length and type of treatment for the offender are reported to the court.

7. An offender who is evaluated pursuant to this section shall pay the cost of the evaluation. An evaluation center or a person who conducts an evaluation in this State outside an evaluation center shall not charge an offender more than $100 for the evaluation.

Sec. 90. **NRS 484.3796 is hereby amended to read as follows:**

484.3796 1. Before sentencing an offender for a violation of NRS 484.379 that is punishable as a felony pursuant to NRS 484.3792 or a violation of NRS 484.3795 or 484.37955, the court shall require that the offender be evaluated to determine whether he is an abuser of alcohol or drugs and whether he can be treated successfully for his condition.

2. The evaluation must be conducted by:

(a) An alcohol and drug abuse counselor who is licensed or certified ***, or a clinical alcohol and drug abuse counselor who is licensed,*** pursuant to chapter 641C of NRS to make such an evaluation;

(b) A physician who is certified to make such an evaluation by the Board of Medical Examiners; or

(c) A psychologist who is certified to make such an evaluation by the Board of Psychological Examiners.

3. The alcohol and drug abuse counselor, ***clinical alcohol and drug abuse counselor,*** physician or psychologist who conducts the evaluation shall immediately forward the results of the evaluation to the Director of the Department of Corrections.

Sec. 91. **NRS 488.430 is hereby amended to read as follows:**

488.430 1. Before sentencing a defendant pursuant to NRS 488.420, 488.425 or 488.427, the court shall require that the defendant be evaluated to determine whether he is an abuser of alcohol or drugs and whether he can be treated successfully for his condition.

2. The evaluation must be conducted by:

(a) An alcohol and drug abuse counselor who is licensed or certified ***, or a clinical alcohol and drug abuse counselor who is licensed,*** pursuant to chapter 641C of NRS to make such an evaluation;

(b) A physician who is certified to make such an evaluation by the Board of Medical Examiners; or

(c) A psychologist who is certified to make such an evaluation by the Board of Psychological Examiners.

3. The alcohol and drug abuse counselor, ***clinical alcohol and drug abuse counselor,*** physician or psychologist who conducts the evaluation shall immediately forward the results of the evaluation to the Director of the Department of Corrections.

Sec. 92. **Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:**

If any policy of health insurance provides coverage for treatment of an illness which is within the authorized scope of practice of a licensed clinical alcohol and drug abuse counselor, the insured is entitled to reimbursement for treatment by a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS.

~~[Sec. 43.]~~ ***Sec. 93.*** NRS 689A.0483 is hereby amended to read as follows:

689A.0483 If any policy of health insurance provides coverage for treatment of an illness which is within the authorized scope of ~~[the]~~ practice of a licensed marriage and family therapist ~~[,]~~ ***or licensed clinical professional counselor*** , ~~[or licensed advanced alcohol and drug abuse counselor,]~~ the insured is entitled to reimbursement for treatment by a marriage and family therapist ~~[,]~~ ***or clinical professional counselor*** ~~[or advanced alcohol and drug abuse counselor]~~ who is licensed pursuant to chapter 641A ~~[or 641C]~~ of NRS.

Sec. 94. **Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:**

If any policy of group health insurance provides coverage for treatment of an illness which is within the authorized scope of practice of a licensed clinical alcohol and drug abuse counselor, the insured is entitled to reimbursement for treatment by a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS.

~~[Sec. 44.]~~ ***Sec. 95.*** NRS 689B.0383 is hereby amended to read as follows:

689B.0383 If any policy of group health insurance provides coverage for treatment of an illness which is within the authorized scope of ~~[the]~~ practice of a licensed marriage and family therapist ~~[,]~~ ***or licensed clinical professional counselor*** ~~*[or licensed advanced alcohol and drug abuse counselor,]*~~ the insured is entitled to reimbursement for treatment by a marriage and family therapist ~~*[,]*~~ ***or clinical professional counselor*** ~~*[or advanced alcohol and drug abuse counselor]*~~ who is licensed pursuant to chapter 641A ~~*[or 641C]*~~ of NRS.

Sec. 96. **Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:**

If any contract for hospital or medical service provides coverage for treatment of an illness which is within the authorized scope of practice of a licensed clinical alcohol and drug abuse counselor, the insured is entitled to reimbursement for treatment by a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS.

~~[Sec. 45.]~~ ***Sec. 97.*** NRS 695B.1973 is hereby amended to read as follows:

695B.1973 If any contract for hospital or medical service provides coverage for treatment of an illness which is within the authorized scope of ~~[the]~~ practice of a licensed marriage and family therapist ~~[,]~~ ***or licensed clinical professional counselor*** ~~*[or licensed advanced alcohol and drug abuse counselor,]*~~ the insured is entitled to reimbursement for treatment by a marriage and family therapist ~~*[,]*~~ ***or clinical professional counselor*** ~~*[or advanced alcohol and drug abuse counselor]*~~ who is licensed pursuant to chapter 641A ~~*[or 641C]*~~ of NRS.

Sec. 98. **Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:**

If any evidence of coverage provides coverage for treatment of an illness which is within the authorized scope of practice of a licensed clinical alcohol and drug abuse counselor, the insured is entitled to reimbursement for treatment by a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS.

~~[Sec. 46.]~~ ***Sec. 99.*** NRS 695C.1773 is hereby amended to read as follows:

695C.1773 If any evidence of coverage provides coverage for treatment of an illness which is within the authorized scope of ~~[the]~~ practice of a

licensed marriage and family therapist ~~[,]~~ ***or licensed clinical professional counselor*** ~~*[or licensed advanced alcohol and drug abuse counselor,]*~~ the insured is entitled to reimbursement for treatment by a marriage and family therapist ~~*[,]*~~ ***or clinical professional counselor*** ~~*[or advanced alcohol and drug abuse counselor]*~~ who is licensed pursuant to chapter 641A ~~*[or 641C]*~~ of NRS.

Sec. 100. **1. As soon as practicable on or after July 1, 2007, the Governor shall, pursuant to paragraph (b) of subsection 1 of NRS 641A.100, as amended by section 16 of this act, appoint to the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors:**

(a) One member whose term ends on June 30, 2010; and

(b) One member whose term ends on June 30, 2011.

2. Notwithstanding the provisions of section 16 of this act, the members described in subsection 1 that the Governor is required to appoint to the Board must have the qualifications for licensure as a clinical professional counselor set forth in section 8 of this act at the time of their appointment to the Board.

~~[Sec. 47.]~~ ***Sec. 101.*** 1. This section and sections 1 to ~~[17,]~~ **20,** inclusive, and ~~[19 to 46,]~~ **22 to 100,** inclusive, of this act become effective on July 1, 2007, for the ~~[purpose]~~ **purposes** of **appointing members to the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors and** adopting regulations to carry out the amendatory provisions of this act, and on January 1, 2008, for all other purposes.

2. Section ~~[17]~~ **20** of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

3. Section ~~[18]~~ **21** of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a procedure to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

4. Sections ~~[18 and 24]~~ **21 and 27** of this act expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666

requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 478.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 600.

AN ACT relating to financial services; making the provisions governing certain short-term loan services applicable to any person who makes a loan pursuant to a loan agreement that charges in excess of a certain annual percentage rate regardless of the term of the loan; revising the calculation of the annual percentage rate to include ~~[all]~~ **certain** charges and fees imposed on a customer by a licensee; **revising the allowable term of certain loans;** providing exemptions from certain statutory provisions; clarifying the applicability of certain provisions; making persons who violate certain provisions of federal law subject to certain remedies and penalties set forth in state law; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes standards and procedures for the licensing and regulation of loans made pursuant to loan agreements that provide for an annual percentage rate of more than 40 percent and require repayment of the loan in less than 1 year. (Chapter 604A of NRS) This bill revises the applicability of those standards and procedures to make them applicable to any person who makes a loan pursuant to a loan agreement that charges an annual percentage rate of more than 40 percent regardless of the term of the loan. This bill redefines such a loan as a "high-interest loan" and the loan service for such a loan as a "high-interest loan service." This bill also provides that **, subject to certain exceptions,** the original term of a deferred deposit loan ~~[or]~~ **must not exceed 35 days and the original term of a** high-interest loan must not exceed 30 days.

Under existing law, the annual percentage rate of such loans is required to be calculated pursuant to the provisions of the Truth in Lending Act and Regulation Z. (NRS 604A.150) This bill provides an exception to that requirement by specifying that **, subject to certain exceptions,** every charge or fee, regardless of the name given to the charge or fee, payable directly or

indirectly by the customer and imposed directly or indirectly by the ~~[licensee]~~ **lender** must be included in calculating the annual percentage rate.

Existing law provides for the licensure of persons who make installment loans. (Chapter 675 of NRS) This bill provides for the licensure of such persons pursuant to chapter 604A of NRS if the loans are high-interest loans.

Existing law exempts certain persons and entities from the provisions of chapter 604A of NRS. (NRS 604A.250) This bill extends the exemption to national banking associations and their affiliates and subsidiaries, unless a purpose of the affiliation is to evade the provisions of that chapter.

Existing law exempts certain persons and entities from the provisions of chapter 675 of NRS. (NRS 675.040) This bill extends the exemption to national banking associations. This bill also clarifies the persons to whom chapter 675 of NRS applies.

Existing federal law imposes limitations on the terms of consumer credit that is extended to members of the Armed Forces of the United States who are on active duty and their dependents, including, without limitation, a prohibition against a lender imposing an interest rate greater than 36 percent. The federal law preempts any state law that is inconsistent with the federal law. (Section 670 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364) This bill provides that any violation of the federal law shall be deemed to be a violation of chapter 604A of NRS, thereby making violators subject to the remedies and penalties set forth in that chapter, including the imposition of an administrative fine of not more than $10,000 for each violation, the revocation or suspension of a license issued pursuant to that chapter and civil actions for damages. (NRS 604A.820, 604A.930)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 604A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***1. "High-interest loan" means a loan made to a customer pursuant to a loan agreement which, under its original terms, charges an annual percentage rate of more than 40 percent.***

2. The term includes, without limitation, any single-payment loan, installment loan or open-ended loan which, under its original terms, charges an annual percentage rate of more than 40 percent.

3. The term does not include:

(a) A deferred deposit loan;

(b) A refund anticipation loan; or

(c) A title loan.

Sec. 3. ***"High-interest loan service" means any person engaged in the business of providing high-interest loans for a fee, service charge or other consideration.***

Sec. 4. ~~*[For]*~~

1. Except as otherwise provided in this section, for the purposes of ~~[this chapter, in]~~ determining whether a loan is a high-interest loan, when determining whether a lender is charging an annual percentage rate of more than 40 percent, calculations must be made in accordance with the Truth in Lending Act and Regulation Z, except that every charge or fee, regardless of the name given to the charge or fee, payable directly or indirectly by the customer and imposed directly or indirectly by the ~~[licensee]~~ lender must be included in calculating the annual percentage rate ~~[.]~~ , including, without limitation:

(a) Interest;

(b) Application fees, regardless of whether such fees are charged to all applicants or credit is actually extended;

(c) Fees charged for participation in a credit plan, whether assessed on an annual, periodic or nonperiodic basis; and

(d) Prepaid finance charges.

2. The following charges and fees must be excluded from the calculation of the annual percentage rate pursuant to subsection 1:

(a) Any fees allowed pursuant to NRS 604A.490 or 675.365 for a check not paid upon presentment or an electronic transfer of money that fails;

(b) Interest accrued after default pursuant to paragraph (c) of subsection 1 of NRS 604A.485; and

(c) Charges for an unanticipated late payment, exceeding a credit limit, or a delinquency, default or similar occurrence.

3. Calculation of the annual percentage rate in the manner specified in this section is limited only to the determination of whether a loan is a high-interest loan and must not be used in compliance with the disclosure requirements of paragraph (g) of subsection 2 of NRS 604A.410 or any other provisions of this chapter requiring disclosure of an annual percentage rate in the making of a loan.

Sec. 5. ~~*[Notwithstanding any other provision of this chapter to the contrary,]*~~

1. Except as otherwise provided in this chapter, the original term of a ~~[deferred]~~ :

(a) Deferred deposit loan ~~[or high-interest]~~ must not exceed 35 days.

(b) High-interest loan must not exceed 30 days.

2. The original term of a high-interest loan may be up to 90 days if:

(a) The loan provides for payments in installments;

(b) The payments are calculated to ratably and fully amortize the entire amount of principal and interest payable on the loan;

(c) The loan is not subject to any extension; and

(d) The loan does not require a balloon payment of any kind.

3. Notwithstanding the provisions of NRS 604A.480, a licensee shall not agree to establish or extend the period for the repayment, renewal, refinancing or consolidation of an outstanding deferred deposit loan or

high-interest loan for a period that exceeds 90 days after the date of origination of the loan.

Sec. 6. ***A violation of any provision of section 670 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364, or any regulation adopted pursuant thereto shall be deemed to be a violation of this chapter.***

Sec. 7. NRS 604A.010 is hereby amended to read as follows:

604A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 604A.015 to 604A.125, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 8. NRS 604A.015 is hereby amended to read as follows:

604A.015 1. "Automated loan machine" means any machine or other device, regardless of the name given to it or the technology used, that:

(a) Is automated;

(b) Is designed or intended to allow a customer, without any additional assistance from another person, to receive or attempt to receive a deferred deposit loan or ~~[short-term]~~ ***high-interest*** loan through the machine or other device; and

(c) Is set up, installed, operated or maintained by or on behalf of the person making the loan or any agent, affiliate or subsidiary of the person.

2. The term does not include any machine or other device used directly by a customer to access the Internet unless the machine or other device is made available to the customer by the person making the loan or any agent, affiliate or subsidiary of the person.

Sec. 9. NRS 604A.040 is hereby amended to read as follows:

604A.040 "Customer" means any person who receives or attempts to receive check-cashing services, deferred deposit loan services, ~~[short-term]~~ ***high-interest*** loan services or title loan services from another person.

Sec. 10. NRS 604A.075 is hereby amended to read as follows:

604A.075 "Licensee" means any person who has been issued one or more licenses to operate a check-cashing service, deferred deposit loan service, ~~[short-term]~~ ***high-interest*** loan service or title loan service pursuant to the provisions of this chapter.

Sec. 11. NRS 604A.080 is hereby amended to read as follows:

604A.080 "Loan" means any deferred deposit loan, ~~[short-term]~~ ***high-interest*** loan or title loan, or any extension or repayment plan relating to such a loan, made at any location or through any method, including, without limitation, at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means.

Sec. 11.5. **NRS 604A.105 is hereby amended to read as follows:**

604A.105 1. "Title loan" means a loan made to a customer pursuant to a loan agreement which, under its original terms:

(a) Charges an annual percentage rate of more than 35 percent; and

(b) Requires the customer to secure the loan by ~~[giving]~~ ***either:***

(1) Giving possession of the title to a vehicle legally owned by the customer to the ~~[person making the loan, or to]~~ ***licensee or*** any agent, affiliate or subsidiary of the ~~[person, whether or not the person making the loan or taking possession of the title perfects a security interest in the vehicle by having the person's name noted on the title as a lienholder.]~~ ***licensee; or***

(2) Perfecting a security interest in the vehicle by having the name of the licensee or any agent, affiliate or subsidiary of the licensee noted on the title as a lienholder.

2. The term does not include ~~[:~~

~~(a) A]~~ ***a*** loan which creates a purchase-money security interest in a vehicle or the refinancing of any such loan ***.*** ~~[; or~~

~~(b) Any other loan for which a vehicle is used as security or collateral if the person making the loan, or any agent, affiliate or subsidiary of the person, does not take possession of the title.]~~

Sec. 12. NRS 604A.200 is hereby amended to read as follows:

604A.200 ~~[The]~~ ***Notwithstanding any provision of NRS 604A.500, the*** provisions of this chapter apply to any person who seeks to evade its application by any device, subterfuge or pretense, including, without limitation ~~[, calling]~~ ***:***

1. Calling a loan by any other name ~~[or using]~~ ***;***

2. Using any agents, affiliates or subsidiaries in an attempt to avoid the application of the provisions of this chapter ~~[.]~~ ***; or***

3. Having any affiliation or other business arrangement with an entity that is exempt from the provisions of this chapter pursuant to subsection 1 of NRS 604A.250, the effect of which is to evade the provisions of this chapter, including, without limitation, making a loan while purporting to be the agent of such an exempt entity where the purported agent holds, acquires or maintains a ~~[predominate]~~ material economic interest in the revenues generated by the loan.

Sec. 13. NRS 604A.250 is hereby amended to read as follows:

604A.250 The provisions of this chapter do not apply to:

1. ~~[A]~~ ***Except as otherwise provided in NRS 604A.200, a*** person doing business pursuant to the authority of any law of this State or of the United States relating to banks, ***national banking associations,*** savings banks, trust companies, savings and loan associations, credit unions, development corporations, mortgage brokers, mortgage bankers, thrift companies or insurance companies ~~[.]~~ ***, including, without limitation, any affiliate or subsidiary of such a person regardless of whether the affiliate or subsidiary is a bank.***

2. A person who is primarily engaged in the retail sale of goods or services who:

(a) As an incident to or independently of a retail sale or service, from time to time cashes checks for a fee or other consideration of not more than $2; and

(b) Does not hold himself out as a check-cashing service.

3. A person while performing any act authorized by a license issued pursuant to chapter 671 of NRS.

4. A person who holds a nonrestricted gaming license issued pursuant to chapter 463 of NRS while performing any act in the course of that licensed operation.

5. A person who is exclusively engaged in a check-cashing service relating to out-of-state checks.

6. A corporation organized pursuant to the laws of this State that has been continuously and exclusively engaged in a check-cashing service in this State since July 1, 1973.

7. A pawnbroker, unless the pawnbroker operates a check-cashing service, deferred deposit loan service, ~~[short-term]~~ ***high-interest*** loan service or title loan service.

8. A real estate investment trust, as defined in 26 U.S.C. § 856.

9. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

10. An attorney at law rendering services in the performance of his duties as an attorney at law if the loan is secured by real property.

11. A real estate broker rendering services in the performance of his duties as a real estate broker if the loan is secured by real property.

12. Any firm or corporation:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.

13. A person who provides money for investment in loans secured by a lien on real property, on his own account.

14. A seller of real property who offers credit secured by a mortgage of the property sold.

15. A person who makes a refund anticipation loan, unless the person operates a check-cashing service, deferred deposit loan service, ~~[short-term]~~ ***high-interest*** loan service or title loan service.

Sec. 14. NRS 604A.400 is hereby amended to read as follows:

604A.400 1. A person, including, without limitation, a person licensed pursuant to chapter 675 of NRS, shall not operate a check-cashing service, deferred deposit loan service, ~~[short-term]~~ ***high-interest*** loan service or title loan service unless the person is licensed with the Commissioner pursuant to the provisions of this chapter.

2. A person must have a license regardless of the location or method that the person uses to operate such a service, including, without limitation, at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network,

system, device or means, except that the person shall not operate such a service through any automated loan machine in violation of the provisions of subsection 3.

3. A person shall not operate a deferred deposit loan service or ~~[short-term]~~ ***high-interest*** loan service through any automated loan machine, and the Commissioner shall not issue a license that authorizes the licensee to conduct business through any automated loan machine.

4. Any person, and any member, officer, director, agent or employee thereof, who violates or participates in the violation of any provision of this section is guilty of a misdemeanor.

Sec. 15. NRS 604A.405 is hereby amended to read as follows:

604A.405 1. A licensee shall post in a conspicuous place in every location at which he conducts business under his license:

(a) A notice that states the fees he charges for providing check-cashing services, deferred deposit loan services, ~~[short-term]~~ ***high-interest*** loan services or title loan services.

(b) A notice that states a toll-free telephone number to the Office of the Commissioner to handle concerns or complaints of customers.

➥ The Commissioner shall adopt regulations prescribing the form and size of the notices required by this subsection.

2. If a licensee offers loans to customers at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means, except for an automated loan machine prohibited by NRS 604A.400, the licensee shall, as appropriate to the location or method for making the loan, post in a conspicuous place where customers will see it before they enter into a loan, or disclose in an open and obvious manner to customers before they enter into a loan, a notice that states:

(a) The types of loans the licensee offers and the fees he charges for making each type of loan; and

(b) A list of the states where the licensee is licensed or authorized to conduct business from outside this State with customers located in this State.

3. A licensee who provides check-cashing services shall give written notice to each customer of the fees he charges for cashing checks. The customer must sign the notice before the licensee provides the check-cashing service.

Sec. 15.5. **NRS 604A.410 is hereby amended to read as follows:**

604A.410 1. Before making any loan to a customer, a licensee shall provide to the customer a written loan agreement which may be kept by the customer and which must be written in:

(a) English, if the transaction is conducted in English; or

(b) Spanish, if the transaction is conducted in Spanish.

2. The loan agreement must include, without limitation, the following information:

(a) The name and address of the licensee and the customer;

(b) The nature of the security for the loan, if any;

(c) The date and amount of the loan, amount financed, annual percentage rate, finance charge, total of payments, payment schedule and a description and the amount of every fee charged, regardless of the name given to the fee and regardless of whether the fee is required to be included in the finance charge under the Truth in Lending Act and Regulation Z;

(d) A disclosure of the right of the customer to rescind a loan pursuant to the provisions of this chapter;

(e) A disclosure of the right of the customer to pay his loan in full or in part with no additional charge pursuant to the provisions of this chapter;

(f) A disclosure stating that, if the customer defaults on the loan, the ~~[customer has the opportunity within 30 days of the date of default to enter into a repayment plan with a term of at least 90 days, and that the]~~ licensee must offer ~~[the]~~ ***a*** repayment plan to the customer before the licensee ***sells or assigns the debt or*** commences any civil action or process of alternative dispute resolution or, if appropriate for the loan, before the licensee repossesses a vehicle; and

(g) Any other disclosures required under the Truth in Lending Act and Regulation Z or under any other applicable federal or state statute or regulation.

Sec. 16. NRS 604A.420 is hereby amended to read as follows:

604A.420 1. If a customer is ~~[called to active duty in]~~ ***a member of*** the military, a licensee shall:

(a) ~~[Defer for the duration of the active duty all collection activity against the customer and his property, including, without limitation, any community property in which the customer has an interest; and~~

~~(b)]~~ Honor the terms of any repayment plan between the licensee and customer, including, without limitation, any repayment plan negotiated through military counselors or third-party credit counselors.

(b) Honor any proclamation by a base commander that a certain branch location of the licensee is off-limits to members of the military and their spouses.

2. ~~[When collecting any defaulted loan,]~~ ***If a customer is a member of the military,*** a licensee shall not:

(a) Garnish or threaten to garnish any wages or salary ~~[paid to a customer for active service in the military;]~~ ***of the customer or his spouse;*** or

(b) Contact or threaten to contact the military chain of command of a customer in an effort to collect the ~~[defaulted]~~ loan.

3. ***If a customer is a member of the military and is deployed to a combat or combat supporting position, a licensee shall not engage in any collection activity against the customer or his spouse.***

4. As used in this section, "military" means the Armed Forces of the United States, a reserve component thereof or the National Guard.

Sec. 17. NRS 604A.425 is hereby amended to read as follows:

604A.425 1. A licensee shall not:

(a) Make a deferred deposit loan that exceeds 25 percent of the expected gross monthly income of the customer when the loan is made; or

(b) Make a ~~[short-term]~~ ***high-interest*** loan which, under the terms of the loan agreement, requires any monthly payment that exceeds 25 percent of the expected gross monthly income of the customer.

2. A licensee is not in violation of the provisions of this section if the customer presents evidence of his gross monthly income to the licensee and represents to the licensee in writing that:

(a) For a deferred deposit loan, the loan does not exceed 25 percent of his expected gross monthly income when the loan is made; or

(b) For a ~~[short-term]~~ ***high-interest*** loan, the monthly payment required under the terms of the loan agreement does not exceed 25 percent of his expected gross monthly income.

Sec. 18. NRS 604A.430 is hereby amended to read as follows:

604A.430 A licensee shall not make more than one deferred deposit loan or ~~[short-term]~~ ***high-interest*** loan to the same customer at one time or before any outstanding balance is paid in full on an existing loan made by that licensee to the customer unless:

1. The customer is seeking multiple loans that do not exceed the limits set forth in NRS 604A.425;

2. The licensee charges the same or a lower ***fee or service charge if it is a deferred deposit loan, or the same or a lower*** annual percentage rate ***of interest if it is a high-interest loan,*** for any additional loans as he charged for the initial loan;

3. Except for that part of the finance charge which consists of interest only, the licensee does not impose any other charge or fee to initiate any additional loans, except that a licensee who makes deferred deposit loans or ~~[short-term]~~ ***high-interest*** loans in accordance with the provisions of subsection 2 of NRS 604A.480 may charge a reasonable fee for preparing documents in an amount that does not exceed $50; and

4. If the additional loans are deferred deposit loans and the customer provides one or more additional checks that are not paid upon presentment ~~[.]~~ ***or one or more electronic transfers of money fail,*** the licensee does not charge any fees to the customer pursuant to NRS 604A.490, except for the fees allowed pursuant to that section for the first check that is not paid upon presentment ~~[.]~~ ***or electronic transfer of money that failed.***

Sec. 19. NRS 604A.435 is hereby amended to read as follows:

604A.435 A licensee shall not:

1. Accept:

(a) Collateral as security for a loan, except that a title to a vehicle may be accepted as security for a title loan.

(b) An assignment of wages, salary, commissions or other compensation for services, whether earned or to be earned, as security for a loan.

(c) A check as security for a ~~[short-term]~~ ***high-interest*** loan or title loan.

(d) More than one check or written authorization for an electronic transfer of money for each deferred deposit loan.

(e) A check or written authorization for an electronic transfer of money for any deferred deposit loan in an amount which exceeds the total of payments set forth in the disclosure statement required by the Truth in Lending Act and Regulation Z that is provided to the customer.

2. Take any note or promise to pay which does not disclose the date and amount of the loan, amount financed, annual percentage rate, finance charge, total of payments, payment schedule and a description and the amount of every fee charged, regardless of the name given to the fee and regardless of whether the fee is required to be included in the finance charge under the Truth in Lending Act and Regulation Z.

3. Take any instrument, including a check or written authorization for an electronic transfer of money, in which blanks are left to be filled in after the loan is made.

4. Make any transaction contingent on the purchase of insurance or any other goods or services or sell any insurance to the customer with the loan.

5. Fail to comply with a payment plan which is negotiated and agreed to by the licensee and customer.

6. Charge any fee to cash a check representing the proceeds of a loan made by the licensee or any agent, affiliate or subsidiary of the licensee.

Sec. 19.5. **NRS 604A.445 is hereby amended to read as follows:**

604A.445 Notwithstanding any other provision of this chapter to the contrary:

1. The original term of a title loan must not exceed 30 days.

2. The title loan may be extended for not more than six additional periods of extension, with each such period not to exceed 30 days, if:

(a) Any interest or charges accrued during the original term of the title loan or any period of extension of the title loan are not capitalized or added to the principal amount of the title loan during any subsequent period of extension;

(b) The annual percentage rate charged on the title loan during any period of extension is not more than the annual percentage rate charged on the title loan during the original term; and

(c) No additional origination fees, set-up fees, collection fees, transaction fees, negotiation fees, handling fees, processing fees, late fees, default fees or any other fees, regardless of the name given to the fees, are charged in connection with any extension of the title loan.

3. The original term of a title loan may be up to 210 days if:

(a) The loan provides for payments in installments;

(b) The payments are calculated to ratably and fully amortize the entire amount of principal and interest payable on the loan;

(c) The loan is not subject to any extension; and

(d) The loan does not require a balloon payment of any kind.

Sec. 20. NRS 604A.460 is hereby amended to read as follows:

604A.460 1. A customer may rescind a loan on or before the close of business on the next day of business at the location where the loan was initiated. To rescind the loan, the customer must deliver to the licensee:

(a) A sum of money equal to the face value of the loan, less any fee charged to the customer to initiate the loan; or

(b) The original check, if any, which the licensee gave to the customer pursuant to the loan. Upon receipt of the original check, the licensee shall refund any fee charged to the customer to initiate the loan.

2. If a customer rescinds a loan pursuant to this section, the licensee:

(a) Shall not charge the customer any fee for rescinding the loan; and

(b) Upon receipt of the sum of money or check pursuant to subsection 1, shall give to the customer a receipt showing the account paid in full and:

(1) If the customer gave to the licensee a check or a written authorization for an electronic transfer of money to initiate a deferred deposit loan, the check or written authorization stamped "void";

(2) If the customer gave to the licensee a promissory note to initiate a ~~[short-term]~~ ***high-interest*** loan, a copy of the promissory note stamped "void" or the receipt stamped "paid in full"; or

(3) If the customer gave to the licensee a title to a vehicle to initiate the title loan, the title.

Sec. 21. NRS 604A.465 is hereby amended to read as follows:

604A.465 1. A customer may pay a loan, or any extension thereof, in full at any time, without an additional charge or fee, before the date his final payment on the loan, or any extension thereof, is due.

2. If a customer pays the loan in full, including all interest, charges and fees negotiated and agreed to by the licensee and customer as permitted under this chapter, the licensee shall:

(a) Give to the customer:

(1) If the customer gave to the licensee a check or a written authorization for an electronic transfer of money to initiate a deferred deposit loan, the check or the written authorization stamped "void";

(2) If the customer gave to the licensee a promissory note to initiate a ~~[short-term]~~ ***high-interest*** loan, the promissory note stamped "void" or a receipt stamped "paid in full"; or

(3) If the customer gave to the licensee a title to a vehicle to initiate a title loan, the title; and

(b) Give to the customer a receipt with the following information:

(1) The name and address of the licensee;

(2) The identification number assigned to the loan agreement or other information that identifies the loan;

(3) The date of the payment;

(4) The amount paid;

(5) An itemization of interest, charges and fees;

(6) A statement that the loan is paid in full; and

(7) If more than one loan made by the licensee to the customer was outstanding at the time the payment was made, a statement indicating to which loan the payment was applied.

Sec. 21.5. **NRS 604A.475 is hereby amended to read as follows:**

604A.475 1. Before a licensee attempts to collect the outstanding balance on a loan in default by ***assigning or selling the debt,*** commencing any civil action or process of alternative dispute resolution or ~~[by]~~ repossessing a vehicle, the licensee shall offer the customer an opportunity to enter into a repayment plan. The licensee:

(a) Is required to make the offer available to the customer for a period of at least 30 days after the date of default; and

(b) Is not required to make such an offer more than once for each loan.

2. ~~[Not]~~ ***If the licensee intends to assign or sell the debt, commence any civil action or process of alternative dispute resolution or repossess a vehicle in an effort to collect a defaulted loan, the licensee shall deliver to the customer, not*** later than 15 days after the date of default, ~~[the licensee shall provide to the customer]~~ written notice of the opportunity to enter into a repayment plan. The written notice must:

(a) Be in English, if the initial transaction was conducted in English, or in Spanish, if the initial transaction was conducted in Spanish;

(b) State the date by which the customer must act to enter into a repayment plan;

(c) Explain the procedures the customer must follow to enter into a repayment plan;

(d) If the licensee requires the customer to make an initial payment to enter into a repayment plan, explain the requirement and state the amount of the initial payment and the date the initial payment must be made;

(e) State that the customer has the opportunity to enter into a repayment plan with a term of at least 90 days after the date of default; and

(f) Include the following amounts:

(1) The total of payments or the remaining balance on the original loan;

(2) Any payments made on the loan;

(3) Any charges added to the loan amount allowed pursuant to the provisions of this chapter; and

(4) The total amount due if the customer enters into a repayment plan.

3. Under the terms of any repayment plan pursuant to this section:

(a) The customer must enter into the repayment plan not later than 30 days after the date of default, unless the licensee allows a longer period;

(b) The licensee must allow the period for repayment to extend at least 90 days after the date of default, unless the customer agrees to a shorter term;

(c) The licensee may require the customer to make an initial payment of not more than 20 percent of the total amount due under the terms of the repayment plan;

(d) For a deferred deposit loan:

(1) The licensee may require a customer to provide, as security, one or more checks or written authorizations for an electronic transfer of money which equal the total amount due under the terms of the repayment plan;

(2) The licensee shall, if the customer makes a payment in the amount of a check or written authorization taken as security for that payment, return to the customer the check or written authorization stamped "void" or destroy the check or written authorization; and

(3) The licensee shall not charge any fee to the customer pursuant to NRS 604A.490 for a check which is provided as security during the repayment plan and which is not paid upon presentment if, in connection with that loan, the licensee has previously charged at least one such fee.

4. If the licensee and customer enter into a repayment plan pursuant to this section, the licensee shall honor the terms of the repayment plan, and the licensee shall not:

(a) Except as otherwise provided by this chapter, charge any other amount to a customer, including, without limitation, any amount or charge payable directly or indirectly by the customer and imposed directly or indirectly by the licensee as an incident to or as a condition of entering into a repayment plan. Such an amount includes, without limitation:

(1) Any interest, regardless of the name given to the interest, other than the interest charged pursuant to the original loan agreement at a rate which does not exceed the annual percentage rate charged during the term of the original loan agreement; or

(2) Any origination fees, set-up fees, collection fees, transaction fees, negotiation fees, handling fees, processing fees, late fees, default fees or any other fees, regardless of the name given to the fee;

(b) Except as otherwise provided in this section, accept any additional security or collateral from the customer to enter into the repayment plan;

(c) Sell to the customer any insurance or require the customer to purchase insurance or any other goods or services to enter into the repayment plan;

(d) Make any other loan to the customer, unless the customer is seeking multiple loans that do not exceed the limit set forth in NRS 604A.425;

(e) During the term of the repayment plan, attempt to collect the outstanding balance by commencing any civil action or process of alternative dispute resolution or by repossessing a vehicle, unless the customer defaults on the repayment plan; or

(f) Attempt to collect an amount that is greater than the amount owed under the terms of the repayment plan.

5. If the licensee and customer enter into a repayment plan pursuant to this section, the licensee shall:

(a) Prepare a written agreement establishing the repayment plan; and

(b) Give the customer a copy of the written agreement. The written agreement must:

(1) Be signed by the licensee and customer; and

(2) Contain all of the terms of the repayment plan, including, without limitation, the total amount due under the terms of the repayment plan.

6. Each time a customer makes a payment pursuant to a repayment plan, the licensee shall give to the customer a receipt with the following information:

(a) The name and address of the licensee;

(b) The identification number assigned to the loan agreement or other information that identifies the loan;

(c) The date of the payment;

(d) The amount paid;

(e) The balance due on the loan or, when the customer makes the final payment, a statement that the loan is paid in full; and

(f) If more than one loan made by the licensee to the customer was outstanding at the time the payment was made, a statement indicating to which loan the payment was applied.

7. If the customer defaults on the repayment plan, the licensee may, to collect the outstanding balance, commence any civil action or process of alternative dispute resolution or repossess a vehicle as otherwise authorized pursuant to this chapter.

Sec. 22. NRS 604A.480 is hereby amended to read as follows:

604A.480 1. Except as otherwise provided in subsection 2, if a customer agrees ***in writing*** to establish or extend the period for the repayment, renewal, refinancing or consolidation of an outstanding loan by using the proceeds of a new deferred deposit loan or ~~[short-term]~~ ***high-interest*** loan to pay the balance of the outstanding loan, the licensee shall not establish or extend ~~[such a]~~ ***the*** period beyond 60 days after the expiration of the initial loan period. ***The licensee shall not add any unpaid interest or other charges accrued during the original term of the outstanding loan or any extension of the outstanding loan to the principal amount of the new deferred deposit loan or high-interest loan.***

2. This section does not apply to a ***new*** deferred deposit loan or ~~[short-term]~~ ***high-interest*** loan if the licensee:

(a) Makes the ***new*** deferred deposit loan or ~~[short-term]~~ ***high-interest*** loan to a customer pursuant to a loan agreement which, under its original terms:

(1) Charges an annual percentage rate of less than 200 percent;

(2) Requires the customer to make a payment on the loan at least once every 30 days;

(3) Requires the loan to be paid in full in not less than 150 days; and

(4) Provides that interest does not accrue on the loan at the annual percentage rate set forth in the loan agreement after the date of maturity of the loan;

(b) Performs a credit check of the customer with a major consumer reporting agency before making the loan;

(c) Reports information relating to the loan experience of the customer to a major consumer reporting agency;

(d) Gives the customer the right to rescind the ***new*** deferred deposit loan or ~~[short term]~~ ***high-interest*** loan within 5 days after the loan is made without charging the customer any fee for rescinding the loan;

(e) Participates in good faith with a counseling agency that is:

(1) Accredited by the Council on Accreditation for Services for Families and Children, Inc., or its successor organization; and

(2) A member of the National Foundation for Credit Counseling, or its successor organization; and

(f) Does not commence any civil action or process of alternative dispute resolution on a defaulted loan or any extension or repayment plan thereof.

Sec. 22.5. **NRS 604A.485 is hereby amended to read as follows:**

604A.485 1. ~~[Except as otherwise provided in NRS 604A.445, if]~~ ***If*** a customer defaults on a loan or on any extension or repayment plan relating to the loan, whichever is later, the licensee may collect only the following amounts from the customer, less all payments made before and after default:

(a) The ***unpaid*** principal amount of the loan.

(b) The ***unpaid*** interest ***, if any,*** accrued before the ~~[expiration of the initial loan period]~~ ***default*** at the annual percentage rate set forth in the disclosure statement required by the Truth in Lending Act and Regulation Z that is provided to the customer. If there is an extension ***, in writing and signed by the customer,*** relating to the loan, the licensee may charge and collect interest pursuant to this paragraph for a period not to exceed 60 days after the expiration of the initial loan period, unless otherwise allowed by NRS 604A.480.

(c) The interest accrued after the expiration of the initial loan period or after any extension or repayment plan that is allowed pursuant to this chapter, whichever is later, at an annual percentage rate not to exceed the prime rate at the largest bank in Nevada, as ascertained by the Commissioner, on January 1 or July 1, as the case may be, immediately preceding the expiration of the initial loan period, plus 10 percent. The licensee may charge and collect interest pursuant to this paragraph for a period not to exceed 90 days. After that period, the licensee shall not charge or collect any interest on the loan.

(d) Any fees allowed pursuant to NRS 604A.490 for a check that is not paid upon presentment ***or an electronic transfer of money that fails*** because the account of the customer contains insufficient funds or has been closed.

2. Except for the interest and fees permitted pursuant to subsection 1 and any other charges expressly permitted pursuant to NRS 604A.430, 604A.445 and 604A.475, the licensee shall not charge any other amount to a customer, including, without limitation, any amount or charge payable directly or indirectly by the customer and imposed directly or indirectly by the licensee as an incident to or as a condition of the extension of the period for the payment of the loan or the extension of credit. Such ~~[an amount includes,]~~ ***prohibited amounts include,*** without limitation:

(a) Any interest, other than the interest charged pursuant to subsection 1, regardless of the name given to the interest; or

(b) Any origination fees, set-up fees, collection fees, transaction fees, negotiation fees, handling fees, processing fees, late fees, default fees or any other fees, regardless of the name given to the fee.

Sec. 22.7. **NRS 604A.490 is hereby amended to read as follows:**

604A.490 1. A licensee may collect a fee of not more than $25 if a check is not paid upon presentment ***or an electronic transfer of money fails*** because the account of the customer contains insufficient funds or has been closed.

2. If the account of the customer contains insufficient funds, the licensee may collect only two fees of $25 each regardless of the number of times the check is presented for payment ~~[.]~~ ***or the electronic transfer of money is attempted.***

3. If the account of the customer has been closed, the licensee may collect only one fee of $25 regardless of the number of times the check is presented ***or the electronic transfer of money is attempted*** for payment.

4. A customer is not liable for damages pursuant to NRS 41.620 or to criminal prosecution for a violation of chapter 205 of NRS unless the customer acted with criminal intent.

Sec. 23. NRS 604A.655 is hereby amended to read as follows:

604A.655 1. Except as otherwise provided in this section, a licensee may not conduct the business of making loans within any office, suite, room or place of business in which any other lending business is solicited or engaged in, except an insurance agency or notary public, or in association or conjunction with any other business, unless authority to do so is given by the Commissioner.

2. A licensee may conduct the business of making loans in the same office or place of business as:

(a) A mortgage broker if:

(1) The licensee and the mortgage broker:

(I) Maintain separate accounts, books and records;

(II) Are subsidiaries of the same parent corporation; and

(III) Maintain separate licenses; and

(2) The mortgage broker is licensed by this State pursuant to chapter 645B of NRS and does not receive money to acquire or repay loans or maintain trust accounts as provided by NRS 645B.175.

(b) A mortgage banker if:

(1) The licensee and the mortgage banker:

(I) Maintain separate accounts, books and records;

(II) Are subsidiaries of the same parent corporation; and

(III) Maintain separate licenses; and

(2) The mortgage banker is licensed by this State pursuant to chapter 645E of NRS and, if the mortgage banker is also licensed as a mortgage

broker pursuant to chapter 645B of NRS, does not receive money to acquire or repay loans or maintain trust accounts as provided by NRS 645B.175.

3. If a pawnbroker is licensed to operate a check-cashing service, deferred deposit loan service, ~~[short-term]~~ ***high-interest*** loan service or title loan service, the pawnbroker may operate that service at the same office or place of business from which he conducts business as a pawnbroker pursuant to chapter 646 of NRS.

Sec. 24. NRS 604A.710 is hereby amended to read as follows:

604A.710 1. For the purpose of discovering violations of this chapter or ~~[of]~~ securing information lawfully required under this chapter, the Commissioner or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:

(a) Any licensee;

(b) Any other person engaged in the business of making loans or participating in such business as principal, agent, broker or otherwise; and

(c) Any person who the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.

2. For the purpose of examination, the Commissioner or his authorized representatives shall have and be given free access to the offices and places of business, and the files, safes and vaults of such persons.

3. For the purposes of this section, any person who advertises for, solicits or holds himself out as willing to make any deferred deposit loan, ~~[short-term]~~ ***high-interest*** loan or title loan is presumed to be engaged in the business of making loans.

Sec. 25. NRS 604A.920 is hereby amended to read as follows:

604A.920 If a person operates a check-cashing service, deferred deposit loan service, ~~[short-term]~~ ***high-interest*** loan service or title loan service without obtaining a license pursuant to this chapter:

1. Any contracts entered into by that person for the cashing of a check or for a deferred deposit loan, ~~[short-term]~~ ***high-interest*** loan or title loan are voidable by the other party to the contract; and

2. In addition to any other remedy or penalty, the other party to the contract may bring a civil action against the person pursuant to NRS 604A.930.

Sec. 26. NRS 604A.930 is hereby amended to read as follows:

604A.930 1. Subject to the affirmative defense set forth in subsection 3, in addition to any other remedy or penalty, if a person violates any provision of NRS 604A.400, 604A.410 to 604A.500, inclusive, 604A.610, 604A.615, 604A.650 or 604A.655 ***or section 6 of this act*** or any regulation adopted pursuant thereto, the customer may bring a civil action against the person for ***:*** ~~[any or all of the following relief:]~~

(a) Actual and consequential damages;

(b) Punitive damages, which are subject to the provisions of NRS 42.005;

(c) Reasonable attorney's fees and costs; and

(d) Any other legal or equitable relief that the court deems appropriate.

2. Subject to the affirmative defense set forth in subsection 3, in addition to any other remedy or penalty, the customer may bring a civil action against a person pursuant to subsection 1 to recover an additional amount, as statutory damages, which is equal to $1,000 for each violation if the person knowingly:

(a) Operates a check-cashing service, deferred deposit loan service, ~~[short-term]~~ ***high-interest*** loan service or title loan service without a license, in violation of NRS 604A.400;

(b) Fails to include in a loan agreement a disclosure of the right of the customer to rescind the loan, in violation of NRS 604A.410;

(c) Violates any provision of NRS 604A.420;

(d) Accepts collateral or security for a deferred deposit loan, in violation of NRS 604A.435, except that a check or written authorization for an electronic transfer of money shall not be deemed to be collateral or security for a deferred deposit loan;

(e) Uses or threatens to use the criminal process in this State or any other state to collect on a loan made to the customer, in violation of NRS 604A.440;

(f) Includes in any written agreement a promise by the customer to hold the person harmless, a confession of judgment by the customer or an assignment or order for the payment of wages or other compensation due the customer, in violation of NRS 604A.440;

(g) Violates any provision of NRS 604A.485; ~~[or]~~

(h) Violates any provision of NRS 604A.490 ~~[.]~~ ***; or***

(i) Violates any provision of section 6 of this act.

3. A person may not be held liable in any civil action brought pursuant to this section if the person proves, by a preponderance of evidence, that the violation:

(a) Was not intentional;

(b) Was technical in nature; and

(c) Resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

4. For the purposes of subsection 3, a bona fide error includes, without limitation, clerical errors, calculation errors, computer malfunction and programming errors and printing errors, except that an error of legal judgment with respect to the person's obligations under this chapter is not a bona fide error.

Sec. 27. NRS 99.050 is hereby amended to read as follows:

99.050 ~~[Parties]~~ ***Except as otherwise provided in section 670 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364, or any regulation adopted pursuant thereto, parties*** may agree for the payment of any rate of interest on money due or to become

due on any contract, for the compounding of interest if they choose, and for any other charges or fees. The parties shall specify in writing the rate upon which they agree, that interest is to be compounded if so agreed, and any other charges or fees to which they have agreed.

Sec. 28. Chapter 675 of NRS is hereby amended by adding thereto a new section to read as follows:

The provisions of this chapter apply to any person who:

1. Makes installment loans that are not subject to regulation pursuant to chapter 604A of NRS;

2. Is an affiliate or holding company of a bank, national banking association, savings bank, trust company, savings and loan association, credit union, development corporation, mortgage broker, mortgage banker, thrift company or insurance company; or

3. Seeks to evade its application by any device, subterfuge or pretense, including, without limitation:

(a) Calling a loan by any other name;

(b) Using any agents, affiliates or subsidiaries in an attempt to avoid the application of the provisions of this chapter; or

(c) Having any affiliation or other business arrangement with an entity that is exempt from the provisions of this chapter pursuant to subsection 1 of NRS 675.040, the effect of which is to evade the provisions of this chapter, including, without limitation, making a loan while purporting to be the agent of such an exempt entity where the purported agent holds, acquires or maintains a ~~[predominate]~~ material economic interest in the revenues generated by the loan.

Sec. 29. **NRS 675.040 is hereby amended to read as follows:**

675.040 This chapter does not apply to:

1. ~~[A]~~ ***Except as otherwise provided in section 28 of this act, a*** person doing business under the authority of any law of this State or of the United States relating to banks, ***national banking associations,*** savings banks, trust companies, savings and loan associations, credit unions, development corporations, mortgage brokers, mortgage bankers, thrift companies, pawnbrokers or insurance companies.

2. A real estate investment trust, as defined in 26 U.S.C. § 856.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his duties as an attorney at law if the loan is secured by real property.

5. A real estate broker rendering services in the performance of his duties as a real estate broker if the loan is secured by real property.

6. Except as otherwise provided in this subsection, any firm or corporation:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.

7. A person who provides money for investment in loans secured by a lien on real property, on his own account.

8. A seller of real property who offers credit secured by a mortgage of the property sold.

9. A person holding a nonrestricted state gaming license issued pursuant to the provisions of chapter 463 of NRS.

10. A person licensed to do business pursuant to chapter 604A of NRS with regard to those services regulated pursuant to chapter 604A of NRS.

Sec. 29.5. **NRS 675.060 is hereby amended to read as follows:**

675.060 1. No person may engage in the business of lending in this State without first having obtained a license from the Commissioner pursuant to this chapter for each office or other place of business at which the person engages in such business, except that if a person intends to engage in the business of lending in this State as a deferred deposit loan service, ~~[short-term]~~ ***high-interest*** loan service or title loan service, as those terms are defined in chapter 604A of NRS, the person must obtain a license from the Commissioner pursuant to chapter 604A of NRS before the person may engage in any such business.

2. For the purpose of this section, a person engages in the business of lending in this State if he:

(a) Solicits loans in this State or makes loans to persons in this State, unless these are isolated, incidental or occasional transactions; or

(b) Is located in this State and solicits loans outside of this State or makes loans to persons located outside of this State, unless these are isolated, incidental or occasional transactions.

Sec. 29.7. **NRS 675.365 is hereby amended to read as follows:**

675.365 In addition to the interest allowed pursuant to NRS 675.363, a licensee may, pursuant to the agreement for a loan for an indefinite term, receive from the borrower or add to the unpaid balance in that borrower's account:

1. Any fees imposed on the licensee pursuant to this chapter;

2. Any charge for insurance under NRS 675.300;

3. A charge not exceeding 25 cents for each transaction in which a loan or advance is made pursuant to the agreement or an annual fee for the use of an open-end account in an amount not to exceed $20;

4. If the interest calculated for any billing cycle pursuant to NRS 675.363 is less than 50 cents:

(a) For a billing cycle which is monthly or longer, a charge in an amount not exceeding 50 cents; or

(b) For a billing cycle less than monthly, a charge in an amount equal to that portion of 50 cents which bears the same relation to 50 cents as the number of days in the billing cycle bear to 365 divided by 12;

5. For any check written by the borrower to the licensee which is returned ~~[for]~~ ***, or any electronic transfer of money that fails, because of*** insufficient funds, a charge of $10 or in an amount equal to the charges imposed on the licensee because of his reliance on that check ~~[,]~~ ***or electronic transfer of money,*** whichever amount is greater; and

6. Any charge assessed the licensee by a third party for the printing and distribution of any checks, drafts or other instruments to be used by the borrower in obtaining advances pursuant to the agreement.

Sec. 30. NRS 604A.095 and 604A.100 are hereby repealed.

Sec. 31. Any license to operate a short-term loan service that was issued by the Commissioner of Financial Institutions pursuant to chapter 604A of NRS before July 1, 2007, shall be deemed to be a license to operate a high-interest loan service which was issued by the Commissioner pursuant to the provisions of chapter 604A of NRS and which expires on the date on which the license to operate a short-term loan service would have expired pursuant to the provisions of NRS 604A.640.

Sec. 32. 1. A license to engage in the business of lending in this State which was issued by the Commissioner of Financial Institutions pursuant to chapter 675 of NRS before July 1, 2007, to a person who, pursuant to the provisions of this act, is subject to regulation only pursuant to chapter 604A of NRS, shall be deemed to be a license issued by the Commissioner pursuant to chapter 604A of NRS. Such a license expires on December 31, 2007, and may be renewed on or before its expiration in accordance with NRS 604A.640. Upon the renewal of such a license, the Commissioner shall issue to the holder of the license a license pursuant to chapter 604A of NRS in lieu of the license issued pursuant to chapter 675 of NRS.

2. Any person who is licensed pursuant to chapter 675 of NRS to engage in the business of lending in this State on June 30, 2007, may continue to operate in the same location upon becoming licensed pursuant to chapter 604A of NRS, notwithstanding any ordinance or other zoning regulation to the contrary. This subsection does not exempt such a person from any provision of chapter 604A of NRS or any regulation adopted pursuant thereto.

Sec. 33. The amendatory provisions of this act do not apply to loans entered into before July 1, 2007.

Sec. 34. This act becomes effective on July 1, 2007.

TEXT OF REPEALED SECTIONS

604A.095 "Short-term loan" defined.

1. "Short-term loan" means a loan made to a customer pursuant to a loan agreement which, under its original terms:

(a) Charges an annual percentage rate of more than 40 percent; and

(b) Requires the loan to be paid in full in less than 1 year.

2. The term does not include:

(a) A deferred deposit loan;

(b) A title loan; or

(c) A refund anticipation loan.

604A.100 "Short-term loan service" defined. "Short-term loan service" means any person engaged in the business of providing short-term loans for a fee, service charge or other consideration.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 506.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 461.

SUMMARY—~~[Eliminating the deadline for registering to vote in an election.]~~ **Requires the Secretary of State and the county clerks of each county to study the feasibility of changing the deadline for registering to vote in an election.** (BDR ~~[24-1338)]~~ **S-1338**)

AN ACT relating to elections; ~~[eliminating the deadline for registering to vote in an election;]~~ **requiring the Secretary of State and the county clerks of each county to study the feasibility of changing the deadline for registering to vote in an election;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the period for registering to vote at an election ends at 9 p.m. on the third Tuesday preceding an election. For the period beginning on the fifth Sunday preceding an election and ending on the third Tuesday preceding an election, an elector may register to vote only by appearing in person at the office of the county clerk. (NRS 293.560) This bill ~~[eliminates the deadline for registering to vote for an election and provides that a person may register to vote at the office of the county or city clerk from the period beginning on the fifth Sunday preceding an election until the polls close on election day.]~~ **requires the Secretary of State and the county clerks for each county jointly to study the feasibility of changing the deadline for registering to vote to any date closer to the date of the election up to and including election day. This bill also requires the Secretary of State and the county clerks to submit a report concerning the results of the study to the 75th Regular Session of the Nevada Legislature.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 11 of this bill and replace with the following new sections 1 and 2:

Section 1. **1. The Secretary of State and the county clerk of each county jointly shall study the feasibility of changing the deadline for registration of voters to allow qualified electors to register to vote in an election on any date closer to the election up to and including the date of the election;**

2. The study conducted pursuant to subsection 1 must include, without limitation, an analysis of:

(a) The potential for logistical and technical problems in conducting an election if the deadline for the registration of voters is changed;

(b) Any fiscal impact that would be likely to result from changing the deadline for the registration of voters;

(c) The occurrence of voter fraud that would be likely to result from changing the deadline for the registration of voters;

(d) The impact on voter turnout that would be likely to result from changing the deadline for the registration of voters; and

(e) A review of the methods by which other states have provided for the registration of voters on the date of the election.

3. On or before February 1, 2009, the Secretary of State and the county clerks of each county jointly shall submit a written report of the results of the study conducted pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

Sec. 2. **This act becomes effective on July 1, 2007.**

Assemblywoman Koivisto moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 605.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 513.

AN ACT relating to ethics in government; ~~[requiring the Commission on Ethics to provide a course for certain elected public officers and lobbyists about relevant ethics laws; making various changes concerning the use of governmental time, property, equipment or other facility by public officers or employees and Legislators; increasing the civil penalties for willful violation of ethics laws;]~~ **requiring candidates and elected public officers to obtain the approval of the Secretary of State before establishing a legal defense fund; limiting contributions to a legal defense fund; requiring the filing of a report concerning the contributions to and disbursements from a legal defense fund; enacting various provisions relating to legal defense**

funds; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1 of this bill requires the Commission on Ethics to establish a course for elected public officers and lobbyists about relevant provisions of law concerning ethics with which they must comply. (NRS 281.471) Section 4 of this bill requires a person who is elected to office or appointed to an elected office to complete the course not later than 2 months after his election or appointment. (NRS 281.552) Section 5 of this bill requires a person who registers as a lobbyist to complete the course not later than 2 weeks after such registration. A person is not required to complete the course more than one time.~~

~~Section 2 of this bill prohibits a public officer, public employee and Legislators from using governmental time, property, equipment or other facility for an activity relating to a political campaign or the preparation of a campaign related report required pursuant to chapter 294A of NRS. Legislators and other elected public officers are further prohibited from using governmental time, property, equipment or other facility for the preparation of a statement of financial disclosure. (NRS 281.481)~~

~~Section 3 of this bill increases the civil penalties that the Commission on Ethics may impose on a public officer or employee or former public officer by $5,000 for willful violations of the ethics laws.]~~

Section 10 of this bill prohibits a candidate or elected public officer from establishing a legal defense fund, unless certain requirements are met. Section 10 also requires, before establishing a legal defense fund, a candidate or elected public officer to obtain the approval of the Secretary of State. To obtain this approval, the candidate or elected public officer must submit to the Secretary of State a "Statement of Purpose," which identifies certain information about the legal defense fund. The Secretary of State must approve the establishment of the legal defense fund if the legal defense fund complies with the requirements of sections 10-16 of this bill and the investigation, claim, case or proceeding for which the fund was established arises from or is directly related to the campaign of the candidate or the campaign or official duties or activities of the public officer.

Sections 11 and 12 of this bill establish certain requirements relating to the operation of a legal defense fund. Section 11 requires the legal defense fund to be managed by a trustee. The trustee must not be a person who has authority over the employees of the candidate or elected public officer who established the fund. Section 12 prohibits the payment of any expenses which do not arise from or are not directly related to the investigation, claim, case or proceeding for which the fund was established.

Section 13 of this bill prohibits a person from making a contribution of more than $10,000 to a legal defense fund. In addition, section 13

prohibits a candidate, elected public officer or trustee of a legal defense fund from soliciting or accepting a contribution of more than $10,000 to a legal defense fund. A person who willfully violates the provisions of section 13 is guilty of a category E felony.

Section 14 of this bill establishes disclosure requirements for a candidate or elected public officer who has established a legal defense fund. A candidate or public officer who has established a legal defense fund must file a quarterly report which discloses certain information concerning contributions to and disbursements from the legal defense fund. Each quarterly report must be signed by the candidate or elected public officer under penalty of perjury.

Section 15 of this bill requires a candidate or elected public officer to dissolve a legal defense fund within 90 days after the conclusion of the investigation, claim, case or proceeding for which it was established and file a notice of dissolution with the Secretary of State. The notice of dissolution must include a statement that the legal defense fund has been dissolved and must disclose the manner in which the legal defense fund disposed of any contributions that were not spent or committed for expenditure.

Section 16 of this bill provides that any contribution to a legal defense fund which has not been spent or committed for expenditure must be returned to contributors, donated to a tax-exempt nonprofit entity, donated to the State General Fund or disposed of in any combination of these methods.

Section 2 of this bill provides that an elected public officer commits a violation of the code of ethics if the elected public officer violates the provisions of sections 10-16 of this bill. (NRS 281.481) Section 20 of this bill provides that a person who violates the provisions of sections 10-16 is subject to a civil penalty of not more than $5,000 for each violation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 281.471 is hereby amended to read as follows:~~

~~281.471 The Commission shall:~~

~~1. Adopt procedural regulations:~~

~~(a) To facilitate the receipt of inquiries by the Commission;~~

~~(b) For the filing of a request for an opinion with the Commission;~~

~~(c) For the withdrawal of a request for an opinion by the person who filed the request; and~~

~~(d) To facilitate the prompt rendition of opinions by the Commission.~~

~~2. Prescribe, by regulation, forms for the submission of statements of financial disclosure and procedures for the submission of statements of financial disclosure filed pursuant to NRS 281.559 and forms and procedures for the submission of statements of acknowledgment filed by public officers~~

~~pursuant to NRS 281.552, maintain files of such statements and make the statements available for public inspection.~~

~~3. Cause the making of such investigations as are reasonable and necessary for the rendition of its opinions pursuant to this chapter.~~

~~4. Except as otherwise provided in NRS 281.559, inform the Attorney General or district attorney of all cases of noncompliance with the requirements of this chapter.~~

~~5. Recommend to the Legislature such further legislation as the Commission considers desirable or necessary to promote and maintain high standards of ethical conduct in government.~~

~~6. Publish a manual for the use of public officers and employees that contains:~~

~~(a) Hypothetical opinions which are abstracted from opinions rendered pursuant to subsection 1 of NRS 281.511, for the future guidance of all persons concerned with ethical standards in government;~~

~~(b) Abstracts of selected opinions rendered pursuant to subsection 2 of NRS 281.511; and~~

~~(c) An abstract of the requirements of this chapter.~~

~~The Legislative Counsel shall prepare annotations to this chapter for inclusion in the Nevada Revised Statutes based on the abstracts and published opinions of the Commission.~~

~~*7. Establish and provide a course for public officers who are elected or appointed to an elected public office about the relevant provisions of law concerning ethics with which they must comply. Such a course must be offered at least two times each month for 2 months after each election at which public officers are elected and at such other times as may be necessary. The Commission may charge a fee to cover the cost of providing such a course.~~

~~*8. Establish and provide a course for lobbyists about the relevant provisions of law concerning ethics with which they must comply. Such a course must be offered at least two times each month for the month preceding a legislative session and the two months immediately following and at such other times as may be necessary. The Commission may charge a fee to cover the cost of providing such a course.]~~ **(Deleted by amendment.)**

Sec. 2. NRS 281.481 is hereby amended to read as follows:

281.481 A code of ethical standards is hereby established to govern the conduct of public officers and employees:

1. A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.

2. A public officer or employee shall not use his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant

pecuniary interest, or any person to whom he has a commitment in a private capacity to the interests of that person. As used in this subsection:

(a) "Commitment in a private capacity to the interests of that person" has the meaning ascribed to "commitment in a private capacity to the interests of others" in subsection 8 of NRS 281.501.

(b) "Unwarranted" means without justification or adequate reason.

3. A public officer or employee shall not participate as an agent of government in the negotiation or execution of a contract between the government and any private business in which he has a significant pecuniary interest.

4. A public officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of his duties as a public officer or employee.

5. If a public officer or employee acquires, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, he shall not use the information to further the pecuniary interests of himself or any other person or business entity.

6. A public officer or employee shall not suppress any governmental report or other document because it might tend to affect unfavorably his pecuniary interests.

7. A public officer or employee, other than a member of the Legislature, shall not use governmental time, property, equipment or other facility to benefit his personal or financial interest. This ~~*[Except as otherwise provided in subsection 9, this]*~~ subsection does not prohibit:

(a) A limited use of governmental property, equipment or other facility for personal purposes if:

(1) The public officer who is responsible for and has authority to authorize the use of such property, equipment or other facility has established a policy allowing the use or the use is necessary as a result of emergency circumstances;

(2) The use does not interfere with the performance of his public duties;

(3) The cost or value related to the use is nominal; and

(4) The use does not create the appearance of impropriety;

(b) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(c) The use of telephones or other means of communication if there is not a special charge for that use.

➥ If a governmental agency incurs a cost as a result of a use that is authorized pursuant to this subsection or would ordinarily charge a member of the general public for the use, the public officer or employee shall promptly reimburse the cost or pay the charge to the governmental agency.

8. A member of the Legislature shall not:

(a) Use governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other

person. This ~~*[Except as otherwise provided in subsection 9, this]*~~ paragraph does not prohibit:

(1) A limited use of state property and resources for personal purposes if:

(I) The use does not interfere with the performance of his public duties;

(II) The cost or value related to the use is nominal; and

(III) The use does not create the appearance of impropriety;

(2) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(3) The use of telephones or other means of communication if there is not a special charge for that use.

(b) Require or authorize a legislative employee, while on duty, to perform personal services or assist in a private activity, except:

(1) In unusual and infrequent situations where the employee's service is reasonably necessary to permit the Legislator or legislative employee to perform his official duties; or

(2) Where such service has otherwise been established as legislative policy.

9. ~~*[A public officer or employee or Legislator shall not use governmental time, property, equipment or other facility for an activity relating to a political campaign or the preparation of a report required pursuant to chapter 294A of NRS. A Legislator or other elected public officer further shall not use governmental time, property, equipment or other facility for an activity relating to the preparation of a statement of financial disclosure required pursuant to NRS 281.559 to 281.581, inclusive.*~~

~~*10.]*~~ A public officer or employee shall not attempt to benefit his personal or financial interest through the influence of a subordinate.

10. ~~*[11.]*~~ A public officer or employee shall not seek other employment or contracts through the use of his official position.

11. A public officer who was elected to the office for which he is serving shall not establish or maintain a legal defense fund for the direct or indirect benefit of the public officer, or solicit or accept contributions to a legal defense fund which is established or maintained for the direct or indirect benefit of the public officer, unless the public officer complies with the provisions of sections 10 to 16, inclusive, of this act. As used in this subsection, "legal defense fund" has the meaning ascribed to it in section 9 of this act.

Sec. 3. ~~[NRS 281.551 is hereby amended to read as follows:~~

~~281.551 1. In addition to any other penalty provided by law, the Commission may impose on a public officer or employee or former public officer or employee civil penalties:~~

~~(a) Not to exceed~~ [$5,000] ~~*$10,000* for a first willful violation of this chapter;~~

~~(b) Not to exceed [$10,000] *$15,000* for a separate act or event that constitutes a second willful violation of this chapter; and~~

~~(c) Not to exceed [$25,000] *$30,000* for a separate act or event that constitutes a third willful violation of this chapter.~~

~~2. In addition to other penalties provided by law, the Commission may impose a civil penalty not to exceed $5,000 and assess an amount equal to the amount of attorney's fees and costs actually and reasonably incurred by the person about whom an opinion was requested pursuant to NRS 281.511 against a person who prevents, interferes with or attempts to prevent or interfere with the discovery or investigation of a violation of this chapter.~~

~~3. If the Commission finds that a violation of a provision of this chapter by a public officer or employee or former public officer or employee has resulted in the realization by another person of a financial benefit, the Commission may, in addition to other penalties provided by law, require the current or former public officer or employee to pay a civil penalty of not more than twice the amount so realized.~~

~~4. If the Commission finds that:~~

~~(a) A willful violation of this chapter has been committed by a public officer removable from office by impeachment only, the Commission shall file a report with the appropriate person responsible for commencing impeachment proceedings as to its finding. The report must contain a statement of the facts alleged to constitute the violation.~~

~~(b) A willful violation of this chapter has been committed by a public officer removable from office pursuant to NRS 283.440, the Commission may file a proceeding in the appropriate court for removal of the officer.~~

~~(c) Three or more willful violations have been committed by a public officer removable from office pursuant to NRS 283.440, the Commission shall file a proceeding in the appropriate court for removal of the officer.~~

~~5. An action taken by a public officer or employee or former public officer or employee relating to NRS 281.481, 281.491, 281.501 or 281.505 is not a willful violation of a provision of those sections if the public officer or employee establishes by sufficient evidence that he satisfied all of the following requirements:~~

~~(a) He relied in good faith upon the advice of the legal counsel retained by the public body which the public officer represents or by the employer of the public employee or upon the manual published by the Commission pursuant to NRS 281.471;~~

~~(b) He was unable, through no fault of his own, to obtain an opinion from the Commission before the action was taken; and~~

~~(c) He took action that was not contrary to a prior published opinion issued by the Commission.~~

~~6. In addition to other penalties provided by law, a public employee who willfully violates a provision of NRS 281.481, 281.491, 281.501 or 281.505 is subject to disciplinary proceedings by his employer and must be referred~~

~~for action in accordance to the applicable provisions governing his employment.~~

~~7. NRS 281.481 to 281.541, inclusive, do not abrogate or decrease the effect of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct of public officers or employees. If the Commission finds that a public officer or employee has committed a willful violation of this chapter which it believes may also constitute a criminal offense, the Commission shall refer the matter to the Attorney General or the district attorney, as appropriate, for a determination of whether a crime has been committed that warrants prosecution.~~

~~8. The imposition of a civil penalty pursuant to subsection 1, 2 or 3 is a final decision for the purposes of judicial review.~~

~~9. A finding by the Commission that a public officer or employee has violated any provision of this chapter must be supported by a preponderance of the evidence unless a greater burden is otherwise prescribed by law.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 281.552 is hereby amended to read as follows:~~

~~281.552 1. *As soon as practicable, but not later than 2 months after a person is elected or appointed to an elected public office, the person must complete a course concerning ethics which is provided by the Commission pursuant to NRS 281.471. A person is not required to complete the course more than one time for the public office for which he has been elected or appointed.*~~

~~*2.* Every public officer shall acknowledge that he has~~ [received,] ~~:~~

~~*(a) Completed the course required pursuant to subsection 1 if he has not previously acknowledged completion; and*~~

~~*(b) Received,* read and understands the statutory ethical standards.~~

~~*3.* The acknowledgment *required pursuant to subsection 2* must be on a form prescribed by the Commission and must accompany the first statement of financial disclosure that the public officer is required to file with the Commission pursuant to NRS 281.559 or the Secretary of State pursuant to NRS 281.561.~~

~~[2.] *4.* The Commission and the Secretary of State shall retain an acknowledgment filed pursuant to this section for 6 years after the date on which the acknowledgment was filed.~~

~~[3.] *5.* Willful refusal to execute and file the acknowledgment required by this section constitutes nonfeasance in office and is a ground for removal pursuant to NRS 283.440.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[Chapter 218 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. As soon as practicable, but not later than 2 weeks after a person files a registration statement pursuant to NRS 218.918, the person must complete a course concerning ethics which is provided by the Commission on Ethics pursuant to NRS 281.471.*~~

~~2. A person is not required to complete the course more than one time.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 218.900 is hereby amended to read as follows:~~

~~218.900 NRS 218.900 to 218.944, inclusive, *and section 5 of this act* may be cited as the Nevada Lobbying Disclosure Act.]~~ **(Deleted by amendment.)**

Sec. 7. ~~[NRS 218.904 is hereby amended to read as follows:~~

~~218.904 As used in NRS 218.900 to 218.944, inclusive, *and section 5 of this act*, the terms defined in NRS 218.905 to 218.916, inclusive, have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 8. **Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 9 to 16, inclusive, of this act.**

Sec. 9. ***"Legal defense fund" means a trust, account or fund established for the payment of legal expenses incurred by a candidate or public officer as a result of defending himself in a civil, criminal or administrative proceeding.***

Sec. 10. ***1. A candidate or public officer shall not establish a legal defense fund, except in accordance with the provisions of this section.***

2. Before establishing a legal defense fund, a candidate or public officer must obtain the approval of the Secretary of State. To obtain the approval of the Secretary of State, the candidate or public officer must submit to the Secretary of State a statement of purpose. The statement of purpose must identify:

(a) The name of the legal defense fund;

(b) The name, address and telephone number of the candidate or public officer;

(c) The name, business address, business telephone number and occupation of the trustee of the legal defense fund;

(d) The investigation, claim, case or proceeding for which the legal defense fund is established;

(e) Whether the nature of the investigation, claim, case or proceeding, is civil, criminal or administrative;

(f) Any limitation on the amount of contributions to the legal defense fund; and

(g) The manner in which the legal defense fund will dispose of contributions to the fund which have not been spent or committed for expenditure.

3. The Secretary of State shall review the statement of purpose submitted pursuant to subsection 2 and shall approve or deny approval for the establishment of the legal defense fund within 5 days after the Secretary of State receives the statement of purpose. The Secretary of State shall approve the establishment of the legal defense fund if:

(a) The statement of purpose indicates that the legal defense fund complies with the requirements of this section and sections 11 to 16, inclusive, of this act; and

(b) The investigation, claim, case or proceeding identified pursuant to paragraph (d) of subsection 2 arises from or is directly related to the campaign of the candidate or the campaign or official duties or activities of the public officer.

4. If the Secretary of State denies approval to establish a legal defense fund, the candidate or public officer seeking approval for the establishment of a legal defense fund is entitled to judicial review of the decision in the manner provided by chapter 233B of NRS.

5. A candidate or public officer who establishes a legal defense fund shall name the legal defense fund as follows: "The (name of candidate or public officer) Legal Defense Fund." If the candidate or public officer establishes more than one legal defense fund, the name of each fund must also be numerically identified in the order in which the fund was established.

Sec. 11. 1. If a candidate or public officer establishes a legal defense fund, the candidate or public officer must appoint a trustee to manage the fund. The trustee must be a natural person who has no authority over the employees of the candidate or public officer who established the legal defense fund.

2. The candidate, public officer and the trustee shall not solicit contributions to the legal defense fund from employees of the candidate, public officer or trustee.

Sec. 12. 1. A legal defense fund shall not pay any expenses other than legal expenses which arise from or are directly related to the investigation, claim, case or proceeding identified pursuant to paragraph (d) of subsection 2 of section 10 of this act.

2. If the nature of the investigation, claim, case or proceeding, as identified pursuant to paragraph (e) of subsection 2 of section 10 of this act, changes, the candidate or public officer who established the legal defense fund must file an amendment to the statement of purpose. The amendment to the statement of purpose must identify the change in the nature of the investigation, claim, case or proceeding.

Sec. 13. 1. A person shall not make a contribution or contributions in an amount which exceeds $10,000 during any 12-month period to a legal defense fund established by a candidate or public officer.

2. A candidate, public officer or the trustee of a legal defense fund shall not solicit or accept a contribution which violates subsection 1.

3. A person shall not:

(a) Make a contribution to a legal defense fund in the name of another person;

(b) Knowingly allow his name to be used to cause a contribution to a legal defense fund to be made in the name of another person or assist in the making of a contribution to a legal defense fund in the name of another person;

(c) Knowingly assist a person to make a contribution to a legal defense fund in the name of another person; or

(d) Knowingly accept a contribution to a legal defense fund made by a person in the name of another person.

4. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. As used in this section, "make a contribution to a legal defense fund in the name of another person" includes, without limitation:

(a) Giving money or an item of value, all or part of which was provided by another person, without disclosing the source of the money or item of value to the recipient at the time the contribution to the legal defense fund is made; and

(b) Giving money or an item of value, all or part of which belongs to the person who is giving the money or item of value, and claiming that the money or item of value belongs to another person.

Sec. 14. 1. If a candidate or public officer establishes a legal defense fund, the candidate or public officer shall file with the Secretary of State a report of the contributions to and disbursements from the legal defense fund not later than:

(a) April 30, for the period from January 1 through March 31;

(b) July 31, for the period from April 1 through June 30;

(c) October 31, for the period from July 1 through September 30; and

(d) January 31, for the period from October 1 of the previous year through December 31 of the previous year.

2. The report required by subsection 1 must:

(a) Be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373;

(b) Be signed by the candidate or public officer under penalty of perjury; and

(c) Disclose:

(1) Each contribution in excess of $100 to the legal defense fund received during the period and contributions received during the period from a contributor which cumulatively exceed $100;

(2) The name and address of each contributor and the date on which the contribution was received for each contribution disclosed pursuant to subparagraph (1);

(3) All disbursements in excess of $100 made from the legal defense fund during the period and disbursements made from the legal defense fund during the period to a single recipient which cumulatively exceed $100; and

(4) The name and address of each recipient and the date on which the disbursement was made for each disbursement disclosed pursuant to subparagraph (3).

Sec. 15. Within 90 days after the conclusion of the investigation, claim, case or proceeding identified pursuant to paragraph (d) of

subsection 2 of section 10 of this act, the legal defense fund must be dissolved and the candidate or public officer who established the legal defense fund must file a notice of dissolution with the Secretary of State. The notice of dissolution must:

1. State that the legal defense fund has been dissolved; and

2. Disclose the manner in which the legal defense fund disposed of contributions to the legal defense fund which were not spent or committed for expenditure.

Sec. 16. 1. If a candidate for state, district, county or township office at a primary or general election or a public officer who was elected to the office for which he is serving establishes a legal defense fund, the candidate or public officer shall not spend a contribution to the legal defense fund for his personal use.

2. Within 90 days after the conclusion of the civil claim, criminal case or administrative proceeding for which the legal defense fund was established, any contributions to the legal defense fund which were not spent or committed for expenditure must be:

(a) Returned to contributors;

(b) Donated to a tax-exempt nonprofit entity;

(c) Donated to the State General Fund; or

(d) Disposed of in any combination of methods provided in paragraphs (a), (b) and (c).

Sec. 17. **NRS 294A.002 is hereby amended to read as follows:**

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.004 to 294A.009, inclusive, ***and section 9 of this act*** have the meanings ascribed to them in those sections.

Sec. 18. **NRS 294A.300 is hereby amended to read as follows:**

294A.300 1. It is unlawful for a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor or the Governor-Elect to solicit or accept any monetary contribution, or solicit or accept a commitment to make such a contribution for any political purpose during the period beginning:

(a) Thirty days before a regular session of the Legislature and ending 30 days after the final adjournment of a regular session of the Legislature;

(b) Fifteen days before a special session of the Legislature is set to commence and ending 15 days after the final adjournment of a special session of the Legislature, if the Governor sets a specific date for the commencement of the special session that is more than 15 days after the Governor issues the proclamation calling for the special session; or

(c) The day after the Governor issues a proclamation calling for a special session of the Legislature and ending 15 days after the final adjournment of a special session of the Legislature if the Governor sets a specific date for the commencement of the special session that is 15 or fewer days after the Governor issues the proclamation calling for the special session.

2. This section does not prohibit ~~[the]~~ **:**

(a) The payment of a salary or other compensation or income to a member of the Legislature, the Lieutenant Governor or the Governor during a session of the Legislature if it is made for services provided as a part of his regular employment or is additional income to which he is entitled.

(b) A member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor or the Governor-Elect from soliciting or accepting contributions, or commitments to make such contributions, to a legal defense fund established pursuant to the provisions of sections 10 to 16, inclusive, of this act.

Sec. 19. **NRS 294A.373 is hereby amended to read as follows:**

294A.373 1. The Secretary of State shall design a single form to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362.

2. ***The Secretary of State shall design a form to be used for the report of contributions to and disbursements from a legal defense fund that is required to be filed pursuant to section 14 of this act.***

3. The ~~[form]~~ ***forms*** designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

~~[3.]~~ ***4.*** Upon request, the Secretary of State shall provide a copy of the ~~[form]~~ ***forms*** designed pursuant to this section to each person, committee, political party and group that is required to file a report described in subsection 1 ~~[.]~~ ***or 2.***

~~[4.]~~ ***5.*** The Secretary of State must obtain the advice and consent of the Legislative Commission before providing a copy of a form designed or revised by the Secretary of State pursuant to this section to a person, committee, political party or group that is required to use the form.

Sec. 20. **NRS 294A.420 is hereby amended to read as follows:**

294A.420 1. If the Secretary of State receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280 or 294A.360 ***or section 14 of this act*** has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a person or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.128, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280, 294A.300, 294A.310, 294A.320 or 294A.360 ***or sections 10 to 16, inclusive, of this act*** is subject to a civil penalty of not more than $5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the

First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a person or entity has reported its contributions, expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

Sec. 21. **NRS 218.942 is hereby amended to read as follows:**

218.942 1. A lobbyist shall not knowingly or willfully make any false statement or misrepresentation of facts:

(a) To any member of the Legislative Branch in an effort to persuade or influence him in his official actions.

(b) In a registration statement or report concerning lobbying activities filed with the Director.

2. A lobbyist shall not give to a member of the Legislative Branch or a member of his staff or immediate family gifts that exceed $100 in value in the aggregate in any calendar year.

3. A member of the Legislative Branch or a member of his staff or immediate family shall not solicit anything of value from a registrant or accept any gift that exceeds $100 in aggregate value in any calendar year.

4. A person who employs or uses a lobbyist shall not make that lobbyist's compensation or reimbursement contingent in any manner upon the outcome of any legislative action.

5. Except during the period permitted by NRS 218.918, a person shall not knowingly act as a lobbyist without being registered as required by that section.

6. Except as otherwise provided in subsection 7, a member of the Legislative or Executive Branch of the State Government and an elected officer or employee of a political subdivision shall not receive compensation or reimbursement other than from the State or the political subdivision for personally engaging in lobbying.

7. An elected officer or employee of a political subdivision may receive compensation or reimbursement from any organization whose membership consists of elected or appointed public officers.

8. A lobbyist shall not instigate the introduction of any legislation for the purpose of obtaining employment to lobby in opposition thereto.

9. A lobbyist shall not make, commit to make or offer to make a monetary contribution ***, other than a contribution to a legal defense fund pursuant to sections 10 to 16, inclusive, of this act,*** to a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-elect, the Governor or the Governor-elect during the period beginning:

(a) Thirty days before a regular session of the Legislature and ending 30 days after the final adjournment of a regular session of the Legislature;

(b) Fifteen days before a special session of the Legislature is set to commence and ending 15 days after the final adjournment of a special session of the Legislature, if the Governor sets a specific date for the commencement of the special session that is more than 15 days after the Governor issues the proclamation calling for the special session; or

(c) The day after the Governor issues a proclamation calling for a special session of the Legislature and ending 15 days after the final adjournment of a special session of the Legislature if the Governor sets a specific date for the commencement of the special session that is 15 or fewer days after the Governor issues the proclamation calling for the special session.

~~[Sec. 8.]~~ ***Sec. 22.*** ~~[1. The provisions of section 4 of this act apply to any public officer who is elected or appointed on or after October 1, 2007.~~

~~2. The provisions of section 5 of this act apply to a lobbyist who files a statement of registration pursuant to NRS 218.918 on or after October 1, 2007.]~~ ***If a candidate or public officer has established a legal defense fund before the effective date of this act:***

1. The candidate or public officer shall seek the approval of the Secretary of State by submitting to the Secretary of State a statement of purpose pursuant to section 10 of this act within 10 days after the effective date of this act. The Secretary of State shall approve the legal defense fund if the legal defense fund complies with the requirements of sections 10 to 16, inclusive, of this act.

2. The candidate or public officer shall file with the Secretary of State an initial report which covers the period beginning January 1, 2006, and ending on the effective date of this act and which contains the disclosures required by paragraph (c) of subsection 2 of section 14 of this act. The candidate or public officer shall file the initial report within 30 days after the effective date of this act. After the candidate or public officer files the

initial report, the candidate or public officer shall comply with the provisions of section 14 of this act, except that the candidate or public officer is not required to disclose any information which was disclosed in the initial report.

3. The candidate or public officer and the trustee of the legal defense fund shall comply with sections 11, 12, 13, 15 and 16 of this act.

Sec. 23. This act becomes effective upon passage and approval.

Assemblywoman Koivisto moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 95 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 240 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 518 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 526 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 508 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 445 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 579 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Koivisto moved that upon return from the printer Assembly Bill No. 384 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that upon return from the printer Assembly Bill No. 186 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that upon return from the printer Assembly Bill No. 257 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that upon return from the printer Assembly Bill No. 384 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 25.

Bill read third time.

The following amendment was proposed by Assemblyman Anderson:

Amendment No. 594.

AN ACT relating to business associations; ~~[revising certain fees charged by the Office of the Secretary of State;]~~ revising the provisions pertaining to the name of a foreign limited partnership; making various other changes pertaining to business associations; providing for the correction of certain records filed with the Office of the Secretary of State; **applying prospectively the requirements applicable to certain documents filed with the Office of the Secretary of State that contain certain identifying terms relating to architecture, interior design or residential design;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Sections 2, 3 and 6 of this bill revise the fees for filing and certifying certain documents with the Office of the Secretary of State. (NRS 87.4318, 87.4328, 104.9525)]~~

Section 4 of this bill allows a foreign limited partnership to abbreviate its name.

(NRS 88.585)

Section 7 of this bill authorizes the Secretary of State to adopt regulations prescribing procedures for correcting certain fraudulent or false records filed with the Office of the Secretary of State.

Section 8 of this bill amends Assembly Bill No. 26 of this session to apply prospectively the provisions of that bill which add requirements applicable to certain documents filed with the Office of the Secretary of State that contain certain identifying terms relating to architecture, interior design or residential design.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 86.263 is hereby amended to read as follows:

86.263 1. A limited-liability company shall, on or before the last day of the first month after the filing of its articles of organization with the Secretary of State, file with the Secretary of State, on a form furnished by him, a list that contains:

(a) The name of the limited-liability company;

(b) The file number of the limited-liability company, if known;

(c) The names and titles of all of its managers or, if there is no manager, all of its managing members;

(d) The address, either residence or business, of each manager or managing member listed, following the name of the manager or managing member;

(e) The name and street address of its lawfully designated resident agent in this State; and

(f) The signature of a manager or managing member of the limited-liability company certifying that the list is true, complete and accurate.

2. The limited-liability company shall ~~[annually]~~ thereafter, on or before the last day of the month in which the anniversary date of its organization occurs, file with the Secretary of State, on a form furnished by him, an ~~[amended]~~ ***annual*** list containing all of the information required in subsection 1.

3. Each list required by subsections 1 and 2 must be accompanied by a declaration under penalty of perjury that the limited-liability company:

(a) Has complied with the provisions of NRS 360.780; and

(b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

4. Upon filing:

(a) The initial list required by subsection 1, the limited-liability company shall pay to the Secretary of State a fee of $125.

(b) Each annual list required by subsection 2, the limited-liability company shall pay to the Secretary of State a fee of $125.

5. If a manager or managing member of a limited-liability company resigns and the resignation is not reflected on the annual or amended list of managers and managing members, the limited-liability company or the resigning manager or managing member shall pay to the Secretary of State a fee of $75 to file the resignation.

6. The Secretary of State shall, 90 days before the last day for filing each list required by subsection 2, cause to be mailed to each limited-liability company which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due under subsection 4 and a reminder to file a list required by subsection 2. Failure of any company to receive a notice or form does not excuse it from the penalty imposed by law.

7. If the list to be filed pursuant to the provisions of subsection 1 or 2 is defective or the fee required by subsection 4 is not paid, the Secretary of State may return the list for correction or payment.

8. An annual list for a limited-liability company not in default received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year.

Sec. 2. ~~[NRS 87.4318 is hereby amended to read as follows:~~

~~87.4318 1. A statement may be filed in the Office of the Secretary of State. A certified copy of a statement that is filed in an office in another state may be filed in the Office of the Secretary of State. Either filing has the effect provided in NRS 87.4301 to 87.4357, inclusive, with respect to partnership property located in or transactions that occur in this State.~~

~~2. A certified copy of a statement that has been filed in the Office of the Secretary of State and recorded in the office of the applicable county recorder has the effect provided for recorded statements in NRS 87.4301 to 87.4357, inclusive. A recorded statement that is not a certified copy of a statement filed in the Office of the Secretary of State does not have the effect provided for recorded statements in NRS 87.4301 to 87.4357, inclusive.~~

~~3. A statement filed by a partnership must be executed by at least two partners. Other statements must be executed by a partner or other person authorized by NRS 87.4301 to 87.4357, inclusive. A natural person who executes a statement as, or on behalf of, a partner or other person named as a partner in a statement shall personally declare under penalty of perjury that the contents of the statement are accurate. *The fee for filing a statement of partnership authority is $75.*~~

~~4. A person authorized by NRS 87.4301 to 87.4357, inclusive, to file a statement may amend or cancel the statement by filing an amendment or cancellation that names the partnership, identifies the statement and states the substance of the amendment or cancellation. *The fee for filing an amendment or cancellation of a statement of partnership authority is $175.*~~

~~5. A person who files a statement pursuant to this section shall promptly send a copy of the statement to every nonfiling partner and to any other person named as a partner in the statement. Failure to send a copy of a statement to a partner or other person does not limit the effectiveness of the statement as to a person not a partner.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 87.4328 is hereby amended to read as follows:~~

~~87.4328 A partner or other person named as a partner in a filed statement of partnership authority or in a list maintained by an agent pursuant to subsection 2 of NRS 87.4327 may file a statement of denial stating the name of the partnership and the fact that is being denied, which may include denial of a person's authority or status as a partner. A statement of denial is a limitation on authority as provided in subsections 4 and 5 of NRS 87.4327. *The fee for filing a statement of denial is $75.]*~~ **(Deleted by amendment.)**

Sec. 4. NRS 88.585 is hereby amended to read as follows:

88.585 Except as otherwise provided in NRS 88.609, a foreign limited partnership may register with the Secretary of State under any name, whether or not it is the name under which it is registered in its state of organization, that ~~[includes without abbreviation]~~ ***contains*** the words "limited partnership" ***or the abbreviation "LP" or "L.P."*** and that could be registered by a domestic limited partnership.

Sec. 5. NRS 92A.205 is hereby amended to read as follows:

92A.205 1. After a plan of conversion is approved as required by this chapter, if the resulting entity is a domestic entity, the constituent entity shall deliver to the Secretary of State for filing:

(a) Articles of conversion setting forth:

(1) The name and jurisdiction of organization of the constituent entity and the resulting entity; and

(2) That a plan of conversion has been adopted by the constituent entity in compliance with the law of the jurisdiction governing the constituent entity.

(b) The charter document of the domestic resulting entity required by the applicable provisions of chapter 78, 78A, ~~[82,]~~ 86, 88, 88A or 89 of NRS.

(c) A certificate of acceptance of appointment of a resident agent for the resulting entity which is signed by the resident agent.

2. After a plan of conversion is approved as required by this chapter, if the resulting entity is a foreign entity, the constituent entity shall deliver to the Secretary of State for filing articles of conversion setting forth:

(a) The name and jurisdiction of organization of the constituent entity and the resulting entity;

(b) That a plan of conversion has been adopted by the constituent entity in compliance with the laws of this State; and

(c) The address of the resulting entity where copies of process may be sent by the Secretary of State.

3. If the entire plan of conversion is not set forth in the articles of conversion, the filing party must include in the articles of conversion a statement that the complete signed plan of conversion is on file at the registered office or principal place of business of the resulting entity or, if the resulting entity is a domestic limited partnership, the office described in paragraph (a) of subsection 1 of NRS 88.330.

4. If the conversion takes effect on a later date specified in the articles of conversion pursuant to NRS 92A.240, the charter document to be filed with the Secretary of State pursuant to paragraph (b) of subsection 1 must state the name and the jurisdiction of the constituent entity and that the existence of the resulting entity does not begin until the later date.

5. Any records filed with the Secretary of State pursuant to this section must be accompanied by the fees required pursuant to this title for filing the charter document.

Sec. 6. ~~[NRS 104.9525 is hereby amended to read as follows:~~

~~104.9525 1. Except as otherwise provided in subsection [5,] 6, the fee for filing and indexing a record under this part, other than an initial financing statement of the kind described in subsection 2 of NRS 104.9502, is:~~

~~(a) Forty dollars if the record is communicated in writing and consists of one or two pages;~~

~~(b) Sixty dollars if the record is communicated in writing and consists of more than two pages, and $2 for each page over 20 pages;~~

~~(c) Twenty dollars if the record is communicated by another medium authorized by filing-office rule; and~~

~~(d) Two dollars for each additional debtor, trade name or reference to another name under which business is done.~~

~~2. The filing officer may charge and collect $2 for each page of copy or record of filings produced by him at the request of any person.~~

~~3. Except as otherwise provided in subsection~~ [5,] ~~*6*, the fee for filing and indexing an initial financing statement of the kind described in subsection 3 of NRS 104.9502 is~~ [~~:~~

~~(a) Sixty dollars~~] ~~*$40* if the financing statement indicates that it is filed in connection with a public-finance transaction~~ [~~; and~~

~~(b) Forty dollars if the financing statement indicates that it is filed in connection with~~] ~~*or* a manufactured home transaction.~~

~~4. The fee for responding to a request for information from the filing office, including for issuing a certificate showing whether there is on file any financing statement naming a particular debtor, is:~~

~~(a) Forty dollars if the request is communicated in writing; and~~

~~(b) Twenty dollars if the request is communicated by another medium authorized by filing-office rule.~~

~~*5. The fee for certifying a copy of a financing statement, amendment or other record on file in the Office of the Secretary of State pursuant to chapter 104 of NRS is $30.*~~

~~*6.* This section does not require a fee with respect to a mortgage that is effective as a financing statement filed as a fixture filing or as a financing statement covering as extracted collateral or timber to be cut under subsection 3 of NRS 104.9502. However, the fees for recording and satisfaction which otherwise would be applicable to the mortgage apply.~~]

(Deleted by amendment.)

Sec. 7. NRS 225.084 is hereby amended to read as follows:

225.084 1. A person shall not willfully file, promote the filing of, or cause to be filed, or attempt or conspire to file, promote the filing of, or cause to be filed, any record in the Office of the Secretary of State if the person has actual knowledge that the record:

(a) Is forged or fraudulently altered;

(b) Contains a false statement of material fact; or

(c) Is being filed in bad faith or for the purpose of harassing or defrauding any person.

2. Any person who violates this section is liable in a civil action brought pursuant to this section for:

(a) Actual damages caused by each separate violation of this section, or $10,000 for each separate violation of this section, whichever is greater;

(b) All costs of bringing and maintaining the action, including investigative expenses and fees for expert witnesses;

(c) Reasonable attorney's fees; and

(d) Any punitive damages that the facts may warrant.

3. A civil action may be brought pursuant to this section by:

(a) Any person who is damaged by a violation of this section, including, without limitation, any person who is damaged as the result of an action taken in reliance on a record filed in violation of this section; or

(b) The Attorney General, in the name of the State of Nevada, if the matter is referred to the Attorney General by the Secretary of State and if the Attorney General, after due inquiry, determines that a civil action should be brought pursuant to this section. Any money recovered by the Attorney General pursuant to this paragraph, after deducting all costs and expenses incurred by the Attorney General and the Secretary of State to investigate and act upon the violation, must be deposited in the State General Fund.

4. For the purposes of this section, each filing of a single record that constitutes a violation of this section shall be deemed to be a separate violation.

5. The rights, remedies and penalties provided pursuant to this section are cumulative and do not abrogate and are in addition to any other rights, remedies and penalties that may exist at law or in equity, including, without limitation, any criminal penalty that may be imposed pursuant to NRS 239.330.

6. ***The Secretary of State may adopt regulations prescribing procedures for correcting any record filed in violation of this section.***

7. As used in this section, "record" means information that is:

(a) Inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and

(b) Filed or offered for filing by a person pursuant to any provision of title 7 of NRS or Article 9 of the Uniform Commercial Code.

Sec. 8. Assembly Bill No. 26 of this session is hereby amended by adding thereto a new section to be designated as sec. 6.5, following sec. 6, to read as follows:

Sec. 6.5. The amendatory provisions of this act do not apply to a:

1. Corporation that files its articles of incorporation with the Secretary of State;

2. Foreign corporation that files the records required pursuant to subsection 1 of NRS 80.010 or NRS 80.110 with the Secretary of State;

3. Nonprofit corporation that files its articles of incorporation with the Secretary of State;

4. Limited-liability company that files its articles of organization with the Secretary of State;

5. Registered limited-liability partnership that files its certificate of registration with the Secretary of State; or

6. Limited partnership that files its certificate of limited partnership with the Secretary of State,

➥ before the effective date of this act.

Sec. 9. 1. This section and section 8 of this act become effective upon passage and approval.

2. Sections 1 to ~~[6,]~~ **7,** inclusive, of this act become effective on October 1, 2007.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 145.

Bill read third time.

The following amendment was proposed by Assemblyman Hardy:

Amendment No. 593.

"AN ACT relating to health insurance; revising provisions governing the assignment of benefits; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill prohibits an insurer ~~[or other entity]~~ that is obligated to pay benefits for services provided to a person by a hospital or other provider of health care to make such payments directly to the person if the insurer ~~[or other entity]~~ has notice that the person has assigned the benefits to the hospital or other provider of health care.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 679A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any specific statute to the contrary, an insurer ~~[or other entity]~~ that is obligated to pay benefits for services provided to a person by a hospital or other provider of health care, or to reimburse a person for the costs of such services, shall not make the payment directly to the person if an itemized statement for the services is submitted to the insurer ~~[or other entity]~~ which clearly indicates that the right of the person to those benefits has been assigned to the hospital or other provider of health care.

2. If an insurer ~~[or other entity]~~ that has notice of such an assignment makes payment directly to the person in violation of subsection 1, the payment:

(a) Does not release the insurer ~~[or other entity]~~ from liability to pay the hospital or other provider of health care to which the benefits have been assigned; and

(b) Is not a defense to any action by the hospital or other provider of health care against the insurer ~~[or other entity]~~ to collect the assigned benefits.

Assemblyman Hardy moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 297.

Bill read third time.

The following amendment was proposed by Assemblyman Bobzien:

Amendment No. 541.

AN ACT relating to motor vehicles; providing for the issuance of special license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno; **requiring the proposal for issuance of the plates to be submitted to the Commission on Special License Plates for approval;** imposing a fee for the issuance and renewal of such license plates; **revising the requirements for approval of special license plates authorized by an act of the Legislature;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides for the issuance of a special license plate for the support and enhancement of parks, recreation facilities and programs in the City of Reno. ~~[The Department must receive 1,000 applications for such a plate before it]~~ **Before the Department of Motor Vehicles** designs, prepares and issues the special license plate ~~[.]~~ **: (1) the Commission on Special License Plates must approve the design, preparation and issuance of the plate; and (2) the Department must receive 1,000 applications for the plate.** This bill also provides that the fees collected pursuant to the issuance of the plate must be deposited in the State General Fund. The State Treasurer is required to distribute the fees, on a quarterly basis, to the City Treasurer of the City of Reno. **This bill also provides for approval or disapproval by the Commission on Special License Plates of applications for special license plates authorized by an act of the Legislature after January 1, 2007.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this subsection, the Department, in cooperation with the Reno Recreation and Parks Commission or its successor, shall design, prepare and issue license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno, using any colors and designs that the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless ~~*[it]*~~ **:**

(a) The Commission on Special License Plates approves the design, preparation and issuance of those plates as described in NRS 482.367004; and

(b) The Department receives at least 1,000 applications for the issuance of those plates within 2 years after the effective date of this act.

2. If the ~~[Department receives at least 1,000 applications for the]~~ Commission on Special License Plates approves the design, preparation and issuance of license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno pursuant to subsection 1, and the Department receives at least 1,000 applications for the issuance of the license plates, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno pursuant to subsections 3 and 4.

3. The fee for license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20 to be distributed pursuant to subsection 5.

5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this section to the City Treasurer of the City of Reno to be used to pay for the support and enhancement of parks, recreation facilities and programs in the City of Reno.

6. If, during a registration year, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 2. NRS 482.216 is hereby amended to read as follows:

482.216 1. Upon the request of a new vehicle dealer, the Department may authorize the new vehicle dealer to:

(a) Accept applications for the registration of the new motor vehicles he sells and the related fees and taxes;

(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and

(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

(a) Transmit the applications he receives to the Department within the period prescribed by the Department;

(b) Transmit the fees he collects from the applicants and properly account for them within the period prescribed by the Department;

(c) Comply with the regulations adopted pursuant to subsection 4; and

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

(a) Charge any additional fee for the performance of those services;

(b) Receive compensation from the Department for the performance of those services;

(c) Accept applications for the renewal of registration of a motor vehicle; or

(d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3825, inclusive ~~[.]~~ ***, and section 1 of this act;*** or

(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The Director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

(a) The expedient and secure issuance of license plates and decals by the Department; and

(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the Department.

Sec. 3. NRS 482.2703 is hereby amended to read as follows:

482.2703 1. The Director may order the preparation of sample license plates which must be of the same design and size as regular license plates or license plates issued pursuant to NRS 482.384. The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and an identical designation

which consists of the same group of three numerals followed by the same group of three letters; and

(b) The designation of numerals and letters assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

2. The Director may order the preparation of sample license plates which must be of the same design and size as any of the special license plates issued pursuant to NRS 482.3667 to 482.3823, inclusive ~~[.]~~ ***, and section 1 of this act.*** The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and the number zero in the location where any other numerals would normally be displayed on a license plate of that design; and

(b) The number assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

3. The Director may establish a fee for the issuance of sample license plates of not more than $15 for each license plate.

4. A decal issued pursuant to NRS 482.271 may be displayed on a sample license plate issued pursuant to this section.

5. All money collected from the issuance of sample license plates must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

6. A person shall not affix a sample license plate issued pursuant to this section to a vehicle. A person who violates the provisions of this subsection is guilty of a misdemeanor.

Sec. 4. **NRS 482.367004 is hereby amended to read as follows:**

482.367004 1. There is hereby created the Commission on Special License Plates consisting of five Legislators and three nonvoting members as follows:

(a) Five Legislators appointed by the Legislative Commission:

(1) One of whom is the Legislator who served as the Chairman of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in his place in his absence. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.

(2) One of whom is the Legislator who served as the Chairman of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in his place in his absence. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.

(b) Three nonvoting members consisting of:

(1) The Director of the Department of Motor Vehicles, or his designee.

(2) The Director of the Department of Public Safety, or his designee.

(3) The Director of the Department of Cultural Affairs, or his designee.

2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.

3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.

5. The Commission shall approve or disapprove:

(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002; ~~[and]~~

(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002 ~~[.]~~ ***; and***

(c) Applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.

➥ In determining whether to approve such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate.

~~[Sec. 4.]~~ ***Sec. 5.*** NRS 482.367008 is hereby amended to read as follows:

482.367008 1. As used in this section, "special license plate" means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.379185, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.37938 or 482.37945 ~~[;]~~ ***or section 1 of this act;*** and

(c) A license plate that:

(1) Is approved by the Legislature after July 1, 2005; and

(2) Differs substantially in design from the license plates that are described in subsection 1 of NRS 482.270.

2. Notwithstanding any other provision of law to the contrary, the Department shall not, at any one time, issue more than 25 separate designs of special license plates. Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 25, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been approved by the Commission on Special License Plates pursuant to subsection 5 of NRS 482.367004, not to exceed a total of 25 designs issued by the Department at any one time. Such additional

designs must be issued by the Department in accordance with the chronological order of their authorization or approval.

3. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

4. Except as otherwise provided in subsection 6, if, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002, less than 1,000; or

(b) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than the number of applications required to be received by the Department for the initial issuance of those plates,

➥ the Director shall provide notice of that fact in the manner described in subsection 5.

5. The notice required pursuant to subsection 4 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

6. If, on December 31 of the same year in which notice was provided pursuant to subsections 4 and 5, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002, less than 1,000; or

(b) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than the number of applications required to be received by the Department for the initial issuance of those plates,

➥ the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that particular design of special license plate. Such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.

Sec. 6. **NRS 482.36705 is hereby amended to read as follows:**

482.36705 1. If a new special license plate is authorized by an act of the Legislature after January 1, 2003, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department receives at least 1,000 applications for the issuance of that plate within 2 years after the effective date of the act of the Legislature that authorized the plate.

2. In addition to the requirements set forth in subsection 1, if a new special license plate is authorized by an act of the Legislature after July 1, 2005, the Legislature will direct that the license plate not be issued by the Department unless its issuance complies with subsection 2 of NRS 482.367008.

3. In addition to the requirements set forth in subsections 1 and 2, if a new special license plate is authorized by an act of the Legislature after January 1, 2007, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Commission on Special License Plates approves the application for the authorized plate pursuant to NRS 482.367004.

~~[Sec. 5.]~~ ***Sec. 7.*** NRS 482.3824 is hereby amended to read as follows:

482.3824 1. With respect to any special license plate that is issued pursuant to NRS 482.3667 to 482.3825, inclusive, ***and section 1 of this act,*** and for which an additional fee is imposed for the issuance of the special license plate to generate financial support for a charitable organization:

(a) The Director shall, at the request of the charitable organization that is benefited by the particular special license plate:

(1) Order the design and preparation of souvenir license plates, the design of which must be substantially similar to the particular special license plate; and

(2) Issue such souvenir license plates, for a fee established pursuant to NRS 482.3825, only to the charitable organization that is benefited by the particular special license plate. The charitable organization may resell such souvenir license plates at a price determined by the charitable organization.

(b) The Department may, except as otherwise provided in this paragraph and after the particular special license plate is approved for issuance, issue the special license plate for a trailer or other type of vehicle that is not a passenger car or light commercial vehicle, excluding motorcycles and vehicles required to be registered with the Department pursuant to NRS 706.801 to 706.861, inclusive, upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. The Department may not issue a special license plate for such other types of vehicles if the Department determines that the design or manufacture of the plate for those other types of vehicles would not be feasible. In addition, if the Department incurs additional costs to manufacture a special license plate for such other types of vehicles, including, without limitation,

costs associated with the purchase, manufacture or modification of dies or other equipment necessary to manufacture the special license plate for such other types of vehicles, those additional costs must be paid from private sources without any expense to the State of Nevada.

2. As used in this section, "charitable organization" means a particular cause, charity or other entity that receives money from the imposition of an additional fee in connection with the issuance of a special license plate pursuant to NRS 482.3667 to 482.3825, inclusive ~~[.]~~ ***, and section 1 of this act.*** The term includes the successor, if any, of a charitable organization.

~~[Sec. 6.]~~ ***Sec. 8.*** NRS 482.399 is hereby amended to read as follows:

482.399 1. Upon the transfer of the ownership of or interest in any vehicle by any holder of a valid registration, or upon destruction of the vehicle, the registration expires.

2. The holder of the original registration may transfer the registration to another vehicle to be registered by him and use the same regular license plate or plates or special license plate or plates issued pursuant to NRS 482.3667 to 482.3823, inclusive, ***and section 1 of this act,*** or 482.384, on the vehicle from which the registration is being transferred, if the license plate or plates are appropriate for the second vehicle, upon filing an application for transfer of registration and upon paying the transfer registration fee and the excess, if any, of the registration fee and governmental services tax on the vehicle to which the registration is transferred over the total registration fee and governmental services tax paid on all vehicles from which he is transferring his ownership or interest. Except as otherwise provided in NRS 482.294, an application for transfer of registration must be made in person, if practicable, to any office or agent of the Department or to a registered dealer, and the license plate or plates may not be used upon a second vehicle until registration of that vehicle is complete.

3. In computing the governmental services tax, the Department, its agent or the registered dealer shall credit the portion of the tax paid on the first vehicle attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the second vehicle or on any other vehicle of which the person is the registered owner. If any person transfers his ownership or interest in two or more vehicles, the Department or the registered dealer shall credit the portion of the tax paid on all of the vehicles attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner. The certificates of registration and unused license plates of the vehicles from which a person transfers his ownership or interest must be submitted before credit is given against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner.

4. In computing the registration fee, the Department or its agent or the registered dealer shall credit the portion of the registration fee paid on each

vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis against the registration fee due on the vehicle to which registration is transferred.

5. If the amount owed on the registration fee or governmental services tax on the vehicle to which registration is transferred is less than the credit on the total registration fee or governmental services tax paid on all vehicles from which a person transfers his ownership or interest, no refund may be allowed by the Department.

6. If the license plate or plates are not appropriate for the second vehicle, the plate or plates must be surrendered to the Department or registered dealer and an appropriate plate or plates must be issued by the Department. The Department shall not reissue the surrendered plate or plates until the next succeeding licensing period.

7. If application for transfer of registration is not made within 60 days after the destruction or transfer of ownership of or interest in any vehicle, the license plate or plates must be surrendered to the Department on or before the 60th day for cancellation of the registration.

8. If a person cancels his registration and surrenders to the Department his license plates for a vehicle, the Department shall, in accordance with the provisions of subsection 9, issue to the person a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis.

9. The Department shall issue a refund pursuant to subsection 8 only if the request for a refund is made at the time the registration is cancelled and the license plates are surrendered, the person requesting the refund is a resident of Nevada, the amount eligible for refund exceeds $100, and evidence satisfactory to the Department is submitted that reasonably proves the existence of extenuating circumstances. For the purposes of this subsection, the term "extenuating circumstances" means circumstances wherein:

(a) The person has recently relinquished his driver's license and has sold or otherwise disposed of his vehicle.

(b) The vehicle has been determined to be inoperable and the person does not transfer the registration to a different vehicle.

(c) The owner of the vehicle is seriously ill or has died and the guardians or survivors have sold or otherwise disposed of the vehicle.

(d) Any other event occurs which the Department, by regulation, has defined to constitute an "extenuating circumstance" for the purposes of this subsection.

~~[Sec. 7.]~~ ***Sec. 9.*** NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, decal or number plate is issued, the following fees must be paid:

For a certificate of registration..... $5.00

For every substitute number plate or set of plates..... 5.00
For every duplicate number plate or set of plates 10.00
For every decal displaying a county name..... .50
For every other decal, license plate sticker or tab..... 5.00

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or 482.379 to 482.3818, inclusive, ***and section 1 of this act,*** a fee of $10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of $5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of duplicating the plates and manufacturing the decals.

~~[Sec. 8.]~~ ***Sec. 10.*** This act becomes effective upon passage and approval.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 53.

Bill read third time.

Remarks by Assemblywomen Kirkpatrick and Gansert.

Roll call on Assembly Bill No. 53:

YEAS—42.

NAYS—None.

Assembly Bill No. 53 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 80.

Bill read third time.

Remarks by Assemblymen Koivisto, Goicoechea, and Conklin.

Madam Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Assembly Bill No. 80:

YEAS—32.

NAYS—Beers, Carpenter, Christensen, Cobb, Goicoechea, Grady, Hardy, Mabey, Marvel, Stewart—10.

Assembly Bill No. 80 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 139.

Bill read third time.

Remarks by Assemblyman Beers.

Roll call on Assembly Bill No. 139:

YEAS—42.

NAYS—None.

Assembly Bill No. 139 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 207.

Bill read third time.

Remarks by Assemblyman Oceguera.

Potential conflict of interest declared by Assemblywoman Buckley.

Roll call on Assembly Bill No. 207:

YEAS—35.

NAYS—Christensen, Cobb, Goedhart, Hardy, Mabey, Settelmeyer, Weber—7.

Assembly Bill No. 207 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 234.

Bill read third time.

Remarks by Assemblyman Settelmeyer.

Roll call on Assembly Bill No. 234:

YEAS—42.

NAYS—None.

Assembly Bill No. 234 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Oceguera moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 1:07 p.m.

ASSEMBLY IN SESSION

At 1:09 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 249 be taken from the General File and placed on the General File for the next legislative session.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 369 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 279.

Bill read third time.

Remarks by Assemblymen Kihuen and Parks.

Roll call on Assembly Bill No. 279:

YEAS—41.

NAYS—Gansert.

Assembly Bill No. 279 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 321.

Bill read third time.

Remarks by Assemblyman Atkinson.

Roll call on Assembly Bill No. 321:

YEAS—42.

NAYS—None.

Assembly Bill No. 321 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 352.

Bill read third time.

Remarks by Assemblywoman Gerhardt.

Roll call on Assembly Bill No. 352:

YEAS—42.

NAYS—None.

Assembly Bill No. 352 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 415.

Bill read third time.

Remarks by Assemblymen Hardy, Horne, and Kirkpatrick.

Madam Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Assembly Bill No. 415:

YEAS—42.

NAYS—None.

Assembly Bill No. 415 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 439.

Bill read third time.

Remarks by Assemblymen Kirkpatrick and Conklin.

Roll call on Assembly Bill No. 439:

YEAS—42.

NAYS—None.

Assembly Bill No. 439 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 446.

Bill read third time.

The following amendment was proposed by Assemblyman Denis:

Amendment No. 597.

AN ACT relating to prescriptions; revising provisions governing the tracking of prescriptions for controlled substances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the creation of a computerized program to track prescriptions for controlled substances listed in schedule II, III or IV. (NRS 453.1545) Section 1 of this bill requires a practitioner, under certain circumstances, before he writes a prescription for such a controlled substance for a patient, to obtain a patient utilization report concerning the patient from the computerized program to ensure that the patient does not already have a prescription for that controlled substance. Section 2 of this bill provides that each practitioner who is authorized to write prescriptions for controlled substances listed in schedule II, III or IV must have Internet access to the database of the computerized program. Section 3 of this bill requires the State Board of Pharmacy to report to the Legislature concerning the implementation of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

A practitioner shall, before he writes a prescription for a controlled substance listed in schedule II, III or IV for a patient, obtain a patient

utilization report regarding the patient for the preceding 12 months from the computerized program established by the Board and the Investigation Division of the Department of Public Safety pursuant to NRS 453.1545 if ~~[:]~~ the practitioner has a reasonable belief that the patient may be seeking the controlled substance, in whole or in part, for any reason other than the treatment of an existing medical condition and:

1. The patient is a new patient of the practitioner; or

2. The patient has not received any prescription for a controlled substance from the practitioner in the preceding 12 months . ~~[; or~~

~~*3. The practitioner has a reasonable belief that the patient may be seeking the controlledsubstance, in whole or in part, for any reason other than the treatment of an existing medical condition.]*~~

➥ The practitioner shall review the patient utilization report to assess whether the prescription for the controlled substance is medically necessary.

Sec. 2. NRS 453.1545 is hereby amended to read as follows:

453.1545 1. The Board and the Division shall cooperatively develop a computerized program to track each prescription for a controlled substance listed in schedule II, III or IV that is filled by a pharmacy that is registered with the Board or that is dispensed by a practitioner who is registered with the Board. The program must:

(a) Be designed to provide information regarding:

(1) The inappropriate use by a patient of controlled substances listed in schedules II, III and IV to pharmacies, practitioners and appropriate state agencies to prevent the improper or illegal use of those controlled substances; and

(2) Statistical data relating to the use of those controlled substances that is not specific to a particular patient.

(b) Be administered by the Board, the Division, the Health Division of the Department and various practitioners, representatives of professional associations for practitioners, representatives of occupational licensing boards and prosecuting attorneys selected by the Board and the Division.

(c) Not infringe on the legal use of a controlled substance for the management of severe or intractable pain.

2. ***The Board shall provide each practitioner who is authorized to write prescriptions for controlled substances listed in schedule II, III or IV with Internet access to the database of the program established pursuant to subsection 1 to carry out the provisions of section 1 of this act.***

3. The Board and the Division must have access to the program established pursuant to subsection 1 to identify any suspected fraudulent or illegal activity related to the dispensing of controlled substances.

~~[3.]~~ ***4.*** The Board or the Division shall report any activity it reasonably suspects may be fraudulent or illegal to the appropriate law enforcement agency or occupational licensing board and provide the law enforcement

agency or occupational licensing board with the relevant information obtained from the program for further investigation.

~~[4.]~~ ***5.*** Information obtained from the program relating to a practitioner or a patient is confidential and, except as otherwise provided by this section, must not be disclosed to any person. That information must be disclosed:

(a) Upon the request of a person about whom the information requested concerns or upon the request on his behalf by his attorney; or

(b) Upon the lawful order of a court of competent jurisdiction.

~~[5.]~~ ***6.*** The Board and the Division may apply for any available grants and accept any gifts, grants or donations to assist in developing and maintaining the program required by this section.

Sec. 3. The State Board of Pharmacy shall, on or before February 1, 2009, submit a report concerning the implementation of this act to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

Assemblyman Denis moved the adoption of the amendment.

Remarks by Assemblyman Denis.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 491.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Assembly Bill No. 491:

YEAS—38.

NAYS—Beers, Christensen, Cobb, Settelmeyer—4.

Assembly Bill No. 491 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 494.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 494:

YEAS—28.

NAYS—Allen, Beers, Christensen, Cobb, Gansert, Goedhart, Goicoechea, Grady, Hardy, Mabey, Marvel, Settelmeyer, Stewart, Weber—14.

Assembly Bill No. 494 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 517.

Bill read third time.

Remarks by Assemblymen Koivisto and Carpenter.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Koivisto moved that Assembly Bill No. 517 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 535.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 535:

YEAS—42.

NAYS—None.

Assembly Bill No. 535 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 592.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Assembly Bill No. 592:

YEAS—42.

NAYS—None.

Assembly Bill No. 592 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 602.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 602:

YEAS—42.

NAYS—None.

Assembly Bill No. 602 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Assembly Bills Nos. 142, 569, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocgeuera moved that Assembly Bills Nos. 142 and 569 just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 142.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 512.

AN ACT relating to ethics in government; requiring certain public officers and lobbyists to attend a course on ethics in government; requiring lobbyists who lobby the Executive Department of the State Government to file a registration statement and periodic reports with the Secretary of State; requiring the Secretary of State to handle all reports and filings and make investigations under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires newly elected or appointed public officers who are required to file statements of financial disclosure, ~~[and]~~ newly registered lobbyists, **and newly employed lobbyists for governmental agencies** to take a course on governmental ethics that is conducted by the Commission on Ethics.

Section 3.7 of this bill increases penalties for willful violations of certain provisions concerning ethics in government. (NRS 281.551)

Existing law sets forth requirements for persons who lobby the Legislature. The lobbyists must register with the Director of the Legislative Counsel Bureau and file certain disclosure reports. (NRS 218.900-218.944) In addition to those reports, section 5 of this bill requires legislative lobbyists to file disclosure reports at the end of each calendar quarter in which the Legislature is not in session. ~~[Legislative lobbyists must also include in each monthly disclosure report filed while the Legislature is in session, a list of any legislation of which he opposed or urged introduction, passage or amendment during the previous month.]~~

Sections 8-31 of this bill set forth requirements for persons who lobby the Executive Department of the State Government. Such executive lobbyists must register with the Secretary of State and file certain disclosure reports. The requirements for executive lobbyists parallel those for legislative lobbyists in chapter 218 of NRS.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

Each:

1. Public officer who is required to file a statement of financial disclosure pursuant to NRS 281.541, 281.559 or 281.561 shall, within 6 months after his initial election or appointment to his office; ~~*[and]*~~

2. Lobbyist who has filed a registration statement pursuant to NRS 218.918 or section 17 of this act shall, within 30 days after filing the registration statement ~~[.]~~ ***; and***

3. Public employee whose primary function is to lobby other governmental entities on behalf of his employer shall, within 30 days after his initial employment in such a position,

➥ ~~[attend]~~ ***complete a course on ethics in government that is*** ~~[taught or otherwise conducted]~~ ***developed by the Commission.***

Sec. 2. NRS 281.411 is hereby amended to read as follows:

281.411 NRS 281.411 to 281.581, inclusive, ***and section 1 of this act*** may be cited as the Nevada Ethics in Government Law.

Sec. 3. NRS 281.431 is hereby amended to read as follows:

281.431 As used in NRS 281.411 to 281.581, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 281.432 to 281.4375, inclusive, have the meanings ascribed to them in those sections.

Sec. 3.3. **NRS 281.501 is hereby amended to read as follows:**

281.501 1. Except as otherwise provided in subsection 2, 3 or 4, a public officer may vote upon a matter if the benefit or detriment accruing to him as a result of the decision either individually or in a representative capacity as a member of a general business, profession, occupation or group is not greater than that accruing to any other member of the general business, profession, occupation or group.

2. Except as otherwise provided in subsection 3, in addition to the requirements of the code of ethical standards, a public officer shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by:

(a) His ***seeking or*** acceptance of a gift or loan;

(b) His pecuniary interest; or

(c) His commitment in a private capacity to the interests of others.

➥ It must be presumed that the independence of judgment of a reasonable person would not be materially affected by his pecuniary interest or his commitment in a private capacity to the interests of others where the resulting benefit or detriment accruing to him or to the other persons whose interests to which the member is committed in a private capacity is not greater than that accruing to any other member of the general business, profession, occupation or group. The presumption set forth in this subsection does not affect the applicability of the requirements set forth in subsection 4 relating to the disclosure of the pecuniary interest or commitment in a private capacity to the interests of others.

3. In a county whose population is 400,000 or more, a member of a county or city planning commission shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a

matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by:

(a) His ***seeking or*** acceptance of a gift or loan;

(b) His direct pecuniary interest; or

(c) His commitment to a member of his household or a person who is related to him by blood, adoption or marriage within the third degree of consanguinity or affinity.

➥ It must be presumed that the independence of judgment of a reasonable person would not be materially affected by his direct pecuniary interest or his commitment described in paragraph (c) where the resulting benefit or detriment accruing to him or to the other persons whose interests to which the member is committed is not greater than that accruing to any other member of the general business, profession, occupation or group. The presumption set forth in this subsection does not affect the applicability of the requirements set forth in subsection 4 relating to the disclosure of the direct pecuniary interest or commitment.

4. A public officer or employee shall not approve, disapprove, vote, abstain from voting or otherwise act upon any matter:

(a) Regarding which he has ***sought or*** accepted a gift or loan;

(b) Which would reasonably be affected by his commitment in a private capacity to the interest of others; or

(c) In which he has a pecuniary interest,

➥ without disclosing sufficient information concerning the gift, loan, commitment or interest to inform the public of the potential effect of the action or abstention upon the person who provided ***or from whom he sought*** the gift or loan, upon the person to whom he has a commitment, or upon his interest. Except as otherwise provided in subsection 6, such a disclosure must be made at the time the matter is considered. If the officer or employee is a member of a body which makes decisions, he shall make the disclosure in public to the Chairman and other members of the body. If the officer or employee is not a member of such a body and holds an appointive office, he shall make the disclosure to the supervisory head of his organization or, if he holds an elective office, to the general public in the area from which he is elected. This subsection does not require a public officer to disclose any campaign contributions that the public officer reported pursuant to NRS 294A.120 or 294A.125 in a timely manner.

5. Except as otherwise provided in NRS 241.0355, if a public officer declares to the body or committee in which the vote is to be taken that he will abstain from voting because of the requirements of this section, the necessary quorum to act upon and the number of votes necessary to act upon the matter, as fixed by any statute, ordinance or rule, is reduced as though the member abstaining were not a member of the body or committee.

6. After a member of the Legislature makes a disclosure pursuant to subsection 4, he may file with the Director of the Legislative Counsel Bureau a written statement of his disclosure. The written statement must designate

the matter to which the disclosure applies. After a Legislator files a written statement pursuant to this subsection, he is not required to disclose orally his interest when the matter is further considered by the Legislature or any committee thereof. A written statement of disclosure is a public record and must be made available for inspection by the public during the regular office hours of the Legislative Counsel Bureau.

7. The provisions of this section do not, under any circumstances:

(a) Prohibit a member of the Legislative Branch from requesting or introducing a legislative measure; or

(b) Require a member of the Legislative Branch to take any particular action before or while requesting or introducing a legislative measure.

8. As used in this section, "commitment in a private capacity to the interests of others" means a commitment to a person:

(a) Who is a member of his household;

(b) Who is related to him by blood, adoption or marriage within the third degree of consanguinity or affinity;

(c) Who employs him or a member of his household;

(d) With whom he has a substantial and continuing business relationship; or

(e) Any other commitment or relationship that is substantially similar to a commitment or relationship described in this subsection.

Sec. 3.7. **NRS 281.551 is hereby amended to read as follows:**

281.551 1. In addition to any other penalty provided by law, the Commission may impose on a public officer or employee or former public officer or employee civil penalties:

(a) Not to exceed ~~[$5,000]~~ ***$10,000*** for a first willful violation of this chapter;

(b) Not to exceed ~~[$10,000]~~ ***$15,000*** for a separate act or event that constitutes a second willful violation of this chapter; and

(c) Not to exceed ~~[$25,000]~~ ***$30,000*** for a separate act or event that constitutes a third willful violation of this chapter.

2. In addition to other penalties provided by law, the Commission may impose a civil penalty not to exceed $5,000 and assess an amount equal to the amount of attorney's fees and costs actually and reasonably incurred by the person about whom an opinion was requested pursuant to NRS 281.511 against a person who prevents, interferes with or attempts to prevent or interfere with the discovery or investigation of a violation of this chapter.

3. If the Commission finds that a violation of a provision of this chapter by a public officer or employee or former public officer or employee has resulted in the realization by another person of a financial benefit, the Commission may, in addition to other penalties provided by law, require the current or former public officer or employee to pay a civil penalty of not more than twice the amount so realized.

4. If the Commission finds that:

(a) A willful violation of this chapter has been committed by a public officer removable from office by impeachment only, the Commission shall file a report with the appropriate person responsible for commencing impeachment proceedings as to its finding. The report must contain a statement of the facts alleged to constitute the violation.

(b) A willful violation of this chapter has been committed by a public officer removable from office pursuant to NRS 283.440, the Commission may file a proceeding in the appropriate court for removal of the officer.

(c) Three or more willful violations have been committed by a public officer removable from office pursuant to NRS 283.440, the Commission shall file a proceeding in the appropriate court for removal of the officer.

5. An action taken by a public officer or employee or former public officer or employee relating to NRS 281.481, 281.491, 281.501 or 281.505 is not a willful violation of a provision of those sections if the public officer or employee establishes by sufficient evidence that he satisfied all of the following requirements:

(a) He relied in good faith upon the advice of the legal counsel retained by the public body which the public officer represents or by the employer of the public employee or upon the manual published by the Commission pursuant to NRS 281.471;

(b) He was unable, through no fault of his own, to obtain an opinion from the Commission before the action was taken; and

(c) He took action that was not contrary to a prior published opinion issued by the Commission.

6. In addition to other penalties provided by law, a public employee who willfully violates a provision of NRS 281.481, 281.491, 281.501 or 281.505 is subject to disciplinary proceedings by his employer and must be referred for action in accordance to the applicable provisions governing his employment.

7. NRS 281.481 to 281.541, inclusive, do not abrogate or decrease the effect of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct of public officers or employees. If the Commission finds that a public officer or employee has committed a willful violation of this chapter which it believes may also constitute a criminal offense, the Commission shall refer the matter to the Attorney General or the district attorney, as appropriate, for a determination of whether a crime has been committed that warrants prosecution.

8. The imposition of a civil penalty pursuant to subsection 1, 2 or 3 is a final decision for the purposes of judicial review.

9. A finding by the Commission that a public officer or employee has violated any provision of this chapter must be supported by a preponderance of the evidence unless a greater burden is otherwise prescribed by law.

Sec. 4. NRS 218.906 is hereby amended to read as follows:

218.906 "Expenditure" means any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, pledge or subscription of

money or anything of value, including ***the*** cost of entertainment, except the payment of ~~[a membership fee]~~ ***membership dues*** otherwise exempted pursuant to NRS 218.926 and any contract, agreement, promise or other obligation, whether or not legally enforceable, to make any expenditure ***.*** ~~[while the Legislature is in session.]~~

Sec. 5. NRS 218.926 is hereby amended to read as follows:

218.926 1. Each registrant shall file with the Director within 30 days after the close of the legislative session a final report signed under penalty of perjury concerning his lobbying activities. In addition, each registrant shall file with the Director between the 1st and 10th day of the month ~~[after]~~ ***:***

(a) After each month that the Legislature is in session ***,*** a report ***signed under penalty of perjury*** concerning his lobbying activities during the previous month, whether or not any expenditures were made.

(b) After the end of each calendar quarter that the Legislature is not in session, a report signed under penalty of perjury concerning his lobbying activities during the previous quarter, whether or not any expenditures were made.

2. Each report ***filed pursuant to subsection 1*** must be on a form prescribed by the Director and must include the total of all expenditures, if any, made by the registrant on behalf of a Legislator or an organization whose primary purpose is to provide support for Legislators of a particular political party and House, including expenditures made by others on behalf of the registrant if the expenditures were made with the registrant's express or implied consent or were ratified by the registrant. Except as otherwise provided in subsection ~~[4,]~~ ~~*[6,]*~~ ***5,*** the report must identify each Legislator and each organization whose primary purpose is to provide support for Legislators of a particular political party and House on whose behalf expenditures were made and must be itemized with respect to each such Legislator and organization. An expenditure on behalf of a person other than a Legislator or an organization whose primary purpose is to provide support for Legislators of a particular political party and House need not be reported pursuant to this section unless the expenditure is made for the benefit of a Legislator or such an organization.

~~[2.]~~ ***3.*** ~~*[In addition to the requirements set forth in subsection 2, a report filed pursuant to paragraph (a) of subsection 1 must include a list of any legislation of which the registrant opposed or urged introduction, passage or amendment during the previous month.*~~

~~*4.]*~~ If expenditures made by or on behalf of a registrant during the previous month ***or quarter, as applicable,*** exceed $50, the report must include a compilation of expenditures, itemized in the manner required by the regulations of the Legislative Commission, in the following categories:

(a) Entertainment;

(b) Expenditures made in connection with a party or similar event hosted by the organization represented by the registrant;

(c) Gifts and loans, including money, services and anything of value provided to a Legislator, to an organization whose primary purpose is to provide support for Legislators of a particular political party and House, or to any other person for the benefit of a Legislator or such an organization; and

(d) Other expenditures directly associated with legislative action, not including personal expenditures for food, lodging and travel expenses or membership dues.

~~[3.]~~ ~~*[5.]*~~ ***4.*** The Legislative Commission may authorize an audit or investigation by the Legislative Auditor that is proper and necessary to verify compliance with the provisions of this section. A lobbyist shall make available to the Legislative Auditor all books, accounts, claims, reports, vouchers and other records requested by the Legislative Auditor in connection with any such audit or investigation. The Legislative Auditor shall confine his requests for such records to those which specifically relate to the lobbyist's compliance with the reporting requirements of this section.

~~[4.]~~ ~~*[6.]*~~ ***5.*** A report filed pursuant to this section must not itemize with respect to each Legislator an expenditure if the expenditure is the cost of a function to which every Legislator was invited. For the purposes of this subsection, "function" means a party, meal or other social event.

Sec. 6. NRS 218.932 is hereby amended to read as follows:

218.932 1. The Legislative Commission ~~[shall]~~ ***:***

(a) Shall adopt regulations to carry out the provisions of NRS 218.900 to 218.944, inclusive ~~[, may]~~ ***;***

(b) Shall require fees for registration, payable into the Legislative Fund, and ~~[may]~~ ***fees for the course on ethics in government that is required pursuant to section 1 of this act, payable to the Commission on Ethics; and***

(c) May classify lobbyists for ~~[this purpose.]~~ ***the purpose of establishing a schedule of fees.***

2. The Director shall:

(a) Prepare and furnish forms for the statements and reports required to be filed.

(b) Prepare and publish uniform methods of accounting and reporting to be used by persons required to file such statements and reports, including guidelines for complying with the reporting requirements of NRS 218.900 to 218.944, inclusive.

(c) Accept and file any information voluntarily supplied that exceeds the requirements of NRS 218.900 to 218.944, inclusive.

(d) Develop a filing, coding and cross-indexing system consistent with the purposes of NRS 218.900 to 218.944, inclusive.

(e) Make the statements and reports available for public inspection during regular office hours.

(f) Preserve the statements and reports for a period of 5 years ~~[from]~~ ***after*** the date of filing.

(g) Compile and keep current an alphabetical list of registrants, including their address, the name and address of each person for whom the registrant is

lobbying and the principal areas of interest on which he expects to lobby. A copy of the list must be furnished to each Legislator, to the clerks of the respective counties for preservation and public inspection, and to any person who requests a copy and pays the cost of reproduction.

Sec. 7. Title 18 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 8 to 31, inclusive, of this act.

Sec. 8. ***Sections 8 to 31, inclusive, of this act may be cited as the Nevada Executive Department Lobbying Disclosure Act.***

Sec. 9. ***The Legislature declares that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their government for redress of grievances and to express freely to members of the Executive Department of the State Government their opinions on current issues and the management of government affairs.***

Sec. 10. ***As used in sections 8 to 31, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 11 to 16, inclusive, of this act, have the meanings ascribed to them in those sections.***

Sec. 11. ***"Executive action" means any official action or duty for which the Executive Department is responsible*** ~~*[.]*~~ ***in establishing policy, but does not include such actions by employees that provide a specific service to the general public.***

Sec. 12. ***"Executive Department" means the Executive Department of the State Government and includes*** ~~*[, without limitation,]*~~ ***a constitutional officer*** ~~*[or a member of the staff of a constitutional officer, an agency, a bureau, a board, a commission, a department, a division, an officer or employee thereof, an agent or any other unit of the Executive Department of the State Government.]*~~ ***, an appointed member of a board or commission, an employee in the unclassified service of the State and an employee with authority to establish policy or effect executive action or with whom final authority rests.***

Sec. 13. ***"Expenditure" means any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, pledge or subscription of money or anything of value, including the cost of entertainment, except the payment of membership dues otherwise exempted pursuant to section 21 of this act and any contract, agreement, promise or other obligation, whether or not legally enforceable, to make any expenditure.***

Sec. 14. ***1. "Gift" means a payment, subscription, advance, forbearance, rendering or deposit of money, services or anything of value unless consideration of equal or greater value is received.***

2. "Gift" does not include ~~*[a]*~~ ***:***

(a) A political contribution of money or services relating to a political campaign ~~*[, a]*~~ ***;***

(b) A commercially reasonable loan made in the ordinary course of business ~~*[, the cost of entertainment, including the]*~~ ***;***

(c) The cost of food or beverages [, or anything] ;

(d) Anything of value received from a member of the recipient's immediate family or from a relative of the recipient or his spouse within the [third] fifth degree of consanguinity or from the spouse of any such relative [.] ; or

(e) Costs and expenses associated with the attendance of a public officer, or the spouse or guest of a public officer, at an event relating to public office or at an event that benefits an organization which the Secretary of the Treasury has determined is an exempt organization pursuant to the provisions of section 501(c) of the Internal Revenue Code, 26 U.S.C. § 501(c).

Sec. 15. ***1. "Lobbyist" means, except as limited by subsection 2, a person who:***

(a) Appears in person in a state building or any other building in which the Executive Department conducts business or holds meetings; and

(b) Communicates directly with the Executive Department on behalf of someone other than himself to influence executive action, and who receives compensation for the communication.

2. "Lobbyist" does not include:

(a) Persons who confine their activities to formal appearances before the Executive Department and who clearly identify themselves and the interest or interests for whom they are testifying.

(b) Employees of a bona fide news medium who meet the definition of "lobbyist" only in the course of their professional duties and who contact the Executive Department for the sole purpose of carrying out their news gathering function.

(c) Employees or members of any branch of State Government, or of any political subdivision of this State, who confine their lobbying activities to issues directly relating to the scope of their office or employment.

(d) A person who has been retained as legal counsel for a business or natural person relating to a legal action and who appears as a matter of course relating to the legal action.

Sec. 16. ***"Person" includes a group of persons acting in concert, whether or not formally organized.***

Sec. 17. ***Every person who acts as a lobbyist shall [, not later than 2 days after the beginning of that activity, file a] file an annual registration statement with the Secretary of State in such form and at such time as the Secretary of State prescribes. If a person who has not filed an annual registration statement engages in an activity that requires him to register as a lobbyist, he shall, not later than 2 days after the beginning of that activity, file a registration statement. Such registration is effective until the next annual registration period.***

Sec. 18. ***The registration statement of a lobbyist must contain the following information:***

1. The registrant's full name, permanent address, place of business and temporary address, if any, while lobbying.

2. The full name and complete address of each person, if any, by whom the registrant is retained or employed or on whose behalf the registrant appears.

3. A listing of any direct business associations or partnerships involving the Executive Department and the registrant or any person by whom the registrant is retained or employed. The listing must include any such association or partnership constituting a source of income or involving a debt or interest in real estate required to be disclosed in a statement of financial disclosure made by a candidate for public office or a public officer pursuant to NRS 281.571.

4. The name of any constitutional officer for whom:

(a) The registrant; or

(b) Any person by whom the registrant is retained or employed,

➥ has, in connection with a political campaign of the constitutional officer, provided consulting, advertising or other professional services.

5. A description of the principal areas of interest on which the registrant expects to lobby.

6. If the registrant lobbies or purports to lobby on behalf of members, a statement of the number of members.

7. A declaration under penalty of perjury that none of the registrant's compensation or reimbursement is contingent, in whole or in part, upon the production of any executive action.

Sec. 19. ***Each person required to register shall file a notice of termination with the Secretary of State within 30 days after he ceases the activity that required his registration, but this does not relieve him of the reporting requirement for that reporting period. A person who has terminated his registration pursuant to this section may reinstate his registration before the end of the registration period by filing a request for reinstatement on a form prescribed by the Secretary of State and paying the applicable fee.***

Sec. 20. ***Each person required to register shall file a supplementary registration statement with the Secretary of State not later than 5 days after any change in the registrant's last registration statement. The supplementary registration statement must include complete details concerning the changes that have occurred.***

Sec. 21. ***1. Each registrant shall file with the Secretary of State*** ~~*[between the 1st and 10th day of the month after the end of each calendar quarter a]*~~ ***four quarterly reports each year, signed under penalty of perjury , concerning his lobbying activities during the previous quarter, whether or not any expenditures were made. The reports must be submitted not later than 10 days after the end of the quarter, except that the final report for the registration year must be submitted not later than 30 days after the end of the quarter.***

2. Each report filed pursuant to subsection 1 must be on a form prescribed by the Secretary of State and must include the total of all expenditures, if any, made by the registrant on behalf of the Executive Department, including expenditures made by others on behalf of the registrant if the expenditures were made with the registrant's express or implied consent or were ratified by the registrant. Except as otherwise provided in subsection 5, the report must be itemized and identify the constitutional officer, agency, bureau, board, commission, department, division, officer, employee, agent or other unit of the Executive Department on whose behalf expenditures were made. An expenditure on behalf of a person other than the Executive Department or an organization whose primary purpose is to provide support for the Executive Department need not be reported pursuant to this section unless the expenditure is made for the benefit of the Executive Department or such an organization.

3. If expenditures made by or on behalf of a registrant during the previous quarter exceed $50, the report must include a compilation of expenditures, itemized in the manner required by the regulations of the Secretary of State, in the following categories:

(a) Entertainment;

(b) Expenditures made in connection with a party or similar event hosted by the organization represented by the registrant;

(c) Gifts and loans, including money, services and anything of value provided to the Executive Department, to an organization whose primary purpose is to provide support for the Executive Department, or to any other person for the benefit of the Executive Department or such an organization; and

(d) Other expenditures directly associated with executive action, not including personal expenditures for food, lodging and travel expenses or membership dues.

4. The Secretary of State may authorize an audit or investigation by the Attorney General <u>or State Controller</u> that is proper and necessary to verify compliance with the provisions of this section. A lobbyist shall make available to the Attorney General <u>or State Controller</u> all books, accounts, claims, reports, vouchers and other records requested by the Attorney General <u>or State Controller</u> in connection with any such audit or investigation. The Attorney General <u>or State Controller</u> shall confine his requests for such records to those which specifically relate to the lobbyist's compliance with the reporting requirements of this section.

5. A report filed pursuant to this section must not itemize with respect to each constitutional officer, agency, bureau, board, commission, department, division, officer, employee, agent or other unit of the Executive Department an expenditure if the expenditure is the cost of a function to which any of those persons or agencies were invited. For the purposes of this subsection, "function" means a party, meal or other social event.

Sec. 22. ***1. The Secretary of State shall furnish an appropriate identification badge to each lobbyist who files a registration statement under this chapter.***

2. The identification badge must be worn by the lobbyist whenever he appears in a state building or other building in which the Executive Department conducts business or holds meetings.

Sec. 23. ***1. The Secretary of State shall:***

(a) Inspect each statement and report filed within 10 days after its filing.

(b) Immediately notify the person who has filed:

(1) If the information filed does not conform to law.

(2) If a written complaint has been filed with the Secretary of State by any person alleging an irregularity or lack of truth as to the information filed.

2. The Secretary of State may notify any person of the filing requirement who the Secretary of State has reason to believe has failed to file any statement or report as required.

Sec. 24. ***1. The Secretary of State:***

(a) Shall adopt regulations to carry out the provisions of sections 8 to 31, inclusive, of this act;

(b) Shall require fees for registration ~~*[,]*~~ ***or reinstatement of registration, payable to the*** ~~*[State General Fund,]*~~ ***Secretary of State, and fees for the course on ethics in government that is required pursuant to section 1 of this act, payable to the Commission on Ethics; and***

(c) May classify lobbyists for the purpose of establishing a schedule of fees.

2. The Secretary of State shall:

(a) Prepare and furnish forms for the statements and reports required to be filed.

(b) Prepare and publish uniform methods of accounting and reporting to be used by persons required to file such statements and reports, including guidelines for complying with the reporting requirements of sections 8 to 31, inclusive, of this act.

(c) Accept and file any information voluntarily supplied that exceeds the requirements of sections 8 to 31, inclusive, of this act.

(d) Develop a filing, coding and cross-indexing system consistent with the purposes of sections 8 to 31, inclusive, of this act.

(e) Make the statements and reports available for public inspection during regular office hours and on the Secretary of State's Internet website.

(f) Preserve the statements and reports for a period of 5 years after the date of filing.

(g) Compile and keep current an alphabetical list of registrants, including their addresses, the name and address of each person for whom the registrant is lobbying and the principal areas of interest on which he expects to lobby.

Sec. 25. ***The Secretary of State may:***

1. Prepare and publish such reports concerning lobbying activities as he deems appropriate.

2. Release to the public the name of any lobbyist who fails to file any activity report within 14 days after the date it is required to be filed.

3. Revoke the registration of any lobbyist who fails to file any activity report within 30 days after the date it is required to be filed or fails to file two or more activity reports within the time required.

Sec. 26. ***1. The Secretary of State shall:***

(a) Make investigations on his own initiative with respect to ~~[any irregularities which he discovers in the statements and reports filed and with respect to]~~ the failure of any person to file a required statement or report. ~~[and shall make]~~

(b) Make an investigation upon the written complaint of any person alleging a violation of any provision of sections 8 to 31, inclusive, of this act.

~~[(b)]~~ (c) Report suspected violations of law to the Attorney General who shall investigate and take any action necessary to carry out the provisions of sections 8 to 31, inclusive, of this act.

2. If an investigation by the Secretary of State reveals a violation of any provision of sections 8 to 31, inclusive, of this act, by a lobbyist, the Secretary of State may suspend the lobbyist's registration for a specified period or revoke his registration. The Secretary of State shall cause notice of his action to be given to each person who employs or uses the lobbyist.

3. A lobbyist whose registration is suspended or revoked by the Secretary of State may:

(a) Request a hearing on the matter before the Secretary of State; and

(b) Appeal to ~~[the Attorney General]~~ a hearing officer of the Department of Administration from any adverse decision of the Secretary of State.

4. A lobbyist whose registration is revoked may, with the consent of the Secretary of State, renew his registration if he:

(a) Files a registration statement in the form required by section 18 of this act;

(b) Pays any fee for late filing owed pursuant to section 28 of this act, plus the fee for registration prescribed by the Secretary of State; and

(c) If the revocation occurred because of his failure to file an activity report, files that report.

Sec. 27. ***The district courts may issue injunctions to enforce the provisions of sections 8 to 31, inclusive, of this act upon application by the Attorney General.***

Sec. 28. ***1. Except as otherwise provided in this subsection, a registrant who files an activity report after the time provided in section 21 of this act shall pay to the Secretary of State a fee for late filing of $10 for each day that it was late, but the Secretary of State may reduce or waive***

this fee upon a finding of just cause. The Secretary of State may by regulation exempt a classification of lobbyist from the fee for late filing.

2. An activity report with respect to which a late filing fee has been paid by the registrant or waived by the Secretary of State shall be deemed timely filed, and the late filing is not a public offense.

Sec. 29. ***1. A lobbyist shall not:***

(a) Indicate that he has authorization from the Executive Department to request professional services from an officer or employee of state government unless he has such authority; or

(b) Misrepresent the scope of the authorization that he has from the Executive Department to request professional services from an officer or employee of state government.

2. As used in this section, "professional services" means engaging in work for which an officer or employee is professionally trained or qualified.

Sec. 30. ***1. A lobbyist shall not knowingly or willfully make any false statement or misrepresentation of facts:***

(a) To the Executive Department in an effort to persuade or influence executive action.

(b) In a registration statement or report concerning lobbying activities filed with the Secretary of State.

2. A lobbyist shall not give to a member of the Executive Department or a member of his immediate family gifts that exceed $100 in value in the aggregate in any calendar year.

3. A member of the Executive Department or a member of his immediate family shall not solicit anything of value from a registrant or accept any gift that exceeds $100 in aggregate value in any calendar year.

4. A person who employs or uses a lobbyist shall not make that lobbyist's compensation or reimbursement contingent in any manner upon the outcome of any executive action.

5. Except during the period permitted by section 17 of this act, a person shall not knowingly act as a lobbyist without being registered as required by that section.

6. Except as otherwise provided in subsection 7, a member of the Legislative Branch of the State Government or the Executive Department and an elected officer or employee of a political subdivision shall not receive compensation or reimbursement other than from the State or the political subdivision for personally engaging in lobbying.

7. An elected officer or employee of a political subdivision may receive compensation or reimbursement from any organization whose membership consists of elected or appointed public officers.

8. A lobbyist shall not instigate any executive action for the purpose of obtaining employment to lobby in opposition thereto.

9. A lobbyist shall not make, commit to make or offer to make a monetary contribution to a member of the Legislature, the Lieutenant

Governor, the Lieutenant Governor-elect, the Governor or the Governor-elect during the period beginning:

(a) Thirty days before a regular session of the Legislature and ending 30 days after the final adjournment of a regular session of the Legislature;

(b) Fifteen days before a special session of the Legislature is set to commence and ending 15 days after the final adjournment of a special session of the Legislature, if the Governor sets a specific date for the commencement of the special session that is more than 15 days after the Governor issues the proclamation calling for the special session; or

(c) The day after the Governor issues a proclamation calling for a special session of the Legislature and ending 15 days after the final adjournment of a special session of the Legislature if the Governor sets a specific date for the commencement of the special session that is 15 or fewer days after the Governor issues the proclamation calling for the special session.

Sec. 31. ***Any person subject to any of the provisions contained in section 30 of this act who refuses or fails to comply therewith is guilty of a misdemeanor.***

Sec. 32. The provisions of section 1 of this act do not apply to any public officer elected or appointed to his office before October 1, 2007. **A public employee who is employed on October 1, 2007, in a position whose primary function is to lobby other governmental entities on behalf of his employer shall complete the course on ethics in government required pursuant to section 1 of this act on or before January 1, 2008.**

Assemblywoman Koivisto moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 569.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 227.

AN ACT relating to elections; eliminating various provisions concerning supplies that are no longer used in elections; regulating the process for rescinding a withdrawal of candidacy; making various changes regarding early voting; providing a deadline by which a regulation of the Secretary of State must be effective to be applicable to a particular election; providing for when certain offices must be declared elected and no election held for the office; making certain changes concerning the official record for a recount; making various changes to the provisions governing absent ballots; making various changes concerning questions placed on a ballot; making various other changes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law in chapters 293, 293B and 293C of NRS refers to the use of pollbooks and to mechanical voting systems whereby a voter may cast his vote by punching a card. Sections 5, 6, 9, ~~[15, 17, 19, 22, 24-27, 29-33, 35, 37-42, 44, 45, 48, 50-54, 56-59, 61, 62, 64-67, 69-73, 75, 77-82, 84-90 and 92-94]~~ **16, 18, 20, 23, 25, 26, 28, 29, 31-35, 37, 40-44, 46, 47, 50, 55-59, 61-64, 66, 67, 69-72, 74-78, 80, 82-87, 89-95 and 97-99** of this bill eliminate references to the use of pollbooks or to a voter punching a card or casting his ballot with a punch card and to any procedures concerning the use of such supplies, as these supplies and systems are no longer in use in elections in this State. Section ~~[96]~~ **101** of this bill repeals many sections that deal exclusively with these supplies and systems.

Existing law authorizes and provides a procedure for a candidate to withdraw his candidacy, but makes no provision for the manner in which a candidate may rescind after he has withdrawn his declaration of candidacy. (NRS 293.202) Section ~~[10]~~ **11** of this bill creates a procedure for a candidate to rescind his withdrawal of candidacy.

Existing law requires the Secretary of State to adopt regulations governing the conduct of elections. (NRS 293.247) Sections ~~[16 and 91]~~ **17 and 96** of this bill provide that only permanent regulations of the Secretary of State that are effective on or before December 31 of the year immediately preceding a primary, general, special or district election govern the conduct of that election.

Existing law provides that when no more than the number of candidates to be elected have filed for nomination for most nonpartisan offices, the names of the candidates must still appear on the ballot for the primary election. (NRS 293.260) Sections ~~[18 and 95]~~ **19 and 100** change that requirement to provide that for the office of member of a town advisory board and for certain offices on the Board of Governors of the Elko Convention and Visitors Authority, in such a situation those candidates must be declared elected and no election may be held for that office.

Existing law requires that mechanical recording devices which directly record votes electronically must provide a permanent paper record that must be available as an official record for a recount. (NRS 293.2696, 293B.084) Sections ~~[23 and 52]~~ **24 and 57** of this bill eliminate the requirement that the permanent paper records be available as an official record for a recount.

Existing law specifies the procedure for county and city clerks to process absent ballots returned by mail or in person. (NRS 293.325, 293C.325) Sections ~~[28 and 68]~~ **30 and 73** of this bill make revisions to clarify the procedure.

Existing law specifies the procedure and timing for the appropriate counting board to remove absent ballots from ballot boxes for the purpose of counting them. (NRS 293.384, 293.385, 293C.382, 293C.385) Sections ~~[43, 44, 83 and 84]~~ **45, 46, 88 and 89** of this bill revise the timing to provide that the appropriate counting board may remove the absent ballots from the ballot boxes or containers 3 working days earlier than the current provisions allow.

Existing law authorizes and sets forth a procedure for the governing body of a political subdivision or other local agency to submit a question to the qualified electors or registered voters of a designated territory. (NRS 293.481) Section ~~[49]~~ **51** of this bill requires a county clerk to assign a unique identification number to such a question and creates a procedure for such a governing body to withdraw a question that was properly submitted to a county or city clerk.

Existing law requires the use of voting receipts and specifies that such voting receipts have two parts. (NRS 293.2673, 293.3585, 293.3604, 293B.300, 293B.305, 293C.261, 293C.3585, 293C.3604, 293C.620) Sections ~~[21, 35, 36, 55, 56, 63, 75, 76 and 86]~~ **22, 37, 38, 60, 61, 68, 80, 81 and 91** of this bill change these provisions to make the use of voting receipts optional at the discretion of the county or city clerk. These sections of the bill also eliminate the requirement that the voting receipts have two parts.

Section ~~[96]~~ **101** of this bill repeals the section that requires the Secretary of State to publish a pamphlet describing the requirements for filing and circulating an initiative petition and several other sections dealing with obsolete election procedures. (NRS 293.12756)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***"Ballot box" means a box that is capable of being secured and is used to receive the voted ballots.***

Sec. 3. ***"Provisional ballot" means a ballot voted by a person pursuant to NRS 293.3081 to 293.3086, inclusive.***

Sec. 4. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, ***and sections 2 and 3 of this act,*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 293.025 is hereby amended to read as follows:

293.025 "Ballot" means the record of a voter's preference of candidates and questions voted upon at an election. The term includes, without limitation, any paper given to a voter upon which he places his vote [, a punch card which records the vote of a voter] and electronic storage tapes.

Sec. 6. NRS 293.040 is hereby amended to read as follows:

293.040 "Clerk" means the election board officer designated or assigned to make the record of the election in the [pollbook,] ***roster,*** tally list and challenge list in the precinct or district in which such officer is appointed.

Sec. 7. NRS 293.093 is hereby amended to read as follows:

293.093 "Regular votes" means the votes cast by registered voters, except votes cast by absent ***ballot or provisional*** ballot.

Sec. 8. NRS 293.097 is hereby amended to read as follows:

293.097 "Sample ballot" means a document distributed by a county or city clerk upon which is printed a [facsimile of] ***list of the offices, candidates and ballot questions that will appear on*** a ballot. The term includes any such document which is printed by a computer.

Sec. 9. NRS 293.113 is hereby amended to read as follows:

293.113 "Tally list" [or "tally book"] means the [forms] ***form*** furnished ***to*** election board officers to be used in [tallying or] recording the number of votes cast for each candidate and question on the ballot **.** [as such votes are called in counting.]

Sec. 10. **NRS 293.12757 is hereby amended to read as follows:**

293.12757 A person may sign a petition required under the election laws of this State on or after the date he is deemed to be registered to vote pursuant to ~~[subsection 5 of]~~ NRS 293.517 or subsection 7 of NRS 293.5235.

~~[Sec. 10.]~~ ***Sec. 11.*** NRS 293.202 is hereby amended to read as follows:

293.202 ***1.*** A withdrawal of candidacy for office must be in writing and must be presented by the candidate in person, within 7 days, excluding Saturdays, Sundays and holidays, after the last day for filing, to the officer whose duty it is to receive filings for candidacy for that office. ***If the withdrawal of candidacy is submitted in a timely manner pursuant to the provisions of this subsection, it shall be deemed effective after the seventh day, excluding Saturdays, Sundays and holidays, after the last day for filing.***

2. A rescission of a withdrawal of candidacy must be in writing and presented by the candidate in person, within the 7 days, excluding Saturdays, Sundays and holidays, after the last day for filing, to the officer whose duty it is to receive filings for candidacy for that office.

~~[Sec. 11.]~~ ***Sec. 12.*** NRS 293.207 is hereby amended to read as follows:

293.207 1. Election precincts must be established on the basis of the number of registered voters therein, with a maximum [of 600 registered voters per precinct in those precincts in which paper ballots are used, or a maximum] of 1,500 registered voters who are not designated inactive pursuant to NRS 293.530 per precinct in those precincts in which a mechanical voting system is used.

2. Except as otherwise provided in subsections 3 and 4, the county clerk may consolidate two or more contiguous election precincts into a single voting district to conduct a particular election as public convenience, necessity and economy may require.

3. If a county clerk proposes to consolidate two or more contiguous election precincts, in whole or in part, pursuant to subsection 2, the county clerk shall, at least 14 days before consolidating the precincts, cause notice of the proposed consolidation to be:

(a) Posted in the manner prescribed for a regular meeting of the board of county commissioners; and

(b) Mailed to each Assemblyman, State Senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the consolidation.

4. A person may file a written objection to the proposed consolidation with the county clerk. The county clerk shall consider each written objection filed pursuant to this subsection before consolidating the precincts.

~~[Sec. 12.]~~ ***Sec. 13.*** NRS 293.213 is hereby amended to read as follows:

293.213 1. Whenever there were not more than 20 voters registered in a precinct for the last preceding general election, the county clerk may establish that precinct as a mailing precinct **.** [, and shall forthwith mail notification to the field registrar for that precinct.]

2. Except as otherwise provided in NRS 293.208, the county clerk in any county where an absent ballot central counting board is appointed may abolish two or more existing mailing precincts and combine those mailing precincts into absent ballot precincts. Those mailing precincts must be designated absent ballot mailing precincts.

3. In any county where an absent ballot central counting board is appointed, any established precinct which had less than 200 ballots cast at the last preceding general election, or any newly established precinct with less than 200 registered voters, may be designated an absent ballot mailing precinct.

4. The county clerk shall, at least 14 days before establishing or designating a precinct as a mailing precinct or absent ballot mailing precinct or before abolishing a mailing precinct pursuant to this section, cause notice of such action to be:

(a) Posted in the manner prescribed for a regular meeting of the board of county commissioners; and

(b) Mailed to each Assemblyman, State Senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the action.

~~[Sec. 13.]~~ ***Sec. 14.*** NRS 293.217 is hereby amended to read as follows:

293.217 1. The county clerk of each county shall appoint and notify registered voters to act as election board officers for the various precincts and districts in the county as provided in NRS 293.220 to [293.245,] ***293.243,*** inclusive, and 293.384 **.** [, and shall conclude those duties no later than 31 days before the election.] The registered voters appointed as election board officers for any precinct or district must not all be of the same political party. No candidate for nomination or election or his relative within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the county clerk, the sheriff shall:

(a) Appoint a deputy sheriff for each polling place in the county and for the central election board or the absent ballot central counting board; or

(b) Deputize as a deputy sheriff for the election an election board officer of each polling place in the county and for the central election board or the absent ballot central counting board. The deputized officer shall receive no additional compensation for his services rendered as a deputy sheriff during the election for which he is deputized.

➥ Deputy sheriffs so appointed and deputized shall preserve order during hours of voting and attend closing of the polls.

2. The county clerk may appoint a trainee for the position of election board officer as set forth in NRS 293.2175.

~~[Sec. 14.]~~ ***Sec. 15.*** NRS 293.227 is hereby amended to read as follows:

293.227 1. Each election board [consists of at least three members, one of whom must be] ***must have one member*** designated ***as the*** chairman by the county or city clerk. The ***election*** boards shall make the records of election required by this chapter.

2. The appointment of a trainee as set forth in NRS 293.2175 and 293C.222 may be used to determine the number of members on the election board, but under no circumstances may:

(a) The election board of any precinct include more than one trainee; or

(b) A trainee serve as chairman of the election board.

3. The county or city clerk shall conduct or cause to be conducted [, at least 5 days before the date of the election for which the boards are appointed,] a school to acquaint the [chairmen] ***members of an election board*** with the election laws, duties of election boards, regulations of the Secretary of State and with the procedure for making the records of election and using the register for election boards. [If the person appointed chairman is unable for any reason to attend the school, he shall appoint some other member of his election board to attend the school in his stead.]

4. The board of county commissioners of any county or the city council of any city may reimburse the [chairmen or their designees] ***members of an election board*** who attend the school for their travel expenses at a rate not exceeding 10 cents per mile.

[5. Each chairman shall instruct his board before election day.]

~~[Sec. 15.]~~ ***Sec. 16.*** NRS 293.230 is hereby amended to read as follows:

293.230 [1. In precincts or districts where there are less than 200 registered voters and paper ballots are used, the election board shall perform all duties required from the time of preparing for the opening of the polls through delivering the supplies and result of votes cast to the county clerk.

2.] Except as otherwise provided in NRS 293.235, one election board must be appointed by the county clerk for all mailing precincts within the county and must be designated the central election board. The county clerk shall deliver the mailed ballots to that board in his office and the board shall count the votes on those ballots in the manner required by law.

~~[Sec. 16.]~~ ***Sec. 17.*** NRS 293.247 is hereby amended to read as follows:

293.247 1. The Secretary of State shall adopt regulations, not inconsistent with the election laws of this State, for the conduct of primary, general, special and district elections in all cities and counties. ***Permanent regulations of the Secretary of State that regulate the conduct of a primary, general, special or district election that are effective on or before December 31 of the year immediately preceding a primary, general, special or district election govern the conduct of that election.***

2. The Secretary of State shall prescribe the forms for a declaration of candidacy, certificate of candidacy, acceptance of candidacy and any petition which is filed pursuant to the general election laws of this State.

[2.] ***3.*** The regulations must prescribe:

(a) The duties of election boards;

(b) The type and amount of election supplies;

(c) The manner of printing ballots and the number of ballots to be distributed to precincts and districts;

(d) The method to be used in distributing ballots to precincts and districts;

(e) The method of inspection and the disposition of ballot boxes;

(f) The form and placement of instructions to voters;

(g) The recess periods for election boards;

(h) The size, lighting and placement of voting booths;

(i) The amount and placement of guardrails and other furniture and equipment at voting places;

(j) The disposition of election returns;

(k) The procedures to be used for canvasses, ties, recounts and contests [;] ***, including, without limitation, the appropriate use of a paper record created when a voter casts a ballot on a mechanical voting system that directly records the votes electronically;***

(l) The procedures to be used to ensure the security of the ballots from the time they are transferred from the polling place until they are stored pursuant to the provisions of NRS 293.391 or 293C.390;

(m) The procedures to be used to ensure the security and accuracy of computer programs and tapes used for elections;

(n) ***The procedures to be used for the testing, use and auditing of a mechanical voting system which directly records the votes electronically and which creates a paper record when a voter casts a ballot on the system;***

(o) The procedures to be used for the disposition of absent ballots in case of an emergency;

[(o)] ***(p)*** The forms for applications to register to vote and any other forms necessary for the administration of this title; and

[(p)] ***(q)*** Such other matters as determined necessary by the Secretary of State.

[3.] ***4.*** The Secretary of State may provide interpretations and take other actions necessary for the effective administration of the statutes and

regulations governing the conduct of primary, general, special and district elections in this State.

[4.] ***5.*** The Secretary of State shall prepare and distribute to each county and city clerk copies of:

(a) Laws and regulations concerning elections in this State;

(b) Interpretations issued by the Secretary of State's Office; and

(c) Any Attorney General's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the Secretary of State.

~~[Sec. 17.]~~ ***Sec. 18.*** NRS 293.250 is hereby amended to read as follows:

293.250 1. The Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

(a) The form of all ballots, absent ballots, diagrams, sample ballots, certificates, notices, declarations, applications to register to vote, lists, applications, [pollbooks,] registers, rosters, statements and abstracts required by the election laws of this State.

(b) The procedure to be followed when a computer is used to register voters and to keep records of registration.

2. The Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

(b) The listing of all other candidates required to file with him, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible

must be completed by August 1 of the year in which the general election is to be held.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

~~[Sec. 18.]~~ ***Sec. 19.*** NRS 293.260 is hereby amended to read as follows:

293.260 1. Where there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot.

2. If more than one major political party has candidates for a particular office, the persons who receive the highest number of votes at the primary elections must be declared the nominees of those parties for the office.

3. If only one major political party has candidates for a particular office and a minor political party has nominated a candidate for the office or an independent candidate has filed for the office, the candidate who receives the highest number of votes in the primary election of the major political party must be declared the nominee of that party and his name must be placed on the general election ballot with the name of the nominee of the minor political party for the office and the name of the independent candidate who has filed for the office.

4. If only one major political party has candidates for a particular office and no minor political party has nominated a candidate for the office and no independent candidate has filed for the office:

(a) If there are more candidates than twice the number to be elected to the office, the names of the candidates must appear on the ballot for a primary election. Except as otherwise provided in this paragraph, the candidates of that party who receive the highest number of votes in the primary election, not to exceed twice the number to be elected to that office at the general election, must be declared the nominees for the office. If only one candidate is to be elected to the office and a candidate receives a majority of the votes in the primary election for that office, that candidate must be declared the nominee for that office and his name must be placed on the ballot for the general election.

(b) If there are no more than twice the number of candidates to be elected to the office, the candidates must, without a primary election, be declared the nominees for the office.

5. Where no more than the number of candidates to be elected have filed for nomination for:

(a) Any partisan office or the office of justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for a general election; [and]

(b) Any nonpartisan office, other than the office of justice of the Supreme Court [,] ***or the office of member of a town advisory board,*** the names of those candidates must appear on the ballot for a primary election unless the candidates were nominated pursuant to subsection 2 of NRS 293.165. If a candidate receives one or more votes at the primary election, he must be declared elected to the office and his name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at the primary election, his name must be placed on the ballot for the general election [.] ***; and***

(c) The office of member of a town advisory board, the candidate must be declared elected to the office and no election must be held for that office.

6. If there are more candidates than twice the number to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. Those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.

~~[Sec. 19.]~~ ***Sec. 20.*** NRS 293.262 is hereby amended to read as follows:

293.262 An absent ballot or a ballot voted by a voter who resides in a mailing precinct must be voted:

1. On a paper ballot [:

2. On a ballot which is voted by punching a card; or

3.] ***; or***

2. By any other system authorized by state or federal law.

~~[Sec. 20.]~~ ***Sec. 21.*** NRS 293.265 is hereby amended to read as follows:

293.265 On nonpartisan primary ballots, there must appear at the top of the ballot the designation ["Candidates for] **"** Nonpartisan Offices." Except as otherwise provided in NRS 293.2565, following this designation must appear the names of candidates grouped alphabetically under the title and length of term of the nonpartisan office for which those candidates filed.

~~[Sec. 21.]~~ ***Sec. 22.*** NRS 293.2673 is hereby amended to read as follows:

293.2673 1. A ballot prepared for use in an election in this State must be dated and marked in such a manner as to indicate clearly at which election the ballot will be used.

2. If a ballot includes a detachable stub, both the ballot and the stub must include the date of the election and indicate clearly at which election the ballot will be used.

3. If a ballot includes a voting receipt **,** [which has two parts, each part of] the voting receipt must include the date of the election and indicate clearly at which election the [ballot will be used.] ***voter cast his ballot.***

~~[Sec. 22.]~~ ***Sec. 23.*** NRS 293.2693 is hereby amended to read as follows:

293.2693 If a county or city uses paper ballots [or punch cards] in an election, including, without limitation, for absent ballots and ballots voted in a mailing precinct, the county or city clerk shall provide a voter education program specific to the voting system used by the county or city. The voter education program must include, without limitation, information concerning the effect of overvoting and the procedures for correcting a vote on a ballot before it is cast and counted and for obtaining a replacement ballot.

~~[Sec. 23.]~~ ***Sec. 24.*** NRS 293.2696 is hereby amended to read as follows:

293.2696 The Secretary of State and each county and city clerk shall ensure that each voting system used in this State:

1. Secures to each voter privacy and independence in the act of voting, including, without limitation, confidentiality of the ballot of the voter;

2. Allows each voter to verify privately and independently the votes selected by the voter on the ballot before the ballot is cast and counted;

3. Provides each voter with the opportunity, in a private and independent manner, to change the ballot and to correct any error before the ballot is cast and counted, including, without limitation, the opportunity to correct an error through the issuance of a replacement ballot if the voter is otherwise unable to change the ballot or correct the error;

4. Provides a permanent paper record with a manual audit capacity ***;*** [which must be available as an official record for a recount;] and

5. Meets or exceeds the standards for voting systems established by the Federal Election Commission, including, without limitation, the error rate standards.

~~[Sec. 24.]~~ ***Sec. 25.*** NRS 293.285 is hereby amended to read as follows:

293.285 [1.] A registered voter applying to vote shall state his name to the election board officer in charge of the election board register and the officer shall immediately announce the name and take the registered voter's signature. [After a registered voter is properly identified at a polling place where paper ballots are used, one partisan ballot and, if required, one nonpartisan ballot, correctly folded must be given to the voter and the number of the ballot or ballots must be written by an election board officer upon the pollbook, opposite the name of the registered voter receiving the ballot or ballots.

2. In pollbooks in which voters' names have been entered, election officers may indicate the application to vote without writing the name.]

~~[Sec. 25.]~~ ***Sec. 26.*** NRS 293.297 is hereby amended to read as follows:

293.297 [1. Except as otherwise provided in subsection 2:

(a) Any voter who spoils his ballot may return the spoiled ballot to the election board and receive another in its place.

(b) The election board officers shall indicate in the pollbook that the ballot is spoiled and shall enter the number of the ballot issued in its place.

(c) Each spoiled ballot returned must be cancelled by writing the word "Cancelled" across the back of the ballot. A spoiled paper ballot must be cancelled without unfolding it.

(d) A record must be made of those cancelled ballots at the closing of the polls and before counting. The ballots must be placed in a separate envelope and returned to the appropriate county clerk with the election supplies.

2. If ballots which are voted on a] ***A*** mechanical recording device which directly records [the] votes electronically [are used,] ***must allow*** the voter [must be able] to change his vote before the mechanical recording device permanently records that vote.

Sec. 27. **NRS 293.303 is hereby amended to read as follows:**

293.303 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct ~~[or district]~~ upon the ground that he is not the person entitled to vote as claimed or has voted before at the same election ***.*** ~~[; or]~~ ***A registered voter who initiates a challenge pursuant to this paragraph must submit an affirmation that is signed under penalty of perjury and in the form prescribed by the Secretary of State stating that the challenge is based on the personal knowledge of the registered voter.***

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that he does not belong to the political party designated upon the register, "I swear or affirm under penalty of perjury that I belong to the political party designated upon the register";

(b) If the challenge is on the ground that the register does not show that he designated the political party to which he claims to belong, "I swear or affirm under penalty of perjury that I designated on the application to register to vote the political party to which I claim to belong";

(c) If the challenge is on the ground that he does not reside at the residence for which the address is listed in the election board register, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the election board register";

(d) If the challenge is on the ground that he previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(e) If the challenge is on the ground that he is not the person he claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this election board register."

➥ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. Except as otherwise provided in subsection 4, if the challenged person refuses to execute the oath or affirmation so tendered, he must not be issued a ballot, and the officer in charge of the election board register shall write the words "Challenged ....." opposite his name in the election board register.

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) or (b) of subsection 2, the election board officers shall issue him a nonpartisan ballot.

5. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (c) of subsection 2, the election board officers shall inform him that he is entitled to vote only in the manner prescribed in NRS 293.304.

6. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (e) of subsection 2, the election board officers shall issue him a partisan ballot.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he furnishes satisfactory identification which contains proof of the address at which he actually resides.

8. If the challenge is based on the ground set forth in paragraph (e) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless he:

(a) Furnishes official identification which contains a photograph of himself, such as his driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of himself, such as his driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he swears he is.

9. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

~~[Sec. 26.]~~ ***Sec. 28.*** NRS 293.304 is hereby amended to read as follows:

293.304 1. If a person is successfully challenged on the ground set forth in paragraph (c) of subsection 2 of NRS 293.303 or if a person refuses to provide an affirmation pursuant to NRS 293.525, the election board shall instruct the voter that he may vote only at the special polling place in the manner set forth in this section.

2. The county clerk of each county shall maintain a special polling place in his office and at such other locations as he deems necessary during each election. The ballots voted at the special polling place must be kept separate from the ballots of voters who have not been so challenged or who have provided an affirmation pursuant to NRS 293.525 in [:

(a) A special ballot box if the ballots are paper ballots or ballots which are voted by punching a card; or

(b) A] ***a*** special sealed container if the ballots are ballots which are voted on a mechanical recording device which directly records the votes electronically.

3. A person who votes at a special polling place may place his vote only for the following offices and questions:

(a) President and Vice President of the United States;

(b) United States Senator;

(c) All state officers for whom all voters in the State may vote;

(d) All officers for whom all voters in the county may vote; and

(e) Questions which have been submitted to all voters of the county or State.

4. The ballots voted at the special polling place must be counted when other ballots are counted and [:

(a) If the ballots are paper ballots or ballots which are voted by punching a card, maintained in a separate ballot box; or

(b) If] ***, if*** the ballots are ballots which are voted on a mechanical recording device which directly records the votes electronically, maintained in a separate sealed container [,

➥] until any contest of election is resolved or the date for filing a contest of election has passed, whichever is later.

~~[Sec. 27.]~~ ***Sec. 29.*** NRS 293.323 is hereby amended to read as follows:

293.323 1. Except as otherwise provided in subsection 2, if the request for an absent ballot is made by mail or facsimile machine, the county clerk shall, as soon as the official absent ballot for the precinct or district in which the applicant resides has been printed, send to the voter by first-class mail ***or by any class of mail if the Official Election Mail logo created by the United States Postal Service is placed properly on the official absent ballot,*** if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base, or by air mail if the absent voter is in a foreign country but not on a military base:

(a) [Except as otherwise provided in paragraph (b):

(1)] An absent ballot;

[(2)] ***(b)*** A return envelope;

[(3) Supplies for marking the ballot;

(4)] ***(c)*** An envelope or similar device into which the ballot is inserted to ensure its secrecy; and

[(5) Instructions.

(b) In those counties using a mechanical voting system whereby a vote is cast by punching a card:

(1) A card attached to a sheet of foam plastic or similar backing material;

(2) A return envelope;

(3) A punching instrument;

(4) A sample ballot;

(5) An envelope or similar device into which the card is inserted to ensure its secrecy; and

(6)] ***(d)*** Instructions.

2. If the county clerk fails to send an absent ballot pursuant to subsection 1 to a voter who resides within the continental United States, the county clerk may use a facsimile machine to send an absent ballot and instructions to the voter. The voter shall mail his absent ballot to the county clerk.

3. The return envelope sent pursuant to subsection 1 must include postage prepaid by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Nothing may be enclosed or sent with an absent ballot except as required by subsection 1 or 2.

5. Before depositing a ballot in the [mails] ***mail*** or sending a ballot by facsimile machine, the county clerk shall record the date the ballot is issued, the name of the registered voter to whom it is issued, his precinct or district, his political affiliation, if any, the number of the ballot and any remarks he finds appropriate.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsection 2.

~~[Sec. 28.]~~ ***Sec. 30.*** NRS 293.325 is hereby amended to read as follows:

293.325 1. Except as otherwise provided in [subsections 2 and 3,] ***subsection 2,*** when an absent ballot is returned by a registered voter to the county clerk through the [mails] ***mail or in person,*** and record thereof is made in the absent ballot record book, the county clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the precinct or district election board.

2. If [the county clerk has appointed] an absent ballot central counting board [, the county clerk shall, upon receipt of each absent voter's ballot, make a record of the return and check the signature on the return envelope against the original signature of the voter on the county clerk's register. If the county clerk determines that the absent voter is entitled to cast his ballot, he

shall deposit the ballot in the proper ballot box. At the end of each day before election day, the county clerk may remove the ballots from each ballot box and neatly stack the ballots in a container. Except as otherwise provided in subsection 3, on election day the county clerk shall deliver the ballot box and, if applicable, each container to the absent ballot counting board to be counted.

3. If the county uses a mechanical voting system, the county clerk shall, upon receipt of each absent voter's ballot, make a record of the return and] ***has been appointed, when an absent ballot is returned by a registered voter to the county clerk through the mail or in person, the county clerk shall*** check the signature on the return envelope against the original signature of the county clerk's register. If the county clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the county clerk at all times. At the end of each day before election day, the county clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. [Except as otherwise provided in this subsection, on election day the county clerk shall deliver the ballot box and each container, if applicable, to the central counting place. If the county uses a mechanical voting system and the county clerk has appointed an absent ballot central counting board, the county clerk may, not] ***Not*** earlier than 4 working days before the election, ***the county clerk shall*** deliver the ballots to the absent ballot central counting board to be processed and prepared for [tabulation] ***counting*** pursuant to the procedures established by the Secretary of State [.] ***to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293.273 or 293.305.***

~~[Sec. 29.]~~ ***Sec. 31.*** NRS 293.330 is hereby amended to read as follows:

293.330 1. Except as otherwise provided in NRS 293.3157 and subsection 2 of NRS 293.323 and any regulations adopted pursuant thereto, when an absent voter receives his ballot, he must mark and fold it [, if it is a paper ballot, or punch it, if the ballot is voted by punching a card,] in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his signature on the back of the envelope in the space provided therefor and mail the return envelope.

2. Except as otherwise provided in subsection 3, if an absent voter who has requested a ballot by mail applies to vote the ballot in person at:

(a) The office of the county clerk, he must mark [or punch] the ballot, seal it in the return envelope and affix his signature in the same manner as provided in subsection 1, and deliver the envelope to the clerk.

(b) A polling place, including, without limitation, a polling place for early voting, he must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."

3. If an absent voter who has requested a ballot by mail applies to vote in person at the office of the county clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

(a) Provides satisfactory identification;

(b) Is a registered voter who is otherwise entitled to vote; and

(c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.

4. Except as otherwise provided in NRS 293.316, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of his family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the county clerk that he is a member of the family of the voter who requested the absent ballot and that the voter requested that he return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

~~[Sec. 30.]~~ ***Sec. 32.*** NRS 293.333 is hereby amended to read as follows:

293.333 On the day of an election, the precinct or district election boards receiving the absent voters' ballots from the county clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293.325 and deposit the ballots in the regular ballot box in the following manner:

1. The name of the voter, as shown on the return envelope, must be called and checked as if the voter were voting in person;

2. The signature on the back of the return envelope must be compared with that on the original application to register to vote;

3. If the board determines that the absent voter is entitled to cast his ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot [,] and, if the numbers are the same, the ballot deposited in the regular ballot box; and

4. The election board officers shall mark in the [pollbook] ***roster*** opposite the name of the voter the word "Voted."

~~[Sec. 31.]~~ ***Sec. 33.*** NRS 293.350 is hereby amended to read as follows:

293.350 1. The county clerk shall:

(a) Make certain of the names and addresses of all voters registered to vote in mailing precincts and absent ballot mailing precincts;

(b) Enroll the name and address of each voter found eligible to vote in those precincts in the mailing precinct record book;

(c) Mark the number of the ballot on the return envelope; and

(d) Mail the ballot to the registered voter.

2. [Except as otherwise provided in subsection 3, the] ***The*** ballot must be accompanied by:

(a) [Supplies for marking the ballot;

(b)] A return envelope;

[(c)] ***(b)*** An envelope or similar device into which the ballot is inserted to ensure its secrecy;

[(d)] ***(c)*** A sample ballot; and

[(e)] ***(d)*** Instructions regarding the manner of marking and returning the ballot.

[3. In those counties using a mechanical voting system whereby a vote is cast by punching a card, the ballot must be accompanied by:

(a) A sheet of foam plastic or similar backing material attached to the card;

(b) A punching instrument;

(c) A return envelope;

(d) An envelope or similar device into which the card is inserted to ensure its secrecy;

(e) A sample ballot; and

(f) Instructions regarding the manner of punching and returning the card.]

~~[Sec. 32.]~~ ***Sec. 34.*** NRS 293.353 is hereby amended to read as follows:

293.353 Upon receipt of a mailing ballot from the county clerk, the registered voter must:

1. [Except as otherwise provided in subsection 2:

(a)] Immediately after opening the envelope, mark and fold the ballot;

[(b)] ***2.*** Place the ballot in the return envelope;

[(c)] ***3.*** Affix his signature on the back of the envelope; and

[(d)] ***4.*** Mail or deliver the envelope to the county clerk.

[2. In those counties using a mechanical voting system whereby a vote is cast by punching a card:

(a) Immediately after opening the envelope, punch the card;

(b) Place the unfolded card in the return envelope;

(c) Affix his signature on the back of the envelope; and

(d) Mail or deliver the envelope to the county clerk.]

~~[Sec. 33.]~~ ***Sec. 35.*** NRS 293.356 is hereby amended to read as follows:

293.356 If a request is made to vote early by a registered voter in person, the election board shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of a polling place for early voting established pursuant to NRS 293.3564 or 293.3572 **.** [and returned to the election board. If the ballot is a paper ballot, a ballot which is voted by punching a card or a ballot which is voted by any other system authorized by

state or federal law, the election board shall follow the same procedure as in the case of absent ballots received by mail.]

~~[Sec. 34.]~~ ***Sec. 36.*** NRS 293.3568 is hereby amended to read as follows:

293.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a primary or general election and extends through the Friday before election day, Sundays and holidays excepted.

2. The county clerk may:

(a) Include any Sunday or holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

3. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8 a.m. until 6 p.m. **,** or until 8 p.m. if the county clerk so requires.

(b) On any Saturday that falls within the period for early voting, [from] ***for at least 4 hours between*** 10 a.m. [until] ***and*** 6 p.m.

(c) If the county clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as he may establish.

~~[Sec. 35.]~~ ***Sec. 37.*** NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Upon the appearance of a person to cast a ballot for early voting, the deputy clerk for early voting shall:

(a) Determine that the person is a registered voter in the county;

(b) Instruct the voter to sign the roster for early voting; and

(c) Verify the signature of the voter against that contained on the original application to register to vote or facsimile thereof, the card issued to the voter at the time of registration or some other piece of official identification.

2. The county clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted pursuant to this section.

3. The roster for early voting must contain:

(a) The voter's name, the address where he is registered to vote, his voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number; and

(c) The date of voting early in person.

4. When a voter is entitled to cast his ballot and has identified himself to the satisfaction of the deputy clerk for early voting, he is entitled to receive the appropriate ballot or ballots, but only for his own use at the polling place for early voting.

5. [If the ballot is voted by punching a card, the deputy clerk for early voting shall:

(a) Ensure that the voter's precinct or voting district and the form of ballot are indicated on the card;

(b) Direct the voter to the appropriate mechanical recording device for his form of ballot; and

(c) Allow the voter to place his voted ballot in the ballot box.

6.] If the ballot is voted on a mechanical recording device which directly records the votes electronically, the deputy clerk for early voting shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of ballot are indicated on [each part of] the voting receipt [;

(c) Retain one part of the voting receipt for the election board and return the other part of the voting receipt to the voter; and

(d)] ***, if the county clerk uses voting receipts; and***

(c) Allow the voter to cast his vote.

[7.] ***6.*** A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

~~[Sec. 36.]~~ ***Sec. 38.*** NRS 293.3604 is hereby amended to read as follows:

293.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number of the precinct or voting district;

(3) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(4) The number of ballots voted on the mechanical recording device for that day; ***and***

(5) The number of signatures in the roster for early voting for that day**.** [; and

(6) The number of voting receipts retained pursuant to NRS 293.3585 for that day.]

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293.3594.

2. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) [The voting receipts retained pursuant to NRS 293.3585;

(c)] The voting rosters used for early voting;

[(d)] ***(c)*** The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

[(e)] ***(d)*** Any other items as determined by the county clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Sort the items by precinct or voting district;

(b) Count the number of ballots voted by precinct or voting district;

(c) Account for all ballots on an official statement of ballots; and

(d) Place the items in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the items to the central counting place.

~~[Sec. 37.]~~ ***Sec. 39.*** NRS 293.3625 is hereby amended to read as follows:

293.3625 The county clerk shall make a record of the receipt at the central counting place of each sealed container used to transport official ballots pursuant to NRS 293.304, 293.325, [293.3602,] 293B.330 and 293B.335. The record must include the numbers indicated on the container and its seal pursuant to NRS 293.462.

~~[Sec. 38.]~~ ***Sec. 40.*** NRS 293.363 is hereby amended to read as follows:

293.363 When the polls are closed, the counting board shall prepare to count the ballots voted. The counting procedure must be public and continue without adjournment until completed. If the ballots are paper ballots **,** [or ballots which are voted by punching a card,] the counting board shall prepare in the following manner:

1. [The pollbooks must be compared and errors corrected until the books agree.

2.] The container that holds the ballots, or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to ascertain whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If [, on comparison of the count with the pollbook,] a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.

[3.] ***2.*** If the ballots in the container or box are found to exceed in number the number of names ***as are indicated*** on the [pollbooks,] ***roster as having voted,*** the ballots must be replaced in the container or box, and a counting board officer, with his back turned to the container or box, shall draw out a number of ballots equal to the excess. The excess ballots must be

marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the county clerk with the other ballots rejected for any cause.

[4.] ***3.*** When it has been ascertained that [the pollbook and] the number of ballots [agree] ***agrees*** with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.

~~[Sec. 39.]~~ ***Sec. 41.*** NRS 293.367 is hereby amended to read as follows:

293.367 1. The basic factor to be considered by an election board when making a determination of whether a particular ballot must be rejected is whether any identifying mark appears on the ballot which, in the opinion of the election board, constitutes an identifying mark such that there is a reasonable belief entertained in good faith that the ballot has been tampered with and, as a result of the tampering, the outcome of the election would be affected.

2. The regulations for counting ballots must include provisions that:

(a) An error in marking one or more votes on a ballot does not invalidate any votes properly marked on that ballot.

(b) A soiled or defaced ballot may not be rejected if it appears that the soiling or defacing was inadvertent and was not done purposely to identify the ballot.

(c) Only devices provided for in this chapter or chapter 293B of NRS may be used in marking ballots.

(d) It is unlawful for any election board officer to place any mark upon any ballot other than a spoiled ballot.

(e) When an election board officer rejects a ballot for any alleged defect or illegality, the officer shall seal the ballot in an envelope and write upon the envelope a statement that it was rejected and the reason for rejecting it. Each election board officer shall sign the envelope.

[(f) In counties where mechanical voting systems are used whereby a vote is cast by punching a card, a superfluous punch into any card does not constitute grounds for rejection of the ballot unless the election board determines that the condition of the ballot justifies its exclusion pursuant to subsection 1.]

~~[Sec. 40.]~~ ***Sec. 42.*** NRS 293.3677 is hereby amended to read as follows:

293.3677 1. When counting a vote in an election, if more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.

2. [Except as otherwise provided in subsection 1, in an election in which a paper ballot is used whereby a vote is cast by placing a cross in the designated square on the paper ballot, a vote on the ballot must not be counted unless indicated by a cross in the designated square.

3. Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by punching a card:

(a) A chip on the card must be counted as a vote if:

(1) The chip has at least one corner that is detached from the card; or

(2) The fibers of paper on at least one edge of the chip are broken in a way that permits unimpeded light to be seen through the card.

(b) A writing or other mark on the card, including, without limitation, a cross, check, tear or scratch, may not be counted as a vote. The remaining votes on such a card must be counted unless the ballot is otherwise disqualified.

4.] Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.

[5.] ***3.*** The Secretary of State:

(a) May adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2 ***;*** [, 3 or 4;] and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, [3 or 4,] including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

~~[Sec. 41.]~~ ***Sec. 43.*** NRS 293.370 is hereby amended to read as follows:

293.370 1. When all the votes have been [tallied,] ***counted,*** the counting board officers shall enter on the tally lists by the name of each candidate the number of votes he received. The number must be expressed in words and figures. The vote for and against any question submitted to the electors must be entered in the same manner.

2. The tally lists must show the number of votes, other than absentee votes and votes in a mailing precinct, which each candidate received in each precinct at:

(a) A primary election held in an even-numbered year; or

(b) A general election.

~~[Sec. 42.]~~ ***Sec. 44.*** NRS 293.373 is hereby amended to read as follows:

293.373 If paper ballots [or ballots which are voted by punching a card] are used:

1. After the [tally lists] ***ballots*** have been [completed,] ***counted,*** the voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the county clerk.

2. The other [pollbooks,] ***rosters,*** tally lists and election board register must be returned to the county clerk.

~~[Sec. 43.]~~ ***Sec. 45.*** NRS 293.384 is hereby amended to read as follows:

293.384 1. [Beginning at 8 a.m. on the day] ***Not earlier than 4 working days*** before the [day of an] election, the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw all the ballots from each ballot box or container that holds absent ballots received before that day and ascertain that each box or container has the required number of ballots according to the county clerk's absent voters' record.

2. The counting board or absent ballot central counting board shall count the number of ballots in the same manner as election boards.

~~[Sec. 44.]~~ ***Sec. 46.*** NRS 293.385 is hereby amended to read as follows:

293.385 1. [After 8 a.m. on election day,] ***Each day after the initial withdrawal of the ballots pursuant to NRS 293.384 and before the day of the election,*** the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw from the appropriate ballot boxes or containers all the ballots received the previous day and ascertain that each box or container has the required number of ballots according to the county clerk's absent voters' ballot record.

2. If any absent ballots are received by the county clerk on election day pursuant to NRS 293.316, the county clerk shall deposit the absent ballots in the appropriate ballot boxes or containers.

3. [After 8 a.m. on election day,] ***Not earlier than 4 working days before the election,*** the appropriate board shall ***,*** [count] in public ***, count*** the votes cast on the absent ballots.

4. If paper ballots are used, the results of the absent ballot vote in each precinct must be certified and submitted to the county clerk who shall have the results added to the regular votes of the precinct. [If a mechanical voting system is used in which a voter casts his ballot by punching a card which is counted by a computer, the absent ballots may be counted with the regular votes of the precinct.] The returns of absent ballots must be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of a voter's ballot. The county clerks shall develop a procedure to ensure that each ballot is kept secret.

5. Any person who disseminates to the public in any way information pertaining to the count of absent ballots before the polls close is guilty of a misdemeanor.

~~[Sec. 45.]~~ ***Sec. 47.*** NRS 293.391 is hereby amended to read as follows:

293.391 1. The ~~*[rosters,]*~~ voted ballots, rejected ballots, spoiled ballots, challenge lists, [voting receipts,] records printed on paper of voted ballots collected pursuant to NRS 293B.400, and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the board of county commissioners, be sealed and deposited in the vaults of the county clerk. The tally lists [and pollbooks] collected pursuant to NRS 293B.400 must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after the preservation period. A notice of the destruction must be published by the clerk in at least one newspaper of general circulation in the county not less than 2 weeks before the destruction.

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The [pollbooks] ***rosters*** containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the county clerk.

4. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1 or 2, except the voted ballots.

5. The voted ballots deposited with the county clerk are not subject to the inspection of anyone, except in cases of ***a*** contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

~~[Sec. 46.]~~ ***Sec. 48.*** NRS 293.440 is hereby amended to read as follows:

293.440 1. Any person who desires a copy of any list of the persons who are registered to vote in any precinct, district or county may obtain a copy by applying at the office of the county clerk and paying therefor a sum of money equal to 1 cent per name on the list, except that one copy of each original and supplemental list for each precinct, district or county must be provided ***both*** to the state [or] ***central committee of any major political party and to the*** county central committee of any major political party [or] ***, and*** to the executive committee of any minor political party upon request, without charge.

2. Except as otherwise provided in NRS 293.5002 and 293.558, the copy of the list provided pursuant to this section must indicate the address, date of birth, telephone number and the serial number on each application to register to vote. If the county maintains this information in a computer database, the date of the most recent addition or revision to an entry, if made on or after July 1, 1989, must be included in the database and on any resulting list of the information. The date must be expressed numerically in the order of month, day and year.

3. A county may not pay more than 10 cents per folio or more than $6 per thousand copies for printed lists for a precinct or district.

4. A county which has a system of computers capable of recording information on magnetic tape or diskette shall, upon request of the state ***central committee*** or county central committee of any major political party or the executive committee of any minor political party which has filed a certificate of existence with the Secretary of State, record for [that] ***both the state central committee and the county*** central committee [or] ***of the major political party, if requested, and for the*** executive committee ***of the minor political party, if requested,*** on magnetic tape or diskette supplied by it:

(a) The list of persons who are registered to vote and the information required in subsection 2; and

(b) Not more than four times per year, as requested by the ***state or county*** central committee or the executive committee:

(1) A complete list of the persons who are registered to vote with a notation for the most recent entry of the date on which the entry or the latest change in the information was made; or

(2) A list that includes additions and revisions made to the list of persons who are registered to vote after a date specified by the ***state or county*** central committee or the executive committee.

5. If a political party does not provide its own magnetic tape or diskette, or if a political party requests the list in any other form that does not require printing, the county clerk may charge a fee to cover the actual cost of providing the tape, diskette or list.

6. Any state or county central committee of a major political party, any executive committee of a minor political party or any member or representative of such a central committee or executive committee who receives without charge a list of the persons who are registered to vote in any precinct, district or county pursuant to this section shall not:

(a) Use the list for any purpose that is not related to an election; or

(b) Sell the list for compensation or other valuable consideration.

~~[Sec. 47.]~~ ***Sec. 49.*** NRS 293.443 is hereby amended to read as follows:

293.443 1. Except as otherwise provided in subsection 3, the expense of providing all ballots, forms and other supplies to be used at any election regulated by this chapter or chapter 293C of NRS and all expenses necessarily incurred in the preparation for, or the conduct of, any such

election is a charge upon the municipality, county, district or State, as the case may be.

2. The county or city clerk may submit the printing of ballots for competitive bidding.

3. If a political party or other entity requests more than 50 applications to register to vote by mail [,] ***in any 12-month period,*** the clerk may assess a charge, not to exceed the cost of printing the applications **.** [, for each application requested in excess of 50.]

~~[Sec. 48.]~~ ***Sec. 50.*** NRS 293.462 is hereby amended to read as follows:

293.462 1. Each container used to transport official ballots pursuant to NRS 293.304, 293.325, [293.3602,] 293B.330 and 293B.335 must:

(a) Be constructed of metal or any other rigid material; and

(b) Contain a seal which is placed on the container to ensure detection of any opening of the container.

2. The container and seal must be separately numbered for identification.

~~[Sec. 49.]~~ ***Sec. 51.*** NRS 293.481 is hereby amended to read as follows:

293.481 1. Except as otherwise provided in subsection 2 or NRS 295.121 or 295.217, every governing body of a political subdivision, public or quasi-public corporation, or other local agency authorized by law to submit questions to the qualified electors or registered voters of a designated territory, when the governing body decides to submit a question:

(a) At a general election, shall provide to each county clerk within the designated territory on or before the third Monday in July preceding the election:

(1) A copy of the question, including an explanation of the question;

(2) Arguments for and against the question; and

(3) If the question is an advisory question that proposes a bond, tax, fee or expense, a fiscal note prepared by the governing body in accordance with subsection 4 of NRS 293.482.

(b) At a primary election, shall provide to each county clerk within the designated territory on or before the second Friday after the first Monday in May preceding the election:

(1) A copy of the question, including an explanation of the question;

(2) Arguments for and against the question; and

(3) If the question is an advisory question that proposes a bond, tax, fee or expense, a fiscal note prepared by the governing body in accordance with subsection 4 of NRS 293.482.

(c) At any election other than a primary or general election at which the county clerk gives notice of the election or otherwise performs duties in connection therewith other than the registration of electors and the making of records of registered voters available for the election, shall provide to each county clerk at least 60 days before the election:

(1) A copy of the question, including an explanation of the question;

(2) Arguments for and against the question; and

(3) If the question is an advisory question that proposes a bond, tax, fee or expense, a fiscal note prepared by the governing body in accordance with subsection 4 of NRS 293.482.

(d) At any city election at which the city clerk gives notice of the election or otherwise performs duties in connection therewith, shall provide to the city clerk at least 60 days before the election:

(1) A copy of the question, including an explanation of the question;

(2) Arguments for and against the question; and

(3) If the question is an advisory question that proposes a bond, tax, fee or expense, a fiscal note prepared by the governing body in accordance with subsection 4 of NRS 293.482.

2. A question may be submitted after the dates specified in subsection 1 if the question is expressly privileged or required to be submitted pursuant to the provisions of Article 19 of the Constitution of the State of Nevada, or pursuant to the provisions of chapter 295 of NRS or any other statute except NRS 293.482, 354.59817, 354.5982, 387.3285 or 387.3287 or any statute that authorizes the governing body to issue bonds upon the approval of the voters.

3. ***A question that is submitted pursuant to subsection 1 may be withdrawn if the governing body provides notification to each of the county or city clerks within the designated territory of its decision to withdraw the particular question on or before the same dates specified for submission pursuant to paragraph (a), (b), (c) or (d) of subsection 1, as appropriate.***

4. A county or city clerk [may] ***:***

(a) Shall assign a unique identification number to a question submitted pursuant to this section; and

(b) May charge any political subdivision, public or quasi-public corporation, or other local agency which submits a question a reasonable fee sufficient to pay for the increased costs incurred in including the question, explanation, arguments and fiscal note on the ballot.

Sec. 52. **NRS 293.507 is hereby amended to read as follows:**

293.507 1. The Secretary of State shall prescribe:

(a) A standard form for applications to register to vote; ~~[and]~~

(b) A special form for registration to be used in a county where registrations are performed and records of registration are kept by computer ~~[.]~~ ***; and***

(c) A standard form for the affidavit described in subsection 5.

2. The county clerks shall provide forms for applications to register to vote to field registrars in the form and number prescribed by the Secretary of State.

3. Each form for an application to register to vote must include a:

(a) Unique control number assigned by the Secretary of State; and

(b) Receipt which:

(1) Includes a space for a person assisting ~~[a voter]~~ ***an applicant*** in completing the form to enter his name; and

(2) May be retained by the applicant upon completion of the form.

4. The form for an application to register to vote must include:

(a) A line for use by the ~~[county clerk]~~ ***applicant*** to enter:

(1) The number indicated on the ~~[voter's]~~ ***applicant's*** current and valid driver's license issued by the Department of Motor Vehicles, if the ~~[voter]~~ ***applicant*** has such a driver's license;

(2) The last four digits of the ~~[voter's]~~ ***applicant's*** social security number, if the ~~[voter]~~ ***applicant*** does not have a driver's license issued by the Department of Motor Vehicles and does have a social security number; or

(3) The number issued to the ~~[voter]~~ ***applicant*** pursuant to subsection 5, if the ~~[voter]~~ ***applicant*** does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number.

(b) A line on which to enter the address at which the ~~[voter]~~ ***applicant*** actually resides, as set forth in NRS 293.486.

(c) A notice that the ~~[voter]~~ ***applicant*** may not list a business as the address required pursuant to paragraph (b) unless he actually resides there.

(d) A line on which to enter an address at which the ~~[voter]~~ ***applicant*** may receive mail, including, without limitation, a post office box or general delivery.

5. If ~~[a voter]~~ ***an applicant*** does not have the identification set forth in subparagraph (1) or (2) of paragraph (a) of subsection 4, the ~~[voter]~~ ***applicant*** shall sign an affidavit stating that he does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the ~~[voter]~~ ***applicant*** which must be the same number as the unique identifier assigned to the ~~[voter]~~ ***applicant*** for purposes of the statewide voter registration list.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsections 3, 4 and 5.

Sec. 53. **NRS 293.517 is hereby amended to read as follows:**

293.517 1. Any elector residing within the county may register:

(a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar or a voter registration agency, completing the application to register to vote, giving true and satisfactory answers to all questions relevant to his identity and right to vote, and providing proof of his residence and identity;

(b) By completing and mailing or personally delivering to the county clerk an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) Pursuant to the provisions of NRS 293.501 or 293.524; or

(d) At his residence with the assistance of a field registrar pursuant to NRS 293.5237.

➥ The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official

document, before registering him. If the applicant registers to vote pursuant to this subsection and fails to provide proof of his residence and identity, the applicant must provide proof of his residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3081 or 293.3083.

2. The application to register to vote must be signed and verified under penalty of perjury by the elector registering.

3. Each elector who is or has been married must be registered under his own given or first name, and not under the given or first name or initials of his spouse.

4. An elector who is registered and changes his name must complete a new application to register to vote. He may obtain a new application:

(a) At the office of the county clerk or field registrar;

(b) By submitting an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to register to vote; or

(d) At any voter registration agency.

➥ If the elector fails to register under his new name, he may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

5. ~~[An]~~ ***Except as otherwise provided in subsection 7, an*** elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of his application to register to vote.

6. After the county clerk determines that the application to register to vote of a person is complete and that the person is eligible to vote ~~[.]~~ ***pursuant to NRS 293.485,*** he shall issue a voter registration card to the voter which contains:

(a) The name, address, political affiliation and precinct number of the voter;

(b) The date of issuance; and

(c) The signature of the county clerk.

7. If an elector submits an application to register to vote or an affidavit described in paragraph (c) of subsection 1 of NRS 293.507 that contains any handwritten additions, erasures or interlineations, the county clerk may object to the application to register to vote if he believes that because of such handwritten additions, erasures or interlineations, the application to register to vote of the elector is incomplete or that the elector is not eligible to vote pursuant to NRS 293.485. If the county clerk objects pursuant to this subsection, he shall immediately notify the elector and the district attorney of the county. Not later than 5 business days after the district attorney receives such notification, the district attorney shall advise the county clerk whether:

(a) The application to register to vote of the elector is complete and the elector is eligible to vote pursuant to NRS 293.485; and

(b) The county clerk should proceed to process the application to register to vote.

➥ If the District Attorney advises the county clerk to process the application to register to vote, the county clerk shall immediately issue a voter registration card to the applicant pursuant to subsection 6.

Sec. 54. **NRS 293.547 is hereby amended to read as follows:**

293.547 1. After the 30th day but not later than the 25th day before any election, a written challenge may be filed with the county clerk.

2. A registered voter may file a written challenge if:

(a) He is registered to vote in the same precinct ~~[or district]~~ as the person whose right to vote is challenged; ~~[or]~~ ***and***

(b) The challenge is based on the personal knowledge of the registered voter.

3. The challenge must be signed and verified by the registered voter and name the person whose right to vote is challenged and the ground of the challenge.

4. A challenge filed pursuant to this section must not contain the name of more than one person whose right to vote is challenged. The county clerk shall not accept for filing any challenge which contains more than one such name.

5. The county clerk shall:

(a) File the challenge in the registrar of voters' register and:

(1) In counties where records of registration are not kept by computer, he shall attach a copy of the challenge to the challenged registration in the election board register.

(2) In counties where records of registration are kept by computer, he shall have the challenge printed on the computer entry for the challenged registration and add a copy of it to the election board register.

(b) Within 5 days after a challenge is filed, mail a notice in the manner set forth in NRS 293.530 to the person whose right to vote has been challenged pursuant to this section informing him of the challenge. If the person fails to respond or appear to vote within the required time, the county clerk shall cancel his registration. A copy of the challenge and information describing how to reregister properly must accompany the notice.

(c) Immediately notify the district attorney. A copy of the challenge must accompany the notice.

6. Upon receipt of a notice pursuant to this section, the district attorney shall investigate the challenge within 14 days and, if appropriate, cause proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. The court shall give such proceedings priority over other civil matters that are not expressly given priority by law. Upon court order, the county clerk shall cancel the registration of the person whose right to vote has been challenged pursuant to this section.

~~[Sec. 50.]~~ ***Sec. 55.*** NRS 293B.032 is hereby amended to read as follows:

293B.032 "Mechanical recording device" means a device [~~:~~

~~1. Which~~] ***which*** mechanically or electronically compiles a total of the number of votes cast for each candidate and for or against each measure voted on **.** [~~; or~~

~~2. To which a list of offices and candidates and the statements of measures to be voted on may be affixed and into which a card may be inserted so that the votes cast for each candidate and for or against each measure may be indicated by punching the card with reference to the list.~~]

[~~Sec. 51.~~] ***Sec. 56.*** NRS 293B.033 is hereby amended to read as follows:

293B.033 "Mechanical voting system" means a system of voting whereby a voter may cast his vote:

1. On a device which mechanically or electronically compiles a total of the number of votes cast for each candidate and for or against each measure voted on; or

2. By [~~punching a card or~~] marking a paper ballot which is subsequently counted on an electronic tabulator, counting device or computer.

[~~Sec. 52.~~] ***Sec. 57.*** NRS 293B.084 is hereby amended to read as follows:

293B.084 1. A mechanical recording device which directly records votes electronically must:

(a) Bear a number which identifies that mechanical recording device.

(b) Be equipped with a storage device which:

(1) Stores the ballots voted on the mechanical recording device;

(2) Can be removed from the mechanical recording device for the purpose of transporting the ballots stored therein to a central counting place; and

(3) Bears the same number as the mechanical recording device.

(c) Be designed in such a manner that voted ballots may be stored within the mechanical recording device and the storage device required pursuant to paragraph (b) at the same time.

(d) Be capable of providing a record printed on paper of:

(1) Each ballot voted on the mechanical recording device; and

(2) The total number of votes recorded on the mechanical recording device for each candidate and for or against each measure.

2. The paper record described in paragraph (d) of subsection 1 must [~~:~~

~~(a) Be~~] ***be*** printed and made available for a manual audit, as [~~necessary; and~~

~~(b) Be printed and serve as an official record for a recount, as~~] necessary.

[~~Sec. 53.~~] ***Sec. 58.*** NRS 293B.103 is hereby amended to read as follows:

293B.103 [~~1. If a mechanical voting system is used whereby votes are cast by punching a card:~~

~~(a) The cards to be used must have two detachable stubs.~~

~~(b) Each of the stubs attached to a particular card must bear the number of that card.~~

~~(c) One of the stubs must be detached and given to the voter when he returns his voted ballot, and the other stub must be retained by the election board.~~

~~2.~~] If a mechanical voting system is used whereby votes are directly recorded electronically ~~[~~:

~~(a) A~~] ***, a*** voting receipt [~~which has two parts must~~] ***may*** be used.

[~~(b) Each part of the voting receipt must bear the same number for identification.~~

~~(c) One part of the voting receipt must be given to the voter when he votes and the other part of the voting receipt must be retained by the election board.~~]

~~[Sec. 54.]~~ ***Sec. 59.*** NRS 293B.155 is hereby amended to read as follows:

293B.155 1. The tests prescribed by NRS 293B.150 and 293B.165 must be conducted by processing a preaudited group of logic and accuracy test ballots so [~~punched,~~] voted or marked as to record a predetermined number of valid votes for each candidate and on each measure, and must include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the mechanical recording device or the automatic tabulating equipment and programs to reject those votes.

2. If any error is detected, the cause therefor must be ascertained and corrected and an errorless count must be made before the mechanical recording device or the automatic tabulating equipment and programs are approved.

3. When satisfied with the accuracy of the mechanical recording device or automatic tabulating equipment and computer program, the accuracy certification board and the county or city clerk shall date and sign all reports, and seal the program, if any, and the reports and all test material in an appropriate container. The container must be kept sealed by the clerk.

4. Except as otherwise provided in this subsection, the contents of such a sealed container are not subject to the inspection of anyone except in the case of a contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of that judge, body or board. For the period set forth in NRS 293.413 during which a candidate may file a statement of contest, the results of the test must be made available in the clerk's office for public inspection.

~~[Sec. 55.]~~ ***Sec. 60.*** NRS 293B.300 is hereby amended to read as follows:

293B.300 1. In a primary election, a member of the election board for a precinct shall issue each partisan voter a ballot which contains a distinctive

code associated with the major political party of the voter and on which is clearly printed the name of the party.

2. If a mechanical voting system is used in a primary election whereby votes are directly recorded electronically, a member of the election board shall, ***if the clerk uses voting receipts,*** in addition to the ballot described in subsection 1, issue each partisan voter a voting receipt on which is clearly printed the name of the major political party of the voter.

3. The member of the election board shall direct the partisan voter to a mechanical recording device containing the list of offices and candidates arranged for the voter's major political party in the manner provided in NRS 293B.190.

~~[Sec. 56.]~~ ***Sec. 61.*** NRS 293B.305 is hereby amended to read as follows:

293B.305 Unless a major political party allows a nonpartisan voter to vote for its candidates:

1. In a primary election, a member of the election board for a precinct shall issue each nonpartisan voter a ballot with a distinctive code and printed designation identifying it as a nonpartisan ballot.

2. If a mechanical voting system is used in a primary election whereby votes are directly recorded electronically, a member of the election board shall, ***if the clerk uses voting receipts,*** in addition to the ballot described in subsection 1, issue the nonpartisan voter a voting receipt with a printed designation identifying it as a nonpartisan ballot.

3. The member of the election board shall:

(a) Direct the nonpartisan voter to a mechanical recording device containing a list of offices and candidates setting forth only the nonpartisan ballot; ***or***

(b) Direct the nonpartisan voter to a mechanical recording device containing a list of offices and candidates arranged for a partisan ballot, instruct the voter to vote only the nonpartisan section of the list and advise the voter that any votes he may cast in the partisan section will not be counted **.** ~~[; or~~

~~(c) Issue a nonpartisan ballot attached to a sheet of foam plastic or similar backing material, a punching instrument, a sample nonpartisan ballot and an instruction sheet to the nonpartisan voter and instruct him to punch his ballot by reference to the sample ballot.~~]

~~[Sec. 57.]~~ ***Sec. 62.*** NRS 293B.330 is hereby amended to read as follows:

293B.330 1. Upon closing of the polls, the election board shall:

(a) Secure all mechanical recording devices against further voting.

(b) [~~If a mechanical voting system is used whereby votes are cast by punching a card:~~

~~(1) Count the number of ballots in the ballot boxes.~~

~~(2) Account for all ballots on the statement of ballots.~~

~~(3) Place all official ballots, the ballot statement and any other records, reports and materials as directed by the county clerk into the container provided by him to transport those items to a central counting place and seal the container.~~

~~(c)~~] If a mechanical voting system is used whereby votes are directly recorded electronically:

(1) Ensure that each mechanical recording device:

(I) Provides a record printed on paper of the total number of votes recorded on the device for each candidate and for or against each measure; and

(II) Transfers the ballots voted on that device to the storage device required pursuant to NRS 293B.084.

(2) Count the number of ballots voted at the polling place.

(3) Account for all ballots on the statement of ballots.

(4) Place all records printed on paper provided by the mechanical recording devices, all storage devices which store the ballots voted on the mechanical recording devices, and any other records, reports and materials as directed by the county clerk into the container provided by him to transport those items to a central counting place and seal the container.

[~~(d)~~] ***(c)*** Record the number of voters on a form provided by the county clerk.

2. If a difference exists between the number of voters and the number of ballots voted, the election board shall report the difference and any known reasons for the difference, in writing, to the county clerk.

3. After closing the polls, the election board shall:

(a) Compare the quantity of the supplies furnished by the county clerk with the inventory of those supplies; and

(b) Note any shortages.

4. The county clerk shall allow members of the general public to observe the handling of the ballots pursuant to subsection 1 if those members do not interfere with the handling of the ballots.

~~[Sec. 58.]~~ ***Sec. 63.*** NRS 293B.365 is hereby amended to read as follows:

293B.365 The central ballot inspection board shall:

1. Receive the ballots in sealed containers.

2. Inspect the containers, record the number indicated on each container and its seal pursuant to NRS 293.462 and remove the [~~ballots or~~] storage devices which store the ballots voted on mechanical recording devices which directly record votes electronically.

3. Register the numbers of ballots by precinct.

4. Deliver any damaged ***paper*** ballots to the ballot duplicating board **.** [~~, if the ballots were voted by punching a card.~~]

5. Receive duplicates of damaged ***paper*** ballots from the ballot duplicating board and place the duplicates with the voted ballots of the appropriate precinct **.** [~~, if the ballots were voted by punching a card.~~]

6. Place each damaged original ***paper*** ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct**.** [~~, if the ballot was voted by punching a card.~~]

7. Reject any ***paper*** ballot that has been marked in a way that identifies the voter.

8. Place each rejected ***paper*** ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the board's rejection of the ballot**.** [~~, if the ballot was voted by punching a card.~~]

~~[Sec. 59.]~~ ***Sec. 64.*** NRS 293B.375 is hereby amended to read as follows:

293B.375 [~~If ballots which are voted by punching a card are used, the~~] ***The*** ballot duplicating board shall:

1. Receive damaged ballots [~~,~~] ***pursuant to NRS 293B.365,*** including ballots which have been torn, bent or mutilated.

2. [~~Receive cards with incompletely punched chips.~~

~~3.~~] ~~—~~Prepare on a distinctly colored, serially numbered ballot marked "duplicate" an exact copy of each damaged ballot.

[~~4. In the case of a card with an incompletely punched chip:~~

~~(a) Remove the incompletely punched chip if:~~

~~(1) The chip has at least one corner that is detached from the card; or~~

~~(2) The fibers of paper on at least one edge of the chip are broken in a way that permits unimpeded light to be seen through the card; or~~

~~(b) Duplicate the card without punching the location of the incompletely punched chip if:~~

~~(1) The chip does not have at least one corner that is detached from the card; and~~

~~(2) The fibers of paper on no edge of the chip are broken in a way that permits unimpeded light to be seen through the card.~~

~~5.~~] ~~3.~~ Record the serial number of the duplicate ballot on the damaged original ballot and return the damaged and duplicate ballots to the appropriate ballot inspection board.

[~~6.~~] ***4.*** Hold aside the duplicated ballots for counting after all other ballots are counted if this procedure is directed by the county clerk.

~~[Sec. 60.]~~ ***Sec. 65.*** NRS 293C.220 is hereby amended to read as follows:

293C.220 1. The city clerk shall appoint and notify registered voters to act as election board officers for the various precincts and districts in the city as provided in NRS 293.225, 293.227, 293C.227 to [~~293C.250,~~] ***293C.245,*** inclusive, and 293C.382 **.** [~~, and shall conclude those duties not later than 31 days before the election.~~] No candidate for nomination or election or his relative within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the city clerk, the chief law enforcement officer of the city shall:

(a) Appoint an officer for each polling place in the city and for the central election board or the absent ballot central counting board; or

(b) Deputize, as an officer for the election, an election board officer for each polling place and for the central election board or the absent ballot central counting board. The deputized officer may not receive any additional compensation for the services he provides as an officer during the election for which he is deputized.

➥ Officers so appointed and deputized shall preserve order during hours of voting and attend the closing of the polls.

2. The city clerk may appoint a trainee for the position of election board officer as set forth in NRS 293C.222.

~~[Sec. 61.]~~ ***Sec. 66.*** NRS 293C.230 is hereby amended to read as follows:

293C.230 [~~1. In precincts or districts in a city where there are less than 200 registered voters and paper ballots are used, the election board shall perform all duties required from the time of preparing for the opening of the polls through delivering the supplies and result of votes cast to the city clerk. 2.~~] Except as otherwise provided in NRS 293C.240, one election board must be appointed by the city clerk for all mailing precincts within the city and must be designated the central election board. The city clerk shall deliver the mailed ballots to that board in his office and the board shall count the votes on those ballots in the manner required by law.

~~[Sec. 62.]~~ ***Sec. 67.*** NRS 293C.256 is hereby amended to read as follows:

293C.256 An absent ballot for a city election or a ballot for a city election voted by a voter who resides in a mailing precinct must be voted on a paper ballot **.** [~~or a ballot which is voted by punching a card.~~]

~~[Sec. 63.]~~ ***Sec. 68.*** NRS 293C.261 is hereby amended to read as follows:

293C.261 1. A ballot prepared for use in a city election must be dated and marked in such a manner as to indicate clearly at which city election the ballot will be used.

2. If a ballot includes a detachable stub, both the ballot and the stub must include the date of the city election and indicate clearly at which city election the ballot will be used.

3. If a ballot includes a voting receipt **,** [~~which has two parts, each part of~~] the voting receipt must include the date of the city election and indicate clearly at which city election the [~~ballot will be used.~~] ***voter cast his ballot.***

~~[Sec. 64.]~~ ***Sec. 69.*** NRS 293C.275 is hereby amended to read as follows:

293C.275 [~~1.~~] A registered voter who applies to vote must state his name to the election board officer in charge of the election board register, and the officer shall immediately announce the name and take the registered voter's signature. [~~After a registered voter is properly identified at a polling place where paper ballots are used, one ballot correctly folded, must be given~~

~~to the voter and the number of the ballot must be written by an election board officer upon the pollbook, opposite the name of the registered voter receiving the ballot.~~

~~2. In pollbooks in which the names of the voters have been entered, election officers may indicate the application to vote without writing the name.~~]

[~~Sec. 65.~~] ***Sec. 70.*** NRS 293C.285 is hereby amended to read as follows:

293C.285 [~~1. Except as otherwise provided in subsection 2:~~

~~(a) Any voter who spoils his ballot may return the spoiled ballot to the election board and receive another in its place.~~

~~(b) The election board officers shall indicate in the pollbook that the ballot is spoiled and shall enter the number of the ballot issued in its place.~~

~~(c) Each spoiled ballot returned must be cancelled by writing the word "Cancelled" across the back of the ballot. A spoiled paper ballot must be cancelled without unfolding it.~~

~~(d) A record must be made of those cancelled ballots at the closing of the polls and before counting. The ballots must be placed in a separate envelope and returned to the city clerk with the election supplies.~~

~~2. If ballots that are voted on a~~] ***A*** mechanical recording device which directly records [~~the~~] votes electronically [~~are used,~~] ***must allow*** the voter [~~must be able~~] to change his vote before the mechanical recording device permanently records that vote.

[~~Sec. 66.~~] ***Sec. 71.*** NRS 293C.295 is hereby amended to read as follows:

293C.295 1. If a person is successfully challenged on the ground set forth in paragraph (a) of subsection 2 of NRS 293C.292 or if a person refuses to provide an affirmation pursuant to NRS 293C.525, the election board shall instruct the voter that he may vote only at the special polling place in the manner set forth in this section.

2. The city clerk shall maintain at least one special polling place at such locations as he deems necessary during each election. The ballots voted at the special polling place must be kept separate from the ballots of voters who have not been so challenged or who have provided an affirmation pursuant to NRS 293C.525 in [~~:~~

~~(a) A special ballot box if the ballots are paper ballots or ballots that are voted by punching a card; or~~

~~(b) A~~] ***a*** special sealed container if the ballots are ballots that are voted on a mechanical recording device which directly records the votes electronically.

3. A person who votes at a special polling place may place his vote only for the following offices and questions:

(a) All officers for whom all voters in the city may vote; and

(b) Questions that have been submitted to all voters of the city.

4. The ballots voted at the special polling place must be counted when other ballots are counted and ~~[~~:

~~(a) If the ballots are paper ballots or ballots that are voted by punching a card, maintained in a separate ballot box; or~~

~~(b) If~~] ***, if*** the ballots are ballots that are voted on a mechanical recording device that directly records the votes electronically, maintained in a separate sealed container ~~[~~,

~~→~~] until any contest of election is resolved or the date for filing a contest of election has passed, whichever is later.

~~[Sec. 67.]~~ ***Sec. 72.*** NRS 293C.322 is hereby amended to read as follows:

293C.322 1. Except as otherwise provided in subsection 2, if the request for an absent ballot is made by mail or facsimile machine, the city clerk shall, as soon as the official absent ballot for the precinct or district in which the applicant resides has been printed, send to the voter by first-class mail ***or by any class of mail if the Official Election Mail logo created by the United States Postal Service is placed properly on the official absent ballot,*** if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base, or by air mail if the absent voter is in a foreign country but not on a military base:

(a) [~~Except as otherwise provided in paragraph (b):~~

~~(1)~~] An absent ballot;

~~[(2)]~~ ***(b)*** A return envelope;

~~[(3) Supplies for marking the ballot;~~

~~(4)~~] ***(c)*** An envelope or similar device into which the ballot is inserted to ensure its secrecy; and

~~[(5) Instructions.~~

~~(b) In those cities using a mechanical voting system whereby a vote is cast by punching a card:~~

~~(1) A card attached to a sheet of foam plastic or similar backing material;~~

~~(2) A return envelope;~~

~~(3) A punching instrument;~~

~~(4) A sample ballot;~~

~~(5) An envelope or similar device into which the card is inserted to ensure its secrecy; and~~

~~(6)~~] ***(d)*** Instructions.

2. If the city clerk fails to send an absent ballot pursuant to subsection 1 to a voter who resides within the continental United States, the city clerk may use a facsimile machine to send an absent ballot and instructions to the voter. The voter shall mail his absent ballot to the city clerk.

3. The return envelope sent pursuant to subsection 1 must include postage prepaid by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Nothing may be enclosed or sent with an absent ballot except as required by subsection 1 or 2.

5. Before depositing a ballot with the United States Postal Service or sending a ballot by facsimile machine, the city clerk shall record the date the ballot is issued, the name of the registered voter to whom it is issued, his precinct or district, the number of the ballot and any remarks he finds appropriate.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsection 2.

~~[Sec. 68.]~~ ***Sec. 73.*** NRS 293C.325 is hereby amended to read as follows:

293C.325 1. Except as otherwise provided in [~~subsections~~] ***subsection*** 2 ***,*** [~~and 3,~~] when an absent ballot is returned by a registered voter to the city clerk through the mails [~~,~~] ***or in person,*** and record thereof is made in the absent ballot record book, the city clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the precinct or district election board.

2. If [~~the city clerk has appointed~~] an absent ballot central counting board ~~[, the city clerk shall, upon receipt of each absent voter's ballot, make a record of the return and check the signature on the return envelope against the original signature of the voter on the county clerk's register. If the city clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box. At the end of each day before election day, the city clerk may remove the ballots from each ballot box and neatly stack the ballots in a container. Except as otherwise provided in subsection 3, on election day the city clerk shall deliver the ballot box and, if applicable, each container to the absent ballot counting board to be counted.~~

~~3. If the city uses a mechanical voting system, the city clerk shall, upon receipt of each absent voter's ballot, make a record of the return and~~] ***has been appointed, when an absent ballot is returned by a registered voter to the county clerk through the mails or in person, the county clerk shall*** check the signature on the return envelope against the original signature of the county clerk's register. If the city clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the city clerk at all times. At the end of each day before election day, the city clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. [~~Except as otherwise provided in this subsection, on election day the city clerk shall deliver the ballot box and each container, if applicable, to the central counting place. If the city uses a mechanical voting system and the city clerk has appointed an absent ballot central counting board, the city clerk may, not~~] ***Not*** earlier than 4 working days before the election, ***the county clerk shall*** deliver the ballots to the absent ballot central counting board to be

processed and prepared for [~~tabulation~~] ***counting*** pursuant to the procedures established by the Secretary of State [~~.~~] ***to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293C.267 or 293C.297.***

[~~Sec. 69.~~] ***Sec. 74.*** NRS 293C.330 is hereby amended to read as follows:

293C.330 1. Except as otherwise provided in NRS 293C.315 and subsection 2 of NRS 293C.322 and any regulations adopted pursuant thereto, when an absent voter receives his ballot, he must mark and fold it [~~, if it is a paper ballot, or punch it, if the ballot is voted by punching a card,~~] in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his signature on the back of the envelope in the space provided therefor and mail the return envelope.

2. Except as otherwise provided in subsection 3, if an absent voter who has requested a ballot by mail applies to vote the ballot in person at:

(a) The office of the city clerk, he must mark [~~or punch~~] the ballot, seal it in the return envelope and affix his signature in the same manner as provided in subsection 1, and deliver the envelope to the city clerk.

(b) A polling place, including, without limitation, a polling place for early voting, he must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."

3. If an absent voter who has requested a ballot by mail applies to vote in person at the office of the city clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

(a) Provides satisfactory identification;

(b) Is a registered voter who is otherwise entitled to vote; and

(c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.

4. Except as otherwise provided in NRS 293C.317, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of his family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the city clerk that he is a member of the family of the voter who requested the absent ballot and that the voter requested that he return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

[~~Sec. 70.~~] ***Sec. 75.*** NRS 293C.332 is hereby amended to read as follows:

293C.332 On the day of an election, the precinct or district election boards receiving the absent voters' ballots from the city clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293C.325 and deposit the ballots in the regular ballot box in the following manner:

1. The name of the voter, as shown on the return envelope, must be called and checked as if the voter were voting in person;

2. The signature on the back of the return envelope must be compared with that on the original application to register to vote;

3. If the board determines that the absent voter is entitled to cast his ballot,

the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and

4. The election board officers shall mark in the [~~pollbook~~] ***roster*** opposite the name of the voter the word "Voted."

[~~Sec. 71.~~] ***Sec. 76.*** NRS 293C.347 is hereby amended to read as follows:

293C.347 1. The city clerk shall:

(a) Make certain of the names and addresses of all voters registered to vote in mailing precincts and absent ballot mailing precincts;

(b) Enroll the name and address of each voter found eligible to vote in those precincts in the mailing precinct record book;

(c) Mark the number of the ballot on the return envelope; and

(d) Mail the ballot to the registered voter.

2. [~~Except as otherwise provided in subsection 3, the~~] ***The*** ballot must be accompanied by:

(a) [~~Supplies for marking the ballot;~~

~~(b)~~] A return envelope;

[~~(c)~~] ***(b)*** An envelope or similar device into which the ballot is inserted to ensure its secrecy;

[~~(d)~~] ***(c)*** A sample ballot; and

[~~(e)~~] ***(d)*** Instructions regarding the manner of marking and returning the ballot.

[~~3. In those cities using a mechanical voting system whereby a vote is cast by punching a card, the ballot must be accompanied by:~~

~~(a) A sheet of foam plastic or similar backing material attached to the card;~~

~~(b) A punching instrument;~~

~~(c) A return envelope;~~

~~(d) An envelope or similar device into which the card is inserted to ensure its secrecy;~~

~~(e) A sample ballot; and~~

~~(f) Instructions concerning the manner of punching and returning the card.]~~

~~[Sec. 72.]~~ ***Sec. 77.*** NRS 293C.350 is hereby amended to read as follows:

293C.350 Upon receipt of a mailing ballot from the city clerk, the registered voter must:

1. [~~Except as otherwise provided in subsection 2:~~

~~(a)~~] Immediately after opening the envelope, mark and fold the ballot;

~~[(b)~~] ***2.*** Place the ballot in the return envelope;

~~[(c)~~] ***3.*** Affix his signature on the back of the envelope; and

~~[(d)~~] ***4.*** Mail or deliver the envelope to the city clerk.

[~~2. In those cities using a mechanical voting system whereby a vote is cast by punching a card:~~

~~(a) Immediately after opening the envelope, punch the card;~~

~~(b) Place the unfolded card in the return envelope;~~

~~(c) Affix his signature on the back of the envelope; and~~

~~(d) Mail or deliver the envelope to the city clerk.]~~

~~[Sec. 73.]~~ ***Sec. 78.*** NRS 293C.356 is hereby amended to read as follows:

293C.356 1. If a request is made to vote early by a registered voter in person, the city clerk shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of the clerk's office and returned to the clerk. [~~If the ballot is a paper ballot or a ballot which is voted by punching a card, the clerk shall follow the same procedure as in the case of absent ballots received by mail.~~]

2. On the dates for early voting prescribed in NRS 293C.3568, each city clerk shall provide a voting booth, with suitable equipment for voting, on the premises of his office for use by registered voters who are issued ballots for early voting in accordance with this section.

~~[Sec. 74.]~~ ***Sec. 79.*** NRS 293C.3568 is hereby amended to read as follows:

293C.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a primary city election or general city election, and extends through the Friday before election day, Sundays and holidays excepted.

2. The city clerk may:

(a) Include any Sunday or holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

3. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8 a.m. until 6 p.m. **,** or until 8 p.m. if the city clerk so requires.

(b) On any Saturday that falls within the period for early voting, [~~from~~] ***for at least 4 hours between*** 10 a.m. [~~until~~] ***and*** 6 p.m.

(c) If the city clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as he may establish.

[~~Sec. 75.~~] ***Sec. 80.*** NRS 293C.3585 is hereby amended to read as follows:

293C.3585 1. Upon the appearance of a person to cast a ballot for early voting, the deputy clerk for early voting shall:

(a) Determine that the person is a registered voter in the county;

(b) Instruct the voter to sign the roster for early voting; and

(c) Verify the signature of the voter against that contained on the original application to register to vote or facsimile thereof, the card issued to the voter at the time of registration or some other piece of official identification.

2. The city clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted pursuant to this section.

3. The roster for early voting must contain:

(a) The voter's name, the address where he is registered to vote, his voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number; and

(c) The date of voting early in person.

4. When a voter is entitled to cast his ballot and has identified himself to the satisfaction of the deputy clerk for early voting, he is entitled to receive the appropriate ballot or ballots, but only for his own use at the polling place for early voting.

5. [~~If the ballot is voted by punching a card, the deputy clerk for early voting shall:~~

~~(a) Ensure that the voter's precinct or voting district and the form of ballot are indicated on the card;~~

~~(b) Direct the voter to the appropriate mechanical recording device for his form of ballot; and~~

~~(c) Allow the voter to place his voted ballot in the ballot box.~~

~~6.~~] If the ballot is voted on a mechanical recording device which directly records the votes electronically, the deputy clerk for early voting shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of ballot are indicated on [each part of] the voting receipt ~~[~~**,**

~~(c) Retain one part of the voting receipt for the election board and return the other part of the voting receipt to the voter; and~~

~~(d)~~]***, if the city clerk uses voting receipts; and***

(c) Allow the voter to cast his vote.

[~~7.~~] ***6.*** A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.

[~~Sec. 76.~~] ***Sec. 81.*** NRS 293C.3604 is hereby amended to read as follows:

293C.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number of the precinct or voting district;

(3) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(4) The number of ballots voted on the mechanical recording device for that day; ***and***

(5) The number of signatures in the roster for early voting for that day**.** [~~; and~~

~~(6) The number of voting receipts retained pursuant to NRS 293C.3585 for that day.~~]

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293C.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293C.3594.

2. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) [~~The voting receipts retained pursuant to NRS 293C.3585;~~

~~(c)~~] The voting rosters used for early voting;

[~~(d)~~] ***(c)*** The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

[~~(e)~~] ***(d)*** Any other items as determined by the city clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Sort the items by precinct or voting district;

(b) Count the number of ballots voted by precinct or voting district;

(c) Account for all ballots on an official statement of ballots; and

(d) Place the items in the container provided to transport those items to the central counting place and seal the container with a number seal. The official statement of ballots must accompany the items to the central counting place.

[~~Sec. 77.~~] ***Sec. 82.*** NRS 293C.3615 is hereby amended to read as follows:

293C.3615 The city clerk shall make a record of the receipt at the central counting place of each sealed container used to transport official ballots pursuant to NRS 293C.295, 293C.325, [~~293C.3602,~~] 293C.630 and

293C.635. The record must include the numbers indicated on the container and its seal pursuant to NRS 293C.700.

~~[Sec. 78.]~~ ***Sec. 83.*** NRS 293C.362 is hereby amended to read as follows:

293C.362 When the polls are closed, the counting board shall prepare to count the ballots voted. The counting procedure must be public and continue without adjournment until completed. If the ballots are paper ballots **,** ~~[or ballots that are voted by punching a card,]~~ the counting board shall prepare in the following manner:

1. ~~[The pollbooks must be compared and errors corrected until the books agree.~~

~~2.]~~ The container that holds the ballots, or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to determine whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If ~~[, on comparison of the count with the pollbook,]~~ a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.

~~[3.]~~ ***2.*** If the ballots in the container or box are found to exceed the number of names ***as are indicated*** on the ~~[pollbooks,]~~ ***roster as having voted,*** the ballots must be replaced in the container or box and a counting board officer shall, with his back turned to the container or box, draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the city clerk with the other ballots rejected for any cause.

~~[4.]~~ ***3.*** When it has been determined that the ~~[pollbook and the]~~ number of ballots ~~[agree]~~ ***agrees*** with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.

~~[Sec. 79.]~~ ***Sec. 84.*** NRS 293C.367 is hereby amended to read as follows:

293C.367 1. The basic factor to be considered by an election board when making a determination of whether a particular ballot must be rejected is whether any identifying mark appears on the ballot which, in the opinion of the election board, constitutes an identifying mark such that there is a reasonable belief entertained in good faith that the ballot has been tampered with and, as a result of the tampering, the outcome of the election would be affected.

2. Regulations for counting ballots must include provisions that:

(a) An error in marking one or more votes on a ballot does not invalidate any votes properly marked on that ballot.

(b) A soiled or defaced ballot may not be rejected if it appears that the soiling or defacing was inadvertent and was not done purposely to identify the ballot.

(c) Only devices provided for in this chapter, chapter 293 or 293B of NRS may be used in marking ballots.

(d) It is unlawful for any election board officer to place any mark upon any ballot other than a spoiled ballot.

(e) When an election board officer rejects a ballot for any alleged defect or illegality, the officer shall seal the ballot in an envelope and write upon the envelope a statement that it was rejected and the reason for rejecting it. Each election board officer shall sign the envelope.

~~[(f) In cities where mechanical voting systems are used whereby a vote is cast by punching a card, a superfluous punch into any card does not constitute grounds for rejection of the ballot unless the election board determines that the condition of the ballot justifies its exclusion pursuant to subsection 1.]~~

~~[Sec. 80.]~~ ***Sec. 85.*** NRS 293C.369 is hereby amended to read as follows:

293C.369 1. When counting a vote in an election, if more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.

2. ~~[Except as otherwise provided in subsection 1, in an election in which a paper ballot is used whereby a vote is cast by placing a cross in the designated square on the paper ballot, a cross in the designated square must be counted as a vote.~~

~~3. Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by punching a card:~~

~~(a) A chip on the card must be counted as a vote if:~~

~~(1) The chip has at least one corner that is detached from the card; or~~

~~(2) The fibers of paper on at least one edge of the chip are broken in a way that permits unimpeded light to be seen through the card.~~

~~(b) A writing or other mark on the card, including, without limitation, a cross, check, tear or scratch, may not be counted as a vote. The remaining votes on such a card must be counted unless the ballot is otherwise disqualified.~~

~~4.]~~ Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.

~~[5.]~~ ***3.*** The Secretary of State:

(a) May adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2 ***;*** ~~[, 3 or 4;]~~ and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, ~~[3 or 4,]~~ including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

~~[Sec. 81.]~~ ***Sec. 86.*** NRS 293C.372 is hereby amended to read as follows:

293C.372 When all the votes have been ~~[tallied,]~~ ***counted,*** the counting board officers shall enter on the tally lists by the name of each candidate the number of votes he received. The number must be expressed in words and figures. The vote for and against any question submitted to the electors must be entered in the same manner.

~~[Sec. 82.]~~ ***Sec. 87.*** NRS 293C.375 is hereby amended to read as follows:

293C.375 If paper ballots ~~[or ballots which are voted by punching a card]~~ are used:

1. After the ~~[tally lists]~~ ***ballots*** have been ~~[completed,]~~ ***counted,*** the voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the city clerk.

2. The other ~~[pollbooks,]~~ ***rosters,*** tally lists and election board register must be returned to the city clerk.

~~[Sec. 83.]~~ ***Sec. 88.*** NRS 293C.382 is hereby amended to read as follows:

293C.382 1. ~~[Beginning at 8 a.m. on the day before the day of an]~~ ***Not earlier than 4 working days before the*** election, the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw the ballots from each ballot box or container that holds absent ballots received before that day and determine whether each box or container has the required number of ballots according to the city clerk's absent voters' record.

2. The counting board or absent ballot central counting board shall count the number of ballots in the same manner as election boards.

~~[Sec. 84.]~~ ***Sec. 89.*** NRS 293C.385 is hereby amended to read as follows:

293C.385 1. ~~[After 8 a.m. on election day,]~~ ***Each day after the initial withdrawal of the ballots pursuant to NRS 293C.382 and before the day of***

the election, the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw from the appropriate ballot boxes or containers all the ballots received the previous day and determine whether each box or container has the required number of ballots according to the city clerk's absent voters' ballot record.

2. If any absent ballots are received by the city clerk on election day pursuant to NRS 293C.317, the city clerk shall deposit the absent ballots in the appropriate ballot boxes or containers.

3. ~~[After 8 a.m. on election day,]~~ ***Not earlier than 4 working days before the election,*** the appropriate board shall ***,*** ~~[count]~~ in public ***, count*** the votes cast on the absent ballots.

4. If paper ballots are used, the results of the absent ballot vote in each precinct must be certified and submitted to the city clerk, who shall have the results added to the regular votes of the precinct. ~~[If a mechanical voting system is used in which a voter casts his ballot by punching a card that is counted by a computer, the absent ballots may be counted with the regular votes of the precinct.]~~ The returns of absent ballots must be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of a voter's ballot. The city clerks shall develop a procedure to ensure that each ballot is kept secret.

5. Any person who disseminates to the public information relating to the count of absent ballots before the polls close is guilty of a misdemeanor.

~~[Sec. 85.]~~ ***Sec. 90.*** NRS 293C.390 is hereby amended to read as follows:

293C.390 1. The ~~*[rosters,]*~~ voted ballots, rejected ballots, spoiled ballots, challenge lists, ~~[voting receipts,]~~ records printed on paper of voted ballots collected pursuant to NRS 293B.400, and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the governing body of the city, be sealed and deposited in the vaults of the city clerk. The tally lists ~~[and pollbooks]~~ collected pursuant to NRS 293B.400 must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after that period. A notice of the destruction must be published by the city clerk in at least one newspaper of general circulation in the city, or if no newspaper is of general circulation in that city, in a newspaper of general circulation in the nearest city, not less than 2 weeks before the destruction of the materials.

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The ~~[pollbooks]~~ ***rosters*** containing the signatures of those persons who voted in the election and the tally lists deposited with the governing body of the city are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the city clerk.

4. A contestant of an election may inspect all of the material relating to that election which is preserved pursuant to subsection 1 or 2, except the voted ballots.

5. The voted ballots deposited with the city clerk are not subject to the inspection of any person, except in ***cases of*** a contested election, and only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of the judge, body or board.

~~[Sec. 86.]~~ ***Sec. 91.*** NRS 293C.620 is hereby amended to read as follows:

293C.620 1. At each election a member of the election board for a precinct shall issue each voter a ballot.

2. If a mechanical voting system is used in a primary city election whereby votes are directly recorded electronically, a member of the election board shall, ***if the clerk uses voting receipts,*** in addition to the ballot described in subsection 1, issue the voter a voting receipt.

3. The member of the election board shall ~~[:~~

~~(a) Direct]~~ ***direct*** the voter to a mechanical recording device containing a list of offices and candidates **.** ~~[; or~~

~~(b) Issue a ballot attached to a sheet of foam plastic or similar backing material, a punching instrument, a sample ballot and an instruction sheet to the voter and instruct him to punch his ballot by reference to the sample ballot.]~~

~~[Sec. 87.]~~ ***Sec. 92.*** NRS 293C.630 is hereby amended to read as follows:

293C.630 1. Upon closing of the polls, the election board shall:

(a) Secure all mechanical recording devices against further voting.

(b) ~~[If a mechanical voting system is used whereby votes are cast by punching a card:~~

~~(1) Count the number of ballots in the ballot boxes.~~

~~(2) Account for all ballots on the statement of ballots.~~

~~(3) Place all official ballots, the ballot statement and any other records, reports and materials as directed by the city clerk into the container provided by him to transport those items to a central counting place and seal the container.~~

~~(c)]~~ If a mechanical voting system is used whereby votes are directly recorded electronically:

(1) Ensure that each mechanical recording device:

(I) Provides a record printed on paper of the total number of votes recorded on the device for each candidate and for or against each measure; and

(II) Transfers the ballots voted on that device to the storage device required pursuant to NRS 293B.084.

(2) Count the number of ballots voted at the polling place.

(3) Account for all ballots on the statement of ballots.

(4) Place all records printed on paper provided by the mechanical recording devices, all storage devices which store the ballots voted on the mechanical recording devices, and any other records, reports and materials as directed by the city clerk into the container provided by him to transport those items to a central counting place and seal the container.

~~[(d)]~~ ***(c)*** Record the number of voters on a form provided by the city clerk.

2. If a difference exists between the number of voters and the number of ballots voted, the election board shall report the difference and any known reasons for the difference, in writing, to the city clerk.

3. After closing the polls, the election board shall:

(a) Compare the quantity of the supplies furnished by the city clerk with the inventory of those supplies; and

(b) Note any shortages.

4. The city clerk shall allow members of the general public to observe the handling of the ballots pursuant to subsection 1 if those members do not interfere with the handling of the ballots.

~~[Sec. 88.]~~ ***Sec. 93.*** NRS 293C.645 is hereby amended to read as follows:

293C.645 The central ballot inspection board shall:

1. Receive the ballots in sealed containers.

2. Inspect the containers, record the number indicated on each container and its seal pursuant to NRS 293.462 and remove the ~~[ballots or]~~ storage devices that store the ballots voted on mechanical recording devices that directly record votes electronically.

3. Register the numbers of ballots by precinct.

4. Deliver any damaged ***paper*** ballots to the ballot duplicating board **.** ~~[, if the ballots were voted by punching a card.]~~

5. Receive duplicates of damaged ***paper*** ballots from the ballot duplicating board and place the duplicates with the voted ballots of the appropriate precinct **.** ~~[, if the ballots were voted by punching a card.]~~

6. Place each damaged original ***paper*** ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct **.** ~~[, if the ballot was voted by punching a card.]~~

7. Reject any ***paper*** ballot that has been marked in a way that identifies the voter.

8. Place each rejected ***paper*** ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the board's rejection of the ballot **.** ~~[, if the ballot was voted by punching a card.]~~

~~[Sec. 89.]~~ ***Sec. 94.*** NRS 293C.655 is hereby amended to read as follows:

293C.655 ~~[If ballots that are voted by punching a card are used, the]~~ ***The*** ballot duplicating board shall:

1. Receive damaged ballots ~~[,]~~ ***pursuant to NRS 293C.645,*** including ballots that have been torn, bent or mutilated.

2. ~~[Receive cards with incompletely punched chips.~~

~~3.]~~ Prepare on a distinctly colored, serially numbered ballot marked "duplicate" an exact copy of each damaged ballot.

~~[4. In the case of a card with an incompletely punched chip:~~

~~(a) Remove the incompletely punched chip if:~~

~~(1) The chip has at least one corner that is detached from the card; or~~

~~(2) The fibers of paper on at least one edge of the chip are broken in a way that permits unimpeded light to be seen through the card; or~~

~~(b) Duplicate the card without punching the location of the incompletely punched chip if:~~

~~(1) The chip does not have at least one corner that is detached from the card; and~~

~~(2) The fibers of paper on no edge of the chip are broken in a way that permits unimpeded light to be seen through the card.~~

~~5.]~~ ***3.*** Record the serial number of the duplicate ballot on the damaged original ballot and return the damaged and duplicate ballots to the appropriate ballot inspection board.

~~[6.]~~ ***4.*** Hold aside the duplicated ballots for counting after all other ballots are counted if this procedure is directed by the city clerk.

~~[Sec. 90.]~~ ***Sec. 95.*** NRS 293C.700 is hereby amended to read as follows:

293C.700 1. Each container used to transport official ballots pursuant to NRS 293C.295, 293C.325, ~~[293C.3602,]~~ 293C.630 and 293C.635 must:

(a) Be constructed of metal or any other rigid material; and

(b) Contain a seal which is placed on the container to ensure detection of any opening of the container.

2. The container and seal must be separately numbered for identification.

~~[Sec. 91.]~~ ***Sec. 96.*** NRS 233B.070 is hereby amended to read as follows:

233B.070 1. A permanent regulation becomes effective when the Legislative Counsel files with the Secretary of State the original of the final draft or revision of a regulation, except as otherwise provided in NRS 233B.0665 ***or 293.247*** or where a later date is specified in the regulation.

2. Except as otherwise provided in NRS 233B.0633, an agency that has adopted a temporary regulation may not file the temporary regulation with the Secretary of State until 35 days after the date on which the temporary regulation was adopted by the agency. A temporary regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of the regulation, together with the informational

statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the temporary regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.

3. An emergency regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of an emergency regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the emergency regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.

4. The Secretary of State shall maintain the original of the final draft or revision of each regulation in a permanent file to be used only for the preparation of official copies.

5. The Secretary of State shall file, with the original of each agency's rules of practice, the current statement of the agency concerning the date and results of its most recent review of those rules.

6. Immediately after each permanent or temporary regulation is filed, the agency shall deliver one copy of the final draft or revision, bearing the stamp of the Secretary of State indicating that it has been filed, including material adopted by reference which is not already filed with the State Library and Archives Administrator, to the State Library and Archives Administrator for use by the public. If the agency is a licensing board as defined in NRS 439B.225 and it has adopted a permanent regulation relating to standards for licensing or registration or for the renewal of a license or a certificate of registration issued to a person or facility regulated by the agency, the agency shall also deliver one copy of the regulation, bearing the stamp of the Secretary of State, to the Legislative Committee on Health Care within 10 days after the regulation is filed with the Secretary of State.

7. Each agency shall furnish a copy of all or part of that part of the Nevada Administrative Code which contains its regulations, to any person who requests a copy, and may charge a reasonable fee for the copy based on the cost of reproduction if it does not have money appropriated or authorized for that purpose.

8. An agency which publishes any regulations included in the Nevada Administrative Code shall use the exact text of the regulation as it appears in the Nevada Administrative Code, including the leadlines and numbers of the sections. Any other material which an agency includes in a publication with its regulations must be presented in a form which clearly distinguishes that material from the regulations.

~~[Sec. 92.]~~ ***Sec. 97.*** NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.050, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235;

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 ~~[, 213.153 and 293B.210,]~~ ***and 213.153,***

➥ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims; and

(d) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board.

~~[Sec. 93.]~~ ***Sec. 98.*** NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235;

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 ~~[, 213.153 and 293B.210,]~~ ***and 213.153,***

➥ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims; and

(d) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board.

~~[Sec. 94.]~~ ***Sec. 99.*** NRS 539.143 is hereby amended to read as follows:

539.143 In all ~~[pollbooks]~~ ***rosters*** and lists of registered electors prepared for any election under this chapter, the names of electors who have registered or reregistered for such election shall be distinguished from the names of those who voted at the last preceding district election but who have not so registered or reregistered, by the letter "R" enclosed in parentheses placed before each of the names of the former and the omission thereof in connection with the names of the latter.

~~[Sec. 95.]~~ ***Sec. 100.*** Section 8 of the Elko Convention and Visitors Authority Act, being chapter 227, Statutes of Nevada 1975, as last amended by chapter 70, Statutes of Nevada 2001, at page 516, is hereby amended to read as follows:

Sec. 8. 1. The Authority must be governed by a Board of Governors consisting of five members appointed or elected as follows:

(a) One member appointed by the Board of Supervisors of the City of Elko, who must be a current member of the Board of Supervisors;

(b) One member appointed by the Board of County Commissioners of Elko County, who must be a current member of the Board of County Commissioners;

(c) Two members elected at large, who must reside within the City of Elko and within the boundaries of the Authority; and

(d) One member elected at large, who must reside outside the City of Elko but within the boundaries of the Authority.

2. Subject to the provisions of subsection 3, the terms of those members appointed pursuant to paragraphs (a) and (b) of subsection 1 are coterminous with their respective terms in their specified elective offices.

3. Those members appointed pursuant to paragraph (a) or (b) of subsection 1 may be removed by the appointing board with or without cause.

4. Any vacancy occurring among the members of the Board appointed pursuant to paragraph (a) or (b) of subsection 1 must be filled promptly by the Board which appointed the member whose position has become vacant. Any vacancy occurring among the members of the Board elected pursuant to paragraph (c) or (d) of subsection 1 must be filled promptly by appointment by the Board of County Commissioners of Elko County. The member appointed by the Board of County Commissioners to fill a vacancy in a position created pursuant to paragraph (c) or (d) must not be a member of the Board of County Commissioners but must meet the residency requirements for the vacant position.

5. If a member elected pursuant to paragraph (c) or (d) of subsection 1 or appointed to fill a vacancy in a position created pursuant to one of those paragraphs ceases to reside in the area specified in the paragraph under which he was elected or appointed, he is automatically disqualified from serving on the Board. A disqualified member's position must be filled by the prompt appointment of a successor in the manner specified in subsection 4.

6. The term of a person appointed to fill a vacancy is the unexpired term of the member he replaces.

7. A general authority election must be held in conjunction with the general election in 1992 and with such elections every 2 years thereafter. The three members of the Board described in paragraphs (c) and (d) of subsection 1 must be elected at the general authority election in 1992. The offices created pursuant to those paragraphs are nonpartisan. Each candidate for one of these offices must file a declaration of candidacy with the County Clerk not earlier than January 1 preceding the election and not later than 5 p.m. on the third Friday in August of the year of the election. ***In any general authority election, if, at 5 p.m. on the third Friday in August, only one candidate has filed a declaration of candidacy for one of the offices created pursuant to paragraph (c) or (d) of subsection 1, that candidate must be declared elected to that office and no election may be held for that office.*** The terms of office of the members described in paragraphs (c) and (d) of subsection 1 are 4 years, except that, the initial term of office of one of the members described in paragraph (c) of subsection 1 is 2 years. The County Clerk shall designate the seat which will have an initial term of 2 years before any candidate files a declaration of candidacy for the election. The period for registering to vote in the general authority election must be closed on the 30th calendar day preceding the date of the election. All persons who are qualified to vote at general elections in this State and reside within the boundaries of the authority upon the date of the close of registration are entitled to vote at the general authority election. Except as otherwise provided in this subsection, a general authority election must be carried out in the same manner as provided for other general elections in title 24 of NRS.

~~[Sec. 96.]~~ ***Sec. 101.*** NRS 293.075, 293.12756, 293.233, 293.245, 293.293, 293.300, 293.359, 293.3598, 293.3602, 293.447, 293B.160,

293B.210, 293B.325, 293C.235, 293C.250, 293C.280, 293C.287, 293C.359, 293C.3598 and 293C.3602 are hereby repealed.

~~[Sec. 97.]~~ ***Sec. 102.*** 1. This section and sections 1 to ~~[92,]~~ **97,** inclusive, ~~[94, 95 and 96]~~ **99, 100 and 101** of this act become effective on October 1, 2007.

2. Section ~~[92]~~ **97** of this act expires by limitation upon enactment of the Interstate Compact for Juveniles into law by the 35th jurisdiction.

3. Section ~~[93]~~ **98** of this act becomes effective upon enactment of the Interstate Compact for Juveniles into law by the 35th jurisdiction.

LEADLINES OF REPEALED SECTIONS

293.075 "Pollbook" defined.

293.12756 Informational pamphlet concerning petitions; fee.

293.233 Appointment and duties of voting board and counting board in precinct or district where there are 200 or more registered voters and paper ballots are used.

293.245 Placing of absent ballots in ballot box.

293.293 Procedure for voting by paper ballot; duties of election board officer upon receipt of voted ballot.

293.300 Return of ballot not voted; cancellation.

293.359 Ballot boxes for paper ballots or ballots voted by punching card; seals.

293.3598 Ballot board.

293.3602 Custody of paper ballots or ballots voted by punching card; observation by general public of handling of ballots.

293.447 Employment of messenger to convey election returns to Secretary of State; compensation.

293B.160 Test program and card deck to be used for certain mechanical voting systems at election.

293B.210 Clerk to furnish lists of candidates and measures to be voted on at election; Secretary of State to provide to or reimburse county for cards used in elections.

293B.325 Pickup and delivery; processing before polls close.

293C.235 Appointment and duties of voting board and counting board in precinct or district where 200 or more registered voters and paper ballots used.

293C.250 Absent ballot central counting board or central election board responsible for placing absent ballots in ballot boxes in absent ballot mailing precinct.

293C.280 Procedure for voting by paper ballot; duties of election board officer upon receipt of voted ballot.

293C.287 Return and cancellation of ballot not voted.

293C.359 Ballot boxes for paper ballots or ballots voted by punching card; seals.

293C.3598 Ballot board.

293C.3602 Custody of paper ballots or ballots voted by punching card; observation by general public of handling of ballots.

Assemblywoman Koivisto moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that all rules be suspended, and that all bills and joint resolutions returned from reprint be declared emergency measures under the *Constitution* and immediately placed on third reading and final passage.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:48 p.m.

ASSEMBLY IN SESSION

At 2:04 p.m.

Madam Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Assembly Bills Nos. 335, 604, 606, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 12, 335, 604, 606 just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 12.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 384.

SUMMARY—~~[Revises certain provisions relating to]~~ **Provides for the replacement of the** State Public Works Board. (BDR 28-193)

AN ACT relating to public works; ~~[revising the composition of and certain internal procedures relating to the operations of]~~ **replacing** the State Public Works Board ~~[;]~~ **with a new department in the Executive Branch of the State Government to be known as the State Public Works Department; providing for the administration and operations of the Department; creating the Legislative Advisory Committee on Public Works;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill ~~[changes the composition of]~~ **replaces** the State Public Works Board ~~[from a seven-member body consisting of the Director of the Department of Administration and six members appointed by the Governor to a five-member body consisting of the Governor, Lieutenant Governor, State Treasurer and two members appointed by the Governor. (NRS 341.020) Instead of an election of the Chairman from among the appointed members of the Board, this bill designates the Governor as the Chairman of the Board. (NRS 341.020, 341.060) This bill also transfers from the Board to the Governor the power to appoint and remove the Manager of the Board and the power to approve the appointment of certain deputies by the Manager. (NRS 341.100)]~~ **with a new department in the Executive Branch of the State Government to be known as the State Public Works Department.**

Sections 14-18 of this bill establish that the head of the State Public Works Department is the Director, who serves at the pleasure of the Governor. Section 17 of this bill requires the Director to propose a capital improvement program for inclusion in the proposed budget which would require, when practicable, design and planning of a public work in one biennium and construction in the next biennium. At least once each month, the Director is required to submit to the Fiscal Analysis Division of the Legislative Counsel Bureau a report pertaining to the activities and expenditures of the Department during the preceding month. Upon receipt of the report, the Fiscal Analysis Division transmits the report, accompanied by any recommendations, to the Interim Finance Committee. Section 18 of this bill states that the report must set forth, for each public works project and capital improvement project that is paid for, in whole or in part, with money appropriated by the Legislature: (1) any change in the scope of the project; (2) any delay in the completion of the project; (3) any increase in the estimated cost to complete the project; and (4) such other information as the Legislative Advisory Committee on Public Works or Interim Finance Committee may require.

Section 51 of this bill creates the Legislative Advisory Committee on Public Works, consisting of six legislative members of which three are appointed by the Majority Leader of the Senate from the members of the Senate Standing Committee on Finance of the preceding session and three are appointed by the Speaker of the Assembly from the members of the Assembly Standing Committee on Ways and Means of the

preceding session. The Advisory Committee is granted the authority to evaluate, review and comment upon all matters relating to the planning, design, construction and satisfactory completion of public works and capital improvement projects that are financed in whole or in part with money appropriated by the Legislature, and to make recommendations on such matters to the Interim Finance Committee.

Section 75 of this bill requires the Director of the State Public Works Department, in consultation with the Legislative Advisory Committee on Public Works, to establish a pilot program to assess the costs and benefits of using privatized services for the management and inspection of construction projects.

Sections 76 and 77 of this bill provide continuity for the transition from the State Public Works Board to the State Public Works Department by: (1) clarifying that the provisions of the bill do not impair any existing contracts entered into by the State Public Works Board; and (2) declaring that the regulations of the State Public Works Board will remain in effect for 1 year (through June 30, 2008) or until the Director of the State Public Works Department adopts new regulations, whichever occurs earlier.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 9 of this bill and replace with the following new sections 1 through 77:

Section 1. **NRS 338.010 is hereby amended to read as follows:**

338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that he is not required to be licensed pursuant to chapter 624 of NRS.

(b) A design-build team.

4. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a workman or workmen employed by them on public works by the day and not under a contract in writing.

5. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. ***"Department" means the State Public Works Department created by NRS 341.020.***

9. "Director" means the Director of the State Public Works Department.

10. "Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

~~[9.]~~ ***11.*** "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

~~[10.]~~ ***12.*** "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

~~[11.]~~ ***13.*** "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other

taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

~~[12.]~~ ***14.*** "Offense" means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

(d) Comply with subsection 4 or 5 of NRS 338.070.

~~[13.]~~ ***15.*** "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➥ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

~~[14.]~~ ***16.*** "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

~~[15.]~~ ***17.*** "Public work" means any project for the new construction, repair or reconstruction of:

(a) A project financed in whole or in part from public money for:

(1) Public buildings;

(2) Jails and prisons;

(3) Public roads;

(4) Public highways;

(5) Public streets and alleys;

(6) Public utilities;

(7) Publicly owned water mains and sewers;

(8) Public parks and playgrounds;

(9) Public convention facilities which are financed at least in part with public money; and

(10) All other publicly owned works and property.

(b) A building for the Nevada System of Higher Education of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.

~~[16.]~~ ***18.*** "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

~~[17.]~~ ***19.*** "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

➥ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

~~[18.]~~ ***20.*** "Subcontract" means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

➥ for the provision of labor, materials, equipment or supplies for a construction project.

~~[19.]~~ ***21.*** "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that he is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

~~[20.]~~ ***22.*** "Supplier" means a person who provides materials, equipment or supplies for a construction project.

~~[21.]~~ ***23.*** "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the workman.

~~[22.]~~ ***24.*** "Workman" means a skilled mechanic, skilled workman, semiskilled mechanic, semiskilled workman or unskilled workman in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 2. **NRS 338.1375 is hereby amended to read as follows:**

338.1375 1. The ~~[State Public Works Board]~~ ***Department*** shall not accept a bid on a contract for a public work unless the contractor who submits the bid has qualified pursuant to NRS 338.1379 to bid on that contract.

2. The ~~[State Public Works Board]~~ ***Director*** shall by regulation adopt criteria for the qualification of bidders on contracts for public works of this

State. The criteria adopted by the ~~[State Public Works Board]~~ ***Director*** pursuant to this section must be used by the ~~[State Public Works Board]~~ ***Department*** to determine the qualification of bidders on contracts for public works of this State.

3. The criteria adopted ~~[by the State Public Works Board]~~ pursuant to this section:

(a) Must be adopted in such a form that the determination of whether an applicant is qualified to bid on a contract for a public work does not require or allow the exercise of discretion by any one person.

(b) May include only:

(1) The financial ability of the applicant to perform a contract;

(2) The principal personnel of the applicant;

(3) Whether the applicant has breached any contracts with a public body or person in this State or any other state;

(4) Whether the applicant has been disqualified from being awarded a contract pursuant to NRS 338.017 or 338.13895;

(5) The performance history of the applicant concerning other recent, similar contracts, if any, completed by the applicant; and

(6) The truthfulness and completeness of the application.

Sec. 3. **NRS 338.1376 is hereby amended to read as follows:**

338.1376 1. Each subcontractor whose name is required to be included in a bid pursuant to NRS 338.141 must, to be eligible to provide labor or a portion of the work or improvement to a contractor to whom the ~~[State Public Works Board]~~ ***Department*** awards a contract pursuant to this chapter, be qualified in accordance with criteria established by regulation by the ~~[State Public Works Board.]~~ ***Director.*** The criteria ~~[established by the State Public Works Board pursuant to this subsection]~~ must be made applicable to a subcontractor but must otherwise be substantively identical to the criteria set forth in paragraph (b) of subsection 3 of NRS 338.1375.

2. A subcontractor shall be presumed to be qualified pursuant to subsection 1 unless the ~~[State Public Works Board]~~ ***Director*** has received information that:

(a) The ~~[State Public Works Board]~~ ***Director*** determines to be sufficient and verifiable; and

(b) Indicates the subcontractor does not meet the criteria established by regulation pursuant to subsection 1.

3. Upon receipt of sufficient and verifiable information of a type described in subsection 2, the ~~[State Public Works Board]~~ ***Director*** shall require a subcontractor regarding whom such information is received to submit to the ~~[State Public Works Board,]~~ ***Department,*** on a form prescribed by the ~~[State Public Works Board,]~~ ***Director,*** an application for qualification in accordance with the criteria established by regulation pursuant to subsection 1. After receiving such an application, the ~~[State Public Works Board]~~ ***Director*** shall determine whether the subcontractor is qualified in accordance with the criteria established by regulation pursuant to subsection

1. Except as otherwise provided in subsection 4, if the ~~[State Public Works Board]~~ ***Director*** determines that the subcontractor does not meet such criteria, the ~~[State Public Works Board]~~ ***Director*** may disqualify the subcontractor, for a period set by the ~~[State Public Works Board,]~~ ***Director,*** from participating in public works projects which are sponsored by the ~~[State Public Works Board.]~~ ***Department.*** The ~~[State Public Works Board]~~ ***Department*** shall provide written notice to the subcontractor of any such disqualification.

4. A subcontractor may appeal a disqualification pursuant to subsection 3 in the manner set forth in NRS 338.1381.

Sec. 4. **NRS 338.1379 is hereby amended to read as follows:**

338.1379 1. Except as otherwise provided in NRS 338.1382, a contractor who wishes to qualify as a bidder on a contract for a public work must submit an application to the ~~[State Public Works Board]~~ ***Department*** or the local government.

2. Upon receipt of an application pursuant to subsection 1, the ~~[State Public Works Board]~~ ***Department*** or the local government shall:

(a) Investigate the applicant to determine whether he is qualified to bid on a contract; and

(b) After conducting the investigation, determine whether the applicant is qualified to bid on a contract. The determination must be made within 45 days after receipt of the application.

3. The ~~[State Public Works Board]~~ ***Department*** or the local government shall notify each applicant in writing of its determination. If an application is denied, the notice must set forth the reasons for the denial and inform the applicant of his right to a hearing pursuant to NRS 338.1381.

4. The ~~[State Public Works Board]~~ ***Department*** or the local government may determine an applicant is qualified to bid:

(a) On a specific project; or

(b) On more than one project over a period of time to be determined by the ~~[State Public Works Board]~~ ***Department*** or the local government.

5. The ~~[State Public Works Board]~~ ***Department*** shall not use any criteria other than criteria adopted by regulation pursuant to NRS 338.1375 in determining whether to approve or deny an application.

6. The local government shall not use any criteria other than the criteria described in NRS 338.1377 in determining whether to approve or deny an application.

7. Financial information and other data pertaining to the net worth of an applicant which is gathered by or provided to the ~~[State Public Works Board]~~ ***Department*** or a local government to determine the financial ability of an applicant to perform a contract is confidential and not open to public inspection.

Sec. 5. **NRS 338.1381 is hereby amended to read as follows:**

338.1381 1. If, within 10 days after receipt of the notice denying an application pursuant to NRS 338.1379 or disqualifying a subcontractor

pursuant to NRS 338.1376, the applicant or subcontractor, as applicable, files a written request for a hearing with the ~~[State Public Works Board]~~ ***Department*** or the local government, the ~~[Board]~~ ***Department*** or governing body shall set the matter for a hearing within 20 days after receipt of the request. The hearing must be held not later than 45 days after the receipt of the request for a hearing unless the parties, by written stipulation, agree to extend the time.

2. The hearing must be held at a time and place prescribed by the ~~[Board]~~ ***Department*** or local government. At least 10 days before the date set for the hearing, the ~~[Board]~~ ***Department*** or local government shall serve the applicant or subcontractor with written notice of the hearing. The notice may be served by personal delivery to the applicant or subcontractor or by certified mail to the last known business or residential address of the applicant or subcontractor.

3. The applicant or subcontractor has the burden at the hearing of proving by substantial evidence that the applicant is entitled to be qualified to bid on a contract for a public work, or that the subcontractor is qualified to be a subcontractor on a contract for a public work.

4. In conducting a hearing pursuant to this section, the ~~[Board]~~ ***Department*** or governing body may:

(a) Administer oaths;

(b) Take testimony;

(c) Issue subpoenas to compel the attendance of witnesses to testify before the ~~[Board]~~ ***Department*** or governing body;

(d) Require the production of related books, papers and documents; and

(e) Issue commissions to take testimony.

5. If a witness refuses to attend or testify or produce books, papers or documents as required by the subpoena issued pursuant to subsection 4, the ~~[Board]~~ ***Department*** or governing body may petition the district court to order the witness to appear or testify or produce the requested books, papers or documents.

6. The ~~[Board]~~ ***Department*** or governing body shall issue a decision on the matter during the hearing. The decision of the ~~[Board]~~ ***Department*** or governing body is a final decision for purposes of judicial review.

Sec. 6. **NRS 338.1382 is hereby amended to read as follows:**

338.1382 In lieu of adopting criteria pursuant to NRS 338.1377 and determining the qualification of bidders pursuant to NRS 338.1379, a governing body may deem a person to be qualified to bid on:

1. Contracts for public works of the local government if the person has been determined by:

(a) The ~~[State Public Works Board]~~ ***Department*** pursuant to NRS 338.1379 to be qualified to bid on contracts for public works of the State pursuant to criteria adopted pursuant to NRS 338.1375; or

(b) Another governing body pursuant to NRS 338.1379 to be qualified to bid on contracts for public works of that local government pursuant to the criteria set forth in NRS 338.1377.

2. A contract for a public work of the local government if:

(a) The person has been determined by the Department of Transportation pursuant to NRS 408.333 to be qualified to bid on the contract for the public work;

(b) The public work will be owned, operated or maintained by the Department of Transportation after the public work is constructed by the local government; and

(c) The Department of Transportation requested that bidders on the contract for the public work be qualified to bid on the contract pursuant to NRS 408.333.

Sec. 7. **NRS 338.13895 is hereby amended to read as follows:**

338.13895 1. The ~~[State Public Works Board]~~ ***Department*** shall not award a contract to a person who, at the time of the bid, is not properly licensed under the provisions of chapter 624 of NRS or if the contract would exceed the limit of his license. A subcontractor who is:

(a) Named in the bid for the contract as a subcontractor who will provide a portion of the work on the public work pursuant to NRS 338.141; and

(b) Not properly licensed for that portion of the work, or who, at the time of the bid, is on disqualified status with the ~~[State Public Works Board]~~ ***Department*** pursuant to NRS 338.1376,

➥ shall be deemed unacceptable. If the subcontractor is deemed unacceptable pursuant to this subsection, the contractor shall provide an acceptable subcontractor.

2. A local government awarding a contract for a public work shall not award the contract to a person who, at the time of the bid, is not properly licensed under the provisions of chapter 624 of NRS or if the contract would exceed the limit of his license. A subcontractor who is:

(a) Named in the bid for the contract as a subcontractor who will provide a portion of the work on the public work pursuant to NRS 338.141; and

(b) Not properly licensed for that portion of work,

➥ shall be deemed unacceptable. If the subcontractor is deemed unacceptable pursuant to this subsection, the contractor shall provide an acceptable subcontractor with no increase in the amount of the contract.

3. If, after awarding the contract, but before commencement of the work, the public body or its authorized representative discovers that the person to whom the contract was awarded is not licensed, or that the contract would exceed his license, the public body or its authorized representative shall rescind the award of the contract and may accept the next lowest bid for that public work from a responsive bidder who was determined by the public body or its authorized representative to be a qualified bidder pursuant to NRS 338.1379 or 338.1382 without requiring that new bids be submitted.

Sec. 8. **NRS 338.139 is hereby amended to read as follows:**

338.139 1. A public body or its authorized representative may award a contract for a public work pursuant to NRS 338.1375 to 338.13895, inclusive, to a specialty contractor if:

(a) The majority of the work to be performed on the public work to which the contract pertains consists of specialty contracting for which the specialty contractor is licensed; and

(b) The public work to which the contract pertains is not part of a larger public work.

2. If a public body or its authorized representative awards a contract to a specialty contractor pursuant to NRS 338.1375 to 338.13895, inclusive, all work to be performed on the public work to which the contract pertains that is outside the scope of the license of the specialty contractor must be performed by a subcontractor who:

(a) Is licensed to perform such work; and

(b) At the time of the performance of the work, is not on disqualified status with the ~~[State Public Works Board]~~ ***Department*** pursuant to NRS 338.1376.

Sec. 9. **NRS 338.141 is hereby amended to read as follows:**

338.141 1. Except as otherwise provided in NRS 338.1727, each bid submitted to a public body for any public work to which paragraph (a) of subsection 1 of NRS 338.1385 or paragraph (a) of subsection 1 of NRS 338.143 applies, must include:

(a) If the public body provides a list of the labor or portions of the public work which are estimated by the public body to exceed 3 percent of the estimated cost of the public work, the name of each first tier subcontractor who will provide such labor or portion of the work on the public work which is estimated to exceed 3 percent of the estimated cost of the public work; or

(b) If the public body does not provide a list of the labor or portions of the public work which are estimated by the public body to exceed 3 percent of the estimated cost of the public work, the name of each first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid an amount exceeding 5 percent of the prime contractor's total bid. If the bid is submitted pursuant to this paragraph, within 2 hours after the completion of the opening of the bids, the contractors who submitted the three lowest bids must submit a list containing the name of each first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid an amount exceeding 1 percent of the prime contractor's total bid or $50,000, whichever is greater, and the number of the license issued to the first tier subcontractor pursuant to chapter 624 of NRS.

2. The lists required by subsection 1 must include a description of the labor or portion of the work which each first tier subcontractor named in the list will provide to the prime contractor.

3. A prime contractor shall include his name on a list required by paragraph (a) of subsection 1 if he will perform any of the work required to be listed pursuant to paragraph (a) of subsection 1.

4. Except as otherwise provided in this subsection, if a contractor:

(a) Fails to submit the list within the required time; or

(b) Submits a list that includes the name of a subcontractor who, at the time of the submission of the list, is on disqualified status with the ~~[State Public Works Board]~~ ***Department*** pursuant to NRS 338.1376,

➥ the contractor's bid shall be deemed not responsive. A contractor's bid shall not be deemed not responsive on the grounds that the contractor submitted a list that includes the name of a subcontractor who, at the time of the submission of the list, is on disqualified status with the ~~[State Public Works Board]~~ ***Department*** pursuant to NRS 338.1376 if the contractor, before the award of the contract, provides an acceptable replacement subcontractor in the manner set forth in subsection 1 or 2 of NRS 338.13895.

5. A contractor whose bid is accepted shall not substitute a subcontractor for any subcontractor who is named in the bid, unless:

(a) The public body or its authorized representative objects to the subcontractor, requests in writing a change in the subcontractor and pays any increase in costs resulting from the change.

(b) The substitution is approved by the public body or its authorized representative. The substitution must be approved if the public body or its authorized representative determines that:

(1) The named subcontractor, after having a reasonable opportunity, fails or refuses to execute a written contract with the contractor which was offered to the named subcontractor with the same general terms that all other subcontractors on the project were offered;

(2) The named subcontractor files for bankruptcy or becomes insolvent;

(3) The named subcontractor fails or refuses to perform his subcontract within a reasonable time or is unable to furnish a performance bond and payment bond pursuant to NRS 339.025; or

(4) The named subcontractor is not properly licensed to provide that labor or portion of the work.

(c) If the public body awarding the contract is a governing body, the public body or its authorized representative, in awarding the contract pursuant to NRS 338.1375 to 338.139, inclusive:

(1) Applies such criteria set forth in NRS 338.1377 as are appropriate for subcontractors and determines that the subcontractor does not meet that criteria; and

(2) Requests in writing a substitution of the subcontractor.

6. If a contractor indicates pursuant to subsection 1 that he will perform a portion of work on the public work and thereafter requests to substitute a subcontractor to perform such work, the contractor shall provide to the public body a written explanation in the form required by the public body which contains the reasons that:

(a) A subcontractor was not originally contemplated to be used on that portion of the public work; and

(b) The substitution is in the best interest of the public body.

7. As used in this section:

(a) "First tier subcontractor" means a subcontractor who contracts directly with a prime contractor to provide labor, materials or services for a construction project.

(b) "General terms" means the terms and conditions of a contract that set the basic requirements for a public work and apply without regard to the particular trade or specialty of a subcontractor, but does not include any provision that controls or relates to the specific portion of the public work that will be completed by a subcontractor, including, without limitation, the materials to be used by the subcontractor or other details of the work to be performed by the subcontractor.

Sec. 10. **NRS 338.180 is hereby amended to read as follows:**

338.180 1. The Legislature of the State of Nevada declares that:

(a) The primary purpose of this section is to provide, subject to the limitations set forth in this section, for the removal and elimination of architectural barriers to the physically handicapped in public buildings and facilities designed after July 1, 1973, in order to encourage and facilitate the employment of the physically handicapped and to make public buildings accessible to and usable by the physically handicapped; and

(b) It is the intent of the Legislature that insofar as possible all buildings and facilities used by the public be accessible to, and functional for, the physically handicapped, without loss of function, space or facility where the general public is concerned.

2. All plans and specifications for the construction of public buildings and facilities owned by a public body must, after July 1, 1973, provide facilities and features for the physically handicapped so that buildings which are normally used by the public are constructed with entrance ramps, toilet facilities, drinking fountains, doors and public telephones accessible to and usable by the physically handicapped. In addition, all plans and specifications for the construction or alteration of public buildings and facilities owned by a public body must comply with the applicable requirements of the:

(a) Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations;

(b) Minimum Guidelines and Requirements for Accessible Design, 36 C.F.R. §§ 1190.1 et seq.; and

(c) Fair Housing Act, 42 U.S.C. § 3604, and the regulations adopted pursuant thereto.

➥ The requirements of paragraph (a) of this subsection are not satisfied if the plans and specifications comply solely with the Uniform Federal

Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

3. All public bodies shall, in the design, construction and alteration of public buildings and facilities comply with the applicable requirements of the:

(a) Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations;

(b) Minimum Guidelines and Requirements for Accessible Design, 36 C.F.R. §§ 1190.1 et seq.; and

(c) Fair Housing Act, 42 U.S.C. § 3604, and the regulations adopted pursuant thereto.

➥ The requirements of paragraph (a) of this subsection are not satisfied if the public body complies solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

4. In each public building and facility owned by a public body, each entrance to a corridor which leads to a toilet facility must be marked with a sign which:

(a) Conforms to the requirements related to signage contained in §§ 4.30 et seq. of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations; and

(b) Uses symbols, raised letters and Braille to:

(1) Identify the toilet facility and the gender of persons who may use the toilet facility; and

(2) If the toilet facility is for the exclusive use of persons of one gender:

(I) Indicate that the toilet facility is for the exclusive use of persons of that gender; and

(II) Provide direction to a toilet facility that may be used by persons of the other gender.

5. The ~~[State Public Works Board]~~ ***Department*** shall verify that all public buildings and facilities owned by the State of Nevada conform with the requirements of this section. Each political subdivision shall verify that all public buildings and facilities owned by the political subdivision conform with the requirements of this section.

6. A person may report a violation of this section to the Attorney General.

7. Upon receiving a report pursuant to subsection 6, the Attorney General shall notify the public body responsible for the alleged violation. Not later than 30 days after receiving such a notification, the public body shall:

(a) Present evidence to the Attorney General that it is in compliance with this section; or

(b) Begin any action necessary to comply with the requirements of this section and notify the Attorney General of the date on which it will be in compliance with those requirements.

8. If the public body responsible for the alleged violation fails to comply with this section, the Attorney General shall take such action as is necessary to ensure compliance with this section, including, without limitation, commencing proceedings in a court of competent jurisdiction, if appropriate.

Sec. 11. **NRS 338.187 is hereby amended to read as follows:**

338.187 1. Except as otherwise provided in subsection 2, each occupied public building whose construction will be sponsored or financed by this State must, when completed, meet the requirements to be certified at or meet the equivalent of the base level or higher in accordance with the Leadership in Energy and Environmental Design Green Building Rating System, or an equivalent standard, as adopted by the Director of the Office of Energy pursuant to NRS 701.217.

2. During each biennium, at least two occupied public buildings whose construction will be sponsored or financed by this State must be designated as demonstration projects and must, when completed, meet the requirements to be certified at or meet the equivalent of the silver level or higher in accordance with the Leadership in Energy and Environmental Design Green Building Rating System, or an equivalent standard, as adopted by the Director of the Office of Energy pursuant to NRS 701.217 if:

(a) The Director of the Office of Energy, in consultation with the State Board of Examiners and the ~~[State Public Works Board,]~~ ***Department,*** has determined that it is feasible for the buildings to meet such requirements and standards and that it is a cost-effective investment to do so; and

(b) The agency or agencies that will occupy the buildings have agreed to allow the buildings to be designated as demonstration projects pursuant to this subsection.

3. Each occupied public building whose construction is sponsored or financed by a local government may meet the requirements to be certified at or meet the equivalent of the base level or higher in accordance with the Leadership in Energy and Environmental Design Green Building Rating System, or an equivalent standard, as adopted by the Director of the Office of Energy pursuant to NRS 701.217.

4. As used in this section, "occupied public building" means a public building used primarily as an office space or work area for persons employed by this State or a local government. The term does not include a public building used primarily as a storage facility or warehouse or for similar purposes.

Sec. 12. **NRS 339.025 is hereby amended to read as follows:**

339.025 1. Before any contract, except one subject to the provisions of chapter 408 of NRS, exceeding $100,000 for any project for the new construction, repair or reconstruction of any public building or other public work or public improvement of any contracting body is awarded to any

contractor, he shall furnish to the contracting body the following bonds which become binding upon the award of the contract to the contractor:

(a) A performance bond in an amount to be fixed by the contracting body, but not less than 50 percent of the contract amount, conditioned upon the faithful performance of the contract in accordance with the plans, specifications and conditions of the contract. The bond must be solely for the protection of the contracting body which awarded the contract.

(b) A payment bond in an amount to be fixed by the contracting body, but not less than 50 percent of the contract amount. The bond must be solely for the protection of claimants supplying labor or materials to the contractor to whom the contract was awarded, or to any of his subcontractors, in the prosecution of the work provided for in such contract.

2. If a general contractor has been awarded a contract, except one subject to the provisions of chapter 408 of NRS, by the ~~[State Public Works Board]~~ ***Department*** for any project for new construction, repair or reconstruction of any public building or other public work or public improvement, each of his subcontractors who will perform work on the contract that exceeds $50,000 or 1 percent of the proposed project, whichever amount is greater, shall furnish a bond to the ~~[Board]~~ ***Department*** in an amount to be fixed by the ~~[Board.]~~ ***Department.***

3. Each of the bonds required pursuant to this section must be executed by one or more surety companies authorized to do business in the State of Nevada. If the contracting body is the State of Nevada or any officer, employee, board, bureau, commission, department, agency or institution thereof, the bonds must be payable to the State of Nevada. If the contracting body is other than one of those enumerated in this subsection, the bonds must be payable to the other contracting body.

4. Each of the bonds must be filed in the office of the contracting body which awarded the contract for which the bonds were given.

5. This section does not prohibit a contracting body from requiring bonds.

Sec. 13. **Chapter 341 of NRS is hereby amended by adding thereto the provisions set forth as sections 14 to 18, inclusive, of this act.**

Sec. 14. "Department" means the State Public Works Department created by NRS 341.020.

Sec. 15. "Director" means the Director of the Department.

Sec. 16. The Director:

1. Is appointed by, is responsible to, and serves at the pleasure of the Governor.

2. Is in the unclassified service of the State.

3. Shall not engage in any other gainful employment or occupation.

4. Is entitled to an annual salary in an amount specified by the Legislature. The salary of the Director is exempt from the limitations set forth inNRS 281.123.

Sec. 17. ***1. The Director shall prepare and submit to the Chief of the Budget Division of the Department of Administration, for inclusion in the proposed state budget pursuant to NRS 353.205, a proposed capital improvement program for each biennium.***

2. The proposed capital improvement program must be divided into two parts so that, insofar as practicable, each capital improvement project that exceeds $1,000,000 will be scheduled to receive funding for design and planning during one biennium and will be scheduled to receive funding for the construction in the subsequent biennium.

~~*Sec. 18.*~~ ***1. The Director may adopt such regulations as he determines to be necessary or advisable to carry out the provisions of this chapter.***

2. The Director shall, not less frequently than once every month, submit to the Fiscal Analysis Division of the Legislative Counsel Bureau a report detailing the activities and expenditures of the Department during the previous month. The report required pursuant to this subsection must include, without limitation, for each construction project and capital improvement project over which the Department has authority, jurisdiction or supervisory control:

(a) Any change in the scope of the project;

(b) Any delay in the completion of the project;

(c) Any increase in the estimated cost to complete the project; and

(d) Such other information as the Legislative Advisory Committee on Public Works or Interim Finance Committee may require.

3. Upon receipt of the report required pursuant to subsection 2, the Fiscal Analysis Division shall transmit the report and any related recommendations to the Legislative Advisory Committee on Public Works and the Interim Finance Committee.

Sec. 19. **NRS 341.010 is hereby amended to read as follows:**

341.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in ~~[NRS 341.013 and 341.015]~~ ***sections 14 and 15 of this act*** have the meanings ascribed to them in those sections.

Sec. 20. **NRS 341.020 is hereby amended to read as follows:**

341.020 1. The State Public Works ~~[Board, consisting of the Director of the Department of Administration and six members appointed by the Governor,]~~ ***Department*** is hereby created within the ~~[Department of Administration.~~

~~2. At least one of the appointed members must have a comprehensive knowledge of the principles of administration and at least one of the appointed members must have a working knowledge of the principles of engineering or architecture.]~~ ***Executive Branch of State Government.***

2. The head of the Department is the Director.

Sec. 21. **NRS 341.050 is hereby amended to read as follows:**

341.050 ~~[1. Each member of the Board is entitled to receive a salary of not more than $80 per day, as fixed by the Board, while engaged in the business of the Board.~~

~~2. While engaged in the business of the Board, each member and]~~ ***Each*** employee of the ~~[Board]~~ ***Department*** is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowances and travel expenses must be paid from money appropriated for the use of the ~~[Board.]~~ ***Department.***

Sec. 22. **NRS 341.070 is hereby amended to read as follows:**

341.070 The ~~[Board shall:~~

~~1. Adopt]~~ ***Director shall adopt*** such rules for the regulation of ~~[its]~~ ***the*** proceedings ***of the Department*** and the transaction of ~~[its]~~ ***the*** business ~~[as it]~~ ***of the Department as the Director*** deems proper.

~~[2. Meet at least once every 3 months.]~~

Sec. 23. **NRS 341.080 is hereby amended to read as follows:**

341.080 The ~~[Board]~~ ***Director*** shall ~~[keep]~~ ***ensure that*** a record ***is kept*** of ~~[its]~~ ***the*** official actions ~~[.]~~ ***of the Department.***

Sec. 24. **NRS 341.090 is hereby amended to read as follows:**

341.090 1. Except as provided in subsections 2 and 3, the ~~[Board]~~ ***Department*** may make expenditures necessary to carry into effect the purposes of its acts.

2. All expenditures made by the ~~[Board]~~ ***Department*** must be within the limits of the appropriation provided for the use of the ~~[Board,]~~ ***Department,*** or provided from money appropriated or authorized for expenditure by the Legislature for construction work or major repairs.

3. The ~~[Board]~~ ***Department*** may, with the approval of the Interim Finance Committee ~~,~~ ~~[when the Legislature is not in regular or special session, or with the approval of the Legislature by concurrent resolution when the Legislature is in regular or special session,]~~ expend money obtained from any source for advance planning of projects of capital improvement. For the purposes of this subsection, "advance planning" means the preparation of floor plans, cross sections, elevations, outlines of specifications, estimates of cost by category of work and perspective renderings of the project.

Sec. 25. **NRS 341.095 is hereby amended to read as follows:**

341.095 Whenever properly approved claims payable out of a particular state building construction project account exceed the amount that is available in such project account, if the project is one which is financed in part by funds that are made available to the ~~[Board]~~ ***Department*** by the United States or any of its agencies or instrumentalities, the State Controller may transfer temporarily from the General Fund to such project account such amount as may be required to pay such claims, but not more than 50 percent of the funds collectible from the United States for the particular project.

Sec. 26. **NRS 341.100 is hereby amended to read as follows:**

341.100 1. The ~~[Board]~~ ***Director*** may appoint ~~[a Manager who serves at the pleasure of the Board and the Governor. The Board or the Governor may remove the Manager for inefficiency, neglect of duty, malfeasance or for other just cause.~~

~~2. The Manager, with the approval of the Board, may appoint a deputy for professional services and a deputy for administrative, fiscal and constructional services. In addition, the Manager may appoint]~~ such ***deputies and*** other technical and clerical assistants as may be necessary to carry into effect the provisions of this chapter.

~~[3. The Manager and his]~~

2. Any deputies ***so appointed*** are in the unclassified service of the State. Except as otherwise provided in NRS 284.143, ~~[the Manager and]~~ each deputy shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

~~[4. The Manager and his deputy for professional services must each be a licensed professional engineer pursuant to the provisions of chapter 625 of NRS or an architect registered pursuant to the provisions of chapter 623 of NRS. The deputy manager for administrative, fiscal and constructional services must have a comprehensive knowledge of principles of administration and a working knowledge of principles of engineering or architecture as determined by the Board.~~

~~5. The Manager shall:~~

~~(a) Serve as the Secretary of the Board.~~

~~(b)]~~

3. The Director shall:

(a) Manage ***or provide for the management of*** the daily affairs of the ~~[Board.~~

~~(c)]~~ ***Department.***

(b) Represent the ~~[Board]~~ ***Department*** before the Legislature.

~~[(d)]~~ ***(c)*** Prepare and submit to the ~~[Board, for its approval,]~~ ***Governor, for approval by the Governor,*** the recommended priority for proposed capital improvement projects and provide the ~~[Board]~~ ***Governor*** with an estimate of the cost of each project.

~~[(e) Make]~~

(d) Select or make recommendations ~~[to the Board]~~ for the selection of architects, engineers and contractors.

~~[(f)]~~ ***(e)*** Make recommendations to the ~~[Board]~~ ***Governor*** concerning the acceptance of completed projects.

~~[(g)]~~ ***(f)*** Advise the ~~[Board and the]~~ Legislature, or the Interim Finance Committee if the Legislature is not in session, on a monthly basis of the progress of all public works projects which are a part of the approved capital improvement program.

~~[(h)]~~ ***The provisions of this paragraph are in addition to any reporting requirements set forth in section 18 of this act.***

(g) Serve as the building official for all buildings and structures on property of the State or held in trust for any division of the State Government.

Sec. 27. **NRS 341.105 is hereby amended to read as follows:**

341.105 1. When acting in the capacity of building official pursuant to paragraph ~~[(h) of subsection 5]~~ ***(g) of subsection 3*** of NRS 341.100, the ~~[Manager]~~ ***Director*** or his designated representative may issue an order to compel the cessation of work on all or any portion of a building or structure based on health or safety reasons or for violations of applicable building codes or other laws or regulations.

2. If a person receives an order issued pursuant to subsection 1, the person shall immediately cease work on the building or structure or portion thereof.

3. Any person who willfully refuses to comply with an order issued pursuant to subsection 1 or who willfully encourages another person to refuse to comply or assists another person in refusing to comply with such an order is guilty of a misdemeanor and shall be punished as provided in NRS 193.150. Any penalties collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.

4. In addition to the criminal penalty set forth in subsection 3, the ~~[Manager]~~ ***Director*** may impose an administrative penalty of not more than $1,000 per day for each day that a person violates subsection 3.

5. If a person wishes to contest an order issued to him pursuant to subsection 1, the person may bring an action in district court. The court shall give such a proceeding priority over other civil matters that are not expressly given priority by law. An action brought pursuant to this subsection does not stay enforcement of the order unless the district court orders otherwise.

6. If a person refuses to comply with an order issued pursuant to subsection 1, the ~~[Manager]~~ ***Director*** may bring an action in the name of the State of Nevada in district court to compel compliance and to collect any administrative penalties imposed pursuant to subsection 4. The court shall give such a proceeding priority over other civil matters that are not expressly given priority by law. Any attorney's fees and costs awarded by the court in favor of the State and any penalties collected in the action must be deposited with the State Treasurer for credit to the State General Fund.

7. No right of action exists in favor of any person by reason of any action or failure to act on the part of the ~~[Board, the Manager]~~ ***Director*** or any officers, employees or agents of the ~~[Board]~~ ***Department*** in carrying out the provisions of this section.

8. As used in this section, "person" includes a government and a governmental subdivision, agency or instrumentality.

Sec. 28. **NRS 341.110 is hereby amended to read as follows:**

341.110 In general, the ~~[Board]~~ ***Director and the Department*** shall have such powers as may be necessary to enable ~~[it]~~ ***them*** to fulfill ~~[its]~~ ***their*** functions and to carry out the purposes of this chapter.

Sec. 29. **NRS 341.119 is hereby amended to read as follows:**

341.119 1. Upon the request of the head of a state agency, the ~~[Board]~~ ***Director*** may delegate to that agency any of the authority granted ***to*** the ~~[Board]~~ ***Director or the Department*** pursuant to NRS 341.141 to 341.148, inclusive.

2. This section does not limit any of the authority of the Legislature when the Legislature is in regular or special session or the Interim Finance Committee when the Legislature is not in regular or special session to consult with the ~~[Board]~~ ***Director*** concerning a construction project or to approve the advance planning of a project.

Sec. 30. **NRS 341.121 is hereby amended to read as follows:**

341.121 The ~~[Board]~~ ***Director*** may, with the approval of the Interim Finance Committee ***,*** ~~[when the Legislature is not in regular or special session, or with the approval of the Legislature, by concurrent resolution, when the Legislature is in regular or special session,]~~ use grants of money received under authority of this chapter, unless otherwise limited by the conditions of any such grant, for:

1. The design and construction of public buildings or projects for which no appropriation has been made by the Legislature, or the acquisition of real property for such buildings or projects, or both.

2. Additional acquisition, design and construction costs on public buildings or projects, through appropriate contract procedures, for which the original legislative appropriation made no provision.

Sec. 31. **NRS 341.125 is hereby amended to read as follows:**

341.125 The ~~[Board]~~ ***Director, on behalf of the Department,*** is authorized to contract in the name of the State of Nevada with the United States or any of its agencies or instrumentalities, and to receive and expend by grant, loan or otherwise funds which may be made available by the United States or any of its agencies or instrumentalities.

Sec. 32. **NRS 341.130 is hereby amended to read as follows:**

341.130 The ~~[Board]~~ ***Director*** is authorized:

1. To participate in interstate, regional and national planning projects for the purpose of conserving and promoting public health and the safety, convenience and general welfare of the people.

2. Through ~~[its members or its staff,]~~ ***the staff of the Department,*** to confer and cooperate with federal officials and with the executive, legislative or planning authorities of neighboring states and of the counties and municipalities of such states.

Sec. 33. **NRS 341.140 is hereby amended to read as follows:**

341.140 The ~~[Board]~~ ***Director*** is authorized to use all reasonable means to promote public interest in the problems of state planning, and to that end may publish and distribute copies of ~~[its]~~ ***his*** reports ***and the reports of the Department*** and may employ other lawful means of publicity and education.

Sec. 34. **NRS 341.141 is hereby amended to read as follows:**

341.141 1. The ~~[Board]~~ ***Department*** shall furnish engineering and architectural services to the Nevada System of Higher Education and all other state departments, boards or commissions charged with the construction of any building constructed on state property or for which the money is appropriated by the Legislature, except:

(a) Buildings used in maintaining highways;

(b) Improvements, other than nonresidential buildings with more than 1,000 square feet in floor area, made:

(1) In state parks by the State Department of Conservation and Natural Resources; or

(2) By the Department of Wildlife; and

(c) Buildings on property controlled by other state agencies if the ~~[Board]~~ ***Director*** has delegated ~~[its]~~ ***his*** authority ***or the authority of the Department, as applicable,*** in accordance with NRS 341.119.

➥ The Board of Regents of the University of Nevada and all other state departments, boards or commissions shall use those services.

2. The services must consist of:

(a) Preliminary planning;

(b) Designing;

(c) Estimating of costs; and

(d) Preparation of detailed plans and specifications.

Sec. 35. **NRS 341.142 is hereby amended to read as follows:**

341.142 The ~~[Board]~~ ***Department*** may, with the approval of the Interim Finance Committee ~~, [when the Legislature is not in regular or special session, or with the approval of the Legislature by concurrent resolution when the Legislature is in regular or special session,]~~ plan a project in advance by preparing floor plans, cross sections, elevations, outlines of specifications, estimates of cost by category of work and perspective renderings of the project. The ~~[Board]~~ ***Department*** may submit preliminary or advance plans or designs to qualified architects or engineers for preparation of detailed plans and specifications if the ~~[Board]~~ ***Director*** considers it desirable. The cost of preparation of preliminary or advance plans or designs, the cost of detailed plans and specifications, and the cost of all architectural and engineering services are charges against the appropriations made by the Legislature for any state buildings or projects, or buildings or projects planned or contemplated by any state agency for which the Legislature has appropriated or may appropriate money. The costs must not exceed the limitations that are or may be provided by the Legislature.

Sec. 36. **NRS 341.143 is hereby amended to read as follows:**

341.143 For the purposes of the design and construction of buildings or other projects of this State, the ~~[Board]~~ ***Director*** shall adopt by regulation:

1. The seismic provisions of the International Building Code published by the International Code Council; and

2. Standards for the investigation of hazards relating to seismic activity, including, without limitation, potential surface ruptures and liquefaction.

Sec. 37. **NRS 341.145 is hereby amended to read as follows:**

341.145 The ~~[Board:]~~ ***Director:***

1. Has final authority to approve the architecture of all buildings, plans, designs, types of construction, major repairs and designs of landscaping.

2. Shall determine whether any rebates are available from a public utility for installing devices in any state building which are designed to decrease the use of energy in the building. If such a rebate is available, the ~~[Board]~~ ***Director*** shall apply for the rebate.

3. Shall solicit bids for and let all contracts for new construction or major repairs.

4. May negotiate with the lowest responsible and responsive bidder on any contract to obtain a revised bid if:

(a) The bid is less than the appropriation made by the Legislature for that building project; and

(b) The bid does not exceed the relevant budget item for that building project**,** as established by the ~~[Board]~~ ***Director,*** by more than 10 percent.

5. May reject any or all bids.

6. After the contract is let, shall supervise and inspect ***or cause the supervision and inspection of*** construction and major repairs. The cost of supervision and inspection must be financed from the capital construction program approved by the Legislature.

7. Shall obtain approval from the Interim Finance Committee ~~[when the Legislature is not in regular or special session, or from the Legislature by concurrent resolution when the Legislature is in regular or special session,]~~ for any change in the scope of the design or construction of a project as that project was authorized by the Legislature. The ~~[Board]~~ ***Director*** shall adopt by regulation criteria for determining whether a change in the scope of the design or construction of a project requires such approval.

8. May authorize change orders, before or during construction:

(a) In any amount, where the change represents a reduction in the total awarded contract price.

(b) Except as otherwise provided in paragraph (c), not to exceed in the aggregate 10 percent of the total awarded contract price, where the change represents an increase in that price.

(c) In any amount, where the total awarded contract price is less than $10,000 and the change represents an increase not exceeding the amount of the total awarded contract price.

9. Shall specify in any contract with a design professional the period within which the design professional must prepare and submit to the ~~[Board]~~ ***Department*** a change order that has been authorized by the design professional. As used in this subsection, "design professional" means a person with a professional license or certificate issued pursuant to chapter 623, 623A or 625 of NRS.

10. Has final authority to accept each building or structure, or any portion thereof, on property of the State or held in trust for any division of

the State Government as completed or to require necessary alterations to conform to the contract or to codes adopted by the ~~[Board,]~~ ***Director,*** and to file the notice of completion and certificate of occupancy for the building or structure.

Sec. 38. **NRS 341.146 is hereby amended to read as follows:**

341.146 1. The ~~[Board]~~ ***Director*** shall establish funds for projects of capital construction necessary to account for the program of capital construction approved by the Legislature. These funds must be used to account for all revenues, appropriations and expenditures restricted to constructing buildings and other projects which come under the supervision of the ~~[Board.]~~ ***Department.***

2. If a state department, board, commission or agency provides to the ~~[Board]~~ ***Department*** money that has not been appropriated by the Legislature for a capital improvement project, any interest earned on that money accrues to the benefit of the project. Upon a determination by the ~~[Board]~~ ***Director*** that the project is completed, the ~~[Board]~~ ***Department*** shall return any principal and interest remaining on that money to the department, board, commission or agency that had provided the money to the ~~[Board.]~~ ***Department.***

3. Except as otherwise provided in subsection 4, if the money actually received by the ~~[Board]~~ ***Department*** for a capital improvement project includes money from more than one source, the money must be expended in the following order:

(a) Money received for the project from the Federal Government;

(b) Money generated by the state department, board, commission or agency for whom the project is being performed;

(c) Money that was approved for the same or a different project during a previous biennium that has been reallocated during the current biennium for the project;

(d) Proceeds from the issuance of general obligation bonds;

(e) Money from the State General Fund; and

(f) Any other source of money for the project.

4. The provisions of subsection 3 do not apply if the receipt of any money from the Federal Government for the project is conditioned upon a different order of expenditure.

Sec. 39. **NRS 341.148 is hereby amended to read as follows:**

341.148 The ~~[Board]~~ ***Director*** shall advertise in a newspaper of general circulation in the State of Nevada for separate sealed bids for each construction project whose estimated cost is more than $100,000. Approved plans and specifications for the construction must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. The ~~[Board]~~ ***Director*** may accept bids on either the whole or a part of the construction, equipment and furnishings of a construction project and may let separate contracts for different and separate portions of any project, or a combination contract for

structural, mechanical and electrical construction if savings will result to this State.

Sec. 40. **NRS 341.149 is hereby amended to read as follows:**

341.149 The construction of a capital improvement that is subject to the supervision of the ~~[Board]~~ ***Department*** pursuant to this chapter may not be begun unless the funding for the operation and maintenance of the improvement during the current fiscal year, including personnel, is included in the approved budget for the fiscal year in which construction is begun.

Sec. 41. **NRS 341.151 is hereby amended to read as follows:**

341.151 1. The ~~[Board]~~ ***Department*** shall provide for a system of accounting for the total costs of state buildings throughout their expected useful life, taking into account all expenses of maintenance and operation.

2. Each proposal for the construction of a state building must include:

(a) Figures showing the final total cost of the building, which is the sum of:

(1) Initial construction costs; and

(2) Operating costs for the expected useful life of the building, including maintenance, heating, lighting, air-conditioning, personnel and other expenses of operation; and

(b) A statement of the proposed source of funding for the final total cost of the building.

Sec. 42. **NRS 341.153 is hereby amended to read as follows:**

341.153 1. The Legislature hereby finds as facts:

(a) That the construction of public buildings is a specialized field requiring for its successful accomplishment a high degree of skill and experience not ordinarily acquired by public officers and employees whose primary duty lies in some other field.

(b) That this construction involves the expenditure of large amounts of public money which, whatever their particular constitutional, statutory or governmental source, involve a public trust.

(c) That the application by state agencies of conflicting standards of performance results in wasteful delays and increased costs in the performance of public works.

2. The Legislature therefore declares it to be the policy of this State that all construction of buildings upon property of the State or held in trust for any division of the State Government be supervised by, and final authority for its completion and acceptance vested in, the ~~[Board]~~ ***Director*** as provided in NRS 341.141 to 341.148, inclusive.

Sec. 43. **NRS 341.155 is hereby amended to read as follows:**

341.155 With the concurrence of the ~~[Board,]~~ ***Director,*** the Board of Regents of the University of Nevada and any other state department, board or commission may enter into agreements with persons, associations or corporations to provide consulting services to determine and plan the construction work that may be necessary to meet the needs of the programs of those agencies. These contracts must be for a term not exceeding 5 years

and must provide for payment of a fee for those services not to exceed one-half of 1 percent of the total value of:

1. In the case of the Nevada System of Higher Education, building construction contracts relating to the construction of a branch or facility within the Nevada System of Higher Education; and

2. In the case of another state department, board or commission, all construction contracts relating to construction for that agency,

➥ during the term and in the area covered by the contract.

Sec. 44. **NRS 341.158 is hereby amended to read as follows:**

341.158 The provisions of NRS 341.141 to 341.155, inclusive, do not require the Legislative Branch of ~~[government]~~ ***State Government*** to use the services of the ~~[Board.]~~ ***Department.*** The Legislature may require the ~~[Board]~~ ***Department*** to provide the services described in those sections for particular projects for the Legislative Branch of ~~[government.]~~ ***State Government.***

Sec. 45. **NRS 341.161 is hereby amended to read as follows:**

341.161 1. The ~~[Board]~~ ***Director*** may, with the approval of the Interim Finance Committee when the Legislature is not in regular or special session, or with the approval of the Legislature by concurrent resolution when the Legislature is in regular or special session, let to a contractor licensed under chapter 624 of NRS a contract for services which assist the ~~[Board]~~ ***Department*** in the design and construction of a project of capital improvement.

2. The ~~[Board]~~ ***Director*** shall adopt regulations establishing procedures for:

(a) The determination of the qualifications of contractors to bid for contracts for services described in subsection 1.

(b) The bidding and awarding of such contracts, subject to the provisions of subsection 3.

(c) The awarding of construction contracts based on a final cost of the project which the contractor guarantees will not be exceeded.

(d) The scheduling and controlling of projects.

3. Bids on contracts for services which assist the ~~[Board]~~ ***Department*** in the design and construction of a project of capital improvement must state separately the contractor's cost for:

(a) Assisting the ~~[Board]~~ ***Department*** in the design and construction of the project.

(b) Obtaining all bids for subcontracts.

(c) Administering the construction contract.

4. A person who furnishes services under a contract awarded pursuant to subsection 1 is a contractor subject to all provisions pertaining to a contractor in title 28 of NRS.

Sec. 46. **NRS 341.166 is hereby amended to read as follows:**

341.166 1. The ~~[Board]~~ ***Director*** may, with the approval of the Interim Finance Committee when the Legislature is not in regular or special session,

or with the approval of the Legislature by concurrent resolution when the Legislature is in regular or special session, enter into a contract for services with a contractor licensed pursuant to chapter 624 of NRS to assist the ~~[Board:]~~ ***Department:***

(a) In the development of designs, plans, specifications and estimates of costs for a proposed construction project.

(b) In the review of designs, plans, specifications and estimates of costs for a proposed construction project to ensure that the designs, plans, specifications and estimates of costs are complete and that the project is feasible to construct.

2. The ~~[Board]~~ ***Director*** is not required to advertise for bids for a contract for services pursuant to subsection 1, but may solicit bids from not fewer than three licensed contractors and may award the contract to the lowest responsible and responsive bidder.

3. The ~~[Board]~~ ***Director*** shall adopt regulations establishing procedures for:

(a) The determination of the qualifications of contractors to bid for the contracts for services described in subsection 1.

(b) The bidding and awarding of such contracts.

4. If a proposed construction project for which a contractor is awarded a contract for services by the ~~[Board]~~ ***Director*** pursuant to subsection 1 is advertised pursuant to NRS 338.1385, that contractor may submit a bid for the contract for the proposed construction project if he is qualified pursuant to NRS 338.1375.

Sec. 47. **NRS 341.185 is hereby amended to read as follows:**

341.185 1. The ~~[Board]~~ ***Director*** shall, for each fiscal year, compile ***or cause to be compiled*** a report concerning projects of construction of state buildings that are financed by general obligation bonds, revenue bonds or medium-term obligations.

2. The report required to be compiled pursuant to subsection 1 must include:

(a) The source and amount of money received from the bonds and obligations during the fiscal year;

(b) A list of the projects completed during the fiscal year, including, without limitation, any change in the estimated cost of such a project and any change in the date for completion for such a project; and

(c) A list of projects under construction, the estimated cost of each of those projects, the date for completion of each of those projects and any changes in the estimated cost or date for completion of those projects.

3. The ~~[Board]~~ ***Director*** shall submit, in any format including an electronic format, a copy of the report compiled pursuant to subsection 1 on or before February 1 of the year next succeeding the period to which the report pertains to the Director of the Legislative Counsel Bureau for distribution to each regular session of the Legislature.

Sec. 48. **NRS 341.191 is hereby amended to read as follows:**

341.191 1. The ~~[Board]~~ ***Director*** shall submit reports and make recommendations relative to ~~[its]~~ ***his*** findings to the Governor and to the Legislature. The ~~[Board]~~ ***Director*** shall particularly recommend to the Governor and to the Legislature the priority of construction of any and all buildings or other construction work now authorized or that may hereafter be authorized or proposed.

2. The ~~[Board]~~ ***Director*** shall submit before October 1 of each even-numbered year ~~[its]~~ ***his*** recommendations for projects for capital improvements in the next biennium.

Sec. 49. **NRS 341.201 is hereby amended to read as follows:**

341.201 The ~~[Board]~~ ***Director*** shall ***, periodically,*** inspect ***or cause to be inspected*** all state buildings ***,*** ~~[periodically,]~~ including all buildings at the University of Nevada, Reno, and at the University of Nevada, Las Vegas, and all physical plant facilities at all state institutions. Reports of all inspections, including findings and recommendations, must be submitted to the appropriate state agencies and, if the ~~[Board]~~ ***Director*** finds any matter of serious concern in a report, ~~[it]~~ ***he*** shall submit that report to the Legislative Commission.

Sec. 50. **NRS 341.211 is hereby amended to read as follows:**

341.211 The ~~[Board]~~ ***Department*** shall:

1. Cooperate with other departments and agencies of the State in their planning efforts.

2. Advise and cooperate with municipal, county and other local planning commissions within the State to promote coordination between the State and the local plans and developments.

3. Cooperate with the Nevada Arts Council and the Buildings and Grounds Division of the Department of Administration to plan the potential purchase and placement of works of art inside or on the grounds surrounding a state building.

Sec. 51. **Chapter 218 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Legislative Advisory Committee on Public Works, consisting of six legislative members, is hereby created. The membership of the Advisory Committee consists of:

(a) Three members appointed by the Majority Leader of the Senate from among the membership of the Senate Committee on Finance during the immediately preceding session of the Legislature, at least one of whom must be a member of the minority political party.

(b) Three members appointed by the Speaker of the Assembly from among the membership of the Assembly Committee on Ways and Means during the immediately preceding session of the Legislature, at least one of whom must be a member of the minority political party.

2. The Legislative Commission shall select the Chairman and Vice Chairman of the Advisory Committee from among the members of the Committee. After the initial selection of those officers, each of those

officers holds the position for a term of 2 years commencing on July 1 of each odd-numbered year. The chairmanship of the Advisory Committee must alternate each biennium between the Houses of the Legislature. If a vacancy occurs in the chairmanship or vice chairmanship, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

3. A member of the Advisory Committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the convening of the next regular session of the Legislature.

4. A vacancy on the Advisory Committee must be filled in the same manner as the original appointment.

5. The members of the Advisory Committee shall meet throughout the year at the times and places specified by a call of the Chairman or a majority of the Advisory Committee. The Director of the Legislative Counsel Bureau or his designee shall act as the nonvoting recording Secretary of the Advisory Committee.

6. Except during a regular or special session of the Legislature, for each day or portion of a day during which a member of the Advisory Committee attends a meeting of the Advisory Committee or is otherwise engaged in the work of the Advisory Committee, he is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218.2207.

➥ The compensation, per diem allowances and travel expenses of the members of the Advisory Committee must be paid from the Legislative Fund.

7. The Advisory Committee:

(a) May evaluate, review and comment upon all matters relating to the planning, design, construction and satisfactory completion of public works and capital improvement projects that are financed in whole or in part with money appropriated by the Legislature, including, without limitation, the review and approval of changes in the scope or funding of such public works and capital improvement projects.

(b) Shall make recommendations concerning the matters described in paragraph (a) to the Interim Finance Committee.

Sec. 52. **NRS 232.219 is hereby amended to read as follows:**

232.219 1. The Department of Administration's Operating Fund for Administrative Services is hereby created as an internal service fund.

2. The operating budget of each of the following entities must include an amount representing that entity's share of the operating costs of the central accounting function of the Department:

(a) ~~[State Public Works Board;~~

~~(b)~~ Budget Division;

~~[(c)]~~ ***(b)*** Buildings and Grounds Division;

~~[(d)]~~ ***(c)*** Purchasing Division;

~~[(e)]~~ ***(d)*** Hearings Division;

~~[(f)]~~ ***(e)*** Risk Management Division;

~~[(g)]~~ ***(f)*** Division of Internal Audits; and

~~[(h)]~~ ***(g)*** If separately established, the Motor Pool Division.

3. All money received for the central accounting services of the Department must be deposited in the State Treasury for credit to the Operating Fund.

4. All expenses of the central accounting function of the Department must be paid from the Fund as other claims against the State are paid.

Sec. 53. **NRS 233C.025 is hereby amended to read as follows:**

233C.025 1. The Nevada Arts Council is hereby created as a Division of the Department.

2. The Division is the sole and official agency of this State to receive and disburse any money made available to this State by the National Endowment for the Arts pursuant to 20 U.S.C. § 954.

3. The Division:

(a) Shall cooperate with the State Public Works ~~[Board]~~ ***Department*** and the Buildings and Grounds Division of the Department of Administration to plan the potential purchase and placement of works of art inside or on the grounds surrounding a state building.

(b) May request and must receive from any department, division, board, bureau, commission or agency of this State such assistance and data, as feasible and available, as will enable the Division to properly carry out the purposes of this chapter.

Sec. 54. **NRS 239C.165 is hereby amended to read as follows:**

239C.165 1. To the extent money is made available, the Commission shall, after consultation with the State Public Works ~~[Board,]~~ ***Department,*** establish a statewide mapping system for the public buildings in this State for use by response agencies that are called to respond to an act of terrorism or related emergency.

2. The statewide mapping system must include, without limitation:

(a) The type of information that must be included within the software program that comprises the system, including, without limitation, floor plans, fire protection information, building evacuation plans, utility information, known hazards and information on how to contact emergency personnel;

(b) The manner by which the information prescribed pursuant to paragraph (a) must be transferred to the system from the state agencies and the political subdivisions that participate in the system;

(c) Standards for the software that must be used by the state agencies and political subdivisions that participate in the system;

(d) Conditions for use of the system by response agencies;

(e) Guidelines for:

(1) The accessibility and confidentiality of information contained within the system; and

(2) The incorporation, in connection with the use of the system, of the items described in paragraph (b) of subsection 3;

(f) In accordance with information obtained by the Commission, determine the priority for distribution of any money that may be available for the state agencies and political subdivisions to participate in the system; and

(g) Guidelines recommended by the Commission for the training of persons employed by response agencies concerning the use of the system.

3. To the extent money is made available, the state agencies and political subdivisions shall:

(a) Participate in the statewide mapping system; and

(b) Incorporate into their use of the system, without limitation:

(1) Evacuation routes and strategies for evacuation;

(2) Alarms and other signals or means of notification;

(3) Plans for sheltering in place; and

(4) Training and strategies for prevention in connection with attacks involving violence.

➥ If a state agency or a political subdivision uses its own building mapping system before the Commission establishes a statewide mapping system, the state agency or political subdivision may continue to use its system unless money is made available for the state agency or political subdivision to update or modify its system as necessary for inclusion in the statewide system.

4. The Commission:

(a) Shall pursue any money that may be available from the Federal Government for the development and operation of a statewide mapping system for public buildings and for the distribution of grants to the state agencies and political subdivisions that participate in the system.

(b) May accept gifts, grants and contributions for the development and operation of a statewide mapping system and for the distribution of grants to the state agencies and political subdivisions that participate in the system.

5. Each state agency and political subdivision that participates in the system shall, on or before July 1, 2006, and on or before July 1 of each year thereafter, submit to the Commission a progress report setting forth, in accordance with regulations adopted by the Commission, the experience of the agency or political subdivision, as applicable, with respect to its participation in the system. The Commission shall receive and process such progress reports and provide to the Legislative Commission a summarized overview of the system on or before October 1, 2006, and on or before October 1 of each year thereafter.

6. After the statewide mapping system is established pursuant to this section, each state agency and political subdivision that participates in the system shall submit to the Commission any initial or final plan for a public work.

7. As used in this section, "sheltering in place" means to remain inside a building, room, structure or other location during an emergency when egress may be impossible or when egress may present a more substantial risk than remaining inside the building, room, structure or other location, as applicable.

Sec. 55. **NRS 284.173 is hereby amended to read as follows:**

284.173 1. Elective officers and heads of departments, boards, commissions or institutions may contract for the services of persons as independent contractors. Except as otherwise provided by specific statute, each contract for services must be awarded pursuant to the provisions of chapter 333 of NRS.

2. An independent contractor is a natural person, firm or corporation who agrees to perform services for a fixed price according to his or its own methods and without subjection to the supervision or control of the other contracting party, except as to the results of the work, and not as to the means by which the services are accomplished.

3. For the purposes of this section:

(a) Travel, subsistence and other personal expenses may be paid to an independent contractor, if provided for in the contract, in such amounts as provided for in the contract. Those expenses must not be paid pursuant to the provisions of NRS 281.160.

(b) There must be no:

(1) Withholding of income taxes by the State;

(2) Coverage for industrial insurance provided by the State;

(3) Participation in group insurance plans which may be available to employees of the State;

(4) Participation or contributions by either the independent contractor or the State to the Public Employees' Retirement System;

(5) Accumulation of vacation leave or sick leave; or

(6) Coverage for unemployment compensation provided by the State if the requirements of NRS 612.085 for independent contractors are met.

4. An independent contractor is not in the classified or unclassified service of the State, and has none of the rights or privileges available to officers or employees of the State of Nevada.

5. Except as otherwise provided in this subsection, each contract for the services of an independent contractor must be in writing. The form of the contract must be first approved by the Attorney General, and except as otherwise provided in subsection 7, an executed copy of each contract must be filed with the Fiscal Analysis Division of the Legislative Counsel Bureau and the Clerk of the State Board of Examiners. The State Board of Examiners may waive the requirements of this subsection in the case of contracts which are for amounts less than $2,000.

6. Except as otherwise provided in subsection 7, and except contracts entered into by the Nevada System of Higher Education, each proposed contract with an independent contractor must be submitted to the State Board

of Examiners. The contracts do not become effective without the prior approval of the State Board of Examiners, except that the State Board of Examiners may authorize its clerk or his designee to approve contracts which are:

(a) For amounts less than $10,000 or, in contracts necessary to preserve life and property, for amounts less than $25,000.

(b) Entered into by the State Gaming Control Board for the purposes of investigating an applicant for or holder of a gaming license.

➥ The State Board of Examiners shall adopt regulations to carry out the provisions of this section.

7. Copies of the following types of contracts need not be filed or approved as provided in subsections 5 and 6:

(a) Contracts executed by the Department of Transportation for any work of construction or reconstruction of highways.

(b) Contracts executed by the State Public Works ~~[Board]~~ ***Department*** or any other state department or agency for any work of construction or major repairs of state buildings if the contracting process was controlled by the rules of open competitive bidding.

(c) Contracts executed by the Housing Division of the Department of Business and Industry.

(d) Contracts executed with business entities for any work of maintenance or repair of office machines and equipment.

8. The State Board of Examiners shall review each contract submitted for approval pursuant to subsection 6 to consider:

(a) Whether sufficient authority exists to expend the money required by the contract; and

(b) Whether the service which is the subject of the contract could be provided by a state agency in a more cost-effective manner.

➥ If the contract submitted for approval continues an existing contractual relationship, the Board shall ask each agency to ensure that the State is receiving the services that the contract purports to provide.

9. If the services of an independent contractor are contracted for to represent an agency of the State in any proceeding in any court, the contract must require the independent contractor to identify in all pleadings the specific state agency which he is representing.

Sec. 56. **NRS 321.001 is hereby amended to read as follows:**

321.001 1. The Division shall acquire and hold in the name of the State of Nevada all lands and interests in land owned or required by the State except:

(a) Lands or interests used or acquired for highway purposes;

(b) Lands or interests the title to which is vested in the Board of Regents of the University of Nevada;

(c) Offices outside state buildings leased by the Chief of the Buildings and Grounds Division of the Department of Administration for the use of state officers and employees; or

(d) Lands or interests used or acquired for the Legislature or its staff,

➥ and shall administer all lands it holds which are not assigned for administration to another state agency.

2. If additional land or an interest in land is required for the use of any state agency except the Department of Transportation or the Nevada System of Higher Education, the agency and the Division shall select land for use by the agency. The Division shall obtain the approval of the State Public Works ~~[Board]~~ ***Department*** if the land will be used for a building pursuant to NRS 341.141. The Division shall determine the value of that land and obtain the land or interest by negotiation or, if necessary, by exercising the State's power of eminent domain. Title must be taken in the name of the State of Nevada.

3. The Division may acquire and hold land and interests in land required for any public purpose, including the production of public revenue. Title must be taken in the name of the State of Nevada.

Sec. 57. **NRS 331.100 is hereby amended to read as follows:**

331.100 The Chief has the following specific powers and duties:

1. To keep all buildings, rooms, basements, floors, windows, furniture and appurtenances clean, orderly and presentable as befitting public property.

2. To keep all yards and grounds clean and presentable, with proper attention to landscaping and horticulture.

3. Under the supervision of the State Fire Marshal, to make arrangements for the installation and maintenance of water sprinkler systems, fire extinguishers, fire hoses and fire hydrants, and to take other fire prevention and suppression measures, necessary and feasible, that may reduce the fire hazards in all buildings under his control.

4. To make arrangements and provision for the maintenance of the state's water system supplying the state-owned buildings at Carson City, with particular emphasis upon the care and maintenance of water reservoirs, in order that a proper and adequate supply of water be available to meet any emergency.

5. To make arrangements for the installation and maintenance of water meters designed to measure accurately the quantity of water obtained from sources not owned by the State.

6. To make arrangements for the installation and maintenance of a lawn sprinkling system on the grounds adjoining the Capitol Building at Carson City, or on any other state-owned grounds where such installation is practical or necessary.

7. To investigate the feasibility, and economies resultant therefrom, if any, of the installation of a central power meter, to measure electrical energy used by the State buildings in the vicinity of and including the Capitol Building at Carson City, assuming the buildings were served with power as one unit.

8. To purchase, use and maintain such supplies and equipment as are necessary for the care, maintenance and preservation of the buildings and grounds under his supervision and control.

9. Subject to the provisions of chapter 426 of NRS regarding the operation of vending stands in or on public buildings and properties by blind persons, to install or remove vending machines and vending stands in the buildings under his supervision and control, and to have control of and be responsible for their operation.

10. To cooperate with the Nevada Arts Council and the State Public Works ~~[Board]~~ ***Department*** to plan the potential purchase and placement of works of art inside or on the grounds surrounding a state building.

Sec. 58. **NRS 333A.080 is hereby amended to read as follows:**

333A.080 1. The State Public Works ~~[Board]~~ ***Department*** shall determine those companies that satisfy the requirements of qualified service companies for the purposes of this chapter. In making such a determination, the State Public Works ~~[Board]~~ ***Department*** shall enlist the assistance of the staffs of the Office of Energy within the Office of the Governor, the Buildings and Grounds Division of the Department of Administration and the Purchasing Division of the Department of Administration. The State Public Works ~~[Board]~~ ***Department*** shall prepare and issue a request for qualifications to not less than three potential qualified service companies.

2. In sending out a request for qualifications, the State Public Works ~~[Board:]~~ ***Department:***

(a) Shall attempt to identify at least one potential qualified service company located within this State; and

(b) May consider whether and to what extent the companies to which the request for qualifications will be sent will use local contractors.

3. The State Public Works ~~[Board]~~ ***Department*** shall adopt, by regulation, criteria to determine those companies that satisfy the requirements of qualified service companies. The criteria for evaluation must include, without limitation, the following areas as substantive factors to assess the capability of such companies:

(a) Design;

(b) Engineering;

(c) Installation;

(d) Maintenance and repairs associated with performance contracts;

(e) Experience in conversions to different sources of energy or fuel and other services related to operating cost-savings measures provided that is done in association with a comprehensive energy, water or waste disposal cost-savings retrofit;

(f) Monitoring projects after the projects are installed;

(g) Data collection and reporting of savings;

(h) Overall project experience and qualifications;

(i) Management capability;

(j) Ability to access long-term financing;

(k) Experience with projects of similar size and scope; and

(l) Such other factors determined by the State Public Works ~~[Board]~~ ***Department*** to be relevant and appropriate to the ability of a company to perform the projects.

➥ In determining whether a company satisfies the requirements of a qualified service company, the State Public Works ~~[Board]~~ ***Department*** shall also consider whether the company holds the appropriate licenses required for the design, engineering and construction which would be completed pursuant to a performance contract.

4. The State Public Works ~~[Board]~~ ***Department*** shall compile a list of those companies that it determines satisfy the requirements of qualified service companies.

Sec. 59. **NRS 333A.082 is hereby amended to read as follows:**

333A.082 1. The Purchasing Division of the Department of Administration shall work directly with any using agency interested in entering into a performance contract, using the list of qualified service companies compiled by the State Public Works ~~[Board]~~ ***Department*** pursuant to NRS 333A.080. The Purchasing Division, in conjunction with the using agency, shall ensure that each appropriate qualified service company is notified of the using agency's interest in entering into a performance contract and coordinate an opportunity for each such qualified service company to:

(a) Visit the site pertaining to which the using agency wishes to enter into a performance contract;

(b) Perform a comprehensive audit in the manner prescribed in NRS 333A.084; and

(c) Submit a proposal, including, without limitation, the comprehensive audit, and make a related presentation to the using agency for all operating cost-savings measures that the qualified service company determines would be practicable to implement.

2. The using agency shall:

(a) Evaluate the proposals and presentations made pursuant to subsection 1;

(b) Evaluate the financial stability of the qualified service companies that made proposals and presentations pursuant to subsection 1 based on the financial statements and ratings of the qualified service companies; and

(c) Select a qualified service company,

➥ pursuant to the provisions of this chapter and any regulations adopted pursuant thereto, for evaluating and awarding contracts.

3. A qualified service company selected by a using agency pursuant to subsection 2 shall prepare a financial-grade operational audit, which must include, without limitation:

(a) A detailed explanation of the operating cost savings that will result from the performance contract; and

(b) A comparison of the costs of implementing the operating cost-savings measures to the operating cost savings that are anticipated as a result of the performance contract.

4. Except as otherwise provided in this subsection, the financial-grade operational audit prepared by the qualified service company pursuant to subsection 3 becomes, upon acceptance, a part of the final performance contract and the costs incurred by the qualified service company in preparing the financial-grade operational audit shall be deemed to be part of the performance contract. If, after the financial-grade operational audit is prepared, the using agency decides not to execute the performance contract, the using agency shall pay the qualified service company that prepared the financial-grade operational audit the costs incurred by the qualified service company in preparing the financial-grade operational audit, if the Legislature has specifically appropriated money for that purpose. An appropriation by the Legislature for the purchase and installation of an operating cost-savings measure creates no presumption that the using agency for which the money was appropriated is required to enter into such a performance contract.

Sec. 60. **NRS 353.185 is hereby amended to read as follows:**

353.185 The powers and duties of the Chief are:

1. To appraise the quantity and quality of services rendered by each agency in the Executive Department of the State Government, and the needs for such services and for any new services.

2. To develop plans for improvements and economies in organization and operation of the Executive Department, and to install such plans as are approved by the respective heads of the various agencies of the Executive Department, or as are directed to be installed by the Governor or the Legislature.

3. To cooperate with the State Public Works ~~[Board]~~ ***Department*** in developing comprehensive, long-range plans for capital improvements and the means for financing them.

4. To devise and prescribe the forms for reports on the operations of the agencies in the Executive Department to be required periodically from the several agencies in the Executive Department, and to require the several agencies to make such reports.

5. To prepare the executive budget report for the Governor's approval and submission to the Legislature.

6. To prepare a proposed budget for the Executive Department of the State Government for the next 2 fiscal years, which must:

(a) Present a complete financial plan for the next 2 fiscal years;

(b) Set forth all proposed expenditures for the administration, operation and maintenance of the departments, institutions and agencies of the Executive Department of the State Government, including those operating on funds designated for specific purposes by the Constitution or otherwise, which must include a separate statement of:

(1) The anticipated expense, including personnel, for the operation and maintenance of each capital improvement to be constructed during the next 2 fiscal years and of each capital improvement constructed on or after July 1, 1999, which is to be used during those fiscal years or a future fiscal year; and

(2) The proposed source of funding for the operation and maintenance of each capital improvement, including personnel, to be constructed during the next 2 fiscal years;

(c) Set forth all charges for interest and debt redemption during the next 2 fiscal years;

(d) Set forth all expenditures for capital projects to be undertaken and executed during the next 2 fiscal years; and

(e) Set forth the anticipated revenues of the State Government, and any other additional means of financing the expenditures proposed for the next 2 fiscal years.

7. To examine and approve work programs and allotments to the several agencies in the Executive Department, and changes therein.

8. To examine and approve statements and reports on the estimated future financial condition and the operations of the agencies in the Executive Department of the State Government and the several budgetary units that have been prepared by those agencies and budgetary units, before the reports are released to the Governor, to the Legislature, or for publication.

9. To receive and deal with requests for information as to the budgetary status and operations of the executive agencies of the State Government.

10. To prepare such statements of unit costs and other statistics relating to cost as may be required from time to time, or requested by the Governor or the Legislature.

11. To do and perform such other and further duties relative to the development and submission of an adequate proposed budget for the Executive Department of the State Government of the State of Nevada as the Governor may require.

Sec. 61. **NRS 353.550 is hereby amended to read as follows:**

353.550 1. A state agency may propose a project to acquire real property, an interest in real property or an improvement to real property through an agreement which has a term, including the terms of any options for renewal, that extends beyond the biennium in which the agreement is executed if the agreement:

(a) Provides that all obligations of the State of Nevada and the state agency are extinguished by the failure of the Legislature to appropriate money for the ensuing fiscal year for payments due pursuant to the agreement;

(b) Does not encumber any property of the State of Nevada or the state agency except for the property that is the subject of the agreement;

(c) Provides that property of the State of Nevada and the state agency, except for the property that is the subject of the agreement, must not be forfeited if:

(1) The Legislature fails to appropriate money for payments due pursuant to the agreement; or

(2) The State of Nevada or the state agency breaches the agreement;

(d) Prohibits certificates of participation in the agreement; and

(e) For the biennium in which it is executed, does not require payments that are greater than the amount authorized for such payments pursuant to the applicable budget of the state agency.

2. The provisions of paragraph (d) of subsection 1 may be waived by the Board, upon the recommendation of the State Treasurer, if the Board determines that waiving those provisions:

(a) Is in the best interests of this State; and

(b) Complies with federal securities laws.

3. Before an agreement proposed pursuant to subsection 1 may become effective:

(a) The proposed project must be approved by the Legislature by concurrent resolution or statute or as part of the budget of the state agency, or by the Interim Finance Committee when the Legislature is not in regular session;

(b) The agency must submit the proposed agreement to the Chief, the State Treasurer**_ ,** ~~[and]~~ the State Land Registrar ***and, if applicable, the Director of the State Public Works Department,*** for their review and transmittal to the Board;

(c) The Board must approve the proposed agreement; and

(d) The Governor must execute the agreement.

Sec. 62. **NRS 385.125 is hereby amended to read as follows:**

385.125 1. The State Board may adopt standard plans, designs and specifications for the construction of school buildings by the boards of trustees of the various school districts. If such plans, designs and specifications are adopted, provision must be made for the production and distribution of such plans, designs and specifications by appropriate rules and regulations. The board of trustees of a school district may use any such plans, designs and specifications if it determines that the plans, designs and specifications are in the best interests of the district.

2. Before the adoption of any such standard plans, designs and specifications, the State Board shall submit the plans, designs and specifications to the State Public Works ~~[Board,]~~ ***Department,*** whose written approval thereof must be obtained before any further consideration by the State Board. The State Public Works ~~[Board]~~ ***Department*** shall verify that the plans, designs and specifications comply with all applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. The requirements of this subsection are not satisfied if the plans, designs and specifications comply solely with the Uniform Federal

Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

3. The State Public Works ~~[Board]~~ ***Department*** may charge and collect and the State Board may pay a reasonable fee for the costs incurred by the State Public Works ~~[Board]~~ ***Department*** in approving the standard plans, designs and specifications submitted.

Sec. 63. **NRS 387.3335 is hereby amended to read as follows:**

387.3335 1. The board of trustees of a school district may apply to the Director of the Department of Administration for a grant of money from the Fund created pursuant to NRS 387.333 on a form provided by the Director of the Department of Administration. The application must be accompanied by proof that the following emergency conditions exist within the school district:

(a) The assessed valuation of the taxable property in the county in which the school district is located is declining and all other resources available to the school district for financing capital improvements are diminishing;

(b) The combined ad valorem tax rate of the county is at the limit imposed by NRS 361.453; and

(c) At least:

(1) One building that is located on the grounds of a school within the school district has been condemned;

(2) One of the facilities that is located on the grounds of a school within the school district is unsuitable for use as a result of:

(I) Structural defects;

(II) Barriers to accessibility; or

(III) Hazards to life, health or safety, including, without limitation, environmental hazards and the operation of the facility in an unsafe manner; or

(3) One of the facilities that is located on the grounds of a school within the school district is in such a condition that the cost of renovating the facility would exceed 40 percent of the cost of constructing a new facility.

2. Upon receipt of an application submitted pursuant to subsection 1, the Director of the Department of Administration shall forward the application to the:

(a) Department of Taxation to determine whether or not:

(1) The application satisfies the showing of proof required pursuant to paragraphs (a) and (b) of subsection 1; and

(2) The board of county commissioners in the county in which the school district is located has imposed a tax of more than one-eighth of 1 percent pursuant to NRS 377B.100;

(b) State Public Works ~~[Board]~~ ***Department*** to determine whether the application satisfies the showing of proof required pursuant to paragraph (c) of subsection 1; and

(c) Department of Education for informational purposes.

3. The Department of Taxation and the State Public Works ~~[Board]~~ ***Department*** shall submit written statements of their determinations pursuant to subsection 2 regarding an application to the Director of the Department of Administration. Upon receipt of such statements, the Director shall submit the application accompanied by the written statements from the Department of Taxation and State Public Works ~~[Board]~~ ***Department*** to the State Board of Examiners for approval.

4. The Director of the Department of Administration shall make grants from the Fund created pursuant to NRS 387.333 based upon the need of each school district whose application is approved by the State Board of Examiners.

5. The Director of the Department of Administration shall adopt regulations that prescribe the annual deadline for submission of an application to the Director of the Department of Administration by a school district that desires to receive a grant of money from the Fund.

Sec. 64. **NRS 393.110 is hereby amended to read as follows:**

393.110 1. Each school district shall, in the design, construction and alteration of school buildings and facilities comply with the applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. The requirements of this subsection are not satisfied if a school district complies solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

2. Except as otherwise provided in subsection 3:

(a) Unless standard plans, designs and specifications are to be used as provided in NRS 385.125, before letting any contract or contracts for the erection of any new school building, the board of trustees of a school district shall submit plans, designs and specifications therefor to, and obtain the written approval of the plans, designs and specifications by, the State Public Works ~~[Board.]~~ ***Department.*** The State Public Works ~~[Board]~~ ***Department*** shall review the plans, designs and specifications and make any recommendations as expeditiously as practicable. The State Public Works ~~[Board]~~ ***Department*** is authorized to charge and collect, and the board of trustees is authorized to pay, a reasonable fee for the payment of any costs incurred by the State Public Works ~~[Board]~~ ***Department*** in securing the approval of qualified architects or engineers of the plans, designs and specifications submitted by the board of trustees in compliance with the provisions of this paragraph.

(b) Before letting any contract or contracts for any addition to or alteration of an existing school building which involves structural systems, or exiting, sanitary or fire protection facilities, the board of trustees of a school district shall submit plans, designs and specifications therefor to, and obtain the

written approval of the plans, designs and specifications by, the State Public Works ~~[Board.]~~ ***Department.*** The State Public Works ~~[Board]~~ ***Department*** shall review the plans, designs and specifications and make any recommendations as expeditiously as practicable. The State Public Works ~~[Board]~~ ***Department*** is authorized to charge and collect, and the board of trustees is authorized to pay, a reasonable fee for the payment of any costs incurred by the State Public Works ~~[Board]~~ ***Department*** in securing the approval of qualified architects or engineers of the plans, designs and specifications submitted by the board of trustees in compliance with the provisions of this paragraph.

➥ The State Public Works ~~[Board]~~ ***Department*** shall verify that all plans, designs and specifications that it reviews pursuant to this section comply with all applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. The requirements of this subsection are not satisfied if the plans, designs and specifications comply solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

3. The State Public Works ~~[Board]~~ ***Department*** may enter into an agreement with the appropriate building department of a county or city to review plans, designs and specifications of a school district pursuant to subsection 2. If the State Public Works ~~[Board]~~ ***Department*** enters into such an agreement, the board of trustees of the school district shall submit a copy of its plans, designs and specifications for any project to which subsection 2 applies to the building department before commencement of the project for the approval of the building department. The building department shall review the plans, designs and specifications and provide responsive comment as expeditiously as practicable to verify that the plans, designs and specifications comply with all applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., inclusive, and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. The building department may charge and collect a reasonable fee from the board of trustees of the school district for the payment of any costs incurred by the building department in reviewing the plans, designs and specifications. A permit for construction must not be issued without the approval of the building department pursuant to this subsection. The requirements of this subsection are not satisfied if the plans, designs and specifications comply solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

4. No contract for any of the purposes specified in subsection 1 made by a board of trustees of a school district contrary to the provisions of this section is valid, nor shall any public money be paid for erecting, adding to or altering any school building in contravention of this section.

Sec. 65. **NRS 412.098 is hereby amended to read as follows:**

412.098 The construction, expansion, rehabilitation or conversion of armories and arsenals in this State shall be accomplished by the State Public Works ~~[Board,]~~ ***Department,*** subject to the inspection and approval of the Secretary of Defense, as prescribed by 10 U.S.C. § 2237 when federal funds have been allocated to the State for such work.

Sec. 66. **NRS 444.340 is hereby amended to read as follows:**

444.340 The policy of the State of Nevada with respect to the uniformity of plumbing codes throughout the State is:

1. That uniformity is a matter of statewide interest and concern, affecting health and environmental conditions, housing costs and efficiency in private housing construction.

2. That, by allowing local governments to waive and modify provisions of the Uniform Plumbing Code, adopted by the International Association of Plumbing and Mechanical Officials, based on differences in geographic and climatic conditions only upon submission of such proposed waivers and modifications to the State Public Works ~~[Board,]~~ ***Department,*** excessive waivers and modifications would be deterred.

Sec. 67. **NRS 444.350 is hereby amended to read as follows:**

444.350 1. Any construction, alteration or change in the use of a building or other structure in this State must be in compliance with the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials in the form most recently adopted by that Association, unless the State Public Works ~~[Board]~~ ***Department*** posts a notice of disapproval of any amendment to the Code pursuant to subsection 5.

2. Any city or county may adopt such modifications as are deemed reasonably necessary because of its geographic, topographic or climatic conditions. Any city or county desiring to make changes to the Uniform Plumbing Code must, before its adoption, submit the Code with the proposed amendments to the State Public Works ~~[Board.]~~ ***Department.***

3. No city or county may allow the use of any solder or flux that contains more than 0.2 percent lead or allow the use of any pipe or pipe fitting that contains more than 8 percent lead in the installation or repair of a public water system or any residence or facility connected to a public water system. As used in this subsection, "public water system" has the meaning ascribed to it in NRS 445A.840.

4. A facility used by members of the public whose construction or renovation begins on or after January 1, 1994, must provide on its premises a sufficient number of water closets and urinals to comply with the minimum standards set forth in the Uniform Plumbing Code. As used in this subsection, "facility used by members of the public" means any motion

picture house, theater, concert hall, community hall, sports arena, stadium, ski resort or other permanent place of exhibition or entertaining to which members of the public are invited or which is intended for public use. The term does not include:

(a) A hotel as defined in NRS 447.010.

(b) A food establishment as defined in NRS 446.020.

(c) A children's camp as defined in NRS 444.220.

(d) A historic structure as defined in NRS 244A.6825.

(e) A public or private school.

(f) A convention hall.

5. The ~~[Chairman]~~ ***Director*** of the State Public Works ~~[Board]~~ ***Department*** or his designee shall review each amendment to the Uniform Plumbing Code and approve or disapprove of the amendment for use in Nevada. If the ~~[Chairman]~~ ***Director*** does not post a notice of disapproval within 30 days after an amendment is published, the amendment shall be deemed approved for this State.

6. As used in this section, unless the context otherwise requires, "convention hall" means a facility which incorporates both space for exhibitions and a substantial number of smaller spaces for meetings, and which is primarily for use by trade shows, public shows, conventions or related activities.

Sec. 68. **NRS 444.420 is hereby amended to read as follows:**

444.420 The State Public Works ~~[Board]~~ ***Department*** shall:

1. Review all proposed adoptions of the Uniform Plumbing Code by any city or county and any proposed changes to the Uniform Plumbing Code, and advise such city or county on whether or not such change is deemed warranted by geographic, topographic or climatic conditions.

2. Submit a copy of the Uniform Plumbing Code adopted by any city or county to the Health Division.

Sec. 69. **NRS 444.430 is hereby amended to read as follows:**

444.430 1. The governing body of any city or county shall, 60 days prior to the adoption of any regulation for the enforcement of the Uniform Plumbing Code or any other regulations pursuant thereto, deliver by certified or registered mail, a copy of the proposed regulation to the State Public Works ~~[Board]~~ ***Department*** for the ~~[Board's]~~ ***Department's*** recommendation on the proposed regulation.

2. The governing body of the city or county may, 60 days after the State Public Works ~~[Board]~~ ***Department*** receives the copy of the proposed regulation, adopt the regulation with or without the approval of the State Public Works ~~[Board.]~~ ***Department.***

Sec. 70. **NRS 445B.200 is hereby amended to read as follows:**

445B.200 1. The State Environmental Commission is hereby created within the Department. The Commission consists of:

(a) The Director of the Department of Wildlife;

(b) The State Forester Firewarden;

(c) The State Engineer;

(d) The Director of the State Department of Agriculture;

(e) The Administrator of the Division of Minerals of the Commission on Mineral Resources;

(f) A member of the State Board of Health to be designated by that Board; and

(g) Five members appointed by the Governor, one of whom is a general engineering contractor or a general building contractor licensed pursuant to chapter 624 of NRS and one of whom possesses expertise in performing mining reclamation.

2. The Governor shall appoint the Chairman of the Commission from among the members of the Commission.

3. A majority of the members constitutes a quorum, and a majority of those present must concur in any decision.

4. Each member who is appointed by the Governor is entitled to receive a salary of not more than $80, as fixed by the Commission, for each day's attendance at a meeting of the Commission.

5. While engaged in the business of the Commission, each member and employee of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. Any person who receives or has received during the previous 2 years a significant portion of his income, as defined by any applicable state or federal law, directly or indirectly from one or more holders of or applicants for a permit required by NRS 445A.300 to 445A.730, inclusive, is disqualified from serving as a member of the Commission. The provisions of this subsection do not apply to any person who receives, or has received during the previous 2 years, a significant portion of his income from any department or agency of State Government which is a holder of or an applicant for a permit required by NRS 445A.300 to 445A.730, inclusive.

7. The Department shall provide technical advice, support and assistance to the Commission. All state officers, departments, commissions and agencies, including the Department of Transportation, the Department of Health and Human Services, the Nevada System of Higher Education, the State Public Works ~~[Board,]~~ ***Department,*** the Department of Motor Vehicles, the Department of Public Safety, the Public Utilities Commission of Nevada, the Transportation Services Authority and the State Department of Agriculture may also provide technical advice, support and assistance to the Commission.

Sec. 71. **NRS 463.385 is hereby amended to read as follows:**

463.385 1. In addition to any other license fees and taxes imposed by this chapter, there is hereby imposed upon each slot machine operated in this State an annual excise tax of $250. If a slot machine is replaced by another, the replacement is not considered a different slot machine for the purpose of imposing this tax.

2. The Commission shall:

(a) Collect the tax annually on or before June 30, as a condition precedent to the issuance of a state gaming license to operate any slot machine for the ensuing fiscal year beginning July 1, from a licensee whose operation is continuing.

(b) Collect the tax in advance from a licensee who begins operation or puts additional slot machines into play during the fiscal year, prorated monthly after July 31.

(c) Include the proceeds of the tax in its reports of state gaming taxes collected.

3. Any other person, including, without limitation, an operator of an inter-casino linked system, who is authorized to receive a share of the revenue from any slot machine that is operated on the premises of a licensee is liable to the licensee for that person's proportionate share of the license fees paid by the licensee pursuant to this section and shall remit or credit the full proportionate share to the licensee on or before the dates set forth in subsection 2. A licensee is not liable to any other person authorized to receive a share of the licensee's revenue from any slot machine that is operated on the premises of a licensee for that person's proportionate share of the license fees to be remitted or credited to the licensee by that person pursuant to this section.

4. The Commission shall pay over the tax as collected to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund, and the Capital Construction Fund for Higher Education and the Special Capital Construction Fund for Higher Education, which are hereby created in the State Treasury as special revenue funds, in the amounts and to be expended only for the purposes specified in this section.

5. During each fiscal year, the State Treasurer shall deposit the tax paid over to him by the Commission as follows:

(a) The first $5,000,000 of the tax in the Capital Construction Fund for Higher Education;

(b) Twenty percent of the tax in the Special Capital Construction Fund for Higher Education; and

(c) The remainder of the tax in the State Distributive School Account in the State General Fund.

6. There is hereby appropriated from the balance in the Special Capital Construction Fund for Higher Education on July 31 of each year the amount necessary to pay the principal and interest due in that fiscal year on the bonds issued pursuant to section 5 of chapter 679, Statutes of Nevada 1979, as amended by chapter 585, Statutes of Nevada 1981, at page 1251, the bonds authorized to be issued by section 2 of chapter 643, Statutes of Nevada 1987, at page 1503, the bonds authorized to be issued by section 2 of chapter 614, Statutes of Nevada 1989, at page 1377, the bonds authorized to be issued by section 2 of chapter 718, Statutes of Nevada 1991, at page 2382, and the bonds authorized to be issued by section 2 of chapter 629, Statutes of Nevada

1997, at page 3106. If in any year the balance in that fund is not sufficient for this purpose, the remainder necessary is hereby appropriated on July 31 from the Capital Construction Fund for Higher Education. The balance remaining unappropriated in the Capital Construction Fund for Higher Education on August 1 of each year and all amounts received thereafter during the fiscal year must be transferred to the State General Fund for the support of higher education. If bonds described in this subsection are refunded and if the amount required to pay the principal of and interest on the refunding bonds in any fiscal year during the term of the bonds is less than the amount that would have been required in the same fiscal year to pay the principal of and the interest on the original bonds if they had not been refunded, there is appropriated to the Nevada System of Higher Education an amount sufficient to pay the principal of and interest on the original bonds, as if they had not been refunded. The amount required to pay the principal of and interest on the refunding bonds must be used for that purpose from the amount appropriated. The amount equal to the saving realized in that fiscal year from the refunding must be used by the Nevada System of Higher Education to defray, in whole or in part, the expenses of operation and maintenance of the facilities acquired in part with the proceeds of the original bonds.

7. After the requirements of subsection 6 have been met for each fiscal year, when specific projects are authorized by the Legislature, money in the Capital Construction Fund for Higher Education and the Special Capital Construction Fund for Higher Education must be transferred by the State Controller and the State Treasurer to the State Public Works ~~[Board]~~ ***Department*** for the construction of capital improvement projects for the Nevada System of Higher Education, including, but not limited to, capital improvement projects for the community colleges of the Nevada System of Higher Education. As used in this subsection, "construction" includes, but is not limited to, planning, designing, acquiring and developing a site, construction, reconstruction, furnishing, equipping, replacing, repairing, rehabilitating, expanding and remodeling. Any money remaining in either Fund at the end of a fiscal year does not revert to the State General Fund but remains in those Funds for authorized expenditure.

8. The money deposited in the State Distributive School Account in the State General Fund under this section must be apportioned as provided in NRS 387.030 among the several school districts and charter schools of the State at the times and in the manner provided by law.

9. The Board of Regents of the University of Nevada may use any money in the Capital Construction Fund for Higher Education and the Special Capital Construction Fund for Higher Education for the payment of interest and amortization of principal on bonds and other securities, whether issued before, on or after July 1, 1979, to defray in whole or in part the costs of any capital project authorized by the Legislature.

Sec. 72. **NRS 477.035 is hereby amended to read as follows:**

477.035 1. The State Fire Marshal shall:

(a) Inspect or cause to be inspected annually, all state buildings and order such fire-extinguishing and safety appliances as he deems necessary for the protection of the property against fire.

(b) Order the removal of combustibles and rubbish from the property, or order such changes in the entrances or exits of the buildings as will promote the safety of the occupants, or order the provision of such fire escapes as he may deem necessary.

(c) Provide inspection forms and maintain records of inspections of state-owned or state-occupied buildings.

2. If the agency in charge of any state property fails to comply with the order of the State Fire Marshal for any structural change within 30 days after the receipt of such order, the Fire Marshal shall report such failure to the State Public Works ~~[Board.]~~ ***Department.*** The State Public Works ~~[Board]~~ ***Department*** shall thereupon take necessary steps to correct the situation as ordered.

3. The State Fire Marshal may contract with local authorities for the inspection of state-owned or state-occupied buildings.

Sec. 73. **NRS 701.217 is hereby amended to read as follows:**

701.217 1. The Director, in consultation with the State Public Works ~~[Board]~~ ***Department*** and any other interested agency, shall:

(a) In cooperation with representatives of the building and development industry, adopt guidelines establishing Green Building Standards for all occupied public buildings whose construction will be sponsored or financed by this State or a local government.

(b) Adopt a Green Building Rating System, such as the Leadership in Energy and Environmental Design Green Building Rating System or its equivalent, pursuant to subsections 4 and 5. With regard to buildings or structures that are not public buildings or structures, the Green Building Rating System adopted by the Director is to be used only for the purposes of determining eligibility for tax abatements or tax exemptions that are authorized by law to use the Green Building Rating System.

2. Guidelines adopted pursuant to paragraph (a) of subsection 1 must include, without limitation, suggested:

(a) Requirements for the use of resource-efficient materials for the construction and maintenance of the building;

(b) Standards for indoor environmental quality;

(c) Standards for the efficient use of water, including the efficient use of water for landscaping purposes;

(d) Standards for the efficient use of energy; and

(e) Requirements for the design and preparation of building lots.

3. If standards equivalent to the Leadership in Energy and Environmental Design Green Building Rating System are adopted, the standards adopted must provide reasonable exceptions based on the size, location and use of the building.

4. Subject to the provisions of subsection 5, the Director shall establish a process for adopting a Green Building Rating System, such as the Leadership in Energy and Environmental Design Green Building Rating System or its equivalent. The process must include, without limitation:

(a) The gathering and development of scientific data;

(b) Comments from representatives of the building industry;

(c) Consensus from representatives of the building industry;

(d) A method by which the Director, the State Public Works ~~[Board]~~ ***Department*** and other interested agencies may cast ballots on the proposed standards;

(e) A pilot program for the purpose of refining the standards; and

(f) A process by which an aggrieved person may file an appeal of the standards adopted.

5. In adopting a Green Building Rating System pursuant to subsection 4, the Director is not required to adopt and is not limited to using the Leadership in Energy and Environmental Design Green Building Rating System but may adopt an equivalent rating system based on any other nationally recognized standards for green buildings, or any combination of those standards.

Sec. 74. **NRS 341.013, 341.015, 341.030, 341.041 and 341.060 are hereby repealed.**

Sec. 75. **1. The Director of the State Public Works Department, in consultation with the Legislative Advisory Committee on Public Works created pursuant to section 51 of this act, shall establish a pilot program to determine the efficacy and feasibility of using privatized construction project management services and privatized construction project inspection services in connection with public works projects which are sponsored by the State Public Works Department.**

2. The pilot program described in subsection 1 must include, without limitation:

(a) At least one demonstration project in which a public work sponsored by the State Public Works Department is constructed using privatized construction project management services and privatized construction project inspection services.

(b) An analysis of the costs and benefits associated with the use of privatized construction project management services and privatized construction project inspection services.

(c) Such other components as the Legislative Advisory Committee on Public Works may direct.

Sec. 76. **This act must not be construed to impair any existing rights under contracts executed by or on behalf of the State Public Works Board, which contracts are in effect on July 1, 2007.**

Sec. 77. **Any lawful regulations adopted by the State Public Works Board before July 1, 2007, are valid and effective:**

1. Through June 30, 2008; or

2. Until replaced by new regulations adopted by the Director of the State Public Works Department,

➥ whichever is earlier.

Sec. 78. **1. The Legislative Counsel shall:**

(a) In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer or agency whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate officer or agency.

(b) In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer or agency whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate officer or agency.

2. Any reference in a bill or resolution passed by the 74th Session of the Nevada Legislature to an officer or agency whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency shall be deemed to refer to the officer or agency to which the responsibility is transferred.

Sec. 79. **This act becomes effective on July 1, 2007.**

LEADLINES OF REPEALED SECTIONS

341.013 "Board" defined.
341.015 "Manager" defined.
341.030 Terms of members.
341.041 Replacement of members.
341.060 Organization; election of officers.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 335.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 604.

SUMMARY—Makes various changes related to ~~[elective offices.]~~ **public office.** (BDR 24-1195)

AN ACT relating to ~~[elections;]~~ **public office;** prescribing the period during which elected **and certain appointed** public officers may solicit and accept campaign contributions; requiring the Secretary of State to design a single form to be used for all statements of financial disclosure and reports of campaign contributions and expenditures**; requiring that certain reports concerning elections, campaign finance and the financial disclosure of public officers be made available to the public on the Internet;** amending the definition of "gift"; requiring governing bodies of local governments to

regulate the activities of lobbyists in their jurisdictions; requiring that statements of financial disclosure be submitted to filing officers and made available to the public; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section ~~[1]~~ **2** of this bill prohibits an elected public officer, or a public officer appointed to fill the unexpired term of an elected public officer, from soliciting or accepting a campaign contribution except during the period beginning 12 months before the date of ~~[the]~~ **each** general election and ending 3 months after the date of ~~[the]~~ **each** general election. **Section 1 of this bill does not apply to Legislators, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor or the Governor-Elect.**

Existing law requires the Commission on Ethics to design the form used for statements of financial disclosure that are required to be submitted by public officers pursuant to NRS 281.559 and 281.561. (NRS 281.471) Existing law also requires public officers to submit statements of financial disclosure to the Commission on Ethics. (NRS 281.559, 281.561) Section ~~[2]~~ **6** of this bill requires the Secretary of State to design a single form to be used for all statements of financial disclosure and all campaign expenditure and contribution reports. **Such form must be available on the Secretary of State's Internet website.** Sections ~~[19 and 20]~~ **26 and 27** of this bill require certain public officers and candidates for public office to submit statements of financial disclosure to filing officers. **Sections 1, 3-8, 26 and 27 of this bill also require various forms concerning elections, campaign finance and financial disclosure, and the information contained in those completed forms, to be available on the Internet website of the Secretary of State.** Section ~~[11]~~ **17** of this bill defines "filing officer" as the Secretary of State, county or city clerk or any other officer authorized by law to receive designations and declarations of candidacy, certificates and acceptances of nominations or any other nomination papers.

Sections ~~[4 and 12]~~ **10 and 18** of this bill provide that ~~[the cost of attending an event hosted or conducted by a charitable]~~ **costs and expenses associated with the attendance at an event relating to public office or at an event that benefits an** organization **that is exempt from the provisions of section 501(c) of the Internal Revenue Code** is not a "gift" for purposes of lobbying and the code of ethical standards for public officers and employees.

Sections ~~[5 and 7]~~ **11 and 13** of this bill require the governing bodies of **certain** local governments to regulate the activities of lobbyists who lobby elected officers **or certain appointed officers** of those local governments.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 293.4687 is hereby amended to read as follows:**

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on his Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388; and

(c) All reports on campaign contributions and expenditures submitted to the Secretary of State pursuant to the provisions of NRS 294A.120, 294A.125, ***294A.128,*** 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

~~[Section 1.]~~ ***Sec. 2.*** Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:

1. It is unlawful for an elected public officer or a public officer appointed to fill the unexpired term of an elected public officer to solicit or accept any contribution, or solicit or accept a commitment to make such a contribution, except during the period:

(a) Beginning 12 months before the date of ~~*[the]*~~ ***each general election; and***

(b) ~~*[Except as otherwise provided in subsection 2, ending]*~~ ***Ending 3 months after the date of*** ~~*[the]*~~ ***each general election.***

2. ~~*[Notwithstanding the provisions of subsection 1, a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor and the Governor-Elect may not solicit or accept any monetary contribution, or solicit or accept a commitment to make such a contribution for any political purpose during the periods set forth in NRS 294A.300.*** ~~*3.]*~~ ***As used in this section:***

(a) "General election" means:

(1) If the elected public officer or public officer appointed to fill the unexpired term of an elected public officer is a city official, the general city election held pursuant to NRS 293C.140.

(2) If the elected public officer or public officer appointed to fill the unexpired term of an elected public officer is not a city official, the general election held pursuant to NRS 293.12755.

(b) "Public officer" ~~*[means]*~~ **:**

(1) Except as otherwise provided in subparagraph (2), means a person elected or appointed to a position which:

~~[(1)]~~ (I) Is established by the Constitution or a statute of this State, or by a charter or ordinance of a political subdivision of this State; and

~~[(2)]~~ (II) Involves the continuous exercise, as part of the regular and permanent administration of the government, of a public power, trust or duty.

(2) Does not include any person who is subject to the provisions of NRS 294A.300.

Sec. 3. **NRS 294A.128 is hereby amended to read as follows:**

294A.128 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.200 and 294A.360, a candidate who receives a loan which is guaranteed by a third party, forgiveness of a loan previously made to the candidate or a written commitment for a contribution shall, for the period covered by the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360, report:

(a) If a loan received by the candidate was guaranteed by a third party, the amount of the loan and the name and address of each person who guaranteed the loan;

(b) If a loan received by the candidate was forgiven by the person who made the loan, the amount that was forgiven and the name and address of the person who forgave the loan; and

(c) If the candidate received a written commitment for a contribution, the amount committed to be contributed and the name and address of the person who made the written commitment.

2. The reports required by subsection 1 must be submitted on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. The reports required by subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360.

4. A county clerk who receives from a candidate for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, a report pursuant to subsection 1 shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

5. Within a reasonable time after the Secretary of State receives a report or copy of a report pursuant to this section, the Secretary of State shall post the report on his Internet website.

Sec. 4. **NRS 294A.230 is hereby amended to read as follows:**

294A.230 1. Each committee for political action shall, before it engages in any activity in this State, register with the Secretary of State on forms supplied by him.

2. The form must require:

(a) The name of the committee;

(b) The purpose for which it was organized;

(c) The names, addresses and telephone numbers of its officers;

(d) If the committee for political action is affiliated with any other organizations, the name, address and telephone number of each organization;

(e) The name, address and telephone number of its resident agent; and

(f) Any other information deemed necessary by the Secretary of State.

3. A committee for political action shall file with the Secretary of State an amended form for registration within 30 days after any change in the information contained in the form for registration.

4. The Secretary of State shall include on his Internet website ~~[the]~~ ***:***

(a) The information required pursuant to subsection 2 ~~[.]~~ ***within a reasonable time after he receives the information; and***

(b) The form for registering a committee for political action.

Sec. 5. **NRS 294A.250 is hereby amended to read as follows:**

294A.250 ***1.*** Each committee for the recall of a public officer shall register with the Secretary of State, on a form provided by him. Each form must include:

~~[1.]~~ ***(a)*** The name of the committee;

~~[2.]~~ ***(b)*** The purpose for which it was organized;

~~[3.]~~ ***(c)*** The names and addresses of its officers; and

~~[4.]~~ ***(d)*** If the committee is organized and located outside this State, the name and address of its resident agent.

2. The Secretary of State shall include on his Internet website the form for registering a committee for the recall of a public officer and, within a reasonable time after receiving the information, the information required to be included on the form by each committee for the recall of a public officer pursuant to subsection 1.

~~[Sec. 2.]~~ ***Sec. 6.*** NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design a single form to be used for all ~~[reports]~~ ***:***

(a) Reports of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 ~~[.]~~ ***; and***

(b) Financial disclosure statements that are required to be filed pursuant to NRS 281.559 and 281.561.

2. The form designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

3. Upon request, the Secretary of State shall provide a copy of the form designed pursuant to this section to each person, committee, political party and group that is required to file a report ***or statement*** described in subsection 1. ***The Secretary of State shall also make the form designed pursuant to this section available on his Internet website.***

4. The Secretary of State must obtain the advice and consent of the Legislative Commission before ~~[providing]~~ ***:***

(a) Providing a copy of a form designed or revised by the Secretary of State pursuant to this section to a person, committee, political party or group that is required to use the form ~~.~~ ***; and***

(b) Making the form designed or revised by the Secretary of State pursuant to this section available on his Internet website.

Sec. 7. **NRS 294A.380 is hereby amended to read as follows:**

294A.380 1. The Secretary of State may adopt and promulgate regulations, prescribe forms in accordance with the provisions of this chapter and take such other actions as are necessary for the implementation and effective administration of the provisions of this chapter.

2. For the purposes of implementing and administering the provisions of this chapter regulating committees for political action:

(a) The Secretary of State shall, in determining whether an entity or group is a committee for political action, consider a group's or entity's division or separation into units, sections or smaller groups only if it appears that such division or separation was for a purpose other than for avoiding the reporting requirements of this chapter.

(b) The Secretary of State shall, in determining whether an entity or group is a committee for political action, disregard any action taken by a group or entity that would otherwise constitute a committee for political action if it appears such action is taken for the purpose of avoiding the reporting requirements of this chapter.

3. The Secretary of State shall:

(a) Make available on his Internet website any form he prescribes pursuant to subsection 1; and

(b) Within a reasonable time after he receives any such completed form, post the completed form on his Internet website.

Sec. 8. **NRS 294A.400 is hereby amended to read as follows:**

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 and 294A.280, prepare and make available for public inspection ***, including, without limitation, on his Internet website,*** a compilation of:

1. The total campaign contributions, the contributions which are in excess of $100 and the total campaign expenses of each of the candidates from whom reports of those contributions and expenses are required.

2. The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the total amount of written commitments for contributions received by a candidate.

3. The contributions made to a committee for the recall of a public officer in excess of $100.

4. The expenditures exceeding $100 made by a:

(a) Person on behalf of a candidate other than himself.

(b) Person or group of persons on behalf of or against a question or group of questions on the ballot.

(c) Group of persons advocating the election or defeat of a candidate.

(d) Committee for the recall of a public officer.

5. The contributions in excess of $100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.

(b) A person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot.

(c) A committee for political action, political party or committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates.

~~[Sec. 3.]~~ ***Sec. 9.*** NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280 or 294A.360 has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a person or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.128, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280, 294A.300, 294A.310, 294A.320 or 294A.360 ***or section 1 of this act*** is subject to a civil penalty of not more than $5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a person or entity has reported its contributions, expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his office or a

candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

~~[Sec. 4.]~~ ***Sec. 10.*** NRS 218.908 is hereby amended to read as follows:

218.908 1. "Gift" means a payment, subscription, advance, forbearance, rendering or deposit of money, services or anything of value unless consideration of equal or greater value is received.

2. "Gift" does not include ~~[a]~~ **:**

(a) A political contribution of money or services related to a political campaign ~~[, a]~~ **;**

(b) A commercially reasonable loan made in the ordinary course of business ~~[,]~~ ~~[cost of entertainment, including]~~ ~~*[the cost of attendance at an event hosted or conducted by a charitable organization,*~~ ~~the]~~ **;**

(c) The cost of food or beverages ~~[, or anything]~~ **;**

(d) Anything of value received from a member of the recipient's immediate family or from a relative of the recipient or his spouse within the ~~[third]~~ ***fifth*** degree of consanguinity or from the spouse of any such relative ~~[.~~ ~~*As used in this subsection, "charitable organization" means an]*~~ ***; or***

(e) Costs and expenses associated with the attendance of a member of the Legislative Branch, or the spouse or guest of such a member of the Legislative Branch, at an event relating to public office or at an event that benefits an organization which the Secretary of the Treasury has determined is an exempt organization pursuant to the provisions of section 501(c) of the Internal Revenue Code, 26 U.S.C. § 501(c).

~~[Sec. 5.]~~ ***Sec. 11.*** Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each board of county commissioners shall enact ordinances that regulate the activities of lobbyists who lobby ~~*[elected]*~~ **:**

(a) Elected officers of the county; or

(b) Appointed officers of the county ~~*[. Such]*~~ ***who the board of county commissioners has determined have policymaking authority.***

2. The ordinances required pursuant to subsection 1 must set forth ~~*[registration]*~~ **:**

(a) Registration and reporting requirements for such lobbyists and provide that reports submitted by lobbyists are open to public inspection.

(b) Standards for elected and appointed officers of the county relating to the acceptance and disclosure of contributions from persons who have a personal interest in a matter before the elected or appointed officer.

~~[Sec. 6.]~~ ***Sec. 12.*** NRS 245.110 is hereby amended to read as follows:

245.110 The provisions of the Nevada Ethics in Government Law **,** ~~[(]~~ NRS 281.411 to 281.581, inclusive ~~[)]~~ **,** ***and sections ~~[11 and 12]~~ 17 and 18 of this act*** do not prohibit any county officer from purchasing the warrants of the State or of any other county, or to prevent any county officer from selling or transferring such warrants or scrip as he may receive for his services, but none other.

~~[Sec. 7.]~~ ***Sec. 13.*** Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each city council shall adopt ordinances that regulate the activities of lobbyists who lobby ~~[elected]~~ :

(a) Elected officers of the city ~~[. Such]~~ ; or

(b) Appointed officers of the city whom the city council has determined have policymaking authority.

2. The ordinances required pursuant to subsection 1 must set forth ~~[registration]~~ :

(a) Registration and reporting requirements for such lobbyists and provide that reports submitted by lobbyists are open to public inspection.

(b) Standards for elected and appointed officers of the city relating to the acceptance and disclosure of contributions from persons who have a personal interest in a matter before the elected or appointed officer.

~~[Sec. 8.]~~ ***Sec. 14.*** NRS 268.380 is hereby amended to read as follows:

268.380 The provisions of the Nevada Ethics in Government Law **,** ~~[(]~~ NRS 281.411 to 281.581, inclusive ~~[)]~~ **,** ***and sections ~~[11 and 12]~~ 17 and 18 of this act*** do not prohibit any city officer from purchasing the warrants of the State or of any other city or county, or prevent any city officer from selling or transferring such warrants or scrip as he may receive for his services, but none other.

~~[Sec. 9.]~~ ***Sec. 15.*** NRS 269.070 is hereby amended to read as follows:

269.070 The provisions of the Nevada Ethics in Government Law **,** ~~[(]~~ NRS 281.411 to 281.581, inclusive ~~[)]~~ **,** ***and sections ~~[11 and 12]~~ 17 and 18 of this act*** do not prohibit any town officer from purchasing the warrants of the State or of any other city, town or county, or prevent any town officer from selling or transferring such warrants or scrip as he may receive for his services, but none other.

~~[Sec. 10.]~~ ***Sec. 16.*** Chapter 281 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[11 and 12]~~ **17 and 18** of this act.

~~[Sec. 11.]~~ ***Sec. 17. "Filing officer" means the Secretary of State, county or city clerk or any other officer authorized by law to receive designations and declarations of candidacy, certificates and acceptances of nomination or any other nomination papers.***

~~[Sec. 12.]~~ ***Sec. 18. 1. "Gift" means a payment, subscription, advance, forbearance, rendering or deposit of money, services or anything of value unless consideration of equal or greater value is received.***

2. "Gift" does not include ~~[a]~~ :

(a) A political contribution of money or services related to a political campaign ~~[, a]~~ ;

(b) A commercially reasonable loan made in the ordinary course of business ~~[, the cost of attendance at an event hosted or conducted by a charitable organization, the]~~ :

(c) The cost of food or beverages ~~[, or anything]~~ ;

(d) Anything of value received from a member of the recipient's immediate family or from a relative of the recipient or his spouse within the ~~[third]~~ fifth degree of consanguinity or from the spouse of any such relative ~~[. As used in this subsection, "charitable organization" means]~~ ; or

(e) Costs and expenses associated with the attendance of a public officer, or the spouse or guest of a public officer, at an event relating to public office or at an event that benefits an organization which the Secretary of the Treasury has determined is an exempt organization pursuant to the provisions of section 501(c) of the Internal Revenue Code, 26 U.S.C. § 501(c).

~~[Sec. 13.]~~ ***Sec. 19.*** NRS 281.005 is hereby amended to read as follows:

281.005 As used in this chapter:

1. Except as limited for the purposes of NRS 281.411 to 281.581, inclusive, ***and sections ~~[11 and 12]~~ 17 and 18 of this act,*** "public officer" means a person elected or appointed to a position which:

(a) Is established by the Constitution or a statute of this State, or by a charter or ordinance of a political subdivision of this State; and

(b) Involves the continuous exercise, as part of the regular and permanent administration of the government, of a public power, trust or duty.

2. "Special use vehicle" means any vehicle designed or used for the transportation of persons or property off paved highways.

~~[Sec. 14.]~~ ***Sec. 20.*** NRS 281.411 is hereby amended to read as follows:

281.411 NRS 281.411 to 281.581, inclusive, ***and sections ~~[11 and 12]~~ 17 and 18 of this act*** may be cited as the Nevada Ethics in Government Law.

~~[Sec. 15.]~~ ***Sec. 21.*** NRS 281.431 is hereby amended to read as follows:

281.431 As used in NRS 281.411 to 281.581, inclusive, ***and sections ~~[11 and 12]~~ 17 and 18 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 281.432 to 281.4375, inclusive, ***and sections ~~[11 and 12]~~ 17 and 18 of this act*** have the meanings ascribed to them in those sections.

~~[Sec. 16.]~~ ***Sec. 22.*** NRS 281.4647 is hereby amended to read as follows:

281.4647 1. Each county whose population is more than 10,000 and each city whose population is more than 10,000 and that is located within such a county shall pay an assessment for the costs incurred by the Commission each biennium in carrying out its functions pursuant to NRS 281.411 to 281.581, inclusive ~~[.]~~ ***, and sections*** ~~*[11 and 12]*~~ ***17 and 18 of this act.*** The total amount of money to be derived from assessments paid pursuant to this subsection for a biennium must be determined by the Legislature in the legislatively approved budget of the Commission for that biennium. The assessments must be apportioned among each such city and county based on the proportion that the total population of the city or the total population of the unincorporated area of the county bears to the total population of all such cities and the unincorporated areas of all such counties in this State.

2. On or before July 1 of each odd-numbered year, the Executive Director shall, in consultation with the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, determine for the next ensuing biennium the amount of the assessments due for each city and county that is required to pay an assessment pursuant to subsection 1. The assessments must be paid to the Commission in semiannual installments that are due on or before August 1 and February 1 of each year of the biennium. The Executive Director shall send out a billing statement to each such city or county which states the amount of the semiannual installment payment due from the city or county.

3. Any money that the Commission receives pursuant to subsection 2:

(a) Must be deposited in the State Treasury, accounted for separately in the State General Fund and credited to the budget account for the Commission;

(b) May only be used to carry out NRS 281.411 to 281.581, inclusive, ***and sections*** ~~*[11 and 12]*~~ ***17 and 18 of this act*** and only to the extent authorized for expenditure by the Legislature; and

(c) Does not revert to the State General Fund at the end of any fiscal year.

4. If any installment payment is not paid on or before the date on which it is due, the Executive Director shall make reasonable efforts to collect the delinquent payment. If the Executive Director is not able to collect the arrearage, he shall submit a claim for the amount of the unpaid installment payment to the Department of Taxation. If the Department of Taxation receives such a claim, the Department shall deduct the amount of the claim from money that would otherwise be allocated from the Local Government Tax Distribution Account to the city or county that owes the installment payment and shall transfer that amount to the Commission.

5. As used in this section, "population" means the current population estimate for that city or county as determined and published by the Department of Taxation and the demographer employed pursuant to NRS 360.283.

Sec. 23. **NRS 281.481 is hereby amended to read as follows:**

281.481 A code of ethical standards is hereby established to govern the conduct of public officers and employees:

1. A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend ~~[improperly]~~ to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.

2. A public officer or employee shall not use his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity to the interests of that person. As used in this subsection:

(a) "Commitment in a private capacity to the interests of that person" has the meaning ascribed to "commitment in a private capacity to the interests of others" in subsection 8 of NRS 281.501.

(b) "Unwarranted" means without justification or adequate reason.

3. A public officer or employee shall not participate as an agent of government in the negotiation or execution of a contract between the government and any private business in which he has a significant pecuniary interest.

4. A public officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of his duties as a public officer or employee.

5. If a public officer or employee acquires, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, he shall not use the information to further the pecuniary interests of himself or any other person or business entity.

6. A public officer or employee shall not suppress any governmental report or other document because it might tend to affect unfavorably his pecuniary interests.

7. A public officer or employee, other than a member of the Legislature, shall not use governmental time, property, equipment or other facility to benefit his personal or financial interest. This subsection does not prohibit:

(a) A limited use of governmental property, equipment or other facility for personal purposes if:

(1) The public officer who is responsible for and has authority to authorize the use of such property, equipment or other facility has established a policy allowing the use or the use is necessary as a result of emergency circumstances;

(2) The use does not interfere with the performance of his public duties;

(3) The cost or value related to the use is nominal; and

(4) The use does not create the appearance of impropriety;

(b) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(c) The use of telephones or other means of communication if there is not a special charge for that use.

➥ If a governmental agency incurs a cost as a result of a use that is authorized pursuant to this subsection or would ordinarily charge a member of the general public for the use, the public officer or employee shall promptly reimburse the cost or pay the charge to the governmental agency.

8. A member of the Legislature shall not:

(a) Use governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person. This paragraph does not prohibit:

(1) A limited use of state property and resources for personal purposes if:

(I) The use does not interfere with the performance of his public duties;

(II) The cost or value related to the use is nominal; and

(III) The use does not create the appearance of impropriety;

(2) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(3) The use of telephones or other means of communication if there is not a special charge for that use.

(b) Require or authorize a legislative employee, while on duty, to perform personal services or assist in a private activity, except:

(1) In unusual and infrequent situations where the employee's service is reasonably necessary to permit the Legislator or legislative employee to perform his official duties; or

(2) Where such service has otherwise been established as legislative policy.

9. A public officer or employee shall not attempt to benefit his personal or financial interest through the influence of a subordinate.

10. A public officer or employee shall not seek other employment or contracts through the use of his official position.

~~[Sec. 17.]~~ ***Sec. 24.*** NRS 281.541 is hereby amended to read as follows:

281.541 1. Any department, board, commission or other agency of the State or the governing body of a county or an incorporated city may establish a specialized or local ethics committee to complement the functions of the Commission. A specialized or local ethics committee may:

(a) Establish a code of ethical standards suitable for the particular ethical problems encountered in its sphere of activity. The standards may not be less restrictive than the statutory ethical standards.

(b) Render an opinion upon the request of any public officer or employee of its own organization or level seeking an interpretation of its ethical standards on questions directly related to the propriety of his own future official conduct or refer the request to the Commission. Any public officer or

employee subject to the jurisdiction of the committee shall direct his inquiry to that committee instead of the Commission.

~~[(c) Require the filing of statements of financial disclosure by public officers on forms prescribed by the committee or the city clerk if the form has been:~~

~~(1) Submitted, at least 60 days before its anticipated distribution, to the Commission for review; and~~

~~(2) Upon review, approved by the Commission.]~~

2. A specialized or local ethics committee shall not attempt to interpret or render an opinion regarding the statutory ethical standards.

3. Each request for an opinion submitted to a specialized or local ethics committee, each hearing held to obtain information on which to base an opinion, all deliberations relating to an opinion, each opinion rendered by a committee and any motion relating to the opinion are confidential unless:

(a) The public officer or employee acts in contravention of the opinion; or

(b) The requester discloses the content of the opinion.

~~[Sec. 18.]~~ ***Sec. 25.*** NRS 281.552 is hereby amended to read as follows:

281.552 1. Every public officer shall acknowledge that he has received, read and understands the statutory ethical standards. The acknowledgment must be on a form prescribed by the Commission and must accompany the first statement of financial disclosure that the public officer is required to file with the ~~[Commission]~~ ***filing officer*** pursuant to NRS 281.559 or ~~[the Secretary of State pursuant to NRS]~~ 281.561.

2. The ~~[Commission and the Secretary of State]~~ ***filing officer*** shall retain an acknowledgment filed pursuant to this section for 6 years after the date on which the acknowledgment was filed.

3. Willful refusal to execute and file the acknowledgment required by this section constitutes nonfeasance in office and is a ground for removal pursuant to NRS 283.440.

~~[Sec. 19.]~~ ***Sec. 26.*** NRS 281.559 is hereby amended to read as follows:

281.559 1. Except as otherwise provided in subsection 2, if a public officer who was appointed to the office for which he is serving is entitled to receive annual compensation of $6,000 or more for serving in that office, he shall file with the ~~[Commission]~~ ***filing officer*** a statement of financial disclosure, as follows:

(a) A public officer appointed to fill the unexpired term of an elected or appointed public officer shall file a statement of financial disclosure within 30 days after his appointment.

(b) Each public officer appointed to fill an office shall file a statement of financial disclosure on or before January 15 of each year of the term, including the year the term expires.

2. If a person is serving in a public office for which he is required to file a statement pursuant to subsection 1, he may use the statement he files for

that initial office to satisfy the requirements of subsection 1 for every other public office to which he is appointed and in which he is also serving.

3. A judicial officer who is appointed to fill the unexpired term of a predecessor or to fill a newly created judgeship shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281.571.

4. ~~[The Commission]~~ ***Filing officers other than the Secretary of State*** shall provide written notification to the Secretary of State of the public officers who failed to file the statements of financial disclosure required by subsection 1 or who failed to file those statements in a timely manner. The notice must be sent within 30 days after the deadlines set forth in subsection 1 and must include:

(a) The name of each public officer who failed to file his statement of financial disclosure within the period before the notice is sent;

(b) The name of each public officer who filed his statement of financial disclosure after the deadlines set forth in subsection 1 but within the period before the notice is sent;

(c) For the first notice sent after the public officer filed his statement of financial disclosure, the name of each public officer who filed his statement of financial disclosure after the deadlines set forth in subsection 1 but within the period before the notice is sent; and

(d) For each public officer listed in paragraph (c), the date on which the statement of financial disclosure was due and the date on which the public officer filed the statement.

5. In addition to the notice provided pursuant to subsection 4, the ~~[Commission]~~ ***filing officer*** shall notify the Secretary of State of each public officer who files a statement of financial disclosure more than 30 days after the deadlines set forth in subsection 1. The notice must include the information described in paragraphs (c) and (d) of subsection 4.

6. A statement of financial disclosure shall be deemed to be filed with the ~~[Commission:]~~ ***filing officer:***

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the ~~[Commission]~~ ***filing officer*** if the statement was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

7. The filing officer shall ~~*[maintain]*~~ ***:***

(a) Maintain files of statements of financial disclosure filed pursuant to this section and make the statements available for public inspection ~~*[.]*~~ ***; and***

(b) Submit a copy of each statement of financial disclosure filed pursuant to this section to the Secretary of State within 10 working days after receiving it.

8. Within a reasonable time after the Secretary of State receives a statement of financial disclosure or a copy of a statement of financial disclosure pursuant to this section, the Secretary of State shall post the statement of financial disclosure on his Internet website.

~~*[8.]*~~ ***9.*** ***The Secretary of State shall prescribe, by regulation, procedures for the submission of statements of financial disclosure filed pursuant to this section.***

~~[Sec. 20.]~~ ***Sec. 27.*** NRS 281.561 is hereby amended to read as follows:

281.561 1. Each candidate for public office who will be entitled to receive annual compensation of $6,000 or more for serving in the office that he is seeking and, except as otherwise provided in subsection 2, each public officer who was elected to the office for which he is serving shall file with the ~~[Secretary of State]~~ ***filing officer*** a statement of financial disclosure, as follows:

(a) A candidate for nomination, election or reelection to public office shall file a statement of financial disclosure no later than the 10th day after the last day to qualify as a candidate for the office; and

(b) Each public officer shall file a statement of financial disclosure on or before January 15 of each year of the term, including the year the term expires.

2. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a statement of financial disclosure relative to that office pursuant to subsection 1.

3. A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281.571.

4. A statement of financial disclosure shall be deemed to be filed with the ~~[Secretary of State:]~~ ***filing officer:***

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the ~~[Secretary of State]~~ ***filing officer*** if the statement was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

5. The statement of financial disclosure filed pursuant to this section must be filed on the form prescribed by the ~~[Commission]~~ ***Secretary of State*** pursuant to NRS ~~[281.471.]~~ ***294A.373.***

6. ***The filing officer shall*** ~~*[maintain]*~~ ***:***

(a) Maintain files of statements of financial disclosure filed pursuant to this section and make the statements available for public inspection ~~*[.]*~~ ***; and***

(b) Submit a copy of each statement of financial disclosure filed pursuant to this section to the Secretary of State within 10 working days after receiving it.

7. Within a reasonable time after the Secretary of State receives a statement of financial disclosure or a copy of a statement of financial disclosure pursuant to this section, the Secretary of State shall post the statement of financial disclosure on his Internet website.

~~*[7.]*~~ ***8.*** The Secretary of State shall prescribe, by regulation, procedures for the submission of statements of financial disclosure filed pursuant to this section **.** ~~[, maintain files of such statements and make the statements available for public inspection.]~~

~~[Sec. 21.]~~ ***Sec. 28.*** NRS 281.571 is hereby amended to read as follows:

281.571 1. Statements of financial disclosure, ~~[as approved pursuant to NRS 281.541 or]~~ in such form as the ~~[Commission otherwise prescribes,]~~ ***Secretary of State prescribes pursuant to NRS 294A.373,*** must contain the following information concerning the candidate for public office or public officer:

(a) His length of residence in the State of Nevada and the district in which he is registered to vote.

(b) Each source of his income, or that of any member of his household who is 18 years of age or older. No listing of individual clients, customers or patients is required, but **,** if that is the case, a general source such as "professional services" must be disclosed.

(c) A list of the specific location and particular use of real estate, other than a personal residence:

(1) In which he or a member of his household has a legal or beneficial interest;

(2) Whose fair market value is $2,500 or more; and

(3) That is located in this State or an adjacent state.

(d) The name of each creditor to whom he or a member of his household owes $5,000 or more, except for:

(1) A debt secured by a mortgage or deed of trust of real property which is not required to be listed pursuant to paragraph (c); and

(2) A debt for which a security interest in a motor vehicle for personal use was retained by the seller.

(e) If the candidate for public office or public officer has received gifts in excess of an aggregate value of $200 from a donor during the preceding taxable year, a list of all such gifts, including the identity of the donor and value of each gift, except:

(1) A gift received from a person who is related to the candidate for public office or public officer within the third degree of consanguinity or affinity.

(2) Ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion if the donor does not have a substantial interest in the legislative, administrative or political action of the candidate for public office or public officer.

(f) A list of each business entity with which he or a member of his household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1 percent or more of the total outstanding stock or securities issued by the business entity.

(g) A list of all public offices presently held by him for which this statement of financial disclosure is required.

2. The ~~[Commission]~~ ***filing officer*** shall distribute or cause to be distributed the forms required for such a statement to each candidate for public office and public officer who is required to file one. The ~~[Commission]~~ ***filing officer*** is not responsible for the costs of producing or distributing a form for filing statements of financial disclosure which is prescribed ***by the Secretary of State*** pursuant to ~~[subsection 1 of NRS 281.541.]~~ ***NRS 294A.373.***

3. As used in this section:

(a) "Business entity" means an organization or enterprise operated for economic gain, including a proprietorship, partnership, firm, business, trust, joint venture, syndicate, corporation or association.

(b) "Household" includes:

(1) The spouse of a candidate for public office or public officer;

(2) A person who does not live in the same home or dwelling, but who is dependent on and receiving substantial support from the candidate for public office or public officer; and

(3) A person who lived in the home or dwelling of the candidate for public office or public officer for 6 months or more in the year immediately preceding the year in which the candidate for public office or public officer files the statement of financial disclosure.

~~[Sec. 22.]~~ ***Sec. 29.*** NRS 281.573 is hereby amended to read as follows:

281.573 1. Except as otherwise provided in subsection 2, statements of financial disclosure required by the provisions of NRS 281.559 ~~[,]~~ ***and*** 281.561 ~~[and 281.571]~~ must be retained by the ~~[Commission or Secretary of State]~~ ***filing officer*** for 6 years after the date of filing.

2. For public officers who serve more than one term in either the same public office or more than one public office, the period prescribed in subsection 1 begins on the date of the filing of the last statement of financial disclosure for the last public office held.

~~[Sec. 23.]~~ ***Sec. 30.*** NRS 281.574 is hereby amended to read as follows:

281.574 1. A list of each public officer who is required to file a statement of financial disclosure must be submitted electronically to the ~~[Commission and to the Secretary of State,]~~ ***filing officer,*** in a form prescribed by the ~~[Commission,]~~ ***Secretary of State,*** on or before December 1 of each year by:

(a) ~~[Each county clerk for all public officers of the county and other local governments within the county other than cities;~~

~~(b) Each city clerk for all public officers of the city;~~

~~(c)]~~ The Director of the Legislative Counsel Bureau for all public officers of the Legislative Branch; and

~~[(d)]~~ ***(b)*** The Chief of the Budget Division of the Department of Administration for all public officers of the Executive Branch.

2. ~~[The Secretary of State, each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the Commission, and each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk]~~ ***Each filing officer other than the Secretary of State*** shall submit electronically to the Secretary of State, in a form prescribed by the ~~[Commission,]~~ ***Secretary of State,*** a list of each candidate for public office who filed a declaration of candidacy or acceptance of candidacy with that ***filing*** officer within 10 days after the last day to qualify as a candidate for the applicable office.

~~[Sec. 24.]~~ ***Sec. 31.*** NRS 281.575 is hereby amended to read as follows:

281.575 ~~[The Secretary of State and each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, or city clerk]~~ ***Each filing officer*** who receives from a candidate for public office a declaration of candidacy, acceptance of candidacy or certificate of candidacy shall give to the candidate the form prescribed by the ~~[Commission]~~ ***Secretary of State pursuant to NRS 294A.373*** for the making of a statement of financial disclosure, accompanied by instructions on how to complete the form, where it must be filed and the time by which it must be filed.

Assemblywoman Koivisto moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 604.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 510.

AN ACT relating to elections; requiring certain persons or groups of persons advocating the passage or defeat of certain initiatives or referenda to provide various information to the Secretary of State concerning campaign contributions, expenditures and expenses; requiring public hearings to be conducted concerning certain initiatives and referenda; requiring circulators of certain petitions to attach an affidavit to each document of the petition; requiring circulators of certain petitions to disclose their status as volunteer or paid circulators; ~~[requiring descriptions of certain initiatives and referenda to be certified for accuracy by the Secretary of State;]~~ authorizing the

Legislative Counsel to provide technical suggestions regarding certain initiatives and referenda; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Chapter 294A of NRS governs campaign practices. NRS 294A.150 and 294A.220 require persons or groups of persons advocating the passage or defeat of a ~~[constitutional amendment or a statewide measure proposed by an initiative or referendum]~~ **question on a ballot** to submit reports to the Secretary of State on campaign contributions, expenditures and expenses. Section 3 of this bill ~~[requires such]~~ **creates a new section for** persons and groups **of persons advocating the passage or defeat of a constitutional amendment or a statewide measure proposed by an initiative or referendum and that have received or expended at least $10,000 for that purpose. The provisions of this new section require such persons or groups** to submit ~~[additional]~~ **similar** campaign contribution and expense reports to the Secretary of State **on a different schedule and with certain additional information.** Section 4 of this bill requires such persons and groups to appoint a resident agent who lives in Nevada ~~[.]~~ **, regardless of the amount of money they have received or expended.** Section 5 of this bill requires such persons and groups to file an organizational statement with the Secretary of State ~~[.]~~ **, regardless of the amount of money they have received or expended.** Section 6 of this bill requires such persons and groups who pay others to circulate petitions to disclose certain financial information to the Secretary of State. Section 13 of this bill provides that such persons and groups who violate section 3 are subject to civil penalties.

Chapter 295 of NRS governs petitions for statewide and local initiatives and referenda. Section 15 of this bill requires the Director of the Legislative Counsel Bureau to hold public hearings on statewide initiatives and referenda. Section 16 of this bill requires petition circulators to attach an affidavit to each document of a petition attesting to the veracity of each signature. Section 17 of this bill prohibits paying people to sign petitions. Section 18 of this bill requires petition circulators to disclose whether they are paid or volunteer circulators.

~~[Existing law requires each initiative and referendum petition to contain a brief description of the initiative or referendum. (NRS 295.009) Section 19 of this bill requires that description to be certified for accuracy by the Secretary of State.]~~

Existing law requires the Secretary of State to consult with the Fiscal Analysis Division of the Legislative Counsel Bureau regarding the possible financial effect on the State of any initiative or referendum. (NRS 295.015) Section 20 of this bill requires the Secretary of State also to consult with the Legislative Counsel regarding each initiative or referendum and authorizes the Legislative Counsel to make technical suggestions regarding the petition.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on his Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388; and

(c) All reports on campaign contributions and expenditures submitted to the Secretary of State pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 ~~[.]~~ ***and section 3 of this act.***

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 2. Chapter 294A of NRS is hereby amended by adding thereto the sections set forth as sections 3 to 6, inclusive, of this act.

Sec. 3. ***1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum , including, without limitation, the initiation or circulation thereof, and who receives or expends money in an amount in excess of $10,000 for such advocacy shall, not later than the dates listed in subsection 2, report:***

(a) Each campaign contribution in excess of $100 received during each period described in subsection 2;

(b) Contributions received during each period described in subsection 2 from a contributor which cumulatively exceed $100;

(c) Each expenditure in excess of $100 the person or group of persons makes during each period described in subsection 2; and

(d) The total amount of money the person or group of persons has at the beginning of each period described in subsection 2, accounting for all contributions received and expenditures made during each previous period.

2. Every person or group of persons required to report pursuant to subsection 1 shall file that report with the Secretary of State:

(a) For the period beginning on the first day a copy of the petition may be filed with the Secretary of State before it is circulated for signatures pursuant to Section 1 or Section 2 of Article 19 of the Nevada Constitution, as applicable, and ending on the following March 31, not later than April 15;

(b) For the period beginning on April 1 and ending on July 31, not later than August 15;

(c) For the period beginning on August 1 and ending on September 30, not later than October 15; and

(d) For the period beginning on October 1 and ending on December 31, not later than the following January 15.

3. The name and address of the contributor and the date on which the contribution was received must be included on each report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the applicable reporting period.

4. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in each report.

5. Each report required pursuant to this section must:

(a) Be on the form designed and provided by the Secretary of State pursuant to NRS 294A.373; and

(b) ~~[Contain any other information required by the Secretary of State; and~~ ~~(c)]~~ Be signed by the person or a representative of the group of persons under penalty of perjury.

6. A person or group of persons may mail or transmit each report to the Secretary of State by certified mail, regular mail, facsimile machine or electronic means or may deliver the report personally.

7. A report shall be deemed to be filed with the Secretary of State:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the Secretary of State if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

Sec. 4. ***Each person or group of persons organized formally or informally who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum shall appoint and keep within this State a resident agent who must be a natural person who resides in this State.***

Sec. 5. ***1. Each person or group of persons organized formally or informally who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum, before engaging in any such advocacy in this State, shall file a statement of organization with the Secretary of State as provided in subsection 2.***

2. Each statement of organization must include:

(a) The name of the person or group of persons;

(b) The purpose for which the person or group of persons is organized;

(c) The names, addresses and telephone numbers of any officers of the person or group of persons;

(d) If the person or group of persons is affiliated with or is retained by any other ~~[organizations,]~~ person or group for the purpose of advocating the passage or defeat of a constitutional amendment or statewide measure proposed by initiative or referendum, the name, address and telephone number of each such ~~[organization;]~~ other person or group; and

(e) The name, address and telephone number of the resident agent of the person or group of persons . ~~[; and~~

~~(f) Any other information deemed necessary by the Secretary of State.]~~

3. A person or group of persons which has filed a statement of organization pursuant to this section shall file an amended statement with the Secretary of State within 30 days of any changes to the information required pursuant to subsection 2.

Sec. 6. ***1. Each person or group of persons organized formally or informally who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum that provides compensation to persons to circulate petitions shall report to the Secretary of State:***

(a) The number of persons to whom such compensation is provided;

(b) The least amount of such compensation that is provided and the greatest amount of such compensation that is provided; and

(c) The total amount of compensation provided.

2. The Secretary of State shall make public any information received pursuant to this section.

Sec. 7. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. ~~[Every]~~ ***Except as otherwise provided in section 3 of this act, every*** person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election ~~[and every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of $10,000 to support such initiation or circulation]~~ shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $100 received during that period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under

penalty of perjury. The provisions of this subsection apply to the person or group of persons:

(a) Each year in which an election or city election is held for each question for which the person or group advocates passage or defeat ***;*** ~~[or each year in which a person or group receives or expends money in excess of $10,000 to support the initiation or circulation of a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum;]~~ and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through June 30 of that year,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

4. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately

following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. ~~[Every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of $10,000 to support such initiation or circulation shall comply with the requirements of this subsection.]~~ A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date that the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

6. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall report each of the contributions received on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. A person may mail or transmit his report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. If the person or group of persons is advocating passage or defeat of a group of questions **,** ~~[or is receiving or expending money to support a group of petitions for constitutional amendments, a group of petitions for statewide measures proposed by initiative or referendum or a group of petitions for both constitutional amendments and statewide measures proposed by initiative or referendum,]~~ the reports must be itemized by question or petition.

10. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

Sec. 8. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. ~~[Every]~~ ***Except as otherwise provided in section 3 of this act, every*** person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election ~~[and every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or~~

~~expends money in an amount in excess of $10,000 to support such initiation or circulation;~~] shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury. The provisions of this subsection apply to the person or group of persons:

(a) Each year in which an election or city election is held for a question for which the person or group advocates passage or defeat ***;*** ~~[or each year in which a person or group of persons receives or expends money in excess of $10,000 to support the initiation or circulation of a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum;]~~ and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through the June 30 immediately preceding that July 15,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury.

3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. ~~[Every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of $10,000 to support such initiation or circulation shall comply with the requirements of this subsection.]~~ A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

4. Except as otherwise provided in subsection 5, every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

5. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of questions **,** ~~[or a group of petitions for constitutional amendments, a group of petitions for statewide measures proposed by initiative or referendum or a group of petitions for both constitutional amendments and statewide measures proposed by initiative or referendum,]~~ the reports must be itemized by question or petition. A person may mail or transmit his report to the appropriate filing officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the filing officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the filing officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

Sec. 9. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report of expenditures required pursuant to NRS 294A.210, 294A.220 and 294A.280 ***and section 3 of this act*** must consist of a list of each expenditure in excess of $100 that was made during

the periods for reporting. Each report of expenses required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each expense in excess of $100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the expense or expenditure and the date on which the expense was incurred or the expenditure was made.

2. The categories of expense or expenditure for use on the report of expenses or expenditures are:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Expenses related to travel;

(d) Expenses related to advertising;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid; and

(j) Other miscellaneous expenses.

3. Each report of expenses or expenditures described in subsection 1 must list the disposition of any unspent campaign contributions using the categories set forth in subsection 2 of NRS 294A.160.

Sec. 10. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design a single form to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 [.] ***and section 3 of this act.***

2. The form designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

3. Upon request, the Secretary of State shall provide a copy of the form designed pursuant to this section to each person, committee, political party and group that is required to file a report described in subsection 1.

4. The Secretary of State must obtain the advice and consent of the Legislative Commission before providing a copy of a form designed or revised by the Secretary of State pursuant to this section to a person, committee, political party or group that is required to use the form.

Sec. 11. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;

2. An acceptance of candidacy;

3. The registration of a committee for political action pursuant to NRS 294A.230 or a committee for the recall of a public officer pursuant to NRS 294A.250; or

4. The reporting of campaign contributions, expenses or expenditures pursuant to NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360, ***or section 3 of this act,***

➥ shall furnish the candidate with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360 ***or section 3 of this act*** relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420 must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 12. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 and 294A.280, ~~*[or]*~~ ***and section 3 of this act,*** prepare and make available for public inspection a compilation of:

1. The total campaign contributions, the contributions which are in excess of $100 and the total campaign expenses of each of the candidates from whom reports of those contributions and expenses are required.

2. The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the total amount of written commitments for contributions received by a candidate.

3. The contributions made to a committee for the recall of a public officer in excess of $100.

4. The expenditures exceeding $100 made by a:

(a) Person on behalf of a candidate other than himself.

(b) Person or group of persons on behalf of or against a question or group of questions on the ballot.

(c) Group of persons advocating the election or defeat of a candidate.

(d) Committee for the recall of a public officer.

5. The contributions in excess of $100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.

(b) A person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot.

(c) A committee for political action, political party or committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates.

Sec. 13. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280 or 294A.360 ***or section 3 of this act*** has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a person or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.128, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280, 294A.300, 294A.310, 294A.320 or 294A.360 ***or section 3 of this act*** is subject to a civil penalty of not more than $5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a person or entity has reported its contributions, expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

Sec. 14. Chapter 295 of NRS is hereby amended by adding thereto the sections set forth as sections 15 to 18, inclusive, of this act.

Sec. 15. ***1. The Director of the Legislative Counsel Bureau shall hold a public hearing on each petition for initiative or referendum that has been filed with the Secretary of State.***

2. Each public hearing required pursuant to this section must be held not later than 10 days nor more than 20 days before the general election at which the initiative or referendum is submitted for popular vote.

3. The Legislative Counsel Bureau shall provide such staff as is necessary to provide appropriate research and analysis of the initiative or referendum at each public hearing required pursuant to this section.

4. Each public hearing required pursuant to this section must be an opportunity for public discussion of:

(a) Technical matters relating to the petition, including, without limitation, compliance with the requirements of NRS 295.009; and

(b) The substantive content of the initiative or referendum.

Sec. 16. ***A petition for initiative or referendum may consist of more than one document. Each document of a petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:***

1. That he personally circulated the document;

2. The number of signatures thereon;

3. That all the signatures were affixed in his presence;

4. That he believes the signatures to be the genuine signatures of the persons whose names they purport to be; and

5. That each signer had an opportunity before signing to read the full text of the act or resolution on which the initiative or referendum is demanded.

Sec. 17. ***A person shall not give compensation of any kind to any person in exchange for signing a petition for initiative or referendum.***

Sec. 18. ***Each person circulating a petition for initiative or referendum who:***

1. Is not receiving or will not receive any compensation for circulating the petition shall disclose to signers of the petition his status as a volunteer;

2. Is receiving or will receive any compensation for circulating the petition shall disclose to signers of the petition his status as a paid circulator.

Sec. 19. ~~[NRS 295.009 is hereby amended to read as follows:~~

~~295.009 1. Each petition for initiative or referendum must:~~

~~(a) Embrace but one subject and matters necessarily connected therewith and pertaining thereto; and~~

~~(b) Set forth, in not more than 200 words, a description of the effect of the initiative or referendum if the initiative or referendum is approved by the voters. The description must appear on each signature page of the petition~~ [.] ~~*and must be certified for accuracy by the Secretary of State.*~~

~~2. For the purposes of paragraph (a) of subsection 1, a petition for initiative or referendum embraces but one subject and matters necessarily connected therewith and pertaining thereto, if the parts of the proposed initiative or referendum are functionally related and germane to each other in a way that provides sufficient notice of the general subject of, and of the interests likely to be affected by, the proposed initiative or referendum.]~~ **(Deleted by amendment.)**

Sec. 20. NRS 295.015 is hereby amended to read as follows:

295.015 1. Before a petition for initiative or referendum may be presented to the registered voters for their signatures, a copy of the petition for initiative or referendum, including the description required pursuant to NRS 295.009, must be placed on file with the Secretary of State.

2. Upon receipt of a petition for initiative or referendum placed on file pursuant to subsection 1 ~~[, the]~~ ***:***

(a) The Secretary of State shall consult with the Fiscal Analysis Division of the Legislative Counsel Bureau to determine if the initiative or referendum may have any anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters. If the Fiscal Analysis Division determines that the initiative or referendum may have an anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters, the Division must prepare a fiscal note that includes an explanation of any such effect.

(b) The Secretary of State shall consult with the Legislative Counsel regarding the petition for initiative or referendum. The Legislative Counsel may provide technical suggestions regarding the petition for initiative or referendum.

3. Not later than 10 business days after the Secretary of State receives a petition for initiative or referendum filed pursuant to subsection 1, the Secretary of State shall post a copy of the petition, including the description required pursuant to NRS 295.009 ***,*** ~~[and]~~ any fiscal note prepared pursuant to subsection 2 ~~[.]~~ ***and any suggestions made by the Legislative Counsel pursuant to subsection 2,*** on his Internet website.

Assemblywoman Koivisto moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 606.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 511.

AN ACT relating to elections; requiring certain persons or groups of persons advocating the passage or defeat of a constitutional amendment or statewide measure proposed by initiative or referendum to register with the Secretary of State; prohibiting the compensation of persons who gather

signatures on certain petitions on the basis of the number of signatures gathered; requiring persons who gather signatures on certain petitions to be residents of this State; requiring the Secretary of State to make public certain information; ~~[creating and providing the composition and duties of the Ballot Review Board;]~~ amending provisions relating to legal challenges to certain petitions; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Chapter 294A of NRS governs campaign practices. Section 2 of this bill requires certain persons or groups of persons advocating the passage or defeat of a statewide initiative or referendum to register with the Secretary of State. Section 3 of this bill prohibits the compensation of persons who gather signatures on statewide initiative and referendum petitions on a per-signature basis. Section 4 of this bill requires each person gathering signatures on a petition to be a resident of Nevada. Section 5 of this bill provides that a person or group of persons required to register with the Secretary of State pursuant to section 3 who fail to so register or who compensate a signature gatherer in violation of section 3 is subject to a civil penalty.

Chapter 295 of NRS governs petitions for statewide and local initiatives and referenda. Section 7 of this bill requires the Secretary of State to make public certain information regarding petition signatures. Section 8 of this bill ~~[creates the Ballot Review Board.]~~ **provides that the use of an intentional misrepresentation or other fraudulent means to obtain signatures on petitions or forging signatures on petitions is prohibited and provides that the consequence of such behavior is the invalidation of signatures collected by the person found to have committed such behavior or the invalidation of all signatures collected on behalf of the group found to have committed such behavior.**

~~[Existing law requires petitions for initiatives and referenda to be filed with the Secretary of State before being presented to registered voters for signatures. (NRS 295.015) Section 9 of this bill requires the Secretary of State to then consult with the Ballot Review Board regarding the conformity of the petition with certain technical requirements. Section 9 also authorizes the Ballot Review Board to offer suggestions regarding the petition. Existing law provides for challenges to petitions on initiatives and referenda to be filed with certain district courts. (NRS 295.061) Section 10 of this bill requires that any such complaint must first be heard by the Ballot Review Board.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. Each person or group of persons organized formally or informally who advocates the passage or defeat of a constitutional***

amendment or statewide measure proposed by initiative or referendum shall register, before engaging in any such advocacy in this State, with the Secretary of State on forms supplied by the Secretary of State.

2. The form must require:

(a) The name of the person or group;

(b) The purpose for which the person or group is organized;

(c) The names, addresses and telephone numbers of any officers ***[,*** ~~*employees and volunteers]*~~ ***of the person or group;*** ***and***

(d) If the person or group is affiliated with ***or is retained by*** ***any other*** ~~*[organizations,]*~~ ***person or group for the purpose of advocating the passage or defeat of a constitutional amendment or statewide measure proposed by initiative or referendum, the name, address and telephone number of each such*** ~~*[organization; and*~~

~~*(e) Any other information deemed necessary by the Secretary of State.]*~~ ***other person or group.***

Sec. 3. ***A person or group of persons organized formally or informally who compensates in any way a person who gathers signatures on a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or referendum shall not compensate such a person on the basis of the number of signatures gathered.***

Sec. 4. ***Each person who gathers signatures on a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or referendum must be a resident of this State.***

Sec. 5. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280 or 294A.360 ***or section 2 of this act*** has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a person or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.128, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280, 294A.300, 294A.310, 294A.320 or 294A.360 ***or section 2 or 3 of this act*** is subject to a civil penalty of not more than $5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a person or entity has reported its contributions, expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

Sec. 6. Chapter 295 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 and 8 of this act.

Sec. 7. ***After a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or referendum is*** ~~*[filed with the Secretary of State, the Secretary of State]*~~ ***submitted for signature verification to the county clerk, the county clerk shall make*** ~~*[public all signatures and]*~~ ***true and correct copies of all the documents of the petition and signatures thereon and shall make such copies and signatures available to the public for a period of not less than 14 days.***

Sec. 8. ***1.*** ~~*[The Ballot Review Board is hereby created.*~~

~~*2. Except as otherwise provided in subsection 3, the Ballot Review Board consists of the following ex officio members:*~~

~~*(a) The Secretary of State;*~~

~~*(b) Three county clerks, to be appointed by the Governor; and*~~

~~*(c) The Attorney General.*~~

~~*3. If a member of the Ballot Review Board is a candidate for any elective office in an election, the Governor shall appoint an alternate member to serve in the place of that member until the election is conducted.*~~

~~*4. The members of the Ballot Review Board are not entitled to any additional compensation for their service in that capacity.]*~~ ***A person or group of persons who is required to register pursuant to section 2 of this act or a person who circulates a petition to collect signatures in support thereof on behalf of such a person or group of persons shall not:***

(a) Intentionally misrepresent the contents of a petition or the effect that such a petition would have if enacted into law or otherwise engage in any fraudulent behavior to induce another person to sign a petition; or

(b) Forge signatures on such a petition.

2. If the Secretary of State receives information indicating that a person or group has violated the provisions of subsection 1, the Secretary of State may, after giving notice to that person and the person or group who is required to register with the Secretary of State pursuant to section 2 of this act, cause the appropriate proceedings to be instituted in the First Judicial District Court.

3. If the First Judicial District Court determines that the person or group violated the provisions of subsection 1, the First Judicial District Court shall disqualify all the signatures that were collected by that person or all the signatures collected on behalf of the group, unless the person or group who is required to register with the Secretary of State pursuant to section 2 of this act proves by clear and convincing evidence that each person who signed the documents of the petition circulated by that person or group intended to sign and support the petition despite the misrepresentations or other fraudulent behavior.

Sec. 9. ~~[NRS 295.015 is hereby amended to read as follows:~~

~~295.015 1. Before a petition for initiative or referendum may be presented to the registered voters for their signatures, a copy of the petition for initiative or referendum, including the description required pursuant to NRS 295.009, must be placed on file with the Secretary of State.~~

~~2. Upon receipt of a petition for initiative or referendum placed on file pursuant to subsection 1, the Secretary of State shall consult with~~ [the]~~:~~

~~*(a) The* Fiscal Analysis Division of the Legislative Counsel Bureau to determine if the initiative or referendum may have any anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters. If the Fiscal Analysis Division determines that the initiative or referendum may have an anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters, the Division must prepare a fiscal note that includes an explanation of any such effect.~~

~~*(b) The Ballot Review Board for an analysis of the conformity of the petition with the technical requirements of Article 19 of the Constitution of the State of Nevada and of this chapter. The Ballot Review Board may offer suggestions on such conformity to the person or group of persons circulating the petition.*~~

~~3. Not later than 10 business days after the Secretary of State receives a petition for initiative or referendum filed pursuant to subsection 1, the Secretary of State shall post a copy of the petition, including the description required pursuant to NRS 295.009 and any fiscal note prepared pursuant to subsection 2, on his Internet website.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[NRS 295.061 is hereby amended to read as follows:~~

~~295.061 1. The description of the effect of an initiative or referendum required pursuant to NRS 295.009 may be challenged by filing a complaint~~ [~~in the First Judicial District Court~~]~~ *with the Ballot Review Board* not later

~~than 30 days, Saturdays, Sundays and holidays excluded, after a copy of the petition is initially placed on file with the Secretary of State pursuant to NRS 295.015. All affidavits and documents in support of the challenge must be filed with the complaint. The~~ [court] ~~*Ballot Review Board* shall set the matter for hearing not later than~~ [30] ~~*15* days after the complaint is filed .~~ [and shall give priority to such a complaint over all criminal proceedings.]

~~*2. The decision of the Ballot Review Board pursuant to subsection 1 is a final decision for purposes of judicial review. The decision may be appealed by filing a complaint in the First Judicial District Court not later than 7 days after the date of the decision by the Ballot Review Board pursuant to subsection 1. The court shall set the matter for hearing not later than 15 days after the decision is appealed and shall give priority to such a complaint over all criminal proceedings.*~~

~~*3.* The legal sufficiency of a petition for initiative or referendum may be challenged by filing a complaint [in district court] ~~*with the Ballot Review Board*~~ not later than 7 days, Saturdays, Sundays and holidays excluded, after the petition is certified as sufficient by the Secretary of State. All affidavits and documents in support of the challenge must be filed with the complaint. The [court] ~~*Ballot Review Board*~~ shall set the matter for hearing not later than [30] ~~*15* days after the complaint is filed .~~ [and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.]

~~*4. The decision of the Ballot Review Board pursuant to subsection 3 is a final decision for purposes of judicial review. The decision may be appealed by filing a complaint in district court not later than 7 days after the decision by the Ballot Review Board pursuant to subsection 3. The court shall set the matter for hearing not later than 15 days after the decision is appealed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.]~~ **(Deleted by amendment.)**

Assemblywoman Koivisto moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblyman Oceguera moved that the Assembly recess until 4:30 p.m.

Motion carried.

Assembly in recess at 2:12 p.m.

ASSEMBLY IN SESSION

At 5:05 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 25, 145, 297 just returned from the printer, be placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 25.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 25:

YEAS—42.

NAYS—None.

Assembly Bill No. 25 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 39.

Bill read third time.

Remarks by Assemblyman Atkinson.

Roll call on Assembly Bill No. 39:

YEAS—42.

NAYS—None.

Assembly Bill No. 39 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 70.

Bill read third time.

Remarks by Assemblyman Segerblom.

Roll call on Assembly Bill No. 70:

YEAS—35.

NAYS—Beers, Christensen, Cobb, Goedhart, Mabey, Marvel, Settelmeyer—7.

Assembly Bill No. 70 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 97.

Bill read third time.

Remarks by Assemblywoman Leslie.

Conflict of interest declared by Assemblywoman Gansert.

Roll call on Assembly Bill No. 97:

YEAS—34.

NAYS—Christensen, Goedhart, Hardy, Mabey, Settelmeyer, Stewart, Weber—7.

NOT VOTING—Gansert.

Assembly Bill No. 97 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 101.
Bill read third time.
Remarks by Assemblywoman Gansert.
Roll call on Assembly Bill No. 101:
YEAS—42.
NAYS—None.
Assembly Bill No. 101 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 115 be taken from the General File and rereferred to the Committee on Ways and Means.
Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 146 be taken from the General File and rereferred to the Committee on Ways and Means.
Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 150 be taken from the General File and rereferred to the Committee on Ways and Means.
Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 161 be taken from the General File and rereferred to the Committee on Ways and Means.
Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 232 be taken from the General File and rereferred to the Committee on Ways and Means.
Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 142 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 145.
Bill read third time.
Remarks by Assemblyman Hardy.
Roll call on Assembly Bill No. 145:
YEAS—42.
NAYS—None.
Assembly Bill No. 145 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 147.
Bill read third time.

Remarks by Assemblymen Leslie and Settelmeyer.

Roll call on Assembly Bill No. 147:

YEAS—42.

NAYS—None.

Assembly Bill No. 147 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 209.

Bill read third time.

Roll call on Assembly Bill No. 209:

YEAS—42.

NAYS—None.

Assembly Bill No. 209 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 238.

Bill read third time.

Remarks by Assemblymen Koivisto, Settelmeyer, Conklin, Allen, and Oceguera.

Potential conflict of interest declared by Assemblyman Settelmeyer.

Roll call on Assembly Bill No. 238:

YEAS—26.

NAYS—Allen, Beers, Buckley, Carpenter, Christensen, Cobb, Gansert, Goedhart, Goicoechea, Grady, Hardy, Mabey, Marvel, Settelmeyer, Stewart, Weber—16.

Assembly Bill No. 238 having failed to received a two-thirds majority, Madam Speaker declared it lost.

Assembly Bill No. 263.

Bill read third time.

Remarks by Assemblywoman Gerhardt.

Roll call on Assembly Bill No. 263:

YEAS—42.

NAYS—None.

Assembly Bill No. 263 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 278.

Bill read third time.

Remarks by Assemblyman Kihuen.

Roll call on Assembly Bill No. 278:

YEAS—40.

NAYS—Arberry, Buckley—2.

Assembly Bill No. 278 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 283.
Bill read third time.
Remarks by Assemblyman Settelmeyer.
Roll call on Assembly Bill No. 283:
YEAS—42.
NAYS—None.
Assembly Bill No. 283 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 360 be taken from the General File and rereferred to the Committee on Ways and Means.
Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 367 be taken from the General File and rereferred to the Committee on Ways and Means.
Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 393 be taken from the General File and rereferred to the Committee on Ways and Means.
Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 416 be taken from the General File and rereferred to the Committee on Ways and Means.
Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 440 be taken from the General File and rereferred to the Committee on Ways and Means.
Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 443 be taken from the General File and rereferred to the Committee on Ways and Means.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 285.
Bill read third time.
Remarks by Assemblywoman Leslie.
Roll call on Assembly Bill No. 285:
YEAS—42.
NAYS—None.
Assembly Bill No. 285 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 297.
Bill read third time.

Remarks by Assemblyman Bobzien.
Roll call on Assembly Bill No. 297:
YEAS—41.
NAYS—Koivisto.
Assembly Bill No. 297 having received a two-thirds majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 311.
Bill read third time.
Remarks by Assemblyman Hardy.
Roll call on Assembly Bill No. 311:
YEAS—42.
NAYS—None.
Assembly Bill No. 311 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 335.
Bill read third time.
Remarks by Assemblyman Conklin.
Roll call on Assembly Bill No. 335:
YEAS—42.
NAYS—None.
Assembly Bill No. 335 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 365.
Bill read third time.
Remarks by Assemblywoman Womack.
Potential conflict of interest declared by Assemblyman Parks.
Roll call on Assembly Bill No. 365:
YEAS—42.
NAYS—None.
Assembly Bill No. 365 having received a two-thirds majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 383.
Bill read third time.
Remarks by Assemblywoman Kirkpatrick.
Roll call on Assembly Bill No. 383:
YEAS—42.
NAYS—None.
Assembly Bill No. 383 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 396.
Bill read third time.
Remarks by Assemblywoman Allen.
Roll call on Assembly Bill No. 396:
YEAS—42.
NAYS—None.
Assembly Bill No. 396 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 6:00 p.m.

ASSEMBLY IN SESSION

At 6:01 p.m.
Mr. Speaker Pro Tempore presiding.
Quorum present.

Assembly Bill No. 433.
Bill read third time.
Remarks by Assemblywoman Buckley.
Roll call on Assembly Bill No. 433:
YEAS—41.
NAYS—None.
NOT VOTING—Marvel.
Assembly Bill No. 433 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 446.
Bill read third time.
Remarks by Assemblyman Denis.
Roll call on Assembly Bill No. 446:
YEAS—42.
NAYS—None.
Mr. Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 461.
Bill read third time.
Remarks by Assemblyman Parks.
Roll call on Assembly Bill No. 461:
YEAS—42.
NAYS—None.
Mr. Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 462.
Bill read third time.
Remarks by Assemblywoman Kirkpatrick.
Roll call on Assembly Bill No. 462:
YEAS—42.
NAYS—None.
Mr. Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 478.
Bill read third time.
Remarks by Assemblymen Buckley, Grady, Carpenter, and Christensen.
Roll call on Assembly Bill No. 478:
YEAS—42.
NAYS—None.
Mr. Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Mr. Speaker pro Tempore announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 6:18 p.m.

ASSEMBLY IN SESSION

At 6:19 p.m.
Madam Speaker presiding.
Quorum present.

Assembly Bill No. 490.
Bill read third time.
Remarks by Assemblywoman Leslie.
Roll call on Assembly Bill No. 490:
YEAS—42.
NAYS—None.
Assembly Bill No. 490 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 496.
Bill read third time.
Remarks by Assemblyman Conklin.
Potential conflict of interest declared by Assemblyman Hardy.
Roll call on Assembly Bill No. 496:
YEAS—35.
NAYS—Beers, Carpenter, Christensen, Cobb, Goedhart, Settelmeyer, Stewart—7.
Assembly Bill No. 496 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 506.
Bill read third time.
Remarks by Assemblyman Segerblom.
Roll call on Assembly Bill No. 506:
YEAS—27.
NAYS—Allen, Beers, Carpenter, Christensen, Cobb, Gansert, Goedhart, Goicoechea, Grady, Hardy, Mabey, Marvel, Settelmeyer, Stewart, Weber—15.
Assembly Bill No. 506 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 507.
Bill read third time.
Remarks by Assemblywoman Leslie.
Roll call on Assembly Bill No. 507:
YEAS—42.
NAYS—None.
Assembly Bill No. 507 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 513.
Bill read third time.
Roll call on Assembly Bill No. 513:
YEAS—42.
NAYS—None.
Assembly Bill No. 513 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 255 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 514 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 604 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 606 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 525 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 527.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Roll call on Assembly Bill No. 527:

YEAS—42.

NAYS—None.

Assembly Bill No. 527 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 569.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 569:

YEAS—42.

NAYS—None.

Assembly Bill No. 569 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 570.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 570:

YEAS—42.

NAYS—None.

Assembly Bill No. 570 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 576.

Bill read third time.

Remarks by Assemblywoman Gerhardt.

Roll call on Assembly Bill No. 576:

YEAS—42.

NAYS—None.

Assembly Bill No. 576 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 577.

Bill read third time.

Remarks by Assemblywoman Pierce.
Roll call on Assembly Bill No. 577:
YEAS—34.
NAYS—Beers, Christensen, Cobb, Goedhart, Hardy, Settelmeyer, Stewart, Weber—8.
Assembly Bill No. 577 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 600.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Assembly Bill No. 600:
YEAS—42.
NAYS—None.
Assembly Bill No. 600 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 605.
Bill read third time.
Remarks by Assemblyman Conklin.
Roll call on Assembly Bill No. 605:
YEAS—42.
NAYS—None.
Assembly Bill No. 605 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 375.
Bill read third time.
Remarks by Assemblyman Oceguera.
Roll call on Assembly Bill No. 375:
YEAS—41.
NAYS—None.
NOT VOTING—Arberry.
Assembly Bill No. 375 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 431.
Bill read third time.
Remarks by Assemblyman Horne.
Roll call on Assembly Bill No. 431:
YEAS—42.
NAYS—None.
Assembly Bill No. 431 having received a two-thirds majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 12.

Bill read third time.

Remarks by Assemblymen Parks and Carpenter.

Roll call on Assembly Bill No. 12:

YEAS—42.

NAYS—None.

Assembly Bill No. 12 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 424.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 424:

YEAS—42.

NAYS—None.

Assembly Bill No. 424 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 249.

Bill read third time.

The following amendment was proposed by Assemblywoman Allen:

Amendment No. 608.

AN ACT relating to dispensing opticians; requiring the Board of Dispensing Opticians to adopt minimum standards for eyewear and certain devices dispensed by a dispensing optician; authorizing any member of the Board to issue subpoenas to compel the production of books, papers and documents; revising provisions governing the reinstatement of an expired license or limited license; authorizing the Board to impose an administrative fine against a person who engages in ophthalmic dispensing without a license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Dispensing Opticians to regulate the practice of ophthalmic dispensing. (Chapter 637 of NRS) Section ~~[1]~~ **1.3** of this bill requires the Board to adopt minimum standards for eyewear and certain optical and ophthalmic devices dispensed by a dispensing optician. The standards must be consistent with the minimum standards of quality approved by the American National Standards Institute. Section 6 of this bill provides that a dispensing optician may be disciplined by the Board for dispensing, without proper verification, such eyewear or devices that do not meet the minimum standards adopted by the Board**. Section 1.7 of this bill provides that the expiration date of a prescription which is received by a dispensing optician is 2 years after the date the prescription was issued unless a shorter period is indicated for a specific patient.**

Existing law authorizes any member of the Board to issue subpoenas to compel the attendance of a witness to testify before the Board. (NRS 637.040) Section 2 of this bill authorizes any member of the Board to issue subpoenas to compel the production of books, papers and documents.

Existing law authorizes the Board to renew an expired license or limited license to practice ophthalmic dispensing. (NRS 637.121, 637.140) Sections 3 and 5 of this bill provide that the Board may only renew an expired license or limited license if the license or limited license has been expired for 2 years or less.

Existing law authorizes the Board to issue a cease and desist order to a person practicing ophthalmic dispensing without a license. If the person does not comply with the cease and desist order within 30 days, the Board shall impose an administrative fine of up to $10,000 against the person. (NRS 637.181) Section 7 of this bill authorizes the Board to impose an administrative fine against a person practicing ophthalmic dispensing without a license without regard to whether or not the person failed to comply with a cease and desist order.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 637 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.3 and 1.7 of this act.**

Sec. 1.3. 1. The Board shall adopt regulations setting forth minimum standards for lenses, frames, specially fabricated optical devices and other ophthalmic devices dispensed by a person licensed as a dispensing optician.

2. The standards adopted by the Board must be consistent with the minimum standards of quality approved by the American National Standards Institute.

Sec. 1.7. A prescription received by a dispensing optician shall be deemed to have an expiration date of 2 years after the date the prescription was issued unless the practitioner who wrote the prescription includes on the prescription that a shorter period is required for the specific patient.

Sec. 2. NRS 637.040 is hereby amended to read as follows:

637.040 1. The Board shall elect a President, Vice President, Secretary and Treasurer from its membership.

2. Any member of the Board may:

(a) Issue subpoenas to compel ***the*** attendance of witnesses to testify before the Board ~~[.]~~ ***or the production of books, papers and documents.*** Subpoenas must issue under the seal of the Board and must be served in the same manner as subpoenas issued out of the district court.

(b) Administer oaths in taking testimony in any matter pertaining to the duties of the Board.

Sec. 3. NRS 637.121 is hereby amended to read as follows:

637.121 1. Except as otherwise provided in this section, a limited license as a dispensing optician authorizes the licensee to engage in the practice of ophthalmic dispensing pursuant to this chapter.

2. Only a person who is deemed to hold an active, inactive or delinquent limited license as a dispensing optician on February 1, 2004, may hold a limited license as a dispensing optician. A limited license as a dispensing optician may not be issued to any other person.

3. A person practicing ophthalmic dispensing pursuant to a limited license:

(a) Except as otherwise provided in this section, is subject to the provisions of this chapter in the same manner as a person practicing ophthalmic dispensing pursuant to a license issued pursuant to NRS 637.120, including, without limitation, the provisions of this chapter governing the renewal or reactivation of a license; and

(b) Shall not sell, furnish or fit contact lenses.

4. A limited license as a dispensing optician:

(a) Expires on January 31 of each year.

(b) May be renewed before its expiration upon:

(1) Presentation of proof of completion of the continuing education required by this section; and

(2) Payment of a renewal fee set by the Board of not more than $200.

(c) Except as otherwise provided in subsection 5, is delinquent if it is not renewed before January 31 of each year. ~~[Such]~~ ***Not later than 2 years after the expiration of a limited license,*** a delinquent limited license may be reinstated, at the discretion of the Board, upon payment of each applicable annual renewal fee in addition to the annual delinquency fee set by the Board of not more than $500.

5. Upon written request to the Board, and payment of a fee not to exceed $300, a licensee in good standing may have his name and limited license as a dispensing optician transferred to an inactive list. Such a licensee shall not practice ophthalmic dispensing during the time the limited license is inactive. If an inactive licensee ~~[desires]~~ ***wishes*** to resume the practice of ophthalmic dispensing as limited by this section, the Board shall reactivate the limited license upon:

(a) If deemed necessary by the Board, the demonstration by the licensee that the licensee is then qualified and competent to practice;

(b) The completion of an application; and

(c) Payment of the renewal fee set by the Board pursuant to subsection 4.

6. To reactivate a limited license as a dispensing optician pursuant to subsection 5, an inactive licensee is not required to pay the delinquency fee and the renewal fee for any year while the license was inactive.

7. Except as otherwise provided in subsection 8, each person with a limited license as a dispensing optician must complete courses of continuing education in ophthalmic dispensing each year. Such continuing education must:

(a) Encompass such subjects as are established by regulations of the Board.

(b) Consist of a minimum of 12 hours for a period of 12 months.

8. A person with a limited license as a dispensing optician who is on active military service is exempt from the requirements of subsection 7.

9. The Board shall adopt any ***other*** regulations ***it determines are*** necessary to carry out the provisions of this section.

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 637.140 is hereby amended to read as follows:

637.140 1. A license as a dispensing optician issued under the provisions of this chapter expires on January 31 of each year.

2. A license may be renewed before its expiration upon:

(a) Presentation of proof of completion of the continuing education required by NRS 637.135; and

(b) Payment of a renewal fee set by the Board of not more than $500.

3. Except as otherwise provided in subsection 4, any license which is not renewed before January 31 of each year shall be deemed delinquent. ~~[A]~~ ***Not later than 2 years after the expiration of a license, a*** delinquent license may be reinstated, at the discretion of the Board, upon payment of each applicable annual renewal fee in addition to the annual delinquency fee set by the Board of not more than $500.

4. Upon written request to the Board, and payment of a fee not to exceed $300, a licensee in good standing may have his name and license transferred to an inactive list. Such a licensee shall not practice ophthalmic dispensing during the time the license is inactive. If an inactive licensee desires to resume the practice of ophthalmic dispensing, the Board shall reactivate the license upon the:

(a) Demonstration **,** if deemed necessary by the Board **,** that the licensee is then qualified and competent to practice;

(b) Completion of an application; and

(c) Payment of the renewal fee set by the Board pursuant to subsection 2.

➥ Payment of the delinquency fee and the renewal fee for any year while the license was inactive is not required.

Sec. 6. NRS 637.150 is hereby amended to read as follows:

637.150 1. Upon proof by substantial evidence that an applicant or holder of a license:

(a) Has been adjudicated insane;

(b) Habitually uses any controlled substance or intoxicant;

(c) Has been convicted of a crime involving moral turpitude;

(d) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(e) Has advertised in any manner which would tend to deceive, defraud or mislead the public;

(f) Has presented to the Board any diploma, license or certificate that has been signed or issued unlawfully or under fraudulent representations, or

obtains or has obtained a license to practice in the State through fraud of any kind;

(g) Has been convicted of a violation of any federal or state law relating to a controlled substance;

(h) ***Has, without proper verification, dispensed a lens, frame, specially fabricated optical device or other ophthalmic device that does not satisfy the minimum standards established by the Board pursuant to section*** ~~*[1]*~~ ***1.3 of this act;***

(i) Has violated any regulation of the Board;

~~[(i)]~~ ***(j)*** Has violated any provision of this chapter;

~~[(j)]~~ ***(k)*** Is incompetent;

~~[(k)]~~ ***(l)*** Is guilty of unethical or unprofessional conduct as determined by the Board;

~~[(l)]~~ ***(m)*** Is guilty of repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner; or

~~[(m)]~~ ***(n)*** Is guilty of a fraudulent or deceptive practice as determined by the Board,

➥ the Board may, in the case of an applicant, refuse to grant him a license, or may, in the case of a holder of a license, place him on probation, reprimand him publicly, require him to pay an administrative fine of not more than $10,000, suspend or revoke his license, or take any combination of these disciplinary actions.

2. The Board shall not privately reprimand a holder of a license.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 7. NRS 637.181 is hereby amended to read as follows:

637.181 Notwithstanding the provisions of chapter 622A of NRS:

1. The Board shall conduct an investigation if it receives a complaint that sets forth reason to believe that a person, without the proper license, is engaging in an activity for which a license is required pursuant to this chapter. The complaint must be:

(a) Made in writing; and

(b) Signed and verified by the person filing the complaint.

2. If the Board determines that a person, without the proper license, is engaging in an activity for which a license is required pursuant to this chapter, the Board ~~[shall]~~ ***:***

(a) Shall issue and serve on the person an order to cease and desist ***from*** engaging in the activity until such time as the person obtains the proper license from the Board.

~~[3. If a person upon whom an order to cease and desist is served does not comply with the order within 30 days after service, the Board shall,]~~

(b) May, after notice and opportunity for a hearing, impose upon the person an administrative fine of not more than $10,000. The imposition of an administrative fine is a final decision for the purposes of judicial review.

~~[4.]~~ ***3.*** An administrative fine imposed pursuant to this section is in addition to any other penalty provided in this chapter.

Sec. 8. NRS 637.190 is hereby amended to read as follows:

637.190 1. The district court in the county in which any hearing is being conducted by the Board may compel the attendance of witnesses, the giving of testimony and the production of books **,** ~~[and]~~ papers ***or documents*** as required by any subpoena issued by the Board.

2. If any witness refuses to attend or testify or produce any ***books,*** papers ***or documents*** required by such ***a*** subpoena, the Board may report to the district court for the county in which the hearing is pending by petition, setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books ~~[and papers;]~~ **,** ***papers or documents;***

(b) That the witness has been subpoenaed in the manner prescribed in NRS 637.040; and

(c) That the witness has failed and refused to attend or produce the ***books,*** papers ***or documents*** required by subpoena before the Board in the hearing named in the subpoena, or has refused to answer questions propounded to him in the course of ~~[such]~~ ***the*** hearing,

➥ and asking an order of the court compelling the witness to attend and testify or produce the books **,** ~~[or]~~ papers ***or documents*** before the Board.

3. The court, upon petition of the Board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in ~~[such]~~ ***the*** order, the time to be not more than 10 days ~~[from]~~ ***after*** the date of the order, and then and there show cause why he has not attended or testified or produced the books **,** ~~[or]~~ papers ***or documents*** before the Board. A certified copy of the order must be served upon the witness. If it appears to the court that the subpoena was regularly issued by the Board, the court may thereupon enter an order that the witness appear before the Board at the time and place fixed in the order and testify or produce the required books ~~[or papers,]~~ **,** ***papers or documents*** and upon failure to obey the order the witness shall be dealt with as for contempt of court.

Sec. 9. This act becomes effective on July 1, 2007.

Assemblywoman Allen moved the adoption of the amendment.

Remarks by Assemblyman Allen.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Madam Speaker gave notice that on the next legislative day she would move to reconsider the vote whereby Assembly Bill No. 238 was this day lost.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Carolyn Krack.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Skip Moeller, Matthew Carlson, and Amy Gookin.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Jeff Davis.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Fred Sicks and Sandy Sicks.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Bordewich-Bray Elementary School: Aiden Kendrick, Catie Taylor-Dillon, Christian Iriarte, Christopher Mattoon, Connor Johnson, Denver Scott, Donald Elkins, Emily Clark, Jada Robertson, Kaleb Gara, Kayla Vieyra, Kody Hipple, Leslie Segura, Luis Montes, Melany Sanchez, Michelle Nunez, Morgan Pruzzp, Nolan Sheldonh, Samantha Bentley, Sawyer Barnett, Skylar Thackston, Sophia Willams, Steven Flanagan, Taylor Dixon, Vencint Maes, Erik Aalgaard, Ashley Aalgaard and Shayla Aalgaard; teachers Jessica Granat and Rachel Barilla; chaperones Sherri Clark and Wendi Thackston.

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Minden Elementary School: Patrick Adams, Sarah Amador, Jenni Castillo Madrid, Hannah Colbert, Kathyn Crurnrine, Joseph Cruz, Amy Cullen, Vincent Garcia, Morgan Garside, Alexander Ghan, Maria Gudino-Cueva, Jackie Johnson, Luke Leonard, Connor Miller, Kendra Miller, Thomas Millsap, Thomas Palmer, Jarret Preston, Marcus Reyes, Lepollon Rose, Mikayla Slack, Jacob Stella, Tanner Thorson, Rebecca Valentine, Camry Varble, Brenhan Wylie, Julianna Allre, Gerardo Armenta Silva, Kyle Barnes, Lia Bordonaba, Samantha Brown, Roberto Castellanos, Andrew Cheechov, Casey Connolly, Alana Frederick, Luis Garcia Ramirez, Brittney Gilroy, Kristan Henie, Jacob Holley, Emily Holt, Brooke Hranek, Sierra Hughes, Cassidy Norton, Brooke Park, Christopher Presley, Luke Romero, Benjamin Sabin, Coby Souza, Katharine Teigen , Reid Winans, Alexander Wright, Daniel Gourlay, Brennan Callahan, Jaden Wass, Madeline Strauss and Megan Slobogin.

Assemblyman Oceguera moved that the Assembly adjourn until Tuesday, April 24, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 6:54 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE SEVENTY-NINTH DAY

CARSON CITY (Tuesday), April 24, 2007

Assembly called to order at 11:23 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Louie Locke.

Lord, as we gather in this place today, we give You thanks and praise because Your mercies are new every morning and Your thoughts toward us are gracious, long suffering, and abounding in goodness and truth. In the midst of the pressures and demands of this session, may we be reminded by King David's advice from Psalm 55: "Cast your burden on the Lord and He will sustain you. He will never permit the righteous to be moved."

May the people of Nevada benefit because of the wisdom and understanding You give to our legislators in their deliberations and decisions. Bless the men and women of this Assembly, their families and staff. In the Name of the Most High God,

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 304, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Education, to which was referred Senate Bill No. 151, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Senate Concurrent Resolution No. 18, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Health and Human Services.

BONNIE PARNELL, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 23, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 3, 72, 103, 105, 110, 113, 128, 146, 164, 198, 210, 237, 244, 245, 264, 275, 277, 279, 291, 298, 310, 313, 329, 352, 356, 357, 359, 367, 375, 399, 403, 425, 430, 454, 477, 491, 503, 529, 533, 535, 536; Senate Joint Resolution No. 10.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 92, 125, 157, 235, 319, 328, 405, 438, 450, 473.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that all rules be suspended, reading so far considered second reading, rules further suspended, all bills and resolutions reported out of committee be declared emergency measures under the Constitution, and placed on third reading and final passage.

Motion carried.

Assemblyman Oceguera moved that the reading of Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 3.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 72.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 92.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 103.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 105.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 110.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 113.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 125.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 128.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 146.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 157.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 164.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 198.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 210.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 235.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 237.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 244.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 245.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 264.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 275.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 277.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 279.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 291.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 298.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 310.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 313.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 319.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 328.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 329.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 352.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 356.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 357.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 359.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 367.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 375.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 399.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 403.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 405.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 425.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 430.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 438.

Assemblyman Oceguera moved that the bill be referred to the Select Committee on Corrections, Parole, and Probation.

Motion carried.

Senate Bill No. 450.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 454.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 473.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 477.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 491.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 503.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 529.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 533.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 535.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 536.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Parnell moved that Senate Concurrent Resolution No. 18 be rereferred to the Committee on Health and Human Services.

Motion carried.

Senate Joint Resolution No. 10.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 249.

Bill read third time.

Roll call on Assembly Bill No. 249:

YEAS—42.

NAYS—None.

Assembly Bill No. 249 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Oceguera moved that Assembly Bill No. 95 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 248 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 514 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 518 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 142 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 326 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 369 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 477 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 517 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 604 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 606 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 526 be taken from the Chief Clerk's desk and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 255 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:54 a.m.

ASSEMBLY IN SESSION

At 11:55 a.m.
Mr. Speaker pro Tempore presiding.
Quorum present.

In compliance with a notice given on a previous day, Assemblywoman Buckley moved that the vote whereby Assembly Bill No. 238 was passed be reconsidered.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 238 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Mr. Speaker pro Tempore announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:56 a.m.

ASSEMBLY IN SESSION

At 11:57 a.m.
Madam Speaker presiding.
Quorum present.

Assemblyman Oceguera moved that upon return from the printer all bills and resolutions be placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 255.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 626.

"SUMMARY—Revises ~~[and creates]~~ **certain** provisions relating to ~~[housing assistance.]~~ **accommodation.** (BDR 25-140)"

"AN ACT relating to ~~[housing;]~~ **accommodation;** providing for the creation and maintenance of a statewide low-income housing database; ~~[providing for the maintenance of the Nevada Housing Registry;]~~ creating new definitions of "affordable housing" and "attainable housing"; revising old definitions of "affordable housing"; revising provisions relating to "affordable housing" to include new definitions of "affordable housing" and "attainable housing"; **revising provisions regarding unlawful**

discrimination in public accommodations to include sexual orientation; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law contains numerous provisions relating to "affordable housing." (Chapters 233J, 244, 244A, 268, 277, 278, 279, 279A, 279B, 319, 349 and 375 of NRS).

Section 2 of this bill creates a new definition for "affordable housing" as housing affordable for a family with an income of 80 percent or less of their county median income. Section 18 of this bill creates a new definition for "attainable housing" as housing affordable for a family with an income of more than 80 percent but equal to or less than 120 percent of their county median income. Sections 6-17 and 19-45 of this bill make necessary amendments so that these new definitions apply throughout most of NRS.

Sections 3 and 4 of this bill provide for the creation and maintenance of a statewide low-income housing database. ~~[Sections 2.3 and 4 of this bill recognize the existence of the Nevada Housing Registry and provide for its maintenance.]~~ Section 5 of this bill requires that owners of residential rental units that are receiving or have received government money for those housing units must report certain information regarding those units on a quarterly basis.

Existing law declares that all persons are entitled to full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any places of public accommodation, without discrimination or segregation on the ground of race, color, religion, national origin or disability. (NRS 651.070) Sections 45.3-45.7 of this bill add sexual orientation as a class protected from discrimination in public accommodation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 319 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***"Affordable housing" means housing affordable for a family with a total gross income equal to or less than 80 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.***

Sec. 2.1. ~~*[*"Consortia" means the consortia described in 42 U.S.C. § 12746.*]*~~ **(Deleted by amendment.)**

Sec. 2.3. ~~*[*"Nevada Housing Registry" means the housing registry maintained as a joint project of:~~

~~*1. The Office of Disability Services created pursuant to NRS 426.235; and*~~

~~*2. The State Council on Developmental Disabilities established in this State pursuant to section 125 of the Developmental Disabilities Assistance*~~

~~*and Bill of Rights Act of 2000, 42 U.S.C. § 15025.]*~~ **(Deleted by amendment.)**

Sec. 2.7. ~~*[“Nevada Low-Income Housing Database” means the database created and maintained pursuant to section 3 of this act.]*~~ **(Deleted by amendment.)**

Sec. 3. ***1. The demographer employed pursuant to NRS 360.283 shall provide for the creation and maintenance of a statewide low-income housing database*** ***.*** ~~*[to be known as the Nevada Low-Income Housing Database.]*~~

2. The ~~*[Database]*~~ ***database must include, without limitation, the compilation and analysis of demographic, economic and housing data from a variety of sources that:***

(a) Provides for an annual assessment of the affordable housing market at the city and county level, including data relating to housing units, age of housing, rental rates and rental vacancy rates, new home sales and resale of homes, new construction permits, mobile homes, lots available for mobile homes, and conversions of multifamily condominiums;

(b) Addresses the housing needs of various population groups in Nevada, such as households that rent, homeowners, elderly households, veterans, persons with disabilities or special needs, homeless persons, recovering drug abusers, persons suffering from mental health ailments and abused women, with each group broken down to show the percentage of the population group at different income levels, and a determination of the number of households within each special needs group experiencing housing costs greater than 50 percent of their income, overcrowding or substandard housing;

(c) Contains an estimate of the number and condition of subsidized and other low-income housing units at the county level and the identification of any subsidized units that are forecast to convert to market-rate units within a 2-year planning period;

(d) Provides a demographic and economic overview by local and county jurisdiction, if feasible, for the population of Nevada, including age, race and ethnicity, household size, migration, current and forecast employment, household income and a summary relating to the effects of demographics and economic factors on housing demand;

(e) Provides the number of housing units available to a victim of domestic violence from any housing authority, as defined in NRS 315.021, and from participation in the program of housing assistance pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f; and

(f) Provides the number of terminations of victims of domestic violence in this State from the program of housing assistance pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f.

~~*[3. The Database created pursuant to this section must provide sufficient information to satisfy the requirements imposed by 24 C.F.R. Part 91 upon all relevant consortia and jurisdictions of this State.]*~~

Sec. 4. ~~[1. The costs of the Nevada Housing Registry must be paid from the Account for Low-Income Housing created pursuant to NRS 319.500. The amount used for the Registry must not exceed $50,000 per year.~~

~~2.]~~ ***The costs of the ~~[Nevada Low-Income Housing Database]~~ database described in section 3 of this act must be paid from the Account for Low-Income Housing created pursuant to NRS 319.500. The amount used for the ~~[Database]~~ database must not exceed ~~[$250,000]~~ $175,000 per year.***

Sec. 5. ***If an owner of residential housing that is accessible or affordable and is available for rent or lease in this State has received any loans, grants or contributions for the residential housing from the Federal Government, the State or any public body, the owner shall, not less than quarterly, report to the Office of Disability Services*** ~~[created pursuant to NRS 426.235, information to include the following:~~

~~1. Whether the housing is currently vacant or occupied;~~

~~2. The number of persons, if any, who are currently on a waiting list to rent or lease the housing;~~

~~3. The current duration of the waiting list to rent or lease the housing; and~~

~~4. Such additional information as the Office of Disability Services may direct, to allow a determination of whether a particular unit of housing may be appropriate for occupancy by persons in different demographic groups, including those based on income, age, level of disability, family size or any other relevant factors.]~~ ***of the Department of Health and Human Services all of those residential housing units which are available and suitable for persons with disabilities.***

Sec. 6. NRS 319.030 is hereby amended to read as follows:

319.030 As used in this chapter, the words and terms defined in NRS 319.040 to 319.135, inclusive, ***and ~~[sections 2, 2.1, 2.3 and 2.7]~~ section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 6.5. NRS 319.060 is hereby amended to read as follows:

319.060 "Eligible family" means a person or family, selected without regard to race, creed, national origin or sex, determined by the Division to require such assistance as is made available by this chapter on account of insufficient personal or family income after taking into consideration, without limitation, such factors as:

1. The amount of the total income of that person or family available for housing needs;

2. The size of the family;

3. The cost and condition of housing facilities available;

4. The ability of the person or family to compete successfully in the normal private housing market and to pay the amounts at which private enterprise is providing decent, safe and sanitary housing;

5. If appropriate, standards established for various federal programs determining eligibility based on income of those persons and families; and

6. Service in the Armed Forces of the United States with a minimum of 90 days on active duty at some time between:

(a) April 21, 1898, and June 15, 1903;

(b) April 6, 1917, and November 11, 1918;

(c) December 7, 1941, and December 31, 1946;

(d) June 25, 1950, and January 31, 1955; ~~[or]~~

(e) January 1, 1961, and May 7, 1975 ~~[,]~~ ***;***

(f) August 2, 1990, and April 3, 1991; or

(g) September 11, 2001, and the date on which the Federal Government declares officially that the War on Terror has ended,

➥ and at least 2 years' continuous residence in Nevada immediately preceding any application for assistance under this chapter.

Sec. 7. NRS 319.147 is hereby amended to read as follows:

319.147 1. The Division shall certify an assisted living facility for the purpose of providing services pursuant to the provisions of the home and community-based services waiver which are amended pursuant to NRS 422.2708 if the facility:

(a) Provides assisted living supportive services to senior citizens of low or moderate income;

(b) Provides or arranges for the provision of case management services for its residents;

(c) Guarantees ~~[affordable]~~ housing ***for persons of low or moderate income*** for a period of at least 15 years after the facility is certified;

(d) Is financed through tax credits relating to low-income housing or other public funds; and

(e) Satisfies any other requirements set forth by the Division in any regulations adopted by the Division.

2. The Division shall adopt regulations concerning the certification of assisted living facilities pursuant to this section.

3. As used in this section:

(a) "Assisted living facility" has the meaning ascribed to it in paragraph (a) of subsection 3 of NRS 422.2708.

(b) "Assisted living supportive services" has the meaning ascribed to it in paragraph (b) of subsection 3 of NRS 422.2708.

Sec. 8. NRS 319.510 is hereby amended to read as follows:

319.510 1. Money deposited in the Account for Low-Income Housing must be used:

(a) For the acquisition, construction or rehabilitation of housing for eligible families by public or private nonprofit charitable organizations, housing authorities or local governments through loans, grants or subsidies;

(b) To provide technical and financial assistance to public or private nonprofit charitable organizations, housing authorities and local governments for the acquisition, construction or rehabilitation of housing for eligible families;

(c) To provide funding for projects of public or private nonprofit charitable organizations, housing authorities or local governments that provide assistance to or guarantee the payment of rent or deposits as security for rent for eligible families, including homeless persons;

(d) To reimburse the Division for the costs of administering the Account; and

(e) In any other manner consistent with this section to assist eligible families in obtaining or keeping housing, including use as the State's contribution to facilitate the receipt of related federal money.

2. Except as otherwise provided in this subsection, the Division may expend ~~*[not more than 6 percent of the]*~~ money from ~~*[in]*~~ the Account as reimbursement for the necessary costs of efficiently administering ~~*[for the Division to:*~~

~~*(a) Efficiently administer]*~~ the Account and any money received pursuant to 42 U.S.C. §§ 12701 et seq. In no case may the Division expend more than $40,000 per year or an amount equal to 6 percent of any money made available to the State pursuant to 42 U.S.C. §§ 12701 et seq., whichever is greater. ***In addition, the Division may expend money from the Account as required by section 4 of this act.*** Of the ~~*[;*~~

~~*(b) Administer money in the Account that the Division allocates to local jurisdictions and consortia; and*~~

~~*(c) Pay the necessary administrative costs associated with programs the Division, local jurisdictions and consortia may fund with money from the Account.*~~

~~*3. The]*~~ remaining money allocated from the Account :

(a) ~~[Except as otherwise provided in subsection 3, 15]~~ ***Fifteen*** percent must be distributed to the Division of Welfare and Supportive Services of the Department of Health and Human Services for use in its program developed pursuant to 45 C.F.R. § 233.120 to provide emergency assistance to needy families with children, subject to the following:

(1) The Division of Welfare and Supportive Services shall adopt regulations governing the use of the money that are consistent with the provisions of this section.

(2) The money must be used solely for activities relating to low-income housing that are consistent with the provisions of this section.

(3) The money must be made available to families that have children and whose income is at or below the federally designated level signifying poverty.

(4) All money provided by the Federal Government to match the money distributed to the Division of Welfare and Supportive Services pursuant to this section must be expended for activities consistent with the provisions of this section.

(b) ~~*[, after the expenditures authorized pursuant to subsection 2, must be allocated as follows:*~~

~~*(a) Before the distribution of money for the purposes set forth in paragraphs (b) and (c), the Division must pay the necessary costs for:*~~

~~*(1) That portion of any Homeless Management Information System which is required by, but not paid for by, the Department of Housing and Urban Development;*~~

~~*(2) An amount not to exceed $50,000 per year to pay for the costs described in subsection 1 of section 4 of this act; and*~~

~~*(3) An amount not to exceed $250,000 per year to pay for the costs described in subsection 2 of section 4 of this act.*~~

~~*(b) Fifteen percent of the amount remaining after the expenditures required pursuant to paragraph (a) must be distributed to public or private nonprofit organizations, housing authorities and local governments for activities to prevent homelessness, including, but not limited to, assistance relating to emergency housing. All such money must be used to benefit persons and families with a total gross income equal to or less than 60 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.*~~

~~*(c)]*~~ Eighty-five percent ~~*[of the amount remaining after the expenditures required pursuant to paragraph (a)]*~~ must be distributed to public or private nonprofit charitable organizations, housing authorities and local governments for the acquisition, construction and rehabilitation of housing for eligible families, ~~*[purposes described in paragraphs (a), (b), (c) and (e) of subsection 1,]*~~ subject to the following:

(1) Priority must be given to those projects that qualify for the federal tax credit relating to low-income housing.

(2) Priority must be given to those projects that anticipate receiving federal money to match the state money distributed to them.

(3) Priority must be given to those projects that have the commitment of a local government to provide assistance to them.

(4) ~~[All]~~ ***Except as otherwise provided in this subparagraph, all*** money must be used to benefit families ~~[whose income does not exceed 60 percent of the median income for families residing in the same county, as defined by the United States Department of Housing and Urban Development.]~~ ***eligible for affordable housing. Money that is deposited in the Account pursuant to paragraph (a) of subsection 1 of NRS 375.070 must be used to benefit families with a total gross income equal to or less than 60 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.***

(5) Not less than 15 percent of the units acquired, constructed or rehabilitated must be affordable to persons whose income is at or below the federally designated level signifying poverty. For the purposes of this subparagraph, a unit is affordable if a family does not have to pay more than

30 percent of its gross income for housing costs, including both utility and mortgage or rental costs.

(6) To be eligible to receive money pursuant to this paragraph, a project must be sponsored by a local government.

~~[3. The Division may, pursuant to contract and in lieu of distributing money to the Division of Welfare and Supportive Services pursuant to paragraph (a) of subsection 2, distribute any amount of that money to private or public nonprofit entities for use consistent with the provisions of this section.]~~

~~*[4. As used in this section, "Homeless Management Information System" means an information system described in Homeless Management Information Systems (HMIS) Data and Technical Standards Notice; Notice, as issued by the Department of Housing and Urban Development in 68 Federal Register 43,430 on July 22, 2003.]*~~

Sec. 9. Chapter 233J of NRS is hereby amended by adding thereto the provisions set forth as sections 10, 11 and 12 of this act.

Sec. 10. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 233J.010 and sections 11 and 12 of this act have the meanings ascribed to them in those sections.***

Sec. 11. ***"Affordable housing" has the meaning ascribed to it in section 2 of this act.***

Sec. 12. ***"Attainable housing" has the meaning ascribed to it in section 18 of this act.***

Sec. 13. NRS 233J.010 is hereby amended to read as follows:

233J.010 ~~[As used in this chapter, unless the context otherwise requires,]~~ "Commission" means the Nevada Commission on Minority Affairs created by NRS 233J.020.

Sec. 14. NRS 233J.060 is hereby amended to read as follows:

233J.060 The Commission shall, within the limits of available money:

1. Study matters affecting the social and economic welfare and well-being of minorities residing in the State of Nevada;

2. Collect and disseminate information on activities, programs and essential services available to minorities in the State of Nevada;

3. Study the:

(a) Availability of employment for minorities in this State, and the manner in which minorities are employed;

(b) Manner in which minorities can be encouraged to start and manage their own businesses successfully; and

(c) Availability of affordable housing ***and attainable housing*** for minorities;

4. In cooperation with the Nevada Equal Rights Commission, act as a liaison to inform persons regarding:

(a) The laws of this State that prohibit discriminatory practices; and

(b) The procedures pursuant to which aggrieved persons may file complaints or otherwise take action to remedy such discriminatory practices;

5. To the extent practicable, strive to create networks within the business community between businesses that are owned by minorities and businesses that are not owned by minorities;

6. Advise the Governor on matters relating to minorities and of concern to minorities; and

7. Recommend proposed legislation to the Governor.

Sec. 15. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 16, 17 and 18 of this act.

Sec. 16. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 17 and 18 of this act have the meanings ascribed to them in those sections.***

Sec. 17. ***"Affordable housing" has the meaning ascribed to it in section 2 of this act.***

Sec. 18. ***"Attainable housing" means housing affordable for a family with a total gross income greater than 80 percent and equal to or less than 120 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.***

Sec. 19. NRS 244.189 is hereby amended to read as follows:

244.189 1. Except as otherwise provided in subsection 2 and in addition to any other powers authorized by specific statute, a board of county commissioners may exercise such powers and enact such ordinances, not in conflict with the provisions of NRS or other laws or regulations of this State, as the board determines are necessary and proper for:

(a) The development of affordable housing ~~[;]~~ ***and attainable housing;***

(b) The control and protection of animals;

(c) The rehabilitation of rental property in residential neighborhoods; and

(d) The rehabilitation of abandoned residential property.

2. The board of county commissioners shall not impose or increase a tax unless the tax or increase is otherwise authorized by specific statute.

3. The board of county commissioners may, in lieu of a criminal penalty, provide a civil penalty for a violation of an ordinance enacted pursuant to this section unless state law provides a criminal penalty for the same act or omission.

Sec. 20. NRS 244.287 is hereby amended to read as follows:

244.287 1. A nonprofit organization may submit to a board of county commissioners an application for conveyance of property that is owned by the county if the property was:

(a) Received by donation for the use and benefit of the county pursuant to NRS 244.270.

(b) Purchased by the county pursuant to NRS 244.275.

2. Before the board of county commissioners makes a determination on such an application for conveyance, it shall hold at least one public hearing

on the application. Notice of the time, place and specific purpose of the hearing must be:

(a) Published at least once in a newspaper of general circulation in the county.

(b) Mailed to all owners of record of real property which is located not more than 300 feet from the property that is proposed for conveyance.

(c) Posted in a conspicuous place on the property that is proposed for conveyance.

➥ The hearing must be held not ~~[fewer]~~ ***less*** than 10 days but not more than 40 days after the notice is published, mailed and posted in accordance with this subsection.

3. The board of county commissioners may approve such an application for conveyance if the nonprofit organization demonstrates to the satisfaction of the board that the organization or its assignee will use the property to develop affordable housing ~~[for families whose income at the time of application for such housing does not exceed 80 percent of the median gross income for families residing in the same county, as that percentage is defined by the United States Department of Housing and Urban Development.]~~ ***or attainable housing.*** If the board of county commissioners receives more than one application for conveyance of the property, the board must give priority to an application of a nonprofit organization that demonstrates to the satisfaction of the board that the organization or its assignee will use the property to develop affordable housing ***or attainable housing*** for persons who are disabled or elderly.

4. If the board of county commissioners approves an application for conveyance, it may convey the property to the nonprofit organization without consideration. Such a conveyance must not be in contravention of any condition in a gift or devise of the property to the county.

5. As a condition to the conveyance of the property pursuant to subsection 4, the board of county commissioners shall enter into an agreement with the nonprofit organization that requires the nonprofit organization or its assignee to use the property to provide affordable housing ***or attainable housing, as applicable,*** for at least 50 years. If the nonprofit organization or its assignee fails to use the property to provide affordable housing ***or attainable housing, as applicable,*** pursuant to the agreement, the board of county commissioners may take reasonable action to return the property to use as affordable housing ~~[.]~~ ***or attainable housing, as applicable,*** including, without limitation:

(a) Repossessing the property from the nonprofit organization or its assignee.

(b) Transferring ownership of the property from the nonprofit organization or its assignee to another person or governmental entity that will use the property to provide affordable housing ~~[.]~~ ***or attainable housing, as applicable.***

6. The agreement required by subsection 5 must be recorded in the office of the county recorder of the county in which the property is located and must specify:

(a) The number of years for which the nonprofit organization or its assignee must use the property to provide affordable housing ~~[,]~~ ***or attainable housing, as applicable;*** and

(b) The action that the board of county commissioners will take if the nonprofit organization or its assignee fails to use the property to provide affordable housing ***or attainable housing, as applicable,*** pursuant to the agreement.

7. A board of county commissioners that has conveyed property pursuant to subsection 4 shall:

(a) Prepare annually a list which includes a description of all property that was conveyed to a nonprofit organization pursuant to this section; and

(b) Include the list in the annual audit of the county which is conducted pursuant to NRS 354.624.

8. If, 5 years after the date of a conveyance pursuant to subsection 4, a nonprofit organization or its assignee has not commenced construction of affordable housing ~~[,]~~ ***or attainable housing, as applicable,*** or entered into such contracts as are necessary to commence the construction of affordable housing ~~[,]~~ ***or attainable housing, as applicable,*** the property that was conveyed automatically reverts to the county.

9. A board of county commissioners may subordinate the interest of the county in property conveyed pursuant to subsection 4 to a first or subsequent holder of a mortgage on that property to the extent the board deems necessary to promote investment in the construction of affordable housing ~~[.]~~ ***or attainable housing, as applicable.***

10. As used in this section, unless the context otherwise requires, "nonprofit organization" means an organization that is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3).

Sec. 21. NRS 268.058 is hereby amended to read as follows:

268.058 1. A nonprofit organization may submit to the governing body of a city an application for conveyance of property that is owned by the city if the property was purchased or received by the city pursuant to NRS 268.008.

2. Before the governing body makes a determination on such an application for conveyance, it shall hold at least one public hearing on the application. Notice of the time, place and specific purpose of the hearing must be:

(a) Published at least once in a newspaper of general circulation in the city.

(b) Mailed to all owners of record of real property which is located not more than 300 feet from the property that is proposed for conveyance.

(c) Posted in a conspicuous place on the property that is proposed for conveyance.

➥ The hearing must be held not ~~[fewer]~~ ***less*** than 10 days but not more than 40 days after the notice is published, mailed and posted in accordance with this subsection.

3. The governing body may approve such an application for conveyance if the nonprofit organization demonstrates to the satisfaction of the governing body that the organization or its assignee will use the property to develop affordable housing ~~[for families whose income at the time of application for such housing does not exceed 80 percent of the median gross income for families residing in the same city, as that percentage is defined by the United States Department of Housing and Urban Development.]~~ ***or attainable housing.*** If the governing body receives more than one application for conveyance of the property, the governing body must give priority to an application of a nonprofit organization that demonstrates to the satisfaction of the governing body that the organization or its assignee will use the property to develop affordable housing ***or attainable housing*** for persons who are disabled or elderly.

4. If the governing body approves an application for conveyance, it may convey the property to the nonprofit organization without consideration. Such a conveyance must not be in contravention of any condition in a gift or devise of the property to the city.

5. As a condition to the conveyance of the property pursuant to subsection 4, the governing body shall enter into an agreement with the nonprofit organization that requires the nonprofit organization or its assignee to use the property to provide affordable housing ***or attainable housing, as applicable,*** for at least 50 years. If the nonprofit organization or its assignee fails to use the property to provide affordable housing ***or attainable housing, as applicable,*** pursuant to the agreement, the governing body may take reasonable action to return the property to use as affordable housing ~~[,]~~ ***or attainable housing, as applicable,*** including, without limitation:

(a) Repossessing the property from the nonprofit organization or its assignee.

(b) Transferring ownership of the property from the nonprofit organization or its assignee to another person or governmental entity that will use the property to provide affordable housing ~~[.]~~ ***or attainable housing, as applicable.***

6. The agreement required by subsection 5 must be recorded in the office of the county recorder of the county in which the property is located and must specify:

(a) The number of years for which the nonprofit organization or its assignee must use the property to provide affordable housing ~~[;]~~ ***or attainable housing, as applicable;*** and

(b) The action that the governing body will take if the nonprofit organization or its assignee fails to use the property to provide affordable housing ***or attainable housing, as applicable,*** pursuant to the agreement.

7. A governing body that has conveyed property pursuant to subsection 4 shall:

(a) Prepare annually a list which includes a description of all property conveyed to a nonprofit organization pursuant to this section; and

(b) Include the list in the annual audit of the city which is conducted pursuant to NRS 354.624.

8. If, 5 years after the date of a conveyance pursuant to subsection 4, a nonprofit organization or its assignee has not commenced construction of affordable housing ~~[,]~~ ***or attainable housing, as applicable,*** or entered into such contracts as are necessary to commence the construction of affordable housing ~~[,]~~ ***or attainable housing, as applicable,*** the property that was conveyed automatically reverts to the city.

9. A governing body may subordinate the interest of the city in property conveyed pursuant to subsection 4 to a first or subsequent holder of a mortgage on that property to the extent the governing body deems necessary to promote investment in the construction of affordable housing ~~[.]~~ ***or attainable housing, as applicable.***

10. As used in this section, unless the context otherwise requires, "nonprofit organization" means an organization that is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3).

11. As used in this section:

(a) "Affordable housing" has the meaning ascribed to it in section 2 of this act; and

(b) "Attainable housing" has the meaning ascribed to it in section 18 of this act.

Sec. 22. NRS 268.190 is hereby amended to read as follows:

268.190 Except as otherwise provided by law, the city planning commission may:

1. Recommend and advise the city council and all other public authorities concerning:

(a) The laying out, widening, extending, paving, parking and locating of streets, sidewalks and boulevards.

(b) The betterment of housing and sanitary conditions, and the establishment of zones or districts within which lots or buildings may be restricted to residential use, or from which the establishment, conduct or operation of certain business, manufacturing or other enterprises may be excluded, and limiting the height, area and bulk of buildings and structures therein.

2. Recommend to the city council and all other public authorities plans and regulations for the future growth, development and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, which must include for each city a population plan if required by NRS 278.170 and a plan for the development of affordable housing ~~[.]~~ ***and attainable housing.***

3. Perform any other acts and things necessary or proper to carry out the provisions of NRS 268.110 to 268.220, inclusive, and in general to study and propose such measures as may be for the municipal welfare and in the interest of protecting the municipal area's natural resources from impairment.

4. As used in this section:

(a) "Affordable housing" has the meaning ascribed to it in section 2 of this act; and

(b) "Attainable housing" has the meaning ascribed to it in section 18 of this act.

Sec. 23. NRS 277.360 is hereby amended to read as follows:

277.360 1. A regional development district may establish a nonprofit corporation for any purpose for which the district is authorized to act pursuant to NRS 277.300 to 277.390, inclusive, including increasing the supply of affordable housing ***and attainable housing*** and improving opportunities for home ownership in a development region. A nonprofit corporation formed pursuant to this section may, among other things, acquire land and buildings, accept private, state and federal grant and loan funds, construct and rehabilitate housing units, and buy, sell or manage housing within the boundaries of the development district.

2. A regional development district may receive and administer private, state and federal affordable housing ***and attainable housing*** funds to increase the supply of affordable housing ***and attainable housing*** and to improve opportunities for home ownership within the boundaries of the district. The creation of a regional development district does not affect the right of a county or city to receive and administer affordable housing ***or attainable housing*** funds or to develop and implement subregional affordable housing ***or attainable housing*** programs.

3. As used in this section:

(a) "Affordable housing" has the meaning ascribed to it in section 2 of this act.

(b) "Attainable housing" has the meaning ascribed to it in section 18 of this act.

Sec. 24. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

"Attainable housing" has the meaning ascribed to it in section 18 of this act.

Sec. 25. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and section 24 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0105 to 278.0195, inclusive, ***and section 24 of this act*** have the meanings ascribed to them in those sections.

Sec. 26. NRS 278.0105 is hereby amended to read as follows:

278.0105 "Affordable housing" ~~[means housing affordable for a family with a total gross income less than 110 percent of the median gross income for the county concerned based upon the estimates of the United States~~

~~Department of Housing and Urban Development of the most current median gross family income for the county.]~~ ***has the meaning ascribed to it in section 2 of this act.***

Sec. 27. NRS 278.020 is hereby amended to read as follows:

278.020 1. For the purpose of promoting health, safety, morals, or the general welfare of the community, the governing bodies of cities and counties are authorized and empowered to regulate and restrict the improvement of land and to control the location and soundness of structures.

2. Any such regulation, restriction and control must take into account:

(a) The potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment; and

(b) The availability of and need for affordable housing ***and attainable housing*** in the community, including affordable housing ***and attainable housing*** that is accessible to persons with disabilities.

Sec. 28. NRS 278.02095 is hereby amended to read as follows:

278.02095 1. Except as otherwise provided in this section, in an ordinance relating to the zoning of land adopted or amended by a governing body, the definition of "single-family residence" must include a manufactured home.

2. Notwithstanding the provisions of subsection 1, a governing body shall adopt standards for the placement of a manufactured home that will not be affixed to a lot within a mobile home park which require that:

(a) The manufactured home:

(1) Be permanently affixed to a residential lot;

(2) Be manufactured within the 5 years immediately preceding the date on which it is affixed to the residential lot;

(3) Have exterior siding and roofing which is similar in color, material and appearance to the exterior siding and roofing primarily used on other single-family residential dwellings in the immediate vicinity of the manufactured home, as established by the governing body;

(4) Consist of more than one section; and

(5) Consist of at least 1,200 square feet of living area unless the governing body, by administrative variance or other expedited procedure established by the governing body, approves a lesser amount of square footage based on the size or configuration of the lot or the square footage of single-family residential dwellings in the immediate vicinity of the manufactured home; and

(b) If the manufactured home has an elevated foundation, the foundation is masked architecturally in a manner determined by the governing body.

➥ The governing body of a local government in a county whose population is less than 40,000 may adopt standards that are less restrictive than the standards set forth in this subsection.

3. Standards adopted by a governing body pursuant to subsection 2 must be objective and documented clearly and must not be adopted to discourage

or impede the construction or provision of affordable housing ~~[,]~~ ***or attainable housing,*** including, without limitation, the use of manufactured homes for affordable housing ~~[.]~~ ***or attainable housing.***

4. Before a building department issues a permit to place a manufactured home on a lot pursuant to this section, other than a new manufactured home, the owner must surrender the certificate of ownership to the Manufactured Housing Division of the Department of Business and Industry. The Division shall provide proof of such a surrender to the owner who must submit that proof to the building department.

5. The provisions of this section do not abrogate a recorded restrictive covenant prohibiting manufactured homes nor do the provisions apply within the boundaries of a historic district established pursuant to NRS 384.005 or 384.100. An application to place a manufactured home on a residential lot pursuant to this section constitutes an attestation by the owner of the lot that the placement complies with all covenants, conditions and restrictions placed on the lot and that the lot is not located within a historic district.

6. As used in this section:

(a) "Manufactured home" has the meaning ascribed to it in NRS 489.113.

(b) "New manufactured home" has the meaning ascribed to it in NRS 489.125.

Sec. 29. NRS 278.160 is hereby amended to read as follows:

278.160 1. Except as otherwise provided in subsection 4 of NRS 278.150 and subsection 3 of NRS 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following subject matter or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) Community design. Standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(b) Conservation plan. For the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, solar or wind energy, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The plan must also indicate the maximum tolerable level of air pollution.

(c) Economic plan. Showing recommended schedules for the allocation and expenditure of public money in order to provide for the economical and timely execution of the various components of the plan.

(d) Historical properties preservation plan. An inventory of significant historical, archaeological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(e) Housing plan. The housing plan must include, without limitation:

(1) An inventory of housing conditions, needs and plans and procedures for improving housing standards and for providing adequate housing.

(2) An inventory of affordable housing ***and attainable housing*** in the community.

(3) An analysis of the demographic characteristics of the community.

(4) A determination of the present and prospective need for affordable housing ***and attainable housing*** in the community.

(5) An analysis of any impediments to the development of affordable housing ***and attainable housing*** and the development of policies to mitigate those impediments.

(6) An analysis of the characteristics of the land that is the most appropriate for the construction of affordable housing ~~[.]~~ ***and attainable housing.***

(7) An analysis of the needs and appropriate methods for the construction of affordable housing ***and attainable housing*** or the conversion or rehabilitation of existing housing to affordable housing ~~[.]~~ ***or attainable housing.***

(8) A plan for maintaining and developing affordable housing ***and attainable housing*** to meet the housing needs of the community.

(f) Land use plan. An inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan:

(1) Must address, if applicable, mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts.

(2) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.

(g) Population plan. An estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

(h) Public buildings. Showing locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

(i) Public services and facilities. Showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145.

(j) Recreation plan. Showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails,

reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

(k) Rural neighborhoods preservation plan. In any county whose population is 400,000 or more, showing general plans to preserve the character and density of rural neighborhoods.

(l) Safety plan. In any county whose population is 400,000 or more, identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The plan may set forth policies for avoiding or minimizing the risks from those hazards.

(m) School facilities plan. Showing the general locations of current and future school facilities based upon information furnished by the appropriate local school district.

(n) Seismic safety plan. Consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

(o) Solid waste disposal plan. Showing general plans for the disposal of solid waste.

(p) Streets and highways plan. Showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

(q) Transit plan. Showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.

(r) Transportation plan. Showing a comprehensive transportation system, including, without limitation, locations of rights-of-way, terminals, viaducts and grade separations. The plan may also include port, harbor, aviation and related facilities.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other subjects as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, ***and section 24 of this act*** prohibits the preparation and adoption of any such subject as a part of the master plan.

Sec. 30. NRS 278.230 is hereby amended to read as follows:

278.230 1. Except as otherwise provided in subsection 4 of NRS 278.150, whenever the governing body of any city or county has adopted a master plan or part thereof for the city or county, or for any major section or district thereof, the governing body shall, upon recommendation of the planning commission, determine upon reasonable and practical means for putting into effect the master plan or part thereof, in order that the same will serve as:

(a) A pattern and guide for that kind of orderly physical growth and development of the city or county which will cause the least amount of natural resource impairment and will conform to the adopted population plan, where required, and ensure an adequate supply of housing, including affordable housing ~~[.]~~ ***and attainable housing;*** and

(b) A basis for the efficient expenditure of funds thereof relating to the subjects of the master plan.

2. The governing body may adopt and use such procedure as may be necessary for this purpose.

Sec. 31. NRS 278.250 is hereby amended to read as follows:

278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive, ***and section 24 of this act,*** the governing body may divide the city, county or region into zoning districts of such number, shape and area as are best suited to carry out the purposes of NRS 278.010 to 278.630, inclusive ~~[.]~~ ***, and section 24 of this act.*** Within the zoning district, it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

2. The zoning regulations must be adopted in accordance with the master plan for land use and be designed:

(a) To preserve the quality of air and water resources.

(b) To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment.

(c) To consider existing views and access to solar resources by studying the height of new buildings which will cast shadows on surrounding residential and commercial developments.

(d) To reduce the consumption of energy by encouraging the use of products and materials which maximize energy efficiency in the construction of buildings.

(e) To provide for recreational needs.

(f) To protect life and property in areas subject to floods, landslides and other natural disasters.

(g) To conform to the adopted population plan, if required by NRS 278.170.

(h) To develop a timely, orderly and efficient arrangement of transportation and public facilities and services, including public access and sidewalks for pedestrians, and facilities and services for bicycles.

(i) To ensure that the development on land is commensurate with the character and the physical limitations of the land.

(j) To take into account the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development.

(k) To promote health and the general welfare.

(l) To ensure the development of an adequate supply of housing for the community, including the development of affordable housing ~~[.]~~ ***and attainable housing.***

(m) To ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods.

(n) To promote systems which use solar or wind energy.

3. The zoning regulations must be adopted with reasonable consideration, among other things, to the character of the area and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, county or region.

4. In exercising the powers granted in this section, the governing body may use any controls relating to land use or principles of zoning that the governing body determines to be appropriate, including, without limitation, density bonuses, inclusionary zoning and minimum density zoning.

5. As used in this section:

(a) "Density bonus" means an incentive granted by a governing body to a developer of real property that authorizes the developer to build at a greater density than would otherwise be allowed under the master plan, in exchange for an agreement by the developer to perform certain functions that the governing body determines to be socially desirable, including, without limitation, developing an area to include a certain proportion of affordable housing ~~[.]~~ ***or attainable housing.***

(b) "Inclusionary zoning" means a type of zoning pursuant to which a governing body requires or provides incentives to a developer who builds residential dwellings to build a certain percentage of those dwellings as affordable housing ~~[.]~~ ***or attainable housing.***

(c) "Minimum density zoning" means a type of zoning pursuant to which development must be carried out at or above a certain density to maintain conformance with the master plan.

Sec. 32. Chapter 279 of NRS is hereby amended by adding thereto the provisions set forth as sections 33 and 34 of this act.

Sec. 33. ***"Affordable housing" has the meaning ascribed to it in section 2 of this act.***

Sec. 34. ***"Attainable housing" has the meaning ascribed to it in section 18 of this act.***

Sec. 35. NRS 279.384 is hereby amended to read as follows:

279.384 As used in NRS 279.382 to 279.685, inclusive, ***and sections 33 and 34 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 279.386 to 279.414, inclusive, ***and sections 33 and 34 of this act*** have the meanings ascribed to them in those sections.

Sec. 36. NRS 279.397 is hereby amended to read as follows:

279.397 "Low-income household" means a household ~~[,]~~ which may include one or more persons ~~[, whose total gross income is less than 80 percent of the median gross income for households of the same size within the same geographic region.]~~ ***and which is eligible for affordable housing or attainable housing.***

Sec. 37. NRS 279.425 is hereby amended to read as follows:

279.425 It is further found and declared that:

1. The provision of housing is a fundamental purpose of the Community Redevelopment Law and that a generally inadequate supply of decent, safe and sanitary housing available to low-income households threatens the accomplishment of the primary purposes of the Community Redevelopment Law, including, without limitation, creating new employment opportunities, attracting new private investments of money in the area and creating physical, economic, social and environmental conditions to remove and prevent the recurrence of blight.

2. The provision and improvement of housing which can be rented or sold to families with low incomes and which is inside or outside the boundaries of the redevelopment area can be of direct benefit to the redevelopment area in assisting the accomplishment of project objectives whether or not the redevelopment plan provides for housing within the project area.

3. The provision of affordable housing ***and attainable housing*** by redevelopment agencies and the use of taxes allocated to the agency pursuant thereto is of statewide benefit and assistance to all local governmental agencies in the areas where housing is provided.

Sec. 38. NRS 279A.010 is hereby amended to read as follows:

279A.010 The Legislature hereby finds and declares that:

1. There exists within the urban areas of this State a large number of deteriorated, substandard and unsanitary residential properties because of the inability of their owners, for whatever reason, to pay for their repair and maintenance;

2. These properties are a threat not only to the health, safety and well-being of the persons who occupy them but also to neighboring persons and property;

3. There is also a shortage of decent ~~[, safe]~~ and ***safe*** affordable housing ~~[for persons of low or moderate income]~~ ***and attainable housing*** and the counties and cities of this State have an obligation to encourage persons who own residential property to maintain that property in a decent, safe and sanitary condition;

4. It is in the public interest to encourage the preservation and maintenance of ***affordable housing and attainable*** housing in this State ***,*** ~~[for persons of low or moderate income,]~~ in order to improve ~~[their]~~ living conditions and, in doing so, to benefit the health, safety and welfare of the people of this State; and

5. The provisions of this chapter are in addition to, and do not abrogate or limit the application of, any other provisions of law granting to a county or city the authority to:

(a) Develop affordable housing ~~[,]~~ ***and attainable housing;*** and

(b) Rehabilitate residential neighborhoods and individual properties within those neighborhoods.

Sec. 39. NRS 279A.020 is hereby amended to read as follows:

279A.020 As used in this chapter, unless the context otherwise requires:

1. ***"Affordable housing" has the meaning ascribed to it in section 2 of this act.***

2. "Agency" means an agency of a county or city established or designated to administer a program.

~~[2.]~~ ***3. "Attainable housing" has the meaning ascribed to it in section 18 of this act.***

4. "Fund" means a revolving fund for loans for the rehabilitation of residential property.

~~[3.]~~ ***5.*** "Governing body" means the governing body of a county or city.

~~[4.]~~ ***6.*** "Program" means a program for the rehabilitation of residential neighborhoods established by a governing body pursuant to this chapter.

~~[5.]~~ ***7.*** "Rehabilitation" includes structural improvements, landscaping and any other measure to improve the appearance of property or maintain property in a decent, safe and sanitary condition.

Sec. 40. NRS 279A.040 is hereby amended to read as follows:

279A.040 1. An applicant for a loan for the rehabilitation of residential property must, at the time application is made:

(a) Be a natural person who:

(1) Is a resident of or an owner of residential property in the city or an unincorporated area of the county, as the case may be;

(2) Is a member of a household ~~[having a gross income of less than 80 percent of the median gross income for households of the same size residing in the same county or city, as applicable, as that percentage is defined by the United States Department of Housing and Urban Development, or rents residential property to such households;]~~ ***eligible for affordable housing or attainable housing;***

(3) Owns and resides on or rents for residential purposes only the property for which the loan is sought;

(4) Has the financial resources to repay the loan in accordance with the terms of the agreement;

(5) Has the ability to complete the rehabilitation within a reasonable time and maintain the property in a decent, safe and sanitary condition; and

(6) Meets such other requirements as are imposed by the governing body; or

(b) Be an organization that:

(1) Is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3) or 501(c)(4);

(2) Provides affordable housing ***or attainable housing*** to natural persons who meet the criteria set forth in subparagraphs (1) and (2) of paragraph (a); and

(3) Has the financial resources to repay the loan in accordance with the terms of the agreement.

2. Any residential property for which a loan for rehabilitation is sought must be:

(a) Entirely situated within the boundaries of the city or within an unincorporated area of the county, as the case may be;

(b) Capable of rehabilitation within reasonable limits; and

(c) Subject to not more than two encumbrances.

Sec. 41. NRS 279B.010 is hereby amended to read as follows:

279B.010 The Legislature hereby finds and declares that:

1. There exists within the urban areas of this State a large number of deteriorated, substandard and unsanitary residential properties which have been abandoned by their owners;

2. These properties are a threat to the health, safety and well-being of the persons occupying neighboring properties;

3. There is also a shortage of decent ~~[, safe]~~ and ***safe*** affordable housing ~~[for persons of low or moderate income]~~ ***and attainable housing*** and the counties and cities of this State have an obligation to provide ~~[such persons]~~ ***their residents*** with an opportunity to obtain residential property;

4. It is in the public interest to encourage the preservation and maintenance of ***affordable housing and attainable*** housing in this State ***,*** ~~[for persons of low or moderate income,]~~ in order to improve ~~[their]~~ living conditions and, in doing so, to benefit the health, safety and welfare of the people of this State; and

5. The provisions of this chapter are in addition to, and do not abrogate or limit the application of, any other provisions of law granting to a county or city the authority to:

(a) Develop affordable housing ~~[,]~~ ***and attainable housing;*** and

(b) Rehabilitate abandoned residential properties.

Sec. 42. NRS 279B.020 is hereby amended to read as follows:

279B.020 As used in this chapter, unless the context otherwise requires:

1. "Abandoned residential property" means residential property which has been:

(a) Acquired by the governing body pursuant to the provisions of NRS 361.603 or subsection 3 of NRS 279B.100, or by a grant from the Federal Government, the state government or any political subdivision of the State;

(b) Declared to have been abandoned by the Federal Government, the state government or the governing body; and

(c) Determined by the governing body to be in need of rehabilitation because of its deteriorated, substandard or unsanitary condition.

2. ***"Affordable housing" has the meaning ascribed to it in section 2 of this act.***

3. "Agency" means an agency of a county or city established or designated to administer a program.

4. "Attainable housing" has the meaning ascribed to it in section 18 of this act.

~~[3.]~~ ***5.*** "Governing body" means the governing body of a county or city.

~~[4.]~~ ***6.*** "Program" means a program for the rehabilitation of abandoned residential properties established by a governing body pursuant to this chapter.

~~[5.]~~ ***7.*** "Rehabilitation" includes structural improvements, landscaping and any other measure to improve the appearance of property or maintain property in a decent, safe and sanitary condition.

Sec. 43. NRS 279B.040 is hereby amended to read as follows:

279B.040 1. An applicant for rehabilitation of abandoned residential property must, at the time application is made:

(a) Be a natural person who:

(1) Is a resident of the city or an unincorporated area of the county, as the case may be;

(2) Is a member of a household ~~[having a gross income of less than 80 percent of the median gross income for households of the same size residing in the same county or city, as applicable, as that percentage is defined by the United States Department of Housing and Urban Development;]~~ ***eligible for affordable housing or attainable housing;***

(3) Intends to reside on the abandoned residential property for which the rehabilitation is sought;

(4) Has the financial resources to rehabilitate the abandoned residential property in accordance with the terms of the agreement;

(5) Has the ability to complete the rehabilitation within a reasonable time and maintain the property in a decent, safe and sanitary condition; and

(6) Meets such other requirements as are imposed by the governing body; or

(b) Be an organization that:

(1) Is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3) or 501(c)(4);

(2) Provides affordable housing ***or attainable housing*** to natural persons who meet the criteria set forth in subparagraphs (1) and (2) of paragraph (a); and

(3) Has the financial resources to rehabilitate the abandoned residential property in accordance with the terms of the agreement.

2. Any abandoned residential property for which an application for the rehabilitation is sought must be:

(a) Entirely situated within the boundaries of the city or within an unincorporated area of the county, as the case may be;

(b) Capable of rehabilitation within reasonable limits; and

(c) Subject to not more than two encumbrances.

Sec. 44. NRS 375.010 is hereby amended to read as follows:

375.010 1. The following terms, wherever used or referred to in this chapter, have the following meaning unless a different meaning clearly appears in the context:

(a) ***"Affordable housing" has the meaning ascribed to it in section 2 of this act.***

(b) "Attainable housing" has the meaning ascribed to it in section 18 of this act.

(c) "Buyer" means a person or other legal entity acquiring title to any estate or present interest in real property in this State by deed, including, without limitation, a grantee or other transferee of real property.

~~[(b)]~~ ***(d)*** "Deed" means every instrument in writing, whatever its form and by whatever name it is known in law, by which title to any estate or present interest in real property, including a water right, permit, certificate or application, is conveyed or transferred to, and vested in, another person, except that the term does not include:

(1) A lease for any term of years;

(2) An easement;

(3) A deed of trust or common-law mortgage instrument that encumbers real property;

(4) A last will and testament;

(5) A distribution of the separate property of a decedent pursuant to chapter 134 of NRS;

(6) An affidavit of a surviving tenant;

(7) A conveyance of a right-of-way; or

(8) A conveyance of an interest in gas, oil or minerals.

~~[(c)]~~ ***(e)*** "Escrow" means the delivery of a deed by the seller into the hands of a third person, including an attorney, title company, real estate broker or other person engaged in the business of administering escrows for compensation, to be held by the third person until the happening of a contingency or performance of a condition, and then to be delivered by the third person to the buyer.

~~[(d)]~~ ***(f)*** "Seller" means a person or other legal entity transferring title to any estate or present interest in real property in this State by deed, including, without limitation, a grantor or other transferor of real property.

~~[(e)]~~ ***(g)*** "Value" means:

(1) In the case of any deed which is not a gift, the amount of the full purchase price paid or to be paid for the real property.

(2) In the case of a gift, or any deed with nominal consideration or without stated consideration, the estimated fair market value of the property.

2. As used in paragraph ~~[(e)]~~ ***(g)*** of subsection 1, "estimated fair market value" means the estimated price the real property would bring on the open market in a sale between a willing buyer and a willing seller. Such price may be derived from the assessor's taxable value or the prior purchase price, if the prior purchase was within the 5 years immediately preceding the date of valuation, whichever is higher.

Sec. 45. NRS 375.070 is hereby amended to read as follows:

375.070 1. The county recorder shall transmit the proceeds of the tax imposed by NRS 375.020 at the end of each quarter in the following manner:

(a) An amount equal to that portion of the proceeds which is equivalent to 10 cents for each $500 of value or fraction thereof must be transmitted to the

State Controller who shall deposit that amount in the Account for Low-Income Housing created pursuant to NRS 319.500.

(b) In a county whose population is more than 400,000, an amount equal to that portion of the proceeds which is equivalent to 60 cents for each $500 of value or fraction thereof must be transmitted to the county treasurer for deposit in the county school district's fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund.

(c) The remaining proceeds must be transmitted to the State Controller for deposit in the Local Government Tax Distribution Account created by NRS 360.660 for credit to the respective accounts of Carson City and each county.

2. In addition to any other authorized use of the proceeds it receives pursuant to subsection 1, a county or city may use the proceeds to pay expenses related to or incurred for the development of affordable housing ~~[for families whose income does not exceed 80 percent of the median income for families residing in the same county, as that percentage is defined by the United States Department of Housing and Urban Development.]~~ ***and attainable housing.*** A county or city that uses the proceeds in that manner must give priority to the development of affordable housing ***and attainable housing*** for persons who are disabled or elderly.

3. The expenses authorized by subsection 2 include, but are not limited to:

(a) The costs to acquire land and developmental rights;

(b) Related predevelopment expenses;

(c) The costs to develop the land, including the payment of related rebates;

(d) Contributions toward down payments made for the purchase of affordable housing ~~[.]~~ ***and attainable housing;*** and

(e) The creation of related trust funds.

Sec. 45.3. **NRS 651.050 is hereby amended to read as follows:**

651.050 As used in NRS 651.050 to 651.110, inclusive, unless the context otherwise requires:

1. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

2. "Place of public accommodation" means:

(a) Any inn, hotel, motel or other establishment which provides lodging to transient guests, except an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of the establishment as his residence;

(b) Any restaurant, bar, cafeteria, lunchroom, lunch counter, soda fountain, casino or any other facility where food or spirituous or malt liquors are sold, including any such facility located on the premises of any retail establishment;

(c) Any gasoline station;

(d) Any motion picture house, theater, concert hall, sports arena or other place of exhibition or entertainment;

(e) Any auditorium, convention center, lecture hall, stadium or other place of public gathering;

(f) Any bakery, grocery store, clothing store, hardware store, shopping center or other sales or rental establishment;

(g) Any laundromat, dry cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, office of an accountant or lawyer, pharmacy, insurance office, office of a provider of health care, hospital or other service establishment;

(h) Any terminal, depot or other station used for specified public transportation;

(i) Any museum, library, gallery or other place of public display or collection;

(j) Any park, zoo, amusement park or other place of recreation;

(k) Any nursery, private school or university or other place of education;

(l) Any day care center, senior citizen center, homeless shelter, food bank, adoption agency or other social service establishment;

(m) Any gymnasium, health spa, bowling alley, golf course or other place of exercise or recreation;

(n) Any other establishment or place to which the public is invited or which is intended for public use; and

(o) Any establishment physically containing or contained within any of the establishments described in paragraphs (a) to (n), inclusive, which holds itself out as serving patrons of the described establishment.

3. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 45.5. **NRS 651.070 is hereby amended to read as follows:**

651.070 All persons are entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation, without discrimination or segregation on the ground of race, color, religion, national origin ~~[or disability.]~~ ***, disability or sexual orientation.***

Sec. 45.7. **NRS 651.110 is hereby amended to read as follows:**

651.110 Any person who believes he has been denied full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation because of discrimination or segregation based on race, color, religion, national origin ~~,~~ ~~[or]~~ disability ***or sexual orientation*** may file a complaint to that effect with the Nevada Equal Rights Commission.

Sec. 46. The provisions of sections 9 to 13, inclusive, of this act expire by limitation when NRS 233J.010 expires by limitation. The provisions of section 14 of this act expire by limitation when NRS 233J.060 expires by limitation.

Sec. 47. 1. This section and sections 9 to 14, inclusive, of this act become effective on June 30, 2007.

2. Sections 1 to 8, inclusive, and 15 to 46, inclusive, of this act become effective on July 1, 2007.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Remarks by Assemblymen Hardy and Kirkpatrick.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that upon return from the printer Assembly Bill No. 255 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 142.

Bill read third time.

Remarks by Assemblymen Christensen and Arberry.

Roll call on Assembly Bill No. 142:

YEAS—42.

NAYS—None.

Assembly Bill No. 142 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 326.

Bill read third time.

Remarks by Assemblymen Mortenson, Goicoechea, and Carpenter.

Roll call on Assembly Bill No. 326:

YEAS—27.

NAYS—Allen, Beers, Carpenter, Christensen, Cobb, Gansert, Goedhart, Goicoechea, Grady, Hardy, Mabey, Marvel, Settelmeyer, Stewart, Weber—15.

Assembly Bill No. 326 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 369.

Bill read third time.

The following amendment was proposed by Assemblymen Horne and Anderson:

Amendment No. 624.

"SUMMARY—Makes various changes to provisions governing the civil commitment of a person found not guilty by reason of insanity. (BDR 14-1155)"

"AN ACT relating to criminal procedure; providing for annual evaluations and the discharge or conditional release of a person who is committed to the custody of the Administrator of the Division of Mental Health and

Developmental Services of the Department of Health and Human Services after an acquittal by reason of insanity in certain circumstances; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires a court to order a person who is acquitted by reason of insanity committed to the custody of the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services if the court determines that there is clear and convincing evidence that the person is mentally ill. (NRS 175.539) Existing law provides that such a person committed to the custody of the Administrator is generally subject to the same procedures upon commitment as a person who is committed to the custody of the Administrator because he is incompetent to stand trial. (NRS 175.539, 178.400-178.460)

Sections 4-13 of this bill establish the procedures governing the discharge or conditional release of a person who is committed to the custody of the Administrator following an acquittal by reason of insanity. Section 10 provides that such a person is eligible for discharge or conditional release from custody if he establishes by a preponderance of the evidence that he would not be a danger, as a result of any mental disorder, to himself or others. Section 11 provides that an initial hearing to determine whether a person is eligible for discharge or conditional release must be held not later than 60 days after the person has been committed to the custody of the Administrator, except in certain circumstances. Not later than 21 days before this hearing and annually thereafter, the Administrator shall prepare a report concerning the condition of the person and provide a copy of it to the person, his attorney, the prosecuting attorney and the court. **The opinion of the Administrator included in the report concerning whether or not the person should be discharged or conditionally released may be challenged by either the person committed to the custody of the Administrator or the district attorney.** Section 12 provides that if a person is not discharged or conditionally released from the custody of the Administrator following his initial hearing, the person may petition annually for a discharge or conditional release. Section 12 further provides that the Division may petition for a discharge or conditional release at any time if the petition is accompanied by the affidavit of a physician or licensed psychologist which states that the person's mental condition has improved since the most recent hearing concerning the discharge or conditional release of the person.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 175.539 is hereby amended to read as follows:

175.539 1. Where on a trial a defense of insanity is interposed by the defendant and he is acquitted by reason of that defense, the finding of the jury pending the judicial determination pursuant to subsection 2 has the same effect as if he were regularly adjudged insane, and the judge must:

(a) Order a peace officer to take the person into protective custody and transport him to a forensic facility for detention pending a hearing to determine his mental health;

(b) Order the examination of the person by two psychiatrists, two psychologists, or one psychiatrist and one psychologist who are employed by a division facility; and

(c) At a hearing in open court, receive the report of the examining advisers and allow counsel for the State and for the person to examine the advisers, introduce other evidence and cross-examine witnesses.

2. If the court finds, after the hearing:

(a) That there is not clear and convincing evidence that the person is a mentally ill person, the court must order his discharge; or

(b) That there is clear and convincing evidence that the person is a mentally ill person, the court must order that he be committed to the custody of the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services until he is ~~[regularly]~~ discharged ***or conditionally released*** therefrom in accordance with ~~[law.]~~ ***sections 4 to 13, inclusive, of this act.***

➥ The court shall issue its finding within 90 days after the defendant is acquitted.

3. The Administrator shall make the ~~[same]~~ reports and the court shall proceed in the ~~[same]~~ manner ~~[in the case of a person committed to the custody of the Division of Mental Health and Developmental Services pursuant to this section as of a person committed because he is incompetent to stand trial pursuant to NRS 178.400 to 178.460, inclusive, except]~~ ***provided in sections 4 to 13, inclusive, of this act.*** ~~[that the determination to be made by the Administrator and the district judge on the question of release is whether the person has recovered from his mental illness or has improved to such an extent that he is no longer a mentally ill person.]~~

4. As used in this section, unless the context otherwise requires:

(a) "Division facility" has the meaning ascribed to it in NRS 433.094.

(b) "Forensic facility" means a secure facility of the Division of Mental Health and Developmental Services of the Department of Health and Human Services for mentally disordered offenders and defendants. The term includes, without limitation, Lakes Crossing Center.

(c) "Mentally ill person" has the meaning ascribed to it in ~~[NRS 433A.115.]~~ ***section 9 of this act.***

Sec. 2. (Deleted by amendment.)

Sec. 3. Chapter 178 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 13, inclusive, of this act.

Sec. 4. ***As used in sections 4 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 to 9, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 5. ***"Administrator" means the Administrator of the Division.***

Sec. 6. ***"Division" means the Division of Mental Health and Developmental Services of the Department of Health and Human Services.***

Sec. 7. ***"Division facility" has the meaning ascribed to it in NRS 433.094.***

Sec. 8. ***"Mental disorder" means a mental illness that results from a psychiatric or neurological disorder that so substantially impairs the mental or emotional functioning of the person as to make care or treatment necessary or advisable for the welfare of the person or for the safety of the person or property of another and includes, without limitation, mental retardation and related conditions.***

Sec. 9. ***"Mentally ill person" means a person who has a mental disorder.***

Sec. 10. ***1. The Administrator or his designee shall keep each mentally ill person committed to his custody pursuant to NRS 175.539 under observation.***

2. A person committed to the custody of the Administrator pursuant to NRS 175.539 is eligible for:

(a) Discharge from commitment if the person establishes by a preponderance of the evidence that he would not be a danger, as a result of any mental disorder, to himself or to the person or property of another if discharged; or

(b) Conditional release from commitment if the person establishes by a preponderance of the evidence that he would not be a danger, as a result of any mental disorder, to himself or to the person or property of another if released from commitment with conditions imposed by the court in consultation with the Division.

3. If a person who is conditionally released from the custody of the Administrator fails to comply with any condition imposed by the court, the court shall issue an order to have the person recommitted to the custody of the Administrator.

Sec. 11. ***1. Except as otherwise provided in this section, a court must hold a hearing not later than 60 days after:***

(a) A person is committed to the custody of the Administrator pursuant to NRS 175.539; or

(b) The Division or the person committed to the custody of the Administrator files a petition for discharge or conditional release pursuant to section 12 of this act.

2. During the hearing held pursuant to subsection 1, the court shall consider any relevant information that will enable the court to determine whether the person is eligible for discharge or conditional release pursuant to section 10 of this act. The court may postpone the hearing described in this subsection for good cause or upon agreement by the person committed to the custody of the Administrator, the court and the Division.

3. Not later than 21 days before the date of the hearing held pursuant to paragraph (a) of subsection 1 and annually thereafter, the Administrator

or his designee shall prepare a written report stating whether, in his opinion, upon medical consultation, the person who was committed to the custody of the Administrator has recovered from his mental disorder or has improved to such an extent that he is no longer a mentally ill person ***[.]*** ***and whether or not, in his opinion, the person should be discharged or conditionally released.*** ***If the Administrator or his designee determines that the person has not recovered from his mental disorder or has not improved to such an extent that he is no longer a mentally ill person, the Administrator or his designee shall include in the report his opinion concerning whether:***

(a) There is a substantial probability that the person may receive treatment and recover from his mental disorder or improve to such an extent that he is no longer a mentally ill person in the foreseeable future; and

(b) The person is at that time a danger to himself or to society.

4. If the opinion of Administrator included in the report prepared pursuant to subsection 3 provides that:

(a) The person committed to his custody should not be discharged or conditionally released, the person who is committed may overcome the opinion of the Administrator by proving the elements necessary for discharge or conditional release pursuant to subsection 2 of section 10 of this act by a preponderance of the evidence.

(b) The person committed to his custody should be discharged or conditionally released, the district attorney may overcome the opinion of the Administrator by proving by a preponderance of the evidence that the person continues to be a mentally ill person.

5. Within the period prescribed in subsection 3, the Administrator or his designee shall provide a copy of the report to:

(a) The person committed to the custody of the Administrator and his attorney;

(b) The prosecuting attorney; and

(c) The court.

Sec. 12. ***1. A person committed to the custody of the Administrator pursuant to NRS 175.539 may petition the court for discharge or conditional release not sooner than 1 year after the person is committed to the custody of the Administrator and not more than once each year thereafter.***

2. The Division may file a petition for the discharge or conditional release of a person committed to the custody of the Administrator pursuant to NRS 175.539 at any time if the petition is accompanied by an affidavit of a physician or licensed psychologist which states that the mental disorder of the person has improved since the date of the most recent hearing concerning the discharge or conditional release of the person such that the physician or licensed psychologist recommends the discharge or conditional release of the person.

3. A person who is committed to the custody of the Administrator pursuant to NRS 175.539 may apply for discharge or conditional release pursuant to subsection 1 by:

(a) Filing a petition for discharge or conditional release with the court that ordered the person committed pursuant to NRS 175.539; and

(b) Providing a copy of the petition to the Division and the prosecuting attorney.

4. The Division may file a petition for discharge or conditional release pursuant to subsection 2 by:

(a) Filing the petition with the court that ordered the person committed to the custody of the Administrator pursuant to NRS 175.539;

(b) Including with the petition an affidavit of a physician or licensed psychologist pursuant to subsection 2; and

(c) Providing a copy of the petition to the person committed to the custody of the Administrator, his attorney and the prosecuting attorney.

Sec. 13. ***1. When a person is conditionally released pursuant to sections 4 to 13, inclusive, of this act:***

(a) The State and any of its agents or employees are not liable for any debts or contractual obligations, medical or otherwise, incurred or damages caused by the actions of the person; and

(b) The court shall order the restoration of full civil and legal rights as deemed necessary to facilitate the person's rehabilitation.

2. When a person is conditionally released pursuant to sections 4 to 13, inclusive, of this act, the court shall order the Division to conduct an evaluation of the person as often as is deemed necessary to determine whether the person:

(a) Has complied with the conditions of his release; or

(b) Presents a clear and present danger of harm to himself or others.

3. The court may order a person who is conditionally released pursuant to sections 4 to 13, inclusive, of this act returned to the custody of the Administrator if the court determines that the conditional release is no longer appropriate because that person:

(a) Has violated a condition of his release; or

(b) Presents a clear and present danger of harm to himself or others.

Sec. 14. NRS 178.399 is hereby amended to read as follows:

178.399 As used in NRS ~~[178.400]~~ ***178.399*** to 178.460, inclusive, unless the context otherwise requires, "treatment to competency" means treatment provided to a defendant to attempt to cause him to attain competency to stand trial or receive pronouncement of judgment.

Sec. 15. The amendatory provisions of this act concerning the discharge or conditional release of a person committed to the custody of the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services pursuant to NRS 175.539 apply to any such person who is in the custody of the Administrator on or after October 1, 2007.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 477.

Bill read third time.

Remarks by Assemblymen Manendo and Mabey.

Roll call on Assembly Bill No. 477:

YEAS—27.

NAYS—Allen, Beers, Christensen, Cobb, Gansert, Goedhart, Goicoechea, Grady, Hardy, Mabey, Marvel, Settelmeyer, Stewart, Weber—14.

NOT VOTING—Carpenter.

Assembly Bill No. 477 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 517.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 517:

YEAS—42.

NAYS—None.

Assembly Bill No. 517 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 604.

Bill read third time.

The following amendment was proposed by Assemblymen Conklin and Koivisto:

Amendment No. 620.

"SUMMARY—Revises provisions governing petitions for statewide initiatives and referenda. (BDR 24-1396)"

"AN ACT relating to elections; requiring certain persons or groups of persons advocating the passage or defeat of certain initiatives or referenda to provide various information to the Secretary of State concerning campaign contributions, expenditures and expenses; requiring public hearings to be conducted concerning certain initiatives and referenda; requiring circulators of certain petitions to attach an affidavit to each document of the petition; requiring circulators of certain petitions to disclose their status as volunteer or paid circulators; authorizing the Legislative Counsel to provide technical suggestions regarding certain initiatives and referenda; providing a civil penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Chapter 294A of NRS governs campaign practices. NRS 294A.150 and 294A.220 require persons or groups of persons advocating the passage or defeat of a question on a ballot to submit reports to the Secretary of State on

campaign contributions, expenditures and expenses. Section 3 of this bill creates a new section for persons and groups of persons advocating the passage or defeat of a constitutional amendment or a statewide measure proposed by an initiative or referendum and that have received or expended at least $10,000 for that purpose. The provisions of this new section require such persons or groups to submit similar campaign contribution and expense reports to the Secretary of State on a different schedule and with certain additional information. Section 4 of this bill requires such persons and groups to appoint a resident agent who lives in Nevada, regardless of the amount of money they have received or expended. Section 5 of this bill requires such persons and groups to file an organizational statement with the Secretary of State, regardless of the amount of money they have received or expended. Section 6 of this bill requires such persons and groups who pay others to circulate petitions to disclose certain financial information to the Secretary of State. Section 13 of this bill provides that such persons and groups who violate section 3 are subject to civil penalties.

Chapter 295 of NRS governs petitions for statewide and local initiatives and referenda. Section 15 of this bill requires the Director of the Legislative Counsel Bureau to hold public hearings on statewide initiatives and referenda. Section 16 of this bill requires petition circulators to attach an affidavit to each document of a petition attesting to the veracity of each signature. Section 17 of this bill prohibits paying people to sign petitions. Section 18 of this bill requires petition circulators to disclose whether they are paid or volunteer circulators.

Existing law requires the Secretary of State to consult with the Fiscal Analysis Division of the Legislative Counsel Bureau regarding the possible financial effect on the State of any initiative or referendum. (NRS 295.015) Section 20 of this bill requires the Secretary of State also to consult with the Legislative Counsel regarding each initiative or referendum and authorizes the Legislative Counsel to make technical suggestions regarding the petition.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on his Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388; and

(c) All reports on campaign contributions and expenditures submitted to the Secretary of State pursuant to the provisions of NRS 294A.120,

294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 ~~[.]~~ ***and section 3 of this act.***

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 2. Chapter 294A of NRS is hereby amended by adding thereto the sections set forth as sections 3 to 6, inclusive, of this act.

Sec. 3. ***1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum, including, without limitation, the initiation or circulation thereof, and who receives or expends money in an amount in excess of $10,000 for such advocacy shall, not later than the dates listed in subsection 2, report:***

(a) Each campaign contribution in excess of $100 received during each period described in subsection 2;

(b) Contributions received during each period described in subsection 2 from a contributor which cumulatively exceed $100;

(c) Each expenditure in excess of $100 the person or group of persons makes during each period described in subsection 2; and

(d) The total amount of money the person or group of persons has at the beginning of each period described in subsection 2, accounting for all contributions received and expenditures made during each previous period.

2. Every person or group of persons required to report pursuant to subsection 1 shall file that report with the Secretary of State:

(a) For the period beginning on the first day a copy of the petition may be filed with the Secretary of State before it is circulated for signatures pursuant to Section 1 or Section 2 of Article 19 of the Nevada Constitution, as applicable, and ending on the following March 31, not later than April 15;

(b) For the period beginning on April 1 and ending on July 31, not later than August 15;

(c) For the period beginning on August 1 and ending on September 30, not later than October 15; and

(d) For the period beginning on October 1 and ending on December 31, not later than the following January 15.

3. The name and address of the contributor and the date on which the contribution was received must be included on each report for each contribution in excess of $100 and contributions which a contributor has

made cumulatively in excess of that amount since the beginning of the applicable reporting period.

4. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in each report.

5. Each report required pursuant to this section must:

(a) Be on the form designed and provided by the Secretary of State pursuant to NRS 294A.373; and

(b) Be signed by the person or a representative of the group of persons under penalty of perjury.

6. A person or group of persons may mail or transmit each report to the Secretary of State by certified mail, regular mail, facsimile machine or electronic means or may deliver the report personally.

7. A report shall be deemed to be filed with the Secretary of State:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the Secretary of State if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

Sec. 4. ***Each person or group of persons organized formally or informally who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum shall appoint and keep within this State a resident agent who must be a natural person who resides in this State.***

Sec. 5. ***1. Each person or group of persons organized formally or informally who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum, before engaging in any such advocacy in this State, shall file a statement of organization with the Secretary of State as provided in subsection 2.***

2. Each statement of organization must include:

(a) The name of the person or group of persons;

(b) The purpose for which the person or group of persons is organized;

(c) The names ~~*[,]*~~ ***and*** ***addresses*** ~~*[and telephone numbers]*~~ ***of any officers of the person or group of persons;***

(d) If the person or group of persons is affiliated with or is retained by any other person or group for the purpose of advocating the passage or defeat of a constitutional amendment or statewide measure proposed by initiative or referendum, the name ~~*[,]*~~ ***and*** ***address*** ~~*[and telephone number]*~~ ***of each such other person or group; and***

(e) The name, address and telephone number of the resident agent of the person or group of persons.

3. A person or group of persons which has filed a statement of organization pursuant to this section shall file an amended statement with the Secretary of State within 30 days of any changes to the information required pursuant to subsection 2.

Sec. 6. ***1. Each person or group of persons organized formally or informally who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum that provides compensation to persons to circulate petitions shall report to the Secretary of State:***

(a) The number of persons to whom such compensation is provided;

(b) The least amount of such compensation that is provided and the greatest amount of such compensation that is provided; and

(c) The total amount of compensation provided.

2. The Secretary of State shall make public any information received pursuant to this section.

Sec. 7. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. ~~[Every]~~ ***Except as otherwise provided in section 3 of this act, every*** person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election ~~[and every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of $10,000 to support such initiation or circulation]~~ shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $100 received during that period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury. The provisions of this subsection apply to the person or group of persons:

(a) Each year in which an election or city election is held for each question for which the person or group advocates passage or defeat ***;*** ~~[or each year in which a person or group receives or expends money in excess of $10,000 to support the initiation or circulation of a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum;]~~ and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after

January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through June 30 of that year,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

4. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. ~~[Every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of $10,000 to support such initiation or circulation shall comply with the requirements of this subsection.]~~ A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date that the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

6. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall report each of the contributions received on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. A person may mail or transmit his report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. If the person or group of persons is advocating passage or defeat of a group of questions **,** ~~[or is receiving or expending money to support a group of petitions for constitutional amendments, a group of petitions for statewide measures proposed by initiative or referendum or a group of petitions for both constitutional amendments and statewide measures proposed by initiative or referendum,]~~ the reports must be itemized by question or petition.

10. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

Sec. 8. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. ~~[Every]~~ ***Except as otherwise provided in section 3 of this act, every*** person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election ~~[and every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of $10,000 to support such initiation or circulation]~~ shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury. The provisions of this subsection apply to the person or group of persons:

(a) Each year in which an election or city election is held for a question for which the person or group advocates passage or defeat ***;*** ~~[or each year in which a person or group of persons receives or expends money in excess of $10,000 to support the initiation or circulation of a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum;]~~ and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through the June 30 immediately preceding that July 15,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury.

3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. ~~[Every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of $10,000 to support such initiation or circulation shall~~

~~comply with the requirements of this subsection.]~~ A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

4. Except as otherwise provided in subsection 5, every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

5. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing,

television and radio broadcasting or other production of the media, must be included in the report.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of questions **,** ~~[or a group of petitions for constitutional amendments, a group of petitions for statewide measures proposed by initiative or referendum or a group of petitions for both constitutional amendments and statewide measures proposed by initiative or referendum,]~~ the reports must be itemized by question or petition. A person may mail or transmit his report to the appropriate filing officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the filing officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the filing officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

Sec. 9. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report of expenditures required pursuant to NRS 294A.210, 294A.220 and 294A.280 ***and section 3 of this act*** must consist of a list of each expenditure in excess of $100 that was made during the periods for reporting. Each report of expenses required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each expense in excess of $100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the expense or expenditure and the date on which the expense was incurred or the expenditure was made.

2. The categories of expense or expenditure for use on the report of expenses or expenditures are:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Expenses related to travel;

(d) Expenses related to advertising;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid; and

(j) Other miscellaneous expenses.

3. Each report of expenses or expenditures described in subsection 1 must list the disposition of any unspent campaign contributions using the categories set forth in subsection 2 of NRS 294A.160.

Sec. 10. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design a single form to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 [.] ***and section 3 of this act.***

2. The form designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

3. Upon request, the Secretary of State shall provide a copy of the form designed pursuant to this section to each person, committee, political party and group that is required to file a report described in subsection 1.

4. The Secretary of State must obtain the advice and consent of the Legislative Commission before providing a copy of a form designed or revised by the Secretary of State pursuant to this section to a person, committee, political party or group that is required to use the form.

Sec. 11. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;

2. An acceptance of candidacy;

3. The registration of a committee for political action pursuant to NRS 294A.230 or a committee for the recall of a public officer pursuant to NRS 294A.250; or

4. The reporting of campaign contributions, expenses or expenditures pursuant to NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360, ***or section 3 of this act,***

➥ shall furnish the candidate with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360 ***or section 3 of this act*** relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420 must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 12. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 and 294A.280, ***and***

section 3 of this act, prepare and make available for public inspection a compilation of:

1. The total campaign contributions, the contributions which are in excess of $100 and the total campaign expenses of each of the candidates from whom reports of those contributions and expenses are required.

2. The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the total amount of written commitments for contributions received by a candidate.

3. The contributions made to a committee for the recall of a public officer in excess of $100.

4. The expenditures exceeding $100 made by a:

(a) Person on behalf of a candidate other than himself.

(b) Person or group of persons on behalf of or against a question or group of questions on the ballot.

(c) Group of persons advocating the election or defeat of a candidate.

(d) Committee for the recall of a public officer.

5. The contributions in excess of $100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.

(b) A person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot.

(c) A committee for political action, political party or committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates.

Sec. 13. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280 or 294A.360 ***or section 3 of this act*** has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a person or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.128, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280, 294A.300, 294A.310, 294A.320 or 294A.360 ***or section 3 of this act*** is subject to a civil penalty of not more than $5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District

Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a person or entity has reported its contributions, expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

Sec. 14. Chapter 295 of NRS is hereby amended by adding thereto the sections set forth as sections 15 to 18, inclusive, of this act.

Sec. 15. ***1. The Director of the Legislative Counsel Bureau shall hold a public hearing on each petition for initiative or referendum that has been filed with the Secretary of State.***

2. Each public hearing required pursuant to this section must be held not later than 10 days nor more than 20 days before the general election at which the initiative or referendum is submitted for popular vote.

3. The Legislative Counsel Bureau shall provide such staff as is necessary to provide appropriate research and analysis of the initiative or referendum at each public hearing required pursuant to this section.

4. Each public hearing required pursuant to this section must be an opportunity for public discussion of:

(a) Technical matters relating to the petition, including, without limitation, compliance with the requirements of NRS 295.009; and

(b) The substantive content of the initiative or referendum.

Sec. 16. ***A petition for initiative or referendum may consist of more than one document. Each document of a petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:***

1. That he personally circulated the document;

2. The number of signatures thereon;

3. That all the signatures were affixed in his presence;

4. That he believes the signatures to be the genuine signatures of the persons whose names they purport to be; and

5. That each signer had an opportunity before signing to read the full text of the act or resolution on which the initiative or referendum is demanded.

Sec. 17. ***A person shall not give compensation of any kind to any person in exchange for signing a petition for initiative or referendum.***

Sec. 18. ***Each person circulating a petition for initiative or referendum who:***

1. Is not receiving or will not receive any compensation for circulating the petition shall disclose to signers of the petition his status as a volunteer;

2. Is receiving or will receive any compensation for circulating the petition shall disclose to signers of the petition his status as a paid circulator.

Sec. 19. (Deleted by amendment.)

Sec. 20. NRS 295.015 is hereby amended to read as follows:

295.015 1. Before a petition for initiative or referendum may be presented to the registered voters for their signatures, a copy of the petition for initiative or referendum, including the description required pursuant to NRS 295.009, must be placed on file with the Secretary of State.

2. Upon receipt of a petition for initiative or referendum placed on file pursuant to subsection 1 ~~[, the]~~ ***:***

(a) The Secretary of State shall consult with the Fiscal Analysis Division of the Legislative Counsel Bureau to determine if the initiative or referendum may have any anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters. If the Fiscal Analysis Division determines that the initiative or referendum may have an anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters, the Division must prepare a fiscal note that includes an explanation of any such effect.

(b) The Secretary of State shall consult with the Legislative Counsel regarding the petition for initiative or referendum. The Legislative Counsel may provide technical suggestions regarding the petition for initiative or referendum.

3. Not later than 10 business days after the Secretary of State receives a petition for initiative or referendum filed pursuant to subsection 1, the Secretary of State shall post a copy of the petition, including the description required pursuant to NRS 295.009 ***,*** ~~[and]~~ any fiscal note prepared pursuant to subsection 2 ~~[.]~~ ***and any suggestions made by the Legislative Counsel pursuant to subsection 2,*** on his Internet website.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 606.

Bill read third time.

The following amendment was proposed by Assemblymen Conklin and Koivisto:

Amendment No. 619.

"SUMMARY—Revises provisions relating to petitions for statewide initiatives and referenda. (BDR 24-1395)"

"AN ACT relating to elections; requiring certain persons or groups of persons advocating the passage or defeat of a constitutional amendment or statewide measure proposed by initiative or referendum to register with the Secretary of State; prohibiting the compensation of persons who gather signatures on certain petitions on the basis of the number of signatures gathered; requiring persons who gather signatures on certain petitions to be residents of this State; requiring the Secretary of State to make public certain information; amending provisions relating to legal challenges to certain petitions; providing a civil penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Chapter 294A of NRS governs campaign practices. Section 2 of this bill requires certain persons or groups of persons advocating the passage or defeat of a statewide initiative or referendum to register with the Secretary of State. Section 3 of this bill prohibits the compensation of persons who gather signatures on statewide initiative and referendum petitions on a per-signature basis. Section 4 of this bill requires each person gathering signatures on a petition to be a resident of Nevada. Section 5 of this bill provides that a person or group of persons required to register with the Secretary of State pursuant to section 3 who fail to so register or who compensate a signature gatherer in violation of section 3 is subject to a civil penalty.

Chapter 295 of NRS governs petitions for statewide and local initiatives and referenda. Section 7 of this bill requires the Secretary of State to make public certain information regarding petition signatures. Section 8 of this bill provides that the use of an intentional misrepresentation or other fraudulent means to obtain signatures on petitions or forging signatures on petitions is prohibited and provides that the consequence of such behavior is the invalidation of signatures collected by the person found to have committed such behavior or the invalidation of all signatures collected on behalf of the group found to have committed such behavior.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. Each person or group of persons organized formally or informally who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by initiative or referendum shall register, before engaging in any such advocacy in this State, with the Secretary of State on forms supplied by the Secretary of State.***

2. The form must require:

(a) The name of the person or group;

(b) The purpose for which the person or group is organized;

(c) The names ~~[,]~~ ***and addresses*** ~~[and telephone numbers]~~ ***of any officers of the person or group; and***

(d) If the person or group is affiliated with or is retained by any other person or group for the purpose of advocating the passage or defeat of a constitutional amendment or statewide measure proposed by initiative or referendum, the name ~~[,]~~ ***and address*** ~~[and telephone number]~~ ***of each such other person or group.***

Sec. 3. ***A person or group of persons organized formally or informally who compensates in any way a person who gathers signatures on a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or referendum shall not compensate such a person on the basis of the number of signatures gathered.***

Sec. 4. ***Each person who gathers signatures on a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or referendum must be a resident of this State.***

Sec. 5. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280 or 294A.360 ***or section 2 of this act*** has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a person or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.128, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280, 294A.300, 294A.310, 294A.320 or 294A.360 ***or section 2 or 3 of this act*** is subject to a civil penalty of not more than $5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a person or entity has reported its contributions, expenses or expenditures after the date the report is due,

except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

Sec. 6. Chapter 295 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 and 8 of this act.

Sec. 7. ***After a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or referendum is submitted for signature verification to the county clerk, the county clerk shall make true and correct copies of all the documents of the petition and signatures thereon and shall make such copies and signatures available to the public for a period of not less than 14 days.***

Sec. 8. ***1. A person or group of persons who is required to register pursuant to section 2 of this act or a person who circulates a petition to collect signatures in support thereof on behalf of such a person or group of persons shall not:***

(a) Intentionally misrepresent the contents of a petition or the effect that such a petition would have if enacted into law or otherwise engage in any fraudulent behavior to induce another person to sign a petition; or

(b) Forge signatures on such a petition.

2. If the Secretary of State receives information indicating that a person or group has violated the provisions of subsection 1, the Secretary of State may, after giving notice to that person and the person or group who is required to register with the Secretary of State pursuant to section 2 of this act, cause the appropriate proceedings to be instituted in the First Judicial District Court.

3. If the First Judicial District Court determines that the person or group violated the provisions of subsection 1, the First Judicial District

Court shall disqualify all the signatures that were collected by that person or all the signatures collected on behalf of the group, unless the person or group who is required to register with the Secretary of State pursuant to section 2 of this act proves by clear and convincing evidence that each person who signed the documents of the petition circulated by that person or group intended to sign and support the petition despite the misrepresentations or other fraudulent behavior.

Sec. 9. **(Deleted by amendment.)**

Sec. 10. **(Deleted by amendment.)**

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 304.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 444.

"SUMMARY—Makes various changes to provisions relating to manufactured home parks. (BDR 10-1119)"

"AN ACT relating to manufactured home parks; revising the provisions relating to the review of rental agreements and other residency documents; revising the provisions relating to certain repairs to a manufactured home; making changes pertaining to rules and regulations of a manufactured home park; revising the provisions relating to meetings between a landlord and tenants under certain circumstances; requiring a landlord to pay certain costs associated with the conversion of a manufactured home park; increasing the amount of the limitation on the lien of a landlord; prohibiting local governing bodies from restricting the installation of certain manufactured homes; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law establishes provisions relating to rental agreements and other residency documents. (NRS 118B.040) Section 1 of this bill removes the requirement that a landlord must allow a tenant to review such documents for 72 hours during which time a landlord is not prevented from accepting another tenant for the same residency. Instead, section 1 requires a landlord to give a prospective tenant a copy of the rental agreement ~~[and]~~ **, a copy of the rules and regulations of the manufactured home park,** any existing notices of the sale, closure or conversion of the manufactured home park ~~[at the time the tenant makes an application for tenancy.]~~ **and any other residency documents before requiring or accepting any application fee.**

Existing law sets forth requirements relating to the repair of a manufactured home and prohibits a landlord from allowing a third party to make such repairs under certain circumstances. (NRS 118B.097) Section 2 of this bill ~~[adds a nonexclusive list of repairs that affect life, health or safety.]~~

replaces a prohibition on allowing a third party to make repairs that affect life, health or safety with a list of specific repairs that a landlord may not allow a third party to make. Section 2 also prohibits landlords from employing certain persons to make such repairs.

Section 3 of this bill revises the provisions relating to a landlord's adoption of rules and regulations concerning a manufactured home park and provides that a properly adopted or amended rule or regulation supersedes any inconsistent prior rule or regulation. (NRS 118B.100) Section 3 also requires a landlord to provide a copy of such rules and regulations to a tenant at the time the tenant enters into a rental agreement.

Existing law establishes provisions relating to meetings between a landlord and representative groups of tenants to hear complaints and suggestions regarding a manufactured home park. (NRS 118B.110) Section 4 of this bill **provides for a natural person designated by the owner to meet with tenants for such purposes. Section 4 also prohibits a manager** ~~[who resides at the park]~~ from meeting with tenants for such purposes unless the manager ~~[is also the landlord.]~~ **, the landlord and the owner are all the same natural person.**

Existing law requires a landlord to pay to a tenant the fair market value of a manufactured home under certain circumstances during the conversion of a manufacture home park. (NRS 118B.183) Section 5 of this bill requires a landlord to pay costs associated with determining the market value of such manufactured homes and the reasonable cost of removing and disposing of such homes.

Section 6 of this bill increases the limitation on the amount of a lien that a landlord may hold for the total amount due and unpaid for rentals and utilities from $2,000 to $5,000.

Existing law allows local governing bodies to adopt certain ordinances and regulations relating to manufactured homes. (NRS 278.0209, 278.02095, 489.288) Sections 7-9 of this bill prohibit local governing bodies from restricting the installation of manufactured homes based on their date of manufacture.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 118B.040 is hereby amended to read as follows:

118B.040 1. ~~[An approved applicant for residency may request 72 hours to review the proposed rental agreement or lease, the rules and regulations of the manufactured home park and other residency documents. Upon receiving such a request, the landlord shall allow the approved applicant to review the documents for 72 hours. This review period does not, however, prevent the landlord from accepting another tenant for the space or residency while the 72 hours is pending.]~~

Before requiring or accepting payment of any application fee, a landlord shall give to a prospective tenant who may rent or lease manufactured home lot:

(a) A copy of the rental agreement or lease;

(b) A copy of the rules and regulations governing the manufactured home park;

(c) Any notices of the sale, closure or conversion of the manufactured home park that must be provided to tenants pursuant to the provisions of this chapter; and

(d) Any other residency documents.

2. A rental agreement or lease between a landlord and ~~*[prospective]*~~ tenant to rent or lease any manufactured home lot must be in writing. ~~[The landlord shall give the *prospective* tenant]~~ [a] ~~*[, at the time the prospective tenant makes an application for tenancy:*~~

~~*(a) A copy of the agreement or lease]*~~ [at the time the tenant signs it.]

3. ~~*[; and*~~

~~*(b) Any notices of the sale, closure or conversion of the manufactured home park that must be provided to tenants pursuant to the provisions of this chapter.*~~

~~*2.]*~~ A rental agreement or lease must contain, but is not limited to, provisions relating to:

(a) The duration of the agreement.

(b) The amount of rent, the manner and time of its payment and the amount of any charges for late payment and dishonored checks.

(c) Restrictions on occupancy by children or pets.

(d) Services and utilities included with the rental of a lot and the responsibility of maintaining or paying for them, including the charge, if any, for cleaning the lots.

(e) Deposits which may be required and the conditions for their refund.

(f) Maintenance which the tenant is required to perform and any appurtenances he is required to provide.

(g) The name and address of the owner of the manufactured home park and his authorized agent.

(h) Any restrictions on subletting.

(i) Any recreational facilities and other amenities provided to the tenant and any deposits or fees required for their use.

(j) Any restriction of the park to older persons pursuant to federal law.

(k) The dimensions of the manufactured home lot of the tenant.

(l) A summary of the provisions of NRS 202.470.

(m) Information regarding the procedure pursuant to which a tenant may report to the appropriate authorities:

(1) A nuisance.

(2) A violation of a building, safety or health code or regulation.

(n) Information regarding the right of the tenant to engage in the display of the flag of the United States, as set forth in NRS 118B.143.

(o) The amount to be charged each month to the tenant to reimburse the landlord for the cost of a capital improvement to the manufactured home park. Such an amount must be stated separately and include the length of

time the charge will be collected and the total amount to be recovered by the landlord from all tenants in the manufactured home park.

Sec. 2. NRS 118B.097 is hereby amended to read as follows:

118B.097 If a repair to a manufactured home may affect ~~[life, health or safety, including, without limitation, any repair to]~~ ***the structural, electrical, plumbing, drainage, roofing, mechanical or solid fuel burning systems of the home, or*** ~~*[any other repair that]*~~ ***requires a permit*** ~~*[to be issued by a local jurisdiction]*~~ ***before the repair may be made,*** ~~[and]~~ the repair may be performed legally only by a person who is qualified by licensure ~~[or certification]~~ to perform such a repair ~~[:]~~ ***, and:***

1. A person shall not perform the repair unless he has such qualifications; and

2. A tenant or a landlord, or his agent or employee, shall not ~~[allow]~~ ***employ*** a third party to perform the repair if he knows or, in light of all the surrounding facts and circumstances, reasonably should know that the third party does not have such qualifications.

Sec. 3. NRS 118B.100 is hereby amended to read as follows:

118B.100 1. The landlord may adopt rules or regulations concerning the tenant's use and occupancy of the manufactured home lot and the grounds, areas and facilities of the manufactured home park held out for the use of tenants generally.

2. All such rules or regulations must be:

(a) Reasonably related to the purpose for which they are adopted;

(b) Sufficiently explicit in their prohibition, direction or limitation to inform the tenant of what he must do or not do for compliance;

(c) Adopted in good faith and not for the purpose of evading any obligation of the landlord arising under the law;

(d) Consistent with the provisions of this chapter and a general plan of operation, construction or improvement, and must not arbitrarily restrict conduct or require any capital improvement by the tenant which is not specified in the rental agreement or unreasonably require a change in any capital improvement made by the tenant and previously approved by the landlord unless the landlord can show that it is in the best interest of the other tenants; and

(e) Uniformly enforced against all tenants in the park, including the managers. Any rule or regulation which is not so uniformly enforced may not be enforced against any tenant.

3. No rule or regulation may be used to impose any additional charge for occupancy of a manufactured home lot or modify the terms of a rental agreement.

4. Except as otherwise provided in subsection 5, a rule or regulation is enforceable against the tenant only if he has notice of it at the time he enters into the rental agreement. A rule or regulation adopted or amended after the tenant enters into the rental agreement is not enforceable unless the tenant consents to it in writing or is given 60 days' notice of it in writing. The

landlord may not adopt or amend a rule or regulation of the park unless a meeting of the tenants is held to discuss the proposal and the landlord provides each tenant with notice of the proposal and the date, time and place of the meeting not less than 60 days before the meeting. The notice must include a copy of the proposed adoption or amendment of the rule or regulation. A notice in a periodic publication of the park does not constitute notice for the purposes of this subsection.

5. A rule or regulation pertaining to recreational facilities in the manufactured home park must be in writing to be enforceable.

6. ~~*[If a]*~~ ***A rule or regulation*** ~~*[is]*~~ ***adopted or amended in compliance with the provisions of this section*** ~~*[, the adopted or amended rule or regulation]*~~ ***supersedes any previously existing rule or regulation that conflicts with the adopted or amended rule or regulation. Only one version of any rules and regulations or any architectural standards may be in effect at any given time.***

7. The landlord shall provide the tenant with a copy of the existing rules and regulations at the time the tenant enters into the rental agreement.

8. As used in this section, "capital improvement" means an addition or betterment made to a manufactured home located on a lot in a manufactured home park which is leased by the landlord that:

(a) Consists of more than the repair or replacement of an existing facility;

(b) Is required by federal law to be amortized over its useful life for the purposes of income tax; and

(c) Has a useful life of 5 years or more.

Sec. 4. NRS 118B.110 is hereby amended to read as follows:

118B.110 1. The landlord ***or a person designated pursuant to subsection 3*** shall meet with a representative group of tenants occupying the park, chosen by the tenants, to hear any complaints or suggestions which concern a matter relevant to the park within 45 days after he receives a written request to do so which has been signed by persons occupying at least 25 percent of the lots in the park. The 25 percent must be calculated on the basis of one signature per occupied lot. The meeting must be held at a time and place which is convenient to the landlord ***or person designated pursuant to subsection 3*** and ***to*** the tenants. The representative group of tenants must consist of no more than five persons.

2. At least 10 days before any meeting is held pursuant to this section, the landlord or his agent shall post a notice of the meeting in a conspicuous place in a common area of the park.

3. ~~[If]~~ ***Except as otherwise provided in subsection 4, if*** the landlord is ~~*[a:*~~

~~(a) Sole proprietorship, the owner or an authorized agent or representative designated by the owner who has working knowledge of the operations of the park and authority to make decisions shall meet with the tenants.~~

~~(b) Partnership, a partner who has working knowledge of the operations of the park and authority to make decisions shall meet with the tenants.~~

~~(c) Corporation, an officer designated by the corporation]~~ ***not a natural person, the owner may designate an authorized agent or representative*** who has working knowledge of the operations of the park and ***who has*** authority to make decisions ~~[shall meet with the tenants.]~~ ***concerning matters relevant to the park to meet with the tenants pursuant to this subsection.***

4. ***A manager*** ~~*[who resides at the park must not be designated to]*~~ ***may not meet with the tenants pursuant to this section unless the manager*** ~~*[is the landlord.]*~~ ***, the landlord and the owner are all the same natural person.***

5. If an attorney for the landlord attends a meeting held pursuant to this section, the landlord shall not prohibit the group of tenants from being represented by an attorney at that meeting.

~~[5.]~~ ***6.*** If the landlord of a manufactured home park is a cooperative association or a corporation for public benefit, the landlord shall provide a notice of the meeting to the Administrator and the Administrator or his representative shall attend the meeting.

~~[6.]~~ ***7.*** As used in this section:

(a) "Cooperative association" means an association formed pursuant to the provisions of NRS 81.170 to 81.270, inclusive.

(b) "Corporation for public benefit" has the meaning ascribed to it in NRS 82.021.

Sec. 5. NRS 118B.183 is hereby amended to read as follows:

118B.183 1. A landlord may convert an existing manufactured home park to any other use of the land if the change is approved by the appropriate local zoning board, planning commission or governing body. In addition to any other reasons, a landlord may apply for such approval if the landlord is forced to close the manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park for health or safety reasons.

2. The landlord may undertake a conversion pursuant to this section only if:

(a) The landlord gives notice in writing to each tenant within 5 days after he files his application for the change in land use with the local zoning board, planning commission or governing body;

(b) The landlord pays the amount described in subsection 3 or 4, in accordance with the choice of the tenant; and

(c) After the landlord is granted final approval of the change by the appropriate local zoning board, planning commission or governing body, written notice is served on each tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before he is required to move his manufactured home from the lot.

3. If the tenant chooses to move the manufactured home, the landlord shall pay to the tenant:

(a) The cost of moving the tenant's manufactured home and its appurtenances to a new location within 50 miles from the manufactured home park; or

(b) If the new location is more than 50 miles from the manufactured home park, the cost of moving the manufactured home for the first 50 miles,

➥ including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his manufactured home and its appurtenances in the new lot or park.

4. If the tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged, or there is no manufactured home park within 50 miles that is willing to accept the manufactured home, the landlord:

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home less the reasonable cost of removing and disposing of the manufactured home.

5. A landlord shall not increase the rent of any tenant:

(a) For 180 days before filing an application for a change in land use, permit or variance affecting the manufactured home park; or

(b) At any time after filing an application for a change in land use, permit or variance affecting the manufactured home park unless:

(1) The landlord withdraws the application or the appropriate local zoning board, planning commission or governing body denies the application; and

(2) The landlord continues to operate the manufactured home park after the withdrawal or denial.

6. For the purposes of this section, the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home must be determined by:

(a) A dealer licensed pursuant to chapter 489 of NRS who is agreed upon by the landlord and tenant; or

(b) If the landlord and tenant cannot agree pursuant to paragraph (a), a dealer licensed pursuant to chapter 489 of NRS who is selected for this purpose by the Division.

7. ***The landlord shall pay the costs associated with determining the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home pursuant to subsection 6.***

8. The provisions of this section do not apply to a corporate cooperative park.

Sec. 6. NRS 108.290 is hereby amended to read as follows:

108.290 1. If property that is the subject of a lien which is acquired as provided in NRS 108.270 to 108.360, inclusive, is the subject of a secured transaction in accordance with the laws of this State, the lien:

(a) In the case of a lien acquired pursuant to NRS 108.315, is a first lien.

(b) In the case of a lien on a motor vehicle for charges for towing, storing and any related administrative fees:

(1) For the first 30 days of the lien:

(I) If the amount of the lien does not exceed $1,000, is a first lien.

(II) If the amount of the lien exceeds $1,000, is a second lien.

(2) After the first 30 days of the lien:

(I) If the amount of the lien does not exceed $2,500, is a first lien.

(II) If the amount of the lien exceeds $2,500, is a second lien.

(c) In all other cases, if the amount of the lien:

(1) Does not exceed $1,000, is a first lien.

(2) Exceeds $1,000, is a second lien.

2. The lien of a landlord may not exceed ~~[$2,000]~~ ***$5,000*** or the total amount due and unpaid for rentals and utilities, whichever is the lesser.

Sec. 7. NRS 278.0209 is hereby amended to read as follows:

278.0209 1. In any ordinance relating to the zoning of land adopted or amended by a governing body, the definition of "single-family residence" must include factory-built housing that has been built in compliance with the standards for single-family residential dwellings of the Uniform Building Code most recently adopted by the International Conference of Building Officials.

2. An ordinance of the governing body may require factory-built housing to comply with standards for safety which exceed the standards prescribed in subsection 1 if a single-family residential dwelling on the same lot is also required to comply with those standards.

3. The governing body shall adopt the same standards for development for the factory-built housing and the lot on which it is placed as those to which a conventional single-family residential dwelling on the same lot would be subject, including, but not limited to:

(a) Requirements for the setback of buildings.

(b) Side and rear-yard requirements.

(c) Standards for enclosures, access and the parking of vehicles.

(d) Aesthetic requirements.

(e) Requirements for minimum square footage.

(f) Requirements for design, style and structure.

4. The governing body may prohibit the installation of factory-built housing in a specified area if ~~[~~:

~~(a) More than 5 years have elapsed between the date of manufacture of factory-built housing and the date of the application for the issuance of a permit to install factory-built housing in the affected area; or~~

~~(b) The~~] ***the*** area contains a building, structure or other object having a special character or special historical interest or value.

5. As used in this section, "factory-built housing" has the meaning ascribed to it in NRS 461.080.

6. The provisions of this section do not abrogate a recorded restrictive covenant.

Sec. 8. NRS 278.02095 is hereby amended to read as follows:

278.02095 1. Except as otherwise provided in this section, in an ordinance relating to the zoning of land adopted or amended by a governing

body, the definition of "single-family residence" must include a manufactured home.

2. Notwithstanding the provisions of subsection 1, a governing body shall adopt standards for the placement of a manufactured home that will not be affixed to a lot within a mobile home park which require that:

(a) The manufactured home:

(1) Be permanently affixed to a residential lot;

(2) ~~[Be manufactured within the 5 years immediately preceding the date on which it is affixed to the residential lot;~~

~~(3)]~~ Have exterior siding and roofing which is similar in color, material and appearance to the exterior siding and roofing primarily used on other single-family residential dwellings in the immediate vicinity of the manufactured home, as established by the governing body;

~~[(4)]~~ ***(3)*** Consist of more than one section; and

~~[(5)]~~ ***(4)*** Consist of at least 1,200 square feet of living area unless the governing body, by administrative variance or other expedited procedure established by the governing body, approves a lesser amount of square footage based on the size or configuration of the lot or the square footage of single-family residential dwellings in the immediate vicinity of the manufactured home; and

(b) If the manufactured home has an elevated foundation, the foundation is masked architecturally in a manner determined by the governing body.

➥ The governing body of a local government in a county whose population is less than 40,000 may adopt standards that are less restrictive than the standards set forth in this subsection.

3. Standards adopted by a governing body pursuant to subsection 2 must be objective and documented clearly and must not be adopted to discourage or impede the construction or provision of affordable housing, including, without limitation, the use of manufactured homes for affordable housing.

4. Before a building department issues a permit to place a manufactured home on a lot pursuant to this section, other than a new manufactured home, the owner must surrender the certificate of ownership to the Manufactured Housing Division of the Department of Business and Industry. The Division shall provide proof of such a surrender to the owner who must submit that proof to the building department.

5. The provisions of this section do not abrogate a recorded restrictive covenant prohibiting manufactured homes nor do the provisions apply within the boundaries of a historic district established pursuant to NRS 384.005 or 384.100. An application to place a manufactured home on a residential lot pursuant to this section constitutes an attestation by the owner of the lot that the placement complies with all covenants, conditions and restrictions placed on the lot and that the lot is not located within a historic district.

6. As used in this section:

(a) "Manufactured home" has the meaning ascribed to it in NRS 489.113.

(b) "New manufactured home" has the meaning ascribed to it in NRS 489.125.

Sec. 9. NRS 489.288 is hereby amended to read as follows:

489.288 Except as otherwise provided in NRS 278.02095:

1. A local governing body may adopt ordinances and regulations which, except for ordinances and regulations regarding any prerequisites to the classification of a manufactured home or mobile home as real property pursuant to NRS 361.244, are no more stringent than the provisions of this chapter, the regulations adopted pursuant to this chapter and applicable federal statutes and regulations. Compliance with an ordinance or regulation of a local governing body does not excuse any person from compliance with this chapter and the regulations adopted pursuant to this chapter.

2. ***A local governing body shall not prohibit the installation of a manufactured home based on its date of manufacture if the manufactured home otherwise complies with the provisions of this chapter and the regulations adopted pursuant to this chapter governing health and safety.***

3. The provisions of this chapter and the regulations adopted pursuant to this chapter supersede and preempt any ordinance or regulation of a local governing body that is more stringent than those provisions, except for an ordinance or regulation regarding any prerequisites to the classification of a manufactured home or mobile home as real property pursuant to NRS 361.244.

Sec. 10. The amendatory provisions of section 6 of this act do not apply to a lien that attaches before October 1, 2007.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

The following amendment was proposed by the Speaker of the Assembly:

Amendment No. 622.

"SUMMARY—Makes various changes to provisions relating to manufactured home parks. (BDR 10-1119)"

"AN ACT relating to manufactured home parks; revising the provisions relating to the review of rental agreements and other residency documents; revising the provisions relating to certain repairs to a manufactured home; making changes pertaining to rules and regulations of a manufactured home park; revising the provisions relating to meetings between a landlord and tenants under certain circumstances; requiring a landlord to pay certain costs associated with the conversion of a manufactured home park; ~~[increasing the amount of the limitation on the lien of a landlord;]~~ prohibiting local governing bodies from restricting the installation of certain manufactured homes; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law establishes provisions relating to rental agreements and other residency documents. (NRS 118B.040) Section 1 of this bill removes the requirement that a landlord must allow a tenant to review such documents for 72 hours during which time a landlord is not prevented from accepting

another tenant for the same residency. Instead, section 1 requires a landlord to give a prospective tenant a copy of the rental agreement and any existing notices of the sale, closure or conversion of the manufactured home park at the time the tenant makes an application for tenancy.

Existing law sets forth requirements relating to the repair of a manufactured home and prohibits a landlord from allowing a third party to make such repairs under certain circumstances. (NRS 118B.097) Section 2 of this bill adds a nonexclusive list of repairs that affect life, health or safety. Section 2 also prohibits landlords from employing certain persons to make such repairs.

Section 3 of this bill revises the provisions relating to a landlord's adoption of rules and regulations concerning a manufactured home park and provides that a properly adopted or amended rule or regulation supersedes any inconsistent prior rule or regulation. (NRS 118B.100) Section 3 also requires a landlord to provide a copy of such rules and regulations to a tenant at the time the tenant enters into a rental agreement.

Existing law establishes provisions relating to meetings between a landlord and representative groups of tenants to hear complaints and suggestions regarding a manufactured home park. (NRS 118B.110) Section 4 of this bill prohibits a manager who resides at the park from meeting with tenants for such purposes unless the manager is also the landlord.

Existing law requires a landlord to pay to a tenant the fair market value of a manufactured home under certain circumstances during the conversion of a manufacture home park. (NRS 118B.183) Section 5 of this bill requires a landlord to pay costs associated with determining the market value of such manufactured homes and the reasonable cost of removing and disposing of such homes.

~~[Section 6 of this bill increases the limitation on the amount of a lien that a landlord may hold for the total amount due and unpaid for rentals and utilities from $2,000 to $5,000.]~~

Existing law allows local governing bodies to adopt certain ordinances and regulations relating to manufactured homes. (NRS 278.0209, 278.02095, 489.288) Sections 7-9 of this bill prohibit local governing bodies from restricting the installation of manufactured homes based on their date of manufacture.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 118B.040 is hereby amended to read as follows:

118B.040 1. ~~[An approved applicant for residency may request 72 hours to review the proposed rental agreement or lease, the rules and regulations of the manufactured home park and other residency documents. Upon receiving such a request, the landlord shall allow the approved applicant to review the documents for 72 hours. This review period does not,~~

~~however, prevent the landlord from accepting another tenant for the space or residency while the 72 hours is pending.~~

~~2.]~~ A rental agreement or lease between a landlord and ***prospective*** tenant to rent or lease any manufactured home lot must be in writing. The landlord shall give the ***prospective*** tenant ~~[a]~~ ***, at the time the prospective tenant makes an application for tenancy:***

(a) A copy of the agreement or lease ~~[at the time the tenant signs it.~~

~~3.]~~ ***; and***

(b) Any notices of the sale, closure or conversion of the manufactured home park that must be provided to tenants pursuant to the provisions of this chapter.

2. A rental agreement or lease must contain, but is not limited to, provisions relating to:

(a) The duration of the agreement.

(b) The amount of rent, the manner and time of its payment and the amount of any charges for late payment and dishonored checks.

(c) Restrictions on occupancy by children or pets.

(d) Services and utilities included with the rental of a lot and the responsibility of maintaining or paying for them, including the charge, if any, for cleaning the lots.

(e) Deposits which may be required and the conditions for their refund.

(f) Maintenance which the tenant is required to perform and any appurtenances he is required to provide.

(g) The name and address of the owner of the manufactured home park and his authorized agent.

(h) Any restrictions on subletting.

(i) Any recreational facilities and other amenities provided to the tenant and any deposits or fees required for their use.

(j) Any restriction of the park to older persons pursuant to federal law.

(k) The dimensions of the manufactured home lot of the tenant.

(l) A summary of the provisions of NRS 202.470.

(m) Information regarding the procedure pursuant to which a tenant may report to the appropriate authorities:

(1) A nuisance.

(2) A violation of a building, safety or health code or regulation.

(n) Information regarding the right of the tenant to engage in the display of the flag of the United States, as set forth in NRS 118B.143.

(o) The amount to be charged each month to the tenant to reimburse the landlord for the cost of a capital improvement to the manufactured home park. Such an amount must be stated separately and include the length of time the charge will be collected and the total amount to be recovered by the landlord from all tenants in the manufactured home park.

Sec. 2. NRS 118B.097 is hereby amended to read as follows:

118B.097 If a repair to a manufactured home may affect life, health or safety ***, including, without limitation, any repair to the structural, electrical,***

plumbing, drainage, roofing, mechanical or solid fuel burning systems or any other repair that requires a permit to be issued by a local jurisdiction before the repair may be made, and the repair may be performed legally only by a person who is qualified by licensure or certification to perform such a repair:

1. A person shall not perform the repair unless he has such qualifications; and

2. A tenant or a landlord, or his agent or employee, shall not ~~[allow]~~ ***employ*** a third party to perform the repair if he knows or, in light of all the surrounding facts and circumstances, reasonably should know that the third party does not have such qualifications.

Sec. 3. NRS 118B.100 is hereby amended to read as follows:

118B.100 1. The landlord may adopt rules or regulations concerning the tenant's use and occupancy of the manufactured home lot and the grounds, areas and facilities of the manufactured home park held out for the use of tenants generally.

2. All such rules or regulations must be:

(a) Reasonably related to the purpose for which they are adopted;

(b) Sufficiently explicit in their prohibition, direction or limitation to inform the tenant of what he must do or not do for compliance;

(c) Adopted in good faith and not for the purpose of evading any obligation of the landlord arising under the law;

(d) Consistent with the provisions of this chapter and a general plan of operation, construction or improvement, and must not arbitrarily restrict conduct or require any capital improvement by the tenant which is not specified in the rental agreement or unreasonably require a change in any capital improvement made by the tenant and previously approved by the landlord unless the landlord can show that it is in the best interest of the other tenants; and

(e) Uniformly enforced against all tenants in the park, including the managers. Any rule or regulation which is not so uniformly enforced may not be enforced against any tenant.

3. No rule or regulation may be used to impose any additional charge for occupancy of a manufactured home lot or modify the terms of a rental agreement.

4. Except as otherwise provided in subsection 5, a rule or regulation is enforceable against the tenant only if he has notice of it at the time he enters into the rental agreement. A rule or regulation adopted or amended after the tenant enters into the rental agreement is not enforceable unless the tenant consents to it in writing or is given 60 days' notice of it in writing. The landlord may not adopt or amend a rule or regulation of the park unless a meeting of the tenants is held to discuss the proposal and the landlord provides each tenant with notice of the proposal and the date, time and place of the meeting not less than 60 days before the meeting. The notice must include a copy of the proposed adoption or amendment of the rule or

regulation. A notice in a periodic publication of the park does not constitute notice for the purposes of this subsection.

5. A rule or regulation pertaining to recreational facilities in the manufactured home park must be in writing to be enforceable.

6. ***If a rule or regulation is adopted or amended in compliance with the provisions of this section, the adopted or amended rule or regulation supersedes any previously existing rule or regulation that conflicts with the adopted or amended rule or regulation.***

7. The landlord shall provide the tenant with a copy of the existing rules and regulations at the time the tenant enters into the rental agreement.

8. As used in this section, "capital improvement" means an addition or betterment made to a manufactured home located on a lot in a manufactured home park which is leased by the landlord that:

(a) Consists of more than the repair or replacement of an existing facility;

(b) Is required by federal law to be amortized over its useful life for the purposes of income tax; and

(c) Has a useful life of 5 years or more.

Sec. 4. NRS 118B.110 is hereby amended to read as follows:

118B.110 1. The landlord shall meet with a representative group of tenants occupying the park, chosen by the tenants, to hear any complaints or suggestions which concern a matter relevant to the park within 45 days after he receives a written request to do so which has been signed by persons occupying at least 25 percent of the lots in the park. The 25 percent must be calculated on the basis of one signature per occupied lot. The meeting must be held at a time and place which is convenient to the landlord and the tenants. The representative group of tenants must consist of no more than five persons.

2. At least 10 days before any meeting is held pursuant to this section, the landlord or his agent shall post a notice of the meeting in a conspicuous place in a common area of the park.

3. ~~[If]~~ ***Except as otherwise provided in subsection 4, if*** the landlord is a:

(a) Sole proprietorship, the owner or an authorized agent or representative designated by the owner who has working knowledge of the operations of the park and authority to make decisions shall meet with the tenants.

(b) Partnership, a partner who has working knowledge of the operations of the park and authority to make decisions shall meet with the tenants.

(c) Corporation, an officer designated by the corporation who has working knowledge of the operations of the park and authority to make decisions shall meet with the tenants.

4. ***A manager who resides at the park must not be designated to meet with the tenants unless the manager is the landlord.***

5. If an attorney for the landlord attends a meeting held pursuant to this section, the landlord shall not prohibit the group of tenants from being represented by an attorney at that meeting.

~~[5.]~~ ***6.*** If the landlord of a manufactured home park is a cooperative association or a corporation for public benefit, the landlord shall provide a notice of the meeting to the Administrator and the Administrator or his representative shall attend the meeting.

~~[6.]~~ ***7.*** As used in this section:

(a) "Cooperative association" means an association formed pursuant to the provisions of NRS 81.170 to 81.270, inclusive.

(b) "Corporation for public benefit" has the meaning ascribed to it in NRS 82.021.

Sec. 5. NRS 118B.183 is hereby amended to read as follows:

118B.183 1. A landlord may convert an existing manufactured home park to any other use of the land if the change is approved by the appropriate local zoning board, planning commission or governing body. In addition to any other reasons, a landlord may apply for such approval if the landlord is forced to close the manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park for health or safety reasons.

2. The landlord may undertake a conversion pursuant to this section only if:

(a) The landlord gives notice in writing to each tenant within 5 days after he files his application for the change in land use with the local zoning board, planning commission or governing body;

(b) The landlord pays the amount described in subsection 3 or 4, in accordance with the choice of the tenant; and

(c) After the landlord is granted final approval of the change by the appropriate local zoning board, planning commission or governing body, written notice is served on each tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before he is required to move his manufactured home from the lot.

3. If the tenant chooses to move the manufactured home, the landlord shall pay to the tenant:

(a) The cost of moving the tenant's manufactured home and its appurtenances to a new location within 50 miles from the manufactured home park; or

(b) If the new location is more than 50 miles from the manufactured home park, the cost of moving the manufactured home for the first 50 miles,

➥ including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his manufactured home and its appurtenances in the new lot or park.

4. If the tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged, or there is no manufactured home park within 50 miles that is willing to accept the manufactured home, the landlord:

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home less the reasonable cost of removing and disposing of the manufactured home.

5. A landlord shall not increase the rent of any tenant:

(a) For 180 days before filing an application for a change in land use, permit or variance affecting the manufactured home park; or

(b) At any time after filing an application for a change in land use, permit or variance affecting the manufactured home park unless:

(1) The landlord withdraws the application or the appropriate local zoning board, planning commission or governing body denies the application; and

(2) The landlord continues to operate the manufactured home park after the withdrawal or denial.

6. For the purposes of this section, the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home must be determined by:

(a) A dealer licensed pursuant to chapter 489 of NRS who is agreed upon by the landlord and tenant; or

(b) If the landlord and tenant cannot agree pursuant to paragraph (a), a dealer licensed pursuant to chapter 489 of NRS who is selected for this purpose by the Division.

7. ***The landlord shall pay the costs associated with determining the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home pursuant to subsection 6.***

8. The provisions of this section do not apply to a corporate cooperative park.

Sec. 6. ~~[NRS 108.290 is hereby amended to read as follows:~~

~~108.290 1. If property that is the subject of a lien which is acquired as provided in NRS 108.270 to 108.360, inclusive, is the subject of a secured transaction in accordance with the laws of this State, the lien:~~

~~(a) In the case of a lien acquired pursuant to NRS 108.315, is a first lien.~~

~~(b) In the case of a lien on a motor vehicle for charges for towing, storing and any related administrative fees:~~

~~(1) For the first 30 days of the lien:~~

~~(I) If the amount of the lien does not exceed $1,000, is a first lien.~~

~~(II) If the amount of the lien exceeds $1,000, is a second lien.~~

~~(2) After the first 30 days of the lien:~~

~~(I) If the amount of the lien does not exceed $2,500, is a first lien.~~

~~(II) If the amount of the lien exceeds $2,500, is a second lien.~~

~~(c) In all other cases, if the amount of the lien:~~

~~(1) Does not exceed $1,000, is a first lien.~~

~~(2) Exceeds $1,000, is a second lien.~~

~~2. The lien of a landlord may not exceed [$2,000] *$5,000* or the total amount due and unpaid for rentals and utilities, whichever is the lesser.]~~

(Deleted by amendment.)

Sec. 7. NRS 278.0209 is hereby amended to read as follows:

278.0209 1. In any ordinance relating to the zoning of land adopted or amended by a governing body, the definition of "single-family residence" must include factory-built housing that has been built in compliance with the standards for single-family residential dwellings of the Uniform Building Code most recently adopted by the International Conference of Building Officials.

2. An ordinance of the governing body may require factory-built housing to comply with standards for safety which exceed the standards prescribed in subsection 1 if a single-family residential dwelling on the same lot is also required to comply with those standards.

3. The governing body shall adopt the same standards for development for the factory-built housing and the lot on which it is placed as those to which a conventional single-family residential dwelling on the same lot would be subject, including, but not limited to:

(a) Requirements for the setback of buildings.

(b) Side and rear-yard requirements.

(c) Standards for enclosures, access and the parking of vehicles.

(d) Aesthetic requirements.

(e) Requirements for minimum square footage.

(f) Requirements for design, style and structure.

4. The governing body may prohibit the installation of factory-built housing in a specified area if ~~[~~:

~~(a) More than 5 years have elapsed between the date of manufacture of factory-built housing and the date of the application for the issuance of a permit to install factory-built housing in the affected area; or~~

~~(b) The]~~ ***the*** area contains a building, structure or other object having a special character or special historical interest or value.

5. As used in this section, "factory-built housing" has the meaning ascribed to it in NRS 461.080.

6. The provisions of this section do not abrogate a recorded restrictive covenant.

Sec. 8. NRS 278.02095 is hereby amended to read as follows:

278.02095 1. Except as otherwise provided in this section, in an ordinance relating to the zoning of land adopted or amended by a governing body, the definition of "single-family residence" must include a manufactured home.

2. Notwithstanding the provisions of subsection 1, a governing body shall adopt standards for the placement of a manufactured home that will not be affixed to a lot within a mobile home park which require that:

(a) The manufactured home:

(1) Be permanently affixed to a residential lot;

(2) ~~[Be manufactured within the 5 years immediately preceding the date on which it is affixed to the residential lot;~~

~~(3)~~ Have exterior siding and roofing which is similar in color, material and appearance to the exterior siding and roofing primarily used on other single-family residential dwellings in the immediate vicinity of the manufactured home, as established by the governing body;

~~(4)~~ ***(3)*** Consist of more than one section; and

~~(5)~~ ***(4)*** Consist of at least 1,200 square feet of living area unless the governing body, by administrative variance or other expedited procedure established by the governing body, approves a lesser amount of square footage based on the size or configuration of the lot or the square footage of single-family residential dwellings in the immediate vicinity of the manufactured home; and

(b) If the manufactured home has an elevated foundation, the foundation is masked architecturally in a manner determined by the governing body.

➥ The governing body of a local government in a county whose population is less than 40,000 may adopt standards that are less restrictive than the standards set forth in this subsection.

3. Standards adopted by a governing body pursuant to subsection 2 must be objective and documented clearly and must not be adopted to discourage or impede the construction or provision of affordable housing, including, without limitation, the use of manufactured homes for affordable housing.

4. Before a building department issues a permit to place a manufactured home on a lot pursuant to this section, other than a new manufactured home, the owner must surrender the certificate of ownership to the Manufactured Housing Division of the Department of Business and Industry. The Division shall provide proof of such a surrender to the owner who must submit that proof to the building department.

5. The provisions of this section do not abrogate a recorded restrictive covenant prohibiting manufactured homes nor do the provisions apply within the boundaries of a historic district established pursuant to NRS 384.005 or 384.100. An application to place a manufactured home on a residential lot pursuant to this section constitutes an attestation by the owner of the lot that the placement complies with all covenants, conditions and restrictions placed on the lot and that the lot is not located within a historic district.

6. As used in this section:

(a) "Manufactured home" has the meaning ascribed to it in NRS 489.113.

(b) "New manufactured home" has the meaning ascribed to it in NRS 489.125.

Sec. 9. NRS 489.288 is hereby amended to read as follows:

489.288 Except as otherwise provided in NRS 278.02095:

1. A local governing body may adopt ordinances and regulations which, except for ordinances and regulations regarding any prerequisites to the classification of a manufactured home or mobile home as real property pursuant to NRS 361.244, are no more stringent than the provisions of this chapter, the regulations adopted pursuant to this chapter and applicable federal statutes and regulations. Compliance with an ordinance or regulation

of a local governing body does not excuse any person from compliance with this chapter and the regulations adopted pursuant to this chapter.

2. ***A local governing body shall not prohibit the installation of a manufactured home based on its date of manufacture if the manufactured home otherwise complies with the provisions of this chapter and the regulations adopted pursuant to this chapter governing health and safety.***

3. The provisions of this chapter and the regulations adopted pursuant to this chapter supersede and preempt any ordinance or regulation of a local governing body that is more stringent than those provisions, except for an ordinance or regulation regarding any prerequisites to the classification of a manufactured home or mobile home as real property pursuant to NRS 361.244.

Sec. 10. ~~[The amendatory provisions of section 6 of this act do not apply to a lien that attaches before October 1, 2007.]~~ **(Deleted by amendment.)**

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 95.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 625.

ASSEMBLYMEN WEBER, ALLEN, MABEY, **ANDERSON, ATKINSON,** BEERS, BOBZIEN, CARPENTER, CHRISTENSEN, CLABORN, COBB, **CONKLIN, DENIS, GANSERT,** GOEDHART, GOICOECHEA, **HORNE, KIHUEN,** KIRKPATRICK, KOIVISTO, **MANENDO,** MARVEL, **MCCLAIN, OCEGUERA,** OHRENSCHALL, **PARKS, PARNELL,** SETTELMEYER ~~[AND]~~ **, SMITH,** STEWART **AND WOMACK**

"SUMMARY—Makes various changes concerning the confiscation of firearms during an emergency or a disaster. (BDR 36-294)"

"AN ACT relating to firearms; excluding from the powers granted to certain state officers during an emergency or a disaster the authority to take certain actions concerning firearms; authorizing civil suits against the State of Nevada, its political subdivisions and their officers and employees for the wrongful confiscation of a firearm during an emergency or a disaster; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 3 of this bill excludes from the emergency powers that the Governor and the executive heads or governing bodies of the political subdivisions of this State are authorized to exercise during an emergency or a disaster the authority to: (1) confiscate firearms from persons in lawful possession of the firearms; or (2) impose additional restrictions on certain aspects of the trade, possession or use of firearms, ammunition and components thereof. (Chapter 414 of NRS)

Existing law provides limited civil immunity to the State, its political subdivisions and officers, employees and workers for certain injuries they cause to persons and property during an emergency or a disaster.

(NRS 414.110) Section 8 of this bill authorizes a person from whom a firearm is wrongfully confiscated during an emergency or a disaster to bring legal proceedings against the State, its political subdivisions and the officer, employee or worker who wrongfully confiscated or authorized the confiscation of the firearm.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 414 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***"Firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force. The term includes ammunition for a firearm.***

Sec. 3. ***Pursuant to Amendment II of the Constitution of the United States and Section 11 of Article 1 of the Constitution of the State of Nevada, and notwithstanding any other provision of law, the emergency powers conferred upon the Governor and upon the executive heads or governing bodies of the political subdivisions of this State must not be construed to allow:***

1. The confiscation of a firearm from a person unless the person is:

(a) In unlawful possession of the firearm; or

(b) Unlawfully carrying the firearm; or

2. The imposition of additional restrictions as to the lawful possession, transfer, sale, carrying, storage, display or use of:

(a) Firearms;

(b) Ammunition; or

(c) Components of firearms or ammunition.

Sec. 4. NRS 414.030 is hereby amended to read as follows:

414.030 As used in this chapter, the words and terms defined in NRS 414.031 to 414.038, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 414.070 is hereby amended to read as follows:

414.070 The provisions of this section are operative only during the existence of a state of emergency or declaration of disaster. The existence of such an emergency or disaster may be proclaimed by the Governor or by resolution of the Legislature if the Governor in his proclamation, or the Legislature in its resolution, finds that an attack upon the United States has occurred or is anticipated in the immediate future, or that a natural, technological or man-made emergency or disaster of major proportions has actually occurred within this State, and that the safety and welfare of the inhabitants of this State require an invocation of the provisions of this section. Any such emergency or disaster, whether proclaimed by the Governor or by the Legislature, terminates upon the proclamation of the termination thereof by the Governor, or the passage by the Legislature of a resolution terminating the emergency or disaster. During the period when a

state of emergency or declaration of disaster exists or continues, the Governor may exercise the following additional powers:

1. To enforce all laws and regulations relating to emergency management and to assume direct operational control of any or all forces, including, without limitation, volunteers and auxiliary staff for emergency management in the State.

2. To sell, lend, lease, give, transfer or deliver materials or perform services for the purpose of emergency management on such terms and conditions as the Governor prescribes and without regard to the limitations of any existing law, and to account to the State Treasurer for any funds received for such property.

3. ~~[To]~~ ***Except as otherwise provided in section 3 of this act, to*** procure, by purchase, condemnation, seizure or other means, construct, lease, transport, store, maintain, renovate or distribute materials and facilities for emergency management without regard to the limitations of any existing law. ~~[He]~~ ***The Governor*** shall make compensation for the property so seized, taken or condemned on the following basis:

(a) If property is taken for temporary use, the Governor, within 90 days after the taking, shall fix the amount of compensation to be paid therefor. If the property is returned to the owner in a damaged condition, or is not returned to the owner, the Governor shall fix within 90 days the amount of compensation to be paid for the damage or failure to return the property. ~~[Whenever]~~ ***If*** the Governor deems it advisable for the State to take title to property taken under this section, he shall forthwith cause the owner of ~~[such]~~ ***the*** property to be notified thereof in writing by registered or certified mail, postage prepaid, or by the best means available, and forthwith cause to be filed a copy of the notice with the Secretary of State.

(b) Within the 90-day period prescribed in paragraph (a), the Governor shall make an offer in writing to the person or persons entitled to receive it of the amount of money proposed to be paid as full compensation. If the offer is accepted, the money must be paid out of such fund, funds or other sources as are available and no further action ~~[either]~~ in law or in equity may ever be maintained in connection therewith. If the offer of payment is refused, the person or persons entitled thereto have the same rights as plaintiffs in actions of eminent domain insofar as the fixing of damages and compensation is concerned, NRS 37.060, 37.070, 37.080 and 37.090, so far as applicable, apply, and proceedings must be had in conformity therewith so far as possible. ~~[Such]~~ ***The*** action must be commenced within 1 year after the receipt of the offer of settlement from the Governor.

4. To provide for and compel the evacuation of all or part of the population from any stricken or threatened area or areas within the State and to take such steps as are necessary for the receipt and care of those persons.

5. Subject to the provisions of the State Constitution, to remove from office any public officer having administrative responsibilities under this chapter for willful failure to obey an order or regulation adopted pursuant to

this chapter. ~~[Such]~~ ***The*** removal must be upon charges after service upon the officer of a copy of the charges and after giving him an opportunity to be heard in his defense. Pending the preparation and disposition of charges, the Governor may suspend the officer for a period not exceeding 30 days. A vacancy resulting from removal or suspension pursuant to this section must be filled as provided by law.

6. To perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population.

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person from whom a firearm is confiscated in violation of section 3 of this act may seek relief in a suit, action or other proceeding at law or in equity, including, without limitation, an action for the return of the firearm, against:

(a) The State of Nevada or a political subdivision thereof; and

(b) The officer or employee of the State or a political subdivision thereof or worker who confiscated or authorized the confiscation of the firearm.

2. The proceeding may be commenced in a court of competent jurisdiction in the county in which:

(a) The person bringing the proceeding resides; or

(b) The firearm may be found.

3. If a person who brings a proceeding pursuant to this section prevails, the court shall award him, in addition to any other remedy provided by law, reasonable attorney's fees and costs.

4. As used in this section:

(a) "Firearm" has the meaning ascribed to it in section 2 of this act.

(b) "Worker" has the meaning ascribed to it in NRS 414.110.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 248 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assembly Bill No. 514.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 606.

"SUMMARY—Makes various changes to the Charter of the City of Las Vegas. (BDR S-1381)"

"AN ACT relating to the City of Las Vegas; making various changes to the powers of the City Council; making various other changes to the Charter of the City of Las Vegas; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill provides that the City Council of the City of Las Vegas has the power to adopt necessary and proper ordinances for the development and provision of affordable housing.

Section 2 of this bill authorizes the City Council to establish a salary commission with the authority to fix the salaries of the Mayor and City Councilmen, the members of which are to be appointed by the Majority Leader of the Senate and the Speaker of the Assembly.

Section 3 of this bill provides that the City Council has the power to adopt necessary and proper ordinances for the development and provision of employment and training programs.

Section 4 of this bill provides for the appointment of Hearing Commissioners by the City Council to hear and decide certain misdemeanor actions.

Section 5 of this bill extends the time that the City Council has to fill vacancies in the office of Mayor, Councilman or Municipal Judge from 30 to 60 days.

Section 8 of this bill amends the time by which a proposed ordinance must be adopted or rejected by the City Council from 30 days to 60 days.

Section 9 of this bill authorizes the City Council to adopt an alternative procedure for a person to appeal the denial, suspension or revocation of a work permit or identification card.

~~[Section 10 of this bill provides that the City Council has such other powers as are conferred generally upon the governing bodies of other cities.]~~

Section 11 of this bill authorizes the Director of Financial Management of the City to serve as the City Treasurer.

Section 12 of this bill removes the requirement that the Director of Public Services be a licensed professional engineer.

Existing law provides that a Master Judge must be selected on the basis of seniority. (Las Vegas City Charter § 4.020) Section 13 of this bill provides that the ~~[Master Judge must be selected from each Department on a rotating basis, beginning with Department 1.]~~ **Municipal Judges shall elect the Master Judge from among their own number to serve for a 2-year term. In the event of a tie vote, the tie is to be decided by the drawing of lots.**

Section 14 of this bill provides that the City Council may determine that the System of Civil Service must be administered by a Board of Civil ervice Trustees.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, is hereby amended by adding thereto a new section to be designated as section 2.145, immediately following section 2.140, to read as follows:

Sec. 2.145 Powers of City Council: Affordable Housing. In addition to any other powers authorized by specific statute, the City Council may exercise such powers and enact such ordinances, not in conflict with the laws of this State, as the City Council determines are necessary and proper for the development and provision of affordable housing.

Sec. 2. The Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, is hereby amended by adding thereto a new section to be designated as section 2.340, immediately following section 2.330, to read as follows:

Sec. 2.340 Powers of City Council: Salaries of Mayor and Councilmen.

1. The City Council may by ordinance or resolution establish an independent salary commission to fix the salaries of the Mayor and the Councilmen. Such ordinance or resolution must include, without limitation, the terms of office of the members of the salary commission. If the City Council establishes a salary commission by ordinance or resolution, it shall provide written notice of that fact to:

(a) The Majority Leader of the Senate; and

(b) The Speaker of the Assembly.

2. If a salary commission is established pursuant to subsection 1, the Majority Leader of the Senate and the Speaker of the Assembly, within 60 days after receiving the written notice described in that subsection, shall jointly appoint to the salary commission a total of seven members, one of whom must be a member at large and six of whom must represent the different wards into which the City is divided. Each of the six members representing one of the wards into which the City is divided must be a person who:

(a) Resides within the ward which he represents;

(b) Is not a member of the household of the Councilman who represents that ward;

(c) Is not related by blood, adoption or marriage within the third degree of consanguinity or affinity to the Councilman who represents that ward; and

(d) Does not have a substantial and continuing business relationship with either the City or the Councilman who represents that ward.

3. A member must be appointed on the basis of his education, training, experience and demonstrated abilities. Of the total of the seven members appointed to the salary commission:

(a) One member must be affiliated with an organization representing the interests of businesses;

(b) One member must be affiliated with an organization representing the interests of taxpayers;

(c) One member must be affiliated with an organization representing the interests of the development community;

(d) One member must have expertise in human resource management;

(e) One member must have expertise in finance; and

(f) Two members must be representative of the general public.

4. Members of the salary commission:

(a) Serve without compensation; and

(b) May, upon written request, receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the business of the salary commission.

5. The salary commission must meet at least once every 5 years.

6. The salary commission is entitled to such staff or employees of the City as is necessary to assist in the performance of the duties of the salary commission that are set forth in subsection 7.

7. In setting the salaries of the Mayor and Councilmen, the salary commission shall conduct at least one public hearing and consider the following:

(a) The amount of work performed by the Mayor or Councilmen in representing their constituents, based upon the population and geographical size of the area that the Mayor or Councilmen represent.

(b) The amount of time dedicated by the Mayor or Councilmen in representing their constituents.

(c) The projected population growth of the City.

(d) Existing compensation levels for comparable positions in other geographic locations.

(e) The current and projected financial conditions of the City.

(f) Any other condition or factor that the salary commission determines is relevant to fixing the salaries of the Mayor or the Councilmen.

Sec. 3. The Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, is hereby amended by adding thereto a new section to be designated as section 3.300, immediately following section 3.290, to read as follows:

Sec. 3.300 Programs: Employment and Training. In addition to any other powers authorized by specific statute, the City Council may exercise such powers and enact such ordinances, not in conflict with the laws of this State, as the City Council determines are necessary and proper for the development and provision of programs relating to employment and training.

Sec. 4. The Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, is hereby amended by adding thereto a new

section to be designated as section 4.040, immediately following section 4.030, to read as follows:

Sec. 4.040 Hearing Commissioners.

1. The City Council may appoint one or more Hearing Commissioners to hear and decide:

(a) Any action for a misdemeanor constituting a violation of chapter 484 of NRS, except NRS 484.379; and

(b) Any action for a misdemeanor constituting a violation of the Las Vegas Municipal Code, except chapter 11.14 of that Code.

2. Each Hearing Commissioner must:

(a) Be a duly licensed member, in good standing, of the State Bar of Nevada;

(b) Be a resident of the State;

(c) Be a qualified elector in the City;

(d) Have been a bona fide resident of the City for not less than 1 year next preceding his appointment; and

(e) Not have ever been removed or retired from any judicial office by the Commission on Judicial Discipline.

3. In connection with any action of a type described in subsection 1, a Hearing Commissioner has all the powers and duties of a Municipal Judge and a magistrate pursuant to the laws of this State. To the extent possible and practicable, the proceedings in such actions must be subject to and governed by the provisions of the laws of this State, this Charter and city ordinances pertaining to Municipal Judges.

4. Hearing Commissioners shall receive such compensation as may be allowed by the City Council.

Sec. 5. Section 1.160 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 515, Statutes of Nevada 1997, at page 2451, is hereby amended to read as follows:

Sec. 1.160 Elective Offices: Vacancies.

1. A vacancy in the office of Mayor, Councilman or Municipal Judge must be filled by the majority vote of the entire City Council within ~~[30]~~ ***60*** days after the occurrence of that vacancy. A person may be selected to fill a prospective vacancy ~~[in the City Council]~~ before the vacancy occurs. In such a case, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official ~~[.]~~ ***, including, without limitation, any applicable residency requirement.***

2. No appointment extends beyond the first regular meeting of the City Council that follows the next general municipal election, at that election the office must be filled for the remainder of the unexpired term, or beyond the first regular meeting of the City Council after the Tuesday after the first Monday in the next succeeding June in an odd-numbered year, if no general municipal election is held in that year.

Sec. 6. Section 2.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1394, is hereby amended to read as follows:

Sec. 2.020 Mayor and Councilmen: Qualifications; terms of office; salary.

1. The Mayor must be a qualified elector who has resided within the territory which is established by the boundaries of the City for a period of not less than 30 days immediately before the last day for filing a declaration of candidacy for that office and be elected by the registered voters of the City at large.

2. Each Councilman must be a qualified elector who has resided within the ward which he represents for a period of not less than 30 days immediately before the last day for filing a declaration of candidacy for his office and be elected by the registered voters of that ward.

3. The Mayor or any Councilman automatically forfeits the remainder of his term of office and that office becomes vacant if he ceases to be a resident of the City or of the ward which he represents, as the case may be.

4. ~~[The]~~ ***Except as otherwise provided in section 2 of this act, the*** respective salaries of the Mayor and Councilmen must be fixed by ordinance.

Sec. 7. Section 2.040 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1394, is hereby amended to read as follows:

Sec. 2.040 Mayor and Councilmen not to hold other office.

1. The Mayor and Councilmen may not:

(a) Hold any other elective office of the State or any political subdivision of the State or any other employment with the County or the City, except as is provided by law or as a member of a board or commission for which no compensation is received.

(b) Be ~~[elected or]~~ appointed to any office which was created, or the compensation for which was increased or fixed, by the City Council until 1 year after the expiration of the term for which the Mayor or Councilman was elected or appointed.

2. Any person who ~~[accepts any office which is proscribed by]~~ ***violates the provisions of*** subsection 1 automatically forfeits his office as Mayor or Councilman.

Sec. 8. Section 2.110 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 568, Statutes of Nevada 1991, at page 1882, is hereby amended to read as follows:

Sec. 2.110 Ordinances: Procedure for enactment; emergency ordinances.

1. All proposed ordinances, when they are first proposed, must be read to the City Council by title and ***may be*** referred for consideration to a committee which is composed of any number of members of the City Council who are designated by the Mayor, after which an adequate number of copies of the proposed ordinance must be deposited with the City Clerk for public examination and distribution upon request. Except as otherwise

provided in subsection 3 and for the adoption of specialized or uniform codes, notice of the deposit must be published once at least 10 days before the adoption of the ordinance. The City Council must adopt or reject the ordinance, or an amendment thereto, within ~~[30]~~ ***60*** days after the date of that publication. ***A committee described in this subsection shall meet as often as is reasonably necessary but not less frequently than once each calendar quarter.***

2. ~~[At the first regular meeting of the City Council, or any adjournment of that meeting, after the proposal of an ordinance and its reference to a committee, the committee must report to the City Council with respect to the proposed ordinance, at which time the committee may request additional time to consider it. The committee must complete its additional consideration of the proposed ordinance and report its recommendations to the board with the 30-day period which is specified in subsection 1. After a recommendation by the committee for the adoption of the proposed ordinance, the]~~ ***Following the first reading by title, an ordinance that has been referred pursuant to subsection 1 must be considered by the committee. Such committee must report its recommendations, if any, to the City Council. Regardless of whether a*** proposed ordinance ***is referred to a committee pursuant to subsection 1, it*** must be read by title as first introduced, or as amended, and finally voted upon or action thereon postponed, but the proposed ordinance must be adopted, with or without amendments, or rejected within ~~[30]~~ ***60*** days after the date of the publication which is provided for in subsection 1.

3. In cases of emergency or where the ordinance is of a kind whose enactment as if an emergency existed is permitted by a provision of NRS or section 7.020 or 8.210 of this Charter, final action, upon the unanimous vote of the entire City Council, may be taken immediately or at a special meeting which has been called for that purpose, and no notice of the filing of copies of the proposed ordinance with the City Clerk need be published.

4. Each ordinance must be signed by the Mayor, attested by the City Clerk and published at least once by title, together with the names of the members of the City Council who voted for or against its adoption, and the ordinance becomes effective on the day after that publication. The City Council may, by majority vote, order the publication of the ordinance in full in lieu of publication by title only.

5. The City Clerk shall record all ordinances which have been adopted in a register which is kept for that purpose, together with the affidavits of publication by the publisher.

Sec. 9. Section 2.130 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1398, is hereby amended to read as follows:

Sec. 2.130 Powers of City Council: Denial, suspension or revocation of work permit; appeal to City Council ~~[.]~~ ***; alternative procedure established by City Council.*** Whenever under any city ordinance a person is required to obtain a work permit or an identification card from the Sheriff of the Las

Vegas Metropolitan Police Department or any City officer as a condition of employment in any establishment which has been determined to be privileged by the City Council and licensed by the City, and his work permit or identification card is denied, suspended or revoked by the Sheriff or City officer, the person aggrieved may appeal from that action ~~[to]~~ ***:***

1. To the City Council by filing a written notice of appeal with the City Clerk within 10 days after the date of the denial, suspension or revocation of his work permit or identification card ~~[.]~~ ***; or***

2. To any judicial or administrative body that the City Council has designated to hear such appeals.

Sec. 10. ~~[Section 2.350 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1406, is hereby amended to read as follows:~~

~~Sec. 2.350 Powers of City Council: General. The City Council has such other powers, which are not in conflict with the express or implied provisions of this Charter, as are conferred generally by statute upon the governing bodies of *other* cities [which are] *, whether* organized under *general law or under* special charters.]~~ **(Deleted by amendment.)**

Sec. 11. Section 3.150 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1409, is hereby amended to read as follows:

Sec. 3.150 City Treasurer: Duties.

1. The Director of Financial Management may ***serve as the City Treasurer or may*** recommend ***a City Treasurer*** for appointment by the City Manager ***.*** ~~[a City Treasurer.]~~

2. The City Treasurer:

(a) Shall perform such duties as may be designated by the Director of Financial Management or prescribed by ordinance.

(b) Must provide a surety bond in the amount which is fixed by the City Council.

Sec. 12. Section 3.190 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1410, is hereby amended to read as follows:

Sec. 3.190 Director of Public Services: Qualifications. The Director of Public Services must ~~[be a licensed professional engineer in the State and]~~ have such ~~[other]~~ qualifications as may be prescribed by ordinance.

Sec. 13. Section 4.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 127, Statutes of Nevada 1989, at page 283, is hereby amended to read as follows:

Sec. 4.020 Municipal Court: Qualifications of Municipal Judges; salary; Master Judge; departments; Alternate Judges.

1. Each Municipal Judge shall devote his full time to the duties of his office and must be:

(a) A duly licensed member, in good standing, of the State Bar of Nevada, but this qualification does not apply to any Municipal Judge who is an

incumbent when this Charter becomes effective as long as he continues to serve as such in uninterrupted terms.

(b) A qualified elector who has resided within the territory which is established by the boundaries of the City for a period of not less than 30 days immediately before the last day for filing a declaration of candidacy for the department for which he is a candidate.

(c) Voted upon by the registered voters of the City at large.

2. The salary of the Municipal Judges must be fixed by ordinance and be uniform for all departments of the Municipal Court. The salary may be increased during the terms for which the Judges are elected or appointed.

3. ~~[The Municipal Judge who holds seniority in years of service in office, either elected or appointed, is the Master Judge. If two or more Judges are equal in seniority, the]~~ ~~*[Beginning on July 1, 2007, and at the beginning of each fiscal year thereafter, a]*~~ ***The Municipal Judges of the six departments shall elect a*** Master Judge ~~[must be chosen]~~ from among ~~[them by the City Council.]~~ ~~*[the six departments. The Master Judge must be selected from a different department each year, beginning with Department 1, and thereafter, from the next department in numerical order. If a Municipal Judge so selected declines to take the position of Master Judge, the Municipal Judge from the next department in numerical order must be selected for the position.]*~~ ***their number. The Master Judge shall hold office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the position of Master Judge, the Municipal Judges shall elect a replacement for the remainder of the unexpired term. If two or more Municipal Judges receive an equal number of votes for the position of Master Judge, the candidates who have received the tie votes shall resolve the tie vote by the drawing of lots.*** The Master Judge:

(a) Shall establish and enforce administrative regulations for governing the affairs of the Municipal Court.

(b) Is responsible for setting trial dates and other matters which pertain to the Court calendar.

(c) Shall perform such other Court administrative duties as may be required by the City Council.

4. Alternate Judges in sufficient numbers may be appointed annually by the Mayor, each of whom:

(a) Must be a duly licensed member, in good standing, of the State Bar of Nevada and have such other qualifications as are prescribed by ordinance.

(b) Has all of the powers and jurisdiction of a Municipal Judge while he is acting as such.

(c) Is entitled to such compensation as may be fixed by the City Council.

5. Any Municipal Judge, other than an Alternate Judge, automatically forfeits his office if he ceases to be a resident of the City.

Sec. 14. Section 10.010 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 45, Statutes of Nevada 1991, at page 95, is hereby amended to read as follows:

Sec. 10.010 Civil Service.

1. There is hereby created a System of Civil Service which is applicable to and governs all of the employees of the City except the elected officials, persons who serve as members of boards, commissioners or committees for which no compensation is received, the City Manager, the City Attorney, persons who are appointed pursuant to sections 3.040 and 3.070 of this Charter, persons who hold such probationary, provisional or temporary appointments as are designated in the Civil Service rules, Alternate Judges and persons who hold such other positions as are designated by the City Council.

2. The ***City Council may determine that the*** System of Civil Service must be administered by a Board of Civil Service Trustees which is composed of five members who are appointed by the City Council for terms of 4 years.

3. The City Council shall adopt by ordinance ~~[, following their approval by the Board of Civil Service Trustees,]~~ a codification of the rules which govern the System of Civil Service and may from time to time amend those rules **.** ~~[by ordinance upon the recommendation of the]~~ ***If the System of Civil Service is administered by a*** Board of Civil Service Trustees ~~[. Those]~~ ***, the rules which govern the System of Civil Service, and any amendments thereto, must be reviewed by the Board before the City Council adopts them.***

4. The rules ***which govern the System of Civil Service*** must provide for:

(a) The examination of potential employees;

(b) Recruitment and placement procedures;

(c) The classification of positions;

(d) Procedures for the promotion of employees;

(e) Procedures for disciplinary actions against, and the discharge of, employees;

(f) Appeals with respect to actions which are taken pursuant to paragraphs (d) and (e);

(g) The acceptance and processing of citizens' complaints against employees; and

(h) Such other matters ***, if any,*** as the Board of Civil Service Trustees ***or the City Council*** deems are necessary or appropriate.

~~[4.]~~ ***5.*** Copies of the rules of the System of Civil Service must be made available to all of the employees of the City.

Sec. 15. **1.** This ~~[act]~~ **section** becomes **effective upon passage and approval.**

2. Section 13 of this act becomes effective upon passage and approval for the purpose of electing a Master Judge and on July 1, 2007, for all other purposes.

3. Sections 1 to 12, inclusive, and 14 of this act become effective on July 1, 2007.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 518.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 615.

"SUMMARY—Revises provisions governing the regulation of telecommunication service. (BDR 58-1128)"

"AN ACT relating to telecommunication service; revising provisions governing the regulation of certain incumbent local exchange carriers; revising provisions governing the regulation of competitive suppliers of telecommunication service; allowing for greater competition among various telecommunication providers; repealing provisions governing the plan of alternative regulation and PAR carriers; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires the Public Utilities Commission of Nevada to regulate public utilities that provide telecommunication service to the public. With regard to local telephone service, each service territory has an incumbent local exchange carrier that has an obligation to serve the customers within that particular territory. If no other telecommunication provider is authorized to serve the customers in that particular territory, the incumbent local exchange carrier essentially has a monopoly with regard to local telephone service. (Chapter 704 of NRS)

To foster competition in the local telephone market, existing law allows the Commission to establish a plan of alternative regulation (PAR), whereby an incumbent local exchange carrier may elect to become a PAR carrier under a regulatory scheme which allows flexibility of pricing for certain competitive, discretionary and deregulated services. Under the PAR regulatory scheme, the PAR carrier is allowed to sell such services under less regulated conditions, and other telecommunication providers, known as competitive suppliers, have the opportunity to compete with the PAR carrier in the local telephone market. However, as the incumbent local exchange carrier, the PAR carrier generally retains its obligations as the provider of last resort of basic telephone service and must ensure that such telephone service remains available at affordable rates to the customers within its service territory. (NRS 704.040, 704.68904-704.68984)

This bill repeals the PAR regulatory scheme and replaces it with a regulatory scheme that is intended to promote more competition in the local telephone market. Under this bill, all telecommunication providers, with the exception of certain small-scale providers of last resort, are classified as competitive suppliers. This bill reduces the regulatory authority of the

Commission over such competitive suppliers and provides for greater flexibility of pricing with regard to most components of local telephone service, including basic telephone service.

This bill also requires the Commission to adopt regulations establishing the terms, conditions and procedures under which: (1) an incumbent local exchange carrier may be excused from its obligations as the provider of last resort; and (2) those obligations may be reinstated. The regulations must also establish the manner of giving prior notice and the terms of any bond necessary to protect consumers and ensure continuity of basic telephone service when a provider other than an incumbent local exchange carrier intends to terminate or discontinue such service.

Finally, to maintain the availability of telephone service to rural, insular and high-cost areas, this bill requires the Commission to continue to levy and collect a uniform and equitable assessment from all telecommunication providers. The proceeds of the assessment must be used to reimburse providers of last resort so that they are able to provide telephone service to rural, insular and high-cost areas.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 30, inclusive, of this act.

Sec. 2. ***"Basic network service" means the provision of stand-alone telephone service furnished to a residential customer through the customer's primary residential line as the only service that:***

1. Is not:

(a) Part of a package of services;

(b) Sold in a promotion;

(c) Purchased pursuant to a contract; or

(d) Otherwise offered at a discounted price; and

2. Provides to the customer:

(a) Voice-grade access to the public switched telephone network with a minimum bandwidth of 300 to 3,000 hertz;

(b) Dual tone multifrequency signaling and single party service;

(c) Access to:

(1) Operator services;

(2) Telephone relay services;

(3) Local directory assistance;

(4) Interexchange service; and

(5) Emergency 911 service.

(d) The first single-line directory listing; and

(e) Universal lifeline service for those eligible for such service.

Sec. 3. ***"Business line service" means flat or measured rate service for business lines or business trunk lines.***

Sec. 4. ***1. "Competitive supplier" means a telecommunication provider that is subject to the provisions of sections 18 to 30, inclusive, of this act.***

2. The term does not include a small-scale provider of last resort unless the provider is authorized by the Commission pursuant to section 21 of this act to be regulated as a competitive supplier.

Sec. 5. ***"Fund to maintain the availability of telephone service" means the fund established by the Commission pursuant to NRS 704.040 to maintain the availability of telephone service.***

Sec. 6. ***"Incumbent local exchange carrier" has the meaning ascribed to it in 47 U.S.C. § 251(h)(1), as that section existed on October 1, 1999, and includes a local exchange carrier that is treated as an incumbent local exchange carrier pursuant to that section.***

Sec. 7. ***"Interexchange carrier" means any person providing either or both intrastate and interstate telecommunication service for a fee between two or more exchanges.***

Sec. 8. ***"Local exchange carrier" has the meaning ascribed to it in 47 U.S.C. § 153(26), as that section existed on December 1, 2006.***

Sec. 9. ***"Provider of last resort" means the telecommunication provider designated by the regulations of the Commission to provide basic network service and business line service to any person requesting and eligible to receive telephone service in a particular service territory.***

Sec. 10. ***"Small-scale provider of last resort" means an incumbent local exchange carrier that is a provider of last resort of basic network service and business line service to customers through less than 60,000 access lines.***

Sec. 11. ***"Telecommunication" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information sent and received, regardless of the facilities, equipment or technology used.***

Sec. 12. ***"Telecommunication provider" or "telephone company" means any person required to obtain from the Commission a certificate of public convenience and necessity pursuant to NRS 704.330 to provide telecommunication service.***

Sec. 13. ***"Telecommunication service" or "telephone service" means the offering of telecommunication for a fee directly to the public, or such classes of users as to be effectively available directly to the public, regardless of the equipment, facilities or technology used.***

Sec. 14. ***1. The Commission shall by regulation establish a procedure for an incumbent local exchange carrier to provide notice via the Internet of interconnection agreements entered into with another telecommunication provider.***

2. The procedure established by the Commission pursuant to this section for providing notice via the Internet is the exclusive method for

providing such notice, and the Commission may not require another method of notice.

3. When an incumbent local exchange carrier provides notice via the Internet pursuant to this section, the notice must include a link to the public area of its website where an electronic copy of the interconnection agreements may be obtained.

Sec. 15. ***1. The Commission shall adopt regulations that establish:***

(a) The obligations of incumbent local exchange carriers as providers of last resort giving due consideration to the status of the incumbent local exchange carriers as either competitive suppliers or small-scale providers of last resort.

(b) The terms, conditions and procedures under which:

(1) An incumbent local exchange carrier may be excused from the obligations of the provider of last resort; and

(2) The Commission may request an incumbent local exchange carrier to reinstate the obligations of the provider of last resort.

(c) The manner of giving prior written notice of not less than 180 days before another provider of basic network service or business line service may terminate or discontinue such services and the terms of any bond necessary to protect consumers and ensure continuity of such services.

2. The regulations adopted by the Commission may not allow an incumbent local exchange carrier to be excused from the obligations of the provider of last resort in situations where the incumbent local exchange carrier, before the effective date of this act, made an agreement to or was specifically ordered to act as the provider of last resort.

~~Sec. 16.~~ (Deleted by amendment.)

~~Sec. 17.~~ (Deleted by amendment.)

Sec. 18. ***1. Except as otherwise provided in this section, any telecommunication provider operating within this State is a competitive supplier that is subject to the provisions of sections 18 to 30, inclusive, of this act.***

2. A small-scale provider of last resort is not a competitive supplier that is subject to the provisions of sections 18 to 30, inclusive, of this act, unless the small-scale provider of last resort is authorized by the Commission pursuant to section 21 of this act to be regulated as a competitive supplier.

Sec. 19. ***The provisions of sections 18 to 30, inclusive, of this act do not:***

1. Apply to the Commission in connection with any actions or decisions required or permitted by the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

2. Limit or modify:

(a) The duties of a competitive supplier that is an incumbent local exchange carrier regarding the provision of network interconnection, unbundled network elements and resold services under the provisions of

the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

(b) The authority of the Commission to act pursuant to NRS 704.6881 and 704.6882.

Sec. 20. ***The Commission may adopt any regulations that are necessary to carry out the provisions of sections 18 to 30, inclusive, of this act.***

Sec. 20.5. ***1. Each competitive supplier that is an incumbent local exchange carrier on the effective date of this act shall:***

(a) On or before October 1, 2008, prepare and submit to the Commission and the Bureau of Consumer Protection in the Office of the Attorney General a report regarding competition in the local markets for telecommunication service, including, without limitation, competition from available alternative services that serve as technological substitutes for telecommunication service. The report must be based on information that is reasonably available from public sources and must contain data, statistical measures and analyses for assessing:

(1) The existing number of customers of the competitive supplier, the forms of telecommunication service provided by the competitive supplier and the prices for such services;

(2) The number of competitors in the local markets within the service territory of the competitive supplier for various forms of telecommunication service, including, without limitation, wireline and wireless telecommunication service, and any available alternative services that serve as technological substitutes for telecommunication service, such as broadband services and video services, and a comparison of the services provided by such competitors and prices for telecommunication service and broadband service;

(3) The growth or decline, if any, in customers and primary access lines of the competitive supplier during the preceding 5 years; and

(4) The number of persons receiving a reduction in rates for telephone service pursuant to NRS 707.400 to 707.500, inclusive, within the service territory of the competitive supplier, the price of such service, the consumer outreach and informational programs used to expand participation of eligible persons in such service, and the management, coordination and training programs implemented by the competitive supplier to increase awareness and use of lifeline and link-up programs.

(b) On or before October 1 of each year thereafter for a period of 4 years, prepare and submit to the Commission and the Bureau of Consumer Protection in the Office of the Attorney General a report that compares and evaluates any changes in the data, prices, statistical measures and analyses set forth in the report submitted by the competitive supplier pursuant to paragraph (a).

2. The Commission shall:

(a) On or before December 1 of each applicable year, provide to the Legislative Commission a copy of the reports received pursuant to subsection 1; and

(b) On or before December 1, 2010, prepare and submit to the Legislative Commission and the Bureau of Consumer Protection in the Office of the Attorney General a report that:

(1) Summarizes and evaluates the data, prices, statistical measures and analyses set forth in the reports submitted by competitive suppliers pursuant to subsection 1;

(2) Provides an assessment of market conditions and the state of competition for telecommunication service in the various geographical areas of this State; and

(3) Includes, without limitation:

(I) A discussion of the types of alternative services that serve as technological substitutes for telecommunication service and the availability of such alternative services in the various geographical areas of this State; and

(II) An assessment of the alternative services that are available for basic network service and business line service considering inter-modal alternatives, technological developments, market conditions and the availability of comparable alternative services in the various geographical areas of this State.

Sec. 21. ***1. A small-scale provider of last resort may apply to the Commission to be regulated as a competitive supplier pursuant to sections 18 to 30, inclusive, of this act.***

2. The Commission may grant the application if it finds that the public interest will be served by allowing the small-scale provider of last resort to be regulated as a competitive supplier.

3. If the Commission denies the application, the small-scale provider of last resort:

(a) May not be regulated as a competitive supplier but remains subject to regulation pursuant to this chapter as a telecommunication provider; and

(b) May not submit another application to be regulated as a competitive supplier sooner than 1 year after the date the most recent application was denied, unless the Commission, upon a showing of good cause or changed circumstances, allows the provider to submit another application sooner.

Sec. 22. ***1. A competitive supplier is not subject to any review of earnings or monitoring of the rate base or any other regulation by the Commission relating to the net income or rate of return of the competitive supplier, and the Commission shall not consider the rate of return, the rate base or any other earnings of the competitive supplier in carrying out the provisions of sections 18 to 30, inclusive, of this act.***

2. On or before May 15 of each year, a competitive supplier shall file with the Commission an annual statement of income, a balance sheet, a statement of cash flows for the total operations of the competitive supplier

and a statement of intrastate service revenues, each prepared in accordance with generally accepted accounting principles.

3. A competitive supplier is not required to submit any other form of financial report or comply with any other accounting requirements, including, without limitation, requirements relating to depreciation and affiliate transactions, imposed upon a public utility by this chapter, chapter 703 of NRS or the regulations of the Commission.

Sec. 23. ***1. Except as otherwise provided in sections 18 to 30, inclusive, of this act, a competitive supplier:***

(a) Is exempt from the provisions of NRS 704.100 and 704.110 and the regulations of the Commission relating thereto and from any other provision of this chapter governing the rates, pricing, terms and conditions of any telecommunication service; and

(b) May exercise complete flexibility in the rates, pricing, terms and conditions of any telecommunication service.

2. The rates, pricing, terms and conditions of intrastate switched or special access service provided by a competitive supplier that is an incumbent local exchange carrier and the applicability of such access service to intrastate interexchange traffic are subject to regulation by the Commission, which must be consistent with federal law, unless the Commission deregulates ~~*[such]*~~ ***intrastate special access service pursuant to section 26 of this act.***

3. A competitive supplier that is an incumbent local exchange carrier shall use a letter of advice to change any rates, pricing, terms and conditions of intrastate ~~*[switched or]*~~ ***special access service, universal lifeline service or access to emergency 911 service. A letter of advice submitted pursuant to this subsection shall be deemed approved if the Commission does not otherwise act on the letter of advice within 120 days after the date on which the letter is filed with the Commission.***

Sec. 24. ***1. A competitive supplier is not required to maintain or file any schedule or tariff with the Commission.***

2. Each competitive supplier that is an incumbent local exchange carrier:

(a) Shall publish the rates, pricing, terms and conditions of basic network service by:

(1) Posting such rates, pricing, terms and conditions electronically on a publicly available Internet website maintained by the competitive supplier;

(2) Maintaining for inspection by the public a copy of such rates, pricing, terms and conditions at the principal office in Nevada of the competitive supplier; or

(3) Delivering to the customer a copy of the rates, pricing, terms and conditions in writing with the first invoice, billing statement or other written summary of charges for the telecommunication service provided by the competitive supplier to the customer; and

(b) May publish the rates, pricing, terms and conditions of other telecommunication service by:

(1) Posting such rates, pricing, terms and conditions electronically on a publicly available Internet website maintained by the competitive supplier;

(2) Maintaining for inspection by the public a copy of such rates, pricing, terms and conditions at the principal office in Nevada of the competitive supplier; or

(3) Delivering to the customer a copy of the rates, pricing, terms and conditions in writing with the first invoice, billing statement or other written summary of charges for the telecommunication service provided by the competitive supplier to the customer.

Sec. 25. ***1. The Commission shall not decrease the rates or pricing of basic network service provided by a competitive supplier, unless the competitive supplier files a general rate application pursuant to paragraph (b) of subsection 2 and the Commission orders a decrease in the rates or pricing of such service in a general rate case proceeding conducted pursuant thereto.***

2. Except as otherwise provided in this section, a competitive supplier that is an incumbent local exchange carrier shall not:

(a) Without the approval of the Commission, discontinue basic network service or change the terms and conditions of basic network service as set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007.

(b) Before January 1, 2012, increase the rates or pricing of basic network service as set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007, except that notwithstanding any other provision of this chapter:

(1) On or after January 1, 2011, and before January 1, 2012, the competitive supplier may, without the approval of the Commission, increase the rates or pricing of basic network service provided by the competitive supplier but the total of all increases during that period may not result in rates or pricing of basic network service that is more than $1 above the rates or pricing set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007; and

(2) The Commission may allow the competitive supplier to increase the rates or pricing of basic network service above the amounts authorized by this subsection only if the competitive supplier files a general rate application and proves in a general rate case proceeding conducted pursuant to NRS 704.110 and 704.120 that the increase is absolutely necessary to avoid rates or prices that are confiscatory under the Constitution of the United States or the Constitution of this State. In such a general rate case proceeding, the Commission:

(I) May allow an increase in the rates or pricing of basic network service provided by the competitive supplier only in an amount that the

competitive supplier proves in the general rate case proceeding is absolutely necessary to avoid an unconstitutional result and shall not authorize in the general rate case proceeding any rate, price or other relief for the competitive supplier that is not proven by the competitive supplier to be absolutely necessary to avoid an unconstitutional result; and

(II) May order a decrease in the rates or pricing of basic network service provided by the competitive supplier if the Commission determines in the general rate case proceeding that the decrease is necessary to provide customers with just and reasonable rates.

3. On or after January 1, 2012:

(a) A competitive supplier that is an incumbent local exchange carrier may exercise flexibility in the rates, pricing, terms and conditions of basic network service in the same manner permitted for other telecommunication service pursuant to section 23 of this act; and

(b) The Commission shall not:

(1) Regulate the rates, pricing, terms and conditions of basic network service provided by such a competitive supplier; or

(2) Require such a competitive supplier to maintain any schedule or tariff for basic network service.

4. A competitive supplier that is an incumbent local exchange carrier must provide reasonably detailed information concerning the rates, pricing, terms and conditions of basic network service in the manner required by section 24 of this act.

Sec. 26. ***1. The Commission may not deregulate access to emergency 911 service provided by a competitive supplier.***

2. The Commission may, upon its own motion or the petition of any person, deregulate intrastate ~~*[switched or]*~~ ***special access service provided by a competitive supplier. Unless the Commission deregulates such access service pursuant to this subsection, the rates, pricing, terms and conditions of such access service are subject to tariff regulation by the Commission.***

3. If the Commission receives a petition pursuant to subsection 2, the Commission shall act upon the petition not later than 120 days after the date the Commission receives the petition.

Sec. 27. ***1. A competitive supplier that is a provider of last resort may use an alternative technology to satisfy the obligation to provide basic network service or business line service in a service territory.***

2. Except as otherwise provided in this section, the Commission may not exercise jurisdiction over an alternative technology used by a competitive supplier that is a provider of last resort to satisfy the obligation to provide basic network service or business line service in a service territory, including, without limitation, determining the rates, pricing, terms, conditions or availability of an alternative technology.

3. If a competitive supplier that is a provider of last resort uses an alternative technology to satisfy the obligation to provide basic network service or business line service in a service territory, the Commission may

investigate whether basic network service or business line service provided through the alternative technology by the competitive supplier is functionally comparable with circuit-switched wireline telephony.

4. If, after notice and hearing, the Commission finds any material deficiency in the competitive supplier's use of the alternative technology to satisfy the obligation to provide basic network service or business line service, the Commission may order the competitive supplier to implement corrective action, within a technically reasonable period, to cure the material deficiency in the use of the alternative technology.

5. As used in this section, "alternative technology" means any technology, facility or equipment, other than circuit-switched wireline telephony, that has the capability to provide customers with service functionally comparable to basic network service or business line service. The term includes, without limitation, wireless or Internet technology, facilities or equipment.

Sec. 28. ***If a competitive supplier charges a customer a fixed price or amount for a package of services, the competitive supplier, in any bill or statement for the package of services, is permitted to specify only the fixed price or amount for the package of services and is not required to:***

1. Identify each separate service or component included in the package of services; or

2. Specify the unit price or amount charged for each separate service or component included in the package of services.

Sec. 29. ***1. A competitive supplier that is not a provider of last resort may discontinue any telecommunication service by providing written notice, not less than 10 days before the date of the discontinuation, to any customer of that service and the Commission.***

2. A competitive supplier that is a provider of last resort may:

(a) Discontinue any telecommunication service, except basic network service, by providing written notice, not less than 10 days before the date of the discontinuation, to any customer of that service and the Commission.

(b) Apply to the Commission to discontinue basic network service to all or a portion of the service territory of the competitive supplier on terms that are in the public interest.

Sec. 30. ***In exercising flexibility in the rates, pricing, terms and conditions of any telecommunication service, a competitive supplier that is an incumbent local exchange carrier shall not engage in any anticompetitive act or practice or unlawfully discriminate among similarly situated customers.***

Sec. 31. NRS 704.001 is hereby amended to read as follows:

704.001 It is hereby declared to be the purpose and policy of the Legislature in enacting this chapter:

1. To confer upon the Commission the power, and to make it the duty of the Commission, to regulate public utilities to the extent of its jurisdiction;

2. To provide for fair and impartial regulation of public utilities;

3. To provide for the safe, economic, efficient, prudent and reliable operation and service of public utilities; [~~and~~]

4. To balance the interests of customers and shareholders of public utilities by providing public utilities with the opportunity to earn a fair return on their investments while providing customers with just and reasonable rates [~~.~~] ***; and***

5. With regard to telecommunication service:

(a) To regulate competitive suppliers in a manner that allows customers to benefit from full competition regarding rates and services;

(b) To provide for basic network service to economically disadvantaged persons who are eligible for a reduction in rates for telephone service pursuant to NRS 707.400 to 707.500, inclusive; and

(c) To maintain the availability of telephone service to rural, insular and high-cost areas through:

(1) The levy and collection of a uniform and equitable assessment from all persons furnishing intrastate telecommunication service or the functional equivalent of such service through any form of telephony technology; and

(2) Payments to telecommunication providers from the fund to maintain the availability of telephone service.

Sec. 32. NRS 704.005 is hereby amended to read as follows:

704.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 704.007 to 704.030, inclusive, ***and sections 2 to 13, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 33. NRS 704.020 is hereby amended to read as follows:

704.020 1. "Public utility" or "utility" includes:

(a) Any person who owns, operates, manages or controls any railroad or part of a railroad as a common carrier in this State, or cars or other equipment used thereon, or bridges, terminals, or sidetracks, or any docks or wharves or storage elevators used in connection therewith, whether or not they are owned by the railroad.

(b) Any [~~telephone company~~] ***person, other than a provider of commercial mobile radio service,*** that provides a telecommunication service to the public, but only with regard to those operations [~~of the telephone company~~] which consist of providing a telecommunication service to the public.

(c) ***Any provider of commercial mobile radio service, but such providers:***

(1) Must be regulated in a manner consistent with federal law; and

(2) Must not be regulated as telecommunication providers for the purposes of this chapter.

(d) Any radio or broadcasting company or instrumentality that provides a common or contract service.

[~~(d)~~] ***(e)*** Any company that owns cars of any kind or character, used and operated as a part of railroad trains, in or through this State. All duties

required of and penalties imposed upon any railroad or any officer or agent thereof are, insofar as applicable, required of and imposed upon [~~the owner or operator of any telephone company that provides a telecommunication service to the public, any radio or broadcasting company or instrumentality that provides a common or contract service~~] ***any public utility*** and any ***other*** company that owns cars of any kind or character, used and operated as a part of railroad trains in or through this State, and their officers and agents, and the Commission may supervise and control all such companies, instrumentalities and persons to the same extent as railroads.

2. "Public utility" or "utility" also includes:

(a) Any person who owns, operates or controls any ditch, flume, tunnel or tunnel and drainage system, charging rates, fares or tolls, directly or indirectly.

(b) Any plant or equipment, or any part of a plant or equipment, within this State for the production, delivery or furnishing for or to other persons, including private or municipal corporations, heat, gas, coal slurry, light, power in any form or by any agency, water for business, manufacturing, agricultural or household use, or sewerage service, whether or not within the limits of municipalities.

(c) Any system for the distribution of liquefied petroleum gas to 10 or more users.

➥ The Commission may supervise, regulate and control all such utilities, subject to the provisions of this chapter and to the exclusion of the jurisdiction, regulation and control of such utilities by any municipality, town or village, unless otherwise provided by law.

3. The provisions of this chapter and the term "public utility" apply to all railroads, express companies, car companies and all associations of persons, whether or not incorporated, that do any business as a common carrier upon or over any line of railroad within this State.

Sec. 34. NRS 704.033 is hereby amended to read as follows:

704.033 1. Except as otherwise provided in subsection 6, the Commission shall levy and collect an annual assessment from all public utilities, providers of discretionary natural gas service and alternative sellers subject to the jurisdiction of the Commission.

2. Except as otherwise provided in subsections 3 and 4, the annual assessment must be:

(a) For the use of the Commission, not more than 3.50 mills; and

(b) For the use of the Consumer's Advocate, not more than 0.75 mills,

➥ on each dollar of gross operating revenue derived from the intrastate operations of such utilities, providers of discretionary natural gas service and alternative sellers in the State of Nevada. The total annual assessment must be not more than 4.25 mills.

3. The levy for the use of the Consumer's Advocate must not be assessed against railroads.

4. The minimum assessment in any 1 year must be $100.

5. The gross operating revenue of the utilities must be determined for the preceding calendar year. In the case of:

(a) [~~Telephone utilities,~~] ***Telecommunication providers,*** except as provided in paragraph (c), the revenue shall be deemed to be all intrastate revenues.

(b) Railroads, the revenue shall be deemed to be the revenue received only from freight and passenger intrastate movements.

(c) All public utilities, providers of discretionary natural gas service and alternative sellers, the revenue does not include the proceeds of any commodity, energy or service furnished to another public utility, provider of discretionary natural gas service or alternative seller for resale.

6. Providers of commercial mobile radio service are not subject to the annual assessment and, in lieu thereof, shall pay to the Commission an annual licensing fee of $200.

Sec. 35. NRS 704.040 is hereby amended to read as follows:

704.040 1. Every public utility shall furnish reasonably adequate service and facilities **.** [~~, and~~] ***Subject to the provisions of subsection 3,*** the charges made for any service rendered or to be rendered, or for any service in connection therewith or incidental thereto, must be just and reasonable.

2. Every unjust and unreasonable charge for service of a public utility is unlawful.

[~~3. The Commission may exempt, to the extent it deems reasonable, services related to telecommunication or public utilities which provide telecommunication services from any or all of the provisions of this chapter, upon a determination after hearing that the services are competitive or discretionary and that regulation thereof is unnecessary. For the purposes of this subsection, basic local exchange service and access services provided to interexchange carriers are not discretionary.~~

~~4. The Commission shall adopt regulations necessary to establish a plan of alternative regulation for a public utility that provides telecommunication services. The plan of alternative regulation may include, but is not limited to, provisions that:~~

~~(a) Allow adjustment of the rates charged by a public utility that provides telecommunication services during the period in which the utility elects the plan of alternative regulation.~~

~~(b) Provide for flexibility of pricing for discretionary services and services that are competitive.~~

~~(c) Specify the provisions of this chapter, NRS 426.295 and chapter 707 of NRS that do not apply to a public utility that elects to be regulated under the plan of alternative regulation.~~

~~(d) Except as otherwise provided in this paragraph and NRS 704.68952, if the public utility is an incumbent local exchange carrier, allow the incumbent local exchange carrier to select the duration of the period in which the incumbent local exchange carrier is to be regulated under the plan of alternative regulation. The incumbent local exchange carrier may not select a~~

~~period that is less than 3 years or more than 5 years. The provisions of this paragraph do not apply to a plan of alternative regulation of an incumbent local exchange carrier regulated under a plan of alternative regulation that was approved by the Commission before June 11, 2003.~~

~~5. A public utility that elects to be regulated under a plan of alternative regulation established pursuant to subsection 4 is not subject to the remaining~~]

3. Except as otherwise provided in sections 18 to 30, inclusive, of this act:

(a) A competitive supplier is exempt from any provision of this chapter governing the rates, prices, terms and conditions of any telecommunication service.

(b) A small-scale provider of last resort is subject to the provisions of this chapter, NRS 426.295 [or] ***and*** chapter 707 of NRS ***.*** ~~[to the extent specified pursuant to paragraph (c) of subsection 4.~~

~~6.]~~ ***4.*** All ***telecommunication*** providers [of telecommunication services] which offer the same or similar service must be subject to fair and impartial regulation, to promote adequate, economical and efficient service.

[~~7. The Commission may~~]

5. To maintain the availability of telephone service in accordance with the regulations adopted pursuant to NRS 704.6873, the Commission shall provide for the levy and collection of [~~an~~] ***a uniform and equitable*** assessment, in an amount determined by the Commission, from [~~a public utility that provides telecommunication services in order to maintain the availability of telephone service.~~] ***all persons furnishing intrastate telecommunication service or the functional equivalent of such service through any form of telephony technology, unless the levy and collection of the assessment with regard to a particular form of technology is prohibited by federal law.*** Assessments levied ***and collected*** pursuant to this subsection must be maintained in a separate fund established by the Commission. The Commission shall contract with an independent administrator to administer the fund pursuant to open competitive bidding procedures established by the Commission. The independent administrator shall collect the assessments levied and distribute them from the fund pursuant to a plan which has been approved by the Commission. Money in the fund must be used for the sole purpose of maintaining the availability of telephone service.

~~[8. As used in this section:~~

~~(a) "Incumbent local exchange carrier" has the meaning ascribed to it in NRS 704.68932.~~

~~(b) "Interexchange carrier" means any person providing intrastate telecommunications service for a fee between two or more exchanges.]~~

Sec. 36. NRS 704.070 is hereby amended to read as follows:

704.070 [~~Unless exempt under the provisions of~~] ***Except as otherwise provided in*** NRS 704.075, 704.095 or 704.097 [~~:~~] ***and sections 18 to 30, inclusive, of this act:***

1. Each public utility shall file with the Commission, within a time to be fixed by the Commission, a copy of all schedules that are currently in force for the public utility. Such schedules must be open to public inspection.

2. A copy of each schedule that is currently in force for the public utility, or so much of the schedule as the Commission deems necessary for inspection by the public, must be:

(a) Printed in plain type and posted in each office of the public utility where payments are made to the public utility by its customers; and

(b) Open to inspection by the public and in such form and place as to be readily accessible to and conveniently inspected by the public.

Sec. 37. NRS 704.100 is hereby amended to read as follows:

704.100 Except as otherwise provided in NRS 704.075 and [~~704.68904 to 704.68984,~~] ***sections 18 to 30,*** inclusive, ***of this act*** or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097 ***:*** [~~or pursuant to the regulations adopted by the Commission in accordance with subsection 4 of NRS 704.040:~~]

1. A public utility shall not make changes in any schedule, unless the public utility:

(a) Files with the Commission an application to make the proposed changes and the Commission approves the proposed changes pursuant to NRS 704.110; or

(b) Files the proposed changes with the Commission using a letter of advice in accordance with the provisions of subsection 5.

2. A public utility shall adjust its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8 of NRS 704.110 based on changes in the public utility's recorded costs of natural gas purchased for resale.

3. A public utility shall post copies of all proposed schedules and all new or amended schedules in the same offices and in substantially the same form, manner and places as required by NRS 704.070 for the posting of copies of schedules that are currently in force.

4. A public utility may not set forth as justification for a rate increase any items of expense or rate base that previously have been considered and disallowed by the Commission, unless those items are clearly identified in the application and new facts or considerations of policy for each item are advanced in the application to justify a reversal of the prior decision of the Commission.

5. Except as otherwise provided in subsection 6, if the proposed change in any schedule does not change any rate or will result in an increase in annual gross operating revenue, as certified by the public utility, in an amount that does not exceed $2,500:

(a) The public utility may file the proposed change with the Commission using a letter of advice in lieu of filing an application; and

(b) The Commission shall determine whether it should dispense with a hearing regarding the proposed change.

6. If the applicant is a [~~public utility furnishing telephone service~~] ***small-scale provider of last resort*** and the proposed change in any schedule will result in an increase in annual gross operating revenue, as certified by the applicant, in an amount that does not exceed $50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less, the Commission shall determine whether it should dispense with a hearing regarding the proposed change.

7. In making the determination pursuant to subsection 5 or 6, the Commission shall first consider all timely written protests, any presentation that the Regulatory Operations Staff of the Commission may desire to present, the application of the public utility and any other matters deemed relevant by the Commission.

Sec. 38. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075 and [~~704.68904 to 704.68984,~~] ***sections 18 to 30,*** inclusive, ***of this act*** or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097 ***:*** [~~or pursuant to the regulations adopted by the Commission in accordance with subsection 4 of NRS 704.040:~~]

1. If a public utility files with the Commission an application to make changes in any schedule, including, without limitation, changes that will result in a discontinuance, modification or restriction of service, the Commission shall investigate the propriety of the proposed changes to determine whether to approve or disapprove the proposed changes. If an electric utility files such an application and the application is a general rate application or an application to clear its deferred accounts, the Consumer's Advocate shall be deemed a party of record.

2. Except as otherwise provided in [~~subsections 3 and 13,~~] ***subsection 3,*** if a public utility files with the Commission an application to make changes in any schedule, the Commission shall issue a written order approving or disapproving, in whole or in part, the proposed changes [~~:~~

~~(a) For a public utility that is a PAR carrier, not later than 180 days after the date on which the application is filed; and~~

~~(b) For all other public utilities,~~] not later than 210 days after the date on which the application is filed.

3. If a public utility files with the Commission a general rate application, the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared. Except as otherwise provided in subsection 4, in determining whether to approve or disapprove any increased rates, the Commission shall consider evidence in support of the increased rates based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the Commission and changes in the costs of securities which are known and are

measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months, but the public utility shall not place into effect any increased rates until the changes have been experienced and certified by the public utility to the Commission and the Commission has approved the increased rates. The Commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an annual basis. Within 90 days after the date on which the certification required by this subsection is filed with the Commission, or within the period set forth in subsection 2, whichever time is longer, the Commission shall make such order in reference to the increased rates as is required by this chapter. An electric utility shall file a general rate application pursuant to this subsection at least once every 24 months based on the following schedule:

(a) An electric utility that primarily serves less densely populated counties shall file a general rate application on or before October 3, 2005, and at least once every 24 months thereafter.

(b) An electric utility that primarily serves densely populated counties shall file a general rate application on or before November 15, 2006, and at least once every 24 months thereafter.

4. In addition to submitting the statement required pursuant to subsection 3, a public utility which purchases natural gas for resale may submit with its general rate application a statement showing the effects, on an annualized basis, of all expected changes in circumstances. If such a statement is filed, it must include all increases and decreases in revenue and expenses which may occur within 210 days after the date on which its general rate application is filed with the Commission if such expected changes in circumstances are reasonably known and are measurable with reasonable accuracy. If a public utility submits such a statement, the public utility has the burden of proving that the expected changes in circumstances set forth in the statement are reasonably known and are measurable with reasonable accuracy. If the Commission determines that the public utility has met its burden of proof:

(a) The Commission shall consider the statement submitted pursuant to this subsection and evidence relevant to the statement in addition to the statement required pursuant to subsection 3 as evidence in establishing just and reasonable rates for the public utility; and

(b) The public utility is not required to file with the Commission the certification that would otherwise be required pursuant to subsection 3.

5. If a public utility files with the Commission an application to make changes in any schedule and the Commission does not issue a final written order regarding the proposed changes within the time required by this section, the proposed changes shall be deemed to be approved by the Commission.

6. If a public utility files with the Commission a general rate application, the public utility shall not file with the Commission another general rate application until all pending general rate applications filed by that public utility have been decided by the Commission unless, after application and hearing, the Commission determines that a substantial financial emergency would exist if the public utility is not permitted to file another general rate application sooner. The provisions of this subsection do not prohibit the public utility from filing with the Commission, while a general rate application is pending, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale pursuant to subsection 7 or an application to clear its deferred accounts pursuant to subsection 9, if the public utility is otherwise authorized by those provisions to file such an application.

7. A public utility may file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale once every 30 days. The provisions of this subsection do not apply to:

(a) An electric utility using deferred accounting pursuant to NRS 704.187; or

(b) A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8.

8. A public utility which purchases natural gas for resale must request approval from the Commission to adjust its rates on a quarterly basis between annual rate adjustment applications based on changes in the public utility's recorded costs of natural gas purchased for resale. If the Commission approves such a request:

(a) The public utility shall file written notice with the Commission before the public utility makes a quarterly rate adjustment between annual rate adjustment applications. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The public utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill. The public utility shall begin providing such written notice to its customers not later than 30 days after the date on which the public utility files its written notice with the Commission pursuant to paragraph (a). The written notice that is included with a customer's regular monthly bill:

(1) Must be printed separately on fluorescent-colored paper and must not be attached to the pages of the bill; and

(2) Must include the following:

(I) The total amount of the increase or decrease in the public utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission; and

(IV) Any other information required by the Commission.

(c) The public utility shall file an annual rate adjustment application with the Commission. The annual rate adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual rate adjustment application must include a review of each quarterly rate adjustment and a review of the transactions and recorded costs of natural gas included in each quarterly rate adjustment and the annual rate adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the public utility to recover any recorded costs of natural gas which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the public utility, and the Commission shall order the public utility to adjust its rates if the Commission determines that any recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application were not reasonable or prudent.

9. Except as otherwise provided in subsection 10 and subsection 5 of NRS 704.100, if an electric utility using deferred accounting pursuant to NRS 704.187 files an application to clear its deferred accounts and to change one or more of its rates based upon changes in the costs for purchased fuel or purchased power, the Commission, after a public hearing and by an appropriate order:

(a) Shall allow the electric utility to clear its deferred accounts by refunding any credit balance or recovering any debit balance over a period not to exceed 3 years, as determined by the Commission.

(b) Shall not allow the electric utility to recover any debit balance, or portion thereof, in an amount that would result in a rate of return during the period of recovery that exceeds the rate of return authorized by the Commission in the most recently completed rate proceeding for the electric utility.

10. Before allowing an electric utility to clear its deferred accounts pursuant to subsection 9, the Commission shall determine whether the costs for purchased fuel and purchased power that the electric utility recorded in its deferred accounts are recoverable and whether the revenues that the electric

utility collected from customers in this State for purchased fuel and purchased power are properly recorded and credited in its deferred accounts. The Commission shall not allow the electric utility to recover any costs for purchased fuel and purchased power that were the result of any practice or transaction that was undertaken, managed or performed imprudently by the electric utility.

11. If an electric utility files an application to clear its deferred accounts pursuant to subsection 9 while a general rate application is pending, the electric utility shall:

(a) Submit with its application to clear its deferred accounts information relating to the cost of service and rate design; and

(b) Supplement its general rate application with the same information, if such information was not submitted with the general rate application.

12. A utility facility identified in a 3-year plan submitted pursuant to NRS 704.741 and accepted by the Commission for acquisition or construction pursuant to NRS 704.751 and the regulations adopted pursuant thereto shall be deemed to be a prudent investment. The utility may recover all just and reasonable costs of planning and constructing such a facility.

13. [~~A PAR carrier may, in accordance with this section and NRS 704.100, file with the Commission a request to approve or change any schedule to provide volume or duration discounts to rates for telecommunication service for an offering made to all or any class of business customers. The Commission may conduct a hearing relating to the request, which must occur within 45 days after the date the request is filed with the Commission. The request and schedule shall be deemed approved if the request and schedule are not disapproved by the Commission within 60 days after the date the Commission receives the request.~~

~~14.~~] As used in this section:

(a) "Electric utility" has the meaning ascribed to it in NRS 704.187.

(b) "Electric utility that primarily serves densely populated counties" has the meaning ascribed to it in NRS 704.187.

(c) "Electric utility that primarily serves less densely populated counties" has the meaning ascribed to it in NRS 704.187.

~~[(d) "PAR carrier" has the meaning ascribed to it in NRS 704.68942.]~~

Sec. 39. NRS 704.120 is hereby amended to read as follows:

704.120 1. If, upon any hearing and after due investigation, the rates, tolls, charges, schedules or joint rates shall be found to be unjust, unreasonable or unjustly discriminatory, or to be preferential, or otherwise in violation of any of the provisions of this chapter, the Commission shall have the power to fix and order substituted therefor such rate or rates, tolls, charges or schedules as shall be just and reasonable.

2. If it shall in like manner be found that any regulation, measurement, practice, act or service complained of is unjust, unreasonable, insufficient, preferential, unjustly discriminatory or otherwise in violation of the provisions of this chapter, or if it be found that the service is inadequate, or

that any reasonable service cannot be obtained, the Commission shall have the power to substitute therefor such other regulations, measurements, practices, service or acts and make such order relating thereto as may be just and reasonable.

3. When complaint is made of more than one rate, charge or practice, the Commission may, in its discretion, order separate hearings upon the several matters complained of and at such times and places as it may prescribe.

4. No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

5. The Commission may at any time, upon its own motion, investigate any of the rates, tolls, charges, rules, regulations, practices and service, and, after a full hearing as above provided, by order, make such changes as may be just and reasonable, the same as if a formal complaint had been made.

6. The provisions of this section do not apply to a competitive supplier, except that a competitive supplier that is an incumbent local exchange carrier is subject to the provisions of this section with regard to:

(a) The provision of basic network service until January 1, 2012; and

(b) Any general rate application filed by the competitive supplier pursuant to paragraph (b) of subsection 2 of section 25 of this act. If the competitive supplier files such a general rate application, the general rate case proceeding must be conducted by the Commission in accordance with this section and NRS 704.110.

Sec. 40**.** NRS 704.175 is hereby amended to read as follows:

704.175 1. Except as provided in subsection 2, any public utility which installs or modifies any electrical supply line in any building or facility which it owns or operates, if the building or facility is open and accessible to the general public, shall perform such installation or modification as if the National Electrical Code adopted by the National Fire Protection Association applied to such work, and any local government which regulates electrical construction shall inspect such work within its jurisdiction for compliance with this section.

2. Communication equipment and related apparatus are exempted from the provisions of subsection 1 only if the equipment and apparatus ~~[is]~~ ***are*** owned, installed, operated and maintained by a ~~[public utility which provides communication services]~~ ***telecommunication provider*** under the jurisdiction of the Commission.

Sec. 41**.** NRS 704.210 is hereby amended to read as follows:

704.210 ~~[The]~~

1. Except as otherwise provided in subsection 2, the Commission may:

~~[1.]~~ ***(a)*** Adopt necessary and reasonable regulations governing the procedure, administration and enforcement of the provisions of this chapter, subject to the provisions of NRS 416.060.

~~[2.]~~ ***(b)*** Prescribe classifications of the service of all public utilities and, except as otherwise provided in NRS 704.075, fix and regulate the rates therefor.

[~~3.~~] ***(c)*** Fix just and reasonable charges for transportation of all intrastate freight and passengers and the rates and tolls for the use of telephone lines within the State.

[~~4.~~] ***(d)*** Adopt just and reasonable regulations for the apportionment of all joint rates and charges between public utilities.

[~~5.~~] ***(e)*** Consider the need for the conservation of energy when acting pursuant to the provisions of [~~subsections 1, 2 and 3.~~] ***this subsection.***

2. The provisions of subsection 1 do not apply to a competitive supplier.

Sec. 42**.** NRS 704.215 is hereby amended to read as follows:

704.215 [~~The~~]

1. Subject to the provisions of this chapter, the Commission may adopt by reference all or part of any appropriate:

[~~1.~~] ***(a)*** Rule, regulation or rate [~~related to telecommunications services~~] ***schedule relating to telecommunication service*** issued by an agency of the Federal Government or of any state.

[~~2.~~] ***(b)*** Regulation proposed by the National Association of Regulatory Utility Commissioners or code issued by a national or state professional society.

[~~➥~~]

2. A copy of each such rule, regulation, rate schedule [~~related to telecommunications services~~] or code [~~so~~] adopted ***by the Commission pursuant to this section*** must be included with the regulations filed with the Secretary of State.

Sec. 43**.** NRS 704.328 is hereby amended to read as follows:

704.328 The provisions of NRS 704.322 to 704.326, inclusive, [~~shall~~] ***do*** not apply to [~~any~~] ***:***

1. A public utility engaged in:

[~~1.~~] ***(a)*** Interstate commerce if 25 percent or more of the operating revenues of such public utility are derived from interstate commerce.

[~~2.~~] ***(b)*** The business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if the utility:

[~~(a)~~] ***(1)*** Serves 15 persons or less; and

[~~(b)~~] ***(2)*** Operates in a county whose population is 400,000 or more.

2. A competitive supplier.

Sec. 44. **(Deleted by amendment.)**

Sec. 45. NRS 704.330 is hereby amended to read as follows:

704.330 1. [~~Every public utility~~] ***Except as otherwise provided in this section, any person*** owning, controlling, operating or maintaining or having any contemplation of owning, controlling or operating any public utility shall, before beginning such operation or continuing operations or construction of any line, plant or system or any extension of a line, plant or system within this State, obtain from the Commission a certificate that the present or future public convenience or necessity requires or will require such continued operation or commencement of operations or construction.

2. [~~Nothing in~~] ***The provisions of*** this section [~~requires~~] ***do not require*** a public utility to secure such a certificate for any extension within any town or city within which it lawfully ***has*** commenced operations or for any other extension [~~as long as~~] ***if*** the extension:

(a) Is ***undertaken by a small-scale provider of last resort*** to serve a telephone toll station or stations to be located not more than 10 miles from existing telephone facilities; [~~or~~]

(b) ***Is undertaken for any purpose by a competitive supplier; or***

(c) Remains within the boundaries of the service area which have been established by the Commission for its railroad, line, plant or system, and not then served by a public utility of like character.

3. Upon the granting of any certificate of public convenience, the Commission may make such an order and prescribe such terms and conditions for the location of lines, plants or systems to be constructed, extended or affected as may be just and reasonable.

4. When a complaint has been filed with the Commission alleging that any utility is being operated without a certificate of public convenience and necessity as required by this section, or when the Commission has reason to believe that any provision of this section is being violated, the Commission shall investigate such operations and the Commission may, after a hearing, make its order requiring the owner or operator of the utility to cease and desist from any operation in violation of this section. The Commission shall enforce compliance with such an order under the powers vested in the Commission by law.

5. If any public utility in constructing or extending its line, plant or system interferes or is about to interfere with the operation of the line, plant or system of any other public utility already constructed, the Commission, on complaint of the public utility claiming to be injuriously affected, after hearing, may make such an order prohibiting the construction or extension, or prescribing such terms and conditions for the location of the lines, plants or systems affected, as to it may seem just and reasonable.

6. Except as ***otherwise*** provided in [~~subsection 7, whenever~~] ***subsections 7 and 8, if*** the Commission, after a hearing upon its own motion or upon complaint, finds that there is or will be a duplication of service by public utilities in any area, the Commission shall either issue a certificate of public convenience and necessity assigning specific territories to one or to each of such utilities, or, by certificate of public convenience and necessity, otherwise define the conditions of rendering service and construction, extensions within such territories, and shall order the elimination of such duplication, all upon such terms as are just and reasonable, having due regard to due process of law and to all the rights of the respective parties and to public convenience and necessity.

7. The Commission may allow ***and regulate*** a duplication of service by [~~public utilities~~] ***telecommunication providers*** in an area [~~if:~~

~~(a) The service provided is related to telecommunication; and~~

~~(b) It~~] ***where the provider of last resort is a small-scale provider of last resort if the Commission*** finds that the competition should occur and that any duplication of service is reasonable.

8. The Commission:

(a) Shall allow a duplication of service or facilities by telecommunication providers in an area where the provider of last resort is a competitive supplier; and

(b) On or after January 1, 2012, shall not regulate a duplication of service or facilities by telecommunication providers in an area where the provider of last resort is a competitive supplier.

9. A competitive supplier that is a provider of last resort:

(a) Must provide to the Commission a description of and map depicting the boundaries of the service area in which the Commission has designated the competitive supplier as the provider of last resort; and

(b) May change the boundaries of that service area by filing an application with the Commission. The application shall be deemed approved if the Commission does not act on the application within 120 days after the date the application is filed with the Commission.

Sec. 46. NRS 704.380 is hereby amended to read as follows:

704.380 [~~No~~] ***1. Except as otherwise provided in subsection 2, any*** public utility beginning, prosecuting or completing any new construction in violation of this chapter [~~shall be~~] ***is not*** permitted to levy any tolls or charges for services rendered, and all such tolls and charges [~~shall be~~] ***are*** void.

2. The provisions of subsection 1 do not apply to a competitive supplier that is operating in accordance with the provisions of this chapter governing telecommunication providers.

Sec. 47. NRS 704.390 is hereby amended to read as follows:

704.390 1. [~~It~~] ***Except as otherwise provided in sections 18 to 30, inclusive, of this act, it*** is unlawful for any public utility to discontinue, modify or restrict service to any city, town, municipality, community or territory theretofore serviced by it, except upon 30 days' notice filed with the Commission, specifying in detail the character and nature of the discontinuance or restriction of the service intended, and upon order of the Commission, made after hearing, permitting such discontinuance, modification or restriction of service.

2. Except as otherwise provided in subsection 3, the Commission, in its discretion and after investigation, may dispense with the hearing on the application for discontinuance, modification or restriction of service if, upon the expiration of the time fixed in the notice thereof, no protest against the granting of the application has been filed by or on behalf of any interested person.

3. The Commission shall not dispense with the hearing on the application of an electric utility.

Sec. 48. NRS 704.410 is hereby amended to read as follows:

704.410 1. Any public utility subject to the provisions of NRS 704.001 to 704.7595, inclusive, to which a certificate of public convenience and necessity has been issued pursuant to NRS 704.001 to 704.7595, inclusive, may transfer the certificate to any person qualified under NRS 704.001 to 704.7595, inclusive. Such a transfer is void and unenforceable and is not valid for any purpose unless:

(a) A joint application to make the transfer has been made to the Commission by the transferor and the transferee ~~[,]~~ ***or the transfer is incident to a transaction that is subject to an application under NRS 704.329 approved by the Commission;*** and

(b) The Commission has authorized the substitution of the transferee for the transferor. If the transferor is an electric utility, the Commission shall not authorize the transfer unless the transfer complies with the provisions of NRS 704.7561 to 704.7595, inclusive.

2. The Commission:

(a) Shall conduct a hearing on a transfer involving an electric utility. The hearing must be noticed and conducted in the same manner as other contested hearings before the Commission.

(b) May direct that a hearing be conducted on a transfer involving any other public utility. If the Commission determines that such a hearing should be held, the hearing must be noticed and conducted in the same manner as other contested hearings before the Commission. The Commission may dispense with such a hearing if, upon the expiration of the time fixed in the notice thereof, no protest to the proposed transfer has been filed by or on behalf of any interested person.

3. In determining whether the transfer of a certificate of public convenience and necessity to an applicant transferee should be authorized, the Commission must take into consideration:

(a) The utility service performed by the transferor and the proposed utility service of the transferee;

(b) Other authorized utility services in the territory for which the transfer is sought;

(c) Whether the transferee is fit, willing and able to perform the services of a public utility and whether the proposed operation will be consistent with the legislative policies set forth in NRS 704.001 to 704.7595, inclusive; and

(d) Whether the transfer will be in the public interest.

4. The Commission may make such amendments, restrictions or modifications in a certificate upon transferring it as the public interest requires.

5. No transfer is valid beyond the life of the certificate transferred.

Sec. 49. NRS 704.440 is hereby amended to read as follows:

704.440 1. [~~The~~] ***Except as otherwise provided in subsection 2, the*** Commission may, in its discretion, investigate and ascertain the value of all property of every public utility actually used and useful for the convenience of the public.

~~[2.]~~ In making such ***an*** investigation **,** the Commission may avail itself of all information contained in the assessment rolls of the various counties and the public records and files of all state departments, offices and commissions, and any other information obtainable.

2. The provisions of subsection 1 do not apply to a competitive supplier.

Sec. 50. NRS 704.684 is hereby amended to read as follows:

704.684 1. Except as otherwise provided in ~~[subsection 2 and NRS 704.68984,]~~ ***this section,*** the Commission shall not regulate any broadband service, including imposing any requirements relating to the terms, conditions, rates or availability of broadband service.

2. The provisions of subsection 1 do not limit or modify the authority of the Commission to:

(a) Consider any revenues, costs and expenses that a [~~public utility~~] ***small-scale provider of last resort*** derives from providing a broadband service, if the Commission is determining the rates of the [~~public utility~~] ***provider*** under a general rate application that is filed pursuant to subsection 3 of NRS 704.110;

(b) Act on a complaint filed pursuant to NRS 703.310, if the complaint relates to a broadband service that is provided by a public utility;

(c) Include any appropriate gross operating revenue that a public utility derives from providing broadband service when the Commission calculates the gross operating revenue of the public utility for the purposes of levying and collecting the annual assessment in accordance with the provisions of NRS 704.033; or

(d) Determine the rates, ***pricing,*** terms and conditions of intrastate ~~*[switched or]*~~ special access [~~services.~~] ***service provided by a telecommunication provider.***

3. ***The provisions of subsection 1 do not:***

(a) Apply to the Commission in connection with any actions or decisions required or permitted by the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

(b) Limit or modify:

(1) The duties of a telecommunication provider regarding the provision of network interconnection, unbundled network elements and resold services under the provisions of the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

(2) The authority of the Commission to act pursuant to NRS 704.6881 and 704.6882.

4. As used in this section ~~[~~:

~~(a) "Affiliate of an incumbent local exchange carrier" has the meaning ascribed to it in NRS 704.6891.~~

~~(b) "Broadband~~] **, *"broadband*** service" means any two-way service that transmits information at a rate that is generally not less than 200 kilobits per second in at least one direction.

~~[(c) "Incumbent local exchange carrier" has the meaning ascribed to it in NRS 704.68932.]~~

Sec. 51. NRS 704.6873 is hereby amended to read as follows:

704.6873 1. The Commission shall adopt regulations that require each [~~utility which provides telecommunication services~~] ***telecommunication provider furnishing service*** to:

(a) An elementary or secondary public school; or

(b) A public library,

➥ to establish discounts in the rates for the telecommunication services that the [~~utility provides~~] ***provider furnishes*** to that school or library. The amount of the discount must be determined by the Commission in a manner that is consistent with the provisions of 47 U.S.C. § 254.

2. The Commission shall adopt regulations that require each ~~[utility which provides telecommunication services~~] ***telecommunication provider furnishing service*** to:

(a) Public or private nonprofit providers of health care which serve persons in rural areas; or

(b) Persons with low income and persons in rural, insular and high-cost areas,

➥ to ensure that such providers of health care and persons have access to telecommunication services that are reasonably comparable to those services available in urban areas and that the rates for such services charged by the ~~[utility]~~ ***telecommunication provider*** are reasonably comparable to those charged in the urban areas, to the extent required by the provisions of 47 U.S.C. § 254.

3. The Commission shall adopt regulations which set forth the requirements for eligibility for ~~[persons]~~ ***:***

(a) Persons with low income [and definitions for] ***to receive a reduction in rates for telephone service pursuant to NRS 707.400 to 707.500, inclusive. The regulations adopted pursuant to this paragraph must provide that if a person is a customer of:***

(1) A competitive supplier that is an incumbent local exchange carrier, the person is eligible to receive a reduction in rates if the person's household has a total household gross income not exceeding 175 percent of the federally established poverty level for a household with the same number of persons; and

(2) Any other competitive supplier or a small-scale provider of last resort, the person is eligible to receive a reduction in rates if the person's household has a total household gross income not exceeding 150 percent of the federally established poverty level for a household with the same number of persons.

(b) Small-scale providers of last resort to apply to receive payments from the fund to maintain the availability of telephone service with regard to rural, insular and high-cost areas.

(c) Competitive suppliers that are providers of last resort to apply to receive payments from the fund to maintain the availability of telephone service with regard to rural, insular and high-cost areas.

4. Any regulations adopted pursuant to this section ***and NRS 704.040 regarding the availability of telephone service*** must ~~[be]~~ ***:***

(a) Be consistent with the ***applicable*** provisions of 47 U.S.C. § 254 ~~[.]~~ ***;***

(b) Define rural, insular and high-cost areas;

(c) Establish nondiscriminatory eligibility requirements for all small-scale providers of last resort that apply to receive payments from the fund to maintain the availability of telephone service with regard to rural, insular and high-cost areas; and

(d) Allow competitive suppliers which are providers of last resort and which meet the eligibility requirements established by the Commission to apply to receive payments from the fund to maintain the availability of telephone service with regard to rural, insular and high-cost areas.

Sec. 52. NRS 704.6875 is hereby amended to read as follows:

704.6875 1. Except as otherwise provided in subsection 2, each ~~[public utility which provides telecommunication services~~] ***telecommunication provider*** shall provide timely written notice to a customer of the duration of each call that is billed to the customer, reported in minutes, seconds or any fraction thereof, if the charges for the telecommunication services are calculated, in whole or in part, on the basis of the duration of the call.

2. The provisions of this section do not apply to measured rate service **.** ~~[that is regulated by the Commission.]~~

Sec. 53. NRS 704.6881 is hereby amended to read as follows:

704.6881 The Commission shall, by regulation:

1. Establish standards of performance and reporting regarding the provision of interconnection, unbundled network elements and resold services, which encourage competition and discourage discriminatory conduct in the provision of local telecommunication services; and

2. Notwithstanding the provisions of NRS 703.320 to the contrary, establish penalties and expedited procedures for imposing penalties upon a ***telecommunication*** provider ~~[of telecommunication services]~~ for actions that are inconsistent with the standards established by the Commission pursuant to subsection 1. Such penalties may include financial payment to the complaining ***telecommunication*** provider ~~[of telecommunication services]~~ for a violation of the standards established by the Commission pursuant to subsection 1, provided that any penalty paid must be deducted, with interest, from any other award under any other judicial or administrative procedure for the same conduct in the same reporting period. Any penalty imposed pursuant to this subsection is in lieu of the civil penalties set forth in NRS 703.380 and must be:

(a) Imposed for violating a standard or standards established by regulations of the Commission pursuant to subsection 1;

(b) Determined by the Commission to further the goal of encouraging competition or discouraging discriminatory conduct; and

(c) In an amount reasonable to encourage competition or discourage discriminatory conduct.

Sec. 54. NRS 704.6882 is hereby amended to read as follows:

704.6882 Notwithstanding the provisions of NRS 703.310 and 703.320, the Commission shall establish by regulation expedited procedures for complaints filed by a ***telecommunication*** provider ~~[of telecommunication services]~~ against another ***telecommunication*** provider ~~[of telecommunication services]~~ for any dispute arising under this chapter ***, including, without limitation, a dispute arising under the standards set forth in section 30 of this act,*** or ***arising under*** chapter 703 of NRS. ~~[, including]~~ ***The regulations may include, without limitation,*** specific procedures for interim relief that may include a preliminary decision by a single Commissioner except as to the imposition of monetary penalties.

Sec. 55. NRS 704.6884 is hereby amended to read as follows:

704.6884 The provisions of NRS 704.6881 to 704.6884, inclusive, must not be construed to exempt ***telecommunication*** providers ~~[of telecommunication services]~~ from any other applicable statute of this State or the United States relating to consumer and antitrust protections. The exemption provided in paragraph (c) of subsection 3 of NRS 598A.040 does not apply to conduct of, or actions taken by, a ***telecommunication*** provider ~~[of telecommunication services]~~ in violation of the standards established pursuant to subsection 1 of NRS 704.6881.

Sec. 56. Chapter 707 of NRS is hereby amended by adding thereto the provisions set forth as sections 57 to 60, inclusive, of this act.

Sec. 57. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 58, 59 and 60 of this act have the meanings ascribed to them in those sections.***

Sec. 58. ***"Basic network service" has the meaning ascribed to it in section 2 of this act.***

Sec. 59. ***"Telecommunication provider" or "telephone company" has the meaning ascribed to it in section 12 of this act.***

Sec. 60. ***"Telecommunication service" or "telephone service" has the meaning ascribed to it in section 13 of this act.***

Sec. 61. NRS 707.440 is hereby amended to read as follows:

707.440 "Eligible provider" means a ***telecommunication*** provider [~~of telecommunication services~~] that has been designated as an eligible telecommunications carrier by the Commission to receive universal service support pursuant to 47 U.S.C. § 214, as that section existed on January 1, 1999.

Sec. 62. NRS 707.490 is hereby amended to read as follows:

707.490 1. The reduction in the telephone rates provided by lifeline or link up services must be based on the methods for determining reductions which are adopted by the Commission by regulation. The Commission may

provide different methods for determining reductions to allow for differences between eligible providers. The methods may include, without limitation:

(a) Basing the reduction on the tariff filed by the eligible provider with the Commission; or

(b) Establishing a formula pursuant to which the amount of the reduction may be determined.

2. The reduction in such telephone rates applies only to:

(a) [Residential flat rate basic local exchange service;

(b) Residential local exchange access service;

(c) Residential local calling area service; and

(d)] ***Basic network service; and***

(b) Residential service connection charges ~~[.]~~ ***for such basic network service.***

3. [~~The reduced rate for residential local exchange access service, when combined with the reduced rate for residential local calling area service, must not exceed the comparable reduced rate for residential flat rate basic local exchange service.~~

~~4.]~~ If the amount of the reduction in rates provided by an eligible provider to an eligible customer for lifeline services is greater than the amount which the eligible provider receives as universal service support pursuant to 47 U.S.C. § 254, the eligible provider is entitled to reimbursement from the fund ***to maintain the availability of telephone service*** established by the Commission pursuant to NRS 704.040 for the difference between the amount of the reduction and the amount received as universal service support pursuant to 47 U.S.C. § 254.

Sec. 63. NRS 709.050 is hereby amended to read as follows:

709.050 1. The board of county commissioners may grant to any person, company, corporation or association the franchise, right and privilege to construct, install, operate and maintain street railways, electric light, heat and power lines, gas and water mains, telephone and telegraph lines, and all necessary or proper appliances used in connection therewith or appurtenant thereto, in the streets, alleys, avenues and other places in any unincorporated town in the county, and along the public roads and highways of the county, when the applicant complies with the terms and provisions of NRS 709.050 to 709.170, inclusive.

2. The board of county commissioners shall not:

(a) Impose any terms or conditions on a franchise granted pursuant to subsection 1 for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to obtain a

franchise if it provides ~~[telecommunications]~~ ***telecommunication*** service over the telephone or telegraph lines owned by another company.

3. As used in NRS 709.050 to 709.170, inclusive:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § ~~[230(e)(2),]~~ ***230(f)(2),*** as that section existed on ~~[July 16, 1997.]~~ ***January 1, 2007.***

(b) "Street railway" means:

(1) A system of public transportation operating over fixed rails on the surface of the ground; or

(2) An overhead or underground system, other than a monorail, used for public transportation.

➥ The term does not include a super speed ground transportation system as defined in NRS 705.4292.

(c) ~~[~~"Telecommunications~~]~~ ***"Telecommunication*** service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

4. As used in this section, "monorail" has the meaning ascribed to it in NRS 705.650.

Sec. 64**.** NRS 709.130 is hereby amended to read as follows:

709.130 1. Every person, company, corporation or association receiving a franchise pursuant to the provisions of NRS 709.050 to 709.170, inclusive, shall:

(a) Provide a plant with all necessary appurtenances of approved construction for the full performance of his franchise duties, rights and obligations, and for the needs, comfort and convenience of the inhabitants of the various unincorporated towns and cities, county or place to which his franchise relates.

(b) Keep the plants and appurtenances, including all tracks, cars, poles, wires, pipes, mains and other attachments, in good repair, so as not to interfere with the passage of persons or vehicles, or the safety of persons or property.

2. Except as otherwise provided in this subsection, the board of county commissioners may when granting such franchise, fix and direct the location of all tracks, poles, wires, mains, pipes and other appurtenances upon the public streets, alleys, avenues and highways as best to serve the convenience of the public. The board may change the location of any appurtenances and permit, upon proper showing, all necessary extensions thereof when the interest or convenience of the public requires. The board shall not require a company that provides ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the county.

3. All poles, except poles from which trolley wires are suspended for streetcar lines, from which wires are suspended for electric railroads, power, light or heating purposes within the boundaries of unincorporated towns and

over public highways must not be less than 30 feet in height, and the wires strung thereon must not be less than 25 feet above the ground.

4. Every person, company, association or corporation operating a telephone, telegraph or electric light, heat or power line, or any electric railway line, shall, with due diligence, provide itself, at its own expense, a competent electrician to cut, repair and replace wires in all cases where cutting or repairing or replacing is made necessary by the removal of buildings or other property through the public streets or highways.

5. No person, company, corporation or association may receive an exclusive franchise nor may any board of county commissioners grant a franchise in such manner or under such terms or conditions as to hinder or obstruct the granting of franchises to other grantees, or in such manner as to obstruct or impede reasonable competition in any business or public service to which NRS 709.050 to 709.170, inclusive, apply.

Sec. 65. NRS 710.140 is hereby amended to read as follows:

710.140 1. The control, management and conduct of any telephone line or system purchased, acquired or constructed by any county must be exercised by the board of county commissioners of such county.

2. The board of county commissioners has the right to employ such persons as may be necessary to carry on the business of the county telephone line or system.

3. The board of county commissioners shall comply with chapter 332 of NRS in letting contracts for the use and benefit of the county telephone line or system.

4. If the Public Utilities Commission of Nevada has provided for the levy and collection of an assessment pursuant to ~~[subsection 7 of]~~ NRS 704.040 for ~~[a]~~ ***the*** fund to maintain the availability of telephone service, the county telephone line or system is subject to the levy and collection of the assessment and is entitled to receive money from the fund under the same terms and conditions as a ~~[public utility that is subject to subsection 7 of NRS 704.040.]~~ ***telecommunication provider regulated pursuant to chapter 704 of NRS.***

5. In carrying on the business of the county telephone line or system, the board of county commissioners may create a separate corporation to provide communication services that are not within the scope of activities regulated pursuant to chapter 704 of NRS. The control and management of the separate corporation must be exercised by the board of county commissioners, and the separate corporation is subject to all applicable provisions of NRS 710.010 to 710.159, inclusive, to the same extent as the county telephone line or system.

6. If, after October 1, 2006, the county telephone line or system provides, outside the territorial boundaries of the county, any communication services that are not within the scope of activities regulated pursuant to chapter 704 of NRS, the county telephone line or system:

(a) With regard to the facilities and property it maintains outside the territorial boundaries of the county, shall comply with the same federal, state

and local requirements that would apply to a privately held company providing the same communication services; and

(b) With regard to the provision of such services outside the territorial boundaries of the county:

(1) Shall comply with any regulations and rules of the Public Utilities Commission of Nevada that would apply to a privately held company providing the same communication services;

(2) Shall not use any money from the county general fund for the provision of such services; and

(3) Shall not engage in any transaction with an affiliated entity at prices and terms that are lower than or more favorable than the prices and terms that the county telephone line or system or the affiliated entity would offer to or charge an unaffiliated third party for such a transaction.

7. Nothing in this section requires a county telephone line or system to offer any services to or engage in any transaction with an affiliated entity or an unaffiliated third party.

8. Except as otherwise provided in subsections 4 and 6, nothing in this section vests jurisdiction over a county telephone line or system in the Public Utilities Commission of Nevada.

9. It is expressly provided that no general or other statute shall limit or restrict the conduct and carrying on of the business of a county telephone line or system by the board of county commissioners except as specifically set forth in this section and NRS 710.145.

10. As used in this section, "affiliated entity" means any entity that is owned, operated or controlled by the same county that owns, operates or controls the county telephone line or system.

Sec. 66. NRS 710.145 is hereby amended to read as follows:

710.145 1. Notwithstanding the provisions of any other statute, a county telephone line or system may extend its communication services outside the territorial boundaries of the county if:

(a) The services are not within the scope of activities regulated pursuant to chapter 704 of NRS and the county telephone line or system complies with the provisions of subsection 6 of NRS 710.140;

(b) The [~~Public Utilities Commission of Nevada has, pursuant to subsection 3 of NRS 704.040, determined that the~~] services are ***extended into an area served by one or more*** competitive [~~or discretionary and that regulation thereof is unnecessary;~~] ***suppliers regulated pursuant to sections 18 to 30, inclusive, of this act;*** or

(c) The Public Utilities Commission of Nevada has, in an action commenced under NRS 704.330 and after 20 days' notice to all telephone utilities providing service in the county into which the extension is to be made, determined that no other telephone service can reasonably serve the area into which the extension is to be made and approves the extension of the system. No such extension may be permitted for a distance of more than 10 miles.

2. If, after October 1, 2005, a county telephone line or system provides any communication services pursuant to paragraph (b) or (c) of subsection 1 outside the territorial boundaries of the county, the county telephone line or system shall:

(a) With regard to the facilities and property it maintains outside the territorial boundaries of the county, comply with the same federal, state and local requirements that would apply to a privately held company providing the same communication services; and

(b) With regard to the provision of such services outside the territorial boundaries of the county, comply with any regulations and rules of the Public Utilities Commission of Nevada that would apply to a privately held company providing the same communication services.

3. If a county telephone line or system and an affiliated entity engage in any transaction to provide communication services outside the territorial boundaries of the county, the Public Utilities Commission of Nevada has jurisdiction over such a transaction to the extent necessary to enforce this section and NRS 710.140.

4. Nothing in this section requires a county telephone line or system to offer any services to or engage in any transaction with an affiliated entity or an unaffiliated third party.

5. Except as otherwise provided in subsections 1, 2 and 3, nothing in this section vests jurisdiction over a county telephone line or system in the Public Utilities Commission of Nevada.

6. As used in this section, "affiliated entity" has the meaning ascribed to it in NRS 710.140.

Sec. 67. NRS 710.147 is hereby amended to read as follows:

710.147 1. The governing body of a county whose population is 50,000 or more:

(a) Shall not sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing ~~[telecommunications]~~ ***telecommunication*** that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

2. Any information relating to the study conducted pursuant to subsection 1 must be maintained by the county clerk and made available for public inspection during the business hours of the office of the county clerk.

3. Notwithstanding the provisions of paragraph (a) of subsection 1, an airport may sell [telecommunications] ***telecommunication*** service to the general public.

4. As used in this section:

(a) ~~[“Telecommunications”]~~ ***“Telecommunication”*** has the meaning ascribed to it in [~~47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~(b) ”Telecommunications]~~ ***section 11 of this act.***

(b) ”Telecommunication service” has the meaning ascribed to it in [~~47 U.S.C. § 153(46), as that section existed on July 16, 1997.~~] ***section 13 of this act.***

Sec. 68. NRS 711.190 is hereby amended to read as follows:

711.190 1. Except as otherwise provided in NRS 318.1194:

(a) A city may grant a franchise to a community antenna television company for the construction, maintenance and operation of a community antenna television system which requires the use of city property or that portion of the city dedicated to public use for the maintenance of cables or wires underground, on the surface or on poles for the transmission of a television picture.

(b) A county may grant a franchise to a community antenna television company for the construction, maintenance and operation of a community antenna television system which requires the use of the property of the county or any town in the county or that portion of the county or town dedicated to public use for the maintenance of cables or wires underground, on the surface or on poles for the transmission of a television picture.

2. If a local government grants a franchise to two or more community antenna television companies to construct, maintain or operate a community antenna television system in the same area, the local government shall impose the same terms and conditions on each franchise and shall enforce those terms and conditions in a nondiscriminatory manner.

3. A community antenna television company that is granted a franchise pursuant to this chapter may provide [telecommunications] ***telecommunication*** service or interactive computer service without obtaining a separate franchise from the local government.

4. A local government that grants a franchise pursuant to this chapter shall not require the community antenna television company to place its facilities in ducts or conduits or on poles owned or leased by the local government.

5. If a county whose population is 400,000 or more, or an incorporated city located in whole or in part within such a county, grants a franchise pursuant to this chapter, the term of the franchise must be at least 10 years. If a franchisee notifies such a county or city on or before the end of the eighth year of a franchise that it wishes to extend the franchise, the county or city shall, on or before the end of the ninth year of the franchise, grant an extension of 5 years on the same terms and conditions, unless the franchisee has not substantially complied with the terms and conditions of the franchise agreement.

6. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § ~~[230(e)(2),]~~ ***230(f)(2),*** as that section existed on [~~July 16, 1997.~~

~~(b) "Telecommunications~~] ***January 1, 2007.***

(b) "Telecommunication service" has the meaning ascribed to it in [~~47 U.S.C. § 153(46), as that section existed on July 16, 1997.~~] ***section 13 of this act.***

Sec. 69. NRS 268.086 is hereby amended to read as follows:

268.086 1. The governing body of an incorporated city whose population is 25,000 or more:

(a) Shall not sell [~~telecommunications~~] ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing ~~[telecommunications]~~ ***telecommunication*** that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

2. Any information relating to the study conducted pursuant to subsection 1 must be maintained by the city clerk and made available for public inspection during the business hours of the office of the city clerk.

3. Notwithstanding the provisions of paragraph (a) of subsection 1, an airport may sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

4. As used in this section:

(a) ~~["Telecommunications"]~~ ***"Telecommunication"*** has the meaning ascribed to it in [~~47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~(b) "Telecommunications]~~ ***section 11 of this act.***

(b) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 70. NRS 268.088 is hereby amended to read as follows:

268.088 The governing body of an incorporated city shall not:

1. Impose any terms or conditions on a franchise for the provision of [~~telecommunications~~] ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

2. Require a company that provides ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to obtain a franchise if it provides ~~[telecommunications]~~ ***telecommunication*** service over the telephone or telegraph lines owned by another company.

3. Require a person who holds a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service to place its facilities in ducts or conduits or on poles owned or leased by the city.

4. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § [230(e)(2),] ***230(f)(2),*** as that section existed on [~~July 16, 1997.~~

~~(b) "Telecommunications~~] ***January 1, 2007.***

(b) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 71. NRS 360.820 is hereby amended to read as follows:

360.820 [~~"Telecommunications~~] ***"Telecommunication*** service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 1, 2003.]~~ ***section 13 of this act.***

Sec. 72. NRS 360.825 is hereby amended to read as follows:

360.825 1. Except as otherwise provided in this section, if on or after July 1, 2003, a local government acquires from another entity a public utility that provides electric service, natural gas service, [~~telecommunications~~] ***telecommunication*** service or community antenna television service:

(a) The local government shall make payments in lieu of and equal to all state and local taxes and franchise fees from which the local government is exempt but for which the public utility would be liable if the public utility was not owned by a governmental entity; and

(b) The Nevada Tax Commission shall, solely for the purpose set forth in this paragraph, annually determine and apportion the assessed valuation of the property of the public utility. For the purpose of calculating any allocation or apportionment of money for distribution among local governments pursuant to a formula required by state law which is based partially or entirely on the assessed valuation of taxable property:

(1) The property of the public utility shall be deemed to constitute taxable property to the same extent as if the public utility was not owned by a governmental entity; and

(2) To the extent that the property of the public utility is deemed to constitute taxable property pursuant to this paragraph:

(I) The assessed valuation of that property must be included in that calculation as determined and apportioned by the Nevada Tax Commission pursuant to this paragraph; and

(II) The payments required by paragraph (a) in lieu of any taxes that would otherwise be required on the basis of the assessed valuation of that property shall be deemed to constitute payments of those taxes.

2. The payments in lieu of taxes and franchise fees required by subsection 1 are due at the same time and must be collected, accounted for and distributed in the same manner as those taxes and franchise fees would be due, collected, accounted for and distributed if the public utility was not owned by a governmental entity, except that no lien attaches upon any

property or money of the local government by virtue of any failure to make all or any part of those payments. The local government may contest the validity and amount of any payment in lieu of a tax or franchise fee to the same extent as if that payment was a payment of the tax or franchise fee itself. The payments in lieu of taxes and franchise fees must be reduced if and to the extent that such a contest is successful.

3. The provisions of this section do not:

(a) Apply to the acquisition by a local government of a public utility owned by another governmental entity, except a public utility owned by another local government for which any payments in lieu of state or local taxes or franchise fees was required before its acquisition as provided in this section.

(b) Require a local government to make any payments in lieu of taxes or franchise fees to the extent that the making of those payments would cause a deficiency in the money available to the local government to make required payments of principal of, premium, if any, or interest on any bonds or other securities issued to finance the acquisition of that public utility or to make required payments to any funds established under the proceedings under which those bonds or other securities were issued.

(c) Require a county to duplicate any payments in lieu of taxes required pursuant to NRS 244A.755.

Sec. 73. NRS 360.830 is hereby amended to read as follows:

360.830 1. Except as otherwise provided in this section, if on or after July 1, 2003, a local government:

(a) Acquires from another entity a public utility that provides water service or sewer service; or

(b) Expands facilities for the provision of water service, sewer service, electric service, natural gas service, [~~telecommunications~~] ***telecommunication*** service or community antenna television service, and the expansion results in the local government serving additional retail customers who were, before the expansion, retail customers of a public utility which provided that service,

➥ the local government shall enter into an interlocal agreement with each affected local government to compensate the affected local government each fiscal year, as nearly as practicable, for the amount of any money from state and local taxes and franchise fees and from payments in lieu of those taxes and franchise fees, and for any compensation from a local government pursuant to this section, the affected local government would be entitled to receive but will not receive because of the acquisition of that public utility or expansion of those facilities as provided in this section.

2. An affected local government may waive any or all of the compensation to which it may be entitled pursuant to subsection 1.

3. The provisions of this section do not require a:

(a) Local government to provide any compensation to an affected local government to the extent that the provision of that compensation would cause

a deficiency in the money available to the local government to make required payments of principal of, premium, if any, or interest on any bonds or other securities issued to finance the acquisition of that public utility or expansion of those facilities, or to make required payments to any funds established under the proceedings under which those bonds or other securities were issued.

(b) County to duplicate any compensation an affected local government receives from any payments in lieu of taxes required pursuant to NRS 244A.755.

Sec. 74. NRS 598.9682 is hereby amended to read as follows:

598.9682 "Provider" means:

1. A ~~[person who is in the business of providing a telecommunications service;]~~ ***telecommunication provider as defined in section 12 of this act;***

2. An agent, employee, independent contractor or representative of ***such*** a [~~person who is in the business of providing a telecommunications service;~~] ***telecommunication provider;*** or

3. A person who originates a charge for a [telecommunications] ***telecommunication*** service and directly or indirectly bills a customer for the charge.

Sec. 75. NRS 598.9684 is hereby amended to read as follows:

598.9684 ~~[~~"Telecommunications service" means a service that is designed or has the capability to generate, process, store, retrieve, convey, emit, transmit, receive, relay, record or reproduce any data, information, image, program, signal or sound over a communications system or network, including, without limitation, a communications system or network that uses analog, digital, electronic, electromagnetic, magnetic or optical technology.~~]~~ ***"Telecommunication service" has the meaning ascribed to it in section 13 of this act.***

Sec. 76. NRS 598.969 is hereby amended to read as follows:

598.969 A provider shall not:

1. Make a statement or representation regarding the provision of a [~~telecommunications~~] ***telecommunication*** service, including, without limitation, a statement regarding the rates, terms or conditions of a [~~telecommunications~~] ***telecommunication*** service, that:

(a) Is false, misleading or deceptive; or

(b) Fails to include material information which makes the statement or representation false, misleading or deceptive.

2. Misrepresent his identity.

3. Falsely state to a person that the person has subscribed or authorized a subscription to or has received a [~~telecommunications~~] ***telecommunication*** service.

4. Omit, when explaining the terms and conditions of a subscription to a ~~[telecommunications]~~ ***telecommunication*** service, a material fact concerning the subscription.

5. Fail to provide a customer with timely written notice containing:

(a) A clear and detailed description relating directly to the services for which the customer is being billed and the amount the customer is being charged for each service;

(b) All terms and conditions relating directly to the services provided; and

(c) The name, address and telephone number of the provider.

6. Fail to honor, within a reasonable period, a request of a customer to cancel a ~~[telecommunications]~~ ***telecommunication*** service pursuant to the terms and conditions for the service.

7. Bill a customer for a ~~[telecommunications]~~ ***telecommunication*** service after the customer has cancelled the ~~[telecommunications]~~ ***telecommunication*** service pursuant to the terms and conditions of the service.

8. Bill a customer for services that the provider knows the customer has not authorized, unless the service is required to be provided by law. The failure of a customer to refuse a proposal from a provider does not constitute specific authorization.

9. Change a customer's subscription to a local exchange carrier or an interexchange carrier unless:

(a) The customer has authorized the change within the 30 days immediately preceding the date of the change; and

(b) The provider complies with the provisions of 47 U.S.C. § 258, as amended, and the verification procedures set forth in 47 C.F.R. part 64, subpart K, as amended.

10. Fail to provide to a customer who has authorized the provider to change his subscription to a local exchange carrier or an interexchange carrier a written confirmation of the change within 30 days after the date of the change.

11. Propose or enter into a contract with a person that purports to:

(a) Waive the protection afforded to the person by any provision of this section; or

(b) Authorize the provider or an agent, employee, independent contractor or representative of the provider to violate any provision of this section.

Sec. 77. NRS 598.9691 is hereby amended to read as follows:

598.9691 The Public Utilities Commission of Nevada may adopt regulations governing the disclosures that must be made by a provider to a customer before the customer may be charged for a ~~[telecommunications]~~ ***telecommunication*** service.

Sec. 78. Section 2.270 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 416, Statutes of Nevada 2001, at page 2096, is hereby amended to read as follows:

Sec. 2.270 Power of Board: Provision of utilities.

1. Except as otherwise provided in subsection 2 and section 2.272, the Board may:

(a) Provide, by contract, franchise or public enterprise, for any utility to be furnished to Carson City or the residents thereof.

(b) Provide for the construction of any facility necessary for the provision of such utilities.

(c) Fix the rate to be paid for any utility provided by public enterprise.

(d) Provide that any public utility be authorized, for any purpose or object whatever, to install, operate or use within the city mechanical water meters, or similar mechanical devices, to measure the quantity of water delivered to water users.

2. The Board:

(a) Shall not sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing ~~[telecommunications]~~ ***telecommunication*** that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the Clerk and made available for public inspection during the business hours of the Office of the Clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

5. As used in this section:

(a) [~~"Telecommunications"~~] ***"Telecommunication"*** has the meaning ascribed to it in [~~47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~(b) "Telecommunications]~~ ***section 11 of this act.***

(b) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 79. Section 2.272 of the Charter of Carson City, being chapter 565, Statutes of Nevada 1997, at page 2750, is hereby amended to read as follows:

Sec. 2.272 Franchises for the provision of ~~[telecommunications]~~ ***telecommunication*** service.

1. The Board shall not:

(a) Impose any terms or conditions on a franchise for the provision of [~~telecommunications~~] ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to obtain a franchise if it provides ~~[telecommunications]~~ ***telecommunication*** service over the telephone or telegraph lines owned by another company.

(c) Require a person who holds a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § [~~230(e)(2),~~] ***230(f)(2),*** as that section existed on [~~July 16, 1997.~~

~~(b) "Telecommunications]~~ ***January 1, 2007.***

(b) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 80. Section 2.280 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 416, Statutes of Nevada 2001, at page 2098, is hereby amended to read as follows:

Sec. 2.280 Powers of City Council: Provision of utilities.

1. Except as otherwise provided in subsection 2 and section 2.285, the City Council may:

(a) Provide, by contract, franchise or public enterprise, for any utility to be furnished to the City for the residents thereof.

(b) Provide for the construction of any facility necessary for the provision of such utilities.

(c) Fix the rate to be paid for any utility provided by public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the City is a lien upon the property to which the service is rendered and must be perfected by filing with the County Recorder of Clark County a statement by the City Clerk of the amount due and unpaid and describing the property subject to the lien. Each such lien must:

(1) Be coequal with the latest lien thereon to secure the payment of general taxes.

(2) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(3) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

2. The City Council:

(a) Shall not sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing ~~[telecommunications]~~ ***telecommunication*** that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

5. As used in this section:

(a) ~~[~~"Telecommunications"~~]~~ ***"Telecommunication"*** has the meaning ascribed to it in [~~47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~(b) "Telecommunications]~~ ***section 11 of this act.***

(b) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 81. Section 2.285 of the Charter of the City of Henderson, being chapter 565, Statutes of Nevada 1997, at page 2752, is hereby amended to read as follows:

Sec. 2.285 Franchises for the provision of ~~[telecommunications]~~ ***telecommunication*** service.

1. The City Council shall not:

(a) Impose any terms or conditions on a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to obtain a franchise if it provides [telecommunications] ***telecommunication*** service over the telephone or telegraph lines owned by another company.

(c) Require a person who holds a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § [~~230(e)(2),~~] ***230(f)(2),*** as that section existed on [~~July 16, 1997.~~

~~(b) "Telecommunications]~~ ***January 1, 2007.***

(b) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 82. Section 2.300 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 416, Statutes of Nevada 2001, at page 2100, is hereby amended to read as follows:

Sec. 2.300 Powers of City Council: Provision of utilities.

1. Except as otherwise provided in subsection 3 and section 2.315, the City Council may:

(a) Provide, by contract, franchise or public ownership or operation, for any utility to be furnished to the residents of the City.

(b) Provide for the construction and maintenance of any facility which is necessary for the provision of those utilities.

(c) Prescribe, revise and collect rates, fees, tolls and charges, including fees for connection, for the services, facilities or commodities which are furnished by any municipally owned or municipally operated utility or undertaking and no rate, fee, toll or charge for the services, facilities or commodities which are furnished by any municipally owned or municipally operated utility or undertaking may be prescribed, revised, amended, altered, increased or decreased without proceeding as follows:

(1) There must be filed with the City Clerk and available for public inspection schedules of all rates, fees, tolls and charges which the City has established and which are in force at that time for any service which is performed or product which is furnished in connection with any utility which is owned or operated by the City.

(2) No change may be made in any of those schedules except upon 30 days' notice to the inhabitants of the City and the holding of a public hearing with respect to the proposed change. Notice of the proposed change must be given by at least two publications during the 30-day period before the hearing.

(3) At the time which is set for the hearing on the proposed change, any person may appear and be heard and offer any evidence in support of or against the proposed change.

(4) Every utility which is owned or operated by the City shall furnish reasonably adequate service and facilities, and the charges which are made for any service which is or will be rendered, or for any service which is connected with or incidental to any service which is or will be rendered, by the City must be just and reasonable.

2. Any rate, fee, toll or charge, including any fee for connection which is due for services, facilities or commodities which are furnished by the City or by any utility which is owned or operated by the City pursuant to this section is a lien upon the property to which the service is rendered. The lien:

(a) Must be perfected by filing with the County Recorder of the County a statement by the City Clerk in which he states the amount which is due and unpaid and describes the property which is subject to the lien.

(b) Is coequal with the latest lien upon that property to secure the payment of general taxes.

(c) Is not subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(d) Is prior and superior to all liens, claims, encumbrances and titles, other than the liens of assessments and general taxes.

(e) May be enforced and foreclosed in such manner as may be prescribed by ordinance.

3. The City Council:

(a) Shall not sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing ~~[telecommunications]~~ ***telecommunication*** that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

4. Any information relating to the study conducted pursuant to subsection 3 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

5. Notwithstanding the provisions of paragraph (a) of subsection 3, an airport may sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

6. As used in this section:

(a) ~~[“Telecommunications”]~~ ***“Telecommunication”*** has the meaning ascribed to it in [~~47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~(b) “Telecommunications]~~ ***section 11 of this act.***

(b) Telecommunication service” has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 83. Section 2.315 of the Charter of the City of Las Vegas, being chapter 565, Statutes of Nevada 1997, at page 2754, is hereby amended to read as follows:

Sec. 2.315 Franchises for the provision of ~~[telecommunications]~~ ***telecommunication*** service.

1. The City Council shall not:

(a) Impose any terms or conditions on a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to obtain a franchise if it provides ~~[telecommunications]~~ ***telecommunication*** service over the telephone or telegraph lines owned by another company.

(c) Require a person who holds a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § [~~230(e)(2),~~] ***230(f)(2),*** as that section existed on [~~July 16, 1997.~~

~~(b) "Telecommunications~~] ***January 1, 2007.***

(b) "Telecommunication service" has the meaning ascribed to it in [~~47 U.S.C. § 153(46), as that section existed on July 16, 1997.~~] ***section 13 of this act.***

Sec. 84. Section 2.280 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 416, Statutes of Nevada 2001, at page 2103, is hereby amended to read as follows:

Sec. 2.280 Powers of City Council: Provision of utilities.

1. Except as otherwise provided in subsection 3 and section 2.285, the City Council may:

(a) Provide, by contract, franchise and public enterprise, for any utility to be furnished to the City for residents located within or without the City.

(b) Provide for the construction and maintenance of any facilities necessary for the provision of all such utilities.

(c) Prescribe, revise and collect rates, fees, tolls and charges for the services, facilities or commodities furnished by any municipally operated or municipally owned utility or undertaking. Notwithstanding any provision of this Charter to the contrary or in conflict herewith, no rates, fees, tolls or charges for the services, facilities or commodities furnished by any municipally operated or municipally owned utility or undertaking may be prescribed, revised, amended or altered, increased or decreased, without this procedure first being followed:

(1) There must be filed with the City Clerk schedules of rates, fees, tolls or charges which must be open to public inspection, showing all rates, fees, tolls or charges which the City has established and which are in force at the time for any service performed or product furnished in connection therewith by any utility controlled and operated by the City.

(2) No changes may be made in any schedule so filed with the City Clerk except upon 30 days' notice to the inhabitants of the City and a public hearing held thereon. Notice of the proposed change or changes must be given by at least two publications in a newspaper published in the City during the 30-day period before the hearing thereon.

(3) At the time set for the hearing on the proposed change, any person may appear and be heard and offer any evidence in support of or against the proposed change.

(4) Every utility operated by the City shall furnish reasonably adequate service and facilities, and the charges made for any service rendered or to be rendered, or for any service in connection therewith or incidental thereto, must be just and reasonable.

(d) Provide, by ordinance, for an additional charge to each business customer and for each housing unit within the City to which water is provided by a utility of up to 25 cents per month. If such a charge is provided

for, the City Council shall, by ordinance, provide for the expenditure of that money for any purpose relating to the beautification of the City.

2. Any charges due for services, facilities or commodities furnished by the City or by any utility operated by the City pursuant to this section is a lien upon the property to which the service is rendered and must be perfected by filing with the County Recorder of Clark County of a statement by the City Clerk stating the amount due and unpaid and describing the property subject to the lien. Each such lien must:

(a) Be coequal with the latest lien thereon to secure the payment of general taxes.

(b) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(c) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

3. The City Council:

(a) Shall not sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing ~~[telecommunications]~~ ***telecommunication*** that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

4. Any information relating to the study conducted pursuant to subsection 3 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

5. Notwithstanding the provisions of paragraph (a) of subsection 3, an airport may sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

6. As used in this section:

(a) "Housing unit" means a:

(1) Single-family dwelling;

(2) Townhouse, condominium or cooperative apartment;

(3) Unit in a multiple-family dwelling or apartment complex; or

(4) Mobile home.

(b) ~~[~~"Telecommunications"~~]~~ ***"Telecommunication"*** has the meaning ascribed to it in [~~47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~(c) "Telecommunications]~~ ***section 11 of this act.***

(c) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 85**.** Section 2.285 of the Charter of the City of North Las Vegas, being chapter 565, Statutes of Nevada 1997, at page 2758, is hereby amended to read as follows:

Sec. 2.285 Franchises for the provision of ~~[telecommunications]~~ ***telecommunication*** service.

1. The City Council shall not:

(a) Impose any terms or conditions on a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to obtain a franchise if it provides ~~[telecommunications]~~ ***telecommunication*** service over the telephone or telegraph lines owned by another company.

(c) Require a person who holds a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § [~~230(e)(2),~~] ***230(f)(2),*** as that section existed on [~~July 16, 1997.~~

~~(b) "Telecommunications~~] ***January 1, 2007.***

(b) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 86. Section 2.140 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 325, Statutes of Nevada 2005, at page 1143, is hereby amended to read as follows:

Sec. 2.140 General powers of City Council.

1. Except as otherwise provided in subsection 2 and section 2.150, the City Council may:

(a) Acquire, control, improve and dispose of any real or personal property for the use of the City, its residents and visitors.

(b) Except as otherwise provided in NRS 598D.150 and 640C.100, regulate and impose a license tax for revenue upon all businesses, trades and professions.

(c) Provide or grant franchises for public transportation and utilities.

(d) Appropriate money for advertising and publicity and for the support of a municipal band.

(e) Enact and enforce any police, fire, traffic, health, sanitary or other measure which does not conflict with the general laws of the State of Nevada. An offense that is made a misdemeanor by the laws of the State of Nevada shall also be deemed to be a misdemeanor against the City whenever the offense is committed within the City.

(f) Fix the rate to be paid for any utility service provided by the City as a public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the City is a lien upon the property to which the service is rendered and is perfected by filing with the County Recorder a statement by the City Clerk of the amount due and unpaid and describing the property subject to the lien. Any such lien is:

(1) Coequal with the latest lien upon the property to secure the payment of general taxes.

(2) Not subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(3) Prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

2. The City Council:

(a) Shall not sell [telecommunications] ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing ~~[telecommunications]~~ ***telecommunication*** that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

5. As used in this section:

(a) ~~[~~"Telecommunications"~~]~~ ***"Telecommunication"*** has the meaning ascribed to it in [~~47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~(b) "Telecommunications]~~ ***section 11 of this act.***

(b) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 87. Section 2.150 of the Charter of the City of Reno, being chapter 565, Statutes of Nevada 1997, at page 2761, is hereby amended to read as follows:

Sec. 2.150 Franchises for the provision of ~~[telecommunications]~~ ***telecommunication*** service.

1. The City Council shall not:

(a) Impose any terms or conditions on a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location

of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to obtain a franchise if it provides ~~[telecommunications]~~ ***telecommunication*** service over the telephone or telegraph lines owned by another company.

(c) Require a person who holds a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § [~~230(e)(2),~~] ***230(f)(2),*** as that section existed on [~~July 16, 1997.~~

~~(b) "Telecommunications~~] ***January 1, 2007.***

(b) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 88. Section 2.110 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 416, Statutes of Nevada 2001, at page 2107, is hereby amended to read as follows:

Sec. 2.110 Powers of City Council: Provisions for utilities.

1. Except as otherwise provided in subsection 2 and section 2.115, the City Council may:

(a) Provide by contract, franchise or public enterprise, for any utility to be furnished to the City for the residents thereof.

(b) Provide for the construction of any facility necessary for the provisions of such utility.

(c) Fix the rate to be paid for any utility provided by public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the City is a lien upon the property to which the service is rendered and must be performed by filing with the County Recorder a statement by the City Clerk of the amount due and unpaid and describing the property subject to the lien. Each such lien must:

(1) Be coequal with the latest lien thereon to secure the payment of general taxes.

(2) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(3) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

2. The City Council:

(a) Shall not sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing ~~[telecommunications]~~ ***telecommunication*** that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

5. As used in this section:

(a) ~~[“Telecommunications”]~~ ***“Telecommunication”*** has the meaning ascribed to it in [~~47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~(b) ”Telecommunications]~~ ***section 11 of this act.***

(b) ”Telecommunication service” has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 89. Section 2.115 of the Charter of the City of Sparks, being chapter 565, Statutes of Nevada 1997, at page 2763, is hereby amended to read as follows:

Sec. 2.115 Franchises for the provision of ~~[telecommunications]~~ ***telecommunication*** service.

1. The City Council shall not:

(a) Impose any terms or conditions on a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to obtain a franchise if it provides ~~[telecommunications]~~ ***telecommunication*** service over the telephone or telegraph lines owned by another company.

(c) Require a person who holds a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) ”Interactive computer service” has the meaning ascribed to it in 47 U.S.C. § ~~[230(e)(2),]~~ ***230(f)(2),*** as that section existed on ~~[July 16, 1997.~~

~~(b) ”Telecommunications]~~ ***January 1, 2007.***

(b) ”Telecommunication service” has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 90. NRS 704.68904, 704.68908, 704.6891, 704.68912, 704.68916, 704.6892, 704.68922, 704.68924, 704.68928, 704.68932, 704.68936, 704.6894, 704.68942, 704.68944, 704.68946, 704.68947, 704.68948, 704.68952, 704.68956, 704.6896, 704.68964, 704.68966, 704.68968, 704.68972, 704.68976, 704.6898 and 704.68984 are hereby repealed.

Sec. 91. 1. The Public Utilities Commission of Nevada shall:

(a) On or before December 31, 2007, repeal any regulations which the Commission has adopted pursuant to NRS 704.68904 to 704.68984, inclusive, and any other regulations which are inconsistent with this act; and

(b) Except as otherwise provided in subsections 2 and 3, on or before July 1, 2008, adopt any regulations which are required by or necessary to carry out the provisions of this act.

2. Notwithstanding any other provision of this act:

(a) In carrying out the provisions of NRS 704.6873, as amended by this act, the Commission shall:

(1) Commence a regulatory proceeding to establish the eligibility requirements for competitive suppliers that are providers of last resort to apply to receive payments from the fund to maintain the availability of telephone service based on the need of such competitive suppliers for funding to maintain the availability of telephone service to rural, insular and high-cost areas; and

(2) Conclude that regulatory proceeding and establish the eligibility requirements not later than January 1, 2009.

(b) Except for a small-scale provider of last resort, a competitive supplier that is a provider of last resort:

(1) May not apply to receive payments from the fund to maintain the availability of telephone service until the Commission has completed the regulatory proceeding required by this subsection; and

(2) Is not eligible to receive payments from the fund to maintain the availability of telephone service unless the competitive supplier meets the eligibility requirements established by the Commission in the regulatory proceeding required by this subsection.

3. Notwithstanding any other provision of this act, the Commission shall:

(a) As soon as reasonably practicable, commence a regulatory proceeding to adopt the regulations required by section 15 of this act; and

(b) Conclude that regulatory proceeding and adopt those regulations not later than March 1, 2008.

4. As used in this section, unless the context otherwise requires, the words and terms defined in NRS 704.007 to 704.030, inclusive, and sections 2 to 13, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 92. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

704.68904 Definitions.

704.68908 "Affected person" defined.

704.6891 "Affiliate of an incumbent local exchange carrier" and "affiliate" defined.

704.68912 "Basic network service" defined.

704.68916 "Competitive service" defined.

704.6892 "Competitive supplier" defined.

704.68922 "Deregulated service" defined.

704.68924 "Discretionary service" defined.

704.68928 "Electing PAR carrier" defined.

704.68932 "Incumbent local exchange carrier" defined.

704.68936 "Local area of transport and access" or "LATA" defined.

704.6894 "Other essential service" defined.

704.68942 "PAR carrier" defined.

704.68944 "Price floor" defined.

704.68946 "Telecommunication" defined.

704.68947 "Telecommunication service" defined.

704.68948 Authority of PAR carrier to become electing PAR carrier for purposes of regulation; procedure for making election.

704.68952 Regulation of electing PAR carrier: Limitations on power of Commission regarding earnings and rates; termination and continuation of plan of alternative regulation; limitations on receipt of money from fund created pursuant to NRS 704.040.

704.68956 Regulation of electing PAR carrier: Approval of Commission required to discontinue or change terms and conditions relating to provision of certain basic network services.

704.6896 Reclassification of basic network services: Authority of Commission; adoption of criteria for reclassification; period for acting on request for reclassification from PAR carrier.

704.68964 Flexibility in pricing and terms of services: Authority of PAR carrier; procedure and requirements for exercising flexibility; PAR carrier permitted to bill customer using fixed price or amount for package of services.

704.68966 Flexibility in pricing and terms of services: Prohibition against anticompetitive acts and practices and unreasonable discrimination among similarly situated customers.

704.68968 Promotional price reductions: Notice; duration; geographic area; nondiscriminatory basis.

704.68972 Introduction of new services: Notice; conditions; exemption from certain regulations of Commission; classification; price.

704.68976 Rates for services to be averaged geographically; exception.

704.6898 Intrastate access prices: Maximum amount; offset of reductions.

704.68984 Powers and duties of Commission and PAR carriers under certain federal and state laws preserved.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:26 p.m.

ASSEMBLY IN SESSION

At 1:31 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 248 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 248.

Bill read third time.

The following amendment was proposed by Assemblyman Anderson:

Amendment No. 634.

"SUMMARY— ~~[Revises provisions relating to approval of nonrestricted gaming licenses in certain counties.]~~ **Makes various changes to provisions governing gaming.** (BDR 41-383)"

"AN ACT relating to gaming; ~~[revising the provisions relating to the approval of nonrestricted gaming licenses in certain counties to authorize local governments in such counties to adopt certain standards that establishments must meet to be granted nonrestricted gaming licenses;]~~ **making various changes concerning pooling tips and gratuities by certain employees of a gaming establishment; providing a penalty;** and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 2 of this bill provides that employees of a gaming establishment who directly assist patrons with playing any games, other than games played with a gaming device, may enter into an agreement to pool tips or gratuities with other employees who customarily and regularly receive tips or gratuities directly from patrons for performing the same essential duties of their jobs. Section 2 further specifies the manner in which such pools must be distributed, prohibits the gaming establishment from requiring a pool that violates the provisions of the section and provides that the requirements do not apply to an employee who is covered by a collective bargaining agreement. Section 3 of this bill requires the Labor Commissioner to enforce the provisions governing

pooling tips and gratuities. Section 3 also makes a violation of the provisions of statutes and regulation governing pooling of tips and gratuities by certain employees of gaming establishments a misdemeanor and further authorizes the Labor Commissioner to impose administrative penalties for such violations.

~~[Under existing law, the Nevada Gaming Commission is prohibited from granting a nonrestricted gaming license for an establishment located in a county whose population is 100,000 or more (currently Clark and Washoe Counties) unless the establishment is a resort hotel, which is defined as a hotel that has a gaming area and more than 200 rooms, at least one bar that seats more than 30 patrons, and at least one restaurant which is always open and which seats more than 60 patrons. (NRS 463.01865, 463.1605) A county, city or town is also authorized to require resort hotels to meet additional standards as a condition of issuance of a gaming license by the county, city or town. (NRS 463.1605)~~

~~This bill provides that the Nevada Gaming Commission is prohibited from granting a nonrestricted gaming license to an establishment located in a county whose population is less than 100,000 unless the establishment meets the standards, if any, that are adopted by the county, city or town in which the establishment is located. This bill also authorizes a county, city or town to adopt standards that require an establishment to have a minimum number of rooms for sleeping accommodations or other specific amenities as a condition of issuance of a gaming license by the county, city or town.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 2 of this bill and replace with the following new sections 1 through 4:

Section 1. **Chapter 463 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.**

Sec. 2. ***1. An employee of a gaming establishment who directly assists patrons with playing any game, other than a game played with a gaming device, and who customarily and regularly receives tips and gratuities from such patrons may enter into an agreement to pool tips and gratuities with other employees who customarily and regularly receive tips and gratuities directly from patrons for performing the same essential duties of their job. An employee who does not customarily and regularly receive tips and gratuities directly from patrons while performing an essential duty of his job may not participate in an agreement to pool tips and gratuities with other employees who are authorized to pool tips and gratuities pursuant to this subsection.***

2. Any agreement to pool tips and gratuities entered into pursuant to subsection 1 must provide that the tips and gratuities so pooled must be distributed based on the number of hours worked, but may include a provision to allow tips and gratuities to be received by an employee during

authorized periods of leave, including, without limitation, any annual or sick leave.

3. An employee of a gaming establishment shall not accept tips or gratuities from an employee with whom he is not authorized to pool pursuant to subsection 1 and shall not request or compel another employee with whom he is not authorized to pool pursuant to subsection 1 to share his tips or gratuities.

4. A gaming establishment shall not require an employee to pool tips and gratuities in a manner which violates the provisions of this section.

5. The provisions of this section do not apply to any employee who is covered by a collective bargaining agreement to the extent that the collective bargaining agreement conflicts with this section.

Sec. 3. 1. The Labor Commissioner shall enforce the provisions of section 2 of this act and may adopt any regulations he deems necessary to carry out the provisions of this section and section 2 of this act.

2. A person who violates any of the provisions of section 2 of this act or any regulation adopted pursuant this section is guilty of a misdemeanor.

3. In addition to any other remedy or penalty, the Labor Commissioner may impose against a person who violates any of the provisions of section 2 of this act or any regulation adopted pursuant this section, after providing notice and an opportunity for a hearing, an administrative penalty of not more than $5,000 for each such violation.

Sec. 4. **This act become effective upon passage and approval.**

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblymen Anderson, Beers, and Hardy.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 95.

Bill read third time.

Remarks by Assemblyman Weber and Bobzien.

Roll call on Assembly Bill No. 95:

YEAS—42.

NAYS—None.

Assembly Bill No. 95 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 304.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Assembly Bill No. 304:

YEAS—28.

NAYS—Beers, Christensen, Cobb, Gansert, Goedhart, Goicoechea, Grady, Hardy, Mabey, Marvel, Settelmeyer, Stewart, Weber—13.

NOT VOTING—Carpenter.

Assembly Bill No. 304 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 369.

Bill read third time.

Remarks by Assemblymen Horne and Carpenter.

Roll call on Assembly Bill No. 369:

YEAS—41.

NAYS—Carpenter.

Assembly Bill No. 369 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 514.

Bill read third time.

Remarks by Assemblyman Beers.

Roll call on Assembly Bill No. 514:

YEAS—41.

NAYS—Manendo.

Assembly Bill No. 514 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 518.

Bill read third time.

Remarks by Assemblymen Oceguera and Mabey.

Roll call on Assembly Bill No. 518:

YEAS—42.

NAYS—None.

Assembly Bill No. 518 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 604.

Bill read third time.

Remarks by Assemblyman Segerblom.

Roll call on Assembly Bill No. 604:

YEAS—37.

NAYS—Beers, Christensen, Cobb, Settelmeyer, Stewart—5.

Assembly Bill No. 604 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 606.

Bill read third time.

Remarks by Assemblymen Ohrenschall, Carpenter, and Hardy.

Roll call on Assembly Bill No. 606:

YEAS—42.

NAYS—None.

Assembly Bill No. 606 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:59 p.m.

ASSEMBLY IN SESSION

At 2:20 p.m.

Madam Speaker presiding.

Quorum present.

Assembly Bill No. 248.

Bill read third time.

Remarks by Assemblymen Anderson, Mabey, Beers, and Horne.

Roll call on Assembly Bill No. 248:

YEAS—32.

NAYS—Allen, Christensen, Cobb, Gansert, Grady, Hardy, Mabey, Marvel, Settelmeyer, Weber—10.

Assembly Bill No. 248 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 153, 192; Assembly Concurrent Resolution No. 9.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Weinberg, Sandy Macias, Cecilia Pearce, Patsy Redmond, Fritsi Ericson, Karen Damon, Charlotte McConnell, Sue Wagner, Kay Zunino, Nancy Cashell and Diane Seevers.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Martha P. King Elementary School: Troy Graham, Elizabeth Karol, Melissa O'Berto, Seth Kermonde, April Oliver, Annabelle Shattler, Dylan Bylund, Trenton Carmell, Meghan Chase, Jimmie Flores, David Duncan, Katlyn Flores, Brittney Galland, Bradley Henderson, Tyler Hinson, Kaja Obermiller,

Arcadia Pacini, Christian Shamo, Kinsey Smyth, Jacson Tenny, Brittany Tippetts, Jack Wagner, Zachary West, Lauren Axelson, Nicole Benson, Bailey Buttacavoli, Kaitlyn Chymych, Ashley Denney, Laura LeFebvre, Justin Miller, Tyler Roberts, Charlotte Wall, Gabrielle Wylupski, Jesse Bradley, Patrick Garvin, Nicholas Giunta, Alexandria Hubel, Alexa Moreno, Aubrey Klouse, Kailynn Mantia, Joseph Pando, Justin Rockenfeller, Jack Rozycki, Aubrianna Spragno, Gunna Stanton, Nelson VanDiest, Miranda Westmoreland; teachers Marcella Posthuma, Lee Esplin, Terry Willis, Debbie Cattoir, Lee Esplin, Mary Scialabba, Josh Newkirk; chaperones Cindi Graham, Susan Gelecht, Marianne Oliver, Staci Shattler, James Carmell, Elizabeth Chase, Janis Daly, Michael Pacini, Eric Shamo, Lora Smyth, Dianna Tenny, Christine Tippets, Michele Axelson, Arthur Wilke, Amy Denney, Deborah Wall, Theodore Wylupski, Lori Giunta, Nancy Ward, Stacy Mantia, Shelby Spragno, and Olaf Stanton.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Cassidy McGowan.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Sun Valley Elementary School: Josalynn Babcock, Sierra Baltar, Luis Chavez, Brandon Conn, Levani Corona-Rios, Stephanie Cowens, Tawny Cryer, Isis Fetty, Jennifer Fredzess, Raymond Freeman, Eric Jobe, Raychael Jones, Tyler Keiffer, Mandy Lawson, Christina Lomano, Rodrigo Mariscal Moya, Saimeth Martinez, William Martinez, Itayetzi Matus, Yesenia Medina, Brenda Mejia, Alondra Najera, Lily Neeley, Audrina Pacheco, Jason Penate Lopez, Alejandro Perez, Joshua Reich, Dylan Roper, Sierra Turk, Giovanny Vazquez, Sean Zorn, Alexus Adame, Margarita Barba, Jovanni Bowers, Hope Bowles, Sandra Carrillo Soriano, Christian Carson, Edwin Chavez-Vazquez, Cassandra Contreras, Jerry Cordova Murillo, Nickolas Gamble, Lizeth Garcia Medina, Dakota Glover, Manuel Lara, Billy Lau, Renee Leckie, Jessica Levell, Jasmin Lopez Escalante, Rodolfo Lopez Rojas, Hugh Martin, Jessica Ortiz, Pablo Osuna, Edy Rangel, Antonio Rodriguez, Elizabeth Shore, Iveth Sierra Diaz, William Thompson, Jessica Ulloa, Cody Vaughn, Adriana Albarran, Kevin Bautista, Ruth Bautista, Candace Bomer, Christopher Byrd, Jacob Cepeda, Ryan Coffey, Sonia Cordova Murillo, Sandra Cuevas, Kayla Dietrich, Gregorio Flores, Tyree Fry, Jajaira Gonzalez, George Hayman, Ana Hernandez, Codi Kringlie, William Lanier, Antonio Lopez, Ashley Martinez Du Bon, Andi Mendez Rangel, Brittany Moniz, Louise Morales, Bernanda-Marie Nemedez, Joselin Ramos, Christoper Sanchez, Emily Trevino, Sitanliei Tuihalangingie, Andrew Vielbig, Marissa Reeves, Gloria Garcia Anguiano; chaperones and teachers Russell Hunter, John Hancock, Steve Henry, Sandi Sullivan, James Coffey, and Lana Manos.

Assemblyman Oceguera moved that the Assembly adjourn until Wednesday, April 25, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 2:28 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE EIGHTIETH DAY

CARSON CITY (Wednesday), April 25, 2007

Assembly called to order at 11:05 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Marvel, who was excused.

Prayer by the Chaplain, Reverend Louie Locke.

Lord, as we gather today, we give You thanks and praise, for You are good and You are a stronghold in the day of trouble; and You know those who trust in You. "He has shown you, O man, what is good. And what does the Lord require of you? But to do justly, to love mercy, and to walk humbly with your God." (Micah 6:8)

May these qualities shape our lives as we walk with You: justice, mercy, and humility.

Lord, please bless the man and women of this Assembly, their families and staff, and protect our military as they serve our nation.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 34, 57, 70, 177, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 24, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 42.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 41, 48, 52, 60, 106, 112, 180, 199, 201, 203, 216, 222, 230, 234, 242, 265, 269, 274, 280, 292, 293, 299, 302, 307, 312, 317, 325, 337, 354, 366, 374, 377, 394, 401, 412, 415, 417, 432, 436, 448, 452, 483, 487, 489, 495, 502, 509, 511, 516, 548, 549; Senate Joint Resolution No. 3.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

By Assemblymen Grady, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack; Senators Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, and Woodhouse:

Assembly Concurrent Resolution No. 21—Commending the Nevada Division of the National Pony Express Association for its efforts in keeping the memory of the Pony Express alive in Nevada.

WHEREAS, With the discovery of gold in the West in 1848 and the increasing political tensions of the 1850s, it became imperative to keep California aligned with the Union by providing a faster and more dependable source of information from the northeastern states; and

WHEREAS, William H. Russell, Alexander Majors and William B. Waddell took on the challenge and, in the short span of 2 months, set up a mail delivery system that was named the Pony Express; and

WHEREAS, The sacrifice of the station masters, many of whom gave their lives, and the dedication, bravery and horsemanship of the wiry riders as they carried the mail for almost 2,000 miles from St. Joseph, Missouri, to Sacramento, California, across scorching deserts and through deep snow in 10 days is legendary, and the tales of their daring and loyalty are part of the history and lore of the American West; and

WHEREAS, Although in operation for only 18 months, this amazing venture bound the ragged edges of a rising nation and stands in history as a monumental example of the vision, courage and character of the men and women who built the West; and

WHEREAS, The route of the Pony Express runs through portions of eight states, and in Nevada roughly parallels U.S. Highway 50, the surrounding area of which has been dubbed "Pony Express Territory" by the Commission on Tourism; and

WHEREAS, In addition to being part of a reenactment ride held each year in June, the members of the Nevada Division of the National Pony Express Association keep the story and spirit of the Pony Express alive by marking and preserving the Nevada portion of the trail, participating in community events and giving educational presentations to schools and other groups; and

WHEREAS, Principally through the efforts of Larry McPherson, past President of the Nevada Division, a historical marker consisting of a silhouette depicting a Pony Express rider and horse will soon stand along U.S. Highway 50 east of Carson City as a reminder of this important part of Nevada history; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the 74th Session of the Nevada Legislature commends the Nevada Division of the National Pony Express Association for its contributions toward preserving the history and making visible the spirit of the Pony Express in the State of Nevada; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Steve Notterman, President of the Nevada Division of the National Pony Express Association.

Assemblyman Grady moved the adoption of the resolution.

Remarks by Assemblymen Grady and Carpenter.

Resolution adopted.

Assemblyman Grady moved that all rules be suspended and that Assembly Concurrent Resolution No. 21 be immediately transmitted to the Senate.

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Resolution No. 9—Providing for the appointment of an additional attaché for the Assembly.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Darlene Rubin is elected as an additional attaché of the Assembly for the 74th Session of the Nevada Legislature.

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblywoman Koivisto.

Resolution adopted.

Senate Joint Resolution No. 3.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Assemblyman Oceguera moved that the reading of Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 41.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 42.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 48.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 52.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 60.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 106.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 112.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 180.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 199.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 201.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 203.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 216.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 222.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 230.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 234.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 242.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 265.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 269.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 274.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 280.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 292.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 293.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 299.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 302.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 307.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 312.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 317.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 325.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 337.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 354.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 366.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 374.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 377.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 394.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 401.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 412.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 415.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 417.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 432.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 436.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 448.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 452.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 483.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 487.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 489.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 495.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 502.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 509.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 511.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 516.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 548.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 549.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 151.

Bill read second time and ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 25, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 23.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 23.
Assemblyman Christensen moved the adoption of the resolution.
Remarks by Assemblyman Christensen.
Resolution adopted.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:53 a.m.

ASSEMBLY IN SESSION

At 12:01 p.m.
Madam Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 190, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

SENATE CHAMBER, Carson City, April 25, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 24.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 24.
Assemblyman Carpenter moved the adoption of the resolution.
Remarks by Assemblymen Carpenter and Mabey.
Resolution adopted.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Roseann Carpenter, Mary Cashman, Ronda Cashman, Tim Cashman, Denise Cashman, Leah Benjamin, Mike Benjamin, Mary Kaye Cashman, Rhonda Cashman Evans and Rhonda Evans.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Tito Tiberti, Sandra Tiberti, Andra Maffey, Paul Maffey, Renaldo Tiberti, Sandee Tiberti and Tiffany Tiberti.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Notterman and Larry McPherson.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Martha P. King Elementary School: Troy Graham, Elizabeth Karol, Melissa O'Berto, Seth Kermonde, April Oliver, Annabelle Shattler, Dylan Bylund, Trenton Carmell, Meghan Chase, Jimmie Flores, David Duncan, Katlyn Flores, Brittney Galland, Bradley Henderson, Tyler Hinson, Kaja Obermiller, Arcadia Pacini, Christian Shamo, Kinsey Smyth, Jacson Tenny, Brittany Tippetts, Jack Wagner, Zachary West, Lauren Axelson, Nicole Benson, Bailey Buttacavoli, Kaitlyn Chymych, Ashley Denney, Laura LeFebvre, Justin Miller, Tyler Roberts, Charlotte Wall, Gabrielle Wylupski, Jesse Bradley, Patrick Garvin, Nicholas Giunta, Alexandria Hubel, Alexa Moreno, Aubrey Klouse, Kailynn Mantia, Devin Desmond, Joseph Pando, Justin Rockenfeller, Jack Rozycki, Aubrianna Spragno, Gunna Stanton, Nelson VanDiest, Miranda Westmoreland; teachers Marcella Posthuma, Lee Esplin, Terry Willis, Debbie Cattoir, Lee Esplin, Mary Scialabba, Josh Newkirk; chaperones Cindi Graham, Susan Gelecht, Marianne Oliver, Staci Shattler, James Carmell, Elizabeth Chase, Janis Daly, Michael Pacini, Eric Shamo, Lora Smyth, Dianna Tenny, Christine Tippets, Michele Axelson, Arthur Wilke, Amy Denney, Deborah Wall, Theodore Wylupski, Lori Giunta, Nancy Ward, Stacy Mantia, Shelby Spragno, and Olaf Stanton.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Ruben Cruz and Cameron Castro.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Lemon Valley Elementary School: Patrick Amos, Alejandro Arellano, Vidal Avila, Jared Brose, Ana Chavarria Soto, Harold Child, Peter Cytanovic, Austin Dutra, james Ellis, Angel Estrada, Ana Flores, Jay Hale, Cody Hildenstab, Khalid Huddleston, Champagne

James, Alexander LaClare, Colton Matschke, Jason Miller, Tiara Morgan, Raul Nava, Eithan Pacheco-Dashiell, Manuel Pan, Arturo Rangel, Justin Rucker, Jessica Santella, Joseph Teetor, Jari Telliano, Sydney Villarreal, Chad Whitney, Makayla Zeigler, Megan Ahmadzai, Kendeli Ayala, Steven Bermudez, Tejay Bernardo, Giselle Camacho, Kelsey Darby, Michael Decker, Mazzie Ehmcke, Jamie Ellis, Dillon Jordan Flores, Antonio Garcia, Jocelyn Garcia, Joshua Karpchuk, Daniel Lewis, Emmanuel Lopez, Anayeli Lozada, Miguel Machuca, Jorge Martinez, Kimberly Miller, Chloe Mitchell, Justin Moore Cory Perks, Tadas Pranskevicius, Isaach Rosales, Giovanni Rubio, Kyle Schilling, Anastasia Schostag, Oscar Segoviano, Jose Torres-Caro, Yen Vong, Jeramy Ager, Journey Aney, Tulsa Beck, Jared Bishop, Brandon Butler, Alexis Cusato, Jose Diaz-Rubio, Francesca Franco, Edgar Gonzalez, Kennedy Harmon, Karlos Hernandez, Eric Kennedy, Fred Lar-Vargas, Steffen Laundenslager, Kristin Lemos, Zachery Mead, Mercedes Miller, Demas Montes, Melissa Norman, Dylan Parry, Johanna Rayner, Kimberly Rodriguez, Rebekah Sims, Tyler Smythe, Domanic Toussaint, Manuel Villasenor-Melo, Shedrick Bowens, Steven Buitron, Frankie Capucci, Domitri Carlson, Marcus Curry, Lucas Cusato, Nicholas Everton, Cody Griener, Hayden Harmon, Sabrina Helmers, Andrew Johnson, Benjamin Lapham, Madison Marable, Alana McCoy, Edward Minard, Jiseall Nicholson, Omar Paredes, Elizabeth Peterson, Timothy Poeschel, Brooke Sterrett, Mikayla Stevens, Mickey Thompson, Dakota Vanderhoef, Patricia Villanueva, Dana Galvin, Lance Ferguson, KayCee Goman, Elizabeth Schroeder, Cindy Laudenslager, Sherry Cusato, Darren Harmon, James Minard, Natasha Gonzales, Christina Dutra, Melissa Sims, Diana Morris, Lori Rayner, Sherry Cusato, Tori Anderson, Sarah Davis, Cecilia Bermudez, Rita Moore, Evelyn Camacho, Robert Thompson, Ernie Johnson, Elaine Sterrett, Patrick Griener, Karen Bradfute, Jordan Lemos-Estabrook and Alfredo Virgen Magallanes.

Assemblyman Oceguera moved that the Assembly adjourn until Thursday, April 26, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 12:13 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SEVENTY-FOURTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2007

BEGUN ON MONDAY, THE FIFTH DAY OF FEBRUARY, AND ENDED ON MONDAY, THE FOURTH DAY OF JUNE

VOLUME 4

**THE EIGHTY-FIRST DAY—
THE ONE HUNDRED AND EIGHTH DAY**

**SEE VOLUME 1 FOR TABLE OF CONTENTS
SEE VOLUME 7 FOR INDEX**

ARRANGEMENT AND CONTENTS OF VOLUME 4

ASSEMBLY PROCEEDINGS 2859

THE EIGHTY-FIRST DAY

CARSON CITY (Thursday), April 26, 2007

Assembly called to order at 11:02 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Louie Locke.

Lord, we being the floor session today with a brief prayer to You of thankfulness and praise. As Your Word declares in Psalm 10: "Enter into his gates with thanksgiving, and into His courts with praise. Be thankful to Him, and bless His name. For the Lord is good; His mercy is everlasting, and His truth endures to all generations. (Psalm 100:4-5)

Lord, I ask Your blessings on each of these Assemblymen and Assemblywomen who serve the people of the state of Nevada. We pray especially today as their staff are honored and also for the firefighters and law enforcement personnel being honored today. We thank You for their service and ask You to continue to protect them as they serve. I pray in Your most wonderful name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 150, 220; Senate Joint Resolution No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHEILA LESLIE, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 77, 88, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 198, 504, 543, 548, 556, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 25, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 21.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:14 a.m.

ASSEMBLY IN SESSION

At 11:15 a.m.
Madam Speaker presiding.
Quorum present.

SECOND READING AND AMENDMENT

Senate Bill No. 34.
Bill read second time and ordered to third reading.

Senate Bill No. 57.
Bill read second time and ordered to third reading.

Senate Bill No. 70.
Bill read second time and ordered to third reading.

Senate Bill No. 177.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 190.
Bill read third time.
Remarks by Assemblywoman Allen
Roll call on Assembly Bill No. 190:
YEAS—42
NAYS—None.
Assembly Bill No. 190 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 151.
Bill read third time.
Remarks by Assemblyman Bobzien.
Roll call on Senate Bill No. 151:
YEAS—42
NAYS—None.

Senate Bill No. 151 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:25 a.m.

ASSEMBLY IN SESSION

At 11:27 a.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Buckley, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack:

Assembly Resolution No. 10—Expressing appreciation to the staff of the Assembly for their dedication and exceptional performance during the 74th Session of the Nevada Legislature.

WHEREAS, Each biennium, the Nevada Legislature convenes to address the challenging issues faced by this State; and

WHEREAS, With a constitutionally mandated 120-day limitation on the length of the legislative session, it is critical that the legislative session proceed in an effective and efficient manner; and

WHEREAS, This daunting task requires a dedicated and talented staff which is capable of performing a multitude of functions and responding promptly to the different challenges that arise during the legislative session; and

WHEREAS, The Chief Clerk of the Assembly, Assembly Front Desk Staff, Sergeant at Arms and his staff, Personal Attaches, Committee Attaches, Administrative Services Staff, Bill Services Staff and other Attaches of the Assembly have worked diligently and efficiently in providing exceptional service to the members of the Assembly; and

WHEREAS, The extraordinary persons who have chosen to work with the Assembly during the 74th Session of the Nevada Legislature have carried out their duties on behalf of the residents of the State of Nevada with a professional attitude and tireless resolve; and

WHEREAS, Their herculean efforts earlier this week enabled the Assembly to coast to a smooth finish on a day that is typically one of the more arduous deadlines of the legislative session; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the Assembly of the 74th Session of the Nevada Legislature do hereby express their sincere appreciation and commend the outstanding support staff of the Assembly, which includes Susan Furlong Reil, Diane Keetch, Lucinda Benjamin, Matthew Baker, Kathryn Fosnaugh, Jason Hataway, Christie Peters, Kyle Wentz, Terry Sullivan, Robin Bates, Victoria Kieffer, Sharon Murphy, Jennifer Osheroff, Debra Williams, Jasmine Shackley, William Souligny, Sylvia Brown, Sally Stoner, Barbara Houger, Wendy Kameda, Erin Smith, Betty Phenix, Laurel Armbrust, Brooke Bishop, Nenita Wasserman, Tom Mullin, Toshiko McIntosh, Bonnie Borda Hoffecker, Joyce Hess, Alaina Cowley, Ashley Smith, Ann Marie Cutkosky, Kathryn Alden,

Deanna Duncan, Denise Dunning, Marge Griffin, Millicent Jorgenson, Sheila Sease, Victoria Thompson, Jackie Valley, Cynthia Carter, Leslie Danihel, Kaci Kerfeld, Rosanne Kruckenberg, Judy Maddock, Rachel Pilliod, Reba Coombs, Connie Davis, Christine Bashaw, Linda Blevins, Anne Bowen, Barron Brooks, Todd Myler, Carol J. Thomsen, Patti Adams, Doreen Avila, Patricia Blackburn, Judith Coolbaugh, Mary Kay Doherty, Denise Dunning, Patricia Evans, Mary Garcia, Christine Henricksen, Terry Horgan, Sharon McCallen, Danielle Mayabb, Earlene Miller, Rachelle Myrick, Emilie Reafs, Kelly Troescher, Cheryl Williams, Gillis Colgan, Olivia Lloyd, Trisha Moore, Matthew Mowbray, Mary Bean, Jennifer Breeden, Nancy Dickson, Jeff Dreiling, Curt Easley, Angela Flores, Fabby Franco, Vicky Goodson, Donna Hancock, Lisa Her, Patricia Hutson, Novella Kowallek, Jacqueline Lethbridge, Yhvona Martin, Christopher Mayhew, Carolyn Maynick, Sara Moffat, Jacqueline Morgan, Kathryn Moser, Luke Newman, Janie Novi, Sheree Rosevear, Darlene Rubin, Janet Stokes, Linda Utt, Jacob Vela, Harle Glover, Evelyn Moser, Maria Stafford, Frank Taylor, Victoria Windsor, Ted Zuend, Barry Wynott, Deanna Keirstead, June Bennett, Norm Budden, Mary Carel, Diane Bacus, Brandi Colunga, Jack Cooke, John Davis, Mark Day, Gail Eller, Mark Frady, Joyce E. Ghiselli, Don Hataway, Juanita Heston, Lois Lahair, Bob Maynick, Reid Meyer, Frank Tetz, Christina VanFosson, Daniel Webster, Katrina Zach; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to each member of the staff of the Assembly.

Oceguera moved the adoption of the resolution.

Remarks by Assemblymen Oceguera and Mabey.

Resolution adopted unanimously.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 26, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 25.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 25.

Assemblyman Marvel moved the adoption of the resolution.

Remarks by Assemblymen Marvel and Settelmeyer.

Madam Speaker requested the privilege of the Chair for the purpose of making remarks.

Resolution adopted.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:57 a.m.

ASSEMBLY IN SESSION

At 11:59 a.m.

Madam Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 26, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 190.

SHERRY L. Rodriguez
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 190.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

REMARKS FROM THE FLOOR

Assemblywoman Smith moved that the following proclamation be entered in the Journal:

PROCLAMATION OF THE NEVADA STATE ASSEMBLY

WHEREAS, On October 31, 2006, a four-alarm fire caused by arson destroyed the historic Mizpah Hotel located in Reno's downtown casino district leaving 12 people dead, many more burned and injured, and dozens homeless; and

WHEREAS, The Mizpah Hotel fire was the deadliest fire in Reno's history, as well as the deadliest arson fire in Nevada's history, which affected approximately 80 hotel residents, and several shops and businesses located on the first floor; and

WHEREAS, In conjunction and coordination with each other, Reno firefighters and police officers distinguished themselves through quick, decisive, and professional actions during the initial minutes of the catastrophic fire, as well as throughout the horrific event; and

WHEREAS, Two employees of the local electric company who were working in the area used their company's boom truck, after obtaining permission from the Reno Police Department, to immediately help hotel residents evacuate in the first minutes of the fire; and

WHEREAS, The courage, diligence, perseverance, and professionalism of these devoted public servants saved many lives that would have otherwise perished, and they continued, over the next few days, to deal with the devastating consequences of the fire; and

WHEREAS, These brave men and women consistently face difficult and dangerous situations in the line of duty while serving the citizens of the State of Nevada, whose growing population intensifies their challenges; now, therefore, be it

PROCLAIMED, That it is important to recognize the outstanding firefighters and police officers from the City of Reno who joined together to fight the Mizpah Hotel fire and aid in the evacuation and rescue of the hotel inhabitants; and be it further

PROCLAIMED, That the hotel residents and their families and friends, as well as the City of Reno, will be forever grateful to all the brave men and women who put their lives on the line in the most difficult of circumstances to fight this horrendous fire and to save lives.

DATED this 26th day of April, 2007.

SHEILA LESLIE
Nevada State Assemblywoman

DEBBIE SMITH
Nevada State Assemblywoman

Assemblywoman Leslie requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN LESLIE:

The Mizpah Hotel is located in downtown Reno, which is the district that I represent. I also work just a few blocks from there in the Washoe County District Courthouse; I also live half a mile from that site, so I was greatly affected by the fire as were all the people of Reno. It was the most devastating fire, as you heard in the proclamation. It happened on Halloween evening, which is a night when a lot of strange things do happen. When we woke up the next morning and heard about the fire, the unfortunate deaths, and the tragic circumstances, it greatly affected all of us. Then we started hearing stories trickling out about the bravery that our first responders exhibited that night without fear for their own safety. Our police officers, our fire departments, and our paramedics ran into the building and rescued countless people there, but unfortunately were not able to save everyone. If it were not for them, the tragedy would have been much, much worse. Today, Mrs. Smith and I invited a group of officers and firefighters from the Reno Police Department and Reno Fire Department, and we would like to extend our heartfelt gratitude for what they do every day but especially what they did that evening. Please, members of the Assembly, let's honor their heroism and thank them on behalf of the State of Nevada for everything they do for us, every day. Thank you

ASSEMBLYMAN OCEGUERA:

In my fulltime job, I am also a battalion chief in the City of North Las Vegas Fire Department, and I am extremely honored to be able to recognize those who give of themselves so much, so that others may live. As I am standing here today, listening to the words of my colleague from Reno, three words of my own came to mind—chaos, valor, and courage. That is what these public safety professionals do. They exhibit exceptional and heroic courage in the face of great disorder and extreme confusion. From what I have been told about the 2006 Halloween night Mizpah Hotel fire, the public safety professionals being honored here today exhibited skill and valor and turned chaos into some semblance of organization. The fire was tragic, as we have been told, with 12 lives being lost and more than 30 people injured. But if it were not for the quick and calm efforts of these responding public safety officials, it could have been much worse. It is my understanding that the firefighters rescued an untold number of victims from windows using ladders. I was told that the first two arriving engines never even sprayed a drop of water. They were too busy rescuing people from the windows. These gentlemen and women should be commended for exhibiting the best qualities that could ever be asked of anyone and putting themselves in harm's way so others can survive. I am proud to be considered one of them, and I would also like to congratulate them on this honor here today.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

On behalf of the entire Assembly, we thank you for your service, we are pleased that we were able to honor you today, and we thank you for everything you do every day for all of us. Thank you.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Luke Newman.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Laurel Armbrust, Kaci Kerfeld, Judy Maddock, Doreen Avila, Matt Mobray, Danielle Mayabb, Janie Novi, and Darlene Rubin.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Patti Adams, Christine Bashaw, Linda Blevins, Anne Bowen, Barron Brooks, Reba Coombs, Connie Davis, Todd Myler, Carol Thomsen, and Ted Zuend.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Victoria Thompson, Kelly Troescher, and Christine Henricksen.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Sheree Rosevear.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Sara Moffat.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to the following members of the Nevada PTA: Shirley Horner, Michelle Nixon, Karyn Tillett, Karina Azevedo, Tami Berg, Rosalynda Carlton, Lisa-Marie Lightfoot, Shirley Beasley, Jackie Draper, Morgan Brantner, Mary Ann Patocka, Jenni Amundsen, Cheryl Gustafson, Barbara Lorentzen, Danielle Marenghi, Michelle Dalpe, Ryan Ress, Lia Versaevel, Joan Westover, Dawn Christiansen, Becky Conver, Tera Robison, Lora Minter, Amy Blair, Tina Garcia, Erin Reid, Wayne Bauman, Ruben Chavez-Balde, Ann Lynch, Eva Melendrez, Suzanne Munier, Angie Phillips, Kathi Allen, Michele Cotterman, Lenny De Forge, Moises Denis, Karen Flanagan, Verda Hines, Verlinda Johnson, Joy Kendall, Scott Konnath, Joseph Munier, Robin Munier, Sue Smuskiewicz, D.J. Stutz, Kimberly Tate, Alison Turner, Angela Cox, Julie Hosea, Danielle Sweeney, Charity Dahlke, Angela Leavitt, Beth Hart, Erin Mara, Brenda Campbell, Billie Peaco, Melissa Carter, Tonya Pack, Linda Johnson, David Rego, Carrie Chesler, Bridget Muniz, Steven Garnett, Theresa Kendall, Nancy Fagan, Shelly Polillo, Julie Williams, Lora DeSoto, Jami Neel, Ramona Smith, Josefina Perez, Carol Smokey, Tammy Nigro, Tina Waldron, Teresa Cooper, Denise Kranz, Jenn Blackhurst, Jo Boyd, Tori Cautela, Karen Dean, Jan Hillegass, Terri Janison, Kathryn Werner, Mary Woloson, Charlene Gumber, Susan Myhre, Paige Carlovsky, Eileen Vaughn, Michele Brown, Sue Williams, Laura Canale, Michelle Jocson, Kimberly Renfrow-Coler, Kristen Stout, Shari Pendley, Joanne Corazo, Nicole Lombardo, Rina Serrano, Wendy White, Albert Bocanegra, Paulette Davis, Gloria Vest, Richard Vest, CarrollAnn Davis, Amy Henderson, Toni Stowe, Keri Clark, Karin Cooney, Kelli Falin, Joanne Floyd, Lori Jones, Annette Keirn, Bruce Stowe, Kayleen VanDerburg, Kristin Vollene, Timpi Williams, Heather Gomer, Sherrill Kniffen, Allison McLaughlin, Suzanne Peckham, Laura Shaffer, Sandra Guzzetla, Stacy Lauderbaugh, Ronda Lethcoe, Tracy Schmid, Cindy Rowe, Sylvia Ostos, Manuel Perez and Anna Weselak; Barbara Houger, Erin Smith, Wendy Kameda, Jennifer Arias, Betty Phenix, Jessica Blakely, Caprice Roberson, Kathryn Alden, Harle Glover, Sharon McCallen, Evelyn Moser, Kathryn Moser, Frank Taylor, Maria Stafford, June Bennett, Deanna Keirstead, Robin Bates, Victoria Kieffer, Sharon Murphy, Jennifer Osheroff, Debra Williams, and Terry Sullivan.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Hancock.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Jacqueline Lethbridge.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Millicent Jorgenson and Christina VonFosson.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended Jeff Dreiling.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Mullin, Judith Coolbaugh, Patricia Blackburn, and Earlene Miller.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Denae Denis and Novella Kowallek.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Wells, Geoffrey Hillier, and Toshiko McIntosh.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Angela Flores.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Vicky Goodson.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Smith.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Bean, William Souligny, and Barry Wynott.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Ann Marie Cutkosky.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Christopher Mayhew.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Alaina Cowley.

On request of Assemblyman Kihuen, the privilege of the floor of the Assembly Chamber for this day was extended to Jacob Vela.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to the following students

and chaperones of the Nevada Homeschool Network: Sandra Colon, Ruben Cruz, Emilio Cruz, Valeria Cruz, Leyda Vega, Andrea Vega, Jonathan Seaborg, Stephanie Seaborg, Fernando Seaborg, Terry Seaborg, Sandra Lawhead, Angela Castro, C.J. Castro, Connor Castro, Chase Castro, Cassandra Castro, Elissa Wahl, Brian Henry, Forrest Wahl, Elias Wahl, Sebastian Wahl, Layne Johnson, Betty Johnson, Cammeron Johnson, Michael Johnson, Matthew Johnson, Tyler Kedziorsk, Kristin Isaacs, Troy Isaacs, Ruben Cruz and Cameron Castro; Carolyn Maynick, Cynthia Carter, Cheryl Williams, Mary Kay Doherty, Rachelle Myrick, and Emilie Reafs.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Terry Horgan, Jackie Valley, and Trisha Moore.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Joshua Wheatlie, John Kockergin, Roger Mooney, Bonnie Borda Hoffecker, Katrina Zach, Patricia Evans, Jasmine Shackley, Sally Stoner, and Olivia Lloyd.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Jones, John Martin, and Nenita Wasserman.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Jacobo and Lisa Her.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Yhvona Martin, Ron Parraguirre and Leslie Parraguirre.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Marge Griffin, Mary Garcia, and Gillis Colgan.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Sheila Sease.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Fabby Franco.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Veldrick Taoipu, Anthony Fong, Joe Dolan, Leslie Danihel, Diane Bacus, Norm Budden, Mary Carel, Brandi Colunga, Jack Cooke, John Davis, Mark Day, Gail Eller, Mark Frady, Joyce Ghiselli, Don Hataway, Juanita Heston, Lois Lahair, Bob Maynick, Reid Meyer, Frank Tetz, and Daniel Webster.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Patricia Hutson.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Deanna Duncan, Brooke Bishop, and Paul Smith.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Lackore, Sydney Coolbaugh, Linda Utt, Rachel Pilliod, and Denise Dunning.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Janet Stokes, Brian Henry, and Forrest Wahl.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Breeden .

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Jacqueline Morgan.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Sprinkle, Joyce Hess, Veldrick Taoipu, Anthony Fong, Joshua Wheatlie, John Kockergin, Roger Mooney, Mike Sprinkle, Mike Lackore, Joe Dolan, Mark Wells, and Geoffrey Hillier.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Dickson.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Rosanne Kruckenberg.

On request of Assemblywoman Womack, the privilege of the floor of the Assembly Chamber for this day was extended to Curt Easley

Assemblyman Oceguera moved that the Assembly adjourn until Monday, April 30, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 12:48 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE EIGHTY-FIFTH DAY

CARSON CITY (Monday), April 30, 2007

Assembly called to order at 11:10 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor David Goodale.

Father, we thank You for this day and for the opportunity to serve the people of such a great state. Give divine wisdom and guidance to our legislators as they seek the best solutions that will bring prosperity and peace. May the decisions and changes they set in motion today secure a good future for tomorrow, a future that is full of hope and security. Grant these things in Your Name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Senate Bills Nos. 121, 122, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 32, 208, 294; Senate Joint Resolution No. 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 26, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 314.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:19 a.m.

ASSEMBLY IN SESSION

At 11:20 a.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Mabey, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack; Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, and Woodhouse:

Assembly Concurrent Resolution No. 22—Honoring former Co-Speaker and Minority Floor Leader Lynn C. Hettrick.

WHEREAS, Lynn C. Hettrick was born in Carmel, California, and attended Claremont Men's College in Claremont, California; and

WHEREAS, Lynn Hettrick moved to Douglas County, Nevada, in 1972, where he became a successful businessman and active member of the community; and

WHEREAS, In 1992, Lynn Hettrick was elected to represent Assembly District No. 39 in the Nevada Assembly where he served for 14 years which included seven regular sessions and six special sessions; and

WHEREAS, During the 1995 Regular Session of the Nevada Legislature in which the Assembly was evenly divided with 21 Republicans and 21 Democrats, Lynn Hettrick was elected to serve as Co-Speaker of the Assembly, a position to which he brought great leadership and statesmanship and was able to engage in the bipartisan effort necessary to accomplish the business for the people of the State of Nevada; and

WHEREAS, Lynn Hettrick earned the respect of his party serving as Minority Floor Leader from 1997 until 2005; and

WHEREAS, Assemblyman Hettrick actively participated in various legislative organizations and was recognized for his significant contributions, including his receipt of the Leader of the Year Award from the National Republican Legislators Association in 2001, his selection as National Chair of the Council of State Governments (CSG) in 2005 and Chair of CSG-WEST for 2001-2002, and his leadership role in the establishment of CSG-WEST's Western Legislative Academy, an educational forum for new state legislators to improve their effectiveness and build stronger legislative institutions; and

WHEREAS, During his service in the Nevada Assembly, Lynn Hettrick was supported and encouraged by his wife Arla, their four children, Stacey, Holly, Tiffany and Andrew, and their eight grandchildren, all of whom reside in western Nevada; and

WHEREAS, Assemblyman Hettrick's leadership abilities and legislative and personal accomplishments will forever serve as a model of public service for future members of the Nevada Legislature; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature pay special tribute to and express sincere gratitude to Assemblyman Hettrick for his public service to the State of Nevada; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to former Co-Speaker and Minority Floor Leader Lynn C. Hettrick.

Assemblyman Mabey moved the adoption of the resolution.

Remarks by Assemblymen Mabey, Oceguera, Marvel, Carpenter, Buckley, Arberry, Goicoechea, Hardy, Leslie, Weber, Christensen, Grady, Settelmeyer, and Mr. Speaker pro Tempore.

Assemblyman Mabey requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MABEY:

It is a pleasure for me to rise in support of Assembly Concurrent Resolution 22 honoring my prior, and forever, Minority Leader and past co-Speaker of the Assembly, Mr. Lynn Hettrick.

From the first time I met Mr. Hettrick, I was impressed with him—his genuine concern and his leadership abilities. He was an example for me. I remember the first time we met, how he was so warm and so friendly towards us, and how he made us feel at ease. He has genuine concern for each of us.

He has a vast knowledge of business. Whenever I had a question about something that had to do with business, I could ask Lynn, and he could tell me the answer. He was always able to address each bill with two simple things—was it fair and was it right for Nevada? If it was fair and right for Nevada he would support the bill. If it was not, he would not support it.

He always had a good sense of humor. I know he lost his arm when he was 21 in a farm accident, and he always made us feel comfortable with that, but I picked up a habit that when I clap, I have to clap with my arm on my leg. I cannot clap with my two hands together because of Mr. Hettrick.

He loved his family, particularly his grandchildren. When they would come while he was on the floor and he knew they were here, he would stand a little taller, he would smile a little bigger, and you knew he loved his grandchildren.

For these reasons, and for many more, I rise in support of Assembly Concurrent Resolution No. 22.

ASSEMBLYMAN OCEGUERA:

I, too, rise in support of Assembly Concurrent Resolution 22. Although Lynn and I disagreed on one or two occasions, he was never disagreeable. That was one of the things that I enjoyed about our relationship.

I called him when he finally said, "I am not going to run anymore," and if you live outside this state, you might find that to be weird, that a democrat would call a republican who was deciding not to run, but it is the kind of person that Lynn is, just a genuine, good person. I said, "You know, I am really going to miss serving with you," and I meant that. We had conversations that did not have anything to do with the Legislature. When he got a new four-wheeling toy, or something like that, he would call and say, "Hey, John, you have got to come check out this new piece of equipment I have," and "We have got to go out and drive it somewhere," I also remember when we used to have fun and go drive the race cars out at the race track and do fun things like that. I always enjoyed that, and I just want to say, maybe not all of us knew about all of his national leadership roles that were noted in the resolution but he was very well-respected all over the country for his national leadership roles. Many of you have gone to the CSG Leadership Academy and benefited greatly from that, and many people from across the western part of this country have as well. I stand, also, in support of Assembly Concurrent Resolution 22.

ASSEMBLYMAN MARVEL:

It is really quite an honor for me today to stand here and pay tribute to one of the best legislators I have ever had the opportunity to work with. Lynn comes from a county that has produced many, many great legislators; Henry W. Berrum, Lawrence E. Jacobsen, and Louis W. Bergevin. Let me tell you this, ladies and gentlemen, Lynn did not miss a lick and probably excelled beyond anyone's expectations. When he was chosen as co-Speaker, I think that was one of the most memorable and smooth sessions I have ever been able to experience. He and Speaker Dini got along beautifully and there was actually no contentiousness. It was just a great, great session. Of course, it has been a pleasure just knowing Lynn, Arla, his mother, and children. I

think he has left his stamp on the state of Nevada for what he was able to do. It has been said in this resolution, all of his accomplishments, but I want to say this, Lynn, I will never ride your horses because they only turn to the left.

ASSEMBLYMAN CARPENTER:

I, too, rise in support of ACR 22. You know, Lynn, I just thank you for being my friend, for being here, and for all of the knowledge that you imparted to all of us. I know when I see you in Elko we always have great chats, and I just feel that I am privileged to be able to have served with such a great guy. Thank you.

ASSEMBLYWOMAN BUCKLEY:

I, too, rise in support of Assembly Concurrent Resolution 22. There are a few words that can be used to describe Assemblyman Hettrick.

One is tenacity. One of the things that I think characterized your service, Lynn, was that you did not give up. There were so many ideas that were important to you whether it ranged from commerce and labor, workers' comp, or the way pensions are funded, it did not matter the issue. It also did not matter that there was not one person in this body yet with you. The idea came back again, and again, and soon there were people with you because you led the way. Tenacity is a trait that if you do not have it in this legislative process, you will not be successful.

Another is dedication. My colleague, the Majority Leader, mentioned your service in the national organizations. One of the things that most of us do not realize is that we go to some great national training, we learn a lot, and that is the best part of going to some of these trainings, but when you serve in leadership, there is staff turmoil in those organizations, there are problems. I remember one day when Lynn and I were walking over to inform the Governor that we were ready to adjourn s*ine die*, and Lynn was talking about the next day. He had to go to an emergency membership meeting for CSG. That type of leadership, that type of effort to have those organizations provide us with information and the skills we need to grow and serve our constituents, that is an invisible kind of leadership. It is one that most of us do not see but without you, those organizations would not be in the shape that they are in today. The Majority Leader was right, every time I go to a conference or I am the new Speaker, people say, "Tell me, what is Lynn Hettrick doing? What is Joe Dini doing?" The stamp that you have put on our state is felt outside of our state as well as in our state.

I guess the last word has to be leadership. Going back to the dedication that you have shown both inside and outside the state, you know, Nevada is unique. We put Nevada first, by and large, in the operation of the State Legislature. That cannot be said in a lot of places, especially if we look at Washington, D.C. But, Lynn, you were the type of legislator that it did not matter what the last disagreement was on policy. It was a disagreement on policy, not a disagreement between people, and we moved on to tackle the challenges of the State. I recall a lot of jaws dropping when you and I worked on the property tax cap together. One of the things, I think, Lynn knew very well is that the first part of leadership is taking a step forward. You cannot get to a solution if you are not willing to be one of the first people to step across the line and say, "Throw bricks at me. This State has a problem, and here is a potential solution," even if ultimately it may change a million times. Lynn never forgot that. Sometimes it is not easy being a leader, but if you put the State first, the results speak for themselves. You did an incredible job for the state of Nevada. I thank you. I thank your family for the sacrifices they made to allow you to serve. You are not forgotten.

ASSEMBLYMAN ARBERRY:

I rise in support of this resolution, and I am honored to be able to rise in support of it because normally when we honor someone, we honor them because they have passed away. This is a nice honoring, that Lynn is just down the street from us and he can come visit us and give us his concerns.

When I first met Lynn, and he walked up to me when we first got here during the session, I thought he was tourist because he came up to me in this Hawaiian shirt, and he said, "I am Lynn Hettrick." I said, "Okay, I am Morse Arberry." As the week progressed, I found out that he was a legislator. We worked all through the years, and I noticed how hard he worked because he was eager to learn everything he possibly could in a short period of time because he recognized we

did not have a lot of days. But, Lynn, it was a lot of fun working with you. I enjoyed working with you in the core group. I do not want to say behind closed doors because they will think we were doing something shady but, as you know, Mr. Speaker pro Tempore, that when you are trying to shut a session down, a core group of people get together to try to deal with a lot of the issues. Lynn would be there, and the part I really liked and respected was that he would give you his word, he would give you his opinion, and he would stick to that. When his caucus was lined up behind him, they were lined up behind him. I do miss you, Lynn. I felt that you were going to move on because when you said you talked to your wife and I asked what you would do, you said, "I will be out on my four-wheeler and I will four-wheel all day, and I will not bother you until six o'clock." It was great to travel with you to the conferences and just sitting down and talking to you. We miss you, Lynn, and anytime you have some concerns I know you will call me, come see me, or email me. You take care of yourself and enjoy.

ASSEMBLYMAN GOICOECHEA:

I, too, would like to rise in support of ACR 22. When I filed for Assembly District No. 35 in 2002, I have to thank Lynn because he recognized very early on that I did not have a clue what I was up against. There are days when I wish he had not been such a good mentor but I do have to rise and thank Lynn for recognizing what he had to work with in me and I hope, to some extent, being able to shape me into a legislator for the state of Nevada. Thank you, Lynn, for all you have done.

ASSEMBLYMAN HARDY:

Thank you, Mr. Speaker pro Tempore. I rise in support of ACR 22. This will illustrate, perhaps, not just the service that, you, Lynn, have rendered in this body, but who you represented nationally as well. This was written by Ann Marie Cutkosky, who does not have the privilege of the floor:

"Mr. Hettrick was a legislator who liked to keep in close touch with his constituents. He was a well respected member of the Assembly for 14 years, leading the Republicans for 7 sessions. When I first moved into Douglas County and assessed who my legislators were, I immediately asked Mr. Hettrick if I could sit on the Assembly floor with him to see what our leaders were doing for Douglas County. He did not hesitate, and the very next day I was seated with Mr. Hettrick and I was introduced to the Assembly. Mr. Hettrick did what he believed was right for his party and constituents. He has integrity and is an honest man. I am proud to know him and was very pleased he represented me in my district in the Nevada State Assembly. Thank you, Mr. Hettrick."

Lynn, you understood the process. You understood the procedures with finesse and aplomb. You dispatched them. Thank you ever so much for being my mentor and someone I continue to look up to. Thank you for being here.

ASSEMBLYWOMAN LESLIE:

Thank you, Mr. Speaker pro Tempore. I, also, rise in support of this resolution. I congratulate the Minority Leader on being able to retire and enjoy life. I worked with Lynn primarily on the Ways and Means Committee, especially on mental health issues. I do not want this day to go past without mentioning the great compassion for the people in his district, the people in Nevada, especially when it came to suicide prevention and mental health issues.

I did learn something new in the resolution today. The Minority Leader and I share something that I think is unique in the body—our birthplace. We were both born in the liberal bastion of Carmel, California, in the hospital I am sure is no longer a hospital, because it was only a little tiny town, a liberal little town. I think it is remarkable that we both found our way to Nevada and have become lifelong Nevadans.

I will most remember Lynn for his integrity, his patience—his patience with the former Vice-chair of Ways and Means was legendary—and most of all, his word. His word was his bond. When he told you how he felt about something, that is how he felt about something. He was not someone who could be swayed. He would change his mind if enough evidence was presented to him, but he did not just listen to the last person who spoke to him and then let it go that way. He thought about the issues very carefully, very thoughtfully, and when he told you he would

support you, even in the face of a lot of opposition, he did support you. I appreciate that. I do miss you, Lynn. I wish you and your family all the best.

ASSEMBLYWOMAN WEBER:

Thank you, Mr. Speaker pro Tempore. I, too, rise in support of ACR 22. Lynn, the first words I thought of today were thank you. I had the great opportunity to serve with you for two terms. One of the first things which I recall is your great respect for this institution. That is the umbrella by which I try to work with my constituents. When we push the buttons here on the floor, it is not just about red and green. It is about doing the right thing for the people of the state of Nevada. One of the principles you taught me, that the current Minority Leader mentioned, was the FAN principle. First, is it fair? Who is accountable? Is it right for Nevada? I remember that from the first time we met and it has been part of my thinking process ever since that time. You are a straight shooter. Integrity is the first word that comes to my mind as well as being a leader and a mentor to me. I just wanted to thank you again from the bottom of my heart for teaching me what this is about. I found a quote this morning that Oprah Winfrey made about integrity. "Real integrity is doing the right thing, knowing no one is going to know whether you did it or not. Only you." Thank you so much for teaching me.

ASSEMBLYMAN CHRISTENSEN:

Thank you, Mr. Speaker pro Tempore. I, too, rise in support of ACR 22. Assemblyman Hettrick it is great to see you back, sitting over there. As was mentioned by the Chair of Ways and Means, it is great to have you here where you get to hear and feel the love and respect this body has for you, your service, your sacrifice and your family—they are part of that service and sacrifice in a big way.

As an effort to not repeat some of the great attributes and skills that have been mentioned, I just wanted to share with the body that Assemblyman Hettrick is a very avid off-roader, as am I. I heard before we ever met that you only had one arm. When I heard, also, of all the other things you did, I just thought, "Gosh, I just have to meet this guy. He races BMW's. He has got an off-road machine." You were racing motor-cross for all I knew. I was very impressed by you and motivated, as well. I remember, as someone said, that Lynn Hettrick was the kind of guy who could do more with one arm than most people could do with two or three.

I wanted to share a story I remember nearly every time I pull into the legislative parking garage. In my first session, when my second son was four, we were coming in on the second or third day—and this was after he had met you—and we were going into the garage and he said, "Hey, Papi, look, there is that man's arm hanging in the window." The police have that white sleeve there so they do not have to raise their arm to say goodbye. That was in his mind. So, Lynn, all the time I think of you. I have a lot of respect for you. You do not demand respect, you have earned it. I consider you, truly, an honorable man. I am a better person because I had the opportunity to know and work with you.

ASSEMBLYMAN GRADY:

Thank you, Mr. Speaker pro Tempore. I think the many of us that have stood here today are from the same class of 2002. I do not think Lynn ever realized that he would gather this bunch, this group, and mold them into legislators. It was a challenge for Lynn. Through is leadership, however, we made it.

I can remember during the 1995 Session when Lynn was co-Speaker, I had the pleasure of working as a lobbyist, with two of my mentors, two of the best friends that I had and still have, in Joe Dini and Lynn Hettrick. I have mentioned to Lynn before that that session was probably, for me, one of the highlights of my life and I am sure it was for him. Joe Dini made both of us better people, better legislators and I still keep both of them in my thoughts today in the way they have directed us and what we can do. Lynn, to not only you but to your family, I just thank you for everything you have done, not only for us, but for the state of Nevada.

ASSEMBLYMAN SETTELMEYER:

Thank you, Mr. Speaker pro Tempore. I rise in support of ACR 22. I wanted to echo the statements of everyone who said the great things about Mr. Hettrick. I also wanted to add the importance of family to him as we can see all the family members he has brought forward. He

has stressed to me how important family is as you work your way through the Legislature. If you lose that, you have lost everything. In that respect, I represent Assembly District 39, which is not really Assembly District 39. It is now known, basically, as "Hettrick's seat." If you try to talk to anyone and tell them you are from Assembly District 39, they do not know where it is at. If you say "Hettrick's seat," they know immediately that it is in Douglas County. They know exactly where it is. In that respect, he has set forth a high standard of moral character, hard work, good ethics, and professionalism. I will seek to maintain that. Thank you for your service, sir.

Mr. Speaker pro Tempore requested the privilege of the Chair for the purpose of making the following remarks:

Having been here when Mr. Hettrick arrived and recognizing his keen contributions, I distinctly remember having served with him in Commerce, where we were in the middle of a major funding crisis for the State. His consistency and his caring about individuals and process were ever, ever mindful in a very, very heated discussion over two sessions, in the 1993 and 1995 Sessions. Then, of course, there was an experience outside this building, where it was required where I needed a little bit of help and he loaned me a hand. That has been a common bond between us for sometime now.

I am very, very mindful of the courtesy with which he treated my family, particularly one of my daughters, when he ran into her on the street and she recognized him. She had heard me speak about him so frequently, with great favor and admiration. I think you epitomized what leadership is about, what Nevada is about, and what a citizen legislator is supposed to be. You set for all of us a high mark and a high standard. We thank you for your service and we particularly appreciate the fact that your wife has allowed you to continue to do this, even though you seem to rush headlong into foolishness and have never lost the exuberance of life. And that is the most important thing.

Resolution adopted unanimously.

Assemblyman Mabey moved that all rules be suspended and that Assembly Concurrent Resolution No. 22 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Mabey moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:44 a.m.

ASSEMBLY IN SESSION

At 11:46 a.m.

Madam Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 314.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 198.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 639.

AN ACT making a supplemental appropriation to the Department of Health and Human Services, Administration, to fund leased office space and tenant office improvements; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services, Administration, the sum of ~~[$635,000]~~ **$603,418** to fund additional tenant improvements, including window coverings, phone and data cabling, the purchase of modular furniture and rent due for leased office space following the move from the Kinkead Building. This appropriation is supplemental to that made by section 20 of chapter 434, Statutes of Nevada 2005, at page 1939.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 504.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 640.

AN ACT making a supplemental appropriation to the Department of Health and Human Services for expansion of mental health services; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Division of Mental Health and Developmental Services of the Department of Health and Human Services for the Lake's Crossing Center for the Mentally Disordered Offender the sum of ~~[$2,314,632]~~ **$1,794,831** for the operation of a 28-bed expansion. This appropriation is supplemental to that made by section 20 of chapter 434, Statutes of Nevada 2005, at page 1940.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 543.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 641.

AN ACT making supplemental appropriations to the Department of Motor Vehicles for various costs; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State Highway Fund to the Director's Office of the Department of Motor Vehicles the sum of ~~[$1,147,377]~~ **$615,116** for an anticipated shortfall in operating costs for kiosks throughout the State. This appropriation is supplemental to that made by section 32 of chapter 434, Statutes of Nevada 2005, at page 1943.

2. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles, Automation Division, the sum of $374,024 for unanticipated Department of Information Technology charges. This appropriation is supplemental to that made by section 32 of chapter 434, Statutes of Nevada 2005, at page 1943.

3. ~~[There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles for the Division of Central Services and Records the sum of $665,656 to offset a revenue loss that resulted from the repeal of the sales tax on the occasional sale of motor vehicles. This appropriation is supplemental to that made by section 32 of chapter 434, Statutes of Nevada 2005, at page 1943.~~

~~4. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles for the Division of Compliance Enforcement the sum of $19,940 for unbudgeted increases in fuel costs. This appropriation is supplemental to that made by section 32 of chapter 434, Statutes of Nevada 2005, at page 1943.~~

~~5.]~~ There is hereby appropriated from the State Highway Fund to the Hearings Office of the Department of Motor Vehicles the sum of ~~[$7,500]~~ **$5,378** for a shortfall in operating costs due to an increased hearing caseload. This appropriation is supplemental to that made by section 32 of chapter 434, Statutes of Nevada 2005, at page 1943.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 548.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 642.

AN ACT making supplemental appropriations to the State Department of Agriculture; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Plant Industry Account of the State Department of Agriculture the sum of $10,202 for a shortfall created by an imbalance of transfers into the Account. This appropriation is supplemental to that made by section 25 of chapter 434, Statutes of Nevada 2005, at page 1941.

2. There is hereby appropriated from the State General Fund to the State Department of Agriculture for veterinary medical services the sum of ~~[$13,189]~~ **$8,566** for unanticipated utility costs for Fiscal Year 2006-2007. This appropriation is supplemental to that made by section 25 of chapter 434, Statutes of Nevada 2005, at page 1941.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 556.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 643.

AN ACT making supplemental appropriations to the Supreme Court of Nevada for judicial selection and unforeseen expenditures; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Supreme Court of Nevada the sum of ~~[$309,429]~~ **$160,460** for a projected revenue shortfall and unforeseen expenditures relating to the Regional Justice Center in Las Vegas and the E-Filing System. This

appropriation is supplemental to that made by section 11 of chapter 434, Statutes of Nevada 2005, at page 1937.

2. There is hereby appropriated from the State General Fund to the Supreme Court of Nevada the sum of ~~[$10,000]~~ **$9,000** for the cost of judicial selection expected in Fiscal Year 2006-2007. This appropriation is supplemental to that made by section 11 of chapter 434, Statutes of Nevada 2005, at page 1937.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 77.

Bill read second time and ordered to third reading.

Senate Bill No. 88.

Bill read second time and ordered to third reading.

Senate Bill No. 150.

Bill read second time and ordered to third reading.

Senate Bill No. 220.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 14.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bills Nos. 34, 57, 70, and 177 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 549, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were re-referred Assembly Bills Nos. 154, 443, 531, 573, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY JR., *Chair*

Madam Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 131, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Tiffany Ruby and Jason Ruby.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Al Cauchon.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Rod Sherer.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Tyler Torres, Marissa Torres, and Lauren Szendre.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Jason Geddes.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Ann Marie Cutkosky.

On request of Assemblyman Kihuen, the privilege of the floor of the Assembly Chamber for this day was extended to Sam Lieberman.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Will Van Meter.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Lynn Hettrick, Iris Hettrick, and Arla Hettrick.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to the following student from Denio Elementary School: Arturo Anguiano, Rosemary Anguiano, Lance Moser, Bobby Hoenck, Jaylen Sam, Megan Sam, Manny Chavez, Omar Villa, Anthony Sanders, Lane Johnson, Jesus Montes, Rodrigo Montes, Adriana Juanes, Yesica Juanes, Deya Juanes, Stefani Barocio, Andrea Egger, Adam Egger, Layton Johnson, Mattie Rose Johnson; chaperones Stacy Egger, Stacey Moser, Carolyn Duferrena, Susan Hoenck, Lee Petty, Janet Johnson, and Maria Hernandez; Andy Hettrick, Stephanie Hettrick, and Maddison Hettrick.

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Jason Hettrick, Holly Hettrick, Brad-lynn Fife, and Kianna Hettrick.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Stacey Perez, Eric Perez, and Mason Perez.

On request of Assemblywoman Womack, the privilege of the floor of the Assembly Chamber for this day was extended to Clifton Whitehurst and Ashanti F. Gholar.

Assemblyman Oceguera moved that the Assembly adjourn until Tuesday, May 1, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 12:07 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE EIGHTY-SIXTH DAY

CARSON CITY (Tuesday), May 1, 2007

Assembly called to order at 11:13 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Stanley Friend.

Father God, Creator of the universe and giver of life, thank You for the opportunity to seek after life, liberty, and the pursuit of happiness. Give Your wisdom to our legislators and guide them as they labor in the work and endeavors of our state. May they be used as agents of goodwill to bring justice, peace, and prosperity to the people of Nevada. Bless now this Legislative Session today, we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 473, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Senate Bill No. 87, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 540, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 30, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 4, 5, 8, 18, 27, 30, 35, 75, 100, 114, 152; Senate Bills Nos. 338, 557.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 22.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

Assemblyman Oceguera moved that KTVN-TV: Sherrie Cerutti and Scott Hargrove, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chambers and that they be allowed use of appropriate broadcasting facilities.

Motion carried.

By Assemblymen Cobb, Koivisto, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack; Senators Townsend, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Washington, Wiener, and Woodhouse:

Assembly Concurrent Resolution No. 23—Congratulating the Galena High School Grizzlies boys' basketball team for their 2007 Class 4A State Championship victory.

WHEREAS, The Nevada Legislature and the residents of Nevada take great pride in recognizing our schools for excellence in citizenship, academics, athletics and sportsmanship; and

WHEREAS, *Newsweek* has consistently ranked Galena High School of Reno among America's Best High Schools for their academic standing; and

WHEREAS, The members of the Galena High School Grizzlies boys' basketball team have shown themselves to be academically focused and motivated by maintaining an overall grade point average of 3.45; and

WHEREAS, Since its founding in 1992, Galena High School has won either a league, regional or state championship in every sport in which their athletes have participated and, in 2006, received the Class 4A Award of Excellence in Academics, Athletics and Citizenship from the Nevada Interscholastic Activities Association; and

WHEREAS, On February 23, 2007, the Grizzlies boys' basketball team proved their commitment to teamwork and athletic excellence by winning the 2007 Class 4A State Championship; and

WHEREAS, Entering the fourth quarter tied at 41 points each, with the lead changing hands eight times in the last quarter, the Mojave Rattlers of North Las Vegas were ahead of the Grizzlies, 51-49, with 2 minutes 38 seconds to go; and

WHEREAS, In what Galena Coach Tom Maurer called "a great chess match," and with only a little more than a minute left in the game, the Grizzlies pulled ahead with a three-pointer, winning the game at the final buzzer, 54-51; and

WHEREAS, A friend and fellow coach told Coach Maurer in the locker room, "You can write things in the sand, and that blows away, but this one's etched in stone"; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 74th Nevada Legislature and the residents of the State of Nevada commend the Galena High School Grizzlies boys' basketball team for its academic achievements, strong sense of school pride, team spirit, commitment and determination, all of which made winning the State Championship possible; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Galena High School Principal Thomas C. Brown and to Galena Coach Tom Maurer.

Assemblyman Cobb moved the adoption of the resolution.

Remarks by Assemblymen Cobb and Allen.

Resolution adopted unanimously.

Assemblyman Cobb moved that all rules be suspended and that Assembly Concurrent Resolution No. 23 be immediately transmitted to the Senate.

Motion carried.

By the Committee on Health and Human Services:

Assembly Concurrent Resolution No. 24—Creating an interim study concerning environmental pollutants and global warming.

Assemblywoman Leslie moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 610—AN ACT making an appropriation for use as matching money to reduce or retire the existing mortgage on the Veterans Guest House, Inc.; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 338.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 557.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 131.

Bill read second time and ordered to third reading.

Assembly Bill No. 549.

Bill read second time and ordered to third reading.

Senate Bill No. 32.

Bill read second time and ordered to third reading.

Senate Bill No. 121.

Bill read second time and ordered to third reading.

Senate Bill No. 122.

Bill read second time and ordered to third reading.

Senate Bill No. 208.
Bill read second time and ordered to third reading.

Senate Bill No. 294.
Bill read second time and ordered to third reading.

Senate Joint Resolution No. 9.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 154.
Bill read third time.
Remarks by Assemblyman Atkinson.
Roll call on Assembly Bill No. 154:
YEAS—42.
NAYS—None.
Assembly Bill No. 154 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 198.
Bill read third time.
Remarks by Assemblyman Hogan.
Roll call on Assembly Bill No. 198:
YEAS—42.
NAYS—None.
Assembly Bill No. 198 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 443.
Bill read third time.
Remarks by Assemblyman Parks.
Roll call on Assembly Bill No. 443:
YEAS—42.
NAYS—None.
Assembly Bill No. 443 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 504.
Bill read third time.
Remarks by Assemblywoman Leslie.
Roll call on Assembly Bill No. 504:
YEAS—42.
NAYS—None.
Assembly Bill No. 504 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 531.
Bill read third time.
Remarks by Assemblyman Parks.
Roll call on Assembly Bill No. 531:
YEAS—42.
NAYS—None.
Assembly Bill No. 531 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 543.
Bill read third time.
Remarks by Assemblyman Parks.
Roll call on Assembly Bill No. 543:
YEAS—42.
NAYS—None.
Assembly Bill No. 543 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 548.
Bill read third time.
Remarks by Assemblyman Denis.
Roll call on Assembly Bill No. 548:
YEAS—42.
NAYS—None.
Assembly Bill No. 548 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 556.
Bill read third time.
Remarks by Assemblywoman Weber.
Roll call on Assembly Bill No. 556:
YEAS—42.
NAYS—None.
Assembly Bill No. 556 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 573.
Bill read third time.
Remarks by Assemblymen Grady and Allen.
Madam Speaker requested the privilege of the Chair for the purpose of making remarks.
Roll call on Assembly Bill No. 573:
YEAS—42.
NAYS—None.

Assembly Bill No. 573 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 34.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Senate Bill No. 34:

YEAS—42.

NAYS—None.

Senate Bill No. 34 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bills Nos. 57, 70, 77, 88, 150, 177, 220; and Senate Joint Resolution No. 14 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 21; Assembly Resolution Nos. 9, 10; Senate Concurrent Resolutions Nos. 23, 24, and 25.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to John Metzger, Oscar Nunez, Victor Walker, Jake Mansfield and James Ferguson.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Henry Ernaut .

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Maurer, Luke Babbitt, JD Peters, Eric Maupin and Tristan Hill.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Rick Kuhlmey.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Huffaker Elementary School: Nick Aday, Miles Atchley, Glenn Bydalek, Maddy Bydalek, Natalie Castillo, Luke Ludlow, Will Hart, Catherine Kish, Olivia Luchetti, Marissa Emerson, Evan Moyle, Madison Najima, Drew Rippingham, Tyler Vetter; teacher Kaycean Buma; chaperones John Brooks, Leslie Hart, Jim Rippingham, Wendy Ernaut, Anne Bydalek, Steven Kish, Jim Najima, Deanna Luchetti, Sallie Aday, and Jan Potter; the following

students from Caughlin Ranch Elementary School: Alexander Brill, Erin Broshan, Mahesh Challapalli, Blake Choley, Daniel Clifton, Bailey Doyle, Santino Ferrigno, Travis Fuller, Brooke Gunderson, Julian Gray, Angalique Hartley-Brown, Markisha Hibbler, Courtney Kantowski, Liam Kilroy, Rebecca Mausling, Natalie Mohun, Leslie Olivares, Anna Paterson, Kelsey Rolling, Madison Scott, Leah Thaheld, Katie Worrall, Ashley Yup, Benjamin Albrecht, Tasnim Ali, Vivianne Atencio, Taylor Brown, Jillian Cury, Caitlin Etnyre, Jacob Forshey, Rosemary Gully, Kerstin Hazelbaker, Tyler Hudson, Gina King, Travis King, Jacques Kovaltchouk, Neriah Lutes, Mads Miller, Vincent Miller, Randy Mori, Brianna Oki, Mark Padgett, Bennett Winter, and Stephanie Zunini; teachers and chaperones Rebecca Zunini, Toni King, Dana Kilroy, Dawni McGhie, Colleen Winter, and Heidi Scott.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Goose Robinson, Scott Bristol, Brice Crook, Gabe Legorburu and Brad Bosse.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Kermit R. Booker Elementary School: Andres Albarran, Etna Alvarez, Tishondra Auberry, Damarlo Berry, Latavia Brown, Carden Kyle-Kendal, Ernesto Castro, Guadalupe Ceja, Jawan Cole, Jassmen Cooper, Monica Culpepper, Reinalyn DeGuzman, Antonine Dixson, Darnisha Evin, Miguel Escamilla, Ashlee Ford, Ashton Ford, Amani Guest, Bobby Henderson, Jessie Howard, Curtis Howard, Jalachi Jackson, Angelica Jardine, Toneka Jones-Reynolds, Yulenny Leyva, Nadalia Martin, Brandon Matthews, Dalelisha McCoy, Jonaris Ordinario, Marco Pamplona, Joceline Paniagua, Dareyon People, Terry Perkins, Kenneth Potter, Kreesten Ramey, Jose Ramos, Steven Simms, Austin Stepp, Christerfer Tate, Jeron Tharpe, Irene Ugalde, London Ward, Anabel Zaragoza-Arias, Shatonna Barber, Shyanne Carter-Wade, Christen Harrison, Lakissa Martin, Kiera Wright; teacher Beverly Mathis; chaperones Tammy Carter, La Wanna Cole, Irene Cooks, Charles DeLaSalle, Penny Howell-Fuller, Beverly Mathis, Mark Norman, Amy Podell, Karen Ramey, Eugenia Scurlock, Regina Whitaker and Achilles Musni.

Assemblyman Oceguera moved that the Assembly adjourn until Thursday, May 3, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 12 noon.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE EIGHTY-EIGHTH DAY

CARSON CITY (Thursday), May 3, 2007

Assembly called to order at 11:18 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Sue Musselman.

Almighty God, we are humbly grateful for the good and gracious land in which we live. Keep us strong, free, and loyal to You, our nation, and our state. God, help the legislators who are assembled here today to successfully achieve the tasks they have set before them. Guide them and give them useful knowledge as they express their willingness to serve their fellow men and women of this great state. We pray for Your continued grace and support as they govern today.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 302, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Senate Bills Nos. 230, 401, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 217, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bill No. 306; Senate Joint Resolutions Nos. 10, 11, 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Concurrent Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

JERRY D. CLABORN, *Chair*

Madam Speaker:

Your Select Committee on Corrections, Parole, and Probation, to which was referred Senate Bill No. 30, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID R. PARKS, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 1, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 24, 34, 37, 38, 106, 179.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 23.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 182, 187, 336, 339, 340, 345.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 2, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 559, 567.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 26, 27.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that the reading of Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

NOTICE OF WAIVER

A Waiver requested by Legislative Counsel.
For: A New BDR No. S-1495 (S.B. 567).
To Waive:
Subsections 1 and 2 of Joint Standing Rule No. 14 and Joint Standing Rule Nos. 14.2 and 14.3.
Has been granted effective: Tuesday, May 1, 2007.

WILLIAM J. RAGGIO
Senate Majority Leader

BARBARA BUCKLEY
Speaker of the Assembly

Senate Concurrent Resolution No. 26.

Assemblywoman Gansert moved the adoption of the resolution.

Remarks by Assemblymen Gansert and Carpenter.

Resolution adopted.

Senate Concurrent Resolution No. 27.

Assemblyman Mabey moved the adoption of the resolution.

Remarks by Assemblymen Mabey and Atkinson.

Resolution adopted.

Senate Bill No. 182.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 187.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 336.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 339.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 340.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 345.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 559.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 567.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assemblyman Oceguera moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:39 a.m.

ASSEMBLY IN SESSION

At 11:50 a.m.
Madam Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 567, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 567 considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Oceguera.

Motion carried unanimously.

SECOND READING AND AMENDMENT

Assembly Bill No. 540.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 638.

AN ACT making a supplemental appropriation to the Department of Health and Human Services for expenses relating to foster care; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services for Clark County Integration the sum of ~~[$3,696,791]~~ **$3,320,695** for an unanticipated shortfall in purchased placement costs and for 14 full-time equivalent positions needed for the increased foster care caseload. This appropriation is supplemental to that made by section 20 of chapter 434, Statutes of Nevada 2005, at page 1940.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 87.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 650.

SUMMARY—Provides for audits by Legislative Auditor of entities which are not state agencies but which receive appropriations of ~~[public]~~ **state** money. (BDR 17-91)

"AN ACT relating to legislative audits; providing for audits by the Legislative Auditor of entities which are not state agencies but which receive appropriations of ~~[public]~~ **state** money; requiring such an entity, as a condition of the acceptance of an appropriation, to agree to make available to the Legislative Auditor all records of information that he determines to be necessary to conduct such an audit; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This act requires the Legislative Auditor, as directed by the Legislative Commission, to audit an entity which is not an "agency of this State" as defined in NRS 218.737 but which receives an appropriation of ~~[public]~~ **state** money. The audit must examine the use of the ~~[public]~~ **state** money by the entity. This act also requires such an entity, as a condition of the acceptance of an appropriation of ~~[public]~~ **state** money, to agree to make available to the Legislative Auditor all records of information that the Legislative Auditor determines to be necessary to conduct the audit. Such an audit will be subject to the terms set forth in NRS 218.737 to 218.893, inclusive, governing audits conducted by the Legislative Auditor.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 218 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Legislative Auditor, as directed by the Legislative Commission pursuant to NRS 218.850, shall conduct a special audit of an entity which is not an agency of this State but which receives an appropriation of ~~[public]~~ state money during any fiscal year. Such an audit must, without limitation, examine the use of the ~~[public]~~ state money received by the entity.

2. As a condition of the acceptance of any appropriation of ~~[public]~~ state money, an entity which is not an agency of this State must agree to make available to the Legislative Auditor all books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise and irrespective of their form or location, that the Legislative Auditor determines to be necessary to conduct an audit pursuant to this section.

Sec. 2. NRS 218.737 is hereby amended to read as follows:

218.737 As used in NRS 218.737 to 218.893, inclusive, ***and section 1 of this act,*** "agency of the State" includes all offices, departments, boards, commissions and institutions of the State and the judicial department of the State, but does not include the Legislative Branch of Government.

Sec. 3. NRS 218.850 is hereby amended to read as follows:

218.850 1. Each of the audits provided for in this chapter must be made and concluded as directed by the Legislative Commission and in accordance with the terms of NRS 218.737 to 218.893, inclusive ~~[.]~~ ***, and section 1 of this act.***

2. The Legislative Commission shall direct the Legislative Auditor to make any special audit or investigation that in its judgment is proper and necessary to carry out the purpose of this chapter or to assist the Legislature in the proper discharge of its duties.

Sec. 4. This act becomes effective on July 1, 2007.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 473.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Joint Resolution No. 14 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 131.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 131:

YEAS—42.

NAYS—None.

Assembly Bill No. 131 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 549.

Bill read third time.

Remarks by Assemblymen Denis and Anderson.

Roll call on Assembly Bill No. 549:

YEAS—42.

NAYS—None.

Assembly Bill No. 549 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 32.
Bill read third time.
Remarks by Assemblyman Segerblom.
Roll call on Senate Bill No. 32:
YEAS—42.
NAYS—None.
Senate Bill No. 32 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 57.
Bill read third time.
Remarks by Assemblyman Segerblom.
Roll call on Senate Bill No. 57:
YEAS—42.
NAYS—None.
Senate Bill No. 57 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 70.
Bill read third time.
Remarks by Assemblymen Cobb and Anderson.
Madam Speaker requested the privilege of the Chair for the purpose of making remarks.
Roll call on Senate Bill No. 70:
YEAS—42.
NAYS—None.
Senate Bill No. 70 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 77.
Bill read third time.
Remarks by Assemblywoman Gerhardt.
Roll call on Senate Bill No. 77:
YEAS—42.
NAYS—None.
Senate Bill No. 77 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:06 p.m.

ASSEMBLY IN SESSION

At 12:08 p.m.
Madam Speaker presiding.
Quorum present.

Senate Bill No. 88.
Bill read third time.
Remarks by Assemblyman Mortenson.
Roll call on Senate Bill No. 88:
YEAS—42.
NAYS—None.
Senate Bill No. 88 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 567 be taken from its position on the General File and placed at the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 567.
Bill read third time.
Remarks by Assemblymen Kirkpatrick, Smith, and Mabey.
Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN KIRKPATRICK:

Senate Bill 567 does a few things today. Currently, S.B. 567 suspends all actions of the state agencies relating to lead sales tax exemptions and property tax abatements authorized in A.B. 3 of the 2005 Special Session. It also ensures our commitment to green building in the Nevada Legislature.

Last session, 63 of us voted that we supported green building, and we want to ensure our commitment to that program. Also, it allows us the opportunity to evaluate the regulations that are currently in place or not. We need to verify that the intent of the Legislature was met.

Assembly Bill 3, section 7, allowed our regulatory bodies to set regulations in place to incentivize this program. At this time, we just need to stand back and make sure that all of those regulations have been put in place. We have several applications, and it is a very important project.

Nevada is currently the leader in this, so we want to make sure that we are on the same page. We also need to ensure that, according to the *Nevada Constitution*, anytime we give an exemption we first have to make sure that our state is whole, whether it is providing for our schools, our seniors, or our government services. That is also something that will be considered.

Senate Bill 567 also talks about the 63 legislators, Assemblymen and Senators, wanting to work together to evaluate the situation to make sure that we address green building within our state. We have made a commitment to suspend the rules only temporarily.

This is kind of an important issue to all of us in here. I think that at the end of the day we have made the commitment, in the next 30 days, to look at this, to address it, and to make sure the intent of what we do in this body is put into the regulations so that we can address the fiscal impact that may happen within our state. With that, I urge your support on S.B. 567.

ASSEMBLYWOMAN SMITH:

Thank you, Madam Speaker. I, too, rise in support of Senate Bill 567. I think this Legislature has adequately demonstrated, in the last session and in this session that we care about green buildings. We care about buildings having programs that support energy conservation and renewable energy. This bill just gives us an opportunity to take a breath and look at all the actions that have taken place and make sure the regulations are sound and equitable and fair and that we are being fiscally prudent as we move forward. We have a huge responsibility to this state to make sure we are taking care of the students in our schools and the citizens in our state who we serve. I think just taking this time to make sure we are moving forward in a prudent fashion is so important to us. I hope that my colleagues will support this bill and allow us to examine what we have done, and we can do to move forward in a prudent fashion. Thank you, Madam Speaker.

ASSEMBLYMAN MABEY:

Thank you, Madam Speaker. I rise in support of Senate Bill 567. I support the desires of this body to do what is best for all of Nevada. I feel this bill will do that. I support the desire to encourage energy efficient buildings; however, a proper balance is necessary. My hope is that no one here knew what the unattended consequences or the current ramifications of Assembly Bill 3 of the 22nd Special Session would be. Thank you.

Roll call on Senate Bill No. 567:

YEAS—42.

NAYS—None.

Senate Bill No. 567 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bills Nos. 121, 122, 150, 177, 208, 220, and 294; Senate Joint Resolution No. 9 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:20 p.m.

ASSEMBLY IN SESSION

At 12:24 p.m.

Madam Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 4, 5, 8, 18, 27, 30, 35, 75, 100, 114, and 152; Assembly Concurrent Resolution No. 22; Senate Bills Nos. 34, 151.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Tim Rubald.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Artz.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to E. Marie Brierley and Maxine Caprioli-Hight.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Dunseath.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Connie Lynch.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Donaldson-Arnold.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Anthony Hightower and Carol Brownell.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Dillon Lambert.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of St. Elizabeth Ann Seton Catholic School: Andrew Canonico, Jerrad Peterson, David Teich, Drake Fletcher, Kyle Weston, Michael Klausmeier, B.J. Jaojoco, Rommel Pinlac, Nick Sandoval, Tony Romo, Glen Tobin, Matt Lemieux, Connor Marshall, Robert Mitchell, Adam Fitzgerald, Roberto Orellano, Kyle Del Rosario, John Michael Hansen, Jordan Turner, Gordon Quisenberry, Celina DeLeon, Angelica Licos, Maika Abdallah, Anna Boyle, Taylor Tobin, Julianna Pedri, Victoria Meyer, Aimee Galang, Natalie Marra, Alexandra Brizzolara, Kirsten Slattery, Maria Arellano, Allyssa Nevis, Paulina Castro, Haley Buss and Marissa Tompkins; teachers Timothy Curtin, Elizabeth Flanagan, Carolyn Pietrek, and R. Buss.

On request of Assemblyman Kihuen, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Halbardier and Rick Halbardier.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Marcia Turner and Amy Roukie.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to John Claudino, Alyssa Palchetti, and Robbin Reddle.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Nita Lopez and Linda Caampued.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Steven Trounday.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Eileen Montgomery.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Asela Engel.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Sheila Moulton.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Joseph Dutra.

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Michaele Tristram.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Rita Cannan Elementary School: Christina Avila, Govany Ayala, Salvador Barajas, Chaldean Cohen, Everado Garcia, Tanganika Hunt, Jameelah Lewis, Samuel Mendoza, Jennifer Orellana, Misitonise Poasa, Maya Quezada, Alfredo Romero, Aldo Serrano, Ramon Torrecillas, Keyah Whatley, Maya Yanez, Shawnique Williams, Destine Rodriguez, Noemi Medina, Michael Barroga, Belen Espinoza, Brandon Gonzalez, Ricardo martinez, Juan Guerrero, Consuelo Herrera, Alicia Landeros, Irvin Maldonado, Deniset Mata, Maireny Medina, Andres Medina, Jordan Mitchell, Mykelti Mitchell, Jose Murillo, Angelo Nash, Jorge Nolasco, Angel Perez, Katherine Pintor, Selena Rojas, Alberto Ruiz, Alejandra Vargas; teachers Jeffery Falker and Darrow Brown.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Sorter.

Assemblyman Oceguera moved that the Assembly adjourn until Monday, May 7, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 12:24 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE NINETY-SECOND DAY

CARSON CITY (Monday), May 7, 2007

Assembly called to order at 11:03 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Al Tilstra.

Today, grant to the members and officers of this body a sacred moment of quiet as they continue the duties of the day. Turn their thoughts to You and open their hearts to Your Spirit that they may have wisdom in their decisions, understanding in their thinking, love in their attitudes, and mercy in their judgments.

Let them not think when this prayer is said that their dependence upon You is over and forget Your counsels for the rest of the day. Rather, from these moments of heart-searching may there come such a sweetness of disposition that all know that You are in this place. From this holy interlude may there flow light and joy and power that will remain with them until night shall bring Your whispered benediction, "Well done, good and faithful servant." We ask these things in humbleness of heart.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 56, 81, 196, 269, 367, 369, 511, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which were referred Senate Joint Resolutions Nos. 6, 17, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHEILA LESLIE, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 9, 31, 44, 46, 168, 519, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 154, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KATHY MCCLAIN, *Chair*

Madam Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 417, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 196, 201; Senate Bills Nos. 336, 190 has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 484, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 115, 526, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY JR., *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 3, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 58, 71, 264, 267, 282, 286, 294, 353, 380, 381, 423, 482, 534, 541, 552, 560, 575, 589.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 72, Amendment No. 649;Assembly Joint Resolution No. 6, Amendment No. 661, and respectfully requests your honorable body to concur in said amendments.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Christensen, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack; Senators Nolan, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, and Woodhouse:

Assembly Concurrent Resolution No. 25—Urging Nevadans to participate in activities concerning family preparedness in case of emergency.

WHEREAS, Every citizen in this country is part of a national emergency management system that is about protecting people and property from all types of hazards, yet citizens have a responsibility to protect themselves and their families by knowing what to do before, during and after an event; and

WHEREAS, When a disaster strikes, time is of the essence, and while local, state and federal governmental entities will be there to help, it is important that families are prepared to respond as well, whether to help themselves or others; and

WHEREAS, Not only should the residents of the State of Nevada be prepared to respond to natural disasters, such as earthquakes, flood, fires and extreme weather, they should be prepared in the case of acts of terrorism or technological hazards; and

WHEREAS, In a recent national survey conducted by the Ad Council, 91 percent of Americans agreed that taking some simple steps to prepare could help protect them and their families in the event of an emergency, but only 55 percent had taken at least one of the steps recommended to do so; and

WHEREAS, Such steps include knowing the hazards that affect your local area, developing appropriate family emergency plans and assembling a disaster supplies kit, and it is also recommended to learn the emergency plans of places you frequent, such as work and schools, and volunteer with local disaster response agencies; and

WHEREAS, It is also important to remember the more vulnerable during such emergencies, including children, the elderly, persons with disabilities and family pets; and

WHEREAS, There are numerous resources available to families to assist them in preparing for emergencies, including Nevada's Preparedness Plan, issued by the Nevada Commission on Homeland Security, as well as plans developed by the United States Department of Homeland Security, the Federal Emergency Management Agency and the American Red Cross; and

WHEREAS, It is important that all Nevadans take some time out of their busy lives to make use of these resources to ensure the safety of their families and pets and others in case of an emergency; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada Legislature urges the citizens of this State to take some time with their families to identify the hazards in their local area, to develop a family emergency plan and to create an emergency supplies kit; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Nevada Commission on Homeland Security, the State Emergency Response Commission, and both the Southern Nevada and Northern Nevada Chapters of the American Red Cross.

Assemblyman Christensen moved the adoption of the resolution.

Remarks by Assemblymen Christensen and Hardy.

Assemblyman Christensen requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CHRISTENSEN:

Thank you, Madam Speaker. It is an honor to present this resolution. The genesis of this came from a day back in December when I was able to spend some time with the Commandant of the U.S. Coast Guard, Admiral Thad Allen. If you remember, in the Katrina disaster, he was the one who came in and was considered the savior of so many, especially after all the awful things that happened not only during the disaster itself but during the clean up, the rescue—everything. What stood out most in my mind is when he said, "Assemblyman, the amazing thing that I saw is that the American public is no longer prepared. They no longer take the time to prepare themselves or look after themselves in times of need or emergency." I just thought what a profound statement that was. I can see why. I look at our first responders. I look at how fast and effective they are and how well trained they are and at the resources they have. At the end of the day, when something bad happens, and you call 911, you get people showing up pretty quickly that are trained to take care of you. But what happens when something bad happens to the whole half of your valley? Or to all of Las Vegas or to an area that is along an entire mountain range? We only have so many first responders to go around.

I'm a true believer in the saying that, "When things start right, they go right." I thought from this time forward, looking at this entire legislative body, the executive branch, and everyone else that is charged with the responsibility of looking after the welfare of others, what we could all do—not just the first responders. Out of all us, all 63 legislators, how many public addresses do we make for school kids and in front of business groups and church groups and non-profit organizations? I thought of what kind of impact we could have if all of us incorporated to the degree that it made sense, some message of making an effort, a special effort, for parents to do the fire drills with their kids, for parents to figure out if their kids are at school, and if there's an earthquake, what's the plan to get their kids back? How can neighborhoods come together?

It all boils down to the preparedness plan. We are the mouthpiece. I was discussing all this with my wife and the first thing she did was go out and make a 72-hour emergency kit. Clark County recommends grabbing a trash can and filling it with water. If you had to grab it you could throw it in the back of your truck. My wife went out and got a bunch of backpacks and granola bars and water and all that. What I thought was interesting was that my backpack was filled with all of the water for the family of seven. It must have weighed 200 lbs. At least she responded. That's where it all starts. If we can carry this on, I think it would be a great benefit to all of our constituents and those we represent.

ASSEMBLYMAN HARDY:

Thank you, Madam Speaker. I rise in support of ACR 25. We went through a similar exercise in my family during what we call Family Home Evening. We got out backpacks for all eight of our children, as well as the water. A couple of years later we checked out our supplies and some creatures had beaten us to the punch. I would recommend as we prepare that we look at the Southern Nevada Health District recommendation to use the garbage can because things can't get in there. You may not want to have stale energy bars.

Recognizing that any disaster we have takes at least 72 hours before a government, whether it be local or federal, can swoop in and save us, we need to be up to date. I think that is a good family activity to do. Thank you.

Resolution adopted unanimously.

Assemblyman Christensen moved that all rules be suspended and that Assembly Concurrent Resolution No. 25 be immediately transmitted to the Senate.

Motion carried.

By Assemblymen Munford, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack; Senators Horsford, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, and Woodhouse:

Assembly Concurrent Resolution No. 26—Memorializing Pastor Nathaniel Whitney, Sr.

WHEREAS, The members of the Nevada Legislature note with sadness the passing of Pastor Nathaniel Whitney, Sr., at the age of 80 on February 24, 2007; and

WHEREAS, Nathaniel Whitney was born in Tallulah, Louisiana, on June 23, 1926, the 12th of 14 children born to Reverend Dave and Lula Whitney; and

WHEREAS, Nathaniel Whitney, at the age of 18, enlisted in the United States Army in 1944, serving in both the European and Pacific Theaters of World War II, and was honorably discharged after serving 30 months; and

WHEREAS, Nathaniel Whitney married Carolyn Larry in 1948 and the couple were blessed with six children, and in 1951, the family moved to Las Vegas, where Nathaniel worked in construction and then at the Nevada Test Site for 26 years; and

WHEREAS, Nathaniel was united with the Carver Baptist Church, serving in several offices, including Deacon, and was ordained in 1955 by the late Reverend James Proby; and

WHEREAS, Pastor Whitney was called in 1965 to pastor the Evergreen Missionary Baptist Church in Las Vegas; and

WHEREAS, Carolyn Whitney passed away in 1978 after 30 years of marriage, and in 1985, Pastor Whitney married Loretta Graham, gaining seven additional children; and

WHEREAS, Pastor Whitney in 1986 led the Evergreen congregation to the new Greater Evergreen Missionary Baptist Church, where the congregation grew under his leadership, and from where he retired to a position as Pastor Emeritus; and

WHEREAS, Pastor Whitney was affiliated with the National Baptist Convention, the National Baptist Congress of Christian Education, the Pride of the West District Association, the Minister's Alliance, the Pilgrim Christian Society and the local chapter of the NAACP; and

WHEREAS, Pastor Whitney was memorialized on the floor of the United States House of Representatives, following his passing, by the Honorable Jon C. Porter; and

WHEREAS, Pastor Whitney leaves a legacy as a humble servant of his God and a dedicated and faithful servant to his country, the Las Vegas community and the Baptist community; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That sincere condolences are extended to the family and friends of Pastor Nathaniel Whitney, Sr.; and be it further

RESOLVED, That the members of the 74th Session of the Nevada Legislature do hereby honor Pastor Nathaniel Whitney, Sr., for his lifetime of generous service; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Loretta, the loving wife and partner of Pastor Nathaniel Whitney, Sr.

Assemblyman Munford moved the adoption of the resolution.

Remarks by Assemblyman Munford.

Assemblyman Munford requested that his remarks be entered in the Journal.

Thank you, Madam Speaker. For the past 30 years I have called Pastor Nathaniel Whitney, Sr. my friend. Anyone who met Pastor Whitney considered him a friend. He was kind and gentle, but also smart and curious about the world in which he lived. He longed to have this world be a better place. He accomplished this by not only attending to the spiritual needs of his parishioners for nearly 40 years but also serving as a role model for 13 children, 34 grandchildren, and 9 great-grandchildren.

He welcomed everyone into his congregation, including elected officials and political candidates. He believed in an open mind and an open door to bridge any differences that might divide his fellow man. I, for the one, feel blessed to have known Pastor Whitney. I hope the memories of this fine man will be cherished by his family, especially his wife Loretta and his other friends for many years. He truly was one of my friends. He received me well on many occasions when I was a candidate for office. He invited me in to speak to his entire congregation. It was very kind of him. I think my colleague from District 7 knew him quite well, also. Thank you.

Resolution adopted unanimously.

Assemblyman Munford moved that all rules be suspended and that Assembly Concurrent Resolution No. 26 be immediately transmitted to the Senate.

Motion carried.

By Assemblymen Conklin, Koivisto, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack; Senators Wiener, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, and Woodhouse:

Assembly Concurrent Resolution No. 27—Congratulating the "High Rollers" Robotics Team of Cimarron-Memorial High School for winning the FIRST Robotics Competition Championship.

WHEREAS, The FIRST (For Inspiration and Recognition of Science and Technology) Robotics Competition Championship was held at the Georgia Dome in Atlanta, Georgia, on April 12, 13 and 14 of this year; and

WHEREAS, FIRST is a nonprofit charitable organization that offers innovative programs that encourage students to pursue opportunities in science, technology, engineering and mathematics; and

WHEREAS, More than 1,300 high school teams from the United States and six other nations, including Brazil, Canada, Israel, Mexico, the Netherlands and the United Kingdom, competed in various regional competitions to earn an invitation to the FIRST Robotics Competition Championship; and

WHEREAS, Teams of students were required to build robots from kits consisting of hundreds of parts; and

WHEREAS, This year's game, called "Rack 'N' Roll" tested the students and the ability of their robots to hang inflated colored tubes on pegs configured in rows and columns on a 10-foot high center "rack" structure, to program a robotic vision system to navigate the robot and to lift other robots more than 4 feet off the floor; and

WHEREAS, The Cimarron-Memorial High School's robotics team, known as the "High Rollers," was part of a three-team alliance, including "Bobcat Robotics" of South Windsor High School from South Windsor, Connecticut, and "Gompei and the H.E.R.D." of the Massachusetts Academy of Math and Science from Worchester, Massachusetts, that was awarded first place in the FIRST Robotics Competition Championship; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature hereby congratulate the "High Rollers" Robotics Team of Cimarron-Memorial High School for winning the FIRST Robotics Competition Championship; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Karen Stanley, Principal of Cimarron-Memorial High School, the Clark County School District Board of School Trustees and to each member of the "High Rollers" Robotics Team of Cimarron-Memorial High School.

Assemblyman Conklin moved the adoption of the resolution.

Remarks by Assemblymen Conklin and Kirkpatrick.

Assemblyman Conklin requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CONKLIN:

Thank you, Madam Speaker. The "For Inspiration and Recognition of Science and Technology" Organization or FIRST Organization holds a robotics regional competition every year. It is a world competition in which a number of countries participate. This resolution states that over 1300 teams competed this year. Cimarron-Memorial High School, which resides in Assembly District 37, has been participating in this event since 2002. That is five years. In 2002, they placed 987th. Madam Speaker, in 2007, they placed first from around the world. I think this is an absolute, remarkable feat. I think it is something which should be encouraged by the state of Nevada and by all of us and all of our school districts.

I am incredibly, incredibly proud of the work we do, the work which our schools do, and, most of all, the work which our kids do when they go to competitions and represent the state of Nevada so well. I would urge passage.

ASSEMBLYWOMAN KIRKPATRICK:

I, too, rise in support of this ACR. I represent a couple of the students who actually went to the finals. They just wanted to send the word back that it was a once in a lifetime experience. They appreciate the recognition they are being given here today. Thank you.

Resolution adopted unanimously.

Assemblyman Conklin moved that all rules be suspended and that Assembly Concurrent Resolution No. 27 be immediately transmitted to the Senate.

Motion carried.

By Assemblymen Bobzien, Allen, Anderson, Arberry, Atkinson, Beers, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack; Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, and Woodhouse:

Assembly Concurrent Resolution No. 28—Congratulating the Center for Basque Studies at the University of Nevada, Reno, on the occasion of its 40th anniversary.

WHEREAS, In 1967, the Center for Basque Studies, which at that time was called the Basque Studies Program, was established within the Desert Research Institute to investigate the role long played by Basque sheepherders as the key human factor in the ecology of the Great Basin and to encourage American scholarship concerning one of Europe's most fascinating peoples and their contribution to the ethnic heritage of the American West; and

WHEREAS, In 1972, the Basque Studies Program became part of the University of Nevada, Reno, where it was renamed the Center for Basque Studies in 2000 to more clearly reflect its research mission; and

WHEREAS, The Center for Basque Studies is a research center whose primary mission is to further Basque-related study by conducting, facilitating and publishing original Basque-related research in the humanities and social sciences, and whose success in this mission is evidenced by scholars affiliated with the Center having published works in migration and diaspora studies, anthropology, history, women's studies, cultural studies, literature, bibliography and lexicography; and

WHEREAS, The Center for Basque Studies, recognizing from the beginning that a world-class library is essential to its research mission, has continued to expand its collections from the initial 750 items obtained by the late Robert Laxalt from the personal library of a noted European scholar until the Basque Studies Library now includes over 50,000 volumes of published material as well as thousands of unpublished items, including diaries, letters, oral histories, photographs, musical recordings, Basque-language films, and even examples of tree trunks that carry the distinctive carvings of Basque sheepherders, all of which make the Basque Studies Library one of the best collections of Basque-related material in the world; and

WHEREAS, The Center for Basque Studies includes instruction as part of its mission and offers courses that allow undergraduates to minor in Basque studies and more mature scholars to earn the degree of doctor of philosophy at the University of Nevada, Reno, and in collaboration with other universities, conducts a program that enables students to study and live in the Basque Country of Europe; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature congratulate the Center for Basque Studies on the occasion of its 40th anniversary and also extend to the Center their wish that there be many more anniversaries to come; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Dr. Gloria P. Totoricagüena, the Director of the Center for Basque Studies at the University of Nevada, Reno.

Assemblyman Bobzien moved the adoption of the resolution.

Remarks by Assemblymen Bobzien, Marvel, Goicoechea, Carpenter, and Anderson.

Assemblyman Bobzien requested that the following remarks be entered in the Journal.

ASSEMBLYMAN BOBZIEN:

I first became aware of Basque culture when I moved to the west many years ago in Idaho. Since that time, in the travels that I have done in Idaho, Oregon, and Nevada, I have learned more about Basque culture and the impact that it has had on the Great Basin and specifically the progress that we have made in the west. I think it is just a wonderful opportunity to congratulate the center for the work they do on research on the Basque people, and I wish them 40 more years of great success.

ASSEMBLYMAN MARVEL:

It is a pleasure to support Assembly Concurrent Resolution 28. I have been around the Basque people all my life. As a matter of fact, my sister-in-law is Basque and a daughter-in-law is part Basque, and we have several very prominent Basque right in this chamber. The thing that I think is so important about the Basque people is that they are raised with integrity, industry, thrift, and they are smart businesspeople. I think that is evidenced by a couple of people we have here today—the Ascuaga family. I am delighted that they are here to participate in this resolution, and my hat is off to the Basque race. Thank you.

ASSEMBLYMAN GOICOECHEA:

I rise in support of Assembly Concurrent Resolution 28. I think at this point, I would really like to take my hat off to those people that did in fact recognize that there was a language and a culture being lost here in the United States. I am third-generation Basque. I was raised in a sheep camp, and I never really did get to the point where I was fluent in the Basque language. I can talk Spanish, but my dad and my grandfather both spoke Basque. In fact, my father only spoke Basque when he went to school so it was a hardship on him. He never did learn to talk Spanish and I never learned to talk Basque so between the two of us we had trouble communicating. At that particular time, during the late 1960s and 1970s, there was a transition, even in the people coming over from the Basque country. You have got to sit down and look at a Basque dictionary just once to understand how difficult it is to learn. I believe there are only 435 basic words in the language, but try and learn them. Again, my hat is off to those people who recognize how the culture and language are being lost, and for bringing that forward at UNR. Thank you.

ASSEMBLYMAN CARPENTER:

I rise in support of Assembly Concurrent Resolution 28. I was in the sheep business for many years—25 or 30—and during that time I had many Basque herders work for me. At one time, the university sent a gentleman out and he actually lived on my ranch and went with the herders for over a year. The Basques in my life have been very important part, and they were absolutely the hardest workers that I could possibly have. I think that it is great that the university is doing so much to continue the heritage and history of the Basque people. Thank you.

ASSEMBLYMAN ANDERSON:

I, too, rise in support of the resolution. I think of the many distinguished scholars that the University of Nevada has had who graced the campus—even when I was an undergraduate there. The Basque studies program was in its infancy, believe it or not, and just as I was leaving campus it was finally recognized. The Basque that I have had the pleasure of teaching with, people like Rose Orbide and others, whose dedication to teaching students and keeping Basque culture alive at every level of education throughout the state is symptomatic of the progress that has been made. I know the Ascuagas, who made a dramatic contribution to the community in which I live, their hard work is emblematic of the people that their roots and heritage is from. For that, I rise in support of the resolution.

Resolution adopted unanimously.

Assemblyman Bobzien moved that all rules be suspended and that Assembly Concurrent Resolution No. 28 be immediately transmitted to the Senate.

Motion carried.

Senate Concurrent Resolution No. 11.

Assemblyman Claborn moved the adoption of the resolution.

Remarks by Assemblyman Claborn.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 611—AN ACT making an appropriation to the Division of Health Care Financing and Policy of the Department of Health and Human Services for allocation to the Nevada Covering Kids and Families Coalition for outreach activities to identify and assist persons who are eligible for public programs of health care; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 30.

Bill read second time and ordered to third reading.

Senate Bill No. 217.

Bill read second time and ordered to third reading.

Senate Bill No. 230.

Bill read second time and ordered to third reading.

Senate Bill No. 302.

Bill read second time and ordered to third reading.

Senate Bill No. 306.

Bill read second time and ordered to third reading.

Senate Bill No. 401.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 10.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 11.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 13.

Bill read second time and ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 7, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 28 and 29.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 28.

Assemblywoman Allen moved the adoption of the resolution.

Remarks by Assemblywoman Allen.

Resolution adopted.

Senate Concurrent Resolution No. 29.

Assemblywoman Gansert moved the adoption of the resolution.

Remarks by Assemblywoman Gansert.

Resolution adopted.

GENERAL FILE AND THIRD READING

Assembly Bill No. 540.

Bill read third time.

Remarks by Assemblyman Grady.

Roll call on Assembly Bill No. 540:

YEAS—42.

NAYS—None.

Assembly Bill No. 540 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 87.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Senate Bill No. 87:

YEAS—42.

NAYS—None.

Senate Bill No. 87 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 121.

Bill read third time.

Remarks by Assemblymen Gansert and Carpenter.

Roll call on Senate Bill No. 121:

YEAS—42.

NAYS—None.

Senate Bill No. 121 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 122.

Bill read third time.

Roll call on Senate Bill No. 122:

YEAS—42.

NAYS—None.

Senate Bill No. 122 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 150.

Bill read third time.

Remarks by Assemblywoman Gerhardt.

Roll call on Senate Bill No. 150:

YEAS—42.

NAYS—None.

Senate Bill No. 150 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 177.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Senate Bill No. 177:

YEAS—41.

NAYS—Beers.

Senate Bill No. 177 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 208.

Bill read third time.

Remarks by Assemblyman Segerblom.

Roll call on Senate Bill No. 208:

YEAS—36.

NAYS—Allen, Carpenter, Christensen, Gansert, Oceguera, Weber—6.

Senate Bill No. 208 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 220.

Bill read third time.

Remarks by Assemblywoman Gerhardt.

Roll call on Senate Bill No. 220:

YEAS—42.

NAYS—None.

Senate Bill No. 220 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 294.

Bill read third time.

Remarks by Assemblymen Allen and Carpenter.

Roll call on Senate Bill No. 294:

YEAS—41.

NAYS—McClain.

Senate Bill No. 294 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 473.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Senate Bill No. 473:

YEAS—42.

NAYS—None.

Senate Bill No. 473 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 9.

Resolution read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Joint Resolution No. 9:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 9 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:25 p.m.

ASSEMBLY IN SESSION

At 12:26 p.m.

Mr. Speaker Pro Tempore presiding.

Quorum present.

REMARKS FROM THE FLOOR

Assemblywoman Buckley moved that the following proclamation be entered in the Journal:

PROCLAMATION OF THE NEVADA STATE ASSEMBLY

WHEREAS, It is with great honor that the State of Nevada recognizes those who have made a profound, positive difference in their communities; and

WHEREAS**,** Since moving to Las Vegas in 1962, Helen Mortenson has been active in various organizations including the PTA, Cub Scouts, Nevada State Land and Trails Committee, Citizens for Active Management of Sunrise Mountain, Nordic Society, Nevada Archeological Association, League of Women Voters, University Library Society, and Nevada Recreational Land and Trails Committee; and

WHEREAS**,** Helen Mortenson is a tireless activist for Nevada archeology, paleontology, and natural resource preservation and was a founding member and past president of the Archaeo Nevada Society (ANS), whose mission is to preserve Nevada's antiquities, encourage the study of archaeology, and educate the public on the aims of archaeological research; and

WHEREAS**,** In an effort to preserve the vast federal public lands surrounding Las Vegas, Helen and other concerned Nevadans founded Outside Las Vegas; and

WHEREAS**,** Helen Mortenson has also served on numerous governmental bodies, including the Spring Valley Town Board and the Comprehensive Planning and Steering Committee for Clark County; and

WHEREAS**,** In recognition of her outstanding efforts to preserve Nevada's historical artifacts, Helen Mortenson has received a number of awards, including the prestigious American Heritage Historic Preservation Medal from the National Society of Daughters of the American Revolution; and

WHEREAS**,** Helen Mortenson is a kind-hearted, generous, intelligent, and humble woman who has positively touched the lives of many people; and

WHEREAS, Helen's family, friends, and peers are rightfully proud of her outstanding record of volunteer leadership and community spirit; now, therefore, be it

PROCLAIMED**,** That the members of the Nevada Assembly extend their sincere thanks to Helen Mortenson for her tireless efforts to preserve Nevada's antiquities and encourage the study of archaeology and paleontology in this state; and be it further

PROCLAIMED**,** That all Nevadans are urged to emulate the community spirit, dedication, and civic responsibility of Helen Mortenson; and be it further

PROCLAIMED**,** That the members of the Nevada Assembly extend best wishes to Helen Mortenson for her continued health, happiness, and success.

DATED this 7th day of May, 2007.

BARBARA E. BUCKLEY
Speaker of the Assembly

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker pro Tempore. It is with great honor that I rise today to present this proclamation to Helen. She had no idea we were going to do this.

There really has been no effort to preserve Nevada's richness without Helen being involved. The proclamation spoke to a few of them, whether it is preserving our antiquities or our natural treasures. Helen once described putting on a safari hat and holding up the tooth of a wooly mammoth to talk to the children in our state about the richness of Nevada's treasures and archaeological treasures.

There's really no effort that Helen hasn't been involved in. She's been involved with the Planning Commission, the town boards, and many other community efforts. It is these efforts for the past 40 years that I think led Harry to decide to run for the Assembly. Because of all that the two of you have done over the years, Nevada is a better place—you are an incredible team. Without you, Nevada would be much poorer.

When I heard a couple of weeks ago that the County Commission and the Las Vegas City Council were honoring you—because Harry mentioned that he was going to go down to see the day proclaimed "Helen Mortenson Day"—I decided we couldn't let this Legislature end without

adding our thanks and our congratulations to you and, I think, a very humble thanks for all that you have done to make our state a better place. Sometimes efforts to preserve our state's rich heritage seem to be the lowest priority of many. You make sure it's not forgotten in your effort to make the state a better place. We thank you, Helen.

Mr. Speaker pro Tempore requested the privilege of the Chair for the purpose of making the following remarks:

I would like to add my voice in support of Helen's many contributions and the continuing care I have seen distributed and showered on all the residents of our state. I can see it every day when Mrs. Mortenson comes to visit her husband. That same kind of care is what is constantly on display, although your husband occasionally tells stories which we wish he wouldn't. Generally, those are most positively reflected on you and not of him. Therefore, we salute you for your patience and for your long suffering for all of us. Thank you again.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 24, 34, 37, 38, 106, 179; Assembly Concurrent Resolution No. 23.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Melodie Aduja, Lee Williams, Don Morgan, Roberta Gold, and Albert Gold.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Jerome Guerrero and Frank Siracusa.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Carmelo Urza, Sandra Ott, Xabier Irujo, Pedro Ibarra, Joseba Zulaika, Kate Camino, Jill Berner, Nere Erkiaga, Argitxu Camus Etchecopar, Gloria Totoricaguena, William Douglass, John Ascuaga, and Michon Ascuaga.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Nick Vander Poel and Bill Welch.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Eric Stensrud.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Dottie Whitaker.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Mountain View Motessori School: Andrea Jimenez, Tanner Stevens, Ben Lerude, Maria Toca, Serena Libert, Sabrina Cabezas, Philip Nowak, Dominic Anders, Claire Jackson, and Ben Farrar; teacher Laurie Ann

Grimes; chaperones Jackie Silveira-Sater and Juan Cabezas; Christopher Cummings, Tami Cummings, Matthew Cummings, and Joe Cummings.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Renae Goedhart.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Cherrill Cristman.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to William Aduja, Amber Aduja, Daryl Morgan, and Randy McCormick.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Johnny Ramirez, Anthony Jones, and Michael Jones.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Wright and Paula Martel.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Helen Mortenson and Steve Rowland.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa McCormick, Shaina McCormick, and Esther Broadbeck.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Bordewich Bray Elementary School: Nickolas Borst, Jessica Chandler, Kacie Dickinson, Keirra Hammond, Makenzi Jesse, Nickolas Landry, Courtney Lynch, Kevin Menjivar Ruiz, James Ortiz, Graciela Osorio Soto, Anthony Pagan, Kayla Phillips, Sierra Pishnak, Edward Porter, Hannah Pozun, Amanda Rogers, Matthew Romero, Steven Russell, Jenae Steele, Aaron Wood, Abby Wood, Haydee Lira, Joshua Castillo Sandoval, Jacob Hackle, Alejandro Pacheco, Isaac Rodriguez-Iglesias, Alexis Neuenswander; teachers Annette Hodorowicz and Catherine Adams; chaperones Lisa Andrade, Rene Steele, and Ramona Russell.

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Roberts and Tim Kuzanek.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Seevers and Chrystal C. Main.

Assemblyman Oceguera moved that the Assembly adjourn until Tuesday, May 8, 2007, at 11 a.m. and that it do so in memory of former Assemblyman Vincent Triggs.

Motion carried.

Assembly adjourned at 12:34 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE NINETY-THIRD DAY

CARSON CITY (Tuesday), May 8, 2007

Assembly called to order at 11:08 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Bruce Kochsmeier.

God of all time and space, how grateful we are that You are totally in control and that You set us free to realize this. As we do, open us to the power of knowing and choosing Your will. We praise You for the freedom that is ours as we let our spirits be conformed to Your own Spirit. Lord, there is so much to distract us. Keep us faithful as Your servants. Let us know the delight of doing the best we can for the sake of Your people. Fill these legislators with insights into the overarching needs of the people and state of Nevada. Grant them understanding into plans that will serve the whole and long-term needs of this amazing place You have given us to live.

We acknowledge, Lord God, that the work You have placed before these servants is not easy. The changing needs of Nevada are monumental. There are no easy answers. It would seem there are more and more people and fewer resources. Grant wisdom to these who are entrusted with leading Your people and in being stewards for the people of Nevada. Grant them joy in the opportunity to be used by You, our God, for the sake of Your kingdom in this place. We humbly pray in reliance upon You.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 352, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 129, 132, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 118, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JERRY D. CLABORN, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 204, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 259, 445, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 282, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 7, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 55, 131, 184, 247, 365, 453.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 25, 26, 27, 28.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:14 a.m.

ASSEMBLY IN SESSION

At 11:15 a.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that the reading of Histories on bills and resolutions be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 55.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 131.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 184.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 247.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 365.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 453.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 154 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

By Assemblymen Buckley, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack:

Assembly Resolution No. 11—Adding Virgil M. Getto to the Assembly Wall of Distinction.

WHEREAS, The Nevada Assembly has established an Assembly Wall of Distinction for those past members selected by leadership who served with great distinction and who made exemplary contributions to the State of Nevada; and

WHEREAS, Virgil M. Getto, a native Nevadan and lifelong resident of Fallon, is the son of Italian immigrant parents who settled in Nevada to start a new life, and was educated in the Churchill County schools and entered the family ranching business; and

WHEREAS, As a young man, Virgil M. Getto was elected to the National Council of the Future Farmers of America (FFA), later serving as Vice President of the Pacific Region that encompassed eight western states, and he stated during his legislative tenure that the leadership training and public speaking skills he acquired through FFA led him to achieve extraordinary things, and in 2006 Virgil was honored for his 60 years of leadership in the FFA; and

WHEREAS, Virgil entered public service in the Nevada Parent Teachers Association and served as President in 1960, then won election to the Churchill County School Board in 1962; and

WHEREAS, First elected to the Assembly in 1966, Virgil has the unique distinction of being a legislative freshman five times—three times in the Assembly (1967, 1979 and 1983) and twice

in the Senate (1981 and 1989), serving 12 regular sessions and 4 special sessions, a total of 24 years; and

WHEREAS, While in the Assembly, Virgil served as Minority Floor Leader (1975) and as a Member of the Committees on Agriculture (Chairman, 1969 and 1971), Agriculture, Irrigation and Livestock, Commerce, Economic Development, Tourism and Mining, Education, Environment and Public Resources, Government Affairs, Health and Welfare, Labor and Management, Legislative Functions, Natural Resources, Agriculture, and Mining (Chairman, 1985), Taxation, Transportation and Ways and Means; and

WHEREAS, After winning reelection to his Assembly seat, Virgil was appointed in 1980 to fill a vacancy in the Senate, and after completing his term in the Senate, he was again elected to the Assembly, serving from 1982 until 1988, when he was elected to again serve in the Senate, where he served as Chairman of the Senate Committee on Natural Resources in 1991; and

WHEREAS, While serving as a Senator, Virgil represented the largest state legislative district in the contiguous United States at that time, covering nearly half of the State of Nevada, encompassing parts of Churchill, Eureka and Lander Counties and all of Esmeralda, Lincoln, Nye, Mineral and White Pine Counties, until his retirement in 1992; and

WHEREAS, At the time of his retirement, Senator Getto remarked that the education of Nevada's children should be the number one issue in the Legislature; and

WHEREAS, As a Legislator, Virgil was a proponent of issues dealing with natural resources, the construction of a maximum security prison in Ely, designation of U.S. Highway No. 95 as the Veterans' Memorial Highway, and the construction of two new buildings in the Capitol Complex—the Nevada Supreme Court and the Nevada State Library and Archives; and

WHEREAS, Virgil is a fervent supporter of education and has made numerous personal and professional contributions to the community college system, particularly the Western Nevada Community College's Fallon campus, which honored him in 2004 by naming a building Virgil Getto Hall in recognition of his efforts on behalf of the College, including serving with distinction on the College's foundation and regional advisory boards; and

WHEREAS, Virgil was appointed to the Nevada Silver Haired Legislative Forum and served as Vice President as well as a member of the Forum's Committee on Human Resources and Facilities, and he was appointed to the National Silver Haired Congress, representing Nevada's Second Congressional District; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Assemblyman and Senator Virgil M. Getto, a dynamic leader who served his constituents and community for 24 years and who contributed to the protection of Nevada's natural resources and promoted education, is hereby added to the Assembly Wall of Distinction.

Assemblyman Marvel moved the adoption of the resolution.

Remarks by Assemblymen Marvel, Oceguera, Carpenter, Goicoechea, and Arberry.

Assemblyman Marvel requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MARVEL:

Thank you, Madam Speaker. I have known the Getto family practically all my life. We were all involved in agriculture. Speaker Dini and I went to school with Virgil's sister, Mary, many years ago. Virgil served here with distinction. As a matter of fact, he will go down in history as being a freshman more times than any legislator in the United States—I think it was five times. Virgil sat on every major committee. He did a yeoman's job here in the Assembly. He was a great Senator on the other side and then came back with us.

I think what is going to be most memorable is that the Assemblyman from Elko and myself served on a committee with him, and we were trying to use the impounded animals from the Reno shelter for experimental purposes for the University of Nevada School of Medicine. We filled the committee room. I do not know how many meetings we had on it, maybe Speaker Dini knows, but Virgil would never bring it to a vote. Assemblyman Carpenter and I would have liked to have moved it forward. It died a natural death. It would have been for a good cause.

I am sorry Virgil is not here today. Virgil is an outstanding citizen. He was just a great person for Churchill County and for the state of Nevada. Thank you very much, Madam Speaker.

ASSEMBLYMAN OCEGUERA:

Thank you, Madam Speaker. I rise in support of AR 11. I think I may have mentioned a few times that I grew up in Fallon. I still think of Fallon as my home in many respects. It is kind of funny when thinking about what to say on this resolution. I recall mowing Carl Dodge's and Virgil Getto's lawns as a kid. I would always look out to see if they were there because they were such huge figures in the community. When I would go to Yerington to deliver ice in high school, I would look for Speaker Dini. "Wow, I hope I get to see Joe Dini."

It is a pretty big honor to stand and speak about Virgil Getto. He did so much for my hometown and for our state. I think he has pretty much done it all, as described in the resolution. He was involved with the Future Farmers of America, was an active member of the Parent Teacher Association, and was a member of the school board. He was a leader of this body and a leader in the body down the hall. He fought very hard for the rural communities. I think when he represented his Senate District, it was one of the largest Senate Districts in the state. He always tried to improve the lives of those folks who lived in those areas. Madam Speaker, I wish he was here so I could say those things to him personally.

ASSEMBLYMAN CARPENTER:

Thank you, Madam Speaker. I rise, also, in support of AR 11. It is sad that Virgil is not here today because I think everyone in this body should have a look at a great legislator. He was really my friend when I came to the Legislature. Probably no one had a greater influence on me than Virgil Getto and Joe Dini. We used to live over here in this little motel, and every morning and evening we would all get together and discuss what was going to happen in the Legislature.

I remember walking down the hall with Virgil, and he would always say, "Well, today I am not going to say one word." Of course, Virgil would get up and he would talk for 20 minutes or more.

When I came to the Legislature there was kind of a cowboy caucus here with Lou Bergevin, Joe Dini, and Virgil Getto. Nothing went through the Assembly unless those three agreed.

I just want to thank Virgil for being my friend, and I am sorry he is not here today. Hopefully, we will be able to present him with this resolution. He is such a mild mannered man that he will really appreciate having this resolution. Thank you.

ASSEMBLYMAN GOICOECHEA:

Thank you, Madam Speaker. I, also, rise in support of Assembly Resolution 11. Even though I did not have the pleasure of serving with these great gentlemen, I do rise in support of Virgil Getto and the man he is, the support he has given me over the years, and also the great representation he gave to all of rural Nevada as I was growing up and while I was an elected official in those rural areas.

ASSEMBLYMAN ARBERRY:

Thank you, Madam Speaker. I rise in support of this resolution. I was a little reluctant to say anything about Virgil, but I had to share a story with this body. Virgil knew I was a city boy when I came here as a new legislator. We do not wear cowboy boots, we do not wear jeans, and we do not wear cowboy hats. Well, Virgil insisted that I come out to his ranch. He wanted me to see the cows and the chickens. I told him I was a city boy. I was not coming out to his ranch. He said, "Since you are not coming out to my ranch, I am going to bring you your own, personal cow." He took a picture of a black and white cow that was just born and brought it to me. He said, "I am going to nurture this cow for you." It was such an honor to have my own, personal black and white cow.

Virgil was like the George Jefferson of the Legislature. He had a distinct walk and he got his points across. I really miss Virgil, and if you are listening to this Virgil, I hope you still have my cow.

Resolution adopted unanimously.

By Assemblymen Buckley, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack:

Assembly Resolution No. 12—Adding Marvin M. Sedway to the Assembly Wall of Distinction.

WHEREAS, The Nevada Assembly has established an Assembly Wall of Distinction for those past members selected by leadership who served with great distinction and who made exemplary contributions to the State of Nevada; and

WHEREAS, Marvin M. Sedway, a native of New York, moved to Las Vegas at the age of 8 years when the city's population was a mere 8,000 inhabitants, and he later graduated from Las Vegas High School and the University of Nevada, Reno, and then obtained his doctorate in optometry from the Pacific University College of Optometry in Oregon; and

WHEREAS, Having a father who worked for Bugsy Siegel at the Flamingo Hotel, Marvin Sedway was never embarrassed by his family's involvement with the early gaming establishment in Nevada; and

WHEREAS, After returning to and settling in Clark County, Nevada, Dr. Sedway was known to drive over 100 miles 1 day each week in order to treat the children in the communities surrounding Las Vegas; and

WHEREAS, Elected to the Nevada Assembly in 1982, Marvin M. Sedway served until 1990, and during his tenure, he served on the Assembly Committees on Commerce, Education, Health and Welfare, and Legislative Functions, and as the Chairman of the Committee on Ways and Means and the Interim Finance Committee, 1987 to 1989; and

WHEREAS, Marvin M. Sedway passionately believed in improving the lives of all Nevadans and was a champion of the disadvantaged, poor, disenfranchised and especially children, and even though he knew it was politically unpopular, he openly advocated raising taxes to improve the quality of life in Nevada; and

WHEREAS, Dr. Sedway is credited with making Nevada's community college system one of the finest in the West, contending that community colleges should not be shortchanged in favor of the universities and recognizing that students who would become mechanics and blue-collar workers deserved education as much as the students who became doctors and lawyers; and

WHEREAS, As Chairman of the Committee on Ways and Means, Assemblyman Sedway introduced legislation authorizing the issuance of bonds to fund a new Supreme Court Building and a State Library and Archives Building, reflecting his recognition of Carson City as the seat of State Government; and

WHEREAS, In the years following his death in 1990, the student cafeteria on the Carson City campus of Western Nevada Community College was named the Sedway Café, and the Legislative Counsel Bureau's Carson City staff building was named the Sedway Office Building in recognition of Dr. Sedway's persistent work to acquire and remodel the building; and

WHEREAS, The Marvin M. Sedway Middle School located in Las Vegas was dedicated in 2002 in honor of Dr. Sedway's reverence for learning and education, and the school's mission statement is an acronym on SEDWAY—Strength in diversity, Excellence in academics, Desire to achieve all goals, Wisdom in all judgments, Appreciation for the arts, Yearning for lifelong learning—which articulates the importance of education so strongly associated with Marvin M. Sedway; and

WHEREAS, Marvin M. Sedway was known for speaking his mind and using colorful expressions such as, "If there's no penalty for doing it wrong, there's no incentive to do it right" and "It will be a great day when our schools get all the money they need and the Air Force has to hold a bake sale to buy a bomber"; and

WHEREAS, Dr. Sedway was a man who did not mince words, who said what had to be said and what others were afraid to say, who lived life by his own rules, unfaltering in his principles, realizing that what really mattered was the principle, not the popularity; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Assemblyman Marvin M. Sedway, a leader of the legislative process whose courage, sincerity and passion for public service improved the lives of all Nevadans, is hereby added to the Assembly Wall of Distinction.

Assemblyman Arberry moved the adoption of the resolution.

Remarks by Assemblymen Arberry, Oceguera, and Anderson.

Assemblyman Arberry requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ARBERRY:

I have an eloquent speech here that was prepared for me to say some things about Marvin because I did not want to leave anything out.

I rise in support of this resolution to honor a man that I consider to be my friend and my mentor, former Las Vegas Assemblyman Marvin Sedway.

For those of you who did not know Marvin, let me tell you that he was truly, truly Mr. Chairman when he chaired the Ways and Means Committee and Interim Finance Committee between 1987 and 1989. Marvin, as you know, was an outspoken activist and champion of Nevada's disadvantaged residents, particularly the children.

The first time I met Marvin was in 1984 when I was running for office. He told me that when I got to session, he would take good care of me. Sometimes when someone tells you that, you might not have a warm feeling, but when it came from him, you knew that he had a deep concern and caring feeling for you when he made that statement.

Marvin would also tell me that when he was upset with someone, "Do not get mad, just get even." Those were his words to me. Whenever I knew he was really, really mad, I knew I had to have my shoes in order, I had to have all my Qs in order, and I had to be on target and on point. But I always knew that Marvin was in my corner, and I was in his.

I only rubbed Marvin wrong once when I voted "no" on a bill, and I know the Assemblyman from Battle Mountain would remember this. We were voting on the dam, and Marvin wanted the dam bill to die. During all the time of the testimony, I ran to the restroom, and when I came back—as you know, Arberry is the first name to be called and then everybody follows me—I voted "no" and everybody after me voted "no." All of a sudden, the gavel went flying through the air. We were on a recess, and Marvin took us to his chamber, and he gave us a "Jewish blessing." When he gave us that "Jewish blessing," we knew that something was wrong. Madam Speaker, that was when I decided to become "Zarberry" because if I went to the restroom while there was a discussion and I came back and I did not know how to march down the line, I became "Zarberry" because I refused to be out there first.

Whether or not you agreed with Marvin, he knew the system. You could disagree with him, but if you double-crossed him, he was the toughest man that you have ever seen. On a quick note for Speaker Dini, one time a lobbyist came to the Speaker and was complaining about Marvin. Speaker Dini—I was standing right next to the Speaker—said to the lobbyist, "I do not know what Marvin is doing today. I cannot keep up with him myself, so just let me try to take care of Marvin." I remember that just like it was yesterday.

I learned a great deal from Marvin and truly admired the man. I watched his style, his tenacity, and his determination to get things done. There are still a few members in this room who served with Marvin, and I am sure we all can tell stories about him. I remember some of the statements that Marvin made famous, and one of those is hanging on my wall right now. It says, "If there is no penalty for doing it wrong, there is no incentive for doing it right." I was reminded that Marvin, one Easter, left a bottle of Manischewitz wine on every desk in the Chamber. He said, "If you think that Jews have suffered, try drinking a glass of that wine." I kept that bottle for many years.

In 2002, there was a tribute to Marvin at his new school—a middle school named after Marvin Sedway. It reminded me of his earnest and sincere support of education and the poster that was in his office that read, "It will be a great day when our schools get all the money that they need, and the Air Force has to hold a bake sale to buy a bomber." I vividly remember him telling me that.

When Marvin was very sick and he had his surgery, when he returned to the Assembly, I remember him telling us all that he had "walked through the valley in the shadow of death," came through it, and it had made him tougher, stronger, meaner, and more determined to do the things that he felt were important.

The resolution says that Marvin was a man who said what needed to be said, knowing that what mattered was the principle, not the popularity. That is so true. He also said many things that cannot be repeated.

I had the privilege of serving with Marvin from 1985 until 1990. I remember one tense end-of-session meeting between the Senate and Assembly, and Marvin declared any excess budget dollars had to be spent on education. He then slammed the gavel down and stormed out, leaving to the committee fiscal analyst to explain that the meeting was over.

I am proud to know that Marvin was my friend and mentor. Marvin was truly the conscience of the Legislature. He left a lasting impression on this house and the entire state. His spirit is here, and it will always be here.

ASSEMBLYMAN OCEGUERA:

I rise in support of Assembly Resolution 12. I regret that I never had the opportunity to know or serve with Marvin Sedway, but as just described by the Chairman of Ways and Means, he was colorful, fearless, and selfless in his service to the state. Some of his sayings were, indeed, legendary as the Chairman just described, and from the stories that I have heard, some of those sayings could not be repeated here on the floor.

He was never afraid to take on anyone or to speak his own mind. He never stopped to analyze whether the action was going to be politically popular. He acted in what he thought was the best interest of the state, no matter what the consequences might have been to him personally or to his next election. He never so much as hesitated.

He believed in the power of public education, he was a master of the budget, and he fought for every man and woman—those who would not have otherwise had a voice. Buildings and a school have been named for Marvin Sedway, and I am proud to stand in support of the resolution.

ASSEMBLYMAN ANDERSON:

I, too, stand in support of Assembly Resolution 12. My first trip down here was to lobby on educational issues in the evening during those times when legislative members were often not in the chamber or a meeting room—when you would find them in and about the community. I was terribly concerned one session because the Legislature had determined that some dollars that I thought were going to go to libraries was diverted so they only went to libraries in the southern part of the state. I had met with Mr. Sedway several times and lobbied him on various issues relative to education and had always found him to have a very, very sympathetic ear. I was explaining my frustration at the loss of library dollars for Washoe County and how it would impact my students doing research—that was in the old days before the Internet was around so kids had to actually go to libraries and use books and magazines. Dr. Sedway was very, very concerned when I explained how this was going to affect the Washoe County libraries. The head lobbyist for the teachers' association ran into me about 20 minutes later and asked, "What did you say to Dr. Sedway?" I explained to him and he said, "You know, he is the guy who moves the money, and now he is very upset with me because I did not tell him what the impact was going to be in the other parts of the state so he is going to have to find money to help kids in all the libraries in the state."

The stories about Marvin cannot be exaggerated. The buildings that stand out there represent only a small shadow of the impact that he has had upon the state—a momentary glimpse into the kind of person that he was. His heartfelt feeling towards kids, education, and the common man are not going to be found again. For that, this resolution is a long time coming. Thank you.

Resolution adopted unanimously.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:53 a.m.

ASSEMBLY IN SESSION

At 11:54 a.m.
Mr. Speaker Pro Tempore presiding.
Quorum present.

By Assemblymen Buckley, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack:

Assembly Resolution No. 13—Adding Mouryne Landing Dini to the Assembly Wall of Distinction.

WHEREAS, The Assembly of the Legislature of the State of Nevada has established an Assembly Wall of Distinction for those past members of the Assembly selected by leadership who served with great distinction and who made exemplary contributions to the State of Nevada; and

WHEREAS, The Nevada Assembly wishes to add to its Wall of Distinction those past staff members of the Assembly who are selected by leadership to be acknowledged for their exemplary service; and

WHEREAS, Mouryne Landing Dini has the distinction of serving as Chief Clerk of the Nevada Assembly for an all-time Nevada record of 23 years, from 1973 through 1995, with integrity, professionalism and competency; and

WHEREAS, Born in Oregon, Mouryne attended public schools, studied at Hinniger Stephens Business College in Utah, and relocated to Nevada in 1963, where she and her husband raised their two children; and

WHEREAS, Mouryne first came to work for the Assembly as a committee secretary for the 1965 Regular Session, a time when the Legislature still met in limited space on the second floor of Nevada's historic State Capitol, and over the ensuing years, she was promoted to Assistant Chief Clerk, a position she held for the 1969 and 1971 Sessions; and

WHEREAS, Elected in 1973 as Chief Clerk of the Assembly, Mouryne Landing served in the first legislative session held in the newly constructed Legislative Building, remaining in that position until her retirement in 1995; and

WHEREAS, During the 68th Session when the Assembly membership was evenly divided between Democrats and Republicans, and leaders of both political parties served as Cospeakers of the Assembly and as Cochairs of the Assembly committees, Mouryne faced the challenges presented by this historic circumstance with her usual professionalism and aplomb; and

WHEREAS, In addition to her vital role in the Chamber when the Assembly was in session, Mouryne worked diligently to modernize and professionalize the office of the Chief Clerk, leading her staff through some stressful situations, and she was always accurate, thorough and unflappable; and

WHEREAS, Mouryne also hired, trained and, by her spirited example, led the temporary staff for legislative sessions and was a nationally respected parliamentary expert, serving for 11 years on the Revision Commission for the *Mason's Manual of Legislative Procedure*; and

WHEREAS, Mouryne ably represented the Nevada Legislature on other prestigious national organizations, including service as a member of the Executive Committee of the National

Conference of State Legislatures, 1992 and 1993, and as President of the American Society of Legislative Clerks and Secretaries, 1989 and 1990; and

WHEREAS, Mouryne is well known in legislative circles for her love of music and dancing, often dazzling her companions with her fancy footwork, but never losing her demeanor and grace, and her sense of fun and cheerful smile were a welcome addition to the Nevada Legislature; and

WHEREAS, Mouryne faced her own personal losses with stoicism and surrounded herself with the support of her legislative family; and

WHEREAS, Mouryne again found happiness in her marriage to Assembly Speaker Emeritus Joseph E. Dini, Jr., and is finally taking the time to relax and enjoy life following her many years of service to the State of Nevada; now, therefore be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That in recognition of her many years of service to the Legislature, ensuring successful and orderly sessions that were carried out in a calm, professional manner, always making sure the Legislators "did the right thing the right way," former Chief Clerk of the Assembly Mouryne Landing Dini is hereby added to the Assembly Wall of Distinction.

Assemblywoman Buckley moved the adoption of the resolution.

Remarks by Assemblymen Buckley, Marvel, Oceguera, Grady, Carpenter, Manendo, and Mr. Speaker pro Tempore.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker pro Tempore. It is my honor to be able to sponsor this resolution. One of the pleasures that I get as Speaker is to recommend additions to our Assembly Wall of Distinction. As I pondered the choices, the individuals who have served this body with distinction, the choices for Assembly representatives were pretty easy—the two remarkable legislators who we honor today. But it also made me think that other individuals have really made this the place which it is and no one more so than Mouryne Dini.

The resolution speaks to her long service starting as a committee secretary and moving up, serving in this position for the longest tenure of anyone, for 23 years. She affected the fabric of this institution. She took us from small, humble beginnings in terms of facilities to the chamber you see today. The changes along the way included technology; the differences in the technology from when Mouryne started to now are vast. All the changes ensure we are able to do our job better and the public is able to gain access to us.

Mouryne established a legacy of doing things right. She knows parliamentary rules probably better than anyone in the United States. She served with distinction on the national committees. You could ask Mouryne a question like, "Why do we do things this way?" She would whip out the *Mason's Manual* and could refer to the exact page which was at issue. That helped set the tone for this institution that has carried through to today. Legislators come and go, but this institution remains. The reason it remains is because you have people concerned about our history, our heritage, and our traditions. This place becomes larger than any one person. One of the individuals who contributed so much to that history, to that tradition, to our respect for the rules, to our respect for the institution, was Mouryne.

We appreciate so much your service to our state. Your legacy continues as we continue to ensure that we operate in a manner that observes parliamentary procedure, preserves collegiality, and preserves respect for the institution.

When I had the opportunity to select a new Chief Clerk, I called Mouryne and asked what advice she could give me. She gave me some great insight which I used in hiring Susan. The attributes which you want is no matter what happens, no matter what is going on, we remain above it all. If 1995 was not a great example of that, I do not know what is. With the Chief Clerk responding to co-Speakers, co-Majority Leaders, co-Chairmen, supervising all of the secretaries and staff—it still ran very smoothly. That is due to the efforts of Speaker Dini, Speaker Hettrick, and especially Mouryne, who made that session a success. So it is with great honor that I nominate Mouryne Dini to be added to the Assembly Wall of Distinction.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker pro Tempore. It is really a pleasure today to be able to honor such a great person like Mouryne. As a matter of fact, I knew Mouryne's family even before I was a legislator. When I was elected, it was kind of like coming home because Mouryne was here.

On a side note, I would also say to Speaker Buckley, "Thank you for making the selection that you did, for the new Chief Clerk we have this session."

I want everyone to know that Mouryne probably was the greatest parliamentarian we have ever experienced. She rewrote the *Mason's Manual*. She spent several years working on that chore. All legislators in the United States can be appreciative for all the work Mouryne put in. We certainly wish both you and Joe well in your retirement. It was just a privilege working and serving with both of you.

ASSEMBLYMAN OCEGUERA:

Thank you, Mr. Speaker pro Tempore. I rise in support of AR 13. You know, we all take for granted the wonderful job our Chief Clerk and the Front Desk do. I am sure we owe much of this efficiency to Mouryne. She is legendary for what she has done in this body. No one has known the rules better. She did her job with the utmost professionalism and grace under the hardest times, tightest of deadlines, and when the tension was the highest. I have never heard anyone say anything bad about Mouryne, and that is hard to find in this business. She has represented us well at countless conferences and national meetings, and she has been recognized nationally for her skills. She also had the good judgment to marry another of my all-time favorites, Joe Dini. We thank you for the indelible stamp you have left on the Legislature.

ASSEMBLYMAN GRADY:

I stand in support of Assembly Concurrent Resolution 13. If you read, and read again, the resolution, the words keep popping out at you—professionalism, professionalism, professionalism. I think that really describes Mouryne.

I guess in some ways I have the best of both worlds because although Mouryne and Joe split their residency time between Carson City and Yerington, I have the distinction and the honor of calling both of them, and I get both sides. I can either get the Democratic view or the Republican view, and I respect both views, but to be able to call two people that are my friends and ask them, "What would you do? How would you do this?" and always get good answers from both. I really appreciate it. Mouryne and Joe, I wish you the best. Thank you.

ASSEMBLYMAN CARPENTER:

I, too, stand in support of AR 13. I do not think there is anyone who deserves this honor more than Mouryne. When I was a freshman legislator, you just cannot imagine all the help she gave me to stay halfway straight. I just want to echo all of the things that the speakers before me have said. Mouryne, thank you for all your help and for being my friend.

ASSEMBLYMAN MANENDO:

I, too, am honored to rise in support of Assembly Resolution 13. I was here during the historic tie, and as the Speaker mentioned, with all the responsibilities of answering to co-everything, our Chief Clerk was walking the hallways.

In those days, we shared secretaries. It was three legislators per secretary. Mrs. Dini would come around and make sure everybody was taken care of. She made sure that if there were any problems at all, that they were resolved.

For someone who was a freshman and had a little history with working with constituents in that particular district prior to arriving, she knew ahead of time that was going to be one of my priorities—making sure that I responded even though everybody was so overworked. I really appreciate you making sure I was doing what I needed to do for the folks back home, and I really appreciated your service. You really paved the way. To me, this is truly not the honor we should be giving to you—we should be doing more. This is wonderful, but I just wanted you to know that to me, you are larger than life. Thank you.

Mr. Speaker pro Tempore requested the privilege of the Chair for the purpose of making the following remarks:

During my second session in 1995, I looked at the script for what was going to happen on the floor that day, found my name highlighted, and found out that I had the great honor of nominating the Chief Clerk.

For those of you who have had a scripted part in this chamber, and I know that it happens from time to time, you may think that it is no big thing. I was panicked. I went to Research and asked them if they would put together a history of Mrs. Dini—Ms. Landing at the time—so that I might adequately address who she was and the contribution that she had made to this chamber. They told me I was making too big of a deal, to stand up and make the motion, do what you are supposed to do, just as the script says.

Mrs. Dini, I now have the opportunity and the prerogative of the chair. You have brought calm in a sea of turmoil. You have brought purpose and course, and a dignity to this chamber that can never be replaced. For that, you will always be the Chief Clerk.

Resolution adopted unanimously.

Mr. Speaker pro Tempore announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:12 p.m.

ASSEMBLY IN SESSION

At 12:13 p.m.
Madam Speaker presiding.
Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 8, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 31.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 31.
Assemblyman Grady moved the adoption of the resolution.
Remarks by Assemblymen Grady, Marvel, and Parnell.
Resolution adopted.

SECOND READING AND AMENDMENT

Assembly Bill No. 196.
Bill read second time and ordered to third reading.

Assembly Bill No. 201.
Bill read second time and ordered to third reading.

Senate Bill No. 9.
Bill read second time and ordered to third reading.

Senate Bill No. 31.
Bill read second time and ordered to third reading.

Senate Bill No. 44.
Bill read second time and ordered to third reading.

Senate Bill No. 46.
Bill read second time and ordered to third reading.

Senate Bill No. 56.
Bill read second time and ordered to third reading.

Senate Bill No. 81.
Bill read second time and ordered to third reading.

Senate Bill No. 168.
Bill read second time and ordered to third reading.

Senate Bill No. 190.
Bill read second time and ordered to third reading.

Senate Bill No. 196.
Bill read second time and ordered to third reading.

Senate Bill No. 269.
Bill read second time and ordered to third reading.

Senate Bill No. 336.
Bill read second time and ordered to third reading.

Senate Bill No. 367.
Bill read second time and ordered to third reading.

Senate Bill No. 369.
Bill read second time and ordered to third reading.

Senate Bill No. 417.
Bill read second time and ordered to third reading.

Senate Bill No. 511.
Bill read second time and ordered to third reading.

Senate Bill No. 519.
Bill read second time and ordered to third reading.

Senate Joint Resolution No. 6.
Bill read second time and ordered to third reading.

Senate Joint Resolution No. 17.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 115.
Bill read third time.
Remarks by Assemblywoman Leslie.
Roll call on Assembly Bill No. 115:
YEAS—42.
NAYS—None.
Assembly Bill No. 115 having received a two-thirds majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 484.
Bill read third time.
Remarks by Assemblywoman Parnell.
Roll call on Assembly Bill No. 484:
YEAS—42.
NAYS—None.
Assembly Bill No. 484 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 526.
Bill read third time.
Remarks by Assemblymen Oceguera, Mortenson, and Kirkpatrick.
Roll call on Assembly Bill No. 526:
YEAS—42.
NAYS—None.
Assembly Bill No. 526 having received a two-thirds majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bills Nos. 30, 217, 230, 302, 306, 401; Senate Joint Resolutions Nos. 10, 11, and 13 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 58, 71, 264, 267, 282, 286, 294, 353, 380, 381, 423, 482, 534, 541, 552, 560, 575, 589; Senate Bills Nos. 32, 57, 70, 77, 88, 567; Senate Concurrent Resolutions Nos. 26 and 27.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to John Mayer, Ralph Bothe, and Jim Luttges.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Speaker Emeritus Joe Dini, former Assembly Chief Clerk Mouryne Dini, Mike Menath, Lisa Menath, Paul Seaman, and Cheryl Seaman.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Green Valley Christian School: Kylie Anerson, Sam Buckels, Lexi Burkhalter, Jordyn Dale, Robert DeMangus, Lordis De Piazza, Casey Donohue, Taylor Ellis, Kayla Espina, Jacob Etchings, Alani Fajardo, Chase Forsythe, Joe Fredianelli, Allie Grady, Rachel Handelman, Alexis Harris, Jenna Kaplan, Tiffany Kekhaial, Marilyn Kennedy, Daniel Koh, Amberly Nelson, Gage Nelson, Kirsten Oakes, Spencer Poscente, Joseph Robinson, Jr., Victor Rossi, Michael Snow, Josh Teixteira, Ricky Thurston, Nicolas Vitolo and Joli Waldeck; teacher Tina Rodilosso; teaching assistant Laura Orlandos; chaperones Amy Buckles, Sherry Osborn, Nicole Dubois, Lenard DePiazza, Paul Donohue, Marcia Fajardo, David Forsythe, Brian Grady, Cindy Handelman, Merlelynn Harris, Alena Smirnova, Cathy Kennedy, Cori Nelson, Patrice O'Connor, Joseph Robinson, Jonnie Teixteira, Greg Thurston, and Janice Thurston.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Steven Wunderink, Frankie Wunderink, Jim Patell, and Lisa Dunn.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Pyramid Lake High School: Harriet Brady, Jeremiah Sampson, Anne Marie Greenhalgh, Ashley Henry, Betsy Austin, Louis Barlese, LeeAnna Blossom, Jesse Centeno, Lasaundra Dearmore, Ashley Henry, Lauren Mauwee, Joseph Miller, and Keith Pete; teacher Kim DesRoches; Laurie Carson and Gary Lane.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Kay Winters, Marianne Winters, Kathie Gerber, and Phyllis Hunewill.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Kate Smith Elementary School: Rubi Alarcon, Maria Alvarado Andrade, Ernesto Barboza, Maribel Bedolla, Leopoli Cervantes Quiroz, Marissa Coronado, Marian Estrada, Diana Guerrero, Guerrero Erik, Lorena Herrera,

Leonel Jimenez, Tonia Lilly, Michael Lock, Veronica Luvisi, Troy Manuta, Alyssa Navarro, Josue Nolasco, Susana Ocampo, Shianne Plumlee, Anayeli Rivera, Norma Robles, Esteban Silva Estrada, Edgar Tomayo, Ana Torres, James Valdez, Hunter Waddell, Nebat Yusuf, Evelyn Alvarez-Moran, Yuessenia Arriaga, Jose Blancas, Cayllib Brown, Alexandreana Cocroft, Norberto Cornejo, Darius Devine-Haberle, Jessica Garcia, Katia Del Rosario Garcia, Mary Garcia, Isaac Gonzalez, Javelosa Dexter, Tayiesha Kilafwakun, Maximillian Luis, Angleanna Mangus, Guadalupe Martinez, Nelson Martienez, Conny Mendoza, Yesenia Mora Gomes, Muro Noel, Dereck Orzel, Eriyana Pickrell, Iliana Ramos, Rosibel Renteria, Carlos Rodriguez, Nancy Rosales, Shania Sbriglia, Marissa Torres, and Sarah Vandegrift.

Assemblyman Oceguera moved that the Assembly adjourn until Friday, May 11, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 12:42 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE NINETY-SIXTH DAY

CARSON CITY (Friday), May 11, 2007

Assembly called to order at 11:10 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Arberry, Beers, and Segerblom, who were excused.

Prayer by the Chaplain, Reverend Bruce Kochsmeier.

Our Lord and God, how grateful we are that it is You who have convened us here today. Thank You, that You were shaping the agenda for this session before the foundations of time. Thank You, that You are so practically concerned about the needs of Your people in this state of Nevada. We pray today that You would give energy to these legislators and all who work in the session. It is the end of the week with much yet to be done. Give each person here clarity of mind and strength of heart to do the work You have ordained for them. Let this entire body be of one mind in seeking to accomplish what You know is needed from their united work.

Lord, we acknowledge our need for Your wisdom. We need to look beyond ourselves for the answers to what will bring the best direction for Nevada. Grant this insight to this body today. Bring the power of your presence to rest upon each action taken today. Let Your joy be in each act undertaken by every person here today in a sprit of servanthood.

We gratefully commit this session to You today, in Your Holy name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 384, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Education, to which was referred Senate Bill No. 357, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Senate Bill No. 115, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Senate Bills Nos. 430, 491; Senate Joint Resolutions Nos. 15, 16, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 399, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHEILA LESLIE, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 60, 486; Senate Joint Resolution No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Concurrent Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

JERRY D. CLABORN, *Chair*

Madam Speaker:

Your Select Committee on Corrections, Parole, and Probation, to which was referred Senate Bill No. 389, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID R. PARKS, *Chair*

Madam Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 504, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KATHY MCCLAIN, *Chair*

Madam Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 17, 39, 175, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 200, 272; Senate Bills Nos. 456, 470, 559, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 273, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 410, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 328, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Vice Chair*

Madam Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 567, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

SHEILA LESLIE, *Vice Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 8, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 20, 77, 117, 261, 306, 307, 505.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 250, Senate Amendment No. 648; Assembly Bill No. 542, Senate Amendment No. 652, and respectfully requests your honorable body to concur in said amendments.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 9, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 400, 463.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 32, 33, 34.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 10, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 239.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 35, 36, 37, 38, 39.

SHERRY L. Rodriguez
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Gerhardt, Segerblom, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Settelmeyer, Smith, Stewart, Weber, and Womack; Senators Woodhouse, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 29—Encouraging the Department of Health and Human Services to take certain actions concerning chronic obstructive pulmonary disease.

WHEREAS, Chronic obstructive pulmonary disease (COPD), which includes chronic bronchitis and emphysema, is the fourth leading cause of death in the United States, affecting one in four Americans over the age of 45; and

WHEREAS, COPD is a chronic progressive disease that affects over 89,000 Nevadans and impacts nearly 24 million Americans; and

WHEREAS, Statistics reveal that COPD accounts for one death every 4 minutes in the United States each year and is one of the leading causes of disability; and

WHEREAS, In 2004, the cost to the nation for COPD was approximately $37.2 billion, including $20.9 billion in direct health care expenditures, $7.4 billion in indirect morbidity costs and $8.9 billion in indirect mortality costs; and

WHEREAS, Early diagnosis and management of COPD can effectively reduce the overall financial burden of the illness within public programs such as Medicaid; and

WHEREAS, Proper treatment of COPD can lead to improved quality of life and self-sufficiency on the part of patients who receive care within public programs; and

WHEREAS, COPD is a chronic disease suitable for inclusion in programs for the management of diseases; and

WHEREAS, The National Heart, Lung, and Blood Institute of the National Institutes of Health of the United States Department of Health and Human Services launched a public outreach campaign titled "Learn More Breathe Better" to increase awareness and understanding of COPD and its risk factors and to underscore the benefits of early detection and treatment in slowing the disease and improving the quality of life; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada Legislature hereby encourages the Department of Health and Human Services to recognize the importance of early diagnosis and treatment of persons with COPD and those at greatest risk for the disease; and be it further

RESOLVED, That the Nevada Legislature further encourages the Department of Health and Human Services to increase awareness and understanding of COPD through the promotion and support of the COPD campaign recently launched by the National Heart, Lung, and Blood Institute; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Director of the Department of Health and Human Services.

Assemblywoman Gerhardt moved the adoption of the resolution.

Remarks by Assemblywoman Gerhardt.

Assemblywoman Gerhardt requested that her remarks be entered in the Journal.

Thank you, Madam Speaker. Chronic Obstructive Pulmonary Disease, also known as COPD, is a term referring to two lung diseases: chronic bronchitis and emphysema. COPD is a disease in which the lungs are damaged and is characterized by the obstruction of airflow, which interferes with normal breathing. COPD is the fourth leading cause of death in America. In 2004, 11.4 million adults in the United States were estimated to have COPD. Close to 24 million adults in the United States have evidence of impaired lung function indicating an undiagnosed case of COPD. Assembly Concurrent Resolution No. 29 will focus needed attention on this debilitating disease.

Resolution adopted.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:29 a.m.

ASSEMBLY IN SESSION

At 11:30 a.m.

Mr. Speaker Pro Tempore presiding.

Quorum present.

By Assemblymen Buckley, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack:

Assembly Resolution No. 14—Commending 2007 Prudential Spirit of Community Awards honoree Mollie Singer.

WHEREAS, Mollie Singer, a senior at Nevada State High School in Henderson, has been named a recipient of the 2007 Prudential Spirit of Community Award, which honors young people across the nation for outstanding volunteerism; and

WHEREAS, At 18 years of age, Mollie has accomplished more than many people do in a lifetime, by helping to raise more than $100,000 for the Juvenile Diabetes Research Foundation through her work with Walk to Cure Diabetes, forming "Mollie's Mafia" as her walk team, selecting a theme and logo, recruiting and training participants and organizing other special events to collect money for medical research; and

WHEREAS, Since being diagnosed with diabetes at 4 years of age, Mollie has testified before a United States Senate subcommittee, met with President George W. Bush, appeared on *Good Morning America*, produced a video diary, appeared in public service announcements and coauthored a booklet entitled *The Road to a Cure*, to bring attention to the need for research and education concerning this serious disease; and

WHEREAS, Mollie credits her twin sister Jackie with motivating her to help others by showing her such compassion and caring, calling Jackie "my hero," and they have formed a formidable team in the battle to find a cure for diabetes; and

WHEREAS, Starting with their classmates, Mollie and Jackie formed a support group named "Diabetic Angels," which educates children about diabetes and prepares them to be guardian angels for people with the disease, and as a result of using the Internet for promotion, there are now more than 20 Diabetic Angels clubs around the country, as well as in Australia and Israel; and

WHEREAS, Mollie has also received the President's Volunteer Service Award, which recognizes Americans of all ages who have volunteered significant amounts of their time to serving others; and

WHEREAS, According to Mollie, "Volunteering is a gift you give yourself, as well as others," an inspiring philosophy; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the 74th Nevada Legislature congratulate Mollie Singer for receiving the prestigious 2007 Prudential Spirit of Community Award and commend her for her efforts to raise money for research and to educate people about diabetes; and be it further

RESOLVED, That Mollie is an example of what the youth of our State and our country can do if they live their lives with compassion and dedication to others; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Mollie Singer.

Assemblyman Oceguera moved the adoption of the resolution.

Remarks by Assemblymen Oceguera and Buckley.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYMAN OCEGUERA:

We have Mollie and Jackie Singer here today. I received their resumés this morning, and I wish I had a resumé even close to this. It is about three pages long, so I do not know that I can do them justice, but I will try to highlight some of their accomplishments.

When these young ladies were six, they started a lemonade stand that raised $2,000. They continued those endeavors over the years and in that time period; they have raised over $300,000 for diabetes research. As the resolution stated, these two girls formed Diabetic Angels. They have spoken in front of Congress and met with the President three times. I have had the pleasure of seeing them sing at the National Finals Rodeo. They are aspiring country music artists and are cutting a CD.

We are here, though, for Mollie, who won the 2007 Prudential Spirit Community Award. I just cannot imagine all of the things these two young ladies have done, but they are an inspiration to the youth of our community.

ASSEMBLYWOMAN BUCKLEY:

I, too, rise in support of Assembly Resolution 14. So many of us look down on the youth of today. We say, "They are just not involved enough like we are," but Mr. Oceguera was right. This resumé puts all of us to shame in terms of the scope of activities and the commitment to others. It is impressive and commendable.

Resolution adopted.

By Assemblymen Buckley, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, and Womack:

Assembly Resolution No. 15—Congratulating Laurie Richardson for her recognition as the 2006 National Mother of the Year by American Mothers, Inc.

WHEREAS, Laurie Richardson of Henderson is the proud mother of seven children, more than half of whom were adopted, and she has nurtured countless other children during the 29 years she welcomed children into her home as a foster parent; and

WHEREAS, Laurie began her advocacy work assisting foster children in the courts of California, saying later that letting her foster license lapse after 29 years was "like going to my own funeral"; and

WHEREAS, In August 1994, the Richardson family moved to Nevada where Laurie continued to advocate for children in a new setting, the public schools; and

WHEREAS, After working with the Clark County School District to secure appropriate services for her adopted son, who had learning disabilities and was nonverbal, Laurie began assisting other parents of special needs children as a parent-guardian mentor for the Clark County School District's Friends of Special Education program; and

WHEREAS, Laurie continues to advocate for this growing population of children in her role at Clark County Legal Services where she works with children and their parents to understand certain entitlements under federal law and to secure special services through the Clark County School District; and

WHEREAS, In her role as a mother, Laurie believes that positive feedback is an important part of parenting and that "by focusing on things children do right, it helps to foster positive attitudes" and leads to positive parenting; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the Assembly of the 74th Session of the Nevada Legislature hereby congratulate Laurie Richardson for being recognized as the 2006 National Mother of the Year by American Mothers, Inc., and the first national winner from Nevada since the award presentations began in 1935; and be it further

RESOLVED, That Laurie Richardson is hereby commended for being a dedicated mother, a devoted grandmother, a true friend and a remarkable person whose work continues to improve children's lives; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Laurie Richardson.

Assemblywoman Buckley moved the adoption of the resolution.

Remarks by Assemblywoman Buckley and Mr. Speaker pro Tempore.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BUCKLEY:

It is my honor to have four incredible people sitting at my desk and for me to be able to present this resolution to the body. Laurie is an incredible person, and it is such an incredible

honor to be picked as a Mother of the Year from a state, much less our country. I cannot think of a better person that could have been selected than Laurie, first for the commitment to her own family. She has a lovely family that she has raised. Her definition of family is rather large. Throughout her life, she and her husband, Sully, have fostered so many children. Laurie and her husband are pretty incredible people. They loved and fostered many children so well that they created a bridge back to the children's own families where it was possible. Where it wasn't possible, they ended up adopting a number of children.

The love and compassion that she has shown in her own family is remarkable, but her work did not stop there. It continued in her advocacy for children with special needs. When I got a panicked call that our attorney who did special education work was moving to Minnesota, we had no one in our office who was going to work with disabled children. I thought, "What on earth can we possibly do?" I had seen Laurie's work, so I called her up in a panicked state and asked, "Would you think of coming to work for me?" That was one of the best calls that I ever made because I am able to see her fight for children day in and day out.

The school district tries to do its best but sometimes children with special needs just get left behind. It is so difficult just keeping up with growth that special kids sometimes do not get what they need. Laurie fights and cajoles, always in such a nice manner, to make sure kids get what they need.

Most recently, she created a brand new program for children in foster care who have no one to go to the school district and fight to get special tutoring or to be included with the nondisabled kids. She created a surrogate program for anyone who wanted to volunteer. Within a week, she had a hundred people—retired teachers and parents—in Las Vegas, all wanting to be the spokespeople for children in foster care. Laurie came to the office and said, "Oh, my goodness, I thought I would get five people. I got a hundred. What do I do now?" I said, "Just break them up into a couple of classes," so she did. Her positive attitude and commitment to others makes her truly one of the most inspirational people I have ever met.

Besides that, she is also a singer with Gladys Night and the Saints, Unified Voices. They produced a Grammy Award winning CD.

At night, she talks to all those parents who do not qualify for legal aid services because she feels so bad that they do not know what they are going to do so she gives them advice on what they can do with their children.

She is a remarkable person. It feels so incredibly good when good things happen to good people, and I cannot imagine a better Nevada or national Mother of the Year. As we come up on Mother's Day, I just thought it would be appropriate to recognize her and her many contributions to so many of her children.

Mr. Speaker pro Tempore requested the privilege of the Chair for the purpose of making the following remarks:

Having a resident like you who is so committed to children and people with special needs—and being mindful of the many black marks people like to place on the state of Nevada—you are an example of the quality of mothers that we have in our state. On this day, so close to Mother's Day, it is fitting that we recognize your great commitment.

Resolution adopted.

Mr. Speaker pro Tempore announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:41 a.m.

ASSEMBLY IN SESSION

At 11:42 a.m.
Madam Speaker presiding.
Quorum present.

Assemblyman Oceguera moved that the reading of Histories on all bills and resolutions be dispensed with for this legislative day.
Motion carried.

Senate Concurrent Resolution No. 32.
Assemblyman Munford moved the adoption of the resolution.
Remarks by Assemblyman Munford.
Resolution adopted.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:47 a.m.

ASSEMBLY IN SESSION

At 11:52 a.m.
Madam Speaker presiding.
Quorum present.

Senate Concurrent Resolution No. 33.
Assemblywoman Gansert moved the adoption of the resolution.
Remarks by Assemblymen Gansert and Anderson.
Resolution adopted.

Senate Concurrent Resolution No. 34.
Assemblyman Carpenter moved the adoption of the resolution.
Remarks by Assemblyman Carpenter.
Resolution adopted.

Senate Concurrent Resolution No. 35.
Assemblywoman Parnell moved the adoption of the resolution.
Remarks by Assemblymen Parnell and Manendo.
Resolution adopted.

Senate Concurrent Resolution No. 36.
Assemblyman Claborn moved the adoption of the resolution.
Remarks by Assemblymen Claborn and Carpenter.
Resolution adopted.

Senate Concurrent Resolution No. 37.
Assemblyman Mabey moved the adoption of the resolution.
Remarks by Assemblyman Mabey.
Resolution adopted.

Senate Concurrent Resolution No. 38.
Assemblywoman Gansert moved the adoption of the resolution.
Remarks by Assemblywoman Gansert.
Resolution adopted.

Senate Concurrent Resolution No. 39.

Assemblyman Atkinson moved the adoption of the resolution.

Remarks by Assemblyman Atkinson.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 612—AN ACT relating to public employees; revising the provisions governing the selection of plans for the use of the participants in the Public Employees' Deferred Compensation Program; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 613—AN ACT making an appropriation to the Family Development Foundation for domestic violence prevention programs; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 614—AN ACT making an appropriation to Build Nevada for career and technical programs; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 615—AN ACT relating to local financial administration; revising provisions governing certain general obligations of school districts; revising provisions governing loans from the investment portfolios of certain cities and consolidated municipalities; revising provisions governing the guarantee of bonds of school districts with money from the State Permanent School Fund; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 616—AN ACT making a supplemental appropriation to the Department of Public Safety, Dignitary Protection, for unanticipated

shortfalls in Fiscal Year 2006-2007 for dignitary protection; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 617—AN ACT making an appropriation to the Fund to Stabilize the Operation of the State Government; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 618—AN ACT making a contingent appropriation to the Tahoe Regional Planning Agency for replacement of vehicles; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 239.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 400.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 463.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 204.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 685.

AN ACT making an appropriation to the Department of Education for upgrading video equipment and replacing computer equipment; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Department of Education the sum of ~~[$129,000]~~ **$127,579** for upgrading videoconferencing equipment in the Carson City and Las Vegas offices, and purchasing replacement computer hardware and software.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 118.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 668.

AN ACT relating to hazardous materials; requiring the State Environmental Commission to adopt regulations relating to the handling and storage of certain quantities of mercury; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Environmental Commission is required to adopt, as part of the Chemical Accident Prevention Program for the State of Nevada (C.A.P.P.), regulations relating to hazardous substances. (NRS 459.3818; NAC 459.95225) This bill requires the Commission to adopt specific regulations for the handling and storage of mercury when present in a quantity of ~~[100 tons]~~ **200,000 pounds** or more to protect the health, safety and welfare of the residents of this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 459.3818 is hereby amended to read as follows:

459.3818 1. In addition to the regulations required to be adopted pursuant to NRS 459.380 to 459.3874, inclusive, the State Environmental Commission shall adopt such other regulations as are necessary to carry out

the purposes and enforce the provisions of NRS 459.380 to 459.3874, inclusive. The regulations must include, without limitation:

(a) Specifications for the applicability of the provisions of NRS 459.380 to 459.3874, inclusive, and any regulations adopted pursuant thereto;

(b) The establishment of a program for the prevention of accidental releases of chemicals that satisfies the provisions of the chemical process safety standard set forth pursuant to 29 U.S.C. § 655;

(c) ***Provisions to protect the health, safety and welfare of the residents of this State from the effects of the handling and storage of mercury when present in a quantity of*** ~~*[100 tons]*~~ ***200,000 pounds or more;***

(d) Provisions necessary to enable the Division to administer and enforce the provisions of NRS 459.380 to 459.3874, inclusive, and any regulations adopted pursuant thereto;

~~[(d)]~~ ***(e)*** Requirements for the registration of a facility with the Division; and

~~[(e)]~~ ***(f)*** Provisions to ensure that the public is involved in the process of evaluating proposed regulatory actions that may affect the public.

2. The Division shall:

(a) Administer and enforce the provisions of NRS 459.380 to 459.3874, inclusive, and any regulations adopted pursuant thereto; and

(b) Make every effort to involve advisory councils on hazardous materials, where they exist, the governing bodies of local governments and other interested persons in explaining actions taken pursuant to those sections and the regulations adopted pursuant thereto.

3. The State Environmental Commission must apply the provisions of NRS 459.380 to 459.3874, inclusive, to dealers of liquefied petroleum gas who sell, fill, refill, deliver or are permitted to deliver any liquefied petroleum gas in a manner that is consistent with 42 U.S.C. § 7412(r)(4)(B).

4. As used in this section, "liquefied petroleum gas" has the meaning ascribed to it in NRS 590.475.

Sec. 2. This act becomes effective on July 1, 2007.

Assemblyman Claborn moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 129.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 671.

AN ACT relating to guardianships; extending the time in which certain information must be provided to the court for the appointment of a guardian; revising the provisions relating to the extension of temporary guardianships; revising the information that must be set forth in a petition to appoint a temporary guardian for certain wards; revising provisions relating to petitions by guardians to the court; revising provisions relating to the treatment or

commitment of a ward; extending the time in which a guardian must wind up the affairs of the guardianship; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill extends the time in which information required in a petition for the appointment of a guardian must be provided to the court after the appointment of the guardian, if the information was not initially included in the petition, from 60 days to 120 days. (NRS 159.044)

Section 2 of this bill revises existing law by providing that a petition which seeks to appoint a temporary guardian for a ward who is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention may be granted by a court if the court finds reasonable cause to believe that the proposed ward is unable to respond to such harm or to a need for medical attention rather than reasonable cause to believe that the proposed ward may suffer such harm or actually needs medical attention. (NRS 159.052) Section 4 of this bill revises existing law by providing that a petition which seeks to appoint a guardian for a ward who is unable to respond to a substantial and immediate risk of financial loss must set forth facts showing that the proposed ward is unable to respond to such risk rather than facts showing that the proposed ward actually faces such risk. (NRS 159.0525) Sections 2-4 also eliminate the restriction that a court may not extend a temporary guardianship for more than two 30-day periods, and instead ~~[allows]~~ **allow** the court to extend a temporary guardianship for not more than three successive 60-day periods. **Sections 2-4, however, prohibit the court from causing the temporary guardianship to continue longer than 7 months unless there is a showing of extraordinary circumstances.**

Existing law requires a guardian to petition the court for an order authorizing the guardian to change the designation of a beneficiary in a will, trust, insurance policy, bank account or any other type of asset of the ward which includes the designation of a beneficiary. (NRS 159.078) Section 5 of this bill provides circumstances under which a guardian is not required to petition the court for an order allowing the guardian to utilize such assets.

Existing law provides that a guardian must obtain authority from the court before consenting to the commitment of a ward to a mental health facility. (NRS 159.0805) Section 6 of this bill removes the requirement that a guardian must obtain such authority to consent to the commitment of a ward to a mental health facility.

Section 7 of this bill provides that a guardian is not required to petition the court for authority before obtaining advice, instructions and approval of any proposed act of the guardian relating to the ward's property or taking any other action which the guardian deems would be in the best interests of the ward, unless otherwise ordered by the court. (NRS 159.113)

Existing law establishes the times during which a guardian is entitled to possession of the ward's property and is authorized to perform his duties to wind up the affairs of the guardianship. (NRS 159.193) Section 8 of this bill

extends the time during which a guardian retains such authority after a personal representative of the estate of a deceased ward is appointed or if the guardian is awaiting certification acknowledging that he has no further tax liabilities on the ward's estate, from 90 days to 180 days.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 159.044 is hereby amended to read as follows:

159.044 1. Except as otherwise provided in NRS 127.045, a proposed ward, a governmental agency, a nonprofit corporation or any interested person may petition the court for the appointment of a guardian.

2. To the extent the petitioner knows or reasonably may ascertain or obtain, the petition must include, without limitation:

(a) The name and address of the petitioner.

(b) The name, date of birth and current address of the proposed ward.

(c) A copy of one of the following forms of identification of the proposed ward which must be placed in the records relating to the guardianship proceeding and, except as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A taxpayer identification number;

(3) A valid driver's license number;

(4) A valid identification card number; or

(5) A valid passport number.

➥ If the information required pursuant to this paragraph is not included with the petition, the information must be provided to the court not later than ~~[60]~~ ***120*** days after the appointment of a guardian or as otherwise ordered by the court.

(d) If the proposed ward is a minor, the date on which he will attain the age of majority and:

(1) Whether there is a current order concerning custody and, if so, the state in which the order was issued; and

(2) Whether the petitioner anticipates that the proposed ward will need guardianship after attaining the age of majority.

(e) Whether the proposed ward is a resident or nonresident of this State.

(f) The names and addresses of the spouse of the proposed ward and the relatives of the proposed ward who are within the second degree of consanguinity.

(g) The name, date of birth and current address of the proposed guardian. If the proposed guardian is a private professional guardian, the petition must include proof that the guardian meets the requirements of NRS 159.0595. If the proposed guardian is not a private professional guardian, the petition must include a statement that the guardian currently is not receiving compensation for services as a guardian to more than one ward who is not related to the person by blood or marriage.

(h) A copy of one of the following forms of identification of the proposed guardian which must be placed in the records relating to the guardianship proceeding and, except as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A taxpayer identification number;

(3) A valid driver's license number;

(4) A valid identification card number; or

(5) A valid passport number.

(i) Whether the proposed guardian has ever been convicted of a felony and, if so, information concerning the crime for which he was convicted and whether the proposed guardian was placed on probation or parole.

(j) A summary of the reasons why a guardian is needed and recent documentation demonstrating the need for a guardianship. The documentation may include, without limitation:

(1) A certificate signed by a physician who is licensed to practice medicine in this State stating the need for a guardian;

(2) A letter signed by any governmental agency in this State which conducts investigations stating the need for a guardian; or

(3) A certificate signed by any other person whom the court finds qualified to execute a certificate stating the need for a guardian.

(k) Whether the appointment of a general or a special guardian is sought.

(l) A general description and the probable value of the property of the proposed ward and any income to which the proposed ward is or will be entitled, if the petition is for the appointment of a guardian of the estate or a special guardian. If any money is paid or is payable to the proposed ward by the United States through the Department of Veterans Affairs, the petition must so state.

(m) The name and address of any person or care provider having the care, custody or control of the proposed ward.

(n) The relationship, if any, of the petitioner to the proposed ward and the interest, if any, of the petitioner in the appointment.

(o) Requests for any of the specific powers set forth in NRS 159.117 to 159.175, inclusive, necessary to enable the guardian to carry out the duties of the guardianship.

(p) Whether the guardianship is sought as the result of an investigation of a report of abuse or neglect that is conducted pursuant to chapter 432B of NRS by an agency which provides child welfare services. As used in this paragraph, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(q) Whether the proposed ward is a party to any pending criminal or civil litigation.

(r) Whether the guardianship is sought for the purpose of initiating litigation.

(s) Whether the proposed ward has executed a durable power of attorney for health care, a durable power of attorney for financial matters or a written nomination of guardian and, if so, who the named agents are for each document.

Sec. 2. NRS 159.052 is hereby amended to read as follows:

159.052 1. A petitioner may request the court to appoint a temporary guardian for a ward who is a minor and who is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention. To support the request, the petitioner must set forth in a petition and present to the court under oath:

(a) Facts which show that the proposed ward faces a substantial and immediate risk of physical harm or needs immediate medical attention; and

(b) Facts which show that:

(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 by telephone or in writing before the filing of the petition;

(2) The proposed ward would be exposed to an immediate risk of physical harm if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159.047 before the court determines whether to appoint a temporary guardian; or

(3) Giving notice to the persons entitled to notice pursuant to NRS 159.047 is not feasible under the circumstances.

2. The court may appoint a temporary guardian to serve for 10 days if the court:

(a) Finds reasonable cause to believe that the proposed ward ~~[may suffer]~~ ***is unable to respond to*** a substantial and immediate risk of physical harm or ~~[needs]~~ ***to a need for*** immediate medical attention; and

(b) Is satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph (b) of subsection 1.

3. Except as otherwise provided in subsection 4, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

4. If, before the appointment of a temporary guardian, the court determined that advance notice was not required pursuant to subparagraph (2) of paragraph (b) of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to NRS 159.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the

petitioner fails to provide such notice, the court may terminate the temporary guardianship.

5. Not later than 10 days after the date of the appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsections 7 and 8, if the court finds by clear and convincing evidence that the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention, the court may extend the temporary guardianship until a general or special guardian is appointed, but not for more than 30 days.

6. If the court appoints a temporary guardian or extends the temporary guardianship pursuant to this section, the court shall limit the powers of the temporary guardian to those necessary to respond to the substantial and immediate risk of physical harm or to a need for immediate medical attention.

7. The court may not extend a temporary guardianship pursuant to subsection 5 beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of NRS 159.0475 have been satisfied; or

(b) Notice by publication pursuant to N.R.C.P. 4(e) is currently being undertaken.

8. In addition to any other extension granted pursuant to this section, the court may extend the temporary guardianship, for good cause shown, for not more than ~~[two 30-day]~~ ***three successive 60-day*** periods ~~[.]~~ ***, except that the court shall not cause the temporary guardianship to continue longer than 7 months unless extraordinary circumstances are shown.***

Sec. 3. NRS 159.0523 is hereby amended to read as follows:

159.0523 1. A petitioner may request the court to appoint a temporary guardian for a ward who is an adult and who is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention. To support the request, the petitioner must set forth in a petition and present to the court under oath:

(a) Facts which show that the proposed ward:

(1) Faces a substantial and immediate risk of physical harm or needs immediate medical attention; and

(2) Lacks capacity to respond to the risk of harm or to obtain the necessary medical attention; and

(b) Facts which show that:

(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 by telephone or in writing before the filing of the petition;

(2) The proposed ward would be exposed to an immediate risk of physical harm if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159.047 before the court determines whether to appoint a temporary guardian; or

(3) Giving notice to the persons entitled to notice pursuant to NRS 159.047 is not feasible under the circumstances.

2. The court may appoint a temporary guardian to serve for 10 days if the court:

(a) Finds reasonable cause to believe that the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention;

(b) Is satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph (b) of subsection 1; and

(c) Finds that the petition required pursuant to subsection 1 is accompanied by:

(1) A certificate signed by a physician who is licensed to practice in this State which states that the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention; or

(2) The affidavit of the petitioner which explains the reasons why the certificate described in subparagraph (1) is not immediately obtainable.

3. Except as otherwise provided in subsection 4, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

4. If, before the appointment of a temporary guardian, the court determined that advance notice was not required pursuant to subparagraph (2) of paragraph (b) of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to NRS 159.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

5. Not later than 10 days after the date of the appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsections 7 and 8, the court may extend the temporary guardianship until a general or special guardian is appointed, but not for more than 30 days, if:

(a) The certificate required by subsection 2 has been filed and the court finds by clear and convincing evidence that the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention; or

(b) The certificate required by subsection 2 has not been filed and the court finds by clear and convincing evidence that:

(1) The proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention;

(2) Circumstances have prevented the petitioner or temporary guardian from obtaining the certificate required pursuant to subsection 2; and

(3) The extension of the temporary guardianship is necessary and in the best interests of the proposed ward.

6. If the court appoints a temporary guardian or extends the temporary guardianship pursuant to this section, the court shall limit the powers of the temporary guardian to those necessary to respond to the substantial and immediate risk of physical harm or to a need for immediate medical attention.

7. The court may not extend a temporary guardianship pursuant to subsection 5 beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of NRS 159.0475 have been satisfied; or

(b) Notice by publication pursuant to N.R.C.P. 4(e) is currently being undertaken.

8. In addition to any other extension granted pursuant to this section, the court may extend the temporary guardianship, for good cause shown, for not more than ~~[two 30-day]~~ ***three successive 60-day*** periods ~~[.]~~ ***, except that the court shall not cause the temporary guardianship to continue longer than 7 months unless extraordinary circumstances are shown.***

Sec. 4. NRS 159.0525 is hereby amended to read as follows:

159.0525 1. A petitioner may request the court to appoint a temporary guardian for a ward who is unable to respond to a substantial and immediate risk of financial loss. To support the request, the petitioner must set forth in a petition and present to the court under oath:

(a) Facts which show that the proposed ward ~~[:~~

~~(1) Faces]~~ ***:***

(1) Is unable to respond to a substantial and immediate risk of financial loss; and

(2) Lacks capacity to respond to the risk of loss; and

(b) Facts which show that:

(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 by telephone or in writing before the filing of the petition;

(2) The proposed ward would be exposed to an immediate risk of financial loss if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159.047 before the court determines whether to appoint a temporary guardian; or

(3) Giving notice to the persons entitled to notice pursuant to NRS 159.047 is not feasible under the circumstances.

2. The court may appoint a temporary guardian to serve for 10 days if the court:

(a) Finds reasonable cause to believe that the proposed ward is unable to respond to a substantial and immediate risk of financial loss;

(b) Is satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph (b) of subsection 1; and

(c) For a proposed ward who is an adult, finds that the petition required pursuant to subsection 1 is accompanied by:

(1) A certificate signed by a physician who is licensed to practice in this State which states that the proposed ward is unable to respond to a substantial and immediate risk of financial loss; or

(2) The affidavit of the petitioner which explains the reasons why the certificate described in subparagraph (1) is not immediately obtainable.

3. Except as otherwise provided in subsection 4, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

4. If, before the appointment of a temporary guardian, the court determined that advance notice was not required pursuant to subparagraph (2) of paragraph (b) of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to NRS 159.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

5. Not later than 10 days after the date of the appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsections 7 and 8, if the proposed ward is a minor and the court finds by clear and convincing evidence that the proposed ward is unable to respond to a substantial and immediate risk of financial loss, the court may extend the temporary guardianship until a general or special guardian is appointed, but not for more than 30 days. Except as otherwise provided in subsection 7, if the proposed ward is an adult, the court may extend the temporary guardianship until a general or special guardian is appointed, but not for more than 30 days, if:

(a) The certificate required by subsection 2 has been filed and the court finds by clear and convincing evidence that the proposed ward is unable to respond to a substantial and immediate risk of financial loss; or

(b) The certificate required by subsection 2 has not been filed and the court finds by clear and convincing evidence that:

(1) The proposed ward is unable to respond to a substantial and immediate risk of financial loss;

(2) Circumstances have prevented the petitioner or temporary guardian from obtaining the certificate required pursuant to subsection 2; and

(3) The extension of the temporary guardianship is necessary and in the best interests of the proposed ward.

6. If the court appoints a temporary guardian or extends the temporary guardianship pursuant to this section, the court shall limit the powers of the temporary guardian to those necessary to respond to the substantial and immediate risk of financial loss.

7. The court may not extend a temporary guardianship pursuant to subsection 5 beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of NRS 159.0475 have been satisfied; or

(b) Notice by publication pursuant to N.R.C.P. 4(e) is currently being undertaken.

8. In addition to any other extension granted pursuant to this section, the court may extend the temporary guardianship, for good cause shown, for not more than ~~[two 30-day]~~ ***three successive 60-day*** periods ~~[.]~~ ***, except that the court shall not cause the temporary guardianship to continue longer than 7 months unless extraordinary circumstances are shown.***

Sec. 5. NRS 159.078 is hereby amended to read as follows:

159.078 1. Before taking any of the following actions, the guardian shall petition the court for an order authorizing the guardian to:

(a) Make or change the last will and testament of the ward.

(b) ~~[Make]~~ ***Except as otherwise provided in this paragraph, make*** or change the designation of a beneficiary in a will, trust, insurance policy, bank account or any other type of asset of the ward which includes the designation of a beneficiary. ***The guardian is not required to petition the court for an order authorizing the guardian to utilize an asset which has a designated beneficiary, including the closure or discontinuance of the asset, for the benefit of a ward if:***

(1) The asset is the only liquid asset available with which to pay for the proper care, maintenance, education and support of the ward;

(2) The asset, or the aggregate amount of all the assets if there is more than one type of asset, has a value that does not exceed $5,000; or

(3) The asset is a bank account, investment fund or insurance policy and is required to be closed or discontinued in order for the ward to qualify for a federal program of public assistance.

(c) Create for the benefit of the ward or others a revocable or irrevocable trust of the property of the estate.

(d) Except as otherwise provided in this paragraph, exercise the right of the ward to revoke or modify a revocable trust or to surrender the right to

revoke or modify a revocable trust. The court shall not authorize or require the guardian to exercise the right to revoke or modify a revocable trust if the instrument governing the trust:

(1) Evidences an intent of the ward to reserve the right of revocation or modification exclusively to the ward;

(2) Provides expressly that a guardian may not revoke or modify the trust; or

(3) Otherwise evidences an intent that would be inconsistent with authorizing or requiring the guardian to exercise the right to revoke or modify the trust.

2. The court may authorize the guardian to take any action described in subsection 1 if, after notice to any person who is adversely affected by the proposed action and an opportunity for a hearing, the guardian proves by clear and convincing evidence that:

(a) A person has committed or is about to commit any act, practice or course of conduct which operates or would operate as a fraud or act of exploitation upon the ward or estate of the ward and that person:

(1) Is designated as a beneficiary in or otherwise stands to gain from an instrument which was executed by or on behalf of the ward; or

(2) Will benefit from the lack of such an instrument; and

(b) A reasonably prudent person or the ward, if competent, would take the proposed action.

3. The petition must be signed by the guardian and contain:

(a) The name, date of birth and current address of the ward;

(b) A concise statement as to the condition of the ward's estate; and

(c) A concise statement as to the necessity for the proposed action.

4. As used in this section:

(a) "Exploitation" means any act taken by a person who has the trust and confidence of a ward or any use of the power of attorney of a ward to:

(1) Obtain control, through deception, intimidation or undue influence, over the money, assets or property of the ward with the intention of permanently depriving the ward of the ownership, use, benefit or possession of the ward's money, assets or property.

(2) Convert money, assets or property of the ward with the intention of permanently depriving the ward of the ownership, use, benefit or possession of his money, assets or property.

➥ As used in this paragraph, "undue influence" does not include the normal influence that one member of a family has over another.

(b) "Fraud" means an intentional misrepresentation, deception or concealment of a material fact known to the person with the intent to deprive the ward of the ward's rights or property or to otherwise injure the ward.

Sec. 6. NRS 159.0805 is hereby amended to read as follows:

159.0805 1. Except as otherwise provided in subsection 2, a guardian shall not consent to:

(a) The experimental ~~[,]~~ medical, biomedical or behavioral treatment of a ward;

(b) The sterilization of a ward; ***or***

(c) The participation of a ward in any biomedical or behavioral experiment ***.*** ~~[; or~~

~~(d) The commitment of a ward to a mental health facility.]~~

2. The guardian may consent to and commence any treatment ~~[,]~~ ***or*** experiment ~~[or commitment]~~ described in subsection 1 if the guardian applies to and obtains from the court authority to consent to and commence the treatment ~~[,]~~ ***or*** experiment ***.*** ~~[or commitment.]~~

3. The court may authorize the guardian to consent to and commence any treatment ~~[,]~~ ***or*** experiment ~~[or commitment]~~ described in subsection 1 only if the treatment ~~[,]~~ ***or*** experiment ***:*** ~~[or commitment:]~~

(a) Is of direct benefit to, and intended to preserve the life of or prevent serious impairment to the mental or physical health of, the ward; or

(b) Is intended to assist the ward to develop or regain the ward's abilities.

Sec. 7. NRS 159.113 is hereby amended to read as follows:

159.113 1. Before taking any of the following actions, the guardian shall petition the court for an order authorizing the guardian to:

(a) Invest the property of the ward ~~[.]~~ ***pursuant to NRS 159.117.***

(b) Continue the business of the ward ~~[.]~~ ***pursuant to NRS 159.119.***

(c) Borrow money for the ward ~~[.]~~ ***pursuant to NRS 159.121.***

(d) Except as otherwise provided in NRS 159.079, enter into contracts for the ward or complete the performance of contracts of the ward ~~[.]~~ ***pursuant to NRS 159.123.***

(e) Make gifts from the ward's estate or make expenditures for the ward's relatives ~~[.]~~ ***pursuant to NRS 159.125.***

(f) Sell, lease ~~[,]~~ ***or*** place ~~[into any type of]~~ ***in*** trust ~~[or surrender]~~ any property of the ward ~~[.]~~ ***pursuant to NRS 159.127.***

(g) Exchange or partition the ward's property ~~[.~~

~~(h) Obtain advice, instructions and approval of any other proposed act of the guardian relating to the ward's property.~~

~~(i)]~~ ***pursuant to NRS 159.175.***

(h) Release the power of the ward as trustee, personal representative, custodian for a minor or guardian.

~~[(j)]~~ ***(i)*** Exercise or release the power of the ward as a donee of a power of appointment.

~~[(k)]~~ ***(j)*** Change the state of residence or domicile of the ward.

~~[(l)]~~ ***(k)*** Exercise the right of the ward to take under or against a will.

~~[(m)]~~ ***(l)*** Transfer to a trust created by the ward any property unintentionally omitted from the trust.

~~[(n)]~~ ***(m)*** Submit a revocable trust to the jurisdiction of the court if:

(1) The ward or the spouse of the ward, or both, are the grantors and sole beneficiaries of the income of the trust; or

(2) The trust was created by the court.

~~[(c) Take any other action which the guardian deems would be in the best interests of the ward.]~~

2. ***Before taking any of the following actions, unless the guardian has been otherwise ordered by the court to petition the court for permission to take specified actions or make specified decisions in addition to those described in subsection 1, the guardian may petition the court for an order authorizing the guardian to:***

(a) Obtain advice, instructions and approval of any other proposed act of the guardian relating to the ward's property.

(b) Take any other action which the guardian deems would be in the best interests of the ward.

3. The petition must be signed by the guardian and contain:

(a) The name, age, residence and address of the ward.

(b) A concise statement as to the condition of the ward's estate.

(c) A concise statement as to the advantage to the ward of or the necessity for the proposed action.

(d) The terms and conditions of any proposed sale, lease, partition, trust, exchange or investment, and a specific description of any property involved.

~~[3.]~~ ***4.*** Any of the matters set forth in subsection 1 may be consolidated in one petition, and the court may enter one order authorizing or directing the guardian to do one or more of those acts.

~~[4.]~~ ***5.*** A petition filed pursuant to paragraphs (b) and (d) of subsection 1 may be consolidated in and filed with the petition for the appointment of the guardian, and if the guardian is appointed ***,*** the court may enter additional orders authorizing the guardian to continue the business of the ward, enter contracts for the ward ~~[,]~~ or ~~[to]~~ complete contracts of the ward.

Sec. 8. NRS 159.193 is hereby amended to read as follows:

159.193 1. The guardian of the estate is entitled to possession of the ward's property and is authorized to perform the duties of the guardian to wind up the affairs of the guardianship:

(a) For a period that is reasonable and necessary after the termination of the guardianship;

(b) Except as otherwise provided in paragraph (c), for not more than ~~[90]~~ ***180*** days after the date of the appointment of a personal representative of the estate of a deceased ward; or

(c) Upon approval of the court, for more than ~~[90]~~ ***180*** days if the guardian is awaiting certification from the appropriate authority acknowledging that the guardian has no further liability for taxes on the estate.

2. To wind up the affairs of the guardianship, the guardian shall:

(a) Pay all expenses of administration of the guardianship estate, including those incurred in winding up the affairs of the guardianship.

(b) Complete the performance of any contractual obligations incurred by the guardianship estate.

(c) With prior approval of the court, continue any activity that:

(1) The guardian believes is appropriate and necessary; or

(2) Was commenced before the termination of the guardianship.

(d) If the guardianship is terminated for a reason other than the death of the ward, examine and allow and pay, or reject, all claims presented to the guardian prior to the termination of the guardianship for obligations incurred prior to the termination.

Sec. 9. This act becomes effective on July 1, 2007.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 132.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 670.

SUMMARY—Makes various changes concerning the liability of ~~[trailbuilding organizations and]~~ landowners, lessees and occupants of land to persons using premises for recreational activities. (BDR 3-212)

AN ACT relating to civil liability; ~~[revising the provisions governing the liability of landowners, lessees and occupants of land where recreational trails are located; providing that a trailbuilding organization is not liable to a person using a recreational trail under certain circumstances; requiring a person who brings a tort action related to a recreational trail to pay attorney's fees and costs if the person does not prevail in the action;]~~ revising the definition of a recreational activity for the purposes of the provision governing liability to persons using premises for a recreational activity; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill ~~[amends existing law, which generally provides that landowners, lessees and occupants of premises used for recreational activities owe no duty to keep the premises safe for such recreational activities or to warn about any hazardous condition on the premises, to provide specifically that landowners, lessees and occupants of premises where recreational trails are located owe no duty to keep the recreational trails safe or to warn about any hazardous condition. (NRS 41.510) This bill also provides that trailbuilding organizations who design, construct, maintain or improve recreational trails in accordance with generally accepted standards of safety owe no duty to keep the recreational trails safe or to warn about any hazardous condition.~~

~~Additionally, this bill provides that if a person brings a tort action arising out of the design, construction, maintenance or improvement of a recreational trail, the person is required to pay the attorney's fees and costs of any defendant if the person does not ultimately prevail in the action. Furthermore, this bill]~~ amends existing law, which includes a nonexclusive list of activities that are considered recreational activities for the purposes of the provision governing liability to persons using premises for recreational activities, to

provide specifically that riding a road or mountain bicycle, cross-county skiing and snowshoeing are recreational activities. (NRS 41.510)

~~[Finally, to assist in the successful completion of the Tahoe-Pyramid Bikeway, this bill includes a preamble encouraging the entities and persons who own public and private land along the route of the Tahoe-Pyramid Bikeway to grant necessary easements across, or access to, the land that they own along the route.]~~

~~[WHEREAS, Bicycling is a healthy recreational activity that is important to Nevada's quality of life; and~~

~~WHEREAS, Bicycling promotes the enjoyment and appreciation of the outdoor areas of Nevada; and~~

~~WHEREAS, Bicycling helps to meet the needs for outdoor recreation of an expanding population; and~~

~~WHEREAS, Recreational trails such as the Tahoe-Pyramid Bikeway will allow residents to enjoy and appreciate the outdoor areas of northern Nevada while engaging in healthy recreational activity; and~~

~~WHEREAS, The Tahoe-Pyramid Bikeway will follow the Truckee River from its source at Lake Tahoe to its terminus at Pyramid Lake, will descend over 2,000 feet in 116 miles and will cross a variety of public and private land spanning five counties in two states; and~~

~~WHEREAS, The public and private land along the route of the Tahoe-Pyramid Bikeway is owned by various public entities, commercial entities and private persons, including the University of Nevada, Reno, railroad companies, utility companies and private landowners; and~~

~~WHEREAS, For the Tahoe-Pyramid Bikeway to be completed successfully, it will be necessary to obtain easements across, and access to, such public and private land along the route; and~~

~~WHEREAS, To assist in the successful completion of the Tahoe-Pyramid Bikeway, the Legislature hereby encourages the entities and persons who own public and private land along the route of the Tahoe-Pyramid Bikeway to grant necessary easements across, or access to, the land that they own along the route; now, therefore,]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 41.510 is hereby amended to read as follows:

41.510 1. Except as otherwise provided in subsection 3, ~~*[5,]*~~ an owner of any estate or interest in any premises, or a lessee or an occupant of any premises, owes no duty to keep the premises safe for entry or use by others for participating in any recreational activity, or to give warning of any hazardous condition, activity or use of any structure on the premises to persons entering for those purposes.

2. ~~*[Except as otherwise provided in subsection 5, notwithstanding any other provision of law:*~~

~~*(a) An owner of any estate or interest in any premises upon which a recreational trail has been constructed, established through continued use, maintained or improved, or a lessee or an occupant of any premises upon which a recreational trail has been constructed, established through continued use, maintained or improved; or*~~

~~*(b) A trailbuilding organization, or any employee of, volunteer for, or other person performing services on behalf of, the trailbuilding organization, that designs, constructs, maintains or improves a recreational trail in accordance with generally accepted standards of safety regarding the design, construction, maintenance and improvement of a recreational trail,*~~

~~*→ owes no duty to keep the premises or recreational trail safe for entry or use by others for participating in any recreational activity, or to give warning of any hazardous condition, activity or use of any structure on the premises or recreational trail to persons entering for those purposes.*~~

~~*3. If an action sounding in tort and arising out of the design, construction, maintenance or improvement of a recreational trail is brought against:*~~

~~*(a) An owner of any estate or interest in any premises upon which a recreational trail has been constructed, established through continued use, maintained or improved, or a lessee or an occupant of any premises upon which a recreational trail has been constructed, established through continued use, maintained or improved; or*~~

~~*(b) A trailbuilding organization, or any employee of, volunteer for, or other person performing services on behalf of, the trailbuilding organization,*~~

~~*→ the court shall award reasonable attorney's fees and costs to any person against whom the action is brought if the person who brought the action does not prevail in the action.*~~

~~*4.*~~ Except as otherwise provided in subsection 3. ~~*[5.]*~~ if an owner, lessee or occupant of premises gives permission to another person to participate in recreational activities, upon his premises:

(a) He does not thereby extend any assurance that the premises are safe for that purpose or assume responsibility for or incur liability for any injury to person or property caused by any act of persons to whom the permission is granted.

(b) That person does not thereby acquire any property rights in or rights of easement to the premises.

3. ~~*[5.]*~~ This section does not:

(a) Limit the liability which would otherwise exist for:

(1) Willful or malicious failure to guard, or to warn against, a dangerous condition, use, structure or activity.

(2) Injury suffered in any case where permission to participate in recreational activities ~~[,]~~ was granted for a consideration other than the consideration, if any, paid to the landowner by the State or any subdivision thereof. For the purposes of this subparagraph, the price paid for a game tag sold pursuant to NRS 502.145 by an owner, lessee or manager of the

premises shall not be deemed consideration given for permission to hunt on the premises.

(3) Injury caused by acts of persons to whom permission to participate in recreational activities was granted, to other persons as to whom the person granting permission, or the owner, lessee or occupant of the premises, owed a duty to keep the premises safe or to warn of danger.

(b) Create a duty of care or ground of liability for injury to person or property.

4. ~~*[6.]*~~ As used in this section ,"recreational ~~*[:*~~ ~~*(a) "Recreational]*~~ activity" includes, but is not limited to:

(a) ~~*[(1)]*~~ Hunting, fishing or trapping;

(b) ~~*[(2)]*~~ Camping, hiking or picnicking;

(c) ~~*[(3)]*~~ Sightseeing or viewing or enjoying archaeological, scenic, natural or scientific sites;

(d) ~~*[(4)]*~~ Hang gliding or para-gliding;

(e) ~~*[(5)]*~~ Spelunking;

(f) ~~*[(6)]*~~ Collecting rocks;

(g) ~~*[(7)]*~~ Participation in winter sports, including ***cross-country skiing, snowshoeing or*** riding a snowmobile, or water sports;

(h) ~~*[(8)]*~~ Riding animals ~~[or]~~ ***, riding*** in vehicles ~~[,]~~ ***or riding a road or mountain bicycle;***

(i) ~~*[(9)]*~~ Studying nature;

(j) ~~*[(10)]*~~ Gleaning;

(k) ~~*[(11)]*~~ Recreational gardening; and

(l) ~~*[(12)]*~~ Crossing over to public land or land dedicated for public use.

~~*[(b) "Recreational trail" means any linear corridor and any adjacent support parcel on land or water providing public access for any recreational activity.*~~

~~*(c) "Trailbuilding organization" means any nonprofit corporation, association or organization whose sole mission is to design, construct, maintain or improve a recreational trail.]*~~

Sec. 2. The amendatory provisions of this act apply to a cause of action that accrues on or after October 1, 2007.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 282.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 686.

AN ACT making supplemental appropriations to the Department of Corrections for increased costs at various facilities; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of ~~[$6,473,243]~~ $7,554,981 for unanticipated revenue shortfalls, personnel, operating, maintenance, inmate transportation, inmate-driven expenses and utilities for the Fiscal Year 2006-2007 allocated as follows:

1. Revenue shortfalls of $640,709 allocated as follows:
(a) Office of the Director $1,776
(b) Nevada State Prison $28,276
(c) Ely State Prison $26,101
(d) Casa Grande Transitional Housing $584,556
2. Personnel expenses of ~~[$616,919]~~ **$1,698,657** allocated as follows:
(a) Medical care ..... ~~[$408,358]~~ **$802,743**
(b) Office of the Director ..... ~~[$208,561]~~ **$407,273**
(c) Southern Nevada Correctional Center $2,368
(d) Northern Nevada Correctional Center $283,327
(e) Nevada State Prison $129,388
(f) Wells Conservation Camp $6,929
(g) Humboldt Conservation Camp $13,630
(h) Lovelock Correctional Center $52,999
3. Operating expenses of $45,740 allocated as follows:
(a) Nevada State Prison $18,703
(b) Southern Desert Correctional Center $1,152
(c) Ely State Prison $25,885
4. General maintenance expenses allocated to the Northern Nevada Correctional Center $7,398
5. Maintenance contract expenses allocated to Nevada State Prison $628
6. Inmate transportation expenses allocated to the Office of the Director $982
7. Inmate-driven expenses of $3,003,130 allocated as follows:
(a) Medical care $2,213,205
(b) Northern Nevada Correctional Center $66,873
(c) Nevada State Prison $30,754
(d) Southern Desert Correctional Center $248,480
(e) Jean Conservation Camp $24,643
(f) Ely State Prison $186,155
(g) High Desert State Prison $233,020
8. Utility expenses of $2,157,737 allocated as follows:
(a) Northern Nevada Correctional Center $535,100
(b) Nevada State Prison $220,022
(c) Southern Desert Correctional Center $237,009
(d) Jean Conservation Camp $54,880
(e) Silver Springs Conservation Camp $3,885

(f) Ely State Prison..... $187,997
(g) High Desert State Prison $918,844

Sec. 2. The appropriation made in section 1 of this act is supplemental to that made by section 23 of chapter 434, Statutes of Nevada 2005, at page 1941.

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 352.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 676.

AN ACT relating to the Southern Nevada Enterprise Community; requiring the Southern Nevada Enterprise Community Advisory Board to develop a project to make certain improvements to infrastructure in and near the Community; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill enacts the Southern Nevada Enterprise Community Infrastructure Improvement Act and requires the Southern Nevada Enterprise Community Advisory Board to develop a project to make certain improvements to infrastructure in and near the Southern Nevada Enterprise Community.

WHEREAS, On December 21, 1994, President William Jefferson Clinton designated nine census tracts in the urban core of the Las Vegas Valley as an "enterprise community"; and

WHEREAS, The designation was accompanied by an award of $2,950,000 in Title XX funds to be used for projects in the enterprise community; and

WHEREAS, The Southern Nevada Enterprise Community so created includes the target areas of West Las Vegas, East Las Vegas, Meadows Village and North Las Vegas; and

WHEREAS, The Southern Nevada Enterprise Community involves a partnership among the cities of Las Vegas and North Las Vegas, and Clark County, working together to harness resources from the public, private and nonprofit sectors to provide programs, services and facilities to the target areas; and

WHEREAS, The empowerment of persons and neighborhoods within the Southern Nevada Enterprise Community includes "weed and seed" strategies to "weed" out violence, gangs, drug trafficking and drug-related crime, and to "seed" neighborhoods with social services and economic revitalization; and

WHEREAS, Efforts to revitalize neighborhoods economically, to be successful, require a certain minimum level of "infrastructure" in the form of

the basic facilities, services and installations needed for the proper functioning of a community; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. This act may be cited as the Southern Nevada Enterprise Community Infrastructure Improvement Act.

Sec. 2. As used in sections 1 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 3. "Advisory Board" means the Southern Nevada Enterprise Community Advisory Board created pursuant to section 8 of this act.

Sec. 4. (Deleted by amendment.)

Sec. 5. "Community" means the Southern Nevada Enterprise Community, nine census tracts designated by President William Jefferson Clinton on December 21, 1994.

Sec. 6. "Infrastructure" means publicly owned or publicly supported facilities that are necessary or desirable to support intense habitation within a region, including, without limitation, parks, roads, schools, libraries, community centers, police and fire protection, sanitary sewers, facilities for mass transit and facilities for the conveyance of water and the treatment of wastewater.

Sec. 7. "Project" means the Southern Nevada Enterprise Community Improvement Project developed pursuant to section 11 of this act.

Sec. 8. 1. The Southern Nevada Enterprise Community Advisory Board is hereby created.

2. The Advisory Board consists of nine members, appointed in consultation with residents of the Community, as follows:

(a) One member of the Nevada Congressional Delegation selected from among its membership or his designee;

(b) ~~[The State Senator that]~~ **One member of the Nevada Legislature who** represents the Community or his designee;

(c) One member of the Clark County Board of County Commissioners selected from among its membership or his designee;

(d) One member of the Las Vegas City Council from among its membership or his designee;

(e) One member of the North Las Vegas City Council from among its membership or his designee;

(f) Two residents of the Community, recommended and selected jointly by the Clark County Board of County Commissioners, the Las Vegas City Council and the North Las Vegas City Council;

(g) A representative of the private sector appointed by the Chamber of Commerce established in the Community; and

(h) A representative of the nonprofit charitable, educational and religious organizations in the Community, recommended and selected jointly by the

Clark County Board of County Commissioners, the Las Vegas City Council and the North Las Vegas City Council.

3. Each member of the Advisory Board serves for a term of 3 years. A vacancy on the Advisory Board must be filled in the same manner as the original appointment. A member may be reappointed to the Advisory Board.

4. The members of the Advisory Board shall elect a Chairman and Vice Chairman by majority vote. After the initial election, the Chairman and Vice Chairman shall hold office for a term of 1 year beginning on August 1 of each year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the Advisory Board shall elect a Chairman or Vice Chairman, as appropriate, from among its members for the remainder of the unexpired term.

5. The City of North Las Vegas shall provide administrative support for the Advisory Board.

Sec. 9. The primary purposes of the Advisory Board are to:

1. Advise the governmental entities that have members on the Advisory Board with respect to the Project; and

2. Ensure that the needs and opinions of the residents of the Community are reflected adequately by the Project.

Sec. 10. (Deleted by amendment.)

Sec. 11. 1. On or before January 31, 2008, the Advisory Board shall prepare a written plan to carry out the Project to address the needs and issues of the Community.

2. The Advisory Board shall, within 120 days after preparing the written plan:

(a) Hold at least two public hearings on the written plan, each of which must be preceded by at least 30 days' notice within the Community; and

(b) Approve or reject the written plan based on input from the Community received at the public hearings.

3. A written plan adopted by the Advisory Board must:

(a) Set forth an adequate framework for carrying out the Project;

(b) Set forth a reasonable period in which to accomplish the goals of the Project; and

(c) Incorporate each of the required elements of the Project, as set forth in section 12 of this act.

4. If the Advisory Board rejects the written plan, the Advisory Board shall:

(a) Provide to the appropriate officers of the governmental entities that have members on the Advisory Board a written explanation of its reasons for the rejection; and

(b) Prepare a revised written plan and repeat the notice and hearings required by subsection 2 before approving or rejecting the revised written plan.

Sec. 12. The Project must include, without limitation, goals, objectives and policies relating to, and feasible timeframes for achieving:

1. The construction, repair and refurbishment of streets, buildings and other facilities as necessary to attract and maintain the viability of successful businesses within the Community;

2. The incorporation within the Community of open space, facilities for recreation, facilities for medical care and other measures as necessary to ensure that the Community develops with mixed uses;

3. The eradication of brownfields, the rehabilitation of condemned properties and the removal of structures and facilities that create a disincentive for development; and

4. The identification of sources of money to carry out the Project.

Sec. 13. The Advisory Board may accept any gifts, grants or donations for the purpose of preparing, developing and carrying out the Project.

Sec. 14. On or before February 1, 2009, the Advisory Board shall submit to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature a report that summarizes the activities of the Advisory Board during the period between the effective date of this act and December 31, 2008.

Sec. 15. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 16. This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 196.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 196:

YEAS—39.

NAYS—None.

EXCUSED—Arberry, Beers, Segerblom—3.

Assembly Bill No. 196 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 201.

Bill read third time.

Remarks by Assemblymen Leslie and Hardy.

Roll call on Assembly Bill No. 201:

YEAS—39.

NAYS—None.

EXCUSED—Arberry, Beers, Segerblom—3.

Assembly Bill No. 201 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 259.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 683.

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: ~~[Contains Appropriation not included in Executive Budget.]~~ **No.**

AN ACT relating to wildlife; requiring the Department of Wildlife to submit a financial report to the Legislature relating to certain accounts and subaccounts administered by the Department; ~~[making an appropriation;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Department of Wildlife. The Department is required to administer the laws of this State relating to wildlife and the provisions of chapter 488 of NRS relating to watercraft and the use of watercraft. (NRS 501.331)

Section 26 of this bill requires the Department to submit to the Legislature, on or before the fifth calendar day of each regular session, a financial report setting forth the activity and status of the Wildlife Obligated Reserve Account and any other account or subaccount administered by the Department for which the use of the money in the account or subaccount is restricted. The report must include, without limitation, a description of each project for which money is spent and a description of each recipient of that money.

~~[Section 36 of this bill appropriates $200,000 from the State General Fund to the Department to be used only for the preservation of mule deer and the management of predatory animals or birds.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)
Sec. 16. (Deleted by amendment.)
Sec. 17. (Deleted by amendment.)
Sec. 18. (Deleted by amendment.)
Sec. 19. (Deleted by amendment.)
Sec. 20. (Deleted by amendment.)
Sec. 21. (Deleted by amendment.)
Sec. 22. (Deleted by amendment.)
Sec. 23. (Deleted by amendment.)
Sec. 24. (Deleted by amendment.)
Sec. 25. (Deleted by amendment.)
Sec. 26. NRS 501.331 is hereby amended to read as follows:

501.331 ~~[There]~~ ***The Department of Wildlife*** is hereby created **.** ~~[the Department of Wildlife which shall]~~ ***The Department:***

1. Shall administer the wildlife laws of this State and chapter 488 of NRS.

2. Shall, on or before the fifth calendar day of each regular session of the Legislature, submit to the Legislature a financial report for each of the immediately preceding 2 fiscal years setting forth the activity and status of the Wildlife Obligated Reserve Account in the State General Fund, each subaccount within that Account and any other account or subaccount administered by the Department for which the use of the money in the account or subaccount is restricted. The report must include, without limitation:

(a) A description of each project for which money is expended from each of those accounts and subaccounts and a description of each recipient of that money; and

(b) The total amount of money expended from each of those accounts and subaccounts for each fiscal year, including, without limitation, the amount of any matching contributions received for those accounts and subaccounts for each fiscal year.

Sec. 27. (Deleted by amendment.)
Sec. 28. (Deleted by amendment.)
Sec. 29. (Deleted by amendment.)
Sec. 30. (Deleted by amendment.)
Sec. 31. (Deleted by amendment.)
Sec. 32. (Deleted by amendment.)
Sec. 33. (Deleted by amendment.)
Sec. 34. (Deleted by amendment.)
Sec. 35. (Deleted by amendment.)
Sec. 36. ~~[1. There is hereby appropriated from the State General Fund to the Department of Wildlife the sum of $200,000 to be used only for the preservation of mule deer and the management of predatory animals or birds.~~

~~2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, by the entity to~~

~~which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.]~~ **(Deleted by amendment.)**

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. This act becomes effective on July 1, 2007.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblyman Leslie.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 445.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 684.

AN ACT relating to the State Personnel System; providing that final decisions of the Employee-Management Committee are binding; authorizing the Committee or an employee to petition a court for enforcement of the Committee's binding decisions; adding the occupational group of positions requiring certification by the Peace Officers' Standards and Training Commission to the index of occupational groups in the classified service; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Employee-Management Committee performs various duties relating to the State Personnel System, including holding hearings and making final decisions for the adjustment of grievances. (NRS 284.073, 284.384) Unless the Budget Division of the Department of Administration determines that the resolution of a grievance by the Committee is not feasible based on its fiscal effects, section 2 of this bill provides that the decisions of the Committee are binding and authorizes the Committee or an employee to petition a court to enforce the Committee's binding decisions.

Existing law requires the Director of the Department of Personnel to prepare and maintain an index that categorizes all positions in the classified service of the State into broad occupational groups. (NRS 284.171) Section 1 of this bill adds the occupational group of positions requiring certification by the Peace Officers' Standards and Training Commission to the index.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 284.171 is hereby amended to read as follows:

284.171 For the purposes of NRS 353.205 and 353.224, the Director shall prepare and maintain an index which categorizes all positions in the classified service of the State into the following broad occupational groups:

1. Occupations in the fields of agriculture and conservation.
2. Clerical and related occupations.
3. Occupations relating to custodial and domestic services.
4. Occupations relating to library services.
5. Occupations in the field of education.
6. Engineering and allied occupations.
7. Occupations in fiscal management and related staff services.
8. Occupations relating to legal services.
9. Occupations in the mechanical and construction trades.
10. Occupations in the fields of medicine and health and related services.
11. Occupations in regulatory fields and in public safety.
12. Occupations in social services and rehabilitation.
13. ***Positions that require certification by the Peace Officers' Standards and Training Commission pursuant to NRS 289.150 to 289.360, inclusive.***
14. Other occupations.

Sec. 2. NRS 284.384 is hereby amended to read as follows:

284.384 1. The Commission shall adopt regulations which provide for the adjustment of grievances for which a hearing is not provided by NRS 284.165, 284.245, 284.3629, 284.376 or 284.390. Any grievance for which a hearing is not provided by NRS 284.165, 284.245, 284.3629, 284.376 or 284.390 is subject to adjustment pursuant to this section.

2. The regulations must provide procedures for:

(a) Consideration and adjustment of the grievance within the agency in which it arose.

(b) Submission to the Employee-Management Committee for a final decision if the employee is still dissatisfied with the resolution of the dispute.

3. The regulations must include provisions for:

(a) Submitting each proposed resolution of a dispute which has a fiscal effect to the Budget Division of the Department of Administration for a determination by that Division whether the resolution is feasible on the basis of its fiscal effects; and

(b) Making the resolution binding.

4. Any grievance which is subject to adjustment pursuant to this section may be appealed to the Employee-Management Committee for a final decision. ***Except as otherwise provided in subsection 3, a final decision of the Employee-Management Committee is binding. The Committee or an employee may petition a court of competent jurisdiction for enforcement of the Committee's binding decisions.***

5. The employee may represent himself at any hearing regarding a grievance which is subject to adjustment pursuant to this section or be represented by an attorney or other person of the employee's own choosing.

6. As used in this section, "grievance" means an act, omission or occurrence which an employee who has attained permanent status feels constitutes an injustice relating to any condition arising out of the relationship between an employer and an employee, including, but not limited to, compensation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation or disagreement.

Sec. 3. ~~[This act becomes effective on July 1, 2007.]~~ **(Deleted by amendment.)**

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblyman Leslie.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bills Nos. 9, 30, 31, 44, 46, 56, 81, 168, 190, 196, 217, 230, 269, 302, 306, 336, 367, 369, 401, 417, 511, 519; Senate Joint Resolutions Nos. 6, 10, 11, 13, 17 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Joint Resolution No. 6.

The following Senate amendment was read:

Amendment No. 661.

JOINT SPONSORS*: SENATORS NOLAN, AMODEI, BEERS, CARE, CARLTON, CEGAVSKE, HARDY, HECK, HORSFORD, LEE, MATHEWS, MCGINNESS, RAGGIO, RHOADS, SCHNEIDER, TITUS, TOWNSEND, WASHINGTON, WIENER AND WOODHOUSE*

ASSEMBLY JOINT RESOLUTION—Urging Congress to repeal the REAL ID Act of 2005.

WHEREAS, In May 2005, the United States Congress enacted the REAL ID Act of 2005 as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, Public Law 109-13, which was signed by President George W. Bush on May 11, 2005, and which becomes fully effective on May 11, 2008; and

WHEREAS, Use of the federal minimum standards for state driver's licenses and state identification cards will be necessary for any type of federally regulated activity for which an identification card must be displayed; and

WHEREAS, The United States Department of Homeland Security, to date, has failed to promulgate rules for the implementation of the REAL ID Act; and

WHEREAS, The mandate to the states, through federal legislation, provides no funding for its requirements; and

WHEREAS, The American Association of Motor Vehicle Administrators, the National Governors' Association and the National Conference of State Legislatures have estimated that the cost to the states to implement the REAL ID Act will be more than $11 billion over 5 years; and

WHEREAS, The implementation of the REAL ID Act would cost Nevada taxpayers approximately $30 million during Fiscal Year 2007 and Fiscal Year 2008; and

WHEREAS, The State of Nevada would incur additional expenditures associated with the implementation of the national identification card through machine readable technology, increased training of Nevada's Department of Motor Vehicles employees and increased Department of Motor Vehicles employee work hours; and

WHEREAS, Nevada's compliance with the provisions of the REAL ID Act will require that, over the course of 4 years, an estimated 2 million Nevadans will be subjected to the unnecessary inconvenience of obtaining a REAL ID compliant driver's license or identification card in person at offices of Nevada's Department of Motor Vehicles; and

WHEREAS, The State of Nevada is committed to increased security and unimpeachable integrity of driver's licenses and identification cards within the State and the United States; and

WHEREAS, The State of Nevada is also committed to compliance with the REAL ID Act, should appropriate rules be adopted and federal funding be provided for implementation; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the State of Nevada urges Congress to repeal the REAL ID Act portion of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblyman Atkinson moved that the Assembly concur in the Senate amendment to Assembly Joint Resolution No. 6.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Resolution ordered to enrollment.

Assembly Bill No. 72.

The following Senate amendment was read:

Amendment No. 649.

AN ACT relating to crimes; specifying that the crime of luring a child includes luring a person believed to be a child; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from luring a child who is less than 16 years of age and who is at least 5 years younger than the person. (NRS 201.560) This bill amends existing law to specify that a person **also** violates this provision when he knowingly contacts or communicates with or attempts to contact or communicate with someone whom he believes to be a child less than 16 years of age and at least 5 years younger than ~~[the person.]~~ **he is with the intent to persuade or lure the person believed to be a child to engage in sexual conduct.**

A violation of the amendatory provisions of this bill constitutes the crime of luring a child and is considered a "sexual offense" or "sexual offense against a child" in certain circumstances for the purposes of several provisions of existing law. Such provisions include, without limitation, provisions requiring registration of sex offenders, community notification of sex offenders, lifetime supervision of sex offenders and special restrictions and conditions concerning parole of sex offenders as well as provisions specifically authorizing disciplinary action against a teacher or other licensed employee of a school convicted of the crime of luring a child. (NRS 62C.120, 62F.100, 62H.010, 62H.220, 176.0931, 176.133, 178.5698, 179.245, 179.460, 179A.073, 179A.280, 179D.410, 179D.620, 200.366, 213.107, 213.1214, 213.1245, 213.1255, 213.1258, 391.311, 391.314, 391.330) Thus, for example, NRS 176.0931 would require a court to impose lifetime supervision upon a person convicted of luring or attempting to lure a person whom he believed to be a child ~~[.]~~ **with the intent to persuade or lure the person believed to be a child to engage in sexual conduct.** Further, NRS 213.1258 would provide that if the State Board of Parole Commissioners grants parole to a person convicted of luring or attempting to lure a person whom he believed to be a child through the use of a computer, system or network ~~[.]~~ **with the intent to persuade or lure the person believed to be a child to engage in sexual conduct,** the Board, under certain circumstances, must impose as a condition of the parole that the parolee not own or use a computer. In addition, NRS 391.330 would provide that a conviction for luring or attempting to lure a person believed to be a child **with the intent to persuade or lure that person to engage in sexual conduct** constitutes grounds for the State Board of Education to suspend or revoke the license of a teacher, administrator or any other licensed employee.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 201.560 is hereby amended to read as follows:

201.560 1. Except as otherwise provided in subsection 3, a person ~~[shall not knowingly contact or communicate with or attempt]~~ ***commits the***

crime of luring a child if the person knowingly contacts or communicates with or attempts to contact or communicate with ~~[a]~~ ***:***

(a) A child who is less than 16 years of age and who is at least 5 years younger than the person with the intent to persuade, lure or transport the child away from his home or from any location known to his parent or guardian or other person legally responsible for the child to a place other than where the child is located, for any purpose:

~~[(a)]~~ ***(1)*** Without the express consent of the parent or guardian or other person legally responsible for the child; and

~~[(b)]~~ ***(2)*** With the intent to avoid the consent of the parent or guardian or other person legally responsible for the child ~~[.]~~ ***; or***

(b) Another person whom he believes to be a child who is less than 16 years of age and ~~*[who is]*~~ ***at least 5 years younger than*** ~~*[him,]*~~ ***he is, regardless of the actual age of that other person, with the intent to*** ~~*[commit an act described in paragraph (a) against that other person.]*~~ ***persuade or lure the person to engage in sexual conduct.***

2. Except as otherwise provided in subsection 3, a person ~~[shall not knowingly contact or communicate]~~ ***commits the crime of luring a mentally ill person if he knowingly contacts or communicates*** with a mentally ill person with the intent to persuade, lure or transport the mentally ill person away from his home or from any location known to any person legally responsible for the mentally ill person to a place other than where the mentally ill person is located:

(a) For any purpose that a reasonable person under the circumstances would know would endanger the health, safety or welfare of the mentally ill person;

(b) Without the express consent of the person legally responsible for the mentally ill person; and

(c) With the intent to avoid the consent of the person legally responsible for the mentally ill person.

3. The provisions of this section do not apply if the contact or communication is made or attempted with the intent to prevent imminent bodily, emotional or psychological harm to the child ***, person believed to be a child*** or mentally ill person.

4. A person who violates or attempts to violate the provisions of this section through the use of a computer, system or network:

(a) With the intent to engage in sexual conduct with the child ***, person believed to be a child*** or mentally ill person or to cause the child ***, person believed to be a child*** or mentally ill person to engage in sexual conduct, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and may be further punished by a fine of not more than $10,000;

(b) By providing the child ***, person believed to be a child*** or mentally ill person with material that is harmful to minors or requesting the child ***,***

person believed to be a child or mentally ill person to provide the person with material that is harmful to minors, is guilty of a category C felony and shall be punished as provided in NRS 193.130; or

(c) If paragraph (a) or (b) does not apply, is guilty of a gross misdemeanor.

5. A person who violates or attempts to violate the provisions of this section in a manner other than through the use of a computer, system or network:

(a) With the intent to engage in sexual conduct with the child ***, person believed to be a child*** or mentally ill person or to cause the child ***, person believed to be a child*** or mentally ill person to engage in sexual conduct, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and may be further punished by a fine of not more than $10,000;

(b) By providing the child ***, person believed to be a child*** or mentally ill person with material that is harmful to minors or requesting the child ***, person believed to be a child*** or mentally ill person to provide the person with material that is harmful to minors, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and may be further punished by a fine of not more than $10,000; or

(c) If paragraph (a) or (b) does not apply, is guilty of a gross misdemeanor.

6. As used in this section:

(a) "Computer" has the meaning ascribed to it in NRS 205.4735.

(b) "Harmful to minors" has the meaning ascribed to it in NRS 201.257.

(c) "Material" means anything that is capable of being used or adapted to arouse interest, whether through the medium of reading, observation, sound or in any other manner.

(d) "Mentally ill person" means a person who has any mental dysfunction leading to impaired ability to maintain himself and to function effectively in his life situation without external support.

(e) "Network" has the meaning ascribed to it in NRS 205.4745.

(f) "Sexual conduct" has the meaning ascribed to it in NRS 201.520.

(g) "System" has the meaning ascribed to it in NRS 205.476.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 72.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 250.

The following Senate amendment was read:

Amendment No. 648.

AN ACT relating to education; revising the requirements relating to emergency drills for pupils in private elementary and secondary educational institutions; revising provisions relating to the inspection of such institutions; revising the provision governing the fees relating to such institutions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires every private school to provide emergency drills for pupils at least twice each month during the school year. (NRS 394.170) Section 1 of this bill reduces the minimum number of required emergency drills each month to one drill.

The Private Elementary and Secondary Education Authorization Act governs the operation of private elementary and secondary educational institutions in this State. (NRS 394.201-394.351) Certain institutions are exempt from the Act, including institutions offering religious or sectarian instruction. (NRS 394.211) Section 2 of this bill exempts institutions maintained by another state or the District of Columbia and supported by public money.

To obtain and maintain their exempt status, eligible institutions must initially file an exemption with the State Board of Education and file a renewal of the exemption with the Board every 2 years. Section 2 of this bill requires the Superintendent of Public Instruction, upon receipt of an exemption or renewal of an exemption for an institution, to cause an inspection of the exempt institution to be conducted to ensure compliance with all applicable laws, including laws relating to health and safety.

Under existing law, a license other than a provisional license to operate a nonexempt private elementary or secondary educational institution is effective for a term of not more than 2 years unless authorization is given in certain circumstances for a term of not more than 4 years. (NRS 394.251) Existing law requires the Superintendent of Public Instruction to cause an inspection of each licensed institution to be conducted at least every 2 years. (NRS 394.245) Section 3 of this bill eliminates the 2-year requirement for inspections and requires the Superintendent of Public Instruction to cause an inspection to be conducted upon receipt of an application for a license or renewal of a license to operate. Section 4 of this bill also specifically authorizes the Superintendent to cause an inspection of a licensed institution to be conducted upon receipt of a verified complaint against the institution.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 394.170 is hereby amended to read as follows:

394.170 1. The authorities in charge of every private school within this State shall provide drills for the pupils in the schools at least ~~[twice]~~ ***once*** in each month during the school year to instruct those pupils in the appropriate procedures to be followed in the event of a fire or other emergency, except a crisis governed by NRS 394.168 to 394.1699, inclusive. Not more than

~~[three]~~ ***two*** of those drills may include instruction in the appropriate procedures to be followed in the event of a chemical explosion, related emergencies and other natural disasters.

2. In all cities or towns which have regularly organized, paid fire departments or voluntary fire departments, the drills required by subsection 1 must be conducted under the supervision of the chief of the fire department of the city or town.

3. The State Fire Marshal shall prescribe general regulations governing the drills required by subsection 1 and shall, with the cooperation of the Superintendent of Public Instruction, arrange for the supervision of drills in schools where the drills are not supervised pursuant to subsection 2.

4. A copy of this section must be kept posted in every classroom of every private school by the principal or teacher in charge thereof.

5. The principal, teacher or other person in charge of each school building shall cause the provisions of this section to be enforced.

6. Any violation of the provisions of this section is a misdemeanor.

Sec. 2. NRS 394.211 is hereby amended to read as follows:

394.211 1. The following persons and educational institutions are exempt from the provisions of the Private Elementary and Secondary Education Authorization Act:

(a) Institutions exclusively offering instruction at any level of postsecondary education.

(b) Institutions maintained by ~~[the]~~ ***this*** State ***, another state or the District of Columbia*** or any ~~[of its]~~ political subdivisions ***thereof*** and supported by public funds.

(c) Institutions exclusively offering religious or sectarian studies.

(d) Elementary and secondary educational institutions operated by churches, religious organizations and faith-based ministries.

(e) Institutions licensed by the Commission.

(f) Institutions operated by or under the direct administrative supervision of the Federal Government.

(g) Natural persons who instruct pupils in their homes or in the pupils' own homes, if this is not the only instruction those pupils receive.

(h) Fraternal or benevolent institutions offering instruction to their members or their immediate relatives, if the instruction is not operated for profit.

(i) Institutions offering instruction solely in avocational and recreational areas.

(j) Institutions or school systems in operation before July 1, 1975, as to courses of study approved by the Board pursuant to NRS 394.130, but those institutions or school systems are not exempt as to substantial changes in their nature or purpose on or after that date. The official literature of an institution or school system describing the nature and purpose of the institution or school system as of June 30, 1975, is prima facie evidence of the nature and purpose on that date for the purposes of this chapter.

2. Each person or educational institution claiming an exemption pursuant to the provisions of subsection 1 must file with the Board the exemption upon forms provided by the Department or in a letter containing the required information and signed by the person claiming the exemption or the person in charge of the educational institution claiming the exemption. The exemption expires 2 years after the last day of the calendar month in which the filing is made. The filing of a renewal of the exemption must be made not less than 60 days before the exemption expires.

3. ***Upon receipt of an exemption or a renewal of an exemption, the Superintendent shall cause an inspection of the educational institution to ensure that the institution operates in accordance with the provisions of all laws, regulations and ordinances that are applicable to the educational institution, including, without limitation, those provisions relating to the health and safety of persons on the premises of the educational institution. In carrying out the requirements of this subsection, the Superintendent may accept a certificate of inspection conducted on an educational institution, or other proof of inspection satisfactory to the Superintendent, issued by an appropriate agency or political subdivision of this State responsible for the inspection of buildings to ensure compliance with the applicable provisions of laws, regulations and ordinances.***

4. Before a child enrolls in an institution that is exempt pursuant to this section, the institution shall provide written notice to the parents or legal guardian of the child that the institution is exempt from the Private Elementary and Secondary Education Authorization Act.

Sec. 3. NRS 394.245 is hereby amended to read as follows:

394.245 The Superintendent shall cause an inspection of ~~[each]~~ ***an*** elementary or secondary educational institution to be conducted ~~[at least every 2 years]~~ ***upon receipt of an application for a license or for renewal of a license from that institution*** to ensure that the institution:

1. ~~[Is operated]~~ ***Operates*** in accordance with the provisions of all laws, regulations and ordinances relating to the health and safety of persons on the premises. ***In carrying out the requirements of this subsection, the Superintendent may accept a certificate of inspection conducted on an educational institution, or other proof of inspection satisfactory to the Superintendent, issued by an appropriate agency or political subdivision of this State responsible for the inspection of buildings to ensure compliance with the applicable provisions of laws, regulations and ordinances.***

2. ~~[Is maintaining]~~ ***Maintains*** the records required by the regulations of the Board relating to administrators, supervisors, instructors and other educational personnel.

3. Has in force the insurance coverage required by the regulations of the Board. ***The institution shall provide to the person conducting the inspection an affidavit signed by the owner or administrator of the institution affirming that the insurance coverage for the institution is current.***

Sec. 4. NRS 394.311 is hereby amended to read as follows:

394.311 1. Any person claiming damage either individually or as a representative of a class of complainants as a result of any act by an elementary or secondary educational institution or its agent, or both, which is a violation of the Private Elementary and Secondary Education Authorization Act or regulations promulgated under it, may file with the Superintendent a verified complaint against the institution, its agent or both. The complaint ~~[shall]~~ ***must*** set forth the alleged violation and contain other information as required by regulations of the Board. A complaint may also be filed by the Superintendent on his own motion or by the Attorney General.

2. The Superintendent shall investigate any verified complaint and may, ~~[at his discretion,]~~ ***as part of the investigation, cause an inspection of the elementary or secondary educational institution to be conducted. The Superintendent may*** attempt to effectuate a settlement by persuasion and conciliation. The Board may consider a complaint after 10 days' written notice by certified mail to the institution or to the agent, or both, as appropriate, giving notice of a time and place for a hearing.

3. If, after consideration of all evidence presented at a hearing, the Board finds that an elementary or secondary educational institution or its agent, or both, has engaged in any act which violates the Private Elementary and Secondary Education Authorization Act or regulations promulgated under it, the Board shall issue and the Superintendent shall serve upon the institution or agent **,** or both, an order to cease and desist from such act. The Board may also, as appropriate, based on the Superintendent's investigation or the evidence adduced at the hearing, or both, institute an action to revoke an institution's license or an agent's permit.

Sec. 5. NRS 394.331 is hereby amended to read as follows:

394.331 All fees collected pursuant to the provisions of the Private Elementary and Secondary Education Authorization Act must be deposited in the State Treasury for credit to the appropriate account of the Department of Education, and no fees so collected are subject to refund. The fees to be collected by the Superintendent must accompany an application for a license to operate or for renewal of the license ~~[,]~~ ***or*** an application for an agent's permit or for renewal of the permit, ~~[or a filing for an exemption or for renewal of the exemption,]~~ in accordance with the following schedule:

1. The application fee for ***the initial license of*** an elementary or secondary educational institution is $300.

2. The renewal fee for ***the license of*** an elementary or secondary educational institution is $250.

3. The application fee for a new license by reason of a change of ownership is $250.

4. The fee for an agent's permit or for renewal of the permit is $50.

Sec. 6. This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved that the Assembly concur in the Senate amendment to Assembly Bill No. 250.

Remarks by Assemblywoman Parnell.
Motion carried by a constitutional majority.
Bill ordered to enrollment.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolutions Nos. 25, 26, 27, 28; Assembly Resolutions Nos. 11, 12, 13; Senate Bills Nos. 121, 122, 150, 177, 208, 220, 294, 473; Senate Joint Resolution No. 9; Senate Concurrent Resolutions Nos. 11, 28, 29, and 31.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Laurie Richardson, Sullivan Richardson, Mollie Singer, and Jackie Singer.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Nick Drozd.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Catherine Cloy and Bob McElderry.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Heidi Elswick.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Jackie Singer and Molly Miller.

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Gardnerville Elementary School: Soleo Allen, Ashley Cale, Justin Carney, Matt Ellison, Jake Elmer, Keaton Fitzhugh, Cameron Fricke, Brandi Friesen, Jessa Gansberg, Amanda Grathwohl, Anna Lekumberry, Mike llewellyn, Mike Rocca, Rebecca Ruiz, Jeff Sanotsky, Melissa Sherwood, Carly Talia, Colton Waggoner, Adriana Esquivel, John Schroeder, Tailer Abeloe, Jocelyn Contreras, Brandon Cypert, Emily Gosselin, Cheyenne Gutierrez, Giovanni Hernandez, Todd Karabelnik, Destin Marin, Miranda McLaughlin, Freddy Mueller, Shelby Patterson, Bobby Rebartchek, Lucas Ross, Kyle Thoeni, Jacob Wartgow, Riley Woodward, Matthew Wasser, and Hannah May; teacher Danette Morgan.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Bernice Mathews Elementary School: Essence Belmont, Olson Beltran, Jackie Izquierdo, Cecilia Barajas, Britney Espinoza, Nancy Garcia, Cody Johnston, Shalyce Latvaho, Austin Lavatai, Ulysses Martin Fajardo, Ahsan Masud, Marisa Medina, Maria Patricia Penalber, Hector Ramirez, Destiney

Joseph, Justin Reedy, Sir Frederick Tatum, Ashley Trammel, Kelsey Usher, Kenneth Viers, Shanquila White, Gerardo Anaya, Victoria De Avila, Karen Gomez, Edgardo Gomez, Edgar Gonzalez, Lesley Guerrero, Brian Guevara, Michael Haro, Jose Hernandez, Edgar Hernandez, Liliam Hernandez, Cody Holland, Ian Knox, Jasmine Lara, Edwin Medina, Jose Montelongo, Jonathan Murillo, Danny Najera, Bianca Palomino, Cliff Porter, Leandra Riggs, Hoover Roscom, Alex Santana, Osiris Vazquez, Jose Velazquez, Maria Moreno; teacher Alan Holmes.

Assemblyman Oceguera moved that the Assembly adjourn until Monday, May 14, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 12:35 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE NINETY-NINTH DAY

CARSON CITY (Monday), May 14, 2007

Assembly called to order at 11:12 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblywoman Womack, who was excused.

Prayer by the Chaplain, Reverend Marie Hanson.

I invite you to join together into the oneness, unity, and joy that connects each of us into all of us. Heavenly Father/Mother God, may we remember our true purpose and let it permeate all our activities. May each light within each person here shine brightly today. May love guide our way. We bless this Assembly. We bless this holy day, knowing Your great good is manifested in their work. We celebrate in Your holy presence now, knowing this is already done. Blessed be.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 19, 20, 100, 227, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Senate Bills Nos. 86, 265, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 396, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was rereferred Senate Concurrent Resolution No. 18, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

SHEILA LESLIE, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 35, 148, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was rereferred Senate Bill No. 277, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 202, 539, 551, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 485, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 212, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that the reading of the Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

Senate Concurrent Resolution No. 3.

Assemblyman Ohrenschall moved the adoption of the resolution.

Remarks by Assemblyman Ohrenschall.

Resolution adopted.

SECOND READING AND AMENDMENT

Assembly Bill No. 200.

Bill read second time and ordered to third reading.

Assembly Bill No. 272.

Bill read second time and ordered to third reading.

Assembly Bill No. 273.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 690.

AN ACT making an appropriation to the Department of Health and Human Services for computer software and hardware and other equipment; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services, Aging Older Americans Act, the sum of ~~[$115,820 to replace]~~ **$63,447 to partially fund the replacement of** computer hardware and software and to ~~[purchase]~~ **partially fund the purchase** of air-conditioning for server rooms in Reno and Carson City.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from

the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 17.

Bill read second time and ordered to third reading.

Senate Bill No. 39.

Bill read second time and ordered to third reading.

Senate Bill No. 60.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 115 be taken from its position on the Second Reading File and placed at the bottom of the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 175.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 154 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 357.

Bill read second time and ordered to third reading.

Senate Bill No. 384.

Bill read second time and ordered to third reading.

Senate Bill No. 389.

Bill read second time and ordered to third reading.

Senate Bill No. 399.

Bill read second time and ordered to third reading.

Senate Bill No. 430.
Bill read second time and ordered to third reading.

Senate Bill No. 456.
Bill read second time and ordered to third reading.

Senate Bill No. 470.
Bill read second time and ordered to third reading.

Senate Bill No. 486.
Bill read second time and ordered to third reading.

Senate Bill No. 491.
Bill read second time and ordered to third reading.

Senate Bill No. 504.
Bill read second time and ordered to third reading.

Senate Bill No. 559.
Bill read second time and ordered to third reading.

Senate Joint Resolution No. 12.
Bill read second time and ordered to third reading.

Senate Joint Resolution No. 15.
Bill read second time and ordered to third reading.

Senate Joint Resolution No. 16.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 204.
Bill read third time.
Roll call on Assembly Bill No. 204:
YEAS—41.
NAYS—None.
EXCUSED—Womack.
Assembly Bill No. 204 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 259.
Bill read third time.
Remarks by Assemblymen Claborn and Carpenter.
Roll call on Assembly Bill No. 259:
YEAS—40.
NAYS—None.
NOT VOTING—Claborn.
EXCUSED—Womack.

Assembly Bill No. 259 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 328.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 691.

AN ACT relating to elections; revising provisions relating to the powers of the chairman of an election board; providing that the Attorney General and district attorneys have concurrent jurisdiction to enforce the provisions of title 24 of NRS upon request of the Secretary of State; revising provisions relating to requesting and casting an absent ballot for an election; revising the provisions governing a person who helps another register to vote; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if a vacancy on an election board occurs on the day of an election and there are no reserve election board officers available, the election board may appoint to the election board a registered voter who is qualified and willing to serve. (NRS 293.225) Section 1 of this bill provides that the county or city clerk is required to appoint a poll manager for each polling place. The county or city clerk or the poll manager will have the authority to appoint any person who is qualified and willing to serve to an election board in the cases of a vacancy occurring on election day or if a need for more election board officials arises. Additionally, if a polling place is the site of more than one election board, the poll manager may reassign election board officers from one election board to another.

Existing law provides that the Secretary of State is responsible for the execution and enforcement of the laws governing elections in this State. (NRS 293.124) Section 2 of this bill provides that upon request of the Secretary of State, the Attorney General and the district attorneys may investigate and prosecute violations of election laws.

Existing law authorizes a registered voter to request an absent ballot for an election. Additionally, certain registered voters are authorized to request an absent ballot for all elections conducted during the year that the request is made. (NRS 293.313) Sections 5-7 and 11-14 of this bill authorize certain registered voters to request an absent ballot for any election conducted after the request is made.

Existing law provides that it is a felony for certain persons to alter, deface or destroy a completed application to register to vote. (NRS 293.505) Section 8 of this bill revises this provision to provide that it is a felony for such persons to knowingly and willfully alter, deface or destroy or to fail to return to the county clerk a completed application to register to vote.

Section 10 of this bill provides that it is a category B felony to tamper or interfere with, or attempt to tamper or interfere with, a mechanical voting system, mechanical voting device or any computer program used to count ballots with the intent of influencing the outcome of an election.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The county or city clerk shall appoint a manager for each polling place at which voting will be conducted during an election.

2. The manager for a polling place may:

(a) Be a chairman of one of the election boards for a precinct located at the polling place; and

(b) If the polling place is a site at which two or more election boards will conduct voting, reassign an election board officer from one of the election boards located at the polling place to a different election board located at the polling place.

Sec. 2. NRS 293.124 is hereby amended to read as follows:

293.124 1. The Secretary of State shall serve as the Chief Officer of Elections for this State. As Chief Officer, the Secretary of State is responsible for the execution and enforcement of the provisions of title 24 of NRS and all other provisions of state and federal law relating to elections in this State.

2. ***Upon request of the Secretary of State, the Attorney General and the district attorneys of this State may investigate and prosecute a person who violates a provision of title 24 of NRS and any other provision of state and federal law relating to elections in this State.***

3. The Secretary of State shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 3. NRS 293.217 is hereby amended to read as follows:

293.217 1. The county clerk of each county shall appoint and notify registered voters to act as election board officers for the various precincts and districts in the county as provided in NRS 293.220 to 293.245, inclusive, and 293.384, ***and section 1 of this act*** and shall conclude those duties ~~[no]~~ ***not*** later than 31 days before the election. The registered voters appointed as election board officers for any precinct or district must not all be of the same political party. No candidate for nomination or election or his relative within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the county clerk, the sheriff shall:

(a) Appoint a deputy sheriff for each polling place in the county and for the central election board or the absent ballot central counting board; or

(b) Deputize as a deputy sheriff for the election an election board officer of each polling place in the county and for the central election board or the absent ballot central counting board. The deputized officer shall receive no

additional compensation for his services rendered as a deputy sheriff during the election for which he is deputized.

➥ Deputy sheriffs so appointed and deputized shall preserve order during hours of voting and attend closing of the polls.

2. The county clerk may appoint a trainee for the position of election board officer as set forth in NRS 293.2175.

Sec. 4. NRS 293.225 is hereby amended to read as follows:

293.225 1. Members of election boards continue as such from the day before the day of the election ~~[,]~~ until the time for filing contests of the election has expired.

2. Each member of an election board is subject to call by the board of county commissioners or city council to correct any errors discovered during the canvass of votes by the board of county commissioners or city council.

3. Reserve election board officers must be appointed by the county or city clerk, if practicable, to fill any vacancy which occurs on the day of the election, and the reserve officers must be compensated if they serve at the polls.

4. If a vacancy occurs in any election board on the day of the election and no reserves are available, the ***county clerk, city clerk or poll manager of the polling place where the*** election board ***is located*** may appoint, at the polling place, any ~~[registered voter]~~ ***person*** who is ***qualified and*** willing to serve and satisfies the ~~[election board]~~ ***county clerk, city clerk or poll manager*** that he possesses the qualifications required to perform the services required.

5. If the county clerk, city clerk or poll manager of the polling place where an election board is located determines that additional election board officers are needed on the day of the election and no reserves are available, the county clerk, city clerk or poll manager may appoint, at the polling place, any person who is qualified and willing to serve and satisfies the county clerk, city clerk or poll manager that he possesses the qualifications required to perform the services required.

Sec. 5. NRS 293.313 is hereby amended to read as follows:

293.313 1. Except as otherwise provided in NRS 293.272 and 293.502, a registered voter who provides sufficient written notice to the county clerk may vote an absent ballot as provided in this chapter.

2. A registered voter ~~[who:~~

~~(a) Is at least 65 years of age; or~~

~~(b) Has a physical disability or condition which substantially impairs his ability to go to the polling place,~~

~~➥~~] ***who is at least 65 years of age or has a physical disability or condition which substantially impairs his ability to go to the polling place*** may request an absent ballot for ~~[all]~~ ***:***

(a) The election immediately following the date on which the county clerk receives the ballot; or

(b) All elections held ~~[during the year he requests]~~ ***after he submits the request for*** an absent ballot.

3. As used in this section, "sufficient written notice" means a:

(a) Written request for an absent ballot which is signed by the registered voter and returned to the county clerk in person or by mail or facsimile machine;

(b) Form prescribed by the Secretary of State which is completed and signed by the registered voter and returned to the county clerk in person or by mail or facsimile machine; or

(c) Form provided by the Federal Government.

4. A county clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as a request for an absent ballot for the two primary and general elections immediately following the date on which the county clerk received the request.

5. ***If a registered voter who has a physical disability requests an absent ballot pursuant to paragraph (b) of subsection 2, the county clerk*** ~~*[may,]*~~ ***shall, every year after an absent ballot is issued to the registered voter, require the registered voter to submit a statement confirming that the registered voter continues to have a physical disability or condition which substantially impairs his ability to go to the polling place.***

6. A county clerk shall not issue an absent ballot for future elections to a registered voter who requests an absent ballot pursuant to paragraph (b) of subsection 2 if:

(a) The registered voter does not submit to the county clerk the statement described in subsection 5 or such statement indicates that the registered voter is no longer physically disabled, if applicable;

(b) The registered voter applies to vote in person pursuant to NRS 293.330;

(c) The registered voter provides written notice to the county clerk that the registered voter no longer wishes to receive an absentee ballot;

(d) An absent ballot mailed to a registered voter is returned as undeliverable to the county clerk; or

(e) The voter's registration has been cancelled.

7. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 6. NRS 293.315 is hereby amended to read as follows:

293.315 1. A registered voter referred to in NRS 293.313 may, at any time before 5 p.m. on the seventh calendar day preceding any election, make an application to that clerk for an absent voter's ballot ~~[.]~~ ***for that election.*** The application must be made available for public inspection.

2. When the voter has identified himself to the satisfaction of the clerk, he is entitled to receive the appropriate ballot or ballots, but only for his own use.

3. A county clerk who allows a person to copy information from an application for an absent ballot is immune from any civil or criminal liability for any damage caused by the distribution of that information, unless he knowingly and willingly allows a person who intends to use the information to further an unlawful act to copy such information.

Sec. 7. NRS 293.3165 is hereby amended to read as follows:

293.3165 1. A registered voter who, because of a physical disability, is unable to mark or sign a ballot or use a voting device without assistance may submit a written statement to the appropriate county clerk requesting that he receive an absent ballot for each election conducted ~~[during the period specified in subsection 3.]~~ ***after he submits the request for an absent ballot.***

2. A written statement submitted pursuant to subsection 1 must:

(a) Include a statement from a physician licensed in this State certifying that the registered voter is a person with a physical disability and, because of the physical disability, he is unable to mark or sign a ballot or use a voting device without assistance;

(b) Designate the person who will assist the registered voter in marking and signing the absent ballot on behalf of the registered voter; and

(c) Include the name, address and signature of the person designated pursuant to paragraph (b).

3. Upon receipt of a written statement submitted by a registered voter pursuant to subsection 1, the county clerk shall, if the statement includes the information required pursuant to subsection 2, issue an absent ballot to the registered voter for each election that is conducted ~~[during the year immediately succeeding]~~ ***after*** the date the written statement is submitted to the county clerk.

4. To determine whether a registered voter is entitled to receive an absent ballot pursuant to this section, the county clerk may, every year after an absent ballot is issued to a registered voter pursuant to subsection 3, require the registered voter to submit a statement from a licensed physician as specified in paragraph (a) of subsection 2. If a statement from a physician licensed in this State submitted pursuant to this subsection indicates that the registered voter is no longer physically disabled, the county clerk shall not issue an absent ballot to the registered voter pursuant to this section.

5. A person designated pursuant to paragraph (b) of subsection 2 may, on behalf of and at the direction of the registered voter, mark and sign an absent ballot issued to the registered voter pursuant to the provisions of this section. If the person marks and signs the ballot, the person shall indicate next to his signature that the ballot has been marked and signed on behalf of the registered voter.

6. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

Sec. 8. NRS 293.505 is hereby amended to read as follows:

293.505 1. All justices of the peace, except those located in county seats, are ex officio field registrars to carry out the provisions of this chapter.

2. The county clerk shall appoint at least one registered voter to serve as a field registrar of voters who, except as otherwise provided in NRS 293.5055, shall register voters within the county for which he is appointed. Except as otherwise provided in subsection 1, a candidate for any office may not be appointed or serve as a field registrar. A field registrar serves at the pleasure of the county clerk and shall perform his duties as the county clerk may direct.

3. A field registrar shall demand of any person who applies for registration all information required by the application to register to vote and shall administer all oaths required by this chapter.

4. When a field registrar has in his possession five or more completed applications to register to vote, he shall forward them to the county clerk, but in no case may he hold any number of them for more than 10 days.

5. Each field registrar shall forward to the county clerk all completed applications in his possession immediately after the fifth Sunday preceding an election. Within 5 days after the fifth Sunday preceding any general election or general city election, a field registrar shall return all unused applications in his possession to the county clerk. If all of the unused applications are not returned to the county clerk, the field registrar shall account for the unreturned applications.

6. Each field registrar shall submit to the county clerk a list of the serial numbers of the completed applications to register to vote and the names of the electors on those applications. The serial numbers must be listed in numerical order.

7. Each field registrar shall post notices sent to him by the county clerk for posting in accordance with the election laws of this State.

8. A field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Delegate any of his duties to another person; or

(b) Refuse to register a person on account of that person's political party affiliation.

9. A person shall not hold himself out to be or attempt to exercise the duties of a field registrar unless he has been so appointed.

10. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Solicit a vote for or against a particular question or candidate;

(b) Speak to a voter on the subject of marking his ballot for or against a particular question or candidate; or

(c) Distribute any petition or other material concerning a candidate or question which will be on the ballot for the ensuing election,

➥ while he is registering an elector.

11. When the county clerk receives applications to register to vote from a field registrar, he shall issue a receipt to the field registrar. The receipt must include:

(a) The number of persons registered; and

(b) The political party of the persons registered.

12. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Knowingly register a person who is not a qualified elector or a person who has filed a false or misleading application to register to vote; or

(b) Register a person who fails to provide satisfactory proof of identification and the address at which he actually resides.

13. A county clerk, field registrar, employee of a voter registration agency, person assisting a voter pursuant to subsection 13 of NRS 293.5235 or any other person providing a form for the application to register to vote to an elector for the purpose of registering to vote:

(a) If the person who assists an elector with completing the form for the application to register to vote retains the form, shall enter his name on the duplicate copy or receipt retained by the voter upon completion of the form; ~~[and]~~

(b) Shall not ***knowingly and willfully*** alter, deface or destroy an application to register to vote that has been signed by an elector except to correct information contained in the application after receiving notice from the elector that a change in or addition to the information is required ~~[.]~~ ***; and***

(c) Shall not knowingly and willfully fail to comply with the requirements of subsection 4 or 5 or subsection 3 of NRS 293.504 or NRS 293.5235 with regard to the forwarding of a completed application to register to vote to a county clerk.

14. If a field registrar violates any of the provisions of this section, the county clerk shall immediately suspend the field registrar and notify the district attorney of the county in which the violation occurred.

15. A person who violates any of the provisions of subsection 8, 9, 10, 12 or 13 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 293.755 is hereby amended to read as follows:

293.755 1. A person who tampers or interferes with, or attempts to tamper or interfere with a mechanical voting system, mechanical voting device or any computer program used to count ballots with the intent to prevent the proper operation of that device, system or program is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. ***A person who tampers or interferes with, or attempts to tamper or interfere with a mechanical voting system, mechanical voting device or any computer program used to count ballots with the intent of influencing the outcome of an election is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 10 years.***

3. The county or city clerk shall report any alleged violation of this section to the district attorney who shall cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

Sec. 11. NRS 293C.220 is hereby amended to read as follows:

293C.220 1. The city clerk shall appoint and notify registered voters to act as election board officers for the various precincts and districts in the city as provided in NRS 293.225, 293.227, 293C.227 to 293C.250, inclusive, and 293C.382, ***and section 1 of this act*** and shall conclude those duties not later than 31 days before the election. No candidate for nomination or election or his relative within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the city clerk, the chief law enforcement officer of the city shall:

(a) Appoint an officer for each polling place in the city and for the central election board or the absent ballot central counting board; or

(b) Deputize, as an officer for the election, an election board officer for each polling place and for the central election board or the absent ballot central counting board. The deputized officer may not receive any additional compensation for the services he provides as an officer during the election for which he is deputized.

➥ Officers so appointed and deputized shall preserve order during hours of voting and attend the closing of the polls.

2. The city clerk may appoint a trainee for the position of election board officer as set forth in NRS 293C.222.

Sec. 12. NRS 293C.310 is hereby amended to read as follows:

293C.310 1. Except as otherwise provided in NRS 293.502 and 293C.265, a registered voter who provides sufficient written notice to the city clerk may vote an absent ballot as provided in this chapter.

2. A registered voter ~~[who:~~

~~(a) Is at least 65 years of age; or~~

~~(b) Has a physical disability or condition that substantially impairs his ability to go to the polling place,~~

~~➥~~] ***who is at least 65 years of age or has a physical disability or condition which substantially impairs his ability to go to the polling place*** may request an absent ballot for ~~[all]~~ ***:***

(a) The election immediately following the date on which the city clerk receives the request; or

(b) All elections held ~~[during the year he requests]~~ ***after he submits the request for*** an absent ballot.

3. As used in this section, "sufficient written notice" means a:

(a) Written request for an absent ballot that is signed by the registered voter and returned to the city clerk in person or by mail or facsimile machine;

(b) Form prescribed by the Secretary of State that is completed and signed by the registered voter and returned to the city clerk in person or by mail or facsimile machine; or

(c) Form provided by the Federal Government.

4. A city clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as:

(a) A request for the primary city election and the general city election unless otherwise specified in the request; and

(b) A request for an absent ballot for the two primary and general elections immediately following the date on which the city clerk received the request.

5. ***If a registered voter who has a physical disability requests an absent ballot pursuant to paragraph (b) of subsection 2, the city clerk*** ~~*[may,]*~~ ***shall, every year after an absent ballot is issued to the registered voter, require the registered voter to submit a statement confirming that the registered voter continues to have a physical disability or condition which substantially impairs his ability to go to the polling place.***

6. A city clerk shall not issue an absent ballot for future elections to a registered voter who requests an absent ballot pursuant to paragraph (b) of subsection 2 if:

(a) The registered voter does not submit to the city clerk the statement described in subsection 5 or such statement indicates that the registered voter is no longer physically disabled, if applicable;

(b) The registered voter applies to vote in person pursuant to NRS 293C.330;

(c) The registered voter provides written notice to the city clerk that the registered voter no longer wishes to receive an absentee ballot;

(d) An absent ballot mailed to a registered voter is returned as undeliverable to the city clerk; or

(e) The voter's registration has been cancelled.

7. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates any provision of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 13. NRS 293C.312 is hereby amended to read as follows:

293C.312 1. A registered voter referred to in NRS 293C.310 may, at any time before 5 p.m. on the seventh calendar day preceding any election, make an application to the city clerk for an absent voter's ballot ~~[.]~~ ***for that election.*** The application must be made available for public inspection.

2. When the voter has identified himself to the satisfaction of the city clerk, he is entitled to receive the appropriate ballot or ballots, but only for his own use.

3. A city clerk who allows a person to copy information from an application for an absent ballot is immune from any civil or criminal liability for any damage caused by the distribution of that information, unless he knowingly and willingly allows a person who intends to use the information to further an unlawful act to copy the information.

Sec. 14. NRS 293C.318 is hereby amended to read as follows:

293C.318 1. A registered voter who, because of a physical disability, is unable to mark or sign a ballot or use a voting device without assistance may submit a written statement to the appropriate city clerk requesting that he receive an absent ballot for each city election conducted ~~[during the period specified in subsection 3.]~~ ***after he submits the request for an absent ballot.***

2. A written statement submitted pursuant to subsection 1 must:

(a) Include a statement from a physician licensed in this State certifying that the registered voter is a person with a physical disability and, because of the physical disability, he is unable to mark or sign a ballot or use a voting device without assistance;

(b) Designate the person who will assist the registered voter in marking and signing the absent ballot on behalf of the registered voter; and

(c) Include the name, address and signature of the person designated pursuant to paragraph (b).

3. Upon receipt of a written statement submitted by a registered voter pursuant to subsection 1, the city clerk shall, if the statement includes the information required pursuant to subsection 2, issue an absent ballot to the registered voter for each city election that is conducted ~~[during the year immediately succeeding]~~ ***after*** the date the written statement is submitted to the city clerk.

4. To determine whether a registered voter is entitled to receive an absent ballot pursuant to this section, the city clerk may, every year after an absent ballot is issued to a registered voter pursuant to subsection 3, require the registered voter to submit a statement from a licensed physician as specified in paragraph (a) of subsection 2. If a statement from a physician licensed in this State submitted pursuant to this subsection indicates that the registered voter is no longer physically disabled, the city clerk shall not issue an absent ballot to the registered voter pursuant to this section.

5. A person designated pursuant to paragraph (b) of subsection 2 may, on behalf of and at the direction of the registered voter, mark and sign an absent ballot issued to the registered voter pursuant to the provisions of this section. If the person marks and signs the ballot, the person shall indicate next to his signature that the ballot has been marked and signed on behalf of the registered voter.

6. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 410.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 410:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 410 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 445.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 445:

YEAS—35.

NAYS—Allen, Christensen, Cobb, Goedhart, Mabey, Marvel—6.

EXCUSED—Womack.

Assembly Bill No. 445 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 567.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 567:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 567 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 129 be taken from the General File and placed on the Chief Clerk’s desk.

Remarks by Assemblyman Anderson.

Motion carried.

Senate Bill No. 9.
Bill read third time.
Remarks by Assemblyman Mabey.
Roll call on Senate Bill No. 9:
YEAS—41.
NAYS—None.
EXCUSED—Womack.
Senate Bill No. 9 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 30.
Bill read third time.
Remarks by Assemblyman Horne.
Roll call on Senate Bill No. 30:
YEAS—41.
NAYS—None.
EXCUSED—Womack.
Senate Bill No. 30 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 31.
Bill read third time.
Remarks by Assemblyman Mortenson.
Roll call on Senate Bill No. 31:
YEAS—41.
NAYS—None.
EXCUSED—Womack.
Senate Bill No. 31 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 44.
Bill read third time.
Remarks by Assemblyman Horne.
Roll call on Senate Bill No. 44:
YEAS—41.
NAYS—None.
EXCUSED—Womack.
Senate Bill No. 44 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 46.
Bill read third time.
Remarks by Assemblyman Ohrenschall.
Roll call on Senate Bill No. 46:

YEAS—41.
NAYS—None.
EXCUSED—Womack.

Senate Bill No. 46 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 56.

Bill read third time.

Remarks by Assemblymen Stewart, Kirkpatrick, and Conklin.

Madam Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Senate Bill No. 56:
YEAS—41.
NAYS—None.
EXCUSED—Womack.

Senate Bill No. 56 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 81.

Bill read third time.

Remarks by Assemblyman Goicoechea.

Roll call on Senate Bill No. 81:
YEAS—41.
NAYS—None.
EXCUSED—Womack.

Senate Bill No. 81 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 118.

Bill read third time.

Remarks by Assemblyman Bobzien.

Roll call on Senate Bill No. 118:
YEAS—41.
NAYS—None.
EXCUSED—Womack.

Senate Bill No. 118 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 132.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 132:
YEAS—41.
NAYS—None.
EXCUSED—Womack.

Senate Bill No. 132 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 168.

Bill read third time.

Remarks by Assemblyman Cobb.

Roll call on Senate Bill No. 168:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Senate Bill No. 168 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 190.

Bill read third time.

Remarks by Assemblymen Arberry and Smith.

Roll call on Senate Bill No. 190:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Senate Bill No. 190 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 196 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Oceguera.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 115.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 696.

AN ACT relating to education; providing that the rights of a parent of a pupil with a disability under the Individuals with Disabilities Education Act transfer to the pupil when the pupil attains the age of 18 years; providing that a parent of a pupil with a disability may request to represent the educational interests of the pupil when the pupil attains the age of 18 years; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Individuals with Disabilities Education Act (IDEA) authorizes, but does not require, a state to transfer the rights of a parent of a pupil with a disability under the IDEA to the pupil when the pupil attains the age of

majority under state law. (20 U.S.C. § 1415(m)) The IDEA also requires that, if a state transfers the rights of a parent to the pupil, the state must provide a special rule that would allow the parent of the pupil with a disability to be appointed to represent the educational interests of the pupil under certain circumstances. (20 U.S.C. § 1415(m)(2)) If a court has appointed a guardian for a pupil with a disability, the rights that would otherwise transfer to the pupil must remain with or otherwise transfer to the guardian. The State Board of Education has adopted regulations which transfer the rights of a parent of a pupil with a disability to the pupil when the pupil attains the age of 18 years if a court has not appointed a guardian for the pupil. (NRS 388.520; NAC 388.195)

Section 2 of this bill provides that the rights of a parent of a pupil with a disability under the IDEA transfer to the pupil when the pupil attains the age of 18 years.

Section 3 of this bill authorizes the parent of a pupil with a disability to submit a concise application to the school district or the charter school in which the pupil is enrolled for the appointment of the parent to represent the educational interests of the pupil when the pupil attains the age of 18 years.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Except as otherwise provided in this section and section 3 of this act, any right accorded to a parent of a pupil with a disability pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., or the regulations adopted pursuant thereto, transfers to the pupil when the pupil attains the age of 18 years.***

2. Not less than ~~[45]~~ 90 days before the date on which a pupil with a disability attains the age of 18 years, the school district or charter school in which the pupil is enrolled shall provide notice to the:

(a) Parent of the transfer of his rights pursuant to subsection 1 and of the process for submission of an application to the school district or charter school pursuant to section 3 of this act.

(b) Pupil concerning the transfer of rights to the pupil.

3. If a pupil with a disability attains the age of 18 years and the pupil is enrolled in a program of special education pursuant to NRS 388.440 to 388.5315, inclusive, and sections 2 and 3 of this act, the school district or charter school in which the pupil is enrolled shall provide any notice required pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto, or NRS 388.440 to 388.5315, inclusive, and sections 2 and 3 of this act, and the regulations adopted pursuant thereto, to the:

(a) Parent; and

(b) Pupil with a disability,

➥ ***regardless of whether the parent is appointed to represent the educational interests of the pupil pursuant to section 3 of this act or the rights transfer to the pupil pursuant to subsection 1.***

4. If a court of competent jurisdiction adjudicates a pupil with a disability incompetent and appoints a guardian for the pupil, all rights pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto, remain with or otherwise transfer to the guardian.

Sec. 3. ***1. ~~[If a]~~ A parent of a pupil with a disability may, at least 90 days before the pupil attains 18 years of age, submit an application to the school district or the charter school in which the pupil is enrolled to appoint the parent to represent the educational interests of the pupil if:***

(a) The parent ~~[of a pupil with a disability]~~ believes that the pupil does not have the ability to provide informed consent with respect to his own educational program ~~[, the parent may, at least 30 days before the pupil attains 18 years of age, submit an application to the school district or the charter school in which the pupil is enrolled to appoint the parent to represent the educational interests of the pupil.]~~ ; and

(b) The status of the pupil is such, as determined in accordance with the regulations adopted pursuant to subsection 5, that the parent is authorized to submit such an application.

2. The application must be submitted on a concise form prescribed by the ~~[school district or charter school.]~~ Department. The application:

(a) Must not be unduly burdensome on the parent to fill out; and

(b) Must not require the pupil to sign the application or otherwise require the pupil to grant permission for the parent to represent the pupil's educational interests.

3. If the school district or charter school grants an application, the parent shall continue to represent the educational interests of the pupil until:

(a) The pupil receives a standard high school diploma or an adjusted diploma;

(b) The pupil is no longer enrolled in a program of special education pursuant to NRS 388.440 to 388.5315, inclusive, and sections 2 and 3 of this act; or

(c) The parent elects to transfer the right to represent educational interests to the pupil.

4. A parent ~~[whose application is denied]~~ or a pupil may appeal ~~[that]~~ a determination ~~[in the manner set forth for hearings in the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto.]~~ made pursuant to this section in accordance with the procedure used by the Department for administrative complaints.

5. The State Board shall adopt regulations to carry out this section and section 2 of this act, including, without limitation, the establishment of criteria for determining whether the status of a pupil with a disability is

such that his parent is authorized to submit an application to represent the educational interests of the pupil pursuant to this section.

Sec. 4. NRS 388.440 is hereby amended to read as follows:

388.440 As used in NRS 388.440 to 388.5315, inclusive ~~[,]~~ ***, and sections 2 and 3 of this act:***

1. "Gifted and talented pupil" means a person under the age of 18 years who demonstrates such outstanding academic skills or aptitudes that he cannot progress effectively in a regular school program and therefore needs special instruction or special services.

2. "Pupil with a disability" means a person under the age of 22 years who deviates either educationally, physically, socially or emotionally so markedly from normal patterns that he cannot progress effectively in a regular school program and therefore needs special instruction or special services.

Sec. 5. This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 154.

Bill read second time.

The following amendment was proposed by Assemblymen Anderson, Smith, Leslie, Bobzien, and Parnell:

Amendment No. 719.

SUMMARY— ~~[Clarifies]~~ **Contingently allows the imposition of certain taxes in certain counties to fund capital projects for the county school district and clarifies certain provisions governing taxes on transfers of real property.** (BDR 32-712)

AN ACT relating to taxation; **contingently allowing the imposition in certain counties of a tax on transfers of real property and a tax on revenue from the rental of transient lodging to fund capital projects for the county school district;** clarifying the applicability of an exemption from the taxes on transfers of real property for transfers relating to changes in identity, form or place of organization; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the imposition of taxes on transfers of real property. (NRS 375.020, 375.023, 375.026) **Section 1 of this bill provides for the imposition of such a tax in a county whose population is 100,000 or more but less than 400,000 (currently Washoe County) at the rate of 60 cents for each $500 of value of the transferred property, upon the request of the board of trustees of the county school district, for deposit in the county school district's fund for capital projects, and requires the use of at least 80 percent of the proceeds of the tax for enlarging, remodeling or repairing existing buildings or grounds for schools.**

Existing law ~~[also]~~ provides that certain transfers are exempt from ~~[such taxes.]~~ **taxes on transfers of real property.** (NRS 375.090) ~~[This]~~ **Section 3 of this bill** revises an exemption for transfers relating to a change in identity, form or place of organization to clarify that the exemption applies to the reorganization of any business entity.

Existing law provides for the imposition of taxes on the rental of transient lodging. (NRS 244.3351, 244.3352) Section 5 of this bill provides for the imposition of such a tax in a county whose population is 100,000 or more but less than 400,000 (currently Washoe County) at the rate of one and five-eighths percent of the gross receipts from such rentals, upon the request of the board of trustees of the county school district, for deposit in the county school district's fund for capital projects, and requires the use of at least 80 percent of the proceeds of the tax for enlarging, remodeling or repairing existing buildings or grounds for schools.

The provisions of this bill that provide for the imposition of additional taxes will become effective on January 1, 2009, only if the voters of the affected counties approve of the imposition of those taxes at the 2008 General Election.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 375 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of a county school district in a county whose population is 100,000 or more but less than 400,000 may adopt and transmit to the board of county commissioners of that county a resolution requesting the board of county commissioners to impose a tax, in addition to all other taxes imposed on transfers of real property other than another tax imposed in the county pursuant to this section, at the rate of 60 cents for each $500 of value or fraction thereof, on each deed by which any lands, tenements or other realty is granted, assigned, transferred or otherwise conveyed to, or vested in, another person, if the consideration or value of the interest or property conveyed exceeds $100. Upon the receipt of a resolution adopted pursuant to this subsection, the board of county commissioners shall impose the requested tax.

2. The amount of any tax imposed pursuant to this section must be computed on the basis of the value of the transferred real property as declared pursuant to NRS 375.060.

3. The county recorder shall collect any tax imposed pursuant to this section in the manner provided in NRS 375.030, except that he shall transmit all the proceeds of the tax imposed pursuant to this section and any applicable penalties and interest thereon to the county treasurer for deposit in the county school district's fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as

other money deposited in that fund, except that not less than 80 percent of those proceeds must be used for the purposes described in paragraph (b) of subsection 1 of NRS 387.335.

4. The proceeds of any tax imposed pursuant to this section must not be:

(a) Considered in any negotiations between a recognized organization of employees of a school district and the school district; or

(b) Used to reduce or supplant the amount of any money which would otherwise be made available for the purposes described in subsection 1 of NRS 387.335.

Sec. 2. **NRS 375.030 is hereby amended to read as follows:**

375.030 1. If any deed evidencing a transfer of title subject to the tax imposed by NRS 375.020 and 375.023 and, if applicable, NRS 375.026 ***and section 1 of this act*** is offered for recordation, the county recorder shall compute the amount of the tax due and shall collect that amount before acceptance of the deed for recordation.

2. The buyer and seller are jointly and severally liable for the payment of the taxes imposed by NRS 375.020, 375.023 and 375.026 ***and section 1 of this act*** and any penalties and interest imposed pursuant to subsection 3. The escrow holder is not liable for the payment of the taxes imposed by NRS 375.020, 375.023 and 375.026 ***and section 1 of this act*** or any penalties or interest imposed pursuant to subsection 3.

3. If after recordation of the deed, the county recorder disallows an exemption that was claimed at the time the deed was recorded or through audit or otherwise determines that an additional amount of tax is due, the county recorder shall promptly notify the person who requested the recording of the deed and the buyer and seller of the additional amount of tax due. If the additional amount of tax is not paid within 30 days after the date the buyer and seller are notified, the county recorder shall impose a penalty of 10 percent of the additional amount due in addition to interest at the rate of 1 percent per month, or portion thereof, of the additional amount due calculated from the date of the original recordation of the deed on which the additional amount is due through the date on which the additional amount due, penalty and interest are paid to the county recorder.

4. This section does not prohibit a buyer and seller from agreeing by contract or otherwise that one party or the other will be responsible for the payment of the tax due pursuant to this chapter, but such an agreement does not affect the ability of the county recorder to collect the tax and any penalties and interest from either the buyer or the seller.

~~[Section 1.]~~ ***Sec. 3.*** NRS 375.090 is hereby amended to read as follows:

375.090 The taxes imposed by NRS 375.020, 375.023 and 375.026 do not apply to:

1. A mere change in identity, form or place of organization, such as a transfer between a ~~[corporation]~~ ***business entity*** and its parent ~~[corporation,~~

~~a]~~ ***, its*** subsidiary or an affiliated ~~[corporation]~~ ***business entity*** if the affiliated ~~[corporation]~~ ***business entity*** has identical common ownership.

2. A transfer of title to the United States, any territory or state or any agency, department, instrumentality or political subdivision thereof.

3. A transfer of title recognizing the true status of ownership of the real property.

4. A transfer of title without consideration from one joint tenant or tenant in common to one or more remaining joint tenants or tenants in common.

5. A transfer, assignment or other conveyance of real property if the owner of the property is related to the person to whom it is conveyed within the first degree of lineal consanguinity or affinity.

6. A transfer of title between former spouses in compliance with a decree of divorce.

7. A transfer of title to or from a trust without consideration if a certificate of trust is presented at the time of transfer.

8. Transfers, assignments or conveyances of unpatented mines or mining claims.

9. A transfer, assignment or other conveyance of real property to a corporation or other business organization if the person conveying the property owns 100 percent of the corporation or organization to which the conveyance is made.

10. A conveyance of real property by deed which becomes effective upon the death of the grantor pursuant to NRS 111.109.

11. The making, delivery or filing of conveyances of real property to make effective any plan of reorganization or adjustment:

(a) Confirmed under the Bankruptcy Act, as amended, 11 U.S.C. §§ 101 et seq.;

(b) Approved in an equity receivership proceeding involving a railroad, as defined in the Bankruptcy Act; or

(c) Approved in an equity receivership proceeding involving a corporation, as defined in the Bankruptcy Act,

➥ if the making, delivery or filing of instruments of transfer or conveyance occurs within 5 years after the date of the confirmation, approval or change.

12. The making or delivery of conveyances of real property to make effective any order of the Securities and Exchange Commission if:

(a) The order of the Securities and Exchange Commission in obedience to which the transfer or conveyance is made recites that the transfer or conveyance is necessary or appropriate to effectuate the provisions of section 11 of the Public Utility Holding Company Act of 1935, 15 U.S.C. § 79k;

(b) The order specifies and itemizes the property which is ordered to be transferred or conveyed; and

(c) The transfer or conveyance is made in obedience to the order.

13. A transfer to an educational foundation. As used in this subsection, "educational foundation" has the meaning ascribed to it in subsection 3 of NRS 388.750.

14. A transfer to a university foundation. As used in this subsection, "university foundation" has the meaning ascribed to it in subsection 3 of NRS 396.405.

Sec. 4. **NRS 375.090 is hereby amended to read as follows:**

375.090 The taxes imposed by NRS 375.020, 375.023 and 375.026 ***and section 1 of this act*** do not apply to:

1. A mere change in identity, form or place of organization, such as a transfer between a business entity and its parent, its subsidiary or an affiliated business entity if the affiliated business entity has identical common ownership.

2. A transfer of title to the United States, any territory or state or any agency, department, instrumentality or political subdivision thereof.

3. A transfer of title recognizing the true status of ownership of the real property.

4. A transfer of title without consideration from one joint tenant or tenant in common to one or more remaining joint tenants or tenants in common.

5. A transfer, assignment or other conveyance of real property if the owner of the property is related to the person to whom it is conveyed within the first degree of lineal consanguinity or affinity.

6. A transfer of title between former spouses in compliance with a decree of divorce.

7. A transfer of title to or from a trust without consideration if a certificate of trust is presented at the time of transfer.

8. Transfers, assignments or conveyances of unpatented mines or mining claims.

9. A transfer, assignment or other conveyance of real property to a corporation or other business organization if the person conveying the property owns 100 percent of the corporation or organization to which the conveyance is made.

10. A conveyance of real property by deed which becomes effective upon the death of the grantor pursuant to NRS 111.109.

11. The making, delivery or filing of conveyances of real property to make effective any plan of reorganization or adjustment:

(a) Confirmed under the Bankruptcy Act, as amended, 11 U.S.C. §§ 101 et seq.;

(b) Approved in an equity receivership proceeding involving a railroad, as defined in the Bankruptcy Act; or

(c) Approved in an equity receivership proceeding involving a corporation, as defined in the Bankruptcy Act,

➥ if the making, delivery or filing of instruments of transfer or conveyance occurs within 5 years after the date of the confirmation, approval or change.

12. The making or delivery of conveyances of real property to make effective any order of the Securities and Exchange Commission if:

(a) The order of the Securities and Exchange Commission in obedience to which the transfer or conveyance is made recites that the transfer or

conveyance is necessary or appropriate to effectuate the provisions of section 11 of the Public Utility Holding Company Act of 1935, 15 U.S.C. § 79k;

(b) The order specifies and itemizes the property which is ordered to be transferred or conveyed; and

(c) The transfer or conveyance is made in obedience to the order.

13. A transfer to an educational foundation. As used in this subsection, "educational foundation" has the meaning ascribed to it in subsection 3 of NRS 388.750.

14. A transfer to a university foundation. As used in this subsection, "university foundation" has the meaning ascribed to it in subsection 3 of NRS 396.405.

Sec. 5. **Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The board of trustees of a county school district in a county whose population is 100,000 or more but less than 400,000 may adopt and transmit to the board of county commissioners of that county a resolution requesting the board of county commissioners to impose a tax, in addition to all other taxes imposed on the revenue from the rental of transient lodging other than another tax imposed in the county pursuant to this section, at the rate of one and five-eighths percent of the gross receipts from the rental of transient lodging. Upon the receipt of a resolution adopted pursuant to this subsection, the board of county commissioners shall adopt an ordinance imposing the requested tax throughout the county, including its incorporated cities, upon all persons in the business of providing lodging.

2. An ordinance imposing a tax pursuant to this section must include all the matters required by NRS 244.3352 for the mandatory tax, must be administered in the same manner, and imposes the same liabilities, except that:

(a) The collection of the tax imposed pursuant to this section must not commence earlier than the first day of the second calendar month after the adoption of the ordinance imposing the tax; and

(b) The governmental entity collecting the tax shall transfer all collections to the county treasurer and may not retain any part of the tax as a collection or administrative fee.

3. The proceeds of any tax imposed pursuant to this section and any applicable penalties and interest thereon must be deposited in the county school district's fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund, except that not less than 80 percent of those proceeds must be used for the purposes described in paragraph (b) of subsection 1 of NRS 387.335.

4. The proceeds of any tax imposed pursuant to this section must not be:

(a) Considered in any negotiations between a recognized organization of employees of a school district and the school district; or

(b) Used to reduce or supplant the amount of any money which would otherwise be made available for the purposes described in subsection 1 of NRS 387.335.

Sec. 6. **NRS 244.3359 is hereby amended to read as follows:**

244.3359 1. A county whose population is 400,000 or more shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after March 25, 1991, except pursuant to NRS 244.3351 and 244.3352.

2. A county whose population is 100,000 or more but less than 400,000 shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after March 25, 1991 ~~[.]~~ ***, except pursuant to section 5 of this act.***

3. The Legislature hereby declares that the limitation imposed by subsection 2 will not be repealed or amended ***after January 1, 2009,*** except to allow the imposition of an increase in such a tax for the promotion of tourism or for the construction or operation of tourism facilities by a convention and visitors authority.

Sec. 7. **NRS 387.328 is hereby amended to read as follows:**

387.328 1. The board of trustees of each school district shall establish a fund for capital projects for the purposes set forth in subsection 1 of NRS 387.335. The money in the fund for capital projects may be transferred to the debt service fund to pay the cost of the school district's debt service.

2. The board of trustees may accumulate money in the fund for capital projects for a period not to exceed 20 years.

3. That portion of the governmental services tax whose allocation to the school district pursuant to NRS 482.181 is based on the amount of the property tax levy attributable to its debt service must be deposited in the county treasury to the credit of the fund established under subsection 1 or the school district's debt service fund.

4. No money in the fund for capital projects at the end of the fiscal year may revert to the county school district fund, nor may the money be a surplus for any other purpose than those specified in subsection 1.

5. ~~[The]~~ ***Subject to the limitations set forth in sections 1 and 5 of this act, the*** proceeds of the taxes deposited in the fund for capital projects pursuant to NRS 244.3354, 268.0962 and 375.070 ***and sections 1 and 5 of this act*** may be pledged to the payment of the principal and interest on bonds or other obligations issued for one or more of the purposes set forth in NRS 387.335. The proceeds of such taxes so pledged may be treated as pledged revenues for the purposes of subsection 3 of NRS 350.020, and the board of trustees of a school district may issue bonds for those purposes in accordance with the provisions of chapter 350 of NRS.

Sec. 8. **NRS 388.750 is hereby amended to read as follows:**

388.750 1. An educational foundation:

(a) Shall comply with the provisions of chapter 241 of NRS;

(b) Except as otherwise provided in subsection 2, shall make its records public and open to inspection pursuant to NRS 239.010; and

(c) Is exempt from the taxes imposed by NRS 375.020, 375.023 and 375.026 ***and section 1 of this act*** pursuant to subsection 13 of NRS 375.090.

2. An educational foundation is not required to disclose the names of the contributors to the foundation or the amount of their contributions. The educational foundation shall, upon request, allow a contributor to examine, during regular business hours, any record, document or other information of the foundation relating to that contributor.

3. As used in this section, "educational foundation" means a nonprofit corporation, association or institution or a charitable organization that is:

(a) Organized and operated exclusively for the purpose of supporting one or more kindergartens, elementary schools, junior high or middle schools or high schools, or any combination thereof;

(b) Formed pursuant to the laws of this State; and

(c) Exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

Sec. 9. **NRS 396.405 is hereby amended to read as follows:**

396.405 1. A university foundation:

(a) Shall comply with the provisions of chapter 241 of NRS;

(b) Except as otherwise provided in subsection 2, shall make its records public and open to inspection pursuant to NRS 239.010;

(c) Is exempt from the taxes imposed by NRS 375.020, 375.023 and 375.026 ***and section 1 of this act*** pursuant to subsection 14 of NRS 375.090; and

(d) May allow a president or an administrator of the university, state college or community college which it supports to serve as a member of its governing body.

2. A university foundation is not required to disclose the name of any contributor or potential contributor to the university foundation, the amount of his contribution or any information which may reveal or lead to the discovery of his identity. The university foundation shall, upon request, allow a contributor to examine, during regular business hours, any record, document or other information of the foundation relating to that contributor.

3. As used in this section, "university foundation" means a nonprofit corporation, association or institution or a charitable organization that is:

(a) Organized and operated exclusively for the purpose of supporting a university, state college or a community college;

(b) Formed pursuant to the laws of this State; and

(c) Exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

Sec. 10. **At the general election on November 4, 2008, in each county whose population is 100,000 or more but less than 400,000, a question must be placed on the general election ballot in substantially the following form:**

Shall:

1. The tax on transfers of real property in this county be increased by 60 cents for each $500 of the value of the transferred property; and

2. The tax on the revenue from the rental of transient lodging in this county be increased by one and five-eighths percent of the gross receipts from such rentals,

➥ to fund capital projects for the county school district?

~~[Sec. 2.]~~ ***Sec. 11.*** 1. This **section and sections 3 and 10 of this** act ~~[becomes]~~ become effective on July 1, 2007.

2. Sections 1, 2 and 4 to 9, inclusive, of this act become effective on January 1, 2009, only if a majority of the voters voting on the question placed on the ballot pursuant to section 10 of this act vote affirmatively on the question in all the counties in which the question was placed on the ballot.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblymen Anderson and Goicoechea.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bills Nos. 217, 230, 269, 282, 302, 306, 336, 352, 367, 369, 401, 417, 511, 519; Senate Joint Resolutions Nos. 6, 10, 11, 13, and 17 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 20, 72, 77, 117, 250, 261, 306, 307, 505; Assembly Joint Resolution No. 6.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Christie Aldinger.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Eileen Cohen.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Roy Gomm Elementary School: Christina Baldazo, Joseph Bath, Hannah Beesley, Austin Berry, Emilee Brockovich, Reilly Busch, Nicola Dipaolo, Benjamin Fuler, Kira Fuqua, Jeffery Jordan, Clark Knobel, Jacob Kostiuk, Melia Lockwood, Marina Lowe, Samantha Miguel, Melanie Murphy, Jessica Parker, James Sandoval, Autumn Scott, Kristen Smith, Christopher Thrower, Jason Van Havel, Lucas Weber, Michele Whan, Naomi Wolff, Julie Woods,

Nathan Alegria, Connor Bush, Claire Deangeli, Madison Eckert, Justin Gezelin, Miranda Grange, Kurt Hillson, Aubrey Hulbert, Nicholas Khorshidi, Garrett Liebhard, Jason Lim, Samuel McEntire, Alese McMurtry, Isabella Peek, Jeremy Peterson, Patrick Richeson, Hailey Rose, Geoffrey Salas, Joshua Simmons, Elizabeth Smith, Camille Stuyvesant, Morgan Taylor, Samantha Tilzey, Jedidiah-Airose Tirona, Kelsey West, Krysta Anderson, Samantha Anderson, Bayleigh Coleman, Daniel Coleman, Katilina Gaffney, Sebastien Garcia, Adam Grubb, Natalie Hara, David Harvey, Steven Harvey, Kaelyn Hawkins, Jack Hulbert, William Jamieson, Devin Kahl, Austin Kuehl, Jenna Melton, Kenneth Nadolny, Max Pfau, Kiley Richards, Sierra Saunders, Geoffrey Smith, Carmen Stewart, Jacob Wait, Dereck Warner, and Natalie West; teachers Darcy Actis, Karen Hume, and Melony Dunn.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Irene Saperstein.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Michael M. DeLee.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Kay Ross.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Marcia Kaster.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Jo Etta Brown and James Brown.

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Annalyn Settelmeyer and Eric Rieman.

Assemblyman Oceguera moved that the Assembly adjourn until Tuesday, May 15, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 12:20 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE ONE HUNDREDTH DAY

CARSON CITY (Tuesday), May 15, 2007

Assembly called to order at 11:21 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Marie Hanson.

There is one Source. This Source provides limitless wisdom, truth, and joy. May we accept these gifts from our Source, may we embody these qualities of God, may we express these aspects in our actions, thoughts, and words. Wisdom, truth, and joy abide in each of us. Wisdom, truth, and joy is what we are. And so it is.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 99, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Senate Bills Nos. 18, 403, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Education, to which was referred Senate Bill No. 534, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Senate Bill No. 549, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 137, 183, 198, 210, 391, 419, 515, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 244, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 580; Senate Bills Nos. 337, 338, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bill No. 594; Senate Bill No. 66, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 393, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bills Nos. 150, 226, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

Madam Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bills Nos. 246, 596, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 14, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 15, 16, 22, 28, 39, 43, 118, 135, 198, 220, 266, 278, 283, 329, 348, 504, 520, 536, 548, 556.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 2, Senate Amendment No. 679;Assembly Bill No. 14, Senate Amendment No. 663; Assembly Bill No. 102, Senate Amendment No. 660; Assembly Bill No. 299, Senate Amendment No. 664; Assembly Bill No. 303, Senate Amendment No. 677; Assembly Bill No. 543, Senate Amendment No. 681; Assembly Joint Resolution No. 3, Senate Amendment No. 630, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 29.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 14, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 66, 182, 187, 339, 340, 444 and 463.

MARK STEVENS
Fiscal Analysis Division

Assemblyman Oceguera moved that the reading of the Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

Senate Concurrent Resolution No. 18.

Resolution read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 667.

SENATE CONCURRENT RESOLUTION—Expressing support for vocational rehabilitation programs and services in this State.

WHEREAS, Vocational rehabilitation programs and services are of great importance to persons with disabilities in this State, helping such individuals so that they may prepare for and engage in gainful employment and live more independently; and

WHEREAS, The Department of Employment, Training and Rehabilitation has access to state and federal money **as well as private contributions** to cover the costs of providing vocational rehabilitation services to persons with disabilities; and

WHEREAS, The costs of providing such services can include, without limitation, costs for assessment, counseling, medical and psychological services, vocational and other training, job placement, transportation, assistance to persons who are blind and deaf, and other goods and services needed by persons with disabilities; and

WHEREAS, This money can also be used to assist families of persons with disabilities who are being provided vocational rehabilitation services and to benefit groups of such persons by the construction and establishment of community programs; and

WHEREAS, The Rehabilitation Services Administration of the United States Department of Education, which allocates Section 110 funding based on disability population demographics, allocated $3,000,000 to the Rehabilitation Division **of the Department of Employment, Training and Rehabilitation** that was not matched for Fiscal Year 2006, causing the loss of this money; and

WHEREAS, Preliminary estimates indicate that for the next fiscal year, Nevada will continue to send back federal money that could fund beneficial programs for which the need is critical; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the Nevada Legislature hereby express their support for the use of state and federal money **as well as private contributions** for the development of facilities, programs and other resources needed by persons with disabilities in this State to help them prepare for and engage in gainful employment; and be it further

~~[RESOLVED, That the Department of Employment, Training and Rehabilitation is encouraged to continue to seek private contributions to~~

~~make up the difference between current State General Fund expenditures and the total matching money needed to allow the Department to use the full allotment of federal money; and be it further]~~

RESOLVED, That by using private and state money to provide a full match, and thereby maximizing the receipt of federal money, the Department will be able to provide vocational rehabilitation services to help persons with disabilities consistent with their strengths, resources, priorities, concerns, capabilities, interests and informed choice; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Director of the Department of Employment, Training and Rehabilitation.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Oceguera, Conklin, and Buckley (Emergency Request of Buckley):

Assembly Bill No. 619—AN ACT relating to motor vehicles; creating the Nevada Automobile Theft Authority within the Division of Insurance of the Department of Business and Industry; providing the membership and duties of the Authority; creating the Fund for the Nevada Automobile Theft Authority; authorizing the Authority to award grants of money from the Fund to public agencies for programs to prevent motor vehicle theft; imposing certain reporting requirements on the Authority; imposing a fee on insurers that issue motor vehicle liability insurance in this State for deposit in the Fund; revising the provisions governing the crime of grand larceny of a motor vehicle; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 202.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 714.

AN ACT making an appropriation to the State Gaming Control Board for implementation of new information system security measures and replacement of equipment; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the State Gaming Control Board the sum of ~~[$1,041,587]~~ **$748,622** for the implementation of new information system security measures and the purchase of replacement equipment for electronic eavesdropping countermeasures, computer hardware and software and radio equipment.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 539.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 716.

AN ACT making appropriations to the State Department of Agriculture; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the State Department of Agriculture, Administration, the sum of ~~[$146,660]~~ **$138,725** for the purchase of servers for the Reno and Las Vegas offices and other computer hardware and software, and the replacement of two vehicles.

2. There is hereby appropriated from the State General Fund to the State Department of Agriculture for the Plant Industry Program the sum of $267,045 for the replacement of 14 vehicles.

3. There is hereby appropriated from the State General Fund to the State Department of Agriculture, Veterinary Medical Services, the sum of ~~[$60,973]~~ **$51,973** for the purchase of new and replacement laboratory equipment for Reno and Elko and to replace one veterinary vehicle.

Sec. 2. Any remaining balance of the appropriations made by section 1 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 551.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 717.

AN ACT making appropriations to the Department of Cultural Affairs; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Department of Cultural Affairs, Administration, the sum of ~~[$265,678]~~ **$250,124** for computer replacement for all agencies within the Department that are funded by the State General Fund.

2. There is hereby appropriated from the State General Fund to the Archives and Records Division of the Department of Cultural Affairs the sum of $89,146 for a box tracking software system to improve efficiency, accuracy and responsiveness within the State Records Center.

3. There is hereby appropriated from the State General Fund to the Division of Museums and History of the Department of Cultural Affairs the sum of ~~[$506,092]~~ **$505,092** for the purchase of new and replacement equipment, including tables, chairs, cabinets, racks, a dry-mount press and vehicles, and for the purchase of a portion of the Liberty Belle antique slot machine collection.

4. There is hereby appropriated from the State General Fund to the Nevada State Library of the Department of Cultural Affairs the sum of ~~[$1,268,115]~~ **$68,115** for the purchase of three microfilm remote access systems ~~[,]~~ **and for the** replacement of staff chairs and rolling ladders . ~~[, and to provide collection development funding for public libraries.]~~

5. There is hereby appropriated from the State General Fund to the State Railroad Museum of the Department of Cultural Affairs the sum of $120,000

to comply with the amended agreement for restoration of McKeen Motor Car by completing restoration of the Motor Car and performing a restoration feasibility study for Nevada Copper Belt No. 22, a Hall-Scott car.

Sec. 2. Any remaining balance of the appropriations made by section 1 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriations are made or any entity to which money from the appropriations is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 19.

Bill read second time and ordered to third reading.

Senate Bill No. 20.

Bill read second time and ordered to third reading.

Senate Bill No. 35.

Bill read second time and ordered to third reading.

Senate Bill No. 86.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 710.

AN ACT relating to public utilities; revising provisions governing the issuance of certificates of public convenience and necessity for utilities that furnish water or provide sewage disposal services; requiring submission of plans to meet demands for water and sewage disposal services; increasing the threshold annual revenue level at which water supply or sewage disposal utilities are subject to the jurisdiction of the Public Utilities Commission of Nevada; requiring certain water supply or sewage disposal utilities to file a general rate application with the Commission according to a specified schedule; requiring water supply utilities to provide for the maintenance of certain fire hydrants; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of utilities that furnish water and utilities that provide sewage disposal services by the Public Utilities Commission of Nevada. (Chapter 704 of NRS) Existing law exempts from regulation by the Commission utilities that have gross sales for water and

sewer services of $5,000 or less during a 12-month period. (NRS 704.030) Section 4 of this bill increases that threshold amount to $25,000 or less during a 12-month period. Existing law also requires that a water supply utility furnish water to cities, towns, villages or hamlets for the purpose of fire protection. (NRS 704.660) Section 8 of this bill requires that a water supply utility provide for the maintenance of certain fire hydrants. Section 3 of this bill requires that a water supply or sewage utility with an annual gross operating revenue of $1,000,000 or more for at least 1 year of the immediately preceding 3 years submit a plan to the Commission for satisfying the demands of its customers.

Additionally, existing law requires that some, but not all, public utilities must file general rate applications with the Commission according to a specified schedule. (NRS 704.110) Section 5 of this bill requires that water supply or sewer utilities with an annual gross operating revenue of $500,000 or more for at least 1 year of the immediately preceding 3 years file a general rate application with the Commission according to a specified schedule.

Under existing law, public utilities must obtain a certificate of public convenience and necessity from the Commission before beginning or continuing any operations or construction related to the utility. (NRS 704.330) Section 2 of this bill requires the Commission to consider the capabilities of existing water supply or sewer companies before issuing a certificate ~~[, and]~~ **to a new public utility. Section 3 of this bill** requires water supply utilities of a certain size to file a resource plan with the Commission according to a specified schedule.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***In determining whether to issue a certificate of public convenience and necessity to a new public utility that authorizes the construction, ownership, control or operation of any line, plant or system for the purpose of furnishing water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, the Commission shall consider whether another public utility or person is ready, willing and able to provide the services in the geographic area proposed by the applicant for the certificate.***

Sec. 3. ***1. A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, and which had an annual gross operating revenue of $1,000,000 or more for at least 1 year during the immediately preceding 3 years shall, on or before March 1 of every third year, in the manner specified by the Commission, submit a plan to the Commission to provide sufficient water or services for the disposal of sewage to satisfy the demand made on its system by its customers.***

2. The Commission shall adopt regulations to provide for the contents of and the method and schedule for preparing, submitting, reviewing and approving the plan required pursuant to subsection 1.

3. Within 180 days after a public utility has filed a plan pursuant to subsection 1, the Commission shall issue an order accepting the plan as filed or specifying any portion of the plan it finds to be inadequate.

4. If a plan submitted pursuant to subsection 1 and accepted by the Commission pursuant to subsection 3 and any regulations adopted pursuant to subsection 2 identifies a facility for acquisition or construction, the facility shall be deemed to be a prudent investment and the public utility may recover all just and reasonable costs of planning and constructing or acquiring the facility.

5. All prudent and reasonable expenditures made by a public utility to develop a plan filed pursuant to subsection 1, including, without limitation, any environmental, engineering or other studies, must be recovered from the rates charged to the public utility's customers.

Sec. 4. NRS 704.030 is hereby amended to read as follows:

704.030 "Public utility" or "utility" does not include:

1. Persons engaged in the production and sale of natural gas, other than sales to the public, or engaged in the transmission of natural gas other than as a common carrier transmission or distribution line or system.

2. Persons engaged in the business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if:

(a) They serve 25 persons or less; and

(b) Their gross sales for water or services for the disposal of sewage, or both, amounted to ~~[$5,000]~~ ***$25,000*** or less during the immediately preceding 12 months.

3. Persons not otherwise engaged in the business of furnishing, producing or selling water or services for the disposal of sewage, or both, but who sell or furnish water or services for the disposal of sewage, or both, as an accommodation in an area where water or services for the disposal of sewage, or both, are not available from a public utility, cooperative corporations and associations or political subdivisions engaged in the business of furnishing water or services for the disposal of sewage, or both, for compensation, to persons within the political subdivision.

4. Persons who are engaged in the production and sale of energy, including electricity, to public utilities, cities, counties or other entities which are reselling the energy to the public.

5. Persons who are subject to the provisions of NRS 590.465 to 590.645, inclusive.

6. Persons who are engaged in the sale or use of special fuel as defined in NRS 366.060.

7. Persons who provide water from water storage, transmission and treatment facilities if those facilities are for the storage, transmission or treatment of water from mining operations.

Sec. 5. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075 and 704.68904 to 704.68984, inclusive, or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097 or pursuant to the regulations adopted by the Commission in accordance with subsection 4 of NRS 704.040:

1. If a public utility files with the Commission an application to make changes in any schedule, including, without limitation, changes that will result in a discontinuance, modification or restriction of service, the Commission shall investigate the propriety of the proposed changes to determine whether to approve or disapprove the proposed changes. If an electric utility files such an application and the application is a general rate application or an application to clear its deferred accounts, the Consumer's Advocate shall be deemed a party of record.

2. Except as otherwise provided in subsections 3 and 13, if a public utility files with the Commission an application to make changes in any schedule, the Commission shall issue a written order approving or disapproving, in whole or in part, the proposed changes:

(a) For a public utility that is a PAR carrier, not later than 180 days after the date on which the application is filed; and

(b) For all other public utilities, not later than 210 days after the date on which the application is filed.

3. If a public utility files with the Commission a general rate application, the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared. Except as otherwise provided in subsection 4, in determining whether to approve or disapprove any increased rates, the Commission shall consider evidence in support of the increased rates based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the Commission and changes in the costs of securities which are known and are measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months, but the public utility shall not place into effect any increased rates until the changes have been experienced and certified by the public utility to the Commission and the Commission has approved the increased rates. The Commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an

annual basis. Within 90 days after the date on which the certification required by this subsection is filed with the Commission, or within the period set forth in subsection 2, whichever time is longer, the Commission shall make such order in reference to the increased rates as is required by this chapter. ~~[An electric utility]~~ ***The following public utilities*** shall ***each*** file a general rate application pursuant to this subsection ~~[at least once every 24 months]~~ based on the following schedule:

(a) An electric utility that primarily serves less densely populated counties shall file a general rate application on or before October 3, 2005, and at least once every 24 months thereafter.

(b) An electric utility that primarily serves densely populated counties shall file a general rate application on or before November 15, 2006, and at least once every 24 months thereafter.

(c) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of $500,000 or more for at least 1 year during the immediately preceding 3 years and which had not filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2008, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission.

(d) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of $500,000 or more for at least 1 year during the immediately preceding 3 years and which had filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2009, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission.

➥ The Commission shall adopt regulations setting forth standards for waivers pursuant to paragraphs (c) and (d) and for including the costs incurred by the public utility in preparing and presenting the general rate application before the effective date of any change in rates.

4. In addition to submitting the statement required pursuant to subsection 3, a public utility which purchases natural gas for resale may submit with its general rate application a statement showing the effects, on an annualized basis, of all expected changes in circumstances. If such a statement is filed, it must include all increases and decreases in revenue and expenses which may occur within 210 days after the date on which its general rate application is filed with the Commission if such expected changes in circumstances are reasonably known and are measurable with reasonable accuracy. If a public utility submits such a statement, the public utility has the burden of proving that the expected changes in circumstances set forth in the statement are reasonably known and are measurable with reasonable accuracy. If the Commission determines that the public utility has met its burden of proof:

(a) The Commission shall consider the statement submitted pursuant to this subsection and evidence relevant to the statement in addition to the statement required pursuant to subsection 3 as evidence in establishing just and reasonable rates for the public utility; and

(b) The public utility is not required to file with the Commission the certification that would otherwise be required pursuant to subsection 3.

5. If a public utility files with the Commission an application to make changes in any schedule and the Commission does not issue a final written order regarding the proposed changes within the time required by this section, the proposed changes shall be deemed to be approved by the Commission.

6. If a public utility files with the Commission a general rate application, the public utility shall not file with the Commission another general rate application until all pending general rate applications filed by that public utility have been decided by the Commission unless, after application and hearing, the Commission determines that a substantial financial emergency would exist if the public utility is not permitted to file another general rate application sooner. The provisions of this subsection do not prohibit the public utility from filing with the Commission, while a general rate application is pending, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale pursuant to subsection 7 or an application to clear its deferred accounts pursuant to subsection 9, if the public utility is otherwise authorized by those provisions to file such an application.

7. A public utility may file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale once every 30 days. The provisions of this subsection do not apply to:

(a) An electric utility using deferred accounting pursuant to NRS 704.187; or

(b) A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8.

8. A public utility which purchases natural gas for resale must request approval from the Commission to adjust its rates on a quarterly basis between annual rate adjustment applications based on changes in the public utility's recorded costs of natural gas purchased for resale. If the Commission approves such a request:

(a) The public utility shall file written notice with the Commission before the public utility makes a quarterly rate adjustment between annual rate adjustment applications. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The public utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's

regular monthly bill. The public utility shall begin providing such written notice to its customers not later than 30 days after the date on which the public utility files its written notice with the Commission pursuant to paragraph (a). The written notice that is included with a customer's regular monthly bill:

(1) Must be printed separately on fluorescent-colored paper and must not be attached to the pages of the bill; and

(2) Must include the following:

(I) The total amount of the increase or decrease in the public utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission; and

(IV) Any other information required by the Commission.

(c) The public utility shall file an annual rate adjustment application with the Commission. The annual rate adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual rate adjustment application must include a review of each quarterly rate adjustment and a review of the transactions and recorded costs of natural gas included in each quarterly rate adjustment and the annual rate adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the public utility to recover any recorded costs of natural gas which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the public utility, and the Commission shall order the public utility to adjust its rates if the Commission determines that any recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application were not reasonable or prudent.

9. Except as otherwise provided in subsection 10 and subsection 5 of NRS 704.100, if an electric utility using deferred accounting pursuant to NRS 704.187 files an application to clear its deferred accounts and to change one or more of its rates based upon changes in the costs for purchased fuel or purchased power, the Commission, after a public hearing and by an appropriate order:

(a) Shall allow the electric utility to clear its deferred accounts by refunding any credit balance or recovering any debit balance over a period not to exceed 3 years, as determined by the Commission.

(b) Shall not allow the electric utility to recover any debit balance, or portion thereof, in an amount that would result in a rate of return during the period of recovery that exceeds the rate of return authorized by the Commission in the most recently completed rate proceeding for the electric utility.

10. Before allowing an electric utility to clear its deferred accounts pursuant to subsection 9, the Commission shall determine whether the costs for purchased fuel and purchased power that the electric utility recorded in its deferred accounts are recoverable and whether the revenues that the electric utility collected from customers in this State for purchased fuel and purchased power are properly recorded and credited in its deferred accounts. The Commission shall not allow the electric utility to recover any costs for purchased fuel and purchased power that were the result of any practice or transaction that was undertaken, managed or performed imprudently by the electric utility.

11. If an electric utility files an application to clear its deferred accounts pursuant to subsection 9 while a general rate application is pending, the electric utility shall:

(a) Submit with its application to clear its deferred accounts information relating to the cost of service and rate design; and

(b) Supplement its general rate application with the same information, if such information was not submitted with the general rate application.

12. A utility facility identified in a 3-year plan submitted pursuant to NRS 704.741 and accepted by the Commission for acquisition or construction pursuant to NRS 704.751 and the regulations adopted pursuant thereto shall be deemed to be a prudent investment. The utility may recover all just and reasonable costs of planning and constructing such a facility.

13. A PAR carrier may, in accordance with this section and NRS 704.100, file with the Commission a request to approve or change any schedule to provide volume or duration discounts to rates for telecommunication service for an offering made to all or any class of business customers. The Commission may conduct a hearing relating to the request, which must occur within 45 days after the date the request is filed with the Commission. The request and schedule shall be deemed approved if the request and schedule are not disapproved by the Commission within 60 days after the date the Commission receives the request.

14. As used in this section:

(a) "Electric utility" has the meaning ascribed to it in NRS 704.187.

(b) "Electric utility that primarily serves densely populated counties" has the meaning ascribed to it in NRS 704.187.

(c) "Electric utility that primarily serves less densely populated counties" has the meaning ascribed to it in NRS 704.187.

(d) "PAR carrier" has the meaning ascribed to it in NRS 704.68942.

Sec. 6. NRS 704.3296 is hereby amended to read as follows:

704.3296 As used in NRS 704.3296 to 704.430, inclusive, ***and section 2 of this act,*** unless the context otherwise requires, "electric utility" has the meaning ascribed to it in NRS 704.7571.

Sec. 7. NRS 704.430 is hereby amended to read as follows:

704.430 1. Any person, firm, association or corporation who violates any provisions of NRS 704.3296 to 704.430, inclusive, ***and section 2 of this act,*** shall be punished by a fine of not more than $250.

2. Each day's operation without a certificate as provided in NRS 704.3296 to 704.430, inclusive, ***and section 2 of this act*** or each day that service is discontinued, modified or restricted, as defined in NRS 704.3296 to 704.430, inclusive, ***and section 2 of this act*** must be considered a separate offense.

Sec. 8. NRS 704.660 is hereby amended to read as follows:

704.660 1. Any public utility which furnishes, for compensation, any water for domestic purposes shall furnish each city, town, village or hamlet which it serves with a reasonably adequate supply of water at reasonable pressure for fire protection and at reasonable rates, all to be fixed and determined by the Commission.

2. The duty to furnish a reasonably adequate supply of water provided for in subsection 1 includes the laying of mains with all necessary connections for the proper delivery of the water for fire protection ~~[and also the installing]~~ ***, the installation*** of appliances to assure a reasonably sufficient pressure for fire protection ~~[.]~~ ***and the maintenance of fire hydrants that are the property of the public utility and located either within a public right-of-way or upon private property to which the public utility is permitted reasonable access without cost.***

3. The Commission may fix and determine reasonable rates and prescribe all installations and appliances adequate for the proper utilization and delivery of water for fire protection. The Commission may adopt regulations and practices to be followed by a utility in furnishing water for fire protection, and has complete jurisdiction of all questions arising under the provisions of this section.

4. All proceedings under this section must be conducted pursuant to NRS 703.320 to 703.370, inclusive, and 704.005 to 704.645, inclusive. All violations of any order made by the Commission under the provisions of this section are subject to the penalties for similar violations of the provisions of NRS 704.005 to 704.645, inclusive.

5. This section applies to and governs all public utilities furnishing water for domestic use on March 26, 1913, unless otherwise expressly provided in the charters, franchises or permits under which those utilities are acting. Each public utility which supplies water for domestic uses after March 26, 1913, is subject to the provisions of this section, regardless of any conditions to the contrary in any charter, franchise or permit of whatever character granted by

any county, city, town, village or hamlet within this State, or of any charter, franchise or permit granted by any authority outside this State.

Sec. 9. A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, and which had an annual gross operating revenue of $1,000,000 or more during calendar year 2005, calendar year 2006 or calendar year 2007 shall, on or before March 1, 2008, submit to the Public Utilities Commission of Nevada the plan required pursuant to the provisions of section 3 of this act.

Sec. 10. This act becomes effective on July 1, 2007.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 129 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 100.

Bill read second time and ordered to third reading.

Senate Bill No. 148.

Bill read second time and ordered to third reading.

Senate Bill No. 227.

Bill read second time and ordered to third reading.

Senate Bill No. 265.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 651.

AN ACT relating to dentistry; ~~[authorizing]~~ **providing for the issuance of subpoenas by** the Executive Director ~~[and the members]~~ of the Board ~~[to issue subpoenas;]~~ **of Dental Examiners of Nevada under certain circumstances;** revising the requirements for the issuance of a permanent license for an applicant who holds a temporary license; eliminating the requirement that the Board meet at least annually to examine applicants for licenses; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill removes the requirement that the Board of Dental Examiners of Nevada meet at least once each year to examine applicants for licenses and removes the requirement that examinations be conducted by

members of the Board or its appointees. Section 3 of this bill requires a person who applies for a license without examination to file an application at least 45 days before the Board is scheduled to take action on the application. Section 4 of this bill specifies that an applicant for a license to practice dentistry must pass a clinical examination approved by the Board and the American Board of Dental Examiners. Sections 5 and 6 of this bill eliminate the requirement that a person who holds a temporary license and wishes to apply for a permanent license must not have been involved in any disciplinary action during the period he held the temporary license. Section 7 of this bill authorizes the **Board to adopt regulations setting forth a procedure pursuant to which the** Executive Director ~~[and any member]~~ of the Board ~~[to]~~ **may** issue subpoenas ~~[.]~~ **on behalf of the Board.** Section 8 of this bill prohibits a dentist from practicing dentistry in a manner or place that is not permitted by the provisions of chapter 631 of NRS. Section 8 also provides that a first or second offense is a gross misdemeanor and a third or subsequent offense is a category D felony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 631.170 is hereby amended to read as follows:

631.170 1. The Board shall meet ~~[at least once annually]~~ ***whenever necessary*** to examine applicants. The dates of the examinations must be fixed by the Board. The Board may conduct examinations outside ~~[of]~~ this State, and for this purpose may use the facilities of dental colleges **.** ~~[, but all examinations must be conducted by members of the Board or examiners appointed by the Board.]~~

2. The Board may also meet at such other times and places and for such other purposes as it may deem proper.

3. A quorum consists of five members who are dentists and two members who are dental hygienists.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 631.220 is hereby amended to read as follows:

631.220 1. Every applicant for a license to practice dental hygiene or dentistry, or any of its special branches, ~~[shall:]~~ ***must:***

(a) File an application with the Board ***at least*** 45 days before ~~[the]~~ ***:***

(1) The date on which the examination ~~[is to]~~ ***will*** be given ~~[.]~~ ***; or***

(2) If an examination is not required for the issuance of a license, the date on which the Board is scheduled to take action on the application.

(b) Accompany the application with a recent photograph of himself together with the required ~~[examination]~~ fee and such other documentation as the Board may require by regulation.

(c) Submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. An application must include all information required to complete the application.

Sec. 4. NRS 631.240 is hereby amended to read as follows:

631.240 1. Any person desiring to obtain a license to practice dentistry in this State, after having complied with the regulations of the Board to determine eligibility:

(a) Must present to the Board a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Examination with an average score of at least 75; and

(b) Except as otherwise provided in this chapter, must:

(1) Successfully ~~[complete]~~ ***pass*** a clinical examination ~~[given]~~ ***approved*** by the Board ~~[which examines the applicant's practical knowledge of dentistry and which includes demonstrations of the applicant's skill in dentistry;]~~ ***and the American Board of Dental Examiners;*** or

(2) Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed, within the 5 years immediately preceding the date of the application, a clinical examination administered by the Western Regional Examining Board.

2. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

3. All persons who have satisfied the requirements for licensure as a dentist must be registered as licensed dentists on the board register, as provided in this chapter, and are entitled to receive a certificate of registration, signed by all members of the Board.

Sec. 5. NRS 631.272 is hereby amended to read as follows:

631.272 1. Except as otherwise provided in this section, the Board shall, without a clinical examination required by NRS 631.240, issue a temporary license to practice dentistry to a person who:

(a) Has a license to practice dentistry issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Has practiced dentistry pursuant to the laws of another state or territory of the United States, or the District of Columbia, for a minimum of 5 years;

(c) Has not had his license to practice dentistry revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(d) Has not been refused a license to practice dentistry in this State, another state or territory of the United States, or the District of Columbia;

(e) Is not involved in or does not have pending a disciplinary action concerning his license to practice dentistry in this State, another state or territory of the United States, or the District of Columbia;

(f) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240;

(g) Submits all information required to complete an application for a license; and

(h) Satisfies the requirements of NRS 631.230.

2. A person to whom a temporary license is issued pursuant to subsection 1 may:

(a) Practice dentistry for the duration of the temporary license; and

(b) Apply for a permanent license to practice dentistry without a clinical examination required by NRS 631.240 if ~~[~~:

~~(1) The~~ ***the*** person has held a temporary license to practice dentistry pursuant to subsection 1 for a minimum of 2 years **.** ~~[~~; and

~~(2) The person has not been involved in any disciplinary action during the time he has held a temporary license pursuant to subsection 1.]~~

3. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

4. The Board shall not, on or after July 1, 2006, issue any additional temporary licenses to practice dentistry pursuant to this section.

5. Any person who, on July 1, 2006, holds a temporary license to practice dentistry issued pursuant to this section may, subject to the regulatory and disciplinary authority of the Board, practice dentistry under the temporary license until December 31, 2008, or until the person is qualified to apply for and is issued or denied a permanent license to practice dentistry in accordance with this section, whichever period is shorter.

6. The Board may revoke a temporary license at any time upon submission of substantial evidence to the Board that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 6. NRS 631.273 is hereby amended to read as follows:

631.273 1. Except as otherwise provided in this section, the Board shall, without a clinical examination required by NRS 631.300, issue a temporary license to practice dental hygiene to a person who:

(a) Has a license to practice dental hygiene issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Satisfies the requirements of NRS 631.290;

(c) Has practiced dental hygiene pursuant to the laws of another state or territory of the United States, or the District of Columbia, for at least 5 years immediately preceding the date that he applies for a temporary license;

(d) Has not had his license to practice dental hygiene revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(e) Has not been denied a license to practice dental hygiene in this State, another state or territory of the United States, or the District of Columbia;

(f) Is not involved in or does not have pending a disciplinary action concerning his license to practice dental hygiene in this State, another state or territory of the United States, or the District of Columbia;

(g) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.300; and

(h) Submits all information required to complete an application for a license.

2. A person to whom a temporary license is issued pursuant to this section may:

(a) Practice dental hygiene for the duration of the temporary license; and

(b) Apply for a permanent license to practice dental hygiene without a clinical examination required by NRS 631.300 if ~~[~~:

~~(1) The~~] ***the*** person has held a temporary license to practice dental hygiene issued pursuant to this section for at least 2 years **.** ~~[; and~~

~~(2) The person has not been involved in any disciplinary action during the time he has held a temporary license issued pursuant to this section.]~~

3. The Board shall examine each applicant in writing concerning the contents and interpretation of this chapter and the regulations of the Board.

4. The Board shall not, on or after July 1, 2006, issue any additional temporary licenses to practice dental hygiene pursuant to this section.

5. Any person who, on July 1, 2006, holds a temporary license to practice dental hygiene issued pursuant to this section may, subject to the regulatory and disciplinary authority of the Board, practice dental hygiene under the temporary license until December 31, 2008, or until the person is qualified to apply for and is issued or denied a permanent license to practice dental hygiene in accordance with this section, whichever period is shorter.

6. The Board may revoke a temporary license at any time upon submission of substantial evidence to the Board that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 7. NRS 631.360 is hereby amended to read as follows:

631.360 1. The Board may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for refusal, suspension or revocation of a license or certificate under this chapter, investigate the actions of any person holding a certificate.

2. The Board shall, before refusing to issue, or before suspending or revoking any certificate, at least 10 days before the date set for the hearing, notify in writing the applicant or the holder of the certificate of any charges made. The notice may be served by delivery of it personally to the accused person or by mailing it by registered or certified mail to the place of business last specified by the accused person, as registered with the Board.

3. At the time and place fixed in the notice, the Board shall proceed to hear the charges. If the Board receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held within 30 days after receiving the report.

4. The Board ~~*[, any member thereof or the Executive Director]*~~ may compel the attendance of witnesses or the production of documents or objects by subpoena. ***The Board may adopt regulations that set forth a procedure pursuant to which the Executive Director may issue subpoenas on behalf of the Board.*** Any person who is subpoenaed ~~[by the Board]~~ ***pursuant to this***

subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

5. The Board may obtain a search warrant from a magistrate upon a showing that the warrant is needed for an investigation or hearing being conducted by the Board and that reasonable cause exists to issue the warrant.

6. If the Board is not sitting at the time and place fixed in the notice, or at the time and place to which the hearing has been continued, the Board shall continue the hearing for a period not to exceed 30 days.

Sec. 7.5. **NRS 631.366 is hereby amended to read as follows:**

631.366 1. The district court for the county in which any investigation or hearing is being conducted by the Board may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by ***or on behalf of*** the Board.

2. If any witness refuses to attend or testify or produce any papers required by a subpoena, the Board may so report to the district court for the county in which the investigation or hearing is pending by petition, setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) That the witness has been subpoenaed in the manner prescribed in this chapter;

(c) That the witness has failed and refused to attend or produce the papers required by subpoena before the Board in the investigation or hearing named in the subpoena, or has refused to answer questions propounded to him in the course of the investigation or hearing;

(d) That the subpoena identified specifically any documents or the subject of any testimony required;

(e) That the documents or testimony were relevant to the allegations being investigated or heard; and

(f) That no reasonable cause exists for the failure or refusal to comply with the subpoena,

➥ and requesting an order of the court compelling the witness to attend and testify or produce the books or papers before the Board.

3. The court, upon petition of the Board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, not more than 10 days after the service of the order, and show cause why he has not attended or testified or produced the books or papers before the Board. A certified copy of the order must be served upon the witness. If it appears to the court that the subpoena was regularly issued by ***or on behalf of*** the Board and there is no reasonable cause for the refusal or failure to comply, the court shall thereupon enter an order that the witness appear before the Board at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness must be dealt with as if in contempt of court.

4. The court may consider, in determining whether reasonable cause existed for the witness' refusal or failure to comply with the subpoena, such factors as:

(a) The burden or cost of compliance, financial or otherwise, to the witness;

(b) The time allowed for compliance;

(c) The extent of the information requested in relation to the nature of the underlying charge; and

(d) The extent of the statistical information necessary to investigate the charge adequately.

Sec. 8. NRS 631.400 is hereby amended to read as follows:

631.400 1. A person who engages in the illegal practice of dentistry in this State ~~[, or]~~ ***is guilty of a category D felony and shall be punished as provided in NRS 193.130.***

2. A person who practices or offers to practice dental hygiene in this State without a license, or who, having a license, practices dental hygiene in a manner or place not permitted by the provisions of this chapter:

(a) If it is his first or second offense, is guilty of a gross misdemeanor.

(b) If it is his third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

~~[2.]~~ ***3. Unless a greater penalty is provided by specific statute, a person who is licensed to practice dentistry who practices dentistry in a manner or place not permitted by the provisions of this chapter:***

(a) If it is his first or second offense, is guilty of a gross misdemeanor.

(b) If it is his third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. The Board may assign ~~[such]~~ a person ***described in subsection 1, 2 or 3*** specific duties as a condition of renewing his license.

~~[3. Whenever]~~

5. If a person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or other appropriate order restraining the conduct. Proceedings under this subsection are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 277.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 689.

AN ACT relating to traffic laws; authorizing the court to order certain offenders who plead guilty or nolo contendere to a third offense of driving under the influence of intoxicating liquor or a controlled substance to a program for the treatment of alcoholism or drug abuse; revising certain penalties for driving under the influence of intoxicating liquor or a controlled substance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows an offender who is found guilty of a first or second violation of driving under the influence of intoxicating liquor or a controlled substance to apply to the court to attend a certified program of treatment for alcoholism or drug abuse. (NRS 484.3792, 484.37937, 484.3794) Upon successful completion of the program, the court will reduce the sentence of the offender. (NRS 484.37937, 484.3794) However, no treatment option or reduced sentence is authorized for a third offense, which is a felony offense. (NRS 484.3792) This bill authorizes the court to order an offender who enters a plea of guilty or nolo contendere to a third-offense violation of driving under the influence of intoxicating liquor or a controlled substance to a program of treatment for a minimum of 3 years and to suspend ~~[the offender's sentence]~~ **further proceedings** until the program of treatment is completed. If the offender successfully completes the program of treatment, his conviction will be reduced to a second-offense violation of driving under the influence of intoxicating liquor or a controlled substance, which is a misdemeanor. ~~[Thus, for the purposes of employment, civil rights, licensing or any other public or private purpose, the conviction would be reflected as a misdemeanor.]~~ However, ~~[the conviction would stand as a prior felony conviction]~~ for the purpose of any additional penalties that may be imposed for subsequent offenses for driving under the influence of intoxicating liquor or a controlled substance ~~[.]~~ **, the offense will count as a third offense.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 484 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An offender who enters a plea of guilty or nolo contendere to a violation of NRS 484.379 that is punishable pursuant to paragraph (c) of subsection 1 of NRS 484.3792 may, at the time he enters his plea, apply to the court to undergo a program of treatment for alcoholism or drug abuse which is certified by the Health Division of the Department of Health and Human Services for at least 3 years if:

(a) The offender is diagnosed as an alcoholic or abuser of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners; and

(b) The offender agrees to pay the costs of the treatment to the extent of his financial resources.

➥ An alcohol and drug abuse counselor or a physician who diagnoses an offender as an alcoholic or abuser of drugs shall make a report and recommendation to the court concerning the length and type of treatment required for the offender.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the matter. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter and other information before the court.

4. If the court determines that an application for treatment should be granted, the court shall:

(a) Immediately ~~*[sentence the offender and enter judgment accordingly.*~~

~~*(b) Suspend the sentence of the offender]*~~ ***, without entering a judgment of conviction and with the consent of the offender, suspend further proceedings and place him on probation for not more than 5 years upon the condition that the offender be accepted for treatment by a treatment facility, that he complete the treatment satisfactorily and that he comply with any other condition ordered by the court.***

~~*[(c)]*~~ ***(b) Advise the offender that:***

(1) If he is accepted for treatment by such a facility, he may be placed under the supervision of the facility for ~~*[a period not to exceed]*~~ ***not more than 5 years and during treatment he may be confined in an institution or, at the discretion of the treatment facility, released for treatment or supervised aftercare in the community.***

(2) If he is not accepted for treatment by such a treatment facility, or if he fails to complete the treatment satisfactorily, ~~*[he shall serve the sentence imposed by the court.]*~~ ***the court will enter a judgment of conviction for a violation of paragraph (c) of subsection 1 of NRS 484.3792. Any sentence of imprisonment may be reduced by a time equal to that which he served before beginning treatment.***

(3) If he completes the treatment satisfactorily ~~*[:*~~

~~*(I) The court shall vacate his sentence of imprisonment and reduce his conviction from a violation of paragraph (c) of subsection 1 of NRS 484.3792 to]*~~ ***, the court will enter a judgment of conviction for a violation of paragraph (b) of subsection 1 of NRS 484.3792.***

~~*[(II) Such a conviction shall be deemed a misdemeanor for all public purposes, except that the conviction must remain on his record of criminal history as a felony and shall be deemed a prior felony conviction for purposes of enhancement under subsection 2 of NRS 484.3792.]*~~

5. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence or set aside the conviction upon the election of treatment, except as otherwise provided in this section; and

(b) May ~~[immediately revoke the suspension of sentence for]~~ enter a judgment of conviction and proceed as provided in paragraph (c) of subsection 1 of NRS 484.3792 for a violation of a condition ~~[of the suspension.]~~ ordered by the court.

6. To participate in a program of treatment, the offender must ~~[meet the following conditions, including, without limitation:]~~ :

(a) ~~[~~The offender shall serve a minimum of~~]~~ Serve not less than 6 months of residential confinement ~~[pursuant to NRS 4.376 to 4.3766, inclusive;~~

~~(b) The offender shall have installed,]~~ ;

(b) Install, at his own expense, a device ~~[pursuant to NRS 484.3943 for a period of]~~ for not less than 12 months ~~[which may be extended at the discretion of the court;~~

~~(c) The offender may not]~~ ;

(c) Not drive any vehicle ~~[which is not]~~ unless it is equipped with a device ~~[pursuant to NRS 484.3943;~~

~~(d) At the discretion of the court or treatment facility, the offender may]~~ ;

(d) Agree to be subject to periodic testing for the use of alcohol or controlled substances while participating in a program of treatment; and

(e) ~~[~~Any~~]~~ Agree to any other conditions that the court deems necessary.

7. An offender may not apply to the court to undergo a program of treatment for alcoholism or drug abuse pursuant to this section if he has previously applied to receive treatment pursuant to this section or if he has previously been convicted of:

(a) A violation of NRS 484.3795;

(b) A violation of NRS 484.37955;

(c) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955;

(d) A violation of paragraph (c) of subsection 1 of NRS 484.3792;

(e) A violation of subsection 2 of NRS 484.3792; or

(f) A violation of law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a), (b), (c) or (d).

8. As used is this section ~~[~~, "treatment~~]~~ :

(a) "Device" has the meaning ascribed to it in NRS 484.3941.

(b) "Treatment facility" has the meaning ascribed to it in NRS 484.3793.

Sec. 2. NRS 484.3792 is hereby amended to read as follows:

484.3792 1. Unless a greater penalty is provided pursuant to NRS 484.3795 or 484.37955, and except as otherwise provided in subsection 2, a person who violates the provisions of NRS 484.379:

(a) For the first offense within 7 years, is guilty of a misdemeanor. Unless he is allowed to undergo treatment as provided in NRS 484.37937, the court shall:

(1) Except as otherwise provided in subparagraph (4) or subsection 7, order him to pay tuition for an educational course on the abuse of alcohol and controlled substances approved by the Department and complete the course within the time specified in the order, and the court shall notify the Department if he fails to complete the course within the specified time;

(2) Unless the sentence is reduced pursuant to NRS 484.37937, sentence him to imprisonment for not less than 2 days nor more than 6 months in jail, or to perform not less than 48 hours, but not more than 96 hours, of community service while dressed in distinctive garb that identifies him as having violated the provisions of NRS 484.379;

(3) Fine him not less than $400 nor more than $1,000; and

(4) If he is found to have a concentration of alcohol of 0.18 or more in his blood or breath, order him to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484.37945.

(b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484.3794, the court shall:

(1) Sentence him to:

(I) Imprisonment for not less than 10 days nor more than 6 months in jail; or

(II) Residential confinement for not less than 10 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive;

(2) Fine him not less than $750 nor more than $1,000, or order him to perform an equivalent number of hours of community service while dressed in distinctive garb that identifies him as having violated the provisions of NRS 484.379; and

(3) Order him to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484.37945.

➥ A person who willfully fails or refuses to complete successfully a term of residential confinement or a program of treatment ordered pursuant to this paragraph is guilty of a misdemeanor.

(c) ~~[For]~~ ***Except as otherwise provided in section 1 of this act, for*** a third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and shall be further punished by a fine of not less than $2,000 nor more than $5,000. ~~*[The court may order the offender to attend a program of treatment for the abuse of alcohol or drugs pursuant to section 1 of this act.]*~~ An offender ~~[so]~~ ***who is*** imprisoned ***pursuant to the provisions of this paragraph*** must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. Unless a greater penalty is provided in NRS 484.37955, a person who has previously been convicted of:

(a) A violation of NRS 484.379 that is punishable as a felony pursuant to paragraph (c) of subsection 1;

(b) A violation of NRS 484.3795;

(c) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; ~~[or]~~

(d) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a), (b) or (c) ~~[.]~~ ***; or***

(e) A ~~[misdemeanor]~~ violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792 that was reduced from a felony ~~[after successful completion of a program of treatment as set forth in]~~ pursuant to section 1 of this act,

➥ and who violates the provisions of NRS 484.379 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than $2,000 nor more than $5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

3. Except as otherwise provided in this subsection, an offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. An offense which is listed in paragraphs (a) to (d), inclusive, of subsection 2 that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard for the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

4. A person convicted of violating the provisions of NRS 484.379 must not be released on probation, and a sentence imposed for violating those provisions must not be suspended except, as provided in NRS 4.373, 5.055, 484.37937 and 484.3794, ***and section 1 of this act,*** that portion of the sentence imposed that exceeds the mandatory minimum. A prosecuting attorney shall not dismiss a charge of violating the provisions of NRS 484.379 in exchange for a plea of guilty or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.

5. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484.37937 or 484.3794 ~~*[, or section 1 of this act,]*~~ and the suspension of his sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

6. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560 or 485.330 must run consecutively.

7. If the person who violated the provisions of NRS 484.379 possesses a driver's license issued by a state other than the State of Nevada and does not reside in the State of Nevada, in carrying out the provisions of subparagraph (1) of paragraph (a) of subsection 1, the court shall:

(a) Order the person to pay tuition for and submit evidence of completion of an educational course on the abuse of alcohol and controlled substances approved by a governmental agency of the state of his residence within the time specified in the order; or

(b) Order him to complete an educational course by correspondence on the abuse of alcohol and controlled substances approved by the Department within the time specified in the order,

➥ and the court shall notify the Department if the person fails to complete the assigned course within the specified time.

8. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

9. For the purpose of determining whether one offense occurs within 7 years of another offense, any period of time between the two offenses during which, for any such offense, the offender is imprisoned, serving a term of residential confinement, confined in a treatment facility, on parole or on probation must be excluded.

10. As used in this section, unless the context otherwise requires:

(a) "Concentration of alcohol of 0.18 or more in his blood or breath" means 0.18 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.

(b) "Offense" means:

(1) A violation of NRS 484.379 or 484.3795;

(2) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a

controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or

(3) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in subparagraph (1) or (2).

(c) "Treatment facility" has the meaning ascribed to it in NRS 484.3793.

Sec. 3. NRS 484.37945 is hereby amended to read as follows:

484.37945 1. When a program of treatment is ordered pursuant to paragraph (a) or (b) of subsection 1 of NRS 484.3792, ***or section 1 of this act,*** the court shall place the offender under the clinical supervision of a treatment facility for treatment ~~[for a period not to exceed 1 year,]~~ in accordance with the report submitted to the court pursuant to subsection 3, 4, 5 or 6 of NRS 484.37943 ~~[.]~~ ***or section 1 of this act.*** The court shall:

(a) Order the offender confined in a treatment facility, then release the offender for supervised aftercare in the community; or

(b) Release the offender for treatment in the community,

➥ for the period of supervision ordered by the court.

2. The court shall:

(a) Require the treatment facility to submit monthly progress reports on the treatment of an offender pursuant to this section; and

(b) Order the offender, to the extent of his financial resources, to pay any charges for his treatment pursuant to this section. If the offender does not have the financial resources to pay all those charges, the court shall, to the extent possible, arrange for the offender to obtain his treatment from a treatment facility that receives a sufficient amount of federal or state money to offset the remainder of the charges.

3. A treatment facility is not liable for any damages to person or property caused by a person who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484.379, 484.3795, 484.37955, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of any other jurisdiction that prohibits the same or similar conduct,

➥ after the treatment facility has certified to his successful completion of a program of treatment ordered pursuant to paragraph (a) or (b) of subsection 1 of NRS 484.3792 ~~[.]~~ ***, or section 1 of this act.***

Sec. 4. NRS 484.37947 is hereby amended to read as follows:

484.37947 The provisions of NRS 484.37943 and 484.37945 ***, and section 1 of this act*** do not prohibit a court from:

1. Requiring an evaluation pursuant to NRS 484.37943 to be conducted by an evaluation center that is administered by a private company if the company meets the standards of the State Board of Health pursuant to NRS 484.37935; or

2. Ordering the offender to attend a program of treatment that is administered by a private company.

Sec. 5. **NRS 484.3796 is hereby amended to read as follows:**

484.3796 1. Before sentencing an offender for a violation of NRS 484.379 that is punishable as a felony pursuant to NRS 484.3792 ***other than an offender who has been evaluated pursuant to section 1 of this act*** or a violation of NRS 484.3795 or 484.37955, the court shall require that the offender be evaluated to determine whether he is an abuser of alcohol or drugs and whether he can be treated successfully for his condition.

2. The evaluation must be conducted by:

(a) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS to make such an evaluation;

(b) A physician who is certified to make such an evaluation by the Board of Medical Examiners; or

(c) A psychologist who is certified to make such an evaluation by the Board of Psychological Examiners.

3. The alcohol and drug abuse counselor, physician or psychologist who conducts the evaluation shall immediately forward the results of the evaluation to the Director of the Department of Corrections.

~~[Sec. 5.]~~ ***Sec. 6.*** This act becomes effective on July 1, 2007.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 396.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 698.

AN ACT relating to subsurface installations; revising provisions relating to the notification required before beginning an excavation or demolition under certain circumstances; revising provisions governing certain complaints relating to the conduct of an excavation or demolition; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill amends the definition of "approximate location of a subsurface installation" to mean a strip of land not more than 24 inches on either side of the exterior surface of a subsurface installation, instead of 30 inches as defined by existing law. (NRS 455.082) **Section 7 of this bill delays the effective date of the change until July 1, 2008. Section 6 of this bill requires the Public Utilities Commission of Nevada to report to the Legislative Commission before the next regular session of the Legislature concerning the effects of the change.**

Existing law requires a person to give notice to the appropriate association of operators of an excavation or demolition at least 2 working days, but not more than 14 calendar days, before the excavation or demolition.

(NRS 455.110) Section 3 of this bill extends the time frame to not more than 28 calendar days before the excavation or demolition.

Existing law authorizes certain persons to file a complaint to enjoin certain activities or practices of an operator or a person who is about to conduct an excavation or demolition and authorizes the court to issue a temporary restraining order under certain circumstances. (NRS 455.160) Section 4 of this bill adds the Regulatory Operations Staff of the Public Utilities Commission of Nevada, the Attorney General, an operator or a person conducting an excavation or demolition to the list of persons authorized to file a complaint. ~~[Section 4 also removes the authorization of a court to issue a temporary restraining order.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 455.082 is hereby amended to read as follows:

455.082 "Approximate location of a subsurface installation" means a strip of land not more than ~~[30]~~ ***24*** inches on either side of the exterior surface of a subsurface installation. The term does not include the depth of the subsurface installation.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 455.110 is hereby amended to read as follows:

455.110 1. Except as otherwise provided in subsection 2, a person shall not begin an excavation or demolition if the excavation or demolition is to be conducted in an area that is known or reasonably should be known to contain a subsurface installation, except a subsurface installation owned or operated by the person conducting the excavation or demolition, unless he:

(a) Notifies the appropriate association for operators pursuant to NRS 455.120, at least 2 working days but not more than ~~[14]~~ ***28*** calendar days before excavation or demolition is scheduled to commence. The notification may be written or provided by telephone and must state the name, address and telephone number of the person who is responsible for the excavation or demolition, the starting date of the excavation or demolition, anticipated duration and type of excavation or demolition to be conducted, the specific area of the excavation or demolition and whether explosives are to be used.

(b) Cooperates with the operator in locating and identifying its subsurface installation by:

(1) Meeting with its representative as requested; and

(2) Making a reasonable effort that is consistent with the practice in the industry to mark with white paint, flags, stakes, whiskers or another method that is agreed to by the operator and the person who is responsible for the excavation or demolition, the proposed area of the excavation or demolition.

2. A person responsible for emergency excavation or demolition is not required to comply with the provisions of subsection 1 if there is a substantial likelihood that loss of life, health or property will result before the provisions

of subsection 1 can be fully complied with. The person shall notify the operator of the action he has taken as soon as practicable.

Sec. 4. NRS 455.160 is hereby amended to read as follows:

455.160 1. ~~[A commissioner]~~ ***The Regulatory Operations Staff*** of the Public Utilities Commission of Nevada ***, the Attorney General, an operator, a person conducting an excavation or demolition,*** or the district attorney of a county or the city attorney of a city in which there is an excavation or demolition or a proposed excavation or demolition which he believes may cause death, serious physical harm or serious property damage may file a complaint in the district court for the county seeking to enjoin the activity or practice of an operator or a person who is responsible for the excavation or demolition.

2. Upon the filing of a complaint pursuant to subsection 1, the court may issue a temporary restraining order before holding an evidentiary hearing. ~~[A temporary restraining order may be issued for no longer than 5 days.]~~

Sec. 5. NRS 455.170 is hereby amended to read as follows:

455.170 1. An action for the enforcement of a civil penalty pursuant to this section may be brought before the Public Utilities Commission of Nevada by the Attorney General, a district attorney, a city attorney, ~~[legal counsel for]~~ ***the Regulatory Operations Staff of*** the Public Utilities Commission of Nevada, the governmental agency that issued the permit to conduct an excavation or demolition, an operator or a person conducting an excavation or demolition.

2. Any person who willfully or repeatedly violates a provision of NRS 455.080 to 455.180, inclusive, is liable for a civil penalty:

(a) Not to exceed $1,000 per day for each violation; and

(b) Not to exceed $100,000 for any related series of violations within a calendar year.

3. Any person who negligently violates any such provision is liable for a civil penalty:

(a) Not to exceed $200 per day for each violation; and

(b) Not to exceed $1,000 for any related series of violations within a calendar year.

4. The amount of any civil penalty imposed pursuant to this section and the propriety of any settlement or compromise concerning a penalty must be determined by the Public Utilities Commission of Nevada upon receipt of a complaint by the Attorney General, ~~[an employee]~~ ***the Regulatory Operations Staff*** of the Public Utilities Commission of Nevada ***,*** ~~[who is engaged in regulatory operations,]~~ a district attorney, a city attorney, the agency that issued the permit to excavate or the operator or the person responsible for the excavation or demolition.

5. In determining the amount of the penalty or the amount agreed upon in a settlement or compromise, the Public Utilities Commission of Nevada shall consider:

(a) The gravity of the violation;

(b) The good faith of the person charged with the violation in attempting to comply with the provisions of NRS 455.080 to 455.180, inclusive, before and after notification of a violation; and

(c) Any history of previous violations of those provisions by the person charged with the violation.

6. A civil penalty recovered pursuant to this section must first be paid to reimburse the person who initiated the action for any cost incurred in prosecuting the matter.

7. Any person aggrieved by a determination of the Public Utilities Commission of Nevada pursuant to this section may seek judicial review of the determination in the manner provided by NRS 703.373.

Sec. 6. **The Public Utilities Commission of Nevada shall, on or before December 31, 2008, submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission concerning the effects of the revision of the definition of "approximate location of a subsurface installation" set forth in NRS 455.082, as amended by section 1 of this act. The report must include, without limitation, the number of occurrences of contact with, exposure of or damage to a subsurface installation resulting from any excavation or demolition in this State on and after July 1, 2008, as compared to similar occurrences before July 1, 2008.**

Sec. 7. **1. This section and sections 2 to 6, inclusive, of this act become effective on October 1, 2007.**

2. **Section 1 of this act becomes effective on July 1, 2008.**

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 559 be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblyman Oceguera.

Motion carried.

Assemblywoman Kirkpatrick moved that Senate Bill No. 352 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 559.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 559:

YEAS—42.

NAYS—None.

Senate Bill No. 559 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 200.

Bill read third time.

Remarks by Assemblymen Denis, Carpenter, and Anderson.

Roll call on Assembly Bill No. 200:

YEAS—42.

NAYS—None.

Assembly Bill No. 200 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 212.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 715.

AN ACT relating to education; requiring the boards of trustees of school districts to prescribe a policy for the development of 4-year academic plans for pupils enrolled in high school; requiring the principals of certain larger high schools to provide for a program of a ninth grade school within a school; requiring the State Board of Education to prescribe a uniform grading scale for high schools; requiring each school district to adopt a policy setting forth the duties of school counselors; expanding the age for compulsory school attendance from 17 years to 18 years; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the system of public instruction for this State and defines the different kinds of public schools in this State. (Chapter 388 of NRS) A high school is a public school in which subjects above the eighth grade are taught. (NRS 388.020)

Section 2 of this bill requires the board of trustees of each school district to adopt a policy for each public school of the school district in which ninth grade pupils are enrolled, to develop a 4-year academic plan for each of those pupils. The academic plan must be developed in consultation with the pupil, the pupil's parent or legal guardian and a school counselor. The plan must include the specific educational goals that the pupil intends to complete before graduation from high school. If the pupil does not satisfy all the goals contained in the plan, the pupil is still eligible for a diploma if he otherwise satisfies the requirements for receipt of a diploma.

Section 3 of this bill requires the board of trustees of each school district that includes at least one high school in which 1,200 pupils or more are enrolled, including ninth grade pupils, to adopt a policy for each of those high schools to provide a program of a ninth grade school within a school.

The principal of each such high school must carry out the program. The program consists of the designation of a separate geographic location within the high school in which ninth grade pupils attend classes ~~[,]~~ **where practicable,** the identification of any special needs for counseling or remediation for a ninth grade pupil and the assignment of certain personnel at the high school specifically for the ninth grade pupils.

Section 4 of this bill requires the State Board of Education to prescribe a uniform grading policy for all public high schools. The board of trustees of each school district and the governing body of each charter school that operates as a high school shall comply with the policy.

Section 5 of this bill requires the board of trustees of each school district to adopt a policy that sets forth the duties, roles and responsibilities of school counselors. The policy must be designed to ensure that school counselors are allotted sufficient time in each school year to carry out school counseling and to limit the amount of time school counselors are required to assist with the administration and coordination of tests.

Existing law establishes the ages for compulsory public school attendance at 7 to 17 years of age. (NRS 392.040) Section 6 of this bill expands the age to 18 years unless the child has graduated from high school.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The board of trustees of each school district shall adopt a policy for each public school in the school district in which ninth grade pupils are enrolled to develop a 4-year academic plan for each of those pupils. The academic plan must set forth the specific educational goals that the pupil intends to achieve before graduation from high school. The plan may include, without limitation, the designation of a career pathway and enrollment in dual credit courses, career and technical education courses, advanced placement courses and honors courses.***

2. The policy must require each pupil enrolled in ninth grade and the pupil's parent or legal guardian to:

(a) Work in consultation with a school counselor to develop an academic plan for the pupil;

(b) Sign the academic plan; and

(c) Review the academic plan at least once each school year in consultation with a school counselor and revise the plan if necessary.

3. If a pupil enrolls in a high school after ninth grade, an academic plan must be developed for that pupil with appropriate modifications for the grade level of the pupil.

4. An academic plan for a pupil must be used as a guide for the pupil and the parent or legal guardian of the pupil to plan, monitor and manage the pupil's educational and occupational development and make

determinations of the appropriate courses of study for the pupil. If a pupil does not satisfy all the goals set forth in the academic plan, the pupil is eligible to graduate and receive a high school diploma if he otherwise satisfies the requirements for a diploma.

Sec. 3. ***1. The board of trustees of each school district which includes at least one high school with an enrollment of 1,200 pupils or more, including pupils enrolled in ninth grade, shall adopt a policy for each of those high schools to provide a program of a ninth grade school within a school. The policy must require:***

(a) ~~[The]~~ Where practicable, the designation of a separate area geographically within the high school where the pupils enrolled in ninth grade attend classes;

(b) The collection and maintenance of information relating to pupils enrolled in ninth grade, including, without limitation, credits earned, attendance, truancy and indicators that a pupil may be at risk of dropping out of high school;

(c) Based upon the information collected pursuant to paragraph (b), the timely identification of any special needs of a pupil enrolled in ninth grade, including, without limitation, any need for programs of remedial study for a particular subject area and appropriate counseling;

(d) Methods to increase the involvement of parents and legal guardians of pupils enrolled in ninth grade in the education of their children; and

(e) The assignment of:

(1) Guidance counselors;

(2) At least one licensed school administrator; and

(3) Appropriate adult mentors,

➥ specifically for the pupils enrolled in ninth grade.

2. The principal of each high school in which 1,200 pupils or more are enrolled, including pupils enrolled in ninth grade, shall:

(a) Carry out a program of a ninth grade school within a school in accordance with the policy prescribed by the board of trustees pursuant to subsection 1; and

(b) Submit an annual report, on a date prescribed by the board of trustees, that sets forth the specific strategies, programs and methods that are used to focus on the pupils enrolled in ninth grade at the school.

Sec. 4. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Board shall adopt regulations that prescribe a uniform grading scale for all public high schools, including, without limitation, a uniform grading scale for advanced placement courses and honors courses.

2. The board of trustees of each school district and the governing body of each charter school that operates as a high school shall comply with the uniform grading scale.

Sec. 5. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

The board of trustees of each school district shall adopt a policy that sets forth the duties, roles and responsibilities of persons who are licensed pursuant to chapter 391 of NRS and employed as school counselors. The policy must:

1. Be designed to ensure that school counselors are allotted sufficient time in each school year to carry out the duties relating to counseling, including, without limitation, assisting pupils with academic planning; and

2. Limit the amount of time that school counselors are required to assist with test administration and test coordination at a public school.

Sec. 6. NRS 392.040 is hereby amended to read as follows:

392.040 1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of 7 and ~~[17]~~ ***18*** years shall send the child to a public school during all the time the public school is in session in the school district in which the child resides ~~[.]~~ ***unless the child has graduated from high school.***

2. A child who is 5 years of age on or before September 30 of a school year may be admitted to kindergarten at the beginning of that school year, and his enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before September 30 of a school year, the child must not be admitted to kindergarten.

3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before September 30 of a school year must:

(a) If he has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or

(b) If he has completed kindergarten, be admitted to the first grade at the beginning of that school year,

➥ and his enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before September 30 of a school year, the child must not be admitted to the first grade until the beginning of the school year following his sixth birthday.

4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is 6 years of age on or before September 30 of a school year may elect for the child not to attend kindergarten or the first grade during that year. The parents, custodial parent, guardian or other person who makes such an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.

5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send him to the public school during all the time the school is in session. If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of

attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging that he has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance does not apply to any child under the age of 7 years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

6. A child who is 7 years of age on or before September 30 of a school year must:

(a) If he has completed kindergarten and the first grade, be admitted to the second grade.

(b) If he has completed kindergarten, be admitted to the first grade.

(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's attendance from kindergarten pursuant to subsection 4, undergo an assessment by the district pursuant to subsection 7 to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, he must be admitted to the first grade. If the district determines that the child is not so prepared, he must be admitted to kindergarten.

➥ The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.

7. Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:

(a) Who is 7 years of age on or before September 30 of the next school year; and

(b) Whose parents waived his attendance from kindergarten pursuant to subsection 4,

➥ to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.

8. A child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade he was attending or would be attending had he remained a resident of the other state regardless of his age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

9. As used in this section, "kindergarten" includes:

(a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;

(b) A kindergarten established by the governing body of a charter school; and

(c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.

Sec. 7. NRS 392.110 is hereby amended to read as follows:

392.110 1. Any child between the ages of 14 and ~~[17]~~ ***18*** years who has completed the work of the first eight grades may be excused from full-time school attendance and may be permitted to enter proper employment or apprenticeship, by the written authority of the board of trustees excusing the child from such attendance. The board's written authority ~~[shall]~~ ***must*** state the reason or reasons for such excuse.

2. In all such cases **,** no employer or other person shall employ or contract for the services or time of such child until the child presents a written permit therefor from the attendance officer or board of trustees. The permit ~~[shall]~~ ***must*** be kept on file by the employer ~~[,]~~ and **,** upon the termination of employment ~~[shall]~~ ***, must*** be returned by the employer to the board of trustees or other authority issuing it.

Sec. 8. NRS 392.130 is hereby amended to read as follows:

392.130 1. Within the meaning of this chapter, a pupil shall be deemed a truant who is absent from school without the written approval of his teacher or the principal of the school, unless the pupil is physically or mentally unable to attend school. The teacher or principal shall give his written approval for a pupil to be absent if an emergency exists or upon the request of a parent or legal guardian of the pupil. Before a pupil may attend or otherwise participate in school activities outside the classroom during regular classroom hours, he must receive the approval of the teacher or principal.

2. An unapproved absence for at least one period, or the equivalent of one period for the school, of a school day may be deemed a truancy for the purposes of this section.

3. If a pupil is physically or mentally unable to attend school, the parent or legal guardian or other person having control or charge of the pupil shall notify the teacher or principal of the school orally or in writing, in accordance with the policy established by the board of trustees of the school district, within 3 days after the pupil returns to school.

4. An absence which has not been approved pursuant to subsection 1 or 3 shall be deemed an unapproved absence. In the event of an unapproved absence, the teacher, attendance officer or other school official shall deliver or cause to be delivered a written notice of truancy to the parent, legal guardian or other person having control or charge of the child. The written notice must be delivered to the parent, legal guardian or other person who has control of the child. The written notice must inform the parents or legal guardian of such absences in a form specified by the Department.

5. As used in this section, "physically or mentally unable to attend" does not include a physical or mental condition for which a pupil is excused pursuant to NRS 392.050.

6. ~~[Notwithstanding the provisions of NRS 392.040 to the contrary, the]~~ ***The*** provisions of this section apply to all pupils who are ~~[less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.]~~ ***required to attend school pursuant to NRS 392.040.***

Sec. 9. NRS 392.140 is hereby amended to read as follows:

392.140 1. Any child who has been declared a truant three or more times within one school year must be declared a habitual truant.

2. Any child who has once been declared a habitual truant and who in an immediately succeeding year is absent from school without the written:

(a) Approval of his teacher or the principal of the school pursuant to subsection 1 of NRS 392.130; or

(b) Notice of his parent or legal guardian or other person who has control or charge over the pupil pursuant to subsection 3 of NRS 392.130,

➥ may again be declared a habitual truant.

3. ~~[Notwithstanding the provisions of NRS 392.040 to the contrary, the]~~ ***The*** provisions of this section apply to all pupils who are ~~[less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.]~~ ***required to attend school pursuant to NRS 392.040.***

Sec. 10. NRS 392.141 is hereby amended to read as follows:

392.141 ~~[Notwithstanding the provisions of NRS 392.040 to the contrary, the]~~ ***The*** provisions of NRS 392.144, 392.146 and 392.147 apply to all pupils who are ~~[less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.]~~ ***required to attend school pursuant to NRS 392.040.***

Sec. 11. NRS 392.149 is hereby amended to read as follows:

392.149 1. Upon receipt of a report pursuant to NRS 392.144 or 392.147, if it appears after investigation that a pupil is a habitual truant, the school police officer or law enforcement agency to whom the report is made shall prepare manually or electronically a citation directing the pupil to appear in the proper juvenile court.

2. A copy of the citation must be delivered to the pupil and to the parent, guardian or any other person who has control or charge of the pupil by:

(a) The local law enforcement agency;

(b) A school police officer employed by the board of trustees of the school district; or

(c) An attendance officer appointed by the board of trustees of the school district.

3. The citation must be in the form prescribed for misdemeanor citations in NRS 171.1773.

4. ~~[Notwithstanding the provisions of NRS 392.040 to the contrary, the]~~ ***The*** provisions of this section apply to all pupils who are ~~[less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.]~~ ***required to attend school pursuant to NRS 392.040.***

Sec. 12. NRS 392.160 is hereby amended to read as follows:

392.160 1. Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant:

(a) Any child between the ages of 7 and ~~[17]~~ ***18*** years; and

(b) Any child who has arrived at the age of 6 years but not at the age of 7 years and is enrolled in a public school,

➥ who has been reported to him by the teacher, superintendent of schools or other school officer as an absentee from instruction upon which he is lawfully required to attend.

2. ~~[Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant any child who is 17 years of age or older but less than 18 years of age if:~~

~~(a) The child is enrolled in a public school; and~~

~~(b) A teacher, superintendent of schools or other school officer has reported the child as absent from instruction.~~

~~3.]~~ Except as otherwise provided in subsection ~~[4:]~~ ***3:***

(a) During school hours, the officer having custody shall forthwith deliver the child to the superintendent of schools, principal or other school officer at the child's school of attendance.

(b) After school hours, the officer having custody shall deliver the child to the parent, guardian or other person having control or charge of the child.

~~[4.]~~ ***3.*** The board of trustees of a school district or the governing body of a charter school may enter into an agreement with a counseling agency to permit delivery of the child to the agency. For the purposes of this subsection, "counseling agency" means an agency designated by the school district in which the child is enrolled to provide counseling for the child and the parent, guardian or other person having control or charge of the child.

Sec. 13. NRS 392.170 is hereby amended to read as follows:

392.170 Upon the written complaint of any person, the board of trustees of a school district or the governing body of a charter school shall:

1. Make a full and impartial investigation of all charges against parents, guardians or other persons having control or charge of any child who is ~~[17]~~ ***under 18*** years of age ~~[or younger]~~ ***and required to attend school pursuant to NRS 392.040*** for violation of any of the provisions of NRS 392.040 to 392.110, inclusive, or 392.130 to 392.160, inclusive.

2. Make and file a written report of the investigation and the findings thereof in the records of the board.

Sec. 14. NRS 392.180 is hereby amended to read as follows:

392.180 If it appears upon investigation that any parent, guardian or other person having control or charge of any child who is ~~[17]~~ ***under 18***

years of age ~~[or younger]~~ ***and required to attend school pursuant to NRS 392.040*** has violated any of the provisions of NRS 392.040 to 392.110, inclusive, or 392.130 to 392.160, inclusive, the clerk of the board of trustees or the governing body of a charter school in which the child is enrolled, except as otherwise provided in NRS 392.190, shall make and file in the proper court a criminal complaint against the parent, guardian or other person, charging the violation, and shall see that the charge is prosecuted by the proper authority.

Sec. 15. NRS 392.200 is hereby amended to read as follows:

392.200 Any taxpayer, school administrator, school officer or deputy school officer in the State of Nevada may make and file in the proper court a criminal complaint against a parent, guardian or other person who has control or charge of any child who is ~~[17]~~ ***under 18*** years of age ~~[or younger]~~ ***and required to attend school pursuant to NRS 392.040*** and who violates any of the provisions of law requiring the attendance of children in the public schools of this State.

Sec. 16. NRS 392.215 is hereby amended to read as follows:

392.215 Any parent, guardian or other person who, with intent to deceive under NRS 392.040 to 392.110, inclusive, or 392.130 to 392.165, inclusive:

1. Makes a false statement concerning the age or attendance at school;
2. Presents a false birth certificate or record of attendance at school; or
3. Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law enforcement agency conducting an investigation in response to notification pursuant to subsection 4 of NRS 392.165,

➥ of a child under ~~[17]~~ ***18*** years of age who is under his control or charge, is guilty of a misdemeanor.

Sec. 16.5. NRS 394.145 is hereby amended to read as follows:

394.145 1. A private elementary or secondary school in this State shall not permanently admit any child until the parent or guardian of the child furnishes a birth certificate or other document suitable as proof of the child's identity and, if applicable, a copy of the child's records from the school he most recently attended.

2. Except as otherwise provided in subsection 3, a child must be admitted to a school under his name as it appears in the identifying document or records required by subsection 1, unless the parent or guardian furnishes a court order or decree authorizing a change of name or directing the principal or other person in charge of that school to admit the child under a name other than the name which appears in the identifying document or records.

3. A child who is in the custody of the agency which provides child welfare services, as defined in NRS 432B.030, may be admitted to a school under a name other than the name which appears in the identifying document or records required by subsection 1 if the court determines that to do so would be in the best interests of the child.

4. If the parent or guardian fails to furnish the identifying document or records required by subsection 1 within 30 days after the child is conditionally admitted, the principal or other person in charge of the school shall notify the local law enforcement agency and request a determination as to whether the child has been reported as missing.

5. Any parent, guardian or other person who, with intent to deceive under this section:

(a) Presents a false birth certificate or record of attendance at school; or

(b) Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law enforcement agency conducting an investigation in response to notification pursuant to subsection 4,

➥ of a child under ~~[17]~~ ***18*** years of age who is under his control or charge, is guilty of a misdemeanor.

Sec. 17. 1. On or before October 1, 2007, the board of trustees of each school district shall adopt a policy required by section 5 of this act that sets forth the duties, roles and responsibilities of persons who are licensed pursuant to chapter 391 of NRS and employed as school counselors. Each board of trustees shall submit the policy to the Department of Education.

2. On or before December 1, 2007, the Department of Education shall submit a written report to the Legislative Committee on Education that summarizes the policies adopted by school districts pursuant to section 5 of this act.

3. On or before December 1, 2008, the board of trustees of each school district shall submit a written report to the Department of Education that sets forth:

(a) A description of the policy adopted pursuant to section 5 of this act;

(b) An evaluation of the effectiveness of the policy in ensuring that school counselors are allotted sufficient time in each school year to carry out the duties relating to counseling, including, without limitation, assisting pupils with academic planning; and

(c) The percentage of time that school counselors were assigned to assist with test administration and test coordination at a public school after the adoption of the policy pursuant to section 5 of this act.

4. On or before February 1, 2009, the Department of Education shall compile the written reports submitted pursuant to subsection 3 and submit a written report of the compilation to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 18. This act becomes effective on July 1, 2007.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 272.

Bill read third time.

Remarks by Assemblywoman Leslie.
Roll call on Assembly Bill No. 272:
YEAS—42.
NAYS—None.
Assembly Bill No. 272 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 273.
Bill read third time.
Remarks by Assemblywoman Leslie.
Roll call on Assembly Bill No. 273:
YEAS—42.
NAYS—None.
Assembly Bill No. 273 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 328.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Assembly Bill No. 328:
YEAS—42.
NAYS—None.
Assembly Bill No. 328 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 485.
Bill read third time.
Remarks by Assemblywoman Parnell.
Roll call on Assembly Bill No. 485:
YEAS—42.
NAYS—None.
Assembly Bill No. 485 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 17.
Bill read third time.
Remarks by Assemblyman Manendo.
Roll call on Senate Bill No. 17:
YEAS—42.
NAYS—None.
Senate Bill No. 17 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 39.

Bill read third time.

Remarks by Assemblymen Atkinson, Goicoechea, and Anderson.

Madam Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Senate Bill No. 39:

YEAS—42.

NAYS—None.

Senate Bill No. 39 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 60.

Bill read third time.

Remarks by Assemblyman Hogan.

Madam Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Senate Bill No. 60:

YEAS—42.

NAYS—None.

Senate Bill No. 60 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 115.

Bill read third time.

Remarks by Assemblyman Denis.

Roll call on Senate Bill No. 115:

YEAS—42.

NAYS—None.

Senate Bill No. 115 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 154.

Bill read third time.

Remarks by Assemblymen Anderson, Gansert, Leslie, Settelmeyer, Marvel, Smith, Carpenter, and Bobzien.

Assemblyman Anderson requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

I would like to thank the Chair of Taxation and the body for allowing me to utilize this bill as a means to solving a particular problem in Washoe County. If approved by the voters, this will give Washoe County the opportunity for a similar set of programs that we have allowed in Clark County. In Washoe County, almost 75 percent of our building stock is greater than 30 years old. Eighty percent of the dollars here are going to be dedicated to the existing facilities to try to bring them up to speed. It is hard for me to imagine this, but 40 percent of the stock being used in Washoe County is the same stock that was there when I was in high school. Clearly, there is a

great need in Washoe County. I think it is a good piece of legislation and would urge the body to accept it.

ASSEMBLYWOMAN GANSERT:

I rise in support of education, and I commend the efforts of the Assemblyman from Sparks. However, I will be opposing Senate Bill 154. Senate Bill 154 utilizes the same vehicles as Clark County for Washoe County. The problem is that Washoe County is not Clark County. As Clark County's rooms have risen to almost 150,000, Washoe County's have declined to under 25,000. Clark County's room tax rate is 9 percent, including the 5/8 percent for school construction. Washoe County's rates in downtown Reno and Sparks are 13 1/2 percent before we add anything for school construction and renovation. Reno is a very price-sensitive market. We can win or lose a convention based on rates, and with these increased amounts we may end up losing some conventions. I think we need to be sensitive to those prices. I pledge that I will work with members of this Assembly and Senate to solve this problem because I recognize that it is a significant issue. Again, I oppose this bill.

ASSEMBLYWOMAN LESLIE:

I rise in support of the second reprint of Senate Bill 154. This body will remember that last session we gave our citizens a much-needed reduction in their property taxes. When we did that, unfortunately we caused a great shortfall in our school system, especially in Washoe County. My colleague from Reno says that Washoe County is different from Clark County. That is true, but our children deserve the same education as the children in Clark County. I believe we should give our school district the same resources that the Clark County School District has. This bill is about equity in school funding. Madam Speaker, I would like to read a line from an email that I received today from a teacher in our school district. She is a teacher of the hearing impaired who I have worked with and is probably one of the most dynamic, exciting teachers I have ever had the pleasure to know. Her email is titled "My classroom was a toilet." It sums up, exactly, my feelings about why this bill is so important. She says, "As a special education teacher, I have worked in a remodeled walk-in refrigerator at Mami Towles Elementary School, a janitor's closet at Roger Corbett Elementary School, and in a bathroom for two years at Clayton Middle School in Reno, all for lack of space." I think our teachers and students deserve better. I urge passage of Senate Bill 154.

ASSEMBLYMAN SETTELMEYER:

Thank you, Madam Speaker. I rise in support of education. I am concerned, however, that this bill will only put forward one-third of the funding necessary for the problem which is occurring in Washoe County. This could place education in a situation where they are continually coming back to the Legislature or the people through the ballot box to seek better funds. I feel we need to find a solution that can fund the entire problem.

ASSEMBLYMAN MARVEL:

Thank you, Madam Speaker. I would oppose the bill if it were not for the fact that it goes to a vote of the people. I think that is the crux of the bill. Thank you.

ASSEMBLYWOMAN SMITH:

Thank you, Madam Speaker. I rise in support of S.B. 154. I chaired the adequacy study in the interim which looked at education funding issues. One of the items we were charged with studying was school construction. While it was not a formal part of the adequacy study, we did spend an entire meeting one day speaking about school construction issues. It was very apparent what a disadvantage the Washoe County School District is at when it comes to school construction funding. It made a great impact when looking at the differences between the amounts of money which can be raised by the two big districts. The Washoe County School District has dire needs. We need to do something for the buildings which our children attend school in.

I served on the blue ribbon panel which studied this issue. That was several months before the legislative session started. I felt fully convinced then that the need is there. There is no doubt in my mind that we have old buildings in all of our districts which need repair. We have windows you cannot see through. We have carpet which needs to be repaired. We have heaters and air

conditioners which do not work properly. We have restrooms which do not work properly. It is time for us to do something about it.

We do not have much time left in this session. I know it feels like an eternity when these last few weeks are so packed with things to do. We are running out of time. I implore you to step up the plate and do what we need to do for the teachers and students—our kids, who we are responsible for in the Washoe County School District. We need to ensure that they have the same opportunities as other students in this state. They have the right to go to school in a building that has the right facilities. Thank you, Madam Speaker.

ASSEMBLYMAN CARPENTER:

Thank you, Madam Speaker. I believe with this going to a vote of the people that it should be approved. I am so glad I am from Elko. In Elko, we have pay as you go. Although it is a high rate of taxation at 75 cents on the dollar, we do not have these kinds of problems. When we build a school, it is paid for. We do not have to pay all the money for interest. The reason we were able to get a special deal through the Legislature to have a lower pupil ratio was because we had the money to build the classrooms. I know we have to have good schools for our kids. I have worked all my life to make sure our kids had a good place to go to school. I am so thankful to be from Elko where we have pay as you go. The people love it. I hope some other districts would please look at that because it is a very viable option. Thank you.

ASSEMBLYMAN BOBZIEN:

Thank you, Madam Speaker. I rise in support of the legislation. As was mentioned previously, this Legislature, last session, was responsive to the citizens' needs, desires, and requests that we do something about the rising property values and assessments they were facing. We did that with the property tax bills. Today, we have this issue which we need to deal with. I think that today is a chance for all of us to stand up and do the right thing and support education. Is this a complete solution? Probably not, but if we were always only looking for complete solutions, we would not get much done around here. I urge your support.

Roll call on Senate Bill No. 154:

YEAS—33.

NAYS—Allen, Beers, Christensen, Cobb, Gansert, Goedhart, Mabey, Settelmeyer, Weber—9.

Senate Bill No. 154 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 175.

Bill read third time.

Remarks by Assemblymen Womack, Oceguera, and Atkinson.

Roll call on Senate Bill No. 175:

YEAS—39.

NAYS—Conklin, Kirkpatrick, Oceguera—3.

Senate Bill No. 175 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 217.

Bill read third time.

Remarks by Assemblyman Goedhart.

Roll call on Senate Bill No. 217:

YEAS—42.

NAYS—None.

Senate Bill No. 217 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 230.

Bill read third time.

Remarks by Assemblyman Kihuen.

Roll call on Senate Bill No. 230:

YEAS—42.

NAYS—None.

Senate Bill No. 230 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bills Nos. 129, 269, 282, 302, 306, 336, 357, 367, 369, 384, 389, 399, 401, 417, 430, 456, 470, 486, 491, 504, 511, 519; Senate Joint Resolutions Nos. 6, 10, 11, 12, 13, 15, 16, 17 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 299.

The following Senate amendment was read:

Amendment No. 664.

AN ACT relating to youth shelters; revising the definition of "runaway and homeless youth" for consistency with the federal definition for purposes of provisions which authorize counties to designate approved youth shelters; **revising the requirements for designation of a youth shelter as an approved youth shelter**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that an approved youth shelter and its director, employees, agents or volunteers are immune from civil liability for certain actions taken while admitting, releasing or caring for a runaway or homeless youth. (NRS 244.429) Section 1 of this bill revises the definition of "runaway and homeless youth" as used in the sections addressing approved youth shelters for consistency with the definition set forth in the McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11434a(2). (NRS 244.424) Section 2 of this bill requires approved youth shelters to **make a reasonable, bona fide** attempt to notify the parent, guardian or custodian as to the whereabouts of a runaway or homeless youth as soon as practicable, except in cases of suspected abuse or neglect, rather than requiring actual notice.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 244.424 is hereby amended to read as follows:

244.424 "Runaway or homeless youth" means a youth who ***:*** ~~[is:]~~

1. ~~[Without a place of shelter where supervision and care are available; or]~~ ***Is under 18 years of age; and***

2. ~~[Absent from his legal residence without the consent of his parent, guardian or custodian.]~~ ***Lives in a situation described in 42 U.S.C. § 11434a(2)(B)(ii)-(iii) with or without the consent or knowledge of his parent, guardian or custodian.***

Sec. 2. NRS 244.428 is hereby amended to read as follows:

244.428 1. The board of county commissioners of any county may provide by ordinance for the designation of a youth shelter operated within the county as an approved youth shelter.

2. If a board of county commissioners has adopted an ordinance pursuant to subsection 1, a youth shelter that is located in that county and seeking to be designated as an approved youth shelter may apply to the board of county commissioners for such a designation.

3. An ordinance adopted by a board of county commissioners pursuant to subsection 1 must:

(a) Prescribe the requirements for designation of a youth shelter as an approved youth shelter, including, without limitation:

(1) A requirement that the youth shelter provide necessary services;

(2) The form and manner of the application for designation or renewal of a designation as an approved youth shelter;

(3) An application fee in an amount not to exceed the actual cost to the county for reviewing the application; and

(4) A requirement that an applicant must comply with the provisions of an ordinance adopted pursuant to this section and with all applicable federal, state and local laws and ordinances pertaining to shelters for the homeless.

(b) Provide for reasonable inspections of an approved youth shelter to confirm that the youth shelter is complying with the provisions of an ordinance adopted to carry out the provisions of this section.

(c) Provide for the revocation of a designation as an approved youth shelter for failure to comply with the provisions of an ordinance adopted to carry out the provisions of this section.

(d) Require an approved youth shelter to conduct an interview to determine whether a youth is a runaway or homeless youth and is qualified to receive the necessary services of the approved youth shelter.

(e) Upon admission of a runaway or homeless youth to a shelter, require:

(1) ~~[The notification of]~~ ~~*[An]*~~ ***A reasonable, bona fide attempt to notify*** the parent, guardian or custodian of the runaway or homeless youth concerning the whereabouts of the runaway or homeless youth as soon as practicable, except in circumstances of suspected abuse or neglect;

(2) The notification of state and local law enforcement agencies concerning the whereabouts of the runaway or homeless youth; and

(3) A licensed professional to perform an evaluation of the youth to determine:

(I) The reasons why the youth is a runaway or homeless youth;

(II) Whether the youth is a victim of abuse or neglect; and

(III) Whether the youth needs immediate medical care or counseling.

(f) Require an approved youth shelter to return or facilitate the return of a runaway or homeless youth to the parent, guardian or custodian who was notified of the whereabouts of the runaway or homeless youth pursuant to subparagraph (1) of paragraph (e) if the parent, guardian or custodian so requests.

(g) Provide for the liability of a parent, guardian or custodian of a runaway or homeless youth for any expenses or costs incurred by the approved youth shelter for providing services to the runaway or homeless youth only if the services of the shelter were obtained through fraud or misrepresentation.

(h) Require the information or records obtained by an approved youth shelter to remain confidential, unless the use or disclosure of the information or records is necessary to:

(1) Locate a parent, guardian or custodian of a runaway or homeless youth;

(2) Comply with the duty to report abuse or neglect of a child pursuant to NRS 432B.220;

(3) Notify state and local law enforcement agencies or the clearinghouse; or

(4) Seek appropriate assistance for a runaway or homeless youth from public and private agencies.

4. In a county where the board of county commissioners has adopted an ordinance pursuant to subsection 1, the board of county commissioners may establish, by ordinance, other regulations as are necessary to carry out the provisions of this section.

5. As used in this section:

(a) "Abuse or neglect" means abuse or neglect of a child as defined in NRS 432B.020.

(b) "Clearinghouse" has the meaning ascribed to it in NRS 432.150.

(c) "Licensed professional" includes, without limitation:

(1) A social worker;

(2) A registered nurse;

(3) A physician;

(4) A psychologist;

(5) A teacher; or

(6) Any other class of persons who are identified in an ordinance adopted by a county who hold a professional license in this State and who are trained to recognize indications of abuse or neglect.

Sec. 3. This act becomes effective on July 1, 2007.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate amendment to Assembly Bill No. 299.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 303.

The following Senate amendment was read:

Amendment No. 677.

AN ACT relating to insurance; requiring insurers to provide notice to policyholders or prospective policyholders, ~~[or]~~ **and** their primary care physicians, of potentially serious medical conditions detected during required medical examinations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the requirements and procedures regarding the issuance, renewal, reinstatement and reevaluation of the terms of policies and certificates of insurance and annuity contracts. (Title 57 of NRS) This bill provides that if an insurer requires a medical examination of a policyholder or prospective policyholder before the insurer will issue, renew, reinstate or reevaluate the terms of a contract of insurance or annuity contract and a potentially serious medical condition is detected as a result of that medical examination, the insurer must notify the policyholder or prospective policyholder ~~[, or]~~ **and, if he has one,** his primary care physician ~~[,]~~ of that potentially serious medical condition within 30 days after the date on which the potentially serious medical condition is detected. **This bill also provides that if the policyholder or prospective policyholder is a minor, the required notice must not be sent to the minor, but instead must be sent to his parent or legal guardian.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[If]~~ Except as otherwise provided in this subsection, if an insurer requires a medical examination of an applicant or an insured before the issuance, renewal, reinstatement or reevaluation of the terms of any policy or certificate of insurance or annuity contract, the insurer shall:

(a) If the applicant or insured has a primary care physician, notify:

(1) The physician of any potentially serious medical condition that is detected as a result of that medical examination; and

(2) The applicant or insured ~~[that]~~ :

(I) Of any potentially serious medical condition that is detected as a result of that medical examination; and

(II) That his primary care physician has also been notified of ~~[a]~~ any potentially serious medical condition detected as a result of that medical examination.

(b) If the applicant or insured does not have a primary care physician, notify the applicant or insured of any potentially serious medical condition that is detected as a result of that medical examination.

➥ Any notice required pursuant to this section must be sent by registered or certified mail not later than 30 days after the date on which the potentially serious medical condition is detected. If the applicant or insured is under the age of 18 years, any notice required pursuant to this section must not be sent to the applicant or insured, but instead must be sent to a parent or legal guardian of the applicant or insured.

2. The Commissioner may adopt regulations to carry out the provisions of this section.

3. The provisions of this section do not apply to a policy of workers' compensation insurance or industrial insurance.

4. As used in this section, "potentially serious medical condition" includes, without limitation, any medical condition that:

(a) Is life-threatening or potentially life-threatening if it is not treated immediately or is not closely monitored; or

(b) Causes the insurer to refuse to issue, renew, reinstate or reevaluate the terms of a policy or certificate of insurance or annuity contract.

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 303.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 2.

The following Senate amendment was read:

Amendment No. 679.

AN ACT relating to automotive repairs; requiring a garage or body shop to repair a motor vehicle in accordance with the specifications of the manufacturer of the motor vehicle and the written estimate or statement of the cost of repairs most recently agreed upon by the garage or body shop and the person authorizing the repairs; requiring a body shop to comply with certain other requirements relating to the repair of a motor vehicle; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a garage is required to display a sign in a conspicuous area of the garage setting forth the rights of the customer, including, without limitation, the right to receive a written estimate of charges and to inspect all replaced parts. (NRS 597.490) In addition, garages that perform repairs of $50 or more on motor vehicles are required by existing law to provide the person authorizing the repairs with a written estimate of the total cost to

repair the motor vehicle. (NRS 597.510) If additional charges are required to perform the repairs, the garage is required to obtain the consent of the person authorizing the repairs before it may perform the repairs for the additional charges. (NRS 597.520, 597.540) A person authorizing repairs of a motor vehicle may waive the requirement for a written estimate or approval of additional charges. (NRS 597.530)

Section 1 of this bill requires garages and body shops to perform repairs to a motor vehicle in accordance with the specifications of the manufacturer of the motor vehicle, if any, and the written estimate or statement of the cost of the repairs that is most recently agreed upon by the body shop or garage and the person authorizing the repairs.

Sections 2-10 of this bill make existing provisions of law that are applicable to garages and garagemen also apply to body shops. Those provisions include, without limitation, the requirement to post a sign in a conspicuous area of the body shop setting forth the rights of customers of the body shop.

Sections 11 and 12 of this bill authorize injunctive relief and civil penalties for a violation of the provisions of **section 1** of this bill. **Section 16** of this bill authorizes the Department of Motor Vehicles to refuse to issue a license or to suspend, revoke or refuse to renew the license of a body shop for willful failure to comply with the provisions of **section 1** of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

If a body shop or garage performs repairs on a motor vehicle, the body shop or garage shall perform the repairs in accordance with any specifications of the manufacturer of the motor vehicle, and the written estimate or statement of the cost of the repairs that is most recently agreed upon by the body shop or garage and the person authorizing repairs.

Sec. 2. NRS 597.480 is hereby amended to read as follows:

597.480 As used in NRS 597.480 to 597.590, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. ***"Body shop" has the meaning ascribed to it in NRS 487.600.***

2. "Garage" has the meaning ascribed to it in NRS 487.540.

~~[2.]~~ ***3.*** "Garageman" has the meaning ascribed to it in NRS 487.545.

~~[3.]~~ ***4.*** "Motor vehicle" means:

(a) A motorcycle as defined in NRS 482.070;

(b) A motortruck as defined in NRS 482.073 if the gross weight of the vehicle does not exceed 10,000 pounds;

(c) A passenger car as defined in NRS 482.087;

(d) A mini motor home as defined in NRS 482.066;

(e) A motor home as defined in NRS 482.071; and

(f) A recreational vehicle as defined in NRS 482.101.

~~[4.]~~ ***5.*** "Person authorizing repairs" means a person who uses the services of a garage. The term includes an insurance company, its agents or representatives, authorizing repairs to motor vehicles under a policy of insurance.

Sec. 3. NRS 597.490 is hereby amended to read as follows:

597.490 1. Each garageman shall display conspicuously in those areas of his place of business frequented by persons seeking repairs on motor vehicles a sign, not less than 22 inches by 28 inches in size, setting forth in boldface letters the following:

STATE OF NEVADA
REGISTERED GARAGE
THIS GARAGE IS REGISTERED WITH THE DEPARTMENT OF MOTOR VEHICLES
NEVADA AUTOMOTIVE REPAIR CUSTOMER BILL OF RIGHTS
AS A CUSTOMER IN NEVADA:
YOU have the right to receive repairs from a business that is ***REGISTERED*** with the Department of Motor Vehicles that will ensure the proper repair of your vehicle. (NRS 597.490)
YOU have the right to receive a ***WRITTEN ESTIMATE*** of charges for repairs made to your vehicle which exceed $50. (NRS 597.510)
YOU have the right to read and understand all documents and warranties ***BEFORE YOU SIGN THEM.*** (NRS 597.490)
YOU have the right to ***INSPECT ALL REPLACED PARTS*** and accessories that are covered by a warranty and for which a charge is made. (NRS 597.550)
YOU have the right to request that all replaced parts and accessories that are not covered by a warranty ***BE RETURNED TO YOU AT THE TIME OF SERVICE.*** (NRS 597.550)
YOU have the right to require authorization ***BEFORE*** any additional repairs are made to your vehicle if the charges for those repairs exceed 20% of the original estimate or $100, whichever is less. (NRS 597.520)
YOU have the right to receive a ***COMPLETED STATEMENT OF CHARGES*** for repairs made to your vehicle. (NRS 487.035)
YOU have the right to a ***FAIR RESOLUTION*** of any dispute that develops concerning the repair of your vehicle. (NRS 597.490)
FOR MORE INFORMATION PLEASE CONTACT:
THE DEPARTMENT OF BUSINESS AND INDUSTRY
CONSUMER AFFAIRS DIVISION
IN CLARK COUNTY: (702) 486-7355
ALL OTHER AREAS TOLL-FREE: 1-800-326-5202

2. ***Each body shop shall display conspicuously in those areas of its place of business frequented by persons seeking repairs on motor vehicles a sign, not less than 22 inches by 28 inches in size, setting forth in boldface letters the following:***

STATE OF NEVADA

LICENSED BODY SHOP
THIS BODY SHOP IS LICENSED BY THE DEPARTMENT OF MOTOR VEHICLES
NEVADA AUTOMOTIVE REPAIR CUSTOMER BILL OF RIGHTS
AS A CUSTOMER IN NEVADA:
YOU have the right to receive repairs from a business that is LICENSED with the Department of Motor Vehicles that will ensure the proper repair of your vehicle. (NRS 597.490)
YOU have the right to receive a WRITTEN ESTIMATE of charges for repairs made to your vehicle which exceed $50. (NRS 597.510)
YOU have the right to read and understand all documents and warranties BEFORE YOU SIGN THEM. (NRS 597.490)
YOU have the right to INSPECT ALL REPLACED PARTS and accessories that are covered by a warranty and for which a charge is made. (NRS 597.550)
YOU have the right to request that all replaced parts and accessories that are not covered by a warranty BE RETURNED TO YOU AT THE TIME OF SERVICE. (NRS 597.550)
YOU have the right to require authorization BEFORE any additional repairs are made to your vehicle if the charges for those repairs exceed 20% of the original estimate or $100, whichever is less. (NRS 597.520)
YOU have the right to receive a COMPLETED STATEMENT OF CHARGES for repairs made to your vehicle. (NRS 487.035)
YOU have the right to a FAIR RESOLUTION of any dispute that develops concerning the repair of your vehicle. (NRS 597.490)
FOR MORE INFORMATION PLEASE CONTACT:
THE DEPARTMENT OF BUSINESS AND INDUSTRY
CONSUMER AFFAIRS DIVISION
IN CLARK COUNTY: (702) 486-7355
ALL OTHER AREAS TOLL-FREE: 1-800-326-5202

3. The sign required pursuant to the provisions of subsection 1 ***or 2*** must include a replica of the great seal of the State of Nevada. The seal must be 2 inches in diameter and be centered on the face of the sign directly above the words "STATE OF NEVADA."

~~[3.]~~ ***4.*** Any person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 4. NRS 597.500 is hereby amended to read as follows:

597.500 Whenever any ***body shop or*** garageman accepts or assumes control of a motor vehicle for the purpose of making or completing any repair, ~~[he]~~ ***the body shop or garageman*** shall comply with the provisions of NRS 597.510 to 597.570, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 5. NRS 597.510 is hereby amended to read as follows:

597.510 1. Except as otherwise provided in NRS 597.530, a person requesting or authorizing the repair of a motor vehicle that is more than $50 must be furnished an estimate or statement signed by the person making the

estimate or statement on behalf of the ***body shop or*** garageman, indicating the total charge for the performance of the work necessary to accomplish the repair, including the charge for labor and all parts and accessories necessary to perform the work.

2. If the estimate is for the purpose of diagnosing a malfunction, the estimate must include the cost of:

(a) Diagnosis and disassembly; and

(b) Reassembly, if the person does not authorize the repair.

3. The provisions of this section do not require a ***body shop or*** garageman to reassemble a motor vehicle if he determines that the reassembly of the motor vehicle would render the vehicle unsafe to operate.

Sec. 6. NRS 597.520 is hereby amended to read as follows:

597.520 Except as otherwise provided in NRS 597.530, if it is determined that additional charges are required to perform the repair authorized, and those additional charges exceed, by 20 percent or $100, whichever is less, the amount set forth in the estimate or statement required to be furnished pursuant to the provisions of NRS 597.510, the ***body shop or*** garageman shall notify the ~~[person authorizing the repairs]~~ ***owner and insurer of the motor vehicle*** of the amount of those additional charges.

Sec. 7. NRS 597.540 is hereby amended to read as follows:

597.540 1. ~~[A person authorizing repairs]~~ ***An owner*** ~~*[or]*~~ ***and the insurer of a motor vehicle*** who ~~[has]~~ ***have*** been notified of additional charges pursuant to NRS 597.520 shall:

(a) Authorize the performance of the repair at the additional expense; or

(b) Without delay, and upon payment of the authorized charges, take possession of the motor vehicle.

2. Until the election provided for in subsection 1 has been made, the ***body shop or*** garageman shall not undertake any repair which would involve such additional charges.

3. If the ~~[person]~~ ***owner or insurer of the motor vehicle*** elects to take possession of the motor vehicle but fails to take possession within a 24-hour period after ~~[such]~~ ***the*** election, the ***body shop or*** garageman may charge for storage of the vehicle.

Sec. 8. NRS 597.550 is hereby amended to read as follows:

597.550 1. Whenever the repair work performed on a motor vehicle requires the replacement of any parts or accessories, the ***body shop or*** garageman shall, at the request of the person authorizing the repairs or any person entitled to possession of the motor vehicle, deliver to ~~[such]~~ ***the*** person all parts and accessories replaced as a result of the work done.

2. The provisions of subsection 1 do not apply to parts or accessories which must be returned to a manufacturer or distributor under a warranty arrangement or which are subject to exchange, but the customer on request is entitled to be shown ~~[such]~~ ***the*** warranty parts for which a charge is made.

Sec. 9. NRS 597.560 is hereby amended to read as follows:

597.560 The ***body shop or*** garageman shall retain copies of any estimate, statement or waiver required by NRS 597.510 to 597.550, inclusive, as an ordinary business record of the ***body shop or*** garage, for a period of not less than 1 year ~~[from]~~ ***after*** the date ~~[such]~~ ***the*** estimate, statement or waiver is signed.

Sec. 10. NRS 597.570 is hereby amended to read as follows:

597.570 In every instance where charges are made for the repair of a motor vehicle ~~[,]~~ ***by a garageman,*** the garageman making the repairs shall comply with the provisions of NRS 487.035 as well as the provisions of NRS 597.510 to 597.550, inclusive. ~~[He]~~ ***A garageman*** is not entitled to detain a motor vehicle by virtue of any common law or statutory lien, or otherwise enforce such ***a*** lien, ~~[nor shall he have the right]~~ ***or*** to sue on any contract for repairs made by him, unless he has complied with the requirements of NRS 597.510 to 597.550, inclusive, in addition to those of NRS 487.035.

Sec. 11. NRS 597.580 is hereby amended to read as follows:

597.580 The Attorney General or any district attorney may bring an action in any court of competent jurisdiction in the name of the State of Nevada on the complaint of the Commissioner of Consumer Affairs or of any person allegedly aggrieved by such violation to enjoin any violation of the provisions of NRS 597.510 to 597.570, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 12. NRS 597.590 is hereby amended to read as follows:

597.590 Any person who knowingly violates any provision of NRS 597.500 to 597.570, inclusive, ***and section 1 of this act*** is liable, in addition to any other penalty or remedy which may be provided by law, to a civil penalty of not more than $500 for each offense, which may be recovered by civil action on complaint of the Commissioner of Consumer Affairs, the Director of the Department of Business and Industry or the district attorney.

Sec. 13. NRS 598.990 is hereby amended to read as follows:

598.990 The Division shall:

1. Establish and maintain a toll-free telephone number for persons to report to the Division information concerning alleged violations of NRS 487.035, 487.530 to 487.570, inclusive, 597.480 to 597.590, inclusive, and ***section 1 of this act, and*** 598.0903 to 598.0999, inclusive.

2. Develop a program to provide information to the public concerning:

(a) The duties imposed on a ***body shop by the provisions of NRS 487.035, 487.610 to 487.690, inclusive, and 597.480 to 597.590, inclusive, and section 1 of this act;***

(b) The duties imposed on a garageman by the provisions of NRS 487.035, 487.530 to 487.570, inclusive, and 597.480 to 597.590, inclusive ~~[;~~ ~~(b)]~~ ***, and section 1 of this act;***

(c) The rights and protections established for a person who uses the services of a garage;

~~[(c)]~~ ***(d)*** The repair of motor vehicles; and

~~[(d)]~~ ***(e)*** Deceptive trade practices relating to the repair of motor vehicles by a garage.

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. NRS 487.650 is hereby amended to read as follows:

487.650 1. The Department may refuse to issue a license or, after notice and hearing, may suspend, revoke or refuse to renew a license to operate a body shop upon any of the following grounds:

(a) Failure of the applicant or licensee to have or maintain an established place of business in this State.

(b) Conviction of the applicant or licensee or an employee of the applicant or licensee of a felony, or of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter.

(c) Any material misstatement in the application for the license.

(d) Willful failure of the applicant or licensee to comply with the motor vehicle laws of this State and NRS 487.035, 487.610 to 487.690, inclusive, or 597.480 to 597.590, inclusive ~~[.]~~ ***, and section 1 of this act.***

(e) Failure or refusal by the licensee to pay or otherwise discharge any final judgment against him arising out of the operation of the body shop.

(f) Failure or refusal to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 2.

(g) A finding of guilt by a court of competent jurisdiction in a case involving a fraudulent inspection, purchase, sale or transfer of a salvage vehicle by the applicant or licensee or an employee of the applicant or licensee.

(h) An improper, careless or negligent inspection of a salvage vehicle pursuant to NRS 487.800 by the applicant or licensee or an employee of the applicant or licensee.

(i) A false statement of material fact in a certification of a salvage vehicle pursuant to NRS 487.800 or a record regarding a salvage vehicle by the applicant or licensee or an employee of the applicant or licensee.

2. Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the operation of a body shop, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS 487.610 to 487.690, inclusive, or to determine the suitability of an applicant or a licensee for ~~[such]~~ licensure.

3. As used in this section, "salvage vehicle" has the meaning ascribed to it in NRS 487.770.

Sec. 17. (Deleted by amendment.)

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 2.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 217 was this day passed.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolutions Nos. 14, 15; Senate Concurrent Resolutions Nos. 32, 33, 34, 35, 36, 37, 38 and 39.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Nate Mack Elementary School: Cameron Andrews, Ignacio Arroyo, Brandon Conchas, Charlie Fisher, Jason Fung, Christina Gewerth, Kayla Glenn, Jay Hannom, Katelyn Haro, Mitchell Herbster, Gabriella Hillenbrand, James Holley, Kamil Kowalski, Nickolas Lademan, Sean Macias, Yamely Miranda, Emma Muth, Paxton Schmidt, Arianna Soto, Talika Taylor, Michael Velazquez, Damaris Acosta, Danielle Allen, Yazmin Arambula, Brittan Bascom, Joan Chavarria, Kelly Cooper, Kody Crooks, Peter Denue, Brandon Ehret, Dustin Freeman, Jacob Guy, Laurent Hebert-Michaud, Taryn Kay, Andrew Kennedy, Lillian Kester, Benjamin Lee, Ryan McNinch, Kylie Pease, Devyn Pledger, Gladys Rastegari, Jackalynn Smith, Christian Smoot, Cameron Spatt, Alyssa Timpson, Daniel Witoslawski; teachers Janette Rozgay Miller and Penny Bischsel; chaperones Susan Zannis, Thomas Hannom, Jacqueline Hope, Domenica Hillenbrand, Melanie Schmidt, Nancy Soto, Selicia Ward, Jose Velazquez, Gina Allen, Laura Denue, Brigitte Hebert, Daryn Kay, Michael Kennedy, Roberta Lee, Susan Pease, Ross Rastegari, Donald Smith, Dawn Smoot, Maxine Spatt, Laura Timpson, Christina Ehret, James Bichsel, and Nancey Heavey; the following students from David M. Cox Elementary School: Peter Anderson-Hoelzer, Sidney Bellamy, Emma Boyle, Susannah Boyle, Young Chung, Carli Corpodian, Cody Cronic, Raymond Evans, Robert Hawley, Megan Hill, Trevor Hochman, Coryl Jackson, Melanie Jensen, Michael Lesperance, Austin Madrigale, Mike McCallum, Laura McDowell, Nicholas Moran, Connor

O'Toole, Jalen Rendolph, Ryan Schnitzler, Mackenzie Slater, Claire Nichols, Emily Hodge, Joshua Balum, Adrian Brasi, Matthew Brewer, Rachel Brown, Brooklyn Bryan, Nathan Burgener, Israel Caszatt, Logan Duffy, Cole Gerrard, Kaila Hoffman, Matthew Johnson, Mark Lao, Krista Lee, Jessie Kate Leventis, Joey Malvin, Zenette McCoy, Annalise Michlin, Gavin O'Brien, Lauren Pleimann, Sydni Poots, Gabriel Preciado, Aaron Rozenberg, Molly Sharples, Michael Simpson, Blake Wilcox, Mackenzie Wilson, Bianca Zorzi; teacher Jamie Hannah; chaperones Deanne Bellamy, Consuelo Jensen, Brian Moran, Amy Slater, Abby Corpodian, Tonya Cronic, Michelle Hawley, Lori O'Toole, Charmaine Hochman, Teresa Schnitzler, Michael Hodge, Anissa Cole, Nancy Brown, Doug Gerrard, Hallison DeMann, Scott Johnson, Carl Lee, Christina Leventis, Laurie Michlin, Jennifer Pleimann, Lorraine Romero, Sandy Simpson, Melodee Wilcox, and Cory Jackson.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from John R. Hummel Elementary School: Graciela Banuelos, Lynzee Baptist, Jamie DeShone, Lolybeth Escobar, Mariyah Espinoza, Joseph Frades, Charles Gloria, Jacob Grguric, Grady Jones, Armando Lopez, Johanna Naranjo, Angelica Panes, Bonnie Ramirez, Jasmine Smith, Courtney Strickland, Jacob Tabaczynski, Cody Thompson, Tyler White, Lexington Sharpe, Chasen Wolin, Sierra Harris; teacher Christina Eagar; chaperones Ronald Eagar, Monica Langlands, Joseph Frades III, Jennifer Espinoza, James Deshone, Lynne Jones, Dawn Sanford, Aolelina Ramirez, Shelly Tabaczynski, Arthur Grguric, Jennifer Houser, Niki Wolin, and Stephen Wolin.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Soraya Aguirre.

Assemblyman Oceguera moved that the Assembly adjourn until Wednesday, May 16, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 12:38 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIRST DAY

CARSON CITY (Wednesday), May 16, 2007

Assembly called to order at 11:18 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Marie Hanson.

Compassion. Compassion opens us up gently and calmly. It allows us to suspend judgment, replace fear, and answer another's call for love. May we be compassionate and may we extend compassion to ourselves and one another, for compassion is limitless, provided effortlessly. We need only ask and receive this holiest gift from Spirit. Let us hold in prayer and light Sergeant Anthony J. Schober and his family and his fellow comrades. May Your divine safety and protection surround them. For this, we give thanks. Knowing and accepting Your compassion flows through us in all things. And so it is.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 264, 400, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Senate Bill No. 535, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Senate Bill No. 495, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 139, 145, 500, 508, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 7, 72, 420, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 608, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 330, 457, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 15, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 432.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 88, Senate Amendment No. 678; Assembly Bill No. 279, Senate Amendment No. 672, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 6.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 404.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 650 to Senate Bill No. 87.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that the reading of the Histories for all bills and resolutions be dispensed with for this legislative day.

Motion carried.

NOTICE OF EXEMPTION

May 16, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 610, 611, 612, 613, 614, 615, 616, 617, 618 and 619.

MARK STEVENS
Fiscal Analysis Division

Senate Concurrent Resolution No. 18.

Assemblywoman Parnell moved the adoption of the resolution.

Remarks by Assemblywoman Parnell.

Resolution adopted, as amended.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 404.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 246 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 580.

Bill read second time and ordered to third reading.

Senate Bill No. 18.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 709.

SUMMARY— ~~[Authorizes the imposition of a fine for engaging in a certain]~~ **Revises provisions governing** deceptive trade ~~[practice.]~~ **practices.** (BDR 52-587)

AN ACT relating to deceptive trade practices; providing that the conducting of certain businesses or occupations without registering with the Consumer Affairs Division of the Department of Business and Industry is a deceptive trade practice; authorizing the Commissioner of Consumer Affairs to impose a fine on persons who engage in such a deceptive trade practice; **providing that the rental, lease or sale of certain goods or services for an unconscionable price within a certain period before or during a state of emergency is a deceptive trade practice;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines a number of actions as deceptive trade practices that are punishable by the imposition of civil penalties. (NRS 598.0915-598.0925, 598.0971-598.0974) Section 2 of this bill provides that conducting a business or occupation that is required to be registered with the Consumer Affairs Division of the Department of Business and Industry without being so registered is a deceptive trade practice, and section 4 of this bill authorizes the Commissioner of Consumer Affairs to impose a fine on a person who engages in such a deceptive trade practice. **Section 4.7 of this bill provides that renting, leasing or selling a consumer good or service that is vital to the public health, safety or welfare for an unconscionable price within 24 hours before or at any time during a state of emergency is a deceptive trade practice.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~[, 3 and 4]~~ **to 4.7, inclusive,** of this act.

Sec. 2. ***A person engages in a "deceptive trade practice" if, in the course of his business or occupation, he is required to be registered with the Division pursuant to any provision of this chapter or NRS 599B.080 and he fails to be registered with the Division.***

Sec. 3. ***"Division" means the Consumer Affairs Division of the Department of Business and Industry.***

Sec. 4. ***1. In addition to any other remedy or penalty, if a person engages in a deceptive trade practice, as defined in section 2 of this act, the Commissioner may impose a fine of:***

(a) For the first violation, $100;

(b) For the second violation, $250; and

(c) For each subsequent violation, $500.

2. All money collected from fines imposed pursuant to this section must be deposited in the State General Fund.

Sec. 4.5. The Legislature finds and declares that:

1. Protecting the public from the economic practice commonly known as "price gouging" is a vital function of state government in providing for the public health, safety and welfare;

2. The pricing of consumer goods and services is generally best left to the marketplace in ordinary conditions, but when a state of emergency results in abnormal disruptions of the market, the public interest requires that excessive and unjustified increases in the prices of consumer goods and services be prohibited;

3. It is the intent of the Legislature in enacting section 4.7 of this act to protect consumers from excessive and unjustified increases in the prices charged within 24 hours before or at any time during a state of emergency for consumer goods and services that are vital to the public health, safety or welfare; and

4. As the provisions of this chapter are necessary to protect the public welfare, it is also the intent of the Legislature that the provisions of this chapter be liberally construed to effectuate its purposes.

Sec. 4.7. 1. Except as otherwise provided in subsection 2, a person engages in a "deceptive trade practice" if he rents, leases or sells or offers to rent, lease or sell a consumer good or service for an unconscionable price within 24 hours before or at any time during a state of emergency.

2. A person does not engage in a "deceptive trade practice" pursuant to subsection 1 if he rents, leases or sells or offers to rent, lease or sell a consumer good or service for a price that is approved by an appropriate government or governmental entity.

3. For the purposes of this section and except as otherwise provided in subsection 4, it is prima facie evidence that a price for a consumer good or service is an unconscionable price if the price exceeds, by an amount equal to or greater than 25 percent:

(a) The average price at which the consumer good or service was rented, leased or sold or offered for rent, lease or sale in the usual course of business during the 30 days immediately preceding the state of emergency; or

(b) The average price at which the consumer good or service was rented, leased or sold or offered for rent, lease or sale in the usual course of business in the immediately preceding calendar year during the same period to which the state of emergency applies.

4. For the purposes of this section, it is prima facie evidence that a price for a consumer good or service is not an unconscionable price if the net profit margin for the consumer good or service does not exceed, by an amount equal to or greater than 25 percent:

(a) The net profit margin for the consumer good or service during the 30 days immediately preceding the state of emergency; or

(b) The net profit margin for the consumer good or service in the immediately preceding calendar year during the same period to which the state of emergency applies.

5. The provisions of this section do not preempt the authority of a local government to adopt an ordinance relating to the price of a consumer good or service during a state of emergency.

6. As used in this section:

(a) "Consumer good or service" means a good or service used, purchased or rendered primarily for personal, family or household purposes that is vital to the public health, safety or welfare. The term includes, without limitation, food for human consumption, food for domestic animals, clothing, shoes, ice, water, gas, electricity, heat, fuel of all kinds and building materials.

(b) "State of emergency" means the period:

(1) Beginning when the Governor or the Legislature proclaims a state of emergency or declaration of disaster pursuant to NRS 414.070 or the President of the United States declares a state of emergency in this State or any other state; and

(2) Ending when the Governor or the Legislature terminates the proclamation of a state of emergency or declaration of disaster or the President of the United States terminates the declaration of a state of emergency.

Sec. 5. NRS 598.0903 is hereby amended to read as follows:

598.0903 As used in NRS 598.0903 to 598.0999, inclusive, ***and sections 2 ~~[, 3 and 4]~~ to 4.7, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 598.0905 to 598.0947,

inclusive, ***and sections 2*** **,** ~~*[and]*~~ ***3*** ***and 4.7 of this act*** have the meanings ascribed to them in those sections.

Sec. 5.5. **NRS 598.0953 is hereby amended to read as follows:**

598.0953 1. Evidence that a person has engaged in a deceptive trade practice is prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

2. The deceptive trade practices listed in NRS 598.0915 to 598.0925, inclusive, ***and sections 2 and 4.7 of this act*** are in addition to and do not limit the types of unfair trade practices actionable at common law or defined as such in other statutes of this State.

Sec. 5.7. **NRS 598.0955 is hereby amended to read as follows:**

598.0955 1. The provisions of NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act*** do not apply to:

(a) Conduct in compliance with the orders or rules of, or a statute administered by, a federal, state or local governmental agency.

(b) Publishers, including outdoor advertising media, advertising agencies, broadcasters or printers engaged in the dissemination of information or reproduction of printed or pictorial matter who publish, broadcast or reproduce material without knowledge of its deceptive character.

(c) Actions or appeals pending on July 1, 1973.

2. The provisions of NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act*** do not apply to the use by a person of any service mark, trademark, certification mark, collective mark, trade name or other trade identification which was used and not abandoned prior to July 1, 1973, if the use was in good faith and is otherwise lawful except for the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and sections 2 to 4.7, inclusive, of this act.***

Sec. 6. NRS 598.096 is hereby amended to read as follows:

598.096 When the Commissioner, Director or Attorney General has cause to believe that any person has engaged or is engaging in any deceptive trade practice, he may:

1. Request the person to file a statement or report in writing under oath or otherwise, on such forms as may be prescribed by the Commissioner, Director or Attorney General, as to all facts and circumstances concerning the sale or advertisement of property by the person, and such other data and information as the Commissioner, Director or Attorney General may deem necessary.

2. Examine under oath any person in connection with the sale or advertisement of any property.

3. Examine any property or sample thereof, record, book, document, account or paper as he may deem necessary.

4. Make true copies, at the expense of the ~~[Consumer Affairs Division of the Department of Business and Industry,]~~ ***Division,*** of any record, book, document, account or paper examined pursuant to subsection 3, which copies

may be offered into evidence in lieu of the originals thereof in actions brought pursuant to NRS 598.097 and 598.0979.

5. Pursuant to an order of any district court, impound any sample of property which is material to the deceptive trade practice and retain the property in his possession until completion of all proceedings as provided in NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and sections 2*** ~~*[, 3 and 4]*~~ ***to 4.7, inclusive, of this act.*** An order may not be issued pursuant to this subsection unless:

(a) The Commissioner, Director or Attorney General, and the court give the accused full opportunity to be heard; and

(b) The Commissioner, Director or Attorney General proves by clear and convincing evidence that the business activities of the accused will not be impaired thereby.

Sec. 6.5. **NRS 598.0963 is hereby amended to read as follows:**

598.0963 1. Whenever the Attorney General is requested in writing by the Commissioner or the Director to represent him in instituting a legal proceeding against a person who has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person on behalf of the Commissioner or Director.

2. The Attorney General may institute criminal proceedings to enforce the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and sections 2 to 4.7, inclusive, of this act.*** The Attorney General is not required to obtain leave of the court before instituting criminal proceedings pursuant to this subsection.

3. If the Attorney General has reason to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person to obtain a temporary restraining order, a preliminary or permanent injunction, or other appropriate relief.

4. If the Attorney General has cause to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may issue a subpoena to require the testimony of any person or the production of any documents, and may administer an oath or affirmation to any person providing such testimony. The subpoena must be served upon the person in the manner required for service of process in this State or by certified mail with return receipt requested. An employee of the Attorney General may personally serve the subpoena.

Sec. 7. NRS 598.0966 is hereby amended to read as follows:

598.0966 1. There is hereby created a Revolving Account for the ~~[Consumer Affairs Division of the Department of Business and Industry]~~ ***Division*** in the sum of $7,500, which must be used for the payment of expenses related to conducting an undercover investigation of a person who is allegedly engaging in a deceptive trade practice.

2. The Commissioner shall deposit the money in the Revolving Account in a bank or credit union qualified to receive deposits of public money as provided by law, and the deposit must be secured by a depository bond satisfactory to the State Board of Examiners.

3. The Commissioner or his designee may:

(a) Sign all checks drawn upon the Revolving Account; and

(b) Make withdrawals of cash from the Revolving Account.

4. Payments made from the Revolving Account must be promptly reimbursed from the legislative appropriation, if any, to the ~~[Consumer Affairs]~~ Division for the expenses related to conducting an undercover investigation of a person who is allegedly engaging in a deceptive trade practice. The claim for reimbursement must be processed and paid as other claims against the State are paid.

5. The Commissioner shall:

(a) Approve any disbursement from the Revolving Account; and

(b) Maintain records of any such disbursement.

Sec. 7.5. **NRS 598.0967 is hereby amended to read as follows:**

598.0967 1. The Commissioner and the Director, in addition to other powers conferred upon them by NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act,*** may issue subpoenas to require the attendance of witnesses or the production of documents, conduct hearings in aid of any investigation or inquiry and prescribe such forms and adopt such regulations as may be necessary to administer the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and sections 2 to 4.7, inclusive, of this act.*** Such regulations may include, without limitation, provisions concerning the applicability of the provisions of NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act*** to particular persons or circumstances.

2. Service of any notice or subpoena must be made as provided in N.R.C.P. 45(c).

Sec. 7.7. **NRS 598.0971 is hereby amended to read as follows:**

598.0971 1. If, after an investigation, the Commissioner has reasonable cause to believe that any person has been engaged or is engaging in any deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act,*** the Commissioner may issue an order directed to the person to show cause why the Commissioner should not order the person to cease and desist from engaging in the practice. The order must contain a statement of the charges and a notice of a hearing to be held thereon. The order must be served upon the person directly or by certified or registered mail, return receipt requested.

2. If, after conducting a hearing pursuant to the provisions of subsection 1, the Commissioner determines that the person has violated any of the provisions of NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act,*** or if the person fails to appear for the hearing after being properly served with the statement of charges and notice of hearing,

the Commissioner may make a written report of his findings of fact concerning the violation and cause to be served a copy thereof upon the person and any intervener at the hearing. If the Commissioner determines in the report that such a violation has occurred, he may order the violator to:

(a) Cease and desist from engaging in the practice or other activity constituting the violation;

(b) Pay the costs of conducting the investigation, costs of conducting the hearing, costs of reporting services, fees for experts and other witnesses, charges for the rental of a hearing room if such a room is not available to the Commissioner free of charge, charges for providing an independent hearing officer, if any, and charges incurred for any service of process, if the violator is adjudicated to have committed a violation of NRS 598.0903 to 598.0999, inclusive ~~[,]~~ ***, and sections 2 to 4.7, inclusive, of this act;*** and

(c) Provide restitution for any money or property improperly received or obtained as a result of the violation.

➥ The order must be served upon the person directly or by certified or registered mail, return receipt requested. The order becomes effective upon service in the manner provided in this subsection.

3. Any person whose pecuniary interests are directly and immediately affected by an order issued pursuant to subsection 2 or who is aggrieved by the order may petition for judicial review in the manner provided in chapter 233B of NRS. Such a petition must be filed within 30 days after the service of the order. The order becomes final upon the filing of the petition.

4. If a person fails to comply with any provision of an order issued pursuant to subsection 2, the Commissioner may, through the Attorney General, at any time after 30 days after the service of the order, cause an action to be instituted in the district court of the county wherein the person resides or has his principal place of business requesting the court to enforce the provisions of the order or to provide any other appropriate injunctive relief.

5. If the court finds that:

(a) The violation complained of is a deceptive trade practice;

(b) The proceedings by the Commissioner concerning the written report and any order issued pursuant to subsection 2 are in the interest of the public; and

(c) The findings of the Commissioner are supported by the weight of the evidence,

➥ the court shall issue an order enforcing the provisions of the order of the Commissioner.

6. Except as otherwise provided in NRS 598.0974, an order issued pursuant to subsection 5 may include:

(a) A provision requiring the payment to the Commissioner of a penalty of not more than $5,000 for each act amounting to a failure to comply with the Commissioner's order; or

(b) Such injunctive or other equitable or extraordinary relief as is determined appropriate by the court.

7. Any aggrieved party may appeal from the final judgment, order or decree of the court in a like manner as provided for appeals in civil cases.

8. Upon the violation of any judgment, order or decree issued pursuant to subsection 5 or 6, the Commissioner, after a hearing thereon, may proceed in accordance with the provisions of NRS 598.0999.

Sec. 8. NRS 598.0975 is hereby amended to read as follows:

598.0975 1. Except as otherwise provided in subsection 1 of NRS 598.0999 and subsection 3, all fees, civil penalties and any other money collected pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive ~~[:]~~ ***, and sections 2 ~~[, 3 and 4]~~ to 4.7, inclusive, of this act:***

(a) In an action brought by the Attorney General, Commissioner or Director, must be deposited in the State General Fund and may only be used to offset the costs of administering and enforcing the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and sections 2 ~~[, 3 and 4]~~ to 4.7, inclusive, of this act.***

(b) In an action brought by the district attorney of a county, must be deposited with the county treasurer of that county and accounted for separately in the county general fund.

2. Money in the account created pursuant to paragraph (b) of subsection 1 must be used by the district attorney of the county for:

(a) The investigation and prosecution of deceptive trade practices against elderly or disabled persons; and

(b) Programs for the education of consumers which are directed toward elderly or disabled persons, law enforcement officers, members of the judicial system, persons who provide social services and the general public.

3. The provisions of this section do not apply to:

(a) Criminal fines imposed pursuant to NRS 598.0903 to 598.0999, inclusive ~~[;]~~ ***, and sections 2 ~~[, 3 and 4]~~ to 4.7, inclusive, of this act;*** or

(b) Restitution ordered pursuant to NRS 598.0903 to 598.0999, inclusive, ***and sections 2 ~~[, 3 and 4]~~ to 4.7, inclusive, of this act*** in an action brought by the Attorney General. Money collected for restitution ordered in such an action must be deposited by the Attorney General and credited to the appropriate account of the ~~[Consumer Affairs Division of the Department of Business and Industry]~~ ***Division*** or the Attorney General for distribution to the person for whom the restitution was ordered.

Sec. 9. **NRS 598.0985 is hereby amended to read as follows:**

598.0985 Notwithstanding the requirement of knowledge as an element of a deceptive trade practice, and notwithstanding the enforcement powers granted to the Commissioner or Director pursuant to NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act,*** whenever the district attorney of any county has reason to believe that any person is using, has used or is about to use any deceptive trade practice, knowingly or otherwise, he may bring an action in the name of the State of Nevada against

that person to obtain a temporary or permanent injunction against the deceptive trade practice.

Sec. 10. **NRS 598.0993 is hereby amended to read as follows:**

598.0993 The court in which an action is brought pursuant to NRS 598.0979 and 598.0985 to 598.099, inclusive, may make such additional orders or judgments as may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of any deceptive trade practice which violates any of the provisions of NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act,*** but such additional orders or judgments may be entered only after a final determination has been made that a deceptive trade practice has occurred.

Sec. 11. **NRS 598.0999 is hereby amended to read as follows:**

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act*** upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than $10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and sections 2 to 4.7, inclusive, of this act.***

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act,*** if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed $5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For the first offense, is guilty of a misdemeanor.

(b) For the second offense, is guilty of a gross misdemeanor.

(c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

➥ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act,*** 598.100 to 598.2801, inclusive, 598.305 to 598.395, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, or 598.840 to 598.966, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

6. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

Sec. 12. **NRS 11.190 is hereby amended to read as follows:**

11.190 Except as otherwise provided in NRS 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) An action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act,*** but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without his fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his official capacity and in virtue of his office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating

to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 13. **NRS 41.600 is hereby amended to read as follows:**

41.600 1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, "consumer fraud" means:

(a) An unlawful act as defined in NRS 119.330;

(b) An unlawful act as defined in NRS 205.2747;

(c) An act prohibited by NRS 482.36655 to 482.36667, inclusive;

(d) An act prohibited by NRS 482.351; or

(e) A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive ~~[.]~~ ***, and sections 2 and 4.7 of this act.***

3. If the claimant is the prevailing party, the court shall award him:

(a) Any damages that he has sustained; and

(b) His costs in the action and reasonable attorney's fees.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 66.

Bill read second time and ordered to third reading.

Senate Bill No. 99.

Bill read second time and ordered to third reading.

Senate Bill No. 137.

Bill read second time and ordered to third reading.

Senate Bill No. 183.

Bill read second time and ordered to third reading.

Senate Bill No. 198.

Bill read second time and ordered to third reading.

Senate Bill No. 210.

Bill read second time and ordered to third reading.

Senate Bill No. 244.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 699.

AN ACT relating to emergency medical services; requiring the State Board of Health to develop a system of collecting data relating to waiting times at hospitals; requiring hospitals and providers of emergency medical services in certain counties to participate in the collection of data; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that hospitals and providers of emergency medical services are required to transfer a person who arrives at the hospital by an ambulance, air ambulance or vehicle of a fire-fighting agency to an appropriate place in the hospital to receive emergency services and care within 30 minutes after the time at which the person arrives at the hospital. Existing law also requires the Health Division of the Department of Health and Human Services to adopt regulations concerning the manner in which hospitals and providers of emergency medical care shall track the time elapsed from when a person arrives at the hospital to the time the person is transferred to an appropriate place to receive care. (NRS 450B.790) Senate Bill No. 458 of the 2005 Legislative Session enacted the statutory requirement for tracking wait times and also required the Health Division to conduct a study to identify both the causes of excessive waiting times and any corrective actions that might eliminate excessive waiting times. The provisions requiring the study expired by limitation on December 31, 2006. (Chapter 382, Statutes of Nevada 2005, pp. 1475-77)

Section 1 of this bill requires the State Board of Health to develop a system of collecting data concerning the waiting times. Section 1 also requires hospitals and providers of emergency medical services in each county whose population is 400,000 or more to collect certain data relating to waiting times. In counties whose population is 100,000 or more but less than 400,000, the Board may require the collection of data if there are excessive waiting times at one or more hospitals in the county. Section 2 of this bill eliminates the requirement that the Health Division adopt regulations relating to the tracking of waiting times.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Board of Health shall collect data, in accordance with the system that is developed by the Board pursuant to subsection 5, concerning the waiting times for the provision of emergency services and care to each person who is in need of such services and care and who is transported to a hospital by a provider of emergency medical services.

2. Each hospital and each provider of emergency medical services in a county whose population is 400,000 or more shall participate in the collection of data pursuant to this section by collecting data, in accordance with the system that is developed by the State Board of Health pursuant to subsection 5, concerning the waiting times for the provision of emergency services and care to each person who is in need of such services and care and who is transported to a hospital by a provider of emergency medical services.

3. Except as otherwise provided in subsection 4, the hospitals and the providers of emergency medical services in a county whose population is less than 400,000 are not required to participate in the collection of data pursuant to this section unless the county health officer, each hospital and each provider of emergency medical services in the county agree in writing that the county will participate in the collection of data. The county health officer shall submit the written agreement to the State Board of Health.

4. If the State Board of Health determines, in a county whose population is 100,000 or more but less than 400,000, that there are excessive waiting times at one or more hospitals in the county for the provision of emergency services and care to persons who are in need of such services and care and who have been transported to the hospital by a provider of emergency medical services, the State Board of Health may require the county to implement a system of collecting data pursuant to subsection 5 concerning the extent of waiting times and the circumstances surrounding such waiting times.

5. For the purpose of collecting data pursuant to this section, the State Board of Health shall develop a system of collecting data concerning the waiting times of persons for the provision of emergency services and care at a hospital and the surrounding circumstances for such waiting times each time a person is transported to a hospital by a provider of emergency medical services. The system must include, without limitation, an electronic method of recording and collecting the following information:

(a) The time at which a person arrives at the hospital, which is the time that the person is presented to the emergency room of the hospital;

(b) The time at which the person is transferred to an appropriate place in the hospital to receive emergency services and care, which is the time that the person is physically present in the appropriate place and the staff of the emergency room of the hospital have received a report concerning the transfer of the person;

(c) If a person is not transferred to an appropriate place in the hospital to receive emergency services and care within 30 minutes after arriving at

the hospital, information detailing the reason for such delay, which may be selected from a predetermined list of possible reasons that are available for selection in the electronic system;

(d) A unique identifier that is assigned to each transfer of a person to a hospital by a provider of emergency medical services which allows the transfer to be identified and reviewed; and

(e) The names of the personnel of the provider of emergency medical services who transported the person to the hospital and of the personnel of the hospital who are responsible for the care of the person after the person arrives at the hospital.

6. The State Board of Health shall ensure that:

(a) The data collected pursuant to subsection 5 is reported to the Health Division on a quarterly basis;

(b) The data collected pursuant to subsection 5 is available to any person or entity participating in the collection of data pursuant to this section; and

(c) The system of collecting data developed pursuant to subsection 5 and all other aspects of the collection comply with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

7. The State Board of Health shall appoint for each county in which hospitals and providers of emergency medical services are participating in the collection of data pursuant to this section an advisory committee consisting of the health officer of the county, a representative of each hospital in the county and a representative of each provider of emergency medical services in the county. Each member of the advisory committee serves without compensation and is not entitled to receive a per diem allowance or travel expenses for his service on the advisory committee. Each advisory committee shall:

(a) Meet not less than once each calendar quarter;

(b) Review the data that is collected for the county and submitted to the State Board of Health concerning the waiting times for the provision of emergency services and care, the manner in which such data was collected and any circumstances surrounding such waiting times;

[(b)] (c) Review each incident in which a person was transferred to an appropriate place in a hospital to receive emergency services and care more than 30 minutes after arriving at the hospital; and

[(c)] (d) Submit a report of its findings to the State Board of Health.

8. The State Board of Health may delegate its duties set forth in this section to:

(a) The district board of health in a county whose population is 400,000 or more.

(b) The county or district board of health in a county whose population is less than 400,000.

9. The State Board of Health or any county or district board of health that is performing the duties of the State Board of Health pursuant to

subsection 8 shall submit a quarterly report to the Legislative Committee on Health Care, which must include a written compilation of the data collected pursuant to this section.

10. The State Board of Health may require each hospital and provider of emergency medical services located in a county that participates in the collection of data pursuant to this section to share in the expense of purchasing hardware ~~*[and]*~~ ***, software , equipment and other resources necessary to carry out the collection of data pursuant to this section.***

11. The State Board of Health shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations prescribing the duties and responsibilities of each:

(a) County or district board of health that is performing the duties of the State Board of Health pursuant to subsection 8;

(b) Hospital located in a county that participates in the collection of data pursuant to this section; and

(c) Provider of emergency medical services located in a county whose population is less than 400,000 that participates in the collection of data pursuant to this section.

12. The district board of health in each county whose population is 400,000 or more shall adopt regulations consistent with subsection 11 for providers of emergency medical services located in the county to carry out the provisions of this section.

13. The State Board of Health may, in consultation with each hospital and provider of emergency medical services located in a county that participates in the collection of data pursuant to this section, submit a written request to the Director of the Legislative Counsel Bureau for transmission to a regular session of the Legislature for the repeal of this section. Such a written request must include the justifications and reasons for requesting the termination of the collection of data pursuant to this section.

~~*[12.]*~~ ***14. As used in this section:***

(a) "Emergency services and care" has the meaning ascribed to it in NRS 439B.410.

(b) "Hospital" has the meaning ascribed to it in NRS 449.012.

(c) "Provider of emergency medical services" means each operator of an ambulance and each fire-fighting agency which has a permit to operate pursuant to this chapter and which provides transportation for persons in need of emergency services and care to hospitals.

Sec. 2. NRS 450B.790 is hereby amended to read as follows:

450B.790 1. Each hospital in this State which receives a person in need of emergency services and care who has been transported to the hospital by ~~[an ambulance, air ambulance or vehicle of a fire-fighting agency that has a permit to operate pursuant to this chapter]~~ ***a provider of emergency medical services*** shall ensure that the person is transferred to a bed, chair, gurney or other appropriate place in the hospital to receive emergency services and care

as soon as practicable, but not later than 30 minutes after the time at which the person arrives at the hospital.

2. ~~[The Health Division shall adopt regulations concerning the manner in which a hospital and an attendant responsible for the care of a person in need of emergency services and care during transport to the hospital shall determine and track the time at which a person arrives at a hospital and the time at which the person is transferred to an appropriate place in the hospital to receive emergency services and care for the purposes of this section. The regulations must provide that:~~

~~(a) The time at which a person arrives at a hospital is the time at which he is presented to the emergency room of the hospital; and~~

~~(b) The time at which the person is transferred to an appropriate place in the hospital to receive emergency services and care is the time at which the person is physically in that place and the staff of the emergency room of the hospital have received a report concerning the person.~~

~~3.]~~ This section does not create a duty of care and is not a ground for civil or criminal liability.

~~[4.]~~ ***3.*** As used in this section:

(a) "Emergency services and care" has the meaning ascribed to it in NRS 439B.410.

(b) "Hospital" has the meaning ascribed to it in NRS 449.012.

(c) "Provider of emergency medical services" means each operator of an ambulance and each fire-fighting agency which has a permit to operate pursuant to this chapter and which provides transportation for persons in need of emergency services and care to hospitals.

Sec. 3. This act becomes effective on July 1, 2007.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 337.

Bill read second time and ordered to third reading.

Senate Bill No. 338.

Bill read second time and ordered to third reading.

Senate Bill No. 391.

Bill read second time and ordered to third reading.

Senate Bill No. 403.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 725.

AN ACT relating to insurance; providing requirements relating to coverage for group health insurance to certain associations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides requirements concerning group health insurance. (Chapter 689B of NRS) This bill provides requirements for the provision of coverage for group health insurance to members, employees of members and employees of a guaranteed association.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer may offer a policy of group health insurance to a guaranteed association if the policy provides coverage for ~~[500]~~ 200 or more members, employees of members or employees of the guaranteed association or their dependents.

2. When an insurer offers coverage to a guaranteed association pursuant to subsection 1, the insurer shall offer coverage to all members, employees of members and employees of the guaranteed association and all dependents thereof without regard to the actual or expected health status of any such member or employee or dependent thereof. The provisions of this subsection apply only for the purpose of requiring coverage to be offered to all such members, employees and dependents.

3. An insurer offering coverage to a guaranteed association pursuant to subsection 1 shall establish rates for premiums as follows:

(a) For the initial 12-month period of coverage, the insurer shall submit to the Commissioner the opinion of a qualified actuary that the rates charged by the guaranteed association for premiums are actuarially sound. The opinion must certify the accuracy of the rating methodology as established by the American Academy of Actuaries or a successor organization approved by the Commissioner. The Commissioner by regulation may further define or enlarge the scope of this opinion.

(b) For any subsequent 12-month period of coverage, according to a rating methodology as established by the American Academy of Actuaries or a successor organization approved by the Commissioner.

4. Except as otherwise provided in subsection 5, a member, employee of a member or employee of a guaranteed association may apply for coverage offered pursuant to subsection 1 only:

(a) If, as applicable, the person has been an active member of the association or employed by a member or the guaranteed association for not less than 30 days;

(b) During an annual open enrollment period offered by the guaranteed association; and

(c) After meeting any additional eligibility requirements agreed upon by the guaranteed association and the insurer.

5. If a member, employee of a member or employee of a guaranteed association or a dependent thereof terminates coverage offered pursuant to subsection 1, the member, employee or dependent must be excluded from such coverage until the beginning of the next annual enrollment period. During the next annual enrollment period or any annual enrollment period thereafter, such a member or employee may enroll for coverage of the member or employee or dependent thereof pursuant to subsection 4.

6. The provisions of this section do not apply to or affect the status of a person, including, without limitation, whether the person is an employee, self-employed or an independent contractor, for the purposes of industrial insurance or any other law relating to labor or employment.

7. As used in this section:

(a) "Guaranteed association" means an association which:

(1) Has a constitution and bylaws;

(2) Is determined by the Commissioner to be a bona fide association which was organized and is maintained in good faith for purposes other than that of obtaining insurance; and

(3) Has been in existence for at least 5 years.

(b) "Qualified actuary" means a member in good standing of the American Academy of Actuaries, or a successor organization approved by the Commissioner.

Sec. 2. The provisions of subparagraph 3 of paragraph (a) of subsection 7 of section 1 of this act do not apply to an association which was in existence on January 1, 2007.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 419.

Bill read second time and ordered to third reading.

Senate Bill No. 515.

Bill read second time and ordered to third reading.

Senate Bill No. 534.

Bill read second time and ordered to third reading.

Senate Bill No. 549.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 687.

AN ACT relating to elections; providing a procedure for a petition proposing a statute, an amendment to statute or an amendment to the

Constitution to be placed on a ballot; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that an initiative petition be signed by at least 10 percent of the voters who voted at the last preceding general election in at least 75 percent of the counties in the State. (Nev. Const. Art. 19, § 2) The United States District Court for the District of Nevada declared that the above portion of Section 2 of Article 19 of the Nevada Constitution **concerning 75 percent of the counties in the State** violates the Equal Protection Clause of the United States Constitution because it applies the same formula to counties of varying population. Such application results in the signatures of voters from small, rural counties carrying more weight than the signatures of voters from larger counties. (***Committee to Regulate and Control Marijuana v. Heller***, No. CV-S-04-01035 (D. Nev. Aug. 20, 2004)) The United States Court of Appeals for the Ninth Circuit affirmed the decision of the United States District Court. (***American Civil Liberties Union of Nevada v. Lomax***, 471 F.3d 1010 (9th Cir. Nev. 2006))

Section 8 of this bill requires a petition for initiative that proposes a statute, an amendment to statute or an amendment to the Constitution **of this State** to be signed by a number of registered voters from each county in the State determined by applying a flexible formula which is based on the percentage of population of each county in the State so that each signature carries relatively equal weight. Section 1 of this bill requires the Secretary of State to determine the number of signatures required to be gathered from each county for a petition for initiative proposing a statute, an amendment to statute or an amendment to the Constitution as soon as practicable after each statewide general election. Section 6 of this bill amends the procedure for the verification of signatures on a petition for initiative proposing a statute, an amendment to statute or an amendment to the Constitution.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

1. As soon as practicable after each general election, the Secretary of State shall determine the number of signatures required to be gathered from each county within the State for a petition for initiative that proposes a statute, an amendment to statute or an amendment to the Constitution ~~*[.]*~~ ***of this State.***

2. To determine the number of signatures required to be gathered from a county, the Secretary of State shall multiply the amount that equals ~~*[4 percent of the total population of the State or the amount that equals]*~~ ***10 percent of the voters who voted in the entire State at the last preceding general election*** ~~*[, whichever is less,]*~~ ***by the population percentage for that county.*** ~~*[If the calculation results in a fraction of a signature being required*~~

~~*for a particular county, the Secretary of State shall round up the number of signatures required for the county to the next whole number.]*~~

3. As used in this section:

(a) "Total population of the State" means the determination of the total population of the State by the national decennial census conducted by the Bureau of the Census of the United States Department of Commerce pursuant to Section 2 of Article I of the Constitution of the United States and reported by the Secretary of Commerce to the Governor pursuant to 13 U.S.C. § 141(c).

(b) "Population percentage for that county" means the figure obtained by dividing the population of the county, as determined by the national decennial census conducted by the Bureau of the Census of the United States Department of Commerce pursuant to Section 2 of Article I of the Constitution of the United States and reported by the Secretary of Commerce to the Governor pursuant to 13 U.S.C. § 141(c), by the total population of the State.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 293.1279 is hereby amended to read as follows:

293.1279 1. If the statistical sampling shows that the number of valid signatures filed is 90 percent or more, but less than the sum of 100 percent of the number of signatures of registered voters needed to declare the petition sufficient plus the total number of requests to remove a name received by the county clerks pursuant to NRS 295.055 or 306.015, the Secretary of State shall order the county clerks to examine the signatures for verification. The county clerks shall examine the signatures for verification until they determine that 100 percent of the number of signatures of registered voters needed to declare the petition sufficient are valid. If the county clerks received a request to remove a name pursuant to NRS 295.055 or 306.015, the county clerks may not determine that 100 percent of the number of signatures of registered voters needed to declare the petition sufficient are valid until they have removed each name as requested pursuant to NRS 295.055 or 306.015.

2. ~~[If]~~ ***Except as otherwise provided in this subsection, if*** the statistical sampling shows that the number of valid signatures filed in any county is 90 percent or more but less than the sum of 100 percent of the number of signatures of registered voters needed to constitute 10 percent of the number of voters who voted at the last preceding general election in that county plus the total number of requests to remove a name received by the county clerk in that county pursuant to NRS 295.055 or 306.015, the Secretary of State may order the county clerk in that county to examine every signature for verification. If the county clerk received a request to remove a name pursuant to NRS 295.055 or 306.015, the county clerk may not determine that 100

percent or more of the number of signatures of registered voters needed to constitute 10 percent of the number of voters who voted at the last preceding general election in that county are valid until he has removed each name as requested pursuant to NRS 295.055 or 306.015. ***In the case of a petition for initiative that proposes a statute, an amendment to statute or an amendment to the Constitution*** ~~[.]~~ ***of this State, if the statistical sampling shows that the number of valid signatures in any county is 90 percent or more but less than the sum of 100 percent of the number of signatures of registered voters required for that county pursuant to section 8 of this act plus the total number of requests to remove a name received by the county clerk in that county pursuant to NRS 295.055, the Secretary of State may order the county clerk to examine every signature for verification.***

3. Within 12 days, excluding Saturdays, Sundays and holidays, after receipt of such an order, the county clerk shall determine from the records of registration what number of registered voters have signed the petition. If necessary, the board of county commissioners shall allow the county clerk additional assistants for examining the signatures and provide for their compensation. In determining from the records of registration what number of registered voters have signed the petition, the county clerk must use the statewide voter registration list. The county clerk may rely on the appearance of the signature and the address and date included with each signature in determining the number of registered voters that signed the petition.

4. Except as otherwise provided in subsection 5, upon completing the examination, the county clerk shall immediately attach to the documents of the petition an amended certificate, properly dated, showing the result of the examination and shall immediately forward the documents with the amended certificate to the Secretary of State. A copy of the amended certificate must be filed in the county clerk's office.

5. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not forward to the Secretary of State the documents containing the signatures of the registered voters.

6. Except for a petition to recall a county, district or municipal officer, the petition shall be deemed filed with the Secretary of State as of the date on which he receives certificates from the county clerks showing the petition to be signed by the requisite number of voters of the State.

7. If the amended certificates received from all county clerks by the Secretary of State establish that the petition is still insufficient, he shall immediately so notify the petitioners and the county clerks. If the petition is a petition to recall a county, district or municipal officer, the Secretary of State shall also notify the officer with whom the petition is to be filed.

Sec. 7. Chapter 295 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 and 9 of this act.

Sec. 8. ***1.*** ~~*[Except as otherwise provided in subsection 2, a]*~~ ***A petition for initiative that proposes a statute, an amendment to statute or an amendment to the Constitution must be proposed by a number of registered voters from each county in the State that is at least equal to*** ~~*[:*~~

~~*(a) Four percent of the total population of the State multiplied by the population percentage for that county; or*~~

~~*(b) Ten]*~~ ***10 percent of the voters who voted in the entire State at the last preceding general election multiplied by the population percentage for that county*** ***.*** ~~*[,*~~

~~*whichever is less.]*~~

2. ~~*[At least one registered voter who resides in each county must sign the petition.*~~

~~*3.]*~~ ***As used in this section:***

(a) "Total population of the State" means the determination of the total population of the State by the national decennial census conducted by the Bureau of the Census of the United States Department of Commerce pursuant to Section 2 of Article I of the Constitution of the United States and reported by the Secretary of Commerce to the Governor pursuant to 13 U.S.C. § 141(c).

(b) "Population percentage for that county" means the figure obtained by dividing the population of the county, as determined by the national decennial census conducted by the Bureau of the Census of the United States Department of Commerce pursuant to Section 2 of Article I of the Constitution of the United States and reported by the Secretary of Commerce to the Governor pursuant to 13 U.S.C. § 141(c), by the total population of the State.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. **This act becomes effective on July 1, 2007.**

Assemblywoman Koivisto moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 19 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 150.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 718.

AN ACT relating to controlled substances; ~~[requiring the Office of Court Administrator to apply for federal grants for drug courts;]~~ making various ~~[other]~~ changes pertaining to crimes related to the use or manufacturing of methamphetamine and other controlled substances; revising various provisions pertaining to nuisances; making various changes relating to lithium metal, sodium metal and anhydrous ammonia; enacting provisions relating to the sale or transfer of certain precursors to methamphetamine; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill makes various changes pertaining to methamphetamine and other controlled substances.

Section 40 of this bill prohibits a person from: (1) selling or transferring in the course of business a product that is a precursor to methamphetamine; or (2) engaging in the business of selling at retail a product that is a precursor to methamphetamine, unless the person is a pharmacy or the holder of a permit which allows the person to sell or transfer products that are precursors to methamphetamine. A person who violates these prohibitions is guilty of a category C felony. To obtain a permit to sell or transfer products that are precursors to methamphetamine, a person must submit an application to the State Board of Pharmacy and pay a fee of $200. The Board must issue a permit to a person if the Board determines, after considering certain factors, that the person will safely and lawfully sell products that are precursors to methamphetamine.

Section 41 of this bill requires a pharmacy or the holder of a permit to: (1) comply with state and federal law concerning the sale and transfer of products that are precursors to methamphetamine; and (2) submit to the Department of Public Safety a quarterly report of the quantity of each purchase and sale or transfer of a product that is a precursor to methamphetamine. If a pharmacy or permit holder does not comply with either of these requirements, section 45 allows the State Board of Pharmacy to take certain disciplinary action against the pharmacy or permit holder.

Section 2 of this bill prohibits the possession or disposition of chemical waste or debris resulting from the manufacture of methamphetamine. Section 3 of this bill prohibits the possession of lithium metal or sodium metal under certain circumstances.

Existing law prohibits a person from possessing certain chemicals with the intent to manufacture or compound a controlled substance other than marijuana. (NRS 453.322) Section 7 of this bill adds lithium metal and sodium metal to the list of prohibited chemicals. Section 7 also prohibits a person from providing such a chemical to another person with the intent that it be used in the manufacturing or compounding of a controlled substance other than marijuana.

~~[Existing law creates the Office of Court Administrator and prescribes the duties of the Court Administrator. (NRS 1.320, 1.360) Section 9 of this bill requires the Court Administrator to apply for any federal grants for the~~

~~establishment, support or expansion of drug courts and to allocate to the courts any money received.]~~

Existing law provides that a building or place used to unlawfully manufacture a controlled substance is a nuisance, which creates civil liability, and a public nuisance, which is punishable criminally. (NRS 40.140, 202.450, 202.470) Sections 10 and 11 of this bill provide that a building or place that was used to unlawfully manufacture a controlled substance is both a nuisance and a public nuisance if certain activities relating to the decontamination of the building or place have not occurred within a certain period.

Section 12 of this bill provides that a person commits first degree arson if, by knowingly engaging in the manufacture of methamphetamine, the person sets fire to or causes an explosion that damages a dwelling house or personal property that is occupied by one or more persons. Section 13 of this bill provides that a person commits second degree arson if, by knowingly engaging in the manufacture of methamphetamine, the person sets fire to or causes an explosion that damages any abandoned building or structure. Section 14 of this bill provides that a person is guilty of a category B felony if the person commits the theft of certain chemicals that are precursors to controlled substances, regardless of the value of those chemicals.

Sections 21-32 of this bill require the State Department of Agriculture, in consultation with the Department of Public Safety, to certify substances that are added to anhydrous ammonia for the purpose of rendering the anhydrous ammonia unusable or undesirable for the manufacture of methamphetamine. To assist in advising the State Department of Agriculture on the certification of such substances, sections 32 and 33 of this bill create the Anhydrous Ammonia Advisory Committee.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 453 of NRS is hereby amended by adding thereto the provisions set forth as section 2 and 3 of this act.

Sec. 2. ***1. Except as otherwise provided in subsection 2, a person who knowingly possesses or disposes of methamphetamine manufacturing waste is guilty of a category C felony and shall be punished as provided in NRS 193.130.***

2. A person does not violate subsection 1 if the person:

(a) Possesses or disposes of the methamphetamine manufacturing waste pursuant to state or federal laws regulating the storage, cleanup or disposal of waste products from unlawful methamphetamine manufacturing;

(b) Has notified a law enforcement agency of the existence of the methamphetamine manufacturing waste; or

(c) Possesses or disposes of methamphetamine manufacturing waste that had previously been disposed of by another person on the person's property in violation of subsection 1.

3. As used in this section:

(a) "Disposes of" means to discharge, deposit, inject, spill, leak or place methamphetamine manufacturing waste into or onto land or water.

(b) "Methamphetamine manufacturing waste" means chemical waste or debris, used in or resulting from:

(1) The manufacture of any material, compound, mixture or preparation which contains any quantity of methamphetamine; or

(2) The grinding, soaking or otherwise breaking down of a substance that is a precursor for the manufacture of any material, compound, mixture or preparation which contains any quantity of methamphetamine.

Sec. 3. ***1. Except as otherwise provided in this subsection, it is unlawful for a person to knowingly or intentionally possess lithium metal or sodium metal. A person does not violate this subsection if the person:***

(a) Is conducting a lawful manufacturing operation that involves the use of lithium metal or sodium metal;

(b) Possesses lithium metal or sodium metal in conjunction with experiments conducted in a chemistry or chemistry-related laboratory maintained by a:

(1) Regularly established public or private secondary school; or

(2) Public or private institution of higher education that is accredited by a national or regional accrediting agency recognized by the United States Department of Education;

(c) Is a retail distributor, wholesaler, manufacturer, warehouseman or common carrier, or an agent of any of those persons, who possesses lithium metal or sodium metal in the regular course of lawful business activities; or

(d) Possesses lithium metal or sodium metal as a component of a commercially produced product, including, without limitation, rechargeable batteries.

2. A person who violates this section is guilty of a gross misdemeanor.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 453.322 is hereby amended to read as follows:

453.322 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to knowingly or intentionally:

(a) Manufacture or compound a controlled substance other than marijuana.

(b) Possess, with the intent to manufacture or compound a controlled substance other than marijuana ~~[.]~~ ***, or sell, exchange, barter, supply, prescribe, dispense or give away, with the intent that the chemical be used to manufacture or compound a controlled substance other than marijuana:***

(1) Any chemical identified in subsection 4; or

(2) Any other chemical which is proven by expert testimony to be commonly used in manufacturing or compounding a controlled substance

other than marijuana. The district attorney may present expert testimony to provide a prima facie case that any chemical, whether or not it is a chemical identified in subsection 4, is commonly used in manufacturing or compounding such a controlled substance.

➥ The provisions of this paragraph do not apply to a person who, without the intent to commit an unlawful act, possesses any chemical at a laboratory that is licensed to store the chemical.

(c) Offer or attempt to do any act set forth in paragraph (a) or (b).

2. Unless a greater penalty is provided in NRS 453.3385 or 453.3395, a person who violates any provision of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $100,000.

3. The court shall not grant probation to a person convicted pursuant to this section.

4. The following chemicals are identified for the purposes of subsection 1:

(a) Acetic anhydride.
(b) Acetone.
(c) N-Acetylanthranilic acid, its esters and its salts.
(d) Anthranilic acid, its esters and its salts.
(e) Benzaldehyde, its salts, isomers and salts of isomers.
(f) Benzyl chloride.
(g) Benzyl cyanide.
(h) 1,4-Butanediol.
(i) 2-Butanone (or methyl ethyl ketone or MEK).
(j) Ephedrine, its salts, isomers and salts of isomers.
(k) Ergonovine and its salts.
(l) Ergotamine and its salts.
(m) Ethylamine, its salts, isomers and salts of isomers.
(n) Ethyl ether.
(o) Gamma butyrolactone.
(p) Hydriodic acid, its salts, isomers and salts of isomers.
(q) Hydrochloric gas.
(r) Iodine.
(s) Isosafrole, its salts, isomers and salts of isomers.
(t) ***Lithium metal.***
(u) Methylamine, its salts, isomers and salts of isomers.
~~[(u)]~~ ***(v)*** 3,4-Methylenedioxy-phenyl-2-propanone.
~~[(v)]~~ ***(w)*** N-Methylephedrine, its salts, isomers and salts of isomers.
~~[(w)]~~ ***(x)*** Methyl isobutyl ketone (MIBK).
~~[(x)]~~ ***(y)*** N-Methylpseudoephedrine, its salts, isomers and salts of isomers.
~~[(y)]~~ ***(z)*** Nitroethane, its salts, isomers and salts of isomers.
~~[(z)]~~ ***(aa)*** Norpseudoephedrine, its salts, isomers and salts of isomers.
~~[(aa)]~~ ***(bb)*** Phenylacetic acid, its esters and its salts.

~~[(bb)]~~ ***(cc)*** Phenylpropanolamine, its salts, isomers and salts of isomers.
~~[(cc)]~~ ***(dd)*** Piperidine and its salts.
~~[(dd)]~~ ***(ee)*** Piperonal, its salts, isomers and salts of isomers.
~~[(ee)]~~ ***(ff)*** Potassium permanganate.
~~[(ff)]~~ ***(gg)*** Propionic anhydride, its salts, isomers and salts of isomers.
~~[(gg)]~~ ***(hh)*** Pseudoephedrine, its salts, isomers and salts of isomers.
~~[(hh)]~~ ***(ii)*** Red phosphorous.
~~[(ii)]~~ ***(jj)*** Safrole, its salts, isomers and salts of isomers.
~~[(jj)]~~ ***(kk) Sodium metal.***
(ll) Sulfuric acid.
~~[(kk)]~~ ***(mm)*** Toluene.

Sec. 8. NRS 453.553 is hereby amended to read as follows:

453.553 1. In addition to any criminal penalty imposed for a violation of the provisions of NRS 453.011 to 453.552, inclusive, ***and sections 2 and 3 of this act,*** any person who unlawfully sells, manufactures, delivers or brings into this State, possesses for sale or participates in any way in a sale of a controlled substance listed in schedule I, II or III or who engages in any act or transaction in violation of the provisions of NRS 453.3611 to 453.3648, inclusive, is subject to a civil penalty for each violation. This penalty must be recovered in a civil action, brought in the name of the State of Nevada by the Attorney General or by any district attorney in a court of competent jurisdiction.

2. As used in ~~[this section and]~~ NRS ~~[453.5531, 453.5532 and]~~ ***453.553 to*** 453.5533 ~~[.]~~ ***, inclusive:***

(a) "Each violation" includes a continuous or repetitive violation arising out of the same act.

(b) "Sell" includes exchange, barter, solicitation or receipt of an order, transfer to another for sale or resale and any other transfer for any consideration or a promise obtained directly or indirectly.

(c) "Substitute" means a substance which:

(1) Was manufactured by a person who at the time was not currently registered with the Secretary of Health and Human Services; and

(2) Is an imitation of or intended for use as a substitute for a substance listed in schedule I, II or III.

Sec. 9. ~~[NRS 1.360 is hereby amended to read as follows:~~

~~1.360 Under the direction of the Supreme Court, the Court Administrator shall:~~

~~1. Examine the administrative procedures employed in the offices of the judges, clerks, court reporters and employees of all courts of this State and make recommendations, through the Chief Justice, for the improvement of those procedures;~~

~~2. Examine the condition of the dockets of the courts and determine the need for assistance by any court;~~

~~3. Make recommendations to and carry out the directions of the Chief Justice relating to the assignment of district judges where district courts are in need of assistance;~~

~~4. Develop a uniform system for collecting and compiling statistics and other data regarding the operation of the State Court System and transmit that information to the Supreme Court so that proper action may be taken in respect thereto;~~

~~5. Prepare and submit a budget of state appropriations necessary for the maintenance and operation of the State Court System and make recommendations in respect thereto;~~

~~6. Develop procedures for accounting, internal auditing, procurement and disbursement for the State Court System;~~

~~7. Collect statistical and other data and make reports relating to the expenditure of all public money for the maintenance and operation of the State Court System and the offices connected therewith;~~

~~8. Compile statistics from the information required to be maintained by the clerks of the district courts pursuant to NRS 3.275 and make reports as to the cases filed in the district courts;~~

~~9. Formulate and submit to the Supreme Court recommendations of policies or proposed legislation for the improvement of the State Court System;~~

~~10. On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report compiling the information submitted to the Court Administrator pursuant to NRS 3.243, 4.175 and 5.045 during the immediately preceding fiscal year;~~

~~11. On or before January 1 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau a written report concerning:~~

~~(a) The distribution of money deposited in the special account created pursuant to NRS 176.0613 to assist with funding and establishing specialty court programs;~~

~~(b) The current status of any specialty court programs to which money from the account was allocated since the last report; and~~

~~(c) Such other related information as the Court Administrator deems appropriate;~~

~~12. On or before February 15 of each odd-numbered year, submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling the information submitted by clerks of courts to the Court Administrator pursuant to NRS 630.307 and 633.533 which includes only aggregate information for statistical purposes and excludes any identifying information related to a particular person;~~

~~13. On or before February 15 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report concerning the effectiveness of participation in counseling sessions in a program for the treatment of persons~~

~~who commit domestic violence ordered by a court pursuant to NRS 200.485 and the effect of such counseling sessions on recidivism of the offenders who commit battery which constitutes domestic violence pursuant to NRS 33.018;~~ [~~and~~]

~~14. *Apply for and accept any money appropriated and made available by any act of Congress for the establishment, support or expansion of specialty court programs that facilitate the testing, treatment and oversight of persons who abuse alcohol or drugs;*~~

~~*15. Allocate the money received pursuant to subsection 14 to courts to assist with the establishment, support or expansion of specialty court programs that facilitate the testing, treatment and oversight of persons who abuse alcohol or drugs; and*~~

~~*16.* Attend to such other matters as may be assigned by the Supreme Court or prescribed by law.~~] **(Deleted by amendment.)**

Sec. 10. NRS 40.140 is hereby amended to read as follows:

40.140 1. Except as otherwise provided in this section [~~, anything~~] ***:***

(a) Anything which is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property [~~, including, without limitation, a~~] ***;***

(b) A building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor [~~as defined in NRS 453.086~~] or controlled substance analog [~~as defined in NRS 453.043,~~] ***; or***

(c) A building or place which was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(1) Which has not been deemed safe for habitation by a governmental entity; or

(2) From which all materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed or remediated by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog,

➥ is a nuisance, and the subject of an action. The action may be brought by any person whose property is injuriously affected, or whose personal enjoyment is lessened by the nuisance, and by the judgment the nuisance may be enjoined or abated, as well as damages recovered.

2. It is presumed:

(a) That an agricultural activity conducted on farmland, consistent with good agricultural practice and established before surrounding nonagricultural activities is reasonable. Such activity does not constitute a nuisance unless the activity has a substantial adverse effect on the public health or safety.

(b) That an agricultural activity which does not violate a federal, state or local law, ordinance or regulation constitutes good agricultural practice.

3. A shooting range does not constitute a nuisance with respect to any noise attributable to the shooting range if the shooting range is in compliance with the provisions of all applicable statutes, ordinances and regulations concerning noise:

(a) As those provisions existed on October 1, 1997, for a shooting range in operation on or before October 1, 1997; or

(b) As those provisions exist on the date that the shooting range begins operation, for a shooting range that begins operation after October 1, 1997.

➥ A shooting range is not subject to any state or local law related to the control of noise that is adopted or amended after the date set forth in paragraph (a) or (b), as applicable, and does not constitute a nuisance for failure to comply with any such law.

4. As used in this section ~~[, "shooting]~~ ***:***

(a) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043;

(b) "Immediate precursor" has the meaning ascribed to it in NRS 453.086; and

(c) "Shooting range" means an area designed and used for archery or sport shooting, including, but not limited to, sport shooting that involves the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or other similar items.

Sec. 11. NRS 202.450 is hereby amended to read as follows:

202.450 1. A public nuisance is a crime against the order and economy of the State.

2. Every place:

(a) Wherein any gambling, bookmaking or pool selling is conducted without a license as provided by law, or wherein any swindling game or device, or bucket shop, or any agency therefor is conducted, or any article, apparatus or device useful therefor is kept;

(b) Wherein any fighting between animals or birds is conducted;

(c) Wherein any dog races are conducted as a gaming activity;

(d) Wherein any intoxicating liquors are kept for unlawful use, sale or distribution;

(e) Wherein a controlled substance, immediate precursor ~~[as defined in NRS 453.086]~~ or controlled substance analog ~~[as defined in NRS 453.043]~~ is unlawfully sold, served, stored, kept, manufactured, used or given away; or

(f) Where vagrants resort,

➥ is a public nuisance.

3. Every act unlawfully done and every omission to perform a duty, which act or omission:

(a) Annoys, injures or endangers the safety, health, comfort or repose of any considerable number of persons;

(b) Offends public decency;

(c) Unlawfully interferes with, befouls, obstructs or tends to obstruct, or renders dangerous for passage, a lake, navigable river, bay, stream, canal,

ditch, millrace or basin, or a public park, square, street, alley, bridge, causeway or highway; or

(d) In any way renders a considerable number of persons insecure in life or the use of property,

➥ is a public nuisance.

4. ***A building or place which was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog is a public nuisance if the building or place has not been deemed safe for habitation by a governmental entity and:***

(a) The owner of the building or place allows the building or place to be used for any purpose before all materials or substances involving the controlled substance, immediate precursor or controlled substance analog have been removed from or remediated on the building or place by an entity certified or licensed to do so; or

(b) The owner of the building or place fails to have all materials or substances involving the controlled substance, immediate precursor or controlled substance analog removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

5. Agricultural activity conducted on farmland consistent with good agricultural practice and established before surrounding nonagricultural activities is not a public nuisance unless it has a substantial adverse effect on the public health or safety. It is presumed that an agricultural activity which does not violate a federal, state or local law, ordinance or regulation constitutes good agricultural practice.

~~[5.]~~ ***6.*** A shooting range is not a public nuisance with respect to any noise attributable to the shooting range if the shooting range is in compliance with the provisions of all applicable statutes, ordinances and regulations concerning noise:

(a) As those provisions existed on October 1, 1997, for a shooting range that begins operation on or before October 1, 1997; or

(b) As those provisions exist on the date that the shooting range begins operation, for a shooting range in operation after October 1, 1997.

➥ A shooting range is not subject to any state or local law related to the control of noise that is adopted or amended after the date set forth in paragraph (a) or (b), as applicable, and does not constitute a nuisance for failure to comply with any such law.

~~[6.]~~ ***7.*** As used in this section ~~[, "shooting]~~ ***:***

(a) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043;

(b) "Immediate precursor" has the meaning ascribed to it in NRS 453.086; and

(c) "Shooting range" has the meaning ascribed to it in NRS 40.140.

Sec. 12. NRS 205.010 is hereby amended to read as follows:

205.010 A person who ~~[willfully]~~ ***:***

1. Willfully and maliciously sets fire to or burns or causes to be burned ~~[,~~ ~~or who aids,]~~ ***;***

2. Aids, counsels or procures the burning of ~~[any:~~

~~1. Dwelling]~~ ***; or***

3. By knowingly engaging in the manufacture of any material, compound, mixture or preparation which contains any quantity of methamphetamine, sets fire to or causes an explosion that damages,

➥ ***any dwelling*** house or other structure or mobile home, whether occupied or vacant ~~[; or~~

~~2. Personal]~~ ***and whether the property of himself or another, or personal*** property which is occupied by one or more persons, ~~[~~ ➥~~]~~ whether the property of himself or of another, is guilty of arson in the first degree which is a category B felony and shall be punished by imprisonment for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $15,000.

Sec. 13. NRS 205.015 is hereby amended to read as follows:

205.015 A person who ~~[willfully]~~ ***:***

1. Willfully and maliciously sets fire to or burns or causes to be burned ~~[,~~ ~~or who aids,]~~ ***;***

2. Aids, counsels or procures the burning of ***; or***

3. By knowingly engaging in the manufacture of any material, compound, mixture or preparation which contains any quantity of methamphetamine, sets fire to or causes an explosion that damages,

➥ any abandoned building or structure, whether the property of himself or of another, is guilty of arson in the second degree which is a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

Sec. 14. NRS 205.0835 is hereby amended to read as follows:

205.0835 1. Unless a greater penalty is imposed by a specific statute, a person who commits theft in violation of any provision of NRS 205.0821 to 205.0835, inclusive, shall be punished pursuant to the provisions of this section.

2. ~~[If]~~ ***Except as otherwise provided in subsection 3, if*** the value of the property or services involved in the theft ~~[is]~~ ***:***

(a) Is less than $250, the person who committed the theft is guilty of a misdemeanor.

~~[3. If the value of the property or services involved in the theft is]~~

(b) Is $250 or more but less than $2,500, the person who committed the theft is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~[4.]~~ ***3.*** If the value of the property or services involved in the theft is $2,500 or more ~~[,]~~ ***or if the property involved in the theft is a chemical identified in subsection 4 of NRS 453.322,*** the person who committed the theft is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

~~[5.]~~ ***4.*** In addition to any other penalty, the court shall order the person who committed the theft to pay restitution.

Sec. 15. NRS 244.3603 is hereby amended to read as follows:

244.3603 1. Each board of county commissioners may, by ordinance, to protect the public health, safety and welfare of the residents of the county, adopt procedures pursuant to which the district attorney may file an action in a court of competent jurisdiction to:

(a) Seek the abatement of a chronic nuisance that is located or occurring within the unincorporated area of the county;

(b) If applicable, seek the closure of the property where the chronic nuisance is located or occurring; and

(c) If applicable, seek penalties against the owner of the property within the unincorporated area of the county and any other appropriate relief.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent a notice, by certified mail, return receipt requested, by the sheriff or other person authorized to issue a citation of the existence on his property of nuisance activities and the date by which he must abate the condition to prevent the matter from being submitted to the district attorney for legal action; and

(2) Afforded an opportunity for a hearing before a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the county will recover money expended to abate the condition on the property if the owner fails to abate the condition.

3. If the court finds that a chronic nuisance exists and action is necessary to avoid serious threat to the public welfare or the safety or health of the occupants of the property, the court may order the county to secure and close the property until the nuisance is abated and may:

(a) Impose a civil penalty of not more than $500 per day for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;

(b) Order the owner to pay the county for the cost incurred by the county in abating the condition; and

(c) Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the county to abate the chronic nuisance, the board may make the expense a special assessment against the property upon which the chronic nuisance is located or occurring. The special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

5. As used in this section:

(a) A "chronic nuisance" exists:

(1) When three or more nuisance activities exist or have occurred during any 90-day period on the property **.** ~~[;]~~

(2) When a person associated with the property has engaged in three or more nuisance activities during any 90-day period on the property or within 100 feet of the property **.** ~~[;]~~

(3) When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of chapter 459 of NRS **.** ~~[; or]~~

(4) When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor ~~[as defined in NRS 453.086]~~ or controlled substance analog **.** ~~[as defined in NRS 453.043.]~~

(5) When a building or place was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(I) The building or place has not been deemed safe for habitation by a governmental entity; or

(II) All materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

(b) ***"Controlled substance analog" has the meaning ascribed to it in NRS 453.043.***

(c) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

(d) "Nuisance activity" means:

(1) Criminal activity;

(2) The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;

(3) Violations of building codes, housing codes or any other codes regulating the health or safety of occupants of real property;

(4) Excessive noise and violations of curfew; or

(5) Any other activity, behavior or conduct defined by the board to constitute a public nuisance.

~~[(c)]~~ ***(e)*** "Person associated with the property" means:

(1) The owner of the property;

(2) The manager or assistant manager of the property;

(3) The tenant of the property; or

(4) A person who, on the occasion of a nuisance activity, has:

(I) Entered, patronized or visited;

(II) Attempted to enter, patronize or visit; or

(III) Waited to enter, patronize or visit,

➥ the property or a person present on the property.

Sec. 16. NRS 244.363 is hereby amended to read as follows:

244.363 Except as otherwise provided in subsection 3 of NRS 40.140 and subsection ~~[5]~~ ***6*** of NRS 202.450, the boards of county commissioners in their respective counties may, by ordinance regularly enacted, regulate, control and prohibit, as a public nuisance, excessive noise which is injurious to health or which interferes unreasonably with the comfortable enjoyment of life or property within the boundaries of the county.

Sec. 17. NRS 266.335 is hereby amended to read as follows:

266.335 The city council may:

1. Except as otherwise provided in subsection 3 of NRS 40.140 and subsection ~~[5]~~ ***6*** of NRS 202.450, determine by ordinance what shall be deemed nuisances.

2. Provide for the abatement, prevention and removal of the nuisances at the expense of the person creating, causing or committing the nuisances.

3. Provide that the expense of removal is a lien upon the property upon which the nuisance is located. The lien must:

(a) Be perfected by recording with the county recorder a statement by the city clerk of the amount of expenses due and unpaid and describing the property subject to the lien.

(b) Be coequal with the latest lien thereon to secure the payment of general taxes.

(c) Not be subject to extinguishment by the sale of any property because of the nonpayment of general taxes.

(d) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

4. Provide any other penalty or punishment of persons responsible for the nuisances.

Sec. 18. NRS 268.412 is hereby amended to read as follows:

268.412 Except as otherwise provided in subsection 3 of NRS 40.140 and subsection ~~[5]~~ ***6*** of NRS 202.450, the city council or other governing body of a city may, by ordinance regularly enacted, regulate, control and prohibit, as a public nuisance, excessive noise which is injurious to health or which interferes unreasonably with the comfortable enjoyment of life or property within the boundaries of the city.

Sec. 19. NRS 268.4124 is hereby amended to read as follows:

268.4124 1. The governing body of a city may, by ordinance, to protect the public health, safety and welfare of the residents of the city, adopt

procedures pursuant to which the city attorney may file an action in a court of competent jurisdiction to:

(a) Seek the abatement of a chronic nuisance that is located or occurring within the city;

(b) If applicable, seek the closure of the property where the chronic nuisance is located or occurring; and

(c) If applicable, seek penalties against the owner of the property within the city and any other appropriate relief.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, by the city police or other person authorized to issue a citation, of the existence on his property of two or more nuisance activities and the date by which he must abate the condition to prevent the matter from being submitted to the city attorney for legal action; and

(2) Afforded an opportunity for a hearing before a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the city will recover money expended for labor and materials used to abate the condition on the property if the owner fails to abate the condition.

3. If the court finds that a chronic nuisance exists and emergency action is necessary to avoid immediate threat to the public health, welfare or safety, the court shall order the city to secure and close the property for a period not to exceed 1 year or until the nuisance is abated, whichever occurs first, and may:

(a) Impose a civil penalty of not more than $500 per day for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;

(b) Order the owner to pay the city for the cost incurred by the city in abating the condition;

(c) If applicable, order the owner to pay reasonable expenses for the relocation of any tenants who are affected by the chronic nuisance; and

(d) Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the city to abate the chronic nuisance, the governing body may make the expense a special assessment against the property upon which the chronic nuisance is or was located or occurring. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.

5. As used in this section:

(a) A "chronic nuisance" exists:

(1) When three or more nuisance activities exist or have occurred during any 30-day period on the property **.** ~~[,]~~

(2) When a person associated with the property has engaged in three or more nuisance activities during any 30-day period on the property or within 100 feet of the property **.** ~~[,]~~

(3) When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of chapter 459 of NRS **.** ~~[; or]~~

(4) When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor ~~[as defined in NRS 453.086]~~ or controlled substance analog **.** ~~[as defined in NRS 453.043.]~~

(5) When a building or place was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(I) The building or place has not been deemed safe for habitation by a governmental entity; or

(II) All materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

(b) ***"Controlled substance analog" has the meaning ascribed to it in NRS 453.043.***

(c) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

(d) "Nuisance activity" means:

(1) Criminal activity;

(2) The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;

(3) Excessive noise and violations of curfew; or

(4) Any other activity, behavior or conduct defined by the governing body to constitute a public nuisance.

~~[(c)]~~ ***(e)*** "Person associated with the property" means a person who, on the occasion of a nuisance activity, has:

(1) Entered, patronized or visited;

(2) Attempted to enter, patronize or visit; or

(3) Waited to enter, patronize or visit,

➥ a property or a person present on the property.

Sec. 20. Title 51 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 21 to 33, inclusive, of this act.

Sec. 21. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 22 to 30, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 22. ***"Advisory Committee" means the Anhydrous Ammonia Additive Advisory Committee created by section 32 of this act.***

Sec. 23. ***"Anhydrous ammonia" means a liquid or gaseous inorganic compound that is formed by the chemical combination of nitrogen and hydrogen in the molar proportion of one part nitrogen to three parts hydrogen. The term does not include ammonium hydroxide.***

Sec. 24. ***"Board" means the State Board of Agriculture.***

Sec. 25. ***"Department" means the State Department of Agriculture.***

Sec. 26. ***"Director" means the Director of the Department.***

Sec. 27. ***"Distributor" means a person that imports, consigns, sells, offers for sale, barters, exchanges or otherwise facilitates the supply of anhydrous ammonia to a user in this State.***

Sec. 28. ***"Nontoxic dye" means a biodegradable, clear liquid product that causes staining when exposed to air.***

Sec. 29. ***"Other additive" means a product other than a nontoxic dye that, when put in tanks containing anhydrous ammonia, renders the anhydrous ammonia nonreactive, unusable or undesirable for use in the manufacture of any material, compound, mixture or preparation which contains any quantity of methamphetamine.***

Sec. 30. ***"User" means a person that uses anhydrous ammonia in the course of engaging in agricultural activity in this State to promote or stimulate the growth of plants, increase the productiveness of plants, improve the quality of crops or produce any chemical or physical change in the soil.***

Sec. 31. ***1. The Department, in consultation with the Department of Public Safety, shall certify each brand of nontoxic dye or other additive that a distributor of anhydrous ammonia or user may add to anhydrous ammonia.***

2. The Board, in consultation with the Advisory Committee, shall adopt regulations establishing standards to be used in making certifications pursuant to subsection 1 and for the administration of this chapter.

Sec. 32. ***1. The Anhydrous Ammonia Additive Advisory Committee is hereby created within the Department.***

2. The Advisory Committee consists of one representative of each of the following:

(a) The Department.

(b) The Department of Public Safety.

(c) Manufacturers of anhydrous ammonia fertilizers.

(d) The Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education.

(e) Retail distributors of anhydrous ammonia.

(f) Users who are growers of agricultural products.

3. The Director, in consultation with the Director of the Department of Public Safety, shall appoint the members of the Advisory Committee.

4. After the initial term, each member of the Advisory Committee shall serve for a term of 4 years.

5. Each member of the Advisory Committee serves without compensation. If sufficient money is available to the Department, members are entitled to travel allowances provided for state officers and employees generally while attending meetings of the Advisory Committee.

6. Each member of the Advisory Committee who is an officer or employee of the State must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Advisory Committee.

Sec. 33. ***The Advisory Committee:***

1. May review all relevant scientific and economic data on nontoxic dyes or other additives for anhydrous ammonia that are submitted to the Department for certification.

2. Shall require the manufacturer of any nontoxic dye or other additive submitted to the Department for certification to provide sufficient scientifically valid data for each submitted nontoxic dye or other additive to allow the Department to determine the:

(a) Impact of the nontoxic dye or other additive on crop yield;

(b) Specific food crop residue analysis of the nontoxic dye or other additive; and

(c) Impact of the nontoxic dye or other additive on the environment.

3. May issue recommendations to the Department regarding whether the Department should certify a nontoxic dye or other additive.

Sec. 34. (Deleted by amendment.)

Sec. 35. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 36 to 42, inclusive, of this act.

Sec. 36. ***As used in sections 36 to 42, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 37, 38 and 39 of this act have the meanings ascribed to them in those sections.***

Sec. 37. ***"Department" means the Department of Public Safety.***

Sec. 38. ***"Permit" means a permit to sell or transfer a product that is a precursor to methamphetamine issued by the Board pursuant to sections 36 to 42, inclusive, of this act.***

Sec. 39. ***"Product that is a precursor to methamphetamine" means a product which contains ephedrine, pseudoephedrine or phenylpropanolamine or the salts, optical isomers or salts of optical isomers of such chemicals and may be marketed or distributed lawfully in the United States under the Federal Food, Drug and Cosmetic Act, 21 U.S.C. §§ 301 et seq., as a nonprescription drug.***

Sec. 40. ***1. A person shall not sell or transfer to an ultimate user in the course of any business, or engage in the business of selling to ultimate***

users, a product that is a precursor to methamphetamine, unless the person:

(a) Is a pharmacy; or

(b) Holds a valid permit issued by the Board pursuant to this section.

2. A person who violates subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. To obtain or renew a permit, a person must:

(a) Submit an application to the Executive Secretary of the Board on a form furnished by the Board;

(b) Pay the fee required by NRS 639.170; and

(c) Submit any other documentation that the Board may require by regulation.

4. The Board shall issue or renew a permit if the person applying for the permit has complied with subsection 2 and the Board determines that the person will safely and lawfully sell or transfer a product that is a precursor to methamphetamine. To determine whether a person will safely and lawfully sell or transfer a product that is a precursor to methamphetamine, the Board shall consider the following factors:

(a) Whether the business operated by the person contains a pharmacy which is not open to the public at all times.

(b) The proximity of the business operated by the person to a pharmacy that is open to the public at all times.

(c) Whether an owner, partner, member, manager, stockholder who owns more than 10 percent of the outstanding stock, director or officer of the person, or an employee of the person who will sell or transfer a product that is a precursor to methamphetamine, has been arrested for, charged with or convicted of:

(1) A felony;

(2) Any crime involving moral turpitude; or

(3) Any crime related to the unlawful possession, sale or use of a controlled substance or dangerous drug.

(d) Whether the business operated by the person is the type of business at which a reasonable person purchases a product that is a precursor to methamphetamine.

(e) The previous experience of the person with the sale of a product that is a precursor to methamphetamine.

Sec. 41. ***A pharmacy or a person who holds a permit shall:***

1. Comply with the law of this State and federal law concerning the sale or transfer of a product that is a precursor to methamphetamine.

2. Submit to the Department a report of the quantity of each purchase and sale or transfer of a product that is a precursor to methamphetamine not later than:

(a) April 30, for the period from January 1 through March 31;

(b) July 31, for the period from April 1 through June 30;

(c) October 31, for the period from July 1 through September 30; and

(d) January 31, for the period from October 1 of the previous year through December 31 of the previous year.

➥ ***The Department shall adopt regulations governing the form of the report and the manner in which the report is submitted to the Department.***

Sec. 42. ***At any time that a pharmacy or a business operated by a holder of a permit is open to the public, an agent of the Board, the Department or a local law enforcement agency may examine, copy, seize or impound any records of the pharmacy or the holder of a permit concerning the purchase, sale or transfer of a product that is a precursor to methamphetamine.***

Sec. 43. NRS 639.129 is hereby amended to read as follows:

639.129 1. In addition to any other requirements set forth in this chapter:

(a) A natural person who applies for the issuance of a certificate of registration as a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training ***,*** ~~[or]~~ a license issued pursuant to NRS 639.233 ***or a permit issued pursuant to sections 36 to 42, inclusive, of this act*** shall include the social security number of the applicant in the application submitted to the Board.

(b) A natural person who applies for the issuance or renewal of a certificate of registration as a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training ***,*** ~~[or]~~ a license issued pursuant to NRS 639.233 ***or a permit issued pursuant to sections 36 to 42, inclusive, of this act*** shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate ***,*** ~~[or]~~ license ***or permit***; or

(b) A separate form prescribed by the Board.

3. A certificate of registration as a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training ***,*** ~~[or]~~ a license issued pursuant to NRS 639.233 ***or a permit issued pursuant to sections 36 to 42, inclusive, of this act*** may not be issued or renewed by the Board if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is

not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 44. NRS 639.170 is hereby amended to read as follows:

639.170 1. The Board shall charge and collect not more than the following fees for the following services:

For the examination of an applicant registration for as a pharmacist	Actual cost of the examination
For the investigation or registration of an applicant as a registered pharmacist	$200
For the investigation, examination or registration of an applicant as a registered pharmacist by reciprocity	300
For the investigation or issuance of an original license to conduct a retail pharmacy	600
For the biennial renewal of a license to conduct a retail pharmacy	500
For the investigation or issuance of an original license to conduct an institutional pharmacy	600
For the biennial renewal of a license to conduct an institutional pharmacy	500
For the issuance of an original or duplicate certificate of registration as a registered pharmacist	50
For the biennial renewal of registration as a registered pharmacist	200
For the reinstatement of a lapsed registration (in addition to the fees for renewal for the period of lapse)	100
For the initial registration of a pharmaceutical technician or pharmaceutical technician in training	50
For the biennial renewal of registration of a pharmaceutical technician or pharmaceutical technician in training	50
For the investigation or registration of an intern pharmacist	50
For the biennial renewal of registration as an intern pharmacist	40
For investigation or issuance of an original license to a manufacturer or wholesaler	500
For the biennial renewal of a license for a manufacturer or wholesaler	500

For the reissuance of a license issued to a pharmacy, when no change of ownership is involved, but the license must be reissued because of a change in the information required thereon 100

For authorization of a practitioner to dispense controlled substances or dangerous drugs, or both 300

For the biennial renewal of authorization of a practitioner to dispense controlled substances or dangerous drugs, or both 300

For the issuance or renewal of a permit to sell or transfer a product that is a precursor to methamphetamine issued by the Board pursuant to sections 36 to 42, inclusive, of this act..... $200

2. If a person requests a special service from the Board or requests the Board to convene a special meeting, he must pay the actual costs to the Board as a condition precedent to the rendition of the special service or the convening of the special meeting.

3. All fees are payable in advance and are not refundable.

4. The Board may, by regulation, set the penalty for failure to pay the fee for renewal for any license, permit, authorization or certificate within the statutory period, at an amount not to exceed 100 percent of the fee for renewal for each year of delinquency in addition to the fees for renewal for each year of delinquency.

Sec. 45. NRS 639.210 is hereby amended to read as follows:

639.210 The Board may suspend or revoke any certificate, license, registration or permit issued pursuant to this chapter, and deny the application of any person for a certificate, license, registration or permit, if the holder or applicant:

1. Is not of good moral character;

2. Is guilty of habitual intemperance;

3. Becomes or is intoxicated or under the influence of liquor, any depressant drug or a controlled substance, unless taken pursuant to a lawfully issued prescription, while on duty in any establishment licensed by the Board;

4. Is guilty of unprofessional conduct or conduct contrary to the public interest;

5. Is addicted to the use of any controlled substance;

6. Has been convicted of a violation of any law or regulation of the Federal Government or of this or any other state related to controlled substances, dangerous drugs, drug samples, or the wholesale or retail distribution of drugs;

7. Has been convicted of:

(a) A felony relating to holding a certificate, license, registration or permit pursuant to this chapter;

(b) A felony pursuant to NRS 639.550 or 639.555; or

(c) Other crime involving moral turpitude, dishonesty or corruption;

8. Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

9. Has willfully made to the Board or its authorized representative any false statement which is material to the administration or enforcement of any of the provisions of this chapter;

10. Has obtained any certificate, certification, license or permit by the filing of an application, or any record, affidavit or other information in support thereof, which is false or fraudulent;

11. Has violated any provision of the Federal Food, Drug and Cosmetic Act or any other federal law or regulation relating to prescription drugs;

12. Has violated, attempted to violate, assisted or abetted in the violation of or conspired to violate any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy, or has knowingly permitted, allowed, condoned or failed to report a violation of any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy committed by the holder of a certificate, license, registration or permit;

13. Has failed to renew his certificate, license or permit by failing to submit the application for renewal or pay the renewal fee therefor;

14. Has had his certificate, license or permit suspended or revoked in another state on grounds which would cause suspension or revocation of a certificate, license or permit in this State;

15. Has, as a managing pharmacist, violated any provision of law or regulation concerning recordkeeping or inventory in a store over which he presides, or has knowingly allowed a violation of any provision of this chapter or other state or federal laws or regulations relating to the practice of pharmacy by personnel of the pharmacy under his supervision;

16. Has repeatedly been negligent, which may be evidenced by claims of malpractice settled against him;

17. Has failed to maintain and make available to a state or federal officer any records in accordance with the provisions of this chapter or chapter 453 or 454 of NRS; or

18. Has failed to file or maintain a bond or other security if required by NRS 639.515.

19. Has violated any provision of section 41 of this act or any regulations adopted pursuant thereto.

Sec. 46. 1. The State Board of Pharmacy shall, during the 2007-2009 interim, conduct a study to identify computer software that will create an electronic database which:

(a) Identifies each sale or transfer of a product that is a precursor to methamphetamine immediately after the sale or transfer has occurred; and

(b) A pharmacy or person who holds a permit issued by the Board pursuant to sections 36 to 42, inclusive, of this act may access for the purpose

of determining whether a sale or transfer of a product that is a precursor to methamphetamine would violate state or federal law.

2. The State Board of Pharmacy shall submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

Sec. 47. As soon as practicable after October 1, 2007, the Director of the State Department of Agriculture shall appoint to the Anhydrous Ammonia Additive Advisory Committee created by section 32 of this act:

1. Three members whose terms expire on September 30, 2009; and

2. Three members whose terms expire on September 30, 2011.

Sec. 48. 1. This section and section 46 of this act become effective upon passage and approval.

2. Sections 4, 5, 6 and 35 to 45, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the amendatory provisions of sections 4, 5, 6 and 35 to 45, inclusive, of this act; and

(b) On October 1, 2007, for all other purposes.

3. Sections 1, 2, 3, 7 to 34, inclusive, and 47 of this act become effective on October 1, 2007.

4. Section 43 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 202.

Bill read third time.

Roll call on Assembly Bill No. 202:

YEAS—42.

NAYS—None.

Assembly Bill No. 202 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 212.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 212:

YEAS—42.

NAYS—None.

Assembly Bill No. 212 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 226.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 730.

AN ACT relating to older persons; creating the Unit for the Investigation and Prosecution of Crimes Against Older Persons within the Office of the Attorney General; authorizing the Unit to investigate, prosecute and commence certain legal proceedings to prevent certain crimes against older persons; providing for a civil penalty to be imposed against a person who commits certain crimes against an older person; creating the Repository for Information Concerning Crimes Against Older Persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 5 of this bill creates the Unit for the Investigation and Prosecution of Crimes Against Older Persons within the Office of the Attorney General. Section 12 of this bill authorizes the Unit to investigate and prosecute alleged incidences of abuse, neglect, exploitation or isolation of an older person in certain circumstances. ~~[Section 13 of this bill requires the Unit, to the extent of legislative appropriation, to provide training to persons who have regular contact with older persons in their professions and occupations.]~~ Section 14 of this bill authorizes the Unit to bring an action to enjoin or obtain other equitable relief to prevent abuse, neglect, exploitation or isolation of an older person.

Section 15 of this bill provides for the imposition of a civil penalty against a person who engages in such acts. Any money collected from such civil penalties will be divided between the Fund for the Compensation of Victims of Crime and the Account for the Unit.

Section 16 of this bill creates in the State General Fund an account for the Unit to pay expenses relating to the duties of the Unit. Section 17 of this bill allows the Unit to apply for grants and accept gifts, grants, appropriations or donations to assist in carrying out its duties.

Section 18 of this bill creates the Repository for Information Concerning Crimes Against Older Persons in the Central Repository for Nevada Records of Criminal History.

Section 19 of this bill requires certain reports concerning the abuse, neglect, exploitation or isolation of an older person to be forwarded to the Unit. (NRS 200.5093)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 228 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Older person" means a person who is 60 years of age or older.***

Sec. 4. ***"Unit" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons created pursuant to section 5 of this act.***

Sec. 5. ~~*[1.]*~~ ***There is hereby created in the Office of the Attorney General the Unit for the Investigation and Prosecution of Crimes Against Older Persons.***

~~*[2. The Attorney General shall appoint to the Unit one attorney, at least one investigator and at least one other person to provide outreach services to older persons concerning the duties of the Unit and to provide administrative support to the Unit.]*~~

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. ***The Unit may investigate and prosecute any alleged abuse, neglect, exploitation or isolation of an older person in violation of NRS 200.5099 or 200.50995 and any failure to report such a violation pursuant to NRS 200.5093:***

1. At the request of the district attorney of the county in which the violation occurred;

2. If the district attorney of the county in which the violation occurred fails, neglects or refuses to prosecute the violation; or

3. Jointly with the district attorney of the county in which the violation occurred.

Sec. 13. ~~*[To the extent of legislative appropriation, the Unit shall provide training concerning the manner in which to recognize, prevent and intervene in cases of abuse, neglect, exploitation and isolation of older persons to persons who are likely to have regular contact with older persons in their professions or occupations, including, without limitation, persons described in subsection 4 of NRS 200.5093, attorneys, bankers, investment brokers and administrators of health care facilities.]*~~ **(Deleted by amendment.)**

Sec. 14. ***The Unit may bring an action to enjoin or obtain any other equitable relief to prevent the abuse, neglect, exploitation or isolation of an older person. The court may award reasonable attorney's fees and costs if the Unit prevails in such an action.***

Sec. 15. ***1. In addition to any criminal penalty, a person who is found guilty of abuse, neglect, exploitation or isolation of an older person pursuant to NRS 200.5099 or 200.50995 is liable for a civil penalty to be recovered by the Attorney General in a civil action brought in the name of the State of Nevada:***

(a) For the first offense, in an amount which is not less than $5,000 and not more than $20,000.

(b) For a second or subsequent offense, in an amount which is not less than $10,000 and not more than $30,000.

2. The Attorney General shall deposit any money collected for civil penalties pursuant to subsection 1 in equal amounts to:

(a) A separate account in the Fund for the Compensation of Victims of Crime created pursuant to NRS 217.260 to provide compensation to older persons who are abused, neglected, exploited or isolated in violation of NRS 200.5099 and 200.50995; and

(b) The Account for the Unit for the Investigation and Prosecution of Crimes Against Older Persons created pursuant to section 16 of this act.

Sec. 16. ***1. The Account for the Unit for the Investigation and Prosecution of Crimes Against Older Persons is hereby created in the State General Fund. The Attorney General shall administer the Account.***

2. The money in the Account must only be used to carry out the provisions of sections 2 to 17, inclusive, of this act and to pay the expenses incurred by the Unit in the discharge of its duties, including, without limitation, expenses relating to the provision of training and salaries and benefits for employees of the Unit.

3. Money in the Account must remain in the Account and must not revert to the State General Fund at the end of any fiscal year.

Sec. 17. ***1. The Unit may apply for any available grants and accept gifts, grants, appropriations or donations to assist the Unit in carrying out its duties pursuant to the provisions of this chapter.***

2. Any money received by the Unit must be deposited in the Account for the Unit for the Investigation and Prosecution of Crimes Against Older Persons created pursuant to section 16 of this act.

Sec. 18. Chapter 179A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Repository for Information Concerning Crimes Against Older Persons is hereby created within the Central Repository.

2. The Repository for Information Concerning Crimes Against Older Persons must contain a complete and systematic record of all reports of crimes against older persons committed in this State that must be prepared in a manner approved by the Director of the Department.

3. The Director of the Department shall compile and analyze the data collected pursuant to this section to assess the incidence of crimes against older persons.

4. On or before July 1 of each year, the Director of the Department shall prepare and submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature that sets forth statistical data on crimes against older persons.

5. The data acquired pursuant to this section is confidential and must be used only for the purpose of research. The data and findings generated pursuant to this section must not contain information that may reveal the identity of an individual victim of a crime.

6. As used in this section, "older person" means a person who is 60 years of age or older.

Sec. 19. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:

(1) The local office of the Aging Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging Services Division of the Department of Health and Human Services ~~[.]~~ ***and the Unit for the Investigation and Prosecution of Crimes.***

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, marriage and

family therapist, alcohol or drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Any employee of the Department of Health and Human Services.

(g) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(h) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(i) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met.

(j) Every social worker.

(k) Any person who owns or is employed by a funeral home or mortuary.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney ***,*** ~~[and]~~ the Aging Services Division of the Department of Health and Human Services ***and the Unit for the Investigation and Prosecution of Crimes*** his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging Services Division of the Department of Health and Human Services, must be forwarded to the Aging Services Division within 90 days after the completion of the report ~~[.]~~ ***and a copy of any final report of an investigation must be forwarded to the Unit***

for the Investigation and Prosecution of Crimes within 90 days after completion of the report.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, the Aging Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if he is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons in the Office of the Attorney General created pursuant to section 5 of this act.

Sec. 20. NRS 217.050 is hereby amended to read as follows:

217.050 "Personal injury" means:

1. Actual bodily harm or threat of bodily harm which results in a need for medical treatment;

2. In the case of a minor who was involved in the production of pornography in violation of NRS 200.710, 200.720, 200.725 or 200.730, any harm which results in a need for medical treatment or any psychological or psychiatric counseling, or both; ~~[or]~~

3. Any harm which results from sexual abuse ~~[.]~~ ***or***

4. Any harm which results from a violation of NRS 200.5099 or 200.50995.

Sec. 21. NRS 217.070 is hereby amended to read as follows:

217.070 "Victim" means:

1. A person who is physically injured or killed as the direct result of a criminal act;

2. A minor who was involved in the production of pornography in violation of NRS 200.710, 200.720, 200.725 or 200.730;

3. A minor who was sexually abused, as "sexual abuse" is defined in NRS 432B.100;

4. A person who is physically injured or killed as the direct result of a violation of NRS 484.379 or any act or neglect of duty punishable pursuant to NRS 484.3795 or 484.37955;

5. A pedestrian who is physically injured or killed as the direct result of a driver of a motor vehicle who failed to stop at the scene of an accident involving the driver and the pedestrian in violation of NRS 484.219; ~~[or]~~

6. ***An older person who is abused, neglected, exploited or isolated in violation of NRS 200.5099 or 200.50995; or***

7. A resident who is physically injured or killed as the direct result of an act of international terrorism as defined in 18 U.S.C. § 2331(1).

➥ The term includes a person who was harmed by any of these acts whether the act was committed by an adult or a minor.

Sec. 22. This act becomes effective on July 1, 2007.

Assemblywoman McClain moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 393.

Bill read third time.

Remarks by Assemblyman Hogan.

Roll call on Assembly Bill No. 393:

YEAS—42.

NAYS—None.

Assembly Bill No. 393 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 539.

Bill read third time.

Remarks by Assemblyman Grady.

Roll call on Assembly Bill No. 539:

YEAS—42.

NAYS—None.

Assembly Bill No. 539 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 551.

Bill read third time.

Roll call on Assembly Bill No. 551:

YEAS—42.

NAYS—None.

Assembly Bill No. 551 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 594.

Bill read third time.

Remarks by Assemblymen Atkinson and Settelmeyer.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Atkinson moved that Assembly Bill No. 594 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 596.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 731.

AN ACT relating to child support; revising certain provisions concerning the right of a physical custodian of a child to recover support for a child from the noncustodial parent in certain circumstances; requiring every court order for the support of a child to include a provision to provide ~~[coverage]~~ for the medical support of the child; requiring the Chief of the Program established to locate absent parents, establish paternity and obtain child support to ~~[charge and collect certain fees;]~~ **retain a fee in certain cases;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, when the parents of a child are separated, the physical custodian of the child may recover from the parent without physical custody of the child a reasonable portion of certain costs provided by the physical custodian. In the absence of a court order for support of the child, the parent who has physical custody of the child may not recover more than 4 years of support furnished before the bringing of the action. (NRS 125B.030) Section 1 of this bill revises this provision to authorize the physical custodian to recover such support in any situation in which the parents of the child do not reside together.

Section 2 of this bill revises provisions of existing law concerning orders for the support of a child to require that every court order for the support of a child issued or modified in this State on or after the effective date of this act must include a provision specifying that one or both of the parents are required to provide ~~[coverage]~~ for the medical support of the child. (NRS 125B.085)

Existing federal law requires the State to charge certain fees relating to the collection of child support through the Program established to locate absent parents, establish paternity and obtain child support pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq. To comply with the federal law, section 3 of this bill requires the Chief of the Program to ~~[charge and collect from the noncustodial parent of a child]~~ **retain** a fee of up to $25 each year in each case in which the State has collected more than $500 and in which the ~~[person]~~ **child** for whom the collection is made ~~[has]~~ **and the person who has physical custody of the child have** never received Temporary Assistance for Needy Families pursuant to Title IV of the Social Security Act. ~~[The fee must be retained from the support collected for the child which exceeds $500. The Chief may collect the fees from the noncustodial parent of a child in the same manner as the Chief collects support from the noncustodial parent.]~~ The fees collected by the Chief must be deposited in the State Child Support Disbursement Fund for use in carrying out the Program. **(NRS 425.363)**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 125B.030 is hereby amended to read as follows:

125B.030 Where the parents of a child ~~[are separated,]~~ ***do not reside together,*** the physical custodian of the child may recover from the parent without physical custody a reasonable portion of the cost of care, support, education and maintenance provided by the physical custodian. In the absence of a court order ~~[,]~~ ***for the support of a child,*** the parent who has physical custody may recover not more than 4 years' support furnished before the bringing of the action ~~[.]~~ ***to establish an obligation for the support of the child.***

Sec. 2. NRS 125B.085 is hereby amended to read as follows:

125B.085 ***1.*** Except as otherwise provided in NRS 125B.012, every court order for the support of a child issued or modified in this State on or after ~~[October 1, 1997,]~~ ***the effective date of this act,*** must include a provision specifying ~~[whether the parent required to pay support is]~~ ***that one or both parents are*** required to provide ~~[coverage]~~ ***medical support*** for ~~[the health care of]~~ the child and ~~[, if so,]~~ any details relating to that requirement.

2. As used in this section, "medical support" ~~[means payment for any medical expenses or]~~ includes, without limitation, coverage for health care under a plan of insurance, including, without limitation, the payment of any premium, copayment or deductible ~~[.]~~ and the payment of medical expenses.

Sec. 3. Chapter 425 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Chief shall ~~[collect from the noncustodial parent of a child]~~ retain an annual fee of up to $25 in each case for which the Chief provides services from any amount collected in the case during the year in excess of $500, but only if the ~~[person]~~ child for whom the collection is made ~~[is]~~ and the person who has physical custody of the child in the case are not and ~~[has]~~ have never been a recipient of Temporary Assistance for Needy Families pursuant to Title IV of the Social Security Act, 42 U.S.C. §§ 601 et seq.

2. ~~[The Chief may collect from the noncustodial parent of a child any fee pursuant to this section in the same manner as he collects support for the child from the noncustodial parent of the child.~~

~~3.~~] Any fee collected pursuant to subsection 1 must be used to carry out the Program.

Sec. 4. NRS 425.382 is hereby amended to read as follows:

425.382 1. Except as otherwise provided in NRS 425.346, the Chief may proceed pursuant to NRS 425.3822 to 425.3852, inclusive, ***and section 3 of this act,*** after:

(a) Payment of public assistance by the Division; or

(b) Receipt of a request for services to carry out the Program.

2. Subject to approval by the district court, a master may:

(a) Take any action authorized pursuant to chapter 130 of NRS, including any of the actions described in subsection 2 of NRS 130.305.

(b) Except as otherwise provided in chapter 130 of NRS and NRS 425.346:

(1) Issue and enforce an order for the support of a dependent child, and modify or adjust such an order in accordance with NRS 125B.145;

(2) Require coverage for health care of a dependent child;

(3) Establish paternity;

(4) Order a responsible parent to comply with an order for the support of a dependent child, specifying the amount and the manner of compliance;

(5) Order the withholding of income;

(6) Determine the amount of any arrearages and specify a method of payment;

(7) Enforce orders by civil or criminal contempt, or both;

(8) Set aside property for satisfaction of an order for the support of a dependent child;

(9) Place liens and order execution on the property of the responsible parent;

(10) Order a responsible parent to keep the master informed of his current residential address, telephone number, employer, address of employment and telephone number at the place of employment;

(11) Issue a bench warrant for a responsible parent who has failed after proper notice to appear at a hearing ordered by the master and enter the bench warrant in any local and state computer system for criminal warrants;

(12) Order the responsible parent to seek appropriate employment by specified methods;

(13) Upon the request of the Division, require a responsible parent to:

(I) Pay any support owed in accordance with a plan approved by the Division; or

(II) Participate in such work activities, as that term is defined in 42 U.S.C. § 607(d), as the Division deems appropriate;

(14) Award reasonable attorney's fees and other fees and costs; and

(15) Grant any other available remedy.

Sec. 5. 1. This act becomes effective upon passage and approval.

2. Section 3 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 654 requiring each state to impose an annual fee of $25 in the case of a person who has never received assistance pursuant to Title IV of the Social Security Act, 42 U.S.C. §§ 601 et seq., and for whom the State has collected $500 or more of support are repealed by the Congress of the United States.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 16, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 44.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 44.

Assemblyman Parks moved the adoption of the resolution.

Remarks by Assemblymen Parks and Weber.

Resolution adopted.

Assemblyman Anderson moved that Senate Bill No. 277 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

In compliance with a notice given on a previous day, Assemblyman Anderson moved that the vote whereby Senate Bill No. 217 was passed be reconsidered.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 217 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 20.

Bill read third time.

Remarks by Assemblyman Mabey.

Roll call on Senate Bill No. 20:

YEAS—42.

NAYS—None.

Senate Bill No. 20 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 35.

Bill read third time.

Remarks by Assemblyman Oceguera.

Roll call on Senate Bill No. 35:

YEAS—42.

NAYS—None.

Senate Bill No. 35 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 86.

Bill read third time.

Remarks by Assemblyman Christensen.

Roll call on Senate Bill No. 86:

YEAS—42.

NAYS—None.

Senate Bill No. 86 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 100.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Senate Bill No. 100:

YEAS—42.

NAYS—None.

Senate Bill No. 100 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 129.

Bill read third time.

Remarks by Assemblymen Gerhardt and Anderson.

Madam Speaker requested the privilege of the Chair for the purpose of making remarks.

Assemblyman Anderson requested that his remarks be entered in the Journal.

I want to make sure the floor statement becomes part of the record, relative to Senate Bill No. 129. Deletion of the language regarding committing a ward to a mental health facility is a clarification of current law. A guardian is not authorized to authorize or deny an involuntary admission into a mental health facility though a guardian may petition for an involuntary commitment. Also, a guardian is not authorized to "involuntarily commit" a ward under the voluntary admission provisions in Chapter 433A of NRS.

Roll call on Senate Bill No. 129:

YEAS—42.

NAYS—None.

Senate Bill No. 129 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 148.

Bill read third time.

Remarks by Assemblywoman Allen.

Roll call on Senate Bill No. 148:

YEAS—42.
NAYS—None.
Senate Bill No. 148 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 227.
Bill read third time.
Remarks by Assemblywoman Gansert.
Roll call on Senate Bill No. 227:
YEAS—42.
NAYS—None.
Senate Bill No. 227 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 265.
Bill read third time.
Remarks by Assemblyman Mabey.
Roll call on Senate Bill No. 265:
YEAS—42.
NAYS—None.
Senate Bill No. 265 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 269.
Bill read third time.
Remarks by Assemblymen Christensen, Horne, Kirkpatrick, Goicoechea, and Anderson.
Roll call on Senate Bill No. 269:
YEAS—41.
NAYS—Goedhart.
Senate Bill No. 269 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 282.
Bill read third time.
Remarks by Assemblyman Marvel.
Roll call on Senate Bill No. 282:
YEAS—42.
NAYS—None.
Senate Bill No. 282 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 302.
Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Senate Bill No. 302:

YEAS—42.

NAYS—None.

Senate Bill No. 302 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 306.

Bill read third time.

Remarks by Assemblymen Kihuen, Parks, and Carpenter.

Roll call on Senate Bill No. 306:

YEAS—42.

NAYS—None.

Senate Bill No. 306 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bills Nos. 336, 357, 367, 369, 384, 389, 396, 399, 401, 417, 430, 456, 470, 486, 491, 504, 511, 519; Senate Joint Resolutions Nos. 6, 10, 11, 12, 13, 15, 16, 17 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 279.

The following Senate amendment was read:

Amendment No. 672.

SUMMARY—Requires **a certain portion of** the unused value of certain gift certificates to escheat to the State. (BDR 52-961)

AN ACT relating to gift certificates; prohibiting an issuer from charging a service fee on the basis of inactivity if the inactivity is for less than 3 continuous years; requiring **a certain portion of** the unused value of certain gift certificates to escheat to the State; providing for the use of the proceeds from abandoned gift certificates for educational purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill prohibits the issuer of a gift certificate from charging a service fee on the basis of inactivity if the inactivity is for less than 3 continuous years.

Section 2 of this bill provides that **a certain portion of** the unredeemed or uncharged value remaining on a gift certificate ~~[that]~~ **which** is issued or sold in this State and **which** has an expiration date is presumed abandoned on the expiration date. Section 3 of this bill requires that all proceeds received from

abandoned gift certificates by the State Treasurer in his capacity as the Administrator of Unclaimed Property be accounted for separately and may be used only for educational purposes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 598.0921 is hereby amended to read as follows:

598.0921 1. A person engages in a "deceptive trade practice" if, in the course of his business or occupation:

(a) He issues a gift certificate that expires on a certain date, unless either of the following is printed plainly and conspicuously on the front or back of the gift certificate in at least 10-point font and in such a manner that the print is readily visible to the buyer of the gift certificate before the buyer purchases the gift certificate:

(1) The expiration date of the gift certificate; or

(2) A toll-free telephone number accompanied by a statement setting forth that the buyer or holder of the gift certificate may call the telephone number to obtain the balance of the gift certificate and the expiration date of the gift certificate;

(b) He imposes upon the buyer or holder of a gift certificate a service fee, unless each of the following is printed plainly and conspicuously on the front or back of the gift certificate in at least 10-point font and in such a manner that the print is readily visible to the buyer of the gift certificate before the buyer purchases the gift certificate:

(1) The amount of the service fee;

(2) The event or events that will cause the service fee to be imposed;

(3) The frequency with which the service fee will be imposed; and

(4) If the service fee will be imposed on the basis of inactivity, the duration of inactivity ***, which must not be less than 3 continuous years of nonuse,*** that will cause the service fee to be imposed; or

(c) Regardless of the notice provided, he imposes upon the buyer or holder of a gift certificate:

(1) A service fee or a combination of service fees that exceed a total of $1 per month; or

(2) A service fee that commences or is imposed within the first 12 months after the issuance of the gift certificate.

2. The provisions of this section do not apply to:

(a) A gift certificate that is issued as part of an award, loyalty, promotional, rebate, incentive or reward program and for which issuance the issuer does not receive money or any other thing of value;

(b) A gift certificate that is sold at a reduced price to an employer or nonprofit or charitable organization, if the expiration date of the gift certificate is not more than 30 days after the date of sale; and

(c) A gift certificate that is issued by an establishment licensed pursuant to the provisions of chapter 463 of NRS.

3. As used in this section:

(a) "Gift certificate" means an instrument or a record evidencing a promise by the seller or issuer of the instrument or record to provide goods or services to the holder of the gift certificate for the value shown in, upon or ascribed to the instrument or record and for which the value shown in, upon or ascribed to the instrument or record is decreased in an amount equal to the value of goods or services provided by the issuer or seller to the holder. The term includes, without limitation, a gift card, certificate or similar instrument. The term does not include:

(1) An instrument or record for prepaid telecommunications or technology services, including, without limitation, a card for prepaid telephone services, a card for prepaid technical support services and an instrument for prepaid Internet service purchased or otherwise distributed to a consumer of such services, including, without limitation, as part of an award, loyalty, promotional or reward program; or

(2) An instrument or record, by whatever name called, that may be used to obtain goods or services from more than one person or business entity, if the expiration date is printed plainly and conspicuously on the front or back of the instrument or record.

(b) "Issue" means to sell or otherwise provide a gift certificate to any person and includes, without limitation, adding value to an existing gift certificate.

(c) "Record" means information which is inscribed on a tangible medium or which is stored in an electronic or other medium, including, without limitation, information stored on a microprocessor chip or magnetic strip, and is retrievable in perceivable form.

(d) "Service fee" means any charge or fee other than the charge or fee imposed for the issuance of the gift certificate, including, without limitation, a service fee imposed on the basis of inactivity or any other type of charge or fee imposed after the sale of the gift certificate.

Sec. 2. Chapter 120A of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Any]~~ Sixty percent of the unredeemed or uncharged value remaining on a gift certificate ~~[that]~~ which is issued or sold in this State and which has an expiration date is presumed abandoned and subject to the provisions of this chapter on the expiration date.

2. If a gift certificate is issued or sold in this State and the seller or issuer does not obtain and maintain in his records the name and address of the owner of the gift certificate, the address of the owner of the gift certificate shall be deemed to be the address of the Office of the State Treasurer in Carson City.

3. This section does not create a cause of action against a person who issues or sells a gift certificate.

4. As used in this section, "gift certificate" has the meaning ascribed to it in NRS 598.0921.

Sec. 3. NRS 120A.360 is hereby amended to read as follows:

120A.360 1. Except as otherwise provided in subsections 4 ~~[, 5 and 6,]~~ ***to 7, inclusive,*** all abandoned property other than money delivered to the Administrator under this chapter must, within 2 years after the delivery, be sold by the Administrator to the highest bidder at public sale in whatever manner affords in his judgment the most favorable market for the property involved. The Administrator may decline the highest bid and reoffer the property for sale if he considers the price bid insufficient.

2. Any sale held under this section must be preceded by a single publication of notice thereof at least 2 weeks in advance of the sale in a newspaper of general circulation in the county where the property is to be sold.

3. The purchaser at any sale conducted by the Administrator pursuant to this chapter is vested with title to the property purchased, free from all claims of the owner or prior holder and of all persons claiming through or under them. The Administrator shall execute all documents necessary to complete the transfer of title.

4. The Administrator need not offer any property for sale if, in his opinion, the probable cost of the sale exceeds the value of the property. The Administrator may destroy or otherwise dispose of such property or may transfer it to:

(a) The Nevada Museum and Historical Society, the Nevada State Museum or the Nevada Historical Society, upon its written request, if the property has, in the opinion of the requesting institution, historical, artistic or literary value and is worthy of preservation;

(b) A genealogical library, upon its written request, if the property has genealogical value and is not wanted by the Nevada Museum and Historical Society, the Nevada State Museum or the Nevada Historical Society; or

(c) A veterans' or military museum, upon its written request, if the property has military or military historical value and is not wanted by the Nevada Museum and Historical Society, the Nevada State Museum or the Nevada Historical Society.

➥ An action may not be maintained by any person against the holder of the property because of that transfer, disposal or destruction.

5. Securities listed on an established stock exchange must be sold at the prevailing price for that security on the exchange at the time of sale. Other securities not listed on an established stock exchange may be sold:

(a) Over the counter at the prevailing price for that security at the time of sale; or

(b) By any other method the Administrator deems acceptable.

6. The Administrator shall hold property that was removed from a safe-deposit box or other safekeeping repository for 1 year after the date of the delivery of the property to the Administrator, unless that property is a will or a codicil to a will, in which case the Administrator shall hold the property for

10 years after the date of the delivery of the property to the Administrator. If no claims are filed for the property within that period, it may be destroyed.

7. All proceeds received by the Administrator from abandoned gift certificates must be accounted for separately in the Abandoned Property Trust Fund in the State Treasury. At the end of each fiscal year, before any other money in the Abandoned Property Trust Fund is transferred pursuant to NRS 120A.370, the balance in the account created pursuant to this subsection, less any costs, service charges or claims chargeable to the account, must be transferred to the Educational Trust Fund which is hereby created in the State Treasury. The money in the Educational Trust Fund may be expended only as authorized by the Legislature for educational purposes.

Sec. 4. This act applies to gift certificates issued on or after October 1, 2007.

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 279.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 102.

The following Senate amendment was read:

Amendment No. 660.

AN ACT relating to eminent domain; prohibiting the use of eminent domain to acquire property for the purpose of transferring an interest in the property to a private person or entity except in certain circumstances; making various other changes relating to eminent domain; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law lists the purposes for which the power of eminent domain may be exercised. (NRS 37.010) In ***Kelo v. City of New London***, 125 S.Ct. 2655 (2005), the United States Supreme Court ruled that private property may be acquired by eminent domain and transferred to a private party for the purpose of obtaining the benefits of economic development. Assembly Joint Resolution No. 3 proposes an amendment to the Nevada Constitution concerning eminent domain. This bill enacts into statute the provisions of Assembly Joint Resolution No. 3.

Section 4 of this bill prohibits, except in certain circumstances, the exercise of eminent domain to acquire property if the entity acquiring the property will transfer any interest in the property to a private person or entity. In addition, section 4 ~~[of this bill]~~ provides that the entity that is taking the property has the burden of proving that the taking is for a public use.

Existing law allows an entity which is taking property by the exercise of eminent domain to move the court for an order allowing the entity to occupy the property, pending a final judgment in the action. (NRS 37.100) Section 5

of this bill requires an entity which is taking property by the exercise of eminent domain to provide the owner of the property with all appraisals of the property obtained by the entity before the entity is allowed to occupy the property. Furthermore, section 5 ~~[of this bill]~~ requires the court to determine at the occupancy hearing whether the taking is for a public use, if the owner of the property that is the subject of the action requests such a determination.

Sections 2, 6 and 7 of this bill provide for the manner of computing the just compensation owed to the person whose property is taken by the exercise of eminent domain. Section 1 of this bill provides that neither the property owner nor an entity which is taking property by the exercise of eminent domain is liable for the attorney's fees of the other party, except in certain circumstances. Section 9 of this bill provides that the owner of property taken by the exercise of eminent domain, or his successor in interest, has the right to reacquire the property for the price paid by the entity which took the property under certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 37 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise provided in this section, in all actions in eminent domain, neither the entity that is taking property nor the owner of the property is liable for the attorney's fees of the other party. This section does not apply in an inverse condemnation action if the owner of the property that is the subject of the action makes a request for attorney's fees from the other party to the action.

Sec. 2. NRS 37.009 is hereby amended to read as follows:

37.009 As used in this chapter, unless the context otherwise requires:

1. "Date of valuation" means the date on which the value of the property actually taken, and the damages, if any, to the remaining property, must be determined.

2. "Final judgment" means a judgment which cannot be directly attacked by appeal, motion for new trial or motion to vacate the judgment.

3. "Judgment" means the judgment determining the right to condemn property and fixing the amount of compensation to be paid by the plaintiff.

4. "Partnership" includes a limited partnership.

5. "Person" includes a government, governmental agency or political subdivision of a government.

6. "Value" means the ~~[most probable price which a property would bring in a competitive and open market under the conditions of a fair sale, without the price being affected by undue stimulus, whereby the sale is consummated on a specified date and the title to the property is passed from the seller to the buyer under the following conditions:~~

~~(a) The buyer and seller are acting prudently and knowledgeably;~~

~~(b) The buyer and seller are typically motivated;~~

~~(c) The buyer and seller are well informed or well advised and acting in what they consider are their own best interests;~~

~~(d) A reasonable time is allowed to expose the property for sale on the open market;~~

~~(e) Payment is made with United States dollars in cash or pursuant to another financial arrangement comparable thereto; and~~

~~(f) The sale price represents the normal consideration for the property and is unaffected by special or creative financing or sales concessions granted by any person associated with the sale.~~] ***highest price, on the date of valuation, that would be agreed to by a seller, who is willing to sell on the open market and has reasonable time to find a purchaser, and a buyer, who is ready, willing and able to buy, if both the seller and the buyer had full knowledge of all the uses and purposes for which the property is reasonably adaptable and available. In determining value, except as otherwise provided in this subsection, the property sought to be condemned must be valued at its highest and best use without considering any future dedication requirements imposed by the entity that is taking the property. If the property is condemned primarily for a profit-making purpose, the property sought to be condemned must be valued at the use to which the entity that is condemning the property intends to put the property, if such use results in a higher value for the property.***

Sec. 3. NRS 37.0095 is hereby amended to read as follows:

37.0095 1. Except as otherwise provided in subsection 2, only a public agency may exercise the power of eminent domain pursuant to the provisions of this chapter.

2. Except as otherwise provided in NRS 37.0097, the power of eminent domain may be exercised by a person who is not a public agency pursuant to NRS 37.230 and [~~subsections 6, 8, 10, 13 and 16~~] ***paragraphs (f), (h), (j), (m) and (p) of subsection 1*** of NRS 37.010.

3. As used in this section, "public agency" means an agency or political subdivision of this State or the United States.

Sec. 4. NRS 37.010 is hereby amended to read as follows:

37.010 ***1.*** Subject to the provisions of this chapter [~~,~~] ***and the limitations in subsections 2 and 3,*** the right of eminent domain may be exercised in behalf of the following public [~~purposes:~~] ***uses:***

[~~1.~~] ***(a)*** Federal activities. All public purposes authorized by the Government of the United States.

[~~2.~~] ***(b)*** State activities. Public buildings and grounds for the use of the State, the Nevada System of Higher Education and all other public purposes authorized by the Legislature.

[~~3.~~] ***(c)*** County, city, town and school district activities. Public buildings and grounds for the use of any county, incorporated city or town, or school district, reservoirs, water rights, canals, aqueducts, flumes, ditches or pipes for conducting water for the use of the inhabitants of any county, incorporated city or town, for draining any county, incorporated city or town,

for raising the banks of streams, removing obstructions therefrom, and widening, deepening or straightening their channels, for roads, streets and alleys, and all other public purposes for the benefit of any county, incorporated city or town, or the inhabitants thereof.

~~[4.]~~ ***(d)*** Bridges, toll roads, railroads, street railways and similar uses. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, byroads, plank and turnpike roads, roads for transportation by traction engines or locomotives, roads for logging or lumbering purposes, and railroads and street railways for public transportation.

~~[5.]~~ ***(e)*** Ditches, canals, aqueducts for smelting, domestic uses, irrigation and reclamation. Reservoirs, dams, water gates, canals, ditches, flumes, tunnels, aqueducts and pipes for supplying persons, mines, mills, smelters or other works for the reduction of ores, with water for domestic and other uses, for irrigating purposes, for draining and reclaiming lands, or for floating logs and lumber on streams not navigable.

~~[6.]~~ ***(f)*** Mining, smelting and related activities. Mining, smelting and related activities as follows:

~~[(a)]~~ ***(1)*** Mining and related activities, which are recognized as the paramount interest of this State.

~~[(b)]~~ ***(2)*** Roads, railroads, tramways, tunnels, ditches, flumes, pipes, reservoirs, dams, water gates, canals, aqueducts and dumping places to facilitate the milling, smelting or other reduction of ores, the working, reclamation or dewatering of mines, and for all mining purposes, outlets, natural or otherwise, for the deposit or conduct of tailings, refuse, or water from mills, smelters, or other work for the reduction of ores from mines, mill dams, pipelines, tanks or reservoirs for natural gas or oil, an occupancy in common by the owners or possessors of different mines, mills, smelters or other places for the reduction of ores, or any place for the flow, deposit or conduct of tailings or refuse matter and the necessary land upon which to erect smelters and to operate them successfully, including the deposit of fine flue dust, fumes and smoke.

~~[7.]~~ ***(g)*** Byroads. Byroads leading from highways to residences and farms.

~~[8.]~~ ***(h)*** Public utilities. Lines for telegraph, telephone, electric light and electric power and sites for plants for electric light and power.

~~[9.]~~ ***(i)*** Sewerage. Sewerage of any city, town, settlement of not less than 10 families or any public building belonging to the State or college or university.

~~[10.]~~ ***(j)*** Water for generation and transmission of electricity. Canals, reservoirs, dams, ditches, flumes, aqueducts and pipes for supplying and storing water for the operation of machinery to generate and transmit electricity for power, light or heat.

~~[11.]~~ ***(k)*** Cemeteries, public parks. Cemeteries or public parks.

~~[12.]~~ ***(l)*** Pipelines of beet sugar industry. Pipelines to conduct any liquids connected with the manufacture of beet sugar.

~~[13.]~~ ***(m)*** Pipelines for petroleum products, natural gas. Pipelines for the transportation of crude petroleum, petroleum products or natural gas, whether interstate or intrastate.

~~[14.]~~ ***(n)*** Aviation. Airports, facilities for air navigation and aerial rights-of-way.

~~[15.]~~ ***(o)*** Monorails. Monorails and any other overhead or underground system used for public transportation.

~~[16.]~~ ***(p)*** Community antenna television companies. Community antenna television companies which have been granted a franchise from the governing body of the jurisdictions in which they provide services. The exercise of the power of eminent domain may include the right to use the wires, conduits, cables or poles of any public utility if:

~~[(a)]~~ ***(1)*** It creates no substantial detriment to the service provided by the utility;

~~[(b)]~~ ***(2)*** It causes no irreparable injury to the utility; and

~~[(c)]~~ ***(3)*** The Public Utilities Commission of Nevada, after giving notice and affording a hearing to all persons affected by the proposed use of the wires, conduits, cables or poles, has found that it is in the public interest.

~~[17.]~~ ***(q)*** Redevelopment. The acquisition of property pursuant to NRS 279.382 to 279.685, inclusive.

2. Notwithstanding any other provision of law and except as otherwise provided in this subsection, the public uses for which private property may be taken by the exercise of eminent domain do not include the direct or indirect transfer of any interest in the property to another private person or entity. Property taken by the exercise of eminent domain may be transferred to another private person or entity in the following circumstances:

(a) The entity that took the property transfers the property to a private person or entity and the private person or entity uses the property primarily to benefit a public service, including, without limitation, a utility, railroad, public transportation project, pipeline, road, bridge, airport or facility that is owned by a governmental entity.

(b) The entity that took the property leases the property to a private person or entity that occupies an incidental part of an airport or a facility that is owned by a governmental entity and, before leasing the property:

(1) Uses its best efforts to notify the person from whom the property was taken that the property will be leased to a private person or entity that will occupy an incidental part of an airport or facility that is owned by a governmental entity; and

(2) Provides the person from whom the property was taken with an opportunity to bid or propose on ~~*[an equal basis with others.]*~~ ***any such lease.***

(c) The entity that took the property:

(1) Took the property in order to acquire property that was abandoned by the owner, abate an immediate threat to the safety of the public or remediate hazardous waste; and

(2) Grants a right of first refusal to the person from whom the property was taken that allows that person to reacquire the property on the same terms and conditions that are offered to the other private person or entity.

(d) The entity that took the property ~~*[transfers an interest in the property to a private person or entity in exchange for an interest in the property that was taken, or is being taken,]*~~ ***exchanges it for other property acquired or being acquired by*** ~~*[the exercise of]*~~ ***eminent domain or under the threat of*** ~~*[the exercise of]*~~ ***eminent domain for*** ~~*[the purpose of a road or]*~~ ***roadway or highway*** ~~*[, the relocation of]*~~ ***purposes, to relocate public or private structures or to*** ~~*[facilitate or]*~~ ***avoid payment of excessive compensation or damages.***

(e) The person from whom the property is taken consents to the taking.

3. The entity that is taking property by the exercise of eminent domain has the burden of proving that the taking is for a public use.

4. For the purposes of this section, an airport authority or any public airport is not a private person or entity.

Sec. 5. NRS 37.100 is hereby amended to read as follows:

37.100 1. ***Before the plaintiff obtains possession of the property, the plaintiff shall give to the owner of the property a copy of all appraisals of the property obtained by the plaintiff.***

2. The plaintiff may move the court or a judge thereof at any time after the commencement of suit, on notice for such time as the court or judge may direct to the defendant if he is a resident of the county or has appeared in the action, otherwise by serving a notice directed to him on the clerk of the court, for an order permitting the plaintiff to occupy the premises sought to be condemned, pending the entry of judgment, and to do such work thereon as may be required for the easement, fee, or property rights sought, according to its nature.

~~[2. The]~~

3. At the occupancy hearing, the court shall make a separate and distinct determination as to whether the property is being taken for a public use pursuant to NRS 37.010, if the defendant requests such a determination.

4. If the defendant does not request a determination pursuant to subsection 3 or if the court determines that the property is being taken for a public use pursuant to NRS 37.010, the court or judge shall take proof, by affidavit or otherwise, of the value of the premises sought to be condemned, the damages which will accrue from the condemnation and the reasons for requiring a speedy occupation, and shall grant or refuse the motion according to the equity of the case and the relative damages which may accrue to the parties.

~~[3.]~~ ***5.*** If the motion is granted, the court or judge shall require the plaintiff to execute and file in court a bond to the defendant, with sureties, to be approved by the court or judge in a penal sum to be fixed by the court or judge, not less than double the value of the premises sought to be condemned and the damages which will ensue from condemnation and occupation, as the value and damages may appear to the court or judge on the hearing, and conditioned to pay the adjudged value of the premises and all damages if the property is condemned, and to pay all damages arising from occupation before judgment if the premises are not condemned, and all costs adjudged to the defendant in the action. The sureties shall justify before the court or judge, after a reasonable notice to the defendant of the time and place of justification.

~~[4.]~~ ***6.*** In lieu of a bond the plaintiff, with the consent of the court, may deposit with the clerk of the court a sum equal to the value of the premises plus damages, as appraised by the plaintiff. Upon application of the defendant and upon notice to all parties, the court or judge may order the money deposited with the clerk of the court or any part thereof to be paid to the defendant. If the amount of the compensation awarded upon judgment is less than the sum deposited and paid to the defendant, the court shall enter judgment in favor of the plaintiff and against the defendant for the amount of the excess. Application by the defendant to the court for withdrawal of part or all of the money deposited and the payment of that money to the defendant does not prejudice the right of the defendant to contest the amount of compensation to be finally awarded. The receipt by the defendant of a part or all of the money deposited must be conditioned upon the waiver of all defenses except those relating to the amount of compensation.

~~[5.]~~ ***7.*** The amount of the penal bond or the deposit is for the purpose of the motion only and is not admissible in evidence on final hearing.

~~[6.]~~ ***8.*** The court or judge may also restrain the defendant from hindering or interfering with the occupation of the premises and the doing thereon of the work required for the easement, fee, or property rights.

~~[7.]~~ ***9.*** The provisions of this section requiring the execution and filing of a bond do not apply in any action or proceeding in which the State of Nevada is the plaintiff, but the public faith and credit of the State of Nevada, is hereby pledged as security in lieu of the bond. The provisions of this subsection do not prevent the State of Nevada from depositing, in lieu of a pledge of the public faith and credit, with the clerk of the court a sum equal to the value of the premises plus any damages as appraised by the State.

Sec. 6. NRS 37.120 is hereby amended to read as follows:

37.120 1. To assess compensation and damages as provided in NRS 37.110, the date of the first service of the summons is the date of valuation, except that, if the action is not tried within 2 years after the date of the first service of the summons, and the court makes a written finding that the delay is caused primarily by the plaintiff or is caused by congestion or backlog in the calendar of the court, the date of valuation is the date of the

actual commencement of the trial. If a new trial is ordered by a court, the date of valuation used in the new trial must be the date of valuation used in the original trial.

2. No improvements put upon the property after the date of the service of the summons may be included in the assessment of compensation or damages, regardless of the date of valuation.

3. ***In all actions in eminent domain, the court shall award just compensation to the owner of the property that is being taken. Just compensation is that sum of money necessary to place the property owner in the same position monetarily as if the property had never been taken, excluding any governmental offsets except special benefits. Special benefits may only offset severance damages and may not offset the value for the property. Just compensation for the property taken by the exercise of eminent domain must include, without limitation, interest computed pursuant to NRS 37.175 and reasonable costs and expenses, except attorney's fees, incurred by the owner of the property that is the subject of the action.***

4. As used in this section, "primarily" means the greater amount, quantity or quality of acts of the plaintiff or the defendant or, if there is more than one defendant, the total delay caused by all the defendants, that would cause the date of the trial to be continued past 2 years after the date of the first service of the summons.

Sec. 7. NRS 37.175 is hereby amended to read as follows:

37.175 1. Except as otherwise provided in this section, the plaintiff shall pay interest on the final judgment on the difference between the amount deposited pursuant to NRS 37.100 or 37.170 and the sum of the amount awarded for the taking and any damages awarded for the severance of the property, excluding costs and attorney's fees, from the date ~~[of the first service of the summons]~~ ***ordered by the district court pursuant to paragraph (a) of subsection*** ~~*[2]*~~ ***4*** until the date the judgment is satisfied, at the rate provided in ~~[NRS 17.130.]~~ ***paragraph (b) of subsection*** ~~*[2.]*~~ ***4.***

2. The plaintiff is not required to pay interest on any amount deposited pursuant to the provisions of NRS 37.100 or 37.170.

3. No interest is required to be paid for the period from the date of a trial which is continued past 2 years after the date of the first service of the summons, until the date of entry of judgment, if the continuance was caused primarily by the defendant or, if there is more than one defendant, the total delay caused by all the defendants. As used in this subsection, "primarily" means the greater amount, quantity or quality of acts of the plaintiff or the defendant or, if there is more than one defendant, the total delay caused by all defendants, that would cause the trial to be continued past 2 years after the date of the first service of the summons.

4. The court shall determine, in a posttrial hearing, the award of interest and award as interest the amount of money which will put the person from whom the property is taken in as good a position monetarily as

if the property had not been taken. The district court shall enter an order concerning:

(a) The date on which the computation of interest will commence;

(b) The rate of interest to be used to compute the award of interest, which must not be less than the prime rate of interest plus 2 percent; and

(c) Whether the interest will be compounded annually.

Sec. 8. NRS 37.260 is hereby amended to read as follows:

37.260 1. ~~[Any]~~ ***Except as otherwise provided in NRS 37.270, any*** real property, interest therein or improvement thereon which has been acquired in accordance with the provisions of this chapter or purchased under the threat of eminent domain proceedings by an association, commission, corporation, partnership or political subdivision other than a county or incorporated city may be disposed of as surplus by that entity only in accordance with the provisions of this section.

2. The governing body of the entity desiring to dispose of the property ***pursuant to this section*** must first adopt a resolution declaring that the property is no longer required for the purposes for which it was acquired or for other reasonable public use.

3. The property, interest or improvement ***disposed of pursuant to this section*** must be sold by the entity to the highest bidder bidding for the property, either at public auction or by sealed bids, the notice and terms of which must be published in a newspaper of general circulation in the county where the property is situated at least once not less than 15 nor more than 45 days before the sale. When, in the opinion of the governing body of the entity, the property cannot be sold by means of public auction or sealed bids without working an undue hardship upon a property owner either as a result of a severance of that owner's property or a denial of access to a public street or highway, the governing body may first offer the property to that owner at a price determined by the governing body to be in the best interest of the corporation, partnership, association, commission or political subdivision.

4. ~~[It]~~ ***If property is disposed of pursuant to this section, it*** is conclusively presumed in favor of any purchaser for value and without notice of any such real property, interest therein or improvement thereon conveyed pursuant to this section that the entity disposing of it acted within its lawful authority in acquiring and disposing of the property, and that the officers thereof acted within their lawful authority in executing any conveyance vesting title in the purchaser. All such conveyances must be quitclaim in nature and must not carry any warranty of title.

Sec. 9. NRS 37.270 is hereby amended to read as follows:

37.270 Notwithstanding any other provision of law, ~~[if the State of Nevada, any political subdivision of the State or other governmental entity that has acquired property]~~ ***property taken*** pursuant to the provisions of this chapter ~~[:]~~ ***must be offered to and reverts to the person from whom the property was taken upon repayment of the original purchase price if,***

within 15 years after obtaining possession of the property, the entity that took the property:

1. Fails to use the property for the public ~~[purpose for which it was acquired; and]~~ ***use for which the property was taken or for any public use reasonably related to the public use for which the property was taken; or***

2. Seeks to convey the right, title or interest in all or part of that property to any person ~~[,~~

~~➥ within 15 years after the property is acquired, the person from whom the property was acquired or his successor in interest must be granted the right of first refusal to purchase the right, title or interest in the property sought to be conveyed for fair market value which shall be deemed to be an amount which does not exceed the proportional amount paid by the State, political subdivision or other governmental entity for the acquisition of the property.]~~ ***and the conveyance is not occurring pursuant to subsection 2 of NRS 37.010.***

➥ ***The entity that has taken the property does not fail to use the property under subsection 1 if the entity has begun active planning for or design of the public use, the assembling of land in furtherance of planning for or design of the public use or construction related to the public use.***

Sec. 10. NRS 279.471 is hereby amended to read as follows:

279.471 1. Except as otherwise provided in this subsection, an agency may exercise the power of eminent domain to acquire property for a redevelopment project only if the agency adopts a resolution that includes a written finding by the agency that a condition of blight exists for each individual parcel of property to be acquired by eminent domain. An agency may exercise the power of eminent domain to acquire a parcel of property that is not blighted for a redevelopment project if the agency adopts a resolution that includes a written finding by the agency that a condition of blight exists for at least two-thirds of the property within the redevelopment area at the time the redevelopment area was created.

2. In addition to the requirement set forth in subsection 1, an agency may exercise the power of eminent domain to acquire property for a redevelopment project only if:

(a) The property sought to be acquired is necessary to carry out the redevelopment plan;

(b) The agency has adopted a resolution of necessity that complies with the requirements set forth in subsection 3; and

(c) The agency has complied with the provisions of NRS 279.4712.

3. A resolution of necessity required pursuant to paragraph (b) of subsection 2 must set forth:

(a) A statement that the property will be acquired for purposes of redevelopment as authorized pursuant to ~~[subsection 17]~~ ***paragraph (q) of subsection 1*** of NRS 37.010 and subsection 2 of NRS 279.470;

(b) A reasonably detailed description of the property to be acquired;

(c) A finding by the agency that the public interest and necessity require the acquisition of the property;

(d) A finding by the agency that acquisition of the property will be the option for redevelopment that is most compatible with the greatest public good and the least private injury; and

(e) A finding by the agency that acquisition of the property is necessary for purposes of redevelopment.

4. After an agency adopts a resolution pursuant to subsection 1 or 2, the resolution so adopted and the findings set forth in the resolution are final and conclusive and are not subject to judicial review unless credible evidence is adduced to suggest that the resolution or the findings set forth therein were procured through bribery or fraud.

Sec. 11. NRS ~~[37.112 and]~~ 37.190 ~~[are]~~ **is** hereby repealed.

Sec. 12. The amendatory provisions of this act apply to an action in eminent domain that is filed on or after ~~[October 1, 2007.]~~ **the effective date of this act.**

Sec. 13. **This act becomes effective upon passage and approval.**

TEXT OF REPEALED ~~[SECTIONS]~~ **SECTION**

~~[37.112 Valuation of property subject to condemnation as result of public work or project.~~

~~1. Except as otherwise provided in subsection 2, if the property is subject to condemnation as a result of a public work or public improvement, any decrease or increase in the fair market value of the property before the date of valuation which is caused by:~~

~~(a) The public work or public improvement for which the property is acquired; or~~

~~(b) The likelihood that the property would be acquired for such a purpose,~~

~~must be disregarded when assessing the value of the property pursuant to NRS 37.110.~~

~~2. Any decrease or increase in the fair market value of the property before the date of valuation resulting from physical deterioration within the reasonable control of the owner is not required to be disregarded pursuant to subsection 1.]~~

37.190 Costs: Allowance and apportionment. Costs may be allowed or not, and if allowed may include a maximum of $350 for appraisal reports used at the trial and $150 for fees of expert witnesses who testify at the trial, and may be apportioned between the parties on the same or adverse sides, in the discretion of the court.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 102.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF COMMITTEES

Madam Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 460, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 14.

The following Senate amendment was read:

Amendment No. 663.

AN ACT relating to crimes; making it unlawful to carry a graffiti implement ~~[in plain view]~~ in certain places and in certain circumstances; providing that a governmental entity which incurs costs in cleaning up or removing graffiti may receive restitution if the graffiti was on public property; revising penalties for unlawfully placing graffiti on the property of another; revising provisions governing the suspension of or delay in issuing a driver's license when a person is convicted for placing graffiti on or defacing property; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill creates a new crime for unlawfully possessing certain graffiti implements in certain public places. Specifically, section 2 provides that it is a misdemeanor for a person to carry on his person ~~[and in plain view of the public]~~ with the intent to vandalize, place graffiti on or otherwise deface property a graffiti implement on certain public and private property or in a public transportation vehicle without valid authorization from the appropriate governmental entity or person. Sections 6-8 of this bill amend existing law to provide that persons who unlawfully possess a graffiti implement in violation of section 2 are treated similarly to persons who unlawfully place graffiti on the property of another in violation of NRS 206.125 or 206.330. Section 6 requires a person who violates section 2 to pay, in addition to any other fine or penalty, an administrative assessment of $250 which must be credited to the Graffiti Reward Fund. (NRS 206.340) Section 7 amends existing law which provides that, under certain circumstances, a person may not sue a public employee, officer or agency for any injury, wrongful death or other damage incurred by a person while committing certain crimes to include the new crime created pursuant to section 2. (NRS 41.0334) Section 8 amends existing law which authorizes a court to suspend the driver's license of a child or to delay the issuance of a driver's license to the child if he does not yet possess a driver's license when the child is adjudicated delinquent for engaging in certain acts involving graffiti or defacing property to allow such actions when a child engages in an act prohibited by section 2. (NRS 62E.690)

Section 3 of this bill requires a person who is ordered to pay restitution for damaging the property of another to pay the restitution to either the owner of the property or, if the damage involves the placement of graffiti on certain property, to the governmental entity that incurred the costs of cleaning up or removing the graffiti.

Section 4 of this bill revises the penalty for placing graffiti on, vandalizing, defacing or otherwise damaging: (1) a place of religious worship; (2) a facility used for the purpose of burial or memorializing the dead; or (3) a school, educational facility or community center to provide for mandatory fines and community service. Section 4 also adds transportation facilities and public transportation vehicles to the list of entities covered by this section. (NRS 206.125)

Section 5 of this bill amends the threshold amount used to determine the penalty for a person who places graffiti on or otherwise defaces public or private property without the permission of the owner. Section 5 also revises the penalties for such an offense to include a mandatory fine and community service, revises the period for the suspension of a driver's license, defines the manner for determining the "value of the loss" and allows for aggregating the amount of damage to determine the value of the loss, but only if the value of the loss when aggregated is $5,000 or more. (NRS 206.330)

Existing law provides for the suspension or delay in the issuance of a driver's license to a person who commits certain graffiti offenses. Section 8 of this bill adds to the crimes for which a license may be suspended or delayed the new crime of carrying a graffiti implement in certain places and increases the minimum period of the suspension or delay to 1 year. (NRS 62E.690)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 206 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Any person who carries on his person*** ~~*[and in plain view to the public]*~~ ***a graffiti implement with the intent to vandalize, place graffiti on or otherwise deface public or private property, real or personal, of another:***

(a) While on or under any overpass or bridge or in any flood channel;

(b) At any public facility, community center, park, playground, swimming pool, transportation facility, beach or recreational area whereon a sign is posted in a location reasonably expected to be viewed by the public which states that it is a misdemeanor to possess a graffiti implement at that public location without valid authorization; or

(c) In a public transportation vehicle wherein a sign is posted that is easily viewed by passengers which states that it is a misdemeanor to possess a graffiti implement in the vehicle without valid authorization,

➥ ***is guilty of a misdemeanor unless he has first received valid authorization from the governmental entity which has jurisdiction over the public area or other person who is designated to provide such authorization.***

2. As used in this section:

(a) "Broad-tipped indelible marker" means any felt-tipped marker or similar implement which contains a fluid that is not soluble in water and which has a flat or angled writing surface of a width of one-half inch or greater.

(b) "Graffiti implement" means any broad-tipped indelible marker or aerosol paint container or other item that may be used to propel or apply fluid that is not soluble in water.

(c) "Public transportation vehicle" means a bus, train or other vehicle or instrumentality used to transport persons from a transportation facility to another location.

(d) "Transportation facility" means an airport, marina, bus terminal, train station, bus stop or other facility where a person may go to obtain transportation.

Sec. 3. ***If a court orders a person who violates the provisions of NRS 206.125 or 206.330 to pay restitution, the person shall pay the restitution to:***

1. The owner of the property which was affected by the violation; or

2. If the violation involved the placing of graffiti on any public property, the governmental entity that incurred expenses for removing, covering or cleaning up the graffiti.

Sec. 4. NRS 206.125 is hereby amended to read as follows:

206.125 1. Unless a greater penalty is provided by law, a person who knowingly vandalizes, places graffiti on, defaces or otherwise damages:

(a) Any church, synagogue or other building, structure or place used for religious worship or other religious purpose;

(b) Any cemetery, mortuary or other facility used for the purpose of burial or memorializing the dead;

(c) Any school, educational facility ***, transportation facility, public transportation vehicle*** or community center;

(d) The grounds adjacent to, and owned or rented by, any institution, facility, building, structure or place described in paragraph (a), (b) or (c); or

(e) Any personal property contained in any institution, facility, building, structure or place described in paragraph (a), (b) or (c),

➥ is guilty of a gross misdemeanor.

2. In addition to any other penalty, the court shall order ~~[the]~~ ***a*** person ***found guilty of a gross misdemeanor pursuant to subsection 1*** to pay restitution for the damage ~~[.]~~ ***and:***

(a) For the first offense, to pay a fine of not less than $400 but not more than $1,000, and to perform 100 hours of community service.

(b) For the second offense, to pay a fine of not less than $750, but not more than $1,000, and to perform 200 hours of community service.

(c) For a third or subsequent offense, to pay a fine of $1,000, and to perform 200 hours of community service.

~~[2.]~~ ***3.*** A person who is paid money for restitution pursuant to subsection 1 shall use the money to repair or restore the property that was damaged.

4. As used in this section:

(a) "Public transportation vehicle" has the meaning ascribed to it in section 2 of this act.

(b) "Transportation facility" has the meaning ascribed to it in section 2 of this act.

Sec. 5. NRS 206.330 is hereby amended to read as follows:

206.330 1. Unless a greater criminal penalty is provided by a specific statute, a person who places graffiti on or otherwise defaces the public or private property, real or personal, of another, without the permission of the owner:

(a) Where the value of the loss is less than ~~[$250,]~~ ***$1,000*** is guilty of a misdemeanor.

(b) Where the value of the loss is ~~[$250]~~ ***$1,000*** or more but less than $5,000, is guilty of a gross misdemeanor.

(c) Where the value of the loss is $5,000 or more or where the damage results in the impairment of public communication, transportation or police and fire protection, is guilty of a category E felony and shall be punished as provided in NRS 193.130. ***If the court grants probation to such a person, the court shall require as a condition of probation that the person serve at least 10 days in the county jail.***

2. If a person commits more than one offense pursuant to a scheme or continuing course of conduct, the value of all property damaged or destroyed by that person in the commission of those offenses ~~[may]~~ ***must*** be aggregated for the purpose of determining the penalty prescribed in subsection 1 ~~[.]~~ ***, but only if the value of the loss when aggregated is $5,000 or more.***

3. A person who violates subsection 1 shall, in addition to any other fine or penalty imposed:

(a) For the first offense, ***pay a fine of not less than $400 but not more than $1,000 and*** perform ~~[not less than 50 hours, but not more than 99 hours,]~~ ***100 hours*** of community service.

(b) For the second offense, ***pay a fine of not less than $750 but not more than $1,000 and*** perform ~~[not less than 100 hours, but not more than 199 hours,]~~ ***200 hours*** of community service.

(c) For the third and each subsequent offense, ***pay a fine of $1,000 and*** perform ~~[not less than]~~ 200 hours of community service.

➥ The community service assigned pursuant to this subsection must, if possible, be related to the abatement of graffiti.

4. The parent or legal guardian of a person under the age of 18 years who violates this section is liable for all fines and penalties imposed against the

person. If the parent or legal guardian is unable to pay the fine and penalties resulting from a violation of this section because of financial hardship, the court may require the parent or legal guardian to perform community service.

5. If a person who is 18 years of age or older is found guilty of violating this section, the court ~~[may]~~ ***shall, in addition to any other penalty imposed,*** issue an order suspending the driver's license of the person for ~~[a period not to exceed]~~ ***not less than*** 6 months ~~[in addition to any other penalty imposed. If such an order is issued, the]~~ ***but not more than 2 years. The*** court shall require the person to surrender all driver's licenses then held by the person. If the person does not possess a driver's license, the court ~~[may]~~ ***shall*** issue an order prohibiting the person from applying for a driver's license ~~[within the]~~ ***for not less than*** 6 months ~~[immediately following the date of the order.]~~ ***but not more than 2 years.*** The court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles any licenses together with a copy of the order.

6. The Department of Motor Vehicles:

(a) Shall not treat a violation of this section in the manner statutorily required for a moving traffic violation.

(b) Shall report the suspension of a driver's license pursuant to this section to an insurance company or its agent inquiring about the person's driving record. An insurance company shall not use any information obtained pursuant to this paragraph for purposes related to establishing premium rates or determining whether to underwrite the insurance.

7. A criminal penalty imposed pursuant to this section is in addition to any civil penalty or other remedy available pursuant to another statute for the same conduct.

8. As used in this section ~~[, "impairment"]~~ ***:***

(a) "Impairment" means the disruption of ordinary and incidental services, the temporary loss of use or the removal of the property from service for repair of damage.

(b) "Value of the loss" means the cost of repairing, restoring or replacing the property, including, without limitation, the cost of any materials and labor necessary to repair, restore or replace the item.

Sec. 6. NRS 206.340 is hereby amended to read as follows:

206.340 1. The Graffiti Reward Fund is hereby created in the State General Fund.

2. When a defendant pleads or is found guilty of violating NRS 206.125 or 206.330 ~~[,]~~ ***or section 2 of this act,*** the court shall include an administrative assessment of $250 for each violation in addition to any other fine or penalty. The money collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Graffiti Reward Fund.

3. All money received pursuant to subsection 2 must be deposited with the State Controller for credit to the Graffiti Reward Fund. The money in the Fund must be used to pay a reward to a person who, in response to the offer

of a reward, provides information which results in the identification, apprehension and conviction of a person who violates NRS 206.125 or 206.330 ~~[.]~~ ***or section 2 of this act.***

4. If sufficient money is available in the Graffiti Reward Fund, a state law enforcement agency may offer a reward, not to exceed $1,000, for information leading to the identification, apprehension and conviction of a person who violates NRS 206.125 or 206.330 ~~[.]~~ ***or section 2 of this act.*** The reward must be paid out of the Graffiti Reward Fund upon approval by the State Board of Examiners.

Sec. 7. NRS 41.0334 is hereby amended to read as follows:

41.0334 1. Except as otherwise provided in subsection 2, no action may be brought under NRS 41.031 or against an officer or employee of the State or any of its agencies or political subdivisions for injury, wrongful death or other damage sustained in or on a public building or public vehicle by a person who was engaged in any criminal act proscribed in NRS 202.810, 205.005 to 205.080, inclusive, 205.220, 205.226, 205.228, 205.240, 205.271 to 205.2741, inclusive, 206.310, 206.330, 207.210, 331.200 or 393.410 ~~[,]~~ ***or section 2 of this act,*** at the time the injury, wrongful death or damage was caused.

2. Subsection 1 does not apply to any action for injury, wrongful death or other damage:

(a) Intentionally caused or contributed to by an officer or employee of the State or any of its agencies or political subdivisions; or

(b) Resulting from the deprivation of any rights, privileges or immunities secured by the United States Constitution or the Constitution of the State of Nevada.

3. As used in this section:

(a) "Public building" includes every house, shed, tent or booth, whether or not completed, suitable for affording shelter for any human being or as a place where any property is or will be kept for use, sale or deposit, and the grounds appurtenant thereto; and

(b) "Public vehicle" includes every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, waterway or airway,

➥ owned, in whole or in part, possessed, used by or leased to the State or any of its agencies or political subdivisions.

Sec. 8. NRS 62E.690 is hereby amended to read as follows:

62E.690 1. Except as otherwise provided in this section, if a child is adjudicated delinquent for the unlawful act of placing graffiti on or otherwise defacing public or private property owned or possessed by another person in violation of NRS 206.125 or 206.330 ~~[,]~~ ***or for the unlawful act of carrying a graffiti implement in certain places without valid authorization in violation of section 2 of this act,*** the juvenile court ~~[may:]~~ ***shall:***

(a) If the child possesses a driver's license, issue an order suspending the driver's license of the child for at least ~~[90 days]~~ ***1 year*** but not more than 2 years; or

(b) If the child does not possess a driver's license and the child is or will be eligible to receive a driver's license within the 2 years immediately following the date of the order, issue an order prohibiting the child from receiving a driver's license for a period specified by the juvenile court which must be at least ~~[90 days]~~ ***1 year*** but not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to receive a driver's license; or

(2) After the date the child will be eligible to receive a driver's license, if the child is not eligible to receive a license on the date of the order.

2. If the child is already the subject of a court order suspending or delaying the issuance of his driver's license, the juvenile court shall order the additional suspension or delay, as appropriate, to apply consecutively with the previous order.

Sec. 9. NRS 483.250 is hereby amended to read as follows:

483.250 The Department shall not issue any license pursuant to the provisions of NRS 483.010 to 483.630, inclusive:

1. To any person who is under the age of 18 years, except that the Department may issue:

(a) A restricted license to a person between the ages of 14 and 18 years pursuant to the provisions of NRS 483.267 and 483.270.

(b) An instruction permit to a person who is at least 15 1/2 years of age pursuant to the provisions of subsection 1 of NRS 483.280.

(c) A restricted instruction permit to a person under the age of 18 years pursuant to the provisions of subsection 3 of NRS 483.280.

(d) A driver's license to a person who is 16 or 17 years of age pursuant to NRS 483.2521.

2. To any person whose license has been revoked until the expiration of the period during which he is not eligible for a license.

3. To any person whose license has been suspended, but upon good cause shown to the Administrator, the Department may issue a restricted license to him or shorten any period of suspension.

4. To any person who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to legal capacity.

5. To any person who is required by NRS 483.010 to 483.630, inclusive, to take an examination, unless he has successfully passed the examination.

6. To any person when the Administrator has good cause to believe that by reason of physical or mental disability that person would not be able to operate a motor vehicle safely.

7. To any person who is not a resident of this State.

8. To any child who is the subject of a court order issued pursuant to title 5 of NRS which delays his privilege to drive.

9. To any person who is the subject of a court order issued pursuant to NRS 206.330 which ~~[suspends or]~~ delays his privilege to drive until the expiration of the period of ~~[suspension or]~~ delay.

10. To any person who is not eligible for the issuance of a license pursuant to NRS 483.283.

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 14.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered to the Senate.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 2, 15, 16, 22, 28, 39, 43, 118, 135, 198, 220, 266, 278, 283, 299, 303, 329, 348, 504, 520, 536, 548, 556; Assembly Concurrent Resolution No. 29; Senate Bills Nos. 9, 30, 31, 44, 46, 56, 81, 168, 190; Senate Concurrent Resolution No. 3.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from David M. Cox Elementary School: Mariam Arakelian, Blue Baker, Mason Barnes, Sydney Bieber, Miranda Brown, Destiny Burns, Caroline Chamber, Elizabeth Cleghorn, Everett Dampier, Travis Dickens, Amber Garcia, Venita Gurell, Austin Hailpern, Jyselle Harford, Adam Horowitz, Patrick Messimer, Sarah Morley, Michaela Morris, Anthony Saavedra, Miki Takiguchi, Zachary Tarangul, Travis West, Josiah Wynn, Tala Abu-shami, Mark Bergmann, Liz Casis, Kevin Chen, Jamie Franco, Nicholas Leone, Lauren MacDonald, Jordan May, Whitney Meinders, Anthony Mollinedo, Philip Perelman, Seth Salinas, Alexxis Scott, Eli Thompson, Olivia Vanostrand, McKenzie Washington, Joshua Wride, Zach Lapidus, Katie Cleghorn, Evan Gong, Noa Arbeli, Ali Beydoun, April Carithers-Arellano, Amber Casey, Ashlyn Darang, Emily Griffiths, Bruno Hyderkan, Michael King, Gillian Martinez, Devin Matelski, Madison McCabe, Breanna Morales, Lourdes Osman, Shelbie Petrelli, Trista Turnbeaugh, Brady Wainio, Brady Williams, and Aaron Torres; teachers Laura Papalardo, Anita Henson, and Abbie Spoor; chaperones Gregg Barnes, Steven Messimer, Sandra Dickens, Heather Morley, Piyada West, Christopher Tarangul, Ann Horowitz, Adriana Diaz, Lisa Lapidus, Louis Bergmann, Margie Hyderkhan, and David Westendorf.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Green Valley Christian School: Torre Amerson, Katrina Arjona, Javlin Baloca, Matthew Cavanaugh, Taylor Chadwick, Caitlyn Chamberlin, Dylan DeFrank, Tyler Dewey, Maggie Dillon, Bridgette Dwyer, Adriana Gillinta,

Jacob Gonzales, Deja Harris, Celine Ho, Eden Janeway, Shiloh Johnston, Lorraina Jordan, James Kitral, Joseph Koh, Jackie Levesque, Leah Lychock, Arianna Mendiola, Cody Mooers Bowman, Camille Morria, Aubree Roper, Helanina Russo, Brendan Shaw, Ryan Terwilliger, Tristan Tratos, Sage Troxel, Dominic Turner; teachers Theresa Baker and Sami Freedman; chaperones Patty Dewey, Michael Kitral, Michael Cavanaugh, Pam Demos, Michael Johnston, Jeni Terwilliger, Laura Lychock, and Maria Fernandez.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Caroline Ciocca and Russell Rowe.

Assemblyman Oceguera moved that the Assembly adjourn until Thursday, May 17, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 12:47 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE ONE HUNDRED AND SECOND DAY

CARSON CITY (Thursday), May 17, 2007

Assembly called to order at 11:27 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Marie Hanson.

Heavenly Father/Mother God, may we embrace Your peace in all our affairs. May we see peace in all things and know Your truth of peace exists—in our minds, in our lives, in our friends, in our co-workers, in our families, and in those we do not know. May Your peace permeate all people, places, and situations. May Your peace surround our city, our state, our nation, and our world. Please show us a better way. May we know You surround us in peace. May we inspire peace, for we are peace. And so it is.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 219, 447, 518, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 267, 366, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JERRY D. CLABORN, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 275; Senate Bills Nos. 163, 345, 520, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 161, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY JR., *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 16, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 346, 455, 458.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolution No. 17.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved to dispense with the reading of the Histories on all bills and resolutions for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 346.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 455.

Assemblyman Oceguera moved that the bill be referred to the Committee on Assembly Ways and Means.

Motion carried.

Senate Bill No. 458.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 17.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 608.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 727.

AN ACT making supplemental appropriations to the Department of Business and Industry; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Department of Business and Industry, Administration, the sum of ~~[$65,844]~~ **$17,725** for ~~[terminal leave costs,]~~ Department of Information Technology charges for PC/LAN tech and Silvernet services from Fiscal

Year 2003-2004 **.** ~~[, and for relocation of the Office of the Director to Carson City.]~~ This appropriation is supplemental to that made by section 23 of chapter 327, Statutes of Nevada 2003, at page 1835, and section 24 of chapter 434, Statutes of Nevada 2005, at page 1941.

2. There is hereby appropriated from the State General Fund to the Consumer Affairs Division of the Department of Business and Industry the sum of ~~[$11,362]~~ **$2,869** for past expenditures **.** ~~[and terminal leave costs.]~~ This appropriation is supplemental to that made by section 23 of chapter 327, Statutes of Nevada 2003, at page 1835.

3. ~~[There is hereby appropriated from the State General Fund to the Division of Insurance of the Department of Business and Industry the sum of $20,000 for damage to equipment and files that resulted from flooding. This appropriation is supplemental to that made by section 24 of chapter 434, Statutes of Nevada 2005, at page 1941.~~

~~4.]~~ There is hereby appropriated from the State General Fund to the Nevada Athletic Commission of the Department of Business and Industry the sum of $9,446 for a shortfall that resulted from the retirement of the Executive Director. This appropriation is supplemental to that made by section 24 of chapter 434, Statutes of Nevada 2005, at page 1941.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 7.

Bill read second time and ordered to third reading.

Senate Bill No. 72.

Bill read second time and ordered to third reading.

Senate Bill No. 139.

Bill read second time and ordered to third reading.

Senate Bill No. 145.

Bill read second time and ordered to third reading.

Senate Bill No. 264.

Bill read second time and ordered to third reading.

Senate Bill No. 330.

Bill read second time and ordered to third reading.

Senate Bill No. 400.

Bill read second time and ordered to third reading.

Senate Bill No. 420.

Bill read second time and ordered to third reading.

Senate Bill No. 457.
Bill read second time and ordered to third reading.

Senate Bill No. 495.
Bill read second time and ordered to third reading.

Senate Bill No. 500.
Bill read second time and ordered to third reading.

Senate Bill No. 508.
Bill read second time and ordered to third reading.

Senate Bill No. 535.
Bill read second time.
The following amendment was proposed by the Committee on Education:
Amendment No. 744.
AN ACT relating to education; revising provisions relating to alternative programs for pupils at risk of dropping out of school, programs of distance education and independent study and certain other educational programs; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Existing law authorizes the boards of trustees of school districts to operate an alternative program for the education of pupils at risk of dropping out of high school, subject to the approval of the State Board of Education. (NRS 388.537) Section 4 of this bill authorizes school districts to operate an alternative program for all grade levels of pupils who are at risk of dropping out of school, subject to the approval of the Superintendent of Public Instruction.
Existing law provides that if a pupil enrolls in a program of distance education, the board of trustees of the school district in which the pupil resides or the governing body of the charter school in which the pupil attends school must enter into an agreement with the provider of the distance education. (NRS 388.854, 388.858) If an agreement is not filed with the Superintendent of Public Instruction for a pupil, the provider of the distance education is not eligible to receive the state apportionment of money for that pupil. (NRS 387.123, 387.124) Sections 8 and 9 of this bill revise the contents of the agreement and eliminate the requirement that the agreement be filed with the Superintendent. Sections 2 and 3 of this bill eliminate the restriction on the eligibility of a provider of the distance education to receive payment for a pupil if an agreement is not filed with the Superintendent.
Existing law provides that a pupil may enroll in a program of independent study if the school district in which the pupil is enrolled offers the program and if the pupil is enrolled in high school or is suspended or expelled from a public school. (NRS 389.155) Section 11 of this bill expands the eligibility for independent study to include all pupils who are enrolled in public schools, pupils who are enrolled in an alternative program and pupils who are

enrolled in a program designed to meet the requirements for an adult standard diploma.

Existing law provides that if a pupil enrolled in high school successfully completes a college course, the pupil must be granted credit toward graduation from high school. (NRS 389.160) Section 12 of this bill provides that if a pupil enrolled in a program designed to meet the requirements for an adult standard diploma successfully completes a college course, the pupil must be granted credit towards that diploma.

Section 15 of this bill eliminates the requirement that a provider of a program of distance education submit to the Department of Education and the Legislative Bureau of Educational Accountability and Program Evaluation an annual report of the program. (NRS 388.870)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.3612 is hereby amended to read as follows:

385.3612 1. The State Board shall adopt regulations that prescribe, consistent with 20 U.S.C. §§ 6301 et seq. and the regulations adopted pursuant thereto, the manner in which pupils enrolled in:

(a) A program of distance education pursuant to NRS 388.820 to 388.874, inclusive;

(b) An alternative program for the education of pupils at risk of dropping out of ~~[high school;]~~ ***school pursuant to NRS 388.537;*** or

(c) A program of education that:

(1) Primarily serves pupils with disabilities; or

(2) Is operated within a:

(I) Local, regional or state facility for the detention of children;

(II) Juvenile forestry camp;

(III) Child welfare agency; or

(IV) Correctional institution,

➥ will be included within the statewide system of accountability set forth in NRS 385.3455 to 385.391, inclusive.

2. The regulations adopted pursuant to subsection 1 must also set forth the manner in which:

(a) The progress of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 will be accounted for within the statewide system of accountability; and

(b) The results of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 on the examinations administered pursuant to NRS 389.015 and 389.550 will be reported.

Sec. 2. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by

the school district, or pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.

(d) Pupils who reside in the county and are enrolled part time in a program of distance education ~~[if an agreement is filed with the Superintendent of Public Instruction]~~ ***provided*** pursuant to NRS ~~[388.854 or 388.858, as applicable.]~~ ***388.820 to 388.874, inclusive.***

(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(f) Pupils who are enrolled in classes pursuant to subsection 4 of NRS 386.560 and pupils who are enrolled in classes pursuant to subsection 5 of NRS 386.580.

(g) Pupils who are enrolled in classes pursuant to subsection 3 of NRS 392.070.

(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the State Board:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days, or its equivalent for those public schools operating under an alternative schedule authorized pursuant to NRS 388.090.

(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(c) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

3. Except as otherwise provided in subsection 4 and NRS 388.700, the State Board shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this State which is consistent with:

(a) The maintenance of an acceptable standard of instruction;

(b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and

(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

➥ If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless he finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, he shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the State Board may direct him to withhold the quarterly apportionment entirely.

4. The provisions of subsection 3 do not apply to a charter school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 3. NRS 387.124 is hereby amended to read as follows:

387.124 Except as otherwise provided in this section and NRS 387.528:

1. On or before August 1, November 1, February 1 and May 1 of each year, the Superintendent of Public Instruction shall apportion the State Distributive School Account in the State General Fund among the several county school districts and charter schools in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. The apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school and all the funds attributable to pupils who reside in the county and are enrolled full time or part time in a program of distance education provided by another school district or a charter school. No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support. ~~[If an agreement is not filed for a pupil who is enrolled in a program of distance education as required by NRS 388.854, the Superintendent of Public Instruction shall not apportion money for that pupil to the board of trustees of the school district in which the pupil resides, or the board of trustees or governing body that provides the program of distance education.]~~

2. Except as otherwise provided in subsection 3, the apportionment to a charter school, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides minus all the funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part time in a program of distance education provided by a school district or another charter school. If the apportionment per pupil to a charter school is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school resides, the school district in which the pupil resides shall pay the difference directly to the charter school.

3. The apportionment to a charter school that is sponsored by the State Board, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides, minus all funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part time in a program of distance education provided by a school district or another charter school.

4. In addition to the apportionments made pursuant to this section, an apportionment must be made to a school district or charter school that provides a program of distance education for each pupil who is enrolled part time in the program **.** ~~[if an agreement is filed for that pupil pursuant to NRS 388.854 or 388.858, as applicable.]~~ The amount of the apportionment must be equal to the percentage of the total time services are provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides.

5. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the charter school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A charter school may receive all four apportionments in advance in its first year of operation.

6. The Superintendent of Public Instruction shall apportion, on or before August 1 of each year, the money designated as the "Nutrition State Match" pursuant to NRS 387.105 to those school districts that participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school district must be directly related to the district's reimbursements for the Program as compared with the total amount of reimbursements for all school districts in this State that participate in the Program.

7. If the State Controller finds that such an action is needed to maintain the balance in the State General Fund at a level sufficient to pay the other appropriations from it, he may pay out the apportionments monthly, each approximately one-twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the State Controller shall submit a report to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau documenting reasons for the action.

Sec. 4. NRS 388.537 is hereby amended to read as follows:

388.537 1. The board of trustees of a school district may, subject to the approval of the ~~[State Board,]~~ ***Superintendent of Public Instruction,*** operate

an alternative program for the education of pupils at risk of dropping out of ~~[high]~~ school, including pupils who ~~[~~:

~~(a) Because of extenuating circumstances, such as their being pregnant, parents, chronically ill or self-supporting, are not able to attend the classes of instruction regularly provided in high school;~~

~~(b) Are deficient in the amount of academic credit necessary to graduate with pupils their same age;~~

~~(c) Are chronically absent from high school; or~~

~~(d) Require instruction on a more personal basis than that regularly provided in high school.]~~ ***are enrolled in kindergarten or grades 1 to 12, inclusive.***

2. ***The board of trustees of a school district may submit to the Department, in the form prescribed by the Department, a plan to operate an alternative program.***

3. The Superintendent of Public Instruction shall review each plan to operate an alternative program submitted to the Department and approve or deny the plan. Approval by the Superintendent constitutes approval of each component of the plan for the alternative program.

4. If a plan for an alternative program is denied by the Superintendent of Public Instruction, the board of trustees of a school district may appeal the decision of the Superintendent to the State Board. The State Board may approve or deny the plan for the alternative program upon appeal.

5. An alternative program may include:

(a) A shorter school day ~~[, and]~~ ***or*** an opportunity for pupils to attend a longer school day ~~[,]~~ than that regularly provided in ~~[high school.]~~ ***the school district. The alternative program must provide for a number of minutes of instruction that is equal to or greater than that which would be provided under a program consisting of 180 school days.***

(b) An opportunity for pupils to attend classes of instruction during any part of the calendar year.

(c) A comprehensive curriculum that includes elective classes of instruction and career and technical education.

(d) An opportunity for pupils to obtain academic credit through experience gained at work or while engaged in other activities.

(e) An opportunity for pupils to satisfy either:

(1) The requirements for a regular high school diploma; or

(2) The requirements for ~~[a high school diploma for adults.]~~ ***an adult standard diploma.***

(f) The provision of child care for the children of pupils.

(g) The transportation of pupils to and from classes of instruction.

(h) The ~~[temporary]~~ placement of pupils for independent study ~~[, if there are extenuating circumstances which prevent those pupils from attending the alternative program on a daily basis.~~

~~3.]~~ ***pursuant to NRS 389.155, if the board of trustees of the school district determines that the pupil would benefit from such placement.***

6. The board of trustees of a school district may operate an alternative program pursuant to this section through a program of distance education pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 5. NRS 388.826 is hereby amended to read as follows:

388.826 "Distance education" means instruction which is delivered by means of video, computer, television, ~~[correspondence,]~~ or the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the pupil receiving the instruction are separated geographically for a majority of the time during which the instruction is delivered.

Sec. 6. NRS 388.829 is hereby amended to read as follows:

388.829 "Program of distance education" means a program comprised of one or more courses of distance education that is designed for pupils who ~~[:~~

~~1. Are participating in a program for pupils who are at risk of dropping out of high school pursuant to NRS 388.537.~~

~~2. Are participating in a program of independent study pursuant to NRS 389.155.~~

~~3. Are enrolled in a public school that does not offer advanced or specialized courses.~~

~~4. Have a physical or mental condition that would otherwise require an excuse from compulsory attendance pursuant to NRS 392.050.~~

~~5. Would otherwise be excused from compulsory attendance pursuant to NRS 392.080.~~

~~6. Are otherwise prohibited from attending public school pursuant to NRS 392.264, 392.4642 to 392.4648, inclusive, 392.466, 392.467 or 392.4675.~~

~~7. Are otherwise permitted to enroll in a program of distance education provided by the board of trustees of a school district if the board of trustees determines that special circumstances warrant enrollment for the pupil.~~

~~8. Are otherwise permitted to enroll in a program of distance education provided by the governing body of a charter school if the governing body of the charter school determines that special circumstances warrant enrollment for the pupil.]~~ ***meet the criteria for enrollment in a program of distance education prescribed in NRS 388.850.***

Sec. 7. NRS 388.850 is hereby amended to read as follows:

388.850 1. A pupil may enroll in a program of distance education only if the pupil satisfies the requirements of any other applicable statute and the pupil:

(a) Is participating in a program for pupils at risk of dropping out of ~~[high]~~ school pursuant to NRS 388.537;

(b) Is participating in a program of independent study pursuant to NRS 389.155;

(c) Is enrolled in a public school that does not offer certain advanced or specialized courses that the pupil desires to attend;

(d) Has a physical or mental condition that would otherwise require an excuse from compulsory attendance pursuant to NRS 392.050;

(e) Would otherwise be excused from compulsory attendance pursuant to NRS 392.080;

(f) Is otherwise prohibited from attending public school pursuant to NRS 392.264, 392.4642 to 392.4648, inclusive, 392.466, 392.467 or 392.4675;

(g) Is otherwise permitted to enroll in a program of distance education provided by the board of trustees of a school district if the board of trustees determines that the ~~[circumstances warrant enrollment for the pupil;]~~ ***pupil will benefit from the program;*** or

(h) Is otherwise permitted to enroll in a program of distance education provided by the governing body of a charter school if the governing body of the charter school determines that the ~~[circumstances warrant enrollment for the pupil.]~~ ***pupil will benefit from the program.***

2. In addition to the eligibility for enrollment set forth in subsection 1, a pupil must satisfy the qualifications and conditions for enrollment in a program of distance education adopted by the State Board pursuant to NRS 388.874.

3. A child who is exempt from compulsory attendance and receiving equivalent instruction authorized by the State Board pursuant to subsection 1 of NRS 392.070 is not eligible to enroll in or otherwise attend a program of distance education, regardless of whether he is otherwise eligible for enrollment pursuant to subsection 1.

4. If a pupil who is prohibited from attending public school pursuant to NRS 392.264 enrolls in a program of distance education, the enrollment and attendance of that pupil must comply with all requirements of NRS 62F.100 to ~~[62F.140,]~~ ***62F.150,*** inclusive, and 392.251 to 392.271, inclusive.

5. If a pupil is eligible for enrollment in a program of distance education pursuant to paragraph (c) of subsection 1, he may enroll in the program of distance education only to take those advanced or specialized courses that are not offered at the public school he otherwise attends.

Sec. 8. NRS 388.854 is hereby amended to read as follows:

388.854 1. Except as otherwise provided in this subsection, before a pupil may enroll full time or part time in a program of distance education that is provided by a school district other than the school district in which the pupil resides, the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. Before a pupil who is enrolled in a public school of a school district may enroll part time in a program of distance education that is provided by a charter school, the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. A pupil who enrolls full time in a program of distance education that is provided by a charter school is not required to obtain the approval of the board of trustees of the school district in which the pupil resides.

2. If the board of trustees of a school district grants permission pursuant to subsection 1, the board of trustees shall enter into a written agreement with the board of trustees or governing body, as applicable, that provides the program of distance education. A separate agreement must be prepared for each year that a pupil enrolls in a program of distance education. ~~[The written agreement must:~~

~~(a) Contain a statement prepared by the board of trustees of the school district in which the pupil resides indicating that the board of trustees understands that the Superintendent of Public Instruction will make appropriate adjustments in the apportionments to the school district pursuant to NRS 387.124 to account for the pupil's enrollment in the program of distance education;~~

~~(b) If the pupil plans to enroll part time in the program of distance education, contain a statement prepared by the board of trustees of the school district in which the pupil resides and the board of trustees or governing body that provides the program of distance education setting forth the percentage of the total time services will be provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides;~~

~~(c) Be signed by the board of trustees of the school district in which the pupil resides and the board of trustees or governing body that provides the program of distance education; and~~

~~(d) Include any other information required by the State Board by regulation.~~

~~3. On or before the last day of the first school month of each school year or March 1 of each school year, as applicable for the semester of enrollment, a written agreement must be filed with the Superintendent of Public Instruction for each pupil who is enrolled full time in a program of distance education provided by a school district other than the school district in which the pupil resides. On or before the last day of the first school month of each school year or March 1 of each school year, as applicable for the semester of enrollment, a written agreement must be filed with the Superintendent of Public Instruction for each pupil who is enrolled in a public school of the school district and who is enrolled part time in a program of distance education provided by a charter school. If an agreement is not filed for a pupil who is enrolled in a program of distance education as required by this section, the Superintendent of Public Instruction shall not apportion money for that pupil to the board of trustees of the school district in which the pupil resides, or the board of trustees or governing body that provides the program of distance education.]~~

Sec. 9. NRS 388.858 is hereby amended to read as follows:

388.858 1. If a pupil is enrolled in a charter school, he may enroll full time in a program of distance education only if the charter school in which he is enrolled provides the program of distance education.

2. Before a pupil who is enrolled in a charter school may enroll part time in a program of distance education that is provided by a school district or another charter school, the pupil must obtain the written permission of the governing body of the charter school in which the pupil is enrolled.

3. If the governing body of a charter school grants permission pursuant to subsection 2, the governing body shall enter into a written agreement with the board of trustees or governing body, as applicable, that provides the program of distance education. A separate agreement must be prepared for each year that a pupil enrolls in a program of distance education. ~~[The written agreement must:~~

~~(a) Contain a statement prepared by the governing body of the charter school in which the pupil is enrolled indicating that the governing body understands that the Superintendent of Public Instruction will make appropriate adjustments in the apportionments to the charter school pursuant to NRS 387.124 to account for the pupil's enrollment in the program of distance education;~~

~~(b) Contain a statement prepared by the governing body of the charter school in which the pupil is enrolled and the board of trustees or governing body that provides the program of distance education setting forth the percentage of the total time services will be provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides;~~

~~(c) Be signed by the governing body of the charter school in which the pupil is enrolled and the board of trustees or governing body that provides the program of distance education; and~~

~~(d) Include any other information required by the State Board by regulation.~~

~~4. On or before the last day of the first school month of each school year or March 1 of each school year, as applicable for the semester of enrollment, a written agreement must be filed with the Superintendent of Public Instruction for each pupil who is enrolled in a charter school and who is enrolled part time in a program of distance education provided by a school district or another charter school. If an agreement is not filed for such a pupil, the Superintendent of Public Instruction shall not apportion money for that pupil to the governing body of the charter school in which the pupil is enrolled, or the board of trustees or governing body that provides the program of distance education.]~~

Sec. 10. NRS 388.866 is hereby amended to read as follows:

388.866 1. The board of trustees of a school district or the governing body of a charter school that provides a program of distance education shall ensure that ~~[, for]~~ ***:***

(a) For each course offered through the program, a teacher:

~~[(a)]~~ ***(1)*** Provides the work assignments to each pupil enrolled in the course that are necessary for the pupil to complete the course; ~~[and]~~

~~[(b)]~~ ***(2)*** Meets or otherwise communicates with the pupil at least once each week during the course to discuss the pupil's progress ~~[.]~~ ***; and***

~~[(c)]~~ ***(3) Enters into a written agreement with the pupil and his parent or legal guardian outlining the objectives of the course, the timeline for completion of the course and the method by which the progress of the pupil will be assessed*** ~~[.]~~ ***; or***

(b) The program satisfies the requirements of a plan to operate an alternative program of education submitted by the school district and approved pursuant to NRS 388.537.

2. If a course offered through a program of distance education is a core academic subject, as defined in NRS 389.018, the teacher who fulfills the requirements of subsection 1 must be a:

(a) Licensed teacher; or

(b) Teacher, instructor or professor who provides instruction at a community college or university. Such a teacher, instructor or professor may only be assigned to a course of distance education in the subject area for which he provides instruction at a community college or university.

Sec. 11. NRS 389.155 is hereby amended to read as follows:

389.155 1. The State Board shall, by regulation, establish a program pursuant to which a pupil ~~[enrolled full]~~ ***:***

(a) Enrolled full time in ~~[high school or a pupil who]~~ ***public school;***

(b) Enrolled in an alternative program pursuant to NRS 388.537;

(c) Enrolled in a program designed to meet the requirements for an adult standard diploma; or

(d) Except as otherwise provided in subsection 4, who has been suspended or expelled from a public school ***,***

➥ may complete any required or elective course by independent study outside of the normal classroom setting. A program of independent study provided pursuant to this section may be offered through a program of distance education pursuant to NRS 388.820 to 388.874, inclusive.

2. The regulations must ***:*** ~~[require that:]~~

(a) ***Require that:***

(1) The teacher of the course assign to the pupil the work assignments necessary to complete the course; and

~~[(b)]~~ ~~[The]~~ ***(2) For each course in which the pupil is enrolled, the*** pupil and ***the*** teacher ***of the course*** meet or otherwise communicate with each other at least once each week ~~[during]~~ ***for the duration of*** the course to discuss the pupil's progress ~~[.]~~ ***; or***

(b) Require that the program of independent study satisfies the requirements of a plan to operate an alternative program of education submitted by the school district and approved pursuant to NRS 388.537.

3. ~~[Except as otherwise provided in this subsection, the]~~ ***The*** board of trustees of a school district may, in accordance with the regulations adopted pursuant to subsections 1 and 2, provide for independent study by ***the*** pupils ~~[:~~

~~(a) Enrolled full-time in high schools in its district. A board of trustees that chooses to allow such study may provide that:~~

~~(1) The pupils participating in the independent study be given instruction individually or in a group.~~

~~(2) The independent study be offered during the regular school day.~~

~~(b) Who have been suspended or expelled from a public school.]~~ ***described in subsection 1.***

4. A program of independent study offered pursuant to this ~~[paragraph]~~ ***section*** must not allow a pupil ***who has been suspended or expelled from a public school*** to attend that public school during the period of his suspension or expulsion.

Sec. 12. NRS 389.160 is hereby amended to read as follows:

389.160 1. A pupil enrolled in high school, including, without limitation, a pupil enrolled in grade 9, 10, 11 or 12 in a charter school ~~[,]~~ ***or a pupil enrolled in a program designed to meet the requirements for an adult standard diploma,*** who successfully completes a course of education offered by a community college or university in this State which has been approved pursuant to subsection 2, must be allowed to apply the credit received for the course so completed to the total number of credits required for graduation from ***the*** high school or the charter school in which the pupil is enrolled ~~[.]~~ ***or the credits required for receipt of an adult standard diploma, as applicable.***

2. With the approval of the State Board, the board of trustees of each county school district and the governing body of each charter school shall prescribe the courses for which credits may be received pursuant to subsection 1, including occupational courses for academic credit, and the amount of credit allowed for the completion of those courses.

Sec. 13. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be suspended or expelled from that school, although he may be placed in another kind of school, for at least a period equal to one semester for that school. For a second occurrence, the pupil must be permanently expelled from that school and:

(a) Receive equivalent instruction authorized by the State Board pursuant to subsection 1 of NRS 392.070; or

(b) Enroll in a program of independent study provided pursuant to ~~[paragraph (b) of subsection 3 of]~~ NRS 389.155 ***for pupils who have been suspended or expelled from public school*** or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if he qualifies for enrollment and is accepted for enrollment in accordance with the ***requirements of the*** applicable ~~[requirements.]~~ ***program.***

2. Except as otherwise provided in this section, any pupil who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although he may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school and:

(a) Receive equivalent instruction authorized by the State Board pursuant to subsection 1 of NRS 392.070; or

(b) Enroll in a program of independent study provided pursuant to ~~[paragraph (b) of subsection 3 of]~~ NRS 389.155 ***for pupils who have been suspended or expelled from public school*** or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if he qualifies for enrollment and is accepted for enrollment in accordance with the ***requirements of the*** applicable ~~[requirements.]~~ ***program.***

➥ The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to the expulsion requirement of this subsection if such modification is set forth in writing.

3. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil must be suspended or expelled from the school for a period equal to at least one semester for that school. For the period of his suspension or expulsion, the pupil must:

(a) Receive equivalent instruction authorized by the State Board pursuant to subsection 1 of NRS 392.070; or

(b) Enroll in a program of independent study provided pursuant to ~~[paragraph (b) of subsection 3 of]~~ NRS 389.155 ***for pupils who have been suspended or expelled from public school*** or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if he qualifies for enrollment and is accepted for enrollment in accordance with the ***requirements of the*** applicable ~~[requirements.]~~ ***program.***

4. This section does not prohibit a pupil from having in his possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

5. Any pupil in grades 1 to 6, inclusive, except a pupil who has been found to have possessed a firearm in violation of subsection 2, may be suspended from school or permanently expelled from school pursuant to this

section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

6. A pupil who is participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

(a) Suspended from school pursuant to this section for not more than 10 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

7. As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "Dangerous weapon" includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku, switchblade knife or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

8. The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if he is accepted for enrollment by the charter school pursuant to NRS 386.580. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to his suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 14. NRS 392.4675 is hereby amended to read as follows:

392.4675 1. Except as otherwise provided in this section, a pupil who is suspended or expelled from:

(a) Any public school in this State pursuant to NRS 392.466; or

(b) Any school outside of this State for the commission of any act which, if committed within this State, would be a ground for suspension or expulsion from public school pursuant to NRS 392.466,

➥ is ineligible to attend any public school in this State during the period of that suspension or expulsion.

2. A school district or a charter school, if the charter school offers the applicable program, may allow a pupil who is ineligible to attend a public school pursuant to this section to enroll in:

(a) An alternative program for the education of pupils at risk of dropping out of ~~[high school;]~~ ***school provided pursuant to NRS 388.537;***

(b) A program of independent study provided pursuant to ~~[paragraph (b) of subsection 3 of NRS 389.155, if he qualifies for enrollment and is accepted for enrollment in accordance with the applicable requirements;]~~ ***NRS 389.155 for pupils who have been suspended or expelled from public school;***

(c) A program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive ***;*** ~~[, if he qualifies for enrollment and is accepted for enrollment in accordance with the applicable requirements;]~~ or

(d) Any program of instruction offered pursuant to the provisions of NRS 388.550 ~~[.]~~ ***,***

➥ ***if he qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.*** A school district or charter school may conduct an investigation of the background of any such pupil to determine if the educational needs of the pupil may be satisfied without undue disruption to the program. If an investigation is conducted, the board of trustees of the school district or the governing body of the charter school shall, based on the results of the investigation, determine if the pupil will be allowed to enroll in such a program.

3. The provisions of subsections 1 and 2 do not prohibit a pupil from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if he is accepted for enrollment by the charter school pursuant to NRS 386.580. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to his suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 15. NRS 388.870 is hereby repealed.

Sec. 16. This act becomes effective on July 1, 2007.

TEXT OF REPEALED SECTION

388.870 Contents and submission of annual report by provider of distance education program. On or before November 1 of each year, the board of trustees of a school district or the governing body of a charter school that provides a program of distance education shall submit to the Department and to the Legislative Bureau of Educational Accountability and Program Evaluation a written report that contains a summary of the program for the immediately preceding school year which includes, without limitation:

1. A description of the manner in which the program was carried out;
2. The expenditures made for the program;

3. The number of pupils who were enrolled full time in the program and the number of pupils who were enrolled part time in the program;

4. If available, a description of the reasons why pupils enrolled in the program;

5. The number of pupils who dropped out of the program, if any;

6. A description of any disciplinary measures taken against pupils who were enrolled in the program; and

7. An analysis of the academic achievement and performance of the pupils who were enrolled in the program before and after the pupils participated in the program.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 150 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 18 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 66 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 226.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 226:

YEAS—42.

NAYS—None.

Assembly Bill No. 226 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 460.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 765.

AN ACT relating to education; requiring each school district to develop a program to provide enhanced compensation to employees of the school district; making various changes regarding the evaluation and admonition of educational personnel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 5 of this bill requires the board of trustees of each school district to establish a design team to facilitate the design, development and implementation of a program to provide enhanced compensation to employees of the school district.~~

~~Existing law requires each probationary teacher to be evaluated at least three times during each school year and a postprobationary teacher to be evaluated at least once each school year. (NRS 391.3125)]~~ Section 6 of this bill requires an administrator who is responsible for evaluating a teacher to personally observe that teacher in the classroom for not less than 60 minutes during each evaluation period. If a deficiency is discovered during the evaluation process, a reasonable effort must be made to assist the teacher to correct the deficiency. Existing law prescribes the circumstances under which an administrator may admonish an employee. (NRS 391.313) Section 7 of this bill requires an admonition to include a description of the deficiencies of the teacher and the actions that are necessary to correct those deficiencies.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. ~~[Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. The board of trustees of each school district shall establish a design team to facilitate the design, development and implementation of strategies to improve conditions of teaching and learning within the school district.~~

~~2. The membership of a design team created pursuant to subsection 1 must consist of persons appointed by the board of trustees from among:~~

~~(a) Representatives of the school district; and~~

~~(b) Representatives of recognized employee organizations which represent one or more groups of employees of the school district.~~

~~➡ At least 50 percent of the members that the board of trustees appoints to the design team must be representatives of recognized employee organizations which represent one or more groups of employees of the school district.~~

~~3. In carrying out its duties to facilitate the design, development and implementation of strategies to improve conditions of teaching and learning within the school district, the design team for each school district shall develop a program for the school district pursuant to which an employee of the school district may become eligible to earn an enhanced level of compensation by achieving outstanding development in his profession or employment, as assessed in accordance with the criteria developed pursuant to subsection 4.~~

~~4. To determine whether an employee of the school district has achieved outstanding development in his profession or employment, the design team for each school district shall develop criteria for use in the school district setting forth, without limitation:~~

~~(a) The activities in which an employee of the school district must participate to achieve outstanding development in his profession or employment;~~

~~(b) The duties an employee of the school district must carry out to achieve outstanding development in his profession or employment; and~~

~~(c) The knowledge and skills an employee of the school district must acquire to achieve outstanding development in his profession or employment.~~

~~5. A program of enhanced compensation developed pursuant to subsection 3 must be:~~

~~(a) Applicable to all employees of the school district for which the program is developed, regardless of whether those employees are licensed or unlicensed; and~~

~~(b) Bargained for in accordance with the provisions of chapter 288 of NRS.~~

~~6. As used in this section, "employee organization" has the meaning ascribed to it in NRS 288.040.]~~ **(Deleted by amendment.)**

Sec. 6. NRS 391.3125 is hereby amended to read as follows:

391.3125 1. It is the intent of the Legislature that a uniform system be developed for objective evaluation of teachers and other licensed personnel in each school district.

2. Each board, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations in narrative form. The policy must set forth a means according to which an employee's overall performance may be determined to be satisfactory or unsatisfactory. The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. In a similar manner, counselors, librarians and other licensed personnel must be evaluated on forms developed specifically for their respective specialties. A copy of the policy adopted by the board must be filed with the Department. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

3. A conference and a written evaluation for a probationary employee must be concluded ~~[no]~~ ***not*** later than:

(a) December 1;

(b) February 1; and

(c) April 1,

➥ of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board. ***An administrator charged with the evaluation of a***

probationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 45 consecutive minutes.

4. Whenever an administrator charged with the evaluation of a probationary employee believes the employee will not be reemployed for the second year of the probationary period or the school year following the probationary period, he shall bring the matter to the employee's attention in a written document which is separate from the evaluation ~~[no]~~ ***not*** later than ~~[February 15]~~ ***March 1*** of the current school year. The notice must include the reasons for the potential decision not to reemploy or refer to the evaluation in which the reasons are stated. Such a notice is not required if the probationary employee has received a letter of admonition during the current school year.

5. Each postprobationary teacher must be evaluated at least once each year. ***An administrator charged with the evaluation of a postprobationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 30 consecutive minutes.***

6. The evaluation of a probationary teacher or a postprobationary teacher must ~~[, if]~~ ***include, without limitation:***

(a) An evaluation of the classroom management skills of the teacher;

(b) A review of the lesson plans and the work log or grade book of pupils prepared by the teacher;

(c) An evaluation of whether the curriculum taught by the teacher is aligned with the standards of content and performance established pursuant to NRS 389.520, as applicable for the grade level taught by the teacher;

(d) An evaluation of whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic diversity, the needs of pupils enrolled in advanced courses of study and the needs of pupils who are limited English proficient;

(e) If necessary, ~~[include]~~ recommendations for improvements in ~~[his]~~ ***the*** performance ~~[. A reasonable effort must be made to assist the teacher to correct any deficiencies noted in the evaluation.]~~ ***of the teacher;***

(f) A description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation; and

(g) A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.

7. The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. ***Upon the***

request of a teacher, a reasonable effort must be made to assist the teacher to correct those deficiencies reported in the evaluation of the teacher for which the teacher requests assistance.

Sec. 7. NRS 391.313 is hereby amended to read as follows:

391.313 1. Whenever an administrator charged with supervision of a licensed employee believes it is necessary to admonish the employee for a reason that he believes may lead to demotion ~~[,]~~ ***or*** dismissal or cause the employee not to be reemployed under the provisions of NRS 391.312, he shall:

(a) Except as otherwise provided in subsection ~~[2,]~~ ***3,*** bring the matter to the attention of the employee involved, in writing, stating the reasons for the admonition and that it may lead to his demotion, dismissal or a refusal to reemploy him, and make a reasonable effort to assist the employee to correct whatever appears to be the cause for his potential demotion, dismissal or a potential recommendation not to reemploy him; and

(b) Except as otherwise provided in NRS 391.314, allow reasonable time for improvement, which must not exceed 3 months for the first admonition.

➥ ***The admonition must include a description of the deficiencies of the teacher and the action that is necessary to correct those deficiencies.***

2. An admonition issued to a licensed employee who, within the time granted for improvement, has met the standards set for him by the administrator who issued the admonition must be removed from the records of the employee together with all notations and indications of its having been issued. The admonition must be removed from the records of the employee not later than 3 years after it is issued.

~~[2.]~~ ***3.*** An administrator need not admonish an employee pursuant to paragraph (a) of subsection 1 if his employment will be terminated pursuant to NRS 391.3197. If by ~~[February 15]~~ ***March 1*** of the first or second year of his probationary period a probationary employee does not receive a written notice pursuant to subsection 4 of NRS 391.3125 of a potential decision not to reemploy him, he must receive an admonition before any such decision is made.

~~[3.]~~ ***4.*** A licensed employee is subject to immediate dismissal or a refusal to reemploy according to the procedures provided in NRS 391.311 to 391.3197, inclusive, without the admonition required by this section, on grounds contained in paragraphs (b), (f), (g), (h) and (p) of subsection 1 of NRS 391.312.

Sec. 8. NRS 391.3197 is hereby amended to read as follows:

391.3197 1. A probationary employee is employed on a contract basis for two 1-year periods and has no right to employment after either of the two probationary contract years.

2. The board shall notify each probationary employee in writing on or before May 1 of the first and second school years of his probationary period, as appropriate, whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary

employee. The employee must advise the board in writing on or before May 10 of the first or second year of his probationary period, as appropriate, of his acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify him in writing, in both the first and second years of his probationary period, no later than 45 days before his last day of work for the year under his contract whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. He must advise the board in writing within 10 days after the date of notification of his acceptance or rejection of reemployment for another year. Failure to advise the board of his acceptance of reemployment constitutes rejection of the contract.

3. A probationary employee who completes his 2-year probationary period and receives a notice of reemployment from the school district in the second year of his probationary period is entitled to be a postprobationary employee in the ensuing year of employment.

4. ~~[A]~~ ***If a*** probationary employee ~~[who receives an unsatisfactory evaluation]~~ ***receives notice pursuant to subsection 4 of NRS 391.3125 not later than March 1 of a potential decision not to reemploy him, the employee*** may request a supplemental evaluation by another administrator in the school district selected by him and the superintendent. If a school district has five or fewer administrators, the supplemental evaluator may be an administrator from another school district in ~~[the]~~ ***this*** State. If a probationary employee has received during the first school year of his probationary period three evaluations which state that the employee's overall performance has been satisfactory, the superintendent of schools of the school district or his designee shall waive the second year of the employee's probationary period by expressly providing in writing on the final evaluation of the employee for the first probationary year that the second year of his probationary period is waived. Such an employee is entitled to be a postprobationary employee in the ensuing year of employment.

5. If a probationary employee is notified that he will not be reemployed for the second year of his probationary period or the ensuing school year, his employment ends on the last day of the current school year. The notice that he will not be reemployed must include a statement of the reasons for that decision.

6. A new employee or a postprobationary teacher who is employed as an administrator shall be deemed to be a probationary employee for the purposes of this section and must serve a 2-year probationary period as an administrator in accordance with the provisions of this section. If the administrator does not receive an unsatisfactory evaluation during the first year of probation, the superintendent or his designee shall waive the second year of the administrator's probationary period. Such an administrator is entitled to be a postprobationary employee in the ensuing year of employment. If:

(a) A postprobationary teacher who is an administrator is not reemployed as an administrator after either year of his probationary period; and

(b) There is a position as a teacher available for the ensuing school year in the school district in which the person is employed,

➥ the board of trustees of the school district shall, on or before May 1, offer the person a contract as a teacher for the ensuing school year. The person may accept the contract in writing on or before May 10. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.

7. An administrator who has completed his probationary period pursuant to subsection 6 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the additional probationary period, the board of trustees of the school district in which the person is employed shall, on or before May 1, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10. If the person fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.

8. Before dismissal, the probationary employee is entitled to a hearing before a hearing officer which affords due process as set out in NRS 391.311 to 391.3196, inclusive.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. This act becomes effective on July 1, 2007.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 580.

Bill read third time.

Remarks by Assemblyman Denis.

Roll call on Assembly Bill No. 580:

YEAS—42.

NAYS—None.

Assembly Bill No. 580 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 596.

Bill read third time.

Remarks by Assemblymen Gerhardt, Anderson, and Allen.

Assemblywoman Gerhardt requested that the following remarks be entered in the Journal

ASSEMBLYWOMAN GERHARDT:

During the hearing regarding Assembly Bill 596 in the Committee on Judiciary most of the members had serious concerns about burdening custodial parents in order to reduce the federal deficit. In the hearing in Ways and Means, it was determined this was the only feasible way to comply. I have spoken with Chairman Anderson regarding a letter to be sent from the Committee on Judiciary to the Nevada Delegation expressing our concern about burdening custodial parents, and he has drafted a letter on our behalf.

ASSEMBLYMAN ANDERSON:

I want to reassure the body that on this particular piece of legislation, we did indeed send a letter of concern to the Chair of Ways and Means here in our body and to the Congress of the United States relative to the fiscal impact for parents. I think that we continue to hope that in the event that the federal legislation which mandated this is removed, the burden will not fall upon them. I believe that Ways and Means did take that into consideration and that was the will of the Committee on Judiciary.

ASSEMBLYWOMAN ALLEN:

I would just like to echo the sentiments of the two previous speakers. The committee came to a decision about the noncustodial parents, and I realize that was changed. I just want to make it clear that many of us do not believe it is right for the federal government to take child support money from the kids.

Roll call on Assembly Bill No. 596:

YEAS—36.

NAYS—Beers, Buckley, Carpenter, Goedhart, Mabey, Settelmeyer—6.

Assembly Bill No. 596 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 99 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 137.

Bill read third time.

Remarks by Assemblyman Christensen.

Roll call on Senate Bill No. 137:

YEAS—42.

NAYS—None.

Senate Bill No. 137 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 183.

Bill read third time.

Remarks by Assemblyman Stewart.

Roll call on Senate Bill No. 183:

YEAS—42.

NAYS—None.

Senate Bill No. 183 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 198.

Bill read third time.

Remarks by Assemblyman Claborn.

Assemblywoman Smith moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:57 a.m.

ASSEMBLY IN SESSION

At 11:59

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that Senate Bill No. 198 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:59 a.m.

ASSEMBLY IN SESSION

At 12:05 p.m.

Madam Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 210.

Bill read third time.

Roll call on Senate Bill No. 210:

YEAS—42.

NAYS—None.

Senate Bill No. 210 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 244.

Bill read third time.

Remarks by Assemblywoman Gerhardt.

Potential conflict of interest declared by Assemblywoman Gansert.

Roll call on Senate Bill No. 244:

YEAS—42.

NAYS—None.

Senate Bill No. 244 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 336.

Bill read third time.

Remarks by Assemblyman Grady.

Roll call on Senate Bill No. 336:

YEAS—42.

NAYS—None.

Senate Bill No. 336 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 337.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Senate Bill No. 337:

YEAS—42.

NAYS—None.

Senate Bill No. 337 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 338.

Bill read third time.

Roll call on Senate Bill No. 338:

YEAS—42.

NAYS—None.

Senate Bill No. 338 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 357.

Bill read third time.

Remarks by Assemblyman Kihuen.

Roll call on Senate Bill No. 357:

YEAS—42.

NAYS—None.

Senate Bill No. 357 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 150; Senate Bills Nos. 18, 66, 99, 367, 369, 384, 389, 391, 396, 399, 401, 403, 417, 419, 430, 456, 470, 486, 491, 504, 511, 515, 519, 534, 549; Senate Joint Resolutions Nos. 6, 10, 11, 12, 13, 15, 16, and 17 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 594 be taken from the Chief Clerk's desk and placed at the top of the General File for the next legislative day.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 128, 440, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 102, 279, 432; Assembly Concurrent Resolution No. 6; Senate Bills Nos. 17, 39, 60, 175, 230, 559.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Roger Corbett Elementary School: Martha Aguilar, Ivan Arellano, Amilcar Bolanos, Manuel Chinchilla, Kira cloyd, Rodney Collins, Oscar Cuevas, Jose De La Riva, Milisa Diaz, Raphael Garcia, Jose Grajeda, Jose Hernandez, Luis Lopez, Bibian Mellado, Brooklyn Mikel, Kayia Murray, Selen Ramirez, Alfredo Rodriquez, Victor Rodriquez, Ulyssess Ruiz, Jose Saldana, Malaefoa Sofara, Iris Soriano, Heman Sotelo, Raul Terriquez, James Trelschel, Sindy Vanagas, Arnold Deneal, Avila Rene, Batres Israel, Luigl Diaz, Diana Garcia, Leonardo Gil, Richard Guerrero, Angel Hernandez, Travon Hidreth, Veronica Loza, Mysti Ludy, Jacob Lytle, Brenda Monroy, Vicky Murphy, Edwin Navarro, Joselyn Noguera, Victor Nunez, Ericka Ollva, Jorge Orozco, Carto Ortiz, Alondra Perez, Clarissa Pintor, Ana Ramos, Carina Rangel, Diego Rodriquez, Gustavo Rodriquez, Jaqueline Sanchez, Jose Vargas, and Emanuel Villa; teacher Karen Shaw; chaperones Lori Poajzl, Mirna Campbell, Terresa Teague, Susan Treischel, Norma Mellado and Carlos Sotelo.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Paul.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Jill Hardy.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Fremont Elementary School: Adarah Ball, Amy Harrison, Austin Kendall, Brandon Dultz, Celina Viramontes-Casteneda, Consuelo Rodiles, Emily Tiehm, Hannah Goddard, Hugo Resendiz, Isidro Landa, Jacob Snyder, Jacqueline Lopez, Jason Allen, Jocelyn Jacobo, Kayla Hall, Kevin Zaragoza, Kylie Couste, Kylie Memro, Lorena Lemus, Megan Goodale, Samantha Schultz, Saul Machuca, Taylor Rampley, Thomas Stafford, Warren Toleson, Maria Ayala, Shaina Bird, Michael Bohn, Heather Canfield, Oscar Chavez, Tylar Chester, Delaney Cobb, Brittany Hooper, Kennadie Frias, Austin Gardner, Angel Gomez, Lexy Hakala , Jesse Knight, Savannah Law, Michael Martin, Timmy Martin, Richie McCoy, Jeremy Miller, Taylor Olson, Aaron Perez, Alex Pray, Amanda Ramsey, Dyllan Sapp, and Erin Wilkes; teacher Vickie Parsons; chaperones Marci Goodale, Denia Bullard, Steve Snyder, Kevin Law, Mia Frias, Jeff Cobb, Stacey Villigan, Amanda Ramsey, Sergio Lemus, Skip Canfield and Mitch Martin.

Assemblyman Oceguera moved that the Assembly adjourn until Monday, May 21, 2007, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:25 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTH DAY

CARSON CITY (Monday), May 21, 2007

Assembly called to order at 11:56 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

O Lord, keep strong our faith in the power of prayer as we unite our petitions in this sacred moment. We have asked for Your guidance in difficult decisions many times, yet it has not always come when we thought it should. Many of the situations and relationships which we have asked You to change have remained the same. Forgive us for thinking, therefore, that You are unwilling to help us in our dilemmas or that there is nothing You can do. Remind us, O God, that when we plug in an electric iron and it fails to work, we do not conclude that electricity has lots its power, nor do we plead with the iron. We look at once to the wiring to find what has broken or blocked the connection with the source of power.

May we do the same with ourselves, that You can work through us to do Your will. This we ask in the name of our Lord.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 312, 313, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which were referred Senate Bills Nos. 110, 143, 184, 239, 247, 328, 398, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 533, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Senate Bills Nos. 112, 142, 169, 171, 195, 228, 266, 356, 536, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 243, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 10, 16, 298, 303, 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bills Nos. 275, 329, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JERRY D. CLABORN, *Chair*

Madam Speaker:

Your Committee on Taxation, to which were referred Senate Bills Nos. 74, 147, 503, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Taxation, to which was referred Senate Bills Nos. 146, 502 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KATHY MCCLAIN, *Chair*

Madam Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 58, 206, 293, 300, 315, 451, 481, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which was referred Senate Joint Resolution No. 18, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 203, 206, 616 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 354, 508, 579, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

Madam Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 182, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that the reading of the Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

Assemblyman Oceguera moved that for the balance of the session all bills and joint resolutions reported out of committee be immediately placed on the appropriate reading file.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 150 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 18 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 66 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 99 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 401 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 352 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 352.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 750.

SUMMARY— ~~[Requires the Southern Nevada Enterprise Community Advisory Board to develop a project to make certain improvements to infrastructure in and near]~~ **Makes various changes relating to** the Southern Nevada Enterprise Community. (BDR S-1315)

AN ACT relating to ~~[the Southern Nevada Enterprise Community;]~~ **economic development;** requiring the Southern Nevada Enterprise Community Advisory Board to develop a project to make certain improvements to infrastructure in and near the Community; **extending the temporary tax incentive for locating or expanding businesses that are or will become grocery stores within the Community;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill enacts the Southern Nevada Enterprise Community Infrastructure Improvement Act and requires the Southern Nevada Enterprise Community Advisory Board to develop a project to make certain improvements to infrastructure in and near the Southern Nevada Enterprise Community. **This bill also extends the temporary tax incentive for locating or expanding businesses that are or will become grocery stores within the Southern**

Nevada Enterprise Community. (Chapter 198, Statutes of Nevada 2005, p. 639)

WHEREAS, On December 21, 1994, President William Jefferson Clinton designated nine census tracts in the urban core of the Las Vegas Valley as an "enterprise community"; and

WHEREAS, The designation was accompanied by an award of $2,950,000 in Title XX funds to be used for projects in the enterprise community; and

WHEREAS, The Southern Nevada Enterprise Community so created includes the target areas of West Las Vegas, East Las Vegas, Meadows Village and North Las Vegas; and

WHEREAS, The Southern Nevada Enterprise Community involves a partnership among the cities of Las Vegas and North Las Vegas, and Clark County, working together to harness resources from the public, private and nonprofit sectors to provide programs, services and facilities to the target areas; and

WHEREAS, The empowerment of persons and neighborhoods within the Southern Nevada Enterprise Community includes "weed and seed" strategies to "weed" out violence, gangs, drug trafficking and drug-related crime, and to "seed" neighborhoods with social services and economic revitalization; and

WHEREAS, Efforts to revitalize neighborhoods economically, to be successful, require a certain minimum level of "infrastructure" in the form of the basic facilities, services and installations needed for the proper functioning of a community; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. This act may be cited as the Southern Nevada Enterprise Community Infrastructure Improvement Act.

Sec. 2. As used in sections 1 to ~~[13,]~~ **14,** inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 3. "Advisory Board" means the Southern Nevada Enterprise Community Advisory Board created pursuant to section 8 of this act.

Sec. 4. (Deleted by amendment.)

Sec. 5. "Community" means the Southern Nevada Enterprise Community, nine census tracts designated by President William Jefferson Clinton on December 21, 1994.

Sec. 6. "Infrastructure" means publicly owned or publicly supported facilities that are necessary or desirable to support intense habitation within a region, including, without limitation, parks, roads, schools, libraries, community centers, police and fire protection, sanitary sewers, facilities for mass transit and facilities for the conveyance of water and the treatment of wastewater.

Sec. 7. "Project" means the Southern Nevada Enterprise Community Improvement Project developed pursuant to section 11 of this act.

Sec. 8. 1. The Southern Nevada Enterprise Community Advisory Board is hereby created.

2. The Advisory Board consists of nine members, appointed in consultation with residents of the Community, as follows:

(a) One member of the Nevada Congressional Delegation selected from among its membership or his designee;

(b) One member of the Nevada Legislature who represents the Community or his designee;

(c) One member of the Clark County Board of County Commissioners selected from among its membership or his designee;

(d) One member of the Las Vegas City Council from among its membership or his designee;

(e) One member of the North Las Vegas City Council from among its membership or his designee;

(f) Two residents of the Community, recommended and selected jointly by the Clark County Board of County Commissioners, the Las Vegas City Council and the North Las Vegas City Council;

(g) A representative of the private sector appointed by the Chamber of Commerce established in the Community; and

(h) A representative of the nonprofit charitable, educational and religious organizations in the Community, recommended and selected jointly by the Clark County Board of County Commissioners, the Las Vegas City Council and the North Las Vegas City Council.

3. Each member of the Advisory Board serves for a term of 3 years. A vacancy on the Advisory Board must be filled in the same manner as the original appointment. A member may be reappointed to the Advisory Board.

4. The members of the Advisory Board shall elect a Chairman and Vice Chairman by majority vote. After the initial election, the Chairman and Vice Chairman shall hold office for a term of 1 year beginning on August 1 of each year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the Advisory Board shall elect a Chairman or Vice Chairman, as appropriate, from among its members for the remainder of the unexpired term.

5. The City of North Las Vegas shall provide administrative support for the Advisory Board.

Sec. 9. The primary purposes of the Advisory Board are to:

1. Advise the governmental entities that have members on the Advisory Board with respect to the Project; and

2. Ensure that the needs and opinions of the residents of the Community are reflected adequately by the Project.

Sec. 10. (Deleted by amendment.)

Sec. 11. 1. On or before January 31, 2008, the Advisory Board shall prepare a written plan to carry out the Project to address the needs and issues of the Community.

2. The Advisory Board shall, within 120 days after preparing the written plan:

(a) Hold at least two public hearings on the written plan, each of which must be preceded by at least 30 days' notice within the Community; and

(b) Approve or reject the written plan based on input from the Community received at the public hearings.

3. A written plan adopted by the Advisory Board must:

(a) Set forth an adequate framework for carrying out the Project;

(b) Set forth a reasonable period in which to accomplish the goals of the Project; and

(c) Incorporate each of the required elements of the Project, as set forth in section 12 of this act.

4. If the Advisory Board rejects the written plan, the Advisory Board shall:

(a) Provide to the appropriate officers of the governmental entities that have members on the Advisory Board a written explanation of its reasons for the rejection; and

(b) Prepare a revised written plan and repeat the notice and hearings required by subsection 2 before approving or rejecting the revised written plan.

Sec. 12. The Project must include, without limitation, goals, objectives and policies relating to, and feasible timeframes for achieving:

1. The construction, repair and refurbishment of streets, buildings and other facilities as necessary to attract and maintain the viability of successful businesses within the Community;

2. The incorporation within the Community of open space, facilities for recreation, facilities for medical care and other measures as necessary to ensure that the Community develops with mixed uses;

3. The eradication of brownfields, the rehabilitation of condemned properties and the removal of structures and facilities that create a disincentive for development; and

4. The identification of sources of money to carry out the Project.

Sec. 13. The Advisory Board may accept any gifts, grants or donations for the purpose of preparing, developing and carrying out the Project.

Sec. 14. On or before February 1, 2009, the Advisory Board shall submit to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature a report that summarizes the activities of the Advisory Board during the period between the effective date of this act and December 31, 2008.

Sec. 15. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 16. **Section 6 of chapter 198, Statutes of Nevada 2005, at page 643, is hereby amended to read as follows:**

Sec. 6. 1. A person who intends to locate a grocery store within the Southern Nevada Enterprise Community established pursuant to 24 C.F.R. Part 597 during Fiscal Year 2004-2005**,** ~~[or]~~ 2005-2006 ***, 2006-2007, 2007-2008 or 2008-2009*** may submit a request to the governing body of the county, city or town in which the grocery store would operate for endorsement of an application by the person to the Commission on Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 or 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business would operate. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Commission. The Commission shall approve the application if the Commission makes the following determinations:

(a) The applicant has executed an agreement with the Commission which states that the grocery store will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4:

(1) Commence operation and continue in operation in the Southern Nevada Enterprise Community established pursuant to 24 C.F.R. Part 597 for a period specified by the Commission, which must be at least 5 years; and

(2) Continue to meet the eligibility requirements set forth in this subsection.

➥ The agreement must bind successors in interest of the grocery store for the specified period.

(b) The grocery store is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the grocery store will operate.

(c) The applicant invested or commits to invest a minimum of $500,000 in capital.

4. If the Commission on Economic Development approves an application for a partial abatement, the Commission shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the grocery store will be located.

5. The Commission on Economic Development may adopt such regulations as the Commission determines to be necessary or advisable to carry out the provisions of this section.

6. An applicant for an abatement who is aggrieved by a final decision of the Commission on Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

7. As used in this section:

(a) "Grocery store" means a business selling at retail groceries, including, without limitation, food for human consumption, articles used in the preparation of food, household supplies, dairy products, meat and produce, and having more than 10,000 square feet of floor space available to the public.

(b) "Selling at retail" has the meaning ascribed to it in NRS 372.050.

Sec. 17. **Section 7 of chapter 198, Statutes of Nevada 2005, at page 644, is hereby amended to read as follows:**

Sec. 7. 1. A person who intends to expand a grocery store or expand a business to become a grocery store within the Southern Nevada Enterprise Community established pursuant to 24 C.F.R. Part 597 during Fiscal Year 2004-2005**_,** ~~[or]~~ 2005-2006 ***, 2006-2007, 2007-2008 or 2008-2009*** may submit a request to the governing body of the county, city or town in which the business operates for endorsement of an application by the person to the Commission on Economic Development for a partial abatement of the taxes imposed on capital equipment pursuant to chapter 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Commission. The Commission shall approve the application if the Commission makes the following determinations:

(a) The applicant has executed an agreement with the Commission which states that the grocery store will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4:

(1) Continue in operation in the Southern Nevada Enterprise Community established pursuant to 24 C.F.R. Part 597 for a period specified by the Commission, which must be at least 5 years; and

(2) Continue to meet the eligibility requirements set forth in this subsection.

➥ The agreement must bind successors in interest of the grocery store for the specified period.

(b) The grocery store is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the grocery store operates.

(c) The applicant invested or commits to invest a minimum of $250,000 in capital equipment.

4. If the Commission on Economic Development approves an application for a partial abatement, the Commission shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation; and

(b) The Nevada Tax Commission.

5. The Commission on Economic Development may adopt such regulations as the Commission determines to be necessary or advisable to carry out the provisions of this section.

6. An applicant for an abatement who is aggrieved by a final decision of the Commission on Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

7. As used in this section:

(a) "Grocery store" means a business selling at retail groceries, including, without limitation, food for human consumption, articles used in the preparation of food, household supplies, dairy products, meat and produce, and having more than 10,000 square feet of floor space available to the public.

(b) "Selling at retail" has the meaning ascribed to it in NRS 372.050.

Sec. 18. **Section 8 of chapter 198, Statutes of Nevada 2005, at page 646, is hereby amended to read as follows:**

Sec. 8. During the Fiscal Years ~~[2005-2006 and]~~ 2006-2007, ***2007-2008 and 2008-2009,*** the Commission on Economic Development shall, until the Commission has granted $1,000,000 in partial abatements pursuant to sections 2, 3, 6 and 7 of this act, give priority to and expedite the processing of applications received by the Commission pursuant to section 6 or 7 of this act.

~~[Sec. 16.]~~ ***Sec. 19.*** This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 594.

Bill read third time.

Potential conflict of interest declared by Assemblyman Manendo.

Roll call on Assembly Bill No. 594:

YEAS—35.

NAYS—Allen, Beers, Christensen, Cobb, Mabey, Settelmeyer, Stewart—7.

Assembly Bill No. 594 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 128.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 726.

AN ACT relating to prescription drugs; requiring certain wholesalers and manufacturers of prescription drugs to file annually with the State Board of Pharmacy a report disclosing ~~[certain economic benefits that]~~ the ~~[wholesalers and manufacturers have provided to certain persons;]~~ **wholesalers' and manufacturers' compliance with a written marketing code of conduct;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from manufacturing or engaging in the wholesale distribution of certain drugs unless the person is licensed to do so by the State Board of Pharmacy. (NRS 639.100, 639.233) ~~[Section 1 of this]~~ **This** bill requires wholesalers and manufacturers ~~[who are licensed by the Board to file with the Board an annual report disclosing certain gifts and other economic benefits that the wholesaler or manufacturer has provided to certain persons. Section 1 requires that the annual report identify information which is a trade secret and prohibits the Board from disclosing such information. Section 1 requires a wholesaler or manufacturer to include in its annual report the name of each person to whom it provides economic benefits whose aggregate value exceeds $1,000, but also requires that the wholesaler or manufacturer notify the person before the value of the economic benefits provided to him exceeds that amount. Section 1 also requires the Board to prepare a compilation of the information contained in the annual reports, excluding trade secrets and to make the compilation available on the Internet. Section 1 further authorizes the imposition of civil penalties for wholesalers and manufacturers who fail to comply with the reporting requirements.]~~ **who employ a person to sell or market a drug, medicine, chemical, device or appliance in this State to adopt a written marketing code of conduct. This bill also requires a wholesaler or manufacturer to adopt a training program and policies and procedures, identify a compliance officer, conduct an annual audit and submit an annual report certifying the**

wholesaler's or manufacturer's compliance with the marketing code of conduct.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 and 2 of this bill and replace with the following new section 1:

Section 1. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A wholesaler or manufacturer who employs a person to sell or market a drug, medicine, chemical, device or appliance in this State shall:

(a) Adopt a written marketing code of conduct which establishes the practices and standards that govern the marketing and sale of its products. The marketing code of conduct must be based on applicable legal standards and incorporate principles of health care, including, without limitation, requirements that the activities of the wholesaler or manufacturer be intended to benefit patients, enhance the practice of medicine and not interfere with the independent judgment of health care professionals. Adoption of the most recent version of the Code on Interactions with Healthcare Professionals developed by the Pharmaceutical Research and Manufacturers of America satisfies the requirements of this paragraph.

(b) Adopt a training program to provide regular training to appropriate employees, including, without limitation, all sales and marketing staff, on the marketing code of conduct.

(c) Conduct annual audits to monitor compliance with the marketing code of conduct.

(d) Adopt policies and procedures for investigating instances of noncompliance with the marketing code of conduct, including, without limitation, the maintenance of effective lines of communication for employees to report noncompliance, the investigation of reports of noncompliance, the taking of corrective action in response to noncompliance and the reporting of instances of noncompliance to law enforcement authorities in appropriate circumstances.

(e) Identify a compliance officer responsible for developing, operating and monitoring the marketing code of conduct.

2. A wholesaler or manufacturer who employs a person to sell or market a drug, medicine, chemical, device or appliance in this State shall submit to the Board annually:

(a) A copy of its marketing code of conduct;

(b) A description of its training program;

(c) A description of its investigation policies;

(d) The name, title, address, telephone number and electronic mail address of its compliance officer; and

(e) Certification that it has conducted its annual audit and is in compliance with its marketing code of conduct.

3. On or before January 15 of each odd-numbered year, the Board shall prepare and submit to the Governor, and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, a compilation of the information submitted to the Board pursuant to this section, other than any information identified as a trade secret in the information submitted to the Board.

4. The Board:

(a) Shall adopt regulations providing for the time of the submission and the form of the information required pursuant to this section and defining "compliance" for the purposes of this section.

(b) May not require the disclosure of the results of an audit conducted pursuant to this section.

(c) Shall post on its Internet website information concerning the compliance of all wholesalers and manufacturers with the requirements of this section.

(d) Shall not disclose any proprietary or confidential business information that it receives pursuant to this section.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 161.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 161:

YEAS—42.

NAYS—None.

Assembly Bill No. 161 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 440.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 728.

AN ACT relating to financial transactions; prohibiting a person from engaging in certain conduct with the intent to defraud a participant in a mortgage lending transaction; prohibiting certain conduct by a foreclosure consultant; providing an administrative penalty for certain conduct by a foreclosure consultant; providing a civil cause of action against a foreclosure consultant under certain circumstances; prohibiting a foreclosure purchaser from engaging in certain fraudulent conduct; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, it is an unfair lending practice for a lender to knowingly or intentionally make a home loan to a borrower based solely on the borrower's equity in the home property and without determining that the borrower has the ability to repay the home loan from income or other assets. (NRS 598D.100) Section 2 of this bill clarifies that the provision applies to a low-document, no-document or stated-document home loan if the loan is made based solely on the borrower's equity in the property or without determining the borrower's ability to repay the loan.

Section 3 of this bill establishes the crime of mortgage lending fraud, which is a category C felony. Section 3 also provides that a person who engages in a pattern of mortgage lending fraud is guilty of a category B felony. Furthermore, under section 3, if a lender commits mortgage lending fraud, the borrower may rescind the transaction within 2 years after the transaction has been completed. Chapters 645B and 645E of NRS govern mortgage brokers and mortgage agents and mortgage bankers, respectively.

Sections 7-20 of this bill establish specific rights and duties concerning foreclosure consultants and foreclosure purchasers. Section 9 defines a foreclosure consultant as a person who promises to perform, for compensation, various services for a homeowner whose residence is in foreclosure that the foreclosure consultant represents will assist the homeowner to, for example, postpone or prevent a foreclosure sale, obtain an extension of time to repay his mortgage loan, obtain an alternative loan or mortgage, file documents with a bankruptcy court or repair the homeowner's credit after foreclosure. Section 16 prohibits a foreclosure consultant from claiming or receiving any compensation from a homeowner until after the consultant has fully performed all the services he promised to perform and prohibits other conduct relating to his compensation. Section 16 also prohibits a foreclosure consultant from acquiring any interest in the residence of the homeowner. Section 17 authorizes the Commissioner of Mortgage Lending to impose an administrative penalty of not more than $10,000 on a foreclosure consultant who violates any provision of section 16. Section 18 creates a civil cause of action against a foreclosure consultant for a homeowner who is injured as a result of a foreclosure consultant's violation of any provision of section 16. If the homeowner prevails in his action against the foreclosure consultant, the court may award him his actual damages, punitive damages of at least 1 1/2 times his actual damages, his attorney's fees and costs of bringing the action.

Section 10 of this bill defines a foreclosure purchaser as a person who engages in the business of acquiring residences that are in foreclosure from their owners. Section 19 of this bill provides that a foreclosure purchaser who engages in conduct that defrauds or deceives a homeowner whose residence is in foreclosure is guilty of a gross misdemeanor. Section 19.5 of this bill provides that if a foreclosure purchaser engages in conduct that defrauds or deceives a homeowner whose residence is in foreclosure, the homeowner

may rescind the transaction in which the foreclosure purchaser acquired the residence of the homeowner. Section 19.5 further provides the procedures a homeowner must follow to rescind the transaction and prevents a homeowner from rescinding a transaction if the foreclosure purchaser has transferred an interest in the property to a bona fide purchaser.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 598D.040 is hereby amended to read as follows:

598D.040 "Home loan" means a consumer credit transaction that ~~[:~~

~~1. Is]~~ ***is*** secured by a mortgage loan which involves real property located within this State ~~[; and~~

~~2. Constitutes]~~ ***and includes, without limitation, a consumer credit transaction that constitutes*** a mortgage under § 152 of the Home Ownership and Equity Protection Act of 1994, 15 U.S.C. § 1602(aa), and the regulations adopted by the Board of Governors of the Federal Reserve System pursuant thereto, including, without limitation, 12 C.F.R. § 226.32.

Sec. 2. NRS 598D.100 is hereby amended to read as follows:

598D.100 1. It is an unfair lending practice for a lender to:

(a) Require a borrower, as a condition of obtaining or maintaining a home loan secured by home property, to provide property insurance on improvements to home property in an amount that exceeds the reasonable replacement value of the improvements.

(b) Knowingly or intentionally make a home loan to a borrower ~~[based]~~ ***, including, without limitation, a low-document home loan, no-document home loan or stated-document home loan:***

(1) Based solely upon the equity of the borrower in the home property ~~[and without]~~ ***; or***

(2) Without determining that the borrower has the ability to repay the home loan from other assets, including, without limitation, income.

(c) Finance a prepayment fee or penalty in connection with the refinancing by the original borrower of a home loan owned by the lender or an affiliate of the lender.

(d) Finance, directly or indirectly in connection with a home loan, any credit insurance.

2. As used in this section:

(a) "Credit insurance" has the meaning ascribed to it in NRS 690A.015.

(b) ***"Low-document home loan" means a home loan:***

(1) Whose terms allow a borrower to establish his ability to repay the home loan by providing only limited verification of his income and other assets; or

(2) Which is evidenced only by a deed transferring some or all of the interest of the borrower in the home property to the creditor.

(c) "No-document home loan" means a home loan whose terms allow a borrower to establish his ability to repay the home loan without providing any verification of his income and other assets.

(d) "Prepayment fee or penalty" means any fee or penalty imposed by a lender if a borrower repays the balance of a loan or otherwise makes a payment on a loan before the regularly scheduled time for repayment.

(e) "Stated-document home loan" means a home loan whose terms allow a borrower to establish his ability to repay the home loan by providing only his own statement of verification of his income and other assets.

Sec. 3. Chapter 205 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who, with the intent to defraud a participant in a mortgage lending transaction:

(a) Knowingly makes a false statement or misrepresentation concerning a material fact or deliberately conceals or fails to disclose a material fact;

(b) Knowingly uses or facilitates the use of a false statement or misrepresentation made by another person concerning a material fact or deliberately uses or facilitates the use of another person's concealment or failure to disclose a material fact;

(c) Receives any proceeds or any other money in connection with a mortgage lending transaction that the person knows resulted from a violation of paragraph (a) or (b);

(d) Conspires with another person to violate any of the provisions of paragraph (a), (b) or (c); or

(e) Files or causes to be filed with a county recorder any document that the person knows to include a misstatement, misrepresentation or omission concerning a material fact,

➥ commits the offense of mortgage lending fraud which is a category C felony and, upon conviction, shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment.

2. A person who engages in a pattern of mortgage lending fraud or conspires or attempts to engage in a pattern of mortgage lending fraud is guilty of a category B felony and, upon conviction, shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, or by a fine of not more than $50,000, or by both fine and imprisonment.

3. Each mortgage lending transaction in which a person violates any provision of subsection 1 constitutes a separate violation.

4. Except as otherwise provided in this subsection, if a lender or any agent of the lender commits the offense of mortgage lending fraud in violation of this section, the mortgage lending transaction is voidable by the borrower and the transaction may be rescinded by the borrower within

2 years after the date the transaction is completed if the borrower gives written notice to the lender and records that notice with the recorder of the county in which the mortgage was recorded. A mortgage lending transaction is not voidable pursuant to this subsection if the lender has transferred the mortgage to a bona fide purchaser.

5. The Attorney General ~~[shall]~~ may investigate and prosecute a violation of this section.

6. As used in this section:

(a) "Bona fide purchaser" means any person who purchases a mortgage in good faith and for valuable consideration and who does not know or have reasonable cause to believe that the lender or any agent of the lender engaged in mortgage lending fraud in violation of this section.

(b) "Mortgage lending transaction" means any transaction between two or more persons for the purpose of making or obtaining, attempting to make or obtain, or assisting another person to make or obtain a loan that is secured by a mortgage or other lien on residential real property. The term includes, without limitation:

(1) The solicitation of a person to make or obtain the loan;

(2) The representation or offer to represent another person to make or obtain the loan;

(3) The negotiation of the terms of the loan;

(4) The provision of services in connection with the loan; and

(5) The execution of any document in connection with making or obtaining the loan.

(c) "Participant in a mortgage lending transaction" includes, without limitation:

(1) A borrower as defined in NRS 598D.020;

(2) An escrow agent as defined in NRS 645A.010;

(3) A foreclosure consultant as defined in section 9 of this act;

(4) A foreclosure purchaser as defined in section 10 of this act;

(5) An investor as defined in NRS 645B.0121;

(6) A lender as defined in NRS 598D.050;

(7) A mortgage agent as defined in NRS 645B.0125;

(8) A mortgage banker as defined in NRS 645E.100; and

(9) A mortgage broker as defined in NRS 645B.0127.

(d) "Pattern of mortgage lending fraud" means one or more violations of a provision of subsection 1 committed in two or more mortgage lending transactions which have the same or similar intents, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 5.3. **NRS 645B.020 is hereby amended to read as follows:**

645B.020 1. A person who wishes to be licensed as a mortgage broker must file a written application for a license with the Office of the

Commissioner and pay the fee required pursuant to NRS 645B.050. An application for a license as a mortgage broker must:

(a) ~~[Be verified.~~

~~(b)]~~ State the name, residence address and business address of the applicant and the location of each principal office and branch office at which the mortgage broker will conduct business within this State.

~~[(c)]~~ ***(b)*** State the name under which the applicant will conduct business as a mortgage broker.

~~[(d)]~~ ***(c)*** List the name, residence address and business address of each person who will:

(1) If the applicant is not a natural person, have an interest in the mortgage broker as a principal, partner, officer, director or trustee, specifying the capacity and title of each such person.

(2) Be associated with or employed by the mortgage broker as a mortgage agent.

~~[(e)]~~ ***(d)*** Include a general business plan and a description of the policies and procedures that the mortgage broker and his mortgage agents will follow to arrange and service loans and to conduct business pursuant to this chapter.

~~[(f)]~~ ***(e)*** State the length of time the applicant has been engaged in the business of a broker.

~~[(g)]~~ ***(f)*** Include a financial statement of the applicant and, if applicable, satisfactory proof that the applicant will be able to maintain continuously the net worth required pursuant to NRS 645B.115.

~~[(h)]~~ ***(g)*** Include all information required to complete the application.

~~[(i)]~~ ***(h)*** Include any other information required pursuant to the regulations adopted by the Commissioner or an order of the Commissioner.

2. If a mortgage broker will conduct business at one or more branch offices within this State, the mortgage broker must apply for a license for each such branch office.

3. Except as otherwise provided in this chapter, the Commissioner shall issue a license to an applicant as a mortgage broker if:

(a) The application ***is verified by the Commissioner and*** complies with the requirements of this chapter; and

(b) The applicant and each general partner, officer or director of the applicant, if the applicant is a partnership, corporation or unincorporated association:

(1) Has a good reputation for honesty, trustworthiness and integrity and displays competence to transact the business of a mortgage broker in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of these qualifications to the Commissioner.

(2) Has not been convicted of, or entered a plea of nolo contendere to, a felony relating to the practice of mortgage brokers or any crime involving fraud, misrepresentation or moral turpitude.

(3) Has not made a false statement of material fact on his application.

(4) Has not had a license that was issued pursuant to the provisions of this chapter or chapter 645E of NRS suspended or revoked within the 10 years immediately preceding the date of his application.

(5) Has not had a license that was issued in any other state, district or territory of the United States or any foreign country suspended or revoked within the 10 years immediately preceding the date of his application.

(6) Has not violated any provision of this chapter or chapter 645E of NRS, a regulation adopted pursuant thereto or an order of the Commissioner.

Sec. 5.5. **NRS 645B.410 is hereby amended to read as follows:**

645B.410 1. To obtain a license as a mortgage agent, a person must:

(a) Be a natural person;

(b) File a written application for a license as a mortgage agent with the Office of the Commissioner;

(c) Comply with the applicable requirements of this chapter; and

(d) Pay an application fee set by the Commissioner of not more than $185.

2. An application for a license as a mortgage agent must:

(a) ~~[Be verified;~~

~~(b)]~~ State the name and residence address of the applicant;

~~[(c)]~~ ***(b)*** Include a provision by which the applicant gives his written consent to an investigation of his credit history, criminal history and background;

~~[(d)]~~ ***(c)*** Include a complete set of fingerprints which the Division may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

~~[(e)]~~ ***(d)*** Include a verified statement from the mortgage broker with whom the applicant will be associated that expresses the intent of that mortgage broker to associate the applicant with the mortgage broker and to be responsible for the activities of the applicant as a mortgage agent; and

~~[(f)]~~ ***(e)*** Include any other information or supporting materials required pursuant to the regulations adopted by the Commissioner or by an order of the Commissioner. Such information or supporting materials may include, without limitation, other forms of identification of the person.

3. Except as otherwise provided in this chapter, the Commissioner shall issue a license as a mortgage agent to an applicant if:

(a) The application ***is verified by the Commissioner and*** complies with the applicable requirements of this chapter; and

(b) The applicant:

(1) Has not been convicted of, or entered a plea of nolo contendere to, a felony relating to the practice of mortgage agents or any crime involving fraud, misrepresentation or moral turpitude;

(2) Has not had a financial services license suspended or revoked within the immediately preceding 10 years;

(3) Has not made a false statement of material fact on his application;

(4) Has not violated any provision of this chapter or chapter 645E of NRS, a regulation adopted pursuant thereto or an order of the Commissioner; and

(5) Has a good reputation for honesty, trustworthiness and integrity and displays competence to transact the business of a mortgage agent in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of these qualifications to the Commissioner.

4. Money received by the Commissioner pursuant to this section must be deposited in the Fund for Mortgage Lending created by NRS 645F.270.

Sec. 6. Chapter 645F of NRS is hereby amended by adding thereto the provisions set forth as sections 7 to 20, inclusive, of this act.

Sec. 7. ***As used in sections 7 to 20, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 8 to 14, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 8. ***"Covered service" includes, without limitation:***

1. Financial counseling, including, without limitation, debt counseling and budget counseling.

2. Receiving money for the purpose of distributing it to creditors in payment or partial payment of any obligation secured by a mortgage or other lien on a residence in foreclosure.

3. Contacting a creditor on behalf of a homeowner.

4. Arranging or attempting to arrange for an extension of the period within which a homeowner may cure his default and reinstate his obligation pursuant to a note, mortgage or deed of trust.

5. Arranging or attempting to arrange for any delay or postponement of the time of a foreclosure sale.

6. Advising the filing of any document or assisting in any manner in the preparation of any document for filing with a bankruptcy court.

7. Giving any advice, explanation or instruction to a homeowner which in any manner relates to the cure of a default in or the reinstatement of an obligation secured by a mortgage or other lien on the residence in foreclosure, the full satisfaction of the obligation, or the postponement or avoidance of a foreclosure sale.

Sec. 9. ***"Foreclosure consultant" means a person who, directly or indirectly, makes any solicitation, representation or offer to a homeowner to perform for compensation, or who, for compensation, performs any covered service that the person represents will do any of the following:***

1. Prevent or postpone a foreclosure sale;

2. Obtain any forbearance from any mortgagee or beneficiary of a deed of trust;

3. Assist the homeowner to exercise the right of reinstatement provided in the legal documents;

4. Obtain any extension of the period within which the homeowner may reinstate the homeowner's obligation;

5. Obtain any waiver of an acceleration clause contained in any promissory note or contract secured by a mortgage on a residence in foreclosure or included in the mortgage or deed of trust;

6. Assist the homeowner in foreclosure or loan default to obtain a loan or advance of money;

7. Avoid or ameliorate the impairment of the homeowner's credit resulting from the recording of a notice of default or the conduct of a foreclosure sale;

8. Save the homeowner's residence from foreclosure; or

9. Assist the homeowner to obtain a foreclosure reconveyance.

Sec. 10. ***"Foreclosure purchaser" means a person who, in the course of his business, vocation or occupation, acquires or attempts to acquire title to a residence in foreclosure from a homeowner.***

Sec. 11. ***1. "Foreclosure reconveyance" means a transaction that involves:***

(a) The transfer of title to a residence in foreclosure by a homeowner during a foreclosure proceeding by:

(1) The transfer of an interest in the residence in foreclosure from the homeowner; or

(2) The creation of a mortgage or other lien during the foreclosure process that allows the acquirer to obtain title to the residence in foreclosure by redeeming the property as a junior lien holder; and

(b) The subsequent conveyance, or promise of a subsequent conveyance, of an interest in the residence to the former homeowner by the acquirer, or a person acting in concert with the acquirer, that allows the former homeowner to remain in possession of the residence following the completion of the foreclosure proceeding.

2. As used in this section, "interest in the residence" includes, without limitation, an interest in a contract for a deed, a purchase agreement, and an option to purchase or lease.

Sec. 12. ***"Foreclosure sale" means the sale of real property to enforce an obligation secured by a mortgage or lien on the property, including the exercise of a trustee's power of sale pursuant to NRS 107.080.***

Sec. 13. ***"Homeowner" means the record owner of a residence in foreclosure at the time the notice of the pendency of an action for foreclosure is recorded pursuant to NRS 14.010 or the notice of default and election to sell is recorded pursuant to NRS 107.080.***

Sec. 14. ***"Residence in foreclosure" means residential real property consisting of not more than four family dwelling units, one of which the homeowner occupies as his principal place of residence, and against which there is an outstanding notice of the pendency of an action for foreclosure recorded pursuant to NRS 14.010 or notice of default and election to sell recorded pursuant to NRS 107.080.***

Sec. 15. ***The provisions of sections 7 to 20, inclusive, of this act do not apply to, and the terms "foreclosure consultant" and "foreclosure purchaser" do not include:***

1. An attorney at law rendering services in the performance of his duties as an attorney at law;

2. A person, firm, company or corporation licensed to engage in the business of debt adjustment pursuant to chapter 676 of NRS while engaging in that business;

3. A person licensed as a real estate broker, broker-salesman or salesman pursuant to chapter 645 of NRS while acting under the authority of that license;

4. A person or the authorized agent of a person acting under the provisions of a program sponsored by the Federal Government, this State or a local government, including, without limitation, the Department of Housing and Urban Development, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association or the Federal Home Loan Bank;

5. A person who holds or is owed an obligation secured by a mortgage or other lien on a residence in foreclosure if the person performs services in connection with this obligation or lien and the obligation or lien did not arise as the result of or as part of a proposed foreclosure reconveyance;

6. Any person doing business under the laws of this State or of the United States relating to banks, trust companies, savings and loan associations, industrial loan and thrift companies, regulated lenders, credit unions, insurance companies, or a mortgagee which is a United States Department of Housing and Urban Development approved mortgagee and any subsidiary or affiliate of those persons, and any agent or employee of those persons while engaged in the business of those persons;

7. A person licensed as an escrow agent, title agent, mortgage agent, mortgage broker or mortgage banker pursuant to chapter 645A, 692A, 645B or 645E of NRS, while acting under the authority of his license;

8. A nonprofit agency or organization that offers credit counseling or advice to a homeowner of a residence in foreclosure or a person in default on a loan; or

9. A judgment creditor of the homeowner whose claim accrued before the recording of the notice of the pendency of an action for foreclosure against the homeowner pursuant to NRS 14.010 or the recording of the notice of default and election to sell pursuant to NRS 107.080.

Sec. 16. ***A foreclosure consultant shall not:***

1. Claim, demand, charge, collect or receive any compensation until after the foreclosure consultant has fully performed each covered service that he contracted to perform or represented he would perform.

2. Claim, demand, charge, collect or receive any fee, interest or other compensation for any reason which is not fully disclosed to the homeowner.

3. Take any wage assignment, lien on real or personal property, assignment of a homeowner's equity or other interest in a residence in foreclosure or other security for the payment of compensation. Any such security is void and unenforceable.

4. Receive any consideration from any third party in connection with a covered service provided to a homeowner unless the consideration is first fully disclosed to the homeowner.

5. Acquire, directly or indirectly, any interest in the residence in foreclosure of a homeowner with whom the foreclosure consultant has contracted to perform a covered service.

6. Accept a power of attorney from a homeowner for any purpose, other than to inspect documents as provided by law.

Sec. 17. ***1. In addition to any other remedy or penalty, the Commissioner may, after giving notice and opportunity to be heard, impose an administrative penalty of not more than $10,000 on a foreclosure consultant who violates any provision of section 16 of this act.***

2. Except as otherwise provided in this section, all money collected from administrative penalties imposed pursuant to this section must be deposited in the State General Fund.

3. The money collected from an administrative penalty may be deposited with the State Treasurer for credit to the Fund for Mortgage Lending created by NRS 645F.270 if:

(a) The person pays the administrative penalty without exercising his right to a hearing to contest the penalty; or

(b) The administrative penalty is imposed in a hearing conducted by a hearing officer or panel appointed by the Commissioner.

4. The Commissioner may appoint one or more hearing officers or panels and may delegate to those hearing officers or panels the power of the Commissioner to conduct hearings, determine violations and impose the penalties authorized by this section.

5. If money collected from an administrative penalty is deposited in the State General Fund, the Commissioner may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 18. ***1. A homeowner who is injured as a result of a foreclosure consultant's violation of a provision of section 16 of this act may bring an action against the foreclosure consultant to recover damages caused by the violation, together with reasonable attorney's fees and costs.***

2. If the homeowner prevails in the action, the court may award such punitive damages as may be determined by a jury, or by a court sitting without a jury, but in no case may the punitive damages be less than 1 1/2 times the amount awarded to the homeowner as actual damages.

Sec. 19. ***A foreclosure purchaser who engages in any conduct that operates as a fraud or deceit upon a homeowner in connection with a***

transaction that is subject to the provisions of sections 7 to 20, inclusive, of this act, including, without limitation, a foreclosure reconveyance, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 1 year, or by a fine of not more than $50,000, or by both fine and imprisonment.

Sec. 19.5. ***1. In addition to the penalty provided in section 19 of this act and except as otherwise provided in subsection 5, if a foreclosure purchaser engages in any conduct that operates as a fraud or deceit upon a homeowner in connection with a transaction that is subject to the provisions of sections 7 to 20, inclusive, of this act, including, without limitation, a foreclosure reconveyance, the transaction in which the foreclosure purchaser acquired title to the residence in foreclosure is voidable by the homeowner and the transaction may be rescinded by the homeowner within 2 years after the date of the recording of the conveyance.***

2. To rescind a transaction pursuant to subsection 1, the homeowner must give written notice to the foreclosure purchaser and a successor in interest to the foreclosure purchaser, if the successor in interest is not a bona fide purchaser, and record that notice with the recorder of the county in which the property is located. The notice of rescission must contain:

(a) The name of the homeowner, the foreclosure purchaser and any successor in interest who holds title to the property; and

(b) A description of the property.

3. Within 20 days after receiving notice pursuant to subsection 2:

(a) The foreclosure purchaser and the successor in interest, if the successor in interest is not a bona fide purchaser, shall reconvey to the homeowner title to the property free and clear of encumbrances which were created subsequent to the rescinded transaction and which are due to the actions of the foreclosure purchaser; and

(b) The homeowner shall return to the foreclosure purchaser any consideration received from the foreclosure purchaser in exchange for the property.

4. If the foreclosure purchaser has not reconveyed to the homeowner title to the property within the period described in subsection 3, the homeowner may bring an action to enforce the rescission in the district court of the county in which the property is located.

5. A transaction is not voidable pursuant to this section if the foreclosure purchaser has transferred the property to a bona fide purchaser.

6. As used in this section, "bona fide purchaser" means any person who purchases an interest in a residence in foreclosure from a foreclosure purchaser in good faith and for valuable consideration and who does not know or have reasonable cause to believe that the foreclosure purchaser engaged in conduct which violates subsection 1.

Sec. 20. ***The rights, remedies and penalties provided pursuant to the provisions of sections 7 to 20, inclusive, of this act are cumulative and do not abrogate and are in addition to any other rights, remedies and penalties that may exist at law or in equity, including, without limitation, any criminal penalty that may be imposed pursuant to section 19 of this act.***

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 460.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 460:

YEAS—42.

NAYS—None.

Assembly Bill No. 460 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 608.

Bill read third time.

Remarks by Assemblywoman Weber.

Roll call on Assembly Bill No. 608:

YEAS—42.

NAYS—None.

Assembly Bill No. 608 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 7.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Senate Bill No. 7:

YEAS—42.

NAYS—None.

Senate Bill No. 7 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 72.

Bill read third time.

Remarks by Assemblyman Cobb.

Roll call on Senate Bill No. 72:

YEAS—42.

NAYS—None.

Senate Bill No. 72 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 139.
Bill read third time.
Roll call on Senate Bill No. 139:
YEAS—42.
NAYS—None.
Senate Bill No. 139 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 145.
Bill read third time.
Remarks by Assemblyman Settelmeyer.
Roll call on Senate Bill No. 145:
YEAS—42.
NAYS—None.
Senate Bill No. 145 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 264.
Bill read third time.
Remarks by Assemblyman Stewart.
Roll call on Senate Bill No. 264:
YEAS—42.
NAYS—None.
Senate Bill No. 264 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 330.
Bill read third time.
Remarks by Assemblywoman McClain.
Madam Speaker requested the privilege of the Chair for the purpose of making remarks.
Roll call on Senate Bill No. 330:
YEAS—42.
NAYS—None.
Senate Bill No. 330 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 367 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 369.
Bill read third time.
Remarks by Assemblyman Claborn.
Roll call on Senate Bill No. 369:
YEAS—42.
NAYS—None.
Senate Bill No. 369 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 384.
Bill read third time.
Remarks by Assemblymen Conklin and Carpenter.
Roll call on Senate Bill No. 384:
YEAS—42.
NAYS—None.
Senate Bill No. 384 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 389.
Bill read third time.
Remarks by Assemblyman Parks.
Roll call on Senate Bill No. 389:
YEAS—42.
NAYS—None.
Senate Bill No. 389 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that Senate Bill No. 391 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 396.
Bill read third time.
Remarks by Assemblyman Hardy.
Roll call on Senate Bill No. 396:
YEAS—42.
NAYS—None.
Senate Bill No. 396 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 399.

Bill read third time.

Remarks by Assemblyman McClain.

Roll call on Senate Bill No. 399:

YEAS—42.

NAYS—None.

Senate Bill No. 399 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 150; Senate Bills Nos. 18, 66, 99, 367, 400, 403, 417, 419, 420, 430, 456, 457, 470, 486, 491, 495, 500, 504, 508, 511, 515, 519, 534, 535, 549; Senate Joint Resolutions Nos. 6, 10, 11, 12, 13, 15, 16, and 17 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 17, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 6, 57, 95, 131, 154, 181, 217, 224, 233, 236.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 55, Senate Amendment No. 563; Assembly Bill No. 68, Senate Amendment No. 704; Assembly Bill No. 227, Senate Amendment No. 697, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 161, 251.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 696 to Senate Bill No. 115.

SHERRY L. RODRIGUEZ

Assistant Secretary of the Senate

Assemblyman Oceguera moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:44 p.m.

ASSEMBLY IN SESSION

At 12:48 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF WAIVER

A Waiver requested by Assemblywoman Buckley, Senators Raggio and Townsend and Assemblywomen Kirkpatrick and Smith.

For: A New BDR No. 58-1512. (A.B. 621)

To Waive:
Subsections 1 and 2 of Joint Standing Rule No. 14 and Joint Standing Rule Nos. 14.2 and 14.3.
Has been granted effective: May 16, 2007.

WILLIAM J. RAGGIO
Senate Majority Leader

BARBARA BUCKLEY
Speaker of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 620—AN ACT making an appropriation to Ethel-Willia, Inc., for the provision of certain child care services; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 621—AN ACT relating to energy; making various changes relating to the application procedures for and the provision of tax abatements and exemptions based upon the use of energy; repealing certain prospective energy requirements for public buildings; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 161.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 251.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Concurrent Resolution No. 30—Directing the Legislative Commission to conduct an interim study concerning issues relating to senior citizens and veterans.

Assemblywoman Koivisto moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 275.
Bill read second time and ordered to third reading.

Senate Bill No. 163.
Bill read second time and ordered to third reading.

Senate Bill No. 219.
Bill read second time and ordered to third reading.

Senate Bill No. 267.
Bill read second time and ordered to third reading.

Senate Bill No. 345.
Bill read second time and ordered to third reading.

Senate Bill No. 366.
Bill read second time and ordered to third reading.

Senate Bill No. 447.
Bill read second time and ordered to third reading.

Senate Bill No. 518.
Bill read second time and ordered to third reading.

Senate Bill No. 520.
Bill read second time and ordered to third reading.

Assembly Bill No. 203.
Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 766.

AN ACT making an appropriation to the Grants Management Unit of the Department of Health and Human Services to purchase vehicles for and expand the capacity of Family Resource Centers; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Grants Management Unit of the Department of Health and Human Services the sum of ~~[$380,000]~~ **$260,000** to ~~[expand the capacity of the Family Resource Centers throughout the State and to supply 20 vehicles to the Family Resource Center staff.]~~ **provide for the purchase of vehicles, improvements to facilities or information technology.**

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from

the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 206.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 767.

AN ACT making an appropriation to the Department of Administration to fund certain information technology projects; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Department of Administration the sum of $4,728,740 to pay the costs of information technology projects, including a state lands management system, enhancements to the Nevada Employee Action and Timekeeping System and the Nevada Executive Budget System, an electronic birth registration system, a study on the replacement of the EMS radio system, a medical and health records storage data warehouse and disaster recovery storage. **The money expended for each such information technology project must be accounted for in a separate category within the appropriate budget account.**

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 616.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 877.

AN ACT making a supplemental appropriation to the Department of Public Safety, Dignitary Protection, for unanticipated shortfalls in Fiscal Year 2006-2007 for dignitary protection; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Department of Public Safety, Dignitary Protection, the sum of ~~[$62,733]~~ **$50,240** for an unanticipated shortfall for Fiscal Year 2006-2007 for dignitary protection. This appropriation is supplemental to that made by section 30 of chapter 434, Statutes of Nevada 2005, at page 1942.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 10.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 794.

AN ACT relating to crimes; prohibiting a person from knowingly and intentionally capturing an image of the private area of another person under certain circumstances; prohibiting a person from knowingly distributing, disclosing, displaying, transmitting or publishing an image captured under such circumstances; prohibiting the inspection or release of such images under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill, which is patterned after similar provisions of federal law, prohibits a person from knowingly and intentionally capturing an image of the private area of another person without the consent of the other person and under circumstances in which the other person has a reasonable expectation of privacy. This bill also prohibits a person from distributing, disclosing, displaying, transmitting or publishing an image that the person knows or has reason to know was made under such circumstances. A person who violates either provision **for a first offense is guilty of a gross misdemeanor and for a second or subsequent offense** is guilty of a category E felony **.** ~~[,~~ ~~which means that the court is required to sentence the person to imprisonment in the state prison for a minimum term of not less than 1 year~~

~~and a maximum term of not more than 4 years, and may fine the person up to $5,000. The court is then required to suspend the execution of the sentence and place the person on probation after sentencing, unless specific circumstances are established which provide the court with discretion to decide whether to grant probation. Probation is subject to any conditions imposed by the court and may include serving up to 1 year in the county jail. (NRS 193.130)~~] This bill does not prohibit any lawful law enforcement or correctional activity for the purpose of investigating or prosecuting such violations, but this bill does prohibit the inspection or release of such images under certain circumstances to protect the privacy of the victim.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, a person shall not knowingly and intentionally capture an image of the private area of another person:

(a) Without the consent of the other person; and

(b) Under circumstances in which the other person has a reasonable expectation of privacy.

2. Except as otherwise provided in subsection 4, a person shall not distribute, disclose, display, transmit or publish an image that the person knows or has reason to know was made in violation of subsection 1.

3. A person who violates this section ~~*[is guilty of]*~~ **:**

(a) For a first offense, is guilty of a gross misdemeanor.

(b) For a second or subsequent offense, is guilty of ***a category E felony and shall be punished as provided in NRS 193.130.***

4. This section does not prohibit any lawful law enforcement or correctional activity, including, without limitation, capturing, distributing, disclosing, displaying, transmitting or publishing an image for the purpose of investigating or prosecuting a violation of this section.

5. If a person is charged with a violation of this section, any image of the private area of a victim that is contained within:

(a) Court records;

(b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;

(c) Records of criminal history, as that term is defined in NRS 179A.070; and

(d) Records in the Central Repository for Nevada Records of Criminal History,

➥ is confidential and, except as otherwise provided in subsections 6 and 7, must not be inspected by or released to the general public.

6. An image that is confidential pursuant to subsection 5 may be inspected or released:

(a) As necessary for the purposes of investigation and prosecution of the violation;

(b) As necessary for the purpose of allowing a person charged with a violation of this section and his attorney to prepare a defense; and

(c) Upon authorization by a court of competent jurisdiction as provided in subsection 7.

7. A court of competent jurisdiction may authorize the inspection or release of an image that is confidential pursuant to subsection 5, upon application, if the court determines that:

(a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the inspection or release; and

(b) Reasonable notice of the application and an opportunity to be heard have been given to the victim.

8. As used in this section:

(a) "Broadcast" means to transmit electronically an image with the intent that the image be viewed by any other person.

(b) "Capture," with respect to an image, means to videotape, photograph, film, record by any means or broadcast.

(c) "Female breast" means any portion of the female breast below the top of the areola.

(d) "Private area" means the naked or undergarment clad genitals, pubic area, buttocks or female breast of a person.

(e) "Under circumstances in which the other person has a reasonable expectation of privacy" means:

(1) Circumstances in which a reasonable person would believe that he could disrobe in privacy, without being concerned that an image of his private area would be captured; or

(2) Circumstances in which a reasonable person would believe that his private area would not be visible to the public, regardless of whether he is in a public or private place.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 16.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 795.

AN ACT relating to eminent domain; revising the provisions pertaining to the deposit of money with a court in an action in eminent domain; ~~[revising the provisions pertaining to the date of valuation of property in an action in eminent domain;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that when money is deposited in any court and payment is not required for 90 days or more, the money may be commingled with other deposits and invested, and the interest earned is deposited with the general fund of the political subdivision or municipality which supports the court. (NRS 355.210) Section 1 of this bill provides that when money is deposited in an action in eminent domain, the money must be deposited in a separate account and the owner of the property is entitled to some or all of the interest earned, depending upon the amount of compensation awarded to the owner as compared to the amount of money deposited.

~~[Existing law provides that the date of valuation of property in an action in eminent domain is the date of the first service of summons. However, if the action is not tried within 2 years after that date and the delay is caused primarily by the plaintiff or congestion in the court calendar, the date of valuation is the date of the commencement of the trial. (NRS 37.120) Section 1.5 of this bill requires the property owner to select as the date of valuation of the property the date the complaint is filed, the date of the commencement of the trial or the date of the commencement of a retrial.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 37 of NRS is hereby amended by adding thereto a new section to read as follows:

The interest earned from any investment of money that has been deposited in any court pursuant to this chapter must be distributed in the following manner:

1. If the amount of the compensation awarded upon final judgment, not including any interest upon the judgment, is equal to or greater than the amount of money deposited in the court, the defendant is entitled to receive all the interest earned.

2. If the amount of the compensation awarded upon final judgment, not including any interest upon the judgment, is less than the amount of money deposited in the court:

(a) The defendant is entitled to receive a percentage of the interest earned that represents the amount of money deposited in the court as compared to the amount of the compensation awarded upon final judgment, not including any interest upon the judgment.

(b) The plaintiff is entitled to receive any interest remaining following the distribution to the defendant pursuant to paragraph (a).

Sec. 1.5. ~~[NRS 37.120 is hereby amended to read as follows:~~

~~37.120 [1.] To assess compensation and damages as provided in NRS 37.110, the~~ [~~date of the first service of the summons is~~] ~~*value of the property on the date of valuation* [, except that, if the action is not tried within 2 years after the date of the first service of the summons, and the court makes a written finding that the delay is caused primarily by the plaintiff or is caused by congestion or backlog in the calendar of the court, the date of valuation is~~

~~the date of the actual commencement of the trial. If a new trial is ordered by a court, the date of valuation used in the new trial must be the date of valuation used in the original trial.~~

~~2. No improvements put upon the property after the date of the service of the summons may be included in the assessment of compensation or damages, regardless of the date of valuation.~~

~~3. As used in this section, "primarily" means the greater amount, quantity or quality of acts of the plaintiff or the defendant or, if there is more than one defendant, the total delay caused by all the defendants, that would cause the date of the trial to be continued past 2 years after the date of the first service of the summons.]~~ ~~*must be determined. The owner of the property shall select one of the following dates as the date of valuation:*~~

~~*1. The date the complaint is filed.*~~

~~*2. The date of the actual commencement of the trial.*~~

~~*3. If a new trial is ordered by a court, the date of the actual commencement of the new trial.]*~~ **(Deleted by amendment.)**

Sec. 2. NRS 355.210 is hereby amended to read as follows:

355.210 1. ~~[When]~~ ***Except as otherwise provided in subsection 2, when*** any money has been deposited in any court pursuant to law or rule of court, and when in the judgment of the clerk of the court, or the judge thereof if there is no clerk, payment out of the deposit will not be required for 90 days or more, the clerk or the judge, as the case may be, may invest the money so deposited, either alone or by commingling it with other money deposited.

2. ***If money has been deposited in any court pursuant to chapter 37 of NRS, the money must be kept in a separate account and invested.***

3. The investment may be made:

(a) By deposit at interest in a state or national bank or credit union in the State of Nevada; or

(b) In bills, bonds, debentures, notes or other securities whose purchase by a board of county commissioners is authorized by NRS 355.170.

~~[3. The]~~

4. Except as otherwise provided in section 1 of this act, the interest earned from any investment of money pursuant to this section ~~[shall]~~ ***must*** be deposited to the credit of the general fund of the political subdivision or municipality which supports the court.

~~[4.]~~ ***5.*** The requirements of this section may be modified by an ordinance adopted pursuant to the provisions of NRS 244.207 ~~[.]~~ ***, except the requirements of subsection 2.***

Sec. 3. The amendatory provisions of this act apply to an action in eminent domain that is filed on or after ~~[October 1, 2007.]~~ **the effective date of this act.**

Sec. 4. **This act becomes effective upon passage and approval.**

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 58.

Bill read second time and ordered to third reading.

Senate Bill No. 74.

Bill read second time and ordered to third reading.

Senate Bill No. 110.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 819.

AN ACT relating to education; revising provisions governing the administration of tests, examinations and assessments by the boards of trustees of school districts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the administration of the following examinations to pupils enrolled in the public schools: (1) examinations that are administered to a national reference group of pupils in grades 4, 7 and 10 (norm-referenced tests or NRTs); (2) examinations that assess the progress of pupils on the state standards of content and performance in grades 3 through 8 (criterion-referenced tests or CRTs); (3) the high school proficiency examination which pupils must pass to receive a standard high school diploma; and (4) examinations of the National Assessment of Educational Progress. (NRS 389.012, 389.015, 389.550) With the exception of the NRTs, the administration of these examinations is required by the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq.

Section 2 of this bill limits the district-wide tests, examinations and assessments that the board of trustees of a school district may administer between July 1, 2007, and January 1, 2009.

Section ~~[1]~~ **3** of this bill authorizes the board of trustees of each school district to require **, beginning on January 1, 2009,** the administration of ~~[additional]~~ district-wide tests, examinations and assessments that the board of trustees determines are vital to measuring pupil achievement and progress.

Section ~~[2]~~ **4** of this bill requires the ~~[Boards of Trustees of the Clark County and Washoe County School Districts to submit reports]~~ **board of trustees of each school district** to **submit a report to** the Legislative Committee on Education concerning the testing of pupils within ~~[their respective districts.]~~ **the school district during the 2006-2007 school year.**

WHEREAS, The Federal Government and the Nevada Legislature have imposed upon Nevada's public schools progressively more stringent requirements to demonstrate improved academic performance of pupils; and

WHEREAS, As a result of these requirements, the public schools in this State are required to administer an increasing number of standardized tests to pupils, including norm-referenced tests, criterion-referenced tests, proficiency tests and tests of the National Assessment of Educational Progress; and

WHEREAS, The school districts and charter schools in this State currently administer a variety of tests other than those required by state and federal law; and

WHEREAS, A recent report by the State Board of Education indicates that, in the aggregate, the task of preparing for and administering all these tests in schools throughout this State annually consumes hundreds of employee hours and costs at least $13 million; and

WHEREAS, Although there is an undeniable need for test data to evaluate the progress of Nevada's public schools and pupils in meeting the standards of academic performance, the Legislature hereby expresses that the demands for statistical information should not be allowed to unnecessarily divert the time for teachers and pupils to accomplish the work required to meet those standards; and

WHEREAS, Assembly Bill No. 484 of this Session, if enacted, requires the Legislative Committee on Education to study the issue of testing during the 2007-2009 interim, including, without limitation, the quantity and quality of tests administered in the public schools; and

WHEREAS, Pending completion of the study required by Assembly Bill No. 484 of this Session, if enacted, and potential action by the Legislature in response to the recommendations of that study, the members of the 74th Session of the Legislature hereby deem it appropriate to impose a moratorium on the administration of any test that is not mandated by state or federal law or of any test that was not adopted by a school district before July 1, 2007, now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 389 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.**

Sec. 2. ***1. Except as otherwise provided in subsection 2, the board of trustees of a school district shall not administer a district-wide test, examination or assessment unless that test, examination or assessment:***

(a) Is required by state or federal law; or

(b) Was adopted by the school district before July 1, 2007.

2. The provisions of this section do not apply to a test, examination or assessment that a pupil voluntarily takes without a district-wide requirement, including, without limitation, an advanced placement examination.

~~[Section 1.]~~ ***Sec. 3.*** ~~[Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:]~~

1. In addition to any other test, examination or assessment required by state or federal law, the board of trustees of each school district may require the administration of district-wide tests, examinations and assessments that the board of trustees determines are vital to measure the achievement and progress of pupils. In making this determination, the board of trustees shall consider any applicable findings and recommendations of the Legislative Committee on Education.

2. The tests, examinations and assessments required pursuant to subsection 1 must be limited to those which can be demonstrated to provide a direct benefit to pupils or which are used by teachers to improve instruction and the achievement of pupils.

3. The board of trustees of each school district and the State Board shall periodically review the tests, examinations and assessments administered to pupils to ensure that the time taken from instruction to conduct a test, examination or assessment is warranted because it is still accomplishing its original purpose.

~~[Sec. 2.]~~ ***Sec. 4.*** 1. The ~~[Boards of Trustees of the Clark County School District and the Washoe County School District]~~ **board of trustees of each school district** shall prepare and submit to the Legislative Committee on Education on or before ~~[July 1, 2008, reports]~~ **March 1, 2008, a report** concerning testing of pupils within ~~[their respective school districts.]~~ **the school district during the 2006-2007 school year.**

2. The ~~[reports]~~ **report** required pursuant to subsection 1 must include:

(a) The number of hours pupils in the district spend in testing;

(b) **The number of hours that teachers and other licensed educational personnel and educational support staff employed by the school district spend in the administration of tests and other activities relating to testing;**

(c) The best practices adopted by the district with respect to using testing time efficiently in comparison with using the time for instruction; and

~~[(c)]~~ **(d)** Any recommendations for legislative changes or changes in practices with respect to the testing of pupils.

Sec. 5. **In making the determination required by subsection 1 of section 3 of this act concerning tests, examinations and assessments, the board of trustees of each school district shall consider the results of the study conducted by the Legislative Committee on Education pursuant to Assembly Bill No. 484 of this Session, if enacted, and recommendations made by the Committee as a result of that study.**

~~[Sec. 3.]~~ ***Sec. 6.*** ~~[This act becomes]~~

1. This section and sections 1, 2, 4 and 5 of this act become effective on July 1, 2007.

2. Section 3 of this act becomes effective on January 1, 2009.

3. Section 2 of this act expires by limitation on January 1, 2009.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 112.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 919.

AN ACT relating to controlled substances; requiring entities that sell certain products that are precursors to methamphetamine to place such products in an area to which the public does not have direct access, to limit the quantity of such products sold or transferred to the same person during any calendar day, to maintain a list of sales of such products and to ensure that certain information is entered in that list; prohibiting a person from acquiring more than a certain amount of certain products that are precursors to methamphetamine; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill establishes restrictions on the sale and purchase of products that contain materials that can be used to manufacture methamphetamine.

Section 6 of this bill requires sellers of a product that contains certain materials that can be used to manufacture methamphetamine to keep the product in a locked case or cabinet or behind a store counter so that the public does not have direct access to the product. Section 7 of this bill establishes limits on the quantity of certain chemicals that can be sold to the same person during a calendar day. Section 8 of this bill requires sellers of a product that contains materials that can be used to manufacture methamphetamine to maintain a logbook of sales and transfers of the product and to ensure that certain information is entered in the logbook.

If a seller of a product that contains materials that can be used to manufacture methamphetamine violates section 6, 7 or 8 of this bill, section 9 of this bill provides that the seller is subject to a civil penalty of not more than $250,000 for each violation.

Section 10 of this bill prohibits a person from knowingly or intentionally purchasing or otherwise acquiring a certain amount of certain chemicals that can be used to manufacture methamphetamine. A person who violates this provision is subject to criminal penalties.

Section 11 of this bill prohibits a person from knowingly or intentionally entering false information in the logbook. A person who violates this provision is guilty of a category D felony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 453 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Logbook" means a written or electronic list of each sale or transfer of a product that is a precursor to methamphetamine.***

Sec. 4. ***"Product that is a precursor to methamphetamine" means a product that contains ephedrine, pseudoephedrine or phenylpropanolamine or the salts, optical isomers or salts of optical isomers of such chemicals and may be marketed or distributed lawfully in the United States under the Federal Food, Drug and Cosmetic Act, 21 U.S.C. §§ 301 et seq., as a nonprescription drug.***

Sec. 5. ***"Retail distributor" means a grocery store, general merchandise store, drugstore, pharmacy or other entity or person whose activities as a distributor of a product that is a precursor to methamphetamine are limited exclusively or almost exclusively to sales for personal use by an ultimate user, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.***

Sec. 6. ***A retail distributor shall keep, store or place a product that is a precursor to methamphetamine in a locked case or cabinet or behind a counter so that the public does not have direct access to the product before a sale or transfer is made.***

Sec. 7. ***1. Except as otherwise provided in subsection 2, a retail distributor shall not*** ~~*[sell]*~~ **:**

(a) Sell ***or transfer to the same person during any calendar day , without regard to the number of transactions, more than 3.6 grams of ephedrine base, pseudoephedrine base or phenylpropanolamine base or the salts, optical isomers or salts of optical isomers of such chemicals in a product that is a precursor to methamphetamine.***

(b) Sell at retail and in nonliquid form a product that is a precursor to methamphetamine, including, without limitation, gel caps, unless:

(1) The product is packaged in blister packs, each blister containing not more than two dosage units; or

(2) If the use of blister packs is technically infeasible, the product is packaged in unit dosage packets or pouches.

2. The provisions of subsection 1 do not apply if, pursuant to 21 U.S.C. § 830(e)(3), the Attorney General of the United States has determined that a product that is a precursor to methamphetamine cannot be used to manufacture methamphetamine and provided by regulation that the product is exempt from the provisions of 21 U.S.C. § 830(d).

Sec. 8. ***1. A retail distributor shall maintain a logbook.***

2. At the time of a sale or transfer of a product that is a precursor to methamphetamine, a retail distributor shall ensure that the following information is entered in the logbook:

(a) The name of the product sold or transferred;

(b) The quantity of the product sold or transferred;

(c) The name and address of the purchaser or transferee; and

(d) The date and time of the sale or transfer.

3. A retail distributor shall not sell or transfer a product that is a precursor to methamphetamine unless:

(a) The prospective purchaser or transferee:

(1) Presents an identification card that provides a photograph and is issued by the Government of the United States or the government of this State or any other state, or a document that, with respect to identification, is considered acceptable pursuant to 21 U.S.C. § 830(e)(1); and

(2) Signs his name in the logbook; and

(b) The retail distributor determines that the name entered in the logbook corresponds to the name provided on the identification presented by the prospective purchaser or transferee.

4. The retail distributor must include in the logbook [must include the notice which is required by 21 C.F.R. § 1314.30(f).] or otherwise post or provide to a prospective purchaser or transferee a notice that entering a false statement or representation in the logbook may subject the prospective purchaser or transferee to criminal penalties under state law, as set forth in section 11 of this act, and under federal law, as set forth in 18 U.S.C. § 1001.

5. A retail distributor shall maintain each entry in the logbook for not less than 2 years after the date on which the entry is made.

6. A retail distributor shall not access, use or share the information in the logbook unless the accessing, using or sharing of the information is allowed by federal law or unless the purpose of accessing, using or sharing the information is to ensure compliance with this chapter or to facilitate a product recall to protect the health and safety of the public.

7. Upon [the] a request [of] , which is made for the purpose of enforcing the provisions of section 2 to 11 , inclusive, of this act, by a law enforcement agency of this State or a political subdivision thereof or a law enforcement agency of the Federal Government, a retail distributor shall disclose the information in the logbook to the law enforcement agency.

Sec. 9. ***If a retail distributor violates any provision of section 6, 7 or 8 of this act, the retail distributor is subject to a civil penalty pursuant to the provisions of NRS 453.553 to 453.5533, inclusive.***

Sec. 10. ***1. Except as otherwise provided in subsection 2, a person shall not knowingly or intentionally purchase, receive or otherwise acquire:***

(a) During any calendar day, more than 3.6 grams of ephedrine base, pseudoephedrine base or phenylpropanolamine base or the salts, optical

isomers or salts of optical isomers of such chemicals in a product that is a precursor to methamphetamine; or

(b) During any 30-day period, more than 9 grams of ephedrine base, pseudoephedrine base or phenylpropanolamine base or the salts, optical isomers or salts of optical isomers of such chemicals in a product that is a precursor to methamphetamine.

2. The provisions of this section do not apply if the person purchasing, receiving or otherwise acquiring a product that is a precursor to methamphetamine is a pharmacy, practitioner, retail distributor, wholesale distributor or dispenser that is purchasing, receiving or otherwise acquiring the product for the purpose of administering, distributing or dispensing it in a lawful manner.

3. A person who violates any of the provisions of this section is guilty of a misdemeanor, except that:

(a) If the person violates any of the provisions of this section after a prior conviction under this chapter or the law of the United States or of any state, territory or district relating to a controlled substance has become final, the person is guilty of a gross misdemeanor; and

(b) If the person violates any of the provisions of this section after two or more prior convictions under this chapter or the law of the United States or of any state, territory or district relating to a controlled substance, or a combination of two or more such prior convictions, have become final, the person is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 11. ***Any person who knowingly or intentionally enters a false statement or representation in a logbook is guilty of a category D felony and shall be punished as provided in NRS 193.130.***

Sec. 12. NRS 453.553 is hereby amended to read as follows:

453.553 1. In addition to any criminal penalty imposed for a violation of the provisions of NRS 453.011 to 453.552, inclusive, ***and sections 2 to 11, inclusive, of this act,*** any person who ***violates section 6, 7 or 8 of this act,*** unlawfully sells, manufactures, delivers or brings into this State, possesses for sale or participates in any way in a sale of a controlled substance listed in schedule I, II or III or who engages in any act or transaction in violation of the provisions of NRS 453.3611 to 453.3648, inclusive, is subject to a civil penalty for each violation. This penalty must be recovered in a civil action, brought in the name of the State of Nevada by the Attorney General or by any district attorney in a court of competent jurisdiction.

2. As used in ~~[this section and NRS 453.5531, 453.5532 and 453.5533:]~~ ***NRS 453.553 to 453.5533, inclusive:***

(a) "Each violation" includes a continuous or repetitive violation arising out of the same act.

(b) "Sell" includes exchange, barter, solicitation or receipt of an order, transfer to another for sale or resale and any other transfer for any consideration or a promise obtained directly or indirectly.

(c) "Substitute" means a substance which:

(1) Was manufactured by a person who at the time was not currently registered with the Secretary of Health and Human Services; and

(2) Is an imitation of or intended for use as a substitute for a substance listed in schedule I, II or III.

Sec. 13. NRS 453.5531 is hereby amended to read as follows:

453.5531 1. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving marijuana, to a civil penalty in an amount:

(a) Not to exceed $350,000, if the quantity involved is 100 pounds or more, but less than 2,000 pounds.

(b) Not to exceed $700,000, if the quantity involved is 2,000 pounds or more, but less than 10,000 pounds.

(c) Not to exceed $1,000,000, if the quantity involved is 10,000 pounds or more.

2. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance, except marijuana, which is listed in schedule I or a substitute therefor, to a civil penalty in an amount:

(a) Not to exceed $350,000, if the quantity involved is 4 grams or more, but less than 14 grams.

(b) Not to exceed $700,000, if the quantity involved is 14 grams or more, but less than 28 grams.

(c) Not to exceed $1,000,000, if the quantity involved is 28 grams or more.

3. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance which is listed in schedule II or III or a substitute therefor, to a civil penalty in an amount:

(a) Not to exceed $350,000, if the quantity involved is 28 grams or more, but less than 200 grams.

(b) Not to exceed $700,000, if the quantity involved is 200 grams or more, but less than 400 grams.

(c) Not to exceed $1,000,000, if the quantity involved is 400 grams or more.

4. Unless a greater civil penalty is authorized by another provision of this section, the State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions of NRS 453.3611 to 453.3648, inclusive, to a civil penalty in an amount not to exceed $350,000.

5. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions of section 6, 7 or 8 of this act, to a civil penalty in an amount not to exceed $250,000 for each violation.

Sec. 14. NRS 453.5533 is hereby amended to read as follows:

453.5533 1. A civil action brought pursuant to NRS 453.553 must be brought within 3 years after the conduct in violation of the provisions of

NRS 453.011 to 453.552, inclusive, ***and sections 2 to 11, inclusive, of this act*** occurs.

2. Such a civil action is not barred by a prior acquittal of the defendant in a criminal action arising out of the same act, transaction or occurrence. A final judgment or decree rendered in favor of the State in any criminal proceeding arising out of the same act, transaction or occurrence estops the defendant in a subsequent civil action from denying the essential allegations of the criminal offense.

Sec. 15. **This act becomes effective on July 1, 2007.**

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 142.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 905.

AN ACT relating to public health; revising provisions concerning the billing form that a hospital in this State is required to use for all patients discharged from the hospital; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill eliminates references in existing law to the uniform billing form commonly referred to as the "UB-82," therefore requiring hospitals to use the billing form prescribed by the Director of the Department of Health and Human Services ~~[with the approval of a majority of the hospitals licensed in this State]~~ for all patients discharged. (NRS 449.485, 686A.315) **This bill further requires that all information must be complete, accurate and timely and submitted in an electronic form specified by the Department.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 449.485 is hereby amended to read as follows:

449.485 1. Each hospital in this State shall use for all patients discharged ~~[the form commonly referred to as the "UB-82," or a different]~~ ***a*** form prescribed by the Director ~~[with the approval of a majority of the hospitals licensed in this State,]~~ and shall include in the form all information required by the Department. ***Any form prescribed by the Director must be a form that is commonly used nationwide by hospitals, if applicable, and comply with federal laws and regulations.***

2. The Department shall by regulation:

(a) Specify the information required to be included in the form for each patient; and

(b) Require each hospital to provide specified information from the form to the Department.

➥ The information submitted must be complete, accurate and timely.

3. Each insurance company or other payer shall accept the form as the bill for services provided by hospitals in this State.

4. Except as otherwise provided in subsection 5, each hospital ~~[with 100 or more beds]~~ ***in this State*** shall provide the information required pursuant to paragraph (b) of subsection 2 ~~[on magnetic tape or by other means]~~ ***in an electronic form*** specified by the Department**.** ~~[, or shall provide copies of the forms and pay the costs of entering the information manually from the copies.]~~

5. The Director may exempt a hospital from the requirements of subsection 4 if requiring the hospital to comply with the requirements would cause the hospital financial hardship.

Sec. 2. NRS 686A.315 is hereby amended to read as follows:

686A.315 1. If a hospital submits to an insurer the form ~~[commonly referred to as the "UB-82," the]~~ ***prescribed by the Director of the Department of Health and Human Services pursuant to NRS 449.485, that*** form must contain or be accompanied by a statement ~~[in substantially the following form:]~~ ***that reads substantially as follows:***

Any person who misrepresents or falsifies essential information requested on this form may, upon conviction, be subject to a fine and imprisonment under state or federal law, or both.

2. If a person who is licensed to practice one of the health professions regulated by title 54 of NRS submits to an insurer the form commonly referred to as the "HCFA-1500" for a patient who is not covered by any governmental program which offers insurance coverage for health care, the form must be accompanied by a statement ~~[in substantially the following form:]~~ ***that reads substantially as follows:***

Any person who knowingly files a statement of claim containing any misrepresentation or any false, incomplete or misleading information may be guilty of a criminal act punishable under state or federal law, or both, and may be subject to civil penalties.

3. The failure to provide any of the statements required by this section is not a defense in a prosecution for insurance fraud pursuant to NRS 686A.291.

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 143.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 820.

AN ACT relating to education; authorizing teachers in elementary schools to provide reports to parents and legal guardians of pupils under certain circumstances; requiring support teams established for certain schools to review certain information; establishing an interim Advisory Council on Parental Involvement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The statewide system of accountability for public schools requires that public schools be designated each year based upon adequate yearly progress. (NRS 385.3623) A support team must be established for each public school that is designated as demonstrating need for improvement for 3 consecutive years or more. (NRS 385.3721) Each support team is required to review certain information pertaining to the school and revise the school's plan to improve accordingly. (NRS 385.3741) Section 1 of this bill requires the support team to review information provided to the support team concerning educational involvement accords and reports provided to parents and legal guardians by elementary school teachers.

Section 2 of this bill authorizes a teacher in an elementary school to provide to each parent and legal guardian of a pupil enrolled in the school, on a form prescribed by the Department of Education, a report containing certain information about the pupil and the involvement of the parent or legal guardian in the education of his child. Aggregate information concerning any completed reports must be provided to the support team established for the school, if a support team has been established.

Under existing law, each public school is required to provide to each parent or legal guardian of a pupil an educational involvement accord. The accord provides information concerning the responsibilities of the parent or legal guardian, the pupil and the school in the education of the pupil. (NRS 392.4575) Section 3 of this bill requires principals of schools designated as demonstrating need for improvement for 3 consecutive years or more to provide aggregate information concerning the accords to the support team established for the school.

Under existing law, each classroom teacher is required to provide the code of honor relating to cheating to the parent or legal guardian of each pupil enrolled in his class as part of the educational involvement accord. (NRS 392.4575) Section 4 of this bill requires provision of the code of honor relating to cheating to the pupil as well as his parent or legal guardian for their signature on that document. (NRS 392.461)

Sections 5 and 6 of this bill establish an interim Advisory Council on Parental Involvement to study issues relating to parental involvement in education.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.3741 is hereby amended to read as follows:

385.3741 1. Each support team established for a public school pursuant to NRS 385.3721 shall:

(a) Review and analyze the operation of the school, including, without limitation, the design and operation of the instructional program of the school.

(b) Review and analyze the data pertaining to the school upon which the report required pursuant to subsection 2 of NRS 385.347 is based and review and analyze any data that is more recent than the data upon which the report is based.

(c) Review the most recent plan to improve the achievement of the school's pupils.

(d) ***Review the information concerning the educational involvement accords provided to the support team pursuant to NRS 392.4575 and the information concerning the reports provided to the support team pursuant to section 2 of this act.***

(e) Identify and investigate the problems and factors at the school that contributed to the designation of the school as demonstrating need for improvement.

~~[(e)]~~ ***(f)*** Assist the school in developing recommendations for improving the performance of pupils who are enrolled in the school.

~~[(f)]~~ ***(g)*** Except as otherwise provided in this paragraph, make recommendations to the board of trustees of the school district, the State Board and the Department concerning additional assistance for the school in carrying out the plan for improvement of the school. For a charter school sponsored by the State Board, the support team shall make the recommendations to the State Board and the Department.

~~[(g)]~~ ***(h)*** In accordance with its findings pursuant to this section and NRS 385.3742, submit, on or before November 1, written revisions to the most recent plan to improve the achievement of the school's pupils for approval pursuant to NRS 385.357. The written revisions must:

(1) Comply with NRS 385.357;

(2) If the school is a Title I school, be developed in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity that created the support team, outside experts;

(3) Include the data and findings of the support team that provide support for the revisions;

(4) Set forth goals, objectives, tasks and measures for the school that are:

(I) Designed to improve the achievement of the school's pupils;

(II) Specific;

(III) Measurable; and

(IV) Conducive to reliable evaluation;

(5) Set forth a timeline to carry out the revisions;

(6) Set forth priorities for the school in carrying out the revisions; and

(7) Set forth the ~~[names]~~ ***name*** and duties of each person who is responsible for carrying out the revisions.

~~[(h)]~~ ***(i)*** Except as otherwise provided in this paragraph, work cooperatively with the board of trustees of the school district in which the school is located, the employees of the school, and the parents and guardians of pupils enrolled in the school to carry out and monitor the plan for improvement of the school. If a charter school is sponsored by the State Board, the Department shall assist the school with carrying out and monitoring the plan for improvement of the school.

~~[(i)]~~ ***(j)*** Prepare a monthly progress report in the format prescribed by the Department and:

(1) Submit the progress report to the Department.

(2) Distribute copies of the progress report to each employee of the school for review.

~~[(j)]~~ ***(k)*** In addition to the requirements of this section, if the support team is established for a Title I school, carry out the requirements of 20 U.S.C. § 6317(a)(5).

2. A school support team may require the school for which the support team was established to submit plans, strategies, tasks and measures that, in the determination of the support team, will assist the school in improving the achievement and proficiency of pupils enrolled in the school.

3. The Department shall prescribe a concise monthly progress report for use by each support team in accordance with paragraph ~~[(i)]~~ ***(j)*** of subsection 1.

Sec. 2. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall:

(a) Prescribe a form for use by teachers in elementary schools to provide reports to parents and legal guardians of pupils pursuant to this section;

(b) Work in consultation with the Legislative Bureau of Educational Accountability and Program Evaluation, the Nevada Association of School Boards, the Nevada Association of School Administrators, the Nevada State Education Association and the Nevada Parent Teacher Association in the development of the form; and

(c) Make the form available in electronic format for use by school districts and charter schools and, upon request, in any other manner deemed reasonable by the Department.

2. The form must include, without limitation:

(a) A notice to parents and legal guardians that parental involvement is important in ensuring the success of the academic achievement of pupils;

(b) A checklist indicating whether:

(1) The pupil completes his homework assignments in a timely manner;

(2) The pupil is present in the classroom when school begins each day and is present for the entire school day unless his absence is approved in accordance with NRS 392.130;

(3) The parent or legal guardian and the pupil abide by any applicable rules and policies of the school and the school district; and

(4) The pupil complies with the dress code for the school, if applicable; and

(c) A list of the resources and services available within the community to assist parents and legal guardians in addressing any issues identified on the checklist.

3. In addition to the requirements of subsection 2, the Department may prescribe additional information for inclusion on the form, including, without limitation:

(a) A report of the participation of the parent or legal guardian, including, without limitation, whether the parent or legal guardian:

(1) Completes forms and other documents that are required by the school or school district in a timely manner;

(2) Assists in carrying out a plan to improve the pupil's academic achievement, if applicable;

(3) Attends conferences between the teacher and the parent or legal guardian, if applicable; and

(4) Attends school activities.

(b) A report of whether the parent or legal guardian ensures the health and safety of the pupil, including, without limitation, whether:

(1) Current information is on file with the school that designates each person whom the school should contact if an emergency involving the pupil occurs; and

(2) Current information is on file with the school regarding the health and safety of the pupil, such as immunization records, if applicable, and any special medical needs of the pupil.

4. A teacher at an elementary school may provide the form prescribed by the Department, including the additional information prescribed pursuant to subsection 3 if the Department has prescribed such information on the form, to a parent or legal guardian of a pupil if the teacher determines that the provision of such a report would assist in improving the academic achievement of the pupil.

5. A report provided to a parent or legal guardian pursuant to this section must not be used in a manner that:

(a) Interferes unreasonably with the personal privacy of the parent or legal guardian or the pupil;

(b) Reprimands the parent or legal guardian; or

(c) Affects the grade or report of progress given to a pupil based upon the information contained in the report.

6. The principal of each elementary school at which a teacher provides reports pursuant to this section shall provide to the support team

established for the school pursuant to NRS 385.3721, if applicable, the information contained in the completed reports for consideration by the support team. The information must be provided in an aggregated format and must not disclose the identity of an individual parent, legal guardian or pupil.

Sec. 3. NRS 392.4575 is hereby amended to read as follows:

392.4575 1. The Department shall prescribe a form for educational involvement accords to be used by all public schools in this State. The educational involvement accord must comply with the parental involvement policy:

(a) Required by the federal No Child Left Behind Act of 2001, as set forth in 20 U.S.C. § 6318.

(b) Adopted by the State Board pursuant to NRS 392.457.

2. Each educational involvement accord must include, without limitation:

(a) A description of how the parent or legal guardian will be involved in the education of the pupil, including, without limitation:

(1) Reading to the pupil, as applicable for the grade or reading level of the pupil;

(2) Reviewing and checking the pupil's homework; and

(3) Contributing 5 hours of time each school year, including, without limitation, by attending school-related activities, parent-teacher association meetings, parent-teacher conferences, volunteering at the school and chaperoning school-sponsored activities.

(b) The responsibilities of a pupil in a public school, including, without limitation:

(1) Reading each day before or after school, as applicable for the grade or reading level of the pupil;

(2) Using all school equipment and property appropriately and safely;

(3) Following the directions of any adult member of the staff of the school;

(4) Completing and submitting homework in a timely manner; and

(5) Respecting himself, others and all property.

(c) The responsibilities of a public school and the administrators, teachers and other personnel employed at a school, including, without limitation:

(1) Ensuring that each pupil is provided proper instruction, supervision and interaction;

(2) Maximizing the educational and social experience of each pupil;

(3) Carrying out the professional responsibility of educators to seek the best interest of each pupil; and

(4) Making staff available to the parents and legal guardians of pupils to discuss the concerns of parents and legal guardians regarding the pupils.

3. Each educational involvement accord must be accompanied by, without limitation:

(a) Information describing how the parent or legal guardian may contact the pupil's teacher and the principal of the school in which the pupil is enrolled;

(b) The curriculum of the course or standards for the grade in which the pupil is enrolled, as applicable, including, without limitation, a calendar that indicates the dates of major examinations and the due dates of significant projects, if those dates are known by the teacher at the time that the information is distributed;

(c) The homework and grading policies of the pupil's teacher or school;

(d) Directions for finding resource materials for the course or grade in which the pupil is enrolled, as applicable;

(e) Suggestions for parents and legal guardians to assist pupils in their schoolwork at home;

(f) The dates of scheduled conferences between teachers or administrators and the parents or legal guardians of the pupil;

(g) The manner in which reports of the pupil's progress will be delivered to the parent or legal guardian and how a parent or legal guardian may request a report of progress;

(h) The classroom rules and policies;

(i) The dress code of the school, if any;

(j) The availability of assistance to parents who have limited proficiency in the English language;

(k) Information describing the availability of free and reduced-price meals, including, without limitation, information regarding school breakfast, school lunch and summer meal programs;

(l) Opportunities for parents and legal guardians to become involved in the education of their children and to volunteer for the school or class; and

(m) The code of honor relating to cheating prescribed pursuant to NRS 392.461.

4. The board of trustees of each school district shall adopt a policy providing for the development and distribution of the educational involvement accord. The policy adopted by a board of trustees must require each classroom teacher to:

(a) Distribute the educational involvement accord to the parent or legal guardian of each pupil in his class at the beginning of each school year or upon a pupil's enrollment in the class, as applicable; and

(b) Provide the parent or legal guardian with a reasonable opportunity to sign the educational involvement accord.

5. Except as otherwise provided in this subsection, the board of trustees of each school district shall ensure that the form prescribed by the Department is used for the educational involvement accord of each public school in the school district. The board of trustees of a school district may authorize the use of an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

6. The Department and the board of trustees of each school district shall, at least once each year, review and amend their respective educational involvement accords.

7. If an elementary school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years or more, the principal of the school shall provide to the support team established for the school pursuant to NRS 385.3721 information concerning the distribution of the educational involvement accord and the number of accords which were signed and returned by parents and legal guardians. The information must be provided in an aggregated format and must not disclose the identity of an individual parent, legal guardian or pupil.

Sec. 4. NRS 392.461 is hereby amended to read as follows:

392.461 1. The Department shall prescribe by regulation a written policy that establishes a code of honor for pupils relating to cheating on examinations and course work. The policy must be developed in consultation with the boards of trustees of school districts, the governing bodies of charter schools, educational personnel employed by school districts and charter schools, and local associations and organizations of parents whose children are enrolled in public schools throughout this State.

2. The policy must include, without limitation, a definition of cheating that clearly and concisely informs pupils which acts constitute cheating for purposes of the code of honor.

3. On or before July 1 of each year, the Department shall:

(a) Provide a copy of the code of honor to the board of trustees of each school district and the governing body of each charter school.

(b) Review and amend the code of honor as necessary.

4. Copies of the code of honor must be made available for inspection at each public school located within a school district, including, without limitation, each charter school, in an area on the grounds of the school that is open to the public.

5. Each classroom teacher shall:

(a) Distribute the code of honor to each pupil enrolled in his class and to the parent or legal guardian of each pupil enrolled in his class at the beginning of each school year or upon a pupil's enrollment in his class, as applicable;

(b) Provide the pupil and the parent or legal guardian of the pupil with a reasonable opportunity to sign the code of honor; and

(c) If the code of honor is returned with the signatures, retain a copy of the signed code of honor in the pupil's file.

Sec. 5. 1. The Superintendent of Public Instruction shall establish an Advisory Council on Parental Involvement. All appointments to the Advisory Council must be made on or before September 1, 2007.

2. The Superintendent of Public Instruction shall appoint the following members to the Advisory Council:

(a) Two parents or legal guardians of pupils enrolled in public schools;

(b) Two teachers in public schools;

(c) One administrator of a public school;

(d) One representative of a private business or industry;

(e) One member of the board of trustees of a school district in a county whose population is 100,000 or more; and

(f) One member of the board of trustees of a school district in a county whose population is less than 100,000.

➥ The Superintendent of Public Instruction shall, to the extent practicable, ensure that the members he appoints to the Advisory Council reflect the ethnic, economic and geographic diversity of this State.

3. The Speaker of the Assembly shall appoint one Assemblyman to the Advisory Council.

4. The Majority Leader of the Senate shall appoint one Senator to the Advisory Council.

5. The Advisory Council shall elect a Chairman and a Vice Chairman from among its members.

6. The Department of Education shall provide:

(a) Administrative support to the Advisory Council; and

(b) All information that is necessary for the Advisory Council to carry out its duties.

7. For each day or portion of a day during which a member of the Advisory Council who is a Legislator attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council, except during a regular or special session of the Legislature, he is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218.2207.

➥ The compensation, per diem allowances and travel expenses of the legislative members of the Advisory Council must be paid from the Legislative Fund.

8. A member of the Advisory Council who is not a Legislator is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which he attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council. The per diem allowance and travel expenses for the nonlegislative members of the Advisory Council must be paid by the Department of Education.

Sec. 6. The Advisory Council on Parental Involvement established pursuant to section 5 of this act shall:

1. Review the policy of parental involvement adopted by the State Board of Education and the policy of parental involvement adopted by the board of trustees of each school district pursuant to NRS 392.457;

2. Review the information relating to communication with and participation of parents that is included in the annual report of accountability for each school district pursuant to paragraph (j) of subsection 2 of NRS 385.347;

3. Review any effective practices carried out in individual school districts in this State to increase parental involvement and determine the feasibility of carrying out those practices on a statewide basis;

4. Review any effective practices carried out in other states to increase parental involvement and determine the feasibility of carrying out those practices in this State;

5. Identify methods to effectively communicate and provide outreach to parents and legal guardians of pupils who have limited time to become involved in the education of their children for various reasons, including, without limitation, work schedules, single-parent homes and other family obligations;

6. Identify the manner in which the level of parental involvement affects the performance, attendance and discipline of pupils;

7. Identify methods to effectively communicate with and provide outreach to parents and legal guardians of pupils who are limited English proficient, as defined in NRS 385.007;

8. Determine the necessity for the appointment of a statewide parental involvement coordinator or a parental involvement coordinator in each school district, or both;

9. On or before August 1, 2008, submit a preliminary written report to the Legislative Committee on Education; and

10. On or before February 1, 2009, submit a final written report of its findings and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

Sec. 7. On or before September 1, 2007, the Department of Education shall prescribe a form in accordance with section 2 of this act for use commencing with the 2007-2008 school year by teachers in elementary schools.

Sec. 8. 1. This act becomes effective on July 1, 2007.

2. Sections 5 and 6 of this act expire by limitation on June 30, 2009.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 146.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 903.

AN ACT relating to the financial administration of counties; authorizing the boards of county commissioners of certain counties to levy an ad valorem

tax to pay the costs of operating a regional facility for the detention of children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the boards of county commissioners of at least two counties to levy a property tax of 5 cents per $100 of the assessed valuation of the property in those counties to pay the costs of operating a regional facility, including certain regional facilities for the detention of children for which those counties are required to pay an assessment for its operation. (NRS 354.557, 354.59818) This bill authorizes the boards of county commissioners of ~~[at least two]~~ counties whose populations are less than 100,000 (currently counties other than Clark and Washoe Counties) to levy a separate property tax of ~~[8]~~ **4** cents per $100 of the assessed valuation of the property in those counties to pay the costs of operating such a regional facility for the detention of children.

Existing law establishes a general limitation on the maximum amount by which the revenue that a local government may receive from property taxes may increase each year. (NRS 354.59811) **This bill exempts the additional levy of property tax authorized by this bill from that limitation.**

Existing law ~~[also]~~ generally limits the amount by which the tax liability of property may increase each year. (NRS 361.4722, 361.4723, 361.4724) This bill exempts the additional levy of property tax authorized by this bill from ~~[each of these limitations.]~~ **that limitation for the first fiscal year in which the tax is imposed.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 354.59818 is hereby amended to read as follows:

354.59818 1. In addition to the allowed revenue from taxes ad valorem determined pursuant to NRS 354.59811 ~~[,]~~ ***and any tax imposed pursuant to subsection 2,*** the boards of county commissioners of at least two counties may levy a tax ad valorem on all taxable property in their respective counties at a rate not to exceed 5 cents per $100 of the assessed valuation of each county to pay the costs of operating a regional facility.

2. ***In addition to the allowed revenue from taxes ad valorem determined pursuant to NRS 354.59811 and any tax imposed pursuant to subsection 1, the*** ~~*[boards]*~~ ***board of county commissioners of*** ~~*[at least two counties whose populations are]*~~ ***a county whose population is less than 100,000 may*** ~~*[levy]*~~ ***, by a two-thirds vote of the board, adopt an ordinance levying a tax ad valorem on all taxable property in*** ~~*[their respective counties]*~~ ***the county at a rate*** ~~*[not to exceed 8]*~~ ***of 4 cents per $100 of the assessed valuation of*** ~~*[each]*~~ ***the county to pay the costs of operating a regional facility for the detention of children for which an assessment is paid pursuant to NRS 62B.160. If a tax is levied pursuant to this subsection, the tax bill of each affected taxpayer must separately state:***

(a) That the tax is a county-imposed tax for regional juvenile services;

(b) The rate of the tax; and

(c) The amount of the tax liability resulting from the levy of the tax.

3. An ordinance adopted pursuant to subsection 2:

(a) Must not be applied or administered in any manner that reduces the revenue of any other governmental entity that is entitled to receive money from taxes ad valorem levied in the county; and

(b) Must be reviewed by the board of county commissioners at least once every 10 years.

4. Counties that levy a tax ad valorem pursuant to subsection 1 ***or 2*** may enter into an interlocal agreement or interlocal contract to create an administrative entity to operate a regional facility.

~~[3.]~~ ~~*[4.]*~~ ***5.*** The revenue of a tax collected pursuant to this section must be remitted on the first day of the first month of each calendar quarter to:

(a) If the regional facility is operated by a county, the treasurer of the county; or

(b) If the regional facility is operated by an administrative entity, the administrative entity.

~~[4.]~~ ~~*[5.]*~~ ***6.*** By the end of each fiscal year, the board of county commissioners of each county that levies a tax pursuant to ~~[this section]~~ ***subsection 1*** must determine the rate of tax required to produce revenue in an amount which is sufficient to pay the operating costs of the regional facility for the ensuing fiscal year. When calculating a rate pursuant to this ~~[section,]~~ ***subsection,*** the board of county commissioners of each county shall consider the amount of money remaining in the fund created pursuant to NRS 354.59819, if such a fund is created, unless the amount of money remaining in the fund is 10 percent or less of the revenue deposited for the current fiscal year.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 361.4726 is hereby amended to read as follows:

361.4726 1. Except as otherwise provided by specific statute, if any legislative act which becomes effective after April 6, 2005, imposes a duty on a taxing entity to levy a new ad valorem tax or to increase the rate of an existing ad valorem tax, the amount of the new tax or increase in the rate of the existing tax is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

2. ***The amount of any ad valorem tax imposed pursuant to subsection 2 of NRS 354.59818 is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724*** ~~*[.]*~~ ***for the first fiscal year in which the tax is imposed, but is thereafter subject to each of those partial abatements from taxation.***

3. For the purposes of this section, "taxing entity" does not include the State.

Sec. 4. This act becomes effective on July 1, 2007.

Assemblywoman McClain moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 147.

Bill read second time and ordered to third reading.

Senate Bill No. 169.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 859.

AN ACT relating to anatomical gifts; adopting the Revised Uniform Anatomical Gift Act; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, Nevada has enacted the Uniform Anatomical Gift Act, which establishes the rights of donors and other authorized persons to affirmatively make anatomical gifts of human bodies and parts for the purpose of transplantation, therapy, research or education. The existing Uniform Act also sets forth various requirements and procedures for making, amending, revoking and refusing to make anatomical gifts. (NRS 451.500-451.590)

This bill replaces the existing Uniform Act with the Revised Uniform Anatomical Gift Act. This bill retains many of the provisions of the existing Uniform Act. However, this bill reorganizes and updates various provisions from the existing Uniform Act, and it adds certain new provisions to better facilitate the process of making anatomical gifts.

Section 22 of this bill revises the existing Uniform Act by expanding the persons who may make an anatomical gift to include an agent or guardian of a person under certain circumstances and an emancipated minor, a minor who applies for a driver's license and the parents of an unemancipated minor under certain circumstances.

Section 23 of this bill revises the existing Uniform Act by expanding the methods for making an anatomical gift to include making an anatomical gift on a state-issued identification card, through a donor registry or, during a terminal illness or injury, through any oral or physical communication witnessed by at least two adults, at least one of whom is a disinterested witness.

Section 24 of this bill revises the existing Uniform Act by expanding the methods for amending and revoking an anatomical gift to include destroying or cancelling the record of the anatomical gift, or any part thereof, with the intent to revoke the gift and, during a terminal illness or injury, making any oral or physical communication witnessed by at least two adults, at least one of whom is a disinterested witness.

Section 25 of this bill revises the existing Uniform Act by updating and clarifying the provisions governing a person's right to refuse to make an anatomical gift and the procedures a person must follow to amend or revoke such a refusal.

Section 34 of this bill amends the existing Uniform Act by adding a new prohibition which provides that a person who, in order to obtain a financial gain, intentionally falsifies, forges, conceals, defaces or obliterates a document making, amending or revoking an anatomical gift or refusing to make an anatomical gift is guilty of a category C felony.

Section 58 of this bill amends the existing Uniform Act by increasing the penalty from a category D felony to a category C felony for a person who unlawfully purchases or sells a body part for transplantation or therapy when the body part is intended for an anatomical gift.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 451 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 41, inclusive, of this act.

Sec. 2. ***"Adult" means a natural person who is at least 18 years of age.***

Sec. 3. ***"Agent" means a natural person:***

1. Authorized to make health-care decisions on the principal's behalf by a power of attorney for health care; or

2. Expressly authorized to make an anatomical gift on the principal's behalf by any other record signed by the principal.

Sec. 4. ***"Disinterested witness" means a witness other than the spouse, child, parent, sibling, grandchild, grandparent or guardian of the natural person who makes, amends, revokes or refuses to make an anatomical gift, or another adult who exhibited special care and concern for the natural person. The term does not include a person to which an anatomical gift could pass under section 29 of this act.***

Sec. 5. ***"Donor registry" means a database that contains records of anatomical gifts and amendments to or revocations of anatomical gifts. The term includes, without limitation, a donor registry that has entered into a contract with the Department of Motor Vehicles pursuant to NRS 483.340 or 483.840.***

Sec. 6. ***"Driver's license" means a license or permit issued by the Department of Motor Vehicles to operate a vehicle, whether or not conditions are attached to the license or permit.***

Sec. 7. ***"Eye bank" means a person that is licensed, accredited or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage or distribution of human eyes or portions of human eyes.***

Sec. 8. ***"Guardian" means a person appointed by a court to make decisions regarding the support, care, education, health or welfare of a natural person. The term does not include a guardian ad litem.***

Sec. 9. ***"Know" means to have actual knowledge.***

Sec. 10. ***"Minor" means a natural person who is under 18 years of age.***

Sec. 11. ***"Organ procurement organization" means a person designated by the Secretary of the United States Department of Health and Human Services as an organ procurement organization.***

Sec. 12. ***"Parent" means a parent whose parental rights have not been terminated.***

Sec. 13. ***"Prospective donor" means a natural person who is dead or near death and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research or education. The term does not include a natural person who has made a refusal.***

Sec. 14. ***"Reasonably available" means able to be contacted by a procurement organization without undue effort and willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.***

Sec. 15. ***"Recipient" means a natural person into whose body a decedent's part has been or is intended to be transplanted.***

Sec. 16. ***"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.***

Sec. 17. ***"Refusal" means a record created under section 25 of this act that expressly states an intent to bar other persons from making an anatomical gift of a natural person's body or part.***

Sec. 18. ***"Sign" means, with the present intent to authenticate or adopt a record:***

1. To execute or adopt a tangible symbol; or

2. To attach to or logically associate with the record an electronic symbol, sound or process.

Sec. 19. ***"Tissue" means a portion of the human body other than an organ or an eye. The term does not include blood unless the blood is donated for the purpose of research or education.***

Sec. 20. ***"Tissue bank" means a person that is licensed, accredited or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage or distribution of tissue.***

Sec. 21. ***"Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients.***

Sec. 22. ***Subject to section 26 of this act, an anatomical gift of a donor's body or part may be made during the life of the donor for the purpose of transplantation, therapy, research or education in the manner provided in section 23 of this act by:***

1. The donor, if the donor is an adult or if the donor is a minor and is:

(a) Emancipated; or

(b) Authorized under state law to apply for a driver's license because the donor is at least 16 years of age;

2. An agent of the donor, unless the power of attorney for health care or other record prohibits the agent from making an anatomical gift;

3. A parent of the donor, if the donor is an unemancipated minor; or

4. The donor's guardian.

Sec. 23. ***1. A donor may make an anatomical gift:***

(a) By authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the donor's driver's license or identification card;

(b) In a will;

(c) During a terminal illness or injury of the donor, by any form of communication addressed to at least two adults, at least one of whom is a disinterested witness; or

(d) As provided in subsection 2.

2. A donor or other person authorized to make an anatomical gift under section 22 of this act may make a gift by a donor card or other record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating that the donor has made an anatomical gift be included on a donor registry. If the donor or other person is physically unable to sign a record, the record may be signed by another natural person at the direction of the donor or other person and must:

(a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(b) State that it has been signed and witnessed as provided in paragraph (a).

3. Revocation, suspension, expiration or cancellation of a driver's license or identification card upon which an anatomical gift is indicated does not invalidate the gift.

4. An anatomical gift made by will takes effect upon the donor's death whether or not the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.

Sec. 24. ***1. Subject to section 26 of this act, a donor or other person authorized to make an anatomical gift under section 22 of this act may amend or revoke an anatomical gift by:***

(a) A record signed by:

(1) The donor;

(2) The other person; or

(3) Subject to subsection 2, another natural person acting at the direction of the donor or the other person if the donor or other person is physically unable to sign; or

(b) A later-executed document of gift that amends or revokes a previous anatomical gift or portion of an anatomical gift, either expressly or by inconsistency.

2. A record signed pursuant to subparagraph (3) of paragraph (a) of subsection 1 must:

(a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(b) State that it has been signed and witnessed as provided in paragraph (a).

3. Subject to section 26 of this act, a donor or other person authorized to make an anatomical gift under section 22 of this act may revoke an anatomical gift by the destruction or cancellation of the document of gift, or the portion of the document of gift used to make the gift, with the intent to revoke the gift.

4. A donor may amend or revoke an anatomical gift that was not made in a will by any form of communication during a terminal illness or injury addressed to at least two adults, at least one of whom is a disinterested witness.

5. A donor who makes an anatomical gift in a will may amend or revoke the gift in the manner provided for amendment or revocation of wills or as provided in subsection 1.

Sec. 25. ***1. A natural person may refuse to make an anatomical gift of his body or part by:***

(a) A record signed by:

(1) Him; or

(2) Subject to subsection 2, another natural person acting at his direction if he is physically unable to sign;

(b) His will, whether or not the will is admitted to probate or invalidated after his death; or

(c) Any form of communication made by him during his terminal illness or injury addressed to at least two adults, at least one of whom is a disinterested witness.

2. A record signed pursuant to subparagraph (2) of paragraph (a) of subsection 1 must:

(a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the natural person; and

(b) State that it has been signed and witnessed as provided in paragraph (a).

3. A natural person who has made a refusal may amend or revoke the refusal:

(a) In the manner provided in subsection 1 for making a refusal;

(b) By subsequently making an anatomical gift pursuant to section 23 of this act that is inconsistent with the refusal; or

(c) By destroying or cancelling the record evidencing the refusal, or the portion of the record used to make the refusal, with the intent to revoke the refusal.

4. Except as otherwise provided in subsection 8 of section 26 of this act, in the absence of an express, contrary indication by the natural person set forth in the refusal, a natural person's unrevoked refusal to make an anatomical gift of his body or part bars all other persons from making an anatomical gift of his body or part.

Sec. 26. ***1. Except as otherwise provided in subsection 7 and subject to subsection 6, in the absence of an express, contrary indication by the donor, a person other than the donor is barred from making, amending or revoking an anatomical gift of a donor's body or part if the donor made an anatomical gift of the donor's body or part under section 23 of this act or an amendment to an anatomical gift of the donor's body or part under section 24 of this act.***

2. A donor's revocation of an anatomical gift of the donor's body or part under section 24 of this act is not a refusal and does not bar another person specified in section 22 or 27 of this act from making an anatomical gift of the donor's body or part under section 23 or 28 of this act.

3. If a person other than the donor makes an unrevoked anatomical gift of the donor's body or part under section 23 of this act or an amendment to an anatomical gift of the donor's body or part under section 24 of this act, another person may not make, amend or revoke the gift of the donor's body or part under section 28 of this act.

4. A revocation of an anatomical gift of a donor's body or part under section 24 of this act by a person other than the donor does not bar another person from making an anatomical gift of the body or part under section 23 or 28 of this act.

5. In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under section 22 of this act, an anatomical gift of a part is neither a refusal to give another part nor a limitation on the making of an anatomical gift of another part at a later time by the donor or another person.

6. In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under section 22 of this act, an anatomical gift of a part for one or more of the purposes set forth in section 22 of this act is not a limitation on the making of an anatomical gift of the part for any of the other purposes by the donor or any other person under section 23 or 28 of this act.

7. If a donor who is an unemancipated minor dies, a parent of the donor who is reasonably available may revoke or amend an anatomical gift of the donor's body or part.

8. If an unemancipated minor who signed a refusal dies, a parent of the minor who is reasonably available may revoke the minor's refusal.

Sec. 27. ***1. Subject to subsections 2 and 3 and unless barred by section 25 or 26 of this act, an anatomical gift of a decedent's body or part for the purpose of transplantation, therapy, research or education may be made by any member of the following classes of persons who is reasonably available, in the order of priority listed:***

(a) An agent of the decedent at the time of death who could have made an anatomical gift under subsection 2 of section 22 of this act immediately before the decedent's death;

(b) The spouse of the decedent;

(c) Adult children of the decedent;

(d) Parents of the decedent;

(e) Adult siblings of the decedent;

(f) Adult grandchildren of the decedent;

(g) Grandparents of the decedent;

(h) An adult who exhibited special care and concern for the decedent;

(i) The persons who were acting as the guardians of the person of the decedent at the time of death; and

(j) Any other person having the authority to dispose of the decedent's body.

2. If there is more than one member of a class listed in paragraphs (a), (c), (d), (e), (f), (g) or (i) of subsection 1 entitled to make an anatomical gift, an anatomical gift may be made by a member of the class unless that member or a person to which the gift may pass under section 29 of this act knows of an objection by another member of the class. If an objection is known, the gift may be made only by a majority of the members of the class who are reasonably available.

3. A person may not make an anatomical gift if, at the time of the decedent's death, a person in a prior class under subsection 1 is reasonably available to make or to object to the making of an anatomical gift.

Sec. 28. ***1. A person authorized to make an anatomical gift under section 27 of this act may make an anatomical gift by a document of gift signed by the person making the gift or by that person's oral communication that is electronically recorded or is contemporaneously reduced to a record and signed by the natural person receiving the oral communication.***

2. Subject to subsection 3, an anatomical gift by a person authorized under section 27 of this act may be amended or revoked orally or in a record by any member of a prior class who is reasonably available. If more than one member of the prior class is reasonably available, the gift made by a person authorized under section 27 of this act may be:

(a) Amended only if a majority of the reasonably available members agree to the amending of the gift; or

(b) Revoked only if a majority of the reasonably available members agree to the revoking of the gift or if they are equally divided as to whether to revoke the gift.

3. A revocation under subsection 2 is effective only if, before an incision has been made to remove a part from the donor's body or before invasive procedures have begun to prepare the recipient, the procurement organization, transplant hospital or physician or technician knows of the revocation.

Sec. 29. ***1. An anatomical gift may be made to the following persons named in the document of gift:***

(a) A hospital, accredited medical school, dental school, college, university, organ procurement organization or other appropriate person, for research or education;

(b) Subject to subsection 2, a natural person designated by the person making the anatomical gift if the natural person is the recipient of the part; or

(c) An eye bank or tissue bank.

2. If an anatomical gift to a natural person under paragraph (b) of subsection 1 is not medically suitable for transplantation into the natural person, the gift, in the absence of an express, contrary indication by the person making the gift:

(a) If it is medically suitable for transplantation or therapy for other natural persons, must be used for transplantation or therapy, and the gift passes in accordance with subsection ~~[7.]~~ ***8.***

(b) If it is not medically suitable for transplantation or therapy for other natural persons, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

3. If an anatomical gift of one or more specific parts or of all parts is made in a document of gift that does not name a person described in subsection 1 but identifies the purpose for which an anatomical gift may be used, the following rules apply:

(a) If the part is an eye and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate eye bank.

(b) If the part is tissue and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate tissue bank.

(c) If the part is an organ and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate organ procurement organization as custodian of the organ.

(d) If the part is an organ, an eye or tissue and the gift is for the purpose of research or education, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

4. For the purpose of subsection 3, if there is more than one purpose of an anatomical gift set forth in the document of gift but the purposes are not set forth in any priority, the gift, in the absence of an express, contrary indication by the person making the gift:

(a) If it is medically suitable for transplantation or therapy, must be used for transplantation or therapy, and the gift passes in accordance with paragraphs (a), (b) and (c) of subsection 3.

(b) If it is not medically suitable for transplantation or therapy, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

5. If an anatomical gift of one or more specific parts is made in a document of gift that does not name a person described in subsection 1 and does not identify the purpose of the gift, the gift, in the absence of an express, contrary indication by the person making the gift:

(a) If it is medically suitable for transplantation or therapy, must be used for transplantation or therapy, and the gift passes in accordance with subsection [7.] 8.

(b) If it is not medically suitable for transplantation or therapy, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

6. If a document of gift specifies only a general intent to make an anatomical gift by words such as [“donor,”] “donor” or “organ donor” [or “body donor,”] or by a symbol or statement of similar import, the gift, in the absence of an express, contrary indication by the person making the gift:

(a) If it is medically suitable for transplantation or therapy, must be used for transplantation or therapy, and the gift passes in accordance with subsection [7.] 8.

(b) If it is not medically suitable for transplantation or therapy, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

7. If a document of gift specifies only a general intent to make an anatomical gift by words such as “body donor” or by a symbol or statement of similar import, the gift, in the absence of an express, contrary indication by the person making the gift:

(a) If any part is medically suitable for transplantation or therapy, must be used for transplantation or therapy, and the gift passes in accordance with subsection 8.

(b) If any part is not medically suitable for transplantation or therapy, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

8. For purposes of subsections 2, 5 , 6 and [6.] 7, if an anatomical gift is medically suitable for transplantation or therapy, the following rules apply:

(a) If the part is an eye, the gift passes to the appropriate eye bank.

(b) If the part is tissue, the gift passes to the appropriate tissue bank.

(c) If the part is an organ, the gift passes to the appropriate organ procurement organization as custodian of the organ.

~~[8.]~~ 9. An anatomical gift of an organ for transplantation or therapy, other than an anatomical gift under paragraph (b) of subsection 1, passes to the organ procurement organization as custodian of the organ.

~~[9.]~~ 10. If an anatomical gift does not pass pursuant to subsections 1 to ~~[8,]~~ 9, inclusive, or the decedent's body or part is not used for transplantation, therapy, research or education, custody of the body or part passes to the person under obligation to dispose of the body or part.

~~[10.]~~ 11. A person may not accept an anatomical gift if the person knows that the gift was not effectively made under section 23 or 28 of this act or if the person knows that the decedent made a refusal under section 25 of this act that was not revoked. For purposes of this subsection, if a person knows that an anatomical gift was made on a document of gift, the person is deemed to know of any amendment or revocation of the gift or any refusal to make an anatomical gift on the same document of gift.

~~[11.]~~ 12. Except as otherwise provided in paragraph (b) of subsection 1, nothing in NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act affects the allocation of organs for transplantation or therapy.

Sec. 30. ***1. The following persons shall make a reasonable search of a natural person who the person reasonably believes is dead or near death for a document of gift or other information identifying the natural person as a donor or as a natural person who made a refusal:***

(a) A law enforcement officer, firefighter, paramedic or other emergency rescuer finding the natural person; and

(b) If no other source of the information is immediately available, a hospital, as soon as practical after the natural person's arrival at the hospital.

2. If a document of gift or a refusal to make an anatomical gift is located by the search required by paragraph (a) of subsection 1 and the natural person or deceased natural person to whom it relates is taken to a hospital, the person responsible for conducting the search shall send the document of gift or refusal to the hospital.

3. A person is not subject to criminal or civil liability for failing to discharge the duties imposed by this section but may be subject to administrative sanctions.

Sec. 31. ***1. A document of gift need not be delivered during the donor's lifetime to be effective.***

2. Upon or after a natural person's death, a person in possession of a document of gift or a refusal to make an anatomical gift with respect to the natural person shall allow examination and copying of the document of gift or refusal by a person authorized to make or object to the making of an

anatomical gift with respect to the natural person or by a person to which the gift could pass under section 29 of this act.

Sec. 32. ***1. When a hospital refers a natural person at or near death to a procurement organization, the organization shall make a reasonable search of the records of ~~[the Department of Motor Vehicles and]~~ any donor registry that it knows exists for the geographical area in which the natural person resides to ascertain whether the natural person has made an anatomical gift.***

2. ~~[A procurement organization must be allowed reasonable access to information in the records of the Department of Motor Vehicles to ascertain whether a natural person at or near death is a donor.~~

~~2.~~] When a hospital refers a natural person at or near death to a procurement organization, the organization may conduct any reasonable examination necessary to ensure the medical suitability of a part that is or could be the subject of an anatomical gift for transplantation, therapy, research or education from a donor or a prospective donor. During the examination period, measures necessary to ensure the medical suitability of the part may not be withdrawn unless the hospital or procurement organization knows that the natural person expressed a contrary intent.

~~[4.]~~ 3. Unless prohibited by law other than NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act, at any time after a donor's death, the person to which a part passes under section 29 of this act may conduct any reasonable examination necessary to ensure the medical suitability of the body or part for its intended purpose.

~~[5.]~~ 4. Unless prohibited by law other than NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act, an examination under subsection 2 or 3 ~~[or 4]~~ may include an examination of all medical and dental records of the donor or prospective donor.

~~[6.]~~ 5. Upon the death of a minor who was a donor or had signed a refusal, unless a procurement organization knows the minor is emancipated, the procurement organization shall conduct a reasonable search for the parents of the minor and provide the parents with an opportunity to revoke or amend the anatomical gift or revoke the refusal.

~~[7.]~~ 6. Upon referral by a hospital under subsection 1, a procurement organization shall make a reasonable search for any person listed in section 27 of this act having priority to make an anatomical gift on behalf of a prospective donor. If a procurement organization receives information that an anatomical gift to any other person was made, amended or revoked, it shall promptly advise the other person of all relevant information.

~~[8.]~~ 7. Subject to subsection ~~[9]~~ 10 of section 29 and section 40 of this act, the rights of the person to which a part passes under section 29 of this act are superior to the rights of all others with respect to the part. The person may accept or reject an anatomical gift in whole or in part. Subject to the terms of the document of gift and NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act, a person that accepts an

anatomical gift of an entire body may allow embalming, burial or cremation, and use of remains in a funeral service. If the gift is of a part, the person to which the part passes under section 29 of this act, upon the death of the donor and before embalming, burial or cremation, shall cause the part to be removed without unnecessary mutilation.

~~[9.]~~ 8. Neither the physician who attends the decedent at death nor the physician who determines the time of the decedent's death may participate in the procedures for removing or transplanting a part from the decedent.

~~[10.]~~ 9. A physician or technician may remove a donated part from the body of a donor that the physician or technician is qualified to remove.

10. In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift, if an anatomical gift of a part has been made for the purpose of transplantation or therapy and the part is medically suitable for that purpose, the appropriate procurement organization shall discuss with a person authorized to make an anatomical gift under section 22 of this act the person's willingness to make an anatomical gift of any other part for the purpose of research or education.

Sec. 33. ***Each hospital in this State shall enter into agreements or affiliations with procurement organizations for coordination of procurement and use of anatomical gifts.***

Sec. 34. ***1. A person shall not, in order to obtain a financial gain, intentionally falsify, forge, conceal, deface or obliterate a document of gift, an amendment or revocation of a document of gift or a refusal.***

2. A person who violates this section is guilty of a category C felony and shall be punished as provided in NRS 193.130, or by a fine of not more than $50,000, or by both fine and the punishment provided in NRS 193.130.

Sec. 35. ***1. A person that acts in accordance with NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act, or with the applicable anatomical gift law of another state, or attempts in good faith to do so, is not liable for the act in a civil action, criminal prosecution or administrative proceeding.***

2. Neither the person making an anatomical gift nor the donor's estate is liable for any injury or damage that results from the making or use of the gift.

3. In determining whether an anatomical gift has been made, amended or revoked under NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act, a person may rely upon representations of a natural person listed in paragraphs (b), (c), (d), (e), (f), (g) or (h) of subsection 1 of section 27 of this act relating to the natural person's relationship to the donor or prospective donor unless the person knows that the representation is untrue.

Sec. 36. ***1. A document of gift is valid if executed in accordance with:***

(a) The provisions of NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act;

(b) The laws of the state or country where it was executed; or

(c) The laws of the state or country where the person making the anatomical gift was domiciled, has a place of residence or was a national at the time the document of gift was executed.

2. If a document of gift is valid under this section, the law of this State governs the interpretation of the document of gift.

3. A person may presume that a document of gift or amendment of an anatomical gift is valid unless that person knows that it was not validly executed or was revoked.

Sec. 37. ***1. A person shall not create or maintain a donor registry unless the donor registry complies with the provisions of NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act and all other applicable provisions of federal and state law.***

2. A donor registry must:

(a) Allow a donor or other person authorized under section 22 of this act to include on the donor registry a statement or symbol that the donor has made, amended or revoked an anatomical gift;

(b) Be accessible to a procurement organization to allow it to obtain relevant information on the donor registry to determine, at or near death of the donor or a prospective donor, whether the donor or prospective donor has made, amended or revoked an anatomical gift; and

(c) Be accessible for purposes of paragraphs (a) and (b) 7 days a week on a 24-hour basis.

3. Personally identifiable information on a donor registry about a donor or prospective donor may not be used or disclosed without the express consent of the donor, prospective donor or person that made the anatomical gift for any purpose other than to determine, at or near death of the donor or prospective donor, whether the donor or prospective donor has made, amended or revoked an anatomical gift.

4. This section does not apply to a donor registry that is created to contain records of anatomical gifts and amendments to or revocations of anatomical gifts of only the whole body of a donor for the purpose of research or education.

Sec. 38. ***1. As used in this section:***

(a) "Advance health-care directive" means a power of attorney for health care or ~~*[a]*~~ ***other record signed by a prospective donor , or executed in the manner set forth in NRS 449.840, containing the prospective donor's direction concerning a health-care decision for the prospective donor.***

(b) "Declaration" means a record signed by a prospective donor , or executed as set forth in NRS 449.600, specifying the circumstances under which ~~*[a life support system]*~~ ***life-sustaining treatment may be withheld or withdrawn from the prospective donor.***

(c) "Health-care decision" means any decision made regarding the health care of the prospective donor.

2. If a prospective donor has a declaration or advance health-care directive ~~[.]~~ and the terms of the declaration or advance health-care directive and the express or implied terms of the potential anatomical gift are in conflict concerning the administration of measures necessary to ensure the medical suitability of a part for transplantation or therapy:

(a) The attending physician of the prospective donor shall confer with the prospective donor to resolve the conflict or, if the prospective donor is incapable of resolving the conflict, with:

(1) An agent acting under the declaration or advance health-care directive of the prospective donor; or

(2) If an agent is not named in the declaration or advance health-care directive or the agent is not reasonably available, any other person authorized by law, other than by a provision of sections 2 to 41, inclusive, of this act, to make a health-care decision for the prospective donor.

(b) The conflict must be resolved as expeditiously as practicable.

(c) Information relevant to the resolution of the conflict may be obtained from the appropriate procurement organization and any other person authorized to make an anatomical gift of the prospective donor's body or part under section 22 of this act.

(d) Before the resolution of the conflict, measures necessary to ensure the medical suitability of ~~[an organ for transplantation or therapy]~~ the part may not be withheld or withdrawn from the prospective donor, ~~[unless the declaration expressly provides to the contrary.]~~ if withholding or withdrawing the measures is not medically contraindicated for the appropriate treatment of the prospective donor at the end of his life.

Sec. 39. ***1. A coroner shall cooperate with procurement organizations to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research or education.***

2. If a coroner receives notice from a procurement organization that an anatomical gift might be available or was made with respect to a decedent whose body is under the jurisdiction of the coroner and a postmortem examination is going to be performed, unless the coroner denies recovery in accordance with section 40 of this act, the coroner or designee shall conduct a postmortem examination of the body or the part in a manner and within a period compatible with its preservation for the purposes of the gift.

3. A part may not be removed from the body of a decedent under the jurisdiction of a coroner for transplantation, therapy, research or education unless the part is the subject of an anatomical gift or such removal is authorized or required by other law. The body of a decedent under the jurisdiction of the coroner may not be delivered to a person for research or education unless the body is the subject of an anatomical gift or such delivery is authorized or required by NRS 451.350 to 451.470, inclusive, or other law. This subsection does not preclude a coroner from

performing the medicolegal investigation upon the body or parts of a decedent under the jurisdiction of the coroner.

Sec. 40. ***1. Upon request of a procurement organization, a coroner shall release to the procurement organization the name, contact information and available medical and social history of a decedent whose body is under the jurisdiction of the coroner. If the decedent's body or part is medically suitable for transplantation, therapy, research or education, the coroner shall release postmortem examination results to the procurement organization. The procurement organization may make a subsequent disclosure of the postmortem examination results or other information received from the coroner only if relevant to transplantation or therapy.***

2. The coroner may conduct a medicolegal examination by reviewing all medical records, laboratory test results, X rays, other diagnostic results and other information that any person possesses about a donor or prospective donor whose body is under the jurisdiction of the coroner which the coroner determines may be relevant to the investigation.

3. A person that has any information requested by a coroner pursuant to subsection 2 shall provide that information as expeditiously as possible to allow the coroner to conduct the medicolegal investigation within a period compatible with the preservation of parts for the purpose of transplantation, therapy, research or education.

4. If an anatomical gift has been or might be made of a part of a decedent whose body is under the jurisdiction of the coroner and a postmortem examination is not required, or the coroner determines that a postmortem examination is required but that the recovery of the part that is the subject of an anatomical gift will not interfere with the examination, the coroner and procurement organization shall cooperate in the timely removal of the part from the decedent for the purpose of transplantation, therapy, research or education.

5. If an anatomical gift of a part from the decedent under the jurisdiction of the coroner has been or might be made, but the coroner or designee initially believes that the recovery of the part could interfere with the postmortem investigation into the decedent's cause or manner of death, the coroner or designee shall consult with the procurement organization or the physician or technician designated by the procurement organization to remove the part about the proposed recovery. After consultation, the coroner or designee may allow the recovery by the procurement organization to proceed and may attend and witness all procedures before, during and after removal of the part.

6. Following the consultation under subsection 5, if the coroner or designee still intends to deny recovery, the coroner or designee, at the request of the procurement organization, shall consult additionally with the physician or technician designated by the procurement organization to remove the part before making a final determination not to allow the

procurement organization to recover the part. The additional consultation must be based on the protocols developed pursuant to subsection 10 to resolve conflicts and to maximize the recovery of parts for the purpose of transplantation or therapy, except that the coroner retains the right to deny recovery based on clear need for the postmortem examination, including, without limitation, preservation of the part. After such additional consultation, the coroner or designee may:

(a) Allow recovery by the procurement organization to proceed and may attend and witness all procedures before, during and after removal of the part; or

(b) If the coroner or designee reasonably believes that the part may be involved in determining the decedent's cause or manner of death, deny recovery by the procurement organization.

7. If the coroner or designee denies recovery under subsection 6:

(a) The coroner or designee shall:

(1) Document in a record the specific reasons for not allowing recovery of the part;

(2) Include the specific reasons in the records of the coroner; and

(3) Share such records, including, without limitation, the specific reasons documented by the coroner or designee for not allowing recovery of the part, with the procurement organization in the interest of improving the protocols developed pursuant to subsection 10; and

(b) The procurement organization shall include in its records the specific reasons documented by the coroner or designee for not allowing recovery of the part.

8. If the coroner or designee allows recovery of a part under subsection 4, 5 or 6, the procurement organization, upon request, shall cause the physician or technician who removes the part to provide the coroner, in a timely manner, with a record describing the condition of the part, a biopsy, a photograph and any other information and observations that would assist in the postmortem examination.

9. If a coroner or designee elects to attend and witness a removal procedure under subsection 5 or 6, the procurement organization requesting the recovery of the part shall, upon request by the coroner or designee, reimburse the coroner or designee for the additional costs incurred in attending and witnessing the removal procedure.

10. For purposes of subsection 6, the coroner and the procurement organization shall develop mutually agreed-upon protocols to resolve conflicts between the coroner and the procurement organization regarding the recovery of parts. The protocols:

(a) Must focus on maximizing the recovery of parts for the purpose of transplantation or therapy;

(b) Must allow the coroner the right to deny recovery of a part where recovery of the part could interfere with the postmortem investigation into the decedent's cause or manner of death; and

(c) May include, without limitation, requirements and procedures concerning:

(1) Consultations and cooperation between the coroner or designee and the physician or technician designated by the procurement organization to remove the part;

(2) The taking of photographs before, during and after removal of the part;

(3) Video recording the removal procedure; and

(4) The taking of tissue samples from the part and the conducting of biopsies, testing or other examinations of the part.

Sec. 41. ***NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act modify, limit and supersede the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., but do not modify, limit or supersede Section 101(a) of that Act, 15 U.S.C. § 7001(a), or authorize electronic delivery of any of the notices described in Section 103(b) of that Act, 15 U.S.C. § 7003(b).***

Sec. 42. NRS 451.010 is hereby amended to read as follows:

451.010 1. The right to dissect the dead body of a human being is limited to cases:

(a) Specially provided by statute or by the direction or will of the deceased.

(b) Where a coroner is authorized under NRS 259.050 or an ordinance enacted pursuant to NRS 244.163 to hold an inquest upon the body, and then only as he may authorize dissection.

(c) Where the husband, wife or next of kin charged by law with the duty of burial authorize dissection for the purpose of ascertaining the cause of death, and then only to the extent so authorized.

(d) Where authorized by the provisions of NRS 451.350 to 451.470, inclusive.

(e) Where authorized by the provisions of NRS 451.500 to 451.590, inclusive ~~[.]~~ ***, and sections 2 to 41, inclusive, of this act.***

2. Every person who makes, causes or procures to be made any dissection of the body of a human being, except as provided in subsection 1, is guilty of a gross misdemeanor.

Sec. 43. NRS 451.500 is hereby amended to read as follows:

451.500 NRS 451.500 to 451.590, inclusive, ***and sections 2 to 41, inclusive, of this act*** may be cited as the ***Revised*** Uniform Anatomical Gift Act.

Sec. 44. NRS 451.503 is hereby amended to read as follows:

451.503 NRS 451.500 to 451.590, inclusive, ***and sections 2 to 41, inclusive, of this act*** apply to ~~[a document of gift, revocation or refusal to make]~~ an anatomical gift ~~[signed by the donor or a person authorized to make or object to making]~~ ***or amendment to, revocation of or refusal to make*** an anatomical gift ~~[before, on or after October 1, 1989.]~~ ***, whenever made.***

Sec. 45. NRS 451.505 is hereby amended to read as follows:

451.505 ~~[NRS 451.500 to 451.590, inclusive,]~~ ***In applying and construing the Revised Uniform Anatomical Gift Act, consideration*** must be ~~[applied and construed to effectuate their general purpose to make uniform]~~ ***given to the need to promote uniformity of*** the law with respect to ~~[the subject of the Uniform Anatomical Gift Act]~~ ***its subject matter*** among states ~~[enacting]~~ ***that enact*** it.

Sec. 46. NRS 451.510 is hereby amended to read as follows:

451.510 ~~[Unless the context otherwise requires, as]~~ ***As*** used in NRS 451.500 to 451.590, inclusive, ***and sections 2 to 41, inclusive, of this act, unless the context otherwise requires,*** the words and terms defined in NRS 451.513 to 451.553, inclusive, ***and sections 2 to 21, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 47. NRS 451.513 is hereby amended to read as follows:

451.513 "Anatomical gift" means a donation of all or part of a human body to take effect ~~[upon or after death.]~~ ***after the donor's death for the purpose of transplantation, therapy, research or education.***

Sec. 48. NRS 451.520 is hereby amended to read as follows:

451.520 "Decedent" means a deceased ***natural*** person ~~[and]~~ ***whose body or part is or may be the source of an anatomical gift. The term*** includes a stillborn infant ~~[or]~~ ***and, subject to restrictions imposed by law other than NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act, a*** fetus.

Sec. 49. NRS 451.523 is hereby amended to read as follows:

451.523 "Document of gift" means a ***donor*** card ~~[, statement, will]~~ or other ~~[writing]~~ ***record*** used to make an anatomical gift. ***The term includes a statement or symbol on a driver's license, identification card or donor registry.***

Sec. 50. NRS 451.525 is hereby amended to read as follows:

451.525 "Donor" means a ***natural*** person ~~[who makes]~~ ***whose body or part is the subject of*** an anatomical gift ***.*** ~~[of all or part of his body.]~~

Sec. 51. NRS 451.530 is hereby amended to read as follows:

451.530 "Hospital" means a facility licensed ~~[, accredited or approved]~~ as a hospital under the laws of ~~[the State of Nevada]~~ ***any state*** or a facility operated as a hospital by the United States ~~[Government, the State]~~ ***, a state*** or a subdivision of ~~[the State.]~~ ***a state.***

Sec. 52. NRS 451.535 is hereby amended to read as follows:

451.535 "Part" means an organ, ~~[tissue, eye, bone, artery, blood, fluid or other portion]~~ ***an eye or any tissue*** of a human ~~[body.]~~ ***being. The term does not include the whole body.***

Sec. 53. NRS 451.540 is hereby amended to read as follows:

451.540 "Person" ~~[includes a]~~ ***means a natural person, corporation, business trust, estate, trust, partnership, limited-liability company, association, joint venture, public corporation,*** government ~~[, a]~~ ***or*** governmental ***subdivision,*** agency ~~[and a political subdivision of a government.]~~ ***or instrumentality, or any other legal or commercial entity.***

Sec. 54. NRS 451.545 is hereby amended to read as follows:

451.545 "Physician" means a ***natural*** person ~~[licensed or otherwise]~~ authorized to practice medicine ~~[and surgery]~~ or osteopathy ~~[and surgery]~~ under the laws of any state.

Sec. 55. NRS 451.547 is hereby amended to read as follows:

451.547 "Procurement organization" means ~~[a person licensed, accredited or approved under the laws of the State of Nevada for procurement, distribution or storage of human bodies or parts.]~~ ***an eye bank, organ procurement organization or tissue bank.***

Sec. 56. NRS 451.550 is hereby amended to read as follows:

451.550 "State" means a state ~~[, territory or possession]~~ of the United States, the District of Columbia **,** ~~[or the Commonwealth of]~~ Puerto Rico ~~[.]~~ **,** ***the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.***

Sec. 57. NRS 451.553 is hereby amended to read as follows:

451.553 "Technician" means a ***natural*** person ~~[who, under the supervision of a licensed physician, removes or processes a part.]~~ ***determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited or regulated under federal or state law. The term includes an enucleator.***

Sec. 58. NRS 451.590 is hereby amended to read as follows:

451.590 1. ~~[A]~~ ***Except as otherwise provided in subsection 2, a*** person shall not knowingly, for valuable consideration, purchase or sell a part ***of a natural person*** for transplantation or therapy ~~[.~~

~~2. Valuable consideration does not include reasonable payment]~~ ***if removal of the part from the natural person is or was intended to occur after the natural person's death.***

2. A person may charge a reasonable amount for the removal, processing, ~~[disposal,]~~ preservation, quality control, storage, transportation **,** ~~[or]~~ implantation ***or disposal*** of a part.

3. A person who violates this section is guilty of a category ~~[D]~~ ***C*** felony and shall be punished as provided in NRS 193.130, or by a fine of not more than $50,000, or by both fine and the punishment provided in NRS 193.130.

Sec. 59. NRS 483.340 is hereby amended to read as follows:

483.340 1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive. The license must bear a unique number assigned to the licensee pursuant to NRS 483.345, the licensee's social security number, if he has one, unless he requests that it not appear on the license, the name, date of birth, mailing address and a brief description of the licensee, and a space upon which the licensee shall write his usual signature in ink immediately upon receipt of the license. A license is not valid until it has been so signed by the licensee.

2. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs'

departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations and agents of the State Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General or the Chairman of the State Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

3. Information pertaining to the issuance of a driver's license pursuant to subsection 2 is confidential.

4. It is unlawful for any person to use a driver's license issued pursuant to subsection 2 for any purpose other than the special investigation for which it was issued.

5. At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to have indicated on his driver's license that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, ***and sections 2 to 41, inclusive, of this act*** or to refuse to make an anatomical gift of his body or part of his body.

(b) Give the holder the opportunity to have indicated whether he wishes to donate $1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the ~~[organ]~~ donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with ~~[an organization which registers as donors persons who desire to make anatomical gifts.]~~ ***a donor registry that is in compliance with the provisions of NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act.***

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on a driver's license pursuant to NRS 483.3485, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his driver's license.

6. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

7. The Department shall submit to the ~~[organ]~~ donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 5 information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 60. NRS 483.840 is hereby amended to read as follows:

483.840 1. The form of the identification cards must be similar to that of drivers' licenses but distinguishable in color or otherwise.

2. Identification cards do not authorize the operation of any motor vehicles.

3. Identification cards must include the following information concerning the holder:

(a) The name and sample signature of the holder.

(b) A unique identification number assigned to the holder that is not based on the holder's social security number.

(c) A personal description of the holder.

(d) The date of birth of the holder.

(e) The current address of the holder in this State.

(f) A colored photograph of the holder.

4. The information required to be included on the identification card pursuant to subsection 3 must be placed on the card in the manner specified in subsection 1 of NRS 483.347.

5. At the time of the issuance or renewal of the identification card, the Department shall:

(a) Give the holder the opportunity to have indicated on his identification card that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, ***and sections 2 to 41, inclusive, of this act*** or to refuse to make an anatomical gift of his body or part of his body.

(b) Give the holder the opportunity to indicate whether he wishes to donate $1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the ~~[organ]~~ donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with ~~[an organization which registers as donors persons who desire to make anatomical gifts.]~~ ***a donor registry that is in compliance with the provisions of NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act.***

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on an identification card pursuant to NRS 483.863, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his identification card.

6. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

7. The Department shall submit to the ~~[organ]~~ donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 5 information from the records of the Department relating to persons who have identification cards issued by the Department that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

8. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 61. NRS 451.527, 451.555, 451.557, 451.560, 451.570, 451.573, 451.576, 451.577, 451.580, 451.582, 451.583 and 451.585 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

451.527 "Enucleator" defined.

451.555 Making, amending, revoking and refusing to make gifts: By person.

451.557 Making, revoking and objecting to gifts: By others.

451.560 Qualifications of donees; purposes for which gifts may be made; presumption of validity.

451.570 Delivery of document of gift.

451.573 Immunity of Department of Motor Vehicles and representatives from damages or criminal prosecution.

451.576 Coordination of procurement and use; priority for use.

451.577 Identification of potential donors: Policies and procedures; search for and notification of information; administrative sanctions.

451.580 Rights and duties at death.

451.582 Examination of gifts; limitations on liability.

451.583 Enucleation of eyes.

451.585 Applicability of provisions governing autopsies.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 171.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 906.

SUMMARY—Creates ~~[the Nevada Academy of Health.]~~ **an advisory committee to the Legislative Committee on Health Care.** (BDR 40-952)

AN ACT relating to health; creating ~~[the Nevada Academy of Health; prescribing its powers and duties; creating the governing body of the~~

~~Academy; prescribing its powers and duties;]~~ **an advisory committee to the Legislative Committee on Health Care;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 6 of this bill creates the Nevada Academy of Health. Section 7 of this bill establishes the duties of the Academy, including studying issues relating to health care in this State and establishing standards and goals concerning the provision of such health care. Section 8 of this bill creates the governing body of the Academy. Section 9 of this bill prescribes the powers and duties of the governing body. Section 10 of this bill establishes the requirements for the use of money received by the Academy. Section 11 of this bill authorizes the Academy to accept gifts, grants and donations of money from any source. Section 12 of this bill provides for the appointment of the members of the governing body of the Academy to specific terms of office.]~~ **This bill creates an advisory committee to the Legislative Committee on Health Care, which is established pursuant to NRS 439B.200.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 13 of this bill and replace with the following new sections 1 and 2:

Section 1. **Chapter 439B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. There is hereby established an advisory committee to the Committee consisting of 14 members as follows:

(a) The Director or his designee;

(b) One member who represents the Nevada System of Higher Education appointed by the Board of Regents of the University of Nevada;

(c) Six members appointed by the Governor;

(d) Two members appointed by the Majority Leader of the Senate;

(e) Two members appointed by the Speaker of the Assembly;

(f) One member appointed by the Minority Leader of the Senate; and

(g) One member appointed by the Minority Leader of the Assembly.

2. The Chairman of the advisory committee must be elected from among the members of the advisory committee.

3. Each member of the advisory committee who is not an officer or employee of the State serves without compensation and is not entitled to receive a per diem allowance or travel expenses.

4. Each member of the advisory committee who is an officer or employee of the State must be relieved from his duties without loss of his regular compensation so that he may attend meetings of the Committee or the advisory committee and is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, which must be paid by the state agency that employs him.

Sec. 2. **This act becomes effective on July 1, 2007, and expires by limitation on June 30, 2009.**

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 184.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 821.

AN ACT relating to education; revising provisions governing the statewide system of accountability for public schools and school districts; **revising provisions governing the Commission on Educational Excellence;** revising provisions governing the Commission on Educational Technology; prescribing the minimum credits required of pupils **enrolled in high school** in certain courses of study **;** ~~[before graduation from high school;]~~ providing for a waiver from the required **enrollment in the** minimum credits; revising provisions governing the adoption of academic standards; revising provisions governing promotion to high school; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The State Board of Education and each school district are required to prepare annual reports of accountability information. (NRS 385.3469, 385.347, 385.349) In addition, the State Board, each school district and each public school are required to prepare a plan to improve the achievement of pupils. (NRS 385.34691, 385.348, 385.357) Sections 1-7 of this bill revise the provisions governing the annual reports of accountability and the plans to improve.

Each public school is designated annually based upon the yearly progress of the pupils enrolled in the school. (NRS 385.3623, 385.366) If a school is designated for 1 year as demonstrating need for achievement, a technical assistance partnership must be established for the school. (NRS 385.3661, 385.3691, 385.3692) If the school is designated for 2 consecutive years as demonstrating need for improvement, the technical assistance partnership must be continued. (NRS 385.3693) Sections 9, 10 and 24 of this bill eliminate the requirement for the establishment of technical assistance partnerships.

If a public school is designated as demonstrating need for improvement for 3 consecutive years or more, a support team must be established for that school. (NRS 385.3721, 385.374, 385.3741) A support team is required to recommend certain types of corrective action for the school. (NRS 385.3744, 385.376) Sections 11-14 of this bill revise provisions governing the school support teams and the recommendation of corrective action.

Existing law creates the Commission on Educational Excellence and requires the Commission to provide for the distribution of grants of

money to public schools and school districts from the Account for Programs for Innovation and the Prevention of Remediation. (NRS 385.3781-385.379) Section 15.5 of this bill revises provisions governing the factors for consideration by the Commission in awarding grants of money from the Account.

Existing law creates the Commission on Educational Technology and requires the Commission to establish a plan for the use of educational technology in the public schools. (NRS 388.790, 388.795) Section 19 of this bill requires the Commission to conduct an assessment of the needs of each school district relating to educational technology during the spring semester of each even-numbered school year for submission to the Legislative Committee on Education and the Legislature.

Existing law designates the core academic subjects that must be taught in all public schools as English, mathematics, science and social studies. (NRS 389.018) ~~[Existing law also requires a pupil to pass the high school proficiency examination before the pupil may receive a standard high school diploma. (NRS 389.015)]~~ Section 20 of this bill prescribes the minimum units of credit ~~[that]~~ **in the core academic subjects in which** a pupil must ~~[earn in the core academic subjects before graduation from high school.]~~ **enroll.** Section 20 also provides that the pupil, his parent or legal guardian and an administrator or counselor at the school may mutually agree to a modified course of study for the pupil.

Existing law requires the Council to Establish Academic Standards for Public Schools to establish the standards of content and performance for certain courses of study. (NRS 389.520) The State Board is required to adopt the standards as submitted by the Council. Section 21 of this bill authorizes the State Board to object to the standards and return the standards to the Council for reconsideration.

Existing law prohibits a pupil from being promoted to high school unless he completes certain course work and credits. (NRS 392.033) Section 22 of this bill provides that if a pupil has been retained one time in grade 8 and he fails again to successfully complete the requirements, he must complete a program of remedial study.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following ~~[subgroups]~~ ***groups*** of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each ~~[subgroup]~~ ***group*** identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the ~~[subgroups]~~ ***groups*** identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(l) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide

program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(m) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(o) The annual rate of pupils who drop out of school in ***grade 8 and a separate reporting of the annual rate of pupils who drop out of school in*** grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole ***.*** ~~[,~~ ~~excluding]~~ ***The reporting for pupils in grades 9 to 12, inclusive, excludes*** pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(p) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(q) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this

State as a whole. For the purposes of this paragraph, a pupil is not a transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(w) Each source of funding for this State to be used for the system of public education.

(x) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(y) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(z) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma.

(2) An adjusted diploma.

(3) A certificate of attendance.

(bb) ~~[The]~~ ***For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the*** number and percentage of pupils who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination **.** ~~[, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.]~~

(cc) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(dd) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ee) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

2. A separate reporting for a ~~[subgroup]~~ ***group*** of pupils must not be made pursuant to this section if the number of pupils in that ~~[subgroup]~~ ***group*** is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a ~~[subgroup]~~ ***group*** for that ~~[subgroup]~~ ***group*** to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before September 1 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2. NRS 385.34691 is hereby amended to read as follows:

385.34691 1. The State Board shall prepare a plan to improve the achievement of pupils enrolled in the public schools in this State. The plan:

(a) Must be prepared in consultation with:

(1) Employees of the Department;

(2) At least one employee of a school district in a county whose population is 100,000 or more, appointed by the Nevada Association of School Boards;

(3) At least one employee of a school district in a county whose population is less than 100,000, appointed by the Nevada Association of School Boards; and

(4) At least one representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516, appointed by the Council; and

(b) May be prepared in consultation with:

(1) Representatives of institutions of higher education;

(2) Representatives of regional educational laboratories;

(3) Representatives of outside consultant groups;

(4) Representatives of the regional training programs for the professional development of teachers and administrators created by NRS 391.512;

(5) The Bureau; and

(6) Other persons who the State Board determines are appropriate.

2. A plan to improve the achievement of pupils enrolled in public schools in this State must include:

(a) A review and analysis of the data upon which the report required pursuant to NRS 385.3469 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors common among the school districts or charter schools in this State, as revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

(d) Strategies to improve the academic achievement of pupils enrolled in public schools in this State, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.015 and 389.550; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each ~~[subgroup]~~ ***group*** identified in paragraph (b) of subsection 1 of NRS 385.361;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school districts;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at public schools in this State to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of the pupils enrolled in public schools in this State, as deemed appropriate by the State Board.

(e) Strategies designed to provide to the pupils enrolled in middle school, junior high school and high school, the teachers and counselors who provide instruction to those pupils, and the parents and guardians of those pupils information concerning:

(1) The requirements for admission to an institution of higher education and the opportunities for financial aid;

(2) The availability of Governor Guinn Millennium Scholarships pursuant to NRS 396.911 to 396.938, inclusive; and

(3) The need for a pupil to make informed decisions about his curriculum in middle school, junior high school and high school in preparation for success after graduation.

(f) An identification, by category, of the employees of the Department who are responsible for ensuring that each provision of the plan is carried out effectively.

(g) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from this State, by program and by school district, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall

use the Department's own financial analysis program in complying with this paragraph.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the State Board and the Department to carry out the plan, including, without limitation, a budget for the overall cost of carrying out the plan.

(k) A summary of the effectiveness of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

3. The State Board shall:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in public schools in this State.

4. On or before December 15 of each year, the State Board shall submit the plan or the revised plan, as applicable, to the:

(a) Governor;

(b) Committee;

(c) Bureau;

(d) Board of Regents of the University of Nevada;

(e) Council to Establish Academic Standards for Public Schools created by NRS 389.510;

(f) Board of trustees of each school district; and

(g) Governing body of each charter school.

Sec. 3. NRS 385.34692 is hereby amended to read as follows:

385.34692 1. The State Board shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.3469 that includes, without limitation, a summary of the following information for each school district, each charter school and the State as a whole:

(a) Demographic information of pupils, including, without limitation, the number and percentage of pupils:

(1) Who are economically disadvantaged, as defined by the State Board;

(2) Who are from major racial or ethnic groups, as defined by the State Board;

(3) With disabilities;

(4) Who are limited English proficient; and

(5) Who are migratory children, as defined by the State Board;

(b) The average daily attendance of pupils, reported separately for the ~~[subgroups]~~ ***groups*** identified in paragraph (a);

(c) The transiency rate of pupils;

(d) The percentage of pupils who are habitual truants;

(e) The percentage of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655;

(f) The number of incidents resulting in suspension or expulsion for:

(1) Violence to other pupils or to school personnel;

(2) Possession of a weapon;

(3) Distribution of a controlled substance;

(4) Possession or use of a controlled substance; and

(5) Possession or use of alcohol;

(g) For kindergarten through grade 8, the number and percentage of pupils who are retained in the same grade;

(h) For grades 9 to 12, inclusive, the number and percentage of pupils who are deficient in the number of credits required for promotion to the next grade or graduation from high school;

(i) The pupil-teacher ratio for kindergarten and grades 1 to 8, inclusive;

(j) The average class size for the subject area of mathematics, English, science and social studies in schools where pupils rotate to different teachers for different subjects;

(k) The number and percentage of pupils who graduated from high school;

(l) The number and percentage of pupils who received a:

(1) Standard diploma;

(2) Adult diploma;

(3) Adjusted diploma; and

(4) Certificate of attendance;

(m) The number and percentage of pupils who graduated from high school and enrolled in remedial courses at the Nevada System of Higher Education;

(n) Per pupil expenditures;

(o) Information on the professional qualifications of teachers;

(p) The average daily attendance of teachers and licensure information;

(q) Information on the adequate yearly progress of the schools and school districts;

(r) Pupil achievement based upon the examinations administered pursuant to NRS 389.550 and the high school proficiency examination;

(s) To the extent practicable, pupil achievement based upon the examinations administered pursuant to NRS 389.015 for grades 4, 7 and 10; and

(t) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.

2. The summary prepared pursuant to subsection 1 must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. On or before September 7 of each year, the State Board shall:

(a) Provide for public dissemination of the summary prepared pursuant to subsection 1 by posting the summary on the Internet website maintained by the Department; and

(b) Submit a copy of the summary in an electronic format to the:

(1) Governor;
(2) Committee;
(3) Bureau;
(4) Board of Regents of the University of Nevada;
(5) Board of trustees of each school district; and
(6) Governing body of each charter school.

4. The board of trustees of each school district and the governing body of each charter school shall ensure that the parents and guardians of pupils enrolled in the school district or charter school, as applicable, have sufficient information concerning the availability of the summary prepared by the State Board pursuant to subsection 1, including, without limitation, information that describes how to access the summary on the Internet website maintained by the Department. Upon the request of a parent or guardian of a pupil, the Department shall provide the parent or guardian with a written copy of the summary.

5. The Department shall, in consultation with the Bureau and the school districts, prescribe a form for the summary required by this section.

Sec. 4. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed ***educational*** personnel ~~[in education]~~ in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of each school district shall ~~[~~:

~~(a) Report]~~ ***report*** the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school.

~~[(b) For the information that is reported in an aggregated format, include the data that is applicable to]~~ ***The information for charter schools must be reported separately and must denote*** the charter schools sponsored by the school district ~~[but not the charter schools that are sponsored by the State Board.~~

~~(c) Denote separately in the report those charter schools that are located within the school district]~~ and ***the charter schools*** sponsored by the State Board.

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with

those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations**.** ~~[;]~~

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school**.** ~~[;]~~

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following ~~[subgroups]~~ ***groups*** of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board**.** ~~[;]~~

(4) A comparison of the achievement of pupils in each ~~[subgroup]~~ ***group*** identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board**.** ~~[;]~~

(5) The percentage of pupils who were not tested**.** ~~[;]~~

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the ~~[subgroups]~~ ***groups*** identified in subparagraph (3)**.** ~~[;]~~

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available**.** ~~[;]~~

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison**.** ~~[; and]~~

(9) For each school in the district, including, without limitation, each charter school in the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

➥ A separate reporting for a ~~[subgroup]~~ ***group*** of pupils must not be made pursuant to this paragraph if the number of pupils in that ~~[subgroup]~~ ***group*** is insufficient to yield statistically reliable information or the results would

reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a ~~[subgroup]~~ ***group*** for that ~~[subgroup]~~ ***group*** to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district.

(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school in the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(f) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school in the district.

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(h) The annual rate of pupils who drop out of school in ***grade 8 and a separate reporting of the annual rate of pupils who drop out of school in*** grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole ***.*** ~~[, excluding]~~ ***The reporting for pupils in grades 9 to 12, inclusive, excludes*** pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) An identification of each program of remedial study, listed by subject area.

(s) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who received:

(1) A standard high school diploma.

(2) An adjusted diploma.

(3) A certificate of attendance.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and

programs approved by the Legislature to improve the academic achievement of pupils.

(dd) Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which he is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration; and

(6) Legislative Counsel Bureau,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before August 15 of each year, the board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee; and

(5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school in the district.

9. Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.

10. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 5. NRS 385.348 is hereby amended to read as follows:

385.348 1. The board of trustees of each school district shall, in consultation with the employees of the school district, prepare a plan to improve the achievement of pupils enrolled in the school district, excluding pupils who are enrolled in charter schools located in the school district. If the school district is a Title I school district designated as demonstrating need for improvement pursuant to NRS 385.377, the plan must also be prepared in consultation with parents and guardians of pupils enrolled in the school district and other persons who the board of trustees determines are appropriate.

2. Except as otherwise provided in this subsection, the plan must include the items set forth in 20 U.S.C. § 6316(c)(7) and the regulations adopted pursuant thereto. If a school district has not been designated as demonstrating need for improvement pursuant to NRS 385.377, the board of trustees of the school district is not required to include those items set forth in 20 U.S.C. §

6316(c)(7) and the regulations adopted pursuant thereto that directly relate to the status of a school district as needing improvement.

3. In addition to the requirements of subsection 2, a plan to improve the achievement of pupils enrolled in a school district must include:

(a) A review and analysis of the data upon which the report required pursuant to subsection 2 of NRS 385.347 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors at individual schools that are revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

(d) Strategies to improve the academic achievement of pupils enrolled in the school district, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.015 and 389.550; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each ~~[subgroup]~~ ***group*** identified in paragraph (b) of subsection 1 of NRS 385.361;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school district;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed by the school district to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of the pupils enrolled in the school district, as deemed appropriate by the board of trustees of the school district.

(e) An identification, by category, of the employees of the school district who are responsible for ensuring that each provision of the plan is carried out effectively.

(f) In consultation with the Department, an identification, by category, of the employees of the Department, if any, who are responsible for overseeing and monitoring whether the plan is carried out effectively.

(g) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic

achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from the school district, by program and by school, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the school district to carry out the plan, including, without limitation, a budget of the overall cost for carrying out the plan.

(k) A summary of the effectiveness of appropriations made by the Legislature that are available to the school district or the schools within the school district to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(l) An identification of the programs, practices and strategies that are used throughout the school district and by the schools within the school district that have proven successful in improving the achievement and proficiency of pupils, including, without limitation:

(1) An identification of each school that carries out such a program, practice or strategy;

(2) An indication of which programs, practices and strategies are carried out throughout the school district and which programs, practices and strategies are carried out by individual schools;

(3) The extent to which the programs, practices and strategies include methods to improve the achievement and proficiency of pupils in each ~~[subgroup]~~ ***group*** identified in paragraph (b) of subsection 1 of NRS 385.361; and

(4) A description of how the school district disseminates information concerning the successful programs, practices and strategies to all schools within the school district.

4. The board of trustees of each school district shall:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school district.

5. On or before December 15 of each year, the board of trustees of each school district shall submit the plan or the revised plan, as applicable, to the:

(a) Superintendent of Public Instruction;

(b) Governor;

(c) State Board;

(d) Department;

(e) Committee; and

(f) Bureau.

Sec. 6. NRS 385.349 is hereby amended to read as follows:

385.349 1. The board of trustees of each school district shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.347 on the form prescribed by the Department pursuant to subsection 3 or an expanded form, as applicable. The summary must include, without limitation:

(a) The information set forth in subsection 1 of NRS 385.34692, reported for the school district as a whole and for each school within the school district;

(b) Information on the involvement of parents and legal guardians in the education of their children; and

(c) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.

2. The summary prepared pursuant to subsection 1 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. The Department shall, in consultation with the Bureau and the school districts, prescribe a form that contains the basic information required by subsection 1. The board of trustees of a school district may use an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

4. On or before September 7 of each year, the board of trustees of each school district shall:

(a) Submit the summary in an electronic format to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee;

(5) Bureau; and

(6) Schools within the school district.

(b) Provide for the public dissemination of the summary by posting a copy of the summary on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the summary. The board of trustees of each school district shall ensure that the parents and guardians of pupils enrolled in the school district have sufficient information concerning the availability of the summary, including, without limitation, information that describes how to access the summary on the Internet website maintained by the school district, if any. Upon the request of a parent or legal guardian,

the school district shall provide the parent or legal guardian with a written copy of the summary.

5. The board of trustees of each school district shall ~~[:~~

~~(a) Report]~~ ***report*** the information required by this section for each charter school that is located within the school district, regardless of the sponsor of the charter school.

~~[(b) For the information that is reported in an aggregated format, include the data that is applicable to]~~ ***The information for charter schools must be reported separately and must denote*** the charter schools sponsored by the school district ~~[but not the charter schools that are sponsored by the State Board.~~

~~(c) Denote separately in the report those charter schools that are located within the school district]~~ and ***the charter schools*** sponsored by the State Board.

Sec. 7. NRS 385.357 is hereby amended to read as follows:

385.357 1. The principal of each school, including, without limitation, each charter school, shall, in consultation with the employees of the school, prepare a plan to improve the achievement of the pupils enrolled in the school.

2. The plan developed pursuant to subsection 1 must include:

(a) A review and analysis of the data pertaining to the school upon which the report required pursuant to subsection 2 of NRS 385.347 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors at the school that are revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as defined in NRS 389.018.

(d) Policies and practices concerning the core academic subjects which have the greatest likelihood of ensuring that each ~~[subgroup]~~ ***group*** of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school will make adequate yearly progress and meet the minimum level of proficiency prescribed by the State Board.

(e) Annual measurable objectives, consistent with the annual measurable objectives established by the State Board pursuant to NRS 385.361, for the continuous and substantial progress by each ~~[subgroup]~~ ***group*** of pupils identified in paragraph (b) of subsection 1 of that section who are enrolled in the school to ensure that each ~~[subgroup]~~ ***group*** will make adequate yearly progress and meet the level of proficiency prescribed by the State Board.

(f) Strategies, consistent with the policy adopted pursuant to NRS 392.457 by the board of trustees of the school district in which the school is located, to promote effective involvement by parents and families of pupils enrolled in the school in the education of their children.

(g) As appropriate, programs of remedial education or tutoring to be offered before and after school, during the summer, or between sessions if the school operates on a year-round calendar for pupils enrolled in the school who need additional instructional time to pass or to reach a level considered proficient.

(h) Strategies to improve the academic achievement of pupils enrolled in the school, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.015 and 389.550; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each ~~[subgroup]~~ ***group*** identified in paragraph (b) of subsection 1 of NRS 385.361;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at the school to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of pupils enrolled in the school, as deemed appropriate by the principal.

(i) An identification, by category, of the employees of the school who are responsible for ensuring that the plan is carried out effectively.

(j) In consultation with the school district or governing body, as applicable, an identification, by category, of the employees of the school district or governing body, if any, who are responsible for ensuring that the plan is carried out effectively or for overseeing and monitoring whether the plan is carried out effectively.

(k) In consultation with the Department, an identification, by category, of the employees of the Department, if any, who are responsible for overseeing and monitoring whether the plan is carried out effectively.

(l) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(m) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(n) The resources available to the school to carry out the plan. If this State has a financial analysis program that is designed to track educational

expenditures and revenues to individual schools, each school shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school shall use the financial analysis program used by the school district in which the school is located in complying with this paragraph.

(o) A summary of the effectiveness of appropriations made by the Legislature that are available to the school to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(p) A budget of the overall cost for carrying out the plan.

3. In addition to the requirements of subsection 2, if a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623, the plan must comply with 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto.

4. Except as otherwise provided in subsection 5, the principal of each school shall, in consultation with the employees of the school:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school.

5. If a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623 ~~[, the technical assistance partnership or the]~~ ***and a*** support team ***has been*** established for the school, ~~[as applicable,]~~ ***the support team*** shall review the plan and make revisions to the most recent plan for improvement of the school pursuant to NRS ~~[385.3692 or 385.3741, as applicable.]~~ ***385.3741.*** If the school is a Title I school that has been designated as demonstrating need for improvement, the ~~[technical assistance partnership or]~~ support team established for the school ~~[, as applicable,]~~ shall, in making revisions to the plan, work in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity responsible for creating the ~~[partnership or]~~ support team, outside experts.

6. On or before November 1 of each year, the principal of each school ~~[, or the technical assistance partnership]~~ or ***the*** support team established for the school, as applicable, shall submit the plan or the revised plan, as applicable, to:

(a) If the school is a public school of the school district, the superintendent of schools of the school district.

(b) If the school is a charter school, the governing body of the charter school.

7. If a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623, the superintendent of schools of the school district or the governing body, as applicable, shall carry out a process for peer review of the plan or the revised plan, as applicable, in accordance

with 20 U.S.C. § 6316(b)(3)(E) and the regulations adopted pursuant thereto. Not later than 45 days after receipt of the plan, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan, as applicable, if it meets the requirements of 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto and the requirements of this section. The superintendent of schools of the school district or the governing body, as applicable, may condition approval of the plan or the revised plan, as applicable, in the manner set forth in 20 U.S.C. § 6316(b)(3)(B) and the regulations adopted pursuant thereto. The State Board shall prescribe the requirements for the process of peer review, including, without limitation, the qualifications of persons who may serve as peer reviewers.

8. If a school is designated as demonstrating exemplary achievement, high achievement or adequate achievement, or if a school that is not a Title I school is designated as demonstrating need for improvement, not later than 45 days after receipt of the plan or the revised plan, as applicable, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan if it meets the requirements of this section.

9. On or before December 15 of each year, the principal of each school ~~[, or the technical assistance partnership]~~ or ***the*** support team established for the school, as applicable, shall submit the final plan or the final revised plan, as applicable, to the:

(a) Superintendent of Public Instruction;
(b) Governor;
(c) State Board;
(d) Department;
(e) Committee;
(f) Bureau; and
(g) Board of trustees of the school district in which the school is located.

10. A plan for the improvement of a school must be carried out expeditiously, but not later than January 1 after approval of the plan pursuant to subsection 7 or 8, as applicable.

Sec. 8. NRS 385.3613 is hereby amended to read as follows:

385.3613 1. Except as otherwise provided in subsection 2, on or before June 15 of each year, the Department shall determine whether each public school is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361.

2. On or before June 30 of each year, the Department shall determine whether each public school that operates on a schedule other than a traditional 9-month schedule is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361.

3. The determination pursuant to subsection 1 or 2, as applicable, for a public school, including, without limitation, a charter school sponsored by the board of trustees of the school district, must be made in consultation with

the board of trustees of the school district in which the public school is located. If a charter school is sponsored by the State Board, the Department shall make a determination for the charter school in consultation with the State Board. The determination made for each school must be based only upon the information and data for those pupils who are enrolled in the school for a full academic year. On or before June 15 or June 30 of each year, as applicable, the Department shall transmit:

(a) Except as otherwise provided in paragraph (b), the determination made for each public school to the board of trustees of the school district in which the public school is located.

(b) To the State Board the determination made for each charter school that is sponsored by the State Board.

4. Except as otherwise provided in this subsection, the Department shall determine that a public school has failed to make adequate yearly progress if any ~~[subgroup]~~ ***group*** identified in paragraph (b) of subsection 1 of NRS 385.361 does not satisfy the annual measurable objectives established by the State Board pursuant to that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the regulations adopted pursuant thereto, the State Board shall prescribe by regulation the conditions under which a school shall be deemed to have made adequate yearly progress even though a ~~[subgroup]~~ ***group*** identified in paragraph (b) of subsection 1 of NRS 385.361 did not satisfy the annual measurable objectives of the State Board.

5. In addition to the provisions of subsection 4, the Department shall determine that a public school has failed to make adequate yearly progress if:

(a) The number of pupils enrolled in the school who took the examinations administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable, is less than 95 percent of all pupils enrolled in the school who were required to take the examinations; or

(b) Except as otherwise provided in subsection 6, for each ~~[subgroup]~~ ***group*** of pupils identified in paragraph (b) of subsection 1 of NRS 385.361, the number of pupils in the ~~[subgroup]~~ ***group*** enrolled in the school who took the examinations administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable, is less than 95 percent of all pupils in that ~~[subgroup]~~ ***group*** enrolled in the school who were required to take the examinations.

6. If the number of pupils in a particular ~~[subgroup]~~ ***group*** who are enrolled in a public school is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school has failed to make adequate yearly progress pursuant to paragraph (b) of subsection 5 based solely upon that particular ~~[subgroup.]~~ ***group.***

(b) The pupils in such a ~~[subgroup]~~ ***group*** must be included in the overall count of pupils enrolled in the school who took the examinations.

➥ The State Board shall prescribe the mechanism for determining the number of pupils that must be in a ~~[subgroup]~~ ***group*** for that ~~[subgroup]~~ ***group*** to yield statistically reliable information.

7. If an irregularity in testing administration or an irregularity in testing security occurs at a school and the irregularity invalidates the test scores of pupils, those test scores must be included in the scores of pupils reported for the school, the attendance of those pupils must be counted towards the total number of pupils who took the examinations and the pupils must be included in the total number of pupils who were required to take the examinations.

8. As used in this section:

(a) "Irregularity in testing administration" has the meaning ascribed to it in NRS 389.604.

(b) "Irregularity in testing security" has the meaning ascribed to it in NRS 389.608.

Sec. 9. NRS 385.3661 is hereby amended to read as follows:

385.3661 1. ~~[If a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721 or 385.3745 do not apply, the technical assistance partnership established for the school pursuant to this section shall carry out the requirements of NRS 385.3692.~~

~~2.]~~ Except as otherwise provided in subsection ~~[3,]~~ ***2,*** if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721 or 385.3745 do not apply, the board of trustees of the school district shall:

(a) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; ***and***

(b) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto **.** ~~[; and~~

~~(c) Establish a technical assistance partnership for the school, with the membership prescribed pursuant to NRS 385.3691.~~

~~3.]~~ ***2.*** If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721 or 385.3745 do not apply:

(a) The governing body of the charter school shall ~~[:~~

~~(1) Provide]~~ ***provide*** notice of the designation to the parents and guardians of pupils enrolled in the charter school on the form prescribed by the Department pursuant to NRS 385.382 **.** ~~[; and~~

~~(2) Establish a technical assistance partnership for the charter school, with the membership prescribed pursuant to NRS 385.3691.]~~

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted

pursuant thereto. ~~[The provisions of this paragraph do not require the school district to pay for the technical assistance partnership established by the governing body of the charter school.]~~

(c) For a charter school sponsored by the State Board, the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

~~[4.]~~ ***3.*** In addition to the requirements of subsection ~~[2 or 3,]~~ ***1 or 2,*** as applicable, if a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721 or 385.3745 do not apply:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall provide school choice to the parents and guardians of pupils enrolled in the school, including, without limitation, a charter school sponsored by the school district, in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(b) For a charter school sponsored by the State Board, the Department shall work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

Sec. 10. NRS 385.3693 is hereby amended to read as follows:

385.3693 1. ~~[If a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years, the technical assistance partnership established for the school pursuant to NRS 385.3661 shall carry out the requirements of NRS 385.3692.~~

~~2.]~~ Except as otherwise provided in subsection ~~[3,]~~ ***2,*** if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years, the board of trustees of the school district shall:

(a) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; ***and***

(b) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto ***.*** ~~[; and~~

~~(c) Continue the technical assistance partnership for the school.~~

~~3.]~~ ***2.*** If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years:

(a) The governing body of the charter school shall ~~[:~~

~~(1) Provide]~~ ***provide*** notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382 ***.*** ~~[; and~~

~~(2) Continue the technical assistance partnership for the school.]~~

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto. ~~[The provisions of this paragraph do not require the school district to pay for the technical assistance partnership established by the governing body of the charter school.]~~

(c) For a charter school sponsored by the State Board, the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

Sec. 11. NRS 385.374 is hereby amended to read as follows:

385.374 ***1.*** The membership of each support team established pursuant to NRS 385.3721 ~~[.~~

~~1. Must]~~ ***must*** consist of, without limitation:

(a) Teachers and principals who are considered highly qualified and who are not employees of the public school for which the support team is established;

(b) ~~[At least one representative of the Department,]~~ ***One member appointed in accordance with subsection 3,*** who must serve as the ~~[facilitator]~~ ***team leader*** of the support team;

(c) Except for a charter school, at least one administrator at the district level who is employed by the board of trustees of the school district;

(d) At least one parent or guardian of a pupil who is enrolled in the public school for which the support team is established; and

(e) In addition to the requirements of paragraphs (a) to (d), inclusive, for a charter school:

(1) At least one member of the governing body of the charter school, regardless of the sponsor of the charter school; and

(2) If the charter school is sponsored by the board of trustees of a school district, at least one employee of the school district, which may include an administrator.

2. ~~[May]~~ ***The membership of each support team established pursuant to NRS 385.3721 may*** consist of, without limitation:

(a) Except for a charter school, one or more members of the board of trustees of the school district in which the school is located;

(b) Representatives of institutions of higher education;

(c) Representatives of regional educational laboratories;

(d) Representatives of outside consultant groups;

(e) Representatives of the regional training program for the professional development of teachers and administrators created by NRS 391.512 that provides services to the school district in which the school is located;

(f) The Bureau; and

(g) Other persons who the Department determines are appropriate.

3. The member appointed pursuant to paragraph (b) of subsection 1 must:

(a) Be employed by the Department; or

(b) If he is not employed by the Department, have the training and experience required by the Department.

Sec. 12. NRS 385.3741 is hereby amended to read as follows:

385.3741 1. Each support team established for a public school pursuant to NRS 385.3721 shall:

(a) Review and analyze the operation of the school, including, without limitation, the design and operation of the instructional program of the school.

(b) Review and analyze the data pertaining to the school upon which the report required pursuant to subsection 2 of NRS 385.347 is based and review and analyze any data that is more recent than the data upon which the report is based.

(c) Review the most recent plan to improve the achievement of the school's pupils.

(d) Identify and investigate the problems and factors at the school that contributed to the designation of the school as demonstrating need for improvement.

(e) Assist the school in developing recommendations for improving the performance of pupils who are enrolled in the school.

(f) Except as otherwise provided in this paragraph, make recommendations to the board of trustees of the school district, the State Board and the Department concerning additional assistance for the school in carrying out the plan for improvement of the school. For a charter school sponsored by the State Board, the support team shall make the recommendations to the State Board and the Department.

(g) In accordance with its findings pursuant to this section and NRS 385.3742, submit, on or before November 1, written revisions to the most recent plan to improve the achievement of the school's pupils for approval pursuant to NRS 385.357. The written revisions must:

(1) Comply with NRS 385.357;

(2) If the school is a Title I school, be developed in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity that created the support team, outside experts;

(3) Include the data and findings of the support team that provide support for the revisions;

(4) Set forth goals, objectives, tasks and measures for the school that are:

(I) Designed to improve the achievement of the school's pupils;

(II) Specific;

(III) Measurable; and

(IV) Conducive to reliable evaluation;

(5) Set forth a timeline to carry out the revisions;

(6) Set forth priorities for the school in carrying out the revisions; and

(7) Set forth the names and duties of each person who is responsible for carrying out the revisions.

(h) Except as otherwise provided in this paragraph, work cooperatively with the board of trustees of the school district in which the school is located, the employees of the school, and the parents and guardians of pupils enrolled in the school to carry out and monitor the plan for improvement of the school. If a charter school is sponsored by the State Board, the Department shall assist the school with carrying out and monitoring the plan for improvement of the school.

(i) Prepare a ~~[monthly]~~ ***quarterly*** progress report in the format prescribed by the Department and:

(1) Submit the progress report to the Department.

(2) Distribute copies of the progress report to each employee of the school for review.

(j) In addition to the requirements of this section, if the support team is established for a Title I school, carry out the requirements of 20 U.S.C. § 6317(a)(5).

2. A school support team may require the school for which the support team was established to submit plans, strategies, tasks and measures that, in the determination of the support team, will assist the school in improving the achievement and proficiency of pupils enrolled in the school.

3. The Department shall prescribe a concise ~~[monthly]~~ ***quarterly*** progress report for use by each support team in accordance with paragraph (i) of subsection 1.

Sec. 13. NRS 385.3744 is hereby amended to read as follows:

385.3744 1. Except as otherwise provided in subsection ~~[2,]~~ ***3,*** if a public school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years for failing to make adequate yearly progress, the support team established for the school shall consider whether corrective action is appropriate for the school. If the support team determines that corrective action is appropriate, the support team shall make a recommendation ~~[to the Department]~~ for corrective action for the school, including, without limitation, the type of corrective action that is recommended from the list of corrective actions authorized pursuant to ~~[paragraphs (a), (b) and (c).]~~ ***subsection 2. The recommendation must be submitted to:***

(a) For a school of the school district or a charter school sponsored by the board of trustees of the school district, the board of trustees.

(b) For a charter school sponsored by the State Board, the Department.

2. Regardless of whether a support team recommends corrective action for a school, the Department ***may, for a charter school sponsored by the State Board, and the board of trustees of a school district*** may ***, for a school***

of the school district or a charter school sponsored by the board of trustees, take one or more of the following corrective actions for the school:

(a) Develop and carry out a new curriculum at the school, including the provision of appropriate professional development relating to the new curriculum.

(b) ~~[Decrease the number]~~ ***Significantly decrease the managerial authority*** of ***the*** employees at the school ***.*** ~~[who carry out managerial duties.]~~

(c) Extend the school year or the school day.

~~[2.]~~ ***3.*** The Department ***or the board of trustees of a school district, as applicable,*** shall grant a delay from the imposition of corrective action for a school for a period not to exceed 1 year if the school qualifies for a delay in the manner set forth in 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the Department ***or the board of trustees, as applicable,*** may proceed with corrective action as if the delay never occurred.

Sec. 14. NRS 385.376 is hereby amended to read as follows:

385.376 1. Except as otherwise provided in subsection 2, if a public school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years for failure to make adequate yearly progress, the support team for the school shall:

(a) If corrective action was not taken against the school pursuant to NRS 385.3744, consider whether corrective action is appropriate for the school.

(b) If corrective action was taken against the school pursuant to NRS 385.3744, consider whether further corrective action is appropriate or whether consequences or sanctions, or both, are appropriate for the school.

~~[.]~~

2. Regardless of whether a support team recommends corrective action or consequences or sanctions for a school, the Department ***may, for a charter school sponsored by the State Board, and the board of trustees of a school district*** may ***, for a school of the school district or a charter school sponsored by the board of trustees,*** take corrective action as set forth in NRS 385.3744 or proceed with consequences or sanctions, or both, as prescribed by the State Board pursuant to NRS 385.361.

~~[2.]~~ ***3.*** The Department ***or the board of trustees of a school district, as applicable,*** shall grant a delay from the imposition of corrective action or restructuring pursuant to this section for a school for a period not to exceed 1 year if the school qualifies for a delay in the manner set forth in 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the Department ***or the board of trustees, as applicable,*** may proceed with corrective action or with consequences or sanctions, or both, for the school, as appropriate, as if the delay never occurred.

~~[3.]~~ ***4.*** Before the ***board of trustees or the*** Department proceeds with consequences or sanctions, the board of trustees or the Department, as

applicable, shall provide to the administrators, teachers and other educational personnel employed at that school, and parents and guardians of pupils enrolled in the school:

(a) Notice that the board of trustees or the Department, as applicable, will proceed with consequences or sanctions for the school;

(b) An opportunity to comment before the consequences or sanctions are carried out; and

(c) An opportunity to participate in the development of the consequences or sanctions.

Sec. 15. NRS 385.3762 is hereby amended to read as follows:

385.3762 1. On or before July 1 of each year, the Department shall determine whether each school district is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361. The pupils who are enrolled in a charter school, if any, located within a school district must not be included in the determination made for that school district. The determination made for each school district must be based only upon the information and data for those pupils who were enrolled in the school district for a full academic year, regardless of whether those pupils attended more than one school within the school district for that academic year.

2. Except as otherwise provided in this subsection, the Department shall determine that a school district has failed to make adequate yearly progress if any ~~[subgroup]~~ ***group*** of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school district does not satisfy the annual measurable objectives established by the State Board pursuant to that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the regulations adopted pursuant thereto, the State Board shall prescribe by regulation the conditions under which a school district shall be deemed to have made adequate yearly progress even though a ~~[subgroup]~~ ***group*** of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school district did not satisfy the annual measurable objectives of the State Board.

3. In addition to the provisions of subsection 2, the Department shall determine that a school district has failed to make adequate yearly progress if:

(a) The number of pupils enrolled in the school district who took the examinations administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable, is less than 95 percent of all pupils enrolled in the school district who were required to take the examinations; or

(b) Except as otherwise provided in subsection 4, for each ~~[subgroup]~~ ***group*** of pupils identified in paragraph (b) of subsection 1 of NRS 385.361, the number of pupils enrolled in the school district who took the examinations administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable, is less than 95 percent of all pupils in the ~~[subgroup]~~ ***group*** who were required to take the examinations.

4. If the number of pupils in a particular ~~[subgroup]~~ ***group*** who are enrolled in a school district is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school district has failed to make adequate yearly progress pursuant to paragraph (b) of subsection 3 based solely upon that particular ~~[subgroup.]~~ ***group.***

(b) The pupils in such a ~~[subgroup]~~ ***group*** must be included in the overall count of pupils enrolled in the school district who took the examinations.

➥ The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a ~~[subgroup]~~ ***group*** for that ~~[subgroup]~~ ***group*** to yield statistically reliable information.

Sec. 15.5. **NRS 385.3785 is hereby amended to read as follows:**

385.3785 1. The Commission shall:

(a) Establish a program of educational excellence designed exclusively for pupils enrolled in kindergarten through grade 6 in public schools in this State based upon:

(1) The plan to improve the achievement of pupils prepared by the State Board pursuant to NRS 385.34691;

(2) The plan to improve the achievement of pupils prepared by the board of trustees of each school district pursuant to NRS 385.348;

(3) The plan to improve the achievement of pupils prepared by the principal of each school pursuant to NRS 385.357, which may include a program of innovation; and

(4) Any other information that the Commission considers relevant to the development of the program of educational excellence.

(b) Identify programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

(c) Develop a concise application and simple procedures for the submission of applications by school districts and public schools, including, without limitation, charter schools, for participation in a program of educational excellence and for grants of money from the Account. Grants of money must be made for programs designed for the achievement of pupils that are linked to the plan to improve the achievement of pupils or for innovative programs, or both. All school districts and public schools, including, without limitation, charter schools, are eligible to submit such an application, regardless of whether the school district or school has made adequate yearly progress or failed to make adequate yearly progress. A school district or public school selected for participation may be approved by the Commission for participation for a period not to exceed 2 years, but may reapply.

(d) Prescribe a long-range timeline for the review, approval and evaluation of applications received from school districts and public schools that desire to participate in the program.

(e) Prescribe accountability measures to be carried out by a school district or public school that participates in the program if that school district or

public school does not meet the annual measurable objectives established by the State Board pursuant to NRS 385.361, including, without limitation:

(1) The specific levels of achievement expected of school districts and schools that participate; and

(2) Conditions for school districts and schools that do not meet the grant criteria but desire to continue participation in the program and receive money from the Account, including, without limitation, a review of the leadership at the school and recommendations regarding changes to the appropriate body.

(f) Determine the amount of money that is available from the Account for those school districts and public schools that are selected to participate in the program.

(g) Allocate money to school districts and public schools from the Account. Allocations must be distributed not later than August 15 of each year.

(h) Establish criteria for school districts and public schools that participate in the program and receive an allocation of money from the Account to evaluate the effectiveness of the allocation in improving the achievement of pupils, including, without limitation, a detailed analysis of:

(1) The achievement of pupils enrolled at each school that received money from the allocation based upon measurable criteria identified in the plan to improve the achievement of pupils for the school prepared pursuant to NRS 385.357;

(2) If applicable, the achievement of pupils enrolled in the school district as a whole, based upon measurable criteria identified in the plan to improve the achievement of pupils for the school district prepared pursuant to NRS 385.348;

(3) If applicable, the effectiveness of the program of innovation on the achievement of pupils and the overall effectiveness for pupils and staff;

(4) The implementation of the applicable plans for improvement, including, without limitation, an analysis of whether the school district or the school is meeting the measurable objectives identified in the plan; and

(5) The attainment of measurable progress on the annual list of adequate yearly progress of school districts and schools.

2. To the extent money is available, the Commission shall make allocations of money to school districts and public schools for effective programs for grades 7 through 12 that are designed to improve the achievement of pupils and effective programs of innovation for pupils. In making such allocations, the Commission shall comply with the requirements of subsection 1.

3. ***The Commission shall ensure, to the extent practicable, that grants of money provided pursuant to this section reflect the economic and geographic diversity of this State, the academic needs of pupils, any special academic interests of pupils and any other special concerns of pupils, including, without limitation, schools that have a large population of Native Americans.***

4. If a school district or public school that receives money pursuant to subsection 1 or 2 does not meet the criteria for effectiveness as prescribed in paragraph (h) of subsection 1 over a 2-year period, the Commission may consider not awarding future allocations of money to that school district or public school.

~~[4.]~~ ***5.*** On or before July 1 of each year, the Department shall provide a list of priorities of schools based upon the adequate yearly progress status of schools in the immediately preceding year for consideration by the Commission in its development of procedures for the applications.

~~[5.]~~ ***6.*** In carrying out the requirements of this section, the Commission shall review and consider the programs of remedial study adopted by the Department pursuant to NRS 385.389, the list of approved providers of supplemental services maintained by the Department pursuant to NRS 385.384 and the recommendations submitted by the Committee pursuant to NRS 218.5354 concerning programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

Sec. 16. NRS 385.391 is hereby amended to read as follows:

385.391 1. The Department shall adopt:

(a) Regulations to provide for the recognition of schools that:

(1) Receive a designation as demonstrating exemplary achievement or high achievement pursuant to NRS 385.3623.

(2) Significantly improve the academic achievement of ~~[subgroups]~~ ***groups*** of pupils identified in paragraph (b) of subsection 1 of NRS 385.361.

(3) Exceed adequate yearly progress, as determined by the Department pursuant to NRS 385.3613, for 2 or more consecutive years.

(b) Such regulations as it deems necessary to carry out the provisions of this section and NRS 385.3455 to 385.391, inclusive, including, without limitation, uniform standards for the type and format of data that must be submitted by the school districts and the time by which such data must be submitted.

2. The Department may work in consultation with the Bureau for identifying and publicizing the achievement of schools that are recognized pursuant to paragraph (a) of subsection 1.

Sec. 17. NRS 386.605 is hereby amended to read as follows:

386.605 1. On or before July 15 of each year, the governing body of a charter school ~~[that is sponsored by the board of trustees of a school district]~~ shall submit the information concerning the charter school that is required pursuant to subsection 2 of NRS 385.347 to the board of trustees ~~[that sponsors]~~ ***of the school district in which*** the charter school ***is located*** for inclusion in the report of the school district pursuant to that section. The information must be submitted by the charter school in a format prescribed by the board of trustees.

2. The Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218.5356 may authorize a person or

entity with whom it contracts pursuant to NRS 385.359 to review and analyze information submitted by charter schools pursuant to this section and NRS 385.357, consult with the governing bodies of charter schools and submit written reports concerning charter schools pursuant to NRS 385.359.

Sec. 18. NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.3469 and 385.347; and

(2) In a separate reporting for each ~~[subgroup]~~ ***group*** of pupils identified in paragraph (b) of subsection 1 of NRS 385.361;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State; and

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils and which paraprofessionals, if any, are assigned to provide services to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the designation of schools and school districts pursuant to NRS 385.3623 and 385.377, respectively, and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

➥ The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction but must not be used for the purpose of evaluating an individual teacher or paraprofessional.

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to subsection 2;

(c) Prescribe the format for the data;

(d) Prescribe the date by which each school district shall report the data;

(e) Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;

(f) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

(1) Individual pupils;

(2) Individual teachers and paraprofessionals;

(3) Individual schools and school districts; and

(4) Programs and financial information;

(g) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and

(h) Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is

necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the Nevada System of Higher Education to provide access to data contained within the automated system for research purposes.

Sec. 19. NRS 388.795 is hereby amended to read as follows:

388.795 1. The Commission shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the Commission shall consider:

(a) Plans that have been adopted by the Department and the school districts in this State;

(b) Plans that have been adopted in other states;

(c) The information reported pursuant to paragraph (t) of subsection 2 of NRS 385.347; ~~[and]~~

(d) ***The results of the assessment of needs conducted pursuant to subsection 6; and***

(e) Any other information that the Commission or the Committee deems relevant to the preparation of the plan.

2. The plan established by the Commission must include recommendations for methods to:

(a) Incorporate educational technology into the public schools of this State;

(b) Increase the number of pupils in the public schools of this State who have access to educational technology;

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, but not limited to, the receipt of credit for college courses completed through the use of educational technology;

(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and

(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, ~~[but not limited to,]~~ ***without limitation,*** the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

➥ as is necessary for the Commission to carry out the provisions of this section.

4. The following entities shall cooperate with the Commission in carrying out the provisions of this section:

(a) The State Board.

(b) The board of trustees of each school district.

(c) The superintendent of schools of each school district.

(d) The Department.

5. The Commission shall:

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.

(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.

(c) Establish criteria for the board of trustees of a school district that receives an allocation of money from the Commission to:

(1) Repair, replace and maintain computer systems.

(2) Upgrade and improve computer hardware and software and other educational technology.

(3) Provide training, installation and technical support related to the use of educational technology within the district.

(d) Submit to the Governor, the Committee and the Department its plan for the use of educational technology in the public schools of this State and any recommendations for legislation.

(e) Review the plan annually and make revisions as it deems necessary or as directed by the Committee or the Department.

(f) In addition to the recommendations set forth in the plan pursuant to subsection 2, make further recommendations to the Committee and the Department as the Commission deems necessary.

6. ***During the spring semester of each even-numbered school year, the Commission shall conduct an assessment of the needs of each school district relating to educational technology. In conducting the assessment, the Commission shall consider:***

(a) The recommendations set forth in the plan pursuant to subsection 2;

(b) The plan for educational technology of each school district, if applicable;

(c) Evaluations of educational technology conducted for the State or for a school district, if applicable; and

(d) Any other information deemed relevant by the Commission.

➥ The Commission shall submit a final written report of the assessment to the Superintendent of Public Instruction on or before April 1 of each even-numbered year.

7. The Superintendent of Public Instruction shall prepare a written compilation of the results of the assessment conducted by the Commission and transmit the written compilation on or before June 1 of each even-

numbered year to the Legislative Committee on Education and to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

8. The Commission may appoint an advisory committee composed of members of the Commission or other qualified persons to provide recommendations to the Commission regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout the various school districts in this State. The advisory committee serves at the pleasure of the Commission and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

~~[7.]~~ ***9.*** As used in this section, "public school" includes the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

Sec. 20. NRS 389.018 is hereby amended to read as follows:

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) English, including reading, composition and writing;

(b) Mathematics;

(c) Science; and

(d) Social studies, which includes only the subjects of history, geography, economics and government.

2. ***Except as otherwise provided in this subsection, a pupil enrolled in a public high school must*** ~~*[, before graduation from high school, have earned]*~~ ***enroll in a minimum of:***

(a) Four units of credit in English;

(b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;

(c) Three units of credit in science, including two laboratory courses; and

(d) Three units of credit in social studies, including, without limitation:

(1) American government;

(2) American history; and

(3) World history or geography.

➥ A pupil is not required to ~~*[earn the minimum]*~~ ***enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil*** ~~*[,]*~~ ***and that modified course of study satisfies at least the requirements for a standard high school diploma or an adjusted diploma, as applicable.***

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) The arts;

(b) Computer education and technology;

(c) Health; and

(d) Physical education.

➥ If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

Sec. 21. NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 2, based upon the content of each course, that is expected of pupils for the following courses of study:

(1) English, including reading, composition and writing;

(2) Mathematics;

(3) Science;

(4) Social studies, which includes only the subjects of history, geography, economics and government;

(5) The arts;

(6) Computer education and technology;

(7) Health; and

(8) Physical education.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 389.570 of the results of pupils on the examinations administered pursuant to NRS 389.550.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

3. The ***Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:***

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

4. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board **.**

➥ ***The State Board*** shall adopt the standards of content and performance ~~[established by the Council.~~

~~4.]~~ ***or the revised standards, as applicable.***

5. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 389.550.

Sec. 22. NRS 392.033 is hereby amended to read as follows:

392.033 1. The State Board shall adopt regulations which prescribe the courses of study required for promotion to high school, ~~[which]~~ ***including, without limitation, English, mathematics, science and social studies. The regulations*** may include the credits to be earned ~~[.]~~ ***in each course.***

2. The board of trustees of a school district shall not promote a pupil to high school if the pupil does not complete the course of study or credits required for promotion. ***If a pupil is retained in grade 8 pursuant to this subsection and the pupil does not complete the course of study or credits required for promotion, the pupil shall complete a program of remedial study as required by the school district. If the pupil successfully completes the program of remedial study, the board of trustees shall promote the pupil to high school. If the pupil does not successfully complete the program of remedial study, he must be retained in grade 8 until he completes the course of study or credits required for promotion or successfully completes a program of remedial study.*** The board of trustees of the school district in which the pupil is enrolled ~~[may]~~ ***shall*** provide programs ***of remedial study*** to complete the courses of study required for promotion to high school.

3. The board of trustees of each school district shall adopt a procedure for evaluating the course of study or credits completed by a pupil who transfers to a junior high or middle school from a junior high or middle school in this State or from a school outside of this State.

Sec. 23. (Deleted by amendment.)

Sec. 24. NRS 385.3691 and 385.3692 are hereby repealed.

Sec. 25. (Deleted by amendment.)

Sec. 26. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of $340,200 for the costs of a

study to measure the alignment of class assignments given to pupils at selected grade levels with the standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520.

2. Before the Interim Finance Committee issues a request for proposals for a consultant to conduct the study, the Legislative Committee on Education shall select 100 public schools to participate in the study and the grade levels to be reviewed at each school. The schools must be elementary schools, middle schools and junior high schools and the grade levels selected must not include the ninth grade.

3. After selection of the public schools and grade levels by the Legislative Committee on Education, the Interim Finance Committee shall issue a request for proposals and enter into a contract with a qualified and independent consultant to conduct the study.

4. The consultant selected by the Interim Finance Committee shall, for each school selected by the Legislative Committee on Education, review a representative sampling of class assignments given to pupils for mathematics and English language arts at the selected grade levels and determine the alignment of those assignments with the standards of content and performance for those subject areas. For each school, the consultant shall report:

(a) The type of assignments that were reviewed, including, without limitation, homework, quizzes and tests;

(b) Whether the assignments were completed independently by pupils or in groups of pupils, or with the assistance of a teacher or aide;

(c) The source of the assignments, including, without limitation, textbooks and workbooks, created by the teacher or created by the school district;

(d) The grade levels of pupils subject to review;

(e) The percentage of the assignments that are aligned to the standards; and

(f) An assessment of the depth to which the standard is covered by the assignments.

5. The consultant shall prepare a written report of the results of the findings:

(a) For each school for submission to the principal of that school.

(b) For all schools that participate in the study for submission to the:

(1) Legislative Committee on Education;

(2) Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature;

(3) State Board of Education; and

(4) Department of Education.

6. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 27. The assessment of needs conducted by the Commission on Educational Technology pursuant to NRS 388.795, as amended by section 19 of this act, for the spring semester of 2008 must include, without limitation, an assessment of:

1. The need for computer-based assessments, including, without limitation, the use of computers for the administration of the high school proficiency examination;

2. The integration of educational technology to improve the achievement and proficiency of pupils; and

3. The feasibility and costs associated with using laptop computers in lieu of traditional textbooks.

Sec. 28. The provisions of section 20 of this act apply to pupils who are enrolled in grade 9 for the 2007-2008 school year and for each school year thereafter.

Sec. 29. This act becomes effective on July 1, 2007.

TEXT OF REPEALED SECTIONS

385.3691 Membership of technical assistance partnership.

1. The membership of each technical assistance partnership established by the board of trustees of a school district for a public school pursuant to NRS 385.3661:

(a) Must consist of:

(1) At least one employee of the public school for which the partnership is established; and

(2) At least one representative of the school district.

(b) May consist of other persons, as determined by the board of trustees, in accordance with the needs of the school based upon the data and information pertaining to that school.

2. The membership of each technical assistance partnership established by the governing body of a charter school:

(a) Must consist of:

(1) At least one employee of the charter school;

(2) At least one member of the governing body of the charter school;

(3) For a charter school sponsored by the board of trustees of the school district, at least one representative of the school district, appointed by the school district; and

(4) For a charter school sponsored by the State Board, at least one representative of the Department, appointed by the Department.

(b) May consist of other persons, as determined by the governing body, in accordance with the needs of the charter school based upon the data and information pertaining to that charter school.

385.3692 Powers and duties of technical assistance partnership; completion and submission of form concerning review and analysis of school; Department required to prescribe form for use by partnership.

1. Each technical assistance partnership established for a public school shall complete a form prescribed by the Department pursuant to this section or an expanded form, if applicable, that includes:

(a) A review and analysis of the operation of the school, including, without limitation, the design and operation of the instructional program of the school;

(b) A review and analysis of the data pertaining to the school based upon the report required pursuant to subsection 2 of NRS 385.347 and a review and analysis of any data that is more recent;

(c) A review of the most recent plan to improve the achievement of the school's pupils; and

(d) An identification of the problems and factors at the school that contributed to the designation of the school as demonstrating need for improvement.

2. Each technical assistance partnership established for a public school shall:

(a) Assist the school in developing recommendations for improving the performance of pupils who are enrolled in the school; and

(b) Adopt, in consultation with the employees of the school, written revisions to the most recent plan to improve the achievement of the school's pupils for approval pursuant to NRS 385.357. The written revisions must:

(1) Include the data and findings of the technical assistance partnership that provide support for the revisions;

(2) If the school is a Title I school, be developed in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity that created the technical assistance partnership, outside experts;

(3) Set forth a timeline to carry out the revisions;

(4) Set forth priorities for the school in carrying out the revisions; and

(5) Set forth the names and duties of each person who is responsible for carrying out the revisions.

3. On or before November 1 of each year, each technical assistance partnership shall submit the form completed pursuant to subsection 1 to the:

(a) Department;

(b) Bureau;

(c) Board of trustees of the school district or governing body of the charter school, as applicable; and

(d) Principal of the school.

4. The Department shall, in consultation with the Bureau:

(a) Prescribe a form that contains the basic information for a technical assistance partnership to carry out its duties pursuant to subsection 1; and

(b) Make the form available on a computer disc for use by technical assistance partnerships and, upon request, in any other manner deemed reasonable by the Department.

5. Except as otherwise provided in this subsection, each technical assistance partnership shall use the form prescribed by the Department to carry out its duties pursuant to subsection 1. A school district or governing body of a charter school may prescribe an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

6. A technical assistance partnership may require the school for which the partnership was established to submit plans, strategies, tasks and measures that, in the determination of the partnership, will assist the school in improving the achievement and proficiency of pupils enrolled in the school.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 195.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 787.

AN ACT relating to recreation areas; prohibiting a person who uses a recreation area from engaging in certain conduct; requiring such a person to follow certain safety requirements; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth prohibitions, penalties and duties for a person who operates or uses a skateboard park, amusement park or snow recreation area. (Chapters 455A and 455B of NRS) Generally those laws prohibit a person from engaging in certain activities at the park or snow recreation area, prescribe duties for the owner, operator or user of the park or area and specifically state that a county, city or unincorporated town may adopt additional ordinances governing the park or area as long as the ordinances do not conflict with existing statutes. (Chapters 455A and 455B of NRS)

This bill enacts similar prohibitions, penalties and duties for a person who operates or uses a recreation area. Section 4 of this bill defines "recreation area" as a trailhead or water access area. Section 8 of this bill prohibits certain conduct by a person using a recreation area. Section 9 of this bill imposes certain duties on a person using a recreation area, such as a duty to locate and ascertain the meaning of any sign that is posted by the operator of the recreation area. Section 10 of this bill absolves the operator of a recreation area and an owner of private property from liability for the death or injury of a person or for damage to property caused or sustained by a person using the recreation area if the person **knowingly** enters an area which is outside the recreation area. Section 10 also requires an operator to provide

certain information about the recreation area at trailheads and water access areas. Section 11 of this bill prohibits a person from entering or using a recreation area while intoxicated or under the influence of a controlled substance. Section 12 of this bill imposes a misdemeanor penalty against a person who fails to comply with certain reporting requirements occurring upon the person's involvement in a collision or an accident with another person. Section 14 of this bill clarifies that the intent of the bill is not to preempt a county, city or unincorporated town from adopting additional ordinances which are consistent with this bill. Section 14 also specifies that the provisions of the bill are in addition to certain statutory and regulatory provisions relating to state parks and state recreational areas.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 455B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Operator" means a government, governmental agency or political subdivision of a government that owns, controls, operates or manages a recreation area.***

Sec. 4. ***"Recreation area" means a trailhead or water access area. The term does not include:***

1. A snow recreation area as defined in NRS 455A.083; or

2. A skateboard park as defined in NRS 455B.240.

Sec. 5. (Deleted by amendment.)

Sec. 6. ***"Trailhead" means the beginning point of a trail, including, without limitation, any facility for parking, water or sanitation that is available for use at that point.***

Sec. 7. ***"Water access area" includes, without limitation, a beach, river entry or exit point and land located at or below the ordinary high water mark of a navigable body of water within this State.***

Sec. 8. ***A person shall not:***

1. Fail or refuse to comply with:

(a) Reasonable instructions provided by an operator or an authorized agent or employee of an operator regarding the use of a recreation area; or

(b) Rules concerning safety that are posted on a sign in a conspicuous place by an operator;

2. Intentionally place, drop or throw any object in the path of a user of a recreation area;

3. Conduct himself in a manner that interferes with the safe operation of a recreation area or with the safety of other users of a recreation area; or

4. Trespass on any private property located in or adjacent to a recreation area.

Sec. 9. ***1. A person using a recreation area shall, to the extent possible:***

(a) Locate and ascertain:

(1) The meaning of any sign that is posted in or near the recreation area by the operator of the recreation area; and

(2) The boundaries of all private property adjoining the recreation area;

(b) Heed warnings and other information posted by the operator of the recreation area;

(c) Conduct himself in such a manner as to avoid injury to persons and damage to property in the recreation area;

(d) Familiarize himself with the natural conditions of the recreation area and any resulting dangerous conditions in the recreation area and any private property located in or adjacent to the recreation area; and

(e) Familiarize himself with any dangerous conditions relating to an irrigation system in or near the recreation area.

2. A person using a recreation area shall not tamper with or alter an irrigation system or any part of an irrigation system in the recreation area.

Sec. 10. ***1. A person who enters a recreation area unlawfully shall be deemed to be a trespasser.***

2. A person who sustains a personal injury while he is using a recreation area shall notify the operator or an authorized agent or employee of the operator of the injury as soon as reasonably possible.

3. Except as otherwise provided by law, an operator or an owner of private property is not liable for the death or injury of a person or for damage to property caused or sustained by a person using a recreation area if the person knowingly enters an area which is located outside the recreation area.

4. An operator shall take reasonable steps to minimize known dangers and conditions of trailheads and water access areas within his control.

5. An operator shall post signs in conspicuous places or provide other information at trailheads and water access areas that:

(a) Identify the boundaries of the recreation area and immediately adjacent private property;

(b) Prescribe rules concerning safety, conduct and use; and

(c) Provide warnings about known dangerous conditions and potential hazards.

Sec. 11. ***1. A person shall not enter or use a recreation area while intoxicated or under the influence of a controlled substance, unless in accordance with:***

(a) A prescription lawfully issued to the person; or

(b) The provisions of chapter 453A of NRS.

2. An operator or an authorized agent or employee of an operator may prohibit a person from entering or using a recreation area if he reasonably believes that the person is under the influence of alcohol, prescription drugs or a controlled substance. An operator or an authorized agent or employee of an operator is not civilly or criminally liable for prohibiting a person from entering or using a recreation area pursuant to this subsection.

Sec. 12. ***1. A person using a recreation area who is involved in a collision or an accident in which another person is injured shall provide his name and current address to the injured person and the operator or an authorized agent or employee of the operator:***

(a) Before he leaves the vicinity of the collision or accident; or

(b) As soon as reasonably possible after leaving the vicinity of the collision or accident to secure aid for the injured person.

2. A person who violates a provision of this section is guilty of a misdemeanor.

Sec. 13. ***An operator may revoke the license or privilege of a person to use a recreation area if the person violates any provision of sections 2 to 14, inclusive, of this act.***

Sec. 14. ***The provisions of sections 2 to 14, inclusive, of this act:***

1. Do not prohibit a county, city or unincorporated town from adopting ordinances that regulate a recreation area which are consistent with the provisions of sections 2 to 14, inclusive, of this act.

2. Are in addition to any provision of chapter 407 of NRS or any regulation adopted pursuant to that chapter that is applicable to a recreation area.

Sec. 15. This act becomes effective on July 1, 2007.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 206.

Bill read second time and ordered to third reading.

Senate Bill No. 228.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 907.

AN ACT relating to emergency medical services; enacting provisions related to the access, sharing and confidentiality of certain information by various medical review committees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law grants certain privileges to various medical review committees in regard to the nondisclosure of information. (NRS 49.117-

49.123) This bill enacts provisions regarding the access, sharing and confidentiality of certain information by various medical review committees.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A medical review committee is entitled to access to ~~[:~~

~~(a) Any]~~ any autopsy records relating to a death under ~~[review; and~~

~~(b) Any medical records of a patient or decedent under]~~ review.

2. Each organization represented on a medical review committee to review the medical care or death of a person shall share with other members of the committee information in its possession concerning the person who is the subject of the review and any other information deemed by the organization to be pertinent to the review.

3. ~~[Information acquired by, and records of, a medical review committee to review the medical care or death of a person are confidential, must not be disclosed, and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding.]~~ Any autopsy records provided to a medical review committee pursuant to this section are privileged records for the purposes of NRS 49.119 and 49.121.

4. As used in this section, "medical review committee" means a medical review committee of a county or district board of health that certifies, licenses or regulates providers of emergency medical services pursuant to the provisions of this chapter, but only when functioning as a peer review committee.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 239.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 822.

AN ACT relating to education; creating the P-16 Advisory Council to assist in the coordination between elementary, secondary and higher education in this State; providing for the organization, powers and duties of the Council; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the P-16 Advisory Council to assist in the coordination between elementary, secondary and higher education in this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 34 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 9 inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Council" means the P-16 Advisory Council created by section 6 of this act.***

Sec. 4. ***"System" means the Nevada System of Higher Education.***

Sec. 5. ***The Legislature hereby finds and declares that:***

1. The Board of Regents of the University of Nevada was created by the Nevada Constitution and empowered to control and manage the affairs of the Nevada System of Higher Education.

2. Matters relating to education are vitally important to the future of the State of Nevada, its economy and the general welfare of its residents. In light of the growing enrollments in Nevada's system of public elementary and secondary education and Nevada's system of public higher education, it is important that the Nevada Legislature, the Board of Regents , the State Board and the Executive Branch of the State Government work together as partners in developing a needed public agenda to advance education in this State.

3. The development of an agenda to advance education should be carried out with a view toward seeking input from all parties who have a stake in the advancement of education in this State.

4. Coordination between elementary, secondary and higher education must be strengthened to ensure that pupils in the 12th grade are prepared adequately to make the transition from secondary education to higher education or to careers. To this end, a body should be established to coordinate education from the level of preschool through the completion of a bachelor's degree, to be known as the P-16 Advisory Council.

Sec. 6. ***1. The P-16 Advisory Council, consisting of [11] 15 voting members, is hereby created to assist in the coordination between elementary, secondary and higher education in this State. The Chancellor of the System and the Superintendent of Public Instruction serve as ex officio nonvoting members of the Council.***

2. The Governor shall appoint [five] seven members to the Council as follows:

(a) One representative of higher education in this State.

(b) One representative of elementary and secondary education in this State.

(c) One representative of early childhood education in this State.

(d) One representative of private business in this State.

(e) One person that meets the qualifications of paragraph (a), (b), (c) or (d).

(f) One pupil enrolled in a secondary school in this State.

(g) One student enrolled in the System.

~~*[". The Governor may appoint the Chancellor of the System and the Superintendent of Public Instruction as members of the Council pursuant to paragraphs (a) and (b), respectively.]*~~

3. The Majority Leader of the Senate and the Speaker of the Assembly shall each appoint ~~[two]~~ three members to the Council as follows:

(a) One member of the House of the Legislature that he represents.

(b) ~~[One member who meets the requirements of paragraph (a), (b), (c) or (d) of subsection 2.]~~ One member who is a parent of a pupil enrolled in a public school in this State or of a student enrolled in the System. The parent must not be employed by the board of trustees of a school district, the governing body of a charter school or the System.

(c) One member who is a :

(1) Licensed teacher employed by a school district or charter school in this State; or

(2) Teacher, instructor or professor employed by the Board of Regents of the University of Nevada.

4. The Minority Leader of the Senate and the Minority Leader of the Assembly shall each appoint one member to the Council who is a member of the general public.

5. The ~~[Governor shall appoint]~~ members of the Council shall elect a Chairman and a Vice Chairman from among the members of the Council . ~~[who represent business or the general public.]~~ After the initial term, the Chairman and Vice Chairman serve in the office for a term of 2 years beginning July 1 of each odd-numbered year. If a vacancy occurs in the chairmanship or vice chairmanship, the ~~[Governor]~~ members of the Council shall ~~[appoint]~~ elect a member to fill the vacancy ~~[from among the members who represent business or the general public]~~ to serve for the remainder of the unexpired term of that office.

6. After the initial terms, each member of the Council serves a term of 3 years commencing on July 1 of the year of appointment. Such members may be reappointed for one additional term. A vacancy on the Council must be filled for the remainder of the unexpired term in the same manner as the original appointment. Each member of the Council continues in office until his successor is appointed.

7. Any member who is absent from two consecutive meetings of the Council without permission of the Chairman:

(a) Forfeits his office; and

(b) Must be replaced as provided in subsection 6 for the filling of a vacancy before the end of a term.

Sec. 7. ***1. The Council shall meet at least once each calendar quarter and as frequently as necessary to afford the general public, representatives of governmental agencies and representatives of organizations an opportunity to present information and recommendations relating to the coordination between elementary, secondary and postsecondary education.***

2. The Council shall comply with the provisions of chapter 241 of NRS.

3. For each day or portion of a day during which the members of the Council attend a meeting of the Council or are otherwise engaged in the business of the Council:

(a) The members who are Legislators are entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207, payable from the Legislative Fund.

(b) The members who are appointed by the Majority Leader of the Senate, the Speaker of the Assembly, the Minority Leader of the Senate and the Minority Leader of the Assembly who are not Legislators are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, payable from the Legislative Fund.

(c) The members who are appointed by the Governor are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, payable as other claims against the State are paid.

4. The Office of the Governor shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

➥ as is necessary for the Council to carry out its duties.

5. The Board of Regents of the University of Nevada and the Department shall provide technical assistance to the Council upon the request of the Chairman.

Sec. 8. ***1. The Council shall address:***

(a) Methods to increase the number of students who enroll in programs at the System to become teachers, including, without limitation, financial aid programs for students enrolled in those programs.

(b) Methods to ensure the successful transition of pupils from:

(1) Elementary school to middle school;

(2) Middle school to high school; and

(3) High school to postsecondary education,

➥ including, without limitation, methods to increase parental involvement.

(c) Methods to ensure that the data information system for the pupils enrolled in the public schools is linked, to the extent feasible, with the data information system for the students enrolled in the System.

(d) Methods to ensure that the course work, standards and assessments required of pupils in secondary schools is aligned with the workload expected of students at the postsecondary level.

(e) Methods to ensure collaboration among the business community, members of the academic community and political leaders to set forth a

process for developing strategies for the growth and diversification of the economy of this State.

(f) Policies relating to workforce development, employment needs of private employers and workforce shortages in occupations critical to the education, health and safety of the residents of this State.

(g) Other matters within the scope of the Council as determined necessary or appropriate by the Council.

2. The Council may:

(a) Establish committees to assist the Council in carrying out its duties.

(b) Apply for any available grants and may accept any gifts, grants and donations from any source to assist the Council in carrying out its duties.

Sec. 9. ***On or before June 30 of each year, the Council shall submit a written report of its activities and any recommendations to the:***

1. Board of Regents of the University of Nevada;

2. State Board;

3. Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature;

4. Legislative Committee on Education; and

5. Governor.

Sec. 10. 1. On or before September 1, 2007, the Governor shall, pursuant to subsection 2 of section 6 of this act, appoint to the P-16 Advisory Council created by that section:

(a) ~~[Three]~~ **Four** members to terms commencing on September 1, 2007, and expiring on June 30, 2009.

(b) ~~[Two]~~ **Three** members to terms commencing on September 1, 2007, and expiring on June 30, 2010.

2. On or before September 1, 2007, the Majority Leader of the Senate and the Speaker of the Assembly shall, pursuant to subsection 3 of section 6 of this act, each appoint to the P-16 Advisory Council created by that section:

(a) One member **who is parent of a pupil enrolled in a public school in this State or of a student enrolled in the Nevada System of Higher Education** to a term commencing on September 1, 2007, and expiring on June 30, 2009.

(b) One member **of the House of the Legislature that he represents** to a term commencing on September 1, 2007, and expiring on June 30, 2010.

(c) One member who is a:

(1) Teacher employed by the board of trustees of a school district or the governing body of a charter school; or

(2) A teacher, instructor or professor employed by the Board of Regents of the University of Nevada,

➥ to a term commencing on September 1, 2007, and expiring on June 30, 2010.

3. On or before September 1, 2007, the Minority Leader of the Senate shall, pursuant to subsection 4 of section 6 of this act, appoint to the P-16

Advisory Council created by that section one member to a term commencing on September 1, 2007, and expiring on June 30, 2009.

4. On or before September 1, 2007, the Minority Leader of the Assembly shall, pursuant to subsection 4 of section 6 of this act, appoint to the P-16 Advisory Council created by that section one member to a term commencing on September 1, 2007, and expiring on June 30, 2010.

Sec. 11. ~~[On or before September 1, 2007, the Governor shall, pursuant to subsection 5 of section 6 of this act, appoint a Chairman and a Vice Chairman to the P-16 Advisory Council created by that section to a term commencing on September 1, 2007, and expiring on June 30, 2009.]~~ **(Deleted by amendment.)**

Sec. 12. This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 243.

Bill read second time and ordered to third reading.

Senate Bill No. 247.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 823.

AN ACT relating to education; creating the Nevada Youth Legislative Issues Forum; prescribing the membership, powers and duties of the Forum; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 3-5 of this bill create the Nevada Youth Legislative Issues Forum, consisting of 21 members who are enrolled in grades 9-12 in public schools or otherwise eligible for enrollment in public schools but enrolled in a homeschool or private school. Each Senator appoints a member to the Forum. Sections 6-10 of this bill set forth the powers and duties of the Forum. The Forum must hold at least two public hearings each school year, review issues of importance to the youth in this State and submit an annual report of the activities of the Forum. In addition, the Forum may, within the limits of available money, hold meetings during a regular session of the Legislature to advise the Legislature on proposed legislation concerning the youth in this State. The Forum may also conduct seminars for the benefit of its members relating to leadership, government and the legislative process. Finally, the Forum may submit a request for the drafting of one legislative measure which relates to matters within the scope of the Forum.

WHEREAS, The United States is facing a population of youth that is disengaged and lacks the necessary knowledge, skills and dispositions to participate in and carry out civic duties; and

WHEREAS, In the 2004 presidential election, 53.1 percent of Nevadans over 25 years of age voted, compared with 38.4 percent among Nevadans 18 to 24 years of age; and

WHEREAS, The lack of voter turnout for citizens who are 18 to 24 years of age is often attributed to cynicism toward the political process, disillusionment with politics, voter apathy and a lack of acknowledgment by the media and politicians of issues involving youth; and

WHEREAS, Most governmental services are designed with input and participation from the people being served; however, young people under the age of 18 are not allowed to vote and are often left out of the democratic process; and

WHEREAS, Several issues are important to the youth in the nation as well as the youth in this State, including, without limitation, education, employment opportunities, participation in state and local government, a safe environment, the prevention of substance abuse, emotional and physical well-being, foster care and access to state and local services; and

WHEREAS, Research shows that the programs designed for youth which are most effective at promoting positive outcomes are framed in terms of the constructive assets the programs seek to build rather than the negative behaviors the programs seek to avoid; and

WHEREAS, There is a growing need to reverse the trend of apathy by engaging our youth directly with policymakers in a manner that will provide genuine opportunities for our youth to acquire civic knowledge and develop the skills necessary to participate fully in a democratic society; and

WHEREAS, Within the past 5 years, Maine, New Mexico, Washington and New Hampshire have enacted bills that create a Youth Issues Forum, which institutionalizes the participation of youth in the policy-making process in those states; and

WHEREAS, The creation of a Youth Issues Forum offers policymakers an opportunity to learn from youth as well as provides a meaningful opportunity for youth to learn about the policy-making process; and

WHEREAS, By providing an avenue for participation, this State will provide our youth with an opportunity to understand the ideals of citizenship and to acquire the knowledge and skills necessary to participate in effective government and appreciate the value of American democracy; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 9, inclusive, of this act, "Forum" means the Nevada Youth Legislative Issues Forum created by section 3 of this act.***

Sec. 3. ***1. The Nevada Youth Legislative Issues Forum is hereby created, consisting of 21 members.***

2. Each member of the Senate shall , taking into consideration any recommendations made by a member of the Assembly, appoint a person who submits an application and meets the qualifications for appointment set forth in section 4 of this act. A member of the Assembly may submit recommendations to a member of the Senate concerning the appointment.

3. After the initial terms:

(a) Appointments to the Forum must be made by each member of the Senate before June 30 of each year.

(b) The term of each member of the Forum begins July 1 of the year of appointment.

4. Each member of the Forum serves a term of 1 year and may be reappointed if the member continues to meet the qualifications for appointment set forth in section 4 of this act.

Sec. 4. ***1. To be eligible for appointment to the Forum, a person must be a resident of the senatorial district of the Senator who appoints him and must be:***

(a) Enrolled in a public school in this State in grade 9, 10, 11 or 12 for the school year in which he serves; or

(b) Exempt from compulsory attendance pursuant to NRS 392.070, but otherwise eligible to enroll in a public school in this State in grade 9, 10, 11 or 12 for the school year in which he serves.

2. A person who is eligible for appointment to the Forum may submit an application on the form prescribed pursuant to subsection 3 to the Senator of the senatorial district in which the person resides for appointment or reappointment to the Forum.

3. The Director of the Legislative Counsel Bureau shall prescribe a form for applications submitted pursuant to this section, which must require the signature of the principal of the school in which the applicant is enrolled or, if the applicant is exempt from compulsory attendance pursuant to NRS 392.070, the signature of a member of the community in which the applicant resides other than a relative of the applicant.

Sec. 5. ***1. A position on the Forum becomes vacant upon:***

(a) The death or resignation of a member.

(b) The absence of a member for any reason from two consecutive meetings of the Forum, unless excused by the Chairman of the Forum.

(c) A change of residency of a member which renders that member ineligible under his original appointment.

2. A vacancy on the Forum must be filled for the remainder of the unexpired term in the same manner as the original appointment.

Sec. 6. ***1. The Forum shall elect from among its members, to serve a term of 1 year beginning on July 1 of each year:***

(a) A Chairman, who shall conduct the meetings and oversee the formation of committees as necessary to accomplish the business of the Forum. The Chairman must be:

(1) Enrolled in a public school in this State in grade 9, 10 or 11 for the school year in which he serves; or

(2) Exempt from compulsory attendance pursuant to NRS 392.070, but otherwise eligible to enroll in a public school in this State in grade 9, 10 or 11 for the school year in which he serves.

(b) A Vice Chairman, who shall assist the Chairman and conduct the meetings of the Forum if the Chairman is absent or otherwise unable to perform his duties.

2. The Director of the Legislative Counsel Bureau:

(a) Shall provide meeting rooms and teleconference and videoconference facilities for the Forum.

(b) Shall, in the event of a vacancy on the Forum, notify the appropriate appointing authority of such vacancy.

(c) May accept gifts, grants and donations from any source for the support of the Forum in carrying out the provisions of sections 2 to 9, inclusive, of this act.

Sec. 7. ***1. The Forum shall:***

(a) Hold at least two public hearings in this State each school year.

(b) Simultaneously teleconference or videoconference each public hearing to two or more prominent locations throughout this State.

(c) Evaluate, review and comment upon issues of importance to the youth in this State, including, without limitation:

(1) Education;

(2) Employment opportunities;

(3) Participation of youth in state and local government;

(4) A safe learning environment;

(5) The prevention of substance abuse;

(6) Emotional and physical well-being;

(7) Foster care; and

(8) Access to state and local services.

(d) Conduct a public awareness campaign to raise awareness about the Forum and to enhance outreach to the youth in this State.

2. The Forum may, within the limits of available money:

(a) During the period in which the Legislature is in a regular session, meet as often as necessary to conduct the business of the Forum and to advise the Legislature on proposed legislation relating to the youth in this State.

(b) Form committees, which may meet as often as necessary to assist with the business of the Forum.

(c) Conduct periodic seminars for its members regarding leadership, government and the legislative process.

(d) Employ a person to provide administrative support for the Forum or pay the costs incurred by one or more volunteers to provide any required administrative support.

3. The Forum and its committees shall comply with the provisions of chapter 241 of NRS.

4. On or before June 30 of each year, the Forum shall submit a written report to the Director of the Legislative Counsel Bureau and to the Governor describing the activities of the Forum during the immediately preceding school year and any recommendations for legislation. The Director shall transmit the written report to the Legislative Committee on Education and to the next regular session of the Legislature.

Sec. 8. ***The Forum may:***

1. Request the drafting of not more than one legislative measure which relates to matters within the scope of the Forum. A request must be submitted to the Legislative Counsel on or before July 1 preceding the commencement of a regular session of the Legislature unless the Legislative Commission authorizes submitting a request after that date.

2. Adopt procedures to conduct meetings of the Forum and any committees thereof. Those procedures may be changed upon approval of a majority vote of all members of the Forum who are present and voting.

3. Advise the Director of the Legislative Counsel Bureau regarding the administration of any appropriations, gifts, grants or donations received for the support of the Forum.

Sec. 9. ***The members of the Forum serve without compensation. To the extent that money is available, including, without limitation, money from gifts, grants and donations, the members of the Forum may receive the per diem allowance and travel expenses provided for state officers and employees generally for attending a meeting of the Forum or a seminar conducted by the Forum.***

Sec. 10. 1. Each Senator shall appoint a member to the Nevada Youth Legislative Issues Forum created by section 3 of this act to an initial term commencing on July 1, 2008, and expiring on June 30, 2009.

2. The Forum shall hold its first meeting not later than October 1, 2008. At the first meeting of the Forum, the members of the Forum shall elect a Chairman and a Vice Chairman who hold those positions until June 30, 2009.

3. After the initial terms of office, sections 3 and 6 of this act govern the terms of office of the members of the Forum.

Sec. 11. This act becomes effective upon passage and approval.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:15 p.m.

ASSEMBLY IN SESSION

At 1:16 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

Senate Bill No. 266.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 862.

AN ACT relating to public health; requiring certain prenatal tests for pregnant women under certain circumstances; requiring certain tests for the human immunodeficiency virus for pregnant women and newborn children under certain circumstances; ~~[granting a provider of health care immunity from civil and criminal liability and professional discipline under certain circumstances;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 6 of this bill requires a provider of health care to ensure that a woman receives, as part of the routine prenatal care recommended for all pregnant women during the first trimester of pregnancy, a test for the human immunodeficiency virus unless the woman chooses not to be tested. Section 6 requires a provider of health care to ensure that a pregnant woman receives a test for human immunodeficiency virus during her third trimester if she receives health care in a jurisdiction with a high prevalence of human immunodeficiency virus or acquired immunodeficiency syndrome among women of child-bearing age or in a high-risk clinical setting or if she reports that she has one or more of the risk factors identified by the Centers for Disease Control and Prevention, unless the woman chooses not to be tested. Section 6 also requires a provider of health care to ensure that a pregnant woman receives a rapid test for the human immunodeficiency virus during childbirth if she has not been tested for the human immunodeficiency virus earlier during her pregnancy or the results of an earlier test are not available, unless the woman chooses not to be tested. If a rapid test is administered and the result of the rapid test is positive, the provider of health care must offer to initiate antiretroviral prophylaxis as soon as practicable without waiting for the results of any other test administered to confirm the result of the rapid test.

Section 7 of this bill requires a provider of health care who attends or assists at the delivery of a child to ensure that a test for the human immunodeficiency virus is performed on the child if the mother has not been tested for the human immunodeficiency virus earlier during her pregnancy or the results of an earlier test are not available, unless a parent **or legal guardian of the child** objects that performance of the test is contrary to the religious beliefs of the parent ~~[.]~~ **or legal guardian.**

~~[Section 8 of this bill requires a provider of health care to ensure that, before a woman or newborn child receives any test set forth in this bill, the woman or parent of the newborn child receives a pamphlet informing them of their right to refuse the test.~~

~~Section 9 of this bill provides that a provider of health care is not subject to civil or criminal liability or disciplinary action solely for his violation of a provision of this bill.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 442 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Provider of health care" means:***

1. A provider of health care as defined in NRS 629.031;

2. A midwife; and

3. An obstetric center licensed pursuant to chapter 449 of NRS.

Sec. 4. ***"Rapid test for the human immunodeficiency virus" or "rapid test" means a test that:***

1. Is used to detect the presence of antibodies to the human immunodeficiency virus; and

2. Provides a result in 30 minutes or less.

Sec. 5. ***1. Any test for the human immunodeficiency virus, including, without limitation, a rapid test, that is used to carry out the provisions of sections 2 to 9, inclusive, of this act must be approved by the United States Food and Drug Administration.***

2. Each test administered to a woman or performed on a child pursuant to the provisions of sections 2 to 9, inclusive, of this act must be administered or performed in accordance with:

(a) The provisions of chapter 652 of NRS and any regulations adopted pursuant thereto; and

(b) The Clinical Laboratory Improvement Amendments of 1988, Public Law No. 100-578, 42 U.S.C. § 263a, if applicable.

Sec. 6. ***1. A provider of health care who provides prenatal care to a woman during the first trimester of her pregnancy shall ensure that the woman receives, at her first visit or as soon thereafter as practicable, the routine prenatal screening tests recommended for all pregnant women by the Centers for Disease Control and Prevention, including, without limitation, a screening test for the human immunodeficiency virus, unless the woman chooses not to have a screening test for the human immunodeficiency virus or any of the other prenatal screening tests.***

2. A provider of health care who provides prenatal care to a woman during the third trimester of her pregnancy shall ensure that the woman

receives, between the 27th and the 36th week of gestation or as soon thereafter as practicable, a test for the human immunodeficiency virus if she:

(a) Has not been tested for the human immunodeficiency virus earlier during her pregnancy or the results of an earlier test are not available; or

(b) Is at high risk for infection with the human immunodeficiency virus,

unless the woman chooses not to have such a test.

3. A provider of health care who attends or assists a woman during childbirth shall:

(a) Ensure that the woman receives a rapid test for the human immunodeficiency virus if she has not been tested for the human immunodeficiency virus earlier during her pregnancy or the results of an earlier test are not available, unless the woman chooses not to have such a test; and

(b) If the rapid test is administered and the result of the rapid test is positive for the presence of antibodies to the human immunodeficiency virus, offer to initiate antiretroviral prophylaxis to reduce the risk of perinatal transmission of the human immunodeficiency virus as soon as practicable after receiving the result of the rapid test and without waiting for the results of any other test administered to confirm the result of the rapid test.

4. For the purposes of this section, a woman is at high risk for infection with the human immunodeficiency virus if she:

(a) Receives health care in:

(1) A jurisdiction that the Centers for Disease Control and Prevention has identified as having an elevated incidence of human immunodeficiency virus or acquired immunodeficiency syndrome among women between the ages of 15 and 45 years; or

(2) A health care facility that, under the standards of the Centers for Disease Control and Prevention, is considered a high-risk clinical setting because prenatal screening has identified at least one pregnant woman who is infected with the human immunodeficiency virus for each 1,000 pregnant women screened at the facility; or

(b) Reports having one or more of the risk factors for infection with the human immunodeficiency virus identified by the Centers for Disease Control and Prevention, including, without limitation:

(1) Engaging in sexual activities with more than one person during the pregnancy without using effective measures to protect against the transmission of the human immunodeficiency virus.

(2) Engaging in sexual activity with another person in exchange for money or other compensation.

(3) Engaging in sexual activity with another person who is infected with the human immunodeficiency virus or who has one or more of the risk factors for infection with the human immunodeficiency virus identified by the Centers for Disease Control and Prevention.

(4) Receiving treatment for a sexually transmitted disease.

(5) Using a controlled substance or a dangerous drug.

(6) Receiving a blood transfusion between 1978 and 1985, inclusive.

5. As used in this section, "dangerous drug" has the meaning ascribed to it in NRS 454.201.

Sec. 7. ***A provider of health care who attends or assists at the delivery of a child shall, if the mother has not been tested for the human immunodeficiency virus earlier during her pregnancy or the results of an earlier test are not available, ensure that a rapid test for the human immunodeficiency virus is performed on the child unless a parent or legal guardian of the child objects to the performance of the test because it is contrary to the religious beliefs of the parent ~~.~~ or legal guardian.***

Sec. 8. ~~*[A provider of health care shall ensure that, before a woman or newborn child receives any test that is used to carry out the provisions of sections 2 to 9, inclusive, of this act:*~~

~~*1. The woman receives a pamphlet that informs her of her right not to have the test.*~~

~~*2. The parent of the newborn child receives a pamphlet that informs the parent of the parent's right to object to the performance of the test because it is contrary to the religious beliefs of the parent.]*~~ **(Deleted by amendment.)**

Sec. 9. ~~*[A provider of health care is not subject to civil or criminal liability or disciplinary action solely for his violation of a provision of sections 2 to 9, inclusive, of this act.]*~~ **(Deleted by amendment.)**

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 275.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 811.

AN ACT relating to underground water; revising provisions governing the domestic use of underground water from a well; revising the date of priority ~~[of an appropriation]~~ **for the use** of underground water from a well for domestic purposes; authorizing the State Engineer to require the dedication or relinquishment of a water right under certain circumstances; requiring that certain conditions be met if a local ordinance allows the development and use of underground water from a well for an accessory ~~[building]~~ **dwelling unit** of a single-family dwelling; authorizing a county to relinquish a water right under certain circumstances; revising provisions governing parcel maps; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Engineer may exempt from the application of chapter 534 of NRS, relating to underground water and wells, the use of

water from a well for a domestic use or purpose if the use or purpose directly relates to a single-family dwelling and the draught does not exceed 1,800 gallons per day. (NRS 534.013, 534.180) Sections 1, 4, 5 and 6 of this bill quantify the maximum limit of domestic use of underground water from a well as 2 acre feet per year instead of 1,800 gallons per day. Sections 1, 4, 6 and 7 of this bill authorize a local ordinance to extend a domestic use or purpose to an accessory ~~[building]~~ **dwelling unit** of ~~[the]~~ **a** single-family dwelling. Section 4 imposes additional responsibilities on the owner of a well, the local governing body or planning commission and the State Engineer if a local ordinance allows the development and use of underground water from a well for an accessory ~~[building]~~ **dwelling unit** of a single-family dwelling **, as defined in the local ordinance,** to qualify as a domestic use or purpose.

Under existing law, a domestic well exempted from chapter 534 of NRS is not assigned a date of priority. (NRS 534.080, 534.180) Section 2 of this bill sets the date of priority for certain domestic wells as the date of completion of the well as recorded by the driller of the well or another date as documented by evidence determined to be adequate by the State Engineer.

Under existing law, the State Engineer, in basins for which the State Engineer maintains pumping records, is required to give notice to an owner of a water right before the water right is forfeited for nonuse of the water. (NRS 534.090) Section 3 of this bill requires the State Engineer to give notice of a forfeiture of water rights for nonuse in all basins regardless of whether he maintains pumping records for the basin.

Under existing law, the State Engineer is required to adopt regulations establishing a program that allows a public water system to receive credits for the addition of new customers in certain designated groundwater basins. (NRS 534.350) Section 6 of this bill authorizes a county to relinquish a right to appropriate water from a domestic well to the State Engineer if the county requires the dedication of that right to the county by the owner of a particular parcel of land. Section 6 further states that, if such an owner becomes a new customer of a public water system, the public water system is entitled to receive a credit in the same manner as the addition of any other customer to the public water system.

Under existing law, a person who proposes to divide any land for transfer or development into four lots or less is required to prepare a parcel map and file it in accordance with local ordinance. (NRS 278.461) Section 7 of this bill requires **such** a person, in addition to filing a parcel map in accordance with **the** local ordinance, to ~~[prepare and file]~~ **provide** a **copy of the** parcel map ~~[with]~~ **to** the Division of Water Resources of the State Department of Conservation and Natural Resources and also to obtain a certificate of approval from the Division of Water Resources if certain conditions occur.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 534.013 is hereby amended to read as follows:

534.013 "Domestic use" or "domestic purposes" extends to culinary and household purposes directly related to ~~[a]~~ ***:***

1. A single-family dwelling ~~[,]~~ ***; and***

2. An accessory ~~*[building]*~~ ***dwelling unit for a single-family dwelling if provided for in an applicable local ordinance,***

➥ including, without limitation, the watering of a family garden and lawn and the watering of livestock and any other domestic animals or household pets, if the amount of water drawn does not exceed the ~~[threshold daily]~~ maximum amount set ***forth*** in NRS 534.180 for exemption from the application of this chapter.

Sec. 1.5. NRS 534.050 is hereby amended to read as follows:

534.050 1. Except as otherwise provided in subsection 2 and NRS 534.180, every person desiring to sink or bore a well in any basin or portion therein in the State designated by the State Engineer, as provided for in this chapter, must first make application to and obtain from the State Engineer a permit to appropriate the water, pursuant to the provisions of chapter 533 of NRS relating to the appropriation of the public waters, before performing any work in connection with the boring or sinking of the well.

2. Upon written application and a showing of good cause, the State Engineer may issue a written waiver of the requirements of subsection 1:

(a) For exploratory wells to be drilled to determine the availability of water or the quality of available water;

(b) To allow temporary use of the water in constructing a highway or exploring for ***water,*** oil, gas, minerals or geothermal resources; or

(c) For wells to be drilled in shallow groundwater systems and pumped to alleviate potential hazards to persons and property resulting from the rise of groundwater caused by secondary recharge. If practical, approved by the State Engineer and consistent with this chapter and chapter 533 of NRS, the withdrawn water must be used for some other beneficial use.

3. In other basins or portions of basins which have not been designated by the State Engineer no application or permit to appropriate water is necessary until after the well is sunk or bored and water developed. Before any diversion of water may be made from the well, the appropriator must make application to and obtain from the State Engineer, pursuant to the provisions of chapter 533 of NRS, a permit to appropriate the water.

4. Upon written application and a showing of good cause, the State Engineer may issue a written waiver of the requirements of subsection 3, to allow temporary use of water in constructing a highway or exploring for ***water,*** oil, gas, minerals or geothermal resources.

5. Any person using water after a permit has been withdrawn, denied, cancelled, revoked or forfeited is guilty of a misdemeanor. Each day of violation of this subsection constitutes a separate offense and is separately punishable.

Sec. 2. NRS 534.080 is hereby amended to read as follows:

534.080 1. A legal right to appropriate underground water for beneficial use from an artesian or definable aquifer subsequent to March 22, 1913, or from percolating water, the course and boundaries of which are incapable of determination, subsequent to March 25, 1939, can only be acquired by complying with the provisions of chapter 533 of NRS pertaining to the appropriation of water.

2. The State Engineer may, upon written notice sent by registered or certified mail, return receipt requested, advise the owner of a well who is using water therefrom without a permit to appropriate ~~[such]~~ ***the*** water to cease using ~~[such]~~ ***the*** water until he has complied with the laws pertaining to the appropriation of water. If the owner fails to initiate proceedings to secure such ***a*** permit within 30 days ~~[from]~~ ***after*** the date of ~~[such]~~ ***the*** notice **,** he ~~[shall be]~~ ***is*** guilty of a misdemeanor.

3. ~~[The]~~ ***Except as otherwise provided in subsection 4 and NRS 534.180, the*** date of priority of all appropriations of water from an underground source ~~[,]~~ mentioned in this section ~~[,]~~ is the date when application is made in proper form and filed in the Office of the State Engineer pursuant to the provisions of chapter 533 of NRS.

4. The date of priority ~~[of an appropriation]~~ for the use of underground water from a well for domestic purposes where the draught does not exceed 2 acre feet per year is the date of completion of the well as:

(a) Recorded by the well driller on the log he files with the State Engineer pursuant to NRS 534.170; or

(b) Demonstrated through any other documentation or evidence specified by the State Engineer.

Sec. 3. NRS 534.090 is hereby amended to read as follows:

534.090 1. Except as otherwise provided in this section, failure for 5 successive years after April 15, 1967, on the part of the holder of any right, whether it is an adjudicated right, an unadjudicated right ~~[,]~~ or a permitted right, and further whether the right is initiated after or before March 25, 1939, to use beneficially all or any part of the underground water for the purpose for which the right is acquired or claimed, works a forfeiture of both undetermined rights and determined rights to the use of that water to the extent of the nonuse. ~~[For water rights in basins for which the State Engineer keeps pumping records, if]~~ ***If*** the records of the State Engineer ***or any other documents specified by the State Engineer*** indicate at least 4 consecutive years, but less than 5 consecutive years, of nonuse of all or any part of ~~[such]~~ a water right which is governed by this chapter, the State Engineer shall notify the owner of the water right, as determined in the records of the Office of the State Engineer, by registered or certified mail that he has 1 year after the date of the notice in which to use the water right beneficially and to provide proof of such use to the State Engineer or apply for relief pursuant to subsection 2 to avoid forfeiting the water right. If, after 1 year after the date of the notice, proof of beneficial use is not sent to the State Engineer, the State Engineer shall, unless he has granted a request to extend the time

necessary to work a forfeiture of the water right, declare the right forfeited within 30 days. Upon the forfeiture of a right to the use of groundwater, the water reverts to the public and is available for further appropriation, subject to existing rights. If, upon notice by registered or certified mail to the owner of record whose right has been declared forfeited, the owner of record fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the forfeiture becomes final. The failure to receive a notice pursuant to this subsection does not nullify the forfeiture or extend the time necessary to work the forfeiture of a water right.

2. The State Engineer may, upon the request of the holder of any right described in subsection 1, extend the time necessary to work a forfeiture under that subsection if the request is made before the expiration of the time necessary to work a forfeiture. The State Engineer may grant, upon request and for good cause shown, any number of extensions, but a single extension must not exceed 1 year. In determining whether to grant or deny a request, the State Engineer shall, among other reasons, consider:

(a) Whether the holder has shown good cause for his failure to use all or any part of the water beneficially for the purpose for which his right is acquired or claimed;

(b) The unavailability of water to put to a beneficial use which is beyond the control of the holder;

(c) Any economic conditions or natural disasters which made the holder unable to put the water to that use;

(d) Any prolonged period in which precipitation in the basin where the water right is located is below the average for that basin or in which indexes that measure soil moisture show that a deficit in soil moisture has occurred in that basin; and

(e) Whether the holder has demonstrated efficient ways of using the water for agricultural purposes, such as center-pivot irrigation.

➥ The State Engineer shall notify, by registered or certified mail, the owner of the water right, as determined in the records of the Office of the State Engineer, of whether he has granted or denied the holder's request for an extension pursuant to this subsection.

3. If the failure to use the water pursuant to subsection 1 is because of the use of center-pivot irrigation before July 1, 1983, and such use could result in a forfeiture of a portion of a right, the State Engineer shall, by registered or certified mail, send to the owner of record a notice of intent to declare a forfeiture. The notice must provide that the owner has at least 1 year ~~[from]~~ ***after*** the date of the notice to use the water beneficially or apply for additional relief pursuant to subsection 2 before forfeiture of his right is declared by the State Engineer.

4. A right to use underground water whether it is vested or otherwise may be lost by abandonment. If the State Engineer, in investigating a groundwater source, upon which there has been a prior right, for the purpose of acting upon an application to appropriate water from the same source, is of

the belief from his examination that an abandonment has taken place, he shall so state in his ruling approving the application. If, upon notice by registered or certified mail to the owner of record who had the prior right, the owner of record of the prior right fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the alleged abandonment declaration as set forth by the State Engineer becomes final.

Sec. 3.5. NRS 534.120 is hereby amended to read as follows:

534.120 1. Within an area that has been designated by the State Engineer, as provided for in this chapter, where, in his judgment, the groundwater basin is being depleted, the State Engineer in his administrative capacity ~~[is herewith empowered to]~~ ***may*** make such rules, regulations and orders as are deemed essential for the welfare of the area involved.

2. In the interest of public welfare, the State Engineer is authorized and directed to designate preferred uses of water within the respective areas so designated by him and from which the groundwater is being depleted, and in acting on applications to appropriate groundwater, he may designate such preferred uses in different categories with respect to the particular areas involved within the following limits:

(a) Domestic, municipal, quasi-municipal, industrial, irrigation, mining and stock-watering uses; and

(b) Any uses for which a county, city, town, public water district or public water company furnishes the water.

3. Except as otherwise provided in subsection 5, the State Engineer may:

(a) Issue temporary permits to appropriate groundwater which can be limited as to time and which may, except as limited by subsection 4, be revoked if and when water can be furnished by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.

(b) Deny applications to appropriate groundwater for any use in areas served by such an entity.

(c) Limit the depth of domestic wells.

(d) Prohibit the drilling of wells for domestic use, as defined in NRS 534.013 **,** ~~[and 534.0175,]~~ in areas where water can be furnished by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.

(e) In connection with the approval of a parcel map in which any parcel is proposed to be served by a domestic well, require the dedication to a city or county or a designee of a city or county, or require a relinquishment to the State Engineer, of any right to appropriate water required by the State Engineer to ensure a sufficient supply of water for each of those parcels, unless the dedication of the right to appropriate water is required by a local ordinance.

4. The State Engineer may revoke a temporary permit issued pursuant to subsection 3 for residential use, and require a person to whom groundwater was appropriated pursuant to the permit to obtain water from an entity such

as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:

(a) The distance from the property line of any parcel served by a well pursuant to a temporary permit to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and

(b) The well providing water pursuant to the temporary permit needs to be redrilled or have repairs made which require the use of a well-drilling rig.

5. The State Engineer may, in an area in which he has issued temporary permits pursuant to subsection 3, limit the depth of a domestic well pursuant to paragraph (c) of subsection 3 or prohibit repairs from being made to a well, and may require the person proposing to deepen or repair the well to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:

(a) The distance from the property line of any parcel served by the well to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and

(b) The deepening or repair of the well would require the use of a well-drilling rig.

6. For good and sufficient reasons, the State Engineer may exempt the provisions of this section with respect to public housing authorities.

7. ~~[Nothing in this section prohibits]~~ ***The provisions of this section do not prohibit*** the State Engineer from revoking a temporary permit issued pursuant to this section if any parcel served by a well pursuant to the temporary permit is currently obtaining water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the area.

Sec. 4. NRS 534.180 is hereby amended to read as follows:

534.180 1. Except as otherwise provided in subsection 2 and as to the furnishing of any information required by the State Engineer, this chapter does not apply in the matter of obtaining permits for the development and use of underground water from a well for domestic purposes where the draught does not exceed ~~[a daily maximum of 1,800 gallons.]~~ ***2 acre feet per year.***

2. The State Engineer may designate any groundwater basin or portion thereof as a basin in which the registration of a well is required if the well is drilled for the development and use of underground water for domestic purposes. A driller who drills such a well shall register the information required by the State Engineer within 10 days after the completion of the well. The State Engineer shall make available forms for the registration of such wells and shall maintain a register of those wells.

3. The State Engineer may require the plugging of such a well which is drilled on or after July 1, 1981, at any time not sooner than 1 year after water can be furnished to the site by:

(a) A political subdivision of this State; or

(b) A public utility whose rates and service are regulated by the Public Utilities Commission of Nevada,

➥ but only if the charge for making the connection to the service is less than $200.

4. If the development and use of underground water from a well for an accessory ~~[building]~~ dwelling unit of a single-family dwelling , as defined in an applicable local ordinance, qualifies as a domestic use or domestic purpose : ~~[pursuant to an applicable local ordinance:]~~

(a) The owner of the well shall:

(1) Obtain approval for that use or purpose from the local governing body or planning commission in whose jurisdiction the well is located;

(2) Install a water meter capable of measuring the total withdrawal of water from the well; and

(3) Ensure the total withdrawal of water from the well does not exceed 2 acre feet per year;

(b) The local governing body or planning commission shall report the ~~[withdrawal of water from the well]~~ approval of the accessory dwelling unit on a form provided by the State Engineer;

(c) The State Engineer shall monitor the annual withdrawal of water from the well; and

(d) The date of priority for the use of the domestic well to supply water to the accessory ~~[building]~~ dwelling unit is the date of approval of the accessory ~~[building]~~ dwelling unit by the local governing body or planning commission.

Sec. 5. NRS 534.185 is hereby amended to read as follows:

534.185 1. The State Engineer shall, upon written request and receipt of a written agreement between the affected property owners, waive the requirements of this chapter regarding permits for the use and development of underground water from a well if:

(a) The well existed on July 1, 1983;

(b) It is used solely for domestic purposes by not more than three single-family dwellings; and

(c) Each of those dwellings does not draw more than ~~[1,800 gallons]~~ ***2 acre feet*** of water ~~[in a day.]~~ ***per year.***

2. The State Engineer may require an owner who has been granted such a waiver to apply for a permit if one or more of the dwellings is drawing more than ~~[1,800 gallons]~~ ***2 acre feet*** of water ~~[in a day.]~~ ***per year.***

3. This section does not apply to any groundwater basin for which the State Engineer has in effect on July 1, 1983, a procedure of issuing revocable permits.

Sec. 6. NRS 534.350 is hereby amended to read as follows:

534.350 1. The State Engineer shall adopt regulations establishing a program that allows a public water system to receive credits, as provided in this section, for the addition of new customers to the system. The program must be limited to public water systems in areas:

(a) Designated as groundwater basins by the State Engineer pursuant to the provisions of NRS 534.030; and

(b) In which the State Engineer has denied one or more applications for any municipal uses of groundwater.

2. Before the State Engineer adopts any regulations pursuant to this section regarding any particular groundwater basin, he shall hold a public hearing:

(a) Within the basin to which the regulations will apply if adequate facilities to hold a hearing are available within that basin; or

(b) In all other cases, within the county where the major portion of that basin lies,

➥ to take testimony from any interested persons regarding the proposed regulations.

3. Upon adoption of the regulations required by this section regarding a particular groundwater basin, a public water system which provides service in that basin is entitled to receive a credit for each customer who is added to the system after the adoption of those regulations and:

(a) Voluntarily ceases to draw water from a domestic well located within that basin; or

(b) Is the owner of a lot or other parcel of land, other than land used or intended solely for use as a location for a ~~[water]~~ ***domestic*** well, which:

(1) Is located within that basin;

(2) Was established as a separate lot or parcel before July 1, 1993;

(3) Was approved by a local governing body or planning commission for service by an individual domestic well before July 1, 1993; and

(4) Is subject to a written agreement which was voluntarily entered into by the owner with the public water system pursuant to which the owner agrees not to drill a domestic well on the land and the public water system agrees that it will provide water service to the land. Any such agreement must be acknowledged and recorded in the same manner as conveyances affecting real property are required to be acknowledged and recorded pursuant to chapter 111 of NRS.

4. ***If a county requires, by ordinance, the dedication to the county of a right to appropriate water from a domestic well which is located on a lot or other parcel of land that was established as a separate lot or parcel on or after July 1, 1993, the county may, by relinquishment to the State Engineer, allow the right to appropriate water to revert to the source of the water. The State Engineer shall not accept a relinquishment of a right to appropriate water pursuant to this subsection unless the right is in good standing as determined by the State Engineer. A right to appropriate water that is dedicated and relinquished pursuant to this subsection:***

(a) Remains appurtenant only to the parcel of land in which it is located as specified on the parcel map ***;*** ~~***[for the parcel of land;]***~~ ***and***

(b) Maintains its date of priority established pursuant to NRS 534.080.

5. If an owner of a parcel of land specified in subsection 4 becomes a new customer of a public water system for that parcel of land, the public water system is entitled to receive a credit in the same manner as the addition of any other customer to the public water system pursuant to this section.

6. The State Engineer may require a new customer, who voluntarily ceases to draw water from a domestic well as provided in paragraph (a) of subsection 3 ~~[,]~~ ***or whose right to appropriate water is dedicated pursuant to subsection 4,*** to plug that well.

~~[5.]~~ ***7.*** A credit granted pursuant to this section:

(a) Must be sufficient to enable the public water system to add one service connection for a single-family dwelling to the system, except that the credit may not exceed the increase in water consumption attributable to the additional service connection or ~~[1,800 gallons per day,]~~ ***2 acre feet per year,*** whichever is less.

(b) May not be converted to an appropriative water right.

~~[6.]~~ ***8.*** This section does not:

(a) Require a public water system to extend its service area.

(b) Authorize any increase in the total amount of groundwater pumped in a groundwater basin.

(c) Affect any rights of an owner of a domestic well who does not voluntarily bring himself within the provisions of this section.

~~[7.]~~ ***9.*** As used in this section:

(a) "Domestic well" means a well used for culinary and household purposes in ~~[a]~~ ***:***

(1) A single-family dwelling ~~[,]~~ ***; and***

(2) An accessory ~~*[building]*~~ ***dwelling unit for a single-family dwelling if provided for in an applicable local ordinance,***

➥ including the watering of a garden, lawn and domestic animals and where the draught does not exceed ~~[1,800 gallons per day.]~~ ***2 acre feet per year.***

(b) "Public water system" has the meaning ascribed to it in NRS 445A.840.

Sec. 7. NRS 278.461 is hereby amended to read as follows:

278.461 1. Except as otherwise provided in this section, a person who proposes to divide any land for transfer or development into four lots or less shall:

(a) Prepare a parcel map and file the number of copies, as required by local ordinance, of the parcel map with the planning commission or its designated representative or, if there is no planning commission, with the clerk of the governing body; and

(b) Pay a filing fee in an amount determined by the governing body,

➥ unless ~~[these]~~ ***those*** requirements are waived or the provisions of NRS 278.471 to 278.4725, inclusive, apply. The map must be accompanied by a written statement signed by the treasurer of the county in which the land

to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.

2. ***In addition to any other requirement set forth in this section, a person who*** ~~[proposes to divide any land for transfer or development shall prepare and]~~ ***is required to prepare a parcel map pursuant to subsection 1 shall provide a copy of*** ~~[a]~~ ***the parcel map to the Division of Water Resources of the State Department of Conservation and Natural Resources and obtain a certificate from the Division indicating that the parcel map is approved as to the quantity of water available for use if:***

(a) Any parcel included in the parcel map:

(1) Is within or partially within a basin designated by the State Engineer pursuant to NRS 534.120 for which the State Engineer has issued an order requiring approval by him of the parcel map; and

(2) Will be served by a domestic well; and

(b) The dedication of a right to appropriate water to ensure a sufficient supply of water is not required by an applicable local ordinance.

3. If the parcel map is submitted to the clerk of the governing body, he shall submit the parcel map to the governing body at its next regular meeting.

~~[3.]~~ ***4.*** A common-interest community consisting of four units or less shall be deemed to be a division of land within the meaning of this section, but need only comply with this section and NRS 278.371, 278.373 to 278.378, inclusive, 278.462, 278.464 and 278.466.

~~[4.]~~ ***5.*** A parcel map is not required when the division is for the express purpose of:

(a) The creation or realignment of a public right-of-way by a public agency.

(b) The creation or realignment of an easement.

(c) An adjustment of the boundary line between two abutting parcels or the transfer of land between two owners of abutting parcels, which does not result in the creation of any additional parcels, if such an adjustment is approved pursuant to NRS 278.5692 and is made in compliance with the provisions of NRS 278.5693.

(d) The purchase, transfer or development of space within an apartment building or an industrial or commercial building.

(e) Carrying out an order of any court or dividing land as a result of an operation of law.

~~[5.]~~ ***6.*** A parcel map is not required for any of the following transactions involving land:

(a) The creation of a lien, mortgage, deed of trust or any other security instrument.

(b) The creation of a security or unit of interest in any investment trust regulated under the laws of this State or any other interest in an investment entity.

(c) Conveying an interest in oil, gas, minerals or building materials, which is severed from the surface ownership of real property.

(d) Conveying an interest in land acquired by the Department of Transportation pursuant to chapter 408 of NRS.

(e) Filing a certificate of amendment pursuant to NRS 278.473.

~~[6.]~~ ***7.*** When two or more separate lots, parcels, sites, units or plots of land are purchased, they remain separate for the purposes of this section and NRS 278.468, 278.590 and 278.630. When the lots, parcels, sites, units or plots are resold or conveyed they are exempt from the provisions of NRS 278.010 to 278.630, inclusive, until further divided.

~~[7.]~~ ***8.*** Unless a method of dividing land is adopted for the purpose or would have the effect of evading this chapter, the provisions for the division of land by a parcel map do not apply to a transaction exempted by paragraph (c) of subsection 1 of NRS 278.320.

9. As used in this section, "domestic well" has the meaning ascribed to it in NRS 534.350.

Sec. 8. NRS 278.464 is hereby amended to read as follows:

278.464 1. Except as otherwise provided in subsection 2, if there is a planning commission, it shall:

(a) In a county whose population is 400,000 or more, within 45 days; or

(b) In a county whose population is less than 400,000, within 60 days,

➥ after accepting as a complete application a parcel map, recommend approval, conditional approval or disapproval of the map in a written report. The planning commission shall submit the parcel map and the written report to the governing body.

2. If the governing body has authorized the planning commission to take final action on a parcel map, the planning commission shall:

(a) In a county whose population is 400,000 or more, within 45 days; or

(b) In a county whose population is less than 400,000, within 60 days,

➥ after accepting as a complete application the parcel map, approve, conditionally approve or disapprove the map. The planning commission shall file its written decision with the governing body. Unless the time is extended by mutual agreement, if the planning commission is authorized to take final action and it fails to take action within the period specified in this subsection, the parcel map shall be deemed approved.

3. If there is no planning commission or if the governing body has not authorized the planning commission to take final action, the governing body or, by authorization of the governing body, the director of planning or other authorized person or agency shall:

(a) In a county whose population is 400,000 or more, within 45 days; or

(b) In a county whose population is less than 400,000, within 60 days,

➥ after acceptance of the parcel map as a complete application by the governing body pursuant to subsection 1 or pursuant to subsection ~~[2]~~ ***3*** of NRS 278.461, review and approve, conditionally approve or disapprove the parcel map. Unless the time is extended by mutual agreement, if the governing body, the director of planning or other authorized person or

agency fails to take action within the period specified in this subsection, the parcel map shall be deemed approved.

4. Except as otherwise provided in NRS 278.463, if unusual circumstances exist, a governing body or, if authorized by the governing body, the planning commission may waive the requirement for a parcel map. Before waiving the requirement for a parcel map, a determination must be made by the county surveyor, city surveyor or professional land surveyor appointed by the governing body that a survey is not required. Unless the time is extended by mutual agreement, a request for a waiver must be acted upon:

(a) In a county whose population is 400,000 or more, within 45 days; or

(b) In a county whose population is less than 400,000, within 60 days,

➥ after the date of the request for the waiver or, in the absence of action, the waiver shall be deemed approved.

5. A governing body may consider or may, by ordinance, authorize the consideration of the criteria set forth in subsection 3 of NRS 278.349 in determining whether to approve, conditionally approve or disapprove a second or subsequent parcel map for land that has been divided by a parcel map which was recorded within the 5 years immediately preceding the acceptance of the second or subsequent parcel map as a complete application.

6. An applicant or other person aggrieved by a decision of the governing body's authorized representative or by a final act of the planning commission may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.3195.

7. If a parcel map and the associated division of land are approved or deemed approved pursuant to this section, the approval must be noted on the map in the form of a certificate attached thereto and executed by the clerk of the governing body, the governing body's designated representative or the chairman of the planning commission. A certificate attached to a parcel map pursuant to this subsection must indicate, if applicable, that the governing body or planning commission determined that a public street, easement or utility easement which will not remain in effect after a merger and resubdivision of parcels conducted pursuant to NRS 278.4925 has been vacated or abandoned in accordance with NRS 278.480.

Sec. 8.5. NRS 278.466 is hereby amended to read as follows:

278.466 1. The parcel map must be legibly drawn in permanent black ink on tracing cloth or produced by the use of other materials of a permanent nature generally used for that purpose in the engineering profession. Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with permanent black ink. The size of each sheet must be 24 by 32 inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom and right edges, and of 2 inches at the left edge along the 24-inch dimension.

2. A parcel map must indicate the owner of any adjoining land, or any right-of-way if owned by the person dividing the land.

3. A parcel map must show:

(a) The area of each parcel or lot and the total area of the land to be divided in the following manner:

(1) In acres, calculated to the nearest one-hundredth of an acre, if the area is 2 acres or more; or

(2) In square feet if the area is less than 2 acres.

(b) All monuments found, set, reset, replaced or removed, describing their kind, size and location and giving other data relating thereto.

(c) Bearing or witness monuments, the basis of bearings, bearing and length of lines and the scale of the map.

(d) The name and legal designation of the tract or grant in which the survey is located and any ties to adjoining tracts.

(e) Any easements granted or dedications made.

(f) Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines and area shown.

4. A parcel map must include:

(a) The memorandum of oaths described in NRS 625.320.

(b) The certificate of the surveyor required pursuant to NRS 278.375.

(c) The ***certificate of the Division of Water Resources of the State Department of Conservation and Natural Resources issued pursuant to NRS 278.461, if any.***

(d) The signature of each owner of the land to be divided.

5. A governing body may by local ordinance require a parcel map to include:

(a) A report from a title company which lists the names of:

(1) Each owner of record of the land to be divided; and

(2) Each holder of record of a security interest in the land to be divided,

➥ if the security interest was created by a mortgage or a deed of trust.

(b) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a) to the preparation and recordation of the parcel map. A holder of record of a security interest may consent by signing:

(1) The parcel map; or

(2) A separate document that is recorded with the parcel map and declares his consent to the division of land, if the map contains a notation that a separate document has been recorded to this effect.

6. If the requirement for a parcel map is waived, the governing body may specify by local ordinance the type and extent of information or mapping necessary for the division of land.

7. Reference to the parcel number and recording data of a recorded parcel map is a complete legal description of the land contained in the parcel.

Sec. 9. NRS 278.5693 is hereby amended to read as follows:

278.5693 1. For a boundary line to be adjusted or for land to be transferred pursuant to paragraph (c) of subsection ~~[4]~~ ***5*** of NRS 278.461, a

professional land surveyor must have performed a field survey, set monuments and filed a record of survey pursuant to NRS 625.340.

2. A record of survey filed pursuant to subsection 1 must contain:

(a) A certificate by the professional land surveyor who prepared the map stating that:

(1) He has performed a field survey sufficient to locate and identify properly the proposed boundary line adjustment;

(2) All corners and angle points of the adjusted boundary line have been defined by monuments or will be otherwise defined on a document of record as required by NRS 625.340; and

(3) The map is not in conflict with the provisions of NRS 278.010 to 278.630, inclusive.

(b) A certificate that is executed and acknowledged by each affected owner of the abutting parcels which states that:

(1) He has examined the plat and approves and authorizes the recordation thereof;

(2) He agrees to execute the required documents creating any easement which is shown;

(3) He agrees to execute the required documents abandoning any existing easement pursuant to the provisions of NRS 278.010 to 278.630, inclusive;

(4) All property taxes on the land for the fiscal year have been paid; and

(5) Any lender with an impound account for the payment of taxes has been notified of the adjustment of the boundary line or the transfer of the land.

(c) A certificate by the governing body or its designated representative approving the adjustment of the boundary line.

Sec. 10. This act becomes effective on ~~[July 1, 2007.]~~ **January 1, 2008.**

Assemblyman Claborn moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 293.

Bill read second time and ordered to third reading.

Senate Bill No. 298.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 793.

AN ACT relating to civil liability; enacting provisions relating to civil liability for causing the injury or death of certain pets; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under general legal principles, a pet is considered the personal property of its owner. If a person negligently, recklessly, willfully or intentionally injures or kills the pet of another person, the owner of the pet may recover the same

damages that the owner could recover for damage to or destruction of the owner's personal property. Section 1 of this bill replaces this general legal principle with a statutory provision which provides that a person who intentionally, willfully, recklessly or negligently injures or kills the dog or cat of another person is liable for certain economic damages and that the award of such damages must not exceed $5,000. Under section 1, punitive damages and noneconomic damages may not be awarded.

Section 2 of this bill provides that the owner of the dog or cat must bring an action within 2 years after the cause of action accrues.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, if a natural person intentionally, willfully, recklessly or negligently injures or kills the pet of another natural person, the person is liable for the following:

(a) The cost of veterinary care incurred by the owner because of the injury or death of the pet.

(b) If the pet is injured, any reduction in the market value of the pet caused by the injury.

(c) If the pet is killed, the market value of the pet and reasonable burial expenses.

(d) Reasonable attorney's fees and costs incurred by the owner in bringing an action pursuant to this section.

2. Punitive damages and noneconomic damages may not be awarded in an action brought under this section.

3. In an action brought under this section, the award of damages must not exceed $5,000 for each pet.

4. The provisions of this section do not authorize an award of damages pursuant to subsection 1 if:

(a) A nonprofit organization, society for the prevention of cruelty to animals established pursuant to NRS 574.010 or governmental entity, or an employee or agent thereof, injures or kills a pet while acting in furtherance of public health or animal welfare.

(b) The action is based on the killing of a dog that had been or was killing or causing damage to livestock.

(c) The person reasonably believed that:

(1) The pet presented a risk to his safety or to the safety of another person; and

(2) The action was necessary to protect himself or another person.

5. As used in this section:

(a) "Livestock" has the meaning ascribed to it in NRS 569.0085.

(b) "Owner" means a natural person who owns, possesses, harbors, keeps or has control or custody of a pet.

(c) "Pet" means any domesticated dog or cat normally maintained in or near the household of its owner.

Sec. 2. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) An action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without his fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue

upon the discovery by the financial institution of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his official capacity and in virtue of his office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under section 1 of this act.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 3. This act applies to a cause of action that accrues on or after October 1, 2007.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 300.

Bill read second time and ordered to third reading.

Senate Bill No. 303.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 836.

SUMMARY—Amends the Charter of the City of North Las Vegas concerning the qualifications of municipal judges ~~[.]~~ **prospectively contingent upon voter approval.** (BDR S-80)

AN ACT relating to judges; **prospectively** amending the Charter of the City of North Las Vegas concerning the qualifications of municipal judges ~~[.]~~ **contingent upon voter approval;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ **Section 1 of this** bill amends the Charter of the City of North Las Vegas to require a municipal judge to devote his full time to the duties of his office and to be a duly licensed member, in good standing, of the State Bar of Nevada. This requirement does not apply to a municipal judge who holds the office of municipal judge on ~~[October 1, 2007,]~~ **January 1, 2009,** and who continues to serve as such in uninterrupted terms. **The provisions of section 1 will become effective on January 1, 2009, only if the voters of the City of North Las Vegas approve of the effect of those provisions at the 2008 General Election.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 4.020 of the Charter of the City of North Las Vegas, being Chapter 573, Statutes of Nevada 1971, as last amended by Chapter 73, Statutes of Nevada 2003, at page 485, is hereby amended to read as follows:

Sec. 4.020 Municipal Court: ~~[Residency requirement]~~ ***Qualifications*** of Municipal Judge; salary.

1. A Municipal Judge must have been a resident of the City for a continuous period of at least 6 months immediately preceding his election.

2. ***A Municipal Judge shall devote his full time to the duties of his office and must be a duly licensed member, in good standing, of the State Bar of Nevada, except that the requirement to be a duly licensed member, in good standing, of the State Bar of Nevada does not apply to any Municipal Judge who holds the office of Municipal Judge on*** ~~*[October 1, 2007,]*~~ ***January 1, 2009, as long as he continues to serve as such in uninterrupted terms.***

3. If so required by an ordinance duly enacted, candidates for the office of Municipal Judge, at the time of filing, shall produce evidence in satisfaction of any or all of the qualifications for office.

~~[3.]~~ ***4.*** The salary of a Municipal Judge must be fixed by the City Council, must be uniform for all departments of the Municipal Court and may be increased during the term for which a Municipal Judge is elected or appointed.

Sec. 2. **At the general election on November 4, 2008, in the City of North Las Vegas, a question must be placed on the general election ballot in substantially the following form:**

Shall Section 4.020 of the Charter of the City of North Las Vegas be amended to require a Municipal Judge who holds the office of Municipal Judge after January 1, 2009:

1. To devote his full time to the duties of his office; and

2. Except for a Municipal Judge who holds the office of Municipal Judge on January 1, 2009, and continues to serve in uninterrupted terms, to be a duly licensed member, in good standing, of the State Bar of Nevada?

Sec. 3. **1. This section and section 2 of this act become effective on October 1, 2007.**

2. Section 1 of this act becomes effective on January 1, 2009, only if a majority of the voters voting on the question placed on the ballot pursuant to section 2 of this act vote affirmatively on the question.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 312.

Bill read second time and ordered to third reading.

Senate Bill No. 313.

Bill read second time and ordered to third reading.

Senate Bill No. 315.

Bill read second time and ordered to third reading.

Senate Bill No. 328.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 848.

AN ACT relating to educational personnel; requiring the board of trustees of each school district to adopt a program to engage **certain** administrators in annual classroom instruction **,** ~~[and]~~ observation ~~[.]~~ **and other activities;** making various changes regarding the evaluation and admonition of educational personnel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The board of trustees of a school district is authorized to employ a superintendent of schools, teachers and all other necessary employees. (NRS 391.100, 391.110, 391.120) Section 1 of this bill requires the board of trustees of each school district to adopt a program to engage administrators **employed at the district level** in annual classroom instruction **,** ~~[and]~~ observation **and other activities** in a manner that is appropriate for the responsibilities, position and duties of the administrators.

Existing law requires each probationary teacher to be evaluated at least three times during each school year and a postprobationary teacher to be evaluated at least once each school year. (NRS 391.3125) Section 5 of this

bill requires an administrator who is responsible for evaluating a teacher to personally observe that teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period **.** ~~[, with at least one observation consisting of at least 45 minutes.]~~ If a deficiency is discovered during the evaluation process, every effort must be made to assist the teacher to correct the deficiency. Existing law prescribes the circumstances under which an administrator may admonish an employee. (NRS 391.313) Section 6 of this bill requires that, if an administrator admonishes a teacher, an admonition must include a description of the deficiencies of the teacher and the actions that are necessary to correct those deficiencies.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district shall adopt a policy that sets forth procedures and conditions for a program to engage administrators employed by the school district at the district level in annual classroom instruction , ~~[and]~~ observation and other activities in a manner that is appropriate for the responsibilities, position and duties of the administrators. The policy must require each administrator employed by the school district at the district level to:

(a) If he holds a license to teach, provide instruction in a core academic subject in a classroom for at least 1 regularly scheduled full instructional day in each school year; or

(b) If he does not hold a license to teach ~~[, personally]~~ :

(1) Personally observe a classroom for at least ~~[1]~~ one-half of a regularly scheduled full instructional day in each school year ~~[.]~~ ; or

(2) Otherwise participate in activities with pupils in the classroom in each school year, including, without limitation, serving as a guest speaker in the classroom, reading to pupils in elementary school and participating in career day.

2. ~~[A school level administrator shall carry out the requirements of this section at the school to which he is assigned.]~~ A district level administrator may choose a school within the school district at which he will carry out the requirements of this section.

3. An administrator who provides instruction pursuant to paragraph (a) of subsection 1 must be assigned as a substitute teacher for the full instructional day in which he carries out the requirements of this section.

4. The provisions of this section do not apply to administrators who are employed by a school district to provide administrative service at the school level, including, without limitation, a principal or vice principal.

5. As used in this section ~~[:~~

~~*(a) "Administrator" means each person employed by a school district to provide administrative service at:*~~

~~*(1) The district level, including, without limitation, the superintendent of schools of the school district;*~~

~~*(2) The school level, including, without limitation, a principal or vice principal; or*~~

~~*(3) Both the district level and the school level.*~~

~~*➥ The term does not include a teacher whose working time is primarily spent providing instruction in a classroom.*~~

~~*(b) "Core]*~~ ***, "core academic subject" means the core academic subjects designated pursuant to NRS 389.018.***

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 391.3125 is hereby amended to read as follows:

391.3125 1. It is the intent of the Legislature that a uniform system be developed for objective evaluation of teachers and other licensed personnel in each school district.

2. Each board, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations in narrative form. The policy must set forth a means according to which an employee's overall performance may be determined to be satisfactory or unsatisfactory. The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. In a similar manner, counselors, librarians and other licensed personnel must be evaluated on forms developed specifically for their respective specialties. A copy of the policy adopted by the board must be filed with the Department. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

3. A conference and a written evaluation for a probationary employee must be concluded ~~[no]~~ ***not*** later than:

(a) December 1;

(b) February 1; and

(c) April 1,

➥ of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board. ***An administrator charged with the evaluation of a probationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 45 consecutive minutes.***

4. Whenever an administrator charged with the evaluation of a probationary employee believes the employee will not be reemployed for the

second year of the probationary period or the school year following the probationary period, he shall bring the matter to the employee's attention in a written document which is separate from the evaluation ~~[no]~~ ***not*** later than ~~[February 15]~~ ***March 1*** of the current school year. The notice must include the reasons for the potential decision not to reemploy or refer to the evaluation in which the reasons are stated. Such a notice is not required if the probationary employee has received a letter of admonition during the current school year.

5. Each postprobationary teacher must be evaluated at least once each year. ***An administrator charged with the evaluation of a postprobationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least*** ~~*[45]*~~ ***30 consecutive minutes.***

6. The evaluation of a probationary teacher or a postprobationary teacher must ~~[, if]~~ ~~*[:]*~~ ***include, without limitation:***

(a) An evaluation of the classroom management skills of the teacher;

(b) A review of the lesson plans and the work log or grade book of pupils prepared by the teacher;

(c) An evaluation of whether the curriculum taught by the teacher is aligned with the standards of content and performance established pursuant to NRS 389.520, as applicable for the grade level taught by the teacher;

(d) An evaluation of whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic diversity, the needs of pupils enrolled in advanced courses of study and the needs of pupils who are limited English proficient;

(e) If necessary, ~~[include]~~ recommendations for improvements in ~~[his]~~ ***the*** performance ~~[.]~~ ~~[A reasonable effort must be made to assist the teacher to correct any deficiencies noted in the evaluation.]~~ ***of the teacher;***

~~*[(b) Include a]*~~

(f) A description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation ~~*[.]*~~ ***; and***

~~*[(c) Include a]*~~

(g) A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.

7. The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. ***Upon the request of a teacher, a reasonable effort must be made to assist the teacher to correct those deficiencies reported in the evaluation of the teacher for which the teacher requests assistance.***

Sec. 6. NRS 391.313 is hereby amended to read as follows:

391.313 1. Whenever an administrator charged with supervision of a licensed employee believes it is necessary to admonish the employee for a reason that he believes may lead to demotion ~~[,]~~ ***or*** dismissal or ***may*** cause the employee not to be reemployed under the provisions of NRS 391.312, he shall:

(a) Except as otherwise provided in subsection ~~[2,]~~ ***3,*** bring the matter to the attention of the employee involved, in writing, stating the reasons for the admonition and that it may lead to his demotion, dismissal or a refusal to reemploy him, and make a reasonable effort to assist the employee to correct whatever appears to be the cause for his potential demotion, dismissal or a potential recommendation not to reemploy him; and

(b) Except as otherwise provided in NRS 391.314, allow reasonable time for improvement, which must not exceed 3 months for the first admonition.

➥ ***The admonition must include a description of the deficiencies of the teacher and the action that is necessary to correct those deficiencies.***

2. An admonition issued to a licensed employee who, within the time granted for improvement, has met the standards set for him by the administrator who issued the admonition must be removed from the records of the employee together with all notations and indications of its having been issued. The admonition must be removed from the records of the employee not later than 3 years after it is issued.

~~[2.]~~ ***3.*** An administrator need not admonish an employee pursuant to paragraph (a) of subsection 1 if his employment will be terminated pursuant to NRS 391.3197. If by ~~[February 15]~~ ***March 1*** of the first or second year of his probationary period a probationary employee does not receive a written notice pursuant to subsection 4 of NRS 391.3125 of a potential decision not to reemploy him, he must receive an admonition before any such decision is made.

~~[3.]~~ ***4.*** A licensed employee is subject to immediate dismissal or a refusal to reemploy according to the procedures provided in NRS 391.311 to 391.3197, inclusive, without the admonition required by this section, on grounds contained in paragraphs (b), (f), (g), (h) and (p) of subsection 1 of NRS 391.312.

Sec. 7. NRS 391.3197 is hereby amended to read as follows:

391.3197 1. A probationary employee is employed on a contract basis for two 1-year periods and has no right to employment after either of the two probationary contract years.

2. The board shall notify each probationary employee in writing on or before May 1 of the first and second school years of his probationary period, as appropriate, whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. The employee must advise the board in writing on or before May 10 of the first or second year of his probationary period, as appropriate, of his acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify him in writing, in both the

first and second years of his probationary period, no later than 45 days before his last day of work for the year under his contract whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. He must advise the board in writing within 10 days after the date of notification of his acceptance or rejection of reemployment for another year. Failure to advise the board of his acceptance of reemployment constitutes rejection of the contract.

3. A probationary employee who completes his 2-year probationary period and receives a notice of reemployment from the school district in the second year of his probationary period is entitled to be a postprobationary employee in the ensuing year of employment.

4. ~~[A]~~ ***If a*** probationary employee ~~[who receives an unsatisfactory evaluation]~~ ***receives notice pursuant to subsection 4 of NRS 391.3125 not later than March 1 of a potential decision not to reemploy him, the employee*** may request a supplemental evaluation by another administrator in the school district selected by him and the superintendent. If a school district has five or fewer administrators, the supplemental evaluator may be an administrator from another school district in ~~[the]~~ ***this*** State. If a probationary employee has received during the first school year of his probationary period three evaluations which state that the employee's overall performance has been satisfactory, the superintendent of schools of the school district or his designee shall waive the second year of the employee's probationary period by expressly providing in writing on the final evaluation of the employee for the first probationary year that the second year of his probationary period is waived. Such an employee is entitled to be a postprobationary employee in the ensuing year of employment.

5. If a probationary employee is notified that he will not be reemployed for the second year of his probationary period or the ensuing school year, his employment ends on the last day of the current school year. The notice that he will not be reemployed must include a statement of the reasons for that decision.

6. A new employee or a postprobationary teacher who is employed as an administrator shall be deemed to be a probationary employee for the purposes of this section and must serve a 2-year probationary period as an administrator in accordance with the provisions of this section. If the administrator does not receive an unsatisfactory evaluation during the first year of probation, the superintendent or his designee shall waive the second year of the administrator's probationary period. Such an administrator is entitled to be a postprobationary employee in the ensuing year of employment. If:

(a) A postprobationary teacher who is an administrator is not reemployed as an administrator after either year of his probationary period; and

(b) There is a position as a teacher available for the ensuing school year in the school district in which the person is employed,

➥ the board of trustees of the school district shall, on or before May 1, offer the person a contract as a teacher for the ensuing school year. The person may accept the contract in writing on or before May 10. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.

7. An administrator who has completed his probationary period pursuant to subsection 6 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the additional probationary period, the board of trustees of the school district in which the person is employed shall, on or before May 1, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10. If the person fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.

8. Before dismissal, the probationary employee is entitled to a hearing before a hearing officer which affords due process as set out in NRS 391.311 to 391.3196, inclusive.

Sec. 8. On or before February 1, 2008, the board of trustees of each school district shall submit a copy of the program to engage administrators in annual classroom instruction **,** ~~[and]~~ observation **and other activities** adopted by the school district pursuant to section 1 of this act to the Legislative Committee on Education and to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

Sec. 9. This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 329.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 810.

AN ACT relating to animals; prohibiting a person from allowing a cat or dog to remain unattended in a parked or standing motor vehicle in a manner that endangers the health or safety of the cat or dog; authorizing a peace officer to use force to remove a cat or dog from a motor vehicle under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person is prohibited from instigating, engaging in or in any way furthering an act of cruelty to an animal. (NRS 574.100) Such an act includes, without limitation, unjustifiably injuring or maiming an animal

or carrying an animal in a vehicle in a cruel or inhuman manner. (NRS 574.100, 574.190)

Section 2 of this bill makes it a misdemeanor for a person to allow a cat or dog to remain unattended in a parked or standing car during a period of extreme heat or cold or in any other manner that endangers the health or safety of the cat or dog. Section 2 authorizes a peace officer and certain other persons to use any force that is reasonable and necessary under the circumstances to remove the cat or dog from the motor vehicle. Section 5 of this bill provides that the existing general exemptions from the provisions of chapter 574 of NRS also apply to the activities specified in section 2 of this bill. Those exemptions include, without limitation, the handling, housing and transporting of livestock or farm animals.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. Chapter 574 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, a person shall not allow a cat or dog to remain unattended in a parked or standing motor vehicle during a period of extreme heat or cold or in any other manner that endangers the health or safety of the cat or dog.

2. Any:

(a) Peace officer;

(b) Officer of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040;

(c) Animal control officer;

(d) Governmental officer or employee whose primary duty is to ensure public safety;

(e) Employee or volunteer of any organized fire department; or

(f) Member of a search and rescue organization in this State that is under the direct supervision of a sheriff,

➥ may use any force that is reasonable and necessary under the circumstances to remove from a motor vehicle a cat or dog that is allowed to remain in the motor vehicle in violation of subsection 1.

3. The provisions of subsection 1 do not apply to:

(a) A police animal or an animal that is used by :

(1) A federal law enforcement agency to assist the agency in carrying out the duties of the agency; or

(2) A search and rescue organization specified in paragraph (f) of subsection 2 to assist the organization in carrying out the activities of the organization; or

(b) A dog that is under the possession or control of:

(1) An animal control officer; or

(2) A first responder during an emergency . ~~[.] or~~

~~*(c) A dog that is transported or used for hunting a species of game mammal:*~~

~~*(1) During the season for hunting that species of game mammal; and*~~

~~*(2) By a person who is the holder of a license or tag to hunt that species of game mammal during that season.]*~~

4. A cat or dog that is removed from a motor vehicle pursuant to subsection 2 shall be deemed to be an animal being treated cruelly for the purposes of NRS 574.055. The person who removed the cat or dog may take any action relating to the cat or dog specified in that section and is entitled to any lien or immunity from liability that is applicable pursuant to that section.

5. A person who violates a provision of subsection 1 is guilty of a misdemeanor.

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 574.050 is hereby amended to read as follows:

574.050 As used in NRS 574.050 to 574.200, inclusive ~~[:]~~ ***, and section 2 of this act:***

1. "Animal" does not include the human race, but includes every other living creature.

2. ***"First responder" means a person who has successfully completed the national standard course for first responders.***

3. "Police animal" means an animal which is owned or used by a state or local governmental agency and which is used by a peace officer in performing his duties as a peace officer.

~~[3.]~~ ***4.*** "Torture" or "cruelty" includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

Sec. 5. NRS 574.200 is hereby amended to read as follows:

574.200 The provisions of NRS 574.050 to 574.510, inclusive, ***and section 2 of this act*** do not:

1. Interfere with any of the fish and game laws contained in title 45 of NRS or any laws for the destruction of certain birds.

2. Interfere with the right to destroy any venomous reptiles or animals, or any animal known as dangerous to life, limb or property.

3. Interfere with the right to kill all animals and fowl used for food.

4. Prohibit or interfere with any properly conducted scientific experiments or investigations which are performed under the authority of the faculty of some regularly incorporated medical college or university of this State.

5. Interfere with any scientific or physiological experiments conducted or prosecuted for the advancement of science or medicine.

6. Prohibit or interfere with established methods of animal husbandry, including the raising, handling, feeding, housing and transporting of livestock or farm animals.

Assemblyman Claborn moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 356.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 861.

AN ACT relating to the protection of children; ~~[revising the process for determining whether action must be taken to ensure the safety of a child who has been placed in protective custody without the consent of the person responsible for the child's welfare;]~~ **requiring the Division of Child and Family Services of the Department of Health and Human Services to adopt regulations establishing uniform standards for determining whether immediate action is necessary to protect a child; requiring the Legislative Commission to appoint a subcommittee to conduct a study relating to the placement of children in foster care;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law provides for the placement of a child in protective custody without the consent of the person responsible for the child's welfare. (NRS 432B.390) Section 1 of this bill provides that if a child is placed in protective custody pursuant to NRS 432B.390, the agency which provides child welfare services must, within 24 hours, conduct an assessment to determine if there is reasonable cause to believe that the child is in imminent risk of serious harm. If it is determined that the child is in imminent risk of serious harm, appropriate action must be taken to ensure the safety of the child. If it is determined that the child is not in imminent risk of serious harm, the child must be returned to the person responsible for the child's welfare and the person may be referred for welfare services available within the community.]~~

Section 2 of this bill requires the Division of Child and Family Services of the Department of Health and Human Services to adopt regulations establishing reasonable and uniform standards for determining whether immediate action is necessary to protect a child from injury, abuse or neglect ~~[and whether a child is in imminent risk of serious harm.]~~ (NRS 432B.190)

Section 4 of this bill requires the Legislative Commission to appoint a subcommittee to conduct a study of issues relating to the placement of children in foster care and methods for reducing the number of children placed in foster care.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Except as otherwise provided in subsection 2, within 24 hours after the placement of a child in protective custody pursuant to paragraph (a) of subsection 1 of NRS 432B.390, a designee of an agency which provides child welfare services shall conduct an assessment and determine whether the child is in imminent risk of serious harm. If it is determined that the child:*~~

~~*(a) Is not in imminent risk of serious harm:*~~

~~*(1) The child must be returned to the person responsible for the child's welfare; and*~~

~~*(2) The person responsible for the child's welfare may be referred to a family resource center for the coordination of services provided pursuant to NRS 430A.160 or any other public or private organization which provides social services for the prevention, identification and treatment of abuse or neglect of children.*~~

~~*(b) Is in imminent risk of serious harm, the agency shall take appropriate action to ensure the safety of the child.*~~

~~*2. If the designee of an agency which provides welfare services refers the person responsible for the child's welfare pursuant to paragraph (a) of subsection 1, the person responsible for the child's welfare must, within a reasonable amount of time, provide proof that the person participated in the services for which the person was referred. If the person responsible for the child's welfare fails to provide such proof of participation, the designee of an agency which provides welfare services may deem the child in imminent risk of serious harm for purposes of this section and the agency may immediately take appropriate action to ensure the safety of the child.]~~ **(Deleted by amendment.)**

Sec. 2. NRS 432B.190 is hereby amended to read as follows:

432B.190 The Division of Child and Family Services shall, in consultation with each agency which provides child welfare services, adopt:

1. Regulations establishing reasonable and uniform standards for:

(a) Child welfare services provided in this State;

(b) Programs for the prevention of abuse or neglect of a child and the achievement of the permanent placement of a child;

(c) The development of local councils involving public and private organizations;

(d) Reports of abuse or neglect, records of these reports and the response to these reports;

(e) Carrying out the provisions of NRS 432B.260, including, without limitation, the qualifications of persons with whom agencies which provide child welfare services enter into agreements to provide services to children and families;

(f) The management and assessment of reported cases of abuse or neglect;

(g) The protection of the legal rights of parents and children;

(h) Emergency shelter for a child;

(i) The prevention, identification and correction of abuse or neglect of a child in residential institutions;

(j) Evaluating the development and contents of a plan submitted for approval pursuant to NRS 432B.395;

(k) Developing and distributing to persons who are responsible for a child's welfare a pamphlet that is written in language which is easy to understand,

is available in English and in any other language the Division determines is appropriate based on the demographic characteristics of this State and sets forth:

(1) Contact information regarding persons and governmental entities which provide assistance to persons who are responsible for the welfare of children, including, without limitation, persons and entities which provide assistance to persons who are being investigated for allegedly abusing or neglecting a child;

(2) The procedures for taking a child for placement in protective custody; and

(3) The state and federal legal rights of:

(I) A person who is responsible for a child's welfare and who is the subject of an investigation of alleged abuse or neglect of a child, including, without limitation, the legal rights of such a person at the time an agency which provides child welfare services makes initial contact with the person in the course of the investigation and at the time the agency takes the child for placement in protective custody, and the legal right of such a person to be informed of any allegation of abuse or neglect of a child which is made against the person at the initial time of contact with the person by the agency; and

(II) Persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, during all stages of the proceeding; and

(l) Making the necessary inquiries required pursuant to NRS 432B.397 to determine whether a child is an Indian child**.** ~~[; and]~~

2. ***Regulations, which are applicable to any person who is authorized to place a child in protective custody without the consent of the person responsible for the child's welfare, setting forth reasonable and uniform standards for establishing whether immediate action is necessary to protect the child from injury, abuse or neglect for the purposes of determining whether to place the child into protective custody pursuant to NRS 432B.390. Such standards must consider*** ~~*[:*~~

~~*(a) The availability of treatment and services to help prevent further abuse or neglect and to improve the environment of the child;*~~

~~*(b) The]*~~ ***the potential harm to the child in remaining in his home*** ~~*[;*~~

~~*(c) The potential harm to the child if removed from his home;*~~

~~*(d) The nature and extent of existing or previous injuries, abuse or neglect and any evidence thereof; and*~~

~~*(e) Other relevant factors.]*~~ ***, including, without limitation:***

(a) Circumstances in which a threat of harm suggests that a child is in imminent danger of serious harm.

(b) The conditions or behaviors of the child's family which threaten the safety of the child who is unable to protect himself and who is dependent on others for protection, including, without limitation, conditions or behaviors that are beyond the control of the caregiver of the child and create an imminent threat of serious harm to the child.

➥ ***The Division of Child and Family Services shall ensure that the appropriate persons or entities to whom the regulations adopted pursuant to this subsection apply are provided with a copy of such regulations. As used in this subsection, "serious harm" includes the threat or evidence of serious physical injury, sexual abuse, significant pain or mental suffering, extreme fear or terror, extreme impairment or disability, death, substantial impairment or risk of substantial impairment to the child's mental or physical health or development.***

3. [Regulations, which are applicable to any person who is responsible for an assessment conducted pursuant to section 1 of this act, setting forth reasonable and uniform standards for conducting the assessment and establishing whether a child is in imminent risk of serious harm for purposes of determining whether the child must remain in protective custody pursuant to section 1 of this act or other appropriate action to ensure the safety of the child. Such standards must consider:

(a) The availability of treatment and services to help prevent further abuse or neglect and to improve the environment of the child;

(b) The potential harm to the child in remaining in his home;

(c) The potential harm to the child if removed from his home;

(d) The nature and extent of existing or previous injuries, abuse or neglect and any evidence thereof;

(e) The age and vulnerability of the child, including, without limitation, if the child is identified as being affected by prenatal illegal substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure;

(f) If the child was returned to the person responsible for the child's welfare pursuant to paragraph (a) of subsection 1 of section 1 of this act, whether the person responsible for the child's welfare participated in the services for which the person was referred; and

(g) Other relevant factors.

➥ The Division of Child and Family Services shall ensure that the appropriate persons or entities to whom the regulations adopted pursuant to this subsection apply are provided with a copy of such regulations.

4.] Such other regulations as are necessary for the administration of NRS 432B.010 to 432B.606, inclusive ***[, and section 1 of this act.]***.

Sec. 3. ~~[NRS 432B.390 is hereby amended to read as follows:~~

~~432B.390 1. An agent or officer of a law enforcement agency, an officer of the local juvenile probation department or the local department of~~

~~juvenile services, or a designee of an agency which provides child welfare services:~~

~~(a) May place a child in protective custody without the consent of the person responsible for the child's welfare if he has reasonable cause to believe that immediate action is necessary to protect the child from injury, abuse or neglect. *A designee of an agency which provides child welfare services shall commence an assessment pursuant to section 1 of this act within 24 hours after the placement of the child in protective custody.*~~

~~(b) Shall place a child in protective custody upon the death of a parent of the child, without the consent of the person responsible for the welfare of the child, if the agent, officer or designee has reasonable cause to believe that the death of the parent of the child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018.~~

~~2. When an agency which provides child welfare services receives a report pursuant to subsection 2 of NRS 432B.630, a designee of the agency which provides child welfare services shall immediately place the child in protective custody [.] *and commence an assessment pursuant to section 1 of this act within 24 hours after the placement of the child in protective custody.*~~

~~3. If there is reasonable cause to believe that the death of a parent of a child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018, a protective custody hearing must be held pursuant to NRS 432B.470, whether the child was placed in protective custody or with a relative. If an agency other than an agency which provides child welfare services becomes aware that there is reasonable cause to believe that the death of a parent of a child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018, that agency shall immediately notify the agency which provides child welfare services and a protective custody hearing must be scheduled.~~

~~4. An agency which provides child welfare services shall request the assistance of a law enforcement agency in the removal of a child if the agency has reasonable cause to believe that the child or the person placing the child in protective custody may be threatened with harm.~~

~~5. Before taking a child for placement in protective custody, the person taking the child shall show his identification to any person who is responsible for the child and is present at the time the child is taken. If a person who is responsible for the child is not present at the time the child is taken, the person taking the child shall show his identification to any other person upon request. The identification required by this subsection must be a single card that contains a photograph of the person taking the child and identifies him as a person authorized pursuant to this section to place a child in protective custody.~~

~~6. A child placed in protective custody pending an investigation and a hearing held pursuant to NRS 432B.470 must be placed in a hospital, if the child needs hospitalization, or in a shelter, which may include a foster home or other home or facility which provides care for those children, but the child~~

~~must not be placed in a jail or other place for detention, incarceration or residential care of persons convicted of a crime or children charged with delinquent acts.~~

~~7. A person placing a child in protective custody pursuant to subsection 1 shall:~~

~~(a) Immediately take steps to protect all other children remaining in the home or facility, if necessary;~~

~~(b) Immediately make a reasonable effort to inform the person responsible for the child's welfare that the child has been placed in protective custody;~~

~~(c) Give preference in placement of the child to any person related within the third degree of consanguinity to the child who is suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State; and~~

~~(d) As soon as practicable, inform the agency which provides child welfare services and the appropriate law enforcement agency.~~

~~8. If a child is placed with any person who resides outside this State, the placement must be in accordance with NRS 127.330.]~~ **(Deleted by amendment.)**

Sec. 4. **1. The Legislative Commission shall appoint a subcommittee, consisting of three members of the Senate and three members of the Assembly, to conduct a study during the 2007-2009 interim concerning the placement of children in foster care.**

2. The subcommittee appointed pursuant to subsection 1 shall, without limitation:

(a) Study the procedures and standards used in this State for placing children in foster care;

(b) Review the procedures and standards used in other states for placing children in foster care;

(c) Review and evaluate the standard for determining when to place a child in protective custody pursuant to NRS 432B.390;

(d) Address methods to reduce the number of foster care placements in this State, including, without limitation, the placement of children in group foster homes, family foster homes, child welfare facilities and other facilities which house children who have been placed in foster care; and

(e) Study other issues relating to the placement of children in foster care.

3. Any recommendations for legislation proposed by the subcommittee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the subcommittee.

4. The Legislative Commission shall submit a copy of the final written report of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

Sec. 5. **1. This section and section 4 of this act become effective on July 1, 2007.**

2. Section 2 of this act becomes effective on October 1, 2007.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 398.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 824.

SUMMARY—Provides for a pilot program ~~[of]~~ **to study** English immersion **and English language learner programs** in certain public schools. (BDR S-940)

AN ACT relating to education; providing for a pilot program ~~[of]~~ **to study** English immersion **and English language learner programs** in certain public schools selected by the Department of Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to establish a program to teach the English language to pupils who are limited English proficient. (NRS 388.405) This bill establishes a pilot program ~~[of]~~ **to study** English immersion **and English language learner programs** for pupils who are limited English proficient. The Department of Education shall select the public schools to participate in the pilot program **.** ~~[, which must provide for the immersion in the English language of pupils who are limited English proficient and enrolled in a public school that is selected to participate.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby created a pilot program ~~[of]~~ **to study** English immersion **and English language learner programs** for pupils who are limited English proficient. The Department of Education shall select the public schools to participate in the pilot program, with particular emphasis on those public schools and school districts in this State with a high percentage of pupils who are limited English proficient.

2. The public schools selected for participation in the program shall use the same teachers and other resources as they would have used if the school was not participating in the pilot program to provide for the ~~[immersion in the English language of pupils who are limited English proficient,]~~ **study of English immersion and English language learner programs,** including, without limitation, a system whereby ~~[those]~~ pupils **who are limited English proficient** remain in the regular school classroom and the teacher for English language learners coteaches with the regular classroom teacher at appropriate time periods during the school day or school week.

3. On or before ~~[February 1, 2009,]~~ **July 1, 2008,** the board of trustees of each school district that includes a public school which is selected to participate in the pilot program ~~[may]~~ **shall** report on the **status of the** pilot program to the Legislative Committee on Education, including, without limitation:

(a) The name of each public school that participated;

(b) The number of limited English proficient pupils in each public school that participated;

(c) An evaluation of the effectiveness of the program in closing the achievement gap, if any, among those pupils that participated and the pupils enrolled in the school as a whole;

(d) Any recommendations for legislation; and

(e) Any other information the ~~[Board]~~ **board** deems appropriate.

4. On or before February 1, 2009, the board of trustees of each school district that includes a public school which is selected to participate in the pilot program shall provide a final written report of the information required by subsection 3 to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Legislature.

Sec. 2. This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 451.

Bill read second time and ordered to third reading.

Senate Bill No. 481.

Bill read second time and ordered to third reading.

Senate Bill No. 483.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 837.

AN ACT relating to business; revising provisions relating to corporations; revising the provisions relating to the reinstatement, renewal or revival of certain business associations; revising provisions relating to limited-liability companies; revising the applicability of the Uniform Partnership Act (1997); revising provisions relating to professional corporations and associations; revising provisions relating to the exemption of certain property of judgment debtors from attachment or execution; requiring financing statements of a transmitting utility to be filed in the Office of the Secretary of State; revising provisions relating to a trustee's power of sale involving real property; making various other changes relating to business; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill expands a corporation's powers to include the specific renunciation of certain business opportunities. (NRS 78.070) Section 2 of this bill clarifies existing law to specify that a board of directors may authorize a transaction by written consent even if the votes of common and interested directors are not counted and regardless of whether the members whose votes are not counted join or abstain from joining in such authorization. (NRS 78.140)

Existing law sets forth provisions relating to the reinstatement, renewal or revival of certain business associations. (NRS 78.180, 78.740, 80.170, 82.5237, 82.546, 84.150, 86.276, 86.5467, 86.580, 87.530, 87.5435, 88.410, 88.594, 88A.650, 88A.737, 89.256) Sections 3, 10-14, 17, 21, 22, 28-33 and 44 of this bill provide that a reinstatement, renewal or revival of certain business associations relate back to the date of forfeiture.

Section 5 of this bill prohibits a corporation from issuing stock certificates in bearer form. (NRS 78.235)

Existing law requires written consent to be signed by all members of a board or committee of a corporation before taking certain actions. (NRS 78.315) Section 6 of this bill establishes provisions exempting certain directors from signing such written consent.

Existing law requires directors of every corporation to be elected by a plurality of votes cast at the annual stockholders' meeting. (NRS 78.330) Section 8 of this bill allows the articles of incorporation or bylaws to require more than a plurality of the vote.

Section 15 of this bill establishes provisions allowing the dissolution of a limited-liability company before the commencement of any business. Section 16 of this bill provides limitations on liability by providing that a limited-liability company is an entity distinct from its managers and members. (NRS 86.201)

Existing law establishes provisions relating to the operating agreement of a limited-liability company. (NRS 86.286) Section 18 of this bill provides that an operating agreement adopted after the filing of the articles of incorporation or after the formation of the limited-liability company may be enforced against the limited-liability company whether or not it assents to the agreement.

~~[Section 19 of this bill limits the liability of members and managers of a company by providing that the failure of a limited-liability company to observe certain formalities does not create liability for its members or managers. (NRS 86.371)]~~ Section 20 of this bill expands the class of members which may bring an action on behalf of a limited-liability company to include noneconomic members. (NRS 86.483) Section 26 of this bill revises the provisions concerning applicability of the Uniform Partnership Act (1997). (NRS 87.025, 87.4314) Section 27 of this bill revises the filing requirements for a registered limited-liability partnership to exclude the filing of a statement of the professional service rendered by the partnership. (NRS 87.440) Sections 34-43 of this bill revise the provisions relating to

professional corporations and associations to reflect the inclusion of all professional entities and the formation of professional limited-liability companies. (NRS 89.020, 89.025, 89.030-89.110).

Existing law establishes the right of shareholders to dissent from corporate actions. (NRS 92A.380) Section 45 of this bill prohibits a dissenting shareholder to vote his shares or to receive certain dividends or distributions after his dissent.

Existing law exempts certain property of a judgment debtor from attachment or execution. (NRS 21.075, 21.090, 31.045) Sections 46-48 of this bill limit the exemption of payments received pursuant to the federal Social Security Act to such payments made for the individual support of the judgment debtor.

Existing law provides that a transmitting utility may file a financing statement in the Office of the Secretary of State or the county recorder of the appropriate county. (NRS 104.9501) Section 49 of this bill no longer allows such financing statements to be filed in a county recorder's office.

Existing law sets forth certain requirements relating to a trustee's power of sale involving real property. (NRS 107.080) Section 50 of this bill provides that, except under certain circumstances, for a sale to be declared void within 90 days after the date of the sale, an action must be commenced in the county where the sale took place and, within 30 days after commencing the action, notice of the action must be recorded in the office of the county recorder.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 78.070 is hereby amended to read as follows:

78.070 Subject to such limitations, if any, as may be contained in its articles of incorporation, every corporation has the following powers:

1. To borrow money and contract debts when necessary for the transaction of its business, or for the exercise of its corporate rights, privileges or franchises, or for any other lawful purpose of its incorporation and to issue bonds, promissory notes, bills of exchange, debentures, and other obligations and evidences of indebtedness, payable at a specified time or times, or payable upon the happening of a specified event or events, whether secured by mortgage, pledge or other security, or unsecured, for money borrowed, or in payment for property purchased or acquired, or for any other lawful object.

2. To guarantee, purchase, hold, take, obtain, receive, subscribe for, own, use, dispose of, sell, exchange, lease, lend, assign, mortgage, pledge, or otherwise acquire, transfer or deal in or with bonds or obligations of, or shares, securities or interests in or issued by, any person, government, governmental agency or political subdivision of government, and to exercise all the rights, powers and privileges of ownership of such an interest, including the right to vote, if any.

3. To purchase, hold, sell, pledge and transfer shares of its own stock, and use therefor its property or money.

4. To conduct business, have one or more offices, and hold, purchase, lease, mortgage, convey and take by devise or bequest real and personal property in this State, and in any of the several states, territories, possessions and dependencies of the United States, the District of Columbia, Puerto Rico and any foreign countries.

5. To do everything necessary and proper for the accomplishment of the objects enumerated in its articles of incorporation or necessary or incidental to the protection and benefit of the corporation, and, in general, to carry on any lawful business necessary or incidental to the attainment of the objects of the corporation, whether or not the business is similar in nature to the objects set forth in the articles of incorporation, except that:

(a) A corporation created under the provisions of this chapter does not possess the power of issuing bills, notes or other evidences of debt for circulation of money; and

(b) This chapter does not authorize the formation of banking corporations to issue or circulate money or currency within this State, or outside of this State, or at all, except the federal currency, or the notes of banks authorized under the laws of the United States.

6. To make donations for the public welfare or for charitable, scientific or educational purposes.

7. To enter into any relationship with another person in connection with any lawful activities.

8. To renounce in its articles of incorporation or by action by the board of directors any interest or expectancy to participate in specified business opportunities or specified classes or categories of business opportunities that are presented to the corporation or one or more of its officers, directors or stockholders.

Sec. 2. NRS 78.140 is hereby amended to read as follows:

78.140 1. A contract or other transaction is not void or voidable solely because:

(a) The contract or transaction is between a corporation and:

(1) One or more of its directors or officers; or

(2) Another corporation, firm or association in which one or more of its directors or officers are directors or officers or are financially interested;

(b) A common or interested director or officer:

(1) Is present at the meeting of the board of directors or a committee thereof which authorizes or approves the contract or transaction; or

(2) Joins in the signing of a written consent which authorizes or approves the contract or transaction pursuant to subsection 2 of NRS 78.315; or

(c) The vote or votes of a common or interested director are counted for the purpose of authorizing or approving the contract or transaction,

➥ if one of the circumstances specified in subsection 2 exists.

2. The circumstances in which a contract or other transaction is not void or voidable pursuant to subsection 1 are:

(a) The fact of the common directorship, office or financial interest is known to the board of directors or committee, and the board or committee authorizes, approves or ratifies the contract or transaction in good faith by a vote sufficient for the purpose without counting the vote or votes of the common or interested director or directors.

(b) The fact of the common directorship, office or financial interest is known to the stockholders, and they approve or ratify the contract or transaction in good faith by a majority vote of stockholders holding a majority of the voting power. The votes of the common or interested directors or officers must be counted in any such vote of stockholders.

(c) The fact of the common directorship, office or financial interest is not known to the director or officer at the time the transaction is brought before the board of directors of the corporation for action.

(d) The contract or transaction is fair as to the corporation at the time it is authorized or approved.

3. Common or interested directors may be counted in determining the presence of a quorum at a meeting of the board of directors or a committee thereof which authorizes, approves or ratifies a contract or transaction, and if the votes of the common or interested directors are not counted at the meeting, then a majority of the disinterested directors may authorize, approve or ratify a contract or transaction.

4. ***The fact that the vote or votes of the common or interested director or directors are not counted for purposes of subsection 2 does not prohibit any authorization, approval or ratification of a contract or transaction to be given by written consent pursuant to subsection 2 of NRS 78.315, regardless of whether the common or interested director signs such written consent or abstains in writing from providing consent.***

5. Unless otherwise provided in the articles of incorporation or the bylaws, the board of directors, without regard to personal interest, may establish the compensation of directors for services in any capacity. If the board of directors establishes the compensation of directors pursuant to this subsection, such compensation is presumed to be fair to the corporation unless proven unfair by a preponderance of the evidence.

Sec. 3. NRS 78.180 is hereby amended to read as follows:

78.180 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a corporation which has forfeited or which forfeits its right to transact business pursuant to the provisions of this chapter and shall restore to the corporation its right to carry on business in this State, and to exercise its corporate privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 78.150;

(2) The statement required by NRS 78.153, if applicable; and

(3) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 78.150 and 78.170 for each year or portion thereof during which it failed to file each required annual list in a timely manner;

(2) The fee set forth in NRS 78.153, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the corporation, he shall issue to the corporation a certificate of reinstatement if the corporation:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to subsection 8 of NRS 78.785.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the charter occurred only by reason of failure to pay the fees and penalties.

4. If a corporate charter has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 consecutive years, the charter must not be reinstated.

5. Except as otherwise provided in NRS 78.185, a reinstatement pursuant to this section relates back to the date on which the corporation forfeited its right to transact business under the provisions of this chapter and reinstates the corporation's right to transact business as if such right had at all times remained in full force and effect.

Sec. 4. NRS 78.185 is hereby amended to read as follows:

78.185 1. Except as otherwise provided in subsection 2, if a corporation applies to reinstate or revive its charter but its name has been legally reserved or acquired by another artificial person formed, organized, registered or qualified pursuant to the provisions of this title whose name is on file with the Office of the Secretary of State or reserved in the Office of the Secretary of State pursuant to the provisions of this title, the corporation shall in its application for reinstatement submit in writing to the Secretary of State some other name under which it desires its corporate existence to be reinstated or revived. If that name is distinguishable from all other names reserved or otherwise on file, the Secretary of State shall ~~[reinstatement]~~ ***reinstate*** the corporation under that new name. Upon the issuance of a certificate of reinstatement or revival under that new name, the articles of incorporation of the applying corporation shall be deemed to reflect the new name without the corporation having to comply with the provisions of NRS 78.385, 78.390 or 78.403.

2. If the applying corporation submits the written, acknowledged consent of the artificial person having a name, or the person who has reserved a name, which is not distinguishable from the old name of the applying corporation or a new name it has submitted, it may be reinstated or revived under that name.

3. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved name solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination of these.

4. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 5. NRS 78.235 is hereby amended to read as follows:

78.235 1. Except as otherwise provided in subsection 4, every stockholder is entitled to have a certificate, signed by officers or agents designated by the corporation for the purpose, certifying the number of shares ~~[owned by him]~~ in the corporation ~~[.]~~ ***owned by the stockholder. A corporation has no power to issue a certificate in bearer form, and any such certificate that is issued is void and of no force or effect.***

2. Whenever any certificate is countersigned or otherwise authenticated by a transfer agent or transfer clerk, and by a registrar, then a facsimile of the signatures of the officers or agents, the transfer agent or transfer clerk or the registrar of the corporation may be printed or lithographed upon the certificate in lieu of the actual signatures. If a corporation uses facsimile signatures of its officers and agents on its stock certificates, it cannot act as registrar of its own stock, but its transfer agent and registrar may be identical if the institution acting in those dual capacities countersigns or otherwise authenticates any stock certificates in both capacities.

3. If any officer or officers who have signed, or whose facsimile signature or signatures have been used on, any certificate or certificates for stock cease to be an officer or officers of the corporation, whether because of death, resignation or other reason, before the certificate or certificates have been delivered by the corporation, the certificate or certificates may nevertheless be adopted by the corporation and be issued and delivered as though the person or persons who signed the certificate or certificates, or whose facsimile signature or signatures have been used thereon, had not ceased to be an officer or officers of the corporation.

4. Unless otherwise provided in the articles of incorporation or bylaws, the board of directors may authorize the issuance of uncertificated shares of some or all of the shares of any or all of its classes or series. The issuance of uncertificated shares has no effect on existing certificates for shares until surrendered to the corporation, or on the respective rights and obligations of the stockholders. Unless otherwise provided by a specific statute, the rights and obligations of stockholders are identical whether or not their shares of stock are represented by certificates.

5. Within a reasonable time after the issuance or transfer of shares without certificates, the corporation shall send the stockholder a written statement containing the information required on the certificates pursuant to subsection 1. At least annually thereafter, the corporation shall provide to its stockholders of record, a written statement confirming the information

contained in the informational statement previously sent pursuant to this subsection.

6. Unless otherwise provided in the articles of incorporation or bylaws, a corporation may issue a new certificate of stock or, if authorized by the board of directors pursuant to subsection 4, uncertificated shares in place of a certificate previously issued by it and alleged to have been lost, stolen or destroyed. A corporation may require an owner or legal representative of an owner of a lost, stolen or destroyed certificate to give the corporation a bond or other security sufficient to indemnify it against any claim that may be made against it for the alleged loss, theft or destruction of a certificate, or the issuance of a new certificate or uncertificated shares.

Sec. 6. NRS 78.315 is hereby amended to read as follows:

78.315 1. Unless the articles of incorporation or the bylaws provide for a greater or lesser proportion, a majority of the board of directors of the corporation then in office, at a meeting duly assembled, is necessary to constitute a quorum for the transaction of business, and the act of directors holding a majority of the voting power of the directors, present at a meeting at which a quorum is present, is the act of the board of directors.

2. Unless otherwise restricted by the articles of incorporation or bylaws, any action required or permitted to be taken at a meeting of the board of directors or of a committee thereof may be taken without a meeting if, before or after the action, a written consent thereto is signed by all the members of the board or of the committee ~~[.]~~ ***, except that such written consent is not required to be signed by:***

(a) A common or interested director who abstains in writing from providing consent to the action. If a common or interested director abstains in writing from providing consent:

(1) The fact of the common directorship, office or financial interest must be known to the board of directors or committee before a written consent is signed by all the members of the board of the committee.

(2) Such fact must be described in the written consent.

(3) The board of directors or committee must approve, authorize or ratify the action in good faith by unanimous consent without counting the abstention of the common or interested director.

(b) A director who is a party to an action, suit or proceeding who abstains in writing from providing consent to the action of the board of directors or committee. If a director who is a party to an action, suit or proceeding abstains in writing from providing consent on the basis that he is a party to an action, suit or proceeding, the board of directors or committee must:

(1) Make a determination pursuant to NRS 78.751 that indemnification of the director is proper under the circumstances.

(2) Approve, authorize or ratify the action of the board of directors or committee in good faith by unanimous consent without counting the abstention of the director who is a party to an action, suit or proceeding.

3. Unless otherwise restricted by the articles of incorporation or bylaws, members of the board of directors or the governing body of any corporation, or of any committee designated by such board or body, may participate in a meeting of the board, body or committee by means of a telephone conference or similar methods of communication by which all persons participating in the meeting can hear each other. Participation in a meeting pursuant to this subsection constitutes presence in person at the meeting.

Sec. 7. NRS 78.320 is hereby amended to read as follows:

78.320 1. Unless this chapter, the articles of incorporation or the bylaws provide for different proportions:

(a) A majority of the voting power, which includes the voting power that is present in person or by proxy, regardless of whether the proxy has authority to vote on all matters, constitutes a quorum for the transaction of business; and

(b) Action by the stockholders on a matter other than the election of directors is approved if the number of votes cast in favor of the action exceeds the number of votes cast in opposition to the action.

2. Unless otherwise provided in the articles of incorporation or the bylaws, any action required or permitted to be taken at a meeting of the stockholders may be taken without a meeting if, before or after the action, a written consent thereto is signed by stockholders holding at least a majority of the voting power, except that if a different proportion of voting power is required for such an action at a meeting, then that proportion of written consents is required.

3. In no instance where action is authorized by written consent need a meeting of stockholders be called or notice given.

4. Unless otherwise restricted by the articles of incorporation or bylaws, stockholders may participate in a meeting of stockholders by means of a telephone conference or similar methods of communication by which all persons participating in the meeting can hear each other. Participation in a meeting pursuant to this subsection constitutes presence in person at the meeting.

5. Unless ~~[otherwise provided in]~~ this chapter, the articles of incorporation or the bylaws ~~[,]~~ ***provide for different proportions,*** if voting by a class or series of stockholders is permitted or required ~~[, a]~~ ***:***

(a) A majority of the voting power of the class or series that is present in person or by proxy, regardless of whether the proxy has authority to vote on all matters, constitutes a quorum for the transaction of business ~~[.]~~ ***; and***

(b) An act by the stockholders of each class or series is approved if a majority of the voting power of a quorum of the class or series votes for the action.

Sec. 8. NRS 78.330 is hereby amended to read as follows:

78.330 1. Unless elected pursuant to NRS 78.320, ***or unless the articles of incorporation or the bylaws require more than a plurality of the votes cast,*** directors of every corporation must be elected at the annual

meeting of the stockholders by a plurality of the votes cast at the election. Unless otherwise provided in this chapter or in the bylaws, the board of directors has the authority to set the date, time and place for the annual meeting of the stockholders. If for any reason directors are not elected pursuant to NRS 78.320 or at the annual meeting of the stockholders, they may be elected at any special meeting of the stockholders which is called and held for that purpose. Unless otherwise provided in the articles of incorporation or bylaws, each director holds office after the expiration of his term until his successor is elected and qualified, or until he resigns or is removed.

2. The articles of incorporation or the bylaws may provide for the classification of directors as to the duration of their respective terms of office or as to their election by one or more authorized classes or series of shares, but at least one-fourth in number of the directors of every corporation must be elected annually. If an amendment reclassifying the directors would otherwise increase the term of a director, unless the amendment is to the articles of incorporation and otherwise provides, the term of each incumbent director on the effective date of the amendment terminates on the date it would have terminated had there been no reclassification.

3. The articles of incorporation may provide that the voting power of individual directors or classes of directors may be greater than or less than that of any other individual directors or classes of directors, and the different voting powers may be stated in the articles of incorporation or may be dependent upon any fact or event that may be ascertained outside the articles of incorporation if the manner in which the fact or event may operate on those voting powers is stated in the articles of incorporation. If the articles of incorporation provide that any directors may have voting power greater than or less than other directors, every reference in this chapter to a majority or other proportion of directors shall be deemed to refer to a majority or other proportion of the voting power of all of the directors or classes of directors, as may be required by the articles of incorporation.

Sec. 9. NRS 78.565 is hereby amended to read as follows:

78.565 1. Unless otherwise provided in the articles of incorporation, every corporation may, by action taken at any meeting of its board of directors, sell, lease or exchange all of its property and assets, including its goodwill and its corporate franchises, upon such terms and conditions as its board of directors may approve, when and as authorized by the affirmative vote of stockholders holding stock in the corporation entitling them to exercise at least a majority of the voting power **.** ~~[given at a stockholders' meeting called for that purpose.]~~

2. Unless otherwise provided in the articles of incorporation, a vote of stockholders is not necessary:

(a) For a transfer of assets by way of mortgage, or in trust or in pledge to secure indebtedness of the corporation; or

(b) To abandon the sale, lease or exchange of assets.

Sec. 10. NRS 78.740 is hereby amended to read as follows:

78.740 ***1.*** Any corporation existing on or incorporated after April 1, 1925, desiring to renew or revive its corporate existence, upon complying with the provisions of this chapter, is and continues for the time stated in its certificate of renewal to be a corporation, and in addition to the rights, privileges and immunities conferred by its original charter, possesses and enjoys all the benefits of this chapter that are applicable to the nature of its business, and is subject to the restrictions and liabilities by this chapter imposed on such corporations.

2. Except as otherwise provided in NRS 78.185, a renewal or revival pursuant to NRS 78.730 relates back to the date on which the corporation's charter expired or was revoked and renews or revives the corporation's charter and right to transact business as if such right had at all times remained in full force and effect.

Sec. 11. NRS 80.170 is hereby amended to read as follows:

80.170 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a corporation which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the corporation its right to transact business in this State, and to exercise its corporate privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list as provided in NRS 80.110 and 80.140;

(2) The statement required by NRS 80.115, if applicable; and

(3) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 80.110 and 80.150 for each year or portion thereof that its right to transact business was forfeited;

(2) The fee set forth in NRS 80.115, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the corporation, he shall issue to the corporation a certificate of reinstatement if the corporation:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to subsection 8 of NRS 78.785.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a corporation to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right is not subject to reinstatement.

5. Except as otherwise provided in NRS 80.175, a reinstatement pursuant to this section relates back to the date on which the corporation forfeited its right to transact business under the provisions of this chapter

and reinstates the corporation's right to transact business as if such right had at all times remained in full force and effect.

Sec. 12. NRS 82.5237 is hereby amended to read as follows:

82.5237 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a foreign nonprofit corporation which has forfeited or which forfeits its right to transact business pursuant to the provisions of NRS 82.523 to 82.5239, inclusive, and restore to the foreign nonprofit corporation its right to transact business in this State, and to exercise its corporate privileges and immunities, if it:

(a) Files with the Secretary of State a list as provided in NRS 82.523; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 82.523 and 82.5235 for each year or portion thereof that its right to transact business was forfeited; and

(2) A fee of $100 for reinstatement.

2. When the Secretary of State reinstates the foreign nonprofit corporation, he shall issue to the foreign nonprofit corporation a certificate of reinstatement if the foreign nonprofit corporation:

(a) Requests a certificate of reinstatement; and

(b) Pays the fees as provided in subsection 8 of NRS 78.785.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign nonprofit corporation to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right to transact business must not be reinstated.

5. Except as otherwise provided in NRS 82.5239, a reinstatement pursuant to this section relates back to the date on which the foreign nonprofit corporation forfeited its right to transact business under the provisions of this chapter and reinstates the foreign nonprofit corporation's right to transact business as if such right had at all times remained in full force and effect.

Sec. 13. NRS 82.546 is hereby amended to read as follows:

82.546 1. Any corporation which did exist or is existing pursuant to the laws of this State may, upon complying with the provisions of NRS 78.150 and 82.193, procure a renewal or revival of its charter for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original charter and amendments thereto, or its existing charter, by filing:

(a) A certificate with the Secretary of State, which must set forth:

(1) The name of the corporation, which must be the name of the corporation at the time of the renewal or revival, or its name at the time its original charter expired.

(2) The name and street address of the lawfully designated resident agent of the filing corporation, and his mailing address if different from his street address.

(3) The date when the renewal or revival of the charter is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.

(4) Whether or not the renewal or revival is to be perpetual, and, if not perpetual, the time for which the renewal or revival is to continue.

(5) That the corporation desiring to renew or revive its charter is, or has been, organized and carrying on the business authorized by its existing or original charter and amendments thereto, and desires to renew or continue through revival its existence pursuant to and subject to the provisions of this chapter.

(b) A list of its president, secretary and treasurer and all of its directors and their mailing or street addresses, either residence or business.

2. A corporation whose charter has not expired and is being renewed shall cause the certificate to be signed by an officer of the corporation. The certificate must be approved by a majority of the last-appointed surviving directors.

3. A corporation seeking to revive its original or amended charter shall cause the certificate to be signed by its president or vice president and secretary or assistant secretary. The signing and filing of the certificate must be approved unanimously by the last-appointed surviving directors of the corporation and must contain a recital that unanimous consent was secured. The corporation shall pay to the Secretary of State the fee required to establish a new corporation pursuant to the provisions of this chapter.

4. The filed certificate, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the existence and incorporation of the corporation named therein.

5. Except as otherwise provided in NRS 78.185, a renewal or revival pursuant to this section relates back to the date on which the corporation's charter expired or was revoked and renews or revives the corporation's charter and right to transact business as if such right had at all times remained in full force and effect.

Sec. 14. NRS 84.150 is hereby amended to read as follows:

84.150 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate any corporation sole which has forfeited its right to transact business under the provisions of this chapter and restore the right to carry on business in this State and exercise its corporate privileges and immunities, if it:

(a) Files with the Secretary of State a certificate of acceptance of appointment signed by the resident agent of the corporation; and

(b) Pays to the Secretary of State:

(1) The filing fees and penalties set forth in this chapter for each year or portion thereof during which its charter has been revoked; and

(2) A fee of $25 for reinstatement.

2. When the Secretary of State reinstates the corporation to its former rights, he shall:

(a) Immediately issue and deliver to the corporation a certificate of reinstatement authorizing it to transact business, as if the fees had been paid when due; and

(b) Upon demand, issue to the corporation a certified copy of the certificate of reinstatement.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of its charter occurred only by reason of its failure to pay the fees and penalties.

4. If a corporate charter has been revoked pursuant to the provisions of this chapter and has remained revoked for 10 consecutive years, the charter must not be reinstated.

5. A reinstatement pursuant to this section relates back to the date on which the corporation forfeited its right to transact business under the provisions of this chapter and reinstates the corporation's right to transact business as if such right had at all times remained in full force and effect.

Sec. 15. Chapter 86 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Before the commencement of business by any limited-liability company where management is vested in one or more managers and where no member's interest in the limited-liability company has been issued, at least two-thirds of the organizers or the managers of the limited-liability company may dissolve the limited-liability company by filing with the Secretary of State a certificate of dissolution to dissolve the limited-liability company.

2. A certificate of dissolution filed with the Secretary of State pursuant to subsection 1 must state that:

(a) The management of the limited-liability company is vested in one or more managers;

(b) The limited-liability company has not commenced business; and

(c) No member's interest in the limited-liability company has been issued.

Sec. 16. NRS 86.201 is hereby amended to read as follows:

86.201 1. A limited-liability company is considered legally organized pursuant to this chapter upon:

(a) Filing the articles of organization with the Secretary of State or upon a later date specified in the articles of organization;

(b) Filing the certificate of acceptance of the resident agent with the Secretary of State; and

(c) Paying the required filing fees to the Secretary of State.

2. A limited-liability company must not transact business or incur indebtedness, except that which is incidental to its organization or to obtaining subscriptions for or payment of contributions, until the company is considered legally organized pursuant to subsection 1.

3. A limited-liability company is an entity distinct from its managers and members.

Sec. 17. NRS 86.276 is hereby amended to read as follows:

86.276 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate any limited-liability company which has forfeited or which forfeits its right to transact business pursuant to the provisions of this chapter and shall restore to the company its right to carry on business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 86.263;

(2) The statement required by NRS 86.264, if applicable; and

(3) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 86.263 and 86.272 for each year or portion thereof during which it failed to file in a timely manner each required annual list;

(2) The fee set forth in NRS 86.264, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the limited-liability company, he shall issue to the company a certificate of reinstatement if the limited-liability company:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 86.561.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the charter occurred only by reason of failure to pay the fees and penalties.

4. If a company's charter has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 consecutive years, the charter must not be reinstated.

5. Except as otherwise provided in NRS 86.278, a reinstatement pursuant to this section relates back to the date on which the company forfeited its right to transact business under the provisions of this chapter and reinstates the company's right to transact business as if such right had at all times remained in full force and effect.

Sec. 18. NRS 86.286 is hereby amended to read as follows:

86.286 1. A limited-liability company may, but is not required to, adopt an operating agreement. An operating agreement may be adopted only

by the unanimous vote or unanimous written consent of the members, or by the sole member, and the operating agreement must be in writing. Unless otherwise provided in the operating agreement, amendments to the agreement may be adopted only by the unanimous vote or unanimous written consent of the persons who are members at the time of amendment.

2. An operating agreement may be adopted before, after or at the time of the filing of the articles of organization and, whether entered into before, after or at the time of the filing, may become effective at the formation of the limited-liability company or at a later date specified in the operating agreement. If an operating agreement is adopted ~~[before]~~ ***:***

(a) Before the filing of the articles of organization or before the effective date of formation specified in the articles of organization, the operating agreement is not effective until the effective date of formation of the limited-liability company.

(b) After the filing of the articles of organization or after the effective date of formation specified in the articles of organization, the operating agreement binds the limited-liability company and may be enforced whether or not the limited-liability company assents to the operating agreement.

3. An operating agreement may provide that a certificate of limited-liability company interest issued by the limited-liability company may evidence a member's interest in a limited-liability company.

Sec. 19. ~~[NRS 86.371 is hereby amended to read as follows:~~

~~86.371 1. Unless otherwise provided in the articles of organization or an agreement signed by the member or manager to be charged, no member or manager of any limited-liability company formed under the laws of this State is individually liable for the debts or liabilities of the company.~~

~~*2. The failure of a limited-liability company to observe any formality relating to the exercise of its powers or management of its activities is not a ground for imposing liability on a member or manager for the debts or liabilities of the limited-liability company.]*~~ **(Deleted by amendment.)**

Sec. 20. NRS 86.483 is hereby amended to read as follows:

86.483 A member, ~~[when permitted]~~ ***including a noneconomic member unless otherwise prohibited*** by the terms of the articles of organization or operating agreement, may bring an action in the right of a limited-liability company to recover a judgment in its favor if managers or members with authority to do so have refused to bring the action or if an effort to cause those managers or members to bring the action is not likely to succeed.

Sec. 21. NRS 86.5467 is hereby amended to read as follows:

86.5467 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a foreign limited-liability company which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign limited-liability company its right to transact business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 86.5461;

(2) The statement required by NRS 86.5462, if applicable; and

(3) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 86.5461 and 86.5465 for each year or portion thereof that its right to transact business was forfeited;

(2) The fee set forth in NRS 86.5462, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the foreign limited-liability company, he shall issue to the foreign limited-liability company a certificate of reinstatement if the foreign limited-liability company:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 86.561.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign limited-liability company to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right must not be reinstated.

5. Except as otherwise provided in NRS 86.5468, a reinstatement pursuant to this section relates back to the date on which the foreign limited-liability company forfeited its right to transact business under the provisions of this chapter and reinstates the foreign limited-liability company's right to transact business as if such right had at all times remained in full force and effect.

Sec. 22. NRS 86.580 is hereby amended to read as follows:

86.580 1. A limited-liability company which did exist or is existing pursuant to the laws of this State may, upon complying with the provisions of NRS 86.276, procure a renewal or revival of its charter for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original charter and amendments thereto, or existing charter, by filing:

(a) A certificate with the Secretary of State, which must set forth:

(1) The name of the limited-liability company, which must be the name of the limited-liability company at the time of the renewal or revival, or its name at the time its original charter expired.

(2) The name of the person lawfully designated as the resident agent of the limited-liability company, his street address for the service of process, and his mailing address if different from his street address.

(3) The date when the renewal or revival of the charter is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.

(4) Whether or not the renewal or revival is to be perpetual, and, if not perpetual, the time for which the renewal or revival is to continue.

(5) That the limited-liability company desiring to renew or revive its charter is, or has been, organized and carrying on the business authorized by its existing or original charter and amendments thereto, and desires to renew or continue through revival its existence pursuant to and subject to the provisions of this chapter.

(b) A list of its managers, or if there are no managers, all its managing members and their mailing or street addresses, either residence or business.

2. A limited-liability company whose charter has not expired and is being renewed shall cause the certificate to be signed by its manager, or if there is no manager, by a person designated by its members. The certificate must be approved by a majority in interest.

3. A limited-liability company seeking to revive its original or amended charter shall cause the certificate to be signed by a person or persons designated or appointed by the members. The signing and filing of the certificate must be approved by the written consent of a majority in interest and must contain a recital that this consent was secured. The limited-liability company shall pay to the Secretary of State the fee required to establish a new limited-liability company pursuant to the provisions of this chapter.

4. The filed certificate, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the existence of the limited-liability company therein named.

5. Except as otherwise provided in NRS 86.278, a renewal or revival pursuant to this section relates back to the date on which the limited-liability company's charter expired or was revoked and renews or revives the limited-liability company's charter and right to transact business as if such right had at all times remained in full force and effect.

Sec. 23. NRS 87.020 is hereby amended to read as follows:

87.020 As used in NRS 87.010 to 87.430, inclusive, unless the context otherwise requires:

1. "Bankrupt" includes bankrupt under the Federal Bankruptcy Act or insolvent under any state insolvent act.

2. "Conveyance" includes every assignment, lease, mortgage or encumbrance.

3. "Court" includes every court and judge having jurisdiction in the case.

4. "Real property" includes land and any interest or estate in land.

5. "Registered limited-liability partnership" means a partnership formed pursuant to an agreement governed by NRS 87.010 to 87.430, inclusive, ~~[for the purpose of rendering a professional service]~~ and registered pursuant to and complying with NRS 87.440 to 87.560, inclusive.

Sec. 24. (Deleted by amendment.)

Sec. 25. NRS 87.4311 is hereby amended to read as follows:

87.4311 "Registered limited-liability partnership" means a partnership formed pursuant to an agreement governed by NRS 87.4301 to 87.4357, inclusive, ~~[for the purpose of rendering a professional service]~~ and registered pursuant to and complying with NRS 87.440 to 87.560, inclusive.

Sec. 26. NRS 87.4314 is hereby amended to read as follows:

87.4314 The provisions of NRS 87.4301 to 87.4357, inclusive, apply to a partnership:

1. Which ~~[was formed before July 1, 2006; or~~

~~2. Which is formed on or after July 1, 2006,~~

~~➥ and which]~~ voluntarily elects to be governed by the provisions of NRS 87.4301 to 87.4357, inclusive ~~[.]~~ ***; or***

2. Which is formed on or after July 1, 2006, and which does not voluntarily elect to be governed by the provisions of NRS 87.010 to 87.430, inclusive.

Sec. 27. NRS 87.440 is hereby amended to read as follows:

87.440 1. To become a registered limited-liability partnership, a partnership shall file with the Secretary of State a certificate of registration stating each of the following:

(a) The name of the partnership.

(b) The street address of its principal office.

(c) The name of the person designated as the partnership's resident agent, the street address of the resident agent where process may be served upon the partnership and the mailing address of the resident agent if it is different than his street address.

(d) The name and business address of each managing partner in this State.

(e) ~~[A brief statement of the professional service rendered by the partnership.~~

~~(f)]~~ That the partnership thereafter will be a registered limited-liability partnership.

~~[(g)]~~ ***(f)*** Any other information that the partnership wishes to include.

2. The certificate of registration must be signed by a majority in interest of the partners or by one or more partners authorized to sign such a certificate.

3. The certificate of registration must be accompanied by a fee of $75.

4. The Secretary of State shall register as a registered limited-liability partnership any partnership that submits a completed certificate of registration with the required fee.

5. The registration of a registered limited-liability partnership is effective at the time of the filing of the certificate of registration.

Sec. 28. NRS 87.530 is hereby amended to read as follows:

87.530 1. Except as otherwise provided in subsection 3, the Secretary of State shall reinstate the certificate of registration of a registered limited-

liability partnership that is revoked pursuant to NRS 87.520 if the registered limited-liability partnership:

(a) Files with the Secretary of State:

(1) The information required by NRS 87.510; and

(2) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The fee required to be paid pursuant to NRS 87.510;

(2) Any penalty required to be paid pursuant to NRS 87.520; and

(3) A reinstatement fee of $300.

2. When the Secretary of State reinstates the registered limited-liability partnership, he shall issue to the registered limited-liability partnership a certificate of reinstatement if the registered limited-liability partnership:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 87.550.

3. The Secretary of State shall not reinstate the certificate of registration of a registered limited-liability partnership if the certificate was revoked pursuant to the provisions of this chapter at least 5 years before the date of the proposed reinstatement.

4. Except as otherwise provided in NRS 87.455, a reinstatement pursuant to this section relates back to the date on which the registered limited-liability partnership's certificate of registration was revoked and reinstates the registered limited-liability's certificate of registration as if such certificate had at all times remained in full force and effect.

Sec. 29. NRS 87.5435 is hereby amended to read as follows:

87.5435 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a foreign registered limited-liability partnership which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign registered limited-liability partnership its right to transact business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 87.541; and

(2) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 87.541 and 87.5425 for each year or portion thereof that its right to transact business was forfeited; and

(2) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the foreign registered limited-liability partnership, he shall issue to the foreign registered limited-liability partnership a certificate of reinstatement if the foreign registered limited-liability partnership:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 87.550.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign registered limited-liability partnership to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right to transact business must not be reinstated.

5. Except as otherwise provided in NRS 87.544, a reinstatement pursuant to this section relates back to the date on which the foreign registered limited-liability partnership forfeited its right to transact business under the provisions of this chapter and reinstates the foreign registered limited-liability partnership's right to transact business as if such right had at all times remained in full force and effect.

Sec. 30. NRS 88.410 is hereby amended to read as follows:

88.410 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate any limited partnership which has forfeited or which forfeits its right to transact business under the provisions of this chapter and restore to the limited partnership its right to carry on business in this State, and to exercise its privileges and immunities if it:

(a) Files with the Secretary of State:

(1) The list required pursuant to NRS 88.395;

(2) The statement required by NRS 88.397, if applicable; and

(3) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 88.395 and 88.400 for each year or portion thereof during which the certificate has been revoked;

(2) The fee set forth in NRS 88.397, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the limited partnership, he shall issue to the limited partnership a certificate of reinstatement if the limited partnership:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88.415.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation occurred only by reason of failure to pay the fees and penalties.

4. If a limited partnership's certificate has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 years, the certificate must not be reinstated.

5. Except as otherwise provided in NRS 88.327, a reinstatement pursuant to this section relates back to the date on which the limited partnership forfeited its right to transact business under the provisions of

this chapter and reinstates the limited partnership's right to transact business as if such right had at all times remained in full force and effect.

Sec. 31. NRS 88.594 is hereby amended to read as follows:

88.594 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a foreign limited partnership which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign limited partnership its right to transact business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 88.591;

(2) The statement required by NRS 88.5915, if applicable; and

(3) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 88.591 and 88.593 for each year or portion thereof that its right to transact business was forfeited;

(2) The fee set forth in NRS 88.5915, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the foreign limited partnership, he shall issue to the foreign limited partnership a certificate of reinstatement if the foreign limited partnership:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88.415.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign limited partnership to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right is not subject to reinstatement.

5. Except as otherwise provided in NRS 88.5945, a reinstatement pursuant to this section relates back to the date on which the foreign limited partnership forfeited its right to transact business under the provisions of this chapter and reinstates the foreign limited partnership's right to transact business as if such right had at all times remained in full force and effect.

Sec. 32. NRS 88A.650 is hereby amended to read as follows:

88A.650 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a business trust which has forfeited or which forfeits its right to transact business pursuant to the provisions of this chapter and shall restore to the business trust its right to carry on business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 88A.600; and

(2) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 88A.600 and 88A.630 for each year or portion thereof during which its certificate of trust was revoked; and

(2) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the business trust, he shall issue to the business trust a certificate of reinstatement if the business trust:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88A.900.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the certificate of trust occurred only by reason of the failure to file the list or pay the fees and penalties.

4. If a certificate of business trust has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 consecutive years, the certificate must not be reinstated.

5. Except as otherwise provided in NRS 88A.660, a reinstatement pursuant to this section relates back to the date on which the business trust forfeited its right to transact business under the provisions of this chapter and reinstates the business trust's right to transact business as if such right had at all times remained in full force and effect.

Sec. 33. NRS 88A.737 is hereby amended to read as follows:

88A.737 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a foreign business trust which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign business trust its right to transact business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 88A.732; and

(2) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 88A.732 and 88A.735 for each year or portion thereof that its right to transact business was forfeited; and

(2) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the foreign business trust, he shall issue to the foreign business trust a certificate of reinstatement if the foreign business trust:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88A.900.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign business trust to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right to transact business must not be reinstated.

5. Except as otherwise provided in NRS 88A.738, a reinstatement pursuant to this section relates back to the date the foreign business trust forfeited its right to transact business under the provisions of this chapter and reinstates the foreign business trust's right to transact business as if such right had at all times remained in full force and effect.

Sec. 34. NRS 89.020 is hereby amended to read as follows:

89.020 As used in this chapter, unless the context requires otherwise:

1. ***"Articles" means either the articles of incorporation of a professional corporation or the articles of organization of a professional limited-liability company.***

2. "Employee" means a person licensed or otherwise legally authorized to render professional service within this State who renders such service through a professional ~~[corporation]~~ ***entity*** or a professional association, but does not include clerks, bookkeepers, technicians or other persons who are not usually considered by custom and practice of the profession to be rendering professional services to the public.

~~[2.]~~ ***3.*** "Licensed" means legally authorized by the appropriate regulating board of this State to engage in a regulated profession in this State.

~~[3.]~~ ***4.*** "Professional association" means a common-law association of two or more persons licensed or otherwise legally authorized to render professional service within this State when created by written articles of association which contain in substance the following provisions characteristic of corporate entities:

(a) The death, insanity, bankruptcy, retirement, resignation, expulsion or withdrawal of any member of the association does not cause its dissolution.

(b) The authority to manage the affairs of the association is vested in a board of directors or an executive board or committee, elected by the members of the association.

(c) The members of the association are employees of the association.

(d) Members' ownership is evidenced by certificates.

~~[4.]~~ ***5. "Owner" means the owner of stock in a professional corporation or the owner of a member's interest, as defined in NRS 86.091, in a professional limited-liability company.***

6. "Owner's interest" means the stock of a professional corporation or a member's interest, as defined in NRS 86.091, of a professional limited-liability company.

7. "Professional corporation" means a corporation organized under this chapter to render a professional service.

~~[5.]~~ ***8. "Professional entity" means either a professional corporation or a professional limited-liability company.***

9. "Professional limited-liability company" means a limited-liability company organized pursuant to this chapter to render professional service.

10. "Professional service" means any type of personal service which may legally be performed only pursuant to a license, certificate of registration or other legal authorization.

~~[6.]~~ ***11.*** "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

~~[7.]~~ ***12.*** "Regulating board" means the body which regulates and authorizes the admission to the profession which a professional ~~[corporation]~~ ***entity*** or a professional association is authorized to perform.

~~[8.]~~ ***13.*** "Sign" means to affix a signature to a record.

~~[9.]~~ ***14.*** "Signature" means a name, word, symbol or mark executed or otherwise adopted, or a record encrypted or similarly processed in whole or in part, by a person with the present intent to identify himself and adopt or accept a record. The term includes, without limitation, an electronic signature as defined in NRS 719.100.

Sec. 35. NRS 89.025 is hereby amended to read as follows:

89.025 Except as otherwise provided in NRS 89.200 to 89.270, inclusive, the fees set forth in NRS ***78.755 to*** 78.785 ***, inclusive,*** apply to ~~[this chapter.]~~ ***professional corporations and the fees set forth in NRS 86.561 apply to professional limited-liability companies.***

Sec. 36. NRS 89.030 is hereby amended to read as follows:

89.030 The laws applicable to other Nevada ~~[private]~~ corporations organized under chapter 78 of NRS ***and limited-liability companies organized under chapter 86 of NRS*** and all rights, privileges and duties thereunder shall apply to professional corporations ~~[,]~~ ***and professional limited-liability companies, respectively,*** except where such laws are in conflict with or inconsistent with the provisions of this chapter. In case of conflict, the provisions of this chapter shall apply.

Sec. 37. NRS 89.040 is hereby amended to read as follows:

89.040 1. One or more persons may organize a professional ~~[corporation]~~ ***entity*** in the manner provided for organizing a ~~[private]~~ corporation pursuant to chapter 78 of NRS ~~[.]~~ ***or a limited-liability company pursuant to chapter 86 of NRS.*** Each person organizing the ~~[corporation]~~ ***professional entity*** must, except as otherwise provided in subsection 2 of NRS 89.050, be authorized to perform the professional service for which the ~~[corporation]~~ ***professional entity*** is organized. The articles ~~[of incorporation]~~ must contain the following additional information:

(a) The profession to be practiced by means of the professional ~~[corporation.]~~ ***entity.***

(b) The names and addresses, either residence or business, of the original stockholders and directors of the professional corporation ~~[.]~~ ***or the original members and managers of the professional limited-liability company.***

(c) Except as otherwise provided in paragraph (d) of this subsection, a certificate from the regulating board of the profession to be practiced showing that each of the directors, ~~[and each of the]~~ stockholders ***, managers or members*** who is a natural person, is licensed to practice the profession.

(d) For a professional ~~[corporation]~~ ***entity*** organized pursuant to this chapter and practicing pursuant to the provisions of NRS 623.349, a certificate from the regulating board or boards of the profession or professions to be practiced showing that control and two-thirds ownership of the ~~[corporation]~~ ***professional entity*** is held by persons registered or licensed pursuant to the applicable provisions of chapter 623, 623A or 625 of NRS. As used in this paragraph, "control" has the meaning ascribed to it in NRS 623.349.

2. The corporate name of a professional corporation must contain the words "Professional Corporation" or the abbreviation "Prof. Corp.," "P.C." or "PC," or the word "Chartered" or the abbreviation "Chtd.," or "Limited" or the abbreviation "Ltd." The corporate name must contain the last name of one or more of its current or former stockholders. ~~[The corporation]~~

3. The name of a professional limited-liability company must contain the words "Professional Limited-Liability Company" or the abbreviations "Prof. L.L.C.," "Prof. LLC," "P.L.L.C.," "PLLC," or the word "Chartered" or the abbreviation "Chtd.," or "Limited" or the abbreviation "Ltd." The name of a professional limited-liability company must contain the last name of one or more of its current or former members.

4. The professional entity may render professional services and exercise its authorized powers under a fictitious name if the ~~[corporation]~~ ***professional entity*** has first registered the name in the manner required by chapter 602 of NRS.

Sec. 38. NRS 89.050 is hereby amended to read as follows:

89.050 1. Except as otherwise provided in subsection 2, a professional ~~[corporation]~~ ***entity*** may be organized only for the purpose of rendering one specific type of professional service and may not engage in any business other than rendering the professional service for which it was organized and services reasonably related thereto, except that a professional ~~[corporation]~~ ***entity*** may own real and personal property appropriate to its business and may invest its money in any form of real property, securities or any other type of investment.

2. A professional ~~[corporation]~~ ***entity*** may be organized to render a professional service relating to:

(a) Architecture, interior design, residential design, engineering and landscape architecture, or any combination thereof, and may be composed of persons:

(1) Engaged in the practice of architecture as provided in chapter 623 of NRS;

(2) Practicing as a registered interior designer as provided in chapter 623 of NRS;

(3) Engaged in the practice of residential design as provided in chapter 623 of NRS;

(4) Engaged in the practice of landscape architecture as provided in chapter 623A of NRS; and

(5) Engaged in the practice of professional engineering as provided in chapter 625 of NRS.

(b) Medicine, homeopathy and osteopathy, and may be composed of persons engaged in the practice of medicine as provided in chapter 630 of NRS, persons engaged in the practice of homeopathic medicine as provided in chapter 630A of NRS and persons engaged in the practice of osteopathic medicine as provided in chapter 633 of NRS. Such a professional ~~[corporation]~~ ***entity*** may market and manage additional professional ~~[corporations]~~ ***entities*** which are organized to render a professional service relating to medicine, homeopathy and osteopathy.

(c) Mental health services, and may be composed of the following persons, in any number and in any combination:

(1) Any psychologist who is licensed to practice in this State;

(2) Any social worker who holds a master's degree in social work and who is licensed by this State as a clinical social worker;

(3) Any registered nurse who is licensed to practice professional nursing in this State and who holds a master's degree in the field of psychiatric nursing; and

(4) Any marriage and family therapist who is licensed by this State pursuant to chapter 641A of NRS.

➥ Such a professional ~~[corporation]~~ ***entity*** may market and manage additional professional ~~[corporations]~~ ***entities*** which are organized to render a professional service relating to mental health services pursuant to this paragraph.

3. A professional ~~[corporation]~~ ***entity*** may render a professional service only through its officers ***, managers*** and employees who are licensed or otherwise authorized by law to render the professional service.

Sec. 39. NRS 89.060 is hereby amended to read as follows:

89.060 The provisions of this chapter relating to professional ~~[corporations]~~ ***entities*** do not modify any law applicable to the relationship between a person furnishing professional service and a person receiving such service, including liability arising out of such professional service, but nothing contained in this section renders:

1. A person personally liable in tort for any act in which he has not personally participated.

2. A director, officer or employee of a professional ~~[corporation]~~ ***entity*** liable in contract for any contract which he signs on behalf of a professional ~~[corporation]~~ ***entity*** within the limits of his actual authority.

Sec. 40. NRS 89.070 is hereby amended to read as follows:

89.070 1. Except as otherwise provided in this section and NRS 623.349:

(a) No ~~[corporation organized under the provisions of this chapter]~~ ***professional entity*** may issue any of its ~~[stock]~~ ***owner's interest*** to anyone other than a natural person who is licensed to render the same specific professional services as those for which the ~~[corporation]~~ ***professional entity*** was ~~[incorporated.]~~ ***formed.***

(b) No ~~[stockholder of a corporation organized under this chapter]~~ ***owner*** may enter into a voting trust agreement or any other type of agreement vesting another person with the authority to exercise the voting power of any or all of his ~~[stock,]~~ ***owner's interest,*** unless the other person is licensed to render the same specific professional services as those for which the ~~[corporation]~~ ***professional entity*** was ~~[incorporated.]~~ ***formed.***

(c) No ~~[shares of a corporation organized under this chapter]~~ ***owner's interest*** may be sold or transferred except to a natural person who is eligible to be ~~[a stockholder of the corporation]~~ ***an owner*** or to the personal representative or estate of a deceased or legally incompetent stockholder. The personal representative or estate of the ~~[stockholder]~~ ***owner*** may continue to own ~~[shares]~~ ***the owner's interest*** for a reasonable period, but may not participate in any decisions concerning the rendering of professional services. ➥ The articles ***,*** ~~[of incorporation or]~~ bylaws ***or operating agreement of the professional entity*** may provide specifically for additional restrictions on the transfer of ~~[shares]~~ ***an owner's interest*** and may provide for the redemption or purchase of the ~~[shares]~~ ***owner's interest*** by the ~~[corporation,]~~ ***professional entity,*** its ~~[stockholders]~~ ***owners*** or an eligible individual account plan complying with the requirements of subsection 2 at prices and in a manner specifically set forth. ~~[A stockholder]~~ ***An owner*** may transfer his ~~[shares]~~ ***owner's interest*** in the ~~[corporation]~~ ***professional entity*** or any other interest in the assets of the ~~[corporation]~~ ***professional entity*** to a revocable trust if he acts as trustee of the revocable trust and any person who acts as cotrustee and is not licensed to perform the services for which the ~~[corporation]~~ ***professional entity*** was ~~[incorporated]~~ ***formed*** does not participate in any decisions concerning the rendering of those services.

2. Except as otherwise provided in NRS 623.349, a person not licensed to render the professional services for which the ~~[corporation]~~ ***professional entity*** was ~~[incorporated]~~ ***formed*** may own a beneficial interest in any of the assets, including ~~[corporate shares,]~~ ***an owner's interest,*** held for his account by an eligible individual account plan sponsored by the professional ~~[corporation]~~ ***entity*** for the benefit of its employees, which is intended to qualify under section 401 of the Internal Revenue Code, 26 U.S.C. § 401, if the terms of the trust are such that the total number of shares which may be

distributed for the benefit of persons not licensed to render the professional services for which the ~~[corporation]~~ ***professional entity*** was ~~[incorporated]~~ ***formed*** is less than a controlling interest and:

(a) The trustee of the trust is licensed to render the same specific professional services as those for which the ~~[corporation]~~ ***professional entity*** was ~~[incorporated;]~~ ***formed;*** or

(b) The trustee is not permitted to participate in any ~~[corporate]~~ decisions concerning the rendering of professional services in his capacity as trustee.

➥ A trustee who is individually ~~[a stockholder of the corporation]~~ ***an owner*** may participate in his individual capacity as ~~[a stockholder,]~~ ***an owner, manager,*** director or officer in any ~~[corporate]~~ decision.

3. Except as otherwise provided in subsection 4, a professional ~~[corporation]~~ ***entity*** in which all the ~~[stockholders]~~ ***owners*** who are natural persons are licensed to render the same specific professional service may acquire and hold ~~[stock]~~ ***an owner's interest*** in another professional ~~[corporation,]~~ ***entity*** or in a similar ~~[corporation]~~ ***entity*** organized pursuant to the corresponding law of another state, only if all the ~~[stockholders]~~ ***owners*** who are natural persons of the ~~[corporation]~~ ***professional entity*** whose stock is acquired are licensed in that ~~[corporation's]~~ ***professional entity's*** state of ~~[incorporation]~~ ***formation*** to render the same specific professional service as the ~~[stockholders]~~ ***owners*** who are natural persons of the professional ~~[corporation]~~ ***entity*** that acquires the ~~[stock.]~~ ***owner's interest.***

4. A professional ~~[corporation]~~ ***entity*** practicing pursuant to NRS 623.349 in which all the ~~[stockholders]~~ ***owners*** are natural persons, regardless of whether or not the natural persons are licensed to render the same specific professional service, may acquire and hold ~~[stock]~~ ***an owner's interest*** in another professional ~~[corporation]~~ ***entity*** or in a similar ~~[corporation]~~ ***entity*** organized pursuant to the corresponding law of another state if control and two-thirds ownership of the business organization or association that is acquired is held by persons registered or licensed pursuant to the applicable provisions of chapter 623, 623A or 625 of NRS. As used in this subsection, "control" has the meaning ascribed to it in NRS 623.349.

5. Any act in violation of this section is void and does not pass any rights or privileges or vest any powers, except to an innocent person who is not ~~[a stockholder]~~ ***an owner*** and who has relied on the effectiveness of the action.

Sec. 41. NRS 89.080 is hereby amended to read as follows:

89.080 1. If any officer, stockholder, director ***, member, manager*** or employee of ~~[a corporation]~~ ***a professional entity*** organized under this chapter who has been rendering professional service to the public becomes legally disqualified to render such professional services within this State, he shall sever within a reasonable period all professional service with and financial interest in the ~~[corporation,]~~ ***professional entity,*** but this chapter does not prevent a ~~[corporation]~~ ***professional entity*** formed under this chapter from entering into a contract with an employee which provides for

severance pay or for compensation for past services upon termination of professional service, whether by death or otherwise.

2. Except as otherwise provided in NRS 623.349, a natural person may not be an officer ***,*** ~~[or]~~ director ***or manager*** of a ~~[corporation organized]~~ ***professional entity formed*** under this chapter unless he is licensed to render the same specific professional services as those for which the ~~[corporation]~~ ***professional entity*** was ~~[incorporated.]~~ ***formed.***

3. Upon the death of ~~[a stockholder]~~ ***an owner*** of a ~~[corporation]~~ ***professional entity*** who has transferred his interest in the ~~[corporation]~~ ***professional entity*** to a revocable trust as permitted by NRS 89.070, the trustee of the revocable trust may continue to retain any interest so transferred ~~[, including corporate shares,]~~ for a reasonable period, but may not exercise any authority concerning the rendering of professional services and may not, except as otherwise provided in NRS 623.349, distribute the ~~[corporate]~~ ***owner's*** interest to any person not licensed to render the services for which the ~~[corporation]~~ ***professional entity*** was ~~[incorporated.]~~ ***formed.***

4. A ~~[corporation's]~~ ***professional entity's*** failure to require compliance with the provisions of this section is a ground for the forfeiture of its charter.

Sec. 42. NRS 89.100 is hereby amended to read as follows:

89.100 The provisions of this chapter relating to professional ~~[corporations]~~ ***entities*** do not bar the regulating board of any profession from taking any action otherwise within its power, nor do they affect the rules of ethics or practice of any profession.

Sec. 43. NRS 89.110 is hereby amended to read as follows:

89.110 No professional ~~[corporation]~~ ***entity*** may do any act which is prohibited to be done by natural persons licensed to practice the profession which the professional ~~[corporation]~~ ***entity*** is organized to practice.

Sec. 44. NRS 89.256 is hereby amended to read as follows:

89.256 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate any professional association which has forfeited its right to transact business under the provisions of this chapter and restore the right to carry on business in this State and exercise its privileges and immunities if it:

(a) Files with the Secretary of State:

(1) The list and certification required by NRS 89.250; and

(2) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 89.250 and 89.252 for each year or portion thereof during which the articles of association have been revoked; and

(2) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the professional association, he shall issue to the professional association a certificate of reinstatement if the professional association:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to subsection 8 of NRS 78.785.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the articles of association occurred only by reason of the failure to pay the fees and penalties.

4. If the articles of association of a professional association have been revoked pursuant to the provisions of this chapter and have remained revoked for 10 consecutive years, the articles must not be reinstated.

5. A reinstatement pursuant to this section relates back to the date on which the professional association forfeited its right to transact business under the provisions of this chapter and reinstates the professional association's right to transact business as if such right had at all times remained in full force and effect.

Sec. 45. NRS 92A.380 is hereby amended to read as follows:

92A.380 1. Except as otherwise provided in NRS 92A.370 and 92A.390, any stockholder is entitled to dissent from, and obtain payment of the fair value of his shares in the event of any of the following corporate actions:

(a) Consummation of a conversion or plan of merger to which the domestic corporation is a constituent entity:

(1) If approval by the stockholders is required for the conversion or merger by NRS 92A.120 to 92A.160, inclusive, or the articles of incorporation, regardless of whether the stockholder is entitled to vote on the conversion or plan of merger; or

(2) If the domestic corporation is a subsidiary and is merged with its parent pursuant to NRS 92A.180.

(b) Consummation of a plan of exchange to which the domestic corporation is a constituent entity as the corporation whose subject owner's interests will be acquired, if his shares are to be acquired in the plan of exchange.

(c) Any corporate action taken pursuant to a vote of the stockholders to the extent that the articles of incorporation, bylaws or a resolution of the board of directors provides that voting or nonvoting stockholders are entitled to dissent and obtain payment for their shares.

(d) Any corporate action not described in paragraph (a), (b) or (c) that will result in the stockholder receiving money or scrip instead of fractional shares ~~[.]~~ ***except where the stockholder would not be entitled to receive such payment pursuant to NRS 78.205, 78.2055 or 78.207.***

2. A stockholder who is entitled to dissent and obtain payment pursuant to NRS 92A.300 to 92A.500, inclusive, may not challenge the corporate action creating his entitlement unless the action is unlawful or fraudulent with respect to him or the domestic corporation.

3. From and after the effective date of any corporate action described in subsection 1, no stockholder who has exercised his right to dissent

pursuant to NRS 92A.300 to 92A.500, inclusive, is entitled to vote his shares for any purpose or to receive payment of dividends or any other distributions on shares. This subsection does not apply to dividends or other distributions payable to stockholders on a date before the effective date of any corporate action from which the stockholder has dissented.

Sec. 46. NRS 21.075 is hereby amended to read as follows:

21.075 1. Execution on the writ of execution by levying on the property of the judgment debtor may occur only if the sheriff serves the judgment debtor with a notice of the writ of execution pursuant to NRS 21.076 and a copy of the writ. The notice must describe the types of property exempt from execution and explain the procedure for claiming those exemptions in the manner required in subsection 2. The clerk of the court shall attach the notice to the writ of execution at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to ..... (name of person), the judgment creditor. He has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments ***for your individual support*** received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed $350,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home

and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. A vehicle, if your equity in the vehicle is less than $15,000.

11. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

12. Money, not to exceed $500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

13. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

15. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

16. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

17. Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

18. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the

wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

19. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

20. Payments received as restitution for a criminal act.

➥ These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to indigent or elderly persons).

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless you or the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The motion for the hearing to determine the issue of exemption must be filed within 10 days after the affidavit claiming exemption is filed. The hearing to determine whether the property or money is exempt must be held within 10 days after the motion for the hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

Sec. 47. NRS 21.090 is hereby amended to read as follows:

21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:

(a) Private libraries, works of art, musical instruments and jewelry not to exceed $5,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed $12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed $4,500 in value, belonging to the judgment debtor to be selected by him.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of himself and his family not to exceed $10,000 in value.

(e) The cabin or dwelling of a miner or prospector, his cars, implements and appliances necessary for carrying on any mining operations and his mining claim actually worked by him, not exceeding $4,500 in total value.

(f) Except as otherwise provided in paragraph (o), one vehicle if the judgment debtor's equity does not exceed $15,000 or the creditor is paid an amount equal to any excess above that equity.

(g) For any workweek, 75 percent of the disposable earnings of a judgment debtor during that week, or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs (n), (r) and (s), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto

belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance, if the annual premium paid does not exceed $15,000. If the premium exceeds that amount, a similar exemption exists which bears the same proportion to the money, benefits, privileges and immunities so accruing or growing out of the insurance that the $15,000 bears to the whole annual premium paid.

(l) The homestead as provided for by law, including a homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself and family, where the amount of equity held by the judgment debtor in the home does not exceed $350,000 in value and the dwelling is situated upon lands not owned by him.

(n) All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

(o) Any vehicle owned by the judgment debtor for use by him or his dependent that is equipped or modified to provide mobility for a person with a permanent disability.

(p) Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

(q) Money, not to exceed $500,000 in present value, held in:

(1) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(2) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(3) A cash or deferred arrangement which is a qualified plan pursuant to the Internal Revenue Code;

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

(r) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

(s) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

(t) Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

(u) Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(v) Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(w) Payments received as restitution for a criminal act.

(x) Payments ***for individual support*** received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Act of 1978, 11 U.S.C. § 522(d), do not apply to property owned by a resident of this State unless conferred also by subsection 1, as limited by subsection 2.

Sec. 48. NRS 31.045 is hereby amended to read as follows:

31.045 1. Execution on the writ of attachment by attaching property of the defendant may occur only if:

(a) The judgment creditor serves the defendant with notice of the execution when the notice of the hearing is served pursuant to NRS 31.013; or

(b) Pursuant to an ex parte hearing, the sheriff serves upon the judgment debtor notice of the execution and a copy of the writ at the same time and in the same manner as set forth in NRS 21.076.

➥ If the attachment occurs pursuant to an ex parte hearing, the clerk of the court shall attach the notice to the writ of attachment at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

Plaintiff, ... (name of person), alleges that you owe him money. He has begun the procedure to collect that money. To secure satisfaction of judgment the court has ordered the garnishment of your wages, bank account or other personal property held by third persons or the taking of money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments ***for your individual support*** received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed $350,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. A vehicle, if your equity in the vehicle is less than $15,000.

11. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

12. Money, not to exceed $500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

13. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

15. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

16. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

17. Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

18. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

19. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

20. Payments received as restitution for a criminal act.

➥ These exemptions may not apply in certain cases such as proceedings to enforce a judgment for support of a child or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to the indigent or elderly persons).

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt or necessary for the support of you or your family, you must file with the clerk of the court on a form provided by the clerk a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The hearing must be held within 10 days after the motion for a hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

If you received this notice with a notice of a hearing for attachment and you believe that the money or property which would be taken from you by a writ of attachment is exempt or necessary for the support of you or your family, you are entitled to describe to the court at the hearing why you believe your property is exempt. You may also file a motion with the court for a discharge of the writ of attachment. You may make that motion any time before trial. A hearing will be held on that motion.

IF YOU DO NOT FILE THE MOTION BEFORE THE TRIAL, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE PLAINTIFF, EVEN IF THE PROPERTY OR MONEY IS EXEMPT OR NECESSARY FOR THE SUPPORT OF YOU OR YOUR FAMILY.

Sec. 49. NRS 104.9501 is hereby amended to read as follows:

104.9501 1. Except as otherwise provided in subsection 2, if the law of this State governs perfection of a security interest or agricultural lien, the office in which to file a financing statement to perfect the security interest or agricultural lien is:

(a) The office designated for the filing or recording of a mortgage on the real property, if:

(1) The collateral is as-extracted collateral or timber to be cut; or

(2) The financing statement is filed as a fixture filing and the collateral is goods that are or are to become fixtures; or

(b) The office of the Secretary of State in all other cases, including a case in which the collateral is goods that are or are to become fixtures and the financing statement is not filed as a fixture filing.

2. The office in which to file a financing statement to perfect a security interest in collateral, including fixtures, of a transmitting utility is the office of the Secretary of State . ~~[or the county recorder of the appropriate county, as determined pursuant to chapter 105 of NRS.]~~ The financing statement also constitutes a fixture filing as to the collateral indicated in the financing statement which is or is to become fixtures.

Sec. 50. NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS 107.085, if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) In the case of any trust agreement coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, or his successor in interest, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property, has for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or

(2) On or after July 1, 1957, the grantor, or his successor in interest, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property, has for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment;

(b) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of his election to sell or cause to be sold the property to satisfy the obligation; and

(c) Not less than 3 months have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2 commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor, and to the person who holds the title of record on the date the notice of default and election to sell is recorded, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the

deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2.

4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the 3-month period following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor and any other person entitled to notice pursuant to this section by personal service or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in three public places of the township or city where the property is situated and where the property is to be sold; and

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and his successors in interest without equity or right of redemption. A ~~[person who purchases property pursuant to this section is not a bona fide purchaser, and the]~~ sale ***made pursuant to this section*** may be declared void ***by any court of competent jurisdiction in the county where the sale took place*** if ~~[the]~~ ***:***

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section ~~[.]~~ ***;***

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within 90 days after the date of the sale; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within 30 days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within 120 days after the date on which the person received actual notice of the sale.

7. The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.

Sec. 51. (Deleted by amendment.)

Sec. 52. NRS 87.003 is hereby repealed.

TEXT OF REPEALED SECTION

87.003 "Professional service" defined. "Professional service" means any type of personal service that may legally be performed only pursuant to a license or certificate of registration.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 502.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 850.

AN ACT relating to taxes on retail sales; revising various provisions governing sales and use taxes to ensure continued compliance with the Streamlined Sales and Use Tax Agreement; providing for the direct payment by certain purchasers of any sales and use taxes due to an Indian reservation or Indian colony in this State; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to repeal a tax exemption for the sale of aircraft and major components of aircraft to an airline based in Nevada and to authorize the Legislature to amend or repeal a provision of that Act without additional voter approval when necessary to carry out a federal law or interstate agreement for the administration of sales and use taxes; repealing certain obsolete provisions for the administration of sales and use taxes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the administration of sales and use taxes in this State pursuant to the Simplified Sales and Use Tax Administration Act, the Sales and Use Tax Act and the Local School Support Tax Law. (Chapters 360B, 372 and 374 of NRS) Under existing law, the Legislature has found and declared that this State should enter into an interstate agreement to simplify and modernize sales and use tax administration to reduce the burden of tax compliance for all sellers and types of commerce. (NRS 360B.020) Existing law requires the Nevada Tax Commission to enter into the Streamlined Sales and Use Tax Agreement and take all other actions reasonably required to implement the provisions of the Agreement. (NRS 360B.110) Sections 2, 5-7 and 15-17 of this bill set forth and clarify various administrative definitions required pursuant to the Agreement, as amended. Section 3 of this bill contains the requirements of a recent amendment to the Agreement regarding the certification by the State of the software of certain computer programs that calculate the taxes due on a sale and the provision of a limited waiver of liability for the persons who rely on that certification. Section 9 of this bill carries out a recent amendment to the Agreement regarding the conditions under which multiple remittances of taxes may be required for a single tax return from a seller who registers under

the Agreement. Section 10 of this bill clarifies the duties of the Department of Taxation to post on its website certain tax information required by the Agreement. Section 11 of this bill clarifies the statutory provisions governing the contents and use of a list required by the Agreement for determining the combined rate of taxes imposed in each zip code. Section 12 of this bill carries out and clarifies the requirements of the Agreement, as amended, to waive the liability of sellers and purchasers who rely on the tax information posted on the Department's website in accordance with the Agreement.

Existing law authorizes a person who obtains a direct pay permit to pay any applicable sales and use taxes due on certain purchases directly to this State and its local governments instead of to the seller. (NRS 360B.260) Section 13 of this bill additionally provides for the direct payment of any applicable sales and use taxes due on such a purchase to an Indian reservation or Indian colony in this State.

Under existing law, persons who desire to conduct business as sellers in this State must register pursuant to the Streamlined Sales and Use Tax Agreement or obtain permits from the Department of Taxation. (NRS 372.125 and 374.130) Sections 18-20 and 28-30 of this bill clarify that the statutory provisions applicable to an application for such a permit do not apply to the registration of a seller pursuant to the Agreement.

Existing law creates a presumption that a sale is subject to sales and use taxes unless the seller obtains a certificate from the purchaser indicating that the property is purchased for resale. (NRS 372.155, 372.225, 374.160, 374.230) Sections 21-25 and 31-35 of this bill revise the statutory provisions governing resale certificates to combine some of the existing provisions for clarity and to carry out the requirements of the Streamlined Sales and Use Tax Agreement regarding the acceptance of resale certificates from certain third-party vendors, the contents of resale certificates and the liability of a seller for the improper use of a resale certificate by a purchaser.

Existing law prohibits the Department of Taxation, in administering use taxes, from considering the taxability of certain property acquired free of charge at a convention, trade show or other public event. (NRS 372.7275, 374.726) Sections 27 and 37 of this bill ensure that existing law does not appear to create a threshold for the application of a sales or use tax, as prohibited by the Streamlined Sales and Use Tax Agreement.

Existing law authorizes the adoption of an ordinance for the imposition of a sales and use tax in Clark County to employ and equip additional police officers. (Clark County Sales and Use Tax Act of 2005) Section 38 of this bill revises the requirements for such an ordinance in accordance with the provisions of the Streamlined Sales and Use Tax Agreement requiring a common state and local tax base and imposing restrictions on the date of implementation of changes in tax rates.

Existing law includes various provisions of the Sales and Use Tax Act of 1955. (NRS 372.010-372.115, 372.185-372.205, 372.260-372.284, 372.285-372.325, 372.327-372.345, 372.350) Under existing law, the provisions of

that Act, which was submitted to and approved by the voters at the 1956 General Election, cannot be amended or repealed without additional voter approval. (Nev. Const. Art. 19, § 1) Sections 39-47 of this bill provide for the submission to the voters of an amendment to that Act to authorize the Legislature to amend that Act without any additional voter approval as necessary to carry out any federal law or interstate agreement for the administration of sales and use taxes, **unless the amendment would increase the rate of a tax imposed pursuant to that Act,** and to repeal a section of that Act that was declared unconstitutional by the Nevada Supreme Court in ***Worldcorp v. State, Department of Taxation***, 113 Nev. 1032 (1997).

Section 49 of this bill repeals NRS 360B.270 in accordance with a recent amendment to the Streamlined Sales and Use Tax Agreement, NRS 372.160, 372.230, 374.165 and 374.235, the provisions of which have been incorporated into other statutes by sections 21, 24, 31 and 34 of this bill, NRS 372.728 and 374.728, which are obsolete, and, if the proposed amendment to the Sales and Use Tax Act of 1955 is approved by the voters, NRS 372.726, which provides for the administration of the section hat was declared unconstitutional.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 360B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***"Person" includes a government, governmental agency or political subdivision of a government.***

Sec. 3. ***The Department shall:***

1. Review the software submitted for the certification of a certified automated system pursuant to the Agreement and, if the Department determines that the software adequately classifies each exemption from the sales and use taxes imposed in this State which is based upon the description of a product, certify its acceptance of the classifications made by the system.

2. Except as otherwise provided in subsection 3:

(a) If a certified service provider acting on behalf of a registered seller fails to collect the correct amount of any sales or use tax imposed in this State as a result of his reliance on the certification of the Department pursuant to subsection 1 regarding the certified automated system used by that certified service provider, waive any liability of the certified service provider, and of the registered seller on whose behalf the certified service provider is acting, for:

(1) The amount of the sales or use tax which the certified service provider fails to collect as a result of that reliance; and

(2) Any penalties and interest on that amount.

(b) If a registered seller who elects to use a certified automated system pursuant to subsection 3 of NRS 360B.200 fails to collect the correct amount of any sales or use tax imposed in this State as a result of his reliance on the certification of the Department pursuant to subsection 1 regarding the certified automated system used by that registered seller, waive any liability of the registered seller for:

(1) The amount of the sales or use tax which the registered seller fails to collect as a result of that reliance; and

(2) Any penalties and interest on that amount.

3. Notify a certified service provider or a registered seller who elects to use a certified automated system pursuant to subsection 3 of NRS 360B.200 if the Department determines that the taxability of any item or transaction is being incorrectly classified by the certified automated system used by the certified service provider or registered seller. The provisions of subsection 2 do not require the waiver of any liability for the incorrect classification of an item or transaction regarding which notice was provided to the certified service provider or registered seller pursuant to this subsection if the incorrect classification occurs more than 10 days after the receipt of that notice.

Sec. 4. NRS 360B.030 is hereby amended to read as follows:

360B.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 360B.040 to 360B.100, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 360B.050 is hereby amended to read as follows:

360B.050 "Certified automated system" means software certified ~~[jointly by the states that are signatories]~~ ***pursuant*** to the Agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state and maintain a record of the transaction.

Sec. 6. NRS 360B.060 is hereby amended to read as follows:

360B.060 "Certified service provider" means an agent certified ~~[jointly by the states that are signatories]~~ ***pursuant*** to the Agreement to perform all of a seller's sales ***and use*** tax functions ~~[.]~~ ***, other than the seller's obligation to remit the taxes on its own purchases.***

Sec. 7. NRS 360B.090 is hereby amended to read as follows:

360B.090 "State" means any state of the United States ***,*** ~~[and]~~ the District of Columbia ~~[.]~~ ***and the Commonwealth of Puerto Rico.***

Sec. 8. NRS 360B.110 is hereby amended to read as follows:

360B.110 The Nevada Tax Commission shall:

1. Except as otherwise provided in NRS 360B.120, enter into the Agreement.

2. Act jointly with other states that are members of the Agreement to establish standards for:

(a) Certification of a certified service provider;

(b) A certified automated system; ***and***

(c) Performance of multistate sellers ***.*** ~~[; and~~

~~(d) An address based system for determining the applicable sales and use taxes.]~~

3. Take all other actions reasonably required to implement the provisions of this chapter and the provisions of the Agreement, including, without limitation, the:

(a) Adoption of regulations to carry out the provisions of this chapter and the provisions of the Agreement; and

(b) Procurement, jointly with other member states, of goods and services.

4. Represent, or have its designee represent, the State of Nevada before the other states that are signatories to the Agreement.

5. Designate not more than four delegates, who may be members of the Commission, to represent the State of Nevada for the purposes of reviewing or amending the Agreement.

Sec. 9. NRS 360B.200 is hereby amended to read as follows:

360B.200 1. The Department shall, in cooperation with any other states that are members of the Agreement, establish and maintain a central, electronic registration system that allows a seller to register to collect and remit the sales and use taxes imposed in this State and in the other states that are members of the Agreement.

2. A seller who registers pursuant to this section agrees to collect and remit sales and use taxes in accordance with the provisions of this chapter, the regulations of the Department and the applicable law of each state that is a member of the Agreement, including any state that becomes a member of the Agreement after the registration of the seller pursuant to this section. The cancellation or revocation of the registration of a seller pursuant to this section, the withdrawal of a state from the Agreement or the revocation of the Agreement does not relieve a seller from liability pursuant to this subsection to remit any taxes previously or subsequently collected on behalf of a state.

3. When registering pursuant to this section, a seller may:

(a) Elect to use a certified service provider as its agent to perform all the functions of the seller relating to sales and use taxes, other than the obligation of the seller to remit the taxes on its own purchases;

(b) Elect to use a certified automated system to calculate the amount of sales or use taxes due on its sales transactions;

(c) Under such conditions as the Department deems appropriate in accordance with the Agreement, elect to use its own proprietary automated system to calculate the amount of sales or use taxes due on its sales transactions; or

(d) Elect to use any other method authorized by the Department for performing the functions of the seller relating to sales and use taxes.

4. A seller who registers pursuant to this section agrees to submit its sales and use tax returns, and to remit any sales and use taxes due, to the Department at such times and in such a manner and format as the Department prescribes by regulation. Those regulations must:

(a) Require from each seller who registers pursuant to this section:

(1) Only one tax return for each taxing period for all the sales and use taxes collected on behalf of this State and each local government in this State; and

(2) Only one remittance of taxes for each tax return, except that the Department may require additional remittances of taxes if ~~[:~~

~~(I) The seller collects]~~ ***the seller:***

(I) Collects more than $30,000 in sales and use taxes on behalf of this State and the local governments in this State during the preceding calendar year;

(II) ~~[The]~~ ***Is allowed to determine the*** amount of ~~[the]~~ ***any*** additional remittance ~~[is determined]~~ by a method of calculation instead of by the actual amount collected; and

(III) ~~[The seller is]~~ ***Is*** not required to file any tax returns in addition to those otherwise required in accordance with this subsection.

(b) Allow any seller who registers pursuant to this section and makes an election pursuant to paragraph (a), (b) or (c) of subsection 3 to submit tax returns in a simplified format that does not include any more data fields than are permitted in accordance with the Agreement.

(c) Allow any seller who registers pursuant to this section, does not maintain a place of business in this State and has not made an election pursuant to paragraph (a), (b) or (c) of subsection 3, to file tax returns at a frequency that does not exceed once per year unless the seller accumulates more than $1,000 in the collection of sales and use taxes on behalf of this State and the local governments in this State.

(d) Provide an alternative method for a seller who registers pursuant to this section to make tax payments the same day as the seller intends if an electronic transfer of money fails.

(e) Require any data that accompanies the remittance of a tax payment by or on behalf of a seller who registers pursuant to this section to be formatted using uniform codes for the type of tax and payment in accordance with the Agreement.

5. The registration of a seller and the collection and remission of sales and use taxes pursuant to this section may not be considered as a factor in determining whether a seller has a nexus with this State for the purposes of determining his liability to pay any tax imposed by this State.

Sec. 10. NRS 360B.230 is hereby amended to read as follows:

360B.230 1. The Department shall post on a website or other Internet site that is operated or administered by or on behalf of the Department ~~[:]~~ ***, in any format which may be required by the Agreement:***

(a) The rates of sales and use taxes for this State and for each local government ***and Indian reservation or Indian colony*** in this State that imposes such taxes. ~~[The Department shall identify this State and each local government using the Federal Information Processing Standards developed by the National Institute of Standards and Technology.]~~

(b) Any change in those rates.

(c) Any amendments to the statutory provisions and administrative regulations of this State governing the registration of sellers and the collection of sales and use taxes.

(d) Any change in the boundaries of local governments in this State that impose sales and use taxes.

(e) The list maintained pursuant to NRS 360B.240.

(f) ***A matrix for determining the taxability of products in this State and any change in the taxability of a product listed in that matrix.***

(g) Any other information the Department deems appropriate.

2. The Department shall make a reasonable effort to provide sellers with as much advance notice as possible of any changes or amendments required to be posted pursuant to subsection 1 and of any other changes in the information posted pursuant to subsection 1. Except as otherwise provided in NRS 360B.250, the failure of the Department to provide such notice and the failure of a seller to receive such notice does not affect the obligation of the seller to collect and remit any applicable sales and use taxes.

Sec. 11. NRS 360B.240 is hereby amended to read as follows:

360B.240 1. The Department shall maintain a list that denotes for each five-digit and nine-digit zip code in this State the combined rates of sales taxes and the combined rates of use taxes imposed in the area of that zip code, and the applicable taxing jurisdictions ~~[.]~~ ***, including, without limitation, any pertinent Indian reservation or Indian colony.*** If the combined rate of all the sales taxes or use taxes respectively imposed within the area of a zip code is not the same for the entire area of the zip code, the Department shall denote in the list the lowest combined tax rates for the entire zip code.

2. If a street address does not have a nine-digit zip code or if a registered seller ***or certified service provider*** is unable to determine the nine-digit zip code ~~[of a purchaser]~~ ***applicable to a purchase*** after exercising due diligence to determine that information, that seller ***or certified service provider*** may, except as otherwise provided in subsection 3, apply the rate denoted for the five-digit zip code in the list maintained pursuant to this section. For the purposes of this subsection, there is a rebuttable presumption that a registered seller ***or certified service provider*** has exercised due diligence if the seller ***or certified service provider*** has attempted to determine the nine-digit zip code ~~[of a purchaser]~~ ***applicable to a purchase*** by using software approved by the Department which makes that determination from the street address and five-digit zip code ~~[of the purchaser.]~~ ***applicable to the purchase.***

3. The list maintained pursuant to this section does not apply to and must not be used for any transaction regarding which a purchased product is received by the purchaser at the business location of the seller.

Sec. 12. NRS 360B.250 is hereby amended to read as follows:

360B.250 The Department shall ~~[waive any liability of]~~ ***:***

1. If a registered seller ~~[and a certified service provider acting on behalf of a registered seller who,]~~ ***fails to collect the correct amount of any sales or***

use tax imposed in this State as a result of his reasonable reliance on the information posted pursuant to NRS 360B.230 or his compliance with subsection 2 of NRS 360B.240, ~~[collects the incorrect amount of any sales or use tax imposed in this State,]~~ ***waive any liability of the registered seller*** for:

~~[1.]~~ ***(a)*** The amount of the sales or use tax which the registered seller ~~[and certified service provider fail]~~ ***fails*** to collect as a result of that reliance; and

~~[2.]~~ ***(b)*** Any penalties and interest on that amount.

2. If a certified service provider acting on behalf of a registered seller fails to collect the correct amount of any sales or use tax imposed in this State as a result of his reasonable reliance on the information posted pursuant to NRS 360B.230 or his compliance with subsection 2 of NRS 360B.240, waive any liability of the certified service provider, and of the registered seller on whose behalf the certified service provider is acting, for:

(a) The amount of the sales or use tax which the certified service provider fails to collect as a result of that reliance; and

(b) Any penalties and interest on that amount.

3. Waive any liability of a purchaser for any sum for which the liability of a registered seller or certified service provider is required to be waived pursuant to subsection 1 or 2 with regard to a transaction involving that purchaser.

4. If a purchaser fails to pay the correct amount of any sales or use tax imposed in this State as a result of his reasonable reliance on the information posted pursuant to NRS 360B.230, waive any liability of the purchaser for:

(a) The amount of the sales or use tax which the purchaser fails to pay as a result of that reliance; and

(b) Any penalties and interest on that amount.

Sec. 13. NRS 360B.260 is hereby amended to read as follows:

360B.260 1. A purchaser may purchase tangible personal property without paying to the seller at the time of purchase the sales and use taxes that are due thereon if:

(a) The seller does not maintain a place of business in this State; and

(b) The purchaser has obtained a direct pay permit pursuant to the provisions of this section.

2. A purchaser who wishes to obtain a direct pay permit must file with the Department an application for such a permit that:

(a) Is on a form prescribed by the Department; and

(b) Sets forth such information as is required by the Department.

3. The application must be signed by:

(a) The owner if he is a natural person;

(b) A member or partner if the seller is an association or partnership; or

(c) An executive officer or some other person specifically authorized to sign the application if the seller is a corporation. Written evidence of the signer's authority must be attached to the application.

4. Any purchaser who obtains a direct pay permit pursuant to this section shall:

(a) Determine the amount of sales and use taxes that are due and payable to this State **,** ~~[or]~~ a local government of this State ***or an Indian reservation or Indian colony in this State*** upon the purchase of tangible personal property from such a seller; and

(b) Report and pay those taxes to the appropriate authority.

~~[5. If a purchaser who has obtained a direct pay permit purchases tangible personal property that will be available for use digitally or electronically in more than one jurisdiction, he may, to determine the amount of tax that is due to this State or to a local government of this State, use any reasonable, consistent and uniform method to apportion the use of the property among the various jurisdictions in which it will be used that is supported by the purchaser's business records as they exist at the time of the consummation of the sale.]~~

Sec. 14. NRS 360B.290 is hereby amended to read as follows:

360B.290 Any invoice, billing or other document given to a purchaser that indicates the sales price for which tangible personal property is sold must state separately any amount received by the seller for:

1. Any installation charges for the property;

2. ~~[The value of any exempt property given to the purchaser if the exempt property and any taxable property are sold as a single product or piece of merchandise;~~

~~3.]~~ Any credit for any trade-in which is specifically exempted from the sales price of the property pursuant to chapter 372 or 374 of NRS;

~~[4.]~~ ***3.*** Any interest, financing and carrying charges from credit extended on the sale; and

~~[5.]~~ ***4.*** Any taxes legally imposed directly on the consumer.

Sec. 15. NRS 360B.445 is hereby amended to read as follows:

360B.445 "Food" and "food ingredients" means substances, whether in liquid, concentrated, solid, frozen, dried or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value, except alcoholic beverages ***, dietary supplements*** and tobacco.

Sec. 16. NRS 360B.460 is hereby amended to read as follows:

360B.460 "Prepared food" means:

1. Food sold in a heated state or heated by the seller;

2. Two or more food ingredients mixed or combined by the seller for sale as a single item, unless the food ingredients:

(a) Are only cut, repackaged or pasteurized by the seller; or

(b) Contain any raw eggs, fish, meat or poultry, or other such raw animal foods ~~[, for which]~~ ***requiring*** cooking by the consumer ~~[is]~~ ***to prevent food-borne illnesses, as*** recommended pursuant to the Food Code published by the Food and Drug Administration of the United States Department of Health and Human Services; and

3. Food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins or straws. For the purposes of this ~~[paragraph,]~~ ***subsection,*** "plates" does not include any containers or packaging used to transport food.

Sec. 17. NRS 360B.480 is hereby amended to read as follows:

360B.480 1. "Sales price" means the total amount of consideration, including cash, credit, property and services, for which personal property is sold, leased or rented, valued in money, whether received in money or otherwise, and without any deduction for:

(a) The seller's cost of the property sold;

(b) The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;

(c) Any charges by the seller for any services necessary to complete the sale, including any delivery charges and excluding any installation charges which are stated separately pursuant to NRS 360B.290; and

(d) Except as otherwise provided in subsection 2, any credit for any trade-in.

2. The term does not include:

(a) Any installation charges which are stated separately pursuant to NRS 360B.290;

(b) ~~[The value of any exempt personal property given to the purchaser if:~~

~~(1) The exempt property and any taxable property are sold as a single product or piece of merchandise; and~~

~~(2) The value of the exempt property is stated separately pursuant to NRS 360B.290;~~

~~(c)]~~ Any credit for any trade-in which is:

(1) Specifically exempted from the sales price pursuant to chapter 372 or 374 of NRS; and

(2) Stated separately pursuant to NRS 360B.290;

~~[(d)]~~ ***(c)*** Any discounts, including those in the form of cash, term or coupons that are not reimbursed by a third party, which are allowed by a seller and taken by the purchaser on a sale;

~~[(e)]~~ ***(d)*** Any interest, financing and carrying charges from credit extended on the sale of personal property, if stated separately pursuant to NRS 360B.290; and

~~[(f)]~~ ***(e)*** Any taxes legally imposed directly on the consumer which are stated separately pursuant to NRS 360B.290.

3. The term includes consideration received by a seller from a third party if:

(a) The seller actually receives consideration from a person other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;

(b) The seller has an obligation to pass the price reduction or discount through to the purchaser;

(c) The amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and

(d) Any of the following criteria is satisfied:

(1) The purchaser presents a coupon, certificate or other documentation to the seller to claim a price reduction or discount, and the coupon, certificate or other documentation is authorized, distributed or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate or other documentation is presented.

(2) The purchaser identifies himself to the seller as a member of a group or organization entitled to a price reduction or discount. For the purposes of this subparagraph, a preferred customer card that is available to any patron does not constitute membership in such a group.

(3) The price reduction or discount is identified as a third-party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate or other documentation presented by the purchaser.

Sec. 18. NRS 372.125 is hereby amended to read as follows:

372.125 1. Every person desiring to engage in or conduct business as a seller within this State must ~~[register]~~ ***:***

(a) Register with the Department pursuant to NRS 360B.200 ***;*** or ~~[file]~~

(b) File with the Department an application for a permit for each place of business.

2. Every application for a permit must:

(a) Be made upon a form prescribed by the Department.

(b) Set forth the name under which the applicant transacts or intends to transact business and the location of his place or places of business.

(c) Set forth ***any*** other information which the Department may require.

~~[3. The application must be]~~

(d) Be signed by:

~~[(a)]~~ ***(1)*** The owner if he is a natural person;

~~[(b)]~~ ***(2)*** A member or partner if the seller is an association or partnership; or

~~[(c)]~~ ***(3)*** An executive officer or some person specifically authorized to sign the application if the seller is a corporation. Written evidence of the signer's authority must be attached to the application.

Sec. 19. NRS 372.130 is hereby amended to read as follows:

372.130 At the time of making an application ~~[,]~~ ***for a permit pursuant to NRS 372.125,*** the applicant must pay to the Department a ~~[permit]~~ fee of $5 for each permit.

Sec. 20. NRS 372.135 is hereby amended to read as follows:

372.135 1. Except as otherwise provided in NRS 360.205 and 372.145, after compliance with NRS 372.125, 372.130 and 372.510 by ~~[the applicant,]~~ ***an applicant for a permit,*** the Department shall:

(a) Grant and issue to ~~[each]~~ ***the*** applicant a separate permit for each place of business within the State.

(b) Provide the applicant with a full, written explanation of the liability of the applicant for the collection and payment of the taxes imposed by this chapter. The explanation required by this paragraph:

(1) Must include the procedures for the collection and payment of the taxes that are specifically applicable to the type of business conducted by the applicant, including, without limitation and when appropriate:

(I) An explanation of the circumstances under which a service provided by the applicant is taxable;

(II) The procedures for administering exemptions; and

(III) The circumstances under which charges for freight are taxable.

(2) Is in addition to, and not in lieu of, the instructions and information required to be provided by NRS 360.2925.

2. A permit is not assignable and is valid only for the person in whose name it is issued and for the transaction of business at the place designated on it. It must at all times be conspicuously displayed at the place for which it is issued.

Sec. 21. NRS 372.155 is hereby amended to read as follows:

372.155 ***1.*** For the purpose of the proper administration of this chapter and to prevent evasion of the sales tax ***,*** it is presumed that all gross receipts are subject to the tax until the contrary is established. The burden of proving that a sale of tangible personal property is not a sale at retail is upon the person who makes the sale unless he takes ***in good faith*** from the purchaser a certificate to the effect that the property is purchased for resale ~~[.]~~ ***and the purchaser:***

(a) Is engaged in the business of selling tangible personal property;

(b) Is registered pursuant to NRS 360B.200 or holds a permit issued pursuant to NRS 372.135; and

(c) At the time of purchasing the property, intends to sell it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

2. If a sale of tangible personal property is transacted by drop shipment, the third-party vendor is relieved of the burden of proving that the sale is not a sale at retail if:

(a) The third-party vendor:

(1) Takes in good faith from his customer a certificate to the effect that the property is purchased for resale; or

(2) Obtains any other evidence acceptable to the Department that the property is purchased for resale; and

(b) His customer:

(1) Is engaged in the business of selling tangible personal property; and

(2) Is selling the property in the regular course of business.

Sec. 22. NRS 372.165 is hereby amended to read as follows:

372.165 ~~[1.]~~ A resale certificate must:

~~[(a) Be signed by and bear the name and address of the purchaser.~~

~~(b) Indicate that the purchaser is registered pursuant to NRS 360B.200 or contain the number of the permit issued to the purchaser pursuant to NRS 372.135.~~

~~(c) Indicate the general character of the tangible personal property sold by the purchaser in the regular course of business.~~

~~2. The certificate must be]~~

1. Be substantially in such form ***and include such information*** as the Department may prescribe ~~[.]~~ ***; and***

2. Unless submitted in electronic form, be signed by the purchaser.

Sec. 23. NRS 372.170 is hereby amended to read as follows:

372.170 ***1.*** If a purchaser who gives a ***resale*** certificate makes any use of the property other than retention, demonstration or display while holding it for sale in the regular course of business ~~[, the]~~ ***:***

(a) The use is taxable to the purchaser as of the time the property is first so used by him, and the sales price of the property to him is the measure of the tax. ~~[Only when there is an unsatisfied use tax liability on this basis is the seller liable for sales tax with respect to the sale of the property to the purchaser.]~~ If the sole use of the property other than retention, demonstration or display in the regular course of business is the rental of the property while holding it for sale, the purchaser may elect to include in his gross receipts the amount of the rental charged rather than the sales price of the property to him.

(b) The seller is liable for the sales tax with respect to the sale of the property to the purchaser only if:

(1) There is an unsatisfied use tax liability pursuant to paragraph (a); and

(2) The seller fraudulently failed to collect the tax or solicited the purchaser to provide the resale certificate unlawfully.

2. As used in this section, "seller" includes a certified service provider, as that term is defined in NRS 360B.060, acting on behalf of a seller who is registered pursuant to NRS 360B.200.

Sec. 24. NRS 372.225 is hereby amended to read as follows:

372.225 ***1.*** For the purpose of the proper administration of this chapter and to prevent evasion of the use tax and the duty to collect the use tax, it is presumed that tangible personal property sold by any person for delivery in this State is sold for storage, use or other consumption in this State until the contrary is established. The burden of proving the contrary is upon the person who makes the sale unless he takes ***in good faith*** from the purchaser a certificate to the effect that the property is purchased for resale ~~[.]~~ ***and the purchaser:***

(a) Is engaged in the business of selling tangible personal property;

(b) Is registered pursuant to NRS 360B.200 or holds a permit issued pursuant to NRS 372.135; and

(c) At the time of purchasing the property, intends to sell it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

2. If a sale of tangible personal property is transacted by drop shipment, the third-party vendor is relieved of the burden of proving that the property is sold for storage, use or other consumption in this State if:

(a) The third-party vendor:

(1) Takes in good faith from his customer a certificate to the effect that the property is purchased for resale; or

(2) Obtains any other evidence acceptable to the Department that the property is purchased for resale; and

(b) His customer:

(1) Is engaged in the business of selling tangible personal property; and

(2) Is selling the property in the regular course of business.

Sec. 25. NRS 372.235 is hereby amended to read as follows:

372.235 ~~[1.]~~ A resale certificate must:

~~[(a) Be signed and bear the name and address of the purchaser.~~

~~(b) Indicate that the purchaser is registered pursuant to NRS 360B.200 or contain the number of the permit issued to the purchaser pursuant to NRS 372.135.~~

~~(c) Indicate the general character of the tangible personal property sold by the purchaser in the regular course of business.~~

~~2. The certificate must be]~~

1. Be substantially in such form ***and include such information*** as the Department may prescribe ~~[.]~~ ***; and***

2. Unless submitted in electronic form, be signed by the purchaser.

Sec. 26. NRS 372.347 is hereby amended to read as follows:

372.347 1. If a purchaser wishes to claim an exemption from the taxes imposed by this chapter, the retailer shall obtain such identifying information from the purchaser at the time of sale as is required by the Department.

2. The Department shall, to the extent feasible, establish an electronic system for submitting a request for an exemption. A purchaser is not required to provide a signature to claim an exemption if the request is submitted electronically.

3. The Department may establish a system whereby a purchaser who is exempt from the payment of the taxes imposed by this chapter is issued an identification number that can be presented to the retailer at the time of sale.

4. A retailer shall maintain such records of exempt transactions as are required by the Department ~~[.]~~ ***and provide those records to the Department upon request.***

5. Except as otherwise provided in this subsection, a retailer who complies with the provisions of this section is not liable for the payment of any tax imposed by this chapter if the purchaser improperly claims an exemption. If the purchaser improperly claims an exemption, the purchaser is

liable for the payment of the tax. The provisions of this subsection do not apply if the retailer fraudulently fails to collect the tax or solicits a purchaser to participate in an unlawful claim of an exemption.

6. As used in this section, "retailer" includes a certified service provider, as that term is defined in NRS 360B.060, acting on behalf of a retailer who is registered pursuant to NRS 360B.200.

Sec. 27. NRS 372.7275 is hereby amended to read as follows:

372.7275 In its administration of the use tax imposed by NRS 372.185, the Department shall not consider the storage, use or other consumption in this State of tangible personal property which ~~[is:~~

~~1. Worth $100 or less; and~~

~~2. Acquired]~~ ***:***

1. Does not have significant value; and

2. Is acquired free of charge at a convention, trade show or other public event.

Sec. 28. NRS 374.130 is hereby amended to read as follows:

374.130 1. Every person desiring to engage in or conduct business as a seller within a county ~~[shall register]~~ ***must:***

(a) Register with the Department pursuant to NRS 360B.200 ***;*** or ~~[file]~~

(b) File with the Department an application for a permit for each place of business.

2. Every application for a permit must:

(a) Be made upon a form prescribed by the Department.

(b) Set forth the name under which the applicant transacts or intends to transact business and the location of his place or places of business.

(c) Set forth such other information as the Department may require.

~~[3. The application must be]~~

(d) Be signed by:

~~[(a)]~~ ***(1)*** The owner if he is a natural person;

~~[(b)]~~ ***(2)*** A member or partner if the seller is an association or partnership; or

~~[(c)]~~ ***(3)*** An executive officer or some person specifically authorized to sign the application if the seller is a corporation. Written evidence of the signer's authority must be attached to the application.

Sec. 29. NRS 374.135 is hereby amended to read as follows:

374.135 At the time of making an application ~~[,]~~ ***for a permit pursuant to NRS 374.130,*** the applicant shall pay to the Department a ~~[permit]~~ fee of $5 for each permit.

Sec. 30. NRS 374.140 is hereby amended to read as follows:

374.140 1. Except as otherwise provided in NRS 360.205 and 374.150, after compliance with NRS 374.130, 374.135 and 374.515 by ~~[the applicant,]~~ ***an applicant for a permit,*** the Department shall:

(a) Grant and issue to ~~[each]~~ ***the*** applicant a separate permit for each place of business within the county.

(b) Provide the applicant with a full, written explanation of the liability of the applicant for the collection and payment of the taxes imposed by this chapter. The explanation required by this paragraph:

(1) Must include the procedures for the collection and payment of the taxes that are specifically applicable to the type of business conducted by the applicant, including, without limitation and when appropriate:

(I) An explanation of the circumstances under which a service provided by the applicant is taxable;

(II) The procedures for administering exemptions; and

(III) The circumstances under which charges for freight are taxable.

(2) Is in addition to, and not in lieu of, the instructions and information required to be provided by NRS 360.2925.

2. A permit is not assignable and is valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. A permit must at all times be conspicuously displayed at the place for which it is issued.

Sec. 31. NRS 374.160 is hereby amended to read as follows:

374.160 ***1.*** For the purpose of the proper administration of this chapter and to prevent evasion of the sales tax it ~~[shall be]~~ ***is*** presumed that all gross receipts are subject to the tax until the contrary is established. The burden of proving that a sale of tangible personal property is not a sale at retail is upon the person who makes the sale unless he takes ***in good faith*** from the purchaser a certificate to the effect that the property is purchased for resale ~~[.]~~ ***and the purchaser:***

(a) Is engaged in the business of selling tangible personal property;

(b) Is registered pursuant to NRS 360B.200 or holds a permit issued pursuant to NRS 374.140; and

(c) At the time of purchasing the property, intends to sell it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

2. If a sale of tangible personal property is transacted by drop shipment, the third-party vendor is relieved of the burden of proving that the sale is not a sale at retail if:

(a) The third-party vendor:

(1) Takes in good faith from his customer a certificate to the effect that the property is purchased for resale; or

(2) Obtains any other evidence acceptable to the Department that the property is purchased for resale; and

(b) His customer:

(1) Is engaged in the business of selling tangible personal property; and

(2) Is selling the property in the regular course of business.

Sec. 32. NRS 374.170 is hereby amended to read as follows:

374.170 ~~[1.]~~ A resale certificate must:

~~[(a) Be signed by and bear the name and address of the purchaser.~~

~~(b) Indicate that the purchaser is registered pursuant to NRS 360B.200 or contain the number of the permit issued to the purchaser pursuant to NRS 374.140.~~

~~(c) Indicate the general character of the tangible personal property sold by the purchaser in the regular course of business.~~

~~2. The certificate must be]~~

1. ***Be*** substantially in such form ***and include such information*** as the Department may prescribe ~~[.]~~ ***; and***

2. Unless submitted in electronic form, be signed by the purchaser.

Sec. 33. NRS 374.175 is hereby amended to read as follows:

374.175 ***1.*** If a purchaser who gives a ***resale*** certificate makes any use of the property other than retention, demonstration or display while holding it for sale in the regular course of business ~~[, the use shall be]~~ ***:***

(a) The use is taxable to the purchaser as of the time the property is first ***so*** used by him, and the sales price of the property to him ~~[shall be deemed]~~ ***is*** the measure of the tax. ~~[Only when there is an unsatisfied use tax liability on this basis shall the seller be liable for sales tax with respect to the sale of the property to the purchaser.]~~ If the sole use of the property other than retention, demonstration or display in the regular course of business is the rental of the property while holding it for sale, the purchaser may elect to include in his gross receipts the amount of the rental charged rather than the sales price of the property to him.

(b) The seller is liable for the sales tax with respect to the sale of the property to the purchaser only if:

(1) There is an unsatisfied use tax liability pursuant to paragraph (a); and

(2) The seller fraudulently failed to collect the tax or solicited the purchaser to provide the resale certificate unlawfully.

2. As used in this section, "seller" includes a certified service provider, as that term is defined in NRS 360B.060, acting on behalf of a seller who is registered pursuant to NRS 360B.200.

Sec. 34. NRS 374.230 is hereby amended to read as follows:

374.230 ***1.*** For the purpose of the proper administration of this chapter and to prevent evasion of the use tax and the duty to collect the use tax, it ~~[shall be]~~ ***is*** presumed that tangible personal property sold by any person for delivery in a county is sold for storage, use or other consumption in the county until the contrary is established. The burden of proving the contrary is upon the person who makes the sale unless he takes ***in good faith*** from the purchaser a certificate to the effect that the property is purchased for resale ~~[.]~~ ***and the purchaser:***

(a) Is engaged in the business of selling tangible personal property;

(b) Is registered pursuant to NRS 360B.200 or holds a permit issued pursuant to NRS 374.140; and

(c) At the time of purchasing the property, intends to sell it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

2. If a sale of tangible personal property is transacted by drop shipment, the third-party vendor is relieved of the burden of proving that the property is sold for storage, use or other consumption in this State if:

(a) The third-party vendor:

(1) Takes in good faith from his customer a certificate to the effect that the property is purchased for resale; or

(2) Obtains any other evidence acceptable to the Department that the property is purchased for resale; and

(b) His customer:

(1) Is engaged in the business of selling tangible personal property; and

(2) Is selling the property in the regular course of business.

Sec. 35. NRS 374.240 is hereby amended to read as follows:

374.240 ~~[1.]~~ A resale certificate must:

~~[(a) Be signed and bear the name and address of the purchaser.~~

~~(b) Indicate that the purchaser is registered pursuant to NRS 360B.200 or contain the number of the permit issued to the purchaser pursuant to NRS 374.140.~~

~~(c) Indicate the general character of the tangible personal property sold by the purchaser in the regular course of business.~~

~~2. The certificate must be]~~

1. Be substantially in such form ***and include such information*** as the Department may prescribe ~~[.]~~ ***; and***

2. Unless submitted in electronic form, be signed by the purchaser.

Sec. 36. NRS 374.352 is hereby amended to read as follows:

374.352 1. If a purchaser wishes to claim an exemption from the taxes imposed by this chapter, the retailer shall obtain such identifying information from the purchaser at the time of sale as is required by the Department.

2. The Department shall, to the extent feasible, establish an electronic system for submitting a request for an exemption. A purchaser is not required to provide a signature to claim an exemption if the request is submitted electronically.

3. The Department may establish a system whereby a purchaser who is exempt from the payment of the taxes imposed by this chapter is issued an identification number that can be presented to the retailer at the time of sale.

4. A retailer shall maintain such records of exempt transactions as are required by the Department ~~[.]~~ ***and provide those records to the Department upon request.***

5. Except as otherwise provided in this subsection, a retailer who complies with the provisions of this section is not liable for the payment of any tax imposed by this chapter if the purchaser improperly claims an exemption. If the purchaser improperly claims an exemption, the purchaser is

liable for the payment of the tax. The provisions of this subsection do not apply if the retailer fraudulently fails to collect the tax or solicits a purchaser to participate in an unlawful claim of an exemption.

6. As used in this section, "retailer" includes a certified service provider, as that term is defined in NRS 360B.060, acting on behalf of a retailer who is registered pursuant to NRS 360B.200.

Sec. 37. NRS 374.726 is hereby amended to read as follows:

374.726 In its administration of the use tax imposed by NRS 374.190, the Department shall not consider the storage, use or other consumption in a county of tangible personal property which ~~[is:~~

~~1. Worth $100 or less; and~~

~~2. Acquired]~~ ***:***

1. Does not have significant value; and

2. Is acquired free of charge at a convention, trade show or other public event.

Sec. 38. Section 10 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 914, is hereby amended to read as follows:

Sec. 10. An ordinance enacted pursuant to this act must include provisions in substance as follows:

1. A provision imposing a tax on the gross receipts of any retailer from the sale of all tangible personal property sold at retail or stored, used or otherwise consumed in the County, including incorporated cities in the County, at a rate of:

(a) One-quarter of 1 percent if the date on which the tax must first be imposed is on October 1, 2005; and

(b) Up to an additional one-quarter of 1 percent if the date on which the increased rate must first be imposed is on or after October 1, 2009, and if the Legislature first approves the increased rate,

➥ the total rate not to exceed one-half of 1 percent.

2. Provisions substantially identical to those contained in chapter 374 of NRS, insofar as applicable.

3. A provision that an amendment to chapter 374 of NRS enacted after the effective date of the ordinance, not inconsistent with this act, automatically becomes part of the ordinance imposing the tax.

4. A provision that the Board shall contract with the Department, before the effective date of the ordinance, to perform all the functions incident to the administration or operation of the tax in the County.

5. A provision that ~~[exempts from the tax the gross receipts from]~~ ***a purchaser is entitled to a refund, in accordance with the provisions of NRS 374.635 to 374.720, inclusive, of the amount of the tax required to be paid that is attributable to the tax imposed upon*** the sale of, and the storage, use or other consumption in the County, including incorporated cities in the County, of, tangible personal property used for the performance of a written contract for the construction of an improvement to real property:

(a) That was entered into on or before the effective date of the tax; or

(b) For which a binding bid was submitted before that date if the bid was afterward accepted, and pursuant to the terms of the contract or bid, the contract price or bid amount may not be adjusted to reflect the imposition of the tax.

6. A provision that specifies the date on which the tax must first be imposed ~~[,]~~ ***or on which any change in the rate of tax becomes effective,*** which must ~~[not be earlier than]~~ ***be*** the first day of the ~~[second calendar month following]~~ ***first calendar quarter that begins at least 120 days after*** the effective date of the ordinance.

Sec. 39. The Legislature hereby finds and declares that:

1. There has been a rapid increase during recent years in the conduct of interstate commerce through telecommunication and electronic means.

2. Many of the merchants who transact these forms of interstate commerce have been discouraged by the substantial burdens of ascertaining and complying with the extremely diverse and detailed tax laws of each state from making the efforts necessary to collect sales and use taxes on behalf of the states in which they do not maintain a place of business.

3. As a result of the proliferation of these forms of interstate commerce and federal restrictions on the ability of each state to collect sales and use taxes from merchants who do not maintain a place of business in that state, the people of this State are losing millions of dollars in state and local tax revenue.

4. The nonpayment of Nevada sales and use taxes by merchants in other states provides those merchants with an unfair competitive advantage over local merchants who lawfully pay the sales and use taxes due in this State.

5. As a result of the similarity of these circumstances in the various states, considerable efforts are being made to provide more uniformity, simplicity and fairness in the administration and collection of sales and use taxes in this country, including the introduction and consideration of Congressional legislation and the participation by Nevada and many other states in the Streamlined Sales and Use Tax Agreement.

6. Compliance with the Streamlined Sales and Use Tax Agreement and its amendments has and will continue to require amendments to the Nevada Sales and Use Tax Act, and it is anticipated that any Congressional legislation will also necessitate such amendments.

7. The Nevada Sales and Use Tax Act was approved by referendum at the General Election in 1956 and therefore, pursuant to Section 1 of Article 19 of the Constitution of the State of Nevada, may not be "amended, annulled, repealed, set aside, suspended or in any way made inoperative except by the direct vote of the people."

8. Unlike the circumstances in other states where legislatures have the direct authority to amend sales and use tax laws in a timely manner, the period required for the legislative enactment and subsequent voter approval of any necessary amendments to the Nevada Sales and Use Tax Act has

placed the ability of this State to comply with the Streamlined Sales and Use Tax Agreement and any Congressional legislation in serious jeopardy.

9. It would be beneficial to the public welfare for the people of this State by direct vote to authorize the Legislature to enact without any additional voter approval such amendments to the Nevada Sales and Use Tax Act as it determines to be necessary to carry out any Congressional legislation or interstate agreements for the administration, collection or enforcement of sales and use taxes.

Sec. 40. At the General Election on November 4, 2008, a proposal must be submitted to the registered voters of this State to amend the Sales and Use Tax Act, which was enacted by the 47th Session of the Legislature of the State of Nevada and approved by the Governor in 1955, and subsequently approved by the people of this State at the General Election held on November 6, 1956.

Sec. 41. At the time and in the manner provided by law, the Secretary of State shall transmit the proposed act to the several county clerks, and the county clerks shall cause it to be published and posted as provided by law.

Sec. 42. The proclamation and notice to the voters given by the county clerks pursuant to law must be in substantially the following form:

Notice is hereby given that at the General Election on November 4, 2008, a question will appear on the ballot for the adoption or rejection by the registered voters of the State of the following proposed act:

AN ACT to amend an Act entitled "An Act to provide revenue for the State of Nevada; providing for sales and use taxes; providing for the manner of collection; defining certain terms; providing penalties for violation, and other matters properly relating thereto." approved March 29, 1955, as amended.

THE PEOPLE OF THE STATE OF NEVADA DO ENACT AS FOLLOWS:

Section 1. The above-entitled Act, being chapter 397, Statutes of Nevada 1955, at page 788, is hereby amended by adding thereto a new section to be designated as section 153.5, immediately following section 153.2, to read as follows:

Sec. 153.5. The people of the State of Nevada hereby authorize the Legislature to enact, without an additional direct vote of the people, legislation that amends, annuls, repeals, sets aside, suspends or otherwise makes inoperative any provision of this Act, being chapter 397, Statutes of Nevada 1955, at page 762, whenever the Legislature determines that such legislation is necessary to carry out any federal statute or regulation or interstate agreement providing for the administration, collection or enforcement of sales and use taxes ~~[.]~~ ***, unless such legislation would increase the rate of any tax imposed pursuant to this Act.***

Sec. 2. Section 61.5 of the above-entitled Act, being chapter 397, Statutes of Nevada 1955, as added by chapter 466, Statutes of Nevada 1985, at page 1441, is hereby repealed.

Sec. 3. This act becomes effective on January 1, 2009.

Sec. 43. The ballot page assemblies and the paper ballots to be used in voting on the question must present the question in substantially the following form:

Shall the Sales and Use Tax Act of 1955 be amended to repeal an exemption from the taxes imposed by this Act on the gross receipts from the sale of aircraft and major components of aircraft to scheduled air carriers based in this State, and to authorize the Legislature to amend or repeal any provision of this Act without an additional direct vote of the people whenever necessary to carry out any federal law or interstate agreement for the administration, collection or enforcement of sales and use taxes?

Yes ☐ No ☐

Sec. 44. The explanation of the question which must appear on each paper ballot and sample ballot and in every publication and posting of notice of the question must be in substantially the following form:

(Explanation of Question)

The proposed amendment to the Sales and Use Tax Act of 1955 would repeal an exemption from the taxes imposed by this Act for the sale of aircraft and major components of aircraft to a scheduled air carrier which is based in Nevada, and would authorize the Legislature to enact legislation amending or repealing any provision of this Act without obtaining additional voter approval whenever that legislation is necessary to carry out any federal law or interstate agreement for the administration, collection or enforcement of sales and use taxes. **The proposed amendment would not authorize any legislation that increases the rate of any tax imposed pursuant to this Act.**

Sec. 45. If a majority of the votes cast on the question is yes, the amendment to the Sales and Use Tax Act of 1955 becomes effective on January 1, 2009. If less than a majority of votes cast on the question is yes, the question fails and the amendment to the Sales and Use Tax Act of 1955 does not become effective.

Sec. 46. All general election laws not inconsistent with this act are applicable.

Sec. 47. Any informalities, omissions or defects in the content or making of the publications, proclamations or notices provided for in this act and by the general election laws under which this election is held must be so construed as not to invalidate the adoption of the act by a majority of the registered voters voting on the question if it can be ascertained with reasonable certainty from the official returns transmitted to the office of the Secretary of State whether the proposed amendment was adopted by a majority of those registered voters.

Sec. 48. The amendatory provisions of section 38 of this act do not apply to any ordinance enacted before October 1, 2007.

Sec. 49. 1. NRS 360B.270, 372.160, 372.230, 372.728, 374.165, 374.235 and 374.728 are hereby repealed.

2. NRS 372.726 is hereby repealed.

Sec. 50. 1. This section and sections 1 to 48, inclusive, and subsection 1 of section 49 of this act become effective on October 1, 2007.

2. Subsection 2 of section 49 of this act becomes effective on January 1, 2009, only if the proposal submitted pursuant to sections 40 to 44, inclusive, of this act is approved by the voters at the general election on November 4, 2008.

LEADLINES OF REPEALED SECTIONS OF NRS AND
TEXT OF REPEALED SECTION OF STATUTES OF NEVADA

360B.270 Purchases of tangible personal property that will be used digitally or electronically in multiple jurisdictions.

372.160 Effect of resale certificate.

372.230 Effect of resale certificate.

372.726 Application of exemption for aircraft and major components of aircraft.

372.728 Construction of "retailer maintaining place of business in this State."

374.165 Effect of resale certificate.

374.235 Effect of resale certificate.

374.728 Construction of "retailer maintaining place of business in county."

Section 61.5 of chapter 397, Statutes of Nevada 1955:

Sec. 61.5. There are exempted from the taxes imposed by this act the gross receipts from the sale of aircraft and major components of aircraft, such as engines and other components made for use only in aircraft, to an air carrier which:

1. Holds a certificate to engage in air transportation issued pursuant to 49 U.S.C. § 1371 and is not solely a charter air carrier or a supplemental air carrier as described in Title 49 of the United States Code; and

2. Maintains its central office in Nevada and bases a majority of its aircraft in Nevada.

Assemblyman Parks moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 503.

Bill read second time and ordered to third reading.

Senate Bill No. 533.

Bill read second time and ordered to third reading.

Senate Bill No. 536.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 858.

AN ACT relating to public health; exempting certain entities that comply with the provisions of federal law governing the electronic transmission of certain health information from provisions of state law that provide more stringent privacy requirements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) protects the privacy of certain individually identifiable health information. (Public Law No. 104-191) HIPAA and the federal regulations to carry out that Act contain provisions which address the use and disclosure of individually identifiable health information by certain covered entities, including certain health plans, health care providers and health care clearinghouses. Among the federal requirements are provisions governing the electronic transmission of such health information. (42 U.S.C. §§ 1320d et seq.)

HIPAA further provides that if a state law imposes requirements or standards concerning the privacy of health information, the state law preempts HIPAA to the extent that the state law is more stringent than HIPAA. Section 1 of this bill changes the effect of this state law preemption with respect to the electronic transmission of individually identifiable health information by exempting a covered entity that complies with HIPAA from any state law governing the privacy of health information which is more stringent. **Section 1 also requires a covered entity that makes individually identifiable health information available electronically to allow any person to opt out of having his individually identifiable health information disclosed electronically to other covered entities.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a covered entity transmits electronically individually identifiable health information in compliance with the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, which govern the electronic transmission of such information, the covered entity is, for purposes of the electronic transmission, exempt from any state law that contains more stringent requirements or provisions concerning the privacy or confidentiality of individually identifiable health information.

2. A covered entity that makes individually identifiable health information available electronically pursuant to subsection 1 shall allow any person to opt out of having his individually identifiable health information disclosed electronically to other covered entities, except as required by the administrative simplification provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

3. As used in this section:

(a) "Covered entity" has the meaning ascribed to it in 45 C.F.R. § 160.103.

(b) "Individually identifiable health information" has the meaning ascribed to it in 45 C.F.R. § 160.103.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 441A.220 is hereby amended to read as follows:

441A.220 All information of a personal nature about any person provided by any other person reporting a case or suspected case of a communicable disease, or by any person who has a communicable disease, or as determined by investigation of the health authority, is confidential medical information and must not be disclosed to any person under any circumstances, including pursuant to any subpoena, search warrant or discovery proceeding, except ***:*** ~~[as follows:]~~

1. ***As otherwise provided in section 1 of this act.***

2. For statistical purposes, provided that the identity of the person is not discernible from the information disclosed.

~~[2.]~~ ***3.*** In a prosecution for a violation of this chapter.

~~[3.]~~ ***4.*** In a proceeding for an injunction brought pursuant to this chapter.

~~[4.]~~ ***5.*** In reporting the actual or suspected abuse or neglect of a child or elderly person.

~~[5.]~~ ***6.*** To any person who has a medical need to know the information for his own protection or for the well-being of a patient or dependent person, as determined by the health authority in accordance with regulations of the Board.

~~[6.]~~ ***7.*** If the person who is the subject of the information consents in writing to the disclosure.

~~[7.]~~ ***8.*** Pursuant to subsection 2 of NRS 441A.320 or NRS 629.069.

~~[8.]~~ ***9.*** If the disclosure is made to the Department of Health and Human Services and the person about whom the disclosure is made has been diagnosed as having acquired immunodeficiency syndrome or an illness related to the human immunodeficiency virus and is a recipient of or an applicant for Medicaid.

~~[9.]~~ ***10.*** To a firefighter, police officer or person providing emergency medical services if the Board has determined that the information relates to a communicable disease significantly related to that occupation. The information must be disclosed in the manner prescribed by the Board.

~~[10.]~~ ***11.*** If the disclosure is authorized or required by specific statute.

Sec. 4. NRS 441A.230 is hereby amended to read as follows:

441A.230 Except as otherwise provided in this chapter ~~[,]~~ ***and section 1 of this act,*** a person shall not make public the name of, or other personal identifying information about, a person infected with a communicable disease who has been investigated by the health authority pursuant to this chapter ~~[,]~~ without the consent of the person.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 442.330 is hereby amended to read as follows:

442.330 1. ~~[Information]~~ ***Except as otherwise provided in section 1 of this act, information*** obtained by the system from any source may be used only:

(a) To investigate the causes of birth defects and other adverse birth outcomes;

(b) To determine, evaluate and develop strategies to prevent the occurrence of birth defects and other adverse birth outcomes;

(c) To assist in the early detection of birth defects; and

(d) To assist in ensuring the delivery of services for children identified with birth defects.

2. The State Board of Health shall adopt regulations to ensure that ~~[:]~~ ***, except as otherwise provided in subsection 3 and section 1 of this act:***

(a) Access to information contained in the system is limited to persons authorized and approved by the State Health Officer or his representative who are employed by the Health Division or the University of Nevada School of Medicine.

(b) Any information obtained by the system that would reveal the identity of a patient remains confidential.

(c) ~~[Except as otherwise provided in subsection 3, information]~~ ***Information*** obtained by the system is used solely for the purposes set forth in subsection 1.

3. This section does not prohibit the publishing of statistical compilations relating to birth defects and other adverse birth outcomes that do not in any manner identify individual patients or individual sources of information.

Sec. 7. NRS 442.395 is hereby amended to read as follows:

442.395 ~~[If]~~ ***Except as otherwise provided in section 1 of this act, if*** a pregnant woman is referred to the Health Division by a provider of health care or other services for information relating to programs for the prevention and treatment of fetal alcohol syndrome, any report relating to the referral or other associated documentation is confidential and must not be used in any criminal prosecution of the woman.

Sec. 8. NRS 449.720 is hereby amended to read as follows:

449.720 ***1.*** Every patient of a medical facility, facility for the dependent or home for individual residential care has the right to:

~~[1.]~~ ***(a)*** Receive considerate and respectful care.

~~[2.]~~ ***(b)*** Refuse treatment to the extent permitted by law and to be informed of the consequences of that refusal.

~~[3.]~~ ***(c)*** Refuse to participate in any medical experiments conducted at the facility.

~~[4.]~~ ***(d)*** Retain his privacy concerning his program of medical care. ~~[Discussions of a patient's care, consultation with other persons concerning the patient, examinations or treatments, and all communications and records concerning the patient, except as otherwise provided in NRS 108.640, 442.300 to 442.330, inclusive, and 449.705, and chapter 629 of NRS, are~~

~~confidential. The patient must consent to the presence of any person who is not directly involved with his care during any examination, consultation or treatment.~~

~~5.~~ ***(e)*** Have any reasonable request for services reasonably satisfied by the facility or home considering its ability to do so.

~~[6.]~~ ***(f)*** Receive continuous care from the facility or home. The patient must be informed:

~~[(a)]~~ ***(1)*** Of his appointments for treatment and the names of the persons available at the facility or home for those treatments; and

~~[(b)]~~ ***(2)*** By his physician or an authorized representative of the physician, of his need for continuing care.

2. Except as otherwise provided in NRS 108.640, 442.300 to 442.330, inclusive, and 449.705 and chapter 629 of NRS and section 1 of this act, discussions of the care of a patient, consultation with other persons concerning the patient, examinations or treatments, and all communications and records concerning the patient are confidential. The patient must consent to the presence of any person who is not directly involved with his care during any examination, consultation or treatment.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. NRS 458.280 is hereby amended to read as follows:

458.280 1. Except as otherwise provided in subsection 2, NRS 442.300 to 442.330, inclusive, and 449.705 and chapter 629 of NRS, ***and section 1 of this act,*** the registration and other records of a treatment facility are confidential and must not be disclosed to any person not connected with the treatment facility without the consent of the patient.

2. The provisions of subsection 1 do not restrict the use of a patient's records for the purpose of research into the causes and treatment of alcoholism if such information is ~~[not]~~ ***:***

(a) Not published in a way that discloses the patient's name or other identifying information ~~[.]~~ ***; or***

(b) Disclosed pursuant to section 1 of this act.

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. NRS 396.525 is hereby amended to read as follows:

396.525 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and section 1 of this act,*** the records of the genetics program concerning the clients and families of clients are confidential.

2. The genetics program may share information in its possession with the University of Nevada School of Medicine and the Health Division of the Department of Health and Human Services, if the confidentiality of the

information is otherwise maintained in accordance with the terms and conditions required by law.

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. NRS 432B.280 is hereby amended to read as follows:

432B.280 1. ~~[Reports]~~ ***Except as otherwise provided in section 1 of this act, reports*** made pursuant to this chapter, as well as all records concerning these reports and investigations thereof, are confidential.

2. Any person, law enforcement agency or public agency, institution or facility who willfully releases data or information concerning such reports and investigations, except:

(a) Pursuant to a criminal prosecution relating to the abuse or neglect of a child;

(b) As otherwise authorized or required pursuant to NRS 432B.290; ~~[or]~~

(c) As otherwise required pursuant to NRS 432B.513 ~~[.]~~ ***; or***

(d) As otherwise authorized or required pursuant to section 1 of this act,

➥ is guilty of a misdemeanor.

Sec. 22. (Deleted by amendment.)

Sec. 23. NRS 433.332 is hereby amended to read as follows:

433.332 1. If a patient in a division facility is transferred to another division facility or to a medical facility, a facility for the dependent or a physician licensed to practice medicine, the division facility shall forward a copy of the medical records of the patient, on or before the date the patient is transferred, to the facility or physician. Except as otherwise required by 42 U.S.C. §§ ~~[290dd-3 and 290ee-3,]~~ ***290dd, 290dd-1 or 290dd-2 or section 1 of this act,*** the division facility is not required to obtain the oral or written consent of the patient to forward a copy of the medical records.

2. As used in this section, "medical records" includes a medical history of the patient, a summary of the current physical condition of the patient and a discharge summary which contains the information necessary for the proper treatment of the patient.

Sec. 24. NRS 433.482 is hereby amended to read as follows:

433.482 Each client admitted for evaluation, treatment or training to a facility has the following personal rights, a list of which must be prominently posted in all facilities providing those services and must be otherwise brought to the attention of the client by such additional means as prescribed by regulation:

1. To wear his own clothing, to keep and use his own personal possessions, including his toilet articles, unless those articles may be used to endanger his or others' lives, and to keep and be allowed to spend a reasonable sum of his own money for expenses and small purchases.

2. To have access to individual space for storage for his private use.

3. To see visitors each day.

4. To have reasonable access to telephones, both to make and receive confidential calls.

5. To have ready access to materials for writing letters, including stamps, and to mail and receive unopened correspondence, but:

(a) For the purposes of this subsection, packages are not considered as correspondence; and

(b) Correspondence identified as containing a check payable to a client may be subject to control and safekeeping by the administrative officer of that facility or his designee, so long as the client's record of treatment documents the action.

6. To have reasonable access to an interpreter if the client does not speak English or is hearing impaired.

7. To designate a person who must be kept informed by the facility of the client's medical and mental condition, if the client signs a release allowing the facility to provide such information to the person.

8. ~~[To]~~ ***Except as otherwise provided in section 1 of this act, to*** have access to his medical records denied to any person other than:

(a) A member of the staff of the facility or related medical personnel, as appropriate;

(b) A person who obtains a waiver by the client of his right to keep the medical records confidential; or

(c) A person who obtains a court order authorizing the access.

9. Other personal rights as specified by regulation of the Commission.

Sec. 25. NRS 433A.360 is hereby amended to read as follows:

433A.360 1. A clinical record for each client must be diligently maintained by any division facility or private institution or facility offering mental health services. The record must include information pertaining to the client's admission, legal status, treatment and individualized plan for habilitation. The clinical record is not a public record and no part of it may be released, except:

(a) ***If the release is authorized or required pursuant to section 1 of this act.***

(b) The record must be released to physicians, attorneys and social agencies as specifically authorized in writing by the client, his parent, guardian or attorney.

~~[(b)]~~ ***(c)*** The record must be released to persons authorized by the order of a court of competent jurisdiction.

~~[(c)]~~ ***(d)*** The record or any part thereof may be disclosed to a qualified member of the staff of a division facility, an employee of the Division or a member of the staff of an agency in Nevada which has been established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act ***of 2000***, 42 U.S.C. §§ ~~[6041]~~ ***15001*** et seq., or the Protection and Advocacy for Mentally Ill Individuals Act of 1986, 42 U.S.C. §§ 10801 et seq., when the Administrator deems it necessary for the proper care of the client.

~~[(d)]~~ ***(e)*** Information from the clinical records may be used for statistical and evaluative purposes if the information is abstracted in such a way as to protect the identity of individual clients.

~~[(e)]~~ ***(f)*** To the extent necessary for a client to make a claim, or for a claim to be made on behalf of a client for aid, insurance or medical assistance to which he may be entitled, information from the records may be released with the written authorization of the client or his guardian.

~~[(f)]~~ ***(g)*** The record must be released without charge to any member of the staff of an agency in Nevada which has been established pursuant to 42 U.S.C. §§ ~~[6041]~~ ***15001*** et seq. or 42 U.S.C. §§ 10801 et seq. if:

(1) The client is a client of that office and he or his legal representative or guardian authorizes the release of the record; or

(2) A complaint regarding a client was received by the office or there is probable cause to believe that the client has been abused or neglected and the client:

(I) Is unable to authorize the release of the record because of his mental or physical condition; and

(II) Does not have a guardian or other legal representative or is a ward of the State.

~~[(g)]~~ ***(h)*** The record must be released as provided in NRS 433.332 or 433B.200 and in chapter 629 of NRS.

2. As used in this section, "client" includes any person who seeks, on his own or others' initiative, and can benefit from, care, treatment and training in a private institution or facility offering mental health services, or from treatment to competency in a private institution or facility offering mental health services.

Sec. 26. (Deleted by amendment.)

Sec. 27. NRS 629.161 is hereby amended to read as follows:

629.161 1. It is unlawful to retain genetic information that identifies a person, without first obtaining the informed consent of the person or the person's legal guardian pursuant to NRS 629.181, unless retention of the genetic information is:

(a) ***Authorized or required pursuant to section 1 of this act;***

(b) Necessary to conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;

~~[(b)]~~ ***(c)*** Authorized pursuant to an order of a court of competent jurisdiction; or

~~[(c)]~~ ***(d)*** Necessary for a medical facility as defined in NRS 449.0151 to maintain a medical record of the person.

2. A person who has authorized another person to retain his genetic information may request that person to destroy the genetic information. If so requested, the person who retains that genetic information shall destroy the information, unless retention of that information is:

(a) ***Authorized or required pursuant to section 1 of this act;***

(b) Necessary to conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;

~~[(b)]~~ ***(c)*** Authorized by an order of a court of competent jurisdiction;

~~[(c)]~~ ***(d)*** Necessary for a medical facility as defined in NRS 449.0151 to maintain a medical record of the person; or

~~[(d)]~~ ***(e)*** Authorized or required by state or federal law or regulation.

3. Except as otherwise provided in subsection 4 or by federal law or regulation, a person who obtains the genetic information of a person for use in a study shall destroy that information upon:

(a) The completion of the study; ***or***

(b) The withdrawal of the person from the study,

➥ whichever occurs first.

4. A person whose genetic information is used in a study may authorize the person who conducts the study to retain that genetic information after the study is completed or upon his withdrawal from the study.

Sec. 28. (Deleted by amendment.)

Sec. 29. NRS 639.238 is hereby amended to read as follows:

639.238 1. Prescriptions filled and on file in a pharmacy are not a public record. Except as otherwise provided in NRS 639.2357, ***and section 1 of this act,*** a pharmacist shall not divulge the contents of any prescription or provide a copy of any prescription, except to:

(a) The patient for whom the original prescription was issued;

(b) The practitioner who originally issued the prescription;

(c) A practitioner who is then treating the patient;

(d) A member, inspector or investigator of the Board or an inspector of the Food and Drug Administration or an agent of the Investigation Division of the Department of Public Safety;

(e) An agency of State Government charged with the responsibility of providing medical care for the patient;

(f) An insurance carrier, on receipt of written authorization signed by the patient or his legal guardian, authorizing the release of such information;

(g) Any person authorized by an order of a district court;

(h) Any member, inspector or investigator of a professional licensing board which licenses a practitioner who orders prescriptions filled at the pharmacy;

(i) Other registered pharmacists for the limited purpose of and to the extent necessary for the exchange of information relating to persons who are suspected of:

(1) Misusing prescriptions to obtain excessive amounts of drugs; or

(2) Failing to use a drug in conformity with the directions for its use or taking a drug in combination with other drugs in a manner that could result in injury to that person; ~~[or]~~

(j) A peace officer employed by a local government for the limited purpose of and to the extent necessary:

(1) For the investigation of an alleged crime reported by an employee of the pharmacy where the crime was committed; or

(2) To carry out a search warrant or subpoena issued pursuant to a court order ~~[.]~~ ***; or***

(k) A county coroner, medical examiner or investigator employed by an office of a county coroner for the purpose of:

(1) Identifying a deceased person;

(2) Determining a cause of death; or

(3) Performing other duties authorized by law.

2. Any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is issued to a county coroner, medical examiner or investigator employed by an office of a county coroner must be limited to a copy of the prescription filled or on file for:

(a) The person whose name is on the container of the controlled substance or dangerous drug that is found on or near the body of a deceased person; or

(b) The deceased person whose cause of death is being determined.

3. Except as otherwise provided in NRS 639.2357, any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS, issued to a person authorized by this section to receive such a copy, must contain all of the information appearing on the original prescription and be clearly marked on its face "Copy, Not Refillable—For Reference Purposes Only." The copy must bear the name or initials of the registered pharmacist who prepared the copy.

4. If a copy of a prescription for any controlled substance or a dangerous drug as defined in chapter 454 of NRS is furnished to the customer, the original prescription must be voided and notations made thereon showing the date and the name of the person to whom the copy was furnished.

5. As used in this section, "peace officer" does not include:

(a) A member of the Police Department of the Nevada System of Higher Education.

(b) A school police officer who is appointed or employed pursuant to NRS 391.100.

Sec. 30. (Deleted by amendment.)

Sec. 31. ~~[NRS 688C.320 is hereby amended to read as follows:~~

~~688C.320 [All] *Except as otherwise provided in section 1 of this act, all* medical information solicited or obtained by a licensee under this chapter is subject to other laws of this State relating to the confidentiality of the information.]~~ **(Deleted by amendment.)**

Sec. 32. ~~[NRS 689B.280 is hereby amended to read as follows:~~

~~689B.280 1. Except as otherwise provided in subsection 2, *and section 1 of this act*, an insurer or any agent or employee of an insurer who delivers or issues for delivery a policy of group health or blanket health insurance in this State shall not disclose to the policyholder or any agent or employee of the policyholder:~~

~~(a) The fact that an insured is taking a prescribed drug or medicine; or~~

~~(b) The identity of that drug or medicine.~~

~~2. The provisions of subsection 1 do not prohibit disclosure to an administrator who acts as an intermediary for claims for insurance coverage.]~~ **(Deleted by amendment.)**

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Joint Resolution No. 18.

Resolution read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 666.

SENATE JOINT RESOLUTION—Urging Congress to support a proposed off-highway vehicle park in Clark County.

WHEREAS, The Nellis Dunes area comprises approximately 10,181 acres located in unincorporated Clark County, Nevada, on federal public lands managed by the Bureau of Land Management, 8,921 acres of which are usable recreation space, offering a variety of terrain and trails for off-highway vehicle enthusiasts; and

WHEREAS, Most areas of Clark County have been closed to motorized recreation **;** ~~[, and the Las Vegas Valley is in a state of noncompliance for air quality with regard to particulate matter, partially due to blowing dust from land disturbance caused by off-road vehicle use;]~~ and

WHEREAS, The Nellis Dunes is recognized in the Southern Nevada Regional Planning Coalition's open space plan to protect the natural backdrops and maintain a perimeter trail corridor around the Las Vegas Valley; and

WHEREAS, The Bureau of Land Management's Las Vegas Resource Management Plan designates the Nellis Dunes as an "open area," allowing unrestricted motorized recreation; and

WHEREAS, An opportunity exists for Clark County to develop and manage a motorized recreation system, consistent with the mission of Nellis Air Force Base, with the potential to prevent safety concerns, improve air quality, protect rare plants and sensitive soils, prevent refuse dumping and capitalize on potential economic development possibilities; and

WHEREAS, A feasibility study, funded by the Board of County Commissioners for Clark County, evaluated supply and demand considerations, capital and operations and maintenance costs and options for funding, and likely operation models for a motorized recreation park; and

WHEREAS, Development of a motorized recreation park managed by Clark County will benefit southern Nevadans through the promotion of safe off-road activities and implementation of environmental protections to air, sensitive soils and native plants; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the members of the Nevada Legislature hereby urge Congress to promulgate legislation for the conveyance of the Nellis Dunes area to Clark County for the purpose of off-road recreation and environmental protection; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives, the Board of County Commissioners of Clark County and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblyman Manendo moved the adoption of the amendment.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the General File.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 246 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 246.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 745.

AN ACT relating to courts; increasing the number of district judges in the Second and Eighth Judicial Districts; increasing the number of district judges in the Second and Eighth Judicial Districts who must be judges of the family court; making ~~[appropriations;]~~ **an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill increases the number of district judges in the Second Judicial District, which includes Washoe County, from 12 to 14. (NRS 3.010, 3.012) Both of the additional district judges must be judges of the family court, increasing the number of judges of the family court in the Second Judicial District from 4 to 6. (NRS 3.012)

Section 2 of this bill increases the number of district judges in the Eighth Judicial District, which includes Clark County, from 37 to ~~[47.]~~ **43.** (NRS 3.010, 3.018) Six of the 10 additional district judges must be judges of the family court, increasing the number of judges of the family court in the Eighth Judicial District from 13 to ~~[19.]~~ **17.** (NRS 3.018)

Section 4 of this bill makes ~~[appropriations]~~ **an appropriation** to pay for the salaries of the additional district judges.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 3.012 is hereby amended to read as follows:

3.012 For the Second Judicial District there must be ~~[12]~~ ***14*** district judges, ~~[4]~~ ***6*** of whom must be judges of the family court.

Sec. 2. NRS 3.018 is hereby amended to read as follows:

3.018 For the Eighth Judicial District there must be ~~[37]~~ ~~*[47]*~~ ***43*** district judges, ~~[13]~~ ~~*[19]*~~ ***17*** of whom must be judges of the family court.

Sec. 3. The additional district judges required for the Second Judicial District pursuant to section 1 of this act and the additional district judges required for the Eighth Judicial District pursuant to section 2 of this act must be selected at the general election held on November 4, 2008, and take office on January 5, 2009. The terms of these judges expire on January 5, 2015.

Sec. 4. 1. ~~[There is hereby appropriated from the State General Fund to the District Judges' Salary Account the sum of $130,000 for the salaries of the additional district judges required pursuant to section 1 of this act.~~

~~2.]~~ There is hereby appropriated from the State General Fund to the District Judges' Salary Account the sum of ~~[$650,000]~~ **$700,248** for the salaries of the additional district judges required pursuant to ~~[section]~~ **sections 1 and** 2 of this act.

~~[3.]~~ **2.** Any remaining balance of the ~~[appropriations]~~ **appropriation** made by ~~[subsections 1 and 2]~~ **subsection 1** must not be committed for expenditure after June 30, 2009, and reverts to the State General Fund as soon as all payments of money committed have been made.

Sec. 5. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 6. 1. This section and sections 3 and 5 of this act become effective on October 1, 2007.

2. Section 4 of this act becomes effective on ~~[January 1, 2009.]~~ **July 1, 2008.**

3. Sections 1 and 2 of this act become effective on January 5, 2009.

Assemblywoman Buckley moved the Assembly not adopt the amendment.

Motion carried.

The following amendment was proposed by Assemblymen Buckley and Arberry:

Amendment No. 779.

AN ACT relating to courts; increasing the number of district judges in the Second and Eighth Judicial Districts; increasing the number of district judges in the Second and Eighth Judicial Districts who must be judges of the family court; making ~~[appropriations;]~~ **an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill increases the number of district judges in the Second Judicial District, which includes Washoe County, from 12 to 14. (NRS 3.010, 3.012) Both of the additional district judges must be judges of the family court, increasing the number of judges of the family court in the Second Judicial District from 4 to 6. (NRS 3.012)

Section 2 of this bill increases the number of district judges in the Eighth Judicial District, which includes Clark County, from 37 to ~~[47.]~~ **44.** (NRS 3.010, 3.018) ~~[Six]~~ **Five** of the ~~[10]~~ **7** additional district judges must be judges of the family court, increasing the number of judges of the family court in the Eighth Judicial District from 13 to ~~[19.]~~ **18.** (NRS 3.018)

Section 4 of this bill makes ~~[appropriations]~~ **an appropriation** to pay for the salaries of the additional district judges.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 3.012 is hereby amended to read as follows:

3.012 For the Second Judicial District there must be ~~[12]~~ ***14*** district judges, ~~[4]~~ ***6*** of whom must be judges of the family court.

Sec. 2. NRS 3.018 is hereby amended to read as follows:

3.018 For the Eighth Judicial District there must be ~~[37]~~ ~~*[47]*~~ ***44*** district judges, ~~[13]~~ ~~*[19]*~~ ***18*** of whom must be judges of the family court.

Sec. 3. The additional district judges required for the Second Judicial District pursuant to section 1 of this act and the additional district judges required for the Eighth Judicial District pursuant to section 2 of this act must be selected at the general election held on November 4, 2008, and take office on January 5, 2009. The terms of these judges expire on January 5, 2015.

Sec. 4. 1. ~~[There is hereby appropriated from the State General Fund to the District Judges' Salary Account the sum of $130,000 for the salaries of the additional district judges required pursuant to section 1 of this act.~~

~~2.]~~ There is hereby appropriated from the State General Fund to the District Judges' Salary Account the sum of ~~[$650,000]~~ **$786,913** for the salaries of the additional district judges required pursuant to ~~[section]~~ **sections 1 and** 2 of this act.

~~[3.]~~ **2.** Any remaining balance of the ~~[appropriations]~~ **appropriation** made by ~~[subsections 1 and 2]~~ **subsection 1** must not be committed for expenditure after June 30, 2009, and reverts to the State General Fund as soon as all payments of money committed have been made.

Sec. 5. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 6. 1. This section and sections 3 and 5 of this act become effective on October 1, 2007.

2. Section 4 of this act becomes effective on ~~[January 1, 2009.]~~ **July 1, 2008.**

3. Sections 1 and 2 of this act become effective on January 5, 2009.

Assemblywoman Buckley moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 612, 615, 618; Senate Bills Nos. 182, 187, 339, 340, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

SECOND READING AND AMENDMENT

Assembly Bill No. 612.

Bill read second time and ordered to third reading.

Assembly Bill No. 615.

Bill read second time and ordered to third reading.

Assembly Bill No. 618.

Bill read second time and ordered to third reading.

Senate Bill No. 182.

Bill read second time and ordered to third reading.

Senate Bill No. 187.

Bill read second time and ordered to third reading.

Senate Bill No. 339.

Bill read second time and ordered to third reading.

Senate Bill No. 340.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 182.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 732.

AN ACT relating to public health; revising the percentages of and the manner of allocating money in the Fund for a Healthy Nevada for certain programs; revising provisions governing the subsidies from the Fund for the cost of prescription drugs, pharmaceutical services and certain other benefits; revising the membership and duties of the Grants Management Advisory Committee; repealing the Task Force for the Fund for a Healthy Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Task Force for the Fund for a Healthy Nevada makes allocations, or reserves for allocation or expenditure by the

Department of Health and Human Services or the Aging Services Division of that Department, certain percentages of money in the Fund for a Healthy Nevada for certain programs and services. (NRS 439.630) Section 3 of this bill eliminates the role of the Task Force in making allocations of money from the Fund and requires the Department to make such allocations itself.

Section 3 of this bill revises the percentages of revenues deposited in the Fund that are required to be allocated for prescription drugs and pharmaceutical services for persons with disabilities. Section 3 also revises the percentages of revenues deposited in the Fund that are required to be expended for programs to assist persons with disabilities to live independently.

Section 3 of this bill requires that the money allocated for programs relating to tobacco use be expended with ~~[a particular]~~ **an** emphasis on programs that prevent the use of tobacco by children. Section 3 also requires the Department to allocate ~~[5]~~ **10** percent of ~~[the]~~ **available** revenues ~~[deposited in the Fund to collect data, conduct research, perform assessments of needs and conduct evaluations concerning the allocations made by the Department. The remaining 10 percent of the revenues deposited in the Fund is allocated under existing law]~~ for programs that improve health services for children, ~~[and section 3 requires that the money be expended]~~ with ~~[a particular]~~ **an** emphasis on **the** oral health ~~[.]~~ **of children.**

Existing law establishes a program to provide subsidies for senior citizens and persons with disabilities for the cost of prescription drugs and pharmaceutical services and, for senior citizens, other benefits, including, without limitation, dental and vision benefits. (NRS 439.635-439.690, 439.705-439.795) Sections 3, 4 and 5 of this bill specifically add **, to the extent money is available,** hearing aids and other hearing devices to the list of benefits available for both senior citizens and persons with disabilities pursuant to these programs. Sections 3 and 5 also make persons with disabilities eligible for the same additional benefits for which senior citizens are currently eligible under existing law, including, without limitation, dental and vision benefits. This bill also allows certain veterans to receive such benefits if they qualify as a senior citizen or person with a disability.

The Grants Management Advisory Committee provides assistance to the Department in the allocation and administration of certain grants administered by the Department. (NRS 232.383, 232.385) Section 6.3 of this bill increases the membership of the Advisory Committee.

Section 6.7 of this bill repeals the Task Force for the Fund for a Healthy Nevada.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 439.600 is hereby amended to read as follows:

439.600 1. The Legislature hereby declares that its priorities in expending the proceeds to the State of Nevada from settlement agreements with and civil actions against manufacturers of tobacco products are:

(a) To increase the number of Nevada students who attend and graduate from Nevada institutions of higher education; and

(b) To assist Nevada residents in obtaining and maintaining good health.

2. To further these priorities, the Legislature hereby declares that it is in the best interest of the residents of this State that all money received by the State of Nevada pursuant to any settlement entered into by the State of Nevada and a manufacturer of tobacco products and all money recovered by the State of Nevada from a judgment in a civil action against a manufacturer of tobacco products be dedicated solely toward the achievement of the following goals:

(a) Increasing the number of Nevada residents who enroll in and attend a university, college or community college in the State of Nevada;

(b) Reducing and preventing the use of tobacco products, alcohol and illegal drugs, especially by children;

(c) Expanding the availability of health insurance and health care for children and adults in this State, especially for children and for adults with disabilities;

(d) Assisting senior citizens ***and persons with disabilities*** who have modest incomes in purchasing prescription drugs, pharmaceutical services and , to the extent money is available, other services, including, without limitation, dental and vision services ***, and hearing aids or other devices that enhance the ability to hear,*** and assisting those senior citizens ***and persons with disabilities*** in meeting their needs related to health care, home care, respite care and their ability to live independent of institutional care; and

(e) Promoting the general health of all residents of the State of Nevada.

Sec. 2. NRS 439.620 is hereby amended to read as follows:

439.620 1. The Fund for a Healthy Nevada is hereby created in the State Treasury. The State Treasurer shall deposit in the Fund:

(a) Fifty percent of all money received by this State pursuant to any settlement entered into by the State of Nevada and a manufacturer of tobacco products; and

(b) Fifty percent of all money recovered by this State from a judgment in a civil action against a manufacturer of tobacco products.

2. The State Treasurer shall administer the Fund. As administrator of the Fund, the State Treasurer:

(a) Shall maintain the financial records of the Fund;

(b) Shall invest the money in the Fund as the money in other state funds is invested;

(c) Shall manage any account associated with the Fund;

(d) Shall maintain any instruments that evidence investments made with the money in the Fund;

(e) May contract with vendors for any good or service that is necessary to carry out the provisions of this section; and

(f) May perform any other duties necessary to administer the Fund.

3. The interest and income earned on the money in the Fund must, after deducting any applicable charges, be credited to the Fund. All claims against the Fund must be paid as other claims against the State are paid.

4. ~~[Upon receiving a request from the]~~ ***The*** State Treasurer or the Department ***may submit to the Interim Finance Committee a request*** for an allocation for administrative expenses from the Fund pursuant to this section ~~.~~ ~~[, the Task Force for the Fund for a Healthy Nevada shall consider the request within 45 days after receipt of the request. If the Task Force approves the amount requested for allocation, the Task Force shall notify the State Treasurer of the allocation. If the Task Force does not approve the requested allocation within 45 days after receipt of the request, the State Treasurer or the Department, as applicable, may submit its request for allocation to the Interim Finance Committee.]~~ Except as otherwise limited by this subsection, the Interim Finance Committee may allocate all or part of the money so requested. The annual allocation for administrative expenses from the Fund ~~[, whether allocated by the Task Force or the Interim Finance Committee must not exceed:]~~ ***must:***

(a) Not ~~[more than]~~ ***exceed*** 2 percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the State Treasurer to administer the Fund; ***and***

(b) Not ~~[more than]~~ ***exceed*** ~~[2.025]~~ ***5*** percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the Department, including, without limitation, the Aging Services Division of the Department, to carry out its duties set forth in NRS ~~[439.625 and]~~ 439.630 ~~, [;~~

~~(c) Not]~~ ~~[more than]~~ ~~*[exceed* 1.5 percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the Department]~~ to administer the provisions of NRS 439.635 to 439.690, inclusive ~~[;]~~ **,** and

~~[(d) Not]~~ ~~[more than]~~ ~~*[exceed* 0.125 percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the Department to administer the provisions of]~~ NRS 439.705 to 439.795, inclusive.

➥ For the purposes of this subsection, the amount of money available for allocation to pay for the administrative costs must be calculated at the beginning of each fiscal year based on the total amount of money anticipated by the State Treasurer to be deposited in the Fund during that fiscal year.

5. The money in the Fund remains in the Fund and does not revert to the State General Fund at the end of any fiscal year.

6. All money that is deposited or paid into the Fund is hereby appropriated to the Department ~~[and, except as otherwise provided in paragraphs (c) to (f), inclusive, and (j) of subsection 1 of NRS 439.630, may~~

~~only be expended pursuant to an~~ ***for expenditure or*** allocation ~~made by the Task Force for the Fund for a Healthy Nevada.~~ ***in accordance with the provisions of NRS 439.630.*** Money expended from the Fund ~~for a Healthy Nevada~~ must not be used to supplant existing methods of funding that are available to public agencies.

Sec. 3. NRS 439.630 is hereby amended to read as follows:

439.630 1. The ~~Task Force for the Fund for a Healthy Nevada~~ ***Department*** shall:

(a) Conduct ***, or require the Grants Management Advisory Committee created by NRS 232.383 to conduct,*** public hearings to accept public testimony from a wide variety of sources and perspectives regarding existing or proposed programs that:

(1) Promote public health;

(2) Improve health services for children, senior citizens and persons with disabilities;

(3) Reduce or prevent the use of tobacco;

(4) Reduce or prevent the abuse of and addiction to alcohol and drugs; and

(5) Offer other general or specific information on health care in this State.

(b) Establish a process to evaluate the health and health needs of the residents of this State and a system to rank the health problems of the residents of this State, including, without limitation, the specific health problems that are endemic to urban and rural communities.

(c) ~~Reserve~~ ***Allocate*** not more than 30 percent of ~~all~~ ***available*** revenues ~~deposited in the Fund for a Healthy Nevada each year~~ for direct expenditure by the Department to pay for prescription drugs, pharmaceutical services and , to the extent money is available, other benefits, including, without limitation, dental and vision benefits ***and hearing aids or other devices that enhance the ability to hear,*** for senior citizens pursuant to NRS 439.635 to 439.690, inclusive. From the money ~~reserved~~ ***allocated*** to the Department pursuant to this paragraph, the Department may subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and , to the extent money is available, other benefits, including, without limitation, dental and vision benefits ***and hearing aids or other devices that enhance the ability to hear,*** to senior citizens pursuant to NRS 439.635 to 439.690, inclusive. ~~The Department shall consider recommendations from the Task Force for the Fund for a Healthy Nevada in carrying out the provisions of NRS 439.635 to 439.690, inclusive.~~ The Department shall submit a quarterly report to the Governor, ~~the Task Force for the Fund for a Healthy Nevada and~~ the Interim Finance Committee ***and any other committees or commissions the Director deems appropriate*** regarding the general manner in which expenditures have been made pursuant to this paragraph ***.*** ~~and the status of the program.~~

(d) ~~[Reserve]~~ ***Allocate, by contract or grant, for expenditure*** not more than 30 percent ~~[minus $350,000 of all]~~ ***of available*** revenues ~~[deposited in the Fund for a Healthy Nevada each year]~~ for allocation by the Aging Services Division of the Department in the form of grants for existing or new programs that assist senior citizens with independent living, including, without limitation, programs that provide:

(1) Respite care or relief of ~~[family]~~ ***informal*** caretakers;

(2) Transportation to new or existing services to assist senior citizens in living independently; and

(3) Care in the home which allows senior citizens to remain at home instead of in institutional care.

➥ The Aging Services Division of the Department shall consider recommendations from the ~~[Task Force for the Fund for a Healthy Nevada]~~ ***Grants Management Advisory Committee*** concerning the independent living needs of senior citizens.

(e) ~~[Reserve not more than]~~ ***Allocate*** $200,000 of all revenues deposited in the Fund ~~[for a Healthy Nevada]~~ each year for ~~[allocation]~~ ***direct expenditure*** by the Director to:

(1) Provide guaranteed funding to finance assisted living facilities that satisfy the criteria for certification set forth in NRS 319.147; and

(2) Fund assisted living facilities that satisfy the criteria for certification set forth in NRS 319.147 and assisted living supportive services that are provided pursuant to the provisions of the home and community-based services waiver which are amended pursuant to NRS 422.2708.

➥ The Director shall develop policies and procedures for ~~[allocating money which is reserved]~~ ***distributing the money allocated*** pursuant to this paragraph. ***Money allocated pursuant to this paragraph does not revert to the Fund at the end of the fiscal year.***

(f) ~~[Reserve $150,000 of all revenues deposited in the Fund for a Healthy Nevada each year, if available, for allocation by the Aging Services Division of the Department in the form of contracts or grants for existing or new programs that provide dental benefits to persons who are domiciled in this State and are 62 years of age or older:~~

~~(1) Who satisfy the residency requirement set forth in subsection 2 of NRS 439.665; and~~

~~(2) Whose incomes are not over the amounts set forth in subsection 2 of NRS 439.665, as adjusted pursuant to the provisions of that section.~~

~~(g)~~ Allocate, by contract or grant, for expenditure not more than ~~[20]~~ ~~*[10]*~~ ***15*** percent of ~~[all]~~ ***available*** revenues ~~[deposited in the Fund for a Healthy Nevada each year]~~ for programs that prevent, reduce or treat the use of tobacco and the consequences of the use of tobacco ~~[.~~

~~(h)~~ ***, with*** ~~*[particular]*~~ ***an emphasis on programs that prevent the use of tobacco by children.***

(g) Allocate, by contract or grant, for expenditure not more than 10 percent of ~~[all]~~ ***available*** revenues ~~[deposited in the Fund for a Healthy Nevada each year]~~ for programs that improve health services for children ~~[~~.

~~(i)]~~ ***, with particular emphasis on programs that improve the oral health of children.***

(h) Allocate, by contract or grant, for expenditure not more than ~~[7.5]~~ ***10*** percent of ~~[all]~~ ***available*** revenues ~~[deposited in the Fund for a Healthy Nevada each year]~~ for programs that improve the health and well-being of persons with disabilities. In making allocations pursuant to this paragraph, the ~~[Task Force]~~ ***Department*** shall, to the extent practicable, allocate the money evenly among the following three types of programs:

(1) Programs that provide respite ~~[for persons caring]~~ ***care or relief of informal caretakers*** for persons with disabilities;

(2) Programs that provide positive behavioral supports to persons with disabilities; and

(3) Programs that assist persons with disabilities to live safely and independently in their communities outside of an institutional setting.

~~[(j) Reserve]~~

(i) Allocate not more than ~~[2.5]~~ ***5*** percent of ~~[all]~~ ***available*** revenues ~~[deposited in the Fund for a Healthy Nevada each year]~~ for direct expenditure by the Department to subsidize any portion of the cost of providing prescription drugs ***,*** ~~[and]~~ pharmaceutical services ***and , to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** to persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive. ~~[The Department shall consider recommendations from the Task Force for the Fund for a Healthy Nevada in carrying out the provisions of NRS 439.705 to 439.795, inclusive.]~~

(j) ~~*[Allocate, by contract or grant, for expenditure not more than 5 percent of available revenues to collect data, conduct research, perform assessments of needs and conduct evaluations concerning the money allocated pursuant to this section.*~~

~~(k)]~~ Maximize expenditures through local, federal and private matching contributions.

~~[(l)]~~ ***(k)*** Ensure that any money expended from the Fund ~~[for a Healthy Nevada]~~ will not be used to supplant existing methods of funding that are available to public agencies.

~~[(m)]~~ ***(l)*** Develop policies and procedures for the administration and distribution of contracts, grants and other expenditures to state agencies, political subdivisions of this State, nonprofit organizations, universities, state colleges and community colleges. A condition of any such contract or grant must be that not more than 8 percent of the contract or grant may be used for administrative expenses or other indirect costs. The procedures must require at least one competitive round of requests for proposals per biennium.

~~[(m)]~~ ***(m)*** To make the allocations required by paragraphs ***(f),*** (g) ~~[.]~~ ***and*** (h) ***:*** ~~[and (i):]~~

(1) Prioritize and quantify the needs for these programs;

(2) Develop, solicit and accept applications for allocations;

(3) ***Consider the recommendations of the Grants Management Advisory Committee submitted pursuant to NRS 232.385;***

(4) Conduct annual evaluations of programs to which allocations have been awarded; and

~~[(4)]~~ ***(5)*** Submit annual reports concerning the programs to the Governor ***,*** ~~[and]~~ the Interim Finance Committee ~~[.]~~ ***and any other committees or commissions the Director deems appropriate.***

~~[(n)]~~ ***(n)*** Transmit a report of all findings, recommendations and expenditures to the Governor ***,*** ~~[and]~~ each regular session of the Legislature ~~[.]~~ ***and any other committees or commissions the Director deems appropriate.***

2. The ~~[Task Force]~~ ***Department*** may take such other actions as are necessary to carry out its duties.

3. ~~[The Department shall take all actions necessary to ensure that all allocations for expenditures made by the Task Force are carried out as directed by the Task Force.~~

~~4. ~~] To make the allocations required by ~~[paragraphs (d) and (f)]~~ ***paragraph (d)*** of subsection 1, the Aging Services Division of the Department shall:

(a) Prioritize and quantify the needs of senior citizens for these programs;

(b) Develop, solicit and accept grant applications for allocations;

(c) As appropriate, expand or augment existing state programs for senior citizens upon approval of the Interim Finance Committee;

(d) Award grants, contracts or other allocations;

(e) Conduct annual evaluations of programs to which grants or other allocations have been awarded; and

(f) Submit annual reports concerning the allocations made by the Aging Services Division pursuant to ~~[paragraphs]~~ ***paragraph*** (d) ~~[and (f)]~~ of subsection 1 to the Governor ***,*** ~~[and]~~ the Interim Finance Committee ~~[.]~~ ***and any other committees or commissions the Director deems appropriate.***

~~[5.]~~ ***4.*** The Aging Services Division of the Department shall submit each proposed grant or contract which would be used to expand or augment an existing state program to the Interim Finance Committee for approval before the grant or contract is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money. The Aging Services Division of the Department shall not expend or transfer any money allocated to the Aging Services Division pursuant to this section to subsidize any portion of the cost of providing prescription drugs ***,*** ~~[and]~~ pharmaceutical services ***and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** to senior

citizens pursuant to NRS 439.635 to 439.690, inclusive, or to subsidize any portion of the cost of providing prescription drugs **,** ~~[and]~~ pharmaceutical services ***and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** to persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive.

~~[6. The Department, on behalf of the Task Force, shall submit each allocation proposed pursuant to paragraph (g), (h) or (i) of subsection 1 which would be used to expand or augment an existing state program to the Interim Finance Committee for approval before the contract or grant is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money.]~~

5. A veteran may receive benefits or other services which are available from the money allocated pursuant to this section for senior citizens or persons with disabilities to the extent that the veteran does not receive other benefits or services provided to veterans for the same purpose if the veteran qualifies for the benefits or services as a senior citizen or a person with a disability, or both.

6. As used in this section, "available revenues" means the total revenues deposited in the Fund for a Healthy Nevada each year minus $200,000.

Sec. 4. NRS 439.665 is hereby amended to read as follows:

439.665 1. The Department may:

(a) Enter into contracts with private insurers who transact health insurance in this State to subsidize the cost of prescription drugs, pharmaceutical services and , to the extent money is available, other benefits, including, without limitation, dental and vision benefits ~~[,]~~ ***and hearing aids or other devices that enhance the ability to hear,*** for senior citizens by arranging for the availability, at a reasonable cost, of policies of health insurance that provide coverage to senior citizens for prescription drugs, pharmaceutical services and , to the extent money is available, other benefits, including, without limitation, dental and vision benefits ~~[;]~~ ***and hearing aids or other devices that enhance the ability to hear;*** or

(b) Subsidize the cost of prescription drugs, pharmaceutical services and , to the extent money is available, other benefits, including, without limitation, dental and vision benefits ~~[,]~~ ***and hearing aids or other devices that enhance the ability to hear,*** for senior citizens in any other manner.

2. Within the limits of the money available for this purpose in the Fund for a Healthy Nevada, a senior citizen who is not eligible for Medicaid and who is eligible for a subsidy that is made available pursuant to subsection 1 is entitled to an annual grant from the Fund to subsidize the cost of prescription drugs, pharmaceutical services and , to the extent money is available, other benefits, including, without limitation, dental and vision benefits ~~[,]~~ ***and hearing aids or other devices that enhance the ability to hear,*** if he has been domiciled in this State for at least 1 year immediately

preceding the date of his application and ~~[.]~~ ***except as otherwise provided in subsection 5:***

(a) If the senior citizen is single, his income is not over $21,500; or

(b) If the senior citizen is married, his household income is not over $28,660.

➥ The monetary amounts set forth in this subsection must be adjusted for each fiscal year by adding to each amount the product of the amount shown multiplied by the percentage increase in the Consumer Price Index from December 2002 to the December preceding the fiscal year for which the adjustment is calculated.

3. The subsidy granted pursuant to this section must not exceed the annual cost of prescription drugs, pharmaceutical services and ***to the extent money is available,*** other benefits ***, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** provided to the senior citizen.

4. A subsidy that is made available pursuant to subsection 1 must provide for:

(a) A copayment of not more than $10 per prescription drug or pharmaceutical service that is generic as set forth in the formulary of the insurer or as set forth by the Department; and

(b) A copayment of not more than $25 per prescription drug or pharmaceutical service that is preferred as set forth in the formulary of the insurer or as set forth by the Department.

5. The Department may waive the eligibility requirement set forth in subsection 2 regarding household income upon written request of the applicant or enrollee based on one or more of the following circumstances:

(a) Illness;

(b) Disability; or

(c) Extreme financial hardship, when considering the current financial circumstances of the applicant or enrollee.

➥ An applicant or enrollee who requests such a waiver shall include with that request all medical and financial documents that support his request.

6. If the Federal Government provides any coverage for:

(a) Prescription drugs and pharmaceutical services; or

(b) Other benefits, including, without limitation, dental or vision benefits ~~[,]~~ ***or hearing aids or other devices that enhance the ability to hear,***

➥ for senior citizens who are eligible for a subsidy pursuant to subsections 1 to 5, inclusive, the Department may, upon approval of the Legislature, or the Interim Finance Committee if the Legislature is not in session, change any program established pursuant to NRS 439.635 to 439.690, inclusive, and otherwise provide assistance with prescription drugs, pharmaceutical services and , to the extent money is available, other benefits, including, without limitation, dental and vision benefits ***and hearing aids or other devices that enhance the ability to hear,*** for senior citizens within the limits of the money available for this purpose in the Fund ***.*** ~~[for a Healthy Nevada.]~~

7. The provisions of subsections 1 to 5, inclusive, do not apply to the extent that the Department provides assistance ***with prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** for senior citizens pursuant to subsection 6.

8. A veteran may receive assistance with prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, pursuant to this section to the extent that the veteran does not receive other services or benefits provided to veterans for the same purpose if the veteran qualifies for the assistance as a senior citizen.

Sec. 5. NRS 439.745 is hereby amended to read as follows:

439.745 1. The Department may:

(a) Enter into contracts with private insurers who transact health insurance in this State to subsidize the cost of prescription drugs **,** ~~[and]~~ pharmaceutical services ***and , to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** for persons with disabilities by arranging for the availability, at a reasonable cost, of policies of health insurance that provide coverage to persons with disabilities for prescription drugs **,** ~~[and]~~ pharmaceutical services ~~[,]~~ ***and , to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear;*** or

(b) Subsidize the cost of prescription drugs **,** ~~[and]~~ pharmaceutical services ***and , to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** for persons with disabilities in any other manner.

2. Within the limits of the money available for this purpose in the Fund for a Healthy Nevada, a person with a disability who is not eligible for Medicaid and who is eligible for a subsidy for the cost of prescription drugs **,** ~~[and]~~ pharmaceutical services ***and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear*** that is made available pursuant to subsection 1 is entitled to an annual grant from the Fund to subsidize the cost of prescription drugs **,** ~~[and]~~ pharmaceutical services ~~[,]~~ ***and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** if he has been domiciled in this State for at least 1 year immediately preceding the date of his application and ~~[.]~~ ***except as otherwise provided in subsection 5:***

(a) If the person with a disability is single, his income is not over $21,500; or

(b) If the person with a disability is married, his household income is not over $28,660.

➥ The monetary amounts set forth in this subsection must be adjusted for each fiscal year by adding to each amount the product of the amount shown multiplied by the percentage increase in the Consumer Price Index from December 2002 to the December preceding the fiscal year for which the adjustment is calculated.

3. The subsidy granted pursuant to this section must not exceed the annual cost of prescription drugs ***,*** ~~[and]~~ pharmaceutical services ***and , to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** provided to the person with a disability.

4. A subsidy that is made available pursuant to subsection 1 must provide for:

(a) A copayment of not more than $10 per prescription drug or pharmaceutical service that is generic as set forth in the formulary of the insurer or as set forth by the Department; and

(b) A copayment of not more than $25 per prescription drug or pharmaceutical service that is preferred as set forth in the formulary of the insurer or as set forth by the Department.

5. The Department may waive the eligibility requirement set forth in subsection 2 regarding household income upon written request of the applicant or enrollee based on one or more of the following circumstances:

(a) Illness;

(b) Disability; or

(c) Extreme financial hardship, when considering the current financial circumstances of the applicant or enrollee.

➥ An applicant or enrollee who requests such a waiver shall include with that request all medical and financial documents that support his request.

6. If the Federal Government provides any coverage ~~[of prescription]~~ ***for:***

(a) Prescription drugs and pharmaceutical services ***; or***

(b) Other benefits, including, without limitation, dental or vision benefits or hearing aids or other devices that enhance the ability to hear,

➥ for persons with disabilities who are eligible for a subsidy pursuant to subsections 1 to 5, inclusive, the Department may, upon approval of the Legislature, or the Interim Finance Committee if the Legislature is not in session, change any program established pursuant to NRS 439.705 to 439.795, inclusive, and otherwise provide assistance with prescription drugs ***,*** ~~[and]~~ pharmaceutical services ***and , to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** for persons with disabilities within the limits of the money available for this purpose in the Fund ***.*** ~~[for a Healthy Nevada.]~~

7. The provisions of subsections 1 to 5, inclusive, do not apply if the Department provides assistance with prescription drugs ***,*** ~~[and]~~ pharmaceutical services ***and other benefits, including, without limitation,***

dental and vision benefits and hearing aids or other devices that enhance the ability to hear, for persons with disabilities pursuant to subsection 6.

8. A veteran may receive assistance with prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, pursuant to this section to the extent that the veteran does not receive other services or benefits provided to veterans for the same purpose if the veteran qualifies for the assistance as a person with a disability.

Sec. 6. (Deleted by amendment.)

Sec. 6.3. NRS 232.383 is hereby amended to read as follows:

232.383 1. The Grants Management Advisory Committee is hereby created within the Department . ~~[, consisting of 17 members.]~~

2. The Advisory Committee consists of the following ~~[11]~~ ~~[:~~

~~(a) The following]~~ ***15*** members appointed by the Director:

(a) ~~[(1)]~~ A superintendent of a county school district ~~[;]~~ ***or his designee;***

(b) ~~[(2)]~~ A director of a local agency ~~[providing]~~ ***which provides*** services for abused or neglected children ~~[;]~~

~~[(c)] [(3) A representative of a community organization involved with]~~ ***or his designee;***

(c) Two members who possess knowledge, skill and experience in the provision of services to children;

(d) ~~[(4) A representative of a department of juvenile justice services;]~~

~~[(e)]~~ ~~[(5)]~~ A member who possesses knowledge, skill and experience in the provision of services to senior citizens;

~~[(f)]~~ ~~[(6)]~~ ***(e)*** Two members who possess knowledge, skill and experience in finance or in business generally;

~~[(g)]~~ ~~[(7)]~~ ***(f)*** A representative of the Nevada Association of Counties;

~~[(h)] [(8) A representative of a broad-based nonprofit organization]~~

(g) A member who possesses knowledge, skill and experience in ~~[collaborating with the community and in]~~ building partnerships between the public sector and the private sector; ~~[and~~

~~(i)]~~ ~~[(9)]~~ ***(h)*** Two members of the public who possess knowledge of or experience in the provision of services to persons or families who are disadvantaged or at risk ~~[.]~~ ***;***

~~[(10)]~~ ***(i) A member who possesses knowledge, skill and experience in the provision of services to persons with disabilities;***

~~[(11)]~~ ***(j) A member who possesses knowledge, skill and experience in the provision of services relating to the cessation of the use of tobacco;***

~~[(12)]~~ ***(k) A member who possesses knowledge, skill and experience in the provision of health services to children; and***

~~[(13)]~~ ***(l) A representative who is a member of the Nevada Commission on Aging, created by NRS 427A.032, who must not be a Legislator.***

~~[(b) One member of the Senate appointed by the Legislative Commission, who is a nonvoting member of the Advisory Committee.~~

~~(c) One member of the Assembly appointed by the Legislative Commission, who is a nonvoting member of the Advisory Committee.]~~

➥ An entity who employs a member of the Advisory Committee is not eligible to receive a grant.

3. The Director ~~[Each person who appoints members pursuant to subsection 2]~~ shall ensure that, insofar as practicable, the members whom he appoints reflect the ethnic and geographical diversity of this State.

4. After the initial terms, each member of the Advisory Committee serves for a term of 2 years. Each member of the Advisory Committee continues in office until his successor is appointed.

5. Each member of the Advisory Committee who is not an officer or employee of this State or a political subdivision of this State is entitled to receive a salary of not more than $80 per day, fixed by the Director, while engaged in the business of the Advisory Committee.

6. While engaged in the business of the Advisory Committee, each member of the Advisory Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

7. A majority of the members of the Advisory Committee constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Advisory Committee.

8. A member of the Advisory Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Advisory Committee and perform any work necessary to carry out the duties of the Advisory Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Advisory Committee to:

(a) Make up the time he is absent from work to carry out his duties as a member of the Advisory Committee; or

(b) Take annual leave or compensatory time for the absence.

9. The Advisory Committee shall:

(a) At its first meeting and annually thereafter, elect a Chairman from among its members;

(b) Meet at the call of the Director, the Chairman or a majority of its members as necessary, within the budget of the Advisory Committee, but not to exceed six meetings per year; and

(c) Adopt rules for its own management and government.

Sec. 6.5. NRS 232.385 is hereby amended to read as follows:

232.385 The Grants Management Advisory Committee created by NRS 232.383 shall:

1. Review all requests received by the Department for awards of money from agencies of the State or its political subdivisions and nonprofit community organizations or educational institutions which provide or will provide services to persons served by the programs administered by the Department;

2. Submit recommendations to the Director concerning each request for an award of money that the Advisory Committee believes should be granted, including, without limitation, the name of the agency, nonprofit community organization or educational institution that submitted the request;

3. Adopt policies setting forth criteria to determine which agencies, organizations and institutions to recommend for an award of money;

4. Monitor awards of money granted by the Department to agencies of the State or its political subdivisions, and nonprofit community organizations or educational institutions which provide or will provide services to persons served by the programs administered by the Department ~~[;]~~ ***, including, without limitation, awards of money granted pursuant to NRS 439.630;***

5. Assist the staff of the Department in determining the needs of local communities and in setting priorities for funding programs administered by the Department; and

6. Consider funding strategies for the Department, including, without limitation, seeking ways to avoid unnecessary duplication of the services for which awards of money to agencies of the State or its political subdivisions and nonprofit community organizations or educational institutions are granted, and make recommendations concerning funding strategies to the Director.

Sec. 6.7. NRS 439.625 is hereby repealed.

Sec. 7. Any money allocated or reserved for direct expenditure pursuant to paragraph (f) of subsection 1 of NRS 439.630 on or before June 30, ~~[2008,]~~ **2007,** that is unspent and returned must be allocated, on and after July 1, ~~[2008,]~~ **2007,** in accordance with the amendatory provisions of paragraph (c) of subsection 1 of NRS 439.630.

Sec. 7.5. 1. ~~[The Legislative Commission shall appoint a member of the Senate to serve as a nonvoting member of the Grants Management Advisory Committee pursuant to NRS 232.383, as amended by section 6.3 of this act, whose term begins on July 1, 2007, and expires on June 30, 2008.~~

~~2. The Legislative Commission shall appoint a member of the Assembly to serve as a nonvoting member of the Grants Management Advisory Committee pursuant to NRS 232.383, as amended by section 6.3 of this act, whose term begins on July 1, 2007, and expires on June 30, 2009.~~

~~3.]~~ **The term of the member of the Grants Management Advisory Committee who is a representative of a:**

(a) Department of juvenile justice services expires on June 30, 2007.

(b) Broad-based nonprofit organization who possesses knowledge, skill and experience in collaborating with the community and in building

partnerships between the public sector and the private sector expires on June 30, 2007.

(c) Community organization involved with children expires on June 30, 2007.

2. The Director of the Department of Health and Human Services shall appoint one member to the Grants Management Advisory Committee pursuant to NRS 232.383, as amended by section 6.3 of this act, who:

(a) Possesses knowledge, skill and experience in the provision of services to persons with disabilities whose term begins on July 1, 2007, and expires on June 30, 2008.

(b) Possesses knowledge, skill and experience in the provision of services relating to the cessation of the use of tobacco whose term begins on July 1, 2007, and expires on June 30, 2009.

(c) Possesses knowledge, skill and experience in the provision of health services to children whose term begins on July 1, 2007, and expires on June 30, 2009.

(d) Is a member of the Nevada Commission on Aging whose term begins on July 1, 2007, and expires on June 30, 2008.

(e) Possesses knowledge, skill and experience in the provision of services to children begins on July 1, 2007, and expires on June 30, 2008.

(f) Possesses knowledge, skill and experience in the provision of services to children begins on July 1, 2007, and expires on June 30, 2008.

(g) Possesses knowledge, skill and experience in building partnerships between the public sector and the private sector begins on July 1, 2007, and expires on June 30, 2009.

Sec. 8. **Notwithstanding the provisions of this act, an award of money granted by the Task Force for the Fund for a Healthy Nevada pursuant to NRS 439.630 on or before June 30, 2007, remains in effect and the Grants Management Advisory Committee shall monitor the award of money pursuant to NRS 232.385.**

~~[Sec. 8.]~~ ***Sec. 9.*** This act becomes effective on July 1, 2007.

TEXT OF REPEALED SECTION

439.625 Task Force for Fund: Creation; membership; selection and term of Chairman and Vice Chairman; compensation of members; relief from regular duties of member who is officer or employee of local government; administrative support and technical assistance.

1. The Task Force for the Fund for a Healthy Nevada is hereby created. The membership of the Task Force consists of:

(a) Three members appointed by the Majority Leader of the Senate, one of whom must be a Senator and one of whom must be a member of a nonprofit organization dedicated to health issues in this State;

(b) Three members appointed by the Speaker of the Assembly, one of whom must be an Assemblyman and one of whom must be a member of a nonprofit organization dedicated to health issues in this State; and

(c) Three members appointed by the Governor, one of whom must have experience with and knowledge of matters relating to health care.

➥ Each member appointed pursuant to this subsection must be a resident of this State and must not be employed in the Executive or Judicial Branch of State Government. Each person who appoints members pursuant to this subsection shall ensure that insofar as practicable, the members whom he appoints reflect the ethnic and geographical diversity of this State.

2. At its first meeting on or after July 1 of each odd-numbered year, the Task Force shall select the Chairman and Vice Chairman of the Task Force from among the legislative members of the Task Force. Each such officer shall hold office for a term of 2 years or until his successor is selected. The chairmanship of the Task Force must alternate each biennium between the houses of the Legislature.

3. For each day or portion of a day during which a member of the Task Force who is a Legislator attends a meeting of the Task Force or is otherwise engaged in the work of the Task Force, except during a regular or special session of the Legislature, he is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218.2207.

➥ The compensation, per diem allowances and travel expenses of the legislative members of the Task Force must be paid from the Legislative Fund.

4. Members of the Task Force who are not Legislators serve without salary, except that they are entitled to receive travel expenses provided for state officers and employees generally. The travel expenses of:

(a) A member of the Task Force who is an officer or employee of a local government thereof must be paid by the local government that employs him.

(b) Each remaining member of the Task Force must be paid from the Legislative Fund.

5. Each member of the Task Force who is an officer or employee of a local government must be relieved from his duties without loss of his regular compensation so that he may perform his duties relating to the Task Force in the most timely manner practicable. A local government shall not require an officer or employee who is a member of the Task Force to:

(a) Make up the time he is absent from work to fulfill his obligations as a member of the Task Force; or

(b) Take annual leave or compensatory time for the absence.

6. The Legislative Counsel Bureau and the Department shall provide such administrative support to the Task Force as is required to carry out the duties of the Task Force. The State Health Officer shall provide such technical advice and assistance to the Task Force as is requested by the Task Force.

Assemblywoman McClain moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 354.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 880.

AN ACT relating to the health of pupils; requiring that certain physical examinations of children ~~[required]~~ in schools include an examination of height and weight ~~[,]~~ **of a representative sample of pupils;** requiring school nurses to report the ~~[aggregate]~~ results of such physical examinations to the State Health Officer for statistical purposes and to exclude from the reports any identifying information relating to a particular child; ~~[making an appropriation;]~~ **requiring the Legislative Committee on Health Care to hold a hearing during the interim concerning the health-related issues of children;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, physical examinations of children are required in certain grades in school to determine if a child has scoliosis, any visual or auditory problem or any gross physical defect. (NRS 392.420) This bill ~~[adds an additional]~~ **requires such a** physical examination before the completion of the first year of enrollment in elementary school. This bill also requires ~~[the]~~ examinations ~~[to include an examination]~~ of height and weight ~~[.]~~ **of a representative sample of pupils.** This bill authorizes school districts to collaborate with qualified health care providers and students enrolled in health care programs in postsecondary educational institutions to assist in the physical examinations. This bill requires school nurses to report the ~~[aggregate]~~ results of such physical examinations to the State Health Officer for statistical purposes and to exclude from the reports any identifying information relating to a particular child.

~~[Section 2 of this bill makes an appropriation of $75,000 to the Health Division of the Department of Health and Human Services for contracting with the Nevada Public Health Foundation to convene at least two statewide meetings with representatives of all health authorities and local health officers in this State to identify the health-related issues, needs and priorities of children in this State, and to provide a written report to the Legislative Committee on Health Care concerning the findings and recommendations resulting from those meetings.]~~

Section 4 of this bill requires the Legislative Committee on Health Care to hold a hearing, during the 2007-2009 interim, concerning the health-related issues of children.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 392.420 is hereby amended to read as follows:

392.420 1. In each school at which he is responsible for providing nursing services, a school nurse shall plan for and carry out, or supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district ***in accordance with this subsection*** to ~~*[conduct examinations of height and weight and to]*~~ determine whether the child has scoliosis, any visual or auditory problem, or any gross physical defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems ~~[,]~~ ~~*[and to conduct examinations of height and weight]*~~ ~~[, in]~~ ***:***

(1) Before the completion of the first year of initial enrollment in elementary school;

(2) In ~~*[addition to subparagraph (1), in]*~~ at least ~~[two grades]~~ ***one additional grade*** of the elementary schools ~~[,]~~ ***; and***

(3) In ~~*[at least]*~~ one grade of the middle or junior high schools ~~[,]~~ and ~~*[in at least]*~~ one grade of the high schools; and

(b) For scoliosis, in at least one grade of schools below the high schools.

➥ Any person other than a school nurse who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

2. ***In addition to the requirements of subsection 1, each school district shall conduct examinations of height and weight of a representative sample of pupils in at least one grade of the:***

(a) Elementary schools within the school district;

(b) Middle schools or junior high schools within the school district; and

(c) High schools within the school district,

➥ The Health Division of the Department of Health and Human Services shall define "representative sample" in collaboration with the school districts for purposes of this subsection.

3. If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination, he must be included in the current schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.

~~[3.]~~ ***4.*** A special examination for a possible visual or auditory problem must be provided for any child who:

(a) Is enrolled in a special program;

(b) Is repeating a grade;

(c) Has failed an examination for a visual or auditory problem during the previous school year; or

(d) Shows in any other way that he may have such a problem.

~~[4.]~~ ***5.*** The school authorities shall notify the parents or guardian of any child who is found or believed to have ~~[a]~~ ***scoliosis, any*** visual or auditory

problem, ~~[scoliosis]~~ or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it.

~~[5.]~~ ***6.*** In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used to meet the responsibilities assigned under the provisions of this section. The board of trustees of the school district may employ qualified personnel to perform them. Any nursing services provided by such qualified personnel must be performed in compliance with chapter 632 of NRS.

~~[6.]~~ ***7. The board of trustees of a school district may collaborate with:***

(a) Qualified health care providers within the community to perform, or assist in the performance of, the services required by this section; and

(b) Postsecondary educational institutions for qualified students enrolled in such an institution in a health-related program to perform, or assist in the performance of, the services required by this section.

~~*[7.]*~~ ***8.*** Any child must be exempted from the examination if his parents or guardian filed with the teacher a written statement objecting to the examination.

~~*[8.]*~~ ***9. Each school nurse shall report the results of the examinations conducted pursuant to this section in each school at which he is responsible for providing nursing services to the State Health Officer in the format prescribed by the State Health Officer. Each such report must*** ~~*[include only aggregate information for statistical purposes and]*~~ ***exclude any identifying information relating to a particular child. The State Health Officer shall compile all such*** ~~*[aggregate]*~~ ***information he receives to monitor the health status of children and shall retain the*** ~~*[aggregate]*~~ ***information.***

Sec. 2. **NRS 392.420 is hereby amended to read as follows:**

392.420 1. In each school at which he is responsible for providing nursing services, a school nurse shall plan for and carry out, or supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district in accordance with this subsection to determine whether the child has scoliosis, any visual or auditory problem, or any gross physical defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems:

(1) Before the completion of the first year of initial enrollment in elementary school;

(2) In at least one additional grade of the elementary schools; and

(3) In one grade of the middle or junior high schools and one grade of the high schools; and

(b) For scoliosis, in at least one grade of schools below the high schools.

➥ Any person other than a school nurse who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

2. ~~[In addition to the requirements of subsection 1, each school district shall conduct examinations of height and weight of a representative sample of pupils in at least one grade of the:~~

~~(a) Elementary schools within the school district;~~

~~(b) Middle schools or junior high schools within the school district; and~~

~~(c) High schools within the school district,~~

~~➤ The Health Division of the Department of Health and Human Services shall define "representative sample" in collaboration with the school districts for purposes of this subsection.~~

~~3.]~~ If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination, he must be included in the current schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.

~~[4.]~~ ***3.*** A special examination for a possible visual or auditory problem must be provided for any child who:

(a) Is enrolled in a special program;

(b) Is repeating a grade;

(c) Has failed an examination for a visual or auditory problem during the previous school year; or

(d) Shows in any other way that he may have such a problem.

~~[5.]~~ ***4.*** The school authorities shall notify the parents or guardian of any child who is found or believed to have scoliosis, any visual or auditory problem, or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it.

~~[6.]~~ ***5.*** In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used to meet the responsibilities assigned under the provisions of this section. The board of trustees of the school district may employ qualified personnel to perform them. Any nursing services provided by such qualified personnel must be performed in compliance with chapter 632 of NRS.

~~[7.]~~ ***6.*** The board of trustees of a school district may collaborate with:

(a) Qualified health care providers within the community to perform, or assist in the performance of, the services required by this section; and

(b) Postsecondary educational institutions for qualified students enrolled in such an institution in a health-related program to perform, or assist in the performance of, the services required by this section.

~~[8.]~~ ***7.*** Any child must be exempted from the examination if his parents or guardian filed with the teacher a written statement objecting to the examination.

~~[9.]~~ ***8.*** Each school nurse shall report the results of the examinations conducted pursuant to this section in each school at which he is responsible for providing nursing services to the State Health Officer in the format prescribed by the State Health Officer. Each such report must exclude any identifying information relating to a particular child. The State Health Officer

shall compile all such information he receives to monitor the health status of children and shall retain the information.

~~[Sec. 2.]~~ ***Sec. 3.*** ~~[1. There is hereby appropriated from the State General Fund to the Health Division of the Department of Health and Human Services the sum of $75,000 for contracting with the Nevada Public Health Foundation to convene at least two statewide meetings with representatives of all health authorities and local health officers in this State to identify the health-related issues, needs and priorities of children in this State, and to provide a written report to the Legislative Committee on Health Care concerning the findings and recommendations resulting from those meetings.~~

~~2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.]~~ **(Deleted by amendment.)**

Sec. 4. **The Legislative Committee on Health Care shall, during the 2007-2009 interim, hold at least one hearing to identify the health-related issues, needs and priorities of children residing in this State. The Committee shall solicit input from all health authorities in this State and all county and local public health officials.**

~~[Sec. 3.]~~ ***Sec. 5.*** ~~[This act becomes]~~

1. This section and sections 1 and 4 of this act become effective on July 1, 2007.

2. Section 1 of this act expires by limitation on June 30, 2010.

3. Section 2 of this act becomes effective on July 1, 2010.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 508.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 891.

AN ACT relating to the Advisory Commission on Sentencing; revising the membership and duties of the Commission; authorizing the Commission to issue subpoenas; requiring the Commission to hold meetings at least once every 3 months; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes the Advisory Commission on Sentencing or a member acting on behalf of the Commission to issue subpoenas to compel the attendance of witnesses and the production of books, records, documents and other papers and testimony.

Section 2 of this bill adds: (1) a sitting or retired justice of the Nevada Supreme Court; (2) a representative of an organization that advocates on behalf of inmates; ~~[and]~~ (3) a representative of the Nevada Sheriffs' and Chiefs' Association to the Commission **; and (4) a member of the State Board of Parole Commissioners** and removes the member appointed by the Nevada Association of Counties. Section 2 also removes the Attorney General as the Chairman of the Commission. Instead, members are required to elect a Chairman at the first meeting of each odd-numbered year. The Commission is further required to meet at least quarterly.

Section 3 of this bill revises the duties of the Advisory Commission on Sentencing by requiring the Commission to evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners and to consider whether it is feasible and advisable to establish an oversight or advisory board to perform various functions. Section 3 also requires the Commission to evaluate the effectiveness of specialty court programs in this State and to evaluate the policies and practices concerning presentence investigations and reports of the Division of Parole and Probation of the Department of Public Safety.

Section 4 of this bill makes an appropriation to the Advisory Commission on Sentencing to enter into a contract with a consultant to assist the Commission in carrying out its duties.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To carry out its powers and duties pursuant to this section NRS 176.0121 to 176.0129, inclusive, and the Commission, or any member thereof acting on behalf of the Commission with a concurrence of a majority of the members of the Commission, may issue subpoenas to compel the attendance of witnesses and the production of books, records, documents or other papers and testimony.

2. If any person fails to comply with a subpoena issued by the Commission or any member thereof pursuant to this section within 20 days after the date of service of the subpoena, the Commission may petition the district court for an order of the court compelling compliance with the subpoena.

3. Upon such a petition, the court shall enter an order directing the person subpoenaed to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 20 days after the date of service of the order, and show cause why he has not complied

with the subpoena. A certified copy of the order must be served upon the person subpoenaed.

4. If it appears to the court that the subpoena was regularly issued by the Commission or a member thereof pursuant to this section, the court shall enter an order compelling compliance with the subpoena, and upon failure to obey the order the person shall be dealt with as for contempt of court.

Sec. 2. NRS 176.0123 is hereby amended to read as follows:

176.0123 1. The Advisory Commission on Sentencing is hereby created. The Commission consists of:

(a) One member who is a district judge, appointed by the governing body of the Nevada District Judges Association;

(b) ***One member who is a justice of the Supreme Court of Nevada or a retired justice of the Supreme Court of Nevada, appointed by the Chief Justice of the Supreme Court of Nevada;***

(c) One member who is a district attorney, appointed by the governing body of the Nevada District Attorneys Association;

~~[(c)]~~ ***(d)*** One member who is an attorney in private practice, experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada;

~~[(d)]~~ ***(e)*** One member who is a public defender, appointed by the governing body of the State Bar of Nevada;

~~[(e)]~~ ***(f)*** One member who is a representative of a law enforcement agency, appointed by the Governor;

~~[(f)]~~ ***(g)*** One member who is a representative of the Division of Parole and Probation of the Department of Public Safety, appointed by the Governor;

~~[(g)]~~ ***(h)*** One member who has been a victim of a crime or is a representative of an organization supporting the rights of victims of crime, appointed by the Governor;

~~[(h)]~~ ***(i) One member who is a representative of an organization that advocates on behalf of inmates, appointed by the Governor;***

(j) One member who is a ~~[county commissioner,]~~ ***representative of the Nevada Sheriffs' and Chiefs' Association,*** appointed by ~~[the governing body of]~~ the Nevada ***Sheriffs' and Chiefs'*** Association ***;*** ~~[of Counties;]~~

~~[(i)]~~ ***(k) One member who is a member of the State Board of Parole Commissioners, appointed by the State Board of Parole Commissioners;***

(l) The Director of the Department of Corrections;

~~[(j)]~~ ~~*[(l)]*~~ ***(m)*** Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate; and

~~[(k)]~~ ~~*[(m)]*~~ ***(n)*** Two members who are Assemblymen, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly.

➥ If any association listed in this subsection ceases to exist, the appointment required by this subsection must be made by the association's successor in interest or, if there is no successor in interest, by the Governor.

2. The Attorney General is an ex officio voting member of the Commission **.** ~~[and shall serve as the Chairman of the Commission.]~~

3. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment.

4. The Legislators who are members of the Commission are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Commission.

5. ***The members appointed pursuant to paragraphs (a) to*** ~~*[(j),]*~~ ***(k), inclusive, of subsection 1 must be appointed not later than 60 days after the appointment of the Legislators who are appointed pursuant to paragraphs*** ~~*[(l)]*~~ ***(m) and*** ~~*[(m)]*~~ ***(n) of subsection 1.***

6. At the first regular meeting of each odd-numbered year, the members of the Commission shall elect a Chairman by majority vote who shall serve until the next Chairman is elected.

7. The Commission shall meet at least once every 3 months and may meet at such further times as deemed necessary by the Chairman.

8. A majority of the members of the Commission constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Commission.

9. While engaged in the business of the Commission, to the extent of legislative appropriation, each member of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~[6.]~~ ***10.*** To the extent of legislative appropriation, the Attorney General shall provide the Commission with such staff as is necessary to carry out the duties of the Commission.

Sec. 3. NRS 176.0125 is hereby amended to read as follows:

176.0125 The Commission shall:

1. Identify and study the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.

2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, but not limited to, the use of plea bargaining, probation, programs of intensive supervision, programs of regimental discipline, imprisonment, ***sentencing recommendations,*** mandatory and minimum sentencing, ***mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances,*** structured or tiered

sentencing, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, but not limited to, the following:

(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.

(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.

(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.

(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.

(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.

(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.

4. ***Evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners with consideration as to whether it is feasible and advisable to establish an oversight or advisory board to perform various functions and make recommendations concerning:***

(a) Policies relating to parole;

(b) Regulatory procedures and policies of the State Board of Parole Commissioners;

(c) Policies for the operation of the Department of Corrections;

(d) Budgetary issues; and

(e) Other related matters.

5. Evaluate the effectiveness of specialty court programs in this State with consideration as to whether such programs have the effect of limiting or precluding reentry of offenders and parolees into the community.

6. Evaluate the policies and practices concerning presentence investigations and reports made by the Division of Parole and Probation of the Department of Public Safety, including, without limitation, the resources relied on in preparing such investigations and reports and the extent to which judges in this State rely on and follow the recommendations contained in such presentence investigations and reports.

7. Compile and develop statistical information concerning sentencing in this State.

~~[5.]~~ ***8.*** For each regular session of the Legislature, prepare a comprehensive report including the Commission's recommended changes in the structure of sentencing in this State, the Commission's findings and any recommendations of the Commission for proposed legislation. The report must be submitted to the Legislature not later than 10 days after the commencement of the session.

Sec. 4. 1. There is hereby appropriated from the State General Fund to the Advisory Commission on Sentencing the sum of $50,000 so that the Commission may enter into a contract with a qualified, independent consultant to assist the Commission in carrying out its duties.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 5. The Attorney General shall continue to serve as Chairman of the Advisory Commission on Sentencing until the members elect a Chairman at the first regular meeting of the Commission that is held after July 1, 2007. The Commission shall meet not later than 120 days after July 1, 2007, and shall elect a Chairman at that meeting.

Sec. 6. This act becomes effective on July 1, 2007.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 579.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 879.

AN ACT relating to crimes; revising provisions relating to the registration of and community notification concerning sex offenders and certain offenders convicted of a crime against a child; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In 2006, the federal "Adam Walsh Child Protection and Safety Act of 2006" ("the Act") was enacted to protect the public by establishing a comprehensive national system for the registration of sex offenders and offenders against children which includes, without limitation, the establishment of a uniform nationwide system for the registration of and community notification concerning such offenders. (42 U.S.C. §§ 16901 et seq.) In furtherance of this purpose, the Act requires each state to enact laws regarding the registration of and community notification concerning sex offenders and offenders convicted of a crime against a child which conform to the provisions of the Act. (42 U.S.C. § 16912) States which do not enact such laws by the date provided in the Act may not receive certain federal funds. (42 U.S.C. §§ 16924-16925)

Existing law requires all sex offenders and offenders convicted of a crime against a child to register with certain local law enforcement agencies. (NRS 179D.230, 179D.240, 179D.450, 179D.460) Section 27 of this bill adds a new requirement that each such offender register for the first time before he is released from prison or, if he is not imprisoned for the offense, within 3 days after he is sentenced for the offense. Existing law requires an offender to appear in person at a local law enforcement agency to notify the appropriate agencies of any change in his address and to provide updated information to certain agencies. (NRS 179D.250, 179D.470) Section 28 of this bill expands this duty to apply when there is a change to certain other information contained in an offender's registration record. Existing law requires each offender to mail a verification form to the Central Repository for Nevada Records of Criminal History each year to verify the information in his registration record. (NRS 179D.260, 179D.480) Section 40 of this bill removes this annual requirement and instead requires each offender to appear in person at a local law enforcement agency to register at least once every 90 days, every 180 days or every year, depending on whether the offender is designated as a Tier I, Tier II or Tier III offender.

Existing law provides that, under certain circumstances, an offender may petition for termination of his duty to register. (NRS 179D.270, 179D.490) Section 41 of this bill revises existing law to further restrict which offenders may petition for termination of the duty to register.

Existing law provides for community notification of sex offenders depending upon whether the sex offender is designated as a Tier 1, Tier 2 or Tier 3 sex offender. (NRS 179D.600-179D.800) Such designation is based upon an assessment of the sex offender's risk of recidivism, with Tier 1 sex offenders being the least likely to reoffend and Tier 3 sex offenders being the most likely to reoffend. (NRS 179D.720, 179D.730) The assessment must be

conducted in compliance with the guidelines and procedures for community notification established by the Attorney General. Sections 31-42 of this bill revise existing law to require that all sex offenders and offenders convicted of a crime against a child be subject to community notification regardless of their designated tier level. Section 56 of this bill repeals the existing tier levels and the existing laws concerning the guidelines and procedures for community notification established by the Attorney General. (NRS 179D.710, 179D.720, 179D.730) Sections 22-24 of this bill establish three new tiers for registration and community notification for all sex offenders and offenders convicted of a crime against a child. The determination as to which tier level an offender is assigned is based upon the specific crime committed by the offender.

Section 13 of this bill revises provisions regarding the content and format of the community notification website maintained by the Department of Public Safety to ensure compliance with the requirements of federal law. (NRS 179B.250) Section 10.5 of this bill provides a new criminal penalty, not required by the Act, for any person who uses information obtained from the community notification website to commit a crime.

The Act provides that the new uniform system of registration and community notification does not apply to certain offenses which involve consensual sexual conduct. Section 46 of this bill amends existing law to exclude such offenses from the new registration and community notification requirements.

The Act prospectively repeals certain provisions of federal law concerning sex offenders who are designated "sexually violent predators." For consistency with the Act, section 56 of this bill repeals existing state laws which apply to sexually violent predators. (NRS 179D.055, 179D.060, 179D.360, 179D.370, 179D.380, 179D.420, 179D.430, 179D.510, 179D.530) The Act also provides that the new uniform system of registration and community notification applies to juveniles who are at least 14 years of age and who have been adjudicated delinquent for committing certain sexual offenses. Section 56 of this bill repeals certain existing state laws which are inconsistent with such provisions of the federal law. (NRS 62A.050, 62F.210, 62F.230, 62F.240, 62F.250, 179D.800) Sections 16-21 of this bill reenact certain provisions of existing law to restructure chapter 179D of NRS as a result of the changes to the chapter as a result of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 176.0913 is hereby amended to read as follows:

176.0913 1. If a defendant is convicted of an offense listed in subsection 4, the court, at sentencing, shall order that:

(a) The name, social security number, date of birth and any other information identifying the defendant be submitted to the Central Repository for Nevada Records of Criminal History; and

(b) A biological specimen be obtained from the defendant pursuant to the provisions of this section and that the specimen be used for an analysis to determine the genetic markers of the specimen.

2. If the defendant is committed to the custody of the Department of Corrections, the Department of Corrections shall arrange for the biological specimen to be obtained from the defendant. The Department of Corrections shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917.

3. If the defendant is not committed to the custody of the Department of Corrections, the Division shall arrange for the biological specimen to be obtained from the defendant. The Division shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917. Any cost that is incurred to obtain a biological specimen from a defendant pursuant to this subsection is a charge against the county in which the defendant was convicted and must be paid as provided in NRS 176.0915.

4. Except as otherwise provided in subsection 5, the provisions of subsection 1 apply to a defendant who is convicted of:

(a) A category A felony;

(b) A category B felony;

(c) A category C felony involving the use or threatened use of force or violence against the victim;

(d) A crime against a child as defined in ~~[NRS 179D.210;]~~ ***section 16 of this act;***

(e) A sexual offense as defined in ~~[NRS 179D.410;]~~ ***section 21 of this act;***

(f) Abuse or neglect of an older person or a vulnerable person pursuant to NRS 200.5099;

(g) A second or subsequent offense for stalking pursuant to NRS 200.575;

(h) An attempt or conspiracy to commit an offense listed in paragraphs (a) to (g), inclusive;

(i) Failing to register with a local law enforcement agency as a convicted person as required pursuant to NRS 179C.100, if the defendant previously was:

(1) Convicted in this State of committing an offense listed in paragraph (a), (b), (c), (f), (g) or (h); or

(2) Convicted in another jurisdiction of committing an offense that would constitute an offense listed in paragraph (a), (b), (c), (f), (g) or (h) if committed in this State;

(j) Failing to register with a local law enforcement agency after being convicted of a crime against a child as required pursuant to NRS ~~[179D.240;]~~ ***179D.450;*** or

(k) Failing to register with a local law enforcement agency after being convicted of a sexual offense as required pursuant to NRS 179D.450.

5. A court shall not order a biological specimen to be obtained from a defendant who has previously submitted such a specimen for conviction of a prior offense unless the court determines that an additional sample is necessary.

Sec. 2. NRS 176.0923 is hereby amended to read as follows:

176.0923 "Crime against a child" has the meaning ascribed to it in ~~[NRS 179D.210.]~~ ***section 16 of this act.***

Sec. 3. NRS 176.0925 is hereby amended to read as follows:

176.0925 "Sexual offense" has the meaning ascribed to it in ~~[NRS 179D.410.]~~ ***section 21 of this act.***

Sec. 4. NRS 176.0926 is hereby amended to read as follows:

176.0926 1. If a defendant is convicted of a crime against a child, the court shall, following the imposition of a sentence:

(a) Notify the Central Repository of the conviction of the defendant, so the Central Repository may carry out the provisions for registration of the defendant pursuant to NRS ~~[179D.230.]~~ ***179D.450.***

(b) Inform the defendant of the requirements for registration, including, but not limited to:

(1) ***The duty to register initially pursuant to section 27 of this act;***

(2) The duty to register in this State during any period in which he is a resident of this State or a nonresident who is a student or worker within this State and the time within which he is required to register pursuant to NRS ~~[179D.240;]~~ ***179D.450;***

~~[(2)]~~ ***(3)*** The duty to register in any other jurisdiction during any period in which he is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;

~~[(3)]~~ ***(4)*** If he moves from this State to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction;

~~[(4)]~~ ***(5)*** The duty to notify the local law enforcement agency in whose jurisdiction he formerly resided, in person or in writing, if he changes the address at which he resides, including if he moves from this State to another jurisdiction, or changes the primary address at which he is a student or worker; and

~~[(5)]~~ ***(6)*** The duty to notify immediately the appropriate local law enforcement agency if the defendant is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education or if the defendant is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education.

(c) Require the defendant to read and sign a form ~~[confirming]~~ ***stating*** that the requirements for registration have been explained to him ~~[.]~~ ***and that he understands the requirements for registration.***

2. The failure to provide the defendant with the information or confirmation form required by paragraphs (b) and (c) of subsection 1 does not affect the duty of the defendant to register and to comply with all other provisions for registration pursuant to NRS ~~[179D.200 to 179D.290, inclusive.]~~ ***179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act.***

Sec. 5. NRS 176.0927 is hereby amended to read as follows:

176.0927 1. If a defendant is convicted of a sexual offense, the court shall, following the imposition of a sentence:

(a) Notify the Central Repository of the conviction of the defendant, so the Central Repository may carry out the provisions for registration of the defendant pursuant to NRS 179D.450.

(b) Inform the defendant of the requirements for registration, including, ~~[but not limited to:]~~ ***without limitation:***

(1) ***The duty to register initially pursuant to section 27 of this act;***

(2) The duty to register in this State during any period in which he is a resident of this State or a nonresident who is a student or worker within this State and the time within which he is required to register pursuant to NRS 179D.460;

~~[(2)]~~ ***(3)*** The duty to register in any other jurisdiction during any period in which he is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;

~~[(3)]~~ ***(4)*** If he moves from this State to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction;

~~[(4)]~~ ***(5)*** The duty to notify the local law enforcement agency in whose jurisdiction he formerly resided, in person or in writing, if he changes the address at which he resides, including if he moves from this State to another jurisdiction, or changes the primary address at which he is a student or worker; and

~~[(5)]~~ ***(6)*** The duty to notify immediately the appropriate local law enforcement agency if the defendant is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education or if the defendant is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education.

(c) Require the defendant to read and sign a form stating that the requirements for registration have been explained to him ~~[.]~~ ***and that he understands the requirements for registration.***

2. The failure to provide the defendant with the information or confirmation form required by paragraphs (b) and (c) of subsection 1 does not affect the duty of the defendant to register and to comply with all other provisions for registration pursuant to NRS ~~[179D.350]~~ ***179D.010*** to 179D.550, inclusive ~~[.]~~ ***, and sections 16 to 30, inclusive, of this act.***

Sec. 6. NRS 176.0931 is hereby amended to read as follows:

176.0931 1. If a defendant is convicted of a sexual offense, the court shall include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision.

2. The special sentence of lifetime supervision commences after any period of probation or any term of imprisonment and any period of release on parole.

3. A person sentenced to lifetime supervision may petition the sentencing court or the State Board of Parole Commissioners for release from lifetime supervision. The sentencing court or the Board shall grant a petition for release from a special sentence of lifetime supervision if:

(a) The person has complied with the requirements of the provisions of NRS ~~[179D.350]~~ ***179D.010*** to 179D.550, inclusive ~~[.]~~ ***, and sections 16 to 30, inclusive, of this act;***

(b) The person has not been convicted of an offense that poses a threat to the safety or well-being of others for an interval of at least 10 consecutive years after his last conviction or release from incarceration, whichever occurs later; and

(c) The person is not likely to pose a threat to the safety of others, as determined by a person professionally qualified to conduct psychosexual evaluations, if released from lifetime supervision.

4. A person who is released from lifetime supervision pursuant to the provisions of subsection 3 remains subject to the provisions for registration as a sex offender and to the provisions for community notification, unless he is otherwise relieved from the operation of those provisions pursuant to the provisions of NRS ~~[179D.350 to 179D.800, inclusive.]~~ ***179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act.***

5. As used in this section:

(a) "Offense that poses a threat to the safety or well-being of others" ~~[has the meaning ascribed to it in NRS 179D.060.]~~ ***includes, without limitation:***

(1) An offense that involves:

(I) A victim less than 18 years of age;

(II) A crime against a child as defined in section 16 of this act;

(III) A sexual offense as defined in section 21 of this act;

(IV) A deadly weapon, explosives or a firearm;

(V) The use or threatened use of force or violence;

(VI) Physical or mental abuse;

(VII) Death or bodily injury;

(VIII) An act of domestic violence;

(IX) Harassment, stalking, threats of any kind or other similar acts;

(X) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or

(XI) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.

(2) Any offense listed in subparagraph (1) that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(b) "Person professionally qualified to conduct psychosexual evaluations" has the meaning ascribed to it in NRS 176.133.

(c) "Sexual offense" means:

(1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of subsection 1 of NRS 201.195, NRS 201.230 or 201.450 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

(2) An attempt to commit an offense listed in subparagraph (1); or

(3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

Sec. 7. NRS 176A.410 is hereby amended to read as follows:

176A.410 1. Except as otherwise provided in subsection 3, if a defendant is convicted of a sexual offense and the court grants probation or suspends the sentence, the court shall, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension of sentence that the defendant:

(a) Submit to a search and seizure of his person, residence or vehicle or any property under his control, at any time of the day or night, without a warrant, by any parole and probation officer or any peace officer, for the purpose of determining whether the defendant has violated any condition of probation or suspension of sentence or committed any crime;

(b) Reside at a location only if it has been approved by the parole and probation officer assigned to the defendant and keep the parole and probation officer informed of his current address;

(c) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the defendant and keep the parole and probation officer informed of the location of his position of employment or position as a volunteer;

(d) Abide by any curfew imposed by the parole and probation officer assigned to the defendant;

(e) Participate in and complete a program of professional counseling approved by the Division;

(f) Submit to periodic tests, as requested by the parole and probation officer assigned to the defendant, to determine whether the defendant is using a controlled substance;

(g) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the defendant;

(h) Abstain from consuming, possessing or having under his control any alcohol;

(i) Not have contact or communicate with a victim of the sexual offense or a witness who testified against the defendant or solicit another person to engage in such contact or communication on behalf of the defendant, unless approved by the parole and probation officer assigned to the defendant, and a written agreement is entered into and signed in the manner set forth in subsection 2;

(j) Not use aliases or fictitious names;

(k) Not obtain a post office box unless the defendant receives permission from the parole and probation officer assigned to the defendant;

(l) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of a sexual offense is present and permission has been obtained from the parole and probation officer assigned to the defendant in advance of each such contact;

(m) Unless approved by the parole and probation officer assigned to the defendant and by a psychiatrist, psychologist or counselor treating the defendant, if any, not be in or near:

(1) A playground, park, school or school grounds;

(2) A motion picture theater; or

(3) A business that primarily has children as customers or conducts events that primarily children attend;

(n) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication;

(o) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the defendant;

(p) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the defendant;

(q) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the defendant; and

(r) Inform the parole and probation officer assigned to the defendant if the defendant expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education. As used in this paragraph, "institution of higher education" has the meaning ascribed to it in NRS 179D.045.

2. A written agreement entered into pursuant to paragraph (i) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or

communication authorized. The written agreement must be signed and agreed to by:

(a) The victim or the witness;

(b) The defendant;

(c) The parole and probation officer assigned to the defendant;

(d) The psychiatrist, psychologist or counselor treating the defendant, victim or witness, if any; and

(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child.

3. The court is not required to impose a condition of probation or suspension of sentence listed in subsection 1 if the court finds that extraordinary circumstances are present and the court enters those extraordinary circumstances in the record.

4. As used in this section, "sexual offense" has the meaning ascribed to it in ~~[NRS 179D.410.]~~ ***section 21 of this act.***

Sec. 8. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 179.259 and 453.3365, a person may petition the court in which he was convicted for the sealing of all records relating to a conviction of:

(a) A category A or B felony after 15 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(b) A category C or D felony after 12 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 7 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Any gross misdemeanor after 7 years from the date of his release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 484.379 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after 2 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by current, verified records of the petitioner's criminal history received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) The local law enforcement agency of the city or county in which the conviction was entered;

(b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, including, but not limited to, the Federal Bureau of Investigation, the California Bureau of Identification and Information, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in ~~[NRS 179D.210.]~~ ***section 16 of this act.***

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(11) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(12) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(13) Lewdness with a child pursuant to NRS 201.230.

(14) Sexual penetration of a dead human body pursuant to NRS 201.450.

(15) Luring a child or mentally ill person pursuant to NRS 201.560, if punishable as a felony.

(16) An attempt to commit an offense listed in subparagraphs (1) to (15), inclusive.

Sec. 9. NRS 179.259 is hereby amended to read as follows:

179.259 1. Except as otherwise provided in subsections 3 and 4, 5 years after an eligible person completes a program for reentry, the court may order sealed all documents, papers and exhibits in the eligible person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court may order those records sealed without a hearing unless the Division of Parole and Probation of the Department of Public Safety petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the court orders sealed the record of an eligible person, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

3. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

4. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

5. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in ~~[NRS 179D.210.]~~ ***section 16 of this act.***

(b) "Eligible person" means a person who has:

(1) Successfully completed a program for reentry to which he participated in pursuant to NRS 209.4886, 209.4888, 213.625 or 213.632; and

(2) Been convicted of a single offense which was punishable as a felony and which did not involve the use or threatened use of force or violence against the victim. For the purposes of this subparagraph, multiple convictions for an offense punishable as a felony shall be deemed to constitute a single offense if those offenses arose out of the same transaction or occurrence.

(c) "Program for reentry" means:

(1) A correctional program for reentry of offenders and parolees into the community that is established by the Director of the Department of Corrections pursuant to NRS 209.4887; or

(2) A judicial program for reentry of offenders and parolees into the community that is established in a judicial district pursuant to NRS 209.4883.

(d) "Sexual offense" has the meaning ascribed to it in paragraph (b) of subsection 7 of NRS 179.245.

Sec. 10. NRS 179A.066 is hereby amended to read as follows:

179A.066 "Offender convicted of a crime against a child" has the meaning ascribed to it in ~~[NRS 179D.216.]~~ ***section 18 of this act.***

Sec. 10.5. Chapter 179B of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any civil liability provided pursuant to NRS 179B.280, if any person uses information obtained from the community notification website to commit a crime punishable as:

1. A misdemeanor, the person is guilty of a gross misdemeanor.

2. A gross misdemeanor, the person is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 11. NRS 179B.030 is hereby amended to read as follows:

179B.030 "Crime against a child" has the meaning ascribed to it in ~~[NRS 179D.210.]~~ ***section 16 of this act.***

Sec. 12. NRS 179B.075 is hereby amended to read as follows:

179B.075 "Offender convicted of a crime against a child" has the meaning ascribed to it in ~~[NRS 179D.216.]~~ ***section 18 of this act.***

Sec. 13. NRS 179B.250 is hereby amended to read as follows:

179B.250 1. The Department shall establish and maintain within the Central Repository a community notification website to provide the public with access to certain information contained in the statewide registry in accordance with the procedures set forth in this section.

2. ***The community notification website must:***

(a) Be maintained in a manner that will allow the public to obtain relevant information for each offender by a single query for any given zip code or geographical radius set by the user;

(b) Include in its design all the search field capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Website maintained by the Attorney General of the United States pursuant to 42 U.S.C. § 16920;

(c) Include, to the extent practicable, links to sex offender safety and education resources;

(d) Include instructions on how to seek correction of information that a person contends is erroneous; and

(e) Include a warning that the information on the website should not be used to unlawfully injure, harass or commit a crime against any person named in the registry or residing or working at any reported address and a notice that any such action could result in civil or criminal penalties.

3. For each inquiry to the community notification website, the requester ~~[must]~~ ***may*** provide:

(a) The name of the subject of the search;

(b) Any alias of the subject of the search;

(c) The zip code of the residence, place of work or school of the subject of the search; or

(d) Any other information concerning the identity or location of the subject of the search that is deemed sufficient in the discretion of the Department.

~~[3.]~~ ***4.*** For each inquiry to the community notification website made by the requester, the Central Repository shall:

(a) Explain the levels of ***registration and community*** notification that are assigned to sex offenders pursuant to ~~[NRS 179D.730;]~~ ***NRS 179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act;*** and

(b) Explain that the Central Repository is prohibited by law from disclosing ***certain*** information concerning certain offenders, even if those offenders ***are*** listed in the statewide registry.

~~[4.]~~ ***5.*** If an offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search, the Central Repository ~~[:~~

~~(a) Shall]~~ ***shall*** disclose to the requester information ***in the statewide registry*** concerning ~~[an offender who is assigned a Tier 2 or Tier 3 level of notification.~~

~~(b) Shall not disclose to the requester information concerning an offender who is assigned a Tier 1 level of notification.~~

~~5.]~~ ***the offender as provided pursuant to subsection 6.***

6. After each inquiry to the community notification website made by the requester, the Central Repository shall inform the requester that:

(a) No offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search;

(b) The search of the statewide registry has not produced information that is available to the public through the statewide registry; ***or***

(c) ~~[The requester needs to provide additional information concerning the identity or location of the subject of the search before the Central Repository may disclose the results of the search; or~~

~~(d)]~~ An offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search. ~~[If]~~ ***Except as otherwise provided in subsection 7, if*** a search of the statewide registry results in a match pursuant to this paragraph, the Central Repository shall provide the requester with the following information:

(1) The name of the offender and all aliases that the offender has used or under which the offender has been known.

(2) A complete physical description of the offender.

(3) A current photograph of the offender.

(4) The year of birth of the offender.

(5) The complete address of any residence at which the offender resides ~~[.]~~ ***or will reside.***

(6) The ~~[number of the street block, but not the specific street number,]~~ ***address*** of any location where the offender is ~~[currently:]~~ ***or will be:***

(I) A student, as defined in NRS 179D.110; or

(II) A worker, as defined in NRS 179D.120.

(7) ***The license plate number and a description of any motor vehicle owned or operated by the offender.***

(8) The following information for each offense for which the offender has been convicted:

(I) The offense that was committed, including a citation to ***and the text of*** the specific statute that the offender violated.

(II) The court in which the offender was convicted.

(III) The name under which the offender was convicted.

(IV) The name and location of each penal institution, school, hospital, mental facility or other institution to which the offender was committed for the offense.

(V) The city, township or county where the offense was committed.

~~[(8)]~~ ***(9)*** The tier level of ***registration and community*** notification assigned to the offender ~~[.~~

~~6.]~~ ***pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act.***

(10) Any other information required by federal law.

7. If a search of the statewide registry results in a match pursuant to paragraph ~~[(d)]~~ ***(c)*** of subsection ~~[5,]~~ ***6,*** the Central Repository shall not provide the requester with ~~[any]~~ :

(a) The identity of any victim of a sexual offense or crime against a child;

(b) Any information relating to a Tier I offender unless he has been convicted of a sexual offense against a child or a crime against a child;

(c) The social security number of the offender;

(d) The name of any location where the offender is or will be:

(1) A student, as defined in NRS 179D.110; or

(2) A worker, as defined in NRS 179D.120;

(e) Any reference to arrests of the offender that did not result in conviction;

(f) Any other information that is included in the record of registration for the offender other than the information required pursuant to paragraph ~~[(d)]~~ ***(c)*** of subsection ~~[5.~~ ~~7.]~~ ***6; or***

(g) Any other information exempted from disclosure by the Attorney General of the United States pursuant to federal law.

8. For each inquiry to the community notification website, the Central Repository shall maintain a log of the information provided by the requester to the Central Repository and the information provided by the Central Repository to the requester.

~~[8.]~~ ***9.*** A person may not use information obtained through the community notification website as a substitute for information relating to the offenses listed in subsection 4 of NRS 179A.190 that must be provided by the Central Repository pursuant to NRS 179A.180 to 179A.240, inclusive, or another provision of law.

~~[9.]~~ ***10.*** The provisions of this section do not prevent law enforcement officers, the Central Repository and its officers and employees, or any other person from:

(a) Accessing information in the statewide registry pursuant to NRS 179B.200;

(b) Carrying out any duty pursuant to chapter 179D of NRS; or

(c) Carrying out any duty pursuant to another provision of law.

11. As used in this section, "Tier I offender" has the meaning ascribed to it in section 22 of this act.

Sec. 14. NRS 179C.010 is hereby amended to read as follows:

179C.010 1. Except as otherwise provided in subsection 2, as used in this chapter, unless the context otherwise requires, "convicted person" means:

(a) A person convicted in the State of Nevada or convicted in any place other than the State of Nevada of two or more offenses punishable as felonies.

(b) A person convicted in the State of Nevada of an offense punishable as a category A felony.

(c) A person convicted in the State of Nevada or convicted in any place other than the State of Nevada of a crime that would constitute a category A felony if committed in this State on July 1, 2003.

2. For the purposes of this chapter, "convicted person" does not include:

(a) A person who has been convicted of a crime against a child, as defined in ~~[NRS 179D.210,]~~ ***section 16 of this act,*** or a sexual offense, as defined in ~~[NRS 179D.410;]~~ ***section 21 of this act;*** or

(b) Except as otherwise provided in this chapter, a person whose conviction is or has been set aside in the manner provided by law.

Sec. 15. Chapter 179D of NRS is hereby amended by adding thereto the provisions set forth as sections 16 to 30, inclusive, of this act.

Sec. 16. ***"Crime against a child" means any of the following offenses if the victim of the offense was less than 18 years of age when the offense was committed:***

1. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive, unless the offender is the parent or guardian of the victim.

2. False imprisonment pursuant to NRS 200.460, unless the offender is the parent or guardian of the victim.

3. An offense involving pandering or prostitution pursuant to NRS 201.300 to 201.340, inclusive.

4. An attempt to commit an offense listed in this section.

5. An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

6. An offense against a child committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as an offender who has committed a crime against a child because of the offense. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

(c) A court having jurisdiction over juveniles.

Sec. 17. ***"Nonresident offender or sex offender who is a student or worker within this State" or "nonresident offender or sex offender" means an offender or sex offender who is a student or worker within this State but who is not otherwise deemed a resident offender or sex offender pursuant to subsection 2 or 3 of NRS 179D.460.***

Sec. 18. ***1. "Offender convicted of a crime against a child" or "offender" means a person who, after July 1, 1956, is or has been:***

(a) Convicted of a crime against a child that is listed in section 16 of this act; or

(b) Adjudicated delinquent by a court having jurisdiction over juveniles of a crime against a child that is listed in NRS 62F.200 if the offender was 14 years of age or older at the time of the crime.

2. The term includes, without limitation, an offender who is a student or worker within this State but who is not otherwise deemed a resident offender pursuant to subsection 2 or 3 of NRS 179D.460.

Sec. 19. ***"Registration" means registration as an offender or sex offender pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act.***

Sec. 20. 1. ***"Sex offender" means a person who, after July 1, 1956, is or has been:***

(a) Convicted of a sexual offense listed in section 21 of this act; or

(b) Adjudicated delinquent by a court having jurisdiction over juveniles of a sexual offense listed in NRS 62F.200 if the offender was 14 years of age or older at the time of the offense.

2. The term includes, without limitation, a sex offender who is a student or worker within this State but who is not otherwise deemed a resident offender pursuant to subsection 2 or 3 of NRS 179D.460.

Sec. 21. ***1. "Sexual offense" means any of the following offenses:***

(a) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(b) Sexual assault pursuant to NRS 200.366.

(c) Statutory sexual seduction pursuant to NRS 200.368.

(d) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.

(e) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section.

(f) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section.

(g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(h) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(i) Incest pursuant to NRS 201.180.

(j) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(k) Open or gross lewdness pursuant to NRS 201.210.

(l) Indecent or obscene exposure pursuant to NRS 201.220.

(m) Lewdness with a child pursuant to NRS 201.230.

(n) Sexual penetration of a dead human body pursuant to NRS 201.450.

(o) Luring a child or mentally ill person pursuant to NRS 201.560, if punished as a felony.

(p) Any other offense that has an element involving a sexual act or sexual conduct with another;

(q) An attempt or conspiracy to commit an offense listed in paragraphs (a) to (p), inclusive.

(r) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

(s) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

(t) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subsection includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

(3) A court having jurisdiction over juveniles.

2. The term does not include an offense involving consensual sexual conduct if the victim was:

(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 22. ***"Tier I offender" means an offender convicted of a crime against a child or a sex offender other than a Tier II offender or Tier III offender.***

Sec. 23. ***"Tier II offender" means an offender convicted of a crime against a child or a sex offender, other than a Tier III offender, whose crime against a child is punishable by imprisonment for more than 1 year or whose sexual offense:***

1. If committed against a child, constitutes:

(a) Luring a child pursuant to NRS 201.560, if punishable as a felony;

(b) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;

(c) An offense involving pandering or prostitution pursuant to NRS 201.300 to 201.340, inclusive;

(d) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive; or

(e) Any other offense that is comparable to or more severe than the offenses described in 42 U.S.C. § 16911(3);

2. Involves an attempt or conspiracy to commit any offense described in subsection 1;

3. If committed in another jurisdiction, is an offense that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court; or

(b) A court of the United States or the Armed Forces of the United States; or

4. Is committed after the person becomes a Tier I offender if ~~***[the crime committed by the person for which he became a Tier I offender is]***~~ ***any of the person's sexual offenses constitute an offense punishable by imprisonment for more than 1 year.***

Sec. 24. ***"Tier III offender" means an offender convicted of a crime against a child or a sex offender who has been convicted of:***

1. Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030;

2. Sexual assault pursuant to NRS 200.366;

3. ***Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400;***

4. Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and if the victim of the offense was less than 13 years of age when the offense was committed;

5. ***Kidnapping pursuant to NRS 200.310 to 200.340, inclusive, if the victim of the offense was less than 18 years of age when the offense was committed, unless the offender is the parent or guardian of the victim;***

6. Any sexual offense or crime against a child after the person becomes a Tier II offender;

7. Any other offense that is comparable to or more severe than the offenses described in 42 U.S.C. § 16911(4);

8. An attempt or conspiracy to commit an offense described in subsections 1 to 7, inclusive; or

9. An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court; or

(b) A court of the United States or the Armed Forces of the United States.

Sec. 25. ***Each offender convicted of a crime against a child and each sex offender shall:***

1. Register initially with the local law enforcement agency of the jurisdiction in which the offender or sex offender was convicted as required pursuant to section 27 of this act;

2. Register with the appropriate law enforcement agency as required pursuant to NRS 179D.460 and 179D.480; and

3. Keep his registration current as required pursuant to section 28 of this act.

Sec. 26. ***When an offender convicted of a crime against a child or a sex offender registers with a local law enforcement agency as required pursuant to NRS 179D.460 or 179D.480 or section 27 of this act, or updates his registration as required pursuant to section 28 of this act:***

1. The offender or sex offender shall provide the local law enforcement agency with the following:

(a) The name of the offender or sex offender and all aliases that he has used or under which he has been known;

(b) The social security number of the offender or sex offender;

(c) The address of any residence or location at which the offender or sex offender resides or will reside;

(d) The name and address of any place where the offender or sex offender is a worker or will be a worker;

(e) The name and address of any place where the offender or sex offender is a student or will be a student;

(f) The license plate number and a description of all motor vehicles registered to or frequently driven by the offender or sex offender; and

(g) Any other information required by federal law.

2. The local law enforcement agency shall ensure that the record of registration of the offender or sex offender includes, without limitation:

(a) A complete physical description of the offender or sex offender, a current photograph of the offender or sex offender and the fingerprints and palm prints of the offender or sex offender;

(b) The text of the provision of law defining each offense for which the offender or sex offender is required to register;

(c) The criminal history of the offender or sex offender, including, without limitation:

(1) The dates of all arrests and convictions of the offender or sex offender;

(2) The status of parole, probation or supervised release of the offender or sex offender;

(3) The status of the registration of the offender or sex offender; and

(4) The existence of any outstanding arrest warrants for the offender or sex offender;

(d) A report of the analysis of the genetic markers of the specimen obtained from the offender or sex offender pursuant to NRS 176.0913;

(e) The identification number from a driver's license or an identification card issued to the offender or sex offender by this State or any other jurisdiction and a photocopy of such driver's license or identification card; and

(f) Any other information required by federal law.

Sec. 27. ***1. In addition to any other registration that is required pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act, each offender or sex offender who, on or after October 1, 2007, is or has been convicted of a crime against a child or a sexual offense shall register initially with the appropriate local law enforcement agency of the jurisdiction in which the offender or sex offender was convicted pursuant to the provisions of this section.***

2. An offender or sex offender shall initially register with a local law enforcement agency as required pursuant to subsection 1:

(a) If the offender or sex offender is sentenced to a term of imprisonment for the crime, before completing the term of imprisonment for the crime; and

(b) If the offender or sex offender is not sentenced to a term of imprisonment for the crime, not later than 3 business days after the date on which the offender or sex offender was sentenced for the crime.

Sec. 28. ***1. An offender convicted of a crime against a child or a sex offender convicted of a sexual offense who changes his name, residence, employment or student status shall, not later than 3 business days after such change of name, residence, employment or student status:***

(a) Appear in person in at least one of the jurisdictions in which the offender or sex offender resides, is a student or worker; and

(b) Provide all information concerning such change to the appropriate local law enforcement agency.

2. The local law enforcement agency shall immediately provide the updated information provided by an offender or sex offender pursuant to subsection 1 to the Central Repository and to all other jurisdictions in which the offender or sex offender is required to register.

Sec. 29. ***1. Except as otherwise provided in subsection 3, the Central Repository shall immediately provide all updated information obtained pursuant to NRS 179D.460 or 179D.480 or section 27 or 28 of this act to:***

(a) The Attorney General of the United States;

(b) The appropriate local law enforcement agencies for each jurisdiction in which the offender or sex offender resides or is a student or worker;

(c) Each jurisdiction in which the offender or sex offender now resides or is a student or worker and the jurisdiction in which he most recently resided or was a student or worker, if he changes the address at which he resides or is a student or worker; ~~*[and]*~~

(d) ***Any agency responsible for conducting employment-related background checks pursuant to 42 U.S.C. § 5119a; and***

(e) Any organization, company or person who requests such notification.

2. Except as otherwise provided in subsection 3, a local law enforcement agency:

(a) Shall immediately provide all updated information obtained from the Central Repository pursuant to subsection 1 to:

(1) Each school, religious organization, youth organization and public housing authority in which the offender or sex offender resides or is a student or worker;

(2) Each agency which provides child welfare services as defined in NRS 432B.030;

(3) Volunteer organizations in which contact with children or other vulnerable persons might occur; and

(4) If the offender or sex offender is a Tier III offender, members of the public who are likely to encounter the offender or sex offender; and

(b) May provide any updated information obtained from the Central Repository pursuant to subsection 1 to any other person or entity whom the law enforcement agency determines warrants such notification.

3. An entity or person described in paragraph [(d)] (e) of subsection 1 or subparagraph (1) of paragraph (a) of subsection 2 may request to receive the updated information obtained pursuant to subsection 1 not less frequently than once every 5 business days.

Sec. 30. ***If a person who is required to register pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act has been convicted of an offense described in paragraph (p) of subsection 1 of section 21 of this act, paragraph (e) of subsection 1 or subsection 3 of section 23 of this act or subsection 7 or 9 of section 24 of this act, the Central Repository shall determine whether the person is required to register as a Tier I offender, Tier II offender or Tier III offender.***

Sec. 31. NRS 179D.010 is hereby amended to read as follows:

179D.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 179D.020 to 179D.120, inclusive, ***and sections 16 to 24, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 32. NRS 179D.030 is hereby amended to read as follows:

179D.030 "Community notification" means notification of a community pursuant to the [guidelines and procedures established by the Attorney General pursuant to NRS 179D.600 to 179D.800, inclusive.] ***provisions of section 29 of this act.***

Sec. 33. NRS 179D.035 is hereby amended to read as follows:

179D.035 "Convicted" includes, but is not limited to, an adjudication of delinquency [or a finding of guilt] by a court having jurisdiction over juveniles if [the] ***:***

1. ***The*** adjudication of delinquency ~~[or the finding of guilt]~~ is for the commission of ~~[any of the following offenses:~~

~~1. A crime against a child that is listed in subsection 6 of NRS 179D.210.~~

~~2. A sexual offense that is listed in subsection 19 of NRS 179D.410.~~

~~3. A]~~ ***a*** sexual offense that is listed in ~~[paragraph (b) of subsection 2 of NRS 62F.260.]~~ ***NRS 62F.200; and***

2. The offender was 14 years of age or older at the time of the offense.

Sec. 34. NRS 179D.110 is hereby amended to read as follows:

179D.110 "Student" means a person who is enrolled in and attends, on a full-time or part-time basis within this State, any course of academic or vocational instruction conducted by a public or private educational institution or school, including, but not limited to, any of the following institutions or schools:

1. An institution of higher education.

2. A trade school or vocational school.

3. A ~~[public school, as defined in NRS 385.007, or a private school, as defined in NRS 394.103.]~~ ***secondary school.***

Sec. 35. NRS 179D.120 is hereby amended to read as follows:

179D.120 ~~[1.]~~ "Worker" means a person who ***is self-employed or who*** engages in or who knows or reasonably should know that he will engage in any type of occupation, employment, work or volunteer service ***,*** ~~[on a full-time or part-time basis within this State for:~~

~~(a) Any period exceeding 14 days; or~~

~~(b) More than 30 days, in the aggregate, during any calendar year,~~

~~➥]~~ whether or not the person engages in or will engage in the occupation, employment, work or volunteer service for compensation ***.*** ~~[or for the purposes of a governmental or educational benefit.~~

~~2. The term includes, but is not limited to:~~

~~(a) A person who is self-employed.~~

~~(b) An employee or independent contractor.~~

~~(c) A paid or unpaid intern, extern, aide, assistant or volunteer.]~~

Sec. 36. NRS 179D.150 is hereby amended to read as follows:

179D.150 ~~[Except as otherwise provided in NRS 179D.530, a]~~ ***A*** record of registration must include, if the information is available:

1. Information identifying the offender ~~[,]~~ ***or sex offender,*** including, but not limited to:

(a) The name of the offender ***or sex offender*** and all aliases that he has used or under which he has been known;

(b) A complete physical description of the offender ~~[,]~~ ***or sex offender,*** a current photograph of the offender ***or sex offender*** and the fingerprints ***and palm prints*** of the offender ~~[;]~~ ***or sex offender;***

(c) The date of birth and the social security number of the offender ~~[;]~~ ***or sex offender;***

(d) The identification number from a driver's license or an identification card issued to the offender ***or sex offender*** by this State or any other

jurisdiction ~~[,]~~ and ***a photocopy of such driver's license or identification card;***

(e) ***A report of the analysis of the genetic markers of the specimen obtained from the offender or sex offender pursuant to NRS 176.0913; and***

(f) Any other information that identifies the offender ~~[.]~~ ***or sex offender.***

2. Information concerning the residence of the offender ~~[.]~~ ***or sex offender,*** including, but not limited to:

(a) The address at which the offender ***or sex offender*** resides;

(b) The length of time he has resided at that address and the length of time he expects to reside at that address;

(c) The address or location of any other place where he expects to reside in the future and the length of time he expects to reside there; and

(d) The length of time he expects to remain in the county where he resides and in this State.

3. Information concerning the offender's ***or sex offender's*** occupations, employment or work or expected occupations, employment or work, including, but not limited to, the name, address and type of business of all current and expected future employers of the offender ~~[.]~~ ***or sex offender.***

4. Information concerning the offender's ***or sex offender's*** volunteer service or expected volunteer service in connection with any activity or organization within this State, including, but not limited to, the name, address and type of each such activity or organization.

5. Information concerning the offender's ***or sex offender's*** enrollment or expected enrollment as a student in any public or private educational institution or school within this State, including, but not limited to, the name, address and type of each such educational institution or school.

6. Information concerning whether:

(a) The offender ***or sex offender*** is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education; or

(b) The offender ***or sex offender*** is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education,

➥ including, but not limited to, the name, address and type of each such institution of higher education.

7. The license ***plate*** number and a description of all motor vehicles registered to or frequently driven by the offender ~~[.]~~ ***or sex offender.***

8. The level of ***registration and*** community notification ~~[assigned to]~~ ***of*** the offender ~~[.]~~ ***or sex offender.***

9. ***The criminal history of the offender or sex offender, including, without limitation:***

(a) The dates of all arrests and convictions of the offender or sex offender;

(b) The status of parole, probation or supervised release of the offender or sex offender;

(c) The status of the registration of the offender or sex offender; and

(d) The existence of any outstanding arrest warrants for the offender or sex offender.

10. The following information for each offense for which the offender ***or sex offender*** has been convicted:

(a) The court in which he was convicted;

(b) ***The text of the provision of law defining each offense;***

(c) The name under which he was convicted;

~~[(c)]~~ ***(d)*** The name and location of each penal institution, school, hospital, mental facility or other institution to which he was committed;

~~[(d)]~~ ***(e)*** The specific location where the offense was committed;

~~[(e)]~~ ***(f)*** The age, the gender, the race and a general physical description of the victim; and

~~[(f)]~~ ***(g)*** The method of operation that was used to commit the offense, including, but not limited to:

(1) Specific sexual acts committed against the victim;

(2) The method of obtaining access to the victim, such as the use of enticements, threats, forced entry or violence against the victim;

(3) The type of injuries inflicted on the victim;

(4) The types of instruments, weapons or objects used;

(5) The type of property taken; and

(6) Any other distinctive characteristic of the behavior or personality of the offender ~~[.]~~ ***or sex offender.***

11. Any other information required by federal law.

Sec. 37. NRS 179D.170 is hereby amended to read as follows:

179D.170 Upon receiving from a local law enforcement agency, pursuant to NRS 179D.010 to 179D.550, inclusive ~~[:]~~ ***, and sections 16 to 30, inclusive, of this act:***

1. A record of registration;

2. Fingerprints ***, palm prints*** or a photograph of an offender ~~[.]~~ ***or sex offender;***

3. A new address of an offender ~~[.]~~ ***or sex offender;*** or

4. Any other updated information,

➥ the Central Repository shall immediately provide the record of registration, fingerprints, ***palm prints,*** photograph, new address or updated information to the Federal Bureau of Investigation.

Sec. 38. NRS 179D.450 is hereby amended to read as follows:

179D.450 1. If the Central Repository receives notice from a court pursuant to NRS ***176.0926 that an offender has been convicted of a crime against a child pursuant to NRS*** 176.0927 ***,*** that a sex offender has been convicted of a sexual offense or pursuant to NRS ~~[62F.250]~~ ***62F.220*** that a juvenile ~~[sex offender]~~ has been ~~[deemed to be an adult sex offender,]~~ ***adjudicated delinquent for an offense for which he is subject to registration***

and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act, the Central Repository shall:

(a) If a record of registration has not previously been established for the ***offender or*** sex offender, notify the local law enforcement agency so that a record of registration may be established; or

(b) If a record of registration has previously been established for the ***offender or*** sex offender, update the record of registration for the ***offender or*** sex offender and notify the appropriate local law enforcement agencies.

2. If the ***offender or*** sex offender named in the notice is granted probation or otherwise will not be incarcerated or confined ~~[or if the sex offender named in the notice has been deemed to be an adult sex offender pursuant to NRS 62F.250 and is not otherwise incarcerated or confined:~~

~~(a) The]~~ ***, the*** Central Repository shall ~~[immediately]~~ ***:***

(a) Immediately provide notification concerning the ***offender or*** sex offender to the appropriate local law enforcement agencies and, if the ***offender or*** sex offender resides in a jurisdiction which is outside of this State, to the appropriate law enforcement agency in that jurisdiction; and

(b) ~~[If the sex offender is subject to community notification, the Central Repository shall arrange for the assessment of the risk of recidivism of]~~ ***Immediately provide community notification concerning*** the ***offender or*** sex offender pursuant to the ~~[guidelines and procedures for community notification established by the Attorney General pursuant to NRS 179D.600 to 179D.800, inclusive.]~~ ***provisions of section 29 of this act.***

3. If ~~[a]~~ ***an offender or*** sex offender is incarcerated or confined and has previously been convicted of ***a crime against a child as described in section 16 of this act or*** a sexual offense as described in ~~[NRS 179D.410,]~~ ***section 21 of this act,*** before the ***offender or*** sex offender is released:

(a) The Department of Corrections or a local law enforcement agency in whose facility the ***offender or*** sex offender is incarcerated or confined shall:

(1) Inform the ***offender or*** sex offender of the requirements for registration, including, but not limited to:

(I) ***The duty to register initially with the appropriate law enforcement agency in the jurisdiction in which the offender or sex offender was convicted if the offender or sex offender is not a resident of that jurisdiction pursuant to section 27 of this act;***

(II) The duty to register in this State during any period in which he is a resident of this State or a nonresident who is a student or worker within this State and the time within which he is required to register pursuant to NRS 179D.460;

~~[(II)]~~ ***(III)*** The duty to register in any other jurisdiction during any period in which he is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;

~~[(III)]~~ ***(IV)*** If he moves from this State to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction;

~~[(IV)]~~ ***(V)*** The duty to notify the local law enforcement agency for the jurisdiction in which he now resides, in person, and the jurisdiction in which he formerly resided, in person or in writing, if he changes the address at which he resides, including if he moves from this State to another jurisdiction, or changes the primary address at which he is a student or worker; and

~~[(V)]~~ ***(VI)*** The duty to notify immediately the appropriate local law enforcement agency if the ***offender or*** sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education or if the ***offender or*** sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education; and

(2) Require the ***offender or*** sex offender to read and sign a form ~~[confirming]~~ ***stating*** that the requirements for registration have been explained to him ***and that he understands the requirements for registration,*** and to forward the form to the Central Repository.

(b) The Central Repository shall:

(1) Update the record of registration for the ***offender or*** sex offender;

(2) ~~[If the sex offender is subject to community notification, arrange for the assessment of the risk of recidivism of]~~ ***Provide community notification concerning*** the ***offender or*** sex offender pursuant to the ~~[guidelines and procedures for community notification established by the Attorney General pursuant to NRS 179D.600 to 179D.800, inclusive;]~~ ***provisions of section 29 of this act;*** and

(3) Provide notification concerning the ***offender or*** sex offender to the appropriate local law enforcement agencies and, if the ***offender or*** sex offender will reside upon release in a jurisdiction which is outside of this State, to the appropriate law enforcement agency in that jurisdiction.

4. The failure to provide ~~[a]~~ ***an offender or*** sex offender with the information or confirmation form required by paragraph (a) of subsection 3 does not affect the duty of the ***offender or*** sex offender to register and to comply with all other provisions for registration.

5. If the Central Repository receives notice from another jurisdiction or the Federal Bureau of Investigation that ~~[a]~~ ***an offender or*** sex offender is now residing or is a student or worker within this State, the Central Repository shall:

(a) Immediately provide notification concerning the ***offender or*** sex offender to the appropriate local law enforcement agencies;

(b) Establish a record of registration for the ***offender or*** sex offender; and

(c) ~~[If the sex offender is subject to community notification, arrange for the assessment of the risk of recidivism of]~~ ***Immediately provide community notification concerning*** the ***offender or*** sex offender pursuant to the ~~[guidelines and procedures for community notification established by the Attorney General pursuant to NRS 179D.600 to 179D.800, inclusive.]~~ ***provisions of section 29 of this act.***

Sec. 39. NRS 179D.460 is hereby amended to read as follows:

179D.460 1. In addition to any other registration that is required pursuant to NRS 179D.450, each ***offender or*** sex offender who, after July 1, 1956, is or has been convicted of a ***crime against a child or a*** sexual offense shall register with a local law enforcement agency pursuant to the provisions of this section.

2. Except as otherwise provided in subsection 3, if the ***offender or*** sex offender resides or is present for 48 hours or more within:

(a) A county; or

(b) An incorporated city that does not have a city police department,

➥ the ***offender or*** sex offender shall be deemed a resident ***offender or*** sex offender and shall register with the sheriff's office of the county or, if the county or the city is within the jurisdiction of a metropolitan police department, the metropolitan police department, not later than 48 hours after arriving or establishing a residence within the county or the city.

3. If the ***offender or*** sex offender resides or is present for 48 hours or more within an incorporated city that has a city police department, the ***offender or*** sex offender shall be deemed a resident ***offender or*** sex offender and shall register with the city police department not later than 48 hours after arriving or establishing a residence within the city.

4. If the ***offender or*** sex offender is a nonresident ***offender or*** sex offender who is a student or worker within this State, the ***offender or*** sex offender shall register with the appropriate sheriff's office, metropolitan police department or city police department in whose jurisdiction he is a student or worker not later than 48 hours after becoming a student or worker within this State.

5. A resident or nonresident ***offender or*** sex offender shall immediately notify the appropriate local law enforcement agency if:

(a) The ***offender or*** sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education; or

(b) The ***offender or*** sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education.

➥ The ***offender or*** sex offender shall provide the name, address and type of each such institution of higher education.

6. To register with a local law enforcement agency pursuant to this section, the ***offender or*** sex offender shall:

(a) Appear personally at the office of the appropriate local law enforcement agency;

(b) Provide all information that is requested by the local law enforcement agency, including, but not limited to, fingerprints and a photograph; and

(c) Sign and date the record of registration or some other proof of registration of the local law enforcement agency in the presence of an officer of the local law enforcement agency.

7. When ~~[a]~~ ***an offender or*** sex offender registers, the local law enforcement agency shall:

(a) Inform the ***offender or*** sex offender of the duty to notify the local law enforcement agency if the ***offender or*** sex offender changes the address at which he resides, including if he moves from this State to another jurisdiction, or changes the primary address at which he is a student or worker; and

(b) Inform the ***offender or*** sex offender of the duty to register with the local law enforcement agency in whose jurisdiction the sex offender relocates.

8. After the ***offender or*** sex offender registers with the local law enforcement agency, the local law enforcement agency shall forward to the Central Repository the information collected, including the fingerprints and a photograph of the ***offender or*** sex offender.

9. If the Central Repository has not previously established a record of registration for ~~[a]~~ ***an offender or*** sex offender described in subsection 8, the Central Repository shall:

(a) Establish a record of registration for the ***offender or*** sex offender;

(b) Provide notification concerning the ***offender or*** sex offender to the appropriate local law enforcement agencies; and

(c) ~~[If the sex offender is subject to community notification and has not otherwise been assigned a level of notification, arrange for the assessment of the risk of recidivism of]~~ ***Provide community notification concerning*** the ***offender or*** sex offender pursuant to the ~~[guidelines and procedures for community notification established by the Attorney General pursuant to NRS 179D.600 to 179D.800, inclusive.]~~ ***provisions of section 29 of this act.***

10. When ~~[a]~~ ***an offender or*** sex offender notifies a local law enforcement agency that:

(a) The ***offender or*** sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education; or

(b) The ***offender or*** sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education,

➥ and provides the name, address and type of each such institution of higher education, the local law enforcement agency shall immediately provide that

information to the Central Repository and to the appropriate campus police department.

Sec. 40. NRS 179D.480 is hereby amended to read as follows:

179D.480 1. Except as otherwise provided in ~~[subsections 2 and 5, each year, on the anniversary of the date that the Central Repository establishes a record of registration for the sex offender, the Central Repository shall mail to the sex offender, at the address last registered by the sex offender, a nonforwardable verification form. The sex offender shall complete and sign the form and mail the form to the Central Repository not later than 10 days after receipt of the form to verify that he still resides at the address he last registered.~~

~~2. Except as otherwise provided in subsection 5, if a sex offender has been declared to be a sexually violent predator, every 90 days, beginning on the date that the Central Repository establishes a record of registration for the sex offender, the Central Repository shall mail to the sex offender, at the address last registered by the sex offender, a nonforwardable verification form. The sex offender shall complete and sign the form and mail the form to the Central Repository not later than 10 days after receipt of the form to verify that he still resides at the address he last registered.~~

~~3. A sex offender shall include with each verification form]~~ ***subsection 3, an offender convicted of a crime against a child or sex offender shall appear in person in at least one jurisdiction in which the offender or sex offender resides or is a student or worker:***

(a) Not less frequently than annually, if the offender or sex offender is a Tier I offender;

(b) Not less frequently than every 180 days, if the offender or sex offender is a Tier II offender; or

(c) Not less frequently than every 90 days, if the offender or sex offender is a Tier III offender,

➥ and shall allow the appropriate local law enforcement agency to collect a current set of fingerprints ~~[,]~~ ***and palm prints,*** a current photograph and all other information that is relevant to updating his record of registration, including, but not limited to, any change in his name, occupation, employment, work, volunteer service or driver's license and any change in the license number or description of a motor vehicle registered to or frequently driven by him. ~~[The Central Repository shall provide all updated information to the appropriate local law enforcement agencies.~~

~~4. If the Central Repository does not receive a verification form from a]~~

2. If an offender or sex offender ~~[and otherwise cannot verify the address or location of the sex offender,]~~ ***does not comply with the provisions of subsection 1,*** the Central Repository shall ~~[immediately]~~ ***:***

(a) Immediately notify the appropriate local law enforcement agencies ~~[.~~

~~5. The Central Repository]~~ ***and the Attorney General of the United States; and***

(b) Update the record of registration for the sex offender to reflect his failure to comply with the provisions of subsection 1.

3. An offender or sex offender is not required to ~~[complete the mailing pursuant to]~~ ***comply with the provisions of*** subsection 1 ~~[or 2:~~

~~(a) During]~~ ***during*** any period in which ~~[a]~~ ***the offender or*** sex offender is incarcerated or confined ***.*** ~~[or has changed his place of residence from this State to another jurisdiction; or~~

~~(b) For a nonresident sex offender who is a student or worker within this State.]~~

Sec. 41. NRS 179D.490 is hereby amended to read as follows:

179D.490 1. ~~[A]~~ ***An offender convicted of a crime against a child or a*** sex offender shall comply with the provisions for registration for as long as the ***offender or*** sex offender resides or is present within this State or is a nonresident ***offender or*** sex offender who is a student or worker within this State, unless the ***period of time during which the offender or sex offender has the*** duty ~~[of the sex offender]~~ to register is ~~[terminated]~~ ***reduced*** pursuant to the provisions of this section.

2. Except as otherwise provided in subsection ~~[5, if a]~~ ***3, the full period of registration is:***

(a) Fifteen years, if the offender or sex offender is a Tier I offender;

(b) Twenty-five years, if the offender or sex offender is a Tier II offender; and

(c) The life of the offender or sex offender, if the offender or sex offender is a Tier III offender,

➥ exclusive of any time during which the offender or sex offender is incarcerated or confined.

3. If an offender or sex offender complies with the provisions for registration ~~[for]~~ ***:***

(a) For an interval of at least ~~[15]~~ ***10*** consecutive years ***, if the offender or sex offender is a Tier I offender; or***

(b) For an interval of at least 25 consecutive years, if the offender or sex offender is a Tier III offender adjudicated delinquent for the offense which required registration as an offender or sex offender,

➥ during which he is not convicted of an offense ~~[that poses a threat to the safety or well-being of others,]~~ ***for which imprisonment for more than 1 year may be imposed, is not convicted of a sexual offense, successfully completes any periods of supervised release, probation or parole, and successfully completes a sex offender treatment program certified by the State or by the Attorney General of the United States,*** the ***offender or*** sex offender may file a petition to ~~[terminate his]~~ ***reduce the period of time during which the offender or sex offender has a*** duty to register with the district court in whose jurisdiction he resides or, if he is a nonresident ***offender or*** sex offender, in whose jurisdiction he is a student or worker. For the purposes of this subsection, registration begins on the date that the Central Repository ***or appropriate agency of another jurisdiction*** establishes

a record of registration for the ***offender or*** sex offender or the date that the ***offender or*** sex offender is released, whichever occurs later.

~~[3.]~~ ***4.*** If the ***offender or*** sex offender satisfies the requirements of subsection ~~[2,]~~ ***3,*** the court shall hold a hearing on the petition at which the ***offender or*** sex offender and any other interested person may present witnesses and other evidence. If the court determines from the evidence presented at the hearing that the ***offender or*** sex offender ~~[is not likely to pose a threat to the safety of others,]~~ ***satisfies the requirements of subsection 3,*** the court shall ~~[terminate the duty of]~~ ***:***

(a) If the offender or sex offender is a Tier I offender, reduce the period of time during which the ***offender or*** sex offender ***is required*** to register ~~[.~~

~~4. If the court does not terminate the duty of the sex offender to register after a petition is heard pursuant to subsections 2 and 3, the sex offender may file another petition after each succeeding interval of 5 consecutive years if the sex offender is not convicted of an offense that poses a threat to the safety or well-being of others.~~

~~5. A sex offender may not file a petition to terminate his duty to register pursuant to this section if the sex offender:~~

~~(a) Is subject to community notification or to lifetime supervision pursuant to NRS 176.0931;~~

~~(b) Has been declared to be a sexually violent predator; or~~

~~(c) Has been convicted of:~~

~~(1) One or more sexually violent offenses;~~

~~(2) Two or more sexual offenses against persons less than 18 years of age;~~

~~(3) Two or more crimes against a child, as defined in NRS 179D.210; or~~

~~(4) At least one of each offense listed in subparagraphs (2) and (3).]~~ ***by 5 years; and***

(b) If the offender or sex offender is a Tier III offender adjudicated delinquent for the offense which required registration as an offender or sex offender, reduce the period of time during which the offender or sex offender is required to register from the life of the offender or sex offender to that period of time for which the offender or sex offender meets the requirements of subsection 3.

Sec. 42. NRS 179D.550 is hereby amended to read as follows:

179D.550 1. Except as otherwise provided in subsection 2, ~~[a]~~ ***an offender or*** sex offender who:

(a) Fails to register with a local law enforcement agency;

(b) Fails to notify the local law enforcement agency of a change of ~~[address;]~~ ***name, residence, employment or student status as required pursuant to section 28 of this act;***

(c) Provides false or misleading information to the Central Repository or a local law enforcement agency; or

(d) Otherwise violates the provisions of NRS ~~[179D.350]~~ ***179D.010*** to 179D.550, inclusive, ***and sections 16 to 30, inclusive, of this act,***

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. ~~[A]~~ ***An offender or*** sex offender who commits a second or subsequent violation of subsection 1 within 7 years after the first violation is guilty of a category C felony and shall be punished as provided in NRS 193.130. A court shall not grant probation to or suspend the sentence of a person convicted pursuant to this subsection.

3. If a local law enforcement agency is aware that an offender or sex offender in its jurisdiction has failed to comply with a provision of NRS 179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act, the local law enforcement agency must take any appropriate action to ensure his compliance.

Sec. 43. NRS 179D.570 is hereby amended to read as follows:

179D.570 1. The Central Repository shall, in accordance with the requirements of this section, share information concerning sex offenders and offenders convicted of a crime against a child with:

(a) The State Gaming Control Board to carry out the provisions of NRS 463.335 pertaining to the registration of a gaming employee who is a sex offender or an offender convicted of a crime against a child. The Central Repository shall, at least once each calendar month, provide the State Gaming Control Board with the name and other identifying information of each offender who is not in compliance with the provisions of this chapter, in the manner and form agreed upon by the Central Repository and the State Gaming Control Board.

(b) The Department of Motor Vehicles to carry out the provisions of NRS 483.283, 483.861 and 483.929.

2. The information shared by the Central Repository pursuant to this section must indicate whether a sex offender or an offender convicted of a crime against a child is in compliance with the provisions of this chapter.

3. The Central Repository shall share information pursuant to this section as expeditiously as possible under the circumstances.

4. The Central Repository may adopt regulations to carry out the provisions of this section.

~~[5. As used in this section:~~

~~(a) "Offender convicted of a crime against a child" has the meaning ascribed to it in NRS 179D.216.~~

~~(b) "Sex offender" has the meaning ascribed to it in NRS 179D.400.]~~

Sec. 44. NRS 40.770 is hereby amended to read as follows:

40.770 1. Except as otherwise provided in subsection 6, in any sale, lease or rental of real property, the fact that the property is or has been:

(a) The site of a homicide, suicide or death by any other cause, except a death that results from a condition of the property;

(b) The site of any crime punishable as a felony other than a crime that involves the manufacturing of any material, compound, mixture or preparation which contains any quantity of methamphetamine; or

(c) Occupied by a person exposed to the human immunodeficiency virus or suffering from acquired immune deficiency syndrome or any other disease that is not known to be transmitted through occupancy of the property,

➥ is not material to the transaction.

2. In any sale, lease or rental of real property, the fact that a sex offender, as defined in ~~[NRS 179D.400,]~~ ***section 20 of this act,*** resides or is expected to reside in the community is not material to the transaction, and the seller, lessor or landlord or any agent of the seller, lessor or landlord does not have a duty to disclose such a fact to a buyer, lessee or tenant or any agent of a buyer, lessee or tenant.

3. In any sale, lease or rental of real property, the fact that a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS is located near the property being sold, leased or rented is not material to the transaction.

4. A seller, lessor or landlord or any agent of the seller, lessor or landlord is not liable to the buyer, lessee or tenant in any action at law or in equity because of the failure to disclose any fact described in subsection 1, 2 or 3 that is not material to the transaction or of which the seller, lessor or landlord or agent of the seller, lessor or landlord had no actual knowledge.

5. Except as otherwise provided in an agreement between a buyer, lessee or tenant and his agent, an agent of the buyer, lessee or tenant is not liable to the buyer, lessee or tenant in any action at law or in equity because of the failure to disclose any fact described in subsection 1, 2 or 3 that is not material to the transaction or of which the agent of the buyer, lessee or tenant had no actual knowledge.

6. For purposes of this section, the fact that the property is or has been the site of a crime that involves the manufacturing of any material, compound, mixture or preparation which contains any quantity of methamphetamine is not material to the transaction if:

(a) All materials and substances involving methamphetamine have been removed from or remediated on the property by an entity certified or licensed to do so; or

(b) The property has been deemed safe for habitation by a governmental entity.

7. As used in this section, "facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.

Sec. 45. NRS 62A.030 is hereby amended to read as follows:

62A.030 1. "Child" means:

(a) A person who is less than 18 years of age;

(b) A person who is less than 21 years of age and subject to the jurisdiction of the juvenile court for an unlawful act that was committed before the person reached 18 years of age; or

(c) A person who is otherwise subject to the jurisdiction of the juvenile court as a juvenile sex offender pursuant to the provisions of NRS 62F.200 ~~[to 62F.260, inclusive.]~~ ***, 62F.220 and 62F.260.***

2. The term does not include a person who is excluded from the jurisdiction of the juvenile court pursuant to NRS 62B.330 or a person who is certified for criminal proceedings as an adult pursuant to NRS 62B.390 or 62B.400.

Sec. 46. NRS 62F.200 is hereby amended to read as follows:

62F.200 ***1.*** As used in NRS 62F.200 ~~[to 62F.260, inclusive,]~~ ***, 62F.220 and 62F.260,*** unless the context otherwise requires, "sexual offense" means:

~~[1.]~~ ***(a)*** Sexual assault pursuant to NRS 200.366;

~~[2.]~~ ***(b)*** Battery with intent to commit sexual assault pursuant to NRS 200.400;

~~[3. An offense involving pornography and a minor pursuant to NRS 200.710 or 200.720;~~

~~4.]~~ ***(c)*** Lewdness with a child pursuant to NRS 201.230; or

~~[5.]~~ ***(d)*** An attempt ***or conspiracy*** to commit an offense listed in this section.

2. The term does not include an offense involving consensual sexual conduct if the victim was at least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 47. NRS 62F.220 is hereby amended to read as follows:

62F.220 1. ~~[In addition to any other action authorized or required pursuant to the provisions of this title, if]~~ ***If*** a child ***who is 14 years of age or older*** is adjudicated delinquent for an unlawful act that would have been a sexual offense if committed by an adult ***,*** ~~[or is adjudicated delinquent for a sexually motivated act,]~~ the juvenile court shall:

(a) Notify the ~~[Attorney General of the adjudication, so the Attorney General may arrange for the assessment of the risk of recidivism of the child pursuant to the guidelines and procedures for community notification;~~

~~(b) Place the child under the supervision of a probation officer or parole officer, as appropriate, for a period of not less than 3 years;~~

~~(c)]~~ ***Central Repository of the adjudication of the child, so the Central Repository may carry out any provisions for registration of the child pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act;***

(b) Inform the child and the parent or guardian of the child that the child is subject to ~~[community notification as a juvenile sex offender and may be subject to]~~ registration and community notification ~~[as an adult sex offender]~~ pursuant to NRS ~~[62F.250; and~~

~~(d) Order the child, and the parent or guardian of the child during the minority of the child, while the child is subject to community notification as a juvenile sex offender, to inform the probation officer or parole officer, as appropriate, assigned to the child of a change of the address at which the child resides not later than 48 hours after the change of address.]~~ ***179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act.***

2. The juvenile court may not terminate its jurisdiction concerning the child for the purposes of carrying out the provisions of NRS 62F.200 ~~[to 62F.260, inclusive,]~~ ***, 62F.220 and 62F.260*** until the child is no longer subject to ***registration and*** community notification as a juvenile sex offender pursuant to NRS 62F.200 ~~[to 62F.260, inclusive.]~~ ***, 62F.220 and 62F.260.***

Sec. 48. NRS 62F.260 is hereby amended to read as follows:

62F.260 ~~[1.]~~ The records relating to a child must not be sealed pursuant to the provisions of NRS 62H.100 to 62H.170, inclusive, while the child is subject to ***registration and*** community notification as a juvenile sex offender ~~[.~~

~~2. If a child is deemed to be an adult sex offender pursuant to NRS 62F.250, is convicted of a sexual offense, as defined in NRS 179D.410, before reaching 21 years of age or is otherwise subject to registration and community notification pursuant to NRS 179D.350 to 179D.800, inclusive, before reaching 21 years of age:~~

~~(a) The records relating to the child must not be sealed pursuant to the provisions of NRS 62H.100 to 62H.170, inclusive; and~~

~~(b) Each delinquent act committed by the child that would have been a sexual offense, as defined in NRS 179D.410 if committed by an adult, shall be deemed to be a criminal conviction for the purposes of:~~

~~(1) Registration and community notification pursuant to NRS 179D.350 to 179D.800, inclusive; and~~

~~(2) The statewide registry established within the Central Repository pursuant to chapter 179B of NRS.]~~ ***pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act.***

Sec. 49. NRS 213.1099 is hereby amended to read as follows:

213.1099 1. Except as otherwise provided in this section and NRS 213.1214 and 213.1215, the Board may release on parole a prisoner who is otherwise eligible for parole pursuant to NRS 213.107 to 213.157, inclusive.

2. In determining whether to release a prisoner on parole, the Board shall consider:

(a) Whether there is a reasonable probability that the prisoner will live and remain at liberty without violating the laws;

(b) Whether the release is incompatible with the welfare of society;

(c) The seriousness of the offense and the history of criminal conduct of the prisoner;

(d) The standards adopted pursuant to NRS 213.10885 and the recommendation, if any, of the Chief; and

(e) Any documents or testimony submitted by a victim notified pursuant to NRS 213.130.

3. When a person is convicted of a felony and is punished by a sentence of imprisonment, he remains subject to the jurisdiction of the Board from the time he is released on parole under the provisions of this chapter until the expiration of the maximum term of imprisonment imposed by the court less any credits earned to reduce his sentence pursuant to chapter 209 of NRS.

4. Except as otherwise provided in NRS 213.1215, the Board may not release on parole a prisoner whose sentence to death or to life without possibility of parole has been commuted to a lesser penalty unless it finds that the prisoner has served at least 20 consecutive years in the state prison, is not under an order to be detained to answer for a crime or violation of parole or probation in another jurisdiction, and that he does not have a history of:

(a) Recent misconduct in the institution, and that he has been recommended for parole by the Director of the Department of Corrections;

(b) Repetitive criminal conduct;

(c) Criminal conduct related to the use of alcohol or drugs;

(d) Repetitive sexual deviance, violence or aggression; or

(e) Failure in parole, probation, work release or similar programs.

5. In determining whether to release a prisoner on parole pursuant to this section, the Board shall not consider whether the prisoner will soon be eligible for release pursuant to NRS 213.1215.

6. The Board shall not release on parole an offender convicted of an offense listed in ~~[NRS 179D.410]~~ ***section 21 of this act*** until the ~~[law enforcement agency in whose jurisdiction the offender will be released on parole]~~ ***Central Repository for Nevada Records of Criminal History*** has been provided an opportunity to give the notice required ~~[by the Attorney General]~~ pursuant to ~~[NRS 179D.600 to 179D.800, inclusive.]~~ ***section 29 of this act.***

Sec. 50. NRS 213.1245 is hereby amended to read as follows:

213.1245 1. Except as otherwise provided in subsection 3, if the Board releases on parole a prisoner convicted of an offense listed in ~~[NRS 179D.620,]~~ ***section 21 of this act,*** the Board shall, in addition to any other condition of parole, require as a condition of parole that the parolee:

(a) Reside at a location only if it has been approved by the parole and probation officer assigned to the parolee and keep the parole and probation officer informed of his current address;

(b) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the parolee and keep the parole and probation officer informed of the location of his position of employment or position as a volunteer;

(c) Abide by any curfew imposed by the parole and probation officer assigned to the parolee;

(d) Participate in and complete a program of professional counseling approved by the Division;

(e) Submit to periodic tests, as requested by the parole and probation officer assigned to the parolee, to determine whether the parolee is using a controlled substance;

(f) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the parolee;

(g) Abstain from consuming, possessing or having under his control any alcohol;

(h) Not have contact or communicate with a victim of the offense or a witness who testified against the parolee or solicit another person to engage in such contact or communication on behalf of the parolee, unless approved by the parole and probation officer assigned to the parolee, and a written agreement is entered into and signed in the manner set forth in subsection 2;

(i) Not use aliases or fictitious names;

(j) Not obtain a post office box unless the parolee receives permission from the parole and probation officer assigned to the parolee;

(k) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of an offense listed in ~~[NRS 179D.410]~~ ***section 21 of this act*** is present and permission has been obtained from the parole and probation officer assigned to the parolee in advance of each such contact;

(l) Unless approved by the parole and probation officer assigned to the parolee and by a psychiatrist, psychologist or counselor treating the parolee, if any, not be in or near:

(1) A playground, park, school or school grounds;

(2) A motion picture theater; or

(3) A business that primarily has children as customers or conducts events that primarily children attend;

(m) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication;

(n) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the parolee;

(o) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the parolee;

(p) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the parolee; and

(q) Inform the parole and probation officer assigned to the parolee if the parolee expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education. As used in this paragraph, "institution of higher education" has the meaning ascribed to it in NRS 179D.045.

2. A written agreement entered into pursuant to paragraph (h) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or communication authorized. The written agreement must be signed and agreed to by:

(a) The victim or the witness;

(b) The parolee;

(c) The parole and probation officer assigned to the parolee;

(d) The psychiatrist, psychologist or counselor treating the parolee, victim or witness, if any; and

(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child.

3. The Board is not required to impose a condition of parole listed in subsection 1 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.

Sec. 51. NRS 391.314 is hereby amended to read as follows:

391.314 1. If a superintendent has reason to believe that cause exists for the dismissal of a licensed employee and he is of the opinion that the immediate suspension of the employee is necessary in the best interests of the pupils in the district, the superintendent may suspend the employee without notice and without a hearing. Notwithstanding the provisions of NRS 391.312, a superintendent may suspend a licensed employee who has been officially charged but not yet convicted of a felony or a crime involving moral turpitude or immorality. If the charge is dismissed or if the employee is found not guilty, he must be reinstated with back pay, plus interest, and normal seniority. The superintendent shall notify the employee in writing of the suspension.

2. Within 5 days after a suspension becomes effective, the superintendent shall begin proceedings pursuant to the provisions of NRS 391.312 to 391.3196, inclusive, to effect the employee's dismissal. The employee is entitled to continue to receive his salary and other benefits after the suspension becomes effective until the date on which the dismissal proceedings are commenced. The superintendent may recommend that an employee who has been charged with a felony or a crime involving immorality be dismissed for another ground set forth in NRS 391.312.

3. If sufficient grounds for dismissal do not exist, the employee must be reinstated with full compensation, plus interest.

4. A licensed employee who furnishes to the school district a bond or other security which is acceptable to the board as a guarantee that he will repay any amounts paid to him pursuant to this subsection as salary during a period of suspension is entitled to continue to receive his salary from the date on which the dismissal proceedings are commenced until the decision of the board or the report of the hearing officer, if the report is final and binding. The board shall not unreasonably refuse to accept security other than a bond. An employee who receives salary pursuant to this subsection shall repay it if he is dismissed or not reemployed as a result of a decision of the board or a report of a hearing officer.

5. A licensed employee who is convicted of a crime which requires registration pursuant to NRS ~~[179D.200 to 179D.290, inclusive, or 179D.350]~~ ***179D.010*** to 179D.550, inclusive, ***and sections 16 to 30, inclusive, of this act,*** or is convicted of an act forbidden by NRS 200.508,

201.190, 201.265, 201.540, 201.560 or 207.260 forfeits all rights of employment from the date of his arrest.

6. A licensed employee who is convicted of any crime and who is sentenced to and serves any sentence of imprisonment forfeits all rights of employment from the date of his arrest or the date on which his employment terminated, whichever is later.

7. A licensed employee who is charged with a felony or a crime involving immorality or moral turpitude and who waives his right to a speedy trial while suspended may receive no more than 12 months of back pay and seniority upon reinstatement if he is found not guilty or the charges are dismissed, unless proceedings have been begun to dismiss the employee upon one of the other grounds set forth in NRS 391.312.

8. A superintendent may discipline a licensed employee by suspending the employee with loss of pay at any time after a hearing has been held which affords the due process provided for in this chapter. The grounds for suspension are the same as the grounds contained in NRS 391.312. An employee may be suspended more than once during the employee's contract year, but the total number of days of suspension may not exceed 20 in 1 contract year. Unless circumstances require otherwise, the suspensions must be progressively longer.

Sec. 52. NRS 458.300 is hereby amended to read as follows:

458.300 Subject to the provisions of NRS 458.290 to 458.350, inclusive, an alcoholic or a drug addict who has been convicted of a crime is eligible to elect to be assigned by the court to a program of treatment for the abuse of alcohol or drugs pursuant to NRS 453.580 before he is sentenced unless:

1. The crime is:

(a) A crime against the person punishable as a felony or gross misdemeanor as provided in chapter 200 of NRS;

(b) A crime against a child as defined in ~~[NRS 179D.210;]~~ ***section 16 of this act;***

(c) A sexual offense as defined in ~~[NRS 179D.410;]~~ ***section 21 of this act;*** or

(d) An act which constitutes domestic violence as set forth in NRS 33.018;

2. The crime is that of trafficking of a controlled substance;

3. The crime is a violation of NRS 484.379, 484.3795 or 484.37955;

4. The alcoholic or drug addict has a record of two or more convictions of a crime described in subsection 1 or 2, a similar crime in violation of the laws of another state, or of three or more convictions of any felony;

5. Other criminal proceedings alleging commission of a felony are pending against the alcoholic or drug addict;

6. The alcoholic or drug addict is on probation or parole and the appropriate parole or probation authority does not consent to the election; or

7. The alcoholic or drug addict elected and was admitted, pursuant to NRS 458.290 to 458.350, inclusive, to a program of treatment not more than twice within the preceding 5 years.

Sec. 53. NRS 483.283 is hereby amended to read as follows:

483.283 1. The Department shall not issue a driver's license to an offender or renew the driver's license of an offender until the Department has received information submitted by the Central Repository pursuant to NRS 179D.570 or other satisfactory evidence indicating that the offender is in compliance with the provisions of chapter 179D of NRS.

2. If an offender is not in compliance with the provisions of chapter 179D of NRS, the Department:

(a) Shall not issue a driver's license to the offender or renew the driver's license of the offender; and

(b) Shall advise the offender to contact the Central Repository to determine the actions that the offender must take to be in compliance with the provisions of chapter 179D of NRS.

3. A driver's license issued to an offender expires on the first anniversary date of the offender's birthday, measured in the case of an original license, or a renewal license and a renewal of an expired license, from the birthday nearest the date of issuance or renewal.

4. The Department may adopt regulations to carry out the provisions of this section.

5. As used in this section:

(a) "Central Repository" means the Central Repository for Nevada Records of Criminal History.

(b) "Offender" includes an "offender convicted of a crime against a child" as defined in ~~[NRS 179D.216]~~ ***section 18 of this act*** and a "sex offender" as defined in ~~[NRS 179D.400.]~~ ***section 20 of this act.***

Sec. 54. NRS 483.861 is hereby amended to read as follows:

483.861 1. The Department shall not issue an identification card to an offender or renew the identification card of an offender until the Department has received information submitted by the Central Repository pursuant to NRS 179D.570 or other satisfactory evidence indicating that the offender is in compliance with the provisions of chapter 179D of NRS.

2. If an offender is not in compliance with the provisions of chapter 179D of NRS, the Department:

(a) Shall not issue an identification card to the offender or renew the identification card of the offender; and

(b) Shall advise the offender to contact the Central Repository to determine the actions that the offender must take to be in compliance with the provisions of chapter 179D of NRS.

3. An identification card issued to an offender expires on the first anniversary date of the offender's birthday, measured in the case of an original identification card, a renewal identification card and a renewal of an expired identification card, from the birthday nearest the date of issuance or renewal.

4. The Department may adopt regulations to carry out the provisions of this section.

5. As used in this section:

(a) "Central Repository" means the Central Repository for Nevada Records of Criminal History.

(b) "Offender" includes ***, without limitation,*** an "offender convicted of a crime against a child" as defined in ~~[NRS 179D.216]~~ ***section 18 of this act*** and a "sex offender" as defined in ~~[NRS 179D.400.]~~ ***section 20 of this act.***

Sec. 55. NRS 483.929 is hereby amended to read as follows:

483.929 1. The Department shall not issue a commercial driver's license to an offender or renew the commercial driver's license of an offender until the Department has received information submitted by the Central Repository pursuant to NRS 179D.570 or other satisfactory evidence indicating that the offender is in compliance with the provisions of chapter 179D of NRS.

2. If an offender is not in compliance with the provisions of chapter 179D of NRS, the Department:

(a) Shall not issue a commercial driver's license to the offender or renew the commercial driver's license of the offender; and

(b) Shall advise the offender to contact the Central Repository to determine the actions that the offender must take to be in compliance with the provisions of chapter 179D of NRS.

3. A commercial driver's license issued to an offender expires on the first anniversary date of the offender's birthday, measured in the case of an original license, a renewal license and a renewal of an expired license, from the birthday nearest the date of issuance or renewal.

4. The Department may adopt regulations to carry out the provisions of this section.

5. As used in this section:

(a) "Central Repository" means the Central Repository for Nevada Records of Criminal History.

(b) "Offender" includes ***, without limitation,*** an "offender convicted of a crime against a child" as defined in ~~[NRS 179D.216]~~ ***section 18 of this act*** and a "sex offender" as defined in ~~[NRS 179D.400.]~~ ***section 20 of this act.***

Sec. 56. NRS 62A.050, 62F.210, 62F.230, 62F.240, 62F.250, 179D.055, 179D.060, 179D.200, 179D.210, 179D.214, 179D.216, 179D.220, 179D.230, 179D.240, 179D.250, 179D.260, 179D.270, 179D.290, 179D.350, 179D.360, 179D.365, 179D.370, 179D.380, 179D.390, 179D.400, 179D.410, 179D.420, 179D.430, 179D.510, 179D.530, 179D.600, 179D.605, 179D.610, 179D.620, 179D.630, 179D.640, 179D.650, 179D.660, 179D.700, 179D.710, 179D.720, 179D.730, 179D.740, 179D.750, 179D.760, 179D.770 and 179D.800 are hereby repealed.

Sec. 57. This act becomes effective on July 1, 2008.

LEADLINES OF REPEALED SECTIONS

62A.050 "Community notification" defined.

62F.210 Applicability of provisions.

62F.230 Notification to local law enforcement agency.

62F.240 Power of juvenile court to relieve child of being subject to community notification.

62F.250 Hearing to determine whether to deem child adult sex offender; termination of registration and community notification.

179D.055 "Nonconsensual" defined.

179D.060 "Offense that poses a threat to the safety or well-being of others" defined.

179D.200 Definitions.

179D.210 "Crime against a child" defined.

179D.214 "Nonresident offender who is a student or worker within this State" and "nonresident offender" defined.

179D.216 "Offender convicted of a crime against a child" and "offender" defined.

179D.220 "Registration" defined.

179D.230 Registration after conviction; duties and procedure; offender informed of duty to register; effect of failure to inform; duties and procedure upon receipt of notification from another jurisdiction or Federal Bureau of Investigation.

179D.240 Registration with local law enforcement agency within 48 hours; duties of offender and procedure; local law enforcement agency to inform offender of his duties after registration; establishment of record of registration; duty of local law enforcement agency when notified of certain information about offender who enrolls in or works at institution of higher education.

179D.250 Offender to notify appropriate agencies of change of address and provide updated information; duties and procedure.

179D.260 Verification form.

179D.270 Duration of duty to register; termination of duty; procedure; exceptions.

179D.290 Prohibited acts; penalties.

179D.350 Definitions.

179D.360 "Mental disorder" defined.

179D.365 "Nonresident sex offender who is a student or worker within this State" and "nonresident sex offender" defined.

179D.370 "Personality disorder" defined.

179D.380 "Qualified professional" defined.

179D.390 "Registration" defined.

179D.400 "Sex offender" defined.

179D.410 "Sexual offense" defined.

179D.420 "Sexually violent offense" defined.

179D.430 "Sexually violent predator" defined.

179D.510 Petition by prosecuting attorney; procedure; access to records of sex offender; rights of confidentiality and privileges deemed waived.

179D.530 Contents of record of registration for sexually violent predator.

179D.600 Definitions.

179D.605 "Nonresident sex offender who is a student or worker within this State" and "nonresident sex offender" defined.

179D.610 "Sex offender" defined.

179D.620 "Sexual offense" defined.

179D.630 "Sexually violent predator" defined.

179D.640 "Tier 1 level of notification" defined.

179D.650 "Tier 2 level of notification" defined.

179D.660 "Tier 3 level of notification" defined.

179D.700 Advisory Council for Community Notification; creation; members; vacancies; recommendations concerning notification.

179D.710 Attorney General to establish guidelines and procedures; uniform application; scope.

179D.720 Assessment of risk of recidivism; factors considered; access to records of sex offender; rights of confidentiality and privileges deemed waived.

179D.730 Levels of notification; persons notified; when notification to include photograph; mandatory level of notification for certain sex offenders; existence of community notification website does not affect responsibility to provide notification.

179D.740 Notice to sex offender of level of notification assigned and procedure for reconsideration; exceptions.

179D.750 Change in level of notification after unlawful or harmful act.

179D.760 Reassessment of risk of recidivism; termination of notification; procedure; exceptions.

179D.770 Disclosure of information by law enforcement agencies.

179D.800 Attorney General to establish guidelines and procedures; disclosure of information; access to records of juvenile sex offender; rights of confidentiality and privileges deemed waived.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 88.

The following Senate amendment was read:

Amendment No. 678.

AN ACT relating to collection agencies; providing that ~~[certain violations]~~ **a violation** of the Fair Debt Collection Practices Act ~~[are]~~ **is** a violation of certain provisions governing collection agencies; ~~[requiring a collection agency to send a written notice to a debtor within a certain period after the initial communication with the debtor; requiring a collection agency to verify~~

~~a debt by obtaining or attempting to obtain certain documents;~~] **prohibiting a collection agency, or a manager, agent or employee of a collection agency, from collecting or attempting to collect a debt under certain circumstances;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section ~~[1.5]~~ **1** of this bill provides that a violation of ~~[certain provisions]~~ **any provision** of the federal Fair Debt Collection Practices Act, 15 U.S.C. §§ ~~[1692g and 1692h,]~~ **1692 et seq., or any regulation adopted pursuant thereto,** shall be deemed to be a violation of chapter 649 of NRS governing collection agencies.

~~[Section 2 of this bill requires a collection agency, within 5 days after the initial communication with a debtor in connection with the collection of a debt, to send to the debtor a written notice setting forth a statement indicating that the payment or agreement to pay the debt may be construed as an acknowledgment of the debt and as a waiver of the statute of limitations applicable to the collection of the debt. Section 2 also provides that, to verify a debt, a collection agency is required to obtain certain documents from the creditor and mail those documents to the debtor.]~~

Section 5 of this bill makes the provisions of ~~[sections 1.5 and 2]~~ **section 1** of this bill applicable to a foreign collection agency.

Section 7 of this bill prohibits a collection agency, or a manager, agent or employee of a collection agency, from collecting or attempting to collect a debt or any portion of a debt if an applicable statute of limitations regarding the debt has expired. Section 7 also prohibits a collection agency, or the manager, agent or employee of a collection agency, from obtaining or attempting to obtain from the debtor an acknowledgement of the debt or a promise to pay the debt.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 649 of NRS is hereby amended by adding thereto ~~[the provisions set forth as sections 1.5 and 2 of this act.]~~ **a new section to read as follows:**

A violation of any provision of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq., or any regulation adopted pursuant thereto, shall be deemed to be a violation of this chapter.

Sec. 1.5. ~~*[A violation of any provision of section 809 or 810 of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692g and 1692h, or any regulation adopted pursuant thereto, shall be deemed to be a violation of this chapter.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~*[1. Within 5 days after the initial communication with a debtor in connection with the collection of a debt, a collection agency shall, unless the following information is included in the initial communication, send a written notice to the debtor that includes a statement indicating that:*~~

~~*(a) If the debtor pays or agrees to pay the debt or any portion of the debt, the payment or agreement to pay may be construed as:*~~

~~*(1) An acknowledgment of the debt by the debtor; and*~~

~~*(2) A waiver by the debtor of any applicable statute of limitations set forth in NRS 11.190 that otherwise precludes the collection of the debt; and*~~

~~*(b) If the debtor does not understand or has questions concerning his legal rights or obligations relating to the debt, the debtor should seek legal advice.*~~

~~*2. To verify a debt, a collection agency shall:*~~

~~*(a) Obtain or attempt to obtain from the creditor any document that is not in the possession of the collection agency and is reasonably responsive to the dispute of the debtor, if any; and*~~

~~*(b) If such a document is obtained, mail the document to the debtor.]*~~

(Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 649.171 is hereby amended to read as follows:

649.171 1. A person who is not licensed in this State as a collection agency may apply to the Commissioner for a certificate of registration as a foreign collection agency.

2. To be issued and to hold a certificate of registration as a foreign collection agency, a person:

(a) Must hold a license or permit to do business as a collection agency in another state;

(b) Must meet the qualifications to do business as a collection agency in this State;

(c) Must not have any employees or agents present in this State who engage in the collection of claims and must not maintain any business locations in this State as a collection agency;

(d) Must submit proof to the Commissioner, upon application and upon each annual renewal of the ~~[certification]~~ ***certificate*** of registration, that the person and his employees and agents will not, in this State:

(1) Engage in the business of soliciting the right to collect or receive payment for another of any claim; or

(2) Advertise or solicit, either in print, by letter, in person or otherwise, the right to collect or receive payment for another of any claim;

(e) When collecting claims against debtors who are present in this State, must:

(1) Limit his activities and those of his employees and agents to interstate communications by telephone, mail or facsimile; and

(2) Comply with the requirements of NRS 649.305 to 649.375, inclusive, ***and*** ~~*[sections 1.5 and 2]*~~ ***section 1 of this act,*** with regard to his activities and those of his employees and agents;

(f) Must pay:

(1) A fee to apply for a certificate of registration of not less than $200 and not more than $600, prorated on the basis of the registration year as determined by the Commissioner; and

(2) An annual renewal fee of not more than $200;

(g) Must deposit and maintain a bond or an appropriate substitute for the bond in the same manner as an applicant or licensee pursuant to NRS 649.105, 649.115 and 649.119;

(h) Must maintain his accounts, books and records in accordance with generally accepted accounting principles and in accordance with the requirements of subsection 1 of NRS 649.335; and

(i) Must pay any fees related to any examination of his accounts, books and records conducted by the Commissioner pursuant to subsection 3.

3. The Commissioner may conduct an annual examination and any additional examinations pursuant to NRS 649.335 of the accounts, books and records of each person who holds a certificate of registration as a foreign collection agency.

4. The Commissioner may take disciplinary action pursuant to NRS 649.385, 649.390 and 649.395 against a person who holds a certificate of registration as a foreign collection agency for any act or omission that would be grounds for taking such disciplinary action under those sections.

5. The Commissioner shall adopt:

(a) Regulations establishing the amount of the fees required pursuant to this section; and

(b) Any other regulations as may be necessary to carry out the provisions of this section.

Sec. 6. (Deleted by amendment.)

Sec. 7. **NRS 649.375 is hereby amended to read as follows:**

649.375 A collection agency, or its manager, agents or employees, shall not:

1. Use any device, subterfuge, pretense or deceptive means or representations to collect any debt, nor use any collection letter, demand or notice which simulates a legal process or purports to be from any local, city, county, state or government authority or attorney.

2. Collect or attempt to collect any interest, charge, fee or expense incidental to the principal obligation unless:

(a) Any such interest, charge, fee or expense as authorized by law or as agreed to by the parties has been added to the principal of the debt by the creditor before receipt of the item of collection;

(b) Any such interest, charge, fee or expense as authorized by law or as agreed to by the parties has been added to the principal of the debt by the collection agency and described as such in the first written communication with the debtor; or

(c) The interest, charge, fee or expense has been judicially determined as proper and legally due from and chargeable against the debtor.

3. Assign or transfer any claim or account upon termination or abandonment of its collection business unless prior written consent by the customer is given for the assignment or transfer. The written consent must contain an agreement with the customer as to all terms and conditions of the assignment or transfer, including the name and address of the intended assignee. Prior written consent of the Commissioner must also be obtained for any bulk assignment or transfer of claims or accounts, and any assignment or transfer may be regulated and made subject to such limitations or conditions as the Commissioner by regulation may reasonably prescribe.

4. Operate its business or solicit claims for collection from any location, address or post office box other than that listed on its license or as may be prescribed by the Commissioner.

5. Harass a debtor's employer in collecting or attempting to collect a claim, nor engage in any conduct that constitutes harassment as defined by regulations adopted by the Commissioner.

6. Advertise for sale or threaten to advertise for sale any claim as a means to enforce payment of the claim, unless acting under court order.

7. Publish or post, or cause to be published or posted, any list of debtors except for the benefit of its stockholders or membership in relation to its internal affairs.

8. Conduct or operate, in conjunction with its collection agency business, a debt counseling or prorater service for a debtor who has incurred a debt primarily for personal, family or household purposes whereby the debtor assigns or turns over to the counselor or prorater any of his earnings or other money for apportionment and payment of his debts or obligations. This section does not prohibit the conjunctive operation of a business of commercial debt adjustment with a collection agency if the business deals exclusively with the collection of commercial debt.

9. If an applicable statute of limitations for commencing an action regarding a debt has expired:

(a) Collect or attempt to collect the debt or any portion of the debt; or

(b) Obtain or attempt to obtain from the debtor an acknowledgement of the debt or a promise to pay the debt.

Assemblyman Oceguera moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 88.

Remarks by Assemblyman Oceguera.

Motion carried.

Bill ordered transmitted to the Senate.

Mr. Speaker pro Tempore announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:48 p.m.

ASSEMBLY IN SESSION

At 1:49 p.m.
Madam Speaker presiding.
Quorum present.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Koivisto moved that the Assembly recede from its action on Senate Bill No. 87.

Remarks by Assemblywoman Koivisto.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Lopez, Dominique Lopez, and Mario Lopez.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Don E. Hadyen Elementary School: Ada Martinez, Alex Velasco, Alexis Tuiletfuega, Aliyah Taylor, Andrea Alanis, Andrew Harlan, Andrew Heuser, Anthony Vereen, Asante Govan, Ashley Hogan, Aundrea Cornwell, Austin Barker, Ayela Moya, Brandon Herrera, Caesar Allen, Cord'e Sweets, Darielle-Joy Rios, Elysa Rodriguez, Indya Bruce, Jasmine Diaz, Jonaha Thomas, Jordan Davis, Justin Bottazzi, Kaitlyn Braithwaite, Kimberly Raible, Lamiricle Cleveland, Laura Duran, Leilah Shepard, Lexi Lee, Mark Ellis-Edralin, Matt Almodovar, Matthew DiFronzo, Matthew Hansen, Maxwell Eadeh, Mia Russell, Michael Link, Nicole Brianas, Paul DeMange, Quintin Swanson, Rachel Horath, Sadyna Barnes, Sam DeSousa, Shakirah McCants, Shanice Paulino, Sydnee King, Taylor Truman, Tea Rivera, Toni Van Tuyl, Tre'mar Moore, Truli Sweet, Tyler Ornelas, Vanessa Krebs, and Victor Comacho; teacher Barry Bosacker; chaperones Alma Hatzenbuhler, Betsy Eadeh, Jill Heuser, Jonathan Truman, Naelli Burciaga, Nicolle Cantiero Nicki Hone, Paul Braithwaite, Rachel Mitson, , Tammy Herrera, Toni Van Tuyl, and Tracie Horath.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to .

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Churchill County High School: Alicia Perazzo, Adam Perazzo, Jakob Wiley, Steven Hyde, Tyler Westover, Nicholas Greve, Rebecca Winder, Melissa Thomas, Mike Bloomfield, Kara Brockman, Shelby Frandsen, Michael Bueno, Destiny Keller, Kurt Itskin, Josh Williams; chaperones Kelly Frost and Carolyn Ross.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Arnie Altman and Corrine Altman.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Sorenson and Kim Sorenson.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblywoman Gene Segerblom.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Kayla Aikins, Jacob Bertocchi, Cameron Brown, Cheyanne Duve, Skyler Fitch, Casey Glisson, Michael Irvin, Erick Jacquez, Kiana Jiron, Jake Jones, Audrey Kessler, Samantha Lowe, Chase Morse, Garrett Nicholson, Levi Perez, Victor Ramirez, Ricky Salas, Alyssa Sisson, Zachary Thompson, Luis Cardenas, Francisco Chavez, Corey Castro, Jaremiah Abbott, Saania Ahmad, Elizabeth Bracamontes, Christian Burrows, Mhervin Dagdagan, J.J. Depew, Krystal Hanson, Madison Hart, Danny Manning, Arlette Mariscal, Jessee Medina, Rosario Perez, Desiree Pope, Brent Roberts, Haley Thompson, Danielle Myers, Nicole Vargas, Sadie Janssens, Matthew Romero, Mikaila Phillips, Michael Deleon, Gregory Martin, Dominick Harris, Jake Alferes, Gardenia Bracamontes-Villamar, Kyle Brazil, Cameron Cooper, Alejandro Cortez-Ramirez, Rossnel Dagdagan, Brittany Duerr, Jordan Geist, Bryan Harris, Shania Hicks, Daisy Lopez, Juan Mendoza-Meda, Donavon Morgan, Mariah Olvera, Lynsie Powell, Alexandra Reid, Diego Rodriguez-Gaytan, Danielle Sandage, Casey Stevens, Chantal Torres, Frank Villa, Samuel White, Tavin Williams, Jacob Withrow, Ethan Brockmeier, Teresa Boehmer, Nathan Brown, Destanee Cachucha, Ana Canales, Ernesto Chavez, Conrad Franz, Nathaniel Gomez, Angelina Gonzales, Gezzery Hammons, Mason Harmon, Caden Lehman, Brandon Maffei, Jennifer Olney, Analie Alvarez-Orozco, Preston Pheasant, Chelsea Phillips, Jesse Radosevich, Ashtyn Shepard, Kevin Sisson, Allan Vargas-Avalos; teacher Mary Berge; chaperones Jeri Jones, Asha Ahmad, Sandra Martin, Mario Bracamontes, Patricia Valdespino, Carolyn Cook, Silia Maguire, and Rob Boehmer; Flora Hill, Betsy Hill and Rachel Pilliod.

Assemblyman Oceguera moved that the Assembly adjourn until May 22, 2007, at 11 a.m. and that it do so in memory of Sergeant Anthony J. Schober and Army Private 1st Class Alexandro Varela.

Motion carried.

Assembly adjourned at 1:50 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE ONE HUNDRED AND SEVENTH DAY

CARSON CITY (Tuesday), May 22, 2007

Assembly called to order at 11:02 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

Our Father, I pray for the members of this body today. May they see the larger picture of the work that they have to accomplish in the next two weeks. Help them to understand that it is better to fail in a cause that will ultimately succeed than to succeed in a cause that will ultimately fail. Guide them in their work and then teach them to listen.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bill No. 619; Senate Bills Nos. 3, 53, 111, 279, 310, 432 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Senate Joint Resolution No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HARRY MORTENSON, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 5, 314, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 103, 157, 237, 242, 542, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 291, 586, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF WAIVER

A Waiver requested by: Legislative Counsel

For: A New BDR No. 24-1515 (S.B. 573): Makes various changes regarding precinct meetings of major political parties.

To Waive:

Subsections 1 and 2 of Joint Standing Rule No. 14 and Joint Standing Rule Nos. 14.2 and 14.3.

Has been granted effective: May 18, 2007.

WILLIAM J. RAGGIO
Senate Majority Leader

BARBARA BUCKLEY
Speaker of the Assembly

A Waiver requested by: William J. Raggio

For: Senate Joint Resolution No. 2.

To Waive:

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Has been granted effective: Monday, May 21, 2007.

WILLIAM J. RAGGIO
Senate Majority Leader

BARBARA BUCKLEY
Speaker of the Assembly

Assemblyman Oceguera moved that AHORA NEWSPAPER: Mario Delarosa, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chamber and that they be allowed use of appropriate broadcasting facilities.

Motion carried.

Assemblyman Oceguera moved that for the balance of the session, the reading of the history on all bills and joint resolutions be dispensed with.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 586.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 878.

SUMMARY—~~[Revises]~~ **Provides for the enforcement of** certain provisions governing the regulation and taxation of ~~[the sales and use of cigarettes and other]~~ tobacco products ~~[.]~~ **other than cigarettes.** (BDR 32-515)

AN ACT relating to tobacco; revising certain provisions for the enforcement of taxes and restrictions on the sale and use of cigarettes to provide for the enforcement of taxes and restrictions on the sale and use of other tobacco products; ~~[requiring the production of certain documents to assist in the administration and enforcement of the requirements for delivery sales of tobacco; revising certain provisions governing the regulation and~~

~~taxation of tobacco for consistency;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the imposition, administration and enforcement of taxes on cigarettes. (NRS 370.001-370.430) Existing law provides separately for the imposition and administration of a tax on products made from tobacco, other than cigarettes. (NRS 370.440-370.503)

Section 3 of this bill provides a common definition ~~[of]~~ **for such** "other tobacco product." Sections 2, 4, 9 and 25-28 of this bill assist in the enforcement of the tax on any "other tobacco product" by providing for the treatment of and imposition of criminal penalties regarding contraband "other tobacco products" in the same manner as contraband cigarettes.

~~[Existing law prohibits the sale and distribution of cigarettes and other tobacco products to a minor and imposes criminal penalties for violations of that prohibition. (NRS 202.2493, 202.24935) Existing law also imposes various requirements on the delivery sale of cigarettes to assist in the enforcement of that prohibition. (NRS 370.321-370.329) Sections 10, 15 and 20-24 of this bill expand those requirements to include delivery sales of the other tobacco products. To assist in the administration and enforcement of the requirements for delivery sales, section 6 of this bill requires the production of any related documents for inspection by the Department of Taxation.~~

~~Existing law requires the licensing of wholesale and retail dealers of cigarettes. (NRS 370.080) Existing law also requires the licensing of wholesale and retail dealers of tobacco products other than cigarettes. (NRS 370.445) Sections 14, 16 and 39 of this bill repeal the licensing requirements for dealers in tobacco products other than cigarettes and includes those dealers in the licensing requirements for cigarette dealers.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 370 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~[to 6, inclusive,]~~ **, 3 and 4** of this act.

Sec. 2. ***"Other counterfeit tobacco product" means any other tobacco product or tobacco product package bearing a false manufacturing label.***

Sec. 3. ***"Other tobacco product" means any tobacco of any description or any product made from tobacco, other than cigarettes.***

Sec. 4. ***"Tobacco product package" means the individual pack, box or other container that contains any other tobacco product. The term does not include a container that itself contains other containers.***

Sec. 5. ~~["Wholesale tobacco price" means:~~

~~1. Except as otherwise provided in subsection 2, the established price for which a manufacturer sells any other tobacco product to a wholesale dealer before any discount or other reduction is made.~~

~~2. For any other tobacco product sold to a retail dealer or a consumer by a wholesale dealer who manufactures or produces any other tobacco products within this State and who sells or distributes those products within the State to other wholesale dealers, retail dealers or consumers, the established price for which the product is sold to the retail dealer or consumer before any discount or other reduction is made.~~ **(Deleted by amendment.)**

Sec. 6. ~~*[1. To assist in the administration and enforcement of NRS 370.321 to 370.329, inclusive, any person who makes a delivery sale or mails, ships or otherwise delivers cigarettes or any other tobacco product to a consumer in this State, or who retains another person to make a delivery sale or mail, ship or otherwise deliver cigarettes or any other tobacco product to a consumer in this State, shall, upon the request of any agent of the Department, produce and make available for inspection by any agent of the Department any books, records and other documents relating to that delivery sale, mailing, shipment or other delivery.*~~

~~*2. If any person described in subsection 1 fails or refuses to produce and make available for inspection any book, record or other document described in that subsection upon the request of an agent of the Department, the Executive Director or Attorney General may issue a subpoena to require the production of that document.*~~

~~*3. If any person refuses to produce any document as required by the subpoena, the Executive Director or Attorney General may report to the district court by petition, setting forth that:*~~

~~*(a) Due notice has been given of the time and place of the production of the document;*~~

~~*(b) The person has been subpoenaed by the Executive Director or Attorney General pursuant to this section; and*~~

~~*(c) The person has failed or refused to produce the document required by the subpoena,*~~

~~*and asking for an order of the court compelling the person to produce the document.*~~

~~*4. Upon such petition, the court shall enter an order directing the person to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and to show cause why he has not produced the document. A certified copy of the order must be served upon the person.*~~

~~*5. If it appears to the court that the subpoena was regularly issued by the Executive Director or Attorney General, the court shall enter an order that the person produce the required document at the time and place fixed in the order. Failure to obey the order constitutes contempt of court.]*~~ **(Deleted by amendment.)**

Sec. 7. NRS 370.001 is hereby amended to read as follows:

370.001 As used in NRS 370.001 to 370.430, ~~*[370.530,]*~~ inclusive, ***and sections 2*** ~~*[to 6, inclusive,]*~~ ***, 3 and 4 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 370.005 to 370.055, inclusive,

and sections 2 [to 5, inclusive,] , 3 and 4 of this act have the meanings ascribed to them in those sections.

Sec. 8. [NRS 370.020 is hereby amended to read as follows:

370.020 "Consumer" means any person who comes into *the* possession of cigarettes *or any other tobacco product* in this State as a final user for any purpose other than offering them for sale as a wholesale or retail dealer.] **(Deleted by amendment.)**

Sec. 9. NRS 370.025 is hereby amended to read as follows:

370.025 "Contraband [cigarettes"] ***tobacco products"*** means any:

1. Counterfeit cigarettes; [or]

2. ***Other counterfeit tobacco product; or***

3. Cigarettes [:] ***or other tobacco product:***

(a) Exported from or imported into this State, or mailed, shipped, delivered, sold, exchanged, transported, distributed or held for distribution within the borders of this State by any person in violation of any of the provisions of this chapter; or

(b) In any way held in the possession or constructive possession of any person not authorized under this chapter to possess or constructively possess the cigarettes [.] ***or other tobacco product.***

Sec. 10. [NRS 370.0285 is hereby amended to read as follows:

370.0285 1. "Delivery sale" means any sale of cigarettes [,] *or any other tobacco product*, whether the seller is located within or outside of the borders of this State, to a consumer in this State for which:

(a) The purchaser submits the order for the sale by means of a telephonic or other method of voice transmission, the mail or any other delivery service, or the Internet or any other on-line service; or

(b) The cigarettes *or other tobacco products* are delivered by mail or the use of another delivery service.

2. For the purpose of this section, any sale of cigarettes *or any other tobacco product* to a natural person in this State who does not hold a current license as a wholesale or retail dealer constitutes a sale to a consumer.] **(Deleted by amendment.)**

Sec. 11. [NRS 370.0305 is hereby amended to read as follows:

370.0305 "License" means a license issued pursuant to NRS 370.001 to 370.430, inclusive, *and sections 2 to 6, inclusive, of this act* that authorizes the holder to conduct business as a manufacturer or a wholesale or retail dealer.] **(Deleted by amendment.)**

Sec. 12. [NRS 370.0315 is hereby amended to read as follows:

370.0315 "Manufacturer" means any person who:

1. Manufactures, fabricates, assembles, processes or labels a finished cigarette [;] *or any other tobacco product;* or

2. Imports, whether directly or indirectly, a finished cigarette *or any other tobacco product* into the United States for sale or distribution in this State.] **(Deleted by amendment.)**

Sec. 13. [NRS 370.032 is hereby amended to read as follows:

~~370.032 "Place of business" means, for a person engaged in business as:~~

~~1. A wholesale dealer, any location from which cigarettes *or any other tobacco products* are distributed or where cigarettes *or any other tobacco products* are warehoused, stored or affixed with stamps; or~~

~~2. A retail dealer, any store, stand, outlet or other location through which cigarettes *or any other tobacco products* are distributed or sold to a consumer.]~~ **(Deleted by amendment.)**

Sec. 14. ~~[NRS 370.033 is hereby amended to read as follows:~~

~~370.033 "Retail dealer" means any person, whether located within or outside of the borders of this State, who sells or distributes cigarettes *or any other tobacco product* to a consumer within the State.]~~ **(Deleted by amendment.)**

Sec. 15. ~~[NRS 370.044 is hereby amended to read as follows:~~

~~370.044 "Shipping container" means a container in which cigarettes *or any other tobacco products* are shipped in connection with a delivery sale.]~~ **(Deleted by amendment.)**

Sec. 16. ~~[NRS 370.055 is hereby amended to read as follows:~~

~~370.055 "Wholesale dealer" means:~~

~~1. Any person, whether located within or outside of the borders of this State, who:~~

~~(a) Brings, sends, or causes to be brought or sent into this State any unstamped cigarettes *or other tobacco products* purchased from the manufacturer or another wholesale dealer; and~~

~~(b) Stores, sells or otherwise disposes of those cigarettes *or other tobacco products* within the State.~~

~~2. Any person who manufactures or produces cigarettes *or any other tobacco products* within this State and who sells or distributes them within the State.~~

~~3. Any person, whether located within or outside of the borders of this State, who acquires cigarettes *or any other tobacco products* solely for the purpose of bona fide resale to retail dealers in this State or to other persons in this State for the purpose of resale only.]~~ **(Deleted by amendment.)**

Sec. 17. ~~[NRS 370.077 is hereby amended to read as follows:~~

~~370.077 All *cigarette* taxes paid under the provisions of this chapter are direct taxes upon the consumer and are precollected for convenience only. Taxes paid by persons other than the consumer are advances, and shall be added to the selling price of the cigarettes.]~~ **(Deleted by amendment.)**

Sec. 18. ~~[NRS 370.085 is hereby amended to read as follows:~~

~~370.085 The Department shall create and maintain on its Internet website and otherwise make available for public inspection a list of all:~~

~~1. Currently valid licenses and the identity of the licensees holding those licenses; and~~

~~2. Indian tribes on whose reservations or colonies cigarettes or *any* other *tobacco* products [made from tobacco] are sold and, pursuant to NRS 370.515, from which the Department does not collect the tax imposed by this~~

~~chapter on such cigarettes or other *tobacco* products [made from tobacco] sold on the reservations or colonies.~~

~~"~~ ~~The Department shall update the list at least once each month.]~~ **(Deleted by amendment.)**

Sec. 19. ~~[NRS 370.270 is hereby amended to read as follows:~~

~~370.270 1. Every retail dealer making a sale *of cigarettes* to a customer shall, at the time of *the* sale, see that each package, packet or container has the Nevada cigarette revenue stamp or metered stamping machine indicia properly affixed.~~

~~2. Every cigarette vending machine operator placing cigarettes in his coin-operated cigarette vending machines for sale to the ultimate consumers shall at the time of placing them in his machine see that each package, packet or container has the Nevada cigarette revenue stamp or metered stamping machine indicia properly affixed.~~

~~3. No unstamped packages, packets or containers of cigarettes may lawfully be accepted or held in the possession of any person, except as authorized by law or regulation. For the purposes of this subsection, "held in possession" means:~~

~~(a) In the actual possession of the person; or~~

~~(b) In the constructive possession of the person when cigarettes are being transported or held for him or for his designee by another person. Constructive possession is deemed to occur at the location of the cigarettes being transported or held.~~

~~4. Any cigarettes found in the possession of any person except a person authorized by law or regulation to possess them, which do not bear indicia of Nevada excise tax stamping, must be seized by the Department or any of its agents, and caused to be stamped by a licensed cigarette dealer, or confiscated and sold by the Department or its agents to the highest bidder among the licensed wholesale dealers in this State after due notice to all licensed Nevada wholesale dealers has been given by mail to the addresses contained in the Department's records. If there is no bidder, or in the opinion of the Department the quantity of the cigarettes is insufficient, or for any other reason such disposition would be impractical, the cigarettes must be destroyed or disposed of as the Department may see fit. The proceeds of all sales must be classed as revenues derived under the provisions of NRS 370.001 to 370.430, inclusive [.]~~ *~~, and sections 2 to 6, inclusive, of this act.~~*

~~5. Any cigarette vending machine in which unstamped cigarettes are found may be so seized and sold to the highest bidder.]~~ **(Deleted by amendment.)**

Sec. 20. ~~[NRS 370.321 is hereby amended to read as follows:~~

~~370.321 1. A person shall not accept an order for a delivery sale unless the person first obtains a license as a retail dealer.~~

~~2. A person who accepts an order for a delivery sale shall comply with all of the requirements of this chapter~~ *~~, NRS 202.2493 and 202.24935~~* ~~and chapters 370A, 372 and 374 of NRS, and all other laws of this State generally~~

~~applicable to sales of cigarettes *or any other tobacco product* that occur entirely within this State.]~~ **(Deleted by amendment.)**

Sec. 21. ~~[NRS 370.323 is hereby amended to read as follows:~~

~~370.323 1. A person shall not cause the mailing or shipment of cigarettes *or any other tobacco product* in connection with an order for a delivery sale unless the person accepting the order first:~~

~~(a) Obtains from the prospective purchaser a certification which includes:~~

~~(1) Reliable confirmation that the purchaser is at least 18 years of age; and~~

~~(2) A statement signed by the prospective purchaser in writing and under penalty of perjury which:~~

~~(I) Certifies the prospective purchaser's address and date of birth;~~

~~(II) Confirms that the prospective purchaser understands that signing another person's name to such certification is illegal and that sales of cigarettes *or other tobacco products* to children under 18 years of age are illegal under the laws of this State; and~~

~~(III) Confirms that the prospective purchaser desires to receive mailings from a tobacco company.~~

~~(b) Makes a good faith effort to verify the information contained in the certification provided by the prospective purchaser pursuant to paragraph (a) against any federal or commercially available database established for that purpose.~~

~~(c) Sends to the prospective purchaser, by electronic mail or other means, a notice which meets the requirements of subsection 2 and requests confirmation that the order for the delivery sale was placed by the prospective purchaser.~~

~~(d) Receives from the prospective purchaser confirmation, pursuant to the request described in paragraph (c), that such person placed the order for the delivery sale.~~

~~(e) Receives payment for the delivery sale from the prospective purchaser by a credit or debit card that has been issued in that purchaser's name.~~

~~2. The notice required by paragraph (c) of subsection 1 must include:~~

~~(a) A prominent and clearly legible statement that the sale of cigarettes or *other tobacco products* to children under 18 years of age is illegal;~~

~~(b) A prominent and clearly legible statement that the sale of cigarettes or *other tobacco products* is restricted to persons who provide verifiable proof of age in accordance with this section; and~~

~~(c) A prominent and clearly legible statement that sales of cigarettes or *other tobacco products* are taxable under this chapter, and an explanation of how the tax has been or is to be paid with respect to the delivery sale.~~

~~3. Persons accepting orders for delivery sales may request that prospective purchasers provide their electronic mail addresses.]~~ **(Deleted by amendment.)**

Sec. 22. ~~[NRS 370.325 is hereby amended to read as follows:~~

~~370.325 1. A person who causes the mailing or shipment of cigarettes *or other tobacco products* in connection with an order for a delivery sale shall:~~

~~(a) Use a method of mailing or shipping that obligates the delivery service to carry out the provisions of NRS 370.329;~~

~~(b) Provide to the delivery service retained to deliver the delivery sale evidence that all taxes levied by this State with respect to the delivery sale have been paid to this State; and~~

~~(c) Include as part of the shipping documents:~~

~~(1) A copy of the retail dealer's license authorizing the delivery sale; and~~

~~(2) A clear and conspicuous statement providing as follows: DELIVERY SALE OF CIGARETTES [:] *OR OTHER TOBACCO PRODUCTS*: NEVADA LAW PROHIBITS SHIPPING TO CHILDREN UNDER 18 YEARS OF AGE AND REQUIRES THE PAYMENT OF ALL APPLICABLE TAXES.~~

~~2. A person who accepts an order for a delivery sale and delivers the cigarettes *or other tobacco products* without using a third-party delivery service shall comply with all the requirements of NRS 370.329 applicable to a delivery service.]~~ **(Deleted by amendment.)**

Sec. 23. ~~[NRS 370.327 is hereby amended to read as follows:~~

~~370.327 Not later than the 10th day of each calendar month, each person who has mailed, shipped or otherwise delivered cigarettes *or other tobacco products* in connection with a delivery sale during the previous calendar month, except a delivery service, shall create and maintain records containing the following information relating to every such delivery sale:~~

~~1. The name and address of the person to whom the delivery sale was made; and~~

~~2. The quantity and brands of cigarettes *or other tobacco products* that were sold in the delivery sale.~~

~~The records required by this section must be provided to the Department at the Department's request and must be retained for not less than 3 years after the date of the applicable transaction unless the Department, in writing, authorizes the records to be removed or destroyed at an earlier time.]~~ **(Deleted by amendment.)**

Sec. 24. ~~[NRS 370.329 is hereby amended to read as follows:~~

~~370.329 1. Except as otherwise provided in subsection 2, a delivery service shall:~~

~~(a) Before delivering a shipping container in connection with a delivery sale:~~

~~(1) Ensure that the shipping documents include the documents required by paragraph (c) of subsection 1 of NRS 370.325; and~~

~~(2) Obtain the evidence required by paragraph (b) of subsection 1 of NRS 370.325 regarding the cigarettes *or other tobacco products* in the shipping container.~~

~~(b) When delivering a shipping container in connection with a delivery sale, require:~~

~~(1) The purchaser placing the order for the delivery sale, or an adult designated by that purchaser, to sign to accept delivery of the shipping container; and~~

~~(2) Proof, in the form of valid identification that was issued by a governmental entity and bears a photograph of the person who signs to accept delivery of the shipping container, demonstrating:~~

~~(I) That the person is either the addressee or the adult designated by the addressee; and~~

~~(II) If the person appears to be under 27 years of age, that the person is at least 18 years of age.~~

~~2. A delivery service is required to comply with the provisions of subsection 1 only if the delivery service:~~

~~(a) Is obligated to do so under a method of shipping;~~

~~(b) Delivers any container pursuant to shipping documents containing the statement described in paragraph (c) of subsection 1 of NRS 370.325; or~~

~~(c) Delivers any container that the delivery service otherwise has reason to know contains cigarettes or *other tobacco products* sold pursuant to a delivery sale.]~~ **(Deleted by amendment.)**

Sec. 25. NRS 370.405 is hereby amended to read as follows:

370.405 1. It is unlawful for any person knowingly to sell or to possess for the purpose of sale any ~~[counterfeit cigarettes.]~~ ***contraband tobacco products.*** The presence of ~~[counterfeit cigarettes in a cigarette]~~ ***any contraband tobacco products in a*** vending machine is prima facie evidence of the purpose to sell those ~~[cigarettes.]~~ ***products.***

2. A person who violates any provision of subsection 1 is guilty of:

(a) For the first offense involving ~~[less than 400 cigarettes,]~~ ***contraband tobacco products having a value of $25 or more but less than $250,*** a misdemeanor.

(b) For each subsequent offense involving ~~[less than 400 cigarettes,]~~ ***contraband tobacco products having a value of $25 or more but less than $250,*** a category D felony and shall be punished as provided in NRS 193.130.

(c) For the first offense involving ~~[400 or more cigarettes,]~~ ***contraband tobacco products having a value of $250 or more,*** a gross misdemeanor.

(d) For each subsequent offense involving ~~[400 or more cigarettes,]~~ ***contraband tobacco products having a value of $250 or more,*** a category C felony and shall be punished as provided in NRS 193.130.

Sec. 26. NRS 370.410 is hereby amended to read as follows:

370.410 Except as otherwise provided in NRS 370.405, any person exporting, importing, possessing or constructively possessing contraband ~~[cigarettes]~~ ***tobacco products*** is guilty of a gross misdemeanor.

Sec. 27. NRS 370.413 is hereby amended to read as follows:

370.413 In order to obtain evidence of any violation of this chapter, the Department, its agents, and all peace officers and revenue-collecting officers of this State may enter and inspect, without a warrant during normal business hours and with a warrant at any other time:

1. The facilities and records of any manufacturer, wholesale dealer or retail dealer; and

2. Any other place where they may have reason to believe contraband ~~[cigarettes]~~ ***tobacco products*** are stored, warehoused or kept for sale.

Sec. 28. NRS 370.415 is hereby amended to read as follows:

370.415 1. The Department, its agents, sheriffs within their respective counties and all other peace officers of the State of Nevada shall seize any counterfeit stamps and any contraband ~~[cigarettes]~~ ***tobacco products*** and machinery used to manufacture contraband ~~[cigarettes,]~~ ***tobacco products,*** found or located in the State of Nevada.

2. A sheriff or other peace officer who seizes stamps, ~~[cigarettes]~~ ***contraband tobacco products*** or machinery pursuant to this section shall provide written notification of the seizure to the Department not later than 5 working days after the seizure. The notification must include the reason for the seizure.

3. After consultation with the Department, the sheriff or other peace officer shall transmit the ~~[cigarettes]~~ ***contraband tobacco products*** to the Department if:

(a) The ***contraband tobacco products consist of*** cigarettes ~~[, except]~~ ***and:***

(1) Except for revenue stamps or metered machine impressions being properly affixed as required by this chapter, ***the cigarettes*** comply with all state and federal statutes and regulations; and

~~[(b)]~~ ***(2)*** The Department approves the transmission of the cigarettes ~~[.]~~ ***; or***

(b) The contraband tobacco products consist of any other tobacco products and the Department approves the transmission of the other tobacco products.

4. Upon ***the*** receipt of ~~[the cigarettes,]~~ ***any:***

(a) Cigarettes pursuant to subsection 3, the Department shall dispose of the cigarettes as provided in subsection 4 of NRS 370.270 ~~[.]~~ ***; or***

(b) Other tobacco products pursuant to subsection 3, the Department shall:

(1) Sell the other tobacco products to the highest bidder among the licensed wholesale dealers in this State after due notice to all licensed Nevada wholesale dealers has been given by mail to the addresses contained in the Department's records; or

(2) If there is no bidder, or in the opinion of the Department the quantity of the other tobacco products is insufficient, or for any other reason such disposition would be impractical, destroy or dispose of the other tobacco products as the Department may see fit.

➥ ***The proceeds of all sales pursuant to this paragraph must be classed as revenues derived under the provisions of NRS*** ~~*[370.450]*~~ ***370.440 to 370.503, inclusive.***

5. The sheriff or other peace officer who seizes any stamps, ~~[cigarettes]~~ ***contraband tobacco products*** or machinery pursuant to this section shall:

(a) Destroy the stamps and machinery; and

(b) If he does not transmit the ~~[cigarettes]~~ ***contraband tobacco products*** to the Department, destroy the ~~[cigarettes.]~~ ***contraband tobacco products.***

Sec. 29. ~~[NRS 370.450 is hereby amended to read as follows:~~

~~370.450 1. Except as otherwise provided in subsection 2, there is hereby imposed upon the purchase or possession of *any other tobacco* products [made from tobacco, other than cigarettes,] by a customer in this State a tax of 30 percent of the wholesale *tobacco* price of those products.~~

~~2. The provisions of subsection 1 do not apply to those products which are:~~

~~(a) Shipped out of the State for sale and use outside the State; or~~

~~(b) Displayed or exhibited at a trade show, convention or other exhibition in this State by a manufacturer or wholesale dealer who is not licensed in this State.~~

~~3. This tax must be collected and paid by the wholesale dealer to the Department, in accordance with the provisions of NRS 370.465, after the sale or distribution of those products by the wholesale dealer. The wholesale dealer is entitled to retain 0.5 percent of the taxes collected to cover the costs of collecting and administering the taxes if the taxes are paid in accordance with the provisions of NRS 370.465.~~

~~4. Any wholesale dealer who sells or distributes any of those products without paying the tax provided for by this section is guilty of a misdemeanor.]~~ **(Deleted by amendment.)**

Sec. 30. ~~[NRS 370.460 is hereby amended to read as follows:~~

~~370.460 It is unlawful for any person to sell or offer to sell any [products made from tobacco, other than cigarettes,] *other tobacco product* on which the tax is not paid as provided for in NRS 370.450.]~~ **(Deleted by amendment.)**

Sec. 31. ~~[NRS 370.465 is hereby amended to read as follows:~~

~~370.465 1. A wholesale dealer shall, not later than 20 days after the end of each month, submit to the Department a report on a form prescribed by the Department setting forth each sale of [products made from tobacco, other than cigarettes,] *any other tobacco product* that the wholesale dealer made during the previous month.~~

~~2. Each report submitted pursuant to this section on or after August 20, 2001, must be accompanied by the tax owed pursuant to NRS 370.450 for *any other tobacco* products [made from tobacco, other than cigarettes,] that were sold by the wholesale dealer during the previous month.~~

~~3. The Department may impose a penalty on a wholesale dealer who violates any of the provisions of this section as follows:~~

~~(a) For the first violation within 7 years, a fine of $1,000.~~

~~(b) For a second violation within 7 years, a fine of $5,000.~~

~~(c) For a third or subsequent violation within 7 years, revocation of the license of the wholesale dealer.]~~ **(Deleted by amendment.)**

Sec. 32. ~~[NRS 370.470 is hereby amended to read as follows:~~

~~370.470 A wholesale dealer must obtain from each manufacturer or wholesale dealer who is not licensed in this State itemized invoices of all *other tobacco* products [made from tobacco, other than cigarettes,] purchased from and delivered by the manufacturer or wholesale dealer who is not licensed in this State. The wholesale dealer must obtain from the manufacturer or wholesale dealer who is not licensed in this State separate invoices for each purchase made. The invoice must include:~~

~~1. The name and address of the manufacturer or wholesale dealer who is not licensed in this State;~~

~~2. The name and address of the wholesale dealer;~~

~~3. The date of the purchase; and~~

~~4. The quantity and wholesale *tobacco* price of those products.]~~ **(Deleted by amendment.)**

Sec. 33. ~~[NRS 370.480 is hereby amended to read as follows:~~

~~370.480 1. Every wholesale dealer must keep at his place of business complete and accurate records for that place of business, including copies of all invoices of *any other tobacco* products [made from tobacco, other than cigarettes,] which he holds, purchases and delivers, distributes or sells in this State. All records must be preserved for at least 3 years after the date of purchase or after the date of the last entry made on the record.~~

~~2. Every retail dealer shall keep at his place of business complete and accurate records for that place of business, including copies of all itemized invoices or purchases of such products purchased and delivered from wholesale dealers. The invoices must show the name and address of the wholesale dealer and the date of the purchase. All records must be preserved for at least 3 years after the date of the purchase.]~~ **(Deleted by amendment.)**

Sec. 34. ~~[NRS 370.490 is hereby amended to read as follows:~~

~~370.490 1. The Department shall allow a credit of 30 percent of the wholesale *tobacco* price, less a discount of 0.5 percent for the services rendered in collecting the tax, for *any other tobacco* products [made from tobacco, other than cigarettes,] upon which the tax has been paid pursuant to NRS 370.450 and that may no longer be sold. If the products have been purchased and delivered, a credit memo of the manufacturer is required for proof of returned merchandise.~~

~~2. A credit must also be granted for any *other tobacco* products [made from tobacco, other than cigarettes,] shipped from this State and destined for retail sale and consumption outside the State on which the tax has previously been paid. A duplicate or copy of the invoice is required for proof of the sale outside the State.~~

~~3. A wholesale dealer may claim a credit by filing with the Department the proof required by this section. The claim must be made on a form prescribed by the Department.]~~ **(Deleted by amendment.)**

Sec. 35. ~~[NRS 370.500 is hereby amended to read as follows:~~

~~370.500 1. All amounts of tax required to be paid to the State pursuant to NRS [370.440] *370.450* to 370.490, inclusive, must be paid to the Department in the form of remittances payable to the Department.~~

~~2. The Department shall deposit these payments with the State Treasurer for credit to the Account for the Tax on Products Made From Tobacco, Other Than Cigarettes, in the State General Fund.]~~ **(Deleted by amendment.)**

Sec. 36. ~~[NRS 370.501 is hereby amended to read as follows:~~

~~370.501 1. The governing body of an Indian reservation or Indian colony may impose an excise tax on~~ [any product made from tobacco, other than cigarettes,] ~~*other tobacco products* sold on the reservation or colony.~~

~~2. If an excise tax is imposed, the governing body may establish procedures for collecting the excise tax from any retail dealer authorized to do business on the reservation or colony.]~~ **(Deleted by amendment.)**

Sec. 37. ~~[NRS 370.503 is hereby amended to read as follows:~~

~~370.503 1. Upon proof satisfactory to the Department, a refund must be allowed for the taxes paid pursuant to NRS 370.450, upon *any other tobacco* products~~ [made from tobacco other than cigarettes,] ~~that are sold to:~~

~~(a) The United States Government for the purposes of the Army, Air Force, Navy or Marine Corps and are shipped to a point within this State to a place which has been lawfully ceded to the United States Government for the purposes of the Army, Air Force, Navy or Marine Corps;~~

~~(b) Veterans' hospitals for distribution or sale to disabled servicemen or ex-servicemen interned therein, but not to civilians or civilian employees;~~

~~(c) Any person if sold and delivered on an Indian reservation or colony where an excise tax has been imposed which is equal to or greater than the rate of the tax imposed pursuant to NRS 370.501; or~~

~~(d) An Indian if sold and delivered on an Indian reservation or colony where no excise tax has been imposed or the excise tax is less than the rate of the tax imposed pursuant to NRS 370.501.~~

~~2. Any refund must be paid as other claims against the State are paid.]~~ **(Deleted by amendment.)**

Sec. 38. ~~[NRS 370.515 is hereby amended to read as follows:~~

~~370.515 The Department shall not collect the tax imposed by this chapter on cigarettes or other *tobacco* products~~ [made from tobacco] ~~sold on an Indian reservation or Indian colony if:~~

~~1. The governing body of the reservation or colony imposes an excise tax pursuant to NRS 370.0751 or 370.501;~~

~~2. The excise tax imposed is equal to or greater than the tax imposed pursuant to this chapter; and~~

~~3. The governing body of the colony or reservation submits a copy of the ordinance imposing the excise tax to the Department.]~~ **(Deleted by amendment.)**

Sec. 39. ~~[NRS 370.440 and 370.445 are hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 40. ~~[This act becomes effective on July 1, 2007.]~~ **(Deleted by amendment.)**

~~[~~

~~TEXT OF REPEALED SECTIONS~~

~~370.440 Definitions. As used in NRS 370.440 to 370.503, inclusive, unless the context otherwise requires:~~

~~1. "Retail dealer" means any person who is engaged in selling products made from tobacco, other than cigarettes, to customers.~~

~~2. "Sale" means any transfer, exchange, barter, gift, offer for sale, or distribution for consideration of products made from tobacco, other than cigarettes.~~

~~3. "Ultimate consumer" means a person who purchases a product made from tobacco, other than cigarettes, for his household or personal use and not for resale.~~

~~4. "Wholesale dealer" means any person who:~~

~~(a) Brings or causes to be brought into this State products made from tobacco, other than cigarettes, purchased from the manufacturer or a wholesale dealer and who stores, sells or otherwise disposes of those products within this State;~~

~~(b) Manufactures or produces products made from tobacco, other than cigarettes, within this State and who sells or distributes those products within this State to other wholesale dealers, retail dealers or ultimate consumers; or~~

~~(c) Purchases products made from tobacco, other than cigarettes, solely for the purpose of bona fide resale to retail dealers or to other persons for the purpose of resale only.~~

~~5. "Wholesale price" means:~~

~~(a) Except as otherwise provided in paragraph (b), the established price for which a manufacturer sells a product made from tobacco, other than cigarettes, to a wholesale dealer before any discount or other reduction is made.~~

~~(b) For a product made from tobacco, other than cigarettes, sold to a retail dealer or an ultimate consumer by a wholesale dealer described in paragraph (b) of subsection 4, the established price for which the product is sold to the retail dealer or ultimate consumer before any discount or other reduction is made.~~

~~370.445 Dealer's license required; penalty.~~

~~1. Except as otherwise provided in subsection 2, a person shall not engage in the business of a wholesale dealer or retail dealer in this State unless he first obtains a license as a wholesale dealer or retail dealer from the~~

~~Department. A person may be licensed as a wholesale dealer and as a retail dealer.~~

~~2. A person who wishes to engage in the business of a retail dealer is not required to obtain a license as a retail dealer pursuant to this section if he is licensed as a retail cigarette dealer pursuant to this chapter.~~

~~3. Any person who violates any of the provisions of this section is guilty of a misdemeanor.]~~

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 619.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 913.

SUMMARY—Creates the Nevada Automobile Theft Authority. (BDR ~~[18-1503)]~~ **43-1503)**

AN ACT relating to motor vehicles; creating the Nevada Automobile Theft Authority within the ~~[Division of Insurance of the Department of Business and Industry;]~~ **Department of Motor Vehicles;** providing the membership and duties of the Authority; creating the Fund for the Nevada Automobile Theft Authority; authorizing the Authority to award grants of money from the Fund to public agencies for programs to prevent motor vehicle theft; imposing certain reporting requirements on the Authority; imposing a fee on insurers that issue motor vehicle liability insurance in this State for deposit in the Fund; revising the provisions governing the crime of grand larceny of a motor vehicle; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 6 of this bill creates the Nevada Automobile Theft Authority within the ~~[Division of Insurance of the Department of Business and Industry.]~~ **Department of Motor Vehicles.** The Authority consists of 13 voting members and the ~~[Commissioner of Insurance]~~ **Director of the Department** who serves as a nonvoting member. Section 8 of this bill describes the duties of the Authority, which include: (1) determining the scope of the problem of motor vehicle theft in this State and in various political subdivisions of this State; (2) analyzing various methods of reducing motor vehicle theft in this State; (3) developing and carrying out a plan to reduce motor vehicle theft in this State; and (4) developing and carrying out a plan for funding the activities of the Authority, including, without limitation, the receipt of grants and gifts for the use of the Authority. Section 9 of this bill creates the Fund for the Nevada Automobile Theft Authority in the State Treasury. Section 8 authorizes the Authority to award grants of money from the Fund to public agencies for programs that are designed to prevent motor vehicle theft in this State. Section 10 of this bill imposes on an insurer that

issues policies of motor vehicle liability insurance in this State a semiannual fee of 50 cents for each vehicle insured under such a policy issued by the insurer in this State. The money collected from the fees must be deposited in the Fund. If an insurer fails to pay the required fee, the Commissioner **of Insurance** is authorized to refuse to continue, suspend or revoke the insurer's certificate of authority to transact insurance in this State or to impose on the insurer a civil penalty of not more than 120 percent of the amount due, or both.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter ~~[232]~~ **481** of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2]~~ **1.5** to 10, inclusive, of this act.

Sec. 1.5. ***As used in sections 1.5 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 2. ***"Authority" means the Nevada Automobile Theft Authority*** ~~*[.]*~~ **created by section 6 of this act.**

Sec. 3. ~~*["Commissioner" means the Commissioner of Insurance.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~*["Division" means the Division of Insurance of the Department of Business and Industry.]*~~ **(Deleted by amendment.)**

Sec. 5. ***"Fund" means the Fund for the Nevada Automobile Theft Authority created by section 9 of this act.***

Sec. 6. ***1. The Nevada Automobile Theft Authority is hereby created within the*** ~~*[Division.]*~~ ***Department. The Authority consists of the following 13 voting members:***

(a) The ~~*[Director of the Department of Motor Vehicles,]*~~ ***Commissioner of Insurance, or his designee, who is an ex officio member;***

(b) The Director of the Department of Public Safety, or his designee, who is an ex officio member;

(c) The sheriff of a county whose population is 400,000 or more, appointed by the Nevada Sheriffs' and Chiefs' Association, or a successor organization;

(d) The sheriff of a county whose population is 100,000 or more but less than 400,000, appointed by the Nevada Sheriffs' and Chiefs' Association, or a successor organization;

(e) The sheriff of a county whose population is less than 100,000, appointed by the Nevada Sheriffs' and Chiefs' Association, or a successor organization;

(f) The chief of police of a city whose population is 100,000 or more or the undersheriff of a metropolitan police department which includes a city whose population is 100,000 or more, appointed by the Nevada Sheriffs' and Chiefs' Association, or a successor organization;

(g) The chief of police of a city whose population is less than 100,000 or the undersheriff of a metropolitan police department which does not include a city whose population is 100,000 or more, appointed by the Nevada Sheriffs' and Chiefs' Association, or a successor organization;

(h) The district attorney of a county whose population is 400,000 or more, appointed by the governing body of the Nevada District Attorneys Association;

(i) The district attorney of a county whose population is less than 400,000, appointed by the governing body of the Nevada District Attorneys Association;

(j) Two representatives of insurers that write motor vehicle liability insurance in this State, appointed by the Governor; and

(k) Two representatives of the general public, appointed by the Governor.

2. The ~~[Commissioner]~~ Director of the Department of Motor Vehicles or his designee shall serve as a nonvoting member of the Authority.

3. The Director of the Department of Motor Vehicles shall serve as the Chairman of the Authority for the limited purpose of calling and conducting the initial meeting of the Authority. At its initial meeting and annually thereafter the voting members of the Authority shall elect a Chairman from among the voting members.

4. The Authority shall meet regularly at least quarterly and may meet at other times upon the call of the Chairman or a majority of the voting members of the Authority. Any seven voting members of the Authority constitute a quorum for the purpose of voting. A majority vote of the quorum is required to take action with respect to any matter.

5. The Authority shall adopt rules for its own management.

6. After their initial terms, the appointed members of the Authority shall serve terms of 4 years. An appointed member shall continue to serve on the Authority until his successor is appointed. Members may be reappointed for additional terms of 4 years in the same manner as the original appointments. Any vacancy occurring in the appointed membership of the Authority must be filled in the same manner as the original appointment. There is no limit on the number of terms that a member may serve.

7. Members of the Authority:

(a) Serve without compensation; and

(b) To the extent that money for the administrative expenses of the Authority is available in the Fund, while engaged in the business of the Authority, are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

8. The members of the Authority who are public employees must be relieved from their duties without loss of their regular compensation to perform their duties relating to the Authority in the most timely manner practicable. The public employees may not be required to make up the time

they are absent from work to fulfill their obligations as members of the Authority or take annual leave or compensatory time for the absence.

Sec. 7. ***An appointed member of the Authority may be removed before the expiration of his term by the Governor if the Governor determines that the member:***

1. Did not possess the qualifications to serve on the Authority at the time he was appointed;

2. Has ceased to possess the qualifications to serve on the Authority;

3. Will be unable to perform competently his duties for a substantial part of his remaining term because of illness or disability; or

4. Has been absent from more than one-half of the regularly scheduled meetings of the Authority during a calendar year and the absences have not been excused by a majority vote of the Authority.

Sec. 8. ***1. To the extent of available existing resources, the ~~[Division]~~ Department shall provide:***

(a) Administrative support;

(b) Equipment; and

(c) Office space,

↳ as is necessary for the Authority to carry out its duties.

2. To the extent that money for the administrative expenses of the Authority is available in the Fund, the Authority may:

(a) Provide for any administrative support, equipment and office space that is not provided by the ~~[Division;]~~ Department; and

(b) Employ such staff members as it determines necessary, including, without limitation, an Executive Director. Such staff members serve at the pleasure of the Authority. If the Authority employs an Executive Director, his salary must not exceed $75,000.

3. The Authority may:

(a) Apply for and accept grants and gifts for use in carrying out its duties; and

(b) Accept donations of goods and services for use in carrying out its duties, including, without limitation, the services of natural persons, office and secretarial assistance, printing and mailing services, and office equipment, facilities and supplies.

4. The Authority shall:

(a) Determine the scope of the problem of motor vehicle theft in this State and in various political subdivisions of this State;

(b) Analyze various methods of reducing motor vehicle theft in this State;

(c) Develop and carry out a plan to reduce motor vehicle theft in this State; and

(d) Develop and carry out a plan for funding the activities of the Authority, including, without limitation, the receipt of grants and gifts for the use of the Authority.

5. The Authority may award grants of money from the Fund to public agencies for the purpose of establishing, maintaining and supporting programs that are designed to prevent motor vehicle theft in this State, including, without limitation:

(a) Financial support for law enforcement relating to, and prosecution of, motor vehicle theft, including, without limitation, equipment, work facilities and personnel for programs that are designed to increase the effectiveness of such law enforcement and prosecution.

(b) Financial support for programs that are designed to educate and assist the public in the prevention of motor vehicle theft.

6. Grants of money awarded by the Authority pursuant to subsection 5 must be used to supplement and not replace money that would otherwise be expended by the recipient of the grant for the prevention of motor vehicle theft.

7. The Authority shall, on or before December 31, 2009, and each year thereafter, submit a report concerning its activities during the immediately preceding fiscal year to the:

(a) Governor;

(b) Secretary of State;

(c) State Library and Archives Administrator; and

(d) Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission.

8. In addition to the reports required by subsection 7, the Authority shall, on or before February 15, 2011, and each odd-numbered year thereafter, submit a consolidated report concerning its activities during the immediately preceding 2 fiscal years to the Director of the Legislative Counsel Bureau for posting on the public website of the Legislature on the Internet and for transmittal to the:

(a) Speaker of the Assembly;

(b) Majority Leader of the Senate;

(c) Legislative Commission;

(d) Assembly Standing Committee on Judiciary;

(e) Senate Standing Committee on Judiciary;

(f) Assembly Standing Committee on Transportation; and

(g) Senate Standing Committee on Transportation and Homeland Security.

Sec. 9. ***1. The Fund for the Nevada Automobile Theft Authority is hereby created in the State Treasury.***

2. The Authority shall administer the Fund.

3. All public and private money received for the use of the Authority must be deposited in the Fund.

4. The money in the Fund may only be used to pay the administrative expenses of the Authority and to carry out the provisions of sections 6 to 10, inclusive, of this act. Not more than 10 percent of the money in the

Fund in any fiscal year may be used to pay the administrative expenses of the Authority.

5. The Authority shall cause an audit to be made of the Fund every 2 years. The audit must be conducted by the Audit Division of the Legislative Counsel Bureau. A copy of the audit must be submitted to the Governor and the Legislative Commission.

Sec. 10. ***1. Each insurer shall pay a semiannual fee of 50 cents for each vehicle insured under a policy of motor vehicle liability insurance issued by the insurer in this State.***

2. The fee for a vehicle becomes due and nonrefundable upon the acceptance by the insurer of any portion of the premium charged for the policy.

3. If an insurer chooses to collect the fee from its insureds, the insurer may include the fee on its billing statements for the payment of premiums and indicate the purpose of the fee.

4. Each insurer shall, on or before January 31 and July 31 of each year, pay to the Authority for deposit in the Fund the fees due pursuant to this section as follows:

(a) The payment due on or before January 31 must cover all vehicles that are insured by the insurer [during any portion of the period between July 1 to December 31, inclusive,] on October 31 of the immediately preceding calendar year.

(b) The payment due on or before July 31 must cover all vehicles that are insured by the insurer [during any portion of the period between January 1 to June 30, inclusive,] on April 30 of the calendar year in which the payment is due.

[4.] 5. If an insurer fails to pay the fee required by this section on or before the date due, the Authority shall notify the Commissioner of Insurance of the nonpayment. Upon receiving notice of an insurer's failure to pay the fee, the Commissioner may, in accordance with the provisions of NRS 680A.190, refuse to continue, suspend or revoke the insurer's certificate of authority to transact insurance in this State, or impose a civil penalty of not more than 120 percent of the amount due, or both. The insurer shall pay the civil penalty together with the amount of fees due to the Commissioner, who shall deposit the civil penalty and fees in the Fund.

[5.] 6. As used in this section:

(a) "Insurer" has the meaning ascribed to it in NRS 679A.100.

(b) "Vehicle" does not include any vehicle with a declared gross weight in excess of 26,000 pounds or any combination of vehicles with a gross combination weight rating in excess of 26,000 pounds.

Sec. 11. [NRS 232.805 is hereby amended to read as follows:

232.805 As used in NRS 232.805 to 232.840, inclusive, *and sections 2 to 10, inclusive, of this act,* unless the context otherwise requires [:

1. "Commissioner" means the Commissioner of Insurance.

~~2. "Division" means the Division of Insurance of the Department of Business and Industry.]~~ ~~*, the words and terms defined in sections 2 to 5, inclusive, of this act have the meanings ascribed to them in those sections.]*~~

(Deleted by amendment.)

Sec. 12. NRS 205.228 is hereby amended to read as follows:

205.228 1. A person who intentionally steals, takes and carries away, drives away or otherwise removes a motor vehicle owned by another person commits grand larceny of a motor vehicle.

2. Except as otherwise provided in ~~[subsection 3,]~~ ***this section,*** a person who commits grand larceny of a motor vehicle is guilty of a category C felony and shall be punished as provided in NRS 193.130. ***A person who is convicted of grand larceny of a motor vehicle and who has twice previously been convicted of grand larceny of a motor vehicle*** ~~*[or an attempt to commit grand larceny of a motor vehicle]*~~ ***must not be released on probation or granted a suspension of his sentence.***

3. If the prosecuting attorney proves that the value of the motor vehicle involved in the grand larceny is $2,500 or more, the person who committed the grand larceny of the motor vehicle is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

4. In addition to any other penalty, the court shall order the person who committed the grand larceny of the motor vehicle to pay restitution.

Sec. 13. Section 12 of this act is hereby amended to read as follows:

Sec. 12. NRS 205.228 is hereby amended to read as follows:

205.228 1. A person who intentionally steals, takes and carries away, drives away or otherwise removes a motor vehicle owned by another person commits grand larceny of a motor vehicle.

2. Except as otherwise provided in this section, a person who commits grand larceny of a motor vehicle is guilty of a category C felony and shall be punished as provided in NRS 193.130. A person who is convicted of grand larceny of a motor vehicle and who has twice previously been convicted of grand larceny of a motor vehicle must not be released on probation or granted a suspension of his sentence.

3. If the prosecuting attorney proves that the value of the motor vehicle involved in the grand larceny is $2,500 or more, the person who committed the grand larceny of the motor vehicle is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

4. In addition to any other penalty, the court shall order the person who committed the grand larceny of the motor vehicle ~~[to]~~ ***:***

(a) To pay restitution ~~[.]~~ ***; and***

(b) To pay a civil penalty of ~~[$100]~~ $500 to the Nevada Automobile Theft Authority for deposit in the Fund for the Nevada Automobile Theft Authority created by section 9 of this act.

Sec. 14. The members of the Nevada Automobile Theft Authority created by section 6 of this act must be appointed by their respective appointing authorities as soon as practicable after July 1, 2008, as follows:

1. The members appointed pursuant to paragraphs (c), (d) and (e) of subsection 1 of section 6 of this act must be appointed to initial terms that expire on June 30, 2012.

2. The members appointed pursuant to paragraphs (f) and (g) of subsection 1 of section 6 of this act must be appointed to initial terms that expire on June 30, 2011.

3. The members appointed pursuant to paragraphs (h) and (i) of subsection 1 of section 6 of this act must be appointed to initial terms that expire on June 30, 2010.

4. The members appointed pursuant to paragraphs (j) and (k) of subsection 1 of section 6 of this act must be appointed to initial terms that expire on June 30, 2009.

Sec. 15. The provisions of NRS 205.228, as amended by section 12 of this act, apply to offenses committed before October 1, 2007, for the purpose of determining whether a person is subject to the provisions of subsection 2 of NRS 205.228, as amended by section 12 of this act.

Sec. 16. 1. Notwithstanding the provisions of section 10 of this act:

(a) The initial fee due from an insurer pursuant to section 10 of this act:

(1) Is payable on or before July 31, 2008, and must cover all vehicles that are insured by the insurer ~~[during any portion of the period between January 1, 2008, to June 30, 2008, inclusive;]~~ **on April 30, 2008;** and

(2) Must be paid to the Commissioner of Insurance for deposit in the Fund for the Nevada Automobile Theft Authority created by section 9 of this act.

(b) The Commissioner of Insurance may take any action specified in subsection ~~[4]~~ **5** of section 10 of this act if the fee is not paid on or before July 31, 2008.

2. The ~~[Commissioner of Insurance]~~ **Director of the Department of Motor Vehicles** may, on behalf of the Nevada Automobile Theft Authority, exercise all powers and duties of the Authority to the extent necessary until such time as the initial meeting of the Authority is held pursuant to section 6 of this act.

Sec. 17. Notwithstanding any provision of law to the contrary, an insurer that is required pursuant to section 10 of this act to pay a fee for each vehicle insured under a policy of motor vehicle liability insurance issued by the insurer in this State may begin collecting the fee from its insureds under those policies on ~~[January 1,]~~ **April 30,** 2008.

Sec. 18. 1. This section and sections 12 and 15 of this act become effective on October 1, 2007.

2. Section 17 of this act becomes effective on January 1, 2008.

3. Sections 1 to 11, inclusive, 13, 14 and 16 of this act become effective on July 1, 2008.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 3.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 918.

AN ACT relating to public employees; allowing the surviving spouse of ~~[a]~~ **certain** deceased police ~~[officer or firefighter who was killed in the line of duty]~~ **officers and firefighters** to continue to receive death benefits under industrial insurance after the surviving spouse remarries; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if the death of an employee is caused by an injury by accident arising out of and in the course of employment covered by state laws on industrial insurance, the surviving spouse of the deceased employee may receive a compensation known as a death benefit. (NRS 616C.505) The death benefit presently ends upon the surviving spouse's death or remarriage. (NRS 616C.505) This bill allows the surviving spouse of a deceased police officer or firefighter who ~~[was killed in the line of duty]~~ **died while actively employed as a police officer or firefighter** to continue to receive certain compensation under the death benefit even if the surviving spouse remarries. **This bill also allows the surviving spouse of certain retired police officers or firefighters to receive this benefit.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 616C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, if the surviving spouse of a deceased police officer or firefighter who ~~[was killed in the line of duty]~~ died while actively employed as a police officer or firefighter is entitled to be paid compensation pursuant to subsection 2 of NRS 616C.505 ~~[.]~~ or NRS 617.453, 617.455, 617.457, 617.485 or 617.487, the surviving spouse:

(a) Must be paid that compensation until the death of the surviving spouse, whether or not the surviving spouse remarries; and

(b) Must not be paid any compensation pursuant to subsection 2 of NRS 616C.505 or NRS 617.453, 617.455, 617.457, 617.485 or 617.487 in one lump sum upon remarriage.

2. A surviving spouse of a deceased police officer or firefighter who was retired from employment as a police officer or firefighter at the time of death is entitled to receive compensation to the same extent and in the same manner as a surviving spouse specified in subsection 1 if:

(a) The police officer or firefighter retired because of the injury or occupational disease for which compensation is paid to the surviving spouse pursuant to this section; and

(b) The death of the police officer or firefighter was the direct and proximate result of the injury or occupational disease.

3. If the surviving spouse of a deceased police officer or firefighter specified in subsection 1 or 2 becomes the spouse of another employee or retiree who thereafter dies under circumstances that would otherwise entitle the surviving spouse to be paid compensation pursuant to subsection 2 of NRS 616C.505 or NRS 617.453, 617.455, 617.457, 617.485 or 617.487 with respect to the other employee, the surviving spouse:

(a) Must not be paid compensation pursuant to subsection 2 of NRS 616C.505 or NRS 617.453, 617.455, 617.457, 617.485 or 617.487 with respect to the other employee; and

(b) Shall be deemed to have predeceased the other employee for the purposes of chapters 616A to 616D, inclusive, and 617 of NRS.

~~*[3. The]*~~

4. Except as otherwise provided in subsections 1 and 2, the provisions of this section ~~*[:*~~

~~*(a) Do not apply to the surviving spouse of a deceased police officer or firefighter if the death of that police officer or firefighter is made compensable only by chapter 617 of NRS; and*~~

~~*(b) Do]*~~ ***do not affect any compensation payable under chapter 617 of NRS.***

~~*[4. As used in this section, "killed in the line of duty" means killed as a direct and proximate result of injuries sustained:*~~

~~*(a) If the person is on duty:*~~

~~*(1) While en route to or from, or otherwise responding to, an emergency, a call for service, a request for assistance or a situation requiring immediate law enforcement or emergency service attention; or*~~

~~*(2) From a hostile act;*~~

~~*(b) If the person is off duty, is a police officer and is using the tools of his trade, while en route to or from, or otherwise responding to, an emergency, a call for service, a request for assistance or a situation requiring immediate law enforcement attention; or*~~

~~*(c) During training that is approved by his employer and is scheduled or identified as training before the training occurs.]*~~

Sec. 2. NRS 616C.505 is hereby amended to read as follows:

616C.505 If an injury by accident arising out of and in the course of employment causes the death of an employee in the employ of an employer,

within the provisions of chapters 616A to 616D, inclusive, of NRS, the compensation is known as a death benefit ~~[,]~~ and is payable as follows:

1. In addition to any other compensation payable pursuant to chapters 616A to 616D, inclusive, of NRS, burial expenses are payable in an amount not to exceed $5,000. When the remains of the deceased employee and the person accompanying the remains are to be transported to a mortuary or mortuaries, the charge of transportation must be borne by the insurer.

2. ~~[To]~~ ***Except as otherwise provided in section 1 of this act, to*** the surviving spouse of the deceased employee, 66 2/3 percent of the average monthly wage is payable until his death or remarriage, with 2 years' compensation payable in one lump sum upon remarriage.

3. In the event of the subsequent death of the surviving spouse:

(a) Each surviving child of the deceased employee must share equally the compensation theretofore paid to the surviving spouse but not in excess thereof, and it is payable until the youngest child reaches the age of 18 years.

(b) Except as otherwise provided in subsection 11, if the children have a guardian, the compensation they are entitled to receive may be paid to the guardian.

4. Upon the remarriage of a surviving spouse with children:

(a) The surviving spouse must be paid 2 years' compensation in one lump sum and further benefits must cease; and

(b) Each child must be paid 15 percent of the average monthly wage, up to a maximum family benefit of 66 2/3 percent of the average monthly wage.

➥ The provisions of this subsection do not apply to the remarriage of a surviving spouse of a deceased police officer or firefighter if the provisions of section 1 of this act apply to the surviving spouse.

5. If there are any surviving children of the deceased employee under the age of 18 years, but no surviving spouse, then each such child is entitled to his proportionate share of 66 2/3 percent of the average monthly wage for his support.

6. Except as otherwise provided in subsection 7, if there is no surviving spouse or child under the age of 18 years, there must be paid:

(a) To a parent, if wholly dependent for support upon the deceased employee at the time of the injury causing his death, 33 1/3 percent of the average monthly wage.

(b) To both parents, if wholly dependent for support upon the deceased employee at the time of the injury causing his death, 66 2/3 percent of the average monthly wage.

(c) To each brother or sister until he or she reaches the age of 18 years, if wholly dependent for support upon the deceased employee at the time of the injury causing his death, his proportionate share of 66 2/3 percent of the average monthly wage.

7. The aggregate compensation payable pursuant to subsection 6 must not exceed 66 2/3 percent of the average monthly wage.

8. In all other cases involving a question of total or partial dependency:

(a) The extent of the dependency must be determined in accordance with the facts existing at the time of the injury.

(b) If the deceased employee leaves dependents only partially dependent upon his earnings for support at the time of the injury causing his death, the monthly compensation to be paid must be equal to the same proportion of the monthly payments for the benefit of persons totally dependent as the amount contributed by the deceased employee to the partial dependents bears to the average monthly wage of the deceased employee at the time of the injury resulting in his death.

(c) The duration of compensation to partial dependents must be fixed in accordance with the facts shown, but may not exceed compensation for 100 months.

9. Compensation payable to a surviving spouse is for the use and benefit of the surviving spouse and the dependent children, and the insurer may, from time to time, apportion such compensation between them in such a way as it deems best for the interest of all dependents.

10. In the event of the death of any dependent specified in this section before the expiration of the time during which compensation is payable to him, funeral expenses are payable in an amount not to exceed $5,000.

11. If a dependent is entitled to receive a death benefit pursuant to this section and is less than 18 years of age or incompetent, the legal representative of the dependent shall petition for a guardian to be appointed for that dependent pursuant to NRS 159.044. An insurer shall not pay any compensation in excess of $3,000, other than burial expenses, to the dependent until a guardian is appointed and legally qualified. Upon receipt of a certified letter of guardianship, the insurer shall make all payments required by this section to the guardian of the dependent until the dependent is emancipated, the guardianship terminates or the dependent reaches the age of 18 years, whichever occurs first, unless paragraph (a) of subsection 12 is applicable. The fees and costs related to the guardianship must be paid from the estate of the dependent. A guardianship established pursuant to this subsection must be administered in accordance with chapter 159 of NRS, except that after the first annual review required pursuant to NRS 159.176, a court may elect not to review the guardianship annually. The court shall review the guardianship at least once every 3 years. As used in this subsection, "incompetent" has the meaning ascribed to it in NRS 159.019.

12. Except as otherwise provided in paragraphs (a) and (b), the entitlement of any child to receive his proportionate share of compensation pursuant to this section ceases when he dies, marries or reaches the age of 18 years. A child is entitled to continue to receive compensation pursuant to this section if he is:

(a) Over 18 years of age and incapable of supporting himself, until such time as he becomes capable of supporting himself; or

(b) Over 18 years of age and enrolled as a full-time student in an accredited vocational or educational institution, until he reaches the age of 22 years.

13. As used in this section, "surviving spouse" means a surviving husband or wife who was married to the employee at the time of the employee's death.

Sec. 3. The amendatory provisions of sections 1 and 2 of this act do not apply to a surviving spouse of a deceased police officer or firefighter if the surviving spouse is remarried before October 1, 2007.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 5.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 934.

AN ACT relating to cancer; requiring the State Board of Pharmacy to establish the Cancer Drug Donation Program; requiring the Board to adopt regulations to carry out the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes a system for the reporting and analyzing of information relating to cancer and establishes task forces on prostate cancer and cervical cancer. (Chapter 457 of NRS)

Section 6 of this bill requires the State Board of Pharmacy to establish the Cancer Drug Donation Program. The Program will distribute and dispense cancer drugs donated to the Program to cancer patients. Section 6 also authorizes persons to donate cancer drugs at any pharmacy, medical facility, health clinic or provider of health care that participates in the Program. The donated drugs must be in the original, unopened and sealed packages and must not be adulterated or misbranded. Section 9 of this bill requires the Board to adopt regulations to carry out the Program. Section 10 of this bill provides immunity from civil liability for damages caused by ~~[any act or omission]~~ **certain acts or omissions** of a person **other than a pharmacy, medical facility, health clinic or provider of health care** who donates a cancer drug to the Program **.** ~~[, or who accepts, distributes or dispenses a cancer drug donated to the Program. Section 10 also provides immunity from civil and criminal liability to a manufacturer of a cancer drug that is donated, accepted, distributed or dispensed pursuant to the Program.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 457 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 5.5, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Cancer drug" means a prescription drug that is used to treat:***

1. Cancer or its side effects; or

2. The side effects of a prescription drug that is used to treat cancer or its side effects.

➥ The term includes medical supplies used in the administration of a cancer drug.

Sec. 4. ***"Medical Facility" has the meaning ascribed to it in NRS 449.0151.***

Sec. 5. ***"Program" means the Cancer Drug Donation Program established pursuant to section 6 of this act.***

Sec. 5.5. ***"Provider of health care" has the meaning ascribed to it in NRS 629.031.***

Sec. 6. ***1. The State Board of Pharmacy shall establish and maintain the Cancer Drug Donation Program to accept, distribute and dispense cancer drugs donated to the Program.***

2. Any person may donate a cancer drug to the Program. A cancer drug may be donated at a pharmacy, medical facility, health clinic or provider of health care that participates in the Program.

3. A pharmacy, medical facility, health clinic or provider of health care that participates in the Program may charge a patient who receives a cancer drug a handling fee in accordance with the regulations adopted by the State Board of Pharmacy pursuant to section 9 of this act.

4. A cancer drug may be accepted, distributed or dispensed pursuant to the Program only if the cancer drug:

(a) Is in its original, unopened, sealed and tamper-evident unit dose packaging or, if packaged in single-unit doses, the single-unit dose packaging is unopened;

(b) Is not adulterated or misbranded; and

(c) Bears an expiration date that is later than 30 days after the drug is donated.

5. A cancer drug donated to the Program may not be:

(a) Resold; or

(b) Designated by the donor for a specific person.

6. The provisions of this section do not require a pharmacy, medical facility, health clinic or provider of health care to participate in the Program.

Sec. 7. ***A cancer drug donated for use in the Program may only be dispensed:***

1. By a pharmacist who is registered pursuant to chapter 639 of NRS;

2. Pursuant to a prescription written by a person who is authorized to write prescriptions; and

3. To a person who is eligible to receive cancer drugs dispensed pursuant to the Program.

Sec. 8. ***A pharmacy, medical facility, health clinic or provider of health care that participates in the Program:***

1. Shall comply with all applicable state and federal laws concerning the storage, distribution and dispensing of the cancer drugs; and

2. May distribute a cancer drug donated to the Program to another pharmacy, medical facility, health clinic or provider of health care for use in the Program.

Sec. 9. ***The State Board of Pharmacy shall adopt regulations to carry out the provisions of sections 2 to 10, inclusive, of this act. The regulations must prescribe, without limitation:***

1. The requirements for the participation of pharmacies, medical facilities, health clinics and providers of health care in the Program, including, without limitation:

(a) A requirement that each provider of health care who participates in the Program provide, as a regular course of practice, medical services and goods to persons with cancer; and

(b) A requirement that each medical facility that participates in the Program provide, as a regular course of practice, medical services and goods to persons with cancer;

2. The criteria for determining the eligibility of persons to receive cancer drugs dispensed pursuant to the Program, including, without limitation, a requirement that a person must sign up with the State Board of Pharmacy on a form prescribed by the Board to be eligible to receive cancer drugs dispensed pursuant to the Program;

3. The categories of cancer drugs that may be accepted for distribution or dispensing pursuant to the Program; and

4. The maximum fee that a pharmacy, medical facility, health clinic or provider of health care may charge to distribute or dispense cancer drugs pursuant to the Program.

Sec. 10. ~~*[1.]*~~ ***Any person other than a pharmacy, medical facility, health clinic or provider of health care who donates*** ~~*[, accepts, distributes or dispenses]*~~ ***a cancer drug in accordance with the provisions of sections 2 to 10, inclusive, of this act, and the regulations adopted pursuant to section 9 of this act, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in donating*** ~~*[, accepting, distributing or dispensing]*~~ ***the cancer drug.***

~~*[2. A manufacturer of a cancer drug is immune from civil or criminal liability for any claim arising due to an injury, death or a loss to person or property, resulting from the use of the cancer drug that was donated, accepted, distributed or dispensed pursuant to the Program, if the manufacturer acted without malicious intent, including, without limitation,*

~~*liability for failure to transfer or communicate product or consumer information concerning the cancer drug or the expiration date of the cancer drug.]*~~

Sec. 11. This act becomes effective on July 1, 2007.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 53.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 917.

AN ACT relating to deceptive trade practices; providing that advertising or conducting a live musical performance or production through the use of a false, deceptive or misleading affiliation, connection or association between a performing group and a recording group constitutes a deceptive trade practice; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines activities that constitute deceptive trade practices and provides for the imposition of civil and criminal penalties against persons who engage in deceptive trade practices. (Chapter 598 of NRS) Section 1 of this bill provides that advertising or conducting a live musical performance or production through the use of a false, deceptive or misleading affiliation, connection or association between a performing group and a recording group constitutes a deceptive trade practice. Sections 2-12 of this bill amend various sections of NRS to include necessary references to the new deceptive trade practice established in section 1.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 598 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a person engages in a "deceptive trade practice" if the person advertises or conducts a live musical performance or production in this State through the use of a false, deceptive or misleading affiliation, connection or association between a performing group and a recording group.

2. A person does not engage in a "deceptive trade practice" pursuant to subsection 1 if:

(a) The performing group is the authorized registrant and owner of a federal service mark ~~*[for]*~~ ***comprising in whole or dominant part the mark or name of that group registered in the United States Patent and Trademark Office;***

(b) At least one member of the performing group was a member of the recording group and has a legal right by virtue of use or operation under the group name without having abandoned the name or affiliation with the group;

(c) The live musical performance or production is identified in all advertising and promotion as a salute or tribute and the name of the performing group is not so closely related or similar to that used by the recording group that it would tend to confuse or mislead the public;

(d) The advertising does not relate to a live musical performance or production taking place in this State; or

(e) The performance or production is expressly authorized in writing by the recording group.

3. As used in this section:

(a) "Performing group" means a vocal or instrumental group seeking to use the name of another group that has previously released a commercial sound recording under that name.

(b) "Person" means the performing group or its promoter, manager or agent. The term does not include the performance venue or its owners, managers or operators unless the performance venue ~~[owns]~~ has a controlling or majority ownership interest in and produces the performing group.

(c) "Recording group" means a vocal or instrumental group at least one of whose members has previously released a commercial sound recording under that group's name and in which the member or members have a legal right by virtue of use or operation under the group name without having abandoned the name or affiliation with the group.

(d) "Sound recording" means a work that results from the fixation on a material object of a series of musical, spoken or other sounds regardless of the nature of the material object, such as a cassette tape, compact disc or phonograph album, in which the sounds are embodied.

Sec. 2. NRS 598.0903 is hereby amended to read as follows:

598.0903 As used in NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 598.0905 to 598.0947, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 598.0953 is hereby amended to read as follows:

598.0953 1. Evidence that a person has engaged in a deceptive trade practice is prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

2. The deceptive trade practices listed in NRS 598.0915 to 598.0925, inclusive, ***and section 1 of this act*** are in addition to and do not limit the types of unfair trade practices actionable at common law or defined as such in other statutes of this State.

Sec. 4. NRS 598.0955 is hereby amended to read as follows:

598.0955 1. The provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act*** do not apply to:

(a) Conduct in compliance with the orders or rules of, or a statute administered by, a federal, state or local governmental agency.

(b) Publishers, including outdoor advertising media, advertising agencies, broadcasters or printers engaged in the dissemination of information or reproduction of printed or pictorial matter who publish, broadcast or reproduce material without knowledge of its deceptive character.

(c) Actions or appeals pending on July 1, 1973.

2. The provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act*** do not apply to the use by a person of any service mark, trademark, certification mark, collective mark, trade name or other trade identification which was used and not abandoned prior to July 1, 1973, if the use was in good faith and is otherwise lawful except for the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 5. NRS 598.0963 is hereby amended to read as follows:

598.0963 1. Whenever the Attorney General is requested in writing by the Commissioner or the Director to represent him in instituting a legal proceeding against a person who has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person on behalf of the Commissioner or Director.

2. The Attorney General may institute criminal proceedings to enforce the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and section 1 of this act.*** The Attorney General is not required to obtain leave of the court before instituting criminal proceedings pursuant to this subsection.

3. If the Attorney General has reason to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person to obtain a temporary restraining order, a preliminary or permanent injunction, or other appropriate relief.

4. If the Attorney General has cause to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may issue a subpoena to require the testimony of any person or the production of any documents, and may administer an oath or affirmation to any person providing such testimony. The subpoena must be served upon the person in the manner required for service of process in this State or by certified mail with return receipt requested. An employee of the Attorney General may personally serve the subpoena.

Sec. 6. NRS 598.0967 is hereby amended to read as follows:

598.0967 1. The Commissioner and the Director, in addition to other powers conferred upon them by NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** may issue subpoenas to require the attendance of witnesses or the production of documents, conduct hearings in aid of any investigation or inquiry and prescribe such forms and adopt such regulations

as may be necessary to administer the provisions of NRS 598.0903 to 598.0999, inclusive ~~.~~ ***, and section 1 of this act.*** Such regulations may include, without limitation, provisions concerning the applicability of the provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act*** to particular persons or circumstances.

2. Service of any notice or subpoena must be made as provided in N.R.C.P. 45(c).

Sec. 7. NRS 598.0971 is hereby amended to read as follows:

598.0971 1. If, after an investigation, the Commissioner has reasonable cause to believe that any person has been engaged or is engaging in any deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** the Commissioner may issue an order directed to the person to show cause why the Commissioner should not order the person to cease and desist from engaging in the practice. The order must contain a statement of the charges and a notice of a hearing to be held thereon. The order must be served upon the person directly or by certified or registered mail, return receipt requested.

2. If, after conducting a hearing pursuant to the provisions of subsection 1, the Commissioner determines that the person has violated any of the provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** or if the person fails to appear for the hearing after being properly served with the statement of charges and notice of hearing, the Commissioner may make a written report of his findings of fact concerning the violation and cause to be served a copy thereof upon the person and any intervener at the hearing. If the Commissioner determines in the report that such a violation has occurred, he may order the violator to:

(a) Cease and desist from engaging in the practice or other activity constituting the violation;

(b) Pay the costs of conducting the investigation, costs of conducting the hearing, costs of reporting services, fees for experts and other witnesses, charges for the rental of a hearing room if such a room is not available to the Commissioner free of charge, charges for providing an independent hearing officer, if any, and charges incurred for any service of process, if the violator is adjudicated to have committed a violation of NRS 598.0903 to 598.0999, inclusive ~~;~~ ***, and section 1 of this act;*** and

(c) Provide restitution for any money or property improperly received or obtained as a result of the violation.

➥ The order must be served upon the person directly or by certified or registered mail, return receipt requested. The order becomes effective upon service in the manner provided in this subsection.

3. Any person whose pecuniary interests are directly and immediately affected by an order issued pursuant to subsection 2 or who is aggrieved by the order may petition for judicial review in the manner provided in chapter 233B of NRS. Such a petition must be filed within 30 days after the service of the order. The order becomes final upon the filing of the petition.

4. If a person fails to comply with any provision of an order issued pursuant to subsection 2, the Commissioner may, through the Attorney General, at any time after 30 days after the service of the order, cause an action to be instituted in the district court of the county wherein the person resides or has his principal place of business requesting the court to enforce the provisions of the order or to provide any other appropriate injunctive relief.

5. If the court finds that:

(a) The violation complained of is a deceptive trade practice;

(b) The proceedings by the Commissioner concerning the written report and any order issued pursuant to subsection 2 are in the interest of the public; and

(c) The findings of the Commissioner are supported by the weight of the evidence,

➥ the court shall issue an order enforcing the provisions of the order of the Commissioner.

6. Except as otherwise provided in NRS 598.0974, an order issued pursuant to subsection 5 may include:

(a) A provision requiring the payment to the Commissioner of a penalty of not more than $5,000 for each act amounting to a failure to comply with the Commissioner's order; or

(b) Such injunctive or other equitable or extraordinary relief as is determined appropriate by the court.

7. Any aggrieved party may appeal from the final judgment, order or decree of the court in a like manner as provided for appeals in civil cases.

8. Upon the violation of any judgment, order or decree issued pursuant to subsection 5 or 6, the Commissioner, after a hearing thereon, may proceed in accordance with the provisions of NRS 598.0999.

Sec. 8. NRS 598.0985 is hereby amended to read as follows:

598.0985 Notwithstanding the requirement of knowledge as an element of a deceptive trade practice, and notwithstanding the enforcement powers granted to the Commissioner or Director pursuant to NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** whenever the district attorney of any county has reason to believe that any person is using, has used or is about to use any deceptive trade practice, knowingly or otherwise, he may bring an action in the name of the State of Nevada against that person to obtain a temporary or permanent injunction against the deceptive trade practice.

Sec. 9. NRS 598.0993 is hereby amended to read as follows:

598.0993 The court in which an action is brought pursuant to NRS 598.0979 and 598.0985 to 598.099, inclusive, may make such additional orders or judgments as may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of any deceptive trade practice which violates any of the provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,***

but such additional orders or judgments may be entered only after a final determination has been made that a deceptive trade practice has occurred.

Sec. 10. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act*** upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than $10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and section 1 of this act.***

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed $5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For the first offense, is guilty of a misdemeanor.

(b) For the second offense, is guilty of a gross misdemeanor.

(c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

➥ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** 598.100 to 598.2801, inclusive, 598.305 to 598.395, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, or 598.840 to 598.966, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the

district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

6. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

Sec. 11. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) An action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining

claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without his fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his official capacity and in virtue of his office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 12. NRS 41.600 is hereby amended to read as follows:

41.600 1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, "consumer fraud" means:

(a) An unlawful act as defined in NRS 119.330;

(b) An unlawful act as defined in NRS 205.2747;

(c) An act prohibited by NRS 482.36655 to 482.36667, inclusive;

(d) An act prohibited by NRS 482.351; or

(e) A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive ~~[.]~~ ***, and section 1 of this act.***

3. If the claimant is the prevailing party, the court shall award him:

(a) Any damages that he has sustained; and

(b) His costs in the action and reasonable attorney's fees.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.

Sec. 13. This act becomes effective upon passage and approval.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblymen Conklin, Mabey, and Anderson.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 103.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 935.

AN ACT relating to unclaimed property; adopting the Uniform Unclaimed Property Act; repealing conflicting provisions of the existing Uniform Disposition of Unclaimed Property Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, Nevada has enacted the Uniform Disposition of Unclaimed Property Act. The existing Uniform Act establishes the powers, duties and liabilities of the State and other persons concerning certain property which is abandoned and unclaimed by its owner. (Chapter 120A of NRS)

This bill replaces the existing Uniform Act with the updated and revised Uniform Unclaimed Property Act (1995). This bill retains many of the provisions of the existing Uniform Act. However, this bill reorganizes certain provisions from the existing Uniform Act to eliminate redundancy, it updates certain provisions to reflect holdings by the United States Supreme Court and it adds certain provisions regarding application and enforcement of the Act.

Under the existing Uniform Act, certain tangible property such as the contents of safe-deposit boxes and intangible property such as traveler's checks, money orders, stocks and monies owed by insurance companies, retirement plans and businesses are considered unclaimed by their owners after a certain period of abandonment. (NRS 120A.160-120A.240) Section 8 of this bill reorganizes into a single section all of the periods of abandonment that are set forth in separate sections in the existing Uniform Act.

The existing Uniform Act does not contain the provisions in sections 10 and 18 of this bill which codify certain rules of priority established by **the** United States Supreme Court when more than one state seeks custody over unclaimed property. (***Delaware v. New York***, 507 U.S. 490, 113 S. Ct. 1550 (1993); ***Pennsylvania v. New York***, 407 U.S. 206, 92 S. Ct. 2075 (1972); ***Texas v. New Jersey***, 379 U.S. 674, 85 S. Ct. 626 (1965))

The existing Uniform Act does not contain the provisions in section 12 of this bill which clarify the State's burden of proof when it is trying to show the existence and amount of unclaimed property in the possession of certain holders and which recognizes several affirmative defenses that may be established by those holders.

The existing Uniform Act does not contain the provisions in section 25 of this bill which require holders of unclaimed property and issuers of traveler's checks and money orders to maintain records of certain information for a designated number of years.

The existing Uniform Act contains criminal penalties for persons who do not comply with the provisions of the Act. (NRS 120A.440) This bill eliminates those criminal penalties, and section 28 of this bill adds provisions which impose civil monetary penalties on holders of unclaimed property who fail to report, pay or deliver the unclaimed property to the State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 120A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 29, inclusive, of this act.

Sec. 2. ***"Domicile" means the state of incorporation of a corporation and the state of the principal place of business of a holder other than a corporation.***

Sec. 3. ***"Mineral" means gas, oil, coal and other gaseous, liquid and solid hydrocarbons, oil shale, cement material, sand, gravel, road material, building stone, chemical raw material, gemstone, fissionable and nonfissionable ores, colloidal and other clay, steam and other geothermal resource or any other substance defined as a mineral by the law of this State.***

Sec. 4. ***"Mineral proceeds" means amounts payable for the extraction, production or sale of minerals or, upon the abandonment of those payments, all payments that become payable thereafter. The term includes , without limitation, amounts payable:***

1. For the acquisition and retention of a mineral lease, including bonuses, royalties, compensatory royalties, shut-in royalties, minimum royalties and delay rentals;

2. For the extraction, production or sale of minerals, including net revenue interests, royalties, overriding royalties, extraction payments and production payments; and

3. Under an agreement or option, including a joint operating agreement, unit agreement, pooling agreement and farm-out agreement.

Sec. 5. ***"Property" means tangible property described in section 9 of this act or a fixed and certain interest in intangible property that is held, issued or owed in the course of a holder's business or by a government, governmental subdivision, agency or instrumentality, and all income or increments therefrom. The term includes , without limitation, property that is referred to as or evidenced by:***

1. Money or a check, draft, deposit, interest or dividend;

2. A credit balance, customer's overpayment, ~~[gift certificate,]~~ security deposit, refund, credit memorandum, unpaid wage, mineral proceeds or unidentified remittance;

3. Stock or other evidence of ownership of an interest in a business association or financial organization;

4. A bond, debenture, note or other evidence of indebtedness;

5. Money deposited to redeem stocks, bonds, coupons or other securities or to make distributions;

6. An amount due and payable under the terms of an annuity or insurance policy, including policies providing life insurance, property and casualty insurance, workers' compensation insurance or health and disability insurance; and

7. An amount distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance or similar benefits.

Sec. 6. ***"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.***

Sec. 7. ***"State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico or any territory or insular possession subject to the jurisdiction of the United States.***

Sec. 8. ***1. Property is presumed abandoned if it is unclaimed by the apparent owner during the time set forth below for the particular property:***

(a) A traveler's check, 15 years after issuance;

(b) A money order, 7 years after issuance;

(c) Any stock or other equity interest in a business association or financial organization, including a security entitlement under NRS 104.8101 to 104.8511, inclusive, 3 years after the earlier of the date of the most recent dividend, stock split or other distribution unclaimed by the

apparent owner, or the date of the second mailing of a statement of account or other notification or communication that was returned as undeliverable or after the holder discontinued mailings, notifications or communications to the apparent owner;

(d) Any debt of a business association or financial organization, other than a bearer bond or an original issue discount bond, 3 years after the date of the most recent interest payment unclaimed by the apparent owner;

(e) A demand, savings or time deposit, including a deposit that is automatically renewable, 3 years after the earlier of maturity or the date of the last indication by the owner of interest in the property, but a deposit that is automatically renewable is deemed matured for purposes of this section upon its initial date of maturity, unless the owner has consented to a renewal at or about the time of the renewal and the consent is in writing or is evidenced by a memorandum or other record on file with the holder;

(f) Any money or credits owed to a customer as a result of a retail business transaction, 3 years after the obligation accrued;

(g) ~~*[A gift certificate, 3 years after December 31 of the year in which the certificate was sold, but if redeemable in merchandise only, the amount abandoned is deemed to be 60 percent of the certificate's face value;*~~

~~*(h)]*~~ ***Any amount owed by an insurer on a life or endowment insurance policy or an annuity that has matured or terminated, 3 years after the obligation to pay arose or, in the case of a policy or annuity payable upon proof of death, 3 years after the insured has attained, or would have attained if living, the limiting age under the mortality table on which the reserve is based;***

~~*[(i)]*~~ ***(h) Any property distributable by a business association or financial organization in a course of dissolution, 1 year after the property becomes distributable;***

~~*[(j)]*~~ ***(i) Any property received by a court as proceeds of a class action and not distributed pursuant to the judgment, 1 year after the distribution date;***

~~*[(k)]*~~ ***(j) Except as otherwise provided in NRS 607.170 and 703.375, any property held by a court, government, governmental subdivision, agency or instrumentality, 1 year after the property becomes distributable;***

~~*[(l)]*~~ ***(k) Any wages or other compensation for personal services, 1 year after the compensation becomes payable;***

~~*[(m)]*~~ ***(l) A deposit or refund owed to a subscriber by a utility, 1 year after the deposit or refund becomes payable;***

~~*[(n)]*~~ ***(m) Any property in an individual retirement account, defined benefit plan or other account or plan that is qualified for tax deferral under the income tax laws of the United States, 3 years after the earliest of the date of the distribution or attempted distribution of the property, the date of the required distribution as stated in the plan or trust agreement governing the plan or the date, if determinable by the holder, specified in***

the income tax laws of the United States by which distribution of the property must begin in order to avoid a tax penalty; and

~~[(o)]~~ (n) All other property, 3 years after the owner's right to demand the property or after the obligation to pay or distribute the property arises, whichever first occurs.

2. At the time that an interest is presumed abandoned under subsection 1, any other property right accrued or accruing to the owner as a result of the interest, and not previously presumed abandoned, is also presumed abandoned.

3. Property is unclaimed if, for the applicable period set forth in subsection 1, the apparent owner has not communicated, in writing or by other means reflected in a contemporaneous record prepared by or on behalf of the holder, with the holder concerning the property or the account in which the property is held and has not otherwise indicated an interest in the property. A communication with an owner by a person other than the holder or its representative who has not in writing identified the property to the owner is not an indication of interest in the property by the owner.

4. An indication of an owner's interest in property includes:

(a) The presentment of a check or other instrument of payment of a dividend or other distribution made with respect to an account or underlying stock or other interest in a business association or financial organization or, in the case of a distribution made by electronic or similar means, evidence that the distribution has been received;

(b) Owner-directed activity in the account in which the property is held, including a direction by the owner to increase, decrease or change the amount or type of property held in the account;

(c) The making of a deposit to or withdrawal from a bank account; and

(d) The payment of a premium with respect to a property interest in an insurance policy, but the application of an automatic premium loan provision or other nonforfeiture provision contained in an insurance policy does not prevent a policy from maturing or terminating if the insured has died or the insured or the beneficiary of the policy has otherwise become entitled to the proceeds before the depletion of the cash surrender value of a policy by the application of those provisions.

5. Property is payable or distributable for purposes of this chapter notwithstanding the owner's failure to make demand or present an instrument or document otherwise required to obtain payment.

Sec. 9. ***Tangible property held in a safe-deposit box or other safekeeping depository in this State in the ordinary course of the holder's business and proceeds resulting from the sale of the property permitted by other law are presumed abandoned if the property remains unclaimed by the owner for more than 3 years after expiration of the lease or rental period on the box or other depository.***

Sec. 10. ***Except as otherwise provided in this chapter or by other statute of this State, property that is presumed abandoned, whether located in this or another state, is subject to the custody of this State if:***

1. The last known address of the apparent owner, as shown on the records of the holder, is in this State;

2. The records of the holder do not reflect the identity of the person entitled to the property and it is established that the last known address of the person entitled to the property is in this State;

3. The records of the holder do not reflect the last known address of the apparent owner and it is established that:

(a) The last known address of the person entitled to the property is in this State; or

(b) The holder is domiciled in this State or is a government or governmental subdivision, agency or instrumentality of this State and has not previously paid or delivered the property to the state of the last known address of the apparent owner or other person entitled to the property;

4. The last known address of the apparent owner, as shown on the records of the holder, is in a state that does not provide for the escheat or custodial taking of the property and the holder is domiciled in this State or is a government or governmental subdivision, agency or instrumentality of this State;

5. The last known address of the apparent owner, as shown on the records of the holder, is in a foreign country and the holder is domiciled in this State or is a government or governmental subdivision, agency or instrumentality of this State;

6. The transaction out of which the property arose occurred in this State, the holder is domiciled in a state that does not provide for the escheat or custodial taking of the property and the last known address of the apparent owner or other person entitled to the property is unknown or is in a state that does not provide for the escheat or custodial taking of the property; or

7. The property is a traveler's check or money order purchased in this State or the issuer of the traveler's check or money order has its principal place of business in this State and the issuer's records show that the instrument was purchased in a state that does not provide for the escheat or custodial taking of the property or do not show the state in which the instrument was purchased.

Sec. 11. ***A holder may deduct from property presumed abandoned a charge imposed by reason of the owner's failure to claim the property within a specified time only if there is a valid and enforceable written contract between the holder and the owner under which the holder may impose the charge and the holder regularly imposes the charge, which is not regularly reversed or otherwise cancelled. The amount of the deduction must not exceed $5 per month.***

Sec. 12. ***A record of the issuance of a check, draft or similar instrument is prima facie evidence of an obligation. In claiming property from a holder who is also the issuer, the Administrator's burden of proof as to the existence and amount of the property and its abandonment is satisfied by showing issuance of the instrument and passage of the requisite period of abandonment. Defenses of payment, satisfaction, discharge and want of consideration are affirmative defenses that must be established by the holder.***

Sec. 13. ***1. A holder of property presumed abandoned shall make a report to the Administrator concerning the property.***

2. The report must be verified and must contain:

(a) A description of the property;

(b) Except with respect to a traveler's check or money order, the name, if known, and last known address, if any, and the social security number or taxpayer identification number, if readily ascertainable, of the apparent owner of property of the value of $50 or more;

(c) In the case of items valued under $50, a statement of the aggregate value of all items valued under $50 ***;*** ~~[.]~~

(d) In the case of an amount of $50 or more held or owing under an annuity or a life or endowment insurance policy, the full name and last known address of the annuitant or insured and of the beneficiary;

(e) In the case of property held in a safe-deposit box or other safekeeping depository, an indication of the place where it is held and where it may be inspected by the Administrator and any amounts owing to the holder;

(f) The date, if any, on which the property became payable, demandable or returnable and the date of the last transaction with the apparent owner with respect to the property; and

(g) Other information that the Administrator by regulation prescribes as necessary for the administration of this chapter.

3. If a holder of property presumed abandoned is a successor to another person who previously held the property for the apparent owner or the holder has changed its name while holding the property, the holder shall file with the report its former names, if any, and the known names and addresses of all previous holders of the property.

4. The report must be filed before November 1 of each year and cover the 12 months next preceding July 1 of that year, but a report with respect to an insurance company must be filed before May 1 of each year for the calendar year next preceding.

5. The holder of property presumed abandoned shall send written notice to the apparent owner, not more than 120 days or less than 60 days before filing the report, stating that the holder is in possession of property subject to this chapter, if:

(a) The holder has in its records an address for the apparent owner which the holder's records do not disclose to be inaccurate;

(b) The claim of the apparent owner is not barred by a statute of limitations; and

(c) The value of the property is $50 or more.

6. Before the date for filing the report, the holder of property presumed abandoned may request the Administrator to extend the time for filing the report. The Administrator may grant the extension for good cause. The holder, upon receipt of the extension, may make an interim payment on the amount the holder estimates will ultimately be due, which terminates the accrual of additional interest on the amount paid.

7. The holder of property presumed abandoned shall file with the report an affidavit stating that the holder has complied with subsection 5.

8. A person reporting 15 or more items of property pursuant to this section shall file the report electronically in lieu of on paper.

Sec. 14. ***1. Except for property held in a safe-deposit box or other safekeeping depository, upon filing the report required by section 13 of this act, the holder of property presumed abandoned shall pay, deliver or cause to be paid or delivered to the Administrator the property described in the report as unclaimed, but if the property is an automatically renewable deposit, and a penalty or forfeiture in the payment of interest would result, the time for compliance is extended until a penalty or forfeiture would no longer result. Tangible property held in a safe-deposit box or other safekeeping depository may not be delivered to the Administrator until 60 days after filing the report required by section 13 of this act.***

2. If the property reported to the Administrator is a security or security entitlement under NRS 104.8101 to 104.8511, inclusive, the Administrator is an appropriate person to make an endorsement, instruction or entitlement order on behalf of the apparent owner to invoke the duty of the issuer or its transfer agent or the securities intermediary to transfer or dispose of the security or the security entitlement in accordance with NRS 104.8101 to 104.8511, inclusive.

3. If the holder of property reported to the Administrator is the issuer of a certificated security, the Administrator has the right to obtain a replacement certificate pursuant to NRS 104.8405, but an indemnity bond is not required.

4. An issuer, the holder and any transfer agent or other person acting pursuant to the instructions of and on behalf of the issuer or holder in accordance with this section is not liable to the apparent owner and must be indemnified against claims of any person in accordance with section 16 of this act.

Sec. 15. ***1. The Administrator shall publish a notice not later than November 30 of the year next following the year in which abandoned property has been paid or delivered to the Administrator. The notice must be published in a newspaper of general circulation in the county of this State in which is located the last known address of any person named in the notice. If a holder does not report an address for the apparent owner or***

the address is outside this State, the notice must be published in a county that the Administrator reasonably selects. The advertisement must be in a form that, in the judgment of the Administrator, is likely to attract the attention of the apparent owner of the unclaimed property. The form must contain:

(a) The name of each person appearing to be the owner of the property, as set forth in the report filed by the holder;

(b) The city or town in which the last known address of each person appearing to be the owner of the property is located, if a city or town is set forth in the report filed by the holder;

(c) A statement explaining that property of the owner is presumed to be abandoned and has been taken into the protective custody of the Administrator; and

(d) A statement that information about the property and its return to the owner is available to a person having a legal or beneficial interest in the property, upon request to the Administrator.

2. The Administrator is not required to advertise the name and city or town of an owner of property having a total value less than $50 or information concerning a traveler's check, money order or similar instrument.

Sec. 16. ***1. For the purposes of this section, payment or delivery is made in "good faith" if:***

(a) Payment or delivery was made in a reasonable attempt to comply with this chapter;

(b) The holder was not then in breach of a fiduciary obligation with respect to the property and had a reasonable basis for believing, based on the facts then known, that the property was presumed abandoned; and

(c) There is no showing that the records under which the payment or delivery was made did not meet reasonable commercial standards of practice.

2. Upon payment or delivery of property to the Administrator, the State assumes custody and responsibility for the safekeeping of the property. A holder who pays or delivers property to the Administrator in good faith is relieved of all liability arising thereafter with respect to the property.

3. A holder who has paid money to the Administrator pursuant to this chapter may subsequently make payment to a person reasonably appearing to the holder to be entitled to payment. Upon a filing by the holder of proof of payment and proof that the payee was entitled to the payment, the Administrator shall promptly reimburse the holder for the payment without imposing a fee or other charge. If reimbursement is sought for a payment made on a negotiable instrument, including a traveler's check or money order, the holder must be reimbursed upon filing proof that the instrument was duly presented and that payment was made to a person who reasonably appeared to be entitled to payment. The holder must be reimbursed for

payment made even if the payment was made to a person whose claim was barred under subsection 1 of section 23 of this act.

4. A holder who has delivered property other than money to the Administrator pursuant to this chapter may reclaim the property if it is still in the possession of the Administrator, without paying any fee or other charge, upon filing proof that the apparent owner has claimed the property from the holder.

5. The Administrator may accept a holder's affidavit as sufficient proof of the holder's right to recover money and property under this section.

6. If a holder pays or delivers property to the Administrator in good faith and thereafter another person claims the property from the holder or another state claims the money or property under its laws relating to escheat or abandoned or unclaimed property, the Administrator, upon written notice of the claim, shall defend the holder against the claim and indemnify the holder against any liability on the claim resulting from payment or delivery of the property to the Administrator.

7. Property removed from a safe-deposit box or other safekeeping depository is received by the Administrator subject to the holder's right to be reimbursed for the cost of the opening and to any valid lien or contract providing for the holder to be reimbursed for unpaid rent or storage charges. The Administrator shall reimburse the holder out of the proceeds remaining after deducting the expense incurred by the Administrator in selling the property.

Sec. 17. ***If property other than money is delivered to the Administrator under this chapter, the owner is entitled to receive from the Administrator any income or gain realized or accruing on the property at or before liquidation or conversion of the property into money.***

Sec. 18. ***1. After property has been paid or delivered to the Administrator under this chapter, another state may recover the property if:***

(a) The property was paid or delivered to the custody of this State because the records of the holder did not reflect a last known location of the apparent owner within the borders of the other state and the other state establishes that the apparent owner or other person entitled to the property was last known to be located within the borders of that state and under the laws of that state the property has escheated or become subject to a claim of abandonment by that state;

(b) The property was paid or delivered to the custody of this State because the laws of the other state did not provide for the escheat or custodial taking of the property and under the laws of that state subsequently enacted the property has escheated or become subject to a claim of abandonment by that state;

(c) The records of the holder were erroneous in that they did not accurately identify the owner of the property and the last known location of the owner within the borders of another state and under the laws of that

state the property has escheated or become subject to a claim of abandonment by that state;

(d) The property was subjected to custody by this State under subsection 6 of section 10 of this act and under the laws of the state of domicile of the holder the property has escheated or become subject to a claim of abandonment by that state; or

(e) The property is a sum payable on a traveler's check, money order or similar instrument that was purchased in the other state and delivered into the custody of this State under subsection 7 of section 10 of this act, and under the laws of the other state the property has escheated or become subject to a claim of abandonment by that state.

2. A claim of another state to recover escheated or abandoned property must be presented in a form prescribed by the Administrator, who shall decide the claim within 90 days after it is presented. The Administrator shall allow the claim upon determining that the other state is entitled to the abandoned property under subsection 1.

3. The Administrator shall require another state, before recovering property under this section, to agree to indemnify this State and its officers and employees against any liability on a claim to the property.

Sec. 19. ***1. A person, excluding another state, claiming property paid or delivered to the Administrator may file a claim on a form prescribed by the Administrator and verified by the claimant.***

2. Within 90 days after a claim is filed, the Administrator shall allow or deny the claim and give written notice of the decision to the claimant. If the claim is denied, the Administrator shall inform the claimant of the reasons for the denial and specify what additional evidence is required before the claim will be allowed. The claimant may then file a new claim with the Administrator or maintain an action under section 20 of this act.

3. Except as otherwise provided in subsection 5, within 30 days after a claim is allowed, the property or the net proceeds of a sale of the property must be delivered or paid by the Administrator to the claimant, together with any dividend, interest or other increment to which the claimant is entitled under NRS 120A.360 and section 17 of this act.

4. A holder who pays the owner for property that has been delivered to the State and which, if claimed from the Administrator by the owner would be subject to an increment under NRS 120A.360 and section 17 of this act may recover from the Administrator the amount of the increment.

5. The Administrator may require a person with a claim in excess of $2,000 to furnish a bond and indemnify the State against any loss resulting from the approval of such claim if the claim is based upon an original instrument, including, without limitation, a certified check or a stock certificate or other proof of ownership of securities, which cannot be furnished by the person with the claim.

Sec. 20. ***A person aggrieved by a decision of the Administrator or whose claim has not been acted upon within 90 days after its filing may***

maintain an original action to establish the claim in the district court, naming the Administrator as a defendant. If the aggrieved person establishes the claim in an action against the Administrator, the court may award the claimant reasonable attorney's fees.

Sec. 21. ***1. The Administrator may decline to receive property reported under this chapter which the Administrator considers to have a value less than the expenses of notice and sale.***

2. A holder, with the written consent of the Administrator and upon conditions and terms prescribed by the Administrator, may report and deliver property before the property is presumed abandoned. Property so delivered must be held by the Administrator and is not presumed abandoned until it otherwise would be presumed abandoned under this chapter.

Sec. 22. ***If the Administrator determines after investigation that property delivered under this chapter has no substantial commercial value, the Administrator may destroy or otherwise dispose of the property at any time. An action or proceeding may not be maintained against the State or any officer or employee or against the holder for or on account of an act of the Administrator under this section, except for intentional misconduct or malfeasance.***

Sec. 23. ***1. The expiration, before or after October 1, 2007, of a period of limitation on the owner's right to receive or recover property, whether specified by contract, statute or court order, does not preclude the property from being presumed abandoned or affect a duty to file a report or to pay or deliver or transfer property to the Administrator as required by this chapter.***

2. An action or proceeding may not be maintained by the Administrator to enforce this chapter in regard to the reporting, delivery or payment of property more than 10 years after the holder specifically identified the property in a report filed with the Administrator or gave express notice to the Administrator of a dispute regarding the property. In the absence of such a report or other express notice, the period of limitation is tolled. The period of limitation is also tolled by the filing of a report that is fraudulent.

Sec. 24. ***1. The Administrator may require a person who has not filed a report, or a person who the Administrator believes has filed an inaccurate, incomplete or false report, to file a verified report in a form specified by the Administrator. The report must state whether the person is holding property reportable under this chapter, describe property not previously reported or as to which the Administrator has made inquiry, and specifically identify and state the amounts of property that may be in issue.***

2. The Administrator, at reasonable times and upon reasonable notice, may examine the records of any person to determine whether the person has complied with this chapter. The Administrator may conduct the examination even if the person believes he is not in possession of any property that must be reported, paid or delivered under this chapter. The

Administrator may contract with any other person to conduct the examination on behalf of the Administrator.

3. The Administrator at reasonable times may examine the records of an agent, including a dividend disbursing agent or transfer agent, of a business association or financial organization that is the holder of property presumed abandoned if the Administrator has given the notice required by subsection 2 to both the association or organization and the agent at least 90 days before the examination.

4. Documents and working papers obtained or compiled by the Administrator, or the Administrator's agents, employees or designated representatives, in the course of conducting an examination are confidential and are not public records, but the documents and papers may be:

(a) Used by the Administrator in the course of an action to collect unclaimed property or otherwise enforce this chapter;

(b) Used in joint examinations conducted with or pursuant to an agreement with another state, the Federal Government or any other governmental subdivision, agency or instrumentality;

(c) Produced pursuant to subpoena or court order; or

(d) Disclosed to the abandoned property office of another state for that state's use in circumstances equivalent to those described in this subdivision, if the other state is bound to keep the documents and papers confidential.

5. If an examination of the records of a person results in the disclosure of property reportable under this chapter, the Administrator may assess the cost of the examination against the holder at the rate of $200 a day for each examiner or a greater amount that is reasonable and was incurred, but the assessment may not exceed the value of the property found to be reportable. The cost of an examination made pursuant to subsection 3 may be assessed only against the business association or financial organization.

6. If, after October 1, 2007, a holder does not maintain the records required by section 25 of this act and the records of the holder available for the periods subject to this chapter are insufficient to permit the preparation of a report, the Administrator may require the holder to report and pay to the Administrator the amount the Administrator reasonably estimates, on the basis of any available records of the holder or by any other reasonable method of estimation, should have been but was not reported.

Sec. 25. ***1. Except as otherwise provided in subsection 2, a holder required to file a report under section 13 of this act shall maintain the records containing the information required to be included in the report for 7 years after the holder files the report, unless a shorter period is provided by regulation of the Administrator.***

2. A business association or financial organization that sells, issues or provides to others for sale or issue in this State, traveler's checks, money orders or similar instruments other than third-party bank checks, on which

the business association or financial organization is directly liable, shall maintain a record of the instruments while they remain outstanding, indicating the State and date of issue, for 3 years after the holder files the report.

Sec. 26. ***The Administrator may maintain an action in this State or another state to enforce this chapter. The court may award reasonable attorney's fees to the prevailing party.***

Sec. 27. ***1. The Administrator may enter into an agreement with another state to exchange information relating to abandoned property or its possible existence. The agreement may permit the other state, or another person acting on behalf of a state, to examine records as authorized in section 24 of this act. The Administrator by regulation may require the reporting of information needed to enable compliance with an agreement made under this section and prescribe the form.***

2. The Administrator may join with another state to seek enforcement of this chapter against any person who is or may be holding property reportable under this chapter.

3. At the request of another state, the Attorney General of this State may maintain an action on behalf of the other state to enforce, in this State, the unclaimed property laws of the other state against a holder of property subject to escheat or a claim of abandonment by the other state, if the other state has agreed to pay expenses incurred by the Attorney General in maintaining the action.

4. The Administrator may request that the attorney general of another state or another attorney commence an action in the other state on behalf of the Administrator. With the approval of the Attorney General of this State, the Administrator may retain any other attorney to commence an action in this State on behalf of the Administrator. This State shall pay all expenses, including attorney's fees, in maintaining an action under this subsection. With the Administrator's approval, the expenses and attorney's fees may be paid from money received under this chapter. The Administrator may agree to pay expenses and attorney's fees based in whole or in part on a percentage of the value of any property recovered in the action. Any expenses or attorney's fees paid under this subsection may not be deducted from the amount that is subject to the claim by the owner under this chapter.

Sec. 28. ***1. A holder who fails to report, pay or deliver property within the time prescribed by this chapter shall pay to the Administrator interest at the rate of 18 percent per annum on the property or value thereof from the date the property should have been reported, paid or delivered.***

2. Except as otherwise provided in subsection 3, a holder who fails to report, pay or deliver property within the time prescribed by this chapter or fails to perform other duties imposed by this chapter shall pay to the Administrator, in addition to interest as provided in subsection 1, a civil

penalty of $200 for each day the report, payment or delivery is withheld or the duty is not performed, up to a maximum of $5,000.

3. A holder who willfully fails to report, pay or deliver property within the time prescribed by this chapter or willfully fails to perform other duties imposed by this chapter shall pay to the Administrator, in addition to interest as provided in subsection 1, a civil penalty of $1,000 for each day the report, payment or delivery is withheld or the duty is not performed, up to a maximum of $25,000, plus 25 percent of the value of any property that should have been but was not reported.

4. A holder who makes a fraudulent report shall pay to the Administrator, in addition to interest as provided in subsection 1, a civil penalty of $1,000 for each day from the date a report under this chapter was due, up to a maximum of $25,000, plus 25 percent of the value of any property that should have been but was not reported.

5. The Administrator for good cause may waive, in whole or in part, interest under subsection 1 and penalties under subsections 2 and 3, and shall waive penalties if the holder acted in good faith and without negligence.

Sec. 29. ***1. An agreement by an owner, the primary purpose of which is to locate, deliver, recover or assist in the recovery of property that is presumed abandoned, is void and unenforceable if it was entered into during the period commencing on the date the property was presumed abandoned and extending to a time that is 24 months after the date the property is paid or delivered to the Administrator. This subsection does not apply to an owner's agreement with an attorney to file a claim as to identified property or contest the Administrator's denial of a claim.***

2. An agreement by an owner, the primary purpose of which is to locate, deliver, recover or assist in the recovery of property, is enforceable only if the agreement is in writing, clearly sets forth the nature of the property and the services to be rendered, is signed by the apparent owner and states the value of the property before and after the fee or other compensation has been deducted.

3. If an agreement covered by this section applies to mineral proceeds and the agreement contains a provision to pay compensation that includes a portion of the underlying minerals or any mineral proceeds not then presumed abandoned, the provision is void and unenforceable.

4. An agreement covered by this section must not provide for compensation that is more than 10 percent of the total value of the property that is the subject of the agreement. An agreement that provides for compensation that is more than 10 percent of the total value of the property that is the subject of the agreement is unenforceable except by the owner. An owner who has agreed to pay compensation that is more than 10 percent of the total value of the property that is the subject of the agreement, or the Administrator on behalf of the owner, may maintain an action to reduce the compensation to an amount that does not exceed

10 percent of the total value of the property. The court may award reasonable attorney's fees to an owner who prevails in the action.

5. This section does not preclude an owner from asserting that an agreement covered by this section is invalid on grounds other than that the compensation is more than 10 percent of the total value of the property that is the subject of the agreement.

Sec. 30. NRS 120A.010 is hereby amended to read as follows:

120A.010 This chapter may be cited as the Uniform ~~[Disposition of]~~ Unclaimed Property Act.

Sec. 31. NRS 120A.020 is hereby amended to read as follows:

120A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 120A.025 to 120A.120, inclusive, ***and sections 2 to 7, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 32. NRS 120A.040 is hereby amended to read as follows:

120A.040 "Business association" means a corporation, ~~[other than a public corporation, a]~~ joint-stock company, investment company, partnership, unincorporated association, joint venture, limited-liability company, business trust, ***trust company, land bank, safe-deposit company or other safekeeping depository,*** financial organization, insurance company, mutual fund or utility, or another business entity consisting of one or more persons, whether or not for profit.

Sec. 33. NRS 120A.070 is hereby amended to read as follows:

120A.070 "Financial organization" means a savings and loan association, ***building and loan association, savings bank, industrial bank, bank,*** banking organization or credit union.

Sec. 34. NRS 120A.100 is hereby amended to read as follows:

120A.100 "Owner" means a ***person who has a legal or equitable interest in property subject to this chapter or the person's legal representative. The term includes , without limitation, a*** depositor in the case of a deposit, a beneficiary in the case of a trust other than a deposit in trust, ***and*** a creditor, claimant or payee in the case of other ~~[intangible property, or a person having a legal or equitable interest in property subject to this chapter, or his legal representative.]~~ ***property.***

Sec. 35. NRS 120A.110 is hereby amended to read as follows:

120A.110 "Person" means a natural person, business association, ***financial organization,*** estate, trust, government or governmental subdivision, agency or instrumentality, or any other legal or commercial entity.

Sec. 36. NRS 120A.120 is hereby amended to read as follows:

120A.120 "Utility" means any person who owns or operates ~~[within this State]~~ for public use any plant, equipment, ***real*** property, franchise or license for the transmission of communications or the production, storage, transmission, sale, delivery or furnishing of electricity, water, steam or gas.

Sec. 37. NRS 120A.130 is hereby amended to read as follows:

120A.130 This chapter shall be ~~[so construed as]~~ ***applied and construed*** to effectuate its general purpose to make uniform the law ~~[of those states which]~~ ***with respect to the subject matter of the Uniform Unclaimed Property Act among the states that*** enact it.

Sec. 38. NRS 120A.135 is hereby amended to read as follows:

120A.135 1. The provisions of this chapter do not apply to gaming chips or tokens which are not redeemed at an establishment.

2. As used in this section:

(a) "Establishment" has the meaning ascribed to it in NRS 463.0148.

(b) "Gaming chip or token" means any object which may be redeemed at an establishment for cash or any other representative of value.

Sec. 39. NRS 120A.360 is hereby amended to read as follows:

120A.360 1. Except as otherwise provided in subsections 4, 5 and 6, all abandoned property other than money delivered to the Administrator under this chapter must, within 2 years after the delivery, be sold by the Administrator to the highest bidder at public sale in whatever manner affords **,** in his judgment **,** the most favorable market for the property **.** ~~[involved.]~~ The Administrator may decline the highest bid and reoffer the property for sale if he considers the ~~[price]~~ bid ***to be*** insufficient.

2. Any sale held under this section must be preceded by a single publication of notice **,** ~~[thereof]~~ at least ~~[2 weeks in advance of the]~~ ***3 weeks before*** sale **,** in a newspaper of general circulation in the county ~~[where]~~ ***in which*** the property is to be sold.

3. The purchaser ***of property*** at any sale conducted by the Administrator pursuant to this chapter ~~[is vested with title to]~~ ***takes*** the property ~~[purchased, free from]~~ ***free of*** all claims of the owner or ~~[prior]~~ ***previous*** holder and of all persons claiming through or under them. The Administrator shall execute all documents necessary to complete the transfer of ~~[title.]~~ ***ownership.***

4. The Administrator need not offer any property for sale if ~~[, in his opinion,]~~ ***he considers that*** the probable cost of the sale ~~[exceeds the value of the property.]~~ ***will exceed the proceeds of the sale.*** The Administrator may destroy or otherwise dispose of such property or may transfer it to:

(a) The Nevada Museum and Historical Society, the Nevada State Museum or the Nevada Historical Society, upon its written request, if the property has, in the opinion of the requesting institution, historical, artistic or literary value and is worthy of preservation;

(b) A genealogical library, upon its written request, if the property has genealogical value and is not wanted by the Nevada Museum and Historical Society, the Nevada State Museum or the Nevada Historical Society; or

(c) A veterans' or military museum, upon its written request, if the property has military or military historical value and is not wanted by the Nevada Museum and Historical Society, the Nevada State Museum or the Nevada Historical Society.

➥ An action may not be maintained by any person against the holder of the property because of that transfer, disposal or destruction.

5. ***Securities delivered to the Administrator pursuant to this chapter may be sold by the Administrator at any time after the delivery.*** Securities listed on an established stock exchange must be sold at the prevailing price for that security on the exchange at the time of sale. Other securities not listed on an established stock exchange may be sold:

(a) Over the counter at the prevailing price for that security at the time of sale; or

(b) By any other method the Administrator deems acceptable.

6. The Administrator shall hold property that was removed from a safe-deposit box or other safekeeping repository for 1 year after the date of the delivery of the property to the Administrator, unless that property is a will or a codicil to a will, in which case the Administrator shall hold the property for 10 years after the date of the delivery of the property to the Administrator. If no claims are filed for the property within that period ***and the Administrator determines that the probable cost of the sale of the property will exceed the proceeds of the sale,*** it may be destroyed.

Sec. 40. NRS 120A.370 is hereby amended to read as follows:

120A.370 1. There is hereby created in the State Treasury the Abandoned Property Trust ~~[Fund.]~~ ***Account.***

2. All money received by the Administrator under this chapter, including the proceeds from the sale of abandoned property , must be deposited by the Administrator in the State Treasury for credit to the Abandoned Property Trust ~~[Fund.]~~ ***Account.***

3. Before making a deposit, the Administrator shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and the name and last known address of each insured person or annuitant , and with respect to each policy or contract listed in the report of an insurance company, its number, the name of the company and the amount due. The record must be available for public inspection at all reasonable business hours.

4. The Administrator may pay from money available in the Abandoned Property Trust ~~[Fund]~~ ***Account*** :

(a) Any costs in connection with the sale of abandoned property.

(b) Any costs of mailing and publication in connection with any abandoned property.

(c) Reasonable service charges.

(d) Any costs incurred in examining the records of a holder and in collecting the abandoned property.

(e) Any valid claims filed pursuant to this chapter.

5. ~~[At]~~ ***~~[By]~~ Except as otherwise provided in NRS 120A.360, by*** the end of each fiscal year, the amount of the balance in the ***Abandoned Property Trust*** ~~[Fund]~~ ***Account*** in excess of $100,500 must be transferred. The first $7,600,000 each year must be transferred to the Millennium Scholarship Trust Fund created by NRS 396.926. The remainder must be transferred to the State General Fund, but remains subject to the valid claims of holders

pursuant to ~~[NRS 120A.340 or owners pursuant to NRS 120A.380.]~~ ***section 16 of this act and owners pursuant to section 19 of this act, except that a claim of a holder or owner may not be paid from money transferred to the Millennium Scholarship Trust Fund pursuant to this section.***

6. If there is an insufficient amount of money in the Abandoned Property Trust ~~[Fund]~~ ***Account*** to pay any cost or charge pursuant to subsection 4, the State Board of Examiners may, upon the application of the Administrator, authorize a temporary transfer from the State General Fund to the Abandoned Property Trust ~~[Fund]~~ ***Account*** of an amount necessary to pay those costs or charges. The Administrator shall repay the amount of the transfer as soon as sufficient money is available in the Abandoned Property Trust ~~[Fund.]~~ ***Account.***

Sec. 41. NRS 32.020 is hereby amended to read as follows:

32.020 1. In any receivership proceeding instituted in which a dividend has been declared and ordered paid to creditors, any dividend which remains unclaimed for 3 years reverts to the general fund of the estate and must be applied as follows:

(a) To the payment of costs and expenses of the administration of the estate and receivership.

(b) To a new dividend distributed to creditors whose claims have been allowed but not paid in full. After those claims have been paid in full, the balance is presumed abandoned under ***chapter 120A of*** NRS ***.*** ~~[120A.210.]~~

2. This section applies to any receivership proceeding which may be brought, and includes any bank, banking corporation, corporation, copartnership, company, association or natural person.

Sec. 42. NRS 607.170 is hereby amended to read as follows:

607.170 1. The Labor Commissioner may prosecute a claim for wages and commissions or commence any other action to collect wages, commissions and other demands of any person who is financially unable to employ counsel in a case in which, in the judgment of the Labor Commissioner, the claim for wages or commissions or other action is valid and enforceable in the courts.

2. In all matters relating to wages or commissions, the Labor Commissioner may, in accordance with the provisions of NRS 607.210, subpoena any person whose appearance is required to adjust and settle claims or other actions for wages or commissions before bringing suit in those matters, and the Labor Commissioner may effect reasonable compromises of those matters.

3. The Labor Commissioner or his Deputy may maintain a commercial account with any bank or credit union within this State for the deposit of money collected for claims for wages or commissions. The money must be promptly paid to the person entitled thereto. At the end of each calendar year, any unclaimed money in the commercial account which has been a part of the account for 1 year or more is presumed abandoned under ***chapter 120A of*** NRS ***.*** ~~[120A.220.]~~

Sec. 43. NRS 120A.030, 120A.095, 120A.150, 120A.160, 120A.170, 120A.180, 120A.185, 120A.190, 120A.200, 120A.210, 120A.220, 120A.225, 120A.230, 120A.240, 120A.250, 120A.260, 120A.270, 120A.280, 120A.300, 120A.310, 120A.320, 120A.330, 120A.340, 120A.350, 120A.380, 120A.390, 120A.400, 120A.405, 120A.410, 120A.420, 120A.430, 120A.440 and 120A.450 are hereby repealed.

Sec. 44. 1. Except as otherwise provided in this section:

(a) The provisions of this act are intended to substitute the Uniform Unclaimed Property Act (1995), in the form enacted by this act, in a continuing way for the Uniform Disposition of Unclaimed Property Act, as that act existed in chapter 120A of NRS before October 1, 2007.

(b) If there is a conflict between the provisions of this act and the provisions of the Uniform Disposition of Unclaimed Property Act, as that act existed in chapter 120A of NRS before October 1, 2007, the provisions of this act control.

2. The provisions of this act do not repeal, abrogate or supersede the provisions of section 15 of chapter 347, Statutes of Nevada 2001, at page 1652, to the extent that those provisions remain applicable to the property described in that section.

3. An initial report filed under the provisions of this act for property which was not required to be reported before October 1, 2007, but which is subject to the provisions of this act, must include all items of property that would have been presumed abandoned during the 10-year period next preceding October 1, 2007, as if the provisions of this act had been in effect during that period.

4. The provisions of this act do not relieve a holder of a duty that arose before October 1, 2007, to report, pay or deliver property. Except as otherwise provided in subsection 2 of section 23 of this act, a holder who did not comply with the law in effect before October 1, 2007, is subject to the applicable provisions for enforcement and penalties which then existed, which are continued in effect for the purpose of this section.

5. Any administrative regulations which were adopted under the provisions of chapter 120A of NRS before October 1, 2007, and which do not conflict with the provisions of this act, remain in force until amended or repealed by the Administrator pursuant to NRS 120A.140.

LEADLINES OF REPEALED SECTIONS

120A.030 ”Banking organization” defined.

120A.095 ”Intangible property” defined.

120A.150 Periods of limitation not bar for purposes of chapter; limitation on actions by Administrator.

120A.160 Property held by business associations.

120A.170 Unclaimed money held by insurance companies.

120A.180 Deposits and advance payments held by utilities.

120A.185 Unclaimed wages held by business.

120A.190 Intangible interest or money held or owing by business associations.

120A.200 Intangible personal property distributable in course of dissolution.

120A.210 Intangible personal property held in fiduciary capacity.

120A.220 Intangible personal property held by court, public corporation or officer, or governmental entity.

120A.225 Intangible personal property held by intermediary in another state.

120A.230 Intangible personal property not otherwise covered by chapter.

120A.240 Reciprocity for property presumed abandoned or escheated under laws of another state.

120A.250 Annual report of property presumed abandoned: Filing; contents; verification.

120A.260 Communication with owner before filing annual report.

120A.270 Reports by business association not holding property presumed abandoned.

120A.280 Notice to owners of abandoned property.

120A.300 Charge upon dormant accounts; limitation upon rate.

120A.310 Charge upon unclaimed property.

120A.320 Payment or delivery of abandoned property to Administrator; delivery of duplicate certificate or other evidence of ownership to Administrator.

120A.330 Administrator may decline to receive abandoned property.

120A.340 Relief from liability by payment or delivery; reimbursement or indemnification of holder.

120A.350 Interest, dividends and other increments accruing before liquidation or conversion to money.

120A.380 Claim for property delivered to State.

120A.390 Determination of claim.

120A.400 Commencement of action in district court to establish claim.

120A.405 Agreements to recover property presumed abandoned.

120A.410 Reciprocity.

120A.420 Examination of records of holders of abandoned property.

120A.430 Action to enforce payment or delivery of abandoned property to Administrator; award of costs and attorney's fees; imposition of civil penalty.

120A.440 Criminal penalties.

120A.450 Interest.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 111.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 915.

AN ACT relating to public utilities; clarifying the applicability of ~~[certain provisions to cooperative associations or nonprofit corporations or associations and other]~~ **the Utility Environmental Protection Act to certain utility facilities owned by** suppliers of utility services that provide utility services only to ~~[their own members;]~~ **the members of those suppliers;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a ~~[cooperative association or nonprofit corporation or association and every other]~~ supplier of utility services that provides utility services only to its own members is subject to the jurisdiction, control and regulation of the Public Utilities Commission of Nevada for certain limited purposes. (NRS 704.675) Section 1 of this bill clarifies that ~~[such entities are]~~ **, if such a supplier of utility services is not jointly owned by certain other entities and is subject to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq., a utility facility owned by the supplier is** exempt from the provisions of the Utility Environmental Protection Act, which controls the permitting process for the construction of new utility facilities. (NRS 704.820-704.900)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 704.865 is hereby amended to read as follows:

704.865 1. A person, other than a local government, shall not commence to construct a utility facility in the State without first having obtained a permit therefor from the Commission. The replacement of an existing facility with a like facility, as determined by the Commission, does not constitute construction of a utility facility. Any facility, with respect to which a permit is required, must thereafter be constructed, operated and maintained in conformity with the permit and any terms, conditions and modifications contained therein. A permit may only be issued pursuant to NRS 704.820 to 704.900, inclusive. Any authorization relating to a utility facility granted under other laws administered by the Commission constitutes a permit under those sections if the requirements of those sections have been complied with in the proceedings leading to the granting of the authorization.

2. A permit may be transferred, subject to the approval of the Commission, to a person who agrees to comply with the terms, conditions and modifications contained therein.

3. NRS 704.820 to 704.900, inclusive, do not apply to any utility facility:

(a) For which, before July 1, 1971, an application for the approval of the facility has been made to any federal, state, regional or local governmental agency which possesses the jurisdiction to consider the matters prescribed for finding and determination in NRS 704.890;

(b) For which, before July 1, 1971, a governmental agency has approved the construction of the facility and the person has incurred indebtedness to finance all or part of the cost of the construction; ~~[or]~~

(c) Over which an agency of the Federal Government has exclusive jurisdiction ~~[.]~~ ***; or***

(d) Owned by a ~~[cooperative association, nonprofit corporation, association or]~~ supplier of services described in NRS 704.673 or 704.675 ~~[.]~~ that:

(1) Is not jointly owned by or with an entity that is not such a supplier of services; and

(2) Is subject to the provisions of the National Environmental Policy Act of 1969, 42 U.S.C 4321 et seq.

4. Any person intending to construct a utility facility excluded from NRS 704.820 to 704.900, inclusive, pursuant to paragraph (a) or (b) of subsection 3 may elect to waive the exclusion by delivering notice of its waiver to the Commission. NRS 704.820 to 704.900, inclusive, thereafter apply to each utility facility identified in the notice from the date of its receipt by the Commission.

Sec. 2. This act becomes effective on July 1, 2007.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 157.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 889.

AN ACT relating to public guardians; allowing a board of county commissioners to pay the necessary expenses incurred by a public guardian during a guardianship; allowing a board of county commissioners to establish a revolving fund to pay for the necessary expenses incurred by a public guardian during a guardianship; requiring a public guardian to reimburse the county from the assets of the ward for any expenses paid by the county; requiring boards of county commissioners to establish the office of public guardian; revising provisions governing the appointment or designation of a public guardian; revising the requirements governing eligibility to utilize a public guardian; revising provisions concerning attorneys retained by a public guardian; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 9 of this bill changes existing law, which currently allows a board of county commissioners to establish the office of public guardian, by requiring the board of county commissioners of each county to establish the office of public guardian. (NRS 253.150) Section 9 provides a board of county commissioners with four alternative methods to meet this requirement: (1) appoint a public guardian for a term of 4 years; (2) designate

a county officer to serve as ex officio public guardian; (3) except in a county whose population is 100,000 or more (currently Clark and Washoe Counties), contract with a private professional guardian to act as public guardian; or (4) contract with the board of county commissioners of a neighboring county which is in the same judicial district to use the neighboring county's public guardian as the public guardian of the county. After the board of county commissioners has designated or appointed a public guardian, section 3 of this bill allows the board to establish regulations for the form of reports and budgets made by the public guardian and to review reports and budgets submitted to the board by the public guardian. Section 10 of this bill requires the public guardian of a county to appoint one or more deputies to perform the duties of his office in his absence. (NRS 253.175)

Existing law provides that a resident of the State is eligible to have the public guardian appointed as his guardian if there is no individual able and willing to serve as his guardian or if the resident does not have assets sufficient to pay for a private guardian. (NRS 253.200) Section 11 of this bill eliminates inability to pay for a private guardian as a condition for eligibility for having the public guardian appointed as guardian ~~[. Under section 11, an individual may have the public guardian appointed as his temporary, permanent or general guardian if]~~ **but requires that** the individual is a resident of the county in which guardianship proceedings are filed. Section 11 also requires that the public guardian or deputy public guardian receive a copy of any petition for the appointment of the public guardian as a guardian before such a petition is filed.

Section 2 of this bill allows a county to advance to the public guardian the necessary expenses incurred or to be incurred by the public guardian during a guardianship. However, if a county provides such an advance, the public guardian must reimburse the county from the assets of the estate of the ward as soon as, and to the extent that, those assets become available. The board of county commissioners may establish a revolving fund to be used to pay for advances to the public guardian of necessary expenses or must pay such advances from the county general fund.

Existing law allows a public guardian to retain an attorney to assist him when necessary for the proper administration of a guardianship but requires that such employment be rotated among the attorneys practicing in the county who are qualified and willing to accept such employment. (NRS 253.215) In addition to such rotation of employment, section 12 of this bill allows the public guardian to retain one attorney to assist him or to obtain the assistance of the district attorney's office if the board of county commissioners approves such assistance.

Section 13 of this bill clarifies that a public guardian is not required to hire or be licensed as a private investigator to investigate the financial status, assets and personal history of a person for whom he has been appointed as guardian. (NRS 253.220)

Under existing law, the reasonable value of the services rendered by the public guardian without cost to a ward must be allowed as a claim against the estate of the ward upon the death of the ward. (NRS 253.240) Section 14 of this bill allows claims for such services against a ward's estate before the death of the ward upon approval of a court.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 253 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. A public guardian may file with the board of county commissioners a request for an advance of money to pay necessary expenses incurred, or to be incurred, by the public guardian during a guardianship. The board may approve or deny the request. If the board approves the request, the board shall determine the amount to be advanced and advance that amount to the public guardian.***

2. The board of county commissioners of any county may establish a revolving fund to be used to provide advances to the public guardian pursuant to subsection 1. If the board has established a revolving fund pursuant to this subsection, the board shall pay any advance approved pursuant to subsection 1 from the revolving fund to the extent that there is sufficient money in the revolving fund to pay the advance. After the money in the revolving fund has been exhausted, the board shall pay any advance, or any part of an advance, approved by the board from the general fund of the county. If the board has not established a revolving fund pursuant to this subsection, the board shall pay any advance approved pursuant to subsection 1 from the general fund of the county.

3. The public guardian must reimburse the county for any advance provided pursuant to subsection 1 from the assets of the estate of the ward as soon as, and to the extent that, the assets become available. If the board of county commissioners has established a revolving fund pursuant to subsection 2, the board shall deposit in the revolving fund the money obtained from a reimbursement provided pursuant to this subsection. If the board has not established a revolving fund pursuant to subsection 2, the board shall deposit in the general fund of the county the money obtained from a reimbursement provided pursuant to this subsection.

Sec. 3. ***1. The board of county commissioners may:***

(a) Establish regulations for the form of any reports or budgets made by the public guardian.

(b) Review reports or budgets submitted to the board by the public guardian.

2. The board of county commissioners may at any time investigate any guardianship for which the public guardian has been appointed.

Sec. 4. NRS 253.0415 is hereby amended to read as follows:

253.0415 1. The public administrator shall:

(a) Investigate:

(1) ~~[The financial status of any proposed ward for whom he has been requested to serve as guardian to determine whether he is eligible to serve in that capacity.~~

~~(2)]~~ The financial status of any decedent for whom he has been requested to serve as administrator to determine the assets and liabilities of the estate.

~~[(3)]~~ ***(2)*** Whether there is any qualified person who is willing and able to serve as ~~[guardian for a ward or]~~ administrator of the estate of an intestate decedent to determine whether he is eligible to serve in that capacity.

(b) ~~[Petition the court for appointment as guardian of the person and estate of any ward if, after investigation, the public administrator finds that he is eligible to serve. Except as otherwise provided in subsection 2, this petition for appointment as guardian must be made by the public administrator regardless of the amount of assets in the guardianship estate if no other qualified person having a prior right is willing and able to serve.~~

~~(c)]~~ Except as otherwise provided in NRS 253.0403 and 253.0425, petition the court for letters of administration of the estate of a person dying intestate if, after investigation, the public administrator finds that there is no other qualified person having a prior right who is willing and able to serve.

~~[(d)]~~ ***(c)*** Upon court order, act as ~~[:~~

~~(1) Guardian of the person and estate of an adult ward; or~~

~~(2) Administrator]~~ ***administrator*** of the estate of a person dying intestate,

~~[,~~] regardless of the amount of assets in the estate of the ~~[ward or]~~ decedent if no other qualified person is willing and able to serve.

2. The public administrator is not eligible to serve as a guardian of the person and estate of a ward ~~[if the board of county commissioners of his county has established the office of public guardian pursuant to NRS 253.150,]~~ unless the board has designated the public administrator as ex officio public guardian.

Sec. 5. NRS 253.042 is hereby amended to read as follows:

253.042 In connection with an investigation conducted pursuant to subsection 1 of NRS 253.0415, a public administrator may:

1. Require ~~[any proposed ward or]~~ any spouse, parent, child or other kindred of the ~~[proposed ward]~~ ***decedent*** to give any information and to execute any written requests or authorizations necessary to provide the public administrator with access to records, otherwise confidential, needed to evaluate the public administrator's eligibility to serve.

2. Obtain information from the public records in any office of the State or any of its agencies or subdivisions upon request and without payment of any fee.

Sec. 6. NRS 253.044 is hereby amended to read as follows:

253.044 In a county whose population is less than 100,000, the board of county commissioners may, after reviewing each case, direct the public administrator or any other suitable person to:

1. Investigate ~~[~~:

~~(a) The financial status of any proposed ward for whom a request to serve as guardian has been received to determine whether there is a need for a guardian to be appointed and whether the public administrator or other suitable person designated by the board is able and eligible to serve in that capacity.~~

~~(b) Whether~~] ***whether*** there is any qualified person who is willing and able to serve as ~~[guardian for a ward or]~~ administrator of the estate of an intestate decedent, and to determine whether there is a need for ~~[a guardian or]~~ an administrator and whether the public administrator or other suitable person designated by the board is eligible to serve in that capacity.

2. ~~[Petition the court for appointment as guardian of the person or as guardian of the person and estate of any ward if, after investigation, the public administrator or other suitable person designated by the board finds that there is a need for such an appointment and that he is able and eligible to serve. If no other qualified person having a prior right is willing and able to serve, the public administrator or other suitable person designated by the board shall petition for appointment as guardian regardless of the amount of assets in the estate of the proposed ward.~~

~~3.~~] Petition the court for letters of administration of the estate of a person dying intestate if, after investigation, the public administrator or other suitable person designated by the board finds that there is no other qualified person having a prior right who is willing and able to serve.

~~[4.~~] ***3.*** File an affidavit pursuant to NRS 253.0403 to administer the estate if, after investigation, the public administrator or other suitable person designated by the board finds that the gross value of the decedent's property situated in this State does not exceed $20,000.

~~[5.~~] ***4.*** Act, upon order of a court, as ~~[~~:

~~(a) Guardian of the person and estate of an adult ward; or~~

~~(b) Administrator~~] ***administrator*** of the estate of a person dying intestate, ~~[.~~] regardless of the amount of assets in the estate of the ward or decedent if no other qualified person is willing and able to serve.

Sec. 7. NRS 253.0445 is hereby amended to read as follows:

253.0445 In an investigation conducted pursuant to subsection 1 of NRS 253.044, a public administrator or other suitable person designated by the board of county commissioners may:

1. Require any ~~[proposed ward or any]~~ spouse, parent, child or other kindred of the ~~[proposed ward]~~ ***decedent*** to give any information and to execute any written requests or authorizations necessary to provide the public administrator or other suitable person designated by the board with access to records, otherwise confidential, needed to evaluate the public administrator's or other suitable person's eligibility to serve.

2. Obtain information from the public records in any office of the State or any of its agencies or subdivisions upon request and without payment of any fee.

Sec. 8. NRS 253.091 is hereby amended to read as follows:

253.091 1. The board of county commissioners shall:

(a) Establish regulations for the form of any reports made by the public administrator.

(b) Review reports submitted to the board by the public administrator.

(c) Investigate any complaint received by the board against the public administrator.

2. The board of county commissioners may at any time investigate any ~~[guardianship or]~~ estate for which the public administrator is serving as ~~[guardian or]~~ administrator.

Sec. 9. NRS 253.150 is hereby amended to read as follows:

253.150 1. The board of county commissioners of ~~[any county may]~~ ***each county shall*** establish the office of public guardian.

2. The board of county commissioners ~~[may:]~~ ***shall:***

(a) Appoint a public guardian, who serves at the pleasure of the board, for a term of 4 years from the day of appointment; ~~[or]~~

(b) Designate an elected or appointed county officer as ex officio public guardian ~~[.]~~ ***;***

(c) Except in a county whose population is 100,000 or more, contract with a private professional guardian to act as public guardian; or

(d) Contract with the board of county commissioners of a neighboring county in the same judicial district to designate as public guardian the public guardian of the neighboring county.

3. The compensation of a public guardian appointed or designated pursuant to subsection 2 must be fixed by the board of county commissioners and paid out of the county general fund.

4. As used in this section, "private professional guardian" means a person who receives compensation for services as a guardian to three or more wards who are not related to the person by blood or marriage. The term does not include:

(a) A governmental agency.

(b) A banking corporation, as defined in NRS 657.016, or an organization permitted to act as fiduciary pursuant to NRS 662.245 if it is appointed as guardian of an estate only.

(c) A trust company, as defined in NRS 669.070.

(d) A court-appointed attorney licensed to practice law in this State.

Sec. 10. NRS 253.175 is hereby amended to read as follows:

253.175 1. A public guardian ~~[may]~~ ***shall*** appoint ***one or more*** deputies to perform the duties of his office ~~[.]~~ ***in his absence.*** A deputy so appointed may transact all official business relating to the office of the public guardian to the same extent as the public guardian, except that the deputy is not authorized to employ or terminate the employment of subordinates in the

office. Before entering upon the discharge of his duties, each deputy must take and subscribe to the constitutional oath of office. The appointment of a deputy must not be construed to confer upon that deputy policymaking authority for the office of the county public guardian or the county by which the deputy is employed.

2. Each appointment must be in writing and recorded, with the oath of office of that deputy, in the office of the county recorder. Any revocation or resignation of an appointment must be recorded in the office of the county recorder.

3. The public guardian is responsible on his official bond for any official malfeasance or nonfeasance of his deputies and may require a bond for the faithful performance of the official duties of his deputies.

4. The compensation of a deputy public guardian must be fixed by the board of county commissioners and paid out of the county general fund.

Sec. 11. NRS 253.200 is hereby amended to read as follows:

253.200 1. ***A resident of Nevada is eligible to have the public guardian of the county in which he resides appointed as his temporary individual guardian pursuant to NRS 159.0523 or 159.0525.***

2. A resident of Nevada is eligible to have the public guardian ***of a county*** appointed as his ***permanent or general*** individual guardian if he:

(a) Has no relative or friend able and willing to serve as his guardian; ~~[or]~~ ***and***

(b) ~~[Lacks sufficient assets to provide the requisite compensation to a private guardian.]~~ ***Is a resident of that county.***

~~[2.]~~ ***3.*** A person ~~[so]~~ qualified ~~[,]~~ ***pursuant to subsection 1 or 2,*** or anyone on his behalf, may petition the district court of the county in which he resides to make the appointment.

4. Before a petition for the appointment of the public guardian as a guardian may be filed pursuant to subsection 3, a copy of the petition and copies of all accompanying documents to be filed must be delivered to the public guardian or a deputy public guardian.

5. Any petition for the appointment of the public guardian as a guardian filed pursuant to subsection 3 must include a statement signed by the public guardian or deputy public guardian and in substantially the following form:

The undersigned is the Public Guardian or a Deputy Public Guardian of .....County. The undersigned certifies that he has received a copy of this petition and all accompanying documents to be filed with the court.

6. A petition for the appointment of the public guardian as permanent or general guardian must be filed separately from a petition for the appointment of a temporary guardian.

7. If a person other than the public guardian served as temporary guardian prior to the appointment of the public guardian as permanent or general guardian, the temporary guardian must file an accounting and report with the court in which the petition for the appointment of a public

guardian was filed within 30 days of the appointment of the public guardian as permanent or general guardian.

8. For the purposes of this section:

(a) Except as otherwise provided in paragraph (b), the county of residence of a person is the county to which the person moved with the intent to reside for an indefinite period.

(b) The county of residence of a person placed in institutional care is the county that was the county of residence of the person before the person was placed in institutional care by a guardian or agency or under power of attorney.

Sec. 12. NRS 253.215 is hereby amended to read as follows:

253.215 ***1.*** When necessary for the proper administration of a guardianship, a public guardian may ~~[retain]~~ ***:***

(a) Retain an attorney to assist him ~~[, rotating this employment in successive guardianships among the attorneys practicing]~~ ***if the attorney practices law*** in the county ~~[who are]~~ ***and is*** qualified by experience and willing to serve ~~[.]~~ ***or rotate this employment among attorneys who practice law in the county and who are qualified by experience and willing to serve; or***

(b) Upon approval of the board of county commissioners, obtain assistance from the office of the district attorney of the county.

2. ~~[The]~~ ***Any*** attorney's fee must be paid from the assets of the ward.

Sec. 13. NRS 253.220 is hereby amended to read as follows:

253.220 A public guardian ~~[shall]~~ ***may*** investigate the financial status ***, assets and personal and family history*** of any person for whom ~~[the appointment of]~~ the public guardian ~~[as his guardian is requested.]~~ ***has been appointed as guardian, without hiring or being licensed as a private investigator pursuant to chapter 648 of NRS.*** In connection with the investigation, the public guardian may require ~~[that person]~~ ***any proposed ward or any spouse, parent, child or other kindred of the proposed ward to give any information and*** to execute and deliver any written requests or authorizations necessary to provide the public guardian with access to records, otherwise confidential, ~~[needed to evaluate eligibility.]~~ ***which are needed by the public guardian.*** The public guardian may obtain information from any public record office of the State or any of its agencies or subdivisions upon request and without payment of any fees.

Sec. 14. NRS 253.240 is hereby amended to read as follows:

253.240 The reasonable value of a public guardian's services rendered without cost to a ward shall be allowed as a claim against the estate ***of the ward*** upon the ~~[death of the ward.]~~ ***approval of the court.*** Money received in payment of a claim against the estate of the ward shall be deposited by the public guardian to the credit of the county general fund ~~[.]~~ ***or any other county fund, as determined by the board of county commissioners.***

Sec. 15. NRS 648.060 is hereby amended to read as follows:

648.060 1. ~~[No]~~ ***Except as otherwise provided in NRS 253.220, no*** person may:

(a) Engage in the business of private investigator, private patrolman, process server, repossessor, dog handler, security consultant, or polygraphic examiner or intern; or

(b) Advertise his business as such, irrespective of the name or title actually used,

➥ unless he is licensed pursuant to this chapter.

2. No person may be employed by a licensee unless the person holds a work card issued by the sheriff of the county in which the work is to be performed. The provisions of this subsection do not apply to a person licensed pursuant to this chapter.

3. A person licensed pursuant to this chapter may employ only another licensee, or a nonlicensed person who:

(a) Is at least 18 years of age.

(b) Is a citizen of the United States or lawfully entitled to remain and work in the United States.

(c) Is of good moral character and temperate habits.

(d) Has not been convicted of a felony or a crime involving moral turpitude or the illegal use or possession of a dangerous weapon.

Sec. 16. NRS 648.063 is hereby amended to read as follows:

648.063 An unlicensed person who performs a single act for which a license is required has engaged in the business for which the license is required and, unless exempt from licensing ~~[,]~~ ***or performing an investigation pursuant to NRS 253.220,*** has violated NRS 648.060.

Sec. 17. NRS 648.203 is hereby amended to read as follows:

648.203 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***or NRS 253.220,*** it is unlawful for a person to:

(a) Allow an employee, including an independent contractor, to perform any work regulated pursuant to the provisions of this chapter unless the employee holds a work card authorizing his work which is issued by the sheriff of the county in which the work is performed. The provisions of this paragraph do not apply to a person licensed pursuant to this chapter.

(b) Work as a security guard unless he holds a work card authorizing his work as a security guard issued in accordance with applicable ordinances by the sheriff of the county in which the work is performed.

2. The provisions of subsection 1 do not apply in any county whose population is less than 100,000, but this subsection does not prohibit a board of county commissioners from adopting similar restrictions by ordinance.

3. The sheriff of any county in which such restrictions apply shall require any person applying for such a work card to submit a complete set of his fingerprints to the sheriff who may forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the applicant's criminal history.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 237.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 887.

AN ACT relating to concealed firearms; authorizing a person who holds a permit to carry a concealed firearm issued by another state to carry a concealed firearm in this State under certain circumstances; revising various other provisions governing permits to carry concealed firearms; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows a person who is not a resident of the State of Nevada to apply to the sheriff of any county in this State for a permit to carry a concealed firearm in this State. (NRS 202.3657) Section 2 of this bill allows a person who is not a resident of this State to carry a concealed firearm in this State if the person has a permit to carry a concealed firearm issued by a state included in the list prepared by the Department of Public Safety pursuant to section 3 of this bill. In addition, a person who becomes a resident of this State and who possesses a permit issued by a state whose permits are recognized in this State may not carry a concealed firearm unless the person has been issued a permit from the sheriff of the county in which he resides within 60 days of becoming a resident of this State.

Section 3 of this bill requires the Department to prepare a list of states which have been determined, on or before July 1 of each year: (1) to have requirements for the issuance of a permit to carry a concealed firearm that are substantially similar to or more stringent than the requirements of this State; and (2) to have an electronic database which identifies each individual who holds a valid permit to carry a concealed firearm issued by the state and which a law enforcement officer of this State may access at any time. A state must not be included in the list unless the Nevada Sheriffs' and Chiefs' Association agrees with the Department that the state should be included in the list.

Under existing law, a person may obtain a permit to carry in a concealed manner one or more firearms of a specific make, model and caliber if the person meets certain requirements. (NRS 202.3657, 202.366) ~~[Section 4 of this bill creates three categories of firearms, which consist of a category of revolvers, a category of semiautomatic firearms and a category of both revolvers and semiautomatic firearms. Under section]~~ **Section** 5 of this bill ~~[,]~~ **revises the manner in which** a person may ~~[obtain]~~ **apply for** a permit to carry **a firearm** in a concealed manner ~~[any firearm in one of the three categories if the person meets certain requirements.]~~ **so that the person is only required to list on an application each specific semiautomatic**

firearm to which the permit will pertain, but may receive a permit for all revolvers owned by him without listing each revolver specifically. Similarly, sections 5 and 6 of this bill provide that the permit issued will include a statement as to whether the permit authorizes a person to carry revolvers in a concealed manner. In addition, if the permit authorizes a person to carry any semiautomatic firearm in a concealed manner, the make, model and caliber of each semiautomatic firearm to which the permit pertains will be listed on the permit.

Existing law provides for the expiration of a permit to carry a concealed firearm. If the holder of the permit is a resident of this State, the permit expires on the fifth anniversary of the birthday of the holder which is nearest to the date of issuance or renewal. If the holder is a resident of another state, the permit expires on the third anniversary of the birthday of the holder which is nearest to the date of issuance or renewal. (NRS 202.366) Section 6 of this bill provides that all permits to carry a concealed firearm expire 5 years after the date of issuance.

Section 7 of this bill revises existing law so that for the renewal of a permit to carry a concealed firearm a person is required to demonstrate competence with: (1) a revolver, if the permit authorizes the person to carry revolvers; (2) each semiautomatic firearm to which the application pertains, if the permit authorizes the person to carry any semiautomatic firearm; or (3) a revolver and each semiautomatic firearm to which the permit pertains, if the permit authorizes the person to carry both revolvers and specific semiautomatic firearms. (NRS 202.3677)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 202 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Except as otherwise provided in subsection 2, a person who possesses a permit to carry a concealed firearm that was issued by a state included in the list prepared pursuant to section 3 of this act may carry a concealed firearm in this State in accordance with the requirements set forth in NRS 202.3653 to 202.369, inclusive, and sections 2 and 3 of this act.***

2. A person who possesses a permit to carry a concealed firearm that was issued by a state included in the list prepared pursuant to section 3 of this act may not carry a concealed firearm in this State if the person:

(a) Becomes a resident of this State; and

(b) Has not been issued a permit from the sheriff of the county in which he resides within 60 days after becoming a resident of this State.

3. A person who carries a concealed firearm pursuant to this section is subject to the same legal restrictions and requirements imposed upon a person who has been issued a permit by a sheriff in this State.

Sec. 3. ***1. On or before July 1 of each year, the Department shall:***

(a) Examine the requirements for the issuance of a permit to carry a concealed firearm in each state and determine whether the requirements of each state are substantially similar to or more stringent than the requirements set forth in NRS 202.3653 to 202.369, inclusive, and sections 2 and 3 of this act.

(b) Determine whether each state has an electronic database which identifies each individual who possesses a valid permit to carry a concealed firearm issued by that state and which a law enforcement officer in this State may access at all times through a national law enforcement telecommunications system.

(c) Prepare a list of states that meet the requirements of paragraphs (a) and (b). A state must not be included in the list unless the Nevada Sheriffs' and Chiefs' Association agrees with the Department that the state should be included in the list.

(d) Provide a copy of the list prepared pursuant to paragraph (c) to each law enforcement agency in this State.

2. The Department shall, upon request, make the list prepared pursuant to subsection 1 available to the public.

Sec. 4. NRS 202.3653 is hereby amended to read as follows:

202.3653 As used in NRS 202.3653 to 202.369, inclusive, ***and sections 2 and 3 of this act,*** unless the context otherwise requires:

1. ~~[“Category of firearm” means a category of revolvers, a category of semiautomatic firearms or a category of both revolvers and semiautomatic firearms. As used in this subsection, the term:~~

~~(a) “Revolver” means a firearm that has a revolving cylinder with several chambers, which, by pulling the trigger or setting the hammer, are aligned with the barrel, placing the bullet in a position to be fired. The term includes, without limitation, a single or double derringer.~~

~~(b) “Semiautomatic firearm” means a firearm which:~~

~~(1) Uses the energy of the explosive in a fixed cartridge to extract a fired cartridge and chamber a fresh cartridge with each single pull of the trigger; and~~

~~(2) Requires the release of the trigger and another pull of the trigger for each successive shot.~~

~~2.]~~ ”Concealed firearm” means a loaded or unloaded pistol, revolver or other firearm which is carried upon a person in such a manner as not to be discernible by ordinary observation.

2. ~~[3.]~~ ”Department” means the Department of Public Safety.

3. ~~[4.]~~ ”Permit” means a permit to carry a concealed firearm issued pursuant to the provisions of NRS 202.3653 to 202.369, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act.***

4. ”Revolver” means a firearm that has a revolving cylinder with several chambers, which, by pulling the trigger or setting the hammer, are aligned with the barrel, placing the bullet in a position to be fired. The term includes, without limitation, a single or double derringer.

5. "Semiautomatic firearm" means a firearm which:

(a) Uses the energy of the explosive in a fixed cartridge to extract a fixed cartridge and chamber a fresh cartridge with each single pull of the trigger; and

(b) Requires the release of the trigger and another pull of the trigger for each successive shot.

Sec. 5. NRS 202.3657 is hereby amended to read as follows:

202.3657 1. Any person who is a resident of this State may apply to the sheriff of the county in which he resides for a permit on a form prescribed by regulation of the Department. Any person who is not a resident of this State may apply to the sheriff of any county in this State for a permit on a form prescribed by regulation of the Department. Application forms for permits must be furnished by the sheriff of each county upon request.

2. Except as otherwise provided in this section, the sheriff shall issue a permit for ***revolvers,*** one or more specific ***semiautomatic*** firearms ~~*[a category of firearm]*~~ ***, or for revolvers and one or more specific semiautomatic firearms, as applicable,*** to any person who is qualified to possess ~~[each]~~ ~~*[the category of]*~~ ***the*** firearm ***or firearms to which the application pertains*** under state and federal law, who submits an application in accordance with the provisions of this section and who:

(a) Is 21 years of age or older;

(b) Is not prohibited from possessing a firearm pursuant to NRS 202.360; and

(c) Demonstrates competence with ***revolvers,*** each ~~*[the category of]*~~ ***specific semiautomatic*** firearm ***to which the application pertains , or revolvers and each such semiautomatic firearm, as applicable,*** by presenting a certificate or other documentation to the sheriff which shows that he:

(1) Successfully completed a course in firearm safety approved by a sheriff in this State; or

(2) Successfully completed a course in firearm safety offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety.

➥ Such a course must include instruction in the use of ***revolvers,*** each ~~*[the category of]*~~ ***semiautomatic*** firearm to which the application pertains ***, or revolvers and each such semiautomatic firearm*** and in the laws of this State relating to the use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless he determines that the course meets any standards that are established by the Nevada Sheriffs' and Chiefs' Association or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist, its legal successor.

3. The sheriff shall deny an application or revoke a permit if he determines that the applicant or permittee:

(a) Has an outstanding warrant for his arrest.

(b) Has been judicially declared incompetent or insane.

(c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.

(d) Has habitually used intoxicating liquor or a controlled substance to the extent that his normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, he has been:

(1) Convicted of violating the provisions of NRS 484.379; or

(2) Committed for treatment pursuant to NRS 458.290 to 458.350, inclusive.

(e) Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this or any other state, or a territory or possession of the United States at any time during the immediately preceding 3 years.

(f) Has been convicted of a felony in this State or under the laws of any state, territory or possession of the United States.

(g) Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.

(h) Is currently on parole or probation from a conviction obtained in this State or in any other state or territory or possession of the United States.

(i) Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this State or of any other state or territory or possession of the United States, as a condition to the court's:

(1) Withholding of the entry of judgment for his conviction of a felony; or

(2) Suspension of his sentence for the conviction of a felony.

(j) Has made a false statement on any application for a permit or for the renewal of a permit.

4. The sheriff may deny an application or revoke a permit if he receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 3 which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to this section.

5. If the sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States that a permittee or an applicant for a permit has been charged with a crime involving the use or threatened use of force or violence, the conviction for which would require the revocation of a permit or preclude the issuance of a permit to the applicant pursuant to this section, the sheriff shall suspend the person's permit or the processing of his application until the final disposition of the charges against him. If a

permittee is acquitted of the charges against him, or if the charges are dropped, the sheriff shall restore his permit without imposing a fee.

6. An application submitted pursuant to this section must be completed and signed under oath by the applicant. The applicant's signature must be witnessed by an employee of the sheriff or notarized by a notary public. The application must include:

(a) The name, address, place and date of birth, social security number, occupation and employer of the applicant and any other names used by the applicant;

(b) A complete set of the applicant's fingerprints taken by the sheriff or his agent;

(c) A front-view colored photograph of the applicant taken by the sheriff or his agent;

(d) If the applicant is a resident of this State, the driver's license number or identification card number of the applicant issued by the Department of Motor Vehicles;

(e) If the applicant is not a resident of this State, the driver's license number or identification card number of the applicant issued by another state or jurisdiction;

(f) The make, model and caliber of each ~~*[category of]*~~ ***semiautomatic*** firearm to which the application pertains ~~[.]~~ ***, if any;***

(g) ***Whether the application pertains to revolvers;***

(h) A nonrefundable fee in the amount necessary to obtain the report required pursuant to subsection 1 of NRS 202.366; and

~~[(h)]~~ ***(i)*** A nonrefundable fee set by the sheriff not to exceed $60.

Sec. 6. NRS 202.366 is hereby amended to read as follows:

202.366 1. Upon receipt by a sheriff of an application for a permit, the sheriff shall conduct an investigation of the applicant to determine if he is eligible for a permit. In conducting the investigation, the sheriff shall forward a complete set of the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report concerning the criminal history of the applicant. The sheriff shall issue a permit to the applicant unless he is not qualified to possess a handgun pursuant to state or federal law or is not otherwise qualified to obtain a permit pursuant to NRS 202.3653 to 202.369, inclusive, ***and sections 2 and 3 of this act,*** or the regulations adopted pursuant thereto.

2. To assist the sheriff in conducting his investigation, any local law enforcement agency, including the sheriff of any county, may voluntarily submit to the sheriff a report or other information concerning the criminal history of an applicant.

3. Within 120 days after a complete application for a permit is submitted, the sheriff to whom the application is submitted shall grant or deny the application. If the application is denied, the sheriff shall send the applicant written notification setting forth the reasons for the denial. If the application is granted, the sheriff shall provide the applicant with a permit containing a

colored photograph of the applicant and containing such other information as may be prescribed by the Department. The permit must be in substantially the following form:

NEVADA CONCEALED FIREARM PERMIT
County Permit Number
Expires Date of Birth
Height Weight
Name Address
City Zip
Photograph
Signature
Issued by
Date of Issue
Make, model and caliber of each authorized ~~*[Authorized category of]*~~ ***semiautomatic*** firearm ***, if any***
Revolvers authorized.....Yes No

4. Unless suspended or revoked by the sheriff who issued the permit, a permit expires ~~[~~:

~~(a) If the permittee was a resident of this State at the time the permit was issued, on the fifth anniversary of the permittee's birthday, measured from the birthday nearest the date of issuance or renewal.~~

~~(b) If the permittee was not a resident of this State at the time the permit was issued, on the third anniversary of the permittee's birthday, measured from the birthday nearest the date of issuance or renewal.~~

~~5. If the date of birth of a permittee is on February 29 in a leap year, for the purposes of NRS 202.3653 to 202.369, inclusive, his date of birth shall be deemed to be on February 28.]~~ ***5 years after the date on which it is issued.***

Sec. 7. NRS 202.3677 is hereby amended to read as follows:

202.3677 1. If a permittee wishes to renew his permit, the permittee must complete and submit to the sheriff who issued the permit an application for renewal of the permit.

2. An application for the renewal of a permit must:

(a) Be completed and signed under oath by the applicant;

(b) Contain a statement that the applicant is eligible to receive a permit pursuant to NRS 202.3657; and

(c) Be accompanied by a nonrefundable fee of $25.

➥ If a permittee fails to renew his permit on or before the date of expiration of his permit, the application for renewal must include an additional nonrefundable late fee of $15.

3. No permit may be renewed pursuant to this section unless the permittee has demonstrated continued competence with ~~[a]~~ ~~*[the category of]*~~ ***revolvers, with each semiautomatic*** firearm ***to which the application pertains , or with revolvers and each such semiautomatic firearm, as applicable,*** by successfully completing a course prescribed by the sheriff renewing the permit.

Sec. 8. NRS 202.3687 is hereby amended to read as follows:

202.3687 1. The provisions of NRS 202.3653 to 202.369, inclusive, ***and sections 2 and 3 of this act*** do not prohibit a sheriff from issuing a temporary permit **.** ~~[to carry a concealed firearm.]~~ A temporary permit may include, but is not limited to, provisions specifying the period for which the permit is valid.

2. Each sheriff who issues a permit pursuant to the provisions of NRS 202.3653 to 202.369, inclusive, ***and sections 2 and 3 of this act*** shall provide such information concerning the permit and the person to whom it is issued to the Central Repository for Nevada Records of Criminal History.

Sec. 9. The Department of Public Safety shall prepare the initial list required by section 3 of this act and provide a copy of that list to each law enforcement agency in this State not later than October 1, 2007.

Sec. 10. The amendatory provisions of sections 5 and 6 of this act apply to a permit to carry a concealed firearm that is issued on or after October 1, 2007.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 242 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 279.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 912.

AN ACT relating to contractors; revising certain duties and powers of the State Contractors' Board; providing express authority for the Board to collect and maintain data and to conduct investigations; revising the procedures for applying for the issuance or renewal of a contractor's license; revising the term of a contractor's license from 1 year to 2 years in certain circumstances; revising certain fees and assessments to reflect such change in the term of a contractor's license; authorizing the Board to take certain actions against an unlicensed person who violates a provision governing contractors; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that chapter 624 of NRS, which governs contractors, does not apply, under certain circumstances, to an owner of a complex containing less than five condominiums, townhouses, apartments or cooperative units, the managing officer of the owner or an employee of the

managing officer who performs certain maintenance and repairs to the property which are valued at less than $500. (NRS 624.031) Section 1 of this bill expands this exemption to include any maintenance and repairs which are valued at less than $1,000.

Existing law requires the State Contractors' Board to establish an Investigations Office that includes a Special Investigations Unit and a Compliance Investigations Unit. (NRS 624.112) Section 2 of this bill eliminates the requirement to include those two specific units within the Investigations Office.

Existing law authorizes the Board to require criminal investigators who are employed by the Board to locate and identify certain persons who violate a provision of chapter 624 of NRS or any regulations adopted by the Board. (NRS 624.115) Section 3 of this bill authorizes the Board also to require compliance investigators who are employed by the Board to locate and identify such persons.

Existing law authorizes the Board to undertake all functions and duties related to the administration of chapter 624 of NRS. (NRS 624.160) Section 4 of this bill provides express authority for the Board to collect and maintain data regarding investigations and complaints on contractors and to conduct investigations of contractors.

Existing law requires an applicant for the issuance or renewal of a contractor's license to submit a written application to the Board that includes, without limitation, the names and addresses of any owners, partners, officers, directors, members and managerial personnel of the applicant. (NRS 624.250) Section 5 of this bill revises this requirement for applicants that are corporations or limited-liability companies. Section 5 also requires the Board to require an applicant to pay the license fee and any applicable assessments before the Board issues a license to the applicant.

Existing law requires an applicant for the issuance or renewal of a contractor's license to submit to the Board proof of industrial insurance and insurance for occupational diseases, proof of self-insurance or a signed affidavit affirming that the applicant is not subject to the statutes governing industrial insurance and occupational insurance because of certain specified circumstances. (NRS 624.256) Section 6 of this bill provides that failure of such an applicant or licensee to file or maintain such insurance constitutes cause for the Board to take certain administrative actions against the person unless the person provides to the Board the affidavit discussed above.

Existing law requires an applicant for a contractor's license or a licensee to show such a degree of financial responsibility as the Board deems necessary for the safety and protection of the public. (NRS 624.260) Existing law also requires that the financial responsibility be determined by using certain standards and criteria set forth in statute. (NRS 624.263) Section 7 of this bill expands those standards and criteria and authorizes, rather than requires, these standards and criteria to be used in determining the financial responsibility of an applicant or licensee.

Section 9 of this bill revises the existing fee for a contractor's license from $450 annually to $900 biennially. (NRS 624.283)

Section 10 of this bill revises the existing term of a contractor's license from 1 year to 2 years and authorizes the Board to establish a system of staggered biennial renewals. Section 20 of this bill provides that the provisions of section 10 do not apply to an existing contractor's license until the first renewal date for the license that occurs after the effective date of this bill.

Existing law authorizes the Board or its designee to issue administrative citations and to take action against an applicant for a contractor's license or a licensee who commits an act which constitutes cause for disciplinary action. (NRS 624.341) Section 12 of this bill authorizes the Board or its designee to issue such citations and to take such action against any person who violates a provision of chapter 624 of NRS or any regulations adopted by the Board. Section 12 also specifies that any administrative fine ordered in the citation must not exceed $50,000 under certain circumstances. Further, section 12 provides that it is a misdemeanor for an unlicensed person to fail to comply with such a citation or order issued by the Board pursuant to NRS 624.341. Sections 13, 14 and 15 of this bill similarly amend existing law to reflect the expanded scope of the administrative citations and actions. (NRS 624.345, 624.351, 624.361)

Section 16 of this bill revises the existing assessments which are required to be paid by each residential contractor on an annual basis by doubling the amounts of the assessments and requiring such assessments to be paid per biennium. (NRS 624.470)

Existing law authorizes the Board to impose an administrative fine upon an unlicensed person who engages in business as a contractor or submits a bid on a job in this State. (NRS 624.710) Section 17 of this bill further authorizes the Board to impose an administrative fine on a person who violates certain provisions governing advertising concerning contractors or certain provisions governing the ability of licensees to participate in joint ventures or other combinations. (NRS 624.720, 624.740)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 624.031 is hereby amended to read as follows:

624.031 The provisions of this chapter do not apply to:

1. Work performed exclusively by an authorized representative of the United States Government, the State of Nevada, or an incorporated city, county, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this State.

2. An officer of a court when acting within the scope of his office.

3. Work performed exclusively by a public utility operating pursuant to the regulations of the Public Utilities Commission of Nevada on construction, maintenance and development work incidental to its business.

4. An owner of property who is building or improving a residential structure on the property for his own occupancy and not intended for sale or lease. The sale or lease, or the offering for sale or lease, of the newly built structure within 1 year after its completion creates a rebuttable presumption for the purposes of this section that the building of the structure was performed with the intent to sell or lease that structure. An owner of property who requests an exemption pursuant to this subsection must apply to the Board for the exemption. The Board shall adopt regulations setting forth the requirements for granting the exemption.

5. ~~[An owner of a complex containing not more than four condominiums, townhouses, apartments or cooperative units, the managing officer of the owner or an employee of the managing officer, who performs]~~ ***Any*** work to repair or maintain ~~[that]~~ property the value of which is less than ~~[$500,]~~ ***$1,000,*** including labor and materials, unless:

(a) A building permit is required to perform the work;

(b) The work is of a type performed by a plumbing, electrical, refrigeration, heating or air-conditioning contractor;

(c) The work is of a type performed by a contractor licensed in a classification prescribed by the Board that significantly affects the health, safety and welfare of members of the general public;

(d) The work is performed as a part of a larger project:

(1) The value of which is $500 or more; or

(2) For which contracts of less than $500 have been awarded to evade the provisions of this chapter; or

(e) The work is performed by a person who is licensed pursuant to this chapter or by an employee of that person.

6. The sale or installation of any finished product, material or article of merchandise which is not fabricated into and does not become a permanent fixed part of the structure.

7. The construction, alteration, improvement or repair of personal property.

8. The construction, alteration, improvement or repair financed in whole or in part by the Federal Government and conducted within the limits and boundaries of a site or reservation, the title of which rests in the Federal Government.

9. An owner of property, the primary use of which is as an agricultural or farming enterprise, building or improving a structure on the property for his use or occupancy and not intended for sale or lease.

Sec. 2. NRS 624.112 is hereby amended to read as follows:

624.112 1. The Board shall:

(a) Establish an Investigations Office to enforce the provisions of this chapter. The Investigations Office must ~~[include a Special Investigations Unit consisting]~~ ***consist*** of criminal investigators and ~~[a Compliance Investigations Unit consisting of]~~ compliance investigators.

(b) Adopt regulations setting forth the qualifications required for investigators employed to carry out this section.

2. As used in this section, "criminal investigator" means a person authorized to perform the duties set forth in subsection 2 of NRS 624.115.

Sec. 3. NRS 624.115 is hereby amended to read as follows:

624.115 1. The Board may employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

2. The Board may require criminal investigators who are employed by the Board pursuant to NRS 624.112 to:

(a) Conduct a background investigation of:

(1) A licensee or an applicant for a contractor's license; or

(2) An applicant for employment with the Board;

(b) Locate and identify persons who:

(1) Engage in the business or act in the capacity of a contractor within this State in violation of the provisions of this chapter;

(2) Submit bids on jobs situated within this State in violation of the provisions of this chapter; or

(3) Otherwise violate the provisions of this chapter or the regulations adopted pursuant to this chapter;

(c) Investigate any alleged occurrence of constructional fraud; and

(d) Issue a misdemeanor citation prepared manually or electronically pursuant to NRS 171.1773 to a person who violates a provision of this chapter that is punishable as a misdemeanor. A criminal investigator may request any constable, sheriff or other peace officer to assist him in the issuance of such a citation.

3. The Board may require compliance investigators who are employed by the Board pursuant to NRS 624.112 to locate and identify persons who:

(a) Engage in the business or act in the capacity of a contractor within this State in violation of the provisions of this chapter;

(b) Submit bids on jobs situated within this State in violation of the provisions of this chapter; or

(c) Otherwise violate the provisions of this chapter or the regulations adopted pursuant thereto.

Sec. 4. NRS 624.160 is hereby amended to read as follows:

624.160 1. The Board is vested with all of the functions and duties relating to the administration of this chapter.

2. The Board shall:

(a) Carry out a program of education for customers of contractors.

(b) Maintain and make known a telephone number for the public to obtain information about self-protection from fraud in construction and other information concerning contractors and contracting.

(c) Collect and maintain records, reports and compilations of statistical data concerning investigations and complaints.

3. The Board may provide advisory opinions and take other actions that are necessary for the effective administration of this chapter and the regulations of the Board.

4. The Board may, on its own motion, and shall, upon receipt of a written complaint or upon receipt of information from a governmental agency, investigate the actions of any person acting in the capacity of a contractor, with or without a license.

Sec. 5. NRS 624.250 is hereby amended to read as follows:

624.250 1. To obtain or renew a license, an applicant must submit to the Board an application in writing containing:

(a) The statement that the applicant desires the issuance of a license under the terms of this chapter.

(b) The street address or other physical location of the applicant's place of business.

(c) The name of a person physically located in this State for service of process on the applicant.

(d) The street address or other physical location in this State and, if different, the mailing address, for service of process on the applicant.

(e) ~~[The]~~ ***Except as otherwise provided in paragraphs (f) or (g), the*** names and physical and mailing addresses of any owners, partners, officers, directors, members and managerial personnel of the applicant.

(f) ***If the applicant is a corporation, the names and physical and mailing addresses of the president, secretary, treasurer, any officers responsible for contracting activities in this State, any officers responsible for renewing the license of the applicant, any persons used by the applicant to qualify pursuant to NRS 624.260 and any other persons required by the Board.***

(g) If the applicant is a limited-liability company, the names and physical and mailing addresses of any managers or members with managing authority, any managers or members responsible for contracting activities in this State, any managers or members responsible for renewing the license of the applicant, any persons used by the applicant to qualify pursuant to NRS 624.260 and any other persons required by the Board.

(h) Any information requested by the Board to ascertain the background, financial responsibility, experience, knowledge and qualifications of the applicant.

~~[(g)]~~ ***(i)*** All information required to complete the application.

2. The application must be:

(a) Made on a form prescribed by the Board in accordance with the rules and regulations adopted by the Board.

(b) Accompanied by the ***application*** fee fixed by this chapter.

3. The Board shall include on an application form for the issuance or renewal of a license, a method for allowing an applicant to make a monetary contribution to the Construction Education Account created pursuant to NRS 624.580. The application form must state in a clear and conspicuous manner that a contribution to the Construction Education Account is voluntary and is

in addition to any fees required for licensure. If the Board receives a contribution from an applicant, the Board shall deposit the contribution with the State Treasurer for credit to the Construction Education Account.

4. Before issuing a license to any applicant, the Board shall require the applicant to pay the license fee fixed by this chapter and, if applicable, any assessment required pursuant to NRS 624.470.

Sec. 6. NRS 624.256 is hereby amended to read as follows:

624.256 1. Before granting an original or renewal of a contractor's license to any applicant, the Board shall require that the applicant submit to the Board:

(a) Proof of industrial insurance and insurance for occupational diseases which covers his employees;

(b) A copy of his certificate of qualification as a self-insured employer which was issued by the Commissioner of Insurance;

(c) If the applicant is a member of an association of self-insured public or private employers, a copy of the certificate issued to the association by the Commissioner of Insurance; or

(d) An affidavit signed by the applicant affirming that he is not subject to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS because:

(1) He has no employees;

(2) He is not or does not intend to be a subcontractor for a principal contractor; and

(3) He has not or does not intend to submit a bid on a job for a principal contractor or subcontractor.

2. The Board shall notify the Fraud Control Unit for Industrial Insurance established pursuant to NRS 228.420 whenever the Board learns that an applicant or holder of a contractor's license has engaged in business as or acted in the capacity of a contractor within this State without having obtained industrial insurance or insurance for occupational diseases in violation of the provisions of chapters 616A to 617, inclusive, of NRS.

3. Failure by an applicant or holder of a contractor's license to file or maintain in full force the required industrial insurance and insurance for occupational diseases constitutes cause for the Board to deny, revoke, suspend, refuse to renew or otherwise discipline the person, unless the person has complied with the provisions set forth in paragraph (d) of subsection 1.

Sec. 7. NRS 624.263 is hereby amended to read as follows:

624.263 1. The financial responsibility of a licensee or an applicant for a contractor's license must be established independently of and without reliance on any assets or guarantees of any owners or managing officers of the licensee or applicant, but the financial responsibility of any owners or managing officers of the licensee or applicant may be inquired into and considered as a criterion in determining the financial responsibility of the licensee or applicant.

2. The financial responsibility of an applicant for a contractor's license or of a licensed contractor ~~[must]~~ ***may*** be determined by using the following standards and criteria in connection with each applicant or contractor and each associate or partner thereof:

(a) ~~[Net]~~ ***Amount of net*** worth.

(b) Amount of liquid assets.

(c) ***Amount of current assets.***

(d) Amount of current liabilities.

(e) Amount of working capital.

(f) Ratio of current assets to current liabilities.

(g) Fulfillment of bonding requirements pursuant to NRS 624.270.

(h) Prior payment and credit records.

~~[(d)]~~ ***(i)*** Previous business experience.

~~[(e)]~~ ***(j)*** Prior and pending lawsuits.

~~[(f)]~~ ***(k)*** Prior and pending liens.

~~[(g)]~~ ***(l)*** Adverse judgments.

~~[(h)]~~ ***(m)*** Conviction of a felony or crime involving moral turpitude.

~~[(i)]~~ ***(n)*** Prior suspension or revocation of a contractor's license in Nevada or elsewhere.

~~[(j)]~~ ***(o)*** An adjudication of bankruptcy or any other proceeding under the federal bankruptcy laws, including:

(1) A composition, arrangement or reorganization proceeding;

(2) The appointment of a receiver of the property of the applicant or contractor or any officer, director, associate or partner thereof under the laws of this State or the United States; or

(3) The making of an assignment for the benefit of creditors.

~~[(k)]~~ ***(p)*** Form of business organization, corporate or otherwise.

~~[(l)]~~ ***(q)*** Information obtained from confidential financial references and credit reports.

~~[(m)]~~ ***(r)*** Reputation for honesty and integrity of the applicant or contractor or any officer, director, associate or partner thereof.

3. A licensed contractor shall, as soon as it is reasonably practicable, notify the Board in writing upon the filing of a petition or application relating to the contractor that initiates any proceeding, appointment or assignment set forth in paragraph ~~[(j)]~~ ***(o)*** of subsection 2. The written notice must be accompanied by:

(a) A copy of the petition or application filed with the court; and

(b) A copy of any order of the court which is relevant to the financial responsibility of the contractor, including any order appointing a trustee, receiver or assignee.

4. Before issuing a license to an applicant who will engage in residential construction or renewing the license of a contractor who engages in residential construction, the Board may require the applicant or licensee to establish his financial responsibility by submitting to the Board:

(a) A financial statement that is:

(1) Prepared by a certified public accountant; or

(2) Submitted on a form or in a format prescribed by the Board together with an affidavit which verifies the accuracy of the financial statement; and

(b) A statement setting forth the number of building permits issued to and construction projects completed by the licensee during the immediately preceding year and any other information required by the Board. The statement submitted pursuant to this paragraph must be provided on a form approved by the Board.

5. In addition to the requirements set forth in subsection 4, the Board may require a licensee to establish his financial responsibility at any time.

6. An applicant for an initial contractor's license or a licensee applying for the renewal of a contractor's license has the burden of demonstrating his financial responsibility to the Board, if the Board requests him to do so.

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 624.280 is hereby amended to read as follows:

624.280 The Board may adopt regulations fixing the fee for an application, the fee for an examination and the ~~[annual]~~ fee for a license to be paid by applicants and licensees. Except as otherwise provided in NRS 624.281, the fee for:

1. An application must not exceed $550.

2. A license must not exceed ~~[$450 annually.]~~ ***$900 biennially.***

3. An examination must not exceed $300.

Sec. 10. NRS 624.283 is hereby amended to read as follows:

624.283 1. Each license issued under the provisions of this chapter expires ~~[1 year]~~ ***2 years*** after the date on which it is issued, except that the Board may by regulation prescribe shorter or longer periods and prorated fees to establish a system of staggered ***biennial*** renewals. Any license which is not renewed on or before the date for renewal is automatically suspended.

2. A license may be renewed by submitting to the Board:

(a) An application for renewal;

(b) The fee for renewal fixed by the Board;

(c) Any assessment required pursuant to NRS 624.470 if the holder of the license is a residential contractor as defined in NRS 624.450; and

(d) All information required to complete the renewal.

3. The Board may require a licensee to demonstrate his financial responsibility at any time through the submission of:

(a) A financial statement that is:

(1) Prepared by an independent certified public accountant; or

(2) Submitted on a form or in a format prescribed by the Board together with an affidavit which verifies the accuracy of the financial statement; and

(b) If the licensee performs residential construction, such additional documentation as the Board deems appropriate.

4. If a license is automatically suspended pursuant to subsection 1, the licensee may have his license reinstated upon filing an application for renewal within 6 months after the date of suspension and paying, in addition

to the fee for renewal, a fee for reinstatement fixed by the Board, if he is otherwise in good standing and there are no complaints pending against him. If he is otherwise not in good standing or there is a complaint pending, the Board shall require him to provide a current financial statement prepared by an independent certified public accountant or establish other conditions for reinstatement. An application for renewal must be accompanied by all information required to complete the renewal. A license which is not reinstated within 6 months after it is automatically suspended may be cancelled by the Board, and a new license may be issued only upon application for an original contractor's license.

Sec. 11. (Deleted by amendment.)

Sec. 11.5. **NRS 624.327 is hereby amended to read as follows:**

624.327 1. Except as otherwise provided in this section, ***the existence of and the personally identifying information in*** a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of the investigation conducted to determine whether to initiate disciplinary action are confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

Sec. 11.7. **NRS 624.331 is hereby amended to read as follows:**

624.331 ***1.*** A complaint against a licensee for the commission of any act or omission that constitutes cause for disciplinary action pursuant to NRS 624.300 must be filed in writing with the Board within 4 years after the act or omission.

2. The Board shall, within 2 years after the date on which the complaint is filed, initiate disciplinary action against the licensee or dismiss the complaint.

Sec. 12. NRS 624.341 is hereby amended to read as follows:

624.341 1. If the Board or its designee, based upon a preponderance of the evidence, has reason to believe that a ~~[licensee or applicant for a contractor's license]~~ ***person*** has committed an act which constitutes a ~~[cause for disciplinary action pursuant to NRS 624.300,]~~ ***violation of this chapter or the regulations of the Board,*** the Board or its designee, as appropriate, may issue or authorize the issuance of a written administrative citation to the ~~[licensee or applicant.]~~ ***person.*** A citation issued pursuant to this section may include, without limitation:

(a) An order to take action to correct a condition resulting from an act that constitutes a ~~[cause for disciplinary action, at the licensee's or applicant's cost;]~~ ***violation of this chapter or the regulations of the Board, at the person's cost;***

(b) An order to pay an administrative fine ~~[;]~~ ***not to exceed $50,000, except as otherwise provided in subsection 1 of NRS 624.300;*** and

(c) An order to reimburse the Board for the amount of the expenses incurred to investigate the complaint.

2. If a written citation issued pursuant to subsection 1 includes an order to take action to correct a condition resulting from an act that constitutes a ~~[cause for disciplinary action,]~~ ***violation of this chapter or the regulations of the Board,*** the citation must state the time permitted for compliance, which must be not less than 15 business days after the date the ~~[licensee or applicant]~~ ***person*** receives the citation, and specifically describe the action required to be taken.

3. The sanctions authorized by subsection 1 are separate from, and in addition to, any other remedy, civil or criminal, authorized by this chapter.

4. The failure of an unlicensed person to comply with a citation or order after it is final is a misdemeanor. If an unlicensed person does not pay an administrative fine imposed pursuant to this section within 60 days after the order of the Board becomes final, the order may be executed upon in the same manner as a judgment issued by a court.

Sec. 13. NRS 624.345 is hereby amended to read as follows:

624.345 1. A ~~[licensee or applicant for a contractor's license]~~ ***person*** who is issued a written citation pursuant to NRS 624.341 may contest the citation within 15 business days after the date on which the citation is served on the ~~[licensee or applicant.]~~ ***person.***

2. A ~~[licensee or applicant for a contractor's license]~~ ***person*** may contest, without limitation:

(a) The facts forming the basis for the determination that the ~~[licensee or applicant]~~ ***person*** has committed an act which constitutes a ~~[cause for disciplinary action;]~~ ***violation of this chapter or the regulations of the Board;***

(b) The time allowed to take any corrective action ordered;

(c) The amount of any administrative fine ordered;

(d) The amount of any order to reimburse the Board for the expenses incurred to investigate the ~~[licensee or applicant;]~~ ***person;*** and

(e) Whether any corrective action described in the citation is reasonable.

3. If a ~~[licensee or applicant for a contractor's license]~~ ***person*** does not contest a citation issued pursuant to NRS 624.341 within 15 business days after the date on which the citation is served on the ~~[licensee or applicant,]~~ ***person,*** or on or before such later date as specified by the Board pursuant to subsection 4, the citation shall be deemed a final order of the Board and not subject to review by any court or agency.

4. The Board may, for good cause shown, extend the time to contest a citation issued pursuant to NRS 624.341.

5. For the purposes of this section, a citation shall be deemed to have been served on a ~~[licensee or an applicant]~~ ***person*** on:

(a) The date on which the citation is personally delivered to the ~~[licensee or applicant;]~~ ***person;*** or

(b) If the citation is mailed, the date on which the citation is mailed by certified mail to the last known business or residential address of the ~~[licensee or applicant.]~~ ***person.***

Sec. 14. NRS 624.351 is hereby amended to read as follows:

624.351 If a ~~[licensee or applicant for a contractor's license]~~ ***person*** contests a citation issued pursuant to NRS 624.341 or order to correct a violation of the provisions of this chapter within 15 business days after he receives the citation or order, or on or before such later date as specified by the Board pursuant to subsection 4 of NRS 624.345, the Board shall hold a hearing pursuant to NRS 624.291.

Sec. 15. NRS 624.361 is hereby amended to read as follows:

624.361 The Board shall adopt regulations concerning the:

1. Form of a written citation issued pursuant to NRS 624.341;

2. Time required for a ~~[licensee or applicant for a license]~~ ***person*** to correct a condition resulting from an act that constitutes a ~~[cause for disciplinary action]~~ ***violation of this chapter or the regulations of the Board*** if he is so ordered pursuant to NRS 624.341; and

3. Imposition of an administrative fine pursuant to the provisions of this chapter. The Board ~~[must]~~ ***shall*** consider:

(a) The gravity of the violation;

(b) The good faith of the ~~[licensee;]~~ ***person;*** and

(c) Any history of previous violations of the provisions of this chapter by the ~~[licensee.]~~ ***person.***

Sec. 16. NRS 624.470 is hereby amended to read as follows:

624.470 1. Except as otherwise provided in subsection 3, in addition to the ~~[annual]~~ fee for a license required pursuant to NRS 624.280, a residential contractor shall pay to the Board an ~~[annual]~~ assessment not to exceed the following amount, if the monetary limit on his license is:

Not more than $1,000,000 ..... ~~[$100]~~ ***$200 per biennium***
More than $1,000,000 but limited ..... ~~[250]~~***500 per biennium***
Unlimited..... ~~[500]~~ ***1,000 per biennium***

2. The Board shall administer and account separately for the money received from the ~~[annual]~~ assessments collected pursuant to subsection 1. The Board may refer to the money in the account as the "Recovery Fund."

3. The Board shall reduce the amount of the assessments collected pursuant to subsection 1 when the balance in the account reaches 150 percent of the largest balance in the account during the previous fiscal year.

4. Except as otherwise provided in NRS 624.540, the money in the account must be used to pay claims made by owners who are damaged by the failure of a residential contractor to perform qualified services adequately, as provided in NRS 624.400 to 624.560, inclusive.

Sec. 17. NRS 624.710 is hereby amended to read as follows:

624.710 1. If any person violates the provisions of subsection 1 of NRS 624.700, ***subsections 1, 2 or 3 of NRS 624.720 or NRS 624.740,*** the

Board may impose for each violation an administrative fine in an amount that is not less than $1,000 and not more than $50,000.

2. The Board shall, by regulation, establish standards for use by the Board in determining the amount of an administrative fine imposed pursuant to this section. The standards must include, without limitation, provisions requiring the Board to consider:

(a) The gravity of the violation;

(b) The good faith of the person; and

(c) Any history of previous violations of the provisions of this chapter ***or the regulations of the Board*** committed by the person.

3. An administrative fine imposed pursuant to this section is in addition to any other penalty imposed pursuant to this chapter.

4. If the administrative fine and any interest imposed pursuant to NRS 624.300 is not paid when due, the fine and interest, if any, must be recovered in a civil action brought by the Attorney General on behalf of the Board.

5. All administrative fines and interest collected pursuant to this section must be deposited with the State Treasurer for credit to the Construction Education Account created pursuant to NRS 624.580.

Sec. 18. NRS 338.1389 is hereby amended to read as follows:

338.1389 1. Except as otherwise provided in subsection 10 and NRS 338.1385, 338.1386 and 338.13864, a public body or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a responsive and responsible contractor who:

(1) Has been determined by the public body to be a qualified bidder pursuant to NRS 338.1379 or 338.1382; and

(2) At the time he submits his bid, has a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who does not have, at the time he submits his bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him by the State Contractors' Board pursuant to subsection 3 or 4,

➥ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including,

without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes that were paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes that were paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the ~~[annual]~~ renewal of his contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain his eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless he reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, he must submit a separate application for each license pursuant to which he wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may be deemed the best bid only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person or entity who believes that a contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the public body not later than 3 business days after the opening of the bids by the public body or its authorized representative.

14. If a public body receives a written objection pursuant to subsection 13, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and the public body or its authorized representative may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the public body or its authorized representative may proceed to award the contract accordingly.

Sec. 19. NRS 338.147 is hereby amended to read as follows:

338.147 1. Except as otherwise provided in subsection 10 and NRS 338.143, 338.1442 and 338.1446, a local government or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a contractor who:

(1) Has been found to be a responsible and responsive contractor by the local government or its authorized representative; and

(2) At the time he submits his bid, has a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who does not have, at the time he submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him by the State Contractors' Board pursuant to subsection 3 or 4,

➥ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his business in this State of not less than $5,000 for each consecutive 12-month period for 60 months

immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the ~~[annual]~~ renewal of his contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain his eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless he reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, he must submit a separate application for each license pursuant to which he wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may be deemed a best bid only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person or entity who believes that a contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the local government to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the local government not later than 3 business days after the opening of the bids by the local government or its authorized representative.

14. If a local government receives a written objection pursuant to subsection 13, the local government shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the local government determines that the objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection and the local government or its authorized representative may proceed immediately to award the contract. If the local government determines that the objection is accompanied by the required proof or substantiating evidence, the local government shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the local government or its authorized representative may proceed to award the contract accordingly.

Sec. 20. The amendatory provisions of section 10 of this act do not apply to a license issued pursuant to chapter 624 of NRS before the effective date of this act until the first renewal date for the license after the effective date of this act.

Sec. 21. This act becomes effective upon passage and approval.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 310.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 700.

AN ACT relating to professions; revising provisions governing the grading of certain examinations; requiring the electronic filing of certain information and reports by certain regulatory bodies; revising provisions governing the expiration of the licenses of cosmetological establishments and certain licensees; **revising the authority of certain professional and occupational boards to establish fees for providing certain services;** increasing the maximum salary that members of certain occupational or professional boards are entitled to receive for each day of service on the board; requiring the Legislative Committee on Health Care to appoint a subcommittee to conduct a study of the regulation of providers of health care in Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, various regulatory bodies governing professions and occupations under title 54 of NRS have examination requirements for licensure or certification. Section 1 of this bill provides that, if such a regulatory body uses or accepts a national or other examination which is produced or administered by an organization other than the regulatory body and which includes a methodology for determining the level of performance that constitutes a passing grade or score on the examination, the regulatory body shall apply that methodology in determining whether a person who took the examination achieved a passing grade or score.

Under existing law, such regulatory bodies are required to submit periodic reports of their disciplinary actions and other regulatory activities to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission and certain standing committees of the Legislature. (NRS 622.100, 622.110) Section 2 of this bill requires that all such reports be submitted quarterly and that they be submitted in an electronic format prescribed by the Director.

Sections 3, 4, 6-12, 15, 18, 19, 21-23, 25, 27, 28, 30, 31, 33, 34, 36, 37, 39, 41-44 and 48-51 of this bill increase the maximum salary that members of certain professional or occupational boards are entitled to receive for each day of service on the board from $80 to $150 per day.

Sections 5.5, 10.5, 20.5, 31.5, 36.5 and 51.5 of this bill revise the authority of certain professional and occupational boards to establish fees for providing certain services.

Under existing law, the license of every cosmetologist, aesthetician, electrologist, hair designer, manicurist, demonstrator of cosmetics, instructor and cosmetological establishment expires on July 1 of each odd-numbered year. (NRS 644.320, 644.350) Sections 46 and 47 of this bill establish a

procedure under which approximately half of those licenses will expire in even-numbered years, the other half in odd-numbered years.

Section 54 of this bill requires the Legislative Committee on Health Care to appoint a subcommittee to conduct: (1) a review of the laws of this State that establish the scope of practice authorized for providers of health care; and (2) a study concerning the operation of the professional licensing boards for providers of health care with respect to barriers to licensing.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 622 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding the provisions of any specific statute to the contrary, if a regulatory body, in any testing authorized or required pursuant to this title or any regulations adopted pursuant thereto, uses or accepts a national or other examination which is produced or administered by an organization other than the regulatory body and which includes a methodology for determining the level of performance that constitutes a passing grade or score on the examination, the regulatory body shall apply that methodology in determining whether a person who took the examination achieved a passing grade or score.

Sec. 2. NRS 622.100 is hereby amended to read as follows:

622.100 1. Each regulatory body shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau ~~[a]~~ ***in an electronic format prescribed by the Director:***

(a) A summary of each disciplinary action taken by the regulatory body during the immediately preceding calendar quarter against any licensee of the regulatory body ~~[.]~~ ***; and***

(b) A report that includes:

(1) The number of licenses issued by the regulatory body during the immediately preceding calendar quarter; and

(2) Any other information that is requested by the Director or which the regulatory body determines would be helpful to the Legislature in evaluating whether the continued existence of the regulatory body is necessary.

2. The Director ~~[of the Legislative Counsel Bureau]~~ shall:

(a) Provide any information he receives pursuant to subsection 1 to a member of the public upon request;

(b) Cause a notice of the availability of such information to be posted on the public website of the Nevada Legislature on the Internet; and

(c) Transmit a compilation of the information he receives pursuant to subsection 1 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

3. The Director, on or before the first day of each regular session of the Legislature and at such other times as directed, shall compile the reports he

has received pursuant to paragraph (b) of subsection 1 and distribute copies of the compilation to the Senate Standing Committee on Commerce and Labor and the Assembly Standing Committee on Commerce and Labor, each of which shall review the compilation to determine whether the continued existence of each regulatory body is necessary.

Sec. 3. NRS 623.070 is hereby amended to read as follows:

623.070 1. Each member of the Board is entitled to receive from the money of the Board:

(a) A salary of not more than ~~[$80]~~ ***$150*** per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. The Secretary and Treasurer of the Board is entitled to be paid a salary out of the money of the Board in an amount to be determined by the Board.

Sec. 4. NRS 623A.090 is hereby amended to read as follows:

623A.090 1. Members of the Board are entitled to receive:

(a) A salary of not more than ~~[$80]~~ ***$150*** per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses, at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. Any salary, per diem allowance or travel expenses paid pursuant to the provisions of this section must be paid from money kept or deposited by the Board in accordance with the provisions of NRS 623A.150.

Sec. 5. NRS 623A.190 is hereby amended to read as follows:

623A.190 1. The Board shall administer or cause to be administered a written examination to each applicant for a certificate of registration or certificate to practice as a landscape architect intern.

2. The examination must be given at such times and places and under such supervision as the Board may determine.

3. The Board may include in the written examination any theoretical or applied fields and ethical issues it deems appropriate to determine professional skills and judgment.

4. ~~[The]~~ ***Except as otherwise provided in section 1 of this act, the*** Board shall, by regulation, establish the grade that is required to pass the written examination.

5. The written examination may be waived by the Board if the applicant:

(a) Presents documentation that he has passed an examination in another state or country that has been accepted as an equivalent by a national association of registered boards; or

(b) Has been certified by such an organization.

6. Written examination papers must be destroyed after a certificate of registration is issued.

7. If the applicant fails to pass the written examination or any part thereof, he may retake the examination or the part failed in a subsequent examination upon the payment of the applicable fees prescribed by the Board pursuant to the provisions of NRS 623A.240.

Sec. 5.5. **NRS 623A.240 is hereby amended to read as follows:**

623A.240 1. The following fees must be prescribed by the Board and must not exceed the following amounts:

Application fee	$200.00
Examination fee	100.00, plus the actual cost of the examination
Certificate of registration	25.00
Annual renewal fee	200.00
Reinstatement fee	300.00
Delinquency fee	50.00
Change of address fee	10.00
Copy of a document, per page	.25

2. In addition to the fees set forth in subsection 1, the Board may charge and collect a fee for ***the expedited processing of a request or for*** any other ***incidental*** service it provides. The fee must not exceed the cost incurred by the Board to provide the service.

3. The Board may authorize a landscape architect intern to pay the application fee or any portion of that fee during any period in which he is the holder of a certificate to practice as a landscape architect intern. If a landscape architect intern pays the fee or any portion of the fee during that period, the Board shall credit the amount paid by him towards the entire amount of the application fee for the certificate of registration required pursuant to this section.

4. The fees prescribed by the Board pursuant to this section must be paid in United States currency in the form of a check, cashier's check or money order. If any check submitted to the Board is dishonored upon presentation for payment, repayment of the fee, including the fee for a returned check in the amount established by the State Controller pursuant to NRS 353C.115, must be made by money order or certified check.

5. The fees prescribed by the Board pursuant to this section are nonrefundable.

Sec. 6. NRS 624.140 is hereby amended to read as follows:

624.140 1. Except as otherwise provided in subsection 3, if money becomes available from the operations of this chapter and payments made for licenses, the Board may pay from that money:

(a) The expenses of the operations of this chapter, including the maintenance of offices.

(b) The salary of the Executive Officer who must be named by the Board.

(c) A salary to each member of the Board of not more than ~~[$80]~~ ***$150*** per day, as fixed by the Board, while engaged in the business of the Board.

(d) A per diem allowance and travel expenses for each member and employee of the Board, at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions or savings and loan associations in this State.

3. Except as otherwise provided in NRS 624.520, if a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 2, the Board shall deposit any money collected from the imposition of fines with the State Treasurer for credit to the Construction Education Account created pursuant to NRS 624.580.

Sec. 7. NRS 625.110 is hereby amended to read as follows:

625.110 1. The Board shall elect officers from its members and, by regulation, establish the:

(a) Offices to which members may be elected;

(b) Title and term for each office; and

(c) Procedure for electing members to each office.

2. At any meeting, five members constitute a quorum.

3. Each member is entitled to receive:

(a) A salary of not more than ~~[$80]~~ ***$150*** per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses, at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

4. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

5. The salaries of members of the Board and employees of the Board must be paid from the fees received by the Board pursuant to the provisions of this chapter, and no part of those salaries may be paid out of the State General Fund.

6. The Board shall appoint an Executive Director who serves at the pleasure of the Board and is entitled to receive such compensation as may be fixed by the Board.

Sec. 8. NRS 625A.050 is hereby amended to read as follows:

625A.050 1. The Secretary of the Board is entitled to receive:

(a) A salary in an amount fixed by the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. All other members of the Board are entitled to receive:

(a) A salary of not more than ~~[$80]~~ ***$150*** per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 9. NRS 628.110 is hereby amended to read as follows:

628.110 1. Each member of the Board is entitled to receive:

(a) A salary of not more than ~~[$80]~~ ***$150*** per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 10. NRS 630.110 is hereby amended to read as follows:

630.110 1. Out of the money coming into the possession of the Board, each member and advisory member of the Board is entitled to receive:

(a) A salary of not more than ~~[$80]~~ ***$150*** per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. Expenses of the Board and the expenses and salaries of its members and employees must be paid from the fees received by the Board pursuant to the provisions of this chapter, and no part of the salaries or expenses of the Board may be paid out of the State General Fund or from the penalties imposed by the Board pursuant to this chapter.

4. All money received by the Board from:

(a) Fees must be deposited in financial institutions in this State that are federally insured or insured by a private insurer pursuant to NRS 678.755, invested in treasury bills or notes of the United States, deposited in institutions in this State whose business is the making of investments, or invested as authorized by NRS 355.140.

(b) Penalties must be deposited with the State Treasurer for credit to the State General Fund.

Sec. 10.5. **NRS 630.268 is hereby amended to read as follows:**

630.268 1. The Board shall charge and collect not more than the following fees:

For application for and issuance of a license to practice as a physician, including a license by endorsement $600
For application for and issuance of a temporary, locum tenens, limited, restricted, special or special purpose license 400
For renewal of a limited, restricted or special license 400
For application for and issuance of a license as a physician assistant 400
For biennial registration of a physician assistant 800
For biennial registration of a physician 800
For application for and issuance of a license as a practitioner of respiratory care 400
For biennial registration of a practitioner of respiratory care 600
For biennial registration for a physician who is on inactive status 400
For written verification of licensure 50
For a duplicate identification card 25
For a duplicate license 50
For computer printouts or labels 500
For verification of a listing of physicians, per hour 20
For furnishing a list of new physicians 100

2. In addition to the fees prescribed in subsection 1, the Board shall charge and collect necessary and reasonable fees for ~~[its other services.]~~ ***the expedited processing of a request or for any other incidental service the Board provides.***

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid for by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting it has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

Sec. 11. NRS 630A.160 is hereby amended to read as follows:

630A.160 1. Out of the money coming into the possession of the Board, each member of the Board is entitled to receive:

(a) A salary of not more than ~~[$80]~~ ***$150*** per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. Expenses of the Board and the expenses and salaries of the members and employees of the Board must be paid from the fees received by the Board pursuant to the provisions of this chapter. Except as otherwise provided in subsection 6, no part of the salaries or expenses of the members of the Board may be paid out of the State General Fund.

4. All money received by the Board must be deposited in financial institutions in this State that are federally insured or insured by a private insurer approved pursuant to NRS 678.755.

5. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect administrative fines, court costs and attorney's fees therefor and deposit the money therefrom in financial institutions in this State that are federally insured or insured by a private insurer approved pursuant to NRS 678.755.

6. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 5, the Board shall deposit the money collected from the imposition of administrative fines, court costs and attorney's fees with the State Treasurer for credit to the State General Fund. The Board may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 12. NRS 631.180 is hereby amended to read as follows:

631.180 1. Each member of the Board is entitled to receive:

(a) A salary of not more than ~~[$80]~~ ***$150*** per day as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. The Board shall deposit in banks, credit unions or savings and loan associations in this State all fees which it receives.

4. All expenses of the Board must be paid from the fees received by the Board, and no part thereof may be paid from the State General Fund.

Sec. 13. NRS 631.240 is hereby amended to read as follows:

631.240 1. Any person desiring to obtain a license to practice dentistry in this State, after having complied with the regulations of the Board to determine eligibility:

(a) ~~[Must]~~ ***Except as otherwise provided in section 1 of this act, must*** present to the Board a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Examination with an average score of at least 75; and

(b) Except as otherwise provided in this chapter, must:

(1) Successfully complete a clinical examination given by the Board which examines the applicant's practical knowledge of dentistry and which includes demonstrations of the applicant's skill in dentistry; or

(2) Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed, within the 5 years immediately preceding the date of the application, a clinical examination administered by the Western Regional Examining Board.

2. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

3. All persons who have satisfied the requirements for licensure as a dentist must be registered as licensed dentists on the board register, as provided in this chapter, and are entitled to receive a certificate of registration, signed by all members of the Board.

Sec. 14. NRS 631.300 is hereby amended to read as follows:

631.300 1. Any person desiring to obtain a license to practice dental hygiene, after having complied with the regulations of the Board to determine eligibility:

(a) ~~[Must]~~ ***Except as otherwise provided in section 1 of this act, must*** pass a written examination given by the Board upon such subjects as the Board deems necessary for the practice of dental hygiene or must present a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Hygiene Examination with a score of at least 75; and

(b) Except as otherwise provided in this chapter, must:

(1) Successfully complete a clinical examination in dental hygiene given by the Board which examines the applicant's practical knowledge of dental hygiene and which includes, but is not limited to, demonstrations in the removal of deposits from, and the polishing of, the exposed surface of the teeth; or

(2) Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed, within the 5 years immediately preceding the date of the application, a clinical examination administered by the Western Regional Examining Board.

2. The clinical examination given by the Board must include components that are:

(a) Written or oral, or a combination of both; and

(b) Practical, as in the opinion of the Board is necessary to test the qualifications of the applicant.

3. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

4. All persons who have satisfied the requirements for licensure as a dental hygienist must be registered as licensed dental hygienists on the board register, as provided in this chapter, and are entitled to receive a certificate of registration, signed by all members of the Board.

Sec. 15. NRS 632.080 is hereby amended to read as follows:

632.080 1. The compensation of the members of the Board must be fixed by the Board, but may not exceed ~~[$80]~~ ***$150*** for each day spent by each member in the discharge of his official duties.

2. While engaged in the discharge of his official duties, each member and employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. All compensation, per diem allowances and travel expenses of the members and employees of the Board must be paid out of the money of the Board.

Sec. 16. NRS 632.2856 is hereby amended to read as follows:

632.2856 1. The training program required for certification as a nursing assistant must consist of 75 hours of instruction. The program must include no less than 60 hours of theory and learning skills in a laboratory setting.

2. Except as otherwise provided in this subsection, the instructor of the program must be a registered nurse with:

(a) Three years of nursing experience which includes direct care of patients and supervision and education of members of the staff; and

(b) Proof of successful completion of training for instructors which has been approved by the Board.

➥ The Board may approve a licensed practical nurse as an instructor if the Board determines that requiring instruction by a registered nurse would create a hardship.

3. ~~[Upon]~~ ***Except as otherwise provided in section 1 of this act, upon*** completion of the program, a nursing assistant trainee must pass a test in theory with an overall score of 80 percent and a test of skills on a pass or fail basis. The test of skills must be given by a registered nurse. If the nursing assistant trainee fails either of the tests, he must repeat the training in the areas in which he was deficient before taking the certification examination.

4. In a program which is based in a facility, a nursing assistant trainee may only perform those tasks he has successfully completed in the training program, and must perform those tasks under the direct supervision of a registered nurse or a licensed practical nurse.

5. The Board shall adopt regulations not inconsistent with law:

(a) Specifying the scope of the training program and the required components of the program;

(b) Establishing standards for the approval of programs and instructors; and

(c) Designating the basic nursing services which a nursing assistant may provide upon certification.

6. Any medical facility, educational institution or other organization may provide a training program if the program meets the requirements set forth in this chapter and in the regulations of the Board, and is approved by the Board. Such a program must be administered through:

(a) The Nevada System of Higher Education;

(b) A program for career and technical education approved by the State Board for Career and Technical Education;

(c) A public school in this State; or

(d) Any other nationally recognized body or agency authorized by law to accredit or approve such programs.

7. An educational institution or agency that administers a training program shall:

(a) Develop or approve the curriculum for training provided in its service district;

(b) Manage the training program; and

(c) Work with medical and other facilities to carry out the requirements of paragraphs (a) and (b).

Sec. 17. NRS 632.2858 is hereby amended to read as follows:

632.2858 1. The Board shall authorize the administration of the examination of applicants for certification as nursing assistants.

2. The Board may employ, contract with or cooperate with any person in the preparation, administration and grading of a uniform national examination, but ***, except as otherwise provided in section 1 of this act,*** shall retain sole discretion and responsibility for determining the standards of successful completion of the examination.

3. The Board shall determine whether an examination may be repeated and the frequency of authorized reexaminations.

4. If an applicant fails the examination three times, he must repeat the training program prescribed in NRS 632.2856.

Sec. 18. NRS 633.241 is hereby amended to read as follows:

633.241 1. Each member of the Board is entitled to receive:

(a) A salary of not more than ~~[$80]~~ ***$150*** per day, as fixed by the Board, while engaged in its business; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate

fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 19. NRS 634.025 is hereby amended to read as follows:

634.025 1. Each member of the Board is entitled to receive:

(a) A salary of not more than ~~[$80]~~ ***$150*** per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 20. NRS 634.100 is hereby amended to read as follows:

634.100 1. An applicant for a license to practice chiropractic in this State must pay the required fee to the Secretary of the Board not less than 60 days before the date of the examination.

2. ~~[A]~~ ***Except as otherwise provided in section 1 of this act, a*** score of 75 percent or higher in all subjects taken on the examination is a passing score.

3. If an applicant fails to pass the first examination, he may take a second examination within 1 year without payment of any additional fees. ~~[Credit]~~ ***Except as otherwise provided in section 1 of this act, credit*** must be given on this examination for all subjects previously passed with a score of 75 percent or higher.

4. An applicant for a certificate as a chiropractor's assistant must pay the required fee to the Secretary of the Board before the application may be considered.

Sec. 20.5. **NRS 634.135 is hereby amended to read as follows:**

634.135 1. The Board may charge and collect fees not to exceed:

For an application for a license to practice chiropractic $200.00
For an examination for a license to practice chiropractic 200.00
For an application for, and the issuance of, a certificate as a chiropractor's assistant $100.00
For an examination for a certificate as a chiropractor's assistant 100.00
For the issuance of a license to practice chiropractic..... 300.00
For the annual renewal of a license to practice chiropractic 500.00
For the annual renewal of an inactive license to practice chiropractic . 150.00
For the annual renewal of a certificate as a chiropractor's assistant..... 100.00
For the restoration to active status of an inactive license to practice chiropractic 300.00
For reinstating a license to practice chiropractic which has been suspended or revoked 500.00
For reinstating a certificate as a chiropractor's assistant which has been suspended pursuant to NRS 634.130 ..... 100.00

For a review of any subject on the examination 25.00
For the issuance of a duplicate license or for changing the name on a license 35.00
For written certification of licensure..... 25.00
For providing a list of persons who are licensed to practice chiropractic to a person who is not licensed to practice chiropractic 25.00
For providing a list of persons who were licensed to practice chiropractic following the most recent examination of the Board to a person who is not licensed to practice chiropractic..... 10.00
For a set of mailing labels containing the names and addresses of the persons who are licensed to practice chiropractic in this State 35.00
For providing a copy of the statutes, regulations and other rules governing the practice of chiropractic in this State to a person who is not licensed to practice chiropractic..... 25.00
For each page of a list of continuing education courses that have been approved by the Board..... .50
For an application to a preceptor program offered by the Board to graduates of chiropractic schools or colleges..... 35.00
For a review by the Board of a course offered by a chiropractic school or college or a course of continuing education in chiropractic..... 25.00

2. In addition to the fees set forth in subsection 1, the Board may charge and collect reasonable and necessary fees for ***the expedited processing of a request or for*** any other ***incidental*** service it provides.

3. For a check or other method of payment made payable to the Board or tendered to the Board that is returned to the Board or otherwise dishonored upon presentation for payment, the Board shall assess and collect a fee in the amount established by the State Controller pursuant to NRS 353C.115.

Sec. 21. NRS 634A.050 is hereby amended to read as follows:

634A.050 1. Each member of the Board is entitled to receive:

(a) A salary of not more than ~~[$80]~~ ***$150*** per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 22. NRS 635.020 is hereby amended to read as follows:

635.020 1. The State Board of Podiatry, consisting of five members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) Three members who are licensed podiatric physicians in the State of Nevada.

(b) One member who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

(c) One member who is a representative of the general public. This member must not be:

(1) A licensed podiatric physician in the State of Nevada; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a licensed podiatric physician in the State of Nevada.

3. The members of the Board are entitled to receive:

(a) A salary of not more than ~~[$80]~~ ***$150*** per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

4. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

5. If a member is not licensed under the provisions of this chapter, the member shall not participate in preparing, conducting or grading any examination required by the Board.

Sec. 23. NRS 636.075 is hereby amended to read as follows:

636.075 1. Each member of the Board is entitled to receive:

(a) A salary of not more than ~~[$80]~~ ***$150*** per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. Compensation and expenses of the members and employees of the Board are payable out of the money derived from fees paid or transmitted to the Board pursuant to the provisions of this chapter and no part thereof may be paid out of the State Treasury.

Sec. 24. NRS 636.190 is hereby amended to read as follows:

636.190 ~~[A]~~ ***Except as otherwise provided in section 1 of this act, a*** grade of 75 or higher for each area tested on the examination is required to pass an examination.

Sec. 25. NRS 637.045 is hereby amended to read as follows:

637.045 1. Each member of the Board is entitled to receive:

(a) A salary of not more than ~~[$80]~~ ***$150*** per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 26. NRS 637.110 is hereby amended to read as follows:

637.110 1. An application for the issuance of a license as an apprentice dispensing optician must be accompanied by a fee of not more than $250 to cover the costs of the Board and the initial licensing.

2. An application for the issuance of a license as a dispensing optician must be accompanied by a fee of not more than $500 to cover the cost of the examination by the Board and the initial licensing.

3. The Board shall, if it approves an application for the issuance of a license as a dispensing optician, examine the applicant in ophthalmic dispensing, except that the Board may waive the examination of an applicant who is, at the time of application, licensed as a dispensing optician in another state.

4. ~~[To]~~ ***Except as otherwise provided in section 1 of this act, to*** pass the examination for the issuance of a license as a dispensing optician, an applicant must achieve a score of at least 70 percent.

Sec. 27. NRS 637A.090 is hereby amended to read as follows:

637A.090 1. Each member of the Board is entitled to receive a salary of not more than ~~[$80]~~ ***$150*** per day, as fixed by the Board, while engaged in the business of the Board.

2. All necessary expenses incurred by the Board in the performance of its duties must be evidenced on claims signed by the Chairman and Secretary and paid out of money received by the Board from fees.

3. While engaged in the business of the Board, each member and employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 28. NRS 637B.130 is hereby amended to read as follows:

637B.130 1. A member of the Board is entitled to receive:

(a) A salary of not more than ~~[$80]~~ ***$150*** per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 29. NRS 637B.170 is hereby amended to read as follows:

637B.170 1. Examinations for licensing must be given at least once a year at the time and place fixed by the Board.

2. The examination must be fair and impartial, practical in character, and the questions must be designed to discover the applicant's fitness.

3. ~~[The]~~ ***Except as otherwise provided in section 1 of this act, the*** Board shall determine what constitutes a passing grade, except that in making that determination, the Board shall act fairly and impartially. ~~[If the Board elects to use a standard examination which is administered nationally, the Board may not establish a minimum passing grade which is higher than the national standard established for the examination.]~~

Sec. 30. NRS 638.040 is hereby amended to read as follows:

638.040 1. Members of the Board are entitled to receive:

(a) A salary of not more than ~~[$80]~~ ***$150*** per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. Salaries and expenses may be paid only to the extent that sufficient money is received from licensees.

Sec. 31. NRS 639.050 is hereby amended to read as follows:

639.050 1. The Board shall hold a meeting at least once in every 6 months.

2. Four members of the Board constitute a quorum.

3. Meetings of the Board which are held to deliberate on the decision in an administrative action or to prepare, grade or administer examinations are closed to the public.

4. Each member of the Board is entitled to receive:

(a) A salary of not more than ~~[$80]~~ ***$150*** per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

5. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 31.5. **NRS 639.070 is hereby amended to read as follows:**

639.070 1. The Board may:

(a) Adopt such regulations, not inconsistent with the laws of this State, as are necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.

(b) Adopt regulations requiring that prices charged by retail pharmacies for drugs and medicines which are obtained by prescription be posted in the pharmacies and be given on the telephone to persons requesting such information.

(c) Adopt regulations, not inconsistent with the laws of this State, authorizing the Executive Secretary of the Board to issue certificates, licenses and permits required by this chapter and chapters 453 and 454 of NRS.

(d) Adopt regulations governing the dispensing of poisons, drugs, chemicals and medicines.

(e) Regulate the practice of pharmacy.

(f) Regulate the sale and dispensing of poisons, drugs, chemicals and medicines.

(g) Regulate the means of recordkeeping and storage, handling, sanitation and security of drugs, poisons, medicines, chemicals and devices, including, but not limited to, requirements relating to:

(1) Pharmacies, institutional pharmacies and pharmacies in correctional institutions;

(2) Drugs stored in hospitals; and

(3) Drugs stored for the purpose of wholesale distribution.

(h) Examine and register, upon application, pharmacists and other persons who dispense or distribute medications whom it deems qualified.

(i) Charge and collect necessary and reasonable fees for ~~[its services,]~~ ***the expedited processing of a request or for any other incidental service the Board provides,*** other than those specifically set forth in this chapter.

(j) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(k) Employ an attorney, inspectors, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(l) Enforce the provisions of NRS 453.011 to 453.552, inclusive, and enforce the provisions of this chapter and chapter 454 of NRS.

(m) Adopt regulations concerning the information required to be submitted in connection with an application for any license, certificate or permit required by this chapter or chapter 453 or 454 of NRS.

(n) Adopt regulations concerning the education, experience and background of a person who is employed by the holder of a license or permit issued pursuant to this chapter and who has access to drugs and devices.

(o) Adopt regulations concerning the use of computerized mechanical equipment for the filling of prescriptions.

(p) Participate in and expend money for programs that enhance the practice of pharmacy.

2. This section does not authorize the Board to prohibit open-market competition in the advertising and sale of prescription drugs and pharmaceutical services.

Sec. 32. NRS 639.120 is hereby amended to read as follows:

639.120 1. An applicant to become a registered pharmacist in this State must:

(a) Be of good moral character.

(b) Be a graduate of a college of pharmacy or department of pharmacy of a university accredited by the ~~[American Council on Pharmaceutical]~~ ***Accreditation Council for Pharmacy*** Education or Canadian Council for Accreditation of Pharmacy Programs and approved by the Board or a graduate of a foreign school who has passed an examination for foreign graduates approved by the Board to demonstrate that his education is equivalent.

(c) ~~[Pass]~~ ***Except as otherwise provided in section 1 of this act:***

(1) Pass an examination approved and given by the Board with a grade of at least 75 on the examination as a whole and a grade of at least 75 on the examination on law. ~~[An]~~

(2) If he is an applicant for registration by reciprocity ***,*** ~~[must]~~ pass the examination on law with at least a grade of 75.

(d) Complete not less than 1,500 hours of practical pharmaceutical experience as an intern pharmacist under the direct and immediate supervision of a registered pharmacist.

2. The practical pharmaceutical experience required pursuant to paragraph (d) of subsection 1 must relate primarily to the selling of drugs, poisons and devices, the compounding and dispensing of prescriptions, preparing prescriptions and keeping records and preparing reports required by state and federal statutes.

3. The Board may accept evidence of compliance with the requirements set forth in paragraph (d) of subsection 1 from boards of pharmacy of other states in which the experience requirement is equivalent to the requirements in this State.

Sec. 33. NRS 640.045 is hereby amended to read as follows:

640.045 1. Each member of the Board is entitled to receive:

(a) A salary of not more than ~~[$80]~~ ***$150*** per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 34. NRS 640C.170 is hereby amended to read as follows:

640C.170 Except as otherwise provided in NRS 640C.160, while engaged in the business of the Board:

1. Each member of the Board is entitled to receive a salary of not more than ~~[$80]~~ ***$150*** per day, as established by the Board; and

2. Each member and employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for officers and employees of this State generally.

Sec. 35. NRS 640C.320 is hereby amended to read as follows:

640C.320 The Board shall adopt regulations to carry out the provisions of this chapter. The regulations must include, without limitation, provisions that:

1. Establish the requirements for continuing education for the renewal of a license;

2. Establish the requirements for the approval of a course of continuing education, including, without limitation, a course on a specialty technique of massage therapy;

3. Establish the requirements for the approval of an instructor of a course of continuing education;

4. Establish requirements relating to sanitation, hygiene and safety relating to the practice of massage therapy;

5. ~~[Prescribe]~~ ***Except as otherwise provided in section 1 of this act, prescribe*** the requirements for any practical, oral or written examination for a license that the Board may require, including, without limitation, the passing grade for such an examination; and

6. Establish the period within which the Board or its designee must report the results of the investigation of an applicant.

Sec. 36. NRS 641.140 is hereby amended to read as follows:

641.140 1. Each member of the Board is entitled to receive:

(a) A salary of not more than ~~[$80]~~ ***$150*** per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. Compensation and expenses of the members and employees of the Board are payable out of the money derived from fees paid or transmitted to the Board pursuant to the provisions of this chapter, and no part thereof may be paid out of the State Treasury.

Sec. 36.5. **NRS 641.370 is hereby amended to read as follows:**

641.370 1. The Board shall charge and collect not more than the following fees respectively:

For the written examination, in addition to the actual cost to the Board of the examination $100

For the special oral examination, in addition to the actual costs to the Board of the examination 100

For the issuance of an initial license 25
For the biennial renewal of a license 500
For the restoration of a license suspended for the nonpayment of the biennial fee for the renewal of a license 100
For the registration of a firm, partnership or corporation which engages in or offers to engage in the practice of psychology 300
For the registration of a nonresident to practice as a consultant 100

2. An applicant who passes the examination and is eligible for a license shall pay the biennial fee for the renewal of a license which must be prorated for the period from the date the license is issued to the end of the biennium.

3. In addition to the fees set forth in subsection 1, the Board may charge and collect a fee ***for the expedited processing of a request or*** for any other ***incidental*** service it provides. The fee must not exceed the cost to provide the service.

Sec. 37. NRS 641A.200 is hereby amended to read as follows:

641A.200 1. A member of the Board is entitled to receive:

(a) A salary of not more than ~~[$80]~~ ***$150*** per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. Compensation and expenses of the members and employees of the Board are payable out of the money derived from fees and penalties paid or transmitted to the Board pursuant to the provisions of this chapter, and no part thereof may be paid out of the State Treasury.

Sec. 38. NRS 641A.230 is hereby amended to read as follows:

641A.230 1. Except as otherwise provided in subsection 2, each qualified applicant for a license must be given a written examination by the Board on his knowledge of marriage and family therapy. Examinations must be given at a time and place and under such supervision as the Board may determine. ~~[A]~~ ***Except as otherwise provided in section 1 of this act, a*** grade of 70 percent is a passing grade.

2. The Board shall accept receipt of a passing grade by a qualified applicant on the national examination sponsored by the American Association for Marriage and Family Therapy in lieu of requiring a written examination pursuant to subsection 1.

3. In addition to the requirements of subsections 1 and 2, the Board may require an oral examination. The Board may examine in whatever applied or theoretical fields it deems appropriate.

Sec. 39. NRS 641B.140 is hereby amended to read as follows:

641B.140 1. Each member of the Board is entitled to receive:

(a) A salary of not more than ~~[$80]~~ ***$150*** per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 40. (Deleted by amendment.)

Sec. 41. NRS 641C.170 is hereby amended to read as follows:

641C.170 1. Each member of the Board is entitled to receive:

(a) A salary of not more than ~~[$80]~~ ***$150*** per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses, at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for officers and employees of this State generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for officers and employees of this State generally.

Sec. 42. NRS 642.030 is hereby amended to read as follows:

642.030 1. Before entering upon their duties the members of the Board shall respectively take and subscribe to the oath required of other state officers. The Secretary of State is authorized to administer the oath, and each oath must be filed in his office.

2. The members of the Board are entitled to receive:

(a) A salary of not more than ~~[$80]~~ ***$150*** per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 43. NRS 643.030 is hereby amended to read as follows:

643.030 1. The Board shall elect a President. No person may serve as President for more than 4 consecutive years.

2. The Board shall elect a Vice President.

3. The Board shall elect a Secretary-Treasurer, who may or may not be a member of the Board. The Board shall fix the salary of the Secretary-Treasurer, which must not exceed the sum of $3,600 per year.

4. Each officer and member of the Board is entitled to receive:

(a) A salary of not more than ~~[$80]~~ ***$150*** per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

5. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

6. The Secretary-Treasurer shall:

(a) Keep a record of all proceedings of the Board.

(b) Give to this State a bond in the sum of $3,000, with sufficient sureties, for the faithful performance of his duties. The bond must be approved by the Board.

Sec. 44. NRS 644.070 is hereby amended to read as follows:

644.070 1. The Board shall hold meetings at least four times a year for the examination of applicants for registration and for the transaction of such other business as pertains to its duties.

2. The Board may hold such other meetings for the examination of applicants for registration or for the transaction of necessary business at such times and places as it determines.

3. The members of the Board are entitled to receive:

(a) A salary of not more than ~~[$80]~~ ***$150*** per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

4. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

5. All such compensation and expenses must be paid by the Board out of the fees and receipts received by it, and no part thereof may be paid by the State.

Sec. 45. NRS 644.206 is hereby amended to read as follows:

644.206 The Board shall admit to examination for a license as a demonstrator of cosmetics any person who has made application to the Board in proper form, paid the fee and:

1. Is at least 18 years of age;

2. Is of good moral character;

3. Has completed a course provided by the Board relating to sanitation; and

4. ~~[Has]~~ ***Except as otherwise provided in section 1 of this act, has*** received a score of not less than 75 percent on the examination administered by the Board.

Sec. 46. NRS 644.320 is hereby amended to read as follows:

644.320 1. The license of every cosmetologist, aesthetician, electrologist, hair designer, manicurist, demonstrator of cosmetics and instructor expires ***:***

(a) If the last name of the licensee begins with the letter "A" through the letter "M," on ~~[July 1 of]~~ ***the date of birth of the licensee in*** the next succeeding odd-numbered year or such other date in that year as specified by the Board.

(b) If the last name of the licensee begins with the letter "N" through the letter "Z," on the date of birth of the licensee in the next succeeding even-numbered year or such other date in that year as specified by the Board.

2. The Board shall adopt regulations governing the proration of the fee required for initial licenses issued for less than 1 1/2 years.

Sec. 47. NRS 644.350 is hereby amended to read as follows:

644.350 1. The license of every cosmetological establishment expires ***:***

(a) If the last name of the owner begins with the letter "A" through the letter "M," on ~~[July 1 of]~~ ***the date of birth of the owner in*** the next succeeding odd-numbered year.

(b) If the last name of the owner begins with the letter "N" through the letter "Z," on the date of birth of the owner in the next succeeding even-numbered year.

2. ***If a cosmetological establishment has more than one owner, the Board shall designate one of the owners whose last name will be used for the purpose of determining the date of expiration of the license of the cosmetological establishment.***

3. If a cosmetological establishment fails to pay the required fee ~~[by October 1 of the year in which renewal of the license is required,]~~ ***for renewal of its license within 90 days after the date of expiration of the license,*** the establishment must be immediately closed.

Sec. 48. NRS 645.140 is hereby amended to read as follows:

645.140 1. Except as otherwise provided in this section, all fees, penalties and charges received by the Division pursuant to NRS 645.410, 645.660 and 645.830 must be deposited with the State Treasurer for credit to the State General Fund. The fees received by the Division:

(a) From the sale of publications, must be retained by the Division to pay the costs of printing and distributing publications.

(b) For examinations, must be retained by the Division to pay the costs of the administration of examinations.

➥ Any surplus of the fees retained by the Division must be deposited with the State Treasurer for credit to the State General Fund.

2. Money for the support of the Division must be provided by direct legislative appropriation, and be paid out on claims as other claims against the State are paid.

3. Each member of the Commission is entitled to receive:

(a) A salary of not more than ~~[$80]~~ ***$150*** per day, as fixed by the Commission, while engaged in the business of the Commission; and

(b) A per diem allowance and travel expenses at a rate fixed by the Commission, while engaged in the business of the Commission. The rate must not exceed the rate provided for state officers and employees generally.

4. While engaged in the business of the Commission, each employee of the Commission is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Commission. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 49. NRS 645C.200 is hereby amended to read as follows:

645C.200 1. The Commission shall:

(a) Operate on the basis of a fiscal year beginning on July 1 and ending on June 30.

(b) At the first meeting of each fiscal year, elect a President, Vice President and Secretary to serve for the ensuing year.

(c) Hold at least two meetings each year, one in the southern part of the State and one in the northern part of the State, at times and places designated by the Commission. When there is sufficient business, additional meetings of the Commission may be held at the call of the President of the Commission. Written notice of the time, place and purpose of each meeting must be given to each member at least 3 working days before the meeting.

2. While engaged in the business of the Commission, each member of the Commission is entitled to receive:

(a) A salary of not more than ~~[$80]~~ ***$150*** per day, as fixed by the Commission; and

(b) A per diem allowance and travel expenses at a rate fixed by the Commission. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 50. NRS 648.020 is hereby amended to read as follows:

648.020 1. The Private Investigator's Licensing Board, consisting of the Attorney General or his deputy and four members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) One member who is a private investigator.

(b) One member who is a private patrolman.

(c) One member who is a polygraphic examiner.

(d) One member who is a representative of the general public. This member must not be:

(1) A licensee; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a licensee.

3. The Chairman of the Board is the Attorney General or a deputy attorney general designated by the Attorney General to act in that capacity.

4. Each member of the Board, except the Chairman, is entitled to receive:

(a) A salary of not more than ~~[$80,]~~ ***$150,*** as fixed by the Board, for each day or portion of a day during which he attends a meeting of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

5. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

6. The member who is a representative of the general public shall not participate in preparing, conducting or grading any examination required by the Board.

Sec. 51. NRS 656.070 is hereby amended to read as follows:

656.070 1. Each member of the Board is entitled to receive:

(a) A salary of not more than ~~[$80]~~ ***$150*** per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. The expenses of the members and employees of the Board and the expenses of the Board must be paid from the fees collected pursuant to the provisions of this chapter and the expenses must not exceed the amount so collected.

Sec. 51.5. **NRS 656.220 is hereby amended to read as follows:**

656.220 1. The fees required by this chapter are fixed by the following schedule:

(a) The fee for filing an application for an examination must be fixed by the Board annually at not more than $250 and not less than $90.

(b) The fee for the original issuance of a certificate must be fixed by the Board annually at not more than $250 and not less than $150.

(c) For a certificate issued after July 1, 1973, the fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that if the certificate will expire less than 1 year after its issuance, then the fee is 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued. The Board may by regulation provide for the waiver or refund of the initial certificate fee if the certificate is issued less than 45 days before the date on which it will expire.

(d) The annual renewal fee for a certificate must be fixed by the Board annually at not more than $250 and not less than $150. Every holder of a

certificate desiring renewal must pay the annual renewal fee to the board on or before May 15 of each year.

(e) For the renewal of a certificate which was suspended for failure to renew, the fee is an amount equal to all unpaid renewal fees accrued plus a reinstatement fee that must be fixed by the Board annually at not more than $125 and not less than $75.

(f) The fee for the original issuance of a license as a court reporting firm is $250.

(g) The fee for the annual renewal of a license as a court reporting firm is $175.

(h) The fee for the reinstatement of a license as a court reporting firm is $175.

2. In addition to the fees set forth in subsection 1, the Board may charge and collect a fee for ***the expedited processing of a request or for*** any other ***incidental*** service it provides. The fee must not exceed the cost incurred by the Board to provide the service.

Sec. 52. NRS 353.333 is hereby amended to read as follows:

353.333 1. On or before January 1 of each year, the Governor shall compile a report on the status of the finances of the State including the information published in:

(a) The most recent executive budget report prepared pursuant to the provisions of NRS 353.185;

(b) The most recent report prepared by the State Controller pursuant to the provisions of NRS 227.110;

(c) The most recent report on the count of state money prepared pursuant to the provisions of NRS 353.075;

(d) The most recent report on the transactions and proceedings of the Department of Taxation prepared pursuant to the provisions of NRS 360.100;

(e) ~~[The most recent report prepared by each regulatory agency pursuant to the provisions of NRS 622.110;~~

~~(f)]~~ The most recent report prepared by each school district pursuant to the provisions of NRS 387.303;

~~[(g)]~~ ***(f)*** The most recent report prepared and submitted by each local government pursuant to the provisions of NRS 360.220; and

~~[(h)]~~ ***(g)*** Any other report prepared by the State, or a county, city, town or school district, or any public agency of this State or its political subdivisions that the Governor deems to be relevant to the status of finances of the State.

2. The report required pursuant to subsection 1 must be:

(a) Titled the "Nevada Report to Taxpayers";

(b) Written in plain English; and

(c) Contain such information as the Governor deems appropriate to provide a full and accurate description on the status of the finances of the State, including, without limitation:

(1) The total amount of revenue collected by the State or an agency of the State during the preceding fiscal year;

(2) The actual total of all expenses and expenditures by the State or an agency of the State during the preceding fiscal year;

(3) A comparison of the total amount appropriated or authorized for expenditure by the State during the preceding fiscal year and the actual total of all expenses and expenditures by the State during the preceding fiscal year;

(4) The total amount of outstanding public debt of the State at the end of the preceding fiscal year;

(5) The total cost to pay the public debt of the State during the preceding fiscal year; and

(6) Such information on the revenue, expenditures and public debt of the State, or a county, city, town or school district, or any public agency of this State or its political subdivisions as the Governor deems necessary to provide a full and accurate description on the status of the finances of the State.

3. The Governor shall make the report required pursuant to subsection 1 available for access by the public on the Internet or its successor, if any.

Sec. 53. NRS 622.110 is hereby repealed.

Sec. 54. 1. The Legislative Committee on Health Care shall appoint a subcommittee to review the regulation of providers of health care in Nevada. The subcommittee must consist of:

(a) Two members of the Legislative Committee on Health Care appointed by the Chairman of that Committee;

(b) The Chairman of the Senate Standing Committee on Human Resources and Education;

(c) A member of the Senate Standing Committee on Commerce and Labor who served during the 74th Session of the Nevada Legislature appointed by the Chairman of that Committee;

(d) The Chairman of the Assembly Standing Committee on Health and Human Services; and

(e) A member of the Assembly Standing Committee on Commerce and Labor during the 74th Session of the Nevada Legislature appointed by the Chairman of that Committee.

2. The Chairman of the Legislative Committee on Health Care shall designate a member of the subcommittee to serve as chairman.

3. The subcommittee shall:

(a) Conduct:

(1) A review of the laws of this State relating to the scope of practice authorized for providers of health care.

(2) A study concerning the operation of the professional licensing boards for providers of health care with respect to barriers to licensing.

(b) Not later than June 30, 2008, submit a report of the results of its review and study and any recommendations for legislation to the Legislative Committee on Health Care.

4. The subcommittee may contract with such experts, researchers and consultants as may be necessary for the subcommittee to carry out its duties.

Sec. 55. 1. This act becomes effective upon passage and approval.

2. Section 54 of this act expires by limitation on June 30, 2008.

TEXT OF REPEALED SECTION

622.110 Reports of regulatory activities; contents of reports; duties of Director of Legislative Counsel Bureau.

1. Each regulatory body shall, on or before November 1 of each even-numbered year, submit a report of its activities to the Director of the Legislative Counsel Bureau.

2. The report must include, without limitation:

(a) The number of licenses issued by the regulatory body during the immediately preceding 2 fiscal years;

(b) A summary of the budget of the regulatory body during the immediately preceding 2 fiscal years that is related to the duties of the regulatory body pursuant to this title, including, without limitation, a description of all income and expenditures related to such duties;

(c) A summary of each disciplinary action taken by the regulatory body during the immediately preceding 2 fiscal years against any licensee of the regulatory body; and

(d) Any other information that is requested by the Director of the Legislative Counsel Bureau or which the regulatory body determines would be helpful to the Legislature in evaluating whether the continued existence of the regulatory body is necessary.

3. The Director of the Legislative Counsel Bureau shall compile all the reports he receives and distribute copies of the compilation to the Senate Standing Committee on Commerce and Labor and the Assembly Standing Committee on Commerce and Labor, which each shall review the compilation to determine whether the continued existence of each regulatory body is necessary.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 314.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 860.

AN ACT relating to residential facilities; requiring that certain facilities ~~[for independent living]~~ **and entities** provide notice of the limitations on the services provided at the facility and certain other information; requiring the Aging Services Division of the Department of Health and Human Services to develop the required notice; requiring the Department to develop a brochure

and website to assist older persons in determining the appropriate level of care and type of facility they require to meet their needs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensing and regulation of certain facilities and services for dependent persons. (Chapter 449 of NRS) Some facilities that serve as residences for independent living are not required to be licensed pursuant to chapter 449 of NRS. In some situations, such a facility may contain some units that are subject to licensure because of the services that they provide and other units that are not subject to licensure because they do not provide those services. Section 3 of this bill requires **certain** facilities which ~~[are not licensed pursuant to chapter 449 of NRS and which]~~ offer independent living to provide notice of the limitations on the services provided and certain other information. Section 4 of this bill requires the Department of Health and Human Services to develop a brochure and a website to assist older persons seeking residential care or services in determining the appropriate level of care and services available at different facilities.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ~~*["Residential facility for independent living" means a facility that does not provide care or services which require licensure pursuant to this chapter, including, without limitation, a facility that is affiliated with or shares property with another facility which is required to be licensed pursuant to this chapter.]*~~ **(Deleted by amendment.)**

Sec. 3. ***1. A*** ~~*[residential facility for independent living]*~~ ***facility for the dependent, a medical facility, a home for individual residential care or an entity affiliated with such a facility or home which offers housing to persons that does not include the provision of care or services which require licensure pursuant to this chapter shall conspicuously post in the facility or home and shall include in any contracts of sale or agreements for occupancy a notice that includes the following information:***

(a) That the specific area of the facility or home is intended for independent living and does not directly provide or coordinate the oversight of services to meet the scheduled and unscheduled needs of its residents, including, without limitation, the provision of personal care, supportive services and health-related services.

(b) The other levels of care that are available to persons who require personal care, supportive services or health-related services, including, without limitation, residential facilities for groups, facilities for intermediate care and facilities for skilled nursing. The notice must

describe the facilities and levels of care in language that is easy to understand.

(c) A statement that encourages residents to reassess on a regular basis the type of housing and care that is most appropriate for them.

2. The Aging Services Division of the Department of Health and Human Services shall develop the language for the notice required by subsection 1 in consultation with nationally recognized advocacy groups for older persons and housing organizations.

3. For the purposes of this section, an entity is affiliated with a facility or home described in subsection 1 if:

(a) It is under common or shared ownership;

(b) It is under common or shared management; or

(c) It receives promotional or marketing support from the facility or home.

Sec. 4. ***1. The Department of Health and Human Services shall develop a brochure and website to assist persons who are 55 years of age or older in determining the appropriate level of care and type of housing that they require to meet their individual needs. The brochure and website must include, without limitation:***

~~[1.]~~ ***(a) The various types of housing and levels of care that are available to persons who are 55 years of age or older, including, without limitation,*** ~~[residential facilities for independent living,]~~ ***residential facilities for groups, facilities for intermediate care and facilities for skilled nursing, distinguishing the varying degree of services that are offered by the different types of facilities;*** ~~[and~~

~~2.]~~ ***(b) Whether individual facilities accept payment through Medicaid or Medicare for the level of care and type of housing that the facilities provide;***

(c) The manner in which a person may obtain information concerning whether the facility has ever been found to have violated the provisions of this chapter; and

(d) Such other information as the Department deems to be beneficial to persons who are 55 years of age or older in determining the appropriate level of care and type of housing that they require to meet their individual needs.

2. As used in this section:

(a) "Medicaid" has the meaning ascribed to it in NRS 439B.120.

(b) "Medicare" has the meaning ascribed to it in NRS 439B.130.

Sec. 5. ~~[NRS 449.001 is hereby amended to read as follows:~~

~~449.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 449.0015 to 449.0195, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.]~~

(Deleted by amendment.)

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 432.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 723.

SUMMARY—Directs the Legislative Committee on Health Care to appoint a subcommittee to conduct a review concerning **alternative and** complementary integrative medicine, homeopathic medicine **and nonembryonic stem cells** and **eliminates** the Nevada Institutional Review Board. (BDR ~~[S-694)]~~ **54-694)**

AN ACT relating to health; **eliminating the Nevada Institutional Review Board;** directing the Legislative Committee on Health Care to appoint a subcommittee to conduct a review concerning **alternative and** complementary integrative medicine, homeopathic medicine and the ~~[Nevada Institutional Review Board;]~~ **use of nonembryonic stem cells in bioregenerative medical technology;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the practice of homeopathic medicine and the operation of the Nevada Institutional Review Board. (Chapter 630A of NRS) **Sections 1-4 of this bill eliminate the Nevada Institutional Review Board.**

The Legislative Committee on Health Care is a permanent statutory committee of Legislators that meets during the interim between legislative sessions to study various issues relating to health care. (NRS 439B.200-439B.240) ~~[This bill requires]~~ **Section 5 of this bill requires** the Committee to appoint a subcommittee to review issues relating to **alternative and** complementary integrative medicine, homeopathic medicine and the ~~[Nevada Institutional Review Board.]~~ **use of nonembryonic stem cells in bioregenerative medical technology.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 630A.090 is hereby amended to read as follows:**

630A.090 1. ~~[Except as otherwise provided in NRS 630A.800 to 630A.910, inclusive, this]~~ ***This*** chapter does not apply to:

(a) The practice of dentistry, chiropractic, Oriental medicine, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Services or a medical officer of any division or department of the United States in the discharge of his official duties.

(c) Licensed or certified nurses in the discharge of their duties as nurses.

(d) Homeopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to any physician licensed in this State, and who are legally qualified to practice in the state or country where they reside.

2. This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in case of emergency.

(b) The domestic administration of family remedies.

4. This chapter does not authorize a homeopathic physician to practice medicine, including allopathic medicine, except as otherwise provided in NRS 630A.040.

Sec. 2. **NRS 630A.155 is hereby amended to read as follows:**

630A.155 The Board shall:

1. Regulate the practice of homeopathic medicine in this State and any activities that are within the scope of such practice, to protect the public health and safety and the general welfare of the people of this State.

2. Determine the qualifications of, and examine, applicants for licensure or certification pursuant to this chapter, and specify by regulation the methods to be used to check the background of such applicants.

3. License or certify those applicants it finds to be qualified.

4. Investigate and, if required, hear and decide in a manner consistent with the provisions of chapter 622A of NRS all complaints made against any homeopathic physician, advanced practitioner of homeopathy, homeopathic assistant or any agent or employee of any of them, or any facility where the primary practice is homeopathic medicine. If a complaint concerns a practice which is within the jurisdiction of another licensing board or any other possible violation of state law, the Board shall refer the complaint to the other licensing board.

5. ~~[Supervise the Nevada Institutional Review Board created by NRS 630A.865, including, without limitation, approving or denying the regulations adopted by the Nevada Institutional Review Board.~~

~~6.]~~ Submit an annual report to the Legislature and make recommendations to the Legislature concerning the enactment of legislation relating to alternative and complementary integrative medicine, including, without limitation, homeopathic medicine.

Sec. 3. **NRS 630A.800, 630A.815, 630A.825, 630A.835, 630A.855, 630A.865, 630A.870, 630A.875, 630A.880, 630A.900, 630A.905 and 630A.910 are hereby repealed.**

Sec. 4. **1. The Nevada Institutional Review Board shall, not later than July 1, 2007:**

(a) Return the unexpended portion of any grant, gift, appropriation or donation that was received by the Board subject to a condition that

requires its return if it cannot be used to carry out the duties of the Board;

(b) Transfer any money that remains in any account maintained by the Nevada Institutional Review Board after complying with paragraph (a) to the Board of Homeopathic Medical Examiners; and

(c) Transfer all books, records, minutes, documents and other property of the Nevada Institutional Review Board to the Board of Homeopathic Medical Examiners.

2. Any regulations adopted by the Nevada Institutional Review Board, or by the Board of Homeopathic Medical Examiners concerning the Nevada Institutional Review Board, are void on July 1, 2007. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after July 1, 2007.

3. Any contract entered into by the Nevada Institutional Review Board, or by the Board of Homeopathic Medical Examiners concerning the Nevada Institutional Review Board, including, without limitation, a contract for employment and a contract for the services of a person pursuant to NRS 284.013, that is not fully performed on July 1, 2007, is void.

4. If the Board of Homeopathic Medical Examiners has created a nonprofit organization pursuant to NRS 630A.875, including, without limitation, the NIRB Medical Foundation, the Board of Homeopathic Medical Examiners shall, not later than July 1, 2007, dissolve the nonprofit organization.

5. The Nevada Institutional Review Board shall cooperate with the Board of Homeopathic Medical Examiners to ensure that the provisions of this act are carried out in an orderly manner.

6. The terms of the members of the Nevada Institutional Review Board expire on July 1, 2007.

~~[Section 1.]~~ ***Sec. 5.*** 1. The Legislative Committee on Health Care shall appoint a subcommittee to review issues concerning **alternative and** complementary integrative medicine, homeopathic medicine and the ~~[Nevada Institutional Review Board.]~~ **use of nonembryonic stem cells in bioregenerative medical technology.** The subcommittee must consist of:

(a) One member of the Legislative Committee on Health Care who is a member of the Senate appointed by the Chairman of that Committee;

(b) Two members of the Legislative Committee on Health Care who are members of the Assembly appointed by the Chairman of that Committee;

(c) Two members of the Senate Standing Committee on Commerce and Labor who served during the 74th Session of the Nevada Legislature appointed by the Chairman of that Committee; and

(d) One member of the Assembly Standing Committee on Commerce and Labor who served during the 74th Session of the Nevada Legislature appointed by the Chairman of that Committee.

2. The Chairman of the Legislative Committee on Health Care shall designate a member of the subcommittee to serve as chairman of the subcommittee.

3. The review must include, without limitation:

(a) A review of the status and operation of the Board of Homeopathic Medical Examiners ~~[and the Nevada Institutional Review Board;~~

~~(b) An examination of the advisability of making the Nevada Institutional Review Board an independent body;~~

~~(c)]~~ **;**

(b) An examination of the practice of **alternative and** complementary integrative medicine, including:

(1) The scope of the practice;

(2) Any laws governing the practice; and

(3) The importance, benefits and value of the practice to this State and the residents of and visitors to this State; ~~[and]~~

~~[(d)]~~ **(c)** An examination of the potential for and advisability of an independent board and statutory structure to govern the practice of **alternative and** complementary integrative medicine ~~[.]~~ **; and**

(d) An examination of the use of nonembryonic stem cells in bioregenerative medical technology, including, without limitation, methods to encourage the performance in this State of research and development concerning the use of nonembryonic stem cells.

4. Not later than June 30, 2008, the subcommittee shall submit a report of the results of its review and any recommendations for legislation to the Legislative Committee on Health Care. The Legislative Committee on Health Care shall submit the report of the results of the review and any recommendations for legislation to the 75th Session of the Nevada Legislature.

~~[Sec. 2.]~~ ***Sec. 6.*** **1.** This ~~[act becomes]~~ **section and section 4 of this act become effective upon passage and approval.**

2. Sections 1, 2, 3 and 5 of this act become effective on July 1, 2007.

LEADLINES OF REPEALED SECTIONS

630A.800 Definitions.
630A.815 "Practitioner" defined.
630A.825 "Research study" defined.
630A.835 "Researcher" defined.
630A.855 Applicability.
630A.865 Creation; supervision; appointment of members; period of service; vacancies; per diem allowance and travel expenses; quorum; officers; meetings; rules of procedure.
630A.870 Oath.
630A.875 Funding of Review Board; limitations.
630A.880 Deposit and use of money received by Review Board.
630A.900 Adoption of regulations.

630A.905 Administrative powers and duties.

630A.910 Requirements governing researchers and research studies.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 542.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 838.

SUMMARY—Revises provisions governing ~~[the homestead exemption.]~~ **exemptions from execution by creditors.** (BDR 2-1364)

AN ACT relating to property; **providing an exemption from execution for certain security deposits made to rent or lease a dwelling;** increasing the amount of the homestead exemption; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, with certain exceptions, in a civil action in which damages were awarded, the prevailing party in the action may obtain a writ of execution to enforce the judgment at any time before the judgment expires. (NRS 21.010) Existing law exempts certain property from such a writ of execution up to a specified monetary value. (NRS 21.090) In addition, existing law protects from a forced sale up to $350,000 in equity of certain property which is designated as a homestead by a person, except in certain circumstances. (NRS 115.005, 115.010) Sections 2 and 4 of this bill increase the amount of equity protected in homestead property from $350,000 to ~~[$550,000.]~~ **$450,000. Section 2 also provides an additional exemption from execution for all money reasonably deposited with a landlord by the judgment debtor to secure an agreement to rent or lease a dwelling that is used as the judgment debtor's primary residence.**

Sections 1 and 3 of this bill revise the contents of a notice of writ of execution and a notice of writ of attachment to reflect the changes ~~[in the homestead exemption]~~ authorized by this bill. (NRS 21.075, 31.045)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 21.075 is hereby amended to read as follows:

21.075 1. Execution on the writ of execution by levying on the property of the judgment debtor may occur only if the sheriff serves the judgment debtor with a notice of the writ of execution pursuant to NRS 21.076 and a copy of the writ. The notice must describe the types of property exempt from execution and explain the procedure for claiming those exemptions in the manner required in subsection 2. The clerk of the court shall attach the notice to the writ of execution at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to ..... (name of person), the judgment creditor. He has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed ~~[~~$350,000~~,]~~ ~~*[$550,000,]*~~ ***$450,000,*** unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. ***All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used as your primary residence.***

11. A vehicle, if your equity in the vehicle is less than $15,000.

~~[11.]~~ ***12.*** Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

~~[12.]~~ ***13.*** Money, not to exceed $500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

~~[13.]~~ ***14.*** All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

~~[14.]~~ ***15.*** All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

~~[15.]~~ ***16.*** A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

~~[16.]~~ ***17.*** A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

~~[17.]~~ ***18.*** Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

~~[18.]~~ ***19.*** Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

~~[19.]~~ ***20.*** Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

~~[20.]~~ ***21.*** Payments received as restitution for a criminal act.

➥ These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If

you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to indigent or elderly persons).

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless you or the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The motion for the hearing to determine the issue of exemption must be filed within 10 days after the affidavit claiming exemption is filed. The hearing to determine whether the property or money is exempt must be held within 10 days after the motion for the hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

Sec. 2. NRS 21.090 is hereby amended to read as follows:

21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:

(a) Private libraries, works of art, musical instruments and jewelry not to exceed $5,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed $12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed $4,500 in value, belonging to the judgment debtor to be selected by him.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of himself and his family not to exceed $10,000 in value.

(e) The cabin or dwelling of a miner or prospector, his cars, implements and appliances necessary for carrying on any mining operations and his mining claim actually worked by him, not exceeding $4,500 in total value.

(f) Except as otherwise provided in paragraph ~~[(e),]~~ ***(p),*** one vehicle if the judgment debtor's equity does not exceed $15,000 or the creditor is paid an amount equal to any excess above that equity.

(g) For any workweek, 75 percent of the disposable earnings of a judgment debtor during that week, or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs ~~[(n), (r) and (s),]~~ ***(o), (s) and (t),*** the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance, if the annual premium paid does not exceed $15,000. If the premium exceeds that amount, a similar exemption exists which bears the same proportion to the money, benefits, privileges and immunities so accruing or growing out of the insurance that the $15,000 bears to the whole annual premium paid.

(l) The homestead as provided for by law, including a homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself and family, where the amount of equity held by the judgment debtor in the home does not exceed ~~[$350,000]~~ ~~*[$550,000]*~~ ***$450,000*** in value and the dwelling is situated upon lands not owned by him.

(n) ***All money reasonably deposited with a landlord by the judgment debtor to secure an agreement to rent or lease a dwelling that is used by the judgment debtor as his primary residence.***

(o) All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

~~[(o)]~~ ***(p)*** Any vehicle owned by the judgment debtor for use by him or his dependent that is equipped or modified to provide mobility for a person with a permanent disability.

~~[(p)]~~ ***(q)*** Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

~~[(q)]~~ ***(r)*** Money, not to exceed $500,000 in present value, held in:

(1) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. 408 and 408A;

(2) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. 408;

(3) A cash or deferred arrangement which is a qualified plan pursuant to the Internal Revenue Code;

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. 401 et seq.; and

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

~~[(r)]~~ ***(s)*** All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

~~[(s)]~~ ***(t)*** All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

~~[(t)]~~ ***(u)*** Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and

suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

~~[(u)]~~ ***(v)*** Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

~~[(v)]~~ ***(w)*** Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

~~[(w)]~~ ***(x)*** Payments received as restitution for a criminal act.

~~[(x)]~~ ***(y)*** Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Act of 1978, 11 U.S.C. 522(d), do not apply to property owned by
a resident of this State unless conferred also by subsection 1, as limited by subsection 2.

Sec. 3. NRS 31.045 is hereby amended to read as follows:

31.045 1. Execution on the writ of attachment by attaching property of the defendant may occur only if:

(a) The judgment creditor serves the defendant with notice of the execution when the notice of the hearing is served pursuant to NRS 31.013; or

(b) Pursuant to an ex parte hearing, the sheriff serves upon the judgment debtor notice of the execution and a copy of the writ at the same time and in the same manner as set forth in NRS 21.076.

➥ If the attachment occurs pursuant to an ex parte hearing, the clerk of the court shall attach the notice to the writ of attachment at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

Plaintiff, ... (name of person), alleges that you owe him money. He has begun the procedure to collect that money. To secure satisfaction of judgment the court has ordered the garnishment of your wages, bank account

or other personal property held by third persons or the taking of money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed ~~[~~$350,000~~,]~~ ***~~[$550,000,]~~ $450,000,*** unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. ***All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used as your primary residence.***

11. A vehicle, if your equity in the vehicle is less than $15,000.

~~[11.]~~ ***12.*** Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

~~[12.]~~ ***13.*** Money, not to exceed $500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

~~[13.]~~ ***14.*** All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

~~[14.]~~ ***15.*** All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

~~[15.]~~ ***16.*** A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

~~[16.]~~ ***17.*** A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

~~[17.]~~ ***18.*** Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

~~[18.]~~ ***19.*** Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

~~[19.]~~ ***20.*** Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

~~[20.]~~ ***21.*** Payments received as restitution for a criminal act.

➥ These exemptions may not apply in certain cases such as proceedings to enforce a judgment for support of a child or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to the indigent or elderly persons).

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt or necessary for the support of you or your family, you must file with the clerk of the court on a form provided by the clerk a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The hearing must be held within 10 days after the motion for a hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

If you received this notice with a notice of a hearing for attachment and you believe that the money or property which would be taken from you by a writ of attachment is exempt or necessary for the support of you or your family, you are entitled to describe to the court at the hearing why you believe your property is exempt. You may also file a motion with the court for a discharge of the writ of attachment. You may make that motion any time before trial. A hearing will be held on that motion.

IF YOU DO NOT FILE THE MOTION BEFORE THE TRIAL, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE PLAINTIFF, EVEN IF THE PROPERTY OR MONEY IS EXEMPT OR NECESSARY FOR THE SUPPORT OF YOU OR YOUR FAMILY.

Sec. 4. NRS 115.010 is hereby amended to read as follows:

115.010 1. The homestead is not subject to forced sale on execution or any final process from any court, except as otherwise provided by subsections 2, 3 and 5, and NRS 115.090 and except as otherwise required by federal law.

2. The exemption provided in subsection 1 extends only to that amount of equity in the property held by the claimant which does not exceed ~~[$350,000]~~ ~~*[$550,000]*~~ ***$450,000*** in value, unless allodial title has been established and not relinquished, in which case the exemption provided in subsection 1 extends to all equity in the dwelling, its appurtenances and the land on which it is located.

3. Except as otherwise provided in subsection 4, the exemption provided in subsection 1 does not extend to process to enforce the payment of obligations contracted for the purchase of the property, or for improvements made thereon, including any mechanic's lien lawfully obtained, or for legal taxes, or for:

(a) Any mortgage or deed of trust thereon executed and given, including, without limitation, any second or subsequent mortgage, mortgage obtained through refinancing, line of credit taken against the property and a home equity loan; or

(b) Any lien to which prior consent has been given through the acceptance of property subject to any recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude, specifically including any lien in favor of an association pursuant to NRS 116.3116 or 117.070,

➥ by both husband and wife, when that relation exists.

4. If allodial title has been established and not relinquished, the exemption provided in subsection 1 extends to process to enforce the payment of obligations contracted for the purchase of the property, and for improvements made thereon, including any mechanic's lien lawfully obtained, and for legal taxes levied by a state or local government, and for:

(a) Any mortgage or deed of trust thereon; and

(b) Any lien even if prior consent has been given through the acceptance of property subject to any recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude, specifically including any lien in favor of an association pursuant to NRS 116.3116 or 117.070,

➥ unless a waiver for the specific obligation to which the judgment relates has been executed by all allodial titleholders of the property.

5. Establishment of allodial title does not exempt the property from forfeiture pursuant to NRS 179.1156 to 179.119, inclusive, or 207.350 to 207.520, inclusive.

6. Any declaration of homestead which has been filed before July 1, ~~[2005,]~~ ***2007,*** shall be deemed to have been amended on that date by extending the homestead exemption commensurate with any increase in the amount of equity held by the claimant in the property selected and claimed for the exemption up to the amount permitted by law on that date, but the increase does not impair the right of any creditor to execute upon the property when that right existed before July 1, ~~[2005.]~~ ***2007.***

Sec. 5. NRS 115.050 is hereby amended to read as follows:

115.050 1. Whenever execution has been issued against the property of a party claiming the property as a homestead, and the creditor in the judgment makes an oath before the judge of the district court of the county in which the property is situated ~~[,]~~ that the amount of equity held by the claimant in the property exceeds, to the best of the creditor's information and belief, the sum of ~~[$350,000,]~~ ~~*[$550,000,]*~~ ***$450,000,*** the judge shall, upon notice to the debtor, appoint three disinterested and competent persons as appraisers to estimate and report as to the amount of equity held by the claimant in the property ~~[,]~~ and **,** if the amount of equity exceeds the sum of ~~[$350,000,]~~ ~~*[$550,000,]*~~ ***$450,000,*** determine whether the property can be divided so as to leave the property subject to the homestead exemption without material injury.

2. If it appears, upon the report, to the satisfaction of the judge that the property can be thus divided, he shall order the excess to be sold under execution. If it appears that the property cannot be thus divided, and the amount of equity held by the claimant in the property exceeds the exemption allowed by this chapter, he shall order the entire property to be sold, and out

of the proceeds the sum of ~~[$350,000]~~ ~~*[$550,000]*~~ ***$450,000*** to be paid to the defendant in execution, and the excess to be applied to the satisfaction on the execution. No bid under ~~[$350,000]~~ ~~*[$550,000]*~~ ***$450,000*** may be received by the officer making the sale.

3. When the execution is against a husband or wife, the judge may direct the ~~[$350,000]~~ ~~*[$550,000]*~~ ***$450,000*** to be deposited in court, to be paid out only upon the joint receipt of the husband and wife, and the deposit possesses all the protection against legal process and voluntary disposition by either spouse as did the original homestead.

Sec. 5.5. **NRS 657.140 is hereby amended to read as follows:**

657.140 1. Except as otherwise provided in subsection 2, a financial institution shall not include in any loan agreement a provision that allows the financial institution to recover, take, appropriate or otherwise apply as a setoff against any debt or liability owing to the financial institution under the loan agreement money from an account unrelated to the loan agreement to the extent the money is exempt from execution pursuant to paragraph ~~[(x)]~~ ***(y)*** of subsection 1 of NRS 21.090.

2. The provisions of subsection 1 do not apply to a provision in a loan agreement that specifically authorizes automatic withdrawals from an account.

3. The provisions of this section may not be varied by agreement and the rights conferred by this section may not be waived. Any provision included in an agreement that conflicts with this section is void.

4. As used in this section:

(a) "An account unrelated to the loan agreement" includes, without limitation, an account pledged as security under the loan agreement, unless the specific account pledged as security is conspicuously described in the loan agreement.

(b) "Financial institution" means an institution licensed pursuant to the provisions of this title or title 56 or chapter 645B, 645E or 649 of NRS, or a similar institution chartered or licensed pursuant to federal law.

Sec. 6. This act becomes effective on July 1, 2007.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Joint Resolution No. 4.

Bill read second time and ordered to third reading.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:42 a.m.

ASSEMBLY IN SESSION

At 11:51 a.m.
Madam Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 128.
Bill read third time.
Remarks by Assemblyman Conklin.
Roll call on Assembly Bill No. 128:
YEAS—41.
NAYS—Hardy.
Assembly Bill No. 128 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 150.
Bill read third time.
The following amendment was proposed by Assemblywoman Weber:
Amendment No. 892.
AN ACT relating to controlled substances; making various changes pertaining to crimes related to the use or manufacturing of methamphetamine and other controlled substances; revising various provisions pertaining to nuisances; making various changes relating to lithium metal, sodium metal and anhydrous ammonia; enacting provisions relating to the sale or transfer of certain precursors to methamphetamine; providing penalties; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
This bill makes various changes pertaining to methamphetamine and other controlled substances.
Section 40 of this bill prohibits a person from: (1) selling or transferring in the course of business a product that is a precursor to methamphetamine; or (2) engaging in the business of selling at retail a product that is a precursor to methamphetamine, unless the person is a pharmacy or the holder of a permit which allows the person to sell or transfer products that are precursors to methamphetamine. A person who violates these prohibitions is guilty of a category C felony. To obtain a permit to sell or transfer products that are precursors to methamphetamine, a person must submit an application to the State Board of Pharmacy and pay a fee of $200. The Board must issue a permit to a person if the Board determines, after considering certain factors, that the person will safely and lawfully sell products that are precursors to methamphetamine.
Section ~~[41]~~ **41.5** of this bill ~~[requires]~~ **provides that if** a pharmacy or ~~[the]~~ holder of a permit ~~[to: (1) comply with state and federal law concerning the sale and transfer of products that are precursors to methamphetamine; and~~

~~(2) submit to the Department of Public Safety a quarterly report of the quantity of each purchase and sale or transfer of a product that is a precursor to methamphetamine.]~~ **becomes aware of any unusual or excessive loss or disappearance of a product that is a precursor to methamphetamine, the pharmacy or holder of a permit must report the loss or disappearance to the Department of Public Safety.** If a pharmacy or ~~[permit]~~ holder **of a permit** does not comply with ~~[either of these requirements,]~~ **this requirement,** section 45 allows the State Board of Pharmacy to take certain disciplinary action against the pharmacy or ~~[permit]~~ holder ~~[.]~~ **of a permit.**

Section 2 of this bill prohibits the possession or disposition of chemical waste or debris resulting from the manufacture of methamphetamine. Section 3 of this bill prohibits the possession of lithium metal or sodium metal under certain circumstances.

Existing law prohibits a person from possessing certain chemicals with the intent to manufacture or compound a controlled substance other than marijuana. (NRS 453.322) Section 7 of this bill adds lithium metal and sodium metal to the list of prohibited chemicals. Section 7 also prohibits a person from providing such a chemical to another person with the intent that it be used in the manufacturing or compounding of a controlled substance other than marijuana.

Existing law provides that a building or place used to unlawfully manufacture a controlled substance is a nuisance, which creates civil liability, and a public nuisance, which is punishable criminally. (NRS 40.140, 202.450, 202.470) Sections 10 and 11 of this bill provide that a building or place that was used to unlawfully manufacture a controlled substance is both a nuisance and a public nuisance if certain activities relating to the decontamination of the building or place have not occurred within a certain period.

Section 12 of this bill provides that a person commits first degree arson if, by knowingly engaging in the manufacture of methamphetamine, the person sets fire to or causes an explosion that damages a dwelling house or personal property that is occupied by one or more persons. Section 13 of this bill provides that a person commits second degree arson if, by knowingly engaging in the manufacture of methamphetamine, the person sets fire to or causes an explosion that damages any abandoned building or structure. Section 14 of this bill provides that a person is guilty of a category B felony if the person commits the theft of certain chemicals that are precursors to controlled substances, regardless of the value of those chemicals.

Sections 21-32 of this bill require the State Department of Agriculture, in consultation with the Department of Public Safety, to certify substances that are added to anhydrous ammonia for the purpose of rendering the anhydrous ammonia unusable or undesirable for the manufacture of methamphetamine. To assist in advising the State Department of Agriculture on the certification of such substances, sections 32 and 33 of this bill create the Anhydrous Ammonia Advisory Committee.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 453 of NRS is hereby amended by adding thereto the provisions set forth as section 2 and 3 of this act.

Sec. 2. ***1. Except as otherwise provided in subsection 2, a person who knowingly possesses or disposes of methamphetamine manufacturing waste is guilty of a category C felony and shall be punished as provided in NRS 193.130.***

2. A person does not violate subsection 1 if the person:

(a) Possesses or disposes of the methamphetamine manufacturing waste pursuant to state or federal laws regulating the storage, cleanup or disposal of waste products from unlawful methamphetamine manufacturing;

(b) Has notified a law enforcement agency of the existence of the methamphetamine manufacturing waste; or

(c) Possesses or disposes of methamphetamine manufacturing waste that had previously been disposed of by another person on the person's property in violation of subsection 1.

3. As used in this section:

(a) "Disposes of" means to discharge, deposit, inject, spill, leak or place methamphetamine manufacturing waste into or onto land or water.

(b) "Methamphetamine manufacturing waste" means chemical waste or debris, used in or resulting from:

(1) The manufacture of any material, compound, mixture or preparation which contains any quantity of methamphetamine; or

(2) The grinding, soaking or otherwise breaking down of a substance that is a precursor for the manufacture of any material, compound, mixture or preparation which contains any quantity of methamphetamine.

Sec. 3. ***1. Except as otherwise provided in this subsection, it is unlawful for a person to knowingly or intentionally possess lithium metal or sodium metal. A person does not violate this subsection if the person:***

(a) Is conducting a lawful manufacturing operation that involves the use of lithium metal or sodium metal;

(b) Possesses lithium metal or sodium metal in conjunction with experiments conducted in a chemistry or chemistry-related laboratory maintained by a:

(1) Regularly established public or private secondary school; or

(2) Public or private institution of higher education that is accredited by a national or regional accrediting agency recognized by the United States Department of Education;

(c) Is a retail distributor, wholesaler, manufacturer, warehouseman or common carrier, or an agent of any of those persons, who possesses lithium metal or sodium metal in the regular course of lawful business activities; or

(d) Possesses lithium metal or sodium metal as a component of a commercially produced product, including, without limitation, rechargeable batteries.

2. A person who violates this section is guilty of a gross misdemeanor.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 453.322 is hereby amended to read as follows:

453.322 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to knowingly or intentionally:

(a) Manufacture or compound a controlled substance other than marijuana.

(b) Possess, with the intent to manufacture or compound a controlled substance other than marijuana ~~[.]~~ ***, or sell, exchange, barter, supply, prescribe, dispense or give away, with the intent that the chemical be used to manufacture or compound a controlled substance other than marijuana:***

(1) Any chemical identified in subsection 4; or

(2) Any other chemical which is proven by expert testimony to be commonly used in manufacturing or compounding a controlled substance other than marijuana. The district attorney may present expert testimony to provide a prima facie case that any chemical, whether or not it is a chemical identified in subsection 4, is commonly used in manufacturing or compounding such a controlled substance.

➥ The provisions of this paragraph do not apply to a person who, without the intent to commit an unlawful act, possesses any chemical at a laboratory that is licensed to store the chemical.

(c) Offer or attempt to do any act set forth in paragraph (a) or (b).

2. Unless a greater penalty is provided in NRS 453.3385 or 453.3395, a person who violates any provision of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $100,000.

3. The court shall not grant probation to a person convicted pursuant to this section.

4. The following chemicals are identified for the purposes of subsection 1:

(a) Acetic anhydride.

(b) Acetone.

(c) N-Acetylanthranilic acid, its esters and its salts.

(d) Anthranilic acid, its esters and its salts.

(e) Benzaldehyde, its salts, isomers and salts of isomers.

(f) Benzyl chloride.

(g) Benzyl cyanide.

(h) 1,4-Butanediol.

(i) 2-Butanone (or methyl ethyl ketone or MEK).

(j) Ephedrine, its salts, isomers and salts of isomers.
(k) Ergonovine and its salts.
(l) Ergotamine and its salts.
(m) Ethylamine, its salts, isomers and salts of isomers.
(n) Ethyl ether.
(o) Gamma butyrolactone.
(p) Hydriodic acid, its salts, isomers and salts of isomers.
(q) Hydrochloric gas.
(r) Iodine.
(s) Isosafrole, its salts, isomers and salts of isomers.
(t) ***Lithium metal.***
(u) Methylamine, its salts, isomers and salts of isomers.
~~[(u)]~~ ***(v)*** 3,4-Methylenedioxy-phenyl-2-propanone.
~~[(v)]~~ ***(w)*** N-Methylephedrine, its salts, isomers and salts of isomers.
~~[(w)]~~ ***(x)*** Methyl isobutyl ketone (MIBK).
~~[(x)]~~ ***(y)*** N-Methylpseudoephedrine, its salts, isomers and salts of isomers.
~~[(y)]~~ ***(z)*** Nitroethane, its salts, isomers and salts of isomers.
~~[(z)]~~ ***(aa)*** Norpseudoephedrine, its salts, isomers and salts of isomers.
~~[(aa)]~~ ***(bb)*** Phenylacetic acid, its esters and its salts.
~~[(bb)]~~ ***(cc)*** Phenylpropanolamine, its salts, isomers and salts of isomers.
~~[(cc)]~~ ***(dd)*** Piperidine and its salts.
~~[(dd)]~~ ***(ee)*** Piperonal, its salts, isomers and salts of isomers.
~~[(ee)]~~ ***(ff)*** Potassium permanganate.
~~[(ff)]~~ ***(gg)*** Propionic anhydride, its salts, isomers and salts of isomers.
~~[(gg)]~~ ***(hh)*** Pseudoephedrine, its salts, isomers and salts of isomers.
~~[(hh)]~~ ***(ii)*** Red phosphorous.
~~[(ii)]~~ ***(jj)*** Safrole, its salts, isomers and salts of isomers.
~~[(jj)]~~ ***(kk) Sodium metal.***
(ll) Sulfuric acid.
~~[(kk)]~~ ***(mm)*** Toluene.

Sec. 8. NRS 453.553 is hereby amended to read as follows:

453.553 1. In addition to any criminal penalty imposed for a violation of the provisions of NRS 453.011 to 453.552, inclusive, ***and sections 2 and 3 of this act,*** any person who unlawfully sells, manufactures, delivers or brings into this State, possesses for sale or participates in any way in a sale of a controlled substance listed in schedule I, II or III or who engages in any act or transaction in violation of the provisions of NRS 453.3611 to 453.3648, inclusive, is subject to a civil penalty for each violation. This penalty must be recovered in a civil action, brought in the name of the State of Nevada by the Attorney General or by any district attorney in a court of competent jurisdiction.

2. As used in ~~[this section and]~~ NRS ~~[453.5531, 453.5532 and]~~ ***453.553 to*** 453.5533 ~~[.]~~ ***, inclusive:***

(a) "Each violation" includes a continuous or repetitive violation arising out of the same act.

(b) "Sell" includes exchange, barter, solicitation or receipt of an order, transfer to another for sale or resale and any other transfer for any consideration or a promise obtained directly or indirectly.

(c) "Substitute" means a substance which:

(1) Was manufactured by a person who at the time was not currently registered with the Secretary of Health and Human Services; and

(2) Is an imitation of or intended for use as a substitute for a substance listed in schedule I, II or III.

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 40.140 is hereby amended to read as follows:

40.140 1. Except as otherwise provided in this section ~~[, anything]~~ ***:***

(a) Anything which is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property ~~[, including, without limitation, a]~~ ***;***

(b) A building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor ~~[as defined in NRS 453.086]~~ or controlled substance analog ~~[as defined in NRS 453.043,]~~ ***; or***

(c) A building or place which was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(1) Which has not been deemed safe for habitation by a governmental entity; or

(2) From which all materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed or remediated by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog,

➥ is a nuisance, and the subject of an action. The action may be brought by any person whose property is injuriously affected, or whose personal enjoyment is lessened by the nuisance, and by the judgment the nuisance may be enjoined or abated, as well as damages recovered.

2. It is presumed:

(a) That an agricultural activity conducted on farmland, consistent with good agricultural practice and established before surrounding nonagricultural activities is reasonable. Such activity does not constitute a nuisance unless the activity has a substantial adverse effect on the public health or safety.

(b) That an agricultural activity which does not violate a federal, state or local law, ordinance or regulation constitutes good agricultural practice.

3. A shooting range does not constitute a nuisance with respect to any noise attributable to the shooting range if the shooting range is in compliance with the provisions of all applicable statutes, ordinances and regulations concerning noise:

(a) As those provisions existed on October 1, 1997, for a shooting range in operation on or before October 1, 1997; or

(b) As those provisions exist on the date that the shooting range begins operation, for a shooting range that begins operation after October 1, 1997.

➥ A shooting range is not subject to any state or local law related to the control of noise that is adopted or amended after the date set forth in paragraph (a) or (b), as applicable, and does not constitute a nuisance for failure to comply with any such law.

4. As used in this section ~~[, "shooting]~~ ***:***

(a) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043;

(b) "Immediate precursor" has the meaning ascribed to it in NRS 453.086; and

(c) "Shooting range" means an area designed and used for archery or sport shooting, including, but not limited to, sport shooting that involves the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or other similar items.

Sec. 11. NRS 202.450 is hereby amended to read as follows:

202.450 1. A public nuisance is a crime against the order and economy of the State.

2. Every place:

(a) Wherein any gambling, bookmaking or pool selling is conducted without a license as provided by law, or wherein any swindling game or device, or bucket shop, or any agency therefor is conducted, or any article, apparatus or device useful therefor is kept;

(b) Wherein any fighting between animals or birds is conducted;

(c) Wherein any dog races are conducted as a gaming activity;

(d) Wherein any intoxicating liquors are kept for unlawful use, sale or distribution;

(e) Wherein a controlled substance, immediate precursor ~~[as defined in NRS 453.086]~~ or controlled substance analog ~~[as defined in NRS 453.043]~~ is unlawfully sold, served, stored, kept, manufactured, used or given away; or

(f) Where vagrants resort,

➥ is a public nuisance.

3. Every act unlawfully done and every omission to perform a duty, which act or omission:

(a) Annoys, injures or endangers the safety, health, comfort or repose of any considerable number of persons;

(b) Offends public decency;

(c) Unlawfully interferes with, befouls, obstructs or tends to obstruct, or renders dangerous for passage, a lake, navigable river, bay, stream, canal, ditch, millrace or basin, or a public park, square, street, alley, bridge, causeway or highway; or

(d) In any way renders a considerable number of persons insecure in life or the use of property,

➥ is a public nuisance.

4. ***A building or place which was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog is a public nuisance if the building or place has not been deemed safe for habitation by a governmental entity and:***

(a) The owner of the building or place allows the building or place to be used for any purpose before all materials or substances involving the controlled substance, immediate precursor or controlled substance analog have been removed from or remediated on the building or place by an entity certified or licensed to do so; or

(b) The owner of the building or place fails to have all materials or substances involving the controlled substance, immediate precursor or controlled substance analog removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

5. Agricultural activity conducted on farmland consistent with good agricultural practice and established before surrounding nonagricultural activities is not a public nuisance unless it has a substantial adverse effect on the public health or safety. It is presumed that an agricultural activity which does not violate a federal, state or local law, ordinance or regulation constitutes good agricultural practice.

~~[5.]~~ ***6.*** A shooting range is not a public nuisance with respect to any noise attributable to the shooting range if the shooting range is in compliance with the provisions of all applicable statutes, ordinances and regulations concerning noise:

(a) As those provisions existed on October 1, 1997, for a shooting range that begins operation on or before October 1, 1997; or

(b) As those provisions exist on the date that the shooting range begins operation, for a shooting range in operation after October 1, 1997.

➥ A shooting range is not subject to any state or local law related to the control of noise that is adopted or amended after the date set forth in paragraph (a) or (b), as applicable, and does not constitute a nuisance for failure to comply with any such law.

~~[6.]~~ ***7.*** As used in this section ~~[, "shooting]~~ ***:***

(a) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043;

(b) "Immediate precursor" has the meaning ascribed to it in NRS 453.086; and

(c) "Shooting range" has the meaning ascribed to it in NRS 40.140.

Sec. 12. NRS 205.010 is hereby amended to read as follows:

205.010 A person who ~~[willfully]~~ ***:***

1. Willfully and maliciously sets fire to or burns or causes to be burned ~~[, or who aids,]~~ ***;***

2. Aids, counsels or procures the burning of ~~[any:~~

~~1. Dwelling]~~ ***; or***

3. By knowingly engaging in the manufacture of any material, compound, mixture or preparation which contains any quantity of methamphetamine, sets fire to or causes an explosion that damages,

➥ ***any dwelling*** house or other structure or mobile home, whether occupied or vacant ~~[; or~~

~~2. Personal]~~ ***and whether the property of himself or another, or personal*** property which is occupied by one or more persons, ~~[~~

➥~~]~~ whether the property of himself or of another, is guilty of arson in the first degree which is a category B felony and shall be punished by imprisonment for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $15,000.

Sec. 13. NRS 205.015 is hereby amended to read as follows:

205.015 A person who ~~[willfully]~~ ***:***

1. Willfully and maliciously sets fire to or burns or causes to be burned ~~[, or who aids,]~~ ***;***

2. Aids, counsels or procures the burning of ***; or***

3. By knowingly engaging in the manufacture of any material, compound, mixture or preparation which contains any quantity of methamphetamine, sets fire to or causes an explosion that damages,

➥ any abandoned building or structure, whether the property of himself or of another, is guilty of arson in the second degree which is a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

Sec. 14. NRS 205.0835 is hereby amended to read as follows:

205.0835 1. Unless a greater penalty is imposed by a specific statute, a person who commits theft in violation of any provision of NRS 205.0821 to 205.0835, inclusive, shall be punished pursuant to the provisions of this section.

2. ~~[If]~~ ***Except as otherwise provided in subsection 3, if*** the value of the property or services involved in the theft ~~[is]~~ ***:***

(a) Is less than $250, the person who committed the theft is guilty of a misdemeanor.

~~[3. If the value of the property or services involved in the theft is]~~

(b) Is $250 or more but less than $2,500, the person who committed the theft is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~[4.]~~ ***3.*** If the value of the property or services involved in the theft is $2,500 or more ~~[,]~~ ***or if the property involved in the theft is a chemical identified in subsection 4 of NRS 453.322,*** the person who committed the theft is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a

maximum term of not more than 10 years, and by a fine of not more than $10,000.

~~[5.]~~ ***4.*** In addition to any other penalty, the court shall order the person who committed the theft to pay restitution.

Sec. 15. NRS 244.3603 is hereby amended to read as follows:

244.3603 1. Each board of county commissioners may, by ordinance, to protect the public health, safety and welfare of the residents of the county, adopt procedures pursuant to which the district attorney may file an action in a court of competent jurisdiction to:

(a) Seek the abatement of a chronic nuisance that is located or occurring within the unincorporated area of the county;

(b) If applicable, seek the closure of the property where the chronic nuisance is located or occurring; and

(c) If applicable, seek penalties against the owner of the property within the unincorporated area of the county and any other appropriate relief.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent a notice, by certified mail, return receipt requested, by the sheriff or other person authorized to issue a citation of the existence on his property of nuisance activities and the date by which he must abate the condition to prevent the matter from being submitted to the district attorney for legal action; and

(2) Afforded an opportunity for a hearing before a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the county will recover money expended to abate the condition on the property if the owner fails to abate the condition.

3. If the court finds that a chronic nuisance exists and action is necessary to avoid serious threat to the public welfare or the safety or health of the occupants of the property, the court may order the county to secure and close the property until the nuisance is abated and may:

(a) Impose a civil penalty of not more than $500 per day for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;

(b) Order the owner to pay the county for the cost incurred by the county in abating the condition; and

(c) Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the county to abate the chronic nuisance, the board may make the expense a special assessment against the property upon which the chronic nuisance is located or occurring. The special

assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

5. As used in this section:

(a) A "chronic nuisance" exists:

(1) When three or more nuisance activities exist or have occurred during any 90-day period on the property **.** ~~[,]~~

(2) When a person associated with the property has engaged in three or more nuisance activities during any 90-day period on the property or within 100 feet of the property **.** ~~[,]~~

(3) When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of chapter 459 of NRS **.** ~~[; or]~~

(4) When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor ~~[as defined in NRS 453.086]~~ or controlled substance analog **.** ~~[as defined in NRS 453.043.]~~

(5) When a building or place was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(I) The building or place has not been deemed safe for habitation by a governmental entity; or

(II) All materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

(b) ***"Controlled substance analog" has the meaning ascribed to it in NRS 453.043.***

(c) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

(d) "Nuisance activity" means:

(1) Criminal activity;

(2) The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;

(3) Violations of building codes, housing codes or any other codes regulating the health or safety of occupants of real property;

(4) Excessive noise and violations of curfew; or

(5) Any other activity, behavior or conduct defined by the board to constitute a public nuisance.

~~[(c)]~~ ***(e)*** "Person associated with the property" means:

(1) The owner of the property;

(2) The manager or assistant manager of the property;

(3) The tenant of the property; or

(4) A person who, on the occasion of a nuisance activity, has:

(I) Entered, patronized or visited;

(II) Attempted to enter, patronize or visit; or

(III) Waited to enter, patronize or visit,

➥ the property or a person present on the property.

Sec. 16. NRS 244.363 is hereby amended to read as follows:

244.363 Except as otherwise provided in subsection 3 of NRS 40.140 and subsection ~~[5]~~ ***6*** of NRS 202.450, the boards of county commissioners in their respective counties may, by ordinance regularly enacted, regulate, control and prohibit, as a public nuisance, excessive noise which is injurious to health or which interferes unreasonably with the comfortable enjoyment of life or property within the boundaries of the county.

Sec. 17. NRS 266.335 is hereby amended to read as follows:

266.335 The city council may:

1. Except as otherwise provided in subsection 3 of NRS 40.140 and subsection ~~[5]~~ ***6*** of NRS 202.450, determine by ordinance what shall be deemed nuisances.

2. Provide for the abatement, prevention and removal of the nuisances at the expense of the person creating, causing or committing the nuisances.

3. Provide that the expense of removal is a lien upon the property upon which the nuisance is located. The lien must:

(a) Be perfected by recording with the county recorder a statement by the city clerk of the amount of expenses due and unpaid and describing the property subject to the lien.

(b) Be coequal with the latest lien thereon to secure the payment of general taxes.

(c) Not be subject to extinguishment by the sale of any property because of the nonpayment of general taxes.

(d) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

4. Provide any other penalty or punishment of persons responsible for the nuisances.

Sec. 18. NRS 268.412 is hereby amended to read as follows:

268.412 Except as otherwise provided in subsection 3 of NRS 40.140 and subsection ~~[5]~~ ***6*** of NRS 202.450, the city council or other governing body of a city may, by ordinance regularly enacted, regulate, control and prohibit, as a public nuisance, excessive noise which is injurious to health or which interferes unreasonably with the comfortable enjoyment of life or property within the boundaries of the city.

Sec. 19. NRS 268.4124 is hereby amended to read as follows:

268.4124 1. The governing body of a city may, by ordinance, to protect the public health, safety and welfare of the residents of the city, adopt procedures pursuant to which the city attorney may file an action in a court of competent jurisdiction to:

(a) Seek the abatement of a chronic nuisance that is located or occurring within the city;

(b) If applicable, seek the closure of the property where the chronic nuisance is located or occurring; and

(c) If applicable, seek penalties against the owner of the property within the city and any other appropriate relief.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, by the city police or other person authorized to issue a citation, of the existence on his property of two or more nuisance activities and the date by which he must abate the condition to prevent the matter from being submitted to the city attorney for legal action; and

(2) Afforded an opportunity for a hearing before a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the city will recover money expended for labor and materials used to abate the condition on the property if the owner fails to abate the condition.

3. If the court finds that a chronic nuisance exists and emergency action is necessary to avoid immediate threat to the public health, welfare or safety, the court shall order the city to secure and close the property for a period not to exceed 1 year or until the nuisance is abated, whichever occurs first, and may:

(a) Impose a civil penalty of not more than $500 per day for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;

(b) Order the owner to pay the city for the cost incurred by the city in abating the condition;

(c) If applicable, order the owner to pay reasonable expenses for the relocation of any tenants who are affected by the chronic nuisance; and

(d) Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the city to abate the chronic nuisance, the governing body may make the expense a special assessment against the property upon which the chronic nuisance is or was located or occurring. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.

5. As used in this section:

(a) A "chronic nuisance" exists:

(1) When three or more nuisance activities exist or have occurred during any 30-day period on the property **.** ~~[;]~~

(2) When a person associated with the property has engaged in three or more nuisance activities during any 30-day period on the property or within 100 feet of the property **.** ~~[;]~~

(3) When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of chapter 459 of NRS **.** ~~[; or]~~

(4) When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor ~~[as defined in NRS 453.086]~~ or controlled substance analog **.** ~~[as defined in NRS 453.043.]~~

(5) When a building or place was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(I) The building or place has not been deemed safe for habitation by a governmental entity; or

(II) All materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

(b) ***"Controlled substance analog" has the meaning ascribed to it in NRS 453.043.***

(c) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

(d) "Nuisance activity" means:

(1) Criminal activity;

(2) The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;

(3) Excessive noise and violations of curfew; or

(4) Any other activity, behavior or conduct defined by the governing body to constitute a public nuisance.

~~[(c)]~~ ***(e)*** "Person associated with the property" means a person who, on the occasion of a nuisance activity, has:

(1) Entered, patronized or visited;

(2) Attempted to enter, patronize or visit; or

(3) Waited to enter, patronize or visit,

➥ a property or a person present on the property.

Sec. 20. Title 51 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 21 to 33, inclusive, of this act.

Sec. 21. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 22 to 30, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 22. ***"Advisory Committee" means the Anhydrous Ammonia Additive Advisory Committee created by section 32 of this act.***

Sec. 23. ***"Anhydrous ammonia" means a liquid or gaseous inorganic compound that is formed by the chemical combination of nitrogen and hydrogen in the molar proportion of one part nitrogen to three parts hydrogen. The term does not include ammonium hydroxide.***

Sec. 24. ***"Board" means the State Board of Agriculture.***

Sec. 25. ***"Department" means the State Department of Agriculture.***

Sec. 26. ***"Director" means the Director of the Department.***

Sec. 27. ***"Distributor" means a person that imports, consigns, sells, offers for sale, barters, exchanges or otherwise facilitates the supply of anhydrous ammonia to a user in this State.***

Sec. 28. ***"Nontoxic dye" means a biodegradable, clear liquid product that causes staining when exposed to air.***

Sec. 29. ***"Other additive" means a product other than a nontoxic dye that, when put in tanks containing anhydrous ammonia, renders the anhydrous ammonia nonreactive, unusable or undesirable for use in the manufacture of any material, compound, mixture or preparation which contains any quantity of methamphetamine.***

Sec. 30. ***"User" means a person that uses anhydrous ammonia in the course of engaging in agricultural activity in this State to promote or stimulate the growth of plants, increase the productiveness of plants, improve the quality of crops or produce any chemical or physical change in the soil.***

Sec. 31. ***1. The Department, in consultation with the Department of Public Safety, shall certify each brand of nontoxic dye or other additive that a distributor of anhydrous ammonia or user may add to anhydrous ammonia.***

2. The Board, in consultation with the Advisory Committee, shall adopt regulations establishing standards to be used in making certifications pursuant to subsection 1 and for the administration of this chapter.

Sec. 32. ***1. The Anhydrous Ammonia Additive Advisory Committee is hereby created within the Department.***

2. The Advisory Committee consists of one representative of each of the following:

(a) The Department.

(b) The Department of Public Safety.

(c) Manufacturers of anhydrous ammonia fertilizers.

(d) The Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education.

(e) Retail distributors of anhydrous ammonia.

(f) Users who are growers of agricultural products.

3. The Director, in consultation with the Director of the Department of Public Safety, shall appoint the members of the Advisory Committee.

4. After the initial term, each member of the Advisory Committee shall serve for a term of 4 years.

5. Each member of the Advisory Committee serves without compensation. If sufficient money is available to the Department, members are entitled to travel allowances provided for state officers and employees generally while attending meetings of the Advisory Committee.

6. Each member of the Advisory Committee who is an officer or employee of the State must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Advisory Committee.

Sec. 33. ***The Advisory Committee:***

1. May review all relevant scientific and economic data on nontoxic dyes or other additives for anhydrous ammonia that are submitted to the Department for certification.

2. Shall require the manufacturer of any nontoxic dye or other additive submitted to the Department for certification to provide sufficient scientifically valid data for each submitted nontoxic dye or other additive to allow the Department to determine the:

(a) Impact of the nontoxic dye or other additive on crop yield;

(b) Specific food crop residue analysis of the nontoxic dye or other additive; and

(c) Impact of the nontoxic dye or other additive on the environment.

3. May issue recommendations to the Department regarding whether the Department should certify a nontoxic dye or other additive.

Sec. 34. (Deleted by amendment.)

Sec. 35. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 36 to 42, inclusive, of this act.

Sec. 36. ***As used in sections 36 to 42, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 37, 38 and 39 of this act have the meanings ascribed to them in those sections.***

Sec. 37. ***"Department" means the Department of Public Safety.***

Sec. 38. ***"Permit" means a permit to sell or transfer a product that is a precursor to methamphetamine issued by the Board pursuant to sections 36 to 42, inclusive, of this act.***

Sec. 39. ***"Product that is a precursor to methamphetamine" means a product which contains ephedrine, pseudoephedrine or phenylpropanolamine or the salts, optical isomers or salts of optical isomers of such chemicals and may be marketed or distributed lawfully in the United States under the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 301 et seq., as a nonprescription drug.***

Sec. 40. ***1. A person shall not sell or transfer to an ultimate user in the course of any business, or engage in the business of selling to ultimate users, a product that is a precursor to methamphetamine, unless the person:***

(a) Is a pharmacy; or

(b) Holds a valid permit issued by the Board pursuant to this section.

2. A person who violates subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. To obtain or renew a permit, a person must:

(a) Submit an application to the Executive Secretary of the Board on a form furnished by the Board;

(b) Pay the fee required by NRS 639.170; and

(c) Submit any other documentation that the Board may require by regulation.

4. The Board shall issue or renew a permit if the person applying for the permit has complied with subsection 2 and the Board determines that the person will safely and lawfully sell or transfer a product that is a precursor to methamphetamine. To determine whether a person will safely and lawfully sell or transfer a product that is a precursor to methamphetamine, the Board shall consider the following factors:

(a) Whether the business operated by the person contains a pharmacy which is not open to the public at all times.

(b) The proximity of the business operated by the person to a pharmacy that is open to the public at all times.

(c) Whether an owner, partner, member, manager, stockholder who owns more than 10 percent of the outstanding stock, director or officer of the person, or an employee of the person who will sell or transfer a product that is a precursor to methamphetamine, has been arrested for, charged with or convicted of:

(1) A felony;

(2) Any crime involving moral turpitude; or

(3) Any crime related to the unlawful possession, sale or use of a controlled substance or dangerous drug.

(d) Whether the business operated by the person is the type of business at which a reasonable person purchases a product that is a precursor to methamphetamine.

(e) The previous experience of the person with the sale of a product that is a precursor to methamphetamine.

Sec. 41. ~~*[A pharmacy or a person who holds a permit shall:*~~

~~*1. Comply with the law of this State and federal law concerning the sale or transfer of a product that is a precursor to methamphetamine.*~~

~~*2. Submit to the Department a report of the quantity of each purchase and sale or transfer of a product that is a precursor to methamphetamine not later than:*~~

~~*(a) April 30, for the period from January 1 through March 31;*~~

~~*(b) July 31, for the period from April 1 through June 30;*~~

~~*(c) October 31, for the period from July 1 through September 30; and*~~

~~*(d) January 31, for the period from October 1 of the previous year through December 31 of the previous year.*~~

~~➥ The Department shall adopt regulations governing the form of the report and the manner in which the report is submitted to the Department.]~~

(Deleted by amendment.)

Sec. 41.5. ***1. Except as otherwise provided in subsection 2, if a pharmacy or holder of a permit becomes aware of any unusual or excessive loss or disappearance of a product that is a precursor to methamphetamine while the product is under the control of the pharmacy or holder of a permit, the pharmacy or holder of a permit must:***

(a) Make an oral report to the Department at the earliest practicable opportunity after the pharmacy or holder of a permit becomes aware of the unusual or excessive loss or disappearance of the product that is a precursor to methamphetamine; and

(b) Submit a written report to the Department within 15 days after the pharmacy or holder of a permit becomes aware of the unusual or excessive loss or disappearance of the product that is a precursor to methamphetamine.

2. If an unusual or excessive loss or disappearance of a product that is a precursor to methamphetamine occurs while the product is being transported to a pharmacy or holder of a permit, the pharmacy or holder of a permit is not required to comply with the provisions of subsection 1.

3. A report required by subsection 1 must include, without limitation, a description of the circumstances surrounding the loss or disappearance and may be in substantially the following form:

LOSS REPORT

License or permit number (if applicable):

Name:

Business address:

City:

State:

Zip:

Business phone:

Date of loss:

Type of loss:

Description of circumstances:

4. As used in this section, "unusual or excessive loss or disappearance" means a loss or disappearance for which a report would be required under 21 U.S.C. 830(b)(1), and any regulations adopted thereunder, if the pharmacy or holder of a permit were subject to the requirements of 21 U.S.C. 830(b)(1) and any regulations adopted thereunder.

Sec. 42. ***At any time that a pharmacy or a business operated by a holder of a permit is open to the public, an agent of the Board, the Department or a local law enforcement agency may examine, copy, seize or impound any records of the pharmacy or the holder of a permit concerning the purchase, sale or transfer of a product that is a precursor to methamphetamine.***

Sec. 43. NRS 639.129 is hereby amended to read as follows:

639.129 1. In addition to any other requirements set forth in this chapter:

(a) A natural person who applies for the issuance of a certificate of registration as a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training **,** ~~[or]~~ a license issued pursuant to NRS 639.233 ***or a permit issued pursuant to sections 36 to 42, inclusive, of this act*** shall include the social security number of the applicant in the application submitted to the Board.

(b) A natural person who applies for the issuance or renewal of a certificate of registration as a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training **,** ~~[or]~~ a license issued pursuant to NRS 639.233 ***or a permit issued pursuant to sections 36 to 42, inclusive, of this act*** shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate **,** ~~[or]~~ license ***or permit***; or

(b) A separate form prescribed by the Board.

3. A certificate of registration as a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training **,** ~~[or]~~ a license issued pursuant to NRS 639.233 ***or a permit issued pursuant to sections 36 to 42, inclusive, of this act*** may not be issued or renewed by the Board if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 44. NRS 639.170 is hereby amended to read as follows:

639.170 1. The Board shall charge and collect not more than the following fees for the following services:

For the examination of an applicant registration for as a pharmacist ..... Actual cost of the examination
For the investigation or registration of an applicant as a registered pharmacist $200
For the investigation, examination or registration of an applicant as a registered pharmacist by reciprocity 300
For the investigation or issuance of an original license to conduct a retail pharmacy 600
For the biennial renewal of a license to conduct a retail pharmacy 500
For the investigation or issuance of an original license to conduct an institutional pharmacy 600
For the biennial renewal of a license to conduct an institutional pharmacy 500
For the issuance of an original or duplicate certificate of registration as a registered pharmacist 50
For the biennial renewal of registration as a registered pharmacist 200
For the reinstatement of a lapsed registration (in addition to the fees for renewal for the period of lapse) 100
For the initial registration of a pharmaceutical technician or pharmaceutical technician in training 50
For the biennial renewal of registration of a pharmaceutical technician or pharmaceutical technician in training $50
For the investigation or registration of an intern pharmacist 50
For the biennial renewal of registration as an intern pharmacist 40
For investigation or issuance of an original license to a manufacturer or wholesaler 500
For the biennial renewal of a license for a manufacturer or wholesaler 500
For the reissuance of a license issued to a pharmacy, when no change of ownership is involved, but the license must be reissued because of a change in the information required thereon 100
For authorization of a practitioner to dispense controlled substances or dangerous drugs, or both 300
For the biennial renewal of authorization of a practitioner to dispense controlled substances or dangerous drugs, or both 300
For the issuance or renewal of a permit to sell or transfer a product that is a precursor to methamphetamine issued by the Board pursuant to sections 36 to 42, inclusive, of this act 200

2. If a person requests a special service from the Board or requests the Board to convene a special meeting, he must pay the actual costs to the

Board as a condition precedent to the rendition of the special service or the convening of the special meeting.

3. All fees are payable in advance and are not refundable.

4. The Board may, by regulation, set the penalty for failure to pay the fee for renewal for any license, permit, authorization or certificate within the statutory period, at an amount not to exceed 100 percent of the fee for renewal for each year of delinquency in addition to the fees for renewal for each year of delinquency.

Sec. 45. NRS 639.210 is hereby amended to read as follows:

639.210 The Board may suspend or revoke any certificate, license, registration or permit issued pursuant to this chapter, and deny the application of any person for a certificate, license, registration or permit, if the holder or applicant:

1. Is not of good moral character;

2. Is guilty of habitual intemperance;

3. Becomes or is intoxicated or under the influence of liquor, any depressant drug or a controlled substance, unless taken pursuant to a lawfully issued prescription, while on duty in any establishment licensed by the Board;

4. Is guilty of unprofessional conduct or conduct contrary to the public interest;

5. Is addicted to the use of any controlled substance;

6. Has been convicted of a violation of any law or regulation of the Federal Government or of this or any other state related to controlled substances, dangerous drugs, drug samples, or the wholesale or retail distribution of drugs;

7. Has been convicted of:

(a) A felony relating to holding a certificate, license, registration or permit pursuant to this chapter;

(b) A felony pursuant to NRS 639.550 or 639.555; or

(c) Other crime involving moral turpitude, dishonesty or corruption;

8. Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

9. Has willfully made to the Board or its authorized representative any false statement which is material to the administration or enforcement of any of the provisions of this chapter;

10. Has obtained any certificate, certification, license or permit by the filing of an application, or any record, affidavit or other information in support thereof, which is false or fraudulent;

11. Has violated any provision of the Federal Food, Drug and Cosmetic Act or any other federal law or regulation relating to prescription drugs;

12. Has violated, attempted to violate, assisted or abetted in the violation of or conspired to violate any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy, or has knowingly permitted, allowed, condoned or

failed to report a violation of any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy committed by the holder of a certificate, license, registration or permit;

13. Has failed to renew his certificate, license or permit by failing to submit the application for renewal or pay the renewal fee therefor;

14. Has had his certificate, license or permit suspended or revoked in another state on grounds which would cause suspension or revocation of a certificate, license or permit in this State;

15. Has, as a managing pharmacist, violated any provision of law or regulation concerning recordkeeping or inventory in a store over which he presides, or has knowingly allowed a violation of any provision of this chapter or other state or federal laws or regulations relating to the practice of pharmacy by personnel of the pharmacy under his supervision;

16. Has repeatedly been negligent, which may be evidenced by claims of malpractice settled against him;

17. Has failed to maintain and make available to a state or federal officer any records in accordance with the provisions of this chapter or chapter 453 or 454 of NRS; or

18. Has failed to file or maintain a bond or other security if required by NRS 639.515.

19. Has violated any provision of section ~~[41]~~ 41.5 of this act or any regulations adopted pursuant thereto.

Sec. 46. 1. The State Board of Pharmacy shall, during the 2007-2009 interim, conduct a study to identify computer software that will create an electronic database which:

(a) Identifies each sale or transfer of a product that is a precursor to methamphetamine immediately after the sale or transfer has occurred; and

(b) A pharmacy or person who holds a permit issued by the Board pursuant to sections 36 to 42, inclusive, of this act may access for the purpose of determining whether a sale or transfer of a product that is a precursor to methamphetamine would violate state or federal law.

2. The State Board of Pharmacy shall submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

Sec. 47. As soon as practicable after October 1, 2007, the Director of the State Department of Agriculture shall appoint to the Anhydrous Ammonia Additive Advisory Committee created by section 32 of this act:

1. Three members whose terms expire on September 30, 2009; and

2. Three members whose terms expire on September 30, 2011.

Sec. 48. 1. This section and section 46 of this act become effective upon passage and approval.

2. Sections 4, 5, 6 and 35 to 45, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the amendatory provisions of sections 4, 5, 6 and 35 to 45, inclusive, of this act; and

(b) On October 1, 2007, for all other purposes.

3. Sections 1, 2, 3, 7 to 34, inclusive, and 47 of this act become effective on October 1, 2007.

4. Section 43 of this act expires by limitation on the date on which the provisions of 42 U.S.C. 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblywoman Weber moved the adoption of the amendment.

Remarks by Assemblymen Weber, Anderson, and Leslie.

Amendment lost.

Remarks by Assemblymen Anderson, Leslie, Settelmeyer, Horne, Bobzien, and Mabey.

Assemblyman Anderson requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker. Assembly Bill 150 revises provisions pertaining to methamphetamine and other controlled substances, including certain compounds commonly used in its manufacture and other controlled substances, known as precursors. Specifically, this bill limits to pharmacies and any business that is registered with the Nevada State Board of Pharmacy, the entities that may sell drugs that contain precursors to methamphetamine. A business which fails to register with the Nevada State Board of Pharmacy prior to selling such drugs or products containing precursors to methamphetamine is guilty of a Category C felony. The bill provides, secondly, that any pharmacy or business registered with the Nevada State Board of Pharmacy must report to the Nevada Department of Public Safety on a quarterly basis its purchase and sale of drugs that contain precursors to methamphetamine. The measure makes various changes pertaining to crime related to the use or manufacture of methamphetamine or other controlled substances and revises provisions pertaining to nuisance. The measure also requires the Nevada State Board of Pharmacy to research, identify, and recommend electronic monitoring software to the 2009 Legislature and creates the Anhydrous Ammonia Advisory Committee within the Nevada Department of Agriculture.

This particular piece of legislation was one which has been put forth for our communities. Here in this community, in Carson City, the mayor and the sheriff have children who are involved with this drug. Our prison system is filled with people who are addicted to this drug. We have to take a strong stand. This is the right thing to do. I have worn a red band for some time to remind me every day that our children deserve more. We, as a community, must end this dread disease. We must do everything we can to take this commodity off the street. This bill is not going to go near far enough to solve this problem, but we must do something. We must do the right thing. Voting for this bill is the right thing. We are going to make a difference in our state, for our kids and their tomorrow, for the young people who are now addicted to it, who may

now see light at the end of the tunnel. It is not the train coming at them to run them down. Thank you, Madam Speaker.

ASSEMBLYWOMAN LESLIE:

Thank you, Madam Speaker. I rise in support of A.B 150. We have heard a lot about methamphetamine this session. We have passed several bills already to make sure the state is in compliance with federal law. What we have not done and what we have the opportunity to do today is really take a stronger stand. We lead the nation in methamphetamine addiction. We lead the nation in youth meth addiction. Yet, we still allow convenience stores to sell precursors.

Methamphetamine is different from other drugs. You have heard that over and over. It is much more highly addictive. It is a synthetic drug. The only way to make methamphetamine is from these precursors. You have to have pseudoephedrine. We need to restrict that so we do not have an explosion of meth labs. It is true that law enforcement has put a lot of pressure on the methamphetamine labs in Nevada, as they have nationwide. They have been greatly reduced in number. Law enforcement has also been putting a lot a pressure on the meth coming into the country from Mexico. That is being reduced greatly. However, because of this, law enforcement officials testified to another surge in methamphetamine lab production in Nevada.

My colleague from Sparks has been very responsive to what the community has asked from us. We started out with a bill which would have matched Oregon, making it a prescription only process to get pseudoephedrine. In trying to balance the needs of the citizens of this state and the retailers, we worked this bill all session to the point where we have a compromise, as my colleague said, as much as we can compromise. There are still objections to parts of the bill that say convenience stores, if they want to sell this product, have to register and have to follow the rules. They also have to report their inventory. There are those who say these regulations are overly burdensome and should not be placed upon these convenience stores. If convenience stores do not want to sell pseudoephedrine, do not sell it. That would be the best result possible, from my point of view. The less we have these products available to the public, the fewer methamphetamine labs we are going to have, the fewer people are going to get addicted, the fewer people are going to be clogging our prison system due to this horrible, horrible drug. There will be some excuses today why people will vote against this bill. Please remember—this is your opportunity to take a stronger stand and to send a message to the children in our state that this Legislature wants to do something significant over and beyond what the federal government has done to stop methamphetamine abuse in Nevada. I urge your support.

ASSEMBLYMAN SETTELMEYER:

Thank you, Madam Speaker. Recently, with my daughter, I tried to get some pseudoephedrine for her at the store. I was surprised by the amount of paperwork we had to go through. You have to show your identification and then they wanted a second form of identification to validate that my primary identification was okay. I found it fairly burdensome as a person trying to acquire a legal product. I think we should try to enforce the laws which we already have. It is also my opinion that the reporting mechanism within the legislation has one individual actually recording their input and their output—both sides of the equation. If you are going to cook methamphetamine, you are going to cook the books, too. If an individual is going to be sitting around, finding drugs any way they can or to cook methamphetamine, they are just going to cook the books for that purpose. Thank you.

ASSEMBLYMAN HORNE:

Thank you, Madam Speaker. I rise in support of A.B. 150. In my practice, the courts assign me clients on a regular basis. I have to tell you there is rarely a day that one of these clients does not have a methamphetamine problem. This does not translate into these clients of mine being in the courts because they have been caught with meth. These are people who have been caught doing crimes to get money for their meth. These are people who have been neglecting their children because the meth has become more important to them. These are people who have gotten so wrapped in their meth addiction that their physical health is readily apparent. Judge Assad keeps pictures in his court room of “before” and then of “after” on many of these defendants. You would be absolutely startled by the changes this drug does.

Some people have objections because of the fee for a permit for the stores that want to sell precursors. If you put that on a scale, balanced between the damage this drug is doing in our community to the price which is being paid, it is small. The scales tip. We have to take this strong stand here and say we are going to put provisions in place. We are going to put mechanisms in place to make it nearly impossible to make this dangerous, dangerous drug. We owe it to our state. We see the money we are spending on prisons. We see what we are spending on health care. We see what we are spending on other kinds of issues. Much of our money is going out the door, and you can follow the trail to methamphetamine. It is happening. It is alive. We have been talking about this for a long time. In 2003, my first bill was a meth bill. We have to get a handle on this. We have to do it now. I urge your support.

ASSEMBLYMAN BOBZIEN:

Thank you, Madam Speaker. I rise in support of A.B. 150. I would challenge everyone in this body to think of the personal stories we have all heard throughout the session about meth. The one which is near and dear to me is about some good friends of mine who have a daughter who is in and out of their lives on a regular basis. They lose track of her for months at a time. She runs away for extended periods. Now and then they reconnect or they receive news about her. I remember some months back they were anxiously awaiting the arrival of her eighteenth birthday. They knew once they had crossed beyond that threshold, getting her back was going to become harder and harder. I wished I could report to you a happy ending to this story. The ending has not yet been determined, however.

As my colleague from Assembly District 27 alluded to, methamphetamine is unique in two regards. Firstly, it is so powerful, addictive, and destructive. Secondly, there is a very easy way to control it relative to other controlled substances we are worried about. It is the control of the precursors. This bill makes an important step forward for this state, being able to monitor and figure out what's going on with these precursor materials. I urge your support.

ASSEMBLYMAN MABEY:

Thank you, Madam Speaker. I rise in opposition to this bill. I appreciate the hard work of those who have supported the bill. I have had personal experiences with my neighbor who is on drugs. One morning I was sitting in my home, reading a book, and I had a knock at the door. A gentleman came to the door. I had never met him before even though he was neighbor. In Las Vegas, we don't always know our neighbors very well. He started crying and I invited him in. He showed me the obituary of his son's friend, who had just died from an overdose. He told me one of his son's other friends had just died a month or so before that. They had asked him to submit to a drug test and he had tested positive. I know how this drug can hurt people.

I've tried to meet with both sides, I've tried to resolve one issue which I feel my colleague from Gardnerville tried to address and did well. I just don't think that provision of the bill will help. For that reason, and that reason alone, I will oppose the bill. I agree with the part which says it should not be in convenience stores or if they want to comply, as this bill states, that would be fine by me. But for the reason mentioned, I will oppose the bill. Thank you.

Roll call on Assembly Bill No. 150:

YEAS—27.

NAYS—Allen, Beers, Christensen, Cobb, Gansert, Goedhart, Goicoechea, Grady, Hardy, Mabey, Marvel, Settelmeyer, Stewart, Weber—14.

NOT VOTING—Carpenter.

Assembly Bill No. 150 having failed to received a two-thirds majority, Madam Speaker declared it lost.

Assembly Bill No. 182.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 182:

YEAS—41.

NAYS—Beers.

Assembly Bill No. 182 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 203.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 203:

YEAS—42.

NAYS—None.

Assembly Bill No. 203 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 206.

Bill read third time.

Roll call on Assembly Bill No. 206:

YEAS—42.

NAYS—None.

Assembly Bill No. 206 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 246

Bill read third time.

Roll call on Assembly Bill No. 246:

YEAS—41

NAYS—1—Cobb.

Assembly Bill No. 246 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 275.

Bill read third time.

Roll call on Assembly Bill No. 275:

YEAS—42.

NAYS—None.

Assembly Bill No. 275 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 354.

Bill read third time.

Remarks by Assemblymen Parnell and Christensen.

Roll call on Assembly Bill No. 354:

YEAS—38.

NAYS—Allen, Carpenter, Cobb, Goedhart—4.

Assembly Bill No. 354 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 440.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 440:

YEAS—41.

NAYS—None.

NOT VOTING—Arberry.

Assembly Bill No. 440 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:26 p.m.

ASSEMBLY IN SESSION

At 12:27 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 22, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 46.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 46.

Assemblywoman Buckley moved the adoption of the resolution.

Remarks by Assemblymen Buckley, Arberry, Marvel, Christensen, Segerblom, Horne, and Ohrenschall.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BUCKLEY:

It is my great honor to rise in support of this resolution. I recall when my colleague from Assembly District 7 decided to include some planning money for a law school in his budget. I remember thinking to myself, "I would love to see a law school here, but I am not sure we can really do it—it is a huge undertaking."

I was one of the many Nevadans who desperately wanted to stay in Nevada to do my legal education, but there was no law school here. I was all by myself applying for scholarships. The thought of having to quit my job and move to a place where I knew absolutely no one was a scary proposition. I did it, but it would have been much easier had I not had to leave my home and friends to go to a first-rate law school.

I think the effort came about because of that frustration of many—for our children, for our grandchildren, and for our community that was losing those resources. Often when people move away, they fall in love with their new community, and then they do not come back. We felt like we were missing the best and the brightest, and so began that journey.

Many years ago, an exploratory committee was developed followed by a hiring committee when the money was funded. They selected Dean Morgan to be the first dean of the William S. Boyd School of Law. That decision ensured the success of the law school. It was an incredible undertaking to put together policies, procedures, curriculum, and staff; decide the courses; do the advertising; recruit the students; develop the scholarships; and deal with all of the funding issues, but Dick did it. The law school opened within 11 months of its founding. The average is two years, but he did it and did it well.

I recall meeting Dick when he was on the job a couple of weeks. I heard that we had hired the new dean, so I went to meet him. He was in a temporary office in the Bigelow Health Sciences Building, and I had trouble finding him because there was no office for him to go to when he arrived. I was making the pitch that we are going to have all these new law students, and I wondered if we could get some of them to do community legal service. I saw the unmet legal needs of people every day. How can people deal with domestic violence or being defrauded when they cannot afford an attorney? I had heard of some of these endeavors at other law schools and asked the dean, "Can we put together something where law students could work in our legal aid office to help the poor?" The dean said, "One of the hallmarks of this school is going to be community service. We could require every law student to do community legal service to help the disadvantaged as a requirement of graduation." After I lifted my jaw off the ground, I said "That would be so incredible."

Over the past ten years, over 18,000 people have received free legal service as a result of the partnership between the law school and the legal aid services in Clark County.

That is just the beginning of it—from developing clinics to assisting the legal community to actually having law students learn by doing by going to court under the supervision of a faculty member. Whether it was creating scholarships and seats to attract the very best, attracting and retaining some incredibly gifted faculty members so that the students have the opportunity to learn from the best in so many subject areas, or moving to a law school campus that anyone can be proud of from the humble beginnings at the Paradise Elementary School campus where the setting was rather pint-sized for the faculty and students, the dean made it all happen.

The other remarkable part was the journey to accreditation. I do not think any other law school has ever been accredited so quickly, and it is because of the attention to detail that the dean paid. On every milestone, the dean and faculty worked with the accrediting committee. They worked hard making sure everything got done, and the committee was so impressed. I had the privilege of flying to the accreditation review committee meeting in Texas with Judge Proe, Dean Morgan, Jim Rogers, and Bill Boyd where I testified in support of the law school—mentioning some of the many accomplishments that they had made. I have never heard so many complimentary remarks, and again, it is because of the attention to detail that Dean Morgan paid in paving the way to make sure that accreditation happened.

He is a remarkable man, and it is a remarkable law school—an institution we can all be proud of, and it is because of his hard work and vision in making it happen.

I think the other key to the success of the dean is his great manner of communication. Every person's problem becomes his problem. He does it with a sense of humility and a sense of purpose because it is all about the state. It is all about providing a quality of education and moving our state forward in excellence. It is my honor to sponsor this resolution, along with the Senate Majority Leader, and to congratulate Dean Morgan on his retirement and his accomplishments with a great Nevada institution which we can all be proud of.

ASSEMBLYMAN ARBERRY:

It is an honor for me to stand up and say a few words about the dean. I rise in support of Senate Concurrent Resolution 46. When this issue came about—when this body voted to create the law school—I heard from President Harter who was back in New York. She received a call that we had created a law school and a study, and it was going to be her first time coming to Las Vegas to head the university.

Our biggest concern was finding someone who could lead this law school and have the tenacity to take this law school to the height that it could possibly go. It was critical because we had so much opposition along the way in trying to create the law school. Some people did not want the law school here, but as the Speaker mentioned, we really needed it.

Some people thought that I wanted to go to law school because I was so supportive of this, but no, it was because of the reasons that the Speaker just mentioned. It was for you, your kids, and your grandkids that decide that they want to go to law school but do not have the means to leave their home and family.

There was also a generation in their 30s or 40s that wanted to go back to school and practice law but could not leave because they had a family and a home, here, to take care of. That was the motive behind this—plus the Senator that passed away.

When the dean was selected by the regents and the president and I had an opportunity to meet him at a football game, he asked me where I envisioned this law school. After the first words came out of his mouth, I knew this law school was going to be fantastic—that they had selected the right person to take this law school to a high level.

I told the dean, "All I want this school to do is take off like a flying jet plane leaving the ground, and I know you can do it. It has to get to an altitude where people will recognize this law school throughout the country." I can say that the dean did that.

I hate to see you leave because you have done such a fantastic job, but I know you have a life for yourself. We are so honored that you chose to come to Las Vegas—to Nevada— to be the dean of this law school. Most of the people you see in this body are homegrown or third-generation. You were a first-generation coming to Nevada, but the way you worked and maneuvered through the community—from north to south and all over Nevada, looking out for everyone—I could see it was in your heart.

I am honored to have met you, to be your friend, and to constantly discuss with you about what the law school needs. I will always try to be there for you—I do not know about the new person—but I promise I will do what I can. Dean, enjoy yourself, congratulations, and we will really miss you.

ASSEMBLYMAN MARVEL:

I, too, rise in support of Senate Concurrent Resolution 46. For a while, we wore T-shirts around here that said "Moose U." Nevada has been fortunate in having you and the tremendous job you have done to create an image for the state of Nevada as having one of the top-rate law schools in the United States, if not the world. We owe you a debt of gratitude. I hate to see you retire, and I hope that your successor will be as successful as you. I wish you good luck in your future ventures, and it has been a pleasure knowing you.

ASSEMBLYMAN CHRISTENSEN:

I, too, rise in staunch support of Senate Concurrent Resolution 46. It was January of 2003, Mr. Morgan, when you and I first met. I had heard so many great things. I was a newly elected Assemblyman, and I had heard so much about the law school. I had a meeting down at UNLV, and I thought I should go meet this sensational man that I kept hearing so much about. I was more than impressed, and I am sad to see you go. I actually forgot that your first name was Richard because I kept hearing "Dean Morgan" so much until about eight months ago when I saw your name written, but you will always be Dean Morgan to all of us I am sure.

The reason why I stand to support this measure is because, as we hear all the accolades that are associated with Dean Morgan coming to launch this program, we have a great model here in front of us as to the kind of talent that the city of Las Vegas, university system, government programs, and state of Nevada are able to attract. We see that in Dean Morgan and for that, I say thank you.

ASSEMBLYMAN SEGERBLOM:

Dean Morgan, I want to thank you personally. My daughter just graduated from the law school and instead of having a debt of $150,000, which I would probably have to pay, she graduated debt-free. I am particularly proud of that and proud of what you have done. Thank you very much.

ASSEMBLYMAN HORNE:

I rise in support of Senate Concurrent Resolution 46. Dean Morgan, I want to say that I really appreciate your leadership at the law school.

As everyone here knows, I am an alumnus. I graduated in December of 2001. When I decided to leave my previous career and go to law school, it had not opened yet. I put out my applications and did some homework, and Dean Morgan's reputation preceded him.

I have family back in Buffalo and received an offer to go to the State University of New York at Buffalo—my cousin graduated from there. She pleaded with me not to attend the William S. Boyd School of Law because it was not accredited and she did not want me to cubbyhole myself. I told her, "You know what, I think I am going to be okay," and it turned out to be okay.

You just do not know how good the faculty is. The Speaker said that he attracted good faculty—he stole them—and I am glad that he did. We have people like Carl Tobias, arguably one of the most published tort professors in the country; Ruth Marquell, who sits on the U.S. bench for bankruptcy; and people who are serving on the bench in Clark County. We have the Majority Leader in the Assembly as a graduate. To my right, we have a current student as well. We have members in the Legislative Counsel Bureau and alum that are with the Secretary of State's office, lobbyists, district attorneys, attorneys general, public defenders, and the list goes on and on.

This school is making such an impact on our state, and it is due to the leadership of Dean Morgan and the staff that he brought. His focus and the vision that he had for our school were so different. Students like myself that are not necessarily the sharpest knife in the drawer are able to be successful at this school because the professors are so accessible. I had a meltdown on a mini exam during my first semester. In any other law school they would have just let me melt away, but Professor McGinley did not. She told me to shake it off, get back into it, and she showed me how to take a law school exam. This is what Dean Morgan has done. I appreciate it and the school will miss you, but you have set such a high standard that I think it will be fine. Thank you.

ASSEMBLYMAN OHRENSCHALL:

Thank you very much, Mr. Speaker pro Tempore. I rise in support of S.C.R. 46. Dean Morgan, it is kind of an emotional moment for me. At my desk, I have two lawyers and two law students, including myself. The two lawyers had to go to law school back east. The two law students are currently at your law school down in Las Vegas. I think it is symbolic of the future of Nevada law and what a stamp you are setting on it.

I grew up in Las Vegas and went to many bar functions. There was always talk through the 1970s and 1980s that we needed a law school in Las Vegas, that we had to get a law school in Nevada. It was a shame so many students had to go out of state. When I was younger, I thought they were probably going to build a law school. When the 1980s rolled along, we would keep hearing how we were going to get a law school and how we needed one here.

About the end of the 1980s, I had pretty much decided they were going to talk about doing it but never do it. There was a lot of institutional inertia that you really overcame. You had to fight and get the law school going. I'll never forget when Supreme Court Justice Kennedy was there at the dedication of the new building on the campus. He even taught some classes. That is pretty amazing. I don't know of too many law schools which have a sitting Supreme Court Justice teach constitutional law classes.

I remember one day having a meeting with Professor Aldana and her phone rang. She answered it and told me later that the dean needed help with something. He's looking to help someone in the community. At first I wondered, "Dean who?" Who was she referring to? I realized then at the Boyd Law School they were referring to you when they said "Dean needs this" or "Dean is interested in helping someone." You are the only person they refer to just as

"Dean." I think most of the law students also refer to you as friend. We'll miss you and we wish you well. Thank you very much.

Resolution adopted.

Mr. Speaker pro Tempore announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:51 p.m.

ASSEMBLY IN SESSION

At 12:55 p.m.
Madam Speaker presiding.
Quorum present.

Assemblyman Oceguera moved that the Assembly recess until 4:30 p.m.
Motion carried.

Assembly in recess at 12:56 p.m.

ASSEMBLY IN SESSION

At 4:44 p.m.
Madam Speaker presiding.
Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 22, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 1, 7, 49, 76, 94, 103, 122, 138, 190, 258, 289, 297, 298, 301, 311, 313, 323, 344, 350, 365, 415.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 14, Senate Amendment No. 663, and requests a conference, and appointed Senators McGinness, Care, and Amodei as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 710 to Senate Bill No. 86; Assembly Amendment No. 668 to Senate Bill No. 118; Assembly Amendment No. 651 to Senate Bill No. 265; Assembly Amendment No. 686 to Senate Bill No. 282; Assembly Amendment No. 667 to Senate Concurrent Resolution No. 18.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Senate Bills Nos. 78, 425, 548, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 354, 436, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chair*

SECOND READING AND AMENDMENT

Senate Bill No. 78.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 768.

AN ACT relating to petitions; revising the provisions relating to misconduct in the signing or filing of petitions; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person is guilty of a misdemeanor if the person: (1) signs the name of another person or of a fictitious person on a petition; (2) files a petition or causes a petition to be filed knowing that the petition contains a false or wrongful signature or statement; (3) signs his name to or withdraws his name from a petition for any consideration, gratuity or reward; or (4) subscribes to any false statement concerning his age, citizenship, residence or other qualification. (NRS 205.125) This bill increases the penalty, from a misdemeanor to a category D felony, if a person: (1) signs the name of another person or of a fictitious person on a petition; or (2) files a petition or causes a petition to be filed knowing that the petition contains a false or wrongful signature or statement. This bill also prohibits a person from ~~[: (1)]~~ adding to, revising or altering a petition with the intent to falsify the name or any information concerning the age, citizenship ~~[,]~~ **or** residence ~~[or other qualifications]~~ of another person who signs the petition **.** ~~[; or (2) offering or providing any consideration, gratuity or reward to another person with the intent to induce the other person to sign his own name to or withdraw his own name from a petition.]~~ A person who commits one of these new crimes is guilty of a category D felony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 205.125 is hereby amended to read as follows:

205.125 ~~[Every person who shall willfully sign the name of another person or of a fictitious person to or for any consideration, gratuity or reward shall sign his own name to or withdraw his name from any]~~

1. A person shall not willfully sign the name of another person, whether living or deceased, or of a fictitious person to any petition. A person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130. Each false or wrongful signature on a petition in violation of this subsection, whether

related to a single petition or multiple petitions, constitutes a separate offense.

2. A person shall not willfully add to, revise or alter any petition with the intent to falsify the name or any information concerning the age, citizenship ~~*[,]*~~ ***or residence*** ~~*[or other qualifications]*~~ ***of another person who signs the petition. A person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130. Each addition, revision or alteration to a petition in violation of this subsection, whether related to a single petition or multiple petitions, constitutes a separate offense.***

3. A person shall not willfully offer or provide any consideration, gratuity or reward to another person with the intent to induce the other person to sign his own name to or withdraw his own name from any petition. A person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130. Each offer or provision of consideration, gratuity or reward to another person in violation of this subsection, whether related to a single petition or multiple petitions, constitutes a separate offense.

4. A person shall not, knowing that any petition contains any false or wrongful signature, statement or information, file the petition or cause the petition to be filed. A person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130. Each filing of a petition in violation of this subsection, whether related to a single petition or multiple petitions, constitutes a separate offense.

~~*5. [A person shall not, for any consideration, gratuity or reward, sign his own name to or withdraw his own name from any petition. A person who violates the provisions of this subsection is guilty of a misdemeanor. Each signature on or withdrawal from a petition in violation of this subsection, whether related to a single petition or multiple petitions, constitutes a separate offense.*~~

~~*6.]*~~ ***A person shall not, in signing his own name to any petition, willfully subscribe to any false statement concerning his age, citizenship, residence or other qualifications to sign the petition. A person who violates the provisions of this subsection is guilty of a misdemeanor. Each subscription to a false statement in violation of this subsection, whether related to a single petition or multiple petitions, constitutes a separate offense.***

~~*[7.]*~~ ***6. As used in this section, "petition" means a*** referendum or other petition circulated in pursuance of any law of this State or any municipal ordinance **.** ~~[; or in signing his name to such petition shall willfully subscribe to any false statement concerning his age, citizenship, residence or other qualifications to sign the same; or knowing that any such petition contains any such false or wrongful signature or statement shall file the same, or put the same off with intent that it should be filed, as a true and genuine petition, shall be guilty of a misdemeanor.]~~

Assemblywoman Koivisto moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 354.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 930.

AN ACT relating to the safety of children; increasing the penalty for the unlawful possession of a firearm while on school property; **prohibiting the possession of certain firearms on the property of or in a vehicle of child care facilities;** revising the definition of "firearm"; requiring children who are taken into custody for possession of a firearm while on school property to submit to an evaluation by a qualified professional and a drug test; revising provisions concerning certain sex offenders who are on lifetime supervision or released on parole, probation or a suspended sentence; ~~[authorizing]~~ **revising the jurisdiction of** school police officers ~~[to issue traffic citations]~~ under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill revises the definition of "firearm" and increases the penalty for the unlawful possession of a firearm while on school property from a gross misdemeanor to a category E felony. (NRS 202.265) **Section 1 further makes the provisions prohibiting a person from carrying or possessing certain firearms while on school grounds or in a vehicle of a school applicable to child care facilities. However, if the child care facility is located at or in the home of a natural person, those provisions do not apply to the owner or operator of the facility who resides in the home if he complies with all laws concerning possession of the weapon. In addition, the prohibition only applies with respect to such a facility during the normal hours of business.** Existing law allows a juvenile court to decide whether to order a child who is taken into custody for certain unlawful acts involving firearms to submit to an evaluation by a qualified professional. (NRS 62C.060) Section 3 of this bill requires a juvenile court to order a child who is taken into custody for possession of a firearm on school property **or at a child care facility** to submit to an evaluation by a qualified professional and a drug test.

Existing law sets forth certain conditions to be imposed on sex offenders on lifetime supervision or released on parole, probation or a suspended sentence. (NRS 176A.410, 213.1243, 213.1245, 213.1255) Sections 4-6 of this bill prohibit such sex offenders from establishing residences in a facility that houses more than three persons who have been released from prison unless the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.

Existing law gives school police officers the powers of a peace officer ~~[.]~~ **and establishes the jurisdiction of such officers.** (NRS ~~[289.190]~~ **391.275)** Section ~~[8]~~ **8.5** of this bill ~~[defines the scope of authority of school police officers, including the authority to issue traffic citations on any public street lying near any public school.]~~ **expands the jurisdiction of school police officers in certain circumstances.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 202.265 is hereby amended to read as follows:

202.265 1. Except as otherwise provided in this section, a person shall not carry or possess ~~[,]~~ while on the property of the Nevada System of Higher Education ~~, [or]~~ a private or public school ***or child care facility,*** or while in a vehicle of a private or public school ~~[.]~~ ***or child care facility:***

(a) An explosive or incendiary device;

(b) A dirk, dagger or switchblade knife;

(c) A nunchaku or trefoil;

(d) A blackjack or billy club or metal knuckles; or

(e) ~~[A pistol, revolver or other firearm.]~~ ***Any device used to mark any part of a person with paint or any other substance.***

2. Any person who violates subsection 1 is guilty of a gross misdemeanor.

3. ***Except as otherwise provided in this section, a person who carries or possesses a pistol, revolver or other firearm while on the property of the Nevada System of Higher Education ~~, [or]~~ a private or public school or child care facility, or while in a vehicle of a private or public school or child care facility, is guilty of a category E felony and shall be punished as provided in NRS 193.130.***

4. This section does not prohibit the possession of a weapon listed in subsection 1 ***or described in subsection 3*** on the property of ~~[a]~~ ***:***

(a) A private or public school ***or child care facility*** by a:

~~[(a)]~~ ***(1)*** Peace officer;

~~[(b)]~~ ***(2)*** School security guard; or

~~[(c)]~~ ***(3)*** Person having written permission from the president of a branch or facility of the Nevada System of Higher Education or the principal of the school ***or the person designated by a child care facility to give permission*** to carry or possess the weapon.

(b) A child care facility which is located at or in the home of a natural person by the person who owns or operates the facility so long as the person resides in the home and the person complies with any laws governing the possession of such a weapon.

5. The provisions of this section apply to a child care facility located at or in the home of a natural person only during the normal hours of business of the facility.

~~[4.]~~ ~~[5.]~~ ***6.*** For the purposes of this section:

(a) "Firearm" includes ~~[~~:

~~(1) Any device used to mark the clothing of a person with paint or any other substance; and~~

~~(2) Any]~~ ***any*** device from which a metallic projectile, including any ball bearing or pellet, may be expelled by means of spring, gas, air or other force.

(b) "Nunchaku" has the meaning ascribed to it in NRS 202.350.

(c) "Switchblade knife" has the meaning ascribed to it in NRS 202.350.

(d) "Trefoil" has the meaning ascribed to it in NRS 202.350.

(e) "Vehicle" has the meaning ascribed to "school bus" in NRS 484.148.

Sec. 2. NRS 202.3673 is hereby amended to read as follows:

202.3673 1. Except as otherwise provided in subsections 2 and 3, a permittee may carry a concealed firearm while he is on the premises of any public building.

2. A permittee shall not carry a concealed firearm while he is on the premises of a public building that is located on the property of a public airport.

3. A permittee shall not carry a concealed firearm while he is on the premises of:

(a) A public building that is located on the property of a public school ***or a child care facility*** or the property of the Nevada System of Higher Education, unless the permittee has obtained written permission to carry a concealed firearm while he is on the premises of the public building pursuant to ***subparagraph (3) of*** paragraph ~~[(c)]~~ ***(a)*** of subsection ~~[3]~~ ***4*** of NRS 202.265.

(b) A public building that has a metal detector at each public entrance or a sign posted at each public entrance indicating that no firearms are allowed in the building, unless the permittee is not prohibited from carrying a concealed firearm while he is on the premises of the public building pursuant to subsection 4.

4. The provisions of paragraph (b) of subsection 3 do not prohibit:

(a) A permittee who is a judge from carrying a concealed firearm in the courthouse or courtroom in which he presides or from authorizing a permittee to carry a concealed firearm while in the courtroom of the judge and while traveling to and from the courtroom of the judge.

(b) A permittee who is a prosecuting attorney of an agency or political subdivision of the United States or of this State from carrying a concealed firearm while he is on the premises of a public building.

(c) A permittee who is employed in the public building from carrying a concealed firearm while he is on the premises of the public building.

(d) A permittee from carrying a concealed firearm while he is on the premises of the public building if the permittee has received written permission from the person in control of the public building to carry a concealed firearm while the permittee is on the premises of the public building.

5. A person who violates subsection 2 or 3 is guilty of a misdemeanor.

6. As used in this section, "public

building" means any building or office space occupied by:

(a) Any component of the Nevada System of Higher Education and used for any purpose related to the System; or

(b) The Federal Government, the State of Nevada or any county, city, school district or other political subdivision of the State of Nevada and used for any public purpose.

➥ If only part of the building is occupied by an entity described in this subsection, the term means only that portion of the building which is so occupied.

Sec. 3. NRS 62C.060 is hereby amended to read as follows:

62C.060 1. If a peace officer or probation officer has probable cause to believe that a child is committing or has committed an unlawful act that involves the possession, use or threatened use of a firearm, the officer shall take the child into custody.

2. If a child is taken into custody for an unlawful act described in this section, the child must not be released before a detention hearing is held pursuant to NRS 62C.040.

3. At the detention hearing, the juvenile court shall ***, if the child was taken into custody for:***

(a) Carrying or possessing a firearm while on the property of the Nevada System of Higher Education **,** ~~[or]~~ ***a private or public school*** **or** ***child care facility,*** ***or while in a vehicle of a private or public school*** ~~[,]~~ **or** ***child care facility,*** ***order the child to:***

(1) Be evaluated by a qualified professional; and

(2) Submit to a test to determine whether the child is using any controlled substance.

(b) Committing an unlawful act involving a firearm other than the act described in paragraph (a), determine whether to order the child to be evaluated by a qualified professional.

4. If the juvenile court orders the child to be evaluated by a qualified professional ~~[,]~~ ***or to submit to a test to determine whether the child is using any controlled substance,*** the evaluation ***or the results from the test*** must be completed not later than 14 days after the detention hearing. Until the evaluation ***or the test*** is completed, the child must be:

(a) Detained at a facility for the detention of children; or

(b) Placed under a program of supervision in the home of the child that may include electronic surveillance of the child.

5. If a child is evaluated by a qualified professional pursuant to this section, the statements made by the child to the qualified professional during the evaluation and any evidence directly or indirectly derived from those statements may not be used for any purpose in a proceeding which is conducted to prove that the child committed a delinquent act or criminal offense. The provisions of this subsection do not prohibit the district attorney from proving that the child committed a delinquent act or criminal offense based upon evidence obtained from sources or by means that are independent

of the statements made by the child to the qualified professional during the evaluation.

Sec. 4. NRS 176A.410 is hereby amended to read as follows:

176A.410 1. Except as otherwise provided in subsection 3, if a defendant is convicted of a sexual offense and the court grants probation or suspends the sentence, the court shall, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension of sentence that the defendant:

(a) Submit to a search and seizure of his person, residence or vehicle or any property under his control, at any time of the day or night, without a warrant, by any parole and probation officer or any peace officer, for the purpose of determining whether the defendant has violated any condition of probation or suspension of sentence or committed any crime **.** ~~[;]~~

(b) Reside at a location only if ~~[it]~~ ***:***

(1) The residence has been approved by the parole and probation officer assigned to the defendant **.** ~~[and keep]~~

(2) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.

(3) The defendant keeps the parole and probation officer informed of his current address **.** ~~[;]~~

(c) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the defendant and keep the parole and probation officer informed of the location of his position of employment or position as a volunteer **.** ~~[;]~~

(d) Abide by any curfew imposed by the parole and probation officer assigned to the defendant **.** ~~[;]~~

(e) Participate in and complete a program of professional counseling approved by the Division **.** ~~[;]~~

(f) Submit to periodic tests, as requested by the parole and probation officer assigned to the defendant, to determine whether the defendant is using a controlled substance **.** ~~[;]~~

(g) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the defendant **.** ~~[;]~~

(h) Abstain from consuming, possessing or having under his control any alcohol **.** ~~[;]~~

(i) Not have contact or communicate with a victim of the sexual offense or a witness who testified against the defendant or solicit another person to engage in such contact or communication on behalf of the defendant, unless approved by the parole and probation officer assigned to the defendant, and a written agreement is entered into and signed in the manner set forth in subsection 2 **.** ~~[;]~~

(j) Not use aliases or fictitious names **.** ~~[;]~~

(k) Not obtain a post office box unless the defendant receives permission from the parole and probation officer assigned to the defendant **.** ~~[.]~~

(l) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of a sexual offense is present and permission has been obtained from the parole and probation officer assigned to the defendant in advance of each such contact **.** ~~[.]~~

(m) Unless approved by the parole and probation officer assigned to the defendant and by a psychiatrist, psychologist or counselor treating the defendant, if any, not be in or near:

(1) A playground, park, school or school grounds;

(2) A motion picture theater; or

(3) A business that primarily has children as customers or conducts events that primarily children attend **.** ~~[.]~~

(n) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication **.** ~~[.]~~

(o) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the defendant **.** ~~[.]~~

(p) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the defendant **.** ~~[.]~~

(q) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the defendant **.** ~~[; and]~~

(r) Inform the parole and probation officer assigned to the defendant if the defendant expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education. As used in this paragraph, "institution of higher education" has the meaning ascribed to it in NRS 179D.045.

2. A written agreement entered into pursuant to paragraph (i) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or communication authorized. The written agreement must be signed and agreed to by:

(a) The victim or the witness;

(b) The defendant;

(c) The parole and probation officer assigned to the defendant;

(d) The psychiatrist, psychologist or counselor treating the defendant, victim or witness, if any; and

(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child.

3. The court is not required to impose a condition of probation or suspension of sentence listed in subsection 1 if the court finds that extraordinary circumstances are present and the court enters those extraordinary circumstances in the record.

4. As used in this section, "sexual offense" has the meaning ascribed to it in NRS 179D.410.

Sec. 5. NRS 213.1243 is hereby amended to read as follows:

213.1243 1. The Board shall establish by regulation a program of lifetime supervision of sex offenders to commence after any period of probation or any term of imprisonment and any period of release on parole. The program must provide for the lifetime supervision of sex offenders by parole and probation officers.

2. Lifetime supervision shall be deemed a form of parole for:

(a) The limited purposes of the applicability of the provisions of NRS 213.1076, subsection 9 of NRS 213.1095, NRS 213.1096 and subsection 2 of NRS 213.110; and

(b) The purposes of the Interstate Compact for Adult Offender Supervision ratified, enacted and entered into by the State of Nevada pursuant to NRS 213.215.

3. ***Except as otherwise provided in subsection 4, the Board shall require as a condition of lifetime supervision that the sex offender reside at a location only if:***

(a) The residence has been approved by the parole and probation officer assigned to the person.

(b) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.

(c) The person keeps the parole and probation officer informed of his current address.

4. The Board is not required to impose a condition pursuant to the program of lifetime supervision listed in subsection 3 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.

5. A person who commits a violation of a condition imposed on him pursuant to the program of lifetime supervision is guilty of:

(a) If the violation constitutes a minor violation, a misdemeanor.

(b) If the violation constitutes a major violation, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

~~[4.]~~ ***6.*** For the purposes of prosecution of a violation by a person of a condition imposed upon him pursuant to the program of lifetime supervision, the violation shall be deemed to have occurred in, and may only be prosecuted in, the county in which the court that imposed the sentence of

lifetime supervision pursuant to NRS 176.0931 is located, regardless of whether the acts or conduct constituting the violation took place, in whole or in part, within or outside that county or within or outside this State.

~~[5.]~~ ***7.*** As used in this section:

(a) "Major violation" means a violation which poses a threat to the safety or well-being of others and which involves:

(1) The commission of any crime that is punishable as a gross misdemeanor or felony or any crime that involves a victim who is less than 18 years of age;

(2) The use of a deadly weapon, explosives or a firearm;

(3) The use or threatened use of force or violence against a person;

(4) Death or bodily injury of a person;

(5) An act of domestic violence;

(6) Harassment, stalking or threats of any kind; or

(7) The forcible or unlawful entry of a home, building, structure or vehicle in which a person is present.

(b) "Minor violation" means a violation that does not constitute a major violation.

Sec. 6. NRS 213.1245 is hereby amended to read as follows:

213.1245 1. Except as otherwise provided in subsection 3, if the Board releases on parole a prisoner convicted of an offense listed in NRS 179D.620, the Board shall, in addition to any other condition of parole, require as a condition of parole that the parolee:

(a) Reside at a location only if ~~[it]~~ ***:***

(1) The residence has been approved by the parole and probation officer assigned to the parolee **.** ~~[and keep]~~

(2) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.

(3) The parolee keeps the parole and probation officer informed of his current address **.** ~~[;]~~

(b) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the parolee and keep the parole and probation officer informed of the location of his position of employment or position as a volunteer **.** ~~[;]~~

(c) Abide by any curfew imposed by the parole and probation officer assigned to the parolee **.** ~~[;]~~

(d) Participate in and complete a program of professional counseling approved by the Division **.** ~~[;]~~

(e) Submit to periodic tests, as requested by the parole and probation officer assigned to the parolee, to determine whether the parolee is using a controlled substance **.** ~~[;]~~

(f) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the parolee **.** ~~[;]~~

(g) Abstain from consuming, possessing or having under his control any alcohol **.** ~~[;]~~

(h) Not have contact or communicate with a victim of the offense or a witness who testified against the parolee or solicit another person to engage in such contact or communication on behalf of the parolee, unless approved by the parole and probation officer assigned to the parolee, and a written agreement is entered into and signed in the manner set forth in subsection 2 **.** ~~[;]~~

(i) Not use aliases or fictitious names **.** ~~[;]~~

(j) Not obtain a post office box unless the parolee receives permission from the parole and probation officer assigned to the parolee **.** ~~[;]~~

(k) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of an offense listed in NRS 179D.410 is present and permission has been obtained from the parole and probation officer assigned to the parolee in advance of each such contact **.** ~~[;]~~

(l) Unless approved by the parole and probation officer assigned to the parolee and by a psychiatrist, psychologist or counselor treating the parolee, if any, not be in or near:

(1) A playground, park, school or school grounds;

(2) A motion picture theater; or

(3) A business that primarily has children as customers or conducts events that primarily children attend **.** ~~[;]~~

(m) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication **.** ~~[;]~~

(n) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the parolee **.** ~~[;]~~

(o) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the parolee **.** ~~[;]~~

(p) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the parolee **.** ~~[; and]~~

(q) Inform the parole and probation officer assigned to the parolee if the parolee expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education. As used in this paragraph, "institution of higher education" has the meaning ascribed to it in NRS 179D.045.

2. A written agreement entered into pursuant to paragraph (h) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or

communication authorized. The written agreement must be signed and agreed to by:

(a) The victim or the witness;

(b) The parolee;

(c) The parole and probation officer assigned to the parolee;

(d) The psychiatrist, psychologist or counselor treating the parolee, victim or witness, if any; and

(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child.

3. The Board is not required to impose a condition of parole listed in subsection 1 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.

Sec. 7. (Deleted by amendment.)

Sec. 8. ~~[NRS 289.190 is hereby amended to read as follows:~~

~~289.190 1. A person employed or appointed to serve as a school police officer pursuant to subsection 8 of NRS 391.100 has the powers of a peace officer. A school police officer shall perform his duties in compliance with the provisions of NRS 171.1223 [.] *and, except as otherwise provided in subsection 2, may exercise his power and authority only:*~~

~~*(a) Upon the property of the school district;*~~

~~*(b) When in hot pursuit of a violator leaving such property;*~~

~~*(c) In or about other grounds or properties of the school district; and*~~

~~*(d) At activities or events sponsored by the school district that are in a location other than the property of the school district.*~~

~~2. *A school police officer may, in the manner provided in NRS 484.799, prepare and issue a traffic citation for a violation of chapter 484 of NRS on any public street that is adjacent to any public school in the school district.*~~

~~*3.* A person appointed pursuant to NRS 393.0718 by the board of trustees of any school district has the powers of a peace officer to carry out the intents and purposes of NRS 393.071 to 393.0719, inclusive.~~

~~[3.] *4.* Members of every board of trustees of a school district, superintendents of schools, principals and teachers have concurrent power with peace officers for the protection of children in school and on the way to and from school, and for the enforcement of order and discipline among such children, including children who attend school within one school district but reside in an adjoining school district or adjoining state, pursuant to the provisions of chapter 392 of NRS. This subsection must not be construed so as to make it the duty of superintendents of schools, principals and teachers to supervise the conduct of children while not on the school property.]~~ **(Deleted by amendment.)**

Sec. 8.5. **NRS 391.275 is hereby amended to read as follows:**

391.275 ***1.*** The jurisdiction of each school police officer of a school district extends to all school property, buildings and facilities within the school district ~~[,]~~ for the purpose of:

~~[1.]~~ ***(a)*** Protecting school district personnel, pupils, or real or personal property; or

~~[2.]~~ ***(b)*** Cooperating with local law enforcement agencies in matters relating to personnel, pupils or real or personal property of the school district.

2. In addition to the jurisdiction set forth in subsection 1, a school police officer of a school district has jurisdiction:

(a) Beyond the school property, buildings and facilities when in hot pursuit of a person believed to have committed a crime;

(b) At activities or events sponsored by the school district that are in a location other than the property, buildings or facilities within the school district; and

(c) When authorized by the superintendent of schools of the school district, on the streets that are adjacent to the school property, buildings and facilities within the school district for the purpose of issuing traffic citations for violations of traffic laws and ordinances during the times that the school is in session or school-related activities are in progress.

Sec. 9. NRS 449.037 is hereby amended to read as follows:

449.037 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.001 to 449.240, inclusive, and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Health Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.001 to 449.240, inclusive.

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

➥ which provide care to persons with Alzheimer's disease.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. The Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) The prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Health Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Except as otherwise provided in subsection 8, contain toilet facilities;

(2) Contain a sleeping area or bedroom; and

(3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and his personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Health Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility licensed as a residential facility for groups on or before July 1, 2005, and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling, if the Health Division finds that:

(a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and

(b) The exception, if granted, would not:

(1) Cause substantial detriment to the health or welfare of any resident of the facility;

(2) Result in more than two residents sharing a toilet facility; or

(3) Otherwise impair substantially the purpose of that requirement.

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:

(a) Facilities that only provide a housing and living environment;

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and

(c) Facilities that provide or arrange for the provision of alcohol and drug abuse programs, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

➥ ***The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.***

11. As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 10. The amendatory provisions of:

1. Section 4 of this act apply to any person who is granted probation or a suspension of sentence before, on or after October 1, 2007;

2. Section 5 of this act apply to any person placed under a program of lifetime supervision before, on or after October 1, 2007; and

3. Sections 6 and 7 of this act apply to any person released on parole before, on or after October 1, 2007.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblymen Settelmeyer and Horne.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that upon return from the printer, Senate Bill No. 354 be placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 436 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 425.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 863.

AN ACT relating to campaign practices; **requiring a person administering a legal defense fund to report the creation of, contributions received by and expenditures from the fund; prohibiting contributions over a certain amount to a legal defense fund;** providing that a "political purpose" includes a legal defense fund ~~[.]~~ **for purposes of the provisions prohibiting the solicitation or acceptance of monetary contributions by certain persons during a specified period; providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1.7 of this bill requires a person administering a legal defense fund, which is defined in section 1.5 of this bill, to report the creation of the fund and any contributions received by and expenditures made from the fund. Section 1.8 of this bill limits contributions to a legal defense fund by a person to $10,000 during a specified period.

Existing law prohibits a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor or the Governor-Elect from soliciting or accepting monetary contributions for any political purpose during a certain period before and after a legislative session. **(NRS 294A.300)** Section 2 of this bill provides that a "political purpose" includes a legal defense fund **.** ~~[and defines the term "legal defense fund."]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.1. **NRS 293.4687 is hereby amended to read as follows:**

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on his Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388; and

(c) All reports on campaign contributions and expenditures submitted to the Secretary of State pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 ~~[.]~~ ***and all reports on contributions***

received by and expenditures made from a legal defense fund submitted to the Secretary of State pursuant to section 1.7 of this act.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 1.3. **Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5, 1.7 and 1.8 of this act.**

Sec. 1.5. ***"Legal defense fund" means an account established to defray attorney's fees or other legal costs incurred by a candidate or public officer if such a candidate or public officer becomes subject to any civil, criminal or administrative claim or proceeding arising from a campaign, the electoral process or the performance of his official duties.***

Sec. 1.7. ***1. A person who administers a legal defense fund shall:***

(a) Within 5 days after the creation of the legal defense fund, notify the Secretary of State of the creation of the fund on a form provided by the Secretary of State; and

(b) For the same period covered by the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360, report any contribution received by or expenditure made from the legal defense fund.

2. The reports required by paragraph (b) of subsection 1 must be submitted on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the administrator of the legal defense fund under penalty of perjury.

3. The reports required by paragraph (b) of subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360.

Sec. 1.8. ***1. A person shall not make a contribution or contributions to the legal defense fund of a candidate or public officer in an amount which exceeds $10,000 during the applicable period prescribed in NRS 294A.100 pertaining to the office the candidate is seeking or that the public officer holds.***

2. A candidate or public officer shall not accept a contribution to his legal defense fund that is made in violation of subsection 1.

3. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 1.9. **NRS 294A.002 is hereby amended to read as follows:**

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.004 to 294A.009, inclusive, ***and section 1.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 2**.** NRS 294A.300 is hereby amended to read as follows:

294A.300 1. It is unlawful for a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor or the Governor-Elect to solicit or accept any monetary contribution, or solicit or accept a commitment to make such a contribution for any political purpose during the period beginning:

(a) Thirty days before a regular session of the Legislature and ending 30 days after the final adjournment of a regular session of the Legislature;

(b) Fifteen days before a special session of the Legislature is set to commence and ending 15 days after the final adjournment of a special session of the Legislature, if the Governor sets a specific date for the commencement of the special session that is more than 15 days after the Governor issues the proclamation calling for the special session; or

(c) The day after the Governor issues a proclamation calling for a special session of the Legislature and ending 15 days after the final adjournment of a special session of the Legislature if the Governor sets a specific date for the commencement of the special session that is 15 or fewer days after the Governor issues the proclamation calling for the special session.

2. This section does not prohibit the payment of a salary or other compensation or income to a member of the Legislature, the Lieutenant Governor or the Governor during a session of the Legislature if it is made for services provided as a part of his regular employment or is additional income to which he is entitled.

3. As used in this section ~~*[:*~~

~~*(a) "Legal defense fund" means an account established to defray attorney's fees or other legal costs incurred by a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor or the Governor-Elect if such an official becomes subject to any civil, criminal or administrative proceedings arising from a campaign, the electoral process or the performance of his official duties.*~~

~~*(b) "Political]*~~ ***, "political purpose" includes, without limitation, the establishment of, or the addition of money to, a legal defense fund.***

Sec. 2.3. **NRS 294A.350 is hereby amended to read as follows:**

294A.350 1. Every candidate for state, district, county, municipal or township office shall file the reports of campaign contributions and expenses required by NRS 294A.120, 294A.128, 294A.200 and 294A.360 ~~[,]~~ ***and reports of contributions received by and expenditures made from a legal defense fund required by section 1.7 of this act,*** even though he:

(a) Withdraws his candidacy;

(b) Receives no campaign contributions;

(c) Has no campaign expenses;

(d) Is removed from the ballot by court order; or

(e) Is the subject of a petition to recall and the special election is not held.

2. A candidate who withdraws his candidacy pursuant to NRS 293.202 may file simultaneously all the reports of campaign contributions and

expenses required by NRS 294A.120, 294A.128, 294A.200 and 294A.360 ~~[,]~~ ***and the report of contributions received by and expenditures made from a legal defense fund required by section 1.7 of this act,*** so long as each report is filed on or before the last day for filing the respective report pursuant to NRS 294A.120, 294A.200 or 294A.360.

Sec. 2.5. **NRS 294A.373 is hereby amended to read as follows:**

294A.373 1. The Secretary of State shall design a single form to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 ~~[,]~~ ***and reports of contributions received by and expenditures made from a legal defense fund that are required to be filed pursuant to section 1.7 of this act.***

2. The form designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

3. Upon request, the Secretary of State shall provide a copy of the form designed pursuant to this section to each person, committee, political party and group that is required to file a report described in subsection 1.

4. The Secretary of State must obtain the advice and consent of the Legislative Commission before providing a copy of a form designed or revised by the Secretary of State pursuant to this section to a person, committee, political party or group that is required to use the form.

Sec. 2.7. **NRS 294A.390 is hereby amended to read as follows:**

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;

2. An acceptance of candidacy;

3. The registration of a committee for political action pursuant to NRS 294A.230 or a committee for the recall of a public officer pursuant to NRS 294A.250; ~~[or]~~

4. ***The reporting of the creation of a legal defense fund pursuant to section 1.7 of this act; or***

5. The reporting of campaign contributions, expenses or expenditures pursuant to NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360 ~~[,]~~ ***and the reporting of contributions received by and expenditures made from a legal defense fund pursuant to section 1.7 of this act,***

➥ shall furnish the candidate with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360 relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420 ***, and an explanation of sections 1.7 and 1.8 of this act relating to***

the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in section 1.8 of this act and NRS 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

~~Sec. 3.~~ (Deleted by amendment.)

Sec. 3.3. **NRS 294A.400 is hereby amended to read as follows:**

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 and 294A.280 ~~[,]~~ ***and section 1.7 of this act,*** prepare and make available for public inspection a compilation of:

1. The total campaign contributions, the contributions which are in excess of $100 and the total campaign expenses of each of the candidates from whom reports of those contributions and expenses are required.

2. The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the total amount of written commitments for contributions received by a candidate.

3. The contributions made to a committee for the recall of a public officer in excess of $100.

4. The expenditures exceeding $100 made by a:

(a) Person on behalf of a candidate other than himself.

(b) Person or group of persons on behalf of or against a question or group of questions on the ballot.

(c) Group of persons advocating the election or defeat of a candidate.

(d) Committee for the recall of a public officer.

5. The contributions in excess of $100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.

(b) A person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot.

(c) A committee for political action, political party or committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates.

6. The total contributions received by and expenditures made from a legal defense fund.

Sec. 3.6. **NRS 294A.420 is hereby amended to read as follows:**

294A.420 1. If the Secretary of State receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280 or 294A.360 ***or section 1.7 of this act*** has not filed a report or

form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a person or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.128, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280, 294A.300, 294A.310, 294A.320 or 294A.360 ***or section 1.7 of this act*** is subject to a civil penalty of not more than $5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a person or entity has reported its contributions, expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

Sec. 3.8. **NRS 281.501 is hereby amended to read as follows:**

281.501 1. Except as otherwise provided in subsection 2, 3 or 4, a public officer may vote upon a matter if the benefit or detriment accruing to him as a result of the decision either individually or in a representative capacity as a member of a general business, profession, occupation or group is not greater than that accruing to any other member of the general business, profession, occupation or group.

2. Except as otherwise provided in subsection 3, in addition to the requirements of the code of ethical standards, a public officer shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by:

(a) His acceptance of a gift or loan;

(b) His pecuniary interest; or

(c) His commitment in a private capacity to the interests of others.

➥ It must be presumed that the independence of judgment of a reasonable person would not be materially affected by his pecuniary interest or his commitment in a private capacity to the interests of others where the resulting benefit or detriment accruing to him or to the other persons whose interests to which the member is committed in a private capacity is not greater than that accruing to any other member of the general business, profession, occupation or group. The presumption set forth in this subsection does not affect the applicability of the requirements set forth in subsection 4 relating to the disclosure of the pecuniary interest or commitment in a private capacity to the interests of others.

3. In a county whose population is 400,000 or more, a member of a county or city planning commission shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by:

(a) His acceptance of a gift or loan;

(b) His direct pecuniary interest; or

(c) His commitment to a member of his household or a person who is related to him by blood, adoption or marriage within the third degree of consanguinity or affinity.

➥ It must be presumed that the independence of judgment of a reasonable person would not be materially affected by his direct pecuniary interest or his commitment described in paragraph (c) where the resulting benefit or detriment accruing to him or to the other persons whose interests to which the member is committed is not greater than that accruing to any other member of the general business, profession, occupation or group. The presumption set forth in this subsection does not affect the applicability of the requirements set forth in subsection 4 relating to the disclosure of the direct pecuniary interest or commitment.

4. A public officer or employee shall not approve, disapprove, vote, abstain from voting or otherwise act upon any matter:

(a) Regarding which he has accepted a gift or loan;

(b) Which would reasonably be affected by his commitment in a private capacity to the interest of others; or

(c) In which he has a pecuniary interest,

➥ without disclosing sufficient information concerning the gift, loan, commitment or interest to inform the public of the potential effect of the action or abstention upon the person who provided the gift or loan, upon the person to whom he has a commitment, or upon his interest. Except as otherwise provided in subsection 6, such a disclosure must be made at the time the matter is considered. If the officer or employee is a member of a body which makes decisions, he shall make the disclosure in public to the Chairman and other members of the body. If the officer or employee is not a member of such a body and holds an appointive office, he shall make the disclosure to the supervisory head of his organization or, if he holds an elective office, to the general public in the area from which he is elected. This subsection does not require a public officer to disclose any campaign contributions that the public officer reported pursuant to NRS 294A.120 or 294A.125 ***or any contributions to a legal defense fund that the public officer reported pursuant to section 1.7 of this act*** in a timely manner.

5. Except as otherwise provided in NRS 241.0355, if a public officer declares to the body or committee in which the vote is to be taken that he will abstain from voting because of the requirements of this section, the necessary quorum to act upon and the number of votes necessary to act upon the matter, as fixed by any statute, ordinance or rule, is reduced as though the member abstaining were not a member of the body or committee.

6. After a member of the Legislature makes a disclosure pursuant to subsection 4, he may file with the Director of the Legislative Counsel Bureau a written statement of his disclosure. The written statement must designate the matter to which the disclosure applies. After a Legislator files a written statement pursuant to this subsection, he is not required to disclose orally his interest when the matter is further considered by the Legislature or any committee thereof. A written statement of disclosure is a public record and must be made available for inspection by the public during the regular office hours of the Legislative Counsel Bureau.

7. The provisions of this section do not, under any circumstances:

(a) Prohibit a member of the Legislative Branch from requesting or introducing a legislative measure; or

(b) Require a member of the Legislative Branch to take any particular action before or while requesting or introducing a legislative measure.

8. As used in this section, "commitment in a private capacity to the interests of others" means a commitment to a person:

(a) Who is a member of his household;

(b) Who is related to him by blood, adoption or marriage within the third degree of consanguinity or affinity;

(c) Who employs him or a member of his household;

(d) With whom he has a substantial and continuing business relationship; or

(e) Any other commitment or relationship that is substantially similar to a commitment or relationship described in this subsection.

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Koivisto moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 548.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 864.

AN ACT relating to public office; revising the provisions governing filing of statements of financial disclosure by public officers and candidates for public office; requiring certain statements advocating the election or defeat of a candidate for state or local office and published by persons receiving compensation from the candidates, opponents of the candidates or certain political groups to contain disclosures of certain information regarding that compensation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain appointed and elected public officers and candidates for public office to file financial disclosure statements. (NRS 281.559, 281.561) Sections 1 and 2 of this bill clarify that each disclosure statement is intended to disclose the required information for the full calendar year immediately preceding the deadline for filing the statement and, for candidates, to also disclose the required information for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office.

Existing law provides for a number of required and prohibited acts relating to election campaigns. (NRS 294A.290-294A.343) Section 3 of this bill requires certain statements advocating the election or defeat of a candidate for state or local office and published by persons receiving compensation from the candidates, opponents of the candidates or certain political groups to include a disclosure of certain information regarding that compensation.

Existing law requires a person who publishes any material or information relating to an election, candidate or ballot question to disclose on the publication itself the name and address of each person responsible for paying for the publication. (NRS 294A.320) The United States Court of Appeals for the Ninth Circuit held that although the State had compelling interests in providing useful information to the electorate, in preventing election fraud and in ensuring compliance with its campaign finance laws, NRS 294A.320 was unconstitutional because it prohibited far more anonymous political speech than was necessary to achieve the State's legitimate interests and because its provisions were overbroad and could be further limited in order to withstand strict scrutiny. (*ACLU v. Heller*, 378 F.3d 979 (9th Cir. Nev. 2004))

Section 5 of this bill repeals NRS 294A.320.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 281.559 is hereby amended to read as follows:

281.559 1. Except as otherwise provided in subsection 2, if a public officer who was appointed to the office for which he is serving is entitled to receive annual compensation of $6,000 or more for serving in that office, he shall file with the Commission a statement of financial disclosure, as follows:

(a) A public officer appointed to fill the unexpired term of an elected or appointed public officer shall file a statement of financial disclosure within 30 days after his appointment.

(b) Each public officer appointed to fill an office shall file a statement of financial disclosure on or before January 15 of each year of the term, including the year the term expires.

➥ ***The statement must disclose the required information for the full calendar year immediately preceding the date of filing.***

2. If a person is serving in a public office for which he is required to file a statement pursuant to subsection 1, he may use the statement he files for that initial office to satisfy the requirements of subsection 1 for every other public office to which he is appointed and in which he is also serving.

3. A judicial officer who is appointed to fill the unexpired term of a predecessor or to fill a newly created judgeship shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281.571.

4. The Commission shall provide written notification to the Secretary of State of the public officers who failed to file the statements of financial disclosure required by subsection 1 or who failed to file those statements in a timely manner. The notice must be sent within 30 days after the deadlines set forth in subsection 1 and must include:

(a) The name of each public officer who failed to file his statement of financial disclosure within the period before the notice is sent;

(b) The name of each public officer who filed his statement of financial disclosure after the deadlines set forth in subsection 1 but within the period before the notice is sent;

(c) For the first notice sent after the public officer filed his statement of financial disclosure, the name of each public officer who filed his statement of financial disclosure after the deadlines set forth in subsection 1 but within the period before the notice is sent; and

(d) For each public officer listed in paragraph (c), the date on which the statement of financial disclosure was due and the date on which the public officer filed the statement.

5. In addition to the notice provided pursuant to subsection 4, the Commission shall notify the Secretary of State of each public officer who

files a statement of financial disclosure more than 30 days after the deadlines set forth in subsection 1. The notice must include the information described in paragraphs (c) and (d) of subsection 4.

6. A statement of financial disclosure shall be deemed to be filed with the Commission:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the Commission if the statement was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

Sec. 2. NRS 281.561 is hereby amended to read as follows:

281.561 1. ~~[Each]~~ ***Except as otherwise provided in subsection 2, each*** candidate for public office who will be entitled to receive annual compensation of $6,000 or more for serving in the office that he is seeking and, except as otherwise provided in subsection ~~[2,]~~ ***3,*** each public officer who was elected to the office for which he is serving shall file with the Secretary of State a statement of financial disclosure, as follows:

(a) A candidate for nomination, election or reelection to public office shall file a statement of financial disclosure no later than the 10th day after the last day to qualify as a candidate for the office ***.*** ~~[; and]~~ ***The statement must disclose the required information for the full calendar year immediately preceding the date of filing and for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office. The filing of a statement of financial disclosure for a portion of a calendar year pursuant to this paragraph does not relieve the candidate of the requirement of filing a statement of financial disclosure for the full calendar year pursuant to paragraph (b) in the immediately succeeding year, if he is elected to the office.***

(b) Each public officer shall file a statement of financial disclosure on or before January 15 of each year of the term, including the year the term expires. ***The statement must disclose the required information for the full calendar year immediately preceding the date of filing.***

2. ***Except as otherwise provided in this subsection, if a candidate for public office is serving in a public office for which he is required to file a statement pursuant to paragraph (b) of subsection 1 or subsection 1 of NRS 281.559, he need not file the statement required by subsection 1 for the full calendar year for which he previously filed a statement. The provisions of this subsection do not relieve the candidate of the requirement pursuant to paragraph (a) of subsection 1 to file a statement of financial disclosure for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office.***

3. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a statement of financial disclosure relative to that office pursuant to subsection 1.

~~[3.]~~ ***4.*** A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281.571.

~~[4.]~~ ***5.*** A statement of financial disclosure shall be deemed to be filed with the Secretary of State:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the Secretary of State if the statement was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

~~[5.]~~ ***6.*** The statement of financial disclosure filed pursuant to this section must be filed on the form prescribed by the Commission pursuant to NRS 281.471.

~~[6.]~~ ***7.*** The Secretary of State shall prescribe, by regulation, procedures for the submission of statements of financial disclosure filed pursuant to this section, maintain files of such statements and make the statements available for public inspection.

Sec. 3. Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A statement which:

(a) Is published within 60 days before a general election, general city election or special election or 30 days before a primary election or primary city election;

(b) Expressly advocates the election or defeat of a clearly identified candidate for a state or local office; and

(c) Is published by a person who receives compensation from the candidate, an opponent of the candidate, or a person, party or committee required to report expenditures pursuant to NRS 294A.210,

➥ must contain a disclosure of the fact that the person receives compensation pursuant to paragraph (c) and the name of the person, party or committee providing that compensation.

2. A statement which:

(a) Is published by a candidate within 60 days before a general election, general city election or special election or 30 days before a primary election or primary city election; and

(b) Contains the name of the candidate,

➥ shall be deemed to comply with the provisions of this section.

3. As used in this section, "publish" means the act of:

(a) Printing, posting, broadcasting, mailing or otherwise disseminating; or

(b) Causing to be printed, posted, broadcasted, mailed or otherwise disseminated.

Sec. 4. **NRS 294A.420 is hereby amended to read as follows:**

294A.420 1. If the Secretary of State receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280 or 294A.360 has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a person or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.128, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280, 294A.300, 294A.310 [~~, 294A.320~~] or 294A.360 is subject to a civil penalty of not more than $5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a person or entity has reported its contributions, expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

Sec. 5. **NRS 294A.320 is hereby repealed.**

TEXT OF REPEALED SECTION

NRS 294A.320 Published material concerning campaign must identify person paying for publication; exceptions.

1. Except as otherwise provided in subsection 2, it is unlawful for any person to publish any material or information relating to an election, candidate or any question on a ballot unless that material or information contains:

(a) The name and mailing or street address of each person who has paid for or who is responsible for paying for the publication; and

(b) A statement that each such person has paid for or is responsible for paying for the publication.

2. The provisions of subsection 1 do not apply:

(a) To any candidate or to the political party of that candidate which pays for or is responsible for paying for any billboard, sign or other form of advertisement which refers only to that candidate and in which the candidate's name is prominently displayed.

(b) If the material is expressly approved and paid for by the candidate and the cost of preparation and publishing has been reported by the candidate as a campaign contribution pursuant to NRS 294A.120.

(c) To a natural person who acts independently and not in cooperation with or pursuant to any direction from a business or social organization, nongovernmental legal entity or governmental entity.

3. Any identification that complies with the requirements of the Communications Act of 1934 and the regulations adopted pursuant to the act shall be deemed to comply with the requirements of this section.

4. As used in this section:

(a) "Material" means any printed or written matter or any photograph.

(b) "Publish" means the act of:

(1) Printing, posting, broadcasting, mailing or otherwise disseminating; or

(2) Causing to be printed, posted, broadcasted, mailed or otherwise disseminated,

➥ any material or information to the public.

Assemblywoman Koivisto moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 18 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 4:53 p.m.

ASSEMBLY IN SESSION

At 4:58 p.m.
Madam Speaker presiding.
Quorum present.

Assemblyman Oceguera moved that the action whereby Senate Bill No. 354 was to be placed on the Chief Clerk's desk upon return from the printer be rescinded.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 508.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Assembly Bill No. 508:
YEAS—42.
NAYS—None.
Assembly Bill No. 508 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 579.
Bill read third time.
Remarks by Assemblyman Parks.
Roll call on Assembly Bill No. 579:
YEAS—42.
NAYS—None.
Assembly Bill No. 579 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 612.
Bill read third time.
Remarks by Assemblywoman McClain.
Roll call on Assembly Bill No. 612:
YEAS—42.
NAYS—None.
Assembly Bill No. 612 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 615.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Assembly Bill No. 615:
YEAS—42.
NAYS—None.

Assembly Bill No. 615 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 616.

Bill read third time.

Remarks by Assemblyman Denis.

Roll call on Assembly Bill No. 616:

YEAS—42.

NAYS—None.

Assembly Bill No. 616 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 618.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Assembly Bill No. 618:

YEAS—42.

NAYS—None.

Assembly Bill No. 618 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 10.

Bill read third time.

Remarks by Assemblymen Mabey and Anderson.

Madam Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Senate Bill No. 10:

YEAS—42.

NAYS—None.

Senate Bill No. 10 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 16.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Senate Bill No. 16:

YEAS—42.

NAYS—None.

Senate Bill No. 16 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Atkinson moved that Senate Bill No. 58 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 66.

Bill read third time.

Remarks by Assemblymen Anderson and Cobb.

Roll call on Senate Bill No. 66:

YEAS—29.

NAYS—Allen, Beers, Christensen, Cobb, Gansert, Goedhart, Goicoechea, Grady, Hardy, Mabey, Marvel, Settelmeyer, Stewart—13.

Senate Bill No. 66 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 74.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Senate Bill No. 74:

YEAS—42.

NAYS—None.

Senate Bill No. 74 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 99.

Bill read third time.

Remarks by Assemblywoman Gansert.

Roll call on Senate Bill No. 99:

YEAS—42.

NAYS—None.

Senate Bill No. 99 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 110.

Bill read third time.

Remarks by Assemblyman Denis.

Roll call on Senate Bill No. 110:

YEAS—42.

NAYS—None.

Senate Bill No. 110 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 112.

Bill read third time.

Remarks by Assemblymen Leslie and Beers.

Roll call on Senate Bill No. 112:

YEAS—42.

NAYS—None.

Senate Bill No. 112 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 142.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Senate Bill No. 142:

YEAS—42.

NAYS—None.

Senate Bill No. 142 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 143.

Bill read third time.

The following amendment was proposed by Assemblywoman Smith:

Amendment No. 933.

AN ACT relating to education; **establishing an Advisory Council on Parental Involvement;** authorizing teachers in elementary schools to provide reports to parents and legal guardians of pupils under certain circumstances; requiring support teams established for certain schools to review certain information; ~~[establishing an interim Advisory Council on Parental Involvement;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-4 of this bill establish an Advisory Council on Parental Involvement and prescribe the membership and duties of the Advisory Council.

The statewide system of accountability for public schools requires that public schools be designated each year based upon adequate yearly progress. (NRS 385.3623) A support team must be established for each public school that is designated as demonstrating need for improvement for 3 consecutive years or more. (NRS 385.3721) Each support team is required to review certain information pertaining to the school and revise the school's plan to improve accordingly. (NRS 385.3741) Section ~~[1]~~ **5** of this bill requires the support team to review information provided to the support team concerning educational involvement accords and reports provided to parents and legal guardians by elementary school teachers.

Section ~~[2]~~ **6** of this bill authorizes a teacher in an elementary school to provide to each parent and legal guardian of a pupil enrolled in the school, on

a form prescribed by the Department of Education, a report containing certain information about the pupil and the involvement of the parent or legal guardian in the education of his child. Aggregate information concerning any completed reports must be provided to the support team established for the school, if a support team has been established.

Under existing law, each public school is required to provide to each parent or legal guardian of a pupil an educational involvement accord. The accord provides information concerning the responsibilities of the parent or legal guardian, the pupil and the school in the education of the pupil. (NRS 392.4575) Section ~~[3]~~ **7** of this bill requires principals of schools designated as demonstrating need for improvement for 3 consecutive years or more to provide aggregate information concerning the accords to the support team established for the school.

Under existing law, each classroom teacher is required to provide the code of honor relating to cheating to the parent or legal guardian of each pupil enrolled in his class as part of the educational involvement accord. (NRS 392.4575) Section ~~[4]~~ **8** of this bill requires provision of the code of honor relating to cheating to the pupil as well as his parent or legal guardian for their signature on that document. (NRS 392.461)

~~[Sections 5 and 6 of this bill establish an interim Advisory Council on Parental Involvement to study issues relating to parental involvement in education.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.**

Sec. 2. ***As used in sections 2, 3 and 4 of this act, "Advisory Council" means the Advisory Council on Parental Involvement established pursuant to section 3 of this act.***

Sec. 3. ***1. The Superintendent of Public Instruction shall establish an Advisory Council on Parental Involvement. The Advisory Council is composed of 10 members.***

2. The Superintendent of Public Instruction shall appoint the following members to the Advisory Council:

(a) Two parents or legal guardians of pupils enrolled in public schools;

(b) Two teachers in public schools;

(c) One administrator of a public school;

(d) One representative of a private business or industry;

(e) One member of the board of trustees of a school district in a county whose population is 100,000 or more; and

(f) One member of the board of trustees of a school district in a county whose population is less than 100,000.

➥ The Superintendent of Public Instruction shall, to the extent practicable, ensure that the members he appoints to the Advisory

Council reflect the ethnic, economic and geographic diversity of this State.

3. The Speaker of the Assembly shall appoint one member of the Assembly to the Advisory Council.

4. The Majority Leader of the Senate shall appoint one member of the Senate to the Advisory Council.

5. The Advisory Council shall elect a Chairman and Vice Chairman from among its members. The Chairman and Vice Chairman serve a term of 1 year.

6. After the initial terms:

(a) The term of each member of the Advisory Council who is appointed by the Superintendent of Public Instruction is 3 years.

(b) The term of each member of the Advisory Council who is appointed by the Speaker of the Assembly and the Majority Leader of the Senate is 2 years.

7. The Department shall provide:

(a) Administrative support to the Advisory Council; and

(b) All information that is necessary for the Advisory Council to carry out its duties.

8. For each day or portion of a day during which a member of the Advisory Council who is a Legislator attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council, except during a regular or special session of the Legislature, he is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers generally; and

(c) Travel expenses provided pursuant to NRS 218.2207.

➥ The compensation, per diem allowances and travel expenses of the legislative members of the Advisory Council must be paid from the Legislative Fund.

9. A member of the Advisory Council who is not a Legislator is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which he attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council. The per diem allowance and travel expenses for the members of the Advisory Council who are not Legislators must be paid by the Department.

Sec. 4. The Advisory Council shall:

1. Review the policy of parental involvement adopted by the State Board and the policy of parental involvement adopted by the board of trustees of each school district pursuant to NRS 392.457;

2. Review the information relating to communication with and participation of parents that is included in the annual report of

accountability for each school district pursuant to paragraph (j) of subsection 2 of NRS 385.347;

3. Review any effective practices carried out in individual school districts to increase parental involvement and determine the feasibility of carrying out those practices on a statewide basis;

4. Review any effective practices carried out in other states to increase parental involvement and determine the feasibility of carrying out those practices in this State;

5. Identify methods to communicate effectively and provide outreach to parents and legal guardians of pupils who have limited time to become involved in the education of their children for various reasons, including, without limitation, work schedules, single-parent homes and other family obligations;

6. Identify the manner in which the level of parental involvement affects the performance, attendance and discipline of pupils;

7. Identify methods to communicate effectively with and provide outreach to parents and legal guardians of pupils who are limited English proficient;

8. Determine the necessity for the appointment of a statewide parental involvement coordinator or a parental involvement coordinator in each school district, or both;

9. On or before July 1 of each year, submit a report to the Legislative Committee on Education describing the activities of the Advisory Council and any recommendations for legislation; and

10. On or before February 1 of each odd-numbered year, submit a report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature describing the activities of the Advisory Council and any recommendations for legislation.

~~[Section 1.]~~ ***Sec. 5.*** NRS 385.3741 is hereby amended to read as follows:

385.3741 1. Each support team established for a public school pursuant to NRS 385.3721 shall:

(a) Review and analyze the operation of the school, including, without limitation, the design and operation of the instructional program of the school.

(b) Review and analyze the data pertaining to the school upon which the report required pursuant to subsection 2 of NRS 385.347 is based and review and analyze any data that is more recent than the data upon which the report is based.

(c) Review the most recent plan to improve the achievement of the school's pupils.

(d) ***Review the information concerning the educational involvement accords provided to the support team pursuant to NRS 392.4575 and the information concerning the reports provided to the support team pursuant to section*** ~~*[2]*~~ ***6 of this act.***

(e) Identify and investigate the problems and factors at the school that contributed to the designation of the school as demonstrating need for improvement.

~~[(e)]~~ ***(f)*** Assist the school in developing recommendations for improving the performance of pupils who are enrolled in the school.

~~[(f)]~~ ***(g)*** Except as otherwise provided in this paragraph, make recommendations to the board of trustees of the school district, the State Board and the Department concerning additional assistance for the school in carrying out the plan for improvement of the school. For a charter school sponsored by the State Board, the support team shall make the recommendations to the State Board and the Department.

~~[(g)]~~ ***(h)*** In accordance with its findings pursuant to this section and NRS 385.3742, submit, on or before November 1, written revisions to the most recent plan to improve the achievement of the school's pupils for approval pursuant to NRS 385.357. The written revisions must:

(1) Comply with NRS 385.357;

(2) If the school is a Title I school, be developed in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity that created the support team, outside experts;

(3) Include the data and findings of the support team that provide support for the revisions;

(4) Set forth goals, objectives, tasks and measures for the school that are:

(I) Designed to improve the achievement of the school's pupils;

(II) Specific;

(III) Measurable; and

(IV) Conducive to reliable evaluation;

(5) Set forth a timeline to carry out the revisions;

(6) Set forth priorities for the school in carrying out the revisions; and

(7) Set forth the ~~[names]~~ ***name*** and duties of each person who is responsible for carrying out the revisions.

~~[(h)]~~ ***(i)*** Except as otherwise provided in this paragraph, work cooperatively with the board of trustees of the school district in which the school is located, the employees of the school, and the parents and guardians of pupils enrolled in the school to carry out and monitor the plan for improvement of the school. If a charter school is sponsored by the State Board, the Department shall assist the school with carrying out and monitoring the plan for improvement of the school.

~~[(i)]~~ ***(j)*** Prepare a monthly progress report in the format prescribed by the Department and:

(1) Submit the progress report to the Department.

(2) Distribute copies of the progress report to each employee of the school for review.

~~[(j)]~~ ***(k)*** In addition to the requirements of this section, if the support team is established for a Title I school, carry out the requirements of 20 U.S.C. § 6317(a)(5).

2. A school support team may require the school for which the support team was established to submit plans, strategies, tasks and measures that, in the determination of the support team, will assist the school in improving the achievement and proficiency of pupils enrolled in the school.

3. The Department shall prescribe a concise monthly progress report for use by each support team in accordance with paragraph ~~[(i)]~~ ***(j)*** of subsection 1.

~~[Sec. 2.]~~ ***Sec. 6.*** Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall:

(a) Prescribe a form for use by teachers in elementary schools to provide reports to parents and legal guardians of pupils pursuant to this section;

(b) Work in consultation with the Legislative Bureau of Educational Accountability and Program Evaluation, the Nevada Association of School Boards, the Nevada Association of School Administrators, the Nevada State Education Association and the Nevada Parent Teacher Association in the development of the form; and

(c) Make the form available in electronic format for use by school districts and charter schools and, upon request, in any other manner deemed reasonable by the Department.

2. The form must include, without limitation:

(a) A notice to parents and legal guardians that parental involvement is important in ensuring the success of the academic achievement of pupils;

(b) A checklist indicating whether:

(1) The pupil completes his homework assignments in a timely manner;

(2) The pupil is present in the classroom when school begins each day and is present for the entire school day unless his absence is approved in accordance with NRS 392.130;

(3) The parent or legal guardian and the pupil abide by any applicable rules and policies of the school and the school district; and

(4) The pupil complies with the dress code for the school, if applicable; and

(c) A list of the resources and services available within the community to assist parents and legal guardians in addressing any issues identified on the checklist.

3. In addition to the requirements of subsection 2, the Department may prescribe additional information for inclusion on the form, including, without limitation:

(a) A report of the participation of the parent or legal guardian, including, without limitation, whether the parent or legal guardian:

(1) Completes forms and other documents that are required by the school or school district in a timely manner;

(2) Assists in carrying out a plan to improve the pupil's academic achievement, if applicable;

(3) Attends conferences between the teacher and the parent or legal guardian, if applicable; and

(4) Attends school activities.

(b) A report of whether the parent or legal guardian ensures the health and safety of the pupil, including, without limitation, whether:

(1) Current information is on file with the school that designates each person whom the school should contact if an emergency involving the pupil occurs; and

(2) Current information is on file with the school regarding the health and safety of the pupil, such as immunization records, if applicable, and any special medical needs of the pupil.

4. A teacher at an elementary school may provide the form prescribed by the Department, including the additional information prescribed pursuant to subsection 3 if the Department has prescribed such information on the form, to a parent or legal guardian of a pupil if the teacher determines that the provision of such a report would assist in improving the academic achievement of the pupil.

5. A report provided to a parent or legal guardian pursuant to this section must not be used in a manner that:

(a) Interferes unreasonably with the personal privacy of the parent or legal guardian or the pupil;

(b) Reprimands the parent or legal guardian; or

(c) Affects the grade or report of progress given to a pupil based upon the information contained in the report.

6. The principal of each elementary school at which a teacher provides reports pursuant to this section shall provide to the support team established for the school pursuant to NRS 385.3721, if applicable, the information contained in the completed reports for consideration by the support team. The information must be provided in an aggregated format and must not disclose the identity of an individual parent, legal guardian or pupil.

~~[Sec. 3.]~~ ***Sec. 7.*** NRS 392.4575 is hereby amended to read as follows:

392.4575 1. The Department shall prescribe a form for educational involvement accords to be used by all public schools in this State. The educational involvement accord must comply with the parental involvement policy:

(a) Required by the federal No Child Left Behind Act of 2001, as set forth in 20 U.S.C. § 6318.

(b) Adopted by the State Board pursuant to NRS 392.457.

2. Each educational involvement accord must include, without limitation:

(a) A description of how the parent or legal guardian will be involved in the education of the pupil, including, without limitation:

(1) Reading to the pupil, as applicable for the grade or reading level of the pupil;

(2) Reviewing and checking the pupil's homework; and

(3) Contributing 5 hours of time each school year, including, without limitation, by attending school-related activities, parent-teacher association meetings, parent-teacher conferences, volunteering at the school and chaperoning school-sponsored activities.

(b) The responsibilities of a pupil in a public school, including, without limitation:

(1) Reading each day before or after school, as applicable for the grade or reading level of the pupil;

(2) Using all school equipment and property appropriately and safely;

(3) Following the directions of any adult member of the staff of the school;

(4) Completing and submitting homework in a timely manner; and

(5) Respecting himself, others and all property.

(c) The responsibilities of a public school and the administrators, teachers and other personnel employed at a school, including, without limitation:

(1) Ensuring that each pupil is provided proper instruction, supervision and interaction;

(2) Maximizing the educational and social experience of each pupil;

(3) Carrying out the professional responsibility of educators to seek the best interest of each pupil; and

(4) Making staff available to the parents and legal guardians of pupils to discuss the concerns of parents and legal guardians regarding the pupils.

3. Each educational involvement accord must be accompanied by, without limitation:

(a) Information describing how the parent or legal guardian may contact the pupil's teacher and the principal of the school in which the pupil is enrolled;

(b) The curriculum of the course or standards for the grade in which the pupil is enrolled, as applicable, including, without limitation, a calendar that indicates the dates of major examinations and the due dates of significant projects, if those dates are known by the teacher at the time that the information is distributed;

(c) The homework and grading policies of the pupil's teacher or school;

(d) Directions for finding resource materials for the course or grade in which the pupil is enrolled, as applicable;

(e) Suggestions for parents and legal guardians to assist pupils in their schoolwork at home;

(f) The dates of scheduled conferences between teachers or administrators and the parents or legal guardians of the pupil;

(g) The manner in which reports of the pupil's progress will be delivered to the parent or legal guardian and how a parent or legal guardian may request a report of progress;

(h) The classroom rules and policies;

(i) The dress code of the school, if any;

(j) The availability of assistance to parents who have limited proficiency in the English language;

(k) Information describing the availability of free and reduced-price meals, including, without limitation, information regarding school breakfast, school lunch and summer meal programs;

(l) Opportunities for parents and legal guardians to become involved in the education of their children and to volunteer for the school or class; and

(m) The code of honor relating to cheating prescribed pursuant to NRS 392.461.

4. The board of trustees of each school district shall adopt a policy providing for the development and distribution of the educational involvement accord. The policy adopted by a board of trustees must require each classroom teacher to:

(a) Distribute the educational involvement accord to the parent or legal guardian of each pupil in his class at the beginning of each school year or upon a pupil's enrollment in the class, as applicable; and

(b) Provide the parent or legal guardian with a reasonable opportunity to sign the educational involvement accord.

5. Except as otherwise provided in this subsection, the board of trustees of each school district shall ensure that the form prescribed by the Department is used for the educational involvement accord of each public school in the school district. The board of trustees of a school district may authorize the use of an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

6. The Department and the board of trustees of each school district shall, at least once each year, review and amend their respective educational involvement accords.

7. If an elementary school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years or more, the principal of the school shall provide to the support team established for the school pursuant to NRS 385.3721 information concerning the distribution of the educational involvement accord and the number of accords which were signed and returned by parents and legal guardians. The information must be provided in an aggregated format and must not disclose the identity of an individual parent, legal guardian or pupil.

~~[Sec. 4.]~~ ***Sec. 8.*** NRS 392.461 is hereby amended to read as follows:

392.461 1. The Department shall prescribe by regulation a written policy that establishes a code of honor for pupils relating to cheating on examinations and course work. The policy must be developed in consultation

with the boards of trustees of school districts, the governing bodies of charter schools, educational personnel employed by school districts and charter schools, and local associations and organizations of parents whose children are enrolled in public schools throughout this State.

2. The policy must include, without limitation, a definition of cheating that clearly and concisely informs pupils which acts constitute cheating for purposes of the code of honor.

3. On or before July 1 of each year, the Department shall:

(a) Provide a copy of the code of honor to the board of trustees of each school district and the governing body of each charter school.

(b) Review and amend the code of honor as necessary.

4. Copies of the code of honor must be made available for inspection at each public school located within a school district, including, without limitation, each charter school, in an area on the grounds of the school that is open to the public.

5. Each classroom teacher shall:

(a) Distribute the code of honor to each pupil enrolled in his class and to the parent or legal guardian of each pupil enrolled in his class at the beginning of each school year or upon a pupil's enrollment in his class, as applicable;

(b) Provide the pupil and the parent or legal guardian of the pupil with a reasonable opportunity to sign the code of honor; and

(c) If the code of honor is returned with the signatures, retain a copy of the signed code of honor in the pupil's file.

~~[Sec. 5.]~~ ***Sec. 9.*** ~~[1. The Superintendent of Public Instruction shall establish an Advisory Council on Parental Involvement. All appointments to the Advisory Council must be made on or before September 1, 2007.~~

~~2. The Superintendent of Public Instruction shall appoint the following members to the Advisory Council:~~

~~(a) Two parents or legal guardians of pupils enrolled in public schools;~~

~~(b) Two teachers in public schools;~~

~~(c) One administrator of a public school;~~

~~(d) One representative of a private business or industry;~~

~~(e) One member of the board of trustees of a school district in a county whose population is 100,000 or more; and~~

~~(f) One member of the board of trustees of a school district in a county whose population is less than 100,000.~~

~~The Superintendent of Public Instruction shall, to the extent practicable, ensure that the members he appoints to the Advisory Council reflect the ethnic, economic and geographic diversity of this State.~~

~~3. The Speaker of the Assembly shall appoint one Assemblyman to the Advisory Council.~~

~~4. The Majority Leader of the Senate shall appoint one Senator to the Advisory Council.~~

~~5. The Advisory Council shall elect a Chairman and a Vice Chairman from among its members.~~

~~6. The Department of Education shall provide:~~

~~(a) Administrative support to the Advisory Council; and~~

~~(b) All information that is necessary for the Advisory Council to carry out its duties.~~

~~7. For each day or portion of a day during which a member of the Advisory Council who is a Legislator attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council, except during a regular or special session of the Legislature, he is entitled to receive the:~~

~~(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;~~

~~(b) Per diem allowance provided for state officers and employees generally; and~~

~~(c) Travel expenses provided pursuant to NRS 218.2207.~~

~~➡ The compensation, per diem allowances and travel expenses of the legislative members of the Advisory Council must be paid from the Legislative Fund.~~

~~8. A member of the Advisory Council who is not a Legislator is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which he attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council. The per diem allowance and travel expenses for the nonlegislative members of the Advisory Council must be paid by the Department of Education.]~~ **(Deleted by amendment.)**

~~[Sec. 6.]~~ ***Sec. 10.*** ~~[The Advisory Council on Parental Involvement established pursuant to section 5 of this act shall:~~

~~1. Review the policy of parental involvement adopted by the State Board of Education and the policy of parental involvement adopted by the board of trustees of each school district pursuant to NRS 392.457;~~

~~2. Review the information relating to communication with and participation of parents that is included in the annual report of accountability for each school district pursuant to paragraph (j) of subsection 2 of NRS 385.347;~~

~~3. Review any effective practices carried out in individual school districts in this State to increase parental involvement and determine the feasibility of carrying out those practices on a statewide basis;~~

~~4. Review any effective practices carried out in other states to increase parental involvement and determine the feasibility of carrying out those practices in this State;~~

~~5. Identify methods to effectively communicate and provide outreach to parents and legal guardians of pupils who have limited time to become involved in the education of their children for various reasons, including,~~

~~without limitation, work schedules, single parent homes and other family obligations;~~

~~6. Identify the manner in which the level of parental involvement affects the performance, attendance and discipline of pupils;~~

~~7. Identify methods to effectively communicate with and provide outreach to parents and legal guardians of pupils who are limited English proficient, as defined in NRS 385.007;~~

~~8. Determine the necessity for the appointment of a statewide parental involvement coordinator or a parental involvement coordinator in each school district, or both;~~

~~9. On or before August 1, 2008, submit a preliminary written report to the Legislative Committee on Education; and~~

~~10. On or before February 1, 2009, submit a final written report of its findings and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.~~] **(Deleted by amendment.)**

~~[Sec. 7.]~~ ***Sec. 11.*** On or before September 1, 2007, the Department of Education shall prescribe a form in accordance with section ~~[2]~~ **6** of this act for use commencing with the 2007-2008 school year by teachers in elementary schools.

Sec. 12. **1. On or before September 1, 2007, the Superintendent of Public Instruction shall appoint to the Advisory Council on Parental Involvement established pursuant to section 3 of this act:**

(a) Four members to terms commencing on September 1, 2007, and expiring on June 30, 2009.

(b) Four members to terms commencing on September 1, 2007, and expiring on June 30, 2010.

2. On or before September 1, 2007, the Speaker of the Assembly and the Majority Leader of the Senate shall each appoint a member to the Advisory Council who is a member of the house that he represents to a term commencing on September 1, 2007, and expiring on June 30, 2009.

~~[Sec. 8.]~~ ***Sec. 13.*** ~~[1.]~~ This act becomes effective on July 1, 2007.

~~[2. Sections 5 and 6 of this act expire by limitation on June 30, 2009.]~~

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 146 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 291; Senate Bills Nos. 18, 58, 146, 147, 163, 169, 171, 182, 184, 187, 195, 206, 219, 228, 239, 243, 247, 266, 267, 275, 293, 298, 300, 303, 312, 313, 315, 328, 329, 340,

345, 352, 356, 366, 367, 398, 400, 403, 417, 419, 420, 430, 447, 451, 456, 457, 470, 481, 483, 486, 491, 495, 500, 502, 503, 504, 508, 511, 515, 518, 519, 520, 533, 534, 535, 536, 549; Senate Joint Resolutions Nos. 6, 10, 11, 12, 13, 15, 16, 17, and 18 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Marvel requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MARVEL:

Thank you, Madam Speaker. It is a pleasure, for the second time, to be able to honor a constituent and a dear friend of all of us who have served with him—Virgil Getto. The resolution speaks well to all of his accomplishments. Virgil, as you know, will go down in the books as the only legislator to be a freshman five times. With term limits, I imagine that record will stand forever. Virgil has really been a cornerstone for the state of Nevada, for the ranching and farming industry, and certainly here in the Legislature. He and my friend, former Speaker Dini, were here when I was here. They were mentors to many of us. It is a pleasure to have served with someone who has been involved in education and legislation and is a community leader. It is a pleasure to have Virgil and his family and friends here today.

ASSEMBLYMAN OCEGUERA:

Thank you, Madam Speaker. Virgil, I had two pages of remarks I made last time, so I will not repeat them. I said a lot of nice things about you the first time. Among those distinctions, like being a five-time elected freshman, you will be the only person not to show up for his Wall of Distinction induction. Virgil, you were a role model to me growing up in Fallon, and I just wanted to tell you that. I appreciate everything you have done for me and my family and rural Nevada, as well. Thank you.

ASSEMBLYMAN ANDERSON:

I, too, want to rise in support. While I did not speak at the first presentation of this resolution, I did want to recognize that Virgil's commitment to education was legendary. When I had the opportunity to come to the Legislature in the 1980s and talk about education issues, he was always a willing ear and a mentor relative to the questions which were important to teachers and to kids and schools. I think that is what Virgil is all about. When I came here as a freshman in 1991, he and Speaker Dini clearly set the tone of that session, which was "It is not about me; it is about Nevada." He made sure that Nevada viewpoint was always there. I appreciated his willingness to always remember that he came from the "House of the People." It is in the "House of the People" that we honor him. For that, I rise in recognition of my good friend, Virgil Getto.

ASSEMBLYMAN CARPENTER:

Thank you, Madam Speaker. I, too, rise in support of the resolution. When I came to the Assembly, there was no question that Virgil was my best friend and mentor. There was no better teacher than Virgil. He always stood up for what he believed in. As I said before, he would walk down the hall and claim he was not going to say anything that day. We would get down here and some issue would catch his eye and he would talk for 20 minutes until he either got the bill passed or defeated. I really enjoyed Virgil for so many years. He was such a great friend. He's a real farmer, you know. Right now, when Virgil goes back, he doesn't go back to retire; he goes back to farm. He really hates weeds so he burns every ditch in Churchill County. Virgil, it is so good to see you. I am glad you made it this time. Good luck. Thank you.

ASSEMBLYMAN ARBERRY:

Thank you, Madam Speaker. It is good to see Virgil here today. I talked about the cow you gave me years ago. You probably don't remember my cow. That is okay. Pete Goicoechea has

given me a new cow, Virgil. So, I have a new cow. It is good to see you. It was an honor working with you over the years. We had some great talks; we broke bread together some evenings and at lunch. You look healthy, you look well. We are just glad to see you. Congratulations.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I would like to add my comments in support of the resolution. It is a great honor for me to be able to continue the tradition of having a Wall of Distinction. It is our version of a hall of fame. This session the responsibility of who to select was placed with me. I started interviewing staff and veteran legislators and my colleagues. Virgil's name was presented. Everyone I vetted it to agreed. I think all six of our recipients have the following characteristics: integrity, accomplishment, dedication, tenacity, a bit of personality, and most of all, caring about our state and putting the needs of our state above all else. Virgil, you join very distinguished company in exemplifying all those traits. Your accomplishments are appreciated, and most of all, they are still remembered. The leadership all our recipients displayed carries forward to this day as does the legacy they have set. We thank you. We so are pleased to be able to honor you.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 6, 57, 95, 131, 154, 181, 217, 224, 233, 236; Senate Bills Nos. 20, 35, 100, 148, 227, 269, 302, 306; Senate Concurrent Resolution No. 44.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Gail Ruff.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Speaker Emeritus Joseph E. Dini, Jr., former Chief Clerk Mouryne Landing Dini, Richard Morgan, Tina Morgan, Susan Williams, Reid Williams, Ted Sorenson, Donna Sorenson, Janet Hurst, Diane Fouret, Christine Smith, Emily Wells, and Charlie Wells.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Marlea McKinstry, Darcy Wagner, Mary Carter, and Don Carter.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Martha P. King Elementary School: Sarah Dowse, Dylan Coleman, Joshua Burnette, Jacob Domzalski, Brooke Ewell, Cailyn Cota, Lars Palmer, Garrett Meyer, Andrea Shay, Melyssa Ebbert, Tristyn Clark, Taylor Smith, Morgan Gilmour, James Rushworth, Robin Coppola, Carol Page, Tina Coleman, Elizabeth Lake, Julie Ewell, Sherry Cota, Cathy Meyer, James Ebbert, Troy Gilmour, Andrew Barth, Christopher Childress, McKenzie Cummings, Brooke DeBoer, Sarah Dey, Dustin Edlund, Logan Kanaley, Owen Murnane, Jane Nevarez, Carolyn Osborne, Jessica Purdy, Taylor Roberts,

Olivia Traasdahl, Alyssa Ybarra; teacher Robin Lee, Robin Coppola, and Carol Page; chaperones Ron Cummings, Jon DeBoer, Roxanne Dey, Noel Kanaley, Lenda Murnane, Tina Osborne, Mary Branning, Dayna Pullen, Kaitlyn Chymych, Lynn Conell, Nicolas Chavez, Lee Esplin, Marc Traasdahl, Joe Purdy, and Connie Purdy.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from John R. Hummel Elementary School: Jazmin Boyd, Christopher Decker, Shadell Carter, Chase Deneef, Rebecca Freer, Timia Greenlee, Kassandra Her, Brian Kondo, Ian Low, Samantha Marroquin, Travis Montefalcon, Christopher Mulligan, Ana Nunes, Tyler Pacyna, Maxine Rodriguez, Gage Spencer, Alec Young, Samantha Bojorquez, Jacquelyn Bran, Kawika Brown, Aleah Cleveland, Carlos Corrales, Seth Emsweller, Shiloh Graff, Somchai Greicar, Jacob Lanier, Marcos Nunezx, Malachi Rogers; teacher Christina Eager; chaperones Rachel Leeney, Iya Marin, Janet Freer, Antonio Nunes, Magdalena Pacyna, Theresa Young, Marti Grill, Shane Emsweller, Taunya Lanier, Sauling Greicar, Eliza Cleveland, Susie Deneef and Heidi Costolo.

On request of Assemblyman Kihuen, the privilege of the floor of the Assembly Chamber for this day was extended to Lorraine McKendrick.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Virgil Getto, Pat Getto, Mike Getto, and Andrea Caldwell.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Ofelia Monje, Frank Daykin, and Genie Ohrenschall.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Joan Lolmaugh.

Assemblyman Oceguera moved that the Assembly adjourn until Wednesday, May 23, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 5:30 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE ONE HUNDRED AND EIGHTH DAY

CARSON CITY (Wednesday), May 23, 2007

Assembly called to order at 11:06 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Settelmeyer, who was excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

Lord, before we become too involved in the routines of the day, we pause to seek Your help. Experienced in the ways of men, we know all too little of the ways of God. You know each one of us, by name and by our needs. Forgive, O Lord, our failure to apply to ourselves the standards of conduct we demand of others. Forgive our slowness to see the good in our fellows and to see the evil in ourselves. In our differences may we be kind; in our agreements may we be humble, that Your will may be done in us and through us, for the good of this state.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 409, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Concurrent Resolution No. 30, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

ELLEN KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 92, 140, 200, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 43, 128, 319, 450 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 453, 557, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 517, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 30.

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblywoman Koivisto.

Resolution adopted.

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 622—AN ACT making an appropriation to the Department of Wildlife for the conservation and restoration of fish and wildlife and their habitat; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 623—AN ACT making an appropriation to Nevada Child Seekers for services on behalf of missing, abducted and runaway children; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 92.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 789.

AN ACT relating to firearms; revising certain provisions pertaining to the regulation of firearms by local governments; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Assembly Bill No. 147 of the 1989 Legislative Session (Chapter 308, Statutes of Nevada 1989, p. 653) reserved for the Legislature the rights and powers necessary to regulate the transfer, sale, purchase, possession,

ownership, transportation, registration and licensing of firearms and ammunition in this State. However, section 5 of Assembly Bill No. 147 provided that the preemptive effect of the bill applied only to ordinances or regulations adopted by local governments on or after June 13, 1989. This bill requires the amendment of ordinances or regulations adopted by local governments before June 13, 1989, that require registration of a firearm capable of being concealed to impose: (1) a period of at least 60 days of residency in the jurisdiction before registration of such a firearm is required; and (2) a period of at least 72 hours for the registration of a pistol by a resident of the jurisdiction upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.

For the purposes of the amendatory provisions of this bill relating to the registration of firearms, and for the purposes of the authority of local governments to proscribe the unsafe discharge of firearms, this bill revises the definition of "firearm" to use the more narrow definition set forth in NRS 202.253, pursuant to which a firearm is a device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion. For the purposes of state preemption of the local regulation of firearms, this bill retains the broader definition of "firearm" already used in NRS 244.364, 268.418 and 269.222, pursuant to which a firearm is any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 244.364 is hereby amended to read as follows:

244.364 1. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in Nevada, and no county may infringe upon those rights and powers. ***As used in this subsection, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.***

2. A board of county commissioners may proscribe by ordinance or regulation the unsafe discharge of firearms.

3. ***If a board of county commissioners in a county whose population is 400,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the board of county commissioners shall amend such an ordinance or regulation to require:***

(a) A period of at least 60 days of residency in the county before registration of such a firearm is required.

(b) A period of at least 72 hours for the registration of a pistol by a resident of the county upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.

4. ~~[As]~~ ***Except as otherwise provided in subsection 1, as*** used in this section ~~[, "firearm"]~~ ***:***

(a) "Firearm" means any ***device designed to be used as a*** weapon from which a projectile ~~[is discharged by means of an explosive, spring, gas, air or other force.]~~ ***may be expelled through the barrel by the force of any explosion or other form of combustion.***

(b) "Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.

(c) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand.

Sec. 2. NRS 268.418 is hereby amended to read as follows:

268.418 1. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in Nevada, and no city may infringe upon those rights and powers. ***As used in this subsection, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.***

2. The governing body of a city may proscribe by ordinance or regulation the unsafe discharge of firearms.

3. ***If the governing body of a city in a county whose population is 400,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the governing body shall amend such an ordinance or regulation to require:***

(a) A period of at least 60 days of residency in the city before registration of such a firearm is required.

(b) A period of at least 72 hours for the registration of a pistol by a resident of the city upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.

4. ~~[As]~~ ***Except as otherwise provided in subsection 1, as*** used in this section ~~[, "firearm"]~~ ***:***

(a) "Firearm" means any ***device designed to be used as a*** weapon from which a projectile ~~[is discharged by means of an explosive, spring, gas, air or other force.]~~ ***may be expelled through the barrel by the force of any explosion or other form of combustion.***

(b) "Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.

(c) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand.

Sec. 3. NRS 269.222 is hereby amended to read as follows:

269.222 1. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to

regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in Nevada, and no town may infringe upon those rights and powers. ***As used in this subsection, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.***

2. A town board may proscribe by ordinance or regulation the unsafe discharge of firearms.

3. ***If a town board in a county whose population is 400,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the town board shall amend such an ordinance or regulation to require:***

(a) A period of at least 60 days of residency in the town before registration of such a firearm is required.

(b) A period of at least 72 hours for the registration of a pistol by a resident of the town upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.

4. ~~[As]~~ ***Except as otherwise provided in subsection 1, as*** used in this section ~~[, "firearm"]~~ ***:***

(a) "Firearm" means any ***device designed to be used as a*** weapon from which a projectile ~~[is discharged by means of an explosive, spring, gas, air or other force.]~~ ***may be expelled through the barrel by the force of any explosion or other form of combustion.***

(b) "Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.

(c) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand.

Sec. 4. Section 5 of chapter 308, Statutes of Nevada 1989, at page 653, is hereby amended to read as follows:

Sec. 5. ~~[The]~~

1. Except as otherwise provided in subsection 2, the provisions of this act apply ~~[only]~~ to ordinances or regulations adopted on or after ~~[the effective date of this act.]~~ ***June 13, 1989.***

2. The provisions of this act, as amended on October 1, 2007, apply to ordinances or regulations adopted before, on or after June 13, 1989.

Sec. 5. A board of county commissioners, governing body of a city and town board in a county whose population is 400,000 or more shall amend any ordinance or regulation adopted by that body before June 13, 1989, that does not conform with the provisions of NRS 244.364, as amended by section 1 of this act, NRS 268.418, as amended by section 2 of this act or NRS 269.222, as amended by section 3 of this act, as applicable, by January 1, 2008. Any ordinance or regulation that does not comply with the applicable provision by January 1, 2008, shall be deemed to conform with that provision by operation of law.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 140.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 781.

AN ACT relating to purchasing; requiring organizations that wish to participate in the Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services From Organizations to register with and submit quarterly reports to the Rehabilitation Division of the Department of Employment, Training and Rehabilitation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to establish a Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services From Organizations. (NRS 334.025) Existing law also authorizes an exception to the competitive bidding process for purchasing by the State and by local governments from organizations and agencies whose primary purpose is the training and employment of persons with mental or physical disabilities. (NRS 332.117, 333.375) Sections 1-3 of this bill require organizations that wish to participate in the Program and qualify for the exemption to the competitive bidding process to register with, and to submit quarterly reports to, the Rehabilitation Division.

Section 4 of this bill requires the Administrator of the Division to review the registration and reporting requirements imposed by this bill and to report on that review to the 75th Session of the Nevada Legislature.

Section ~~[4]~~ **5** of this bill repeals the expiration of section 14 of chapter 377, Statutes of Nevada 2005, at page 1445. **Thus, the changes made by section 14 of that chapter of Statutes of Nevada to NRS 334.025 will no longer expire by limitation on June 30, 2013, and the Program will continue to be administered by the Division instead of a Committee on Employment of Persons with Disabilities created by the Governor.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 332.117 is hereby amended to read as follows:

332.117 1. ~~[A]~~ ***In accordance with the Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services From Organizations established pursuant to NRS 334.025, a*** governing body of a local government or its authorized representative may award, without

complying with the requirements for competitive bidding set forth in this chapter, a contract for services or for the purchase of supplies, materials, equipment or labor to an organization or agency whose primary purpose is the training and employment of persons with a mental or physical disability, including, without limitation, a community-based training center for the care and training of mentally and functionally retarded persons described in chapter 435 of NRS.

2. An organization or agency that ~~[wishes]~~ ***:***

(a) Wishes to submit a bid for such a contract must ~~[establish]~~ ***:***

(1) Register with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation as required pursuant to NRS 334.025; and

(2) Establish a fair-market price for those services, supplies, materials, equipment or labor by conducting a market survey and must include the survey with the bid submitted to the local government.

(b) Is awarded such a contract must report quarterly to the Rehabilitation Division as required pursuant to NRS 334.025.

Sec. 2. NRS 333.375 is hereby amended to read as follows:

333.375 1. The provisions of NRS 331.100 notwithstanding, ***and in accordance with the Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services From Organizations established pursuant to NRS 334.025,*** the Purchasing Division may award without accepting competitive bids a contract for services or the purchase of commodities to organizations or agencies whose primary purpose is the training and employment of persons with a mental or physical disability, including, without limitation, a community-based training center for the care and training of mentally and functionally retarded persons described in chapter 435 of NRS.

2. An organization or agency that ~~[wishes]~~ ***:***

(a) Wishes to submit a bid for such a contract must ~~[establish]~~ ***:***

(1) Register with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation as required pursuant to NRS 334.025; and

(2) Establish a fair-market price for those services or commodities by conducting a market survey and must include the survey with the bid submitted to the Purchasing Division.

(b) Is awarded such a contract must report quarterly to the Rehabilitation Division as required pursuant to NRS 334.025.

Sec. 3. NRS 334.025 is hereby amended to read as follows:

334.025 1. The Rehabilitation Division of the Department of Employment, Training and Rehabilitation shall establish and administer a Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services From Organizations.

2. The Program may include:

(a) A method for assisting an agency that wishes to purchase commodities or services from an organization to locate such commodities and services that meet the needs of the agency;

(b) A method for assisting an organization to locate an agency that wishes to purchase commodities or services from organizations;

(c) A method for encouraging agencies to purchase commodities and services from organizations;

(d) A method to review objections to an award of a contract to an organization, which method must be limited to a review of the process used for awarding the contract to ensure that the appropriate procedures were followed in awarding the contract;

(e) The establishment of a percentage, not to exceed 4 percent, of the full amount of payment to an organization which is awarded a contract for all commodities and services to be provided to the agency pursuant to the contract that is sufficient to pay the cost to the Rehabilitation Division of establishing and administering the Program; and

(f) A method for collecting information from an agency in a report to the Rehabilitation Division, which report may include, without limitation:

(1) The number of persons currently employed at the agency who are mentally or physically disabled; and

(2) The number of contracts the agency has entered into pursuant to the Program which are currently in effect and a list of the organizations with which the agency has entered such contracts.

3. ***An organization that wishes to participate in the Program must register with the Rehabilitation Division on a form prescribed by the Administrator before contacting any agency concerning entering into a contract pursuant to the Program.***

4. In administering the Program, the Rehabilitation Division shall, upon request of an agency or organization, assist the agency or organization in establishing a contract for the purchase of commodities or services.

~~[4.]~~ ***5.*** A contract entered into pursuant to the Program must provide for a payment to the Rehabilitation Division in an amount equal to the full amount of payment to the organization for all commodities and services to be provided to the agency pursuant to the contract multiplied by the percentage established pursuant to paragraph (e) of subsection 2.

~~[5.]~~ ***6. An organization that has entered into a contract with an agency pursuant to the Program shall report quarterly to the Rehabilitation Division, on a form prescribed by the Administrator, such information as the Rehabilitation Division deems necessary to administer the Program.***

7. The Administrator may adopt regulations to carry out the provisions of this section.

8. As used in this section:

(a) ***"Administrator" means the Administrator of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation.***

(b) "Agency" means a local government as defined in NRS 332.015 and using agencies as defined in NRS 333.020.

~~[(b)]~~ ***(c)*** "Organization" means an organization whose primary purpose is the training and employment of mentally or physically disabled persons, including, without limitation, community-based training centers for the care and training of mentally and functionally retarded persons described in chapter 435 of NRS.

Sec. 4. **1. The Administrator of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation shall review the registration and reporting requirements imposed by the amendatory provisions of this act.**

2. The Administrator shall prepare a report summarizing the review and submit the report by July 1, 2008, to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission and to the 75th Session of the Nevada Legislature. The report must be made available to the general public.

~~[Sec. 4.]~~ ***Sec. 5.*** Section 18 of Chapter 377, Statutes of Nevada 2005, at page 1445, is hereby amended to read as follows:

Sec. 18. 1. This section and sections 1 to ~~[14,]~~ ***13,*** inclusive, and 17 of this act become effective upon passage and approval and expire by limitation on June 30, 2013.

2. ***Section 14 of this act becomes effective upon passage and approval.***

3. Section 16 of this act becomes effective on July 1, 2005.

~~[3.]~~ ***4.*** Section 15 of this act becomes effective on July 1, 2007, and expires by limitation on June 30, 2013.

~~[Sec. 5.]~~ ***Sec. 6.*** This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 200.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 780.

SUMMARY— ~~[Extends the duration of certain redevelopment plans.]~~ **Makes various changes relating to redevelopment.** (BDR 22-358)

AN ACT relating to redevelopment; extending the duration of certain redevelopment plans; **requiring the North Las Vegas Redevelopment Agency to review and report on certain of its redevelopment activities;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a redevelopment plan adopted by a redevelopment agency before July 1, 1987, terminates at the end of the fiscal

year in which the principal and interest of the last maturing securities issued before that date concerning the redevelopment area are fully paid, or 45 years after the date on which the original redevelopment plan was adopted, whichever is later. (NRS 279.438) A redevelopment plan adopted on or after July 1, 1987, terminates not later than 30 years after the date on which the original redevelopment plan was adopted. (NRS 279.439)

This bill makes applicable to any redevelopment plans adopted on or after July 1, 1987, but before January 1, 1991, the more lengthy durational limits currently applicable to redevelopment plans adopted before July 1, 1987.

This bill also requires the North Las Vegas Redevelopment Agency to conduct a review of certain matters relating to redevelopment and to prepare a report summarizing that review for transmittal to the 76th Session of the Nevada Legislature.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 279.438 is hereby amended to read as follows:

279.438 A redevelopment plan adopted before ~~[July 1, 1987,]~~ ***January 1, 1991,*** and any amendments to the plan must terminate at the end of the fiscal year in which the principal and interest of the last maturing of the securities issued before that date ***concerning the redevelopment area*** are fully paid or 45 years after the date on which the original redevelopment plan was adopted, whichever is later.

Sec. 2. NRS 279.439 is hereby amended to read as follows:

279.439 A redevelopment plan adopted on or after ~~[July 1, 1987,]~~ ***January 1, 1991,*** and any amendments to the plan must terminate not later than 30 years after the date on which the original redevelopment plan is adopted.

Sec. 2.5. **The North Las Vegas Redevelopment Agency shall:**

1. Conduct a review of its activities relating to redevelopment, including, without limitation, an analysis of:

(a) The progress made by the Agency in carrying out the Downtown Redevelopment Plan, the North Redevelopment Plan and any other redevelopment plans adopted by the North Las Vegas City Council;

(b) The benefits realized by extending the permissible duration of certain redevelopment plans pursuant to the amendatory provisions of this act; and

(c) Ways in which the Agency may ensure that redevelopment takes place in a carefully planned manner without undue delay.

2. Prepare a report summarizing the review conducted pursuant to subsection 1 and submit the report by July 1, 2010, to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission and to the 76th Session of the Nevada Legislature. The report must be made available to the general public.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. This act becomes effective on July 1, 2007.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 409.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 924.

Senators Titus, **COFFIN, CARLTON, HORSFORD, LEE, MATHEWS, NOLAN, RAGGIO, RHOADS, SCHNEIDER, TOWNSEND,** Wiener and Woodhouse

SUMMARY— ~~[Requires policies of health]~~ **Revises provisions governing** insurance ~~[and health plans to provide]~~ coverage for a vaccine to protect against cervical cancer ~~[.]~~ **and screenings for prostate cancer.** (BDR 57-1077)

AN ACT relating to insurance; requiring policies of health insurance to provide coverage for the human papillomavirus vaccine to protect against cervical cancer; requiring the Director of the Department of Health and Human Services to include coverage for the human papillomavirus vaccine in the State Plan for Medicaid; **requiring certain policies of health insurance to provide coverage for screenings for prostate cancer under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain public and private health care plans and policies of insurance to provide coverage for certain procedures, including colorectal cancer screenings, cytological screening tests and mammograms, under certain circumstances. (NRS 287.027, 287.04335, 689A.04042, 689A.0405, 689B.0367, 689B.0374, 695B.1907, 695B.1912, 695C.1731, 695C.1735, 695G.168)

Sections 2 **, 5, 6, 7** and ~~[5.]~~ 8 of this bill require policies of individual health insurance, policies of group health insurance, policies of health insurance issued by a hospital or medical service corporation, **health care plans of** health maintenance ~~[plans]~~ **organizations** and health care plans issued by managed care organizations to provide coverage for expenses incurred for the human papillomavirus vaccine administered to women and girls in this State. The policies of health insurance may not require the insured women and girls to receive prior authorization for the vaccine. The human papillomavirus vaccine is defined as either the currently available Quadrivalent Human Papillomavirus Recombinant Vaccine or any successor it may have which is approved by the Food and Drug Administration for the prevention of the human papillomavirus or cervical cancer. ~~[Section 10 of this bill requires the Public Employees' Benefits Program to]~~ **Sections 9.3**

and 10 of this bill require that plans of self-insurance provided by certain governmental agencies include the same coverage **.** ~~[in any plan of self-insurance the Program provides.]~~ Section 11 of this bill requires that the Director of the Department of Health and Human Services include coverage for the human papillomavirus vaccine in the State Plan for Medicaid.

Sections 2.5, 5.5, 6.5, 7.5 and 8.5 of this bill require policies of individual health insurance, policies of group health insurance, policies of health insurance issued by a hospital or medical service corporation, health care plans of health maintenance organizations and health care plans issued by managed care organizations that provide coverage for the treatment of prostate cancer also to provide coverage for screening for prostate cancer under certain circumstances. The policies of health insurance may not require an insured person to obtain prior authorization for the screening. Sections 9.5 and 10 of this bill require that plans of self-insurance provided by certain governmental agencies include the same coverage.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0413, 689B.031, 689B.0374, 695B.1912, 695B.1914, 695C.1713, 695C.1735 and 695G.170, ***and sections 2*** ~~*[and 5 to 8, inclusive,]*~~ ***, 2.5, 5, 5.5, 6, 6.5, 7, 7.5, 8 and 8.5 of this act,*** any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:

(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and

(b) Respond to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.

2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

Sec. 1.9. **Chapter 689A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 2.5 of this act.**

Sec. 2. ~~[Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:]~~

1. A policy of health insurance must provide coverage for benefits payable for expenses incurred for administering the human papillomavirus vaccine to women and girls at such ages as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health

and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A policy of health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 is void.

4. For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

Sec. 2.5. 1. A policy of health insurance that provides coverage for the treatment of prostate cancer must provide coverage for prostate cancer screening in accordance with:

(a) The guidelines concerning prostate cancer screening which are published by the American Cancer Society; or

(b) Other guidelines or reports concerning prostate cancer screening which are published by nationally recognized professional organizations and which include current or prevailing supporting scientific data.

2. A policy of health insurance that provides coverage for the treatment of prostate cancer must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A policy of health insurance that provides coverage for the treatment of prostate cancer which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 is void.

Sec. 3. NRS 689A.040 is hereby amended to read as follows:

689A.040 1. Except as ***otherwise*** provided in subsections 2 and 3, each such policy delivered or issued for delivery to any person in this State must contain the provisions specified in NRS 689A.050 to 689A.170, inclusive, ***and section 2 of this act*** in the words in which the provisions appear, except that the insurer may, at its option, substitute for one or more of the provisions corresponding provisions of different wording approved by the Commissioner which are in each instance not less favorable in any respect to the insured or the beneficiary. Each such provision must be preceded individually by the applicable caption shown, or, at the option of the insurer, by such appropriate individual or group captions or subcaptions as the Commissioner may approve.

2. Each policy delivered or issued for delivery in this State after November 1, 1973, must contain a provision, if applicable, setting forth the provisions of NRS 689A.045.

3. If any such provision is in whole or in part inapplicable to or inconsistent with the coverage provided by a particular form of policy, the

insurer, with the approval of the Commissioner, may omit from the policy any inapplicable provision or part of a provision, and shall modify any inconsistent provision or part of a provision in such a manner as to make the provision as contained in the policy consistent with the coverage provided by the policy.

Sec. 4. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ ***, and ~~[section]~~ sections 2 and 2.5 of this act.***

Sec. 4.9. **Chapter 689B of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 5.5 of this act.**

Sec. 5. ~~[Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:]~~

1. A policy of group health insurance must provide coverage for benefits payable for expenses incurred for administering the human papillomavirus vaccine to women and girls at such ages as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A policy of group health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 is void.

4. For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

Sec. 5.5. 1. A policy of group health insurance that provides coverage for the treatment of prostate cancer must provide coverage for prostate cancer screening in accordance with:

(a) The guidelines concerning prostate cancer screening which are published by the American Cancer Society; or

(b) Other guidelines or reports concerning prostate cancer screening which are published by nationally recognized professional organizations and which include current or prevailing supporting scientific data.

2. A policy of group health insurance that provides coverage for the treatment of prostate cancer must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A policy of group health insurance that provides coverage for the treatment of prostate cancer which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 is void.

Sec. 5.9. **Chapter 695B of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 6.5 of this act.**

Sec. 6. ~~[Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:]~~

1. A policy of health insurance issued by a hospital or medical service corporation must provide coverage for benefits payable for expenses incurred for administering the human papillomavirus vaccine to women and girls at such ages as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A policy of health insurance issued by a hospital or medical service corporation must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 is void.

4. For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

Sec. 6.5. 1. A policy of health insurance issued by a hospital or medical service corporation that provides coverage for the treatment of prostate cancer must provide coverage for prostate cancer screening in accordance with:

(a) The guidelines concerning prostate cancer screening which are published by the American Cancer Society; or

(b) Other guidelines or reports concerning prostate cancer screening which are published by nationally recognized professional organizations and which include current or prevailing supporting scientific data.

2. A policy of health insurance issued by a hospital or medical service corporation that provides coverage for the treatment of prostate cancer must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A policy of health insurance issued by a hospital or medical service corporation that provides coverage for the treatment of prostate cancer which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 is void.

Sec. 6.9. **Chapter 695C of NRS is hereby amended by adding thereto the provisions set forth as sections 7 and 7.5 of this act.**

Sec. 7. ~~[Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:]~~

1. A health care plan of a health maintenance ~~[plan]~~ organization must provide coverage for benefits payable for expenses incurred for administering the human papillomavirus vaccine to women and girls at such ages as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A health care plan of a health maintenance ~~[plan]~~ organization must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. Any evidence of coverage subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with subsection 1 is void.

4. For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

Sec. 7.5. 1. A health care plan of a health maintenance organization that provides coverage for the treatment of prostate cancer must provide coverage for prostate cancer screening in accordance with:

(a) The guidelines concerning prostate cancer screening which are published by the American Cancer Society; or

(b) Other guidelines or reports concerning prostate cancer screening which are published by nationally recognized professional organizations and which include current or prevailing supporting scientific data.

2. A health care plan of a health maintenance organization that provides coverage for the treatment of prostate cancer must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. Any evidence of coverage for a health care plan of a health maintenance organization that provides coverage for the treatment of prostate cancer which is delivered, issued for delivery or renewed on or

after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with subsection 1 is void.

Sec. 7.6. **NRS 695C.050 is hereby amended to read as follows:**

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170 to 695C.200, inclusive, ***and section 7.5 of this act,*** 695C.250 and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694, 695C.1695 and 695C.1731 apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 7.7. **NRS 695C.330 is hereby amended to read as follows:**

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if he finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and sections 7 and 7.5 of this act,*** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The State Board of Health certifies to the Commissioner that the health maintenance organization:

(1) Does not meet the requirements of subsection 2 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of final adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as he may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 7.9. **Chapter 695G of NRS is hereby amended by adding thereto the provisions set forth as sections 8 and 8.5 of this act.**

Sec. 8. ~~[Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:]~~

1. A health care plan issued by a managed care organization must provide coverage for benefits payable for expenses incurred for administering the human papillomavirus vaccine to women and girls at such ages as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A health care plan must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. An evidence of coverage for a health care plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal thereof which is in conflict with subsection 1 is void.

4. For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

Sec. 8.5. ***1. A health care plan issued by a managed care organization that provides coverage for the treatment of prostate cancer must provide coverage for prostate cancer screening in accordance with:***

(a) The guidelines concerning prostate cancer screening which are published by the American Cancer Society; or

(b) Other guidelines or reports concerning prostate cancer screening which are published by nationally recognized professional organizations and which include current or prevailing supporting scientific data.

2. A health care plan issued by a managed care organization that provides coverage for the treatment of prostate cancer must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. Any evidence of coverage for a health care plan issued by a managed care organization that provides coverage for the treatment of prostate cancer which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with subsection 1 is void.

Sec. 8.9. **Chapter 287 of NRS is hereby amended by adding thereto the provisions set forth as sections 9.3 and 9.5 of this act.**

Sec. 9. (Deleted by amendment.)

Sec. 9.3. 1. If the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada provides health insurance through a plan of self-insurance, the plan must provide coverage for benefits payable for expenses incurred for administering the human papillomavirus vaccine to women and girls at such ages as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. The plan of self-insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A plan of self-insurance described in subsection 1 which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the plan which is in conflict with subsection 1 is void.

4. For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

Sec. 9.5. 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada which provides health insurance through a plan of self-insurance that provides coverage for the treatment of prostate cancer shall provide coverage for prostate cancer screening in accordance with:

(a) The guidelines concerning prostate cancer screening which are published by the American Cancer Society; or

(b) Other guidelines or reports concerning prostate cancer screening which are published by nationally recognized professional organizations and which include current or prevailing supporting scientific data.

2. A plan of self-insurance that provides coverage for the treatment of prostate cancer must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A plan of self-insurance that provides coverage for the treatment of prostate cancer which is offered, delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with subsection 1 is void.

Sec. 10. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, 695G.164, 695G.170, 695G.173, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, ***and*** ~~***[section]***~~ ***sections 8 and 8.5 of this act*** in the same manner as an insurer that is

licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 11. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall include in the State Plan for Medicaid a requirement that the State shall pay the nonfederal share of expenses incurred for administering the human papillomavirus vaccine to women and girls at such ages as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration to be used for the prevention of human papillomavirus infection and cervical cancer.

Sec. 11.5. **The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.**

Sec. 12. This act becomes effective on July 1, 2007.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 453.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 517 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 557.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 277 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 43.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 840.

SUMMARY—Revises provisions relating ~~[to an unauthorized speed contest on a public highway.]~~ **certain traffic offenses.** (BDR 43-435)

AN ACT relating to traffic laws; prohibiting a person from organizing an unauthorized speed contest on a public highway; **increasing the penalty for driving a vehicle in willful or wanton disregard of the safety of persons or property;** increasing the penalty for driving a vehicle in an unauthorized speed contest on a public highway; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who drives a vehicle in **willful or wanton disregard of the safety of persons or property or who drives a vehicle in** an unauthorized speed contest on a public highway is guilty of a misdemeanor and may be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than $1,000, or by both fine and imprisonment. In lieu of all or a part of the punishment, the convicted person may be sentenced to perform a fixed period of community service. (NRS 193.150, 484.377) Section 3 of this bill increases the penalty for committing ~~[such an]~~ **either** offense by establishing, in addition to the possibility of imprisonment in the county jail, a minimum fine of ~~[$400]~~ **$250** for the first offense, ~~[$750]~~ **$1,000** for the second offense and ~~[$1,000]~~ **$1,500** for the third and each subsequent offense **.** ~~[, as well as requiring a]~~ **A** person convicted of ~~[such an offense]~~ **driving a vehicle in an unauthorized speed contest on a public highway is also required** to perform a minimum number of hours of community service. In addition to any fine, community service and imprisonment **imposed upon a person convicted of driving a vehicle in an unauthorized speed contest on a public highway**, the court must issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and, for **the first offense, must issue an order impounding for 15 days any vehicle registered to the person convicted of such an offense if the vehicle is used in the commission of the offense. For** the second and each subsequent offense, **the court** must issue an order impounding for 30 days any vehicle registered to the person convicted of such an offense if the vehicle is used in the commission of the offense. Section 3 also prohibits a person from organizing an unauthorized speed contest on a public highway and imposes the same penalties for such a violation as for a person who drives a vehicle in an unauthorized speed contest on a public highway.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection ~~[2]~~ ***5*** of NRS 484.377.

(2) A violation of NRS 484.379 that is punishable as a felony pursuant to NRS 484.3792.

(3) A violation of NRS 484.3795 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955.

➥ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume upon completion of the period of imprisonment or when the person is placed on residential confinement.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484.3775, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle accident resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484.348.

(c) For a period of 90 days, if the offense is a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484.379 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792 has been permitted to enter a

program of treatment pursuant to NRS 484.37937, the Department shall reduce by one-half the period during which he is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that he was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484.3943 but who operates a motor vehicle without such a device:

(a) For 3 years, if it is his first such offense during the period of required use of the device.

(b) For 5 years, if it is his second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064 or 206.330, chapter 484 of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484.3941.

Sec. 2. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense other than a violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792, and one-half of the period during which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself or a member of his immediate family.

➥ Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if he is issued a restricted license.

2. A person who has been ordered to install a device in a motor vehicle pursuant to NRS 484.3943:

(a) Shall install the device not later than 21 days after the date on which the order was issued; and

(b) May not receive a restricted license pursuant to this section until:

(1) After at least 1 year of the period during which he is not eligible for a license, if he was convicted of:

(I) A violation of NRS 484.3795 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or

(II) A violation of NRS 484.379 that is punishable as a felony pursuant to NRS 484.3792;

(2) After at least 180 days of the period during which he is not eligible for a license, if he was convicted of a violation of subsection ~~[2]~~ ***5*** of NRS 484.377; or

(3) After at least 45 days of the period during which he is not eligible for a license, if he was convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792.

3. If the Department has received a copy of an order requiring a person to install a device in a motor vehicle pursuant to NRS 484.3943, the Department shall not issue a restricted driver's license to such a person pursuant to this section unless the applicant has submitted proof of compliance with the order and subsection 2.

4. After a driver's license has been revoked or suspended pursuant to title 5 of NRS, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his work, or both; or

(b) If applicable, to and from school.

5. After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his work, or both;

(b) To receive regularly scheduled medical care for himself or a member of his immediate family; or

(c) If applicable, as necessary to exercise a court-ordered right to visit a child.

6. A driver who violates a condition of a restricted license issued pursuant to subsection 1 or by another jurisdiction is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:

(a) A violation of NRS 484.379, 484.3795 or 484.384;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

➥ the driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

7. The periods of suspensions and revocations required pursuant to this chapter and NRS 484.384 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

8. Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

Sec. 3. NRS 484.377 is hereby amended to read as follows:

484.377 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property.

(b) Drive a vehicle in an unauthorized speed contest on a public highway.

(c) Organize an unauthorized speed contest on a public highway.

➥ A violation of ***paragraph (a) or (b) of*** this subsection or subsection 1 of NRS 484.348 constitutes reckless driving.

2. ***A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and*** ~~*[shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than $1,000, or by both fine and imprisonment.]*~~ ***:***

(a) For the first offense, shall be punished:

(1) By a fine of not less than $250 but not more than $1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than $1,000 but not more than $1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than $1,500 but not more than $2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

3. A person who violates paragraph (b) or (c) of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than ~~*[$400]*~~ ***$250 but not more than $1,000;***

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:

(1) Shall be punished by a fine of not less than ~~*[$750]*~~ ***$1,000 but not more than*** ~~*[$1,000;]*~~ ***$1,500;***

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense:

(1) Shall be punished by a fine of ~~***[$1,000;]***~~ ***not less than $1,500 but not more than $2,000;***

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

4. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 3, the court shall:

(a) Issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), forward to the Department any licenses, together with a copy of the order; ~~***[and]***~~

(c) For the first offense, issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and

(d) For the second and each subsequent offense, issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.

5. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484.348, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to a person other than himself, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years ~~[, or]~~ ***and*** by a fine of not ***less than $2,000 but not*** more than $5,000 ***.*** ~~[, or by both fine and imprisonment.]~~

~~[3.]~~ ***6.*** A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484.3667 unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484.348.

7. As used in this section, "organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a public highway, regardless of whether a fee is charged for attending the unauthorized speed contest.

Assemblyman Atkinson moved the adoption of the amendment.

Remarks by Assemblyman Atkinson.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 128.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 841.

AN ACT relating to transportation; prohibiting certain vehicles from traveling on that portion of State Route 159 that is designated as a scenic route; requiring the Department of Transportation to erect suitable markers along that portion of the Route; requiring the Department to consider certain factors and to receive approval from the Board of Directors of the Department before reducing the maximum weight limits on certain highways; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill prohibits oversized vehicles which do not have a point of origin or destination on that portion of State Route 159 that is designated as a scenic route to travel on that portion of the Route and requires the Department of Transportation to erect suitable markers along that portion of the Route. Further, this bill requires the Department to consider certain factors and receive approval from the Board of Directors of the Department before reducing the maximum weight limits for oversized vehicles as prescribed by existing law on a highway under its jurisdiction. (NRS 484.745, 484.748, 484.7485)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Legislature hereby finds and declares that:

1. Because of its unique character, the restrictions imposed on certain large vehicles pursuant to this act are necessary for the protection of the Red Rock Canyon National Conservation Area and the safety and protection of the residents and visitors who enjoy the scenic beauty and recreational opportunities of the Red Rock Canyon.

2. The enactment of this act is not intended to encourage the imposition of similar restrictions on other designated scenic routes in this State.

Sec. 2. Chapter 484 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. ***1. Except as otherwise provided in subsection 3, it is unlawful for an operator or driver of any vehicle which:***

(a) Is registered pursuant to the provisions of NRS 706.801 to 706.861, inclusive; or

(b) Has a declared gross weight in excess of 26,000 pounds,

➥ and which does not have a point of origin or destination on State Route 159 from mile post 0.0 to mile post 14.0 to travel on such Route.

2. The Department of Transportation shall erect suitable markers along State Route 159 and may locate them at such points as the Department of Transportation deems appropriate.

3. This section does not apply to:

(a) An authorized emergency vehicle;

(b) A vehicle being used in the service of a public utility as defined in NRS 704.020;

(c) A vehicle being used by a licensed hauler of garbage and refuse as defined in NRS 484.748;

(d) A school bus; or

~~*[(d)]*~~ ***(e) A charter bus.***

Sec. 4. ***1. Except as otherwise provided in NRS 484.752, before the Department of Transportation reduces the maximum weight limits as prescribed in NRS 484.745, 484.748 and 484.7485 on a highway under its jurisdiction, the Department of Transportation shall:***

(a) Consider:

(1) The average number of vehicles traveling on the highway each day;

(2) The number of vehicles that have a declared gross weight in excess of 26,000 pounds that are included in the average number pursuant to subparagraph (1);

(3) The availability of alternate routes to the highway;

(4) The impact on each alternate route of increased traffic consisting of vehicles that have a declared gross weight in excess of 26,000 pounds;

(5) The number of traffic accidents involving a vehicle that has a declared gross weight in excess of 26,000 pounds on the highway in the past 5 years;

(6) Any projected adverse economic or environmental impact resulting from reducing the maximum weight limits on the highway; and

(7) Any other factors the Department of Transportation deems appropriate; and

(b) Present such considerations to the Board of Directors of the Department of Transportation to receive the Board's approval to reduce the maximum weight limits pursuant to this section.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 319.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 872.

SUMMARY—Revises provisions governing ~~[the licensing and taxation of]~~ motor vehicles that are exhibited or displayed in certain museums. (BDR 43-1131)

AN ACT relating to motor vehicles; ~~[exempting vehicles that are exhibited or displayed in certain museums from the governmental services tax; providing for the issuance of distinguishing license plates for such vehicles;]~~ **authorizing the Department of Motor Vehicles to issue up to 12 sets of special license plates to certain nonprofit organizations for motor vehicles displayed in certain museums; authorizing the Department to charge a $12 fee for each set of plates; prohibiting the Department from charging or collecting any fees for the transfer of a certificate of title on certain motor vehicles from certain governmental entities to certain nonprofit organizations;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the issuance by the Department of Motor Vehicles of ~~[distinguishing]~~ **special** license plates **to dealers, distributors, manufacturers and rebuilders licensed pursuant to chapter 482 of NRS** for **use on** certain vehicles **.** ~~[that are exempt from the governmental services tax. (NRS 371.100, 482.368)]~~ **(NRS 482.330)** This bill ~~[includes as such an exempt vehicle any vehicle that is exhibited or displayed in]~~ **authorizes the Department to issue not more than 12 sets of special license plates to any organization that operates** a museum which is dedicated to the exhibition and display of motor vehicles and which is operated by an organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c)(3). **These plates may be used interchangeably on any of the motor vehicles exhibited or displayed in the museum, and the Department may not charge or collect any registration fees or governmental services tax for the issuance of the special license plates, except for a fee of $12 for each set of plates which must be paid annually.**

Section 2 of this bill prohibits the Department from charging or collecting any fees for the transfer of a certificate of title for any motor vehicle owned by the United States, the State of Nevada or any political subdivision of the State to any nonprofit organization which operates a museum for the exhibition or display of motor vehicles.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 and 2 of this bill and replace with the following new sections 1 and 2:

Section 1. **Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Upon application, the Department shall issue not more than 12 sets of special license plates to any organization which operates a museum for the exhibition or display of motor vehicles and which is a nonprofit

organization that is recognized as exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

2. Each set of special license plates issued pursuant to this section may be used interchangeably on any of the motor vehicles exhibited or displayed in the museum when such a motor vehicle is operated during a test drive, parade or special event or driven within 70 miles from the museum.

3. Each set of special license plates issued pursuant to this section must have displayed upon them the identification number which is assigned to the nonprofit organization. The Department may assign a different letter or symbol to each set of plates.

4. The Department shall not charge or collect any registration fees or governmental services tax for the issuance of the special license plates pursuant to this section, except that a fee of $12 for each set of plates must be paid at the time of application.

5. The special license plates issued pursuant to this section expire 1 year after the date of issuance and may be renewed upon application and payment of a fee of $12.

Sec. 2. **Notwithstanding the provisions of NRS 482.429, for the 1-year period following October 1, 2007, the Department shall not charge or collect any fees for the transfer of a certificate of title for a motor vehicle owned by the United States, the State of Nevada or any political subdivision of the State, including, without limitation, any county, municipal corporation, city, unincorporated town or school district, to any organization which operates a museum for the exhibition or display of motor vehicles and which is a nonprofit organization that is recognized as exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).**

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 450.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 845.

AN ACT relating to transportation; establishing a regional advisory committee in each county whose population is 400,000 or more to advise the Department of Transportation on certain issues relating to oversized and overweight vehicles; removing the authority of a city or county to issue permits to operate oversized or overweight vehicles on the highways of this State; **requiring the Department to notify a city or county when an oversized or overweight vehicle has been issued a permit to proceed upon any highway that is under the jurisdiction of the city or county; requiring the Department to adopt regulations regarding the issuance of**

permits to oversized or overweight vehicles or equipment to proceed upon any highway that is under the jurisdiction of certain cities and counties; providing that the Department may adopt regulations limiting the movement of oversized or overweight vehicles ~~[,]~~ **in certain cities and counties;** prohibiting a local authority from enacting an ordinance requiring a permit to operate a vehicle; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Transportation and the governing body of a county or a city to issue a permit to operate a vehicle that exceeds the maximum width, length, height or weight as prescribed by law. (NRS 484.7631, 484.765) Section 2 of this bill establishes a regional advisory committee in every county in this State whose population is 400,000 or more to advise the Department and affected cities and counties on issues regarding oversized and overweight vehicles. Section 3 of this bill provides that the regional advisory committees shall make certain recommendations to the Department, and the Department may adopt regulations, regarding routes for oversized and overweight vehicles as well as the hours of the day and days of the week that best facilitate the safe movement of oversized and overweight vehicles. Section 4 of this bill grants the Department the authority to issue certain permits for oversized and overweight vehicles. **Section 5 of this bill requires the Department, upon request, to notify a city or county when a permit has been issued authorizing an oversized or overweight vehicle to use a highway under the jurisdiction of the city or county. Section 5 also requires the Department to adopt regulations regarding the issuance of permits to oversized or overweight vehicles or equipment to be driven, occupy or proceed upon any highway that is under the jurisdiction of a county whose population is less than 400,000 or a city in a county whose population is less than 400,000.** Sections 9 and 12 of this bill remove the authority of a governing body of a city or county to issue a permit to operate a vehicle that exceeds the maximum width, length, height or weight as prescribed by law. **Section 9 also requires the Department to consider the recommendation of a city or county regarding the issuance of a continuous or multiple trip-limited time permit.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 484 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. There is hereby created in each county whose population is 400,000 or more a regional advisory committee to make recommendations to the Department of Transportation and to affected cities and counties, as applicable, regarding the movement of oversized or overweight vehicles in this State.***

2. The membership of such a committee must consist of:

(a) One member appointed by the Department of Transportation who shall serve as the chair of the committee;

(b) One member appointed by the board of county commissioners;

(c) One member appointed by the city council of every incorporated city within the county;

(d) One member appointed by the largest construction industry association in the county; and

(e) One member appointed by the largest motor transport association in the county.

3. Each member of such a committee must be appointed for a term of 2 years. A vacancy in the membership of the committee must be filled in the same manner as the original appointment for the remainder of the unexpired term. A member who is appointed to fill a vacancy must possess the same general qualifications as his predecessor.

4. Members of such a committee shall serve without compensation.

Sec. 3. ***1. Each committee established pursuant to section 2 of this act:***

(a) Shall recommend to the Department of Transportation and the affected cities and counties establishment of certain routes by which oversized or overweight vehicles may proceed through a city or county and any modifications to those routes; and

(b) Shall recommend regulations that the Department of Transportation may adopt to limit the movement of oversized or overweight vehicles to certain:

(1) Routes;

(2) Hours of the day; or

(3) Days of the week,

↳ to ensure public safety.

2. The Department of Transportation and the affected cities and counties shall consider any recommendations concerning the movement of oversized or overweight vehicles made by a committee established pursuant to section 2 of this act.

Sec. 4. ***Upon receipt of the necessary application in writing, the Department of Transportation shall issue a permit to operate or move a vehicle on the highways of this State which has a load that:***

1. Exceeds 14 feet in height;

2. Exceeds 70 feet in length; or

3. Exceeds 102 inches in width,

↳ unless the Department of Transportation determines that the operation of the vehicle would be a safety hazard or impede the flow of traffic.

Sec. 5. NRS 484.471 is hereby amended to read as follows:

484.471 1. A procession, except a funeral procession, or parade, except the forces of the United States Armed Services, the military forces of this State and the forces of the police and fire departments, must not occupy,

march or proceed along any highway except in accordance with the permit issued by the proper public authority.

2. A sound truck or other vehicle equipped with an amplifier or loudspeaker must not be driven upon any highway for the purpose of selling, offering for sale or advertising in any fashion except in accordance with a permit issued by the proper public authority.

3. An oversized or overweight vehicle or equipment must not be driven, occupy or proceed upon any highway except in accordance with a permit issued by the ~~[proper public authority.]~~ ***Department of Transportation.***

4. ***The Department of Transportation, upon request, shall notify a city or county immediately after a permit has been issued for an oversized or overweight vehicle or equipment to be driven, occupy or proceed upon any highway under the jurisdiction of that city or county.***

5. Nothing in this chapter prohibits a city or county affected by the issuance of permits pursuant to this section from:

(a) Recommending to the Department of Transportation the establishment of certain routes by which oversized or overweight vehicles may proceed through the city or county and any modifications to those routes; or

(b) Notifying the Department of Transportation if the issuance of a permit authorizing an oversized or overweight vehicle or equipment to be driven, occupy or proceed upon a certain highway would negatively impact traffic safety or flow of traffic due to unique conditions in the city or county.

6. The Department of Transportation shall adopt regulations regarding the issuance of permits for oversized or overweight vehicles or equipment to be driven, occupy or proceed upon any highway that is under the jurisdiction of a county whose population is less than 400,000, or a city in a county whose population is less than 400,000. The regulations may limit the movement of oversized or overweight vehicles to certain:

(a) Routes;

(b) Hours of the day; or

(c) Days of the week,

➥ to ensure public safety.

7. Any person who violates any provision of this section is guilty of a misdemeanor.

Sec. 6. NRS 484.759 is hereby amended to read as follows:

484.759 1. As used in this section and NRS 484.760, "special mobile equipment" means a vehicle, not self-propelled, not designed or used primarily for the transportation of persons or property, and only incidentally operated or moved over a highway, excepting implements of husbandry.

2. The Department of Transportation with respect to highways under its jurisdiction and governing bodies of cities and counties with respect to roads under their jurisdiction may, upon application in writing, authorize the applicant to operate or move a vehicle, combination of vehicles, special

mobile equipment, or load thereon of a size or weight exceeding the legal maximum, or to use corrugations on the periphery of the movable tracks on a traction engine or tractor, the propulsive power of which is not exerted through wheels resting on the roadway but by means of a flexible band or chain, or, under emergency conditions, to operate or move a type of vehicle otherwise prohibited by law, upon any highway under the jurisdiction of the Department of Transportation or governing body granting that permit.

3. Except as otherwise provided in NRS 484.7595 to ~~[484.7631,]~~ ***484.7625,*** inclusive, the legal maximum width of any vehicle, combination of vehicles, special mobile equipment or load thereon is 102 inches.

4. If a vehicle is equipped with pneumatic tires, the maximum width from the outside of one wheel and tire to the outside of the opposite outer wheel and tire must not exceed 108 inches, and the outside width of the body of the vehicle or the load thereon must not exceed 102 inches.

5. Lights or devices which must be mounted upon a vehicle under this chapter may extend beyond the permissible width of the vehicle to a distance not exceeding 10 inches on each side of the vehicle, but the maximum width must not exceed 126 inches.

6. Door handles, hinges, cable cinchers and chain binders may extend 3 inches on each side, but the maximum width of body and door handles, hinges, cable cinchers or chain binders must not exceed 108 inches.

7. A person shall not operate a passenger vehicle on any highway with any load carried thereon extending beyond the line of the hubcaps on its left side or more than 6 inches beyond the line of the hubcaps on its right side.

Sec. 7. NRS 484.7605 is hereby amended to read as follows:

484.7605 1. If a vehicle is carrying a load of loosely piled agricultural products such as hay, straw or leguminous plants in bulk but not crated, baled, boxed or sacked, the load of loosely piled material and any loading racks retaining the load must not exceed 120 inches in width.

2. The provisions of NRS 484.759 with respect to maximum widths do not apply to implements of husbandry incidentally operated, transported, moved or towed over a highway other than an interstate highway or a controlled-access highway.

3. If an implement of husbandry is transported or moved as a load on another vehicle over:

(a) An interstate highway or a controlled-access highway, and the load exceeds 102 inches in width, the movement is subject to the provisions of NRS ~~[484.7631]~~ ***484.7625*** and the regulations adopted pursuant thereto.

(b) Any highway other than an interstate highway or a controlled-access highway, and the load exceeds 120 inches in width, the vehicle and load must not be operated for a distance of more than 25 miles from the point of origin of the trip and must not be operated at a speed in excess of 30 miles per hour.

Sec. 8. NRS 484.764 is hereby amended to read as follows:

484.764 The application for a permit under NRS 484.759 to ~~[484.7631,]~~ ***484.7625,*** inclusive, must:

1. Specifically describe the vehicle or special mobile equipment and load to be operated or moved and the particular highways over which the permit to operate is requested.

2. State whether the permit is requested for a single trip, for continuous use or for multiple trips over a limited time.

Sec. 9. NRS 484.765 is hereby amended to read as follows:

484.765 1. No vehicle operated or moved upon any public highway under the authority of a continuous or multiple trip-limited time permit may exceed a maximum weight of 20,000 pounds on any single axle. Before any continuous permit is issued, the applicant shall pay a reasonable fee to be determined by the Department of Transportation ~~[or the governing body of any city or county]~~ to pay the costs and expenses of conducting an initial investigation of the highway or highways involved.

2. If, after issuance of a continuous or multiple trip-limited time permit **,** ~~[by]~~ the Department of Transportation ~~[or the governing body of any city or county the Department or governing body]~~ finds that the traffic authorized by such continuous or multiple trip-limited time permit has caused substantial highway distress, the permit may be revoked summarily, but the revocation does not operate to prevent a subsequent filing of a new application for another continuous or multiple trip-limited time permit.

3. The Department of Transportation shall consider the recommendation of a city or county regarding whether traffic authorized by the issuance of a continuous or multiple trip-limited time permit has caused substantial distress to a highway under the jurisdiction of that city or county, and whether the permit should be revoked.

Sec. 10. NRS 484.769 is hereby amended to read as follows:

484.769 1. It is unlawful for any person to operate or move any vehicle or equipment described in NRS 484.739 or 484.759 to ~~[484.7631,]~~ ***484.7625,*** inclusive, over any highway without first obtaining a permit, or to violate or evade any of the terms or conditions of the permit when issued. A person violating any of the provisions of NRS 484.759 to 484.767, inclusive, is guilty of a misdemeanor.

2. Any person operating or moving any vehicle or equipment described in NRS 484.739 or 484.759 to ~~[484.7631,]~~ ***484.7625,*** inclusive, over any highway under the authorization of a permit for continuous use or multiple trips over a limited time and who violates any weight limitation in excess of the weight authorized by the permit must be punished, upon conviction, as provided in NRS 484.757.

Sec. 11. NRS 484.777 is hereby amended to read as follows:

484.777 1. The provisions of this chapter are applicable and uniform throughout this State on all highways to which the public has a right of access or to which persons have access as invitees or licensees.

2. ~~[Unless]~~ ***Except as otherwise provided in subsection 3 and unless*** otherwise provided by specific statute, any local authority may enact by ordinance traffic regulations which cover the same subject matter as the

various sections of this chapter if the provisions of the ordinance are not in conflict with this chapter ~~[.]~~ ***or regulations adopted pursuant thereto.*** It may also enact by ordinance regulations requiring the registration and licensing of bicycles.

3. A local authority shall not enact an ordinance:

(a) Governing the registration of vehicles and the licensing of drivers;

(b) Governing the duties and obligations of persons involved in traffic accidents, other than the duties to stop, render aid and provide necessary information; ~~[or]~~

(c) Providing a penalty for an offense for which the penalty prescribed by this chapter is greater than that imposed for a misdemeanor ~~[.]~~ ***; or***

(d) Requiring a permit for a vehicle, or to operate a vehicle, on a highway in this State.

4. No person convicted or adjudged guilty of a violation of a traffic ordinance may be charged or tried in any other court in this State for the same offense.

Sec. 12. NRS 484.7631 is hereby repealed.

Sec. 13. This act becomes effective on July 1, 2007.

TEXT OF REPEALED SECTION

484.7631 Permit to operate oversized vehicle; coordination with affected entities; regulations limiting hours, days or routes for movement of oversized vehicle; meetings with affected industries; expedited procedure.

1. In a county whose population is less than 400,000, the Department of Transportation with respect to highways under its jurisdiction and the governing body of the county or a city in the county with respect to roadways under the jurisdiction of the county or city may, upon request, issue a permit to operate a vehicle, or a vehicle with a load that exceeds the legal maximum width, length or height for the vehicle, unless the Department or governing body determines that the operation would be a safety hazard or would unduly impede the flow of traffic.

2. In a county whose population is 400,000 or more:

(a) If the operation of a vehicle specified in subsection 1 will not include operation on the state highway system established pursuant to chapter 408 of NRS, the governing body of the county and each city in the county may, upon request, issue a permit to operate the vehicle on a roadway in that city or county:

(1) If the governing body has jurisdiction over the roadway at the point of origination of the route of the vehicle; and

(2) Unless the governing body determines that the operation would be a safety hazard or would unduly impede the flow of traffic; or

(b) If the operation of the vehicle will include operation on the state highway system established pursuant to chapter 408 of NRS, the Department of Transportation shall, upon request, issue a permit to operate the vehicle on a highway in that county, unless the Department of Transportation

determines that the operation would be a safety hazard or would unduly impede the flow of traffic. A holder of a permit issued pursuant to this paragraph is not required to obtain a permit pursuant to paragraph (a) before operating the vehicle in accordance with the permit issued pursuant to this paragraph.

3. Before issuing a permit pursuant to subsection 2, the Department of Transportation or the governing body shall coordinate the issuance of the permit with each entity that will be affected by the issuance of the permit.

4. A governing body shall issue single-trip permits and annual permits pursuant to subsection 2 that are consistent, to the greatest extent practicable, with the regulations adopted by the Department of Transportation pursuant to subsection 5.

5. Except as otherwise provided in this section, the Department of Transportation with respect to highways under its jurisdiction and the governing body of a city or county with respect to roadways under its jurisdiction may adopt regulations providing for an annual permit or a permit for a single trip for a vehicle, or a vehicle with a load exceeding 102 inches in width, 14 feet in height or 70 feet in length, and limiting the movement of the vehicle to certain hours of the day, days of the week or routes considered necessary to protect public safety. If the Department of Transportation and a governing body of a city or county adopt regulations pursuant to this section, the regulations adopted by the governing body must be consistent, to the greatest extent practicable, with the regulations adopted by the Department of Transportation.

6. The Department of Transportation and each governing body specified in subsection 2 shall:

(a) Periodically meet with persons who represent industries that are affected by any regulations adopted by the Department of Transportation or the governing body relating to the issuance of permits pursuant to this section, including, but not limited to, regulations concerning fees for those permits;

(b) At each meeting specified in paragraph (a), review and consider the regulations specified in that paragraph and any proposed amendments to the regulations; and

(c) To the greatest extent practicable, ensure that the regulations are consistent.

7. The Department of Transportation and each governing body that issues a permit pursuant to subsection 2 shall, to the greatest extent practicable, establish an expedited procedure for issuing a permit for a vehicle or a vehicle with a load that does not exceed 15 feet in height or 110 feet in length:

(a) Within 1 working day after the Department of Transportation or the governing body receives a request for the permit, if the vehicle or the vehicle with a load for which the permit is submitted has a width of 144 inches or less; or

(b) Within 2 working days after the Department of Transportation or the governing body receives a request for the permit, if the vehicle or the vehicle with a load for which the permit is submitted has a width of more than 144 inches but not more than 168 inches.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that upon return from reprint, Senate Bill No. 319 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 291 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 5 be taken from its position on General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 18 be taken from its position on General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 58 be taken from its position on General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 146 be taken from its position on General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 182 be taken from its position on General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 187 be taken from its position on General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 228 be taken from its position on General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 298 be taken from its position on General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 328 be taken from its position on General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 339 be taken from its position on General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 340 be taken from its position on General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 345 be taken from its position on General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 366 be taken from its position on General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 403 be taken from its position on General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 470 be taken from its position on General File and placed at the bottom of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 586.
Bill read third time.
Remarks by Assemblywoman McClain.
Roll call on Assembly Bill No. 586:
YEAS—41.
NAYS—None.
EXCUSED—Settelmeyer.
Assembly Bill No. 586 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 619.
Bill read third time.
Remarks by Assemblymen Oceguera, Marvel, and Denis.
Roll call on Assembly Bill No. 619:
YEAS—37.
NAYS—Beers, Christensen, Cobb, Goedhart—4.
EXCUSED—Settelmeyer.

Assembly Bill No. 619 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 3.

Bill read third time.

Remarks by Assemblymen Conklin and Mabey.

Roll call on Senate Bill No. 3:

YEAS—30.

NAYS—Beers, Carpenter, Christensen, Cobb, Goedhart, Goicoechea, Grady, Hardy, Mabey, Marvel, Stewart—11.

EXCUSED—Settelmeyer.

Senate Bill No. 3 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 53.

Bill read third time.

Remarks by Assemblymen Christensen and Mabey.

Roll call on Senate Bill No. 53:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 53 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 78.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Senate Bill No. 78:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 78 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 103.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Senate Bill No. 103:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 103 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 111.
Bill read third time.
Remarks by Assemblyman Conklin.
Roll call on Senate Bill No. 111:
YEAS—41.
NAYS—None.
EXCUSED—Settelmeyer.
Senate Bill No. 111 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 143.
Bill read third time.
Remarks by Assemblyman Hardy.
Roll call on Senate Bill No. 143:
YEAS—39.
NAYS—Allen, Ohrenschall—2.
EXCUSED—Settelmeyer.
Senate Bill No. 143 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 147.
Bill read third time.
Remarks by Assemblyman Grady.
Roll call on Senate Bill No. 147:
YEAS—41.
NAYS—None.
EXCUSED—Settelmeyer.
Senate Bill No. 147 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 157.
Bill read third time.
Remarks by Assemblyman Segerblom.
Madam Speaker requested the privilege of the Chair for the purpose of making remarks.
Roll call on Senate Bill No. 157:
YEAS—41.
NAYS—None.
EXCUSED—Settelmeyer.
Senate Bill No. 157 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 163.
Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Senate Bill No. 163:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 163 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 169.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Senate Bill No. 169:

YEAS—40.

NAYS—Pierce.

EXCUSED—Settelmeyer.

Senate Bill No. 169 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 171 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 184.

Bill read third time.

Remarks by Assemblymen Smith and Anderson.

Roll call on Senate Bill No. 184:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 184 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 195.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Senate Bill No. 195:

YEAS—39.

NAYS—Beers, Stewart—2.

EXCUSED—Settelmeyer.

Senate Bill No. 195 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 206.
Bill read third time.
Remarks by Assemblywoman Womack.
Roll call on Senate Bill No. 206:
YEAS—41.
NAYS—None.
EXCUSED—Settelmeyer.
Senate Bill No. 206 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 219.
Bill read third time.
Remarks by Assemblyman Stewart.
Roll call on Senate Bill No. 219:
YEAS—41.
NAYS—None.
EXCUSED—Settelmeyer.
Senate Bill No. 219 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 237.
Bill read third time.
Remarks by Assemblymen Carpenter and Anderson.
Roll call on Senate Bill No. 237:
YEAS—41.
NAYS—None.
EXCUSED—Settelmeyer.
Senate Bill No. 237 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:21 p.m.

ASSEMBLY IN SESSION

At 12:37 p.m.
Madam Speaker presiding.
Quorum present.

Senate Bill No. 239.
Bill read third time.

Remarks by Assemblyman Denis.
Roll call on Senate Bill No. 239:
YEAS—40.
NAYS—Anderson.
EXCUSED—Settelmeyer.
Senate Bill No. 239 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 243.
Bill read third time.
Remarks by Assemblyman Cobb.
Roll call on Senate Bill No. 243:
YEAS—41.
NAYS—None.
EXCUSED—Settelmeyer.
Senate Bill No. 243 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 247.
Bill read third time.
Remarks by Assemblywoman Parnell.
Roll call on Senate Bill No. 247:
YEAS—41.
NAYS—None.
EXCUSED—Settelmeyer.
Senate Bill No. 247 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assemblyman Oceguera moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 12:43 p.m.

ASSEMBLY IN SESSION

At 12:46 p.m.
Madam Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 266 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 310 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 267.

Bill read third time.

Remarks by Assemblyman Claborn.

Roll call on Senate Bill No. 267:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 267 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 275.

Bill read third time.

Remarks by Assemblymen Goicoechea and Horne.

Roll call on Senate Bill No. 275:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 275 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 279.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 279:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 279 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 293.

Bill read third time.

Remarks by Assemblymen Carpenter, Oceguera, Denis, Atkinson, Koivisto, and Kirkpatrick.

Roll call on Senate Bill No. 293:

YEAS—40.

NAYS—Arberry.

EXCUSED—Settelmeyer.

Senate Bill No. 293 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 300.

Bill read third time.

Roll call on Senate Bill No. 300:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 300 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Concurrent Resolution No. 31—Directing the Legislative Commission to conduct an interim study of issues relating to elections.

Assemblywoman Koivisto moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Assemblyman Oceguera moved that all rules be suspended and that all bills and joint resolutions passed this legislative day be immediately transmitted to the Senate.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 277 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 277.

Bill read third time.

Remarks by Assemblymen Anderson and Hardy.

Roll call on Senate Bill No. 277:

YEAS—40.

NAYS—Conklin.

EXCUSED—Settelmeyer.

Senate Bill No. 277 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Oceguera moved that the Assembly recess until 4:30 p.m.

Motion carried.

Assembly in recess at 1:13 p.m.

ASSEMBLY IN SESSION

At 5:01 p.m.
Madam Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 95, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Transportation, to which was referred Senate Bills Nos. 320, 452, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 23, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 38.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 38.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 95.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 954.

AN ACT relating to public utilities; removing certain entities from regulation as public utilities; eliminating the requirement that the Public Utilities Commission of Nevada conduct a hearing before ordering certain changes relating to railroad crossings; eliminating the requirement that the Commission convene a hearing not later than 60 days after a plan to increase the supply of electricity or decrease the demand for electricity is filed with the Commission; ~~[exempting certain]~~ **revising provisions governing the exemption of** electric generating plants **;** ~~[from provisions governing the construction of utility facilities;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Public Utilities Commission of Nevada to regulate public utilities in this State. (NRS 704.001) Existing law defines the term "public utility." (NRS 704.020) Section 1 of this bill removes radio and broadcasting companies, companies that own cars used as part of railroad trains and companies that operate a ditch, flume, tunnel or tunnel and drainage system from regulation as public utilities.

Existing law authorizes the Commission, after an investigation and hearing, to order certain changes relating to railroad crossings. (NRS 704.300) Section 2 of this bill removes the requirement that the Commission conduct a hearing before ordering such changes.

Existing law requires that an electric utility submit a plan to increase its supply of electricity or decrease the demands made on its system by its customers to the Commission every 3 years. (NRS 704.741) Existing law requires the Commission to convene a hearing on such a plan not later than 60 days after the plan is submitted to the Commission. (NRS 704.746) Section 5 of this bill removes the requirement that the hearing be convened within that 60-day period. Existing law also requires the Commission to accept the plan as filed or specify the portions of the plan it finds inadequate within 135 days after the plan is filed. (NRS 704.751) Section 5 extends that deadline to 180 days after the plan is filed for certain portions of the plan, but retains the 135-day deadline with respect to an amendment to an accepted plan.

Existing law sets forth a permitting process for the construction of a utility facility to minimize the environmental impact of the facility. (NRS 704.820-704.900) Existing law exempts from the permitting process certain electric generating plants which use renewable energy as their primary source of energy to generate electricity and which have a limited generating capacity. (NRS 704.860) Section 6 of this bill ~~[exempts all]~~ **increases the maximum allowable generating capacity of** such **exempt** electric generating plants **.** ~~[from the permitting process regardless of their generating capacity.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 704.020 is hereby amended to read as follows:

704.020 1. "Public utility" or "utility" includes:

(a) Any person who owns, operates, manages or controls any railroad or part of a railroad as a common carrier in this State, or cars or other equipment used thereon, or bridges, terminals, or sidetracks, or any docks or wharves or storage elevators used in connection therewith, whether or not they are owned by the railroad.

(b) Any telephone company that provides a telecommunication service to the public, but only with regard to those operations of the telephone company which consist of providing a telecommunication service to the public.

~~[(c) Any radio or broadcasting company or instrumentality that provides a common or contract service.~~

~~(d) Any company that owns cars of any kind or character, used and operated as a part of railroad trains, in or through this State. All duties required of and penalties imposed upon any railroad or any officer or agent thereof are, insofar as applicable, required of and imposed upon the owner or operator of any telephone company that provides a telecommunication service to the public, any radio or broadcasting company or instrumentality that provides a common or contract service and any company that owns cars of any kind or character, used and operated as a part of railroad trains in or through this State, and their officers and agents, and the Commission may supervise and control all such companies, instrumentalities and persons to the same extent as railroads.]~~

2. "Public utility" or "utility" also includes:

(a) ~~[Any person who owns, operates or controls any ditch, flume, tunnel or tunnel and drainage system, charging rates, fares or tolls, directly or indirectly.~~

~~(b)]~~ Any plant or equipment, or any part of a plant or equipment, within this State for the production, delivery or furnishing for or to other persons, including private or municipal corporations, heat, gas, coal slurry, light, power in any form or by any agency, water for business, manufacturing, agricultural or household use, or sewerage service, whether or not within the limits of municipalities.

~~[(c)]~~ ***(b)*** Any system for the distribution of liquefied petroleum gas to 10 or more users.

➥ The Commission may supervise, regulate and control all such utilities, subject to the provisions of this chapter and to the exclusion of the jurisdiction, regulation and control of such utilities by any municipality, town or village, unless otherwise provided by law.

3. The provisions of this chapter and the term "public utility" apply to all railroads, express companies, car companies and all associations of persons, whether or not incorporated, that do any business as a common carrier upon or over any line of railroad within this State.

Sec. 2. NRS 704.300 is hereby amended to read as follows:

704.300 1. After an investigation ~~[and hearing, which has been]~~ initiated either upon the Commission's own motion ~~[,]~~ or as the result of the filing of a formal application or complaint by the Department of Transportation, the board of county commissioners of any county, the town board or council of any town or municipality, or any railroad company, the Commission may ~~[determine, and]~~ order for the safety of the traveling public:

(a) The elimination, alteration, addition or change of a highway crossing or crossings over any railroad at grade, or above or below grade, including its approaches and surface.

(b) Changes in the method of crossing at grade, or above or below grade.

(c) The closing of a crossing and the substitution of another therefor.

(d) The removal of obstructions to the public view in approaching any crossing.

(e) Such other details of use, construction and operation as may be necessary to make grade-crossing elimination, changes and betterments for the protection of the public and the prevention of accidents effective.

2. The Commission shall order that the cost of any elimination, removal, addition, change, alteration or betterment so ordered must be divided and paid in such proportion by the State, county, town or municipality and the railroad or railroads interested as is provided according to the circumstances occasioning the cost ~~[,]~~ in NRS 704.305.

3. ~~[All]~~ ***If the Commission chooses to conduct a hearing before issuing an order pursuant to subsection 1, all*** costs incurred by reason of ~~[any hearing held under this section before the Commission,]~~ ***the hearing,*** including **,** but not limited to **,** publication of notices, reporting, transcripts and rental of hearing room, must be apportioned 50 percent to the governmental unit or units affected and 50 percent to the railroad or railroads.

Sec. 3. NRS 704.673 is hereby amended to read as follows:

704.673 ~~[Every]~~ ***1. Except as otherwise provided in subsection 2, every*** cooperative association or nonprofit corporation or association and every other supplier of services described in this chapter supplying such services for the use of the public and for the use of its own members is hereby declared to be affected with a public interest, to be a public utility, and to be subject to the jurisdiction, control and regulation of the Commission and to the provisions of this chapter **.** ~~[; but in]~~

2. In the case of the acquisition of the certificate or all or any part of the territory of a public utility, as defined in paragraph ~~[(b)]~~ ***(a)*** of subsection 2 of NRS 704.020, by a cooperative association or nonprofit corporation or association which ~~[prior to]~~ ***before*** April 26, 1963, had supplied services for the use of its own members only, ~~[this section shall not be]~~ ***the provisions of subsection 1 are not*** applicable for a period of 6 months or the expiration of such reasonable extension or extensions of ~~[such]~~ ***that*** 6-month period as may be ordered by the Commission, during which period the cooperative association or nonprofit corporation or association may enroll as its members the customers of the public utility whose certificate or territory was acquired so as to make such acquiring cooperative association or nonprofit corporation or association subject only to the limited jurisdiction, control and regulation of the Commission, and only to the specific provisions of chapter 704 of NRS as provided by NRS 704.675.

Sec. 4. NRS 704.746 is hereby amended to read as follows:

704.746 1. ~~[Not more than 60 days after]~~ ***After*** a utility has filed its plan ~~[,]~~ ***pursuant to NRS 704.741,*** the Commission shall convene a public hearing on the adequacy of the plan.

2. At the hearing any interested person may make comments to the Commission regarding the contents and adequacy of the plan.

3. After the hearing **,** the Commission shall determine whether:

(a) The forecast requirements of the utility are based on substantially accurate data and an adequate method of forecasting.

(b) The plan identifies and takes into account any present and projected reductions in the demand for energy that may result from measures to improve energy efficiency in the industrial, commercial, residential and energy producing sectors of the area being served.

(c) The plan adequately demonstrates the economic, environmental and other benefits to this State and to the customers of the utility, associated with the following possible measures and sources of supply:

(1) Improvements in energy efficiency;

(2) Pooling of power;

(3) Purchases of power from neighboring states or countries;

(4) Facilities that operate on solar or geothermal energy or wind;

(5) Facilities that operate on the principle of cogeneration or hydrogeneration; and

(6) Other generation facilities.

4. The Commission may give preference to the measures and sources of supply set forth in paragraph (c) of subsection 3 that:

(a) Provide the greatest economic and environmental benefits to the State;

(b) Are consistent with the provisions of this section; and

(c) Provide levels of service that are adequate and reliable.

5. The Commission shall:

(a) Adopt regulations which determine the level of preference to be given to those measures and sources of supply; and

(b) Consider the value to the public of using water efficiently when it is determining those preferences.

Sec. 5. NRS 704.751 is hereby amended to read as follows:

704.751 1. ~~[Within 135 days after]~~ ***After*** a utility has filed ~~[its plan,]~~ ***the plan required pursuant to NRS 704.741,*** the Commission shall issue an order accepting the plan as filed or specifying any portions of the plan it deems to be inadequate ~~[.]~~ ***:***

(a) Within 135 days for any portion of the plan relating to the energy supply plan for the utility for the 3 years covered by the plan; and

(b) Within 180 days for all portions of the plan not described in paragraph (a).

2. ***If a utility files an amendment to a plan, the Commission shall issue an order accepting the amendment as filed or specifying any portions of the amendment it deems to be inadequate within 135 days of the filing of the amendment.***

3. All prudent and reasonable expenditures made to develop the utility's plan, including environmental, engineering and other studies, must be recovered from the rates charged to the utility's customers.

Sec. 6. NRS 704.860 is hereby amended to read as follows:

704.860 "Utility facility" means:

1. Electric generating plants and their associated facilities, except:

(a) Electric generating plants and their associated facilities that are or will be located entirely within the boundaries of a county whose population is 100,000 or more; or

(b) Electric generating plants and their associated facilities which use or will use renewable energy, as defined in NRS 704.7811, as their primary source of energy to generate electricity ~~[,]~~ and which have or will have a generating capacity of not more than ~~[150 kilowatts,]~~ ***35 megawatts,*** including, without limitation, a net metering system, as defined in NRS 704.771.

➥ As used in this subsection, "associated facilities" includes, without limitation, any facilities for the storage, transmission or treatment of water, including, without limitation, facilities to supply water or for the treatment or disposal of wastewater, which support or service an electric generating plant.

2. Electric transmission lines and transmission substations that:

(a) Are designed to operate at 200 kilovolts or more;

(b) Are not required by local ordinance to be placed underground; and

(c) Are constructed outside any incorporated city.

3. Gas transmission lines, storage plants, compressor stations and their associated facilities when constructed outside:

(a) Any incorporated city; and

(b) Any county whose population is 100,000 or more.

4. Water storage, transmission and treatment facilities, other than facilities for the storage, transmission or treatment of water from mining operations.

5. Sewer transmission and treatment facilities.

Sec. 7. Notwithstanding any other provision of law to the contrary:

1. Perfection or notice provided by a security instrument covering real or personal property located in this State which was filed with the Secretary of State or recorded in the office of a county recorder before July 1, 2007, in compliance with the provisions of chapter 105 of NRS, by a person who, on and after July 1, 2007, is not subject to regulation as a public utility pursuant to NRS 704.020, as amended by section 1 of this act, remains effective for the period provided by the law in effect at the time of its filing or recordation.

2. Such an instrument may be filed anew pursuant to NRS 104.9101 to 104.9709, inclusive, and if so filed has the effect given to security instruments originally filed pursuant to NRS 104.9101 to 104.9709, inclusive. The priority of such a filing dates from the time that the security interest was first filed with the Secretary of State or recorded in the office of a county recorder and not from the date the instrument is filed anew pursuant to NRS 104.9101 to 104.9709, inclusive.

Sec. 8. This act becomes effective on July 1, 2007.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 320.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 871.

AN ACT relating to airports; exempting the rental or lease of certain space at certain local governmental airports from requirements relating to appraisals and public auctions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law and with certain exceptions, the governing body of a city is required to obtain two independent appraisals when offering real property for sale or lease and is required to sell or lease the property at auction. (NRS 268.059-268.062) **Similar provisions apply to counties. (NRS 244.2795-244.283)** Under existing law, airport authorities created by special acts of the Legislature are required to sell or otherwise dispose of real property by public auction. (Airport Auth. Act for Battle Mountain, § 10; Airport Auth. Act for Carson City, § 9; Reno-Tahoe Airport Auth. Act, § 10) This bill authorizes the ~~[governing body of a city located in]~~ **board of county commissioners of** a county whose population is less than 40,000 (currently counties other than Clark, Washoe, Elko and Douglas Counties, and Carson City) **, the governing body of a city located in such a county** or an airport authority in such a county (currently the Airport Authority of Battle Mountain) to rent or lease space for the parking or storage of aircraft on the grounds of ~~[a municipal]~~ **an** airport owned or operated by the **county,** city or ~~[the]~~ airport authority without conducting or causing to be conducted an appraisal or a public auction. (NRS 496.080; Airport Auth. Act for Battle Mountain, § 10)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 496.080 is hereby amended to read as follows:

496.080 1. Except as otherwise provided in subsection 2 or as may be limited by the terms and conditions of any grant, loan or agreement pursuant to NRS 496.180, every municipality may, by sale, lease or otherwise, dispose of any airport, air navigation facility ~~[,]~~ or other property, or portion thereof or interest therein, acquired pursuant to this chapter.

2. The disposal by sale, lease or otherwise must be:

(a) ~~[Made]~~ ***Except as otherwise provided in subsection 3, made*** by public auction; and

(b) In accordance with the laws of this State, or provisions of the charter of the municipality, governing the disposition of other property of the municipality, except that in the case of disposal to another municipality or agency of the State or Federal Government for aeronautical purposes incident thereto, the sale, lease or other disposal may be effected in such manner and upon such terms as the governing body of the municipality may deem in the best interest of the municipality, and except as otherwise provided in subsections 3, 4 and 5 of NRS 496.090.

3. The governing body of a city located in a county whose population is less than 40,000 may rent or lease to a person a space for the parking or storage of aircraft on the grounds of a municipal airport that is owned or operated by the city without conducting or causing to be conducted an appraisal or a public auction.

Sec. 1.2. **Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:**

A board of county commissioners of a county whose population is less than 40,000 may rent or lease to a person a space for the parking or storage of aircraft on the grounds of an airport that is owned or operated by the county without conducting or causing to be conducted an appraisal or a public auction.

Sec. 1.4. **NRS 244.2795 is hereby amended to read as follows:**

244.2795 1. Except as otherwise provided in NRS 244.189, 244.276, 244.279, 244.2825, 244.284, 244.287, 244.290 ***and section 1.2 of this act*** and 278.479 to 278.4965, inclusive, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election, the board of county commissioners shall, when offering any real property for sale or lease:

(a) Obtain two independent appraisals of the real property before selling or leasing it. The appraisals must have been prepared not more than 6 months before the date on which the real property is offered for sale or lease.

(b) Select the two independent appraisers from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the board of county commissioners as to the qualifications of the appraiser is conclusive.

2. The board of county commissioners shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct

appraisals of real property offered for sale or lease by the board. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income that may constitute a conflict of interest and any relationship with the real property owner or the owner of an adjoining real property.

4. An appraiser shall not perform an appraisal on any real property for sale or lease by the board of county commissioners if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the real property or an adjoining property.

Sec. 1.6. **NRS 244.281 is hereby amended to read as follows:**

244.281 Except as otherwise provided in this section and NRS 244.189, 244.276, 244.279, 244.2815, 244.2825, 244.284, 244.287, 244.290, ***and section 1.2 of this act and*** 278.479 to 278.4965, inclusive, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election:

1. When a board of county commissioners has determined by resolution that the sale or lease of any real property owned by the county will be for purposes other than to establish, align, realign, change, vacate or otherwise adjust any street, alley, avenue or other thoroughfare, or portion thereof, or flood control facility within the county and will be in the best interest of the county, it may:

(a) Sell the property in the manner prescribed for the sale of real property in NRS 244.282.

(b) Lease the property in the manner prescribed for the lease of real property in NRS 244.283.

2. Before the board of county commissioners may sell or lease any real property as provided in subsection 1, it shall:

(a) Post copies of the resolution described in subsection 1 in three public places in the county; and

(b) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(2) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

➥ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. If the board of county commissioners by its resolution further finds that the property to be sold or leased is worth more than $1,000, the board shall appoint two or more disinterested, competent real estate appraisers pursuant to NRS 244.2795 to appraise the property and, except for property acquired pursuant to NRS 371.047, shall not sell or lease it for less than the highest appraised value.

4. If the property is appraised at $1,000 or more, the board of county commissioners may:

(a) Lease the property; or

(b) Sell the property either for cash or for not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust, bearing such interest and upon such further terms as the board of county commissioners may specify.

5. A board of county commissioners may sell or lease any real property owned by the county without complying with the provisions of NRS 244.282 or 244.283 to:

(a) A person who owns real property located adjacent to the real property to be sold or leased if the board has determined by resolution that:

(1) The real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property for sale or lease; and

(2) The sale will be in the best interest of the county.

(b) Another governmental entity if:

(1) The sale or lease restricts the use of the real property to a public use; and

(2) The board adopts a resolution finding that the sale or lease will be in the best interest of the county.

6. A board of county commissioners that disposes of real property pursuant to subsection 4 is not required to offer to reconvey the real property

to the person from whom the real property was received or acquired by donation or dedication.

7. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the board of county commissioners may offer the real property for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the real property, the board of county commissioners must obtain a new appraisal of the real property pursuant to the provisions of NRS 244.2795 before offering the real property for sale or lease a second time. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the board of county commissioners may list the real property for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property.

8. As used in this section, "flood control facility" has the meaning ascribed to it in NRS 244.276.

Sec. 1.8. **NRS 244.283 is hereby amended to read as follows:**

244.283 1. When the board of county commissioners determines that the lease of real property belonging to the county for industrial, commercial, residential or recreational purposes is necessary or desirable, the board may lease such real property, whether acquired by purchase, dedication or otherwise. Such a lease must not be in contravention of any condition in a gift or devise of real property to the county.

2. Except as otherwise provided in NRS 244.279, ***and section 1.2 of this act,*** before ordering the lease of any property the board shall, in open meeting by a majority vote of the members, adopt a resolution declaring its intention to lease the property. The resolution must:

(a) Describe the property proposed to be leased in such manner as to identify it.

(b) Specify the minimum rental, and the terms upon which it will be leased.

(c) Fix a time, not less than 3 weeks thereafter, for a public meeting of the board to be held at its regular place of meeting, at which sealed proposals to lease will be received and considered.

3. Notice of the adoption of the resolution and of the time and place of holding the meeting must be given by:

(a) Posting copies of the resolution in three public places in the county not less than 15 days before the date of the meeting; and

(b) Publishing the resolution not less than once a week for 2 successive weeks before the meeting in a newspaper of general circulation published in the county, if any such newspaper is published therein.

4. At the time and place fixed in the resolution for the meeting of the board, all sealed proposals which have been received must, in public session, be opened, examined and declared by the board. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to lease and which are made by responsible bidders, the proposal which is the highest must be finally accepted, unless a higher oral bid is accepted or the board rejects all bids.

5. Before accepting any written proposal, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to lease the property upon the terms and conditions specified in the resolution, for a rental exceeding by at least 5 percent the highest written proposal, then the highest oral bid which is made by a responsible person must be finally accepted.

6. A person may not make an oral bid unless, at least 5 days before the meeting held for receiving and considering bids, he submits to the board written notice of his intent to make an oral bid and a statement establishing his financial responsibility to the satisfaction of the board.

7. The final acceptance by the board may be made either at the same session or at any adjourned session of the same meeting held within the 21 days next following.

8. The board may, either at the same session or at any adjourned session of the same meeting held within the 21 days next following, if it deems such action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from lease.

9. Any resolution of acceptance of any bid made by the board must authorize and direct the chairman to execute a lease and to deliver it upon performance and compliance by the lessee with all the terms or conditions of his contract which are to be performed concurrently therewith.

10. All money received from rentals of real property must be deposited forthwith with the county treasurer to be credited to the county general fund.

11. This section does not apply to leases of real property made pursuant to NRS 244.288, 334.070 or 338.177.

Sec. 2. NRS 266.267 is hereby amended to read as follows:

266.267 1. A city council shall not enter into a lease of real property owned by the city for a term of 3 years or longer or enter into a contract for the sale of real property until after the property has been appraised pursuant to NRS 268.059. Except as otherwise provided in this section ***,*** ~~[and]~~ paragraph (a) of subsection 1 of NRS 268.050 ~~[.]~~ ***and subsection 3 of NRS 496.080:***

(a) The sale or lease of real property must be made in the manner required pursuant to NRS 268.059, 268.061 and 268.062; and

(b) A lease or sale must be made at or above the highest appraised value of the real property as determined pursuant to the appraisal conducted pursuant to NRS 268.059.

2. The city council may sell or lease real property for less than its appraised value to any person who maintains or intends to maintain a business within the boundaries of the city which is eligible pursuant to NRS 374.357 for an abatement from the sales and use taxes imposed pursuant to chapter 374 of NRS.

Sec. 3. NRS 268.059 is hereby amended to read as follows:

268.059 1. Except as otherwise provided in NRS 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, ***and subsection 3 of NRS 496.080,*** except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election, the governing body shall, when offering any real property for sale or lease:

(a) Obtain two independent appraisals of the real property before selling or leasing it. The appraisals must be based on the zoning of the real property as set forth in the master plan for the city and must have been prepared not more than 6 months before the date on which real property is offered for sale or lease.

(b) Select the two independent appraisers from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the governing body as to the qualifications of the appraiser is conclusive.

2. The governing body shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the governing body. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the property owner or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any real property offered for sale or lease by the governing body if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the real property or an adjoining property.

Sec. 4. NRS 268.061 is hereby amended to read as follows:

268.061 Except as otherwise provided in this section and NRS 268.063, 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, ***and subsection 3 of NRS 496.080,*** except as otherwise provided by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election:

1. If a governing body has determined by resolution that the sale or lease of any real property owned by the city will be in the best interest of the city, it may sell or lease the real property in the manner prescribed for the sale or lease of real property in NRS 268.062.

2. Before the governing body may sell or lease any real property as provided in subsection 1, it shall:

(a) Post copies of the resolution described in subsection 1 in three public places in the city; and

(b) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(2) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

➥ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. If the governing body by its resolution finds additionally that the real property to be sold is worth more than $1,000, the board shall conduct an appraisal pursuant to NRS 268.059 to determine the value of the real property and, except for real property acquired pursuant to NRS 371.047, shall not sell or lease it for less than the highest appraised value.

4. If the real property is appraised at $1,000 or more, the governing body may:

(a) Lease the real property; or

(b) Sell the real property for:

(1) Cash; or

(2) Not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of

trust bearing such interest and upon such further terms as the governing body may specify.

5. A governing body may sell or lease any real property owned by the city without complying with the provisions of this section and NRS 268.059 and 268.062 to:

(a) A person who owns real property located adjacent to the real property to be sold or leased if the governing body has determined by resolution that:

(1) The real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; and

(2) The sale or lease will be in the best interest of the city.

(b) Another governmental entity if:

(1) The sale or lease restricts the use of the real property to a public use; and

(2) The governing body adopts a resolution finding that the sale or lease will be in the best interest of the city.

6. A governing body that disposes of real property pursuant to subsection 5 is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

7. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the governing body may offer the real property for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the real property, the governing body must obtain a new appraisal of the real property pursuant to the provisions of NRS 268.059 before offering the real property for sale or lease a second time. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the governing body may list the real property for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property.

Sec. 5. NRS 268.062 is hereby amended to read as follows:

268.062 1. Except as otherwise provided in this section and NRS 268.063, 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, ***and subsection 3 of NRS 496.080,*** except as otherwise required by federal law, except as otherwise required pursuant to a cooperative

agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, the governing body shall, in open meeting by a majority vote of the members and before ordering the sale or lease at auction of any real property, adopt a resolution declaring its intention to sell or lease the property at auction. The resolution must:

(a) Describe the property proposed to be sold or leased in such a manner as to identify it;

(b) Specify the minimum price and the terms upon which the property will be sold or leased; and

(c) Fix a time, not less than 3 weeks thereafter, for a public meeting of the governing body to be held at its regular place of meeting, at which sealed bids will be received and considered.

2. Notice of the adoption of the resolution and of the time and place of holding the meeting must be given by:

(a) Posting copies of the resolution in three public places in the county not less than 15 days before the date of the meeting; and

(b) Causing to be published at least once a week for 3 successive weeks before the meeting, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or leased at auction in such a manner as to identify it;

(2) The minimum price of the real property proposed to be sold or leased at auction; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

➥ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. At the time and place fixed in the resolution for the meeting of the board, all sealed bids which have been received must, in public session, be opened, examined and declared by the governing body. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or lease and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral bid is accepted or the governing body rejects all bids.

4. Before accepting any written bid, the governing body shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to

buy or lease the property upon the terms and conditions specified in the resolution, for a price exceeding by at least 5 percent the highest written bid, then the highest oral bid which is made by a responsible person must be finally accepted.

5. The final acceptance by the governing body may be made either at the same session or at any adjourned session of the same meeting held within the 21 days next following.

6. The governing body may, either at the same session or at any adjourned session of the same meeting held within the 21 days next following, if it deems the action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from sale or lease.

7. Any resolution of acceptance of any bid made by the governing body must authorize and direct the chairman to execute a deed or lease and to deliver it upon performance and compliance by the purchaser or lessor with all the terms or conditions of his contract which are to be performed concurrently therewith.

Sec. 5.5. **NRS 371.047 is hereby amended to read as follows:**

371.047 1. A county may use the proceeds of the tax imposed pursuant to NRS 371.045, or of bonds, notes or other obligations incurred to which the proceeds of those taxes are pledged to finance a project related to the construction of a highway with limited access, to:

(a) Purchase residential real property which shares a boundary with a highway with limited access or a project related to the construction of a highway with limited access, and which is adversely affected by the highway. Not more than 1 percent of the proceeds of the tax or of any bonds to which the proceeds of the tax are pledged may be used for this purpose.

(b) Pay for the cost of moving persons whose primary residences are condemned for a right-of-way for a highway with limited access and who qualify for such payments. The board of county commissioners shall, by ordinance, establish the qualifications for receiving payments for the cost of moving pursuant to this paragraph.

2. A county may, in accordance with NRS 244.265 to 244.296, inclusive, ***and section 1.2 of this act,*** dispose of any residential real property purchased pursuant to this section, and may reserve and except easements, rights or interests related thereto, including, but not limited to:

(a) Abutter's rights of light, view or air.

(b) Easements of access to and from abutting land.

(c) Covenants prohibiting the use of signs, structures or devices advertising activities not conducted, services not rendered or goods not produced or available on the real property.

3. Proceeds from the sale or lease of residential real property acquired pursuant to this section must be used for the purposes set forth in this section and in NRS 371.045.

4. For the purposes of this section, residential real property is adversely affected by a highway with limited access if the construction or proposed use of the highway:

(a) Constitutes a taking of all or any part of the property, or interest therein;

(b) Lowers the value of the property; or

(c) Constitutes a nuisance.

5. As used in this section:

(a) "Highway with limited access" means a divided highway for through traffic with full control of access and with grade separations at intersections.

(b) "Primary residence" means a dwelling, whether owned or rented by the occupant, which is the sole principal place of residence of that occupant.

(c) "Residential real property" means a lot or parcel of not more than 1.5 acres upon which a single-family or multifamily dwelling is located.

Sec. 6. Section 10 of the Airport Authority Act for Battle Mountain, being chapter 458, Statutes of Nevada 1983, as last amended by chapter 381, Statutes of Nevada 2005, at page 1470, is hereby amended to read as follows:

Sec. 10. Authority: General powers. The Authority may do all things necessary to accomplish the purposes of this act. The Authority may, by reason of example and not of limitation:

1. Have perpetual succession and sue and be sued.

2. Plan, establish, acquire, construct, improve and operate an airport within Lander County.

3. Acquire real or personal property or any interest therein by gift, lease or purchase for any of the purposes provided in this section, including the elimination, prevention or marking of airport hazards.

4. Except as otherwise provided in this subsection, sell, lease or otherwise dispose of any real property. ~~[If]~~ ***Unless the provisions of subsection 5 apply, if*** the Authority sells or otherwise disposes of real property, the sale or other disposal must be made by public auction.

5. ***The Authority may rent or lease to a person a space for the parking or storage of aircraft on the grounds of an airport controlled by the Authority without conducting or causing to be conducted an appraisal or a public auction.***

6. Acquire real property or any interest therein in areas most affected by aircraft noise for the purpose of resale or lease thereof, subject to restrictions limiting its use to industrial or other purposes least affected by aircraft noise.

~~[6.]~~ ***7.*** Enter into agreements with Lander County and Battle Mountain to acquire, by lease, gift, purchase or otherwise, any airport of the county or municipality and to operate the airport.

~~[7.]~~ ***8.*** Exercise the power of eminent domain and dominant eminent domain in the manner provided by law for the condemnation by a town of private property for public use to take any property necessary to the exercise of the powers granted, within the designated district in Lander County.

~~[8.]~~ ***9.*** Apply directly to the proper federal, state, county and municipal officials and agencies or to any other source, public or private, for loans, grants, guarantees or other financial assistance in aid of airports operated by it, and accept the same.

~~[9.]~~ ***10.*** Prepare and adopt a comprehensive, long-term general plan for the physical development of all property owned and operated by the Authority for submission to the Board of County Commissioners of Lander County. The Authority may prepare and adopt for approval by the Board of County Commissioners of Lander County a comprehensive zoning plan of all property owned or operated by the Authority. The zoning plan must be consistent with the requirements of chapter 497 of NRS and any applicable federal laws and regulations.

~~[10.]~~ ***11.*** Have control of its airports with the right and duty to establish and charge fees, rentals, rates and other charges, and collect revenues therefrom, not inconsistent with the rights of the holders of its bonds, and enter into agreements with carriers for the payment of landing fees, rental rates and other charges.

~~[11.]~~ ***12.*** Use in the performance of its functions the officers, agents, employees, services, facilities, records and equipment of Lander County or Battle Mountain, with the consent of the county or municipality and subject to such terms and conditions as may be agreed upon.

~~[12.]~~ ***13.*** Enter upon such lands, waters or premises as in the judgment of the Authority may be necessary for the purpose of making surveys, soundings, borings and examinations to accomplish any purpose authorized by this act. The Authority is liable for actual damage done.

~~[13.]~~ ***14.*** Provide its own fire protection, police and crash and rescue service.

~~[14.]~~ ***15.*** Contract with carriers with regard to landings and the accommodations of the employees and passengers of such carriers.

~~[15.]~~ ***16.*** Contract with persons or corporations to provide goods and services for the use of the employees and passengers of the carriers and the employees of the Authority, as necessary or incidental to the operation of the airports.

~~[16.]~~ ***17.*** Hire and retain officers, agents and employees, including a fiscal adviser, engineers, attorneys or other professional or specialized personnel.

~~[17.]~~ ***18.*** Adopt regulations governing vehicular traffic on its airports relating, but not limited to, speed restrictions, stopping, standing and parking, loading zones, turning movements and parking meters. It is unlawful for any person to do any act forbidden or fail to perform any act required in such regulations.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 452.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 873.

AN ACT relating to motor vehicles; requiring inspections for certain vehicles to ensure their roadworthiness; amending criteria which may be used to deny, revoke or refuse to renew a license; amending provisions relating to surety bonds provided by brokers, manufacturers, distributors, rebuilders and dealers; requiring a driving school to inspect its vehicles annually; increasing penalties for a violation of rules and regulations regarding driving schools; increasing the penalties for selling a vehicle with an altered odometer; amending provisions relating to the wrecking and salvaging of vehicles; amending the procedures for a transfer of ownership in a vehicle by a junk certificate; repealing a provision relating to special license plates issued to a dealer; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill expands the authority of investigators of the Department of Motor Vehicles in enforcing laws relating to acts of fraud by businesses licensed by the Department. (NRS 481.048)

Section 4 of this bill requires certain vehicles to be inspected and certified for roadworthiness before they may be given a title. Section 5 of this bill requires a licensed dealer, rebuilder, manufacturer, distributor, broker or long-term or short-term lessor and other licensees to display their licenses in a conspicuous place. Section 6 of this bill creates a legal presumption that a person engaged in certain activities is a vehicle dealer for purposes of chapter 482 of NRS, and section 20 of this bill provides criminal penalties for anyone doing so without a license.

Section 17 of this bill requires a person who submits a license renewal electronically to keep the required statement regarding child support on file for 3 years. (NRS 425.520, 482.319) Sections 20, 21, 51, 53, 57, 61 and 62 of this bill create new and amend existing provisions of NRS relating to an applicant's unfitness for a license. (NRS 482.322, 482.3255, 487.160, 487.490, 487.564, 487.650) Sections 22 and 23 of this bill provide the conditions under which a dealer's branch location may be operated. (NRS 482.326, 482.332) Section 22.5 of this bill allows dealers to use not more than six license plates issued to them by the Department for personal use by them or by a member of their immediate family. (NRS 482.330)

Sections 7 and 24 of this bill require the Director of the Department to consider any administrative fines imposed upon a dealer, distributor, rebuilder, manufacturer or broker before renewal of a license. The Director may also require an additional bond before renewing a license. (NRS 482.3331)

Sections 25 and 27 of this bill increase the amount of a bond which must be given as surety by a dealer, distributor, rebuilder, manufacturer or broker and establishes a procedure for collecting on the bond. (NRS 482.3333, 482.345) Section 26 of this bill prohibits a broker from displaying or using a vehicle in conjunction with an advertisement if he is not licensed to sell the vehicle. Existing law provides that a used vehicle dealer may sell at wholesale a new vehicle to a new or used vehicle dealer. (NRS 482.350) Section 28 of this bill limits this provision to certain instances.

Section 30 of this bill exempts a holder of a temporary permit as a salesman from the right to a hearing if a license is denied. (NRS 482.353) Sections 37, 40 and 55 of this bill provide expanded criminal penalties for submitting falsified information to the Department. (NRS 482.436, 482.555, 487.200)

Section 42 of this bill requires a driving school to ensure its vehicles are inspected annually for roadworthiness and safety. Section 43 of this bill allows the Department to impose an administrative fine which does not exceed $2,500 for violation of provisions relating to driving schools. Section 44 of this bill changes the length of time a license to operate a driving school is valid from 5 years to 1 year. (NRS 483.730)

Section 46 of this bill expands the activities relating to altering vehicle odometers for which a person is subject to a criminal penalty. (NRS 484.6063, 484.6067) Section 47 of this bill increases the penalty for knowingly selling a motor vehicle with an odometer that has been altered for the purpose of fraud. (NRS 484.6067) Section 48 of this bill raises the minimum amount that a person must pay to someone harmed by a violation of certain provisions relating to odometers from $1,500 to $2,500. (NRS 484.6068)

Section 52 of this bill defines when a salvage vehicle is considered to be in its entirety as opposed to when it is considered to be in parts. Section 54 of this bill expands existing provisions that require a wrecker to maintain records relating to vehicles in his possession. (NRS 487.170) Section 56 of this bill revises the procedures by which a vehicle is transferred by a junk certificate. (NRS 487.260)

Section 60 of this bill makes failure to pay or otherwise discharge a final judgment rendered against a garageman, instead of just failure to comply with an order of a court, grounds for the Department to revoke or refuse to renew his certificate of registration. (NRS 487.563)

Section 66 of this bill makes it a misdemeanor to violate any section of chapter 108 of NRS relating to statutory liens, unless otherwise provided. Sections 67 and 68 of this bill require certain regulations relating to activities performed by an inspection station to be adopted by the State Environmental Commission, not the Department of Motor Vehicles. (NRS 445B.775, 445B.785) Section 69 of this bill requires sellers and long-term lessors to provide evidence of compliance with emissions requirements with the dealer's report of sale. (NRS 445B.800) Section 70 of this bill repeals the

authority of dealers to register certain vehicles without paying the government services taxes on those vehicles. (NRS 482.321)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 481.048 is hereby amended to read as follows:

481.048 1. The Director shall appoint, within the limits of legislative appropriations, investigators for the Division of Compliance Enforcement.

2. The duties of the investigators are to travel the State and:

(a) Act as investigators in the enforcement of the provisions of chapters 482 and 487 of NRS, NRS 108.265 to 108.360, inclusive, and 108.440 to 108.500, inclusive, as those sections pertain to motor vehicles, trailers, motorcycles, recreational vehicles and semitrailers, as defined in chapter 482 of NRS.

(b) Act as advisers to ~~[dealers]~~ ***any business licensed by the Department*** in connection with any problems arising under the provisions of ~~[chapter 482]~~ ***chapters 108, 482, 483 and 487*** of NRS.

(c) ~~[Cooperate with]~~ ***Advise and assist*** personnel of the Nevada Highway Patrol in the enforcement of ~~[the]~~ ***traffic laws and*** motor vehicle ***registration*** laws as they pertain to ~~[dealers.]~~ ***any business licensed by the Department.***

(d) Act as investigators in the enforcement of the provisions of NRS 483.700 to 483.780, inclusive, relating to the licensing of schools and instructors for training drivers.

(e) ***Exercise their police powers*** ~~*[to prevent acts of fraud by any business licensed by the Department as those acts pertain to motor vehicle laws.]*~~ ***in the enforcement of the laws of this State to prevent acts of fraud or other abuses in connection with the provision of services offered to the public by the Department.***

(f) Perform such other duties as may be imposed by the Director.

Sec. 1.5. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***"Kit trailer" means a vehicle without motive power which:***

1. Is designed to carry property on its own structure and to be drawn or towed by a motor vehicle;

2. Is sold new in an unassembled, prepackaged condition;

3. Does not exceed 6 feet in width and 8 feet in length once assembled; and

4. Does not weigh more than 250 pounds unladen.

Sec. 3. ***"Service vehicle" or "work vehicle" means a vehicle owned and operated by a licensed dealer, manufacturer, distributor, long-term or short-term lessor, rebuilder or broker in the furtherance of his business. Such vehicles include, without limitation, a passenger shuttle bus, a tow car, a delivery vehicle or any other vehicle used to transport customers or property to or from the place of business of the dealer, manufacturer, distributor, long-term or short-term lessor, rebuilder or broker.***

Sec. 4. ***1. Before an application for a title for a rebuilt, reconstructed or specially constructed vehicle may be submitted, the vehicle must be inspected and a certificate of inspection must be completed on a form prescribed by the Department which attests that:***

(a) The work performed on the vehicle meets the standards of the manufacturer for mechanical fitness and safety;

(b) The vehicle has been repaired to the standards of the manufacturer; and

(c) Any safety equipment, including, without limitation, occupant restraint devices, which was present in the vehicle at the time the vehicle was manufactured is present and operational to the standards of the manufacturer.

2. An application for a title for a rebuilt, reconstructed or specially constructed vehicle must include an affidavit which states that the vehicle:

(a) Has been inspected pursuant to subsection 1;

(b) Is in a condition to be operated safely on the highways of this State; and

(c) Has all safety equipment required by the manufacturer.

3. Any of the following persons may complete the inspection and sign the certificate of inspection and the affidavit required by subsections 1 and 2:

(a) A garageman who operates a garage that is registered pursuant to NRS 487.560;

(b) The owner of a body shop licensed pursuant to NRS 487.630;

(c) A rebuilder licensed pursuant to NRS 482.325; or

(d) Any employee of a garageman, owner of a body shop or rebuilder who is authorized by his employer to inspect the vehicle and attest that the repairs have been completed in accordance with the standards of the manufacturer.

Sec. 5. ***A dealer, rebuilder, manufacturer, distributor, broker or long-term or short-term lessor licensed under the provisions of this chapter shall post his license, and all licenses issued to persons in his employ who are licensed as salesmen, in a conspicuous place clearly visible to the general public at the location described in the license.***

Sec. 6. ***Except as otherwise provided in subsection 2 of NRS 482.020, the following activities are prima facie evidence that a person is engaged in the activities of a vehicle dealer:***

1. A person displays for sale, sells or offers for sale any vehicle which he does not personally own;

2. A person demonstrates, or allows the demonstration or operation of, any vehicle for the purpose of sale or future sale or as an inducement to purchase the vehicle; or

3. A person engages in an activity specified by subsection 1 of NRS 482.020 or any other act regarding a vehicle which would lead a

reasonable person to believe that he may purchase that vehicle or a similar vehicle.

Sec. 7. ***The Director shall, before renewing any license issued pursuant to NRS 482.325, consider:***

1. The number and types of complaints received against a manufacturer, distributor, rebuilder or dealer by the Department; and

2. Any administrative fines imposed upon the manufacturer, distributor, rebuilder or dealer by the Department pursuant to NRS 482.554 and 482.565,

➥ and may require the manufacturer, distributor, rebuilder or dealer to provide a good and sufficient bond in the amount set forth in subsection 1 of NRS 482.345 for each category of vehicle sold at each place of business and in each county in which the manufacturer, distributor, rebuilder or dealer is licensed to do business.

Sec. 8. NRS 482.010 is hereby amended to read as follows:

482.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 482.0105 to 482.137, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 9. NRS 482.011 is hereby amended to read as follows:

482.011 "Based" means ***the place or domicile where a vehicle is*** primarily used, or if a vehicle is often used in more than one county, then it means ***the place or domicile where the vehicle is*** primarily stored or ~~[maintained.]~~ ***kept.*** A vehicle registered for intercounty or interstate operation under the provisions of chapter 706 of NRS shall be deemed to have no base.

Sec. 10. NRS 482.0125 is hereby amended to read as follows:

482.0125 "Branch" means an established place of business of a vehicle dealer ***or long-term or short-term lessor*** at which he conducts business simultaneously with, and physically separated from, his principal established place of business.

Sec. 11. NRS 482.0127 is hereby amended to read as follows:

482.0127 "Broker" means a person who, for a fee or any other consideration, offers to provide to another person the service of arranging, negotiating or assisting in the purchase of a new or used vehicle which has not been registered ***or for which an ownership interest has not been taken*** by the broker.

Sec. 12. NRS 482.020 is hereby amended to read as follows:

482.020 1. "Dealer" or "vehicle dealer" means any person who:

(a) For compensation, money or other thing of value sells, exchanges, buys, offers or displays for sale, negotiates or attempts to negotiate a sale or exchange of an interest in a vehicle subject to registration under this chapter or induces or attempts to induce any person to buy or exchange an interest in a vehicle;

(b) ***Represents himself as having the ability to sell, exchange, buy or negotiate the sale or exchange of an interest in a vehicle subject to registration under this chapter or in any other state or territory of the United States;***

(c) Receives or expects to receive a commission, money, brokerage fee, profit or any other thing of value from the seller or purchaser of a vehicle; or

~~[(c)]~~ ***(d)*** Is engaged wholly or in part in the business of selling vehicles or buying or taking in trade vehicles for the purpose of resale, selling or offering for sale or consignment to be sold or otherwise dealing in vehicles, whether or not he owns the vehicles.

2. "Dealer" or "vehicle dealer" does not include:

(a) An insurance company, bank, finance company, government agency or any other person coming into possession of a vehicle, acquiring a contractual right to a vehicle or incurring an obligation with respect to a vehicle in the performance of official duties or under the authority of any court of law, if the sale of the vehicle is for the purpose of saving the seller from loss or pursuant to the authority of a court of competent jurisdiction;

(b) A person, other than a long-term or short-term lessor, who is not engaged in the purchase or sale of vehicles as a business, but is disposing of vehicles acquired by the owner for his use and not for the purpose of avoiding the provisions of this chapter, or a person who sells not more than three personally owned vehicles in any 12-month period;

(c) Persons regularly employed as salesmen by dealers, licensed under this chapter, while those persons are acting within the scope of their employment; ~~[or]~~

(d) Persons who are incidentally engaged in the business of soliciting orders for the sale and delivery of vehicles outside the territorial limits of the United States if their sales of such vehicles produce less than 5 percent of their total gross revenue ~~[.]~~ ***; or***

(e) Persons who sell kit trailers but no other vehicle defined by this chapter.

Sec. 13. NRS 482.076 is hereby amended to read as follows:

482.076 Except as otherwise provided in NRS 482.363521, "new vehicle" means a vehicle ~~[that:~~

~~1. Has]~~ ***:***

1. That has never been registered with the Department and has never been registered with the appropriate agency of authority of any other state, the District of Columbia, any territory or possession of the United States or foreign state, province or country; ~~[or~~

~~2. If it]~~

2. For which a certificate of title has never been issued by the Department or by the appropriate agency of authority of any other state, the District of Columbia, any territory or possession of the United States or foreign state, province or country; or

3. That has been so registered ~~[and]~~ ***or for which a certificate of title has been so issued, if the vehicle*** is equipped with an odometer ~~[.]~~ ***that*** registers 2,500 miles or less ***.*** ~~[on the odometer.]~~

Sec. 14. NRS 482.097 is hereby amended to read as follows:

482.097 1. "Rebuilder" means a person engaged in the ~~[business]~~ ***:***

(a) Business of reconstructing motor vehicles by the alteration, addition or substitution of substantial or essential parts ~~[.]~~ ***; or***

(b) Assembling of replica or specially constructed vehicles from unassembled parts.

2. Nothing in this section shall be construed to require any licensed new or used vehicle dealer to secure a license as a rebuilder in conjunction with rebuilding in his own facilities.

Sec. 15. NRS 482.1005 is hereby amended to read as follows:

482.1005 ***1.*** "Recreational park trailer" means a vehicle which is primarily designed to provide temporary living quarters for recreational, camping or seasonal use and which:

~~[1.]~~ ***(a)*** Is built on a single chassis mounted on wheels;

~~[2.]~~ ***(b)*** Has a gross trailer area not exceeding 400 square feet in the set-up mode; and

~~[3.]~~ ***(c)*** Is certified by the manufacturer as complying with Standard No. A119.5 of the American National Standards Institute.

2. Nothing in this section shall be construed to mean that a recreational park trailer is a vehicle which must be registered pursuant to the provisions of this chapter.

Sec. 15.5. **NRS 482.132 is hereby amended to read as follows:**

482.132 Except as otherwise provided in NRS 482.366605, "used vehicle" means a vehicle that:

1. Has been registered with the Department or ~~[has been registered]~~ with the appropriate agency of authority of any other state, the District of Columbia, any territory or possession of the United States or foreign state, province or country ~~[; and~~

~~2. If]~~ ***, and if*** equipped with an odometer, registers more than 2,500 miles on the odometer ~~[.]~~ ***; or***

2. Regardless of mileage, is at least 1 model year old, as determined by the vehicle manufacturer, and has been registered with the Department or with the appropriate agency of authority of any other state, the District of Columbia, any territory or possession of the United States or foreign state, province or country for 30 days or more, if no exemptions for registration exist under the laws of this State or the laws of the jurisdiction in which the vehicle was registered.

Sec. 16. NRS 482.220 is hereby amended to read as follows:

482.220 1. If the vehicle to be registered is a specially constructed, reconstructed, rebuilt or foreign vehicle, that fact must be stated in the application. If the vehicle is a foreign vehicle which has been registered theretofore outside of this State, the owner shall exhibit to the Department

the certificate of title and registration card or other evidence of such former registration as may be in the applicant's possession or control or such other evidence as will satisfy the Department that the applicant is the lawful owner or possessor of the vehicle.

2. The application must be accompanied by a motor vehicle inspection certificate signed by a representative of the Department or, as one of the Department's authorized agents, by:

(a) A peace officer;

(b) A dealer;

(c) A rebuilder;

(d) An automobile wrecker; or

(e) A garageman or a service station operator or attendant, so designated in writing by the Director.

3. ~~[The]~~ ***Except for a peace officer acting in his official capacity, the*** Department or any of its authorized inspection agents are entitled to charge $1 for inspection of any vehicle described in subsection 1.

4. For the purposes of this section, "peace officer" means any employee, volunteer or designee of a law enforcement agency acting in an official capacity.

Sec. 16.5. NRS 482.260 is hereby amended to read as follows:

482.260 1. When registering a vehicle, the Department and its agents or a registered dealer shall:

(a) Collect the fees for license plates and registration as provided for in this chapter.

(b) ~~[Except as otherwise provided in NRS 482.321, collect]~~ ***Collect*** the governmental services tax on the vehicle, as agent for the county where the applicant intends to base the vehicle for the period of registration, unless the vehicle is deemed to have no base.

(c) Collect the applicable taxes imposed pursuant to chapters 372, 374, 377 and 377A of NRS.

(d) Issue a certificate of registration.

(e) If the registration is performed by the Department, issue the regular license plate or plates.

(f) If the registration is performed by a registered dealer, provide information to the owner regarding the manner in which the regular license plate or plates will be made available to him.

2. Upon proof of ownership satisfactory to the Director, he shall cause to be issued a certificate of title as provided in this chapter.

3. Except as otherwise provided in NRS 371.070, every vehicle being registered for the first time in Nevada must be taxed for the purposes of the governmental services tax for a 12-month period.

4. The Department shall deduct and withhold 2 percent of the taxes collected pursuant to paragraph (c) of subsection 1 and remit the remainder to the Department of Taxation.

5. A registered dealer shall forward all fees and taxes collected for the registration of vehicles to the Department.

Sec. 17. NRS 482.319 is hereby amended to read as follows:

482.319 1. ~~[A]~~ ***Except as otherwise provided in subsection 5, a*** natural person who applies for the issuance or renewal of a license issued pursuant to the provisions of NRS 482.318 to 482.363105, inclusive, shall submit to the Department the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Department shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Department.

3. A license may not be issued or renewed by the Department pursuant to the provisions of NRS 482.318 to 482.363105, inclusive, if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Department shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

5. If a licensee renews an existing license electronically, the licensee shall keep the original of the statement required pursuant to subsection 1 at his place of business for not less than 3 years after submitting the electronic renewal. The statement must be available during business hours for inspection by any authorized agent of the Director or the State of Nevada.

Sec. 18. NRS 482.320 is hereby amended to read as follows:

482.320 1. Except as otherwise provided in NRS 482.31776, a manufacturer, distributor, dealer or rebuilder who has an established place of business in this State ~~[, or a manufacturer who has executed a franchise with a dealer or distributor who has an established place of business in this State,]~~ and who owns or controls any new or used vehicle of a type otherwise required to be registered under the provisions of this chapter, may operate that vehicle or allow it to be operated for purposes of display, demonstration,

maintenance, sale or exchange if there is displayed thereon a special plate or plates issued to the manufacturer, distributor, dealer or rebuilder as provided in NRS 482.275 and 482.330. ~~[Such a vehicle may also be moved or operated for the purpose of towing other vehicles which are to be sold or exchanged, or stored for the purpose of sale or exchange.]~~ Owners or officers of the corporation, ***managers,*** heads of departments and salesmen may ***be temporarily assigned and*** operate a vehicle displaying such plates.

2. The provisions of this section do not apply to:

(a) Work or service vehicles owned or controlled by a manufacturer, distributor, dealer or rebuilder.

(b) Vehicles leased by dealers, except vehicles rented or leased to vehicle salesmen in the course of their employment.

(c) Vehicles which are privately owned by the owners, officers or employees of the manufacturer, distributor, dealer or rebuilder.

(d) Vehicles which are being used for personal reasons by a person who is not licensed by the Department or otherwise exempted in subsection 1.

(e) Vehicles which have been given or assigned to persons who work for a manufacturer, distributor, dealer or rebuilder for services performed.

(f) Vehicles purchased by a manufacturer, distributor, dealer or rebuilder for personal use which the manufacturer, distributor, dealer or rebuilder is not licensed or authorized to resell.

Sec. 19. (Deleted by amendment.)

Sec. 20. NRS 482.322 is hereby amended to read as follows:

482.322 1. Except as otherwise provided in ***subsection 2 and*** NRS 482.3225, a person shall not engage in the activities of a new vehicle dealer, used vehicle dealer, manufacturer, distributor or rebuilder in this State until he has been issued:

(a) A new vehicle dealer's, used vehicle dealer's, manufacturer's, distributor's, rebuilder's or lessor's license certificate or similar license or permit by every city within whose corporate limits he maintains an established place of business and by every county in which he maintains an established place of business outside the corporate limits of a city; and

(b) A license by the Department. The Department shall not issue a license to the person until he has been issued all certificates, licenses and permits required by paragraph (a).

2. ***A person licensed as a dealer pursuant to this chapter shall not engage in the activities of a new vehicle dealer until he has provided the Department with satisfactory proof that he is authorized by a manufacturer to display and offer for sale vehicles produced or distributed by that manufacturer.***

3. A vehicle dealer's, manufacturer's or rebuilder's license issued pursuant to this chapter does not permit a person to engage in the business of a new or used mobile home dealer, manufacturer or rebuilder.

~~[3.]~~ ***4.*** The Department shall investigate any applicant for a dealer's, manufacturer's, distributor's, rebuilder's or lessor's license certificate or

license and complete an investigation report on a form provided by the Department.

5. A person who violates subsection 1 or 2 is guilty of:

(a) For a first offense, a misdemeanor.

(b) For a second offense, a gross misdemeanor.

(c) For a third and any subsequent offense, a category D felony and shall be punished as provided in NRS 193.130.

Sec. 21. NRS 482.3255 is hereby amended to read as follows:

482.3255 Evidence of unfitness of an applicant or a licensee for purposes of denial or revocation of a license may consist of, but is not limited to:

1. Failure to discharge a lienholder on a vehicle within 30 days after it is traded to his dealership.

2. Being the former holder of or being a partner, officer, director, owner or manager involved in management decisions of a dealership which held a license issued pursuant to NRS 482.325 which was revoked for cause and never reissued or was suspended upon terms which were never fulfilled.

3. Defrauding or attempting to defraud the State or a political subdivision of any taxes or fees in connection with the sale or transfer of a vehicle.

4. Forging the signature of the registered or legal owner of a vehicle on a certificate of title.

5. Purchasing, selling, otherwise disposing of or having in his possession any vehicle which he knows, or a reasonable person should know, is stolen or otherwise illegally appropriated.

6. Willfully failing to deliver to a purchaser or his lienholder a certificate of title to a vehicle he has sold.

7. Refusing to allow an agent of the Department to inspect, during normal business hours, all books, records and files of the dealership which are maintained within the State.

8. Any fraud which includes, but is not limited to:

(a) Misrepresentation in any manner, whether intentional or grossly negligent, of a material fact.

(b) An intentional failure to disclose a material fact.

9. Willful failure to comply with any regulation adopted by the Department.

10. Knowingly submitting or causing to be submitted any false, forged or otherwise fraudulent document to the Department to obtain a lien, title, salvage title or certificate of ownership or any duplicate thereof for a vehicle.

11. Knowingly causing or allowing a false, forged or otherwise fraudulent document to be maintained as a record of his business.

12. Violating the provisions of NRS 482.555 which involved the sale or transfer of interest in a vehicle.

Sec. 22. NRS 482.326 is hereby amended to read as follows:

482.326 1. A vehicle dealer shall inform the Department of the location of each place at which he conducts any business, and the name under which he does business at each location.

2. If a vehicle dealer does business at more than one location, he shall designate one location in each county in which he does business as his principal place of business for that county and one name as the principal name of his business. He shall designate all of his other business locations not otherwise designated as a principal place of business pursuant to this subsection as branches.

3. ***A vehicle dealer who maintains a principal place of business and one or more businesses designated as branches may operate those branches under the authority of the license issued by the Department to the principal place of business under the following conditions:***

(a) The principal and branch locations are owned and operated by the same principal or group of principals listed on the records of the Department for the principal place of business;

(b) The sales activities conducted at a branch location are the same as those authorized by the Department at the principal place of business;

(c) The principal place of business and each branch location are located within the same county;

(d) The principal place of business and each branch location maintains the appropriate city or county license;

(e) The closest boundary of a branch location is not more than 500 feet from the principal place of business;

(f) The business sign displayed at each branch location meets the requirements of NRS 482.332 and is essentially the same in name, style and design as that of the principal place of business;

(g) Sales transactions originating at a branch location must be culminated, and the records of the transaction maintained, at the principal place of business; and

(h) The vehicle dealer shall provide all documentation which the Department deems necessary to ensure that each business location is operated in accordance with the provisions of this chapter and all other applicable laws and regulations established for the operation of a vehicle sales business in this State.

4. If a vehicle dealer changes the name or location of any of his established places of business, he shall ~~[, not later than 10 days after making the change, submit to the Department such documents relating to the change as the Department by regulation requires.]~~ ***not conduct business as a vehicle dealer under the new name or at the new location until he has been issued a license for the new name or location from the Department.***

Sec. 22.5. NRS 482.330 is hereby amended to read as follows:

482.330 1. Upon issuance of a dealer's, distributor's, manufacturer's or rebuilder's license certificate pursuant to NRS 482.322, the Department shall furnish to the manufacturer, distributor, dealer or rebuilder one or more

registration certificates and special plates for use on the vehicles described in the provisions of NRS 482.320. Each plate must have displayed upon it the identification number which is assigned to the dealer, distributor, manufacturer or rebuilder, and may at the discretion of the Department have a different letter or symbol on each plate or pair of plates. The manufacturer's, distributor's, dealer's or rebuilder's license plates may be used interchangeably on that vehicle.

2. The Department shall issue to each dealer a reasonable number of registration certificates and license plates.

3. The Department shall provide by regulation for the issuance of special license plates to dealers or rebuilders and for the number of those plates for use on vehicles loaned by those dealers or rebuilders to:

(a) Customers in the course of business.

(b) The State of Nevada.

(c) The Nevada System of Higher Education.

(d) A school district.

(e) A county, city or town.

(f) An organization that is exempt from taxation pursuant to the provisions of section 501(c)(3) of the Internal Revenue Code.

➥ The regulations must prescribe what use may be made of the plates and the persons who may operate a motor vehicle with those plates.

4. Notwithstanding the provisions of subsection 3, a dealer may use not more than six special plates from the total number of plates issued pursuant to this section for personal use by the dealer or a member of his immediate family.

Sec. 23. NRS 482.332 is hereby amended to read as follows:

482.332 ~~[At]~~

1. Except as otherwise provided in subsection 2, at each of his established places of business, each vehicle dealer ***, manufacturer, lessor, rebuilder*** and ~~[each]~~ broker shall permanently affix a sign containing the name of his business in lettering of sufficient size to be clearly legible from the center of the nearest street or roadway, except that the lettering must be at least 8 inches high and formed by lines that are at least 1-inch wide.

2. Upon approval of the Director, and in accordance with all other city and county ordinances, a vehicle dealer or a long-term or short-term lessor may be exempted from the requirements of subsection 1 if:

(a) His established place of business or branch location is located within the confines of another business;

(b) The other place of business is the primary business at that location; and

(c) The primary business is not licensed pursuant to any provision of this chapter.

Sec. 24. NRS 482.3331 is hereby amended to read as follows:

482.3331 The Director shall, before renewing any license issued pursuant to NRS 482.333, consider ~~[the]~~ ***:***

1. ***The*** number and types of complaints ~~[, if any,]~~ received against a ~~[licensed]~~ broker by the Department ~~[.]~~ ***; and***

2. Any administrative fines imposed upon the broker by the Department pursuant to NRS 482.554 and 482.565,

➥ and may require the broker to provide a good and sufficient bond in the amount set forth in subsection 1 of NRS 482.345 for each category of vehicle for which services are provided at each place of business and in each county in which the broker is licensed to do business.

Sec. 25. NRS 482.3333 is hereby amended to read as follows:

482.3333 1. Before a person may be licensed as a broker, he must procure and file with the Department a good and sufficient bond in the amount of ~~[$50,000]~~ ***$100,000*** with a corporate surety thereon licensed to do business within the State of Nevada, approved as to form by the Attorney General, and conditioned that the applicant shall conduct his business as a broker without breaching a consumer contract or engaging in a deceptive trade practice, fraud or fraudulent representation, and without violation of the provisions of this chapter.

2. The Department may ~~[, by agreement with any broker who has been licensed as a broker for 5 years or more, allow a reduction in the amount of the bond if his business has been conducted satisfactorily for the preceding 5 years, but no bond may be in an amount less than $5,000.~~

~~2.]~~ ***allow a broker who provides services for more than one category of vehicle described in subsection 1 of NRS 482.345 at a principal place of business or at any branch location within the same county as the principal place of business to provide a good and sufficient bond for a single category of vehicle and may consider that single bond sufficient coverage to include all other categories of vehicles.***

3. The bond must be continuous in form ***,*** and the total aggregate liability on the bond must be limited to the payment of the total amount of the bond.

~~[3.]~~ ***4.*** The undertaking on the bond includes any breach of a consumer contract, deceptive trade practice, fraud, fraudulent representation or violation of any of the provisions of this chapter by any employee of the licensed broker who acts on behalf of the broker and within the scope of his employment.

~~[4.]~~ ***5.*** The bond must provide that any person injured by the action of the broker or his employee in violation of any provision of this chapter may ~~[bring an action on the bond.]~~ ***apply to the Director, for good cause shown, for compensation from the bond. The surety issuing the bond shall appoint the Secretary of State as its agent to accept service of notice or process for the surety in any action upon the bond brought in a court of competent jurisdiction or brought before the Director.***

6. If a person is injured by the actions of a broker or his employee, the person may:

(a) Bring and maintain an action in any court of competent jurisdiction. If the court enters:

(1) A judgment on the merits against the broker or his employee, the judgment is binding on the surety.

(2) A judgment other than on the merits against the broker or his employee, including, without limitation, a default judgment, the judgment is binding on the surety only if the surety was given notice and an opportunity to defend at least 20 days before the date on which the judgment was entered against the broker or his employee.

(b) Apply to the Director, for good cause shown, for compensation from the bond. The Director may determine the amount of compensation and the person to whom it is to be paid. The surety shall then make the payment.

(c) Settle the matter with the broker or his employee. If such a settlement is made, the settlement must be reduced to writing, signed by both parties and acknowledged before any person authorized to take acknowledgments in this State, and submitted to the Director with a request for compensation from the bond. If the Director determines that the settlement was reached in good faith and there is no evidence of collusion or fraud between the parties in reaching the settlement, the surety shall make the payment to the injured person in the amount agreed upon in the settlement.

7. Any judgment entered by a court against a broker or his employee may be executed through a writ of attachment, garnishment, execution or other legal process, or the person in whose favor the judgment was entered may apply to the Director for compensation from the bond of the broker or his employee.

Sec. 26. NRS 482.3335 is hereby amended to read as follows:

482.3335 ***1.*** No broker may intentionally cause to be published, displayed or circulated any advertisement, including any listing in a telephone directory, in which he is represented to be any type of vehicle dealer, unless he has obtained the appropriate license from the Department as provided in this chapter.

2. A broker may not display, or use in conjunction with any form of advertisement, a vehicle he is not licensed to sell.

Sec. 27. NRS 482.345 is hereby amended to read as follows:

482.345 1. ~~[Except as otherwise provided in subsection 8, before]~~ ***Before*** any dealer's license, dealer's plate, special dealer's plate, rebuilder's license or rebuilder's plate, distributor's license or distributor's plate or manufacturer's license or manufacturer's plate is furnished to a manufacturer, distributor, dealer or rebuilder as provided in this chapter, the Department shall require that the applicant make an application for such a license and plate upon a form to be furnished by the Department, and the applicant shall furnish such information as the Department requires, including proof that the applicant has an established place of business in this State, ~~[and also, except as otherwise provided in subsection 2,]~~ procure and file with the Department a good and sufficient bond ~~[in the amount of $50,000]~~ with a corporate surety thereon, duly licensed to do business within the State of Nevada, approved as to form by the Attorney General, and

conditioned that the applicant ***or any employee who acts on his behalf within the scope of his employment*** shall conduct his business as a dealer, distributor, manufacturer or rebuilder without breaching a consumer contract or engaging in a deceptive trade practice, fraud or fraudulent representation, and without violation of the provisions of this chapter. ~~[The Department may, by agreement with any dealer, distributor, manufacturer or rebuilder who has been in business for 5 years or more, allow a reduction in the amount of the bond of the dealer, if his business has been conducted satisfactorily for the preceding 5 years, but no bond may be in an amount less than $5,000.~~

~~2. A]~~ ***The bond must be:***

(a) For a manufacturer, distributor, rebuilder or dealer who manufactures, distributes or sells ~~[only motorcycles, horse trailers, tent trailers, utility trailers or trailers designed to carry boats shall file a bond as required by subsection 1 in the amount of $5,000 regardless of the length of time he has been in business.]~~ ***motorcycles, $50,000.***

(b) For a manufacturer, distributor, rebuilder or dealer who sells vehicles other than motorcycles, trailers or travel trailers, $100,000.

(c) For a manufacturer, distributor, rebuilder or dealer who sells travel trailers or other dual purpose trailers that include living quarters in their design, $100,000.

(d) For a manufacturer, distributor, rebuilder or dealer who sells horse trailers designed without living quarters or special purpose trailers with an unladen weight of 3,501 pounds or more, $50,000.

(e) For a manufacturer, distributor, rebuilder or dealer who sells utility trailers or other special use trailers with an unladen weight of 3,500 pounds or less or trailers designed to carry boats, $10,000.

2. The Department may, pursuant to a written agreement with any manufacturer, distributor, rebuilder or dealer who has been licensed to do business in this State for at least 5 years, allow a reduction in the amount of the bond of the manufacturer, distributor, rebuilder or dealer, if his business has been conducted in a manner satisfactory to the Department for the preceding 5 years. No bond may be reduced to less than 50 percent of the bond required pursuant to subsection 1.

3. The Department may allow a manufacturer, distributor, rebuilder or dealer who sells more than one category of vehicle as described in subsection 1 at a principal place of business or at any branch location within the same county as the principal place of business to provide a good and sufficient bond for a single category of vehicle and may consider that single bond sufficient coverage to include all other categories of vehicles.

~~[3.]~~ ***4.*** The bond must be continuous in form, and the total aggregate liability on the bond must be limited to the payment of the total amount of the bond.

~~[4.]~~ ***5.*** The undertaking on the bond includes any breach of a consumer contract, deceptive trade practice, fraud, fraudulent representation or violation of any of the provisions of this chapter by the representative of any

licensed distributor or the salesman of any licensed dealer, manufacturer or rebuilder who acts for the dealer, distributor, manufacturer or rebuilder on his behalf and within the scope of the employment of the representative or the salesman.

~~[5.]~~ ***6.*** The bond must provide that any person injured by the action of the dealer, distributor, rebuilder, manufacturer, representative or salesman in violation of any provisions of this chapter may apply to the Director, for good cause shown ***,*** ~~[and after notice and opportunity for hearing,]~~ for compensation from the bond. The surety issuing the bond shall appoint the Secretary of State as its agent to accept service of notice or process for the surety in any action upon the bond brought in a court of competent jurisdiction or brought before the Director.

~~[6.]~~ ***7.*** If a person is injured by the actions of a dealer, distributor, rebuilder, manufacturer, representative or salesman, the person may:

(a) Bring and maintain an action in any court of competent jurisdiction. If the court enters:

(1) A judgment on the merits against the dealer, distributor, rebuilder, manufacturer, representative or salesman, the judgment is binding on the surety.

(2) A judgment other than on the merits against the dealer, distributor, rebuilder, manufacturer, representative or salesman, including, without limitation, a default judgment, the judgment is binding on the surety only if the surety was given notice and an opportunity to defend at least 20 days before the date on which the judgment was entered against the dealer, distributor, rebuilder, manufacturer, representative or salesman.

(b) Apply to the Director, for good cause shown ***,*** ~~[and after notice and opportunity for hearing,]~~ for compensation from the bond. The Director may determine the amount of compensation and the person to whom it is to be paid. The surety shall then make the payment.

(c) Settle the matter with the dealer, distributor, rebuilder, manufacturer, representative or salesman. If such a settlement is made, the settlement must be reduced to writing, signed by both parties and acknowledged before any person authorized to take acknowledgments in this State, and submitted to the Director with a request for compensation from the bond. If ~~[, after notice and opportunity for a hearing,]~~ the Director determines that the settlement was reached in good faith and there is no evidence of collusion or fraud between the parties in reaching the settlement, the surety shall make the payment to the injured person in the amount agreed upon in the settlement.

~~[7.]~~ ***8.*** Any judgment entered by a court against a dealer, distributor, rebuilder, manufacturer, representative or salesman may be executed through a writ of attachment, garnishment, execution or other legal process, or the person in whose favor the judgment was entered may apply to the Director for compensation from the bond of the dealer, distributor, rebuilder, manufacturer, representative or salesman.

~~[8.]~~ ***9.*** The ~~[provisions of this section do not apply to a manufacturer without an established place of business in this State.]~~ ***Department shall not issue a license or plate pursuant to subsection 1 to a manufacturer, distributor, rebuilder or dealer who does not have and maintain an established place of business in this State.***

Sec. 28. NRS 482.350 is hereby amended to read as follows:

482.350 1. A new vehicle dealer's license shall not be furnished to any dealer in new vehicles, trailers or semitrailers unless the dealer first furnishes the Department an instrument executed by or on behalf of the manufacturer certifying that he is an authorized franchised dealer for the make or makes of vehicle concerned. New vehicle dealers are authorized to sell at retail only those new vehicles for which they are certified as franchised dealers by the manufacturer.

2. In addition to selling used vehicles, a used vehicle dealer may:

(a) Sell at wholesale a new vehicle ~~[to a new or used]~~ ***taken in trade or acquired as a result of a sales contract to a new*** vehicle dealer ~~[; and]~~ ***who is licensed and authorized to sell that make of vehicle;***

(b) ***Sell at wholesale a new vehicle through a wholesale vehicle auction provided that the wholesale vehicle auctioneer:***

(1) Does not take an ownership interest in the vehicle; and

(2) Auctions the vehicle to a vehicle dealer who is licensed and authorized to sell that make of vehicle or to an automobile wrecker who is licensed in this State or any other state; or

(c) Sell a new vehicle on consignment from a person not licensed as a vehicle dealer ~~[.]~~ ***, rebuilder or a long-term or short-term lessor.***

Sec. 29. NRS 482.352 is hereby amended to read as follows:

482.352 1. The Department may deny the issuance of, suspend or revoke a license to engage in the activities of a manufacturer, distributor, rebuilder or dealer in new or used vehicles or to engage in the leasing of vehicles ***in this State*** upon any of the following grounds:

(a) Failure of the applicant to have an established place of business in this State.

(b) Conviction of a felony in the State of Nevada or any other state, territory or nation.

(c) Material misstatement in the application.

(d) Evidence of unfitness of the applicant or licensee.

(e) Willful failure to comply with any of the provisions of the motor vehicle laws of the State of Nevada or the directives of the Director. For the purpose of this paragraph, failure to comply with the directives of the Director advising the licensee of his noncompliance with any provision of the motor vehicle laws of this State or regulations of the Department, within 10 days after receipt of the directive, is prima facie evidence of willful failure to comply with the directive.

(f) Failure or refusal to furnish and keep in force any bond.

(g) Failure on the part of the licensee to maintain a fixed place of business in this State.

(h) Failure or refusal by a licensee to pay or otherwise discharge any final judgment against the licensee rendered and entered against him, arising out of the misrepresentation of any vehicle, trailer or semitrailer, or out of any fraud committed in connection with the sale of any vehicle, trailer or semitrailer.

(i) Failure of the licensee to maintain any other license or bond required by any political subdivision of this State.

(j) Allowing an unlicensed salesman to sell or lease any vehicle ~~[.]~~ ***or to act in the capacity of a salesman as defined in this chapter.***

(k) Failure or refusal to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 3.

(l) Engaging in a deceptive trade practice relating to the purchase and sale or lease of a vehicle.

2. The Director may deny the issuance of a license to an applicant or revoke a license already issued if the Department is satisfied that the applicant or licensee is not entitled thereto.

3. Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the activities of a manufacturer, distributor, dealer or rebuilder, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to the authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to the authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS 482.318 to 482.363105, inclusive, or to determine the suitability of an applicant or a licensee for such licensure.

4. The Department may adopt regulations establishing additional criteria that may be used to deny, suspend, revoke or refuse to renew a license issued pursuant to this chapter.

Sec. 30. NRS 482.353 is hereby amended to read as follows:

482.353 1. ~~[The]~~ ***Except as otherwise provided in subsection 5, an*** applicant or licensee may, within 30 days after receipt of the notice of denial, suspension or revocation, petition the Director in writing for a hearing.

2. Subject to the further requirements of subsection 3, the Director shall make written findings of fact and conclusions and grant or finally deny the application or revoke the license within 15 days after the hearing unless by interim order he extends the time to 30 days after the hearing. If the license has been temporarily suspended, the suspension expires ~~[no]~~ ***not*** later than 15 days after the hearing.

3. If the Director finds that the action is necessary in the public interest, upon notice to the licensee, he may temporarily suspend or refuse to renew the license certificate issued to a manufacturer, distributor, dealer, lessor **,** ***broker*** or rebuilder and the special plates issued to a manufacturer, distributor, lessor, rebuilder **,** ***broker*** or dealer for a period not to exceed 30 days. A hearing must be held, and a final decision rendered **,** within 30 days after notice of the temporary suspension.

4. The Director may issue subpoenas for the attendance of witnesses and the production of evidence.

5. The provisions of this section do not apply to an applicant for a temporary permit to engage in the activity of a salesman.

Sec. 31. NRS 482.362 is hereby amended to read as follows:

482.362 1. A person shall not engage in the activity of a salesman of vehicles, trailers or semitrailers ***, or act in the capacity of a salesman as defined in this chapter,*** in the State of Nevada without first having received a license ***or temporary permit*** from the Department. Before issuing a license ***or temporary permit*** to engage in the activity of a salesman, the Department shall require:

(a) An application, signed and verified by the applicant, stating that the applicant is to engage in the activity of a salesman, his residence address, his social security number and the name and address of his employer.

(b) Proof of the employment of the applicant by a licensed and bonded vehicle dealer, trailer or semitrailer dealer, lessor or rebuilder at the time the application is filed.

(c) A statement as to whether any previous application of the applicant has been denied or license revoked.

(d) Payment of a nonrefundable license fee of $75. The license expires on December 31 of each calendar year and may be renewed annually upon the payment of a fee of $40.

(e) For initial licensure, the applicant to submit a complete set of his fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(f) Any other information the Department deems necessary.

2. The Department may issue a 60-day temporary ~~[license]~~ ***permit*** to an applicant who has submitted an application and paid the required fee.

3. A license to act as a salesman of vehicles, trailers or semitrailers ***, or to act in the capacity of a salesman as defined in this chapter,*** issued pursuant to this chapter does not permit a person to engage in the business of selling mobile homes.

4. An application for a salesman's license may be denied and a salesman's license may be suspended or revoked upon the following grounds:

(a) Failure of the applicant to establish by proof satisfactory to the Department that he is employed by a licensed and bonded vehicle dealer, trailer dealer or semitrailer dealer, lessor or rebuilder.

(b) Conviction of a felony.

(c) Conviction of a gross misdemeanor.

(d) Conviction of a misdemeanor for violation of any of the provisions of this chapter.

(e) Falsification of the application.

(f) ***Evidence of unfitness as described in NRS 482.3255.***

(g) Failure of the applicant to provide any information deemed necessary by the Department to process the application.

(h) Any reason determined by the Director to be in the best interests of the public.

5. ~~[A]~~ ***Except where a dealer, lessor or rebuilder has multiple branches licensed under NRS 482.326, a*** salesman of vehicles shall not engage in any sales activity ***, or act in any other capacity as a salesman as defined in this chapter,*** other than for the account of or for and in behalf of a single employer, ***at a specified place of business of that employer,*** who must be a licensed dealer, lessor or rebuilder.

6. If an application for a salesman's license has been denied, the applicant may reapply not less than 6 months after the denial.

7. A salesman's license must be posted in a conspicuous place on the premises of the dealer, lessor or rebuilder for whom the salesman is licensed to sell vehicles.

8. If a ***licensed*** salesman ceases to be employed by a licensed and bonded dealer, lessor or rebuilder, his license to act as a salesman is automatically suspended and his right to act as a salesman thereupon immediately ceases, and he shall not engage in the activity of a salesman until he has paid the Department a transfer fee of $20 and submitted a certificate of employment indicating he has been reemployed by a licensed and bonded dealer, lessor or rebuilder, and has thereafter presented a current temporary ~~[license]~~ ***permit*** or a new salesman's license to his employer.

9. If a licensed salesman changes his residential address, he shall submit a written notice of the change to the Department within 10 days after the change occurs.

10. ***If a person who holds a temporary permit to act as a salesman ceases to be employed by a licensed and bonded dealer, lessor or rebuilder, his permit to act as a salesman is automatically suspended, his right to act as a salesman thereupon immediately ceases and his application for licensure must be denied unless he has paid the Department a transfer fee of $20 and submitted a certificate of employment indicating he has been reemployed by a licensed and bonded dealer, lessor or rebuilder, and has thereafter presented a current temporary permit or a new salesman's license to his employer.***

11. A licensed dealer, lessor or rebuilder who employs a licensed salesman shall notify the Department of the termination of his employment within 10 days following the date of termination by forwarding the salesman's license to the Department.

~~[11.]~~ ***12.*** Any person who fails to comply with the provisions of this section is guilty of a misdemeanor except as otherwise provided in NRS 482.555.

Sec. 32. NRS 482.362 is hereby amended to read as follows:

482.362 1. A person shall not engage in the activity of a salesman of vehicles, trailers or semitrailers ***, or act in the capacity of a salesman as defined by this chapter,*** in the State of Nevada without first having received a license ***or temporary permit*** from the Department. Before issuing a license ***or temporary permit*** to engage in the activity of a salesman, the Department shall require:

(a) An application, signed and verified by the applicant, stating that the applicant is to engage in the activity of a salesman, his residence address, and the name and address of his employer.

(b) Proof of the employment of the applicant by a licensed and bonded vehicle dealer, trailer or semitrailer dealer, lessor or rebuilder at the time the application is filed.

(c) A statement as to whether any previous application of the applicant has been denied or license revoked.

(d) Payment of a nonrefundable license fee of $75. The license expires on December 31 of each calendar year and may be renewed annually upon the payment of a fee of $40.

(e) For initial licensure, the applicant to submit a complete set of his fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(f) Any other information the Department deems necessary.

2. The Department may issue a 60-day temporary ~~[license]~~ ***permit*** to an applicant who has submitted an application and paid the required fee.

3. A license to act as a salesman of vehicles, trailers or semitrailers ***, or to act in the capacity of a salesman as defined in this chapter,*** issued pursuant to this chapter does not permit a person to engage in the business of selling mobile homes.

4. An application for a salesman's license may be denied and a salesman's license may be suspended or revoked upon the following grounds:

(a) Failure of the applicant to establish by proof satisfactory to the Department that he is employed by a licensed and bonded vehicle dealer, trailer dealer or semitrailer dealer, lessor or rebuilder.

(b) Conviction of a felony.

(c) Conviction of a gross misdemeanor.

(d) Conviction of a misdemeanor for violation of any of the provisions of this chapter.

(e) Falsification of the application.

(f) ***Evidence of unfitness as described in NRS 482.3255.***

(g) Failure of the applicant to provide any information deemed necessary by the Department to process the application.

(h) Any reason determined by the Director to be in the best interests of the public.

5. ~~[A]~~ ***Except where a dealer, lessor or rebuilder has multiple branches licensed under NRS 482.326, a*** salesman of vehicles shall not engage in any sales activity ***, or act in any other capacity as a salesman as defined in this chapter,*** other than for the account of or for and in behalf of a single employer, ***at a specified place of business of that employer,*** who must be a licensed dealer, lessor or rebuilder.

6. If an application for a salesman's license has been denied, the applicant may reapply not less than 6 months after the denial.

7. A salesman's license must be posted in a conspicuous place on the premises of the dealer, lessor or rebuilder for whom the salesman is licensed to sell vehicles.

8. If a ***licensed*** salesman ceases to be employed by a licensed and bonded dealer, lessor or rebuilder, his license to act as a salesman is automatically suspended and his right to act as a salesman thereupon immediately ceases, and he shall not engage in the activity of a salesman until he has paid the Department a transfer fee of $20 and submitted a certificate of employment indicating he has been reemployed by a licensed and bonded dealer, lessor or rebuilder, and has thereafter presented a current temporary ~~[license]~~ ***permit*** or a new salesman's license to his employer.

9. If a licensed salesman changes his residential address, he shall submit a written notice of the change to the Department within 10 days.

10. ***If a person who holds a temporary permit to act as a salesman ceases to be employed by a licensed and bonded dealer, lessor or rebuilder, his permit to act as a salesman is automatically suspended, his right to act as a salesman thereupon immediately ceases and his application for licensure must be denied unless he has paid the Department a transfer fee of $20 and submitted a certificate of employment indicating he has been reemployed by a licensed and bonded dealer, lessor or rebuilder, and has thereafter presented a current temporary permit or a new salesman's license to his employer.***

11. A licensed dealer, lessor or rebuilder who employs a licensed salesman shall notify the Department of the termination of his employment within 10 days following the date of termination by forwarding the salesman's license to the Department.

~~[11.]~~ ***12.*** Any person who fails to comply with the provisions of this section is guilty of a misdemeanor except as otherwise provided in NRS 482.555.

Sec. 33. NRS 482.423 is hereby amended to read as follows:

482.423 1. When a new vehicle is sold in this State for the first time, the seller shall complete and execute a manufacturer's certificate of origin or a manufacturer's statement of origin and, unless the vehicle is sold to a ***dealer who is*** licensed ~~[dealer,]~~ ***to sell the vehicle,*** a dealer's report of sale. The dealer's report of sale must be in a form prescribed by the Department and must include:

(a) A description of the vehicle;

(b) The name and address of the seller; and

(c) The name and address of the buyer.

2. If, in connection with the sale, a security interest is taken or retained by the seller to secure all or part of the purchase price, or a security interest is taken by a person who gives value to enable the buyer to acquire rights in the vehicle, the name and address of the secured party or his assignee must be entered on the dealer's report of sale and on the manufacturer's certificate or statement of origin.

3. Unless an extension of time is granted by the Department, the seller shall:

(a) Collect the fees set forth in NRS 482.429 for:

(1) A certificate of title for a vehicle registered in this State; and

(2) The processing of the dealer's report of sale; and

(b) Within 20 days after the execution of the dealer's report of sale:

(1) Submit to the Department the original of the dealer's report of sale and the manufacturer's certificate or statement of origin; and

(2) Remit to the Department the fees collected pursuant to paragraph (a).

4. Upon entering into a contract ***or other written agreement*** for the sale of a new vehicle, the seller shall affix a temporary placard to the rear of the vehicle. Only one temporary placard may be issued for the vehicle. The temporary placard must:

(a) Be in a form prescribed by the Department;

(b) Be made of a material appropriate for use on the exterior of a vehicle;

(c) Be free from foreign materials and clearly visible from the rear of the vehicle; and

(d) Include the date of its expiration.

5. Compliance with the requirements of subsection 4 permits the vehicle to be operated for a period not to exceed 30 days after the execution of ***a written agreement to purchase or*** the contract ~~[.]~~ ***of sale, whichever occurs first.*** Upon the issuance of the certificate of registration and license plates for the vehicle or the expiration of the temporary placard, whichever occurs first, the buyer shall remove the temporary placard from the rear of the vehicle.

6. For the purposes of establishing compliance with the period required by paragraph (b) of subsection 3, the Department shall use the date imprinted or otherwise indicated on the dealer's report of sale as the beginning date of the 20-day period.

7. Upon execution of all ~~[required]~~ ***the*** documents ***necessary*** to complete the sale of a vehicle, ***including, without limitation, the financial documents,*** the dealer shall execute the dealer's report of sale and furnish a copy of the report to the buyer not less than 10 days before the expiration of the temporary placard.

8. The provisions of this section do not apply to kit trailers.

Sec. 34. NRS 482.4235 is hereby amended to read as follows:

482.4235 1. If a new vehicle is leased in this State by a long-term lessor, the long-term lessor shall complete and execute a manufacturer's certificate of origin or a manufacturer's statement of origin, and a long-term lessor's report of lease. Such a report must be in a form prescribed by the Department and must include:

(a) A description of the vehicle; and

(b) The names and addresses of the long-term lessor, long-term lessee and any person having a security interest in the vehicle.

2. Unless an extension of time is granted by the Department, the long-term lessor shall, within 20 days after the execution of the long-term lessor's report of lease:

(a) Submit to the Department the original of the long-term lessor's report of lease and the manufacturer's certificate of origin or manufacturer's statement of origin; and

(b) Collect and remit to the Department the fee set forth in NRS 482.429 for the processing of the long-term lessor's report of lease.

3. Upon entering into a lease ***or written agreement to lease*** for a new vehicle, the ~~[seller]~~ ***long-term lessor*** shall affix a temporary placard to the rear of the vehicle. Only one temporary placard may be issued for the vehicle. The temporary placard must:

(a) Be in a form prescribed by the Department;

(b) Be made of a material appropriate for use on the exterior of a vehicle;

(c) Be free from foreign materials and clearly visible from the rear of the vehicle; and

(d) Include the date of its expiration.

4. Compliance with the requirements of subsection 3 permits the vehicle to be operated for a period not to exceed 30 days after the execution of ***a written agreement to lease or*** the lease ~~[.]~~ ***, whichever occurs first.*** Upon issuance of the certificate of registration and license plates for the vehicle or the expiration of the temporary placard, whichever occurs first, the long-term lessee shall remove the temporary placard from the rear of the vehicle.

5. For the purposes of establishing compliance with the period required by subsection 2, the Department shall use the date imprinted or otherwise indicated on the long-term lessor's report of lease as the beginning date of the 20-day period.

6. Upon executing all ***the*** documents necessary to complete the lease of the vehicle, ***including, without limitation, the financial documents,*** the long-term lessor shall execute the long-term lessor's report of lease and

furnish a copy of the report to the long-term lessee not less than 10 days before the expiration of the temporary placard.

Sec. 35. NRS 482.424 is hereby amended to read as follows:

482.424 1. When a used or rebuilt vehicle is sold in this State to any person, except a licensed dealer, by a dealer, rebuilder, long-term lessor or short-term lessor, the seller shall complete and execute a dealer's or rebuilder's report of sale. The dealer's or rebuilder's report of sale must be in a form prescribed by the Department and must include:

(a) A description of the vehicle, including whether it is a rebuilt vehicle;

(b) The name and address of the seller; and

(c) The name and address of the buyer.

2. If a security interest exists at the time of the sale, or if in connection with the sale a security interest is taken or retained by the seller to secure all or part of the purchase price, or a security interest is taken by a person who gives value to enable the buyer to acquire rights in the vehicle, the name and address of the secured party must be entered on the dealer's or rebuilder's report of sale.

3. Unless an extension of time is granted by the Department, the seller shall:

(a) Collect the fees set forth in NRS 482.429 for:

(1) A certificate of title for a vehicle registered in this State; and

(2) The processing of the dealer's or rebuilder's report of sale; and

(b) Within 30 days after the execution of the dealer's or rebuilder's report of sale:

(1) Submit to the Department the original of the dealer's or rebuilder's report of sale and the properly endorsed certificate of title previously issued for the vehicle; and

(2) Remit to the Department the fees collected pursuant to paragraph (a).

4. Upon entering into a contract ***or other written agreement*** for the sale of a used or rebuilt vehicle, the seller shall affix a temporary placard to the rear of the vehicle. Only one temporary placard may be issued for the vehicle. The temporary placard must:

(a) Be in a form prescribed by the Department;

(b) Be made of a material appropriate for use on the exterior of a vehicle;

(c) Be free from foreign materials and clearly visible from the rear of the vehicle; and

(d) Include the date of its expiration.

5. Compliance with the requirements of subsection 4 permits the vehicle to be operated for not more than 30 days after the execution of ***a written agreement to purchase or*** the contract ~~[.]~~ ***of sale, whichever occurs first.*** Upon the issuance of the certificate of registration and license plates for the vehicle or the expiration of the temporary placard, whichever occurs first, the buyer shall remove the temporary placard from the rear of the vehicle.

6. To establish compliance with the period required by paragraph (b) of subsection 3, the Department shall use the date imprinted or otherwise indicated on the dealer's or rebuilder's report of sale as the beginning date of the 30-day period.

7. Upon executing all ***the*** documents necessary to complete the sale of the vehicle, ***including, without limitation, the financial documents,*** the seller shall execute the dealer's or rebuilder's report of sale and furnish a copy of the report to the buyer not less than 10 days before the expiration of the temporary placard.

Sec. 36. NRS 482.4245 is hereby amended to read as follows:

482.4245 1. If a used or rebuilt vehicle is leased in this State by a long-term lessor, the long-term lessor shall complete and execute a long-term lessor's report of lease. Such a report must be in a form prescribed by the Department and must include:

(a) A description of the vehicle;

(b) An indication as to whether the vehicle is a rebuilt vehicle; and

(c) The names and addresses of the long-term lessor, long-term lessee and any person having a security interest in the vehicle.

2. Unless an extension of time is granted by the Department, the long-term lessor shall, within 30 days after the execution of the long-term lessor's report of lease:

(a) Submit to the Department the original of the long-term lessor's report of lease and the properly endorsed certificate of title previously issued for the vehicle; and

(b) Collect and remit to the Department the fee set forth in NRS 482.429 for the processing of the long-term lessor's report of lease.

3. Upon entering into a lease ***or written agreement to lease*** for a used or rebuilt vehicle, the ~~[seller]~~ ***long-term lessor*** shall affix a temporary placard to the rear of the vehicle. Only one temporary placard may be issued for the vehicle. The temporary placard must:

(a) Be in a form prescribed by the Department;

(b) Be made of a material appropriate for use on the exterior of a vehicle;

(c) Be free from foreign materials and clearly visible from the rear of the vehicle; and

(d) Include the date of its expiration.

4. Compliance with the requirements of subsection 3 permits the vehicle to be operated for a period not to exceed 30 days after the execution of ***a written agreement to lease or*** the lease ~~[.]~~ ***, whichever comes first.*** Upon issuance of the certificate of registration and license plates for the vehicle or the expiration of the temporary placard, whichever occurs first, the long-term lessee shall remove the temporary placard from the rear of the vehicle.

5. To establish compliance with the period required by subsection 2, the Department shall use the date imprinted or otherwise indicated on the long-term lessor's report of lease as the beginning date of the 30-day period.

6. Upon executing all ***the*** documents necessary to complete the lease of the vehicle, ***including, without limitation, the financial documents,*** the long-term lessor shall execute the long-term lessor's report of lease and furnish a copy of the report to the long-term lessee not less than 10 days before the expiration of the temporary placard.

Sec. 37. NRS 482.436 is hereby amended to read as follows:

482.436 Any person is guilty of a gross misdemeanor who knowingly:

1. Makes ***or causes to be made*** any false entry on any certificate of origin or certificate of title;

2. Furnishes ***or causes to be furnished*** false information to the Department concerning any security interest; or

3. Fails to submit ***or causes to not be submitted*** the original of the dealer's or ~~[rebuilder's]~~ ***long-term lessor's*** report of sale ~~[of]~~ ***or lease, together with the certificate of title or certificate of ownership issued for*** a used ~~[or rebuilt]~~ vehicle to the Department within the time prescribed in subsection 3 of NRS 482.424 ~~[.]~~ ***or, if a leased vehicle, subsection 2 of NRS 482.4235.***

Sec. 38. NRS 482.516 is hereby amended to read as follows:

482.516 1. Any provision in any security agreement for the sale ***or lease*** of a vehicle to the contrary notwithstanding, at least 10 days' written notice of intent to sell ***or again lease*** a repossessed vehicle must be given to all persons liable on the security agreement. The notice must be given in person or sent by mail directed to the address of the persons shown on the security agreement, unless such persons have notified the holder in writing of a different address.

2. The notice:

(a) Must set forth that there is a right to redeem the vehicle and the total amount required as of the date of the notice to redeem;

(b) May inform such persons of their privilege of reinstatement of the security agreement, if the holder extends such a privilege;

(c) Must give notice of the holder's intent to resell ***or again lease*** the vehicle at the expiration of 10 days from the date of giving or mailing the notice;

(d) Must disclose the place at which the vehicle will be returned to the buyer ***or lessee*** upon redemption or reinstatement; and

(e) Must designate the name and address of the person to whom payment must be made.

3. During the period provided under the notice, the person or persons liable on the security agreement may pay in full the indebtedness evidenced by the security agreement. Such persons are liable for any deficiency after sale ***or lease*** of the repossessed vehicle only if the notice prescribed by this section is given within 60 days after repossession and includes an itemization of the balance and of any costs or fees for delinquency, collection or repossession. In addition, the notice must either set forth the computation or estimate of the amount of any credit for unearned finance charges or

cancelled insurance as of the date of the notice or state that such a credit may be available against the amount due.

Sec. 39. NRS 482.545 is hereby amended to read as follows:

482.545 It is unlawful for any person to commit any of the following acts:

1. To operate, or for the owner thereof knowingly to permit the operation of, upon a highway any motor vehicle, trailer or semitrailer which is not registered or which does not have attached thereto and displayed thereon the number of plate or plates assigned thereto by the Department for the current period of registration or calendar year, subject to the exemption allowed in NRS 482.316 to 482.3175, inclusive, 482.320 to 482.363, inclusive, 482.385 to 482.3965, inclusive, and 482.420.

2. To display, cause or permit to be displayed or to have in possession any certificate of registration, license plate, certificate of title ***, temporary placard, movement permit*** or other document of title knowing it to be fictitious or to have been cancelled, revoked, suspended or altered.

3. To lend to **,** or knowingly permit the use of by **,** one not entitled thereto any registration card ***,*** ~~[or]~~ plate ***, temporary placard or movement permit*** issued to the person so lending or permitting the use thereof.

4. To fail or to refuse to surrender to the Department, upon demand, any registration card or plate which has been suspended, cancelled or revoked as provided in this chapter.

5. To use a false or fictitious name or address in any application for the registration of any vehicle or for any renewal or duplicate thereof, or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in an application. A violation of this subsection is a gross misdemeanor.

6. Knowingly to operate a vehicle which:

(a) Has an altered identification number or mark; or

(b) Contains a part which has an altered identification number or mark.

Sec. 40. NRS 482.555 is hereby amended to read as follows:

482.555 In addition to any other penalty provided by this chapter:

1. It is a gross misdemeanor for any person knowingly to falsify:

(a) A dealer's or rebuilder's report of sale, as described in NRS 482.423 and 482.424; ~~[or]~~

(b) An application or document to obtain any ~~[:~~

~~(1) License;~~

~~(2) Permit; or~~

~~(3) Certificate of title,~~

~~➥]~~ ***license, permit, certificate of title or vehicle registration*** issued under the provisions of this chapter ~~[.]~~ ***; or***

(c) An application or document to obtain a salvage title or nonrepairable vehicle certificate as defined in chapter 487 of NRS.

2. It is a misdemeanor for any person to violate any of the provisions of this chapter unless such violation is by this section or other provision of this

chapter or other law of this State declared to be a gross misdemeanor or a felony.

Sec. 41. Chapter 483 of NRS is hereby amended by adding thereto the provisions set forth as sections 42 and 43 of this act.

Sec. 42. ***1. A school for training drivers or a third-party certifier provided for by regulation shall ensure that each vehicle used for training drivers and operated on a highway is inspected annually.***

2. The school for training drivers or the third-party certifier shall provide to the Department, within 30 days of the inspection or by December 31 of each calendar year, whichever comes first, the results of the inspection regarding the safety and road worthiness of the vehicles inspected pursuant to subsection 1.

3. The Department shall adopt regulations setting forth:

(a) The persons qualified to conduct the inspection; and

(b) The standards with which the inspection must comply.

4. The owner of the school for training drivers or the third-party certifier shall maintain a copy of the inspection at his principal place of business for 3 years after the inspection is completed.

Sec. 43. ***1. The Department may impose an administrative fine, not to exceed $2,500, for a violation of any provision of NRS 483.700 to 483.780, inclusive, and section 42 of this act, or any rule, regulation or order adopted or issued pursuant thereto. The Department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.***

2. All administrative fines collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer to the credit of the State Highway Fund.

3. In addition to any other remedy provided by NRS 483.700 to 483.780, inclusive, and section 42 of this act, the Department may compel compliance with any provision of NRS 483.700 to 483.780, inclusive, and section 42 of this act, and any rule, regulation or order adopted or issued pursuant thereto, by injunction or other appropriate remedy and the Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 44. NRS 483.730 is hereby amended to read as follows:

483.730 1. The Department shall issue a license to operate a school for training drivers or to act as an instructor for such a school, if the Department is satisfied that the applicant has met the qualifications required by NRS 483.700 to 483.780, inclusive ~~[.]~~ ***, and sections 42 and 43 of this act.***

2. The license is valid for ~~[5 years]~~ ***1 year*** after the date of issuance, unless cancelled, suspended or revoked by the Department and, except as otherwise provided in subsection 3, may be renewed subject to the same conditions as the original license, except that an operator of or instructor for a school for training drivers is not required to comply with the provisions of NRS 483.7205 for the renewal of his license.

3. Except as otherwise provided in subsection 4, the Department may renew the license of an instructor of a school for training drivers if, when he submits his application for the renewal of his license, he provides evidence satisfactory to the Department that, during the period of the license, he completed training of a type and in an amount prescribed by the Department by regulation.

4. The provisions of subsection 3 do not apply to an instructor who provides instruction solely to applicants for commercial drivers' licenses.

Sec. 45. NRS 484.6061 is hereby amended to read as follows:

484.6061 1. It is unlawful for any person to ***display or*** advertise for sale, to sell, to use, to install or to have installed any device which causes an odometer to register any mileage other than the true mileage driven.

2. For purposes of this section, the true mileage driven is that mileage traveled by the vehicle, as registered by the odometer, within the manufacturer's designed tolerance for such odometer.

Sec. 46. NRS 484.6063 is hereby amended to read as follows:

484.6063 It is unlawful for any person, with the intent to defraud, to operate ***, or to cause or allow to be operated,*** a motor vehicle on any highway of this State knowing that the odometer of such vehicle is disconnected or nonfunctional ~~[.]~~ ***or has been altered to no longer reflect the true mileage driven.***

Sec. 47. NRS 484.6067 is hereby amended to read as follows:

484.6067 1. A person is guilty of a ~~[gross misdemeanor]~~ ***category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $10,000, or by both fine and imprisonment,*** if he knowingly sells a motor vehicle whose odometer has been altered for the purpose of fraud.

2. Except as ***otherwise*** provided in subsection 1, any person who violates the provisions of NRS 484.606 to 484.6069, inclusive, is guilty of a misdemeanor.

Sec. 48. NRS 484.6068 is hereby amended to read as follows:

484.6068 Any person who, with an intent to defraud, violates any requirement imposed by NRS 484.606 to 484.6069, inclusive, is liable to the person harmed by such act or acts, in an amount equal to the sum of:

1. Three times the amount of actual damages sustained by the person harmed or ~~[$1,500,]~~ ***$2,500,*** whichever is greater; and

2. If the action of the person harmed is successful in enforcing the liability imposed by subsection 1, the costs of the action together with reasonable attorney's fees, as determined by the court.

Sec. 49. Chapter 487 of NRS is hereby amended by adding thereto the provisions set forth as sections 50, 51 and 52 of this act.

Sec. 50. ***As used in NRS 487.050 to 487.200, inclusive, and sections 50, 51 and 52 of this act, unless the context otherwise requires, "automobile wrecker" or "wrecker" means a person who obtains a license***

to dismantle, scrap, process or wreck any vehicle, including, without limitation, wrecked, salvage, nonrepairable, abandoned and junk vehicles, which includes, without limitation, removing or selling an individual part or parts of such a vehicle or crushing, shredding or dismantling such a vehicle to be disposed of as scrap metal.

Sec. 51. ***Evidence of unfitness of an applicant , registrant or [a] licensee for purposes of denial, suspension or revocation of or failure to renew a license or registration as an automobile wrecker, operator of a salvage pool, garageman or owner of a body shop may consist of, but is not limited to, the applicant , registrant or licensee:***

1. Purchasing, selling, dismantling, disposing of or having in his possession any vehicle which he knows, or a reasonable person should know, is stolen or otherwise illegally appropriated.

2. Being the former holder of , or being a partner, officer, director, owner or manager involved in management decisions of , an automobile wrecker [which] that held a license issued pursuant to this chapter [487 of NRS] which was revoked for cause and never reissued or was suspended upon terms which were never fulfilled.

3. Defrauding or attempting to defraud the State or a political subdivision of the State of any taxes or fees in connection with the sale or transfer of a vehicle.

4. Forging the signature of the registered or legal owner of an abandoned vehicle on any document that releases the interest of the owner in the abandoned vehicle.

5. Forging the signature of the registered or legal owner of a vehicle on a certificate of title or other document to obtain or transfer ownership in that vehicle.

6. Willfully failing to deliver to a purchaser a salvage title to a vehicle that the applicant , registrant or licensee has sold.

7. Refusing to allow [an] any peace officer or agent of [the Department] a state agency to inspect, during normal business hours, all books, records and files of the [dealership] applicant, registrant or licensee which are maintained within the State.

8. Committing any fraud which includes, without limitation:

(a) Misrepresenting in any manner, whether intentional or grossly negligent, a material fact.

(b) Intentionally failing to disclose a material fact.

9. Willfully failing to comply with any regulation adopted by the Department.

Sec. 52. 1. Whenever an entire salvage vehicle is sold to any person by a licensed automobile wrecker, the automobile wrecker shall deliver a [legal] properly endorsed salvage title to the buyer [.] for such an entire salvage vehicle.

2. A salvage vehicle [which is partially dismantled is] shall be deemed an entire salvage vehicle [if] :

(a) If all the following components are included and identifiable as coming from the same vehicle:

~~[(a)]~~ (1) The cowl assembly;

~~[(b)]~~ (2) The floor pan assembly;

~~[(c)]~~ (3) The passenger compartment;

~~[(d)]~~ (4) The rear clip assembly; and

~~[(e)]~~ (5) The roof assembly; and

~~[(f) One of the following:]~~

(b) In addition to the essential components required pursuant to paragraph (a):

(1) ~~[A]~~ If the salvage vehicle was manufactured with a conventional frame ~~[coupled with one additional major component;]~~ , the conventional frame is included and identifiable as coming from the same salvage vehicle;

(2) If the salvage vehicle was manufactured with a unibody, the complete front inner structure ~~[; or]~~ is included and identifiable as coming from the same salvage vehicle;

(3) If the salvage vehicle is a truck ~~[,]~~ which was manufactured with a conventional frame, the conventional frame and the truck cab assembly ~~[,]~~ are included and identifiable as coming from the same salvage vehicle; and

(4) If the salvage vehicle is a truck which was manufactured with a unibody, the complete front inner structure and the truck cab assembly are included and identifiable as coming from the same salvage vehicle.

3. A salvage vehicle that does not ~~[include any one of the components listed in]~~ satisfy the requirements of subsection 2 is deemed a part or parts of an entire salvage vehicle.

~~[4. As used in this section, "entire salvage vehicle" means a vehicle which is in one piece and includes all of its components as listed in subsection 2.]~~

Sec. 53. NRS 487.160 is hereby amended to read as follows:

487.160 1. The Department ~~[, after notice and hearing,]~~ may suspend, revoke or refuse to renew a license of an automobile wrecker upon determining that the automobile wrecker:

(a) Is not lawfully entitled thereto;

(b) Has made, or knowingly or negligently permitted, any illegal use of that license;

(c) Has failed to return a salvage title to the state agency when and as required of him by NRS 487.710 to 487.890, inclusive; or

(d) Has failed to surrender to the state agency certificates of title for vehicles before beginning to dismantle or wreck the vehicles.

2. The applicant or licensee may, within 30 days after receipt of the notice of refusal, suspension or revocation, petition the Department in writing for a hearing.

3. Hearings under this section and appeals therefrom must be conducted in the manner prescribed in NRS 482.353 and 482.354.

4. The Department may suspend, revoke or refuse to renew a license of an automobile wrecker, or ***may*** deny a license to an applicant therefor, ***for any reason determined by the Director to be in the best interest of the public, or*** if the licensee or applicant:

(a) Does not have or maintain an established place of business in this State.

(b) Made a material misstatement in any application.

(c) Willfully fails to comply with any applicable provision of this chapter.

(d) Fails to furnish and keep in force any bond required by NRS 487.050 to 487.200, inclusive.

(e) Fails to discharge any final judgment entered against him when the judgment arises out of any misrepresentation of a vehicle, trailer or semitrailer.

(f) Fails to maintain any license or bond required by a political subdivision of this State.

(g) Has been convicted of a felony.

(h) Has been convicted of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter.

(i) Fails or refuses to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 7.

(j) Knowingly submits or causes to be submitted any false, forged or otherwise fraudulent document to the Department to obtain a lien, title, salvage title or certificate of ownership, or any duplicate thereof, for a vehicle.

(k) Knowingly causes or allows a false, forged or otherwise fraudulent document to be maintained as a record of his business.

(l) Interferes with or refuses to allow an agent of the Department or any peace officer access to and, upon demand, the opportunity to examine any record held in conjunction with the operation of the wrecker.

(m) Displays evidence of unfitness for a license pursuant to section 51 of this act.

5. If an application for a license as an automobile wrecker is denied, the applicant may not submit another application for at least 6 months after the date of the denial.

6. The Department may refuse to review a subsequent application for licensing submitted by any person who violates any provision of this chapter.

7. Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy any financial obligation related to the business of dismantling, scrapping, processing or wrecking of vehicles, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for

initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS 487.050 to 487.200, inclusive, ***and sections 50, 51 and 52 of this act*** or to determine the suitability of an applicant or a licensee for such licensure.

8. For the purposes of this section, failure to adhere to the directives of the state agency advising the licensee of his noncompliance with any provision of NRS 487.050 to 487.200, inclusive, ***and sections 50, 51 and 52 of this act*** or NRS 487.710 to 487.890, inclusive, or regulations of the state agency, within 10 days after the receipt of those directives, is prima facie evidence of willful failure to comply.

Sec. 54. NRS 487.170 is hereby amended to read as follows:

487.170 Every licensed automobile wrecker, rebuilder or scrap processor shall maintain a record of all vehicles ***acquired and processed, junked,*** dismantled ~~[or wrecked, which contains the name and]~~ ***, wrecked, sold as a part or parts or disposed of as scrap metal. The records must be open to inspection during business hours by any peace officer or investigator of the state agency. Every vehicle record must contain:***

1. The name, address ***and original signature*** of the person from whom the vehicle was ~~[purchased or acquired and the date thereof, the]~~ ***acquired, until such time as the original signature is submitted to the Department, at which time the record must contain a duplicate of the signature;***

2. The date the vehicle was acquired;

3. How the vehicle was acquired by the wrecker, rebuilder or scrap processor;

4. The registration number last assigned to the vehicle ***;*** and ~~[a]~~

5. A brief description of the vehicle, including, insofar as the data may exist with respect to a given vehicle, the make, type, serial number and motor number, or any other number of the vehicle. ~~[The record must be open to inspection during business hours by any peace officer or investigator of the state agency.]~~

Sec. 55. NRS 487.200 is hereby amended to read as follows:

487.200 Any person who violates any of the provisions of NRS 487.050 to 487.200, inclusive, ***and sections 50, 51 and 52 of this act*** is guilty of a misdemeanor.

Sec. 56. NRS 487.260 is hereby amended to read as follows:

487.260 1. If the vehicle is appraised at a value of more than $500 ***,*** the state agency or political subdivision shall dispose of it as provided in NRS 487.270.

2. If the vehicle is appraised as a junk vehicle, the Department may issue a junk certificate to the automobile wrecker or tow operator who removed the vehicle.

3. An automobile wrecker who possesses a junk certificate for a junk vehicle may dismantle, scrap, crush or otherwise destroy the vehicle.

4. A vehicle for which a junk certificate has been issued may be sold to an automobile wrecker by the person to whom the junk certificate was issued by the seller's endorsement on the certificate. An automobile wrecker who purchases a vehicle for which a junk certificate has been issued ***shall immediately affix ~~[his]~~ the business name of the automobile wrecker as purchaser to the first available space provided on the reverse side of the certificate. For the purposes of this subsection, such an automobile wrecker is the owner of the junk vehicle.***

5. If insufficient space exists on the reverse side of a junk certificate to transfer the vehicle pursuant to subsection 4, ~~[a]~~ an automobile wrecker who purchases a junk vehicle for which a junk certificate has been previously issued shall, within 10 days after purchase, apply to the Department for a new junk certificate and surrender the original certificate.

~~[5.]~~ ***6.*** A person who sells, dismantles, scraps, crushes or otherwise destroys a junk vehicle shall maintain, for at least 2 years, a copy of the junk certificate and a record of the name and address of the person from whom the vehicle was acquired and the date thereof. He shall allow any peace officer or any investigator employed by a state agency to inspect the records during business hours.

~~[6.]~~ ***7.*** As used in this section, "junk vehicle" means a vehicle, including component parts, which:

(a) Has been discarded or abandoned;

(b) Has been ruined, wrecked, dismantled or rendered inoperative;

(c) Is unfit for further use in accordance with the original purpose for which it was constructed;

(d) Is not registered with the Department or has not been reclaimed by the registered owner or a person having a security interest in the vehicle within 15 days after notification pursuant to NRS 487.250; and

(e) Has value principally as scrap which does not exceed $200.

Sec. 57. NRS 487.490 is hereby amended to read as follows:

487.490 1. The Department may refuse to issue a license or ~~[, after notice and hearing,]~~ may suspend, revoke or refuse to renew a license of an operator of a salvage pool upon determining that the operator:

(a) Is not lawfully entitled to the license;

(b) Has made, or knowingly or negligently permitted, any illegal use of that license;

(c) Made a material misstatement in any application;

(d) Willfully fails to comply with any provision of NRS 487.400 to 487.510, inclusive;

(e) Fails to discharge any final judgment entered against him when the judgment arises out of any misrepresentation regarding a vehicle;

(f) Fails to maintain any license or bond required by a political subdivision of this State;

(g) Has been convicted of a felony;

(h) Has been convicted of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter; ~~[or]~~

(i) Fails or refuses to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 6 ~~[.]~~ ***; or***

(j) Displays evidence of unfitness for a license pursuant to section 51 of this act.

2. The applicant or licensee may, within 30 days after receipt of the notice of refusal to grant or renew or the suspension or revocation of a license, petition the Department in writing for a hearing.

3. Hearings under this section and appeals therefrom must be conducted in the manner prescribed in NRS 482.353 and 482.354.

4. If an application for a license as an operator of a salvage pool is denied, the applicant may not submit another application for at least 6 months after the date of the denial.

5. The Department may refuse to review a subsequent application for licensing submitted by any person who violates any provision of NRS 487.400 to 487.510, inclusive.

6. Upon the receipt of any report or complaint that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the operation of a salvage pool, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS 487.400 to 487.510, inclusive, or to determine the suitability of an applicant or a licensee for such licensure.

7. For the purposes of this section, the failure to adhere to the directives of the Department advising the licensee of his noncompliance with any provision of NRS 487.400 to 487.510, inclusive, or regulations of the Department, within 10 days after the receipt of those directives, is prima facie evidence of willful failure to comply.

Sec. 58. NRS 487.540 is hereby amended to read as follows:

487.540 1. "Garage" means a business establishment, sole proprietorship, firm, corporation, association or other legal entity that performs any of the following services on motor vehicles:

(a) Repair ***or replacement*** of the:

(1) Engine;

(2) Brake system;

(3) Transmission system;

(4) Drivetrain system;

(5) Heating and air-conditioning system;

(6) Cooling system; ~~[or]~~

(7) Muffler and exhaust system;

(8) Electrical system;

(9) Electrical charging system; or

(10) Fuel injection or carburetion system;

(b) Engine tune up;

(c) Diagnostic testing;

(d) Alignment; or

(e) Oil change and lubrication.

2. "Garage" does not include a business establishment, sole proprietorship, firm, corporation, association or other legal entity that does not perform services on motor vehicles for members of the general public.

Sec. 59. NRS 487.550 is hereby amended to read as follows:

487.550 "Motor vehicle" means:

1. A passenger car as defined in NRS 482.087;

2. A mini motor home as defined in NRS 482.066;

3. A motor home as defined in NRS 482.071;

4. A recreational vehicle as defined in NRS 482.101; ~~[and]~~

5. A motortruck as defined in NRS 482.073 if the gross weight of the vehicle is 10,000 pounds or less ~~[.]~~ ***;***

6. A motorcycle as defined in NRS 482.070; and

7. A trimobile as defined in NRS 482.129.

Sec. 60. NRS 487.563 is hereby amended to read as follows:

487.563 1. Each person who submits an application for registration pursuant to the provisions of NRS 487.560 must include in the application a written statement to the Department that specifies whether he agrees to submit to binding arbitration any claims against him arising out of a contract for repairs made by him to a motor vehicle. If the person fails to submit the statement to the Department or specifies in the statement that he does not agree to arbitrate those claims, the person shall file with the Department a bond in the amount of $5,000, with a corporate surety for the bond that is licensed to do business in this State. The form of the bond must be approved by the Attorney General and be conditioned upon whether the applicant conducts his business as an owner or operator of a garage without fraud or fraudulent representation and in compliance with the provisions of NRS 487.035, 487.530 to 487.570, inclusive, and 597.480 to 597.590, inclusive.

2. The bond must be continuous in form and the total aggregate liability on the bond must be limited to the payment of the total amount of the bond.

3. In lieu of a bond required to be filed pursuant to the provisions of subsection 1, a person may deposit with the Department, pursuant to the terms prescribed by the Department:

(a) A like amount of money or bonds of the United States or of the State of Nevada of an actual market value of not less than the amount fixed by the Department; or

(b) A savings certificate of a bank or savings and loan association located in this State, which must indicate an account of an amount equal to the amount of the bond that would otherwise be required pursuant to this section and that the amount is unavailable for withdrawal except upon order of the Department. Interest earned on the certificate accrues to the account of the applicant.

4. If a claim is arbitrated pursuant to the provisions of this section, the proceedings for arbitration must be conducted in accordance with the provisions of NRS 38.206 to 38.248, inclusive.

5. If a person:

(a) Submits the statement to the Department specifying that he agrees to arbitrate a claim pursuant to the provisions of subsection 1; and

(b) Fails to submit to binding arbitration any claim specified in that subsection,

➥ the person asserting the claim may notify the Department of that fact. Upon receipt of the notice, the Department shall, after notice and hearing, revoke or refuse to renew the certificate of registration of the person who failed to submit the claim to arbitration.

6. If a person fails to comply with an order of a court that relates to the repair of a motor vehicle, ***or fails to pay or otherwise discharge any final judgment rendered and entered against him or any court order issued and arising out of the repair of a motor vehicle in the operation of a garage,*** the Department shall ~~[, after notice and hearing,]~~ revoke or refuse to renew the certificate of registration of the person who failed to comply with the order ~~[.]~~ ***or satisfy the judgment.***

7. The Department may reinstate or renew a certificate of registration that is:

(a) Revoked pursuant to the provisions of subsection 5 if the person whose certificate of registration is revoked:

(1) Submits the claim to arbitration pursuant to the provisions of subsection 4 and notifies the Department of that fact; or

(2) Files a bond or makes a deposit with the Department pursuant to the provisions of this section.

(b) Revoked pursuant to the provisions of subsection 6 if the person whose certificate of registration is revoked complies with the order of the court.

8. A garageman whose registration has been revoked pursuant to the provisions of subsection 6 shall furnish to the Department a bond in the amount specified in subsection 1 prior to reinstatement of his garage registration.

Sec. 61. NRS 487.564 is hereby amended to read as follows:

487.564 1. The Department may refuse to issue a registration or ~~[, after notice and hearing,]~~ may suspend, revoke or refuse to renew a registration to operate a garage upon any of the following grounds:

(a) A false statement of a material fact in a certification for a salvage vehicle required pursuant to NRS 487.800.

(b) A false statement or certification for an inspection pursuant to NRS 487.800 which attests to the mechanical fitness or safety of a salvage vehicle.

(c) Evidence of unfitness of the applicant or registrant pursuant to section 51 of this act.

(d) A violation of any regulation adopted by the Department governing the operation of a garage.

(e) A violation of any statute or regulation that constitutes fraud in conjunction with the repair of a motor vehicle or operation of a garage.

2. ***A person for whom a certificate of registration has been suspended or revoked pursuant to the provisions of this section, subsection 6 of NRS 487.563 or similar provisions of the laws of any other state or territory of the United States shall not be employed by, or in any manner affiliated with, the operation of a garage subject to registration in this State.***

3. As used in this section, "salvage vehicle" has the meaning ascribed to it in NRS 487.770.

Sec. 62. NRS 487.650 is hereby amended to read as follows:

487.650 1. The Department may refuse to issue a license or ~~[, after notice and hearing,]~~ may suspend, revoke or refuse to renew a license to operate a body shop upon any of the following grounds:

(a) Failure of the applicant or licensee to have or maintain an established place of business in this State.

(b) Conviction of the applicant or licensee or an employee of the applicant or licensee of a felony, or of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter.

(c) Any material misstatement in the application for the license.

(d) Willful failure of the applicant or licensee to comply with the motor vehicle laws of this State and NRS 487.035, 487.610 to 487.690, inclusive, or 597.480 to 597.590, inclusive.

(e) Failure or refusal by the licensee to pay or otherwise discharge any final judgment against him arising out of the operation of the body shop.

(f) Failure or refusal to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 2.

(g) A finding of guilt by a court of competent jurisdiction in a case involving a fraudulent inspection, purchase, sale or transfer of a salvage vehicle by the applicant or licensee or an employee of the applicant or licensee.

(h) An improper, careless or negligent inspection of a salvage vehicle pursuant to NRS 487.800 by the applicant or licensee or an employee of the applicant or licensee.

(i) A false statement of material fact in a certification of a salvage vehicle pursuant to NRS 487.800 or a record regarding a salvage vehicle by the applicant or licensee or an employee of the applicant or licensee.

(j) A display of evidence of unfitness for a license pursuant to section 51 of this act.

2. Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the operation of a body shop, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS 487.610 to 487.690, inclusive, or to determine the suitability of an applicant or a licensee for such licensure.

3. As used in this section, "salvage vehicle" has the meaning ascribed to it in NRS 487.770.

Sec. 63. NRS 487.860 is hereby amended to read as follows:

487.860 1. Except with respect to a nonrepairable vehicle, a vehicle for which a salvage title has been issued may not subsequently be registered until it has been inspected by a garageman who operates a garage that is registered pursuant to NRS 487.560 ***,*** ~~[or]~~ by the owner of a body shop licensed pursuant to NRS 487.630 ***, by a rebuilder licensed pursuant to NRS 482.325*** or by ~~[an]~~ ***a qualified*** employee of such a garage ***,*** ~~[or]~~ body shop ***or rebuilder,*** and is certified to be in a safe mechanical condition and equipped with all safety equipment required by the manufacturer.

2. If a garageman ~~[or]~~ ***, an*** owner of a body shop ~~[, or an]~~ ***or a rebuilder, or a qualified*** employee thereof, who performs an inspection pursuant to subsection 1 finds the vehicle to be in a safe mechanical condition and equipped with all safety equipment required by the manufacturer, the garageman, owner ***of a body shop, rebuilder*** or ***qualified*** employee shall complete and sign a certificate of inspection, on a form prescribed by the state agency, attesting to the mechanical fitness and safety of the vehicle and to any mechanical or other work that was performed on the vehicle at the garage or body shop. The certificate of inspection must indicate that the motor vehicle has been repaired to the standards of the manufacturer and any safety equipment, including, without limitation, any occupant restraint devices, that were present in the vehicle at the time the vehicle was manufactured are present and operational to the specifications of the manufacturer.

Sec. 64. Chapter 108 of NRS is hereby amended by adding thereto the provisions set forth as sections 65 and 66 of this act.

Sec. 65. ***Any person is guilty of a gross misdemeanor who knowingly:***

1. Makes or causes to be made a false entry on any affidavit of lien sale or on any lien sale registration certificate for a motor vehicle;

2. Makes or causes to be made a false entry on a certificate of title as to ownership or any security interest that may exist in a motor vehicle;

3. Fails to disclose any information which would indicate that a vehicle sold or offered for sale is or should be considered a salvage or nonrepairable vehicle; or

4. Falsifies or causes to be falsified an application or other document submitted to the Department of Motor Vehicles to obtain:

(a) A certificate of title or ownership; or

(b) A salvage title or a certificate which indicates that the vehicle is nonrepairable as defined in chapter 487 of NRS.

Sec. 66. ***Except as otherwise provided in section 65 of this act, a person who violates any provision of NRS 108.265 to 108.360, inclusive, is guilty of a misdemeanor.***

Sec. 67. NRS 445B.775 is hereby amended to read as follows:

445B.775 The regulations adopted ***by the Commission*** pursuant to NRS 445B.770 must establish requirements by which the Department of Motor Vehicles may license:

1. Authorized inspection stations, including criteria by which any person may become qualified to inspect devices for the control of emissions for motor vehicles. The regulations adopted ***by the Commission*** pursuant to NRS 445B.770 must provide that a facility licensed as an authorized inspection station:

(a) Except as otherwise provided in paragraph (b), may not, unless specifically authorized by the Commission, install, repair, diagnose or adjust any component or system of a motor vehicle that affects exhaust emissions.

(b) May perform the following activities in connection with a motor vehicle:

(1) The changing of oil;

(2) The replacing of an oil filter, air filter, fuel filter, belt or hose; and

(3) The servicing of a fuel injection system using methods approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

2. Authorized maintenance stations, including criteria by which any person may become qualified to install, repair and adjust devices for the control of emissions for motor vehicles.

3. Authorized stations, including criteria by which any person may become qualified to inspect, repair, adjust and install devices for the control of emissions for motor vehicles.

Sec. 68. NRS 445B.785 is hereby amended to read as follows:

445B.785 1. The Department of Motor Vehicles shall ***, in cooperation with the Commission,*** adopt regulations which:

(a) Prescribe requirements for licensing authorized inspection stations, authorized maintenance stations, authorized stations and fleet stations. The regulations adopted ~~[by the Department of Motor Vehicles]~~ pursuant to this

paragraph must provide that a facility licensed as an authorized inspection station:

(1) Except as otherwise provided in subparagraph (2), may not, unless specifically authorized by the Commission, install, repair, diagnose or adjust any component or system of a motor vehicle that affects exhaust emissions.

(2) May perform the following activities in connection with a motor vehicle:

(I) The changing of oil;

(II) The replacing of an oil filter, air filter, fuel filter, belt or hose; and

(III) The servicing of a fuel injection system using methods approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

(b) Prescribe the manner in which authorized inspection stations, authorized stations and fleet stations inspect motor vehicles and issue evidence of compliance.

(c) Prescribe the diagnostic equipment necessary to perform the required inspection. The regulations must ensure that ~~[the]~~ ***:***

(1) The equipment complies with any applicable standards of the United States Environmental Protection Agency ~~[.]~~ ***; and***

(2) Use of the equipment is specifically authorized by the Commission.

(d) Provide for any fee, bond or insurance which is necessary to carry out the provisions of NRS 445B.700 to 445B.815, inclusive.

(e) Provide for the issuance of a pamphlet for distribution to owners of motor vehicles. The pamphlet must contain information explaining the reasons for and the methods of the inspections.

2. The Department of Motor Vehicles shall issue a copy of the regulations to each authorized inspection station, authorized maintenance station, authorized station and fleet station.

Sec. 69. NRS 445B.800 is hereby amended to read as follows:

445B.800 1. Subject to any applicable limitation of NRS 445B.700 to 445B.815, inclusive, and any regulation adopted pursuant thereto, no used motor vehicle which requires inspection pursuant to the regulations adopted by the Commission under NRS 445B.770 may be registered unless the application for registration is accompanied by evidence of compliance issued by any authorized inspection station, authorized station or fleet station certifying that the vehicle is equipped with devices for the control of pollution from motor vehicles required by federal regulation or such other requirements as the Commission may by regulation prescribe under the provisions of NRS 445B.700 to 445B.845, inclusive.

2. If:

(a) A seller of a used vehicle is required to complete a dealer's report of sale pursuant to the provisions of NRS 482.424; or

(b) A long-term lessor of a used vehicle is required to complete a long-term lessor's report of lease pursuant to the provisions of NRS 482.4245,

➥ the seller or long-term lessor shall also provide the buyer or long-term lessee with any evidence of compliance required pursuant to subsection 1 ~~[.]~~ ***, and shall deliver that evidence of compliance to a used vehicle buyer together with the dealer's report of sale issued pursuant to NRS 482.424 or 482.4245, indicating that the used vehicle purchased or leased meets the engine emission standards for the year, make and model of the used vehicle as established by regulation pursuant to NRS 445B.770.***

3. ***A seller or long-term lessor of a used vehicle is not entitled to a waiver of the provisions of subsection 2.***

4. The requirements of this section apply only:

(a) To passenger cars and light-duty motor vehicles which use diesel fuel and are based in a county whose population is 100,000 or more; and

(b) In counties where a program of inspecting and testing motor vehicles and systems for the control of emissions from motor vehicles has been implemented pursuant to NRS 445B.770.

Sec. 70. NRS 482.321 is hereby repealed.

Sec. 71. Any license plate issued pursuant to NRS 482.321 expires on the date of expiration for that plate or January 1, 2008, whichever comes first and may not be renewed thereafter.

Sec. 72. 1. This section and sections 1 to 6, inclusive, 8 to 16, inclusive, 17, 20 to 23, inclusive, 26, 28 to 31, inclusive, 33 to 41, inclusive, and 43 to 69, inclusive, of this act become effective on July 1, 2007.

2. Sections 7, 16.5, 18, 19, 24, 25, 27, 42, 70 and 71 of this act become effective on January 1, 2008.

3. Sections 17 and 31 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment of the support of one or more children,

➥ are repealed by the Congress of the United States.

4. Section 32 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTION

482.321 Registration of certain number of vehicles without payment of governmental services tax; payment of governmental services tax by purchaser; payment of fees for registration and governmental services tax by transferee; exceptions.

1. Any dealer in vehicles in this State qualified to receive a dealer's license is entitled to register in his name not more than 12 vehicles upon payment of the fees for registration and licensing as provided in this chapter. The dealer is not subject to the payment of governmental services taxes on the registrations of those vehicles.

2. Vehicles so registered are subject to the payment of governmental services taxes by the purchaser from the dealer at the time of their transfer to the purchaser.

3. The transferee of the vehicle is required to pay the fees for registration and governmental services taxes before he is entitled to a transfer of the registration and title in his name. The transferee shall apply for registration as provided in NRS 482.215.

4. This section does not apply to work or service vehicles.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assemblyman Oceguera moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 5:06 p.m.

ASSEMBLY IN SESSION

At 5:10 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 313 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 314 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 19 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Senate Bill No. 19.

Bill read third time.

The following amendment was proposed by Assemblyman Mabey:

Amendment No. 955.

AN ACT relating to the Chiropractic Physicians' Board of Nevada; providing requirements for the reinstatement of certain licenses that have been suspended; revising provisions governing the renewal of a license or certificate; increasing the number of hours of continuing education required for the renewal of a license; increasing the maximum amount of certain fees that the Board may charge; eliminating the requirement that the Board file certain orders relating to the discipline of a licensee with the county recorder; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a license or certificate issued by the Chiropractic Physicians' Board of Nevada must be renewed annually and a licensee must complete at least 12 hours of continuing education annually. (NRS 634.130) Section 2 of this bill revises the renewal requirement for a license or certificate to provide that a license or certificate must be renewed biennially. Section 2 also increases the number of hours of continuing education a licensee must complete.

Existing law authorizes the Board to charge various fees up to a maximum amount as indicated by statute. (NRS 634.135) Section 3 of this bill revises the existing statutory schedule of maximum fees: (1) to reflect the renewal of a license or certificate biennially; **and** (2) to clarify the purpose of the existing fee for written certification of licensure **.** ~~[; and (3) to increase the fee for the review by the Board of various courses of continuing education in chiropractic.]~~

Existing law also provides that if a licensee or holder of a certificate does not renew a license or certificate on time or fails to notify the Board of a change in the location of the office of the licensee or holder, the license or certificate of the person will be automatically suspended. (NRS 634.130) Section 2 of this bill provides that a license that was suspended for the failure to renew on time or the failure to notify the Board of a change in location may be reinstated by paying the reinstatement and renewal fees within 1 year of the original renewal deadline. Section 1 of this bill provides for the reinstatement of suspended licenses that have not been reinstated within 1 year.

Existing law provides that every order of the Board which limits the practice of chiropractic or suspends or revokes a license must be filed with the county recorder. (NRS 634.200) Section 4 of this bill eliminates this requirement.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 634 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a license has been automatically suspended pursuant to the provisions of subsection 5 of NRS 634.130 and not reinstated pursuant to the provisions of that subsection, the person who held the license may apply to the Board to have the license reinstated to active status.

2. An applicant to have a suspended license reinstated to active status pursuant to subsection 1 must:

(a) Either:

(1) Submit satisfactory evidence to the Board:

(I) That he has maintained an active practice in another state, territory or country within the preceding 5 years;

(II) From all other licensing agencies which have issued him a license that he is in good standing and has no legal actions pending against him; and

(III) That he has participated in a program of continuing education in accordance with NRS 634.130 for the year in which he seeks to be reinstated to active status; or

(2) Score 75 percent or higher on an examination prescribed by the Board on the provisions of this chapter and the regulations adopted by the Board; and

(b) Pay:

(1) The fee for the biennial renewal of a license to practice chiropractic; and

(2) The fee for reinstating a license to practice chiropractic which has been suspended or revoked.

3. If any of the requirements set forth in subsection 2 are not met by an applicant for the reinstatement of a suspended license to active status, the Board, before reinstating the license of the applicant to active status:

(a) Must hold a hearing to determine the professional competency and fitness of the applicant; and

(b) May require the applicant to:

(1) Pass the Special Purposes Examination for Chiropractic prepared by the National Board of Chiropractic Examiners; and

(2) Satisfy any additional requirements that the Board deems to be necessary.

Sec. 2. NRS 634.130 is hereby amended to read as follows:

634.130 1. Licenses and certificates must be renewed ~~[annually.]~~ ***biennially.*** Each person who is licensed pursuant to the provisions of this chapter must, upon the payment of the required renewal fee and the submission of all information required to complete the renewal, be granted a renewal certificate which authorizes him to continue to practice for ~~[1 year.]~~ ***2 years.***

2. The renewal fee must be paid and all information required to complete the renewal must be submitted to the Board on or before January 1 of ~~[the year to which it applies.]~~ ***each odd-numbered year.***

3. Except as otherwise provided in subsection 4, a licensee in active practice within this State must submit satisfactory proof to the Board that ***, during the 24 months immediately preceding the renewal date of his license,*** he has attended at least ~~[12]~~ ***36*** hours of continuing education which is approved or endorsed by the Board. The educational requirement of this section may be waived by the Board if the licensee files with the Board a statement of a chiropractic physician, osteopathic physician or doctor of medicine certifying that the licensee is suffering from a serious or disabling illness or physical disability which prevented him from completing the requirements for continuing education during the ~~[12]~~ ***24*** months immediately preceding the renewal date of his license.

4. A licensee is not required to comply with the requirements of subsection 3 until the ~~[calendar]~~ ***first odd-numbered*** year after the year the Board issues to him an initial license to practice as a chiropractor in this State.

5. If a licensee fails to:

(a) Pay his renewal fee by January 1 ~~[,]~~ ***of an odd-numbered year;***

(b) Submit proof of continuing education pursuant to subsection 3;

(c) Notify the Board of a change in the location of his office pursuant to NRS 634.129; or

(d) Submit all information required to complete the renewal,

➥ his license is automatically suspended and ***, except as otherwise provided in section 1 of this act,*** may be reinstated only upon the payment ***, by January 1 of the even-numbered year following the year in which the license was suspended,*** of the required fee for reinstatement in addition to the renewal fee.

6. If a holder of a certificate as a chiropractor's assistant fails to:

(a) Pay his renewal fee by January 1 ~~[,]~~ ***of an odd-numbered year;***

(b) Notify the Board of a change in the location of his office pursuant to NRS 634.129; or

(c) Submit all information required to complete the renewal,

➥ his certificate is automatically suspended and may be reinstated only upon the payment of the required fee for reinstatement in addition to the renewal fee.

Sec. 3. NRS 634.135 is hereby amended to read as follows:

634.135 1. The Board may charge and collect fees not to exceed:

For an application for a license to practice chiropractic $200.00
For an examination for a license to practice chiropractic 200.00
For an application for, and the issuance of, a certificate as a chiropractor's assistant 100.00
For an examination for a certificate as a chiropractor's assistant 100.00
For the issuance of a license to practice chiropractic..... 300.00

For the ~~[annual]~~ ***biennial*** renewal of a license to practice chiropractic ..... ~~[500.00]~~ ***1,000.00***

For the ~~[annual]~~ ***biennial*** renewal of an inactive license to practice chiropractic ..... ~~[150.00]~~ ***300.00***

For the ~~[annual]~~ ***biennial*** renewal of a certificate as a chiropractor's assistant ..... ~~[100.00]~~ ***200.00***

For the restoration to active status of an inactive license to practice chiropractic 300.00

For reinstating a license to practice chiropractic which has been suspended or revoked 500.00

For reinstating a certificate as a chiropractor's assistant which has been suspended pursuant to NRS 634.130 ..... $100.00

For a review of any subject on the examination 25.00

For the issuance of a duplicate license or for changing the name on a license 35.00

For written ~~[certification]~~ ***verification*** of licensure ***or issuance of a certificate of good standing*** 25.00

For providing a list of persons who are licensed to practice chiropractic to a person who is not licensed to practice chiropractic 25.00

For providing a list of persons who were licensed to practice chiropractic following the most recent examination of the Board to a person who is not licensed to practice chiropractic..... 10.00

For a set of mailing labels containing the names and addresses of the persons who are licensed to practice chiropractic in this State 35.00

For providing a copy of the statutes, regulations and other rules governing the practice of chiropractic in this State to a person who is not licensed to practice chiropractic..... 25.00

For each page of a list of continuing education courses that have been approved by the Board..... .50

For an application to a preceptor program offered by the Board to graduates of chiropractic schools or colleges..... ~~[$]~~ 35.00

~~*[For a review by the Board of a course of continuing education in chiropractic offered by a nonprofit professional chiropractic association of this State or another state 25.00]*~~

For a review by the Board of a course ~~*[of continuing education in chiropractic]*~~ offered by a chiropractic school or college or a course of continuing education in chiropractic 25.00

~~*[accredited by the Council on Chiropractic Education 200.00*~~

~~*For a review by the Board of a course of continuing education in chiropractic offered by a commercial entity, an association that is not a nonprofit professional chiropractic association of this State or another state, or a chiropractic school or college that is not accredited by the Council on Chiropractic Education 500.00]*~~

2. In addition to the fees set forth in subsection 1, the Board may charge and collect reasonable and necessary fees for any other service it provides.

3. For a check or other method of payment made payable to the Board or tendered to the Board that is returned to the Board or otherwise dishonored upon presentation for payment, the Board shall assess and collect a fee in the amount established by the State Controller pursuant to NRS 353C.115.

Sec. 4. NRS 634.200 is hereby amended to read as follows:

634.200 1. Any person who has been placed on probation or whose license has been limited, suspended or revoked by the Board is entitled to judicial review of the Board's order.

2. ~~[Every order of the Board which limits the practice of chiropractic or suspends or revokes a license is effective from the date the Secretary certifies the order to the proper county recorder until the order is modified or reversed by a final judgment of the court.~~

~~3.]~~ The district court shall give a petition for judicial review of the Board's order priority over other civil matters which are not expressly given that priority by law.

Sec. 5. This act becomes effective on July 1, 2007.

Assemblyman Mabey moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bills Nos. 5, 18, 58, 146, 171, 182, 187, 228, 266, 298, 303, 312, 314, 315, 328, 329, 339, 340, 345, 352, 354, 356, 366, 367, 398, 400, 403, 417, 419, 420, 425, 430, 432, 447, 451, 456, 457, 470, 481, 483, 486, 491, 495, 500, 502, 503, 504, 508, 511, 515, 518, 519, 520, 533, 534, 535, 536, 542, 548, 549; Senate Joint Resolutions Nos. 4, 6, 10, 11, 12, 13, 15, 16, 17, and 18 be taken from the General File and placed in their current order on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 1, 7, 49, 76, 94, 103, 122, 138, 190, 258, 289, 297, 298, 301, 311, 313, 323, 344, 350, 365, 415; Senate Bills Nos. 7, 72, 86, 118, 137, 139, 145, 183, 210, 264, 265, 282, 330, 336, 337, 338, 357, 369, 384, 389, 399; Senate Concurrent Resolution No. 18.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Gene Sullivan, Anita Sullivan, Marilyn Cervantes, and Maryanne Thompson.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Tartan Elementary School: Ian Belen, Mindy Mendez, Herlinda Mendez, David Ortega, Christian Ward, Kaitlyn Compton, Megan Rydel, Krystyn Hernandez-Faria, Stephanie Rodriguez, Gaven Smith, Bryant Becerra, Jordan Rand, Kiera Smith, Toby Budd, Joyce McMillan, I'Jonea Rossum, JeCori Gladney, Aaron Saenz, Cynthia Figueroa, Jay-Marc Marsulit, Theodore McAllister, Taylor O'Daniel, Yasmin Breaux, Kailey Fox, Shaely Rensom, Keenan Raquel, Alaysia Drake Robinson, Jordan Franco, Earl Teopaco, Christian Cazares, Stephanie Munoz, Jordan Caron, Sean Harasti, Tameya Duckworth, Tayor Hamilton, Adrian Fox, Cathy Hyde, Krystal Marshall, Shelby Smith, Xavier Prado, Tristan Jones, Hannah Ditzel, Miguel Landeros, Kayla Andrada, Andrew Harris, Jade Roldan, Raymond Ruano, Lynette Itson, Alexis Zurfluh, Gabby Barajas; teachers Ariane Steffan, Lee Braegger, Jud Braegger, Nicole Graham, Michele Bacon, Stephanie Dalrymple, and Jeff Dalrymple; chaperones Christian Ward, Sr., Lorna Iverson, Garilyne Hernandez, Blaire Smith, Larry O'Daniel, Tracy Breaux, Krissy Walker, Lynee Rensome, Amy Drake, Suzanne Kerrigan, Lorainna Cazares, Hannah Fox, Dennis Miller, Gretchen Pedersen, Fredrica Roldan, and Parthy Zurfluh.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Tim Jones.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Marcia Robinson.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Emma Fulkerson.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Fremont Elementary School: Haley Abeyta, Garret Altus, Julia Brown, Taylor Caskey, Andrew Cooper, Nathan Controneo, Cody Cunningham, Ian Dalton, Lacey Davin, Travis Phalin, Scott Raty, Emillie Rengler, Steven Robledo, Shelby Swanson, Malia Tiffer, Cory Wilson, C.J. Woons, Heather Evans, Elizabeth Everest, Brandon Fleischhacker, Zoey Gray, Elizabeth Jarrett, Sierra Kolobakken, Nicholas Lani, Lozia Lopez, Brandon Acero, Ashley Allen, Kaeli Biggin, Keenan Blackmore, Aldino Bracamontes, Stephanie Camacho, Alondra Cadena, Alan Cohen, Jordan Courtney, Jose Escobedo, Taylor Good, Ivon Gutierrez, Oscar Herrera, Arielle Holmboe, Brandon Iza, Kimberly Machart, Casley Matthews, Anahi Medina-Xhurape, Karlie Miller, Sabdi Perez, Samanta Ramirez, Haley Ridgely, Makaela Wheeler, Jordan Yadon, Daniel Lease, Raleighy Dennia; teacher Vickie Parsons; chaperones Kevin Elllis, Susan Lani, Tom Gray, Pam Cowperthwaite, Sasha Peterson, Emilio Sanchez, Mary Biller, and Shannon Wheeler; John Shelton.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to B. J. Thomas.

Assemblyman Oceguera moved that the Assembly adjourn until Thursday, May 24, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 5:16 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SEVENTY-FOURTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2007

BEGUN ON MONDAY, THE FIFTH DAY OF FEBRUARY, AND ENDED ON MONDAY, THE FOURTH DAY OF JUNE

VOLUME 5

**THE ONE HUNDRED AND NINTH DAY—
THE ONE HUNDRED AND ELEVENTH DAY**

**SEE VOLUME 1 FOR TABLE OF CONTENTS
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ARRANGEMENT AND CONTENTS OF VOLUME 5

ASSEMBLY PROCEEDINGS 3857

THE ONE HUNDRED AND NINTH DAY

CARSON CITY (Thursday), May 24, 2007

Assembly called to order at 11:16 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

Our Father, as we come before You this day, we would not weary You with our constant begging—we would not be like petulant children seeking diplomas without study or wages without work. As Your servants here sincerely seek to do right, make it plain to them. Knowing that criticism will come, help them to take from it what is helpful and to forgive what is unjust and unkind. Amid all the pressures brought upon them, may they ever hear Your still small voice and follow Your guidance for the good of all the people, that Your will may be done in this state, through these Your servants.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 69, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 84, 101, 106, 117, 136, 201, 203, 222, 234, 307, 374, 487, 497, 498, 509, 516, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 202, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 394, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 23, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 42, 201, 230, 235, 259, 359; Senate Bill No. 158.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 56, Senate Amendment No. 736; Assembly Bill No. 215, Senate Amendment No. 751, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 499.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 719 to Senate Bill No. 154.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Mabey, Goicoechea, Goedhart, Carpenter, Grady, Beers, Hardy and Settelmeyer (Emergency Request of Mabey):

Assembly Bill No. 624—AN ACT relating to special fuel; providing that a farm vehicle or special mobile equipment that contains dyed special fuel in the fuel tank may be operated on certain highways in this State under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation

Motion carried.

Senate Bill No. 158.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Parnell moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:22 a.m.

ASSEMBLY IN SESSION

At 11:23 a.m.

Madam Speaker presiding.

Quorum present.

Senate Bill No. 499.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 69.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 938.

AN ACT relating to real estate; defining the term "agency" in the context of real estate brokers, salesmen and qualified intermediaries; **revising the duties of a real estate licensee;** allowing a client to waive certain required duties of a real estate licensee which relate to offers made to or by the client; **prohibiting the waiver of other duties of a licensee;** allowing for communications with the client of another broker under certain permissible circumstances; clarifying that such communication does not create an agency relationship with the client of the other broker; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines certain terms used in chapter 645 of NRS which relate to real estate brokers, salesmen and qualified intermediaries. (NRS 645.0005-645.044) ~~[Sections 1 and]~~ 2 **Section 1.3** of this bill ~~[define]~~ **defines** the term "agency" for that chapter.

Existing law imposes certain duties on a licensee who acts as an agent in a real estate transaction. (NRS 645.252) Section 2.5 of this bill provides that such a licensee owes no duty to conduct an investigation of the condition of the property which is the subject of the real estate transaction.

Existing law ~~[creates certain requirements for]~~ **imposes certain duties on** a licensee who has entered into a brokerage agreement to provide representation in a real estate transaction. (NRS 645.254) One of those ~~[requirements]~~ **duties** is to present all offers made to and by the client as soon as is practicable. (NRS 645.254) Section 3 of this bill allows a client to waive that ~~[requirement]~~ **duty** by signing a **waiver on a** form provided by the Real Estate Division of the Department of Business and Industry. **Section 1.7 of this bill provides that no other duty of a licensee set forth in section 2.5 or 3 may be waived.**

Existing law allows a person to negotiate a sale, exchange or lease of real estate with the exclusive client of another broker only if permission has been obtained from that other broker. (NRS 645.635) Section 4 of this bill allows for further communications after such negotiations but before closing. ~~[Section 4 also clarifies that such negotiations do not create an agency relationship between the person and the client of the other broker.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 645 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.7 of this act.**

~~[Section 1.]~~ ***Sec. 1.3.*** ~~[Chapter 645 of NRS is hereby amended by adding thereto a new section to read as follows:]~~

1. "Agency" means a relationship between a principal and an agent arising out of a brokerage agreement whereby the agent is engaged to do certain acts on behalf of the principal in dealings with a third party.

2. The term does not include a relationship arising solely from negotiations or communications with a client of another broker with the written permission of the broker in accordance with the provisions of subsection 2 of NRS 645.635.

Sec. 1.7. Except as otherwise provided in subsection 4 of NRS 645.254, no duty of a licensee set forth in NRS 645.252 or 645.254 may be waived.

Sec. 2. NRS 645.0005 is hereby amended to read as follows:

645.0005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 645.001 to 645.042, inclusive, ***and section ~~[1]~~ 1.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 2.5. **NRS 645.252 is hereby amended to read as follows:**

645.252 A licensee who acts as an agent in a real estate transaction:

1. Shall disclose to each party to the real estate transaction as soon as is practicable:

(a) Any material and relevant facts, data or information which he knows, or which by the exercise of reasonable care and diligence he should have known, relating to the property which is the subject of the transaction.

(b) Each source from which he will receive compensation as a result of the transaction.

(c) That he is a principal to the transaction or has an interest in a principal to the transaction.

(d) Except as otherwise provided in NRS 645.253, that he is acting for more than one party to the transaction. If a licensee makes such a disclosure, he must obtain the written consent of each party to the transaction for whom he is acting before he may continue to act in his capacity as an agent. The written consent must include:

(1) A description of the real estate transaction.

(2) A statement that the licensee is acting for two or more parties to the transaction who have adverse interests and that in acting for these parties, the licensee has a conflict of interest.

(3) A statement that the licensee will not disclose any confidential information for 1 year after the revocation or termination of any brokerage agreement entered into with a party to the transaction, unless he is required to do so by a court of competent jurisdiction or he is given written permission to do so by that party.

(4) A statement that a party is not required to consent to the licensee acting on his behalf.

(5) A statement that the party is giving his consent without coercion and understands the terms of the consent given.

(e) Any changes in his relationship to a party to the transaction.

2. Shall exercise reasonable skill and care with respect to all parties to the real estate transaction.

3. Shall provide the appropriate form prepared by the Division pursuant to NRS 645.193 to:

(a) Each party for whom the licensee is acting as an agent in the real estate transaction; and

(b) Each unrepresented party to the real estate transaction, if any.

4. Unless otherwise agreed upon in writing, owes no duty to:

(a) Independently verify the accuracy of a statement made by an inspector certified pursuant to chapter 645D of NRS or another appropriate licensed or certified expert.

(b) Conduct an independent inspection of the financial condition of a party to ~~[a]~~ ***the*** real estate transaction.

(c) Conduct an investigation of the condition of the property which is the subject of the real estate transaction.

Sec. 3. NRS 645.254 is hereby amended to read as follows:

645.254 A licensee who has entered into a brokerage agreement to represent a client in a real estate transaction:

1. Shall exercise reasonable skill and care to carry out the terms of the brokerage agreement and to carry out his duties pursuant to the terms of the brokerage agreement;

2. Shall not disclose confidential information relating to a client for 1 year after the revocation or termination of the brokerage agreement, unless he is required to do so pursuant to an order of a court of competent jurisdiction or he is given written permission to do so by the client; ~~[and]~~

3. Shall ~~[promote the interests of his client by:~~

~~(a) Seeking]~~ ***seek*** a sale, ***purchase, option, rental or*** lease ~~[or]~~ ***of real*** property at the price and terms stated in the brokerage agreement or at a price acceptable to the client ~~[.~~

~~(b) Presenting]~~ **;**

4. Shall present all offers made to or by the client as soon as is practicable ~~[.]~~ **, *unless the client*** ~~*[signs a form which is provided by the Division and which waives]*~~ ***chooses to waive the duty of the licensee to present all offers*** ~~[.~~

~~*(c) Disclosing]*~~ ***and signs a waiver of the duty on a form prescribed by the Division;***

5. Shall disclose to the client material facts of which the licensee has knowledge concerning the transaction ~~[.~~

~~(d) Advising]~~ **;**

6. Shall advise the client to obtain advice from an expert relating to matters which are beyond the expertise of the licensee ~~[.~~

~~(e) Accounting]~~ ***; and***

7. Shall account for all money and property he receives in which the client may have an interest as soon as is practicable.

Sec. 4. NRS 645.635 is hereby amended to read as follows:

645.635 The Commission may take action pursuant to NRS 645.630 against any person subject to that section who is guilty of:

1. Offering real estate for sale or lease without the knowledge and consent of the owner or his authorized agent or on terms other than those authorized by the owner or his authorized agent.

2. Negotiating a sale, exchange or lease of real estate ***, or communicating after such negotiations but before closing,*** directly with a client if he knows that the client has a brokerage agreement in force in connection with the property granting an exclusive agency ~~[or]~~ ***, including, without limitation,*** an exclusive right to sell to another broker, unless permission in writing has been obtained from the other broker. ~~*[Negotiation or communication with such permission does not create an agency relationship between the person and the client of the other broker.]*~~

3. Failure to deliver within a reasonable time a completed copy of any purchase agreement or offer to buy or sell real estate to the purchaser or to the seller ~~[.]~~ ***, except as*** ~~*[may be]*~~ ***otherwise provided*** ~~*[by paragraph (b) of subsection 3]*~~ ***in subsection 4 of NRS 645.254.***

4. Failure to deliver to the seller in each real estate transaction, within 10 business days after the transaction is closed, a complete, detailed closing statement showing all of the receipts and disbursements handled by him for the seller, failure to deliver to the buyer a complete statement showing all money received in the transaction from the buyer and how and for what it was disbursed, or failure to retain true copies of those statements in his files. The furnishing of those statements by an escrow holder relieves the broker's, broker-salesman's or salesman's responsibility and must be deemed to be ***in*** compliance with this provision.

5. Representing to any lender, guaranteeing agency or any other interested party, verbally or through the preparation of false documents, an amount in excess of the actual sale price of the real estate or terms differing from those actually agreed upon.

6. Failure to produce any document, book or record in his possession or under his control, concerning any real estate transaction under investigation by the Division.

7. Failure to reduce a bona fide offer to writing where a proposed purchaser requests that it be submitted in writing ~~[.]~~ ***, except as*** ~~*[may be]*~~ ***otherwise provided*** ~~*[by paragraph (b) of subsection 3]*~~ ***in subsection 4 of NRS 645.254.***

8. Failure to submit all written bona fide offers to a seller when the offers are received before the seller accepts an offer in writing and until the broker has knowledge of that acceptance ~~[.]~~ ***, except as*** ~~*[may be]*~~ ***otherwise provided*** ~~*[by paragraph (b) of subsection 3]*~~ ***in subsection 4 of NRS 645.254.***

9. Refusing because of race, color, national origin, sex or ethnic group to show, sell or rent any real estate for sale or rent to qualified purchasers or renters.

10. Knowingly submitting any false or fraudulent appraisal to any financial institution or other interested person.

Sec. 5. This act becomes effective on July 1, 2007.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 84.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 797.

AN ACT relating to land use planning; revising provisions governing certificates pertaining to the subdivision of existing industrial or commercial buildings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a professional engineer or registered architect is required to certify that a proposed subdivision of an existing industrial or commercial building will comply with the applicable building code and such a certificate is required to be attached to any document that proposes to subdivide the building. (NRS 278.325) This bill requires such a certificate to indicate that the building complies with applicable current state law and with the building code in effect at the time the building was constructed. This bill also requires that ~~[, in a county whose population is 400,000 or more (currently Clark County),]~~ such a certificate be reviewed, approved and signed by the building official having jurisdiction over the area within which the building is situated.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 278.325 is hereby amended to read as follows:

278.325 1. If a subdivision is proposed on land which is zoned for industrial or commercial development, neither the tentative nor the final map need show any division of the land into lots or parcels, but the streets and any other required improvements are subject to the requirements of NRS 278.010 to 278.630, inclusive.

2. No parcel of land may be sold for residential use from a subdivision whose final map does not show a division of the land into lots.

3. Except as otherwise provided in subsection 4, a boundary or line must not be created by a conveyance of a parcel from an industrial or commercial subdivision unless a professional land surveyor has surveyed the boundary or line and set the monuments. The surveyor shall file a record of the survey

pursuant to the requirements set forth in NRS 625.340. Any conveyance of such a parcel must contain a legal description of the parcel that is independent of the record of survey.

4. The provisions of subsection 3 do not apply to a boundary or line that is created entirely within an existing industrial or commercial building. A certificate ***prepared*** by a professional engineer or registered architect ~~[which certifies]~~ ***certifying*** compliance with the applicable ***law of this State in effect at the time of the preparation of the certificate and with the*** building code ***in effect at the time the building was constructed*** must be attached to any document which proposes to subdivide ***such*** a building.

5. A certificate prepared pursuant to subsection 4 ~~*[for a building located in a county whose population is 400,000 or more]*~~ ***must be reviewed, approved and signed by the building official having jurisdiction over the area within which the building is situated.***

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 101.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 746.

AN ACT relating to the City of Sparks; authorizing the City Council to employ Special Counsel ~~[,]~~ **under certain circumstances;** revising certain provisions governing the qualifications of members of the Civil Service Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes the City Council of the City of Sparks **, by majority vote, after conducting a public hearing,** to employ attorneys to perform any civil or criminal duty of the City Attorney. Section 1 further provides that those attorneys are responsible only to the City Council and that the City Attorney does not have any authority over the employment of an attorney hired by the City Council pursuant to this section of the bill.

Section 2 of this bill amends the Sparks City Charter to prohibit a person from serving as a member of the Civil Service Commission if the person is: (1) an employee of the City of Sparks; (2) serving as an appointed member of any other board, commission or committee of the City; or (3) related within the third degree of consanguinity or affinity to a person who is an employee of the City of Sparks. (Sparks City Charter § 9.010) Section 3 of this bill exempts current members of the Civil Service Commission from these provisions until their current terms expire.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, at page 724, is hereby amended by adding thereto a new section to be designated as section 3.055, immediately following section 3.050, to read as follows:

Sec. 3.055 Employment of Special Counsel. The City Council may, by majority vote, after conducting a public hearing, employ attorneys to perform any civil or criminal duty of the City Attorney. Such attorneys are responsible only to the City Council, and the City Attorney shall have no responsibility or authority concerning the subject matter of such employment.

Sec. 2. Section 9.010 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 350, Statutes of Nevada 1987, at page 791, is hereby amended to read as follows:

Sec. 9.010 Civil Service Commission: Appointment; ***qualifications;*** removal; compensation.

1. There is a Civil Service Commission consisting of five residents of the City who must be appointed by the Mayor, subject to confirmation by the City Council. They shall serve terms as established by ordinance.

2. ***A person may not serve as a member of the Commission if he is:***

(a) An employee of the City;

(b) A member of the City Council or an appointed member of any other board, commission or committee of the City; or

(c) Related within the third degree of consanguinity or affinity to a person who is an employee of the City.

3. Every person appointed as a member of the Commission shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed by the Constitution of this State, and file it, certified by the officer administering it, with the Clerk of the City.

~~[3.]~~ ***4.*** Any member of the Commission may be removed by a majority vote of the Commission for cause, including the failure or refusal to perform the duties of the office, the absence from three successive regular meetings of the Commission, or ceasing to meet any qualification for appointment to the Commission as ***set forth in this section or*** provided by the City Council.

~~[4.]~~ ***5.*** Vacancies on the ~~[Civil Service]~~ Commission from whatever cause must be filled by appointment by the Mayor, subject to confirmation by the City Council.

~~[5.]~~ ***6.*** The City Council shall provide the services of such employees as are necessary to enable the ~~[Civil Service]~~ Commission to carry out its duties in a timely and proficient manner.

~~[6.]~~ ***7.*** The City Council shall provide by ordinance the amount of compensation each member of the ~~[Civil Service]~~ Commission is entitled to receive for each full meeting he attends.

Sec. 3. The amendatory provisions of section 2 of this act do not apply to the current term of a person who is a member of the Civil Service Commission on October 1, 2007.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 106.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 788.

AN ACT relating to homeland security; prescribing the persons authorized to inspect certain confidential or restricted documents relating to potential acts of terrorism; eliminating the prospective expiration of the provisions relating to such confidential and restricted documents; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 3 and 4 of this bill prescribe the persons who may properly inspect certain confidential documents that are prepared and maintained to prevent or respond to an act of terrorism and certain restricted documents which include blueprints or plans of certain places likely to be targeted for a terrorist attack to include state, county and city emergency managers, members of Nevada terrorism early warning centers or fusion intelligence centers and their staff **.** ~~[and employees]~~ **Employees** of fire-fighting, law enforcement and public health agencies ~~[.]~~ **are also included if such employees have been designated by the heads of their respective agencies as having an operational need to inspect such confidential and restricted documents.** (NRS 239C.210, 239C.220) Section 5 of this bill eliminates the prospective expiration of the provisions relating to such confidential and restricted documents.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 239C of NRS is hereby amended by adding thereto a new section to read as follows:

"Law enforcement agency" means:

1. The sheriff's office of a county;

2. A metropolitan police department;

3. A police department of an incorporated city; or

4. The Department of Public Safety.

Sec. 2. NRS 239C.020 is hereby amended to read as follows:

239C.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 239C.030 to 239C.110, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 239C.210 is hereby amended to read as follows:

239C.210 1. A document, record or other item of information described in subsection 2 that is prepared and maintained for the purpose of

preventing or responding to an act of terrorism is confidential, not subject to subpoena or discovery **,** ~~[and]~~ not subject to inspection by the general public ***and may only be inspected by or released to public safety and public health personnel*** if the Governor determines, by executive order, that the disclosure or release of the document, record or other item of information would thereby create a substantial likelihood of compromising, jeopardizing or otherwise threatening the public health, safety or welfare.

2. The types of documents, records or other items of information subject to executive order pursuant to subsection 1 are as follows:

(a) Assessments, plans or records that evaluate or reveal the susceptibility of fire stations, police stations and other law enforcement stations to acts of terrorism or other related emergencies.

(b) Drawings, maps, plans or records that reveal the critical infrastructure of primary buildings, facilities and other structures used for storing, transporting or transmitting water or electricity, natural gas or other forms of energy.

(c) Documents, records or other items of information which may reveal the details of a specific emergency response plan or other tactical operations by a response agency and any training relating to such emergency response plans or tactical operations.

(d) Handbooks, manuals or other forms of information detailing procedures to be followed by response agencies in the event of an act of terrorism or other related emergency.

(e) Documents, records or other items of information that reveal information pertaining to specialized equipment used for covert, emergency or tactical operations of a response agency, other than records relating to expenditures for such equipment.

(f) Documents, records or other items of information regarding the infrastructure and security of frequencies for radio transmissions used by response agencies, including, without limitation:

(1) Access codes, passwords or programs used to ensure the security of frequencies for radio transmissions used by response agencies;

(2) Procedures and processes used to ensure the security of frequencies for radio transmissions used by response agencies; and

(3) Plans used to reestablish security and service with respect to frequencies for radio transmissions used by response agencies after security has been breached or service has been interrupted.

3. If a person knowingly and unlawfully discloses a document, record or other item of information subject to an executive order issued pursuant to subsection 1 or assists, solicits or conspires with another person to disclose such a document, record or other item of information, the person is guilty of:

(a) A gross misdemeanor; or

(b) A category C felony and shall be punished as provided in NRS 193.130 if the person acted with the intent to:

(1) Commit, cause, aid, further or conceal, or attempt to commit, cause, aid, further or conceal, any unlawful act involving terrorism or sabotage; or

(2) Assist, solicit or conspire with another person to commit, cause, aid, further or conceal any unlawful act involving terrorism or sabotage.

4. As used in this section, "public safety and public health personnel" includes:

(a) State, county and city emergency managers;

(b) Members and staff of terrorism early warning centers or fusion intelligence centers in this State;

(c) Employees of fire-fighting or law enforcement agencies ~~*[;]*~~ ***, if the head of the agency has designated the employee as having an operational need to know information that is prepared or maintained for the purpose of preventing or responding to an act of terrorism; and***

(d) Employees of a public health agency , if the agency is one that would respond to a disaster ~~*[.]*~~ ***and if the head of the agency has designated the employee as having an operational need to know information that is prepared or maintained for the purpose of preventing or responding to an act of terrorism. As used in this paragraph, "disaster" has the meaning ascribed to it in NRS 414.0335.***

Sec. 4. NRS 239C.220 is hereby amended to read as follows:

239C.220 1. Unless made confidential by specific statute, a restricted document may be inspected only by a person who provides:

(a) His name;

(b) A copy of his driver's license or other photographic identification that is issued by a governmental entity;

(c) The name of his employer, if any;

(d) His citizenship; and

(e) Except as otherwise provided in this paragraph, a statement of the purpose for the inspection. A person is not required to indicate the purpose for inspecting a restricted document if the person is ~~[an]~~ ***:***

(1) A state, county or city emergency manager;

(2) A member or staff person of a terrorism early warning center or fusion intelligence center in this State;

(3) An employee of any fire-fighting or law enforcement agency ~~*[.]*~~ ~~*[;]*~~ ***, if the head of the agency has designated the employee as having an operational need to inspect restricted documents; or***

(4) An employee of a public health agency , if the agency is one that would respond to a disaster ~~*[.]*~~ ***and if the head of the agency has designated the employee as having an operational need to inspect restricted documents. As used in this subparagraph, "disaster" has the meaning ascribed to it in NRS 414.0335.***

2. Except as otherwise provided in subsection 3, a public officer or employee shall observe any person while the person inspects a restricted document in a location and in a manner which ensures that the person does not copy, duplicate or reproduce the restricted document in any way.

3. A restricted document may be copied, duplicated or reproduced:

(a) Upon the lawful order of a court of competent jurisdiction;

(b) As is reasonably necessary in the case of an act of terrorism or other related emergency;

(c) To protect the rights and obligations of a governmental entity or the public;

(d) Upon the request of a reporter or editorial employee who is employed by or affiliated with a newspaper, press association or commercially operated and federally licensed radio or television station and who uses the restricted document in the course of such employment or affiliation; or

(e) Upon the request of a registered architect, licensed contractor or a designated employee of any such architect or contractor who uses the restricted document in his professional capacity.

4. A public officer or employee shall inform any person who inspects a restricted document of the provisions of this section.

Sec. 5. Section 40 of chapter 402, Statutes of Nevada 2003, at page 2469, is hereby amended to read as follows:

Sec. 40. 1. This section and sections 1 to 33, inclusive, 38, 38.5 and 39 of this act become effective on July 1, 2003.

2. Sections 34 to 37, inclusive, of this act become effective on January 1, 2004.

~~[3. The provisions of sections 21 to 24, inclusive, and 27.5 of this act expire by limitation on June 30, 2007.]~~

Sec. 6. This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 117.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 747.

AN ACT relating to the Reno-Tahoe Airport Authority; exempting certain contracts entered into by the Board of Trustees of the Authority from certain requirements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Reno-Tahoe Airport Authority is subject, with certain exceptions, to the Local Government Purchasing Act and requirements relating to competitive bidding on public works. (Chapters 332, 338 and 339 of NRS; Reno-Tahoe Airport Authority Act §§ 9, 9.5, 10.2) This bill exempts the Authority from the Local Government Purchasing Act and certain requirements relating to contracts for public works ~~[for contracts entered into by the Board of Trustees of the Authority for a project concerning which the relevant information has been determined]~~ **for the**

construction or installation of an integrated in-line explosive detection system that is mandated by the Transportation Security Administration of the United States Department of Homeland Security **.** ~~[to constitute sensitive security information pursuant to 49 C.F.R. Part 1520.]~~ **This bill also provides that such exemption expires by limitation on July 1, 2009.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Reno-Tahoe Airport Authority Act, being chapter 474, Statutes of Nevada 1977, at page 968, is hereby amended by adding thereto a new section to be designated as section 9.3, immediately following section 9, to read as follows:

Sec. 9.3. 1. Except as otherwise provided in subsection 2, the provisions of any law requiring public bidding or otherwise imposing requirements on any public contract, project, acquisition, works or improvements, including, without limitation, the provisions of chapters 332, 338 and 339 of NRS, do not apply to any contract entered into by the Board for ~~*[a project, acquisition, works or improvement concerning which the relevant information has been determined]*~~ ***the construction or installation of an integrated in-line explosive detection system mandated by the Transportation Security Administration of the United States Department of Homeland Security .*** ~~*[to constitute sensitive security information pursuant to 49 C.F.R. Part 1520.]*~~

2. A contract entered into by the Board pursuant to this section must contain a provision stating that the requirements of NRS 338.010 to 338.090, inclusive, apply to any construction work performed pursuant to the contract.

3. As used in this section:

(a) "Explosive detection system" means a system described in 49 U.S.C. § 44901(d).

(b) "Integrated in-line explosive detection system" means an explosive detection system that is integrated into an airport's baggage handling conveyor system.

Sec. 2. Section 9 of the Reno-Tahoe Airport Authority Act, being chapter 474, Statutes of Nevada 1977, as last amended by chapter 369, Statutes of Nevada 2005, at page 1391, is hereby amended to read as follows:

Sec. 9. 1. Except as otherwise provided in subsection 2 and ~~[section]~~ ***sections 9.3 and*** 9.5 of this act, the Board shall comply with the provisions of the Local Government Purchasing Act and the Local Government Budget and Finance Act.

2. Except as otherwise provided in section 10.2 of this act, any concession agreement entered into by the Authority in conformity with the provisions of that section need not conform to the requirements of the Local Government Purchasing Act.

Sec. 3. This act becomes effective upon passage and approval ~~[.]~~ **and expires by limitation on July 1, 2009.**

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 136.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 680.

AN ACT relating to periods of observance; designating the month of May of each year as Archeological Awareness and Historic Preservation Month in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, various days and weeks of observance are recognized in this State. (NRS 236.018-236.065) This bill designates the month of May of each year as Archeological Awareness and Historic Preservation Month in this State and requires the Governor to issue annually a proclamation encouraging the observance of Archeological Awareness and Historic Preservation Month.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 236 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The month of May of each year is designated as Archeological Awareness and Historic Preservation Month in this State.

2. The Governor shall issue annually a proclamation encouraging the observance of Archeological Awareness and Historic Preservation Month. The proclamation may, without limitation:

(a) Call upon state and local officers, private nonprofit groups and foundations, schools, businesses and other public and private entities to work toward the goal of preserving the irreplaceable historic, archeological and cultural resources of this State;

(b) Recognize the important contributions of many cultures to the history of this State; and

(c) Recognize the importance of specific historic, archeological and cultural sites in this State, including, without limitation:

(1) Tule Springs in southern Nevada as an area well known in the scientific community as one of the best Pleistocene paleontologic sites in the western United States and in which the fossil remains of several extinct animals have been found, including ground sloths, mammoths, prehistoric horses and American camels; ~~[and]~~

(2) Springs Preserve in southern Nevada as a site organized to manage the rich cultural and biological resources of the 180-acre Big Springs Archaeological District, which is considered to be the birthplace of the City of Las Vegas and in which archeological discoveries have been made, including a Pueblo Indian pithouse, one of the last undisturbed spring mounds, pottery, arrowheads and other artifacts, endangered plants and animals, as well as historic buildings and infrastructure from southern Nevada's first water system; and

(3) Other specific historic, archeological and cultural sites located throughout this State in both urban and rural areas, regardless of whether those sites are listed in the National Register of Historic Places.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 201.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 796.

AN ACT relating to public works; authorizing a public body to contract with a construction manager at risk for the preconstruction and construction of a public work; setting forth the method for selecting a construction manager at risk; authorizing a public body to hire a construction manager as agent to assist the public body in overseeing the construction of a public work; requiring local governments to conduct a constructability review under certain circumstances before constructing certain public works; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-12 of this bill authorize a public body to enter into contracts with a construction manager at risk for the preconstruction and construction of a public work and provide the method for selecting a construction manager at risk. Under the construction manager at risk method for constructing a public work, a public body may enter into a contract for a negotiated price with a construction manager at risk to provide preconstruction services for the public work that include, without limitation, design support, construction estimating, value and system analysis and scheduling. After the public body has obtained the final design for the public work, the public body and the construction manager at risk are required to attempt to negotiate a contract for the construction manager at risk to construct the public work. If the public body and the construction manager at risk enter into such a contract, the contract must be for **: (1)** a guaranteed maximum price ~~[.]~~ **including the cost of the work plus a fee; (2)** a fixed price **;** or **(3)** a fixed price plus

reimbursement for overhead and other costs and expenses related to the construction of the public work.

Section 14 of this bill requires a local government or its authorized representative to conduct a constructability review to determine if the plans and specifications for a public work are complete and contain all necessary information, if: (1) such plans and specifications are to be used for the first time on a public work; or (2) such plans and specifications are for a public work that ~~[has an estimated cost which exceeds $10,000,000.]~~ **is a building at least three stories in height.** This review must be performed by an architect registered pursuant to chapter 623 of NRS, a contractor licensed pursuant to chapter 624 of NRS or a professional engineer licensed pursuant to chapter 625 of NRS.

Sections 13 and 21 **of this bill** authorize a public body to employ a construction manager as agent to assist the public body in overseeing the construction of a public work. A construction manager as agent assists in the planning, scheduling and management of a public work without assuming any responsibility for the cost, quality or timely completion of the construction of the public work. A construction manager as agent is prohibited from taking part in the design or construction of the public work.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. ***A public body may construct a public work by:***

1. Selecting a construction manager at risk pursuant to the provisions of sections 4 to 8, inclusive, of this act; and

2. Entering into separate contracts with a construction manager at risk:

(a) For preconstruction services, including, without limitation:

(1) ~~[Determining]~~ Assisting the public body in determining whether scheduling or design problems exist that would delay the construction of the public work;

(2) Estimating the cost of the labor and material for the public work; and

(3) Assisting the public body in determining whether the public work can be constructed within the public body's budget; and

(b) To construct the public work.

Sec. 3. ***To qualify to enter into contracts with a public body for preconstruction services and to construct a public work, a construction manager at risk must:***

1. Not have been found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the 5 years immediately preceding the date of the advertisement for statements of qualifications pursuant to section 4 of this act;

2. Not have been disqualified from being awarded a contract pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333;

3. Be licensed as a contractor pursuant to chapter 624 of NRS; and

4. If the project is for the design of a public work of the State, be qualified to bid on a public work of the State pursuant to NRS 338.1379.

Sec. 4. ***1. A public body shall advertise for statements of qualifications for a construction manager at risk in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.***

2. A request for a statement of qualifications published pursuant to subsection 1 must include, without limitation:

(a) A description of the public work;

(b) An estimate of the cost ~~***[for preconstruction services;]***~~ ***of construction;***

(c) A description of the work that the public body expects a construction manager at risk to perform;

(d) The dates on which it is anticipated that the separate phases of the ~~***[design]***~~ ***preconstruction and construction of the public work will begin and end;***

(e) The date by which statements of qualifications must be submitted to the public body;

(f) If the project is a public work of the State, a statement setting forth that the construction manager at risk must be qualified to bid on a public work of the State pursuant to NRS 338.1379 before submitting a statement of qualifications;

(g) The name, title, address and telephone number of a person employed by the public body that an applicant may contact for further information regarding the public work; and

(h) A list of the selection criteria and relative weight of the selection criteria that will be used to evaluate statements of qualifications.

3. A statement of qualifications must include, without limitation:

(a) An explanation of the experience that the applicant has with projects of similar size and scope;

(b) The contact information for references who have knowledge of the background, character and technical competence of the applicant;

(c) The applicant's preliminary proposal for managing the preconstruction and construction of the public work;

(d) Evidence of the ability of the applicant to obtain the necessary bonding for the work to be required by the public body;

(e) Evidence that the applicant has obtained or has the ability to obtain such insurance ~~***[covering general liability and liability for errors and omissions;]***~~ ***as may be required by law; and***

(f) A statement of whether the applicant has been:

(1) Found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause; and

(2) Disqualified from being awarded a contract pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333 . ~~[; and~~

~~***(g) Evidence of the financial condition of the applicant.]***~~

Sec. 5. ***1. The public body shall appoint a panel consisting of at least three members to rank the statements of qualifications submitted to the public body by evaluating the statements of qualifications as required pursuant to subsections 2 and 3.***

2. The panel shall rank the statements of qualifications by:

(a) Verifying that each applicant satisfies the requirements of section 3 of this act; and

(b) Conducting an evaluation of the qualifications of each applicant based on the factors and relative weight assigned to each factor that the public body specified in the request for statements of qualifications advertised pursuant to section 4 of this act.

3. When ranking the statements of qualifications, the panel shall assign a relative weight of 5 percent to the possession of a certificate of eligibility to receive a preference in bidding on public works.

4. After the panel ranks the statements of qualifications, the public body shall:

(a) Make available to the public ~~[the results of the panel's evaluations of the statements of qualifications and]~~ the rankings of the applicants; and

(b) Except as otherwise provided in subsection 5, select at least the two but not more than the five applicants that the panel determined to be most qualified as finalists to submit final proposals to the public body pursuant to section 6 of this act.

5. If the public body did not receive at least two statements of qualifications from applicants that the panel determines to be qualified pursuant to this section and section 3 of this act, the public body may not contract with a construction manager at risk.

Sec. 6. ***1. After the finalists are selected pursuant to paragraph (b) of subsection 4 of section 5 of this act, the public body shall provide to each finalist a request for final proposals. The request for final proposals must:***

(a) Set forth the date by which final proposals must be submitted to the public body;

(b) Set forth the proposed forms of the contract to assist in the preconstruction of the public work and the contract to construct the public work that include, without limitation, the proposed terms and general conditions of the contracts; and

(c) Set forth the selection criteria and relative weight of the selection criteria that will be used to evaluate the final proposals.

2. A final proposal must include, without limitation:

(a) The professional qualifications and experience of the applicant, including, without limitation, the resumes of any employees of the applicant who will be managing the preconstruction and construction of the public work;

(b) The performance history of the applicant concerning other recent, similar projects completed by the applicant, if any;

(c) The safety programs established and the safety records accumulated by the applicant;

(d) The proposed plan of the applicant to manage the preconstruction and construction of the public work, which plan sets forth in detail the ability of the applicant to provide preconstruction services and to construct the public work; and

(e) A proposed plan of the applicant for the selection of any necessary subcontractors . ~~*[; and*~~

~~*(f) A detailed estimate of the proposed fee for the preconstruction services that the applicant will provide to the public body related to the public work.]*~~

Sec. 7. ***1. The panel appointed by the public body pursuant to section 5 of this act shall evaluate and assign a score to each of the final proposals received by the public body based on the factors and relative weight assigned to each factor that the public body specified in the request for final proposals. The panel shall interview the two or three applicants whose final proposals received the highest scores. After conducting such interviews, the panel shall rank the applicants based on the final proposals and interviews, which must be given equal weight.***

2. Upon receipt of the final rankings of the applicants from the panel, the public body shall enter into negotiations with the most qualified applicant determined pursuant to subsection 1 for a contract for preconstruction services. If the public body is unable to negotiate a contract with the most qualified applicant at an amount of compensation that the public body and the most qualified applicant determine to be fair and reasonable, the public body shall terminate negotiations with that applicant. The public body may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached or a determination is made by the public body to reject all applicants.

3. The public body shall make available to the applicants and the public the results of the evaluations of final proposals and interviews conducted pursuant to subsection 1 and the final rankings of the applicants.

Sec. 8. ***1. If a public body enters into a contract with a construction manager at risk for preconstruction services pursuant to section 7 of this act, after the public body has finalized the design for the public work, the public body*** ~~*[and construction manager at risk]*~~ ***shall enter into negotiations with the construction manager at risk for a contract to construct the public work for the public body*** ~~*[at:*~~

~~*(a) A]*~~ ***for:***

(a) The cost of the work, plus a fee, with a guaranteed maximum price;

(b) A fixed price; or

(c) A fixed price plus reimbursement for overhead and other costs and expenses related to the construction of the public work.

2. If the public body is unable to negotiate a satisfactory contract with the construction manager at risk to construct the public work, the public body:

(a) Shall terminate negotiations with that applicant; and

(b) May award the contract for the public work:

(1) If the public body is not a local government, pursuant to the provisions of NRS 338.1377 to 338.139, inclusive.

(2) If the public body is a local government, pursuant to the provisions of NRS 338.1377 to 338.139, inclusive, or 338.143 to 338.148, inclusive, and section 14 of this act.

Sec. 9. ***A contract entered into pursuant to section 8 of this act that is for a guaranteed maximum price may include a provision that authorizes the construction manager at risk to receive all or part of any difference between the guaranteed maximum price set forth in the contract and the actual price of construction of the public work, if the actual price is less than the guaranteed maximum price.***

Sec. 10. ***A contract awarded to a construction manager at risk pursuant to section 7 or 8 of this act:***

1. Must comply with the provisions of NRS 338.020 to 338.090, inclusive.

2. Must specify a date by which performance of the work required by the contract must be completed.

3. May set forth the terms by which the construction manager at risk agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the construction manager at risk.

4. [Except as otherwise provided in subsection 5, must not require the construction manager at risk to defend, indemnify or hold harmless the public body or the employees, officers or agents of that public body from any liability, damage, loss, claim, action or proceeding caused by the negligence, errors, omissions, recklessness or intentional misconduct of the employees, officers and agents of the public body.

5. May require the construction manager at risk to defend, indemnify and hold harmless the public body and the employees, officers and agents of the public body from any liabilities, damages, losses, claims, actions or proceedings, including, without limitation, reasonable attorney's fees, that are caused by the negligence, errors, omissions, recklessness or intentional misconduct of the construction manager at risk or the employees or agents of the construction manager at risk in the performance of the contract.

6.] Must require that the construction manager at risk to whom a contract is awarded assume overall responsibility for ensuring that the

preconstruction or construction of the public work, as applicable, is completed in a satisfactory manner.

5. May include such additional provisions as may be agreed upon by the public body and the construction manager at risk.

Sec. 11. ***A construction manager at risk who enters into a contract for the construction of a public work pursuant to section 8 of this act:***

1. Is responsible for contracting for the services of any necessary subcontractor, supplier or independent contractor necessary for the construction of the public work and for the performance of and payment to any such subcontractors, suppliers or independent contractors.

2. If the public work involves the construction of a fixed work that is described in subsection 2 of NRS 624.215, shall perform not less than 25 percent of the construction of the fixed work himself or using his own employees.

3. If the public work involves the construction of a building or structure that is described in subsection 3 of NRS 624.215, may perform himself or using his own employees as much of the construction of the building or structure that the construction manager at risk is able to demonstrate that he or his own employees have performed on similar projects.

Sec. 12. ***1. If a construction manager at risk to whom a contract for the construction of a public work is awarded pursuant to section 8 of this act wishes to enter into a contract with a subcontractor to provide materials, equipment, work or other services on the public work, the subcontractor must be*** ~~*[licensed]*~~ ***:***

(a) Licensed pursuant to chapter 624 of NRS ; and ~~*[selected]*~~

(b) Selected by the construction manager at risk based on the process of competitive bidding ~~*[.]*~~ ***set forth in the applicable provisions of NRS 338.1373 to 338.148, inclusive.***

2. A construction manager at risk to whom a contract for the construction of a public work is awarded pursuant to section 8 of this act shall submit to the public body that awarded the contract a list containing the names of each subcontractor with whom the construction manager at risk entered into a contract for the provision of materials, equipment, work or other services on the public work.

Sec. 13. ***1. A construction manager as agent:***

(a) Must:

(1) Be a contractor licensed pursuant to chapter 624 of NRS;

(2) Hold a certificate of registration to practice architecture, interior design or residential design pursuant to chapter 623 of NRS; or

(3) Be licensed as a professional engineer pursuant to chapter 625 of NRS.

(b) May enter into a contract with a public body to assist in the planning, scheduling and management of the construction of a public work without assuming any responsibility for the cost, quality or timely

completion of the construction of the public work. A construction manager as agent who enters into a contract with a public body pursuant to this section may not take part in the design or construction of the public work.

2. A contract between a public body and a construction manager as agent is not required to be awarded by competitive bidding.

Sec. 14. ***1. Before a local government or its authorized representative advertises for bids for a contract for a public work, the local government or its authorized representative shall perform a review of the approved plans and specifications to determine if the plans and specifications are complete and contain all necessary information and specifications to construct the public work, if:***

(a) The plans and specifications are to be used for the first time on a public work; and

(b) The plans and specifications are for a public work that ~~*[has an estimated cost which exceeds $10,000,000.]*~~ ***is a building at least three stories in height.***

2. A constructability review required pursuant to subsection 1 must be performed by an architect registered pursuant to chapter 623 of NRS, a contractor licensed pursuant to chapter 624 of NRS or a professional engineer licensed pursuant to chapter 625 of NRS and must include, without limitation:

(a) A determination of whether a competent contractor would be able to construct the public work based on the approved plans and specifications; and

(b) A review of the approved plans and specifications for the public work for completeness, clarity and economic feasibility.

3. If the local government or its authorized representative does not employ a person who has the expertise to perform a constructability review as described in subsection 2, the local government or its authorized representative must contract with an independent third party who is an architect registered pursuant to chapter 623 of NRS, a contractor licensed pursuant to chapter 624 of NRS or a professional engineer licensed pursuant to chapter 625 of NRS to perform the constructability review. ~~*[Such an independent third party may not participate in the construction of the public work and is not liable for any recommendations that he may make in his constructability review.]*~~ ***A contract entered into pursuant to this section between a local government or its authorized representative and an independent third party is not required to be awarded by competitive bidding.***

Sec. 15. NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of:

(a) NRS 338.1377 to 338.139, inclusive;

(b) NRS 338.143 to 338.148, inclusive ~~[; or]~~ ***, and section 14 of this act;***

(c) NRS 338.1711 to 338.1727, inclusive ~~[.]~~ ***; or***

(d) Sections 2 to 12, inclusive, of this act.

2. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142 and 338.1711 to 338.1727, inclusive, ***and sections 2 to 12, inclusive, of this act,*** do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.313 to 408.433, inclusive.

Sec. 16. NRS 338.1385 is hereby amended to read as follows:

338.1385 1. Except as otherwise provided in subsection 9 and NRS 338.1906 and 338.1907, this State, or a governing body or its authorized representative that awards a contract for a public work in accordance with paragraph (a) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1386, 338.13862 and 338.13864.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a public body shall report to the public body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Each advertisement for bids must include a provision that sets forth the requirement that a contractor must be qualified pursuant to NRS 338.1379 or 338.1382 to bid on the contract.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

5. Except as otherwise provided in subsection 6 and NRS 338.1389, a public body or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

6. Any bids received in response to an advertisement for bids may be rejected if the public body or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(b) The bidder is not responsive or responsible;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(d) The public interest would be served by such a rejection.

7. A public body may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The public body publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The public body considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The public body lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the bidder who has submitted the lowest responsive and responsible bid.

8. Before a public body may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the public body shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the public body intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the public body intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the public body expects to save by rejecting the bids and performing the public work itself.

9. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993; ~~[or]~~

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive ~~[.]~~ ***;***

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to section 14 of this act; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to sections 2 to 12, inclusive, of this act.

Sec. 17. NRS 338.1385 is hereby amended to read as follows:

338.1385 1. Except as otherwise provided in subsection 9, this State, or a governing body or its authorized representative that awards a contract for a public work in accordance with paragraph (a) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and having a general circulation within the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1386, 338.13862 and 338.13864.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a public body shall report to the public body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Each advertisement for bids must include a provision that sets forth the requirement that a contractor must be qualified pursuant to NRS 338.1379 or 338.1382 to bid on the contract.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

5. Except as otherwise provided in subsection 6 and NRS 338.1389, a public body or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

6. Any bids received in response to an advertisement for bids may be rejected if the public body or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(b) The bidder is not responsive or responsible;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(d) The public interest would be served by such a rejection.

7. A public body may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The public body publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The public body considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The public body lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

8. Before a public body may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the public body shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the public body intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the public body intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including, the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the public body expects to save by rejecting the bids and performing the public work itself.

9. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993; ~~[or]~~

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive ~~[.]~~ ***;***

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to section 14 of this act; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to sections 2 to 12, inclusive, of this act.

Sec. 18. NRS 338.143 is hereby amended to read as follows:

338.143 1. Except as otherwise provided in subsection 8 and NRS 338.1907, a local government or its authorized representative that awards a contract for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1442, 338.1444 and 338.1446.

(c) Divide a project work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a local government shall report to the governing body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

4. Except as otherwise provided in subsection 5 and NRS 338.147, the local government or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

5. Any bids received in response to an advertisement for bids may be rejected if the local government or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not responsive or responsible;

(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(c) The public interest would be served by such a rejection.

6. A local government may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The local government publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The local government considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The local government lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

7. Before a local government may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the local government shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the local government intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the local government intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the public work itself.

8. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993; ~~[or]~~

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive ~~[.]~~ ***;***

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to section 14 of this act; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to sections 2 to 12, inclusive, of this act.

Sec. 19. NRS 338.143 is hereby amended to read as follows:

338.143 1. Except as otherwise provided in subsection 8, a local government or its authorized representative that awards a contract for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published within the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation within the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1442, 338.1444 or 338.1446.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a local government shall report to the governing body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

4. Except as otherwise provided in subsection 5 and NRS 338.147, the local government or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

5. Any bids received in response to an advertisement for bids may be rejected if the local government or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not responsive or responsible;

(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(c) The public interest would be served by such a rejection.

6. A local government may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The local government publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The local government considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The local government lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

7. Before a local government may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the local government shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the local government intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the local government intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the public work itself.

8. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993; ~~[or]~~

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive ~~[.]~~ ***;***

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to section 14 of this act; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to sections 2 to 12, inclusive, of this act.

Sec. 20. NRS 338.1711 is hereby amended to read as follows:

338.1711 1. Except as otherwise provided in this section and NRS 338.161 to 338.168, inclusive, ***and sections 2 to 12, inclusive, of this act,*** a public body shall contract with a prime contractor for the construction of a public work for which the estimated cost exceeds $100,000.

2. A public body may contract with a design-build team for the design and construction of a public work that is a discrete project if the public body

has approved the use of a design-build team for the design and construction of the public work and the public work:

(a) Is the construction of a park and appurtenances thereto, the rehabilitation or remodeling of a public building, or the construction of an addition to a public building; or

(b) Has an estimated cost which exceeds $10,000,000.

Sec. 21. NRS 338.1717 is hereby amended to read as follows:

338.1717 A public body may employ a registered architect, ***general contractor, construction manager as agent,*** landscape architect or licensed professional engineer as a consultant to assist the public body in overseeing the construction of a public work. An architect, ***general contractor, construction manager as agent,*** landscape architect or engineer so employed shall not:

1. Construct the public work; or

2. Assume overall responsibility for ensuring that the construction of the public work is completed in a satisfactory manner.

Sec. 22. 1. This section and sections 1 to 16, inclusive, 18, 20 and 21 of this act become effective on October 1, 2007.

2. Sections 16 and 18 of this act expire by limitation on April 30, 2013.

3. Sections 17 and 19 of this act become effective on May 1, 2013.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 202.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 890.

JOINT SPONSOR: ASSEMBLYMAN CARPENTER

AN ACT relating to domestic relations; codifying certain common law factors that a court must consider when determining alimony; revising the provisions governing the reporting of information concerning ~~[arrests for]~~ **investigations of** domestic violence; requiring the Director of the Department of Public Safety to submit an annual report concerning temporary and extended orders for protection against domestic violence to the Legislature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing case law in Nevada, a court determining whether alimony should be awarded and the appropriate amount of alimony is required to consider several relevant factors including: (1) the financial condition of the parties; (2) the nature and value of their respective property; (3) the contribution of each party to any property held by both parties as tenants by the entirety; (4) the duration of the marriage; and (5) the income, earning capacity, age and health of each party. (***Buchanan v. Buchanan***, 90 Nev. 209, 215 (1974)) Section 1 of this bill codifies those factors as well as factors

from subsequent case law so that a court must consider those factors when determining alimony. (***Buchanan***, 90 Nev. at 215; ***Sprenger v. Sprenger***, 110 Nev. 855, 859 (1994); ***Rodriguez v. Rodriguez***, 116 Nev. 993, 999 (2000))

Existing law sets forth provisions governing the reporting of information concerning investigations of domestic violence. (NRS 171.1227) Section 5 of this bill ~~[provides that the Director of the Department of Public Safety must prescribe the information that must be forwarded to the Central Repository for Nevada Records of Criminal History from records of arrests for domestic violence and must prescribe the manner for the forwarding of such information.]~~ **revises the manner in which information concerning an investigation of domestic violence must be forwarded to the Central Repository for Nevada Records of Criminal History. Section 5 also requires the Director of the Department of Public Safety to prescribe the form in which such information must be supplied and lists additional information that must be contained in the form.**

Section 6 of this bill requires the Director of the Department of Public Safety to submit a written report concerning the temporary and extended orders for protection against domestic violence issued in this State to the Director of the Legislative Counsel Bureau which includes the total number of temporary and extended orders granted, the number of grants of temporary custody that are included in such temporary and extended orders, the number of such orders that are issued to women and the number of such orders that are issued to men.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 125.150 is hereby amended to read as follows:

125.150 Except as otherwise provided in NRS 125.155 and unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS:

1. In granting a divorce, the court:

(a) May award such alimony to the wife or to the husband, in a specified principal sum or as specified periodic payments, as appears just and equitable; and

(b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, except that the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition.

2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set forth in subsection 1 for the disposition of community property. If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the

reimbursement of that party for his contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of the property held in joint tenancy for which the contribution of separate property was made. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:

(a) The intention of the parties in placing the property in joint tenancy;

(b) The length of the marriage; and

(c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.

➥ As used in this subsection, "contribution" includes ***, without limitation,*** a down payment, a payment for the acquisition or improvement of property, and a payment reducing the principal of a loan used to finance the purchase or improvement of property. The term does not include a payment of interest on a loan used to finance the purchase or improvement of property, or a payment made for maintenance, insurance or taxes on property.

3. Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney's fee to either party to an action for divorce if those fees are in issue under the pleadings.

4. In granting a divorce, the court may also set apart such portion of the husband's separate property for the wife's support, the wife's separate property for the husband's support or the separate property of either spouse for the support of their children as is deemed just and equitable.

5. In the event of the death of either party or the subsequent remarriage of the spouse to whom specified periodic payments were to be made, all the payments required by the decree must cease, unless it was otherwise ordered by the court.

6. If the court adjudicates the property rights of the parties, or an agreement by the parties settling their property rights has been approved by the court, whether or not the court has retained jurisdiction to modify them, the adjudication of property rights, and the agreements settling property rights, may nevertheless at any time thereafter be modified by the court upon written stipulation signed and acknowledged by the parties to the action, and in accordance with the terms thereof.

7. If a decree of divorce, or an agreement between the parties which was ratified, adopted or approved in a decree of divorce, provides for specified periodic payments of alimony, the decree or agreement is not subject to modification by the court as to accrued payments. Payments pursuant to a decree entered on or after July 1, 1975, which have not accrued at the time a motion for modification is filed may be modified upon a showing of changed

circumstances, whether or not the court has expressly retained jurisdiction for the modification. In addition to any other factors the court considers relevant in determining whether to modify the order, the court shall consider whether the income of the spouse who is ordered to pay alimony, as indicated on the spouse's federal income tax return for the preceding calendar year, has been reduced to such a level that the spouse is financially unable to pay the amount of alimony he has been ordered to pay.

8. ***In addition to any other factors the court considers relevant in determining whether to award alimony and the amount of such an award, the court shall consider:***

(a) The financial condition of each spouse;

(b) The nature and value of the respective property of each spouse;

(c) The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030;

(d) The duration of the marriage;

(e) The income, earning capacity, age and health of each spouse;

(f) The standard of living during the marriage;

(g) The career before the marriage of the spouse who would receive the alimony;

(h) The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage;

(i) The contribution of either spouse as homemaker;

(j) The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony; and

(k) The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.

9. In granting a divorce ***,*** the court shall consider the need to grant alimony to a spouse for the purpose of obtaining training or education relating to a job, career or profession. In addition to any other factors the court considers relevant in determining whether such alimony should be granted, the court shall consider:

(a) Whether the spouse who would pay such alimony has obtained greater job skills or education during the marriage; and

(b) Whether the spouse who would receive such alimony provided financial support while the other spouse obtained job skills or education.

~~[9.]~~ ***10.*** If the court determines that alimony should be awarded pursuant to the provisions of subsection ~~[8.]~~ ***9:***

(a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.

(b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.

(c) The spouse who is the recipient of the alimony may be granted, in addition to any other alimony granted by the court, money to provide for:

(1) Testing of the recipient's skills relating to a job, career or profession;

(2) Evaluation of the recipient's abilities and goals relating to a job, career or profession;

(3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;

(4) Subsidization of an employer's costs incurred in training the recipient;

(5) Assisting the recipient to search for a job; or

(6) Payment of the costs of tuition, books and fees for:

(I) The equivalent of a high school diploma;

(II) College courses which are directly applicable to the recipient's goals for his career; or

(III) Courses of training in skills desirable for employment.

~~[10.]~~ ***11.*** For the purposes of this section, a change of 20 percent or more in the gross monthly income of a spouse who is ordered to pay alimony shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony. As used in this subsection, "gross monthly income" has the meaning ascribed to it in NRS 125B.070.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 171.1227 is hereby amended to read as follows:

171.1227 1. If a peace officer investigates an act that constitutes domestic violence pursuant to NRS 33.018, he shall prepare and submit a written report of his investigation to his supervisor or to another person designated by his supervisor, regardless of whether the peace officer makes an arrest.

2. If the peace officer investigates a mutual battery that constitutes domestic violence pursuant to NRS 33.018 and finds that one of the persons involved was the primary physical aggressor, he shall include in his report:

(a) The name of the person who was the primary physical aggressor; and

(b) A description of the evidence which supports his finding.

3. If the peace officer does not make an arrest, he shall include in his report the reason he did not do so.

4. ~~[A copy of]~~ ***The information*** ~~*[from the]*~~ ***contained in a*** report ~~*[that is required to be forwarded]*~~ ***made pursuant to*** ~~*[subsection 5]*~~ ***subsections 1 and 2*** must be ~~[forwarded immediately]~~ ***:***

(a) Aggregated each month; and

(b) Forwarded by each jurisdiction to the Central Repository for Nevada Records of Criminal History ~~[.]~~ ***not later than the 15th day of the following month.***

5. The Director of the Department of Public Safety shall prescribe ~~*[:*~~

~~*(a) The information from the report that must be forwarded to the Central Repository; and*~~

~~*(b) The manner in which the information must be forwarded to the Central Repository.]*~~ ***the form on which the information described in subsection 4 must be reported to the Central Repository. In addition to the information required pursuant to subsections 1 and 2, the form must also require the inclusion of the following information from each report:***

(a) The gender, age and race of the persons involved;

(b) The relationship of the persons involved;

(c) The date and time of day of the offense;

(d) The number of children present, if any, at the time of the offense;

(e) Whether or not an order for protection against domestic violence was in effect at the time of the offense;

(f) Whether or not any weapons were used during the commission of the offense;

(g) Whether or not any person required medical attention;

(h) Whether or not any person was given a domestic violence card that contains information about appropriate counseling or other supportive services available in the community in which that person resides;

(i) Whether or not the primary physical aggressor, if identified, was arrested and, if not, any mitigating circumstances explaining why an arrest was not made; and

(j) Whether or not any other person was arrested.

Sec. 6. NRS 179A.350 is hereby amended to read as follows:

179A.350 1. The Repository for Information Concerning Orders for Protection Against Domestic Violence is hereby created within the Central Repository.

2. Except as otherwise provided in subsection 4, the Repository for Information Concerning Orders for Protection Against Domestic Violence must contain a complete and systematic record of all temporary and extended orders for protection against domestic violence issued or registered in the State of Nevada, in accordance with regulations adopted by the Director of the Department, including, without limitation, any information received pursuant to NRS 33.095. Information received by the Central Repository pursuant to NRS 33.095 must be entered in the Repository for Information Concerning Orders for Protection Against Domestic Violence not later than 8 hours after it is received by the Central Repository.

3. The information in the Repository for Information Concerning Orders for Protection Against Domestic Violence must be accessible by computer at all times to each agency of criminal justice.

4. ***On or before February 15 of each year, the Director of the Department shall submit to the Director of the Legislative Counsel Bureau a written report concerning all temporary and extended orders for protection against domestic violence issued pursuant to NRS 33.020 during the previous calendar year that were transmitted to the Repository for Information Concerning Orders for Protection Against Domestic Violence. The report must include, without limitation, information for each court***

that issues temporary or extended orders for protection against domestic violence concerning:

(a) The total number of temporary and extended orders that were granted by the court pursuant to NRS 33.020 during the calendar year to which the report pertains;

(b) The number of temporary and extended orders that were granted to women;

(c) The number of temporary and extended orders that were granted to men;

(d) The number of temporary and extended orders that were vacated or expired;

(e) The number of temporary orders that included a grant of temporary custody of a minor child; and

(f) The number of temporary and extended orders that were served on the adverse party.

5. The information provided pursuant to subsection 4 must include only aggregate information for statistical purposes and must exclude any identifying information relating to a particular person.

6. The Repository for Information Concerning Orders for Protection Against Domestic Violence must not contain any information concerning an event that occurred before October 1, 1998.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that Senate Bill No. 203 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 222.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 852.

AN ACT relating to water; creating the Nye County Water District; providing for the acquisition, storage, sale and distribution of water by the District; conferring other powers on the District; providing for the membership of the Governing Board of the District; setting forth the duties of the Board; authorizing the Board to levy and collect certain taxes; exempting the District from regulation by the Public Utilities Commission of Nevada; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

The Nevada State Legislature has enacted several laws that create water districts. For example, in 1947, the Legislature created the Las Vegas Valley Water District by a special act. (Chapter 164, Statutes of Nevada 1947, p. 534) In 2003, the Legislature created the Lincoln County Water District by a special act. (Chapter 474, Statutes of Nevada 2003, p. 2985) A water district is generally created to provide for the storage, conservation, distribution and sale of water within or outside of the district. (Chapter 100, Statutes of Nevada 1993, p. 159)

Sections 1-12 of this bill create the Nye County Water District by a special act similar to that which created the Lincoln County Water District.

Section 6 of this bill specifies that the jurisdiction and service area of the District consists of all the land within the boundaries of Nye County, Nevada.

Section 7 of this bill states that the powers, duties and privileges of the District must be exercised by the Governing Board of the District, and that the membership of the Board must consist of seven members appointed by the Board of County Commissioners of Nye County.

Section 8 of this bill sets forth an extensive list of powers conferred upon the District, including, without limitation: (1) the power to incur indebtedness and issue bonds; (2) the power to acquire land and water rights to carry out the purposes of the District; (3) the power to construct any work for the development, importation or distribution of the water of the District; and (4) the power to levy and collect taxes to assist in the operational expenses of the District.

Section 9 of this bill sets forth the duties of the Board, including, without limitation: (1) the duty to choose a Chairman and prescribe the powers and duties of the Chairman; (2) the duty to fix the principal place of business of the District; (3) the duty to appoint a General Manager; and (4) the duty to prescribe the powers, duties, compensation and benefits of all officers and employees of the District. Section 9 further states that, except as to the exercise of the power of eminent domain, the disposal of water rights, applications to the State Engineer for certain permits and the adoption and amendment of bylaws for which a supermajority vote of the Board is required, a simple majority of the members of the Board constitutes a quorum and a quorum may exercise all the powers and duties of the Board.

Section 10 of this bill authorizes the Board to levy and collect taxes on all taxable property within the District to make payment of principal and interest on its general obligations.

Section 11 of this bill exempts the District from regulation by the Public Utilities Commission of Nevada.

Section 13 of this bill requires the ~~[Commission]~~ **Board of County Commissioners** to stagger the initial terms of the members of the Governing Board of the District.

WHEREAS, Adequate and efficient water service is vital to the economic development and well-being of the residents of Nye County; and

WHEREAS, The well-being of the residents of Nye County, the long-term economic development of Nye County and the protection of the environment of Nye County could best be served by the creation of a single governmental entity, the purpose of which is to secure and develop sustainable sources of water; and

WHEREAS, The provisions of this act do not express any preference for whether water service is provided to the residents of Nye County by a governmental entity or by a private utility regulated by the Public Utilities Commission of Nevada; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. As used in sections 1 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2 to 5, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 2. (Deleted by amendment.)

Sec. 3. "Board" means the Governing Board of the District.

Sec. 4. "Commission" means the Board of County Commissioners of Nye County.

Sec. 4.5. "District" means the Nye County Water District created pursuant to section 6 of this act.

Sec. 5. "Service area" means the service area of the District described in section 6 of this act.

Sec. 6. There is hereby created a political subdivision of this State to be known as the Nye County Water District. The jurisdiction and service area of the District are all that real property within the boundaries of Nye County, Nevada, as described in NRS 243.275 to 243.315, inclusive.

Sec. 7. 1. All powers, duties and privileges of the District must be exercised and performed by the Board.

2. The Board must be composed of the following seven members as appointed by the Commission:

(a) One member who is a resident of Beatty or the Amargosa area;

(b) One member who is a resident of the Tonopah area;

(c) Three members who are residents of the Pahrump Valley;

(d) One member who is a resident of the area in Nye County known as Currant Creek or the area known as Smoky Valley; and

(e) In addition to the members appointed pursuant to paragraphs (a), (b) and (d), one member who is a resident of an area in Nye County other than the Pahrump Valley.

3. A member of the Board or any person related to a member of the Board within the ~~[first]~~ **third** degree of consanguinity or affinity must not be affiliated with a private utility that is regulated by the Public Utilities Commission of Nevada.

4. Except as otherwise provided in subsection 5, after the initial terms, each member of the Board serves for a term of 2 years. A vacancy on the

Board must be filled in the same manner as the original appointment. A member may be reappointed.

5. Members of the Board serve at the pleasure of the Commission and may be recalled by a simple majority vote of all the members of the Commission.

Sec. 8. 1. The District has the following powers:

(a) To have perpetual succession.

(b) To sue and be sued in the name of the District in all courts or tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at the pleasure of the District.

(d) To enter into contracts, and employ and fix the compensation of staff and professional advisers.

(e) To incur indebtedness pursuant to chapters 271 and 318 of NRS and to issue bonds and provide for medium-term obligations pursuant to chapter 350 of NRS, to pay, in whole or in part, the costs of acquiring, constructing and operating any lands, easements, water rights, water, waterworks or projects, conduits, pipelines, wells, reservoirs, structures, machinery and other property or equipment useful or necessary to store, convey, supply or otherwise deal with water, and otherwise to carry out the powers set forth in this section. For the purposes of NRS 350.572, sections 1 to 12, inclusive, of this act do not expressly or impliedly require an election before the issuance of a security or indebtedness pursuant to NRS 350.500 to 350.720, inclusive, if the obligation is payable solely from pledged revenues, but an election must be held before incurring a general obligation.

(f) To acquire, by purchase, grant, gift, devise, lease, construction, contract or otherwise, lands, rights-of-way, easements, privileges, water and water rights, and property of every kind, whether real or personal, to construct, maintain and operate, within or without the District, all works and improvements necessary or proper to carry out any of the objects or purposes of sections 1 to 12, inclusive, of this act, and to complete, extend, add to, repair or otherwise improve any works, improvements or property acquired by the District as authorized by sections 1 to 12, inclusive, of this act.

(g) To sell, lease, encumber, hypothecate or otherwise dispose of property, whether real or personal, including, without limitation, water and water rights, as is necessary or convenient to the full exercise of the powers of the District. Any sale, lease, encumbrance, hypothecation or other disposal of water rights pursuant to this paragraph must be first approved by a supermajority vote of the Board and a simple majority vote of all the members of the Commission.

(h) To develop and adopt, subject to approval by the Commission, ordinances, rules, regulations and bylaws necessary for the exercise of the powers and conduct of the affairs of the Board and District. All bylaws adopted or amended must also be approved by a supermajority vote of the members of the Board.

(i) Except as otherwise provided in this paragraph, to exercise the power of eminent domain in the manner prescribed by law, if the action is first approved by a supermajority vote of the Board and a simple majority vote of all the members of the Commission. The District may exercise the power of eminent domain within or without the service area, to take any property, including, without limitation, the property specified in paragraph (f) and any water or water right specified in paragraph (o), necessary for the exercise of the powers of the District or for the provision of adequate water service to the service area. The District shall not exercise the power of eminent domain to acquire any portion of water rights or waterworks facilities owned or used by a public utility that has been issued a certificate of public convenience and necessity pursuant to NRS 704.330 to provide water in a service area unless it also acquires all the real property, water rights, waterworks facilities, equipment and any other private property owned or used by the public utility in connection with providing a service regulated by the Public Utilities Commission of Nevada in a service territory located within or adjacent to the District.

(j) To enter upon any land, to make surveys and locate any necessary improvements, including, without limitation, lines for channels, conduits, canals, pipelines, roadways and other rights-of-way, to acquire property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of such improvements, including, without limitation, works constructed and being constructed by private owners, lands for reservoirs for the storage of necessary water, and all necessary appurtenances, and, where necessary and for the purposes and uses set forth in this section, to acquire and hold the stock of corporations, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions or other rights.

(k) To enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county or district of any kind, public or private corporation, association, firm or natural person, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which may be lawfully acquired or owned by the District.

(l) To acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the District, and to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the District, or to carry such water through any tunnel, canal, ditch or conduit of the District.

(m) To enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or natural person, or any number of them, for the transfer or delivery to any district, corporation, association, firm or natural person of any water right or water pumped, stored, appropriated or otherwise acquired or secured for the use of the District, or for the purpose of exchanging the water

or water right for any other water, water right or water supply to be delivered to the District by the other party to the agreement.

(n) To cooperate and act in conjunction with the State of Nevada or any of its engineers, officers, boards, commissions, departments or agencies, with the Government of the United States or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, to construct any work for the development, importation or distribution of water of the District, for the protection of life or property therein, or for the conservation of its water for beneficial use within the District, or to carry out any other works, acts or purposes provided for in sections 1 to 12, inclusive, of this act, and to adopt and carry out any definite plan or system of work for any of the purposes described in sections 1 to 12, inclusive, of this act.

(o) To store water in surface or underground reservoirs within or without the District for the common benefit of the District, to conserve and reclaim water for present and future use within the District, to appropriate and acquire water and water rights and import water into the District for any useful purpose to the District, and to commence, maintain, intervene in and compromise in the name of the District, or otherwise, and assume the costs and expenses of any action or proceeding involving or affecting:

(1) The ownership or use of water or water rights within or without the District used or useful for any purpose of the District or of common benefit to any land situated therein. A supermajority vote of the Board and a simple majority vote of all the members of the Commission is required before the District may apply to the State Engineer for a permit to:

(I) Appropriate water where the point of diversion is within a hydrographic basin located in Nye County and the place of use is a location outside of the same hydrographic basin; or

(II) Change the place of use of water already appropriated from any point within a hydrographic basin located in Nye County to a location outside the same hydrographic basin.

(2) The wasteful use of water within the District.

(3) The interference with or diminution of water or water rights within the District.

(4) The contamination or pollution of the surface or subsurface water used in the District or any other act that otherwise renders such water unfit for beneficial use.

(5) The interference with this water that may endanger or damage the residents, lands or use of water in the District.

(p) To sell and distribute water under the control of the District, without preference, to any natural person, firm, corporation, association, district, agency or inhabitant, public or private, for use within the service area, to fix, establish and adjust rates, classes of rates, terms and conditions for the sale and use of such water, and to sell water for use outside the service area upon

a finding by the Board that there is a surplus of water above that amount required to serve customers within the service area.

(q) To cause taxes to be levied and collected for the purposes prescribed in sections 1 to 12, inclusive, of this act, including, without limitation, the payment of any obligation of the District during its organizational state and thereafter, and necessary engineering costs, and to assist in the operational expenses of the District, until such taxes are no longer required.

(r) To supplement the surface and groundwater resources of Nye County by the importation and use of water from other sources for industrial, irrigation, municipal and domestic uses.

(s) To restrict the use of water of the District during any emergency caused by drought or other threatened or existing water shortage, and to prohibit the waste of water of the District at any time through the adoption of ordinances, rules or regulations and the imposition of fines for violations of those ordinances, rules and regulations.

(t) To supply water under a contract or agreement, or in any other manner, to the United States or any department or agency thereof, the State of Nevada, Nye County, and any city, town, corporation, association, partnership or natural person situated in Nye County, for an appropriate charge, consideration or exchange made thereof, when such supply is available or can be developed as an incident of or in connection with the primary functions and operations of the District.

(u) To create assessment districts to extend mains, improve distribution systems and acquire presently operating private water companies and mutual water distribution systems.

(v) To accept from the Government of the United States or any of its agencies financial assistance or participation in the form of grants-in-aid or any other form in connection with any of the functions of the District.

(w) To do all acts and things reasonably implied from and necessary for the full exercise of all powers of the District granted by sections 1 to 12, inclusive, of this act.

2. As used in this section, "supermajority" means an affirmative vote of not less than five of the seven members of the Board.

Sec. 9. 1. The Board shall:

(a) Choose one of its members to be Chairman, and prescribe the term of that office and the powers and duties thereof.

(b) Fix the time and place at which its regular meetings will be held and provide for the calling and conduct of special meetings.

(c) Fix the location of the principal place of business of the District.

(d) Elect a Secretary-Treasurer of the Board and the District, who may or may not be a member of the Board.

(e) Appoint a General Manager who must not be a member of the Board.

(f) Delegate and redelegate to officers of the District the power to employ necessary executives, clerical workers, engineering assistants and laborers,

and to retain legal, accounting or engineering services, subject to such conditions and restrictions as may be imposed by the Board.

(g) Prescribe the powers, duties, compensation and benefits of all officers and employees of the District, and require all bonds necessary to protect the money and property of the District.

(h) Take all actions and do all things reasonably and lawfully necessary to conduct the business of the District and achieve the purposes of sections 1 to 12, inclusive, of this act.

2. A simple majority of the members of the Board constitutes a quorum. Except as otherwise provided in section 8 of this act, a quorum may exercise all the power and authority conferred on the Board.

3. Any person who is aggrieved by any decision of the Board pursuant to sections 1 to 12, inclusive, of this act ~~[, other than a decision by the Board not to exercise the power of eminent domain,]~~ may appeal to the Commission within 30 days after the decision of the Board. The Commission may affirm, modify or reverse the decision of the Board.

4. Members of the Board are entitled to receive reasonable compensation and travel expenses, as set by the Commission, for their attendance at meetings and conduct of other business of the District.

Sec. 10. 1. The Board may levy and collect general ad valorem taxes on all taxable property within the District, but only for the payment of principal and interest on its general obligations. Such a levy and collection must be made in conjunction with Nye County in the manner prescribed in this section.

2. The Board shall determine the amount of money necessary to be raised by taxation for a particular year in addition to other sources of revenue of the District. The Board then shall fix a rate of levy which, when applied to the assessed valuation of all taxable property within the District, will produce an amount, when combined with other revenues of the District, sufficient to pay, when due, all principal of and interest on general obligations of the District and any defaults or deficiencies relating thereto.

3. In accordance with and in the same manner required by the law applicable to incorporated cities, the Board shall certify the rate of levy fixed pursuant to subsection 2 for levy upon all taxable property within the District in accordance with such rate at the time and in the manner required by law for levying of taxes for county purposes.

4. The proper officer or authority of Nye County, upon behalf of the District, shall levy and collect the tax for the District specified in subsection 3. Such a tax must be collected in the same manner, including, without limitation, interest and penalties, as other taxes collected by the County. When collected, the tax must be paid to the District in monthly installments for deposit in the appropriate depository of the District.

5. If the taxes levied are not paid, the property subject to the tax lien must be sold and the proceeds of the sale paid to the District in accordance with the law applicable to tax sales and redemptions.

Sec. 11. The District is exempt from regulation by the Public Utilities Commission of Nevada.

Sec. 12. If any provision of sections 1 to 12, inclusive, of this act or the application thereof to any person, thing or circumstance is held invalid, such invalidity does not affect the provisions or application of sections 1 to 12, inclusive, of this act that can be given effect without the invalid provision or application, and to this end the provisions of sections 1 to 12, inclusive, of this act are declared to be severable.

Sec. 13. As soon as practicable after July 1, 2007, the Board of County Commissioners of Nye County shall appoint the members of the Governing Board of the Nye County Water District created pursuant to section 6 of this act to initial terms as follows:

1. Three members to terms that expire on July 1, 2008; and
2. Four members to terms that expire on July 1, 2009.

Sec. 14. This act becomes effective on July 1, 2007.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that Senate Bill No. 234 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 307.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 748.

AN ACT relating to purchasing; prohibiting the solicitation or provision of certain information before the award of purchasing contracts; imposing certain requirements on public officers and employees relating to inducements offered by bidders on such contracts; prohibiting the solicitation or acceptance of certain employment by certain contracting officials within a certain period after their employment or service is terminated; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, persons who have bid on a contract proposed to be awarded by a local government or by the Purchasing Division of the Department of Administration are prohibited from soliciting or obtaining proprietary information regarding the contract from officers or employees of the governmental entity on whose behalf the contract is being offered. (NRS 332.810, 333.800) Sections 2 and 4 of this bill expand this prohibition to include the soliciting or obtaining of information regarding another

person's bid on the contract, unless such information is available to the general public. Section 5 of this bill prohibits officers and employees of the State or a local government from offering or providing to a bidder on a purchasing contract with the State or local government certain information before the award of the contract. Section 5 also requires those officers and employees to refuse inducements offered by bidders and to report such inducements to their immediate supervisors.

Under existing law, certain regulated businesses must observe a 1-year "cooling off" period before hiring certain former public officers and employees who were involved in regulating such a business. (NRS 281.236) Section 6 of this bill prohibits a former public officer or employee whose position allowed him to affect ~~[,]~~ **or** influence ~~[or otherwise provide input with respect to]~~ the awarding of a state or local governmental purchasing contract in an amount that exceeds $25,000 from soliciting or accepting employment from the person who was awarded the contract for a period of 1 year after the date of the award of the contract. Section 6 allows the Commission on Ethics to provide relief from the strict application of this rule under certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 332.810 is hereby amended to read as follows:

332.810 1. Before a contract is awarded, a person who has bid on the contract or an officer, employee, representative, agent or consultant of such a person shall not:

(a) Make an offer or promise of future employment or business opportunity to, or engage in a discussion of future employment or business opportunity with, an evaluator or member of the governing body offering the contract;

(b) Offer, give or promise to offer or give money, a gratuity or any other thing of value to an evaluator or member of the governing body offering the contract; or

(c) Solicit or obtain from an officer, employee or member of the governing body offering the contract ~~[, any]~~ ***:***

(1) Any proprietary information regarding the contract ~~[.]~~ ***; or***

(2) Any information regarding a bid on the contract submitted by another person, unless such information is available to the general public.

2. A person who violates any of the provisions of subsection 1 is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 1 year, or by a fine of not less than $2,000 nor more than $50,000, or by both fine and imprisonment.

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 333.800 is hereby amended to read as follows:

333.800 1. Before a contract is awarded, a person who has provided a bid or proposal on the contract or an officer, employee, representative, agent or consultant of such a person shall not:

(a) Make an offer or promise of future employment or business opportunity to, or engage in a discussion of future employment or business opportunity with, the Chief, a purchasing officer or an employee of the using agency for which the contract is being offered;

(b) Offer, give or promise to offer or give money, a gratuity or any other thing of value to the Chief, a purchasing officer or an employee of the using agency for which the contract is being offered; or

(c) Solicit or obtain ~~[any proprietary information regarding the contract]~~ from the Chief, a purchasing officer or an employee of the using agency for which the contract is being offered ~~[.]~~ ***:***

(1) Any proprietary information regarding the contract; or

(2) Any information regarding a bid or proposal on the contract submitted by another person, unless such information is available to the general public.

2. A person who violates any of the provisions of subsection 1 is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 1 year, or by a fine of not less than $2,000 nor more than $50,000, or by both fine and imprisonment.

Sec. 5. Chapter 334 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An officer or employee of the State or a local government who receives an offer or promise of future employment, a business opportunity, money, a gratuity or any other thing of value from a person who has provided a bid or proposal on a contract for supplies, materials, equipment or services to be awarded by the State or local government or from an officer, employee, representative, agent or consultant of such a person shall:

(a) Refuse the offer or promise; and

(b) Within 72 hours after receiving the offer or promise, report the occurrence to his immediate supervisor or, if he does not have an immediate supervisor, to the administrative head of the agency by which he is employed. The requirement to report such an offer or promise pursuant to this paragraph applies regardless of whether the offer or promise is subsequently withdrawn.

2. Before a contract for supplies, materials, equipment or services is awarded by the State or a local government, an officer or employee of the State or local government shall not offer or provide to a person who has bid on the contract:

(a) Any proprietary information regarding the contract; or

(b) Any information regarding a bid on the contract submitted by another person, unless such information is available to the general public.

3. An officer or employee of the State or a local government who violates the provisions of subsection 1 or 2 is subject to disciplinary action.

4. As used in this section:

(a) "Local government" means any political subdivision of the State, including, without limitation, a county, city, town, school district, general improvement district or other district.

(b) "State" means the State of Nevada or any board, commission, department or other agency or instrumentality thereof.

Sec. 6. NRS 281.236 is hereby amended to read as follows:

281.236 1. A public utility or parent organization or subsidiary of a public utility shall not employ a former member of the Public Utilities Commission of Nevada for 1 year after the termination of his service on the Commission.

2. A person who holds a license issued pursuant to chapter 463 or 464 of NRS or who is required to register with the Nevada Gaming Commission pursuant to chapter 463 of NRS shall not employ a former member of the State Gaming Control Board or the Nevada Gaming Commission for 1 year after the termination of the member's service on the Board or Commission.

3. In addition to the prohibitions set forth in subsections 1 and 2, a business or industry whose activities are governed by regulations adopted by a department, division or other agency of the Executive Branch of ***State*** Government shall not, except as otherwise provided in subsection ~~[4,]~~ ***5,*** employ a former public officer or employee of the agency, except a clerical employee, for 1 year after the termination of his service or period of employment if:

(a) His principal duties included the formulation of policy contained in the regulations governing the business or industry;

(b) During the immediately preceding year ***,*** he directly performed activities, or controlled or influenced an audit, decision, investigation or other action, which significantly affected the business or industry which might, but for this section, employ him; or

(c) As a result of his governmental service or employment, he possesses knowledge of the trade secrets of a direct business competitor.

4. ***A former public officer or employee of the State or a local government, except a clerical employee, shall not solicit or accept employment from a person to whom a contract for supplies, materials, equipment or services was awarded by the State or a local government, as applicable, for 1 year after the termination of the officer's or employee's service or period of employment, if:***

(a) The amount of the contract exceeded $25,000;

(b) The contract was awarded within the 12-month period immediately preceding the termination of the officer's or employee's service or period of employment; and

(c) The position held by the former public officer or employee at the time the contract was awarded allowed him to affect ~~*[,]*~~ ***or influence*** ~~*[or otherwise provide input with respect to]*~~ ***the awarding of the contract.***

5. A public officer or employee may request ***that*** the Commission on Ethics ~~[to]~~ apply the relevant facts in his case to the provisions of subsection 3 ***or 4, as applicable,*** and determine whether relief from the strict application of ~~[the]~~ ***those*** provisions is proper. If the Commission on Ethics determines that relief from the strict application of the provisions of subsection 3 ***or 4, as applicable,*** is not contrary to:

(a) The best interests of the public;

(b) The continued integrity of State Government; and

(c) The code of ethical standards prescribed in NRS 281.481,

➥ it may issue an opinion to that effect and grant such relief. The opinion of the Commission on Ethics in such a case is subject to judicial review.

~~[5.]~~ ***6.*** As used in this section, "regulation" has the meaning ascribed to it in NRS 233B.038.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 374.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 749.

AN ACT relating to tax increment areas; authorizing the creation of tax increment areas by cooperative agreement between a city and the Board of Regents of the University of Nevada in certain circumstances; **changing the manner in which certain revenue limitations apply to securities issued for certain tax increment areas;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the creation of tax increment areas by the governing body of a county or city. (NRS 278C.150) The governing body may dedicate the revenues from the property tax imposed in a tax increment area to the financing, acquisition, improvement or equipment of certain specific undertakings, including a drainage and flood control project, overpass project, sewerage project, street project, underpass project or water project. (NRS 278C.140) Section 1 of this bill authorizes the creation of a tax increment area by cooperative agreement between a city and the Board of Regents of the University of Nevada in certain circumstances. Section 2 of this bill provides that for the purposes of a tax increment area created by such a cooperative agreement, in addition to other undertakings, an undertaking may include certain projects for infrastructure and capital projects for the principal campus of the Nevada State College.

Under existing law, the total revenue paid to a tax increment area is limited to 10 percent if the population of the applicable municipality is 100,000 or more and is limited to 15 percent if the population of the applicable municipality is less than 100,000. (NRS 278C.250) Section 3 of this bill provides that if a municipality issues securities for a tax increment area when the population of the municipality is less than 100,000, the municipality will receive the benefit of the higher 15-percent revenue limitation until such securities are paid in full, regardless of whether the population of the municipality reaches or exceeds 100,000 after such securities are issued.

Existing law provides that when real estate or a portion of real estate which is exempt from taxation is leased, loaned or otherwise made available to and used by a person or entity in connection with a business conducted for profit, or as a residence, that real estate is subject to a certain amount of taxation, except in certain circumstances, including when it involves property of any state-supported educational institution. (NRS 361.157) Section ~~[3]~~ **4** of this bill excludes from that exception any part of such property located within a tax increment area created pursuant to this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 278C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A tax increment area may be created pursuant to this section by a cooperative agreement between a city in which the principal campus of the Nevada State College is located or intended to be located and the Nevada System of Higher Education, if the boundaries of the tax increment area include only land:

(a) On which the principal campus of the Nevada State College is located or intended to be located; and

(b) Which:

(1) Consists of not more than 509 acres;

(2) Was transferred by the city creating the tax increment area to the Nevada System of Higher Education for the use of the Nevada State College;

(3) Has never been subject to property taxation; and

(4) The Nevada System of Higher Education has agreed to continue to own for the term of the tax increment area.

➥ The provisions of NRS 278C.160, subsections 4, 6 and 7 of NRS 278C.170, NRS 278C.220, paragraphs (c) and (d) of subsection 1 of NRS 278C.250 and paragraph (d) of subsection ~~[3]~~ 4 of NRS 278C.250 do not apply to a tax increment area created pursuant to this section, but such a tax increment area is subject to the provisions of subsections 2 to 9, inclusive.

2. Whenever the governing body of a city in which the principal campus of the Nevada State College is located or intended to be located and the Board of Regents of the University of Nevada determine that the interests of the city, the Nevada System of Higher Education and the public require an undertaking, the governing body and the Board of Regents may enter into a cooperative agreement pursuant to NRS 277.080 to 277.180, inclusive, which describes by reference to the general types of undertakings authorized pursuant to NRS 278C.140 and the undertakings proposed for the tax increment area, and which contains or refers to an exhibit filed with the clerk of the city and the Secretary of the Board of Regents which contains:

(a) A statement of the last finalized amount of the assessed valuation of the real property within the boundaries of the tax increment area, which boundaries must be in compliance with subsection 1, and a statement that, based upon the records of the county treasurer, no property taxes were collected on any of that property, or on any interest therein, during the most recent year for which those records are available; and

(b) A description of the tax increment area or its location, so that the various tracts of taxable real property and any taxable personal property may be identified and determined to be within or without the tax increment area, except that the description need not describe in complete detail each tract of real property proposed to be included within the tax increment area.

3. The governing body may, at any time after the effective date of a cooperative agreement entered into pursuant to this section, adopt a resolution that provisionally orders the undertakings and creation of the tax increment area.

4. The notice of the meeting required pursuant to subsection 3 of NRS 278C.170 must:

(a) Describe by reference the general types of undertakings authorized pursuant to NRS 278C.140 and the undertakings proposed for the tax increment area;

(b) Describe the last finalized amount of the assessed valuation of the real property within the boundaries of the tax increment area, and state that, based upon the records of the county treasurer, no property taxes were collected on any of that property, or on any interest therein, during the most recent year for which those records are available;

(c) Describe the tax increment area or its location, so that the various tracts of taxable real or personal property may be identified and determined to be within or without the tax increment area; and

(d) State the date, time and place of the meeting described in subsection 1 of NRS 278C.170.

5. If, after considering all properly submitted and relevant written and oral complaints, protests, objections and other relevant comments and after considering any other relevant material, the governing body determines

that the undertaking is in the public interest and defines that public interest, the governing body shall determine whether to proceed with the undertaking. If the governing body has ordered any modification to an undertaking and has determined to proceed, the governing body must consult with the Board of Regents to obtain its consent to the proposed modification. When the Board of Regents and the governing body are in agreement on the modification, if any, and a statement of the modification is filed with the clerk, if the governing body wants to proceed with the undertaking, the governing body shall adopt an ordinance in the same manner as any other ordinance:

(a) Overruling all complaints, protests and objections not otherwise acted upon;

(b) Ordering the undertaking;

(c) Describing the tax increment area to which the undertaking pertains; and

(d) Creating a tax increment account for the undertaking.

6. Money deposited in the tax increment account as described in paragraph (b) of subsection 1 of NRS 278C.250 may be used to pay the capital costs of the undertaking directly, in addition to being used to pay the bond requirements of loans, money advanced or indebtedness incurred to finance or refinance an undertaking, and may continue to be used for those purposes until the expiration of the tax increment area pursuant to NRS 278C.300.

7. The Board of Regents may pledge to any securities it issues under a delegation pursuant to subsection 8, or irrevocably dedicate to the city that will issue securities hereunder, any revenues of the Nevada System of Higher Education derived from the campus of the Nevada System of Higher Education whose boundaries are included in whole or in part in the tax increment area, other than revenues from state appropriations and from student fees, and subject to any covenants or restrictions in any instruments authorizing other securities. Such an irrevocable dedication must be for the term of the securities issued by the city and any securities refunding those securities and may also extend for the term of the tax increment area.

8. The city may delegate to the Board of Regents the authority to issue any security other than a general obligation security which the city is authorized to issue pursuant to this chapter, and in connection therewith, may irrevocably dedicate to the Board of Regents the revenues that are authorized pursuant to this chapter to be pledged or used to repay those securities, including, without limitation, all money in the tax increment account created pursuant to subsection 5. The irrevocable dedication of any security pursuant to this subsection must be for the term of the security issued by the Nevada System of Higher Education and any security refunding those securities and may also extend for the term of the tax increment area.

9. If the boundaries of a county school district include a tax increment area created pursuant to this section and the county school district operates a public school on property within the boundaries of that tax increment area, the county school district and the Nevada System of Higher Education shall consult with one another regarding funding for the operating costs of that public school.

Sec. 2. NRS 278C.140 is hereby amended to read as follows:

278C.140 "Undertaking" means any enterprise to acquire, improve or equip, or any combination thereof:

1. In the case of counties:

(a) A drainage and flood control project, as defined in NRS 244A.027;

(b) An overpass project, as defined in NRS 244A.037;

(c) A sewerage project, as defined in NRS 244A.0505;

(d) A street project, as defined in NRS 244A.053;

(e) An underpass project, as defined in NRS 244A.055; or

(f) A water project, as defined in NRS 244A.056.

2. In the case of cities:

(a) A drainage project or flood control project, as defined in NRS 268.682;

(b) An overpass project, as defined in NRS 268.700;

(c) A sewerage project, as defined in NRS 268.714;

(d) A street project, as defined in NRS 268.722;

(e) An underpass project, as defined in NRS 268.726; or

(f) A water project, as defined in NRS 268.728.

3. In the case of a city with respect to any tax increment area created pursuant to a cooperative agreement between the city and the Nevada System of Higher Education pursuant to section 1 of this act, in addition to the projects described in subsection 2:

(a) A project for any other infrastructure necessary or desirable for the principal campus of the Nevada State College that is approved by the Board of Regents of the University of Nevada; or

(b) An educational facility or other capital project for the principal campus of the Nevada State College that is owned by the Nevada System of Higher Education and approved by the Board of Regents of the University of Nevada.

Sec. 3. **NRS 278C.250 is hereby amended to read as follows:**

278C.250 1. After the effective date of the ordinance adopted pursuant to NRS 278C.220, any taxes levied upon taxable property in the tax increment area each year by or for the benefit of the State, the municipality and any public body must be divided as follows:

(a) That portion of the taxes that would be produced by the rate upon which the tax is levied each year by or for each of those taxing agencies upon the total sum of the assessed value of the taxable property in the tax increment area as shown upon the last equalized assessment roll used in connection with the taxation of the property by the taxing agency, must be

allocated to and when collected must be paid into the funds of the respective taxing agencies as taxes by or for the taxing agencies on all other property are paid.

(b) Except as otherwise provided in this section, the portion of the taxes levied each year in excess of the amount determined pursuant to paragraph (a) must be allocated to, and when collected must be paid into, the tax increment account pertaining to the undertaking to pay the bond requirements of loans, money advanced to, or indebtedness, whether funded, refunded, assumed or otherwise, incurred by the municipality to finance or refinance, in whole or in part, the undertaking. Unless the total assessed valuation of the taxable property in the tax increment area exceeds the total assessed value of the taxable property in the area as shown by the last equalized assessment roll referred to in this subsection, all of the taxes levied and collected upon the taxable property in the area must be paid into the funds of the respective taxing agencies. When the loans, advances and indebtedness, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the tax increment area must be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

(c) The amount of the taxes levied each year which are paid into the tax increment account pursuant to paragraph (b) must be limited by the governing body to an amount not to exceed the combined total amount required for annual debt service of the project or projects acquired, improved or equipped, or any combination thereof, as part of the undertaking.

(d) Any revenues generated within the tax increment district in excess of the amount referenced in paragraph (c), if any, will be paid into the funds of the respective taxing agencies in the same proportion as their base amount was distributed.

2. ~~[In]~~ ***Except as otherwise provided in this subsection, in*** any fiscal year, the total revenue paid to a tax increment area in combination with the total revenue paid to any other tax increment areas and any redevelopment agencies of a municipality must not exceed:

(a) In a municipality whose population is 100,000 or more, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 10 percent of the total assessed valuation of the municipality.

(b) In a municipality whose population is less than 100,000, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 15 percent of the total assessed valuation of the municipality.

➥ ***Notwithstanding the provisions of this subsection, if a municipality has a population of less than 100,000 at the time the municipality issues securities for a tax increment area pursuant to NRS 278C.280, the revenue limitation set forth in paragraph (b) must remain the revenue limitation for the tax increment area until such time as the securities issued for that tax increment area pursuant to NRS 278C.280 have been paid in full, including any securities issued to refund those securities, regardless of***

whether the population of the municipality reaches or exceeds 100,000 after the issuance of those securities.

3. If the revenue paid to a tax increment area must be limited pursuant to paragraph (a) or (b) ***of subsection 2*** and the municipality has more than one redevelopment agency or tax increment area, or one of each, the municipality shall determine the allocation to each agency and area. Any revenue that would be allocated to a tax increment area but for the provisions of this section must be paid into the funds of the respective taxing agencies.

~~[3.]~~ ***4.*** The portion of the taxes levied each year in excess of the amount determined pursuant to paragraph (a) of subsection 1 which is attributable to any tax rate levied by a taxing agency:

(a) To produce revenue in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness that was approved by a majority of the registered voters within the area of the taxing agency voting upon the question, must be allocated to, and when collected must be paid into, the debt service fund of that taxing agency.

(b) In excess of any tax rate of that taxing agency applicable to the last taxation of the property before the effective date of the ordinance, if that additional rate was approved by a majority of the registered voters within the area of the taxing agency voting upon the question, must be allocated to, and when collected must be paid into, the appropriate fund of that taxing agency.

(c) Pursuant to NRS 387.3285 or 387.3287, if that rate was approved by a majority of the registered voters within the area of the taxing agency voting upon the question, must be allocated to, and when collected must be paid into, the appropriate fund of that taxing agency.

(d) For the support of the public schools within a county school district pursuant to NRS 387.195, must be allocated to, and when collected must be paid into, the appropriate fund of that taxing agency.

~~[4.]~~ ***5.*** The provisions of paragraph (a) of subsection ~~[3]~~ ***4*** include, without limitation, a tax rate approved for bonds of a county school district issued pursuant to NRS 350.020, including, without limitation, amounts necessary for a reserve account in the debt service fund.

~~[5.]~~ ***6.*** As used in this section, the term "last equalized assessment roll" means the assessment roll in existence on the 15th day of March immediately preceding the effective date of the ordinance.

~~[Sec. 3.]~~ ***Sec. 4.*** NRS 361.157 is hereby amended to read as follows:

361.157 1. When any real estate or portion of real estate which for any reason is exempt from taxation is leased, loaned or otherwise made available to and used by a natural person, association, partnership or corporation in connection with a business conducted for profit or as a residence, or both, the leasehold interest, possessory interest, beneficial interest or beneficial use of the lessee or user of the property is subject to taxation to the extent the:

(a) Portion of the property leased or used; and

(b) Percentage of time during the fiscal year that the property is leased by the lessee or used by the user, in accordance with NRS 361.2275,

➥ can be segregated and identified. The taxable value of the interest or use must be determined in the manner provided in subsection 3 of NRS 361.227 and in accordance with NRS 361.2275.

2. Subsection 1 does not apply to:

(a) Property located upon a public airport, park, market or fairground, or any property owned by a public airport, unless the property owned by the public airport is not located upon the public airport and the property is leased, loaned or otherwise made available for purposes other than for the purposes of a public airport, including, without limitation, residential, commercial or industrial purposes;

(b) Federal property for which payments are made in lieu of taxes in amounts equivalent to taxes which might otherwise be lawfully assessed;

(c) Property of any state-supported educational institution ~~[;]~~ ***, except any part of such property located within a tax increment area created pursuant to section 1 of this act;***

(d) Property leased or otherwise made available to and used by a natural person, private association, private corporation, municipal corporation, quasi-municipal corporation or a political subdivision under the provisions of the Taylor Grazing Act or by the United States Forest Service or the Bureau of Reclamation of the United States Department of the Interior;

(e) Property of any Indian or of any Indian tribe, band or community which is held in trust by the United States or subject to a restriction against alienation by the United States;

(f) Vending stand locations and facilities operated by blind persons under the auspices of the Bureau of Services to the Blind and Visually Impaired of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation, whether or not the property is owned by the federal, state or a local government;

(g) Leases held by a natural person, corporation, association, municipal corporation, quasi-municipal corporation or political subdivision for development of geothermal resources, but only for resources which have not been put into commercial production;

(h) The use of exempt property that is leased, loaned or made available to a public officer or employee, incident to or in the course of public employment;

(i) A parsonage owned by a recognized religious society or corporation when used exclusively as a parsonage;

(j) Property owned by a charitable or religious organization all, or a portion, of which is made available to and is used as a residence by a natural person in connection with carrying out the activities of the organization;

(k) Property owned by a governmental entity and used to provide shelter at a reduced rate to elderly persons or persons having low incomes;

(l) The occasional rental of meeting rooms or similar facilities for periods of less than 30 consecutive days; or

(m) The use of exempt property to provide day care for children if the day care is provided by a nonprofit organization.

3. Taxes must be assessed to lessees or users of exempt real estate and collected in the same manner as taxes assessed to owners of other real estate, except that taxes due under this section do not become a lien against the property. When due, the taxes constitute a debt due from the lessee or user to the county for which the taxes were assessed and, if unpaid, are recoverable by the county in the proper court of the county.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 394.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 831.

AN ACT relating to traffic laws; increasing the penalty for certain traffic violations; requiring certain persons to appear personally in court for traffic violations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 7 of this bill increases the maximum term of imprisonment for refusal to stop a vehicle or to elude a peace officer when given a signal to stop which results in the death or bodily harm of another person from 15 years to 20 years and the fine from $10,000 to $50,000. (NRS 484.348) Section 7 also provides that if the driver of a motor vehicle is convicted of a violation of NRS 484.379 arising out of the same act or transaction as the refusal to stop a vehicle or to elude a peace officer when given a signal to stop, the driver is guilty of a category D felony for refusing to stop the vehicle or eluding a peace officer when given a signal to stop.

Section 8 of this bill establishes penalties for aggressive driving. (NRS 484.3765) ~~[Section 9 of this bill establishes penalties for reckless driving. (NRS 484.377) Section 9 also increases the penalty for reckless driving that results in the death or substantial bodily harm of another person from a term of imprisonment between 1 and 6 years, a fine, or both, to mandatory imprisonment and a fine of not less than $2,000.]~~

Existing law allows a person to comply with a written promise to appear in court by an appearance by counsel. (NRS 171.17885) Section 10 of this bill requires a person to appear personally to comply with a written promise if the written promise is a result of a third or subsequent arrest or citation for a moving traffic violation in unrelated incidents within a 12-month period.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. ~~[NRS 483.460 is hereby amended to read as follows:~~

~~483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:~~

~~(a) For a period of 3 years if the offense is:~~

~~(1) A violation of subsection [2] 3 of NRS 484.377.~~

~~(2) A violation of NRS 484.379 that is punishable as a felony pursuant to NRS 484.3792.~~

~~(3) A violation of NRS 484.3795 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955.~~

~~→ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume upon completion of the period of imprisonment or when the person is placed on residential confinement.~~

~~(b) For a period of 1 year if the offense is:~~

~~(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484.3775, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.~~

~~(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle accident resulting in the death or bodily injury of another.~~

~~(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.~~

~~(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.~~

~~(5) A violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792 and the driver is not eligible for a restricted license during any of that period.~~

~~(6) A violation of NRS 484.348.~~

~~(c) For a period of 90 days, if the offense is a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792.~~

~~2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484.379 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.~~

~~3. When the Department is notified by a court that a person who has been convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792 has been permitted to enter a program of treatment pursuant to NRS 484.37937, the Department shall reduce by one-half the period during which he is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that he was not accepted for or failed to complete the treatment.~~

~~4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484.3943 but who operates a motor vehicle without such a device:~~

~~(a) For 3 years, if it is his first such offense during the period of required use of the device.~~

~~(b) For 5 years, if it is his second such offense during the period of required use of the device.~~

~~5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.~~

~~6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064 or 206.330, chapter 484 of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.~~

~~7. As used in this section, "device" has the meaning ascribed to it in NRS 484.3941.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 483.490 is hereby amended to read as follows:~~

~~483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense other than a violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792, and one-half of the period during which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:~~

~~(a) To and from work or in the course of his work, or both; or~~

~~(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself or a member of his immediate family.~~

~~→ Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if he is issued a restricted license.~~

~~2. A person who has been ordered to install a device in a motor vehicle pursuant to NRS 484.3943:~~

~~(a) Shall install the device not later than 21 days after the date on which the order was issued; and~~

~~(b) May not receive a restricted license pursuant to this section until:~~

~~(1) After at least 1 year of the period during which he is not eligible for a license, if he was convicted of:~~

~~(I) A violation of NRS 484.3795 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or~~

~~(II) A violation of NRS 484.379 that is punishable as a felony pursuant to NRS 484.3792;~~

~~(2) After at least 180 days of the period during which he is not eligible for a license, if he was convicted of a violation of subsection [2] 3 of NRS 484.377; or~~

~~(3) After at least 45 days of the period during which he is not eligible for a license, if he was convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792.~~

~~3. If the Department has received a copy of an order requiring a person to install a device in a motor vehicle pursuant to NRS 484.3943, the Department shall not issue a restricted driver's license to such a person pursuant to this section unless the applicant has submitted proof of compliance with the order and subsection 2.~~

~~4. After a driver's license has been revoked or suspended pursuant to title 5 of NRS, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:~~

~~(a) If applicable, to and from work or in the course of his work, or both; or~~

~~(b) If applicable, to and from school.~~

~~5. After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:~~

~~(a) If applicable, to and from work or in the course of his work, or both;~~

~~(b) To receive regularly scheduled medical care for himself or a member of his immediate family; or~~

~~(c) If applicable, as necessary to exercise a court ordered right to visit a child.~~

~~6. A driver who violates a condition of a restricted license issued pursuant to subsection 1 or by another jurisdiction is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:~~

~~(a) A violation of NRS 484.379, 484.3795 or 484.384;~~

~~(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or~~

~~(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),~~

~~➥ the driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.~~

~~7. The periods of suspensions and revocations required pursuant to this chapter and NRS 484.384 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.~~

~~8. Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.]~~ **(Deleted by amendment.)**

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 484.348 is hereby amended to read as follows:

484.348 1. Except as otherwise provided in this section, the driver of a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a peace officer in a readily identifiable vehicle of any police department or regulatory agency, when given a signal to bring his vehicle to a stop is guilty of a misdemeanor.

2. The signal by the peace officer described in subsection 1 must be by flashing red lamp and siren.

3. Unless the provisions of NRS 484.377 apply if, while violating the provisions of subsection 1, the driver of the motor vehicle:

(a) Is the proximate cause of damage to the property of a person other than himself; or

(b) Operates the motor vehicle in a manner which endangers or is likely to endanger any person other than himself or the property of any person other than himself,

➥ the driver is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

4. If, while violating the provisions of subsection 1, the driver of the motor vehicle is the proximate cause of the death of or bodily harm to any person other than himself, the driver is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than ~~[15]~~ ***20*** years, or by a fine of not more than ~~[$10,000,]~~ ***$50,000,*** or by both fine and imprisonment.

5. If the driver of the motor vehicle is convicted of a violation of NRS 484.379 arising out of the same act or transaction as a violation of subsection 1, the driver is guilty of a category D felony and shall be punished as provided in NRS 193.130 for the violation of subsection 1.

Sec. 8. NRS 484.3765 is hereby amended to read as follows:

484.3765 1. A driver commits an offense of aggressive driving if, during any single, continuous period of driving within the course of 1 mile, the driver does all the following, in any sequence:

(a) Commits one or more acts of speeding in violation of NRS 484.361 or 484.366.

(b) Commits two or more of the following acts, in any combination, or commits any of the following acts more than once:

(1) Failing to obey an official traffic-control device in violation of NRS 484.278.

(2) Overtaking and passing another vehicle upon the right by driving off the paved portion of the highway in violation of NRS 484.297.

(3) Improper or unsafe driving upon a highway that has marked lanes for traffic in violation of NRS 484.305.

(4) Following another vehicle too closely in violation of NRS 484.307.

(5) Failing to yield the right-of-way in violation of any provision of NRS 484.315 to 484.323, inclusive.

(c) Creates an immediate hazard, regardless of its duration, to another vehicle or to another person, whether or not the other person is riding in or upon the vehicle of the driver or any other vehicle.

2. A driver may be prosecuted and convicted of an offense of aggressive driving in violation of subsection 1 whether or not the driver is prosecuted or convicted for committing any of the acts described in paragraphs (a) and (b) of subsection 1.

3. A driver who commits an offense of aggressive driving in violation of subsection 1 is guilty of a misdemeanor ~~[.]~~ ***and:***

(a) For the first offense, shall be punished:

(1) By a fine of not less than $250 but not more than $1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than $1,000 but not more than $1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than $1,500 but not more than $2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. In addition to any other penalty ~~[.]~~ ***pursuant to subsection 3:***

(a) For the first offense within 2 years, the court shall order the driver to attend, at his own expense, a course of traffic safety approved by the Department and may issue an order suspending the driver's license of the driver for a period of not more than 30 days.

(b) For a second or subsequent offense within 2 years, the court shall issue an order revoking the driver's license of the driver for a period of 1 year.

~~[4.]~~ ***5.*** To determine whether the provisions of paragraph (a) or (b) of subsection ~~[3]~~ ***4*** apply to one or more offenses of aggressive driving, the court shall use the date on which each offense of aggressive driving was committed.

~~[5.]~~ ***6.*** If the driver is already the subject of any other order suspending or revoking his driver's license, the court shall order the additional period of suspension or revocation, as appropriate, to apply consecutively with the previous order.

~~[6.]~~ ***7.*** If the court issues an order suspending or revoking the driver's license of the driver pursuant to this section, the court shall require the driver to surrender to the court all driver's licenses then held by the driver. The court shall, within 5 days after issuing the order, forward the driver's licenses and a copy of the order to the Department.

~~[7.]~~ ***8.*** If the driver successfully completes a course of traffic safety ordered pursuant to this section, the Department shall cancel three demerit points from his driving record in accordance with NRS 483.448 or 483.475, as appropriate, unless the driver would not otherwise be entitled to have those demerit points cancelled pursuant to the provisions of that section.

~~[8.]~~ ***9.*** This section does not preclude the suspension or revocation of the driver's license of the driver, or the suspension of the future driving privileges of a person, pursuant to any other provision of law.

~~[9.]~~ ***10.*** A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484.3667.

Sec. 9. ~~[NRS 484.377 is hereby amended to read as follows:~~

~~484.377 1. It is unlawful for a person to:~~

~~(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property.~~

~~(b) Drive a vehicle in an unauthorized speed contest on a public highway.~~

~~2. A violation of this subsection or subsection 1 of NRS 484.348 constitutes reckless driving.~~

~~2. *Except as otherwise provided in subsection 3, a person who violates subsection 1 is guilty of a misdemeanor and:*~~

~~*(a) For the first offense, shall be punished:*~~

~~*(1) By a fine of not less than $250 but not more than $1,000; or*~~

~~*(2) By both fine and imprisonment in the county jail for not more than 6 months.*~~

~~*(b) For the second offense, shall be punished:*~~

~~*(1) By a fine of not less than $1,000 but not more than $1,500; or*~~

~~*(2) By both fine and imprisonment in the county jail for not more than 6 months.*~~

~~*(c) For the third and each subsequent offense, shall be punished:*~~

~~*(1) By a fine of not less than $1,500 but not more than $2,000; or*~~

~~*(2) By both fine and imprisonment in the county jail for not more than 6 months.*~~

~~*3.* Unless a greater penalty is provided pursuant to subsection 4 of NRS 484.348, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to a person other~~

~~than himself, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years~~ [, or] ~~*and* by a fine of *not less than $2,000 and* not more than $5,000~~ . [, or by both fine and imprisonment.

~~3.] 4. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484.3667 unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484.348.]~~ **(Deleted by amendment.)**

Sec. 10. NRS 171.17785 is hereby amended to read as follows:

171.17785 1. It is unlawful for a person to violate his written promise to appear given to a peace officer upon the issuance of a misdemeanor citation prepared manually or electronically, regardless of the disposition of the charge for which the citation was originally issued.

2. ~~[A]~~ ***Except as otherwise provided in this subsection, a*** person may comply with a written promise to appear in court by an appearance by counsel. ***A person who has been convicted of two or more moving traffic violations in unrelated incidents within a 12-month period and is subsequently arrested or issued a citation within that 12-month period shall appear personally in court with or without counsel.***

3. A warrant may issue upon a violation of a written promise to appear.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 487.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 893.

SUMMARY—Revises provisions relating to water resources in certain counties. (BDR ~~[48-183)]~~ **S-183)**

AN ACT relating to water; ~~[providing for the regional acquisition, development, management and conservation of water resources in certain portions of Washoe County; creating the Northern Nevada Water Authority; setting forth the powers and duties of the Authority; creating the Northern Nevada Water Planning Commission to advise and assist the Authority; repealing provisions relating to regional planning and management of water in certain counties;]~~ **creating an Advisory Subcommittee of the Washoe County Regional Water Planning Commission; requiring the Commission, in conjunction with the Subcommittee, to assess and examine certain matters pertaining to the availability and responsible use of water within Washoe County and to submit a report to the Legislature in connection therewith;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing general law provides for regional planning and management of water by a water planning commission in counties whose population is 100,000 or more but less than 400,000 (currently Washoe County). Under that general law, a board of county commissioners is required to adopt a comprehensive plan for the supply of municipal and industrial water, quality of water, sanitary sewerage, treatment of sewage, drainage of storm water and control of floods and is required to take action by a two-thirds majority. This general law also provides for a water planning commission, which reports to and advises the board of county commissioners concerning issues relating to water resources. (NRS 540A.010-540A.310)

~~[This bill repeals that general law and creates by special legislation a new structure for regional planning and management of water resources in certain portions of Washoe County based on the unique conditions and circumstances existing in those areas. Under the Nevada Constitution, the Legislature may pass a special or local law if the subject matter of the law does not fall within one of certain enumerated categories and a general law cannot be made applicable because of special circumstances and conditions. (Nev. Const. Art. 4, §§ 20, 21) Section 5 of this bill specifies the unique conditions and circumstances in these portions of Washoe County that justify special legislation for the purpose of regional planning and management of water resources.~~

~~Sections 23 and 24 28 of this bill create the Northern Nevada Water Authority, which is governed by a Board of Trustees consisting of representatives of Washoe County, the cities of Reno and Sparks and various public entities that provide services relating to water and wastewater in Washoe County. Sections 37-42 of this bill create the Northern Nevada Water Planning Commission, which reports to and advises the Board of Trustees of the Authority.~~

~~In lieu of creating the Northern Nevada Water Authority pursuant to section 23 of this bill, section 23.5 of this bill authorizes the City of Reno, City of Sparks, Washoe County, Sun Valley General Improvement District and Truckee Meadows Water Authority to create the Northern Nevada Water Authority by cooperative agreement. The cooperative agreement must be entered into and become effective before January 1, 2008.~~

~~Sections 35-53 of this bill require the development and adoption of a comprehensive plan for the area over which the Authority has jurisdiction, which must address the supply of municipal and industrial water, quality of water, sanitary sewerage, treatment of sewage, drainage of storm water and control of floods. Sections 29-36 and 54-57 of this bill authorize the Board of Trustees to: (1) subject to certain exceptions, acquire and dispose of, in any manner, water rights, water supplies and related facilities; (2) schedule the delivery of water supplies held by certain water purveyors before January 1, 2008; (3) establish service territories of those purveyors for new water service provided on and after January 1, 2008; (4) establish, charge and collect various fees for services relating to the provision of water supplies;~~

~~(5) provide for water conservation by various means; (6) subject to certain exceptions, exercise the power of eminent domain as necessary to acquire private property; and (7) issue bonds and other obligations.~~

~~Section 61 of this bill creates a temporary statutory legislative committee to oversee the programs and activities of the Authority.]~~

Section 2 of this bill creates an Advisory Subcommittee of the Washoe County Regional Water Planning Commission. The Subcommittee consists of six members, including two Legislators appointed, respectively, by the Majority Leader of the Senate and the Speaker of the Assembly and four members of the general public who are appointed by the four purveyors of water in Washoe County: (1) the South Truckee Meadows General Improvement District; (2) the Sun Valley General Improvement District; (3) the Truckee Meadows Water Authority; and (4) Washoe County.

Section 3 of this bill requires the Commission, in conjunction with the Subcommittee, to make assessments, determinations and recommendations regarding several issues pertaining to the availability and responsible use of water within Washoe County.

Section 4 of this bill requires the Commission, in conjunction with the Subcommittee, to report on the activities carried out pursuant to section 3 and submit that report, accompanied by any recommendations for legislation, to the 75th Session of the Nevada Legislature.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 62 of this bill and replace with the following new sections 1 through 6:

Section 1. **As used in sections 1 to 4, inclusive, of this act, unless the context otherwise requires:**

1. "Commission" means the Washoe County Regional Water Planning Commission.

2. "Purveyor of water" means:

(a) The South Truckee Meadows General Improvement District;

(b) The Sun Valley General Improvement District;

(c) The Truckee Meadows Water Authority; and

(d) Washoe County.

3. "Subcommittee" means the Advisory Subcommittee created pursuant to section 2 of this act.

Sec. 2. **1. There is hereby created an Advisory Subcommittee of the Washoe County Regional Water Planning Commission.**

2. The Subcommittee consists of six members as follows:

(a) One member of the Senate, appointed by the Majority Leader of the Senate;

(b) One member of the Assembly, appointed by the Speaker of the Assembly; and

(c) Four members of the general public who are consumers of water services, one appointed by each of the four purveyors of water.

3. The Commission shall provide the Subcommittee with any necessary staff and administrative support.

Sec. 3. **The Commission, in conjunction with the Subcommittee, shall:**

1. Assess conjunctive use by the purveyors of water to determine if those purveyors are maximizing conjunctive use and, if not, recommend ways in which maximized conjunctive use may be achieved. As used in this subsection, "conjunctive use" means the combined use of surface water and groundwater systems to optimize resource use.

2. Determine the amount of water required to accommodate the substantial completion of development of land as anticipated in the Truckee Meadows Regional Plan, and assess how much of that required amount of water is available within Washoe County.

3. If the amount of water required to accommodate the substantial completion of development of land as anticipated in the Truckee Meadows Regional Plan, as determined pursuant to subsection 2, is not available within Washoe County:

(a) Examine other potential locations from which additional water may be obtained; and

(b) Prepare a reasonably detailed estimate of the cost of obtaining that additional water from other locations.

4. Determine the extent to which there is a duplication of water facilities and recommend a course of action to eliminate or minimize such duplication.

5. Identify sources of funding to pay for the water required to accommodate the substantial completion of development of land as anticipated in the Truckee Meadows Regional Plan, including, without limitation, sources of funding to pay for:

(a) Water that is available within Washoe County; and

(b) Water that will need to be obtained from other locations.

6. Assess the adequacy of any water conservation plans developed or adopted by the purveyors of water and, if it is determined that those plans are inadequate, make recommendations as to the specific manner in which those plans may be improved.

Sec. 4. **On or before July 1, 2008, the Commission, in conjunction with the Subcommittee, shall prepare a written report of the matters considered and the actions taken pursuant to section 3 of this act and shall submit the report, accompanied by any recommendations for legislation, to the Director of the Legislative Counsel Bureau for transmittal to the 75th Session of the Nevada Legislature.**

Sec. 5. **As soon as practicable after the effective date of this act, the Majority Leader of the Senate, the Speaker of the Assembly and the purveyors of water, as defined in section 1 of this act, shall appoint to the**

Advisory Subcommittee of the Washoe County Regional Water Planning Commission the members described in section 2 of this act.

Sec. 6. **This act becomes effective upon passage and approval and expires by limitation on June 30, 2009.**

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 497.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 783.

AN ACT relating to public facilities; authorizing the boards of county commissioners of certain larger counties to adopt procedures for the sale of the naming rights to a shooting range owned by the county; **requiring boards of county commissioners that sell naming rights relating to a shooting range to create an enterprise fund for the shooting range;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, boards of county commissioners are authorized to acquire parcels of land for park, recreational, cultural and memorial purposes and to operate, maintain and improve parks and other recreational and cultural facilities and areas owned by the county. (NRS 244.300-244.3091) Section 2 of this bill authorizes a board of county commissioners in a county whose population is 400,000 or more (currently Clark County) to adopt by ordinance procedures for the sale of the naming rights to a shooting range owned by the county. **Section 2 also requires a board of county commissioners that sells the naming rights relating to a shooting range to create an enterprise fund for proceeds from the shooting range and from the sale of the naming rights. Money in the fund may be used only to pay expenses directly related to the shooting range.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of county commissioners in a county whose population is 400,000 or more may adopt, by ordinance, procedures for the sale of [the] naming rights relating to a shooting range that is owned by the county [.], including, without limitation, the sale of naming rights to:

(a) Buildings, improvements, facilities, features, fixtures and sites located within the boundaries of the shooting range; and

(b) Activities, events and programs held at the shooting range.

2. If the board of county commissioners sells naming rights in accordance with the procedures adopted pursuant to subsection 1, the board shall create an enterprise fund exclusively for the proceeds of the sale of all such naming rights, for fees or charges for use of the shooting range and for any gifts, grants, donations, bequests, devises or money from any other source received for the shooting range. Any interest or other income earned on the money in the fund, after deducting any applicable charges, must be credited to the fund. Money that remains in the fund at the end of a fiscal year does not revert to the county general fund and the balance in the fund must be carried forward to the next fiscal year. The money in the fund may only be used to pay for expenses directly related to the shooting range.

Sec. 3. This act becomes effective on July 1, 2007.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 498.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 854.

SUMMARY—Revises the authority of ~~[the Virgin Valley Water District]~~ **certain water and improvement districts** to borrow money and incur indebtedness. (BDR ~~[S-964)]~~ **25-964)**

AN ACT relating to ~~[water]~~ **special** districts; **revising the authority of certain local improvement districts to borrow money and incur indebtedness;** revising the authority of the Virgin Valley Water District to borrow money and incur indebtedness; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Pursuant to the Nevada Improvement District Act (Chapter 309 of NRS), local improvement districts organized under the provisions of that Act on or before May 1, 1967, may incur general obligation indebtedness for the acquisition, construction, installation or completion of works or other improvements or facilities. (NRS 309.331-309.339) Sections 1-6 of this bill allow the board of such a district, in issuing general obligation bonds or other general obligation securities, to opt to carry out such activities pursuant to NRS 350.020 to 350.070, inclusive, instead of pursuant to the applicable provisions of chapter 309 of NRS.

Existing law provides that, in the event of a conflict between the provisions of NRS 309.332 to 309.339, inclusive, and the provisions of the Local Government Securities Law (NRS 350.500-350.720), the provisions of NRS 309.332 to 309.339, inclusive, control. (NRS 309.337) Section 7 of

this bill provides instead that, in the event of such a conflict, the provisions of the Local Government Securities Law control.

Under existing law, the Virgin Valley Water District is authorized to incur indebtedness, issue bonds and provide for medium-term obligations to carry out its powers. (Chapter 100, Statutes of Nevada 1993, p. 160, as last amended by chapter 203, Statutes of Nevada 1997, p. 560) ~~[This bill expands and clarifies]~~ **Sections 8 and 9 of this bill expand and clarify** that authority to allow the District to borrow money and incur indebtedness in any manner permitted by law for such a district and, subject to monitoring and oversight by the Clark County Debt Management Commission, to issue and retire bonds, warrants, notes and other securities in the same manner as a municipality. This bill also clarifies the authority of the District to provide for medium-term obligations and installment-purchase agreements in accordance with current statutes.

Under existing law, the Virgin Valley Water District is required to hold an election before incurring any general obligations. ~~[This bill specifies]~~ **Sections 8 and 9 of this bill specify** various types of securities which may be issued by the District without an election, including a general obligation only if the payment of that obligation is additionally secured by a pledge of and lien on the revenues of the District.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 309 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If the board of a district organized pursuant to the provisions of this chapter proposes to issue general obligation bonds or other general obligation securities that are payable from general ad valorem taxes, the board may do so, at its option, pursuant to:

(a) NRS 309.332 to 309.339, inclusive; or

(b) NRS 350.020 to 350.070, inclusive.

2. If the board of a district organized pursuant to the provisions of this chapter elects to exercise the option described in paragraph (b) of subsection 1:

(a) The general obligation bonds or other general obligation securities must be secured additionally by a pledge of and lien on net revenues;

(b) The general obligation bonds or other general obligation securities must be issued in compliance with NRS 350.020 to 350.070, inclusive; and

(c) The provisions of NRS 309.333 to 309.336, inclusive, do not apply to the issuance or authorization of those general obligation bonds or other general obligation securities.

Sec. 2. **NRS 309.331 is hereby amended to read as follows:**

309.331 ***1.*** Any district heretofore or hereafter organized pursuant to the provisions of this chapter ~~[shall have]~~ ***has*** the power to borrow money either as a general obligation of the district or as a special obligation of the

district, to evidence the same and to apply the proceeds thereof as hereinafter provided in NRS 309.332 to 309.339, inclusive. NRS 309.332 to 309.339, inclusive, without reference to other parts of this chapter, [(] except as otherwise expressly provided in NRS 309.332 to 309.339, inclusive, [), shall] constitute full authority for the exercise of the powers therein granted and shall be deemed to constitute a mode of financing and making improvements additional to and separate from all other methods and procedures. Without limiting the generality of the foregoing, such financing [shall] ***must*** take place without adherence to the following provisions: NRS 309.050 to 309.110, inclusive, [,] subsection 3 of NRS 309.130 [,] and NRS 309.170 to 309.330, inclusive.

2. The provisions of this section do not prohibit the board of a district organized pursuant to the provisions of this chapter from exercising the option to issue general obligation bonds or other general obligation securities in accordance with NRS 350.020 to 350.070, inclusive, as described in section 1 of this act.

Sec. 3. **NRS 309.333 is hereby amended to read as follows:**

309.333 ***Except as otherwise provided in section 1 of this act:***

1. Whenever any board determines, by resolution, that the interest of the district and the public interest or necessity demand the acquisition, construction, installation or completion of any works or other improvements or facilities, to carry out the objects or purposes hereof, requiring the creation of a general obligation indebtedness of $5,000 or more, the board shall submit the proposition of issuing general obligation bonds to the electors of the district at an election held for that purpose or at the next district election or primary state election.

2. As used in this section, "elector" means any person entitled to vote as described in NRS 309.110 and includes a person who is obligated to pay general taxes under a contract to purchase real property within the district. Registration pursuant to the general election [(] ***statutes*** or any other [)] statutes is not required. Residence in the county is not required. The election officials may in their discretion require the execution of voter affidavits in determining qualifications to vote at such bond elections.

3. Any such election may be held separately, or may be consolidated or held concurrently with any other election authorized by this chapter.

4. There must be no absentee voting at any such election.

5. The resolution required by subsection 1 must include:

(a) A declaration of public interest or necessity;

(b) The objects and purposes for which the indebtedness is proposed to be incurred;

(c) The estimated cost of the works or improvements, including interest on the general obligation bonds for ***a period*** not exceeding 12 months after their date and including the total of all estimated expenses incidental to their issuance;

(d) The amount of principal of the indebtedness to be incurred therefor;

(e) The maximum rate of interest to be paid on the indebtedness; and

(f) The date of the special election or the next district election or primary state election at which the proposition of issuing general obligation bonds will be submitted to the electors of the district.

Sec. 4. **NRS 309.334 is hereby amended to read as follows:**

309.334 ~~[The]~~ ***Except as otherwise provided in section 1 of this act, the*** board shall prescribe the form of the notice of election, and direct the publication of the same for 3 weeks, the first of the three publications of ~~[the notice to]~~ ***which must*** be not less than 20 days ~~[prior to]~~ ***before*** the election.

Sec. 5. **NRS 309.335 is hereby amended to read as follows:**

309.335 ~~[At]~~ ***Except as otherwise provided in section 1 of this act, at*** any regular or special meeting of the board held within 5 days following the date of such election, the returns thereof ~~[shall]~~ ***must*** be canvassed and the results thereof declared.

Sec. 6. **NRS 309.336 is hereby amended to read as follows:**

309.336 ***Except as otherwise provided in section 1 of this act:***

1. If it appears from the returns that a majority of the electors of the district who have voted on any proposition submitted pursuant to the provisions of NRS 309.332 to 309.339, inclusive, at the election voted in favor of the proposition, the district may issue and sell general obligation bonds of the district for the purpose or purposes and object or objects provided for in the proposition submitted and in the resolution therefor, and in the amount so provided and at a rate of interest not exceeding the rate of interest recited in the resolution.

2. Submission of the proposition of incurring the general obligation indebtedness at a special election, district election or primary state election does not prohibit the submission of the same proposition or other propositions at a subsequent special election, district election or primary state election.

Sec. 7. **NRS 309.337 is hereby amended to read as follows:**

309.337 The provisions of the Local Government Securities Law apply to any securities authorized to be issued under NRS 309.332 to 309.339, inclusive, ~~[but]~~ ***and*** in the event of conflict ***,*** the provisions of ~~[NRS 309.332 to 309.339, inclusive,]~~ ***the Local Government Securities Law*** control.

~~[Section 1.]~~ ***Sec. 8.*** The Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, at page 159, is hereby amended by adding thereto a new section to be designated as section 10.5, immediately following section 10, to read as follows:

Sec. 10.5. 1. The District may, subject to the provisions of NRS 350.011 to 350.0165, inclusive:

(a) Issue and retire bonds, warrants, notes and other securities, as if the District was a municipality, in accordance with and by the exercise of the powers conferred by:

(1) Chapter 271 of NRS;

(2) NRS 350.020 to 350.070, inclusive;

(3) NRS 350.350 to 350.490, inclusive;

(4) NRS 350.500 to 350.720, inclusive; and

(5) Any other applicable law;

(b) Provide for medium-term obligations and installment-purchase agreements in accordance with and by the exercise of the powers conferred by NRS 350.087 to 350.095, inclusive; and

(c) Conduct any transaction described in NRS 350.800, as if the District was a municipality, in accordance with and by the exercise of the powers conferred by that section,

➥ *to pay, in whole or in part, the costs of acquiring, constructing and operating any lands, easements, water rights, water, waterworks or projects, conduits, pipelines, wells, reservoirs, structures, machinery and other property or equipment useful or necessary to store, convey, supply or otherwise deal with water, and otherwise to carry out the powers set forth in section 3 of this act.*

2. For the purposes of:

(a) NRS 350.011 to 350.0165, inclusive, the District shall be deemed to be a municipality within the meaning of those provisions.

(b) NRS 350.572, sections 1 to 15, inclusive, of this act do not expressly or impliedly require an election before the issuance of a security or indebtedness pursuant to NRS 350.500 to 350.720, inclusive, if the obligation is:

(1) Payable solely from pledged revenues;

(2) A general obligation payable from general ad valorem taxes, the payment of which obligation is additionally secured by a pledge of and lien on designated revenues;

(3) A medium-term obligation; or

(4) Any combination of the obligations described in subparagraphs (1), (2) and (3),

➥ *but an election must be held before incurring a general obligation payable solely from general ad valorem taxes.*

~~[Sec. 2.]~~ ***Sec. 9.*** Section 3 of the Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, as last amended by chapter 203, Statutes of Nevada 1997, at page 560, is hereby amended to read as follows:

Sec. 3. The District has the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of the District in all courts or tribunals of competent jurisdiction.

3. To adopt a seal and alter it at the District's pleasure.

4. To enter into contracts, and employ and fix the compensation of staff and professional advisers.

5. To ***borrow money and*** incur indebtedness ~~[pursuant to chapter 271 of NRS, issue bonds pursuant to chapter 350 of NRS and provide for medium-term obligations pursuant to chapter 350 of NRS to pay, in whole or in part, the costs of acquiring, constructing and operating any lands, easements,~~

~~water rights, water, waterworks or projects, conduits, pipelines, wells, reservoirs, structures, machinery and other property or equipment useful or necessary to store, convey, supply or otherwise deal with water, and otherwise to carry out the powers set forth in this section. For the purposes of NRS 350.572, sections 1 to 15, inclusive, of this act do not expressly or impliedly require an election before the issuance of a security or indebtedness pursuant to NRS 350.500 to 350.572, inclusive, if the obligation is payable solely from pledged revenues, but an election must be held before incurring a general obligation.]~~ ***to the extent permitted by law.***

6. To acquire, by purchase, grant, gift, devise, lease, construction, contract or otherwise, lands, rights-of-way, easements, privileges, water and water rights, and property of every kind, whether real or personal, to construct, maintain and operate, within or without the District, any and all works and improvements necessary or proper to carry out any of the objects or purposes of sections 1 to 15, inclusive, of this act, and to complete, extend, add to, repair or otherwise improve any works, improvements or property acquired by it as authorized by sections 1 to 15, inclusive, of this act.

7. To sell, lease, encumber, hypothecate or otherwise dispose of property, whether real or personal, including water and water rights, as is necessary or convenient to the full exercise of the district's powers.

8. To adopt ordinances, rules, regulations and bylaws necessary for the exercise of the powers and conduct of the affairs of the Board and District.

9. Except as otherwise provided in this subsection, to exercise the power of eminent domain in the manner prescribed by law, within or without the service area of the District, to take any property, including, without limitation, the property specified in subsections 6 and 15, necessary or convenient for the exercise of the powers of the District or for the provision of adequate water service to the service area. The District shall not exercise the power of eminent domain to acquire the water rights or waterworks facilities of any nonprofit purveyor delivering water for domestic use whose service area is adjacent to the district without first obtaining the consent of the purveyor.

10. To enter upon any land, to make surveys and locate any necessary improvements, including, without limitation, lines for channels, conduits, canals, pipelines, roadways and other rights-of-way, to acquire property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of such improvements, including works constructed and being constructed by private owners, lands for reservoirs for the storage of necessary water, and all necessary appurtenances, and, where necessary and for the purposes and uses set forth in this section, to acquire and hold the stock of corporations, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions or other rights.

11. To enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county or district of any kind, public or private corporation, association, firm or natural person, or

any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which may be lawfully acquired or owned by the District.

12. To acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the District, and to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the District, or to carry such water through any tunnel, canal, ditch or conduit of the District.

13. To enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or natural person, or any number of them, for the transfer or delivery to any district, corporation, association, firm or natural person of any water right or water pumped, stored, appropriated or otherwise acquired or secured for the use of the District, or for the purpose of exchanging the water or water right for any other water, water right or water supply to be delivered to the district by the other party to the agreement.

14. To cooperate and act in conjunction with the State of Nevada or any of its engineers, officers, boards, commissions, departments or agencies, with the government of the United States or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, to construct any work for the development, importation or distribution of water of the District, for the protection of life or property therein, or for the conservation of its water for beneficial use within the district, or to carry out any other works, acts or purposes provided for in sections 1 to 15, inclusive, of this act, and to adopt and carry out any definite plan or system of work for any of the purposes described in sections 1 to 15, inclusive, of this act.

15. To store water in surface or underground reservoirs within or without the District for the common benefit of the District, to conserve and reclaim water for present and future use within the District, to appropriate and acquire water and water rights and import water into the District for any useful purpose to the District, and to commence, maintain, intervene in and compromise in the name of the District, or otherwise, and assume the costs and expenses of any action or proceeding involving or affecting:

(a) The ownership or use of water or water rights within or without the District used or useful for any purpose of the District or of common benefit to any land situated therein;

(b) The wasteful use of water within the District;

(c) The interference with or diminution of water or water rights within the District;

(d) The contamination or pollution of the surface or subsurface water used in the District or any other act that otherwise renders such water unfit for beneficial use; and

(e) The interference with this water that may endanger or damage the residents, lands or use of water in the District.

16. To sell and distribute water under the control of the District, without preference, to any natural person, firm, corporation, association, district, agency or inhabitant, public or private, for use within the service area, to fix, establish and adjust rates, classes of rates, terms and conditions for the sale and use of such water, and to sell water for use outside the service area upon a finding by the board that there is a surplus of water above that amount required to serve customers within the service area.

17. To cause taxes to be levied and collected for the purposes prescribed in sections 1 to 15, inclusive, of this act, including the payment of any obligation of the District during its organizational state and thereafter, and necessary engineering costs, and to assist in the operational expenses of the District, until such taxes are no longer required.

18. To supplement the surface and groundwater resources of Virgin Valley by the importation and use of water from other sources for industrial, irrigation, municipal and domestic uses.

19. To restrict the use of district water during any emergency caused by drought or other threatened or existing water shortage, and to prohibit the waste of district water at any time through the adoption of ordinances, rules or regulations and the imposition of fines for violations of those ordinances, rules and regulations.

20. To annex area into the District in the manner prescribed for cities in chapter 268 of NRS.

21. To supply water under contract or agreement, or in any other manner, to the United States or any department or agency thereof, the State of Nevada, Clark County, Nevada, and any city, town, corporation, association, partnership or natural person situated in Clark County, Nevada, and to deliver water to those users in Mohave County, Arizona, who are located in the Virgin Valley in accordance with the provisions of NRS 533.515 and 533.520, for an appropriate charge, consideration or exchange made therefor, when such supply is available or can be developed as an incident of or in connection with the primary functions and operations of the District.

22. To create assessment districts to extend mains, improve distribution systems and acquire presently operating private water companies and mutual water distribution systems.

23. To accept from the Government of the United States or any of its agencies financial assistance or participation in the form of grants-in-aid or any other form in connection with any of the functions of the District.

24. To assume the obligations of the Bunkerville Water User's Association, a nonprofit corporation, in providing water service to users in the District's service area.

25. To assume the obligations of the Mesquite Farmstead Water Association, a nonprofit corporation, in providing water service to users in the District's service area and in its certificated service area in Mohave

County, Arizona, pursuant to the certificate of public convenience and necessity granted to the Mesquite Farmstead Water Association by the State of Arizona.

26. To conduct business in Mohave County, Arizona, upon qualifying to do so pursuant to the laws of that state.

27. To do all acts and things reasonably implied from and necessary for the full exercise of all powers of the district granted by sections 1 to 15, inclusive, of this act.

~~[Sec. 3.]~~ ***Sec. 10.*** This act becomes effective on July 1, 2007.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 509.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 853.

SUMMARY—Makes various changes to provisions relating to state financial administration **,** ~~[and]~~ the acquisition of property ~~[.]~~ **and the construction of public works.** (BDR 31-424)

AN ACT relating to state financial administration; requiring state agencies to advertise for proposals before entering into certain lease-purchase and installment-purchase agreements; making various other changes to provisions relating to lease-purchase and installment-purchase agreements; **clarifying the application to certain projects of provisions requiring the payment of prevailing wages on public works;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes state agencies to enter into lease-purchase and installment-purchase agreements to acquire real property, an interest in real property or an improvement to real property. (NRS 353.500-353.630) Section 2 of this bill requires a state agency to advertise for proposals before it enters into a lease-purchase or installment-purchase agreement for the purpose of acquiring an existing building that is located on property which is not owned by the State. Section 3 of this bill specifies the requirements for such an advertisement. Section 2 also requires that, if a state agency wishes to enter into a lease-purchase or installment-purchase agreement requiring the construction of a building on property which is owned by the State, the agency must contract with a design-build team for the design and construction of the building.

Existing law provides the requirements for lease-purchase and installment-purchase agreements which extend beyond the biennium in which the agreements are executed. Any such agreement must prohibit certificates of participation unless the State Board of Finance waives the prohibition.

(NRS 353.550) Section 5 of this bill provides that if the Board waives the prohibition, the agreement does not have to include: (1) the rate of interest to be paid under the agreement; (2) the dates on which and prices at which the prepayments may be made under the agreement; (3) the amount to be received from the sale of the agreement or interests therein; and (4) the principal amount to be paid under the agreement and the amount of principal to be repaid in any particular year.

Existing law provides that if a lease-purchase or installment-purchase agreement involves an improvement to property owned by the State, the State Land Registrar may enter into a lease of the property to which the improvement will be made if the lease has a term of 35 years or less and the lease provides for rental payments that approximate the fair market rental of the property before the improvement is made. (NRS 353.600) Section 8 of this bill provides that any such lease is exempt from certain provisions in existing law governing the lease of state land that require certain appraisals and the acceptance of sealed bids followed by oral offers.

Existing law authorizes the issuance and prescribes the terms of evidence of certain installment-purchase agreements. (NRS 350.091) Section 9 of this bill provides that certain installment-purchase agreements involving the construction, alteration, repair or remodeling of an improvement need not contain certain details and certain leases thereunder need not comply with certain statutes, but prevailing wage requirements (NRS 338.013-338.090) apply to the construction, alteration, repair or remodeling.

Under existing law, the Nevada Supreme Court has held that even where a statute states specifically that the prevailing wage must be paid pursuant to NRS 338.010 to 338.090, inclusive, prevailing wages need not be paid if the project at issue does not fit the definition of a "public work" and does not involve a "public body." (*Carson-Tahoe Hosp. v. Bldg. & Constr. Trades Council of Northern Nevada*, 122 Nev. Adv. Op. 19 (2006)) Section 12 of this bill sets forth that if a statute or local or special act provides that a project is subject to the provisions of "NRS 338.010 to 338.090, inclusive," or "NRS 338.013 to 338.090, inclusive," or "NRS 338.020 to 338.090, inclusive," the statute or local or special act must be construed as requiring the provisions of NRS 338.010 to 338.090, inclusive, to apply to the project in the same manner as those provisions apply to a "public work," except that the project will be deemed to be a "public work" solely for the application of those prevailing wage provisions. Section 13 of this bill amends the definition of "public work" to include any project for which a "public body": (1) provides property for development at less than the fair market value of the property; or (2) provides to a developer financial incentives having a value of more than $100,000.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 353 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***Before a state agency enters into an agreement:***

1. If, pursuant to the terms of the agreement:

(a) The state agency will acquire an existing building that is located on property which is not owned by the State; or

(b) The state agency will construct a building that will be located on property which is not owned by the State,

➥ *the state agency shall advertise for proposals in the manner set forth in section 3 of this act.*

2. If, pursuant to the terms of the agreement, the state agency will construct a building that will be located on property which is owned by the State, the state agency shall contract with a design-build team for the design and construction of the building in accordance with NRS 338.1711 to 338.1727, inclusive, regardless of the estimated cost of the building.

Sec. 3. ***1. A state agency that is required to advertise for proposals pursuant to section 2 of this act shall advertise for proposals in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county in which the building is or will be located. If no qualified newspaper is published in the county, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.***

2. A request for proposals published pursuant to subsection 1 must include, without limitation:

(a) A description of the building, including, without limitation, its size and location;

(b) An estimate of the cost of the building;

(c) If the proposal is for the construction of a building:

(1) The date on which it is anticipated that the state agency will begin construction of the building;

(2) The date by which proposals must be submitted to the state agency; and

(3) A statement setting forth that the contractor who will construct the building must be licensed pursuant to chapter 624 of NRS; and

(d) Any other information that the state agency determines to be necessary.

3. Nothing in this section shall be construed to require a state agency to enter into an agreement with any person who submits a proposal to the state agency.

Sec. 4. NRS 353.500 is hereby amended to read as follows:

353.500 As used in NRS 353.500 to 353.630, inclusive, ***and sections 2 and 3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 353.510 to 353.540, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 353.550 is hereby amended to read as follows:

353.550 1. A state agency may propose a project to acquire real property, an interest in real property or an improvement to real property through an agreement which has a term, including the terms of any options for renewal, that extends beyond the biennium in which the agreement is executed if the agreement:

(a) Provides that all obligations of the State of Nevada and the state agency are extinguished by the failure of the Legislature to appropriate money for the ensuing fiscal year for payments due pursuant to the agreement;

(b) Does not encumber any property of the State of Nevada or the state agency except for the property that is the subject of the agreement;

(c) Provides that property of the State of Nevada and the state agency, except for the property that is the subject of the agreement, must not be forfeited if:

(1) The Legislature fails to appropriate money for payments due pursuant to the agreement; or

(2) The State of Nevada or the state agency breaches the agreement;

(d) Prohibits certificates of participation in the agreement; and

(e) For the biennium in which it is executed, does not require payments that are greater than the amount authorized for such payments pursuant to the applicable budget of the state agency.

2. The provisions of paragraph (d) of subsection 1 may be waived by the Board, upon the recommendation of the State Treasurer, if the Board determines that waiving those provisions:

(a) Is in the best interests of this State; and

(b) Complies with federal securities laws.

3. Before an agreement proposed pursuant to subsection 1 may become effective:

(a) The proposed project must be approved by the Legislature by concurrent resolution or statute or as part of the budget of the state agency, or by the Interim Finance Committee when the Legislature is not in regular session;

(b) The agency must submit the proposed agreement to the Chief, the State Treasurer and the State Land Registrar for their review and transmittal to the Board;

(c) The Board must approve the proposed agreement; and

(d) The Governor must execute the agreement.

4. If the provisions of paragraph (d) of subsection 1 are waived as provided in subsection 2, the agreement proposed pursuant to subsection 1, and the proposed agreement submitted pursuant to paragraph (b) of subsection 3 and approved pursuant to paragraph (c) of subsection 3, need not contain the following details if the Board, before the execution of the agreement by the Governor pursuant to paragraph (d) of subsection 3, delegates to the State Treasurer or his designee the authority to make a

binding agreement, subject to paragraphs (a), (b), (c) and (e) of subsection 1:

(a) The rate of interest to be paid under the agreement;

(b) The dates on which and prices at which the prepayments may be made under the agreement;

(c) The amount to be received from the sale of the agreement or interests therein; and

(d) The principal amount to be paid under the agreement and the amount of principal to be repaid in any particular year.

5. All terms of the agreement other than:

(a) The rate of interest to be paid under the agreement;

(b) The dates and prices for the prepayments of amounts under the agreement;

(c) The amount to be received from the sale of the agreement or interests therein; and

(d) The principal amount to be paid under the agreement and the amount of principal to be repaid in any particular year,

➥ *must be approved by the Board before the agreement is executed by the Governor.*

6. The final rate of interest, dates and prices of prepayments, price for the sale of the agreement or interests therein, principal amount and requirements for the principal amounts to be repaid in any year are not required to be approved by the Board if each of those terms complies with the requirements specified by the Board before the agreement is executed by the Governor.

Sec. 6. NRS 353.580 is hereby amended to read as follows:

353.580 ~~[An]~~ ***Except as otherwise provided in sections 2 and 3 of this act, an*** agreement entered into pursuant to NRS 353.500 to 353.630, inclusive, ***and sections 2 and 3 of this act*** is not subject to any requirement of competitive bidding or other restriction imposed on the procedure for the awarding of contracts.

Sec. 7. NRS 353.590 is hereby amended to read as follows:

353.590 If an agreement pursuant to NRS 353.500 to 353.630, inclusive, ***and sections 2 and 3 of this act*** involves the construction, alteration, repair or remodeling of an improvement:

1. The construction, alteration, repair or remodeling of the improvement may be conducted as specified in the agreement without complying with the provisions of:

(a) ~~[Any]~~ ***Except as otherwise provided in sections 2 and 3 of this act, any*** law requiring competitive bidding; or

(b) Chapter 341 of NRS.

2. The provisions of NRS 338.013 to 338.090, inclusive, apply to the construction, alteration, repair or remodeling of the improvement.

Sec. 8. NRS 353.600 is hereby amended to read as follows:

353.600 1. Except as otherwise provided in this section, if an agreement pursuant to NRS 353.500 to 353.630, inclusive, ***and sections 2 and 3 of this act*** involves an improvement to property owned by the State of Nevada or the state agency, the State Land Registrar, in consultation with the State Treasurer and in conjunction with the agreement, upon approval of the State Board of Examiners may enter into a lease of the property to which the improvement will be made if the lease:

(a) Has a term of 35 years or less; and

(b) Provides for rental payments that approximate the fair market rental of the property before the improvement is made, as determined by the State Land Registrar in consultation with the State Treasurer at the time the lease is entered into, which must be paid if the agreement terminates before the expiration of the lease because the Legislature fails to appropriate money for payments due pursuant to the agreement.

2. A lease entered into pursuant to this section may provide for nominal rental payments to be paid pursuant to the lease before the agreement terminates.

3. Before the State Land Registrar may enter into a lease pursuant to this section:

(a) The State Land Registrar must submit the proposed lease to the Chief and the State Treasurer for their review and transmittal to the Board; and

(b) The Board must approve the lease.

4. Any lease of state land under this section is exempt from the requirements of NRS 321.007 and 321.335.

Sec. 9. NRS 321.007 is hereby amended to read as follows:

321.007 1. Except as otherwise provided in subsection 5, NRS 322.063, 322.065 **,** ~~[or]~~ 322.075 ~~[,]~~ ***or 353.600,*** except as otherwise required by federal law and except for land that is sold or leased pursuant to an agreement entered into pursuant to NRS 277.080 to 277.170, inclusive, when offering any land for sale or lease, the State Land Registrar shall:

(a) Obtain two independent appraisals of the land before selling or leasing it. The appraisals must have been prepared not more than 6 months before the date on which the land is offered for sale or lease.

(b) Notwithstanding the provisions of chapter 333 of NRS, select the two independent appraisers from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the State Land Registrar as to the qualifications of an appraiser is conclusive.

2. The State Land Registrar shall adopt regulations for the procedures for creating or amending a list of appraisers qualified to conduct appraisals of land offered for sale or lease by the State Land Registrar. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the land that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the owner of the land or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any land offered for sale or lease by the State Land Registrar if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the land or an adjoining property.

5. If a lease of land is for residential property and the term of the lease is 1 year or less, the State Land Registrar shall obtain an analysis of the market value of similar rental properties prepared by a licensed real estate broker or salesman when offering such a property for lease.

Sec. 10. NRS 321.335 is hereby amended to read as follows:

321.335 1. Except as otherwise provided in NRS 321.125, 321.510, 322.063, 322.065 **,** ~~[or]~~ 322.075 ~~[,]~~ ***or 353.600,*** except as otherwise required by federal law and except for an agreement entered into pursuant to the provisions of NRS 277.080 to 277.170, inclusive, or a lease of residential property with a term of 1 year or less, after April 1, 1957, all sales or leases of any lands that the Division is required to hold pursuant to NRS 321.001, including lands subject to contracts of sale that have been forfeited, are governed by the provisions of this section.

2. Whenever the State Land Registrar deems it to be in the best interests of the State of Nevada that any lands owned by the State and not used or set apart for public purposes be sold or leased, he may, with the approval of the State Board of Examiners and the Interim Finance Committee, cause those lands to be sold or leased upon sealed bids, or oral offer after the opening of sealed bids for cash or pursuant to a contract of sale or lease, at a price not less than the highest appraised value for the lands plus the costs of appraisal and publication of notice of sale or lease.

3. Before offering any land for sale or lease, the State Land Registrar shall cause it to be appraised by competent appraisers selected pursuant to NRS 321.007.

4. After receipt of the report of the appraisers, the State Land Registrar shall cause a notice of sale or lease to be published once a week for 4 consecutive weeks in a newspaper of general circulation published in the county where the land to be sold or leased is situated, and in such other newspapers as he deems appropriate. If there is no newspaper published in the county where the land to be sold or leased is situated, the notice must be so published in a newspaper published in this State having a general circulation in the county where the land is situated.

5. The notice must contain:

(a) A description of the land to be sold or leased;

(b) A statement of the terms of sale or lease;

(c) A statement that the land will be sold pursuant to subsection 6; and

(d) The place where the sealed bids will be accepted, the first and last days on which the sealed bids will be accepted, and the time when and place where the sealed bids will be opened and oral offers submitted pursuant to subsection 6 will be accepted.

6. At the time and place fixed in the notice published pursuant to subsection 4, all sealed bids which have been received must, in public session, be opened, examined and declared by the State Land Registrar. Of the proposals submitted which conform to all terms and conditions specified in the notice published pursuant to subsection 4 and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral offer is accepted or the State Land Registrar rejects all bids and offers. Before finally accepting any written bid, the State Land Registrar shall call for oral offers. If, upon the call for oral offers, any responsible person offers to buy or lease the land upon the terms and conditions specified in the notice, for a price exceeding by at least 5 percent the highest written bid, then the highest oral offer which is made by a responsible person must be finally accepted.

7. The State Land Registrar may reject any bid or oral offer to purchase or lease submitted pursuant to subsection 6, if he deems the bid or offer to be:

(a) Contrary to the public interest.

(b) For a lesser amount than is reasonable for the land involved.

(c) On lands which it may be more beneficial for the State to reserve.

(d) On lands which are requested by the State of Nevada or any department, agency or institution thereof.

8. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of sale specified in the notice of sale, the State Land Registrar shall convey title by quitclaim or cause a patent to be issued as provided in NRS 321.320 and 321.330.

9. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of lease specified in the notice of lease, the State Land Registrar shall enter into a lease agreement with the person submitting the accepted bid or oral offer pursuant to the terms of lease specified in the notice of lease.

10. The State Land Registrar may require any person requesting that state land be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the State Land Registrar in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.

11. If land that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the land, the State Land Registrar may offer the land for sale or lease a second time pursuant to this section. If there is a material change relating to the title,

zoning or an ordinance governing the use of the land, the State Land Registrar must obtain a new appraisal of the land pursuant to the provisions of NRS 321.007 before offering the land for sale or lease a second time. If land that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the land, the State Land Registrar may list the land for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the land or an adjoining property.

Sec. 11. NRS 322.060 is hereby amended to read as follows:

322.060 ~~[Subject]~~ ***Except as otherwise provided in NRS 353.600, subject*** to the provisions of NRS 321.335, leases or easements authorized pursuant to the provisions of NRS 322.050, and not made for the purpose of extracting oil, coal or gas or the utilization of geothermal resources from the lands leased, must be:

1. For such areas as may be required to accomplish the purpose for which the land is leased or the easement granted.

2. Except as otherwise provided in NRS 322.063, 322.065 and 322.067, for such term and consideration as the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, may determine reasonable based upon the fair market value of the land.

3. Executed upon a form to be prepared by the Attorney General. The form must contain all of the covenants and agreements usual or necessary to such leases or easements.

Sec. 12. **Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:**

A statute, local or special act or any other law that contains a reference stating that the provisions of "NRS 338.010 to 338.090, inclusive," or "NRS 338.013 to 338.090, inclusive," or "NRS 338.020 to 338.090, inclusive," apply to a specific project, type of project or other authorization for or reference to a construction project must be construed as requiring that the provisions of NRS 338.010 to 338.090, inclusive, apply to the project in the same manner that those provisions apply to a public work, except that the project is hereby deemed to be a public work solely for the purpose of the application of those provisions.

Sec. 13. **NRS 338.010 is hereby amended to read as follows:**

338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that he is not required to be licensed pursuant to chapter 624 of NRS.

(b) A design-build team.

4. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a workman or workmen employed by them on public works by the day and not under a contract in writing.

5. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. "Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

9. "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

10. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

11. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

12. "Offense" means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

(d) Comply with subsection 4 or 5 of NRS 338.070.

13. "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➥ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

14. "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

15. "Public work" means any project for the new construction, repair or reconstruction of:

(a) A project financed in whole or in part from public money for:

(1) Public buildings;

(2) Jails and prisons;

(3) Public roads;

(4) Public highways;

(5) Public streets and alleys;

(6) Public utilities;

(7) Publicly owned water mains and sewers;

(8) Public parks and playgrounds;

(9) Public convention facilities which are financed at least in part with public money; ~~[and]~~

(10) All other publicly owned works and property ~~[.]~~ ***; and***

(11) All other projects for which a public body provides:

(I) Property for development at less than the fair market value of the property; or

(II) Financial incentives to a developer, if the financial incentives have a value of more than $100,000.

(b) A building for the Nevada System of Higher Education of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.

16. "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

17. "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

➥ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

18. "Subcontract" means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

➥ for the provision of labor, materials, equipment or supplies for a construction project.

19. "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that he is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

20. "Supplier" means a person who provides materials, equipment or supplies for a construction project.

21. "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the workman.

22. "Workman" means a skilled mechanic, skilled workman, semiskilled mechanic, semiskilled workman or unskilled workman in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 14. **NRS 338.090 is hereby amended to read as follows:**

338.090 1. Any person, including the officers, agents or employees of a public body, who violates any provision of NRS 338.010 to 338.090, inclusive, ***and section 13 of this act,*** or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

2. The Labor Commissioner, in addition to any other remedy or penalty provided in this chapter:

(a) Shall assess a person who, after an opportunity for a hearing, is found to have failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, ***and section 13 of this act,*** an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid; and

(b) May, in addition to any other administrative penalty, impose an administrative penalty not to exceed the costs incurred by the Labor Commissioner to investigate and prosecute the matter.

3. If the Labor Commissioner finds that a person has failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, ***and section 13 of this act,*** the public body may, in addition to any other remedy or penalty provided in this chapter, require the person to pay the actual costs incurred by the public body to investigate the matter.

Sec. 15. NRS 350.091 is hereby amended to read as follows:

350.091 1. Whenever the governing body of any local government is authorized to enter into a medium-term obligation or installment-purchase agreement as provided in NRS 280.266 or 350.089 that is intended to finance a capital project, the governing body shall update its plan for capital improvement in the same manner as is required for general obligation debt pursuant to NRS 350.013.

2. Whenever the governing body of any local government is authorized to enter into a medium-term obligation as provided in NRS 350.089, the governing body may issue, as evidence thereof, negotiable notes or medium-term negotiable bonds that, except as otherwise provided in subsection 5 of NRS 496.155:

(a) Must mature not later than 10 years after the date of issuance;

(b) Must bear interest at a rate or rates which do not exceed by more than 3 percent the Index of Twenty Bonds which was most recently published before the bids are received or a negotiated offer is accepted; and

(c) May, at the option of the local government, contain a provision which allows redemption of the notes or bonds before maturity, upon such terms as the governing body determines.

3. Whenever the governing body of any local government is authorized to enter into an installment-purchase agreement as provided in NRS 280.266 or 350.089, the governing body may issue, as evidence thereof, an installment-purchase agreement, lease or other evidence of a transaction described in NRS 350.800. An installment-purchase agreement, lease or other evidence of a transaction described in NRS 350.800 issued pursuant to this subsection:

(a) Must have a term that is 30 years or less;

(b) Must bear interest at a rate or rates that do not exceed by more than 3 percent the Index of Revenue Bonds which was most recently published before the local government enters into the installment-purchase agreement; and

(c) May, at the option of the local government, contain a provision that allows prepayment of the purchase price upon such terms as are provided in the agreement.

4. ***A proposed installment-purchase agreement approved by the governing body need not contain the following details if the governing body, before the execution of the installment-purchase agreement, delegates to its chief administrative officer or chief financial officer, or both, the authority to make a binding agreement, subject to paragraph (a) of subsection 1 of NRS 350.800:***

(a) The rate of interest to be paid under the installment-purchase agreement;

(b) The dates on which and the prices at which the prepayments may be made under the installment-purchase agreement;

(c) The amount to be received from the sale of the installment-purchase agreement or interests therein; and

(d) The principal amount to be paid under the installment-purchase agreement and the amount of principal to be repaid in any particular year.

5. All terms of the installment-purchase agreement other than:

(a) The rate of interest;

(b) The dates and prices for the prepayments of amounts under the installment-purchase agreement;

(c) The amount to be received from the sale of the installment-purchase agreement or interests therein; and

(d) The principal amount to be paid under the installment-purchase agreement and the amount of principal to be repaid in any particular year,

➥ must be approved by the governing body before the installment-purchase agreement is executed.

6. If an installment-purchase agreement involves a lease for a term of 35 years or less of land of the municipality on which improvements are to be located which will be, in whole or in part, the subject of the installment-purchase agreement, then no provisions of law, including, without limitation, NRS 244.2795, 244.281, 244.282, 244.283, 266.267, 268.059, 268.061 or 268.062, that require an appraisal or public bidding before

entering into or executing that lease apply to the lease entered into under this subsection.

7. If an installment-purchase agreement pursuant to this section involves the construction, alteration, repair or remodeling of an improvement, the provisions of NRS 338.013 to 338.090, inclusive, apply to the construction, alteration, repair or remodeling of the improvement.

8. If the term of the medium-term obligation or installment-purchase agreement is more than 5 years, the weighted average term of the medium-term obligation or installment-purchase agreement may not exceed the estimated weighted average useful life of the assets being financed with the medium-term obligation or installment-purchase agreement.

~~[5.]~~ ***9.*** For the purposes of subsection ~~[4,]~~ ***8,*** the Committee on Local Government Finance may adopt regulations that provide guidelines for the useful life of various types of assets and for calculation of the weighted average useful life of assets.

~~[Sec. 13.]~~ ***Sec. 16.*** This act becomes effective on July 1, 2007.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 516.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 895.

AN ACT relating to public officers; revising the provisions governing the compensation of certain elected county officers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill increases the **maximum** amount at which the board of county commissioners may set the annual salary for a county commissioner of that county. Section 1 also increases **, by 3 percent for each of Fiscal Years 2007-2008, 2008-2009, 2009-2010 and 2010-2011,** the compensation to be paid to certain other elected county officers. (NRS 245.043) Pursuant to section 3 of this bill, ~~[those]~~ **the** increases **applicable to: (1) Fiscal Year 2007-2008,** become effective on July 1, 2007 ~~[.]~~ **; (2) Fiscal Year 2008-2009, become effective on July 1, 2008; (3) Fiscal Year 2009-2010, become effective on July 1, 2009; and (4) Fiscal Year 2010-2011, become effective on July 1, 2010.** However, section 4 of this bill authorizes a county that has not commenced payment of the increased annual salaries to request and receive a waiver from payment of the increases based on insufficient financial resources. If a waiver is granted for ~~[Fiscal Year 2007-2008,]~~ **any fiscal year,** section 4 prohibits retroactive payment of the increases for that fiscal year. ~~[If a waiver is granted for any subsequent fiscal year, however, a county may pay the increases retroactively for those fiscal years.]~~ Section 1

also changes the salary classification of Storey County, thereby increasing the amount of the annual salaries paid to its elected county officers. Section 2 of this bill clarifies that county commissioners are eligible for longevity pay. (NRS 245.044)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 245.043 is hereby amended to read as follows:

245.043 1. As used in this section:

(a) "County" includes Carson City.

(b) "County commissioner" includes the Mayor and supervisors of Carson City.

2. Except as otherwise provided by any special law, the elected officers of the counties of this State are entitled to receive ***, for the appropriate fiscal year,*** annual salaries in the base amounts specified in the following table. The annual salaries are in full payment for all services required by law to be performed by such officers. Except as otherwise provided by law, all fees and commissions collected by such officers in the performance of their duties must be paid into the county treasury each month without deduction of any nature.

ANNUAL SALARIES

Class	County	District Attorney	County Sheriff	County Clerk	County Assessor	Count Recorder	County Treasurer	Public Administrator
1	Clark	~~[$155,745~~	~~$134,263~~	~~$91,138~~	~~$91,138~~	~~$91,138~~	~~$91,138~~	~~$91,138]~~
~~f~~		~~*$181,994*~~	~~*$156,892*~~	~~*$106,498*~~	~~*$106,498*~~	~~*$106,498*~~	~~*$106,498*~~	~~*106,498]*~~
	FY 2007-2008	$160,417	$138,291	$93,872	$93,872	$93,872	$93,872	$93,872
	FY 2008-2009	165,230	142,440	96,668	96,668	96,668	96,668	96,668
	FY 2009-2010	170,187	146,713	99,589	99,589	99,589	99,589	99,589
	FY 2010-2011	175,293	151,114	102,577	102,577	102,577	102,577	102,577
2	Washoe	~~[137,485~~	~~110,632~~	~~83,543~~	~~83,543~~	~~83,543~~	~~83,543~~	~~83,543]~~
~~f~~		~~*160,657*~~	~~*129,278*~~	~~*97,623*~~	~~*97,623*~~	~~*97,623*~~	~~*97,623*~~	~~*97,623]*~~
	FY 2007-2008	141,610	113,951	86,049	86,049	86,049	86,049	86,049
	FY 2008-2009	145,858	117,370	88,630	88,630	88,630	88,630	88,630
	FY 2009-2010	150,234	120,891	91,289	91,289	91,289	91,289	91,289
	FY 2010-2011	154,741	124,518	94,028	94,028	94,028	94,028	94,028
3	Carson City	~~[98,707~~	~~81,846~~	~~65,012~~	~~65,012~~	~~———~~	~~65,012~~	~~———]~~
~~f~~		~~*115,343*~~	~~*95,640*~~	~~*75,969*~~	~~*75,969*~~	~~———~~	~~*75,969*~~	~~———]~~
	FY 2007-2008	101,668	84,301	66,962	66,962		66,962	
	FY 2008-2009	104,718	86,830	68,971	68,971		68,971	
	FY 2009-2010	107,860	89,435	71,040	71,040		71,040	
	FY 2010-2011	111,096	92,118	73,171	73,171		73,171	
	Churchill	~~[98,707~~	~~81,846~~	~~65,012~~	~~65,012~~	~~65,012~~	~~———~~	~~———]~~
~~f~~		~~*115,343*~~	~~*95,640*~~	~~*75,969*~~	~~*75,969*~~	~~*75,969*~~	~~———~~	~~———]~~
	FY 2007-2008	101,668	84,301	66,962	66,962	66,962		
	FY 2008-2009	104,718	86,830	68,971	68,971	68,971		
	FY 2009-2010	107,860	89,435	71,040	71,040	71,040		
	FY 2010-2011	111,096	92,118	73,171	73,171	73,171		
	Douglas	~~[98,707~~	~~81,846~~	~~65,012~~	~~65,012~~	~~65,012~~	~~———~~	~~———]~~
~~f~~		~~*115,343*~~	~~*95,640*~~	~~*75,969*~~	~~*75,969*~~	~~*75,969*~~	~~———~~	~~———]~~
	FY 2007-2008	101,668	84,301	66,962	66,962	66,962		
	FY 2008-2009	104,718	86,830	68,971	68,971	68,971		
	FY 2009-2010	107,860	89,435	71,040	71,040	71,040		
	FY 2010-2011	111,096	92,118	73,171	73,171	73,171		

	Elko	~~[98,707~~	~~81,846~~	~~65,012~~	~~65,012~~	~~65,012~~	~~65,012~~	~~———]~~
~~[~~		~~*115,343*~~	~~*95,640*~~	~~*75,969*~~	~~*75,969*~~	~~*75,969*~~	~~*75,969*~~	~~*———]*~~
	FY 2007-2008	101,668	84,301	66,962	66,962	66,962	66,962	
	FY 2008-2009	104,718	86,830	68,971	68,971	68,971	68,971	
	FY 2009-2010	107,860	89,435	71,040	71,040	71,040	71,040	
	FY 2010-2011	111,096	92,118	73,171	73,171	73,171	73,171	
	Humboldt	~~[98,707~~	~~81,846~~	~~65,012~~	~~65,012~~	~~65,012~~	~~65,012~~	~~———]~~
~~[~~		~~*115,343*~~	~~*95,640*~~	~~*75,969*~~	~~*75,969*~~	~~*75,969*~~	~~*75,969*~~	~~*———]*~~
	FY 2007-2008	101,668	84,301	66,962	66,962	66,962	66,962	
	FY 2008-2009	104,718	86,830	68,971	68,971	68,971	68,971	
	FY 2009-2010	107,860	89,435	71,040	71,040	71,040	71,040	
	FY 2010-2011	111,096	92,118	73,171	73,171	73,171	73,171	
	Lyon	~~[98,707~~	~~81,846~~	~~65,012~~	~~65,012~~	~~65,012~~	———	~~———]~~
~~[~~		~~*115,343*~~	~~*95,640*~~	~~*75,969*~~	~~*75,969*~~	~~*75,969*~~	———	~~*———]*~~
	FY 2007-2008	101,668	84,301	66,962	66,962	66,962		
	FY 2008-2009	104,718	86,830	68,971	68,971	68,971		
	FY 2009-2010	107,860	89,435	71,040	71,040	71,040		
	FY 2010-2011	111,096	92,118	73,171	73,171	73,171		
	Nye	~~[98,707~~	~~81,846~~	~~65,012~~	~~65,012~~	~~65,012~~	~~65,012~~	~~———]~~
~~[~~		~~*115,343*~~	~~*95,640*~~	~~*75,969*~~	~~*75,969*~~	~~*75,969*~~	~~*75,969*~~	~~*———]*~~
	FY 2007-2008	101,668	84,301	66,962	66,962	66,962	66,962	
	FY 2008-2009	104,718	86,830	68,971	68,971	68,971	68,971	
	FY 2009-2010	107,860	89,435	71,040	71,040	71,040	71,040	
	FY 2010-2011	111,096	92,118	73,171	73,171	73,171	73,171	
4	Lander	~~[93,223~~	~~73,662~~	~~54,227~~	~~54,227~~	~~54,227~~	~~54,227~~	~~———]~~
~~[~~		~~*108,935*~~	~~*86,077*~~	~~*63,366*~~	~~*63,366*~~	~~*63,366*~~	~~*63,366*~~	~~*———]*~~
	FY 2007-2008	96,020	75,872	55,854	55,854	55,854	55,854	
	FY 2008-2009	98,901	78,148	57,530	57,530	57,530	57,530	
	FY 2009-2010	101,868	80,492	59,256	59,256	59,256	59,256	
	FY 2010-2011	104,924	82,907	61,034	61,034	61,034	61,034	
	Storey	~~*[108,935*~~	~~*86,077*~~	~~*63,366*~~	~~*63,366*~~	~~*63,366*~~	~~*63,366*~~	~~*———]*~~
	FY 2007-2008	96,020	75,872	55,854	55,854	55,854	55,854	
	FY 2008-2009	98,901	78,148	57,530	57,530	57,530	57,530	
	FY 2009-2010	101,868	80,492	59,256	59,256	59,256	59,256	
	FY 2010-2011	104,924	82,907	61,034	61,034	61,034	61,034	
	White Pine	~~[93,223~~	~~73,662~~	~~54,227~~	~~54,227~~	~~54,227~~	~~54,227~~	~~———]~~
~~[~~		~~*108,935*~~	~~*86,077*~~	~~*63,366*~~	~~*63,366*~~	~~*63,366*~~	~~*63,366*~~	~~*———]*~~
	FY 2007-2008	96,020	75,872	55,854	55,854	55,854	55,854	
	FY 2008-2009	98,901	78,148	57,530	57,530	57,530	57,530	
	FY 2009-2010	101,868	80,492	59,256	59,256	59,256	59,256	
	FY 2010-2011	104,924	82,907	61,034	61,034	61,034	61,034	
5	Eureka	~~[82,256~~	~~58,929~~	~~48,607~~	~~48,607~~	~~48,607~~	———	~~———]~~
~~[~~		~~*96,120*~~	~~*68,861*~~	~~*56,799*~~	~~*56,799*~~	~~*56,799*~~	———	~~*———]*~~
	FY 2007-2008	84,724	60,697	50,065	50,065	50,065		
	FY 2008-2009	87,266	62,518	51,567	51,567	51,567		
	FY 2009-2010	89,884	64,394	53,114	53,114	53,114		
	FY 2010-2011	92,581	66,326	54,707	54,707	54,707		
	Lincoln	~~[82,256~~	~~58,929~~	~~48,607~~	~~48,607~~	~~48,607~~	~~48,607~~	~~———]~~
~~[~~		~~*96,120*~~	~~*68,861*~~	~~*56,799*~~	~~*56,799*~~	~~*56,799*~~	~~*56,799*~~	~~*———]*~~
	FY 2007-2008	84,724	60,697	50,065	50,065	50,065	50,065	
	FY 2008-2009	87,266	62,518	51,567	51,567	51,567	51,567	
	FY 2009-2010	89,884	64,394	53,114	53,114	53,114	53,114	
	FY 2010-2011	92,581	66,326	54,707	54,707	54,707	54,707	
	Mineral	~~[82,256~~	~~58,929~~	~~48,607~~	~~48,607~~	~~48,607~~	———	~~———]~~
~~[~~		~~*96,120*~~	~~*68,861*~~	~~*56,799*~~	~~*56,799*~~	~~*56,799*~~	———	~~*———]*~~
	FY 2007-2008	84,724	60,697	50,065	50,065	50,065		
	FY 2008-2009	87,266	62,518	51,567	51,567	51,567		
	FY 2009-2010	89,884	64,394	53,114	53,114	53,114		
	FY 2010-2011	92,581	66,326	54,707	54,707	54,707		
	Pershing	~~[82,256~~	~~58,929~~	~~48,607~~	~~48,607~~	~~48,607~~	———	~~———]~~
~~[~~		~~*96,120*~~	~~*68,861*~~	~~*56,799*~~	~~*56,799*~~	~~*56,799*~~	———	~~*———]*~~
	FY 2007-2008	84,724	60,697	50,065	50,065	50,065		
	FY 2008-2009	87,266	62,518	51,567	51,567	51,567		
	FY 2009-2010	89,884	64,394	53,114	53,114	53,114		

	FY 2010-2011	92,581	66,326	54,707	54,707	54,707		
	~~[Storey]~~	~~[82,256~~	~~58,929~~	~~48,607~~	~~48,607~~	~~48,607~~	~~-------~~	~~-------]~~
6	Esmeralda	~~[65,314~~	~~52,382~~	~~42,531~~	~~42,531~~	~~42,531~~	~~-------~~	~~-------]~~
~~f~~		~~76,322~~	~~62,379~~	~~49,699~~	~~49,699~~	~~49,699~~	~~-------~~	~~-------f~~
	FY 2007-2008	67,273	53,953	43,807	43,807	43,807		
	FY 2008-2009	69,291	55,572	45,121	45,121	45,121		
	FY 2009-2010	71,370	57,239	46,475	46,475	46,475		
	FY 2010-2011	73,511	58,956	47,869	47,869	47,869		

3. A board of county commissioners may, by a vote of at least a majority of all the members of the board, set the annual salary for the county commissioners of that county, but in no event may the annual salary exceed an amount which equals ~~[126.65]~~ ***~~[143.504]~~*** ***139.315*** percent of the amount of the annual salary for the county commissioners of that county that was in effect by operation of statute on January 1, 2003.

Sec. 2. NRS 245.044 is hereby amended to read as follows:

245.044 1. On and after July 1, 1973, if an elected county officer has served in his office for more than 4 years, he is entitled to an additional salary of 2 percent of his base salary ***for the appropriate fiscal year as*** provided in ***subsection 2 of*** NRS 245.043 ***or his annual salary set pursuant to subsection 3 of NRS 245.043, as applicable,*** for each full calendar year he has served in his office.

2. The additional salary provided in this section for an eligible county officer:

(a) Must be computed on July 1 of each year by multiplying 2 percent of the base salary ***for the appropriate fiscal year as*** provided in NRS 245.043 ***or the annual salary set pursuant to subsection 3 of NRS 245.043 , as applicable,*** by the number of full calendar years the elected county officer has served in his office; and

(b) Must not exceed 20 percent of the base salary ***for the appropriate fiscal year as*** provided in NRS 245.043 ~~[.]~~ ***or the annual salary set pursuant to subsection 3 of NRS 245.043*** ~~[.]~~ ***, as applicable.***

3. Service on the Board of Supervisors of Carson City for the initial term which began on July 1, 1969, and ended on the first Monday of January, 1973, shall be deemed to constitute 4 full calendar years of service for the purposes of this section.

Sec. 3. Except as otherwise provided in section 4 of this act, each county shall commence payment of the increased annual salaries of the elected officers of the county set forth in the table of annual salaries contained in subsection 2 of NRS 245.043, as amended by section 1 of this act ~~[.]~~ **:**

1. For Fiscal Year 2007-2008, on July 1, 2007.

2. For Fiscal Year 2008-2009, on July 1, 2008.

3. For Fiscal Year 2009-2010, on July 1, 2009.

4. For Fiscal Year 2010-2011, on July 1, 2010.

Sec. 4. 1. Except as otherwise provided in subsection 3, a board of county commissioners may apply to the Committee on Local Government Finance for a waiver from the requirement to increase the annual salaries of elected officers of the county to the annual salaries set forth in the table

contained in subsection 2 of NRS 245.043, as amended by section 1 of this act, **for any of Fiscal Years 2007-2008, 2008-2009, 2009-2010 or 2010-2011,** if the board determines that the financial resources of the county are insufficient to pay those increased annual salaries in ~~[Fiscal Year 2007-2008.]~~ **the applicable fiscal year.** The Committee on Local Government Finance shall grant such a waiver if it finds that the financial resources of the county are insufficient to pay those increased annual salaries in ~~[Fiscal Year 2007-2008.]~~ **the applicable fiscal year.**

2. A board of county commissioners that has been granted a waiver for a fiscal year **as described in subsection 1** may apply to the Committee on Local Government Finance for an additional waiver for the next consecutive fiscal year if ~~[it finds]~~ **the board determines** that the financial resources of the county continue to be insufficient to pay the increased annual salaries of the elected officers of the county set forth in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of this act ~~[.]~~ **, in that fiscal year.** There is no limitation on the number of waivers for consecutive fiscal years that the board of county commissioners may be granted if the board ~~[of county commissioners finds]~~ **determines** that the financial resources of the county continue to be insufficient to pay the increased annual salaries of the elected officers of the county set forth in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of this act, in that fiscal year.

3. After commencing payment of the increased annual salaries of the elected officers of the county set forth in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of this act, **in any fiscal year,** a board of county commissioners may not apply for a waiver in any subsequent fiscal year.

4. The increased annual salaries of the elected officers of the county set forth in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of this act ~~[:~~

~~(a) Must]~~ **, must** not be paid retroactively for ~~[the period of Fiscal Year 2007-2008]~~ **any fiscal year** for which a waiver was granted to the county pursuant to subsection 1.

~~[(b) May be paid retroactively for any fiscal year after Fiscal Year 2007-2008 for which a waiver was granted to the county pursuant to subsection 2.]~~

Sec. 5. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 6. This act becomes effective on July 1, 2007.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:47 a.m.

ASSEMBLY IN SESSION

At 12:13 p.m.
Madam Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 274, 289, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 200 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 320 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 354 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 398 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 483 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 533 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 535 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 536 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 266 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Senate Bill No. 266.

Bill read third time.

Remarks by Assemblymen Parks, Hardy, Mabey, Leslie, and Madam Speaker.

Assemblyman Parks requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PARKS:

Senate Bill 266 requires a health care provider to ensure that a woman receives, as part of her routine prenatal care, a test for the human immunodeficiency virus (HIV). A health care provider must ensure that a pregnant woman receives the test during her third trimester if she receives care in a jurisdiction with a high prevalence of HIV or acquired immunodeficiency syndrome among women of childbearing age, she receives care in a high-risk clinical setting, or she reports that she has one or more of the risk factors identified by the Centers for Disease Control and Prevention.

The health care provider also must ensure that the woman receives a rapid test for HIV during childbirth if she has not been tested for HIV earlier during her pregnancy or the results of an earlier test are not available. If the result of the test is positive, the health care provider must offer to initiate antiretroviral prolaxis without waiting for results of any other tests administered to confirm the result of the rapid test.

The measure requires that each of these tests be administered unless the woman chooses not to be tested. A health care provider who attends or assists in the delivery of a child must ensure that an HIV test is performed on the child if the mother has not been tested for HIV earlier during the pregnancy or the results of the earlier test are not available unless a parent or guardian objects to the test on religious grounds.

The measure also requires that each test administered to a woman or performed on a child pursuant to the provisions of the act be administered or performed in accordance with certain state and federal laws.

I recommend passage. Thank you.

ASSEMBLYMAN HARDY:

In way of question, if I may—and to disclose that I am a family physician—periodically I will have a patient come in for whom I need to do a pregnancy test. A pregnancy test is fairly rapid. I get it back quickly and then I say to the person, “Yes, you are pregnant.” Thus, I have participated in virtual prenatal care. I am then interested in referring that person to another practitioner. My question would be, would that put a practitioner in an awkward position of providing prenatal care and being dependant on the patient to go to another practitioner, thus, not receiving prenatal care inasmuch as that is not under my control?

By this bill, as I read it, I would be potentially remiss in my duty for not doing everything at that time—which would not be the wisest thing to do at the time of the first visit when I refer that person to a specialist.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

The question was would a general practitioner or a physician who merely does a pregnancy test be considered to have rendered prenatal care so as to fall under the provisions of the bill.

ASSEMBLYMAN HARDY:

That is, in essence, what I am asking, and where I come from, it would be prenatal care because I am diagnosing the condition as well as suggesting the ongoing care.

ASSEMBLYMAN PARKS:

The intent of this legislation is to do everything we possibly can to test for HIV in pregnant women. This bill tries to narrow the time down to the hospital setting, near delivery, for making sure that the test has been performed, or if necessary, performed for a second time.

One of the things we heard in testimony and has become relatively apparent is that across the country, there has been a large number of children who have been born with HIV that could have easily been prevented—the transmission of the disease to the newborn. This bill seeks to address that the best we can.

With regards to my colleague from Boulder City, there are only so many things we can do, and this bill tries to address it as best as possible. We know that we are not going to cover absolutely every possibility, but I think this is a great start.

ASSEMBLYMAN MABEY:

I appreciate the words that my colleague from Assembly District 41 just offered. When I first read the bill, I had the same concerns as my colleague from Boulder City. It seems to me, the way the bill is written, that if a physician who initially sees the patient diagnoses a pregnancy and then prescribes a vitamin or helps her, that first visit would be rendering prenatal care, and thus fall under the provisions of this bill.

Regarding the hospital setting, I called Sunrise Hospital this morning and asked how long it would take to get a report if a person dropped into a hospital. They said between 30 and 60 minutes because they do a rapid HIV test. I understand the intent, but for that reason, I just do not feel that the bill is necessary. I feel physicians may unnecessarily be cut up in some of the wording.

It also mentions midwifes—there are midwifes in our community that are lay midwifes. Although I typically do not support them, they would not have access to be able to provide testing for these patients.

ASSEMBLYWOMAN LESLIE:

I rise in support of Senate Bill 266. We had a lot of testimony in committee on this point, how you define who is providing the prenatal care. I would refer the members back to section 6, and they can read for themselves the subsections there.

We had testimony from Dr. Trudy Larson, who is one of the leading figures in the state on this point. She said, as I recall, that this bill simply brings us up to the Centers for Disease Control guidelines. I am not a physician so I cannot argue the finer points of exactly who would be covered and when, but I will remind the members about the need for this. I think it is important to not lose sight of that, especially in our state. The Southern Nevada Health District reported that 74 percent of women of childbearing age in Clark County who are infected with HIV, and are aware of their status, are not in care. Consequently, their HIV/AIDS is not being treated. There is no system for health care facilities to identify women who are infected with HIV unless a test is given.

In 2005, the National Vital Statistics reported that 6.4 percent of women in Nevada received late or no prenatal care—nearly double the national average—and the statistic is even worse for minority women—8.6 percent for black women and 9.9 percent for Hispanic women.

The main reason we need to pass this bill today is because there were at least four documented cases of parinatal transmission of HIV in southern Nevada in the past two years. That is four babies who got this dread disease that we could have prevented the transmission with an HIV test. I urge your support.

Roll call on Senate Bill No. 266:

YEAS—39.

NAYS—Beers, Mabey, Settelmeyer—3.

Senate Bill No. 266 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 19.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Roll call on Senate Bill No. 19:

YEAS—42.

NAYS—None.

Senate Bill No. 19 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 43.

Bill read third time.

Remarks by Assemblyman Atkinson.

Roll call on Senate Bill No. 43:

YEAS—42.

NAYS—None.

Senate Bill No. 43 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 92.

Bill read third time.

Remarks by Assemblyman Kihuen.

Roll call on Senate Bill No. 92:

YEAS—42.

NAYS—None.

Senate Bill No. 92 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 95.

Bill read third time.

Remarks by Assemblyman Settelmeyer.

Roll call on Senate Bill No. 95:

YEAS—42.

NAYS—None.

Senate Bill No. 95 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 128.

Bill read third time.

Remarks by Assemblymen Atkinson, Christensen, and Weber.

Roll call on Senate Bill No. 128:

YEAS—42.

NAYS—None.

Senate Bill No. 128 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 140.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Senate Bill No. 140:

YEAS—42.

NAYS—None.

Senate Bill No. 140 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 303.

Bill read third time.

Remarks by Assemblymen Anderson, Hardy, Grady, and Kirkpatrick.

Roll call on Senate Bill No. 303:

YEAS—41.

NAYS—Grady.

Senate Bill No. 303 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 312.

Bill read third time.

Remarks by Assemblymen Kihuen and Smith.

Roll call on Senate Bill No. 312:

YEAS—29.

NAYS—Allen, Beers, Carpenter, Christensen, Cobb, Conklin, Goedhart, Marvel, Munford, Oceguera, Ohrenschall, Settelmeyer, Stewart—13.

Senate Bill No. 312 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 315.

Bill read third time.

Remarks by Assemblymen Claborn, Anderson, and Atkinson.

Roll call on Senate Bill No. 315:

YEAS—37.

NAYS—Anderson, Arberry, Carpenter, Cobb, Smith—5.

Senate Bill No. 315 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 329.

Bill read third time.

Remarks by Assemblymen Bobzien, Koivisto, and Goedhart.

Roll call on Senate Bill No. 329:

YEAS—36.

NAYS—Allen, Beers, Christensen, Goedhart, Hardy, Segerblom—6.

Senate Bill No. 329 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 352.

Bill read third time.

Remarks by Assemblyman Munford.

Roll call on Senate Bill No. 352:

YEAS—42.

NAYS—None.

Senate Bill No. 352 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 356.

Bill read third time.

Remarks by Assemblymen Leslie, Stewart, and Gerhardt.

Roll call on Senate Bill No. 356:

YEAS—32.

NAYS—Allen, Beers, Christensen, Cobb, Goedhart, Hardy, Marvel, Settelmeyer, Stewart, Weber—10.

Senate Bill No. 356 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 367.

Bill read third time.

Remarks by Assemblymen Womack and Carpenter.

Roll call on Senate Bill No. 367:

YEAS—42.

NAYS—None.

Senate Bill No. 367 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 400 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:07 p.m.

ASSEMBLY IN SESSION

At 1:15 p.m.
Madam Speaker presiding.
Quorum present.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman McClain moved that the Assembly do not recede from its action on Senate Bill No. 154, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Denis, Anderson, and Marvel as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 154.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Parnell moved that the Assembly do not recede from its action on Senate Bill No. 115, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Parnell, Denis, and Beers as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 115.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 56.

The following Senate amendment was read:

Amendment No. 736.

AN ACT relating to contractors; revising the administrative penalties that may be imposed against a contractor who knowingly enters into a contract with an unlicensed contractor; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a contractor who knowingly enters into a contract with an unlicensed contractor may be punished by the imposition of an administrative fine of not more than $50,000. (NRS 624.300, 624.3015) This bill revises the administrative penalties that may be imposed against a contractor who enters into such a contract by requiring the imposition of an

administrative fine and providing for the suspension or revocation of his license.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 624.300 is hereby amended to read as follows:

624.300 1. Except as otherwise provided in subsections 3 and ~~[4,]~~ ***5,*** the Board may:

(a) Suspend or revoke licenses already issued;

(b) Refuse renewals of licenses;

(c) Impose limits on the field, scope and monetary limit of the license;

(d) Impose an administrative fine of not more than $10,000;

(e) Order a licensee to repay to the account established pursuant to NRS 624.470, any amount paid out of the account pursuant to NRS 624.510 as a result of an act or omission of that licensee;

(f) Order the licensee to take action to correct a condition resulting from an act which constitutes a cause for disciplinary action, at the licensee's cost, that may consist of requiring the licensee to:

(1) Perform the corrective work himself;

(2) Hire and pay another licensee to perform the corrective work; or

(3) Pay to the owner of the construction project a specified sum to correct the condition; or

(g) Issue a public reprimand or take other less severe disciplinary action, including, without limitation, increasing the amount of the surety bond or cash deposit of the licensee,

➥ if the licensee commits any act which constitutes a cause for disciplinary action.

2. If the Board suspends or revokes the license of a contractor for failure to establish financial responsibility, the Board may, in addition to any other conditions for reinstating or renewing the license, require that each contract undertaken by the licensee for a period to be designated by the Board, not to exceed 12 months, be separately covered by a bond or bonds approved by the Board and conditioned upon the performance of and the payment of labor and materials required by the contract.

3. If a licensee violates ~~[the]~~ ***:***

(a) The provisions of NRS 624.3014, subsection 2 or 3 of NRS 624.3015, subsection 1 of NRS 624.302 or subsection 1 of NRS 624.305, the Board may impose for each violation an administrative fine in an amount that is not more than $50,000.

(b) The provisions of subsection 4 of NRS 624.3015:

(1) For a first offense, the Board shall impose an administrative fine of not less than $1,000 and not more than $50,000, and may suspend the license of the licensee for 6 months;

(2) For a second offense, the Board shall impose an administrative fine of not less than $5,000 and not more than $50,000, and ~~*[shall]*~~ ***may suspend the license of the licensee for 1 year; and***

(3) For a third or subsequent offense, the Board shall impose an administrative fine of not less than $10,000 and not more than $50,000, and ~~*[shall]*~~ ***may revoke the license of the licensee.***

4. The Board shall, by regulation, establish standards for use by the Board in determining the amount of an administrative fine imposed pursuant to ~~[this subsection.]~~ ***subsection 3.*** The standards must include, without limitation, provisions requiring the Board to consider:

(a) The gravity of the violation;

(b) The good faith of the licensee; and

(c) Any history of previous violations of the provisions of this chapter committed by the licensee.

~~[4.]~~ ***5.*** If a licensee is prohibited from being awarded a contract for a public work pursuant to NRS 338.017, the Board may suspend the license of the licensee for the period of the prohibition.

~~[5.]~~ ***6.*** If a licensee commits a fraudulent act which is a cause for disciplinary action under NRS 624.3016, the correction of any condition resulting from the act does not preclude the Board from taking disciplinary action.

~~[6.]~~ ***7.*** If the Board finds that a licensee has engaged in repeated acts that would be cause for disciplinary action, the correction of any resulting conditions does not preclude the Board from taking disciplinary action pursuant to this section.

~~[7.]~~ ***8.*** The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license by a licensee, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

~~[8.]~~ ***9.*** The Board shall not issue a private reprimand to a licensee.

~~[9.]~~ ***10.*** An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

~~[10.]~~ ***11.*** An administrative fine imposed pursuant to this section, NRS 624.341 or 624.710 plus interest at a rate that is equal to the prime rate at the largest bank in this State, as determined by the Commissioner of Financial Institutions on January 1 or July 1, as appropriate, immediately preceding the date of the order imposing the administrative fine, plus 4 percent, must be paid to the Board before the issuance or renewal of a license to engage in the business of contracting in this State. The interest must be collected from the date of the order until the date the administrative fine is paid.

~~[11.]~~ ***12.*** All fines and interest collected pursuant to this section must be deposited with the State Treasurer for credit to the Construction Education Account created pursuant to NRS 624.580.

Sec. 2. NRS 624.3015 is hereby amended to read as follows:

624.3015 The following acts, among others, constitute cause for disciplinary action under NRS 624.300:

1. Acting in the capacity of a contractor beyond the scope of the license.

2. Bidding to contract or contracting for a sum for one construction contract or project in excess of the limit placed on the license by the Board.

3. ~~*[Bidding]*~~ ***Knowingly bidding to contract or entering into a contract with a contractor for work in excess of his limit or beyond the scope of his license.***

4. Knowingly entering into a contract with a contractor while that contractor is not licensed**.** ~~[, or bidding to contract or entering into a contract with a contractor for work in excess of his limit or beyond the scope of his license.~~

~~4.]~~ ***5.*** Constructing or repairing a mobile home, manufactured home or commercial coach, unless the contractor:

(a) Is licensed pursuant to NRS 489.311; or

(b) Owns, leases or rents the mobile home, manufactured home or commercial coach.

~~[5.]~~ ***6.*** Engaging in any work or activities that require a contractor's license while the license is placed on inactive status pursuant to NRS 624.282.

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 56.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 68.

The following Senate amendment was read:

Amendment No. 704.

AN ACT relating to public health; expanding the grounds for which the Health Division of the Department of Health and Human Services is authorized to deny, suspend or revoke a license to operate certain medical and care facilities and agencies; expanding the grounds for which termination of an employee or independent contractor of such a facility or agency is required; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, grounds for which the Health Division of the Department of Health and Human Services may deny, suspend or revoke a license to operate a facility for intermediate care, facility for skilled nursing or residential facility for groups include conviction of certain crimes by the applicant or licensee or continued employment by the licensee of persons convicted of those crimes. In addition, grounds for which the Health Division may deny, suspend or revoke a license to operate an agency to provide personal care services in the home or an agency to provide nursing in the home include continued employment by the licensee of a person convicted of

certain crimes. (NRS 449.160, 449.188) If the administrator of, or the person licensed to operate, such a facility or agency receives information or evidence that an employee or independent contractor has been convicted of certain crimes, the administrator or licensee is required to terminate the employment or contract of that person. (NRS 449.185) This bill expands the list of crimes for which such action is authorized or required to include the abuse, neglect, exploitation or isolation of elderly or vulnerable persons, violations of provisions relating to the State Plan for Medicaid, and any criminal act concerning Medicaid or Medicare**.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 449.188 is hereby amended to read as follows:

449.188 1. In addition to the grounds listed in NRS 449.160, the Health Division may deny a license to operate a facility for intermediate care, facility for skilled nursing or residential facility for groups to an applicant or may suspend or revoke the license of a licensee to operate such a facility if:

(a) The applicant or licensee has been convicted of:

(1) Murder, voluntary manslaughter or mayhem;

(2) Assault with intent to kill or to commit sexual assault or mayhem;

(3) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(4) Abuse or neglect of a child or contributory delinquency;

(5) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the past 7 years;

(6) ~~[A]~~ ***Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a*** violation of any provision of NRS ~~[200.50955 or 200.5099;]~~ ***200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;***

(7) ***A violation of any provision of law relating to the State Plan for Medicaid, including, without limitation, a violation of any provision of NRS 422.450 to 422.590, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years;***

(8) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(9) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years; or

~~[(8)]~~ ***(10)*** Any other felony involving the use of a firearm or other deadly weapon, within the immediately preceding 7 years; or

(b) The licensee has ***, in violation of NRS 449.185,*** continued to employ a person who has been convicted of a crime listed in paragraph (a).

2. In addition to the grounds listed in NRS 449.160, the Health Division may deny a license to operate an agency to provide personal care services in the home or an agency to provide nursing in the home to an applicant or may suspend or revoke the license of a licensee to operate such an agency if the licensee has ***, in violation of NRS 449.185,*** continued to employ a person who has been convicted of a crime listed in paragraph (a) of subsection 1.

3. As used in this section:

(a) "Medicaid" has the meaning ascribed to it in NRS 439B.120.

(b) "Medicare" has the meaning ascribed to it in NRS 439B.130.

Sec. 2. This act becomes effective on July 1, 2007.

Assemblywoman Leslie moved that the Assembly concur in the Senate amendment to Assembly Bill No. 68.

Remarks by Assemblywoman Leslie.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 215.

The following Senate amendment was read:

Amendment No. 751.

SUMMARY—~~[Limits interstate banking by certain entities that open branch offices in this State pursuant to certain statutory provisions.]~~ **Makes various changes concerning financial institutions.** (BDR 55-1125)

AN ACT relating to ~~[banking;]~~ **financial institutions;** limiting interstate banking by an out-of-state depository institution that establishes or acquires a branch office in certain counties pursuant to certain statutory provisions; **authorizing certain out-of-state depository institutions to issue a credit card under certain circumstances; prohibiting the issuer of a credit card from increasing the rate of interest it charges to a cardholder under certain circumstances; requiring the issuer of a credit card to provide certain information to credit reporting agencies under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides limitations upon banking in this State by out-of-state depository institutions and out-of-state holding companies. (Chapter 666 of NRS) An exception to these limitations allows the establishment of a branch office or the acquisition of an existing branch of a depository institution in a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties). (NRS 666.410) Section 1 of this bill provides that an out-of-state depository institution that establishes or acquires a branch office pursuant to this exception is still considered an out-of-state depository institution for the purposes of all other provisions limiting interstate banking. Section 1 also provides that an out-of-state depository institution that has established or acquired, or been approved to establish or acquire, a branch pursuant to this exception may also establish or acquire a branch in a county whose population is 100,000 or more, but only so long as the out-of-state

depository institution continues to operate a branch in a county whose population is less than 100,000.

Existing law governs the issuance of credit cards by financial institutions in this State. (Chapter 97A of NRS) Section 1.4 of this bill prohibits the issuer of a credit card from increasing the interest rate it charges a cardholder based upon a late payment by the cardholder to an unrelated credit card issuer or creditor. Section 1.4 also prohibits a credit card issuer from including a universal default clause in a contract or other agreement relating to a credit card account. Section 1.6 of this bill prohibits the issuer of a credit card from prohibiting or attempting to prohibit a merchant from offering a discount to a customer to induce the customer to pay for goods or services with by cash, check or other means instead of with a credit card. Section 1.8 of this bill provides that if a cardholder voluntarily closes a credit card account to avoid a change in the terms or conditions of the account made by the issuer of the credit card, the issuer must notify any credit reporting agency to which it provides information concerning the cardholder's account that the closure of the account was voluntary on the part of the cardholder.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 666.410 is hereby amended to read as follows:

666.410 ***1.*** An out-of-state depository institution without a branch in Nevada or an out-of-state holding company without a depository institution in Nevada may not establish a de novo branch in this State or acquire, through merger or otherwise, a branch of a depository institution in Nevada without acquiring the institution itself or its charter, except that, with the written approval of the Commissioner:

~~[1.]~~ ***(a)*** An out-of-state depository institution without a branch in Nevada ~~[or an out-of-state holding company without a depository institution in Nevada]~~ may establish a branch office or acquire an existing branch in a county whose population is less than 100,000 without acquiring or merging with a Nevada depository institution or a Nevada holding company **.** ~~[; and]~~ ***Except as otherwise provided in subsection 2, an out-of-state depository institution that establishes or acquires a branch office pursuant to this paragraph continues to be considered an out-of-state depository institution without a branch in Nevada for the purposes of all other provisions of this chapter.***

~~[2.]~~ ***(b)*** An out-of-state depository institution without a branch in Nevada which is owned or controlled by a holding company that is entitled to the exemption set forth in section 4(c)(i) of the Bank Holding Company Act of 1956, as amended, 12 U.S.C. § 1843(c)(i), may acquire an existing branch in Nevada without acquiring or merging with a Nevada depository institution or a Nevada holding company.

2. An out-of-state depository institution that on or before ~~[March 31,]~~ April 1, 2007, has, pursuant to paragraph (a) of subsection 1, established or acquired, or been approved by the Commissioner to establish or acquire, a branch in a county whose population is less than 100,000, may establish or acquire a branch in a county whose population is 100,000 or more so long as the out-of-state depository institution continues to operate a branch in a county whose population is less than 100,000.

3. An out-of-state depository institution that establishes or acquires a branch office pursuant to this section may issue a credit card pursuant to the provisions of chapter 97A of NRS.

Sec. 1.2. **Chapter 97A of NRS is hereby amended by adding thereto the provisions set forth as sections 1.4 and 1.6 of this act.**

Sec. 1.4. 1. An issuer shall not:

(a) Increase the interest rate it charges a cardholder for the use of the card based upon the late payment by the cardholder to another issuer or a creditor of the cardholder that is not an affiliate or subsidiary of the issuer; or

(b) Include a universal default clause in a contract or other agreement relating to a credit card account.

2. Notwithstanding the provisions of subsection 1, an issuer may increase the interest rate it charges a cardholder for the use of the card based on a change in the credit rating of the cardholder.

3. As used in this section:

(a) "Affiliate or subsidiary of the issuer" means an affiliate or subsidiary that conducts business under a name that is:

(1) The same as the name of the issuer; or

(2) Sufficiently similar to the name of the issuer that a cardholder could reasonably believe that he is conducting business with the issuer.

(b) "Universal default clause" means a clause or provision that allows an issuer to increase the interest rate it charges a cardholder for the use of the card based upon the late payment by the cardholder to another issuer or a creditor of the cardholder that is not an affiliate or subsidiary of the issuer.

Sec. 1.6. An issuer shall not, by contract or any other method, prohibit or attempt to prohibit a merchant who provides goods or services to a cardholder from offering a discount to the cardholder to induce the customer to pay for the goods or services by cash, check or other means instead of by use of a credit card or credit card account.

Sec. 1.8. **NRS 97A.140 is hereby amended to read as follows:**

97A.140 1. An issuer located in this State shall not issue a credit card to a cardholder unless the issuer first:

(a) Provides the written notice required pursuant to NRS 97A.145 to the cardholder; and

(b) Receives a written or oral request from the cardholder for the issuance of the credit card.

2. An issuer shall provide the cardholder with the terms and conditions that govern the use of the credit card, in writing, before or at the time of the receipt of the credit card. A cardholder shall be deemed to have accepted the written terms and conditions provided by the issuer upon subsequent actual use of the credit card.

3. The rate of interest charged, and any other fees or charges imposed for the use of the credit card, must be in an amount agreed upon by the issuer and cardholder.

4. An issuer may unilaterally change any term or condition for the use of a credit card without prior written notice to the cardholder unless the change will adversely affect or increase the costs to the cardholder for the use of the credit card. If the change will increase such costs, the issuer shall provide ~~[notice]~~ to the cardholder ***:***

(a) An identifiable notice of the change at least 30 days before the change becomes effective ~~[.]~~ ***; and***

(b) An opportunity to avoid the change, including, without limitation, by voluntarily closing his credit card account after providing notice to the issuer. If the cardholder closes his credit card account and the issuer provides any information about the account to a credit reporting agency, the issuer must notify the agency that the cardholder voluntarily closed the credit card account.

5. Unless otherwise stated as a term or condition, the law of this State governs all transactions relating to the use of a credit card if an issuer, or the service provider of an issuer, is located in this State.

Sec. 2. **1.** This **section and section 1 of this** act ~~[becomes]~~ **become** effective upon passage and approval.

2. Sections 1.2 to 1.8, inclusive, of this act become effective on July 1, 2007.

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 215.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Joint Resolution No. 3.

The following Senate amendment was read:

Amendment No. 630.

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to revise provisions relating to the taking of private property by eminent domain.

Legislative Counsel's Digest:

Section 8 of Article 1 of the Nevada Constitution and the Fifth Amendment to the United States Constitution provide that private property cannot be taken for a public use without just compensation. In ***Kelo v. City of New London***, 125 S.Ct. 2655 (2005), the United States Supreme Court ruled

that the use of eminent domain to acquire property and transfer it to another private party for the purpose of economic development does not violate the Takings Clause of the Fifth Amendment to the United States Constitution.

This resolution proposes an amendment to the Nevada Constitution to prohibit, except in certain circumstances, the taking of private property if the purpose of the taking is to transfer an interest in that property to another private party.

In addition, the amendment proposed by this resolution requires an entity which is taking property by the exercise of eminent domain to provide the owner of the property with all appraisals of the property obtained by the entity before the entity is allowed to occupy the property. Furthermore, in all eminent domain actions, the owner of the property that is being taken is entitled to a determination of whether the taking is for a public use and the entity that is taking the property has the burden of proving that the taking is for a public use.

The amendment proposed by this resolution provides for the manner of computing the just compensation owed to a person whose property is taken by the exercise of eminent domain. Also, the amendment provides that neither a property owner nor an entity which is taking property by the exercise of eminent domain is liable for the attorney's fees of the other party, except in a certain circumstance. Under the amendment, the owner of property taken by the exercise of eminent domain, or his successor in interest, has the right to reacquire the property for the price paid by the entity which took the property under certain circumstances.

This resolution also proposes to repeal the "People's Initiative to Stop the Taking of Our Land" if that initiative is approved by the voters at the 2008 General Election.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 8 of Article 1 of the Nevada Constitution be amended to read as follows:

Sec. 8. 1. No person shall be tried for a capital or other infamous crime (except in cases of impeachment, and in cases of the militia when in actual service and the land and naval forces in time of war, or which this State may keep, with the consent of Congress, in time of peace, and in cases of petit larceny, under the regulation of the Legislature) except on presentment or indictment of the grand jury, or upon information duly filed by a district attorney, or Attorney General of the State, and in any trial, in any court whatever, the party accused shall be allowed to appear and defend in person, and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled, in any criminal case, to be a witness against himself.

2. The Legislature shall provide by law for the rights of victims of crime, personally or through a representative, to be:

(a) Informed, upon written request, of the status or disposition of a criminal proceeding at any stage of the proceeding;

(b) Present at all public hearings involving the critical stages of a criminal proceeding; and

(c) Heard at all proceedings for the sentencing or release of a convicted person after trial.

3. Except as otherwise provided in subsection 4, no person may maintain an action against the State or any public officer or employee for damages or injunctive, declaratory or other legal or equitable relief on behalf of a victim of a crime as a result of a violation of any statute enacted by the Legislature pursuant to subsection 2. No such violation authorizes setting aside a conviction or sentence or continuing or postponing a criminal proceeding.

4. A person may maintain an action to compel a public officer or employee to carry out any duty required by the Legislature pursuant to subsection 2.

5. No person shall be deprived of life, liberty, or property, without due process of law.

6. Private property shall not be taken for public use without just compensation having been first made, or secured, except in cases of war, riot, fire, or great public peril, in which case compensation shall be afterward made.

7. Except as otherwise provided in paragraphs (a) to (e), inclusive, the public uses for which private property may be taken do not include the direct or indirect transfer of any interest in the property to another private person or entity. A transfer of property taken by the exercise of eminent domain to another private person or entity is a public use in the following circumstances:

(a) The entity that took the property transfers the property to a private person or entity and the private person or entity uses the property primarily to benefit a public service, including, without limitation, a utility, railroad, public transportation project, pipeline, road, bridge, airport or facility that is owned by a governmental entity.

(b) The entity that took the property leases the property to a private person or entity that occupies an incidental part of an airport or a facility that is owned by a governmental entity and, before leasing the property:

(1) Uses its best efforts to notify the person from whom the property was taken that the property will be leased to a private person or entity that will occupy an incidental part of an airport or a facility that is owned by a governmental entity; and

(2) Provides the person from whom the property was taken with an opportunity to bid or propose on ~~*[an equal basis with others.]*~~ ***any such lease.***

(c) The entity:

(1) Took the property in order to acquire property that was abandoned by the owner, abate an immediate threat to the safety of the public or remediate hazardous waste; and

(2) Grants a right of first refusal to the person from whom the property was taken that allows that person to reacquire the property on the same terms and conditions that are offered to the other private person or entity.

(d) The entity that took the property ~~[transfers an interest in the property to a private person or entity in exchange for an interest in the property that was taken, or is being taken,]~~ exchanges it for other property acquired or being acquired by ~~[the exercise of]~~ eminent domain or under the threat of ~~[the exercise of]~~ eminent domain for ~~[the purpose of a road]~~ roadway or highway ~~[, the relocation of]~~ purposes, to relocate public or private structures or to ~~[facilitate or]~~ avoid payment of excessive compensation or damages.

(e) The person from whom the property is taken consents to the taking.

8. In all actions in eminent domain:

(a) Before the entity that is taking property obtains possession of the property, the entity shall give to the owner of the property a copy of all appraisals of the property obtained by the entity.

(b) At the occupancy hearing, the owner of the property that is the subject of the action is entitled, at the property owner's election, to a separate and distinct determination as to whether the property is being taken for a public use.

(c) The entity that is taking property has the burden of proving that the taking is for a public use.

(d) Except as otherwise provided in this paragraph, neither the entity that is taking property nor the owner of the property is liable for the attorney's fees of the other party. This paragraph does not apply in an inverse condemnation action if the owner of the property that is the subject of the action makes a request for attorney's fees from the other party to the action.

9. Except as otherwise provided in this subsection, if a court determines that a taking of property is for public use, the taken or damaged property must be valued at its highest and best use without considering any future dedication requirements imposed by the entity that is taking the property. If property is taken primarily for a profit-making purpose, the property must be valued at the use to which the entity that is taking the property intends to put the property, if such use results in a higher value for the property.

10. In all actions in eminent domain, fair market value is the highest price, on the date of valuation, that would be agreed to by a seller, who is willing to sell on the open market and has reasonable time to find a purchaser, and a buyer, who is ready, willing and able to buy, if both the seller and the buyer had full knowledge of all the uses and purposes for which the property is reasonably adaptable and available.

11. In all actions in eminent domain, just compensation is that sum of money necessary to place the property owner in the same position monetarily as if the property had never been taken, excluding any

governmental offsets except special benefits. Special benefits may only offset severance damages and may not offset the value for the property. Just compensation for the property taken by the exercise of eminent domain must include, without limitation, interest and reasonable costs and expenses, except attorney's fees, incurred by the owner of the property that is the subject of the action. The district court shall determine, in a posttrial hearing, the award of interest and award as interest the amount of money which will put the person from whom the property is taken in as good a position monetarily as if the property had not been taken. The district court shall enter an order concerning:

(a) The date on which the computation of interest will commence;

(b) The rate of interest to be used to compute the award of interest, which must not be less than the prime rate of interest plus 2 percent; and

(c) Whether the interest will be compounded annually.

12. Property taken by the exercise of eminent domain must be offered to and reverts to the person from whom the property was taken upon repayment of the original purchase price if, within 15 years after obtaining possession of the property, the entity that took the property:

(a) Fails to use the property for the public use for which the property was taken or for any public use reasonably related to the public use for which the property was taken; or

(b) Seeks to convey any right, title or interest in all or part of the property to any other person and the conveyance is not occurring pursuant to subsection 7.

➥ The entity that has taken the property does not fail to use the property under paragraph (a) if the entity has begun active planning for or design of the public use, the assembling of land in furtherance of planning for or design of the public use or construction related to the public use.

13. If any provision of subsections 7 to 12, inclusive, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the provisions or application of subsections 7 to 12, inclusive, which can be given effect without the invalid provision or application, and to this end the provisions of subsections 7 to 12, inclusive, are declared to be severable.

14. The provisions of subsections 7 to 12, inclusive, apply to an action in eminent domain that is filed on or after January 1, 2011.

And be it further

RESOLVED, That Section 22 of Article 1 of the Nevada Constitution, commonly known as the "People's Initiative to Stop the Taking of Our Land," if that section is approved and ratified by the voters at the 2008 General Election, is hereby repealed.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Joint Resolution No. 3.

Remarks by Anderson.

Motion carried by a constitutional majority.

Resolution ordered to enrollment.

SECOND READING AND AMENDMENT

Senate Bill No. 274.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 945.

AN ACT relating to water; expanding the purposes for which the State Engineer may adopt regulations; authorizing the State Engineer to impose administrative fines and to order payment of the costs of certain proceedings; authorizing the State Engineer to seek injunctive relief for certain violations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Pursuant to existing law, the State Engineer may make such reasonable rules and regulations as may be necessary for the proper and orderly execution of the powers conferred on him by law. (NRS 532.120) The penalty prescribed for the violation of a majority of the provisions set forth in chapters 533, 534, 535 and 536 of NRS is a misdemeanor. (NRS 533.480, 534.190, 535.110, 536.120)

Section 1 of this bill expands the provisions for which the State Engineer may adopt regulations to include chapters 534, 535 and 536 of NRS in addition to chapter 533 of NRS. Sections 3, 7, 10 and 14 of this bill provide the State Engineer with the additional authority to impose, after notice and opportunity for a hearing, administrative fines, to require a person to replace certain unlawfully taken or wasted water, and to recover expenses incurred in investigating and stopping various water law violations. **Section 7 provides additionally that: (1) in determining violations relating to the unauthorized use of water from certain wells, it is the burden of the State Engineer to prove which user or users of water are withdrawing water in excess of their individual allotments; and (2) the State Engineer may require users of water from certain wells to install and maintain, at their own expense, meters to measure their individual withdrawal of water.**

Sections 4, 8, 11 and 15 of this bill authorize the State Engineer to seek injunctive relief to prevent a violation or continued violation of chapters 533, 534, 535 and 536 of NRS.

Section 16 of this bill requires the State Engineer to consider certain matters in adopting regulations to carry out the amendatory provisions of this bill.

Section 17 of this bill requires the State Engineer, on or before January 1, 2009, to submit to the Director of the Legislative Counsel Bureau a written report detailing his efforts in, and progress toward, the

development and adoption of regulations to carry out the amendatory provisions of this bill.

Section 18 of this bill prohibits the State Engineer, before July 1, 2009, from imposing an administrative penalty pursuant to the amendatory provisions of this bill or any regulations adopted to carry out those amendatory provisions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 532.120 is hereby amended to read as follows:

532.120 1. The State Engineer ~~[is empowered to]~~ ***may*** make such reasonable rules and regulations as may be necessary for the proper and orderly execution of the powers conferred by law.

2. The State Engineer ~~[shall have power to make rules,]~~ ***may adopt regulations,*** not in conflict with law, governing the practice and procedure in all contests before his office, to ~~[insure]~~ ***ensure*** the proper and orderly exercise of the powers granted by law, and the speedy accomplishment of the purposes of ~~[chapter]~~ ***chapters*** 533 ***, 534, 535 and 536*** of NRS. Such rules of practice and procedure ~~[shall]~~ ***must*** be furnished to any person upon application therefor.

Sec. 2. Chapter 533 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 4.5 of this act.

Sec. 3. ***1. In addition to any other penalty provided by law, the State Engineer may, after notice and opportunity for a hearing, require a person who violates any provision of this chapter or any permit, certificate, order or decision issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120 to:***

(a) Pay an administrative fine not to exceed $10,000 per day for each violation as determined by the State Engineer.

(b) In the case of an unauthorized use or willful waste of water in violation of NRS 533.460 or an unlawful diversion of water in violation of NRS 533.530, or any other violation of this chapter that, as determined by the State Engineer, results in an unlawful use, waste or diversion of water, replace not more than 200 percent of the water used, wasted or diverted.

2. If an administrative fine is imposed against a person pursuant to subsection 1 or the person is ordered to replace any water pursuant to that subsection, the State Engineer may require the person to pay the costs of the proceeding, including investigative costs and attorney's fees.

3. An order imposing an administrative fine or requiring the replacement of water or the payment of costs or fees pursuant to this section may be reviewed by a district court pursuant to NRS 533.450.

Sec. 4. ***1. The State Engineer may seek injunctive relief in the appropriate court to prevent the continuance or occurrence of any act or practice which violates any provision of this chapter, or any permit,***

certificate, decision or order issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120.

2. On a showing by the State Engineer that a person is engaged, or is about to engage, in any act or practice which violates or will violate any provision of this chapter, or any permit, certificate, decision or order issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120, the court may issue, without a bond, any prohibitory or mandatory injunction that the facts may warrant, including a temporary restraining order issued ex parte or, after notice and hearing, a preliminary or permanent injunction.

3. Failure to establish lack of an adequate remedy at law or irreparable harm is not a ground for denying a request for a temporary restraining order or injunction.

4. The court may require the posting of a sufficient performance bond or other security to ensure compliance with the court order within the period prescribed.

5. Any proceeding conducted or injunction or order issued pursuant to this section is in addition to, and not in lieu of, any other penalty or remedy available for a violation specified in this section.

Sec. 4.5. ***The State Engineer shall not carry out his duties pursuant to this chapter in a manner that conflicts with any applicable provision of a decree or order issued by a state or federal court, an interstate compact or an agreement to which this State is a party for the interstate allocation of water pursuant to an act of Congress.***

Sec. 5. NRS 533.450 is hereby amended to read as follows:

533.450 1. Any person feeling himself aggrieved by any order or decision of the State Engineer, acting in person or through his assistants or the water commissioner, affecting his interests, when ~~[such]~~ ***the*** order or decision relates to the administration of determined rights or is made pursuant to NRS 533.270 to 533.445, inclusive, ***or section 3, 7, 10 or 14 of this act,*** may have the same reviewed by a proceeding for that purpose, insofar as may be in the nature of an appeal, which ~~[shall]~~ ***must*** be initiated in the proper court of the county in which the matters affected or a portion thereof are situated ***,*** ~~[;]~~ but on stream systems where a decree of court has been entered, the action ~~[shall]~~ ***must*** be initiated in the court that entered the decree. ~~[Such]~~ ***The*** order or decision of the State Engineer ~~[shall be and remain]~~ ***remains*** in full force and effect unless proceedings to review the same are commenced in the proper court within 30 days ~~[following]~~ ***after*** the rendition of the order or decision in question and notice thereof is given to the State Engineer as provided in subsection 3.

2. The proceedings in every case ~~[shall]~~ ***must*** be heard by the court, and ~~[shall]~~ ***must*** be informal and summary, but full opportunity to be heard ~~[shall]~~ ***must*** be had before judgment is pronounced.

3. No such proceedings may be entertained unless notice thereof, containing a statement of the substance of the order or decision complained

of, and of the manner in which the same injuriously affects the petitioner's interests, has been served upon the State Engineer, personally or by registered or certified mail, at his office at the State Capital within 30 days following the rendition of the order or decision in question. A similar notice ~~[shall]~~ ***must*** also be served personally or by registered or certified mail upon the person ~~[or persons]~~ who may have been affected by ~~[such]~~ ***the*** order or decision.

4. Where evidence has been filed with, or testimony taken before, the State Engineer, a transcribed copy thereof, or of any specific part of the same, duly certified as a true and correct transcript in the manner provided by law, ~~[shall]~~ ***must*** be received in evidence with the same effect as if the reporter were present and testified to the facts so certified. A copy of the transcript ~~[shall]~~ ***must*** be furnished on demand, at actual cost, to any person affected by ~~[such]~~ ***the*** order or decision, and to all other persons on payment of a reasonable amount therefor, to be fixed by the State Engineer.

5. A bond ~~[shall]~~ ***must*** not be required except when a stay is desired, and the proceedings provided for in this section are not a stay unless, within 5 days ~~[following]~~ ***after*** the service of notice thereof, a bond is filed in an amount to be fixed by the court, with sureties satisfactory to ~~[such]~~ ***the*** court, conditioned to perform the judgment rendered in ~~[such]~~ ***the*** proceedings.

6. Costs ~~[shall]~~ ***must*** be paid as in civil cases brought in the district court, except by the State Engineer or the State.

7. The practice in civil cases applies to the informal and summary character of such proceedings, as provided in this section.

8. Appeals may be taken to the Supreme Court from the judgment of the district court in the same manner as in other civil cases.

9. The decision of the State Engineer ~~[shall be]~~ ***is*** prima facie correct, and the burden of proof ~~[shall be]~~ ***is*** upon the party attacking the same.

10. Whenever it appears to the State Engineer that any litigation, whether now pending or hereafter brought, may adversely affect the rights of the public in water, he shall request the Attorney General to appear and protect the interests of the State.

Sec. 6. Chapter 534 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 and 8 of this act.

Sec. 7. ***1. Except as otherwise provided in NRS 534.280, 534.310 and 534.330 and in addition to any other penalty provided by law, the State Engineer may, after notice and opportunity for a hearing, require a person who violates any provision of this chapter or any permit, order or decision issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120 to:***

(a) Pay an administrative fine not to exceed $10,000 per day for each violation as determined by the State Engineer.

(b) In the case of an unlawful waste of water in violation of NRS 534.070 or any other violation of this chapter that, as determined by

the State Engineer, results in an unlawful use, waste or diversion of water, replace not more than 200 percent of the water used, wasted or diverted.

2. In determining violations of this chapter relating to the unauthorized use of water yielded from a well that is used pursuant to a permit issued by the State Engineer and that has 16 or fewer connections, the State Engineer has the burden of proving which user is withdrawing water in excess of the portion of water allotted to the connection of that user. The State Engineer may require any or all users of the well to install and maintain, at their own expense, a meter that measures the amount of water withdrawn from the well by each connection.

3. If an administrative fine is imposed against a person pursuant to subsection 1 or the person is ordered to replace any water pursuant to that subsection, the State Engineer may require the person to pay the costs of the proceeding, including investigative costs and attorney's fees.

~~[3.]~~ ***4. An order imposing an administrative fine or requiring the replacement of water or payment of costs or fees pursuant to this section may be reviewed by a district court pursuant to NRS 533.450.***

Sec. 8. ***1. The State Engineer may seek injunctive relief in the appropriate court to prevent the continuance or occurrence of any act or practice which violates any provision of this chapter, or any permit, order or decision issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120.***

2. On a showing by the State Engineer that a person is engaged, or is about to engage, in any act or practice which violates or will violate any provision of this chapter, or any permit, order or decision issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120, the court may issue, without a bond, any prohibitory or mandatory injunction that the facts may warrant, including a temporary restraining order issued ex parte or, after notice and hearing, a preliminary or permanent injunction.

3. Failure to establish lack of an adequate remedy at law or irreparable harm is not a ground for denying a request for a temporary restraining order or injunction.

4. The court may require the posting of a sufficient performance bond or other security to ensure compliance with the court order within the period prescribed.

5. Any proceeding conducted or injunction or order issued pursuant to this section is in addition to, and not in lieu of, any other penalty or remedy available for a violation of this chapter.

Sec. 9. Chapter 535 of NRS is hereby amended by adding thereto the provisions set forth as sections 10 and 11 of this act.

Sec. 10. ***1. In addition to any other penalty provided by law, the State Engineer may, after notice and opportunity for a hearing, require a person who violates any provision of this chapter, any permit, order or decision issued by the State Engineer pursuant to this chapter or any regulation***

adopted by the State Engineer pursuant to NRS 532.120 to pay an administrative fine not to exceed $10,000 per day for each violation as determined by the State Engineer.

2. If an administrative fine is imposed against a person pursuant to subsection 1, the State Engineer may require the person to pay the costs of the proceeding, including investigative costs and attorney's fees.

3. An order imposing an administrative fine or requiring the payment of costs or fees pursuant to this section may be reviewed by a district court pursuant to NRS 533.450.

Sec. 11. ***1. The State Engineer may seek injunctive relief in the appropriate court to prevent the continuance or occurrence of any act or practice which violates any provision of this chapter, any permit, order or decision issued by the State Engineer pursuant to this chapter or any regulation adopted by the State Engineer pursuant to NRS 532.120.***

2. On a showing by the State Engineer that a person is engaged, or is about to engage, in any act or practice which violates or will violate any provision of this chapter, any permit, order or decision issued by the State Engineer pursuant to this chapter or any regulation adopted by the State Engineer pursuant to NRS 532.120, the court may issue, without a bond, any prohibitory or mandatory injunction that the facts may warrant, including a temporary restraining order issued ex parte or, after notice and hearing, a preliminary or permanent injunction.

3. Failure to establish lack of an adequate remedy at law or irreparable harm is not a ground for denying a request for a temporary restraining order or injunction.

4. The court may require the posting of a sufficient performance bond or other security to ensure compliance with the court order within the period prescribed.

5. Any proceeding conducted or injunction or order issued pursuant to this section is in addition to, and not in lieu of, any other penalty or remedy available for a violation of this chapter.

Sec. 12. NRS 535.100 is hereby amended to read as follows:

535.100 1. ~~[It is unlawful for any person being]~~ ***Any person who is*** the owner of or in possession of any sawmill used for the making of lumber, or any slaughterhouse, brewery or tannery ~~[to]~~ ***shall not*** injure or obstruct the natural flow of water in any river, creek or other stream.

2. Any city or county government, or any person, ~~[being]~~ ***who is*** the owner of or in possession of any agricultural lands ~~[, who may be]~~ ***and who is*** injured by reason of the violation on the part of any person of the provisions contained in subsection 1 ~~[, shall have the right to]~~ ***may*** commence and maintain an action against ~~[such]~~ ***the*** person for any damage sustained, in such manner as may be provided by law.

~~[3. Any person who shall willfully and knowingly violate the provisions of this section shall be punished by a fine of not more than $500.]~~

Sec. 13. Chapter 536 of NRS is hereby amended by adding thereto the provisions set forth as sections 14 and 15 of this act.

Sec. 14. ***1. In addition to any other penalty provided by law, the State Engineer may, after notice and opportunity for a hearing, require a person who violates any provision of this chapter, any order or decision issued by the State Engineer pursuant to this chapter or any regulation adopted by the State Engineer pursuant to NRS 532.120 to pay an administrative fine not to exceed $10,000 per day for each violation as determined by the State Engineer.***

2. If an administrative fine is imposed against a person pursuant to subsection 1, the State Engineer may require the person to pay the costs of the proceeding, including investigative costs and attorney's fees.

3. An order imposing an administrative fine or requiring the payment of costs or fees pursuant to this section may be reviewed by a district court pursuant to NRS 533.450.

Sec. 15. ***1. The State Engineer may seek injunctive relief in the appropriate court to prevent the continuance or occurrence of any act or practice which violates any provision of this chapter, any order or decision issued by the State Engineer pursuant to this chapter or any regulation adopted by the State Engineer pursuant to NRS 532.120.***

2. On a showing by the State Engineer that a person is engaged, or is about to engage, in any act or practice which violates or will violate any provision of this chapter, any order or decision issued by the State Engineer pursuant to this chapter or any regulation adopted by the State Engineer pursuant to NRS 532.120, the court may issue, without a bond, any prohibitory or mandatory injunction that the facts may warrant, including a temporary restraining order issued ex parte or, after notice and hearing, a preliminary or permanent injunction.

3. Failure to establish lack of an adequate remedy at law or irreparable harm is not a ground for denying a request for a temporary restraining order or injunction.

4. The court may require the posting of a sufficient performance bond or other security to ensure compliance with the court order within the period prescribed.

5. Any proceeding conducted or injunction or order issued pursuant to this section is in addition to, and not in lieu of, any other penalty or remedy available for a violation of this chapter.

Sec. 16. **The State Engineer shall, in adopting regulations to carry out the amendatory provisions of this act:**

1. Consider establishing a minimum threshold amount of water that a user of water would be required to exceed in using, wasting or diverting water in an unlawful manner before an administrative penalty would be imposed;

2. Comply with the provisions of chapter 233B of NRS;

3. Consider waiving an administrative penalty for a violation if the violator has, in the determination of the State Engineer, made significant progress toward correcting the violation; and

4. In addition to the requirements of subsection 1, consider waiving an administrative penalty in the case of an unauthorized use or willful waste of water in violation of NRS 533.460 or an unlawful diversion of water in violation of NRS 533.530, if the amount of water so used or wasted does not exceed 2 acre-feet per annum.

Sec. 17. **The State Engineer shall, on or before January 1, 2009, submit to the Director of the Legislative Counsel Bureau a written report detailing the efforts and progress of the State Engineer in developing and adopting regulations to carry out the amendatory provisions of this act.**

Sec. 18. **The State Engineer shall not, before July 1, 2009, impose an administrative penalty pursuant to the amendatory provisions of this act or any regulations adopted to carry out the amendatory provisions of this act.**

~~[Sec. 16.]~~ ***Sec. 19.*** This act becomes effective on July 1, 2007.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 289.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 847.

AN ACT relating to fire protection; revising provisions that authorize a fire protection district receiving federal aid to annex territory which is contiguous to the district; ~~[revising provisions that authorize certain county]~~ **authorizing a** fire protection ~~[districts to annex territory located in]~~ **district receiving federal aid to reorganize as** a **county** fire protection district **;** ~~[receiving federal aid;]~~ authorizing the ~~[consolidation]~~ **adjustment of the boundaries** of certain contiguous fire protection districts located in a county; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the creation of fire protection districts. (Chapters 473 and 474 of NRS) A fire protection district established pursuant to chapter 473 of NRS may annex territory which is contiguous to the district only upon a petition signed by a majority of the property owners within the territory and approval by the State Forester Firewarden. (NRS 473.035)

Section 1 of this bill provides an additional procedure for the annexation of new territory in a fire protection district established pursuant to chapter 473 of NRS. Section 1 authorizes the board of county commissioners of the county in which the district is organized to propose the annexation of new

territory by the adoption of a resolution and approval by the State Forester Firewarden.

Section 3 of this bill authorizes a fire protection district ~~[established pursuant to chapter 474 of NRS to annex all or part of a fire protection district organized under the provisions of]~~ **organized as provided in** chapter 473 of NRS ~~[.]~~ **to reorganize as an existing or new fire protection district that is subject to the provisions of: (1) NRS 474.010 to 474.450, inclusive; or (2) NRS 474.460 to 474.540, inclusive.** The proposed ~~[annexation]~~ **reorganization** may be initiated by a petition of ~~[the]~~ **a** majority of the owners within the ~~[area]~~ **district** proposed for ~~[annexation]~~ **reorganization** or by a resolution of the board of county commissioners of the county in which the district ~~[proposing the annexation]~~ **proposed for reorganization** is located. The State Forester Firewarden must approve the ~~[annexation.]~~ **reorganization.**

Section 4 of this bill authorizes the ~~[consolidation of all or any part of the area of]~~ **adjustment of boundaries as between** certain contiguous fire protection districts located in the same county. The proposed ~~[consolidation may be initiated]~~ **adjustment of boundaries must be approved** by **: (1)** a ~~[petition of a]~~ majority of the **directly affected** owners of ~~[the]~~ property ~~[located within the districts proposed for consolidation or by a]~~ **; and (2)** resolution of the board of county commissioners of the county in which the districts **whose boundaries are** proposed ~~[for consolidation]~~ **to be adjusted** are located.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 473.035 is hereby amended to read as follows:

473.035 1. New territory may be included in any fire protection district organized under this chapter in the manner provided in subsections 2 to ~~[5, inclusive.~~

~~2. Upon receiving a written petition containing a]~~ ***7, inclusive. Any new territory which is proposed to be included in a fire protection district must be contiguous to the district.***

2. The inclusion of new territory in a fire protection district organized under this chapter may be initiated by:

(a) A petition signed by a majority of the owners of the property located within the territory proposed to be included in the district; or

(b) A resolution of the board of county commissioners of the county in which the district is located that includes a description of the territory proposed to be included in the district.

3. The petition must include:

(a) A description of the territory proposed to be included ~~[(which territory must be contiguous to the district), which petition must contain a]~~ ***in the fire protection district; and***

(b) A statement advising the signers that their property will be subject to the levy of a tax for the support of the fire protection district ***.*** ~~[, and be signed by not less than a majority of the property owners within the territory,]~~

4. Upon receipt of the petition or resolution, the State Forester Firewarden shall determine the feasibility of including that territory ***in the fire protection district*** and shall notify the board of directors of the district of his decision.

~~[3.]~~ ***5.*** The board of directors, upon receipt of a notice in writing from the State Forester Firewarden of the decision to include territory in the fire protection district, shall prepare a resolution:

(a) Describing the territory to be included; and

(b) Stating the purpose for its inclusion.

~~[4.]~~ ***6.*** Upon the adoption of the resolution ***,*** the board of directors shall forthwith notify the State Forester Firewarden of the resolution. The territory is ***included*** in the fire protection district from the date of the resolution.

~~[5.]~~ ***7.*** Upon the inclusion of any contiguous territory in a fire protection district ***,*** the State Forester Firewarden shall adopt regulations for the organization of the territory to meet the terms and requirements for federal aid.

Sec. 2. Chapter 474 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. ***1. A*** ~~*[county]*~~ ***fire protection district organized*** ~~*[pursuant to this chapter may annex all or any part of a fire protection district organized pursuant to]*~~ ***as provided in chapter 473 of NRS*** ~~*[.]*~~ ***, may, in the manner provided in this section, be reorganized as an existing or new fire protection district subject to the provisions of:***

(a) NRS 474.010 to 474.450, inclusive; or

(b) NRS 474.460 to 474.540, inclusive.

2. The ~~*[annexation]*~~ ***reorganization of such a district may be initiated by:***

(a) A petition signed by a majority of the owners of the property located within the ~~*[area]*~~ ***district proposed to be*** ~~*[annexed;]*~~ ***reorganized; or***

(b) A resolution of the board of county commissioners of the county in which the district ~~*[organized pursuant to this chapter]*~~ ***proposed to be reorganized is located.***

3. If, after notice and a hearing, the board of county commissioners determines that the proposed ~~*[annexation is feasible and]*~~ ***reorganization is in the best interests of the county and the district, the board*** ~~*[of county commissioners shall adopt and submit to]*~~ ***shall notify the State Forester Firewarden*** ~~*[a petition requesting annexation of the proposed area.*~~

~~*4. Upon receipt of the petition, the]*~~ ***of that determination.***

4. The State Forester Firewarden shall determine whether the ~~*[annexation]*~~ ***reorganization is feasible and shall notify the board of county commissioners, in writing, of his decision. If the State Forester Firewarden***

determines that the reorganization is feasible, he shall further notify the board of county commissioners, in writing, that the petition or resolution, as applicable, proposing the reorganization of the district is approved.

5. Upon receipt of a notice in writing from the State Forester Firewarden that the [annexation] petition or resolution proposing the reorganization is approved, the board of county commissioners shall adopt an ordinance [which must include the name and boundaries of] reorganizing the district [.] as an existing or new fire protection district subject to the provisions of:

(a) NRS 474.010 to 474.450, inclusive; or

(b) NRS 474.460 to 474.540, inclusive.

6. The board of county commissioners shall cause a copy of the ordinance, certified by the clerk of the board of county commissioners, to be filed immediately for record in the office of the county recorder.

7. [The annexation of the proposed area of the district is complete upon the filing of the ordinance pursuant to this section.] All debts, obligations, liabilities and assets of a fire protection district organized as provided in chapter 473 of NRS that is reorganized pursuant to this section must be assumed or taken over by the fire protection district into which that district is reorganized.

8. A district reorganized pursuant to this section as an existing or new fire protection district subject to the provisions of:

(a) NRS 474.010 to 474.450, inclusive, has all of the powers granted by those sections and shall be deemed to have been formed under the provisions of those sections.

(b) NRS 474.460 to 474.540, inclusive, has all of the powers granted by those sections and shall be deemed to have been organized in accordance with NRS 474.460.

Sec. 4. ***1. [Two] The boundaries of two or more contiguous fire protection districts located within a county and organized pursuant to NRS 474.010 or 474.460 may be [consolidated into a fire protection district consisting of] adjusted in the manner provided in this section so that all or any part of the area of [those] one such fire protection [districts.] district is excluded from that district and added to the area of another such fire protection district.***

2. The [consolidation may] adjustment of the boundaries of fire protection districts pursuant to this section must be [initiated] approved by:

(a) A [petition signed by a] majority of the owners of property located within the portions of those districts directly affected by the proposed [to be consolidated; or] adjustment of boundaries; and

(b) [A resolution] Resolution of the board of county commissioners of the county in which the districts are located [if the] , which resolution [is] must also be approved by the governing bodies of the fire protection districts whose boundaries are proposed to be [consolidated.] adjusted.

➥ For the purposes of this subsection, an owner of property located within a fire protection district is "directly affected" by a proposed adjustment of boundaries if the adjustment will cause that property, or other property immediately adjacent to that property, to be excluded from the district in which it is currently located and added to a district other than that in which it is currently located.

3. If, after notice and a hearing, the board of county commissioners determines that the proposed [consolidation] adjustment of boundaries is feasible and in the best interests of the county and the districts whose boundaries are proposed to be [consolidated,] adjusted, the board of county commissioners shall adopt an ordinance [consolidating] adjusting the boundaries of those districts. The ordinance must include the name and boundaries of [the consolidated district.] each district that will result from the adjustment.

4. For the purposes of subsection 3, a board of county commissioners shall not determine that a proposed adjustment of boundaries is feasible and in the best interests of the county and the districts whose boundaries are proposed to be adjusted unless the board concludes, after conducting a reasonable investigation, that:

(a) The total assessed valuation of taxable property in the districts whose boundaries are proposed to be adjusted is substantially equivalent; and

(b) The total ad valorem tax levied within the districts whose boundaries are proposed to be adjusted is substantially equivalent.

5. The board of county commissioners shall cause a copy of [the] any ordinance [,] adopted pursuant to subsection 3 to be certified by the clerk of the board [of county commissioners, to be] and filed immediately for record in the office of the county recorder.

[5. All]

6. If an adjustment of boundaries pursuant to this section causes:

(a) Part of the area of one fire protection district to be excluded from that district and added to the area of another fire protection district, the districts may, but are not required to, enter into such an agreement as they determine equitable to address the apportionment of debts, obligations, liabilities and assets.

(b) All of the area of one fire protection district to be excluded from that district and added to the area of another fire protection district, the debts, obligations, liabilities and assets of the [former districts] district from which the area is excluded must be assumed by the [consolidated] district [.] to which the area is added.

Sec. 5. [NRS 474.325 is hereby amended to read as follows:

474.325 The boundaries of any county fire protection district formed under NRS 474.010 to 474.450, inclusive, may be altered and new territory annexed thereto, incorporated and included therein, and made a part thereof in the manner provided in :

1. NRS 474.335 to 474.395, inclusive [.]*; or*

~~2. Section 3 of this act.~~ **(Deleted by amendment.)**

Sec. 6. The amendatory provisions of this act do not apply to modify, directly or indirectly, any taxes levied or revenues pledged in such a manner as to impair adversely any outstanding obligations of a fire protection district, including, without limitation, bonds, medium-term financing, letters of credit and any other financial obligation, until all such obligations have been discharged in full or provision for their payment and redemption has been fully made.

Sec. 7. This act becomes effective on July 1, 2007.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Oceguera, Anderson, and Carpenter as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 14.

Assemblyman Oceguera moved that the Assembly recess until 4:30 p.m.

Motion carried.

Assembly in recess at 1:30 p.m.

ASSEMBLY IN SESSION

At 4:56 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Senate Joint Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HARRY MORTENSON, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 288, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 529, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 131, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 24, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 570.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 90, 173, 186, 253, 393, 422.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Concurrent Resolution No. 32—Directing the Legislative Commission to conduct an interim study of statutory legislative committees.

Assemblywoman Koivisto moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 90.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 173.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 186.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 253.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 393.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 422.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 570.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 131.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 964.

AN ACT relating to governmental administration; authorizing each county clerk to charge and collect an additional fee to pay for the acquisition and improvement of technology used in the office of the county clerk; ~~[increasing the amount of certain court fees charged and collected by county clerks;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each county clerk to charge and collect certain fees relating to certain civil actions and proceedings in district court. (NRS 19.013-19.0335) Section 2 of this bill ~~[increases certain fees charged and collected by each county clerk and]~~ authorizes each county clerk to charge and collect an additional fee not to exceed $5 for filing and recording a bond of a notary public, per name. The additional fee, if charged and collected, must be credited to an account described in section 1 of this bill. (NRS 19.013) Section 1 provides that if a county clerk charges and collects an additional fee for filing and recording a bond of a notary public, the proceeds must be accounted for separately in the county general fund and the money in the account must be used only to acquire technology for or to improve technology used in the office of the county clerk.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 19 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a county clerk imposes an additional fee pursuant to subsection 2 of NRS 19.013, the proceeds collected from such a fee must be accounted for separately in the county general fund. Any interest earned on money in

the account, after deducting any applicable charges, must be credited to the account. Money that remains in the account at the end of a fiscal year does not revert to the county general fund, and the balance in the account must be carried forward to the next fiscal year.

2. The money in the account must be used only to acquire technology for or to improve technology used in the office of the county clerk, including, without limitation, costs related to acquiring or improving technology for converting and archiving records, purchasing hardware and software, maintaining the technology, training employees in the operation of the technology and contracting for professional services relating to the technology.

Sec. 2. NRS 19.013 is hereby amended to read as follows:

19.013 1. Except as otherwise provided by specific statute, each county clerk shall charge and collect the following fees:

On the commencement of any action or proceeding in the district court, or on the transfer of any action or proceeding from a district court of another county, except probate or guardianship proceedings, to be paid by the party commencing the action, proceeding or transfer ..... $56 ~~*[$70]*~~

On an appeal to the district court of any case from a justice court or a municipal court, or on the transfer of any case from a justice court or a municipal court ..... 42 ~~*[52]*~~

On the filing of a petition for letters testamentary, letters of administration, setting aside an estate without administration, or a guardianship, which fee includes the court fee prescribed by NRS 19.020, to be paid by the petitioner:

Where the stated value of the estate is more than $2,500 ..... 72 ~~*[85]*~~

Where the stated value of the estate is $2,500 or less, no fee may be charged or collected.

On the filing of a petition to contest any will or codicil, to be paid by the petitioner ..... 44 ~~*[$55]*~~

On the filing of an objection or cross-petition to the appointment of an executor, administrator or guardian, or an objection to the settlement of account or any answer in an estate or guardianship matter ..... 44 ~~*[55]*~~

On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by him or them ..... 44 ~~*[55]*~~

For filing a notice of appeal ..... 24 ~~*[30]*~~

For issuing a transcript of judgment and certifying thereto 3

For preparing any copy of any record, proceeding or paper, for each page 1

For each certificate of the clerk, under the seal of the court 3

For examining and certifying to a copy of any paper, record or proceeding prepared by another and presented for his certificate 5

For filing all papers not otherwise provided for, other than papers filed in actions and proceedings in court and papers filed by public officers in their official capacity 5

For issuing any certificate under seal, not otherwise provided for 6
For searching records or files in his office, for each year 1
For filing and recording a bond of a notary public, per name 15
For entering the name of a firm or corporation in the register of the county clerk 20

2. ***A county clerk may charge and collect, in addition to any fee that a county clerk is otherwise authorized to charge and collect, an additional fee not to exceed $5 for filing and recording a bond of a notary public, per name. On or before the fifth day of each month, the county clerk shall pay to the county treasurer the amount of fees collected by him pursuant to this subsection for credit to the account established pursuant to section 1 of this act.***

3. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the county clerk.

~~[3.]~~ ***4.*** The fees set forth in subsection 1 are payment in full for all services rendered by the county clerk in the case for which the fees are paid, including the preparation of the judgment roll, but the fees do not include payment for typing, copying, certifying or exemplifying or authenticating copies.

~~[4.]~~ ***5.*** No fee may be charged ***to*** any attorney at law admitted to practice in this State for searching records or files in the office of the clerk. No fee may be charged for any services rendered to a defendant or his attorney in any criminal case or in habeas corpus proceedings.

~~[5.]~~ ***6.*** Each county clerk shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month.

Sec. 3. (Deleted by amendment.)

Sec. 4. This act becomes effective on July 1, 2007 ~~[.]~~ **and expires by limitation on July 1, 2013.**

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 288.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 980.

AN ACT relating to fire protection districts; requiring the board of directors of a fire protection district created by an election to cooperate with the State Forester Firewarden and certain other agencies to prevent and suppress fires in wild lands; authorizing such a board of directors to appoint a district fire chief; providing that the activities of a fire protection district created by an election are separate from county activities and any other political subdivision in this State; authorizing a board of fire commissioners

to provide emergency medical services within a fire protection district ~~[,]~~ **under certain circumstances;** requiring title to all property acquired by a fire protection district organized by a board of county commissioners to vest in the district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the organization of fire protection districts by an ordinance adopted by a board of county commissioners or by the approval of the voters of a proposed fire protection district. (Chapter 474 of NRS) Under existing law, a fire protection district approved by the voters may include contiguous territory from more than one county. (NRS 474.010) Section 9 of this bill provides that such a fire protection district may ~~[only consist of]~~ **include incorporated** territory within a ~~[single county and eliminates the requirement that the territory be contiguous.]~~ **consolidated municipality, provided that such territory is not included in any other fire protection district. Section 9 also removes the exclusion that had prohibited such a fire protection district from including timberland patrolled by the United States Forest Service.** Sections 2-8 and 15-18 of this bill borrow various existing provisions that are applicable to a fire protection district organized by a board of county commissioners and make them applicable to a fire protection district approved by the voters. ~~[Sections 10-14 and 19 of this bill remove references to a fire protection district that includes territory in more than one county.]~~ Sections 20, 21, 22 and 24 of this bill borrow various existing provisions that are applicable to a fire protection district approved by the voters and make them applicable to a fire protection district organized by a board of county commissioners. Section 25 of this bill restricts existing procedures for the reorganization of a fire protection district to apply only to a fire protection district organized by a board of county commissioners.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 474 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***1. A county fire protection district organized pursuant to NRS 474.010 to 474.450, inclusive, and sections 2 to 5, inclusive, of this act, upon its formation:***

(a) Is a political subdivision of this State; and

(b) Has perpetual existence unless dissolved as provided in this chapter.

2. Each such district may:

(a) Sue and be sued, and be a party to suits, actions and proceedings;

(b) Arbitrate claims; and

(c) Contract and be contracted with.

Sec. 3. ***The board of directors of a county fire protection district shall cooperate with the State Forester Firewarden and other agencies as provided in NRS 472.040 to 472.090, inclusive, to prevent and suppress***

fires in wild lands, and may contribute suitable amounts of money from the sums raised as provided in NRS 474.200 for that purpose to cooperating agencies, or may receive contributions from other agencies to be spent for that purpose.

Sec. 4. ***1. The board of directors of a county fire protection district may appoint a district fire chief who shall have adequate training and experience in fire control and who shall hire such employees as are authorized by the board. The district fire chief shall administer all fire control laws in the district and perform such other duties as may be designated by the board of directors. The district fire chief shall coordinate fire protection activities in the district and shall cooperate with all other fire protection agencies.***

2. In lieu of or in addition to the provisions of subsection 1, the board of directors may ~~*[:*~~

~~*(a) Provide]*~~ ***provide fire protection to the county fire protection district by entering into agreements with other agencies as provided by NRS 277.180 and 472.060 to 472.090, inclusive, for the furnishing of such protection to the district.*** ~~*[; or*~~

~~*(b) Support, direct or integrate volunteer fire departments within the county fire protection district for the furnishing of such protection to the district.]*~~

Sec. 5. ***The activities of a county fire protection district are separate from county activities and any other political subdivision in this State.***

Sec. 6. ~~*[The]*~~ ***Except as otherwise provided in subsection 2, the board of fire commissioners of a district organized pursuant to NRS 474.460 may:***

~~*[1.]*~~ ***(a) Provide emergency medical services within the district; and***

~~*[2.]*~~ ***(b) Purchase, acquire by donation or otherwise, lease, operate and maintain ambulances if necessary, and may take out liability and other insurance therefor. The board of fire commissioners may employ trained personnel to operate those vehicles.***

2. The provisions of this section do not allow the board of fire commissioners of a district organized pursuant to NRS 474.460 to provide ambulance service in any area in which a local government, or a person or entity authorized to act on behalf of a local government, has awarded an exclusive franchise for the provision of ambulance service pursuant to NRS 244.187, 268.081, 269.128 or other applicable law.

Sec. 7. ***All accounts, bills and demands against a district organized pursuant to NRS 474.460 must be audited, allowed and paid by the board of fire commissioners by warrants drawn on the county treasurer or the treasurer of the district. The county treasurer or, if authorized by the board of county commissioners and the board of fire commissioners, the treasurer of the district shall pay them in the order in which they are presented.***

Sec. 8. ***The title to all property which may have been acquired for a district organized pursuant to NRS 474.460 must be vested in the district.***

Sec. 9. NRS 474.010 is hereby amended to read as follows:

474.010 Contiguous unincorporated ~~*[Unincorporated]*~~ territory lying within one or more counties ~~*[a county]*~~ ***or incorporated territory lying within a consolidated municipality*** and not included in any other fire protection district ~~[, and not including timberland patrolled by the United States Forest Service or in accordance with the rules and regulations of the United States Forest Service,]~~ may be formed into a county fire protection district in the manner and under the proceedings set forth in NRS 474.010 to 474.450, inclusive ~~[.]~~ ***, and sections 2 to 5, inclusive, of this act.***

Sec. 10. NRS 474.020 is hereby amended to read as follows:

474.020 1. When 25 percent or more of the holders of title or evidence of title to lands lying in one body, whose names appear as such upon the last county assessment roll, ~~[shall]~~ present a petition to the board of county commissioners of the county in which the land or the greater portion thereof ~~[lies,]~~ ***is located,*** setting forth the exterior boundaries of the proposed district and asking that the district so described be formed into a county fire protection district under the provisions of NRS 474.010 to 474.450, inclusive, ***and sections 2 to 5, inclusive, of this act,*** the board of county commissioners shall pass a resolution declaring the board's intention to form or organize such territory into a county fire protection district, naming the district and describing its exterior boundaries.

2. The resolution ~~[shall:]~~ ***must:***

(a) Fix a time and place for the hearing of the matter not less than 30 days after its adoption.

(b) Direct the clerk of the board of county commissioners to publish the notice of intention of the board of county commissioners to form ~~[such]~~ ***the*** county fire protection district, and of the time and place fixed for the hearing, and ~~[shall]~~ ***must*** designate that publication ~~[shall]~~ ***must*** be in ~~[some]~~ ***a*** newspaper of general circulation published in the county and circulated in the proposed county fire protection district, or if there is no newspaper so published and circulated ***,*** then in ~~[some]~~ ***a*** newspaper of general circulation circulated in the proposed district.

Sec. 11. NRS 474.030 is hereby amended to read as follows:

474.030 The notice ~~[shall:]~~ ***must:***

1. Be headed "Notice of the proposed formation of fire protection district in ..... County ~~*[" (stating]*~~ ***," stating*** the name of the proposed district and the name of the county or, if there ~~[be]~~ ***is*** more than one ~~[,]~~ ***county,*** the name of the counties in which the proposed district is located ***.*** ~~[).]~~ ~~["]~~

2. State the fact that the board of county commissioners ~~[of the county]~~ has fixed the time and place ~~[(which shall]~~ ~~*[, which must be stated in the notice ,]*~~ ~~[)]~~ for a hearing on the matter of the formation of a county fire protection district ~~[.]~~ ***, and must set forth the time and place of that hearing.***

3. Describe the territory or ~~[shall]~~ specify the exterior boundaries of the territory proposed to be organized into a fire protection district, which boundaries, so far as practicable, ~~[shall]~~ ***must*** be the centerlines of highways.

4. Be published once a week for 2 successive weeks ~~[prior to]~~ ***before*** the time fixed for the hearing in the newspaper designated by the board of county commissioners.

Sec. 12. NRS 474.080 is hereby amended to read as follows:

474.080 1. The board of county commissioners shall submit the question of whether the proposed district shall be organized pursuant to the provisions of NRS 474.010 to 474.450, inclusive, ***and sections 2 to 5, inclusive, of this act*** to the electors of the proposed district at the next primary or general election.

2. The notice must:

(a) Designate a name for the proposed district.

(b) Describe the boundaries of the precincts established therein, ~~[when]~~ ***if*** more than one, together with a designation of the polling places and board of election for each precinct.

(c) Be published once a week for at least 3 weeks ~~[previous to]~~ ***before*** the election in a newspaper published or circulated within the boundaries of the proposed district and published within the county ***or counties*** in which the ~~[petition for the organization of the district was presented.]~~ ***proposed district is located.***

(d) Require the electors to cast ballots, which must contain the words: "..... County fire protection district—Yes," or "..... County fire protection district—No," or words equivalent thereto, and also the names of one or more persons, ~~[(]~~ according to the division of the proposed district as prayed for in the petition and ordered by the board, ~~[)]~~ to be voted for to fill the office of director.

Sec. 13. NRS 474.110 is hereby amended to read as follows:

474.110 1. The election having been held, the board of county commissioners shall, on the first Monday succeeding ~~[such]~~ ***the*** election, if then in session, or at its next succeeding general or special session, proceed to canvass the votes cast ~~[thereat.]~~ ***at the election.***

2. If upon such canvass it appears that a majority of all votes cast in the district, ~~[(]~~ and in each portion of the counties included in the district ~~[in case]~~ ***if*** lands in more than one county are included therein, ~~[)]~~ are in favor of the formation of the district, the board shall, by an order entered in its minutes, declare:

(a) Such territory ~~[duly]~~ organized as a county fire protection district under the name theretofore designated; and

(b) The persons receiving, respectively, the highest number of votes for the directors to be ~~[duly]~~ elected to ~~[such]~~ ***those*** offices.

Sec. 14. NRS 474.120 is hereby amended to read as follows:

474.120 1. The board ***of county commissioners*** shall then cause a copy of such order, ~~[duly]~~ certified by the clerk of the board, ~~[of county~~

~~commissioners,]~~ to be immediately filed for record in the office of the county recorder of ~~[any]~~ ***each*** county in which any portion of the lands ~~[embraced in such]~~ ***included in the*** district are ~~[situated,]~~ ***located,*** and must also immediately forward a copy thereof to the clerk of the board of county commissioners of each ~~[of such counties.~~

~~2. No]~~ ***such county.***

2. The board of county commissioners ~~[of the county]~~ shall ~~[,]~~ ***not,*** after the date of the organization of the district, allow another fire protection district to be formed ~~[, including any portion of such lands,]~~ ***within the district*** without the consent of the owners thereof.

3. From and after such filing, the organization of the district ~~[shall be]~~ ***is*** complete.

Sec. 15. NRS 474.160 is hereby amended to read as follows:

474.160 The board of directors shall:

1. Manage and conduct the business and affairs of the district.

2. ~~[Make]~~ ***Adopt*** and enforce all rules and regulations necessary for the administration and government of the district and for the furnishing of fire protection thereto, which may include regulations relating to fire prevention. The regulations may include provisions that are designed to protect life and property from:

(a) The hazards of fire and explosion resulting from the storage, handling and use of hazardous substances, materials and devices; and

(b) Hazardous conditions relating to the use or occupancy of any premises.

➥ Any regulation concerning hazardous substances, materials or devices adopted pursuant to this section must be consistent with any plan or ordinance concerning ~~[such]~~ ***those*** substances, materials or devices that is required by the Federal Government and has been adopted by ~~[a]~~ ***the*** board of county commissioners.

3. Organize, regulate, establish and disband fire companies, departments or volunteer fire departments for the district.

4. Make and execute in the name of the district all necessary contracts.

5. Adopt a seal for the district to be used in the attestation of proper documents.

6. Provide for the payment from the proper fund of ***the salaries of employees of the district and*** all the debts and just claims against the district.

7. Employ agents and employees for the district sufficient to maintain and operate the property acquired for the purposes of the district.

8. Acquire real or personal property necessary for the purposes of the district and dispose of that property when no longer needed.

9. Construct any necessary structures.

10. Acquire, hold and possess, either by donation or purchase, in the name and on behalf of the district any land or other property necessary for the purpose of the district.

11. Eliminate and remove fire hazards within the district ~~[wherever]~~ ***if*** practicable and possible, whether on private or public premises, and to that end the board may clear the public highways and private lands of dry grass, stubble, brush, rubbish or other inflammable material in its judgment constituting a fire hazard.

12. Perform all other acts necessary, proper and convenient to accomplish the purposes of NRS 474.010 to 474.450, inclusive ~~[.]~~ ***, and sections 2 to 5, inclusive, of this act.***

Sec. 16. NRS 474.180 is hereby amended to read as follows:

474.180 ~~[The]~~ ***Except as otherwise provided in subsection 2, the*** board of directors may ~~[purchase,]~~ ***:***

~~*[1.]*~~ ***(a) Provide emergency medical services within the district; and***

~~*[2.]*~~ ***(b) Purchase,*** acquire by donation or otherwise, lease, operate and maintain ambulances whenever necessary, and may take out liability and other insurance therefor. The board of directors may employ trained personnel to operate ~~[these]~~ ***those*** vehicles.

2. The provisions of this section do not allow the board of directors to provide ambulance service in any area in which a local government, or a person or entity authorized to act on behalf of a local government, has awarded an exclusive franchise for the provision of ambulance service pursuant to NRS 244.187, 268.081, 269.128 or other applicable law.

Sec. 17. NRS 474.190 is hereby amended to read as follows:

474.190 1. Subject to the provisions of subsection ~~[2,]~~ ***3,*** the board of directors of each county fire protection district shall prepare annual budgets in accordance with NRS 354.470 to 354.626, inclusive.

2. ***The budget must be based on estimates of the amount of money that will be needed to defray the expenses of the district and to meet unforeseen emergencies and the amount of a fire protection tax sufficient, together with the revenue which will result from application of the rate to the net proceeds of minerals, to raise such sums.***

3. The amount of money to be raised for the purpose of establishing, equipping and maintaining the district with fire-fighting facilities ~~[shall]~~ ***must*** not in any 1 year exceed 1 percent of the ~~[assessable property within the district.~~

~~3. In determining the tax to be levied to raise the amount of money required by such budget within such limitation, the board of county commissioners shall prorate 80 percent of the amount of the tax upon the assessed value of improvements and personal property upon each parcel of land and 20 percent upon the assessed value of each parcel of land, if upon the formation of the district a provision for such procedure was included in the notice to create the district approved by the property owners, or if a petition requesting such procedure, signed by not less than a majority of the property owners within the district, is presented to the board prior to January 20.]~~ ***assessed value of the property described in NRS 474.200 and any net proceeds of minerals derived from within the boundaries of the district.***

Sec. 18. NRS 474.200 is hereby amended to read as follows:

474.200 1. At the time of making the levy of county taxes for that year, the boards ~~*[board]*~~ of county commissioners shall levy the tax ~~[certified]~~ ***established pursuant to NRS 474.190*** upon all property, both real and personal, subject to taxation within the boundaries of the district. Any tax levied on interstate or intercounty telephone lines, power lines and other public utility lines as authorized in this section must be based upon valuations as established by the Nevada Tax Commission pursuant to the provisions of NRS 361.315 to 361.330, inclusive.

2. When levied, the tax must be entered upon the assessment rolls and collected in the same manner as state and county taxes. ***Taxes may be paid in four approximately equal installments at the times specified in NRS 361.483, and the same penalties as specified in NRS 361.483 must be added for failure to pay the taxes.***

3. When the tax is collected it must be placed in the treasury of the county in which the greater portion of the ***county fire protection*** district is located, to the credit of the ~~[current expense fund of the district, and may be used only for the purpose for which it was raised.]~~ ~~*[county fire protection]*~~ ***district. The treasurer of the district shall keep two separate funds for each district, one to be known as the district fire protection operating fund and one to be known as the district emergency fund. The money collected to defray the expenses of the district must be deposited in the district fire protection operating fund, and the money collected to meet unforeseen emergencies must be deposited in the district emergency fund. The district emergency fund must be used solely for emergencies and must not be used for regular operating expenses. The money deposited in the district emergency fund must not exceed the sum of $1,000,000. Any interest earned on the money in the district emergency fund that causes the balance in that fund to exceed $1,000,000 must be credited to the district fire protection operating fund.***

4. For the purposes of subsection 3, an emergency includes, without limitation, any event that:

(a) Causes widespread or severe damage to property or injury to or the death of persons within the district;

(b) As determined by the district fire chief, requires immediate action to protect the health, safety and welfare of persons who reside within the district; and

(c) Requires the district to provide money to obtain a matching grant from a state agency or an agency of the Federal Government to repair damage caused by a natural disaster that occurred within the district.

Sec. 19. NRS 474.300 is hereby amended to read as follows:

474.300 1. In any county fire protection district availing itself of the privileges of this section and NRS 474.220 and 474.310, the board of directors of ~~[such]~~ ***the*** district annually shall determine the tax necessary for the payment of interest and principal of such bonds.

2. The amount of the tax ~~[shall]~~ ***must*** be certified to the boards ~~*[board]*~~ of county commissioners of the counties in which any portion of the district is located, and ~~[such]~~ ***the*** board of county commissioners shall, at the time of making the levy of county taxes for that year, levy the tax certified upon all the real property, together with the improvements thereon, in the district.

3. When levied, the tax ~~[shall]~~ ***must*** be entered on the assessment rolls and collected in the same manner as state and county taxes.

4. When the tax is collected it ~~[shall]~~ ***must*** be placed in the treasury of the county in which the greater portion of the district is located in a special fund for the payment of principal and interest of the bonds. Payments therefrom ~~[shall]~~ ***must*** be made according to the terms of the bonds.

Sec. 20. NRS 474.460 is hereby amended to read as follows:

474.460 1. All territory in each county ***or consolidated municipality*** not included in any other fire protection district, except incorporated areas ~~[,]~~ ***other than consolidated municipalities,*** may be organized by ordinance by the board of county commissioners of the county in which ~~[such]~~ ***that*** territory lies into as many fire protection districts as necessary to provide for the prevention and extinguishment of fires in the county, until such time as ~~[such]~~ ***that*** territory may be included in another fire protection district formed in accordance with the provisions of chapter 473 of NRS, or NRS 474.010 to 474.450, inclusive ~~[.]~~ ***, and sections 2 to 5, inclusive, of this act.***

2. Each such district ~~[shall:~~

~~(a) Be a body corporate and politic;~~

~~(b) Be]~~ ***:***

(a) Is a political subdivision of the State; and

~~[(c) Have]~~

(b) Has perpetual existence unless dissolved as provided in this chapter.

3. Each such district may:

(a) ~~[Have and use a corporate seal;~~

~~(b)]~~ Sue and be sued, and be a party to suits, actions and proceedings;

~~[(c)]~~ ***(b)*** Arbitrate claims; and

~~[(d)]~~ ***(c)*** Contract and be contracted with.

4. The board of county commissioners ~~[of the county]~~ organizing each such district ~~[shall]~~ ***is*** ex officio ~~[be]~~ the governing body of each such district. The governing body ~~[shall]~~ ***must*** be known as the board of fire commissioners.

5. The chairman of the board of county commissioners ~~[shall]~~ ***is*** ex officio ~~[be]~~ ***the*** chairman of each such district.

6. The county clerk ~~[shall]~~ ***is*** ex officio ~~[be]~~ ***the*** clerk of each such district.

7. ~~[The]~~ ***Unless the board of fire commissioners employs a treasurer, the*** county treasurer ~~[shall]~~ ***is*** ex officio ~~[be]~~ ***the*** treasurer of each such district.

Sec. 21. NRS 474.470 is hereby amended to read as follows:

474.470 The board of fire commissioners shall:

1. Manage and conduct the business and affairs of districts organized pursuant to the provisions of NRS 474.460.

2. ~~[Promulgate]~~ ***Adopt*** and enforce all ***rules and*** regulations necessary for the administration and government of the districts and for the furnishing of fire protection ~~[.]~~ ***thereto, which may include regulations relating to emergency medical services and fire prevention. The regulations may include provisions that are designed to protect life and property from:***

(a) The hazards of fire and explosion resulting from the storage, handling and use of hazardous substances, materials and devices; and

(b) Hazardous conditions relating to the use or occupancy of any premises.

➥ Any regulation concerning hazardous substances, materials or devices adopted pursuant to this section must be consistent with any plan or ordinance concerning those substances, materials or devices that is required by the Federal Government and has been adopted by the board of county commissioners.

3. Organize, regulate, establish and disband fire companies, departments or volunteer fire departments for the districts.

4. Provide for the payment of salaries to the personnel of ~~[such]~~ ***those*** fire companies or fire departments.

5. Provide for payment from the proper fund of all the debts and just claims against the districts.

6. Employ agents and employees for the districts sufficient to maintain and operate the property acquired for the purposes of the districts.

7. Acquire real or personal property necessary for the purposes of the districts and dispose of the ~~[same when]~~ ***property if*** no longer needed.

8. Construct any necessary structures.

9. Acquire, hold and possess, ~~[either]~~ by donation or purchase, any land or other property necessary for the purpose of the districts.

10. Eliminate and remove fire hazards from the districts ~~[wherever]~~ ***if*** practicable and possible, whether on private or public premises, and to that end the board of fire commissioners may clear the public highways and private lands of dry grass, stubble, brush, rubbish or other inflammable material in its judgment constituting a fire hazard.

11. Perform all other acts necessary, proper and convenient to accomplish the purposes of NRS 474.460 to 474.540, inclusive ~~[.]~~ ***, and sections 6, 7 and 8 of this act.***

Sec. 21.5. NRS 474.480 is hereby amended to read as follows:

474.480 1. The board of fire commissioners shall plan for the prevention and extinguishment of fires in the territory of the county described by NRS 474.460, in cooperation with the State Forester Firewarden to coordinate the fire protection activities of the districts with the fire protection provided by the Division of Forestry of the State Department of Conservation and Natural Resources and by federal agencies, in order that the State Forester Firewarden may establish a statewide plan for the

prevention and control of large fires, mutual aid among the districts, training of personnel, supply, finance and other purposes to promote fire protection on a statewide basis.

2. Through inspection **,** ~~[and recommendation,]~~ the State Forester Firewarden ~~[shall standardize the]~~ ***may recommend standardization of*** fire protection equipment and facilities of the districts to facilitate mutual aid among the districts.

Sec. 22. NRS 474.490 is hereby amended to read as follows:

474.490 The board of fire commissioners shall cooperate with ***the State Forester Firewarden and*** other agencies as provided in NRS 472.040 to 472.090, inclusive, to prevent and suppress fires in wild lands, and may contribute suitable amounts of money from the sums raised as provided in NRS 474.510 for ~~[such]~~ ***that*** purpose to cooperating agencies, or may receive contributions from other agencies to be spent for ~~[such]~~ ***that*** purpose.

Sec. 23. NRS 474.500 is hereby amended to read as follows:

474.500 1. The board of fire commissioners may appoint a district fire chief who shall have adequate training and experience in fire control and who shall hire such employees as are authorized by the board. The district fire chief shall administer all fire control laws in the territory of the county described by NRS 474.460 and perform such other duties as may be designated by the board of fire commissioners and the State Forester Firewarden. The district fire chief shall coordinate fire protection activities in the district and shall cooperate with all other existing fire protection agencies and with the State Forester Firewarden for the standardization of equipment and facilities.

2. In lieu of or in addition to the provisions of subsection 1, the board of fire commissioners may ~~[:~~

~~(a) Provide]~~ ***provide*** the fire protection required by NRS 474.460 to 474.540, inclusive, ***and sections 6, 7 and 8 of this act*** to the districts by entering into agreements with other agencies as provided by NRS 472.060 to 472.090, inclusive, and 277.180, for the furnishing of such protection to the districts**.** ~~[; or~~

~~(b) Support , *direct or integrate* volunteer fire departments within districts organized under the provisions of NRS 474.460 to 474.540, inclusive, *and sections 6, 7 and 8 of this act* for the furnishing of such protection to the districts.]~~

Sec. 24. NRS 474.510 is hereby amended to read as follows:

474.510 1. The board of fire commissioners shall prepare ~~[a]~~ ***an annual*** budget ***in accordance with the provisions of NRS 354.470 to 354.626, inclusive,*** for each district organized in accordance with NRS 474.460**.** ~~[, estimating]~~

2. Each budget must be based on estimates of the amount of money which will be needed to defray the expenses of the district and to meet unforeseen ~~[fire emergencies, and to determine]~~ ***emergencies and*** the amount of a fire protection tax sufficient, together with the revenue which will result

from application of the rate to the net proceeds of minerals, to raise such sums.

~~[2.]~~ ***3.*** At the time of making the levy of county taxes for the year, the board of county commissioners shall levy the tax provided by subsection 1, upon all property, both real and personal, subject to taxation within the boundaries of the district. Any tax levied on interstate or intercounty telephone lines, power lines and other public utility lines as authorized in this section must be based upon valuations established by the Nevada Tax Commission pursuant to the provisions of NRS 361.315 to 361.330, inclusive.

~~[3.]~~ ***4.*** The amount of tax to be collected for the purposes of this section must not exceed, in any 1 year, 1 percent of the value of the property described in subsection ~~[2]~~ ***3*** and any net proceeds of minerals derived from within the boundaries of the district.

~~[4.]~~ ***5.*** If levied, the tax must be entered upon the assessment roll and collected in the same manner as state and county taxes. Taxes may be paid in four approximately equal installments at the times specified in NRS 361.483 ***,*** and the same penalties as specified in NRS 361.483 must be added for failure to pay the taxes.

~~[5.]~~ ***6.*** For the purposes of NRS 474.460 to 474.550, inclusive, ***and sections 6, 7 and 8 of this act,*** the ~~[county]~~ treasurer ***of the district*** shall keep two separate funds for each district, one to be known as the district fire protection operating fund and one to be known as the district ~~[fire]~~ emergency fund. The ~~[sums]~~ ***money*** collected to defray the expenses of any district organized pursuant to NRS 474.460 must be deposited in the district fire protection operating fund, and the ~~[sums]~~ ***money*** collected to meet unforeseen emergencies must be deposited in the district ~~[fire]~~ emergency fund. The district ~~[fire]~~ emergency fund must be used solely for emergencies and must not be used for regular operating expenses. The money deposited in the district ~~[fire]~~ emergency fund must not exceed the sum of $1,000,000. Any interest earned on the money in the district ~~[fire]~~ emergency fund that causes the balance in that fund to exceed $1,000,000 must be credited to the district fire protection operating fund.

7. For the purposes of subsection 6, an emergency includes, without limitation, any event that:

(a) Causes widespread or severe damage to property or injury to or the death of persons within the district;

(b) As determined by the district fire chief, requires immediate action to protect the health, safety and welfare of persons who reside within the district; and

(c) Requires the district to provide money to obtain a matching grant from an agency of the Federal Government to repair damage caused by a natural disaster that occurred within the district.

Sec. 25. NRS 474.560 is hereby amended to read as follows:

474.560 1. A fire protection district organized pursuant to ~~[this chapter]~~ ***NRS 474.460*** may reorganize as a district created wholly or in part for the purpose of furnishing fire protection facilities pursuant to chapter 318 of NRS.

2. ~~[Such]~~ ***The*** reorganization may be initiated by:

(a) A petition signed by a majority of the owners of property located within the district; or

(b) A resolution of the board of county commissioners of the county in which the district is located.

3. If the board of county commissioners determines, after notice and hearing, that ~~[such]~~ ***the*** reorganization is feasible and in the best interests of the county and the district, the board of county commissioners shall adopt an ordinance reorganizing the district pursuant to chapter 318 of NRS.

4. All debts, obligations, liabilities and assets of the former district ~~[shall]~~ ***must*** be assumed or taken over by the reorganized district.

Sec. 26. (Deleted by amendment.)

Sec. 27. This act becomes effective on July 1, 2007.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 529.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 985.

AN ACT relating to Medicaid; revising certain provisions concerning the recovery from recipients or third parties of certain costs for Medicaid paid by the Department of Health and Human Services; revising certain provisions concerning assessments on nursing facilities; revising certain provisions concerning liability for the submission of a false claim to the State or a local government; **providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the Department of Health and Human Services is subrogated to the right of a recipient of Medicaid when the recipient incurs costs for medical services which are payable by the Department under circumstances which create legal liability for such costs in a third party. (NRS 422.293) Sections ~~[2-10]~~ **3, 4, 9 and 10** of this bill revise certain provisions concerning the recovery of such costs by the Department and impose liability for such costs on certain persons who do not comply with the procedures established to protect the right of the Department to recover benefits paid by Medicaid.

Existing law provides for the assessment of fees on nursing facilities to increase the quality of nursing care. (NRS 422.3755-422.379) Sections ~~[12~~

~~and]~~ 13 **and 14** of this bill revise the determination of the amount of the fees to comply with federal law and to allow the recoupment of the fees and any administrative penalties from payments made pursuant to the Medicaid program.

The Federal Deficit Reduction Act of 2005, Public Law 109-171, enacted certain provisions concerning state plans for Medicaid. Section 6031 of the Federal Deficit Reduction Act provides financial incentives for states that enact laws establishing liability for false or fraudulent claims made to the State Plan for Medicaid. To be eligible for these financial incentives, the laws of a state must contain provisions that are at least as effective at rewarding and facilitating qui tam actions for false or fraudulent claims as those described in the Federal False Claims Act, 31 U.S.C. §§ 3730-3732. Sections ~~[21-25]~~ **23-27** of this bill amend existing law concerning the filing of false or fraudulent claims to comply with the provisions of section 6031 of the Federal Deficit Reduction Act. (NRS 357.040, 357.070, 357.080, 357.110, 357.170) **Sections 11 and 15 of this bill provide for the recovery of benefits and for criminal penalties for certain fraudulent acts related to public assistance. (NRS 422.29304, 422.410)**

Sections ~~[29-34]~~ **31-36** of this bill amend existing law to comply with the requirements of section 6035 of the Federal Deficit Reduction Act concerning certain providers of health insurance. Sections ~~[29-34]~~ **31-36** require providers of health insurance to provide certain information concerning a person who is eligible for assistance under Medicaid to the State upon request. Sections ~~[29-34]~~ **31-36** also require providers of health insurance to respond to inquiries by the State concerning a claim for payment for medical assistance not later than 3 years after the date of provision of the medical services. Sections ~~[29-34]~~ **31-36** require providers of health insurance to agree not to deny a claim submitted by the State solely on the basis of the date of submission of the claim or the form of documentation submitted if the State submits the claim not later than 3 years after the date of the provision of medical assistance and the State commences any action to enforce its rights with respect to the claim not later than 6 years after submission of the claim. (NRS 689A.430, 689B.300, 695A.151, 695B.340, 695C.163, 695F.440)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. ~~*[In any case where the Department is subrogated to the rights of the recipient or his successors in interest as provided in NRS 422.293, the Department has a lien upon the proceeds of any recovery from the persons liable, whether the proceeds of the recovery are by way of judgment, settlement or otherwise. Such a lien must be satisfied in full:*~~

~~*1. Before any portion of the proceeds of any recovery or settlement is disbursed to the recipient, his successors in interest or his attorney; and*~~

~~*2. Not later than 30 days after the proceeds of any recovery or settlement are distributed to or on behalf of the recipient, his successors in interest or his attorney,*~~

~~*→ except that the date on which such a lien must be satisfied in full may be changed by consent of the Department and the recipient, his successors in interest or his attorney. The Department shall not refuse to provide consent without good cause.]*~~ **(Deleted by amendment.)**

Sec. 3. ***1. A recipient*** ~~*[who asserts an action or]*~~ ***, upon assertion of a claim against a third party to which the Department is subrogated pursuant to NRS 422.293,*** ~~*[his successor in interest, his guardian]*~~ ***or his attorney , upon agreeing to represent such a recipient, shall provide written notice to the Department*** ~~*[:*~~

~~*(a) Upon the filing of a claim against a third party;*~~

~~*(b) Upon entering into the negotiation of a settlement with a third party or the third party's insurer;*~~

~~*(c) Upon intervention in or consolidation of any action against a third party; and*~~

~~*(d) At least 30 days before the entry of any judgment, award, settlement or release of liability in any action or claim to which the Department is subrogated pursuant to NRS 422.293.]*~~ ***in the manner provided in subsection 2.***

2. The notice provided pursuant to subsection 1 must include, without limitation:

(a) The name of the recipient;

(b) The social security number of the recipient;

(c) The date of birth of the recipient;

(d) The name of the attorney of the recipient, if applicable;

(e) The name of any person against whom the recipient is making a claim, if known;

(f) The name of any insurer of any person against whom the recipient is making a claim, if known;

(g) The date of the incident giving rise to the claim; and

(h) A short statement identifying the nature of the recipient's claim or the terms of any settlement, judgment or award.

3. Any statute of limitations applicable to any claim or action by the Department is tolled until such time as the Department receives the notice required by this section.

4. As used in this section, "claim" means a right to payment, whether or not the right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured or unsecured.

Sec. 4. ***Upon receiving the notice required pursuant to section 3 of this act, the Department shall , within 30 days, provide written notice to the***

recipient ~~[, his successors in interest]~~ or his attorney and to the third party. The written notice must include, without limitation, the name of the recipient and the amount of the Department's lien. No lien created pursuant to ~~[section 2 of this act]~~ NRS 422.293 is enforceable unless written notice is first given to the person against whom the lien is asserted ~~[.]~~ or his attorney.

Sec. 5. ~~*[1. The Department may bring an action in any district court in this State to enforce its rights under NRS 422.293 and sections 2 to 9, inclusive, of this act not less than 30 days after providing written notice to a person who is liable to the Department pursuant to section 9 of this act.*~~

~~*2. The Department shall enforce its rights under NRS 422.293 and sections 2 to 9, inclusive, of this act and may enter into a contract for the recovery of any claim or right of indemnity pursuant to NRS 422.293 and sections 2 to 9, inclusive, of this act. In enforcing its rights under this section, the Department may:*~~

~~*(a) Allow the recipient, in conjunction with his own claim, to proceed on behalf of the Department in prosecuting the Department's claim for the unreimbursed value or cost of the medical services provided;*~~

~~*(b) Intervene or join in any claim or action brought by a recipient;*~~

~~*(c) Prosecute a claim or action on behalf of the Department or the recipient, alone or in conjunction with the recipient; or*~~

~~*(d) Compromise, settle or release any claim against a third party.]*~~

(Deleted by amendment.)

Sec. 6. ~~*[1. If the Department receives notice pursuant to section 3 of this act, the Director or his designated representative may, in consideration of the legal services provided by an attorney to procure a recovery for the recipient, reduce the lien on the proceeds of any recovery.*~~

~~*2. The attorney of a recipient:*~~

~~*(a) Shall not condition the amount of attorney's fees or impose additional attorney's fees based on whether a reduction of the lien is authorized by the Director or his designated representative pursuant to subsection 1.*~~

~~*(b) Shall reduce the amount of the fees charged the recipient for services provided by the amount the attorney receives from the reduction of a lien authorized by the Director or his designated representative pursuant to subsection 1.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~*[1. The Department's right to recover from any third party pursuant to NRS 422.293 and sections 2 to 9, inclusive, of this act is independent of any right of the recipient to recover. No release or satisfaction of any cause of action, suit, claim, counterclaim, demand, judgment, settlement, settlement agreement or compromise of any claim by the recipient is binding on the Department against a third party unless the Department joins in the release or satisfaction or executes a release of the lien. A release or satisfaction of any cause of action, suit, claim, counterclaim, demand, judgment, settlement, settlement agreement or compromise of any claim by the recipient without prior notification to and*~~

~~*approval of the Department constitutes conclusive evidence of the liability of the third party in any claim by the Department against the third party. In prosecuting such a claim, the Department must establish only the amount and accuracy of its claim relating to the payment of medical services.*~~

~~*2. In any claim or action for the recovery of the costs of medical services paid to or on behalf of a recipient in which the Department is named to be a plaintiff, the Department may recover the full value of the Department's lien created pursuant to section 2 of this act.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~*[An action or claim for personal injury brought by or on behalf of a recipient, or on behalf of the estate of a recipient, must include a claim for medical expenses incurred by the Department. In any recovery in an action or claim for personal injury brought by or on behalf of a recipient, or on behalf of the estate of a recipient, not less than the first one-third portion of any settlement, claim or judgment must be designated to be medical expenses. The Department shall recover its claim from the portion of the settlement, claim or judgment designated as medical expenses. Except as otherwise provided in section 6 of this act, the Department may recover the lesser of:*~~

~~*1. One-third of the entire settlement, claim or judgment; or*~~

~~*2. The full value of the Department's lien created pursuant to section 2 of this act.]*~~ **(Deleted by amendment.)**

Sec. 9. ~~*[Any]*~~

1. Except as otherwise provided in subsection 2, any person who fails to comply with the provisions of NRS 422.293 and ~~*[sections 2 to 9, inclusive,]*~~ ***section 3 of this act is liable to the Department for:***

~~*[1.]*~~ ***(a) The total amount of the Department's lien created pursuant to*** ~~*[section 2 of this act;*~~

~~*2. A civil penalty equal to 10 percent of the amount of the Department's lien; and*~~

~~*3.]*~~ ***NRS 422.293; and***

(b) Any attorney's fees and litigation expenses incurred by the Department in enforcing the Department's rights pursuant to NRS 422.293 and ~~*[sections 2 to 9, inclusive,]*~~ ***section 3 of this act.***

2. A person other than the recipient is not liable to the Department if the court determines that the failure to provide notice was caused by excusable neglect.

Sec. 10. NRS 422.293 is hereby amended to read as follows:

422.293 1. When a recipient of Medicaid or a recipient of insurance provided pursuant to the Children's Health Insurance Program incurs an illness or injury for which medical services are payable by the Department and which is incurred under circumstances creating a legal liability in some person other than the recipient or a division of the Department to pay all or part of the costs of such ***medical*** services, the Department is subrogated to the right of the recipient to the extent of all such ***medical*** costs ~~*[.]*~~ and may

join or intervene in any action by the recipient or his successors in interest to enforce such legal liability.

2. If a recipient or his successors in interest fail or refuse to commence an action to enforce the legal liability, the Department may commence an independent action, after notice to the recipient or his successors in interest, to recover all ***medical*** costs to which it is entitled. In any such action by the Department, the recipient or his successors in interest may be joined as third-party defendants.

3. In any case where the Department is subrogated to the rights of the recipient or his successors in interest as provided in subsection 1, the Department has a lien upon the proceeds of any recovery from the persons liable, whether the proceeds of the recovery are by way of judgment, settlement or otherwise. Such a lien must be satisfied in full, unless reduced pursuant to subsection ~~[5,]~~ ***4,*** at such time as:

(a) The proceeds of any recovery or settlement are distributed to or on behalf of the recipient, his successors in interest or his attorney; and

(b) A dismissal by any court of any action brought to enforce the legal liability established by subsection 1.

~~[➥ No such lien is enforceable unless written notice is first given to the person against whom the lien is asserted.]~~

4. ~~[The recipient or his successors in interest shall notify the Department in writing before entering any settlement agreement or commencing any action to enforce the legal liability referred to in subsection 1. Except if extraordinary circumstances exist, a person who fails to comply with the provisions of this subsection shall be deemed to have waived any consideration by the Director or his designated representative of a reduction of the amount of the lien pursuant to subsection 5 and shall pay to the Department all costs to which it is entitled and its court costs and attorney's fees.~~

~~5.]~~ If the Department receives notice pursuant to ~~[subsection 4,]~~ ***section 3 of this act,*** the Director or his designated representative may, in consideration of the legal services provided by an attorney to procure a recovery for the recipient, reduce the lien on the proceeds of any recovery.

~~[6.]~~ ***5.*** The attorney of a ~~[recipient:~~

~~(a) Shall]~~ ***recipient shall*** not condition the amount of attorney's fees or impose additional attorney's fees based on whether a reduction of the lien is authorized by the Director or his designated representative pursuant to subsection ~~[5.~~

~~(b) Shall reduce the amount of the fees charged the recipient for services provided by the amount the attorney receives from the reduction of a lien authorized by the Director or his designated representative pursuant to subsection 5.]~~ ***4.***

Sec. 11. **NRS 422.29304 is hereby amended to read as follows:**

422.29304 1. Except as otherwise provided in this section, the Department shall, to the extent that it is not prohibited by federal law,

recover from a recipient of public assistance, the estate of the recipient, the undivided estate of a recipient of Medicaid or a person who signed the application for public assistance ***or admission to a nursing facility*** on behalf of the recipient an amount not to exceed the amount of public assistance incorrectly paid to the recipient, if the person who signed the application:

(a) Failed to report any required information to the Department ***or the nursing facility*** that the person knew at the time he signed the application; ~~[or]~~

(b) ***Refused to provide financial information regarding the recipient's income and assets, including, without limitation, information regarding any transfers or assignments of income or assets;***

(c) Concealed information regarding the existence, transfer or disposition of the recipient's income and assets with the intent of enabling a recipient to meet any eligibility requirement for public assistance;

(d) Made any false representation regarding the recipient's income and assets, including, without limitation, any information regarding any transfers or assignments of income or assets; or

(e) Failed to report to the Department ***or the nursing facility*** within the period allowed by the Department any required information that the person obtained after he filed the application.

2. Except as otherwise provided in this section, a recipient of incorrectly paid public assistance, the undivided estate of a recipient of Medicaid or a person who signed the application for public benefits ***or admission to a nursing facility*** on behalf of the recipient shall reimburse the Department or appropriate state agency for the value of the incorrectly paid public assistance.

3. The Director or his designee may, to the extent that it is not prohibited by federal law, determine the amount of, and settle, adjust, compromise or deny a claim against a recipient of public assistance, the estate of the recipient, the undivided estate of a recipient of Medicaid or a person who signed the application for public assistance ***or admission to a nursing facility*** on behalf of the recipient.

4. The Director may, to the extent that it is not prohibited by federal law, waive the repayment of public assistance incorrectly paid to a recipient if the incorrect payment was not the result of an intentional misrepresentation or omission by the recipient and if repayment would cause an undue hardship to the recipient. The Director shall, by regulation, establish the terms and conditions of such a waiver, including, without limitation, the circumstances that constitute undue hardship.

~~[Sec. 11.]~~ ***Sec. 12.*** NRS 422.29306 is hereby amended to read as follows:

422.29306 1. The Department may, to the extent not prohibited by federal law, petition for the imposition of a lien pursuant to the provisions of NRS 108.850 against real or personal property of a recipient of Medicaid as follows:

(a) The Department may obtain a lien against a recipient's property, both real or personal, before or after his death in the amount of assistance paid or to be paid on his behalf if the court determines that assistance was incorrectly paid for the recipient.

(b) The Department may seek a lien against the real property of a recipient at any age before his death in the amount of assistance paid or to be paid for him if he is an inpatient in a nursing facility, intermediate care facility for the mentally retarded or other medical institution and the Department determines, after notice and opportunity for a hearing in accordance with applicable regulations, that the recipient cannot reasonably be expected to be discharged and return home.

2. No lien may be placed on a recipient's home pursuant to paragraph (b) of subsection 1 for assistance correctly paid if:

(a) His spouse;

(b) His child who is under 21 years of age, blind or disabled as determined in accordance with 42 U.S.C. § 1382c; or

(c) His brother or sister who is an owner or part owner of the home and who was residing in the home for at least 1 year immediately before the date the recipient was admitted to the medical institution,

➥ is lawfully residing in the home.

3. Upon the death of a recipient, the Department may seek a lien upon the recipient's undivided estate as defined in NRS 422.054.

4. ***The amount of the lien recovery must be based on the value of the real or personal property at the time of sale of the property.***

5. The Director shall release a lien pursuant to this section:

(a) Upon notice by the recipient or his representative to the Director that the recipient has been discharged from the medical institution and has returned home;

(b) If the lien was incorrectly determined; or

(c) Upon satisfaction of the claim of the Department.

~~[Sec. 12.]~~ ***Sec. 13.*** NRS 422.3775 is hereby amended to read as follows:

422.3775 1. Each nursing facility that is licensed in this State shall pay a fee assessed by the Division to increase the quality of nursing care in this State.

2. To determine the amount of the fee to assess pursuant to this section, the Division shall establish a ~~[uniform]~~ rate per non-Medicare patient day that is equivalent to ~~[6 percent]~~ ***a percentage*** of the total annual accrual basis gross revenue for services provided to patients of all nursing facilities licensed in this State. ***The percentage used to establish the rate must not exceed that allowed by federal law.*** For the purposes of this subsection, total annual accrual basis gross revenue does not include charitable contributions received by a nursing facility.

3. The Division shall calculate the fee owed by each nursing facility by multiplying the total number of days of care provided to non-Medicare

patients by the nursing facility, as provided to the Division pursuant to NRS 422.378, by the ~~[uniform]~~ rate established pursuant to subsection 2.

4. A fee assessed pursuant to this section is due 30 days after the end of the month for which the fee was assessed.

5. The payment of a fee to the Division pursuant to NRS 422.3755 to 422.379, inclusive, is an allowable cost for Medicaid reimbursement purposes.

~~[Sec. 13.]~~ ***Sec. 14.*** NRS 422.379 is hereby amended to read as follows:

422.379 ***1.*** The Division shall establish administrative penalties for the late payment by a nursing facility of a fee assessed pursuant to NRS 422.3755 to 422.379, inclusive.

2. The Division may recoup any payments made to nursing facilities providing services pursuant to the Medicaid program up to the amount of the fees owed as determined pursuant to NRS 422.3775 and any administrative penalties owed pursuant to subsection 1 if a nursing facility fails to remit the fees and administrative penalties owed within 30 days after the date they are due. Before recoupment of payments pursuant to this subsection, the Division may allow a nursing facility that fails to remit fees and administrative penalties owed an opportunity to negotiate a repayment plan with the Division. The terms of the repayment plan may be established at the discretion of the Division.

Sec. 15. **NRS 422.410 is hereby amended to read as follows:**

422.410 1. Unless a different penalty is provided pursuant to NRS 422.361 to 422.369, inclusive, or 422.450 to 422.590, inclusive, a person who knowingly and designedly, by any false pretense, false or misleading statement, impersonation***,*** ~~[or]~~ misrepresentation, ***or concealment, transfer, disposal or assignment of money or property*** obtains or attempts to obtain monetary or any other public assistance, or money, property, medical or remedial care or any other service provided pursuant to the Children's Health Insurance Program, having a value of $100 or more, whether by one act or a series of acts, with the intent to cheat, defraud or defeat the purposes of this chapter ***or to enable a person to meet or appear to meet any requirements of eligibility prescribed by state law or by rule or regulation adopted by the Department for a grant or an increase in a grant of any type of public assistance*** is guilty of a category E felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. For the purposes of subsection 1, whenever a recipient of Temporary Assistance for Needy Families pursuant to the provisions of this chapter and chapter 422A of NRS receives an overpayment of benefits for the third time and the overpayments have resulted from a false statement or representation by the recipient or from the failure of the recipient to notify the Division of Welfare and Supportive Services of the Department of a change in his

circumstances which would affect the amount of assistance he receives, a rebuttable presumption arises that the payment was fraudulently received.

3. For the purposes of subsection 1, "public assistance" includes any money, property, medical or remedial care or any other service provided pursuant to a state plan.

~~[Sec. 14.]~~ ***Sec. 16.*** NRS 425.360 is hereby amended to read as follows:

425.360 1. Any payment of public assistance pursuant to this chapter creates a debt for support to the Division by the responsible parent, whether or not the parent received prior notice that his child was receiving public assistance.

2. The Division is entitled to the amount to which a dependent child or a person having the care, custody and control of a dependent child would have been entitled for support, to the extent of the assignment of those rights to support pursuant to NRS 425.350, and may prosecute or maintain any action for support or execute any administrative remedy existing under the laws of this State to obtain reimbursement of money expended for public assistance from any liable third party, including an insurer, group health plan as defined in section 607(1) of the Employee Retirement Income Security Act of 1974 **,** ~~[(]~~ 29 U.S.C.A. § 1167(1) **,** ~~[),]~~ service benefit plan, ***self-insured plan*** or health maintenance organization. If a court enters judgment for an amount of support to be paid by a responsible parent, the Division is entitled to the amount of the debt created by that judgment to the extent of the assignment of rights to support pursuant to NRS 425.350, and the judgment awarded shall be deemed to be in favor of the Division to that extent. This entitlement applies to, but is not limited to, a temporary order for spousal support, a family maintenance order or an alimony order, whether or not allocated to the benefit of the child on the basis of providing necessaries for the caretaker of the child, up to the amount paid by the Division in public assistance to or for the benefit of a dependent child. The Division may petition the appropriate court for modification of its order on the same grounds as a party to the action.

3. If there is no court order for support, or if the order provides that no support is due but the facts on which the order was based have changed, the amount due is the amount computed pursuant to NRS 125B.070 and 125B.080, using the Nevada average wage, determined by the Employment Security Division of the Department of Employment, Training and Rehabilitation, if the gross income of the responsible parent cannot be otherwise ascertained.

4. Debts for support may not be incurred by a parent or any other person who is the recipient of public assistance for the benefit of a dependent child for the period when the parent or other person is a recipient.

5. If a state agency is assigned any rights of a dependent child or a person having the care, custody and control of a dependent child who is eligible for medical assistance under Medicaid, the person having the care,

custody and control of the dependent child shall, upon request of the state agency, provide to the state agency information regarding the dependent child or a person having the care, custody and control of a dependent child to determine:

(a) Any period during which the dependent child or a person having the care, custody and control of a dependent child may be or may have been covered by an insurer; and

(b) The nature of any coverage that is or was provided by the insurer, including, without limitation, the name and address of the insured dependent child or a person having the care, custody and control of a dependent child and the identifying number of the policy, evidence of coverage or contract.

~~[Sec. 15.]~~ ***Sec. 17.*** NRS 108.850 is hereby amended to read as follows:

108.850 1. A petition to the district court for the imposition of a lien as described and limited in NRS 422.29306 to recover money owed to the Department of Health and Human Services as a result of payment of benefits for Medicaid must set forth:

(a) The facts concerning the giving of assistance;

(b) The name and address of the person who is receiving or who received the benefits for Medicaid;

(c) A description of the property, sufficient for identification ***;*** ~~[, and its estimated value;]~~

(d) The names, ages, residences and relationship of all persons who are claiming an interest in the property or who are listed as having any interest in the property, so far as known to the petitioner; and

(e) An itemized list of the amount owed to the Department of Health and Human Services as a result of payment of benefits for Medicaid.

2. No defect of form or in the statement of facts actually existing voids the petition for the lien.

~~[Sec. 16.]~~ ***Sec. 18.*** NRS 132.185 is hereby amended to read as follows:

132.185 "Interested person" includes ***, without limitation,*** an heir, devisee, child, spouse, creditor, beneficiary and any other person having a property right in or claim against a trust estate or the estate of a decedent ~~[.]~~ ***, including, without limitation, the Director of the Department of Health and Human Services in any case in which money is owed to the Department of Health and Human Services as a result of the payment of benefits for Medicaid.*** The term includes a person having priority for appointment as a personal representative and other fiduciaries representing interested persons. The meaning as it relates to particular persons must be determined according to the particular purposes of, and matter involved in, a proceeding.

~~[Sec. 17.]~~ ***Sec. 19.*** NRS 159.113 is hereby amended to read as follows:

159.113 1. Before taking any of the following actions, the guardian shall petition the court for an order authorizing the guardian to:

(a) Invest the property of the ward.

(b) Continue the business of the ward.

(c) Borrow money for the ward.

(d) Except as otherwise provided in NRS 159.079, enter into contracts for the ward or complete the performance of contracts of the ward.

(e) Make gifts from the ward's estate or make expenditures for the ward's relatives.

(f) Sell, lease, place into any type of trust or surrender any property of the ward.

(g) Exchange or partition the ward's property.

(h) Obtain advice, instructions and approval of any other proposed act of the guardian relating to the ward's property.

(i) Release the power of the ward as trustee, personal representative, custodian for a minor or guardian.

(j) Exercise or release the power of the ward as a donee of a power of appointment.

(k) Change the state of residence or domicile of the ward.

(l) Exercise the right of the ward to take under or against a will.

(m) Transfer to a trust created by the ward any property unintentionally omitted from the trust.

(n) Submit a revocable trust to the jurisdiction of the court if:

(1) The ward or the spouse of the ward, or both, are the grantors and sole beneficiaries of the income of the trust; or

(2) The trust was created by the court.

(o) ***Pay any claim by the Department of Health and Human Services to recover benefits for Medicaid correctly paid to or on behalf of the ward.***

(p) Take any other action which the guardian deems would be in the best interests of the ward.

2. The petition must be signed by the guardian and contain:

(a) The name, age, residence and address of the ward.

(b) A concise statement as to the condition of the ward's estate.

(c) A concise statement as to the advantage to the ward of or the necessity for the proposed action.

(d) The terms and conditions of any proposed sale, lease, partition, trust, exchange or investment, and a specific description of any property involved.

3. Any of the matters set forth in subsection 1 may be consolidated in one petition, and the court may enter one order authorizing or directing the guardian to do one or more of those acts.

4. A petition filed pursuant to paragraphs (b) and (d) of subsection 1 may be consolidated in and filed with the petition for the appointment of the guardian, and if the guardian is appointed **,** the court may enter additional orders authorizing the guardian to continue the business of the ward, enter contracts for the ward, or to complete contracts of the ward.

~~[Sec. 18.]~~ ***Sec. 20.*** NRS 159.115 is hereby amended to read as follows:

159.115 1. Upon the filing of any petition under NRS 159.078 or 159.113, or any account, notice must be given:

(a) At least 10 days before the date set for the hearing, by mailing a copy of the notice by regular mail to the residence, office or post office address of each person required to be notified pursuant to subsection 3;

(b) At least 10 days before the date set for the hearing, by personal service;

(c) If the address or identity of the person is not known and cannot be ascertained with reasonable diligence, by publishing a copy of the notice in a newspaper of general circulation in the county where the hearing is to be held, the last publication of which must be published at least 10 days before the date set for the hearing; or

(d) In any other manner ordered by the court, for good cause shown.

2. The notice must:

(a) Give the name of the ward.

(b) Give the name of the petitioner.

(c) Give the date, time and place of the hearing.

(d) State the nature of the petition.

(e) Refer to the petition for further particulars, and notify all persons interested to appear at the time and place mentioned in the notice and show cause why the court order should not be made.

3. At least 10 days before the date set for the hearing, the petitioner shall cause a copy of the notice to be mailed to the following:

(a) Any minor ward who is 14 years of age or older or the parent or legal guardian of any minor ward who is less than 14 years of age.

(b) The spouse of the ward and other heirs of the ward who are related within the second degree of consanguinity so far as known to the petitioner.

(c) The guardian of the person of the ward, if the guardian is not the petitioner.

(d) Any person or care provider having the care, custody or control of the ward.

(e) Any office of the Department of Veterans Affairs in this State if the ward is receiving any payments or benefits through the Department of Veterans Affairs.

(f) ***The Director of the Department of Health and Human Services if the ward has received or is receiving any benefits from Medicaid.***

(g) Any other interested person or his attorney who has filed a request for notice in the guardianship proceeding and served a copy of the request upon the guardian. The request for notice must state the interest of the person filing the request, and his name and address, or that of his attorney. If the notice so requests, copies of all petitions and accounts must be mailed to the interested person or his attorney.

4. An interested person who is entitled to notice pursuant to subsection 3 may, in writing, waive notice of the hearing of a petition.

5. Proof of giving notice must be:

(a) Made on or before the date set for the hearing; and

(b) Filed in the guardianship proceeding.

~~[Sec. 19.]~~ ***Sec. 21.*** NRS 239A.070 is hereby amended to read as follows:

239A.070 This chapter does not apply to any subpoena issued pursuant to title 14 or chapters 616A to 617, inclusive, of NRS or prohibit:

1. Dissemination of any financial information which is not identified with or identifiable as being derived from the financial records of a particular customer.

2. The Attorney General, district attorney, Department of Taxation, ***Director of the Department of Health and Human Services,*** public administrator, sheriff or a police department from requesting of a financial institution, and the institution from responding to the request, as to whether a person has an account or accounts with that financial institution and, if so, any identifying numbers of the account or accounts.

3. A financial institution, in its discretion, from initiating contact with and thereafter communicating with and disclosing the financial records of a customer to appropriate governmental agencies concerning a suspected violation of any law.

4. Disclosure of the financial records of a customer incidental to a transaction in the normal course of business of the financial institution if the director, officer, employee or agent of the financial institution who makes or authorizes the disclosure has no reasonable cause to believe that such records will be used by a governmental agency in connection with an investigation of the customer.

5. A financial institution from notifying a customer of the receipt of a subpoena or a search warrant to obtain his financial records, except when ordered by a court to withhold such notification.

6. The examination by or disclosure to any governmental regulatory agency of financial records which relate solely to the exercise of its regulatory function if the agency is specifically authorized by law to examine, audit or require reports of financial records of financial institutions.

7. The disclosure to any governmental agency of any financial information or records whose disclosure to that particular agency is required by the tax laws of this State.

8. The disclosure of any information pursuant to NRS 425.393, 425.400 or 425.460.

9. A governmental agency from obtaining a credit report or consumer credit report from anyone other than a financial institution.

~~[Sec. 20.]~~ ***Sec. 22.*** NRS 239A.075 is hereby amended to read as follows:

239A.075 Upon presentation of a death certificate, affidavit of death or other proof of death, a financial institution shall provide ***the Director of the Department of Health and Human Services or*** a public administrator with a statement which sets forth the identifying number and account balance of any accounts on which only the name of the deceased person appears. A financial institution may charge a reasonable fee, not to exceed $2, to provide a public administrator with a statement pursuant to the provisions of this section.

~~[Sec. 21.]~~ ***Sec. 23.*** NRS 357.040 is hereby amended to read as follows:

357.040 1. Except as otherwise provided in NRS 357.050, a person who, with or without specific intent to defraud, does any of the following listed acts is liable to the State or a political subdivision, whichever is affected, for three times the amount of damages sustained by the State or political subdivision because of the act of that person, for the costs of a civil action brought to recover those damages and for a civil penalty of not less than ~~[$2,000]~~ ***$5,000*** or more than $10,000 for each act:

(a) Knowingly presents or causes to be presented a false claim for payment or approval.

(b) Knowingly makes or uses, or causes to be made or used, a false record or statement to obtain payment or approval of a false claim.

(c) Conspires to defraud by obtaining allowance or payment of a false claim.

(d) Has possession, custody or control of public property or money and knowingly delivers or causes to be delivered to the State or a political subdivision less money or property than the amount for which he receives a receipt.

(e) Is authorized to prepare or deliver a receipt for money or property to be used by the State or a political subdivision and knowingly prepares or delivers a receipt that falsely represents the money or property.

(f) Knowingly buys, or receives as security for an obligation, public property from a person who is not authorized to sell or pledge the property.

(g) Knowingly makes or uses, or causes to be made or used, a false record or statement to conceal, avoid or decrease an obligation to pay or transmit money or property to the State or a political subdivision.

(h) Is a beneficiary of an inadvertent submission of a false claim and, after discovering the falsity of the claim, fails to disclose the falsity to the State or political subdivision within a reasonable time.

2. As used in this section, a person acts "knowingly" with respect to information if he:

(a) Has knowledge of the information;

(b) Acts in deliberate ignorance of whether the information is true or false; or

(c) Acts in reckless disregard of the truth or falsity of the information.

~~[Sec. 22.]~~ ***Sec. 24.*** NRS 357.070 is hereby amended to read as follows:

357.070 The Attorney General ~~[may]~~ ***shall*** investigate any alleged liability pursuant to this chapter and may bring a civil action pursuant to this chapter against the person liable.

~~[Sec. 23.]~~ ***Sec. 25.*** NRS 357.080 is hereby amended to read as follows:

357.080 1. Except as otherwise provided in this section and NRS 357.090 and 357.100, a private plaintiff may maintain an action pursuant to this chapter on his own account and that of the State if money, property or services provided by the State are involved, or on his own account and that of a political subdivision if money, property or services provided by the political subdivision are involved, or on his own account and that of both the State and a political subdivision if both are involved. After such an action is commenced, it may be dismissed only with leave of the court, taking into account the public purposes of this chapter and the best interests of the parties.

2. If a private plaintiff brings an action pursuant to this chapter, no other person may bring another action pursuant to this chapter based on the same facts.

3. An action may not be maintained by a private plaintiff pursuant to this chapter:

(a) Against a member of the Legislature or the Judiciary, an elected officer of the Executive Department of the State Government, or a member of the governing body of a political subdivision, if the action is based upon evidence or information known to the State or political subdivision at the time the action was brought.

(b) If the action is based upon allegations or transactions that are the subject of a civil action or an administrative proceeding for a monetary penalty to which the State or political subdivision is already a party.

4. A complaint filed pursuant to this section must be placed under seal and so remain ***for at least 60 days or*** until the Attorney General has elected whether to intervene. No service may be made upon the defendant until the complaint is unsealed.

5. On the date the private plaintiff files his complaint, he shall send a copy of the complaint to the Attorney General by mail with return receipt requested. He shall send with each copy of the complaint a written disclosure of substantially all material evidence and information he possesses.

6. An action pursuant to this chapter may be brought in any judicial district in this State in which the defendant can be found, resides, transacts business or in which any of the alleged fraudulent activities occurred.

~~[Sec. 24.]~~ ***Sec. 26.*** NRS 357.110 is hereby amended to read as follows:

357.110 1. Within ~~[120]~~ ***60*** days after receiving a complaint and disclosure, the Attorney General may intervene and proceed with the action or he may, for good cause shown, move the court to extend the time for his

election whether to proceed. The motion may be supported by affidavits or other submissions in chambers.

2. If the Attorney General elects to intervene, the complaint must be unsealed. If the Attorney General elects not to intervene, the private plaintiff may proceed and the complaint must be unsealed.

~~[Sec. 25.]~~ ***Sec. 27.*** NRS 357.170 is hereby amended to read as follows:

357.170 1. An action pursuant to this chapter may not be commenced more than 3 years after the date ~~[of discovery of the fraudulent activity by]~~ ***on which*** the Attorney General ***discovers, or reasonably should have discovered, the fraudulent activity*** or more than ~~[5]~~ ***6*** years after the fraudulent activity occurred, ~~[whichever is earlier.]~~ ***but in no event more than 10 years after the fraudulent activity occurred.*** Within those limits, an action may be based upon fraudulent activity that occurred before ~~[October 1, 1999.]~~ ***July 1, 2007.***

2. In an action pursuant to this chapter, the standard of proof is a preponderance of the evidence. A finding of guilt in a criminal proceeding charging false statement or fraud, whether upon a verdict of guilty or a plea of guilty or nolo contendere, estops the person found guilty from denying an essential element of that offense in an action pursuant to this chapter based upon the same transaction as the criminal proceeding.

~~[Sec. 26.]~~ ***Sec. 28.*** NRS 361.585 is hereby amended to read as follows:

361.585 1. When the time allowed by law for the redemption of a property described in a certificate has expired, and no redemption has been made, the tax receiver who issued the certificate, or his successor in office, shall execute and deliver to the county treasurer a deed of the property in trust for the use and benefit of the State and county and any officers having fees due them.

2. The county treasurer and his successors in office, upon obtaining a deed of any property in trust under the provisions of this chapter, shall hold that property in trust until it is sold or otherwise disposed of pursuant to the provisions of this chapter.

3. Notwithstanding the provisions of NRS 361.595 or 361.603, at any time during the 90-day period specified in NRS 361.603, or before the public notice of sale by a county treasurer, pursuant to NRS 361.595, of any property held in trust by him by virtue of any deed made pursuant to the provisions of this chapter, any person specified in subsection 4 is entitled to have the property reconveyed upon payment to the county treasurer of an amount equal to the taxes accrued, together with any costs, penalties and interest legally chargeable against the property. A reconveyance may not be made after expiration of the 90-day period specified in NRS 361.603 or after commencement of posting or publication of public notice pursuant to NRS 361.595.

4. Property may be reconveyed pursuant to subsection 3 to one or more of the persons specified in the following categories, or to one or more persons within a particular category, as their interests may appear of record:

(a) The owner.

(b) The beneficiary under a deed of trust.

(c) The mortgagee under a mortgage.

(d) The person to whom the property was assessed.

(e) The person holding a contract to purchase the property before its conveyance to the county treasurer.

(f) ***The Director of the Department of Health and Human Services if the owner has received or is receiving any benefits from Medicaid.***

(g) The successor in interest of any person specified in this subsection.

5. Any agreement to locate, deliver, recover or assist in the recovery of any property held in trust by a county treasurer by virtue of any deed made pursuant to the provisions of this chapter:

(a) Must:

(1) Be in writing.

(2) Be signed by one or more of the persons identified in subsection 4.

(3) Include a description of the property.

(4) Include the value of the property.

(b) Must not impose a fee that is more than 10 percent of the total value of the property.

6. The provisions of this section apply to land held in trust by a county treasurer on or after April 17, 1971.

~~[Sec. 27.]~~ ***Sec. 29.*** NRS 439B.360 is hereby amended to read as follows:

439B.360 1. The Director shall evaluate the effectiveness of the program established pursuant to NRS 439B.350 annually. The evaluation must include, without limitation ~~[~~:

~~(a) Determining the total number of children under the age of 13 years who reside in this State and the number of such children who have received health care services through a federal, state or local governmental program during the previous year; and~~

~~(b) Measuring]~~ ***, measuring*** the effectiveness of the content, form and method of dissemination of information through the program.

2. The Director shall make any necessary recommendations to improve the program based upon his evaluation.

3. On or before December 31 of each year, the Director shall provide a written report to the Interim Finance Committee concerning the results of the evaluation and any recommendations made to improve the program.

~~[Sec. 28.]~~ ***Sec. 30.*** NRS 449.188 is hereby amended to read as follows:

449.188 1. In addition to the grounds listed in NRS 449.160, the Health Division may deny a license to operate a facility for intermediate care,

facility for skilled nursing or residential facility for groups to an applicant or may suspend or revoke the license of a licensee to operate such a facility if:

(a) The applicant or licensee has been convicted of:

(1) Murder, voluntary manslaughter or mayhem;

(2) Assault with intent to kill or to commit sexual assault or mayhem;

(3) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(4) Abuse or neglect of a child or contributory delinquency;

(5) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the past 7 years;

(6) A violation of any provision of NRS 200.50955 or 200.5099;

(7) ***A violation of any provision of NRS 422.450 to 422.590, inclusive;***

(8) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years; or

~~[(8)]~~ ***(9)*** Any other felony involving the use of a firearm or other deadly weapon, within the immediately preceding 7 years; or

(b) The licensee has continued to employ a person who has been convicted of a crime listed in paragraph (a).

2. In addition to the grounds listed in NRS 449.160, the Health Division may deny a license to operate an agency to provide personal care services in the home or an agency to provide nursing in the home to an applicant or may suspend or revoke the license of a licensee to operate such an agency if the licensee has continued to employ a person who has been convicted of a crime listed in paragraph (a) of subsection 1.

~~[Sec. 29.]~~ ***Sec. 31.*** NRS 689A.430 is hereby amended to read as follows:

689A.430 1. An insurer shall not, when considering eligibility for coverage or making payments under a policy of health insurance, consider the availability of, or eligibility of a person for, medical assistance under Medicaid.

2. To the extent that payment has been made by Medicaid for health care, an insurer, ***self-insured plan,*** group health plan as defined in section 607(1) of the Employee Retirement Income Security Act of 1974 ***,*** ~~[(]~~ 29 U.S.C.A. § 1167(1) ***,*** ~~[),]~~ service benefit plan ~~[, health maintenance organization]~~ or other organization that has issued a policy of health insurance:

(a) Shall treat Medicaid as having a valid and enforceable assignment of an insured's benefits regardless of any exclusion of Medicaid or the absence of a written assignment; and

(b) May, as otherwise allowed by the policy, evidence of coverage or contract and applicable law or regulation concerning subrogation, seek to enforce any right of a recipient of Medicaid to reimbursement against any other liable party if:

(1) It is so authorized pursuant to a contract with Medicaid for managed care; or

(2) It has reimbursed Medicaid in full for the health care provided by Medicaid to its insured.

3. If a state agency is assigned any rights of a person who is:

(a) Eligible for medical assistance under Medicaid; and

(b) Covered by a policy of health insurance,

➥ the insurer that issued the policy shall not impose any requirements upon the state agency except requirements it imposes upon the agents or assignees of other persons covered by the policy.

4. If a state agency is assigned any rights of an insured who is eligible for medical assistance under Medicaid, an insurer shall:

(a) Upon request of the state agency, provide to the state agency information regarding the insured to determine:

(1) Any period during which the insured, his spouse or dependent may be or may have been covered by the insurer; and

(2) The nature of the coverage that is or was provided by the insurer, including, without limitation, the name and address of the insured and the identifying number of the policy, evidence of coverage or contract;

(b) Respond to any inquiry by the state agency regarding a claim for payment for the provision of any medical item or service not later than 3 years after the date of the provision of the medical item or service; and

(c) Agree not to deny a claim submitted by the state agency solely on the basis of the date of submission of the claim, the type or format of the claim form or failure to present proper documentation at the point of sale that is the basis for the claim if:

(1) The claim is submitted by the state agency not later than 3 years after the date of the provision of the medical item or service; and

(2) Any action by the state agency to enforce its rights with respect to such claim is commenced not later than 6 years after the submission of the claim.

~~[Sec. 30.]~~ ***Sec. 32.*** NRS 689B.300 is hereby amended to read as follows:

689B.300 1. An insurer shall not, when considering eligibility for coverage or making payments under a group health policy, consider the availability of, or eligibility of a person for, medical assistance under Medicaid.

2. To the extent that payment has been made by Medicaid for health care, an insurer, ***self-insured plan,*** group health plan as defined in section 607(1) of the Employee Retirement Income Security Act of 1974 ***,*** ~~[(]~~ 29 U.S.C.A. § 1167(1) ***, [~~), health maintenance organization~~]*** or other organization that has issued a group health policy:

(a) Shall treat Medicaid as having a valid and enforceable assignment of an insured's benefits regardless of any exclusion of Medicaid or the absence of a written assignment; and

(b) May, as otherwise allowed by the policy, evidence of coverage or contract and applicable law or regulation concerning subrogation, seek to enforce any rights of a recipient of Medicaid to reimbursement against any other liable party if:

(1) It is so authorized pursuant to a contract with Medicaid for managed care; or

(2) It has reimbursed Medicaid in full for the health care provided by Medicaid to its insured.

3. If a state agency is assigned any rights of a person who is:

(a) Eligible for medical assistance under Medicaid; and

(b) Covered by a group health policy,

➥ the insurer that issued the policy shall not impose any requirements upon the state agency except requirements it imposes upon the agents or assignees of other persons covered by the policy.

4. If a state agency is assigned any rights of an insured who is eligible for medical assistance under Medicaid, an insurer shall:

(a) Upon request of the state agency, provide to the state agency information regarding the insured to determine:

(1) Any period during which the insured, his spouse or dependent may be or may have been covered by the insurer; and

(2) The nature of the coverage that is or was provided by the insurer, including, without limitation, the name and address of the insured and the identifying number of the policy;

(b) Respond to any inquiry by the state agency regarding a claim for payment for the provision of any medical item or service not later than 3 years after the date of the provision of the medical item or service; and

(c) Agree not to deny a claim submitted by the state agency solely on the basis of the date of submission of the claim, the type or format of the claim form or failure to present proper documentation at the point of sale that is the basis for the claim if:

(1) The claim is submitted by the state agency not later than 3 years after the date of the provision of the medical item or service; and

(2) Any action by the state agency to enforce its rights with respect to such claim is commenced not later than 6 years after the submission of the claim.

~~[Sec. 31.]~~ ***Sec. 33.*** NRS 695A.151 is hereby amended to read as follows:

695A.151 1. A society shall not, when considering eligibility for coverage or making payments under a certificate for health benefits, consider the availability of, or eligibility of a person for, medical assistance under Medicaid.

2. To the extent that payment has been made by Medicaid for health care, a society:

(a) Shall treat Medicaid as having a valid and enforceable assignment of an insured's benefits regardless of any exclusion of Medicaid or the absence of a written assignment; and

(b) May, as otherwise allowed by its certificate for health benefits, evidence of coverage or contract and applicable law or regulation concerning subrogation, seek to enforce any reimbursement rights of a recipient of Medicaid against any other liable party if:

(1) It is so authorized pursuant to a contract with Medicaid for managed care; or

(2) It has reimbursed Medicaid in full for the health care provided by Medicaid to its insured.

3. If a state agency is assigned any rights of a person who is:

(a) Eligible for medical assistance under Medicaid; and

(b) Covered by a certificate for health benefits,

➥ the society that issued the health policy shall not impose any requirements upon the state agency except requirements it imposes upon the agents or assignees of other persons covered by the certificate.

4. If a state agency is assigned any rights of an insured who is eligible for medical assistance under Medicaid, a society that issues a certificate for health benefits, evidence of coverage or contract shall:

(a) Upon request of the state agency, provide to the state agency information regarding the insured to determine:

(1) Any period during which the insured, his spouse or dependent may be or may have been covered by the society; and

(2) The nature of the coverage that is or was provided by the society, including, without limitation, the name and address of the insured and the identifying number of the certificate for health benefits, evidence of coverage or contract;

(b) Respond to any inquiry by the state agency regarding a claim for payment for the provision of any medical item or service not later than 3 years after the date of the provision of the medical item or service; and

(c) Agree not to deny a claim submitted by the state agency solely on the basis of the date of submission of the claim, the type or format of the claim form or failure to present proper documentation at the point of sale that is the basis for the claim if:

(1) The claim is submitted by the state agency not later than 3 years after the date of the provision of the medical item or service; and

(2) Any action by the state agency to enforce its rights with respect to such claim is commenced not later than 6 years after the submission of the claim.

~~[Sec. 32.]~~ ***Sec. 34.*** NRS 695B.340 is hereby amended to read as follows:

695B.340 1. A corporation shall not, when considering eligibility for coverage or making payments under a contract, consider the availability of, or any eligibility of a person for, medical assistance under Medicaid.

2. To the extent that payment has been made by Medicaid for health care, a corporation:

(a) Shall treat Medicaid as having a valid and enforceable assignment of benefits of a subscriber or policyholder or claimant under him regardless of any exclusion of Medicaid or the absence of a written assignment; and

(b) May, as otherwise allowed by the policy, evidence of coverage or contract and applicable law or regulation concerning subrogation, seek to enforce any rights of a recipient of Medicaid against any other liable party if:

(1) It is so authorized pursuant to a contract with Medicaid for managed care; or

(2) It has reimbursed Medicaid in full for the health care provided by Medicaid to its subscriber or policyholder.

3. If a state agency is assigned any rights of a person who is:

(a) Eligible for medical assistance under Medicaid; and

(b) Covered by a contract,

➥ the corporation that issued the contract shall not impose any requirements upon the state agency except requirements it imposes upon the agents or assignees of other persons covered by the same contract.

4. If a state agency is assigned any rights of a subscriber or policyholder who is eligible for medical assistance under Medicaid, a corporation shall:

(a) Upon request of the state agency, provide to the state agency information regarding the subscriber or policyholder to determine:

(1) Any period during which the subscriber or policyholder, his spouse or dependent may be or may have been covered by a contract; and

(2) The nature of the coverage that is or was provided by the corporation, including, without limitation, the name and address of the subscriber or policyholder and the identifying number of the contract;

(b) Respond to any inquiry by the state agency regarding a claim for payment for the provision of any medical item or service not later than 3 years after the date of the provision of the medical item or service; and

(c) Agree not to deny a claim submitted by the state agency solely on the basis of the date of submission of the claim, the type or format of the claim form or failure to present proper documentation at the point of sale that is the basis for the claim if:

(1) The claim is submitted by the state agency not later than 3 years after the date of the provision of the medical item or service; and

(2) Any action by the state agency to enforce its rights with respect to such claim is commenced not later than 6 years after the submission of the claim.

~~[Sec. 33.]~~ ***Sec. 35.*** NRS 695C.163 is hereby amended to read as follows:

695C.163 1. A health maintenance organization shall not, when considering eligibility for coverage or making payments under a health care

plan, consider the availability of, or eligibility of a person for, medical assistance under Medicaid.

2. To the extent that payment has been made by Medicaid for health care, a health maintenance organization:

(a) Shall treat Medicaid as having a valid and enforceable assignment of benefits due an enrollee or claimant under him regardless of any exclusion of Medicaid or the absence of a written assignment; and

(b) May, as otherwise allowed by its plan, evidence of coverage or contract and applicable law or regulation concerning subrogation, seek to enforce any rights of a recipient of Medicaid to reimbursement against any other liable party if:

(1) It is so authorized pursuant to a contract with Medicaid for managed care; or

(2) It has reimbursed Medicaid in full for the health care provided by Medicaid to its enrollee.

3. If a state agency is assigned any rights of a person who is:

(a) Eligible for medical assistance under Medicaid; and

(b) Covered by a health care plan,

➥ the organization responsible for the health care plan shall not impose any requirements upon the state agency except requirements it imposes upon the agents or assignees of other persons covered by the same plan.

4. If a state agency is assigned any rights of an enrollee who is eligible for medical assistance under Medicaid, a health maintenance organization shall:

(a) Upon request of the state agency, provide to the state agency information regarding the enrollee to determine:

(1) Any period during which the enrollee, his spouse or dependent may be or may have been covered by the health care plan; and

(2) The nature of the coverage that is or was provided by the organization, including, without limitation, the name and address of the enrollee and the identifying number of the health care plan;

(b) Respond to any inquiry by the state agency regarding a claim for payment for the provision of any medical item or service not later than 3 years after the date of the provision of the medical item or service; and

(c) Agree not to deny a claim submitted by the state agency solely on the basis of the date of submission of the claim, the type or format of the claim form or failure to present proper documentation at the point of sale that is the basis for the claim if:

(1) The claim is submitted by the state agency not later than 3 years after the date of the provision of the medical item or service; and

(2) Any action by the state agency to enforce its rights with respect to such claim is commenced not later than 6 years after the submission of the claim.

~~[Sec. 34.]~~ ***Sec. 36.*** NRS 695F.440 is hereby amended to read as follows:

695F.440 1. An organization shall not, when considering eligibility for coverage or making payments under any evidence of coverage, consider the availability of, or eligibility of a person for, medical assistance under Medicaid.

2. To the extent that payment has been made by Medicaid for health care **,** a prepaid limited health service organization:

(a) Shall treat Medicaid as having a valid and enforceable assignment of benefits due a subscriber or claimant under him regardless of any exclusion of Medicaid or the absence of a written assignment; and

(b) May, as otherwise allowed by its evidence of coverage or contract and applicable law or regulation concerning subrogation, seek to enforce any rights of a recipient of Medicaid against any other liable party if:

(1) It is so authorized pursuant to a contract with Medicaid for managed care; or

(2) It has reimbursed Medicaid in full for the health care provided by Medicaid to its subscriber.

3. If a state agency is assigned any rights of a person who is:

(a) Eligible for medical assistance under Medicaid; and

(b) Covered by any evidence of coverage,

➥ the prepaid limited health service organization that issued the evidence of coverage shall not impose any requirements upon the state agency except requirements it imposes upon the agents or assignees of other persons covered by any evidence of coverage.

4. If a state agency is assigned any rights of a subscriber who is eligible for medical assistance under Medicaid, a prepaid limited health service organization shall:

(a) Upon request of the state agency, provide to the state agency information regarding the subscriber to determine:

(1) Any period during which the subscriber, his spouse or dependent may be or may have been covered by the organization; and

(2) The nature of the coverage that is or was provided by the organization, including, without limitation, the name and address of the subscriber and the identifying number of the evidence of coverage;

(b) Respond to any inquiry by the state agency regarding a claim for payment for the provision of any medical item or service not later than 3 years after the date of the provision of the medical item or service; and

(c) Agree not to deny a claim submitted by the state agency solely on the basis of the date of submission of the claim, the type or format of the claim form or failure to present proper documentation at the point of sale that is the basis for the claim if:

(1) The claim is submitted by the state agency not later than 3 years after the date of the provision of the medical item or service; and

(2) Any action by the state agency to enforce its rights with respect to such claim is commenced not later than 6 years after the submission of the claim.

~~[Sec. 35.]~~ ***Sec. 37.*** This act becomes effective on July 1, 2007.

Assemblywoman Gerhardt moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Joint Resolution No. 3.

Resolution read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 923.

SUMMARY—Proposes to amend the Nevada Constitution to revise **certain** provisions relating to ~~[signature requirements for initiative petitions.]~~ **elections.** (BDR C-260)

SENATE JOINT RESOLUTION—Proposing to amend the Nevada Constitution to **provide that a person must be a resident of the State for 30 days before an election to be eligible to vote in that election, to** require that an initiative petition be proposed by a number of registered voters ~~[equal to a certain percentage of the population of the State, or]~~ equal to a certain percentage of registered voters who voted in the last preceding election ~~[,~~ ~~who reside in each county of the State in the same proportion as the population of the county bears to the total population of the State.]~~ **and to remove requirements concerning affidavits that must be affixed to referendum petitions and initiative petitions.**

Legislative Counsel's Digest:

Existing law provides that a citizen of the United States who is at least 18 years of age and who has actually, as opposed to constructively, resided in the State for at least 6 months and in the district or county for at least 30 days before an election is eligible to vote. (Nev. Const. Art. 2, § 1)

The United States Supreme Court, in several decisions, has ruled that residency requirements which exceed the amount of time required to complete election administrative procedures do not further any compelling state interest and violate the equal protection clause of the Fourteenth Amendment of the U.S. Constitution. (Dunn v. Blumstein, 92 S. Ct. 995 (1972); Marston v. Lewis, 93 S. Ct. 1211 (1973); Burns v. Fortson, 93 S. Ct. 1209 (1973))

This resolution proposes to amend the Nevada Constitution to eliminate the 6-month state residency requirement. A person will be eligible to vote after residing for 30 days in a district or county in this State.

Existing law requires that an initiative petition be signed by at least 10 percent of the voters who voted at the last preceding general election in at least 75 percent of the counties in the State. (Nev. Const. Art. 19, § 2)

The United States District Court for the District of Nevada declared that the above portion of Section 2 of Article 19 of the Nevada Constitution

violates the Equal Protection Clause of the United States Constitution because it applies the same formula to counties of varying population. Such application results in the signatures of voters from small, rural counties carrying more weight than the signatures of voters from larger counties. (***Committee to Regulate and Control Marijuana v. Heller***, No. CV-S-04-01035 (D. Nev. Aug. 20, 2004)) The United States Court of Appeals for the Ninth Circuit affirmed the decision of the United States District Court. (***American Civil Liberties Union of Nevada v. Lomax***, 471 F.3d 1010 (9th Cir. Nev. 2006))

This resolution proposes to amend the Nevada Constitution to remove those provisions which were found unconstitutional and replace them with a requirement that an initiative petition must be signed by a number of registered voters that equals ~~[at least 4 percent of the total population of the State, as determined by the last preceding decennial census, or]~~ at least 10 percent of the total number of voters who voted at the last preceding general election **.** ~~[, whichever number is less. The signatures must be gathered from registered voters who reside in each county in the State in the same proportion as the population of the county bears to the total population of the State.]~~

Existing law currently provides that there must be attached to each document in a referendum petition or initiative petition an affidavit stating that all the signatures on the document are genuine signatures of persons who are registered voters in the counties in which they reside, and that the affidavit must be executed before a person authorized by law to administer oaths in Nevada, such as a notary public. (Nev. Const. Art. 19, § 3) The Nevada Supreme Court has ruled that the affidavit requirements set forth in Section 3 of Article 19 of the Nevada Constitution are an impermissible burden on political speech and, therefore, unconstitutional under the First Amendment to the United States Constitution. (*Secretary of State v. Give Nevada a Raise, Inc.*, 120 Nev. 481 (2004))

This resolution proposes to amend the Nevada Constitution to remove the affidavit requirements set forth in Section 3 of Article 19.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That **Section 1 of Article 2 of the Nevada Constitution be amended to read as follows:**

Section 1. All citizens of the United States (not laboring under the disabilities named in this constitution) of the age of eighteen years and upwards, who shall have actually, and not constructively, resided in the state ~~[six months,]~~ and in the district or county thirty days next preceding any election, shall be entitled to vote for all officers that now or hereafter may be elected by the people, and upon all questions submitted to the electors at such election; provided, that no person who has been or may be convicted of treason or felony in any state or territory of the United States, unless restored to civil rights, and no person who has been adjudicated mentally

incompetent, unless restored to legal capacity, shall be entitled to the privilege of an elector. There shall be no denial of the elective franchise at any election on account of sex. The legislature may provide by law the conditions under which a citizen of the United States who does not have the status of an elector in another state and who does not meet the residence requirements of this section may vote in this state for President and Vice President of the United States.

And be it further

RESOLVED, That Section 2 of Article 19 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. Notwithstanding the provisions of Section 1 of Article 4 of this Constitution, but subject to the limitations of Section 6 of this Article, the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this Constitution, and to enact or reject them at the polls.

2. An initiative petition shall be in the form required by Section 3 of this Article and shall be proposed by a ***total*** number of registered voters equal to ***at least*** 10 percent ~~[or more]~~ of the number of voters who voted at the last preceding general election ~~[in not less than 75 percent of the counties]~~ in ~~*[or at least 4 percent of the total population of]*~~ the State ~~[~~, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire State at the last preceding general election.~~]~~ ~~*[, as determined by the last preceding national decennial census conducted by the Bureau of the Census of the United States Department of Commerce pursuant to Section 2 of Article I of the Constitution of the United States and reported by the Secretary of Commerce to the Governor pursuant to 13 U.S.C. § 141(c), whichever total number of registered voters is less. The number of registered voters who propose the initiative petition must reside in each county of the State in the same proportion as the population of the applicable county bears to the total population of the State.]*~~

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than January 1 of the year preceding the year in which a regular session of the Legislature is held. After its circulation, it shall be filed with the Secretary of State not less than 30 days prior to any regular session of the Legislature. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall transmit such petition to the Legislature as soon as the Legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the Legislature without change or amendment within 40 days. If the proposed

statute or amendment to a statute is enacted by the Legislature and approved by the Governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in Section 1 of this Article. If the statute or amendment to a statute is rejected by the Legislature, or if no action is taken thereon within 40 days, the Secretary of State shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the Supreme Court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the Legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the Legislature rejects such proposed statute or amendment, the Governor may recommend to the Legislature and the Legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the Governor, the question of approval or disapproval of each measure shall be submitted by the Secretary of State to a vote of the voters at the next succeeding general election. If the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law. If at the session of the Legislature to which an initiative petition proposing an amendment to a statute is presented which the Legislature rejects or upon which it takes no action, the Legislature amends the statute which the petition proposes to amend in a respect which does not conflict in substance with the proposed amendment, the Secretary of State in submitting the statute to the voters for approval or disapproval of the proposed amendment shall include the amendment made by the Legislature.

4. If the initiative petition proposes an amendment to the Constitution, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than September 1 of the year before the year in which the election is to be held. After its circulation it shall be filed with the Secretary of State not less than 90 days before any regular general election at which the question of approval or disapproval of such amendment may be voted upon by the voters of the entire State. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall cause to be published in a newspaper of general circulation, on three separate occasions, in each county in the State, together with any explanatory matter which shall be placed upon the ballot, the entire text of the proposed amendment. If a majority of the voters voting on such question at such election votes disapproval of such amendment, no further

action shall be taken on the petition. If a majority of such voters votes approval of such amendment, the Secretary of State shall publish and resubmit the question of approval or disapproval to a vote of the voters at the next succeeding general election in the same manner as such question was originally submitted. If a majority of such voters votes disapproval of such amendment, no further action shall be taken on such petition. If a majority of such voters votes approval of such amendment, it shall, unless precluded by subsection 5 or 6, become a part of this Constitution upon completion of the canvass of votes by the Supreme Court.

5. If two or more measures which affect the same section of a statute or of the Constitution are finally approved pursuant to this Section, or an amendment to the Constitution is finally so approved and an amendment proposed by the Legislature is ratified which affect the same section, by the voters at the same election:

(a) If all can be given effect without contradiction in substance, each shall be given effect.

(b) If one or more contradict in substance the other or others, the measure which received the largest favorable vote, and any other approved measure compatible with it, shall be given effect. If the one or more measures that contradict in substance the other or others receive the same number of favorable votes, none of the measures that contradict another shall be given effect.

6. If, at the same election as the first approval of a constitutional amendment pursuant to this Section, another amendment is finally approved pursuant to this Section, or an amendment proposed by the Legislature is ratified, which affects the same section of the Constitution but is compatible with the amendment given first approval, the Secretary of State shall publish and resubmit at the next general election the amendment given first approval as a further amendment to the section as amended by the amendment given final approval or ratified. If the amendment finally approved or ratified contradicts in substance the amendment given first approval, the Secretary of State shall not submit the amendment given first approval to the voters again.

And be it further

RESOLVED, That Section 3 of Article 19 of the Nevada Constitution be amended to read as follows:

Sec. 3. 1. Each referendum petition and initiative petition shall include the full text of the measure proposed. Each signer shall affix thereto his or her signature, residence address and the name of the county in which he or she is a registered voter. The petition may consist of more than one document . ~~[, but each document shall have affixed thereto an affidavit made by one of the signers of such document to the effect that all of the signatures are genuine and that each individual who signed such document was at the time of signing a registered voter in the county of his or her residence. The affidavit shall be executed before a person authorized by law to administer oaths in the State of Nevada. The enacting clause of all statutes or~~

~~amendments proposed by initiative petition shall be: "The People of the State of Nevada do enact as follows:"]~~

2. The Legislature may authorize the Secretary of State and the other public officers to use generally accepted statistical procedures in conducting a preliminary verification of the number of signatures submitted in connection with a referendum petition or an initiative petition, and for this purpose to require petitions to be filed no more than 65 days earlier than is otherwise required by this Article.

And be it further

RESOLVED, That the provisions of Assembly Joint Resolution No. 10 of the 73rd Session of the Nevada Legislature are hereby repealed.

And be it further

RESOLVED, That the provisions of Senate Joint Resolution No. 1 of the 74th Session of the Nevada Legislature are hereby repealed.

Assemblyman Mortenson moved the adoption of the amendment.

Amendment adopted.

Resolution ordered reprinted, reengrossed and to the General File.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 196 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 203 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 401 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 436 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 203.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 842.

AN ACT relating to local financial administration; revising provisions concerning the proceeds of the fee authorized to be imposed in certain counties to pay for certain baseball stadium projects in certain circumstances; extending the dates for the reversion of certain money previously transferred and appropriated to the Interim Finance Committee to be allocated for

Truckee River improvement related projects; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the board of county commissioners of a county whose population is 100,000 or more but less than 400,000 (currently Washoe County) may impose a fee upon the rental of passenger vehicles and issue revenue bonds of the county to acquire, improve, equip, operate and maintain a minor league baseball stadium project to be used for the home games of a Double-A or Triple-A affiliate of a Major League Baseball team. (NRS 244A.0344, 244A.058, 244A.800, 244A.830) Section 9.5 of this bill requires such a board of county commissioners to determine whether certain criteria for the minor league baseball stadium project have been met by October 1, 2007, and make a finding if all the criteria have been met. If the criteria have not been met by October 1, 2007, sections 1-6 of this bill allow the proceeds of the applicable fees on the rental of passenger vehicles and related revenue bonds to be used to acquire, **lease,** improve, equip, operate and maintain any project that has been approved by the Legislature, if the Legislature is in session, or by the Interim Finance Committee, if the Legislature is not in session. Such a project may include the acquisition, **lease,** improvement, equipment, operation and maintenance of a baseball stadium that can be used for the home games of any professional baseball team, and for certain other purposes, regardless of whether the professional baseball team is affiliated with a Major League Baseball team.

For the 2005-2007 biennium, $650,000 was transferred from the Fund for the Promotion of Tourism to the Interim Finance Committee for allocation to the Reno-Sparks Convention and Visitors Authority to carry out a maximum of four projects relating to the improvement of the Truckee River. (Section 5 of chapter 454, Statutes of Nevada 2005, p. 2088) For the same biennium, $600,000 was appropriated from the State General Fund to the Interim Finance Committee for allocation to the Reno-Sparks Convention and Visitors Authority for the same purpose. (Section 32 of chapter 7, Statutes of Nevada 2005, 22nd Special Session, p. 120) Sections 7 and 8 of this bill extend the dates by which the remaining balance of this money reverts to the applicable Funds by 2 years.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 244A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A board that has adopted an ordinance imposing a fee pursuant to NRS 244A.810 may, on behalf of the county and in its name:

(a) Acquire, lease, improve, equip, operate and maintain within the county a project that has been approved by the Legislature, if the Legislature is in session, or the Interim Finance Committee, if the Legislature is not in session.

(b) Subject to the provisions of chapter 350 of NRS, issue revenue bonds of the county to acquire, lease, improve or equip, or any combination thereof, the project described in paragraph (a).

2. Bonds issued pursuant to this section must be payable from the proceeds of the fee imposed by the county pursuant to NRS 244A.810 and may be additionally secured by and payable from the gross or net revenues of the project as provided by the board in the ordinance authorizing the issuance of bonds or any instrument supplemental or appertaining thereto.

Sec. 1.5. NRS 244A.011 is hereby amended to read as follows:

244A.011 NRS 244A.011 to 244A.065, inclusive, ***and section 1 of this act*** shall be known as the County Bond Law.

Sec. 2. (Deleted by amendment.)

Sec. 2.5. NRS 244A.0344 is hereby amended to read as follows:

244A.0344 ~~["Minor league]~~ ***"Professional*** baseball stadium project" means a baseball stadium which can be used for the home games of ~~[an AA or AAA minor league]~~ ***a*** professional baseball team and for other purposes, including structures, buildings and other improvements and equipment therefor, parking facilities, and all other appurtenances necessary, useful or desirable for a ~~[minor league]~~ ***professional*** baseball stadium, including, without limitation, all types of property therefor.

Sec. 2.7. **NRS 244A.058 is hereby amended to read as follows:**

244A.058 1. A board that has adopted an ordinance imposing a fee pursuant to NRS 244A.810 may, on behalf of the county and in its name:

(a) Acquire, ***lease,*** improve, equip, operate and maintain within the county a minor league baseball stadium project.

(b) Subject to the provisions of chapter 350 of NRS, issue revenue bonds of the county to acquire, ***lease,*** improve or equip, or any combination thereof, within the county a minor league baseball stadium project.

2. Bonds issued pursuant to this section must be payable from the proceeds of the fee imposed by the county pursuant to NRS 244A.810 and may be additionally secured by and payable from the gross or net revenues of the minor league baseball stadium project, including, without limitation, amounts received from any minor league baseball team pursuant to a contract with that team, fees, rates and charges for the use of the stadium by a minor league baseball team or any other uses of the stadium, and related uses, including, without limitation, parking and concessions, surcharges on tickets in an amount approved by the board, grants, whether conditional or unconditional, made for the payment of debt service or otherwise for the purposes of the minor league baseball stadium project, and any and all other sources of revenue attributable to the minor league baseball stadium project as provided by the board in the ordinance authorizing the issuance of bonds or any instrument supplemental or appertaining thereto.

3. The provisions of chapters 332, 338 and 339 of NRS do not apply to a contract entered into by a county and a private developer pursuant to which the private developer constructs a minor league baseball stadium

project, except that the contract must include a provision stating that the requirements of NRS 338.010 to 338.090, inclusive, apply to any construction work to be performed under the contract.

Sec. 3. NRS 244A.058 is hereby amended to read as follows:

244A.058 1. A board ~~[that has adopted an ordinance imposing a fee pursuant to NRS 244A.810]~~ ***in a county whose population is 100,000 or more but less than 400,000*** may, on behalf of the county and in its name:

(a) Acquire, ***lease,*** improve, equip, operate and maintain within the county a ~~[minor league]~~ ***professional*** baseball stadium project.

(b) Subject to the provisions of chapter 350 of NRS, issue revenue bonds of the county to acquire, ***lease,*** improve or equip, or any combination thereof, within the county a ~~[minor league]~~ ***professional*** baseball stadium project.

2. Bonds issued pursuant to this section must be ~~[payable from the proceeds of the fee imposed by the county pursuant to NRS 244A.810 and may be additionally]~~ secured by and payable from the gross or net revenues of the ~~[minor league]~~ ***professional*** baseball stadium project, including, without limitation, amounts received from any ~~[minor league]~~ ***professional*** baseball team pursuant to a contract with that team, fees, rates and charges for the use of the stadium by a ~~[minor league]~~ ***professional*** baseball team or any other uses of the stadium, and related uses, including, without limitation, parking and concessions, surcharges on tickets in an amount approved by the board, grants, whether conditional or unconditional, made for the payment of debt service or otherwise for the purposes of the ~~[minor league]~~ ***professional*** baseball stadium project, and any and all other sources of revenue attributable to the ~~[minor league]~~ ***professional*** baseball stadium project as provided by the board in the ordinance authorizing the issuance of bonds or any instrument supplemental or appertaining thereto.

3. The provisions of chapters 332, 338 and 339 of NRS do not apply to a contract entered into by a county and a private developer pursuant to which the private developer constructs a professional baseball stadium project, except that the contract must include a provision stating that the requirements of NRS 338.010 to 338.090, inclusive, apply to any construction work to be performed under the contract.

Sec. 4. NRS 244A.800 is hereby amended to read as follows:

244A.800 As used in NRS 244A.800 to 244A.830, inclusive:

1. "Department" means the Department of Taxation.

2. ~~["Minor league]~~ ***"Professional*** baseball stadium project" has the meaning ascribed to it in NRS 244A.0344.

Sec. 4.5. **NRS 244A.810 is hereby amended to read as follows:**

244A.810 1. Except as otherwise provided in subsection 2, the board of county commissioners of a county whose population is 100,000 or more but less than 400,000 may by ordinance impose a fee upon the lease of a passenger car by a short-term lessor in the county in the amount of not more than 2 percent of the total amount for which the passenger car was leased, excluding any taxes or other fees imposed by a governmental entity.

2. The fee imposed pursuant to subsection 1 must not apply to replacement vehicles. As used in this subsection, "replacement vehicle" means a vehicle that is:

(a) Rented temporarily by or on behalf of a person or leased to a person by a facility that repairs motor vehicles or a motor vehicle dealer; and

(b) Used by the person in place of a motor vehicle owned by the person that is unavailable for use because of mechanical breakdown, repair, service, damage or loss as defined in the owner's policy of liability insurance for the motor vehicle.

3. Any proceeds of a fee imposed pursuant to this section which are received by a county must be used solely to pay the costs to acquire, ***lease,*** improve, equip, operate and maintain within the county a minor league baseball stadium project, or to pay the principal of, interest on or other payments due with respect to bonds issued to pay such costs, including bonds issued to refund bonds issued to pay such costs, or any combination thereof.

4. The board of county commissioners shall not repeal or amend or otherwise directly or indirectly modify an ordinance imposing a fee pursuant to subsection 1 in such a manner as to impair any outstanding bonds issued by or other obligations incurred by the county until all obligations for which revenue from the ordinance have been pledged or otherwise made payable from such revenue have been discharged in full or provision for full payment and redemption has been made.

5. As used in this section, the words and terms defined in NRS 482.053 and 482.087 have the meanings ascribed to them in those sections.

Sec. 5. NRS 244A.810 is hereby amended to read as follows:

244A.810 1. Except as otherwise provided in subsection 2, the board of county commissioners of a county whose population is 100,000 or more but less than 400,000 may by ordinance impose a fee upon the lease of a passenger car by a short-term lessor in the county in the amount of not more than 2 percent of the total amount for which the passenger car was leased, excluding any taxes or other fees imposed by a governmental entity.

2. The fee imposed pursuant to subsection 1 must not apply to replacement vehicles. As used in this subsection, "replacement vehicle" means a vehicle that is:

(a) Rented temporarily by or on behalf of a person or leased to a person by a facility that repairs motor vehicles or a motor vehicle dealer; and

(b) Used by the person in place of a motor vehicle owned by the person that is unavailable for use because of mechanical breakdown, repair, service, damage or loss as defined in the owner's policy of liability insurance for the motor vehicle.

3. Any proceeds of a fee imposed pursuant to this section which are received by a county must be used solely to pay the costs to acquire, ***lease,*** improve, equip, operate and maintain within the county a ~~[minor league baseball stadium]~~ project ~~[,]~~ ***that has been approved by the Legislature, if the Legislature is in session, or the Interim Finance Committee, if the***

Legislature is not in session, or to pay the principal of, interest on or other payments due with respect to bonds issued to pay such costs, including bonds issued to refund bonds issued to pay such costs, or any combination thereof.

4. The board of county commissioners shall not repeal or amend or otherwise directly or indirectly modify an ordinance imposing a fee pursuant to subsection 1 in such a manner as to impair any outstanding bonds issued by or other obligations incurred by the county until all obligations for which revenue from the ordinance have been pledged or otherwise made payable from such revenue have been discharged in full or provision for full payment and redemption has been made.

5. As used in this section, the words and terms defined in NRS 482.053 and 482.087 have the meanings ascribed to them in those sections.

Sec. 6. NRS 244A.830 is hereby amended to read as follows:

244A.830 1. A board of county commissioners that ~~[adopts an ordinance imposing a fee pursuant to NRS 244A.810]~~ ***acquires, leases, improves, equips, operates and maintains within the county a professional baseball stadium project*** ~~[shall]~~ ***may*** create a stadium authority to operate the ~~[minor league]~~ ***professional*** baseball stadium project.

2. If a stadium authority is created:

(a) The stadium authority must consist of:

~~[(a)]~~ ***(1)*** One member of the board of county commissioners appointed by the board;

~~[(b)]~~ ***(2)*** One member from the governing body of each city in the county whose population is 60,000 or more, appointed by that governing body; and

~~[(c)]~~ ***(3)*** If the stadium authority enters into an agreement with ~~[an AA or AAA minor league]~~ ***a professional*** baseball team pursuant to which the team agrees to play its home games in the stadium, two persons appointed by the owner of the team.

~~[2.]~~ ***(b)*** The members of the stadium authority serve at the pleasure of the governmental entity or person who appointed them to serve in that capacity.

~~[3.]~~ ***(c)*** The stadium authority shall:

~~[(a)]~~ ***(1)*** Be responsible for the normal operations of the ~~[minor league]~~ ***professional*** baseball stadium project ~~[; and~~

~~(b)~~ ***or such operations as may be specified in the agreement entered into pursuant to subparagraph (2); and***

(2) Enter into an agreement with the board of county commissioners that sets forth the specific rights, obligations and duties of the stadium authority regarding those operations.

Sec. 7. Section 5 of chapter 454, Statutes of Nevada 2005, at page 2088, is hereby amended to read as follows:

Sec. 5. 1. The Commission on Tourism shall, as soon as practicable after July 1, 2005, and July 1, 2006, respectively, without depleting the funds necessary for day-to-day operations, transfer the following amounts from the proceeds from the taxes imposed on the revenue from the rental of transient

lodging which have been credited to the Fund for the Promotion of Tourism, created by NRS 231.250, to the Interim Finance Committee:

For the Fiscal Year 2005-2006 $600,000

For the Fiscal Year 2006-2007 $50,000

2. The money transferred pursuant to subsection 1 shall be allocated to the Reno-Sparks Convention and Visitors Authority to implement the Truckee River Recreational Master Plan as adopted by the City of Reno, the City of Sparks and Washoe County through a public review process. The money must be used to plan, obtain permits for, design and construct not more than four projects along the Truckee River that would enhance the recreational enjoyment, aquatic habitat and water quality of the Truckee River. The money must be expended on the following projects but is not limited to Rock Park, Pioneer Diversion Dam, Ambrose Park and Idlewild Park.

3. The Interim Finance Committee shall allocate the money transferred pursuant to subsection 1 upon notification that the City of Reno, the City of Sparks and Washoe County have committed to expend, in total, an equal amount of money on Truckee River improvement related projects. For the purpose of this section, Truckee River improvement related projects include any public project to improve the Truckee River for watershed protection, watershed restoration, recreation or flood control.

4. Upon acceptance of the money allocated pursuant to subsection 2, the Reno-Sparks Convention and Visitors Authority shall prepare and transmit a report to the Interim Finance Committee on or before December 15, ~~[2006,]~~ ***2008,*** that describes each expenditure made from the money allocated pursuant to subsection 2 from the date on which the money was received by the Reno-Sparks Convention and Visitors Authority through December 1, ~~[2006.]~~ ***2008.***

5. The Reno-Sparks Convention and Visitors Authority shall not assess an administrative fee or fine upon any local governing bodies relating to compliance with the provisions of subsections 3 and 4.

6. A public review and approval process, as determined by the City of Reno, the City of Sparks and Washoe County, must be completed before the commencement of construction of any project that uses money allocated pursuant to this section. Project design, construction documents and funding processes related to any such project must be approved by each local governing body having jurisdiction over the project. Each such project must conform to the parameters of the Truckee River Flood Control Project and the Truckee River Operating Agreement.

7. Any remaining balance of the sums transferred pursuant to subsection 1 must not be committed for expenditure after June 30, ~~[2007,]~~ ***2009,*** and must be reverted to the Fund for the Promotion of Tourism on or before September ~~[21, 2007.]~~ ***18, 2009.***

Sec. 8. Section 32 of chapter 7, Statutes of Nevada 2005, 22nd Special Session, at page 120, is hereby amended to read as follows:

Sec. 32. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of $600,000 for allocation to the Reno-Sparks Convention and Visitors Authority to implement the Truckee River Recreational Master Plan as adopted by the City of Reno, the City of Sparks and Washoe County through a public review process. The money must be used to plan, obtain permits for, design and construct not more than four projects along the Truckee River that would enhance the recreational enjoyment, aquatic habitat and water quality of the Truckee River. The money must be expended on the following projects but is not limited to Rock Park, Pioneer Diversion Dam, Ambrose Park and Idlewild Park.

2. The Interim Finance Committee shall allocate the money appropriated pursuant to subsection 1 upon notification that the City of Reno, the City of Sparks and Washoe County have committed to expend, in total, an equal amount of money on Truckee River improvement related projects. For the purpose of this section, Truckee River improvement related projects include any public project to improve the Truckee River for watershed protection, watershed restoration, recreation or flood control.

3. Upon acceptance of the money allocated pursuant to subsection 2, the Reno-Sparks Convention and Visitors Authority shall prepare and transmit a report to the Interim Finance Committee on or before December 15, ~~[2006,]~~ ***2008,*** that describes each expenditure made from the money allocated pursuant to subsection 2 from the date on which the money was received by the Reno-Sparks Convention and Visitors Authority through December 1, ~~[2006.]~~ ***2008.***

4. The Reno-Sparks Convention and Visitors Authority shall not assess an administrative fee or fine upon any local governing bodies relating to compliance with the provisions of subsections 2 and 3.

5. A public review and approval process, as determined by the City of Reno, the City of Sparks and Washoe County, must be completed before the commencement of construction of any project that uses money allocated pursuant to this section. Project design, construction documents and funding processes related to any such project must be approved by each local governing body having jurisdiction over the project. Each such project must conform to the parameters of the Truckee River Flood Control Project and the Truckee River Operating Agreement.

6. Any remaining balance of the sums appropriated pursuant to subsection 1 must not be committed for expenditure after June 30, ~~[2007,]~~ ***2009,*** and must be reverted to the State General Fund on or before September ~~[21, 2007.]~~ ***18, 2009.***

Sec. 9. (Deleted by amendment.)

Sec. 9.5. 1. The board of county commissioners of a county whose population is 100,000 or more but less than 400,000 shall determine whether the following criteria for the minor league baseball stadium project, as defined in NRS 244A.0344, have been met before October 1, 2007:

(a) An agreement has been entered into with a minor league baseball team to play its home games at a baseball stadium that will be acquired, **leased,** improved, equipped, operated and maintained within the county;

(b) If relocation of the minor league baseball team is required, approval for relocation of the team by the relevant league has been obtained;

(c) The site for the minor league baseball stadium has been acquired ~~[,]~~ **or leased;** and

(d) Any approval required for the construction or improvement of the minor league baseball stadium has been obtained.

2. If the board determines pursuant to subsection 1 that all the criteria set forth in that subsection have been met, the board shall, as soon as practicable, make a finding indicating that all the criteria for the minor league baseball stadium project have been met. Such a finding is conclusive absent fraud or abuse of discretion.

Sec. 10. 1. This section and sections 7, 8 and 9.5 of this act become effective upon passage and approval.

2. **Sections 2.7 and 4.5 of this act become effective upon passage and approval and expire by limitation on October 1, 2007, if the board of county commissioners of a county whose population is 100,000 or more but less than 400,000 has not made a finding pursuant to section 9.5 of this act.**

3. Sections 1 ~~[to 6, inclusive,]~~ **, 1.5, 2.5, 3, 4, 5 and 6** of this act become effective on October 1, 2007, if the board of county commissioners of a county whose population is 100,000 or more but less than 400,000 has not made a finding pursuant to section 9.5 of this act.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 436.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 944.

AN ACT relating to common-interest communities; ~~[revising various provisions governing the imposition and payment of certain fines and assessments; revising various provisions governing the election of members of the executive board; providing that certain unapproved books, records and other papers are not required to be made available to a unit's owner;]~~ **revising provisions governing restrictions on the use of systems for obtaining solar or wind energy;** revising the provisions governing the regulation of certain streets in certain common-interest communities; **exempting associations located in certain smaller counties from using a reserve study specialist for conducting a study of reserves; exempting associations located in certain smaller counties from using an independent certified public account for certain financial matters;**

making various other changes relating to common-interest communities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that certain common-interest communities are prohibited from regulating motor vehicles on thoroughfares accepted by the State or local governments for public use. (NRS 116.350) Section 1.4 of this bill prohibits a common-interest community from restricting the operation of motorcycles. Section 1.6 of this bill prohibits a common-interest community from using information from radar guns as the basis for a fine or penalty.

Existing law provides that a covenant, restriction or condition in a deed, contract or other legal instrument cannot unreasonably restrict the use of a system for obtaining solar or wind energy. (NRS 111.239, 278.0208) Sections 1 and 21.5 of this bill ~~[specify how to determine if a restriction significantly decreases the efficiency or performance of such a system and places the burden on the property owner to show such a decrease.]~~ **provide that the only restriction on the use of such a system is with respect to color in certain circumstances.**

~~[Section 1.8 of this bill adds community managers of common-interest communities as persons whose health, safety and welfare may be threatened by violations of a unit-owners' association's governing documents, authorizing the imposition of fines. (NRS 116.31031) This section also provides that a unit's owner must receive notice of a violation and possible fine, that a member of the executive board cannot participate in hearings on fines if he has not paid his assessments and that the association must provide written confirmation when a fine is paid.~~

~~Section 2 of this bill establishes priorities for the application of a unit owner's payments against assessments and fines, unless the unit's owner has stated in writing that no portion of the payment is to be applied against fines or costs related thereto. (NRS 116.310315)~~

~~Section 3 of this bill authorizes candidates for the executive board to be elected without balloting when the number of candidates is less than or equal to the number of members to be elected. (NRS 116.31034) Section 3 also adds items which candidates must disclose to units' owners in advance of the election, whether or not an election is to be held with balloting. (NRS 116.31034)~~

~~Section 4 of this bill requires that a declarant deliver to an association an ancillary audit of the association's money and audited financial statements from the date of the last audit until the date the declarant's control ends. (NRS 116.31038) Section 4 also requires the declarant to pay for the costs of the ancillary audit. (NRS 116.31038)]~~

Sections 4, 8, 12-14 and 16-21 of this bill eliminate the issuance of permits to reserve study specialists and instead provide for their registration. (NRS 116.31038, 116.750, 116A.120, 116A.260 and 116A.420-116A.900)

~~[Section 6 of this bill lengthens the period between which meetings of the executive board must be held from every 90 days to every quarter, but not~~

~~less than every 100 days. (NRS 116.31083) Section 6 also provides that if the sole purpose of a meeting is for the executive board to meet in executive session under certain circumstances, notice need not be provided. (NRS 116.31083)~~

~~Section 7 of this bill permits the executive board to impose certain assessments for the purpose of funding a reserve without a vote of the units' owners under certain circumstances. (NRS 116.3115)]~~

Sections 6.3 and 6.7 of this bill provide that in a county whose population is 45,000 or less an association is not required to use a certified public accountant to prepare, present, audit or review certain financial statements. (NRS 116.31142, 116.31144)

Section 8 of this bill ~~[establishes the criteria for evaluating the adequacy of the reserves of an association.]~~ **provides that an association located in a county whose population is 45,000 or less is not required to use a registered reserve study specialist to conduct the study of reserves of the association.** (NRS 116.31152)

~~[Section 9 of this bill excludes the books, records and other papers of the association which are in the process of being developed and have not yet been placed on an agenda for final approval by the executive board from the material which the board must make available upon the written request of a unit's owner. (NRS 116.31175)]~~

Existing law provides that certain common-interest communities are prohibited from regulating motor vehicles on thoroughfares accepted by State or local governments for public use. (NRS 116.350) ~~[Section 10 of this bill permits an association to restrict parking on such thoroughfares if the parking prohibition was a condition for approval of the subdivision's final map or included in the terms of a zoning ordinance permit or approval. (NRS 116.350) Section 10 also adds inoperable vehicles to the types of vehicles that an association may restrict the parking or storage of. (NRS 116.350) Finally, section]~~ **Section** 10 **of this bill further** prohibits a common-interest community from restricting the parking of certain utility service vehicles, law enforcement vehicles and emergency services vehicles.

Section 11 of this bill deems deposits made in connection with the purchase or reservation of units from a person required to deliver a public offering statement placed in out-of-state escrow companies as being deposited in this State if the escrow holder has a legal right to conduct business in the State, has a resident agent in this State and has consented to the jurisdiction of the courts of this State. (NRS 116.411)

~~[Section 15 of this bill provides for the issuance of temporary certificates for community managers for a period of 1 year under certain circumstances. (NRS 116A.410)~~

~~Section 22 of this bill excludes certain unit owners' associations from the definition of "business" for the purposes of requiring business licenses. (NRS 360.765)]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 111.239 is hereby amended to read as follows:

111.239 1. ~~[Any]~~ ***Except as otherwise provided in subsection 2, any*** covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer, sale or any other interest in real property that prohibits or ~~[unreasonably]~~ restricts the owner of the property from using a system for obtaining solar or wind energy on his property is void and unenforceable.

2. ~~*[The owner of the property has the burden of showing that a restriction or requirement on the use of such a system significantly decreases the efficiency or performance of the system.*~~

~~*3. For the purposes of this section]*~~ ~~[~~, "unreasonably~~]~~ ~~*[:*~~

~~*(a) "Significantly decreases the efficiency or performance of the system" means a decrease of 20 percent or more in the efficiency or performance of the system.*~~

~~*(b) "Unreasonably* restricts the use of a system for obtaining solar or wind energy" means placing a restriction or requirement on the use of such a system which significantly decreases the efficiency or performance of the system and does not allow for the use of an alternative system at a comparable cost and with comparable efficiency and performance.~~]~~ ***A reasonable covenant, restriction or condition concerning the color of such a system is enforceable so long as it does not prohibit the owner from using the standard color in which the system is made, does not cost significantly more than another color and does not have the effect of prohibiting the use of such a system.***

Sec. 1.2. Chapter 116 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.4 and 1.6 of this act.

Sec. 1.4. ***1. The executive board of a common-interest community shall not, and the governing documents of a common-interest community must not, restrict, prohibit or otherwise impede the operation of a motorcycle if the motorcycle is operated on any road, street, alley or other surface intended for use by a motor vehicle.***

2. The provisions of this section do not preclude the governing documents of a common-interest community from reasonably restricting the parking or storage of a motorcycle to the extent authorized by law.

3. As used in this section, "motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground which is required to be registered pursuant to chapter 482 of NRS.

Sec. 1.6. ***1. A member of the executive board of a common-interest community, a community manager for the common-interest community and any other representative of the association shall not use a radar gun or other device designed to gauge the speed of a vehicle for the purpose of***

imposing any fine or other penalty upon or taking any other action against a unit's owner or other person.

2. The executive board of a common-interest community shall not impose any fine or other penalty upon or take any other action against a unit's owner or other person based on the results of any test conducted using a radar gun or other device designed to gauge the speed of a vehicle.

3. The governing documents of a common-interest community must not authorize the executive board or any other person to impose any fine or other penalty upon or take any other action against a unit's owner or other person based on the results of any test conducted using a radar gun or other device designed to gauge the speed of a vehicle.

Sec. 1.8. ~~[NRS 116.31031 is hereby amended to read as follows:~~

~~116.31031 1. Except as otherwise provided in this section, if a unit's owner or a tenant or guest of a unit's owner violates any provision of the governing documents of an association, the executive board may, if the governing documents so provide:~~

~~(a) Prohibit, for a reasonable time, the unit's owner or the tenant or guest of the unit's owner from:~~

~~(1) Voting on matters related to the common-interest community.~~

~~(2) Using the common elements. The provisions of this subparagraph do not prohibit the unit's owner or the tenant or guest of the unit's owner from using any vehicular or pedestrian ingress or egress to go to or from the unit, including any area used for parking.~~

~~(b) Impose a fine against the unit's owner or the tenant or guest of the unit's owner for each violation, except that a fine may not be imposed for a violation that is the subject of a construction penalty pursuant to NRS 116.310305. If the violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners , [or] residents *or community manager* of the common-interest community, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents. If the violation does not pose an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners , [or] residents *or community manager* of the common-interest community, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents, but the amount of the fine must not exceed $100 for each violation or a total amount of $1000, whichever is less. The limitations on the amount of the fine do not apply to any interest, charges or costs that may be collected by the association pursuant to this section if the fine becomes past due.~~

~~2. The executive board may not impose a fine pursuant to subsection 1 unless:~~

~~(a) Not less than 30 days before the violation, the *unit's owner and, if different, the* person against whom the fine will be imposed had been~~

~~provided with written notice of the applicable provisions of the governing documents that form the basis of the violation; and~~

~~(b) Within a reasonable time after the discovery of the violation, the *unit's owner and, if different, the* person against whom the fine will be imposed has been provided with:~~

~~(1) Written notice specifying the details of the violation, the amount of the fine, and the date, time and location for a hearing on the violation; and~~

~~(2) A reasonable opportunity to contest the violation at the hearing.~~

~~*For the purposes of this subsection, a unit's owner shall not be deemed to have received written notice unless written notice is delivered to the address of the unit and, if different, to a mailing address specified by the unit's owner.*~~

~~3. The executive board must schedule the date, time and location for the hearing on the violation so that the *unit's owner and, if different, the* person against whom the fine will be imposed is provided with a reasonable opportunity to prepare for the hearing and to be present at the hearing.~~

~~4. The executive board must hold a hearing before it may impose the fine, unless *the fine is paid before the hearing or unless* the *unit's owner and, if different, the* person against whom the fine will be imposed:~~

~~(a) [Pays the fine;~~

~~(b)] Executes a written waiver of the right to the hearing; or~~

~~[(c)] *(b)* Fails to appear at the hearing after being provided with proper notice of the hearing.~~

~~5. If a fine is imposed pursuant to subsection 1 and the violation is not cured within 14 days, or within any longer period that may be established by the executive board, the violation shall be deemed a continuing violation. Thereafter, the executive board may impose an additional fine for the violation for each 7 day period or portion thereof that the violation is not cured. Any additional fine may be imposed without notice and an opportunity to be heard.~~

~~6. If the governing documents so provide, the executive board may appoint a committee, with not less than three members, to conduct hearings on violations and to impose fines pursuant to this section. While acting on behalf of the executive board for those limited purposes, the committee and its members are entitled to all privileges and immunities and are subject to all duties and requirements of the executive board and its members.~~

~~*7. A member of the executive board shall not participate in any hearing or cast any vote relating to a fine imposed pursuant to subsection 1 if the member has not paid all assessments which are due to the association by the member. If a member of the executive board:*~~

~~*(a) Participates in a hearing in violation of this subsection, any action taken at the hearing is void.*~~

~~*(b) Casts a vote in violation of this subsection, the vote is void.*~~

~~8. The provisions of this section establish the minimum procedural requirements that the executive board must follow before it may impose a~~

~~fine. The provisions of this section do not preempt any provisions of the governing documents that provide greater procedural protections.~~

~~[8.] 9. Any past due fine:~~

~~(a) Bears interest at the rate established by the association, not to exceed the legal rate per annum.~~

~~(b) May include any costs of collecting the past due fine at a rate established by the association. If the past due fine is for a violation that does not threaten the health, safety or welfare of the *units' owners, residents or community manager* of the common-interest community, the rate established by the association for the costs of collecting the past due fine:~~

~~(1) May not exceed $20, if the outstanding balance is less than $200.~~

~~(2) May not exceed $50, if the outstanding balance is $200 or more, but is less than $500.~~

~~(3) May not exceed $100, if the outstanding balance is $500 or more, but is less than $1,000.~~

~~(4) May not exceed $250, if the outstanding balance is $1,000 or more, but is less than $5,000.~~

~~(5) May not exceed $500, if the outstanding balance is $5,000 or more.~~

~~(c) May include any costs incurred by the association during a civil action to enforce the payment of the past due fine.~~

~~[9.] *10. Not later than 30 days after receiving payment in full of a fine, including any lawful interest and costs of collection, an association shall provide written confirmation to the person upon whom the fine was imposed that the fine and all related charges have been paid in full and that the fine is discharged.*~~

~~*11.* As used in this section:~~

~~(a) "Costs of collecting" includes, without limitation, any collection fee, filing fee, recording fee, referral fee, fee for postage or delivery, and any other fee or cost that an association may reasonably charge to the unit's owner for the collection of a past due fine. The term does not include any costs incurred by an association during a civil action to enforce the payment of a past due fine.~~

~~(b) "Outstanding balance" means the amount of a past due fine that remains unpaid before any interest, charges for late payment or costs of collecting the past due fine are added.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 116.310315 is hereby amended to read as follows:~~

~~116.310315 If an association has imposed a fine against a unit's owner or a tenant or guest of a unit's owner pursuant to NRS 116.31031 for violations of the governing documents of the association, the association [:] *shall:*~~

~~1. [Shall, in] *In* the books and records of the association, account for the fine separately from any assessment, fee or other charge; and~~

~~2. [Shall not apply, in whole or in part, any payment made by the unit's owner for any assessment, fee or other charge toward the payment of the outstanding balance of the fine or any costs of collecting the fine, unless the unit's owner provides written authorization which directs the association to~~

~~apply the payment made by the unit's owner in such a manner.]~~ ~~*Apply any payment received from a unit's owner without written instructions as to the application of the payment:*~~

~~*(a) First to current or past due assessments; and*~~

~~*(b) Then the remainder of any payment to past due fines, including the costs of collecting any such fine, unless the unit's owner has stated in writing that no amount of the payment is to be applied toward the fines or toward the costs of collecting the fines.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 116.31034 is hereby amended to read as follows:~~

~~116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members, at least a majority of whom must be units' owners. Unless the governing documents provide otherwise, the remaining members of the executive board do not have to be units' owners. The executive board shall elect the officers of the association. The members of the executive board and the officers of the association shall take office upon election.~~

~~2. The term of office of a member of the executive board may not exceed 2 years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.~~

~~3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:~~

~~(a) Members of the executive board who are appointed by the declarant; and~~

~~(b) Members of the executive board who serve a term of 1 year or less.~~

~~4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of his eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association. *Before the secretary or other officer specified in the bylaws of the association causes notice to be given to each unit's owner of his eligibility to serve as a member of the executive board pursuant to this subsection, the executive board may determine that if, at the closing of the prescribed period for nominations for membership on the executive board, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board at the election, then:*~~

~~*(a) The association will not prepare or mail any ballots to units' owners pursuant to this section;*~~

~~*(b) The candidates so nominated shall be deemed to be duly elected to the executive board not later than 30 days after the date of closing of the prescribed period for nominations; and*~~

~~*(c) Units' owners will receive notification that the candidates so nominated have been elected to the executive board.*~~

~~5. Each person [whose name is placed on the ballot] *who is nominated* as a candidate for a member of the executive board *pursuant to subsection 4* must:~~

~~(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and~~

~~(b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate [has] .:~~

~~*(1) Has* any unpaid and past due assessments or construction penalties that are required to be paid to the association [.];~~

~~*(2) Has any unpaid fine imposed by the executive board that is 30 days or more past due; or*~~

~~*(3) After being provided notice and the opportunity for a hearing in accordance with the provisions of NRS 116.31031, has been found to have committed a violation of the governing documents that has not been cured.*~~

~~. The candidate must make all disclosures required pursuant to this subsection in writing to the association with his candidacy information. The association shall distribute the disclosures to each member of the association with the ballot or, *in the event ballots are not prepared and mailed pursuant to subsection 4*, in the manner established *for distribution of ballots* in the bylaws of the association.~~

~~6. Unless a person is appointed by the declarant:~~

~~(a) A person may not be a member of the executive board or an officer of the association if the person, his spouse or his parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.~~

~~(b) A person may not be a member of the executive board of a master association or an officer of that master association if the person, his spouse or his parent or child, by blood, marriage or adoption, performs the duties of a community manager for:~~

~~(1) That master association; or~~

~~(2) Any association that is subject to the governing documents of that master association.~~

~~7. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited liability company that owns a unit, and a fiduciary of an estate that owns a unit may~~

~~be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, he shall file proof in the records of the association that:~~

~~(a) He is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and~~

~~(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.~~

~~8. [The] *Except as otherwise provided in subsection 4, the* election of any member of the executive board must be conducted by secret written ballot unless the declaration of the association provides that voting rights may be exercised by delegates or representatives as set forth in NRS 116.31105. If the election of any member of the executive board is conducted by secret written ballot:~~

~~(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.~~

~~(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.~~

~~(c) A quorum is not required for the election of any member of the executive board.~~

~~(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.~~

~~(e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.~~

~~(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for a member of the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.~~

~~9. Each member of the executive board shall, within 90 days after his appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that he has read and understands the governing documents of the association and the provisions of this chapter to the best of his ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.]~~ **(Deleted by amendment.)**

Sec. 4. NRS 116.31038 is hereby amended to read as follows:

116.31038 In addition to any applicable requirement set forth in NRS 116.310395, within 30 days after units' owners other than the declarant may elect a majority of the members of the executive board, the declarant shall deliver to the association all property of the units' owners and of the association held by or controlled by him, including:

1. The original or a certified copy of the recorded declaration as amended, the articles of incorporation, articles of association, articles of organization, certificate of registration, certificate of limited partnership, certificate of trust or other documents of organization for the association, the bylaws, minute books and other books and records of the association and any rules or regulations which may have been adopted.

2. An accounting for money of the association and audited financial statements for each fiscal year and any ancillary period from the date of inception ~~*[the last audit]*~~ of the association to the date the period of the declarant's control ends. The financial statements must fairly and accurately report the association's financial position. ~~*[The declarant shall pay the costs of the ancillary audit. The ancillary audit must be delivered within 210 days after the date the period of the declarant's control ends.]*~~

3. A complete study of the reserves of the association, conducted by a person who ~~[holds a permit to conduct such a study issued]~~ ***is registered as a reserve study specialist*** pursuant to chapter 116A of NRS. At the time the control of the declarant ends, he shall:

(a) Except as otherwise provided in this paragraph, deliver to the association a reserve account that contains the declarant's share of the amounts then due, and control of the account. If the declaration was recorded before October 1, 1999, and, at the time the control of the declarant ends, he has failed to pay his share of the amounts due, the executive board shall authorize the declarant to pay the deficiency in installments for a period of 3 years, unless the declarant and the executive board agree to a shorter period.

(b) Disclose, in writing, the amount by which he has subsidized the association's dues on a per unit or per lot basis.

4. The association's money or control thereof.

5. All of the declarant's tangible personal property that has been represented by the declarant as property of the association or, unless the declarant has disclosed in the public offering statement that all such personal property used in the common-interest community will remain the declarant's property, all of the declarant's tangible personal property that is necessary for, and has been used exclusively in, the operation and enjoyment of the common elements, and inventories of these properties.

6. A copy of any plans and specifications used in the construction of the improvements in the common-interest community which were completed within 2 years before the declaration was recorded.

7. All insurance policies then in force, in which the units' owners, the association, or its directors and officers are named as insured persons.

8. Copies of any certificates of occupancy that may have been issued with respect to any improvements comprising the common-interest community other than units in a planned community.

9. Any renewable permits and approvals issued by governmental bodies applicable to the common-interest community which are in force and any other permits and approvals so issued and applicable which are required by law to be kept on the premises of the community.

10. Written warranties of the contractor, subcontractors, suppliers and manufacturers that are still effective.

11. A roster of owners and mortgagees of units and their addresses and telephone numbers, if known, as shown on the declarant's records.

12. Contracts of employment in which the association is a contracting party.

13. Any contract for service in which the association is a contracting party or in which the association or the units' owners have any obligation to pay a fee to the persons performing the services.

Sec. 5. ~~[NRS 116.310395 is hereby amended to read as follows:~~

~~116.310395 1. At the time of each close of escrow of a unit in a converted building, the declarant shall deliver to the association the amount of the converted building reserve deficit allocated to that unit.~~

~~2. The allocation to a unit of the amount of any converted building reserve deficit must be made in the same manner as assessments are allocated to that unit.~~

~~3. As used in this section, "converted building reserve deficit" means the amount necessary to replace the major components of the common elements needing replacement within 10 years after the date of the first [sale] *close of escrow* of a unit.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 116.31083 is hereby amended to read as follows:~~

~~116.31083 1. A meeting of the executive board must be held at least once every [90] *quarter, and not less than once every 100* days.~~

~~2. Except [in an emergency] *as otherwise provided in subsection 3 or 4* or unless the bylaws of an association require a longer period of notice, the secretary or other officer specified in the bylaws of the association shall, not less than 10 days before the date of a meeting of the executive board, cause notice of the meeting to be given to the units' owners. Such notice must be:~~

~~(a) Sent prepaid by United States mail to the mailing address of each unit within the common interest community or to any other mailing address designated in writing by the unit's owner;~~

~~(b) If the association offers to send notice by electronic mail, sent by electronic mail at the request of the unit's owner to an electronic mail address designated in writing by the unit's owner; or~~

~~(c) Published in a newsletter or other similar publication that is circulated to each unit's owner.~~

~~3. [In] *Except as otherwise provided in subsection 4, in* an emergency, the secretary or other officer specified in the bylaws of the association shall,~~

~~if practicable, cause notice of the meeting to be sent prepaid by United States mail to the mailing address of each unit within the common-interest community. If delivery of the notice in this manner is impracticable, the notice must be hand delivered to each unit within the common interest community or posted in a prominent place or places within the common elements of the association.~~

~~*4. If the sole purpose of a meeting of the executive board is to meet in executive session pursuant to subsection 4 of NRS 116.31085, notice of the meeting pursuant to this section is not required.*~~

~~*5.* The notice of a meeting of the executive board must state the time and place of the meeting and include a copy of the agenda for the meeting or the date on which and the locations where copies of the agenda may be conveniently obtained by the units' owners. The notice must include notification of the right of a unit's owner to:~~

~~(a) Have a copy of the minutes or a summary of the minutes of the meeting provided to the unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.~~

~~(b) Speak to the association or executive board, unless the executive board is meeting in executive session.~~

[5.] ~~*6.* The agenda of the meeting of the executive board must comply with the provisions of subsection 4 of NRS 116.3108. The period required to be devoted to comments by the units' owners and discussion of those comments must be scheduled for the beginning of each meeting. In an emergency, the executive board may take action on an item which is not listed on the agenda as an item on which action may be taken.~~

[6.] ~~*7.* At least once every~~ [90] *quarter, and not less than once every 100* ~~days, unless the declaration or bylaws of the association impose more stringent standards, the executive board shall review, at a minimum, the following financial information at one of its meetings:~~

~~(a) A current year-to-date financial statement of the association;~~

~~(b) A current year-to-date schedule of revenues and expenses for the operating account and the reserve account, compared to the budget for those accounts;~~

~~(c) A current reconciliation of the operating account of the association;~~

~~(d) A current reconciliation of the reserve account of the association;~~

~~(e) The latest account statements prepared by the financial institutions in which the accounts of the association are maintained; and~~

~~(f) The current status of any civil action or claim submitted to arbitration or mediation in which the association is a party.~~

[7.] ~~*8.* The secretary or other officer specified in the bylaws shall cause minutes to be recorded or otherwise taken at each meeting of the executive board. Not more than 30 days after each such meeting, the secretary or other officer specified in the bylaws shall cause the minutes or a summary of the minutes of the meetings to be made available to the units' owners. A copy of~~

~~the minutes or a summary of the minutes must be provided to any unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.~~

~~[8.] 9. Except as otherwise provided in subsection [9] 10 and NRS 116.31085, the minutes of each meeting of the executive board must include:~~

~~(a) The date, time and place of the meeting;~~

~~(b) Those members of the executive board who were present and those members who were absent at the meeting;~~

~~(c) The substance of all matters proposed, discussed or decided at the meeting;~~

~~(d) A record of each member's vote on any matter decided by vote at the meeting; and~~

~~(e) The substance of remarks made by any unit's owner who addresses the executive board at the meeting if he requests that the minutes reflect his remarks or, if he has prepared written remarks, a copy of his prepared remarks if he submits a copy for inclusion.~~

~~[9.] 10. The executive board may establish reasonable limitations on materials, remarks or other information to be included in the minutes of its meetings.~~

~~[10.] 11. The association shall maintain the minutes of each meeting of the executive board until the common-interest community is terminated.~~

~~[11.] 12. A unit's owner may record on audiotape or any other means of sound reproduction a meeting of the executive board, unless the executive board is meeting in executive session, if the unit's owner, before recording the meeting, provides notice of his intent to record the meeting to the members of the executive board and the other units' owners who are in attendance at the meeting.~~

~~[12.] 13. As used in this section, "emergency" means any occurrence or combination of occurrences that:~~

~~(a) Could not have been reasonably foreseen;~~

~~(b) Affects the health, welfare and safety of the units' owners or residents of the common-interest community;~~

~~(c) Requires the immediate attention of, and possible action by, the executive board; and~~

~~(d) Makes it impracticable to comply with the provisions of subsection 2 or [5.] 6.~~ **(Deleted by amendment.)**

Sec. 6.3. **NRS 116.31142 is hereby amended to read as follows:**

116.31142 1. The Commission shall adopt regulations prescribing the requirements for the preparation and presentation of financial statements of an association pursuant to this chapter.

2. The regulations adopted by the Commission must include, without limitation:

(a) The qualifications necessary for a person to prepare and present financial statements of an association; and

(b) The standards and format to be followed in preparing and presenting financial statements of an association.

3. The Commission shall not adopt regulations requiring that financial statements be prepared by a certified public accountant if the association is located in a county whose population is 45,000 or less.

Sec. 6.7. **NRS 116.31144 is hereby amended to read as follows:**

116.31144 1. Except as otherwise provided in subsection 2, the executive board shall:

(a) If the annual budget of the association is less than $75,000, cause the financial statement of the association to be audited ~~[by an independent certified public accountant]~~ at least once every 4 fiscal years.

(b) If the annual budget of the association is $75,000 or more but less than $150,000, cause the financial statement of the association to be:

(1) Audited ~~[by an independent certified public accountant]~~ at least once every 4 fiscal years; and

(2) Reviewed ~~[by an independent certified public accountant]~~ every fiscal year for which an audit is not conducted.

(c) If the annual budget of the association is $150,000 or more, cause the financial statement of the association to be audited ~~[by an independent certified public accountant]~~ every fiscal year.

2. For any fiscal year for which an audit of the financial statement of the association will not be conducted pursuant to subsection 1, the executive board shall cause the financial statement for that fiscal year to be audited ~~[by an independent certified public accountant]~~ if, within 180 days before the end of the fiscal year, 15 percent of the total number of voting members of the association submit a written request for such an audit.

3. ***Each audit and review of the financial statement of an association must be conducted by an independent certified public accountant, unless the association is located in a county whose population is 45,000 or less, and then by a person deemed qualified by the association to conduct such an audit or review.***

4. The Commission shall adopt regulations prescribing the requirements for the auditing or reviewing of financial statements of an association pursuant to this section. Such regulations must include, without limitation:

(a) The qualifications necessary for a person to audit or review financial statements of an association ~~[.]~~ ***which do not conflict with subsection 3;*** and

(b) The standards and format to be followed in auditing or reviewing financial statements of an association.

Sec. 7. ~~[NRS 116.3115 is hereby amended to read as follows:~~

~~116.3115 1. Until the association makes an assessment for common expenses, the declarant shall pay all common expenses. After an assessment has been made by the association, assessments must be made at least annually, based on a budget adopted at least annually by the association in accordance with the requirements set forth in NRS 116.31151. Unless the declaration imposes more stringent standards, the budget must include a~~

~~budget for the daily operation of the association and a budget for the reserves required by paragraph (b) of subsection 2.~~

~~2. Except for assessments under subsections 4 to 7, inclusive:~~

~~(a) All common expenses, including the reserves, must be assessed against all the units in accordance with the allocations set forth in the declaration pursuant to subsections 1 and 2 of NRS 116.2107.~~

~~(b) The association shall establish adequate reserves, funded on a reasonable basis, for the repair, replacement and restoration of the major components of the common elements. The reserves may be used only for those purposes, including, without limitation, repairing, replacing and restoring roofs, roads and sidewalks, and must not be used for daily maintenance. The association may comply with the provisions of this paragraph through a funding plan that is designed to allocate the costs for the repair, replacement and restoration of the major components of the common elements over a period of years if the funding plan is designed in an actuarially sound manner which will ensure that sufficient money is available when the repair, replacement and restoration of the major components of the common elements are necessary. *Notwithstanding any provision of the governing documents to the contrary, to establish adequate reserves pursuant to this paragraph, including, without limitation, to establish or carry out a funding plan, the executive board may, without seeking or obtaining the approval of the units' owners, impose any necessary and reasonable assessments against the units in the common-interest community if such assessments are made pursuant to findings contained in a study of the reserves of the association prepared by a person who is registered as a reserve study specialist pursuant to chapter 116A of NRS.*~~

~~3. Any past due assessment for common expenses or installment thereof bears interest at the rate established by the association not exceeding 18 percent per year.~~

~~4. To the extent required by the declaration:~~

~~(a) Any common expense associated with the maintenance, repair, restoration or replacement of a limited common element must be assessed against the units to which that limited common element is assigned, equally, or in any other proportion the declaration provides;~~

~~(b) Any common expense or portion thereof benefiting fewer than all of the units must be assessed exclusively against the units benefited; and~~

~~(c) The costs of insurance must be assessed in proportion to risk and the costs of utilities must be assessed in proportion to usage.~~

~~5. Assessments to pay a judgment against the association may be made only against the units in the common interest community at the time the judgment was entered, in proportion to their liabilities for common expenses.~~

~~6. If any common expense is caused by the misconduct of any unit's owner, the association may assess that expense exclusively against his unit.~~

~~7. The association of a common interest community created before January 1, 1992, is not required to make an assessment against a vacant lot located within the community that is owned by the declarant.~~

~~8. If liabilities for common expenses are reallocated, assessments for common expenses and any installment thereof not yet due must be recalculated in accordance with the reallocated liabilities.~~

~~9. The association shall provide written notice to each unit's owner of a meeting at which an assessment for a capital improvement is to be considered or action is to be taken on such an assessment at least 21 calendar days before the date of the meeting.]~~ **(Deleted by amendment.)**

Sec. 8. NRS 116.31152 is hereby amended to read as follows:

116.31152 1. The executive board shall:

(a) At least once every 5 years, cause to be conducted a study of the reserves required to repair, replace and restore the major components of the common elements ~~[.]~~ ;

(b) At least annually, review the results of that study to determine whether those reserves are sufficient ~~[.]~~ ; and ~~[The reserves shall be deemed adequately funded if:~~

~~(1) The amount of the reserves is equal to or greater than the amount specified in the funding plan; or~~

~~(2) The amount of reserves available for the next 5 years is sufficient to repair, replace and restore the major components of the common elements designated in the funding plan.]~~

(c) At least annually, make any adjustments to the association's funding plan which the executive board deems necessary to provide adequate funding for the required reserves.

2. The study of the reserves required by subsection 1 must be conducted by a person who ~~[holds a permit issued]~~ ***is registered as a reserve study specialist*** pursuant to chapter 116A of NRS ~~[.]~~ ***, unless the association is located in a county whose population is 45,000 or less, and then by a person deemed qualified by the executive board to conduct such a study.***

3. The study of the reserves must include, without limitation:

(a) A summary of an inspection of the major components of the common elements that the association is obligated to repair, replace or restore;

(b) An identification of the major components of the common elements that the association is obligated to repair, replace or restore which have a remaining useful life of less than 30 years;

(c) An estimate of the remaining useful life of each major component of the common elements identified pursuant to paragraph (b);

(d) An estimate of the cost of repair, replacement or restoration of each major component of the common elements identified pursuant to paragraph (b) during and at the end of its useful life; and

(e) An estimate of the total annual assessment that may be necessary to cover the cost of repairing, replacement or restoration of the major components of the common elements identified pursuant to paragraph (b),

after subtracting the reserves of the association as of the date of the study, and an estimate of the funding plan that may be necessary to provide adequate funding for the required reserves.

4. A summary of the study of the reserves required by subsection 1 must be submitted to the Division not later than 45 days after the date that the executive board adopts the results of the study.

5. If a common-interest community was developed as part of a planned unit development pursuant to chapter 278A of NRS and is subject to an agreement with a city or county to receive credit against the amount of the residential construction tax that is imposed pursuant to NRS 278.4983 and 278.4985, the association that is organized for the common-interest community may use the money from that credit for the repair, replacement or restoration of park facilities and related improvements if:

(a) The park facilities and related improvements are identified as major components of the common elements of the association; and

(b) The association is obligated to repair, replace or restore the park facilities and related improvements in accordance with the study of the reserves required by subsection 1.

Sec. 9. ~~[NRS 116.31175 is hereby amended to read as follows:~~

~~116.31175 — 1. — Except as otherwise provided in this subsection, the executive board of an association shall, upon the written request of a unit's owner, make available the books, records and other papers of the association for review during the regular working hours of the association, including, without limitation, all contracts to which the association is a party and all records filed with a court relating to a civil or criminal action to which the association is a party. The provisions of this subsection do not apply to:~~

~~(a) The personnel records of the employees of the association, except for those records relating to the number of hours worked and the salaries and benefits of those employees;~~

~~(b) The records of the association relating to another unit's owner, except for those records described in subsection 2;~~ [and]

~~(c) A contract between the association and an attorney~~ [.] ~~; *and*~~

~~*(d) Any document, including, without limitation, minutes of an executive board meeting, a reserve study and a budget, if the document:*~~

~~*(1) Is in the process of being developed for final consideration by the executive board; and*~~

~~*(2) Has not been placed on an agenda for final approval by the executive board.*~~

~~2. — The executive board of an association shall maintain a general record concerning each violation of the governing documents, other than a violation involving a failure to pay an assessment, for which the executive board has imposed a fine, a construction penalty or any other sanction. The general record:~~

~~(a) Must contain a general description of the nature of the violation and the type of the sanction imposed. If the sanction imposed was a fine or~~

~~construction penalty, the general record must specify the amount of the fine or construction penalty.~~

~~(b) Must not contain the name or address of the person against whom the sanction was imposed or any other personal information which may be used to identify the person or the location of the unit, if any, that is associated with the violation.~~

~~(c) Must be maintained in an organized and convenient filing system or data system that allows a unit's owner to search and review the general records concerning violations of the governing documents.~~

~~3. If the executive board refuses to allow a unit's owner to review the books, records or other papers of the association, the Ombudsman may:~~

~~(a) On behalf of the unit's owner and upon written request, review the books, records or other papers of the association during the regular working hours of the association; and~~

~~(b) If he is denied access to the books, records or other papers, request the Commission, or any member thereof acting on behalf of the Commission, to issue a subpoena for their production.~~

~~4. The books, records and other papers of an association must be maintained for at least 10 years. The provisions of this subsection do not apply to:~~

~~(a) The minutes of a meeting of the units' owners which must be maintained in accordance with NRS 116.3108; or~~

~~(b) The minutes of a meeting of the executive board which must be maintained in accordance with NRS 116.31083.~~

~~5. The executive board shall not require a unit's owner to pay an amount in excess of $10 per hour to review any books, records, contracts or other papers of the association pursuant to the provisions of this section.]~~ **(Deleted by amendment.)**

Sec. 10. NRS 116.350 is hereby amended to read as follows:

116.350 1. In a common-interest community which is not gated or enclosed and the access to which is not restricted or controlled by a person or device, the executive board shall not and the governing documents must not provide for the regulation of any road, street, alley or other thoroughfare the right-of-way of which is accepted by the State or a local government for dedication as a road, street, alley or other thoroughfare for public use.

2. ~~[The]~~ ***Except as otherwise provided in subsection 3, the*** provisions of subsection 1 do not preclude an association from adopting, and do not preclude the governing documents of an association from setting forth, rules that reasonably restrict the ~~*[:*~~

~~*(a) Parking on any road, street, alley or other thoroughfare the right-of-way of which is accepted by the State or a local government for dedication as a road, street, alley or other thoroughfare for public use if the requirement that no parking be allowed is included in the terms of any applicable zoning ordinance, permit or approval or as a condition for approval of any final subdivision map; or*~~

~~*(b) The]*~~ parking or storage of ***inoperable vehicles,*** recreational vehicles, watercraft, trailers or commercial vehicles in the common-interest community to the extent authorized by law.

3. In a common-interest community, the executive board shall not and the governing documents must not prohibit a person from:

(a) Parking a utility service vehicle that has a gross vehicle weight rating of 20,000 pounds or less on a driveway, road, street, alley or other thoroughfare:

(1) While the person is engaged in any activity relating to the delivery of public utility services to subscribers or consumers; or

(2) If the person is:

(I) A unit's owner;

(II) Parking the vehicle within 50 yards of his unit; and

(III) Bringing the vehicle to his unit pursuant to his employment with the entity which owns the vehicle for the purpose of responding to requests for public utility services; or

(b) Parking a law enforcement vehicle or emergency services vehicle on a driveway, road, street, alley or other thoroughfare:

(1) While the person is engaged in his official duties; or

(2) If the person is:

(I) A unit's owner;

(II) Parking the vehicle within 50 yards of his unit; and

(III) Bringing the vehicle to his unit pursuant to his employment with the entity which owns the vehicle for the purpose of responding to requests for law enforcement services or emergency services.

4. As used in this section:

(a) "Commercial motor vehicle" has the meaning ascribed to it in 49 C.F.R. § 350.105.

(b) "Emergency services vehicle" means a vehicle:

(1) Owned by any governmental agency or political subdivision of this State; and

(2) Identified by the entity which owns the vehicle as a vehicle used to provide emergency services.

(c) "Law enforcement vehicle" means a vehicle:

(1) Owned by any governmental agency or political subdivision of this State; and

(2) Identified by the entity which owns the vehicle as a vehicle used to provide law enforcement services.

(d) "Utility service vehicle" means any commercial motor vehicle:

(1) Used in the furtherance of repairing, maintaining or operating any structure or any other physical facility necessary for the delivery of public utility services, including, without limitation, the furnishing of electricity, gas, water, sanitary sewer, telephone, cable or community antenna service.

(2) Except for any emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to

whether the commercial motor vehicle is owned, leased or rented by the utility.

Sec. 11. NRS 116.411 is hereby amended to read as follows:

116.411 1. Except as otherwise provided in subsections 2 ~~[and 3,]~~ ***, 3 and 4,*** a deposit made in connection with the purchase or reservation of a unit from a person required to deliver a public offering statement pursuant to subsection 3 of NRS 116.4102 must be placed in escrow and held either in this State or in the state where the unit is located in an account designated solely for that purpose by a licensed title insurance company, an independent bonded escrow company, or an institution whose accounts are insured by a governmental agency or instrumentality until:

(a) Delivered to the declarant at closing;

(b) Delivered to the declarant because of the purchaser's default under a contract to purchase the unit;

(c) Released to the declarant for an additional item, improvement, optional item or alteration, but the amount so released:

(1) Must not exceed the lesser of the amount due the declarant from the purchaser at the time of the release or the amount expended by the declarant for the purpose; and

(2) Must be credited upon the purchase price; or

(d) Refunded to the purchaser.

2. A deposit or advance payment made for an additional item, improvement, optional item or alteration may be deposited in escrow or delivered directly to the declarant, as the parties may contract.

3. In lieu of placing a deposit in escrow pursuant to subsection 1, the declarant may furnish a bond executed by him as principal and by a corporation qualified under the laws of this State as surety, payable to the State of Nevada, and conditioned upon the performance of the declarant's duties concerning the purchase or reservation of a unit. Each bond must be in a principal sum equal to the amount of the deposit. The bond must be held until:

(a) Delivered to the declarant at closing;

(b) Delivered to the declarant because of the purchaser's default under a contract to purchase the unit; or

(c) Released to the declarant for an additional item, improvement, optional item or alteration, but the amount so released must not exceed the amount due the declarant from the purchaser at the time of the release or the amount expended by the declarant for that purpose, whichever is less.

4. Pursuant to subsection 1, a deposit made in connection with the purchase or reservation of a unit from a person required to deliver a public offering statement pursuant to subsection 3 of NRS 116.4102 is deemed to be placed in escrow and held in this State when the escrow holder has:

(a) The legal right to conduct business in this State;

(b) A resident agent in this State pursuant to subsection 1 of NRS 14.020; and

(c) Consented to the jurisdiction of the courts of this State by:

(1) Maintaining a physical presence in this State; or

(2) Executing a written instrument containing such consent, with respect to any suit or claim, whether brought by the declarant or purchaser, relating to or arising in connection with such sale or the escrow agreement related thereto.

Sec. 12. NRS 116.750 is hereby amended to read as follows:

116.750 1. In carrying out the provisions of NRS 116.745 to 116.795, inclusive, the Division and the Ombudsman have jurisdiction to investigate and the Commission and each hearing panel has jurisdiction to take appropriate action against any person who commits a violation, including, without limitation:

(a) Any association and any officer, employee or agent of an association.

(b) Any member of an executive board.

(c) Any community manager who holds a certificate and any other community manager.

(d) Any person who ~~[holds a permit to conduct a study of the reserves of an association issued]~~ ***is registered as a reserve study specialist, or who conducts a study of reserves,*** pursuant to chapter 116A of NRS.

(e) Any declarant or affiliate of a declarant.

(f) Any unit's owner.

(g) Any tenant of a unit's owner if the tenant has entered into an agreement with the unit's owner to abide by the governing documents of the association and the provisions of this chapter and any regulations adopted pursuant thereto.

2. The jurisdiction set forth in subsection 1 applies to any officer, employee or agent of an association or any member of an executive board who commits a violation and who:

(a) Currently holds his office, employment, agency or position or who held his office, employment, agency or position at the commencement of proceedings against him.

(b) Resigns his office, employment, agency or position:

(1) After the commencement of proceedings against him; or

(2) Within 1 year after the violation is discovered or reasonably should have been discovered.

Sec. 13. NRS 116A.120 is hereby amended to read as follows:

116A.120 ~~["Permit"]~~ ***"Registration"*** means ~~[a permit]~~ ***registration*** to conduct a study of the reserves of an association pursuant to NRS 116.31152 ~~[issued by]~~ ***with*** the Division pursuant to this chapter.

Sec. 14. NRS 116A.260 is hereby amended to read as follows:

116A.260 The Division shall maintain in each district office a public docket or other record in which it shall record, from time to time as made:

1. The rulings or decisions upon all complaints filed with that district office.

2. All investigations instituted by that district office in the first instance, upon or in connection with which any hearing has been held, or in which the person charged has made no defense.

3. Denials of applications made to that district office for examination **,** ***registration*** or issuance of a certificate **.** ~~[or permit.]~~

Sec. 15. ~~[NRS 116A.410 is hereby amended to read as follows:~~

~~116A.410 1. The Commission shall by regulation provide for the issuance by the Division of certificates. The regulations:~~

~~(a) Must establish the qualifications for the issuance of such a certificate, including, without limitation, the education and experience required to obtain such a certificate.~~ ~~*The regulations must include, without limitation, provisions that:*~~

~~*(1) Provide for the issuance of a temporary certificate for a 1-year period to a person who:*~~

~~*(I) Holds a professional designation in the field of management of a common-interest community from a nationally recognized organization;*~~

~~*(II) Provides evidence that the person has been engaged in the management of a common-interest community for at least 5 years; and*~~

~~*(III) Has not been the subject of any disciplinary action in another state in connection with the management of a common-interest community.*~~

~~*(2) Except as otherwise provided in subparagraph (3), provide for the issuance of a temporary certificate for a 1-year period to a person who:*~~

~~*(I) Receives an offer of employment as a community manager from an association; and*~~

~~*(II) Has management experience determined to be sufficient by the executive board of the association making the offer in sub-subparagraph (I). The executive board must have sole discretion to make the determination required in this sub-subparagraph.*~~

~~*(3) Require a temporary certificate described in subparagraph (2) to expire before the end of the 1-year period if the certificate holder ceases to be employed by the association which offered him employment as described in subparagraph (2).*~~

~~*(4) Require a person who is issued a temporary certificate as described in subparagraph (1) or (2) to successfully complete not less than 18 hours of instruction relating to the Uniform Common Interest Ownership Act within the 1-year period.*~~

~~*(5) Provide for the issuance of a certificate at the conclusion of the 1-year period if the person:*~~

~~*(I) Has successfully completed not less than 18 hours of instruction relating to the Uniform Common Interest Ownership Act; and*~~

~~*(II) Has not been the subject of any disciplinary action pursuant to this chapter, chapter 116 of NRS or any regulations adopted pursuant thereto.*~~

~~*(6) Provide that a temporary certificate described in subparagraph (1) or (2), and a certificate described in subparagraph (5):*~~

~~*(I) Must authorize the person who is issued a temporary certificate described in subparagraph (1) or (2) or certificate described in subparagraph (5) to act in all respects as a community manager and exercise all powers available to any other community manager without regard to experience; and*~~

~~*(II) Must not be treated as a limited, restricted or provisional form of a certificate.*~~

~~(b) May require applicants to pass an examination in order to obtain a certificate [.] *other than a temporary certificate described in paragraph (a).* If the regulations require such an examination, the Commission shall by regulation establish fees to pay the costs of the examination, including any costs which are necessary for the administration of the examination.~~

~~(c) May require an investigation of an applicant's background. If the regulations require such an investigation, the Commission shall by regulation establish fees to pay the costs of the investigation.~~

~~(d) Must establish the grounds for initiating disciplinary action against a person to whom a certificate has been issued, including, without limitation, the grounds for placing conditions, limitations or restrictions on a certificate and for the suspension or revocation of a certificate.~~

~~(e) Must establish rules of practice and procedure for conducting disciplinary hearings.~~

~~2. The Division may collect a fee for the issuance of a certificate in an amount not to exceed the administrative costs of issuing the certificate.~~

~~*3. As used in this section, "management experience" means experience in a position in business or government, including, without limitation, in the military:*~~

~~*(a) In which the person holding the position was required, as part of holding the position, to engage in one or more management activities, including, without limitation, supervision of personnel, development of budgets or financial plans, protection of assets, logistics, management of human resources, development or training of personnel, public relations, or protection or maintenance of facilities; and*~~

~~*(b) Without regard to whether the person holding the position has any experience managing or otherwise working for an association.]*~~ **(Deleted by amendment.)**

Sec. 16. NRS 116A.420 is hereby amended to read as follows:

116A.420 1. Except as otherwise provided in this section, a person shall not act as a reserve study specialist unless the person ~~[holds a permit.]~~ ***registers with the Division on a form provided by the Division.***

2. The Commission shall by regulation provide for the standards of practice for reserve study specialists **.** ~~[who hold permits.]~~

3. The Division may investigate any reserve study specialist ~~[who holds a permit]~~ to ensure that the reserve study specialist is complying with the provisions of this chapter and chapter 116 of NRS and the standards of practice adopted by the Commission.

4. In addition to any other remedy or penalty, if the Commission or a hearing panel, after notice and hearing, finds that a reserve study specialist ~~[who holds a permit]~~ has violated any provision of this chapter or chapter 116 of NRS or any of the standards of practice adopted by the Commission, the Commission or the hearing panel may take appropriate disciplinary action against the reserve study specialist.

5. In addition to any other remedy or penalty, the Commission may:

(a) Refuse to ~~[issue a permit to]~~ ***accept the registration of*** a person who has failed to pay money which the person owes to the Commission or the Division.

(b) Suspend, revoke or refuse to renew the ~~[permit]~~ ***registration*** of a person who has failed to pay money which the person owes to the Commission or the Division.

6. The provisions of this section do not apply to a member of an executive board or an officer of an association who is acting solely within the scope of his duties as a member of the executive board or an officer of the association.

7. A person who assists a registered reserve study specialist in preparing a reserve study, signed by a registered reserve study specialist, is not required to register as a reserve study specialist.

Sec. 17. NRS 116A.430 is hereby amended to read as follows:

116A.430 1. The Commission shall by regulation provide for the ~~[issuance]~~ ***registration*** by the Division of ~~[permits to]~~ reserve study specialists. The regulations:

(a) Must establish the qualifications for ~~[the issuance of such a permit,]~~ ***registration,*** including, without limitation, the education and experience required ~~[to obtain such a permit.]~~ ***for registration.***

(b) May require applicants to pass an examination ~~[in order to obtain a permit.]~~ ***for registration.*** If the regulations require such an examination, the Commission shall by regulation establish fees to pay the costs of the examination, including any costs which are necessary for the administration of the examination.

(c) May require an investigation of an applicant's background. If the regulations require such an investigation, the Commission shall by regulation establish fees to pay the costs of the investigation.

(d) Must establish the grounds for initiating disciplinary action against a person ~~[to whom a permit has been issued,]~~ ***who has registered,*** including, without limitation, the grounds for placing conditions, limitations or restrictions on ~~[a permit]~~ ***registration*** and for the suspension or revocation of ~~[a permit.]~~ ***registration.***

(e) Must establish rules of practice and procedure for conducting disciplinary hearings.

2. The Division may collect a fee for ~~[the issuance of a permit]~~ ***registration*** in an amount not to exceed the administrative costs of ~~[issuing the permit.]~~ ***registration.***

Sec. 18. NRS 116A.440 is hereby amended to read as follows:

116A.440 1. An applicant for a certificate or ~~[permit]~~ ***registration*** shall submit to the Division:

(a) The social security number of the applicant; and

(b) The statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for ***registration or*** the issuance of the certificate ***;*** ~~[or permit;]~~ or

(b) A separate form prescribed by the Division.

3. A certificate ~~[or permit]~~ may not be issued ***and an application for registration may not be accepted*** if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 19. NRS 116A.450 is hereby amended to read as follows:

116A.450 1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to ***a person who is registered or*** the holder of a certificate ***,*** ~~[or, permit,]~~ the Division shall deem the ***registration or*** certificate ~~[or permit]~~ to be suspended at the end of the 30th day after the date the court order was issued unless the Division receives a letter issued to the ***person who is registered or the*** holder of the certificate ~~[or permit]~~ by the district attorney or other public agency pursuant to NRS 425.550 stating that the ***person who is registered or the*** holder of the certificate ~~[or permit]~~ has complied with a subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate a ***registration or*** certificate ~~[or permit]~~ that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the ***person who is registered or the*** holder of the certificate ~~[or permit]~~ that he has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 20. NRS 116A.460 is hereby amended to read as follows:

116A.460 The expiration or revocation of a ***registration or*** certificate ~~[or permit]~~ by operation of law or by order or decision of any agency or court of competent jurisdiction, or the voluntary surrender of such a ***registration or*** certificate ~~[or permit]~~ by the ***person who is registered or the*** holder of the certificate ~~[or permit]~~ does not:

1. Prohibit the Commission or the Division from initiating or continuing an investigation of, or action or disciplinary proceeding against, the ***person who is registered or the*** holder of the certificate ~~[or permit]~~ as authorized pursuant to the provisions of this chapter or chapter 116 of NRS or the regulations adopted pursuant thereto; or

2. Prevent the imposition or collection of any fine or penalty authorized pursuant to the provisions of this chapter or chapter 116 of NRS or the regulations adopted pursuant thereto against the ***person who is registered or the*** holder of the certificate ***.*** ~~[or permit.]~~

Sec. 21. NRS 116A.900 is hereby amended to read as follows:

116A.900 1. In addition to any other remedy or penalty, the Commission may impose an administrative fine against any person who knowingly:

(a) Engages or offers to engage in any activity for which a certificate or ~~[permit]~~ ***registration*** is required pursuant to this chapter or chapter 116 of NRS, or any regulation adopted pursuant thereto, if the person does not hold the required certificate or ~~[permit]~~ ***has not registered*** or has not been given the required authorization; or

(b) Assists or offers to assist another person to commit a violation described in paragraph (a).

2. If the Commission imposes an administrative fine against a person pursuant to this section, the amount of the administrative fine may not exceed the amount of any gain or economic benefit that the person derived from the violation or $5,000, whichever amount is greater.

3. In determining the appropriate amount of the administrative fine, the Commission shall consider:

(a) The severity of the violation and the degree of any harm that the violation caused to other persons;

(b) The nature and amount of any gain or economic benefit that the person derived from the violation;

(c) The person's history or record of other violations; and

(d) Any other facts or circumstances that the Commission deems to be relevant.

4. Before the Commission may impose the administrative fine, the Commission must provide the person with notice and an opportunity to be heard.

5. The person is entitled to judicial review of the decision of the Commission in the manner provided by chapter 233B of NRS.

6. The provisions of this section do not apply to a person who engages or offers to engage in activities within the purview of this chapter or chapter 116 of NRS if:

(a) A specific statute exempts the person from complying with the provisions of this chapter or chapter 116 of NRS with regard to those activities; and

(b) The person is acting in accordance with the exemption while engaging or offering to engage in those activities.

Sec. 21.5. NRS 278.0208 is hereby amended to read as follows:

278.0208 1. ~~[A]~~ ***Except as otherwise provided in this subsection, a*** governing body shall not adopt an ordinance, regulation or plan or take any other action that prohibits or ~~[unreasonably]~~ restricts the owner of real property from using a system for obtaining solar or wind energy on his property. ***A reasonable ordinance, regulation or plan concerning the color of such a system is enforceable so long as it does not prohibit the owner from using the standard color in which the system is made, does not cost significantly more than another color and does not have the effect of prohibiting the use of such a system.***

2. ~~[Any]~~ ***Except as otherwise provided in subsection 3, any*** covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer, sale or any other interest in real property that prohibits or ~~[unreasonably]~~ restricts the owner of the property from using a system for obtaining solar or wind energy on his property is void and unenforceable.

3. ~~*[The owner of the property has the burden of showing that a restriction or requirement on the use of such a system significantly decreases the efficiency or performance of the system.*~~

~~*4. For the purposes of this section]*~~ ~~[~~, "unreasonably~~]~~ ~~*[:*~~

~~*(a) "Significantly decreases the efficiency or performance of the system" means a decrease of 20 percent or more in the efficiency or performance of the system.*~~

~~*(b) "Unreasonably*~~ restricting the use of a system for obtaining solar or wind energy" means placing a restriction or requirement on the use of such a system which significantly decreases the efficiency or performance of the system and does not allow for the use of an alternative system at a comparable cost and with comparable efficiency and performance.~~]~~ ***A reasonable covenant, restriction or condition concerning the color of a system is enforceable so long as it does not prohibit the owner from using the standard color in which the system is made, does not cost significantly more than another color and does not have the effect of prohibiting the use of such a system.***

Sec. 22. ~~[NRS 360.765 is hereby amended to read as follows:]~~

~~360.765 1. Except as otherwise provided in subsection 2, "business" means:~~

~~(a) Any person, except a natural person, that performs a service or engages in a trade for profit; or~~

~~(b) Any natural person who performs a service or engages in a trade for profit if the person is required to file with the Internal Revenue Service a Schedule C (Form 1040), Profit or Loss From Business Form, or its equivalent or successor form, a Schedule E (Form 1040), Supplemental Income and Loss Form, or its equivalent or successor form, or a Schedule F (Form 1040), Profit or Loss From Farming Form, or its equivalent or successor form, for that activity.~~

~~2. The term does not include:~~

~~(a) A governmental entity.~~

~~(b) A nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).~~

~~(c) A person who operates a business from his home and whose net earnings from that business are not more than 66 2/3 percent of the average annual wage, as computed for the preceding calendar year pursuant to chapter 612 of NRS and rounded to the nearest hundred dollars.~~

~~(d) A natural person whose sole business is the rental of four or fewer dwelling units to others.~~

~~(e) A business whose primary purpose is to create or produce motion pictures. As used in this paragraph, "motion pictures" has the meaning ascribed to it in NRS 231.020.~~

~~*(f) A unit-owners' association organized pursuant to NRS 116.3101 as a nonprofit corporation, trust or partnership.]*~~ **(Deleted by amendment.)**

Sec. 23. 1. This ~~[act becomes]~~ **section and section 11 of this act become effective on July 1, 2007.**

2. Sections 1 to 10, inclusive, and 12 to 22, inclusive, become effective on October 1, 2007.

~~[2.]~~ **3.** Sections 18 and 19 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assemblyman Oceguera moved that Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 5:22 p.m.

ASSEMBLY IN SESSION

At 5:24 p.m.
Madam Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 477, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bills Nos. 5, 18, 58, 146, 171, 182, 187, 196, 200, 228, 298, 314, 320, 328, 339, 340, 345, 354, 366, 398, 400, 401, 403, 470, 409, 417, 419, 420, 425, 430, 432, 447, 450, 451, 452, 453, 456, 457, 481, 483, 486, 491, 495, 500, 502, 503, 504, 508, 511, 515, 518, 519, 520, 533, 535, 536, 534, 542, 548, 549, 557; Senate Joint Resolutions Nos. 4, 6, 10, 11, 12, 13, 15, 16, 17, 18 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Carpenter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CARPENTER:

Thank you, Madam Speaker. We appreciate you giving us the time and opportunity to conduct the biennial Cowboy Hall of Fame. This is the fifth session that the Cowboy Hall of Fame has been conducted in the Assembly Chamber. It was started by me and the "Urban Cowboy," Wendell Williams. After Wendell did not return, I recruited a real cowboy to continue the Cowboy Hall of Fame, my friend and your friend, Terry Sullivan. The first order of business here would be for the present members of the Hall of Fame to rise and be recognized.

The first one is John "Cowboy" Marvel.

ASSEMBLYMAN MARVEL:

The reason I do not have my hat on is that I had to send it to Jiffy Lube for an oil change.

ASSEMBLYMAN CARPENTER:

We are going take some points off of you. We might have to demote you. The second current member is Moose "Brush Hopper" Arberry. Did you not know you were in the Cowboy Hall of Fame? Well, you are. You are going to get three demerits so stand up. We want you people to stay standing so we know who you are.

Then we have Bernard "Bubba" Anderson. He remembers. Next, we have Barbara "Bucakaroo" Buckley. Mark "Range Rider" Manendo. I do not know if Steve "Fence Mender" Watson is here or not. Steve always helps us with the Cowboy Hall of Fame. Then there is Ellen "Tin Teepee" Koivisto and Kathy "Redneck Woman" McClain. There is also John "Fallon Goat Roper" Oceguera and Jerry "Mule Deer" Claborn. Sheila "Town Tamer" Leslie is a member and so is David "Gid 'er Done" Parks. Harry "State Parks, Rocket Man" Mortenson is the last member. That is the Hall of Fame. Give them a rousing Assembly welcome.

The next order of business will be the presentation of the Cowboy Hall of Fame for our 2007 inductees.

TERRY SULLIVAN:

Can I do a little disclaimer, Mr. Carpenter? While I am doing this, I am not your Sergeant at Arms. I am absolutely flattered to be chosen by Mr. John "The Boss" Carpenter to be his co-cowboy in this prestigious organization. Once it is over, and I mean this seriously, you must not hold any of this against me. I will go right back to calling you all by your first names as I usually do. Your first name to me, like always, is Mister, Miss, or Missus.

ASSEMBLYMAN CARPENTER:

This is the preamble to the Cowboy Hall of Fame: The cowboy way, right in your heart, stand by the code, and it will stand by you. Ask no more and give no less than honesty, courage, loyalty, generosity, and fairness. And never forget your constituent's name.

The first inductee into the Cowboy Hall of Fame for this session is going to be Kelvin "Horse Whisperer" Atkinson. There is no question that Kelvin should be in the Cowboy Hall of Fame because he is the esteemed chairman of Transportation. This year he paid more attention to the horses than he did the people. So, Kelvin, if you would like to step up here, we would like to present you with your plaque and a couple of other little things.

"Whereas, Kelvin 'Horse Whisperer' Atkinson attended the University of Nevada, Las Vegas, and has served three regular sessions and four special sessions by following the cowboy rule of 'Don't interfere with something that ain't bothering you none.'"

Kelvin, there are certain things I need to tell you about horses. Every chairman of Transportation needs a way to get around. That is why we have given you this wonderful horse. The horse's name is Giddyup.

Kelvin, horses always want their ears rubbed. If you rub their ears long enough, they will thank you. Kelvin, you must feed this horse hay three times a day and then properly clean up after him. We have another gift for you. The horse needs to stay in the barn and cannot be in the house. So we have another horse for you that you can keep in your home or in your office. Congratulations.

Here is your proclamation so everyone will know you are an official cowboy.

TERRY SULLIVAN:

"Whereas, Chad 'Greenhorn Christensen' attended Kenny C. Guinn Jr. High School when his style of haircut was actually still in style. Now, you may ask why he is called 'Greenhorn.' Well, because a greenhorn, among other things, is one who cannot make up his mind about certain things. It has become obvious that that hairstyle, in Mr. Christensen's case, is still in the undecided category. Be that as it may, 'Greenhorn' has served three regular and four special sessions by following the cowboy rule of 'Never ask a barber if you need a haircut.'"

ASSEMBLYMAN CARPENTER:

The next inductee is Marcus "Redneck Jedi" Conklin. I was trying to think of something to say about my friend, Marcus. He talks so fast. I thought maybe he was practicing to be the Chief Clerk. The way he gets his exercise is leaving and coming back to Judiciary so many times. I am sure he does not have to go work out after that. He is always going and then coming back.

"Whereas, Marcus 'Redneck Jedi' Conklin, distinguished member of the Nevada Partnership for Homeless Youth, served three regular and four special sessions by following the cowboy rule of 'May the Force be with ya'll.'"

TERRY SULLIVAN:

I have the honor of welcoming Pete "The Professor Fandango" Goicoechea.

"Whereas, Pete 'Professor Fandango' Goicoechea—we call him that because of his smooth dancing style and because he does not dance around the issues; we are not even sure he dances at all, but the Basque people are known for their rhythm—was educated in the White Pine County Schools of eastern Nevada and has served three regular sessions and four special sessions by following the cowboy rule, 'It don't take a rocket scientist to spot a goat in a flock of sheep, and that ain't no bull.'"

ASSEMBLYMAN CARPENTER:

I would like to say that Terry Sullivan and Steve Watson are the ones who make the appointments. There are a lot of secret criteria that go into the selection of the Cowboy Hall of Fame. Pete was lucky to make it this time.

The next inductee is Tom "Smooth Talker" Grady. Tom Grady was born in Tonopah and now he represents all those places to the east. He represents them really well because he knows them all. Awhile back, when we went down to Yerington, he knew every field, cowboy, and farmer. Tom does a great job representing his constituents.

"Whereas, Tom 'Smooth Talker' Grady attended Bishop Manogue High School and the University of Nevada, Reno, and has served three regular and four special sessions by following the cowboy rule of "Generally, you ain't learning nothing when your mouth is a'jawin'.'"

TERRY SULLIVAN:

"Whereas, Joe 'Dr. Sparky' Hardy is the straw that stirs the drink and whose good humor and candor can hide the raging inferno from which fine steel is formed—all of which starts from a spark. Sparky was student body president for Sparks High School, which is another reason to call him Sparky; a Major in the Air Force; and a proud graduate of the University of Nevada School of Medicine. He has served three regular sessions and four special sessions by following the cowboy rule, 'When you lose, don't lose the lesson, and that sure 'nuff is a lesson in itself.'"

ASSEMBLYMAN CARPENTER:

The next inductee is William "Trust Me" Horne. William is getting to be the main speaker around here. He gets up and makes great speeches. We had someone else here who used to do that but I forgot who it was. Anyway, William, we really appreciate you and all the intuition you bring to this institution.

"Whereas, William 'Trust Me' Horne attended the University of Nevada, Las Vegas and the William S. Boyd School of Law and served three regular sessions and four special sessions by following the cowboy rule of 'Remember that silence is sometimes the best answer.'"

TERRY SULLIVAN:

"Whereas, Marilyn 'Daydreamer' Kirkpatrick got her name by spending time dreaming about how she pictured herself as chairman of a committee in which she was sweet and innocent, except for her occasional use of a certain swear word that cannot be repeated here, and never raised her voice in opposition. That surely is a daydream. But 'Daydreamer' did attend Vegas Verde Elementary School and has served two regular sessions and two special sessions by following the cowboy rule of 'Sometimes you get and sometimes you get gotten,'" and that is the truth.

ASSEMBLYMAN CARPENTER:

Thank you, Marilyn. All of you lady inductees are going to get the same present because I did not want you to say I was a . . . whatever it is my wife calls me sometimes.

The next inductee is Dr. "Straw Boss" Mabey. Every time Dr. Mabey gets a little flustered, he turns kind of red. I thought maybe we might just say Garn Mabey is a good guy, he is a good leader, and we appreciate him very much.

"Whereas, Garn 'Straw Boss' Mabey attended the University of Nevada Affiliated Residency and has served three regular sessions and four special sessions by following the cowboy rule of 'Talk slowly and think quickly.'"

TERRY SULLIVAN:

"Whereas, Bonnie 'School Marm' Parnell was selected as the Nevada Teacher of the Year and is now inducted into the much more important Cowboy Hall of Fame. We think that was before anyone realized that the stubbornness the 'School Marm' possesses might have been a deciding factor in either getting her in or out of one or both of these fine organizations. Nonetheless, she has served four regular sessions and four special sessions by following the cowboy rule of 'Good judgment comes from experience, and a lot 'o that experience comes from bad judgment.'" So, even teachers learn by learning, and that is all we have to say about that. Congratulations, Ms. Parnell.

ASSEMBLYMAN CARPENTER:

Peggy "On the Shoot" Pierce, what impresses me most about Peggy is that she is always smiling and she is always going like the devil, like maybe she is looking for a liner or something like that.

"Whereas, Peggy 'On the Shoot' Pierce is a member of Culinary Union Local 226, and served three regular and four special sessions by following the cowboy rule of 'Timing has a lot to do with the outcome of a rain dance.'"

We had a lot of inductees this year. It was hard to choose between them, but all the rest of you who did not make it, just make sure you are following the cowboy way.

TERRY SULLIVAN:

"Whereas, Debbie 'Apple Pie' Smith is as straight an arrow as they come but has been known to imbibe just a tiny bit when in the company of certain colleagues. She is a graduate of Battle Mountain High School—which in itself should have made her less than nearly perfect. She is an advocate for Nevada schools, teachers, and children, especially the four of her own. 'Nanna,' as she is known to her grandchildren, has served three regular and four special sessions, and has always followed the cowboy rule of 'If you get to thinkin' you're a person of some influence, try orderin' someone else's dog around.'"

ASSEMBLYMAN CARPENTER:

The next inductee is Valerie "Boot Scooter" Weber. What impresses me most about Valerie is that sometimes she gets a lot of strange people to introduce on the floor. Valerie is always a lady and always perfect. We are glad to induct her into the Cowboy Hall of Fame. "Whereas, Valerie 'Boot Scooter' Weber is a member of Habitat for Humanity and has served three regular and four special sessions by following the cowboy rule of 'Don't judge people by their relatives.'"

TERRY SULLIVAN:

In this great state, in fact right in this room, we have ropers. We have calf ropers, headers, heelers, and goat ropers. There are rope horses and rope saddles; heck, there are even roper boots. We especially have a team roper.

"Whereas, Robin 'Team Roper' Bates has served the great state of Nevada for over 30 years in the Executive Branch of government and the Nevada Assembly as the deputy Sergeant at Arms for three regular sessions and four special sessions by following the cowboy rule of 'Talk low, talk slow, and don't say too much.'"

ASSEMBLYMAN CARPENTER:

That ends the official part of the program. I see Steve Watson is here. Steve, stand up. If it was not for Steve helping us put together all these little ditties and sayings, we would not have been able to get the Cowboy Hall of Fame going. I want to thank all of you, and I want to thank our Speaker for putting up with this silliness. Maybe next year we will be back or maybe we will not. If I do not come back, I will ask for special permission so that we can do the Cowboy Hall of Fame again. Thank you, all.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 66, 74, 87, 99; Senate Concurrent Resolution No. 46.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Monet Griffin.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Warren Russell.

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Jacks Valley Elementary School: Bridget Campbell, Marco Contreras, Amina Duro, John Estrada, Tony Gonzales, Riley Gruber, Natalie Hancock, Tim Hanifan, Daniel Hensley, Parker Hoshizaki, Jonah Jarvis, Nick Kever, Alejandra Mier, Alicia Montes, Vanessa Moreno, Christina Perry, Alec Pfaffenberger, Michaela Schneider, Hailley Smith, James Striplin, Adam Thielen, Devin Vasser, Amber Williams, Brittney Rhine, Luis Alaniz, Hannah Anderson, Karina Angel, Dakota Boisseau, Charles Batiggi, Jimmie Bryan, Jesse Bullock, Oscar Diaz, Brianna Fahrberger, Brianna Fuentes, Alison Gonder, Julian Gonzales, Edgar Hernandez, DeJaVu Johnson, Ryan Lippincott, Steven Lameli-Estiber, Conor McKay, Katherine Niday, Alexander Provan, Christopher Reichhold, Kaitlyn Scott, Kaylynne Texeira, Bailey Vidaurri, Danisha Williams, Stewart Winkelman, Rudy Cox, Kayrenee Bromley, Sydney Burbank, Betsy Castro-Lopez, Genesis Diaz, Stephen Dowell, Brandon Harmon, Justin Hosler, John Krause, Dillon Lopez, Thomas Mason, Chelsi McNeill, Ariel Nagel, Victor Nunez, Ashleigh Ota, Alondra Ponce, Tiffany Roberts, Mark Seidel, Wyatt Smith, Star Vega, Jack Williams, Zach Kinder, Britney Bennett, Susan Hoffman, Emily Pfaffenberger, Rene Smith, Tracy Gruber, Kelli Hoshizaki, Keely O'Donnell, Linda Niday, Debbie Reichhold, Jennifer Daly, and Axel Vargas.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy McGroarty and Maggie McGroarty.

Assemblyman Oceguera moved that the Assembly adjourn until Friday, May 25, 2007, at 10 a.m.

Motion carried.

Assembly adjourned at 5:26 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE ONE HUNDRED AND TENTH DAY

CARSON CITY (Friday), May 25, 2007

Assembly called to order at 10:32 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

Lord, give us the faith to believe that the words now spoken and the yearnings of the hearts now open before You are heard and understood in Your presence. Hold us steady lest we lose our poise. Blunt out speech lest by cutting words and careless deeds we hurt our colleagues and the cause for which we speak. Where we differ in approaches to a problem, may we ever be open to consider another and a better way, guided not by whether it be popular, or expedient, or practical, but always whether it be right. Where we are wrong, make us willing to change and where we are right make us easy to live with. Hear our prayer, O Lord.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Judiciary, to which was referred Senate Joint Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Committee on Transportation, to which were referred Assembly Bill No. 624; Senate Bill No. 161, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 24, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 253, 321, 322, 391, 421, 493, 507, 516, 531, 533, 540, 549, 554.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 13, Senate Amendment No. 843; Assembly Bill No. 41, Senate Amendment No. 735; Assembly Bill No. 50, Senate Amendment No. 759; Assembly Bill No. 51, Senate Amendment No. 936; Assembly Bill No. 53, Senate Amendment No. 733; Assembly Bill No. 54, Senate Amendment No. 835; Assembly Bill No. 67, Senate Amendment No. 742; Assembly Bill No. 80, Senate Amendment No. 801; Assembly Bill No. 90, Amendments Nos. 662, 762; Assembly Bill No. 91, Senate Amendment No. 828; Assembly Bill No. 101, Senate Amendment No. 682; Assembly Bill No. 110, Senate Amendment No. 711;

Assembly Bill No. 112, Senate Amendment No. 665; Assembly Bill No. 120, Senate Amendment No. 882; Assembly Bill No. 137, Senate Amendment No. 754; Assembly Bill No. 142, Senate Amendment No. 800; Assembly Bill No. 143, Senate Amendment No. 799; Assembly Bill No. 145, Senate Amendment No. 855; Assembly Bill No. 165, Senate Amendment No. 940; Assembly Bill No. 176, Senate Amendment No. 826; Assembly Bill No. 194, Senate Amendment No. 763; Assembly Bill No. 195, Senate Amendment No. 737; Assembly Bill No. 216, Senate Amendment No. 738; Assembly Bill No. 228, Senate Amendment No. 849; Assembly Bill No. 239, Senate Amendment No. 844; Assembly Bill No. 249, Senate Amendment No. 773; Assembly Bill No. 263, Senate Amendment No. 813; Assembly Bill No. 304, Senate Amendment No. 911; Assembly Bill No. 319, Senate Amendment No. 869; Assembly Bill No. 334, Senate Amendment No. 814; Assembly Bill No. 342, Senate Amendment No. 798; Assembly Bill No. 352, Senate Amendment No. 947; Assembly Bill No. 383, Senate Amendment No. 785; Assembly Bill No. 404, Senate Amendment No. 857; Assembly Bill No. 406, Senate Amendment No. 739; Assembly Bill No. 410, Senate Amendment No. 834; Assembly Bill No. 418, Senate Amendment No. 757; Assembly Bill No. 424, Senate Amendment No. 734; Assembly Bill No. 433, Senate Amendment No. 806; Assembly Bill No. 443, Senate Amendment No. 816; Assembly Bill No. 463, Senate Amendment No. 941; Assembly Bill No. 468, Senate Amendment No. 897; Assembly Bill No. 485, Senate Amendment No. 833; Assembly Bill No. 489, Senate Amendment No. 825; Assembly Bill No. 490, Senate Amendment No. 817; Assembly Bill No. 496, Senate Amendment No. 898; Assembly Bill No. 498, Senate Amendment No. 752; Assembly Bill No. 512, Senate Amendment No. 705; Assembly Bill No. 517, Senate Amendment No. 867; Assembly Bill No. 529, Senate Amendment No. 818; Assembly Bill No. 535, Senate Amendment No. 703, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 905 to Senate Bill No. 142; Assembly Amendment No. 698 to Senate Bill No. 396.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 699 to Senate Bill No. 244.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that all rules be suspended, reading so far considered second reading, rules further suspended, Senate Bill No. 477 declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried.

Assemblyman Oceguera moved that for the balance of the session, that all rules be suspended, reading so far had considered second reading, rules further suspended, all bills and joint resolutions reported out of committee declared an emergency measure under the Constitution and placed at the top of third reading and final passage.

Motion carried.

Assemblyman Oceguera moved that upon return from the printer all bills and resolutions be placed on the General File for this legislative day.

Motion carried.

Assembly Bill No. 624.

Bill read third time.

Remarks by Assemblyman Goicoechea.

Roll call on Assembly Bill No. 624:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Assembly Bill No. 624 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 161.

Bill read third time.

Remarks by Assemblyman Atkinson.

Potential conflict of interest declared by Assemblyman Hardy.

Roll call on Senate Bill No. 161:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 161 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 2.

Resolution read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 984.

SENATE JOINT RESOLUTION—Proposing to amend the Nevada Constitution to provide for the initial appointment by the Governor of justices and judges and any subsequent retention of those justices and judges by election.

Legislative Counsel's Digest:

This resolution amends the Nevada Constitution, which currently provides for the popular election of justices of the Supreme Court and judges of the district court, to provide for: (1) the initial appointment by the Governor of justices and judges, from candidates recommended by the Commission on Judicial Selection; and (2) any subsequent retention of those justices and judges by approval of a ballot question concerning their retention. (Nev. Const. Art. 6, §§ 3, 5) Under this resolution, if a vacancy occurs in the Supreme Court or a district court for any reason, the Governor appoints a justice or judge from candidates selected by the Commission on Judicial Selection, and the initial term of that justice or judge expires on the first Monday of January following the general election occurring at least 12 months after the justice or judge is appointed. Thereafter, if the justice or judge wishes to serve another term, he must declare his candidacy for a

retention election. If ~~[60]~~ **55** percent or more of the votes cast are in favor of the retention of the justice or judge, he will then serve a 6-year term and must run in a retention election if he wishes to serve another 6-year term. If the justice or judge does not declare his candidacy for the retention election or if less than ~~[60]~~ **55** percent of the votes cast are in favor of his retention, a vacancy is created at the end of his term which must be filled by appointment.

In addition, this resolution amends the Nevada Constitution to require each justice or judge who has declared his candidacy for a retention election to undergo a review of his performance as a justice or judge. This resolution creates the Commission on Judicial Performance and requires the Commission to perform these reviews. The review of each justice or judge must consist of a review of the record of the justice or judge and at least one interview of the justice or judge. At the conclusion of this review, the Commission must prepare and release to the public a report containing information about the review and a recommendation on the question of whether the justice or judge should be retained.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 22, be added to Article 6 of the Nevada Constitution to read as follows:

Sec. 22. 1. Commencing with a term of office that expires on or after December 31, 2011, each justice of the Supreme Court, judge of the court of appeals, if established by the Legislature, or judge of the district court who desires to succeed himself must, on or before July 1 next preceding the expiration of his term of office, declare his candidacy in the manner provided by law. With respect to each justice or judge who so declares, the question must be presented at the next general election, in a form provided by law, whether that justice or judge shall succeed himself.

2. If ~~[60]~~ 55 percent or more of the votes cast on the question are cast in favor of the justice or judge succeeding himself, the justice or judge shall succeed himself. The term of office of each justice or judge who succeeds himself is 6 years, and that term begins on the first Monday of January next following the general election at which the justice or judge was chosen to succeed himself.

3. If a justice or judge does not declare his candidacy, or if less than ~~[60]~~ 55 percent of the votes cast on the question are cast in favor of the justice or judge succeeding himself, a vacancy is created at the expiration of his term which must be filled by appointment pursuant to Section 20 of this Article.

4. Each justice or judge who declares his candidacy to succeed himself must be reviewed by a commission on judicial performance. The review must consist of an examination of the record of the justice or judge and at least one interview of the justice or judge at which the commission discusses with the justice or judge any areas of performance in which the justice or judge needs to improve. At the conclusion of the review, the

members of the commission must vote on the question of whether the commission recommends that the justice or judge succeed himself. Not later than 6 weeks before the general election at which the question of whether the justice or judge shall succeed himself is presented, the commission shall prepare and release to the public a report which provides a summary of the findings of the commission, the recommendation of the commission on the question of whether the justice or judge should succeed himself, the rationale for the recommendation and the result of the vote by which the commission made the recommendation. The vote of an individual member of the commission must not be disclosed to the public.

5. Each justice of the Supreme Court and judge of the court of appeals, if established by the Legislature, must be reviewed by the permanent Commission on Judicial Performance, composed of:

(a) The Chief Justice or an associate justice designated by him, but if the Commission is reviewing a justice of the Supreme Court, the Chief Justice or associate justice designated to be a member of the Commission is disqualified and the other members of the Commission shall select a judge of the district court to take the place of the disqualified member of the Commission for the sole purpose of reviewing justices of the Supreme Court;

(b) Two members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and

(c) Two persons, not members of the legal profession, appointed by the Governor.

6. Each judge of the district court must be reviewed by a temporary commission on judicial performance, composed of:

(a) The permanent Commission on Judicial Performance;

(b) Two members of the State Bar of Nevada resident in the judicial district of the judge being reviewed, appointed by the Board of Governors of the State Bar of Nevada; and

(c) Two residents of the judicial district of the judge being reviewed, not members of the legal profession, appointed by the Governor.

7. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this State, the Legislature shall provide by law, or if it fails to do so the Supreme Court shall provide by rule, for the appointment of attorneys at law to the positions designated in this Section to be occupied by members of the State Bar of Nevada.

8. The term of office of each appointive member of the permanent Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. The additional members of a temporary commission must be appointed when a review is required, and their terms expire when the review has been completed.

9. An appointing authority shall not appoint to the permanent Commission more than:

(a) One resident of any county.

(b) One member of the same political party.

➥ No member of the permanent Commission may be a member of a commission on judicial selection or the Commission on Judicial Discipline.

And be it further

RESOLVED, That Section 3 of Article 6 of the Nevada Constitution be amended to read as follows:

~~[Sec. 3. The justices of the Supreme Court, shall be elected by the qualified electors of the State at the general election, and shall hold office for the term of six years from and including the first Monday of January next succeeding their election; provided, that there shall be elected, at the first election under this Constitution, three justices of the Supreme Court who shall hold office from and including the first Monday of December A.D., eighteen hundred and sixty four, and continue in office thereafter, two, four and six years respectively, from and including the first Monday of January next succeeding [succeeding] their election. They shall meet as soon as practicable after their election and qualification, and at their first meeting shall determine by lot, the term of office each shall fill, and the justice drawing the shortest term shall be Chief Justice, and after the expiration of his term, the one having the next shortest term shall be Chief Justice, after which the senior justice in commission shall be Chief Justice; and in case the commission of any two or more of said justices shall bear the same date, they shall determine by lot, who shall be Chief Justice.]~~

Sec. 3. The justice of the Supreme Court who is senior in commission shall be Chief Justice. If the commissions of any two or more justices bear the same date, they shall determine by lot who is Chief Justice.

And be it further

RESOLVED, That Section 5 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 5. The State is hereby divided into nine judicial districts of which the County of Storey shall constitute the First; The County of Ormsby the Second; the County of Lyon the Third; The County of Washoe the Fourth; The Counties of Nye and Churchill the Fifth; The County of Humboldt the Sixth; The County of Lander the Seventh; The County of Douglas the Eighth; and the County of Esmeralda the Ninth. The County of Roop shall be attached to the County of Washoe for judicial purposes until otherwise provided by law. The Legislature may, however, provide by law for an alteration in the boundaries or divisions of the districts herein prescribed, and also for increasing or diminishing the number of the judicial districts and judges therein. But no such change shall take effect, except in case of a vacancy, or the expiration of the term of an incumbent of the ~~[office. At the first general election under this Constitution there shall be elected in each of the respective districts (except as in this Section hereafter~~

~~otherwise provided) one district judge, who shall hold office from and including the first Monday of December A.D., eighteen hundred and sixty four and until the first Monday of January in the year eighteen hundred and sixty seven. After the said first election, there shall be elected at the general election which immediately precedes the expiration of the term of his predecessor, one district judge in each of the respective judicial districts (except in the First District as in this Section hereinafter provided.) The district judges shall be elected by the qualified electors of their respective districts, and shall hold office for the term of 6 years (excepting those elected at said first election) from and including the first Monday of January, next succeeding their election and qualification; provided, that the First Judicial District shall be entitled to, and shall have three district judges, who shall possess]~~ ***office of district judge. In a judicial district with more than one district judge, each judge possesses*** co-extensive and concurrent jurisdiction, and ~~[who shall be elected at the same times, in the same manner, and shall hold office for the like terms as herein prescribed, in relation to the judges in other judicial districts, any one of said]~~ ***any of those*** judges may preside on the ~~[empanneling [empaneling]]~~ ***empaneling*** of grand juries and the presentment and trial on indictments ~~[, under such rules and regulations as may be]~~ ***in the manner*** prescribed by law.

And be it further

RESOLVED, That Section 15 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec**.** ~~[.]~~ 15. The justices of the Supreme Court and district judges shall each receive for their services a compensation to be fixed by law and paid in the manner provided by law, which shall not be increased or diminished during the term for which they shall have been elected ~~[,]~~ ***or appointed,*** unless a vacancy occurs, in which case the successor of the former incumbent shall receive only such salary as may be provided by law at the time of his election or appointment; and provision shall be made by law for setting apart from each year's revenue a sufficient amount of money, to pay such compensation.

And be it further

RESOLVED, That Section 20 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 20. 1. When a vacancy occurs ~~[before the expiration of any term of office]~~ ***for any reason*** in the Supreme Court ***or the court of appeals, if established by the Legislature,*** or among the district judges, ~~[the Governor shall appoint a justice or judge from among three nominees selected for such individual vacancy by]~~ the Commission on Judicial Selection ~~[.]~~ ***shall select three nominees for the vacancy within 60 days after the vacancy occurs. The Commission shall provide the names of the three nominees to the Governor and the public. The Governor may:***

(a) Appoint a justice or judge from among the three nominees selected for the vacancy by the Commission on Judicial Selection; or

(b) Reject all three nominees.

2. ***After the expiration of 30 days from the date on which the Commission on Judicial Selection has delivered to him its list of nominees for any vacancy, if the Governor has not appointed a justice or judge or rejected all the nominees, he shall make no other appointment to any public office until he has appointed a justice or judge from the list submitted.***

3. If the Governor rejects all three nominees selected for the vacancy by the Commission on Judicial Selection, the Commission shall select three additional nominees for the vacancy within 60 days after the date of the rejection. The Commission shall provide the names of the three additional nominees to the Governor and the public. The Governor must appoint a justice or judge from among the three additional nominees selected for the vacancy by the Commission on Judicial Selection.

4. After the expiration of 30 days from the date on which the Commission on Judicial Selection has delivered to him its list of additional nominees for any vacancy, if the Governor has not made the appointment required by subsection 3, he shall make no other appointment to any public office until he has appointed a justice or judge from the list of additional nominees submitted by the Commission on Judicial Selection.

5. The ***initial*** term of office of any justice or judge ~~[so]~~ appointed ***pursuant to this Section*** expires on the first Monday of January following the ~~[next general election.~~

~~3.]~~ ***first general election that is held at least 12 calendar months after the date on which the appointment was made.***

6. Each nomination for the Supreme Court shall be made by the permanent Commission, composed of:

(a) The Chief Justice or an associate justice designated by him;

(b) ~~[Three]~~ ***Four*** members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and

(c) ~~[Three]~~ ***Four*** persons, not members of the legal profession, appointed by the Governor.

~~[4.]~~ ***7.*** Each nomination for the district court shall be made by a temporary commission composed of:

(a) The permanent Commission;

(b) ~~[A member]~~ ***Two members*** of the State Bar of Nevada resident in the judicial district in which the vacancy occurs, appointed by the Board of Governors of the State Bar of Nevada; and

(c) ~~[A resident of such]~~ ***Two residents of that*** judicial district, not ~~[a member]~~ ***members*** of the legal profession, appointed by the Governor.

~~[5.]~~ ***8.*** If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this State, the Legislature shall provide by law, or if it fails to do so the ***Supreme*** Court shall provide by rule, for the appointment of attorneys at

law to the positions designated in this Section to be occupied by members of the State Bar of Nevada.

~~[6.]~~ ***9.*** The term of office of each appointive member of the permanent Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. The additional members of a temporary commission shall be appointed when a vacancy occurs, and their terms shall expire when the nominations for such vacancy have been transmitted to the Governor.

~~[7.]~~ ***10.*** An appointing authority shall not appoint to the permanent Commission more than:

(a) One resident of any county.

(b) Two members of the same political party.

➥ No member of the permanent Commission may be a member of a ***commission on judicial performance or the*** Commission on Judicial Discipline.

~~[8. After the expiration of 30 days from the date on which the Commission on Judicial Selection has delivered to him its list of nominees for any vacancy, if the Governor has not made the appointment required by this Section, he shall make no other appointment to any public office until he has appointed a justice or judge from the list submitted.~~

~~➥ If a commission on judicial selection is established by another section of this Constitution to nominate persons to fill vacancies on the Supreme Court, such commission shall serve as the permanent Commission established by subsection 3 of this Section.]~~

And be it further

RESOLVED, That Section 21 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 21. 1. A justice of the Supreme Court, a district judge, a justice of the peace or a municipal judge may, in addition to the provision of Article 7 for impeachment, be censured, retired, removed or otherwise disciplined by the Commission on Judicial Discipline. Pursuant to rules governing appeals adopted by the Supreme Court, a justice or judge may appeal from the action of the Commission to the Supreme Court, which may reverse such action or take any alternative action provided in this subsection.

2. The Commission is composed of:

(a) Two justices or judges appointed by the Supreme Court;

(b) Two members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and

(c) Three persons, not members of the legal profession, appointed by the Governor.

➥ The Commission shall elect a Chairman from among its three lay members.

3. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the

courts of this State, the Legislature shall provide by law, or if it fails to do so the ***Supreme*** Court shall provide by rule, for the appointment of attorneys at law to the positions designated in this Section to be occupied by members of the State Bar of Nevada.

4. The term of office of each appointive member of the Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. An appointing authority shall not appoint more than one resident of any county. The Governor shall not appoint more than two members of the same political party. No member may be a member of a ***commission on judicial performance or a*** commission on judicial selection.

5. The Legislature shall establish:

(a) In addition to censure, retirement and removal, the other forms of disciplinary action that the Commission may impose;

(b) The grounds for censure and other disciplinary action that the Commission may impose, including, but not limited to, violations of the provisions of the Code of Judicial Conduct;

(c) The standards for the investigation of matters relating to the fitness of a justice or judge; and

(d) The confidentiality or nonconfidentiality, as appropriate, of proceedings before the Commission, except that, in any event, a decision to censure, retire or remove a justice or judge must be made public.

6. The Supreme Court shall adopt a Code of Judicial Conduct.

7. The Commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties.

8. No justice or judge may by virtue of this Section be:

(a) Removed except for willful misconduct, willful or persistent failure to perform the duties of his office or habitual intemperance; or

(b) Retired except for advanced age which interferes with the proper performance of his judicial duties, or for mental or physical disability which prevents the proper performance of his judicial duties and which is likely to be permanent in nature.

9. Any matter relating to the fitness of a justice or judge may be brought to the attention of the Commission by any person or on the motion of the Commission. The Commission shall, after preliminary investigation, dismiss the matter or order a hearing to be held before it. If a hearing is ordered, a statement of the matter shall be served upon the justice or judge against whom the proceeding is brought. The Commission in its discretion may suspend a justice or judge from the exercise of his office pending the determination of the proceedings before the Commission. Any justice or judge whose removal is sought is liable to indictment and punishment according to law. A justice or judge retired for disability in accordance with

this Section is entitled thereafter to receive such compensation as the Legislature may provide.

10. If a proceeding is brought against a justice of the Supreme Court, no justice of the Supreme Court may sit on the Commission for that proceeding. If a proceeding is brought against a district judge, no district judge from the same judicial district may sit on the Commission for that proceeding. If a proceeding is brought against a justice of the peace, no justice of the peace from the same township may sit on the Commission for that proceeding. If a proceeding is brought against a municipal judge, no municipal judge from the same city may sit on the Commission for that proceeding. If an appeal is taken from an action of the Commission to the Supreme Court, any justice who sat on the Commission for that proceeding is disqualified from participating in the consideration or decision of the appeal. When any member of the Commission is disqualified by this subsection, the Supreme Court shall appoint a substitute from among the eligible judges.

11. The Commission may:

(a) Designate for each hearing an attorney or attorneys at law to act as counsel to conduct the proceeding;

(b) Summon witnesses to appear and testify under oath and compel the production of books, papers, documents and records;

(c) Grant immunity from prosecution or punishment when the Commission deems it necessary and proper in order to compel the giving of testimony under oath and the production of books, papers, documents and records; and

(d) Exercise such further powers as the Legislature may from time to time confer upon it.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the General File.

Senate Bill No. 196.

Bill read third time.

The following amendment was proposed by Assemblymen Hardy and Segerblom:

Amendment No. 927.

SUMMARY—Revises provisions relating to ~~[the Department of Cultural Affairs.]~~ **organizations for the promotion of culture.** (BDR 18-548)

AN ACT relating to ~~[the Department of Cultural Affairs;]~~ **organizations for the promotion of culture;** limiting the total face amount of bonds that the Commission for Cultural Affairs may issue annually to provide financial assistance for the preservation and promotion of cultural resources; exempting artifacts donated to the Department **of Cultural Affairs** from the procedures otherwise applicable to state agencies for the acceptance of gifts or grants of property or services; **exempting certain property from**

taxation; changing the name of the Nevada State Museum and Historical Society; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Commission for Cultural Affairs to provide financial assistance, in an amount not to exceed $3,000,000 per year from the proceeds of bonds, to governmental entities and nonprofit corporations formed for educational and charitable purposes. (NRS 233C.220, 233C.225) Section 1 of this bill eliminates the $3,000,000 annual cap on financial assistance that may be granted from the proceeds of bonds and provides instead that the face amount of the bonds issued annually to provide such financial assistance may not exceed $3,000,000, thereby allowing additional bond sale proceeds or premiums to be used to provide financial assistance.

Section 3 of this bill exempts artifacts donated to the Department of Cultural Affairs from the procedures otherwise applicable to state agencies for the acceptance of gifts or grants of property or services. (NRS 353.335)

Section 4 **of this bill provides an exemption from taxation for the Boulder City Museum and Historical Association.**

Section 5 of this bill changes the name of the "Nevada State Museum and Historical Society" to the "Nevada State Museum Las Vegas." (NRS 120A.360, 381.004, 381.207)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 233C.225 is hereby amended to read as follows:

233C.225 1. The Commission shall determine annually the total amount of financial assistance it will grant from the proceeds of bonds issued pursuant to this section in that calendar year pursuant to NRS 233C.200 to 233C.230, inclusive. The Commission shall notify the State Board of Examiners and the State Board of Finance of that amount. ~~[In no case may the amount to be granted from the proceeds of such bonds exceed $3,000,000 per year.]~~

2. After receiving the notice given pursuant to subsection 1, the State Board of Finance shall issue general obligation bonds of the State of Nevada in the amount necessary to generate the amount to be granted by the Commission from the proceeds of bonds issued pursuant to this section and to pay the expenses related to the issuance of the bonds. The expenses related to the issuance of bonds pursuant to this section must be paid from the proceeds of the bonds, and must not exceed 2 percent of the face amount of the bonds sold. ***In no case may the total face amount of the bonds issued pursuant to this section exceed $3,000,000 per year.*** No public debt is created, within the meaning of Section 3 of Article 9 of the Constitution of the State of Nevada, until the issuance of the bonds.

3. The proceeds from the sale of the bonds authorized by this section, after deducting the expenses relating to the issuance of the bonds, must be

deposited with the State Treasurer and credited to the Fund for the Preservation and Promotion of Cultural Resources.

4. The provisions of the State Securities Law, contained in chapter 349 of NRS, apply to the issuance of bonds pursuant to this section.

~~[5. The amount of financial assistance granted from the proceeds of bonds issued pursuant to this section must not exceed $30,000,000 in any 10-year period. The total face amount of the bonds issued pursuant to this section must not exceed the sum of:~~

~~(a) The amount of financial assistance granted pursuant to this section; and~~

~~(b) The amount necessary to pay the expenses related to the issuance of the bonds, which must not exceed 2 percent of the face amount of the bonds sold.]~~

Sec. 2. NRS 120A.360 is hereby amended to read as follows:

120A.360 1. Except as otherwise provided in subsections 4, 5 and 6, all abandoned property other than money delivered to the Administrator under this chapter must, within 2 years after the delivery, be sold by the Administrator to the highest bidder at public sale in whatever manner affords in his judgment the most favorable market for the property involved. The Administrator may decline the highest bid and reoffer the property for sale if he considers the price bid insufficient.

2. Any sale held under this section must be preceded by a single publication of notice thereof at least 2 weeks in advance of the sale in a newspaper of general circulation in the county where the property is to be sold.

3. The purchaser at any sale conducted by the Administrator pursuant to this chapter is vested with title to the property purchased, free from all claims of the owner or prior holder and of all persons claiming through or under them. The Administrator shall execute all documents necessary to complete the transfer of title.

4. The Administrator need not offer any property for sale if, in his opinion, the probable cost of the sale exceeds the value of the property. The Administrator may destroy or otherwise dispose of such property or may transfer it to:

(a) The Nevada ***State*** Museum ~~[and Historical Society,]~~ ***Las Vegas,*** the Nevada State Museum or the Nevada Historical Society, upon its written request, if the property has, in the opinion of the requesting institution, historical, artistic or literary value and is worthy of preservation;

(b) A genealogical library, upon its written request, if the property has genealogical value and is not wanted by the Nevada ***State*** Museum ~~[and Historical Society,]~~ ***Las Vegas,*** the Nevada State Museum or the Nevada Historical Society; or

(c) A veterans' or military museum, upon its written request, if the property has military or military historical value and is not wanted by the

Nevada ***State*** Museum ~~[and Historical Society,]~~ ***Las Vegas,*** the Nevada State Museum or the Nevada Historical Society.

➥ An action may not be maintained by any person against the holder of the property because of that transfer, disposal or destruction.

5. Securities listed on an established stock exchange must be sold at the prevailing price for that security on the exchange at the time of sale. Other securities not listed on an established stock exchange may be sold:

(a) Over the counter at the prevailing price for that security at the time of sale; or

(b) By any other method the Administrator deems acceptable.

6. The Administrator shall hold property that was removed from a safe-deposit box or other safekeeping repository for 1 year after the date of the delivery of the property to the Administrator, unless that property is a will or a codicil to a will, in which case the Administrator shall hold the property for 10 years after the date of the delivery of the property to the Administrator. If no claims are filed for the property within that period, it may be destroyed.

Sec. 3. NRS 353.335 is hereby amended to read as follows:

353.335 1. Except as otherwise provided in subsections 5 and 6, a state agency may accept any gift or grant of property or services from any source only if it is included in an act of the Legislature authorizing expenditures of nonappropriated money or, when it is not so included, if it is approved as provided in subsection 2.

2. If:

(a) Any proposed gift or grant is necessary because of an emergency as defined in NRS 353.263 or for the protection or preservation of life or property, the Governor shall take reasonable and proper action to accept it and shall report the action and his reasons for determining that immediate action was necessary to the Interim Finance Committee at its first meeting after the action is taken. Action by the Governor pursuant to this paragraph constitutes acceptance of the gift or grant, and other provisions of this chapter requiring approval before acceptance do not apply.

(b) The Governor determines that any proposed gift or grant would be forfeited if the State failed to accept it before the expiration of the period prescribed in paragraph (c), he may declare that the proposed acceptance requires expeditious action by the Interim Finance Committee. Whenever the Governor so declares, the Interim Finance Committee has 15 days after the proposal is submitted to its Secretary within which to approve or deny the acceptance. Any proposed acceptance which is not considered within the 15-day period shall be deemed approved.

(c) The proposed acceptance of any gift or grant does not qualify pursuant to paragraph (a) or (b), it must be submitted to the Interim Finance Committee. The Interim Finance Committee has 45 days after the proposal is submitted to its Secretary within which to consider acceptance. Any proposed acceptance which is not considered within the 45-day period shall be deemed approved.

3. The Secretary shall place each request submitted to him pursuant to paragraph (b) or (c) of subsection 2 on the agenda of the next meeting of the Interim Finance Committee.

4. In acting upon a proposed gift or grant, the Interim Finance Committee shall consider, among other things:

(a) The need for the facility or service to be provided or improved;

(b) Any present or future commitment required of the State;

(c) The extent of the program proposed; and

(d) The condition of the national economy, and any related fiscal or monetary policies.

5. A state agency may accept:

(a) Gifts, including grants from nongovernmental sources, not exceeding $10,000 each in value; and

(b) Governmental grants not exceeding $100,000 each in value,

➥ if the gifts or grants are used for purposes which do not involve the hiring of new employees and if the agency has the specific approval of the Governor or, if the Governor delegates this power of approval to the Chief of the Budget Division of the Department of Administration, the specific approval of the Chief.

6. This section does not apply to:

(a) The Nevada System of Higher Education; ~~[or]~~

(b) The Department of Health and Human Services while acting as the state health planning and development agency pursuant to paragraph (d) of subsection 2 of NRS 439A.081 or for donations, gifts or grants to be disbursed pursuant to NRS 433.395 ~~[.]~~ ***; or***

(c) Artifacts donated to the Department of Cultural Affairs.

Sec. 4. **NRS 361.110 is hereby amended to read as follows:**

361.110 1. Except as otherwise provided in subsection 2, the buildings, with their furniture and equipment, and the lots of ground on which they stand, used therewith and necessary thereto, of the Nevada Museum of Art, Inc., ***the Boulder City Museum and Historical Association,*** the Young Men's Christian Association, the Young Women's Christian Association, the American National Red Cross or any of its chapters in the State of Nevada, the Salvation Army Corps, the Girl Scouts of America, the Camp Fire Girls, Inc., the Boy Scouts of America and the Sierra Arts Foundation are exempt from taxation.

2. If any property exempt from taxation pursuant to subsection 1 is used for purposes other than those of the organizations described in subsection 1, respectively, and a rent or other valuable consideration is received for its use, the property must be taxed, unless the rent or other valuable consideration is paid or given by an organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c)(3).

~~[Sec. 4.]~~ ***Sec. 5.*** NRS 381.004 is hereby amended to read as follows:

381.004 1. The Division of Museums and History is hereby created in the Department.

2. The Division consists of the Office of the Administrator and a state system of museums consisting of the following museums and historical societies, which are hereby established as institutions of the Division:

(a) The Nevada State Museum;

(b) The Lost City Museum;

(c) The Nevada ***State*** Museum ~~[and Historical Society;]~~ ***Las Vegas;***

(d) The Nevada Historical Society;

(e) The East Ely Depot Museum;

(f) The Nevada State Railroad Museum in Carson City; and

(g) The Nevada State Railroad Museum in Boulder City.

3. Each institution shall, in accordance with the duties assigned to it by the Administrator, collect, preserve and interpret the history, prehistory and natural history of this State.

~~[Sec. 5.]~~ ***Sec. 6.*** NRS 381.207 is hereby amended to read as follows:

381.207 1. The holder of a permit, except as otherwise provided in subsections 2 and 3, who does work upon aboriginal mounds and earthworks, ancient burial grounds, prehistoric sites, deposits of fossil bones or other archeological and vertebrate paleontological features within the State shall give to the State 50 percent of all articles, implements and materials found or discovered, to be deposited with the Nevada State Museum, for exhibition or other use within the State as determined by the Museum Director. The Museum Director may accept less than 50 percent of such items. Upon receipt of items pursuant to this subsection, the Museum Director shall notify the Office of Historic Preservation.

2. The holder of a permit who does any such work within the State under the authority and direction of the Nevada Historical Society, the Nevada ***State*** Museum ~~[and Historical Society,]~~ ***Las Vegas,*** or an institution or political subdivision of the State shall give 50 percent of all articles, implements and materials found or discovered to the Society, institution or political subdivision. The holder of the permit may retain the other 50 percent.

3. If the Nevada Historical Society, the Nevada ***State*** Museum ~~[and Historical Society,]~~ ***Las Vegas,*** or an institution or political subdivision of the State is the holder of the permit, it may retain all articles, implements and materials found or discovered.

4. Whenever the Office of Historic Preservation acquires articles, implements and materials under the provisions of this section, they must be transferred to the Museum Director for exhibition or other use within the State as determined by the Museum Director.

~~[Sec. 6.]~~ ***Sec. 7.*** 1. Any administrative regulations adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity are binding upon the officer, agency or other entity to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer, agency or other entity to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remains in effect as if taken by the officer, agency or other entity to which the responsibility for the enforcement of such actions has been transferred.

~~[Sec. 7.]~~ ***Sec. 8.*** The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

~~[Sec. 8.]~~ ***Sec. 9.*** This act becomes effective upon passage and approval.

Assemblyman Hardy moved the adoption of the amendment.

Remarks by Assemblymen Hardy and Segerblom.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 401.

Bill read third time.

The following amendment was proposed by Assemblymen Segerblom, Kihuen, and Ohrenschall:

Amendment No. 926.

SUMMARY— Requiring the Secretary of State ~~[to report certain information]~~ **and the county clerks to provide certain reports** concerning elections to the Legislature. (BDR 24-248)

AN ACT relating to elections; requiring each county clerk to collect certain information regarding elections and to submit that information to the Secretary of State; requiring the Secretary of State to compile the information collected from the county clerks into a report to be submitted to the Legislature; **requiring the Secretary of State and the county clerks of**

each county to study the feasibility of changing the deadline for registering to vote in an election; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ **Chapter 293 of NRS governs elections. Section 1 of this** bill requires the Secretary of State to compile and submit to the Legislature a report concerning each election. Each county clerk is required to collect information on each election regarding uncounted ballots, malfunctions of mechanical voting machines, unopened polling places, challenges to voter eligibility, complaints regarding ballots cast by mail, election audits and provisional ballots. Each county clerk must submit the collected information to the Secretary of State within 60 days after each election. The Secretary of State must compile the information submitted by the county clerks and collected by the Secretary of State from political parties and through the use of his website into a report to be submitted to each regular session of the Legislature.

Existing law provides that the period for registering to vote at an election ends at 9 p.m. on the third Tuesday preceding an election. For the period beginning on the fifth Sunday preceding an election and ending on the third Tuesday preceding an election, an elector may register to vote only by appearing in person at the office of the county clerk. (NRS 293.560) Section 2 of this bill requires the Secretary of State and the county clerks for each county jointly to study the feasibility of changing the deadline for registering to vote to any date closer to the date of the election up to and including election day. Section 2 also requires the Secretary of State and the county clerks to submit a report concerning the results of the study to the 75th Session of the Nevada Legislature.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each county clerk shall collect the following information regarding each primary and general election, on a form provided by the Secretary of State and made available at each polling place in the county, each polling place for early voting in the county, the office of the county clerk and any other location deemed appropriate by the Secretary of State:

(a) The number of ballots that have been discarded or for any reason not included in the final canvass of votes, along with an explanation for the exclusion of each such ballot from the final canvass of votes.

(b) A report on each malfunction of any mechanical voting system, including, without limitation:

(1) Any known reason for the malfunction;

(2) The length of time during which the mechanical voting system could not be used;

(3) Any remedy for the malfunction which was used at the time of the malfunction; and

(4) Any effect the malfunction had on the election process.

(c) A list of each polling place not open during the time prescribed pursuant to NRS 293.273 and an account explaining why each such polling place was not open during the time prescribed pursuant to NRS 293.273.

(d) A description of each challenge made to the eligibility of a voter pursuant to NRS 293.303 and the result of each such challenge.

(e) A description of each complaint regarding a ballot cast by mail filed with the county clerk and the resolution, if any, of the complaint.

(f) The results of any audit of election procedures and practices conducted pursuant to regulations adopted by the Secretary of State pursuant to this chapter.

(g) The number of provisional ballots cast and the reason for the casting of each provisional ballot.

2. Each county clerk shall submit to the Secretary of State, on a form provided by the Secretary of State, the information collected pursuant to subsection 1 not more than 60 days after each primary and general election.

3. The Secretary of State may contact any political party and request information to assist in the investigation of any allegation of voter intimidation.

4. The Secretary of State shall establish and maintain an Internet website pursuant to which he shall solicit and collect voter comments regarding election processes.

5. The Secretary of State shall compile the information and comments collected pursuant to this section into a report that he shall submit to the Director of the Legislative Counsel Bureau for transmission to the Legislature not later than 30 days before the start of each regular session of the Legislature.

6. The Secretary of State may make the report required pursuant to subsection 5 available on an Internet website established and maintained by the Secretary of State.

Sec. 2. **1. The Secretary of State and the county clerk of each county jointly shall study the feasibility of changing the deadline for registration of voters to allow qualified electors to register to vote in an election on any date closer to the election up to and including the date of the election.**

2. The study conducted pursuant to subsection 1 must include, without limitation, an analysis of:

(a) The potential for logistical and technical problems in conducting an election if the deadline for the registration of voters is changed;

(b) Any fiscal impact that would be likely to result from changing the deadline for the registration of voters;

(c) The occurrence of voter fraud that would be likely to result from changing the deadline for the registration of voters;

(d) The impact on voter turnout that would be likely to result from changing the deadline for the registration of voters; and

(e) A review of the methods by which other states have provided for the registration of voters on the date of the election.

3. On or before February 1, 2009, the Secretary of State and the county clerks of each county jointly shall submit a written report of the results of the study conducted pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

Sec. 3. **1. This section and section 2 of this act become effective on July 1, 2007.**

2. Section 1 of this act becomes effective on October 1, 2007.

Assemblyman Segerblom moved the adoption of the amendment.

Remarks by Assemblymen Hardy and Cobb.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 69.

Bill read third time.

Remarks by Assemblyman Anderson.

Potential conflict of interest declared by Assemblyman Parks.

Roll call on Senate Bill No. 69:

YEAS—40.

NAYS—Christensen.

EXCUSED—Settelmeyer.

Senate Bill No. 69 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 84.

Bill read third time.

Remarks by Assemblyman Beers.

Roll call on Senate Bill No. 84:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 84 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 117 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 202 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 203 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 288 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 374 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 394 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 516 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 201 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 182 be taken from its position on the General File and placed at the top of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 310 be taken from the Chief Clerk's desk and placed on the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 436 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 182.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Senate Bill No. 182:

YEAS—41.
NAYS—None.
EXCUSED—Settelmeyer.

Senate Bill No. 182 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 101.

Bill read third time.

Remarks by Assemblyman Bobzien.

Roll call on Senate Bill No. 101:

YEAS—41.
NAYS—None.
EXCUSED—Settelmeyer.

Senate Bill No. 101 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 106.

Bill read third time.

Roll call on Senate Bill No. 106:

YEAS—41.
NAYS—None.
EXCUSED—Settelmeyer.

Senate Bill No. 106 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 131.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Bill No. 131:

YEAS—38.
NAYS—Beers, Christensen, Cobb—3.
EXCUSED—Settelmeyer.

Senate Bill No. 131 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 136.

Bill read third time.

Remarks by Assemblyman Munford.

Roll call on Senate Bill No. 136:

YEAS—41.
NAYS—None.
EXCUSED—Settelmeyer.

Senate Bill No. 136 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 222.

Bill read third time.

Remarks by Assemblyman Goedhart.

Roll call on Senate Bill No. 222:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 222 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 274.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 993.

SUMMARY—Makes various changes to provisions ~~[governing the State Engineer.]~~ **relating to water.** (BDR 48-206)

AN ACT relating to water; expanding the purposes for which the State Engineer may adopt regulations; **expressing the sense of the Legislature as to the temporary conversion of certain water rights for certain ecological purposes;** authorizing the State Engineer to impose administrative fines and to order payment of the costs of certain proceedings; authorizing the State Engineer to seek injunctive relief for certain violations; **revising provisions relating to the protest of certain applications involving interbasin transfers of groundwater;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Pursuant to existing law, the State Engineer may make such reasonable rules and regulations as may be necessary for the proper and orderly execution of the powers conferred on him by law. (NRS 532.120) The penalty prescribed for the violation of a majority of the provisions set forth in chapters 533, 534, 535 and 536 of NRS is a misdemeanor. (NRS 533.480, 534.190, 535.110, 536.120)

Section 1 of this bill expands the provisions for which the State Engineer may adopt regulations to include chapters 534, 535 and 536 of NRS in addition to chapter 533 of NRS. **Section 2.5 of this bill provides that it is the policy of the State of Nevada to allow the temporary conversion of certain agricultural water rights for wildlife purposes or to improve the quality or flow of water.** Sections 3, 7, 10 and 14 of this bill provide the State Engineer with the additional authority to impose, after notice and opportunity for a hearing, administrative fines, to require a person to replace certain unlawfully taken or wasted water, and to recover expenses incurred in investigating and stopping various water law violations. Section 7 provides additionally that: (1) in determining violations relating to the unauthorized use of water from certain wells, it is the burden of the State Engineer to prove which user or users of water are withdrawing water in excess of their

individual allotments; and (2) the State Engineer may require users of water from certain wells to install and maintain, at their own expense, meters to measure their individual withdrawal of water.

Sections 4, 8, 11 and 15 of this bill authorize the State Engineer to seek injunctive relief to prevent a violation or continued violation of chapters 533, 534, 535 and 536 of NRS.

Existing law sets forth requirements for the State Engineer to provide certain notice of an application for a permit to appropriate water. These requirements include publishing the notice in a newspaper and, if the application is for a well, mailing a copy of the notice to owners of real property containing a domestic well that is within 2,500 feet of the proposed well. (NRS 533.360) Existing law also allows an interested person to file with the State Engineer a written protest to the application. (NRS 533.365) Sections 4.7 and 4.9 of this bill require that if the State Engineer fails to grant, deny or hear an application for a permit to appropriate, change the point of diversion of, change the manner of use of, or change the place of use of more than 250 acre-feet of water per annum within 7 years after the date on which the application was submitted, the State Engineer must, if the application involves an interbasin transfer of groundwater, notice a new period of protest of 45 days. This bill also provides that certain successors in interest of persons who had already filed a written protest against the granting of such an application must be allowed to continue pursuing the protest as though they were the person who had filed the original protest.

Section 16 of this bill requires the State Engineer to consider certain matters in adopting regulations to carry out the amendatory provisions of this bill.

Section 17 of this bill requires the State Engineer, on or before January 1, 2009, to submit to the Director of the Legislative Counsel Bureau a written report detailing his efforts in, and progress toward, the development and adoption of regulations to carry out the amendatory provisions of this bill.

Section 18 of this bill prohibits the State Engineer, before July 1, 2009, from imposing an administrative penalty pursuant to the amendatory provisions of this bill or any regulations adopted to carry out those amendatory provisions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 532.120 is hereby amended to read as follows:

532.120 1. The State Engineer ~~[is empowered to]~~ ***may*** make such reasonable rules and regulations as may be necessary for the proper and orderly execution of the powers conferred by law.

2. The State Engineer ~~[shall have power to make rules,]~~ ***may adopt regulations,*** not in conflict with law, governing the practice and procedure in

all contests before his office, to ~~[insure]~~ ***ensure*** the proper and orderly exercise of the powers granted by law, and the speedy accomplishment of the purposes of ~~[chapter]~~ ***chapters*** 533 ***, 534, 535 and 536*** of NRS. Such rules of practice and procedure ~~[shall]~~ ***must*** be furnished to any person upon application therefor.

Sec. 2. Chapter 533 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[3, 4 and]~~ **2.5 to** 4.5 **, inclusive,** of this act.

Sec. 2.5. The Legislature hereby finds and declares that it is the policy of this State to allow the temporary conversion of agricultural water rights for wildlife purposes or to improve the quality or flow of water.

Sec. 3. ***1. In addition to any other penalty provided by law, the State Engineer may, after notice and opportunity for a hearing, require a person who violates any provision of this chapter or any permit, certificate, order or decision issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120 to:***

(a) Pay an administrative fine not to exceed $10,000 per day for each violation as determined by the State Engineer.

(b) In the case of an unauthorized use or willful waste of water in violation of NRS 533.460 or an unlawful diversion of water in violation of NRS 533.530, or any other violation of this chapter that, as determined by the State Engineer, results in an unlawful use, waste or diversion of water, replace not more than 200 percent of the water used, wasted or diverted.

2. If an administrative fine is imposed against a person pursuant to subsection 1 or the person is ordered to replace any water pursuant to that subsection, the State Engineer may require the person to pay the costs of the proceeding, including investigative costs and attorney's fees.

3. An order imposing an administrative fine or requiring the replacement of water or the payment of costs or fees pursuant to this section may be reviewed by a district court pursuant to NRS 533.450.

Sec. 4. ***1. The State Engineer may seek injunctive relief in the appropriate court to prevent the continuance or occurrence of any act or practice which violates any provision of this chapter, or any permit, certificate, decision or order issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120.***

2. On a showing by the State Engineer that a person is engaged, or is about to engage, in any act or practice which violates or will violate any provision of this chapter, or any permit, certificate, decision or order issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120, the court may issue, without a bond, any prohibitory or mandatory injunction that the facts may warrant, including a temporary restraining order issued ex parte or, after notice and hearing, a preliminary or permanent injunction.

3. Failure to establish lack of an adequate remedy at law or irreparable harm is not a ground for denying a request for a temporary restraining order or injunction.

4. The court may require the posting of a sufficient performance bond or other security to ensure compliance with the court order within the period prescribed.

5. Any proceeding conducted or injunction or order issued pursuant to this section is in addition to, and not in lieu of, any other penalty or remedy available for a violation specified in this section.

Sec. 4.5. ***The State Engineer shall not carry out his duties pursuant to this chapter in a manner that conflicts with any applicable provision of a decree or order issued by a state or federal court, an interstate compact or an agreement to which this State is a party for the interstate allocation of water pursuant to an act of Congress.***

Sec. 4.7. **NRS 533.365 is hereby amended to read as follows:**

533.365 1. Any person interested may, within 30 days from the date of last publication of the notice of application, file with the State Engineer a written protest against the granting of the application, setting forth with reasonable certainty the grounds of such protest, which shall be verified by the affidavit of the protestant, his agent or attorney.

2. On receipt of a protest, the State Engineer shall advise the applicant whose application has been protested of the fact that the protest has been filed with him, which advice shall be sent by certified mail.

3. The State Engineer shall consider the protest, and may, in his discretion, hold hearings and require the filing of such evidence as he may deem necessary to a full understanding of the rights involved. The State Engineer shall give notice of the hearing by certified mail to both the applicant and the protestant. The notice must state the time and place at which the hearing is to be held and must be mailed at least 15 days before the date set for the hearing.

4. The State Engineer shall adopt rules of practice regarding the conduct of such hearings. The rules of practice must be adopted in accordance with the provisions of NRS 233B.040 to 233B.120, inclusive, and codified in the Nevada Administrative Code. The technical rules of evidence do not apply at such a hearing.

5. The provisions of this section do not prohibit the noticing of a new period of 45 days in which a person may file with the State Engineer a written protest against the granting of the application, if such notification is required to be given pursuant to subsection 8 of NRS 533.370.

Sec. 4.9. **NRS 533.370 is hereby amended to read as follows:**

533.370 1. Except as otherwise provided in this section and NRS 533.345, 533.371, 533.372 and 533.503, the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

(a) The application is accompanied by the prescribed fees;

(b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the

district or lessen the efficiency of the district in its delivery or use of water; and

(c) The applicant provides proof satisfactory to the State Engineer of:

(1) His intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and

(2) His financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.

2. Except as otherwise provided in this subsection and subsections 3 and ~~[8,]~~ ***11,*** the State Engineer shall approve or reject each application within 1 year after the final date for filing a protest. The State Engineer may:

(a) Postpone action upon written authorization to do so by the applicant or, if an application is protested, by the protestant and the applicant.

(b) Postpone action if the purpose for which the application was made is municipal use.

(c) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368 or where court actions are pending, withhold action until it is determined there is unappropriated water or the court action becomes final.

3. Except as otherwise provided in subsection ~~[8,]~~ ***11,*** the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may:

(a) Postpone action upon written authorization to do so by the applicant or, if the application is protested, by the protestant and the applicant.

(b) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368 or where court actions are pending, withhold action until it is determined there is unappropriated water or the court action becomes final.

4. If the State Engineer does not act upon an application within 1 year after the final date for filing a protest, the application remains active until acted upon by the State Engineer.

5. Except as otherwise provided in subsection ~~[8,]~~ ***11,*** where there is no unappropriated water in the proposed source of supply, or where its proposed use or change conflicts with existing rights or with protectible interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the requested permit. If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.

6. In determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:

(a) Whether the applicant has justified the need to import the water from another basin;

(b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;

(c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;

(d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and

(e) Any other factor the State Engineer determines to be relevant.

7. If a hearing is held regarding an application, the decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection ~~[9,]~~ ***12,*** if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected, the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force.

8. ***If:***

(a) The State Engineer receives an application to appropriate any of the public waters, or to change the point of diversion, manner of use or place of use of water already appropriated;

(b) The application involves an amount of water exceeding 250 acre-feet per annum;

(c) The application involves an interbasin transfer of groundwater; and

(d) Within 7 years after the date of last publication of the notice of application, the State Engineer has not granted the application, denied the application, held an administrative hearing on the application or issued a permit in response to the application,

➥ the State Engineer shall notice a new period of 45 days in which a person may file with the State Engineer a written protest against the granting of the application. Such notification must be entered on the Internet website of the State Engineer and must, concurrently with that

notification, be mailed to the board of county commissioners of the county of origin.

9. Except as otherwise provided in subsection 10, a person who wishes to protest an application in accordance with a new period of protest noticed pursuant to subsection 8 shall, within 45 days after the date on which the notification was entered and mailed, file with the State Engineer a written protest that complies with the provisions of this chapter and with the regulations adopted by the State Engineer, including, without limitation, any regulations prescribing the use of particular forms or requiring the payment of certain fees.

10. If a person is the successor in interest of an owner of a water right, an owner of real property containing a domestic well or an owner of an interest in a domestic well, and if that previous owner had already filed a written protest against the granting of an application to allow an interbasin transfer of groundwater, the successor in interest must be allowed to pursue that protest in the same manner as though he were the previous owner to whose interest he succeeded. If such a successor in interest wishes to protest an application in accordance with a new period of protest noticed pursuant to subsection 8, the successor need not file with the State Engineer a new written protest but must, within 45 days after the date on which the notification was entered and mailed, inform the Office of the State Engineer that he wishes to continue pursuing the protest.

11. The provisions of subsections 1 to 6, inclusive, do not apply to an application for an environmental permit.

~~[9.]~~ ***12.*** The provisions of subsection 7 do not authorize the recipient of an approved application to use any state land administered by the Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.

~~[10.]~~ ***13.*** As used in this section ~~[, "interbasin]~~ ***:***

(a) "County of origin" means the county from which groundwater is transferred or proposed to be transferred.

(b) "Domestic well" has the meaning ascribed to it in NRS 534.350.

(c) "Interbasin transfer of groundwater" means a transfer of groundwater for which the proposed point of diversion is in a different basin than the proposed place of beneficial use.

Sec. 5. NRS 533.450 is hereby amended to read as follows:

533.450 1. Any person feeling himself aggrieved by any order or decision of the State Engineer, acting in person or through his assistants or the water commissioner, affecting his interests, when ~~[such]~~ ***the*** order or decision relates to the administration of determined rights or is made pursuant to NRS 533.270 to 533.445, inclusive, ***or section 3, 7, 10 or 14 of this act,*** may have the same reviewed by a proceeding for that purpose, insofar as may be in the nature of an appeal, which ~~[shall]~~ ***must*** be initiated in the proper court of the county in which the matters affected or a portion

thereof are situated **,** ~~[:]~~ but on stream systems where a decree of court has been entered, the action ~~[shall]~~ ***must*** be initiated in the court that entered the decree. ~~[Such]~~ ***The*** order or decision of the State Engineer ~~[shall be and remain]~~ ***remains*** in full force and effect unless proceedings to review the same are commenced in the proper court within 30 days ~~[following]~~ ***after*** the rendition of the order or decision in question and notice thereof is given to the State Engineer as provided in subsection 3.

2. The proceedings in every case ~~[shall]~~ ***must*** be heard by the court, and ~~[shall]~~ ***must*** be informal and summary, but full opportunity to be heard ~~[shall]~~ ***must*** be had before judgment is pronounced.

3. No such proceedings may be entertained unless notice thereof, containing a statement of the substance of the order or decision complained of, and of the manner in which the same injuriously affects the petitioner's interests, has been served upon the State Engineer, personally or by registered or certified mail, at his office at the State Capital within 30 days following the rendition of the order or decision in question. A similar notice ~~[shall]~~ ***must*** also be served personally or by registered or certified mail upon the person ~~[or persons]~~ who may have been affected by ~~[such]~~ ***the*** order or decision.

4. Where evidence has been filed with, or testimony taken before, the State Engineer, a transcribed copy thereof, or of any specific part of the same, duly certified as a true and correct transcript in the manner provided by law, ~~[shall]~~ ***must*** be received in evidence with the same effect as if the reporter were present and testified to the facts so certified. A copy of the transcript ~~[shall]~~ ***must*** be furnished on demand, at actual cost, to any person affected by ~~[such]~~ ***the*** order or decision, and to all other persons on payment of a reasonable amount therefor, to be fixed by the State Engineer.

5. A bond ~~[shall]~~ ***must*** not be required except when a stay is desired, and the proceedings provided for in this section are not a stay unless, within 5 days ~~[following]~~ ***after*** the service of notice thereof, a bond is filed in an amount to be fixed by the court, with sureties satisfactory to ~~[such]~~ ***the*** court, conditioned to perform the judgment rendered in ~~[such]~~ ***the*** proceedings.

6. Costs ~~[shall]~~ ***must*** be paid as in civil cases brought in the district court, except by the State Engineer or the State.

7. The practice in civil cases applies to the informal and summary character of such proceedings, as provided in this section.

8. Appeals may be taken to the Supreme Court from the judgment of the district court in the same manner as in other civil cases.

9. The decision of the State Engineer ~~[shall be]~~ ***is*** prima facie correct, and the burden of proof ~~[shall be]~~ ***is*** upon the party attacking the same.

10. Whenever it appears to the State Engineer that any litigation, whether now pending or hereafter brought, may adversely affect the rights of the public in water, he shall request the Attorney General to appear and protect the interests of the State.

Sec. 6. Chapter 534 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 and 8 of this act.

Sec. 7. ***1. Except as otherwise provided in NRS 534.280, 534.310 and 534.330 and in addition to any other penalty provided by law, the State Engineer may, after notice and opportunity for a hearing, require a person who violates any provision of this chapter or any permit, order or decision issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120 to:***

(a) Pay an administrative fine not to exceed $10,000 per day for each violation as determined by the State Engineer.

(b) In the case of an unlawful waste of water in violation of NRS 534.070 or any other violation of this chapter that, as determined by the State Engineer, results in an unlawful use, waste or diversion of water, replace not more than 200 percent of the water used, wasted or diverted.

2. In determining violations of this chapter relating to the unauthorized use of water yielded from a well that is used pursuant to a permit issued by the State Engineer and that has 16 or fewer connections, the State Engineer has the burden of proving which user is withdrawing water in excess of the portion of water allotted to the connection of that user. The State Engineer may require any or all users of the well to install and maintain, at their own expense, a meter that measures the amount of water withdrawn from the well by each connection.

3. If an administrative fine is imposed against a person pursuant to subsection 1 or the person is ordered to replace any water pursuant to that subsection, the State Engineer may require the person to pay the costs of the proceeding, including investigative costs and attorney's fees.

4. An order imposing an administrative fine or requiring the replacement of water or payment of costs or fees pursuant to this section may be reviewed by a district court pursuant to NRS 533.450.

Sec. 8. ***1. The State Engineer may seek injunctive relief in the appropriate court to prevent the continuance or occurrence of any act or practice which violates any provision of this chapter, or any permit, order or decision issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120.***

2. On a showing by the State Engineer that a person is engaged, or is about to engage, in any act or practice which violates or will violate any provision of this chapter, or any permit, order or decision issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120, the court may issue, without a bond, any prohibitory or mandatory injunction that the facts may warrant, including a temporary restraining order issued ex parte or, after notice and hearing, a preliminary or permanent injunction.

3. Failure to establish lack of an adequate remedy at law or irreparable harm is not a ground for denying a request for a temporary restraining order or injunction.

4. The court may require the posting of a sufficient performance bond or other security to ensure compliance with the court order within the period prescribed.

5. Any proceeding conducted or injunction or order issued pursuant to this section is in addition to, and not in lieu of, any other penalty or remedy available for a violation of this chapter.

Sec. 9. Chapter 535 of NRS is hereby amended by adding thereto the provisions set forth as sections 10 and 11 of this act.

Sec. 10. ***1. In addition to any other penalty provided by law, the State Engineer may, after notice and opportunity for a hearing, require a person who violates any provision of this chapter, any permit, order or decision issued by the State Engineer pursuant to this chapter or any regulation adopted by the State Engineer pursuant to NRS 532.120 to pay an administrative fine not to exceed $10,000 per day for each violation as determined by the State Engineer.***

2. If an administrative fine is imposed against a person pursuant to subsection 1, the State Engineer may require the person to pay the costs of the proceeding, including investigative costs and attorney's fees.

3. An order imposing an administrative fine or requiring the payment of costs or fees pursuant to this section may be reviewed by a district court pursuant to NRS 533.450.

Sec. 11. ***1. The State Engineer may seek injunctive relief in the appropriate court to prevent the continuance or occurrence of any act or practice which violates any provision of this chapter, any permit, order or decision issued by the State Engineer pursuant to this chapter or any regulation adopted by the State Engineer pursuant to NRS 532.120.***

2. On a showing by the State Engineer that a person is engaged, or is about to engage, in any act or practice which violates or will violate any provision of this chapter, any permit, order or decision issued by the State Engineer pursuant to this chapter or any regulation adopted by the State Engineer pursuant to NRS 532.120, the court may issue, without a bond, any prohibitory or mandatory injunction that the facts may warrant, including a temporary restraining order issued ex parte or, after notice and hearing, a preliminary or permanent injunction.

3. Failure to establish lack of an adequate remedy at law or irreparable harm is not a ground for denying a request for a temporary restraining order or injunction.

4. The court may require the posting of a sufficient performance bond or other security to ensure compliance with the court order within the period prescribed.

5. Any proceeding conducted or injunction or order issued pursuant to this section is in addition to, and not in lieu of, any other penalty or remedy available for a violation of this chapter.

Sec. 12. NRS 535.100 is hereby amended to read as follows:

535.100 1. ~~[It is unlawful for any person being]~~ ***Any person who is*** the owner of or in possession of any sawmill used for the making of lumber, or any slaughterhouse, brewery or tannery ~~[to]~~ ***shall not*** injure or obstruct the natural flow of water in any river, creek or other stream.

2. Any city or county government, or any person, ~~[being]~~ ***who is*** the owner of or in possession of any agricultural lands ~~[, who may be]~~ ***and who is*** injured by reason of the violation on the part of any person of the provisions contained in subsection 1 ~~[, shall have the right to]~~ ***may*** commence and maintain an action against ~~[such]~~ ***the*** person for any damage sustained, in such manner as may be provided by law.

~~[3. Any person who shall willfully and knowingly violate the provisions of this section shall be punished by a fine of not more than $500.]~~

Sec. 13. Chapter 536 of NRS is hereby amended by adding thereto the provisions set forth as sections 14 and 15 of this act.

Sec. 14. ***1. In addition to any other penalty provided by law, the State Engineer may, after notice and opportunity for a hearing, require a person who violates any provision of this chapter, any order or decision issued by the State Engineer pursuant to this chapter or any regulation adopted by the State Engineer pursuant to NRS 532.120 to pay an administrative fine not to exceed $10,000 per day for each violation as determined by the State Engineer.***

2. If an administrative fine is imposed against a person pursuant to subsection 1, the State Engineer may require the person to pay the costs of the proceeding, including investigative costs and attorney's fees.

3. An order imposing an administrative fine or requiring the payment of costs or fees pursuant to this section may be reviewed by a district court pursuant to NRS 533.450.

Sec. 15. ***1. The State Engineer may seek injunctive relief in the appropriate court to prevent the continuance or occurrence of any act or practice which violates any provision of this chapter, any order or decision issued by the State Engineer pursuant to this chapter or any regulation adopted by the State Engineer pursuant to NRS 532.120.***

2. On a showing by the State Engineer that a person is engaged, or is about to engage, in any act or practice which violates or will violate any provision of this chapter, any order or decision issued by the State Engineer pursuant to this chapter or any regulation adopted by the State Engineer pursuant to NRS 532.120, the court may issue, without a bond, any prohibitory or mandatory injunction that the facts may warrant, including a temporary restraining order issued ex parte or, after notice and hearing, a preliminary or permanent injunction.

3. Failure to establish lack of an adequate remedy at law or irreparable harm is not a ground for denying a request for a temporary restraining order or injunction.

4. The court may require the posting of a sufficient performance bond or other security to ensure compliance with the court order within the period prescribed.

5. Any proceeding conducted or injunction or order issued pursuant to this section is in addition to, and not in lieu of, any other penalty or remedy available for a violation of this chapter.

Sec. 16. The State Engineer shall, in adopting regulations to carry out the amendatory provisions of this act:

1. Consider establishing a minimum threshold amount of water that a user of water would be required to exceed in using, wasting or diverting water in an unlawful manner before an administrative penalty would be imposed;

2. Comply with the provisions of chapter 233B of NRS;

3. Consider waiving an administrative penalty for a violation if the violator has, in the determination of the State Engineer, made significant progress toward correcting the violation; and

4. In addition to the requirements of subsection 1, consider waiving an administrative penalty in the case of an unauthorized use or willful waste of water in violation of NRS 533.460 or an unlawful diversion of water in violation of NRS 533.530, if the amount of water so used or wasted does not exceed 2 acre-feet per annum.

Sec. 17. The State Engineer shall, on or before January 1, 2009, submit to the Director of the Legislative Counsel Bureau a written report detailing the efforts and progress of the State Engineer in developing and adopting regulations to carry out the amendatory provisions of this act.

Sec. 18. The State Engineer shall not, before July 1, 2009, impose an administrative penalty pursuant to the amendatory provisions of this act or any regulations adopted to carry out the amendatory provisions of this act.

Sec. 19. This act becomes effective on July 1, 2007.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 289.

Bill read third time.

Remarks by Assemblyman Bobzien.

Roll call on Senate Bill No. 289:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 289 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 307.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Senate Bill No. 307:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 307 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 409.

Bill read third time.

Remarks by Assemblymen Parks, Mabey, Allen, and Carpenter.

Roll call on Senate Bill No. 409:

YEAS—36.

NAYS—Beers, Christensen, Cobb, Hardy, Mabey, Settelmeyer—6.

Senate Bill No. 409 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 417.

Bill read third time.

Remarks by Assemblyman Womack.

Roll call on Senate Bill No. 417:

YEAS—42.

NAYS—None.

Senate Bill No. 417 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 412, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 598, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 310 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Senate Bill No. 310.

Bill read third time.

Remarks by Assemblymen Conklin and Carpenter.

Roll call on Senate Bill No. 310:

YEAS—35.

NAYS—Beers, Carpenter, Christensen, Cobb, Goedhart, Marvel, Stewart—7.

Senate Bill No. 310 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 598.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 979.

SUMMARY—Authorizes the creation of ~~[tax increment areas in certain cities for]~~ theme park ~~[projects.]~~ **districts.** (BDR 22-1457)

AN ACT relating to ~~[tax increment areas;]~~ **theme park districts;** authorizing the creation of ~~[tax increment areas]~~ **such districts** in **counties and** certain cities ~~[for theme park projects;]~~ **; providing the powers and duties of such a district; authorizing the board of directors of such a district to impose a user fee for the privilege of conducting business activity in the district; authorizing the board to issue special obligations to finance theme park projects;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law authorizes the creation of tax increment areas by the governing body of a county or city. (NRS 278C.150) The governing body may dedicate the revenues from the property tax imposed in a tax increment area to the financing, acquisition, improvement or equipment of certain specific undertakings, including a drainage and flood control project, overpass project, sewerage project, street project, underpass project or water project. (NRS 278C.140) Section 2 of this bill provides that, in cities in a county whose population is 100,000 or more (currently Clark and Washoe Counties), such an undertaking may include a theme park project, as defined in section 1 of this bill.]~~ **Section 8 of this bill authorizes any county or incorporated city in this State to establish a theme park district, and authorizes any two or more of those entities to jointly create such a theme park district pursuant to an interlocal agreement. The boundaries of the district need not be contiguous, but must be within the boundaries of the municipalities creating the district, and must not include any private property without the consent of the property owner. Section 8 provides that the general statutory requirements regarding local governmental purchasing, public works projects, municipal obligations,**

local financial administration and public investments apply to a theme park district, and that any property acquired or constructed by a theme park district is exempt from taxation.

Section 9 of this bill requires the appointment of a board of directors for a theme park district that consists of members of the governing bodies of the municipalities that created the district, and applies the Nevada Ethics in Government Law to the members of the board.

Section 10 of this bill requires the board to comply with statutory requirements for the maintenance of public records and sets forth the general powers and duties of the board, including the authority to enter into interlocal agreements with other public entities and excluding any authority to acquire property by eminent domain.

Section 11 of this bill sets forth the specific authority of the board regarding the financing, acquisition, construction, operation and maintenance of theme parks. Section 11 authorizes the board to award certain contracts without competitive bidding.

Section 14 of this bill authorizes the board to impose a user fee for the privilege of conducting business activity in a theme park district at a sufficient rate and only for such a period as necessary to pay any secured obligations of the district.

Section 15 of this bill specifies the scope of authority of the board to issue revenue bonds and other special obligations to finance the capital costs to acquire, design, construct and improve the facilities of a theme park, and exempts the State and each applicable county and city from any liability or other responsibility for those obligations. Section 18 of this bill provides that this bill will expire by limitation on December 31, 2015, if no such obligations have been issued or no interlocal agreements have been entered into pursuant to this bill on or before that date.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 3 of this bill and replace with the following new sections 1 through 18:

Section 1. **Title 22 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 17, inclusive, of this act.**

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Board" means the board of directors of a district.***

Sec. 4. ***"District" means a theme park district created pursuant to section 8 of this act.***

Sec. 5. ***"Facility" means any building, structure or other improvement to real property.***

Sec. 6. ***"Municipality" means any county or incorporated city in this State.***

Sec. 7. ***"Theme park project" means any combination of facilities for recreation, entertainment, professional sports, gaming, accommodations, retail sales, amusement or culture, including any support-related and parking facilities, which have central access and are designed to reflect a particular time, place, story or subject, including, without limitation, the consistent presentation of any architecture, costuming, merchandise, food, games, rides and attractions and any supporting facilities.***

Sec. 8. ***1. Except as otherwise provided in subsection 2:***

(a) The governing body of a municipality may adopt an ordinance creating a theme park district and describing the boundaries of the district. The governing body may, by ordinance, revise the boundaries of the district from time to time.

(b) The governing bodies of two or more municipalities may enter into an interlocal agreement providing for the creation of a joint theme park district. Pursuant to the interlocal agreement, each such governing body shall adopt an ordinance creating the joint district and describing the boundaries of the joint district. The governing bodies may, by ordinance, revise the boundaries of the joint district from time to time.

2. The area included within the district may be contiguous or noncontiguous and include property located within any one or more of the municipalities creating the district, except that the district must not include any property that is not owned by the municipality or municipalities creating the district unless the owner of the property consents in writing to its inclusion in the district.

3. Upon the creation of a district, the district shall be deemed:

(a) To constitute:

(1) A public body, corporate and politic; and

(2) A local government, municipality and public body for the purposes of chapters 332, 338, 350, 354 and 355 of NRS.

(b) To be performing a governmental function in carrying out the provisions of this chapter. All property acquired or constructed by the district, all revenues of the district and all the activities of the district in carrying out the provisions of this chapter are exempt from all state and local taxation.

Sec. 9. ***1. A district must be governed by a board of directors.***

2. The board must be composed of three members of each governing body which created the district, appointed by the respective governing bodies.

3. A member of the board:

(a) Serves at the pleasure of the governing body that appointed him, except that no person may serve on the board if he ceases to be a member of the governing body that appointed him;

(b) Serves without compensation; and

(c) Shall be deemed to be a public officer for the purposes of the Nevada Ethics in Government Law, NRS 281.411 to 281.581, inclusive.

4. A majority of the members of the board constitutes a quorum for the transaction of business.

5. A member of the board shall not have any direct or indirect financial interest in any:

(a) Property which is owned, purchased or constructed by the district;

(b) Contract entered into by the district; or

(c) Business entity which enters into a contract with the district.

Sec. 10. 1. A board shall be deemed to constitute:

(a) A governmental entity for the purposes of chapter 239 of NRS; and

(b) A political subdivision of this State, a public agency and a local government for the purposes of chapter 277 of NRS.

2. A board shall:

(a) Appoint from among its members a chairman, secretary and such other officers as it determines necessary to conduct its business;

(b) Designate a fiscal agent to deposit, hold, invest and disburse the money of the district;

(c) Provide for the acquisition, construction, use and maintenance of any property or interest in property owned or controlled by the district; and

(d) Keep and maintain a complete and accurate record of all its proceedings.

3. A board may:

(a) Adopt and use a corporate seal;

(b) Sue and be sued;

(c) Enter into such contracts and interlocal agreements as it determines necessary to carry out the provisions of this chapter or otherwise to be in the best interest of the district;

(d) Adopt such regulations as it determines to be necessary to administer and operate the district and the property of the district;

(e) Acquire by any lawful means, except through the exercise of the power of eminent domain, and operate, maintain, encumber and dispose of real and personal property;

(f) Contract for the provision of such consulting, legal, accounting and other professional services as it determines to be necessary to carry out the provisions of this chapter, including, without limitation, professional services for the management of any facility of the district; and

(g) If a joint district, enters into interlocal agreements with the governing bodies of the municipalities that created the district for the provision of such administrative support, staff and meeting accommodations as are necessary to carry out the provisions of this chapter.

Sec. 11. 1. A board may, on behalf of the district, provide for the financing, acquisition, construction, improvement, equipping, operation

and maintenance of one or more theme park projects within any area of the district.

2. A board may, on behalf of the district, enter into an agreement with a private entity to provide professional services in negotiating and implementing an operating agreement for a theme park project, if the professional services will be provided by:

(a) At least one person who has resided in this State for not less than 10 years and maintains a professional license or portfolio in the development of real estate; and

(b) At least one person who has provided similar professional services for a district created pursuant to this chapter or a similar district in another jurisdiction which was authorized to issue at least $1 billion of bonds pursuant to a statute that specifically required proportional private financing.

3. Notwithstanding any provision of chapter 332 or 338 of NRS to the contrary, a board may, to expedite the design and construction of any facility of a theme park project or any facility of a local government which is leased to or used by the district pursuant to an interlocal agreement, establish alternate procedures, conditions and requirements for the awarding without competitive bidding of any contract:

(a) To a person selected on the basis of qualifications and experience in the design or construction of any facility which is similar to those the district is authorized to construct, lease or use; or

(b) Pursuant to which a person agrees to both design and build any facility specified in the contract.

Sec. 12. A board may establish the percentage of business conducted in any facility of a theme park project that may consist of retail sales.

Sec. 13. A board may, subject to state and local regulatory authority, determine whether to allow the sale, use and consumption of alcoholic beverages on any property acquired, owned or leased by the district.

Sec. 14. 1. A board may impose a user fee for the privilege of conducting business activity in the district at such a rate as the board determines to be necessary to pay any obligations issued by the district pursuant to section 15 of this act.

2. If a board imposes a user fee pursuant to subsection 1, the board shall:

(a) Prescribe the times and methods of payment of the fee and collect the fee when due, and may impose a penalty for the late payment of the fee; and

(b) Cease to impose the fee when it determines that all obligations issued by the district pursuant to section 15 of this act have been paid in full. Any amount of the fee received after those obligations have been paid in full must be used to pay the capital costs of acquiring, designing, constructing, reconstructing, equipping and improving the facilities of the theme park

project and directly related improvements and of any on-site or off-site public infrastructure for the benefit of the district.

Sec. 15. 1. Except as otherwise provided in this section, a board may issue bonds, notes and other securities as special obligations pursuant to chapter 350 of NRS to finance or refinance the capital costs of acquiring, designing, developing, constructing, reconstructing, operating, equipping and improving the facilities of a theme park project and any directly related improvements and of any on-site or off-site public infrastructure for the benefit of the district. Any such bonds, notes or other securities may be secured by a pledge of, and payment from, the proceeds of any fee imposed pursuant to section 14 of this act and received by the district, any financial contributions or other revenue received by the district, or any combination thereof.

2. The aggregate principal amount of any such outstanding bonds, notes and other securities issued by the board pursuant to this section must not exceed $8 billion.

3. A board shall not issue any bonds, notes or other securities pursuant to this section unless the board determines, which determination shall be deemed to be conclusive, that the board has received legally enforceable financial commitments for the benefit of the district from nongovernmental entities operating the theme park project, in an amount that is not less than 10 percent of the aggregate principal amount of the bonds, notes or other securities to be issued by the board pursuant to this section.

4. The fiscal agent of the district shall cancel all bonds, notes and other securities issued pursuant to this section when paid.

5. No bond, note or other security issued pursuant to this section:

(a) May be secured by or payable from any source other than the proceeds of any user fee imposed pursuant to section 14 of this act and received by the district, any financial contributions or other revenue received by the district, or any combination thereof, or ever become a general obligation of the district.

(b) Constitutes for any purpose a debt of the State, any municipality, any member of the board or any person who executes the bond, note or security.

Sec. 16. The provisions of NRS 338.010 to 338.090, inclusive, apply to any construction work performed on any facility built for ownership by the district.

Sec. 17. 1. A district shall not hold any gaming license.

2. Subsection 1 does not prohibit a district from entering into a contract with an entity that holds a Nevada gaming license which provides for interrelated marketing or a joint venture.

Sec. 18. **1. This act becomes effective on January 1, 2008.**

2. This act expires by limitation on December 31, 2015, if no bonds, notes or other securities or interlocal agreements have been issued or entered into pursuant to this act on or before that date.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 412.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 983.

AN ACT relating to health care; revising the method of selecting certain professionals for various boards related to health care; creating a new type of license for practicing medicine; changing the requirements for a license by endorsement to practice medicine; providing new requirements for certain nursing instructors; ~~[enacting the Nurse Licensure Compact; requiring the State Board of Nursing to pass regulations required for implementation of the Nurse Licensure Compact;]~~ providing two new types of licenses for osteopathic medicine; providing a new type of license as a dispensing optician; providing in statute for the election of officers for the State Board of Physical Therapy Examiners; **making various other changes relating to health care;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides methods of selecting certain persons for various boards related to health care. (NRS 630.060, 630A.110, 631.130, 632.030, 633.191, 634.020, 634A.040, 635.020, 636.035, 637.030, 637A.035, 637B.100, 639.030, 640.030, 640A.080, 640B.170, 640B.180, 640C.150, 641.040, 641A.100, 641B.100 and 641C.150) ~~[Sections 1, 4, 8, 9, 12, 26, 59-62, 65-68, 73, 75, 77, 78 and 80-83]~~ **Section 1** of this bill ~~[create]~~ **establishes** new requirements related to selecting such persons if they are members of the profession being regulated by a board. Specifically, each applicable professional association is required to provide a list of nominees to the Governor for vacant positions on such boards. The Governor may, but is not required to, appoint a person from the list.

Existing law provides certain special types of licenses that the Board of Medical Examiners may issue. (NRS 630.258-630.265) Section 3 of this bill provides a new type of license for a foreign expert physician.

Existing law provides for certain persons to receive a license by endorsement to practice medicine. (NRS 630.1605) Section 7 of this bill revises the requirements for such a license.

Existing law provides that each holder of a license to practice medicine or osteopathic medicine is required to report annually certain information concerning surgeries. (NRS 630.30665, 633.524) Sections 7.5 and 54 of this act require a separate report of certain sentinel events and provide for an administrative penalty to be imposed if the holder of the license fails to file the report or knowingly files false information in a report.

Existing law provides certain requirements and the procedures for creating requirements for schools and courses of professional nursing. (NRS 632.430-632.470) Section 11 of this bill provides for the various requirements for nursing instructors in clinical practice.

~~[Existing law provides requirements for licensing and certification related to the practice of nursing. (NRS 632.300-632.345) Section 13 of this bill enacts the Nurse Licensure Compact, which allows for multistate licensure privileges for nurses in states which are parties to the compact. Section 14 of this bill requires the State Board of Nursing to adopt any regulations necessary for the implementation of the Nurse Licensure Compact.~~

~~Existing law provides various requirements regarding the handling of information related to certain conditions, limitations or restrictions placed on a license or certificate related to the practice of nursing. (NRS 632.307) Section 19 of this bill clarifies compliance with the information requirements of the Nurse Licensure Compact.~~

~~Existing law provides exemptions to the requirement that nursing must be practiced in connection with a valid state license. (NRS 632.340) Section 20 of this bill adds the multistate licensure privilege granted pursuant to the Nurse Licensure Compact to those exemptions.~~

~~Existing law provides confidentiality requirements related to investigations by the State Board of Nursing. (NRS 632.405) Section 21 of this bill clarifies that such confidentiality requirements do not affect the information requirements of the Nurse Licensure Compact.]~~

Existing law provides certain types of special licenses that the State Board of Osteopathic Medicine may issue. (NRS 633.401-633.411) Section 24 of this bill provides a new type of license for a foreign expert osteopathic physician. Section 25 of this bill provides a new type of license by endorsement to practice osteopathic medicine.

Existing law provides for the certification of osteopathic physician's assistants by the State Board of Osteopathic Medicine. (NRS 633.101, 633.431, 633.441, 633.451) Section 37 of this bill changes the title of "osteopathic physician's assistant" to "physician assistant." Sections 29 and 30 of this bill provide for the licensure, rather than certification, of such physician assistants. Sections 16, 17, 22, 36, 37, 39, 40, 43, 49, 53, 55, 58, 69, 71 and 84-118 **of this bill** amend various statutes in accordance with these changes.

Existing law provides requirements for the licensing of dispensing opticians. (NRS 637.090-637.140) Section 64 of this bill provides a new type of license for a person with an out-of-state license as a dispensing optician.

Existing law provides for the creation of the State Board of Physical Therapy Examiners. (NRS 640.030) Section 74 of this bill provides for the election of officers for that Board.

Section 119 of this bill repeals certain statutes, including, without limitation, NRS 632.450 which requires that the minimum length for a course of instruction in nursing is 2 years.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Governor must appoint to a board a person who is a member of a profession being regulated by that board, the Governor shall solicit nominees from one or more applicable professional associations in this State.

2. To the extent practicable, such an applicable professional association shall provide nominees who represent the geographic diversity of this State.

3. The Governor may appoint any qualified person to a board, without regard to whether the person is nominated pursuant to this section.

4. As used in this section, "board" refers to a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C.

Sec. 2. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 **,** [and] 4 ***and 5*** of this act.

Sec. 3. ***1. Except as otherwise provided in NRS 630.161, the Board may issue a restricted license to a person who:***

(a) Is a graduate of a foreign medical school;

(b) Teaches, researches or practices medicine outside the United States;

(c) Is a recognized medical expert; and

(d) Intends to teach, research or practice clinical medicine at a medical research facility or medical school in this State.

2. ~~*[Such a person must:*~~

~~*(a) Submit to the Board any documentation and other proof of qualifications required by the Board; and*~~

~~*(b) Meet all of the statutory requirements for licensure to practice medicine in effect at the time of application except for the requirements set forth in NRS 630.160.*~~

~~*3.]*~~ ***A person who applies for a restricted license is not required to take or pass a written examination concerning his qualifications to practice medicine, but the person must satisfy the requirements for a restricted license set forth in regulations adopted by the Board.***

3. A person who holds a restricted license issued pursuant to this section may practice medicine in this State only in accordance with the terms and restrictions established by the Board.

4. If a person who holds a restricted license issued pursuant to this section ceases to teach, research or practice clinical medicine in this State at the medical research facility or medical school where he is employed:

(a) The medical research facility or medical school, as applicable, shall notify the Board; and

(b) Upon receipt of such notification, the restricted license expires automatically.

~~*[4.]*~~ ***5. The Board may renew or modify a restricted license issued pursuant to this section, unless the restricted license has expired automatically or has been revoked.***

~~*[5.]*~~ ***6. The provisions of this section do not limit the authority of the Board to issue a restricted license to an applicant in accordance with any other provision of this chapter.***

Sec. 4. ~~*[A member of the Board described pursuant to subsection 1 of NRS 630.060 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]*~~ **(Deleted by amendment.)**

Sec. 5. ***A private nonprofit medical school that is licensed by the Commission on Postsecondary Education and approved by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges may, notwithstanding any provision of law to the contrary:***

1. Operate as a corporation or other business organization or association with ownership or control shared by persons licensed pursuant to this chapter and persons not licensed pursuant to this chapter;

2. Operate a clinic in conjunction with the school which is staffed by physicians or osteopathic physicians who are:

(a) Licensed pursuant to this chapter or chapter 633 of NRS, respectively; and

(b) Members of the faculty of the school; and

3. Retain all or a portion of the money generated by a clinic described in subsection 2, including, without limitation, any professional income generated by a physician or osteopathic physician staffing the clinic.

Sec. 5.5. **NRS 630.130 is hereby amended to read as follows:**

630.130 1. In addition to the other powers and duties provided in this chapter, the Board shall, in the interest of the public, judiciously:

(a) Enforce the provisions of this chapter;

(b) Establish by regulation standards for licensure under this chapter;

(c) Conduct examinations for licensure and establish a system of scoring for those examinations;

(d) Investigate the character of each applicant for a license and issue licenses to those applicants who meet the qualifications set by this chapter and the Board; and

(e) Institute a proceeding in any court to enforce its orders or the provisions of this chapter.

2. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:

(a) Disciplinary action taken by the Board during the previous biennium against physicians for malpractice or negligence; ~~[and]~~

(b) Information reported to the Board during the previous biennium pursuant to NRS ~~[630.30665,]~~ 630.3067, 630.3068, subsections 2 and 3 of NRS 630.307 and NRS 690B.250 and 690B.260 ~~[.]~~ ***; and***

(c) Information reported to the Board during the previous biennium pursuant to NRS 630.30665, including, without limitation, the number and types of surgeries performed by each holder of a license to practice medicine and the occurrence of sentinel events arising from such surgeries, if any.

➥ The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.

3. The Board may adopt such regulations as are necessary or desirable to enable it to carry out the provisions of this chapter.

Sec. 6. NRS 630.160 is hereby amended to read as follows:

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing him to practice.

2. Except as otherwise provided in NRS 630.1605, 630.161 and 630.258 to 630.265, inclusive, ***and section 3 of this act,*** a license may be issued to any person who:

(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(b) Has received the degree of doctor of medicine from a medical school:

(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;

(c) Is currently certified by a specialty board of the American Board of Medical Specialties and who agrees to maintain such certification for the duration of his licensure, or has passed:

(1) All parts of the examination given by the National Board of Medical Examiners;

(2) All parts of the Federation Licensing Examination;

(3) All parts of the United States Medical Licensing Examination;

(4) All parts of a licensing examination given by any state or territory of the United States, if the applicant is certified by a specialty board of the American Board of Medical Specialties;

(5) All parts of the examination to become a licentiate of the Medical Council of Canada; or

(6) Any combination of the examinations specified in subparagraphs (1), (2) and (3) that the Board determines to be sufficient;

(d) Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive

medicine or family practice and who agrees to maintain certification in at least one of these specialties for the duration of his licensure, or:

(1) Has completed 36 months of progressive postgraduate:

(I) Education as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education or the Coordinating Council of Medical Education of the Canadian Medical Association; or

(II) Fellowship training in the United States or Canada approved by the Board or the Accreditation Council for Graduate Medical Education; or

(2) Has completed at least 36 months of postgraduate education, not less than 24 months of such postgraduate education must be as a resident after receiving a medical degree from a combined dental and medical degree program approved by the Board; and

(e) Passes a written or oral examination, or both, as to his qualifications to practice medicine and provides the Board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph (b).

Sec. 7. NRS 630.1605 is hereby amended to read as follows:

630.1605 ***1.*** Except as otherwise provided in NRS 630.161, the Board ~~[may]~~ ***shall, except for good cause,*** issue a license by endorsement to practice medicine to an applicant who has been issued a license to practice medicine by the District of Columbia or any state or territory of the United States if:

~~[1.]~~ ***(a)*** At the time the applicant files his application with the Board, the license is in effect ~~[;~~

~~2. The applicant:~~

~~(a) Submits to the Board proof of passage of an examination approved by the Board;~~

~~(b) Submits to the Board any documentation and other proof of qualifications required by the Board;~~

~~(c) Meets all of the statutory requirements for licensure to practice medicine in effect at the time of application except for the requirements set forth in NRS 630.160; and~~

~~(d) Completes any additional requirements relating to the fitness of the applicant to practice required by the Board; and~~

~~3. Any documentation and other proof of qualifications required by the Board is authenticated in a manner approved by the Board.]~~ ***and unrestricted; and***

(b) The applicant:

(1) Is currently certified by a specialty board of the American Board of Medical Specialties and was certified or recertified within the past 10 years;

(2) Has had no adverse actions reported to the National Practitioner Data Bank within the past 10 years;

(3) Has been continuously and actively engaged in the practice of medicine within his specialty for the past 5 years;

(4) Is not involved in and does not have pending any disciplinary action concerning his license to practice medicine in the District of Columbia or any state or territory of the United States; ~~*[and]*~~

(5) Provides information on all the medical malpractice claims brought against him, without regard to when the claims were filed or how the claims were resolved ~~*[.]*~~ ***; and***

(6) Meets all statutory requirements to obtain a license to practice medicine in this State except that the applicant is not required to meet the requirements set forth in NRS 630.160.

2. A license by endorsement may be issued at a meeting of the Board or between its meetings by its President and Executive Director. Such an action shall be deemed to be an action of the Board.

Sec. 7.5. **NRS 630.30665 is hereby amended to read as follows:**

630.30665 1. The Board shall require each holder of a license to practice medicine to submit annually to the Board, on a form provided by the Board ~~[, and in the format required by the Board by regulation,]~~ a report ~~[:~~

~~(a) Stating]~~ ***stating*** the number and type of surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the holder of the license at his office or any other facility, excluding any surgical care performed:

~~[(1)]~~ ***(a)*** At a medical facility as that term is defined in NRS 449.0151; or

~~[(2)]~~ ***(b)*** Outside of this State ***.*** ~~[.; and~~

~~(b) Reporting]~~

2. In addition to the report required pursuant to subsection 1, the Board shall require each holder of a license to practice medicine to submit a report annually to the Board concerning the occurrence of any sentinel event arising from any ~~[such]~~ surgery ~~[.]~~ ***described in subsection 1. The report must be submitted in the manner prescribed by the Board which must be substantially similar to the manner prescribed by the Administrator of the Health Division of the Department of Health and Human Services for reporting information pursuant to NRS 439.835.***

~~[2.]~~ ***3. Each holder of a license to practice medicine shall submit the report required pursuant to subsections 1 and 2 whether or not he performed any surgery described in subsection 1.*** Failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action ~~[.]~~ ***pursuant to subsection 8 of NRS 630.306.***

~~[3.]~~ ***4.*** The Board shall:

(a) Collect and maintain reports received pursuant to subsection 1; and

(b) Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access.

~~[4.]~~ ***5.*** A report received pursuant to subsection 1 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

~~[5.]~~ ***6.*** The provisions of this section do not apply to surgical care requiring only the administration of oral medication to a patient to relieve the patient's anxiety or pain, if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.

~~[6.]~~ ***7. In addition to any other remedy or penalty, if a holder of a license to practice medicine fails to submit a report or knowingly files false information in a report submitted pursuant to this section, the Board may, after providing the holder of a license to practice medicine with notice and opportunity for a hearing, impose against the holder of a license to practice medicine an administrative penalty for each such violation. The Board shall establish by regulation a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the holder of the license pursuant to this subsection. The regulations must include standards for determining the severity of the violation and may provide for a more severe penalty for multiple violations.***

8. As used in this section:

(a) "Conscious sedation" means a minimally depressed level of consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, in which the patient retains the ability independently and continuously to maintain an airway and to respond appropriately to physical stimulation and verbal commands.

(b) "Deep sedation" means a controlled state of depressed consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by a partial loss of protective reflexes and the inability to respond purposefully to verbal commands.

(c) "General anesthesia" means a controlled state of unconsciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by partial or complete loss of protective reflexes and the inability independently to maintain an airway and respond purposefully to physical stimulation or verbal commands.

(d) "Sentinel event" means an unexpected occurrence involving death or serious physical or psychological injury or the risk thereof, including, without limitation, any process variation for which a recurrence would carry a significant chance of serious adverse outcome. The term includes loss of limb or function.

Sec. 8. ~~[Chapter 630A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A member of the Board described pursuant to subsection 1 of NRS 630A.110 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.*~~] **(Deleted by amendment.)**

Sec. 9. ~~[Chapter 631 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A member of the Board described pursuant to paragraph (a) or (c) of subsection 1 of NRS 631.130 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]~~ **(Deleted by amendment.)**

Sec. 10. Chapter 632 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 14, inclusive, of this act.

Sec. 11. ***1. An accredited or approved school of nursing, practical nursing or professional nursing may hire as an instructor for clinical practice a person who holds a bachelor's degree in nursing and has at least 5 years of nursing experience in patient care.***

2. As used in this section, "instructor for clinical practice" means a registered nurse whose primary role is educating prelicensure nursing students in a skills laboratory or practice site.

Sec. 12. ~~*[A member of the Board described pursuant to paragraph (a), (b) or (c) of subsection 1 of NRS 632.030 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]*~~ **(Deleted by amendment.)**

Sec. 13. ~~*[The Nurse Licensure Compact is hereby ratified, enacted into law and entered into with all jurisdictions legally joining in the Compact, in substantially the form set forth in this section:*~~

~~*Nurse Licensure Compact*~~

~~*ARTICLE I. Findings and Declaration of Purpose*~~

~~*(a) The party states find that:*~~

~~*(1) The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws.*~~

~~*(2) Violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public.*~~

~~*(3) The expanded mobility of nurses and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation.*~~

~~*(4) New practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex.*~~

~~*(5) The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant to both nurses and states.*~~

~~*(b) The general purposes of this Compact are to:*~~

~~*(1) Facilitate the states' responsibility to protect the public's health and safety.*~~

~~*(2) Ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation.*~~

~~(3) Facilitate the exchange of information between party states in the areas of nurse regulation, investigation and adverse actions.~~

~~(4) Promote compliance with the laws governing the practice of nursing in each jurisdiction.~~

~~(5) Invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses.~~

~~ARTICLE II. Definitions~~

~~As used in this Compact:~~

~~(a) "Adverse action" means a home or remote state action.~~

~~(b) "Alternative program" means a voluntary, nondisciplinary monitoring program approved by a nurse licensing board.~~

~~(c) "Coordinated licensure information system" means an integrated process for collecting, storing and sharing information on nurse licensure and enforcement activities related to nurse licensure laws, which is administered by a nonprofit organization composed of and controlled by state nurse licensing boards.~~

~~(d) "Current significant investigative information" means:~~

~~(1) Investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or~~

~~(2) Investigative information that indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and had an opportunity to respond.~~

~~(e) "Home state" means the party state which is the nurse's primary state of residence.~~

~~(f) "Home state action" means any administrative, civil, equitable or criminal action permitted by the home state's laws which are imposed on a nurse by the home state's licensing board or other authority including actions against an individual's license such as revocation, suspension, probation or any other action which affects a nurse's authorization to practice.~~

~~(g) "Licensing board" means a party state's regulatory body responsible for issuing nurse licenses.~~

~~(h) "Multistate licensure privilege" means current, official authority from a remote state permitting the practice of nursing as either a registered nurse or a licensed practical vocational nurse in such party state. All party states have the authority, in accordance with existing state due process law, to take actions against the nurse's privilege such as revocation, suspension, probation or any other action which affects a nurse's authorization to practice.~~

~~(i) "Nurse" means a registered nurse or licensed practical vocational nurse, as those terms are defined by each party's state practice laws.~~

~~(j) "Party state" means any state that has adopted this Compact.~~

~~(k) "Remote state" means a party state, other than the home state, where the patient is located at the time nursing care is provided or, in the case of the practice of nursing not involving a patient, in such party state where the recipient of nursing practice is located.~~

~~(l) "Remote state action" means any administrative, civil, equitable or criminal action permitted by a remote state's laws which are imposed on a nurse by the remote state's licensing board or other authority including actions against an individual's multistate licensure privilege to practice in the remote state, and cease and desist and other injunctive or equitable orders issued by remote states or the licensing boards thereof.~~

~~(m) "State" means a state, territory or possession of the United States, and the District of Columbia.~~

~~(n) "State practice laws" means those individual party's state laws and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. The term does not include the initial qualifications for licensure or requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.~~

~~ARTICLE III. — General Provisions and Jurisdiction~~

~~(a) A license to practice registered nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a registered nurse in such party state. A license to practice licensed practical vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a licensed practical vocational nurse in such party state. In order to obtain or retain a license, an applicant must meet the home state's qualifications for licensure and license renewal as well as all other applicable state laws.~~

~~(b) Party states may, in accordance with state due process laws, limit or revoke the multistate licensure privilege of any nurse to practice in their state and may take any other actions under their applicable state laws necessary to protect the health and safety of their citizens. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.~~

~~(c) Every nurse practicing in a party state must comply with the state practice laws of the state in which the patient is located at the time care is rendered. In addition, the practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of a party state. The practice of nursing will subject a nurse to the jurisdiction of the nurse licensing board and the courts, as well as the laws, in that party state.~~

~~(d) This Compact does not affect additional requirements imposed by states for advanced practice registered nursing. However, a multistate licensure privilege to practice registered nursing granted by a party state shall be recognized by other party states as a license to practice registered nursing if one is required by state law as a precondition for qualifying for advanced practice registered nurse authorization.~~

~~(e) Individuals not residing in a party state shall continue to be able to apply for nurse licensure as provided for under the laws of each party state. However, the license granted to these individuals will not be recognized as granting the privilege to practice nursing in any other party state unless explicitly agreed to by that party state.~~

~~ARTICLE IV. Applications for Licensure in a Party State~~

~~(a) Upon application for a license, the licensing board in a party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any restrictions on the multistate licensure privilege and whether any other adverse action by any state has been taken against the license.~~

~~(b) A nurse in a party state shall hold licensure in only one party state at a time, issued by the home state.~~

~~(c) A nurse who intends to change primary state of residence may apply for licensure in the new home state in advance of such change. However, new licenses will not be issued by a party state until after a nurse provides evidence of change in primary state of residence satisfactory to the new home state's licensing board.~~

~~(d) When a nurse changes primary state of residence by:~~

~~(1) Moving between two party states, and obtains a license from the new home state, the license from the former home state is no longer valid.~~

~~(2) Moving from a nonparty state to a party state, and obtains a license from the new home state, the individual state license issued by the nonparty state is not affected and will remain in full force if so provided by the laws of the nonparty state.~~

~~(3) Moving from a party state to a nonparty state, the license issued by the prior home state converts to an individual state license, valid only in the former home state, without the multistate licensure privilege to practice in other party states.~~

~~ARTICLE V. Adverse Actions~~

~~In addition to the General Provisions described in Article III, the following provisions apply:~~

~~(a) The licensing board of a remote state shall promptly report to the administrator of the coordinated licensure information system any remote state actions, including the factual and legal basis for such action, if known. The licensing board of a remote state shall also promptly report any significant current investigative information yet to result in a remote state~~

~~*action. The administrator of the coordinated licensure information system shall promptly notify the home state of any such reports.*~~

~~*(b) The licensing board of a party state shall have the authority to complete any pending investigations for a nurse who changes primary state of residence during the course of such investigations. It shall also have the authority to take appropriate action(s), and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions.*~~

~~*(c) A remote state may take adverse action affecting the multistate licensure privilege to practice within that party state. However, only the home state shall have the power to impose adverse action against the license issued by the home state.*~~

~~*(d) For purposes of imposing adverse action, the licensing board of the home state shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, it shall apply its own state laws to determine appropriate action.*~~

~~*(e) The home state may take adverse action based on the factual findings of the remote state, so long as each state follows its own procedures for imposing such adverse action.*~~

~~*(f) Nothing in this Compact shall override a party state's decision that participation in an alternative program may be used in lieu of licensure action and that such participation shall remain nonpublic if required by the party state's laws. Party states must require nurses who enter any alternative programs to agree not to practice in any other party state during the term of the alternative program without prior authorization from such other party state.*~~

~~*ARTICLE VI. Additional Authorities Invested in Party State Nurse Licensing Boards*~~

~~*Notwithstanding any other powers, party state nurse licensing boards shall have the authority to:*~~

~~*(a) If otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse.*~~

~~*(b) Issue subpoenas for both hearings and investigations which require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a nurse licensing board in a party state for the attendance and testimony of witnesses, and/or the production of evidence from another party state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees*~~

~~*required by the service statutes of the state where the witnesses and/or evidence are located.*~~

~~*(c) Issue cease and desist orders to limit or revoke a nurse's authority to practice in their state.*~~

~~*(d) Promulgate uniform rules and regulations as provided for in Article VIII(c).*~~

~~*ARTICLE VII. Coordinated Licensure Information System*~~

~~*(a) All party states shall participate in a cooperative effort to create a coordinated database of all licensed registered nurses and licensed practical vocational nurses. This system will include information on the licensure and disciplinary history of each nurse, as contributed by party states, to assist in the coordination of nurse licensure and enforcement efforts.*~~

~~*(b) Notwithstanding any other provision of law, all party states' licensing boards shall promptly report adverse actions, actions against multistate licensure privileges, any current significant investigative information yet to result in adverse action, denials of applications, and the reasons for such denials, to the coordinated licensure information system.*~~

~~*(c) Current significant investigative information shall be transmitted through the coordinated licensure information system only to party state licensing boards.*~~

~~*(d) Notwithstanding any other provision of law, all party states' licensing boards contributing information to the coordinated licensure information system may designate information that may not be shared with nonparty states or disclosed to other entities or individuals without the express permission of the contributing state.*~~

~~*(e) Any personally identifiable information obtained by a party state's licensing board from the coordinated licensure information system may not be shared with nonparty states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.*~~

~~*(f) Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system.*~~

~~*(g) The Compact administrators, acting jointly with each other and in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection and exchange of information under this Compact.*~~

~~*ARTICLE VIII. Compact Administration and Interchange of Information*~~

~~*(a) The head of the nurse licensing board, or his designee, of each party state shall be the administrator of this Compact for his state.*~~

~~*(b) The Compact administrator of each party state shall furnish to the Compact administrator of each other party state any information and documents, including, but not limited to, a uniform data set of investigations,*~~

~~*identifying information, licensure data and disclosable alternative program participation information to facilitate the administration of this Compact.*~~

~~*(c) Compact administrators shall have the authority to develop uniform rules to facilitate and coordinate implementation of this Compact. These uniform rules shall be adopted by party states, under the authority invested under Article VI(d).*~~

~~*ARTICLE IX. — Immunity*~~

~~*No party state or the officers or employees or agents of a party state's nurse licensing board who acts in accordance with the provisions of this Compact shall be liable on account of any act or omission in good faith while engaged in the performance of their duties under this Compact. Good faith in this Article shall not include willful misconduct, gross negligence or recklessness.*~~

~~*ARTICLE X. — Entry into Force, Withdrawal and Amendment*~~

~~*(a) This Compact shall enter into force and become effective as to any state when it has been enacted into the laws of that state. Any party state may withdraw from this Compact by enacting a statute repealing the same, but no such withdrawal shall take effect until 6 months after the withdrawing state has given notice of the withdrawal to the executive heads of all other party states.*~~

~~*(b) No withdrawal shall affect the validity or applicability by the licensing boards of states remaining party to the Compact of any report of adverse action occurring prior to the withdrawal.*~~

~~*(c) Nothing contained in this Compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a nonparty state that is made in accordance with the other provisions of this Compact.*~~

~~*(d) This Compact may be amended by the party states. No amendment to this Compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states.*~~

~~*ARTICLE XI. — Construction and Severability*~~

~~*(a) This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any state party thereto, the Compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.*~~

~~*(b) In the event party states find a need for settling disputes arising under this Compact:*~~

~~*(1) The party states may submit the issues in dispute to an arbitration panel which will be comprised of an individual appointed by the Compact*~~

~~*administrator in the home state, an individual appointed by the Compact administrator in the remote state(s) involved and an individual mutually agreed upon by the Compact administrators of all the party states involved in the dispute.*~~

~~*(2) The decision of a majority of the arbitrators shall be final and binding.]*~~ **(Deleted by amendment.)**

Sec. 14. ~~*[The Board shall adopt any regulations necessary for the implementation of the Nurse Licensure Compact enacted pursuant to section 13 of this act, including, without limitation, any regulations which interpret any parts of the interstate compact that require interpretation and which are necessary for its implementation.]*~~ **(Deleted by amendment.)**

Sec. 15. NRS 632.0126 is hereby amended to read as follows:

632.0126 "Approved school of nursing" means a school of nursing that is approved by the Board as meeting the standards for nursing education established by the Board pursuant to NRS 632.430 to 632.470, inclusive ~~[.]~~ ***, and section 11 of this act.***

Sec. 16. NRS 632.017 is hereby amended to read as follows:

632.017 "Practice of practical nursing" means the performance of selected acts in the care of the ill, injured or infirm under the direction of a registered professional nurse, an advanced practitioner of nursing, a licensed physician, a ~~[licensed]~~ physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** a licensed dentist or a licensed podiatric physician, not requiring the substantial specialized skill, judgment and knowledge required in professional nursing.

Sec. 17. NRS 632.018 is hereby amended to read as follows:

632.018 "Practice of professional nursing" means the performance of any act in the observation, care and counsel of the ill, injured or infirm, in the maintenance of health or prevention of illness of others, in the supervision and teaching of other personnel, in the administration of medications and treatments as prescribed by an advanced practitioner of nursing, a licensed physician, a ~~[licensed]~~ physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** a licensed dentist or a licensed podiatric physician, requiring substantial specialized judgment and skill based on knowledge and application of the principles of biological, physical and social science, but does not include acts of medical diagnosis or prescription of therapeutic or corrective measures.

Sec. 18. NRS 632.030 is hereby amended to read as follows:

632.030 1. The Governor shall appoint:

(a) Three registered nurses who are graduates of an accredited school of nursing, are licensed as professional nurses in the State of Nevada and have been actively engaged in nursing for at least 5 years preceding the appointment.

(b) One practical nurse who is a graduate of an accredited school of practical nursing, is licensed as a practical nurse in this State and has been actively engaged in nursing for at least 5 years preceding the appointment.

(c) One nursing assistant who is certified pursuant to the provisions of this chapter.

(d) One member who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

(e) One member who is a representative of the general public. This member must not be:

(1) A licensed practical nurse, a registered nurse, a nursing assistant or an advanced practitioner of nursing; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a licensed practical nurse, a registered nurse, a nursing assistant or an advanced practitioner of nursing.

2. Each member of the Board must be:

(a) A citizen of the United States; and

(b) A resident of the State of Nevada who has resided in this State for not less than 2 years.

3. A representative of the general public may not:

(a) Have a fiduciary obligation to a hospital or other health agency;

(b) Have a material financial interest in the rendering of health services; or

(c) Be employed in the administration of health activities or the performance of health services.

4. The members appointed to the Board pursuant to paragraphs (a) and (b) of subsection 1 must be selected to provide the broadest representation of the various activities, responsibilities and types of service within the practice of nursing and related areas, which may include, without limitation, experience:

(a) In administration.

(b) In education.

(c) As an advanced practitioner of nursing.

(d) In an agency or clinic whose primary purpose is to provide medical assistance to persons of low and moderate incomes.

(e) In a licensed medical facility.

5. Each member of the Board shall serve a term of 4 years. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this ~~[section]~~ ***chapter*** to replace that member for the remainder of the unexpired term.

6. No member of the Board may serve more than two consecutive terms. For the purposes of this subsection, service of 2 or more years in filling an unexpired term constitutes a term.

Sec. 19. ~~[NRS 632.307 is hereby amended to read as follows:~~

~~632.307 1. The Board may place any condition, limitation or restriction on any license or certificate issued pursuant to this chapter if the Board determines that such action is necessary to protect the public health, safety or welfare.~~

~~2. [The] *Except as otherwise provided by the Nurse Licensure Compact enacted pursuant to section 13 of this act, the* Board shall not report any condition, limitation or restriction placed on a license or certificate issued pursuant to this section to the National Council of State Boards of Nursing Disciplinary Data Bank or any other repository which records disciplinary action taken against licensees or holders of certificates, unless the licensee or holder of the certificate fails to comply with the condition, limitation or restriction placed on the license or certificate. The Board may, upon request, report any such information to an agency of another state which regulates the practice of nursing.~~

~~3. The Board may modify any condition, limitation or restriction placed on a license or certificate issued pursuant to this section if the Board determines it is necessary to protect the public health, safety or welfare.~~

~~4. Any condition, limitation or restriction placed on a license or certificate issued pursuant to this section shall not be deemed to be disciplinary action taken pursuant to NRS 632.325.]~~ **(Deleted by amendment.)**

Sec. 20. ~~[NRS 632.340 is hereby amended to read as follows:~~

~~632.340 The provisions of NRS 632.315 do not prohibit:~~

~~1. Gratuitous nursing by friends or by members of the family of a patient.~~

~~2. The incidental care of the sick by domestic servants or persons primarily employed as housekeepers as long as they do not practice nursing within the meaning of this chapter.~~

~~3. Nursing assistance in the case of an emergency.~~

~~4. The practice of nursing by students enrolled in accredited schools of nursing or by graduates of those schools or courses pending the results of the first licensing examination scheduled by the Board following graduation. A student or graduate may not work as a nursing assistant unless he is certified to practice as a nursing assistant pursuant to the provisions of this chapter.~~

~~5. The practice of nursing in this State by any legally qualified nurse or nursing assistant of another state whose engagement requires him to accompany and care for a patient temporarily residing in this State during the period of one such engagement, not to exceed 6 months, if the person does not represent or hold himself out as a nurse licensed to practice in this State or as a nursing assistant who holds a certificate to practice in this State.~~

~~6. The practice of any legally qualified nurse of another state who is employed by the United States Government, or any bureau, division or agency thereof, while in the discharge of his official duties in this State.~~

~~7. Nonmedical nursing for the care of the sick, with or without compensation, if done by the adherents of, or in connection with, the practice of the religious tenets of any well-recognized church or religious denomination, if that nursing does not amount to the practice of practical or professional nursing as defined in NRS 632.017 and 632.018, respectively.~~

~~8. A personal assistant from performing services for a person with a disability pursuant to NRS 629.091.~~

~~9. A natural person from providing supported living arrangement services if:~~

~~(a) That person has been issued a certificate pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive; or~~

~~(b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or agency thereof that has been issued a certificate pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive.~~

~~As used in this subsection, "supported living arrangement services" has the meaning ascribed to it in NRS 435.3315.~~

~~*10. The practice of nursing pursuant to the Nurse Licensure Compact enacted pursuant to section 13 of this act.]*~~ **(Deleted by amendment.)**

Sec. 21. ~~[NRS 632.405 is hereby amended to read as follows:~~

~~632.405 1. Except as otherwise provided in this section, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.~~

~~2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose disciplinary action are public records.~~

~~3. This section does not prevent or prohibit the Board from communicating or cooperating with another licensing Board or any agency that is investigating a licensee, including a law enforcement agency.~~

~~*4. This section does not prevent or prohibit the Board from acting pursuant to the Nurse Licensure Compact enacted pursuant to section 13 of this act.]*~~ **(Deleted by amendment.)**

Sec. 22. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who maintains or is employed by an agency to provide nursing in the home.

(f) Any employee of the Department of Health and Human Services.

(g) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(h) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(i) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(j) Any social worker.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section, "agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

Sec. 23. Chapter 633 of NRS is hereby amended by adding thereto the provisions set forth as sections 24 to 35, inclusive, of this act.

Sec. 24. ***1. Except as otherwise provided in NRS 633.315, the Board may issue a special license to a person who:***

(a) Is a graduate of a foreign school which teaches osteopathic medicine;

(b) Teaches, researches or practices osteopathic medicine outside the United States;

(c) Is a recognized expert in osteopathic medicine; and

(d) Intends to teach, research or practice clinical osteopathic medicine at a medical research facility or school of osteopathic medicine in this State.

2. ~~*[Such a person must:*~~

~~*(a) Submit to the Board any documentation and other proof of qualifications required by the Board; and*~~

~~*(b) Meet all of the statutory requirements for licensure to practice osteopathic medicine in effect at the time of application except for the requirements set forth in NRS 633.315.*~~

~~3.]~~ ***A person who applies for a special license is not required to take or pass a written examination concerning his qualifications to practice osteopathic medicine, but the person must satisfy the requirements for a special license set forth in regulations adopted by the Board.***

3. A person who holds a special license issued pursuant to this section may practice osteopathic medicine in this State only in accordance with the terms and restrictions established by the Board.

4. If a person who holds a special license issued pursuant to this section ceases to teach, research or practice clinical osteopathic medicine in this State at the medical research facility or school of osteopathic medicine where he is employed:

(a) The medical research facility or school of osteopathic medicine, as applicable, shall notify the Board; and

(b) Upon receipt of such notification, the special license expires automatically.

~~[4.]~~ ***5. The Board may renew or modify a special license issued pursuant to this section, unless the special license has expired automatically or has been revoked.***

~~[5.]~~ ***6. The provisions of this section do not limit the authority of the Board to issue a special license to an applicant in accordance with any other provision of this chapter.***

Sec. 25. ***1. Except as otherwise provided in NRS 633.315, the Board shall, except for good cause, issue a license by endorsement to a person who has been issued a license to practice osteopathic medicine by the District of Columbia or any state or territory of the United States if:***

(a) At the time the person files his application with the Board, the license is in effect and unrestricted; and

(b) The applicant:

(1) Is currently certified by either a specialty board of the American Board of Medical Specialties or a specialty board of the American Osteopathic Association, and was certified or recertified within the past 10 years;

(2) Has had no adverse actions reported to the National Practitioner Data Bank within the past ~~[10]~~ ***5 years;***

(3) Has been continuously and actively engaged in the practice of osteopathic medicine within his specialty for the past 5 years;

(4) Is not involved in and does not have pending any disciplinary action concerning his license to practice osteopathic medicine in the District of Columbia or any state or territory of the United States; ~~[and]~~

(5) Provides information on all the medical malpractice claims brought against him, without regard to when the claims were filed or how the claims were resolved ~~[.]~~ ***; and***

(6) Meets all statutory requirements to obtain a license to practice osteopathic medicine in this State except that the applicant is not required to meet the requirements set forth in NRS 633.311.

2. Any person applying for a license pursuant to this section shall pay in advance to the Board the application and initial license fee specified in this chapter.

3. A license by endorsement may be issued at a meeting of the Board or between its meetings by its President and Executive Director. Such action shall be deemed to be an action of the Board.

Sec. 26. ~~*[A member of the Board described pursuant to subsection 1 of NRS 633.191 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]*~~ **(Deleted by amendment.)**

Sec. 27. ***A private nonprofit school of osteopathic medicine that is licensed by the Commission on Postsecondary Education and approved by the American Osteopathic Association's Commission on College Accreditation may, notwithstanding any provision of law to the contrary:***

1. Operate as a corporation or other business organization or association with ownership or control shared by persons licensed pursuant to this chapter and persons not licensed pursuant to this chapter;

2. Operate a clinic in conjunction with the school which is staffed by osteopathic physicians or physicians who are:

(a) Licensed pursuant to this chapter or chapter 630 of NRS, respectively; and

(b) Members of the faculty of the school; and

3. Retain all or a portion of the money generated by a clinic described in subsection 2, including, without limitation, any professional income generated by an osteopathic physician or physician staffing the clinic.

Sec. 28. ***1. A physician assistant may perform such medical services as:***

(a) He is authorized to perform by his supervising osteopathic physician; and

(b) Are within his supervising osteopathic physician's scope of practice.

2. The Board and supervising osteopathic physician shall limit the authority of a physician assistant to prescribe controlled substances to those schedules of controlled substances that the supervising osteopathic physician is authorized to prescribe pursuant to state and federal law.

Sec. 29. ***The Board may issue a license as a physician assistant to an applicant who is qualified under the regulations of the Board to perform medical services under the supervision of a supervising osteopathic physician. The application for a license as a physician assistant must include all information required to complete the application.***

Sec. 30. ***The Board shall adopt regulations regarding the licensure of a physician assistant, including, without limitation:***

1. The educational and other qualifications of applicants.

2. The required academic program for applicants.

3. The procedures for applications for and the issuance of licenses.

4. The tests or examinations of applicants by the Board.

5. The medical services which a physician assistant may perform, except that he may not perform osteopathic manipulative therapy or those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, doctors of Oriental medicine, podiatric physicians, optometrists and hearing aid specialists under chapters 631, 634, 634A, 635, 636 and 637A, respectively, of NRS.

6. The duration, renewal and termination of licenses.

7. The grounds and procedures respecting disciplinary actions against physician assistants.

8. The supervision of medical services of a physician assistant by a supervising osteopathic physician.

Sec. 31. ***1. A physician assistant shall:***

(a) Keep his license available for inspection at his primary place of business; and

(b) When engaged in his professional duties, identify himself as a physician assistant.

2. A physician assistant shall not bill a patient separately from his supervising osteopathic physician.

Sec. 32. ***1. An osteopathic physician may at any time refuse to act as a supervising osteopathic physician for a physician assistant.***

2. A condition, stipulation or provision in a contract or other agreement which:

(a) Requires an osteopathic physician to act as a supervising osteopathic physician for a physician assistant;

(b) Penalizes an osteopathic physician for refusing to act as a supervising osteopathic physician for a physician assistant; or

(c) Limits a supervising osteopathic physician's authority with regard to any protocol, standing order or delegation of authority applicable to a physician assistant supervised by the osteopathic physician,

➥ is against public policy and is void.

Sec. 33. ***An osteopathic physician who does not normally provide care to patients may not be a supervising osteopathic physician.***

Sec. 34. ***1. A supervising osteopathic physician shall provide supervision to his physician assistant continuously whenever the physician assistant is performing his professional duties.***

2. Except as otherwise provided in subsection 3, a supervising osteopathic physician may provide supervision to his physician assistant in person or by telecommunication. When providing supervision by telecommunication, a supervising osteopathic physician may be at a different site than the physician assistant.

3. A supervising osteopathic physician shall provide supervision to his physician assistant in person at all times during the first 30 days that the supervising osteopathic physician supervises the physician assistant. After the first 30 days, the supervising osteopathic physician shall not regularly maintain the physician assistant at a different site than the supervising

osteopathic physician. The provisions of this subsection do not apply to a federally qualified health center.

4. Before beginning to supervise a physician assistant, a supervising osteopathic physician must communicate to the physician assistant:

(a) The scope of practice of the physician assistant;

(b) The access to the supervising osteopathic physician that the physician assistant will have; and

(c) Any processes for evaluation that the supervising osteopathic physician will use to evaluate the physician assistant.

5. A supervising osteopathic physician shall not delegate to his physician assistant, and his physician assistant shall not accept, a task that is beyond the physician assistant's capability to complete safely.

6. As used in this section, "federally qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

Sec. 35. ***1. A physician assistant licensed under the provisions of this chapter who is responding to a need for medical care created by an emergency or disaster, as declared by an applicable governmental entity, may render emergency care that is directly related to the emergency or disaster without the supervision of an osteopathic physician, as required by this chapter. The provisions of this subsection apply only for the duration of the emergency or disaster.***

2. An osteopathic physician who supervises a physician assistant who is rendering emergency care that is directly related to an emergency or disaster, as described in subsection 1, shall not be required to meet the requirements set forth in this chapter for such supervision.

Sec. 36. NRS 633.031 is hereby amended to read as follows:

633.031 ~~["Employing]~~ ***"Supervising*** osteopathic physician" means an osteopathic physician ***who is*** licensed in this State ~~[who employs]~~ ***, is in good standing with the Board*** and supervises ~~[an osteopathic physician's]~~ ***a physician*** assistant with Board approval.

Sec. 37. NRS 633.101 is hereby amended to read as follows:

633.101 ***"Physician*** assistant" means a person who is ***a graduate of an academic program*** approved by the Board ***or who, by general education, practical training and experience determined to be satisfactory by the Board, is qualified*** to perform medical services under the supervision of ***a supervising*** osteopathic physician ***and who has been issued a license by the Board.***

Sec. 38. NRS 633.131 is hereby amended to read as follows:

633.131 1. "Unprofessional conduct" includes:

(a) Willfully making a false or fraudulent statement or submitting a forged or false document in applying for a license to practice osteopathic medicine or in applying for renewal of a license to practice osteopathic medicine.

(b) Failure of a licensee ***of the practice of osteopathic medicine*** to designate his school of practice in the professional use of his name by the term D.O., osteopathic physician, doctor of osteopathy or a similar term.

(c) Directly or indirectly giving to or receiving from any person, corporation or other business organization any fee, commission, rebate or other form of compensation for sending, referring or otherwise inducing a person to communicate with an osteopathic physician in his professional capacity or for any professional services not actually and personally rendered, except as otherwise provided in subsection 2.

(d) Employing, directly or indirectly, any suspended or unlicensed person in the practice of osteopathic medicine, or the aiding or abetting of any unlicensed person to practice osteopathic medicine.

(e) Advertising the practice of osteopathic medicine in a manner which does not conform to the guidelines established by regulations of the Board.

(f) Engaging in any:

(1) Professional conduct which is intended to deceive or which the Board by regulation has determined is unethical; or

(2) Medical practice harmful to the public or any conduct detrimental to the public health, safety or morals which does not constitute gross or repeated malpractice or professional incompetence.

(g) Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, otherwise than in the course of legitimate professional practice or as authorized by law.

(h) Habitual drunkenness or habitual addiction to the use of a controlled substance.

(i) Performing, assisting in or advising an unlawful abortion or the injection of any liquid silicone substance into the human body.

(j) Willful disclosure of a communication privileged pursuant to a statute or court order.

(k) Willful disobedience of the regulations of the State Board of Health, the State Board of Pharmacy or the State Board of Osteopathic Medicine.

(l) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any prohibition made in this chapter.

(m) Failure of a licensee to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

(n) Making alterations to the medical records of a patient that the licensee knows to be false.

(o) Making or filing a report which the licensee knows to be false.

(p) Failure of a licensee to file a record or report as required by law, or willfully obstructing or inducing any person to obstruct such filing.

(q) Failure of a licensee to make medical records of a patient available for inspection and copying as provided by NRS 629.061.

2. It is not unprofessional conduct:

(a) For persons holding valid licenses ***to practice osteopathic medicine*** issued pursuant to this chapter to practice osteopathic medicine in partnership under a partnership agreement or in a corporation or an association

authorized by law, or to pool, share, divide or apportion the fees and money received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the board of directors of the corporation or association;

(b) For two or more persons holding valid licenses ***to practice osteopathic medicine*** issued pursuant to this chapter to receive adequate compensation for concurrently rendering professional care to a patient and dividing a fee if the patient has full knowledge of this division and if the division is made in proportion to the services performed and the responsibility assumed by each; or

(c) For a person licensed ***to practice osteopathic medicine*** pursuant to the provisions of this chapter to form an association or other business relationship with an optometrist pursuant to the provisions of NRS 636.373.

Sec. 39. NRS 633.151 is hereby amended to read as follows:

633.151 The purpose of licensing osteopathic physicians and ~~[osteopathic physicians']~~ ***physician*** assistants is to protect the public health and safety and the general welfare of the people of this State. Any license issued pursuant to this chapter is a revocable privilege and a holder of such a license does not acquire thereby any vested right.

Sec. 39.5. **NRS 633.286 is hereby amended to read as follows:**

633.286 1. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:

(a) Disciplinary action taken by the Board during the previous biennium against osteopathic physicians for malpractice or negligence; ~~[and]~~

(b) Information reported to the Board during the previous biennium pursuant to NRS ~~[633.524,]~~ 633.526, 633.527, subsections 2 and 3 of NRS 633.533 and NRS 690B.250 and 690B.260~~[.]~~ ***; and***

(c) Information reported to the Board during the previous biennium pursuant to NRS 633.524, including, without limitation, the number and types of surgeries performed by each holder of a license to practice osteopathic medicine and the occurrence of sentinel events arising from such surgeries, if any.

2. The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.

Sec. 40. NRS 633.301 is hereby amended to read as follows:

633.301 1. The Board shall keep a record of its proceedings relating to licensing and disciplinary actions. Except as otherwise provided in this section, the record must be open to public inspection at all reasonable times and contain the name, known place of business and residence, and the date and number of the license of every osteopathic physician ***and every physician assistant*** licensed under this chapter.

2. Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

3. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

4. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 41. NRS 633.321 is hereby amended to read as follows:

633.321 1. Every applicant for a license shall:

(a) File an application with the Board in the manner prescribed by regulations of the Board;

(b) Submit verified proof satisfactory to the Board that he meets ~~[the]~~ ***any*** age, citizenship and educational requirements prescribed by this chapter; and

(c) Pay in advance to the Board the application and initial license fee specified in this chapter.

2. An application filed with the Board pursuant to subsection 1 must include all information required to complete the application.

3. The Board may hold hearings and conduct investigations into any matter related to the application and, in addition to the proofs required by subsection 1, may take such further evidence and require such other documents or proof of qualifications as it deems proper.

4. The Board may reject an application if it appears that any credential submitted is false.

Sec. 42. NRS 633.322 is hereby amended to read as follows:

633.322 In addition to the other requirements for licensure ~~[,]~~ ***to practice osteopathic medicine,*** an applicant shall cause to be submitted to the Board a certificate of completion of progressive postgraduate training from the residency program where the applicant received training.

Sec. 43. NRS 633.328 is hereby amended to read as follows:

633.328 In addition to any other requirements set forth in this chapter, each applicant for a license ***,*** ~~[to practice osteopathic medicine,]~~ except a temporary or special license, ~~[or each osteopathic physician's assistant for whom an application to employ an osteopathic physician's assistant is submitted to the Board]~~ must submit to the Board a complete set of his fingerprints and written permission authorizing the Board to forward the

fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

Sec. 44. NRS 633.371 is hereby amended to read as follows:

633.371 Every license ***to practice osteopathic medicine*** must be displayed in the office or place of business or employment of its holder.

Sec. 45. NRS 633.391 is hereby amended to read as follows:

633.391 1. The Board may issue a temporary license ***to practice osteopathic medicine in order*** to authorize a person who is qualified to practice osteopathic medicine in this State to serve as a substitute for ~~[an]~~ **:**

(a) A physician licensed pursuant to chapter 630 of NRS; or

(b) An osteopathic physician ***licensed pursuant to chapter 633 of NRS,*** who is absent from his practice.

2. Each applicant for such a license shall pay the temporary license fee specified in this chapter.

3. A temporary license ***to practice osteopathic medicine*** is valid for not more than 6 months after issuance and is not renewable.

Sec. 46. NRS 633.401 is hereby amended to read as follows:

633.401 1. Except as otherwise provided in NRS 633.315, the Board may issue a special license ~~[:]~~ ***to practice osteopathic medicine:***

(a) To authorize a person who is licensed to practice osteopathic medicine in an adjoining state to come into Nevada to care for or assist in the treatment of his patients in association with an osteopathic physician in this State who has primary care of the patients.

(b) To a resident while he is enrolled in a postgraduate training program required pursuant to the provisions of paragraph (c) of subsection 4 of NRS 633.311.

(c) For a specified period and for specified purposes to a person who is licensed to practice osteopathic medicine in another jurisdiction.

2. A special license issued under this section may be renewed by the Board upon application of the licensee.

3. Every person who applies for or renews a special license under this section shall pay respectively the special license fee or special license renewal fee specified in this chapter.

Sec. 47. NRS 633.411 is hereby amended to read as follows:

633.411 1. Except as otherwise provided in NRS 633.315, the Board may issue a special license ***to practice osteopathic medicine*** to a person qualified under this section to authorize him to serve:

(a) As a resident medical officer in any hospital in Nevada. A person issued such a license shall practice osteopathic medicine only within the confines of the hospital specified in the license and under the supervision of the regular medical staff of that hospital.

(b) As a professional employee of the State of Nevada or of the United States. A person issued such a license shall practice osteopathic medicine only within the scope of his employment and under the supervision of the appropriate state or federal medical agency.

2. An applicant for a special license under this section must:

(a) Be a graduate of a school of osteopathic medicine and have completed a hospital internship.

(b) Pay the special license fee specified in this chapter.

3. The Board shall not issue a license under subsection 1 unless it has received a letter from a hospital in Nevada or from the appropriate state or federal medical agency requesting issuance of the special license to the applicant.

4. A special license issued under this section:

(a) Must be issued at a meeting of the Board or between its meetings by its President and Secretary subject to approval at the next meeting of the Board.

(b) Is valid for a period not exceeding 1 year, as determined by the Board.

(c) May be renewed by the Board upon application and payment by the licensee of the special license renewal fee specified in this chapter.

(d) Does not entitle the licensee to engage in the private practice of osteopathic medicine.

5. The issuance of a special license under this section does not obligate the Board to grant any regular license to practice osteopathic medicine.

Sec. 48. NRS 633.421 is hereby amended to read as follows:

633.421 Each license ***to practice osteopathic medicine*** issued by the Board:

1. Shall bear a seal adopted by the Board and the signatures of its President and Secretary; and

2. Authorizes the holder to practice osteopathic medicine so long as it is kept in force by appropriate renewal and is not revoked or suspended.

Sec. 49. NRS 633.466 is hereby amended to read as follows:

633.466 1. ~~[An osteopathic physician's]~~ ***A physician*** assistant may ~~[, under his certificate,]~~ be supervised by a physician licensed to practice medicine in this State ***pursuant to chapter 630 of NRS*** in place of his ~~[employing]~~ ***supervising*** osteopathic physician if:

(a) The ~~[osteopathic physician's]~~ ***physician*** assistant works in a geographical area where he can be conveniently supervised only by ***such*** a physician; ***and***

(b) The ~~[osteopathic physician's assistant remains in the employ of his employing osteopathic physician;~~

~~(c) The employing]~~ ***supervising*** osteopathic physician and the physician ***licensed pursuant to chapter 630 of NRS*** agree to the arrangement**.** ~~[; and]~~

~~[(d) The Board of Osteopathic Medicine and the Board of Medical Examiners approve it.]~~

2. ~~[For the purposes of chapter 630 of NRS, an osteopathic physician's]~~ ***A physician*** assistant so supervised is not a ~~[physician's]~~ ***physician*** assistant ***for the purposes of chapter 630 of NRS*** solely because of that supervision**.** ~~[and continues to practice osteopathic medicine.]~~

3. The ***State*** Board ***of Osteopathic Medicine*** shall adopt jointly with the Board of Medical Examiners regulations necessary to administer the provisions of this section.

Sec. 50. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection 4 and ~~[in]~~ NRS 633.491, every holder of a license ***to practice osteopathic medicine*** issued under this chapter, except a temporary or a special license, may renew his license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;

(b) Paying the annual license renewal fee specified in this chapter;

(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against him during the previous year;

(d) Submitting an affidavit to the Board that in the year preceding the application for renewal he has attended courses or programs of continuing education approved by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and

(e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee ***of the practice of osteopathic medicine*** of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license ~~[.]~~ ***to practice osteopathic medicine.*** Upon a request from the Board, an applicant for renewal of a license ***to practice osteopathic medicine*** shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal he attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

Sec. 51. NRS 633.481 is hereby amended to read as follows:

633.481 1. Except as otherwise provided in subsection 2, if a licensee ***of the practice of osteopathic medicine*** fails to comply with the requirements of NRS 633.471 within 30 days after the renewal date, the Board shall give 30 days' notice of failure to renew and of revocation of ***the*** license by certified mail to the licensee at his last address registered with the Board. If the license is not renewed before the expiration of the 30 days' notice, the license is automatically revoked without any further notice or a hearing and the Board shall file a copy of the notice with the Drug Enforcement

Administration of the United States Department of Justice or its successor agency.

2. A licensee ***of the practice of osteopathic medicine*** who fails to meet the continuing education requirements for license renewal may apply to the Board for a waiver of the requirements. The Board may grant a waiver for that year only if it finds that the failure is due to the licensee's disability, military service or absence from the United States, or to circumstances beyond the control of the licensee which are deemed by the Board to excuse the failure.

3. A person whose license is revoked under this section may apply to the Board for restoration of his license upon:

(a) Payment of all past due renewal fees and the late payment fee specified in this chapter;

(b) Producing verified evidence satisfactory to the Board of completion of the total number of hours of continuing education required for the year preceding the renewal date and for each year succeeding the date of revocation;

(c) Stating under oath in writing that he has not withheld information from the Board which if disclosed would furnish grounds for disciplinary action under this chapter; and

(d) Submitting all information required to complete the restoration of his license.

Sec. 52. NRS 633.491 is hereby amended to read as follows:

633.491 1. A licensee ***of the practice of osteopathic medicine*** who retires from ~~[the practice of osteopathic medicine]~~ ***such practice*** need not annually renew his license after he files with the Board an affidavit stating the date on which he retired from practice and such other facts to verify his retirement as the Board deems necessary.

2. A retired licensee ***of the practice of osteopathic medicine*** who desires to return to practice may apply to renew his license by paying all back annual license renewal fees from the date of retirement and submitting verified evidence satisfactory to the Board that he has attended continuing education courses or programs approved by the Board which total:

(a) Twenty-five hours if he has been retired 1 year or less.

(b) Fifty hours within 12 months of the date of the application if he has been retired for more than 1 year.

3. A licensee ***of the practice of osteopathic medicine*** who wishes to have his license placed on inactive status must provide the Board with an affidavit stating the date on which he will cease the practice of osteopathic medicine in Nevada and any other facts that the Board may require. The Board shall place the license of the licensee on inactive status upon receipt of:

(a) The affidavit required pursuant to this subsection; and

(b) Payment of the inactive license fee prescribed by NRS 633.501.

4. A licensee ***of the practice of osteopathic medicine*** whose license has been placed on inactive status:

(a) Need not annually renew his license.

(b) Shall annually pay the inactive license fee prescribed by NRS 633.501.

(c) Shall not engage in the practice of osteopathic medicine in this State.

5. A licensee ***of the practice of osteopathic medicine*** whose license is on inactive status and who wishes to renew his license to practice osteopathic medicine must:

(a) Provide to the Board verified evidence satisfactory to the Board of completion of the total number of hours of continuing medical education required for:

(1) The year preceding the date of the application for renewal of the license to practice osteopathic medicine; and

(2) Each year succeeding the date the license was placed on inactive status.

(b) Provide to the Board an affidavit stating that the applicant has not withheld from the Board any information which would provide grounds for disciplinary action pursuant to this chapter.

(c) Comply with all other requirements for renewal.

Sec. 53. NRS 633.501 is hereby amended to read as follows:

633.501 The Board shall charge and collect fees not to exceed the following amounts:

1.	Application and initial license fee ***for an osteopathic physician***	$800
2.	Annual license renewal fee ***for an osteopathic physician***	500
3.	Temporary license fee	500
4.	Special license fee	200
5.	Special license renewal fee	200
6.	Reexamination fee	200
7.	Late payment fee	300
8.	~~[For a certificate as an osteopathic physician's]~~ ***Application and initial license fee for a physician*** assistant	~~[500]~~ ***400***
9.	~~[Renewal of a certificate as an osteopathic physician's]~~ ***Annual license renewal fee for a physician*** assistant	~~[300]~~ ***400***
10.	~~[For an application to employ an osteopathic physician's assistant~~	~~500~~
~~11.]~~	Inactive license fee	200

Sec. 54. NRS 633.524 is hereby amended to read as follows:

633.524 1. The Board shall require each holder of a license ***to practice osteopathic medicine*** issued pursuant to this chapter to submit annually to the Board, on a form provided by the Board, and in the format required by the Board by regulation, a report ~~[:~~

~~(a) Stating]~~ ***stating*** the number and type of surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the holder of the license at his office or any other facility, excluding any surgical care performed:

~~[(1)]~~ ***(a)*** At a medical facility as that term is defined in NRS 449.0151; or

~~[(2)]~~ ***(b)*** Outside of this State***.*** ~~[; and~~

~~(b) Reporting]~~

2. In addition to the report required pursuant to subsection 1, the Board shall require each holder of a license to practice osteopathic medicine to submit a report annually to the Board concerning the occurrence of any sentinel event arising from any ~~[such]~~ surgery ~~[.~~

~~2.]~~ ***described in subsection 1. The report must be submitted in the manner prescribed by the Board which must be substantially similar to the manner prescribed by the Administrator of the Health Division of the Department of Health and Human Services for reporting information pursuant to NRS 439.835.***

3. Each holder of a license to practice osteopathic medicine shall submit the report required pursuant to subsections 1 and 2 whether or not he performed any surgery described in subsection 1. Failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action ~~[.]~~ ***pursuant to NRS 633.511.***

~~[3.]~~ ***4.*** The Board shall:

(a) Collect and maintain reports received pursuant to subsection 1; and

(b) Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access.

~~[4.]~~ ***5.*** A report received pursuant to subsection 1 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

~~[5.]~~ ***6.*** The provisions of this section do not apply to surgical care requiring only the administration of oral medication to a patient to relieve the patient's anxiety or pain, if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.

~~[6.]~~ ***7. In addition to any other remedy or penalty, if a holder of a license to practice osteopathic medicine fails to submit a report or knowingly files false information in a report submitted pursuant to this section, the Board may, after providing the holder of a license to practice osteopathic medicine with notice and opportunity for a hearing, impose against the holder of a license an administrative penalty for each such violation. The Board shall establish by regulation a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the holder of the license to practice osteopathic medicine. The regulations must include standards for determining the severity of the violation and may provide for a more severe penalty for multiple violations.***

8. As used in this section:

(a) "Conscious sedation" means a minimally depressed level of consciousness, produced by a pharmacologic or nonpharmacologic method,

or a combination thereof, in which the patient retains the ability independently and continuously to maintain an airway and to respond appropriately to physical stimulation and verbal commands.

(b) "Deep sedation" means a controlled state of depressed consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by a partial loss of protective reflexes and the inability to respond purposefully to verbal commands.

(c) "General anesthesia" means a controlled state of unconsciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by partial or complete loss of protective reflexes and the inability independently to maintain an airway and respond purposefully to physical stimulation or verbal commands.

(d) "Sentinel event" means an unexpected occurrence involving death or serious physical or psychological injury or the risk thereof, including, without limitation, any process variation for which a recurrence would carry a significant chance of serious adverse outcome. The term includes loss of limb or function.

Sec. 55. NRS 633.533 is hereby amended to read as follows:

633.533 1. Any person, medical school or medical facility that becomes aware that a person practicing osteopathic medicine in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action shall file a written complaint with the Board within 30 days after becoming aware of the conduct.

2. Any hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board any change in an osteopathic physician's privileges to practice osteopathic medicine while the osteopathic physician is under investigation and the outcome of any disciplinary action taken by that facility or society against the osteopathic physician concerning the care of a patient or the competency of the osteopathic physician within 30 days after the change in privileges is made or disciplinary action is taken. The Board shall report any failure to comply with this subsection by a hospital, clinic or other medical facility licensed in this State to the Health Division of the Department of Health and Human Services. If, after a hearing, the Health Division determines that any such facility or society failed to comply with the requirements of this subsection, the Division may impose an administrative fine of not more than $10,000 against the facility or society for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

3. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that an osteopathic physician or ~~[osteopathic physician's]~~ ***physician*** assistant:

(a) Is mentally ill;

(b) Is mentally incompetent;

(c) Has been convicted of a felony or any law governing controlled substances or dangerous drugs;

(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or

(e) Is liable for damages for malpractice or negligence,

➥ within 45 days after such a finding, judgment or determination is made.

4. On or before January 15 of each year, the clerk of every court shall submit to the Office of Court Administrator created pursuant to NRS 1.320 a written report compiling the information that the clerk reported during the previous year to the Board regarding osteopathic physicians pursuant to paragraph (e) of subsection 3.

Sec. 56. NRS 633.711 is hereby amended to read as follows:

633.711 1. The Board through its President or Secretary or the Attorney General may maintain in any court of competent jurisdiction a suit for an injunction against any person practicing osteopathic medicine without a license ***to practice osteopathic medicine*** valid under this chapter.

2. Such an injunction:

(a) May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

(b) Shall not relieve such person from criminal prosecution for practicing without ***such*** a license.

Sec. 57. NRS 633.721 is hereby amended to read as follows:

633.721 In a criminal complaint charging any person with practicing osteopathic medicine without a license ~~[,]~~ ***to practice osteopathic medicine,*** it is sufficient to charge that he did, upon a certain day, and in a certain county of this State, engage in the practice of osteopathic medicine without having a valid license to do so, without averring any further or more particular facts concerning the violation.

Sec. 58. NRS 633.741 is hereby amended to read as follows:

633.741 A person who:

1. Except as otherwise provided in NRS 629.091, practices osteopathic medicine:

(a) Without a license ***to practice osteopathic medicine*** valid under this chapter; or

(b) Beyond the limitations ordered upon his practice by the Board or the court;

2. Presents as his own the diploma, license or credentials of another;

3. Gives either false or forged evidence of any kind to the Board or any of its members in connection with an application for a license ***;*** ~~[or an application to employ an osteopathic physician's assistant;]~~

4. Files for record the license issued to another, falsely claiming himself to be the person named in the license, or falsely claiming himself to be the person entitled to the license;

5. Practices osteopathic medicine under a false or assumed name or falsely personates another licensee of a like or different name;

6. Holds himself out as ~~[an osteopathic physician's]~~ ***a physician*** assistant or who uses any other term indicating or implying that he is ~~[an osteopathic physician's]~~ ***a physician*** assistant, unless he has been ~~[approved]~~ ***licensed*** by the Board ~~[,]~~ as provided in this chapter; or

7. ~~[Employs]~~ ***Supervises*** a person as ~~[an osteopathic physician's]~~ ***a physician*** assistant before such ~~[employment is approved]~~ ***person is licensed*** as provided in this chapter,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 59. ~~[Chapter 634 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A member of the Board described pursuant to paragraph (a) of subsection 2 of NRS 634.020 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]~~ **(Deleted by amendment.)**

Sec. 60. ~~[Chapter 634A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A member of the Board described pursuant to subsection 1 of NRS 634A.040 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]~~ **(Deleted by amendment.)**

Sec. 61. ~~[Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A member of the Board described pursuant to paragraph (a) of subsection 2 of NRS 635.020 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]~~ **(Deleted by amendment.)**

Sec. 62. ~~[Chapter 636 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A member of the Board described pursuant to paragraph (a) of subsection 1 of NRS 636.035 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]~~ **(Deleted by amendment.)**

Sec. 63. Chapter 637 of NRS is hereby amended by adding thereto the provisions set forth as sections 64 and 65 of this act.

Sec. 64. ***1. The Board shall issue a special license as a dispensing optician to an applicant who:***

(a) Is at least 18 years of age;

(b) Is of good moral character;

(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(d) Is a graduate of an accredited high school or its equivalent;

(e) Has passed the National Opticianry Competency Examination of the American Board of Opticianry;

(f) Is currently certified by the American Board of Opticianry;

(g) Has passed the Contact Lens Registry Examination of the National Contact Lens Examiners;

(h) Is currently certified by the National Contact Lens Examiners;

(i) Has passed an examination, if one exists, which is based solely on the provisions of this chapter and chapter 637 of NAC and is administered by the Board; and

(j) Has either:

(1) An active license as a dispensing optician issued by the District of Columbia or any state or territory of the United States; or

(2) Not less than 5 years of experience as a dispensing optician.

2. A person practicing ophthalmic dispensing pursuant to a special license as provided in this section is subject to the provisions of this chapter in the same manner as a person practicing ophthalmic dispensing pursuant to a license issued pursuant to NRS 637.120, including, without limitation, the provisions of this chapter governing the renewal, inactivity or reactivation of a license.

Sec. 65. ~~*[A member of the Board described pursuant to paragraph (a) of subsection 2 of NRS 637.030 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]*~~ **(Deleted by amendment.)**

Sec. 66. ~~[Chapter 637A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A member of the Board described pursuant to paragraph (c) of subsection 1 of NRS 637A.035 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]*~~ **(Deleted by amendment.)**

Sec. 67. ~~[Chapter 637B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A member of the Board described pursuant to paragraph (a) or (b) of subsection 2 of NRS 637B.100 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]*~~ **(Deleted by amendment.)**

Sec. 68. ~~[Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A member of the Board described pursuant to paragraph (a) of subsection 1 of NRS 639.030 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]*~~ **(Deleted by amendment.)**

Sec. 69. NRS 639.0125 is hereby amended to read as follows:

639.0125 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to

or administer drugs in the course of professional practice or research in this State;

3. An advanced practitioner of nursing who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. ~~[An osteopathic physician's]~~ ***A physician*** assistant who:

(a) Holds a ~~[certificate]~~ ***license*** issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; or

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when he prescribes or administers therapeutic pharmaceutical agents within the scope of his certification.

Sec. 70. NRS 639.030 is hereby amended to read as follows:

639.030 1. The Governor shall appoint:

(a) Six members who are registered pharmacists in the State of Nevada, are actively engaged in the practice of pharmacy in the State of Nevada and have had at least 5 years' experience as registered pharmacists preceding the appointment.

(b) One member who is a representative of the general public and is not related to a pharmacist registered in the State of Nevada by consanguinity or affinity within the third degree.

2. Appointments of registered pharmacists must be representative of the practice of pharmacy.

3. Within 30 days after his appointment, each member of the Board shall take and subscribe an oath to discharge faithfully and impartially the duties prescribed by this chapter.

4. After the initial terms, the members of the Board must be appointed to terms of 3 years. A person may not serve as a member of the Board for more than three consecutive terms. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this ~~[section]~~ ***chapter*** to replace that member for the remainder of the unexpired term.

5. The Governor shall remove from the Board any member, after a hearing, for neglect of duty or other just cause.

Sec. 71. NRS 639.1373 is hereby amended to read as follows:

639.1373 1. A physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** ~~[or an osteopathic physician's assistant]~~ may, if authorized by the Board, possess, administer, prescribe or dispense controlled substances,

or possess, administer, prescribe or dispense poisons, dangerous drugs or devices in or out of the presence of his supervising physician only to the extent and subject to the limitations specified in the registration certificate issued to the physician assistant ~~[or osteopathic physician's assistant, as appropriate,]~~ by the Board pursuant to this section.

2. Each physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** ~~[and osteopathic physician's assistant]~~ who is authorized by his physician assistant's license issued by the Board of Medical Examiners or ~~[certificate issued]~~ by the State Board of Osteopathic Medicine ***, respectively,*** to possess, administer, prescribe or dispense controlled substances, or to possess, administer, prescribe or dispense poisons, dangerous drugs or devices must apply for and obtain a registration certificate from the Board, pay a fee to be set by regulations adopted by the Board and pass an examination administered by the Board on the law relating to pharmacy before he can possess, administer, prescribe or dispense controlled substances, or possess, administer, prescribe or dispense poisons, dangerous drugs or devices.

3. The Board shall consider each application separately and may, even though the physician assistant's license issued by the Board of Medical Examiners or ~~[the osteopathic physician's assistant's certificate issued]~~ by the State Board of Osteopathic Medicine authorizes the physician assistant ~~[or osteopathic physician's assistant, as appropriate,]~~ to possess, administer, prescribe or dispense controlled substances, or to possess, administer, prescribe or dispense poisons, dangerous drugs and devices:

(a) Refuse to issue a registration certificate;

(b) Issue a registration certificate limiting the authority of the physician assistant ~~[or osteopathic physician's assistant, as appropriate,]~~ to possess, administer, prescribe or dispense controlled substances, or to possess, administer, prescribe or dispense poisons, dangerous drugs or devices, the area in which the physician assistant ~~[or osteopathic physician's assistant]~~ may possess controlled substances, poisons, dangerous drugs and devices, or the kind and amount of controlled substances, poisons, dangerous drugs and devices; or

(c) Issue a registration certificate imposing other limitations or restrictions which the Board feels are necessary and required to protect the health, safety and welfare of the public.

4. If the registration of the physician assistant ~~[or osteopathic physician's assistant]~~ ***licensed pursuant to chapter 630 or 633 of NRS*** is suspended or revoked, the physician's controlled substance registration may also be suspended or revoked.

5. The Board shall adopt regulations controlling the maximum amount to be administered, possessed and dispensed, and the storage, security, recordkeeping and transportation of controlled substances and the maximum amount to be administered, possessed, prescribed and dispensed and the storage, security, recordkeeping and transportation of poisons, dangerous

drugs and devices by physician assistants ~~[and osteopathic physicians' assistants.]~~ ***licensed pursuant to chapter 630 or 633 of NRS.*** In the adoption of those regulations, the Board shall consider, but is not limited to, the following:

(a) The area in which the physician assistant ~~[or osteopathic physician's assistant]~~ is to operate;

(b) The population of that area;

(c) The experience and training of the physician assistant ***;*** ~~[or osteopathic physician's assistant;]~~

(d) The distance to the nearest hospital and physician; and

(e) The effect on the health, safety and welfare of the public.

6. For the purposes of this section, the term "supervising physician" includes ~~[an employing]~~ ***a supervising*** osteopathic physician as defined in chapter 633 of NRS.

Sec. 72. Chapter 640 of NRS is hereby amended by adding thereto the provisions set forth as sections 73 and 74 of this act.

Sec. 73. ~~*[A member of the Board described pursuant to paragraph (a) of subsection 2 of NRS 640.030 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]*~~ **(Deleted by amendment.)**

Sec. 74. ***The Board shall elect a Chairman and other officers from among its members.***

Sec. 75. ~~[Chapter 640A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A member of the Board described pursuant to paragraph (b) or (c) of subsection 2 of NRS 640A.080 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]*~~ **(Deleted by amendment.)**

Sec. 76. NRS 640A.080 is hereby amended to read as follows:

640A.080 1. The Board of Occupational Therapy, consisting of five members appointed by the Governor, is hereby created.

2. The Governor shall appoint to the Board:

(a) One member who is a representative of the general public. This member must not be:

(1) An occupational therapist or an occupational therapy assistant; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of an occupational therapist or an occupational therapy assistant.

(b) One member who is an occupational therapist or occupational therapy assistant.

(c) Three members who are occupational therapists.

3. Each member of the Board must be a resident of Nevada. An occupational therapist or occupational therapy assistant appointed to the Board must:

(a) Have practiced, taught or conducted research in occupational therapy for the 5 years immediately preceding his appointment; and

(b) Except for the initial members, hold a license issued pursuant to this chapter.

4. No member of the Board may serve more than two consecutive terms.

5. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this ~~[section]~~ ***chapter*** to replace that member for the remainder of the unexpired term.

Sec. 77. ~~[NRS 640B.180 is hereby amended to read as follows:~~

~~640B.180 [1. For the appointment of any member to the Board pursuant to paragraph (a) of subsection 2 of NRS 640B.170, the Nevada Athletic Trainers Association, or its successor organization, shall, at least 30 days before the beginning of a term of a member of the Board, or within 30 days after a position on the Board becomes vacant, submit to the Governor the names of not less than three persons or more than five persons who are qualified for membership on the Board for each such position. The Governor shall appoint new members or fill a vacancy from the list, or request a new list.~~

~~2. For the appointment of a member to the Board pursuant to paragraph (b) of subsection 2 of NRS 640B.170, the Nevada Physical Therapists Association, or its successor organization, and the Nevada Athletic Trainers Association, or its successor organization, shall, at least 30 days before the beginning of a term of a member of the Board, or within 30 days after a position on the Board becomes vacant, jointly prepare and submit to the Governor a list of the names of not less than three persons or more than five persons who are qualified for membership on the Board for that position. The Governor shall appoint a new member or fill a vacancy from the list, or request a new list.~~

~~3. If the Nevada Athletic Trainers Association or the Nevada Physical Therapists Association, or the successor of any such organization, fails to submit nominations for a position on the Board within the periods prescribed in this section, the Governor may appoint any qualified person.]~~ ~~*A member of the Board described pursuant to paragraph (a) or (b) of subsection 2 of NRS 640B.170 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]*~~ **(Deleted by amendment.)**

Sec. 78. ~~[Chapter 640C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A member of the Board described pursuant to paragraph (a) of subsection 2 of NRS 640C.150 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]*~~ **(Deleted by amendment.)**

Sec. 79. NRS 640C.150 is hereby amended to read as follows:

640C.150 1. The Board of Massage Therapists is hereby created. The Board consists of seven members appointed pursuant to this ~~[section]~~ ***chapter*** and one nonvoting advisory member appointed pursuant to NRS 640C.160.

2. The Governor shall appoint to the Board seven members as follows:

(a) Six members who:

(1) Are licensed to practice massage therapy in this State; and

(2) Have engaged in the practice of massage therapy for the 2 years immediately preceding their appointment.

➥ Of the six members appointed pursuant to this paragraph, three members must be residents of Clark County, two members must be residents of Washoe County and one member must be a resident of a county other than Clark County or Washoe County.

(b) One member who is a member of the general public. This member must not be:

(1) A massage therapist; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a massage therapist.

3. ~~[The Governor may, in making his appointments to the Board pursuant to paragraph (a) of subsection 2, consider for appointment to the Board a person recommended to him by any person or group.~~

~~4.]~~ The members who are appointed to the Board pursuant to paragraph (a) of subsection 2 must continue to practice massage therapy in this State while they are members of the Board.

~~[5.]~~ ***4.*** After the initial terms, the term of each member of the Board is 4 years. A member may continue in office until the appointment of a successor.

~~[6.]~~ ***5.*** A member of the Board may not serve more than two consecutive terms. A former member of the Board is eligible for reappointment to the Board if that person has not served on the Board during the 4 years immediately preceding the reappointment.

~~[7.]~~ ***6.*** A vacancy must be filled by appointment for the unexpired term in the same manner as the original appointment.

~~[8.]~~ ***7.*** The Governor may remove any member of the Board for incompetence, neglect of duty, moral turpitude or misfeasance, malfeasance or nonfeasance in office.

Sec. 80. ~~[Chapter 641 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A member of the Board described pursuant to paragraph (a) of subsection 1 of NRS 641.040 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]~~ **(Deleted by amendment.)**

Sec. 81. ~~[Chapter 641A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A member of the Board described pursuant to paragraph (a) of subsection 1 of NRS 641A.100 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]~~ **(Deleted by amendment.)**

Sec. 82. ~~[Chapter 641B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A member of the Board described pursuant to subsection 2 of NRS 641B.100 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.*~~ **(Deleted by amendment.)**

Sec. 83. ~~[Chapter 641C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A member of the Board described pursuant to paragraph (a), (b) or (c) of subsection 2 of NRS 641C.150 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.*~~ **(Deleted by amendment.)**

Sec. 84. NRS 652.210 is hereby amended to read as follows:

652.210 No person other than a licensed physician, a licensed optometrist, a licensed practical nurse, a registered nurse, a ~~[licensed]~~ physician assistant ~~[, a certified osteopathic physician's assistant,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** a certified intermediate emergency medical technician, a certified advanced emergency medical technician, a practitioner of respiratory care licensed pursuant to chapter 630 of NRS or a licensed dentist may manipulate a person for the collection of specimens, except that technical personnel of a laboratory may collect blood, remove stomach contents, perform certain diagnostic skin tests or field blood tests or collect material for smears and cultures.

Sec. 85. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail;

(5) A justice of the Supreme Court, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph; or

(6) An employee of the State or a political subdivision of the State whose official duties require him to make home visits.

(c) "Provider of health care" means a physician, a physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 of NRS,*** a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, ~~[an osteopathic physician's assistant,]~~ ***a physician assistant licensed pursuant to chapter 633 of NRS,*** a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractor, a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a dentist, a dental hygienist, a

pharmacist, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist and an emergency medical technician.

(d) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100.

(e) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(f) "Sports official" has the meaning ascribed to it in NRS 41.630.

(g) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(h) "Taxicab driver" means a person who operates a taxicab.

(i) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) of this subsection does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon, or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(c) If paragraph (d) of this subsection does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his duty or upon a sports official based on the performance of his duties at a sporting event, and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his duty or upon a sports official based on the performance of his duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of

not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 86. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:

(1) The local office of the Aging Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging Services Division of the Department of Health and Human Services.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Any employee of the Department of Health and Human Services.

(g) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(h) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(i) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met.

(j) Every social worker.

(k) Any person who owns or is employed by a funeral home or mortuary.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney and the Aging Services Division of the Department of Health and Human Services his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging Services Division of the Department of Health and Human Services, must be forwarded to the Aging Services Division within 90 days after the completion of the report.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, the Aging Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if he is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 87. NRS 200.50935 is hereby amended to read as follows:

200.50935 1. Any person who is described in subsection 3 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited or isolated shall:

(a) Report the abuse, neglect, exploitation or isolation of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the vulnerable person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

3. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of a vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide nursing in the home.

(e) Any employee of the Department of Health and Human Services.

(f) Any employee of a law enforcement agency or an adult or juvenile probation officer.

(g) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.

(h) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of a vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(i) Every social worker.

(j) Any person who owns or is employed by a funeral home or mortuary.

4. A report may be made by any other person.

5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner,

who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

6. A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.

7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 88. NRS 244.1605 is hereby amended to read as follows:

244.1605 The boards of county commissioners may:

1. Establish, equip and maintain limited medical facilities in the outlying areas of their respective counties to provide outpatient care and emergency treatment to the residents of and those falling sick or being injured or maimed in those areas.

2. Provide a full-time or part-time staff for the facilities which may include a physician, a ~~[licensed]~~ physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** a registered nurse or a licensed practical nurse, a certified emergency medical technician and such other personnel as the board deems necessary or appropriate to ensure adequate staffing commensurate with the needs of the area in which the facility is located.

3. Fix the charges for the medical and nursing care and medicine furnished by the facility to those who are able to pay for them, and to provide that care and medicine free of charge to those persons who qualify as medical indigents under the county's criteria of eligibility for medical care.

4. Purchase, equip and maintain, either in connection with a limited medical facility as authorized in this section or independent therefrom, ambulances and ambulance services for the benefit of the residents of and those falling sick or being injured or maimed in the outlying areas.

Sec. 89. NRS 244.3821 is hereby amended to read as follows:

244.3821 1. In addition to the powers elsewhere conferred upon all counties, except as otherwise provided in subsection 2, any county may establish a medical scholarship program to induce students in the medical professions to return to the county for practice.

2. Any county whose population is 100,000 or more may only establish a medical scholarship program to induce students in the medical professions to return to the less populous rural communities of the county for practice.

3. Students in the medical professions for the purposes of NRS 244.382 to 244.3823, inclusive, include persons studying to be physician assistants ~~[.]~~ ***licensed pursuant to chapter 630 or 633 of NRS.***

4. The board of county commissioners of a county that has established a medical scholarship program may appropriate money from the general fund of the county for medical scholarship funds and may accept private contributions to augment the scholarship funds.

Sec. 90. NRS 397.0617 is hereby amended to read as follows:

397.0617 1. The provisions of this section apply only to support fees received by a student on or after July 1, 1997.

2. The three Nevada State Commissioners, acting jointly, may require a student who is certified to study to practice in a profession which could benefit a medically underserved area of this State, as that term is defined by the Officer of Rural Health of the University of Nevada School of Medicine, to practice in such an area or to practice in an area designated by the Secretary of Health and Human Services:

(a) Pursuant to 42 U.S.C. § 254c, as containing a medically underserved population; or

(b) Pursuant to 42 U.S.C. § 254e, as a health professional shortage area,

➥ as a condition to receiving a support fee.

3. If a person agrees to practice in a medically underserved area of this State pursuant to subsection 2 for at least 2 years, the three Nevada State Commissioners, acting jointly, may forgive the portion of the support fee designated as the loan of the person.

4. If a person returns to this State but does not practice in a medically underserved area of this State pursuant to subsection 2 for at least 2 years, the three Nevada State Commissioners, acting jointly, shall assess a default charge in an amount not less than three times the portion of the support fee designated as the loan of the person, plus interest.

5. As used in this section, a "profession which could benefit a medically underserved area of this State" includes, without limitation, dentistry, physical therapy, pharmacy and practicing as a physician assistant ~~[.]~~ ***licensed pursuant to chapter 630 or 633 of NRS.***

Sec. 91. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of his home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the

abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, clinical social worker, athletic trainer, advanced emergency medical technician or other person providing medical services licensed or certified in this State.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of suspected abuse or neglect of a child by a member of the staff of the hospital.

(c) A coroner.

(d) A clergyman, practitioner of Christian Science or religious healer, unless he has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A social worker and an administrator, teacher, librarian or counselor of a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) An attorney, unless he has acquired the knowledge of the abuse or neglect from a client who is or may be accused of the abuse or neglect.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for an approved youth shelter. As used in this paragraph, "approved youth shelter" has the meaning ascribed to it in NRS 244.422.

(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the report and submit to an agency which provides child welfare services his written findings. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

Sec. 92. NRS 433A.165 is hereby amended to read as follows:

433A.165 1. Before an allegedly mentally ill person may be transported to a public or private mental health facility pursuant to NRS 433A.160, the person must:

(a) First be examined by a licensed physician or physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** or an advanced practitioner of nursing to determine whether the person has a medical problem, other than a psychiatric problem, which requires immediate treatment; and

(b) If such treatment is required, be admitted for the appropriate medical care:

(1) To a hospital if the person is in need of emergency services or care; or

(2) To another appropriate medical facility if the person is not in need of emergency services or care.

2. The examination and any transfer of the person from a facility when the person has an emergency medical condition and has not been stabilized must be conducted in compliance with:

(a) The requirements of 42 U.S.C. § 1395dd and any regulations adopted pursuant thereto, and must involve a person authorized pursuant to federal law to conduct such an examination or certify such a transfer; and

(b) The provisions of NRS 439B.410.

3. The cost of the examination must be paid by the county in which the allegedly mentally ill person resides if services are provided at a county hospital located in that county or a hospital or other medical facility designated by that county, unless the cost is voluntarily paid by the allegedly mentally ill person or, on his behalf, by his insurer or by a state or federal program of medical assistance.

4. The county may recover all or any part of the expenses paid by it, in a civil action against:

(a) The person whose expenses were paid;

(b) The estate of that person; or

(c) A responsible relative as prescribed in NRS 433A.610, to the extent that financial ability is found to exist.

5. The cost of treatment, including hospitalization, for an indigent must be paid pursuant to NRS 428.010 by the county in which the allegedly mentally ill person resides.

6. The Division shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations that:

(a) Define "emergency services or care" as that term is used in this section; and

(b) Prescribe the type of medical facility that a person may be admitted to pursuant to subparagraph (2) of paragraph (b) of subsection 1.

7. As used in this section, "medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 93. NRS 440.415 is hereby amended to read as follows:

440.415 1. A physician who anticipates the death of a patient because of an illness, infirmity or disease may authorize a specific registered nurse or physician assistant or the registered nurses or physician assistants employed by a medical facility or program for hospice care to make a pronouncement of death if they attend the death of the patient.

2. Such an authorization is valid for 120 days. Except as otherwise provided in subsection 3, the authorization must:

(a) Be a written order entered on the chart of the patient;

(b) State the name of the registered nurse or nurses or physician assistant or assistants authorized to make the pronouncement of death; and

(c) Be signed and dated by the physician.

3. If the patient is in a medical facility or under the care of a program for hospice care, the physician may authorize the registered nurses or physician assistants employed by the facility or program to make pronouncements of death without specifying the name of each nurse or physician assistant, as applicable.

4. If a pronouncement of death is made by a registered nurse or physician assistant, the physician who authorized that action shall sign the medical certificate of death within 24 hours after being presented with the certificate.

5. If a patient in a medical facility is pronounced dead by a registered nurse or physician assistant employed by the facility, the registered nurse or physician assistant may release the body of the patient to a licensed funeral director pending the completion of the medical certificate of death by the attending physician if the physician or the medical director or chief of the medical staff of the facility has authorized the release in writing.

6. The Board may adopt regulations concerning the authorization of a registered nurse or physician assistant to make pronouncements of death.

7. As used in this section:

(a) "Medical facility" means:

(1) A facility for skilled nursing as defined in NRS 449.0039;

(2) A facility for hospice care as defined in NRS 449.0033;

(3) A hospital as defined in NRS 449.012;

(4) An agency to provide nursing in the home as defined in NRS 449.0015; or

(5) A facility for intermediate care as defined in NRS 449.0038.

(b) "Physician assistant" means a person who holds a license as a physician assistant pursuant to chapter 630 ***or 633*** of NRS ***.*** ~~[or a certificate as an osteopathic physician's assistant pursuant to chapter 633 of NRS.]~~

(c) "Program for hospice care" means a program for hospice care licensed pursuant to chapter 449 of NRS.

(d) "Pronouncement of death" means a declaration of the time and date when the cessation of the cardiovascular and respiratory functions of a patient occurs as recorded in the patient's medical record by the attending provider of health care in accordance with the provisions of this chapter.

Sec. 94. NRS 441A.110 is hereby amended to read as follows:

441A.110 "Provider of health care" means a physician, nurse ~~[, physician assistant]~~ or veterinarian licensed in accordance with state law ~~[.]~~ ***or a physician assistant licensed pursuant to chapter 630 or 633 of NRS.***

Sec. 95. NRS 441A.540 is hereby amended to read as follows:

441A.540 1. If a person infected with or exposed to a communicable disease is voluntarily isolated or quarantined in a public or private medical facility, the facility shall not change the status of the person to an emergency isolation or quarantine unless, before the change in status is made:

(a) The facility provides:

(1) An application to a health authority for an emergency isolation or quarantine pursuant to NRS 441A.560; and

(2) The certificate of a health authority, physician, ~~[licensed]~~ physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** or registered nurse to a health authority pursuant to NRS 441A.570; or

(b) The facility receives an order for isolation or quarantine issued by a health authority.

2. A person whose status is changed to an emergency isolation or quarantine pursuant to subsection 1:

(a) Must not be detained in excess of 48 hours after the change in status is made, unless within that period a written petition is filed by a health authority with the clerk of the district court pursuant to NRS 441A.600; and

(b) May, immediately after his status is changed, seek an injunction or other appropriate process in district court challenging his detention.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

4. Nothing in this section limits the actions that a public or private medical facility may take to prevent or limit the transmission of communicable diseases within the medical facility, including, without limitation, practices for the control of infections.

Sec. 96. NRS 441A.560 is hereby amended to read as follows:

441A.560 1. An application to a health authority for an order of emergency isolation or quarantine of a person or a group of persons alleged to have been infected with or exposed to a communicable disease may only be made by another health authority, a physician, a ~~[licensed]~~ physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** a registered nurse or a medical facility by submitting the certificate required by NRS 441A.570. Within its jurisdiction, upon application or on its own, subject to the provisions of NRS 441A.500 to 441A.720, inclusive, a health authority may:

(a) Pursuant to its own order and without a warrant:

(1) Take a person or group of persons alleged to and reasonably believed by the health authority to have been infected with or exposed to a communicable disease into custody in any safe location under emergency isolation or quarantine for testing, examination, observation and the provision of or arrangement for the provision of consensual medical treatment; and

(2) Transport the person or group of persons alleged to and reasonably believed by the health authority to have been infected with or exposed to a communicable disease to a public or private medical facility, a residence or other safe location for that purpose, or arrange for the person or group of persons to be transported for that purpose by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the Transportation Services Authority; or

(III) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

➥ only if the health authority acting in good faith has, based upon personal observation, its own epidemiological investigation or an epidemiological investigation by another health authority, a physician, a ~~[licensed]~~ physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** or a registered nurse as stated in a certificate submitted pursuant to NRS 441A.570, if such a certificate was submitted, of the person or group of persons alleged to have been infected with or exposed to a communicable disease, a reasonable factual and medical basis to believe that the person or group of persons has been infected with or exposed to a communicable disease, and that because of the risks of that disease, the person or group of persons is likely to be an immediate threat to the health of members of the public who have not been infected with or exposed to the communicable disease.

(b) Petition a district court for an emergency order requiring:

(1) Any health authority or peace officer to take a person or group of persons alleged to have been infected with or exposed to a communicable disease into custody to allow the health authority to investigate, file and prosecute a petition for the involuntary court-ordered isolation or quarantine of the person or group of persons alleged to have been infected with or exposed to a communicable disease in the manner set forth in NRS 441A.500 to 441A.720, inclusive; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport, in accordance with such court order, the person or group of persons alleged to have been infected with or exposed to a communicable disease to a public or private medical facility, a residence or other safe location for that purpose.

2. The district court may issue an emergency order for isolation or quarantine pursuant to paragraph (b) of subsection 1:

(a) Only for the time deemed necessary by the court to allow a health authority to investigate, file and prosecute each petition for involuntary court-ordered isolation or quarantine pursuant to NRS 441A.500 to 441A.720, inclusive; and

(b) Only if it is satisfied that there is probable cause to believe that the person or group of persons alleged to have been infected with or exposed to a communicable disease has been infected with or exposed to a communicable disease, and that because of the risks of that disease, the person or group of persons is likely to be an immediate threat to the health of the public.

Sec. 97. NRS 441A.570 is hereby amended to read as follows:

441A.570 A health authority shall not accept an application for an emergency isolation or quarantine under NRS 441A.560 unless that application is accompanied by a certificate of another health authority or a physician, ~~[licensed]~~ physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** or registered nurse stating that he has examined the person or group of persons alleged to have been infected with or exposed to a communicable disease or has investigated the circumstances of potential infection or exposure regarding the person or group of persons alleged to have been infected with or exposed to a communicable disease and that he has concluded that the person or group of persons has been infected with or exposed to a communicable disease, and that because of the risks of that disease, the person or group of persons is likely to be an immediate threat to the health of the public. The certificate required by this section may be obtained from a physician, ~~[licensed]~~ physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** or registered nurse who is employed by the public or private medical facility in which the person or group of persons is admitted or detained and from the facility from which the application is made.

Sec. 98. NRS 441A.580 is hereby amended to read as follows:

441A.580 1. No application or certificate authorized under

NRS 441A.560 or 441A.570 may be considered if made by a person on behalf of a medical facility or by a health authority, physician, ~~[licensed]~~ physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** or registered nurse who is related by blood or marriage to the person alleged to have been infected with or exposed to a communicable disease, or who is financially interested, in a manner that would be prohibited pursuant to NRS 439B.425 if the application or certificate were deemed a referral, in a medical facility in which the person alleged to have been infected with or exposed to a communicable disease is to be detained.

2. No application or certificate of any health authority or person authorized under NRS 441A.560 or 441A.570 may be considered unless it is based on personal observation, examination or epidemiological investigation of the person or group of persons alleged to have been infected with or exposed to a communicable disease made by such health authority or person not more than 72 hours before the making of the application or certificate. The certificate must set forth in detail the facts and reasons on which the health authority or person who submitted the certificate pursuant to NRS 441A.570 based his opinions and conclusions.

Sec. 99. NRS 441A.600 is hereby amended to read as follows:

441A.600 A proceeding for an involuntary court-ordered isolation or quarantine of any person in this State may be commenced by a health authority filing a petition with the clerk of the district court of the county where the person is to be isolated or quarantined. The petition may be pled in the alternative for both isolation and quarantine, if required by developing or changing facts, and must be accompanied:

1. By a certificate of a health authority or a physician, a ~~[licensed]~~ physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** or a registered nurse stating that he has examined the person alleged to have been infected with or exposed to a communicable disease or has investigated the circumstances of potential infection or exposure regarding the person alleged to have been infected with or exposed to a communicable disease and has concluded that the person has been infected with or exposed to a communicable disease, and that because of the risks of that disease, the person is likely to be an immediate threat to the health of the public; or

2. By a sworn written statement by the health authority that:

(a) The health authority has, based upon its personal observation of the person alleged to have been infected with or exposed to a communicable disease, or its epidemiological investigation of the circumstances of potential infection or exposure regarding the person alleged to have been infected with or exposed to a communicable disease, a reasonable factual and medical basis to believe that the person has been infected with or exposed to a communicable disease and, that because of the risks of that disease, the person is likely to be an immediate threat to the health of the public; and

(b) The person alleged to have been infected with or exposed to a communicable disease has refused to submit to voluntary isolation or

quarantine, examination, testing, or treatment known to control or resolve the transmission of the communicable disease.

Sec. 100. NRS 441A.610 is hereby amended to read as follows:

441A.610 In addition to the requirements of NRS 441A.600, a petition filed pursuant to that section with the clerk of the district court to commence proceedings for involuntary court-ordered isolation or quarantine of a person pursuant to NRS 441A.540 or 441A.550 must include a certified copy of:

1. If an application for an order of emergency isolation or quarantine of the person was made pursuant to NRS 441A.560, the application for the emergency isolation or quarantine of the person made to the petitioning health authority pursuant to NRS 441A.560; and

2. A petition executed by a health authority, including, without limitation, a sworn statement that:

(a) The health authority or a physician, ~~[licensed]~~ physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** or registered nurse who submitted a certificate pursuant to NRS 441A.570, if such a certificate was submitted, has examined the person alleged to have been infected with or exposed to a communicable disease;

(b) In the opinion of the health authority, there is a reasonable degree of certainty that the person alleged to have been infected with or exposed to a communicable disease is currently capable of transmitting the disease, or is likely to become capable of transmitting the disease in the near future;

(c) Based on either the health authority's personal observation of the person alleged to have been infected with or exposed to the communicable disease or the health authority's epidemiological investigation of the circumstances of potential infection or exposure regarding the person alleged to have been infected with or exposed to the communicable disease, and on other facts set forth in the petition, the person likely poses an immediate threat to the health of the public; and

(d) In the opinion of the health authority, involuntary isolation or quarantine of the person alleged to have been infected with or exposed to a communicable disease to a public or private medical facility, residence or other safe location is necessary to prevent the person from immediately threatening the health of the public.

Sec. 101. NRS 441A.630 is hereby amended to read as follows:

441A.630 1. After the filing of a petition to commence proceedings for the involuntary court-ordered isolation or quarantine of a person pursuant to NRS 441A.600 or 441A.610, the court shall promptly cause two or more physicians or ~~[licensed]~~ physician assistants ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** at least one of whom must always be a physician, to either examine the person alleged to have been infected with or exposed to a communicable disease or assess the likelihood that the person alleged to have been infected with or exposed to a communicable disease has been so infected or exposed.

2. To conduct the examination or assessment of a person who is not being detained at a public or private medical facility, residence or other safe location under emergency isolation or quarantine pursuant to the emergency order of a health authority or court made pursuant to NRS 441A.550 or 441A.560, the court may order a peace officer to take the person into protective custody and transport him to a public or private medical facility, residence or other safe location where he may be detained until a hearing is held upon the petition.

3. If the person is being detained at his home or other place of residence under an emergency order of a health authority or court pursuant to NRS 441A.550 or 441A.560, he may be allowed to remain in his home or other place of residence pending an ordered assessment, examination or examinations and to return to his home or other place of residence upon completion of the assessment, examination or examinations if such remaining or returning would not constitute an immediate threat to others residing in his home or place of residence.

4. Each physician and ~~[licensed]~~ physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** who examines or assesses a person pursuant to subsection 1 shall, not later than 24 hours before the hearing set pursuant to NRS 441A.620, submit to the court in writing a summary of his findings and evaluation regarding the person alleged to have been infected with or exposed to a communicable disease.

Sec. 102. NRS 441A.640 is hereby amended to read as follows:

441A.640 1. The Health Division shall establish such evaluation teams as are necessary to aid the courts under NRS 441A.630 and 441A.700.

2. Each team must be composed of at least two physicians, or at least one physician and one physician assistant ~~[.]~~ ***licensed pursuant to chapter 630 or 633 of NRS.***

3. Fees for the evaluations must be established and collected as set forth in NRS 441A.650.

Sec. 103. NRS 441A.670 is hereby amended to read as follows:

441A.670 In proceedings for involuntary court-ordered isolation or quarantine, the court shall hear and consider all relevant testimony, including, but not limited to, the testimony of examining personnel who participated in the evaluation of the person alleged to have been infected with or exposed to a communicable disease and the certificates, if any, of a health authority or a physician, ~~[licensed]~~ physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** or registered nurse accompanying the petition.

Sec. 104. NRS 441A.720 is hereby amended to read as follows:

441A.720 When any involuntary court isolation or quarantine is ordered under the provisions of NRS 441A.500 to 441A.720, inclusive, the involuntarily isolated or quarantined person, together with the court orders, any certificates of the health authorities, physicians, ~~[licensed]~~ physician assistants ***licensed pursuant to chapter 630 or 633 of NRS*** or registered nurses, the written summary of the evaluation team and a full and complete

transcript of the notes of the official reporter made at the examination of such person before the court, must be delivered to the sheriff of the appropriate county who must be ordered to:

1. Transport the person; or

2. Arrange for the person to be transported by:

(a) A system for the nonemergency medical transportation of persons whose operation is authorized by the Transportation Services Authority; or

(b) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

➥ to the appropriate public or private medical facility, residence or other safe location.

Sec. 105. NRS 442.003 is hereby amended to read as follows:

442.003 As used in this chapter, unless the context requires otherwise:

1. "Advisory Board" means the Advisory Board on Maternal and Child Health.

2. "Department" means the Department of Health and Human Services.

3. "Director" means the Director of the Department.

4. "Fetal alcohol syndrome" includes fetal alcohol effects.

5. "Health Division" means the Health Division of the Department.

6. "Obstetric center" has the meaning ascribed to it in NRS 449.0155.

7. "Provider of health care or other services" means:

(a) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS;

(b) A physician or a physician assistant who is licensed pursuant to chapter 630 or ~~[an osteopathic physician who is licensed pursuant to chapter]~~ 633 of NRS and who practices in the area of obstetrics and gynecology, family practice, internal medicine, pediatrics or psychiatry;

(c) A licensed nurse;

(d) A licensed psychologist;

(e) A licensed marriage and family therapist;

(f) A licensed social worker; or

(g) The holder of a certificate of registration as a pharmacist.

Sec. 106. NRS 442.119 is hereby amended to read as follows:

442.119 As used in NRS 442.119 to 442.1198, inclusive, unless the context otherwise requires:

1. "Health officer" includes a local health officer, a city health officer, a county health officer and a district health officer.

2. "Medicaid" has the meaning ascribed to it in NRS 439B.120.

3. "Medicare" has the meaning ascribed to it in NRS 439B.130.

4. "Provider of prenatal care" means:

(a) A physician who is licensed in this State and certified in obstetrics and gynecology, family practice, general practice or general surgery.

(b) A certified nurse midwife who is licensed by the State Board of Nursing.

(c) An advanced practitioner of nursing who has specialized skills and training in obstetrics or family nursing.

(d) A physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** who has specialized skills and training in obstetrics or family practice.

Sec. 107. NRS 449.0175 is hereby amended to read as follows:

449.0175 "Rural clinic" means a facility located in an area that is not designated as an urban area by the Bureau of the Census, where medical services are provided by a physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** or an advanced practitioner of nursing under the supervision of a licensed physician.

Sec. 108. NRS 453.038 is hereby amended to read as follows:

453.038 "Chart order" means an order entered on the chart of a patient:

1. In a hospital, facility for intermediate care or facility for skilled nursing which is licensed as such by the Health Division of the Department; or

2. Under emergency treatment in a hospital by a physician, advanced practitioner of nursing, dentist or podiatric physician, or on the written or oral order of a physician, physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** advanced practitioner of nursing, dentist or podiatric physician authorizing the administration of a drug to the patient.

Sec. 109. NRS 453.091 is hereby amended to read as follows:

453.091 1. "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container.

2. "Manufacture" does not include the preparation, compounding, packaging or labeling of a substance by a pharmacist, physician, physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** dentist, podiatric physician, advanced practitioner of nursing or veterinarian:

(a) As an incident to his administering or dispensing of a substance in the course of his professional practice; or

(b) By his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

Sec. 110. NRS 453.126 is hereby amended to read as follows:

453.126 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his profession in this State and is registered pursuant to this chapter.

2. An advanced practitioner of nursing who holds a certificate from the State Board of Nursing and a certificate from the State Board of Pharmacy authorizing him to dispense or to prescribe and dispense controlled substances.

3. A scientific investigator or a pharmacy, hospital or other institution licensed, registered or otherwise authorized in this State to distribute, dispense, conduct research with respect to, to administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

4. A euthanasia technician who is licensed by the Nevada State Board of Veterinary Medical Examiners and registered pursuant to this chapter, while he possesses or administers sodium pentobarbital pursuant to his license and registration.

5. A physician assistant who:

(a) Holds a license from the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of a physician as required by chapter 630 of NRS.

6. ~~[An osteopathic physician's]~~ ***A physician*** assistant who:

(a) Holds a ~~[certificate]~~ ***license*** from the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of an osteopathic physician as required by chapter 633 of NRS.

7. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when he prescribes or administers therapeutic pharmaceutical agents within the scope of his certification.

Sec. 111. NRS 453.128 is hereby amended to read as follows:

453.128 1. "Prescription" means:

(a) An order given individually for the person for whom prescribed, directly from a physician, ~~[osteopathic physician's assistant,]~~ physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** dentist, podiatric physician, optometrist, advanced practitioner of nursing or veterinarian, or his agent, to a pharmacist or indirectly by means of an order signed by the practitioner or an electronic transmission from the practitioner to a pharmacist; or

(b) A chart order written for an inpatient specifying drugs which he is to take home upon his discharge.

2. The term does not include a chart order written for an inpatient for use while he is an inpatient.

Sec. 112. NRS 453.226 is hereby amended to read as follows:

453.226 1. Every practitioner or other person who dispenses any controlled substance within this State or who proposes to engage in the dispensing of any controlled substance within this State shall obtain biennially a registration issued by the Board in accordance with its regulations.

2. A person registered by the Board in accordance with the provisions of NRS 453.011 to 453.552, inclusive, to dispense or conduct research with

controlled substances may possess, dispense or conduct research with those substances to the extent authorized by the registration and in conformity with the other provisions of those sections.

3. The following persons are not required to register and may lawfully possess and distribute controlled substances pursuant to the provisions of NRS 453.011 to 453.552, inclusive:

(a) An agent or employee of a registered dispenser of a controlled substance if he is acting in the usual course of his business or employment;

(b) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(c) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a physician, ~~[osteopathic physician's assistant,]~~ physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** dentist, advanced practitioner of nursing, podiatric physician or veterinarian or in lawful possession of a schedule V substance; or

(d) A physician who:

(1) Holds a locum tenens license issued by the Board of Medical Examiners or a temporary license issued by the State Board of Osteopathic Medicine; and

(2) Is registered with the Drug Enforcement Administration at a location outside this State.

4. The Board may waive the requirement for registration of certain dispensers if it finds it consistent with the public health and safety.

5. A separate registration is required at each principal place of business or professional practice where the applicant dispenses controlled substances.

6. The Board may inspect the establishment of a registrant or applicant for registration in accordance with the Board's regulations.

Sec. 113. NRS 453.336 is hereby amended to read as follows:

453.336 1. A person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, ~~[osteopathic physician's assistant,]~~ physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** dentist, podiatric physician, optometrist, advanced practitioner of nursing or veterinarian while acting in the course of his professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3 and 4 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385, 453.339 or 453.3395, a person who violates this section shall be punished:

(a) For the first or second offense, if the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I, II, III or IV, or if the offender has previously been convicted

two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than $20,000.

(c) For the first offense, if the controlled substance is listed in schedule V, for a category E felony as provided in NRS 193.130.

(d) For a second or subsequent offense, if the controlled substance is listed in schedule V, for a category D felony as provided in NRS 193.130.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $600; or

(2) Examined by an approved facility for the treatment of abuse of drugs to determine whether he is a drug addict and is likely to be rehabilitated through treatment and, if the examination reveals that he is a drug addict and is likely to be rehabilitated through treatment, assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $1,000; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. As used in this section, "controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

Sec. 114. NRS 453.371 is hereby amended to read as follows:

453.371 As used in NRS 453.371 to 453.552, inclusive:

1. "Advanced practitioner of nursing" means a person who holds a certificate of recognition granted pursuant to NRS 632.237 and is registered with the Board.

2. "Medical intern" means a medical graduate acting as an assistant in a hospital for the purpose of clinical training.

3. "Pharmacist" means a person who holds a certificate of registration issued pursuant to NRS 639.127 and is registered with the Board.

4. "Physician," "dentist," "podiatric physician," "veterinarian" and "euthanasia technician" mean persons authorized by a license to practice their respective professions in this State who are registered with the Board.

5. "Physician assistant" means a person who is registered with the Board and:

(a) Holds a license issued pursuant to NRS 630.273; or

(b) Holds a ~~[certificate]~~ ***license*** issued pursuant to ~~[NRS 633.451.]~~ ***section 29 of this act.***

Sec. 115. NRS 454.213 is hereby amended to read as follows:

454.213 A drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

1. A practitioner.

2. A physician assistant ***licensed pursuant to chapter 630 or 633 of NRS,*** at the direction of his supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

3. Except as otherwise provided in subsection 4, a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** dentist, podiatric physician or advanced practitioner of nursing, or pursuant to a chart order, for administration to a patient at another location.

4. In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(a) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(b) Acting under the direction of the medical director of that agency or facility who works in this State.

5. An intermediate emergency medical technician or an advanced emergency medical technician, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(a) The State Board of Health in a county whose population is less than 100,000;

(b) A county board of health in a county whose population is 100,000 or more; or

(c) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

6. A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

7. A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

8. A medical student or student nurse in the course of his studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician and:

(a) In the presence of a physician or a registered nurse; or

(b) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➥ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

9. Any person designated by the head of a correctional institution.

10. An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

11. A nuclear medicine technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

12. A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

13. A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

14. A physical therapist, but only if the drug or medicine is a topical drug which is:

(a) Used for cooling and stretching external tissue during therapeutic treatments; and

(b) Prescribed by a licensed physician for:

(1) Iontophoresis; or

(2) The transmission of drugs through the skin using ultrasound.

15. In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

16. A veterinary technician at the direction of his supervising veterinarian.

17. In accordance with applicable regulations of the Board, a registered pharmacist who:

(a) Is trained in and certified to carry out standards and practices for immunization programs;

(b) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(c) Administers immunizations in compliance with the "Standards of Immunization Practices" recommended and approved by the United States Public Health Service Advisory Committee on Immunization Practices.

18. A person who is enrolled in a training program to become a physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** dental hygienist, intermediate emergency medical technician, advanced

emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

Sec. 116. NRS 454.215 is hereby amended to read as follows:

454.215 A dangerous drug may be dispensed by:

1. A registered pharmacist upon the legal prescription from a practitioner or to a pharmacy in a correctional institution upon the written order of the prescribing practitioner in charge;

2. A pharmacy in a correctional institution, in case of emergency, upon a written order signed by the chief medical officer;

3. A practitioner, or a physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** if authorized by the Board;

4. A registered nurse, when the nurse is engaged in the performance of any public health program approved by the Board;

5. A medical intern in the course of his internship;

6. An advanced practitioner of nursing who holds a certificate from the State Board of Nursing and a certificate from the State Board of Pharmacy permitting him to dispense dangerous drugs;

7. A registered nurse employed at an institution of the Department of Corrections to an offender in that institution;

8. A registered pharmacist from an institutional pharmacy pursuant to regulations adopted by the Board; or

9. A registered nurse to a patient at a rural clinic that is designated as such pursuant to NRS 433.233 and that is operated by the Division of Mental Health and Developmental Services of the Department of Health and Human Services if the nurse is providing mental health services at the rural clinic,

➥ except that no person may dispense a dangerous drug in violation of a regulation adopted by the Board.

Sec. 117. NRS 454.221 is hereby amended to read as follows:

454.221 1. A person who furnishes any dangerous drug except upon the prescription of a practitioner is guilty of a category D felony and shall be punished as provided in NRS 193.130, unless the dangerous drug was obtained originally by a legal prescription.

2. The provisions of this section do not apply to the furnishing of any dangerous drug by:

(a) A practitioner to his patients;

(b) A physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** if authorized by the Board;

(c) A registered nurse while participating in a public health program approved by the Board, or an advanced practitioner of nursing who holds a certificate from the State Board of Nursing and a certificate from the State Board of Pharmacy permitting him to dispense dangerous drugs;

(d) A manufacturer or wholesaler or pharmacy to each other or to a practitioner or to a laboratory under records of sales and purchases that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity;

(e) A hospital pharmacy or a pharmacy so designated by a county health officer in a county whose population is 100,000 or more, or by a district health officer in any county within its jurisdiction or, in the absence of either, by the State Health Officer or his designated Medical Director of Emergency Medical Services, to a person or agency described in subsection 3 of NRS 639.268 to stock ambulances or other authorized vehicles or replenish the stock; or

(f) A pharmacy in a correctional institution to a person designated by the Director of the Department of Corrections to administer a lethal injection to a person who has been sentenced to death.

Sec. 118. NRS 484.393 is hereby amended to read as follows:

484.393 1. The results of any blood test administered under the provisions of NRS 484.383 or 484.391 are not admissible in any hearing or criminal action arising out of acts alleged to have been committed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955 unless:

(a) The blood tested was withdrawn by a person, other than an arresting officer, who:

(1) Is a physician, physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** registered nurse, licensed practical nurse, emergency medical technician or a phlebotomist, technician, technologist or assistant employed in a medical laboratory; or

(2) Has special knowledge, skill, experience, training and education in withdrawing blood in a medically acceptable manner, including, without limitation, a person qualified as an expert on that subject in a court of competent jurisdiction or a person who has completed a course of instruction described in subsection 2 of NRS 652.127; and

(b) The test was performed on whole blood, except if the sample was clotted when it was received by the laboratory, the test may be performed on blood serum or plasma.

2. The limitation contained in paragraph (a) of subsection 1 does not apply to the taking of a chemical test of the urine, breath or other bodily substance.

3. No person listed in paragraph (a) of subsection 1 incurs any civil or criminal liability as a result of the administering of a blood test when requested by a police officer or the person to be tested to administer the test.

Sec. 119. NRS 632.450, 633.431, 633.441, 633.451 **,** ~~[and]~~ 633.461 **and 640B.180** are hereby repealed.

Sec. 120. A certificate for an osteopathic physician's assistant that is current and valid on December 31, 2007, shall, on January 1, 2008, be deemed to be a license issued pursuant to section 29 of this act.

Sec. 121. 1. This act becomes effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2008, for all other purposes.

2. The amendatory provisions of section 7 of this act expire by limitation on January 1, 2012.

3. Sections 11 and 25 of this act expire by limitation on January 1, 2012.

LEADLINES OF REPEALED SECTIONS

632.450 Schools of professional nursing: Minimum length of course of instruction.

633.431 Osteopathic physicians' assistants: Training programs and standards.

633.441 Osteopathic physicians' assistants: Application to employ assistant.

633.451 Osteopathic physicians' assistants: Approval of application to employ assistant; issuance and renewal of certificate.

633.461 Osteopathic physician's assistant: Scope of authorized activities.

640B.180 Professional associations to submit lists of persons qualified for membership on Board.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 419.

Bill read third time.

Remarks by Assemblywoman Womack.

Roll call on Senate Bill No. 419:

YEAS—42.

NAYS—None.

Senate Bill No. 419 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 420.

Bill read third time.

Remarks by Assemblyman Segerblom.
Roll call on Senate Bill No. 420:
YEAS—42.
NAYS—None.
Senate Bill No. 420 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 425.
Bill read third time.
Remarks by Assemblyman Conklin.
Roll call on Senate Bill No. 425:
YEAS—42.
NAYS—None.
Senate Bill No. 425 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 430.
Bill read third time.
Remarks by Assemblywoman Koivisto.
Roll call on Senate Bill No. 430:
YEAS—42.
NAYS—None.
Senate Bill No. 430 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 432.
Bill read third time.
Remarks by Assemblyman Conklin.
Roll call on Senate Bill No. 432:
YEAS—42.
NAYS—None.
Senate Bill No. 432 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 447.
Bill read third time.
Remarks by Assemblywoman Parnell.
Roll call on Senate Bill No. 447:
YEAS—41.
NAYS—Kirkpatrick.
Senate Bill No. 447 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 450.

Bill read third time.

Remarks by Assemblywoman Gerhardt.

Roll call on Senate Bill No. 450:

YEAS—42.

NAYS—None.

Senate Bill No. 450 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 451.

Bill read third time.

Remarks by Assemblyman Bobzien.

Roll call on Senate Bill No. 451:

YEAS—42.

NAYS—None.

Senate Bill No. 451 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 452 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 58 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

NOTICE OF EXEMPTION

May 25, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 517.

MARK STEVENS
Fiscal Analysis Division

Assemblyman Oceguera moved that Senate Bill No. 517 be taken from the Chief Clerk's desk and rereferred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 334.

The following Senate amendment was read:

Amendment No. 814.

AN ACT relating to education; creating a school district for charter schools sponsored by the State Board of Education for federal law purposes; revising provisions governing the closure of a charter school; clarifying

certain provisions governing the payments of money to a charter school for the enrollment of certain pupils; revising provisions governing the employment of administrators for a charter school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the board of trustees of a school district may sponsor charter schools and the State Board of Education may sponsor charter schools. (NRS 386.515) Section 2 of this bill creates a school district to be designated as the Charter School District for State Board-Sponsored Charter Schools. The School District is created for the sole purpose of federal law governing charter schools.

Section 3 of this bill provides that upon closure of a charter school, an administrator of the charter school shall act as a trustee of certain records during the process of closure and for 1 year after the date of closure. If an administrator is not available, the governing body of the charter school shall appoint a qualified person to perform the duties of trustee.

Under existing law, a charter school must accept for enrollment in certain classes, if space is available, children who are otherwise enrolled in a public school or a private school or homeschooled children. (NRS 386.580) Under existing law, these children are included in the count of pupils for the purposes of the basic support guarantee of the State Distributive School Account. (NRS 387.123, 387.1233) Section 5 of this bill clarifies the legislative declaration concerning the formation of charter schools to provide that the declaration does not preclude the payment of money to a charter school for the enrollment of these children in classes at a charter school. (NRS 386.505)

Under existing law, a charter school may employ administrators for the school who meet certain eligibility requirements. (NRS 386.590) Section 6 of this bill revises provisions governing the employment of those administrators and revises the eligibility requirements.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***There is hereby created a school district to be designated as the Charter School District for State Board-Sponsored Charter Schools. The School District comprises only those charter schools that are sponsored by the State Board. The State Board is hereby deemed the board of trustees of the School District. The School District is created for the sole purpose of providing local educational agency status to the District for purposes of federal law governing charter schools.***

Sec. 3. ***1. Except as otherwise provided in subsection 2, if a charter school ceases to operate voluntarily or upon revocation of its written charter, the governing body of the charter school shall appoint an***

administrator of the charter school to act as a trustee during the process of the closure of the charter school and for 1 year after the date of closure. The administrator shall assume the responsibility for the records of the:

(a) Charter school;

(b) Employees of the charter school; and

(c) Pupils enrolled in the charter school.

2. If an administrator for the charter school is no longer available to carry out the duties set forth in subsection 1, the governing body of the charter school shall appoint a qualified person to assume those duties.

3. The governing body of the charter school may, to the extent practicable, provide financial compensation to the administrator or person appointed pursuant to subsection 2 to carry out the provisions of this section.

Sec. 4. NRS 386.500 is hereby amended to read as follows:

386.500 For the purposes of NRS 386.500 to 386.610, inclusive, ***and sections 2 and 3 of this act,*** a pupil is "at risk" if he has an economic or academic disadvantage such that he requires special services and assistance to enable him to succeed in educational programs. The term includes, without limitation, pupils who are members of economically disadvantaged families, pupils who are limited English proficient, pupils who are at risk of dropping out of high school and pupils who do not meet minimum standards of academic proficiency. The term does not include a pupil with a disability.

Sec. 5. NRS 386.505 is hereby amended to read as follows:

386.505 The Legislature declares that by authorizing the formation of charter schools it is not authorizing:

1. The conversion of an existing public school, home school or other program of home study to a charter school.

2. A means for providing financial assistance for private schools or programs of home study. The provisions of this subsection do not preclude ~~[a]~~ ***:***

(a) A private school from ceasing to operate as a private school and reopening as a charter school in compliance with the provisions of NRS 386.500 to 386.610, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act.***

(b) The payment of money to a charter school for the enrollment of children in classes at the charter school pursuant to subsection 5 of NRS 386.580 who are enrolled in a public school of a school district or a private school or who are homeschooled.

3. The formation of charter schools on the basis of a single race, religion or ethnicity.

Sec. 5.5. **NRS 386.527 is hereby amended to read as follows:**

386.527 1. If the State Board or the board of trustees of a school district approves an application to form a charter school, it shall grant a written charter to the applicant. The State Board or the board of trustees, as applicable, shall, not later than 10 days after the approval of the application, provide written notice to the Department of the approval and the date of the

approval. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

2. If the State Board approves the application:

(a) The State Board shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

3. ~~[Upon the initial renewal of a written charter and each renewal thereafter, the]~~ ***The*** governing body of a charter school may request ***, at any time,*** a change in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to NRS 386.515. The State Board shall adopt ~~[objective]~~ ***:***

(a) An application process for a charter school that requests a change in the sponsorship of the charter school, which must not require the applicant to undergo the requirements of an initial application to form a charter school; and

(b) Objective criteria for the conditions under which such a request may be granted.

4. Except as otherwise provided in subsection 6, a written charter must be for a term of 6 years unless the governing body of a charter school renews its initial charter after 3 years of operation pursuant to subsection 2 of NRS 386.530. A written charter must include all conditions of operation set forth in paragraphs (a) to (o), inclusive, of subsection 2 of NRS 386.520 and include the kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020 for which the charter school is authorized to operate. If the State Board is the sponsor of the charter school, the written charter must set forth the responsibilities of the sponsor and the charter school with regard to the provision of services and programs to pupils with disabilities who are enrolled in the charter school in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and NRS 388.440 to 388.520, inclusive. As a condition of the issuance of a written charter pursuant to this subsection, the charter school must agree to comply with all conditions of operation set forth in NRS 386.550.

5. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter of the charter school. Such an amendment may include, without limitation, the expansion of instruction and other educational services to pupils who are enrolled in grade levels other than the grade levels of pupils currently ~~[enrolled]~~ ***approved for enrollment*** in the charter school if the expansion of grade levels does not change the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate. If the proposed amendment complies with the provisions of this section, NRS 386.500 to 386.610, inclusive, ***and sections 2 and 3 of this act,*** and any other statute or regulation applicable to charter schools, the sponsor may amend the written charter in accordance with the proposed amendment. If a charter school

wishes to expand the instruction and other educational services offered by the charter school to pupils who are enrolled in grade levels other than the grade levels of pupils currently ~~[enrolled]~~ ***approved for enrollment*** in the charter school and the expansion of grade levels changes the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate, the governing body of the charter school must submit a new application to form a charter school. If such an application is approved, the charter school may continue to operate under the same governing body and an additional governing body does not need to be selected to operate the charter school with the expanded grade levels.

6. The State Board shall adopt objective criteria for the issuance of a written charter to an applicant who is not prepared to commence operation on the date of issuance of the written charter. The criteria must include, without limitation, the:

(a) Period for which such a written charter is valid; and

(b) Timelines by which the applicant must satisfy certain requirements demonstrating its progress in preparing to commence operation.

➥ A holder of such a written charter may apply for grants of money to prepare the charter school for operation. A written charter issued pursuant to this subsection must not be designated as a conditional charter or a provisional charter or otherwise contain any other designation that would indicate the charter is issued for a temporary period.

7. The holder of a written charter that is issued pursuant to subsection 6 shall not commence operation of the charter school and is not eligible to receive apportionments pursuant to NRS 387.124 until the sponsor has determined that the requirements adopted by the State Board pursuant to subsection 6 have been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

(a) Schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or

(b) Charter school,

➥ whichever date the sponsor selects. The sponsor shall not require a charter school to demonstrate compliance with the requirements of this subsection more than 30 days before the date selected. However, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.

Sec. 6. NRS 386.590 is hereby amended to read as follows:

386.590 1. Except as otherwise provided in this subsection, at least 70 percent of the teachers who provide instruction at a charter school must be licensed teachers. If a charter school is a vocational school, the charter school

shall, to the extent practicable, ensure that at least 70 percent of the teachers who provide instruction at the school are licensed teachers, but in no event may more than 50 percent of the teachers who provide instruction at the school be unlicensed teachers.

2. A governing body of a charter school shall employ:

(a) If the charter school offers instruction in kindergarten or grade 1, 2, 3, 4, 5, 6, 7 or 8, a licensed teacher to teach pupils who are enrolled in those grades. If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. § 6319(a).

(b) If the charter school offers instruction in grade 9, 10, 11 or 12, a licensed teacher to teach pupils who are enrolled in those grades for the subjects set forth in subsection 4. If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. § 6319(a).

(c) In addition to the requirements of paragraphs (a) and (b):

(1) If a charter school specializes in arts and humanities, physical education or health education, a licensed teacher to teach those courses of study.

(2) If a charter school specializes in the construction industry or other building industry, licensed teachers to teach courses of study relating to the industry if those teachers are employed full time.

(3) If a charter school specializes in the construction industry or other building industry and the school offers courses of study in computer education, technology or business, licensed teachers to teach those courses of study if those teachers are employed full time.

3. A person who is initially hired by the governing body of a charter school on or after January 8, 2002, to teach in a program supported with money from Title I must possess the qualifications required by 20 U.S.C. § 6319(a). For the purposes of this subsection, a person is not "initially hired" if he has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by his current employer.

4. A teacher who is employed by a charter school, regardless of the date of hire, must, on or before July 1, 2006, possess the qualifications required by 20 U.S.C. § 6319(a) if he teaches one or more of the following subjects:

(a) English, reading or language arts;
(b) Mathematics;
(c) Science;
(d) Foreign language;
(e) Civics or government;
(f) Economics;
(g) Geography;
(h) History; or
(i) The arts.

5. Except as otherwise provided in NRS 386.588, a charter school may employ a person who is not licensed pursuant to the provisions of chapter

391 of NRS to teach a course of study for which a licensed teacher is not required pursuant to subsections 2, 3 and 4 if the person has:

(a) A degree, a license or a certificate in the field for which he is employed to teach at the charter school; and

(b) At least 2 years of experience in that field.

6. Except as otherwise provided in NRS 386.588, a charter school ~~[may]~~ ***shall*** employ such administrators for the school as it deems necessary. A person employed as an administrator must possess:

(a) A valid teacher's license issued pursuant to chapter 391 of NRS with an administrative endorsement;

(b) A master's degree in school administration, public administration or business administration; or

(c) ~~[If the person has at]~~ ***At*** least 5 years of experience in ***school*** administration, ***public administration or business administration and*** a baccalaureate degree.

7. ~~*[The]*~~ ***Except as otherwise provided in subsection 8, the portion of the salary or other compensation of an administrator employed by a charter school that is derived from public funds must not exceed the salary or other compensation, as applicable, of the highest paid administrator in a comparable position in the school district in which the charter school is located. For purposes of determining the salary or other compensation of the highest paid administrator in a comparable position in the school district, the salary or other compensation of the superintendent of schools of that school district must not be included in the determination.***

8. If the salary or other compensation paid to an administrator employed by a charter school from public funds exceeds the maximum amount prescribed in subsection 7, the sponsor of the charter school shall conduct an audit of the salary or compensation. The audit must include, without limitation, a review of the reasons set forth by the governing body of the charter school for the salary or other compensation and the interests of the public in using public funds to pay that salary or compensation. If the sponsor determines that the payment of the salary or other compensation from public funds is justified, the sponsor shall provide written documentation of its determination to the governing body of the charter school and to the Department. If the sponsor determines that the payment of the salary or other compensation from public funds is not justified, the governing body of the charter school shall reduce the salary or compensation paid to the administrator from public funds to an amount not to exceed the maximum amount prescribed in subsection 7.

9. A charter school shall not employ a person pursuant to this section if his license to teach or provide other educational services has been revoked or suspended in this State or another state.

~~[8.]~~ ~~*[9.]*~~ ***10.*** On or before November 15 of each year, a charter school shall submit to the Department, in a format prescribed by the Superintendent

of Public Instruction, the following information for each licensed employee who is employed by the governing body on October 1 of that year:

(a) The amount of salary of the employee ~~[;]~~ ***, including, without limitation, verification of compliance with subsection 7, if applicable to that employee;*** and

(b) The designated assignment, as that term is defined by the Department, of the employee.

Sec. 7. If a person is employed by a charter school as an administrator before July 1, 2007, and he qualified for that position pursuant to paragraph (c) of subsection 6 of NRS 386.590, the person may continue employment in that position even if he does not satisfy the qualifications set forth in section 6 of this act.

Sec. 8. If a person is employed by a charter school as an administrator before July 1, 2007, and the contract of employment with the administrator provides for a salary **or other compensation** that violates subsection 7 of NRS 386.590, as amended by section 6 of this act, the administrator may continue to receive that salary **or other compensation** only through the term of the existing contract of employment. Any new contract or renewal of the existing contract with that administrator must comply with subsection 7 of NRS 386.590, as amended by section 6 of this act.

Sec. 9. This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved that the Assembly concur in the Senate amendment to Assembly Bill No. 334.

Remarks by Assemblywoman Parnell.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 512.

The following Senate amendment was read:

Amendment No. 705.

AN ACT relating to education; requiring the board of trustees of a school district to employ certain student teachers as substitute teachers ~~[in certain schools and in certain subject areas]~~ under certain circumstances; **requiring the Legislative Committee on Education to study issues relating to the use of long-term substitute teachers;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a school district to enter into an agreement for the assignment of student teachers within the school district for training purposes. (NRS 391.095) ~~[This]~~ **Section 1 of this** bill requires a school district which has entered into such an agreement to employ certain student teachers as substitutes ~~[in at-risk schools and in hard-to-fill subject areas]~~ when licensed teachers are not available to fill those positions. **Section 3 of this bill requires the Legislative Committee on Education to conduct a**

study of issues relating to the use of long-term substitute teachers during the 2007-2009 interim.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A board of trustees of a school district that has entered into an agreement pursuant to NRS 391.095 shall, before assigning a long-term substitute who is not a licensed teacher, assign a student teacher who satisfies the requirements of subsection 2 as a substitute teacher . [to fill positions:

(a) At schools in which 65 percent or more of the pupils who are enrolled in the school are children who are at risk; or

(b) In the field of mathematics, science, special education or English as a second language.]

2. A student teacher who has completed not less than 4 weeks of student teaching in a school district pursuant to NRS 391.095 may apply to the board of trustees of that school district for employment as a substitute teacher. The application must include the written approval of:

(a) The teacher who supervises the student teacher through the Nevada System of Higher Education or accredited postsecondary educational institution, as applicable; and

(b) The teacher who is responsible for supervising the student teacher in the classroom.

3. If a school district employs a student teacher as a substitute teacher pursuant to this section, the school district shall ensure that the student teacher is [supervised] :

(a) Assigned to teach in the subject area and grade level, as applicable, in which the student teacher is completing his student teaching.

(b) Supervised by a licensed teacher. A licensed teacher so assigned must:

[(a)] (1) Be available to assist the student teacher and observe the student teacher on a periodic basis; and

[(b)] (2) Oversee the management of the classroom, instructional duties and administrative duties of the student teacher.

4. A student teacher who is employed as a substitute teacher pursuant to this section is entitled to the rate of pay otherwise payable to substitute teachers employed by the school district for each day the student teacher works as a substitute teacher. Nothing in this section entitles a student teacher who is not employed as a substitute teacher to be paid for time spent completing his student teaching [.] , including, without limitation, time spent completing course work and assignments required for completion of a program of study offered by the Nevada System of Higher Education or an accredited postsecondary educational institution.

5. ~~[The]~~ Except as otherwise provided in this subsection, the board of trustees of a school district that employs a student teacher as a substitute teacher pursuant to this section shall, in consultation with the employee organization representing licensed teachers in the school district, provide for compensation of the licensed teacher who supervises the student teacher pursuant to subsection 3 that is in addition to the regular salary of the licensed teacher. The board of trustees is not required to provide additional compensation to:

(a) A licensed teacher who is employed by the school district for the primary purpose of supervising student teachers and who is not otherwise employed for the purpose of providing classroom instruction to pupils; or

(b) A licensed teacher who receives compensation from the Nevada System of Higher Education or an accredited postsecondary educational institution for supervising student teachers.

6. As used in this section, "student teacher" means a student of a branch of the Nevada System of Higher Education or an accredited postsecondary educational institution who is assigned to teach for training purposes pursuant to NRS 391.095.

Sec. 2. NRS 391.273 is hereby amended to read as follows:

391.273 1. Except as otherwise provided in subsections 4 and 10 ~~[,]~~ ***and except for persons who are supervised pursuant to section 1 of this act,*** the unlicensed personnel of a school district must be directly supervised by licensed personnel in all duties which are instructional in nature. To the extent practicable, the direct supervision must be such that the unlicensed personnel are in the immediate location of the licensed personnel and are readily available during such times when supervision is required.

2. Unlicensed personnel who are exempted pursuant to subsection 4 must be under administrative supervision when performing duties which are instructional in nature.

3. Unlicensed personnel may temporarily perform duties under administrative supervision which are not primarily instructional in nature.

4. Except as otherwise provided in subsection 5, upon application by a superintendent of schools, the Superintendent of Public Instruction may grant an exemption from the provisions of subsection 1. The Superintendent shall not grant an exemption unless:

(a) The duties are within the employee's special expertise or training;

(b) The duties relate to the humanities or an elective course of study, or are supplemental to the basic curriculum of a school;

(c) The performance of the duties does not result in the replacement of a licensed employee or prevent the employment of a licensed person willing to perform those duties;

(d) The secondary or combined school in which the duties will be performed has less than 100 pupils enrolled and is at least 30 miles from a school in which the duties are performed by licensed personnel; and

(e) The unlicensed employee submits his fingerprints for an investigation pursuant to NRS 391.033.

5. The exemption authorized by subsection 4 does not apply to a paraprofessional if the provisions of 20 U.S.C. § 6319 and the regulations adopted pursuant thereto require the paraprofessional to be directly supervised by a licensed teacher.

6. The Superintendent of Public Instruction shall file a record of all exempt personnel with the clerk of the board of trustees of each local school district, and advise the clerk of any changes therein. The record must contain:

(a) The name of the exempt employee;

(b) The specific instructional duties he may perform;

(c) Any terms or conditions of the exemption deemed appropriate by the Superintendent of Public Instruction; and

(d) The date the exemption expires or a statement that the exemption is valid as long as the employee remains in the same position at the same school.

7. The Superintendent of Public Instruction may adopt regulations prescribing the procedure to apply for an exemption pursuant to this section and the criteria for the granting of such exemptions.

8. Except in an emergency, it is unlawful for the board of trustees of a school district to allow a person employed as a teacher's aide to serve as a teacher unless the person is a legally qualified teacher licensed by the Superintendent of Public Instruction. As used in this subsection, "emergency" means an unforeseen circumstance which requires immediate action and includes the fact that a licensed teacher or substitute teacher is not immediately available.

9. If the Superintendent of Public Instruction determines that the board of trustees of a school district has violated the provisions of subsection 8, he shall take such actions as are necessary to reduce the amount of money received by the district pursuant to NRS 387.124 by an amount equal to the product when the following numbers are multiplied together:

(a) The number of days on which the violation occurred;

(b) The number of pupils in the classroom taught by the teacher's aide; and

(c) The number of dollars of basic support apportioned to the district per pupil per day pursuant to NRS 387.1233.

10. The provisions of this section do not apply to unlicensed personnel who are employed by the governing body of a charter school, unless a paraprofessional employed by the governing body is required to be directly supervised by a licensed teacher pursuant to the provisions of 20 U.S.C. § 6319 and the regulations adopted pursuant thereto.

Sec. 3. **1. The Legislative Committee on Education shall, during the 2007-2009 interim, study issues relating to the use of long-term substitute teachers, including, without limitation:**

(a) The effect of the use of long-term substitutes who are not licensed teachers on the performance of pupils and the effect of the use of student teachers as substitutes pursuant to section 1 of this act on the performance of pupils;

(b) The number of long-term substitutes employed in this State and the number employed by each school district, including, without limitation, the number who are not licensed teachers;

(c) The number of student teachers employed as substitutes pursuant to section 1 of this act in this State and the number employed by each school district;

(d) The average time for which a long-term substitute is assigned to a single class;

(e) Methods to reduce the use of long-term substitutes, including, without limitation, methods to reduce the number of long-term substitutes who are not licensed teachers or not student teachers employed pursuant to section 1 of this act; and

(f) Any other issues relating to the use of long-term substitutes.

2. The Legislative Committee on Education may appoint a subcommittee to conduct the study required pursuant to subsection 1 or may request that an appropriate entity which is responsible for studying the coordination of elementary, secondary and postsecondary education in this State conduct the study and report to the Committee.

3. On or before February 1, 2009, the Legislative Committee on Education shall submit a report of the results of the study conducted pursuant to this section and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

~~[Sec. 3.]~~ ***Sec. 4.*** This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved that the Assembly concur in the Senate amendment to Assembly Bill No. 512.

Remarks by Assemblywoman Parnell.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 418.

The following Senate amendment was read:

Amendment No. 757.

AN ACT relating to unarmed combat; removing references to wrestling in various statutes relating to unarmed combat; **eliminating the Medical Advisory Board;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1-3 of this bill remove references to wrestling that are contained in various statutes relating to unarmed combat.

Section 4.5 of this bill eliminates the Medical Advisory Board, which currently recommends standards for the physical and mental

examination of contestants, recommends physicians for licensing, advises the Nevada Athletic Commission as to the physical or mental fitness of a contestant and submits reports containing recommendations for revisions in the law to protect the health of contestants. (NRS 467.018)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 467.0107 is hereby amended to read as follows:

467.0107 "Unarmed combat" means boxing ~~[, wrestling]~~ or any form of competition in which a blow is usually struck which may reasonably be expected to inflict injury.

Sec. 2. NRS 467.108 is hereby amended to read as follows:

467.108 1. Except as otherwise provided in subsection 2, in addition to the payment of any other fees or taxes required by this chapter, a promoter shall pay to the Commission a fee of $1.00 for each ticket sold for admission to a live professional ~~[boxing or wrestling]~~ contest ~~[, match or exhibition]~~ ***of unarmed combat*** which is held in this State.

2. In lieu of the fee imposed pursuant to subsection 1, the Executive Director of the Commission may require a promoter to pay to the Commission a fee of $0.50 for each ticket sold for admission to a live professional ~~[boxing or wrestling]~~ contest ~~[, match or exhibition]~~ ***of unarmed combat*** which is held in this State if the gross receipts from admission fees to the contest ~~[, match or exhibition]~~ ***of unarmed combat*** are less than $500,000.

3. The money collected pursuant to subsections 1 and 2 must be used by the Commission to award grants to organizations which promote amateur ~~[boxing]~~ contests or exhibitions ***of unarmed combat*** in this State.

4. The Commission shall adopt by regulation ~~[the]~~ ***:***

(a) The manner in which ~~[:~~

~~(a) The]~~ ***the*** fees required by subsections 1 and 2 must be paid.

(b) ~~[Applications]~~ ***The manner in which applications*** for grants may be submitted to the Commission ***.*** ~~[and the]~~

(c) The standards to be used to award grants to organizations which promote amateur ~~[boxing]~~ contests or exhibitions ***of unarmed combat*** in this State.

Sec. 3. NRS 467.135 is hereby amended to read as follows:

467.135 1. The Commission, its Executive Director or any other employee authorized by the Commission may order the promoter to withhold any part of a purse or other money belonging or payable to any contestant, manager or second if, in the judgment of the Commission, Executive Director or other employee:

(a) The contestant is not competing honestly or to the best of his skill and ability or the contestant otherwise violates any regulations adopted by the

Commission or any of the provisions of this chapter, including, but not limited to, the provisions of subsection 1 of NRS 467.110; or

(b) The manager or seconds violate any regulations adopted by the Commission or any of the provisions of this chapter, including, but not limited to, the provisions of subsection 1 of NRS 467.110.

2. ~~[This section does not apply to any contestant in a wrestling exhibition who appears not to be competing honestly or to the best of his skill and ability.~~

~~3.]~~ Upon the withholding of any part of a purse or other money pursuant to this section, the Commission shall immediately schedule a hearing on the matter, provide adequate notice to all interested parties and dispose of the matter as promptly as possible.

~~[4.]~~ ***3.*** If it is determined that a contestant, manager or second is not entitled to any part of his share of the purse or other money, the promoter shall pay the money over to the Commission. Subject to the provisions of subsection ~~[5,]~~ ***4,*** the money must be deposited with the State Treasurer for credit to the State General Fund.

~~[5.]~~ ***4.*** Money turned over to the Commission pending final action in any matter must be credited to the Athletic Commission's Agency Account and must remain in that Account until the Commission orders its disposition in accordance with the final action taken.

Sec. 4. (Deleted by amendment.)

Sec. 4.5. **NRS 467.0101, 467.012, 467.015 and 467.018 are hereby repealed.**

Sec. 5. This act becomes effective on July 1, 2007.

LEADLINES OF REPEALED SECTIONS

467.0101 "Board" defined.
467.012 Creation; Chairman; terms.
467.015 Qualifications of members.
467.018 Duties.

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 418.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered to the Senate.

GENERAL FILE AND THIRD READING

Senate Bill No. 58.

Bill read third time.

The following amendment was proposed by Assemblyman Atkinson: Amendment No. 909.

SUMMARY—Provides for the imposition of an administrative assessment for certain traffic violations **in certain smaller counties** to be used for the

awarding of grants to volunteer organizations that provide emergency medical services. (BDR 14-221)

AN ACT relating to administrative assessments; providing for the imposition of an administrative assessment for certain traffic violations ~~[,]~~ **in certain smaller counties;** creating the Volunteer Emergency Medical Services Fund into which money collected from such assessments must be deposited; providing for grants to be awarded from the Fund to volunteer organizations that provide emergency medical services **in certain smaller counties** in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires a court to impose a $5 administrative assessment in addition to any other fine or assessment any time that a person pleads, is found guilty of or enters a plea of nolo contendere to a moving traffic violation ~~[.]~~ **in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties).** Sections 1 and 6 of this bill provide that any amounts collected from the administrative assessment must be credited to the Nevada Volunteer Emergency Medical Services Fund which is created as a continuing fund within the State Treasury. Section 6 provides that money in the Fund will be used to award grants to volunteer organizations that deliver emergency medical services **in counties whose population is less than 100,000** in this State. The organization to which such a grant is made may use the money for the acquisition of capital goods, training, equipment or supplies.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~*[Except]*~~ ***In a county whose population is less than 100,000, except as otherwise provided in subsection 2, in addition to any other administrative assessment imposed, when a defendant pleads guilty, is found guilty of or enters a plea of nolo contendere to a moving traffic violation, including, without limitation, the violation of any county or municipal ordinance, the justice or judge of the justice, municipal or district court, as applicable, shall include in the sentence the sum of $5 as an administrative assessment for the provision of volunteer emergency medical services and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.***

2. The money collected for an administrative assessment for the provision of volunteer emergency medical services must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket

and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 4. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he has paid and the justice or judge shall not recalculate the administrative assessment.

3. If the justice or judge permits the fine and administrative assessment for the provision of volunteer emergency medical services to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613;

(d) To pay the unpaid balance of an administrative assessment for the provision of volunteer emergency medical services pursuant to this section; and

(e) To pay the fine.

4. The money collected for an administrative assessment for the provision of volunteer emergency medical services must be paid by the clerk of the court in which the money is collected to the State Treasurer on or before the fifth day of each month for the preceding month for credit to the Nevada Volunteer Emergency Medical Services Fund created pursuant to section 6 of this act.

5. As used in this section, "moving traffic violation" means an act that is a moving traffic violation for the purposes of NRS 483.473.

Sec. 2. NRS 176.0611 is hereby amended to read as follows:

176.0611 1. A county or a city, upon recommendation of the appropriate court, may, by ordinance, authorize the justices or judges of the justice or municipal courts within its jurisdiction to impose for not longer than 50 years, in addition to the administrative assessments imposed pursuant to NRS 176.059 and 176.0613 ~~[.]~~ ***and section 1 of this act,*** an administrative assessment for the provision of court facilities.

2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, when a defendant pleads guilty or is found guilty of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $10 as an administrative assessment for the provision of court facilities and render a judgment against

the defendant for the assessment. If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance that is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of court facilities must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of court facilities to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to this section;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613; ~~[and]~~

(d) ***To pay the unpaid balance of an administrative assessment for the provision of volunteer emergency medical services pursuant to section 1 of this act; and***

(e) To pay the fine.

6. The money collected for administrative assessments for the provision of court facilities in municipal courts must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall deposit the money received in a special revenue fund. The city may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(b) Construct or acquire additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(c) Renovate or remodel existing facilities for the municipal courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the municipal courts or a regional justice center that includes the municipal courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the municipal courts or a regional justice center that includes the municipal courts.

➥ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the municipal general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

7. The money collected for administrative assessments for the provision of court facilities in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall deposit the money received to a special revenue fund. The county may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the justice courts or a regional justice center that includes the justice courts.

(b) Construct or acquire additional facilities for the justice courts or a regional justice center that includes the justice courts.

(c) Renovate or remodel existing facilities for the justice courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the justice courts or a regional justice center that includes the justice courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the justice courts or a regional justice center that includes the justice courts.

➥ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the county general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

8. If money collected pursuant to this section is to be used to acquire land on which to construct a regional justice center, to construct a regional justice center or to pay debt service on bonds issued for these purposes, the county and the participating cities shall, by interlocal agreement, determine such issues as the size of the regional justice center, the manner in which the center will be used and the apportionment of fiscal responsibility for the center.

Sec. 3. NRS 176.0613 is hereby amended to read as follows:

176.0613 1. The justices or judges of the justice or municipal courts shall impose, in addition to an administrative assessment imposed pursuant to NRS 176.059 and 176.0611 ~~[,]~~ ***and section 1 of this act,*** an administrative assessment for the provision of specialty court programs.

2. Except as otherwise provided in subsection 3, when a defendant pleads guilty or is found guilty of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $7 as an administrative assessment for the provision of specialty court programs and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of specialty court programs must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has

been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of specialty court programs to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs; ~~[and]~~

(d) ***To pay the unpaid balance of an administrative assessment for the provision of volunteer emergency medical services pursuant to section 1 of this act; and***

(e) To pay the fine.

6. The money collected for an administrative assessment for the provision of specialty court programs in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

7. The money collected for an administrative assessment for the provision of specialty court programs in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

8. The Office of Court Administrator shall allocate the money credited to the State General Fund pursuant to subsections 6 and 7 to courts to assist with the funding or establishment of specialty court programs.

9. Money that is apportioned to a court from administrative assessments for the provision of specialty court programs must be used by the court to:

(a) Pay for the treatment and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Supplementing the funds used to pay for judges to oversee a specialty court program; or

(7) Acquiring or using appropriate technology.

10. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or abuses alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250 or 453.580.

Sec. 4. NRS 179.225 is hereby amended to read as follows:

179.225 1. If the punishment of the crime is the confinement of the criminal in prison, the expenses must be paid from money appropriated to the Office of the Attorney General for that purpose, upon approval by the State Board of Examiners. After the appropriation is exhausted, the expenses must be paid from the Reserve for Statutory Contingency Account upon approval by the State Board of Examiners. In all other cases, they must be paid out of the county treasury in the county wherein the crime is alleged to have been committed. The expenses are:

(a) If the prisoner is returned to this State from another state, the fees paid to the officers of the state on whose governor the requisition is made;

(b) If the prisoner is returned to this State from a foreign country or jurisdiction, the fees paid to the officers and agents of this State or the United States; or

(c) If the prisoner is temporarily returned for prosecution to this State from another state pursuant to this chapter or chapter 178 of NRS and is then returned to the sending state upon completion of the prosecution, the fees paid to the officers and agents of this State,

➥ and the necessary traveling expenses and subsistence allowances in the amounts authorized by NRS 281.160 incurred in returning the prisoner.

2. If a person is returned to this State pursuant to this chapter or chapter 178 of NRS and is convicted of, or pleads guilty or nolo contendere to the criminal charge for which he was returned or a lesser criminal charge, the court shall conduct an investigation of the financial status of the person to determine his ability to make restitution. In conducting the investigation, the court shall determine if the person is able to pay any existing obligations for:

(a) Child support;

(b) Restitution to victims of crimes; and

(c) Any administrative assessment required to be paid pursuant to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062 ~~[.]~~ ***and section 1 of this act.***

3. If the court determines that the person is financially able to pay the obligations described in subsection 2, it shall, in addition to any other sentence it may impose, order the person to make restitution for the expenses incurred by the Attorney General or other governmental entity in returning him to this State. The court shall not order the person to make restitution if payment of restitution will prevent him from paying any existing obligations described in subsection 2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of the completion of his sentence.

4. The Attorney General may adopt regulations to carry out the provisions of this section.

Sec. 5. NRS 211.245 is hereby amended to read as follows:

211.245 1. If a prisoner fails to make a payment within 10 days after it is due, the district attorney for a county or the city attorney for an incorporated city may file a civil action in any court of competent jurisdiction within this State seeking recovery of:

(a) The amount of reimbursement due;

(b) Costs incurred in conducting an investigation of the financial status of the prisoner; and

(c) Attorney's fees and costs.

2. A civil action brought pursuant to this section must:

(a) Be instituted in the name of the county or city in which the jail, detention facility or alternative program is located;

(b) Indicate the date and place of sentencing, including, without limitation, the name of the court which imposed the sentence;

(c) Include the record of judgment of conviction, if available;

(d) Indicate the length of time served by the prisoner and, if he has been released, the date of his release; and

(e) Indicate the amount of reimbursement that the prisoner owes to the county or city.

3. The county or city treasurer of the county or incorporated city in which a prisoner is or was confined shall determine the amount of reimbursement that the prisoner owes to the city or county. The county or city treasurer may render a sworn statement indicating the amount of reimbursement that the prisoner owes and submit the statement in support of a civil action brought pursuant to this section. Such a statement is prima facie evidence of the amount due.

4. A court in a civil action brought pursuant to this section may award a money judgment in favor of the county or city in whose name the action was brought.

5. If necessary to prevent the disposition of the prisoner's property by the prisoner, or his spouse or agent, a county or city may file a motion for a temporary restraining order. The court may, without a hearing, issue ex parte orders restraining any person from transferring, encumbering, hypothecating, concealing or in any way disposing of any property of the prisoner, real or

personal, whether community or separate, except for necessary living expenses.

6. The payment, pursuant to a judicial order, of existing obligations for:

(a) Child support or alimony;

(b) Restitution to victims of crimes; and

(c) Any administrative assessment required to be paid pursuant to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062 ~~[,]~~ ***and section 1 of this act,***

➥ has priority over the payment of a judgment entered pursuant to this section.

Sec. 6. Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Volunteer Emergency Medical Services Fund is hereby created in the State Treasury. Any administrative assessment imposed and collected pursuant to section 1 of this act must be deposited with the State Treasurer for credit to the Fund.

2. The Committee on Emergency Medical Services shall administer the Fund.

3. The Fund is a continuing fund without reversion. Money in the Fund must be invested as the money in other funds is invested. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.

4. The Committee may accept gifts, grants and donations from any source for deposit in the Fund.

5. The Committee may use the money in the Fund only to award grants to volunteer organizations that provide emergency medical services in counties whose population is less than 100,000 in this State which will use the money for the acquisition of capital goods, training, equipment or supplies related to such services. The Committee shall establish:

(a) The procedures by which a volunteer organization may apply for a grant from the Fund; and

(b) The criteria for determining whether to award a grant from the Fund.

Sec. 7. This act becomes effective on July 1, 2007.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 453.

Bill read third time.

Remarks by Assemblyman Hogan.

Roll call on Senate Bill No. 453:

YEAS—42.

NAYS—None.

Senate Bill No. 453 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:55 a.m.

ASSEMBLY IN SESSION

At 12:26 p.m.
Madam Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 542 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 456.
Bill read third time.
Roll call on Senate Bill No. 456:
YEAS—42.
NAYS—None.
Senate Bill No. 456 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 457.
Bill read third time.
Remarks by Assemblywoman Weber.
Roll call on Senate Bill No. 457:
YEAS—42.
NAYS—None.
Senate Bill No. 457 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 481.
Bill read third time.
Roll call on Senate Bill No. 481:
YEAS—40.
NAYS—Arberry, Koivisto—2.
Senate Bill No. 481 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 486.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Senate Bill No. 486:

YEAS—42.

NAYS—None.

Senate Bill No. 486 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 487.

Bill read third time.

Remarks by Assemblymen Kirkpatrick, Leslie, and Claborn.

Assemblywoman Kirkpatrick requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN KIRKPATRICK:

Senate Bill 487 creates an advisory subcommittee of the Washoe County Regional Planning Commission. This commission must submit a report to the Legislative Counsel Bureau for the transmission to the 75th Session of the Nevada Legislature. In it, we would like to see it address the conjunctive use for purveyors to determine the availability and possible sources of water needed to accommodate the regional land use plan, determine the extent of duplicating water facilities, and identify funding sources for the water supply needed to implement the regional land use plan.

ASSEMBLYWOMAN LESLIE:

I thank the Committee and the Chairwoman for their hard work on this bill. I just have one concern. On page 2, section 2, subsection 2(c), line 20, it reads “Four members of the general public who are consumers of water services,” and I just want to make sure that the Committee’s intent is that those really be general public members and not elected officials or government employees.

ASSEMBLYWOMAN KIRKPATRICK:

To my colleague from the north, that is correct. That was the intent of the Committee, that we did put the general public on there.

ASSEMBLYMAN CLABORN:

I rise in opposition to this bill. I received over 200 emails, not one of which was in favor of this bill. That leads me to believe that the public doesn’t really want it.

Roll call on Senate Bill No. 487:

YEAS—35.

NAYS—Beers, Christensen, Claborn, Cobb, Goedhart, Ohrenschall, Settelmeyer—7.

Senate Bill No. 487 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 491.

Bill read third time.

Remarks by Assemblyman Settelmeyer.

Roll call on Senate Bill No. 491:

YEAS—42.

NAYS—None.

Senate Bill No. 491 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 495.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Senate Bill No. 495:

YEAS—42.

NAYS—None.

Senate Bill No. 495 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 288 be taken from its position on the General File and placed at the top of General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 288.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 1012.

AN ACT relating to fire protection districts; requiring the board of directors of a fire protection district created by an election to cooperate with the State Forester Firewarden and certain other agencies to prevent and suppress fires in wild lands; authorizing such a board of directors to appoint a district fire chief; providing that the activities of a fire protection district created by an election are separate from county activities and any other political subdivision in this State; authorizing a board of fire commissioners to provide emergency medical services within a fire protection district **;** ~~[under certain circumstances;]~~ requiring title to all property acquired by a fire protection district organized by a board of county commissioners to vest in the district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the organization of fire protection districts by an ordinance adopted by a board of county commissioners or by the approval of the voters of a proposed fire protection district. (Chapter 474 of NRS) Under existing law, a fire protection district approved by the voters may include contiguous territory from more than one county. (NRS 474.010) Section 9 of this bill provides that such a fire protection district may include incorporated territory within a consolidated municipality, provided that such territory is not included in any other fire protection district. Section 9 also removes the exclusion that had prohibited such a fire protection district from including timberland patrolled by the United States Forest Service. Sections 2-8 and

15-18 of this bill borrow various existing provisions that are applicable to a fire protection district organized by a board of county commissioners and make them applicable to a fire protection district approved by the voters. **Section 8.5 of this bill clarifies that certain persons and entities may not operate an ambulance in an area for which an exclusive franchise for ambulance service has been granted.** Sections 20, 21, 22 and 24 of this bill borrow various existing provisions that are applicable to a fire protection district approved by the voters and make them applicable to a fire protection district organized by a board of county commissioners. Section 25 of this bill restricts existing procedures for the reorganization of a fire protection district to apply only to a fire protection district organized by a board of county commissioners.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 474 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[8,]~~ **8.5,** inclusive, of this act.

Sec. 2. ***1. A county fire protection district organized pursuant to NRS 474.010 to 474.450, inclusive, and sections 2 to 5, inclusive, of this act, upon its formation:***

(a) Is a political subdivision of this State; and

(b) Has perpetual existence unless dissolved as provided in this chapter.

2. Each such district may:

(a) Sue and be sued, and be a party to suits, actions and proceedings;

(b) Arbitrate claims; and

(c) Contract and be contracted with.

Sec. 3. ***The board of directors of a county fire protection district shall cooperate with the State Forester Firewarden and other agencies as provided in NRS 472.040 to 472.090, inclusive, to prevent and suppress fires in wild lands, and may contribute suitable amounts of money from the sums raised as provided in NRS 474.200 for that purpose to cooperating agencies, or may receive contributions from other agencies to be spent for that purpose.***

Sec. 4. ***1. The board of directors of a county fire protection district may appoint a district fire chief who shall have adequate training and experience in fire control and who shall hire such employees as are authorized by the board. The district fire chief shall administer all fire control laws in the district and perform such other duties as may be designated by the board of directors. The district fire chief shall coordinate fire protection activities in the district and shall cooperate with all other fire protection agencies.***

2. In lieu of or in addition to the provisions of subsection 1, the board of directors may ~~*[provide]*~~ **:**

(a) Provide fire protection to the county fire protection district by entering into agreements with other agencies as provided by NRS 277.180

and 472.060 to 472.090, inclusive, for the furnishing of such protection to the district ~~[.]~~ ***; or***

(b) Support volunteer fire departments within the county fire protection district for the furnishing of such protection to the district.

Sec. 5. ***The activities of a county fire protection district are separate from county activities and any other political subdivision in this State.***

Sec. 6. ~~*[1. Except as otherwise provided in subsection 2, the]*~~ ***The board of fire commissioners of a district organized pursuant to NRS 474.460 may:***

~~*[(a)]*~~ ***1. Provide emergency medical services within the district; and***

~~*[(b)]*~~ ***2. Purchase, acquire by donation or otherwise, lease, operate and maintain ambulances if necessary, and may take out liability and other insurance therefor. The board of fire commissioners may employ trained personnel to operate those vehicles.***

~~*[2. The provisions of this section do not allow the board of fire commissioners of a district organized pursuant to NRS 474.460 to provide ambulance service in any area in which a local government, or a person or entity authorized to act on behalf of a local government, has awarded an exclusive franchise for the provision of ambulance service pursuant to NRS 244.187, 268.081, 269.128 or other applicable law.]*~~

Sec. 7. ***All accounts, bills and demands against a district organized pursuant to NRS 474.460 must be audited, allowed and paid by the board of fire commissioners by warrants drawn on the county treasurer or the treasurer of the district. The county treasurer or, if authorized by the board of county commissioners and the board of fire commissioners, the treasurer of the district shall pay them in the order in which they are presented.***

Sec. 8. ***The title to all property which may have been acquired for a district organized pursuant to NRS 474.460 must be vested in the district.***

Sec. 8.5. Nothing in this chapter authorizes any person, firm, corporation, association, government, governmental agency or political subdivision of a government to operate an ambulance in any area for which an exclusive franchise for ambulance service has been granted:

1. By a county, city or town pursuant to NRS 244.187, 268.081 or 269.128, as applicable; or

2. By another person or governmental entity authorized to do so on behalf of the county, city or town.

Sec. 9. NRS 474.010 is hereby amended to read as follows:

474.010 Contiguous unincorporated territory lying within one or more counties ***or incorporated territory lying within a consolidated municipality*** and not included in any other fire protection district ~~[, and not including timberland patrolled by the United States Forest Service or in accordance with the rules and regulations of the United States Forest Service,]~~ may be formed into a county fire protection district in the manner and under the

proceedings set forth in NRS 474.010 to 474.450, inclusive ~~[.]~~ ***, and sections 2 to 5, inclusive, of this act.***

Sec. 10. NRS 474.020 is hereby amended to read as follows:

474.020 1. When 25 percent or more of the holders of title or evidence of title to lands lying in one body, whose names appear as such upon the last county assessment roll, ~~[shall]~~ present a petition to the board of county commissioners of the county in which the land or the greater portion thereof ~~[lies,]~~ ***is located,*** setting forth the exterior boundaries of the proposed district and asking that the district so described be formed into a county fire protection district under the provisions of NRS 474.010 to 474.450, inclusive, ***and sections 2 to 5, inclusive, of this act,*** the board of county commissioners shall pass a resolution declaring the board's intention to form or organize such territory into a county fire protection district, naming the district and describing its exterior boundaries.

2. The resolution ~~[shall:]~~ ***must:***

(a) Fix a time and place for the hearing of the matter not less than 30 days after its adoption.

(b) Direct the clerk of the board of county commissioners to publish the notice of intention of the board of county commissioners to form ~~[such]~~ ***the*** county fire protection district, and of the time and place fixed for the hearing, and ~~[shall]~~ ***must*** designate that publication ~~[shall]~~ ***must*** be in ~~[some]~~ ***a*** newspaper of general circulation published in the county and circulated in the proposed county fire protection district, or if there is no newspaper so published and circulated ***,*** then in ~~[some]~~ ***a*** newspaper of general circulation circulated in the proposed district.

Sec. 11. NRS 474.030 is hereby amended to read as follows:

474.030 The notice ~~[shall:]~~ ***must:***

1. Be headed "Notice of the proposed formation of fire protection district in ..... County ***"*** ~~[(stating]~~ ***," stating*** the name of the proposed district and the name of the county or, if there ~~[be]~~ ***is*** more than one ~~[,]~~ ***county,*** the name of the counties in which the proposed district is located ***.*** ~~[). "]~~

2. State the fact that the board of county commissioners ~~[of the county]~~ has fixed the time and place ~~[(which shall be stated in the notice)]~~ for a hearing on the matter of the formation of a county fire protection district ~~[.]~~ ***, and must set forth the time and place of that hearing.***

3. Describe the territory or ~~[shall]~~ specify the exterior boundaries of the territory proposed to be organized into a fire protection district, which boundaries, so far as practicable, ~~[shall]~~ ***must*** be the centerlines of highways.

4. Be published once a week for 2 successive weeks ~~[prior to]~~ ***before*** the time fixed for the hearing in the newspaper designated by the board of county commissioners.

Sec. 12. NRS 474.080 is hereby amended to read as follows:

474.080 1. The board of county commissioners shall submit the question of whether the proposed district shall be organized pursuant to the provisions of NRS 474.010 to 474.450, inclusive, ***and sections 2 to 5,***

inclusive, of this act to the electors of the proposed district at the next primary or general election.

2. The notice must:

(a) Designate a name for the proposed district.

(b) Describe the boundaries of the precincts established therein, ~~[when]~~ ***if*** more than one, together with a designation of the polling places and board of election for each precinct.

(c) Be published once a week for at least 3 weeks ~~[previous to]~~ ***before*** the election in a newspaper published or circulated within the boundaries of the proposed district and published within the county ***or counties*** in which the ~~[petition for the organization of the district was presented.]~~ ***proposed district is located.***

(d) Require the electors to cast ballots, which must contain the words: "..... County fire protection district—Yes," or "..... County fire protection district—No," or words equivalent thereto, and also the names of one or more persons ***,*** ~~[(]~~ according to the division of the proposed district as prayed for in the petition and ordered by the board ***,*** ~~[)]~~ to be voted for to fill the office of director.

Sec. 13. NRS 474.110 is hereby amended to read as follows:

474.110 1. The election having been held, the board of county commissioners shall, on the first Monday succeeding ~~[such]~~ ***the*** election, if then in session, or at its next succeeding general or special session, proceed to canvass the votes cast ~~[thereat.]~~ ***at the election.***

2. If upon such canvass it appears that a majority of all votes cast in the district ***,*** ~~[(]~~ and in each portion of the counties included in the district ~~[in case]~~ ***if*** lands in more than one county are included therein ***,*** ~~[)]~~ are in favor of the formation of the district, the board shall, by an order entered in its minutes, declare:

(a) Such territory ~~[duly]~~ organized as a county fire protection district under the name theretofore designated; and

(b) The persons receiving, respectively, the highest number of votes for the directors to be ~~[duly]~~ elected to ~~[such]~~ ***those*** offices.

Sec. 14. NRS 474.120 is hereby amended to read as follows:

474.120 1. The board ***of county commissioners*** shall then cause a copy of such order, ~~[duly]~~ certified by the clerk of the board ***,*** ~~[of county commissioners,]~~ to be immediately filed for record in the office of the county recorder of ~~[any]~~ ***each*** county in which any portion of the lands ~~[embraced in such]~~ ***included in the*** district are ~~[situated,]~~ ***located,*** and must also immediately forward a copy thereof to the clerk of the board of county commissioners of each ~~[of such counties.~~

~~2. No]~~ ***such county.***

2. The board of county commissioners ~~[of the county]~~ shall ~~[,]~~ ***not,*** after the date of the organization of the district, allow another fire protection district to be formed ~~[, including any portion of such lands,]~~ ***within the district*** without the consent of the owners thereof.

3. From and after such filing, the organization of the district ~~[shall be]~~ ***is*** complete.

Sec. 15. NRS 474.160 is hereby amended to read as follows:

474.160 The board of directors shall:

1. Manage and conduct the business and affairs of the district.

2. ~~[Make]~~ ***Adopt*** and enforce all rules and regulations necessary for the administration and government of the district and for the furnishing of fire protection thereto, which may include regulations relating to fire prevention. The regulations may include provisions that are designed to protect life and property from:

(a) The hazards of fire and explosion resulting from the storage, handling and use of hazardous substances, materials and devices; and

(b) Hazardous conditions relating to the use or occupancy of any premises.

➥ Any regulation concerning hazardous substances, materials or devices adopted pursuant to this section must be consistent with any plan or ordinance concerning ~~[such]~~ ***those*** substances, materials or devices that is required by the Federal Government and has been adopted by ~~[a]~~ ***the*** board of county commissioners.

3. Organize, regulate, establish and disband fire companies, departments or volunteer fire departments for the district.

4. Make and execute in the name of the district all necessary contracts.

5. Adopt a seal for the district to be used in the attestation of proper documents.

6. Provide for the payment from the proper fund of ***the salaries of employees of the district and*** all the debts and just claims against the district.

7. Employ agents and employees for the district sufficient to maintain and operate the property acquired for the purposes of the district.

8. Acquire real or personal property necessary for the purposes of the district and dispose of that property when no longer needed.

9. Construct any necessary structures.

10. Acquire, hold and possess, either by donation or purchase, in the name and on behalf of the district any land or other property necessary for the purpose of the district.

11. Eliminate and remove fire hazards within the district ~~[wherever]~~ ***if*** practicable and possible, whether on private or public premises, and to that end the board may clear the public highways and private lands of dry grass, stubble, brush, rubbish or other inflammable material in its judgment constituting a fire hazard.

12. Perform all other acts necessary, proper and convenient to accomplish the purposes of NRS 474.010 to 474.450, inclusive ~~[.]~~ ***, and sections 2 to 5, inclusive, of this act.***

Sec. 16. NRS 474.180 is hereby amended to read as follows:

474.180 The

~~*[1. Except as otherwise provided in subsection 2, the]*~~ board of directors may ~~[purchase,]~~ ***:***

~~*[(a)]*~~ ***1. Provide emergency medical services within the district; and***

~~*[(b)]*~~ ***2. Purchase,*** acquire by donation or otherwise, lease, operate and maintain ambulances whenever necessary, and may take out liability and other insurance therefor. The board of directors may employ trained personnel to operate ~~[these]~~ ***those*** vehicles.

~~*[2. The provisions of this section do not allow the board of directors to provide ambulance service in any area in which a local government, or a person or entity authorized to act on behalf of a local government, has awarded an exclusive franchise for the provision of ambulance service pursuant to NRS 244.187, 268.081, 269.128 or other applicable law.]*~~

Sec. 17. NRS 474.190 is hereby amended to read as follows:

474.190 1. Subject to the provisions of subsection ~~[2,]~~ ***3,*** the board of directors of each county fire protection district shall prepare annual budgets in accordance with NRS 354.470 to 354.626, inclusive.

2. ***The budget must be based on estimates of the amount of money that will be needed to defray the expenses of the district and to meet unforeseen emergencies and the amount of a fire protection tax sufficient, together with the revenue which will result from application of the rate to the net proceeds of minerals, to raise such sums.***

3. The amount of money to be raised for the purpose of establishing, equipping and maintaining the district with fire-fighting facilities ~~[shall]~~ ***must*** not in any 1 year exceed 1 percent of the ~~[assessable property within the district.~~

~~3. In determining the tax to be levied to raise the amount of money required by such budget within such limitation, the board of county commissioners shall prorate 80 percent of the amount of the tax upon the assessed value of improvements and personal property upon each parcel of land and 20 percent upon the assessed value of each parcel of land, if upon the formation of the district a provision for such procedure was included in the notice to create the district approved by the property owners, or if a petition requesting such procedure, signed by not less than a majority of the property owners within the district, is presented to the board prior to January 20.]~~ ***assessed value of the property described in NRS 474.200 and any net proceeds of minerals derived from within the boundaries of the district.***

Sec. 18. NRS 474.200 is hereby amended to read as follows:

474.200 1. At the time of making the levy of county taxes for that year, the boards of county commissioners shall levy the tax ~~[certified]~~ ***established pursuant to NRS 474.190*** upon all property, both real and personal, subject to taxation within the boundaries of the district. Any tax levied on interstate or intercounty telephone lines, power lines and other public utility lines as authorized in this section must be based upon valuations as established by the Nevada Tax Commission pursuant to the provisions of NRS 361.315 to 361.330, inclusive.

2. When levied, the tax must be entered upon the assessment rolls and collected in the same manner as state and county taxes. ***Taxes may be paid in four approximately equal installments at the times specified in NRS 361.483, and the same penalties as specified in NRS 361.483 must be added for failure to pay the taxes.***

3. When the tax is collected it must be placed in the treasury of the county in which the greater portion of the ***county fire protection*** district is located, to the credit of the ~~[current expense fund of the district, and may be used only for the purpose for which it was raised.]~~ ***district. The treasurer of the district shall keep two separate funds for each district, one to be known as the district fire protection operating fund and one to be known as the district emergency fund. The money collected to defray the expenses of the district must be deposited in the district fire protection operating fund, and the money collected to meet unforeseen emergencies must be deposited in the district emergency fund. The district emergency fund must be used solely for emergencies and must not be used for regular operating expenses. The money deposited in the district emergency fund must not exceed the sum of $1,000,000. Any interest earned on the money in the district emergency fund that causes the balance in that fund to exceed $1,000,000 must be credited to the district fire protection operating fund.***

4. For the purposes of subsection 3, an emergency includes, without limitation, any event that:

(a) Causes widespread or severe damage to property or injury to or the death of persons within the district;

(b) As determined by the district fire chief, requires immediate action to protect the health, safety and welfare of persons who reside within the district; and

(c) Requires the district to provide money to obtain a matching grant from a state agency or an agency of the Federal Government to repair damage caused by a natural disaster that occurred within the district.

Sec. 19. NRS 474.300 is hereby amended to read as follows:

474.300 1. In any county fire protection district availing itself of the privileges of this section and NRS 474.220 and 474.310, the board of directors of ~~[such]~~ ***the*** district annually shall determine the tax necessary for the payment of interest and principal of such bonds.

2. The amount of the tax ~~[shall]~~ ***must*** be certified to the boards of county commissioners of the counties in which any portion of the district is located, and ~~[such]~~ ***the*** board of county commissioners shall, at the time of making the levy of county taxes for that year, levy the tax certified upon all the real property, together with the improvements thereon, in the district.

3. When levied, the tax ~~[shall]~~ ***must*** be entered on the assessment rolls and collected in the same manner as state and county taxes.

4. When the tax is collected it ~~[shall]~~ ***must*** be placed in the treasury of the county in which the greater portion of the district is located in a special

fund for the payment of principal and interest of the bonds. Payments therefrom ~~[shall]~~ ***must*** be made according to the terms of the bonds.

Sec. 20. NRS 474.460 is hereby amended to read as follows:

474.460 1. All territory in each county ***or consolidated municipality*** not included in any other fire protection district, except incorporated areas ~~[,]~~ ***other than consolidated municipalities,*** may be organized by ordinance by the board of county commissioners of the county in which ~~[such]~~ ***that*** territory lies into as many fire protection districts as necessary to provide for the prevention and extinguishment of fires in the county, until such time as ~~[such]~~ ***that*** territory may be included in another fire protection district formed in accordance with the provisions of chapter 473 of NRS, or NRS 474.010 to 474.450, inclusive ~~[.]~~ ***, and sections 2 to 5, inclusive, of this act.***

2. Each such district ~~[shall:~~

~~(a) Be a body corporate and politic;~~

~~(b) Be]~~ ***:***

(a) Is a political subdivision of the State; and

~~[(c) Have]~~

(b) Has perpetual existence unless dissolved as provided in this chapter.

3. Each such district may:

(a) ~~[Have and use a corporate seal;~~

~~(b)]~~ Sue and be sued, and be a party to suits, actions and proceedings;

~~[(c)]~~ ***(b)*** Arbitrate claims; and

~~[(d)]~~ ***(c)*** Contract and be contracted with.

4. The board of county commissioners ~~[of the county]~~ organizing each such district ~~[shall]~~ ***is*** ex officio ~~[be]~~ the governing body of each such district. The governing body ~~[shall]~~ ***must*** be known as the board of fire commissioners.

5. The chairman of the board of county commissioners ~~[shall]~~ ***is*** ex officio ~~[be]~~ ***the*** chairman of each such district.

6. The county clerk ~~[shall]~~ ***is*** ex officio ~~[be]~~ ***the*** clerk of each such district.

7. ~~[The]~~ ***Unless the board of fire commissioners employs a treasurer, the*** county treasurer ~~[shall]~~ ***is*** ex officio ~~[be]~~ ***the*** treasurer of each such district.

Sec. 21. NRS 474.470 is hereby amended to read as follows:

474.470 The board of fire commissioners shall:

1. Manage and conduct the business and affairs of districts organized pursuant to the provisions of NRS 474.460.

2. ~~[Promulgate]~~ ***Adopt*** and enforce all ***rules and*** regulations necessary for the administration and government of the districts and for the furnishing of fire protection ~~[.]~~ ***thereto, which may include regulations relating to emergency medical services and fire prevention. The regulations may include provisions that are designed to protect life and property from:***

(a) The hazards of fire and explosion resulting from the storage, handling and use of hazardous substances, materials and devices; and

(b) Hazardous conditions relating to the use or occupancy of any premises.

➥ Any regulation concerning hazardous substances, materials or devices adopted pursuant to this section must be consistent with any plan or ordinance concerning those substances, materials or devices that is required by the Federal Government and has been adopted by the board of county commissioners.

3. Organize, regulate, establish and disband fire companies, departments or volunteer fire departments for the districts.

4. Provide for the payment of salaries to the personnel of ~~[such]~~ ***those*** fire companies or fire departments.

5. Provide for payment from the proper fund of all the debts and just claims against the districts.

6. Employ agents and employees for the districts sufficient to maintain and operate the property acquired for the purposes of the districts.

7. Acquire real or personal property necessary for the purposes of the districts and dispose of the ~~[same when]~~ ***property if*** no longer needed.

8. Construct any necessary structures.

9. Acquire, hold and possess, ~~[either]~~ by donation or purchase, any land or other property necessary for the purpose of the districts.

10. Eliminate and remove fire hazards from the districts ~~[wherever]~~ ***if*** practicable and possible, whether on private or public premises, and to that end the board of fire commissioners may clear the public highways and private lands of dry grass, stubble, brush, rubbish or other inflammable material in its judgment constituting a fire hazard.

11. Perform all other acts necessary, proper and convenient to accomplish the purposes of NRS 474.460 to 474.540, inclusive ~~[.]~~ ***, and sections 6, 7 and 8 of this act.***

Sec. 21.5. NRS 474.480 is hereby amended to read as follows:

474.480 1. The board of fire commissioners shall plan for the prevention and extinguishment of fires in the territory of the county described by NRS 474.460, in cooperation with the State Forester Firewarden to coordinate the fire protection activities of the districts with the fire protection provided by the Division of Forestry of the State Department of Conservation and Natural Resources and by federal agencies, in order that the State Forester Firewarden may establish a statewide plan for the prevention and control of large fires, mutual aid among the districts, training of personnel, supply, finance and other purposes to promote fire protection on a statewide basis.

2. Through inspection ***,*** ~~[and recommendation,]~~ the State Forester Firewarden ~~[shall standardize the]~~ ***may recommend standardization of*** fire protection equipment and facilities of the districts to facilitate mutual aid among the districts.

Sec. 22. NRS 474.490 is hereby amended to read as follows:

474.490 The board of fire commissioners shall cooperate with ***the State Forester Firewarden and*** other agencies as provided in NRS 472.040 to 472.090, inclusive, to prevent and suppress fires in wild lands, and may contribute suitable amounts of money from the sums raised as provided in NRS 474.510 for ~~[such]~~ ***that*** purpose to cooperating agencies, or may receive contributions from other agencies to be spent for ~~[such]~~ ***that*** purpose.

Sec. 23. NRS 474.500 is hereby amended to read as follows:

474.500 1. The board of fire commissioners may appoint a district fire chief who shall have adequate training and experience in fire control and who shall hire such employees as are authorized by the board. The district fire chief shall administer all fire control laws in the territory of the county described by NRS 474.460 and perform such other duties as may be designated by the board of fire commissioners and the State Forester Firewarden. The district fire chief shall coordinate fire protection activities in the district and shall cooperate with all other existing fire protection agencies and with the State Forester Firewarden for the standardization of equipment and facilities.

2. In lieu of or in addition to the provisions of subsection 1, the board of fire commissioners may :

(a) Provide ~~*[provide]*~~ the fire protection required by NRS 474.460 to 474.540, inclusive, ***and sections 6, 7 and 8 of this act*** to the districts by entering into agreements with other agencies as provided by NRS 472.060 to 472.090, inclusive, and 277.180, for the furnishing of such protection to the districts ~~[.]~~ ; or

(b) Support volunteer fire departments within districts organized under the provisions of NRS 474.460 to 474.540, inclusive, ***and sections 6, 7 and 8 of this act*** for the furnishing of such protection to the districts.

Sec. 24. NRS 474.510 is hereby amended to read as follows:

474.510 1. The board of fire commissioners shall prepare ~~[a]~~ ***an annual*** budget ***in accordance with the provisions of NRS 354.470 to 354.626, inclusive,*** for each district organized in accordance with NRS 474.460 **.** ~~[, estimating]~~

2. Each budget must be based on estimates of the amount of money which will be needed to defray the expenses of the district and to meet unforeseen ~~[fire emergencies, and to determine]~~ ***emergencies and*** the amount of a fire protection tax sufficient, together with the revenue which will result from application of the rate to the net proceeds of minerals, to raise such sums.

~~[2.]~~ ***3.*** At the time of making the levy of county taxes for the year, the board of county commissioners shall levy the tax provided by subsection 1, upon all property, both real and personal, subject to taxation within the boundaries of the district. Any tax levied on interstate or intercounty telephone lines, power lines and other public utility lines as authorized in this section must be based upon valuations established by the Nevada Tax

Commission pursuant to the provisions of NRS 361.315 to 361.330, inclusive.

~~[3.]~~ ***4.*** The amount of tax to be collected for the purposes of this section must not exceed, in any 1 year, 1 percent of the value of the property described in subsection ~~[2]~~ ***3*** and any net proceeds of minerals derived from within the boundaries of the district.

~~[4.]~~ ***5.*** If levied, the tax must be entered upon the assessment roll and collected in the same manner as state and county taxes. Taxes may be paid in four approximately equal installments at the times specified in NRS 361.483 ***,*** and the same penalties as specified in NRS 361.483 must be added for failure to pay the taxes.

~~[5.]~~ ***6.*** For the purposes of NRS 474.460 to 474.550, inclusive, ***and sections 6, 7 and 8 of this act,*** the ~~[county]~~ treasurer ***of the district*** shall keep two separate funds for each district, one to be known as the district fire protection operating fund and one to be known as the district ~~[fire]~~ emergency fund. The ~~[sums]~~ ***money*** collected to defray the expenses of any district organized pursuant to NRS 474.460 must be deposited in the district fire protection operating fund, and the ~~[sums]~~ ***money*** collected to meet unforeseen emergencies must be deposited in the district ~~[fire]~~ emergency fund. The district ~~[fire]~~ emergency fund must be used solely for emergencies and must not be used for regular operating expenses. The money deposited in the district ~~[fire]~~ emergency fund must not exceed the sum of $1,000,000. Any interest earned on the money in the district ~~[fire]~~ emergency fund that causes the balance in that fund to exceed $1,000,000 must be credited to the district fire protection operating fund.

7. For the purposes of subsection 6, an emergency includes, without limitation, any event that:

(a) Causes widespread or severe damage to property or injury to or the death of persons within the district;

(b) As determined by the district fire chief, requires immediate action to protect the health, safety and welfare of persons who reside within the district; and

(c) Requires the district to provide money to obtain a matching grant from an agency of the Federal Government to repair damage caused by a natural disaster that occurred within the district.

Sec. 25. NRS 474.560 is hereby amended to read as follows:

474.560 1. A fire protection district organized pursuant to ~~[this chapter]~~ ***NRS 474.460*** may reorganize as a district created wholly or in part for the purpose of furnishing fire protection facilities pursuant to chapter 318 of NRS.

2. ~~[Such]~~ ***The*** reorganization may be initiated by:

(a) A petition signed by a majority of the owners of property located within the district; or

(b) A resolution of the board of county commissioners of the county in which the district is located.

3. If the board of county commissioners determines, after notice and hearing, that ~~[such]~~ ***the*** reorganization is feasible and in the best interests of the county and the district, the board of county commissioners shall adopt an ordinance reorganizing the district pursuant to chapter 318 of NRS.

4. All debts, obligations, liabilities and assets of the former district ~~[shall]~~ ***must*** be assumed or taken over by the reorganized district.

Sec. 26. (Deleted by amendment.)

Sec. 27. This act becomes effective on July 1, 2007.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 497.

Bill read third time.

Remarks by Assemblyman Stewart.

Roll call on Senate Bill No. 497:

YEAS—41.

NAYS—Smith.

Senate Bill No. 497 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 498.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Senate Bill No. 498:

YEAS—42.

NAYS—None.

Senate Bill No. 498 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 500.

Bill read third time.

Remarks by Assemblyman Atkinson.

Conflict of interest declared by Assemblywoman Buckley.

Roll call on Senate Bill No. 500:

YEAS—41.

NAYS—None.

NOT VOTING—Buckley.

Senate Bill No. 500 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 502.

Bill read third time.

Remarks by Assemblyman Denis.

Roll call on Senate Bill No. 502:

YEAS—42.

NAYS—None.

Senate Bill No. 502 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 503.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Senate Bill No. 503:

YEAS—42.

NAYS—None.

Senate Bill No. 503 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 504.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Senate Bill No. 504:

YEAS—42.

NAYS—None.

Senate Bill No. 504 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 508.

Bill read third time.

Remarks by Assemblymen Goicoechea, Anderson, Kirkpatrick, and Bobzien.

Assemblyman Bobzien requested that the following remarks be entered in the Journal.

ASSEMBLYMAN GOICOECHEA:

Senate Bill 508 creates the Office of Information Security with in the Department of Information Technology. This measure shifts responsibility for the development of the security standards for the Executive Branch from the Planning and Resource Unit to the director of the department. The bill requires the director to establish regulations for the development of these standards. The effective date is July 1, 2007.

ASSEMBLYMAN ANDERSON:

I have a question, with all due respect to my colleague from the eastern part of the state, and perhaps the chair would like to get involved in the discussion.

Was there a discussion between the Attorney General's office of cyber crime, in terms of their security questions relative to their support or opposition to this legislation?

ASSEMBLYMAN GOICOECHEA:

I do not believe that we had any testimony from the Attorney General's office, and clearly, this bill requires the director to establish those regulations. I would assume that the Attorney General would then become involved.

ASSEMBLYWOMAN KIRKPATRICK:

I did, personally, speak with the Attorney General's office, and they are comfortable with the way the language is in this bill.

ASSEMBLYMAN BOBZIEN:

I just wanted to add that there are two purposes that this bill addresses; it is specific to state government and it ensures that information technology security is looked after in state government.

Roll call on Senate Bill No. 508:

YEAS—42.

NAYS—None.

Senate Bill No. 508 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 509.

Bill read third time.

Remarks by Assemblywoman Pierce.

Assemblywoman Pierce requested that her remarks be entered in the Journal.

Senate Bill 509 requires a state agency to advertise for proposals before it enters into a lease-purchase or installment-purchase agreement for the purpose of acquiring an existing building located on property that is not owned by the State. If a state agency wishes to enter into a lease-purchase or installment-purchase agreement on property that is owned by the State, the agency must contract with a design-build team for the design and construction of the building. This measure also makes various changes related to the requirements and conditions of lease-purchase and installment-purchase agreements and clarifies when prevailing wage must be paid on projects. Finally, the measure expands the definition of public work to include any project for which a public body provides property for development at less than the fair market value or provides financial incentives to a developer valued at more than $100,000.

I would like to make clear the legislative intent of this measure. We have added a provision in this bill to clarify existing law relating to prevailing wage because the Nevada Supreme Court has held that even where a statute specifically states that the prevailing wage must be paid pursuant to Chapter 338 of the Nevada Revised Statutes (NRS), prevailing wage need not be paid if the project does not fit the definition of a public work or does not involve a public body. We do not believe this interpretation honors the legislative intent of the current law. Therefore, this bill makes clear that if a statute, a local act, or a special act states that a project is subject to the provisions requiring the payment of prevailing wage in NRS Chapter 338, then the prevailing wage must be paid on that project as if it were a public work.

Roll call on Senate Bill No. 509:

YEAS—34.

NAYS—Allen, Christensen, Cobb, Gansert, Goedhart, Marvel, Stewart, Weber—8.

Senate Bill No. 509 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 511.

Bill read third time.

Remarks by Assemblyman Settelmeyer.
Roll call on Senate Bill No. 511:
YEAS—42.
NAYS—None.
Senate Bill No. 511 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 515.
Bill read third time.
Remarks by Assemblyman Goicoechea.
Roll call on Senate Bill No. 515:
YEAS—42.
NAYS—None.
Senate Bill No. 515 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 518.
Bill read third time.
Remarks by Assemblyman Beers.
Roll call on Senate Bill No. 518:
YEAS—42.
NAYS—None.
Senate Bill No. 518 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 519.
Bill read third time.
Remarks by Assemblyman Manendo.
Roll call on Senate Bill No. 519:
YEAS—42.
NAYS—None.
Senate Bill No. 519 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 520.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Senate Bill No. 520:
YEAS—42.
NAYS—None.
Senate Bill No. 520 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 529.
Bill read third time.
Remarks by Assemblywoman Leslie.
Roll call on Senate Bill No. 529:
YEAS—42.
NAYS—None.
Senate Bill No. 529 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 534.
Bill read third time.
Remarks by Assemblyman Beers.
Roll call on Senate Bill No. 534:
YEAS—42.
NAYS—None.
Senate Bill No. 534 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 548.
Bill read third time.
Remarks by Assemblyman Conklin.
Roll call on Senate Bill No. 548:
YEAS—42.
NAYS—None.
Senate Bill No. 548 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 549.
Bill read third time.
Remarks by Assemblymen Segerblom, Mortenson, Conklin, and Anderson.
Assemblymen Oceguera, Manendo, and Leslie moved the previous question.
Motion carried.
The question being on the passage of Senate Bill No. 549.
Roll call on Senate Bill No. 549:
YEAS—40.
NAYS—Mortenson, Ohrenschall—2.
Senate Bill No. 549 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 557.
Bill read third time.

Remarks by Assemblywoman Weber.

Roll call on Senate Bill No. 557:

YEAS—42.

NAYS—None.

Senate Bill No. 557 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 3.

Resolution read third time.

Remarks by Assemblyman Mortenson.

Roll call on Senate Joint Resolution No. 3:

YEAS—41.

NAYS—Mortenson.

Senate Joint Resolution No. 3 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 4.

Resolution read third time.

Remarks by Assemblymen Mortenson, Ohrenschall, and Conklin.

Conflict of interest declared by Assemblymen Kihuen, Anderson, and Bobzien.

Roll call on Senate Joint Resolution No. 4:

YEAS—25.

NAYS—Beers, Carpenter, Christensen, Goedhart, Goicoechea, Hardy, Mabey, Manendo, Ohrenschall, Parnell, Smith, Stewart, Weber, Womack—14.

NOT VOTING—Anderson, Bobzien, Kihuen—3.

Senate Joint Resolution No. 4 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 6.

Resolution read third time.

Remarks by Assemblyman Hardy.

Roll call on Senate Joint Resolution No. 6:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 6 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 10.

Resolution read third time.

Remarks by Assemblyman Claborn.

Roll call on Senate Joint Resolution No. 10:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 10 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 11.

Resolution read third time.

Remarks by Assemblyman Goicoechea.

Roll call on Senate Joint Resolution No. 11:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 11 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 12.

Resolution read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Joint Resolution No. 12:

YEAS—41.

NAYS—Leslie.

Senate Joint Resolution No. 12 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 13.

Resolution read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Joint Resolution No. 13:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 13 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 15.

Resolution read third time.

Roll call on Senate Joint Resolution No. 15:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 15 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 16.

Resolution read third time.

Roll call on Senate Joint Resolution No. 16:
YEAS—35.
NAYS—Atkinson, Kihuen, Leslie, Manendo, Ohrenschall, Pierce, Womack—7.
Senate Joint Resolution No. 16 having received a constitutional majority, Madam Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 17.
Resolution read third time.
Roll call on Senate Joint Resolution No. 17:
YEAS—42.
NAYS—None.
Senate Joint Resolution No. 17 having received a constitutional majority, Madam Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 18.
Resolution read third time.
Roll call on Senate Joint Resolution No. 18:
YEAS—42.
NAYS—None.
Senate Joint Resolution No. 18 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Resolution ordered transmitted to the Senate.

Assemblyman Oceguera moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 1:35 p.m.

ASSEMBLY IN SESSION

At 1:37 p.m.
Madam Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Education:
Assembly Concurrent Resolution No. 33—Directing the Legislative Commission to conduct an interim study concerning funding for public education in Nevada.
Assemblywoman Koivisto moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.
Motion carried.

Assemblyman Oceguera moved that the Assembly recess until 4:30 p.m.
Motion carried.

Assembly in recess at 1:39 p.m.

ASSEMBLY IN SESSION

At 5:00 p.m.
Madam Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 5 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 18 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 58 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 146 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 196 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 274 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 288 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 328 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 401 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 403 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 412 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 320 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 533 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 536 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 400 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 202 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 203 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 374 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 394 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 366 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 354 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 516 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 436 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 542 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 598 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 354.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 1017.

AN ACT relating to the safety of children; ~~[increasing the penalty for the unlawful possession of a firearm while on school property;]~~ prohibiting the possession of certain firearms on the property of or in a vehicle of child care facilities; revising the definition of "firearm"; requiring children who are taken into custody for possession of a firearm while on school property to submit to an evaluation by a qualified professional and a drug test; revising provisions concerning certain sex offenders who are on lifetime supervision or released on parole, probation or a suspended sentence; revising the jurisdiction of school police officers under certain circumstances; and providing other matters property relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill revises the definition of "firearm" ~~[and increases the penalty]~~ for **the purposes of the provision prohibiting** the unlawful possession of a firearm while on school property **.** ~~[from a gross misdemeanor to a category E felony.]~~ (NRS 202.265) Section 1 further makes the provisions prohibiting a person from carrying or possessing certain firearms while on school grounds or in a vehicle of a school applicable to child care facilities. However, if the child care facility is located at or in the home of a natural person, those provisions do not apply to the owner or operator of the facility who resides in the home if he complies with all laws concerning possession of the weapon. In addition, the prohibition only applies with respect to such a facility during the normal hours of business. Existing law allows a juvenile court to decide whether to order a child who is taken into custody for certain unlawful acts involving firearms to submit to an evaluation by a qualified professional. (NRS 62C.060) Section 3 of this bill requires a juvenile court to order a child who is taken into custody for possession of a firearm on school property or at a child care facility to submit to an evaluation by a qualified professional and a drug test.

Existing law sets forth certain conditions to be imposed on sex offenders on lifetime supervision or released on parole, probation or a suspended sentence. (NRS 176A.410, 213.1243, 213.1245, 213.1255) Sections 4-6 of this bill prohibit such sex offenders from establishing residences in a facility that houses more than three persons who have been released from prison unless the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.

Existing law gives school police officers the powers of a peace officer and establishes the jurisdiction of such officers. (NRS 391.275) Section 8.5 of this bill expands the jurisdiction of school police officers in certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 202.265 is hereby amended to read as follows:

202.265 1. Except as otherwise provided in this section, a person shall not carry or possess ~~[,]~~ while on the property of the Nevada System of Higher Education **,** ~~[or]~~ a private or public school ***or child care facility,*** or while in a vehicle of a private or public school ~~[:]~~ ***or child care facility:***

(a) An explosive or incendiary device;

(b) A dirk, dagger or switchblade knife;

(c) A nunchaku or trefoil;

(d) A blackjack or billy club or metal knuckles; ~~[or]~~

(e) A pistol, revolver or other firearm ~~[.]~~ ***; or***

(f) Any device used to mark any part of a person with paint or any other substance.

2. Any person who violates subsection 1 is guilty of a gross misdemeanor.

3. ~~*[Except as otherwise provided in this section, a person who carries or possesses a pistol, revolver or other firearm while on the property of the Nevada System of Higher Education, a private or public school or child care facility, or while in a vehicle of a private or public school or child care facility, is guilty of a category E felony and shall be punished as provided in NRS 193.130.*~~

~~*4.]*~~ This section does not prohibit the possession of a weapon listed in subsection 1 ~~*[or described in subsection 3]*~~ on the property of ~~[a]~~ ***:***

(a) A private or public school ***or child care facility*** by a:

~~[(a)]~~ ***(1)*** Peace officer;

~~[(b)]~~ ***(2)*** School security guard; or

~~[(c)]~~ ***(3)*** Person having written permission from the president of a branch or facility of the Nevada System of Higher Education or the principal of the school ***or the person designated by a child care facility to give permission*** to carry or possess the weapon.

(b) A child care facility which is located at or in the home of a natural person by the person who owns or operates the facility so long as the person resides in the home and the person complies with any laws governing the possession of such a weapon.

~~*[5.]*~~ ***4. The provisions of this section apply to a child care facility located at or in the home of a natural person only during the normal hours of business of the facility.***

~~[4.]~~ ~~*[6.]*~~ ***5.*** For the purposes of this section:

(a) "Firearm" includes ~~[:~~

~~(1) Any device used to mark the clothing of a person with paint or any other substance; and~~

~~(2) Any~~] ***any*** device from which a metallic projectile, including any ball bearing or pellet, may be expelled by means of spring, gas, air or other force.

(b) "Nunchaku" has the meaning ascribed to it in NRS 202.350.

(c) "Switchblade knife" has the meaning ascribed to it in NRS 202.350.

(d) "Trefoil" has the meaning ascribed to it in NRS 202.350.

(e) "Vehicle" has the meaning ascribed to "school bus" in NRS 484.148.

Sec. 2. NRS 202.3673 is hereby amended to read as follows:

202.3673 1. Except as otherwise provided in subsections 2 and 3, a permittee may carry a concealed firearm while he is on the premises of any public building.

2. A permittee shall not carry a concealed firearm while he is on the premises of a public building that is located on the property of a public airport.

3. A permittee shall not carry a concealed firearm while he is on the premises of:

(a) A public building that is located on the property of a public school ***or a child care facility*** or the property of the Nevada System of Higher Education, unless the permittee has obtained written permission to carry a concealed firearm while he is on the premises of the public building pursuant to ***subparagraph (3) of*** paragraph ~~[(c)]~~ ***(a)*** of subsection 3 ~~*[4]*~~ of NRS 202.265.

(b) A public building that has a metal detector at each public entrance or a sign posted at each public entrance indicating that no firearms are allowed in the building, unless the permittee is not prohibited from carrying a concealed firearm while he is on the premises of the public building pursuant to subsection 4.

4. The provisions of paragraph (b) of subsection 3 do not prohibit:

(a) A permittee who is a judge from carrying a concealed firearm in the courthouse or courtroom in which he presides or from authorizing a permittee to carry a concealed firearm while in the courtroom of the judge and while traveling to and from the courtroom of the judge.

(b) A permittee who is a prosecuting attorney of an agency or political subdivision of the United States or of this State from carrying a concealed firearm while he is on the premises of a public building.

(c) A permittee who is employed in the public building from carrying a concealed firearm while he is on the premises of the public building.

(d) A permittee from carrying a concealed firearm while he is on the premises of the public building if the permittee has received written permission from the person in control of the public building to carry a concealed firearm while the permittee is on the premises of the public building.

5. A person who violates subsection 2 or 3 is guilty of a misdemeanor.

6. As used in this section, "public building" means any building or office space occupied by:

(a) Any component of the Nevada System of Higher Education and used for any purpose related to the System; or

(b) The Federal Government, the State of Nevada or any county, city, school district or other political subdivision of the State of Nevada and used for any public purpose.

➥ If only part of the building is occupied by an entity described in this subsection, the term means only that portion of the building which is so occupied.

Sec. 3. NRS 62C.060 is hereby amended to read as follows:

62C.060 1. If a peace officer or probation officer has probable cause to believe that a child is committing or has committed an unlawful act that involves the possession, use or threatened use of a firearm, the officer shall take the child into custody.

2. If a child is taken into custody for an unlawful act described in this section, the child must not be released before a detention hearing is held pursuant to NRS 62C.040.

3. At the detention hearing, the juvenile court shall ***, if the child was taken into custody for:***

(a) Carrying or possessing a firearm while on the property of the Nevada System of Higher Education, a private or public school or child care facility, or while in a vehicle of a private or public school or child care facility, order the child to:

(1) Be evaluated by a qualified professional; and

(2) Submit to a test to determine whether the child is using any controlled substance.

(b) Committing an unlawful act involving a firearm other than the act described in paragraph (a), determine whether to order the child to be evaluated by a qualified professional.

4. If the juvenile court orders the child to be evaluated by a qualified professional ~~[,]~~ ***or to submit to a test to determine whether the child is using any controlled substance,*** the evaluation ***or the results from the test*** must be completed not later than 14 days after the detention hearing. Until the evaluation ***or the test*** is completed, the child must be:

(a) Detained at a facility for the detention of children; or

(b) Placed under a program of supervision in the home of the child that may include electronic surveillance of the child.

5. If a child is evaluated by a qualified professional pursuant to this section, the statements made by the child to the qualified professional during the evaluation and any evidence directly or indirectly derived from those statements may not be used for any purpose in a proceeding which is conducted to prove that the child committed a delinquent act or criminal offense. The provisions of this subsection do not prohibit the district attorney from proving that the child committed a delinquent act or criminal offense based upon evidence obtained from sources or by means that are independent

of the statements made by the child to the qualified professional during the evaluation.

Sec. 4. NRS 176A.410 is hereby amended to read as follows:

176A.410 1. Except as otherwise provided in subsection 3, if a defendant is convicted of a sexual offense and the court grants probation or suspends the sentence, the court shall, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension of sentence that the defendant:

(a) Submit to a search and seizure of his person, residence or vehicle or any property under his control, at any time of the day or night, without a warrant, by any parole and probation officer or any peace officer, for the purpose of determining whether the defendant has violated any condition of probation or suspension of sentence or committed any crime **.** ~~[;]~~

(b) Reside at a location only if ~~[it]~~ ***:***

(1) The residence has been approved by the parole and probation officer assigned to the defendant **.** ~~[and keep]~~

(2) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.

(3) The defendant keeps the parole and probation officer informed of his current address **.** ~~[;]~~

(c) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the defendant and keep the parole and probation officer informed of the location of his position of employment or position as a volunteer **.** ~~[;]~~

(d) Abide by any curfew imposed by the parole and probation officer assigned to the defendant **.** ~~[;]~~

(e) Participate in and complete a program of professional counseling approved by the Division **.** ~~[;]~~

(f) Submit to periodic tests, as requested by the parole and probation officer assigned to the defendant, to determine whether the defendant is using a controlled substance **.** ~~[;]~~

(g) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the defendant **.** ~~[;]~~

(h) Abstain from consuming, possessing or having under his control any alcohol **.** ~~[;]~~

(i) Not have contact or communicate with a victim of the sexual offense or a witness who testified against the defendant or solicit another person to engage in such contact or communication on behalf of the defendant, unless approved by the parole and probation officer assigned to the defendant, and a written agreement is entered into and signed in the manner set forth in subsection 2 **.** ~~[;]~~

(j) Not use aliases or fictitious names **.** ~~[;]~~

(k) Not obtain a post office box unless the defendant receives permission from the parole and probation officer assigned to the defendant **.** ~~[.]~~

(l) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of a sexual offense is present and permission has been obtained from the parole and probation officer assigned to the defendant in advance of each such contact **.** ~~[.]~~

(m) Unless approved by the parole and probation officer assigned to the defendant and by a psychiatrist, psychologist or counselor treating the defendant, if any, not be in or near:

(1) A playground, park, school or school grounds;

(2) A motion picture theater; or

(3) A business that primarily has children as customers or conducts events that primarily children attend **.** ~~[.]~~

(n) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication **.** ~~[.]~~

(o) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the defendant **.** ~~[.]~~

(p) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the defendant **.** ~~[.]~~

(q) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the defendant **.** ~~[; and]~~

(r) Inform the parole and probation officer assigned to the defendant if the defendant expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education. As used in this paragraph, "institution of higher education" has the meaning ascribed to it in NRS 179D.045.

2. A written agreement entered into pursuant to paragraph (i) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or communication authorized. The written agreement must be signed and agreed to by:

(a) The victim or the witness;

(b) The defendant;

(c) The parole and probation officer assigned to the defendant;

(d) The psychiatrist, psychologist or counselor treating the defendant, victim or witness, if any; and

(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child.

3. The court is not required to impose a condition of probation or suspension of sentence listed in subsection 1 if the court finds that extraordinary circumstances are present and the court enters those extraordinary circumstances in the record.

4. As used in this section, "sexual offense" has the meaning ascribed to it in NRS 179D.410.

Sec. 5. NRS 213.1243 is hereby amended to read as follows:

213.1243 1. The Board shall establish by regulation a program of lifetime supervision of sex offenders to commence after any period of probation or any term of imprisonment and any period of release on parole. The program must provide for the lifetime supervision of sex offenders by parole and probation officers.

2. Lifetime supervision shall be deemed a form of parole for:

(a) The limited purposes of the applicability of the provisions of NRS 213.1076, subsection 9 of NRS 213.1095, NRS 213.1096 and subsection 2 of NRS 213.110; and

(b) The purposes of the Interstate Compact for Adult Offender Supervision ratified, enacted and entered into by the State of Nevada pursuant to NRS 213.215.

3. ***Except as otherwise provided in subsection 4, the Board shall require as a condition of lifetime supervision that the sex offender reside at a location only if:***

(a) The residence has been approved by the parole and probation officer assigned to the person.

(b) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.

(c) The person keeps the parole and probation officer informed of his current address.

4. The Board is not required to impose a condition pursuant to the program of lifetime supervision listed in subsection 3 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.

5. A person who commits a violation of a condition imposed on him pursuant to the program of lifetime supervision is guilty of:

(a) If the violation constitutes a minor violation, a misdemeanor.

(b) If the violation constitutes a major violation, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

~~[4.]~~ ***6.*** For the purposes of prosecution of a violation by a person of a condition imposed upon him pursuant to the program of lifetime supervision, the violation shall be deemed to have occurred in, and may only be prosecuted in, the county in which the court that imposed the sentence of

lifetime supervision pursuant to NRS 176.0931 is located, regardless of whether the acts or conduct constituting the violation took place, in whole or in part, within or outside that county or within or outside this State.

~~[5.]~~ ***7.*** As used in this section:

(a) "Major violation" means a violation which poses a threat to the safety or well-being of others and which involves:

(1) The commission of any crime that is punishable as a gross misdemeanor or felony or any crime that involves a victim who is less than 18 years of age;

(2) The use of a deadly weapon, explosives or a firearm;

(3) The use or threatened use of force or violence against a person;

(4) Death or bodily injury of a person;

(5) An act of domestic violence;

(6) Harassment, stalking or threats of any kind; or

(7) The forcible or unlawful entry of a home, building, structure or vehicle in which a person is present.

(b) "Minor violation" means a violation that does not constitute a major violation.

Sec. 6. NRS 213.1245 is hereby amended to read as follows:

213.1245 1. Except as otherwise provided in subsection 3, if the Board releases on parole a prisoner convicted of an offense listed in NRS 179D.620, the Board shall, in addition to any other condition of parole, require as a condition of parole that the parolee:

(a) Reside at a location only if ~~[it]~~ ***:***

(1) The residence has been approved by the parole and probation officer assigned to the parolee **.** ~~[and keep]~~

(2) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.

(3) The parolee keeps the parole and probation officer informed of his current address **.** ~~[;]~~

(b) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the parolee and keep the parole and probation officer informed of the location of his position of employment or position as a volunteer **.** ~~[;]~~

(c) Abide by any curfew imposed by the parole and probation officer assigned to the parolee **.** ~~[;]~~

(d) Participate in and complete a program of professional counseling approved by the Division **.** ~~[;]~~

(e) Submit to periodic tests, as requested by the parole and probation officer assigned to the parolee, to determine whether the parolee is using a controlled substance **.** ~~[;]~~

(f) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the parolee **.** ~~[;]~~

(g) Abstain from consuming, possessing or having under his control any alcohol **.** ~~[;]~~

(h) Not have contact or communicate with a victim of the offense or a witness who testified against the parolee or solicit another person to engage in such contact or communication on behalf of the parolee, unless approved by the parole and probation officer assigned to the parolee, and a written agreement is entered into and signed in the manner set forth in subsection 2 **.** ~~[;]~~

(i) Not use aliases or fictitious names **.** ~~[;]~~

(j) Not obtain a post office box unless the parolee receives permission from the parole and probation officer assigned to the parolee **.** ~~[;]~~

(k) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of an offense listed in NRS 179D.410 is present and permission has been obtained from the parole and probation officer assigned to the parolee in advance of each such contact **.** ~~[;]~~

(l) Unless approved by the parole and probation officer assigned to the parolee and by a psychiatrist, psychologist or counselor treating the parolee, if any, not be in or near:

(1) A playground, park, school or school grounds;

(2) A motion picture theater; or

(3) A business that primarily has children as customers or conducts events that primarily children attend **.** ~~[;]~~

(m) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication **.** ~~[;]~~

(n) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the parolee **.** ~~[;]~~

(o) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the parolee **.** ~~[;]~~

(p) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the parolee **.** ~~[; and]~~

(q) Inform the parole and probation officer assigned to the parolee if the parolee expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education. As used in this paragraph, "institution of higher education" has the meaning ascribed to it in NRS 179D.045.

2. A written agreement entered into pursuant to paragraph (h) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or

communication authorized. The written agreement must be signed and agreed to by:

(a) The victim or the witness;

(b) The parolee;

(c) The parole and probation officer assigned to the parolee;

(d) The psychiatrist, psychologist or counselor treating the parolee, victim or witness, if any; and

(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child.

3. The Board is not required to impose a condition of parole listed in subsection 1 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 8.5. NRS 391.275 is hereby amended to read as follows:

391.275 ***1.*** The jurisdiction of each school police officer of a school district extends to all school property, buildings and facilities within the school district ~~[,]~~ for the purpose of:

~~[1.]~~ ***(a)*** Protecting school district personnel, pupils, or real or personal property; or

~~[2.]~~ ***(b)*** Cooperating with local law enforcement agencies in matters relating to personnel, pupils or real or personal property of the school district.

2. In addition to the jurisdiction set forth in subsection 1, a school police officer of a school district has jurisdiction:

(a) Beyond the school property, buildings and facilities when in hot pursuit of a person believed to have committed a crime;

(b) At activities or events sponsored by the school district that are in a location other than the property, buildings or facilities within the school district; and

(c) When authorized by the superintendent of schools of the school district, on the streets that are adjacent to the school property, buildings and facilities within the school district for the purpose of issuing traffic citations for violations of traffic laws and ordinances during the times that the school is in session or school-related activities are in progress.

Sec. 9. NRS 449.037 is hereby amended to read as follows:

449.037 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.001 to 449.240, inclusive, and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Health Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.001 to 449.240, inclusive.

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

➥ which provide care to persons with Alzheimer's disease.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. The Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) The prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Health Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Except as otherwise provided in subsection 8, contain toilet facilities;

(2) Contain a sleeping area or bedroom; and

(3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and his personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Health Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility licensed as a

residential facility for groups on or before July 1, 2005, and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling, if the Health Division finds that:

(a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and

(b) The exception, if granted, would not:

(1) Cause substantial detriment to the health or welfare of any resident of the facility;

(2) Result in more than two residents sharing a toilet facility; or

(3) Otherwise impair substantially the purpose of that requirement.

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:

(a) Facilities that only provide a housing and living environment;

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and

(c) Facilities that provide or arrange for the provision of alcohol and drug abuse programs, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

➥ ***The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.***

11. As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 10. The amendatory provisions of:

1. Section 4 of this act apply to any person who is granted probation or a suspension of sentence before, on or after October 1, 2007;

2. Section 5 of this act apply to any person placed under a program of lifetime supervision before, on or after October 1, 2007; and

3. Sections 6 and 7 of this act apply to any person released on parole before, on or after October 1, 2007.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 5:09 p.m.

ASSEMBLY IN SESSION

At 5:15 p.m.

Madam Speaker presiding.

Quorum present.

Senate Bill No. 436.

Bill read third time.

The following amendment was proposed by Assemblywomen Allen and Gerhardt:

Amendment No. 1006.

AN ACT relating to common-interest communities; revising provisions governing restrictions on the use of systems for obtaining solar or wind energy; **requiring a member of an executive board who stands to profit personally from a matter before the board to disclose and abstain from voting on the matter;** revising the provisions governing the regulation of certain streets in certain common-interest communities; **prohibiting the use of delegates or representatives to exercise the voting rights of units' owners in the election or removal of a member of the executive board; allowing the use of delegates or representatives to exercise the voting rights of owners of certain time shares; prohibiting an association in a common-interest community from imposing an assessment against certain tax-exempt property;** exempting **certain** associations located in certain smaller counties from using a reserve study specialist for conducting a study of reserves; exempting **certain** associations ~~[located in certain smaller counties]~~ from using an independent certified public ~~[account]~~ **accountant** for certain financial matters; **requiring the signatures of certain persons before money in the operating account of an association may be withdrawn; revising the provisions relating to foreclosure of liens against units; providing that official publications related to issues of official interest must provide equal space for opposing views and opinions; requiring applicants for a certificate for the management of a common-interest community to post certain bonds;** making various other changes relating to common-interest communities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a covenant, restriction or condition in a deed, contract or other legal instrument cannot unreasonably restrict the use of a system for obtaining solar or wind energy. (NRS 111.239, 278.0208) Sections 1 and 21.5 of this bill provide that the only restriction on the use of such a system is with respect to color in certain circumstances.

Section 1.3 of this bill provides additional ethical requirements for members of an executive board by requiring a member who stands to gain any personal profit or compensation from a matter before the executive board to disclose the matter to the executive board and to abstain from voting on the matter. (NRS 116.31185, 116.31187)

Existing law provides that certain common-interest communities are prohibited from regulating motor vehicles on thoroughfares accepted by the State or local governments for public use. (NRS 116.350) Section 1.4 of this bill prohibits a common-interest community from restricting the operation of motorcycles. Section 1.6 of this bill prohibits a common-interest community from using information from radar guns as the basis for a fine or penalty.

~~[Existing law provides that a covenant, restriction or condition in a deed, contract or other legal instrument cannot unreasonably restrict the use of a system for obtaining solar or wind energy. (NRS 111.239, 278.0208) Sections 1 and 21.5 of this bill provide that the only restriction on the use of such a system is with respect to color in certain circumstances.]~~

Section 1.7 of this bill: (1) states that the provisions of chapter 116 of NRS do not invalidate or modify the tariffs, rules and standards of a public utility; and (2) provides that the governing documents of an association must be consistent and not conflict with the tariffs, rules and standards of a public utility.

Under existing law, a common-interest community created before January 1, 1992, and a common-interest community, with a declaration so providing, that consists of at least 1,000 units, may have the voting rights of the units' owners in the association for that common-interest community be exercised by delegates or representatives. (NRS 116.1201, 116.31105) Sections 2.3 and 3.5-4.7 of this bill prohibit the use of delegates or representatives to exercise the voting rights of units' owners in the election or removal of a member of the executive board. However, a master association which governs a time-share plan created pursuant to chapter 119A of NRS is allowed to continue using delegates or representatives to exercise the voting rights of owners of time shares.

Section 3.3 of this bill prohibits an association from imposing an assessment against property in the common-interest community that is exempt from taxation pursuant to NRS 361.125.

Sections 4, 8, 12-14 and 16-21 of this bill eliminate the issuance of permits to reserve study specialists and instead provide for their registration. (NRS 116.31038, 116.750, 116A.120, 116A.260 and 116A.420-116A.900)

~~[Sections 6.3 and]~~ **Section** 6.7 of this bill ~~[provide that in a county whose population is 45,000 or less]~~ **provides that if the annual budget of** an association is **less than $40,000, then the association is** not required to use a certified public accountant to ~~[prepare, present,]~~ audit ~~[or review]~~ certain financial statements. (NRS ~~[116.31142,]~~ 116.31144)

Section 8 of this bill provides that an association **which contains 20 or fewer units and which is** located in a county whose population is 45,000 or less is not required to use a registered reserve study specialist to conduct the study of reserves of the association. (NRS 116.31152)

Existing law requires certain signatures before money in the reserve account of an association may be withdrawn. (NRS 116.31153) Section 9.2 of this bill also requires certain signatures before money in the operating account of an association may be withdrawn.

Existing law provides for an association to have a lien on a unit for any construction penalty, assessment or fine imposed against the unit's owner which may later be foreclosed upon. (NRS 116.3116) Section 9.4 of this bill requires an association to obtain approval from the Commission on Common-Interest Communities before attempting to foreclose its lien. The Commission must approve the foreclosure of the lien if the association has followed certain procedures. In addition, section 9.6 of this bill changes existing law to provide that the sale of a unit as a result of a foreclosure of a lien is subject to an equity or right of redemption. (NRS 116.31166)

Section 9.8 of this bill provides that if an official publication contains the views or opinions of the association concerning an issue of official interest, the official publication must, upon request, provide equal space and equivalent exposure to opposing views and opinions. If an official publication contains information concerning a civil action or claim in which the association is a party, the official publication is not required to provide equal space to opposing views and opinions. In addition, section 9.8 provides that if an official publication contains any mention of a candidate or ballot question, the official publication must provide equal space in the same issue to the candidate or a representative of an organization which advocates the passage or defeat of the ballot question.

Existing law provides that certain common-interest communities are prohibited from regulating motor vehicles on thoroughfares accepted by State or local governments for public use. (NRS 116.350) Section 10 of this bill further prohibits a common-interest community from restricting the parking of certain ~~[utility]~~ service vehicles, law enforcement vehicles and emergency services vehicles.

Section 11 of this bill deems deposits made in connection with the purchase or reservation of units from a person required to deliver a public offering statement placed in out-of-state escrow companies as being deposited in this State if the escrow holder has a legal right to conduct

business in the State, has a resident agent in this State and has consented to the jurisdiction of the courts of this State. (NRS 116.411)

Existing law provides for the Commission to adopt regulations concerning the issuance of certificates for community managers. (NRS 116A.410) Section 15.5 of this bill provides that the regulations must: (1) require an applicant to post a bond in a form and in an amount established by regulation; and (2) adopt a sliding scale for the amount of the bond that is based upon the amount of money that applicants are expected to control.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 111.239 is hereby amended to read as follows:

111.239 1. ~~[Any]~~ ***Except as otherwise provided in subsection 2, any*** covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer, sale or any other interest in real property that prohibits or ~~[unreasonably]~~ restricts the owner of the property from using a system for obtaining solar or wind energy on his property is void and unenforceable.

2. ~~[For the purposes of this section, "unreasonably restricts the use of a system for obtaining solar or wind energy" means placing a restriction or requirement on the use of such a system which significantly decreases the efficiency or performance of the system and does not allow for the use of an alternative system at a comparable cost and with comparable efficiency and performance.]~~ ***A reasonable covenant, restriction or condition concerning the color of such a system is enforceable so long as it does not prohibit the owner from using ~~[the]~~ a standard color in which the system is made, does not cost significantly more than another color and does not have the effect of prohibiting the use of such a system.***

Sec. 1.2. Chapter 116 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[1.4 and 1.6]~~ **1.3 to 1.7, inclusive,** of this act.

Sec. 1.3. A member of an executive board who stands to gain any personal profit or compensation of any kind from a matter before the executive board shall:

1. Disclose the matter to the executive board; and

2. Abstain from voting on any such matter.

Sec. 1.4. ***1. The executive board of a common-interest community shall not, and the governing documents of a common-interest community must not, restrict, prohibit or otherwise impede the operation of a motorcycle if the motorcycle is operated on any road, street, alley or other surface intended for use by a motor vehicle.***

2. The provisions of this section do not preclude the governing documents of a common-interest community from reasonably restricting the parking or storage of a motorcycle to the extent authorized by law.

3. As used in this section, "motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground which is required to be registered pursuant to chapter 482 of NRS.

Sec. 1.6. ***1. A member of the executive board of a common-interest community, a community manager for the common-interest community and any other representative of the association shall not use a radar gun or other device designed to gauge the speed of a vehicle for the purpose of imposing any fine or other penalty upon or taking any other action against a unit's owner or other person.***

2. The executive board of a common-interest community shall not impose any fine or other penalty upon or take any other action against a unit's owner or other person based on the results of any test conducted using a radar gun or other device designed to gauge the speed of a vehicle.

3. The governing documents of a common-interest community must not authorize the executive board or any other person to impose any fine or other penalty upon or take any other action against a unit's owner or other person based on the results of any test conducted using a radar gun or other device designed to gauge the speed of a vehicle.

Sec. 1.7. 1. The provisions of this chapter do not invalidate or modify the tariffs, rules and standards of a public utility.

2. The governing documents of an association must be consistent and not conflict with the tariffs, rules and standards of a public utility. Any provision of the governing documents which conflicts with the tariffs, rules and standards of a public utility is void and may not be enforced against a purchaser.

3. As used in this section, "public utility" has the meaning ascribed to it in NRS 704.020.

Sec. 1.8. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 2.3. **NRS 116.1201 is hereby amended to read as follows:**

116.1201 1. Except as otherwise provided in this section and NRS 116.1203, this chapter applies to all common-interest communities created within this State.

2. This chapter does not apply to:

(a) A limited-purpose association, except that a limited-purpose association:

(1) Shall pay the fees required pursuant to NRS 116.31155;

(2) Shall register with the Ombudsman pursuant to NRS 116.31158;

(3) Shall comply with the provisions of:

(I) NRS 116.31038, 116.31083 and 116.31152; and

(II) NRS 116.31075, if the limited-purpose association is created for a rural agricultural residential common-interest community;

(4) Shall comply with the provisions of NRS 116.4101 to 116.412, inclusive, as required by the regulations adopted by the Commission pursuant to paragraph (b) of subsection 5; and

(5) Shall not enforce any restrictions concerning the use of units by the units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.

(b) A planned community in which all units are restricted exclusively to nonresidential use unless the declaration provides that this chapter does apply to that planned community. This chapter applies to a planned community containing both units that are restricted exclusively to nonresidential use and other units that are not so restricted only if the declaration so provides or if the real estate comprising the units that may be used for residential purposes would be a planned community in the absence of the units that may not be used for residential purposes.

(c) Common-interest communities or units located outside of this State, but the provisions of NRS 116.4102 to 116.4108, inclusive, apply to all contracts for the disposition thereof signed in this State by any party unless exempt under subsection 2 of NRS 116.4101.

(d) A common-interest community that was created before January 1, 1992, is located in a county whose population is less than 50,000, and has less than 50 percent of the units within the community put to residential use, unless a majority of the units' owners otherwise elect in writing.

(e) Except as otherwise provided in this chapter, time shares governed by the provisions of chapter 119A of NRS.

3. The provisions of this chapter do not:

(a) Prohibit a common-interest community created before January 1, 1992, from providing for separate classes of voting for the units' owners;

(b) Require a common-interest community created before January 1, 1992, to comply with the provisions of NRS 116.2101 to 116.2122, inclusive;

(c) Invalidate any assessments that were imposed on or before October 1, 1999, by a common-interest community created before January 1, 1992; ~~[or]~~

(d) Prohibit a common-interest community created before January 1, 1992, or a common-interest community described in NRS 116.31105 from providing for a representative form of government ~~[.]~~ ***, except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives; or***

(e) Prohibit a master association which governs a time-share plan created pursuant to chapter 119A of NRS from providing for a representative form of government for the time-share plan.

4. The provisions of chapters 117 and 278A of NRS do not apply to common-interest communities.

5. The Commission shall establish, by regulation:

(a) The criteria for determining whether an association, a limited-purpose association or a common-interest community satisfies the requirements for an exemption or limited exemption from any provision of this chapter; and

(b) The extent to which a limited-purpose association must comply with the provisions of NRS 116.4101 to 116.412, inclusive.

6. As used in this section, "limited-purpose association" means an association that:

(a) Is created for the limited purpose of maintaining:

(1) The landscape of the common elements of a common-interest community;

(2) Facilities for flood control; or

(3) A rural agricultural residential common-interest community; and

(b) Is not authorized by its governing documents to enforce any restrictions concerning the use of units by units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.

Sec. 2.7. **NRS 116.1203 is hereby amended to read as follows:**

116.1203 1. Except as otherwise provided in subsection 2, if a planned community contains no more than 12 units and is not subject to any developmental rights, it is subject only to NRS 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.

2. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive, ***and section 1.3 of this act,*** and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than six units.

Sec. 3. (Deleted by amendment.)

Sec. 3.3. **NRS 116.3102 is hereby amended to read as follows:**

116.3102 1. Except as otherwise provided in ~~[subsection 2,]~~ ***this section,*** and subject to the provisions of the declaration, the association may do any or all of the following:

(a) Adopt and amend bylaws, rules and regulations.

(b) Adopt and amend budgets for revenues, expenditures and reserves and collect assessments for common expenses from the units' owners.

(c) Hire and discharge managing agents and other employees, agents and independent contractors.

(d) Institute, defend or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more units' owners on matters affecting the common-interest community.

(e) Make contracts and incur liabilities.

(f) Regulate the use, maintenance, repair, replacement and modification of common elements.

(g) Cause additional improvements to be made as a part of the common elements.

(h) Acquire, hold, encumber and convey in its own name any right, title or interest to real estate or personal property, but:

(1) Common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to NRS 116.3112; and

(2) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to NRS 116.3112.

(i) Grant easements, leases, licenses and concessions through or over the common elements.

(j) Impose and receive any payments, fees or charges for the use, rental or operation of the common elements, other than limited common elements described in subsections 2 and 4 of NRS 116.2102, and for services provided to the units' owners.

(k) Impose charges for late payment of assessments.

(l) Impose construction penalties when authorized pursuant to NRS 116.310305.

(m) Impose reasonable fines for violations of the governing documents of the association only if the association complies with the requirements set forth in NRS 116.31031.

(n) Impose reasonable charges for the preparation and recordation of any amendments to the declaration or any statements of unpaid assessments, and impose reasonable fees, not to exceed the amounts authorized by NRS 116.4109, for preparing and furnishing the documents and certificate required by that section.

(o) Provide for the indemnification of its officers and executive board and maintain directors' and officers' liability insurance.

(p) Assign its right to future income, including the right to receive assessments for common expenses, but only to the extent the declaration expressly so provides.

(q) Exercise any other powers conferred by the declaration or bylaws.

(r) Exercise all other powers that may be exercised in this State by legal entities of the same type as the association.

(s) Direct the removal of vehicles improperly parked on property owned or leased by the association, as authorized pursuant to NRS 487.038, or improperly parked on any road, street, alley or other thoroughfare within the common-interest community in violation of the governing documents. In addition to complying with the requirements of NRS 487.038 and any requirements in the governing documents, if a vehicle is improperly parked as described in this paragraph, the association must post written notice in a conspicuous place on the vehicle or provide oral or written notice to the owner or operator of the vehicle at least 48 hours before the association may direct the removal of the vehicle, unless the vehicle:

(1) Is blocking a fire hydrant, fire lane or parking space designated for the handicapped; or

(2) Poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community.

(t) Exercise any other powers necessary and proper for the governance and operation of the association.

2. The declaration may not impose limitations on the power of the association to deal with the declarant which are more restrictive than the limitations imposed on the power of the association to deal with other persons.

3. Notwithstanding any provision of this chapter or the governing documents to the contrary, an association may not impose any assessment pursuant to this chapter or the governing documents on any property in the common-interest community that is exempt from taxation pursuant to NRS 361.125.

Sec. 3.5. **NRS 116.31034 is hereby amended to read as follows:**

116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members, at least a majority of whom must be units' owners. Unless the governing documents provide otherwise, the remaining members of the executive board do not have to be units' owners. The executive board shall elect the officers of the association. The members of the executive board and the officers of the association shall take office upon election.

2. The term of office of a member of the executive board may not exceed 2 years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

(a) Members of the executive board who are appointed by the declarant; and

(b) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of his eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.

5. Each person whose name is placed on the ballot as a candidate for a member of the executive board must:

(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

(b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate has any unpaid and past due assessments or construction penalties that are required to be paid to the association.

➥ The candidate must make all disclosures required pursuant to this subsection in writing to the association with his candidacy information. The association shall distribute the disclosures to each member of the association with the ballot in the manner established in the bylaws of the association.

6. Unless a person is appointed by the declarant:

(a) A person may not be a member of the executive board or an officer of the association if the person, his spouse or his parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

(b) A person may not be a member of the executive board of a master association or an officer of that master association if the person, his spouse or his parent or child, by blood, marriage or adoption, performs the duties of a community manager for:

(1) That master association; or

(2) Any association that is subject to the governing documents of that master association.

7. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, he shall file proof in the records of the association that:

(a) He is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

8. ~~[The]~~ ***Except as otherwise provided in NRS 116.31105, the*** election of any member of the executive board must be conducted by secret written ballot ~~[unless the declaration of the association provides that voting rights may be exercised by delegates or representatives as set forth in NRS 116.31105. If the election of any member of the executive board is conducted by secret written ballot:]~~ ***in the following manner:***

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.

(e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for a member of the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

9. Each member of the executive board shall, within 90 days after his appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that he has read and understands the governing documents of the association and the provisions of this chapter to the best of his ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.

Sec. 3.7. **NRS 116.31036 is hereby amended to read as follows:**

116.31036 1. Notwithstanding any provision of the declaration or bylaws to the contrary, any member of the executive board, other than a member appointed by the declarant, may be removed from the executive board, with or without cause, if at a removal election held pursuant to this section the number of votes cast in favor of removal constitutes:

(a) At least 35 percent of the total number of voting members of the association; and

(b) At least a majority of all votes cast in that removal election.

2. ~~[The]~~ ***Except as otherwise provided in NRS 116.31105, the*** removal of any member of the executive board must be conducted by secret written ballot ~~[unless the declaration of the association provides that voting rights may be exercised by delegates or representatives as set forth in NRS 116.31105. If the removal of a member of the executive board is conducted by secret written ballot:]~~ ***in the following manner:***

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) Only the secret written ballots that are returned to the association may be counted to determine the outcome.

(d) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(e) The incumbent members of the executive board, including, without limitation, the member who is subject to the removal, may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

3. If a member of an executive board is named as a respondent or sued for liability for actions undertaken in his role as a member of the board, the association shall indemnify him for his losses or claims, and undertake all costs of defense, unless it is proven that he acted with willful or wanton misfeasance or with gross negligence. After such proof, the association is no longer liable for the cost of defense, and may recover costs already expended from the member of the executive board who so acted. Members of the executive board are not personally liable to the victims of crimes occurring on the property. Punitive damages may not be recovered against the association, but may be recovered from persons whose activity gave rise to the damages.

4. The provisions of this section do not prohibit the Commission from taking any disciplinary action against a member of an executive board pursuant to NRS 116.745 to 116.795, inclusive.

Sec. 4. NRS 116.31038 is hereby amended to read as follows:

116.31038 In addition to any applicable requirement set forth in NRS 116.310395, within 30 days after units' owners other than the declarant may elect a majority of the members of the executive board, the declarant shall deliver to the association all property of the units' owners and of the association held by or controlled by him, including:

1. The original or a certified copy of the recorded declaration as amended, the articles of incorporation, articles of association, articles of organization, certificate of registration, certificate of limited partnership, certificate of trust or other documents of organization for the association, the bylaws, minute books and other books and records of the association and any rules or regulations which may have been adopted.

2. An accounting for money of the association and audited financial statements for each fiscal year and any ancillary period from the date of inception of the association to the date the period of the declarant's control ends. The financial statements must fairly and accurately report the association's financial position.

3. A complete study of the reserves of the association, conducted by a person who ~~[holds a permit to conduct such a study issued]~~ ***is registered as a reserve study specialist*** pursuant to chapter 116A of NRS. At the time the control of the declarant ends, he shall:

(a) Except as otherwise provided in this paragraph, deliver to the association a reserve account that contains the declarant's share of the amounts then due, and control of the account. If the declaration was recorded before October 1, 1999, and, at the time the control of the declarant ends, he has failed to pay his share of the amounts due, the executive board shall authorize the declarant to pay the deficiency in installments for a period of 3 years, unless the declarant and the executive board agree to a shorter period.

(b) Disclose, in writing, the amount by which he has subsidized the association's dues on a per unit or per lot basis.

4. The association's money or control thereof.

5. All of the declarant's tangible personal property that has been represented by the declarant as property of the association or, unless the declarant has disclosed in the public offering statement that all such personal property used in the common-interest community will remain the declarant's property, all of the declarant's tangible personal property that is necessary for, and has been used exclusively in, the operation and enjoyment of the common elements, and inventories of these properties.

6. A copy of any plans and specifications used in the construction of the improvements in the common-interest community which were completed within 2 years before the declaration was recorded.

7. All insurance policies then in force, in which the units' owners, the association, or its directors and officers are named as insured persons.

8. Copies of any certificates of occupancy that may have been issued with respect to any improvements comprising the common-interest community other than units in a planned community.

9. Any renewable permits and approvals issued by governmental bodies applicable to the common-interest community which are in force and any other permits and approvals so issued and applicable which are required by law to be kept on the premises of the community.

10. Written warranties of the contractor, subcontractors, suppliers and manufacturers that are still effective.

11. A roster of owners and mortgagees of units and their addresses and telephone numbers, if known, as shown on the declarant's records.

12. Contracts of employment in which the association is a contracting party.

13. Any contract for service in which the association is a contracting party or in which the association or the units' owners have any obligation to pay a fee to the persons performing the services.

Sec. 4.3. **NRS 116.3108 is hereby amended to read as follows:**

116.3108 1. A meeting of the units' owners must be held at least once each year. If the governing documents do not designate an annual meeting

date of the units' owners, a meeting of the units' owners must be held 1 year after the date of the last meeting of the units' owners. If the units' owners have not held a meeting for 1 year, a meeting of the units' owners must be held on the following March 1.

2. Special meetings of the units' owners may be called by the president, by a majority of the executive board or by units' owners constituting at least 10 percent, or any lower percentage specified in the bylaws, of the total number of voting members of the association. The same number of units' owners may also call a removal election pursuant to NRS 116.31036. To call a special meeting or a removal election, the units' owners must submit a written petition which is signed by the required percentage of the total number of voting members of the association pursuant to this section and which is mailed, return receipt requested, or served by a process server to the executive board or the community manager for the association. If the petition calls for a special meeting, the executive board shall set the date for the special meeting so that the special meeting is held not less than 15 days or more than 60 days after the date on which the petition is received. If the petition calls for a removal election and:

(a) The voting rights of the ~~[units']~~ owners ***of time shares*** will be exercised by delegates or representatives as set forth in NRS 116.31105, the executive board shall set the date for the removal election so that the removal election is held not less than 15 days or more than 60 days after the date on which the petition is received; or

(b) The voting rights of the units' owners will be exercised through the use of secret written ballots pursuant to NRS 116.31036, the secret written ballots for the removal election must be sent in the manner required by NRS 116.31036 not less than 15 days or more than 60 days after the date on which the petition is received, and the executive board shall set the date for the meeting to open and count the secret written ballots so that the meeting is held not more than 15 days after the deadline for returning the secret written ballots.

3. Not less than 15 days or more than 60 days in advance of any meeting of the units' owners, the secretary or other officer specified in the bylaws shall cause notice of the meeting to be hand-delivered, sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner or, if the association offers to send notice by electronic mail, sent by electronic mail at the request of the unit's owner to an electronic mail address designated in writing by the unit's owner. The notice of the meeting must state the time and place of the meeting and include a copy of the agenda for the meeting. The notice must include notification of the right of a unit's owner to:

(a) Have a copy of the minutes or a summary of the minutes of the meeting provided to the unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.

(b) Speak to the association or executive board, unless the executive board is meeting in executive session.

4. The agenda for a meeting of the units' owners must consist of:

(a) A clear and complete statement of the topics scheduled to be considered during the meeting, including, without limitation, any proposed amendment to the declaration or bylaws, any fees or assessments to be imposed or increased by the association, any budgetary changes and any proposal to remove an officer of the association or member of the executive board.

(b) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items. In an emergency, the units' owners may take action on an item which is not listed on the agenda as an item on which action may be taken.

(c) A period devoted to comments by units' owners and discussion of those comments. Except in emergencies, no action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to paragraph (b).

5. If the association adopts a policy imposing fines for any violations of the governing documents of the association, the secretary or other officer specified in the bylaws shall prepare and cause to be hand-delivered or sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner, a schedule of the fines that may be imposed for those violations.

6. The secretary or other officer specified in the bylaws shall cause minutes to be recorded or otherwise taken at each meeting of the units' owners. Not more than 30 days after each such meeting, the secretary or other officer specified in the bylaws shall cause the minutes or a summary of the minutes of the meeting to be made available to the units' owners. A copy of the minutes or a summary of the minutes must be provided to any unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.

7. Except as otherwise provided in subsection 8, the minutes of each meeting of the units' owners must include:

(a) The date, time and place of the meeting;

(b) The substance of all matters proposed, discussed or decided at the meeting; and

(c) The substance of remarks made by any unit's owner at the meeting if he requests that the minutes reflect his remarks or, if he has prepared written remarks, a copy of his prepared remarks if he submits a copy for inclusion.

8. The executive board may establish reasonable limitations on materials, remarks or other information to be included in the minutes of a meeting of the units' owners.

9. The association shall maintain the minutes of each meeting of the units' owners until the common-interest community is terminated.

10. A unit's owner may record on audiotape or any other means of sound reproduction a meeting of the units' owners if the unit's owner, before recording the meeting, provides notice of his intent to record the meeting to the other units' owners who are in attendance at the meeting.

11. The units' owners may approve, at the annual meeting of the units' owners, the minutes of the prior annual meeting of the units' owners and the minutes of any prior special meetings of the units' owners. A quorum is not required to be present when the units' owners approve the minutes.

12. As used in this section, "emergency" means any occurrence or combination of occurrences that:

(a) Could not have been reasonably foreseen;

(b) Affects the health, welfare and safety of the units' owners or residents of the common-interest community;

(c) Requires the immediate attention of, and possible action by, the executive board; and

(d) Makes it impracticable to comply with the provisions of subsection 3 or 4.

Sec. 4.5. **NRS 116.311 is hereby amended to read as follows:**

116.311 1. If only one of several owners of a unit is present at a meeting of the association, that owner is entitled to cast all the votes allocated to that unit. If more than one of the owners are present, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the owners, unless the declaration expressly provides otherwise. There is majority agreement if any one of the owners cast the votes allocated to that unit without protest made promptly to the person presiding over the meeting by any of the other owners of the unit.

2. Except as otherwise provided in this section, votes allocated to a unit may be cast pursuant to a proxy executed by a unit's owner. A unit's owner may give a proxy only to a member of his immediate family, a tenant of the unit's owner who resides in the common-interest community, another unit's owner who resides in the common-interest community, or a delegate or representative when authorized pursuant to NRS 116.31105. If a unit is owned by more than one person, each owner of the unit may vote or register protest to the casting of votes by the other owners of the unit through an executed proxy. A unit's owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the person presiding over a meeting of the association.

3. Before a vote may be cast pursuant to a proxy:

(a) The proxy must be dated.

(b) The proxy must not purport to be revocable without notice.

(c) The proxy must designate the meeting for which it is executed.

(d) The proxy must designate each specific item on the agenda of the meeting for which the unit's owner has executed the proxy, except that the unit's owner may execute the proxy without designating any specific items on the agenda of the meeting if the proxy is to be used solely for determining

whether a quorum is present for the meeting. If the proxy designates one or more specific items on the agenda of the meeting for which the unit's owner has executed the proxy, the proxy must indicate, for each specific item designated in the proxy, whether the holder of the proxy must cast a vote in the affirmative or the negative on behalf of the unit's owner. If the proxy does not indicate whether the holder of the proxy must cast a vote in the affirmative or the negative for a particular item on the agenda of the meeting, the proxy must be treated, with regard to that particular item, as if the unit's owner were present but not voting on that particular item.

(e) The holder of the proxy must disclose at the beginning of the meeting for which the proxy is executed the number of proxies pursuant to which the holder will be casting votes.

4. A proxy terminates immediately after the conclusion of the meeting for which it is executed.

5. ~~[A]~~ ***Except as otherwise provided in this subsection, a*** vote may not be cast pursuant to a proxy for the election or removal of a member of the executive board of an association ***.*** ~~[unless]~~ ***A vote may be cast pursuant to a proxy for the election or removal of a member of the executive board of a master association which governs a time-share plan created pursuant to chapter 119A of NRS if*** the proxy is exercised through a delegate or representative authorized pursuant to NRS 116.31105.

6. The holder of a proxy may not cast a vote on behalf of the unit's owner who executed the proxy in a manner that is contrary to the proxy.

7. A proxy is void if the proxy or the holder of the proxy violates any provision of subsections 1 to 6, inclusive.

8. If the declaration requires that votes on specified matters affecting the common-interest community must be cast by the lessees of leased units rather than the units' owners who have leased the units:

(a) The provisions of subsections 1 to 7, inclusive, apply to the lessees as if they were the units' owners;

(b) The units' owners who have leased their units to the lessees may not cast votes on those specified matters;

(c) The lessees are entitled to notice of meetings, access to records and other rights respecting those matters as if they were the units' owners; and

(d) The units' owners must be given notice, in the manner provided in NRS 116.3108, of all meetings at which the lessees are entitled to vote.

9. If any votes are allocated to a unit that is owned by the association, those votes may not be cast, by proxy or otherwise, for any purpose.

Sec. 4.7. **NRS 116.31105 is hereby amended to read as follows:**

116.31105 1. If the declaration so provides, in a common-interest community that consists of at least 1,000 units, the voting rights of the units' owners in the association for that common-interest community may be exercised by delegates or representatives ~~[.]~~ ***except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives.***

2. In addition to a common-interest community identified in subsection 1, if the declaration so provides, in a common-interest community created before October 1, 1999, the voting rights of the units' owners in the association for that common-interest community may be exercised by delegates or representatives ~~[.]~~ ***except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives.***

3. ***In addition to a common-interest community identified in subsections 1 and 2, if the declaration so provides, the voting rights of the owners of time shares within a time-share plan created pursuant to chapter 119A of NRS which is governed by a master association may be exercised by delegates or representatives.***

4. For the purposes of subsection 1, each unit that a declarant has reserved the right to create pursuant to NRS 116.2105 and for which developmental rights exist must be counted in determining the number of units in a common-interest community.

~~[4.]~~ ***5. For the purposes of subsection 3, each time share that a developer has reserved the right to create pursuant to paragraph (g) of subsection 2 of NRS 119A.380 must be counted in determining the number of time shares in a time-share plan.***

6. Notwithstanding any provision in the declaration, the election of any delegate or representative must be conducted by secret written ballot.

~~[5.]~~ ***7.*** When an election of a delegate or representative is conducted by secret written ballot:

(a) The secretary or other officer of the association specified in the bylaws of the association shall cause a secret written ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) Only the secret written ballots that are returned to the association in the manner prescribed on the ballot may be counted to determine the outcome of the election.

(d) The secret written ballots must be opened and counted at a meeting called for the purpose of electing delegates or representatives. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(e) A candidate for delegate or representative may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association in the manner prescribed on the ballot before those secret written ballots have been opened and counted at a meeting called for that purpose.

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 6.3. ~~[NRS 116.31142 is hereby amended to read as follows:~~

~~116.31142 1. The Commission shall adopt regulations prescribing the requirements for the preparation and presentation of financial statements of an association pursuant to this chapter.~~

~~2. The regulations adopted by the Commission must include, without limitation:~~

~~(a) The qualifications necessary for a person to prepare and present financial statements of an association; and~~

~~(b) The standards and format to be followed in preparing and presenting financial statements of an association.~~

~~*3. The Commission shall not adopt regulations requiring that financial statements be prepared by a certified public accountant if the association is located in a county whose population is 45,000 or less.]*~~ **(Deleted by amendment.)**

Sec. 6.7. NRS 116.31144 is hereby amended to read as follows:

116.31144 1. Except as otherwise provided in subsection 2, the executive board shall:

(a) ***If the annual budget of the association is less than $40,000, cause the financial statement of the association to be audited at least once every 4 fiscal years.***

(b) If the annual budget of the association is ***$40,000 or more but*** less than $75,000, cause the financial statement of the association to be audited by an independent certified public accountant at least once every 4 fiscal years.

~~[(b)]~~ ***(c)*** If the annual budget of the association is $75,000 or more but less than $150,000, cause the financial statement of the association to be:

(1) Audited by an independent certified public accountant at least once every 4 fiscal years; and

(2) Reviewed by an independent certified public accountant every fiscal year for which an audit is not conducted.

~~[(c)]~~ ***(d)*** If the annual budget of the association is $150,000 or more, cause the financial statement of the association to be audited by an independent certified public accountant every fiscal year.

2. For any fiscal year for which an audit of the financial statement of the association will not be conducted pursuant to subsection 1, the executive board shall cause the financial statement for that fiscal year to be audited by ~~[an]~~ ***:***

(a) A person deemed qualified by the association to conduct such an audit if the annual budget of the association is less than $40,000; or

(b) An independent certified public accountant ***if the annual budget of the association is $40,000 or more,***

↵ if, within 180 days before the end of the fiscal year, 15 percent of the total number of voting members of the association submit a written request for such an audit.

3. ~~*[Each audit and review of the financial statement of an association must be conducted by an independent certified public accountant, unless the association is located in a county whose population is 45,000 or less, and then by a person deemed qualified by the association to conduct such an audit or review.*~~

~~*4.]*~~ The Commission shall adopt regulations prescribing the requirements for the auditing or reviewing of financial statements of an association pursuant to this section. Such regulations must include, without limitation:

(a) The qualifications necessary for a person to audit or review financial statements of an association ; ~~*[which do not conflict with subsection 3;]*~~ and

(b) The standards and format to be followed in auditing or reviewing financial statements of an association.

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 116.31152 is hereby amended to read as follows:

116.31152 1. The executive board shall:

(a) At least once every 5 years, cause to be conducted a study of the reserves required to repair, replace and restore the major components of the common elements;

(b) At least annually, review the results of that study to determine whether those reserves are sufficient; and

(c) At least annually, make any adjustments to the association's funding plan which the executive board deems necessary to provide adequate funding for the required reserves.

2. The study of the reserves required by subsection 1 must be conducted by a person who ~~[holds a permit issued]~~ ***is registered as a reserve study specialist*** pursuant to chapter 116A of NRS ~~[.]~~ ***, unless the association contains 20 or fewer units and is located in a county whose population is 45,000 or less, and then by a person deemed qualified by the executive board to conduct such a study.***

3. The study of the reserves must include, without limitation:

(a) A summary of an inspection of the major components of the common elements that the association is obligated to repair, replace or restore;

(b) An identification of the major components of the common elements that the association is obligated to repair, replace or restore which have a remaining useful life of less than 30 years;

(c) An estimate of the remaining useful life of each major component of the common elements identified pursuant to paragraph (b);

(d) An estimate of the cost of repair, replacement or restoration of each major component of the common elements identified pursuant to paragraph (b) during and at the end of its useful life; and

(e) An estimate of the total annual assessment that may be necessary to cover the cost of repairing, replacement or restoration of the major components of the common elements identified pursuant to paragraph (b), after subtracting the reserves of the association as of the date of the study,

and an estimate of the funding plan that may be necessary to provide adequate funding for the required reserves.

4. A summary of the study of the reserves required by subsection 1 must be submitted to the Division not later than 45 days after the date that the executive board adopts the results of the study.

5. If a common-interest community was developed as part of a planned unit development pursuant to chapter 278A of NRS and is subject to an agreement with a city or county to receive credit against the amount of the residential construction tax that is imposed pursuant to NRS 278.4983 and 278.4985, the association that is organized for the common-interest community may use the money from that credit for the repair, replacement or restoration of park facilities and related improvements if:

(a) The park facilities and related improvements are identified as major components of the common elements of the association; and

(b) The association is obligated to repair, replace or restore the park facilities and related improvements in accordance with the study of the reserves required by subsection 1.

Sec. 9. (Deleted by amendment.)

Sec. 9.2. **NRS 116.31153 is hereby amended to read as follows:**

116.31153 ***1.*** Money in the reserve account of an association required by paragraph (b) of subsection 2 of NRS 116.3115 may not be withdrawn without the signatures of at least two members of the executive board or the signatures of at least one member of the executive board and one officer of the association who is not a member of the executive board.

2. Money in the operating account of an association may not be withdrawn without the signatures of at least one member of the executive board or one officer of the association and a member of the executive board, an officer of the association or the community manager.

Sec. 9.4. **NRS 116.31162 is hereby amended to read as follows:**

116.31162 1. Except as otherwise provided in subsection 4, in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the association may foreclose its lien by sale after all of the following occur:

(a) The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his successor in interest, at his address if known and at the address of the unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.

(b) Not less than 30 days after mailing the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale

has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) State the name and address of the person authorized by the association to enforce the lien by sale.

(3) Contain, in 14-point bold type, the following warning:

WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!

(c) ***The Commission has approved of the foreclosure of the lien. The Commission shall grant approval for the foreclosure of the lien if the Commission finds that the association has complied with paragraph (a) and the association or other person conducting the sale has complied with paragraph (b).***

(d) The unit's owner or his successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 90 days following the recording of the notice of default and election to sell.

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.

3. The period of 90 days begins on the first day following:

(a) The date on which the notice of default is recorded; or

(b) The date on which a copy of the notice of default is mailed by certified or registered mail, return receipt requested, to the unit's owner or his successor in interest at his address, if known, and at the address of the unit,

➥ whichever date occurs later.

4. The association may not foreclose a lien by sale based on a fine or penalty for a violation of the governing documents of the association unless:

(a) The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community; or

(b) The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.

Sec. 9.6. **NRS 116.31166 is hereby amended to read as follows:**

116.31166 1. The recitals in a deed made pursuant to NRS 116.31164 of:

(a) Default, the mailing of the notice of delinquent assessment, and the recording of the notice of default and election to sell;

(b) The elapsing of the 90 days; and

(c) The giving of notice of sale,

➥ are conclusive proof of the matters recited.

2. Such a deed containing those recitals is conclusive against the unit's former owner, his heirs and assigns, and all other persons. The receipt for the purchase money contained in such a deed is sufficient to discharge the purchaser from obligation to see to the proper application of the purchase money.

3. The sale of a unit pursuant to NRS 116.31162, 116.31163 and 116.31164 ~~[vests in the purchaser the title of the unit's owner without]~~ ***is subject to an*** equity or right of redemption ~~[.]~~ ***as provided in this section.***

4. Upon a sale of a unit:

(a) The purchaser acquires all the right, title, interest and claim of the unit's owner thereto; and

(b) The purchaser must receive a certificate of sale in recordable form which must state:

(1) The description of the unit sold;

(2) The price bid for the unit sold; and

(3) That the unit is subject to redemption within 120 days of the date of the sale.

5. A copy of the certificate of sale must be posted on the door of the unit, with a copy mailed first class, postage prepaid, to the addresses of the unit's owner and persons entitled to redeem as indicated in the records of the association and the last known address as shown in the records of the county.

6. A person who purchases a unit at a sale pursuant to this section may not transfer ownership of the unit to a person other than a unit's owner or redemptioner during the redemption period.

7. A unit sold subject to redemption, as provided in this section, may be redeemed within 120 days of the date of the sale in the manner hereinafter provided by the following persons or their successors in interest:

(a) The unit's owner or a successor in interest with a recorded interest in the whole or any part of the unit.

(b) A creditor having a security interest on the unit sold or on some share or part thereof.

8. To redeem a unit purchased at a sale pursuant to this section, the unit's owner or redemptioner must pay to the purchaser:

(a) The amount the purchaser paid for the unit at the sale;

(b) The amount of the fee for recording the certificate of sale; and

(c) The amount paid by the purchaser for property taxes and assessments, including, without limitation, assessments due under any applicable declaration, any penalties, interest and costs on the unit, and any applicable real property transfer taxes.

9. Written notice of redemption in recordable form must be given to the redemptioner by the purchaser at the time of payment.

10. If the property is not redeemed within the 120-day period, then the purchaser or his assignee is entitled to a deed to the property from the association.

Sec. 9.8. **NRS 116.31175 is hereby amended to read as follows:**

116.31175 1. Except as otherwise provided in this subsection, the executive board of an association shall, upon the written request of a unit's owner, make available the books, records and other papers of the association for review during the regular working hours of the association, including, without limitation, all contracts to which the association is a party and all records filed with a court relating to a civil or criminal action to which the association is a party. The provisions of this subsection do not apply to:

(a) The personnel records of the employees of the association, except for those records relating to the number of hours worked and the salaries and benefits of those employees;

(b) The records of the association relating to another unit's owner, except for those records described in subsection 2; and

(c) A contract between the association and an attorney.

2. The executive board of an association shall maintain a general record concerning each violation of the governing documents, other than a violation involving a failure to pay an assessment, for which the executive board has imposed a fine, a construction penalty or any other sanction. The general record:

(a) Must contain a general description of the nature of the violation and the type of the sanction imposed. If the sanction imposed was a fine or construction penalty, the general record must specify the amount of the fine or construction penalty.

(b) Must not contain the name or address of the person against whom the sanction was imposed or any other personal information which may be used to identify the person or the location of the unit, if any, that is associated with the violation.

(c) Must be maintained in an organized and convenient filing system or data system that allows a unit's owner to search and review the general records concerning violations of the governing documents.

3. If the executive board refuses to allow a unit's owner to review the books, records or other papers of the association, the Ombudsman may:

(a) On behalf of the unit's owner and upon written request, review the books, records or other papers of the association during the regular working hours of the association; and

(b) If he is denied access to the books, records or other papers, request the Commission, or any member thereof acting on behalf of the Commission, to issue a subpoena for their production.

4. The books, records and other papers of an association must be maintained for at least 10 years. The provisions of this subsection do not apply to:

(a) The minutes of a meeting of the units' owners which must be maintained in accordance with NRS 116.3108; or

(b) The minutes of a meeting of the executive board which must be maintained in accordance with NRS 116.31083.

5. The executive board shall not require a unit's owner to pay an amount in excess of $10 per hour to review any books, records, contracts or other papers of the association pursuant to the provisions of this section.

6. If an official publication contains or will contain any mention of a candidate or ballot question, the official publication must, upon request and without charge, provide equal space in the same issue to the candidate or a representative of an organization which supports the passage or defeat of the ballot question.

7. Except as otherwise provided in this subsection, if an official publication contains or will contain the views or opinions of the association, the executive board, a community manager or an officer, employee or agent of an association concerning an issue of official interest, the official publication must, upon request and without charge, provide equal space to opposing views and opinions of a unit's owner, tenant or resident of the common-interest community. If an official publication contains or will contain any information concerning a civil action or claim in which the association is a party, the official publication is not required to provide equal space to any opposing views or opinions.

8. As used in this section:

(a) "Issue of official interest" includes, without limitation:

(1) Any issue on which the executive board or the units' owners will be voting, including, without limitation, the election of members of the executive board; and

(2) The enactment or adoption of rules or regulations that will affect a common-interest community.

(b) "Official publication" means:

(1) An official website;

(2) An official newsletter or other similar publication that is circulated to each unit's owner; or

(3) An official bulletin board that is available to each unit's owner,
➥ which is published or maintained at the cost of an association and by an association, an executive board, a member of an executive board, a community manager or an officer, employee or agent of an association.

Sec. 10. NRS 116.350 is hereby amended to read as follows:

116.350 1. In a common-interest community which is not gated or enclosed and the access to which is not restricted or controlled by a person or device, the executive board shall not and the governing documents must not provide for the regulation of any road, street, alley or other thoroughfare the right-of-way of which is accepted by the State or a local government for dedication as a road, street, alley or other thoroughfare for public use.

2. ~~[The]~~ ***Except as otherwise provided in subsection 3, the*** provisions of subsection 1 do not preclude an association from adopting, and do not preclude the governing documents of an association from setting forth, rules that reasonably restrict the parking or storage of ***inoperable vehicles,***

recreational vehicles, watercraft, trailers or commercial vehicles in the common-interest community to the extent authorized by law.

3. In a common-interest community, the executive board shall not and the governing documents must not prohibit a person from:

(a) Parking a ~~[utility]~~ service vehicle ~~[that has a gross vehicle weight rating of 20,000 pounds or less]~~ on a driveway, road, street, alley or other thoroughfare:

(1) While the person is engaged in any activity relating to the delivery of ~~[public utility]~~ services to subscribers or consumers; or

(2) If the person is:

(I) A unit's owner;

(II) Parking the vehicle within 50 yards of his unit; and

(III) Bringing the vehicle to his unit pursuant to his employment with the entity which owns the vehicle for the purpose of responding to requests for ~~[public utility]~~ services; or

(b) Parking a law enforcement vehicle or emergency services vehicle on a driveway, road, street, alley or other thoroughfare:

(1) While the person is engaged in his official duties; or

(2) If the person is:

(I) A unit's owner;

(II) Parking the vehicle within 50 yards of his unit; and

(III) Bringing the vehicle to his unit pursuant to his employment with the entity which owns the vehicle for the purpose of responding to requests for law enforcement services or emergency services.

4. As used in this section:

(a) "Commercial motor vehicle" has the meaning ascribed to it in 49 C.F.R. § 350.105.

(b) "Emergency services vehicle" means a vehicle:

(1) Owned by any governmental agency or political subdivision of this State; and

(2) Identified by the entity which owns the vehicle as a vehicle used to provide emergency services.

(c) "Law enforcement vehicle" means a vehicle:

(1) Owned by any governmental agency or political subdivision of this State; and

(2) Identified by the entity which owns the vehicle as a vehicle used to provide law enforcement services.

(d) ~~["Utility service]~~ "Service vehicle" means any commercial motor vehicle:

(1) Used in the furtherance of repairing, maintaining or operating any structure or any other physical facility necessary for the delivery of ~~[public utility]~~ services, including, without limitation, the furnishing of electricity, gas, water, sanitary sewer, telephone, cable or community antenna service.

(2) Except for any emergency use, operated primarily within the service area of ~~[a utility's]~~ subscribers or consumers, without regard to

whether the commercial motor vehicle is owned, leased or rented by the utility.

Sec. 11. NRS 116.411 is hereby amended to read as follows:

116.411 1. Except as otherwise provided in subsections 2 ~~[and 3,]~~ ***, 3 and 4,*** a deposit made in connection with the purchase or reservation of a unit from a person required to deliver a public offering statement pursuant to subsection 3 of NRS 116.4102 must be placed in escrow and held either in this State or in the state where the unit is located in an account designated solely for that purpose by a licensed title insurance company, an independent bonded escrow company, or an institution whose accounts are insured by a governmental agency or instrumentality until:

(a) Delivered to the declarant at closing;

(b) Delivered to the declarant because of the purchaser's default under a contract to purchase the unit;

(c) Released to the declarant for an additional item, improvement, optional item or alteration, but the amount so released:

(1) Must not exceed the lesser of the amount due the declarant from the purchaser at the time of the release or the amount expended by the declarant for the purpose; and

(2) Must be credited upon the purchase price; or

(d) Refunded to the purchaser.

2. A deposit or advance payment made for an additional item, improvement, optional item or alteration may be deposited in escrow or delivered directly to the declarant, as the parties may contract.

3. In lieu of placing a deposit in escrow pursuant to subsection 1, the declarant may furnish a bond executed by him as principal and by a corporation qualified under the laws of this State as surety, payable to the State of Nevada, and conditioned upon the performance of the declarant's duties concerning the purchase or reservation of a unit. Each bond must be in a principal sum equal to the amount of the deposit. The bond must be held until:

(a) Delivered to the declarant at closing;

(b) Delivered to the declarant because of the purchaser's default under a contract to purchase the unit; or

(c) Released to the declarant for an additional item, improvement, optional item or alteration, but the amount so released must not exceed the amount due the declarant from the purchaser at the time of the release or the amount expended by the declarant for that purpose, whichever is less.

4. Pursuant to subsection 1, a deposit made in connection with the purchase or reservation of a unit from a person required to deliver a public offering statement pursuant to subsection 3 of NRS 116.4102 is deemed to be placed in escrow and held in this State when the escrow holder has:

(a) The legal right to conduct business in this State;

(b) A resident agent in this State pursuant to subsection 1 of NRS 14.020; and

(c) Consented to the jurisdiction of the courts of this State by:

(1) Maintaining a physical presence in this State; or

(2) Executing a written instrument containing such consent, with respect to any suit or claim, whether brought by the declarant or purchaser, relating to or arising in connection with such sale or the escrow agreement related thereto.

Sec. 12. NRS 116.750 is hereby amended to read as follows:

116.750 1. In carrying out the provisions of NRS 116.745 to 116.795, inclusive, the Division and the Ombudsman have jurisdiction to investigate and the Commission and each hearing panel has jurisdiction to take appropriate action against any person who commits a violation, including, without limitation:

(a) Any association and any officer, employee or agent of an association.

(b) Any member of an executive board.

(c) Any community manager who holds a certificate and any other community manager.

(d) Any person who ~~[holds a permit to conduct a study of the reserves of an association issued]~~ ***is registered as a reserve study specialist, or who conducts a study of reserves,*** pursuant to chapter 116A of NRS.

(e) Any declarant or affiliate of a declarant.

(f) Any unit's owner.

(g) Any tenant of a unit's owner if the tenant has entered into an agreement with the unit's owner to abide by the governing documents of the association and the provisions of this chapter and any regulations adopted pursuant thereto.

2. The jurisdiction set forth in subsection 1 applies to any officer, employee or agent of an association or any member of an executive board who commits a violation and who:

(a) Currently holds his office, employment, agency or position or who held his office, employment, agency or position at the commencement of proceedings against him.

(b) Resigns his office, employment, agency or position:

(1) After the commencement of proceedings against him; or

(2) Within 1 year after the violation is discovered or reasonably should have been discovered.

Sec. 13. NRS 116A.120 is hereby amended to read as follows:

116A.120 ~~["Permit"]~~ ***"Registration"*** means ~~[a permit]~~ ***registration*** to conduct a study of the reserves of an association pursuant to NRS 116.31152 ~~[issued by]~~ ***with*** the Division pursuant to this chapter.

Sec. 14. NRS 116A.260 is hereby amended to read as follows:

116A.260 The Division shall maintain in each district office a public docket or other record in which it shall record, from time to time as made:

1. The rulings or decisions upon all complaints filed with that district office.

2. All investigations instituted by that district office in the first instance, upon or in connection with which any hearing has been held, or in which the person charged has made no defense.

3. Denials of applications made to that district office for examination***, registration*** or issuance of a certificate **.** ~~[or permit.]~~

Sec. 15. (Deleted by amendment.)

Sec. 15.5. **NRS 116A.410 is hereby amended to read as follows:**

116A.410 1. The Commission shall by regulation provide for the issuance by the Division of certificates. The regulations:

(a) Must establish the qualifications for the issuance of such a certificate, including, without limitation, the education and experience required to obtain such a certificate.

(b) ***Must require an applicant to post a bond in a form and in an amount established by regulation. The Commission shall, by regulation, adopt a sliding scale for the amount of the bond that is based upon the amount of money that applicants are expected to control.***

(c) May require applicants to pass an examination in order to obtain a certificate. If the regulations require such an examination, the Commission shall by regulation establish fees to pay the costs of the examination, including any costs which are necessary for the administration of the examination.

~~[(c)]~~ ***(d)*** May require an investigation of an applicant's background. If the regulations require such an investigation, the Commission shall by regulation establish fees to pay the costs of the investigation.

~~[(d)]~~ ***(e)*** Must establish the grounds for initiating disciplinary action against a person to whom a certificate has been issued, including, without limitation, the grounds for placing conditions, limitations or restrictions on a certificate and for the suspension or revocation of a certificate.

~~[(e)]~~ ***(f)*** Must establish rules of practice and procedure for conducting disciplinary hearings.

2. The Division may collect a fee for the issuance of a certificate in an amount not to exceed the administrative costs of issuing the certificate.

Sec. 16. NRS 116A.420 is hereby amended to read as follows:

116A.420 1. Except as otherwise provided in this section, a person shall not act as a reserve study specialist unless the person ~~[holds a permit.]~~ ***registers with the Division on a form provided by the Division.***

2. The Commission shall by regulation provide for the standards of practice for reserve study specialists **.** ~~[who hold permits.]~~

3. The Division may investigate any reserve study specialist ~~[who holds a permit]~~ to ensure that the reserve study specialist is complying with the provisions of this chapter and chapter 116 of NRS and the standards of practice adopted by the Commission.

4. In addition to any other remedy or penalty, if the Commission or a hearing panel, after notice and hearing, finds that a reserve study specialist ~~[who holds a permit]~~ has violated any provision of this chapter or chapter

116 of NRS or any of the standards of practice adopted by the Commission, the Commission or the hearing panel may take appropriate disciplinary action against the reserve study specialist.

5. In addition to any other remedy or penalty, the Commission may:

(a) Refuse to ~~[issue a permit to]~~ ***accept the registration of*** a person who has failed to pay money which the person owes to the Commission or the Division.

(b) Suspend, revoke or refuse to renew the ~~[permit]~~ ***registration*** of a person who has failed to pay money which the person owes to the Commission or the Division.

6. The provisions of this section do not apply to a member of an executive board or an officer of an association who is acting solely within the scope of his duties as a member of the executive board or an officer of the association.

7. A person who assists a registered reserve study specialist in preparing a reserve study, signed by a registered reserve study specialist, is not required to register as a reserve study specialist.

Sec. 17. NRS 116A.430 is hereby amended to read as follows:

116A.430 1. The Commission shall by regulation provide for the ~~[issuance]~~ ***registration*** by the Division of ~~[permits to]~~ reserve study specialists. The regulations:

(a) Must establish the qualifications for ~~[the issuance of such a permit,]~~ ***registration,*** including, without limitation, the education and experience required ~~[to obtain such a permit.]~~ ***for registration.***

(b) May require applicants to pass an examination ~~[in order to obtain a permit.]~~ ***for registration.*** If the regulations require such an examination, the Commission shall by regulation establish fees to pay the costs of the examination, including any costs which are necessary for the administration of the examination.

(c) May require an investigation of an applicant's background. If the regulations require such an investigation, the Commission shall by regulation establish fees to pay the costs of the investigation.

(d) Must establish the grounds for initiating disciplinary action against a person ~~[to whom a permit has been issued,]~~ ***who has registered,*** including, without limitation, the grounds for placing conditions, limitations or restrictions on ~~[a permit]~~ ***registration*** and for the suspension or revocation of ~~[a permit.]~~ ***registration.***

(e) Must establish rules of practice and procedure for conducting disciplinary hearings.

2. The Division may collect a fee for ~~[the issuance of a permit]~~ ***registration*** in an amount not to exceed the administrative costs of ~~[issuing the permit.]~~ ***registration.***

Sec. 18. NRS 116A.440 is hereby amended to read as follows:

116A.440 1. An applicant for a certificate or ~~[permit]~~ ***registration*** shall submit to the Division:

(a) The social security number of the applicant; and

(b) The statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for ***registration or*** the issuance of the certificate ***;*** ~~[or permit;]~~ or

(b) A separate form prescribed by the Division.

3. A certificate ~~[or permit]~~ may not be issued ***and an application for registration may not be accepted*** if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 19. NRS 116A.450 is hereby amended to read as follows:

116A.450 1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to ***a person who is registered or*** the holder of a certificate ***,*** ~~[or, permit,]~~ the Division shall deem the ***registration or*** certificate ~~[or permit]~~ to be suspended at the end of the 30th day after the date the court order was issued unless the Division receives a letter issued to the ***person who is registered or the*** holder of the certificate ~~[or permit]~~ by the district attorney or other public agency pursuant to NRS 425.550 stating that the ***person who is registered or the*** holder of the certificate ~~[or permit]~~ has complied with a subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate a ***registration or*** certificate ~~[or permit]~~ that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the ***person who is registered or the*** holder of the certificate ~~[or permit]~~ that he has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 20. NRS 116A.460 is hereby amended to read as follows:

116A.460 The expiration or revocation of a ***registration or*** certificate ~~[or permit]~~ by operation of law or by order or decision of any agency or court of

competent jurisdiction, or the voluntary surrender of such a ***registration or*** certificate ~~[or permit]~~ by the ***person who is registered or the*** holder of the certificate ~~[or permit]~~ does not:

1. Prohibit the Commission or the Division from initiating or continuing an investigation of, or action or disciplinary proceeding against, the ***person who is registered or the*** holder of the certificate ~~[or permit]~~ as authorized pursuant to the provisions of this chapter or chapter 116 of NRS or the regulations adopted pursuant thereto; or

2. Prevent the imposition or collection of any fine or penalty authorized pursuant to the provisions of this chapter or chapter 116 of NRS or the regulations adopted pursuant thereto against the ***person who is registered or the*** holder of the certificate **.** ~~[or permit.]~~

Sec. 21. NRS 116A.900 is hereby amended to read as follows:

116A.900 1. In addition to any other remedy or penalty, the Commission may impose an administrative fine against any person who knowingly:

(a) Engages or offers to engage in any activity for which a certificate or ~~[permit]~~ ***registration*** is required pursuant to this chapter or chapter 116 of NRS, or any regulation adopted pursuant thereto, if the person does not hold the required certificate or ~~[permit]~~ ***has not registered*** or has not been given the required authorization; or

(b) Assists or offers to assist another person to commit a violation described in paragraph (a).

2. If the Commission imposes an administrative fine against a person pursuant to this section, the amount of the administrative fine may not exceed the amount of any gain or economic benefit that the person derived from the violation or $5,000, whichever amount is greater.

3. In determining the appropriate amount of the administrative fine, the Commission shall consider:

(a) The severity of the violation and the degree of any harm that the violation caused to other persons;

(b) The nature and amount of any gain or economic benefit that the person derived from the violation;

(c) The person's history or record of other violations; and

(d) Any other facts or circumstances that the Commission deems to be relevant.

4. Before the Commission may impose the administrative fine, the Commission must provide the person with notice and an opportunity to be heard.

5. The person is entitled to judicial review of the decision of the Commission in the manner provided by chapter 233B of NRS.

6. The provisions of this section do not apply to a person who engages or offers to engage in activities within the purview of this chapter or chapter 116 of NRS if:

(a) A specific statute exempts the person from complying with the provisions of this chapter or chapter 116 of NRS with regard to those activities; and

(b) The person is acting in accordance with the exemption while engaging or offering to engage in those activities.

Sec. 21.5. NRS 278.0208 is hereby amended to read as follows:

278.0208 1. ~~[A]~~ ***Except as otherwise provided in this subsection, a*** governing body shall not adopt an ordinance, regulation or plan or take any other action that prohibits or ~~[unreasonably]~~ restricts the owner of real property from using a system for obtaining solar or wind energy on his property. ***A reasonable ordinance, regulation or plan concerning the color of such a system is enforceable so long as it does not prohibit the owner from using the standard color in which the system is made, does not cost significantly more than another color and does not have the effect of prohibiting the use of such a system.***

2. ~~[Any]~~ ***Except as otherwise provided in subsection 3, any*** covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer, sale or any other interest in real property that prohibits or ~~[unreasonably]~~ restricts the owner of the property from using a system for obtaining solar or wind energy on his property is void and unenforceable.

3. ~~[For the purposes of this section, "unreasonably restricting the use of a system for obtaining solar or wind energy" means placing a restriction or requirement on the use of such a system which significantly decreases the efficiency or performance of the system and does not allow for the use of an alternative system at a comparable cost and with comparable efficiency and performance.]~~ ***A reasonable covenant, restriction or condition concerning the color of a system is enforceable so long as it does not prohibit the owner from using the standard color in which the system is made, does not cost significantly more than another color and does not have the effect of prohibiting the use of such a system.***

Sec. 22. (Deleted by amendment.)

Sec. 22.5. **Section 9.6 of this act applies to a sale of a unit conducted pursuant to NRS 116.31162, 116.31163 and 116.31164 on or after October 1, 2007.**

Sec. 23. 1. This section ~~[and section]~~ **becomes effective upon passage and approval.**

2. Section 11 of this act ~~[become]~~ **becomes** effective on July 1, 2007.

~~[2.]~~ **3.** Sections 1 to 10, inclusive, ~~[and]~~ 12 to ~~[22,]~~ **15, inclusive, and 16 to 22.5,** inclusive, become effective on October 1, 2007.

~~[3.]~~ **4. Section 15.5 of this act becomes effective:**

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2008, for all other purposes.

5. Sections 18 and 19 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblywoman Allen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 542.

Bill read third time.

The following amendment was proposed by Assemblyman Anderson:

Amendment No. 1026.

AN ACT relating to property; providing an exemption from execution for certain security deposits made to rent or lease a dwelling; ~~[increasing the amount of the homestead exemption;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, with certain exceptions, in a civil action in which damages were awarded, the prevailing party in the action may obtain a writ of execution to enforce the judgment at any time before the judgment expires. (NRS 21.010) Existing law exempts certain property from such a writ of execution up to a specified monetary value. (NRS 21.090) ~~[In addition, existing law protects from a forced sale up to $350,000 in equity of certain property which is designated as a homestead by a person, except in certain circumstances. (NRS 115.005, 115.010) Sections 2 and 4 of this bill increase the amount of equity protected in homestead property from $350,000 to $450,000.]~~ Section 2 ~~[also]~~ **of this bill** provides an additional exemption from execution for all money reasonably deposited with a landlord by the judgment debtor to secure an agreement to rent or lease a dwelling that is used as the judgment debtor's primary residence.

Sections 1 and 3 of this bill revise the contents of a notice of writ of execution and a notice of writ of attachment to reflect the ~~[changes authorized by]~~ **exemption added in section 2 of** this bill. (NRS 21.075, 31.045)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 21.075 is hereby amended to read as follows:

21.075 1. Execution on the writ of execution by levying on the property of the judgment debtor may occur only if the sheriff serves the judgment debtor with a notice of the writ of execution pursuant to NRS 21.076 and a copy of the writ. The notice must describe the types of property exempt from execution and explain the procedure for claiming those exemptions in the manner required in subsection 2. The clerk of the court shall attach the notice to the writ of execution at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to ..... (name of person), the judgment creditor. He has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed $350,000, ~~*[$450,000,]*~~ unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. ***All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used as your primary residence.***

11. A vehicle, if your equity in the vehicle is less than $15,000.

~~[11.]~~ ***12.*** Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

~~[12.]~~ ***13.*** Money, not to exceed $500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

~~[13.]~~ ***14.*** All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

~~[14.]~~ ***15.*** All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

~~[15.]~~ ***16.*** A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

~~[16.]~~ ***17.*** A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

~~[17.]~~ ***18.*** Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

~~[18.]~~ ***19.*** Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

~~[19.]~~ ***20.*** Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent

reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

~~[20.]~~ ***21.*** Payments received as restitution for a criminal act.

➥ These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to indigent or elderly persons).

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless you or the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The motion for the hearing to determine the issue of exemption must be filed within 10 days after the affidavit claiming exemption is filed. The hearing to determine whether the property or money is exempt must be held within 10 days after the motion for the hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

Sec. 2. NRS 21.090 is hereby amended to read as follows:

21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:

(a) Private libraries, works of art, musical instruments and jewelry not to exceed $5,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed $12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed $4,500 in value, belonging to the judgment debtor to be selected by him.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of himself and his family not to exceed $10,000 in value.

(e) The cabin or dwelling of a miner or prospector, his cars, implements and appliances necessary for carrying on any mining operations and his mining claim actually worked by him, not exceeding $4,500 in total value.

(f) Except as otherwise provided in paragraph ~~[(o),]~~ ***(p),*** one vehicle if the judgment debtor's equity does not exceed $15,000 or the creditor is paid an amount equal to any excess above that equity.

(g) For any workweek, 75 percent of the disposable earnings of a judgment debtor during that week, or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs ~~[(n), (r) and (s),]~~ ***(o), (s) and (t),*** the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance, if the annual premium paid does

not exceed $15,000. If the premium exceeds that amount, a similar exemption exists which bears the same proportion to the money, benefits, privileges and immunities so accruing or growing out of the insurance that the $15,000 bears to the whole annual premium paid.

(l) The homestead as provided for by law, including a homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself and family, where the amount of equity held by the judgment debtor in the home does not exceed $350,000 ~~*[$450,000]*~~ in value and the dwelling is situated upon lands not owned by him.

(n) ***All money reasonably deposited with a landlord by the judgment debtor to secure an agreement to rent or lease a dwelling that is used by the judgment debtor as his primary residence.***

(o) All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

~~[(o)]~~ ***(p)*** Any vehicle owned by the judgment debtor for use by him or his dependent that is equipped or modified to provide mobility for a person with a permanent disability.

~~[(p)]~~ ***(q)*** Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

~~[(q)]~~ ***(r)*** Money, not to exceed $500,000 in present value, held in:

(1) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(2) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(3) A cash or deferred arrangement which is a qualified plan pursuant to the Internal Revenue Code;

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

~~[(r)]~~ ***(s)*** All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

~~[(s)]~~ ***(t)*** All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former

spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

~~[(t)]~~ ***(u)*** Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

~~[(u)]~~ ***(v)*** Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

~~[(v)]~~ ***(w)*** Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

~~[(w)]~~ ***(x)*** Payments received as restitution for a criminal act.

~~[(x)]~~ ***(y)*** Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Act of 1978, 11 U.S.C. § 522(d), do not apply to property owned by a resident of this State unless conferred also by subsection 1, as limited by subsection 2.

Sec. 3. NRS 31.045 is hereby amended to read as follows:

31.045 1. Execution on the writ of attachment by attaching property of the defendant may occur only if:

(a) The judgment creditor serves the defendant with notice of the execution when the notice of the hearing is served pursuant to NRS 31.013; or

(b) Pursuant to an ex parte hearing, the sheriff serves upon the judgment debtor notice of the execution and a copy of the writ at the same time and in the same manner as set forth in NRS 21.076.

➥ If the attachment occurs pursuant to an ex parte hearing, the clerk of the court shall attach the notice to the writ of attachment at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

Plaintiff, ... (name of person), alleges that you owe him money. He has begun the procedure to collect that money. To secure satisfaction of judgment the court has ordered the garnishment of your wages, bank account or other personal property held by third persons or the taking of money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed $350,000, ~~[$450,000,]~~ unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. ***All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used as your primary residence.***

11. A vehicle, if your equity in the vehicle is less than $15,000.

~~[11.]~~ ***12.*** Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

~~[12.]~~ ***13.*** Money, not to exceed $500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

~~[13.]~~ ***14.*** All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

~~[14.]~~ ***15.*** All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

~~[15.]~~ ***16.*** A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

~~[16.]~~ ***17.*** A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

~~[17.]~~ ***18.*** Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

~~[18.]~~ ***19.*** Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

~~[19.]~~ ***20.*** Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

~~[20.]~~ ***21.*** Payments received as restitution for a criminal act.

➥ These exemptions may not apply in certain cases such as proceedings to enforce a judgment for support of a child or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to the indigent or elderly persons).

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt or necessary for the support of you or your family, you must file with the clerk of the court on a form provided by the clerk a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The hearing must be held within 10 days after the motion for a hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

If you received this notice with a notice of a hearing for attachment and you believe that the money or property which would be taken from you by a writ of attachment is exempt or necessary for the support of you or your family, you are entitled to describe to the court at the hearing why you believe your property is exempt. You may also file a motion with the court for a discharge of the writ of attachment. You may make that motion any time before trial. A hearing will be held on that motion.

IF YOU DO NOT FILE THE MOTION BEFORE THE TRIAL, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE PLAINTIFF, EVEN IF THE PROPERTY OR MONEY IS EXEMPT OR NECESSARY FOR THE SUPPORT OF YOU OR YOUR FAMILY.

Sec. 4. ~~[NRS 115.010 is hereby amended to read as follows:~~

~~115.010 1. The homestead is not subject to forced sale on execution or any final process from any court, except as otherwise provided by subsections 2, 3 and 5, and NRS 115.090 and except as otherwise required by federal law.~~

~~2. The exemption provided in subsection 1 extends only to that amount of equity in the property held by the claimant which does not exceed~~ [$350,000] ~~*$450,000* in value, unless allodial title has been established and not relinquished, in which case the exemption provided in subsection 1 extends to all equity in the dwelling, its appurtenances and the land on which it is located.~~

~~3. Except as otherwise provided in subsection 4, the exemption provided in subsection 1 does not extend to process to enforce the payment of obligations contracted for the purchase of the property, or for improvements made thereon, including any mechanic's lien lawfully obtained, or for legal taxes, or for:~~

~~(a) Any mortgage or deed of trust thereon executed and given, including, without limitation, any second or subsequent mortgage, mortgage obtained~~

~~through refinancing, line of credit taken against the property and a home equity loan; or~~

~~(b) Any lien to which prior consent has been given through the acceptance of property subject to any recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude, specifically including any lien in favor of an association pursuant to NRS 116.3116 or 117.070,~~

~~→ by both husband and wife, when that relation exists.~~

~~4. If allodial title has been established and not relinquished, the exemption provided in subsection 1 extends to process to enforce the payment of obligations contracted for the purchase of the property, and for improvements made thereon, including any mechanic's lien lawfully obtained, and for legal taxes levied by a state or local government, and for:~~

~~(a) Any mortgage or deed of trust thereon; and~~

~~(b) Any lien even if prior consent has been given through the acceptance of property subject to any recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude, specifically including any lien in favor of an association pursuant to NRS 116.3116 or 117.070,~~

~~→ unless a waiver for the specific obligation to which the judgment relates has been executed by all allodial titleholders of the property.~~

~~5. Establishment of allodial title does not exempt the property from forfeiture pursuant to NRS 179.1156 to 179.119, inclusive, or 207.350 to 207.520, inclusive.~~

~~6. Any declaration of homestead which has been filed before July 1, [2005,]~~ *2007*, ~~shall be deemed to have been amended on that date by extending the homestead exemption commensurate with any increase in the amount of equity held by the claimant in the property selected and claimed for the exemption up to the amount permitted by law on that date, but the increase does not impair the right of any creditor to execute upon the property when that right existed before July 1, [2005.]~~ *2007.]* **(Deleted by amendment.)**

Sec. 5. ~~[NRS 115.050 is hereby amended to read as follows:~~

~~115.050 1. Whenever execution has been issued against the property of a party claiming the property as a homestead, and the creditor in the judgment makes an oath before the judge of the district court of the county in which the property is situated [,] that the amount of equity held by the claimant in the property exceeds, to the best of the creditor's information and belief, the sum of [$350,000,]~~ *$450,000*, ~~the judge shall, upon notice to the debtor, appoint three disinterested and competent persons as appraisers to estimate and report as to the amount of equity held by the claimant in the property [,] and , if the amount of equity exceeds the sum of [$350,000,]~~ *$450,000*, ~~determine whether the property can be divided so as to leave the property subject to the homestead exemption without material injury.~~

~~2. If it appears, upon the report, to the satisfaction of the judge that the property can be thus divided, he shall order the excess to be sold under execution. If it appears that the property cannot be thus divided, and the~~

~~amount of equity held by the claimant in the property exceeds the exemption allowed by this chapter, he shall order the entire property to be sold, and out of the proceeds the sum of [$350,000] *$450,000* to be paid to the defendant in execution, and the excess to be applied to the satisfaction on the execution. No bid under [$350,000] *$450,000* may be received by the officer making the sale.~~

~~3. When the execution is against a husband or wife, the judge may direct the [$350,000] *$450,000* to be deposited in court, to be paid out only upon the joint receipt of the husband and wife, and the deposit possesses all the protection against legal process and voluntary disposition by either spouse as did the original homestead.]~~ **(Deleted by amendment.)**

Sec. 5.5. NRS 657.140 is hereby amended to read as follows:

657.140 1. Except as otherwise provided in subsection 2, a financial institution shall not include in any loan agreement a provision that allows the financial institution to recover, take, appropriate or otherwise apply as a setoff against any debt or liability owing to the financial institution under the loan agreement money from an account unrelated to the loan agreement to the extent the money is exempt from execution pursuant to paragraph ~~[(x)]~~ ***(y)*** of subsection 1 of NRS 21.090.

2. The provisions of subsection 1 do not apply to a provision in a loan agreement that specifically authorizes automatic withdrawals from an account.

3. The provisions of this section may not be varied by agreement and the rights conferred by this section may not be waived. Any provision included in an agreement that conflicts with this section is void.

4. As used in this section:

(a) "An account unrelated to the loan agreement" includes, without limitation, an account pledged as security under the loan agreement, unless the specific account pledged as security is conspicuously described in the loan agreement.

(b) "Financial institution" means an institution licensed pursuant to the provisions of this title or title 56 or chapter 645B, 645E or 649 of NRS, or a similar institution chartered or licensed pursuant to federal law.

Sec. 6. This act becomes effective on July 1, 2007.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 187.

Bill read third time.

Roll call on Senate Bill No. 187:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 187 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 228.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Senate Bill No. 228:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 228 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 298.

Bill read third time.

Roll call on Senate Bill No. 298:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 298 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 339.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Senate Bill No. 339:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 339 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 340.

Bill read third time.

Roll call on Senate Bill No. 340:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 340 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 345.

Bill read third time.

Roll call on Senate Bill No. 345:
YEAS—40.
NAYS—Cobb.
EXCUSED—Christensen.
Senate Bill No. 345 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 470.
Bill read third time.
Roll call on Senate Bill No. 470:
YEAS—39.
NAYS—Beers, Cobb—2.
EXCUSED—Christensen.
Senate Bill No. 470 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 171.
Bill read third time.
Remarks by Assemblywoman Leslie.
Potential conflict of interest declared by Assemblyman Hardy.
Roll call on Senate Bill No. 171:
YEAS—41.
NAYS—None.
EXCUSED—Christensen.
Senate Bill No. 171 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 314.
Bill read third time.
Remarks by Assemblywoman Leslie.
Roll call on Senate Bill No. 314:
YEAS—41.
NAYS—None.
EXCUSED—Christensen.
Senate Bill No. 314 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 200.
Bill read third time.
Remarks by Assemblyman Atkinson.
Roll call on Senate Bill No. 200:
YEAS—41.
NAYS—None.
EXCUSED—Christensen.

Senate Bill No. 200 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 398.

Bill read third time.

Remarks by Assemblywoman Smith.

Madam Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Senate Bill No. 398:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 398 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 483

Read third time.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 483 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 535.

Bill read third time.

Remarks by Assemblyman Kihuen.

Roll call on Senate Bill No. 535:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 535 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 242 be taken from the Chief Clerk's desk and placed at the top of the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 242.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 959.

SUMMARY— ~~[Enacts the Model Registered Agents Act.]~~ **Makes various changes concerning agents for service of process and business entities.** (BDR 7-460)

AN ACT relating to ~~[agents for service of process;]~~ **business entities;** enacting the Model Registered Agents Act; **revising the provisions relating to the maintenance of a corporation's records at its registered office; establishing provisions relating to the judgment and execution of a stockholder's stock; requiring registered agents to verify certain information concerning the entities represented in certain circumstances; prohibiting registered agents from performing financial transactions in certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain entities to appoint and maintain a resident agent who is located in this State and upon whom all legal process and any notice may be served. (NRS 14.020) This bill changes the term resident agent to registered agent and establishes two types of registered agent, which are called commercial registered agents and noncommercial registered agents.

Section 32 of this bill allows an individual or an entity to become listed as a commercial registered agent by filing with the Secretary of State a statement containing certain information. Under section 31 of this bill, when an entity files with the Secretary of State the document which creates the entity, the entity must include in that document the name of the entity's commercial registered agent, the name and address of the entity's noncommercial registered agent or the title of a position with the entity if service of process is to be sent to the person holding that position. In addition, section 31 ~~[removes the requirement]~~ **requires the entity** to file a certificate of acceptance of appointment signed by the ~~[resident]~~ **registered** agent **.** ~~[and provides that when an entity appoints a registered agent, the entity affirms that the registered agent has consented to serve as the registered agent of the entity. (NRS 14.020)]~~

Section 37 of this bill provides that any registered agent may resign from the representation of an entity by filing a statement of resignation for the entity and paying the fee required by section 29 of this bill. If a noncommercial registered agent wishes to resign from the representation of all entities, the agent must file a statement of resignation for each entity represented by the agent. However, under section 33 of this bill a commercial registered agent may resign from the representation of all entities by filing with the Secretary of State a termination statement and providing notice of the termination to each entity represented by the agent.

Existing law provides that if the name of a resident agent is changed because of certain actions, the resident agent must file a certificate with the Secretary of State and pay a $100 fee. (NRS 78.110, 80.070, 82.193, 86.235, 87.490, 88.331, 88A.540) Section 36 of this bill provides that if a commercial registered agent changes its name, address or type or jurisdiction

of organization, the agent must file with the Secretary of State a statement of change. The filing of this statement changes the registered agent information for each entity represented by the agent. Section 35 of this bill provides that if a noncommercial registered agent changes its name or address, the agent must file with the Secretary of State a statement of change for each entity represented by the agent.

Section 40.2 of this bill requires certain registered agents who represent entities that engage in business activities that are regulated pursuant to chapter 604A or 675 of NRS to verify that the entity they represent has the appropriate license from the Commissioner of Financial Institutions. In addition, section 40.2 prohibits a registered agent who represents such an entity from performing any financial transactions on behalf of the represented entity in his capacity as registered agent.

Section 40.4 of this bill authorizes the Commissioner of Financial Institutions to issue an order to a registered agent to cease and refrain from providing certain services if the represented entity does not have the required license. Section 40.4 further provides for an administrative fine of up to $1,000 against a registered agent who fails to comply with such an order.

Section 40.6 of this bill allows the Secretary of State to adopt regulations. Section 40.6 further authorizes the Secretary of State to seek to enjoin a registered agent from engaging in certain conduct.

Existing law allows certain actions with respect to entities to be filed in the district court of the county in which the office of the entity's resident agent is located. (NRS 78.345, 78.630, 82.306, 82.471, 82.486, 92A.460, 92A.490) This bill provides that these actions must be brought in the district court of the county in which the entity's principal office is located or, if the entity's principal office is not located in this State, in the district court in Carson City.

Existing law allows a court to charge the interest of a partner in a partnership or limited partnership or a member of a limited-liability company for payment of an unsatisfied judgment under certain circumstances. (NRS 86.401, 87.280, 87.4342, 88.535) Section 43.5 of this bill provides that a court may charge a stockholder's stock with payment of an unsatisfied judgment under certain circumstances.

Existing law establishes provisions relating to the maintenance of a corporation's records at its registered office. (NRS 78.105) Section 49.5 of this bill requires certain records to be maintained for a period of 3 years by a new registered agent who replaces a previous registered agent.

Existing law provides that certain benefits and property may be exempt from execution. (NRS 21.075, 21.090, 31.045) Sections 171.2-171.6 of this bill provide that stock of certain corporations may be exempt from execution under certain circumstances.

Sections 184.7, 184.9 190.7 and 190.9 of this bill specifically authorize the Commissioner of Financial Institutions to investigate the business of a registered agent who represents a person licensed pursuant to chapter 604A or 675 of NRS. (NRS 604A.710, 604A.810, 675.380 and 675.430)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 7 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 43, inclusive, of this act.

Sec. 2. ***This chapter may be cited as the Model Registered Agents Act.***

Sec. 3. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 28, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Appointment of agent" means a statement appointing an agent for service of process filed by a domestic entity that is not a filing entity or a nonqualified foreign entity under section 38 of this act.***

Sec. 5. ***"Commercial registered agent" means an individual or a domestic or foreign entity listed under section 32 of this act.***

Sec. 6. ***"Domestic entity" means an entity whose internal affairs are governed by the law of this State.***

Sec. 7. ***"Entity" means a person that has a separate legal existence or has the power to acquire an interest in real property in its own name other than:***

1. An individual;

2. A testamentary, inter vivos or charitable trust, with the exception of a business trust, statutory trust or similar trust;

3. An association or relationship that is not a partnership by reason of NRS 87.070, subsection 3 of NRS 87.4322 or similar provisions of the law of any other jurisdiction;

4. A decedent's estate; or

5. A public corporation, government or governmental subdivision, agency or instrumentality or a quasi-governmental instrumentality.

Sec. 8. ***"Filing entity" means an entity that is created by the filing of a public organic document.***

Sec. 9. ***"Foreign entity" means an entity other than a domestic entity.***

Sec. 10. ***"Foreign qualification document" means an application for a certificate of authority or other foreign qualification filing with the Secretary of State by a foreign entity.***

Sec. 11. ***"Governor" means a person by or under whose authority the powers of an entity are exercised and under whose direction the business and affairs of the entity are managed pursuant to the organic law and organic rules of the entity.***

Sec. 12. ***1. "Interest" means:***

(a) A governance interest in an unincorporated entity;

(b) A transferable interest in an unincorporated entity; or

(c) A share or membership in a corporation.

2. As used in this section:

(a) "Governance interest" means the right under the organic law or organic rules of an entity, other than as a governor, agent, assignee or proxy, to:

(1) Receive or demand access to information concerning, or the books and records of, the entity;

(2) Vote for the election of the governors of the entity; or

(3) Receive notice of or vote on any or all issues involving the internal affairs of the entity.

(b) "Transferable interest" means the right under an entity's organic law to receive distributions from the entity.

Sec. 13. ***"Interest holder" means a direct holder of an interest.***

Sec. 14. ***"Jurisdiction of organization," with respect to an entity, means the jurisdiction whose law includes the organic law of the entity.***

Sec. 15. ***"Noncommercial registered agent" means a person that is not listed as a commercial registered agent under section*** ~~32~~ ***of this act and that is:***

1. An individual or a domestic or foreign entity that serves in this State as the agent for service of process of an entity; or

2. The individual who holds the office or other position in an entity that is designated as the agent for service of process pursuant to subparagraph (2) of paragraph (b) of subsection 1 of section ~~31~~ ***of this act.***

Sec. 16. ***"Nonqualified foreign entity" means a foreign entity that is not authorized to transact business in this State pursuant to a filing with the Secretary of State.***

Sec. 17. ***"Nonresident LLP statement" means:***

1. A certificate of registration of a domestic registered limited-liability partnership that does not have an office in this State; or

2. The foreign qualification filing of a foreign registered limited-liability partnership that does not have an office in this State.

Sec. 18. ***"Organic law" means the statutes, if any, other than this chapter, governing the internal affairs of an entity.***

Sec. 19. ***"Organic rules" means the public organic document and private organic rules of an entity. As used in this section, "private organic rules" means the rules, whether or not in a record, that govern the internal affairs of an entity, are binding on all of its interest holders and are not part of its public organic document, if any.***

Sec. 20. ***"Person" means an individual, corporation, estate, trust, partnership, limited-liability company, business or similar trust, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality, or any other legal or commercial entity.***

Sec. 21. ***"Public organic document" means the public record the filing of which creates an entity, and any amendment to or restatement of that record.***

Sec. 22. ***"Qualified foreign entity" means a foreign entity that is authorized to transact business in this State pursuant to a filing with the Secretary of State.***

Sec. 23. ***"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.***

Sec. 24. ***"Registered agent" means a commercial registered agent or a noncommercial registered agent.***

Sec. 25. ***"Registered agent filing" means:***

1. The public organic document of a domestic filing entity;

2. A nonresident LLP statement;

3. A foreign qualification document;

4. An appointment of agent; or

5. Any other filing with the Secretary of State under an entity's organic law that must include the information required ~~[by subsection 1 of]~~ pursuant to section 31 of this act.

Sec. 26. ***"Represented entity" means:***

1. A domestic filing entity;

2. A domestic or qualified foreign limited-liability partnership that does not have an office in this State;

3. A qualified foreign entity;

4. A domestic or foreign unincorporated nonprofit association for which an appointment of agent has been filed;

5. A domestic entity that is not a filing entity for which an appointment of agent has been filed; or

6. A nonqualified foreign entity for which an appointment of agent has been filed.

Sec. 27. ***"Sign" means, with present intent to authenticate or adopt a record:***

1. To execute or adopt a tangible symbol; or

2. To attach to or logically associate with the record an electronic sound, symbol or process.

Sec. 28. ***"Type," with respect to an entity, means a generic form of entity:***

1. Recognized at common law; or

2. Organized under an organic law, whether or not some entities organized under that organic law are subject to provisions of that law that create different categories of the form of entity.

Sec. 29. ***1. The Secretary of State shall collect the following fees when a filing is made under this chapter:***

(a) For a commercial registered agent listing statement, $75.

(b) For a commercial registered agent termination statement, $100.

(c) For a statement of change, $60.

(d) For a statement of resignation, $100 for the first entity listed on the statement of resignation and $1 for each additional entity listed on the statement of resignation.

(e) For a statement appointing an agent for service of process, $60.

2. The Secretary of State shall collect the following fees for copying and certifying a copy of any document filed under this chapter:

(a) For copying any document, $2 per page.

(b) For certifying a copy of any document, $30.

Sec. 29.5. ***1. Each record filed with the Secretary of State pursuant to this chapter must be on or accompanied by a form prescribed by the Secretary of State.***

2. The Secretary of State may refuse to file a record which does not comply with subsection 1 or which does not contain all of the information required by statute for filing the record.

3. If the provisions on the form prescribed by the Secretary of State conflict with the provisions of any record that is submitted for filing with the form:

(a) The provisions of the form control for all purposes with respect to information that is required by statute to appear in the record in order for the record to be filed; and

(b) Unless otherwise provided in the record, the provisions of the record control in every other situation.

4. The Secretary of State may by regulation provide for the electronic filing of records with the Office of the Secretary of State.

Sec. 30. ***Whenever a provision of this chapter other than paragraph (d) of subsection 1 of section 37 of this act requires that a filing state an address, the filing must state:***

1. An actual street address or rural route box number in this State; and

2. A mailing address in this State, if different from the address under subsection 1.

Sec. 31. ***1. A registered agent filing must state:***

(a) The name of the represented entity's commercial registered agent; or

(b) If the entity does not have a commercial registered agent:

(1) The name and address of the entity's noncommercial registered agent; or

(2) The title of an office or other position with the entity if service of process is to be sent to the person holding that office or position, and the address of the business office of that person.

2. The appointment of a registered agent pursuant to paragraph (a) or (b) of subsection 1 ~~*[is an affirmation by the represented entity that the agent has consented to serve as such.]*~~ ***must be accompanied by a certificate of acceptance of the appointment by the registered agent.***

Sec. 32. ***1. An individual or a domestic or foreign entity may become listed as a commercial registered agent by filing with the Secretary of State***

a commercial registered agent listing statement signed by or on behalf of the person which states:

(a) The name of the individual or the name, type and jurisdiction of organization of the entity;

(b) That the person is in the business of serving as a commercial registered agent in this State; and

(c) The address of a place of business of the person in this State to which service of process and other notice and documents being served on or sent to entities represented by it may be delivered.

2. If the name of a person filing a commercial registered agent listing statement is not distinguishable on the records of the Secretary of State from the name of another commercial registered agent listed under this section, the person must adopt a fictitious name that is distinguishable and use that name in its statement and when it does business in this State as a commercial registered agent. For the purposes of this subsection, a proposed name is not distinguishable from another name solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name or any combination of these. The Secretary of State may adopt regulations that interpret the requirements of this subsection.

3. A commercial registered agent listing statement takes effect on filing.

4. The Secretary of State shall note the filing of the commercial registered agent listing statement in the index of filings maintained by the Secretary of State for each entity represented by the registered agent at the time of the filing. The statement has the effect of deleting the address of the registered agent from the registered agent filing of each of those entities.

Sec. 33. ***1. A commercial registered agent may terminate its listing as a commercial registered agent by filing with the Secretary of State a commercial registered agent termination statement signed by or on behalf of the agent which states:***

(a) The name of the agent as currently listed under section 32 of this act; and

(b) That the agent is no longer in the business of serving as a commercial registered agent in this State.

2. A commercial registered agent termination statement takes effect on the 31st day after the day on which it is filed.

3. The commercial registered agent shall promptly furnish each entity represented by it with notice in a record of the filing of the commercial registered agent termination statement.

4. When a commercial registered agent termination statement takes effect, the registered agent ceases to be an agent for service of process on each entity formerly represented by it. Termination of the listing of a commercial registered agent under this section does not affect any

contractual rights a represented entity may have against the agent or that the agent may have against the entity.

Sec. 34. ***1. A represented entity may change the information currently on file ~~[under subsection 1 of]~~ pursuant to section 31 of this act by filing with the Secretary of State a statement of change signed on behalf of the entity which states:***

(a) The name of the entity; and

(b) The information that is to be in effect as a result of the filing of the statement of change.

2. The interest holders or governors of a domestic entity need not approve the filing of:

(a) A statement of change under this section; or

(b) A similar filing changing the registered agent or registered office of the entity in any other jurisdiction.

3. ~~[The appointment of a registered agent pursuant to subsection 1 is an affirmation by the represented entity that the agent has consented to serve as such.]~~ If a filing made pursuant to subsection 1 results in a change of the registered agent of the represented entity, the filing must include the information required pursuant to section 31 of this act.

4. A statement of change filed under this section takes effect on filing.

5. Instead of using the procedures in this section, a represented entity may change the information currently on file under ~~[subsection 1 of]~~ section 31 of this act by amending its most recent registered agent filing in the manner provided by the laws of this State other than this chapter for amending that filing.

Sec. 35. ***1. If a noncommercial registered agent changes its name or its address as currently in effect with respect to a represented entity pursuant to ~~[subsection 1 of]~~ section 31 of this act, the agent shall file with the Secretary of State, with respect to each entity represented by the agent, a statement of change signed by or on behalf of the agent which states:***

(a) The name of the entity;

(b) The name and address of the agent as currently in effect with respect to the entity;

(c) If the name of the agent has changed, its new name; and

(d) If the address of the agent has changed, the new address.

2. A statement of change filed under this section takes effect on filing.

3. A noncommercial registered agent shall promptly furnish the represented entity with notice in a record of the filing of a statement of change and the changes made by the filing.

Sec. 36. ***1. If a commercial registered agent changes its name, its address as currently listed under subsection 1 of section 32 of this act or its type or jurisdiction of organization, the agent shall file with the Secretary of State a statement of change signed by or on behalf of the agent which states:***

(a) The name of the agent as currently listed under subsection 1 of section 32 of this act;

(b) If the name of the agent has changed, its new name;

(c) If the address of the agent has changed, the new address; and

(d) If the type or jurisdiction of organization of the agent has changed, the new type or jurisdiction of organization.

2. The filing of a statement of change under subsection 1 is effective to change the information regarding the commercial registered agent with respect to each entity represented by the agent.

3. A statement of change filed under this section takes effect on filing.

4. A commercial registered agent shall promptly furnish each entity represented by it with notice in a record of the filing of a statement of change relating to the name or address of the agent and the changes made by the filing.

5. If a commercial registered agent changes its address without filing a statement of change as required by this section, the Secretary of State may cancel the listing of the agent under section 32 of this act. A cancellation under this subsection has the same effect as a termination under section 33 of this act. Promptly after cancelling the listing of an agent, the Secretary of State shall serve notice in a record on the:

(a) Governors of each entity represented by the agent, stating that the agent has ceased to be an agent for service of process on the entity and that, until the entity appoints a new registered agent, service of process may be made in the manner provided by NRS 14.030; and

(b) Agent, stating that the listing of the agent has been cancelled under this section.

Sec. 37. ***1. A registered agent may resign at any time with respect to a represented entity by filing with the Secretary of State a statement of resignation signed by or on behalf of the agent which states:***

(a) The name of the entity;

(b) The name of the agent;

(c) That the agent resigns from serving as agent for service of process for the entity; and

(d) The name and address of the person to which the agent will send the notice required by subsection 3.

2. A statement of resignation takes effect on the earlier of the 31st day after the day on which it is filed or the appointment of a new registered agent for the represented entity.

3. The registered agent shall promptly furnish the represented entity with notice in a record of the date on which a statement of resignation was filed.

4. When a statement of resignation takes effect, the registered agent ceases to have responsibility for any matter tendered to it as agent for the represented entity. A resignation under this section does not affect any

contractual rights the entity may have against the agent or that the agent may have against the entity.

5. A registered agent may resign with respect to a represented entity whether or not the entity is in good standing.

Sec. 38. ***1. A domestic entity that is not a filing entity or a nonqualified foreign entity may file with the Secretary of State a statement appointing an agent for service of process signed on behalf of the entity which*** ~~*[states:]*~~ ***includes, without limitation:***

(a) The name, type and jurisdiction of organization of the entity; and

(b) The information required ~~*[by subsection 1 of]*~~ ***pursuant to section 31*** ~~*[.]*~~ ***of this act.***

2. A statement appointing an agent for service of process takes effect on filing.

3. The appointment of a registered agent under this section does not qualify a nonqualified foreign entity to do business in this State and is not sufficient alone to create personal jurisdiction over the nonqualified foreign entity in this State.

4. A statement appointing an agent for service of process may not be rejected for filing because the name of the entity filing the statement is not distinguishable on the records of the Secretary of State from the name of another entity appearing in those records. The filing of a statement appointing an agent for service of process does not make the name of the entity filing the statement unavailable for use by another entity.

5. An entity that has filed a statement appointing an agent for service of process may cancel the statement by filing a statement of cancellation, which shall take effect upon filing, and must state the name of the entity and that the entity is cancelling its appointment of an agent for service of process in this State. A statement appointing an agent for service of process, which has not been cancelled earlier, is effective for a period of 5 years after the date of filing.

6. A statement appointing an agent for service of process for a nonqualified foreign entity terminates automatically on the date the entity becomes a qualified foreign entity.

Sec. 39. ***A registered agent is an agent of the represented entity authorized to receive service of any process, notice or demand required or permitted by law to be served on the entity.***

Sec. 40. ***The only duties under this chapter required of a registered agent who has complied with this chapter are:***

1. To forward to the represented entity at the address most recently supplied to the agent by the entity any process, notice or demand that is served on the agent;

2. To provide the notices required by this chapter to the entity at the address most recently supplied to the agent by the entity;

3. If the agent is a noncommercial registered agent, to keep current the information required ~~[by subsection 1 of]~~ pursuant to section 31 of this act in the most recent registered agent filing for the entity; and

4. If the agent is a commercial registered agent, to keep current the information listed for it under subsection 1 of section 32 of this act.

Sec. 40.2. 1. If a registered agent knows or reasonably should know that the entity for which he is the registered agent engages in any business activity that is regulated pursuant to chapter 604A or 675 of NRS and the registered agent or a subsidiary or affiliate of the registered agent performs any service for the represented entity other than:

(a) Delivering documents for filing to state or local governmental entities;

(b) Forwarding unopened mail;

(c) Any service described in section 40 of this act;

(d) Accounting services incidental to the formation of the entity for which he serves as registered agent provided in accordance with chapter 628 of NRS; or

(e) Legal services incidental to the formation of the entity for which he serves as registered agent if he is an attorney who is licensed to practice law in this State or performs such services under the supervision of an attorney who is licensed to practice law in this State,

➥ the registered agent shall verify with the Division of Financial Institutions of the Department of Business and Industry that the person is licensed pursuant to chapter 604A or 675 of NRS, as applicable.

2. If a registered agent determines pursuant to subsection 1 that the represented entity is not licensed as required pursuant to chapter 604A or 675 of NRS, the registered agent shall notify the Commissioner of Financial Institutions.

3. A registered agent who accepts an appointment to act as the registered agent for a represented entity whom the registered agent knows or reasonably should know engages in business activities which are regulated pursuant to chapter 604A or 675 of NRS shall not perform any financial transactions on behalf of the represented entity in his capacity as registered agent.

Sec. 40.4. 1. If the Commissioner of Financial Institutions determines, after investigation, that a represented entity of a registered agent has failed to comply with the provisions of chapter 604A or 675 of NRS, the Commissioner may issue an order to the registered agent to cease and refrain from providing all services for the represented entity other than those services set forth in section 40 of this act.

2. A registered agent who receives an order pursuant to subsection 1 shall immediately notify the represented entity. The represented entity shall be deemed to have received the order on the date that it is received by the registered agent.

3. Any contract between a registered agent, its subsidiary or affiliate and the represented entity entered into on or after July 1, 2007, shall be deemed to include a provision that provides for the termination of the contract or agreement without liability to the registered agent, its subsidiary or affiliate, upon the issuance of an order issued pursuant to this section, except for any agreement for the provision of the services set forth in section 40 of this act. Any provision of a contract which conflicts with this subsection is void. Failure to include such a provision in a contract is not a defense in an action brought to enforce or terminate the contract.

4. An order issued pursuant to subsection 1 is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS. A registered agent shall comply with any such order pending judicial review.

5. If the Commissioner of Financial Institutions finds that a registered agent has failed to comply with an order issued pursuant to this section, the Commissioner may impose an administrative fine of not more than $1,000 upon the registered agent. Any fine collected pursuant to this section must be deposited with the State Treasurer for credit to the State General Fund.

Sec. 40.6. 1. The Secretary of State may adopt such regulations as he deems necessary to carry out and ensure compliance with the provisions of this chapter and any other provision of law which governs the conduct of registered agents.

2. Upon application of the Secretary of State, the district court may enjoin any person from serving as a registered agent or as an officer, director or managing agent of a registered agent if the court finds that:

(a) The registered agent failed to comply with any provision of law governing the conduct of registered agents after reasonable notice and an opportunity to correct the failure; or

(b) The registered agent engaged in conduct in his capacity as registered agent that was intended to deceive or defraud the public or to promote illegal activities.

Sec. 41. ***The appointment or maintenance in this State of a registered agent does not by itself create the basis for personal jurisdiction over the represented entity in this State. The address of the agent does not determine venue in an action or proceeding involving the entity.***

Sec. 42. ***In applying and construing this chapter, consideration must be given to the need to promote consistency of the law with respect to its subject matter among states that enact it.***

Sec. 43. ***This chapter modifies, limits and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., but does not modify, limit or supersede Section 101(c) of that Act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that Act, 15 U.S.C. § 7003(b).***

Sec. 43.5. **Chapter 78 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. On application to a court of competent jurisdiction by a judgment creditor of a stockholder, the court may charge the stockholder's stock with payment of the unsatisfied amount of the judgment with interest. To the extent so charged, the judgment creditor has only the rights of an assignee of the stockholder's stock.

2. This section:

(a) Applies only to a corporation that:

(1) Has more than 1 but fewer than 75 stockholders of record at any time.

(2) Is not a subsidiary of a publicly traded corporation, either in whole or in part.

(3) Is not a professional corporation, as defined in NRS 89.020.

(b) Does not apply to any liability of a stockholder that exists as the result of an action filed before July 1, 2007.

(c) Provides the exclusive remedy by which a judgment creditor of a stockholder or an assignee of a stockholder may satisfy a judgment out of the stockholder's stock of the corporation.

(d) Does not deprive any stockholder of the benefit of any exemption applicable to the stockholder's stock.

(e) Does not supersede any private agreement between a stockholder and a creditor.

Sec. 44. NRS 78.010 is hereby amended to read as follows:

78.010 1. As used in this chapter:

(a) "Approval" and "vote" as describing action by the directors or stockholders mean the vote of directors in person or by written consent or of stockholders in person, by proxy or by written consent.

(b) "Articles," "articles of incorporation" and "certificate of incorporation" are synonymous terms and, unless the context otherwise requires, include all certificates filed pursuant to NRS 78.030, 78.180, 78.185, 78.1955, 78.209, 78.380, 78.385, 78.390, 78.725 and 78.730 and any articles of merger, conversion, exchange or domestication filed pursuant to NRS 92A.200 to 92A.240, inclusive, or 92A.270. Unless the context otherwise requires, these terms include restated articles and certificates of incorporation.

(c) "Directors" and "trustees" are synonymous terms.

(d) ***"Principal office" means the office, in or out of this State, where the principal executive offices of a domestic or foreign corporation are located.***

(e) "Receiver" includes receivers and trustees appointed by a court as provided in this chapter or in chapter 32 of NRS.

[(e)] ***(f)*** "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

~~[(f)]~~ ***(g) "Registered agent" has the meaning ascribed to it in section 24 of this act.***

(h) "Registered office" means the office maintained at the street address of the ~~[resident agent.~~

~~(g) "Resident agent" means the agent appointed by the corporation upon whom process or a notice or demand authorized by law to be served upon the corporation may be served.~~

~~(h)]~~ ***registered agent.***

(i) "Sign" means to affix a signature to a record.

~~[(i)]~~ ***(j)*** "Signature" means a name, word, symbol or mark executed or otherwise adopted, or a record encrypted or similarly processed in whole or in part, by a person with the present intent to identify himself and adopt or accept a record. The term includes, without limitation, an electronic signature as defined in NRS 719.100.

~~[(j)]~~ ***(k)*** "Stockholder of record" means a person whose name appears on the stock ledger of the corporation.

~~[(k)]~~ ***(l)*** "Street address" of a ~~[resident]~~ ***registered*** agent means the actual physical location in this State at which a ~~[resident]~~ ***registered*** agent is available for service of process.

2. General terms and powers given in this chapter are not restricted by the use of special terms, or by any grant of special powers contained in this chapter.

Sec. 45. NRS 78.030 is hereby amended to read as follows:

78.030 1. One or more persons may establish a corporation for the transaction of any lawful business, or to promote or conduct any legitimate object or purpose, pursuant and subject to the requirements of this chapter, by ~~[:~~

~~(a) Signing]~~ ***signing*** and filing in the Office of the Secretary of State articles of incorporation **.** ~~[; and~~

~~(b) Filing a certificate of acceptance of appointment, signed by the resident agent of the corporation, in the Office of the Secretary of State.]~~

2. The articles of incorporation must be as provided in NRS 78.035, and the Secretary of State shall require them to be in the form prescribed. If any articles are defective in this respect, the Secretary of State shall return them for correction.

Sec. 46. NRS 78.035 is hereby amended to read as follows:

78.035 The articles of incorporation must set forth:

1. The name of the corporation. A name appearing to be that of a natural person and containing a given name or initials must not be used as a corporate name except with an additional word or words such as "Incorporated," "Limited," "Inc.," "Ltd.," "Company," "Co.," "Corporation," "Corp.," or other word which identifies it as not being a natural person.

2. The ~~[name of the person designated as the corporation's resident agent, the street address of the resident agent where process may be served upon the corporation, and the mailing address of the resident agent if different from the street address.]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act.***

3. The number of shares the corporation is authorized to issue and, if more than one class or series of stock is authorized, the classes, the series and the number of shares of each class or series which the corporation is authorized to issue, unless the articles authorize the board of directors to fix and determine in a resolution the classes, series and numbers of each class or series as provided in NRS 78.195 and 78.196.

4. The names and addresses, either residence or business, of the first board of directors or trustees, together with any desired provisions relative to the right to change the number of directors as provided in NRS 78.115.

5. The name and address, either residence or business, of each of the incorporators signing the articles of incorporation.

Sec. 47. NRS 78.050 is hereby amended to read as follows:

78.050 1. Upon the filing of the articles of incorporation ~~[and the certificate of acceptance]~~ pursuant to NRS 78.030 ~~[,]~~ and the payment of the filing fees, the Secretary of State shall issue to the corporation a certificate that the articles, containing the required statement of facts, have been filed. From the date the articles are filed, the corporation is a body corporate, by the name set forth in the articles of incorporation, subject to the forfeiture of its charter or dissolution as provided in this chapter.

2. Neither an incorporator nor a director designated in the articles of incorporation thereby becomes a subscriber or stockholder of the corporation.

3. The filing of the articles of incorporation does not, by itself, constitute commencement of business by the corporation.

Sec. 48. NRS 78.090 is hereby amended to read as follows:

78.090 1. ~~[Except during any period of vacancy described in NRS 78.097, every]~~ ***Every*** corporation must have a ~~[resident]~~ ***registered*** agent who resides or is located in this State. ~~[Every resident]~~ ***Notwithstanding the provisions of section 30 of this act, each registered*** agent must have a street address for ~~[the]~~ ***receiving*** service of process, ~~[and]~~ ***which is the registered office of the corporation in this State. If the registered agent is in the business of acting as a registered agent for more than one business entity, the physical street address of the registered office must be in a location for which such use is not prohibited by any local ordinance. The registered agent*** may have a separate mailing address such as a post office box, which may be different from the street address. ~~[The street address of the resident agent is the registered office of the corporation in this State.]~~

2. If the ~~[resident]~~ ***registered*** agent is a bank or corporation, it may:

(a) Act as the fiscal or transfer agent of any state, municipality, body politic or corporation and in that capacity may receive and disburse money.

(b) Transfer, register and countersign certificates of stock, bonds or other evidences of indebtedness and act as agent of any corporation, foreign or domestic, for any purpose required by statute, or otherwise.

(c) Act as trustee under any mortgage or bond issued by any municipality, body politic or corporation, and accept and execute any other municipal or corporate trust not inconsistent with the laws of this State.

(d) Receive and manage any sinking fund of any corporation, upon such terms as may be agreed upon between the corporation and those dealing with it.

3. Every corporation organized pursuant to this chapter which fails or refuses to comply with the requirements of this section is subject to a fine of not less than $100 nor more than $500, to be recovered with costs by the State, before any court of competent jurisdiction, by action at law prosecuted by the Attorney General or by the district attorney of the county in which the action or proceeding to recover the fine is prosecuted.

4. All legal process and any demand or notice authorized by law to be served upon a corporation may be served upon the ~~[resident]~~ ***registered*** agent of the corporation in the manner provided in subsection 2 of NRS 14.020. If any demand, notice or legal process, other than a summons and complaint, cannot be served upon the ~~[resident]~~ ***registered*** agent, it may be served in the manner provided in NRS 14.030. These manners and modes of service are in addition to any other service authorized by law.

Sec. 49. NRS 78.097 is hereby amended to read as follows:

78.097 1. ~~[A resident agent who desires to resign shall file with the Secretary of State a signed statement, on a form provided by the Secretary of State, for each artificial person formed, organized, registered or qualified pursuant to the provisions of this title that he is unwilling to continue to act as the resident agent of the artificial person for the service of process. The fee for filing a statement of resignation is $100 for the first artificial person for whom the resident agent is unwilling to continue to act as the agent and $1 for each additional artificial person listed on the statement of resignation. A resignation is not effective until the signed statement is filed with the Secretary of State.~~

~~2. The statement of resignation may contain a statement of the affected corporation appointing a successor resident agent for that corporation. A certificate of acceptance signed by the new resident agent, stating the full name, complete street address and, if different from the street address, mailing address of the new resident agent, must accompany the statement appointing a successor resident agent.~~

~~3. Upon the filing of the statement of resignation with the Secretary of State the capacity of the resigning person as resident agent terminates. If the statement of resignation contains no statement by the corporation appointing a successor resident agent, the resigning resident agent shall immediately give written notice, by mail, to the corporation of the filing of the statement and its effect. The notice must be addressed to any officer of the corporation other than the resident agent.~~

~~4.]~~ If a ~~[resident agent dies, resigns or removes from the State,]~~ ***registered agent resigns pursuant to section 37 of this act or if a commercial registered agent terminates its listing as a commercial registered agent pursuant to section 33 of this act,*** the corporation, ~~[within 30 days thereafter,]~~ ***before the effective date of the resignation or***

termination, shall file with the Secretary of State a ~~[certificate of acceptance signed by the new resident agent. The certificate must set forth the full name and complete street address of the new resident agent for the service of process, and may have a separate mailing address, such as a post office box, which may be different from the street address.~~

~~5.]~~ ***statement of change of registered agent pursuant to section 34 of this act.***

2. A corporation that fails to ~~[file a certificate of acceptance signed by the new resident agent within 30 days after the death, resignation or removal of its former resident agent]~~ ***comply with subsection 1*** shall be deemed in default and is subject to the provisions of NRS 78.170 and 78.175.

3. As used in this section, "commercial registered agent" has the meaning ascribed to it in section 5 of this act.

Sec. 49.5. **NRS 78.105 is hereby amended to read as follows:**

78.105 1. A corporation shall keep a copy of the following records at its registered office:

(a) A copy certified by the Secretary of State of its articles of incorporation, and all amendments thereto;

(b) A copy certified by an officer of the corporation of its bylaws and all amendments thereto; and

(c) A stock ledger or a duplicate stock ledger, revised annually, containing the names, alphabetically arranged, of all persons who are stockholders of the corporation, showing their places of residence, if known, and the number of shares held by them respectively. In lieu of the stock ledger or duplicate stock ledger, the corporation may keep a statement setting out the name of the custodian of the stock ledger or duplicate stock ledger, and the present and complete mailing or street address where the stock ledger or duplicate stock ledger specified in this section is kept.

2. ***A stock ledger, duplicate stock ledger or statement setting out the name of the custodian of the stock ledger or duplicate stock ledger described in paragraph (c) of subsection 1 must be maintained by the registered agent of the corporation for 3 years following the resignation or termination of the registered agent or the dissolution of the corporation by the Secretary of State.***

3. Any person who has been a stockholder of record of a corporation for at least 6 months immediately preceding his demand, or any person holding, or thereunto authorized in writing by the holders of, at least 5 percent of all of its outstanding shares, upon at least 5 days' written demand is entitled to inspect in person or by agent or attorney, during usual business hours, the records required by subsection 1 and make copies therefrom. Holders of voting trust certificates representing shares of the corporation must be regarded as stockholders for the purpose of this subsection. Every corporation that neglects or refuses to keep the records required by subsection 1 open for inspection, as required in this subsection, shall forfeit to the State the sum of $25 for every day of such neglect or refusal.

~~[3.]~~ ***4.*** If any corporation willfully neglects or refuses to make any proper entry in the stock ledger or duplicate copy thereof, or neglects or refuses to permit an inspection of the records required by subsection 1 upon demand by a person entitled to inspect them, or refuses to permit copies to be made therefrom, as provided in subsection ~~[2,]~~ ***3,*** the corporation is liable to the person injured for all damages resulting to him therefrom.

~~[4.]~~ ***5.*** When the corporation keeps a statement in the manner provided for in paragraph (c) of subsection 1, the information contained thereon must be given to any stockholder of the corporation demanding the information, when the demand is made during business hours. Every corporation that neglects or refuses to keep a statement available, as in this subsection required, shall forfeit to the State the sum of $25 for every day of such neglect or refusal.

~~[5.]~~ ***6.*** In every instance where an attorney or other agent of the stockholder seeks the right of inspection, the demand must be accompanied by a power of attorney signed by the stockholder authorizing the attorney or other agent to inspect on behalf of the stockholder.

~~[6.]~~ ***7.*** The right to copy records under subsection ~~[2]~~ ***3*** includes, if reasonable, the right to make copies by photographic, xerographic or other means.

~~[7.]~~ ***8.*** The corporation may impose a reasonable charge to recover the costs of labor and materials and the cost of copies of any records provided to the stockholder.

Sec. 50. NRS 78.150 is hereby amended to read as follows:

78.150 1. A corporation organized pursuant to the laws of this State shall, on or before the last day of the first month after the filing of its articles of incorporation with the Secretary of State, file with the Secretary of State a list, on a form furnished by him, containing:

(a) The name of the corporation;

(b) The file number of the corporation, if known;

(c) The names and titles of the president, secretary and treasurer, or the equivalent thereof, and of all the directors of the corporation;

(d) The address, either residence or business, of each officer and director listed, following the name of the officer or director;

(e) The ~~[name and address of the lawfully designated resident agent of the corporation in this State;]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;*** and

(f) The signature of an officer of the corporation certifying that the list is true, complete and accurate.

2. The corporation shall annually thereafter, on or before the last day of the month in which the anniversary date of incorporation occurs in each year, file with the Secretary of State, on a form furnished by him, an annual list containing all of the information required in subsection 1.

3. Each list required by subsection 1 or 2 must be accompanied by:

(a) A declaration under penalty of perjury that the corporation:

(1) Has complied with the provisions of NRS 360.780; and

(2) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State.

(b) A statement as to whether the corporation is a publicly traded company. If the corporation is a publicly traded company, the corporation must list its Central Index Key. The Secretary of State shall include on his Internet website the Central Index Key of a corporation provided pursuant to this paragraph and instructions describing the manner in which a member of the public may obtain information concerning the corporation from the Securities and Exchange Commission.

4. Upon filing the list required by:

(a) Subsection 1, the corporation shall pay to the Secretary of State a fee of $125.

(b) Subsection 2, the corporation shall pay to the Secretary of State, if the amount represented by the total number of shares provided for in the articles is:

$75,000 or less	$125
Over $75,000 and not over $200,000	175
Over $200,000 and not over $500,000	275
Over $500,000 and not over $1,000,000	$375
Over $1,000,000:	
For the first $1,000,000	375
For each additional $500,000 or fraction thereof	275

➥ The maximum fee which may be charged pursuant to paragraph (b) for filing the annual list is $11,100.

5. If a director or officer of a corporation resigns and the resignation is not reflected on the annual or amended list of directors and officers, the corporation or the resigning director or officer shall pay to the Secretary of State a fee of $75 to file the resignation.

6. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 2, cause to be mailed to each corporation which is required to comply with the provisions of NRS 78.150 to 78.185, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 4 and a reminder to file the annual list required by subsection 2. Failure of any corporation to receive a notice or form does not excuse it from the penalty imposed by law.

7. If the list to be filed pursuant to the provisions of subsection 1 or 2 is defective in any respect or the fee required by subsection 4 is not paid, the Secretary of State may return the list for correction or payment.

8. An annual list for a corporation not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and must be accompanied by the appropriate fee as provided in subsection 4 for filing. A payment submitted

pursuant to this subsection does not satisfy the requirements of subsection 2 for the year to which the due date is applicable.

Sec. 51. NRS 78.175 is hereby amended to read as follows:

78.175 1. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each corporation deemed in default pursuant to NRS 78.170. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

2. On the first day of the first anniversary of the month following the month in which the filing was required, the charter of the corporation is revoked and its right to transact business is forfeited.

3. The Secretary of State shall compile a complete list containing the names of all corporations whose right to transact business has been forfeited.

4. The Secretary of State shall forthwith notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each corporation specified in subsection 3 of the forfeiture of its charter. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

5. If the charter of a corporation is revoked and the right to transact business is forfeited as provided in subsection 2, all the property and assets of the defaulting domestic corporation must be held in trust by the directors of the corporation as for insolvent corporations, and the same proceedings may be had with respect thereto as are applicable to insolvent corporations. Any person interested may institute proceedings at any time after a forfeiture has been declared, but, if the Secretary of State reinstates the charter, the proceedings must at once be dismissed and all property restored to the officers of the corporation.

6. Where the assets are distributed, they must be applied in the following manner:

(a) To the payment of the filing fee, penalties incurred and costs due the State;

(b) To the payment of the creditors of the corporation; and

(c) Any balance remaining, to distribution among the stockholders.

Sec. 52. NRS 78.180 is hereby amended to read as follows:

78.180 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a corporation which has forfeited or which forfeits its right to transact business pursuant to the provisions of this chapter and shall restore to the corporation its right to carry on business in this State, and to exercise its corporate privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 78.150; ~~***[and]***~~

(2) The statement required by NRS 78.153, if applicable; and

(3) ~~[A certificate of acceptance of appointment signed by its resident agent;]~~ ***The information required pursuant to section 31 of this act;*** and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 78.150 and 78.170 for each year or portion thereof during which it failed to file each required annual list in a timely manner;

(2) The fee set forth in NRS 78.153, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the corporation, he shall issue to the corporation a certificate of reinstatement if the corporation:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to subsection ~~[8]~~ ***7*** of NRS 78.785.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the charter occurred only by reason of failure to pay the fees and penalties.

4. If a corporate charter has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 consecutive years, the charter must not be reinstated.

Sec. 53. NRS 78.275 is hereby amended to read as follows:

78.275 1. The directors may at such times and in such amount, as they may from time to time deem the interest of the corporation to require, levy and collect assessments upon the assessable stock of the corporation in the manner provided in this section.

2. Notice of each assessment must be given to the stockholders personally, or by publication once a week for at least 4 weeks, in some newspaper published in the county in which the ~~[registered office or place of business]~~ ***principal office*** of the corporation is located ~~[,]~~ ***or, if the principal office of the corporation is not located in this State, in Carson City,*** and in a newspaper published in the county wherein the property of the corporation is situated if in this State **.** ~~[, and if no paper is published in either of those counties, then the newspaper published nearest to the registered office in the State.]~~

3. If **,** after the notice has been given, any stockholder defaults in the payment of the assessment upon the shares held by him, so many of those shares may be sold as will be necessary for the payment of the assessment upon all the shares held by him, together with all costs of advertising and expenses of sale. The sale of the shares must be made at the office of the corporation at public auction to the highest bidder, after a notice thereof published for 4 weeks as directed in this section, and a copy of the notice mailed to each delinquent stockholder if his address is known 4 weeks before the sale. At the sale the person who offers to pay the assessment so due, together with the expenses of advertising and sale, for the smallest number of shares, or portion of a share, as the case may be, shall be deemed the highest bidder.

Sec. 54. NRS 78.345 is hereby amended to read as follows:

78.345 1. If any corporation fails to elect directors within 18 months after the last election of directors required by NRS 78.330, the district court has jurisdiction in equity, upon application of any one or more stockholders holding stock entitling them to exercise at least 15 percent of the voting power, to order the election of directors in the manner required by NRS 78.330.

2. The application must be made by petition filed in the county where the ~~[registered]~~ ***principal*** office of the corporation is located ***or, if the principal office is not located in this State, in Carson City,*** and must be brought on behalf of all stockholders desiring to be joined therein. Such notice must be given to the corporation and the stockholders as the court may direct.

3. The directors elected pursuant to this section have the same rights, powers and duties and the same tenure of office as directors elected by the stockholders at the annual meeting held at the time prescribed therefor, next before the date of the election pursuant to this section, would have had.

Sec. 55. NRS 78.390 is hereby amended to read as follows:

78.390 1. ~~[Every]~~ ***Except as otherwise provided in section 34 of this act, every*** amendment to the articles of incorporation must be made in the following manner:

(a) The board of directors must adopt a resolution setting forth the amendment proposed and either call a special meeting of the stockholders entitled to vote on the amendment or direct that the proposed amendment be considered at the next annual meeting of the stockholders entitled to vote on the amendment.

(b) At the meeting, of which notice must be given to each stockholder entitled to vote pursuant to the provisions of this section, a vote of the stockholders entitled to vote in person or by proxy must be taken for and against the proposed amendment. If it appears upon the canvassing of the votes that stockholders holding shares in the corporation entitling them to exercise at least a majority of the voting power, or such greater proportion of the voting power as may be required in the case of a vote by classes or series, as provided in subsections 2 and 4, or as may be required by the provisions of the articles of incorporation, have voted in favor of the amendment, an officer of the corporation shall sign a certificate setting forth the amendment, or setting forth the articles of incorporation as amended, and the vote by which the amendment was adopted.

(c) The certificate so signed must be filed with the Secretary of State.

2. Except as otherwise provided in this subsection, if any proposed amendment would adversely alter or change any preference or any relative or other right given to any class or series of outstanding shares, then the amendment must be approved by the vote, in addition to the affirmative vote otherwise required, of the holders of shares representing a majority of the voting power of each class or series adversely affected by the amendment regardless of limitations or restrictions on the voting power thereof. The

amendment does not have to be approved by the vote of the holders of shares representing a majority of the voting power of each class or series whose preference or rights are adversely affected by the amendment if the articles of incorporation specifically deny the right to vote on such an amendment.

3. Provision may be made in the articles of incorporation requiring, in the case of any specified amendments, a larger proportion of the voting power of stockholders than that required by this section.

4. Different series of the same class of shares do not constitute different classes of shares for the purpose of voting by classes except when the series is adversely affected by an amendment in a different manner than other series of the same class.

5. The resolution of the stockholders approving the proposed amendment may provide that at any time before the effective date of the amendment, notwithstanding approval of the proposed amendment by the stockholders, the board of directors may, by resolution, abandon the proposed amendment without further action by the stockholders.

6. A certificate filed pursuant to subsection 1 is effective upon filing the certificate with the Secretary of State or upon a later date specified in the certificate, which must not be more than 90 days after the certificate is filed.

7. If a certificate filed pursuant to subsection 1 specifies an effective date and if the resolution of the stockholders approving the proposed amendment provides that the board of directors may abandon the proposed amendment pursuant to subsection 5, the board of directors may terminate the effectiveness of the certificate by resolution and by filing a certificate of termination with the Secretary of State that:

(a) Is filed before the effective date specified in the certificate filed pursuant to subsection 1;

(b) Identifies the certificate being terminated;

(c) States that, pursuant to the resolution of the stockholders, the board of directors is authorized to terminate the effectiveness of the certificate;

(d) States that the effectiveness of the certificate has been terminated;

(e) Is signed by an officer of the corporation; and

(f) Is accompanied by a filing fee of $175.

Sec. 56. NRS 78.403 is hereby amended to read as follows:

78.403 1. A corporation may restate, or amend and restate, in a single certificate the entire text of its articles of incorporation as amended by filing with the Secretary of State a certificate in the manner provided in this section. If the certificate alters or amends the articles in any manner, it must comply with the provisions of NRS 78.380, 78.385 and 78.390, as applicable.

2. If the certificate does not alter or amend the articles, it must be signed by an officer of the corporation and state that he has been authorized to sign the certificate by resolution of the board of directors adopted on the date stated, and that the certificate correctly sets forth the text of the articles of incorporation as amended to the date of the certificate.

3. The following may be omitted from the restated articles:

(a) The names, addresses, signatures and acknowledgments of the incorporators;

(b) The names and addresses of the members of the past and present boards of directors; and

(c) The ~~[name and address of the resident agent.]~~ ***information required ~~[by subsection 1 of]~~ pursuant to section 31 of this act.***

4. Whenever a corporation is required to file a certified copy of its articles, in lieu thereof it may file a certified copy of the most recent certificate restating its articles as amended, subject to the provisions of subsection 2, together with certified copies of all certificates of amendment filed subsequent to the restated articles and certified copies of all certificates supplementary to the original articles.

5. A certificate filed pursuant to this section is effective upon filing the certificate with the Secretary of State or upon a later date specified in the certificate, which must not be more than 90 days after the certificate is filed.

Sec. 57. NRS 78.630 is hereby amended to read as follows:

78.630 1. Whenever any corporation becomes insolvent or suspends its ordinary business for want of money to carry on the business, or if its business has been and is being conducted at a great loss and greatly prejudicial to the interest of its creditors or stockholders, any creditors holding 10 percent of the outstanding indebtedness, or stockholders owning 10 percent of the outstanding stock entitled to vote, may, by petition setting forth the facts and circumstances of the case, apply to the district court of the county in which the ~~[registered]~~ ***principal*** office of the corporation is located ***or, if the principal office is not located in this State, to the district court in Carson City*** for a writ of injunction and the appointment of a receiver or receivers or trustee or trustees.

2. The court, being satisfied by affidavit or otherwise of the sufficiency of the application and of the truth of the allegations contained in the petition and upon hearing after such notice as the court by order may direct, shall proceed in a summary way to hear the affidavits, proofs and allegations which may be offered in behalf of the parties.

3. If upon such inquiry it appears to the court that the corporation has become insolvent and is not about to resume its business in a short time thereafter, or that its business has been and is being conducted at a great loss and greatly prejudicial to the interests of its creditors or stockholders, so that its business cannot be conducted with safety to the public, it may issue an injunction to restrain the corporation and its officers and agents from exercising any of its privileges or franchises and from collecting or receiving any debts or paying out, selling, assigning or transferring any of its estate, money, lands, tenements or effects, except to a receiver appointed by the court, until the court otherwise orders.

Sec. 58. NRS 78.730 is hereby amended to read as follows:

78.730 1. Any corporation which did exist or is existing under the laws of this State may, upon complying with the provisions of NRS 78.180,

procure a renewal or revival of its charter for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original charter and amendments thereto, or existing charter, by filing:

(a) A certificate with the Secretary of State, which must set forth:

(1) The name of the corporation, which must be the name of the corporation at the time of the renewal or revival, or its name at the time its original charter expired.

(2) The ~~[name of the person designated as the resident agent of the corporation, his street address for the service of process, and his mailing address if different from his street address.]~~ ***information required*** ~~***[by subsection 1 of]***~~ ***pursuant to section 31 of this act.***

(3) The date when the renewal or revival of the charter is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.

(4) Whether or not the renewal or revival is to be perpetual, and, if not perpetual, the time for which the renewal or revival is to continue.

(5) That the corporation desiring to renew or revive its charter is, or has been, organized and carrying on the business authorized by its existing or original charter and amendments thereto, and desires to renew or continue through revival its existence pursuant to and subject to the provisions of this chapter.

(b) A list of its president, secretary and treasurer, or the equivalent thereof, and all of its directors and their addresses, either residence or business.

2. A corporation whose charter has not expired and is being renewed shall cause the certificate to be signed by an officer of the corporation. The certificate must be approved by a majority of the voting power of the shares.

3. A corporation seeking to revive its original or amended charter shall cause the certificate to be signed by a person or persons designated or appointed by the stockholders of the corporation. The signing and filing of the certificate must be approved by the written consent of stockholders of the corporation holding at least a majority of the voting power and must contain a recital that this consent was secured. If no stock has been issued, the certificate must contain a statement of that fact, and a majority of the directors then in office may designate the person to sign the certificate. The corporation shall pay to the Secretary of State the fee required to establish a new corporation pursuant to the provisions of this chapter.

4. The filed certificate, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the existence and incorporation of the corporation therein named.

Sec. 59. NRS 78.750 is hereby amended to read as follows:

78.750 1. In any action commenced against any corporation in any court of this State, service of process may be made in the manner provided by law and rule of court for the service of civil process.

2. Service of process on a corporation whose charter has been revoked or which has been continued as a body corporate pursuant to NRS 78.585 may be made by mailing copies of the process and any associated records by certified mail, with return receipt requested, to:

(a) The ~~[resident]~~ ***registered*** agent of the corporation, if there is one; and

(b) Each officer and director of the corporation as named in the list last filed with the Secretary of State before the dissolution or expiration of the corporation or the forfeiture of its charter.

➥ The manner of serving process described in this subsection does not affect the validity of any other service authorized by law.

Sec. 60. NRS 78.785 is hereby amended to read as follows:

78.785 1. ~~[The fee for filing a certificate of change of location of a corporation's registered office and resident agent, or a new designation of resident agent, is $60.~~

~~2.]~~ The fee for certifying a copy of articles of incorporation is $30.

~~[3.]~~ ***2.*** The fee for certifying a copy of an amendment to articles of incorporation, or to a copy of the articles as amended, is $30.

~~[4.]~~ ***3.*** The fee for certifying an authorized printed copy of the general corporation law as compiled by the Secretary of State is $30.

~~[5.]~~ ***4.*** The fee for reserving a corporate name is $25.

~~[6.]~~ ***5.*** The fee for signing a certificate of corporate existence which does not list the previous records relating to the corporation, or a certificate of change in a corporate name, is $50.

~~[7.]~~ ***6.*** The fee for signing a certificate of corporate existence which lists the previous records relating to the corporation is $50.

~~[8.]~~ ***7.*** The fee for signing, certifying or filing any certificate or record not provided for in NRS 78.760 to 78.785, inclusive, is $50.

~~[9.]~~ ***8.*** The fee for copies provided by the Office of the Secretary of State is $2 per page.

~~[10.]~~ ***9.*** The fees for filing articles of incorporation, articles of merger, or certificates of amendment increasing the basic surplus of a mutual or reciprocal insurer must be computed pursuant to NRS 78.760, 78.765 and 92A.210, on the basis of the amount of basic surplus of the insurer.

~~[11.]~~ ***10.*** The fee for examining and provisionally approving any record at any time before the record is presented for filing is $125.

Sec. 61. NRS 78.795 is hereby amended to read as follows:

78.795 1. Any natural person or corporation residing or located in this State may register for that calendar year his willingness to serve as the ~~[resident]~~ ***registered*** agent of a domestic or foreign corporation, limited-liability company or limited partnership with the Secretary of State. The registration must state the full, legal name of the person or corporation willing to serve as the ~~[resident]~~ ***registered*** agent and be accompanied by a fee of $500 per office location of the ~~[resident]~~ ***registered*** agent.

2. The Secretary of State shall maintain a list of those persons who are registered pursuant to subsection 1 and make the list available to persons seeking to do business in this State.

3. The Secretary of State may amend any information provided in the list if a person who is included in the list:

(a) Requests the amendment; and

(b) Pays a fee of $50.

4. The Secretary of State may adopt regulations prescribing the content, maintenance and presentation of the list.

Sec. 62. NRS 80.004 is hereby amended to read as follows:

80.004 "Street address" of a ~~[resident]~~ ***registered*** agent means the actual physical location in this State at which a ~~[resident]~~ ***registered*** agent is available for service of process.

Sec. 63. NRS 80.010 is hereby amended to read as follows:

80.010 1. Before commencing or doing any business in this State, each corporation organized pursuant to the laws of another state, territory, the District of Columbia, a possession of the United States or a foreign country that enters this State to do business must:

(a) File in the Office of the Secretary of State of this State:

(1) A certificate of corporate existence issued not more than 90 days before the date of filing by an authorized officer of the jurisdiction of its incorporation setting forth the filing of records and instruments related to the articles of incorporation, or the governmental acts or other instrument or authority by which the corporation was created. If the certificate is in a language other than English, a translation, together with the oath of the translator and his attestation of its accuracy, must be attached to the certificate.

(2) ~~[A certificate of acceptance of appointment signed by its resident agent, who must be a resident or located in this State. The certificate must set forth the name of the resident agent, his street address for the service of process, and his mailing address if different from his street address.]~~ ***The information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act.*** The street address of the ~~[resident]~~ ***registered*** agent is the registered office of the corporation in this State.

(3) A statement signed by an officer of the corporation setting forth:

(I) A general description of the purposes of the corporation; and

(II) The authorized stock of the corporation and the number and par value of shares having par value and the number of shares having no par value.

(b) Lodge in the Office of the Secretary of State a copy of the record most recently filed by the corporation in the jurisdiction of its incorporation setting forth the authorized stock of the corporation, the number of par-value shares and their par value, and the number of no-par-value shares.

2. The Secretary of State shall not file the records required by subsection 1 for any foreign corporation whose name is not distinguishable on the

records of the Secretary of State from the names of all other artificial persons formed, organized, registered or qualified pursuant to the provisions of this title that are on file in the Office of the Secretary of State and all names that are reserved in the Office of the Secretary of State pursuant to the provisions of this title, unless the written, acknowledged consent of the holder of the name on file or reserved name to use the same name or the requested similar name accompanies the articles of incorporation.

3. For the purposes of this section and NRS 80.012, a proposed name is not distinguishable from a name on file or reserved solely because one or the other names contains distinctive lettering, a distinctive mark, a trademark or trade name, or any combination thereof.

4. The name of a foreign corporation whose charter has been revoked, which has merged and is not the surviving entity or whose existence has otherwise terminated is available for use by any other artificial person.

5. The Secretary of State shall not accept for filing the records required by subsection 1 or NRS 80.110 for any foreign corporation if the name of the corporation contains the words "engineer," "engineered," "engineering," "professional engineer," "registered engineer" or "licensed engineer" unless the State Board of Professional Engineers and Land Surveyors certifies that:

(a) The principals of the corporation are licensed to practice engineering pursuant to the laws of this State; or

(b) The corporation is exempt from the prohibitions of NRS 625.520.

6. The Secretary of State shall not accept for filing the records required by subsection 1 or NRS 80.110 for any foreign corporation if it appears from the records that the business to be carried on by the corporation is subject to supervision by the Commissioner of Financial Institutions, unless the Commissioner certifies that:

(a) The corporation has obtained the authority required to do business in this State; or

(b) The corporation is not subject to or is exempt from the requirements for obtaining such authority.

7. The Secretary of State shall not accept for filing the records required by subsection 1 or NRS 80.110 for any foreign corporation if the name of the corporation contains the word "accountant," "accounting," "accountancy," "auditor" or "auditing" unless the Nevada State Board of Accountancy certifies that the foreign corporation:

(a) Is registered pursuant to the provisions of chapter 628 of NRS; or

(b) Has filed with the Nevada State Board of Accountancy under penalty of perjury a written statement that the foreign corporation is not engaged in the practice of accounting and is not offering to practice accounting in this State.

8. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 64. NRS 80.060 is hereby amended to read as follows:

80.060 Every foreign corporation owning property or doing business in this State shall appoint and keep in this State a ~~[resident]~~ ***registered*** agent as provided in NRS 14.020.

Sec. 65. NRS 80.070 is hereby amended to read as follows:

80.070 1. ~~[A foreign corporation may change its resident agent by filing with the Secretary of State:~~

~~(a) A certificate of change of resident agent, signed by an officer of the corporation, setting forth:~~

~~(1) The name of the corporation;~~

~~(2) The name and street address of the present resident agent; and~~

~~(3) The name and street address of the new resident agent; and~~

~~(b) A certificate of acceptance signed by the new resident agent, which must be a part of or attached to the certificate of change of resident agent.~~

~~2. If the name of a resident agent is changed as a result of a merger, conversion, exchange, sale, reorganization or amendment, the resident agent shall:~~

~~(a) File with the Secretary of State a certificate of name change of resident agent that includes:~~

~~(1) The current name of the resident agent as filed with the Secretary of State;~~

~~(2) The new name of the resident agent; and~~

~~(3) The name and file number of each artificial person formed, organized, registered or qualified pursuant to the provisions of this title that the resident agent represents; and~~

~~(b) Pay to the Secretary of State a filing fee of $100.~~

~~3. A change authorized by subsection 1 or 2 becomes effective upon the filing of the proper certificate of change.~~

~~4. A resident agent who desires to resign shall:~~

~~(a) File with the Secretary of State a signed statement in the manner provided pursuant to subsection 1 of NRS 78.097 that he is unwilling to continue to act as the resident agent of the corporation for the service of process; and~~

~~(b) Pay to the Secretary of State the filing fee set forth in subsection 1 of NRS 78.097.~~

~~➥ A resignation is not effective until the signed statement is filed with the Secretary of State.~~

~~5. Upon the filing of the statement of resignation with the Secretary of State, the capacity of the resigning person as resident agent terminates. If the statement of resignation is not accompanied by a statement of the corporation appointing a successor resident agent, the resigning resident agent shall give written notice, by mail, to the corporation, of the filing of the statement and its effect. The notice must be addressed to any officer of the corporation other than the resident agent.~~

~~6.]~~ If a ~~[resident agent dies, resigns or moves from the State,]~~ ***registered agent resigns pursuant to section 37 of this act or if a commercial***

registered agent terminates its listing as a commercial registered agent pursuant to section 33 of this act, the corporation, ~~[within 30 days thereafter,]~~ ***before the effective date of the resignation or termination,*** shall file with the Secretary of State a ~~[certificate of acceptance signed by the new resident agent. The certificate must set forth the name of the new resident agent, his street address for the service of process, and his mailing address if different from his street address.~~

~~7.]~~ ***statement of change of registered agent pursuant to section 34 of this act.***

2. A corporation that fails to ~~[file a certificate of acceptance signed by a new resident agent within 30 days after the death, resignation or removal of its resident agent]~~ ***comply with subsection 1*** shall be deemed in default and is subject to the provisions of NRS 80.150 and 80.160.

3. As used in this section, "commercial registered agent" has the meaning ascribed to it in section 5 of this act.

Sec. 66. NRS 80.090 is hereby amended to read as follows:

80.090 If a foreign corporation doing business in this State maintains and keeps in the State a ~~[resident]~~ ***registered*** agent as provided by NRS 80.060 and files or has microfilmed the papers, records and instruments required by NRS 80.010 to 80.040, inclusive, the foreign corporation is entitled to the benefit of the laws of this State limiting the time for the commencement of civil actions.

Sec. 67. NRS 80.110 is hereby amended to read as follows:

80.110 1. Each foreign corporation doing business in this State shall, on or before the last day of the first month after the filing of its certificate of corporate existence with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:

(a) The names and addresses, either residence or business, of its president, secretary and treasurer, or the equivalent thereof, and all of its directors;

(b) The ~~[name and street address of the lawfully designated resident agent of the corporation in this State;]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;*** and

(c) The signature of an officer of the corporation.

~~[2.]~~

2. Each list filed pursuant to ~~[this]~~ subsection ***1*** must be accompanied by ~~[a]~~ ***:***

(a) A declaration under penalty of perjury that the foreign corporation has complied with the provisions of NRS 360.780 and which acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State. ~~[Each list filed pursuant to this subsection must also be accompanied by a]~~

(b) A statement as to whether the ***foreign*** corporation is a publicly traded company. If the corporation is a publicly traded company, the corporation

must list its Central Index Key. The Secretary of State shall include on his Internet website the Central Index Key of a corporation provided pursuant to this subsection and instructions describing the manner in which a member of the public may obtain information concerning the corporation from the Securities and Exchange Commission.

~~[2.]~~ ***3.*** Upon filing:

(a) The initial list required by subsection 1, the corporation shall pay to the Secretary of State a fee of $125.

(b) Each annual list required by subsection 1, the corporation shall pay to the Secretary of State, if the amount represented by the total number of shares provided for in the articles is:

$75,000 or less	$125
Over $75,000 and not over $200,000	175
Over $200,000 and not over $500,000	275
Over $500,000 and not over $1,000,000	375
Over $1,000,000:	
For the first $1,000,000	375
For each additional $500,000 or fraction thereof	275

➥ The maximum fee which may be charged pursuant to paragraph (b) for filing the annual list is $11,100.

~~[3.]~~ ***4.*** If a director or officer of a corporation resigns and the resignation is not reflected on the annual or amended list of directors and officers, the corporation or the resigning director or officer shall pay to the Secretary of State a fee of $75 to file the resignation.

~~[4.]~~ ***5.*** The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each corporation which is required to comply with the provisions of NRS 80.110 to 80.175, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of any corporation to receive the forms does not excuse it from the penalty imposed by the provisions of NRS 80.110 to 80.175, inclusive.

~~[5.]~~ ***6.*** An annual list for a corporation not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 68. NRS 80.160 is hereby amended to read as follows:

80.160 1. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each corporation deemed in default pursuant to NRS 80.150. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

2. Immediately after the last day of the month in which the anniversary date of incorporation occurs, the Secretary of State shall compile a complete

list containing the names of all corporations whose right to transact business has been forfeited.

3. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each corporation specified in subsection 2 of the forfeiture of its right to do business. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

Sec. 69. NRS 80.170 is hereby amended to read as follows:

80.170 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a corporation which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the corporation its right to transact business in this State, and to exercise its corporate privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list as provided in NRS 80.110 and 80.140; ~~[*and]*~~

(2) The statement required by NRS 80.115, if applicable; and

(3) ~~[A certificate of acceptance of appointment signed by its resident agent;]~~ ***The information required pursuant to section 31 of this act;*** and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 80.110 and 80.150 for each year or portion thereof that its right to transact business was forfeited;

(2) The fee set forth in NRS 80.115, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the corporation, he shall issue to the corporation a certificate of reinstatement if the corporation:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to subsection ~~[8]~~ ***7*** of NRS 78.785.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a corporation to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right is not subject to reinstatement.

Sec. 70. NRS 81.0025 is hereby amended to read as follows:

81.0025 "Street address" of a ~~[resident]~~ ***registered*** agent means the actual physical location in this State at which a ~~[resident]~~ ***registered*** agent is available for service of process.

Sec. 71. NRS 81.040 is hereby amended to read as follows:

81.040 Each corporation formed under NRS 81.010 to 81.160, inclusive, must prepare and file articles of incorporation in writing, setting forth:

1. The name of the corporation.

2. The purpose for which it is formed.

3. The ~~[name of the person designated as the resident agent, the street address for the service of process, and the mailing address if different from the street address.]~~ ***information required ~~[by subsection 1 of]~~ pursuant to section 31 of this act.***

4. The term for which it is to exist, which may be perpetual.

5. If formed with stock, the amount of its stock and the number and par value, if any, and the shares into which it is divided, and the amount of common and of preferred stock that may be issued with the preferences, privileges, voting rights, restrictions and qualifications pertaining thereto.

6. The names and addresses of those selected to act as directors, not less than three, for the first year or until their successors have been elected and have accepted office.

7. Whether the property rights and interest of each member are equal or unequal, and if unequal the articles must set forth a general rule applicable to all members by which the property rights and interests of each member may be determined, but the corporation may admit new members who may vote and share in the property of the corporation with the old members, in accordance with the general rule.

8. The name and mailing or street address, either residence or business, of each of the incorporators signing the articles of incorporation.

Sec. 72. NRS 81.060 is hereby amended to read as follows:

81.060 1. The articles of incorporation must be:

(a) Signed by three or more of the original members, a majority of whom must be residents of this State.

(b) Filed ~~[, together with a certificate of acceptance of appointment signed by the resident agent of the corporation,]~~ in the Office of the Secretary of State in all respects in the same manner as other articles of incorporation are filed.

2. If a corporation formed under NRS 81.010 to 81.160, inclusive, is authorized to issue stock, there must be paid to the Secretary of State for filing the articles of incorporation the fee applicable to the amount of authorized stock of the corporation which the Secretary of State is required by law to collect upon the filing of articles of incorporation which authorize the issuance of stock.

3. The Secretary of State shall issue to the corporation over the Great Seal of the State a certificate that a copy of the articles containing the required statements of facts has been filed in his office.

4. Upon the issuance of the certificate by the Secretary of State, the persons signing the articles and their associates and successors are a body politic and corporate. When so filed, the articles of incorporation or certified copies thereof must be received in all the courts of this State, and other places, as prima facie evidence of the facts contained therein.

Sec. 73. NRS 81.200 is hereby amended to read as follows:

81.200 1. Each association formed under NRS 81.170 to 81.270, inclusive, shall prepare articles of association in writing, setting forth:

(a) The name of the association.

(b) The purpose for which it is formed.

(c) The ~~[name of the person designated as the resident agent, the street address for service of process, and the mailing address if different from the street address.]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act.***

(d) The term for which it is to exist, which may be perpetual.

(e) The names and addresses, either residence or business, of the directors selected for the first year.

(f) The amount which each member is to pay upon admission as a fee for membership, and that each member signing the articles has actually paid the fee.

(g) That the interest and right of each member therein is to be equal.

(h) The name and address, either residence or business, of each of the persons signing the articles of association.

2. The articles of association must be signed by the original associates or members.

3. The articles so signed must be filed ~~[, together with a certificate of acceptance of appointment signed by the resident agent for the association,]~~ in the Office of the Secretary of State. From the time of the filing in the Office of the Secretary of State, the association may exercise all the powers for which it was formed.

Sec. 74. NRS 81.440 is hereby amended to read as follows:

81.440 Each corporation formed under NRS 81.410 to 81.540, inclusive, shall prepare and file articles of incorporation in writing, setting forth:

1. The name of the corporation.

2. The purpose for which it is formed.

3. The ~~[name of the person designated as the resident agent, the street address for service of process, and the mailing address if different from the street address.]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act.***

4. The term for which it is to exist, which may be perpetual.

5. The number of directors thereof, which must be not less than three and which may be any number in excess thereof, and the names and residences of those selected for the first year and until their successors have been elected and have accepted office.

6. Whether the voting power and the property rights and interest of each member are equal or unequal, and if unequal the articles must set forth a general rule applicable to all members by which the voting power and the property rights and interests of each member may be determined, but the corporation may admit new members who may vote and share in the property of the corporation with the old members, in accordance with the general rule.

7. The name and mailing or street address, either residence or business, of each of the incorporators signing the articles of incorporation.

Sec. 75. NRS 81.450 is hereby amended to read as follows:

81.450 1. The articles of incorporation must be:

(a) Signed by three or more of the original members, a majority of whom must be residents of this State.

(b) Filed ~~[, together with a certificate of acceptance of appointment signed by the resident agent for the corporation,]~~ in the Office of the Secretary of State in all respects in the same manner as other articles of incorporation are filed.

2. The Secretary of State shall issue to the corporation over the Great Seal of the State a certificate that a copy of the articles containing the required statements of facts has been filed in his office.

3. Upon the issuance of the certificate by the Secretary of State **,** the persons signing the articles and their associates and successors are a body politic and corporate. When so filed, the articles of incorporation or certified copies thereof must be received in all the courts of this State, and other places, as prima facie evidence of the facts contained therein.

Sec. 76. Chapter 82 of NRS is hereby amended by adding thereto a new section to read as follows:

"Principal office" has the meaning ascribed to it in NRS 78.010.

Sec. 77. NRS 82.006 is hereby amended to read as follows:

82.006 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 82.011 to 82.044, inclusive, ***and section 76 of this act*** have the meanings ascribed to them in those sections.

Sec. 78. NRS 82.041 is hereby amended to read as follows:

82.041 "Registered office" of a corporation means the office maintained at the street address of its ~~[resident]~~ ***registered*** agent.

Sec. 79. NRS 82.044 is hereby amended to read as follows:

82.044 "Street address" of a ~~[resident]~~ ***registered*** agent means the actual physical location in this State at which a ~~[resident]~~ ***registered*** agent is available for service of process.

Sec. 80. NRS 82.063 is hereby amended to read as follows:

82.063 1. The board of directors of a corporation without shares of stock which was organized before October 1, 1991, pursuant to any provision of chapter 81 of NRS or a predecessor statute and whose permissible term of existence as stated in the articles of incorporation has expired, may, within 10 years after the date of the expiration of its existence, elect to revive its charter and accept this chapter by adopting a resolution reviving the expired charter and adopting new articles of incorporation conforming to this chapter and any other statutes pursuant to which the corporation may have been organized. The new articles of incorporation need not contain the names, addresses, signatures or acknowledgments of the incorporators.

2. A certificate of election to accept this chapter pursuant to this section must be signed by an officer of the corporation and must set forth:

(a) The name of the corporation.

(b) A statement by the corporation that it has elected to accept this chapter and adopt new articles of incorporation conforming to the provisions of this

chapter and any other statutes pursuant to which the corporation may have been organized.

(c) A statement by the corporation that since the expiration of its charter it has remained organized and continued to carry on the activities for which it was formed and authorized by its original articles of incorporation and amendments thereto, and desires to continue through revival its existence pursuant to and subject to the provisions of this chapter.

(d) A statement that the attached copy of the articles of incorporation of the corporation are the new articles of incorporation of the corporation.

(e) A statement setting forth the date of the meeting of the board of directors at which the election to accept and adopt was made, that a quorum was present at the meeting and that the acceptance and adoption were authorized by a majority vote of the directors present at the meeting.

(f) The information required ~~[by subsection 1 of]~~ pursuant to section 31 of this act.

3. The certificate so signed ~~[and a certificate of acceptance of appointment signed by the resident agent of the corporation]~~ must be filed in the Office of the Secretary of State.

4. The new articles of incorporation become effective on the date of filing the certificate. The corporation's existence continues from the date of expiration of the original term, with all the corporation's rights, franchises, privileges and immunities and subject to all its existing and preexisting debts, duties and liabilities.

Sec. 81. NRS 82.081 is hereby amended to read as follows:

82.081 1. One or more natural persons may associate to establish a corporation no part of the income or profit of which is distributable to its members, directors or officers, except as otherwise provided in this chapter, for the transaction of any lawful business, or to promote or conduct any legitimate object or purpose, pursuant and subject to the requirements of this chapter, by ~~[:~~

~~(a) Signing]~~ ***signing*** and filing in the Office of the Secretary of State articles of incorporation **.** ~~[; and~~

~~(b) Filing a certificate of acceptance of appointment, signed by the resident agent of the corporation, in the Office of the Secretary of State.]~~

2. The Secretary of State shall require articles of incorporation to be in the form prescribed by NRS 82.086. If any articles are defective in this respect, the Secretary of State shall return them for correction.

Sec. 82. NRS 82.086 is hereby amended to read as follows:

82.086 The articles of incorporation must set forth:

1. The name of the corporation. A name appearing to be that of a natural person and containing a given name or initials must not be used as a corporate name except with an additional word or words such as "Incorporated," "Inc.," "Limited," "Ltd.," "Company," "Co.," "Corporation," "Corp.," or other word which identifies it as not being a natural person.

2. The ~~[name of the person designated as the corporation's resident agent, his street address where he maintains an office for service of process, and his mailing address if different from the street address.]~~ ***information required ~~[by subsection 1 of]~~ pursuant to section 31 of this act.***

3. That the corporation is a nonprofit corporation.

4. The nature of the business, or objects or purposes proposed to be transacted, promoted or carried on by the corporation. It is sufficient to state, either alone or with other purposes, that the corporation may engage in any lawful activity, subject to expressed limitations, if any. Such a statement makes all lawful activities within the objects or purposes of the corporation.

5. The names and mailing or street addresses, residence or business, of the first board of directors or trustees, together with any desired provisions relative to the right to change the number of directors.

6. The names and mailing or street address, residence or business, of each of the incorporators signing the articles of incorporation.

Sec. 83. NRS 82.111 is hereby amended to read as follows:

82.111 1. Upon the filing of the articles of incorporation ~~[and the certificate of acceptance]~~ pursuant to NRS 82.081 ~~[,]~~ and the payment of the filing fees, the Secretary of State shall issue to the corporation a certificate that the articles, containing the required statement of facts, have been filed in his office. Upon the filing of the articles, the corporation is a body corporate, by the name set forth in the articles, subject to the forfeiture of its charter and dissolution as provided in this chapter.

2. The filing of the articles does not, by itself, constitute commencement of business by the corporation.

Sec. 84. NRS 82.193 is hereby amended to read as follows:

82.193 1. A corporation shall have a ~~[resident]~~ ***registered*** agent in the manner provided in NRS 78.090 ~~[, 78.095, 78.097 and 78.110.]~~ ***and 78.097.*** The ~~[resident]~~ ***registered*** agent and the corporation shall comply with the provisions of those sections.

2. Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a corporation which is a unit-owners' association as defined in NRS 116.011 has failed to register pursuant to NRS 116.31158 or failed to pay the fees pursuant to NRS 116.31155, the Secretary of State shall deem the corporation to be in default. If, after the corporation is deemed to be in default, the Administrator notifies the Secretary of State that the corporation has registered pursuant to NRS 116.31158 and paid the fees pursuant to NRS 116.31155, the Secretary of State shall reinstate the corporation if the corporation complies with the requirements for reinstatement as provided in this section and NRS 78.180 and 78.185.

3. A corporation is subject to the provisions of NRS 78.150 to 78.185, inclusive, except that:

(a) The fee for filing a list is $25;

(b) The penalty added for default is $50; and

(c) The fee for reinstatement is $100.

Sec. 85. NRS 82.306 is hereby amended to read as follows:

82.306 1. If any corporation fails to elect directors within 18 months after the last election of directors required by NRS 82.286, the district court has jurisdiction in equity, upon application of any one or more of the members of the corporation representing 10 percent of the voting power of the members entitled to vote for the election of directors or for the election of delegates who are entitled to elect directors, or 50 members, whichever is less, to order the election of directors as required by NRS 82.286.

2. The application must be made by petition filed in the county where the ~~[registered]~~ ***principal*** office of the corporation is located ***or, if the principal office is not located in this State, in Carson City,*** and must be brought on behalf of all members desiring to be joined therein. Such notice must be given to the corporation and the members as the court may direct.

Sec. 86. NRS 82.356 is hereby amended to read as follows:

82.356 1. ~~[Each]~~ ***Except as otherwise provided in section 34 of this act, each*** amendment adopted pursuant to the provisions of NRS 82.351 must be made in the following manner:

(a) The board of directors must adopt a resolution setting forth the amendment proposed, approve it and, if the corporation has members entitled to vote on an amendment to the articles, call a meeting, either annual or special, of the members. The amendment must also be approved by each public official or other person whose approval of an amendment of articles is required by the articles.

(b) At the meeting of members, of which notice must be given to each member entitled to vote pursuant to the provisions of this section, a vote of the members entitled to vote in person or by proxy must be taken for and against the proposed amendment. A majority of a quorum of the voting power of the members or such greater proportion of the voting power of members as may be required in the case of a vote by classes, as provided in subsection 3, or as may be required by the articles, must vote in favor of the amendment.

(c) Upon approval of the amendment by the directors, or if the corporation has members entitled to vote on an amendment to the articles, by both the directors and those members, and such other persons or public officers, if any, as are required to do so by the articles, an officer of the corporation must sign a certificate setting forth the amendment, or setting forth the articles as amended, that the public officers or other persons, if any, required by the articles have approved the amendment, and the vote of the members and directors by which the amendment was adopted.

(d) The certificate so signed must be filed in the Office of the Secretary of State.

2. A certificate filed pursuant to this section is effective upon filing the certificate with the Secretary of State or upon a later date specified in the certificate, which must not be more than 90 days after the certificate is filed.

3. If any proposed amendment would alter or change any preference or any relative or other right given to any class of members, then the amendment must be approved by the vote, in addition to the affirmative vote otherwise required, of the holders of a majority of a quorum of the voting power of each class of members affected by the amendment regardless of limitations or restrictions on their voting power.

4. In the case of any specified amendments, the articles may require a larger vote of members than that required by this section.

Sec. 87. NRS 82.371 is hereby amended to read as follows:

82.371 1. A corporation may restate, or amend and restate, in a single certificate the entire text of its articles as amended by filing with the Secretary of State a certificate which must set forth the articles as amended to the date of the certificate. If the certificate alters or amends the articles in any manner, it must comply with the provisions of NRS 82.346, 82.351 and 82.356, as applicable, and must be accompanied by a form prescribed by the Secretary of State setting forth which provisions of the articles of incorporation on file with the Secretary of State are being altered or amended.

2. If the certificate does not alter or amend the articles, it must be signed by an officer of the corporation and must state that he has been authorized to sign the certificate by resolution of the board of directors adopted on the date stated, and that the certificate correctly sets forth the text of the articles as amended to the date of the certificate.

3. The following may be omitted from the restated articles:

(a) The names, addresses, signatures and acknowledgments of the incorporators;

(b) The names and addresses of the members of the past and present board of directors; and

(c) The ~~[name and address of the resident agent.]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act.***

4. Whenever a corporation is required to file a certified copy of its articles, in lieu thereof it may file a certified copy of the most recent certificate restating its articles as amended, subject to the provisions of subsection 2, together with certified copies of all certificates of amendment filed after the restated articles and certified copies of all certificates supplementary to the original articles.

5. A certificate filed pursuant to this section is effective upon filing the certificate with the Secretary of State or upon a later date specified in the certificate, which must not be more than 90 days after the certificate is filed.

Sec. 88. NRS 82.471 is hereby amended to read as follows:

82.471 1. Whenever any corporation becomes insolvent or suspends its ordinary business for want of funds to carry on the business, or if its business has been and is being conducted at a great loss and greatly prejudicial to the interest of its creditors or members, creditors holding 10 percent of the outstanding indebtedness, or members, if any, having 10 percent of the

voting power to elect directors, may, by petition or bill of complaint setting forth the facts and circumstances of the case, apply to the district court of the county in which the ~~[registered]~~ ***principal*** office of the corporation is located ***or to the district court in Carson City*** for a writ of injunction and the appointment of a receiver or receivers or trustee or trustees.

2. The court, being satisfied by affidavit or otherwise of the sufficiency of the application and of the truth of the allegations contained in the petition or bill, and upon hearing after such notice as the court by order may direct, shall proceed in a summary way to hear the affidavits, proofs and allegations which may be offered in behalf of the parties.

3. If upon the inquiry it appears to the court that the corporation has become insolvent and is not about to resume its business in a short time thereafter, or that its business has been and is being conducted at a great loss and greatly prejudicial to the interests of its creditors or members, so that its business cannot be conducted with safety to the public, it may issue an injunction to restrain the corporation and its officers and agents from exercising any of its privileges or franchises and from collecting or receiving any debts or paying out, selling, assigning or transferring any of its estate, money, funds, lands, tenements or effects, except to a receiver appointed by the court, until the court otherwise orders.

Sec. 89. NRS 82.486 is hereby amended to read as follows:

82.486 1. The persons described in subsections 2 and 3 may apply to the district court in the district where the corporation has its ~~[registered office:]~~ ***principal office or, if the principal office is not located in this State, to the district court in Carson City:***

(a) For an order dissolving the corporation and appointing a receiver to wind up its affairs, and by injunction restrain the corporation from exercising any of its powers or doing business whatsoever, except by or through a receiver appointed by the court; or

(b) For such other equitable relief that is just and proper in the circumstances.

2. A member or members, if any, holding at least one-third of the voting power for the election of directors or a majority of the directors in office, may apply for the relief described in subsection 1 whenever it is established that:

(a) The corporation has willfully violated its charter;

(b) Its trustees or directors have been guilty of fraud or collusion or gross mismanagement in the conduct or control of its affairs;

(c) Its trustees or directors have been guilty of misfeasance, malfeasance or nonfeasance;

(d) The corporation is unable to conduct its activities or conserve its assets by reason of the act, neglect or refusal to function of any of the directors or trustees;

(e) The assets of the corporation are in danger of waste, misapplication, sacrifice or loss;

(f) The corporation has abandoned its business;

(g) The corporation has not proceeded diligently to wind up its affairs or to distribute its assets in a reasonable time;

(h) The corporation has become insolvent;

(i) The corporation, although not insolvent, is for any cause not able to pay its debts or other obligations as they mature;

(j) The corporation is not about to resume its business with safety to the public;

(k) The period of corporate existence has expired and has not been lawfully extended;

(l) The corporation has solicited property and has failed to use it for the purpose solicited;

(m) The corporation has fraudulently used or solicited property; or

(n) The corporation has exceeded its powers.

3. The Attorney General may apply for the relief described in subsection 1 whenever the corporation is a corporation for public benefit and whenever it is established that:

(a) The corporation has willfully violated its charter;

(b) Its trustees or directors have been guilty of fraud or collusion or gross mismanagement in the conduct or control of its affairs;

(c) The corporation has abandoned its business;

(d) The corporation has become insolvent;

(e) The corporation, although not insolvent, is for any cause not able to pay its debts or other obligations as they mature;

(f) The corporation has solicited property and has failed to use it for the purpose solicited;

(g) The corporation has fraudulently used or solicited property; or

(h) The period of corporate existence has expired and has not been lawfully extended.

4. Any person or superior organization under which the corporation was formed, if expressly authorized to act by the articles, may apply for the relief described in subsection 1 pursuant to the grounds, if any, set forth in the articles.

Sec. 90. NRS 82.523 is hereby amended to read as follows:

82.523 1. Each foreign nonprofit corporation doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign nonprofit corporation with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:

(a) The name of the foreign nonprofit corporation;

(b) The file number of the foreign nonprofit corporation, if known;

(c) The names and titles of the president, the secretary and the treasurer, or the equivalent thereof, and all the directors of the foreign nonprofit corporation;

(d) The address, either residence or business, of the president, secretary and treasurer, or the equivalent thereof, and each director of the foreign nonprofit corporation;

(e) The ~~[name and address of its lawfully designated resident agent in this State;]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;*** and

(f) The signature of an officer of the foreign nonprofit corporation certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign nonprofit corporation:

(a) Has complied with the provisions of NRS 360.780; and

(b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State.

3. Upon filing the initial list and each annual list pursuant to this section, the foreign nonprofit corporation must pay to the Secretary of State a fee of $25.

4. The Secretary of State shall, 60 days before the last day for filing each annual list, cause to be mailed to each foreign nonprofit corporation which is required to comply with the provisions of NRS 82.523 to 82.5239, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of any foreign nonprofit corporation to receive the forms does not excuse it from the penalty imposed by the provisions of NRS 82.523 to 82.5239, inclusive.

5. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

6. An annual list for a foreign nonprofit corporation not in default that is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 91. NRS 82.5236 is hereby amended to read as follows:

82.5236 1. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each foreign nonprofit corporation deemed in default pursuant to NRS 82.5235. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

2. Immediately after the last day of the month in which the anniversary date of incorporation occurs, the Secretary of State shall compile a complete

list containing the names of all foreign nonprofit corporations whose right to transact business has been forfeited.

3. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each foreign nonprofit corporation specified in subsection 2 of the forfeiture of its right to transact business. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

Sec. 92. NRS 82.5237 is hereby amended to read as follows:

82.5237 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a foreign nonprofit corporation which has forfeited or which forfeits its right to transact business pursuant to the provisions of NRS 82.523 to 82.5239, inclusive, and restore to the foreign nonprofit corporation its right to transact business in this State, and to exercise its corporate privileges and immunities, if it:

(a) Files with the Secretary of State a list as provided in NRS 82.523; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 82.523 and 82.5235 for each year or portion thereof that its right to transact business was forfeited; and

(2) A fee of $100 for reinstatement.

2. When the Secretary of State reinstates the foreign nonprofit corporation, he shall issue to the foreign nonprofit corporation a certificate of reinstatement if the foreign nonprofit corporation:

(a) Requests a certificate of reinstatement; and

(b) Pays the fees as provided in subsection ~~[8]~~ ***7*** of NRS 78.785.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign nonprofit corporation to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right to transact business must not be reinstated.

Sec. 93. NRS 82.546 is hereby amended to read as follows:

82.546 1. Any corporation which did exist or is existing pursuant to the laws of this State may, upon complying with the provisions of NRS 78.150 and 82.193, procure a renewal or revival of its charter for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original charter and amendments thereto, or its existing charter, by filing:

(a) A certificate with the Secretary of State, which must set forth:

(1) The name of the corporation, which must be the name of the corporation at the time of the renewal or revival, or its name at the time its original charter expired.

(2) The ~~[name and street address of the lawfully designated resident agent of the filing corporation, and his mailing address if different from his street address.]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act.***

(3) The date when the renewal or revival of the charter is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.

(4) Whether or not the renewal or revival is to be perpetual, and, if not perpetual, the time for which the renewal or revival is to continue.

(5) That the corporation desiring to renew or revive its charter is, or has been, organized and carrying on the business authorized by its existing or original charter and amendments thereto, and desires to renew or continue through revival its existence pursuant to and subject to the provisions of this chapter.

(b) A list of its president, secretary and treasurer and all of its directors and their mailing or street addresses, either residence or business.

2. A corporation whose charter has not expired and is being renewed shall cause the certificate to be signed by an officer of the corporation. The certificate must be approved by a majority of the last-appointed surviving directors.

3. A corporation seeking to revive its original or amended charter shall cause the certificate to be signed by its president or vice president and secretary or assistant secretary. The signing and filing of the certificate must be approved unanimously by the last-appointed surviving directors of the corporation and must contain a recital that unanimous consent was secured. The corporation shall pay to the Secretary of State the fee required to establish a new corporation pursuant to the provisions of this chapter.

4. The filed certificate, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the existence and incorporation of the corporation named therein.

Sec. 94. NRS 84.006 is hereby amended to read as follows:

84.006 "Street address" of a ~~[resident]~~ ***registered*** agent means the actual physical location in this State at which a ~~[resident]~~ ***registered*** agent is available for service of process.

Sec. 95. NRS 84.020 is hereby amended to read as follows:

84.020 An archbishop, bishop, president, trustee in trust, president of stake, president of congregation, overseer, presiding elder, district superintendent, other presiding officer or clergyman of a church or religious society or denomination, who has been chosen, elected or appointed in conformity with the constitution, canons, rites, regulations or discipline of the church or religious society or denomination, and in whom is vested the

legal title to property held for the purposes, use or benefit of the church or religious society or denomination, may make and sign written articles of incorporation, in duplicate, and file one copy of the articles ~~[, together with a certificate of acceptance of appointment signed by the resident agent of the corporation,]~~ in the Office of the Secretary of State and retain possession of the other.

Sec. 96. NRS 84.030 is hereby amended to read as follows:

84.030 The articles of incorporation must specify:

1. The name of the corporation, which must be the name of the person making and subscribing the articles and the title of his office in the church or religious society, naming it if desired, and followed by the words "and his successors, a corporation sole," or the title of his office in the church or religious society, naming it if desired, and followed by the words "and his successors, a corporation sole."

2. The object of the corporation.

3. The title of the person making the articles, and the manner in which any vacancy occurring in the incumbency of an archbishop, bishop, president, trustee in trust, president of stake, president of congregation, overseer, presiding elder, district superintendent, other presiding officer or clergyman is required by the rules, regulations or discipline of such church, society or denomination to be filled.

4. The ~~[name of the natural person or corporation designated as the corporation's resident agent, the street address for the service of process, and the mailing address if different from the street address.]~~ ***information required ~~[by subsection 1 of]~~ pursuant to section 31 of this act.***

Sec. 97. NRS 84.110 is hereby amended to read as follows:

84.110 1. Every corporation sole must have a ~~[resident]~~ ***registered*** agent in the manner provided in NRS 78.090 and ~~[78.095, subsections 1 to 4, inclusive, of NRS]~~ 78.097 **.** ~~[and NRS 78.110. The resident]~~ ***The registered*** agent shall comply with the provisions of those sections.

2. ~~[A corporation sole that fails to file a certificate of acceptance signed by the new resident agent within 30 days after the death, resignation or removal of its former resident agent shall be deemed in default and is subject to the provisions of NRS 84.130 and 84.140.~~

~~3.]~~ A corporation sole is subject to the provisions of NRS 78.150 to 78.185, inclusive, except that:

(a) The fee for filing a list is $25;

(b) The penalty added for default is $50; and

(c) The fee for reinstatement is $100.

Sec. 98. NRS 84.120 is hereby amended to read as follows:

84.120 1. ~~[A resident agent who wishes to resign shall:~~

~~(a) File with the Secretary of State a signed statement in the manner provided pursuant to subsection 1 of NRS 78.097 that he is unwilling to continue to act as the resident agent of the corporation for the service of process; and~~

~~(b) Pay to the Secretary of State the filing fee set forth in subsection 1 of NRS 78.097.~~

~~➥ A resignation is not effective until the signed statement is filed with the Secretary of State.~~

~~2. The statement of resignation may contain a statement of the affected corporation sole appointing a successor resident agent for that corporation. A certificate of acceptance signed by the new resident agent, stating the full name, complete street address and, if different from the street address, mailing address of the new resident agent, must accompany the statement appointing a successor resident agent.~~

~~3. Upon the filing of the statement of resignation with the Secretary of State, the capacity of the resigning person as resident agent terminates. If the statement of resignation contains no statement by the corporation sole appointing a successor resident agent, the resigning resident agent shall immediately give written notice, by mail, to the corporation of the filing of the statement and its effect. The notice must be addressed to the person in whom is vested the legal title to property specified in NRS 84.020.~~

~~4.~~] If a [~~resident agent dies, resigns or removes from the State,~~] ***registered agent resigns pursuant to section 37 of this act or if a commercial registered agent terminates its listing as a commercial registered agent pursuant to section 33 of this act,*** the corporation sole, [~~within 30 days thereafter,~~] ***before the effective date of the resignation or termination,*** shall file with the Secretary of State a [~~certificate of acceptance signed by the new resident agent. The certificate must set forth the full name and complete street address of the new resident agent for the service of process, and may have a separate mailing address, such as a post office box, which may be different from the street address.~~

~~5.~~] ***statement of change of registered agent pursuant to section 34 of this act.***

2. A corporation sole that fails to [~~file a certificate of acceptance signed by the new resident agent within 30 days after the death, resignation or removal of its former resident agent~~] ***comply with subsection 1*** shall be deemed in default and is subject to the provisions of NRS 84.130 and 84.140.

3. As used in this section, "commercial registered agent" has the meaning ascribed to it in section 5 of this act.

Sec. 99. NRS 84.140 is hereby amended to read as follows:

84.140 1. The Secretary of State shall notify, by providing written notice to its [~~resident~~] ***registered*** agent, each corporation sole deemed in default pursuant to the provisions of this chapter. The notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the [~~resident~~] ***registered*** agent, may be provided electronically.

2. On the first day of the first anniversary of the month following the month in which the filing was required, the charter of the corporation sole is revoked and its right to transact business is forfeited.

3. The Secretary of State shall compile a complete list containing the names of all corporations sole whose right to transact business has been forfeited.

4. The Secretary of State shall forthwith notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each corporation specified in subsection 3 of the forfeiture of its charter. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

Sec. 100. NRS 84.150 is hereby amended to read as follows:

84.150 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate any corporation sole which has forfeited its right to transact business under the provisions of this chapter and restore the right to carry on business in this State and exercise its corporate privileges and immunities, if it:

(a) Files with the Secretary of State ~~[a certificate of acceptance of appointment signed by the resident agent of the corporation;]~~ ***the information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;*** and

(b) Pays to the Secretary of State:

(1) The filing fees and penalties set forth in this chapter for each year or portion thereof during which its charter has been revoked; and

(2) A fee of $25 for reinstatement.

2. When the Secretary of State reinstates the corporation to its former rights, he shall:

(a) Immediately issue and deliver to the corporation a certificate of reinstatement authorizing it to transact business, as if the fees had been paid when due; and

(b) Upon demand, issue to the corporation a certified copy of the certificate of reinstatement.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of its charter occurred only by reason of its failure to pay the fees and penalties.

4. If a corporate charter has been revoked pursuant to the provisions of this chapter and has remained revoked for 10 consecutive years, the charter must not be reinstated.

Sec. 101. Chapter 86 of NRS is hereby amended by adding thereto a new section to read as follows:

"Registered agent" has the meaning ascribed to it in section 24 of this act.

Sec. 102. NRS 86.011 is hereby amended to read as follows:

86.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 86.022 to 86.128, inclusive, ***and section 101 of this act*** have the meanings ascribed to them in those sections.

Sec. 103. NRS 86.121 is hereby amended to read as follows:

86.121 "Registered office" of a limited-liability company means the office maintained at the street address of its ~~[resident]~~ ***registered*** agent.

Sec. 104. NRS 86.128 is hereby amended to read as follows:

86.128 "Street address" of a ~~[resident]~~ ***registered*** agent means the actual physical location in this State at which a ~~[resident]~~ ***registered*** agent is available for service of process.

Sec. 105. NRS 86.151 is hereby amended to read as follows:

86.151 1. One or more persons may form a limited-liability company by ~~[:~~

~~(a) Signing]~~ ***signing*** and filing with the Secretary of State articles of organization for the company ***.*** ~~[; and~~

~~(b) Filing with the Secretary of State a certificate of acceptance of appointment, signed by the resident agent of the company.]~~

2. Upon the filing of the articles of organization ~~[and the certificate of acceptance]~~ with the Secretary of State ~~[,]~~ and the payment to him of the required filing fees, the Secretary of State shall issue to the company a certificate that the articles, containing the required statement of facts, have been filed.

3. A signer of the articles of organization or a manager designated in the articles does not thereby become a member of the company. At all times after commencement of business by the company, the company must have one or more members. The filing of the articles does not, by itself, constitute commencement of business by the company.

Sec. 106. NRS 86.161 is hereby amended to read as follows:

86.161 1. The articles of organization must set forth:

(a) The name of the limited-liability company;

(b) The ~~[name and complete street address of its resident agent, and the mailing address of the resident agent if different from the street address;]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;***

(c) The name and address, either residence or business, of each of the organizers signing the articles;

(d) If the company is to be managed by:

(1) One or more managers, the name and address, either residence or business, of each initial manager; or

(2) The members, the name and address, either residence or business, of each initial member; and

(e) If the company is to have one or more series of members and the debts or liabilities of any series are to be enforceable against the assets of that series only and not against the assets of another series or the company generally, a statement to that effect and a statement:

(1) Setting forth the relative rights, powers and duties of the series; or

(2) Indicating that the relative rights, powers and duties of the series will be set forth in the operating agreement or established as provided in the operating agreement.

2. The articles may set forth any other provision, not inconsistent with law, which the members elect to set out in the articles of organization for the regulation of the internal affairs of the company, including any provisions which under this chapter are required or permitted to be set out in the operating agreement of the company.

3. It is not necessary to set out in the articles of organization:

(a) The rights of the members to contract debts on behalf of the limited-liability company if the limited-liability company is managed by its members;

(b) The rights of the manager or managers to contract debts on behalf of the limited-liability company if the limited-liability company is managed by a manager or managers; or

(c) Any of the powers enumerated in this chapter.

Sec. 107. NRS 86.201 is hereby amended to read as follows:

86.201 1. A limited-liability company is considered legally organized pursuant to this chapter upon:

(a) Filing the articles of organization with the Secretary of State or upon a later date specified in the articles of organization; ***and***

(b) ~~[Filing the certificate of acceptance of the resident agent with the Secretary of State; and~~

~~(c)]~~ Paying the required filing fees to the Secretary of State.

2. A limited-liability company must not transact business or incur indebtedness, except that which is incidental to its organization or to obtaining subscriptions for or payment of contributions, until the company is considered legally organized pursuant to subsection 1.

Sec. 108. NRS 86.221 is hereby amended to read as follows:

86.221 1. The articles of organization of a limited-liability company may be amended for any purpose, not inconsistent with law, as determined by all of the members or permitted by the articles or an operating agreement.

2. ~~[An]~~ ***Except as otherwise provided in section 34 of this act, an*** amendment must be made in the form of a certificate setting forth:

(a) The name of the limited-liability company;

(b) Whether the limited-liability company is managed by managers or members; and

(c) The amendment to the articles of organization.

3. The certificate of amendment must be signed by a manager of the company or, if management is not vested in a manager, by a member.

4. Restated articles of organization may be signed and filed in the same manner as a certificate of amendment. If the certificate alters or amends the articles in any manner, it must be accompanied by a form prescribed by the Secretary of State setting forth which provisions of the articles of organization on file with the Secretary of State are being altered or amended.

5. The following may be omitted from the restated articles of organization:

(a) The names, addresses, signatures and acknowledgments of the organizers;

(b) The names and addresses of the past and present members or managers; and

(c) The ~~[name and address of the resident agent.]~~ ***information required ~~[by subsection 1 of]~~ pursuant to section 31 of this act.***

Sec. 109. NRS 86.231 is hereby amended to read as follows:

86.231 ~~[1. Except during any period of vacancy described in NRS 86.251, a]~~ ***A*** limited-liability company shall have a ~~[resident]~~ ***registered*** agent who must have a street address for the service of process. The street address of the ~~[resident]~~ ***registered*** agent is the registered office of the limited-liability company in this State.

~~[2. Within 30 days after changing the location of his office from one address to another in this State, a resident agent shall file a certificate with the Secretary of State setting forth the names of the limited liability companies represented by him, the address at which he has maintained the office for each of the limited liability companies, and the new address to which the office is transferred.]~~

Sec. 110. NRS 86.251 is hereby amended to read as follows:

86.251 1. ~~[A resident agent who desires to resign shall:~~

~~(a) File with the Secretary of State a signed statement in the manner provided pursuant to subsection 1 of NRS 78.097 that he is unwilling to continue to act as the resident agent of the limited liability company for the service of process; and~~

~~(b) Pay to the Secretary of State the filing fee set forth in subsection 1 of NRS 78.097.~~

~~➥ A resignation is not effective until the signed statement is filed with the Secretary of State.~~

~~2. The statement of resignation may contain a statement of the affected limited liability company appointing a successor resident agent for that limited liability company, giving the agent's full name, street address for the service of process, and mailing address if different from the street address. A certificate of acceptance signed by the new resident agent must accompany the statement appointing a successor resident agent.~~

~~3. Upon the filing of the statement of resignation with the Secretary of State, the capacity of the resigning person as resident agent terminates. If the statement of resignation contains no statement by the limited liability company appointing a successor resident agent, the resigning agent shall immediately give written notice, by mail, to the limited liability company of the filing of the statement and its effect. The notice must be addressed to any manager or, if none, to any member of the limited liability company other than the resident agent.~~

~~4.~~] If a [~~resident agent dies, resigns or moves from the State,~~] ***registered agent resigns pursuant to section 37 of this act or if a commercial registered agent terminates its listing as a commercial registered agent pursuant to section 33 of this act,*** the limited-liability company, [~~within 30 days thereafter,~~] ***before the effective date of the resignation or termination,*** shall file with the Secretary of State a [~~certificate of acceptance signed by the new resident agent. The certificate must set forth the name, complete street address and mailing address, if different from the street address, of the new resident agent.~~

~~5.~~] ***statement of change of registered agent pursuant to section 34 of this act.***

2. Each limited-liability company which fails to [~~file a certificate of acceptance signed by the new resident agent within 30 days after the death, resignation or removal of its resident agent as provided in subsection 4~~] ***comply with subsection 1*** shall be deemed in default and is subject to the provisions of NRS 86.272 and 86.274.

3. As used in this section, "commercial registered agent" has the meaning ascribed to it in section 5 of this act.

Sec. 111. NRS 86.261 is hereby amended to read as follows:

86.261 1. The [~~resident~~] ***registered*** agent appointed by a limited-liability company is an agent of the company upon whom any process, notice or demand required or permitted by law to be served upon the company may be served.

2. This section does not limit or affect the right to serve any process, notice or demand required or permitted by law to be served upon a limited-liability company in any other manner permitted by law.

Sec. 112. NRS 86.263 is hereby amended to read as follows:

86.263 1. A limited-liability company shall, on or before the last day of the first month after the filing of its articles of organization with the Secretary of State, file with the Secretary of State, on a form furnished by him, a list that contains:

(a) The name of the limited-liability company;

(b) The file number of the limited-liability company, if known;

(c) The names and titles of all of its managers or, if there is no manager, all of its managing members;

(d) The address, either residence or business, of each manager or managing member listed, following the name of the manager or managing member;

(e) The [~~name and street address of its lawfully designated resident agent in this State;~~] ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;*** and

(f) The signature of a manager or managing member of the limited-liability company certifying that the list is true, complete and accurate.

2. The limited-liability company shall annually thereafter, on or before the last day of the month in which the anniversary date of its organization

occurs, file with the Secretary of State, on a form furnished by him, an amended list containing all of the information required in subsection 1.

3. Each list required by subsections 1 and 2 must be accompanied by a declaration under penalty of perjury that the limited-liability company:

(a) Has complied with the provisions of NRS 360.780; and

(b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

4. Upon filing:

(a) The initial list required by subsection 1, the limited-liability company shall pay to the Secretary of State a fee of $125.

(b) Each annual list required by subsection 2, the limited-liability company shall pay to the Secretary of State a fee of $125.

5. If a manager or managing member of a limited-liability company resigns and the resignation is not reflected on the annual or amended list of managers and managing members, the limited-liability company or the resigning manager or managing member shall pay to the Secretary of State a fee of $75 to file the resignation.

6. The Secretary of State shall, 90 days before the last day for filing each list required by subsection 2, cause to be mailed to each limited-liability company which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due under subsection 4 and a reminder to file a list required by subsection 2. Failure of any company to receive a notice or form does not excuse it from the penalty imposed by law.

7. If the list to be filed pursuant to the provisions of subsection 1 or 2 is defective or the fee required by subsection 4 is not paid, the Secretary of State may return the list for correction or payment.

8. An annual list for a limited-liability company not in default received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year.

Sec. 113. NRS 86.274 is hereby amended to read as follows:

86.274 1. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each limited-liability company deemed in default pursuant to the provisions of this chapter. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

2. On the first day of the first anniversary of the month following the month in which the filing was required, the charter of the company is revoked and its right to transact business is forfeited.

3. The Secretary of State shall compile a complete list containing the names of all limited-liability companies whose right to transact business has been forfeited.

4. The Secretary of State shall forthwith notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each limited-liability company specified in subsection 3 of the forfeiture of its charter. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

5. If the charter of a limited-liability company is revoked and the right to transact business is forfeited, all of the property and assets of the defaulting company must be held in trust by the managers or, if none, by the members of the company, and the same proceedings may be had with respect to its property and assets as apply to the dissolution of a limited-liability company pursuant to NRS 86.505 and 86.521. Any person interested may institute proceedings at any time after a forfeiture has been declared, but, if the Secretary of State reinstates the charter, the proceedings must be dismissed and all property restored to the company.

6. If the assets are distributed, they must be applied in the following manner:

(a) To the payment of the filing fee, penalties incurred and costs due to the State; and

(b) To the payment of the creditors of the company.

➥ Any balance remaining must be distributed among the members as provided in subsection 1 of NRS 86.521.

Sec. 114. NRS 86.276 is hereby amended to read as follows:

86.276 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate any limited-liability company which has forfeited or which forfeits its right to transact business pursuant to the provisions of this chapter and shall restore to the company its right to carry on business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 86.263; ~~***[and]***~~

(2) The statement required by NRS 86.264, if applicable; and

(3) ~~[A certificate of acceptance of appointment signed by its resident agent;]~~ ***The information required pursuant to section 31 of this act;*** and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 86.263 and 86.272 for each year or portion thereof during which it failed to file in a timely manner each required annual list;

(2) The fee set forth in NRS 86.264, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the limited-liability company, he shall issue to the company a certificate of reinstatement if the limited-liability company:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 86.561.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the charter occurred only by reason of failure to pay the fees and penalties.

4. If a company's charter has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 consecutive years, the charter must not be reinstated.

Sec. 115. NRS 86.544 is hereby amended to read as follows:

86.544 Before transacting business in this State, a foreign limited-liability company must register with the Secretary of State. In order to register, a foreign limited-liability company must submit to the Secretary of State an application for registration as a foreign limited-liability company, signed by a manager of the company or, if management is not vested in a manager, a member of the company **.** ~~[and a signed certificate of acceptance of a resident agent.]~~ The application for registration must set forth:

1. The name of the foreign limited-liability company and, if different, the name under which it proposes to register and transact business in this State;

2. The state and date of its formation;

3. The ~~[name and address of the resident agent in this State whom the foreign limited-liability company elects to appoint;]~~ ***information required ~~[by subsection 1 of]~~ pursuant to section 31 of this act;***

4. A statement that the Secretary of State is appointed the agent of the foreign limited-liability company for service of process if the authority of the ~~[resident]~~ ***registered*** agent has been revoked, or if the ~~[resident]~~ ***registered*** agent has resigned or cannot be found or served with the exercise of reasonable diligence;

5. The address of the office required to be maintained in the state of its organization by the laws of that state or, if not so required, of the principal office of the foreign limited-liability company;

6. The name and business address of each manager or, if management is not vested in a manager, each member;

7. The address of the office at which is kept a list of the names and addresses of the members and their capital contributions, together with an undertaking by the foreign limited-liability company to keep those records until the registration in this State of the foreign limited-liability company is cancelled or withdrawn; and

8. If the foreign limited-liability company has one or more series of members and if the debts or liabilities of a series are enforceable against the assets of that series only and not against the assets of the company generally or another series, a statement to that effect.

Sec. 116. NRS 86.5461 is hereby amended to read as follows:

86.5461 1. Each foreign limited-liability company doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign limited-liability company with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list on a form furnished by him that contains:

(a) The name of the foreign limited-liability company;

(b) The file number of the foreign limited-liability company, if known;

(c) The names and titles of all its managers or, if there is no manager, all its managing members;

(d) The address, either residence or business, of each manager or managing member listed pursuant to paragraph (c);

(e) The ~~[name and street address of its lawfully designated resident agent in this State;]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;*** and

(f) The signature of a manager or managing member of the foreign limited-liability company certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign limited-liability company:

(a) Has complied with the provisions of NRS 360.780; and

(b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State.

3. Upon filing:

(a) The initial list required by this section, the foreign limited-liability company shall pay to the Secretary of State a fee of $125.

(b) Each annual list required by this section, the foreign limited-liability company shall pay to the Secretary of State a fee of $125.

4. If a manager or managing member of a foreign limited-liability company resigns and the resignation is not reflected on the annual or amended list of managers and managing members, the foreign limited-liability company or the resigning manager or managing member shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by this section, cause to be mailed to each foreign limited-liability company which is required to comply with the provisions of NRS 86.5461 to 86.5468, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of any foreign limited-liability company to receive the forms does not excuse it from the penalty imposed by the provisions of NRS 86.5461 to 86.5468, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign limited-liability company not in default which is received by the Secretary of State more than 90 days before its due date ~~[must]~~ ***shall*** be deemed an amended list for the previous year and does not satisfy the requirements of this section for the year to which the due date is applicable.

Sec. 117. NRS 86.5466 is hereby amended to read as follows:

86.5466 1. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each foreign limited-liability company deemed in default pursuant to NRS 86.5465. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

2. Immediately after the last day of the month in which the anniversary date of its organization occurs, the Secretary of State shall compile a complete list containing the names of all foreign limited-liability companies whose right to transact business has been forfeited.

3. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each foreign limited-liability company specified in subsection 2 of the forfeiture of its right to transact business. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

Sec. 118. NRS 86.5467 is hereby amended to read as follows:

86.5467 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a foreign limited-liability company which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign limited-liability company its right to transact business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 86.5461; ~~*[and]*~~

(2) The statement required by NRS 86.5462, if applicable; and

(3) ~~[A certificate of acceptance of appointment signed by its resident agent;]~~ ***The information required pursuant to section 31 of this act;*** and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 86.5461 and 86.5465 for each year or portion thereof that its right to transact business was forfeited;

(2) The fee set forth in NRS 86.5462, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the foreign limited-liability company, he shall issue to the foreign limited-liability company a certificate of reinstatement if the foreign limited-liability company:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 86.561.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign limited-liability company to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right must not be reinstated.

Sec. 119. NRS 86.561 is hereby amended to read as follows:

86.561 1. The Secretary of State shall charge and collect for:

(a) Filing the original articles of organization, or for registration of a foreign company, $75;

(b) Amending or restating the articles of organization, amending the registration of a foreign company or filing a certificate of correction, $175;

(c) Filing the articles of dissolution of a domestic or foreign company, $75;

(d) ~~[Filing a statement of change of address of a records or registered office, or change of the resident agent, $60;~~

~~(e)]~~ Certifying a copy of articles of organization or an amendment to the articles, $30;

~~[(f)]~~ ***(e)*** Certifying an authorized printed copy of this chapter, $30;

~~[(g)]~~ ***(f)*** Reserving a name for a limited-liability company, $25;

~~[(h)]~~ ***(g)*** Filing a certificate of cancellation, $75;

~~[(i)]~~ ***(h)*** Signing, filing or certifying any other record, $50; and

~~[(j)]~~ ***(i)*** Copies provided by the Office of the Secretary of State, $2 per page.

2. The Secretary of State shall charge and collect, at the time of any service of process on him as agent for service of process of a limited-liability company, $100 which may be recovered as taxable costs by the party to the action causing the service to be made if the party prevails in the action.

3. Except as otherwise provided in this section, the fees set forth in NRS 78.785 apply to this chapter.

Sec. 120. NRS 86.580 is hereby amended to read as follows:

86.580 1. A limited-liability company which did exist or is existing pursuant to the laws of this State may, upon complying with the provisions of NRS 86.276, procure a renewal or revival of its charter for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original charter and amendments thereto, or existing charter, by filing:

(a) A certificate with the Secretary of State, which must set forth:

(1) The name of the limited-liability company, which must be the name of the limited-liability company at the time of the renewal or revival, or its name at the time its original charter expired.

(2) The ~~[name of the person lawfully designated as the resident agent of the limited-liability company, his street address for the service of process, and his mailing address if different from his street address.]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act.***

(3) The date when the renewal or revival of the charter is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.

(4) Whether or not the renewal or revival is to be perpetual, and, if not perpetual, the time for which the renewal or revival is to continue.

(5) That the limited-liability company desiring to renew or revive its charter is, or has been, organized and carrying on the business authorized by its existing or original charter and amendments thereto, and desires to renew or continue through revival its existence pursuant to and subject to the provisions of this chapter.

(b) A list of its managers ~~[,]~~ or **,** if there are no managers, all its managing members and their mailing or street addresses, either residence or business.

2. A limited-liability company whose charter has not expired and is being renewed shall cause the certificate to be signed by its manager ~~[,]~~ or **,** if there is no manager, by a person designated by its members. The certificate must be approved by a majority in interest.

3. A limited-liability company seeking to revive its original or amended charter shall cause the certificate to be signed by a person or persons designated or appointed by the members. The signing and filing of the certificate must be approved by the written consent of a majority in interest and must contain a recital that this consent was secured. The limited-liability company shall pay to the Secretary of State the fee required to establish a new limited-liability company pursuant to the provisions of this chapter.

4. The filed certificate, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the existence of the limited-liability company therein named.

Sec. 121. NRS 87.008 is hereby amended to read as follows:

87.008 "Street address" of a ~~[resident]~~ ***registered*** agent means the actual physical location in this State at which a ~~[resident]~~ ***registered*** agent is available for service of process.

Sec. 122. NRS 87.440 is hereby amended to read as follows:

87.440 1. To become a registered limited-liability partnership, a partnership shall file with the Secretary of State a certificate of registration stating each of the following:

(a) The name of the partnership.

(b) The street address of its principal office.

(c) The ~~[name of the person designated as the partnership's resident agent, the street address of the resident agent where process may be served upon the partnership and the mailing address of the resident agent if it is different than his street address.]~~ ***information required ~~[by subsection 1 of]~~ pursuant to section 31 of this act.***

(d) The name and business address of each managing partner in this State.

(e) A brief statement of the professional service rendered by the partnership.

(f) That the partnership thereafter will be a registered limited-liability partnership.

(g) Any other information that the partnership wishes to include.

2. The certificate of registration must be signed by a majority in interest of the partners or by one or more partners authorized to sign such a certificate.

3. The certificate of registration must be accompanied by a fee of $75.

4. The Secretary of State shall register as a registered limited-liability partnership any partnership that submits a completed certificate of registration with the required fee.

5. The registration of a registered limited-liability partnership is effective at the time of the filing of the certificate of registration.

Sec. 123. NRS 87.480 is hereby amended to read as follows:

87.480 ~~[1. Except during the period described in subsection 3, a]~~ ***A*** registered limited-liability partnership must have a ~~[resident]~~ ***registered*** agent who resides or is located in this State. A ~~[resident]~~ ***registered*** agent must have a street address for the service of process that is the principal office of the registered limited-liability company in this State, and may have a separate mailing address that is different from his street address.

~~[2. A resident agent for a registered limited-liability partnership shall file a certificate of acceptance with the Secretary of State.~~

~~3. A resident agent shall, within 30 days after changing the location of his office from one address to another address in this State, file a certificate with the Secretary of State that sets forth the names of the registered limited-liability partnerships represented by the agent and the new address of his office.]~~

Sec. 124. NRS 87.490 is hereby amended to read as follows:

87.490 1. If a registered limited-liability partnership wishes to change the location of its principal office in this State ***,*** ~~[or its resident agent,]~~ it shall first file with the Secretary of State a certificate of change of principal office ~~[or resident agent]~~ that sets forth:

(a) The name of the registered limited-liability partnership;

(b) The street address of its principal office; ***and***

(c) ~~[If the location of its principal office will be changed, the]~~ ***The*** street address of its new principal office ***.*** ~~[;~~

~~(d) The name of its resident agent; and~~

~~(c) If its resident agent will be changed, the name of its new resident agent.~~

~~2. A certificate of acceptance signed by the new resident agent must accompany the certificate of change of resident agent.~~

~~3.~~] ***2.*** A certificate of change of principal office ~~[or resident agent]~~ filed pursuant to this section must be:

(a) Signed by a managing partner of the registered limited-liability partnership; and

(b) Accompanied by a fee of $60.

~~[4. If the name of a resident agent is changed as a result of a merger, conversion, exchange, sale, reorganization or amendment, the resident agent shall:~~

~~(a) File with the Secretary of State a certificate of name change of resident agent that includes:~~

~~(1) The current name of the resident agent as filed with the Secretary of State;~~

~~(2) The new name of the resident agent; and~~

~~(3) The name and file number of each artificial person formed, organized, registered or qualified pursuant to the provisions of this title that the resident agent represents; and~~

~~(b) Pay to the Secretary of State a filing fee of $100.~~

~~5.~~] ***3.*** A change authorized by this section becomes effective upon the filing of the proper certificate of change.

Sec. 125. NRS 87.500 is hereby amended to read as follows:

87.500 1. ~~[A resident agent who wishes to resign shall:~~

~~(a) File with the Secretary of State a signed statement in the manner provided pursuant to subsection 1 of NRS 78.097 that he is unwilling to continue to act as the resident agent of the registered limited liability partnership for the service of process; and~~

~~(b) Pay to the Secretary of State the filing fee set forth in subsection 1 of NRS 78.097.~~

~~➥ A resignation is not effective until the signed statement is filed with the Secretary of State.~~

~~2. The statement of resignation may contain a statement by the affected registered limited liability partnership appointing a successor resident agent. A certificate of acceptance signed by the new agent, stating the full name, complete street address and, if different from the street address, the mailing address of the new agent, must accompany the statement appointing the new resident agent.~~

~~3. Upon the filing of the statement with the Secretary of State, the capacity of the person as resident agent terminates. If the statement of resignation contains no statement by the registered limited-liability partnership appointing a successor resident agent, the resigning agent shall immediately give written notice, by certified mail, to the registered limited-~~

~~liability partnership of the filing of the statement and its effect. The notice must be addressed to a managing partner in this State.~~

~~4.~~] If a ~~[resident agent dies, resigns or removes himself from the State,]~~ ***registered agent resigns pursuant to section 37 of this act or if a commercial registered agent terminates its listing as a commercial registered agent pursuant to section 33 of this act,*** the registered limited-liability partnership shall, ~~[within 30 days thereafter,]~~ ***before the effective date of the resignation or termination,*** file with the Secretary of State a ~~[certificate of acceptance, signed by the new resident agent. The certificate must set forth the full name, complete street address and, if different from the street address, the mailing address of the newly designated resident agent.~~

~~5.~~] ***statement of change of registered agent pursuant to section 34 of this act.***

2. If a registered limited-liability partnership fails to ~~[file a certificate of acceptance within the period required by subsection 4,]~~ ***comply with subsection 1,*** it is in default and is subject to the provisions of NRS 87.520.

3. As used in this section, "commercial registered agent" has the meaning ascribed to it in section 5 of this act.

Sec. 126. NRS 87.510 is hereby amended to read as follows:

87.510 1. A registered limited-liability partnership shall, on or before the last day of the first month after the filing of its certificate of registration with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of registration with the Secretary of State occurs, file with the Secretary of State, on a form furnished by him, a list that contains:

(a) The name of the registered limited-liability partnership;

(b) The file number of the registered limited-liability partnership, if known;

(c) The names of all of its managing partners;

(d) The address, either residence or business, of each managing partner;

(e) The ~~[name and street address of its lawfully designated resident agent in this State;]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;*** and

(f) The signature of a managing partner of the registered limited-liability partnership certifying that the list is true, complete and accurate.

➥ Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the registered limited-liability partnership has complied with the provisions of NRS 360.780 ~~[and which acknowledges]~~ ***, an acknowledgment*** that pursuant to NRS 239.330 it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

2. Upon filing:

(a) The initial list required by subsection 1, the registered limited-liability partnership shall pay to the Secretary of State a fee of $125.

(b) Each annual list required by subsection 1, the registered limited-liability partnership shall pay to the Secretary of State a fee of $125.

3. If a managing partner of a registered limited-liability partnership resigns and the resignation is not reflected on the annual or amended list of managing partners, the registered limited-liability partnership or the resigning managing partner shall pay to the Secretary of State a fee of $75 to file the resignation.

4. The Secretary of State shall, at least 90 days before the last day for filing each annual list required by subsection 1, cause to be mailed to the registered limited-liability partnership a notice of the fee due pursuant to subsection 2 and a reminder to file the annual list required by subsection 1. The failure of any registered limited-liability partnership to receive a notice or form does not excuse it from complying with the provisions of this section.

5. If the list to be filed pursuant to the provisions of subsection 1 is defective, or the fee required by subsection 2 is not paid, the Secretary of State may return the list for correction or payment.

6. An annual list that is filed by a registered limited-liability partnership which is not in default more than 90 days before it is due shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 127. NRS 87.520 is hereby amended to read as follows:

87.520 1. A registered limited-liability partnership that fails to comply with the provisions of NRS 87.510 is in default.

2. Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a registered limited-liability partnership which is a unit-owners' association as defined in NRS 116.011 has failed to register pursuant to NRS 116.31158 or failed to pay the fees pursuant to NRS 116.31155, the Secretary of State shall deem the registered limited-liability partnership to be in default. If, after the registered limited-liability partnership is deemed to be in default, the Administrator notifies the Secretary of State that the registered limited-liability partnership has registered pursuant to NRS 116.31158 and paid the fees pursuant to NRS 116.31155, the Secretary of State shall reinstate the registered limited-liability partnership if the registered limited-liability partnership complies with the requirements for reinstatement as provided in this section and NRS 87.530.

3. Any registered limited-liability partnership that is in default pursuant to this section must, in addition to the fee required to be paid pursuant to NRS 87.510, pay a penalty of $75.

4. The Secretary of State shall provide written notice to the ~~[resident]~~ ***registered*** agent of any registered limited-liability partnership that is in default. The written notice:

(a) Must include the amount of any payment that is due from the registered limited-liability partnership.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

5. If a registered limited-liability partnership fails to pay the amount that is due, the certificate of registration of the registered limited-liability partnership shall be deemed revoked immediately after the last day of the month in which the anniversary date of the filing of the certificate of registration occurs, and the Secretary of State shall notify the registered limited-liability partnership, by providing written notice to its ~~[resident]~~ ***registered*** agent or, if the registered limited-liability partnership does not have a ~~[resident]~~ ***registered*** agent, to a managing partner, that its certificate of registration is revoked. The written notice:

(a) Must include the amount of any fees and penalties incurred that are due.

(b) At the request of the ~~[resident]~~ ***registered*** agent or managing partner, may be provided electronically.

Sec. 128. NRS 87.530 is hereby amended to read as follows:

87.530 1. Except as otherwise provided in subsection 3, the Secretary of State shall reinstate the certificate of registration of a registered limited-liability partnership that is revoked pursuant to NRS 87.520 if the registered limited-liability partnership:

(a) Files with the Secretary of State :

(1) The ~~*[the]*~~ information required by NRS 87.510; and

(2) ~~[A certificate of acceptance of appointment signed by its resident agent;]~~ ***The information required pursuant to section 31 of this act;*** and

(b) Pays to the Secretary of State:

(1) The fee required to be paid pursuant to NRS 87.510;

(2) Any penalty required to be paid pursuant to NRS 87.520; and

(3) A reinstatement fee of $300.

2. When the Secretary of State reinstates the registered limited-liability partnership, he shall issue to the registered limited-liability partnership a certificate of reinstatement if the registered limited-liability partnership:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 87.550.

3. The Secretary of State shall not reinstate the certificate of registration of a registered limited-liability partnership if the certificate was revoked pursuant to the provisions of this chapter at least 5 years before the date of the proposed reinstatement.

Sec. 129. NRS 87.541 is hereby amended to read as follows:

87.541 1. Each foreign registered limited-liability partnership doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign registered limited-liability partnership with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:

(a) The name of the foreign registered limited-liability partnership;

(b) The file number of the foreign registered limited-liability partnership, if known;

(c) The names of all its managing partners;

(d) The address, either residence or business, of each managing partner;

(e) The ~~[name and street address of its lawfully designated resident agent in this State;]~~ ***information required ~~[by subsection 1 of]~~ pursuant to section 31 of this act;*** and

(f) The signature of a managing partner of the foreign registered limited-liability partnership certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign registered limited-liability partnership:

(a) Has complied with the provisions of NRS 360.780; and

(b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

3. Upon filing:

(a) The initial list required by this section, the foreign registered limited-liability partnership shall pay to the Secretary of State a fee of $125.

(b) Each annual list required by this section, the foreign registered limited-liability partnership shall pay to the Secretary of State a fee of $125.

4. If a managing partner of a foreign registered limited-liability partnership resigns and the resignation is not reflected on the annual or amended list of managing partners, the foreign registered limited-liability partnership or the managing partner shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each foreign registered limited-liability partnership which is required to comply with the provisions of NRS 87.541 to 87.544, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of any foreign registered limited-liability partnership to receive the forms does not excuse it from the penalty imposed by the provisions of NRS 87.541 to 87.544, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign registered limited-liability partnership not in default which is received by the Secretary of State more than 90 days before its due date ~~[must]~~ ***shall*** be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 130. NRS 87.543 is hereby amended to read as follows:

87.543 1. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each foreign registered limited-liability partnership deemed in default pursuant to NRS 87.5425. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

2. Immediately after the last day of the month in which the anniversary date of its registration occurs, the Secretary of State shall compile a complete list containing the names of all foreign registered limited-liability partnerships whose right to transact business has been forfeited.

3. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each foreign registered limited-liability partnership specified in subsection 2 of the forfeiture of its right to transact business. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

Sec. 131. NRS 87.5435 is hereby amended to read as follows:

87.5435 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a foreign registered limited-liability partnership which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign registered limited-liability partnership its right to transact business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State ~~[~~:

~~(1) The]~~ ***the*** list required by NRS 87.541; and

~~[(2) A certificate of acceptance of appointment signed by its resident agent; and]~~

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 87.541 and 87.5425 for each year or portion thereof that its right to transact business was forfeited; and

(2) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the foreign registered limited-liability partnership, he shall issue to the foreign registered limited-liability partnership a certificate of reinstatement if the foreign registered limited-liability partnership:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 87.550.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right

to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign registered limited-liability partnership to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right to transact business must not be reinstated.

Sec. 132. NRS 88.315 is hereby amended to read as follows:

88.315 As used in this chapter, unless the context otherwise requires:

1. "Certificate of limited partnership" means the certificate referred to in NRS 88.350, and the certificate as amended or restated.

2. "Contribution" means any cash, property, services rendered, or a promissory note or other binding obligation to contribute cash or property or to perform services, which a partner contributes to a limited partnership in his capacity as a partner.

3. "Event of withdrawal of a general partner" means an event that causes a person to cease to be a general partner as provided in NRS 88.450.

4. "Foreign limited partnership" means a partnership formed under the laws of any state other than this State and having as partners one or more general partners and one or more limited partners.

5. "Foreign registered limited-liability limited partnership" means a foreign limited-liability limited partnership:

(a) Formed pursuant to an agreement governed by the laws of another state; and

(b) Registered pursuant to and complying with NRS 88.570 to 88.605, inclusive, and 88.609.

6. "General partner" means a person who has been admitted to a limited partnership as a general partner in accordance with the partnership agreement and named in the certificate of limited partnership as a general partner.

7. "Limited partner" means a person who has been admitted to a limited partnership as a limited partner in accordance with the partnership agreement.

8. "Limited partnership" and "domestic limited partnership" mean a partnership formed by two or more persons under the laws of this State and having one or more general partners and one or more limited partners.

9. "Partner" means a limited or general partner.

10. "Partnership agreement" means any valid agreement, written or oral, of the partners as to the affairs of a limited partnership and the conduct of its business.

11. "Partnership interest" means a partner's share of the profits and losses of a limited partnership and the right to receive distributions of partnership assets.

12. "Record" means information that is inscribed on tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

13. "Registered limited-liability limited partnership" means a limited partnership:

(a) Formed pursuant to an agreement governed by this chapter; and

(b) Registered pursuant to and complying with NRS 88.350 to 88.415, inclusive, 88.606, 88.6065 and 88.607.

14. ***"Registered agent" has the meaning ascribed to it in section 24 of this act.***

15. "Registered office" means the office maintained at the street address of the ~~[resident agent.~~

~~15. "Resident agent" means the agent appointed by the limited partnership upon whom process or a notice or demand authorized by law to be served upon the limited partnership may be served.]~~ ***registered agent.***

16. "Sign" means to affix a signature to a record.

17. "Signature" means a name, word, symbol or mark executed or otherwise adopted, or a record encrypted or similarly processed in whole or in part, by a person with the present intent to identify himself and adopt or accept a record. The term includes, without limitation, an electronic signature as defined in NRS 719.100.

18. "State" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

19. "Street address" of a ~~[resident]~~ ***registered*** agent means the actual physical location in this State at which a ~~[resident]~~ ***registered agent*** is available for service of process.

Sec. 133. NRS 88.330 is hereby amended to read as follows:

88.330 1. Each limited partnership shall continuously maintain in this State:

(a) An office, which may but need not be a place of its business in this State, at which must be kept the records required by NRS 88.335 to be maintained; and

(b) A ~~[resident]~~ ***registered*** agent.

2. ~~[Every resident agent shall file a certificate in the Office of the Secretary of State, setting forth his street address where process may be served upon the limited partnership and his mailing address if different from the street address.~~

~~3. Within 30 days after changing the location of his office from one address to another in this State, a resident agent shall file a certificate with the Secretary of State setting forth the names of the limited partnerships represented by the agent, the address at which he has maintained the office for each of the limited partnerships, and the new address to which the office is transferred.~~

~~4.]~~ Within 30 days after changing the location of the office which contains records for a limited partnership, a general partner of the limited partnership shall file a certificate of a change in address with the Secretary of State which sets forth the name of the limited partnership, the previous

address of the office which contains records and the new address of the office which contains records.

Sec. 134. NRS 88.332 is hereby amended to read as follows:

88.332 1. ~~[A resident agent who desires to resign shall:~~

~~(a) File with the Secretary of State a signed statement in the manner provided pursuant to subsection 1 of NRS 78.097 that he is unwilling to continue to act as the resident agent of the limited partnership for the service of process; and~~

~~(b) Pay to the Secretary of State the filing fee set forth in subsection 1 of NRS 78.097.~~

~~➥ A resignation is not effective until the signed statement is filed with the Secretary of State.~~

~~2. The statement of resignation may contain a statement by the affected limited partnership appointing a successor resident agent for the limited partnership. A certificate of acceptance signed by the new agent, stating the full name, complete street address and, if different from the street address, mailing address of the new agent, must accompany the statement appointing the new agent.~~

~~3. Upon the filing of the statement with the Secretary of State, the capacity of the person as resident agent terminates. If the statement of resignation does not contain a statement by the limited partnership appointing a successor resident agent, the resigning agent shall immediately give written notice, by mail, to the limited partnership of the filing of the statement and the effect thereof. The notice must be addressed to a general partner of the partnership other than the resident agent.~~

~~4.]~~ If a ~~[designated resident agent dies, resigns or removes from the State,]~~ ***registered agent resigns pursuant to section 37 of this act or if a commercial registered agent terminates its listing as a commercial registered agent pursuant to section 33 of this act,*** the limited partnership, ~~[within 30 days thereafter,]~~ ***before the effective date of the resignation or termination,*** shall file with the Secretary of State a ~~[certificate of acceptance, signed by the new resident agent. The certificate must set forth the full name, complete street address and, if different from the street address, mailing address of the newly designated resident agent.~~

~~5.]~~ ***statement of change of registered agent pursuant to section 34 of this act.***

2. Each limited partnership which fails to ~~[file a certificate of acceptance signed by the new resident agent within 30 days after the death, resignation or removal of its resident agent as provided in subsection 4]~~ ***comply with subsection 1*** shall be deemed in default and is subject to the provisions of NRS 88.400 and 88.405.

3. As used in this section, "commercial registered agent" has the meaning ascribed to it in section 5 of this act.

Sec. 135. NRS 88.335 is hereby amended to read as follows:

88.335 1. A limited partnership shall keep at the office referred to in paragraph (a) of subsection 1 of NRS 88.330 the following:

(a) A current list of the full name and last known business address of each partner, separately identifying the general partners in alphabetical order and the limited partners in alphabetical order;

(b) A copy of the certificate of limited partnership and all certificates of amendment thereto, together with signed copies of any powers of attorney pursuant to which any certificate has been signed;

(c) Copies of the limited partnership's federal, state, and local income tax returns and reports, if any, for the 3 most recent years;

(d) Copies of any then effective written partnership agreements;

(e) Copies of any financial statements of the limited partnership for the 3 most recent years; and

(f) Unless contained in a written partnership agreement, a writing setting out:

(1) The amount of cash and a description and statement of the agreed value of the other property or services contributed by each partner and which each partner has agreed to contribute;

(2) The times at which or events on the happening of which any additional contributions agreed to be made by each partner are to be made;

(3) Any right of a partner to receive, or of a general partner to make, distributions to a partner which include a return of all or any part of the partner's contribution; and

(4) Any events upon the happening of which the limited partnership is to be dissolved and its affairs wound up.

2. In lieu of keeping at an office in this State the information required in paragraphs (a), (c), (e) and (f) of subsection 1, the limited partnership may keep a statement with the ~~[resident]~~ ***registered*** agent setting out the name of the custodian of the information required in paragraphs (a), (c), (e) and (f) of subsection 1, and the present and complete post office address, including street and number, if any, where the information required in paragraphs (a), (c), (e) and (f) of subsection 1 is kept.

3. Records kept pursuant to this section are subject to inspection and copying at the reasonable request, and at the expense, of any partner during ordinary business hours.

Sec. 136. NRS 88.350 is hereby amended to read as follows:

88.350 1. In order to form a limited partnership, a certificate of limited partnership must be signed and filed in the Office of the Secretary of State. The certificate must set forth:

(a) The name of the limited partnership;

(b) The ~~[address of the office which contains records and the name and address of the resident agent required to be maintained by NRS 88.330;]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;***

(c) The name and business address of each organizer executing the certificate;

(d) The name and business address of each initial general partner;

(e) The latest date upon which the limited partnership is to dissolve; and

(f) Any other matters the organizers determine to include therein.

2. ~~[A certificate of acceptance of appointment of a resident agent, signed by the agent, must be filed with the certificate of limited partnership.~~

~~3.]~~ A limited partnership is formed at the time of the filing of the certificate of limited partnership ~~[and the certificate of acceptance]~~ in the Office of the Secretary of State or at any later time specified in the certificate of limited partnership if ~~[, in either case,]~~ there has been substantial compliance with the requirements of this section.

Sec. 137. NRS 88.355 is hereby amended to read as follows:

88.355 1. A certificate of limited partnership is amended by filing a certificate of amendment thereto in the Office of the Secretary of State. The certificate must set forth:

(a) The name of the limited partnership; and

(b) The amendment.

2. Within 30 days after the happening of any of the following events **,** an amendment to a certificate of limited partnership reflecting the occurrence of the event or events must be filed:

(a) The admission of a new general partner;

(b) The withdrawal of a general partner; or

(c) The continuation of the business under NRS 88.550 after an event of withdrawal of a general partner.

3. A general partner who becomes aware that any statement in a certificate of limited partnership was false when made or that any arrangements or other facts described, except the address of its office or the name or address of its ~~[resident]~~ ***registered*** agent, have changed, making the certificate inaccurate in any respect, shall promptly amend the certificate.

4. A certificate of limited partnership may be amended at any time for any other proper purpose the general partners determine.

5. No person has any liability because an amendment to a certificate of limited partnership has not been filed to reflect the occurrence of any event referred to in subsection 2 if the amendment is filed within the 30-day period specified in subsection 2.

6. A certificate of amendment filed pursuant to this section is effective upon filing the certificate with the Secretary of State or upon a later date specified in the certificate, which must not be more than 90 days after the certificate is filed.

7. A restated certificate of limited partnership may be signed and filed in the same manner as a certificate of amendment. If the certificate alters or amends the certificate of limited partnership in any manner, it must be accompanied by a form prescribed by the Secretary of State setting forth which provisions of the certificate of limited partnership on file with the Secretary of State are being altered or amended.

Sec. 138. NRS 88.395 is hereby amended to read as follows:

88.395 1. A limited partnership shall, on or before the last day of the first month after the filing of its certificate of limited partnership with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of limited partnership occurs, file with the Secretary of State, on a form furnished by him, a list that contains:

(a) The name of the limited partnership;

(b) The file number of the limited partnership, if known;

(c) The names of all of its general partners;

(d) The address, either residence or business, of each general partner;

(e) The ~~[name and street address of its lawfully designated resident agent in this State;]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;*** and

(f) The signature of a general partner of the limited partnership certifying that the list is true, complete and accurate.

➥ Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the limited partnership has complied with the provisions of NRS 360.780 and which acknowledges that pursuant to NRS 239.330 it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

2. Except as otherwise provided in subsection 3, a limited partnership shall, upon filing:

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of $125.

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of $125.

3. A registered limited-liability limited partnership shall, upon filing:

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of $125.

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of $175.

4. If a general partner of a limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the limited partnership or the resigning general partner shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each limited partnership which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due pursuant to the provisions of subsection 2 or 3, as appropriate, and a reminder to file the annual list. Failure of any limited partnership to receive a notice or form does not excuse it from the penalty imposed by NRS 88.400.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 2 or 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a limited partnership not in default that is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A filing made pursuant to this section does not satisfy the provisions of NRS 88.355 and may not be substituted for filings submitted pursuant to NRS 88.355.

Sec. 139. NRS 88.405 is hereby amended to read as follows:

88.405 1. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each defaulting limited partnership. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

2. Immediately after the first day of the first anniversary of the month following the month in which filing was required, the certificate of the limited partnership is revoked.

3. The Secretary of State shall compile a complete list containing the names of all limited partnerships whose right to transact business has been forfeited.

4. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each limited partnership specified in subsection 3 of the revocation of its certificate. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

5. In case of revocation of the certificate and of the forfeiture of the right to transact business thereunder, all the property and assets of the defaulting domestic limited partnership are held in trust by the general partners, and the same proceedings may be had with respect thereto as for the judicial dissolution of a limited partnership. Any person interested may institute proceedings at any time after a forfeiture has been declared, but, if the Secretary of State reinstates the limited partnership, the proceedings must at once be dismissed and all property restored to the general partners.

Sec. 140. NRS 88.410 is hereby amended to read as follows:

88.410 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate any limited partnership which has forfeited or which forfeits its right to transact business under the provisions of this chapter and restore to the limited partnership its right to carry on business in this State, and to exercise its privileges and immunities if it:

(a) Files with the Secretary of State:

(1) The list required pursuant to NRS 88.395; ~~*[and]*~~

(2) The statement required by NRS 88.397, if applicable; and

(3) ~~[A certificate of acceptance of appointment signed by its resident agent;]~~ ***The information required pursuant to section 31 of this act;*** and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 88.395 and 88.400 for each year or portion thereof during which the certificate has been revoked;

(2) The fee set forth in NRS 88.397, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the limited partnership, he shall issue to the limited partnership a certificate of reinstatement if the limited partnership:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88.415.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation occurred only by reason of failure to pay the fees and penalties.

4. If a limited partnership's certificate has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 years, the certificate must not be reinstated.

Sec. 141. NRS 88.415 is hereby amended to read as follows:

88.415 The Secretary of State, for services relating to his official duties and the records of his office, shall charge and collect the following fees:

1. For filing a certificate of limited partnership, or for registering a foreign limited partnership, $75.

2. For filing a certificate of registration of limited-liability limited partnership, or for registering a foreign registered limited-liability limited partnership, $100.

3. For filing a certificate of amendment of limited partnership or restated certificate of limited partnership, $175.

4. ~~[For filing a certificate of a change of location of the records office of a limited partnership or the office of its resident agent, or a designation of a new resident agent, $60.~~

~~5.]~~ For certifying a copy of a certificate of limited partnership, an amendment to the certificate, or a certificate as amended, $30 per certification.

~~[6.]~~ ***5.*** For certifying an authorized printed copy of the limited partnership law, $30.

~~[7.]~~ ***6.*** For reserving a limited partnership name, or for signing, filing or certifying any other record, $25.

~~[8.]~~ ***7.*** For copies provided by the Office of the Secretary of State, $2 per page.

~~[9.]~~ ***8.*** For filing a certificate of cancellation of a limited partnership, $75.

➥ Except as otherwise provided in this section, the fees set forth in NRS 78.785 apply to this chapter.

Sec. 142. NRS 88.575 is hereby amended to read as follows:

88.575 Before transacting business in this State, a foreign limited partnership shall register with the Secretary of State. In order to register, a foreign limited partnership shall submit to the Secretary of State an application for registration as a foreign limited partnership, signed by a general partner **.** ~~[, and a signed certificate of acceptance of a resident agent.]~~ The application for registration must set forth:

1. The name of the foreign limited partnership and, if different, the name under which it proposes to register and transact business in this State;

2. The state and date of its formation;

3. The ~~[name and address of the resident agent whom the foreign limited partnership elects to appoint;]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;***

4. A statement that the Secretary of State is appointed the agent of the foreign limited partnership for service of process if the ~~[resident]~~ ***registered*** agent's authority has been revoked or if the ~~[resident]~~ ***registered*** agent cannot be found or served with the exercise of reasonable diligence;

5. The address of the office required to be maintained in the state of its organization by the laws of that state or, if not so required, of the principal office of the foreign limited partnership;

6. The name and business address of each general partner; and

7. The address of the office at which is kept a list of the names and addresses of the limited partners and their capital contributions, together with an undertaking by the foreign limited partnership to keep those records until the foreign limited partnership's registration in this State is cancelled or withdrawn.

Sec. 143. NRS 88.591 is hereby amended to read as follows:

88.591 1. Each foreign limited partnership doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign limited partnership with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:

(a) The name of the foreign limited partnership;

(b) The file number of the foreign limited partnership, if known;

(c) The names of all its general partners;

(d) The address, either residence or business, of each general partner;

(e) The ~~[name and street address of its lawfully designated resident agent in this State;]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;*** and

(f) The signature of a general partner of the foreign limited partnership certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign limited partnership:

(a) Has complied with the provisions of NRS 360.780; and

(b) Acknowledges that pursuant to NRS 239.330 it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

3. Upon filing:

(a) The initial list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of $125.

(b) Each annual list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of $125.

4. If a general partner of a foreign limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the foreign limited partnership or the resigning general partner shall pay to the Secretary of State a fee of $75 to file the resignation of the general partner.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each foreign limited partnership, which is required to comply with the provisions of NRS 88.591 to 88.5945, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of any foreign limited partnership to receive the forms does not excuse it from the penalty imposed by the provisions of NRS 88.591 to 88.5945, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign limited partnership not in default which is received by the Secretary of State more than 90 days before its due date ~~[must]~~ ***shall*** be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 144. NRS 88.5935 is hereby amended to read as follows:

88.5935 1. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each foreign limited partnership deemed in default pursuant to NRS 88.593. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

2. Immediately after the last day of the month in which the anniversary date of the filing of the certificate of limited partnership occurs, the Secretary of State shall compile a complete list containing the names of all foreign limited partnerships whose right to transact business has been forfeited.

3. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each foreign limited partnership specified in subsection 2 of the forfeiture of its right to transact business. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

Sec. 145. NRS 88.594 is hereby amended to read as follows:

88.594 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a foreign limited partnership which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign limited partnership its right to transact business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 88.591; ~~*[and]*~~

(2) The statement required by NRS 88.5915, if applicable; and

(3) ~~[A certificate of acceptance of appointment signed by its resident agent;]~~ ***The information required pursuant to section 31 of this act;*** and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 88.591 and 88.593 for each year or portion thereof that its right to transact business was forfeited;

(2) The fee set forth in NRS 88.5915, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the foreign limited partnership, he shall issue to the foreign limited partnership a certificate of reinstatement if the foreign limited partnership:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88.415.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign limited partnership to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right is not subject to reinstatement.

Sec. 146. NRS 88.606 is hereby amended to read as follows:

88.606 1. To become a registered limited-liability limited partnership, a limited partnership shall file with the Secretary of State a certificate of registration stating each of the following:

(a) The name of the limited partnership.

(b) The street address of its principal office.

(c) The ~~[name of the person designated as the resident agent of the limited partnership, the street address of the resident agent where process may be served upon the partnership and the mailing address of the resident agent if it is different from his street address.]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act.***

(d) The name and business address of each organizer signing the certificate.

(e) The name and business address of each initial general partner.

(f) That the limited partnership thereafter will be a registered limited-liability limited partnership.

(g) Any other information that the limited partnership wishes to include.

2. The certificate of registration must be signed by the vote necessary to amend the partnership agreement or, in the case of a partnership agreement that expressly considers contribution obligations, the vote necessary to amend those provisions.

3. The Secretary of State shall register as a registered limited-liability limited partnership any limited partnership that submits a completed certificate of registration with the required fee.

4. The registration of a registered limited-liability limited partnership is effective at the time of the filing of the certificate of registration.

Sec. 147. Chapter 88A of NRS is hereby amended by adding thereto a new section to read as follows:

"Registered agent" has the meaning ascribed to it in section 24 of this act.

Sec. 148. NRS 88A.010 is hereby amended to read as follows:

88A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 88A.020 to 88A.110, inclusive, ***and section 147 of this act*** have the meanings ascribed to them in those sections.

Sec. 149. NRS 88A.060 is hereby amended to read as follows:

88A.060 "Registered office" means the office of a business trust maintained at the street address of its ~~[resident]~~ ***registered*** agent.

Sec. 150. NRS 88A.100 is hereby amended to read as follows:

88A.100 "Street address" of a ~~[resident]~~ ***registered*** agent means the actual physical location in this State at which a ~~[resident]~~ ***registered*** agent is available for service of process.

Sec. 151. NRS 88A.210 is hereby amended to read as follows:

88A.210 1. One or more persons may create a business trust by adopting a governing instrument and signing and filing with the Secretary of State a certificate of trust **.** ~~[and a certificate of acceptance of appointment signed by the resident agent of the business trust.]~~ The certificate of trust must set forth:

(a) The name of the business trust;

(b) The name and address, either residence or business, of at least one trustee;

(c) The ~~[name of the person designated as the resident agent for the business trust, the street address of the resident agent where process may be served upon the business trust and the mailing address of the resident agent if different from the street address;]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;***

(d) The name and address, either residence or business, of each person signing the certificate of trust; and

(e) Any other information the trustees determine to include.

2. Upon the filing of the certificate of trust ~~[and the certificate of acceptance]~~ with the Secretary of State and the payment to him of the required filing fee, the Secretary of State shall issue to the business trust a certificate that the required records with the required content have been filed. From the date of that filing, the business trust is legally formed pursuant to this chapter.

Sec. 152. NRS 88A.500 is hereby amended to read as follows:

88A.500 1. ~~[Except during any period of vacancy described in NRS 88A.530, a]~~ ***A*** business trust shall have a ~~[resident]~~ ***registered*** agent who resides or is located in this State. A ~~[resident]~~ ***registered*** agent shall have a street address for the service of process and may have a mailing address such as a post office box, which may be different from the street address.

2. A business trust formed pursuant to this chapter that fails or refuses to comply with the requirements of this section is subject to a fine of not less than $100 nor more than $500, to be recovered with costs by the State, before any court of competent jurisdiction, by action at law prosecuted by the Attorney General or by the district attorney of the county in which the action or proceeding to recover the fine is prosecuted.

Sec. 153. NRS 88A.520 is hereby amended to read as follows:

88A.520 1. If the ~~[resident]~~ ***registered*** agent is a bank or an artificial person formed or organized pursuant to this title, it may:

(a) Act as the fiscal or transfer agent of a state, municipality, body politic or business trust, and in that capacity may receive and disburse money.

(b) Transfer, register and countersign certificates evidencing a beneficial owner's interest in a business trust, bonds or other evidences of indebtedness and act as agent of any business trust, foreign or domestic, for any purpose required by statute or otherwise.

2. All legal process and any demand or notice authorized by law to be served upon a business trust may be served upon its ~~[resident]~~ ***registered*** agent in the manner provided in subsection 2 of NRS 14.020. If a demand, notice or legal process, other than a summons and complaint, cannot be served upon the ~~[resident]~~ ***registered*** agent, it may be served in the manner provided in NRS 14.030. These manners of service are in addition to any other service authorized by law.

Sec. 154. NRS 88A.530 is hereby amended to read as follows:

88A.530 1. ~~[A resident agent who desires to resign shall:~~

~~(a) File with the Secretary of State a signed statement in the manner provided pursuant to subsection 1 of NRS 78.097 that he is unwilling to continue to act as the resident agent of the business trust for the service of process; and~~

~~(b) Pay to the Secretary of State the filing fee set forth in subsection 1 of NRS 78.097.~~

~~➥ A resignation is not effective until the signed statement is filed with the Secretary of State.~~

~~2. The statement of resignation may contain a statement of the affected business trust appointing a successor resident agent. A certificate of acceptance signed by the new resident agent, stating the full name, complete street address and, if different from the street address, mailing address of the new resident agent, must accompany the statement appointing a successor resident agent.~~

~~3. Upon the filing of the statement of resignation with the Secretary of State, the capacity of the resigning person as resident agent terminates. If the statement of resignation contains no statement by the business trust appointing a successor resident agent, the resigning agent shall immediately give written notice, by mail, to the business trust of the filing of the statement of resignation and its effect. The notice must be addressed to a trustee of the business trust other than the resident agent.~~

~~4.~~] If its ~~[resident agent dies, resigns or removes from the State,]~~ ***registered agent resigns pursuant to section 37 of this act or if its commercial registered agent terminates its listing as a commercial registered agent pursuant to section 33 of this act,*** a business trust, ~~[within 30 days thereafter,]~~ ***before the effective date of the resignation or termination,*** shall file with the Secretary of State a ~~[certificate of acceptance signed by a new resident agent. The certificate must set forth the full name and complete street address of the new resident agent, and may contain a mailing address, such as a post office box, different from the street address.~~

~~5.~~] ***statement of change of registered agent pursuant to section 34 of this act.***

2. A business trust that fails to ~~[file a certificate of acceptance signed by its new resident agent within 30 days after the death, resignation or removal of its former resident agent]~~ ***comply with subsection 1*** shall be deemed in default and is subject to the provisions of NRS 88A.630 to 88A.660, inclusive.

3. As used in this section, "commercial registered agent" has the meaning ascribed to it in section 5 of this act.

Sec. 155. NRS 88A.600 is hereby amended to read as follows:

88A.600 1. A business trust formed pursuant to this chapter shall, on or before the last day of the first month after the filing of its certificate of trust with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of trust with the Secretary of State occurs, file with the Secretary of State, on a form furnished by him, a list signed by at least one trustee that contains the name and street address of ~~[its lawfully designated resident agent in this State and]~~ at least one trustee ~~[.]~~ ***and the information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act.*** Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the business trust:

(a) Has complied with the provisions of NRS 360.780; and

(b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

2. Upon filing:

(a) The initial list required by subsection 1, the business trust shall pay to the Secretary of State a fee of $125.

(b) Each annual list required by subsection 1, the business trust shall pay to the Secretary of State a fee of $125.

3. If a trustee of a business trust resigns and the resignation is not reflected on the annual or amended list of trustees, the business trust or the resigning trustee shall pay to the Secretary of State a fee of $75 to file the resignation.

4. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each business trust which is required to comply with the provisions of NRS 88A.600 to 88A.660, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of a business trust to receive the forms does not excuse it from the penalty imposed by law.

5. An annual list for a business trust not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year.

Sec. 156. NRS 88A.640 is hereby amended to read as follows:

88A.640 1. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each business trust deemed in default pursuant to the provisions of this chapter. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

2. Immediately after the first day of the first anniversary of the month following the month in which the filing was required, the certificate of trust of the business trust is revoked and its right to transact business is forfeited.

3. The Secretary of State shall compile a complete list containing the names of all business trusts whose right to transact business has been forfeited.

4. The Secretary of State shall forthwith notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each business trust specified in subsection 3 of the revocation of its certificate of trust. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

5. If the certificate of trust is revoked and the right to transact business is forfeited, all the property and assets of the defaulting business trust must be

held in trust by its trustees as for insolvent business trusts, and the same proceedings may be had with respect thereto as are applicable to insolvent business trusts. Any person interested may institute proceedings at any time after a forfeiture has been declared, but, if the Secretary of State reinstates the certificate of trust, the proceedings must at once be dismissed.

Sec. 157. NRS 88A.650 is hereby amended to read as follows:

88A.650 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a business trust which has forfeited or which forfeits its right to transact business pursuant to the provisions of this chapter and shall restore to the business trust its right to carry on business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State :

(1) The ~~*[the]*~~ list required by NRS 88A.600; and

(2) ~~[A certificate of acceptance of appointment signed by its resident agent;]~~ ***The information required pursuant to section 31 of this act;*** and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 88A.600 and 88A.630 for each year or portion thereof during which its certificate of trust was revoked; and

(2) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the business trust, he shall issue to the business trust a certificate of reinstatement if the business trust:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88A.900.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the certificate of trust occurred only by reason of the failure to file the list or pay the fees and penalties.

4. If a certificate of business trust has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 consecutive years, the certificate must not be reinstated.

Sec. 158. NRS 88A.710 is hereby amended to read as follows:

88A.710 Before transacting business in this State, a foreign business trust shall register with the Secretary of State. In order to register, a foreign business trust shall submit to the Secretary of State an application for registration as a foreign business trust, signed by a trustee **.** ~~[, and a signed certificate of acceptance of a resident agent.]~~ The application for registration must set forth:

1. The name of the foreign business trust and, if different, the name under which it proposes to register and transact business in this State;

2. The state and date of its formation;

3. The ~~[name and address of the resident agent whom the foreign business trust elects to appoint;]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;***

4. The address of the office required to be maintained in the state of its organization by the laws of that state or, if not so required, of the principal office of the foreign business trust; and

5. The name and address, either residence or business, of one trustee.

Sec. 159. NRS 88A.732 is hereby amended to read as follows:

88A.732 1. Each foreign business trust doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign business trust with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:

(a) The name of the foreign business trust;

(b) The file number of the foreign business trust, if known;

(c) The name of at least one of its trustees;

(d) The address, either residence or business, of the trustee listed pursuant to paragraph (c);

(e) The ~~[name and street address of its lawfully designated resident agent in this State;]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;*** and

(f) The signature of a trustee of the foreign business trust certifying that the list is true, complete and accurate.

2. Each list required to be filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign business trust:

(a) Has complied with the provisions of NRS 360.780; and

(b) Acknowledges that pursuant to NRS 239.330 it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

3. Upon filing:

(a) The initial list required by this section, the foreign business trust shall pay to the Secretary of State a fee of $125.

(b) Each annual list required by this section, the foreign business trust shall pay to the Secretary of State a fee of $125.

4. If a trustee of a foreign business trust resigns and the resignation is not reflected on the annual or amended list of trustees, the foreign business trust or the resigning trustee shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each foreign business trust which is required to comply with the provisions of NRS 88A.732 to 88A.738, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of any foreign business trust to receive the forms does not excuse it from the penalty imposed by the provisions of NRS 88A.732 to 88A.738, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign business trust not in default which is received by the Secretary of State more than 90 days before its due date ~~[must]~~ ***shall*** be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 160. NRS 88A.736 is hereby amended to read as follows:

88A.736 1. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each foreign business trust deemed in default pursuant to NRS 88A.735. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

2. Immediately after the last day of the month in which the anniversary date of the filing of the certificate of trust occurs, the Secretary of State shall compile a complete list containing the names of all foreign business trusts whose right to transact business has been forfeited.

3. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each foreign business trust specified in subsection 2 of the forfeiture of its right to transact business. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

Sec. 161. NRS 88A.737 is hereby amended to read as follows:

88A.737 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a foreign business trust which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign business trust its right to transact business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State :

(1) The ~~*[the]*~~ list required by NRS 88A.732; and

(2) ~~[A certificate of acceptance of appointment signed by its resident agent;]~~ ***The information required pursuant to section 31 of this act;*** and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 88A.732 and 88A.735 for each year or portion thereof that its right to transact business was forfeited; and

(2) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the foreign business trust, he shall issue to the foreign business trust a certificate of reinstatement if the foreign business trust:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88A.900.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign business trust to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right to transact business must not be reinstated.

Sec. 162. NRS 88A.900 is hereby amended to read as follows:

88A.900 The Secretary of State shall charge and collect the following fees for:

1. Filing an original certificate of trust, or for registering a foreign business trust, $75.

2. Filing an amendment or restatement, or a combination thereof, to a certificate of trust, $175.

3. Filing a certificate of cancellation, $75.

4. Certifying a copy of a certificate of trust or an amendment or restatement, or a combination thereof, $30 per certification.

5. Certifying an authorized printed copy of this chapter, $30.

6. Reserving a name for a business trust, $25.

7. Signing a certificate of existence of a business trust which does not list the previous records relating to it, or a certificate of change in the name of a business trust, $50.

8. Signing a certificate of existence of a business trust which lists the previous records relating to it, $50.

9. ~~[Filing a statement of change of the resident agent, $60.~~

~~10.]~~ Signing, certifying or filing any certificate or record not otherwise provided for in this section, $50.

~~[11.]~~ ***10.*** Examining and provisionally approving a record before the record is presented for filing, $125.

~~[12.]~~ ***11.*** Copying a record on file with him, for each page, $2.

Sec. 163. NRS 89.256 is hereby amended to read as follows:

89.256 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate any professional association which has forfeited its right to transact business under the provisions of this chapter and restore the right to carry on business in this State and exercise its privileges and immunities if it:

(a) Files with the Secretary of State :

(1) The ~~***[the]***~~ list and certification required by NRS 89.250; and

(2) ~~[A certificate of acceptance of appointment signed by its resident agent;]~~ ***The information required pursuant to section 31 of this act;*** and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 89.250 and 89.252 for each year or portion thereof during which the articles of association have been revoked; and

(2) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the professional association, he shall issue to the professional association a certificate of reinstatement if the professional association:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to subsection ~~[8]~~ ***7*** of NRS 78.785.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the articles of association occurred only by reason of the failure to pay the fees and penalties.

4. If the articles of association of a professional association have been revoked pursuant to the provisions of this chapter and have remained revoked for 10 consecutive years, the articles must not be reinstated.

Sec. 164. Chapter 92A of NRS is hereby amended by adding thereto a new section to read as follows:

"Principal office" has the meaning ascribed to it in NRS 78.010.

Sec. 165. NRS 92A.005 is hereby amended to read as follows:

92A.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 92A.007 to 92A.097, inclusive, ***and section 164 of this act*** have the meanings ascribed to them in those sections.

Sec. 166. NRS 92A.205 is hereby amended to read as follows:

92A.205 1. After a plan of conversion is approved as required by this chapter, if the resulting entity is a domestic entity, the constituent entity shall deliver to the Secretary of State for filing:

(a) Articles of conversion setting forth:

(1) The name and jurisdiction of organization of the constituent entity and the resulting entity; and

(2) That a plan of conversion has been adopted by the constituent entity in compliance with the law of the jurisdiction governing the constituent entity.

(b) The charter document of the domestic resulting entity required by the applicable provisions of chapter 78, 78A, 82, 86, 88, 88A or 89 of NRS.

(c) ~~[A certificate of acceptance of appointment of a resident agent for the resulting entity which is signed by the resident agent.]~~ ***The information required pursuant to section 31 of this act.***

2. After a plan of conversion is approved as required by this chapter, if the resulting entity is a foreign entity, the constituent entity shall deliver to the Secretary of State for filing articles of conversion setting forth:

(a) The name and jurisdiction of organization of the constituent entity and the resulting entity;

(b) That a plan of conversion has been adopted by the constituent entity in compliance with the laws of this State; and

(c) The address of the resulting entity where copies of process may be sent by the Secretary of State.

3. If the entire plan of conversion is not set forth in the articles of conversion, the filing party must include in the articles of conversion a statement that the complete signed plan of conversion is on file at the registered office or principal place of business of the resulting entity or, if the resulting entity is a domestic limited partnership, the office described in paragraph (a) of subsection 1 of NRS 88.330.

4. If the conversion takes effect on a later date specified in the articles of conversion pursuant to NRS 92A.240, the charter document to be filed with the Secretary of State pursuant to paragraph (b) of subsection 1 must state the name and the jurisdiction of the constituent entity and that the existence of the resulting entity does not begin until the later date.

5. Any records filed with the Secretary of State pursuant to this section must be accompanied by the fees required pursuant to this title for filing the charter document.

Sec. 167. NRS 92A.270 is hereby amended to read as follows:

92A.270 1. Any undomesticated organization may become domesticated in this State as a domestic entity by:

(a) Paying to the Secretary of State the fees required pursuant to this title for filing the charter document; and

(b) Filing with the Secretary of State:

(1) Articles of domestication which must be signed by an authorized representative of the undomesticated organization approved in compliance with subsection 6; ~~*[and]*~~

(2) The appropriate charter document for the type of domestic entity ~~*[.]*~~ ; and

(3) ~~[A certificate of acceptance of appointment of a resident agent for the domestic entity which is signed by the resident agent.]~~ ***The information required pursuant to section 31 of this act.***

2. The articles of domestication must set forth the:

(a) Date when and the jurisdiction where the undomesticated organization was first formed, incorporated, organized or otherwise created;

(b) Name of the undomesticated organization immediately before filing the articles of domestication;

(c) Name and type of domestic entity as set forth in its charter document pursuant to subsection 1; and

(d) Jurisdiction that constituted the principal place of business or central administration of the undomesticated organization, or any other equivalent thereto pursuant to applicable law,

➥ immediately before filing the articles of domestication.

3. Upon filing the articles of domestication ~~[,]~~ ***and*** the charter document ~~[and the certificate of acceptance of appointment of a resident agent]~~ with the Secretary of State, and the payment of the requisite fee for filing the charter document of the domestic entity, the undomesticated organization is

domesticated in this State as the domestic entity described in the charter document filed pursuant to subsection 1. The existence of the domestic entity begins on the date the undomesticated organization began its existence in the jurisdiction in which the undomesticated organization was first formed, incorporated, organized or otherwise created.

4. The domestication of any undomesticated organization does not affect any obligations or liabilities of the undomesticated organization incurred before its domestication.

5. The filing of the charter document of the domestic entity pursuant to subsection 1 does not affect the choice of law applicable to the undomesticated organization. From the date the charter document of the domestic entity is filed, the law of this State applies to the domestic entity to the same extent as if the undomesticated organization was organized and created as a domestic entity on that date.

6. Before filing articles of domestication, the domestication must be approved in the manner required by:

(a) The document, instrument, agreement or other writing governing the internal affairs of the undomesticated organization and the conduct of its business; and

(b) Applicable foreign law.

7. When a domestication becomes effective, all rights, privileges and powers of the undomesticated organization, all property owned by the undomesticated organization, all debts due to the undomesticated organization, and all causes of action belonging to the undomesticated organization are vested in the domestic entity and become the property of the domestic entity to the same extent as vested in the undomesticated organization immediately before domestication. The title to any real property vested by deed or otherwise in the undomesticated organization is not reverted or impaired by the domestication. All rights of creditors and all liens upon any property of the undomesticated organization are preserved unimpaired and all debts, liabilities and duties of an undomesticated organization that has been domesticated attach to the domestic entity resulting from the domestication and may be enforced against it to the same extent as if the debts, liability and duties had been incurred or contracted by the domestic entity.

8. When an undomesticated organization is domesticated, the domestic entity resulting from the domestication is for all purposes deemed to be the same entity as the undomesticated organization. Unless otherwise agreed by the owners of the undomesticated organization or as required pursuant to applicable foreign law, the domestic entity resulting from the domestication is not required to wind up its affairs, pay its liabilities or distribute its assets. The domestication of an undomesticated organization does not constitute the dissolution of the undomesticated organization. The domestication constitutes a continuation of the existence of the undomesticated organization in the form of a domestic entity. If, following domestication, an

undomesticated organization that has become domesticated pursuant to this section continues its existence in the foreign country or foreign jurisdiction in which it was existing immediately before the domestication, the domestic entity and the undomesticated organization are for all purposes a single entity formed, incorporated, organized or otherwise created and existing pursuant to the laws of this State and the laws of the foreign country or other foreign jurisdiction.

9. As used in this section, "undomesticated organization" means any incorporated organization, private law corporation, whether or not organized for business purposes, public law corporation, general partnership, registered limited-liability partnership, limited partnership or registered limited-liability limited partnership, proprietorship, joint venture, foundation, business trust, real estate investment trust, common-law trust or any other unincorporated business formed, organized, created or the internal affairs of which are governed by the laws of any foreign country or jurisdiction other than the United States, the District of Columbia or another state, territory, possession, commonwealth or dependency of the United States.

Sec. 168. NRS 92A.460 is hereby amended to read as follows:

92A.460 1. Except as otherwise provided in NRS 92A.470, within 30 days after receipt of a demand for payment, the subject corporation shall pay each dissenter who complied with NRS 92A.440 the amount the subject corporation estimates to be the fair value of his shares, plus accrued interest. The obligation of the subject corporation under this subsection may be enforced by the district court:

(a) Of the county where the corporation's ~~[registered]~~ ***principal*** office is located; ~~[or]~~

(b) ***If the corporation's principal office is not located in this State, in Carson City; or***

(c) At the election of any dissenter residing or having its ~~[registered]~~ ***principal*** office in this State, of the county where the dissenter resides or has its ~~[registered]~~ ***principal*** office.

➥ The court shall dispose of the complaint promptly.

2. The payment must be accompanied by:

(a) The subject corporation's balance sheet as of the end of a fiscal year ending not more than 16 months before the date of payment, a statement of income for that year, a statement of changes in the stockholders' equity for that year and the latest available interim financial statements, if any;

(b) A statement of the subject corporation's estimate of the fair value of the shares;

(c) An explanation of how the interest was calculated;

(d) A statement of the dissenter's rights to demand payment under NRS 92A.480; and

(e) A copy of NRS 92A.300 to 92A.500, inclusive.

Sec. 169. NRS 92A.490 is hereby amended to read as follows:

92A.490 1. If a demand for payment remains unsettled, the subject corporation shall commence a proceeding within 60 days after receiving the demand and petition the court to determine the fair value of the shares and accrued interest. If the subject corporation does not commence the proceeding within the 60-day period, it shall pay each dissenter whose demand remains unsettled the amount demanded.

2. A subject corporation shall commence the proceeding in the district court of the county where its ~~[registered]~~ ***principal*** office is located. If the ***principal office of the*** subject corporation is ~~[a foreign entity without a resident agent]~~ ***not located*** in the State, it shall commence the proceeding in the county where the ~~[registered]~~ ***principal*** office of the domestic corporation merged with or whose shares were acquired by the foreign entity was located. ***If the principal office of the subject corporation and the domestic corporation merged with or whose shares were acquired is not located in this State, the subject corporation shall commence the proceeding in the district court in Carson City.***

3. The subject corporation shall make all dissenters, whether or not residents of Nevada, whose demands remain unsettled, parties to the proceeding as in an action against their shares. All parties must be served with a copy of the petition. Nonresidents may be served by registered or certified mail or by publication as provided by law.

4. The jurisdiction of the court in which the proceeding is commenced under subsection 2 is plenary and exclusive. The court may appoint one or more persons as appraisers to receive evidence and recommend a decision on the question of fair value. The appraisers have the powers described in the order appointing them, or any amendment thereto. The dissenters are entitled to the same discovery rights as parties in other civil proceedings.

5. Each dissenter who is made a party to the proceeding is entitled to a judgment:

(a) For the amount, if any, by which the court finds the fair value of his shares, plus interest, exceeds the amount paid by the subject corporation; or

(b) For the fair value, plus accrued interest, of his after-acquired shares for which the subject corporation elected to withhold payment pursuant to NRS 92A.470.

Sec. 170. NRS 14.020 is hereby amended to read as follows:

14.020 1. Every corporation, miscellaneous organization described in chapter 81 of NRS, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust and municipal corporation created and existing under the laws of this State, any other state, territory or foreign government, or the Government of the United States, doing business in this State shall appoint and keep in this State a ~~[resident]~~ ***registered*** agent who resides or is located in this State, upon whom all legal process and any demand or notice authorized by law to be served upon it may be served in the manner provided in subsection 2. ~~[The corporation, miscellaneous organization, limited-liability company, limited-~~

~~liability partnership, limited partnership, limited liability limited partnership, business trust or municipal corporation shall file with the Secretary of State a certificate of acceptance of appointment signed by its resident agent. The certificate must set forth the full name and street address of the resident agent. A certificate]~~ ***A statement*** of change of ~~[resident]~~ ***registered*** agent must be filed in the manner provided in ~~[title 7 of NRS]~~ ***section 34 of this act*** if the corporation, miscellaneous organization, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation desires to change its ~~[resident agent. A certificate of name change of resident agent must be filed]~~ ***registered agent. A registered agent must file a statement of change*** in the manner provided in ~~[title 7 of NRS]~~ ***section 35 or 36 of this act*** if the ~~[name of a resident agent is changed as a result of a merger, conversion, exchange, sale, reorganization or amendment.]~~ ***registered agent changes its name or address.***

2. All legal process and any demand or notice authorized by law to be served upon the corporation, miscellaneous organization, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation may be served upon the ~~[resident]~~ ***registered*** agent personally or by leaving a true copy thereof with a person of suitable age and discretion at the ***most recent street*** address of the registered ~~[office]~~ ***agent*** shown on the ~~[current certificate of acceptance]~~ ***information*** filed with the Secretary of State ~~[.]~~ ***pursuant to sections 2 to 43, inclusive, of this act.***

3. Unless the ~~[registered office]~~ ***street address of the registered agent*** is the home residence of the ~~[resident]~~ ***registered*** agent, the ~~[registered office]~~ ***street address of the registered agent*** of a corporation, miscellaneous organization, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation must be staffed during normal business hours by:

(a) The ~~[resident]~~ ***registered*** agent; or

(b) One or more natural persons who are:

(1) Of suitable age and discretion to receive service of legal process and any demand or notice authorized by law to be served upon the corporation, miscellaneous organization, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation; and

(2) Authorized by the ~~[resident]~~ ***registered*** agent to receive service of legal process and any demand or notice authorized by law to be served upon the corporation, miscellaneous organization, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation.

4. A corporation, miscellaneous organization, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation that fails or refuses to

comply with the requirements of subsection 3 is subject to a fine of not less than $100 nor more than $500 for each day of such failure or refusal to comply with the requirements of subsection 3, to be recovered with costs by the State, before any court of competent jurisdiction, by action at law prosecuted by the Attorney General or by the district attorney of the county in which the action or proceeding to recover the fine is prosecuted.

5. Subsection 2 provides an additional mode and manner of serving process, demand or notice and does not affect the validity of any other service authorized by law.

6. As used in this section:

(a) "Registered ~~[office" means the office maintained at the street address of the resident agent.]~~ ***agent" has the meaning ascribed to it in section 24 of this act.***

(b) "Street address" means the actual physical location in this State at which a ~~[resident]~~ ***registered*** agent is available for service of process.

Sec. 171. NRS 14.030 is hereby amended to read as follows:

14.030 1. If any artificial person described in NRS 14.020 fails to appoint a ~~[resident]~~ ***registered*** agent, or fails to file a ~~[certificate of acceptance of appointment for 30 days after]~~ ***statement of change of registered agent pursuant to section 34 of this act before the effective date of*** a vacancy ~~[occurs]~~ in the agency ~~[,]~~ ***pursuant to section 33 or 37 of this act,*** on the production of a certificate of the Secretary of State showing either fact, which is conclusive evidence of the fact so certified to be made a part of the return of service, or if the ~~[registered office]~~ ***street address of the registered agent*** of the artificial person is not staffed as required pursuant to NRS 14.020, which fact is to be made part of the return of service, the artificial person may be served with any and all legal process, or a demand or notice described in NRS 14.020, by delivering a copy to the Secretary of State, or, in his absence, to any deputy secretary of state, and such service is valid to all intents and purposes. The copy must:

(a) Include a specific citation to the provisions of this section. The Secretary of State may refuse to accept such service if the proper citation is not included.

(b) Be accompanied by a fee of $10.

➥ The Secretary of State shall keep a copy of the legal process received pursuant to this section in his office for at least 1 year after receipt thereof and shall make those records available for public inspection during normal business hours.

2. In all cases of such service, the defendant has 40 days, exclusive of the day of service, within which to answer or plead.

3. Before such service is authorized, the plaintiff shall make or cause to be made and filed an affidavit setting forth the facts, showing that due diligence has been used to ascertain the whereabouts of the officers of the artificial person to be served, and the facts showing that direct or personal service on, or notice to, the artificial person cannot be had.

4. If it appears from the affidavit that there is a last known address of the artificial person or any known officers thereof, the plaintiff shall, in addition to and after such service on the Secretary of State, mail or cause to be mailed to the artificial person or to the known officer, at such address, by registered or certified mail, a copy of the summons and a copy of the complaint, and in all such cases the defendant has 40 days after the date of the mailing within which to appear in the action.

5. This section provides an additional manner of serving process, and does not affect the validity of any other valid service.

Sec. 171.2. **NRS 21.075 is hereby amended to read as follows:**

21.075 1. Execution on the writ of execution by levying on the property of the judgment debtor may occur only if the sheriff serves the judgment debtor with a notice of the writ of execution pursuant to NRS 21.076 and a copy of the writ. The notice must describe the types of property exempt from execution and explain the procedure for claiming those exemptions in the manner required in subsection 2. The clerk of the court shall attach the notice to the writ of execution at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to ..... (name of person), the judgment creditor. He has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed $350,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. A vehicle, if your equity in the vehicle is less than $15,000.

11. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

12. Money, not to exceed $500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

13. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

15. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

16. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

17. Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person

upon whom the judgment debtor is dependent at the time the payment is received.

18. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

19. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

20. Payments received as restitution for a criminal act.

21. Stock of a corporation described in subsection 2 of section 43.5 of this act except as set forth in that section.

➥ These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to indigent or elderly persons).

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless you or the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The motion for the hearing to determine the issue of exemption must be filed within 10 days after the affidavit claiming exemption is filed. The hearing to determine whether the property or money is exempt must be held within 10 days after the motion for the hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

Sec. 171.4. **NRS 21.090 is hereby amended to read as follows:**

21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:

(a) Private libraries, works of art, musical instruments and jewelry not to exceed $5,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed $12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed $4,500 in value, belonging to the judgment debtor to be selected by him.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of himself and his family not to exceed $10,000 in value.

(e) The cabin or dwelling of a miner or prospector, his cars, implements and appliances necessary for carrying on any mining operations and his mining claim actually worked by him, not exceeding $4,500 in total value.

(f) Except as otherwise provided in paragraph (o), one vehicle if the judgment debtor's equity does not exceed $15,000 or the creditor is paid an amount equal to any excess above that equity.

(g) For any workweek, 75 percent of the disposable earnings of a judgment debtor during that week, or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs (n), (r) and (s), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances

belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance, if the annual premium paid does not exceed $15,000. If the premium exceeds that amount, a similar exemption exists which bears the same proportion to the money, benefits, privileges and immunities so accruing or growing out of the insurance that the $15,000 bears to the whole annual premium paid.

(l) The homestead as provided for by law, including a homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself and family, where the amount of equity held by the judgment debtor in the home does not exceed $350,000 in value and the dwelling is situated upon lands not owned by him.

(n) All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

(o) Any vehicle owned by the judgment debtor for use by him or his dependent that is equipped or modified to provide mobility for a person with a permanent disability.

(p) Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

(q) Money, not to exceed $500,000 in present value, held in:

(1) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(2) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(3) A cash or deferred arrangement which is a qualified plan pursuant to the Internal Revenue Code;

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C.

§ 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

(r) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

(s) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

(t) Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

(u) Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(v) Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(w) Payments received as restitution for a criminal act.

(x) Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

(y) Stock of a corporation described in subsection 2 of section 43.5 of this act except as set forth in that section.

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Act of 1978, 11 U.S.C. § 522(d), do not apply to property owned by a resident of this State unless conferred also by subsection 1, as limited by subsection 2.

Sec. 171.6. **NRS 31.045 is hereby amended to read as follows:**

31.045 1. Execution on the writ of attachment by attaching property of the defendant may occur only if:

(a) The judgment creditor serves the defendant with notice of the execution when the notice of the hearing is served pursuant to NRS 31.013; or

(b) Pursuant to an ex parte hearing, the sheriff serves upon the judgment debtor notice of the execution and a copy of the writ at the same time and in the same manner as set forth in NRS 21.076.

➥ If the attachment occurs pursuant to an ex parte hearing, the clerk of the court shall attach the notice to the writ of attachment at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

Plaintiff, ... (name of person), alleges that you owe him money. He has begun the procedure to collect that money. To secure satisfaction of judgment the court has ordered the garnishment of your wages, bank account or other personal property held by third persons or the taking of money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed $350,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. A vehicle, if your equity in the vehicle is less than $15,000.

11. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

12. Money, not to exceed $500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

13. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

15. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

16. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

17. Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

18. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

19. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

20. Payments received as restitution for a criminal act.

21. Stock of a corporation described in subsection 2 of section 43.5 of this act except as set forth in that section.

➥ These exemptions may not apply in certain cases such as proceedings to enforce a judgment for support of a child or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to the indigent or elderly persons).

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt or necessary for the support of you or your family, you must file with the clerk of the court on a form provided by the clerk a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The hearing must be held within 10 days after the motion for a hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

If you received this notice with a notice of a hearing for attachment and you believe that the money or property which would be taken from you by a writ of attachment is exempt or necessary for the support of you or your family, you are entitled to describe to the court at the hearing why you believe your property is exempt. You may also file a motion with the court for a discharge of the writ of attachment. You may make that motion any time before trial. A hearing will be held on that motion.

IF YOU DO NOT FILE THE MOTION BEFORE THE TRIAL, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE PLAINTIFF, EVEN IF THE PROPERTY OR MONEY IS EXEMPT OR NECESSARY FOR THE SUPPORT OF YOU OR YOUR FAMILY.

Sec. 171.8. **NRS 31.050 is hereby amended to read as follows:**

31.050 Subject to the order for attachment and the provisions of ***section 43.5 of this act and*** chapter 104 of NRS, the right of shares which the defendant may have in the stock of any corporation or company, together with the interest and profits therein, and all debts due such defendant, and all other property in this State of such defendant not exempt from execution, may be attached, and if judgment be recovered, be sold to satisfy the judgment and execution.

Sec. 172. NRS 108.227 is hereby amended to read as follows:

108.227 1. In addition to the requirements of NRS 108.226, a copy of the notice of lien must be served upon the owner of the property within 30 days after recording the notice of lien, in one of the following ways:

(a) By personally delivering a copy of the notice of lien to the owner or ~~[resident]~~ ***registered*** agent of the owner;

(b) By mailing a copy of the notice of lien by certified mail return receipt requested to the owner at his place of residence or his usual place of business or to the ~~[resident]~~ ***registered*** agent of the owner at the address of the ~~[resident]~~ ***registered*** agent; or

(c) If the place of residence or business of the owner and the address of the ~~[resident]~~ ***registered*** agent of the owner, if applicable, cannot be determined, by:

(1) Fixing a copy of the notice of lien in a conspicuous place on the property;

(2) Delivering a copy of the notice of lien to a person there residing, if such a person can be found; and

(3) Mailing a copy of the notice of lien addressed to the owner at:

(I) The place where the property is located;

(II) The address of the owner as identified in the deed;

(III) The address identified in the records of the office of the county assessor; or

(IV) The address identified in the records of the county recorder of the county in which the property is located.

2. If there is more than one owner, failure to serve a copy of the notice of lien upon a particular owner does not invalidate a notice of lien if properly served upon another owner.

3. Each subcontractor who participates in the construction, improvement, alteration or repair of a work of improvement shall deliver a copy of each notice of lien required by NRS 108.226 to the prime contractor. The failure of a subcontractor to deliver the notice to the prime contractor is a ground for disciplinary proceedings pursuant to chapter 624 of NRS.

Sec. 173. NRS 273.010 is hereby amended to read as follows:

273.010 1. Every municipal corporation organized in another state, that enters this State to do business, shall, before commencing work or doing any business in this State, file in the Office of the Secretary of State:

(a) A certified copy of its charter, or of the statute or statutes, or legislative, executive or governmental acts, or other instruments of authority by which it was created; and

(b) ~~[A certificate of acceptance of appointment executed by the resident agent of the corporation.]~~ ***The information required*** ~~***[by subsection 1 of]***~~ ***pursuant to section 31 of this act.***

2. A certified copy of the charter, papers or other instruments and the ~~[certificate of acceptance,]~~ ***information required*** ~~***[by subsection 1 of]***~~ ***pursuant to section 31 of this act,*** certified by the Secretary of State of this

State, must also be filed in the office of the county clerk of the county where the principal place of business of the municipality in this State is located.

Sec. 174. NRS 273.050 is hereby amended to read as follows:

273.050 Every foreign municipal corporation owning property or doing business in this State shall appoint and keep in this State a ~~[resident]~~ ***registered*** agent as provided in NRS 14.020.

Sec. 175. NRS 293.128 is hereby amended to read as follows:

293.128 1. To qualify as a major political party, any organization must, under a common name:

(a) On January 1 preceding any primary election, have been designated as a political party on the applications to register to vote of at least 10 percent of the total number of registered voters in this State; or

(b) File a petition with the Secretary of State not later than the last Friday in April before any primary election signed by a number of registered voters equal to or more than 10 percent of the total number of votes cast at the last preceding general election for the offices of Representative in Congress.

2. If a petition is filed pursuant to paragraph (b) of subsection 1, the names of the voters need not all be on one document, but each document of the petition must be verified by the circulator thereof to the effect that the signers are registered voters of this State according to his best information and belief and that the signatures are genuine and were signed in his presence. Each document of the petition must bear the name of a county, and only registered voters of that county may sign the document. The documents which are circulated for signature must then be submitted for verification pursuant to NRS 293.1276 to 293.1279, inclusive, not later than 25 working days before the last Friday in April preceding a primary election.

3. In addition to the requirements set forth in subsection 1, each organization which wishes to qualify as a political party must file with the Secretary of State a certificate of existence which includes the:

(a) Name of the political party;

(b) Names and addresses of its officers;

(c) Names of the members of its executive committee; and

(d) Name of the person who is authorized by the party to act as ~~[resident]~~ ***registered*** agent in this State. ~~*[The information required by subsection 1 of section 31 of this act.]*~~

4. A political party shall file with the Secretary of State an amended certificate of existence within 5 days after any change in the information contained in the certificate.

Sec. 176. NRS 294A.230 is hereby amended to read as follows:

294A.230 1. Each committee for political action shall, before it engages in any activity in this State, register with the Secretary of State on forms supplied by him.

2. The form must require:

(a) The name of the committee;

(b) The purpose for which it was organized;

(c) The names, addresses and telephone numbers of its officers;

(d) If the committee for political action is affiliated with any other organizations, the name, address and telephone number of each organization;

(e) The name, address and telephone number of its ~~[resident]~~ ***registered*** agent; ~~*[information required by subsection 1 of section 31 of this act and the telephone number of the registered agent appointed pursuant this paragraph;]*~~ and

(f) Any other information deemed necessary by the Secretary of State.

3. A committee for political action shall file with the Secretary of State an amended form for registration within 30 days after any change in the information contained in the form for registration.

4. The Secretary of State shall include on his Internet website the information required pursuant to subsection 2.

Sec. 177. NRS 294A.240 is hereby amended to read as follows:

294A.240 Each committee for political action shall appoint and keep in this State a ~~[resident]~~ ***registered*** agent ***, as provided in NRS 14.020,*** who must be a natural person who resides in this State.

Sec. 178. NRS 294A.250 is hereby amended to read as follows:

294A.250 Each committee for the recall of a public officer shall register with the Secretary of State, on a form provided by him. Each form must include:

1. The name of the committee;

2. The purpose for which it was organized;

3. The names and addresses of its officers; and

4. If the committee is organized and located outside this State, the name and address of its ~~[resident]~~ ***registered*** agent. ~~*[the information required by subsection 1 of section 31 of this act.]*~~

Sec. 179. NRS 294A.260 is hereby amended to read as follows:

294A.260 Each committee for the recall of a public officer which is organized and located outside this State shall appoint and keep in this State a ~~[resident]~~ ***registered*** agent ***, as provided in NRS 14.020,*** who must be a natural person residing in this State.

Sec. 180. NRS 370.665 is hereby amended to read as follows:

370.665 1. A manufacturer of tobacco products whose cigarettes are sold in this State, whether or not directly or through a distributor, retailer or similar intermediary or intermediaries shall, not later than April 30 of each year, execute and deliver to the Attorney General and the Department, on a form provided by the Department, a certification which certifies under penalty of perjury that, as of the date of that certification, the manufacturer of tobacco products is either:

(a) A participating manufacturer; or

(b) In full compliance with subsection 2 of NRS 370A.140, including any quarterly installment payments required pursuant to NRS 370.690.

2. Except as otherwise provided in NRS 370.670:

(a) A participating manufacturer shall include in its certification pursuant to this section a list of its brand families. The participating manufacturer shall update that list at least 30 calendar days before it adds to or modifies its brand families by executing and delivering a supplemental certification to the Attorney General and the Department.

(b) A nonparticipating manufacturer shall, in its certification pursuant to this section:

(1) Include:

(I) A list of all of its brand families and the number of units sold for each brand family that were sold in the State during the preceding calendar year; and

(II) A list of all of its brand families that have been sold in the State at any time during the current calendar year;

(2) Indicate, by an asterisk, any brand family sold in the State during the preceding calendar year that is no longer being sold in the State as of the date of the certification; and

(3) Identify, by name and address, any other manufacturer of those brand families in the preceding or current calendar year.

➥ A nonparticipating manufacturer shall update the information required by this paragraph at least 30 calendar days before it adds to or modifies its brand families by executing and delivering a supplemental certification to the Attorney General and the Department.

3. In addition to the requirements of subsection 2, the certification of a nonparticipating manufacturer pursuant to this section must certify:

(a) That the nonparticipating manufacturer is registered to do business in the State or has appointed ~~[a resident]~~ ***an*** agent for service of process and provided notice thereof as required by NRS 370.680;

(b) That the nonparticipating manufacturer has:

(1) Established and continues to maintain a qualified escrow fund; and

(2) Executed a qualified escrow agreement governing the qualified escrow fund that has been reviewed and approved by the Attorney General;

(c) That the nonparticipating manufacturer is in full compliance with chapter 370A of NRS and any regulations adopted pursuant thereto;

(d) The name, address and telephone number of the financial institution where the nonparticipating manufacturer has established the qualified escrow fund required pursuant to chapter 370A of NRS and any regulations adopted pursuant thereto;

(e) The account number of that qualified escrow fund and any subaccount number for this State;

(f) The amount the nonparticipating manufacturer placed in that qualified escrow fund for cigarettes sold in the State during the preceding calendar year, the date and amount of each such deposit, and such evidence or verification as may be deemed necessary by the Department to confirm the information required by this paragraph; and

(g) The amount and date of any withdrawal or transfer of money the nonparticipating manufacturer made at any time from that qualified escrow fund or from any other qualified escrow fund into which it ever made escrow payments pursuant to chapter 370A of NRS and any regulations adopted pursuant thereto.

Sec. 181. NRS 463.311 is hereby amended to read as follows:

463.311 The Commission may issue an emergency order for suspension, limitation or conditioning of a license, registration, finding of suitability, pari-mutuel license or prior approval, or may issue an emergency order requiring a licensed gaming establishment to keep an individual licensee from the premises of the licensed gaming establishment or not to pay such licensee any remuneration for services or any profits, income or accruals on his investment in the licensed gaming establishment in the following manner:

1. An emergency order may be issued only when the Commission believes that:

(a) There has been a violation of subsection 2 of NRS 463.360 or NRS 465.083;

(b) Such action is necessary to prevent a violation of NRS 465.083;

(c) There has been a violation of subsection 1 of NRS 463.160; or

(d) Such action is necessary for the immediate preservation of the public peace, health, safety, morals, good order or general welfare.

2. The emergency order must set forth the grounds upon which it is issued, including a statement of facts constituting the alleged emergency necessitating such action.

3. An emergency order may be issued only with the approval of and upon signature by not less than three members of the Commission.

4. The emergency order is effective immediately upon issuance and service upon the licensee or ~~[resident]~~ ***registered*** agent of the licensee or, in cases involving registrations, findings of suitability, pari-mutuel licenses or any prior approval, upon issuance and service upon the person or entity involved or ~~[resident]~~ ***registered*** agent of the entity involved. The emergency order may suspend, limit, condition or take other action in relation to the license of one or more persons in an operation without affecting other individual licensees or the licensed gaming establishment. The emergency order remains effective until further order of the Commission or final disposition of the case.

5. Within 5 days after issuance of an emergency order, the Commission shall cause a complaint to be filed and served upon the person or entity involved in accordance with the provisions of NRS 463.312.

6. Thereafter, the person or entity against whom the emergency order has been issued and served is entitled to a hearing before the Commission in accordance with NRS 463.312 to 463.3145, inclusive, and to judicial review of the decision and order of the Commission thereon in accordance with NRS 463.315 to 463.318, inclusive.

Sec. 182. NRS 519A.190 is hereby amended to read as follows:

519A.190 A person who desires to engage in an exploration project must:

1. File with the Division, upon a form approved by it, an application for a permit. The application must include:

(a) The name and address of the applicant and, if a corporation or other business entity, the name and address of its principal officers and its ~~[resident]~~ ***registered*** agent for service of process;

(b) An exploration map or sketch in sufficient detail to enable the Division to locate the area to be explored and to determine whether significant environmental problems are likely to result;

(c) The kinds of prospecting and excavation techniques that will be used in the exploration project; and

(d) Any other information required by the regulations adopted by the Commission pursuant to NRS 519A.160.

2. Pay to the Division the application fee established in the regulations adopted by the Commission pursuant to NRS 519A.160.

3. Agree in writing to assume responsibility for the reclamation of any surface area damaged as a result of the exploration project.

4. Not be in default of any other obligation relating to reclamation pursuant to this chapter.

5. File with the Division a bond or other surety in a form approved by the Administrator and in an amount required by the regulations adopted by the Commission pursuant to NRS 519A.160.

Sec. 183. NRS 519A.210 is hereby amended to read as follows:

519A.210 A person who desires to engage in a mining operation must:

1. File with the Division, upon a form approved by it, an application for a permit for each location at which he will conduct operations. The application must include:

(a) The name and address of the applicant and, if a corporation or other business entity, the name and address of its principal officers and its ~~[resident]~~ ***registered*** agent for service of process;

(b) A completed checklist developed by the Division pursuant to NRS 519A.220; and

(c) Any other information required by the regulations adopted by the Commission pursuant to NRS 519A.160.

2. Pay to the Division the application fee established in the regulations adopted by the Commission pursuant to NRS 519A.160.

3. Agree in writing to assume responsibility for the reclamation of any land damaged as a result of the mining operation.

4. Not be in default of any other obligation relating to reclamation pursuant to this chapter.

5. File with the Division a bond or other surety in a form and amount required by the regulations adopted by the Commission pursuant to NRS 519A.160.

6. File with the Division of Minerals of the Commission on Mineral Resources a copy of the plan for reclamation which is filed with the application pursuant to subsection 1, on the same day the application is filed with the Division.

Sec. 184. NRS 598.767 is hereby amended to read as follows:

598.767 An organization shall file with the Division ~~[a designation and acceptance of]~~ ***the information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act*** and continuously maintain a ~~[resident]~~ ***registered*** agent for service of legal process.

Sec. 184.5. **Chapter 604A of NRS is hereby amended by adding thereto a new section to read as follows:**

If the Commissioner receives information from a registered agent pursuant to section 40.2 of this act which indicates that a person may be violating the provisions of this chapter, the Commissioner shall investigate the person and take any appropriate action pursuant thereto.

Sec. 184.7. **NRS 604A.710 is hereby amended to read as follows:**

604A.710 1. For the purpose of discovering violations of this chapter or of securing information lawfully required under this chapter, the Commissioner or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:

(a) Any licensee;

(b) Any other person engaged in the business of making loans or participating in such business as principal, agent, broker or otherwise; ~~[and]~~

(c) ***Any registered agent who represents a licensee or any other person engaged in the business of making loans; and***

(d) Any person who the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.

2. For the purpose of examination, the Commissioner or his authorized representatives shall have and be given free access to the offices and places of business, and the files, safes and vaults of such persons.

3. ***The investigation of a registered agent pursuant to subsection 1, including, without limitation, any books, accounts, papers and records used therein must be kept confidential except to the extent necessary to enforce any provision of this chapter.***

4. For the purposes of this section, any person who advertises for, solicits or holds himself out as willing to make any deferred deposit loan, short-term loan or title loan is presumed to be engaged in the business of making loans.

Sec. 184.9. **NRS 604A.810 is hereby amended to read as follows:**

604A.810 1. Whenever the Commissioner has reasonable cause to believe that any person is violating or is threatening to or intends to violate any provision of this chapter, he may, in addition to all actions provided for

in this chapter and without prejudice thereto, enter an order requiring the person to desist or to refrain from such violation.

2. The Attorney General or the Commissioner may bring an action to enjoin a person from engaging in or continuing a violation or from doing any act or acts in furtherance thereof. In any such action, an order or judgment may be entered awarding a preliminary or final injunction as may be deemed proper.

3. In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which an action is brought may impound, and appoint a receiver for, the property and business of the defendant, including books, papers, documents and records pertaining thereto, or so much thereof as the court may deem reasonably necessary to prevent violations of this chapter through or by means of the use of property and business ~~[.]~~ ***, whether such books, papers, documents and records are in the possession of the defendant, a registered agent acting on behalf of the defendant or any other person.*** A receiver, when appointed and qualified, has such powers and duties as to custody, collection, administration, winding up and liquidation of such property and business as may from time to time be conferred upon him by the court.

Sec. 185. NRS 616B.398 is hereby amended to read as follows:

616B.398 An association of self-insured public or private employers shall be deemed to have appointed the Commissioner as its ~~[resident]~~ agent to receive any initial legal process authorized by law to be served upon the association for as long as the association is obligated to pay any compensation under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

Sec. 186. NRS 616B.679 is hereby amended to read as follows:

616B.679 1. Each application must include:

(a) The applicant's name and title of his position with the employee leasing company.

(b) The applicant's age, place of birth and social security number.

(c) The applicant's address.

(d) The business address of the employee leasing company.

(e) The business address of the ~~[resident]~~ ***registered*** agent of the employee leasing company, if the applicant is not the ~~[resident]~~ ***registered*** agent.

(f) If the applicant is a:

(1) Partnership, the name of the partnership and the name, address, age, social security number and title of each partner.

(2) Corporation, the name of the corporation and the name, address, age, social security number and title of each officer of the corporation.

(g) Proof of:

(1) Compliance with the provisions of NRS 360.780.

(2) The payment of any premiums for industrial insurance required by chapters 616A to 617, inclusive, of NRS.

(3) The payment of contributions or payments in lieu of contributions required by chapter 612 of NRS.

(4) Insurance coverage for any benefit plan from an insurer authorized pursuant to title 57 of NRS that is offered by the employee leasing company to its employees.

(h) Any other information the Administrator requires.

2. Each application must be notarized and signed under penalty of perjury:

(a) If the applicant is a sole proprietorship, by the sole proprietor.

(b) If the applicant is a partnership, by each partner.

(c) If the applicant is a corporation, by each officer of the corporation.

3. An applicant shall submit to the Administrator any change in the information required by this section within 30 days after the change occurs. The Administrator may revoke the certificate of registration of an employee leasing company which fails to comply with the provisions of NRS 616B.670 to 616B.697, inclusive.

4. If an insurer cancels an employee leasing company's policy, the insurer shall immediately notify the Administrator in writing. The notice must comply with the provisions of NRS 687B.310 to 687B.355, inclusive, and must be served personally on or sent by first-class mail or electronic transmission to the Administrator.

Sec. 187. NRS 628.440 is hereby amended to read as follows:

628.440 1. This chapter does not prohibit any person from serving as an employee of, or an assistant to, a certified public accountant or registered public accountant who holds a live permit, or a partnership, corporation or limited-liability company composed of certified public accountants or registered public accountants registered pursuant to NRS 628.340, 628.343, 628.345, 628.360, 628.363 or 628.365 if the employee or assistant does not issue any accounting or financial statement over his name.

2. The Board may adopt regulations providing for the issuance of temporary permits to persons who do not hold live permits and do not have a registered office or residence in this State, or to partnerships, corporations and limited-liability companies which are not registered and have no registered office, to permit those persons, partnerships, corporations and limited-liability companies to fulfill specific engagements or employments in this State. A temporary permit:

(a) Is valid for no more than 6 months;

(b) Covers only one engagement; and

(c) May not be issued to any person unless he is a certified public accountant or registered public accountant of another state or jurisdiction of the United States approved by the Board, or to any partnership, corporation or limited-liability company unless all of the partners, shareholders or members thereof are certified public accountants or registered public accountants of another state or a jurisdiction of the United States approved by the Board.

3. Each person, partnership, corporation and limited-liability company applying for a temporary permit shall file with the Board a designation and acceptance of ~~[a resident]~~ ***an*** agent for service of legal process and shall pay a fee established by the Board by regulation before commencing work for a client.

4. The person, partner, shareholder or member who is responsible for the conduct of the engagement shall be deemed to be personally engaged in the practice of public accounting in this State, and must meet all requirements of NRS 628.310 and requirements for continuing education.

5. A person who holds a temporary permit is subject to all of the provisions of this chapter relating to discipline. The Board may refuse to act upon an application for further permits for a period of time set by the Board, or may refuse to issue a temporary permit to any person, partnership corporation or limited-liability company if disciplinary proceedings are pending in any jurisdiction.

Sec. 188. NRS 662.235 is hereby amended to read as follows:

662.235 1. Any bank organized under this title may state in its articles of incorporation that it will carry on a trust company business in connection with the banking business, and in addition to the powers conferred upon banks may:

(a) Act as trustee under any mortgage or bond of any person, firm or corporation, or of any municipality or body politic.

(b) Accept and execute any municipal, corporate or individual trust not inconsistent with the laws of this State.

(c) Act under the order or appointment of any court as guardian, commissioner, receiver or trustee.

(d) Act as executor or trustee under any will.

(e) Act as fiscal or transfer agent of any state, municipality, body politic or corporation, and in a capacity to receive and disburse money and register, transfer and countersign certificates of stock, bonds and other evidences of indebtedness.

(f) Act as local or ~~[resident]~~ ***registered*** agent of foreign corporations.

2. Any such bank holding any asset as a fiduciary shall:

(a) Segregate all such assets from any other assets of the bank and from the assets of any other trust, except as may be expressly provided otherwise by law or by the writing creating the trust.

(b) Record such assets in a separate set of books maintained for fiduciary activities.

Sec. 189. NRS 669.080 is hereby amended to read as follows:

669.080 1. This chapter does not apply to a person who:

(a) Does business under the laws of this State, the United States or another state relating to banks, savings banks, savings and loan associations or thrift companies, but if the business conducted in this State is not subject to supervision by a regulatory authority of another jurisdiction, the person must be licensed pursuant to this chapter;

(b) Is appointed as a fiduciary pursuant to NRS 662.245;

(c) Is acting in the performance of his duties as an attorney at law;

(d) Acts as a trustee under a deed of trust;

(e) Acts as a ~~[resident]~~ ***registered*** agent for a domestic or foreign corporation, limited-liability company, limited partnership or limited-liability partnership;

(f) Acts as a trustee of a trust holding real property for the primary purpose of facilitating any transaction with respect to real estate if he is not regularly engaged in the business of acting as a trustee for such trusts;

(g) Engages in the business of a collection agency pursuant to chapter 649 of NRS;

(h) Engages in the business of an escrow agency, escrow agent or escrow officer pursuant to the provisions of chapter 645A or 692A of NRS;

(i) Acts as a trustee of a trust created for charitable or nonprofit purposes if he is not regularly engaged in the business of acting as trustee for such trusts;

(j) Receives money or other property as a real estate broker licensed under chapter 645 of NRS on behalf of a principal;

(k) Engages in transactions as a broker-dealer or sales representative pursuant to chapter 90 of NRS;

(l) Acts as a fiduciary under a court trust;

(m) Does business as an insurer authorized to issue policies of life insurance and annuities or endowment contracts in this State and is subject to regulation and control of the Commissioner of Insurance; or

(n) Acts as a fiduciary if:

(1) The fiduciary relationship is not one of his principal occupations; or

(2) He serves as a fiduciary for a relative by blood or marriage.

2. A bank, savings bank, savings and loan association or thrift company claiming an exemption from this chapter pursuant to paragraph (a) of subsection 1 must notify the Commissioner of Financial Institutions of its intention to engage in the business of a trust company in this State and present proof satisfactory to the Commissioner of Financial Institutions that its fiduciary activities in this State will be subject to regulation by another jurisdiction.

Sec. 190. NRS 669.210 is hereby amended to read as follows:

669.210 1. Each licensed trust company may:

(a) Act as trustee under any mortgage or bond of any person or of any municipality or body politic.

(b) Accept and execute any municipal or corporate or individual trust not inconsistent with the laws of this State.

(c) Act under the order or appointment of any court as guardian, administrator, receiver or trustee.

(d) Act as executor or trustee under any will.

(e) Act as fiscal or transfer agent of any state, municipality, body politic or corporation, and in such capacity receive and disburse money and register,

transfer and countersign certificates of stock, bonds and other evidences of indebtedness.

(f) Act as local or ~~[resident]~~ ***registered*** agent of foreign corporations.

(g) Accept and execute any trust business permitted by any law.

(h) Acquire the fiduciary rights, powers, duties and liabilities of a bank, savings and loan association, thrift company, trust company or credit union licensed pursuant to titles 55 and 56 of NRS, and upon the effective date of such an acquisition, the fiduciary rights, powers, duties and liabilities of the bank, savings and loan association, thrift company, trust company or credit union vest in and must be performed by the acquiring trust company.

(i) Do and perform all acts necessary to exercise the powers enumerated in this subsection and authorized by this chapter and any other applicable laws of this State.

2. A trust company may not engage in any banking business by accepting deposits or making loans.

Sec. 190.5. **Chapter 675 of NRS is hereby amended by adding thereto a new section to read as follows:**

If the Commissioner receives information from a registered agent pursuant to section 40.2 of this act which indicates that a person may be violating the provisions of this chapter, the Commissioner shall investigate the person and take any appropriate action pursuant thereto.

Sec. 190.7. **NRS 675.380 is hereby amended to read as follows:**

675.380 1. For the purpose of discovering violations of this chapter or of securing information lawfully required under this chapter, the Commissioner or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:

(a) Any licensee;

(b) Any other person engaged in the business described in NRS 675.060 or participating in such business as principal, agent, broker or otherwise; ~~[and]~~

(c) ***Any registered agent who represents a licensee or any other person engaged in the business described in NRS 675.060; and***

(d) Any person who the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.

2. For the purpose of examination the Commissioner or his authorized representatives shall have and be given free access to the offices and places of business, files, safes and vaults of such persons.

3. ***The investigation of a registered agent pursuant to subsection 1, including, without limitation, any book, accounts, papers and records used therein must be kept confidential except to the extent necessary to enforce any provision of this chapter.***

4. For the purposes of this section, any person who advertises for, solicits or holds himself out as willing to make loan transactions is presumed to be engaged in the business described in NRS 675.060.

Sec. 190.9. **NRS 675.430 is hereby amended to read as follows:**

675.430 1. Whenever the Commissioner has reasonable cause to believe that any person is violating or is threatening to or intends to violate any provision of this chapter, he may, in addition to all actions provided for in this chapter and without prejudice thereto, enter an order requiring a person to desist or to refrain from such violation.

2. An action may be brought on the relation of the Attorney General and the Commissioner to enjoin a person from engaging in or continuing a violation or from doing any act or acts in furtherance thereof. In any such action, an order or judgment may be entered awarding a preliminary or final injunction as may be deemed proper.

3. In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which an action is brought may impound, and appoint a receiver for, the property and business of the defendant, including books, papers, documents and records pertaining thereto, or so much thereof as the court may deem reasonably necessary to prevent violations of this chapter through or by means of the use of property and business ~~[.]~~ ***, whether such books, papers, documents and records are in the possession of the defendant, a registered agent acting on behalf of the defendant or any other person.*** A receiver, when appointed and qualified, has such powers and duties as to custody, collection, administration, winding up and liquidation of such property and business as may from time to time be conferred upon him by the court.

Sec. 191. NRS 678.344 is hereby amended to read as follows:

678.344 The Commissioner shall issue a certificate of authority to a foreign credit union if he is satisfied that:

1. The members of the credit union to be served in this State are adequately protected by any form of security which is comparable to that required of credit unions organized under the provisions of this chapter.

2. The officer who supervises the credit union in the state in which it was organized has authorized it to do business in Nevada and agrees to furnish, upon request, copies of reports relating to the credit union.

3. The members to be served in this State have a need for the service and adequate service is not available through existing credit unions.

4. A ~~[resident]~~ ***registered*** agent has been designated.

5. The state in which the credit union was organized issues comparable authorization to credit unions organized under the provisions of this chapter.

Sec. 192. NRS 696B.260 is hereby amended to read as follows:

696B.260 A certified copy of any order to show cause issued under NRS 696B.250, and a copy of the petition upon which the order is made ~~[shall]~~ ***, must*** be served upon the insurer by delivering the same to its president, vice president, secretary, treasurer, director, ~~[resident]~~ agent for

service of process, or to its managing agent, or attorney-in-fact **,** ~~[(]~~ if a reciprocal insurer **.** ~~[).]~~ If no such officer or functionary can readily be found in this State, then such process may be served upon the insurer by service thereof upon the Commissioner pursuant to NRS 680A.250 and 680A.260, and in which case the additional 10 days provided by subsection 3 of NRS 680A.260 ~~[shall]~~ ***does*** not apply.

Sec. 193. NRS 78.095, 78.110, 78.165, 86.125, 86.235, 88.331, 88A.070, 88A.510, and 88A.540 are hereby repealed.

Sec. 194. The amendatory provisions of this act do not affect an action or proceeding commenced or right accrued before July 1, 2007.

Sec. 195. **1.** This **section and sections 40.2, 40.4, 40.6, 43.5, 49.5, 171.2, 171.4, 171.6, 171.8, 184.5, 184.7, 184.9, 190.5, 190.7, 190.9 and 194 of this** act ~~[becomes]~~ **become** effective on July 1, 2007.

2. Sections 1 to 40, inclusive, 41, 42, 43, 44 to 49, inclusive, 50 to 171, inclusive, 172 to 184, inclusive, 185 to 190, inclusive, 191, 192 and 193 of this act become effective on July 1, 2007, for the purpose of adopting regulations and on July 1, 2008, for all other purposes.

LEADLINES OF REPEALED SECTIONS

78.095 Change of address of resident agent and registered office.
78.110 Resident agent: Revocation of appointment; change of name.
78.165 Addresses of officers and directors required; failure to file.
86.125 "Resident agent" defined.
86.235 Resident agent: Revocation of appointment; change of name.
88.331 Resident agent: Revocation of appointment; change of name.
88A.070 "Resident agent" defined.
88A.510 Change of address.
88A.540 Revocation of appointment; change of name.

Assemblyman Anderson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 5:41 p.m.

ASSEMBLY IN SESSION

At 5:51 p.m.

Madam Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 477.

Bill read third time.

Roll call on Senate Bill No. 477:
YEAS—41.
NAYS—None.
EXCUSED—Christensen.
Senate Bill No. 477 having received a two-thirds majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 117.
Bill read third time.
Remarks by Assemblywoman Pierce.
Roll call on Senate Bill No. 117:
YEAS—39.
NAYS—Conklin, Weber—2.
EXCUSED—Christensen.
Senate Bill No. 117 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 452.
Bill read third time.
Roll call on Senate Bill No. 452:
YEAS—41.
NAYS—None.
EXCUSED—Christensen.
Senate Bill No. 452 having received a two-thirds majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that the Assembly suspend all rules, dispense with the reprinting of all bills and resolutions and authorize the Chief Clerk to insert the appropriate amendments, and place all bills and resolutions on third reading and final passage
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 18 be taken from its position on the General File and placed at the top of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 436 be taken from its position on the General File and placed at the top of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 542 be taken from its position on the General File and placed at the top of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 201 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 483 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that the vote whereby Senate Bill No. 509 was passed be rescinded.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 201.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 1028.

AN ACT relating to public works; authorizing a public body to contract with a construction manager at risk for the preconstruction and construction of a public work; setting forth the method for selecting a construction manager at risk; authorizing a public body to hire a construction manager as agent to assist the public body in overseeing the construction of a public work; requiring local governments to conduct a constructability review under certain circumstances before constructing certain public works; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-12 of this bill authorize a public body to enter into contracts with a construction manager at risk for the preconstruction and construction of a public work and provide the method for selecting a construction manager at risk. Under the construction manager at risk method for constructing a public work, a public body may enter into a contract for a negotiated price with a construction manager at risk to provide preconstruction services for the public work that include, without limitation, design support, construction estimating, value and system analysis and scheduling. After the public body has obtained the final design for the public work, the public body and the construction manager at risk are required to attempt to negotiate a contract for the construction manager at risk to construct the public work. If the public body and the construction manager at risk enter into such a contract, the contract must be for: (1) a guaranteed maximum price including the cost of the work plus a fee; (2) a fixed price; or (3) a fixed price plus reimbursement for overhead and other costs and expenses related to the construction of the public work.

Section 14 of this bill requires a local government or its authorized representative to conduct a constructability review to determine if the plans and specifications for a public work are complete and contain all necessary information, if: (1) such plans and specifications are to be used for the first

time on a public work; ~~[or]~~ **and** (2) such plans and specifications are for a public work that ~~[is a building at least three stories in height.]~~ **has an estimated cost which exceeds $10,000,000.** This review must be performed by an architect registered pursuant to chapter 623 of NRS, a contractor licensed pursuant to chapter 624 of NRS or a professional engineer licensed pursuant to chapter 625 of NRS.

Sections 13 and 21 of this bill authorize a public body to employ a construction manager as agent to assist the public body in overseeing the construction of a public work. A construction manager as agent assists in the planning, scheduling and management of a public work without assuming any responsibility for the cost, quality or timely completion of the construction of the public work. A construction manager as agent is prohibited from taking part in the design or construction of the public work.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. ***A public body may construct a public work by:***

1. Selecting a construction manager at risk pursuant to the provisions of sections 4 to 8, inclusive, of this act; and

2. Entering into separate contracts with a construction manager at risk:

(a) For preconstruction services, including, without limitation:

(1) Assisting the public body in determining whether scheduling or design problems exist that would delay the construction of the public work;

(2) Estimating the cost of the labor and material for the public work; and

(3) Assisting the public body in determining whether the public work can be constructed within the public body's budget; and

(b) To construct the public work.

Sec. 3. ***To qualify to enter into contracts with a public body for preconstruction services and to construct a public work, a construction manager at risk must:***

1. Not have been found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the 5 years immediately preceding the date of the advertisement for statements of qualifications pursuant to section 4 of this act;

2. Not have been disqualified from being awarded a contract pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333;

3. Be licensed as a contractor pursuant to chapter 624 of NRS; and

4. If the project is for the design of a public work of the State, be qualified to bid on a public work of the State pursuant to NRS 338.1379.

Sec. 4. ***1. A public body shall advertise for statements of qualifications for a construction manager at risk in a newspaper qualified***

pursuant to chapter 238 of NRS that is published in the county where the public work will be performed. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.

2. A request for a statement of qualifications published pursuant to subsection 1 must include, without limitation:

(a) A description of the public work;

(b) An estimate of the cost of construction;

(c) A description of the work that the public body expects a construction manager at risk to perform;

(d) The dates on which it is anticipated that the separate phases of the preconstruction and construction of the public work will begin and end;

(e) The date by which statements of qualifications must be submitted to the public body;

(f) If the project is a public work of the State, a statement setting forth that the construction manager at risk must be qualified to bid on a public work of the State pursuant to NRS 338.1379 before submitting a statement of qualifications;

(g) The name, title, address and telephone number of a person employed by the public body that an applicant may contact for further information regarding the public work; and

(h) A list of the selection criteria and relative weight of the selection criteria that will be used to evaluate statements of qualifications.

3. A statement of qualifications must include, without limitation:

(a) An explanation of the experience that the applicant has with projects of similar size and scope;

(b) The contact information for references who have knowledge of the background, character and technical competence of the applicant;

(c) The applicant's preliminary proposal for managing the preconstruction and construction of the public work;

(d) Evidence of the ability of the applicant to obtain the necessary bonding for the work to be required by the public body;

(e) Evidence that the applicant has obtained or has the ability to obtain such insurance as may be required by law; and

(f) A statement of whether the applicant has been:

(1) Found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause; and

(2) Disqualified from being awarded a contract pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333.

Sec. 5. ***1. The public body shall appoint a panel consisting of at least three members to rank the statements of qualifications submitted to the public body by evaluating the statements of qualifications as required pursuant to subsections 2 and 3.***

2. The panel shall rank the statements of qualifications by:

(a) Verifying that each applicant satisfies the requirements of section 3 of this act; and

(b) Conducting an evaluation of the qualifications of each applicant based on the factors and relative weight assigned to each factor that the public body specified in the request for statements of qualifications advertised pursuant to section 4 of this act.

3. When ranking the statements of qualifications, the panel shall assign a relative weight of 5 percent to the possession of a certificate of eligibility to receive a preference in bidding on public works.

4. After the panel ranks the statements of qualifications, the public body shall:

(a) Make available to the public the rankings of the applicants; and

(b) Except as otherwise provided in subsection 5, select at least the two but not more than the five applicants that the panel determined to be most qualified as finalists to submit final proposals to the public body pursuant to section 6 of this act.

5. If the public body did not receive at least two statements of qualifications from applicants that the panel determines to be qualified pursuant to this section and section 3 of this act, the public body may not contract with a construction manager at risk.

Sec. 6. ***1. After the finalists are selected pursuant to paragraph (b) of subsection 4 of section 5 of this act, the public body shall provide to each finalist a request for final proposals. The request for final proposals must:***

(a) Set forth the date by which final proposals must be submitted to the public body;

(b) Set forth the proposed forms of the contract to assist in the preconstruction of the public work and the contract to construct the public work that include, without limitation, the proposed terms and general conditions of the contracts; and

(c) Set forth the selection criteria and relative weight of the selection criteria that will be used to evaluate the final proposals.

2. A final proposal must include, without limitation:

(a) The professional qualifications and experience of the applicant, including, without limitation, the resumes of any employees of the applicant who will be managing the preconstruction and construction of the public work;

(b) The performance history of the applicant concerning other recent, similar projects completed by the applicant, if any;

(c) The safety programs established and the safety records accumulated by the applicant;

(d) The proposed plan of the applicant to manage the preconstruction and construction of the public work, which plan sets forth in detail the ability of the applicant to provide preconstruction services and to construct the public work; and

(e) A proposed plan of the applicant for the selection of any necessary subcontractors.

Sec. 7. ***1. The panel appointed by the public body pursuant to section 5 of this act shall evaluate and assign a score to each of the final proposals received by the public body based on the factors and relative weight assigned to each factor that the public body specified in the request for final proposals. The panel shall interview the two or three applicants whose final proposals received the highest scores. After conducting such interviews, the panel shall rank the applicants based on the final proposals and interviews, which must be given equal weight.***

2. Upon receipt of the final rankings of the applicants from the panel, the public body shall enter into negotiations with the most qualified applicant determined pursuant to subsection 1 for a contract for preconstruction services. If the public body is unable to negotiate a contract with the most qualified applicant at an amount of compensation that the public body and the most qualified applicant determine to be fair and reasonable, the public body shall terminate negotiations with that applicant. The public body may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached or a determination is made by the public body to reject all applicants.

3. The public body shall make available to the applicants and the public the results of the evaluations of final proposals and interviews conducted pursuant to subsection 1 and the final rankings of the applicants.

Sec. 8. ***1. If a public body enters into a contract with a construction manager at risk for preconstruction services pursuant to section 7 of this act, after the public body has finalized the design for the public work, the public body shall enter into negotiations with the construction manager at risk for a contract to construct the public work for the public body for:***

(a) The cost of the work, plus a fee, with a guaranteed maximum price;

(b) A fixed price; or

(c) A fixed price plus reimbursement for overhead and other costs and expenses related to the construction of the public work.

2. If the public body is unable to negotiate a satisfactory contract with the construction manager at risk to construct the public work, the public body:

(a) Shall terminate negotiations with that applicant; and

(b) May award the contract for the public work:

(1) If the public body is not a local government, pursuant to the provisions of NRS 338.1377 to 338.139, inclusive.

(2) If the public body is a local government, pursuant to the provisions of NRS 338.1377 to 338.139, inclusive, or 338.143 to 338.148, inclusive, and section 14 of this act.

Sec. 9. ***A contract entered into pursuant to section 8 of this act that is for a guaranteed maximum price may include a provision that authorizes***

the construction manager at risk to receive all or part of any difference between the guaranteed maximum price set forth in the contract and the actual price of construction of the public work, if the actual price is less than the guaranteed maximum price.

Sec. 10. ***A contract awarded to a construction manager at risk pursuant to section 7 or 8 of this act:***

1. Must comply with the provisions of NRS 338.020 to 338.090, inclusive.

2. Must specify a date by which performance of the work required by the contract must be completed.

3. May set forth the terms by which the construction manager at risk agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the construction manager at risk.

4. Must require that the construction manager at risk to whom a contract is awarded assume overall responsibility for ensuring that the preconstruction or construction of the public work, as applicable, is completed in a satisfactory manner.

5. May include such additional provisions as may be agreed upon by the public body and the construction manager at risk.

Sec. 11. ***A construction manager at risk who enters into a contract for the construction of a public work pursuant to section 8 of this act:***

1. Is responsible for contracting for the services of any necessary subcontractor, supplier or independent contractor necessary for the construction of the public work and for the performance of and payment to any such subcontractors, suppliers or independent contractors.

2. If the public work involves the construction of a fixed work that is described in subsection 2 of NRS 624.215, shall perform not less than 25 percent of the construction of the fixed work himself or using his own employees.

3. If the public work involves the construction of a building or structure that is described in subsection 3 of NRS 624.215, may perform himself or using his own employees as much of the construction of the building or structure that the construction manager at risk is able to demonstrate that he or his own employees have performed on similar projects.

Sec. 12. ***1. If a construction manager at risk to whom a contract for the construction of a public work is awarded pursuant to section 8 of this act wishes to enter into a contract with a subcontractor to provide materials, equipment, work or other services on the public work, the subcontractor must be:***

(a) Licensed pursuant to chapter 624 of NRS; and

(b) Selected by the construction manager at risk based on the process of competitive bidding set forth in the applicable provisions of NRS 338.1373 to 338.148, inclusive.

2. A construction manager at risk to whom a contract for the construction of a public work is awarded pursuant to section 8 of this act shall submit to the public body that awarded the contract a list containing the names of each subcontractor with whom the construction manager at risk entered into a contract for the provision of materials, equipment, work or other services on the public work.

Sec. 13. ***1. A construction manager as agent:***

(a) Must:

(1) Be a contractor licensed pursuant to chapter 624 of NRS;

(2) Hold a certificate of registration to practice architecture, interior design or residential design pursuant to chapter 623 of NRS; or

(3) Be licensed as a professional engineer pursuant to chapter 625 of NRS.

(b) May enter into a contract with a public body to assist in the planning, scheduling and management of the construction of a public work without assuming any responsibility for the cost, quality or timely completion of the construction of the public work. A construction manager as agent who enters into a contract with a public body pursuant to this section may not take part in the design or construction of the public work.

2. A contract between a public body and a construction manager as agent is not required to be awarded by competitive bidding.

Sec. 14. ***1. Before a local government or its authorized representative advertises for bids for a contract for a public work, the local government or its authorized representative shall perform a review of the approved plans and specifications to determine if the plans and specifications are complete and contain all necessary information and specifications to construct the public work, if:***

(a) The plans and specifications are to be used for the first time on a public work; and

(b) The plans and specifications are for a public work that ~~*[is a building at least three stories in height.]*~~ ***has an estimated cost which exceeds $10,000,000.***

2. A constructability review required pursuant to subsection 1 must be performed by an architect registered pursuant to chapter 623 of NRS, a contractor licensed pursuant to chapter 624 of NRS or a professional engineer licensed pursuant to chapter 625 of NRS and must include, without limitation:

(a) A determination of whether a competent contractor would be able to construct the public work based on the approved plans and specifications; and

(b) A review of the approved plans and specifications for the public work for completeness, clarity and economic feasibility.

3. If the local government or its authorized representative does not employ a person who has the expertise to perform a constructability review as described in subsection 2, the local government or its authorized

representative must contract with an independent third party who is an architect registered pursuant to chapter 623 of NRS, a contractor licensed pursuant to chapter 624 of NRS or a professional engineer licensed pursuant to chapter 625 of NRS to perform the constructability review. A contract entered into pursuant to this section between a local government or its authorized representative and an independent third party is not required to be awarded by competitive bidding.

Sec. 15. NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of:

(a) NRS 338.1377 to 338.139, inclusive;

(b) NRS 338.143 to 338.148, inclusive ~~[, or]~~ ***, and section 14 of this act;***

(c) NRS 338.1711 to 338.1727, inclusive ~~[.]~~ ***; or***

(d) Sections 2 to 12, inclusive, of this act.

2. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142 and 338.1711 to 338.1727, inclusive, ***and sections 2 to 12, inclusive, of this act,*** do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.313 to 408.433, inclusive.

Sec. 16. NRS 338.1385 is hereby amended to read as follows:

338.1385 1. Except as otherwise provided in subsection 9 and NRS 338.1906 and 338.1907, this State, or a governing body or its authorized representative that awards a contract for a public work in accordance with paragraph (a) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1386, 338.13862 and 338.13864.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a public body shall report to the public body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Each advertisement for bids must include a provision that sets forth the requirement that a contractor must be qualified pursuant to NRS 338.1379 or 338.1382 to bid on the contract.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

5. Except as otherwise provided in subsection 6 and NRS 338.1389, a public body or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

6. Any bids received in response to an advertisement for bids may be rejected if the public body or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(b) The bidder is not responsive or responsible;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(d) The public interest would be served by such a rejection.

7. A public body may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The public body publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The public body considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The public body lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the bidder who has submitted the lowest responsive and responsible bid.

8. Before a public body may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the public body shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the public body intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the public body intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the public body expects to save by rejecting the bids and performing the public work itself.

9. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993; ~~[or]~~

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive ~~[.]~~ ***;***

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to section 14 of this act; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to sections 2 to 12, inclusive, of this act.

Sec. 17. NRS 338.1385 is hereby amended to read as follows:

338.1385 1. Except as otherwise provided in subsection 9, this State, or a governing body or its authorized representative that awards a contract for a public work in accordance with paragraph (a) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and having a general circulation within the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1386, 338.13862 and 338.13864.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a public body shall report to the public body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Each advertisement for bids must include a provision that sets forth the requirement that a contractor must be qualified pursuant to NRS 338.1379 or 338.1382 to bid on the contract.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons

desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

5. Except as otherwise provided in subsection 6 and NRS 338.1389, a public body or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

6. Any bids received in response to an advertisement for bids may be rejected if the public body or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(b) The bidder is not responsive or responsible;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(d) The public interest would be served by such a rejection.

7. A public body may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The public body publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The public body considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The public body lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

8. Before a public body may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the public body shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the public body intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the public body intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including, the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the public body expects to save by rejecting the bids and performing the public work itself.

9. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993; ~~[or]~~

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive ~~[.]~~ ***;***

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to section 14 of this act; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to sections 2 to 12, inclusive, of this act.

Sec. 18. NRS 338.143 is hereby amended to read as follows:

338.143 1. Except as otherwise provided in subsection 8 and NRS 338.1907, a local government or its authorized representative that awards a contract for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1442, 338.1444 and 338.1446.

(c) Divide a project work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a local government shall report to the governing body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

4. Except as otherwise provided in subsection 5 and NRS 338.147, the local government or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

5. Any bids received in response to an advertisement for bids may be rejected if the local government or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not responsive or responsible;

(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(c) The public interest would be served by such a rejection.

6. A local government may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The local government publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The local government considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The local government lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

7. Before a local government may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the local government shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the local government intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the local government intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the public work itself.

8. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993; ~~[or]~~

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive ~~[.]~~ ***;***

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to section 14 of this act; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to sections 2 to 12, inclusive, of this act.

Sec. 19. NRS 338.143 is hereby amended to read as follows:

338.143 1. Except as otherwise provided in subsection 8, a local government or its authorized representative that awards a contract for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published within the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation within the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1442, 338.1444 or 338.1446.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a local government shall report to the governing body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

4. Except as otherwise provided in subsection 5 and NRS 338.147, the local government or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

5. Any bids received in response to an advertisement for bids may be rejected if the local government or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not responsive or responsible;

(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(c) The public interest would be served by such a rejection.

6. A local government may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The local government publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The local government considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The local government lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

7. Before a local government may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the local government shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the local government intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the local government intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the public work itself.

8. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993; ~~[or]~~

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive ~~[.]~~ ***;***

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to section 14 of this act; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to sections 2 to 12, inclusive, of this act.

Sec. 20. NRS 338.1711 is hereby amended to read as follows:

338.1711 1. Except as otherwise provided in this section and NRS 338.161 to 338.168, inclusive, ***and sections 2 to 12, inclusive, of this act,*** a public body shall contract with a prime contractor for the construction of a public work for which the estimated cost exceeds $100,000.

2. A public body may contract with a design-build team for the design and construction of a public work that is a discrete project if the public body has approved the use of a design-build team for the design and construction of the public work and the public work:

(a) Is the construction of a park and appurtenances thereto, the rehabilitation or remodeling of a public building, or the construction of an addition to a public building; or

(b) Has an estimated cost which exceeds $10,000,000.

Sec. 21. NRS 338.1717 is hereby amended to read as follows:

338.1717 A public body may employ a registered architect, ***general contractor, construction manager as agent,*** landscape architect or licensed professional engineer as a consultant to assist the public body in overseeing the construction of a public work. An architect, ***general contractor, construction manager as agent,*** landscape architect or engineer so employed shall not:

1. Construct the public work; or

2. Assume overall responsibility for ensuring that the construction of the public work is completed in a satisfactory manner.

Sec. 22. 1. This section and sections 1 to 16, inclusive, 18, 20 and 21 of this act become effective on October 1, 2007.

2. Sections 16 and 18 of this act expire by limitation on April 30, 2013.

3. Sections 17 and 19 of this act become effective on May 1, 2013.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 483.

Bill read third time.

Remarks by Assemblyman Anderson.

Assemblyman Anderson requested that his remarks be entered in the Journal.

The prepared remarks for this bill have already been read. The questions that have been raised have been partially answered, and the assurance from Rob Kim of the State Bar indicates that it is indeed the intention of this legislation to protect social security benefits necessary for the support of individuals from attachment by creditors. If it is necessary we will take care of it in other legislative manner because that was clearly the intent as presented to the committee—all social security benefits as is the current practice.

We are not stepping away from the current protection of social security benefits in any way. We have the assurance of both the State Bar and the Secretary of State's office. That was the intent, and if that is not clear, we will make sure that it is clear.

Roll call on Senate Bill No. 483:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 483 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 18.

Bill read third time.

The following amendment was proposed by Assemblyman Conklin:

Amendment No. 977.

AN ACT relating to deceptive trade practices; providing that the conducting of certain businesses or occupations without registering with the Consumer Affairs Division of the Department of Business and Industry is a deceptive trade practice; authorizing the Commissioner of Consumer Affairs to impose a fine on persons who engage in such a deceptive trade practice; providing that the rental, lease or sale of certain goods or services for an unconscionable price within a certain period before or during a state of emergency is a deceptive trade practice; **providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines a number of actions as deceptive trade practices that are punishable by the imposition of civil **and criminal** penalties. (NRS 598.0915-598.0925, 598.0971- ~~[598. 0974)]~~ **598.0999)** Section 2 of this bill provides that conducting a business or occupation that is required to be registered with the Consumer Affairs Division of the Department of Business and Industry without being so registered is a deceptive trade practice, and section 4 of this bill authorizes the Commissioner of Consumer Affairs to impose a fine on a person who engages in such a deceptive trade practice. Section 4.7 of this bill provides that renting, leasing or selling a consumer good or service that is vital to the public health, safety or welfare for an unconscionable price within 24 hours before or at any time during a state of emergency is a deceptive trade practice.

Existing law provides a private right of action for a person who is a victim of consumer fraud to recover damages. The term "consumer fraud" includes a deceptive trade practice. (NRS 41.600) Because unconscionable pricing during a state of emergency is made a deceptive trade practice, section 13 of this bill provides a person with this private right of action for such practices.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 4.7, inclusive, of this act.

Sec. 2. ***A person engages in a "deceptive trade practice" if, in the course of his business or occupation, he is required to be registered with the Division pursuant to any provision of this chapter or NRS 599B.080 and he fails to be registered with the Division.***

Sec. 3. ***"Division" means the Consumer Affairs Division of the Department of Business and Industry.***

Sec. 4. ***1. In addition to any other remedy or penalty, if a person engages in a deceptive trade practice, as defined in section 2 of this act, the Commissioner may impose a fine of:***

(a) For the first violation, $100;

(b) For the second violation, $250; and

(c) For each subsequent violation, $500.

2. All money collected from fines imposed pursuant to this section must be deposited in the State General Fund.

Sec. 4.5. ***The Legislature finds and declares that:***

1. Protecting the public from the economic practice commonly known as "price gouging" is a vital function of state government in providing for the public health, safety and welfare;

2. The pricing of consumer goods and services is generally best left to the marketplace in ordinary conditions, but when a state of emergency results in abnormal disruptions of the market, the public interest requires that excessive and unjustified increases in the prices of consumer goods and services be prohibited;

3. During a state of emergency the vulnerable persons of society are left even more vulnerable, and those with limited resources may find themselves without the ability to purchase even the most basic necessities such as potable water, food and medicine;

4. During a state of emergency, price is an inaccurate and ineffective manner of determining the needs of people, and price gouging serves only to discriminate against the poor and to encourage looting, human suffering and panic;

5. It is the intent of the Legislature in enacting section 4.7 of this act to protect consumers from excessive and unjustified increases in the prices charged within 24 hours before or at any time during a state of emergency for consumer goods and services that are vital to the public health, safety or welfare; and

~~*[4.]*~~ ***6. As the provisions of this chapter are necessary to protect the public welfare, it is also the intent of the Legislature that the provisions of this chapter be liberally construed to effectuate its purposes.***

Sec. 4.7. ***1. Except as otherwise provided in subsection 2, a person engages in a "deceptive trade practice" if he rents, leases or sells or offers to rent, lease or sell a consumer good or service for an unconscionable price within 24 hours before or at any time during a state of emergency.***

2. A person does not engage in a "deceptive trade practice" pursuant to subsection 1 if he rents, leases or sells or offers to rent, lease or sell a consumer good or service for a price that is approved by an appropriate government or governmental entity.

3. For the purposes of this section ~~*[and except as otherwise provided in subsection 4, it is prima facie evidence that]*~~ ***a price for a consumer good or service is an unconscionable price if the price exceeds*** ~~*[, by an amount equal to or greater than 25 percent :*~~

~~*(a) The]*~~ ***the average price at which the consumer good or service was rented, leased or sold or offered for rent, lease or sale in the usual course of business in the same market area at the time of, or during the 30 days immediately preceding , the state of emergency*** ~~*[; or*~~

~~*(b) The average price at which the consumer good or service was rented, leased or sold or offered for rent, lease or sale in the usual course of business in the immediately preceding calendar year during the same period to which the state of emergency applies.*~~

~~*4. For the purposes of this section, it is prima facie evidence that a price for a consumer good or service is not an unconscionable price if the net profit margin for the consumer good or service does not exceed, by an amount equal to or greater than 25 percent:*~~

~~*(a) The net profit margin for the consumer good or service during the 30 days immediately preceding the state of emergency; or*~~

~~*(b) The net profit margin for the consumer good or service in the immediately preceding calendar year during the same period to which the state of emergency applies.*~~

~~*5.]*~~ ***, except that the price may include an increase in price which reflects reasonable expenses and a charge for any attendant business risk in addition to the cost of the goods and services which are necessarily incurred in procuring the goods and services during the state of emergency.***

4. The provisions of this section do not preempt the authority of a local government to adopt an ordinance relating to the price of a consumer good or service during a state of emergency.

~~*[6.]*~~ ***5. As used in this section:***

(a) "Consumer good or service" means a good or service used, purchased or rendered primarily for personal, family or household purposes that is vital to the public health, safety or welfare. The term includes, without limitation, food for human consumption, food for domestic animals, clothing, shoes, ice, water, gas, electricity, heat, fuel of all kinds and building materials.

(b) "State of emergency" means the period:

(1) Beginning when the Governor or the Legislature proclaims a state of emergency or declaration of disaster either pursuant to NRS 414.070 or pursuant to a declaration of the President of the United States ~~*[declares]*~~ ***that a state of emergency exists in this State or any other state; and***

(2) Ending when the Governor or the Legislature terminates the proclamation of a state of emergency . ~~*[or declaration of disaster or the President of the United States terminates the declaration of a state of emergency.]*~~

Sec. 5. NRS 598.0903 is hereby amended to read as follows:

598.0903 As used in NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 598.0905 to 598.0947, inclusive, ***and sections 2, 3 and 4.7 of this act*** have the meanings ascribed to them in those sections.

Sec. 5.5. NRS 598.0953 is hereby amended to read as follows:

598.0953 1. Evidence that a person has engaged in a deceptive trade practice is prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

2. The deceptive trade practices listed in NRS 598.0915 to 598.0925, inclusive, ***and sections 2 and 4.7 of this act*** are in addition to and do not limit the types of unfair trade practices actionable at common law or defined as such in other statutes of this State.

Sec. 5.7. NRS 598.0955 is hereby amended to read as follows:

598.0955 1. The provisions of NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act*** do not apply to:

(a) Conduct in compliance with the orders or rules of, or a statute administered by, a federal, state or local governmental agency.

(b) Publishers, including outdoor advertising media, advertising agencies, broadcasters or printers engaged in the dissemination of information or reproduction of printed or pictorial matter who publish, broadcast or reproduce material without knowledge of its deceptive character.

(c) Actions or appeals pending on July 1, 1973.

2. The provisions of NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act*** do not apply to the use by a person of any service mark, trademark, certification mark, collective mark, trade name or other trade identification which was used and not abandoned prior to July 1, 1973, if the use was in good faith and is otherwise lawful except for the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and sections 2 to 4.7, inclusive, of this act.***

Sec. 6. NRS 598.096 is hereby amended to read as follows:

598.096 When the Commissioner, Director or Attorney General has cause to believe that any person has engaged or is engaging in any deceptive trade practice, he may:

1. Request the person to file a statement or report in writing under oath or otherwise, on such forms as may be prescribed by the Commissioner, Director

or Attorney General, as to all facts and circumstances concerning the sale or advertisement of property by the person, and such other data and information as the Commissioner, Director or Attorney General may deem necessary.

2. Examine under oath any person in connection with the sale or advertisement of any property.

3. Examine any property or sample thereof, record, book, document, account or paper as he may deem necessary.

4. Make true copies, at the expense of the ~~[Consumer Affairs Division of the Department of Business and Industry,]~~ ***Division,*** of any record, book, document, account or paper examined pursuant to subsection 3, which copies may be offered into evidence in lieu of the originals thereof in actions brought pursuant to NRS 598.097 and 598.0979.

5. Pursuant to an order of any district court, impound any sample of property which is material to the deceptive trade practice and retain the property in his possession until completion of all proceedings as provided in NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and sections 2 to 4.7, inclusive, of this act.*** An order may not be issued pursuant to this subsection unless:

(a) The Commissioner, Director or Attorney General, and the court give the accused full opportunity to be heard; and

(b) The Commissioner, Director or Attorney General proves by clear and convincing evidence that the business activities of the accused will not be impaired thereby.

Sec. 6.5. NRS 598.0963 is hereby amended to read as follows:

598.0963 1. Whenever the Attorney General is requested in writing by the Commissioner or the Director to represent him in instituting a legal proceeding against a person who has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person on behalf of the Commissioner or Director.

2. The Attorney General may institute criminal proceedings to enforce the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and sections 2 to 4.7, inclusive, of this act.*** The Attorney General is not required to obtain leave of the court before instituting criminal proceedings pursuant to this subsection.

3. If the Attorney General has reason to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person to obtain a temporary restraining order, a preliminary or permanent injunction, or other appropriate relief.

4. If the Attorney General has cause to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may issue a subpoena to require the testimony of any person or the production of any documents, and may administer an oath or affirmation to any person providing such testimony. The subpoena must be served upon the person in the manner required for service of process in this State or by certified mail with return receipt requested. An employee of the Attorney General may personally serve the subpoena.

Sec. 7. NRS 598.0966 is hereby amended to read as follows:

598.0966 1. There is hereby created a Revolving Account for the ~~[Consumer Affairs Division of the Department of Business and Industry]~~ ***Division*** in the sum of $7,500, which must be used for the payment of expenses related to conducting an undercover investigation of a person who is allegedly engaging in a deceptive trade practice.

2. The Commissioner shall deposit the money in the Revolving Account in a bank or credit union qualified to receive deposits of public money as provided by law, and the deposit must be secured by a depository bond satisfactory to the State Board of Examiners.

3. The Commissioner or his designee may:

(a) Sign all checks drawn upon the Revolving Account; and

(b) Make withdrawals of cash from the Revolving Account.

4. Payments made from the Revolving Account must be promptly reimbursed from the legislative appropriation, if any, to the ~~[Consumer Affairs]~~ Division for the expenses related to conducting an undercover investigation of a person who is allegedly engaging in a deceptive trade practice. The claim for reimbursement must be processed and paid as other claims against the State are paid.

5. The Commissioner shall:

(a) Approve any disbursement from the Revolving Account; and

(b) Maintain records of any such disbursement.

Sec. 7.5. NRS 598.0967 is hereby amended to read as follows:

598.0967 1. The Commissioner and the Director, in addition to other powers conferred upon them by NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act,*** may issue subpoenas to require the attendance of witnesses or the production of documents, conduct hearings in aid of any investigation or inquiry and prescribe such forms and adopt such regulations as may be necessary to administer the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and sections 2 to 4.7, inclusive, of this act.*** Such regulations may include, without limitation, provisions concerning the applicability of the provisions of NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act*** to particular persons or circumstances.

2. Service of any notice or subpoena must be made as provided in N.R.C.P. 45(c).

Sec. 7.7. NRS 598.0971 is hereby amended to read as follows:

598.0971 1. If, after an investigation, the Commissioner has reasonable cause to believe that any person has been engaged or is engaging in any deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act,*** the Commissioner may issue an order directed to the person to show cause why the Commissioner should not order the person to cease and desist from engaging in the practice. The order must contain a statement of the charges and a notice of a hearing to be held thereon. The order must be served upon the person directly or by certified or registered mail, return receipt requested.

2. If, after conducting a hearing pursuant to the provisions of subsection 1, the Commissioner determines that the person has violated any of the provisions of NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act,*** or if the person fails to appear for the hearing after being properly served with the statement of charges and notice of hearing, the Commissioner may make a written report of his findings of fact concerning the violation and cause to be served a copy thereof upon the person and any intervener at the hearing. If the Commissioner determines in the report that such a violation has occurred, he may order the violator to:

(a) Cease and desist from engaging in the practice or other activity constituting the violation;

(b) Pay the costs of conducting the investigation, costs of conducting the hearing, costs of reporting services, fees for experts and other witnesses, charges for the rental of a hearing room if such a room is not available to the Commissioner free of charge, charges for providing an independent hearing officer, if any, and charges incurred for any service of process, if the violator is adjudicated to have committed a violation of NRS 598.0903 to 598.0999, inclusive ~~[,]~~ ***, and sections 2 to 4.7, inclusive, of this act;*** and

(c) Provide restitution for any money or property improperly received or obtained as a result of the violation.

➥ The order must be served upon the person directly or by certified or registered mail, return receipt requested. The order becomes effective upon service in the manner provided in this subsection.

3. Any person whose pecuniary interests are directly and immediately affected by an order issued pursuant to subsection 2 or who is aggrieved by the order may petition for judicial review in the manner provided in chapter 233B of NRS. Such a petition must be filed within 30 days after the service of the order. The order becomes final upon the filing of the petition.

4. If a person fails to comply with any provision of an order issued pursuant to subsection 2, the Commissioner may, through the Attorney General, at any time after 30 days after the service of the order, cause an action to be instituted in the district court of the county wherein the person resides or has his principal place of business requesting the court to enforce the provisions of the order or to provide any other appropriate injunctive relief.

5. If the court finds that:

(a) The violation complained of is a deceptive trade practice;

(b) The proceedings by the Commissioner concerning the written report and any order issued pursuant to subsection 2 are in the interest of the public; and

(c) The findings of the Commissioner are supported by the weight of the evidence,

➥ the court shall issue an order enforcing the provisions of the order of the Commissioner.

6. Except as otherwise provided in NRS 598.0974, an order issued pursuant to subsection 5 may include:

(a) A provision requiring the payment to the Commissioner of a penalty of not more than $5,000 for each act amounting to a failure to comply with the Commissioner's order; or

(b) Such injunctive or other equitable or extraordinary relief as is determined appropriate by the court.

7. Any aggrieved party may appeal from the final judgment, order or decree of the court in a like manner as provided for appeals in civil cases.

8. Upon the violation of any judgment, order or decree issued pursuant to subsection 5 or 6, the Commissioner, after a hearing thereon, may proceed in accordance with the provisions of NRS 598.0999.

Sec. 8. NRS 598.0975 is hereby amended to read as follows:

598.0975 1. Except as otherwise provided in subsection 1 of NRS 598.0999 and subsection 3, all fees, civil penalties and any other money collected pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and sections 2 to 4.7, inclusive, of this act:***

(a) In an action brought by the Attorney General, Commissioner or Director, must be deposited in the State General Fund and may only be used to offset the costs of administering and enforcing the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and sections 2 to 4.7, inclusive, of this act.***

(b) In an action brought by the district attorney of a county, must be deposited with the county treasurer of that county and accounted for separately in the county general fund.

2. Money in the account created pursuant to paragraph (b) of subsection 1 must be used by the district attorney of the county for:

(a) The investigation and prosecution of deceptive trade practices against elderly or disabled persons; and

(b) Programs for the education of consumers which are directed toward elderly or disabled persons, law enforcement officers, members of the judicial system, persons who provide social services and the general public.

3. The provisions of this section do not apply to:

(a) Criminal fines imposed pursuant to NRS 598.0903 to 598.0999, inclusive ~~[,]~~ ***, and sections 2 to 4.7, inclusive, of this act;*** or

(b) Restitution ordered pursuant to NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act*** in an action brought by the Attorney General. Money collected for restitution ordered in such an action must be deposited by the Attorney General and credited to the appropriate account of the ~~[Consumer Affairs Division of the Department of Business and Industry]~~ ***Division*** or the Attorney General for distribution to the person for whom the restitution was ordered.

Sec. 9. NRS 598.0985 is hereby amended to read as follows:

598.0985 Notwithstanding the requirement of knowledge as an element of a deceptive trade practice, and notwithstanding the enforcement powers

granted to the Commissioner or Director pursuant to NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act,*** whenever the district attorney of any county has reason to believe that any person is using, has used or is about to use any deceptive trade practice, knowingly or otherwise, he may bring an action in the name of the State of Nevada against that person to obtain a temporary or permanent injunction against the deceptive trade practice.

Sec. 10. NRS 598.0993 is hereby amended to read as follows:

598.0993 The court in which an action is brought pursuant to NRS 598.0979 and 598.0985 to 598.099, inclusive, may make such additional orders or judgments as may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of any deceptive trade practice which violates any of the provisions of NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act,*** but such additional orders or judgments may be entered only after a final determination has been made that a deceptive trade practice has occurred.

Sec. 11. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act*** upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than $10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and sections 2 to 4.7, inclusive, of this act.***

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act,*** if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed $5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For the first offense, is guilty of a misdemeanor.

(b) For the second offense, is guilty of a gross misdemeanor.

(c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

➥ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act,*** 598.100 to 598.2801, inclusive, 598.305 to 598.395, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, or 598.840 to 598.966, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

6. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

Sec. 12. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) An action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act,*** but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without his fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his official capacity and in virtue of his office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 13. NRS 41.600 is hereby amended to read as follows:

41.600 1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, "consumer fraud" means:

(a) An unlawful act as defined in NRS 119.330;

(b) An unlawful act as defined in NRS 205.2747;

(c) An act prohibited by NRS 482.36655 to 482.36667, inclusive;

(d) An act prohibited by NRS 482.351; or

(e) A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive ~~[.]~~ ***, and sections 2 and 4.7 of this act.***

3. If the claimant is the prevailing party, the court shall award him:

(a) Any damages that he has sustained; and

(b) His costs in the action and reasonable attorney's fees.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 412.

Bill read third time.

Remarks by Assemblyman Mabey.

Roll call on Senate Bill No. 412:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 412 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 2.

Resolution read third time.

Roll call on Senate Joint Resolution No. 2:

YEAS—30.

NAYS—Anderson, Beers, Carpenter, Mabey, Manendo, Oceguera, Ohrenschall, Parnell, Smith, Stewart, Weber—11.

EXCUSED—Christensen.

Senate Joint Resolution No. 2 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assemblyman Oceguera moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 6:10 p.m.

ASSEMBLY IN SESSION

At 6:15 p.m.

Madam Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 510, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 18 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 436 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 542 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 242 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 201 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 18.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Senate Bill No. 18:

YEAS—28.

NAYS—Allen, Beers, Cobb, Gansert, Goedhart, Goicoechea, Grady, Hardy, Mabey, Marvel, Settelmeyer, Stewart, Weber—13.

EXCUSED—Christensen.

Senate Bill No. 18 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 436.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 436:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 436 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 542.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Senate Bill No. 542:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 542 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 242.

Bill read third time.

Roll call on Senate Bill No. 242:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 242 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 201.

Bill read third time.

Remarks by Assemblyman Claborn.

Roll call on Senate Bill No. 201:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 201 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 510, just reported out of committee, be placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 198 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 510.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1020.

AN ACT relating to offenders; revising provisions relating to the residential confinement of certain offenders; authorizing the Director of the Department of Corrections to award greater amounts of credit against the sentence of offenders under certain circumstances; revising provisions relating to programs for the reentry of offenders and parolees into the community; **providing for certain credits to be applied to a period of probation; revising provisions governing residential confinement for offenders who violate parole or probation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill eliminates certain requirements that an offender must meet to be eligible for residential confinement and revises the prohibition against assigning a prisoner who has been convicted of a sexual offense to residential confinement by prohibiting the Director of the Department of Corrections from assigning a prisoner to a minimum security facility if the prisoner has ever been convicted of a sexual offense that is a felony. In addition, section 2 revises a provision which prohibits an offender from receiving residential confinement if the offender has ever been convicted of a violent crime by prohibiting an offender from receiving residential confinement if the offender has, within the immediately preceding 3 years,

been convicted of a violent crime that is a felony. (NRS 209.392) Finally, section 2 provides that an offender who has been convicted of a category A or B felony is not eligible for residential confinement.

Existing law requires the Director to assign certain offenders who are abusers of alcohol or drugs to residential confinement. (NRS 209.429) Section 3 of this bill eliminates certain requirements that such an offender must meet for the Director to assign him to residential confinement.

Section 5 of this bill increases from 10 days to 20 days the deduction from the sentence of an offender who engages in certain good behavior. In addition, section 5 increases by 30 days the deductions from the sentence of an offender who obtains certain educational achievements. **Section 5 also provides that certain credits to the sentence of an offender convicted of certain category C, D or E felonies must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and from the maximum term imposed by the sentence.** (NRS 209.4465) Section 6 of this bill increases from 10 days to 20 days the deduction from the sentence of a parolee who is current with any fee to defray the cost of his supervision and who is current with any restitution payments. (NRS 209.4475) **Section 6.2 of this bill increases from 30 days to 60 days the deduction from the sentence of an offender who successfully completes a program of treatment for the abuse of alcohol or drugs. (NRS 209.448) Section 6.4 of this bill increases from 30 days to 60 days the deduction from the sentence of an offender who successfully completes a program of vocational education and training. (NRS 209.449)**

Section 7 of this bill revises the prohibition against assigning a prisoner who has been convicted of a sexual offense to a minimum security facility by prohibiting the Director from assigning a prisoner to such a facility if the prisoner has ever been convicted of a sexual offense that is a felony. In addition, section 7 revises the prohibition against assigning a prisoner who has committed a violent act during the previous year to a minimum security facility by prohibiting the Director from assigning a prisoner to such a facility if the prisoner has, within the preceding year, been convicted of a violent crime that is a felony. (NRS 209.481)

Existing law allows the Director of the Department of Corrections to recommend an offender to a judicial program for reentry of offenders and parolees into the community. (NRS 209.4886) Section 7.5 of this bill provides that an offender is not eligible for a judicial program for reentry if the offender has, within the immediately preceding year, instead of 5 years, been convicted of a violent crime that is a felony. Existing law allows the Director to establish a program for reentry of offenders and parolees into the community. Section 8 of this bill revises a provision which provides that an offender is not eligible for the program if the offender has, within the immediately preceding 5 years, been convicted of a violent crime by providing that an offender is not eligible for the

program if the offender has, within the immediately preceding year, been convicted of a violent crime that is a felony. (NRS 209.4888)

Section 8.7 of this bill provides that a person who is sentenced to a period of probation for a felony and who engages in certain good behavior while on probation must be allowed a deduction from his period of probation of 20 days for each month he serves. (NRS 176A.500)

Existing law authorizes the State Board of Parole Commissioners, in lieu of suspending the parole of a parolee who violates a condition of his parole and returning him to confinement in prison, to require the parolee to serve a term of residential confinement. (NRS 213.152) Section 8.6 of this bill authorizes the State Board of Parole Commissioners, in lieu of suspending the parole of a parolee who violates a condition of his parole and returning him to confinement in prison, to place the parolee in a community correctional center, conservation camp, facility of minimum security or other place of confinement other than a prison for a period of not more than 6 months.

If a person who has been placed on probation violates a condition of his probation, existing law authorizes a court, in lieu of causing the sentence imposed to be executed, to direct that the person be placed under the supervision of the Division of Parole and Probation of the Department of Public Safety and to require the person to serve a term of residential confinement. Section 8.8 of this bill authorizes the court, in lieu of causing the sentence imposed to be executed, to direct that the person be placed under the supervision of the Department of Corrections and to require the person to serve a term of confinement in a community correctional center, conservation camp, facility of minimum security or other place of confinement other than a prison for a period of not more than 6 months. (NRS 176A.660)

Section 10 of this bill provides for retroactive application of the amendatory provisions of sections 5 and 8.7 to certain credits earned by offenders pursuant to NRS 209.4465 and 176A.500 in certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 209.392 is hereby amended to read as follows:

209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429, the Director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the Director pursuant to subsection 3 and who has:

(a) ~~[Established]~~ ***Demonstrated a willingness and ability to establish*** a position of employment in the community;

(b) ~~[Enrolled]~~ ***Demonstrated a willingness and ability to enroll*** in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime,

➥ assign the offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his sentence.

2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the Director shall notify the Division of Parole and Probation. If any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.130, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim of the offender's request and advise the victim that he may submit documents regarding the request to the Division of Parole and Probation. If a current address has not been provided as required by subsection 4 of NRS 213.130, the Division of Parole and Probation must not be held responsible if such notification is not received by the victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

3. The Director, after consulting with the Division of Parole and Probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the Director must provide that an offender who:

(a) ~~[Is not eligible for parole or release from prison within a reasonable period;~~

~~(b)]~~ Has recently committed a serious infraction of the rules of an institution or facility of the Department;

~~[(c)]~~ ***(b)*** Has not performed the duties assigned to him in a faithful and orderly manner;

~~[(d)]~~ ***(c)*** Has ~~[ever]~~ been convicted of:

(1) Any crime ***that is punishable as a felony*** involving the use or threatened use of force or violence against the victim ~~[; or]~~ ***within the immediately preceding 3 years;***

(2) A sexual offense ~~[;]~~

~~[(e)]~~ ***that is punishable as a felony; or***

(3) A category A or B felony;

(d) Has more than one prior conviction for any felony in this State or any offense in another state that would be a felony if committed in this State, not including a violation of NRS 484.379, 484.3795 or 484.37955; ***or***

~~[(f)]~~ ***(e)*** Has escaped or attempted to escape from any jail or correctional institution for adults ***,*** ~~[; or~~

~~(g) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the Director,~~]

➥ is not eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section.

4. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by him before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.

5. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

6. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 3. NRS 209.429 is hereby amended to read as follows:

209.429 1. Except as otherwise provided in subsection 6, the Director shall assign an offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of the maximum term of his sentence if [:

~~(a) The~~] ***the*** offender has:

~~[(1)~~] ***(a)*** ~~[Established]~~ ***Demonstrated a willingness and ability to establish*** a position of employment in the community;

~~[(2)~~] ***(b)*** ~~[Enrolled]~~ ***Demonstrated a willingness and ability to enroll*** in a program for education or rehabilitation; or

~~[(3)]~~ ***(c)*** Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime **.** ~~[;~~

~~(b) The offender has successfully completed the initial period of treatment required under the program of treatment established pursuant to NRS 209.425; and~~

~~(c) The Director believes that the offender will be able to:~~

~~(1) Comply with the terms and conditions required under residential confinement; and~~

~~(2) Complete successfully the remainder of the program of treatment while under residential confinement.~~

~~➥ If an offender assigned to the program of treatment pursuant to NRS 209.427 completes the initial phase of the program and thereafter refuses to enter the remainder of the program of treatment pursuant to this section, the offender forfeits all or part of the credits earned by him to reduce his sentence pursuant to this chapter before this refusal, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.]~~

2. Before a person may be assigned to serve a term of residential confinement pursuant to this section, he must submit to the Division of Parole and Probation a signed document stating that:

(a) He will comply with the terms or conditions of his residential confinement; and

(b) If he fails to comply with the terms or conditions of his residential confinement and is taken into custody outside of this State, he waives all his rights relating to extradition proceedings.

3. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits earned by him to reduce his sentence pursuant to this chapter before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as he considers proper. The decision of the Director regarding forfeiture of credits is final.

4. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

5. A person does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

6. The Director shall not assign an offender who is serving a sentence for committing a battery which constitutes domestic violence pursuant to NRS 33.018 to the custody of the Division of Parole and Probation to serve a term of residential confinement unless the Director makes a finding that the offender is not likely to pose a threat to the victim of the battery.

Sec. 4. NRS 209.446 is hereby amended to read as follows:

209.446 1. Every offender who is sentenced to prison for a crime committed on or after July 1, 1985, but before July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his residential confinement, or the laws of the State recorded against him, and who performs in a faithful, orderly and peaceable manner the duties assigned to him, must be allowed:

(a) For the period he is actually incarcerated under sentence;

(b) For the period he is in residential confinement; and

(c) For the period he is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

➥ a deduction of 10 days from his sentence for each month he serves.

2. In addition to the credit provided for in subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate, 30 days.

(b) For earning a high school diploma, 60 days.

(c) For earning an associate degree, 90 days.

3. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, ***program for reentry of offenders and parolees into the community,*** conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is entitled to the entire 20 days of credit each month which is authorized in subsections 1 and 2.

4. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

5. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

6. Credits earned pursuant to this section:

(a) Must be deducted from the maximum term imposed by the sentence; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence which must be served before a person becomes eligible for parole.

Sec. 5. NRS 209.4465 is hereby amended to read as follows:

209.4465 1. An offender who is sentenced to prison for a crime committed on or after July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his residential confinement or the laws of the State recorded against him, and who performs in a faithful, orderly and peaceable manner the duties assigned to him, must be allowed:

(a) For the period he is actually incarcerated pursuant to his sentence;

(b) For the period he is in residential confinement; and

(c) For the period he is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

➥ a deduction of ~~[10]~~ ***20*** days from his sentence for each month he serves.

2. In addition to the credits allowed pursuant to subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate, ~~[30]~~ ***60*** days.

(b) For earning a high school diploma, ~~[60]~~ ***90*** days.

(c) For earning his first associate degree, ~~[90]~~ ***120*** days.

3. The Director may, in his discretion, authorize an offender to receive a maximum of 90 days of credit for each additional degree of higher education earned by the offender.

4. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, ***program for reentry of offenders and parolees into the community,*** conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is eligible to earn the entire ~~[20]~~ ***30*** days of credit each month that is allowed pursuant to subsections 1 and 2.

5. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

6. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

7. ~~[Credits]~~ ***Except as otherwise provided in subsection 8, credits*** earned pursuant to this section:

(a) Must be deducted from the maximum term imposed by the sentence; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.

8. Credits earned pursuant to this section by an offender who has not been convicted of:

(a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim;

(b) A sexual offense that is punishable as a felony;

(c) A violation of NRS 484.379, 484.3795 or 484.37955 that is punishable as a felony; or

(d) A category A or B felony,

➥ apply to eligibility for parole and must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and must be deducted from the maximum term imposed by the sentence.

Sec. 6. NRS 209.4475 is hereby amended to read as follows:

209.4475 1. In addition to any credits earned pursuant to NRS 209.447, an offender who is on parole as of January 1, 2004, or who is released on parole on or after January 1, 2004, for a term less than life must be allowed for the period he is actually on parole a deduction of ~~[10]~~ ***20*** days from his sentence for each month he serves if:

(a) He is current with any fee to defray the costs of his supervision pursuant to NRS 213.1076; and

(b) He is current with any payment of restitution required pursuant to NRS 213.126.

2. In addition to any credits earned pursuant to subsection 1 and NRS 209.447, the Director may allow not more than 10 days of credit each month for an offender:

(a) Who is on parole as of January 1, 2004, or who is released on parole on or after January 1, 2004, for a term less than life; and

(b) Whose diligence in labor or study merits such credits.

3. An offender is entitled to the deductions authorized by this section only if he satisfies the conditions of subsection 1 or 2, as determined by the Director. The Chief Parole and Probation Officer or other person responsible for the supervision of an offender shall report to the Director the failure of an offender to satisfy those conditions.

4. Credits earned pursuant to this section must, in addition to any credits earned pursuant to NRS 209.443, 209.446, 209.4465, 209.447, 209.448 and 209.449, be deducted from the maximum term imposed by the sentence.

5. The Director shall maintain records of the credits to which each offender is entitled pursuant to this section.

Sec. 6.2. **NRS 209.448 is hereby amended to read as follows:**

209.448 1. An offender who has no serious infraction of the regulations of the Department or the laws of the State recorded against him must be allowed, in addition to the credits provided pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a deduction of not more than ~~[30]~~ ***60*** days from the maximum term of his sentence for the successful completion of a program of treatment for the abuse of alcohol or drugs which is conducted jointly by the Department and a person who is licensed or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern pursuant to chapter 641C of NRS.

2. The provisions of this section apply to any offender who is sentenced on or after October 1, 1991.

Sec. 6.4. **NRS 209.449 is hereby amended to read as follows:**

209.449 1. An offender who has no serious infraction of the regulations of the Department, the terms and conditions of his residential confinement, or the laws of the State recorded against him must be allowed, in addition to the credits provided pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a deduction of ~~[30]~~ ***60*** days from the maximum term of his sentence for the ***successful*** completion of:

(a) A program of vocational education and training; or

(b) Any other program approved by the Director.

2. If the offender completes such a program with meritorious or exceptional achievement, the Director may allow not more than 60 days of credit in addition to the ~~[30]~~ ***60*** days allowed for completion of the program.

Sec. 7. NRS 209.481 is hereby amended to read as follows:

209.481 1. The Director shall not assign any prisoner to an institution or facility of minimum security if the prisoner:

(a) Except as otherwise provided in NRS 484.3792, 484.3795, 484.37955, 488.420 and 488.427, is not eligible for parole or release from prison within a reasonable period;

(b) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(c) Has not performed the duties assigned to him in a faithful and orderly manner;

(d) Has ***ever*** been convicted of a sexual offense ~~[;]~~ ***that is punishable as a felony;***

(e) Has ~~[committed an act of serious violence during the previous year;]~~ ***, within the immediately preceding year, been convicted of any crime involving the use or threatened use of force or violence against a victim that is punishable as a felony;*** or

(f) Has attempted to escape or has escaped from an institution of the Department.

2. The Director shall, by regulation, establish procedures for classifying and selecting qualified prisoners.

Sec. 7.5. **NRS 209.4886 is hereby amended to read as follows:**

209.4886 1. Except as otherwise provided in this section, if a judicial program has been established in the judicial district in which an offender was sentenced to imprisonment, the Director may, after consulting with the Division, refer the offender to the reentry court if:

(a) The Director believes that the offender would participate successfully in and benefit from the judicial program;

(b) The offender has demonstrated a willingness to:

(1) Engage in employment or participate in vocational rehabilitation or job skills training; and

(2) Meet any existing obligation for restitution to any victim of his crime; and

(c) The offender is within 2 years of his probable release from prison, as determined by the Director.

2. Except as otherwise provided in this section, if the Director is notified by the reentry court pursuant to NRS 209.4883 that an offender should be assigned to the custody of the Division to participate in the judicial program, the Director shall assign the offender to the custody of the Division to participate in the judicial program for not longer than the remainder of his sentence.

3. The Director shall, by regulation, adopt standards setting forth which offenders are eligible to be assigned to the custody of the Division to participate in the judicial program pursuant to this section. The standards adopted by the Director must be approved by the Board and must provide that an offender who:

(a) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(b) Has not performed the duties assigned to him in a faithful and orderly manner;

(c) Has, within the immediately preceding ~~[5 years,]~~ ***year,*** been convicted of any crime involving the use or threatened use of force or violence against a victim that is punishable as a felony;

(d) Has ever been convicted of a sexual offense ~~[;]~~ ***that is punishable as a felony; or***

(e) Has escaped or attempted to escape from any jail or correctional institution for adults ***,*** ~~[; or~~

~~(f) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the Director,]~~

➥ is not eligible for assignment to the custody of the Division pursuant to this section to participate in a judicial program.

4. The Director shall adopt regulations requiring offenders who are assigned to the custody of the Division pursuant to this section to reimburse

the reentry court, the Division and the Department for the cost of their participation in a judicial program, to the extent of their ability to pay.

5. The reentry court may return the offender to the custody of the Department at any time for any violation of the terms and conditions imposed by the reentry court.

6. If an offender assigned to the custody of the Division pursuant to this section violates any of the terms or conditions imposed by the reentry court and is returned to the custody of the Department, the offender forfeits all or part of the credits for good behavior earned by him before he was returned to the custody of the Department, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this subsection only after proof of the violation and notice is given to the offender. The Director may restore credits so forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.

7. The assignment of an offender to the custody of the Division pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

8. An offender does not have a right to be assigned to the custody of the Division pursuant to this section, or to remain in that custody after such an assignment. It is not intended that the establishment or operation of a judicial program creates any right or interest in liberty or property or establishes a basis for any cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 8. NRS 209.4888 is hereby amended to read as follows:

209.4888 1. Except as otherwise provided in this section, if a correctional program has been established by the Director in the county in which an offender was sentenced to imprisonment, the Director may, after consulting with the Division, determine that an offender is suitable to participate in the correctional program if:

(a) The Director believes that the offender would participate successfully in and benefit from the correctional program;

(b) The offender has demonstrated a willingness to:

(1) Engage in employment or participate in vocational rehabilitation or job skills training; and

(2) Meet any existing obligation for restitution to any victim of his crime; and

(c) The offender is within 2 years of his probable release from prison, as determined by the Director.

2. Except as otherwise provided in this section, if the Director determines that an offender is suitable to participate in the correctional program, the Director shall request that the Chairman of the State Board of Parole Commissioners assign the offender to the custody of the Division to participate in the correctional program. The Chairman may assign the offender to the custody of the Division to participate in the correctional program for not longer than the remainder of his sentence.

3. The Director shall, by regulation, adopt standards setting forth which offenders are suitable to participate in the correctional program pursuant to this section. The standards adopted by the Director must be approved by the Board and must provide that an offender who:

(a) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(b) Has not performed the duties assigned to him in a faithful and orderly manner;

(c) Has, within the immediately preceding ~~[5 years,]~~ ***year,*** been convicted of any crime involving the use or threatened use of force or violence against a victim that is punishable as a felony;

(d) Has ever been convicted of a sexual offense ~~[;]~~ ***that is punishable as a felony; or***

(e) Has escaped or attempted to escape from any jail or correctional institution for adults **,** ~~[; or~~

~~(f) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the Director,]~~

➥ is not eligible for assignment to the custody of the Division pursuant to this section to participate in a correctional program.

4. The Director shall adopt regulations requiring offenders who are assigned to the custody of the Division pursuant to this section to reimburse the Division and the Department for the cost of their participation in a correctional program, to the extent of their ability to pay.

5. The Director may return the offender to the custody of the Department at any time for any violation of the terms and conditions agreed upon by the Director and the Chairman.

6. If an offender assigned to the custody of the Division pursuant to this section violates any of the terms or conditions agreed upon by the Director and the Chairman and is returned to the custody of the Department, the offender forfeits all or part of the credits for good behavior earned by him before he was returned to the custody of the Department, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this subsection only after proof of the violation and notice is given to the offender. The Director may restore credits so forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.

7. The assignment of an offender to the custody of the Division pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

8. An offender does not have a right to be assigned to the custody of the Division pursuant to this section, or to remain in that custody after such an assignment. It is not intended that the establishment or operation of a correctional program creates any right or interest in liberty or property or establishes a basis for any cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 8.5. **NRS 213.120 is hereby amended to read as follows:**

213.120 1. Except as otherwise provided in NRS 213.1213 and as limited by statute for certain specified offenses, a prisoner who was sentenced to prison for a crime committed before July 1, 1995, may be paroled when he has served one-third of the definite period of time for which he has been sentenced pursuant to NRS 176.033, less any credits earned to reduce his sentence pursuant to chapter 209 of NRS.

2. Except as otherwise provided in NRS 213.1213 and as limited by statute for certain specified offenses, a prisoner who was sentenced to prison for a crime committed on or after July 1, 1995, may be paroled when he has served the minimum term of imprisonment imposed by the court. ~~[Any]~~ ***Except as otherwise provided in NRS 209.4465, any*** credits earned to reduce his sentence pursuant to chapter 209 of NRS while the prisoner serves the minimum term of imprisonment may reduce only the maximum term of imprisonment imposed and must not reduce the minimum term of imprisonment.

Sec. 8.6. **NRS 213.152 is hereby amended to read as follows:**

213.152 1. Except as otherwise provided in subsection 6, if a parolee violates a condition of his parole, the Board may order him to a term of residential confinement in lieu of suspending his parole and returning him to confinement. In making this determination, the Board shall consider the criminal record of the parolee and the seriousness of the crime committed.

2. In ordering the parolee to a term of residential confinement, the Board shall:

(a) Require ~~[the]~~ ***:***

(1) The parolee to be confined to his residence during the time he is away from his employment, community service or other activity authorized by the Division; and

~~[(b) Require intensive]~~

(2) Intensive supervision of the parolee, including, without limitation, unannounced visits to his residence or other locations where he is expected to be in order to determine whether he is complying with the terms of his confinement ~~[.]~~ ***; or***

(b) Require the parolee to be confined to a facility of the Department of Corrections approved by the Board for a period not to exceed 6 months.

3. An electronic device approved by the Division may be used to supervise a parolee ordered to a term of residential confinement. The device must be minimally intrusive and limited in capability to recording or transmitting information concerning the presence of the parolee at his residence, including, but not limited to, the transmission of still visual images which do not concern the activities of the person while inside his residence. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the activities of the parolee while inside his residence,

➥ must not be used.

4. The Board shall not order a parolee to a term of residential confinement unless he agrees to the order.

5. A term of residential confinement may not be longer than the unexpired maximum term of the original sentence of the parolee.

6. The Board shall not order a parolee who is serving a sentence for committing a battery which constitutes domestic violence pursuant to NRS 33.018 to a term of residential confinement unless the Board makes a finding that the parolee is not likely to pose a threat to the victim of the battery.

7. As used in this section, "facility" has the meaning ascribed to it in NRS 209.065.

Sec. 8.7. **NRS 176A.500 is hereby amended to read as follows:**

176A.500 1. The period of probation or suspension of sentence may be indeterminate or may be fixed by the court and may at any time be extended or terminated by the court, but the period, including any extensions thereof, must not be more than:

(a) Three years for a:

(1) Gross misdemeanor; or

(2) Suspension of sentence pursuant to NRS 176A.260 or 453.3363; or

(b) Five years for a felony.

2. At any time during probation or suspension of sentence, the court may issue a warrant for violating any of the conditions of probation or suspension of sentence and cause the defendant to be arrested. Except for the purpose of giving a dishonorable discharge from probation, and except as otherwise provided in this subsection, the time during which a warrant for violating any of the conditions of probation is in effect is not part of the period of probation. If the warrant is cancelled or probation is reinstated, the court may include any amount of that time as part of the period of probation.

3. Any parole and probation officer or any peace officer with power to arrest may arrest a probationer without a warrant, or may deputize any other officer with power to arrest to do so by giving him a written statement setting forth that the probationer has, in the judgment of the parole and probation officer, violated the conditions of probation. Except as otherwise provided in subsection 4, the parole and probation officer, or the peace officer, after making an arrest shall present to the detaining authorities, if any, a statement of the charges against the probationer. The parole and probation officer shall at once notify the court which granted probation of the arrest and detention or residential confinement of the probationer and shall submit a report in writing showing in what manner the probationer has violated the conditions of probation.

4. A parole and probation officer or a peace officer may immediately release from custody without any further proceedings any person he arrests without a warrant for violating a condition of probation if the parole and probation officer or peace officer determines that there is no probable cause to believe that the person violated the condition of probation.

5. An offender who is sentenced to serve a period of probation for a felony who has no serious infraction of the regulations of the Division, the terms and conditions of his probation or the laws of the State recorded against him, and who performs in a faithful, orderly and peaceable manner the duties assigned to him, must be allowed for the period of his probation a deduction of 20 days from that period for each month he serves.

Sec. 8.8. **NRS 176A.660 is hereby amended to read as follows:**

176A.660 1. If a person who has been placed on probation violates a condition of his probation, the court may order him to a term of residential confinement in lieu of causing the sentence imposed to be executed. In making this determination, the court shall consider the criminal record of the person and the seriousness of the crime committed.

2. In ordering the person to a term of residential confinement, the court shall:

(a) Direct that he be placed under the supervision of the Division ~~[;~~

~~(b) Require the]~~ ***and require:***

(1) The person to be confined to his residence during the time he is away from his employment, community service or other activity authorized by the Division; and

~~[(c) Require intensive]~~

(2) Intensive supervision of the person, including, without limitation, unannounced visits to his residence or other locations where he is expected to be in order to determine whether he is complying with the terms of his confinement ~~[.]~~ ***; or***

(b) Direct that he be placed under the supervision of the Department of Corrections and require the person to be confined to a facility of the Department approved by the Division and the court for a period not to exceed 6 months.

3. An electronic device approved by the Division may be used to supervise a person ordered to a term of residential confinement. The device must be minimally intrusive and limited in capability to recording or transmitting information concerning the person's presence at his residence, including, but not limited to, the transmission of still visual images which do not concern the person's activities while inside his residence. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the person's activities while inside his residence,

➥ must not be used.

4. The court shall not order a person to a term of residential confinement unless he agrees to the order.

5. A term of residential confinement may not be longer than the maximum term of a sentence imposed by the court.

6. As used in this section, "facility" has the meaning ascribed to it in NRS 209.065.

Sec. 9. (Deleted by amendment.)

Sec. 10. **1.** For the purpose of calculating the credits earned by an offender pursuant to NRS 209.4465, the amendatory provisions of section 5 of this act ~~[apply only to credits earned by an offender on or after July 1, 2008.]~~ **must be applied:**

(a) Retroactively to July 1, 2000, to reduce the minimum term of imprisonment of an offender described in subsection 8 of NRS 209.4465 who was placed in the custody of the Department of Corrections before July 1, 2007, and who remains in such custody on July 1, 2007.

(b) Retroactively to July 1, 2006, to reduce the maximum term of imprisonment of an offender who was placed on parole before July 1, 2007.

(c) In the manner set forth in NRS 209.4465 for all offenders in the custody of the Department of Corrections commencing on July 1, 2007, and for all offenders who are on parole commencing on July 1, 2007.

2. For the purpose of calculating credits earned by an offender pursuant to NRS 209.448 and 209.449, the amendatory provisions of sections 6.2 and 6.4 of this act apply only to credits earned by an offender on or after July 1, 2007.

3. For the purpose of calculating credits earned by an offender pursuant to NRS 176A.500, the amendatory provisions of section 8.7 of this act must be applied retroactively to reduce the period of probation of such an offender commencing on July 1, 2006.

Sec. 11. This act becomes effective on July 1, ~~[2008.]~~ **2007.**

Assemblyman Parks moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 198.

Bill read third time.

Remarks by Assemblyman Claborn.

Roll call on Senate Bill No. 198:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 198 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Oceguera moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 6:32 p.m.

ASSEMBLY IN SESSION

At 8:34 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 25, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 620, 621, 622 and 623.

MARK STEVENS
Fiscal Analysis Division

Assemblyman Oceguera moved that Senate Bill No. 328 be taken from its position on General File and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 516 be taken from its position on General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 328.

Bill read third time.

The following amendment was proposed by Assemblyman Segerblom:

Amendment No. 1027.

AN ACT relating to educational personnel; **revising provisions governing the monthly salaries of the members of the boards of trustees of school districts;** requiring the board of trustees of each school district to adopt a program to engage certain administrators in annual classroom instruction, observation and other activities; making various changes regarding the

evaluation and admonition of educational personnel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes varying salaries for the officers and other members of the boards of trustees of school districts based on the number of pupils enrolled in the school district during the immediately preceding school year. (NRS 386.320) Section 2 of this bill revises provisions governing the salaries of the members of the boards of trustees of school districts based on the population of the county in which the school district is located. Section 2 also authorizes a member of the board of trustees to donate all or a part of his salary to a school within the school district or to the school district.

The board of trustees of a school district is authorized to employ a superintendent of schools, teachers and all other necessary employees. (NRS 391.100, 391.110, 391.120) Section ~~[1]~~ **4** of this bill requires the board of trustees of each school district to adopt a program to engage administrators employed at the district level in annual classroom instruction, observation and other activities in a manner that is appropriate for the responsibilities, position and duties of the administrators.

Existing law requires each probationary teacher to be evaluated at least three times during each school year and a postprobationary teacher to be evaluated at least once each school year. (NRS 391.3125) Section ~~[5]~~ **8** of this bill requires an administrator who is responsible for evaluating a teacher to personally observe that teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period. If a deficiency is discovered during the evaluation process, every effort must be made to assist the teacher to correct the deficiency. Existing law prescribes the circumstances under which an administrator may admonish an employee. (NRS 391.313) Section ~~[6]~~ **9** of this bill requires that, if an administrator admonishes a teacher, an admonition must include a description of the deficiencies of the teacher and the actions that are necessary to correct those deficiencies.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 386.290 is hereby amended to read as follows:**

386.290 1. In addition to salaries ~~[allowed under]~~ ***required by*** NRS 386.320**,** a trustee ~~[shall]~~ ***must*** be allowed:

(a) His traveling expenses for traveling each way between his home and the place where board meetings are held at the rate authorized by law for state officers.

(b) His living expenses necessarily incurred while in actual attendance at board meetings at the rate authorized by law for state officers.

2. Claims for mileage and per diem allowances ~~[shall]~~ ***must*** be allowed and paid in the same manner as other claims against the school district fund

are paid, but no claim for mileage and per diem allowances for living expenses ~~[shall]~~ ***must*** be allowed or paid to a trustee residing not more than 5 miles from the place where board meetings are held.

Sec. 2. **NRS 386.320 is hereby amended to read as follows:**

386.320 1. ~~[If the total pupil enrollment in the school district for the immediately preceding school year is less than 1,000:~~

~~(a) The clerk and president of the board of trustees may each receive a salary of $85 for each board of trustees meeting they attend, not to exceed $170 a month.~~

~~(b) The other trustees may each receive a salary of $80 for each board of trustees meeting they attend, not to exceed $160 a month.~~

~~(c)]~~ ***Each member of the board of trustees of a school district in a county whose population is less than 100,000 must receive a salary of $115 for each meeting of the board he attends, not to exceed $345 per month.***

2. Each member of the board of trustees of a school district in a county whose population is 100,000 or more must receive a salary of $2,000 per month.

3. A member of the board of trustees of a school district who receives a salary pursuant to this section may:

(a) Donate all or a part of the monthly salary that he receives to a school within the school district or to the school district; or

(b) In lieu of making a donation after he receives the salary, request that all or a part of his monthly salary be paid directly to a school within the school district or to the school district.

4. The board of trustees may hire a stenographer to take the minutes of the meetings of the board of trustees, and the stenographer may be paid a reasonable fee for each meeting attended.

~~[2. If the total pupil enrollment in the school district for the immediately preceding school year is 1,000 or more:~~

~~(a) The clerk and president of the board of trustees may each receive a salary of $85 for each board of trustees meeting they attend, not to exceed $510 a month.~~

~~(b) The other trustees may each receive a salary of $80 for each board of trustees meeting they attend, not to exceed $480 a month.~~

~~(c) The board of trustees may hire a stenographer to take the minutes of the meetings of the board of trustees, and the stenographer may be paid a reasonable fee for each meeting attended.]~~

Sec. 3. **NRS 387.310 is hereby amended to read as follows:**

387.310 1. Except as otherwise provided by the board of trustees, the clerk of the board shall draw all orders for the payment of money belonging to the school district. The orders must be listed on cumulative voucher sheets.

2. The board of trustees shall prescribe the procedures by which the orders must be approved and the cumulative voucher sheets signed. The procedures must provide:

(a) That the approval of the board of trustees is required before orders are paid unless a payment must be expedited for the school district to:

(1) Receive a discount or other savings which is related to the timeliness of payment;

(2) Avoid a service charge or other cost which is related to the timeliness of payment; or

(3) Abide by a purchase order, contract or other order for payment which has been approved by the board of trustees at a public meeting.

(b) For ratification by the board of trustees at its next regularly scheduled meeting of any payment that is made without the approval of the board pursuant to an exception set forth in paragraph (a).

3. When the orders have been approved and the cumulative voucher sheets have been signed in accordance with such procedures, the orders are valid vouchers in the hands of the county auditor for him to issue warrants on the county treasurer to be paid out of money belonging to the school district.

4. No order in favor of the board of trustees or any member thereof, except for salaries as ~~[authorized]~~ ***required*** by NRS 386.320 ~~[, authorized]~~ ***or*** travel expenses and subsistence ~~[of trustees or for services of any trustee as clerk of the board,]~~ ***as authorized by NRS 386.290,*** may be drawn.

5. No order for salary for any teacher may be drawn unless the teacher is included in the directory of teachers supplied to the clerk of the board of trustees pursuant to the provisions of NRS 391.045.

6. An order drawn by a clerk of a board of trustees pursuant to subsection 1 is void if not presented for payment within 1 year after the date of issuance.

7. Any order remaining unpaid after the expiration of 1 year, whether outstanding or uncalled for in the office of the county auditor, must be cancelled by the county auditor, who shall immediately notify the county treasurer of the cancellation. The county treasurer shall not pay a warrant presented for payment more than 1 year after the date of issuance of such an order. This subsection does not apply if the board of trustees establishes and administers a separate account pursuant to NRS 354.603.

~~[Section 1.]~~ ***Sec. 4.*** Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district shall adopt a policy that sets forth procedures and conditions for a program to engage administrators employed by the school district at the district level in annual classroom instruction, observation and other activities in a manner that is appropriate for the responsibilities, position and duties of the administrators. The policy must require each administrator employed by the school district at the district level to:

(a) If he holds a license to teach, provide instruction in a core academic subject in a classroom for at least 1 regularly scheduled full instructional day in each school year; or

(b) If he does not hold a license to teach:

(1) Personally observe a classroom for at least one-half of a regularly scheduled full instructional day in each school year; or

(2) Otherwise participate in activities with pupils in the classroom in each school year, including, without limitation, serving as a guest speaker in the classroom, reading to pupils in elementary school and participating in career day.

2. A district level administrator may choose a school within the school district at which he will carry out the requirements of this section.

3. An administrator who provides instruction pursuant to paragraph (a) of subsection 1 must be assigned as a substitute teacher for the full instructional day in which he carries out the requirements of this section.

4. The provisions of this section do not apply to administrators who are employed by a school district to provide administrative service at the school level, including, without limitation, a principal or vice principal.

5. As used in this section, "core academic subject" means the core academic subjects designated pursuant to NRS 389.018.

~~[Sec. 2.]~~ ***Sec. 5.*** (Deleted by amendment.)

~~[Sec. 3.]~~ ***Sec. 6.*** (Deleted by amendment.)

~~[Sec. 4.]~~ ***Sec. 7.*** (Deleted by amendment.)

~~[Sec. 5.]~~ Sec. 8. NRS 391.3125 is hereby amended to read as follows:

391.3125 1. It is the intent of the Legislature that a uniform system be developed for objective evaluation of teachers and other licensed personnel in each school district.

2. Each board, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations in narrative form. The policy must set forth a means according to which an employee's overall performance may be determined to be satisfactory or unsatisfactory. The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. In a similar manner, counselors, librarians and other licensed personnel must be evaluated on forms developed specifically for their respective specialties. A copy of the policy adopted by the board must be filed with the Department. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

3. A conference and a written evaluation for a probationary employee must be concluded ~~[no]~~ ***not*** later than:

(a) December 1;

(b) February 1; and

(c) April 1,

➥ of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board. ***An administrator charged with the evaluation of a probationary teacher shall personally observe the performance of the***

teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 45 consecutive minutes.

4. Whenever an administrator charged with the evaluation of a probationary employee believes the employee will not be reemployed for the second year of the probationary period or the school year following the probationary period, he shall bring the matter to the employee's attention in a written document which is separate from the evaluation ~~[no]~~ ***not*** later than ~~[February 15]~~ ***March 1*** of the current school year. The notice must include the reasons for the potential decision not to reemploy or refer to the evaluation in which the reasons are stated. Such a notice is not required if the probationary employee has received a letter of admonition during the current school year.

5. Each postprobationary teacher must be evaluated at least once each year. ***An administrator charged with the evaluation of a postprobationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 30 consecutive minutes.***

6. The evaluation of a probationary teacher or a postprobationary teacher must ~~[, if]~~ ***include, without limitation:***

(a) An evaluation of the classroom management skills of the teacher;

(b) A review of the lesson plans and the work log or grade book of pupils prepared by the teacher;

(c) An evaluation of whether the curriculum taught by the teacher is aligned with the standards of content and performance established pursuant to NRS 389.520, as applicable for the grade level taught by the teacher;

(d) An evaluation of whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic diversity, the needs of pupils enrolled in advanced courses of study and the needs of pupils who are limited English proficient;

(e) If necessary, ~~[include]~~ recommendations for improvements in ~~[his]~~ ***the*** performance ~~[. A reasonable effort must be made to assist the teacher to correct any deficiencies noted in the evaluation.]~~ ***of the teacher;***

(f) A description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation; and

(g) A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.

7. The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. ***Upon the request of a teacher, a reasonable effort must be made to assist the***

teacher to correct those deficiencies reported in the evaluation of the teacher for which the teacher requests assistance.

~~[Sec. 6.]~~ ***Sec. 9.*** NRS 391.313 is hereby amended to read as follows:

391.313 1. Whenever an administrator charged with supervision of a licensed employee believes it is necessary to admonish the employee for a reason that he believes may lead to demotion ~~[,]~~ ***or*** dismissal or ***may*** cause the employee not to be reemployed under the provisions of NRS 391.312, he shall:

(a) Except as otherwise provided in subsection ~~[2,]~~ ***3,*** bring the matter to the attention of the employee involved, in writing, stating the reasons for the admonition and that it may lead to his demotion, dismissal or a refusal to reemploy him, and make a reasonable effort to assist the employee to correct whatever appears to be the cause for his potential demotion, dismissal or a potential recommendation not to reemploy him; and

(b) Except as otherwise provided in NRS 391.314, allow reasonable time for improvement, which must not exceed 3 months for the first admonition.

➥ ***The admonition must include a description of the deficiencies of the teacher and the action that is necessary to correct those deficiencies.***

2. An admonition issued to a licensed employee who, within the time granted for improvement, has met the standards set for him by the administrator who issued the admonition must be removed from the records of the employee together with all notations and indications of its having been issued. The admonition must be removed from the records of the employee not later than 3 years after it is issued.

~~[2.]~~ ***3.*** An administrator need not admonish an employee pursuant to paragraph (a) of subsection 1 if his employment will be terminated pursuant to NRS 391.3197. If by ~~[February 15]~~ ***March 1*** of the first or second year of his probationary period a probationary employee does not receive a written notice pursuant to subsection 4 of NRS 391.3125 of a potential decision not to reemploy him, he must receive an admonition before any such decision is made.

~~[3.]~~ ***4.*** A licensed employee is subject to immediate dismissal or a refusal to reemploy according to the procedures provided in NRS 391.311 to 391.3197, inclusive, without the admonition required by this section, on grounds contained in paragraphs (b), (f), (g), (h) and (p) of subsection 1 of NRS 391.312.

~~[Sec. 7.]~~ ***Sec. 10.*** NRS 391.3197 is hereby amended to read as follows:

391.3197 1. A probationary employee is employed on a contract basis for two 1-year periods and has no right to employment after either of the two probationary contract years.

2. The board shall notify each probationary employee in writing on or before May 1 of the first and second school years of his probationary period, as appropriate, whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary

employee. The employee must advise the board in writing on or before May 10 of the first or second year of his probationary period, as appropriate, of his acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify him in writing, in both the first and second years of his probationary period, no later than 45 days before his last day of work for the year under his contract whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. He must advise the board in writing within 10 days after the date of notification of his acceptance or rejection of reemployment for another year. Failure to advise the board of his acceptance of reemployment constitutes rejection of the contract.

3. A probationary employee who completes his 2-year probationary period and receives a notice of reemployment from the school district in the second year of his probationary period is entitled to be a postprobationary employee in the ensuing year of employment.

4. ~~[A]~~ ***If a*** probationary employee ~~[who receives an unsatisfactory evaluation]~~ ***receives notice pursuant to subsection 4 of NRS 391.3125 not later than March 1 of a potential decision not to reemploy him, the employee*** may request a supplemental evaluation by another administrator in the school district selected by him and the superintendent. If a school district has five or fewer administrators, the supplemental evaluator may be an administrator from another school district in ~~[the]~~ ***this*** State. If a probationary employee has received during the first school year of his probationary period three evaluations which state that the employee's overall performance has been satisfactory, the superintendent of schools of the school district or his designee shall waive the second year of the employee's probationary period by expressly providing in writing on the final evaluation of the employee for the first probationary year that the second year of his probationary period is waived. Such an employee is entitled to be a postprobationary employee in the ensuing year of employment.

5. If a probationary employee is notified that he will not be reemployed for the second year of his probationary period or the ensuing school year, his employment ends on the last day of the current school year. The notice that he will not be reemployed must include a statement of the reasons for that decision.

6. A new employee or a postprobationary teacher who is employed as an administrator shall be deemed to be a probationary employee for the purposes of this section and must serve a 2-year probationary period as an administrator in accordance with the provisions of this section. If the administrator does not receive an unsatisfactory evaluation during the first year of probation, the superintendent or his designee shall waive the second year of the administrator's probationary period. Such an administrator is entitled to be a postprobationary employee in the ensuing year of employment. If:

(a) A postprobationary teacher who is an administrator is not reemployed as an administrator after either year of his probationary period; and

(b) There is a position as a teacher available for the ensuing school year in the school district in which the person is employed,

➥ the board of trustees of the school district shall, on or before May 1, offer the person a contract as a teacher for the ensuing school year. The person may accept the contract in writing on or before May 10. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.

7. An administrator who has completed his probationary period pursuant to subsection 6 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the additional probationary period, the board of trustees of the school district in which the person is employed shall, on or before May 1, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10. If the person fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.

8. Before dismissal, the probationary employee is entitled to a hearing before a hearing officer which affords due process as set out in NRS 391.311 to 391.3196, inclusive.

~~[Sec. 8.]~~ ***Sec. 11.*** On or before February 1, 2008, the board of trustees of each school district shall submit a copy of the program to engage administrators in annual classroom instruction, observation and other activities adopted by the school district pursuant to section ~~[1]~~ **4** of this act to the Legislative Committee on Education and to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

Sec. 12. **Notwithstanding the provisions of NRS 386.320, as amended by section 2 of this act, to the contrary, the salaries of the members of the board of trustees of a school district are not required to be increased pursuant to that section until July 1, 2008.**

Sec. 13. **The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.**

~~[Sec. 9.]~~ ***Sec. 14.*** This act becomes effective on July 1, 2007.

Assemblyman Segerblom moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 516.

Bill read third time.

The following amendment was proposed by Assemblywoman Pierce:

Amendment No. 1031.

AN ACT relating to public officers; revising the provisions governing the compensation of certain elected county officers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill increases **, by 3 percent for each of Fiscal Years 2007-2008, 2008-2009, 2009-2010 and 2010-2011,** the maximum amount at which the board of county commissioners may set the annual salary for a county commissioner of that county. Section 1 also increases, by 3 percent for each of Fiscal Years 2007-2008, 2008-2009, 2009-2010 and 2010-2011, the compensation to be paid to certain other elected county officers. (NRS 245.043) Pursuant to section 3 of this bill, the increases applicable to: (1) Fiscal Year 2007-2008, become effective on July 1, 2007; (2) Fiscal Year 2008-2009, become effective on July 1, 2008; (3) Fiscal Year 2009-2010, become effective on July 1, 2009; and (4) Fiscal Year 2010-2011, become effective on July 1, 2010. However, section 4 of this bill authorizes a county that has not commenced payment of the increased annual salaries to request and receive a waiver from payment of the increases based on insufficient financial resources. If a waiver is granted for any fiscal year, section 4 prohibits retroactive payment of the increases for that fiscal year. Section 1 also changes the salary classification of Storey County, thereby increasing the amount of the annual salaries paid to its elected county officers. Section 2 of this bill clarifies that county commissioners are eligible for longevity pay. (NRS 245.044)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 245.043 is hereby amended to read as follows:

245.043 1. As used in this section:

(a) "County" includes Carson City.

(b) "County commissioner" includes the Mayor and supervisors of Carson City.

2. Except as otherwise provided by any special law, the elected officers of the counties of this State are entitled to receive ***, for the appropriate fiscal year,*** annual salaries in the base amounts specified in the following table. The annual salaries are in full payment for all services required by law to be performed by such officers. Except as otherwise provided by law, all fees and commissions collected by such officers in the performance of their duties must be paid into the county treasury each month without deduction of any nature.

ANNUAL SALARIES

Class	County	District Attorney	County Sheriff	County Clerk	County Assessor	County Recorder	Treasurer	Public Administrator
1	Clark	~~[$155,745~~	~~$134,263~~	~~$91,138~~	~~$91,138~~	~~$91,138~~	~~$91,138~~	~~$91,138]~~
FY 2007-2008		***$160,417***	***$138,291***	***$93,872***	***$93,872***	***$93,872***	***$93,872***	***$93,872***
FY 2008-2009		***165,230***	***142,440***	***96,668***	***96,668***	***96,668***	***96,668***	***96,668***
FY 2009-2010		***170,187***	***146,713***	***99,589***	***99,589***	***99,589***	***99,589***	***99,589***

FY 2010-2011	*175,293*	*151,114*	*102,577*	*102,577*	*102,577*	*102,577*	*102,577*
2 Washoe	[137,485	110,632	83,543	83,543	83,543	83,543	83,543]
FY 2007-2008	*141,610*	*113,951*	*86,049*	*86,049*	*86,049*	*86,049*	*86,049*
FY 2008-2009	*145,858*	*117,370*	*88,630*	*88,630*	*88,630*	*88,630*	*88,630*
FY 2009-2010	*150,234*	*120,891*	*91,289*	*91,289*	*91,289*	*91,289*	*91,289*
FY 2010-2011	*154,741*	*124,518*	*94,028*	*94,028*	*94,028*	*94,028*	*94,028*
3 Carson City	[98,707	81,846	65,012	65,012	-------	65,012	-------]
FY 2007-2008	*101,668*	*84,301*	*66,962*	*66,962*		*66,962*	
FY 2008-2009	*104,718*	*86,830*	*68,971*	*68,971*		*68,971*	
FY 2009-2010	*107,860*	*89,435*	*71,040*	*71,040*		*71,040*	
FY 2010-2011	*111,096*	*92,118*	*73,171*	*73,171*		*73,171*	
Churchill	[98,707	81,846	65,012	65,012	65,012	-------	-------]
FY 2007-2008	*101,668*	*84,301*	*66,962*	*66,962*	*66,962*		
FY 2008-2009	*104,718*	*86,830*	*68,971*	*68,971*	*68,971*		
FY 2009-2010	*107,860*	*89,435*	*71,040*	*71,040*	*71,040*		
FY 2010-2011	*111,096*	*92,118*	*73,171*	*73,171*	*73,171*		
Douglas	[98,707	81,846	65,012	65,012	65,012	-------	-------]
FY 2007-2008	*101,668*	*84,301*	*66,962*	*66,962*	*66,962*		
FY 2008-2009	*104,718*	*86,830*	*68,971*	*68,971*	*68,971*		
FY 2009-2010	*107,860*	*89,435*	*71,040*	*71,040*	*71,040*		
FY 2010-2011	*111,096*	*92,118*	*73,171*	*73,171*	*73,171*		
Elko	[98,707	81,846	65,012	65,012	65,012	65,012	-------]
FY 2007-2008	*101,668*	*84,301*	*66,962*	*66,962*	*66,962*	*66,962*	
FY 2008-2009	*104,718*	*86,830*	*68,971*	*68,971*	*68,971*	*68,971*	
FY 2009-2010	*107,860*	*89,435*	*71,040*	*71,040*	*71,040*	*71,040*	
FY 2010-2011	*111,096*	*92,118*	*73,171*	*73,171*	*73,171*	*73,171*	
Humboldt	[98,707	81,846	65,012	65,012	65,012	65,012	-------]
FY 2007-2008	*101,668*	*84,301*	*66,962*	*66,962*	*66,962*	*66,962*	
FY 2008-2009	*104,718*	*86,830*	*68,971*	*68,971*	*68,971*	*68,971*	
FY 2009-2010	*107,860*	*89,435*	*71,040*	*71,040*	*71,040*	*71,040*	
FY 2010-2011	*111,096*	*92,118*	*73,171*	*73,171*	*73,171*	*73,171*	
Lyon	[98,707	81,846	65,012	65,012	65,012	-------	-------]
FY 2007-2008	*101,668*	*84,301*	*66,962*	*66,962*	*66,962*		
FY 2008-2009	*104,718*	*86,830*	*68,971*	*68,971*	*68,971*		
FY 2009-2010	*107,860*	*89,435*	*71,040*	*71,040*	*71,040*		
FY 2010-2011	*111,096*	*92,118*	*73,171*	*73,171*	*73,171*		
Nye	[98,707	81,846	65,012	65,012	65,012	65,012	-------]
FY 2007-2008	*101,668*	*84,301*	*66,962*	*66,962*	*66,962*	*66,962*	
FY 2008-2009	*104,718*	*86,830*	*68,971*	*68,971*	*68,971*	*68,971*	
FY 2009-2010	*107,860*	*89,435*	*71,040*	*71,040*	*71,040*	*71,040*	
FY 2010-2011	*111,096*	*92,118*	*73,171*	*73,171*	*73,171*	*73,171*	
4 Lander	[93,223	73,662	54,227	54,227	54,227	54,227	-------]
FY 2007-2008	*96,020*	*75,872*	*55,854*	*55,854*	*55,854*	*55,854*	
FY 2008-2009	*98,901*	*78,148*	*57,530*	*57,530*	*57,530*	*57,530*	
FY 2009-2010	*101,868*	*80,492*	*59,256*	*59,256*	*59,256*	*59,256*	
FY 2010-2011	*104,924*	*82,907*	*61,034*	*61,034*	*61,034*	*61,034*	
Storey							
FY 2007-2008	*96,020*	*75,872*	*55,854*	*55,854*	*55,854*	*55,854*	
FY 2008-2009	*98,901*	*78,148*	*57,530*	*57,530*	*57,530*	*57,530*	
FY 2009-2010	*101,868*	*80,492*	*59,256*	*59,256*	*59,256*	*59,256*	
FY 2010-2011	*104,924*	*82,907*	*61,034*	*61,034*	*61,034*	*61,034*	
White Pine	[93,223	73,662	54,227	54,227	54,227	54,227	-------]
FY 2007-2008	*96,020*	*75,872*	*55,854*	*55,854*	*55,854*	*55,854*	
FY 2008-2009	*98,901*	*78,148*	*57,530*	*57,530*	*57,530*	*57,530*	
FY 2009-2010	*101,868*	*80,492*	*59,256*	*59,256*	*59,256*	*59,256*	
FY 2010-2011	*104,924*	*82,907*	*61,034*	*61,034*	*61,034*	*61,034*	
5 Eureka	[82,256	58,929	48,607	48,607	48,607	-------	-------]
FY 2007-2008	*84,724*	*60,697*	*50,065*	*50,065*	*50,065*		
FY 2008-2009	*87,266*	*62,518*	*51,567*	*51,567*	*51,567*		
FY 2009-2010	*89,884*	*64,394*	*53,114*	*53,114*	*53,114*		
FY 2010-2011	*92,581*	*66,326*	*54,707*	*54,707*	*54,707*		
Lincoln	[82,256	58,929	48,607	48,607	48,607	48,607	-------]
FY 2007-2008	*84,724*	*60,697*	*50,065*	*50,065*	*50,065*	*50,065*	
FY 2008-2009	*87,266*	*62,518*	*51,567*	*51,567*	*51,567*	*51,567*	
FY 2009-2010	*89,884*	*64,394*	*53,114*	*53,114*	*53,114*	*53,114*	
FY 2010-2011	*92,581*	*66,326*	*54,707*	*54,707*	*54,707*	*54,707*	
Mineral	[82,256	58,929	48,607	48,607	48,607	-------	-------]
FY 2007-2008	*84,724*	*60,697*	*50,065*	*50,065*	*50,065*		
FY 2008-2009	*87,266*	*62,518*	*51,567*	*51,567*	*51,567*		

FY 2009-2010	*89,884*	*64,394*	*53,114*	*53,114*	*53,114*		
FY 2010-2011	*92,581*	*66,326*	*54,707*	*54,707*	*54,707*		
Pershing	~~[82,256~~	~~58,929~~	~~48,607~~	~~48,607~~	~~48,607~~	~~-------~~	~~-------]~~
FY 2007-2008	*84,724*	*60,697*	*50,065*	*50,065*	*50,065*		
FY 2008-2009	*87,266*	*62,518*	*51,567*	*51,567*	*51,567*		
FY 2009-2010	*89,884*	*64,394*	*53,114*	*53,114*	*53,114*		
FY 2010-2011	*92,581*	*66,326*	*54,707*	*54,707*	*54,707*		
~~[Storey]~~	~~[82,256~~	~~58,929~~	~~48,607~~	~~48,607~~	~~48,607~~	~~-------~~	~~-------]~~
6 Esmeralda	~~[65,314~~	~~52,382~~	~~42,531~~	~~42,531~~	~~42,531~~	~~-------~~	~~-------]~~
FY 2007-2008	*67,273*	*53,953*	*43,807*	*43,807*	*43,807*		
FY 2008-2009	*69,291*	*55,572*	*45,121*	*45,121*	*45,121*		
FY 2009-2010	*71,370*	*57,239*	*46,475*	*46,475*	*46,475*		
FY 2010-2011	*73,511*	*58,956*	*47,869*	*47,869*	*47,869*		

3. A board of county commissioners may, by a vote of at least a majority of all the members of the board, set the annual salary for the county commissioners of that county, but in no event may the annual salary exceed an amount which equals ~~[126.65]~~ ***[139.315]*** :

(a) For Fiscal Year 2007-2008, 130.450 percent ;

(b) For Fiscal Year 2008-2009, 134.364 percent;

(c) For Fiscal Year 2009-2010, 138.395 percent; and

(d) For Fiscal Year 2010-2011, 142.547 percent,

➥ of the amount of the annual salary for the county commissioners of that county that was in effect by operation of statute on January 1, 2003.

Sec. 2. NRS 245.044 is hereby amended to read as follows:

245.044 1. On and after July 1, 1973, if an elected county officer has served in his office for more than 4 years, he is entitled to an additional salary of 2 percent of his base salary **for the appropriate fiscal year as provided in subsection 2 of** NRS 245.043 ***or his annual salary set pursuant to subsection 3 of NRS 245.043, as applicable,*** for each full calendar year he has served in his office.

2. The additional salary provided in this section for an eligible county officer:

(a) Must be computed on July 1 of each year by multiplying 2 percent of the base salary ***for the appropriate fiscal year as*** provided in NRS 245.043 ***or the annual salary set pursuant to subsection 3 of NRS 245.043, as applicable,*** by the number of full calendar years the elected county officer has served in his office; and

(b) Must not exceed 20 percent of the base salary ***for the appropriate fiscal year as*** provided in NRS 245.043 ~~.~~ ***or the annual salary set pursuant to subsection 3 of NRS 245.043 , as applicable.***

3. Service on the Board of Supervisors of Carson City for the initial term which began on July 1, 1969, and ended on the first Monday of January, 1973, shall be deemed to constitute 4 full calendar years of service for the purposes of this section.

Sec. 3. Except as otherwise provided in section 4 of this act, each county shall commence payment of the increased annual salaries of the elected officers of the county set forth in the table of annual salaries contained in subsection 2 of NRS 245.043, as amended by section 1 of this act:

1. For Fiscal Year 2007-2008, on July 1, 2007.

2. For Fiscal Year 2008-2009, on July 1, 2008.

3. For Fiscal Year 2009-2010, on July 1, 2009.

4. For Fiscal Year 2010-2011, on July 1, 2010.

Sec. 4. 1. Except as otherwise provided in subsection 3, a board of county commissioners may apply to the Committee on Local Government Finance for a waiver from the requirement to increase the annual salaries of elected officers of the county to the annual salaries set forth in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of this act, for any of Fiscal Years 2007-2008, 2008-2009, 2009-2010 or 2010-2011, if the board determines that the financial resources of the county are insufficient to pay those increased annual salaries in the applicable fiscal year. The Committee on Local Government Finance shall grant such a waiver if it finds that the financial resources of the county are insufficient to pay those increased annual salaries in the applicable fiscal year.

2. A board of county commissioners that has been granted a waiver for a fiscal year as described in subsection 1 may apply to the Committee on Local Government Finance for an additional waiver for the next consecutive fiscal year if the board determines that the financial resources of the county continue to be insufficient to pay the increased annual salaries of the elected officers of the county set forth in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of this act, in that fiscal year. There is no limitation on the number of waivers for consecutive fiscal years that the board of county commissioners may be granted if the board determines that the financial resources of the county continue to be insufficient to pay the increased annual salaries of the elected officers of the county set forth in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of this act, in that fiscal year.

3. After commencing payment of the increased annual salaries of the elected officers of the county set forth in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of this act, in any fiscal year, a board of county commissioners may not apply for a waiver in any subsequent fiscal year.

4. The increased annual salaries of the elected officers of the county set forth in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of this act, must not be paid retroactively for any fiscal year for which a waiver was granted to the county pursuant to subsection 1.

Sec. 5. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 6. This act becomes effective on July 1, 2007.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 510.

Bill read third time.

Potential conflict of interest declared by Assemblywoman Womack.

Roll call on Assembly Bill No. 510:

YEAS—35.

NAYS—Beers, Cobb, Goicoechea, Stewart—4.

EXCUSED—Christensen, Goedhart, Settelmeyer—3.

Assembly Bill No. 510 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 5 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 58 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 146 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 202 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 288 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 320 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 403 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 533.

Bill read third time.

Remarks by Assemblywomen Koivisto and Womack.

Roll call on Senate Bill No. 533:

YEAS—10.

NAYS—Allen, Anderson, Atkinson, Beers, Bobzien, Buckley, Carpenter, Claborn, Denis, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Mabey, Manendo, Marvel, McClain, Munford, Oceguera, Ohrenschall, Parks, Pierce, Segerblom, Smith, Stewart, Womack—30.

EXCUSED—Christensen, Settelmeyer—2.

Senate Bill No. 533 having failed to receive a constitutional majority, Madam Speaker declared it lost.

Senate Bill No. 536.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Senate Bill No. 536:

YEAS—40.

NAYS—None.

EXCUSED—Christensen, Settelmeyer—2.

Senate Bill No. 536 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 400.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Senate Bill No. 400:

YEAS—40.

NAYS—None.

EXCUSED—Christensen, Settelmeyer—2.

Senate Bill No. 400 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 203.

Bill read third time.

Remarks by Assemblyman Kihuen.

Roll call on Senate Bill No. 203:

YEAS—40.

NAYS—None.

EXCUSED—Christensen, Settelmeyer—2.

Senate Bill No. 203 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 374.

Bill read third time.

Remarks by Assemblyman Stewart.

Roll call on Senate Bill No. 374:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 374 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 234 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 58 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 234.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 1032.

SUMMARY—~~[Provides exception to competitive bidding procedures for certain contracts relating to redevelopment areas. (BDR 28-490)]~~ **Revises provisions governing the division of the proceeds of certain taxes. (BDR 22-490)**

AN ACT relating to ~~[public works; exempting contracts for certain projects within redevelopment areas from procedures for competitive bidding;]~~ **redevelopment; providing that the proceeds of taxes which are levied by or for the benefit of a school district must be excluded from certain calculations used to determine the revenue that is allocable to a redevelopment agency from the imposition of certain taxes;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires that contracts for public works projects be awarded through procedures for competitive bidding. (NRS 338.1373-338.148) Existing law authorizes public bodies to redevelop blighted areas. (Chapter 279 of NRS) This bill exempts contracts for certain public improvement projects from procedures for competitive bidding. The projects exempted are those: (1) constructed within a redevelopment area by a private developer for the benefit of a private development that consists of one or more buildings for which the estimated cost is $45 million or more; (2) that a legislative body has determined, at a public hearing, directly benefit a redevelopment area, promote efficiency, coordination and economy in design and~~

~~construction, and mitigate any adverse effect upon the redevelopment area that is caused by the private development; (3) that are adjacent or appurtenant to the private development; and (4) for which the developer will receive monetary compensation from a public body as reimbursement for a portion of the costs of the project. This bill also provides that such contracts are subject to the prevailing wage requirements of chapter 338 of NRS.]~~

Under existing law, a redevelopment plan may contain a provision for the allocation of a certain portion of the proceeds of certain ad valorem taxes to a redevelopment agency. (NRS 279.386, 279.674-279.685) This bill provides that, in the calculations prescribed to determine the amount of levied taxes that are allocable to a redevelopment agency, taxes that are levied by or for the benefit of a school district must be excluded.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 8 of this bill and replace with the following new sections 1 through 4:

Section 1. **NRS 279.676 is hereby amended to read as follows:**

279.676 1. Any redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in the redevelopment area each year by or for the benefit of the State, any city, county, district or other public corporation, after the effective date of the ordinance approving the redevelopment plan, must be divided as follows:

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment area as shown upon the assessment roll used in connection with the taxation of the property by the taxing agency, last equalized before the effective date of the ordinance, must be allocated to and when collected must be paid into the funds of the respective taxing agencies as taxes by or for such taxing agencies on all other property are paid. To allocate taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment area on the effective date of the ordinance but to which the territory has been annexed or otherwise included after the effective date, the assessment roll of the county last equalized on the effective date of the ordinance must be used in determining the assessed valuation of the taxable property in the redevelopment area on the effective date. If property which was shown on the assessment roll used to determine the amount of taxes allocated to the taxing agencies is transferred to the State and becomes exempt from taxation, the assessed valuation of the exempt property as shown on the assessment roll last equalized before the date on which the property was transferred to the State must be subtracted from the assessed valuation used to determine the amount of revenue allocated to the taxing agencies.

(b) Except as otherwise provided in paragraphs (c) and (d) and NRS 540A.265, that portion of the levied taxes each year in excess of the amount set forth in paragraph (a) must be allocated to and when collected must be paid into a special fund of the redevelopment agency to pay the costs of redevelopment and to pay the principal of and interest on loans, money advanced to, or indebtedness, whether funded, refunded, assumed, or otherwise, incurred by the redevelopment agency to finance or refinance, in whole or in part, redevelopment. Unless the total assessed valuation of the taxable property in a redevelopment area exceeds the total assessed value of the taxable property in the redevelopment area as shown by the assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan, less the assessed valuation of any exempt property subtracted pursuant to paragraph (a), all of the taxes levied and collected upon the taxable property in the redevelopment area must be paid into the funds of the respective taxing agencies. When the redevelopment plan is terminated pursuant to the provisions of NRS 279.438 and 279.439 and all loans, advances and indebtedness, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the redevelopment area must be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

(c) That portion of the taxes in excess of the amount set forth in paragraph (a) that is attributable to a tax rate levied by a taxing agency to produce revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness that was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the debt service fund of that taxing agency.

(d) That portion of the taxes in excess of the amount set forth in paragraph (a) that is attributable to a new or increased tax rate levied by a taxing agency and was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the appropriate fund of the taxing agency.

(e) The calculations set forth in paragraphs (a) to (d), inclusive, for the division of the proceeds of taxes must exclude the proceeds of any taxes levied by or for the benefit of a school district.

2. Except as otherwise provided in subsection 3, in any fiscal year, the total revenue paid to a redevelopment agency must not exceed:

(a) In a municipality whose population is 100,000 or more, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 10 percent of the total assessed valuation of the municipality.

(b) In a municipality whose population is 25,000 or more but less than 100,000, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 15 percent of the total assessed valuation of the municipality.

(c) In a municipality whose population is less than 25,000, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 20 percent of the total assessed valuation of the municipality.

➥ If the revenue paid to a redevelopment agency must be limited pursuant to paragraph (a), (b) or (c) and the redevelopment agency has more than one redevelopment area, the redevelopment agency shall determine the allocation to each area. Any revenue which would be allocated to a redevelopment agency but for the provisions of this section must be paid into the funds of the respective taxing agencies.

3. The taxing agencies shall continue to pay to a redevelopment agency any amount which was being paid before July 1, 1987, and in anticipation of which the agency became obligated before July 1, 1987, to repay any bond, loan, money advanced or any other indebtedness, whether funded, refunded, assumed or otherwise incurred.

4. For the purposes of this section, the assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan is the assessment roll in existence on March 15 immediately preceding the effective date of the ordinance.

Sec. 2. **Except as otherwise provided in section 3 of this act, the provisions of NRS 279.676, as amended by section 1 of this act, apply with respect to the division of taxes, or the proceeds of taxes, pursuant to or in connection with a redevelopment plan that is adopted on or after July 1, 2007.**

Sec. 3. **1. The provisions of NRS 279.676, as amended by section 1 of this act, do not apply to modify, directly or indirectly, any taxes levied or revenues pledged in such a manner as to impair adversely any outstanding obligations of a community or redevelopment agency, including, without limitation, bonds, medium-term financing, letters of credit and any other financial obligation, until all such obligations have been discharged in full or provision for their payment and redemption has been fully made.**

2. As used in this section:

(a) "Community" has the meaning ascribed to it in NRS 279.392.

(b) "Redevelopment agency" has the meaning ascribed to the term "agency" in NRS 279.386.

Sec. 4. **This act becomes effective on July 1, 2007.**

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 394 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Senate Bill No. 509.
Bill read third time.
Remarks by Assemblywoman Kirkpatrick.
Roll call on Senate Bill No. 509:
YEAS—41.
NAYS—None.
EXCUSED—Christensen.
Senate Bill No. 509 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 598.
Bill read third time.
Roll call on Assembly Bill No. 598:
YEAS—33.
NAYS—Allen, Beers, Cobb, Gansert, Goedhart, Settelmeyer, Stewart, Weber—8.
EXCUSED—Christensen.
Assembly Bill No. 598 having received a two-thirds majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 196.
Bill read third time.
Remarks by Assemblyman Kihuen.
Roll call on Senate Bill No. 196:
YEAS—38.
NAYS—Atkinson, Conklin, Oceguera—3.
EXCUSED—Christensen.
Senate Bill No. 196 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 274.
Bill read third time.
Remarks by Assemblywoman Pierce.
Roll call on Senate Bill No. 274:
YEAS—41.
NAYS—None.
EXCUSED—Christensen.
Senate Bill No. 274 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 401.
Bill read third time.

Roll call on Senate Bill No. 401:

YEAS—28.

NAYS—Allen, Beers, Carpenter, Cobb, Gansert, Goedhart, Goicoechea, Grady, Hardy, Mabey, Marvel, Settelmeyer, Weber—13.

EXCUSED—Christensen.

Senate Bill No. 401 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 354.

Bill read third time.

Remarks by Assemblymen Horne and Goicoechea.

Roll call on Senate Bill No. 354:

YEAS—32.

NAYS—Beers, Claborn, Gansert, Goedhart, Grady, Hardy, Settelmeyer, Stewart, Weber—9.

EXCUSED—Christensen.

Senate Bill No. 354 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Oceguera moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 9:10 p.m.

ASSEMBLY IN SESSION

At 9:21 p.m.

Madam Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 54.

The following Senate amendment was read:

Amendment No. 835.

SUMMARY—~~[Requires applicants for a]~~ **Makes various changes with respect to** special license ~~[plate to pay an application fee which is refundable in certain circumstances.]~~ **plates.** (BDR 43-740)

AN ACT relating to motor vehicles; requiring an applicant requesting the design, preparation and issuance of a special license plate to ~~[pay an application fee;]~~ **post a surety bond with the Department of Motor Vehicles;** providing for the ~~[refund]~~ **release** of the ~~[application fee]~~ **surety bond** in certain circumstances; **requiring the Commission on Special License Plates to approve or disapprove changes in the distribution of additional fees generated by special license plates;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ **Section 1 of this** bill requires a person submitting an application to the Department of Motor Vehicles for the design, preparation and issuance of a special license plate to ~~[submit a fee]~~ **post with the Department a surety bond** in the amount of $5,000 ~~[with]~~ **to accompany** the application. (NRS 482.367002) The Department is required to ~~[refund the fee to the applicant]~~ **release the bond** if the Department or the Commission on Special License Plates decides not to issue the plate, or after at least 1,000 plates are issued.

Section 2 of this bill provides that the Commission shall: (1) approve or disapprove any proposed change in the distribution of money received in the form of additional fees that are charged in connection with the issuance or renewal of a special license plate; and (2) if it approves such a change and determines that legislation is required to carry out the change, request the assistance of the Legislative Counsel in the preparation of a bill draft. (NRS 482.367004)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 482.367002 is hereby amended to read as follows:

482.367002 1. A person may request that the Department design, prepare and issue a special license plate by submitting an application to the Department.

2. An application submitted to the Department pursuant to subsection 1:

(a) Must be on a form prescribed and furnished by the Department;

(b) ~~[Must be accompanied by a petition containing the signatures of at least 1,000 persons who wish to obtain the special license plate;~~

~~(c)]~~ Must specify whether the special license plate being requested is intended to generate financial support for a particular cause or charitable organization and, if so, the name of the cause or charitable organization; ~~[and]~~

~~[(d)]~~ ***(c)*** May be accompanied by suggestions for the design of and colors to be used in the special license plate ~~[.]~~ ***; and***

(d) Must be accompanied by a ~~***[fee]***~~ surety bond posted with the Department ***in the amount of $5,000.***

3. The Department may design and prepare a special license plate requested pursuant to subsection 1 if:

(a) The Department determines that the application for that plate complies with subsection 2; and

(b) The Commission on Special License Plates approves the application for that plate pursuant to subsection 5 of NRS 482.367004.

4. Except as otherwise provided in NRS 482.367008, the Department may issue a special license plate that:

(a) The Department has designed and prepared pursuant to this section;

(b) The Commission on Special License Plates has approved for issuance pursuant to subsection 5 of NRS 482.367004; and

(c) Complies with the requirements of subsection 8 of NRS 482.270,

➥ for any passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with a special license plate issued pursuant to this section if that person pays the fees for personalized prestige license plates in addition to the fees for the special license plate.

5. ~~*[Except as otherwise provided in subsection 6, the application fee submitted pursuant to subsection 2 must be deposited in the Revolving Account for the Issuance of Special License Plates created pursuant to NRS 482.1805.*~~

~~*6.]*~~ ***The Department must promptly*** ~~*[refund the application fee submitted]*~~ ***release the surety bond posted pursuant to subsection 2:***

(a) If the Department or the Commission on Special License Plates determines not to issue the special license plate; or

(b) If it is determined that at least 1,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008.

~~*[7.]*~~ ***6.*** If, during a registration year, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 2. **NRS 482.367004 is hereby amended to read as follows:**

482.367004 1. There is hereby created the Commission on Special License Plates consisting of five Legislators and three nonvoting members as follows:

(a) Five Legislators appointed by the Legislative Commission:

(1) One of whom is the Legislator who served as the Chairman of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in his place in his absence. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.

(2) One of whom is the Legislator who served as the Chairman of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in his place in his absence. The alternate must be another Legislator who also

served on the Senate Standing Committee on Transportation during the most recent legislative session.

(b) Three nonvoting members consisting of:

(1) The Director of the Department of Motor Vehicles, or his designee.

(2) The Director of the Department of Public Safety, or his designee.

(3) The Director of the Department of Cultural Affairs, or his designee.

2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.

3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.

5. The Commission shall approve or disapprove:

(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002; and

(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002.

➥ In determining whether to approve such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate.

6. The Commission shall:

(a) Approve or disapprove any proposed change in the distribution of money received in the form of additional fees. As used in this paragraph, "additional fees" means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable organization. The term does not include registration and license fees or governmental services taxes.

(b) If it approves a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, request the assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective on July 1, 2007.

Assemblyman Atkinson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 54.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 80.

The following Senate amendment was read:

Amendment No. 801.

AN ACT relating to elections; requiring certain business entities to register with and provide certain identifying information to the Secretary of State before engaging in certain political activities; requiring the Secretary of State to make such information available on his Internet website; requiring certain business entities that make expenditures on behalf of a candidate or group of candidates or who advocate the passage or defeat of a question or group of questions on a ballot to file certain campaign finance reports; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that certain entities, including committees for political action and nonprofit corporations, must register with and provide certain information to the Secretary of State before engaging in certain political activities. (NRS 294A.0055, 294A.230, 294A.375) Under existing law, the definition of the term "committee for political action" excludes business associations that are required to file documentation of organization with the Secretary of State. (NRS 294A.0055) Sections 2 and 3 of this bill provide that business entities ~~[for which the owners, investors, officers, directors, members or other organizers are disclosed in a public record]~~ must register with and provide to the Secretary of State certain identifying information before the business entity may solicit or receive contributions, make contributions or make expenditures designed to affect the outcome of an election ~~[.]~~ **except a business entity for which: (1) the owners, investors, officers, directors, members or other organizers are disclosed in a public record; or (2) the business purpose is disclosed in a public record that clearly identifies a specific business in a manner that is verifiable.** Section 3 also requires the Secretary of State to make such information available on the Internet website of the Secretary of State.

Under existing law, certain persons and entities which make an expenditure on behalf of a candidate or group of candidates, advocate the passage or defeat of a ballot question or group of questions, or initiate or circulate a petition for a constitutional amendment or a statewide measure proposed by initiative or referendum, are required to report the receipt of certain campaign contributions and report certain campaign expenditures. (NRS 294A.004, 294A.005, 294A.007, 294A.140, 294A.150, 294A.210, 294A.220) Sections 5-9 of this bill apply the same requirements to business entities that are required to register with the Secretary of State pursuant to section 3 of this bill that engage in such activities.

Existing law requires the Secretary of State to prepare and make available for public inspection a compilation of certain contributions, loans and expenditures made by certain persons and entities in supporting or opposing a ballot question or candidate. (NRS 294A.400) Section 13 of this bill requires the Secretary of State to include within that compilation the same types of contributions, loans and expenditures if made by a business entity that is required to register with the Secretary of State pursuant to section 3 of this bill.

Existing law provides that if a person or entity fails to file a report or registration form as required pursuant to certain sections of chapter 294A of NRS, the person or entity may be subject to a civil penalty recovered in a civil action brought by the Secretary of State in the First Judicial District Court. (NRS 294A.420) Section 14 of this bill applies the same provisions to business entities that are required to register with the Secretary of State pursuant to section 3 of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***"Business entity" means any corporation, company or other form of business organization . The term does not include a business entity for which [the] :***

1. The owners, investors, officers, directors, members or other organizers of the entity are [not] disclosed in any public record [.] ; or

2. The business purpose of the entity is disclosed in a public record that clearly identifies a specific business in a manner that is verifiable.

Sec. 3. ***1. A business entity shall register with the Secretary of State by submitting the completed form described in subsection 2 before it engages in any of the following activities in this State:***

(a) Soliciting or receiving contributions from any other person, group or entity;

(b) Making contributions to candidates or other persons; or

(c) Making expenditures,

➥ designed to affect the outcome of any primary election, primary city election, general election, general city election, special election or question on the ballot.

2. The form must require:

(a) The name of the business entity;

(b) The purpose for which it was organized;

(c) The names and addresses of each owner, investor, officer, director, member or other organizer of the entity;

(d) If the business entity is affiliated with any other organization, the name, address and telephone number of each such organization;

(e) The name, address and telephone number of its resident agent, if any;

(f) A designation of the activities listed in subsection 1 in which it intends to engage; and

(g) Any other information deemed necessary by the Secretary of State.

3. The Secretary of State shall, in a timely manner, include on the portion of his Internet website that is devoted to information concerning elections and campaigns the information required pursuant to subsection 2.

Sec. 4. NRS 294A.002 is hereby amended to read as follows:

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.004 to 294A.009, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 4.5. NRS 294A.0055 is hereby amended to read as follows:

294A.0055 1. "Committee for political action" means any group of natural persons or entities that solicits or receives contributions from any other person, group or entity and:

(a) Makes or intends to make contributions to candidates or other persons; or

(b) Makes or intends to make expenditures,

➥ designed to affect the outcome of any primary, general or special election or question on the ballot.

2. "Committee for political action" does not include:

(a) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts.

(b) An entity solely because it provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public.

(c) An individual natural person.

(d) An individual corporation or other business ~~[entity]~~ ***organization*** who has filed articles of incorporation or other documentation of organization with the Secretary of State pursuant to title 7 of NRS.

(e) A labor union.

(f) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as campaign contributions or expenditures by the candidate.

(g) A committee for the recall of a public officer.

Sec. 5. NRS 294A.007 is hereby amended to read as follows:

294A.007 1. "Contribution" means a gift, loan, conveyance, deposit, payment, transfer or distribution of money or of anything of value other than the services of a volunteer, and includes:

(a) The payment by any person, other than a candidate, of compensation for the personal services of another person which are rendered to a:

(1) Candidate;

(2) Person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group;

(3) Committee for political action, political party ***,*** ~~[or]~~ committee sponsored by a political party ***or business entity*** which makes an expenditure on behalf of a candidate or group of candidates; or

(4) Person or group of persons organized formally or informally ***, including a business entity,*** who advocates the passage or defeat of a question or group of questions on the ballot,

➥ without charge to the candidate, person, committee or political party.

(b) The value of services provided in kind for which money would have otherwise been paid, such as paid polling and resulting data, paid direct mail, paid solicitation by telephone, any paid paraphernalia that was printed or otherwise produced to promote a campaign and the use of paid personnel to assist in a campaign.

2. As used in this section, "volunteer" means a person who does not receive compensation of any kind, directly or indirectly, for the services he provides to a campaign.

Sec. 6. NRS 294A.140 is hereby amended to read as follows:

294A.140 1. Every person who is not under the direction or control of a candidate for office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every committee for political action, political party **,** ~~[and]~~ committee sponsored by a political party ***and business entity*** which makes an expenditure on behalf of such a candidate or group of candidates shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee **,** ~~[or]~~ political party ~~[,]~~ ***or business entity,*** for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $100 he or it received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The provisions of this subsection apply to the person, committee **,** ~~[or]~~ political party ***or business entity*** beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office.

2. Every person, committee **,** ~~[or]~~ political party ***or business entity*** described in subsection 1 which makes an expenditure on behalf of the candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election for that office, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election for that office, for the period from 11 days before the general election or general city election through June 30 of that year,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee , ~~[or]~~ political party ***or business entity*** under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of $100 since the beginning of the current reporting period.

4. Every person, committee **,** ~~[or]~~ political party ***or business entity*** described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election for that office, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee , ~~[or]~~ political party ***or business entity*** under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person, committee **,** ~~[or]~~ political party ***or business entity*** described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:

(a) Seven days before the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee , ~~[or]~~ political party ***or business entity*** under penalty of perjury.

6. Every person, committee **,** ~~[or]~~ political party ***or business entity*** described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of candidates for offices at such special elections shall report each contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee **,** ~~[or]~~ political party ***or business entity*** under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

7. The reports of contributions required pursuant to this section must be filed with:

(a) If the candidate is elected from one county, the county clerk of that county;

(b) If the candidate is elected from one city, the city clerk of that city; or

(c) If the candidate is elected from more than one county or city, the Secretary of State.

8. A person or entity may file the report with the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

10. Every person, committee **,** ~~[or]~~ political party ***or business entity*** described in subsection 1 shall file a report required by this section even if he or it receives no contributions.

Sec. 7. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. Every person or group of persons organized formally or informally ***, including a business entity,*** who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election and every person or group of persons ***, including a business entity,*** who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of $10,000 to support such initiation or circulation shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $100 received during that period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group ***or business entity*** under penalty of perjury. The provisions of this subsection apply to the person or group of persons ~~[:]~~ ***or business entity:***

(a) Each year in which an election or city election is held for each question for which the person ***,*** ~~[or]~~ group ***or business entity*** advocates passage or defeat or each year in which a person ***,*** ~~[or]~~ group ***or business entity*** receives or expends money in excess of $10,000 to support the initiation or circulation of a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum; and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally ***, including a business entity,*** who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally ***, including a business entity,*** who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person ***,*** ~~[or]~~ group of persons ***or business entity*** described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through June 30 of that year,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group ***or business entity*** under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

4. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally ***, including a business entity,*** who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally ***, including a business entity,*** who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. Every person ***,*** ~~[or]~~ group of persons ***or business entity*** who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of $10,000 to support such initiation or circulation shall comply with the requirements of this subsection. A person ***,*** ~~[or]~~ group of persons ***or business entity*** described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group ***or business entity*** under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person or group of persons organized formally or informally ***, including a business entity,*** who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date that the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group ***or business entity*** under penalty of perjury.

6. Every person or group of persons organized formally or informally , ***including a business entity,*** who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall report each of the contributions received on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group ***or business entity*** under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. A person may mail or transmit his report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. If the person or group of persons ***, including a business entity,*** is advocating passage or defeat of a group of questions or is receiving or expending money to support a group of petitions for constitutional amendments, a group of petitions for statewide measures proposed by initiative or referendum or a group of petitions for both constitutional amendments and statewide measures proposed by initiative or referendum, the reports must be itemized by question or petition.

10. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

Sec. 8. NRS 294A.210 is hereby amended to read as follows:

294A.210 1. Every person who is not under the direction or control of a candidate for an office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every committee for political action, political party ***,*** ~~[or]~~ committee sponsored by a political party ***or business entity*** which makes an expenditure on behalf of such a candidate or group of candidates shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee ***,*** ~~[or]~~ political party ~~[,]~~ ***or business entity,*** for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee ***,*** ~~[or]~~ political party ***or business entity*** under penalty of perjury. The provisions of this subsection apply to the person, committee ***,*** ~~[or]~~ political party ***or business entity*** beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office.

2. Every person, committee ***,*** ~~[or]~~ political party ***or business entity*** described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary

election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election for that office, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election for that office, for the period from 11 days before the general election or general city election through the June 30 of that year,

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee ***,*** ~~[or]~~ political party ***or business entity*** under penalty of perjury.

3. Every person, committee , ~~[or]~~ political party ***or business entity*** described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election for that office, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee ***,*** ~~[or]~~ political party ***or business entity*** under penalty of perjury.

4. Except as otherwise provided in subsection 5, every person, committee ***,*** ~~[or]~~ political party ***or business entity*** described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:

(a) Seven days before the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee **,** ~~[or]~~ political party ***or business entity*** under penalty of perjury.

5. Every person, committee **,** ~~[or]~~ political party ***or business entity*** described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of such candidates shall list each expenditure made on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee **,** ~~[or]~~ political party ***or business entity*** under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. The reports must be filed with:

(a) If the candidate is elected from one county, the county clerk of that county;

(b) If the candidate is elected from one city, the city clerk of that city; or

(c) If the candidate is elected from more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of candidates, the reports must be itemized by the candidate. A person may mail or transmit his report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

10. Every person, committee **,** ~~[or]~~ political party ***or business entity*** described in subsection 1 shall file a report required by this section even if he or it receives no contributions.

Sec. 9. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. Every person or group of persons organized formally or informally ***, including a business entity,*** who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election and every person or group of persons ***, including a business entity,*** who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of $10,000 to support such initiation or circulation shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group ***or business entity*** under penalty of perjury. The provisions of this subsection apply to the person or group of persons ~~[:]~~ ***or business entity:***

(a) Each year in which an election or city election is held for a question for which the person **,** ~~[or]~~ group ***or business entity*** advocates passage or defeat or each year in which a person **,** ~~[or]~~ group of persons ***or business entity*** receives or expends money in excess of $10,000 to support the initiation or circulation of a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum; and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or **informally , *including a business entity,*** who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally ***, including a business entity,*** who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person **,** ~~[or]~~ group of persons ***or business entity*** described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through the June 30 immediately preceding that July 15,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group ***or business entity*** under penalty of perjury.

3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally ***, including a business entity,*** who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally ***, including a business entity,*** who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. Every person ***,*** ~~[or]~~ group of persons ***or business entity*** who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of $10,000 to support such initiation or circulation shall comply with the requirements of this subsection. A person ***,*** ~~[or]~~ group of persons ***or business entity*** described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the

Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group ***or business entity*** under penalty of perjury.

4. Except as otherwise provided in subsection 5, every person or group of persons organized formally or informally ***, including a business entity,*** who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group ***or business entity*** under penalty of perjury.

5. Every person or group of persons organized formally or informally , ***including a business entity,*** who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group ***or business entity*** under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of questions or a group of petitions for constitutional amendments, a group of petitions for statewide measures proposed by initiative or referendum or a group of petitions for both constitutional amendments and statewide measures proposed by initiative or referendum, the reports must be itemized by question or petition. A person may mail or transmit his report to the appropriate filing officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the filing officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the filing officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

Sec. 10. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design a single form to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362.

2. The form designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

3. Upon request, the Secretary of State shall provide a copy of the form designed pursuant to this section to each person, committee, political party , ~~[and]~~ group ***and business entity*** that is required to file a report described in subsection 1.

4. The Secretary of State must obtain the advice and consent of the Legislative Commission before providing a copy of a form designed or revised by the Secretary of State pursuant to this section to a person, committee, political party **,** ~~[or]~~ group ***or business entity*** that is required to use the form.

Sec. 11. NRS 294A.382 is hereby amended to read as follows:

294A.382 The Secretary of State shall not request or require a candidate, person, group of persons, committee **,** ~~[or]~~ political party ***or business entity*** to list each of the expenditures or campaign expenses of $100 or less on a form designed and provided pursuant to NRS 294A.373.

Sec. 12. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;

2. An acceptance of candidacy;

3. The registration of a committee for political action pursuant to NRS 294A.230 **,** ~~[or]~~ a committee for the recall of a public officer pursuant to NRS

294A.250 ~~[.]~~ ***or a business entity that wishes to engage in certain political activity pursuant to section 3 of this act;*** or

4. The reporting of campaign contributions, expenses or expenditures pursuant to NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360,

➥ shall furnish the candidate with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360 relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420 must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 13. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 and 294A.280, prepare and make available for public inspection a compilation of:

1. The total campaign contributions, the contributions which are in excess of $100 and the total campaign expenses of each of the candidates from whom reports of those contributions and expenses are required.

2. The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the total amount of written commitments for contributions received by a candidate.

3. The contributions made to a committee for the recall of a public officer in excess of $100.

4. The expenditures exceeding $100 made by a:

(a) Person on behalf of a candidate other than himself.

(b) Person ***,*** ~~[or]~~ group of persons ***or business entity*** on behalf of or against a question or group of questions on the ballot.

(c) Group of persons ***or business entity*** advocating the election or defeat of a candidate.

(d) Committee for the recall of a public officer.

5. The contributions in excess of $100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.

(b) A person or group of persons organized formally or informally ***, including a business entity,*** who advocates the passage or defeat of a question or group of questions on the ballot.

(c) A committee for political action, political party **,** ~~[or]~~ committee sponsored by a political party ***or business entity*** which makes an expenditure on behalf of a candidate or group of candidates.

Sec. 14. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280 or 294A.360 ***or section 3 of this act*** has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a person or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.128, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280, 294A.300, 294A.310, 294A.320 or 294A.360 ***or section 3 of this act*** is subject to a civil penalty of not more than $5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a person or entity has reported its contributions, expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

Assemblywoman Koivisto moved that the Assembly concur in the Senate amendment to Assembly Bill No. 80.

Remarks by Assemblywoman Koivisto.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 176.

The following Senate amendment was read:

Amendment No. 826.

AN ACT relating to property; providing for the automatic transfer of ownership of certain vehicles and motorboats to designated beneficiaries on the death of the owner of such a vehicle or motorboat; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for nonprobate transfers of certain property from the owner to a named beneficiary, including, without limitation, nonprobate transfers of registered securities and securities registered in beneficiary form. (NRS 111.480-111.650) Section 1 of this bill amends chapter 482 of NRS which governs the licensing and registration of motor vehicles to provide that certain owners who hold certificates of title to registered motor vehicles, trailers or semitrailers may apply to the Department of Motor Vehicles for a certificate of title in beneficiary form which directs the Department to transfer the title to the designated beneficiary on the death of the present owner or on the deaths of all joint owners. Section 1 also provides procedures for obtaining and revoking a certificate of title in beneficiary form. In addition, section 1 specifies that a transfer of ownership made by a certificate of title in beneficiary form is not subject to the statutes generally governing probate matters.

Section 5 of this bill similarly amends chapter 488 of NRS which governs the licensing and registration of motorboats so that certain owners who hold certificates of ownership to numbered and titled motorboats may apply to the Department of Wildlife for a certificate of ownership in beneficiary form which directs the Department to transfer the ownership to the designated beneficiary on the death of the present owner or on the deaths of all joint owners. Section 5 also provides procedures for obtaining and revoking a certificate of ownership in beneficiary form. Further, section 5 exempts transfers made pursuant to such certificates of ownership from the statutes which generally govern probate matters.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The owner or joint owners of a motor vehicle, trailer or semitrailer may request the Department to issue a certificate of title in beneficiary

form for the motor vehicle, trailer or semitrailer, as applicable, which includes a directive to the Department to transfer the certificate of title upon the death of the owner or upon the death of all joint owners to a beneficiary named on the face of the certificate of title.

2. A request made pursuant to subsection 1 must be submitted on an application made available by the Department and accompanied by the fee for the issuance of a certificate of title.

3. A certificate of title in beneficiary form may not be issued to a person who holds his interest in a motor vehicle, trailer or semitrailer as a tenant in common with another person.

4. A certificate of title in beneficiary form must include after the name of the owner or after the names of joint owners the words "transfer on death to" or the abbreviation "TOD" followed by the name of the beneficiary.

5. During the lifetime of a sole owner or before the death of the last surviving joint owner:

(a) The signature or consent of the beneficiary is not required for any transaction relating to a motor vehicle, trailer or semitrailer for which a certificate of title in beneficiary form has been issued; and

(b) The certificate of title in beneficiary form may be revoked or the beneficiary changed at any time by:

(1) Sale of the motor vehicle, trailer or semitrailer with proper assignment and delivery of the certificate of title to another person; or

(2) Filing an application with, and paying a fee to, the Department to reissue the certificate of title with no designation of a beneficiary or with the designation of a different beneficiary.

6. The interest of the beneficiary in a motor vehicle, trailer or semitrailer on the death of the sole owner or on the death of the last surviving joint owner is subject to any contract of sale, assignment or ownership or security interest to which the owner or owners of the motor vehicle, trailer or semitrailer were subject during their lifetime.

7. Except as otherwise provided in paragraph (b) of subsection 5, the designation of a beneficiary in a certificate of title in beneficiary form may not be changed or revoked by will, any other instrument or a change in circumstances, or otherwise changed or revoked.

8. The Department shall, upon:

(a) Proof of death of one of the owners, of two or more joint owners or of a sole owner;

(b) Surrender of the outstanding certificate of title in beneficiary form; and

(c) Application and payment of the fee for a certificate of title,

➥ issue a new certificate of title for the motor vehicle, trailer or semitrailer to the surviving owner or owners or, if none, to the beneficiary, subject to any security interest.

9. For the purposes of complying with the provisions of subsection 8, the Department may rely on a death certificate, record or report that constitutes prima facie evidence of death.

10. The transfer on death of a motor vehicle, trailer or semitrailer pursuant to this section is not considered as testamentary and is not subject to administration pursuant to the provisions of title 12 of NRS.

11. As used in this section:

(a) "Beneficiary" means a person or persons designated to become the owner or owners of a motor vehicle, trailer or semitrailer on the death of the preceding owner or owners.

(b) "Certificate of title in beneficiary form" means a certificate of title of a motor vehicle, trailer or semitrailer that indicates the present owner or owners of the motor vehicle, trailer or semitrailer and designates a beneficiary.

Sec. 2. NRS 482.245 is hereby amended to read as follows:

482.245 1. The certificate of registration must contain upon the face thereof the date issued, the registration number assigned to the vehicle, the name and address of the registered owner, the county where the vehicle is to be based unless it is deemed to have no base, a description of the registered vehicle and such other statement of facts as may be determined by the Department.

2. The certificate of title must contain upon the face thereof the date issued, the name and address of the registered owner and the owner or lienholder, if any, a description of the vehicle, any entries required by NRS 482.423 to 482.428, inclusive, a reading of the vehicle's odometer as provided to the Department by the person making the sale or transfer, the word "rebuilt" if it is a rebuilt vehicle ***, the information required pursuant to subsection 3 of section 1 of this act if the certificate of title is a certificate of title in beneficiary form pursuant to section 1 of this act*** and such other statement of facts as may be determined by the Department. The reverse side of the certificate of title must contain forms for notice to the Department of a transfer of the title or interest of the owner or lienholder and application for registration by the transferee. If a new certificate of title is issued for a vehicle, it must contain the same information as the replaced certificate, except to the extent that the information has changed after the issuance of the replaced certificate. Except as otherwise required by federal law, the certificate of title of a vehicle which the Department knows to have been stolen must not contain any statement or other indication that the mileage specified in the certificate or registered on the odometer is anything other than the actual mileage traveled by the vehicle, in the absence of proof that the odometer of the vehicle has been disconnected, reset or altered.

Sec. 3. NRS 482.400 is hereby amended to read as follows:

482.400 1. Except as otherwise provided in this subsection and subsections 2, 5 and 6, ***and section 1 of this act,*** upon a transfer of the title to, or the interest of an owner in, a vehicle registered or issued a certificate of

title under the provisions of this chapter, the person or persons whose title or interest is to be transferred and the transferee shall write their signatures with pen and ink upon the certificate of title issued for the vehicle, together with the residence address of the transferee, in the appropriate spaces provided upon the reverse side of the certificate. The Department may, by regulation, prescribe alternative methods by which a signature may be affixed upon a manufacturer's certificate of origin or a manufacturer's statement of origin issued for a vehicle. The alternative methods must ensure the authenticity of the signatures.

2. The Department shall provide a form for use by a dealer for the transfer of ownership of a vehicle. The form must be produced in a manner which ensures that the form may not be easily counterfeited. Upon the attachment of the form to a certificate of title issued for a vehicle, the form becomes a part of that certificate of title. The Department may charge a fee not to exceed the cost to provide the form.

3. Except as otherwise provided in subsections 4, 5 and 6, the transferee shall immediately apply for registration as provided in NRS 482.215 and shall pay the governmental services taxes due.

4. If the transferee is a dealer who intends to resell the vehicle, he is not required to register, pay a transfer or registration fee for, or pay a governmental services tax on the vehicle. When the vehicle is resold, the purchaser shall apply for registration as provided in NRS 482.215 and shall pay the governmental services taxes due.

5. If the transferee consigns the vehicle to a wholesale vehicle auctioneer:

(a) The transferee shall, within 30 days after that consignment, provide the wholesale vehicle auctioneer with the certificate of title for the vehicle, executed as required by subsection 1, and any other documents necessary to obtain another certificate of title for the vehicle.

(b) The wholesale vehicle auctioneer shall be deemed a transferee of the vehicle for the purposes of subsection 4. The wholesale vehicle auctioneer is not required to comply with subsection 1 if he:

(1) Does not take an ownership interest in the vehicle;

(2) Auctions the vehicle to a vehicle dealer or automobile wrecker who is licensed as such in this or any other state; and

(3) Stamps his name, his identification number as a vehicle dealer and the date of the auction on the certificate of title and the bill of sale and any other documents of transfer for the vehicle.

6. A charitable organization which intends to sell a vehicle which has been donated to the organization must deliver immediately to the Department or its agent the certificate of registration and the license plate or plates for the vehicle, if the license plate or plates have not been removed from the vehicle. The charitable organization must not be required to register, pay a transfer or registration fee for, or pay a governmental services tax on the vehicle. When the vehicle is sold by the charitable organization, the purchaser shall apply

for registration as provided in NRS 482.215 and pay the governmental services taxes due.

7. As used in this section, "wholesale vehicle auctioneer" means a dealer who:

(a) Is engaged in the business of auctioning consigned motor vehicles to vehicle dealers or automobile wreckers, or both, who are licensed as such in this or any other state; and

(b) Does not in the ordinary course of his business buy, sell or own the vehicles he auctions.

Sec. 4. NRS 482.420 is hereby amended to read as follows:

482.420 1. Except as ***otherwise*** provided in subsection 2, in the event of the transfer by operation of law of the title or interest of an owner in and to a vehicle as upon inheritance, devise or bequest, order in bankruptcy or insolvency, execution sale, repossession upon default in performing the terms of a lease or executory sales contract, ***transfer on death pursuant to section 1 of this act,*** or otherwise, the registration thereof ~~[shall expire]~~ ***expires*** and the vehicle ~~[shall]~~ ***must*** not be operated upon the highways until and unless the person entitled thereto shall apply for and obtain the registration thereof.

2. An administrator, executor, trustee or other representative of the owner, or a sheriff or other officer, or any person repossessing the vehicle under the terms of a conditional sales contract, lease ~~[,]~~ or other security agreement, or the assignee or legal representative of any such person, may operate or cause to be operated any vehicle upon the highways for a distance ~~[of not exceeding]~~ ***not to exceed*** 75 miles from the place of repossession or place where formerly kept by the owner to a garage, warehouse or other place of keeping or storage, either upon displaying upon such vehicle the number plate issued to the former owner or without a number plate attached thereto but under written permission first obtained from the Department or the local police authorities having jurisdiction over such highways, and upon displaying in plain sight a placard bearing the name and address of the person authorizing and directing such movement and plainly readable from a distance of 100 feet during daylight.

Sec. 5. Chapter 488 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The owner or joint owners of a motorboat may request the Department to issue a certificate of ownership in beneficiary form for the motorboat which includes a directive to the Department to transfer the certificate of ownership upon the death of the owner or upon the death of all joint owners to a beneficiary named on the face of the certificate of ownership.

2. A request made pursuant to subsection 1 must be submitted on an application made available by the Department and accompanied by the fee for the issuance of a certificate of ownership.

3. A certificate of ownership in beneficiary form may not be issued to a person who holds his interest in a motorboat as a tenant in common with another person.

4. A certificate of ownership in beneficiary form must include after the name of the owner, or after the names of joint owners, the words "transfer on death to" or the abbreviation "TOD" followed by the name of the beneficiary.

5. During the lifetime of a sole owner or before the death of the last surviving joint owner:

(a) The signature or consent of the beneficiary is not required for any transaction relating to a motorboat for which a certificate of ownership in beneficiary form has been issued; and

(b) The certificate of ownership in beneficiary form may be revoked or the beneficiary changed at any time by:

(1) Sale of the motorboat with proper assignment and delivery of the certificate of ownership to another person; or

(2) Filing an application with, and paying a fee to, the Department to reissue the certificate of ownership with no designation of a beneficiary or with the designation of a different beneficiary.

6. The interest of the beneficiary in a motorboat on the death of the sole owner or on the death of the last surviving joint owner is subject to any contract of sale, assignment or ownership or security interest to which the owner or owners of the motorboat were subject during their lifetime.

7. Except as otherwise provided in paragraph (b) of subsection 5, the designation of a beneficiary in a certificate of ownership in beneficiary form may not be changed or revoked by will, any other instrument or a change in circumstances, or otherwise changed or revoked.

8. The Department shall, upon:

(a) Proof of death of one of the owners, of two or more joint owners or of a sole owner;

(b) Surrender of the outstanding certificate of ownership in beneficiary form; and

(c) Application and payment of the fee for a certificate of ownership,

↪ issue a new certificate of ownership for the motorboat to the surviving owner or owners or, if none, to the beneficiary, subject to any security interest.

9. For the purposes of complying with the provisions of subsection 8, the Department may rely on a death certificate, record or report that constitutes prima facie evidence of death.

10. The transfer on death of a motorboat pursuant to this section is not considered as testamentary and is not subject to administration pursuant to the provisions of title 12 of NRS.

11. As used in this section:

(a) "Beneficiary" means a person or persons designated to become the owner or owners of a motorboat on the death of the preceding owner or owners.

(b) "Certificate of ownership in beneficiary form" means a certificate of ownership of a motorboat that indicates the present owner or owners of the motorboat and designates a beneficiary.

Sec. 6. NRS 488.1793 is hereby amended to read as follows:

488.1793 Except as otherwise provided for the creation or transfer of a security interest ~~[,]~~ ***or the transfer on death of a certificate of ownership pursuant to section 5 of this act,*** no transfer of title to or any interest in any motorboat required to be numbered under this chapter is effective until one of the following conditions is fulfilled:

1. The transferor has properly endorsed and delivered the certificate of ownership and has delivered the certificate of number to the transferee as provided in this chapter, and the transferee has, within the prescribed time, delivered the documents to the Department or placed them in the United States mail addressed to the Department with the transfer fee.

2. The transferor has delivered to the Department or placed in the United States mail addressed to the Department the appropriate documents for the transfer of ownership pursuant to the sale or transfer.

Sec. 7. NRS 488.1801 is hereby amended to read as follows:

488.1801 ~~[Any]~~ ***Except for transfers to a beneficiary pursuant to the provisions of section 5 of this act, any*** owner of any motorboat numbered under this chapter who sells or transfers his title or any interest in the motorboat shall within 10 days notify the Department of the sale or transfer and furnish the following information:

1. The name and address of the legal owner and transferee; and

2. Such description of the motorboat as may be required by the Department.

Sec. 8. NRS 488.1807 is hereby amended to read as follows:

488.1807 ~~[Upon]~~ ***Except for transfers to a beneficiary pursuant to the provisions of section 5 of this act, upon*** transfer of the title or any interest of any legal owner in any motorboat numbered under this chapter, the transferor shall write his signature, and the transferee shall write his signature and address, in the appropriate spaces provided upon the reverse side of the certificate of ownership issued for such motorboat.

Sec. 9. **This act becomes effective on January 31, 2008.**

Assemblyman Atkinson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 176.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 489.

The following Senate amendment was read:

Amendment No. 825.

AN ACT relating to motor vehicles; allowing a civil action to be filed against the owner or person in lawful possession of real property on which public parking is restricted in a certain manner for the improper towing of a vehicle; increasing the time within which a court must hold a hearing relating to an improper towing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows an owner of an off-street parking facility to authorize the towing or removing of a vehicle from the facility in certain circumstances. (NRS 487.037) Existing law also allows the owner or person in lawful possession of any real property to have a vehicle that is parked in an unauthorized manner on the property towed if certain signs are posted and certain notices are given. (NRS 487.038) Finally, existing law allows a person whose car has been towed from private property, but not property where public parking is allowed, to bring a civil action against the person who authorized the towing to determine if the towing was lawful. (NRS 487.039)

This bill allows a person who believes his vehicle has been unlawfully towed from real property where public parking is allowed to file a civil action and for process to be served on the owner or person in lawful possession of the real property. This bill also ~~[increases]~~ **decreases** the time within which the court must hold a hearing on the matter of the propriety of the towing from 7 calendar days to ~~[7]~~ **4** working days after the action is filed.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 487.039 is hereby amended to read as follows:

487.039 1. If a vehicle is towed ~~[from private property upon the request of the owner of the private property, or a person in lawful possession of that property,]~~ ***pursuant to NRS 487.037 or 487.038*** and the owner of the vehicle believes that the vehicle was unlawfully towed, the owner of the vehicle may file a civil action pursuant to paragraph (b) of subsection 1 of NRS 4.370 in the justice court of the township where the ~~[private]~~ property ***from which the vehicle was towed*** is located, on a form provided by the court, to determine whether the towing of the vehicle was lawful.

2. An action may be filed pursuant to this section only if the cost of towing and storing the vehicle does not exceed $10,000.

3. Upon the filing of a civil action pursuant to subsection 1, the court shall schedule a date for a hearing. The hearing must be held not later than ~~[7]~~ ***4 working*** **days** after the action is filed. The court shall affix the date of the hearing to the form and order a copy served by the sheriff, constable or other process server upon the ***owner or*** person ***in lawful possession of the property*** who authorized the towing of the vehicle.

4. The court shall:

(a) If it determines that the vehicle was:

(1) Lawfully towed, order the owner of the vehicle to pay the cost of towing and storing the vehicle and order the person who is storing the vehicle to release the vehicle to the owner upon payment of that cost; or

(2) Unlawfully towed, order the ***owner or*** person ***in lawful possession of the property*** who authorized the towing to pay the cost of towing and storing the vehicle and order the person who is storing the vehicle to release the vehicle to the owner immediately; and

(b) Determine the actual cost incurred in towing and storing the vehicle.

5. The operator of any facility or other location where vehicles which are towed ~~[from private property]~~ are stored shall display conspicuously at that facility or location a sign which sets forth the provisions of this section.

Sec. 2. This act becomes effective on July 1, 2007.

Assemblyman Atkinson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 489.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 529.

The following Senate amendment was read:

Amendment No. 818.

AN ACT relating to the State Fire Marshal; clarifying that, with certain exceptions, regulations adopted by the State Fire Marshal concerning building codes do not apply in certain larger counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Fire Marshal is required to enforce all laws and adopt regulations relating, in pertinent part, to the safety, access, means and adequacy of exit in case of fire from certain buildings used by the public. (NRS 477.030) In accordance with this duty, the State Fire Marshal has adopted by reference in regulation the ***International Fire Code,*** **2003 Edition, Volume 1, and the** ***International Building Code***, 2003 edition, Volumes 1 and 2, with certain changes. (NAC 477.281, 477.283) Although the regulations adopted by the State Fire Marshal apply throughout the State, the State Fire Marshal is only authorized under existing law to enforce those regulations: (1) with respect to buildings owned or occupied by the State; and (2) in counties whose population is less than 100,000 other than consolidated municipalities (currently counties other than Clark and Washoe Counties and Carson City). In counties whose population is 100,000 or more (currently Clark and Washoe Counties and Carson City), the local jurisdictions in those counties are required to enforce the regulations of the State Fire Marshal except if a local jurisdiction in such a county requests the State Fire Marshal to perform such enforcement. (NRS 477.030) Existing law also authorizes the governing body of a city or county to adopt building codes and authorizes

boards of county commissioners to regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county. (NRS 244.3675, 268.413, 278.580)

This bill makes the regulations adopted by the State Fire Marshal concerning building codes inapplicable in a county whose population is 400,000 or more (currently Clark County) if that county has adopted a code at least as stringent as ~~[the edition of]~~ the ***International Fire Code*** ~~[most recently published,]~~ **and the *International Building Code,*** except with respect to buildings owned or occupied by the State and public schools and except in a local jurisdiction in such a county in which the State Fire Marshal is requested to enforce those regulations by the chief executive officer of the jurisdiction. **To maintain the exemption from the applicability of those regulations of the State Fire Marshal, the code of the county must be at least as stringent as the most recently published editions of the *International Fire Code* and the *International Building Code* within 1 year after publication of such an edition.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 477.030 is hereby amended to read as follows:

477.030 1. Except as otherwise provided in this section, the State Fire Marshal shall enforce all laws and adopt regulations relating to:

(a) The prevention of fire.

(b) The storage and use of:

(1) Combustibles, flammables and fireworks; and

(2) Explosives in any commercial construction, but not in mining or the control of avalanches,

➥ under those circumstances that are not otherwise regulated by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.890.

(c) The safety, access, means and adequacy of exit in case of fire from mental and penal institutions, facilities for the care of children, foster homes, residential facilities for groups, facilities for intermediate care, nursing homes, hospitals, schools, all buildings, except private residences, which are occupied for sleeping purposes, buildings used for public assembly and all other buildings where large numbers of persons work, live or congregate for any purpose. As used in this paragraph, "public assembly" means a building or a portion of a building used for the gathering together of 50 or more persons for purposes of deliberation, education, instruction, worship, entertainment, amusement or awaiting transportation, or the gathering together of 100 or more persons in establishments for drinking or dining.

(d) The suppression and punishment of arson and fraudulent claims or practices in connection with fire losses.

➥ ~~[The]~~ ***Except as otherwise provided in subsection 12, the*** regulations of the State Fire Marshal apply throughout the State, but ~~[,]~~ except with respect

to state-owned or state-occupied buildings, his authority to enforce them or conduct investigations under this chapter does not extend to a county whose population is 100,000 or more or which has been converted into a consolidated municipality, except in those local jurisdictions in those counties where he is requested to exercise that authority by the chief officer of the organized fire department of that jurisdiction or except as otherwise provided in a regulation adopted pursuant to paragraph (b) of subsection 2.

2. The State Fire Marshal may:

(a) Set standards for equipment and appliances pertaining to fire safety or to be used for fire protection within this State, including the threads used on fire hose couplings and hydrant fittings; and

(b) Adopt regulations based on nationally recognized standards setting forth the requirements for fire departments to provide training to firefighters using techniques or exercises that involve the use of fire or any device that produces or may be used to produce fire.

3. The State Fire Marshal shall cooperate with the State Forester Firewarden in the preparation of regulations relating to standards for fire retardant roofing materials pursuant to paragraph (e) of subsection 1 of NRS 472.040.

4. The State Fire Marshal shall cooperate with the Division of Child and Family Services of the Department of Health and Human Services in establishing reasonable minimum standards for overseeing the safety of and directing the means and adequacy of exit in case of fire from family foster homes and group foster homes.

5. The State Fire Marshal shall coordinate all activities conducted pursuant to 15 U.S.C. §§ 2201 et seq. and receive and distribute money allocated by the United States pursuant to that act.

6. Except as otherwise provided in subsection 10, the State Fire Marshal shall:

(a) Investigate any fire which occurs in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature.

(b) Investigate any fire which occurs in a county whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature, if requested to do so by the chief officer of the fire department in whose jurisdiction the fire occurs.

(c) Cooperate with the Commissioner of Insurance, the Attorney General and the Fraud Control Unit established pursuant to NRS 228.412 in any investigation of a fraudulent claim under an insurance policy for any fire of a suspicious nature.

(d) Cooperate with any local fire department in the investigation of any report received pursuant to NRS 629.045.

(e) Provide specialized training in investigating the causes of fires if requested to do so by the chief officer of an organized fire department.

7. The State Fire Marshal shall put the National Fire Incident Reporting System into effect throughout the State and publish at least annually a summary of data collected under the System.

8. The State Fire Marshal shall provide assistance and materials to local authorities, upon request, for the establishment of programs for public education and other fire prevention activities.

9. The State Fire Marshal shall:

(a) ~~[Assist]~~ ***Except as otherwise provided in subsection 12, assist*** in checking plans and specifications for construction;

(b) Provide specialized training to local fire departments; and

(c) Assist local governments in drafting regulations and ordinances,

➥ on request or as he deems necessary.

10. Except as otherwise provided in this subsection, in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, the State Fire Marshal shall, upon request by a local government, delegate to the local government by interlocal agreement all or a portion of his authority or duties if the local government's personnel and programs are, as determined by the State Fire Marshal, equally qualified to perform those functions. If a local government fails to maintain the qualified personnel and programs in accordance with such an agreement, the State Fire Marshal shall revoke the agreement. The provisions of this subsection do not apply to the authority of the State Fire Marshal to adopt regulations pursuant to paragraph (b) of subsection 2.

11. The State Fire Marshal may, as a public safety officer or as a technical expert on issues relating to hazardous materials, participate in any local, state or federal team or task force that is established to conduct enforcement and interdiction activities involving:

(a) Commercial trucking;

(b) Environmental crimes;

(c) Explosives and pyrotechnics;

(d) Drugs or other controlled substances; or

(e) Any similar activity specified by the State Fire Marshal.

12. ~~[Any]~~ Except as otherwise provided in this subsection, any regulations of the State Fire Marshal concerning matters relating to building codes, including, without limitation, matters relating to the construction, maintenance or safety of buildings, structures and property in this State ~~[, do]~~ :

(a) Do not apply in a county whose population is 400,000 or more ~~[that]~~ which has adopted a code at least as stringent as the ~~[edition of the]~~ International Fire Code ~~[most recently published, except]~~ and the International Building Code, published by the International Code Council. To maintain the exemption from the applicability of the regulations of the State Fire Marshal pursuant to this subsection, the code of the county must

be at least as stringent as the most recently published edition of the International Fire Code and the International Building Code within 1 year after publication of such an edition.

(b) Apply in a county described in paragraph (a) with respect to state-owned or state-occupied buildings or public schools in ~~[such a]~~ the county and ~~[except]~~ in those local jurisdictions in ~~[such a]~~ the county in which the State Fire Marshal is requested to exercise that authority by the chief executive officer of that jurisdiction. As used in this ~~[subsection,]~~ paragraph, "public school" has the meaning ascribed to it in NRS 385.007.

Sec. 2. NRS 244.3675 is hereby amended to read as follows:

244.3675 Subject to the limitations set forth in NRS 244.368, 278.580, 278.582 , ~~[and]~~ 444.340 to 444.430, inclusive, ***and 477.030***, the boards of county commissioners within their respective counties may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county.

2. Adopt any building, electrical, housing, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, these fees do not apply to the State of Nevada, the Nevada System of Higher Education or any school district.

Sec. 3. NRS 268.413 is hereby amended to read as follows:

268.413 Subject to the limitations contained in NRS 244.368, 278.580, 278.582 , ~~[and]~~ 444.340 to 444.430, inclusive, ***and 477.030***, the city council or other governing body of an incorporated city may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the city.

2. Adopt any building, electrical, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, these fees do not apply to the State of Nevada, the Nevada System of Higher Education or any school district.

Sec. 4. This act becomes effective on July 1, 2007.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate amendment to Assembly Bill No. 529.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 463.

The following Senate amendment was read:

Amendment No. 941.

AN ACT relating to land use planning; making various changes pertaining to residential establishments and group homes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Health Division of the Department of Health and Human Services is required to compile, maintain and disseminate a registry pertaining to each "residential establishment" that exists in this State. (NRS 278.021) Sections 2-7 of this bill: (1) require local governments to assist in obtaining such information; (2) expand the registry to include certain information likely to be helpful to agencies that provide police, fire-fighting, rescue or emergency medical services; and (3) broaden the scope of the registry to apply not just to licensed residential establishments, but to any facility that provides similar services to four or more persons. Thus, facilities operating unlawfully as residential establishments are included in the registry, providing necessary information to licensing and law enforcement authorities.

Section 8 of this bill provides that if a county or city requires a certain approval or permit before a residential establishment may operate, the county or city must, before granting that approval or permit ~~[,]~~ **: (1)** ensure that the establishment, or its owner or operator, has secured the necessary certifications or licenses that are required by federal, state or local authorities ~~[. Section 8 also allows for]~~ **, unless** conditional or provisional approval or permitting ~~[by a local government]~~ **is granted by the county or city** pending receipt by the establishment of the necessary certification or license ~~[.]~~ **; and (2) ensure that, if the establishment is subject to the distance requirements set forth in section 9 of this bill, the establishment will be located and operated in accordance with those requirements.**

Under existing law, the governing body of a county whose population is 100,000 or more (currently Clark and Washoe Counties), and the governing body of each city in such a county, is required to establish by ordinance a minimum distance between residential establishments that is at least 660 feet but not more than 1,500 feet. (NRS 278.021) Section 9 of this bill changes the minimum distance prospectively to at least 1,500 feet but not more than 2,500 feet. Section ~~[10]~~ **11** of this bill provides that if a governing body fails to establish the minimum distance requirement by December 31, 2007, its ordinances will be conformed by operation of state law to a 2,500-foot distance requirement.

Existing law requires an applicant seeking licensure of a facility under the provisions of NRS 449.001 to 449.240, inclusive, to file with the Health Division an application containing certain information and evidence. (NRS 449.040) Section 10 of this bill provides additionally that such an application must, if the facility for which licensure is sought is a "residential establishment" as defined in section 5 of this bill, and if such establishment is subject to the distance requirements set forth in section 9 of this bill, include evidence satisfactory to the Health Division that the establishment will be located and operated in accordance with those requirements.

WHEREAS, Residential establishments, commonly referred to as "group homes," include such facilities as halfway houses for recovering alcohol and

drug abusers, homes for individual residential care, and residential facilities for groups; and

WHEREAS, Residential establishments serve an important purpose in the various communities of this State, allowing persons with special needs to receive assistance or care in a setting that may be more comfortable, ~~[less]~~ **more** informal and less expensive than the setting of a more formal institution, such as a hospital; and

WHEREAS, Federal law, including the Fair Housing Act of 1968 and the Fair Housing Amendments Act of 1988, clearly prohibits discriminatory housing practices, including practices which have the effect of discriminating against persons with disabilities in regard to the availability of housing; and

WHEREAS, The statutes of this State already require, in large part, that residential establishments be treated as single-family residences for zoning purposes, and already require the Health Division of the Department of Health and Human Services to compile and maintain a registry of information relating to such establishments; and

WHEREAS, Ensuring that such information is accurate, current and disseminated to the pertinent authorities is of vital importance to several state and local governmental agencies, because: (1) persons who reside in residential establishments may be more susceptible than other persons to become victims of mistreatment or unscrupulous behavior, including, without limitation, Medicaid fraud or Medicare fraud; (2) governmental agencies and officers who enforce health and safety standards must be notified of the location of residential establishments in order to protect adequately the persons who reside in those establishments; and (3) fire departments, law enforcement agencies and other first responders must be notified of the locations of residential establishments so that they may be prepared to address the special needs of the residents of those establishments in the event of a fire, medical crisis or other emergency; and

WHEREAS, In several communities throughout the State, the names ascribed to residential establishments may be different, and certain persons may attempt to operate on an informal or unlicensed basis facilities that are, in practical effect, residential establishments; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***As used in NRS 278.021 and sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Halfway house for recovering alcohol and drug abusers" has the meaning ascribed to it in NRS 449.008.***

Sec. 3.5. "Health Division" means the Health Division of the Department of Health and Human Services.

Sec. 4. ***"Home for individual residential care" has the meaning ascribed to it in NRS 449.0105.***

Sec. 5. ***"Residential establishment" means a home for individual residential care in a county whose population is 100,000 or more, a halfway house for recovering alcohol and drug abusers or a residential facility for groups.***

Sec. 6. ***"Residential facility for groups" has the meaning ascribed to it in NRS 449.017.***

Sec. 7. ***1. Each*** ~~*[political subdivision of the State of Nevada shall, within the limits of available money:]*~~ ***county and city shall:***

(a) Conduct a reasonable investigation or survey to determine, insofar as is practicable, the following information regarding each group home that is located within the territorial limits of the ~~*[political subdivision:]*~~ ***county or city:***

(1) The name of the owner of the group home;

(2) If the group home is leased or rented, the name of the lessee or renter;

(3) The name of the administrator of the group home, if any;

(4) The address of the group home;

(5) The phone number of the group home;

(6) If the group home is licensed, the number of clients for which the home is licensed; and

(7) If known, any information that may be helpful to agencies of the State of Nevada or counties or cities providing police, fire-fighting, rescue or emergency medical services with respect to persons residing in the group home who may need special assistance in the event of a fire, medical crisis or other emergency; and

(b) As often as is reasonably necessary, but not less frequently than once each calendar quarter, transmit the information to the Health Division.

2. If a ~~*[political subdivision]*~~ ***county or city is not able to obtain all of the information described in subsection 1, it shall transmit to the Health Division such information as it is able to obtain.***

3. Using the information transmitted by ~~*[political subdivisions]*~~ ***counties and cities pursuant to subsection 1 and using any other resources at its disposal, the Health Division shall compile and maintain a registry of information relating to each group home that exists in this State. The Health Division shall make the information contained in the registry available to:***

(a) Any agency of the State of Nevada or a ~~*[political subdivision of this State]*~~ ***county or city that provides police, fire-fighting, rescue or emergency medical services;***

(b) Upon request for the purposes set forth in section 8 of this act, the governing body of a county or city;

(c) Any agency of the Federal Government, the State of Nevada or a ~~[political subdivision of this State]~~ county or city that is involved in the investigation of acts of abuse, fraud or similar crimes; and

~~[(c)]~~ (d) Except as otherwise provided in this paragraph, the general public, through the use of the Internet website maintained by the Health Division. The Health Division shall not make available on its Internet website any personally identifying information relating to a resident of a group home.

4. Insofar as the Health Division is able to obtain the relevant information, the registry compiled and maintained by the Health Division must include, with respect to each group home that exists in this State:

(a) Each item of information described in paragraph (a) of subsection 1; and

(b) An entry indicating whether the group home is or is not formally licensed or certified as a residential establishment.

5. Any department or agency of the State of Nevada or a ~~[political subdivision of this State]~~ county or city that becomes aware of the existence of a group home which is not included in the registry shall, within 30 days after obtaining such information, transmit the information to the Health Division as is necessary for inclusion in the registry.

6. As used in this section ~~[:~~

~~(a) "Group]~~ , "group home" means:

~~[(1)]~~ (a) A residential establishment; and

~~[(2)]~~ (b) Any other home, facility or residence, whether or not it is licensed, whether it is operated formally or informally and by whatever name it may be known, that provides to four or more unrelated persons services similar to those provided by a residential establishment.

~~[(b) "Health Division" means the Health Division of the Department of Health and Human Services.~~

~~(c) "Political subdivision" means a city or county.]~~

Sec. 8. *1. As a prerequisite to the approval or issuance of any rezoning, zone variance or special use permit that is necessary to operate a residential establishment, the governing body of a county or city shall :*

(a) Except as otherwise provided in subsection 2, ensure that the residential establishment or the owner or operator thereof has obtained any licenses or certifications that are required by federal, state or local authorities ~~[.]~~ ; and

(b) If the residential establishment is subject to the distance requirements set forth in subsection 3 of NRS 278.021, request and use the information contained in the registry compiled and maintained pursuant to section 7 of this act to ensure that the residential establishment will be located and operated in accordance with the provisions of that subsection.

2. Pending a residential establishment or the owner or operator thereof obtaining the required licenses ~~[and]~~ or certifications, the governing body of a county or city or another entity designated to act on behalf of the

governing body may conditionally or provisionally approve or issue any rezoning, zone variance or special use permit that is necessary to operate the residential establishment.

Sec. 9. NRS 278.021 is hereby amended to read as follows:

278.021 1. In any ordinance adopted by a city or county, the definition of "single-family residence" must include a:

(a) Residential facility for groups in which 10 or fewer unrelated persons with disabilities reside with:

(1) House parents or guardians who need not be related to any of the persons with disabilities; and

(2) If applicable, additional persons who are related to the house parents or guardians within the third degree of consanguinity or affinity.

(b) Home for individual residential care.

(c) Halfway house for recovering alcohol and drug abusers.

2. The provisions of subsection 1 do not prohibit a definition of "single-family residence" which permits more persons to reside in a residential facility for groups, nor does it prohibit regulation of homes which are operated on a commercial basis. For the purposes of this subsection, a residential facility for groups, a halfway house for recovering alcohol and drug abusers or a home for individual residential care shall not be deemed to be a home that is operated on a commercial basis for any purposes relating to building codes or zoning.

3. ~~[The Health Division of the Department of Health and Human Services shall compile and maintain a registry of information relating to each residential establishment that exists in this State and shall make available for access on the Internet or its successor, if any, the information contained in the registry. The registry must include with respect to each residential establishment:~~

~~(a) The name of the owner of the establishment;~~

~~(b) The name of the administrator of the establishment;~~

~~(c) The address of the establishment; and~~

~~(d) The number of clients for which the establishment is licensed.~~

~~➥ Any department or agency of a county or city that becomes aware of the existence of a residential establishment that is not included in the registry shall transmit such information to the Health Division, as is necessary, for inclusion in the registry within 30 days after obtaining the information.~~

~~4.]~~ The governing body of a county whose population is 100,000 or more or the governing body of a city in such a county or any department or agency of the city or county shall approve the first application submitted on or after July 1, 2000, to operate a residential establishment within a particular neighborhood in the jurisdiction of the governing body. If a subsequent application is submitted to operate an additional residential establishment at a location that is within the minimum distance established by the governing body pursuant to this subsection from an existing residential establishment, the governing body shall review the application based on applicable zoning

ordinances. The requirements of this subsection do not require the relocation or displacement of any residential establishment which existed before July 1, 2001, from its location on that date. The provisions of this subsection do not create or impose a presumption that the location of more than one residential establishment within the minimum distance of each other established by the governing body pursuant to this subsection is inappropriate under all circumstances with respect to the enforcement of zoning ordinances and regulations. For purposes of this subsection, each governing body shall establish by ordinance a minimum distance between residential establishments that is at least ~~[660]~~ ***1,500*** feet but not more than ~~[1,500]~~ ***2,500*** feet.

~~[5. The]~~

4. Except as otherwise provided in section 8 of this act, the governing body of a county or city shall not refuse to issue a special use permit to a residential establishment that meets local public health and safety standards.

~~[6.]~~ ***5.*** The provisions of this section must not be applied in any manner which would result in a loss of money from the Federal Government for programs relating to housing.

~~[7.]~~ ***6.*** As used in this section ~~[:~~

~~(a) "Halfway house for recovering alcohol and drug abusers" has the meaning ascribed to it in NRS 449.008.~~

~~(b) "Home for individual residential care" has the meaning ascribed to it in NRS 449.0105.~~

~~(c) "Person]~~ , ***"person*** with a disability" means a person:

~~[(1)]~~ ***(a)*** With a physical or mental impairment that substantially limits one or more of the major life activities of the person;

~~[(2)]~~ ***(b)*** With a record of such an impairment; or

~~[(3)]~~ ***(c)*** Who is regarded as having such an impairment.

~~[(d) "Residential establishment" means a home for individual residential care in a county whose population is 100,000 or more, a halfway house for recovering alcohol and drug abusers or a residential facility for groups.~~

~~(e) "Residential facility for groups" has the meaning ascribed to it in NRS 449.017.]~~

Sec. 10. **NRS 449.040 is hereby amended to read as follows:**

449.040 Any person, state or local government or agency thereof desiring a license under the provisions of NRS 449.001 to 449.240, inclusive, must file with the Health Division an application on a form prescribed, prepared and furnished by the Health Division, containing:

1. The name of the applicant and, if a natural person, whether the applicant has attained the age of 21 years.
2. The type of facility to be operated.
3. The location of the facility.
4. In specific terms, the nature of services and type of care to be offered, as defined in the regulations.

5. The number of beds authorized by the Director of the Department of Health and Human Services or, if such authorization is not required, the number of beds the facility will contain.

6. The name of the person in charge of the facility.

7. Such other information as may be required by the Health Division for the proper administration and enforcement of NRS 449.001 to 449.240, inclusive.

8. Evidence satisfactory to the Health Division that the applicant is of reputable and responsible character. If the applicant is a firm, association, organization, partnership, business trust, corporation or company, similar evidence must be submitted as to the members thereof, and the person in charge of the facility for which application is made. If the applicant is a political subdivision of the State or other governmental agency, similar evidence must be submitted as to the person in charge of the institution for which application is made.

9. Evidence satisfactory to the Health Division of the ability of the applicant to comply with the provisions of NRS 449.001 to 449.240, inclusive, and the standards and regulations adopted by the Board.

10. Evidence satisfactory to the Health Division that the facility conforms to the zoning regulations of the local government within which the facility will be operated or that the applicant has applied for an appropriate reclassification, variance, permit for special use or other exception for the facility.

11. If the facility to be licensed is a residential establishment as defined in section 5 of this act, and if the residential establishment is subject to the distance requirements set forth in subsection 3 of NRS 278.021, evidence satisfactory to the Health Division that the residential establishment will be located and operated in accordance with the provisions of that subsection.

~~[Sec. 10.]~~ ***Sec. 11.*** 1. On or before December 31, 2007, the governing body of each county whose population is 100,000 or more, and the governing body of each city in such a county, shall establish by ordinance the minimum distance between residential establishments that is set forth in subsection 3 of NRS 278.021 ~~[.]~~ **, as amended by section 9 of this act.**

2. If a governing body fails to comply with the provisions of subsection 1 on or before December 31, 2007, on that date the ordinances of the governing body shall be deemed to establish by operation of law a minimum distance between residential establishments of 2,500 feet.

3. As used in this section, "residential establishment" has the meaning ascribed to it in section 5 of this act.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate amendment to Assembly Bill No. 463.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assemblyman Oceguera moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 9:34 p.m.

ASSEMBLY IN SESSION

At 11:10 p.m.

Madam Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 5.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Senate Bill No. 5:

YEAS—39.

NAYS—Settelmeyer, Weber—2.

EXCUSED—Christensen.

Senate Bill No. 5 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 58 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 58.

Bill read third time.

Remarks by Assemblymen Goicoechea, Anderson, Oceguera, Cobb, Conklin, Carpenter, and Grady.

Assemblyman Leslie, Manendo, and Oceguera moved the previous question.

Motion carried.

The question being the passage of Senate Bill No. 58.

Roll call on Senate Bill No. 58:

YEAS—20.

NAYS—Anderson, Arberry, Bobzien, Buckley, Claborn, Conklin, Denis, Gerhardt, Horne, Kihuen, Koivisto, Leslie, Manendo, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Pierce, Segerblom, Smith—21.

EXCUSED—Christensen.

Senate Bill No. 58 having failed to receive a two-thirds majority, Madam Speaker declared it lost.

Senate Bill No. 146.
Bill read third time.
Remarks by Assemblywoman McClain.
Roll call on Senate Bill No. 146:
YEAS—38.
NAYS—Cobb, Gansert, Settelmeyer—3.
EXCUSED—Christensen.
Senate Bill No. 146 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 403.
Bill read third time.
Roll call on Senate Bill No. 403:
YEAS—41.
NAYS—None.
EXCUSED—Christensen.
Senate Bill No. 403 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 320.
Bill read third time.
Remarks by Assemblyman Goedhart.
Roll call on Senate Bill No. 320:
YEAS—40.
NAYS—Kirkpatrick.
EXCUSED—Christensen.
Senate Bill No. 320 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 202.
Bill read third time.
Remarks by Assemblyman Carpenter.
Roll call on Senate Bill No. 202:
YEAS—41.
NAYS—None.
EXCUSED—Christensen.
Senate Bill No. 202 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 288.
Bill read third time.
Roll call on Senate Bill No. 288:
YEAS—41.
NAYS—None.
EXCUSED—Christensen.

Senate Bill No. 288 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Oceguera moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:37 p.m.

ASSEMBLY IN SESSION

At 11:41 p.m.

Madam Speaker presiding.

Quorum present.

Senate Bill No. 394.

Bill read third time.

Roll call on Senate Bill No. 394:

YEAS—40.

NAYS—Atkinson.

EXCUSED—Christensen.

Senate Bill No. 394 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 234.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick

Roll call on Senate Bill No. 234:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 234 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 328.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Senate Bill No. 328:

YEAS—34.

NAYS—Allen, Cobb, Gansert, Hardy, Mabey, Settelmeyer, Weber—7.

EXCUSED—Christensen.

Senate Bill No. 328 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 516.

Bill read third time.

Remarks by Assemblywoman Pierce.

Conflict of interest declared by Assemblywoman Weber.

Roll call on Senate Bill No. 516:

YEAS—37.

NAYS—Beers, Goedhart, Ohrenschall—3.

NOT VOTING—Weber.

EXCUSED—Christensen.

Senate Bill No. 516 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 42, 56, 68, 201, 215, 230, 235, 259, 359; Assembly Joint Resolution No. 3; Senate Bills Nos. 142, 147, 163, 206, 219, 243, 267, 293, 300, 396.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from McGill Elementary School: Siset Andemichael, Justin Blakeley, Kinsey Bradshaw, Robert Drain, Emmitt Finicum, Mercedes Hartman, Carl Henze, Kelsie Herring, Alexander Hill, Ryan Hopkins, Clinton Hurlbert, Dalton Kunz, Mikaela Laswell , Shania Marques, Teana Marshall, Sammantha Moreno, Anna Nicholes, Alex Oxborrow, Tony Rodger, Haeden Sambrano, Alexiss Smith, Seth Trappett, Steven Williams, Amy Wines, Treena Whaley, Chad Whaley, Meg Rhodes, Michelle Foster, Wendy Finicum, Kristi Hurlbert, Michelle Hill, Brad Nicholes, Charlotte Pierce, Margaret Thiel, Ashleigh Bass, Josef Drain, Amber Finch, John Forness, Lucas Gleave, Jade Jewette, Alisha Large, Zachary Lawrence, Keyanna Lesher, Rayanne Levine, Dillan Lewis, Bobby Marich, Jerilyn Ogden, Kyla Parker, Miranda Rodger, Madison Trimble, Austin Zeman, Bob Marich, Holly Marich, Billie Sue Zeman, Jamie Lawrence, Jamie Gleaves, Mark Drain, Carla Ogden, Melany Johnson, Merlynne Parker and Delanie Lunt.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to John Marvel and Kurt Hardung.

On request of Assemblywoman Womack, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Ruth and Elaine Blue-Heebner.

Assemblyman Oceguera moved that the Assembly adjourn until Saturday, May 26, 2007, at 10 a.m.

Motion carried.

Assembly adjourned at 11:49 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE ONE HUNDRED AND ELEVENTH DAY

CARSON CITY (Saturday), May 26, 2007

Assembly called to order at 11:17 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Beers, Christensen, and Goedhart, who were excused.

Prayer by the Chaplain, Terry Sullivan.

Let us pray. Dear Lord, please bless this Assembly; continue to give the members the wisdom and strength to continue this very difficult and sometimes frustrating work. We ask Your blessing, also, for the support staff and for all those who contribute to this process. We ask that You allow us to continue to work together in harmony no matter what the issue or the problem. And we ask these things in whose Name we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Senate Bill No. 490, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 125, 346, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 25, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 147, 331, 446.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 226, 567, 570, 576, 580, 596, 612, 616; Assembly Joint Resolution No. 7; Assembly Joint Resolution No. 16 of the 73rd Session.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 326, 608; Senate Bills Nos. 250, 572.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 25, Senate Amendment No. 758; Assembly Bill No.

64, Senate Amendment No. 827; Assembly Bill No. 127, Senate Amendment No. 792; Assembly Bill No. 244, Senate Amendment No. 952; Assembly Bill No. 373, Senate Amendments Nos. 805, 969; Assembly Bill No. 385, Senate Amendment No. 771; Assembly Bill No. 386, Senate Amendment No. 815; Assembly Bill No. 439, Senate Amendments Nos. 807, 1004; Assembly Bill No. 460, Senate Amendment No. 995; Assembly Bill No. 462, Senate Amendment No. 808; Assembly Bill No. 483, Senate Amendment No. 1000; Assembly Bill No. 508, Senate Amendment No. 999, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 52, Senate Amendments Nos. 760, 962; Assembly Bill No. 87, Senate Amendments Nos. 761, 968; Assembly Bill No. 139, Senate Amendment No. 804; Assembly Bill No. 193, Senate Amendment No. 755; Assembly Bill No. 285, Senate Amendment No. 812; Assembly Bill No. 558, Senate Amendment No. 950; Assembly Bill No. 562, Senate Amendment No. 564; Assembly Bill No. 569, Senate Amendment No. 708; Assembly Bill No. 585, Senate Amendment No. 713; Assembly Bill No. 592, Senate Amendment No. 772; Assembly Bill No. 593, Senate Amendment No. 802; Assembly Bill No. 600, Senate Amendment No. 851; Assembly Joint Resolution No. 9, Senate Amendment No. 743, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 92, Senate Amendment No. 790; Assembly Bill No. 148, Senate Amendment No. 669; Assembly Bill No. 178, Senate Amendments Nos. 770, 1013; Assembly Bill No. 209, Senate Amendments Nos. 994, 997; Assembly Bill No. 247, Senate Amendment No. 937; Assembly Bill No. 296, Senate Amendment No. 1019; Assembly Bill No. 335, Senate Amendment No. 1014; Assembly Bill No. 354, Senate Amendment No. 975; Assembly Bill No. 364, Senate Amendment No. 756; Assembly Bill No. 375, Senate Amendments Nos. 896, 1029; Assembly Bill No. 396, Senate Amendments Nos. 910, 978, 1002, 1024; Assembly Bill No. 428, Senate Amendments Nos. 695, 948; Assembly Bill No. 431, Senate Amendment No. 899; Assembly Bill No. 461, Senate Amendment No. 803; Assembly Bill No. 478, Senate Amendment No. 856; Assembly Bill No. 497, Senate Amendments Nos. 928, 943; Assembly Bill No. 513, Senate Amendment No. 1030; Assembly Bill No. 514, Senate Amendments Nos. 883, 1003; Assembly Bill No. 518, Senate Amendment No. 701; Assembly Bill No. 521, Senate Amendments Nos. 784, 1021; Assembly Bill No. 526, Senate Amendments Nos. 702, 991; Assembly Bill No. 573, Senate Amendment No. 931; Assembly Bill No. 604, Senate Amendments Nos. 886, 987; Assembly Joint Resolution No. 10, Senate Amendment No. 866, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 918 to Senate Bill No. 3; Assembly Amendment No. 794 to Senate Bill No. 10; Assembly Amendment No. 795 to Senate Bill No. 16; Assembly Amendment No. 917 to Senate Bill No. 53; Assembly Amendment No. 768 to Senate Bill No. 78; Assembly Amendment No. 935 to Senate Bill No. 103; Assembly Amendment No. 819 to Senate Bill No. 110; Assembly Amendment No. 915 to Senate Bill No. 111; Assembly Amendment No. 919 to Senate Bill No. 112; Assembly Amendment No. 670 to Senate Bill No. 132; Assembly Amendment No. 859 to Senate Bill No. 169; Assembly Amendment No. 787 to Senate Bill No. 195; Assembly Amendment No. 823 to Senate Bill No. 247; Assembly Amendment No. 811 to Senate Bill No. 275; Assembly Amendment No. 689 to Senate Bill No. 277; Assembly Amendment No. 912 to Senate Bill No. 279.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 671 to Senate Bill No. 129; Assembly Amendments Nos. 820, 933 to Senate Bill No. 143; Assembly Amendment No. 821 to Senate Bill No. 184; Assembly Amendment No. 822 to Senate Bill No. 239.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Heck, Coffin and Cegavske as a first Conference Committee concerning Senate Bill No. 115.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Townsend, Washington and Mathews as a first Conference Committee concerning Senate Bill No. 154.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 26, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 862 to Senate Bill No. 266.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 250.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 572.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 125.

Bill read third time.

Remarks by Assemblyman Goicoechea.

Roll call on Senate Bill No. 125:

YEAS—39.

NAYS—None.

EXCUSED—Beers, Christensen, Goedhart—3.

Senate Bill No. 125 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 346.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Senate Bill No. 346:

YEAS—39.

NAYS—None.

EXCUSED—Beers, Christensen, Goedhart—3.

Senate Bill No. 346 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 490.

Bill read third time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 1018.

SUMMARY—Revises **various** provisions governing ~~[the prefiling, reprinting and transmittal of]~~ bills and resolutions. (BDR 17-789)

AN ACT relating to the Legislature; **revising provisions governing bill draft requests authorized for various requesters;** revising provisions governing the prefiling, reprinting and transmittal of bills and resolutions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law specifies the number of bill drafts various entities may request the Legislative Counsel to prepare. (NRS 218.240-218.255) Sections 1-7 and 13 of this bill revise those provisions to limit the number of measures that may be requested by most nonlegislative requesters and increasing the number of measures that may be requested by Legislators and chairs of legislative committees. Sections 6 and 8 of this bill require that certain measures requested on behalf of Executive Branch officers be prefiled on or before December 15 preceding session.

Section ~~[1]~~ **7** of this bill **also** removes the provision that requires all bill drafts requested by the Supreme Court to be delivered to the Chairman of the Committee on Judiciary of each House.

Under existing law, when a prefiled bill or joint resolution is printed it must contain the standing committee to which the bill or joint resolution is proposed to be referred. The appropriate standing committee must be determined pursuant to the rules or recommendations for the referral of bills and joint resolutions adopted by the appropriate House during the preceding regular session of the Legislature. (NRS 218.278) Section ~~[2]~~ **9** of this bill removes the specified method for determining the appropriate standing committee.

Section 14 of this bill provides that sections 1-8 and 13 of this bill expire by limitation on June 30, 2009.

Under existing law, when a bill is amended it must be reprinted unless two-thirds of the members present vote to dispense with the reprinting of the bill. Existing law limits the circumstances under which such a vote may be taken to only those cases involving bills over 32 pages in length, amendments to the titles and preambles of bills, amendments to correct typographical errors, and other amendments which do not change the meaning, intent or significance of a bill. (NRS 218.320, 218.330) Sections ~~[3 and 4]~~ **10 and 11** of this bill remove such limiting circumstances.

Under existing law, when a bill or resolution is passed by both Houses it must be immediately transmitted by the Secretary of the Senate or the Chief Clerk of the Assembly to the Legislative Counsel to be enrolled. (NRS 218.340) Section ~~[5]~~ **12** of this bill revises that requirement by providing that the bill or resolution must be transmitted to the Legislative

Counsel upon adjournment . ~~[unless the Secretary of the Senate or the Chief Clerk of the Assembly is directed by the respective House to transmit the bill or resolution immediately.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 218.2405 is hereby amended to read as follows:**

218.2405 1. Except as otherwise provided by specific statute, joint rule or concurrent resolution of the Legislature, the Legislative Counsel shall honor:

(a) The number of requests for the drafting of a bill or resolution for a regular session of the Legislature only as provided in NRS 218.240 to 218.255, inclusive.

(b) A request for the drafting of a bill or resolution for any session of the Legislature which is submitted by a state agency, board or department, ~~[a local government, the judiciary]~~ ***the Supreme Court*** or another authorized nonlegislative requester only if the request is in a subject related to the function of the requester.

2. The Legislative Counsel shall not:

(a) Assign a number to a request for the drafting of a bill or resolution for any session of the Legislature to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

(b) Honor a request to change the subject matter of a request for the drafting of a bill or resolution for any session of the Legislature after it has been submitted for drafting.

(c) Honor a request for the drafting of a bill or resolution for any session of the Legislature which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.

Sec. 2. **NRS 218.241 is hereby amended to read as follows:**

218.241 1. Upon request made within the time allowed and limits established pursuant to NRS 218.240 to 218.255, inclusive, the Legislative Counsel shall advise any agency or officer of the Executive Branch of the State Government ~~[, and any county, school district or city,]~~ as to the preparation of measures to be submitted to the Legislature.

2. To ensure the greatest possible equity in the handling of requests, drafting must proceed as follows:

(a) Requests for legislative measures from each agency or officer of the Executive Branch of the State Government ~~[or from a county, school district or city]~~ must, insofar as is possible, be acted upon in the order in which they are received, unless a different priority is designated by the requester.

(b) As soon as an agency or officer of the Executive Branch of the State Government has requested 10 legislative measures for any session, the Legislative Counsel may request the agency or officer to designate the priority for each succeeding request.

~~[(c) Not later than 2 weeks before the commencement of a regular session of the Legislature, any county, school district or city which has requested the preparation of more than one legislative measure for that session shall submit to the Legislative Counsel a list which designates the order of priority for each request.]~~

➥ The priority designated pursuant to this subsection must guide the Legislative Counsel in acting upon the requests of the respective agencies and officers of the Executive Branch of the State Government ~~[and the counties, school districts and cities]~~ to ensure each agency and officer, ~~[and each county, school district and city,]~~ as nearly as is possible, an equal rank.

Sec. 3. **NRS 218.2423 is hereby amended to read as follows:**

218.2423 1. Each:

(a) Incumbent Assemblyman may request the drafting of not more than ~~[5]~~ ***6*** legislative measures submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the Legislature and not more than 5 legislative measures submitted to the Legislative Counsel after September 1 but on or before December 15 preceding the commencement of a regular session of the Legislature.

(b) Incumbent Senator may request the drafting of not more than ~~[10]~~ ***12*** legislative measures submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the Legislature and not more than 10 legislative measures submitted to the Legislative Counsel after September 1 but on or before December 15 preceding the commencement of a regular session of the Legislature.

(c) Newly elected Assemblyman may request the drafting of not more than 5 legislative measures submitted to the Legislative Counsel on or before December 15 preceding the commencement of a regular session of the Legislature.

(d) Newly elected Senator may request the drafting of not more than 10 legislative measures submitted to the Legislative Counsel on or before December 15 preceding the commencement of a regular session of the Legislature.

2. In addition to the number authorized pursuant to subsection 1:

(a) The chairman of each standing committee of the immediately preceding regular legislative session, or a person designated in the place of the chairman by the Speaker of the Assembly or the Majority Leader of the Senate, as the case may be, may request before the date of the general election preceding the commencement of the next regular legislative session the drafting of not more than 1 legislative measure for introduction by the committee in a subject within the jurisdiction of the committee for every ~~[15]~~ ***10*** legislative measures that were referred to the respective standing committee during the immediately preceding regular legislative session.

(b) A person designated after a general election as a chairman of a standing committee for the next regular legislative session, or a person designated in the place of a chairman by the person designated as the Speaker

of the Assembly or the Majority Leader of the Senate for the next regular legislative session, may request on or before December 15 preceding the commencement of the next regular legislative session the drafting of the remaining number of the legislative measures allowed for the respective standing committee that were not requested by the previous chairman or designee.

3. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

Sec. 4. **NRS 218.2429 is hereby amended to read as follows:**

218.2429 1. The Chairman of the Legislative Commission may request the drafting of not more than 15 legislative measures before the commencement of a regular legislative session, with the approval of the Commission, which relate to the affairs of the Legislature or its employees, including measures requested by the legislative staff.

2. The Chairman of the Interim Finance Committee may request the drafting of not more than 10 legislative measures before the commencement of a regular legislative session, with the approval of the Committee, which relate to matters within the scope of the Committee.

3. Except as otherwise provided by specific statute or concurrent resolution of the Legislature:

(a) Any other legislative committee created by statute may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the committee.

(b) An interim committee which conducts a study or investigation pursuant to subsection 5 of NRS 218.682 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation, except that such a committee may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.

(c) Any other committee established by the Legislature which conducts an interim legislative study may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study.

➥ Except as otherwise provided in NRS 218.635, measures authorized to be requested pursuant to this subsection must be submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the Legislature unless the Legislative Commission authorizes submitting a request after that date.

4. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

Sec. 5. **NRS 218.245 is hereby amended to read as follows:**

218.245 1. Except as otherwise provided in subsections 2 and 5, the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau shall not prepare or assist in the preparation of proposed legislation for any agency or officer of the Executive Branch of the State Government ~~[or for a county, school district or city]~~ before a regular session of the

Legislature unless the request is approved by the Governor or a designated member of his staff ~~[, or the governing body of the county, school district or city,]~~ and transmitted to the Legislative Counsel on or before September 1 preceding the convening of the session.

2. A request for proposed legislation may be submitted to the Legislative Counsel pursuant to subsection 3 ~~[or 4]~~ of NRS 218.2455 by the ~~[Board of Regents of the University of Nevada,]~~ Lieutenant Governor, Secretary of State, Attorney General, State Controller or State Treasurer without the approval of the Governor or a designated member of his staff.

3. After November 1, preceding a legislative session, the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau shall give full priority to the preparation of proposed legislation requested by members of the Legislature.

4. The Legislative Counsel and the Legal Division of the Legislative Counsel Bureau shall not prepare or assist in the preparation of any proposed legislation during any regular session of the Legislature except as authorized by statute or joint rule of the Legislature.

5. An agency or officer of the Executive Branch of the State Government ~~[or a county, school district or city,]~~ shall not request a Legislator to have legislation drafted on its behalf. The Legislative Commission, when the Legislature is not in session, or a standing committee which has jurisdiction of the subject matter when the Legislature is in session, may, if it finds that exceptional circumstances so warrant, authorize the drafting of legislation requested after the time limited by subsection 1 of this section and subsection 1 ~~[,]~~ ***or*** 3 ~~[or 4]~~ of NRS 218.2455.

Sec. 6. **NRS 218.2455 is hereby amended to read as follows:**

218.2455 1. The Governor or his designated representative may transmit to the Legislative Counsel on or before September 1 preceding a regular legislative session not more than ~~[125]~~ ***100*** requests for the drafting of legislative measures approved on behalf of state agencies, boards and departments of the Executive Branch of ***the*** State Government pursuant to subsection 1 of NRS 218.245.

2. The Department of Administration may request on or before the 19th day of the legislative session, without limitation, the drafting of as many legislative measures as are necessary to implement the budget proposed by the Governor and to provide for the fiscal management of the State.

3. The following constitutional officers may request the drafting of not more than the following numbers of legislative measures on or before September 1 preceding a regular legislative session:

Lieutenant Governor ..... ~~[2]~~ ***1***
Secretary of State ..... ~~[8]~~ ***5***
State Treasurer ..... ~~[5]~~ ***2***
State Controller ..... ~~[5]~~ ***2***
Attorney General ..... ~~[25]~~ ***15***

4. The ~~[Board of Regents of the University of Nevada may request the drafting of not more than 5 legislative measures on behalf of the Nevada System of Higher Education on or before September 1 preceding a regular legislative session.]~~ ***measures requested pursuant to subsections 1 and 3 must be prefiled on or before December 15 preceding the regular session. A measure that is not prefiled on or before that date shall be deemed withdrawn.***

~~[Section 1.]~~ ***Sec. 7.*** NRS 218.247 is hereby amended to read as follows:

218.247 1. The Legislative Counsel and the Legal Division of the Legislative Counsel Bureau shall prepare and assist in the preparation of legislative measures at the request of the Supreme Court if the legislative measures are transmitted to the Legislative Counsel on or before September 1 preceding the commencement of the next regular session of the Legislature. The Supreme Court may transmit to the Legislative Counsel pursuant to this section not more than ~~[16]~~ ***10*** legislative measures on behalf of the Supreme Court ***.*** ~~[and district courts of this State and not more than 4 legislative measures on behalf of the municipal courts and Justice Courts of this State.]~~

2. Every requested legislative measure must set forth the substance of the provisions desired or which may be needed with the reasons therefor.

3. ~~[The Legislative Counsel shall transmit any legislative measure prepared pursuant to this section to the Chairman of the Committee on Judiciary of each House at the next regular session of the Legislature.]~~ ***Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.***

Sec. 8. **NRS 218.277 is hereby amended to read as follows:**

218.277 1. Any member of the next succeeding regular session of the Legislature may request the Legislative Counsel to prefile any legislative bill or joint resolution that was requested by that Legislator for introduction in the next succeeding regular session of the Legislature.

2. A person designated as a chairman of a standing committee for the next succeeding regular session of the Legislature may request the Legislative Counsel to prefile on behalf of the committee any legislative bill or joint resolution within the jurisdiction of the committee for introduction in the next succeeding regular session of the Legislature.

3. ***Measures submitted for prefiling pursuant to subsection 4 of NRS 218.2455 must be randomly divided in equal amounts between the Senate and the Assembly and prefiled on behalf of the appropriate standing committee.***

4. Such bills and joint resolutions must be in such final and correct form for introduction in the Legislature as required by the Nevada Constitution and this chapter.

~~[4.]~~ ***5.*** The Legislative Counsel shall not prefile a bill or joint resolution requested by:

(a) A member of the Legislature who is not a candidate for reelection until after the general election immediately preceding the regular session of the Legislature.

(b) A member of the Legislature who is elected or reelected to his office at the general election immediately preceding the regular session of the Legislature until he is determined to have received the highest number of votes pursuant to the canvass of votes required by NRS 293.395.

~~[Sec. 2.]~~ ***Sec. 9.*** NRS 218.278 is hereby amended to read as follows:

218.278 1. The Legislative Counsel shall, upon receipt of requests for prefiling bills and joint resolutions, transmit those bills and resolutions that may be prefiled to the Secretary of the Senate or the Chief Clerk of the Assembly, as appropriate. The Secretary or Chief Clerk shall number the bills and joint resolutions consecutively in the same manner as during regular sessions of the Legislature and is responsible for the safekeeping of such bills and joint resolutions.

2. After a bill or joint resolution has been properly numbered, the Legislative Counsel shall cause the bill or joint resolution to be printed in the same manner as during regular sessions of the Legislature. The bill or joint resolution must contain:

(a) The name of the introducer;

(b) The date on which it was prefiled;

(c) If it was not requested by a member of the Legislature, the name of the entity that requested the preparation of the bill or joint resolution; and

(d) The standing committee of the Senate or Assembly to which the bill or joint resolution is proposed to be referred. ~~[The standing committee must be determined pursuant to the rules or recommendations for the referral of bills and joint resolutions adopted by the appropriate House during the preceding regular session of the Legislature.]~~

3. The number of copies to be printed must be determined by the Legislative Counsel, and the expenses of printing and mailing must be paid from the Legislative Fund.

4. The Legislative Counsel shall release copies of a prefiled bill or joint resolution to the public.

~~[Sec. 3.]~~ ***Sec. 10.*** NRS 218.320 is hereby amended to read as follows:

218.320 All bills amended by either House shall be immediately reprinted. New matter shall be indicated by underscoring in the typewritten or other machine-produced copy and italics in the printed copy. Matter to be omitted shall be indicated by brackets in the typewritten or other machine-produced copy and brackets or strike-out type in the printed copy. When a bill is amended in either House, the first or previous markings shall be omitted. However, ~~[in the cases of bills over 32 pages in length, amendments to the titles and preambles of bills, amendments to correct typographical errors, and other amendments which do not change the meaning, intent or significance of a bill,]~~ the reprinting of the bill may be dispensed with on motion carried by a two-thirds majority of the members present. If the

reprinting is so dispensed with, the amendments may be inserted by hand in the printed bill, but the authenticity of each amendment shall be established by endorsement, such endorsement to consist of initials signed on the margin near each amendment by the Secretary of the Senate or by the Chief Clerk of the Assembly, as the case may be.

~~[Sec. 4.]~~ ***Sec. 11.*** NRS 218.330 is hereby amended to read as follows:

218.330 Whenever a bill or resolution which shall have been passed in one House shall be amended in the other, it shall immediately be reprinted as amended by the House making such amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended and endorsed "adopted" and such amendment or amendments, if concurred in by the House in which such bill or resolution originated, shall be endorsed "concurred in" and such endorsement shall be signed by the Secretary of the Senate or by the Chief Clerk of the Assembly, as the case may be. However, ~~[in the cases of bills over 32 pages in length, amendments to the titles and preambles of bills, amendments to correct typographical errors, and other amendments which do not change the meaning, intent or significance of a bill,]~~ the reprinting of the bill may be dispensed with on motion carried by a two-thirds majority of the members present, but such amendment must be concurred in by the House in which such bill originated. If the reprinting is so dispensed with, the amendments may be inserted by hand in the printed bill, but the authenticity of each amendment shall be established by endorsement, such endorsement to consist of initials signed on the margin near each amendment by the Secretary of the Senate or by the Chief Clerk of the Assembly, as the case may be.

~~[Sec. 5.]~~ ***Sec. 12.*** NRS 218.340 is hereby amended to read as follows:

218.340 When any bill or resolution is passed by both Houses, the Secretary of the Senate or the Chief Clerk of the Assembly ~~*[, upon adjournment or immediately if so directed by the respective House,]*~~ shall ~~[immediately]~~ transmit the same to the Legislative Counsel to be enrolled, and shall take his receipt therefor. The receipt shall bear the date of delivery and shall give the bill or resolution number. The fact that the bill or resolution was received by the Legislative Counsel shall be noted as a part of the history of the bill or resolution. When the same shall have been duly and regularly enrolled and delivered to the Governor, as provided by NRS 218.280 to 218.440, inclusive ~~, [(]~~ in all cases where it is required to be so delivered ~~, [),]~~ the fact of such delivery and the date thereof shall also be noted, over the signature of the Legislative Counsel, as a part of the history of the bill or resolution.

Sec. 13. **NRS 218.2413, 218.2415 and 218.2417 are hereby repealed.**

~~[Sec. 6.]~~ ***Sec. 14.*** **1.** This act becomes effective upon passage and approval.

2. Sections 1 to 8, inclusive, and 13 of this act expire by limitation on June 30, 2009.

TEXT OF REPEALED SECTIONS

218.2413 Requests by county, school district or city for preparation of legislative measures; notice of duplicate requests.

1. Except as otherwise provided in subsections 3, 4 and 5, each board of county commissioners, board of trustees of a school district and city council may request the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau to prepare any legislative measure which has been approved by the governing body of the county, school district or city at a public hearing before its submission to the Legislative Counsel Bureau.

2. The Legislative Counsel shall notify the requesting county, school district or city if its request substantially duplicates a request previously submitted by another county, school district or city.

3. The board of county commissioners of a county whose population:

(a) Is 400,000 or more shall not request the preparation of more than 15 legislative measures pursuant to subsection 1 for a regular legislative session. At least one of the measures must be recommended by a metropolitan police department that is located within the county.

(b) Is 100,000 or more but less than 400,000 shall not request the preparation of more than 10 legislative measures pursuant to subsection 1 for a regular legislative session.

(c) Is less than 100,000 shall not request the preparation of more than 2 legislative measures pursuant to subsection 1 for a regular legislative session.

4. The board of trustees of a school district in a county whose population:

(a) Is 400,000 or more shall not request the preparation of more than 5 legislative measures pursuant to subsection 1 for a regular legislative session.

(b) Is 100,000 or more but less than 400,000 shall not request the preparation of more than 2 legislative measures pursuant to subsection 1 for a regular legislative session.

(c) Is less than 100,000 shall not request the preparation of more than 1 legislative measure pursuant to subsection 1 for a regular legislative session.

5. The city council of a city whose population:

(a) Is 100,000 or more shall not request the preparation of more than 4 legislative measures pursuant to subsection 1 for a regular legislative session.

(b) Is less than 100,000 shall not request the preparation of more than 1 legislative measure pursuant to subsection 1 for a regular legislative session.

6. As used in this section, "population" means the current population estimate for that city or county as determined and published by the

Department of Taxation and the demographer employed pursuant to NRS 360.283.

218.2415 Requests by association of elected officials or association of counties or cities for preparation of legislative measures.

1. An association of elected officials may directly request the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau to prepare no more than 5 legislative measures for a regular legislative session.

2. An association of counties or cities may directly request the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau to prepare no more than 20 legislative measures for a regular legislative session.

3. A request for the drafting of a legislative measure pursuant to this section must be submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the Legislature.

218.2417 Preparation of legislative measures for regional planning coalition by Legislative Counsel and Legal Division of Legislative Counsel Bureau.

1. The Legislative Counsel and the Legal Division of the Legislative Counsel Bureau shall prepare and assist in the preparation of legislative measures at the request of a regional planning coalition if the legislative measures are transmitted to the Legislative Counsel on or before September 1 preceding the commencement of the next regular session of the Legislature. A regional planning coalition may transmit to the Legislative Counsel pursuant to this section not more than one legislative measure for a regular legislative session.

2. Every requested legislative measure must set forth the substance of the provisions which are desired or which may be needed with the reasons therefor.

3. As used in this section, "regional planning coalition" has the meaning ascribed to it in NRS 278.0172.

Assemblywoman Koivisto moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 148.

The following Senate amendment was read:

Amendment No. 669.

AN ACT relating to controlled substances; requiring entities that sell certain products that are precursors to methamphetamine to place such products in an area to which the public does not have direct access, to limit

the quantity of such products sold or transferred to the same person during any calendar day, to maintain a list of sales of such products and to ensure that certain information is entered in that list; prohibiting a person from acquiring more than a certain amount of certain products that are precursors to methamphetamine; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill establishes restrictions on the sale and purchase of products that contain materials that can be used to manufacture methamphetamine.

Section 6 of this bill requires sellers of a product that contains certain materials that can be used to manufacture methamphetamine to keep the product in a locked case or cabinet or behind a store counter so that the public does not have direct access to the product. Section 7 of this bill establishes limits on the quantity of certain chemicals that can be sold to the same person during a calendar day. Section 8 of this bill requires sellers of a product that contains materials that can be used to manufacture methamphetamine to maintain a logbook of sales and transfers of the product and to ensure that certain information is entered in the logbook.

If a seller of a product that contains materials that can be used to manufacture methamphetamine violates section 6, 7 or 8 of this bill, section 9 of this bill provides that the seller is subject to a civil penalty of not more than $250,000 for each violation. ~~[Moreover, if certain sellers knowingly or intentionally violate section 6, 7 or 8, then those sellers are subject to both civil penalties and criminal penalties.]~~

Section 10 of this bill prohibits a person from knowingly or intentionally purchasing or otherwise acquiring a certain amount of certain chemicals that can be used to manufacture methamphetamine. A person who violates this provision is subject to criminal penalties.

Section 11 of this bill prohibits a person from knowingly or intentionally entering false information in the logbook. A person who violates this provision is guilty of a category D felony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 453 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Logbook" means a written or electronic list of each sale or transfer of a product that is a precursor to methamphetamine.***

Sec. 4. ***"Product that is a precursor to methamphetamine" means a product that contains ephedrine, pseudoephedrine or phenylpropanolamine or the salts, optical isomers or salts of optical isomers of such chemicals and may be marketed or distributed lawfully in the United States under the***

Federal Food, Drug and Cosmetic Act, 21 U.S.C. §§ 301 et seq., as a nonprescription drug.

Sec. 5. ***"Retail distributor" means a grocery store, general merchandise store, drugstore, pharmacy or other entity or person whose activities as a distributor of a product that is a precursor to methamphetamine are limited exclusively or almost exclusively to sales for personal use by an ultimate user, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.***

Sec. 6. ***A retail distributor shall keep, store or place a product that is a precursor to methamphetamine in a locked case or cabinet or behind a counter so that the public does not have direct access to the product before a sale or transfer is made.***

Sec. 7. ***1. Except as otherwise provided in subsection 2, a retail distributor shall not:***

(a) Sell or transfer to the same person during any calendar day, without regard to the number of transactions, more than 3.6 grams of ephedrine [,] base, pseudoephedrine base or phenylpropanolamine base or the salts, optical isomers or salts of optical isomers of such chemicals in a product that is a precursor to methamphetamine.

(b) Sell at retail and in nonliquid form a product that is a precursor to methamphetamine, including, without limitation, gel caps, unless:

(1) The product is packaged in blister packs, each blister containing not more than two dosage units; or

(2) If the use of blister packs is technically infeasible, the product is packaged in unit dosage packets or pouches.

2. The provisions of subsection 1 do not apply if, pursuant to 21 U.S.C. § 830(e)(3), the Attorney General of the United States has determined that a product that is a precursor to methamphetamine cannot be used to manufacture methamphetamine and provided by regulation that the product is exempt from the provisions of 21 U.S.C. § 830(d).

Sec. 8. ***1. A retail distributor shall maintain a logbook.***

2. At the time of a sale or transfer of a product that is a precursor to methamphetamine, a retail distributor shall ensure that the following information is entered in the logbook:

(a) The name of the product sold or transferred;

(b) The quantity of the product sold or transferred;

(c) The name and address of the purchaser or transferee; and

(d) The date and time of the sale or transfer.

3. A retail distributor shall not sell or transfer a product that is a precursor to methamphetamine unless:

(a) The prospective purchaser or transferee:

(1) Presents an identification card that provides a photograph and is issued by the Government of the United States or the government of this

State or any other state, or a document that, with respect to identification, is considered acceptable pursuant to 21 U.S.C. § 830(e)(1); and

(2) Signs his name in the logbook; and

(b) The retail distributor determines that the name entered in the logbook corresponds to the name provided on the identification presented by the prospective purchaser or transferee.

4. The retail distributor must include in the logbook ~~[must include a notice]~~ or otherwise post or provide to a prospective purchaser or transferee a notice that entering a false statement or representation in the logbook may subject the prospective purchaser or transferee to criminal penalties under state law, as set forth in section 11 of this act, and under federal law, as set forth in 18 U.S.C. § 1001.

5. A retail distributor shall maintain each entry in the logbook for not less than 2 years after the date on which the entry is made.

6. A retail distributor shall not access, use or share the information in the logbook unless the accessing, using or sharing of the information is allowed by federal law or unless the purpose of accessing, using or sharing the information is to ensure compliance with this chapter or to facilitate a product recall to protect the health and safety of the public.

7. Upon a request, which is made for the purpose of enforcing the provisions of sections 2 to 11, inclusive, of this act, by a law enforcement agency of this State or a political subdivision thereof or a law enforcement agency of the Federal Government, a retail distributor shall disclose the information in the logbook to the law enforcement agency.

Sec. 9. ~~*[1. Unless a greater penalty is provided in subsection 2, if]*~~ ***If a retail distributor violates any provision of section 6, 7 or 8 of this act, the retail distributor is subject to a civil penalty pursuant to the provisions of NRS 453.553 to 453.5533, inclusive.***

~~*[2. If a retail distributor knowingly violates any provision of section 6, 7 or 8 of this act after being ordered on two or more prior occasions to pay a civil penalty for violating section 6, 7 or 8 of this act or after two or more prior convictions under this chapter or the law of the United States or of any state, territory or district relating to a controlled substance, or a combination of two or more such prior convictions, have become final, the retail distributor:*~~

~~*(a) Is subject to a civil penalty pursuant to the provisions of NRS 453.553 to 453.5533, inclusive; and*~~

~~*(b) Is guilty of a category D felony and shall be punished as provided in NRS 193.130.]*~~

Sec. 10. ***1. Except as otherwise provided in subsection 2, a person shall not knowingly or intentionally purchase, receive or otherwise acquire:***

(a) During any calendar day more than 3.6 grams of ephedrine ~~[,]~~ base, pseudoephedrine base or phenylpropanolamine base or the salts, optical

isomers or salts of optical isomers of such chemicals in a product that is a precursor to methamphetamine; or

(b) During any 30-day period, more than 9 grams of ephedrine ~~[,]~~ base, pseudoephedrine base or phenylpropanolamine base or the salts, optical isomers or salts of optical isomers of such chemicals in a product that is a precursor to methamphetamine.

2. The provisions of this section do not apply if the person purchasing, receiving or otherwise acquiring a product that is a precursor to methamphetamine is a pharmacy, practitioner, retail distributor , wholesale distributor or dispenser that is purchasing, receiving or otherwise acquiring the product for the purpose of administering, distributing or dispensing it in a lawful manner.

3. A person who violates any of the provisions of this section is guilty of a misdemeanor, except that:

(a) If the person violates any of the provisions of this section after a prior conviction under this chapter or the law of the United States or of any state, territory or district relating to a controlled substance has become final, the person is guilty of a gross misdemeanor; and

(b) If the person violates any of the provisions of this section after two or more prior convictions under this chapter or the law of the United States or of any state, territory or district relating to a controlled substance, or a combination of two or more such prior convictions, have become final, the person is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 11. ***Any person who knowingly or intentionally enters a false statement or representation in a logbook is guilty of a category D felony and shall be punished as provided in NRS 193.130.***

Sec. 12. NRS 453.553 is hereby amended to read as follows:

453.553 1. In addition to any criminal penalty imposed for a violation of the provisions of NRS 453.011 to 453.552, inclusive, ***and sections 2 to 11, inclusive, of this act,*** any person who ***violates section 6, 7 or 8 of this act,*** unlawfully sells, manufactures, delivers or brings into this State, possesses for sale or participates in any way in a sale of a controlled substance listed in schedule I, II or III or who engages in any act or transaction in violation of the provisions of NRS 453.3611 to 453.3648, inclusive, is subject to a civil penalty for each violation. This penalty must be recovered in a civil action, brought in the name of the State of Nevada by the Attorney General or by any district attorney in a court of competent jurisdiction.

2. As used in ~~[this section and NRS 453.5531, 453.5532 and 453.5533:]~~ ***NRS 453.553 to 453.5533, inclusive:***

(a) "Each violation" includes a continuous or repetitive violation arising out of the same act.

(b) "Sell" includes exchange, barter, solicitation or receipt of an order, transfer to another for sale or resale and any other transfer for any consideration or a promise obtained directly or indirectly.

(c) "Substitute" means a substance which:

(1) Was manufactured by a person who at the time was not currently registered with the Secretary of Health and Human Services; and

(2) Is an imitation of or intended for use as a substitute for a substance listed in schedule I, II or III.

Sec. 13. NRS 453.5531 is hereby amended to read as follows:

453.5531 1. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving marijuana, to a civil penalty in an amount:

(a) Not to exceed $350,000, if the quantity involved is 100 pounds or more, but less than 2,000 pounds.

(b) Not to exceed $700,000, if the quantity involved is 2,000 pounds or more, but less than 10,000 pounds.

(c) Not to exceed $1,000,000, if the quantity involved is 10,000 pounds or more.

2. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance, except marijuana, which is listed in schedule I or a substitute therefor, to a civil penalty in an amount:

(a) Not to exceed $350,000, if the quantity involved is 4 grams or more, but less than 14 grams.

(b) Not to exceed $700,000, if the quantity involved is 14 grams or more, but less than 28 grams.

(c) Not to exceed $1,000,000, if the quantity involved is 28 grams or more.

3. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance which is listed in schedule II or III or a substitute therefor, to a civil penalty in an amount:

(a) Not to exceed $350,000, if the quantity involved is 28 grams or more, but less than 200 grams.

(b) Not to exceed $700,000, if the quantity involved is 200 grams or more, but less than 400 grams.

(c) Not to exceed $1,000,000, if the quantity involved is 400 grams or more.

4. Unless a greater civil penalty is authorized by another provision of this section, the State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions of NRS 453.3611 to 453.3648, inclusive, to a civil penalty in an amount not to exceed $350,000.

5. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions of section 6, 7 or 8 of this act, to a civil penalty in an amount not to exceed $250,000 for each violation.

Sec. 14. NRS 453.5533 is hereby amended to read as follows:

453.5533 1. A civil action brought pursuant to NRS 453.553 must be brought within 3 years after the conduct in violation of the provisions of

NRS 453.011 to 453.552, inclusive, ***and sections 2 to 11, inclusive, of this act*** occurs.

2. Such a civil action is not barred by a prior acquittal of the defendant in a criminal action arising out of the same act, transaction or occurrence. A final judgment or decree rendered in favor of the State in any criminal proceeding arising out of the same act, transaction or occurrence estops the defendant in a subsequent civil action from denying the essential allegations of the criminal offense.

Sec. 15. **This act becomes effective on July 1, 2007.**

Assemblywoman Leslie moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 148.

Remarks by Assemblywoman Leslie.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 110.

The following Senate amendment was read:

Amendment No. 711.

SUMMARY— ~~[Repeals]~~ **Revises** the prospective expiration of the exemption from the property tax levied on the real and personal property of certain apprenticeship programs. (BDR S-75)

AN ACT relating to taxation; ~~[repealing]~~ **revising** the prospective expiration of the exemption from the property tax levied on the real and personal property of certain apprenticeship programs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides an exemption from the taxes levied on the real and personal property of an apprenticeship program if the property is held in trust or owned by a local or state apprenticeship committee. In addition, the apprenticeship program must be registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS and operated by an organization qualified pursuant to 26 U.S.C. § 501(c)(3) or (5). (NRS 361.106) The exemption expires by limitation on July 1, 2007. This bill ~~[removes the provision which requires the exemption to expire by limitation.]~~ **changes the expiration date from July 1, 2007, to July 1, 2022.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 and 2 of this bill and replace with the following new sections 1 and 2:

Section 1. **Section 2 of chapter 210, Statutes of Nevada 1999, as amended by section 58 of chapter 10, Statutes of Nevada 2001, at page 68, is hereby amended to read as follows:**

Sec. 2. This act becomes effective on July 1, 1999, and expires by limitation on July 1, ~~[2007.]~~ ***2022.***

Sec. 2. **This act becomes effective on June 30, 2007.**

Assemblywoman McClain moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 110.

Remarks by Assemblywoman McClain.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 433.

The following Senate amendment was read:

Amendment No. 806.

SUMMARY—Further limits the authority of public bodies to close meetings. (BDR 19-892)

AN ACT relating to meetings of public bodies; providing additional limitations on the authority of public bodies to close meetings; limiting the authority of the Nevada Tax Commission to close certain hearings; **providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that meetings of public bodies be open to the public. (Chapter 241 of NRS) Exceptions to the general rule are allowed by specific statute. (NRS 241.020) Section 1 of this bill provides that if an exception is allowed by specific statute, the meeting may be closed only to the extent specified in the statute and requires that all other portions of the meeting be open and public. Sections 2 and 3 of this bill limit and clarify a specific exception for the Nevada Tax Commission that allows closed hearings on appeals by taxpayers under certain circumstances. (NRS 360.247, 372.750)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies. ***A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute.*** Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate physically handicapped persons desiring to attend.

2. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

(a) The time, place and location of the meeting.

(b) A list of the locations where the notice has been posted.

(c) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items.

(3) A period devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).

(4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.

(5) If, during any portion of the meeting, the public body will consider whether to take administrative action against a person, the name of the person against whom administrative action may be taken.

3. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting; and

(b) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) If feasible for the public body and the requester has agreed to receive the public notice by electronic mail, transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

4. If a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 3. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

5. Upon any request, a public body shall provide, at no charge, at least one copy of:

(a) An agenda for a public meeting;

(b) A proposed ordinance or regulation which will be discussed at the public meeting; and

(c) Subject to the provisions of subsection 6, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

➥ As used in this subsection, "proprietary information" has the meaning ascribed to it in NRS 332.025.

6. A copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 5 must be:

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

➥ If the requester has agreed to receive the information and material set forth in subsection 5 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

7. A public body may provide the public notice, information and material required by this section by electronic mail. If a public body makes such notice, information and material available by electronic mail, the public body shall inquire of a person who requests the notice, information or material if the person will accept receipt by electronic mail. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or material required by this section to a person who has agreed to receive such notice, information or material by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

8. As used in this section, "emergency" means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

(a) Disasters caused by fire, flood, earthquake or other natural causes; or

(b) Any impairment of the health and safety of the public.

Sec. 2. NRS 360.247 is hereby amended to read as follows:

360.247 ***1.*** Except as otherwise provided in this section, any appeal to the Nevada Tax Commission which is taken by a taxpayer concerning his liability for tax must be heard during a session of the Commission which is open to the public. ~~[A]~~ ***Upon request by the taxpayer, a*** hearing on such an

appeal may be closed to the public ~~[if the taxpayer requests that it be closed.]~~ ***to receive proprietary or confidential information.***

2. As soon as practicable after closing a hearing pursuant to subsection 1, the Nevada Tax Commission shall ~~[make a determination as to]~~ determine whether the ~~[material]~~ information to be presented in the closed hearing is ~~[properly classified as]~~ proprietary or confidential information. If the Commission, in its discretion, determines that the information is ~~[determined]~~ not ~~[to be]~~ proprietary or confidential ~~[,]~~ information, the Commission shall immediately open the hearing to the public. If the Commission, in its discretion, determines that the information is ~~[determined to be properly classified as]~~ proprietary or confidential information ~~[,]~~ :

(a) The hearing must remain closed to the public and the Commission shall ~~[proceed to gather]~~ receive the information in a manner that ensures that ~~[each member]~~ the members of the Commission ~~[has]~~ have a reasonable and adequate opportunity to review the information and make any inquiries ~~[the]~~ that any member believes to be necessary and appropriate.

~~[3. Upon completion of the information gathering portion of the hearing]~~

(b) After the receipt of and opportunity to review the proprietary or confidential information pursuant to ~~[subsection 2,]~~ paragraph (a), the ~~[Nevada Tax]~~ Commission shall ~~[open]~~ reopen the hearing to the public and ~~[begin deliberating in a manner that does not make public any]~~ proceed to deliberate toward a decision regarding issues in the appeal that are not proprietary or confidential . ~~[information.~~

~~4.]~~ ***(c) After a hearing has been reopened pursuant to paragraph (b), the Commission shall, upon the request of any member of the Commission who believes that he cannot conduct meaningful deliberations with the other members of the Commission on the appeal because the appeal concerns proprietary or confidential information, close the hearing for further deliberations. The definitive vote on the appeal must be taken during a hearing of the Commission that is open to the public.***

3. The Nevada Tax Commission shall adopt regulations which establish procedures:

(a) By which a taxpayer may request a closed hearing ~~[;]~~ pursuant to this section.

(b) By which the Commission may determine ~~[during a closed hearing]~~ whether information is ~~[appropriately classified as]~~ proprietary or confidential information ~~[; and~~

~~*(c) For the manner in which the Commission may deliberate and vote on an appeal in an open meeting without making any proprietary or confidential information public.*~~

~~*5. If the Nevada Tax Commission closes a hearing to receive information, all deliberations must be conducted and all decisions with respect to the appeal must be made in an open and public hearing. The*~~

~~*Commission must, at a minimum, provide at the public hearing sufficient information for the public to understand the basis and rationale for the decision of the Commission, including, without limitation:*~~

~~*(a) The name of the taxpayer;*~~

~~*(b) The amount of the taxpayer's liability, including interest and penalties;*~~

~~*(c) The type of tax at issue; and*~~

~~*(d) The general nature of the evidence relied upon by the Commission in reaching its decision.*~~

~~*6.]*~~ ***during a closed hearing.***

4. Not later than 45 days after the Nevada Tax Commission deliberates in a closed hearing and makes a definitive decision on an appeal in a hearing that is open to the public pursuant to this section, the Commission shall prepare an abstract that explains the reasons for the decision, which must be made available to the public upon request. Such an abstract:

(a) Must include, without limitation:

(1) The name of the taxpayer;

(2) The amount of the taxpayer's liability, including interest and penalties;

(3) The type of tax at issue; and

(4) The general nature of the evidence relied upon by the Commission in reaching its decision.

(b) Must not contain any proprietary or confidential information relating to the taxpayer.

5. A member of the Nevada Tax Commission or an officer, agent or employee of the Department is not subject to any criminal penalty or civil liability for the ~~*[inadvertent]*~~ ***use or publication of proprietary or confidential information*** ~~*[disclosed]*~~ ***received pursuant to the procedure set forth in subsection 2, regardless of whether the information was received during a closed hearing .*** ~~*[conducted pursuant to this section.*~~

~~*7.]*~~ ***6. The Nevada Tax Commission shall take such actions as it deems necessary to protect the confidentiality of information provided by a taxpayer that the Commission has determined to be proprietary or confidential information, including, without limitation:***

(a) Issuing such protective orders as it deems necessary;

(b) Restricting access to any hearing closed to the public and to the records and transcripts of any such hearing, without the prior approval of the Commission; and

(c) Prohibiting any intervener allowed to attend such a hearing or allowed access to the records and transcripts of such a hearing from disclosing such information without prior authorization from the Commission.

7. A person who violates a protective order issued by the Nevada Tax Commission pursuant to subsection 6 is guilty of a misdemeanor, unless a

more severe penalty is prescribed by law for the act that constitutes the violation of the order.

8. As used in this section [, "proprietary] :

(a) "Confidential economic information":

(1) Means any information which is not available to the public generally, which confers an economic benefit on the holder of the information as a result of its unavailability and which is the subject of reasonable efforts by the taxpayer to maintain its secrecy.

(2) Includes, without limitation, information relating to the amount or source of any income, profits, losses or expenditures of the taxpayer, such as data relating to costs, prices or customers.

(b) "Proprietary or confidential information":

[(a)] (1) Means:

[(1)] (I) Any trade secret , [or] confidential economic information or business information that is submitted to the Nevada Tax Commission by the taxpayer and [designated as] is determined to be proprietary or confidential information by the Commission; or

[(2)] (II) Any information [declared by] that a specific statute declares to be confidential or [that] prohibits the Commission [is prohibited] from making public . [by specific statute.

(b)] (2) Does not include any information that has been published for public distribution or is otherwise [generally] available to the public generally or in the public domain.

[3. As used in this subsection, "confidential economic information" means any information that is not generally known to the public, that confers an economic benefit to the holder specifically because it is not known and that is the subject of reasonable efforts to maintain its secrecy, including, without limitation, information relating to the amount or source of any income, profits, losses or expenditures of the taxpayer, including data relating to costs, prices or the customers of the taxpayer.]

Sec. 3. NRS 372.750 is hereby amended to read as follows:

372.750 1. Except as otherwise provided in this section [,] ***or NRS 360.247,*** it is a misdemeanor for any member of the Tax Commission or officer, agent or employee of the Department to make known in any manner whatever the business affairs, operations or information obtained by an investigation of records and equipment of any retailer or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular of them, set forth or disclosed in any return, or to permit any return or copy of a return, or any book containing any abstract or particulars of it to be seen or examined by any person not connected with the Department.

2. The Tax Commission may agree with any county fair and recreation board or the governing body of any county, city or town for the continuing exchange of information concerning taxpayers.

3. The Governor may, by general or special order, authorize the examination of the records maintained by the Department under this chapter by other state officers, by tax officers of another state, by the Federal Government, if a reciprocal arrangement exists, or by any other person. The information so obtained may not be made public except to the extent and in the manner that the order may authorize that it be made public.

4. Upon written request made by a public officer of a local government, the Executive Director shall furnish from the records of the Department, the name and address of the owner of any seller or retailer who must file a return with the Department. The request must set forth the social security number of the owner of the seller or retailer about which the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. The information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Executive Director may charge a reasonable fee for the cost of providing the requested information.

5. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, may be given information as to the items included in the measure and amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties.

6. Relevant information ***that the Tax Commission has determined is not proprietary or confidential information in a hearing conducted pursuant to NRS 360.247*** may be disclosed as evidence in an appeal by the taxpayer from a determination of tax due.

7. At any time after a determination, decision or order of the Executive Director or other officer of the Department imposing upon a person a penalty for fraud or intent to evade the tax imposed by this chapter on the sale, storage, use or other consumption of any vehicle, vessel or aircraft becomes final or is affirmed by the Commission, any member of the Commission or officer, agent or employee of the Department may publicly disclose the identity of that person and the amount of tax assessed and penalties imposed against him.

Sec. 4. **The provisions of NRS 360.247, as amended by section 2 of this act, do not apply to any appeal to the Nevada Tax Commission taken by a taxpayer concerning his liability for tax that has been heard by the Commission before July 1, 2007.**

Sec. 5. This act becomes effective on July 1, 2007.

Assemblywoman McClain moved that the Assembly concur in the Senate amendment to Assembly Bill No. 433.

Remarks by Assemblywoman McClain.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 483.

The following Senate amendment was read:

Amendment No. 1000.

SUMMARY— ~~[Revises provisions concerning the enforcement of judgments.]~~ **Makes various changes to provisions pertaining to civil actions.** (BDR 2-1408)

AN ACT relating to ~~[property;]~~ **civil actions; increasing the amount of the homestead exemption;** providing that certain property of a judgment debtor is exempt from execution; **increasing the amount of damages that may be awarded in certain tort actions brought against a governmental entity or its officers or employees;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, with certain exceptions, in a civil action in which damages were awarded, the prevailing party in the action may obtain a writ of execution to enforce the judgment at any time before the judgment expires. (NRS 21.010) Existing law exempts certain property from such a writ of execution up to a specified monetary value. (NRS 21.090) In addition, existing law protects from a forced sale up to $350,000 in equity of certain property which is designated as a homestead by a person, except in certain circumstances. (NRS 115.005, 115.010)

Sections 2, 4 and 5 of this bill increase the amount of equity protected in homestead property from $350,000 to $450,000. Section 2 ~~[of this bill]~~ **also** expands the list of the property of a judgment debtor that is exempt from execution to include: (1) certain personal property not to exceed $1,000 in total value; and (2) any tax refund the judgment debtor receives because of the federal earned income credit or any similar credit under a state law. (NRS 21.090) Sections 1 and 3 of this bill add those new exemptions to the list of exemptions provided in certain notices of execution. (NRS ~~[21.076,]~~ **21.075,** 31.045) **Sections 1 and 3 also revise the contents of a notice of writ of execution and a notice of writ of attachment to reflect the changes in the homestead exemption included in this bill.**

Section 3.5 of this bill increases the limitation on the amount of damages that may be awarded in a tort action brought against a governmental entity or its officers or employees from $50,000 to $100,000. (NRS 41.035)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 21.075 is hereby amended to read as follows:

21.075 1. Execution on the writ of execution by levying on the property of the judgment debtor may occur only if the sheriff serves the judgment debtor with a notice of the writ of execution pursuant to NRS 21.076 and a copy of the writ. The notice must describe the types of

property exempt from execution and explain the procedure for claiming those exemptions in the manner required in subsection 2. The clerk of the court shall attach the notice to the writ of execution at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to ..... (name of person), the judgment creditor. He has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed ~~[$350,000,]~~ ***$450,000,*** unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. A vehicle, if your equity in the vehicle is less than $15,000.

11. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

12. Money, not to exceed $500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

13. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

15. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

16. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

17. Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

18. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

19. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

20. Payments received as restitution for a criminal act.

21. Personal property, not to exceed $1,000 in total value, if the property is not otherwise exempt from execution.

22. A tax refund received from the earned income credit provided by federal law or a similar state law.

➥ These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to indigent or elderly persons).

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless you or the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The motion for the hearing to determine the issue of exemption must be filed within 10 days after the affidavit claiming exemption is filed. The hearing to determine whether the property or money is exempt must be held within 10 days after the motion for the hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

Sec. 2. NRS 21.090 is hereby amended to read as follows:

21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:

(a) Private libraries, works of art, musical instruments and jewelry not to exceed $5,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed $12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed $4,500 in value, belonging to the judgment debtor to be selected by him.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of himself and his family not to exceed $10,000 in value.

(e) The cabin or dwelling of a miner or prospector, his cars, implements and appliances necessary for carrying on any mining operations and his mining claim actually worked by him, not exceeding $4,500 in total value.

(f) Except as otherwise provided in paragraph (o), one vehicle if the judgment debtor's equity does not exceed $15,000 or the creditor is paid an amount equal to any excess above that equity.

(g) For any workweek, 75 percent of the disposable earnings of a judgment debtor during that week, or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs (n), (r) and (s), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance, if the annual premium paid does not exceed $15,000. If the premium exceeds that amount, a similar exemption exists which bears the same proportion to the money, benefits,

privileges and immunities so accruing or growing out of the insurance that the $15,000 bears to the whole annual premium paid.

(l) The homestead as provided for by law, including a homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself and family, where the amount of equity held by the judgment debtor in the home does not exceed ~~[$350,000]~~ ***$450,000*** in value and the dwelling is situated upon lands not owned by him.

(n) All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

(o) Any vehicle owned by the judgment debtor for use by him or his dependent that is equipped or modified to provide mobility for a person with a permanent disability.

(p) Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

(q) Money, not to exceed $500,000 in present value, held in:

(1) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(2) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(3) A cash or deferred arrangement which is a qualified plan pursuant to the Internal Revenue Code;

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

(r) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

(s) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

(t) Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person

upon whom the judgment debtor is dependent at the time the payment is received.

(u) Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(v) Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(w) Payments received as restitution for a criminal act.

(x) Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

(y) Any personal property not otherwise exempt from execution pursuant to this subsection belonging to the judgment debtor, including, without limitation, the judgment debtor's equity in any property, money, stocks, bonds or other funds on deposit with a financial institution, not to exceed $1,000 in total value, to be selected by the judgment debtor.

(z) Any tax refund received by the judgment debtor that is derived from the earned income credit described in section 32 of the Internal Revenue Code, 26 U.S.C. § 32, or a similar credit provided pursuant to a state law.

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Act of 1978, 11 U.S.C. § 522(d), do not apply to property owned by a resident of this State unless conferred also by subsection 1, as limited by subsection 2.

Sec. 3. NRS 31.045 is hereby amended to read as follows:

31.045 1. Execution on the writ of attachment by attaching property of the defendant may occur only if:

(a) The judgment creditor serves the defendant with notice of the execution when the notice of the hearing is served pursuant to NRS 31.013; or

(b) Pursuant to an ex parte hearing, the sheriff serves upon the judgment debtor notice of the execution and a copy of the writ at the same time and in the same manner as set forth in NRS 21.076.

➥ If the attachment occurs pursuant to an ex parte hearing, the clerk of the court shall attach the notice to the writ of attachment at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

Plaintiff, ... (name of person), alleges that you owe him money. He has begun the procedure to collect that money. To secure satisfaction of judgment the court has ordered the garnishment of your wages, bank account or other personal property held by third persons or the taking of money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed ~~[$350,000,]~~ ***$450,000,*** unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. A vehicle, if your equity in the vehicle is less than $15,000.

11. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

12. Money, not to exceed $500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

13. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

15. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

16. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

17. Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

18. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

19. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

20. Payments received as restitution for a criminal act.

21. Personal property, not to exceed $1,000 in total value, if the property is not otherwise exempt from execution.

22. A tax refund received from the earned income credit provided by federal law or a similar state law.

➥ These exemptions may not apply in certain cases such as proceedings to enforce a judgment for support of a child or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in

determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to the indigent or elderly persons).

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt or necessary for the support of you or your family, you must file with the clerk of the court on a form provided by the clerk a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The hearing must be held within 10 days after the motion for a hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

If you received this notice with a notice of a hearing for attachment and you believe that the money or property which would be taken from you by a writ of attachment is exempt or necessary for the support of you or your family, you are entitled to describe to the court at the hearing why you believe your property is exempt. You may also file a motion with the court for a discharge of the writ of attachment. You may make that motion any time before trial. A hearing will be held on that motion.

IF YOU DO NOT FILE THE MOTION BEFORE THE TRIAL, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE PLAINTIFF, EVEN IF THE PROPERTY OR MONEY IS EXEMPT OR NECESSARY FOR THE SUPPORT OF YOU OR YOUR FAMILY.

Sec. 3.5. **NRS 41.035 is hereby amended to read as follows:**

41.035 1. An award for damages in an action sounding in tort brought under NRS 41.031 or against a present or former officer or employee of the State or any political subdivision, immune contractor or State Legislator arising out of an act or omission within the scope of his public duties or employment may not exceed the sum of ~~[$50,000,]~~ ***$100,000,*** exclusive of interest computed from the date of judgment, to or for the benefit of any claimant. An award may not include any amount as exemplary or punitive damages.

2. The limitations of subsection 1 upon the amount and nature of damages which may be awarded apply also to any action sounding in tort and arising from any recreational activity or recreational use of land or water which is brought against:

(a) Any public or quasi-municipal corporation organized under the laws of this State.

(b) Any person with respect to any land or water leased or otherwise made available by that person to any public agency.

(c) Any Indian tribe, band or community whether or not a fee is charged for such activity or use. The provisions of this paragraph do not impair or modify any immunity from liability or action existing on February 26, 1968, or arising after February 26, 1968, in favor of any Indian tribe, band or community.

➥ The Legislature declares that the purpose of this subsection is to effectuate the public policy of the State of Nevada by encouraging the recreational use of land, lakes, reservoirs and other water owned or controlled by any public or quasi-municipal agency or corporation of this State, wherever such land or water may be situated.

Sec. 4. **NRS 115.010 is hereby amended to read as follows:**

115.010 1. The homestead is not subject to forced sale on execution or any final process from any court, except as otherwise provided by subsections 2, 3 and 5, and NRS 115.090 and except as otherwise required by federal law.

2. The exemption provided in subsection 1 extends only to that amount of equity in the property held by the claimant which does not exceed ~~[$350,000]~~ ***$450,000*** in value, unless allodial title has been established and not relinquished, in which case the exemption provided in subsection 1 extends to all equity in the dwelling, its appurtenances and the land on which it is located.

3. Except as otherwise provided in subsection 4, the exemption provided in subsection 1 does not extend to process to enforce the payment of obligations contracted for the purchase of the property, or for improvements made thereon, including any mechanic's lien lawfully obtained, or for legal taxes, or for:

(a) Any mortgage or deed of trust thereon executed and given, including, without limitation, any second or subsequent mortgage, mortgage obtained through refinancing, line of credit taken against the property and a home equity loan; or

(b) Any lien to which prior consent has been given through the acceptance of property subject to any recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude, specifically including any lien in favor of an association pursuant to NRS 116.3116 or 117.070,

➥ by both husband and wife, when that relation exists.

4. If allodial title has been established and not relinquished, the exemption provided in subsection 1 extends to process to enforce the payment of obligations contracted for the purchase of the property, and for improvements made thereon, including any mechanic's lien lawfully obtained, and for legal taxes levied by a state or local government, and for:

(a) Any mortgage or deed of trust thereon; and

(b) Any lien even if prior consent has been given through the acceptance of property subject to any recorded declaration of restrictions, deed

restriction, restrictive covenant or equitable servitude, specifically including any lien in favor of an association pursuant to NRS 116.3116 or 117.070,

➥ unless a waiver for the specific obligation to which the judgment relates has been executed by all allodial titleholders of the property.

5. Establishment of allodial title does not exempt the property from forfeiture pursuant to NRS 179.1156 to 179.119, inclusive, or 207.350 to 207.520, inclusive.

6. Any declaration of homestead which has been filed before July 1, ~~[2005,]~~ ***2007,*** shall be deemed to have been amended on that date by extending the homestead exemption commensurate with any increase in the amount of equity held by the claimant in the property selected and claimed for the exemption up to the amount permitted by law on that date, but the increase does not impair the right of any creditor to execute upon the property when that right existed before July 1, ~~[2005.]~~ ***2007.***

Sec. 5. **NRS 115.050 is hereby amended to read as follows:**

115.050 1. Whenever execution has been issued against the property of a party claiming the property as a homestead, and the creditor in the judgment makes an oath before the judge of the district court of the county in which the property is situated ~~[,]~~ that the amount of equity held by the claimant in the property exceeds, to the best of the creditor's information and belief, the sum of ~~[$350,000,]~~ ***$450,000,*** the judge shall, upon notice to the debtor, appoint three disinterested and competent persons as appraisers to estimate and report as to the amount of equity held by the claimant in the property ~~[,]~~ and **,** if the amount of equity exceeds the sum of ~~[$350,000,]~~ ***$450,000,*** determine whether the property can be divided so as to leave the property subject to the homestead exemption without material injury.

2. If it appears, upon the report, to the satisfaction of the judge that the property can be thus divided, he shall order the excess to be sold under execution. If it appears that the property cannot be thus divided, and the amount of equity held by the claimant in the property exceeds the exemption allowed by this chapter, he shall order the entire property to be sold, and out of the proceeds the sum of ~~[$350,000]~~ ***$450,000*** to be paid to the defendant in execution, and the excess to be applied to the satisfaction on the execution. No bid under ~~[$350,000]~~ ***$450,000*** may be received by the officer making the sale.

3. When the execution is against a husband or wife, the judge may direct the ~~[$350,000]~~ ***$450,000*** to be deposited in court, to be paid out only upon the joint receipt of the husband and wife, and the deposit possesses all the protection against legal process and voluntary disposition by either spouse as did the original homestead.

Sec. 5.5. **The amendatory provisions of section 3.5 of this act apply to a cause of action that accrues on or after October 1, 2007.**

~~[Sec. 4.]~~ ***Sec. 6.*** **1.** This **section and sections 1, 2, 3, 4 and 5 of this** act ~~[becomes]~~ **become** effective on July 1, 2007.

2. Section 3.5 of this act becomes effective on October 1, 2007.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 483.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 55.

The following Senate amendment was read:

Amendment No. 563.

AN ACT relating to court reporting; expanding the definition of "practice of court reporting" to include reporting by the use of voice writing; expanding the definition of "stenographic notes" to include certain records produced by voice writing; revising the circumstances under which a person may be admitted for examination in this State for a certified court reporter's certificate; establishing designations for certain court reporters; authorizing the use of certain abbreviations by certain court reporters; prohibiting certified court reporters-voice writers from practicing court reporting by using any method of court reporting other than voice writing; requiring an official reporter to make a record of certain proceedings; ~~[exempting certain persons who operate sound recording equipment or transcribe sound recordings from the requirement to be a certified court reporter;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the certification of court reporters. (Chapter 656 of NRS) Section 1 of this bill expands the definition of "practice of court reporting" to include the making of a verbatim record of a court proceeding by speaking into a device that either digitally translates the words into text or makes a tape or digital recording of the words. Section 1 also expands the definition of "stenographic notes" to include such a record. Existing law requires applicants for certification as court reporters to have fulfilled one of a number of specified obligations before being permitted to take the certification test. (NRS 656.170) Section 2 of this bill allows a person to take the certification test if the person has passed an examination administered by the National Verbatim Reporters Association or the National Court Reporters Association or has received a certificate from either association, and the examination or certificate has been approved by the Certified Court Reporters' Board of Nevada.

Current law requires a person who has been issued a certificate of registration as a certified court reporter to be designated a "certified court reporter" and authorizes such a person to use the abbreviation "C.C.R." in connection with the practice of court reporting. (NRS 656.310) Section 3 of this bill provides that a person who only used voice writing technology to pass the court reporter test be designated a "certified court reporter-voice writer," and that such a person may use the abbreviation "C.C.R.-V.," may

not use the abbreviation "C.C.R.," and may only use voice writing in the practice of court reporting.

~~[Existing law authorizes a court or judge to appoint or designate certain persons to operate sound recording equipment used to record certain civil and criminal proceedings and certain persons to read and transcribe the recording. (NRS 3.380) Section 5 of this bill provides that each such person appointed or designated to operate sound recording equipment or to transcribe a recording is not required to be a certified court reporter.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 656.030 is hereby amended to read as follows:

656.030 As used in this chapter, unless the context otherwise requires:

1. "Board" means the Certified Court Reporters' Board of Nevada.

2. "Certificate" means a certified court reporter's certificate issued under the provisions of this chapter.

3. ~~["Court]~~ ***"Certified court reporter" or "court*** reporter" means a person who is technically qualified and registered under this chapter to practice court reporting.

4. "Court reporting firm" means a person who, for compensation, provides or arranges for the services of a court reporter or provides referral services for court reporters.

5. "Designated representative of a court reporting firm" means the person designated to act as the representative of a court reporting firm pursuant to NRS 656.186.

6. "License" means a license issued under the provisions of this chapter to conduct business as a court reporting firm.

7. "Licensee" means a person to whom a license has been issued.

8. "Practice of court reporting" means reporting by the use of ***voice writing or*** any system of manual or mechanical shorthand writing:

(a) Grand jury proceedings;

(b) Court proceedings;

(c) Pretrial examinations, depositions, motions and related proceedings of like character; or

(d) Proceedings of an administrative agency if the final decision of the agency with reference thereto is subject to judicial review.

9. "Stenographic notes" means ~~[the]~~ ***:***

(a) The original manually or mechanically produced notes in shorthand or shorthand writing taken by a court reporter while in attendance at a proceeding to report the proceeding ~~[.]~~ ***; or***

(b) The record produced by the use of voice writing by a court reporter while in attendance at a proceeding.

10. "Voice writing" means the making of a verbatim record of a proceeding by repeating the words of the speaker into a device that is capable of:

(a) Digitally translating the words into text; or

(b) Making a tape or digital recording of those words.

Sec. 2. NRS 656.170 is hereby amended to read as follows:

656.170 1. Examinations must be held no less than twice a year at such times and places as the Board may designate.

2. No person may be admitted to the examination unless he first presents satisfactory evidence to the Board that he has:

(a) Received a passing grade on the National Court Reporters Association's examination for registered professional reporters ~~[,]~~ ***, if the Board has approved the examination;***

(b) ***Received a passing grade on the National Verbatim Reporters Association's examination for certified verbatim reporters, if the Board has approved the examination;***

(c) A certificate of satisfactory completion of a prescribed course of study from a school for court reporters which includes English grammar, reading, spelling and vocabulary, medical and legal terminology, transcription, and court reporting at 200 words per minute with an accuracy of 97.5 percent;

~~[(c)]~~ ***(d)*** A certificate as a registered professional reporter or a certificate of merit from the National Court Reporters Association ~~[;~~

~~(d)]~~ ***, if the Board has approved each such certificate;***

(e) A certificate as a certified verbatim reporter or a certificate of merit from the National Verbatim Reporters Association, if the Board has approved each such certificate;

(f) A valid certificate or license to practice court reporting issued by another state; or

~~[(e)]~~ ***(g)*** One year of continuous experience as a full-time court reporter using ***voice writing or*** any system of manual or mechanical shorthand writing.

Sec. 3. NRS 656.310 is hereby amended to read as follows:

656.310 1. ~~[Every]~~ ***Except as otherwise provided in subsection 2, each*** person to whom a valid existing certificate of registration as a certified court reporter has been issued under this chapter ~~[must]~~ ***:***

(a) Must be designated as a certified court reporter ~~[and not otherwise, and any such registered certified court reporter may,]~~ ***;***

(b) May, in connection with his practice of court reporting, use the abbreviation "C.C.R." ***; and***

(c) Shall not, in connection with his practice of court reporting, use the abbreviation "C.C.R.-V."

2. Each person to whom a valid existing certificate of registration as a certified court reporter has been issued under this chapter and who has only passed the portion of the examination required pursuant to paragraph (b) of subsection 2 of NRS 656.160 through the use of voice writing:

(a) Must be designated as a certified court reporter-voice writer;

(b) May, in connection with his practice of court reporting, use the abbreviation "C.C.R.-V.";

(c) Shall not, in connection with his practice of court reporting, use the abbreviation "C.C.R."; and

(d) Shall engage in the practice of court reporting only through the use of voice writing.

3. No person other than the holder of a valid existing certificate of registration under this chapter may use the title or designation of "certified court reporter," ~~[or "C.C.R.,"]~~ ***"certified court reporter-voice writer," "C.C.R." or "C.C.R.-V.,"*** either directly or indirectly, in connection with his profession or business.

~~[2.]~~ ***4.*** Every holder of a certificate shall place the number of his certificate:

(a) On the cover page and certificate page of all transcripts of proceedings; and

(b) On all business cards.

Sec. 4. NRS 3.320 is hereby amended to read as follows:

3.320 1. The judge or judges of any district court may appoint, subject to the provisions of this chapter and other laws as to the qualifications and examinations of the appointee, one certified court reporter, to be known as official reporter of the court or department and to hold office during the pleasure of the judge appointing him. The appointee may be any business organization if the person representing it, who actually performs the reporting service, is a certified court reporter.

2. The official reporter, or any one of them if there are two or more, shall:

(a) At the request of either party or of the court in a civil action or proceeding, and on the order of the court, the district attorney or the attorney for the defendant in a criminal action or proceeding, ~~[take down in shorthand]~~ ***make a record of*** all the testimony, the objections made, the rulings of the court, the exceptions taken, all arraignments, pleas and sentences of defendants in criminal cases, and all statements and remarks made by the district attorney or judge, and all oral instructions given by the judge; and

(b) If directed by the court or requested by either party, within such reasonable time after the trial of the case as may be designated by law or, in the absence of any law relating thereto, by the court, write out the ~~[shorthand copy,]~~ ***record,*** or such specific portions thereof as may be requested, in plain and legible longhand, or by typewriter or other printing machine. The reporter shall certify to that copy as being correctly reported and transcribed ~~[,]~~ and, when directed by the law or court, ***shall*** file it with the clerk of the court.

Sec. 5. NRS 3.380 is hereby amended to read as follows:

3.380 1. The judge or judges of any district court may, with the approval of the board of county commissioners of any one or more of the counties comprising such district, in addition to the appointment of a court reporter as in this chapter provided, enter an order for the installation of

sound recording equipment for use in any of the instances recited in NRS 3.320, for the recording of any civil and criminal proceedings, testimony, objections, rulings, exceptions, arraignments, pleas, sentences, statements and remarks made by the district attorney or judge, oral instructions given by the judge and any other proceedings occurring in civil or criminal actions or proceedings, or special proceedings whenever and wherever and to the same extent as any of such proceedings have heretofore under existing statutes been recorded by the official reporter or any special reporter or any reporter pro tempore appointed by the court.

2. For the purpose of operating such sound recording equipment **,** the court or judge may appoint or designate the official reporter or a special reporter or reporter pro tempore or the county clerk or clerk of the court or deputy clerk. The person so operating such sound recording equipment ~~*[is not required to be a certified court reporter and]*~~ shall subscribe to an oath that he will well and truly operate the equipment so as to record all of the matters and proceedings.

3. The court may then designate the person operating such equipment or any other competent person to read the recording and to transcribe it into typewriting. The person transcribing the recording ~~*[is not required to be a certified court reporter and]*~~ shall subscribe to an oath that he has truly and correctly transcribed it.

4. The transcript may be used for all purposes for which transcripts have heretofore been received and accepted under then existing statutes, including transcripts of testimony and transcripts of proceedings as constituting bills of exceptions or part of the bill of exceptions on appeals in all criminal cases and transcripts of the evidence or proceedings as constituting the record on appeal in civil cases and including transcripts of preliminary hearings before justices of the peace and other committing magistrates, and are subject to correction in the same manner as transcripts under existing statutes.

5. In civil and criminal cases when the court has ordered the use of such sound recording equipment, any party to the action, at his own expense, may provide a certified court reporter to ~~[take down in shorthand]~~ ***make a record of*** and transcribe all the matters of the proceeding. In such a case, the record prepared by sound recording is the official record of the proceedings, unless it fails or is incomplete because of equipment or operational failure, in which case the record prepared by the certified court reporter shall be deemed, for all purposes, the official record of the proceedings.

Sec. 6. This act becomes effective on July 1, 2007.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 55.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 90.

The following Senate amendment was read:

Amendment No. 662.

AN ACT relating to crimes; prohibiting a person from engaging in certain acts to cause the results of a test for genetic identification which is given to determine paternity to be inaccurate; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the crime of paternity fraud, making it a **gross** misdemeanor to engage in certain acts which are intended to make the results of a test given for genetic identification to determine the paternity of a child to be inaccurate.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person is guilty of paternity fraud if he:

(a) Is ordered by a court to submit, or agrees to submit, to a test for genetic identification to determine the paternity of a child and knowingly assists, aids, abets, solicits or conspires with another person to have someone other than himself submit to the test for the purpose of preventing a determination that he is the father of the child; or

(b) Submits to a test for genetic identification to determine the paternity of a child in place of the person who has been ordered to submit, or who has agreed to submit, to a test for genetic identification to determine the paternity of a child for the purpose of preventing a determination that the person for whom he is taking the test is the father of the child.

2. A person who violates this section is guilty of a gross misdemeanor.

Assemblyman Anderson moved that the Assembly concur in the Senate Amendment No. 662 to Assembly Bill No. 90.

Remarks by Assemblyman Anderson.

Motion carried.

The following Senate amendment was read:

Amendment No. 762.

AN ACT relating to crimes; prohibiting a person from engaging in certain acts to cause the results of a test for genetic identification which is given to determine paternity to be inaccurate; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the crime of paternity fraud, making it a gross misdemeanor to engage in certain acts which are intended to make the results of a test given for genetic identification to determine the paternity of a child to be inaccurate.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person is guilty of paternity fraud if ~~[he:]~~ the person:

(a) Is ordered by a court to submit, or agrees to submit, to a test for genetic identification to determine the paternity of a child and knowingly assists, aids, abets, solicits or conspires with another person to have someone other than himself submit to the test for the purpose of preventing a determination that he is the father of the child; ~~[or]~~

(b) Submits to a test for genetic identification to determine the paternity of a child in place of the person who has been ordered to submit, or who has agreed to submit, to a test for genetic identification to determine the paternity of a child for the purpose of preventing a determination that the person for whom he is taking the test is the father of the child ~~[.]~~ ; or

(c) Knowingly assists, aids, abets, solicits or conspires with another person:

(1) To commit a violation of paragraph (a) or (b); or

(2) To render inaccurate the results of a test for genetic identification to determine the paternity of a child.

2. A person who violates this section is guilty of a gross misdemeanor.

Assemblyman Anderson moved that the Assembly concur in the Senate Amendment No. 762 to Assembly Bill No. 90.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 112.

The following Senate amendment was read:

Amendment No. 665.

AN ACT relating to protective orders; expanding the circumstances which prohibit a court from admitting a person who is arrested for violating an order for protection against domestic violence to bail sooner than 12 hours after his arrest; applying the same standards for not admitting a person to bail sooner than 12 hours after his arrest to a person arrested for violating an order for protection against stalking, aggravated stalking or harassment; establishing the amount of bail that the arrested person must post to be released for such an offense when the amount has not otherwise been established by the court or magistrate; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a court from admitting to bail a person who is arrested for violating an order for protection against domestic violence, whether the person is a child or an adult, if the arresting officer determines that the violation of the order was accompanied by a direct or indirect threat

of harm. (NRS 62C.020, 125.555, 178.484) Sections 2 and 3 of this bill further prohibit a court from admitting a person to bail sooner than 12 hours after arrest if the person ~~[is under the influence of alcohol or a controlled substance or]~~ has previously violated an order for protection ~~[.]~~ **or has a certain concentration of alcohol in his blood or breath or a certain amount of a prohibited substance in his blood or urine at the time of, or within 2 hours after, the violation.** (NRS 62C.020, 125.555) Sections 2 and 5 of this bill make the circumstances requiring the 12-hour hold of a person who violates an order for protection against domestic violence applicable to a person arrested for violating an order for protection against stalking, aggravated stalking or harassment. (NRS 62C.020, 178.484)

Existing law requires notice to be provided to a person who is arrested for violating an order for protection against domestic violence and to the alleged victim of such a person stating the circumstances under which such a person may not be admitted to bail sooner than 12 hours after arrest. (NRS 33.030, 171.1225) Sections 1 and 4 of this bill add the new circumstances to that notice. Section 7 of this bill further requires such notice to be included with a temporary or extended order for protection against stalking, aggravated stalking or harassment. (NRS 200.591)

Section 5 of this bill further makes existing law which establishes the amount of bail that a person must post before being admitted to bail if the person is held for more than 12 hours after his arrest for violating an order for protection against domestic violence without appearing personally before a magistrate or without the amount of bail otherwise being established by a magistrate or a court applicable to a person who violates an order for protection against stalking, aggravated stalking or harassment. (NRS 178.484)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 33.030 is hereby amended to read as follows:

33.030 1. The court by a temporary order may:

(a) Enjoin the adverse party from threatening, physically injuring or harassing the applicant or minor child, either directly or through an agent;

(b) Exclude the adverse party from the applicant's place of residence;

(c) Prohibit the adverse party from entering the residence, school or place of employment of the applicant or minor child and order him to stay away from any specified place frequented regularly by them;

(d) If it has jurisdiction under chapter 125A of NRS, grant temporary custody of the minor child to the applicant; and

(e) Order such other relief as it deems necessary in an emergency situation.

2. The court by an extended order may grant any relief enumerated in subsection 1 and:

(a) Specify arrangements for visitation of the minor child by the adverse party and require supervision of that visitation by a third party if necessary; and

(b) Order the adverse party to:

(1) Avoid or limit communication with the applicant or minor child;

(2) Pay rent or make payments on a mortgage on the applicant's place of residence or pay for the support of the applicant or minor child if he is found to have a duty to support the applicant or minor child; and

(3) Pay all costs and fees incurred by the applicant in bringing the action.

3. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

4. A temporary or extended order must specify, as applicable, the county and city, if any, in which the residence, school, child care facility or other provider of child care, and place of employment of the applicant or minor child are located.

5. A temporary or extended order must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after his arrest if ~~[~~the~~]~~ ***:***

(a) The ~~*[person is under the influence of alcohol or a controlled substance;*~~

~~*(b) The person has previously violated a temporary or extended order for protection; or*~~

~~*(c) The]*~~ arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm ~~[.]~~ ***;***

(b) The person has previously violated a temporary or extended order for protection; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in his blood or breath; or

(2) An amount of a prohibited substance in his blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379.

Sec. 2. NRS 62C.020 is hereby amended to read as follows:

62C.020 1. A child must not be released from custody sooner than 12 hours after the child is taken into custody if the child is taken into custody for committing a battery that constitutes domestic violence pursuant to NRS 33.018.

2. A child must not be released from custody sooner than 12 hours after the child is taken into custody if ~~[~~:

~~(a) The~~~~]~~ ***the*** child is taken into custody for violating a temporary or extended order for protection against domestic violence issued pursuant to

NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS ~~[; and~~

~~(b)]~~ ***or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 and:***

(a) The ~~*[child is under the influence of alcohol or a controlled substance;*~~

~~*(b) The child has previously violated a temporary or extended order for protection of the type for which he has been arrested; or*~~

~~*(c) The]*~~ peace officer or probation officer who has taken the child into custody determines that such a violation is accompanied by a direct or indirect threat of harm ~~[.]~~ ***;***

(b) The child has previously violated a temporary or extended order for protection of the type for which he has been arrested; or

(c) At the time of the violation or within 2 hours after the violation, the child has:

(1) A concentration of alcohol of 0.08 or more in his blood or breath; or

(2) An amount of a prohibited substance in his blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379.

3. For the purposes of this section, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.

Sec. 3. NRS 125.555 is hereby amended to read as follows:

125.555 1. A restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence which is issued in an action or proceeding brought pursuant to this title must provide notice that a person who is arrested for violating the order or injunction will not be admitted to bail sooner than 12 hours after his arrest if ~~[the]~~ ***:***

(a) The ~~*[person is under the influence of alcohol or a controlled substance;*~~

~~*(b) The person has previously violated a temporary or extended order for protection; or*~~

~~*(c) The]*~~ arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm ~~[.]~~ ***;***

(b) The person has previously violated a temporary or extended order for protection; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in his blood or breath; or

(2) An amount of a prohibited substance in his blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379.

2. For the purposes of this section, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.

Sec. 4. NRS 171.1225 is hereby amended to read as follows:

171.1225 1. When investigating an act of domestic violence, a peace officer shall:

(a) Make a good faith effort to explain the provisions of NRS 171.137 pertaining to domestic violence and advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community.

(b) Provide a person suspected of being the victim of an act of domestic violence with a written copy of the following statements:

(1) My name is officer ..... (naming the investigating officer). Nevada law requires me to inform you of the following information.

(2) If I have probable cause to believe that a battery has been committed against you, your minor child or the minor child of the person believed to have committed the battery in the last 24 hours by your spouse, your former spouse, any other person to whom you are related by blood or marriage, a person with whom you are or were actually residing, a person with whom you have had or are having a dating relationship or a person with whom you have a child in common, I am required, unless mitigating circumstances exist, to arrest the person suspected of committing the act.

(3) If I am unable to arrest the person suspected of committing the battery, you have the right to request that the prosecutor file a criminal complaint against the person. I can provide you with information on this procedure. If convicted, the person who committed the battery may be placed on probation, ordered to see a counselor, put in jail or fined.

(4) The law provides that you may seek a court order for the protection of you or your minor children against further threats or acts of domestic violence. You do not need to hire a lawyer to obtain such an order for protection.

(5) An order for protection may require the person who committed or threatened the act of domestic violence against you to:

(I) Stop threatening, harassing or injuring you or your children;

(II) Move out of your residence;

(III) Stay away from your place of employment;

(IV) Stay away from the school attended by your children;

(V) Stay away from any place you or your children regularly go; and

(VI) Avoid or limit all communication with you or your children.

(6) A court may make future orders for protection which award you custody of your children and require the person who committed or threatened the act of domestic violence against you to pay:

(I) The rent or mortgage due on the place in which you live;

(II) The amount of money necessary for the support of your children; and

(III) Part or all of the costs incurred by you in obtaining the order for protection.

(7) To get an order for protection, go to room number .... (state the room number of the office at the court) at the court, which is located at ..... (state the address of the court). Ask the clerk of the court to provide you with the forms for an order of protection.

(8) If the person who committed or threatened the act of domestic violence against you violates the terms of an order for protection, he may be arrested and, if ~~[the]~~ ***:***

(I) The ~~*[person is under the influence of alcohol or a controlled substance;*~~

~~*(II) The person has previously violated a temporary or extended order for protection; or*~~

~~*(III) The]*~~ arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm ~~[.]~~ ***;***

(II) The person has previously violated a temporary or extended order for protection; or

(III) At the time of the violation or within 2 hours after the violation, the person has a concentration of alcohol of 0.08 or more in his blood or breath or an amount of a prohibited substance in his blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379.

➥ he will not be admitted to bail sooner than 12 hours after his arrest.

(9) You may obtain emergency assistance or shelter by contacting your local program against domestic violence at ..... (state name, address and telephone number of local program) or you may call, without charge to you, the Statewide Program Against Domestic Violence at ..... (state toll-free telephone number of Statewide Program).

2. As used in this section, "act of domestic violence" means any of the following acts committed by a person against his spouse, former spouse, any other person to whom he is related by blood or marriage, a person with whom he is or was actually residing, a person with whom he has had or is having a dating relationship, a person with whom he has a child in common, the minor child of any of those persons or his minor child:

(a) A battery.

(b) An assault.

(c) Compelling the other by force or threat of force to perform an act from which he has the right to refrain or to refrain from an act which he has the right to perform.

(d) A sexual assault.

(e) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, but is not limited to:

(1) Stalking.

(2) Arson.

(3) Trespassing.

(4) Larceny.

(5) Destruction of private property.

(6) Carrying a concealed weapon without a permit.

(f) False imprisonment.

(g) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

3. The failure of a peace officer to carry out the requirements set forth in subsection 1 is not a defense in a criminal prosecution for the commission of an act of domestic violence, nor may such an omission be considered as negligence or as causation in any civil action against the peace officer or his employer.

4. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 5. NRS 178.484 is hereby amended to read as follows:

178.484 1. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.

2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:

(a) A court issues an order directing that the person be admitted to bail;

(b) The State Board of Parole Commissioners directs the detention facility to admit the person to bail; or

(c) The Division of Parole and Probation of the Department of Public Safety directs the detention facility to admit the person to bail.

3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:

(a) A court issues an order directing that the person be admitted to bail; or

(b) A department of alternative sentencing directs the detention facility to admit the person to bail.

4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

5. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after his arrest. If the person is admitted to bail more than 12 hours after his arrest, ~~[pursuant to subsection 5 of NRS 171.178,]~~ without appearing personally before a magistrate, or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is no reason to believe that the battery for which he has been arrested resulted in substantial bodily harm;

(b) Five thousand dollars, if the person has:

(1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for which he has been arrested resulted in substantial bodily harm; or

(2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for which he has been arrested resulted in substantial bodily harm; or

(c) Fifteen thousand dollars, if the person has:

(1) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 and there is reason to believe that the battery for which he has been arrested resulted in substantial bodily harm; or

(2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018.

➥ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

6. A person arrested for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS ***, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591*** must not be admitted to bail sooner than 12 hours after his arrest if ~~[the]~~ ***:***

(a) The ~~*[person is under the influence of alcohol or a controlled substance;*~~

~~*(b) If the person has previously violated a temporary or extended order for protection of the type for which he has been arrested; or*~~

~~*(c) The]*~~ arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm ~~[.]~~ ***;***

(b) The person has previously violated a temporary or extended order for protection of the type for which he has been arrested; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in his blood or breath; or

(2) An amount of a prohibited substance in his blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379.

7. If ~~[the]~~ ***a*** person is admitted to bail more than 12 hours after his arrest, pursuant to subsection ~~[5 of NRS 171.178,]~~ ***6,*** without appearing personally before a magistrate, or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS ~~[;]~~ ***, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591;***

(b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS ***,*** ~~[;]~~ or ***of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591; or***

(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS ~~[.]~~ ***, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591.***

➥ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic

violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS ***, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591*** if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

~~[7.]~~ ***8.*** The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.

~~[8.]~~ ***9.*** Before releasing a person arrested for any crime, the court may impose such reasonable conditions on the person as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation:

(a) Requiring the person to remain in this State or a certain county within this State;

(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on his behalf;

(c) Prohibiting the person from entering a certain geographic area; or

(d) Prohibiting the person from engaging in specific conduct that may be harmful to his own health, safety or welfare, or the health, safety or welfare of another person.

➥ In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.

~~[9.]~~ ***10.*** If a person fails to comply with a condition imposed pursuant to subsection ~~[8,]~~ ***9,*** the court may, after providing the person with reasonable notice and an opportunity for a hearing:

(a) Deem such conduct a contempt pursuant to NRS 22.010; or

(b) Increase the amount of bail pursuant to NRS 178.499.

~~[10.]~~ ***11.*** An order issued pursuant to this section that imposes a condition on a person admitted to bail must include a provision ordering any law enforcement officer to arrest the person if he has probable cause to believe that the person has violated a condition of his bail.

~~[11.]~~ ***12.*** Before a person may be admitted to bail, he must sign a document stating that:

(a) He will appear at all times and places as ordered by the court releasing him and as ordered by any court before which the charge is subsequently heard;

(b) He will comply with the other conditions which have been imposed by the court and are stated in the document; and

(c) If he fails to appear when so ordered and is taken into custody outside of this State, he waives all his rights relating to extradition proceedings.

➥ The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.

~~[12.]~~ ***13.*** If a person admitted to bail fails to appear as ordered by a court and the jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial, the person who failed to appear is responsible for paying those costs as restitution.

~~[13.]~~ ***14.*** For the purposes of subsection 6, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.

Sec. 6. NRS 178.4851 is hereby amended to read as follows:

178.4851 1. Upon a showing of good cause, a court may release without bail any person entitled to bail if it appears to the court that it can impose conditions on the person that will adequately protect the health, safety and welfare of the community and ensure that he will appear at all times and places ordered by the court.

2. In releasing a person without bail ***,*** the court may impose such conditions as it deems necessary to protect the health, safety and welfare of the community and to ensure that he will appear at all times and places ordered by the court, including, without limitation, any condition set forth in subsection ~~[8]~~ ***9*** of NRS 178.484.

3. Upon a showing of good cause, a sheriff or chief of police may release without bail any person charged with a misdemeanor pursuant to standards established by a court of competent jurisdiction.

4. Before a person may be released without bail, he must file with the clerk of the court of competent jurisdiction a signed document stating that:

(a) He will appear at all times and places as ordered by the court releasing him and as ordered by any court before which the charge is subsequently heard;

(b) He will comply with the other conditions which have been imposed by the court and are stated in the document;

(c) If he fails to appear when so ordered and is taken into custody outside of this State, he waives all his rights relating to extradition proceedings; and

(d) He understands that any court of competent jurisdiction may revoke the order of release without bail and may order him into custody or require him to furnish bail or otherwise ensure the protection of the health, safety and welfare of the community or his appearance.

5. If a jurisdiction incurs any costs in returning a person to the jurisdiction to stand trial, the person failing to appear is responsible for paying those costs as restitution.

6. An order issued pursuant to this section that imposes a condition on a person who is released without bail must include a provision ordering a law enforcement officer to arrest the person if he has probable cause to believe that the person has violated a condition of his release.

Sec. 7. NRS 200.591 is hereby amended to read as follows:

200.591 1. In addition to any other remedy provided by law, a person who reasonably believes that the crime of stalking, aggravated stalking or harassment is being committed against him by another person may petition any court of competent jurisdiction for a temporary or extended order directing the person who is allegedly committing the crime to:

(a) Stay away from the home, school, business or place of employment of the victim of the alleged crime and any other location specifically named by the court.

(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged crime and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.

(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged crime or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.

2. If a defendant charged with a crime involving harassment, stalking or aggravated stalking is released from custody before trial or is found guilty at the trial, the court may issue a temporary or extended order or provide as a condition of the release or sentence that the defendant:

(a) Stay away from the home, school, business or place of employment of the victim of the alleged crime and any other location specifically named by the court.

(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged crime and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.

(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged crime or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.

3. A temporary order may be granted with or without notice to the adverse party. An extended order may be granted only after:

(a) Notice of the petition for the order and of the hearing thereon is served upon the adverse party pursuant to the Nevada Rules of Civil Procedure; and

(b) A hearing is held on the petition.

4. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

5. Unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, any person who intentionally violates:

(a) A temporary order is guilty of a gross misdemeanor.

(b) An extended order is guilty of a category C felony and shall be punished as provided in NRS 193.130.

6. Any court order issued pursuant to this section must:

(a) Be in writing;

(b) Be personally served on the person to whom it is directed; and

(c) Contain the warning that violation of the order:

(1) Subjects the person to immediate arrest.

(2) Is a gross misdemeanor if the order is a temporary order.

(3) Is a category C felony if the order is an extended order.

7. A temporary or extended order issued pursuant to this section must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after his arrest if:

(a) The ~~*[person is under the influence of alcohol or a controlled substance;*~~

~~*(b) The person has previously violated a temporary or extended order for protection; or*~~

~~*(c) The]*~~ ***arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm*** ~~*[.]*~~ ***;***

(b) The person has previously violated a temporary or extended order for protection; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in his blood or breath; or

(2) An amount of a prohibited substance in his blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 112.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 137.

The following Senate amendment was read:

Amendment No. 754.

AN ACT relating to crimes; increasing the penalty for certain crimes concerning acts of terrorism; making it a crime to deliver a hoax substance that appears to be a weapon of mass destruction or appears to be certain dangerous substances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a category B felony to engage in certain acts of terrorism. (NRS 202.448) Section 5 of this bill increases the penalty for engaging in such acts of terrorism from imprisonment for a minimum term of

1 year and a maximum term of 6 years to a minimum term of 2 years and a maximum term of 20 years. Section 3 of this bill creates a new crime for delivering a "hoax substance" which is any item that to a reasonable person appears to be a weapon of mass destruction, biological agent, chemical agent, radioactive agent or other lethal agent, any toxin or any delivery system for use as a weapon **.** ~~[and imposes the same penalties as for other acts of terrorism.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 202 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***"Hoax substance" means any item that appears to a reasonable person to be a weapon of mass destruction, biological agent, chemical agent, radioactive agent or other lethal agent, any toxin or any delivery system for use as a weapon.***

Sec. 3. ***1. A person shall not, through the use of any means of delivery, including, without limitation, mail, package delivery services, mail couriers or drop payment boxes, disperse or cause to be dispersed any hoax substance with the intent to:***

(a) Injure, intimidate, alarm or cause mental anguish to any person, whether or not any person is actually injured, intimidated, alarmed or caused mental anguish thereby;

(b) Cause any reasonable person to believe that the person was contaminated by or exposed to a biological agent, chemical agent, radioactive agent or other lethal agent, any toxin or any nuclear or explosive substance;

(c) Cause panic or civil unrest, whether or not such panic or civil unrest actually occurs;

(d) Extort or profit thereby, whether or not the extortion is actually successful or any profit actually occurs; or

(e) Interfere with the operations of or cause economic or other damage to any person or business, whether or not such interference or damage actually occurs.

2. ~~[A]~~ Except as otherwise provided in subsection 3, a person who violates any provision of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. Unless a greater penalty is provided by specific statute, if a person violates any provision of subsection 1 and the violation proximately causes the death of, or substantial bodily harm to, any other person, the person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $5,000.

4. In addition to any other penalty, the court shall order a person who violates any provision of subsection 1 to pay restitution to any public agency for any expenses of a response to a hoax substance that arise from the violation.

5. As used in this section:

(a) "Expenses of a response to a hoax substance" includes, without limitation, the reasonable costs incurred by a public agency in making an appropriate response to or investigation of a hoax substance, including, without limitation, the salary or wages of any person responding to or investigating a hoax substance, the deemed wages of any volunteer of a public agency participating in the response or investigation, the costs for use or operation of any equipment and the costs for the use or expenditure of any resources, fuel or other materials.

(b) "Public agency" means an agency, bureau, board, commission, department or division of the State of Nevada or a political subdivision of the State of Nevada that provides police, fire-fighting, rescue or emergency medical services.

Sec. 4. NRS 202.441 is hereby amended to read as follows:

202.441 As used in NRS 202.441 to 202.448, inclusive, ***and sections 2 and 3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 202.4415 to 202.4445, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 202.448 is hereby amended to read as follows:

202.448 1. A person shall not, through the use of any means of oral, written or electronic communication, knowingly make any threat or convey any false information concerning an act of terrorism or the presence, development, manufacture, production, assemblage, transfer, transportation, acquisition, retention, storage, testing, possession, delivery, dispersion, release, discharge or use of any weapon of mass destruction, any biological agent, chemical agent, radioactive agent or other lethal agent or any toxin with the intent to:

(a) Injure, intimidate or alarm any person, whether or not any person is actually injured, intimidated or alarmed thereby;

(b) Cause panic or civil unrest, whether or not such panic or civil unrest actually occurs;

(c) Extort or profit thereby, whether or not the extortion is actually successful or any profit actually occurs; or

(d) Interfere with the operations of or cause economic or other damage to any person or any officer, agency, board, bureau, commission, department, division or other unit of federal, state or local government, whether or not such interference or damage actually occurs.

2. A person who violates any provision of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than ~~[1 year]~~ ***2 years*** and a maximum term of

not more than ~~[6]~~ ***20*** years, and may be further punished by a fine of not more than $5,000.

3. The provisions of this section do not apply to any act that is committed in a lawful manner and in the course of a lawful business, event or activity.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 137.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 194.

The following Senate amendment was read:

Amendment No. 763.

AN ACT relating to victims of crime; prohibiting an adverse party named in an extended order for protection against domestic violence from possessing or having under his custody or control a firearm; making various changes to provisions regarding orders for protection against domestic violence; expanding the persons against whom domestic violence may be committed; revising provisions regarding the testing of certain persons accused of committing certain crimes for exposure to the human immunodeficiency virus and commonly contracted sexually transmitted diseases; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain unlawful acts which constitute domestic violence when committed against certain specified persons. (NRS 33.018) Existing law authorizes a court to issue a temporary or extended order for protection to protect a person listed in that statute from domestic violence. (NRS 33.020, 33.030) Section 5 of this bill expands the list of persons against whom domestic violence may be committed to include a person who has been appointed the custodian or legal guardian of a child.

Section 2 of this bill authorizes the court, when issuing an extended order, to include a requirement that the adverse party surrender any firearms possessed by him or under his custody or control and that he not possess or have under his custody or control any firearm while the order is in effect. Section 2 requires the court to consider certain factors in deciding whether to include such provisions in an extended order and provides for a limited exception that may be granted if the adverse party can establish that the use or possession of a firearm is an integral part of his employment and that the employer will provide for the storage of any such firearm during any period that the adverse party is not working. Section 3 of this bill establishes the procedures governing the surrender, sale or transfer of any firearm possessed or under the custody or control of an adverse party subject to such an extended order. Section 2 makes it a gross misdemeanor for an adverse party to violate those provisions of an extended order.

Section 6 of this bill authorizes a court, when granting an extended order, to provide for the support of a minor child for whom a guardian has been appointed or who has been placed in protective custody and to pay compensation to the applicant for lost earnings and expenses incurred by the applicant in attending any hearing concerning an application for an extended order. (NRS 33.030)

Section 7 of this bill requires a law enforcement officer to inform an adverse party who violates an order for protection against domestic violence of the date and time set for a hearing on an application for an extended order in certain circumstances. (NRS 33.070)

Existing federal law requires, as a condition to receiving certain federal grants, that states provide by law for certain procedures concerning the testing of a defendant who is arrested for certain crimes involving sexual conduct. (42 U.S.C. § 3796hh(d)) Section 9 of this bill revises the procedures for testing certain alleged criminals who commit a sexual assault and victims of sexual assault for the human immunodeficiency virus and other commonly contracted sexually transmitted diseases to comply with those federal requirements. (NRS 441A.320)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 33 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. A court may include in an extended order issued pursuant to NRS 33.030:***

(a) A requirement that the adverse party surrender, sell or transfer any firearm in his possession or under his custody or control in the manner set forth in section 3 of this act; and

(b) A prohibition on the adverse party against possessing or having under his custody or control any firearm while the order is in effect.

2. In determining whether to include the provisions set forth in subsection 1 in an extended order, the court must consider, without limitation, whether the adverse party:

(a) Has a documented history of domestic violence;

(b) Has used or threatened to use a firearm to injure or harass the applicant, a minor child or any other person; and

(c) Has used a firearm in the commission or attempted commission of any crime.

3. If a court includes the provisions set forth in subsection 1 in an extended order, the court may include a limited exception from the prohibition to possess or have under his custody or control any firearm if the adverse party establishes that:

(a) The adverse party is employed by an employer who requires the adverse party to use or possess a firearm as an integral part of his employment; and

(b) The employer will provide for the storage of any such firearm during any period when the adverse party is not working.

4. An adverse party who violates any provision included in an extended order pursuant to this section concerning the surrender, sale, transfer, possession, custody or control of a firearm is guilty of a gross misdemeanor. If the court includes any such provision in an extended order, the court must include in the order a statement that violation of such a provision in the order is a gross misdemeanor.

Sec. 3. ***1. If a court orders an adverse party to surrender any firearm pursuant to section 2 of this act, the adverse party shall, not later than 24 hours after service of the order:***

(a) Surrender any firearm in his possession or under his custody or control to the appropriate local law enforcement agency designated by the court in the order;

(b) Surrender any firearm in his possession or under his custody or control to a person designated by the court in the order; or

(c) Sell or transfer any firearm in his possession or under his custody or control to a licensed firearm dealer.

2. If the court orders the adverse party to surrender any firearm to a local law enforcement agency pursuant to paragraph (a) of subsection 1, the law enforcement agency shall provide the adverse party with a receipt which includes a description of each firearm surrendered and the adverse party shall, not later than 72 hours or 1 business day, whichever is later, after surrendering any such firearm, provide the receipt to the court.

3. If the court orders the adverse party to surrender any firearm to a person designated by the court pursuant to paragraph (b) of subsection 1, the adverse party shall, not later than ~~[48]~~ 72 hours or 1 business day, whichever is later, after he surrenders any firearm to such person, provide to the court and the appropriate local law enforcement agency the name and address of the person designated in the order and a written description of each firearm surrendered to such person.

4. If the adverse party sells or transfers any firearm to a licensed firearm dealer that is subject to an order pursuant to paragraph (c) of subsection 1, the adverse party shall, not later than 72 hours or 1 business day, whichever is later, after such sale or transfer, provide to the court and the appropriate local law enforcement agency a receipt of such sale or transfer and a written description of each firearm sold or transferred.

5. If there is probable cause to believe that the adverse party has not surrendered, sold or transferred any firearm in his possession or under his custody or control within 24 hours after service of the order, the court may issue and deliver to any law enforcement officer a search warrant which authorizes the law enforcement officer to enter and search any place where there is probable cause to believe any firearm is located and seize the firearm.

6. A local law enforcement agency may charge and collect a fee from the adverse party for the collection and storage of a firearm pursuant to this section. The fee must not exceed the cost incurred by the local law enforcement agency to provide the service.

Sec. 4. NRS 33.017 is hereby amended to read as follows:

33.017 As used in NRS 33.017 to 33.100, inclusive, ***and sections 2 and 3 of this act,*** unless the context otherwise requires:

1. "Extended order" means an extended order for protection against domestic violence.

2. "Temporary order" means a temporary order for protection against domestic violence.

Sec. 5. NRS 33.018 is hereby amended to read as follows:

33.018 1. Domestic violence occurs when a person commits one of the following acts against or upon his spouse, former spouse, any other person to whom he is related by blood or marriage, a person with whom he is or was actually residing, a person with whom he has had or is having a dating relationship, a person with whom he has a child in common, the minor child of any of those persons ***,*** ~~[or]~~ his minor child ~~[.]~~ ***or any person who has been appointed the custodian or legal guardian for his minor child:***

(a) A battery.

(b) An assault.

(c) Compelling the other by force or threat of force to perform an act from which he has the right to refrain or to refrain from an act which he has the right to perform.

(d) A sexual assault.

(e) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, but is not limited to:

(1) Stalking.

(2) Arson.

(3) Trespassing.

(4) Larceny.

(5) Destruction of private property.

(6) Carrying a concealed weapon without a permit.

(f) A false imprisonment.

(g) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

2. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 6. NRS 33.030 is hereby amended to read as follows:

33.030 1. The court by a temporary order may:

(a) Enjoin the adverse party from threatening, physically injuring or harassing the applicant or minor child, either directly or through an agent;

(b) Exclude the adverse party from the applicant's place of residence;

(c) Prohibit the adverse party from entering the residence, school or place of employment of the applicant or minor child and order him to stay away from any specified place frequented regularly by them;

(d) If it has jurisdiction under chapter 125A of NRS, grant temporary custody of the minor child to the applicant; and

(e) Order such other relief as it deems necessary in an emergency situation.

2. The court by an extended order may grant any relief enumerated in subsection 1 and:

(a) Specify arrangements for visitation of the minor child by the adverse party and require supervision of that visitation by a third party if necessary; and

(b) Order the adverse party to:

(1) Avoid or limit communication with the applicant or minor child;

(2) Pay rent or make payments on a mortgage on the applicant's place of residence ~~[or pay]~~ ***;***

(3) Pay for the support of the applicant or minor child ***, including, without limitation, support of a minor child for whom a guardian has been appointed pursuant to chapter 159 of NRS or a minor child who has been placed in protective custody pursuant to chapter 432B of NRS,*** if he is found to have a duty to support the applicant or minor child; ~~[and~~

~~(3)]~~ ***(4)*** Pay all costs and fees incurred by the applicant in bringing the action ~~[.]~~ ***; and***

(5) Pay monetary compensation to the applicant for lost earnings and expenses incurred as a result of the applicant attending any hearing concerning an application for an extended order.

3. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

4. A temporary or extended order must specify, as applicable, the county and city, if any, in which the residence, school, child care facility or other provider of child care, and place of employment of the applicant or minor child are located.

5. A temporary or extended order must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after his arrest if the arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm.

Sec. 7. NRS 33.070 is hereby amended to read as follows:

33.070 1. Every temporary or extended order must include a provision ordering any law enforcement officer to arrest an adverse party if the officer has probable cause to believe that the adverse party has violated any provision of the order. The law enforcement officer may make an arrest with

or without a warrant and regardless of whether the violation occurs in his presence.

2. If a law enforcement officer cannot verify that the adverse party was served with a copy of the application and order, he shall:

(a) Inform the adverse party of the specific terms and conditions of the order;

(b) Inform the adverse party that he now has notice of the provisions of the order and that a violation of the order will result in his arrest; ~~[and]~~

(c) Inform the adverse party of the location of the court that issued the original order and the hours during which the adverse party may obtain a copy of the order ~~[.]~~ ***; and***

(d) Inform the adverse party of the date and time set for a hearing on an application for an extended order, if any.

3. Information concerning the terms and conditions of the order, the date and time of the notice provided to the adverse party and the name and identifying number of the officer who gave the notice must be provided in writing to the applicant and noted in the records of the law enforcement agency and the court.

Sec. 8. NRS 441A.220 is hereby amended to read as follows:

441A.220 All information of a personal nature about any person provided by any other person reporting a case or suspected case of a communicable disease, or by any person who has a communicable disease, or as determined by investigation of the health authority, is confidential medical information and must not be disclosed to any person under any circumstances, including pursuant to any subpoena, search warrant or discovery proceeding, except as follows:

1. For statistical purposes, provided that the identity of the person is not discernible from the information disclosed.

2. In a prosecution for a violation of this chapter.

3. In a proceeding for an injunction brought pursuant to this chapter.

4. In reporting the actual or suspected abuse or neglect of a child or elderly person.

5. To any person who has a medical need to know the information for his own protection or for the well-being of a patient or dependent person, as determined by the health authority in accordance with regulations of the Board.

6. If the person who is the subject of the information consents in writing to the disclosure.

7. Pursuant to subsection ~~[2]~~ ***4*** of NRS 441A.320 or NRS 629.069.

8. If the disclosure is made to the Department of Health and Human Services and the person about whom the disclosure is made has been diagnosed as having acquired immunodeficiency syndrome or an illness related to the human immunodeficiency virus and is a recipient of or an applicant for Medicaid.

9. To a firefighter, police officer or person providing emergency medical services if the Board has determined that the information relates to a communicable disease significantly related to that occupation. The information must be disclosed in the manner prescribed by the Board.

10. If the disclosure is authorized or required by specific statute.

Sec. 9. NRS 441A.320 is hereby amended to read as follows:

441A.320 1. ~~[As soon as practicable after:~~

~~(a) A person is arrested for the commission of a crime; or~~

~~(b) A minor is detained for the commission of an act which, if committed by a person other than a minor would have constituted a crime,~~

~~➥ which]~~ ***If*** the ***alleged*** victim or a witness ***to a crime*** alleges ***that the crime*** involved the sexual penetration of the victim's body, the health authority shall ***perform the tests set forth in subsection 2 as soon as practicable after the arrest of the person alleged to have committed the crime, but not later than 48 hours after the person is charged with the crime by indictment or information, unless the person alleged to have committed the crime is a child who will be adjudicated in juvenile court and then not later than 48 hours after the petition is filed with the juvenile court alleging that the child is delinquent for committing such an act.***

2. If the health authority is required to perform tests pursuant to subsection 1, it must test a specimen obtained from the arrested person ~~[or detained minor]~~ for exposure to the human immunodeficiency virus and any commonly contracted sexually transmitted disease, regardless of whether he or, if ~~[a detained minor,]~~ ***the person is a child,*** his parent or guardian consents to providing the specimen. The agency that has custody of the arrested person ~~[or detained minor]~~ shall obtain the specimen and submit it to the health authority for testing. The health authority shall perform the test in accordance with generally accepted medical practices.

~~[2. The]~~

3. In addition to the test performed pursuant to subsection 2, the health authority shall perform such follow-up tests for the human immunodeficiency virus as may be deemed medically appropriate.

4. As soon as practicable, the health authority shall disclose the results of all tests performed pursuant to subsection ~~[1]~~ ***2 or 3*** to:

(a) The victim or to the victim's parent or guardian if the victim is a ~~[minor;]~~ ***child;*** and

(b) The arrested person and, if ~~[a minor is detained,]~~ ***the person is a child,*** to his parent or guardian.

~~[3.]~~ ***5.*** If the health authority determines, from the results of a test performed pursuant to subsection ~~[1,]~~ ***2 or 3,*** that a victim of sexual assault may have been exposed to the human immunodeficiency virus or any commonly contracted sexually transmitted disease, it shall, at the request of the victim, provide him with:

(a) An examination for exposure to the human immunodeficiency virus and any commonly contracted sexually transmitted disease to which the health authority determines he may have been exposed;

(b) Counseling regarding the human immunodeficiency virus and any commonly contracted sexually transmitted disease to which the health authority determines he may have been exposed; and

(c) A referral for health care and other assistance,

➥ as appropriate.

~~[4.]~~ ***6.*** If the court in:

(a) A criminal proceeding determines that a person has committed a crime; or

(b) A proceeding conducted pursuant to title 5 of NRS determines that a ~~[minor]~~ ***child*** has committed an act which, if committed by ~~[a person other than a minor,]~~ ***an adult,*** would have constituted a crime,

➥ involving the sexual penetration of a victim's body, the court shall, upon application by the health authority, order that ~~[minor]~~ ***child*** or other person to pay any expenses incurred in carrying out this section with regard to that ~~[minor]~~ ***child*** or other person and that victim.

~~[5.]~~ ***7.*** The Board shall adopt regulations identifying, for the purposes of this section, sexually transmitted diseases which are commonly contracted.

~~[6.]~~ ***8.*** As used in this section:

(a) "Sexual assault" means a violation of NRS 200.366.

(b) "Sexual penetration" has the meaning ascribed to it in NRS 200.364.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 194.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 227.

The following Senate amendment was read:

Amendment No. 697.

AN ACT relating to trespassing; revising the provisions governing the posting of warnings against trespassing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person commits the crime of trespassing if the person willfully goes or remains upon any land or in any building after having been warned not to trespass. (NRS 207.200) For the purposes of determining whether a person has been given sufficient warning not to trespass, the owner of land may choose to fence the area or may paint the area in a specific manner.

This bill changes the interval between posts, structures or natural objects that must be painted with fluorescent orange paint from 200 feet to **such a distance as is necessary to ensure that a person has a clear line of vision**

from one such post, structure or natural object to the next, but not less than every 1,000 feet ~~[and at each corner of the land]~~ if the land is used for agricultural purposes or for herding or grazing livestock ~~[.]~~ **, or not less than every 200 feet if the land is used for other purposes. In addition, each corner of the land must be similarly marked.** This bill also changes existing law, which requires that a post must be painted with not less than 50 square inches of paint and which requires that if the post is a metal fence post, the entire post must be painted, to provide that only the top 12 inches of any post must be painted, regardless of whether the post is made of wood, metal or other material. Furthermore, this bill requires that each side of all gates, cattle guards and openings that are designed for entry must be painted with fluorescent orange paint.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 207.200 is hereby amended to read as follows:

207.200 1. Unless a greater penalty is provided pursuant to NRS 200.603, any person who, under circumstances not amounting to a burglary:

(a) Goes upon the land or into any building of another with intent to vex or annoy the owner or occupant thereof, or to commit any unlawful act; or

(b) Willfully goes or remains upon any land or in any building after having been warned by the owner or occupant thereof not to trespass,

➥ is guilty of a misdemeanor. The meaning of this subsection is not limited by subsections 2 and 4.

2. A sufficient warning against trespassing, within the meaning of this section, is given by ~~[either]~~ ***any*** of the following methods:

(a) ~~[Painting, at]~~ ***If the land is used for agricultural purposes or for herding or grazing livestock, by painting with fluorescent orange paint:***

(1) ~~*[At*~~ intervals of not more than~~]~~ ~~[200 feet on each side]~~ ~~*[1000 feet and at each corner of the land, upon or near the boundary, not]*~~ ***Not less than 50 square inches of the exterior portion of*** a ~~[post,]~~ structure or natural object ~~[with not less than 50 square inches of fluorescent orange paint or, if the post is a metal fence post, painting the entire post with such paint.]~~ ***or the top 12 inches of the exterior portion of a post, whether made of wood, metal or other material*** ~~*[;]*~~ ***, at:***

(I) Intervals of such a distance as is necessary to ensure that at least one such structure, natural object or post would be within the direct line of sight of a person standing next to another such structure, natural object or post, but at intervals of not more than 1,000 feet; and

(II) Each corner of the land, upon or near the boundary; and

(2) Each side of all gates, cattle guards and openings that are designed to allow human ingress to the area ***;*** ~~*[with fluorescent orange paint;]*~~

(b) ***If the land is not used in the manner specified in paragraph (a), by painting with fluorescent orange paint*** ~~*[, at intervals of not more than 200*~~

~~*feet and at each corner of the land, upon or near the boundary,*~~] ***not less than 50 square inches of the exterior portion of a structure or natural object or the top 12 inches of the exterior portion of a post, whether made of wood, metal or other material*** ~~[;]~~ ***, at:***

(1) Intervals of such a distance as is necessary to ensure that at least one such structure, natural object or post would be within the direct line of sight of a person standing next to another such structure, natural object or post, but at intervals of not more than 200 feet; and

(2) Each corner of the land, upon or near the boundary; or

(c) Fencing the area.

3. It is prima facie evidence of trespass for any person to be found on private or public property which is posted or fenced as provided in subsection 2 without lawful business with the owner or occupant of the property.

4. An entryman on land under the laws of the United States is an owner within the meaning of this section.

5. As used in this section, "fence" means a barrier sufficient to indicate an intent to restrict the area to human ingress, including, but not limited to, a wall, hedge or chain link or wire mesh fence. ***The term does not include a barrier made of barbed wire.***

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 227.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 406.

The following Senate amendment was read:

Amendment No. 739.

AN ACT relating to marriage; ~~[requiring]~~ **revising the authority of** the board of county commissioners of certain counties to designate a branch office of the county clerk at which marriage licenses may be issued **;** ~~[and to establish and maintain that branch office in certain incorporated cities;]~~ **revising the requirements to obtain a marriage license;** revising provisions governing the content of marriage **licenses and** certificates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires persons who wish to marry to obtain a license from the county clerk of any county in the State. This license must be issued at the seat of the county, unless the board of county commissioners, at the request of the county clerk, has designated a branch office of the county clerk at which marriage licenses may be issued. (NRS 122.040) Section 2 of this bill requires the board of county commissioners of a county whose population is 400,000 or more (currently Clark County) to designate one branch office of the county clerk at which marriage licenses may be issued ~~[and to establish and maintain that branch office]~~ **, which must be established and**

maintained in an incorporated city whose population is 150,000 or more ~~[and]~~ **but** less than ~~[400,000]~~ **300,000** (currently Henderson). **In addition, section 2 increases from two to not more than four the number of such branch offices that the board of county commissioners in a county whose population is 400,000 or more is authorized to designate.**

Existing law provides that, before issuing a marriage license, the county clerk may require the applicant to produce evidence that the applicant is of age. (NRS 122.040) Section 2 of this bill requires each applicant for a marriage license to provide proof of the applicant's name and age by presenting certain documents to the county clerk.

Existing law requires an applicant for a marriage license to answer under oath each question contained in the form of license and to include his social security number on the affidavit of application for a marriage license. (NRS 122.040) Section 2 of this bill requires both applicants for a marriage license to satisfy these requirements, unless the county clerk or a district court finds that extraordinary circumstances prevent one applicant from appearing before the county clerk, and authorizes the county clerk to issue the license if one applicant satisfies these requirements.

Existing law ~~[provides for]~~ **prescribes** the content of marriage **licenses and marriage** certificates. (NRS **122.050,** 122.120) **Section 3.5 of this bill requires a marriage license to include the name of each applicant as shown on the documents presented to provide proof of the applicant's name and age.** Section 4 of this bill requires a marriage certificate to include the date of birth of each applicant.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 122.040 is hereby amended to read as follows:

122.040 1. Before persons may be joined in marriage, a license must be obtained for that purpose from the county clerk of any county in the State. Except as otherwise provided in this subsection, the license must be issued at the county seat of that county. The board of county commissioners:

(a) In a county whose population is 400,000 or more ~~[may,]~~ ***:***

(1) Shall designate one branch office of the county clerk at which marriage licenses may be issued and shall establish and maintain the designated branch office in an incorporated city whose population is 150,000 or more ~~[and]~~ but less than ~~[400,000;]~~ 300,000; and

(2) May, in addition to the branch office described in subparagraph (1), at the request of the county clerk, designate ~~[two]~~ ***not more than four*** branch offices of the county clerk at which marriage licenses may be issued, if the designated branch offices are located outside of the county seat.

(b) In a county whose population is less than 400,000 may, at the request of the county clerk, designate one branch office of the county clerk at which

marriage licenses may be issued, if the designated branch office is established in a county office building which is located outside of the county seat.

2. Before issuing a marriage license, the county clerk ~~[may require evidence that the applicant for the license is of age. The county clerk shall accept a statement under oath by the applicant and the applicant's parent, if available, that the applicant is of age.]~~ ***shall require each applicant to provide proof of the applicant's name and age. The county clerk may accept as proof of the applicant's name and age an original or certified copy of any of the following:***

(a) A driver's license, instruction permit or identification card issued by this State or another state, the District of Columbia or any territory of the United States.

(b) A passport.

(c) A birth certificate and a secondary form of identification that contains the name of the applicant. If the birth certificate is written in a language other than English, the county clerk may request that the birth certificate be translated into English and notarized.

(d) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States.

(e) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.

(f) Any other document that the county clerk determines provides proof of the applicant's name and age.

3. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** county clerk issuing the license shall require ~~[the]~~ ***each*** applicant to answer under oath each of the questions contained in the form of license ***.*** ~~[,]~~ ~~[and, if the applicant cannot answer positively any questions with reference to the other person named in the license, the clerk shall require both persons named in the license to appear before him and to answer, under oath, the questions contained in the form of license.]~~ The county clerk shall require ~~[the]~~ ***each*** applicant to include ~~[his]~~ ***the applicant's*** social security number ~~[and the social security number of the other person named in the license]~~ on the affidavit of application for the marriage license. If ~~[either]~~ ***a*** person does not have a social security number, the person ~~[responding to the question]~~ must state that fact. The county clerk shall not require any evidence to verify a social security number. If any of the information required is unknown to the person ***,*** ~~[responding to the question, he]~~ ***the person*** must state that the answer is unknown.

4. ***Upon finding that extraordinary circumstances exist which result in only one applicant being able to appear before the county clerk, the county clerk may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk, or may refer the applicant***

to the district court. If the applicant is referred to the district court, the district court may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk. If the district court waives the requirements of subsection 3, the district court shall notify the county clerk in writing. If the county clerk or the district court waives the requirements of subsection 3, the county clerk shall require the applicant who is able to appear before the county clerk to:

(a) Answer under oath each of the questions contained in the form of license. The applicant shall answer any questions with reference to the other person named in the license.

(b) Include the applicant's social security number and the social security number of the other person named in the license on the affidavit of application for the marriage license. If either person does not have a social security number, the person responding to the question must state that fact. The county clerk shall not require any evidence to verify a social security number.

➥ If any of the information required on the application is unknown to the person responding to the question, the person must state that the answer is unknown.

5. If any of the persons intending to marry are under age and have not been previously married, and if the authorization of a district court is not required, the clerk shall issue the license if the consent of the parent or guardian is:

(a) Personally given before the clerk;

(b) Certified under the hand of the parent or guardian, attested by two witnesses, one of whom must appear before the clerk and make oath that he saw the parent or guardian subscribe his name to the annexed certificate, or heard him or her acknowledge it; or

(c) In writing, subscribed to and acknowledged before a person authorized by law to administer oaths. A facsimile of the acknowledged writing must be accepted if the original is not available.

~~[5.]~~ ***6.*** If the authorization of a district court is required, the county clerk shall issue the license if that authorization is given to him in writing.

~~[6.]~~ ***7.*** All records pertaining to marriage licenses are public records and open to inspection pursuant to the provisions of NRS 239.010.

~~[7.]~~ ***8.*** A marriage license issued on or after July 1, 1987, expires 1 year after its date of issuance.

Sec. 3. (Deleted by amendment.)

Sec. 3.5. **NRS 122.050 is hereby amended to read as follows:**

122.050 The marriage license must ***contain the name of each applicant as shown in the documents presented pursuant to subsection 2 of NRS 122.040 and must*** be substantially in the following form:

MARRIAGE LICENSE

(EXPIRES 1 YEAR AFTER ISSUANCE)

State of Nevada }

}ss.
County of }

These presents are to authorize any minister who has obtained a certificate of permission, any Supreme Court justice or district judge within this State, or justice of the peace within a township wherein he is permitted to solemnize marriages or if authorized pursuant to subsection 3 of NRS 122.080, or a municipal judge if authorized pursuant to subsection 4 of NRS 122.080 or any commissioner of civil marriages or his deputy within a commissioner township wherein they are permitted to solemnize marriages, to join in marriage .... of (City, town or location) ...., State of .... State of birth (If not in U.S.A., name of country) ....; Date of birth .... Father's name .... Father's state of birth (If not in U.S.A., name of country) .... Mother's maiden name .... Mother's state of birth (If not in U.S.A., name of country) .... Number of this marriage (1st, 2nd, etc.) ... Wife deceased .... Divorced .... Annulled .... When .... Where .... And .... of (City, town or location) ...., State of .... State of birth (If not in U.S.A., name of country) ....; Date of birth .... Father's name .... Father's state of birth (If not in U.S.A., name of country) .... Mother's maiden name .... Mother's state of birth (If not in U.S.A., name of country) .... Number of this marriage (1st, 2nd, etc.) ... Husband deceased .... Divorced .... Annulled .... When .... Where ....; and to certify the marriage according to law.

Witness my hand and the seal of the county, this ... day of the month of ……. of the year .....

(Seal) Clerk

Deputy clerk

Sec. 4. NRS 122.120 is hereby amended to read as follows:

122.120 1. After a marriage is solemnized, the person solemnizing the marriage shall give to each couple being married a certificate of marriage.

2. The certificate of marriage ***must contain the date of birth of each applicant as contained in the form of marriage license pursuant to NRS 122.050. The certificate of marriage*** must be in substantially the following form:

STATE OF NEVADA
MARRIAGE CERTIFICATE
State of Nevada }
}ss.
County of }

This is to certify that the undersigned, ... (a minister of the gospel, judge, justice of the peace of ..... County, commissioner of civil marriages or deputy commissioner of civil marriages, as the case may be), did on the ..... day of the month of ……. of the year ....., at ..... (address or church), ... (city), Nevada, join in lawful wedlock ..... (name), of ..... (city), State of ..... ***, Date of birth ....,*** and ..... (name), of

.....(city), State of ..... ***, Date of birth ....,*** with their mutual consent, in the presence of ..... and ..... (witnesses).

Signature of person performing
(Seal of County Clerk) the marriage

Name under signature typewritten
or printed in black ink

County Clerk

Official title of person performing
the marriage

Couple's mailing address

3. All information contained in the certificate of marriage must be typewritten or legibly printed in black ink, except the signatures. The signature of the person performing the marriage must be an original signature.

Sec. 5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of section 2 of this act.

Sec. 6. This act becomes effective on January 1, 2008.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 406.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 535.

The following Senate amendment was read:

Amendment No. 703.

AN ACT relating to gaming; revising the provisions governing which persons are required to register as gaming employees; providing that foreign limited-liability companies and foreign limited partnerships may obtain state gaming licenses; revising the provisions governing the acquisition or disposition of certain interests in certain corporations, limited-liability companies and limited partnerships; prohibiting certain acts involving counterfeit wagering instruments and counterfeit promotional items; making various other changes pertaining to gaming; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Gaming Control Board is required to maintain and make available to every licensee a list of persons who have been denied a license, been found unsuitable or had a license or finding of

suitability revoked by the Nevada Gaming Commission. (NRS 463.165, 463.167, 463.645) Sections 1, 5, 6 and 22 of this bill reorganize the provisions pertaining to that list and provide that a person whose name is on the list may apply to have his name removed from the list no earlier than 5 years after his license was denied, he was found unsuitable or his license or finding of suitability was revoked.

Independent agents who reside in Nevada are currently required to register as independent agents pursuant to the regulations adopted by the Nevada Gaming Commission and are additionally required to register as gaming employees pursuant to statute, whereas independent agents who reside outside Nevada are required only to register as independent agents. (NRS 463.335; Regulation 25 of the Nevada Gaming Commission) Sections 2-4, 7 and 8 of this bill remove the requirement that independent agents who reside in Nevada must register as gaming employees. Section 2 also provides that persons involved in the process of registration of gaming employees and persons directly involved in the manufacture, repair or distribution of gaming devices and other systems and equipment must be registered as gaming employees.

Section 9 of this bill revises the existing provisions pertaining to disputes involving patrons and licensees to make those provisions apply to the award or distribution of cash, prizes, benefits, tickets or any other item or items in a game, tournament, contest, drawing, promotion or similar activity or event. (NRS 463.362)

Sections 10-12, 15 and 18 of this bill revise existing law to allow foreign limited-liability companies and limited partnerships to obtain state gaming licenses. (NRS 463.564, 463.5731)

Sections 13, 14, 16, 17, 19 and 20 of this bill require holding companies and intermediary companies for certain corporations, limited-liability companies and limited partnerships to seek administrative approval for the acquisition or disposition of certain interests in such entities. Existing law is also amended to provide that such acquisitions or dispositions are void if not approved as required, rather than ineffective. (NRS 463.5665, 463.567, 463.57325, 463.5733)

Existing law provides that each person who acquires, directly or indirectly, beneficial ownership of any voting security in a publicly traded corporation which is registered with the Commission may be required to be found suitable if the Commission has reason to believe that his acquisition of that ownership would otherwise be inconsistent with the declared policy of this State. (NRS 463.643) Section 21 of this bill provides that a person may also be required to be found suitable if the person acquires beneficial or record ownership of any non-voting security in such a corporation.

Section 22 of this bill makes the provisions concerning unsuitable and unlicensed persons associated with certain business entities consistent with other statutory provisions by expressly stating that such persons may not

receive remuneration, enter into a contract or be employed by any licensee or affiliate of a licensee. (NRS 463.165, 463.166, 463.645)

~~[Sections 23 and 25 of this bill provide that persons in Nevada may place pari-mutuel wagers on horse racing in other states and foreign countries where such wagering is legal.]~~

Under existing law, the Nevada Gaming Commission may, by regulation, authorize a person who owns an antique gaming device to sell that antique gaming device without procuring a license. "Antique gaming device" is defined in existing law as a gaming device that was manufactured before 1951. (NRS 463.650) Section 22.5 of this bill revises the definition of "antique gaming device" to mean a gaming device that was manufactured before 1961.

Section 24 of this bill amends the existing prohibition against the use of counterfeit wagering instruments to make unlawful the possession, sale or manufacture of such counterfeit wagering instruments. (NRS 465.080) Section 24 also prohibits the possession, use, sale or manufacture of counterfeit promotional items.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall maintain and make available to every licensee a complete and current list containing the names of every person who has been denied a license, been found unsuitable or had a license or finding of suitability revoked by the Commission.

2. Any person whose name has been placed on the list maintained by the Board pursuant to subsection 1 may apply, on a form prescribed by the Board, for removal of his name from the list no earlier than 5 years after the date on which the person was denied a license, found unsuitable or had a license or finding of suitability revoked by the Commission.

Sec. 2. NRS 463.0157 is hereby amended to read as follows:

463.0157 1. "Gaming employee" means any person connected directly with an operator of a slot route, the operator of a pari-mutuel system, the operator of an inter-casino linked system or a manufacturer, distributor or disseminator, or with the operation of a gaming establishment licensed to conduct any game, 16 or more slot machines, a race book, sports pool or pari-mutuel wagering, including:

(a) Accounting or internal auditing personnel who are directly involved in any recordkeeping or the examination of records associated with revenue from gaming;

(b) Boxmen;

(c) Cashiers;

(d) Change personnel;

(e) Counting room personnel;

(f) Dealers;

(g) Employees of a person required by NRS 464.010 to be licensed to operate an off-track pari-mutuel system;

(h) Employees of a person required by NRS 463.430 to be licensed to disseminate information concerning racing;

(i) Employees ~~[of manufacturers or distributors of gaming equipment within this State]~~ whose duties are directly involved with the manufacture, repair or distribution of gaming devices, cashless wagering systems, mobile gaming systems, equipment associated with mobile gaming systems, interactive gaming systems or equipment associated with interactive gaming;

(j) Employees of operators of slot routes who have keys for slot machines or who accept and transport revenue from the slot drop;

(k) Employees of operators of inter-casino linked systems, mobile gaming systems or interactive gaming systems whose duties include the operational or supervisory control of the systems or the games that are part of the systems;

(l) ***Employees whose responsibilities include performing the duties relating to the process of registration of gaming employees that a licensee is required to perform pursuant to the provisions of this chapter and any regulations adopted pursuant thereto;***

(m) Floormen;

~~[(m)]~~ ***(n)*** Hosts or other persons empowered to extend credit or complimentary services;

~~[(n)]~~ ***(o)*** Keno runners;

~~[(o)]~~ ***(p)*** Keno writers;

~~[(p)]~~ ***(q)*** Machine mechanics;

~~[(q)]~~ ***(r)*** Odds makers and line setters;

~~[(r)]~~ ***(s)*** Security personnel;

~~[(s)]~~ ***(t)*** Shift or pit bosses;

~~[(t)]~~ ***(u)*** Shills;

~~[(u)]~~ ***(v)*** Supervisors or managers;

~~[(v)]~~ ***(w)*** Ticket writers; and

~~[(w)]~~ ***(x)*** Employees of a person required by NRS 463.160 to be licensed to operate an information service.

2. "Gaming employee" does not include bartenders, cocktail waitresses or other persons engaged exclusively in preparing or serving food or beverages.

Sec. 3. NRS 463.01858 is hereby amended to read as follows:

463.01858 "Registered as a gaming employee" means authorized to be employed as a gaming employee in this State **.** ~~[or to serve as an independent agent.]~~

Sec. 4. NRS 463.01955 is hereby amended to read as follows:

463.01955 "Temporarily registered as a gaming employee" means authorized to be employed as a gaming employee in this State ~~[or serve as an independent agent]~~ from the date of submitting a complete application for

registration or renewal of registration for a period not to exceed 120 days following receipt of the complete application by the Board, including classifiable fingerprints, unless otherwise suspended.

Sec. 5. NRS 463.165 is hereby amended to read as follows:

463.165 1. Except for persons associated with licensed corporations, limited partnerships or limited-liability companies and required to be licensed pursuant to NRS 463.530, 463.569 or 463.5735, each employee, agent, guardian, personal representative, lender or holder of indebtedness of a gaming licensee who, in the opinion of the Commission, has the power to exercise a significant influence over the licensee's operation of a gaming establishment may be required to apply for a license.

2. A person required to be licensed pursuant to subsection 1 shall apply for a license within 30 days after the Commission requests that he do so.

3. If an employee required to be licensed under subsection 1:

(a) Does not apply for a license within 30 days after being requested to do so by the Commission, and the Commission makes a finding of unsuitability for that reason;

(b) Is denied a license; or

(c) Has his license revoked by the Commission,

➥ the licensee by whom he is employed shall terminate his employment in any capacity in which he is required to be licensed and shall not permit him to exercise a significant influence over the operation of the gaming establishment upon being notified by registered or certified mail of that action.

4. A gaming licensee or an affiliate of the licensee shall not pay to a person whose employment has been terminated pursuant to subsection 3 any remuneration for any service performed in any capacity in which he is required to be licensed, except for amounts due for services rendered before the date of receipt of notice of the action by the Commission. Any contract or agreement for personal services or for the conduct of any activity at the licensed gaming establishment between a gaming licensee or an affiliate of the licensee and a person terminated pursuant to subsection 3 is subject to termination. Every such agreement shall be deemed to include a provision for its termination without liability on the part of the licensee or affiliate upon a finding by the Commission that the person is unsuitable to be associated with a gaming enterprise. Failure expressly to include that condition in the agreement is not a defense in any action brought pursuant to this section to terminate the agreement.

5. A gaming licensee or an affiliate of the licensee shall not, without the prior approval of the Commission, enter into any contract or agreement with a person who is found unsuitable or who is denied a license or whose license is revoked by the Commission, ~~[and whose name has been placed on the list maintained pursuant to subsection 8,]~~ or with any business enterprise that the licensee knows or under the circumstances reasonably should know is under the control of that person after the date of receipt of notice of the action by

the Commission. Every contract or agreement for personal services to a gaming licensee or an affiliate or for the conduct of any activity at a licensed gaming establishment shall be deemed to include a provision for its termination without liability on the part of the licensee or affiliate upon a finding by the Commission that the person is unsuitable to be associated with a gaming enterprise. Failure expressly to include such a condition in the agreement is not a defense in any action brought pursuant to this section to terminate the agreement.

6. A gaming licensee or an affiliate of the licensee shall not, without the prior approval of the Commission, employ any person in a capacity for which ~~[he]~~ ***the person*** is required to be licensed, if ~~[he]~~ ***the person*** has been found unsuitable or denied a license, or ~~[whose]~~ ***if his*** license has been revoked by the Commission, ~~[and whose name has been placed on the list maintained pursuant to subsection 8,]~~ after the date of receipt of notice of the action by the Commission. Every contract or agreement for employment with a gaming licensee or an affiliate shall be deemed to include a provision for its termination without liability on the part of the licensee or affiliate upon a finding by the Commission that the person is unsuitable to be associated with a gaming enterprise. Failure to expressly include such a condition in the agreement is not a defense in any action brought pursuant to this section to terminate the agreement.

7. As used in this section, "affiliate" means a person who, directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with a licensee.

~~[8. The Board shall maintain and make available to every licensee a complete and current list containing the names of every person the Commission has denied a license, who has been found unsuitable or who has had a license or finding of suitability revoked. The list must also contain the names of any business organization under the control of any such person known to the Board.]~~

Sec. 6. NRS 463.167 is hereby amended to read as follows:

463.167 1. The Commission may determine the suitability, or may require the licensing, of any person who furnishes services or property to a state gaming licensee under any arrangement pursuant to which the person receives payments based on earnings, profits or receipts from gaming. The Commission may require any such person to comply with the requirements of this chapter and with the regulations of the Commission. If the Commission determines that any such person is unsuitable, it may require the arrangement to be terminated.

2. If the premises of a licensed gaming establishment are directly or indirectly owned or under the control of the licensee therein, or of any person controlling, controlled by, or under common control with the licensee, the Commission may, upon recommendation of the Board, require the application of any person for a determination of suitability to be associated with a gaming enterprise if the person:

(a) Does business on the premises of the licensed gaming establishment;

(b) Is an independent agent or does business with a licensed gaming establishment as a ticket purveyor, a tour operator, the operator of a bus program, or as the operator of any other type of casino travel program or promotion; or

(c) Provides any goods or services to the licensed gaming establishment for a compensation which the Board finds to be grossly disproportionate to the value of the goods or services.

3. If the Commission determines that the person is unsuitable to be associated with a gaming enterprise, the association must be terminated. Any agreement which entitles a business other than gaming to be conducted on the premises, or entitles a person other than gaming to conduct business with the licensed gaming establishment as set forth in paragraph (b) or (c) of subsection 2, is subject to termination upon a finding of unsuitability of the person associated therewith. Every such agreement must be deemed to include a provision for its termination without liability on the part of the licensee upon a finding by the Commission that the person associated therewith is unsuitable to be associated with a gaming enterprise. Failure expressly to include that condition in the agreement is not a defense in any action brought pursuant to this section to terminate the agreement. If the application is not presented to the board within 30 days following demand or the unsuitable association is not terminated, the Commission may pursue any remedy or combination of remedies provided in this chapter.

~~[4. The name of any person determined to be unsuitable pursuant to this section must be included on the list required pursuant to subsection 8 of NRS 463.165.]~~

Sec. 7. NRS 463.335 is hereby amended to read as follows:

463.335 1. The Legislature finds that, to protect and promote the health, safety, morals, good order and general welfare of the inhabitants of the State of Nevada and to carry out the policy declared in NRS 463.0129, it is necessary that the Board:

(a) Ascertain and keep itself informed of the identity, prior activities and present location of all gaming employees ~~[and independent agents]~~ in the State of Nevada; and

(b) Maintain confidential records of such information.

2. ~~[Except as otherwise provided in subsection 4, a]~~ ***A*** person may not be employed as a gaming employee ~~[or serve as an independent agent]~~ unless he is temporarily registered or registered as a gaming employee pursuant to this section. An applicant for registration or renewal of registration as a gaming employee must file an application for registration or renewal of registration with the Board. Whenever a registered gaming employee, whose registration has not expired, has not been objected to by the Board, or has not been suspended or revoked becomes employed as a gaming employee at another or additional gaming establishment, he must file a change of employment notice within 10 days with the Board. The application for registration and

change of employment notice must be filed through the licensee for whom the applicant will commence or continue working as a gaming employee, unless otherwise filed with the Board as prescribed by regulation of the Commission.

3. The Board shall prescribe the forms for the application for registration as a gaming employee and the change of employment notice.

4. ~~[An independent agent is not required to be registered as a gaming employee if he is not a resident of this State and has registered with the Board in accordance with the provisions of the regulations adopted by the Commission.~~

~~5.]~~ A complete application for registration or renewal of registration as a gaming employee or a change of employment notice received by a licensee must be mailed or delivered to the Board within 5 business days ~~[of]~~ ***after*** receipt unless the date is administratively extended by the Chairman of the Board for good cause. A licensee is not responsible for the accuracy or completeness of any application for registration or renewal of registration as a gaming employee or any change of employment notice.

~~[6.]~~ ***5.*** The Board shall immediately conduct an investigation of each person who files an application for registration or renewal of registration as a gaming employee to determine whether he is eligible for registration as a gaming employee. In conducting the investigation, two complete sets of the applicant's fingerprints must be submitted to the Central Repository for Nevada Records of Criminal History for:

(a) A report concerning the criminal history of the applicant; and

(b) Submission to the Federal Bureau of Investigation for a report concerning the criminal history of the applicant.

➥ The investigation need not be limited solely to consideration of the results of the report concerning the criminal history of the applicant. The fee for processing an application for registration or renewal of registration as a gaming employee may be charged only to cover the actual investigative and administrative costs related to processing the application and the fees charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation to process the fingerprints of an applicant pursuant to this subsection.

~~[7.]~~ ***6.*** Upon receipt of a change of employment notice, the Board may conduct any investigations of the gaming employee that the Board deems appropriate to determine whether the gaming employee may remain registered as a gaming employee. The filing of a change of employment notice constitutes an application for registration as a gaming employee, and if the Board, after conducting its investigation, suspends or objects to the continued registration of the gaming employee, the provisions of subsections ~~[11 to 17,]~~ ***10 to 16,*** inclusive, apply to such suspension by or objection of the Board. No fee may be charged by the Board to cover the actual investigative and administrative costs related to processing a change of employment notice.

~~[8.]~~ ***7.*** Except as otherwise prescribed by regulation of the Commission, an applicant for registration or renewal of registration as a gaming employee is deemed temporarily registered as a gaming employee as of the date a complete application for registration or renewal of registration is submitted to the licensee for which he will commence or continue working as a gaming employee. Unless objected to by the Board or suspended or revoked, the initial registration of an applicant as a gaming employee expires 5 years after the date employment commences with the applicable licensee **.** ~~[or, in the case of an independent agent, 5 years after the date he contracts with an applicable licensee.]~~ Any subsequent renewal of registration as a gaming employee, unless objected to by the Board or suspended or revoked, expires 5 years after the expiration date of the most recent registration or renewal of registration of the gaming employee.

~~[9.]~~ ***8.*** If, within 120 days after receipt by the Board of a complete application for registration or renewal of registration as a gaming employee, including classifiable fingerprints, or a change of employment notice, the Board has not notified the applicable licensee of any suspension or objection, the applicant shall be deemed to be registered as a gaming employee. A complete application for registration or renewal of registration as a gaming employee is composed of:

(a) The fully completed form for application for registration as a gaming employee prescribed in subsection 3;

(b) Two complete sets of the fingerprints of the applicant, unless directly forwarded electronically or by another means to the Central Repository for Nevada Records of Criminal History;

(c) The fee for processing the application for registration or renewal of registration as a gaming employee prescribed by the Board pursuant to subsection ~~[6,]~~ ***5,*** unless otherwise prescribed by regulation of the Commission; and

(d) A completed statement as prescribed in subsections 1 and 2 of NRS 463.3351.

➥ If the Board determines after receiving an application for registration or renewal of registration as a gaming employee that the application is incomplete, the Board may suspend the temporary registration as a gaming employee of the applicant who filed the incomplete application. An applicant whose temporary registration is suspended shall not be eligible to work as a gaming employee until such time as he files a complete application.

~~[10.]~~ ***9.*** A person who is temporarily registered or registered as a gaming employee is eligible for employment in any licensed gaming establishment in this State until such registration is objected to by the Board, expires or is suspended or revoked. The Commission shall adopt regulations to:

(a) Establish uniform procedures for the registration of gaming employees;

(b) Establish uniform criteria for objection by the Board of an application for registration; and

(c) Provide for the creation and maintenance of a system of records that contain information regarding the current place of employment of each person who is registered as a gaming employee and each person whose registration as a gaming employee has expired, was objected to by the Board, or was suspended or revoked. The system of records must be accessible by:

(1) Licensees for the limited purpose of complying with subsection 2; and

(2) The Central Repository for Nevada Records of Criminal History for the limited purpose of complying with NRS 179D.570.

~~[11.]~~ ***10.*** If the Board, within the 120-day period prescribed in subsection ~~[9,]~~ ***8,*** notifies:

(a) The applicable licensee; and

(b) The applicant,

➥ that the Board suspends or objects to the temporary registration of an applicant as a gaming employee, the licensee shall immediately terminate the applicant from employment or reassign him to a position that does not require registration as a gaming employee. The notice of suspension or objection by the Board which is sent to the applicant must include a statement of the facts upon which the Board relied in making its suspension or objection.

~~[12.]~~ ***11.*** Any person whose application for registration or renewal of registration as a gaming employee has been suspended or objected to by the Board may, not later than 60 days after receiving notice of the suspension or objection, apply to the Board for a hearing. A failure of a person whose application has been objected to or suspended to apply for a hearing within 60 days or his failure to appear at a hearing of the Board conducted pursuant to this section shall be deemed to be an admission that the suspension or objection is well-founded, and the failure precludes administrative or judicial review. At the hearing, the Board shall take any testimony deemed necessary. After the hearing, the Board shall review the testimony taken and any other evidence, and shall, within 45 days after the date of the hearing, mail to the applicant its decision sustaining or reversing the suspension or the objection to the registration of the applicant as a gaming employee.

~~[13.]~~ ***12.*** The Board may suspend or object to the registration of an applicant as a gaming employee for any cause deemed reasonable by the Board. The Board may object to or suspend the registration if the applicant has:

(a) Failed to disclose or misstated information or otherwise attempted to mislead the Board with respect to any material fact contained in the application for registration as a gaming employee;

(b) Knowingly failed to comply with the provisions of this chapter or chapter 463B, 464 or 465 of NRS or the regulations of the Commission at a place of previous employment;

(c) Committed, attempted or conspired to commit any crime of moral turpitude, embezzlement or larceny or any violation of any law pertaining to

gaming, or any crime which is inimical to the declared policy of this State concerning gaming;

(d) Committed, attempted or conspired to commit a crime which is a felony or gross misdemeanor in this State or an offense in another state or jurisdiction which would be a felony or gross misdemeanor if committed in this State and which relates to the applicant's suitability or qualifications to work as a gaming employee;

(e) Been identified in the published reports of any federal or state legislative or executive body as being a member or associate of organized crime, or as being of notorious and unsavory reputation;

(f) Been placed and remains in the constructive custody of any federal, state or municipal law enforcement authority; or

(g) Had registration as a gaming employee revoked or committed any act which is a ground for the revocation of registration as a gaming employee or would have been a ground for revoking registration as a gaming employee if the applicant had then been registered as a gaming employee.

➥ If the Board registers or does not suspend or object to the registration of an applicant as a gaming employee, it may specially limit the period for which the registration is valid, limit the job classifications for which the registered gaming employee may be employed and establish such individual conditions for the renewal and effectiveness of the registration as the Board deems appropriate, including required submission to unscheduled tests for the presence of alcohol or controlled substances. ***If a gaming employee fails to comply with any limitation or condition placed on the effectiveness of his registration as a gaming employee, notwithstanding any other provision of this section, the Board may object to his registration. If the Board objects to his registration, the provisions regarding the continued effectiveness of the registration and the review of the objection set forth in subsections 10 to 16, inclusive, apply, including, without limitation, the requirement to notify the applicable licensee about the objection.***

~~[14.]~~ ***13.*** Any applicant aggrieved by the decision of the Board may, within 15 days after the announcement of the decision, apply in writing to the Commission for review of the decision. Review is limited to the record of the proceedings before the Board. The Commission may sustain, modify or reverse the Board's decision. The decision of the Commission is subject to judicial review pursuant to NRS 463.315 to 463.318, inclusive.

~~[15.]~~ ***14.*** The Chairman of the Board may designate a member of the Board or the Board may appoint a hearing examiner and authorize that person to perform on behalf of the Board any of the following functions required of the Board by this section concerning the registration or renewal of registration of gaming employees:

(a) Conducting a hearing and taking testimony;

(b) Reviewing the testimony and evidence presented at the hearing;

(c) Making a recommendation to the Board based upon the testimony and evidence or rendering a decision on behalf of the Board to sustain or reverse

the suspension of or the objection to the registration of an applicant as a gaming employee; and

(d) Notifying the applicant of the decision.

~~[16.]~~ ***15.*** Notice by the Board as provided pursuant to subsections 1 to ~~[15,]~~ ***14,*** inclusive, is sufficient if it is mailed to the applicant's last known address as indicated on the application for registration as a gaming employee or the record of the hearing, as the case may be. The date of mailing may be proven by a certificate signed by an officer or employee of the Board which specifies the time the notice was mailed. The notice shall be deemed to have been received by the applicant 5 days after it is deposited with the United States Postal Service with the postage thereon prepaid.

~~[17.]~~ ***16.*** Except as otherwise provided in this subsection, all records acquired or compiled by the Board or Commission relating to any application made pursuant to this section, all lists of persons registered as gaming employees, all lists of persons suspended or objected to by the Board and all records of the names or identity of persons engaged in the gaming industry in this State are confidential and must not be disclosed except in the proper administration of this chapter or to an authorized law enforcement agency. Upon receipt of a request from the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.400 for information relating to a specific person who has applied for registration as a gaming employee or is registered as a gaming employee, the Board shall disclose to the Division his social security number, residential address and current employer as that information is listed in the files and records of the Board. Any record of the Board or Commission which shows that the applicant has been convicted of a crime in another state must show whether the crime was a misdemeanor, gross misdemeanor, felony or other class of crime as classified by the state in which the crime was committed. In a disclosure of the conviction, reference to the classification of the crime must be based on the classification in the state where it was committed.

~~[18.]~~ ***17.*** If the Central Repository for Nevada Records of Criminal History, in accordance with the provisions of NRS 179D.570, provides the Board with the name and other identifying information of a registered gaming employee who is not in compliance with the provisions of chapter 179D of NRS, the Board shall notify the person that, unless he provides the Board with verifiable documentation confirming that he is currently in compliance with the provisions of chapter 179D of NRS within 15 days after receipt of such notice, the Board shall, notwithstanding any other provisions of this section, conduct a hearing for the purpose of determining whether the registration of the person as a gaming employee must be suspended for noncompliance with the provisions of chapter 179D of NRS.

~~[19.]~~ ***18.*** Notwithstanding any other provisions of this section, if a person notified by the Board pursuant to subsection ~~[18]~~ ***17*** does not provide the Board, within the 15 days prescribed therein, with verifiable documentation establishing that he is currently in compliance with the provisions of chapter

179D of NRS, the Chairman of the Board shall, within 10 days thereof, appoint a hearing examiner to conduct a hearing to determine whether the person is, in fact, not in compliance with the provisions of chapter 179D of NRS. The hearing examiner shall, within 5 days after the date he is appointed by the Chairman, notify the person of the date of the hearing. The hearing must be held within 20 days after the date on which the hearing examiner is appointed by the Chairman, unless administratively extended by the Chairman for good cause. At the hearing, the hearing examiner may take any testimony deemed necessary and shall render a decision sustaining or reversing the findings of the Central Repository for Nevada Records of Criminal History. The hearing examiner shall notify the person of his decision within 5 days after the date on which the decision is rendered. A failure of a person to appear at a hearing conducted pursuant to this section shall be deemed to be an admission that the findings of the hearing examiner are well-founded.

~~[20.]~~ ***19.*** If, after conducting the hearing prescribed in subsection ~~[19,]~~ ***18,*** the hearing examiner renders a decision that the person who is the subject of the hearing:

(a) Is not in compliance with the provisions of chapter 179D of NRS, the Board shall, notwithstanding any other provisions of this section:

(1) Suspend the registration of the person as a gaming employee;

(2) Notify the person to contact the Central Repository for Nevada Records of Criminal History to determine the actions that he must take to be in compliance with the provisions of chapter 179D of NRS; and

(3) Notify the licensee for which the person is employed as a gaming employee, in the manner prescribed in subsection ~~[21,]~~ ***20,*** that the Board has suspended the registration of the person as a gaming employee and that the licensee must immediately terminate the person from employment or reassign him to a position that does not require registration as a gaming employee.

(b) Is in compliance with the provisions of chapter 179D of NRS, the Board shall notify the person and the Central Repository for Nevada Records of Criminal History, in the manner prescribed in subsection ~~[21,]~~ ***20,*** of the findings of the hearing examiner.

~~[21.]~~ ***20.*** Notice as provided pursuant to subsections ~~[18, 19 and 20]~~ ***17, 18 and 19*** is sufficient if it is mailed to the person's last known address as indicated on the most recent application for registration as a gaming employee or the record of the hearing, or to the person at his place of gaming employment. The date of mailing may be proven by a certificate signed by an officer or employee of the Board which specifies the time the notice was mailed. The notice shall be deemed to have been received by the applicant 5 days after it is deposited with the United States Postal Service with the postage thereon prepaid.

~~[22.]~~ ***21.*** The Board shall remove a suspension entered in accordance with subsection ~~[20]~~ ***19*** and reinstate the registration of a person as a gaming

employee upon receipt of verifiable documentation confirming that the person is currently in compliance with the provisions of chapter 179D of NRS.

Sec. 8. NRS 463.337 is hereby amended to read as follows:

463.337 1. If any gaming employee ~~[or independent agent,]~~ who is registered as a gaming employee with the Board ~~[,]~~ is convicted of any violation of this chapter or chapter 463B, 464 or 465 of NRS, or if in investigating an alleged violation of this chapter by any licensee the Commission finds that a registered gaming employee employed by ~~[or a registered independent agent contracting with]~~ the licensee has been guilty of cheating, the Commission shall, after a hearing as provided in NRS 463.310 and 463.312 to 463.3145, inclusive, revoke the registration.

2. The Commission may revoke the registration of a gaming employee ~~[or independent agent]~~ if the Commission finds, after a hearing as provided in NRS 463.310 and 463.312 to 463.3145, inclusive, that the gaming employee ~~[or independent agent]~~ has failed to disclose, misstated or otherwise misled the Board in respect to any fact contained within any application for registration as a gaming employee or, subsequent to being registered as a gaming employee:

(a) Committed, attempted or conspired to do any of the acts prohibited by this chapter or chapter 463B, 464 or 465 of NRS;

(b) Knowingly possessed or permitted to remain in or upon any licensed premises any cards, dice, mechanical device or any other cheating device whatever, the use of which is prohibited by statute or ordinance;

(c) Concealed or refused to disclose any material fact in any investigation by the Board;

(d) Committed, attempted or conspired to commit larceny or embezzlement against a gaming licensee or upon the premises of a licensed gaming establishment;

(e) Been convicted in any jurisdiction other than Nevada of any offense involving or relating to gambling;

(f) Accepted employment without prior Commission approval in a position for which he could be required to be licensed under this chapter after having been denied a license for a reason involving personal unsuitability or after failing to apply for licensing when requested to do so by the Commission;

(g) Been refused the issuance of any license, permit or approval to engage in or be involved with gaming or pari-mutuel wagering in any jurisdiction other than Nevada, or had any such license, permit or approval revoked or suspended;

(h) Been prohibited under color of governmental authority from being present upon the premises of any gaming establishment or any establishment where pari-mutuel wagering is conducted for any reason relating to improper gambling activities or any illegal act;

(i) Contumaciously defied any legislative investigative committee or other officially constituted bodies acting on behalf of the United States or any state, county or municipality which seeks to investigate crimes relating to gaming, corruption of public officials, or any organized criminal activities; or

(j) Been convicted of any felony or gross misdemeanor, other than one constituting a violation of this chapter or chapter 463B, 464 or 465 of NRS.

3. A gaming employee ~~[or independent agent]~~ whose registration as a gaming employee has been revoked pursuant to this section is entitled to judicial review of the Commission's action in the manner prescribed by NRS 463.315 to 463.318, inclusive.

4. Nothing in this section limits or prohibits the enforcement of NRS 463.165, 463.560, 463.595, 463.637 or 463.645.

Sec. 9. NRS 463.362 is hereby amended to read as follows:

463.362 1. Whenever a ~~[licensee and a]~~ patron ***and a licensee, or any person acting on behalf of or in conjunction with a licensee,*** have any dispute ~~[as to alleged]~~ ***which cannot be resolved to the satisfaction of the patron and which involves:***

(a) Alleged winnings, alleged losses or the ***award or distribution of cash, prizes, benefits, tickets or any other item or items in a game, tournament, contest, drawing, promotion or similar activity or event; or***

(b) The manner in which a game ***, tournament, contest, drawing, promotion or similar activity or event*** is conducted,

➥ the licensee ~~[and the patron are unable to resolve the dispute to the satisfaction of the patron and the dispute involves:]~~ ***is responsible for notifying the Board or patron in accordance with the provisions of subsection 2, regardless of whether the licensee is directly or indirectly involved in the dispute.***

2. Whenever a dispute described in subsection 1 involves:

(a) At least $500, the licensee shall immediately notify the Board; or

(b) Less than $500, the licensee shall ~~[inform]~~ ***notify*** the patron of his right to request that the Board conduct an investigation.

~~[➥ The]~~

3. Upon being notified of a dispute, the Board, through an agent, shall conduct whatever investigation it deems necessary and shall determine whether payment should be made.

~~[2.]~~ The agent of the Board shall mail written notice to the Board, the licensee and the patron of his decision resolving the dispute within 30 days after the date the Board first receives notification from the licensee or a request to conduct an investigation from the patron. The failure of the agent to mail notice of his decision within the time required by this subsection does not divest the Board of its exclusive jurisdiction over the dispute.

~~[3.]~~ ***4.*** Failure of the licensee to notify the Board or ~~[inform the]~~ patron as provided in subsection ~~[1]~~ ***2*** is grounds for disciplinary action pursuant to NRS 463.310 to 463.3145, inclusive.

~~[4.]~~ ***5.*** The decision of the agent of the Board is effective on the date the aggrieved party receives notice of the decision. Notice of the decision shall be deemed sufficient if it is mailed to the last known address of the licensee and patron. The date of mailing may be proven by a certificate signed by an officer or employee of the Board which specifies the time the notice was mailed. The notice shall be deemed to have been received by the licensee or the patron 5 days after it is deposited with the United States Postal Service with the postage thereon prepaid.

Sec. 10. NRS 463.4862 is hereby amended to read as follows:

463.4862 "Limited-liability company" means a limited-liability company organized and existing pursuant to the provisions of chapter 86 of NRS ~~[.]~~ ***or formed under the laws of any jurisdiction other than this State.***

Sec. 11. NRS 463.4864 is hereby amended to read as follows:

463.4864 "Limited partnership" means a partnership formed by two or more persons pursuant to the terms of chapter 88 of NRS ~~[,]~~ ***or the laws of any state other than this State,*** having as members one or more general partners and one or more limited partners.

Sec. 12. NRS 463.4865 is hereby amended to read as follows:

463.4865 "Limited partnership interest" means the right of a general or limited partner to receive from a limited partnership:

1. A share of the profits;
2. Any other compensation by way of income; or
3. A return of any or all of his contribution to capital of the limited partnership,

➥ or the right to exercise any of the rights or powers provided in chapter 88 of NRS ~~[,]~~ ***or the laws of any state other than this State,*** whether directly or indirectly.

Sec. 13. NRS 463.505 is hereby amended to read as follows:

463.505 1. The purported granting of an option to purchase any security issued by a corporation, other than a publicly traded corporation, which holds a state gaming license ~~[,]~~ ***or which is a holding company or an intermediary company for an entity that holds a state gaming license*** or the purported sale, assignment, transfer, pledge or other disposition of an existing option to acquire such a security is void unless administratively approved in advance by the Chairman of the Board.

2. A request for administrative approval pursuant to subsection 1 must:

(a) Be made on forms approved by the Chairman of the Board; and

(b) To the extent consistent with this section, be considered in all respects as an application.

3. The Chairman of the Board may refer a request for administrative approval to the Board and Commission for consideration or deny the request for administrative approval for any reasonable cause. A denial may be submitted for review by the Board and Commission in the manner set forth by the regulations of the Commission pertaining to the review of administrative approval decisions.

4. The Commission, upon recommendation by the Board, may require a person to apply for a finding of suitability to hold an option to purchase such a security.

Sec. 14. NRS 463.510 is hereby amended to read as follows:

463.510 1. The purported sale, assignment, transfer, pledge, exercise of an option to purchase or other disposition of any security issued by a corporation, other than a publicly traded corporation, which holds a state gaming license ***or which is a holding company or an intermediary company for an entity that holds a state gaming license*** is void unless approved in advance by the Commission.

2. If at any time the Commission finds that an individual owner of any such security is unsuitable to continue as a gaming licensee in this state, the owner shall immediately offer the security to the issuing corporation for purchase. The corporation shall purchase the security so offered, for cash at fair market value, within 10 days after the date of the offer.

3. Beginning upon the date when the Commission serves notice of a determination of unsuitability pursuant to subsection 2 upon the corporation, it is unlawful for the unsuitable owner:

(a) To receive any dividend or interest upon any such security;

(b) To exercise, directly or through any trustee or nominee, any voting right conferred by such security; or

(c) To receive any remuneration in any form from the corporation, for services rendered or otherwise.

4. Every security issued by a corporation, other than a publicly traded corporation, which holds a state gaming license must bear a statement, on both sides of the certificate evidencing the security, of the restrictions imposed by this section.

Sec. 15. NRS 463.564 is hereby amended to read as follows:

463.564 In order to be eligible to receive a state gaming license, a limited partnership shall:

1. ~~[Be formed under the laws of this State;~~

~~2.]~~ Maintain an office of the limited partnership on the licensed premises;

~~[3.]~~ ***2.*** Comply with all of the requirements of the laws of this State pertaining to limited partnerships; and

~~[4.]~~ ***3.*** Maintain a ledger in the principal office of the limited partnership in this State, which must:

(a) At all times reflect the ownership of all interests in the limited partnership; and

(b) Be available for inspection by the Board, Commission and their authorized agents, at all reasonable times without notice.

Sec. 16. NRS 463.5665 is hereby amended to read as follows:

463.5665 1. The purported granting of an option to purchase any interest in a limited partnership which holds a state gaming license ***or which is a holding company or an intermediary company for an entity that holds***

a state gaming license or the purported sale, assignment, transfer, pledge or other disposition of an existing option to acquire such an interest is ~~[ineffective]~~ ***void*** unless administratively approved in advance by the Chairman of the Board.

2. A request for administrative approval pursuant to subsection 1 must:

(a) Be made on forms approved by the Chairman of the Board; and

(b) To the extent consistent with this section, be considered in all respects as an application.

3. The Chairman of the Board may refer a request for administrative approval to the Board and Commission for consideration or deny the request for administrative approval for any reasonable cause. A denial may be submitted for review by the Board and Commission in the manner set forth by the regulations of the Commission pertaining to the review of administrative approval decisions.

4. The Commission, upon recommendation by the Board, may require a person to apply for a finding of suitability to hold an option to purchase such an interest.

Sec. 17. NRS 463.567 is hereby amended to read as follows:

463.567 1. The purported sale, assignment, transfer, pledge, exercise of an option to purchase, or other disposition of any interest in a limited partnership which holds a state gaming license ***or which is a holding company or an intermediary company for an entity that holds a state gaming license*** is ~~[ineffective]~~ ***void*** unless approved in advance by the Commission.

2. If at any time the Commission finds that an individual owner of any such interest is unsuitable to hold that interest, the Commission shall immediately notify the limited partnership of that fact. The limited partnership shall, within 10 days ~~[from]~~ ***after*** the date that it receives the notice from the Commission, return to the unsuitable owner, in cash, the amount of his capital account as reflected on the books of the partnership.

3. Beginning on the date when the Commission serves notice of a determination of unsuitability pursuant to subsection 2 upon the limited partnership, it is unlawful for the unsuitable owner:

(a) To receive any share of the profits or interest upon any limited partnership interest;

(b) To exercise, directly or through any trustee or nominee, any voting right conferred by such interest; or

(c) To receive any remuneration in any form from the limited partnership, for services rendered or otherwise.

4. The certificate of limited partnership of any limited partnership holding a state gaming license must contain a statement of the restrictions imposed by this section.

Sec. 18. NRS 463.5731 is hereby amended to read as follows:

463.5731 In order to be eligible to receive a license, a limited-liability company must:

1. ~~[Be formed under the laws of this State;~~

~~2.]~~ Maintain an office of the limited-liability company on the licensed premises;

~~[3.]~~ ***2.*** Comply with all of the requirements of the laws of this State pertaining to limited-liability companies; and

~~[4.]~~ ***3.*** Maintain a ledger in the principal office of the limited-liability company in this State, which must:

(a) At all times reflect the ownership of all interests in the limited-liability company; and

(b) Be available for inspection by the Board, Commission and their authorized agents, at all reasonable times without notice.

Sec. 19. NRS 463.57325 is hereby amended to read as follows:

463.57325 1. The purported granting of an option to purchase any interest in a limited-liability company which holds a state gaming license ***or which is a holding company or an intermediary company for an entity that holds a state gaming license*** or the purported sale, assignment, transfer, pledge or other disposition of an existing option to acquire such an interest is ~~[ineffective]~~ ***void*** unless administratively approved in advance by the Chairman of the Board.

2. A request for administrative approval pursuant to subsection 1 must:

(a) Be made on forms approved by the Chairman of the Board; and

(b) To the extent consistent with this section, be considered in all respects as an application.

3. The Chairman of the Board may refer a request for administrative approval to the Board and Commission for consideration or deny the request for administrative approval for any reasonable cause. A denial may be submitted for review by the Board and Commission in the manner set forth by the regulations of the Commission pertaining to the review of administrative approval decisions.

4. The Commission, upon recommendation by the Board, may require a person to apply for a finding of suitability to hold an option to purchase such an interest.

Sec. 20. NRS 463.5733 is hereby amended to read as follows:

463.5733 1. The purported sale, assignment, transfer, pledge, exercise of an option to purchase ***,*** or other disposition of any interest in a limited-liability company which holds a state gaming license ***or which is a holding company or an intermediary company for an entity that holds a state gaming license*** is ~~[ineffective]~~ ***void*** unless approved in advance by the Commission.

2. If at any time the Commission finds that a member is unsuitable to hold an interest in a limited-liability company, the Commission shall immediately notify the limited-liability company of that fact. The limited-liability company shall, within 10 days after it receives the notice from the Commission, return to the member, in cash, the amount of his capital account as reflected on the books of the company.

3. Except as otherwise provided in subsection 2, beginning on the date when the Commission serves notice of a determination of unsuitability pursuant to subsection 2 upon the limited-liability company, it is unlawful for the unsuitable member:

(a) To receive any share of the distribution of profits of the limited-liability company or any payments upon dissolution of the company;

(b) To exercise any voting right conferred by the member's interest in the limited-liability company;

(c) To participate in the management of the limited-liability company; or

(d) To receive any remuneration in any form from the limited-liability company, for services rendered or otherwise.

4. The articles of organization of any limited-liability company holding a state gaming license must contain a statement of the restrictions imposed by this section.

Sec. 21. NRS 463.643 is hereby amended to read as follows:

463.643 1. Each person who acquires, directly or indirectly ~~[, beneficial]~~ ***:***

(a) Beneficial ownership of any voting security ***; or***

(b) Beneficial or record ownership of any nonvoting security,

➥ in a publicly traded corporation which is registered with the Commission may be required to be found suitable if the Commission has reason to believe that his acquisition of that ownership would otherwise be inconsistent with the declared policy of this state.

2. Each person who acquires, directly or indirectly, beneficial ***or record*** ownership of any debt security in a publicly traded corporation which is registered with the Commission may be required to be found suitable if the Commission has reason to believe that his acquisition of the debt security would otherwise be inconsistent with the declared policy of this state.

3. Each person who, individually or in association with others, acquires, directly or indirectly, beneficial ownership of more than 5 percent of any class of voting securities of a publicly traded corporation registered with the Nevada Gaming Commission, and who is required to report, or voluntarily reports, the acquisition to the Securities and Exchange Commission pursuant to section 13(d)(1), 13(g) or 16(a) of the Securities Exchange Act of 1934, as amended, 15 U.S.C. §§ 78m(d)(1), 78m(g) and 78p(a), respectively, shall file a copy of that report, and any amendments thereto, with the Nevada Gaming Commission within 10 days after filing that report with the Securities and Exchange Commission.

4. Each person who, individually or in association with others, acquires, directly or indirectly, the beneficial ownership of more than 10 percent of any class of voting securities of a publicly traded corporation registered with the Commission, or who is required to report, or voluntarily reports, such acquisition pursuant to section 13(d)(1), 13(g) or 16(a) of the Securities Exchange Act of 1934, as amended, 15 U.S.C. §§ 78m(d)(1), 78m(g) and 78p(a), respectively, shall apply to the Commission for a finding of

suitability within 30 days after the Chairman of the Board mails the written notice.

5. A person who acquires ~~[beneficial]~~ ***, directly or indirectly:***

(a) Beneficial ownership of any voting security ***;*** or

(b) Beneficial or record ownership of any nonvoting security or debt security ***,***

➥ in a publicly traded corporation created under the laws of a foreign country which is registered with the Commission shall file such reports and is subject to such a finding of suitability as the Commission may prescribe.

6. Any person required by the Commission or by this section to be found suitable shall:

(a) Except as otherwise required in subsection 4, apply for a finding of suitability within 30 days after the Commission requests that he do so; and

(b) Together with the application, deposit with the Board a sum of money which, in the opinion of the Board, will be adequate to pay the anticipated costs and charges incurred in the investigation and processing of the application, and deposit such additional sums as are required by the Board to pay final costs and charges.

7. Any person required by the Commission or this section to be found suitable who is found unsuitable by the Commission shall not hold directly or indirectly the ~~[beneficial]~~ ***:***

(a) Beneficial ownership of any voting security ***;*** or

(b) Beneficial or record ownership of any nonvoting security or debt security ***,***

➥ of a publicly traded corporation which is registered with the Commission beyond the time prescribed by the Commission.

8. The violation of subsection 6 or 7 is a gross misdemeanor.

9. As used in this section, "debt security" means any instrument generally recognized as a corporate security representing money owed and reflected as debt on the financial statement of a publicly traded corporation, including, but not limited to, bonds, notes and debentures.

Sec. 22. NRS 463.645 is hereby amended to read as follows:

463.645 ~~[1.]~~ If any person who is required by or pursuant to this chapter to be licensed or found suitable because of his connection with a corporation, partnership, limited partnership, limited-liability company or other business organization holding a license, or a holding company or intermediary company, including a publicly traded corporation, fails to apply for a license or a finding of suitability after being requested to do so by the Commission or is denied a license or a finding of suitability, or if his license or finding of suitability is revoked, ~~[and his name has been placed on the list maintained pursuant to subsection 8 of NRS 463.165,]~~ the corporation, partnership, limited partnership, limited-liability company, business organization, holding company, intermediary company or any person who directly or indirectly controls, is controlled by or is under common control with the corporation, partnership, limited partnership, limited-liability

company, business organization, holding company or intermediary company shall not, ***and any licensee or an affiliate of the licensee shall not,*** after receipt of written notice from the Commission:

~~[(a)]~~ ***1.*** Pay him any remuneration for any service relating to the activities of a licensee, except for amounts due for services rendered before the date of receipt of notice of such action by the Commission. Any contract or agreement for personal services or the conduct of any activity at a licensed gaming establishment between a former employee whose employment was terminated because of failure to apply for a license or a finding of suitability, denial of a license or finding of suitability, or revocation of a license or a finding of suitability, or any business enterprise under the control of that employee and the licensee, holding or intermediary company or registered publicly traded corporation is subject to termination. Every such agreement shall be deemed to include a provision for its termination without liability on the part of the licensee upon a finding by the Commission that the business or any person associated therewith is unsuitable to be associated with a gaming enterprise. Failure expressly to include such a condition in the agreement is not a defense in any action brought pursuant to this section to terminate the agreement.

~~[(b)]~~ ***2.*** Enter into any contract or agreement with him or with a business organization that the licensee knows or under the circumstances reasonably should know is under his control which involves the operations of a licensee, without the prior approval of the Commission.

~~[(c)]~~ ***3.*** Employ him in any position involving the activities of a licensee without prior approval of the Commission.

~~[2. The name of any person who has been denied a license, been found unsuitable or had a license or finding of suitability revoked pursuant to subsection 1 must be included on the list required pursuant to subsection 8 of NRS 463.165.]~~

Sec. 22.5. **NRS 463.650 is hereby amended to read as follows:**

463.650 1. Except as otherwise provided in subsections 2 to 5, inclusive, it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, to operate, carry on, conduct or maintain any form of manufacture, selling or distribution of any gaming device, cashless wagering system, mobile gaming system or interactive gaming system for use or play in Nevada or for distribution outside of Nevada without first procuring and maintaining all required federal, state, county and municipal licenses.

2. A lessor who specifically acquires equipment for a capital lease is not required to be licensed under this section or NRS 463.660.

3. The holder of a state gaming license or the holding company of a corporation, partnership, limited partnership, limited-liability company or other business organization holding a license may, within 2 years after cessation of business or upon specific approval by the Board, dispose of by sale in a manner approved by the Board, any or all of its gaming devices, including slot machines, mobile gaming systems and cashless wagering

systems, without a distributor's license. In cases of bankruptcy of a state gaming licensee or foreclosure of a lien by a bank or other person holding a security interest for which gaming devices are security in whole or in part for the lien, the Board may authorize the disposition of the gaming devices without requiring a distributor's license.

4. The Commission may, by regulation, authorize a person who owns:

(a) Gaming devices for home use in accordance with NRS 463.160; or

(b) Antique gaming devices,

➥ to sell such devices without procuring a license therefor to residents of jurisdictions wherein ownership of such devices is legal.

5. Upon approval by the Board, a gaming device owned by:

(a) A law enforcement agency;

(b) A court of law; or

(c) A gaming device repair school licensed by the Commission on Postsecondary Education,

➥ may be disposed of by sale, in a manner approved by the Board, without a distributor's license. An application for approval must be submitted to the Board in the manner prescribed by the Chairman.

6. Any person who the Commission determines is a suitable person to receive a license under the provisions of this section and NRS 463.660 may be issued a manufacturer's or distributor's license. The burden of proving his qualification to receive or hold a license under this section and NRS 463.660 is at all times on the applicant or licensee.

7. Every person who must be licensed pursuant to this section is subject to the provisions of NRS 463.482 to 463.645, inclusive, unless exempted from those provisions by the Commission.

8. The Commission may exempt, for any purpose, a manufacturer, seller or distributor from the provisions of NRS 463.482 to 463.645, inclusive, if the Commission determines that the exemption is consistent with the purposes of this chapter.

9. As used in this section:

(a) "Antique gaming device" means a gaming device that was manufactured before ~~[1951.]~~ ***1961.***

(b) "Holding company" has the meaning ascribed to it in NRS 463.485.

Sec. 23. ~~[NRS 464.020 is hereby amended to read as follows:~~

~~464.020 1. The Nevada Gaming Commission is charged with the administration of this chapter for the protection of the public and in the public interest.~~

~~2. The Nevada Gaming Commission may issue licenses permitting the conduct of the pari-mutuel system of wagering, including off-track pari-mutuel wagering, and may adopt, amend and repeal regulations relating to the conduct of such wagering.~~

~~3. The wagering must be conducted only by the licensee at the times determined by the Nevada Gaming Commission and only:~~

~~(a) Within the enclosure wherein the race or other sporting event which is the subject of the wagering occurs; or~~

~~(b) Within a licensed gaming establishment which has been approved to conduct off-track pari-mutuel wagering.~~

~~➥ This subsection does not prohibit a person licensed to accept, pursuant to regulations adopted by the Nevada Gaming Commission, off-track pari-mutuel wagers from accepting wagers made by wire communication from patrons within the State of Nevada, from other states in which such wagering is legal or from places outside the United States in which such wagering is legal. *This subsection does not prohibit a patron within the State of Nevada from placing off-track pari-mutuel wagers by wire communication in other states in which such wagering is legal or in places outside the United States in which such wagering is legal, if such wagers are placed in compliance with all applicable laws and regulations of the state or place outside the United States.*~~

~~4. The regulations of the Nevada Gaming Commission may include, without limitation:~~

~~(a) Requiring fingerprinting of an applicant or licensee, or other method of identification.~~

~~(b) Requiring information concerning an applicant's antecedents, habits and character.~~

~~(c) Prescribing the method and form of application which any applicant for a license issued pursuant to this chapter must follow and complete before consideration of his application by the Nevada Gaming Commission.~~

~~(d) Prescribing the permissible communications technology and requiring the implementation of border control technology that will ensure that a person cannot place a wager with a race book in this State from another state or another location where placing such a wager is illegal.~~

~~5. The Nevada Gaming Commission may appoint an Off-Track Pari-Mutuel Wagering Committee consisting of 11 persons who are licensed to engage in off-track pari-mutuel wagering. If the Commission appoints such a Committee, it shall appoint to the Committee:~~

~~(a) Five members from a list of nominees provided by the State Association of Gaming Establishments whose members collectively paid the most gross revenue fees to the State pursuant to NRS 463.370 in the preceding year;~~

~~(b) Three members who, in the preceding year, paid gross revenue fees pursuant to NRS 463.370 in an amount that was less than the average amount of gross revenue fees paid by licensees engaged in off-track pari-mutuel wagering in the preceding year; and~~

~~(c) Three other members.~~

~~➥ If a vacancy occurs in a position on the Committee for any reason, including, but not limited to, termination of a member, the Commission shall appoint a successor member who satisfies the same criteria in paragraph (a), (b) or (c) that applied to the member whose position has been vacated.~~

~~6. If the Nevada Gaming Commission appoints an Off-Track Pari-Mutuel Wagering Committee pursuant to subsection 5, the Commission shall:~~

~~(a) Grant to the Off-Track Pari-Mutuel Wagering Committee the exclusive right to negotiate an agreement relating to off-track pari-mutuel wagering with:~~

~~(1) A person who is licensed or otherwise permitted to operate a wagering pool in another state; and~~

~~(2) A person who is licensed pursuant to chapter 464 of NRS as an operator of a system.~~

~~(b) Require the Off-Track Pari-Mutuel Wagering Committee to grant to each person licensed pursuant to this chapter to operate an off-track pari-mutuel race pool the right to receive, on a fair and equitable basis, all services concerning wagering in such a race pool that the Committee has negotiated to bring into or provide within this State.~~

~~7. The Nevada Gaming Commission shall, and it is granted the power to, demand access to and inspect all books and records of any person licensed pursuant to this chapter pertaining to and affecting the subject of the license.]~~ **(Deleted by amendment.)**

Sec. 24. NRS 465.080 is hereby amended to read as follows:

465.080 1. It is unlawful for any licensee, employee or other person ***, not a duly authorized employee of a licensee acting in furtherance of his employment within an establishment,*** to ***possess,*** use ***, sell or manufacture*** counterfeit chips, counterfeit debit instruments or other counterfeit wagering instruments in a gambling game, associated equipment or a cashless wagering system.

2. ***It is unlawful for any licensee, employee or other person, not a duly authorized employee of a licensee acting in furtherance of his employment within an establishment, to possess, use, sell or manufacture any counterfeit instruments, counterfeit tickets or other counterfeit items that are used to determine the outcome of any contest or promotional activity conducted by or on behalf of any licensee.***

3. It is unlawful for any person, in playing or using any gambling game, associated equipment or cashless wagering system designed to be played with, receive or be operated by chips, tokens, wagering credits or other wagering instruments approved by the State Gaming Control Board or by lawful coin of the United States of America:

(a) Knowingly to use other than chips, tokens, wagering credits or other wagering instruments approved by the State Gaming Control Board or lawful coin, legal tender of the United States of America, or to use coin or tokens not of the same denomination as the coin or tokens intended to be used in that gambling game, associated equipment or cashless wagering system; or

(b) To use any device or means to violate the provisions of this chapter.

~~[3.]~~ ***4.*** It is unlawful for any person, not a duly authorized employee of a licensee acting in furtherance of his employment within an establishment, to

have on his person or in his possession on or off the premises of any licensed gaming establishment any device intended to be used to violate the provisions of this chapter.

~~[4.]~~ ***5.*** It is unlawful for any person, not a duly authorized employee of a licensee acting in furtherance of his employment within an establishment, to have on his person or in his possession on or off the premises of any licensed gaming establishment any key or device known to have been designed for the purpose of and suitable for opening, entering or affecting the operation of any gambling game, cashless wagering system or drop box, or any electronic or mechanical device connected thereto, or for removing money or other contents therefrom.

~~[5.]~~ ***6.*** It is unlawful for any person ***, not a duly authorized employee of a licensee acting in furtherance of his employment within an establishment,*** to have on his person or in his possession any paraphernalia for manufacturing slugs. As used in this subsection, "paraphernalia for manufacturing slugs" means the equipment, products and materials that are intended for use or designed for use in manufacturing, producing, fabricating, preparing, testing, analyzing, packaging, storing or concealing a counterfeit facsimile of the chips, tokens, debit instruments or other wagering instruments approved by the State Gaming Control Board or a lawful coin of the United States, the use of which is unlawful pursuant to subsection ~~[2.]~~ ***3.*** The term includes, but is not limited to:

(a) Lead or lead alloys;

(b) Molds, forms or similar equipment capable of producing a likeness of a gaming token or United States coin;

(c) Melting pots or other receptacles;

(d) Torches;

(e) Tongs, trimming tools or other similar equipment; and

(f) Equipment which can be reasonably demonstrated to manufacture facsimiles of debit instruments or wagering instruments approved by the State Gaming Control Board.

~~[6.]~~ ***7.*** Possession of more than one of the devices, equipment, products or materials described in this section permits a rebuttable inference that the possessor intended to use them for cheating.

Sec. 25. ~~[NRS 465.094 is hereby amended to read as follows:~~

~~465.094 The provisions of NRS 465.092 and 465.093 do not apply to a wager placed by a person for his own benefit or, without compensation, for the benefit of another that is accepted or received by, placed with, or sent, transmitted or relayed to:~~

~~1. A race book or sports pool that is licensed pursuant to chapter 463 of NRS, if the wager is accepted or received within this State and otherwise complies with all other applicable laws and regulations concerning wagering;~~

~~2. A person who is licensed to engage in off-track pari-mutuel wagering pursuant to chapter 464 of NRS, if the wager is accepted or received within~~

~~this State and otherwise complies with subsection 3 of NRS 464.020 and all other applicable laws and regulations concerning wagering;~~

~~*3. A person who is licensed to accept off-track pari-mutuel horse race wagers in another state in which such wagering is legal or in a place outside the United States in which such wagering is legal, if such wagering complies with all applicable laws and regulations of the state or place outside the United States;*~~

~~*4.* A person who is licensed to operate a mobile gaming system pursuant to chapter 463 of NRS, if the wager is accepted or received within this State and otherwise complies with all other applicable laws and regulations concerning wagering; or~~

~~[4.]~~ ~~*5.* Any other person or establishment that is licensed to engage in wagering pursuant to title 41 of NRS, if the wager is accepted or received within this State and otherwise complies with all other applicable laws and regulations concerning wagering.~~] **(Deleted by amendment.)**

Sec. 26. 1. This section and section 24 of this act become effective upon passage and approval.

2. Sections 1 to 23, inclusive, and 25 of this act become effective on July 1, 2007.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 535.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 142.

The following Senate amendment was read:

Amendment No. 800.

AN ACT relating to ethics in government; requiring certain public officers ~~[and lobbyists]~~ to attend a course on **laws relating to** ethics in government; ~~[requiring lobbyists who lobby the Executive Department of the State Government to file a registration statement and periodic reports with the Secretary of State; requiring the Secretary of State to handle all reports and filings and make investigations under certain circumstances; providing a penalty;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires newly elected or appointed public officers who are required to file statements of financial disclosure ~~[, newly registered lobbyists, and newly employed lobbyists for governmental agencies]~~ to take a course on **laws relating to** governmental ethics that is conducted by the Commission on Ethics.

~~[Section 3.7 of this bill increases penalties for willful violations of certain provisions concerning ethics in government. (NRS 281.551)~~

~~Existing law sets forth requirements for persons who lobby the Legislature. The lobbyists must register with the Director of the Legislative Counsel~~

~~Bureau and file certain disclosure reports. (NRS 218.900-218.944) In addition to those reports, section 5 of this bill requires legislative lobbyists to file disclosure reports at the end of each calendar quarter in which the Legislature is not in session.~~

~~Sections 8-31 of this bill set forth requirements for persons who lobby the Executive Department of the State Government. Such executive lobbyists must register with the Secretary of State and file certain disclosure reports. The requirements for executive lobbyists parallel those for legislative lobbyists in chapter 218 of NRS.]~~ **Section 1 of this bill also authorizes the Commission to develop a course on governmental ethics for the public.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commission shall develop a course on laws relating to ethics in government. Each ~~[:~~

~~*1. Public]*~~ ***public officer who is required to file a statement of financial disclosure pursuant to NRS 281.541, 281.559 or 281.561 shall*** ~~[,]~~ ***complete such a course within 6 months after his initial election or appointment to his office.*** ~~[:~~

~~*2. Lobbyist who has filed a registration statement pursuant to NRS 218.918 or section 17 of this act shall, within 30 days after filing the registration statement; and*~~

~~*3. Public employee whose primary function is to lobby other governmental entities on behalf of his employer shall, within 30 days after his initial employment in such a position,*~~

~~*→ complete a course on ethics in government that is developed by the Commission.]*~~

2. The Commission may:

(a) Develop and offer to members of the public a course on ethics in government; and

(b) Establish and collect a fee for a member of the public to attend the course described in paragraph (a).

Sec. 2. NRS 281.411 is hereby amended to read as follows:

281.411 NRS 281.411 to 281.581, inclusive, ***and section 1 of this act*** may be cited as the Nevada Ethics in Government Law.

Sec. 3. NRS 281.431 is hereby amended to read as follows:

281.431 As used in NRS 281.411 to 281.581, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 281.432 to 281.4375, inclusive, have the meanings ascribed to them in those sections.

Sec. 3.3. ~~[NRS 281.501 is hereby amended to read as follows:~~

~~281.501 1. Except as otherwise provided in subsection 2, 3 or 4, a public officer may vote upon a matter if the benefit or detriment accruing to~~

~~him as a result of the decision either individually or in a representative capacity as a member of a general business, profession, occupation or group is not greater than that accruing to any other member of the general business, profession, occupation or group.~~

~~2. Except as otherwise provided in subsection 3, in addition to the requirements of the code of ethical standards, a public officer shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by:~~

~~(a) His *seeking or* acceptance of a gift or loan;~~

~~(b) His pecuniary interest; or~~

~~(c) His commitment in a private capacity to the interests of others.~~

~~➡ It must be presumed that the independence of judgment of a reasonable person would not be materially affected by his pecuniary interest or his commitment in a private capacity to the interests of others where the resulting benefit or detriment accruing to him or to the other persons whose interests to which the member is committed in a private capacity is not greater than that accruing to any other member of the general business, profession, occupation or group. The presumption set forth in this subsection does not affect the applicability of the requirements set forth in subsection 4 relating to the disclosure of the pecuniary interest or commitment in a private capacity to the interests of others.~~

~~3. In a county whose population is 400,000 or more, a member of a county or city planning commission shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by:~~

~~(a) His *seeking or* acceptance of a gift or loan;~~

~~(b) His direct pecuniary interest; or~~

~~(c) His commitment to a member of his household or a person who is related to him by blood, adoption or marriage within the third degree of consanguinity or affinity.~~

~~➡ It must be presumed that the independence of judgment of a reasonable person would not be materially affected by his direct pecuniary interest or his commitment described in paragraph (c) where the resulting benefit or detriment accruing to him or to the other persons whose interests to which the member is committed is not greater than that accruing to any other member of the general business, profession, occupation or group. The presumption set forth in this subsection does not affect the applicability of the requirements set forth in subsection 4 relating to the disclosure of the direct pecuniary interest or commitment.~~

~~4. A public officer or employee shall not approve, disapprove, vote, abstain from voting or otherwise act upon any matter:~~

~~(a) Regarding which he has *sought or* accepted a gift or loan;~~

~~(b) Which would reasonably be affected by his commitment in a private capacity to the interest of others; or~~

~~(c) In which he has a pecuniary interest,~~

~~→ without disclosing sufficient information concerning the gift, loan, commitment or interest to inform the public of the potential effect of the action or abstention upon the person who provided *or from whom he sought* the gift or loan, upon the person to whom he has a commitment, or upon his interest. Except as otherwise provided in subsection 6, such a disclosure must be made at the time the matter is considered. If the officer or employee is a member of a body which makes decisions, he shall make the disclosure in public to the Chairman and other members of the body. If the officer or employee is not a member of such a body and holds an appointive office, he shall make the disclosure to the supervisory head of his organization or, if he holds an elective office, to the general public in the area from which he is elected. This subsection does not require a public officer to disclose any campaign contributions that the public officer reported pursuant to NRS 294A.120 or 294A.125 in a timely manner.~~

~~5. Except as otherwise provided in NRS 241.0355, if a public officer declares to the body or committee in which the vote is to be taken that he will abstain from voting because of the requirements of this section, the necessary quorum to act upon and the number of votes necessary to act upon the matter, as fixed by any statute, ordinance or rule, is reduced as though the member abstaining were not a member of the body or committee.~~

~~6. After a member of the Legislature makes a disclosure pursuant to subsection 4, he may file with the Director of the Legislative Counsel Bureau a written statement of his disclosure. The written statement must designate the matter to which the disclosure applies. After a Legislator files a written statement pursuant to this subsection, he is not required to disclose orally his interest when the matter is further considered by the Legislature or any committee thereof. A written statement of disclosure is a public record and must be made available for inspection by the public during the regular office hours of the Legislative Counsel Bureau.~~

~~7. The provisions of this section do not, under any circumstances:~~

~~(a) Prohibit a member of the Legislative Branch from requesting or introducing a legislative measure; or~~

~~(b) Require a member of the Legislative Branch to take any particular action before or while requesting or introducing a legislative measure.~~

~~8. As used in this section, "commitment in a private capacity to the interests of others" means a commitment to a person:~~

~~(a) Who is a member of his household;~~

~~(b) Who is related to him by blood, adoption or marriage within the third degree of consanguinity or affinity;~~

~~(c) Who employs him or a member of his household;~~

~~(d) With whom he has a substantial and continuing business relationship; or~~

~~(c) Any other commitment or relationship that is substantially similar to a commitment or relationship described in this subsection.]~~ **(Deleted by amendment.)**

Sec. 3.7. ~~[NRS 281.551 is hereby amended to read as follows:~~

~~281.551 1. In addition to any other penalty provided by law, the Commission may impose on a public officer or employee or former public officer or employee civil penalties:~~

~~(a) Not to exceed~~ [$5,000] ~~*$10,000* for a first willful violation of this chapter;~~

~~(b) Not to exceed~~ [$10,000] ~~*$15,000* for a separate act or event that constitutes a second willful violation of this chapter; and~~

~~(c) Not to exceed~~ [$25,000] ~~*$30,000* for a separate act or event that constitutes a third willful violation of this chapter.~~

~~2. In addition to other penalties provided by law, the Commission may impose a civil penalty not to exceed $5,000 and assess an amount equal to the amount of attorney's fees and costs actually and reasonably incurred by the person about whom an opinion was requested pursuant to NRS 281.511 against a person who prevents, interferes with or attempts to prevent or interfere with the discovery or investigation of a violation of this chapter.~~

~~3. If the Commission finds that a violation of a provision of this chapter by a public officer or employee or former public officer or employee has resulted in the realization by another person of a financial benefit, the Commission may, in addition to other penalties provided by law, require the current or former public officer or employee to pay a civil penalty of not more than twice the amount so realized.~~

~~4. If the Commission finds that:~~

~~(a) A willful violation of this chapter has been committed by a public officer removable from office by impeachment only, the Commission shall file a report with the appropriate person responsible for commencing impeachment proceedings as to its finding. The report must contain a statement of the facts alleged to constitute the violation.~~

~~(b) A willful violation of this chapter has been committed by a public officer removable from office pursuant to NRS 283.440, the Commission may file a proceeding in the appropriate court for removal of the officer.~~

~~(c) Three or more willful violations have been committed by a public officer removable from office pursuant to NRS 283.440, the Commission shall file a proceeding in the appropriate court for removal of the officer.~~

~~5. An action taken by a public officer or employee or former public officer or employee relating to NRS 281.481, 281.491, 281.501 or 281.505 is not a willful violation of a provision of those sections if the public officer or employee establishes by sufficient evidence that he satisfied all of the following requirements:~~

~~(a) He relied in good faith upon the advice of the legal counsel retained by the public body which the public officer represents or by the employer of the~~

~~public employee or upon the manual published by the Commission pursuant to NRS 281.471;~~

~~(b) He was unable, through no fault of his own, to obtain an opinion from the Commission before the action was taken; and~~

~~(c) He took action that was not contrary to a prior published opinion issued by the Commission.~~

~~6. In addition to other penalties provided by law, a public employee who willfully violates a provision of NRS 281.481, 281.491, 281.501 or 281.505 is subject to disciplinary proceedings by his employer and must be referred for action in accordance to the applicable provisions governing his employment.~~

~~7. NRS 281.481 to 281.541, inclusive, do not abrogate or decrease the effect of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct of public officers or employees. If the Commission finds that a public officer or employee has committed a willful violation of this chapter which it believes may also constitute a criminal offense, the Commission shall refer the matter to the Attorney General or the district attorney, as appropriate, for a determination of whether a crime has been committed that warrants prosecution.~~

~~8. The imposition of a civil penalty pursuant to subsection 1, 2 or 3 is a final decision for the purposes of judicial review.~~

~~9. A finding by the Commission that a public officer or employee has violated any provision of this chapter must be supported by a preponderance of the evidence unless a greater burden is otherwise prescribed by law.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 218.906 is hereby amended to read as follows:~~

~~218.906 "Expenditure" means any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, pledge or subscription of money or anything of value, including *the* cost of entertainment, except the payment of [a membership fee] *membership dues* otherwise exempted pursuant to NRS 218.926 and any contract, agreement, promise or other obligation, whether or not legally enforceable, to make any expenditure . [while the Legislature is in session.]]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 218.926 is hereby amended to read as follows:~~

~~218.926 1. Each registrant shall file with the Director within 30 days after the close of the legislative session a final report signed under penalty of perjury concerning his lobbying activities. In addition, each registrant shall file with the Director between the 1st and 10th day of the month [after]:~~

~~*(a) After* each month that the Legislature is in session , a report *signed under penalty of perjury* concerning his lobbying activities during the previous month, whether or not any expenditures were made.~~

~~*(b) After the end of each calendar quarter that the Legislature is not in session, a report signed under penalty of perjury concerning his lobbying activities during the previous quarter, whether or not any expenditures were made.*~~

~~2. Each report *filed pursuant to subsection 1* must be on a form prescribed by the Director and must include the total of all expenditures, if any, made by the registrant on behalf of a Legislator or an organization whose primary purpose is to provide support for Legislators of a particular political party and House, including expenditures made by others on behalf of the registrant if the expenditures were made with the registrant's express or implied consent or were ratified by the registrant. Except as otherwise provided in subsection~~ [4,] ~~*5*, the report must identify each Legislator and each organization whose primary purpose is to provide support for Legislators of a particular political party and House on whose behalf expenditures were made and must be itemized with respect to each such Legislator and organization. An expenditure on behalf of a person other than a Legislator or an organization whose primary purpose is to provide support for Legislators of a particular political party and House need not be reported pursuant to this section unless the expenditure is made for the benefit of a Legislator or such an organization.~~

~~[2.] *3.* If expenditures made by or on behalf of a registrant during the previous month *or quarter, as applicable*, exceed $50, the report must include a compilation of expenditures, itemized in the manner required by the regulations of the Legislative Commission, in the following categories:~~

~~(a) Entertainment;~~

~~(b) Expenditures made in connection with a party or similar event hosted by the organization represented by the registrant;~~

~~(c) Gifts and loans, including money, services and anything of value provided to a Legislator, to an organization whose primary purpose is to provide support for Legislators of a particular political party and House, or to any other person for the benefit of a Legislator or such an organization; and~~

~~(d) Other expenditures directly associated with legislative action, not including personal expenditures for food, lodging and travel expenses or membership dues.~~

~~[3.] *4.* The Legislative Commission may authorize an audit or investigation by the Legislative Auditor that is proper and necessary to verify compliance with the provisions of this section. A lobbyist shall make available to the Legislative Auditor all books, accounts, claims, reports, vouchers and other records requested by the Legislative Auditor in connection with any such audit or investigation. The Legislative Auditor shall confine his requests for such records to those which specifically relate to the lobbyist's compliance with the reporting requirements of this section.~~

~~[4.] *5.* A report filed pursuant to this section must not itemize with respect to each Legislator an expenditure if the expenditure is the cost of a function to which every Legislator was invited. For the purposes of this subsection, "function" means a party, meal or other social event.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 218.932 is hereby amended to read as follows:~~

~~218.932 1. The Legislative Commission [shall]:~~

~~*(a) Shall* adopt regulations to carry out the provisions of NRS 218.900 to 218.944, inclusive [, may];~~

~~*(b) Shall* require fees for registration, payable into the Legislative Fund, and [may] *fees for the course on ethics in government that is required pursuant to section 1 of this act, payable to the Commission on Ethics; and*~~

~~*(c) May* classify lobbyists for [this purpose.] *the purpose of establishing a schedule of fees.*~~

~~2. The Director shall:~~

~~(a) Prepare and furnish forms for the statements and reports required to be filed.~~

~~(b) Prepare and publish uniform methods of accounting and reporting to be used by persons required to file such statements and reports, including guidelines for complying with the reporting requirements of NRS 218.900 to 218.944, inclusive.~~

~~(c) Accept and file any information voluntarily supplied that exceeds the requirements of NRS 218.900 to 218.944, inclusive.~~

~~(d) Develop a filing, coding and cross-indexing system consistent with the purposes of NRS 218.900 to 218.944, inclusive.~~

~~(e) Make the statements and reports available for public inspection during regular office hours.~~

~~(f) Preserve the statements and reports for a period of 5 years [from] *after* the date of filing.~~

~~(g) Compile and keep current an alphabetical list of registrants, including their address, the name and address of each person for whom the registrant is lobbying and the principal areas of interest on which he expects to lobby. A copy of the list must be furnished to each Legislator, to the clerks of the respective counties for preservation and public inspection, and to any person who requests a copy and pays the cost of reproduction.]~~ **(Deleted by amendment.)**

Sec. 7. ~~[Title 18 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 8 to 31, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 8. ~~*[Sections 8 to 31, inclusive, of this act may be cited as the Nevada Executive Department Lobbying Disclosure Act.]*~~ **(Deleted by amendment.)**

Sec. 9. ~~*[The Legislature declares that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their government for redress of grievances and to express freely to members of the Executive Department of the State Government their opinions on current issues and the management of government affairs.]*~~ **(Deleted by amendment.)**

Sec. 10. ~~*[As used in sections 8 to 31, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 11 to 16, inclusive, of this act, have the meanings ascribed to them in those sections.]*~~ **(Deleted by amendment.)**

Sec. 11. ~~[“Executive action” means any official action or duty for which the Executive Department is responsible in establishing policy, but does not include such actions by employees that provide a specific service to the general public.]~~ **(Deleted by amendment.)**

Sec. 12. ~~[“Executive Department” means the Executive Department of the State Government and includes a constitutional officer, an appointed member of a board or commission, an employee in the unclassified service of the State and an employee with authority to establish policy or effect executive action or with whom final authority rests.]~~ **(Deleted by amendment.)**

Sec. 13. ~~[“Expenditure” means any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, pledge or subscription of money or anything of value, including the cost of entertainment, except the payment of membership dues otherwise exempted pursuant to section 21 of this act and any contract, agreement, promise or other obligation, whether or not legally enforceable, to make any expenditure.]~~ **(Deleted by amendment.)**

Sec. 14. ~~[1. “Gift” means a payment, subscription, advance, forbearance, rendering or deposit of money, services or anything of value unless consideration of equal or greater value is received.~~

~~2. “Gift” does not include:~~

~~(a) A political contribution of money or services relating to a political campaign;~~

~~(b) A commercially reasonable loan made in the ordinary course of business;~~

~~(c) The cost of food or beverages;~~

~~(d) Anything of value received from a member of the recipient’s immediate family or from a relative of the recipient or his spouse within the fifth degree of consanguinity or from the spouse of any such relative; or~~

~~(e) Costs and expenses associated with the attendance of a public officer, or the spouse or guest of a public officer, at an event relating to public office or at an event that benefits an organization which the Secretary of the Treasury has determined is an exempt organization pursuant to the provisions of section 501(c) of the Internal Revenue Code, 26 U.S.C. § 501(c).]~~ **(Deleted by amendment.)**

Sec. 15. ~~[1. “Lobbyist” means, except as limited by subsection 2, a person who:~~

~~(a) Appears in person in a state building or any other building in which the Executive Department conducts business or holds meetings; and~~

~~(b) Communicates directly with the Executive Department on behalf of someone other than himself to influence executive action, and who receives compensation for the communication.~~

~~2. “Lobbyist” does not include:~~

(a) Persons who confine their activities to formal appearances before the Executive Department and who clearly identify themselves and the interest or interests for whom they are testifying.

(b) Employees of a bona fide news medium who meet the definition of "lobbyist" only in the course of their professional duties and who contact the Executive Department for the sole purpose of carrying out their news gathering function.

(c) Employees or members of any branch of State Government, or of any political subdivision of this State, who confine their lobbying activities to issues directly relating to the scope of their office or employment.

(d) A person who has been retained as legal counsel for a business or natural person relating to a legal action and who appears as a matter of course relating to the legal action.] **(Deleted by amendment.)**

Sec. 16. *[*"Person" includes a group of persons acting in concert, whether or not formally organized.*]* **(Deleted by amendment.)**

Sec. 17. *[*Every person who acts as a lobbyist shall file an annual registration statement with the Secretary of State in such form and at such time as the Secretary of State prescribes. If a person who has not filed an annual registration statement engages in an activity that requires him to register as a lobbyist, he shall, not later than 2 days after the beginning of that activity, file a registration statement. Such registration is effective until the next annual registration period.*]* **(Deleted by amendment.)**

Sec. 18. *[*The registration statement of a lobbyist must contain the following information:

1. The registrant's full name, permanent address, place of business and temporary address, if any, while lobbying.

2. The full name and complete address of each person, if any, by whom the registrant is retained or employed or on whose behalf the registrant appears.

3. A listing of any direct business associations or partnerships involving the Executive Department and the registrant or any person by whom the registrant is retained or employed. The listing must include any such association or partnership constituting a source of income or involving a debt or interest in real estate required to be disclosed in a statement of financial disclosure made by a candidate for public office or a public officer pursuant to NRS 281.571.

4. The name of any constitutional officer for whom:

(a) The registrant; or

(b) Any person by whom the registrant is retained or employed,

has, in connection with a political campaign of the constitutional officer, provided consulting, advertising or other professional services.

5. A description of the principal areas of interest on which the registrant expects to lobby.

6. If the registrant lobbies or purports to lobby on behalf of members, a statement of the number of members.

~~*7. A declaration under penalty of perjury that none of the registrant's compensation or reimbursement is contingent, in whole or in part, upon the production of any executive action.]*~~ **(Deleted by amendment.)**

Sec. 19. ~~*[Each person required to register shall file a notice of termination with the Secretary of State within 30 days after he ceases the activity that required his registration, but this does not relieve him of the reporting requirement for that reporting period. A person who has terminated his registration pursuant to this section may reinstate his registration before the end of the registration period by filing a request for reinstatement on a form prescribed by the Secretary of State and paying the applicable fee.]*~~ **(Deleted by amendment.)**

Sec. 20. ~~*[Each person required to register shall file a supplementary registration statement with the Secretary of State not later than 5 days after any change in the registrant's last registration statement. The supplementary registration statement must include complete details concerning the changes that have occurred.]*~~ **(Deleted by amendment.)**

Sec. 21. ~~*[1. Each registrant shall file with the Secretary of State four quarterly reports each year, signed under penalty of perjury, concerning his lobbying activities during the previous quarter, whether or not any expenditures were made. The reports must be submitted not later than 10 days after the end of the quarter, except that the final report for the registration year must be submitted not later than 30 days after the end of the quarter.*~~

~~*2. Each report filed pursuant to subsection 1 must be on a form prescribed by the Secretary of State and must include the total of all expenditures, if any, made by the registrant on behalf of the Executive Department, including expenditures made by others on behalf of the registrant if the expenditures were made with the registrant's express or implied consent or were ratified by the registrant. Except as otherwise provided in subsection 5, the report must be itemized and identify the constitutional officer, agency, bureau, board, commission, department, division, officer, employee, agent or other unit of the Executive Department on whose behalf expenditures were made. An expenditure on behalf of a person other than the Executive Department or an organization whose primary purpose is to provide support for the Executive Department need not be reported pursuant to this section unless the expenditure is made for the benefit of the Executive Department or such an organization.*~~

~~*3. If expenditures made by or on behalf of a registrant during the previous quarter exceed $50, the report must include a compilation of expenditures, itemized in the manner required by the regulations of the Secretary of State, in the following categories:*~~

~~*(a) Entertainment;*~~

~~*(b) Expenditures made in connection with a party or similar event hosted by the organization represented by the registrant;*~~

~~*(c) Gifts and loans, including money, services and anything of value provided to the Executive Department, to an organization whose primary purpose is to provide support for the Executive Department, or to any other person for the benefit of the Executive Department or such an organization; and*~~

~~*(d) Other expenditures directly associated with executive action, not including personal expenditures for food, lodging and travel expenses or membership dues.*~~

~~*4. The Secretary of State may authorize an audit or investigation by the Attorney General or State Controller that is proper and necessary to verify compliance with the provisions of this section. A lobbyist shall make available to the Attorney General or State Controller all books, accounts, claims, reports, vouchers and other records requested by the Attorney General or State Controller in connection with any such audit or investigation. The Attorney General or State Controller shall confine his requests for such records to those which specifically relate to the lobbyist's compliance with the reporting requirements of this section.*~~

~~*5. A report filed pursuant to this section must not itemize with respect to each constitutional officer, agency, bureau, board, commission, department, division, officer, employee, agent or other unit of the Executive Department an expenditure if the expenditure is the cost of a function to which any of those persons or agencies were invited. For the purposes of this subsection, "function" means a party, meal or other social event.]*~~ **(Deleted by amendment.)**

Sec. 22. ~~*[1. The Secretary of State shall furnish an appropriate identification badge to each lobbyist who files a registration statement under this chapter.*~~

~~*2. The identification badge must be worn by the lobbyist whenever he appears in a state building or other building in which the Executive Department conducts business or holds meetings.]*~~ **(Deleted by amendment.)**

Sec. 23. ~~*[1. The Secretary of State shall:*~~

~~*(a) Inspect each statement and report filed within 10 days after its filing.*~~

~~*(b) Immediately notify the person who has filed:*~~

~~*(1) If the information filed does not conform to law.*~~

~~*(2) If a written complaint has been filed with the Secretary of State by any person alleging an irregularity or lack of truth as to the information filed.*~~

~~*2. The Secretary of State may notify any person of the filing requirement who the Secretary of State has reason to believe has failed to file any statement or report as required.]*~~ **(Deleted by amendment.)**

Sec. 24. ~~*[1. The Secretary of State:*~~

~~*(a) Shall adopt regulations to carry out the provisions of sections 8 to 31, inclusive, of this act;*~~

~~*(b) Shall require fees for registration or reinstatement of registration, payable to the Secretary of State, and fees for the course on ethics in government that is required pursuant to section 1 of this act, payable to the Commission on Ethics; and*~~

~~*(c) May classify lobbyists for the purpose of establishing a schedule of fees.*~~

~~*2. The Secretary of State shall:*~~

~~*(a) Prepare and furnish forms for the statements and reports required to be filed.*~~

~~*(b) Prepare and publish uniform methods of accounting and reporting to be used by persons required to file such statements and reports, including guidelines for complying with the reporting requirements of sections 8 to 31, inclusive, of this act.*~~

~~*(c) Accept and file any information voluntarily supplied that exceeds the requirements of sections 8 to 31, inclusive, of this act.*~~

~~*(d) Develop a filing, coding and cross-indexing system consistent with the purposes of sections 8 to 31, inclusive, of this act.*~~

~~*(e) Make the statements and reports available for public inspection during regular office hours and on the Secretary of State's Internet website.*~~

~~*(f) Preserve the statements and reports for a period of 5 years after the date of filing.*~~

~~*(g) Compile and keep current an alphabetical list of registrants, including their addresses, the name and address of each person for whom the registrant is lobbying and the principal areas of interest on which he expects to lobby.]*~~ **(Deleted by amendment.)**

Sec. 25. ~~*[The Secretary of State may:*~~

~~*1. Prepare and publish such reports concerning lobbying activities as he deems appropriate.*~~

~~*2. Release to the public the name of any lobbyist who fails to file any activity report within 14 days after the date it is required to be filed.*~~

~~*3. Revoke the registration of any lobbyist who fails to file any activity report within 30 days after the date it is required to be filed or fails to file two or more activity reports within the time required.]*~~ **(Deleted by amendment.)**

Sec. 26. ~~*[1. The Secretary of State shall:*~~

~~*(a) Make investigations on his own initiative with respect to the failure of any person to file a required statement or report.*~~

~~*(b) Make an investigation upon the written complaint of any person alleging a violation of any provision of sections 8 to 31, inclusive, of this act.*~~

~~*(c) Report suspected violations of law to the Attorney General who shall investigate and take any action necessary to carry out the provisions of sections 8 to 31, inclusive, of this act.*~~

~~*2. If an investigation by the Secretary of State reveals a violation of any provision of sections 8 to 31, inclusive, of this act, by a lobbyist, the Secretary of State may suspend the lobbyist's registration for a specified*~~

~~*period or revoke his registration. The Secretary of State shall cause notice of his action to be given to each person who employs or uses the lobbyist.*~~

~~*3. A lobbyist whose registration is suspended or revoked by the Secretary of State may:*~~

~~*(a) Request a hearing on the matter before the Secretary of State; and*~~

~~*(b) Appeal to a hearing officer of the Department of Administration from any adverse decision of the Secretary of State.*~~

~~*4. A lobbyist whose registration is revoked may, with the consent of the Secretary of State, renew his registration if he:*~~

~~*(a) Files a registration statement in the form required by section 18 of this act;*~~

~~*(b) Pays any fee for late filing owed pursuant to section 28 of this act, plus the fee for registration prescribed by the Secretary of State; and*~~

~~*(c) If the revocation occurred because of his failure to file an activity report, files that report.]*~~ **(Deleted by amendment.)**

Sec. 27. ~~*[The district courts may issue injunctions to enforce the provisions of sections 8 to 31, inclusive, of this act upon application by the Attorney General.]*~~ **(Deleted by amendment.)**

Sec. 28. ~~*[1. Except as otherwise provided in this subsection, a registrant who files an activity report after the time provided in section 21 of this act shall pay to the Secretary of State a fee for late filing of $10 for each day that it was late, but the Secretary of State may reduce or waive this fee upon a finding of just cause. The Secretary of State may by regulation exempt a classification of lobbyist from the fee for late filing.*~~

~~*2. An activity report with respect to which a late filing fee has been paid by the registrant or waived by the Secretary of State shall be deemed timely filed, and the late filing is not a public offense.]*~~ **(Deleted by amendment.)**

Sec. 29. ~~*[1. A lobbyist shall not:*~~

~~*(a) Indicate that he has authorization from the Executive Department to request professional services from an officer or employee of state government unless he has such authority; or*~~

~~*(b) Misrepresent the scope of the authorization that he has from the Executive Department to request professional services from an officer or employee of state government.*~~

~~*2. As used in this section, "professional services" means engaging in work for which an officer or employee is professionally trained or qualified.]*~~ **(Deleted by amendment.)**

Sec. 30. ~~*[1. A lobbyist shall not knowingly or willfully make any false statement or misrepresentation of facts:*~~

~~*(a) To the Executive Department in an effort to persuade or influence executive action.*~~

~~*(b) In a registration statement or report concerning lobbying activities filed with the Secretary of State.*~~

~~*2. A lobbyist shall not give to a member of the Executive Department or a member of his immediate family gifts that exceed $100 in value in the aggregate in any calendar year.*~~

~~*3. A member of the Executive Department or a member of his immediate family shall not solicit anything of value from a registrant or accept any gift that exceeds $100 in aggregate value in any calendar year.*~~

~~*4. A person who employs or uses a lobbyist shall not make that lobbyist's compensation or reimbursement contingent in any manner upon the outcome of any executive action.*~~

~~*5. Except during the period permitted by section 17 of this act, a person shall not knowingly act as a lobbyist without being registered as required by that section.*~~

~~*6. Except as otherwise provided in subsection 7, a member of the Legislative Branch of the State Government or the Executive Department and an elected officer or employee of a political subdivision shall not receive compensation or reimbursement other than from the State or the political subdivision for personally engaging in lobbying.*~~

~~*7. An elected officer or employee of a political subdivision may receive compensation or reimbursement from any organization whose membership consists of elected or appointed public officers.*~~

~~*8. A lobbyist shall not instigate any executive action for the purpose of obtaining employment to lobby in opposition thereto.*~~

~~*9. A lobbyist shall not make, commit to make or offer to make a monetary contribution to a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor elect, the Governor or the Governor elect during the period beginning:*~~

~~*(a) Thirty days before a regular session of the Legislature and ending 30 days after the final adjournment of a regular session of the Legislature;*~~

~~*(b) Fifteen days before a special session of the Legislature is set to commence and ending 15 days after the final adjournment of a special session of the Legislature, if the Governor sets a specific date for the commencement of the special session that is more than 15 days after the Governor issues the proclamation calling for the special session; or*~~

~~*(c) The day after the Governor issues a proclamation calling for a special session of the Legislature and ending 15 days after the final adjournment of a special session of the Legislature if the Governor sets a specific date for the commencement of the special session that is 15 or fewer days after the Governor issues the proclamation calling for the special session.]*~~ **(Deleted by amendment.)**

Sec. 31. ~~*[Any person subject to any of the provisions contained in section 30 of this act who refuses or fails to comply therewith is guilty of a misdemeanor.]*~~ **(Deleted by amendment.)**

Sec. 32. **The Legislature declares that lobbyists are hereby encouraged to complete a course on laws relating to ethics in government offered by the Commission on Ethics.**

~~[Sec. 32.]~~ ***Sec. 33.*** The provisions of section 1 of this act do not apply to any public officer elected or appointed to his office before October 1, 2007. ~~[A public employee who is employed on October 1, 2007, in a position whose primary function is to lobby other governmental entities on behalf of his employer shall complete the course on ethics in government required pursuant to section 1 of this act on or before January 1, 2008.]~~

Assemblywoman Koivisto moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 142.

Remarks by Assemblywoman Koivisto.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 143.

The following Senate amendment was read:

Amendment No. 799.

AN ACT relating to the Commission on Ethics; requiring the Commission to render certain opinions within a certain period; increasing the time within which the Executive Director of the Commission is required to complete his investigation of the facts and circumstances relating to certain requests for an opinion; ~~[requiring the Commission to disclose the general status of such a request for an opinion to the person who made the request;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a public officer or employee to request from the Commission on Ethics an opinion interpreting the statutory ethical standards and applying those standards to a particular set of facts and circumstances which directly relate to the propriety of his own past, present or future conduct as an officer or employee. (NRS 281.511) This bill requires the Commission to render the opinion **as soon as practicable or** within 45 days after receiving the request.

Existing law also authorizes certain other persons to request from the Commission an opinion interpreting the statutory ethical standards and applying those standards to a particular set of facts and circumstances. Upon receipt of such a request, the Executive Director of the Commission must investigate the facts and circumstances relating to the request and determine whether there is just and sufficient cause for the Commission to render an opinion in the matter. The Executive Director has 45 days after the receipt of the request to investigate and present his recommendation to a panel of the Commission. (NRS 281.511) This bill increases from 45 days to ~~[120]~~ **60** days the period given the Executive Director to make his investigation and present his recommendation to a panel of the Commission. ~~[This bill also requires the Commission to disclose the general status of such a request for an opinion to the person who made the request.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 281.511 is hereby amended to read as follows:

281.511 1. The Commission shall render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances ~~[upon]~~ ***as soon as practicable or within 45 days after receiving a*** request, ***whichever is sooner,*** on a form prescribed by the Commission, from a public officer or employee who is seeking guidance on questions which directly relate to the propriety of his own past, present or future conduct as an officer or employee. He may also request the Commission to hold a public hearing regarding the requested opinion. If a requested opinion relates to the propriety of his own present or future conduct, the opinion of the Commission is:

(a) Binding upon the requester as to his future conduct; and

(b) Final and subject to judicial review pursuant to NRS 233B.130, except that a proceeding regarding this review must be held in closed court without admittance of persons other than those necessary to the proceeding, unless this right to confidential proceedings is waived by the requester.

2. The Commission may render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances:

(a) Upon request from a specialized or local ethics committee.

(b) Except as otherwise provided in this subsection, upon request from a person, if the requester submits:

(1) The request on a form prescribed by the Commission; and

(2) All related evidence deemed necessary by the Executive Director and the panel to make a determination of whether there is just and sufficient cause to render an opinion in the matter.

(c) Upon the Commission's own motion regarding the propriety of conduct by a public officer or employee. The Commission shall not initiate proceedings pursuant to this paragraph based solely upon an anonymous complaint.

➥ The Commission shall not render an opinion interpreting the statutory ethical standards or apply those standards to a given set of facts and circumstances if the request is submitted by a person who is incarcerated in a correctional facility in this State.

3. Upon receipt of a request for an opinion by the Commission or upon the motion of the Commission pursuant to subsection 2, the Executive Director shall investigate the facts and circumstances relating to the request to determine whether there is just and sufficient cause for the Commission to render an opinion in the matter. The public officer or employee that is the subject of the request may submit to the Executive Director any information relevant to the request. The Executive Director shall complete an investigation and present his recommendation relating to just and sufficient cause to the panel within ~~[45 days]~~ ~~*[120]*~~ ***60 days*** after the receipt of or the motion of the Commission for the request, unless the public officer or employee waives this time limit. If the Executive Director determines after

an investigation that just and sufficient cause exists for the Commission to render an opinion in the matter, he shall state such a recommendation in writing, including, without limitation, the specific evidence that supports his recommendation. If, after an investigation, the Executive Director does not determine that just and sufficient cause exists for the Commission to render an opinion in the matter, he shall state such a recommendation in writing, including, without limitation, the specific reasons for his recommendation. Within 15 days after the Executive Director has provided his recommendation in the matter to the panel, the panel shall make a final determination regarding whether just and sufficient cause exists for the Commission to render an opinion in the matter, unless the public officer or employee waives this time limit. The panel shall not determine that there is just and sufficient cause for the Commission to render an opinion unless the panel has provided the public officer or employee an opportunity to respond to the allegations against him. The panel shall cause a record of its proceedings in each matter to be kept, and such a record must remain confidential until the panel determines whether there is just and sufficient cause for the Commission to render an opinion in the matter.

4. If the panel determines that just and sufficient cause exists for the Commission to render an opinion requested pursuant to this section, the Commission shall hold a hearing and render an opinion in the matter within 30 days after the determination of just and sufficient cause by the panel, unless the public officer or employee waives this time limit.

5. Each request for an opinion that a public officer or employee submits to the Commission pursuant to subsection 1, each opinion rendered by the Commission in response to such a request and any motion, determination, evidence or record of a hearing relating to such a request are confidential unless the public officer or employee who requested the opinion:

(a) Acts in contravention of the opinion, in which case the Commission may disclose the request for the opinion, the contents of the opinion and any motion, evidence or record of a hearing related thereto;

(b) Discloses the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto; or

(c) Requests the Commission to disclose the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto.

6. Except as otherwise provided in this subsection, each document in the possession of the Commission or its staff that is related to a request for an opinion regarding a public officer or employee submitted to or initiated by the Commission pursuant to subsection 2, including, without limitation, the Commission's copy of the request and all materials and information gathered in an investigation of the request, is confidential until the panel determines whether there is just and sufficient cause to render an opinion in the matter. The public officer or employee who is the subject of a request for an opinion submitted or initiated pursuant to subsection 2 may in writing authorize the

Commission to make its files, material and information which are related to the request publicly available.

7. Except as otherwise provided in paragraphs (a) and (b), the proceedings of a panel are confidential until the panel determines whether there is just and sufficient cause to render an opinion. A person who:

(a) Requests an opinion from the Commission pursuant to paragraph (b) of subsection 2 may:

(1) At any time, reveal to a third party the alleged conduct of a public officer or employee underlying the request that he filed with the Commission or the substance of testimony, if any, that he gave before the Commission.

(2) After the panel determines whether there is just and sufficient cause to render an opinion in the matter, reveal to a third party the fact that he requested an opinion from the Commission.

(b) Gives testimony before the Commission may:

(1) At any time, reveal to a third party the substance of testimony that he gave before the Commission.

(2) After the panel determines whether there is just and sufficient cause to render an opinion in the matter, reveal to a third party the fact that he gave testimony before the Commission.

8. ~~*[The Commission shall disclose to a person who requests an opinion from the Commission pursuant to paragraph (b) of subsection 2 the general status of his request, including, without limitation, whether the request has been received and an abbreviated summary of the actions that the Commission is taking with regard to the request. The provisions of this subsection do not require the Commission, its officers or members to provide, and do not authorize or entitle a person requesting an opinion to obtain:*~~

~~*(a) Personally identifying information concerning a person other than the requester of the opinion;*~~

~~*(b) Information that is confidential;*~~

~~*(c) Information that is otherwise protected from disclosure by any other provision of federal or state law; or*~~

~~*(d) Information the release of which, as determined by the Executive Director, would interfere with:*~~

~~*(1) The ability of the Executive Director to conduct an investigation;*~~

~~*(2) The ability of a panel to determine whether there is just and sufficient cause for the Commission to render an opinion; or*~~

~~*(3) The ability of the Commission to render an opinion.*~~

~~*9.]*~~ Whenever the Commission holds a hearing pursuant to this section, the Commission shall:

(a) Notify the person about whom the opinion was requested of the place and time of the Commission's hearing on the matter;

(b) Allow the person to be represented by counsel; and

(c) Allow the person to hear the evidence presented to the Commission and to respond and present evidence on his own behalf.

➥ The Commission's hearing may be held no sooner than 10 days after the notice is given unless the person agrees to a shorter time.

9. ~~*[10.]*~~ If a person who is not a party to a hearing before the Commission, including, without limitation, a person who has requested an opinion pursuant to paragraph (a) or (b) of subsection 2, wishes to ask a question of a witness at the hearing, the person must submit the question to the Executive Director in writing. The Executive Director may submit the question to the Commission if he deems the question relevant and appropriate. This subsection does not require the Commission to ask any question submitted by a person who is not a party to the proceeding.

10. ~~*[11.]*~~ If a person who requests an opinion pursuant to subsection 1 or 2 does not:

(a) Submit all necessary information to the Commission; and

(b) Declare by oath or affirmation that he will testify truthfully,

➥ the Commission may decline to render an opinion.

11. ~~*[12.]*~~ For good cause shown, the Commission may take testimony from a person by telephone or video conference.

12. ~~*[13.]*~~ For the purposes of NRS 41.032, the members of the Commission and its employees shall be deemed to be exercising or performing a discretionary function or duty when taking an action related to the rendering of an opinion pursuant to this section.

13. ~~*[14.]*~~ A meeting or hearing that the Commission or the panel holds to receive information or evidence concerning the propriety of the conduct of a public officer or employee pursuant to this section and the deliberations of the Commission and the panel on such information or evidence are not subject to the provisions of chapter 241 of NRS.

Sec. 2. This act becomes effective on July 1, 2007.

Assemblywoman Koivisto moved that the Assembly concur in the Senate amendment to Assembly Bill No. 143.

Remarks by Assemblywoman Koivisto.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 342.

The following Senate amendment was read:

Amendment No. 798.

AN ACT relating to elections; providing under certain circumstances that a registered voter who lives in a mailing precinct or an absent ballot mailing precinct of a county who has received a mailing ballot may vote in person at the office of the county clerk or at designated polling places on election day or at polling places during the period for early voting; requiring certain county clerks to designate at least one polling place to be the polling place ~~[to which]~~ **where** any registered voter who lives in any of the mailing precincts or absent ballot mailing precincts of the county may ~~[apply to]~~ vote in person

on election day; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 4 of this bill requires county clerks in counties with a population of 100,000 or more to designate at least one polling place in the county as the polling place where a person who lives in a mailing precinct or an absent ballot mailing precinct may vote in person on election day. In counties with a population of less than 100,000, section 4 provides that a county clerk may, but is not required to, designate such a polling place. Section 6 **of this bill** prohibits the return of a mailing ballot by any person other than the registered voter to whom the ballot was sent unless a family member returns the ballot at the request of the voter. A person who violates this provision is guilty of a category E felony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 293.343 is hereby amended to read as follows:

293.343 1. A registered voter who resides in an election precinct in which there were not more than 200 voters registered for the last preceding general election, or in a precinct in which it appears to the satisfaction of the county clerk that there are not more than 200 registered voters, may vote at any election regulated by this chapter in the manner provided in NRS 293.345 to 293.355, inclusive.

2. Whenever the county clerk has designated a precinct as a mailing precinct, registered voters residing in that precinct may vote at any election regulated by this chapter in the manner provided in NRS 293.345 to 293.355, inclusive.

3. In a county whose population is 100,000 or more, whenever a registered voter is entitled to vote in a mailing precinct or an absent ballot mailing precinct, the county clerk:

(a) Shall designate at least one polling place in the county as the polling place ~~*[to which]*~~ ***where such a voter may*** ~~*[apply to]*~~ ***vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, on election day; and***

(b) May designate certain polling places for early voting as the polling places ~~*[to which]*~~ ***where such a voter may*** ~~*[apply to]*~~ ***vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, during the period for early voting, if it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county.***

4. In a county whose population is less than 100,000, whenever a registered voter is entitled to vote in a mailing precinct or an absent ballot mailing precinct, the county clerk:

(a) May designate one or more polling places in the county as the polling place ~~*[to which]*~~ ***where such a voter may*** ~~*[apply to]*~~ ***vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, on election day; and***

(b) May designate certain polling places for early voting as the polling places ~~*[to which]*~~ ***where such a voter may*** ~~*[apply to]*~~ ***vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, during the period for early voting, if it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county.***

5. Polling places designated pursuant to subsection 3 or 4 may include, without limitation, polling places located as closely as practicable to the mailing precincts.

Sec. 5. NRS 293.345 is hereby amended to read as follows:

293.345 ~~[The]~~

1. Before 5 p.m. on the last business day preceding the first day of the period for early voting for any primary election or general election, the county clerk shall ~~[mail]~~ ***cause to be mailed*** to each registered voter in each mailing precinct and in each absent ballot mailing precinct ~~[, before 5 p.m. on the second Thursday before the primary election and before 5 p.m. on the fourth Tuesday in October of any year in which a general election is to be held,]~~ an official mailing ballot to be voted by him at the election ~~[.]~~ ***, and accompanying supplies, as specified in NRS 293.350.***

2. If the county clerk has designated, pursuant to subsection 3 or 4 of NRS 293.343, one or more polling places ~~*[to which]*~~ ***where a voter may*** ~~*[apply to]*~~ ***vote in person, the official ballot and the sample ballot must include a notice in bold type informing the voter of the location of the designated polling place or polling places on election day and the polling places during the period for early voting*** ~~*[to which]*~~ ***where the voter may*** ~~*[apply to]*~~ ***vote in person pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353.***

Sec. 6. NRS 293.353 is hereby amended to read as follows:

293.353 ~~[Upon]~~

1. Except as otherwise provided in subsection 2 or 3, upon receipt of a mailing ballot from the county clerk, the registered voter must ~~[:~~

~~1. Except as otherwise provided in subsection 2:~~

~~(a) Immediately after opening the envelope,]~~ ***, in accordance with the instructions,*** mark and fold the ballot ~~[;~~

~~(b) Place the ballot]~~ ***, if it is a paper ballot, or punch it and leave it unfolded, if the ballot is voted by punching a card, deposit and seal the ballot*** in the return envelope ~~[;~~

~~(c) Affix]~~ ***, affix*** his signature on the back of the envelope ~~[; and~~

~~(d) Mail or deliver~~] ***and mail*** the envelope to the county clerk.

2. ~~[In those counties using a mechanical voting system whereby a vote is cast by punching a card:~~

~~(a) Immediately after opening the envelope, punch the card;~~

~~(b) Place the unfolded card in the return envelope;~~

~~(c) Affix his signature on the back of the envelope; and~~

~~(d) Mail or deliver the envelope to the county clerk.~~] ***Except as otherwise provided in subsection 3, if a registered voter who has received a mailing ballot applies to vote in person at:***

(a) The office of the county clerk, he must mark or punch the ballot, place and seal it in the return envelope and affix his signature in the same manner as provided in subsection 1, and deliver the envelope to the clerk.

(b) One of the polling places on election day or a polling place for early voting in the county designated pursuant to subsection 3 or 4 of NRS 293.343, he must surrender the mailing ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered mailing ballot shall mark it "Cancelled."

3. If a registered voter who has received a mailing ballot ~~[applies]~~ wishes to vote in person at the office of the county clerk or at one of the polling places on election day or a polling place for early voting in the county designated pursuant to subsection 3 or 4 of NRS 293.343, and the voter does not have the mailing ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

(a) Provides satisfactory identification;

(b) Is a registered voter who is otherwise entitled to vote; and

(c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.

4. It is unlawful for any person to return a mailing ballot other than the registered voter to whom the ballot was sent or, at the request of the voter, a member of the family of that voter. A person who returns a mailing ballot and who is a member of the family of the voter who received the mailing ballot shall, under penalty of perjury, indicate on a form prescribed by the county clerk that he is a member of the family of the voter who received the mailing ballot and that the voter requested that he return the mailing ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 7. NRS 293.355 is hereby amended to read as follows:

293.355 ***1.*** Upon receipt of the return envelope from ~~[the]~~ ***a*** registered voter ~~[,]~~ ***of a mailing precinct or absent ballot mailing precinct, whether through the mail or in person at the office of the county clerk pursuant to paragraph (a) of subsection 2 of NRS 293.353,*** the county clerk shall follow the same procedure as in the case of absent ballots.

2. Ballots voted in person at a polling place pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, or at the office of the county clerk pursuant to subsection 3 of NRS 293.353, by registered voters of a mailing precinct or absent ballot mailing precinct must be processed and reported by the appointed election board or county clerk in the same manner as required by law for absent ballots voted in person pursuant to NRS 293.330.

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Assemblywoman Koivisto moved that the Assembly concur in the Senate amendment to Assembly Bill No. 342.

Remarks by Assemblywoman Koivisto.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 517.

The following Senate amendment was read:

Amendment No. 867.

AN ACT relating to elections; eliminating various obsolete provisions; providing that a voter registration card does not provide proof of the identity, address or residence of a person; **authorizing certain registered voters to submit absent ballots by facsimile machine;** revising the definition of "candidate" for the purposes of requirements relating to campaign finance; requiring that the signatures on a petition for an initiative or referendum must be submitted to each county clerk on the same day if circulated in more than one county; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes various references to punch card ballots and the duties of various persons in relation to punch card ballots. (Title 24 of NRS) Sections 1, 3, 4, 7-20, 24-31, 33, 35-48, 50-53 and 57-59 of this bill eliminate these provisions.

Existing law requires a person to furnish proof of identity or residence when filing a declaration or acceptance of candidacy, when registering to vote or when voting in certain circumstances. (NRS 293.177, 293.2725, 293.303, 293.517, 293.541, 293C.185, 293C.292) Sections 2, 5, 6, 21, 22, 32 and 34 of this bill provide that a voter registration card does not provide proof of address, identity or residence.

Existing law authorizes any registered voter who resides outside the continental United States to use a facsimile machine to request an absent

ballot. The county clerk shall use a facsimile machine to send an absent ballot to the registered voter, and the registered voter is required to return his absent ballot by mail. (NRS 293.3157) Sections 7.5 and 35.5 of this bill authorize a registered voter who resides outside the continental United States and uses a facsimile machine to request an absent ballot and to choose whether to return the ballot by facsimile or mail.

Existing law requires that a sample ballot be mailed to each registered voter before the period for early voting at an election begins, but not later than 10 days before the election. (NRS 293.565, 293C.530) Sections 23 and 49 of this bill require that the sample ballots be mailed before the period of early voting for the election begins.

Existing law defines the term "candidate" for the purposes of the campaign finance laws to include anyone who has filed a declaration or acceptance of candidacy, anyone whose name appears on an official ballot or anyone who has accepted more than $100. (NRS 294A.005) Section 54 of this bill clarifies that a candidate is anyone who has accepted more than $100, regardless of whether the person has filed a declaration or acceptance of candidacy or whether the name of the person appears on an official ballot.

Existing law requires that all documents submitted to a county clerk for signature verification on a petition for an initiative or referendum must be submitted at the same time. (NRS 295.056) Section 55 of this bill requires that all documents submitted for signature verification on a petition for an initiative or referendum which was circulated in more than one county must be submitted to each county clerk on the same day.

Existing law authorizes the Secretary of State to issue a fictitious address to a person who has been the victim of domestic violence, sexual assault or stalking. (NRS 217.462-217.471) The Secretary of State is authorized to cancel the fictitious address of a person in certain circumstances. (NRS 217.468) Section 56 of this bill provides that the Secretary of State may cancel a fictitious address if the person files a declaration or acceptance of candidacy.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 293.025 is hereby amended to read as follows:

293.025 "Ballot" means the record of a voter's preference of candidates and questions voted upon at an election. The term includes, without limitation, any paper given to a voter upon which he places his vote ~~[, a punch card which records the vote of a voter]~~ and electronic storage tapes.

Sec. 2. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier than the first

Monday in May of the year in which the election is to be held nor later than 5 p.m. on the second Friday after the first Monday in May.

2. A declaration of candidacy or an acceptance of candidacy required to be filed by this section must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF .... FOR THE
OFFICE OF .....

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ……, I, the undersigned ……., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ……., in the City or Town of ……., County of ……., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since September 1 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and that I understand that my name will appear on all ballots as designated in this declaration.

(Designation of name)

(Signature of candidate for office)

Subscribed and sworn to before me
this ... day of the month of ... of the year ...

Notary Public or other person

authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF .... FOR THE OFFICE OF .....

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ……, in the City or Town of ……., County of ……, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

(Designation of name)

(Signature of candidate for office)

Subscribed and sworn to before me

this ... day of the month of ... of the year ...

Notary Public or other person

authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where he actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate's address is listed as a post office box unless a street address has not been assigned to his residence; or

(b) The candidate does not present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including ~~[, without limitation,]~~ a check ~~[,]~~ which indicates the candidate's name and residential address ~~[.]~~ ***, but not including a voter registration card issued pursuant to NRS 293.517.***

4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number or driver's license or identification card number of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at his specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

6. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether he has had his civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

7. The receipt of information by the Attorney General or district attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the filing officer must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.

Sec. 3. NRS 293.262 is hereby amended to read as follows:

293.262 An absent ballot or a ballot voted by a voter who resides in a mailing precinct must be voted:

1. On a paper ballot ~~[~~.~~]~~

~~2. On a ballot which is voted by punching a card; or~~

~~3.]~~ ***; or***

2. By any other system authorized by state or federal law.

Sec. 4. NRS 293.2693 is hereby amended to read as follows:

293.2693 If a county or city uses paper ballots ***,*** ~~[or punch cards in an election,]~~ including, without limitation, for absent ballots and ballots voted in a mailing precinct, the county or city clerk shall provide a voter education program specific to the voting system used by the county or city. The voter education program must include, without limitation, information concerning the effect of overvoting and the procedures for correcting a vote on a ballot before it is cast and counted and for obtaining a replacement ballot.

Sec. 5. NRS 293.2725 is hereby amended to read as follows:

293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081 and 293.3083 and in federal law, a person who registers by mail to vote in this State and who has not previously voted in an election for federal office in this State:

(a) May vote at a polling place only if the person presents to the election board officer at the polling place:

(1) A current and valid photo identification of the person; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including ~~[, without limitation,]~~ a check ~~[,]~~ which indicates the name and address of the person ~~[.]~~ ***, but not including a voter registration card issued pursuant to NRS 293.517;*** and

(b) May vote by mail only if the person provides to the county or city clerk:

(1) A copy of a current and valid photo identification of the person; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including ~~[, without limitation,]~~ a check ~~[,]~~ which indicates the name and address of the person ~~[.]~~ ***, but not including a voter registration card issued pursuant to NRS 293.517.***

2. The provisions of this section do not apply to a person who:

(a) Registers to vote by mail and submits with his application to register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including ~~[, without limitation,]~~ a check ~~[,]~~ which indicates the name and address of the person ~~[.]~~ ***, but not including a voter registration card issued pursuant to NRS 293.517;***

(b) Registers to vote by mail and submits with his application to register to vote a driver's license number or at least the last four digits of his social security number, if a state or local election official has matched that

information with an existing identification record bearing the same number, name and date of birth as provided by the person in his application;

(c) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq.;

(d) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 42 U.S.C. §§ 1973ee et seq.; or

(e) Is entitled to vote otherwise than in person under any other federal law.

Sec. 6. NRS 293.303 is hereby amended to read as follows:

293.303 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct or district upon the ground that he is not the person entitled to vote as claimed or has voted before at the same election; or

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that he does not belong to the political party designated upon the register, "I swear or affirm under penalty of perjury that I belong to the political party designated upon the register";

(b) If the challenge is on the ground that the register does not show that he designated the political party to which he claims to belong, "I swear or affirm under penalty of perjury that I designated on the application to register to vote the political party to which I claim to belong";

(c) If the challenge is on the ground that he does not reside at the residence for which the address is listed in the election board register, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the election board register";

(d) If the challenge is on the ground that he previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(e) If the challenge is on the ground that he is not the person he claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this election board register."

➥ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. Except as otherwise provided in subsection 4, if the challenged person refuses to execute the oath or affirmation so tendered, he must not be issued a ballot, and the officer in charge of the election board register shall write the words "Challenged ....." opposite his name in the election board register.

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) or (b) of subsection 2, the election board officers shall issue him a nonpartisan ballot.

5. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (c) of subsection 2, the election board officers shall inform him that he is entitled to vote only in the manner prescribed in NRS 293.304.

6. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (e) of subsection 2, the election board officers shall issue him a partisan ballot.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he furnishes satisfactory identification which contains proof of the address at which he actually resides. ***For the purposes of this subsection, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the address at which a person resides.***

8. If the challenge is based on the ground set forth in paragraph (e) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless he:

(a) Furnishes official identification which contains a photograph of himself, such as his driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of himself, such as his driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he swears he is.

9. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

Sec. 7. NRS 293.304 is hereby amended to read as follows:

293.304 1. If a person is successfully challenged on the ground set forth in paragraph (c) of subsection 2 of NRS 293.303 or if a person refuses to provide an affirmation pursuant to NRS 293.525, the election board shall instruct the voter that he may vote only at the special polling place in the manner set forth in this section.

2. The county clerk of each county shall maintain a special polling place in his office and at such other locations as he deems necessary during each election. The ballots voted at the special polling place must be kept separate from the ballots of voters who have not been so challenged or who have provided an affirmation pursuant to NRS 293.525 in:

(a) A special ballot box if the ballots are paper ballots ***;*** ~~[or ballots which are voted by punching a card;]~~ or

(b) A special sealed container if the ballots are ballots which are voted on a mechanical recording device which directly records the votes electronically.

3. A person who votes at a special polling place may place his vote only for the following offices and questions:

(a) President and Vice President of the United States;

(b) United States Senator;

(c) All state officers for whom all voters in the State may vote;

(d) All officers for whom all voters in the county may vote; and

(e) Questions which have been submitted to all voters of the county or State.

4. The ballots voted at the special polling place must be counted when other ballots are counted and:

(a) If the ballots are paper ballots **,** ~~[or ballots which are voted by punching a card,]~~ maintained in a separate ballot box; or

(b) If the ballots are ballots which are voted on a mechanical recording device which directly records the votes electronically, maintained in a separate sealed container,

➥ until any contest of election is resolved or the date for filing a contest of election has passed, whichever is later.

Sec. 7.5. **NRS 293.3157 is hereby amended to read as follows:**

293.3157 1. Any registered voter of this State who resides outside the continental United States may use a facsimile machine to request an absent ballot. ***The registered voter shall state on the request whether he requests the county clerk to send the absent ballot by mail or facsimile machine and whether he will return the absent ballot to the county clerk by mail or facsimile machine.***

2. ***If the registered voter indicates pursuant to subsection 1 that he will submit the absent ballot by mail, he shall include with his completed absent ballot the identification envelope provided by the county clerk. The identification envelope must be in the form prescribed by the Secretary of State and include, without limitation:***

(a) A declaration, under penalty of perjury, stating that the registered voter resides within the precinct in which he is voting and is the person whose name appears on the envelope;

(b) The signature of the registered voter;

(c) The address that the registered voter provided on his application for voter registration; and

(d) A statement that the voter has not applied and will not apply to any other county clerk for an absent ballot.

3. If the registered voter indicates pursuant to subsection 1 that he will submit the absent ballot by facsimile machine, he shall include with his completed absent ballot the following:

OATH OF VOTER

I, _____, acknowledge that by returning my voted ballot by facsimile transmission I have waived my right to have my ballot kept secret. Nevertheless, I understand that, as with any absent voter, my signature, whether on this oath of voter form or my identification envelope, will be permanently separated from my voted ballot to maintain its secrecy at the outset of the tabulation process and thereafter.

My residential address is

_____.

(Street Address) (City) (ZIP Code)

My current mailing address is

_____.

My e-mail address is _____.

My facsimile transmission number is _____.

I am a resident of _____ County, State of Nevada, and I have not applied, nor do I intend to apply, for an absentee ballot from any other jurisdiction for the same election.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this _____ day of _____, 20____.

(Signed)

_____

voter (power of attorney cannot be accepted)

YOUR BALLOT CANNOT BE COUNTED UNLESS YOU SIGN THE ABOVE OATH AND INCLUDE IT WITH YOUR BALLOT, ALL OF WHICH ARE RETURNED BY FACSIMILE TRANSMISSION.

4. The county clerk ***, if so requested pursuant to subsection 1,*** shall use a facsimile machine to send an absent ballot ***and the oath, as required pursuant to subsection 3,*** to the registered voter.

~~[3. The registered voter shall mail his absent ballot to the county clerk.~~

~~4.]~~ ***5. Each county clerk shall ensure the secrecy of absentee ballots that are submitted by facsimile machine.***

6. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 8. NRS 293.323 is hereby amended to read as follows:

293.323 1. Except as otherwise provided in subsection 2, if the request for an absent ballot is made by mail or facsimile machine, the county clerk shall, as soon as the official absent ballot for the precinct or district in which the applicant resides has been printed, send to the voter by first-class mail ***, unless otherwise requested pursuant to NRS 293.3157,*** if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base, or by air mail ***, unless otherwise requested pursuant to NRS 293.3157,*** if the absent voter is in a foreign country but not on a military base:

(a) ~~[Except as otherwise provided in paragraph (b):~~

~~(1)]~~ An absent ballot;

~~[(2)]~~ ***(b)*** A return envelope;

~~[(3)]~~ ***(c)*** Supplies for marking the ballot;

~~[(4)]~~ ***(d)*** An envelope or similar device into which the ballot is inserted to ensure its secrecy; ~~[and]~~

~~[(5) Instructions.~~

~~(b) In those counties using a mechanical voting system whereby a vote is cast by punching a card:~~

~~(1) A card attached to a sheet of foam plastic or similar backing material;~~

~~(2) A return envelope;~~

~~(3) A punching instrument;~~

~~(4) A sample ballot;~~

~~(5) An envelope or similar device into which the card is inserted to ensure its secrecy; and~~

~~(6)]~~ ***(e) An identification envelope, if applicable pursuant to NRS 293.3157; and***

(f) Instructions.

2. If the county clerk fails to send an absent ballot pursuant to subsection 1 to a voter who resides within the continental United States, the county clerk may use a facsimile machine to send an absent ballot and instructions to the voter. The voter ~~[shall]~~ ***may*** mail his absent ballot to the county clerk ~~[.]~~ ***or submit his absent ballot by facsimile machine.***

3. The return envelope sent pursuant to subsection 1 must include postage prepaid by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Nothing may be enclosed or sent with an absent ballot except as required by subsection 1 or 2 ~~[.]~~ ***and NRS 293.3157.***

5. Before depositing a ballot in the mails or sending a ballot by facsimile machine, the county clerk shall record the date the ballot is issued, the name of the registered voter to whom it is issued, his precinct or district, his political affiliation, if any, the number of the ballot and any remarks he finds appropriate.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsection 2.

Sec. 8.5. **NRS 293.325 is hereby amended to read as follows:**

293.325 1. Except as otherwise provided in subsections 2 and 3, when an absent ballot is returned by a registered voter to the county clerk through the mails ***or facsimile machine*** and record thereof is made in the absent ballot record book, the county clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the precinct or district election board.

2. If the county clerk has appointed an absent ballot central counting board, the county clerk shall, upon receipt of each absent voter's ballot, make a record of the return and check the signature on the return envelope ***or***

facsimile against the original signature of the voter on the county clerk's register. If the county clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box. At the end of each day before election day, the county clerk may remove the ballots from each ballot box and neatly stack the ballots in a container. Except as otherwise provided in subsection 3, on election day the county clerk shall deliver the ballot box and, if applicable, each container to the absent ballot counting board to be counted.

3. If the county uses a mechanical voting system, the county clerk shall, upon receipt of each absent voter's ballot, make a record of the return and check the signature on the return envelope ***or facsimile*** against the original signature of the ***voter on the*** county clerk's register. If the county clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the county clerk at all times. At the end of each day before election day, the county clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Except as otherwise provided in this subsection, on election day the county clerk shall deliver the ballot box and each container, if applicable, to the central counting place. If the county uses a mechanical voting system and the county clerk has appointed an absent ballot central counting board, the county clerk may, not earlier than 4 working days before the election, deliver the ballots to the absent ballot central counting board to be processed and prepared for tabulation pursuant to the procedures established by the Secretary of State.

Sec. 9. NRS 293.330 is hereby amended to read as follows:

293.330 1. Except as otherwise provided in NRS 293.3157 and subsection 2 of NRS 293.323 and any regulations adopted pursuant thereto, when an absent voter receives his ballot, he must mark and fold it ~~[, if it is a paper ballot, or punch it, if the ballot is voted by punching a card,]~~ in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his signature on the back of the envelope in the space provided therefor and mail the return envelope.

2. Except as otherwise provided in subsection 3, if an absent voter who has requested a ballot by mail applies to vote the ballot in person at:

(a) The office of the county clerk, he must mark ~~[or punch]~~ the ballot, seal it in the return envelope and affix his signature in the same manner as provided in subsection 1, and deliver the envelope to the clerk.

(b) A polling place, including, without limitation, a polling place for early voting, he must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."

3. If an absent voter who has requested a ballot by mail applies to vote in person at the office of the county clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the

absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

(a) Provides satisfactory identification;

(b) Is a registered voter who is otherwise entitled to vote; and

(c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.

4. Except as otherwise provided in NRS 293.316, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of his family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the county clerk that he is a member of the family of the voter who requested the absent ballot and that the voter requested that he return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 9.5. **NRS 293.333 is hereby amended to read as follows:**

293.333 On the day of an election, the precinct or district election boards receiving the absent voters' ballots from the county clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293.325 and deposit the ballots in the regular ballot box in the following manner:

1. The name of the voter, as shown on the return envelope ~~[,]~~ ***or facsimile,*** must be called and checked as if the voter were voting in person;

2. The signature on the back of the return envelope ***or on the facsimile*** must be compared with that on the original application to register to vote;

3. If the board determines that the absent voter is entitled to cast his ballot, the envelope must be opened, the numbers on the ballot and envelope compared,

the number strip or stub detached from the ballot, and, if the numbers are the same, the ballot deposited in the regular ballot box; and

4. The election board officers shall mark in the pollbook opposite the name of the voter the word "Voted."

Sec. 10. NRS 293.350 is hereby amended to read as follows:

293.350 1. The county clerk shall:

(a) Make certain of the names and addresses of all voters registered to vote in mailing precincts and absent ballot mailing precincts;

(b) Enroll the name and address of each voter found eligible to vote in those precincts in the mailing precinct record book;

(c) Mark the number of the ballot on the return envelope; and

(d) Mail the ballot to the registered voter.

2. ~~[Except as otherwise provided in subsection 3, the]~~ ***The*** ballot must be accompanied by:

(a) Supplies for marking the ballot;

(b) A return envelope;

(c) An envelope or similar device into which the ballot is inserted to ensure its secrecy;

(d) A sample ballot; and

(e) Instructions regarding the manner of marking and returning the ballot.

~~[3. In those counties using a mechanical voting system whereby a vote is cast by punching a card, the ballot must be accompanied by:~~

~~(a) A sheet of foam plastic or similar backing material attached to the card;~~

~~(b) A punching instrument;~~

~~(c) A return envelope;~~

~~(d) An envelope or similar device into which the card is inserted to ensure its secrecy;~~

~~(e) A sample ballot; and~~

~~(f) Instructions regarding the manner of punching and returning the card.]~~

Sec. 11. NRS 293.353 is hereby amended to read as follows:

293.353 Upon receipt of a mailing ballot from the county clerk, the registered voter must:

1. ~~[Except as otherwise provided in subsection 2:~~

~~(a)]~~ Immediately after opening the envelope, mark and fold the ballot;

~~[(b)]~~ ***2.*** Place the ballot in the return envelope;

~~[(c)]~~ ***3.*** Affix his signature on the back of the envelope; and

~~[(d)]~~ ***4.*** Mail or deliver the envelope to the county clerk.

~~[2. In those counties using a mechanical voting system whereby a vote is cast by punching a card:~~

~~(a) Immediately after opening the envelope, punch the card;~~

~~(b) Place the unfolded card in the return envelope;~~

~~(c) Affix his signature on the back of the envelope; and~~

~~(d) Mail or deliver the envelope to the county clerk.]~~

Sec. 12. NRS 293.356 is hereby amended to read as follows:

293.356 If a request is made to vote early by a registered voter in person, the election board shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of a polling place for early voting established pursuant to NRS 293.3564 or 293.3572 and returned to the election board. If the ballot is a paper ballot ~~[, a ballot which is voted by punching a card]~~ or a ballot which is voted by any other system authorized by state or federal law, the election board shall follow the same procedure as in the case of absent ballots received by mail.

Sec. 13. NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Upon the appearance of a person to cast a ballot for early voting, the deputy clerk for early voting shall:

(a) Determine that the person is a registered voter in the county;

(b) Instruct the voter to sign the roster for early voting; and

(c) Verify the signature of the voter against that contained on the original application to register to vote or facsimile thereof, the card issued to the voter at the time of registration or some other piece of official identification.

2. The county clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted pursuant to this section.

3. The roster for early voting must contain:

(a) The voter's name, the address where he is registered to vote, his voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number; and

(c) The date of voting early in person.

4. When a voter is entitled to cast his ballot and has identified himself to the satisfaction of the deputy clerk for early voting, he is entitled to receive the appropriate ballot or ballots, but only for his own use at the polling place for early voting.

5. ~~[If the ballot is voted by punching a card, the deputy clerk for early voting shall:~~

~~(a) Ensure that the voter's precinct or voting district and the form of ballot are indicated on the card;~~

~~(b) Direct the voter to the appropriate mechanical recording device for his form of ballot; and~~

~~(c) Allow the voter to place his voted ballot in the ballot box.~~

~~6.]~~ If the ballot is voted on a mechanical recording device which directly records the votes electronically, the deputy clerk for early voting shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of ballot are indicated on each part of the voting receipt;

(c) Retain one part of the voting receipt for the election board and return the other part of the voting receipt to the voter; and

(d) Allow the voter to cast his vote.

~~[7.]~~ ***6.*** A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

Sec. 14. NRS 293.359 is hereby amended to read as follows:

293.359 The ballot box for early voting in which voted ballots which are paper ballots ~~[or ballots which are voted by punching a card]~~ are deposited must have two numbered seals, and must be designed and constructed so that the box can be sealed to detect any unauthorized opening of the box and that the ballot slot can be sealed to prevent any unauthorized deposit in the box. The seals for the boxes must be serially numbered for each election.

Sec. 15. NRS 293.3602 is hereby amended to read as follows:

293.3602 If paper ballots ~~[or ballots which are voted by punching a card]~~ are used during the period for early voting by personal appearance:

1. Each voting day during that period, the ballots voted at the permanent or temporary polling place may be removed from the ballot box and neatly stacked in a container that is sealed with a numbered seal after the ballots are

stacked inside. The ballot box or sealed container must be delivered by an election board officer to the county clerk's office at the close of each voting day. The seal on the ballot box or container must indicate the number of voted ballots contained in that box or container for that day.

2. When the ballot box or container is delivered pursuant to subsection 1, the county clerk shall provide a new ballot box sealed in the manner prescribed in NRS 293.359.

3. At the close of each voting day before the fourth voting day before the last day to vote early, the county clerk may deliver all ballots voted to the ballot board for early voting. At the close of the fourth voting day before the last day to vote early and at the close of each of the 3 days thereafter, the county clerk shall deliver all ballots voted to the ballot board for early voting. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:

(a) Each remaining ballot box and container that holds the ballots voted early by personal appearance;

(b) A voting roster of all persons who voted early by personal appearance; and

(c) Any list of registered voters used in conducting early voting.

4. Upon the receipt of ballots, the board shall:

(a) Remove all ballots from the ballot boxes and containers and sort the ballots by precinct or voting district;

(b) Count the number of ballots by precinct or voting district;

(c) Account for all ballots on an official statement of ballots; and

(d) Place all official ballots in the container provided to transport those items to a central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the voted ballots to the central counting place.

5. The county clerk shall allow members of the general public to observe the handling of the ballots pursuant to subsections 1 and 4 if those members do not interfere with the handling of the ballots.

Sec. 16. NRS 293.363 is hereby amended to read as follows:

293.363 When the polls are closed, the counting board shall prepare to count the ballots voted. The counting procedure must be public and continue without adjournment until completed. If the ballots are paper ballots **,** ~~[or ballots which are voted by punching a card,]~~ the counting board shall prepare in the following manner:

1. The pollbooks must be compared and errors corrected until the books agree.

2. The container that holds the ballots, or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to ascertain whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If, on comparison of the count with the pollbook, a majority of the inspectors are of

the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.

3. If the ballots in the container or box are found to exceed in number the number of names on the pollbooks, the ballots must be replaced in the container or box, and a counting board officer, with his back turned to the container or box, shall draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the county clerk with the other ballots rejected for any cause.

4. When it has been ascertained that the pollbook and the number of ballots agree with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.

Sec. 17. NRS 293.367 is hereby amended to read as follows:

293.367 1. The basic factor to be considered by an election board when making a determination of whether a particular ballot must be rejected is whether any identifying mark appears on the ballot which, in the opinion of the election board, constitutes an identifying mark such that there is a reasonable belief entertained in good faith that the ballot has been tampered with and, as a result of the tampering, the outcome of the election would be affected.

2. The regulations for counting ballots must include provisions that:

(a) An error in marking one or more votes on a ballot does not invalidate any votes properly marked on that ballot.

(b) A soiled or defaced ballot may not be rejected if it appears that the soiling or defacing was inadvertent and was not done purposely to identify the ballot.

(c) Only devices provided for in this chapter or chapter 293B of NRS may be used in marking ballots.

(d) It is unlawful for any election board officer to place any mark upon any ballot other than a spoiled ballot.

(e) When an election board officer rejects a ballot for any alleged defect or illegality, the officer shall seal the ballot in an envelope and write upon the envelope a statement that it was rejected and the reason for rejecting it. Each election board officer shall sign the envelope.

~~[(f) In counties where mechanical voting systems are used whereby a vote is cast by punching a card, a superfluous punch into any card does not constitute grounds for rejection of the ballot unless the election board determines that the condition of the ballot justifies its exclusion pursuant to subsection 1.]~~

Sec. 18. NRS 293.3677 is hereby amended to read as follows:

293.3677 1. When counting a vote in an election, if more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.

2. Except as otherwise provided in subsection 1, in an election in which a paper ballot is used whereby a vote is cast by placing a cross in the designated square on the paper ballot, a vote on the ballot must not be counted unless indicated by a cross in the designated square.

3. ~~[Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by punching a card:~~

~~(a) A chip on the card must be counted as a vote if:~~

~~(1) The chip has at least one corner that is detached from the card; or~~

~~(2) The fibers of paper on at least one edge of the chip are broken in a way that permits unimpeded light to be seen through the card.~~

~~(b) A writing or other mark on the card, including, without limitation, a cross, check, tear or scratch, may not be counted as a vote. The remaining votes on such a card must be counted unless the ballot is otherwise disqualified.~~

~~4.]~~ Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.

~~[5.]~~ ***4.*** The Secretary of State:

(a) May adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2 ~~[, 3 or 4;]~~ ***or 3;*** and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2 ~~[, 3 or 4,]~~ ***or 3,*** including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Sec. 19. NRS 293.373 is hereby amended to read as follows:

293.373 If paper ballots ~~[or ballots which are voted by punching a card]~~ are used:

1. After the tally lists have been completed, the voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the county clerk.

2. The other pollbooks, tally lists and election board register must be returned to the county clerk.

Sec. 20. NRS 293.385 is hereby amended to read as follows:

293.385 1. After 8 a.m. on election day, the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw from the appropriate ballot boxes or containers all the ballots received the previous day and ascertain that each box or container has the required number of ballots according to the county clerk's absent voters' ballot record.

2. If any absent ballots are received by the county clerk on election day pursuant to NRS 293.316, the county clerk shall deposit the absent ballots in the appropriate ballot boxes or containers.

3. After 8 a.m. on election day, the appropriate board shall count in public the votes cast on the absent ballots.

4. If paper ballots are used, the results of the absent ballot vote in each precinct must be certified and submitted to the county clerk who shall have the results added to the regular votes of the precinct. ~~[If a mechanical voting system is used in which a voter casts his ballot by punching a card which is counted by a computer, the absent ballots may be counted with the regular votes of the precinct.]~~ The returns of absent ballots must be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of a voter's ballot. The county clerks shall develop a procedure to ensure that each ballot is kept secret.

5. Any person who disseminates to the public in any way information pertaining to the count of absent ballots before the polls close is guilty of a misdemeanor.

Sec. 21. NRS 293.517 is hereby amended to read as follows:

293.517 1. Any elector residing within the county may register:

(a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar or a voter registration agency, completing the application to register to vote, giving true and satisfactory answers to all questions relevant to his identity and right to vote, and providing proof of his residence and identity;

(b) By completing and mailing or personally delivering to the county clerk an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) Pursuant to the provisions of NRS 293.501 or 293.524; or

(d) At his residence with the assistance of a field registrar pursuant to NRS 293.5237.

➥ The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before registering him. If the applicant registers to vote pursuant to this subsection and fails to provide proof of his residence and identity, the applicant must provide proof of his residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3081 or 293.3083. ***For the purposes of this subsection, a voter***

registration card issued pursuant to subsection 6 does not provide proof of the residence or identity of a person.

2. The application to register to vote must be signed and verified under penalty of perjury by the elector registering.

3. Each elector who is or has been married must be registered under his own given or first name, and not under the given or first name or initials of his spouse.

4. An elector who is registered and changes his name must complete a new application to register to vote. He may obtain a new application:

(a) At the office of the county clerk or field registrar;

(b) By submitting an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to register to vote; or

(d) At any voter registration agency.

➥ If the elector fails to register under his new name, he may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

5. An elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of his application to register to vote.

6. After the county clerk determines that the application to register to vote of a person is complete and that the person is eligible to vote, he shall issue a voter registration card to the voter which contains:

(a) The name, address, political affiliation and precinct number of the voter;

(b) The date of issuance; and

(c) The signature of the county clerk.

Sec. 22. NRS 293.541 is hereby amended to read as follows:

293.541 1. The county clerk shall cancel the registration of a voter ~~[,]~~ if:

(a) After consultation with the district attorney, the district attorney determines that there is probable cause to believe that information in the registration concerning the identity or residence of the voter is fraudulent;

(b) The county clerk provides a notice as required pursuant to subsection 2 or executes an affidavit of cancellation pursuant to subsection 3; and

(c) The voter fails to present satisfactory proof of his identity and residence pursuant to subsection 2, 4 or 5.

2. Except as otherwise provided in subsection 3, the county clerk shall notify the voter by registered or certified mail, return receipt requested, of a determination made pursuant to subsection 1. The notice must set forth the grounds for cancellation. Unless the voter, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of his identity and residence to the county clerk, the county clerk shall cancel his registration.

3. If insufficient time exists before a pending election to provide the notice required by subsection 2, the county clerk shall execute an affidavit of cancellation and file the affidavit of cancellation with the registrar of voters' register and:

(a) In counties where records of registration are not kept by computer, the county clerk shall attach a copy of the affidavit of cancellation in the election board register.

(b) In counties where records of registration are kept by computer, the county clerk shall have the affidavit of cancellation printed on the computer entry for the registration and add a copy of it to the election board register.

4. If a voter appears to vote at the election next following the date that an affidavit of cancellation was executed for the voter pursuant to this section, the voter must be allowed to vote only if he furnishes:

(a) Official identification which contains a photograph of himself, including, without limitation, a driver's license or other official document; and

(b) Satisfactory identification that contains proof of the address at which he actually resides and that address is consistent with the address listed on the election board register.

5. If a determination is made pursuant to subsection 1 concerning information in the registration to vote of a voter and an absent ballot or a ballot voted by a voter who resides in a mailing precinct is received from the voter, the ballot must be kept separate from other ballots and must not be counted unless the voter presents satisfactory proof to the county clerk of his identity and residence before such ballots are counted on election day.

6. For the purposes of this section, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the:

(a) Address at which a person actually resides; or

(b) Residence or identity of a person.

Sec. 23. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 2, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note, as provided pursuant to NRS 218.443, 293.250, 293.481 or 293.482, for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218.443, 293.250, 293.481, 293.482 or 295.121, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument,

as provided pursuant to NRS 218.443, 293.250, 293.252, 293.481, 293.482 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

3. Before the period for early voting ~~[, but not later than 10 days before]~~ ***for*** any election ~~[,]~~ ***begins,*** the county clerk shall cause to be mailed to each registered voter in the county a sample ballot for his precinct with a notice informing the voter of the location of his polling place. If the location of the polling place has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before mailing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

4. Except as otherwise provided in subsection 5, a sample ballot required to be mailed pursuant to this section must:

(a) Be printed in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice printed in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

5. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

6. The sample ballot mailed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be printed in at least 14-point type, or larger when practicable.

7. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots mailed to that person from the county are in large type.

8. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his polling place and provide reasonable assistance to the voter in casting his

vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his ballot at such a centralized voting location rather than at his regularly designated polling place.

9. The cost of mailing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 24. NRS 293B.032 is hereby amended to read as follows:

293B.032 "Mechanical recording device" means a device ~~[:~~

~~1. Which]~~ ***which*** mechanically or electronically compiles a total of the number of votes cast for each candidate and for or against each measure voted on **.** ~~[; or~~

~~2. To which a list of offices and candidates and the statements of measures to be voted on may be affixed and into which a card may be inserted so that the votes cast for each candidate and for or against each measure may be indicated by punching the card with reference to the list.]~~

Sec. 25. NRS 293B.033 is hereby amended to read as follows:

293B.033 "Mechanical voting system" means a system of voting whereby a voter may cast his vote:

1. On a device which mechanically or electronically compiles a total of the number of votes cast for each candidate and for or against each measure voted on; or

2. By ~~[punching a card or]~~ marking a paper ballot which is subsequently counted on an electronic tabulator, counting device or computer.

Sec. 26. NRS 293B.103 is hereby amended to read as follows:

293B.103 ~~[1. If a mechanical voting system is used whereby votes are cast by punching a card:~~

~~(a) The cards to be used must have two detachable stubs.~~

~~(b) Each of the stubs attached to a particular card must bear the number of that card.~~

~~(c) One of the stubs must be detached and given to the voter when he returns his voted ballot, and the other stub must be retained by the election board.~~

~~2.]~~ If a mechanical voting system is used whereby votes are directly recorded electronically:

~~[(a)]~~ ***1.*** A voting receipt which has two parts must be used.

~~[(b)]~~ ***2.*** Each part of the voting receipt must bear the same number for identification.

~~[(c)]~~ ***3.*** One part of the voting receipt must be given to the voter when he votes and the other part of the voting receipt must be retained by the election board.

Sec. 27. NRS 293B.155 is hereby amended to read as follows:

293B.155 1. The tests prescribed by NRS 293B.150 and 293B.165 must be conducted by processing a preaudited group of logic and accuracy test ballots so ~~[punched,]~~ voted or marked as to record a predetermined number of valid votes for each candidate and on each measure, and must include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the mechanical recording device or the automatic tabulating equipment and programs to reject those votes.

2. If any error is detected, the cause therefor must be ascertained and corrected and an errorless count must be made before the mechanical recording device or the automatic tabulating equipment and programs are approved.

3. When satisfied with the accuracy of the mechanical recording device or automatic tabulating equipment and computer program, the accuracy certification board and the county or city clerk shall date and sign all reports, and seal the program, if any, and the reports and all test material in an appropriate container. The container must be kept sealed by the clerk.

4. Except as otherwise provided in this subsection, the contents of such a sealed container are not subject to the inspection of anyone except in the case of a contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of that judge, body or board. For the period set forth in NRS 293.413 during which a candidate may file a statement of contest, the results of the test must be made available in the clerk's office for public inspection.

Sec. 28. NRS 293B.305 is hereby amended to read as follows:

293B.305 Unless a major political party allows a nonpartisan voter to vote for its candidates:

1. In a primary election, a member of the election board for a precinct shall issue each nonpartisan voter a ballot with a distinctive code and printed designation identifying it as a nonpartisan ballot.

2. If a mechanical voting system is used in a primary election whereby votes are directly recorded electronically, a member of the election board shall, in addition to the ballot described in subsection 1, issue the nonpartisan voter a voting receipt with a printed designation identifying it as a nonpartisan ballot.

3. The member of the election board shall:

(a) Direct the nonpartisan voter to a mechanical recording device containing a list of offices and candidates setting forth only the nonpartisan ballot; ***or***

(b) Direct the nonpartisan voter to a mechanical recording device containing a list of offices and candidates arranged for a partisan ballot, instruct the voter to vote only the nonpartisan section of the list and advise the voter that any votes he may cast in the partisan section will not be counted **.** ~~[; or~~

~~(c) Issue a nonpartisan ballot attached to a sheet of foam plastic or similar backing material, a punching instrument, a sample nonpartisan ballot and an instruction sheet to the nonpartisan voter and instruct him to punch his ballot by reference to the sample ballot.]~~

Sec. 29. NRS 293B.330 is hereby amended to read as follows:

293B.330 1. Upon closing of the polls, the election board shall:

(a) Secure all mechanical recording devices against further voting.

(b) ~~[If a mechanical voting system is used whereby votes are cast by punching a card:~~

~~(1) Count the number of ballots in the ballot boxes.~~

~~(2) Account for all ballots on the statement of ballots.~~

~~(3) Place all official ballots, the ballot statement and any other records, reports and materials as directed by the county clerk into the container provided by him to transport those items to a central counting place and seal the container.~~

~~(c)]~~ If a mechanical voting system is used whereby votes are directly recorded electronically:

(1) Ensure that each mechanical recording device:

(I) Provides a record printed on paper of the total number of votes recorded on the device for each candidate and for or against each measure; and

(II) Transfers the ballots voted on that device to the storage device required pursuant to NRS 293B.084.

(2) Count the number of ballots voted at the polling place.

(3) Account for all ballots on the statement of ballots.

(4) Place all records printed on paper provided by the mechanical recording devices, all storage devices which store the ballots voted on the mechanical recording devices, and any other records, reports and materials as directed by the county clerk into the container provided by him to transport those items to a central counting place and seal the container.

~~[(d)]~~ ***(c)*** Record the number of voters on a form provided by the county clerk.

2. If a difference exists between the number of voters and the number of ballots voted, the election board shall report the difference and any known reasons for the difference, in writing, to the county clerk.

3. After closing the polls, the election board shall:

(a) Compare the quantity of the supplies furnished by the county clerk with the inventory of those supplies; and

(b) Note any shortages.

4. The county clerk shall allow members of the general public to observe the handling of the ballots pursuant to subsection 1 if those members do not interfere with the handling of the ballots.

Sec. 30. NRS 293B.365 is hereby amended to read as follows:

293B.365 The central ballot inspection board shall:

1. Receive the ballots in sealed containers.

2. Inspect the containers, record the number indicated on each container and its seal pursuant to NRS 293.462 and remove the ballots or storage devices which store the ballots voted on mechanical recording devices which directly record votes electronically.

3. Register the numbers of ballots by precinct.

4. Deliver any damaged ballots to the ballot duplicating board **.** ~~[, if the ballots were voted by punching a card.]~~

5. Receive duplicates of damaged ballots from the ballot duplicating board and place the duplicates with the voted ballots of the appropriate precinct **.** ~~[, if the ballots were voted by punching a card.]~~

6. Place each damaged original ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct **.** ~~[, if the ballot was voted by punching a card.]~~

7. Reject any ballot that has been marked in a way that identifies the voter.

8. Place each rejected ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the board's rejection of the ballot **.** ~~[, if the ballot was voted by punching a card.]~~

Sec. 31. NRS 293B.375 is hereby amended to read as follows:

293B.375 ~~[If ballots which are voted by punching a card are used, the]~~ ***The*** ballot duplicating board shall:

1. Receive damaged ballots, including ballots which have been torn, bent or mutilated.

2. ~~[Receive cards with incompletely punched chips.~~

~~3.]~~ Prepare on a distinctly colored, serially numbered ballot marked "duplicate" an exact copy of each damaged ballot.

~~[4. In the case of a card with an incompletely punched chip:~~

~~(a) Remove the incompletely punched chip if:~~

~~(1) The chip has at least one corner that is detached from the card; or~~

~~(2) The fibers of paper on at least one edge of the chip are broken in a way that permits unimpeded light to be seen through the card; or~~

~~(b) Duplicate the card without punching the location of the incompletely punched chip if:~~

~~(1) The chip does not have at least one corner that is detached from the card; and~~

~~(2) The fibers of paper on no edge of the chip are broken in a way that permits unimpeded light to be seen through the card.~~

~~5.~~ ***3.*** Record the serial number of the duplicate ballot on the damaged original ballot and return the damaged and duplicate ballots to the appropriate ballot inspection board.

~~[6.]~~ ***4.*** Hold aside the duplicated ballots for counting after all other ballots are counted if this procedure is directed by the county clerk.

Sec. 32. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.115 and 293C.190, a name may not be printed on a ballot to be used at a primary city election, unless the person named has filed a declaration of candidacy or an acceptance of candidacy and has paid the fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.

2. A declaration of candidacy required to be filed by this section must be in substantially the following form:

DECLARATION OF CANDIDACY OF .... FOR THE
OFFICE OF .....
State of Nevada
City of

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, ..., the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

(Designation of name)

(Signature of candidate for office)

Subscribed and sworn to before me
this ... day of the month of ... of the year ...

Notary Public or other person
authorized to administer an oath

3. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where he actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate's address is listed as a post office box unless a street address has not been assigned to his residence; or

(b) The candidate does not present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including ~~[, without limitation,]~~ a check ~~[,]~~ which indicates the candidate's name and residential address ~~[.]~~ ***, but not including a voter registration card issued pursuant to NRS 293.517.***

4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number or driver's license or identification card number of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at his specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

6. If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the city clerk:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether he has had his civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.

7. The receipt of information by the city attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the city clerk must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.

Sec. 33. NRS 293C.256 is hereby amended to read as follows:

293C.256 An absent ballot for a city election or a ballot for a city election voted by a voter who resides in a mailing precinct must be voted on a paper ballot **.** ~~[or a ballot which is voted by punching a card.]~~

Sec. 34. NRS 293C.292 is hereby amended to read as follows:

293C.292 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct or district upon the ground that he is not the person entitled to vote as claimed or has voted before at the same election; or

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that he does not reside at the residence for which the address is listed in the election board register, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the election board register";

(b) If the challenge is on the ground that he previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(c) If the challenge is on the ground that he is not the person he claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this election board register."

➥ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. If the challenged person refuses to execute the oath or affirmation so tendered, he must not be issued a ballot, and the officer in charge of the election board register shall write the words "Challenged ....." opposite his name in the election board register.

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) of subsection 2, the election board officers shall inform

him that he is entitled to vote only in the manner prescribed in NRS 293C.295.

5. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (c) of subsection 2, the election board officers shall issue him a ballot.

6. If the challenge is based on the ground set forth in paragraph (a) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he furnishes satisfactory identification that contains proof of the address at which he actually resides. ***For the purposes of this subsection, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the address at which a person resides.***

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless he:

(a) Furnishes official identification which contains a photograph of himself, such as his driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of himself, such as his driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he swears he is.

8. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

Sec. 35. NRS 293C.295 is hereby amended to read as follows:

293C.295 1. If a person is successfully challenged on the ground set forth in paragraph (a) of subsection 2 of NRS 293C.292 or if a person refuses to provide an affirmation pursuant to NRS 293C.525, the election board shall instruct the voter that he may vote only at the special polling place in the manner set forth in this section.

2. The city clerk shall maintain at least one special polling place at such locations as he deems necessary during each election. The ballots voted at the special polling place must be kept separate from the ballots of voters who have not been so challenged or who have provided an affirmation pursuant to NRS 293C.525 in:

(a) A special ballot box if the ballots are paper ballots ***;*** ~~[or ballots that are voted by punching a card;]~~ or

(b) A special sealed container if the ballots are ballots that are voted on a mechanical recording device which directly records the votes electronically.

3. A person who votes at a special polling place may place his vote only for the following offices and questions:

(a) All officers for whom all voters in the city may vote; and

(b) Questions that have been submitted to all voters of the city.

4. The ballots voted at the special polling place must be counted when other ballots are counted and:

(a) If the ballots are paper ballots **,** ~~[or ballots that are voted by punching a card,]~~ maintained in a separate ballot box; or

(b) If the ballots are ballots that are voted on a mechanical recording device that directly records the votes electronically, maintained in a separate sealed container,

➥ until any contest of election is resolved or the date for filing a contest of election has passed, whichever is later.

Sec. 35.5. **NRS 293C.315 is hereby amended to read as follows:**

293C.315 1. Any registered voter of this State who resides outside the continental United States may use a facsimile machine to request an absent ballot. ***The registered voter shall state on the request whether he requests the city clerk to send the absent ballot by mail or facsimile machine and whether he will return the absent ballot to the city clerk by mail or facsimile machine.***

2. ***If the registered voter indicates pursuant to subsection 1 that he will submit the absent ballot by mail, he shall include with his completed absent ballot the identification envelope provided by the city clerk. The identification envelope must be in the form prescribed by the Secretary of State and include, without limitation:***

(a) A declaration, under penalty of perjury, stating that the registered voter resides within the precinct in which he is voting and is the person whose name appears on the envelope;

(b) The signature of the registered voter;

(c) The address that the registered voter provided on his application for voter registration; and

(d) A statement that the voter has not applied and will not apply to any other city clerk for an absent ballot.

3. If the registered voter indicates pursuant to subsection 1 that he will submit the absent ballot by facsimile machine, he shall include with his completed absent ballot the following:

OATH OF VOTER

I, _____, acknowledge that by returning my voted ballot by facsimile transmission I have waived my right to have my ballot kept secret. Nevertheless, I understand that, as with any absent voter, my signature, whether on this oath of voter form or my identification envelope, will be permanently separated from my voted ballot to maintain its secrecy at the outset of the tabulation process and thereafter.

My residential address is

_____.

(Street Address) (City) (ZIP Code)
My current mailing address is

_____.
My e-mail address is _____.
My facsimile transmission number is _____.
I am a resident of _____ County, State of Nevada, and I have not applied, nor do I intend to apply, for an absentee ballot from any other jurisdiction for the same election.
I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.
Dated this _____ day of _____, 20____.
(Signed)

_____
voter (power of attorney cannot be accepted)
YOUR BALLOT CANNOT BE COUNTED UNLESS YOU SIGN THE ABOVE OATH AND INCLUDE IT WITH YOUR BALLOT, ALL OF WHICH ARE RETURNED BY FACSIMILE TRANSMISSION.

4. The city clerk ***, if so requested pursuant to subsection 1,*** shall use a facsimile machine to send an absent ballot ***and the oath, as required pursuant to subsection 3,*** to the registered voter.

~~[3. The registered voter shall mail his absent ballot to the city clerk.~~

~~4.]~~ ***5. Each city clerk shall ensure the secrecy of absentee ballots that are submitted by facsimile machine.***

6. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 36. NRS 293C.322 is hereby amended to read as follows:

293C.322 1. Except as otherwise provided in subsection 2, if the request for an absent ballot is made by mail or facsimile machine, the city clerk shall, as soon as the official absent ballot for the precinct or district in which the applicant resides has been printed, send to the voter by first-class mail ***, unless otherwise requested pursuant to NRS 293C.315,*** if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base, or by air mail ***, unless otherwise requested pursuant to NRS 293C.315,*** if the absent voter is in a foreign country but not on a military base:

(a) ~~[Except as otherwise provided in paragraph (b):~~

~~(1)]~~ An absent ballot;

~~[(2)]~~ ***(b)*** A return envelope;

~~[(3)]~~ ***(c)*** Supplies for marking the ballot;

~~[(4)]~~ ***(d)*** An envelope or similar device into which the ballot is inserted to ensure its secrecy; ~~[and]~~

~~[(5) Instructions.~~

~~(b) In those cities using a mechanical voting system whereby a vote is cast by punching a card:~~

~~(1) A card attached to a sheet of foam plastic or similar backing material;~~

~~(2) A return envelope;~~

~~(3) A punching instrument;~~

~~(4) A sample ballot;~~

~~(5) An envelope or similar device into which the card is inserted to ensure its secrecy; and~~

~~(6)~~] ***(e) An identification envelope, if applicable pursuant to NRS 293C.315; and***

(f) Instructions.

2. If the city clerk fails to send an absent ballot pursuant to subsection 1 to a voter who resides within the continental United States, the city clerk may use a facsimile machine to send an absent ballot and instructions to the voter. The voter shall mail his absent ballot to the city clerk.

3. The return envelope sent pursuant to subsection 1 must include postage prepaid by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Nothing may be enclosed or sent with an absent ballot except as required by subsection 1 or 2.

5. Before depositing a ballot with the United States Postal Service or sending a ballot by facsimile machine, the city clerk shall record the date the ballot is issued, the name of the registered voter to whom it is issued, his precinct or district, the number of the ballot and any remarks he finds appropriate.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsection 2.

Sec. 36.5. **NRS 293C.325 is hereby amended to read as follows:**

293C.325 1. Except as otherwise provided in subsections 2 and 3, when an absent ballot is returned by a registered voter to the city clerk through the mails ~~[,]~~ ***or facsimile*** and record thereof is made in the absent ballot record book, the city clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the precinct or district election board.

2. If the city clerk has appointed an absent ballot central counting board, the city clerk shall, upon receipt of each absent voter's ballot, make a record of the return and check the signature on the return envelope ***or facsimile*** against the original signature of the voter on the county clerk's register. If the city clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box. At the end of each day before election day, the city clerk may remove the ballots from each ballot box and neatly stack the ballots in a container. Except as otherwise provided in subsection 3, on election day the city clerk shall deliver the ballot box and, if applicable, each container to the absent ballot counting board to be counted.

3. If the city uses a mechanical voting system, the city clerk shall, upon receipt of each absent voter's ballot, make a record of the return and check the signature on the return envelope ***or facsimile*** against the original signature of the ***voter on the*** county clerk's register. If the city clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the city clerk at all times. At the end of each day before election day, the city clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Except as otherwise provided in this subsection, on election day the city clerk shall deliver the ballot box and each container, if applicable, to the central counting place. If the city uses a mechanical voting system and the city clerk has appointed an absent ballot central counting board, the city clerk may, not earlier than 4 working days before the election, deliver the ballots to the absent ballot central counting board to be processed and prepared for tabulation pursuant to the procedures established by the Secretary of State.

Sec. 37. NRS 293C.330 is hereby amended to read as follows:

293C.330 1. Except as otherwise provided in NRS 293C.315 and subsection 2 of NRS 293C.322 and any regulations adopted pursuant thereto, when an absent voter receives his ballot, he must mark and fold it ~~[, if it is a paper ballot, or punch it, if the ballot is voted by punching a card,]~~ in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his signature on the back of the envelope in the space provided therefor and mail the return envelope.

2. Except as otherwise provided in subsection 3, if an absent voter who has requested a ballot by mail applies to vote the ballot in person at:

(a) The office of the city clerk, he must mark ~~[or punch]~~ the ballot, seal it in the return envelope and affix his signature in the same manner as provided in subsection 1, and deliver the envelope to the city clerk.

(b) A polling place, including, without limitation, a polling place for early voting, he must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."

3. If an absent voter who has requested a ballot by mail applies to vote in person at the office of the city clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

(a) Provides satisfactory identification;

(b) Is a registered voter who is otherwise entitled to vote; and

(c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.

4. Except as otherwise provided in NRS 293C.317, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of his family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the city clerk that he is a member of the family of the voter who requested the absent ballot and that the voter requested that he return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 37.5. **NRS 293C.332 is hereby amended to read as follows:**

293C.332 On the day of an election, the precinct or district election boards receiving the absent voters' ballots from the city clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293C.325 and deposit the ballots in the regular ballot box in the following manner:

1. The name of the voter, as shown on the return envelope ~~[,]~~ ***or facsimile,*** must be called and checked as if the voter were voting in person;

2. The signature on the back of the return envelope ***or on the facsimile*** must be compared with that on the original application to register to vote;

3. If the board determines that the absent voter is entitled to cast his ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and

4. The election board officers shall mark in the pollbook opposite the name of the voter the word "Voted."

Sec. 38. NRS 293C.347 is hereby amended to read as follows:

293C.347 1. The city clerk shall:

(a) Make certain of the names and addresses of all voters registered to vote in mailing precincts and absent ballot mailing precincts;

(b) Enroll the name and address of each voter found eligible to vote in those precincts in the mailing precinct record book;

(c) Mark the number of the ballot on the return envelope; and

(d) Mail the ballot to the registered voter.

2. ~~[Except as otherwise provided in subsection 3, the]~~ ***The*** ballot must be accompanied by:

(a) Supplies for marking the ballot;

(b) A return envelope;

(c) An envelope or similar device into which the ballot is inserted to ensure its secrecy;

(d) A sample ballot; and

(e) Instructions regarding the manner of marking and returning the ballot.

~~[3. In those cities using a mechanical voting system whereby a vote is cast by punching a card, the ballot must be accompanied by:~~

~~(a) A sheet of foam plastic or similar backing material attached to the card;~~

~~(b) A punching instrument;~~

~~(c) A return envelope;~~

~~(d) An envelope or similar device into which the card is inserted to ensure its secrecy;~~

~~(e) A sample ballot; and~~

~~(f) Instructions concerning the manner of punching and returning the card.]~~

Sec. 39. NRS 293C.350 is hereby amended to read as follows:

293C.350 Upon receipt of a mailing ballot from the city clerk, the registered voter must:

1. ~~[Except as otherwise provided in subsection 2:~~

~~(a)]~~ Immediately after opening the envelope, mark and fold the ballot;

~~[(b)]~~ ***2.*** Place the ballot in the return envelope;

~~[(c)]~~ ***3.*** Affix his signature on the back of the envelope; and

~~[(d)]~~ ***4.*** Mail or deliver the envelope to the city clerk.

~~[2. In those cities using a mechanical voting system whereby a vote is cast by punching a card:~~

~~(a) Immediately after opening the envelope, punch the card;~~

~~(b) Place the unfolded card in the return envelope;~~

~~(c) Affix his signature on the back of the envelope; and~~

~~(d) Mail or deliver the envelope to the city clerk.]~~

Sec. 40. NRS 293C.356 is hereby amended to read as follows:

293C.356 1. If a request is made to vote early by a registered voter in person, the city clerk shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of the clerk's office and returned to the clerk. If the ballot is a paper ballot ***,*** ~~[or a ballot which is voted by punching a card,]~~ the clerk shall follow the same procedure as in the case of absent ballots received by mail.

2. On the dates for early voting prescribed in NRS 293C.3568, each city clerk shall provide a voting booth, with suitable equipment for voting, on the premises of his office for use by registered voters who are issued ballots for early voting in accordance with this section.

Sec. 41. NRS 293C.3585 is hereby amended to read as follows:

293C.3585 1. Upon the appearance of a person to cast a ballot for early voting, the deputy clerk for early voting shall:

(a) Determine that the person is a registered voter in the county;

(b) Instruct the voter to sign the roster for early voting; and

(c) Verify the signature of the voter against that contained on the original application to register to vote or ***a*** facsimile thereof, the card issued to the voter at the time of registration or some other piece of official identification.

2. The city clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted pursuant to this section.

3. The roster for early voting must contain:

(a) The voter's name, the address where he is registered to vote, his voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number; and

(c) The date of voting early in person.

4. When a voter is entitled to cast his ballot and has identified himself to the satisfaction of the deputy clerk for early voting, he is entitled to receive the appropriate ballot or ballots, but only for his own use at the polling place for early voting.

5. ~~[If the ballot is voted by punching a card, the deputy clerk for early voting shall:~~

~~(a) Ensure that the voter's precinct or voting district and the form of ballot are indicated on the card;~~

~~(b) Direct the voter to the appropriate mechanical recording device for his form of ballot; and~~

~~(c) Allow the voter to place his voted ballot in the ballot box.~~

~~6.]~~ If the ballot is voted on a mechanical recording device which directly records the votes electronically, the deputy clerk for early voting shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of ballot are indicated on each part of the voting receipt;

(c) Retain one part of the voting receipt for the election board and return the other part of the voting receipt to the voter; and

(d) Allow the voter to cast his vote.

~~[7.]~~ ***6.*** A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.

Sec. 42. NRS 293C.359 is hereby amended to read as follows:

293C.359 The ballot box for early voting in which voted ballots which are paper ballots ~~[or ballots which are voted by punching a card]~~ are deposited must have two numbered seals, and must be designed and constructed so that the box can be sealed to detect any unauthorized opening of the box and that the ballot slot can be sealed to prevent any unauthorized deposit in the box. The seals for the boxes must be serially numbered for each election.

Sec. 43. NRS 293C.3602 is hereby amended to read as follows:

293C.3602 If paper ballots ~~[or ballots which are voted by punching a card]~~ are used during the period for early voting by personal appearance:

1. Each voting day during that period, the ballots voted at the permanent or temporary polling place may be removed from the ballot box and neatly stacked in a container that is sealed with a numbered seal after the ballots are stacked inside. The ballot box or sealed container must be delivered by an election board officer to the city clerk's office at the close of each voting day. The seal on the ballot box or container must indicate the number of voted ballots contained in that box or container for that day.

2. When the ballot box or container is delivered pursuant to subsection 1, the city clerk shall provide a new ballot box sealed in the manner prescribed in NRS 293C.359.

3. At the close of each voting day before the fourth voting day before the last day to vote early, the city clerk may deliver all ballots voted to the ballot board for early voting. At the close of the fourth voting day before the last day to vote early and at the close of each of the 3 days thereafter, the city clerk shall deliver all ballots voted to the ballot board for early voting. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:

(a) Each remaining ballot box and container that holds the ballots voted early by personal appearance;

(b) A voting roster of all persons who voted early by personal appearance; and

(c) Any list of registered voters used in conducting early voting.

4. Upon the receipt of ***the*** ballots, the board shall:

(a) Remove all ballots from the ballot boxes and containers and sort the ballots by precinct or voting district;

(b) Count the number of ballots by precinct or voting district;

(c) Account for all ballots on an official statement of ballots; and

(d) Place all official ballots in the container provided to transport those items to a central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the voted ballots to the central counting place.

5. The city clerk shall allow members of the general public to observe the handling of the ballots pursuant to subsections 1 and 4 if those members do not interfere with the handling of the ballots.

Sec. 44. NRS 293C.362 is hereby amended to read as follows:

293C.362 When the polls are closed, the counting board shall prepare to count the ballots voted. The counting procedure must be public and continue without adjournment until completed. If the ballots are paper ballots **,** ~~[or ballots that are voted by punching a card,]~~ the counting board shall prepare in the following manner:

1. The pollbooks must be compared and errors corrected until the books agree.

2. The container that holds the ballots ~~[,]~~ or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to determine whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If, on comparison of the count with the pollbook, a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the

counting board officers and placed in the container or ballot box after the count is completed.

3. If the ballots in the container or box are found to exceed the number of names on the pollbooks, the ballots must be replaced in the container or box and a counting board officer shall, with his back turned to the container or box, draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the city clerk with the other ballots rejected for any cause.

4. When it has been determined that the pollbook and the number of ballots agree with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.

Sec. 45. NRS 293C.367 is hereby amended to read as follows:

293C.367 1. The basic factor to be considered by an election board when making a determination of whether a particular ballot must be rejected is whether any identifying mark appears on the ballot which, in the opinion of the election board, constitutes an identifying mark such that there is a reasonable belief entertained in good faith that the ballot has been tampered with and, as a result of the tampering, the outcome of the election would be affected.

2. Regulations for counting ballots must include provisions that:

(a) An error in marking one or more votes on a ballot does not invalidate any votes properly marked on that ballot.

(b) A soiled or defaced ballot may not be rejected if it appears that the soiling or defacing was inadvertent and was not done purposely to identify the ballot.

(c) Only devices provided for in this chapter, chapter 293 or 293B of NRS may be used in marking ballots.

(d) It is unlawful for any election board officer to place any mark upon any ballot other than a spoiled ballot.

(e) When an election board officer rejects a ballot for any alleged defect or illegality, the officer shall seal the ballot in an envelope and write upon the envelope a statement that it was rejected and the reason for rejecting it. Each election board officer shall sign the envelope.

~~[(f) In cities where mechanical voting systems are used whereby a vote is cast by punching a card, a superfluous punch into any card does not constitute grounds for rejection of the ballot unless the election board determines that the condition of the ballot justifies its exclusion pursuant to subsection 1.]~~

Sec. 46. NRS 293C.369 is hereby amended to read as follows:

293C.369 1. When counting a vote in an election, if more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.

2. Except as otherwise provided in subsection 1, in an election in which a paper ballot is used whereby a vote is cast by placing a cross in the designated square on the paper ballot, a cross in the designated square must be counted as a vote.

3. ~~[Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by punching a card:~~

~~(a) A chip on the card must be counted as a vote if:~~

~~(1) The chip has at least one corner that is detached from the card; or~~

~~(2) The fibers of paper on at least one edge of the chip are broken in a way that permits unimpeded light to be seen through the card.~~

~~(b) A writing or other mark on the card, including, without limitation, a cross, check, tear or scratch, may not be counted as a vote. The remaining votes on such a card must be counted unless the ballot is otherwise disqualified.~~

~~4.]~~ Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.

~~[5.]~~ ***4.*** The Secretary of State:

(a) May adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2 ~~[, 3 or 4,]~~ ***or 3;*** and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2 ~~[, 3 or 4,]~~ ***or 3,*** including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Sec. 47. NRS 293C.375 is hereby amended to read as follows:

293C.375 If paper ballots ~~[or ballots which are voted by punching a card]~~ are used:

1. After the tally lists have been completed, the voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the city clerk.

2. The other pollbooks, tally lists and ***the*** election board register must be returned to the city clerk.

Sec. 48. NRS 293C.385 is hereby amended to read as follows:

293C.385 1. After 8 a.m. on election day, the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw from the appropriate ballot boxes or containers all the ballots received the previous day and determine whether each box or container has the required number of ballots according to the city clerk's absent voters' ballot record.

2. If any absent ballots are received by the city clerk on election day pursuant to NRS 293C.317, the city clerk shall deposit the absent ballots in the appropriate ballot boxes or containers.

3. After 8 a.m. on election day, the appropriate board shall count in public the votes cast on the absent ballots.

4. If paper ballots are used, the results of the absent ballot vote in each precinct must be certified and submitted to the city clerk, who shall have the results added to the regular votes of the precinct. ~~[If a mechanical voting system is used in which a voter casts his ballot by punching a card that is counted by a computer, the absent ballots may be counted with the regular votes of the precinct.]~~ The returns of absent ballots must be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of a voter's ballot. The city clerks shall develop a procedure to ensure that each ballot is kept secret.

5. Any person who disseminates to the public information relating to the count of absent ballots before the polls close is guilty of a misdemeanor.

Sec. 49. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. Before the period for early voting ~~[, but not later than 10 days before]~~ ***for*** ~~[an]~~ ***any*** election ~~[,]~~ ***begins,*** the city clerk shall cause to be mailed to each registered voter in the city a sample ballot for his precinct **,** with a notice informing the voter of the location of his polling place. If the location of the polling place has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before mailing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

2. Except as otherwise provided in subsection 3, a sample ballot required to be mailed pursuant to this section must:

(a) Be printed in at least 12-point type;

(b) Include the fiscal note and explanation, as required pursuant to NRS 293.481 or 293.482, of each citywide measure and advisory question, including arguments for and against it; and

(c) Include on the front page, in a separate box created by bold lines, a notice printed in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

3. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

4. The sample ballot mailed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be printed in at least 14-point type, or larger when practicable.

5. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots mailed to that person from the city are in large type.

6. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his polling place and provide reasonable assistance to the voter in casting his vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his ballot at such a centralized voting location rather than at his regularly designated polling place.

7. The cost of mailing sample ballots for a city election must be borne by the city holding the election.

Sec. 50. NRS 293C.620 is hereby amended to read as follows:

293C.620 1. At each election a member of the election board for a precinct shall issue each voter a ballot.

2. If a mechanical voting system is used in a primary city election whereby votes are directly recorded electronically, a member of the election board shall, in addition to the ballot described in subsection 1, issue the voter a voting receipt.

3. The member of the election board shall ~~[:~~

~~(a) Direct]~~ ***direct*** the voter to a mechanical recording device containing a list of offices and candidates **.** ~~[; or~~

~~(b) Issue a ballot attached to a sheet of foam plastic or similar backing material, a punching instrument, a sample ballot and an instruction sheet to the voter and instruct him to punch his ballot by reference to the sample ballot.]~~

Sec. 51. NRS 293C.630 is hereby amended to read as follows:

293C.630 1. Upon closing of the polls, the election board shall:

(a) Secure all mechanical recording devices against further voting.

(b) ~~[If a mechanical voting system is used whereby votes are cast by punching a card:~~

~~(1) Count the number of ballots in the ballot boxes.~~

~~(2) Account for all ballots on the statement of ballots.~~

~~(3) Place all official ballots, the ballot statement and any other records, reports and materials as directed by the city clerk into the container provided by him to transport those items to a central counting place and seal the container.~~

~~(c)]~~ If a mechanical voting system is used whereby votes are directly recorded electronically:

(1) Ensure that each mechanical recording device:

(I) Provides a record printed on paper of the total number of votes recorded on the device for each candidate and for or against each measure; and

(II) Transfers the ballots voted on that device to the storage device required pursuant to NRS 293B.084.

(2) Count the number of ballots voted at the polling place.

(3) Account for all ballots on the statement of ballots.

(4) Place all records printed on paper provided by the mechanical recording devices, all storage devices which store the ballots voted on the mechanical recording devices, and any other records, reports and materials as directed by the city clerk into the container provided by him to transport those items to a central counting place and seal the container.

~~[(d)]~~ ***(c)*** Record the number of voters on a form provided by the city clerk.

2. If a difference exists between the number of voters and the number of ballots voted, the election board shall report the difference and any known reasons for the difference, in writing, to the city clerk.

3. After closing the polls, the election board shall:

(a) Compare the quantity of the supplies furnished by the city clerk with the inventory of those supplies; and

(b) Note any shortages.

4. The city clerk shall allow members of the general public to observe the handling of the ballots pursuant to subsection 1 if those members do not interfere with the handling of the ballots.

Sec. 52. NRS 293C.645 is hereby amended to read as follows:

293C.645 The central ballot inspection board shall:

1. Receive the ballots in sealed containers.

2. Inspect the containers, record the number indicated on each container and its seal pursuant to NRS 293.462 and remove the ballots or storage devices that store the ballots voted on mechanical recording devices that directly record votes electronically.

3. Register the numbers of ballots by precinct.

4. Deliver any damaged ballots to the ballot duplicating board **.** ~~[, if the ballots were voted by punching a card.]~~

5. Receive duplicates of damaged ballots from the ballot duplicating board and place the duplicates with the voted ballots of the appropriate precinct **.** ~~[, if the ballots were voted by punching a card.]~~

6. Place each damaged original ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct **.** ~~[, if the ballot was voted by punching a card.]~~

7. Reject any ballot that has been marked in a way that identifies the voter.

8. Place each rejected ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the board's rejection of the ballot **.** ~~[, if the ballot was voted by punching a card.]~~

Sec. 53. NRS 293C.655 is hereby amended to read as follows:

293C.655 ~~[If ballots that are voted by punching a card are used, the]~~ ***The*** ballot duplicating board shall:

1. Receive damaged ballots, including ballots that have been torn, bent or mutilated.

2. ~~[Receive cards with incompletely punched chips.~~

~~3.]~~ Prepare on a distinctly colored, serially numbered ballot marked "duplicate" an exact copy of each damaged ballot.

~~[4. In the case of a card with an incompletely punched chip:~~

~~(a) Remove the incompletely punched chip if:~~

~~(1) The chip has at least one corner that is detached from the card; or~~

~~(2) The fibers of paper on at least one edge of the chip are broken in a way that permits unimpeded light to be seen through the card; or~~

~~(b) Duplicate the card without punching the location of the incompletely punched chip if:~~

~~(1) The chip does not have at least one corner that is detached from the card; and~~

~~(2) The fibers of paper on no edge of the chip are broken in a way that permits unimpeded light to be seen through the card.~~

~~5.]~~ ***3.*** Record the serial number of the duplicate ballot on the damaged original ballot and return the damaged and duplicate ballots to the appropriate ballot inspection board.

~~[6.]~~ ***4.*** Hold aside the duplicated ballots for counting after all other ballots are counted if this procedure is directed by the city clerk.

Sec. 54. NRS 294A.005 is hereby amended to read as follows:

294A.005 "Candidate" means any person:

1. Who files a declaration of candidacy;

2. Who files an acceptance of candidacy;

3. Whose name appears on an official ballot at any election; or

4. Who has received contributions in excess of $100 ~~[.]~~ ***, regardless of whether:***

(a) The person has filed a declaration of candidacy or an acceptance of candidacy; or

(b) The name of the person appears on an official ballot at any election.

Sec. 55. NRS 295.056 is hereby amended to read as follows:

295.056 1. Before a petition for initiative or referendum is filed with the Secretary of State, the petitioners must submit to each county clerk for verification pursuant to NRS 293.1276 to 293.1279, inclusive, the document or documents which were circulated for signature within his county. The clerks shall give the person submitting a document or documents a receipt stating the number of documents and pages and the person's statement of the number of signatures contained therein.

2. If a petition for initiative proposes a statute or an amendment to a statute, the document or documents must be submitted not later than the second Tuesday in November of an even-numbered year.

3. If a petition for initiative proposes an amendment to the Constitution, the document or documents must be submitted not later than the third Tuesday in June of an even-numbered year.

4. If the petition is for referendum, the document or documents must be submitted not later than the third Tuesday in May of an even-numbered year.

5. All documents which are submitted to a county clerk for verification must be submitted at the same time. ***If documents concerning the same petition are submitted for verification to more than one county clerk, the documents must be submitted to each county clerk on the same day. At the time that the petition is submitted to a county clerk for verification, the petitioners may designate a contact person who is authorized by the petitioners to address questions or issues relating to the petition.***

Sec. 56. NRS 217.468 is hereby amended to read as follows:

217.468 1. Except as otherwise provided in subsections 2 and 3, the Secretary of State shall cancel the fictitious address of a participant 4 years after the date on which the Secretary of State approved the application.

2. The Secretary of State shall not cancel the fictitious address of a participant if, before the fictitious address of the participant is cancelled, the participant shows to the satisfaction of the Secretary of State that the participant remains in imminent danger of becoming a victim of domestic violence, sexual assault or stalking.

3. The Secretary of State may cancel the fictitious address of a participant at any time if:

(a) The participant changes his confidential address from the one listed in the application and fails to notify the Secretary of State within 48 hours after the change of address; ~~[or]~~

(b) The Secretary of State determines that false or incorrect information was knowingly provided in the application ~~[.]~~ ***; or***

(c) The participant files a declaration or acceptance of candidacy pursuant to NRS 293.177 or 293C.185.

Sec. 57. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.050, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235;

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 ~~[, 213.153 and 293B.210,]~~ ***and 213.153,***

➥ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims; and

(d) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board.

Sec. 58. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235;

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 ~~[, 213.153 and 293B.210,]~~ ***and 213.153,***

➥ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims; and

(d) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board.

Sec. 59. NRS 293B.160 and 293B.210 are hereby repealed.

Sec. 60. 1. This section, sections 1 to 57, inclusive, and 59 of this act become effective upon passage and approval.

2. Section 57 of this act expires by limitation upon enactment of the Interstate Compact for Juveniles into law by the 35th jurisdiction.

3. Section 58 of this act becomes effective upon enactment of the Interstate Compact for Juveniles into law by the 35th jurisdiction.

TEXT OF REPEALED SECTIONS

293B.160 Test program and card deck to be used for certain mechanical voting systems at election. If a mechanical voting system is used whereby votes are cast by punching a card, the computer program and the program card deck used for the test prescribed by NRS 293B.150 must be used to count those ballots which were voted by punching a card for the election.

293B.210 Clerk to furnish lists of candidates and measures to be voted on at election; Secretary of State to provide to or reimburse county for cards used in elections.

1. If a mechanical voting system is used whereby a vote is cast by punching a card, the county or city clerk shall furnish sufficient lists of offices and candidates and the statements of measures to be voted on for the mechanical recording devices used at any election.

2. The Secretary of State shall provide to or reimburse each county for all cards used in each primary or general election. Any reimbursement must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.

Assemblywoman Koivisto moved that the Assembly concur in the Senate amendment to Assembly Bill No. 517.

Remarks by Assemblywoman Koivisto.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Joint Resolution No. 10.

The following Senate amendment was read:

Amendment No. 866.

SUMMARY—Urges Congress ~~[not to reauthorize]~~ **to reevaluate** the "fast track" approval of international trade agreements. (BDR R-1295)

ASSEMBLY JOINT RESOLUTION—Urging Congress ~~[not to reauthorize]~~ **to reevaluate** the "fast track" approval of international trade agreements.

WHEREAS, As international trade has evolved in recent years under the "fast track" authority by which Congress reviews international trade agreements involving the United States, the authority for which will expire on June 30, 2007, significant questions have developed with respect to the continuing ability of states to retain their character, environmental controls and quality of life; and

WHEREAS, Under "fast track" rules, the review of complex trade agreements by Congress is limited to a vote to approve or reject the agreements, after limited time for consideration, without the possibility of amendments; and

WHEREAS, Trade agreements today have an impact which extends significantly beyond the bounds of traditional trade matters such as tariffs and quotas, and instead grant foreign investors and service providers certain rights and privileges regarding acquisition of land and facilities and regarding operations within a state's territory, subject state laws to challenge as "non-tariff barriers to trade" in the binding dispute resolution bodies that accompany the pacts and place limits on the future policy options of state legislatures; and

WHEREAS, Despite the demonstrated variety of significant impacts that trade and investment agreements have on state governance, taxation authority, environmental protection, land use regulation and many other areas of state interest, states and local governments have not received assurances that their concerns will be adequately addressed in any "fast track" renewal process; and

WHEREAS, Federal legislation should clarify the negotiating agenda of the United States in a manner that establishes a stronger role for states and should include an explicit mechanism for the prior informed consent of affected state legislatures; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the Nevada Legislature hereby urges Congress ~~[not to reauthorize the "fast track" approval of international trade agreements, and instead replace that authority with a more democratic, inclusive]~~ **to reevaluate the "fast track" approval of international trade agreements, and to consider replacing that authority with a more democratic,**

inclusive and deliberative mechanism which takes into consideration the concerns of state legislatures and authorizes their participation in the international trade agreement process; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Koivisto moved that the Assembly concur in the Senate amendment to Assembly Joint Resolution No. 10.

Remarks by Assemblywoman Koivisto.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 41.

The following Senate amendment was read:

Amendment No. 735.

AN ACT relating to podiatry; revising provisions relating to requirements for licenses to practice podiatry; ~~[authorizing the State Board of Podiatry to adopt regulations increasing the maximum application and examination fees for such licenses;]~~ eliminating certain obsolete provisions concerning examinations for licensure; **revising the requirements for reinstatement of a delinquent license;** providing that the insured under certain policies of health insurance is entitled under certain circumstances to reimbursement for the treatment of an illness by a podiatrist licensed by the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Sections 2 and 5 of this bill revise the examination requirement to obtain a license to practice podiatry to provide that a person must have passed that examination within the 5 years immediately preceding the date of his application for a license to practice podiatry or a temporary license to practice podiatry. Sections 2, 4 and 5 of this bill authorize the State Board of Podiatry to increase the fees required to be paid to apply for a license to practice podiatry or a limited or temporary license to practice podiatry. Sections 1, 3, 6 and 11]~~ **Section 1 of this bill requires an applicant for a license to practice podiatry in this State who has been licensed to practice podiatry in another state to provide information concerning his disciplinary history in that state. Section 1 also authorizes the Board to require such an applicant to pass an examination concerning the laws of this State relating to the practice of podiatry or to satisfy other requirements. Sections 2, 4, 7 and 13** of this bill eliminate certain obsolete provisions concerning examinations for licensure. **Section 8 of this bill revises the requirements to reinstate a license that has been delinquent for more than 1 year.**

Sections ~~[7-10]~~ **9-12** of this bill provide that if a policy of health insurance, policy of group health insurance, contract for hospital or medical services, or evidence of coverage under a health care plan provides coverage for the treatment of an illness which is within the scope of practice of a qualified podiatrist, the insured is entitled to reimbursement for treatments by a podiatrist who is licensed by the Board.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. In addition to the other requirements for licensure set forth in this chapter, an applicant for a license to practice podiatry in this State who has been licensed to practice podiatry in another state or the District of Columbia must submit:

(a) An affidavit signed by the applicant that:

(1) Identifies each jurisdiction in which he has been licensed to practice; and

(2) States whether a disciplinary proceeding has ever been instituted against him by the licensing board of that jurisdiction and, if so, the status of the proceeding; and

(b) If the applicant is currently licensed to practice podiatry in another state or the District of Columbia, a certificate from the licensing board of that jurisdiction stating that the applicant is in good standing and no disciplinary proceedings are pending against him.

2. The Board may require an applicant who has been licensed to practice podiatry in another state or the District of Columbia to:

(a) Pass an examination prescribed by the Board concerning the provisions of this chapter and any regulations adopted pursuant thereto; or

(b) Submit satisfactory proof that:

(1) He maintained an active practice in another state or the District of Columbia within the 5 years immediately preceding his application;

(2) No disciplinary proceeding has ever been instituted against him by a licensing board in any jurisdiction in which he is licensed to practice podiatry; and

(3) He has participated in a program of continuing education that is equivalent to the program of continuing education that is required pursuant to NRS 635.115 for podiatric physicians licensed in this State.

~~[Section 1.]~~ ***Sec. 2.*** NRS 635.020 is hereby amended to read as follows:

635.020 1. The State Board of Podiatry, consisting of five members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) Three members who are licensed podiatric physicians in the State of Nevada.

(b) One member who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

(c) One member who is a representative of the general public. This member must not be:

(1) A licensed podiatric physician in the State of Nevada; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a licensed podiatric physician in the State of Nevada.

3. The members of the Board are entitled to receive:

(a) A salary of not more than $80 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

4. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

~~[5. If a member is not licensed under the provisions of this chapter, the member shall not participate in preparing, conducting or grading any examination required by the Board.]~~

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 635.050 is hereby amended to read as follows:

635.050 1. Any person ~~[desiring]~~ ***wishing*** to practice podiatry in this State must ~~[furnish]~~ ***, before beginning to practice, procure from*** the Board ~~[with satisfactory proof that he:]~~ ***a license to practice podiatry.***

2. A license to practice podiatry may be issued by the Board to any person who:

(a) Is of good moral character.

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(c) Has received the degree of D.P.M., Doctor of Podiatric Medicine, from an accredited school of podiatry.

(d) Has completed a residency approved by the Board.

(e) Has passed the examination given by the National Board of Podiatric Medical Examiners . ~~*[within the 5 years immediately preceding the date of his application for a license to practice podiatry.]*~~

(f) Has not committed any act described in subsection 2 of NRS 635.130. For the purposes of this paragraph, an affidavit signed by the applicant stating that he has not committed any act described in subsection 2 of NRS 635.130 constitutes satisfactory proof.

~~[2.]~~ ***3.*** An applicant ~~[is entitled to be examined by]~~ ***for a license to practice podiatry must submit to*** the Board or a committee thereof pursuant to such regulations as the Board may adopt ~~[if he:~~

~~(a) Pays]~~ ***[:***

~~*(a) If the applicant has satisfied the examination requirement set forth in paragraph (c) of subsection 2, the*~~ **:**

(a) The fee for an application for a license of not more than $600;

(b) ~~Pays~~ ~~*$900;*~~

~~*(b) If the applicant has not satisfied the examination requirement set forth in paragraph (c) of subsection 2, the fee for*~~ ~~the~~ ~~*an application and an examination for a license of not more than*~~ ~~$200;~~

~~(c) Submits proof~~ ~~*$1,500;*~~

~~*(c)*~~ ***Proof*** satisfactory to the Board ~~as required by subsection 1; and~~

~~(d) Submits all~~ ***that the requirements of subsection 2 have been met; and***

~~*(d)*~~ ***(c) All other*** information required ***by the Board*** to complete an application for a license.

➥ The Board shall, by regulation, establish the ~~fees~~ ***fee*** required to be paid pursuant to this subsection.

~~3.~~ ***4.*** The Board may reject an application if it appears that the applicant's credentials are fraudulent or the applicant has practiced podiatry without a license or committed any act described in subsection 2 of NRS 635.130.

~~4.~~ ***5.*** The Board may require such further documentation or proof of qualification as it may deem proper.

~~5.~~ ***6.*** The provisions of this section do not apply to a person who applies for ~~a~~ ***:***

(a) A limited license to practice podiatry pursuant to NRS 635.075 ~~.~~ ***; or***

(b) A ~~*temporary*~~ ***provisional license to practice podiatry pursuant to NRS 635.082.***

~~Sec. 3.~~ ***Sec. 4.*** NRS 635.070 is hereby amended to read as follows:

635.070 Without unnecessary delay **,** ~~after the examination,~~ the Board shall act ~~on the examination.~~ ***upon an application for a license submitted pursuant to this chapter.*** If an applicant is found qualified, he must be issued a license to practice podiatry, or as a podiatry hygienist, as the case may be.

~~Sec. 4.~~ ***Sec. 5.*** NRS 635.075 is hereby amended to read as follows:

635.075 1. The Board shall issue a limited license to practice podiatry pursuant to this section to each applicant who complies with the provisions of this section.

2. An applicant for a limited license to practice podiatry must submit to the Board:

(a) An application on a form provided by the Board;

(b) A fee in the amount of the fee for an application for a license required pursuant to paragraph (a) of subsection ~~2~~ ***3*** of NRS 635.050; and

(c) Satisfactory proof that he:

(1) Is of good moral character;

(2) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(3) For not less than 25 years:

(I) Was licensed to practice podiatry in one or more states or the District of Columbia and practiced podiatry during the period each such license was in effect; and

(II) Remained licensed in good standing at all times during the period he was licensed to practice podiatry; and

(4) Has not committed any act described in subsection 2 of NRS 635.130. For the purposes of this subparagraph, an affidavit signed by the applicant stating that he has not committed any act described in subsection 2 of NRS 635.130 constitutes satisfactory proof.

3. An applicant for a limited license is not required to be licensed to practice podiatry in another state or the District of Columbia when he submits the application for a limited license to the Board.

4. A person who is issued a limited license pursuant to this section may practice podiatry only under the direct supervision of a podiatric physician who is licensed pursuant to this chapter and who does not hold a limited license issued pursuant to this section.

5. A limited license issued pursuant to this section:

(a) Is effective upon issuance; and

(b) May be renewed in the manner prescribed in NRS 635.110.

6. The Board may:

(a) Place such restrictions and conditions upon a limited license issued pursuant to this section as the Board deems appropriate; and

(b) Adopt regulations to carry out the provisions of this section.

~~[Sec. 5.]~~ ***Sec. 6.*** NRS 635.082 is hereby amended to read as follows:

635.082 1. A graduate of an accredited school of podiatry may, during his residency, be granted a ~~[temporary]~~ ***provisional*** license to practice podiatry under the direct supervision of a podiatric physician licensed to practice in this State. A ~~[temporary]~~ ***provisional*** license must not be effective for more than 1 year and is not renewable.

2. ~~[An applicant for a]~~ ***A*** ~~[temporary]~~ ***provisional*** license ~~[must furnish]~~ ***to practice podiatry may be issued by*** the Board ~~[with satisfactory proof that he:]~~ ***to any person who:***

(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(b) Has received the degree of D.P.M. (Doctor of Podiatric Medicine) from an accredited school of podiatry.

(c) Has passed the examination given by the National Board of ~~[Podiatry Examiners.~~

~~3. Upon payment of a fee, not exceeding $600, which]~~ ***Podiatric Medical Examiners . [within the 5 years immediately preceding the date of his application for a temporary license to practice podiatry.]***

3. An applicant for a [temporary] provisional license to practice podiatry must submit to the Board or a committee thereof pursuant to such regulations as the Board may adopt:

(a) ~~[If the applicant has satisfied the examination requirement set forth in paragraph (c) of subsection 2, the]~~ The fee for an application for a ~~[temporary]~~ provisional license of not more ~~[that $900;~~

~~(b) If the applicant has not satisfied the examination requirement set forth in paragraph (c) of subsection 2, the fee for an application and an examination for a temporary license of not more that $1,500;~~

~~(c)~~ than $600;

(b) Proof satisfactory to the Board that the requirements of subsection 2 have been met; and

~~[(d)]~~ (c) All other information required by the Board to complete an application for a ~~[temporary]~~ provisional license.

4. The ~~[fees]~~ fee required pursuant to subsection 3 must be established by regulation of the Board **.** ~~[, and the presentation of satisfactory proof as required by subsection 2, an applicant is entitled to be examined by the Board or a committee thereof pursuant to such regulations as the Board may adopt.~~

~~4.]~~ ***5.*** The Board may by regulation govern the issuance and conditions of the ~~[temporary]~~ ***provisional*** license.

~~[Sec. 6.]~~ ***Sec. 7.*** NRS 635.093 is hereby amended to read as follows:

635.093 ~~[1.]~~ Any person ~~[desiring]~~ ***wishing*** to be licensed as a podiatry hygienist in this State must ~~[furnish]~~ ***:***

1. Furnish the Board with satisfactory proof that he:

(a) Is of good moral character.

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(c) Has satisfactorily completed a course for podiatry hygienists approved by the Board or has had 6 months or more of training in a podiatric physician's office as approved by the Board.

2. ~~[Upon payment of a fee, not exceeding $100, which must be established by regulation of the Board, presenting satisfactory proof as required by subsection 1 and submitting]~~ ***Submit*** all information required to complete an application for a license **.** ~~[, an applicant, not exempted under subsection 3, must be examined by the Board or a committee thereof under such regulations as the Board may adopt.~~

~~3. The Board may, without examination, admit to practice as a podiatry hygienist a person who is employed by a podiatric physician and is:~~

~~(a) A registered nurse; or~~

~~(b) A licensed practical nurse whom the Board or any of its members have interviewed and observed in the use of practical skills.]~~

3. Pay to the Board a fee, not exceeding $100, which must be established by regulation of the Board.

Sec. 8. **NRS 635.110 is hereby amended to read as follows:**

635.110 ***Except as otherwise provided in NRS 635.082:***

1. A license issued under the provisions of this chapter expires on October 31 of each year. A license may be renewed before its expiration upon presentation of proof of:

(a) Completion of the hours of continuing education required pursuant to NRS 635.115;

(b) Current certification in the techniques of administering cardiopulmonary resuscitation;

(c) Submission of all information required to complete the renewal; and

(d) Payment of a renewal fee in an amount not to exceed $600 for a podiatric physician and not to exceed $100 for a podiatry hygienist. The Board shall, by regulation, establish the amount of each fee.

2. A license which is not renewed by October 31 of each year is delinquent. A delinquent license may be reinstated, at the discretion of the Board ~~[, upon]~~ ***:***

(a) Upon payment of the appropriate annual renewal fee and an additional ~~[annual]~~ fee for delinquency in an amount established by the Board ~~[.]~~ ***; and***

(b) If the license is delinquent for more than 1 year, upon the holder of the delinquent license:

(1) Passing an examination prescribed by the Board concerning the provisions of this chapter and any regulations adopted pursuant thereto; or

(2) Submitting satisfactory proof that:

(I) He maintained an active practice in another state or the District of Columbia within the 5 years immediately preceding his application;

(II) No disciplinary proceeding has ever been instituted against him by a licensing board in any jurisdiction in which he is licensed to practice podiatry; and

(III) If he is a podiatric physician, he has participated in a program of continuing education that is equivalent to the program of continuing education required pursuant to NRS 635.115 for podiatric physicians licensed in this State.

~~[Sec. 7.]~~ ***Sec. 9.*** Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. If any policy of health insurance provides coverage for treatment of an illness which is within the authorized scope of practice of a qualified podiatrist, the insured is entitled to reimbursement for treatments by a podiatrist who is licensed pursuant to chapter 635 of NRS.

2. The terms of the policy must not limit:

(a) Coverage for treatments by a podiatrist to a number less than for treatments by other physicians.

(b) Reimbursement for treatments by a podiatrist to an amount less than that reimbursed for similar treatments by other physicians.

~~[Sec. 8.]~~ ***Sec. 10.*** Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. If any group policy of health insurance provides coverage for treatment of an illness which is within the authorized scope of practice of a qualified podiatrist, the insured is entitled to reimbursement for treatments by a podiatrist who is licensed pursuant to chapter 635 of NRS.

2. The terms of the policy must not limit:

(a) Coverage for treatments by a podiatrist to a number less than for treatments by other physicians.

(b) Reimbursement for treatments by a podiatrist to an amount less than that reimbursed for similar treatments by other physicians.

~~[Sec. 9.]~~ ***Sec. 11.*** Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. If any contract for hospital or medical services provides coverage for treatment of an illness which is within the authorized scope of practice of a qualified podiatrist, the insured is entitled to reimbursement for treatments by a podiatrist who is licensed pursuant to chapter 635 of NRS.

2. The terms of the policy must not limit:

(a) Coverage for treatments by a podiatrist to a number less than for treatments by other physicians.

(b) Reimbursement for treatments by a podiatrist to an amount less than that reimbursed for similar treatments by other physicians.

~~[Sec. 10.]~~ ***Sec. 12.*** Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. If any evidence of coverage provides coverage for treatment of an illness which is within the authorized scope of practice of a qualified podiatrist, the insured is entitled to reimbursement for treatments by a podiatrist who is licensed pursuant to chapter 635 of NRS.

2. The terms of the policy must not limit:

(a) Coverage for treatments by a podiatrist to a number less than for treatments by other physicians.

(b) Reimbursement for treatments by a podiatrist to an amount less than that reimbursed for similar treatments by other physicians.

~~[Sec. 11.]~~ ***Sec. 13.*** NRS 635.060 is hereby repealed.

~~[Sec. 12.]~~ ***Sec. 14.*** This act becomes effective on July 1, 2007.

TEXT OF REPEALED SECTION

635.060 Examination: Time; place; subjects; regulations to establish passing requirements.

1. The Board shall hold at least one examination each year to examine applicants under this chapter. The Board shall establish the time and place for the examination.

2. The Board shall provide such books, blanks and forms as may be necessary to conduct the examination.

3. The examination for licensure under this chapter must be in the English language, written, oral or clinical, as the Board may determine. The examination for podiatric physicians may include the following subjects: Anesthesia and medications, bacteriology, clinical podiatry, dermatology, diagnosis and treatment, laboratory, neurology, orthopedics, pathology, pharmacology, including pharmacodynamics and materia medica, sterilization and sterile technique, surgery, surgical anatomy, X ray, and such

other subjects pertaining to the treatment of the foot and leg as the Board may determine.

4. The Board shall establish by regulation the requirements for passing the examination.

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 41.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 53.

The following Senate amendment was read:

Amendment No. 733.

SUMMARY—Makes various changes regarding ~~[licenses for and disciplinary action against]~~ administrators of facilities for long-term care. (BDR 54-570)

AN ACT relating to administrators of facilities for long-term care; ~~[providing for the reinstatement of expired licenses for administrators of a residential facility for groups or nursing facility administrators; requiring the payment of a fee for reinstatement; requiring the Nevada State Board of Examiners for Administrators of Facilities for Long-Term Care to make reasonable efforts to notify licensees of license renewal requirements and license expirations;]~~ revising provisions governing the authority of the **Nevada State** Board **of Examiners for Administrators of Facilities for Long-Term Care** to take disciplinary action against a person who holds a license; authorizing the Board to proceed with certain investigations, actions or disciplinary proceedings against persons with expired licenses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensing of administrators of facilities for long-term care. (NRS 654.140-654.180) ~~[The license of a nursing facility administrator or an administrator of a residential facility for groups expires 2 years after it was issued unless it is renewed. (NRS 654.170) Section 2 of this bill requires the Nevada State Board of Examiners for Administrators of Facilities for Long-Term Care to reinstate a license that expired if the person who held the license pays a fee and fulfills certain other requirements. Section 2 also requires the Board to make reasonable efforts to notify a person who holds a license that renewal of a license is coming due and to notify a person if the license held by the person expired.]~~

Under existing law, the **Nevada State** Board **of Examiners for Administrators of Facilities for Long-Term Care** may impose an administrative fine of not more than $2,500 on a person who holds a license and may suspend or revoke a license for various violations. (NRS 654.190) Section 3 of this bill increases the maximum amount of the administrative fine that the Board may impose to not more than $5,000 and authorizes the

Board to recover reasonable investigative fees and costs, to place conditions on a license and to place a person who holds a license on probation. Section 3 also adds violations which would subject a person who holds a license to disciplinary action by the Board and provides that the expiration of a license or the voluntary surrender of a license does not deprive the Board of jurisdiction to continue disciplinary proceedings against the person who held the license.

Existing law authorizes the reinstatement of a suspended license of an administrator of a residential facility for groups if a majority of the members of the Board vote in favor of the reinstatement. (NRS 654.195) Section 4 of this bill additionally authorizes reinstatement of the license if the person who held the license reapplies for the license and the Board determines that the person meets the requirements for the issuance of a license.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 654.028 is hereby amended to read as follows:

654.028 "Nursing facility administrator" means a person who manages, supervises and is in general administrative charge of a facility for skilled nursing or facility for intermediate care ~~[.]~~ ***of patients.***

Sec. 2. ~~[NRS 654.170 is hereby amended to read as follows:~~

~~654.170 1. The Board shall issue a numbered license, in such form as it may prescribe, to each applicant who meets the requirements of NRS 654.150 or 654.155 and shall affix its official seal to the license.~~

~~2. Each license issued by the Board pursuant to this chapter expires 2 years after the last day of the calendar month in which it was issued and may be renewed on or before that date biennially.~~

~~3. Any licensed nursing facility administrator or administrator of a residential facility for groups may renew his license by applying for renewal in the manner prescribed by the Board, paying the renewal fee fixed by the Board and submitting all information required to complete the renewal.~~

~~4. The Board shall, as a prerequisite for the renewal of a license, require each holder to comply with:~~

~~(a) The requirements for continuing education adopted by the Board; and~~

~~(b) The duties of the administrator set forth in NRS 449.0357.~~

~~*5. The Board shall reinstate a license which has expired pursuant to subsection 2 if:*~~

~~*(a) Not later than 2 years after the date the license expired, the person who held the license:*~~

~~*(1) Applies to the Board for the reinstatement of the license in the manner prescribed by the Board;*~~

~~*(2) Pays to the Board a fee for the reinstatement of the license equal to twice the amount of the renewal fee fixed by the Board pursuant to subsection 3; and*~~

~~*(3) Submits all information required by the Board pursuant to subsection 3 for renewal; and*~~

~~*(b) The Board determines that the person meets the requirements of NRS 654.150 or 654.155.*~~

~~*6. The Board shall make reasonable efforts to notify each person who holds a license:*~~

~~*(a) Before the license expires pursuant to subsection 2, that if the person does not submit the renewal fee and all the information required to complete the renewal, the license will expire pursuant to subsection 2; and*~~

~~*(b) That if the person did not pay the renewal fee and submit all the information required to complete the renewal before the license expired pursuant to subsection 2, the license has expired.]*~~ **(Deleted by amendment.)**

Sec. 3. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and a hearing as required by law, impose an administrative fine of not more than ~~[~~$2,500 on and suspend or~~]~~ ***$5,000 on, recover reasonable investigative fees and costs incurred from, suspend,*** revoke ***or place conditions on*** the license of ***, and place on probation*** any nursing facility administrator or administrator of a residential facility for groups who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.001 to 449.240, inclusive, as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for nursing facility administrators or administrators of residential facilities for groups ~~[.]~~ ***, including, without limitation, a code of ethics.***

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the nursing facility administrator or administrator of a residential facility for groups and the patient or resident for the financial or other gain of the licensee.

2. The Board shall give a licensee against whom proceedings are brought pursuant to this section written notice of a hearing not less than 10 days before the date of the hearing.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Sec. 4. NRS 654.195 is hereby amended to read as follows:

654.195 1. Except as otherwise provided in subsection 2, the Board may reinstate the license of an administrator of a residential facility for groups that has been suspended by the Board if ~~[a]~~ ***:***

(a) A majority of the members of the Board vote in favor of the reinstatement ~~[.]~~ ***; or***

(b) The person who held the license reapplies for a license as an administrator of a residential facility for groups pursuant to NRS 654.140 and the Board determines that the person meets the requirements of NRS 654.155.

2. The Board may reinstate a license of an administrator of a residential facility for groups that has been suspended pursuant to NRS 425.540 only if the holder of the license complies with the requirements for reinstatement set forth in NRS 654.193.

3. In a manner consistent with the provisions of chapter 622A of NRS, the Board may reinstate the license of an administrator of a residential facility for groups that has been revoked by the Board if all of the members of the Board vote in favor of reinstatement.

Sec. 5. NRS 654.195 is hereby amended to read as follows:

654.195 1. The Board may reinstate the license of an administrator of a residential facility for groups that has been suspended by the Board if ~~[a]~~ ***:***

(a) A majority of the members of the Board vote in favor of the reinstatement ~~[.]~~ ***; or***

(b) The person who held the license reapplies for a license as an administrator of a residential facility for groups pursuant to NRS 654.140 and the Board determines that the person meets the requirements of NRS 654.155.

2. In a manner consistent with the provisions of chapter 622A of NRS, the Board may reinstate the license of an administrator of a residential facility for groups that has been revoked by the Board if all of the members of the Board vote in favor of reinstatement.

Sec. 6. 1. This section and sections 1 ~~[, 2 and 3]~~ **to 4, inclusive,** of this act become effective upon passage and approval.

2. Section ~~[3]~~ **4** of this act expires by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

3. Section ~~[4]~~ **5** of this act becomes effective 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish

procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 53.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 101.

The following Senate amendment was read:

Amendment No. 682.

AN ACT relating to the Commission on Tourism; amending the membership of the Commission; making certain ex officio nonvoting members of the Commission voting members; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Commission on Tourism is comprised of the Lieutenant Governor, eight members who are appointed by the Governor and three ex officio nonvoting members who are the chief administrative officers of the county fair and recreation boards or, if there are no county fair and recreation boards, the chairmen of the boards of county commissioners, of the three counties that paid the largest amount of the proceeds from the tax on transient lodging for credit to the Fund for the Promotion of Tourism. (NRS 231.170, 231.250) Section 2 of this bill reduces the number of ex officio **nonvoting** members on the Commission from three to two (the overall membership of the Commission is therefore reduced from twelve to eleven) and ~~[provides that the ex officio members are the executive officers of the convention and visitors authorities of the two counties that paid the largest amount of the proceeds from the tax on transient lodging for credit to the Fund. Section 2 of this bill also]~~ makes ~~[the ex officio nonvoting]~~ **those members voting** members of the Commission **.** ~~[voting members.]~~

Section 3 of this bill increases the number of members of the Commission required to constitute a quorum from four members to six members as a result of the increased number of voting members on the Commission. (NRS 231.180)

Section 4 of this bill clarifies that only the appointed members of the Commission are entitled to a salary for their attendance at meetings of the Commission. (NRS 231.190)

Sections 1 and 5-12 of this bill change the title of the "Executive Director" of the Commission to the "Director" for the purpose of conformance to existing usage.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 231.015 is hereby amended to read as follows:

231.015 1. The Interagency Committee for Coordinating Tourism and Economic Development is hereby created. The Committee consists of the Governor, who is its Chairman, the Lieutenant Governor, who is its Vice Chairman, the ~~[Executive]~~ Director of the Commission on Tourism, the Executive Director of the Commission on Economic Development and such other members as the Governor may from time to time appoint. The appointed members of the Committee serve at the pleasure of the Governor.

2. The Committee shall meet at the call of the Governor.

3. The Committee shall:

(a) Identify the strengths and weaknesses in state and local governmental agencies which enhance or diminish the possibilities of tourism and economic development in this State.

(b) Foster coordination and cooperation among state and local governmental agencies, and enlist the cooperation and assistance of federal agencies, in carrying out the policies and programs of the Commission on Tourism and the Commission on Economic Development.

(c) Formulate cooperative agreements between the Commission on Tourism or the Commission on Economic Development, and state and other public agencies pursuant to the Interlocal Cooperation Act, so that each of those commissions may receive applications from and, as appropriate, give governmental approval for necessary permits and licenses to persons who wish to promote tourism, develop industry or produce motion pictures in this State.

4. The Governor may from time to time establish regional or local subcommittees to work on regional or local problems of economic development or the promotion of tourism.

Sec. 2. NRS 231.170 is hereby amended to read as follows:

231.170 1. The Commission on Tourism is composed of ~~[the]~~ ***11 voting members as follows:***

(a) The Lieutenant Governor, who is its Chairman ~~[, and eight]~~ ***;***

(b) Eight members ***,*** ~~[who are]~~ appointed by the Governor ***,*** ~~[.~~

~~2. The Governor shall appoint as members of the Commission persons]~~ who are informed on and have experience in travel and tourism, including the business of gaming ~~[.~~

~~3.]~~ ***; and***

(c) The chief administrative ~~*[executive]*~~ officers of the county fair and recreation boards ~~*[convention and visitors authorities]*~~ or, if there is no county fair and recreation board ~~*[convention and visitors authority]*~~ in the

county, the chairman of the board of county commissioners, of the ~~[three]~~ ***two*** counties that paid the largest amount of the proceeds from the taxes imposed on the revenue from the rental of transient lodging to the Department of Taxation for deposit with the State Treasurer for credit to the Fund for the Promotion of Tourism created by NRS 231.250 for the previous fiscal year **.** ~~[are ex officio but nonvoting members of the Commission.]~~

2. A change in any member of the Commission who serves pursuant to ~~[the provisions of this]~~ ***paragraph (c) of*** subsection ***1*** that is required because of a change in the amount of the proceeds paid to the Department of Taxation by each county must be effective on January 1 of the calendar year immediately following the fiscal year in which the proceeds were paid to the Department of Taxation.

~~[4. In addition to the appointments made]~~

3. Of the members appointed by the Governor pursuant to ***paragraph (b) of*** subsection ~~[3, the Governor shall appoint:]~~ ***1:***

(a) At least one member ~~[who is]~~ ***must be*** a resident of ~~[Clark County.]~~ ***a county whose population is 400,000 or more.***

(b) At least one member ~~[who is]~~ ***must be*** a resident of ~~[Washoe County.]~~ ***a county whose population is 100,000 or more but less than 400,000.***

(c) At least two members ~~[who are]~~ ***must be*** residents of counties whose population is ***less than*** 100,000 **.** ~~[or less.]~~

(d) ~~[One member who is]~~ ***Four members must be*** ~~[a resident]~~ ***residents*** of any county in this State.

Sec. 3. NRS 231.180 is hereby amended to read as follows:

231.180 1. The Commission on Tourism shall meet once each calendar quarter, or at more frequent times if it deems necessary, and may, within the limitations of its budget, hold special meetings at the call of the Chairman or a majority of the members.

2. The ~~[Executive]~~ Director is the Secretary of the Commission.

3. The Commission shall prescribe rules for its own management and government.

4. ~~[Four]~~ ***Six*** members of the Commission constitute a quorum **.** ~~[, but a majority of the members of the Commission are required to exercise the power conferred on the Commission.]~~

5. The Governor may remove ~~[a]~~ ***an appointed*** member from the Commission if the member neglects his duty or commits malfeasance in office.

Sec. 4. NRS 231.190 is hereby amended to read as follows:

231.190 Each ***appointed*** member of the Commission on Tourism is entitled to receive a salary of $80 for each day's attendance at a meeting of the Commission.

Sec. 5. NRS 231.210 is hereby amended to read as follows:

231.210 The ~~[Executive]~~ Director of the Commission on Tourism:

1. Must be appointed by the Governor from a list of three persons submitted to him by the Commission.

2. Is responsible to the Commission and serves at its pleasure.

3. Shall, except as otherwise provided in NRS 284.143, devote his entire time to the duties of his office, and he shall not follow any other gainful employment or occupation.

Sec. 6. NRS 231.220 is hereby amended to read as follows:

231.220 The ~~[Executive]~~ Director of the Commission on Tourism shall direct and supervise all its administrative and technical activities, including coordinating its plans for tourism and publications, scheduling its programs, analyzing the effectiveness of those programs and associated expenditures, and cooperating with other governmental agencies which have programs related to travel and tourism. In addition to other powers and duties, the ~~[Executive]~~ Director:

1. Shall attend all meetings of the Commission and act as its Secretary, keeping minutes and audio recordings or transcripts of its proceedings.

2. Shall report regularly to the Commission concerning the administration of its policies and programs.

3. Shall serve as the Director of the Division of Tourism.

4. Shall appoint the Administrator of the Division of Publications.

5. May perform any other lawful acts which he considers necessary to carry out the provisions of NRS 231.160 to 231.360, inclusive.

Sec. 7. NRS 231.230 is hereby amended to read as follows:

231.230 1. The Commission on Tourism through its ~~[Executive]~~ Director may:

(a) Employ such professional, technical, clerical and operational employees as the operation of the Commission may require; and

(b) Employ such experts, researchers and consultants and enter into such contracts with any public or private entities as may be necessary to carry out the provisions of NRS 231.160 to 231.360, inclusive.

2. The ~~[Executive]~~ Director and all other nonclerical employees of the Commission are in the unclassified service of the State.

3. The clerical employees of the Commission are in the classified service of the State.

Sec. 8. NRS 231.240 is hereby amended to read as follows:

231.240 1. The ~~[Executive]~~ Director of the Commission on Tourism may charge reasonable fees for materials prepared for distribution.

2. All such fees must be deposited with the State Treasurer for credit to the Commission. The fees must first be expended exclusively for materials and labor incident to preparing and printing those materials for distribution. Any remaining fees may be expended, in addition to any other money appropriated, for the support of the Commission.

Sec. 9. NRS 231.300 is hereby amended to read as follows:

231.300 In performing their duties, the ~~[Executive]~~ Director of the Commission on Tourism and the Administrator of the Division of Publications shall not interfere with the functions of any other state agencies, but those agencies shall, from time to time, on reasonable request, furnish the

~~[Executive]~~ Director and Administrator with data and other information from their records bearing on the objectives of the Commission and its divisions. The ~~[Executive]~~ Director and Administrator shall avail themselves of records and assistance of such other state agencies as might make a contribution to the work of the Commission.

Sec. 10. NRS 235.012 is hereby amended to read as follows:

235.012 1. The Director, after consulting with the ~~[Executive]~~ Director of the Commission on Tourism, the Administrator of the Division of Museums and History of the Department of Cultural Affairs and the Administrator of the Division of Minerals of the Commission on Mineral Resources, may contract with a mint to produce medallions made of gold, silver, platinum or nonprecious metals and bars made of gold, silver or platinum.

2. The decision of the Director to award a contract to a particular mint must be based on the ability of the mint to:

(a) Provide a product of the highest quality;

(b) Advertise and market the product properly, including the promotion of museums and tourism in this State; and

(c) Comply with the requirements of the contract.

3. The Director shall award the contract to the lowest responsible bidder, except that if in his judgment no satisfactory bid has been received, he may reject all bids.

4. All bids for the contract must be solicited in the manner prescribed in NRS 333.310 and comply with the provisions of NRS 333.330.

Sec. 11. NRS 235.014 is hereby amended to read as follows:

235.014 1. The ore used to produce a medallion or bar must be mined in Nevada, if the ore is available. If it is not available, ore newly mined in the United States may be used. Each medallion or bar made of gold, silver or platinum must be 0.999 fine. Additional series of medallions made of gold, silver or platinum at degrees of fineness of 0.900 or greater may be approved by the Director with the concurrence of the Interim Finance Committee. The degree of fineness of the materials used must be clearly indicated on each medallion.

2. Medallions may be minted in weights of 1 ounce, 0.5 ounce, 0.25 ounce and 0.1 ounce.

3. Bars may be minted in weights of 1 ounce, 5 ounces, 10 ounces and 100 ounces.

4. Each medallion must bear on its obverse The Great Seal of the State of Nevada and on its reverse a design selected by the Director, in consultation with

the ~~[Executive]~~ Director of the Commission on Tourism, the Administrator of the Division of Museums and History of the Department of Cultural Affairs and the Administrator of the Division of Minerals of the Commission on Mineral Resources.

Sec. 12. NRS 408.210 is hereby amended to read as follows:

408.210 1. The Director may restrict the use of, or close, any highway whenever he considers the closing or restriction of use necessary:

(a) For the protection of the public.

(b) For the protection of such highway from damage during storms or during construction, reconstruction, improvement or maintenance operations thereon.

(c) To promote economic development or tourism in the best interest of the State or upon the written request of the Executive Director of the Commission on Economic Development or the ***Director of the*** Commission on Tourism.

2. The Director may:

(a) Divide or separate any highway into separate roadways, wherever there is particular danger to the traveling public of collisions between vehicles proceeding in opposite directions or from vehicular turning movements or cross-traffic, by constructing curbs, central dividing sections or other physical dividing lines, or by signs, marks or other devices in or on the highway appropriate to designate the dividing line.

(b) Lay out and construct frontage roads on and along any highway or freeway and divide and separate any such frontage road from the main highway or freeway by means of curbs, physical barriers or by other appropriate devices.

3. The Director may remove from the highways any unlicensed encroachment which is not removed, or the removal of which is not commenced and thereafter diligently prosecuted, within 5 days after personal service of notice and demand upon the owner of the encroachment or his agent. In lieu of personal service upon that person or his agent, service of the notice may also be made by registered or certified mail and by posting, for a period of 5 days, a copy of the notice on the encroachment described in the notice. Removal by the Department of the encroachment on the failure of the owner to comply with the notice and demand gives the Department a right of action to recover the expense of the removal, cost and expenses of suit, and in addition thereto the sum of $100 for each day the encroachment remains beyond 5 days after the service of the notice and demand.

4. If the Director determines that the interests of the Department are not compromised by a proposed or existing encroachment, he may issue a license to the owner or his agent permitting an encroachment on the highway. Such a license is revocable and must provide for relocation or removal of the encroachment in the following manner. Upon notice from the Director to the owner of the encroachment or his agent, the owner or agent may propose a time within which he will relocate or remove the encroachment as required. If the Director and the owner or his agent agree upon such a time, the Director shall not himself remove the encroachment unless the owner or his agent has failed to do so within the time agreed. If the Director and the owner or his agent do not agree upon such a time, the Director may remove the encroachment at any time later than 30 days after the service of the original

notice upon the owner or his agent. Service of notice may be made in the manner provided by subsection 3. Removal of the encroachment by the Director gives the Department the right of action provided by subsection 3, but the penalty must be computed from the expiration of the agreed period or 30-day period, as the case may be.

Sec. 13. This act becomes effective on July 1, 2007.

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 101.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 195.

The following Senate amendment was read:

Amendment No. 737.

AN ACT relating to property; revising the provisions relating to the conversion of a common-interest community; **establishing provisions relating to a tenant's remedies under certain circumstances;** requiring a landlord to provide copies of written rental agreements; revising the provisions relating to the required disclosure of the names and addresses of managers and owners; providing that a dwelling unit is not habitable if it violates certain provisions of housing or health codes; revising provisions relating to the enforceability of an adopted rule or regulation governing a rental agreement; making changes to the provisions relating to a tenant's remedies under certain circumstances; making various other changes relating to residential landlords and tenants; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain requirements for notification of residential tenants and subtenants relating to the conversion of a common-interest community. (NRS 116.4112) Section 1 of this bill ~~[establishes a rebuttable presumption of an intent by the owner to evade such notice requirements if a declaration of conversion is filed within 6 months after a tenant is evicted. Section 1 also provides that a tenant retains his right to receive an offer to convey the unit and to recover damages if he was unlawfully evicted before the declaration was filed.]~~ **provides that if a majority of residential tenants or subtenants are required to vacate under certain circumstances, a rebuttable presumption is created that the owner intended to offer the vacated premises as units in a common-interest community.**

Existing law sets forth certain requirements relating to a written rental agreement. (NRS 118A.200) Section 2 of this bill requires a landlord to provide to the tenant one free copy of any written agreement entered into by the tenant and landlord. Section 2 also requires a landlord to provide additional copies of any such agreement upon request by the tenant within a reasonable time and for a reasonable fee.

Existing law requires a landlord to disclose the name and address of managers and owners and provides that service of process in any action may be made upon the manager of the property. (118A.260) Section 3 of this bill requires a landlord to provide an address in Nevada for a person authorized to act for and on behalf of the landlord for service of process. Section 3 also allows service of process to be made upon certain persons in addition to the manager. Section 4 of this bill provides that a dwelling unit is not habitable if it violates provisions of housing or health codes concerning the health, safety, sanitation or fitness for habitation of the dwelling unit. (NRS 118A.290)

Existing law provides that rules and regulations adopted after a tenant enters into a rental agreement are enforceable against the tenant under certain circumstances. (NRS 118A.320) Section 5 of this bill provides that the adoption of such rules or regulations does not affect the tenant's obligation to pay rent and other charges or the tenant's right under a rental agreement to keep a pet.

Existing law sets forth various remedies for a tenant when there is a breach of a rental agreement or a failure by the landlord to maintain the dwelling unit in a habitable condition and requires a tenant to give notice of such breach or failure to the landlord before the tenant may recover damages under certain circumstances. (NRS 118A.350, 118A.380) Sections 1.5 and 6 of this bill separate the provisions concerning a breach of a rental agreement from the provisions concerning a landlord's failure to maintain a dwelling unit in a habitable condition and allow a tenant to withhold rent when there is a breach if he gives notice of such breach to the landlord. Sections 1.5 ~~[, 6]~~ and 7 of this bill also allow a tenant to withhold rent without giving such notice if the landlord has received a notice of the condition constituting the breach or failure from a governmental agency and the landlord fails to remedy or attempt in good faith to remedy the breach or failure within a specified time. ~~[Section 6 further provides that a tenant's failure to give notice of a breach does not affect the tenant's ability to recover damages for a violation of the rental agreement.]~~ **In addition, section 1.5 requires justice courts to establish a mechanism by which tenants may deposit withheld rent into an escrow account. Section 1.5 further provides that a tenant has no defense to an eviction proceeding for withholding rent while awaiting a landlord's remedy or attempted remedy of a failure to maintain the dwelling unit in a habitable condition unless the tenant has deposited the withheld rent into the escrow account.**

Existing law provides that a tenant is guilty of an unlawful detainer if he suffers, permits or maintains on or about the premises any nuisance. (NRS 40.2514) Section 8 of this bill requires that such a nuisance must consist of conduct or an ongoing condition that obstructs the free use of property and causes injury and damage for the nuisance to evidence guilt of an unlawful detainer.

Section 9 of this bill makes a technical correction to an internal reference to a statute.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 116.4112 is hereby amended to read as follows:

116.4112 1. A declarant of a common-interest community containing converted buildings, and any dealer who intends to offer units in such a common-interest community, shall give each of the residential tenants and any residential subtenant in possession of a portion of a converted building notice of the conversion and provide those persons with the public offering statement no later than 120 days before the tenants and any subtenant in possession are required to vacate. The notice must set forth generally the rights of tenants and subtenants under this section and must be hand-delivered to the unit or mailed by prepaid United States mail to the tenant and subtenant at the address of the unit or any other mailing address provided by a tenant. No tenant or subtenant may be required to vacate upon less than 120 days' notice, except by reason of nonpayment of rent, waste or conduct that disturbs other tenants' peaceful enjoyment of the premises, and the terms of the tenancy may not be altered during that period. Failure to give notice as required by this section is a defense to an action for possession. ***If, during the 6-month period before the recording of a declaration, a majority of the tenants or any subtenants in possession of any portion of the property described in such declaration has been required to vacate for reasons other than nonpayment of rent, waste or conduct that disturbs other tenants' peaceful enjoyment of the premises, a rebuttable presumption is created that the owner of such property intended to offer the vacated premises as units in a common-interest community at all times during that 6-month period.***

2. For 60 days after delivery or mailing of the notice described in subsection 1, the person required to give the notice shall offer to convey each unit or proposed unit occupied for residential use to the tenant who leases that unit. If a tenant fails to purchase the unit during that 60-day period, the offeror may not offer to dispose of an interest in that unit during the following 180 days at a price or on terms more favorable to the offeree than the price or terms offered to the tenant. This subsection does not apply to any unit in a converted building if that unit will be restricted exclusively to nonresidential use or the boundaries of the converted unit do not substantially conform to the dimensions of the residential unit before conversion.

3. If a seller, in violation of subsection 2, conveys a unit to a purchaser for value who has no knowledge of the violation, the recordation of the deed conveying the unit or, in a cooperative, the conveyance of the unit, extinguishes any right a tenant may have under subsection 2 to purchase that unit if the deed states that the seller has complied with subsection 2, but the

conveyance does not affect the right of a tenant to recover damages from the seller for a violation of subsection 2.

4. If a notice of conversion specifies a date by which a unit or proposed unit must be vacated and otherwise complies with the provisions of NRS 40.251 and 40.280, the notice also constitutes a notice to vacate specified by those sections.

5. This section does not permit termination of a lease by a declarant in violation of its terms.

~~[~~ ~~*6. A purchaser shall not evade the provisions of this section by evicting a tenant other than for cause, including the nonpayment of rent, and subsequently recording a declaration pursuant to NRS 116.2101. A declaration that is filed within 6 months of removing a tenant pursuant to NRS 40.255 creates a rebuttable presumption of an intent to evade the provisions of this section which may only be overcome by clear and convincing evidence that the owner did not intend to convert at the time of the notice. A tenant evicted in violation of this subsection:*~~

~~*(a) Retains the right to receive an offer to convey the unit occupied by the tenant pursuant to subsection 2 for 60 days after the declaration; and*~~

~~*(b) May recover damages pursuant to NRS 116.4117.*~~ ~~]~~

Sec. 1.5. Chapter 118A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this chapter, if a landlord fails to maintain a dwelling unit in a habitable condition as required by this chapter, the tenant ~~*[may]*~~ ***shall deliver a written notice to the landlord specifying each failure by the landlord to maintain the dwelling unit in a habitable condition and requesting that the landlord remedy the failures. If a failure is remediable and the landlord adequately remedies the failure or uses his best efforts to remedy the failure within 14 days after receipt of the notice, the tenant may not proceed under this section. If the landlord fails to remedy a material failure to maintain the dwelling unit in a habitable condition or to make a reasonable effort to do so within the prescribed time, the tenant may:***

(a) Terminate the rental agreement immediately.

(b) Recover actual damages.

(c) Apply to the court for such relief as the court deems proper under the circumstances.

(d) Withhold any rent that becomes due without incurring late fees, charges for notice or any other charge or fee authorized by this chapter or the rental agreement until the landlord has remedied, or has attempted in good faith to remedy, the failure.

2. The tenant may not proceed under this section:

(a) For a condition caused by his own deliberate or negligent act or omission or that of a member of his household or other person on the premises with his consent; or

(b) If the landlord's inability to adequately ~~[to]~~ remedy the failure or use his best efforts to remedy the failure within 14 days is due to the tenant's refusal to allow lawful access to the dwelling unit as required by the rental agreement or this chapter.

3. If the rental agreement is terminated, the landlord shall return all prepaid rent and security recoverable by the tenant under this chapter.

4. A tenant may not proceed under this section unless he has given notice as required by subsection 1, except that the tenant may, without giving that notice:

(a) Recover damages under paragraph (b) of subsection 1 if the landlord:

(1) Admits to the court that he had knowledge of the condition constituting the failure to maintain the dwelling in a habitable condition; or

(2) Has received written notice of that condition from a governmental agency authorized to inspect for violations of building, housing or health codes.

(b) Withhold rent under paragraph (d) of subsection 1 if the landlord:

(1) Has received written notice of the condition constituting the failure to maintain the dwelling in a habitable condition from a governmental agency authorized to inspect for violations of building, housing or health codes; and

(2) Fails to remedy or attempt in good faith to remedy the failure within the time prescribed in the written notice of that condition from the governmental agency.

5. Justice courts shall establish by local rule a mechanism by which tenants may deposit rent withheld under paragraph (d) of subsection 1 into an escrow account maintained or approved by the court. A tenant does not have a defense to an eviction under paragraph (d) of subsection 1 unless the tenant has deposited the withheld rent into an escrow account pursuant to this subsection.

Sec. 2. NRS 118A.200 is hereby amended to read as follows:

118A.200 1. Any written agreement for the use and occupancy of a dwelling unit or premises must be signed by the landlord or his agent and the tenant or his agent.

2. ***The landlord shall provide one copy of any written agreement described in subsection 1 to the tenant free of cost at the time the agreement is executed and, upon request of the tenant, provide additional copies of any such agreement to the tenant within a reasonable time. The landlord may charge a reasonable fee for providing the additional copies.***

3. Any written rental agreement must contain, but is not limited to, provisions relating to the following subjects:

(a) Duration of the agreement.

(b) Amount of rent and the manner and time of its payment.

(c) Occupancy by children or pets.

(d) Services included with the dwelling rental.

(e) Fees which are required and the purposes for which they are required.

(f) Deposits which are required and the conditions for their refund.

(g) Charges which may be required for late or partial payment of rent or for return of any dishonored check.

(h) Inspection rights of the landlord.

(i) A listing of persons or numbers of persons who are to occupy the dwelling.

(j) Respective responsibilities of the landlord and the tenant as to the payment of utility charges.

(k) A signed record of the inventory and condition of the premises under the exclusive custody and control of the tenant.

(l) A summary of the provisions of NRS 202.470.

(m) Information regarding the procedure pursuant to which a tenant may report to the appropriate authorities:

(1) A nuisance.

(2) A violation of a building, safety or health code or regulation.

(n) Information regarding the right of the tenant to engage in the display of the flag of the United States, as set forth in NRS 118A.325.

~~[3.]~~ ***4.*** The absence of a written agreement raises a disputable presumption that:

(a) There are no restrictions on occupancy by children or pets.

(b) Maintenance and waste removal services are provided without charge to the tenant.

(c) No charges for partial or late payments of rent or for dishonored checks are paid by the tenant.

(d) Other than normal wear, the premises will be returned in the same condition as when the tenancy began.

~~[4.]~~ ***5.*** It is unlawful for a landlord or any person authorized to enter into a rental agreement on his behalf to use any written agreement which does not conform to the provisions of this section, and any provision in an agreement which contravenes the provisions of this section is void.

Sec. 3. NRS 118A.260 is hereby amended to read as follows:

118A.260 1. The landlord, or any person authorized to enter into a rental agreement on his behalf, shall disclose to the tenant in writing at or before the commencement of the tenancy:

(a) The name and address of:

(1) The persons authorized to manage the premises;

(2) A person ***within this State*** authorized to act for and on behalf of the landlord for the purpose of service of process and receiving notices and demands; and

(3) The principal or corporate owner.

(b) A telephone number at which a responsible person who resides in the county or within 60 miles of where the premises are located may be called in case of emergency.

2. The information required to be furnished by this section must be kept current, and this section is enforceable against any successor landlord or manager of the premises.

3. A party who enters into a rental agreement on behalf of the landlord and fails to comply with this section is an agent of the landlord for purposes of:

(a) Service of process and receiving notices and demands; and

(b) Performing the obligations of the landlord under law and under the rental agreement.

4. In any action against a landlord which involves his rental property, service of process upon the manager of the property ***or a person described in paragraph (a) of subsection 1*** shall be deemed to be service upon the landlord. The obligations of the landlord devolve upon the persons authorized to enter into a rental agreement on his behalf.

5. This section does not limit or remove the liability of an undisclosed landlord.

Sec. 4. NRS 118A.290 is hereby amended to read as follows:

118A.290 1. The landlord shall at all times during the tenancy maintain the dwelling unit in a habitable condition. A dwelling unit is not habitable ***if it violates provisions of housing or health codes concerning the health, safety, sanitation or fitness for habitation of the dwelling unit or*** if it substantially lacks:

(a) Effective waterproofing and weather protection of the roof and exterior walls, including windows and doors.

(b) Plumbing facilities which conformed to applicable law when installed and which are maintained in good working order.

(c) A water supply approved under applicable law, which is:

(1) Under the control of the tenant or landlord and is capable of producing hot and cold running water;

(2) Furnished to appropriate fixtures; and

(3) Connected to a sewage disposal system approved under applicable law and maintained in good working order to the extent that the system can be controlled by the landlord.

(d) Adequate heating facilities which conformed to applicable law when installed and are maintained in good working order.

(e) Electrical lighting, outlets, wiring and electrical equipment which conformed to applicable law when installed and are maintained in good working order.

(f) An adequate number of appropriate receptacles for garbage and rubbish in clean condition and good repair at the commencement of the tenancy. The landlord shall arrange for the removal of garbage and rubbish from the premises unless the parties by written agreement provide otherwise.

(g) Building, grounds, appurtenances and all other areas under the landlord's control at the time of the commencement of the tenancy in every

part clean, sanitary and reasonably free from all accumulations of debris, filth, rubbish, garbage, rodents, insects and vermin.

(h) Floors, walls, ceilings, stairways and railings maintained in good repair.

(i) Ventilating, air-conditioning and other facilities and appliances, including elevators, maintained in good repair if supplied or required to be supplied by the landlord.

2. The landlord and tenant may agree that the tenant is to perform specified repairs, maintenance tasks and minor remodeling only if:

(a) The agreement of the parties is entered into in good faith; and

(b) The agreement does not diminish the obligations of the landlord to other tenants in the premises.

3. An agreement pursuant to subsection 2 is not entered into in good faith if the landlord has a duty under subsection 1 to perform the specified repairs, maintenance tasks or minor remodeling and the tenant enters into the agreement because the landlord or his agent has refused to perform them.

Sec. 5. NRS 118A.320 is hereby amended to read as follows:

118A.320 1. The landlord, from time to time, may adopt rules or regulations concerning the tenant's use and occupancy of the premises. Such a rule or regulation is enforceable against the tenant only if:

(a) Its purpose is to promote the convenience, safety or welfare of the landlord or tenants in the premises, preserve the landlord's property from abusive use or make a fair distribution of services and facilities held out for the tenants generally;

(b) It is reasonably related to the purpose for which it is adopted;

(c) It applies to all tenants in the premises in a fair manner;

(d) It is sufficiently explicit in its prohibition, direction or limitation of the tenant's conduct fairly to inform the tenant of what must or must not be done to comply;

(e) It is in good faith and not for the purpose of evading an obligation of the landlord; ~~[and]~~

(f) ***It does not affect the tenant's obligation to pay rent, utilities or other charges;***

(g) It does not affect, before the end of the duration of the rental agreement, any right the tenant may have under the rental agreement to keep a pet; and

(h) The tenant has notice of the rule or regulation at the time he enters into the rental agreement or after the rule or regulation is adopted by the landlord.

2. A rule or regulation adopted after the tenant enters into the rental agreement which works a material modification of the bargain is enforceable against a tenant:

(a) Who expressly consents to ~~[it]~~ ***the rule or regulation*** in writing; or

(b) Who has 30 days' advance written notice of ~~[it.]~~ ***the rule or regulation.***

Sec. 6. NRS 118A.350 is hereby amended to read as follows:

118A.350 1. Except as otherwise provided in this chapter, if the landlord fails to comply with the rental agreement , ~~[or fails to maintain the dwelling unit in a habitable condition as required by this chapter,]~~ the tenant shall deliver a written notice to the landlord specifying the acts and omissions constituting the breach and stating that the rental agreement will terminate as provided in this section. If the breach is remediable and the landlord adequately remedies the breach or uses his best efforts to remedy the breach within 14 days after receipt of the notice, the rental agreement does not terminate by reason of the breach. If the landlord fails to remedy the breach or make a reasonable effort to do so within the prescribed time, the tenant may:

(a) Terminate the rental agreement immediately.

(b) Recover actual damages.

(c) Apply to the court for such relief as the court deems proper under the circumstances.

~~*[(d) Withhold any rent that becomes due without incurring late fees, charges for notice or any other charge or fee authorized by this chapter or the rental agreement, until the landlord has attempted in good faith to remedy the breach.]*~~

2. The tenant may not terminate ***the rental agreement*** for a condition caused by his own deliberate or negligent act or omission or that of a member of his household or other person on the premises with his consent.

3. If the rental agreement is terminated, the landlord shall return all prepaid rent and security recoverable by the tenant under this chapter.

4. A tenant may not proceed under this section unless he has given notice as required by subsection 1, except that the tenant may, without giving that notice , recover ~~*[:*~~

~~*(a) Recover]*~~ damages under paragraph (b) of subsection 1 if the landlord:

(a) ~~*[(1)]*~~ Admits to the court that he had knowledge of the condition constituting the breach; or

(b) ~~*[(2)]*~~ Has received written notice of that condition from a governmental agency authorized to inspect for violations of building, housing or health codes.

~~*[(b) Withhold rent under paragraph (d) of subsection 1 if the landlord:*~~

~~*(1) Has received written notice of the condition constituting the breach from a governmental agency authorized to inspect for violations of building, housing or health codes; and*~~

~~*(2) Fails to remedy or attempt in good faith to remedy the breach within the time prescribed in the written notice of that condition from the governmental agency.*~~

~~*5. A tenant's failure to give notice as required by subsection 1 does not affect a tenant's ability to recover damages for a violation of the rental agreement.]*~~

Sec. 7. NRS 118A.380 is hereby amended to read as follows:

118A.380 1. If the landlord is required by the rental agreement or this chapter to supply heat, air-conditioning, running water, hot water, electricity, gas, or another essential service and he willfully or negligently fails to do so, causing the premises to become unfit for habitation, the tenant shall give written notice to the landlord specifying the breach. If the landlord does not adequately remedy the breach, or use his best efforts to remedy the breach within 48 hours, except a Saturday, Sunday or legal holiday, after it is received by the landlord, the tenant may, in addition to any other remedy:

(a) Procure reasonable amounts of such essential services during the landlord's noncompliance and deduct their actual and reasonable cost from the rent;

(b) Recover actual damages, including damages based upon the lack of use of the premises or the diminution of the fair rental value of the dwelling unit;

(c) Withhold any rent that becomes due during the landlord's noncompliance without incurring late fees, charges for notice or any other charge or fee authorized by this chapter or the rental agreement, until the landlord has attempted in good faith to restore the essential services; or

(d) Procure other housing which is comparable during the landlord's noncompliance, and the rent for the original premises fully abates during this period. The tenant may recover the actual and reasonable cost of that other housing which is in excess of the amount of rent which is abated.

2. If the tenant proceeds under this section, he may not proceed under NRS 118A.350 and 118A.360 as to that breach.

3. The rights of the tenant under this section do not arise until he has given written notice as required by subsection 1, except that the tenant may, without having given that notice ~~[, recover]~~ ***:***

(a) Recover damages as authorized under paragraph (b) of subsection 1 if the landlord:

~~[(a)]~~ ***(1)*** Admits to the court that he had knowledge of the lack of such essential services; or

~~[(b)]~~ ***(2)*** Has received written notice of the uninhabitable condition caused by such a lack from a governmental agency authorized to inspect for violations of building, housing or health codes.

(b) Withhold rent under paragraph (c) of subsection 1 if the landlord:

(1) Has received written notice of the condition constituting the breach from a governmental agency authorized to inspect for violations of building, housing or health codes; and

(2) Fails to remedy or attempt in good faith to remedy the breach within the time prescribed in the written notice of that condition from the governmental agency.

4. The rights of the tenant under paragraph (c) of subsection 1 do not arise unless the tenant is current in the payment of rent at the time of giving written notice pursuant to subsection 1.

5. If such a condition was caused by the deliberate or negligent act or omission of the tenant, a member of his household or other person on the premises with his consent, the tenant has no rights under this section.

Sec. 8. NRS 40.2514 is hereby amended to read as follows:

40.2514 A tenant of real property or a mobile home for a term less than life is guilty of an unlawful detainer when he:

1. Assigns or sublets the leased premises contrary to the covenants of the lease;

2. Commits or permits waste thereon;

3. Sets up or carries on therein or thereon any unlawful business;

4. Suffers, permits or maintains on or about the premises any nuisance ~~[;]~~ ***that consists of conduct or an ongoing condition which constitutes an unreasonable obstruction to the free use of property and causes injury and damage to other tenants or occupants of that property or adjacent buildings or structures;*** or

5. Violates any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, therein or thereon,

➥ and remains in possession after service upon him of 3 days' notice to quit.

Sec. 9. NRS 40.280 is hereby amended to read as follows:

40.280 1. Except as otherwise provided in NRS 40.253, the notices required by NRS 40.251 to 40.260, inclusive, may be served:

(a) By delivering a copy to the tenant personally, in the presence of a witness;

(b) If he is absent from his place of residence or from his usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the tenant at his place of residence or place of business; or

(c) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the leased property, delivering a copy to a person there residing, if the person can be found, and mailing a copy to the tenant at the place where the leased property is situated.

2. Service upon a subtenant may be made in the same manner as provided in subsection 1.

3. Before an order to remove a tenant is issued pursuant to subsection ~~[6]~~ ***5*** of NRS 40.253, a landlord shall file with the court a proof of service of any notice required by that section. Except as otherwise provided in subsection 4, this proof must consist of:

(a) A statement, signed by the tenant and a witness, acknowledging that the tenant received the notice on a specified date;

(b) A certificate of mailing issued by the United States Postal Service; or

(c) The endorsement of a sheriff, constable or other process server stating the time and manner of service.

4. If service of the notice was not delivered in person to a tenant whose rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, proof of service must include:

(a) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or his agent; or

(b) The endorsement of a sheriff or constable stating the:

(1) Time and date the request for service was made by the landlord or his agent;

(2) Time, date and manner of the service; and

(3) Fees paid for the service.

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 195.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 216.

The following Senate amendment was read:

Amendment No. 738.

AN ACT relating to manufactured home parks; requiring a landlord who proposes to close or convert a manufactured home park to submit a resident impact statement ~~[.]~~ **under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law describes the obligations that a landlord must meet when closing or converting a manufactured home park. (NRS 118B.177, 118B.180, 118B.183) Sections 1-4 of this bill add to those requirements by requiring the landlord to submit a resident impact statement **.** ~~[before beginning the process of closure or conversion.]~~ Additionally, section 1 sets forth the requirements for a resident impact statement ~~[.]~~ **and the time for its submission. Section 1 also exempts a landlord who complies with local rules for converting or closing a manufactured home park if the local rules establish requirements concerning the disclosure of the impact on residents that are at least as stringent as the requirements of section 1.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 118B of NRS is hereby amended by adding thereto a new section to read as follows:

~~*[Before]*~~

1. Except as otherwise provided in subsection 4, if a landlord begins the process of closing or converting a manufactured home park, he shall ~~*[first]*~~ ***submit a resident impact statement to the appropriate local zoning board, planning commission or governing body.***

2. The landlord shall submit the resident impact statement before:

(a) The appropriate local zoning board, planning commission or governing body makes a decision concerning the closure or conversion of the manufactured home park; or

(b) The conclusion of the process of closing or converting the manufactured home park,

➥ whichever is earlier.

3. The resident impact statement must be in such form as the Division ~~[shall prescribe]~~ prescribes by regulation and must include, without limitation, the following information:

~~[1.]~~ (a) The addresses and corresponding manufactured home identification numbers of all tenants of the park;

~~[2.]~~ (b) An analysis of replacement housing needs or requirements for the tenants; and

~~[3.]~~ (c) An analysis of any sites to which the homes of the tenants may be moved.

4. The provisions of this section do not apply to a landlord who complies with the rules, regulations or procedures for the closure or conversion of a manufactured home park established by the appropriate local zoning board, planning commission or governing body which include requirements that are substantially similar to or more stringent than the requirements of this section.

Sec. 2. NRS 118B.177 is hereby amended to read as follows:

118B.177 1. If a landlord closes a manufactured home park, or if a landlord is forced to close a manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park permanently for health or safety reasons, the landlord shall pay the amount described in subsection 2 or 3, in accordance with the choice of the tenant.

2. If the tenant chooses to move the manufactured home, the landlord shall pay to the tenant:

(a) The cost of moving each tenant's manufactured home and its appurtenances to a new location within 50 miles from the manufactured home park; or

(b) If the new location is more than 50 miles from the manufactured home park, the cost of moving the manufactured home for the first 50 miles,

➥ including fees for inspection, any deposits for connecting utilities, and the cost of taking down, moving, setting up and leveling the manufactured home and its appurtenances in the new lot or park.

3. If the tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged ~~[,]~~ or there is no manufactured home park within 50 miles that is willing to accept the manufactured home, the landlord:

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home less the reasonable cost of removing and disposing of the manufactured home.

4. Written notice of any closure must be served timely on each:

(a) Tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before he is required to move his manufactured home from the lot.

(b) Prospective tenant by:

(1) Handing each prospective tenant or his agent a copy of the written notice; and

(2) Maintaining a copy of the written notice at the entrance of the manufactured home park.

5. For the purposes of this section, the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home must be determined by:

(a) A dealer licensed pursuant to chapter 489 of NRS who is agreed upon by the landlord and tenant; or

(b) If the landlord and tenant cannot agree pursuant to paragraph (a), a dealer licensed pursuant to chapter 489 of NRS who is selected for this purpose by the Division.

6. A landlord shall not increase the rent of a tenant after notice is served on the tenant as required by subsection 4.

7. ~~*[Before]*~~ ***If a landlord*** ~~*[may begin]*~~ ***begins the process of closing a manufactured home park, he shall*** ~~*[submit]*~~ ***comply with the provisions of section 1 of this act concerning the submission of a resident impact statement .*** ~~*[pursuant to section 1 of this act.]*~~

8. As used in this section, "timely" means not later than 3 days after the landlord learns of a closure.

Sec. 3. NRS 118B.180 is hereby amended to read as follows:

118B.180 1. A landlord may convert an existing manufactured home park into individual manufactured home lots for sale to manufactured home owners if the change is approved by the appropriate local zoning board, planning commission or governing body. In addition to any other reasons, a landlord may apply for such approval if the landlord is forced to close the manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park for health or safety reasons.

2. The landlord may undertake a conversion pursuant to this section only if:

(a) The landlord gives notice in writing to each tenant within 5 days after he files his application for the change in land use with the local zoning board, planning commission or governing body;

(b) The landlord offers, in writing, to sell the lot to the tenant at the same price the lot will be offered to the public and holds that offer open for at least

90 days or until the landlord receives a written rejection of the offer from the tenant, whichever occurs earlier;

(c) The landlord does not sell the lot to a person other than the tenant for 90 days after the termination of the offer required pursuant to paragraph (b) at a price or on terms that are more favorable than the price or terms offered to the tenant;

(d) If a tenant does not exercise his option to purchase the lot pursuant to paragraph (b), the landlord pays:

(1) The cost of moving the tenant's manufactured home and its appurtenances to a comparable location within 50 miles from the manufactured home park; or

(2) If the new location is more than 50 miles from the manufactured home park, the cost of moving the manufactured home for the first 50 miles,

➥ including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his manufactured home and its appurtenances in the new lot or park; ~~[and]~~

(e) After the landlord is granted final approval of the change by the appropriate local zoning board, planning commission or governing body, notice in writing is served on each tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before he is required to move his manufactured home from the lot ~~[.]~~ ***; and***

(f) ~~*[Before he begins the process of converting a manufactured home park, the]*~~ ***The landlord*** ~~*[submits]*~~ ***complies with the provisions of section 1 of this act concerning the submission of a resident impact statement .*** ~~*[pursuant to section 1 of this act.]*~~

3. Notice sent pursuant to paragraph (a) of subsection 2 or an offer to sell a manufactured home lot to a tenant required pursuant to paragraph (b) of subsection 2 does not constitute notice of termination of the tenancy.

4. Upon the sale of a manufactured home lot and a manufactured home which is situated on that lot, the landlord shall indicate what portion of the purchase price is for the manufactured home lot and what portion is for the manufactured home.

5. The provisions of this section do not apply to a corporate cooperative park.

Sec. 4. NRS 118B.183 is hereby amended to read as follows:

118B.183 1. A landlord may convert an existing manufactured home park to any other use of the land if the change is approved by the appropriate local zoning board, planning commission or governing body. In addition to any other reasons, a landlord may apply for such approval if the landlord is forced to close the manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park for health or safety reasons.

2. The landlord may undertake a conversion pursuant to this section only if:

(a) The landlord gives notice in writing to each tenant within 5 days after he files his application for the change in land use with the local zoning board, planning commission or governing body;

(b) The landlord pays the amount described in subsection 3 or 4, in accordance with the choice of the tenant; ~~[and]~~

(c) After the landlord is granted final approval of the change by the appropriate local zoning board, planning commission or governing body, written notice is served on each tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before he is required to move his manufactured home from the lot ~~[.]~~ ***; and***

(d) ~~*[Before he begins the process of converting a manufactured home park, the]*~~ ***The landlord*** ~~*[submits]*~~ ***complies with the provisions of section 1 of this act concerning the submission of a resident impact statement .*** ~~*[pursuant to section 1 of this act.]*~~

3. If the tenant chooses to move the manufactured home, the landlord shall pay to the tenant:

(a) The cost of moving the tenant's manufactured home and its appurtenances to a new location within 50 miles from the manufactured home park; or

(b) If the new location is more than 50 miles from the manufactured home park, the cost of moving the manufactured home for the first 50 miles,

➥ including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his manufactured home and its appurtenances in the new lot or park.

4. If the tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged ~~[,]~~ or there is no manufactured home park within 50 miles that is willing to accept the manufactured home, the landlord:

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home less the reasonable cost of removing and disposing of the manufactured home.

5. A landlord shall not increase the rent of any tenant:

(a) For 180 days before filing an application for a change in land use, permit or variance affecting the manufactured home park; or

(b) At any time after filing an application for a change in land use, permit or variance affecting the manufactured home park unless:

(1) The landlord withdraws the application or the appropriate local zoning board, planning commission or governing body denies the application; and

(2) The landlord continues to operate the manufactured home park after the withdrawal or denial.

6. For the purposes of this section, the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home must be determined by:

(a) A dealer licensed pursuant to chapter 489 of NRS who is agreed upon by the landlord and tenant; or

(b) If the landlord and tenant cannot agree pursuant to paragraph (a), a dealer licensed pursuant to chapter 489 of NRS who is selected for this purpose by the Division.

7. The provisions of this section do not apply to a corporate cooperative park.

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 216.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 249.

The following Senate amendment was read:

Amendment No. 773.

AN ACT relating to dispensing opticians; requiring the Board of Dispensing Opticians to adopt minimum standards for eyewear and certain devices dispensed by a dispensing optician; authorizing any member of the Board to issue subpoenas to compel the production of books, papers and documents; revising provisions governing the reinstatement of an expired license or limited license; authorizing the Board to impose an administrative fine against a person who engages in ophthalmic dispensing without a license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Dispensing Opticians to regulate the practice of ophthalmic dispensing. (Chapter 637 of NRS) Section 1.3 of this bill requires the Board to adopt minimum standards for eyewear and certain optical and ophthalmic devices dispensed by a dispensing optician. The standards must be consistent with the minimum standards of quality approved by the American National Standards Institute. Section 6 of this bill provides that a dispensing optician may be disciplined by the Board for dispensing, without proper verification, such eyewear or devices that do not meet the minimum standards adopted by the Board. Section 1.7 of this bill provides that the expiration date of a prescription which is received by a dispensing optician is 2 years after the date the prescription was issued unless **the practitioner who wrote the prescription indicates** a ~~[shorter]~~ **different** period **.** ~~[is indicated for a specific patient.]~~

Existing law authorizes any member of the Board to issue subpoenas to compel the attendance of a witness to testify before the Board. (NRS 637.040) Section 2 of this bill authorizes any member of the Board to issue subpoenas to compel the production of books, papers and documents.

Existing law authorizes the Board to renew an expired license or limited license to practice ophthalmic dispensing. (NRS 637.121, 637.140) Sections 3 and 5 of this bill provide that the Board may only renew an expired license

or limited license if the license or limited license has been expired for 2 years or less.

Existing law authorizes the Board to issue a cease and desist order to a person practicing ophthalmic dispensing without a license. If the person does not comply with the cease and desist order within 30 days, the Board shall impose an administrative fine of up to $10,000 against the person. (NRS 637.181) Section 7 of this bill authorizes the Board to impose an administrative fine against a person practicing ophthalmic dispensing without a license without regard to whether or not the person failed to comply with a cease and desist order.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 637 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.7 of this act.

Sec. 1.3. ***1. The Board shall adopt regulations setting forth minimum standards for lenses, frames, specially fabricated optical devices and other ophthalmic devices dispensed by a person licensed as a dispensing optician.***

2. The standards adopted by the Board must be consistent with the minimum standards of quality approved by the American National Standards Institute.

Sec. 1.7. ***A prescription received by a dispensing optician shall be deemed to have an expiration date of 2 years after the date the prescription was issued unless the practitioner who wrote the prescription includes on the prescription*** ~~*[that a shorter period is required for the specific patient.]*~~ ***a different period.***

Sec. 2. NRS 637.040 is hereby amended to read as follows:

637.040 1. The Board shall elect a President, Vice President, Secretary and Treasurer from its membership.

2. Any member of the Board may:

(a) Issue subpoenas to compel ***the*** attendance of witnesses to testify before the Board ~~[.]~~ ***or the production of books, papers and documents.*** Subpoenas must issue under the seal of the Board and must be served in the same manner as subpoenas issued out of the district court.

(b) Administer oaths in taking testimony in any matter pertaining to the duties of the Board.

Sec. 3. NRS 637.121 is hereby amended to read as follows:

637.121 1. Except as otherwise provided in this section, a limited license as a dispensing optician authorizes the licensee to engage in the practice of ophthalmic dispensing pursuant to this chapter.

2. Only a person who is deemed to hold an active, inactive or delinquent limited license as a dispensing optician on February 1, 2004, may hold a limited license as a dispensing optician. A limited license as a dispensing optician may not be issued to any other person.

3. A person practicing ophthalmic dispensing pursuant to a limited license:

(a) Except as otherwise provided in this section, is subject to the provisions of this chapter in the same manner as a person practicing ophthalmic dispensing pursuant to a license issued pursuant to NRS 637.120, including, without limitation, the provisions of this chapter governing the renewal or reactivation of a license; and

(b) Shall not sell, furnish or fit contact lenses.

4. A limited license as a dispensing optician:

(a) Expires on January 31 of each year.

(b) May be renewed before its expiration upon:

(1) Presentation of proof of completion of the continuing education required by this section; and

(2) Payment of a renewal fee set by the Board of not more than $200.

(c) Except as otherwise provided in subsection 5, is delinquent if it is not renewed before January 31 of each year. ~~[Such]~~ ***Not later than 2 years after the expiration of a limited license,*** a delinquent limited license may be reinstated, at the discretion of the Board, upon payment of each applicable annual renewal fee in addition to the annual delinquency fee set by the Board of not more than $500.

5. Upon written request to the Board, and payment of a fee not to exceed $300, a licensee in good standing may have his name and limited license as a dispensing optician transferred to an inactive list. Such a licensee shall not practice ophthalmic dispensing during the time the limited license is inactive. If an inactive licensee ~~[desires]~~ ***wishes*** to resume the practice of ophthalmic dispensing as limited by this section, the Board shall reactivate the limited license upon:

(a) If deemed necessary by the Board, the demonstration by the licensee that the licensee is then qualified and competent to practice;

(b) The completion of an application; and

(c) Payment of the renewal fee set by the Board pursuant to subsection 4.

6. To reactivate a limited license as a dispensing optician pursuant to subsection 5, an inactive licensee is not required to pay the delinquency fee and the renewal fee for any year while the license was inactive.

7. Except as otherwise provided in subsection 8, each person with a limited license as a dispensing optician must complete courses of continuing education in ophthalmic dispensing each year. Such continuing education must:

(a) Encompass such subjects as are established by regulations of the Board.

(b) Consist of a minimum of 12 hours for a period of 12 months.

8. A person with a limited license as a dispensing optician who is on active military service is exempt from the requirements of subsection 7.

9. The Board shall adopt any ***other*** regulations ***it determines are*** necessary to carry out the provisions of this section.

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 637.140 is hereby amended to read as follows:

637.140 1. A license as a dispensing optician issued under the provisions of this chapter expires on January 31 of each year.

2. A license may be renewed before its expiration upon:

(a) Presentation of proof of completion of the continuing education required by NRS 637.135; and

(b) Payment of a renewal fee set by the Board of not more than $500.

3. Except as otherwise provided in subsection 4, any license which is not renewed before January 31 of each year shall be deemed delinquent. ~~[A]~~ ***Not later than 2 years after the expiration of a license, a*** delinquent license may be reinstated, at the discretion of the Board, upon payment of each applicable annual renewal fee in addition to the annual delinquency fee set by the Board of not more than $500.

4. Upon written request to the Board, and payment of a fee not to exceed $300, a licensee in good standing may have his name and license transferred to an inactive list. Such a licensee shall not practice ophthalmic dispensing during the time the license is inactive. If an inactive licensee desires to resume the practice of ophthalmic dispensing, the Board shall reactivate the license upon the:

(a) Demonstration **,** if deemed necessary by the Board **,** that the licensee is then qualified and competent to practice;

(b) Completion of an application; and

(c) Payment of the renewal fee set by the Board pursuant to subsection 2.

➥ Payment of the delinquency fee and the renewal fee for any year while the license was inactive is not required.

Sec. 6. NRS 637.150 is hereby amended to read as follows:

637.150 1. Upon proof by substantial evidence that an applicant or holder of a license:

(a) Has been adjudicated insane;

(b) Habitually uses any controlled substance or intoxicant;

(c) Has been convicted of a crime involving moral turpitude;

(d) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(e) Has advertised in any manner which would tend to deceive, defraud or mislead the public;

(f) Has presented to the Board any diploma, license or certificate that has been signed or issued unlawfully or under fraudulent representations, or obtains or has obtained a license to practice in the State through fraud of any kind;

(g) Has been convicted of a violation of any federal or state law relating to a controlled substance;

(h) ***Has, without proper verification, dispensed a lens, frame, specially fabricated optical device or other ophthalmic device that does not satisfy***

the minimum standards established by the Board pursuant to section 1.3 of this act;

(i) Has violated any regulation of the Board;

~~[(i)]~~ ***(j)*** Has violated any provision of this chapter;

~~[(j)]~~ ***(k)*** Is incompetent;

~~[(k)]~~ ***(l)*** Is guilty of unethical or unprofessional conduct as determined by the Board;

~~[(l)]~~ ***(m)*** Is guilty of repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner; or

~~[(m)]~~ ***(n)*** Is guilty of a fraudulent or deceptive practice as determined by the Board,

➥ the Board may, in the case of an applicant, refuse to grant him a license, or may, in the case of a holder of a license, place him on probation, reprimand him publicly, require him to pay an administrative fine of not more than $10,000, suspend or revoke his license, or take any combination of these disciplinary actions.

2. The Board shall not privately reprimand a holder of a license.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 7. NRS 637.181 is hereby amended to read as follows:

637.181 Notwithstanding the provisions of chapter 622A of NRS:

1. The Board shall conduct an investigation if it receives a complaint that sets forth reason to believe that a person, without the proper license, is engaging in an activity for which a license is required pursuant to this chapter. The complaint must be:

(a) Made in writing; and

(b) Signed and verified by the person filing the complaint.

2. If the Board determines that a person, without the proper license, is engaging in an activity for which a license is required pursuant to this chapter, the Board ~~[shall]~~ ***:***

(a) Shall issue and serve on the person an order to cease and desist ***from*** engaging in the activity until such time as the person obtains the proper license from the Board.

~~[3. If a person upon whom an order to cease and desist is served does not comply with the order within 30 days after service, the Board shall,]~~

(b) May, after notice and opportunity for a hearing, impose upon the person an administrative fine of not more than $10,000. The imposition of an administrative fine is a final decision for the purposes of judicial review.

~~[4.]~~ ***3.*** An administrative fine imposed pursuant to this section is in addition to any other penalty provided in this chapter.

Sec. 8. NRS 637.190 is hereby amended to read as follows:

637.190 1. The district court in the county in which any hearing is being conducted by the Board may compel the attendance of witnesses, the giving of testimony and the production of books ***,*** ~~[and]~~ papers ***or documents*** as required by any subpoena issued by the Board.

2. If any witness refuses to attend or testify or produce any ***books,*** papers ***or documents*** required by such ***a*** subpoena, the Board may report to the district court for the county in which the hearing is pending by petition, setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books ~~[and papers;]~~ ***, papers or documents;***

(b) That the witness has been subpoenaed in the manner prescribed in NRS 637.040; and

(c) That the witness has failed and refused to attend or produce the ***books,*** papers ***or documents*** required by subpoena before the Board in the hearing named in the subpoena, or has refused to answer questions propounded to him in the course of ~~[such]~~ ***the*** hearing,

➥ and asking an order of the court compelling the witness to attend and testify or produce the books ***,*** ~~[or]~~ papers ***or documents*** before the Board.

3. The court, upon petition of the Board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in ~~[such]~~ ***the*** order, the time to be not more than 10 days ~~[from]~~ ***after*** the date of the order, and then and there show cause why he has not attended or testified or produced the books ***,*** ~~[or]~~ papers ***or documents*** before the Board. A certified copy of the order must be served upon the witness. If it appears to the court that the subpoena was regularly issued by the Board, the court may thereupon enter an order that the witness appear before the Board at the time and place fixed in the order and testify or produce the required books ~~[or papers,]~~ ***, papers or documents*** and upon failure to obey the order the witness shall be dealt with as for contempt of court.

Sec. 9. This act becomes effective on July 1, 2007.

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 249.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 478.

The following Senate amendment was read:

Amendment No. 856.

AN ACT relating to financial services; making the provisions governing certain short-term loan services applicable to any person who makes a loan pursuant to a loan agreement that charges in excess of a certain annual percentage rate regardless of the term of the loan; revising the calculation of the annual percentage rate to include certain charges and fees imposed on a customer by a licensee; revising the allowable term of certain loans; providing exemptions from certain statutory provisions; clarifying the applicability of certain provisions; making persons who violate certain

provisions of federal law subject to certain remedies and penalties set forth in state law; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes standards and procedures for the licensing and regulation of loans made pursuant to loan agreements that provide for an annual percentage rate of more than 40 percent and require repayment of the loan in less than 1 year. (Chapter 604A of NRS) This bill revises the applicability of those standards and procedures to make them applicable to any person who makes a loan pursuant to a loan agreement that charges an annual percentage rate of more than 40 percent regardless of the term of the loan. This bill redefines such a loan as a "high-interest loan" and the loan service for such a loan as a "high-interest loan service." This bill also provides that, subject to certain exceptions, the original term of a deferred deposit loan ~~[must not exceed 35 days and the original term of a]~~ **or** high-interest loan must not exceed ~~[30]~~ **35** days.

Under existing law, the annual percentage rate of such loans is required to be calculated pursuant to the provisions of the Truth in Lending Act and Regulation Z. (NRS 604A.150) This bill provides an exception to that requirement by specifying that, subject to certain exceptions, every charge or fee, regardless of the name given to the charge or fee, payable directly or indirectly by the customer and imposed directly or indirectly by the lender must be included in calculating the annual percentage rate.

Existing law provides for the licensure of persons who make installment loans. (Chapter 675 of NRS) This bill provides for the licensure of such persons pursuant to chapter 604A of NRS if the loans are high-interest loans.

Existing law exempts certain persons and entities from the provisions of chapter 604A of NRS. (NRS 604A.250) This bill extends the exemption to national banking associations and their affiliates and subsidiaries, unless a purpose of the affiliation is to evade the provisions of that chapter.

Existing law exempts certain persons and entities from the provisions of chapter 675 of NRS. (NRS 675.040) This bill extends the exemption to national banking associations. This bill also clarifies the persons to whom chapter 675 of NRS applies.

Existing federal law imposes limitations on the terms of consumer credit that is extended to members of the Armed Forces of the United States who are on active duty and their dependents, including, without limitation, a prohibition against a lender imposing an interest rate greater than 36 percent. The federal law preempts any state law that is inconsistent with the federal law. (Section 670 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364) This bill provides that any violation of the federal law shall be deemed to be a violation of chapter 604A of NRS, thereby making violators subject to the remedies and penalties set forth in that chapter, including the imposition of an administrative fine of not more than $10,000 for each violation, the revocation or suspension of a license

issued pursuant to that chapter and civil actions for damages. (NRS 604A.820, 604A.930)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 604A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[6,]~~ **6.5,** inclusive, of this act.

Sec. 2. ***1. "High-interest loan" means a loan made to a customer pursuant to a loan agreement which, under its original terms, charges an annual percentage rate of more than 40 percent.***

2. The term includes, without limitation, any single-payment loan, installment loan or open-ended loan which, under its original terms, charges an annual percentage rate of more than 40 percent.

3. The term does not include:

(a) A deferred deposit loan;

(b) A refund anticipation loan; or

(c) A title loan.

Sec. 3. ***"High-interest loan service" means any person engaged in the business of providing high-interest loans for a fee, service charge or other consideration.***

Sec. 4. ***1. Except as otherwise provided in this section, for the purposes of determining whether a loan is a high-interest loan, when determining whether a lender is charging an annual percentage rate of more than 40 percent, calculations must be made in accordance with the Truth in Lending Act and Regulation Z, except that every charge or fee, regardless of the name given to the charge or fee, payable directly or indirectly by the customer and imposed directly or indirectly by the lender must be included in calculating the annual percentage rate, including, without limitation:***

(a) Interest;

(b) Application fees, regardless of whether such fees are charged to all applicants or credit is actually extended;

(c) Fees charged for participation in a credit plan, whether assessed on an annual, periodic or nonperiodic basis; and

(d) Prepaid finance charges.

2. The following charges and fees must be excluded from the calculation of the annual percentage rate pursuant to subsection 1:

(a) Any fees allowed pursuant to NRS 604A.490 or 675.365 for a check not paid upon presentment or an electronic transfer of money that fails;

(b) Interest accrued after default pursuant to paragraph (c) of subsection 1 of NRS 604A.485; ~~*[and]*~~

(c) Charges for an unanticipated late payment, exceeding a credit limit, or a delinquency, default or similar occurrence ~~*[.]*~~ ***; and***

(d) Any premiums or identifiable charges for insurance permitted pursuant to NRS 675.300.

3. Calculation of the annual percentage rate in the manner specified in this section is limited only to the determination of whether a loan is a high-interest loan and must not be used in compliance with the disclosure requirements of paragraph (g) of subsection 2 of NRS 604A.410 or any other provisions of this chapter requiring disclosure of an annual percentage rate in the making of a loan.

Sec. 5. ***1. Except as otherwise provided in this chapter, the original term of a*** ~~[:~~

~~*(a) Deferred]*~~ ***deferred deposit loan or high-interest loan must not exceed 35 days.***

~~[*(b) High-interest loan must not exceed 30 days.]*~~

2. The original term of a high-interest loan may be up to 90 days if:

(a) The loan provides for payments in installments;

(b) The payments are calculated to ratably and fully amortize the entire amount of principal and interest payable on the loan;

(c) The loan is not subject to any extension; and

(d) The loan does not require a balloon payment of any kind.

3. Notwithstanding the provisions of NRS 604A.480, a licensee shall not agree to establish or extend the period for the repayment, renewal, refinancing or consolidation of an outstanding deferred deposit loan or high-interest loan for a period that exceeds 90 days after the date of origination of the loan.

Sec. 6. ***A violation of any provision of section 670 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364, or any regulation adopted pursuant thereto shall be deemed to be a violation of this chapter.***

Sec. 6.5. All provisions of this chapter governing enforcement or collection of an obligation originated under this chapter apply to:

1. Any purchaser or assignee of the obligation; and

2. Any person seeking to enforce or collect the obligation on behalf of a licensee.

Sec. 7. NRS 604A.010 is hereby amended to read as follows:

604A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 604A.015 to 604A.125, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 8. NRS 604A.015 is hereby amended to read as follows:

604A.015 1. "Automated loan machine" means any machine or other device, regardless of the name given to it or the technology used, that:

(a) Is automated;

(b) Is designed or intended to allow a customer, without any additional assistance from another person, to receive or attempt to receive a deferred deposit loan or ~~[short term]~~ ***high-interest*** loan through the machine or other device; and

(c) Is set up, installed, operated or maintained by or on behalf of the person making the loan or any agent, affiliate or subsidiary of the person.

2. The term does not include any machine or other device used directly by a customer to access the Internet unless the machine or other device is made available to the customer by the person making the loan or any agent, affiliate or subsidiary of the person.

Sec. 9. NRS 604A.040 is hereby amended to read as follows:

604A.040 "Customer" means any person who receives or attempts to receive check-cashing services, deferred deposit loan services, ~~[short-term]~~ ***high-interest*** loan services or title loan services from another person.

Sec. 10. NRS 604A.075 is hereby amended to read as follows:

604A.075 "Licensee" means any person who has been issued one or more licenses to operate a check-cashing service, deferred deposit loan service, ~~[short-term]~~ ***high-interest*** loan service or title loan service pursuant to the provisions of this chapter.

Sec. 11. NRS 604A.080 is hereby amended to read as follows:

604A.080 "Loan" means any deferred deposit loan, ~~[short-term]~~ ***high-interest*** loan or title loan, or any extension or repayment plan relating to such a loan, made at any location or through any method, including, without limitation, at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means.

Sec. 11.5. NRS 604A.105 is hereby amended to read as follows:

604A.105 1. "Title loan" means a loan made to a customer pursuant to a loan agreement which, under its original terms:

(a) Charges an annual percentage rate of more than 35 percent; and

(b) Requires the customer to secure the loan by ~~[giving]~~ ***either:***

(1) Giving possession of the title to a vehicle legally owned by the customer to the ~~[person making the loan, or to]~~ ***licensee or*** any agent, affiliate or subsidiary of the ~~[person, whether or not the person making the loan or taking possession of the title perfects a security interest in the vehicle by having the person's name noted on the title as a lienholder.]~~ ***licensee; or***

(2) Perfecting a security interest in the vehicle by having the name of the licensee or any agent, affiliate or subsidiary of the licensee noted on the title as a lienholder.

2. The term does not include ~~[:~~

~~(a) A]~~ ***a*** loan which creates a purchase-money security interest in a vehicle or the refinancing of any such loan ***.*** ~~[; or~~

~~(b) Any other loan for which a vehicle is used as security or collateral if the person making the loan, or any agent, affiliate or subsidiary of the person, does not take possession of the title.]~~

Sec. 12. NRS 604A.200 is hereby amended to read as follows:

604A.200 The ~~*[Notwithstanding any provision of NRS 604A.500, the]*~~ provisions of this chapter apply to any person who seeks to evade its

application by any device, subterfuge or pretense, including, without limitation ~~[, calling]~~ ***:***

1. Calling a loan by any other name ~~[or using]~~ ***;***

2. Using any agents, affiliates or subsidiaries in an attempt to avoid the application of the provisions of this chapter ~~[.]~~ ***; or***

3. Having any affiliation or other business arrangement with an entity that is exempt from the provisions of this chapter pursuant to subsection 1 of NRS 604A.250, the effect of which is to evade the provisions of this chapter, including, without limitation, making a loan while purporting to be the agent of such an exempt entity where the purported agent holds, acquires or maintains a ~~[material]~~ preponderant economic interest in the revenues generated by the loan.

Sec. 13. NRS 604A.250 is hereby amended to read as follows:

604A.250 The provisions of this chapter do not apply to:

1. ~~[A]~~ ***Except as otherwise provided in NRS 604A.200, a*** person doing business pursuant to the authority of any law of this State or of the United States relating to banks, ***national banking associations,*** savings banks, trust companies, savings and loan associations, credit unions, development corporations, mortgage brokers, mortgage bankers, thrift companies or insurance companies ~~[.]~~ ***, including, without limitation, any affiliate or subsidiary of such a person regardless of whether the affiliate or subsidiary is a bank.***

2. A person who is primarily engaged in the retail sale of goods or services who:

(a) As an incident to or independently of a retail sale or service, from time to time cashes checks for a fee or other consideration of not more than $2; and

(b) Does not hold himself out as a check-cashing service.

3. A person while performing any act authorized by a license issued pursuant to chapter 671 of NRS.

4. A person who holds a nonrestricted gaming license issued pursuant to chapter 463 of NRS while performing any act in the course of that licensed operation.

5. A person who is exclusively engaged in a check-cashing service relating to out-of-state checks.

6. A corporation organized pursuant to the laws of this State that has been continuously and exclusively engaged in a check-cashing service in this State since July 1, 1973.

7. A pawnbroker, unless the pawnbroker operates a check-cashing service, deferred deposit loan service, ~~[short-term]~~ ***high-interest*** loan service or title loan service.

8. A real estate investment trust, as defined in 26 U.S.C. § 856.

9. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

10. An attorney at law rendering services in the performance of his duties as an attorney at law if the loan is secured by real property.

11. A real estate broker rendering services in the performance of his duties as a real estate broker if the loan is secured by real property.

12. Any firm or corporation:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.

13. A person who provides money for investment in loans secured by a lien on real property, on his own account.

14. A seller of real property who offers credit secured by a mortgage of the property sold.

15. A person who makes a refund anticipation loan, unless the person operates a check-cashing service, deferred deposit loan service, ~~[short-term]~~ ***high-interest*** loan service or title loan service.

Sec. 14. NRS 604A.400 is hereby amended to read as follows:

604A.400 1. A person, including, without limitation, a person licensed pursuant to chapter 675 of NRS, shall not operate a check-cashing service, deferred deposit loan service, ~~[short-term]~~ ***high-interest*** loan service or title loan service unless the person is licensed with the Commissioner pursuant to the provisions of this chapter.

2. A person must have a license regardless of the location or method that the person uses to operate such a service, including, without limitation, at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means, except that the person shall not operate such a service through any automated loan machine in violation of the provisions of subsection 3.

3. A person shall not operate a deferred deposit loan service or ~~[short-term]~~ ***high-interest*** loan service through any automated loan machine, and the Commissioner shall not issue a license that authorizes the licensee to conduct business through any automated loan machine.

4. Any person, and any member, officer, director, agent or employee thereof, who violates or participates in the violation of any provision of this section is guilty of a misdemeanor.

Sec. 15. NRS 604A.405 is hereby amended to read as follows:

604A.405 1. A licensee shall post in a conspicuous place in every location at which he conducts business under his license:

(a) A notice that states the fees he charges for providing check-cashing services, deferred deposit loan services, ~~[short-term]~~ ***high-interest*** loan services or title loan services.

(b) A notice that states a toll-free telephone number to the Office of the Commissioner to handle concerns or complaints of customers.

➥ The Commissioner shall adopt regulations prescribing the form and size of the notices required by this subsection.

2. If a licensee offers loans to customers at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means, except for an automated loan machine prohibited by NRS 604A.400, the licensee shall, as appropriate to the location or method for making the loan, post in a conspicuous place where customers will see it before they enter into a loan, or disclose in an open and obvious manner to customers before they enter into a loan, a notice that states:

(a) The types of loans the licensee offers and the fees he charges for making each type of loan; and

(b) A list of the states where the licensee is licensed or authorized to conduct business from outside this State with customers located in this State.

3. A licensee who provides check-cashing services shall give written notice to each customer of the fees he charges for cashing checks. The customer must sign the notice before the licensee provides the check-cashing service.

Sec. 15.5. NRS 604A.410 is hereby amended to read as follows:

604A.410 1. Before making any loan to a customer, a licensee shall provide to the customer a written loan agreement which may be kept by the customer and which must be written in:

(a) English, if the transaction is conducted in English; or

(b) Spanish, if the transaction is conducted in Spanish.

2. The loan agreement must include, without limitation, the following information:

(a) The name and address of the licensee and the customer;

(b) The nature of the security for the loan, if any;

(c) The date and amount of the loan, amount financed, annual percentage rate, finance charge, total of payments, payment schedule and a description and the amount of every fee charged, regardless of the name given to the fee and regardless of whether the fee is required to be included in the finance charge under the Truth in Lending Act and Regulation Z;

(d) A disclosure of the right of the customer to rescind a loan pursuant to the provisions of this chapter;

(e) A disclosure of the right of the customer to pay his loan in full or in part with no additional charge pursuant to the provisions of this chapter;

(f) A disclosure stating that, if the customer defaults on the loan, the ~~[customer has the opportunity within 30 days of the date of default to enter into a repayment plan with a term of at least 90 days, and that the]~~ licensee must offer ~~[the]~~ ***a*** repayment plan to the customer before the licensee ~~*[sells or assigns the debt or]*~~ commences any civil action or process of alternative

dispute resolution or, if appropriate for the loan, before the licensee repossesses a vehicle; and

(g) Any other disclosures required under the Truth in Lending Act and Regulation Z or under any other applicable federal or state statute or regulation.

Sec. 16. NRS 604A.420 is hereby amended to read as follows:

604A.420 1. If a customer is ~~[called to active duty in]~~ ***a member of*** the military, a licensee shall:

(a) ~~[Defer for the duration of the active duty all collection activity against the customer and his property, including, without limitation, any community property in which the customer has an interest; and~~

~~(b)]~~ Honor the terms of any repayment plan between the licensee and customer, including, without limitation, any repayment plan negotiated through military counselors or third-party credit counselors.

(b) Honor any proclamation by a base commander that a certain branch location of the licensee is off-limits to members of the military and their spouses.

2. ~~[When collecting any defaulted loan,]~~ ***If a customer is a member of the military,*** a licensee shall not:

(a) Garnish or threaten to garnish any wages or salary ~~[paid to a customer for active service in the military;]~~ ***of the customer or his spouse;*** or

(b) Contact or threaten to contact the military chain of command of a customer in an effort to collect the ~~[defaulted]~~ loan.

3. ***If a customer is a member of the military and is deployed to a combat or combat supporting position, a licensee shall not engage in any collection activity against the customer or his spouse.***

4. As used in this section, "military" means the Armed Forces of the United States, a reserve component thereof or the National Guard.

Sec. 17. NRS 604A.425 is hereby amended to read as follows:

604A.425 1. A licensee shall not:

(a) Make a deferred deposit loan that exceeds 25 percent of the expected gross monthly income of the customer when the loan is made; or

(b) Make a ~~[short-term]~~ ***high-interest*** loan which, under the terms of the loan agreement, requires any monthly payment that exceeds 25 percent of the expected gross monthly income of the customer.

2. A licensee is not in violation of the provisions of this section if the customer presents evidence of his gross monthly income to the licensee and represents to the licensee in writing that:

(a) For a deferred deposit loan, the loan does not exceed 25 percent of his expected gross monthly income when the loan is made; or

(b) For a ~~[short-term]~~ ***high-interest*** loan, the monthly payment required under the terms of the loan agreement does not exceed 25 percent of his expected gross monthly income.

Sec. 18. NRS 604A.430 is hereby amended to read as follows:

604A.430 ***1.*** A licensee shall not make more than one deferred deposit loan ***, single-advance, single-payment loan*** or ~~[short-term]~~ ***high-interest*** loan to the same customer at one time or before any outstanding balance is paid in full on an existing loan made by that licensee to the customer unless:

~~[1.]~~ ***(a)*** The customer is seeking multiple loans that do not exceed the limits set forth in NRS 604A.425;

~~[2.]~~ ***(b)*** The licensee charges the same or a lower ***fee or service charge per $100 if it is a deferred deposit loan or single-advance, single-payment loan, or the same or a lower*** annual percentage rate ***of interest if it is a high-interest loan that is not a single-advance, single-payment loan,*** for any additional loans as he charged for the initial loan;

~~[3.]~~ ***(c)*** Except for that part of the finance charge which consists of interest only, the licensee does not impose any other charge or fee to initiate any additional loans, except that a licensee who makes deferred deposit loans or ~~[short-term]~~ ***high-interest*** loans in accordance with the provisions of subsection 2 of NRS 604A.480 may charge a reasonable fee for preparing documents in an amount that does not exceed $50; and

~~[4.]~~ ***(d)*** If the additional loans are deferred deposit loans and the customer provides one or more additional checks that are not paid upon presentment ~~[,]~~ ***or one or more electronic transfers of money fail,*** the licensee does not charge any fees to the customer pursuant to NRS 604A.490, except for the fees allowed pursuant to that section for the first check that is not paid upon presentment ~~[.]~~ ***or electronic transfer of money that failed.***

2. As used in this section, "single-advance, single-payment loan" means a transaction in which, pursuant to a loan agreement, a customer is given a single advance equal to the amount financed with payment in full due within 35 days after the date of the transaction.

Sec. 19. NRS 604A.435 is hereby amended to read as follows:

604A.435 A licensee shall not:

1. Accept:

(a) Collateral as security for a loan, except that a title to a vehicle may be accepted as security for a title loan.

(b) An assignment of wages, salary, commissions or other compensation for services, whether earned or to be earned, as security for a loan.

(c) A check as security for a ~~[short-term]~~ ***high-interest*** loan or title loan.

(d) More than one check or written authorization for an electronic transfer of money for each deferred deposit loan.

(e) A check or written authorization for an electronic transfer of money for any deferred deposit loan in an amount which exceeds the total of payments set forth in the disclosure statement required by the Truth in Lending Act and Regulation Z that is provided to the customer.

2. Take any note or promise to pay which does not disclose the date and amount of the loan, amount financed, annual percentage rate, finance charge, total of payments, payment schedule and a description and the amount of every fee charged, regardless of the name given to the fee and regardless of

whether the fee is required to be included in the finance charge under the Truth in Lending Act and Regulation Z.

3. Take any instrument, including a check or written authorization for an electronic transfer of money, in which blanks are left to be filled in after the loan is made.

4. Make any transaction contingent on the purchase of insurance or any other goods or services or sell any insurance to the customer with the loan.

5. Fail to comply with a payment plan which is negotiated and agreed to by the licensee and customer.

6. Charge any fee to cash a check representing the proceeds of a loan made by the licensee or any agent, affiliate or subsidiary of the licensee.

Sec. 19.5. NRS 604A.445 is hereby amended to read as follows:

604A.445 Notwithstanding any other provision of this chapter to the contrary:

1. The original term of a title loan must not exceed 30 days.

2. The title loan may be extended for not more than six additional periods of extension, with each such period not to exceed 30 days, if:

(a) Any interest or charges accrued during the original term of the title loan or any period of extension of the title loan are not capitalized or added to the principal amount of the title loan during any subsequent period of extension;

(b) The annual percentage rate charged on the title loan during any period of extension is not more than the annual percentage rate charged on the title loan during the original term; and

(c) No additional origination fees, set-up fees, collection fees, transaction fees, negotiation fees, handling fees, processing fees, late fees, default fees or any other fees, regardless of the name given to the fees, are charged in connection with any extension of the title loan.

3. The original term of a title loan may be up to 210 days if:

(a) The loan provides for payments in installments;

(b) The payments are calculated to ratably and fully amortize the entire amount of principal and interest payable on the loan;

(c) The loan is not subject to any extension; and

(d) The loan does not require a balloon payment of any kind.

Sec. 20. NRS 604A.460 is hereby amended to read as follows:

604A.460 1. A customer may rescind a loan on or before the close of business on the next day of business at the location where the loan was initiated. To rescind the loan, the customer must deliver to the licensee:

(a) A sum of money equal to the face value of the loan, less any fee charged to the customer to initiate the loan; or

(b) The original check, if any, which the licensee gave to the customer pursuant to the loan. Upon receipt of the original check, the licensee shall refund any fee charged to the customer to initiate the loan.

2. If a customer rescinds a loan pursuant to this section, the licensee:

(a) Shall not charge the customer any fee for rescinding the loan; and

(b) Upon receipt of the sum of money or check pursuant to subsection 1, shall give to the customer a receipt showing the account paid in full and:

(1) If the customer gave to the licensee a check or a written authorization for an electronic transfer of money to initiate a deferred deposit loan, the check or written authorization stamped "void";

(2) If the customer gave to the licensee a promissory note to initiate a ~~[short-term]~~ ***high-interest*** loan, a copy of the promissory note stamped "void" or the receipt stamped "paid in full"; or

(3) If the customer gave to the licensee a title to a vehicle to initiate the title loan, the title.

Sec. 21. NRS 604A.465 is hereby amended to read as follows:

604A.465 1. A customer may pay a loan, or any extension thereof, in full at any time, without an additional charge or fee, before the date his final payment on the loan, or any extension thereof, is due.

2. If a customer pays the loan in full, including all interest, charges and fees negotiated and agreed to by the licensee and customer as permitted under this chapter, the licensee shall:

(a) Give to the customer:

(1) If the customer gave to the licensee a check or a written authorization for an electronic transfer of money to initiate a deferred deposit loan, the check or the written authorization stamped "void";

(2) If the customer gave to the licensee a promissory note to initiate a ~~[short-term]~~ ***high-interest*** loan, the promissory note stamped "void" or a receipt stamped "paid in full"; or

(3) If the customer gave to the licensee a title to a vehicle to initiate a title loan, the title; and

(b) Give to the customer a receipt with the following information:

(1) The name and address of the licensee;

(2) The identification number assigned to the loan agreement or other information that identifies the loan;

(3) The date of the payment;

(4) The amount paid;

(5) An itemization of interest, charges and fees;

(6) A statement that the loan is paid in full; and

(7) If more than one loan made by the licensee to the customer was outstanding at the time the payment was made, a statement indicating to which loan the payment was applied.

Sec. 21.5. NRS 604A.475 is hereby amended to read as follows:

604A.475 1. Before a licensee attempts to collect the outstanding balance on a loan in default by ~~*[assigning or selling the debt,]*~~ commencing any civil action or process of alternative dispute resolution or ~~[by]~~ repossessing a vehicle, the licensee shall offer the customer an opportunity to enter into a repayment plan. The licensee:

(a) Is required to make the offer available to the customer for a period of at least 30 days after the date of default; and

(b) Is not required to make such an offer more than once for each loan.

2. ~~[Not]~~ ***If the licensee intends to ~~[assign or sell the debt,]~~ commence any civil action or process of alternative dispute resolution or repossess a vehicle in an effort to collect a defaulted loan, the licensee shall deliver to the customer, not*** later than 15 days after the date of default, ~~[the licensee shall provide to the customer]~~ ***or not later than 5 days after a check is not paid upon presentment or an electronic transfer of money fails, whichever is later,*** written notice of the opportunity to enter into a repayment plan. The written notice must:

(a) Be in English, if the initial transaction was conducted in English, or in Spanish, if the initial transaction was conducted in Spanish;

(b) State the date by which the customer must act to enter into a repayment plan;

(c) Explain the procedures the customer must follow to enter into a repayment plan;

(d) If the licensee requires the customer to make an initial payment to enter into a repayment plan, explain the requirement and state the amount of the initial payment and the date the initial payment must be made;

(e) State that the customer has the opportunity to enter into a repayment plan with a term of at least 90 days after the date of default; and

(f) Include the following amounts:

(1) The total of payments or the remaining balance on the original loan;

(2) Any payments made on the loan;

(3) Any charges added to the loan amount allowed pursuant to the provisions of this chapter; and

(4) The total amount due if the customer enters into a repayment plan.

3. Under the terms of any repayment plan pursuant to this section:

(a) The customer must enter into the repayment plan not later than 30 days after the date of default, unless the licensee allows a longer period;

(b) The licensee must allow the period for repayment to extend at least 90 days after the date of default, unless the customer agrees to a shorter term;

(c) The licensee may require the customer to make an initial payment of not more than 20 percent of the total amount due under the terms of the repayment plan;

(d) For a deferred deposit loan:

(1) The licensee may require a customer to provide, as security, one or more checks or written authorizations for an electronic transfer of money which equal the total amount due under the terms of the repayment plan;

(2) The licensee shall, if the customer makes a payment in the amount of a check or written authorization taken as security for that payment, return to the customer the check or written authorization stamped "void" or destroy the check or written authorization; and

(3) The licensee shall not charge any fee to the customer pursuant to NRS 604A.490 for a check which is provided as security during the

repayment plan and which is not paid upon presentment if, in connection with that loan, the licensee has previously charged at least one such fee.

4. If the licensee and customer enter into a repayment plan pursuant to this section, the licensee shall honor the terms of the repayment plan, and the licensee shall not:

(a) Except as otherwise provided by this chapter, charge any other amount to a customer, including, without limitation, any amount or charge payable directly or indirectly by the customer and imposed directly or indirectly by the licensee as an incident to or as a condition of entering into a repayment plan. Such an amount includes, without limitation:

(1) Any interest, regardless of the name given to the interest, other than the interest charged pursuant to the original loan agreement at a rate which does not exceed the annual percentage rate charged during the term of the original loan agreement; or

(2) Any origination fees, set-up fees, collection fees, transaction fees, negotiation fees, handling fees, processing fees, late fees, default fees or any other fees, regardless of the name given to the fee;

(b) Except as otherwise provided in this section, accept any additional security or collateral from the customer to enter into the repayment plan;

(c) Sell to the customer any insurance or require the customer to purchase insurance or any other goods or services to enter into the repayment plan;

(d) Make any other loan to the customer, unless the customer is seeking multiple loans that do not exceed the limit set forth in NRS 604A.425;

(e) During the term of the repayment plan, attempt to collect the outstanding balance by commencing any civil action or process of alternative dispute resolution or by repossessing a vehicle, unless the customer defaults on the repayment plan; or

(f) Attempt to collect an amount that is greater than the amount owed under the terms of the repayment plan.

5. If the licensee and customer enter into a repayment plan pursuant to this section, the licensee shall:

(a) Prepare a written agreement establishing the repayment plan; and

(b) Give the customer a copy of the written agreement. The written agreement must:

(1) Be signed by the licensee and customer; and

(2) Contain all of the terms of the repayment plan, including, without limitation, the total amount due under the terms of the repayment plan.

6. Each time a customer makes a payment pursuant to a repayment plan, the licensee shall give to the customer a receipt with the following information:

(a) The name and address of the licensee;

(b) The identification number assigned to the loan agreement or other information that identifies the loan;

(c) The date of the payment;

(d) The amount paid;

(e) The balance due on the loan or, when the customer makes the final payment, a statement that the loan is paid in full; and

(f) If more than one loan made by the licensee to the customer was outstanding at the time the payment was made, a statement indicating to which loan the payment was applied.

7. If the customer defaults on the repayment plan, the licensee may, to collect the outstanding balance, commence any civil action or process of alternative dispute resolution or repossess a vehicle as otherwise authorized pursuant to this chapter.

Sec. 22. NRS 604A.480 is hereby amended to read as follows:

604A.480 1. Except as otherwise provided in subsection 2, if a customer agrees ***in writing*** to establish or extend the period for the repayment, renewal, refinancing or consolidation of an outstanding loan by using the proceeds of a new deferred deposit loan or ~~[short-term]~~ ***high-interest*** loan to pay the balance of the outstanding loan, the licensee shall not establish or extend ~~[such a]~~ ***the*** period beyond 60 days after the expiration of the initial loan period. ***The licensee shall not add any unpaid interest or other charges accrued during the original term of the outstanding loan or any extension of the outstanding loan to the principal amount of the new deferred deposit loan or high-interest loan.***

2. This section does not apply to a ***new*** deferred deposit loan or ~~[short-term]~~ ***high-interest*** loan if the licensee:

(a) Makes the ***new*** deferred deposit loan or ~~[short-term]~~ ***high-interest*** loan to a customer pursuant to a loan agreement which, under its original terms:

(1) Charges an annual percentage rate of less than 200 percent;

(2) Requires the customer to make a payment on the loan at least once every 30 days;

(3) Requires the loan to be paid in full in not less than 150 days; and

(4) Provides that interest does not accrue on the loan at the annual percentage rate set forth in the loan agreement after the date of maturity of the loan;

(b) Performs a credit check of the customer with a major consumer reporting agency before making the loan;

(c) Reports information relating to the loan experience of the customer to a major consumer reporting agency;

(d) Gives the customer the right to rescind the ***new*** deferred deposit loan or ~~[short-term]~~ ***high-interest*** loan within 5 days after the loan is made without charging the customer any fee for rescinding the loan;

(e) Participates in good faith with a counseling agency that is:

(1) Accredited by the Council on Accreditation for Services for Families and Children, Inc., or its successor organization; and

(2) A member of the National Foundation for Credit Counseling, or its successor organization; and

(f) Does not commence any civil action or process of alternative dispute resolution on a defaulted loan or any extension or repayment plan thereof.

Sec. 22.5. NRS 604A.485 is hereby amended to read as follows:

604A.485 1. ~~[Except as otherwise provided in NRS 604A.445, if]~~ ***If*** a customer defaults on a loan or on any extension or repayment plan relating to the loan, whichever is later, the licensee may collect only the following amounts from the customer, less all payments made before and after default:

(a) The ***unpaid*** principal amount of the loan.

(b) The ***unpaid*** interest ***, if any,*** accrued before the ~~[expiration of the initial loan period]~~ ***default*** at the annual percentage rate set forth in the disclosure statement required by the Truth in Lending Act and Regulation Z that is provided to the customer. If there is an extension ***, in writing and signed by the customer,*** relating to the loan, the licensee may charge and collect interest pursuant to this paragraph for a period not to exceed 60 days after the expiration of the initial loan period, unless otherwise allowed by NRS 604A.480.

(c) The interest accrued after the expiration of the initial loan period or after any extension or repayment plan that is allowed pursuant to this chapter, whichever is later, at an annual percentage rate not to exceed the prime rate at the largest bank in Nevada, as ascertained by the Commissioner, on January 1 or July 1, as the case may be, immediately preceding the expiration of the initial loan period, plus 10 percent. The licensee may charge and collect interest pursuant to this paragraph for a period not to exceed 90 days. After that period, the licensee shall not charge or collect any interest on the loan.

(d) Any fees allowed pursuant to NRS 604A.490 for a check that is not paid upon presentment ***or an electronic transfer of money that fails*** because the account of the customer contains insufficient funds or has been closed.

➥ The sum of all amounts collected pursuant to paragraphs (b), (c) and (d) must not exceed the principal amount of the loan.

2. Except for the interest and fees permitted pursuant to subsection 1 and any other charges expressly permitted pursuant to NRS 604A.430, 604A.445 and 604A.475, the licensee shall not charge any other amount to a customer, including, without limitation, any amount or charge payable directly or indirectly by the customer and imposed directly or indirectly by the licensee as an incident to or as a condition of the extension of the period for the payment of the loan or the extension of credit. Such ~~[an amount includes,]~~ ***prohibited amounts include,*** without limitation:

(a) Any interest, other than the interest charged pursuant to subsection 1, regardless of the name given to the interest; or

(b) Any origination fees, set-up fees, collection fees, transaction fees, negotiation fees, handling fees, processing fees, late fees, default fees or any other fees, regardless of the name given to the fee.

Sec. 22.7. NRS 604A.490 is hereby amended to read as follows:

604A.490 1. A licensee may collect a fee of not more than $25 if a check is not paid upon presentment ***or an electronic transfer of money fails***

because the account of the customer contains insufficient funds or has been closed.

2. If the account of the customer contains insufficient funds, the licensee may collect only two fees of $25 each regardless of the number of times the check is presented for payment ~~[.]~~ ***or the electronic transfer of money is attempted.***

3. If the account of the customer has been closed, the licensee may collect only one fee of $25 regardless of the number of times the check is presented ***or the electronic transfer of money is attempted*** for payment.

4. A customer is not liable for damages pursuant to NRS 41.620 or to criminal prosecution for a violation of chapter 205 of NRS unless the customer acted with criminal intent.

Sec. 23. NRS 604A.655 is hereby amended to read as follows:

604A.655 1. Except as otherwise provided in this section, a licensee may not conduct the business of making loans within any office, suite, room or place of business in which any other lending business is solicited or engaged in, except an insurance agency or notary public, or in association or conjunction with any other business, unless authority to do so is given by the Commissioner.

2. A licensee may conduct the business of making loans in the same office or place of business as:

(a) A mortgage broker if:

(1) The licensee and the mortgage broker:

(I) Maintain separate accounts, books and records;

(II) Are subsidiaries of the same parent corporation; and

(III) Maintain separate licenses; and

(2) The mortgage broker is licensed by this State pursuant to chapter 645B of NRS and does not receive money to acquire or repay loans or maintain trust accounts as provided by NRS 645B.175.

(b) A mortgage banker if:

(1) The licensee and the mortgage banker:

(I) Maintain separate accounts, books and records;

(II) Are subsidiaries of the same parent corporation; and

(III) Maintain separate licenses; and

(2) The mortgage banker is licensed by this State pursuant to chapter 645E of NRS and, if the mortgage banker is also licensed as a mortgage broker pursuant to chapter 645B of NRS, does not receive money to acquire or repay loans or maintain trust accounts as provided by NRS 645B.175.

3. If a pawnbroker is licensed to operate a check-cashing service, deferred deposit loan service, ~~[short-term]~~ ***high-interest*** loan service or title loan service, the pawnbroker may operate that service at the same office or place of business from which he conducts business as a pawnbroker pursuant to chapter 646 of NRS.

Sec. 24. NRS 604A.710 is hereby amended to read as follows:

604A.710 1. For the purpose of discovering violations of this chapter or ~~[of]~~ securing information lawfully required under this chapter, the Commissioner or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:

(a) Any licensee;

(b) Any other person engaged in the business of making loans or participating in such business as principal, agent, broker or otherwise; and

(c) Any person who the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.

2. For the purpose of examination, the Commissioner or his authorized representatives shall have and be given free access to the offices and places of business, and the files, safes and vaults of such persons.

3. For the purposes of this section, any person who advertises for, solicits or holds himself out as willing to make any deferred deposit loan, ~~[short-term]~~ ***high-interest*** loan or title loan is presumed to be engaged in the business of making loans.

Sec. 25. NRS 604A.920 is hereby amended to read as follows:

604A.920 If a person operates a check-cashing service, deferred deposit loan service, ~~[short-term]~~ ***high-interest*** loan service or title loan service without obtaining a license pursuant to this chapter:

1. Any contracts entered into by that person for the cashing of a check or for a deferred deposit loan, ~~[short-term]~~ ***high-interest*** loan or title loan are voidable by the other party to the contract; and

2. In addition to any other remedy or penalty, the other party to the contract may bring a civil action against the person pursuant to NRS 604A.930.

Sec. 26. NRS 604A.930 is hereby amended to read as follows:

604A.930 1. Subject to the affirmative defense set forth in subsection 3, in addition to any other remedy or penalty, if a person violates any provision of NRS 604A.400, 604A.410 to 604A.500, inclusive, 604A.610, 604A.615, 604A.650 or 604A.655 ***or section 6 of this act*** or any regulation adopted pursuant thereto, the customer may bring a civil action against the person for ***:*** ~~[any or all of the following relief:]~~

(a) Actual and consequential damages;

(b) Punitive damages, which are subject to the provisions of NRS 42.005;

(c) Reasonable attorney's fees and costs; and

(d) Any other legal or equitable relief that the court deems appropriate.

2. Subject to the affirmative defense set forth in subsection 3, in addition to any other remedy or penalty, the customer may bring a civil action against a person pursuant to subsection 1 to recover an additional amount, as statutory damages, which is equal to $1,000 for each violation if the person knowingly:

(a) Operates a check-cashing service, deferred deposit loan service, ~~[short-term]~~ ***high-interest*** loan service or title loan service without a license, in violation of NRS 604A.400;

(b) Fails to include in a loan agreement a disclosure of the right of the customer to rescind the loan, in violation of NRS 604A.410;

(c) Violates any provision of NRS 604A.420;

(d) Accepts collateral or security for a deferred deposit loan, in violation of NRS 604A.435, except that a check or written authorization for an electronic transfer of money shall not be deemed to be collateral or security for a deferred deposit loan;

(e) Uses or threatens to use the criminal process in this State or any other state to collect on a loan made to the customer, in violation of NRS 604A.440;

(f) Includes in any written agreement a promise by the customer to hold the person harmless, a confession of judgment by the customer or an assignment or order for the payment of wages or other compensation due the customer, in violation of NRS 604A.440;

(g) Violates any provision of NRS 604A.485; ~~[or]~~

(h) Violates any provision of NRS 604A.490 ~~[.]~~ ***; or***

(i) Violates any provision of section 6 of this act.

3. A person may not be held liable in any civil action brought pursuant to this section if the person proves, by a preponderance of evidence, that the violation:

(a) Was not intentional;

(b) Was technical in nature; and

(c) Resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

4. For the purposes of subsection 3, a bona fide error includes, without limitation, clerical errors, calculation errors, computer malfunction and programming errors and printing errors, except that an error of legal judgment with respect to the person's obligations under this chapter is not a bona fide error.

Sec. 27. NRS 99.050 is hereby amended to read as follows:

99.050 ~~[Parties]~~ ***Except as otherwise provided in section 670 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364, or any regulation adopted pursuant thereto, parties*** may agree for the payment of any rate of interest on money due or to become due on any contract, for the compounding of interest if they choose, and for any other charges or fees. The parties shall specify in writing the rate upon which they agree, that interest is to be compounded if so agreed, and any other charges or fees to which they have agreed.

Sec. 28. Chapter 675 of NRS is hereby amended by adding thereto a new section to read as follows:

The provisions of this chapter apply to any person who:

1. Makes installment loans that are not subject to regulation pursuant to chapter 604A of NRS;

2. Is an affiliate , subsidiary or holding company of a bank, national banking association, savings bank, trust company, savings and loan association, credit union, development corporation, mortgage broker, mortgage banker, thrift company or insurance company; or

3. Seeks to evade its application by any device, subterfuge or pretense, including, without limitation:

(a) Calling a loan by any other name;

(b) Using any agents, affiliates or subsidiaries in an attempt to avoid the application of the provisions of this chapter; or

(c) Having any affiliation or other business arrangement with an entity that is exempt from the provisions of this chapter pursuant to subsection 1 of NRS 675.040, the effect of which is to evade the provisions of this chapter, including, without limitation, making a loan while purporting to be the agent of such an exempt entity where the purported agent holds, acquires or maintains a material economic interest in the revenues generated by the loan.

Sec. 29. NRS 675.040 is hereby amended to read as follows:

675.040 This chapter does not apply to:

1. ~~[A]~~ ***Except as otherwise provided in section 28 of this act, a*** person doing business under the authority of any law of this State or of the United States relating to banks, ***national banking associations,*** savings banks, trust companies, savings and loan associations, credit unions, development corporations, mortgage brokers, mortgage bankers, thrift companies, pawnbrokers or insurance companies.

2. A real estate investment trust, as defined in 26 U.S.C. § 856.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his duties as an attorney at law if the loan is secured by real property.

5. A real estate broker rendering services in the performance of his duties as a real estate broker if the loan is secured by real property.

6. Except as otherwise provided in this subsection, any firm or corporation:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.

7. A person who provides money for investment in loans secured by a lien on real property, on his own account.

8. A seller of real property who offers credit secured by a mortgage of the property sold.

9. A person holding a nonrestricted state gaming license issued pursuant to the provisions of chapter 463 of NRS.

10. A person licensed to do business pursuant to chapter 604A of NRS with regard to those services regulated pursuant to chapter 604A of NRS.

Sec. 29.5. NRS 675.060 is hereby amended to read as follows:

675.060 1. No person may engage in the business of lending in this State without first having obtained a license from the Commissioner pursuant to this chapter for each office or other place of business at which the person engages in such business, except that if a person intends to engage in the business of lending in this State as a deferred deposit loan service, ~~[short-term]~~ ***high-interest*** loan service or title loan service, as those terms are defined in chapter 604A of NRS, the person must obtain a license from the Commissioner pursuant to chapter 604A of NRS before the person may engage in any such business.

2. For the purpose of this section, a person engages in the business of lending in this State if he:

(a) Solicits loans in this State or makes loans to persons in this State, unless these are isolated, incidental or occasional transactions; or

(b) Is located in this State and solicits loans outside of this State or makes loans to persons located outside of this State, unless these are isolated, incidental or occasional transactions.

Sec. 29.7. NRS 675.365 is hereby amended to read as follows:

675.365 In addition to the interest allowed pursuant to NRS 675.363, a licensee may, pursuant to the agreement for a loan for an indefinite term, receive from the borrower or add to the unpaid balance in that borrower's account:

1. Any fees imposed on the licensee pursuant to this chapter;

2. Any charge for insurance under NRS 675.300;

3. A charge not exceeding 25 cents for each transaction in which a loan or advance is made pursuant to the agreement or an annual fee for the use of an open-end account in an amount not to exceed $20;

4. If the interest calculated for any billing cycle pursuant to NRS 675.363 is less than 50 cents:

(a) For a billing cycle which is monthly or longer, a charge in an amount not exceeding 50 cents; or

(b) For a billing cycle less than monthly, a charge in an amount equal to that portion of 50 cents which bears the same relation to 50 cents as the number of days in the billing cycle bear to 365 divided by 12;

5. For any check written by the borrower to the licensee which is returned ~~[for]~~ ***, or any electronic transfer of money that fails, because of*** insufficient funds, a charge of $10 or in an amount equal to the charges imposed on the licensee because of his reliance on that check ~~[,]~~ ***or electronic transfer of money,*** whichever amount is greater; and

6. Any charge assessed the licensee by a third party for the printing and distribution of any checks, drafts or other instruments to be used by the borrower in obtaining advances pursuant to the agreement.

Sec. 30. NRS 604A.095 and 604A.100 are hereby repealed.

Sec. 31. Any license to operate a short-term loan service that was issued by the Commissioner of Financial Institutions pursuant to chapter 604A of NRS before ~~[July]~~ **October** 1, 2007, shall be deemed to be a license to operate a high-interest loan service which was issued by the Commissioner pursuant to the provisions of chapter 604A of NRS and which expires on the date on which the license to operate a short-term loan service would have expired pursuant to the provisions of NRS 604A.640.

Sec. 32. 1. A license to engage in the business of lending in this State which was issued by the Commissioner of Financial Institutions pursuant to chapter 675 of NRS before ~~[July]~~ **October** 1, 2007, to a person who, pursuant to the provisions of this act, is subject to regulation only pursuant to chapter 604A of NRS, shall be deemed to be a license issued by the Commissioner pursuant to chapter 604A of NRS. Such a license expires on December 31, 2007, and may be renewed on or before its expiration in accordance with NRS 604A.640. Upon the renewal of such a license, the Commissioner shall issue to the holder of the license a license pursuant to chapter 604A of NRS in lieu of the license issued pursuant to chapter 675 of NRS.

2. Any person who is licensed pursuant to chapter 675 of NRS to engage in the business of lending in this State on ~~[June]~~ **September** 30, 2007, may continue to operate in the same location upon becoming licensed pursuant to chapter 604A of NRS, notwithstanding any ordinance or other zoning regulation to the contrary. This subsection does not exempt such a person from any provision of chapter 604A of NRS or any regulation adopted pursuant thereto.

Sec. 33. The amendatory provisions of this act do not apply to loans entered into before ~~[July]~~ **October** 1, 2007.

Sec. 34. This act becomes effective on ~~[July]~~ **October** 1, 2007.

TEXT OF REPEALED SECTIONS

604A.095 "Short-term loan" defined.

1. "Short-term loan" means a loan made to a customer pursuant to a loan agreement which, under its original terms:

(a) Charges an annual percentage rate of more than 40 percent; and

(b) Requires the loan to be paid in full in less than 1 year.

2. The term does not include:

(a) A deferred deposit loan;

(b) A title loan; or

(c) A refund anticipation loan.

604A.100 "Short-term loan service" defined. "Short-term loan service" means any person engaged in the business of providing short-term loans for a fee, service charge or other consideration.

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 478.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 304.

The following Senate amendment was read:

Amendment No. 911.

AN ACT relating to manufactured home parks; revising the provisions relating to the review of rental agreements and other residency documents; revising the provisions relating to certain repairs to a manufactured home; making changes pertaining to rules and regulations of a manufactured home park; revising the provisions relating to meetings between a landlord and tenants under certain circumstances; requiring a landlord to pay certain costs associated with the conversion of a manufactured home park; ~~[prohibiting local governing bodies from restricting the installation of certain manufactured homes;]~~ **increasing the amount of the limitation on the lien of a landlord;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions relating to rental agreements and other residency documents. (NRS 118B.040) Section 1 of this bill removes the requirement that a landlord must allow a tenant to review such documents for 72 hours during which time a landlord is not prevented from accepting another tenant for the same residency. Instead, section 1 requires a landlord to give a prospective tenant a copy of the rental agreement, a copy of the rules and regulations of the manufactured home park, any existing notices of the sale, closure or conversion of the manufactured home park and any other residency documents before requiring or accepting any application fee.

Existing law sets forth requirements relating to the repair of a manufactured home and prohibits a landlord from allowing a third party to make such repairs under certain circumstances. (NRS 118B.097) Section 2 of this bill replaces a prohibition on allowing a third party to make repairs that affect life, health or safety with a list of specific repairs that a landlord may not allow a third party to make. Section 2 also prohibits landlords from employing certain persons to make such repairs. **Further, section 2 requires the Administrator of the Manufactured Housing Division of the Department of Business and Industry to adopt regulations to specify the repairs that a person without an applicable license may make to a manufactured home.**

Section 3 of this bill revises the provisions relating to a landlord's adoption of rules and regulations concerning a manufactured home park and provides

that a properly adopted or amended rule or regulation supersedes any inconsistent prior rule or regulation. (NRS 118B.100) Section 3 also requires a landlord to provide a copy of such rules and regulations to a tenant at the time the tenant enters into a rental agreement.

Existing law establishes provisions relating to meetings between a landlord and representative groups of tenants to hear complaints and suggestions regarding a manufactured home park. (NRS 118B.110) Section 4 of this bill provides for a natural person designated by the owner to meet with tenants for such purposes. Section 4 also prohibits a manager from meeting with tenants for such purposes unless the manager, the landlord and the owner are all the same natural person.

Existing law requires a landlord to pay to a tenant the fair market value of a manufactured home under certain circumstances during the conversion of a manufactured home park. (NRS 118B.183) Section 5 of this bill requires a landlord to pay costs associated with determining the market value of such manufactured homes and the reasonable cost of removing and disposing of such homes.

~~[Existing law allows local governing bodies to adopt certain ordinances and regulations relating to manufactured homes. (NRS 278.0209, 278.02095, 489.288) Sections 7-9 of this bill prohibit local governing bodies from restricting the installation of manufactured homes based on their date of manufacture.]~~

Section 6.5 of this bill increases the limitation on the amount of a lien that a landlord may hold for the total amount due and unpaid for rentals and utilities from $2,000 to $5,000.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 118B.040 is hereby amended to read as follows:

118B.040 1. ~~[An approved applicant for residency may request 72 hours to review the proposed rental agreement or lease, the rules and regulations of the manufactured home park and other residency documents. Upon receiving such a request, the landlord shall allow the approved applicant to review the documents for 72 hours. This review period does not, however, prevent the landlord from accepting another tenant for the space or residency while the 72 hours is pending.]~~ ***Before requiring or accepting payment of any application fee, a landlord shall give to a prospective tenant who may rent or lease a manufactured home lot:***

(a) A copy of the rental agreement or lease;

(b) A copy of the rules and regulations governing the manufactured home park;

(c) Any notices of the sale, closure or conversion of the manufactured home park that must be provided to tenants pursuant to the provisions of this chapter; and

(d) Any other residency documents.

2. A rental agreement or lease between a landlord and tenant to rent or lease any manufactured home lot must be in writing. ~~[The landlord shall give the tenant a copy of the agreement or lease at the time the tenant signs it.]~~

3. A rental agreement or lease must contain, but is not limited to, provisions relating to:

(a) The duration of the agreement.

(b) The amount of rent, the manner and time of its payment and the amount of any charges for late payment and dishonored checks.

(c) Restrictions on occupancy by children or pets.

(d) Services and utilities included with the rental of a lot and the responsibility of maintaining or paying for them, including the charge, if any, for cleaning the lots.

(e) Deposits which may be required and the conditions for their refund.

(f) Maintenance which the tenant is required to perform and any appurtenances he is required to provide.

(g) The name and address of the owner of the manufactured home park and his authorized agent.

(h) Any restrictions on subletting.

(i) Any recreational facilities and other amenities provided to the tenant and any deposits or fees required for their use.

(j) Any restriction of the park to older persons pursuant to federal law.

(k) The dimensions of the manufactured home lot of the tenant.

(l) A summary of the provisions of NRS 202.470.

(m) Information regarding the procedure pursuant to which a tenant may report to the appropriate authorities:

(1) A nuisance.

(2) A violation of a building, safety or health code or regulation.

(n) Information regarding the right of the tenant to engage in the display of the flag of the United States, as set forth in NRS 118B.143.

(o) The amount to be charged each month to the tenant to reimburse the landlord for the cost of a capital improvement to the manufactured home park. Such an amount must be stated separately and include the length of time the charge will be collected and the total amount to be recovered by the landlord from all tenants in the manufactured home park.

Sec. 2. NRS 118B.097 is hereby amended to read as follows:

118B.097 ***1.*** If a repair to a manufactured home may affect ~~[life, health or safety]~~ ***the structural, electrical, plumbing, drainage, roofing, mechanical or solid fuel burning systems of the home, or requires a permit before the repair may be made,*** ~~[and]~~ the repair may be performed legally only by a person who is qualified by licensure ~~[or certification]~~ to perform such a repair ~~[:]~~ ***, and:***

~~[1.]~~ ***(a)*** A person shall not perform the repair unless he has such qualifications; and

~~[2.]~~ ***(b)*** A tenant or a landlord, or his agent or employee, shall not ~~[allow]~~ ***employ*** a third party to perform the repair if he knows or, in light of all the

surrounding facts and circumstances, reasonably should know that the third party does not have such qualifications.

2. The Administrator shall adopt regulations to specify the repairs that a person without an applicable license may make to a manufactured home in accordance with the provisions of this section and chapter 489 of NRS.

Sec. 3. NRS 118B.100 is hereby amended to read as follows:

118B.100 1. The landlord may adopt rules or regulations concerning the tenant's use and occupancy of the manufactured home lot and the grounds, areas and facilities of the manufactured home park held out for the use of tenants generally.

2. All such rules or regulations must be:

(a) Reasonably related to the purpose for which they are adopted;

(b) Sufficiently explicit in their prohibition, direction or limitation to inform the tenant of what he must do or not do for compliance;

(c) Adopted in good faith and not for the purpose of evading any obligation of the landlord arising under the law;

(d) Consistent with the provisions of this chapter and a general plan of operation, construction or improvement, and must not arbitrarily restrict conduct or require any capital improvement by the tenant which is not specified in the rental agreement or unreasonably require a change in any capital improvement made by the tenant and previously approved by the landlord unless the landlord can show that it is in the best interest of the other tenants; and

(e) Uniformly enforced against all tenants in the park, including the managers. Any rule or regulation which is not so uniformly enforced may not be enforced against any tenant.

3. No rule or regulation may be used to impose any additional charge for occupancy of a manufactured home lot or modify the terms of a rental agreement.

4. Except as otherwise provided in subsection 5, a rule or regulation is enforceable against the tenant only if he has notice of it at the time he enters into the rental agreement. A rule or regulation adopted or amended after the tenant enters into the rental agreement is not enforceable unless the tenant consents to it in writing or is given 60 days' notice of it in writing. The landlord may not adopt or amend a rule or regulation of the park unless a meeting of the tenants is held to discuss the proposal and the landlord provides each tenant with notice of the proposal and the date, time and place of the meeting not less than 60 days before the meeting. The notice must include a copy of the proposed adoption or amendment of the rule or regulation. A notice in a periodic publication of the park does not constitute notice for the purposes of this subsection.

5. A rule or regulation pertaining to recreational facilities in the manufactured home park must be in writing to be enforceable.

6. ***A rule or regulation adopted or amended in compliance with the provisions of this section supersedes any previously existing rule or***

regulation that conflicts with the adopted or amended rule or regulation. Only one version of any rules and regulations or any architectural standards may be in effect at any given time.

7. The landlord shall provide the tenant with a copy of the existing rules and regulations at the time the tenant enters into the rental agreement.

8. As used in this section, "capital improvement" means an addition or betterment made to a manufactured home located on a lot in a manufactured home park which is leased by the landlord that:

(a) Consists of more than the repair or replacement of an existing facility;

(b) Is required by federal law to be amortized over its useful life for the purposes of income tax; and

(c) Has a useful life of 5 years or more.

Sec. 4. NRS 118B.110 is hereby amended to read as follows:

118B.110 1. The landlord ***or a person designated pursuant to subsection 3*** shall meet with a representative group of tenants occupying the park, chosen by the tenants, to hear any complaints or suggestions which concern a matter relevant to the park within 45 days after he receives a written request to do so which has been signed by persons occupying at least 25 percent of the lots in the park. The 25 percent must be calculated on the basis of one signature per occupied lot. The meeting must be held at a time and place which is convenient to the landlord ***or person designated pursuant to subsection 3*** and ***to*** the tenants. The representative group of tenants must consist of no more than five persons.

2. At least 10 days before any meeting is held pursuant to this section, the landlord or his agent shall post a notice of the meeting in a conspicuous place in a common area of the park.

3. ~~[If]~~ ***Except as otherwise provided in subsection 4, if*** the landlord is ~~[a:~~

~~(a) Sole proprietorship, the owner or an authorized agent or representative designated by the owner who has working knowledge of the operations of the park and authority to make decisions shall meet with the tenants.~~

~~(b) Partnership, a partner who has working knowledge of the operations of the park and authority to make decisions shall meet with the tenants.~~

~~(c) Corporation, an officer designated by the corporation]~~ ***not a natural person, the owner may designate an authorized agent or representative*** who has working knowledge of the operations of the park and ***who has*** authority to make decisions ~~[shall meet with the tenants.]~~ ***concerning matters relevant to the park to meet with the tenants pursuant to this subsection.***

4. ***A manager may not meet with the tenants pursuant to this section unless the manager, the landlord and the owner are all the same natural person.***

5. If an attorney for the landlord attends a meeting held pursuant to this section, the landlord shall not prohibit the group of tenants from being represented by an attorney at that meeting.

~~[5.]~~ ***6.*** If the landlord of a manufactured home park is a cooperative association or a corporation for public benefit, the landlord shall provide a notice of the meeting to the Administrator and the Administrator or his representative shall attend the meeting.

~~[6.]~~ ***7.*** As used in this section:

(a) "Cooperative association" means an association formed pursuant to the provisions of NRS 81.170 to 81.270, inclusive.

(b) "Corporation for public benefit" has the meaning ascribed to it in NRS 82.021.

Sec. 5. NRS 118B.183 is hereby amended to read as follows:

118B.183 1. A landlord may convert an existing manufactured home park to any other use of the land if the change is approved by the appropriate local zoning board, planning commission or governing body. In addition to any other reasons, a landlord may apply for such approval if the landlord is forced to close the manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park for health or safety reasons.

2. The landlord may undertake a conversion pursuant to this section only if:

(a) The landlord gives notice in writing to each tenant within 5 days after he files his application for the change in land use with the local zoning board, planning commission or governing body;

(b) The landlord pays the amount described in subsection 3 or 4, in accordance with the choice of the tenant; and

(c) After the landlord is granted final approval of the change by the appropriate local zoning board, planning commission or governing body, written notice is served on each tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before he is required to move his manufactured home from the lot.

3. If the tenant chooses to move the manufactured home, the landlord shall pay to the tenant:

(a) The cost of moving the tenant's manufactured home and its appurtenances to a new location within 50 miles from the manufactured home park; or

(b) If the new location is more than 50 miles from the manufactured home park, the cost of moving the manufactured home for the first 50 miles,

➥ including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his manufactured home and its appurtenances in the new lot or park.

4. If the tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged, or there is no manufactured home park within 50 miles that is willing to accept the manufactured home, the landlord:

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home less the reasonable cost of removing and disposing of the manufactured home.

5. A landlord shall not increase the rent of any tenant:

(a) For 180 days before filing an application for a change in land use, permit or variance affecting the manufactured home park; or

(b) At any time after filing an application for a change in land use, permit or variance affecting the manufactured home park unless:

(1) The landlord withdraws the application or the appropriate local zoning board, planning commission or governing body denies the application; and

(2) The landlord continues to operate the manufactured home park after the withdrawal or denial.

6. For the purposes of this section, the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home must be determined by:

(a) A dealer licensed pursuant to chapter 489 of NRS who is agreed upon by the landlord and tenant; or

(b) If the landlord and tenant cannot agree pursuant to paragraph (a), a dealer licensed pursuant to chapter 489 of NRS who is selected for this purpose by the Division.

7. ***The landlord shall pay the costs associated with determining the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home pursuant to subsection 6.***

8. The provisions of this section do not apply to a corporate cooperative park.

Sec. 6. (Deleted by amendment.)

Sec. 6.5. **NRS 108.290 is hereby amended to read as follows:**

108.290 1. If property that is the subject of a lien which is acquired as provided in NRS 108.270 to 108.360, inclusive, is the subject of a secured transaction in accordance with the laws of this State, the lien:

(a) In the case of a lien acquired pursuant to NRS 108.315, is a first lien.

(b) In the case of a lien on a motor vehicle for charges for towing, storing and any related administrative fees:

(1) For the first 30 days of the lien:

(I) If the amount of the lien does not exceed $1,000, is a first lien.

(II) If the amount of the lien exceeds $1,000, is a second lien.

(2) After the first 30 days of the lien:

(I) If the amount of the lien does not exceed $2,500, is a first lien.

(II) If the amount of the lien exceeds $2,500, is a second lien.

(c) In all other cases, if the amount of the lien:

(1) Does not exceed $1,000, is a first lien.

(2) Exceeds $1,000, is a second lien.

2. The lien of a landlord may not exceed ~~[$2,000]~~ ***$5,000*** or the total amount due and unpaid for rentals and utilities, whichever is the lesser.

Sec. 7. ~~[NRS 278.0209 is hereby amended to read as follows:~~

~~278.0209 1. In any ordinance relating to the zoning of land adopted or amended by a governing body, the definition of "single-family residence" must include factory-built housing that has been built in compliance with the standards for single-family residential dwellings of the Uniform Building Code most recently adopted by the International Conference of Building Officials.~~

~~2. An ordinance of the governing body may require factory-built housing to comply with standards for safety which exceed the standards prescribed in subsection 1 if a single family residential dwelling on the same lot is also required to comply with those standards.~~

~~3. The governing body shall adopt the same standards for development for the factory-built housing and the lot on which it is placed as those to which a conventional single-family residential dwelling on the same lot would be subject, including, but not limited to:~~

~~(a) Requirements for the setback of buildings.~~

~~(b) Side and rear-yard requirements.~~

~~(c) Standards for enclosures, access and the parking of vehicles.~~

~~(d) Aesthetic requirements.~~

~~(e) Requirements for minimum square footage.~~

~~(f) Requirements for design, style and structure.~~

~~4. The governing body may prohibit the installation of factory built housing in a specified area if [:~~

~~(a) More than 5 years have elapsed between the date of manufacture of factory built housing and the date of the application for the issuance of a permit to install factory built housing in the affected area; or~~

~~(b) The]~~ ~~*the* area contains a building, structure or other object having a special character or special historical interest or value.~~

~~5. As used in this section, "factory-built housing" has the meaning ascribed to it in NRS 461.080.~~

~~6. The provisions of this section do not abrogate a recorded restrictive covenant.]~~ **(Deleted by amendment.)**

Sec. 8. ~~[NRS 278.02095 is hereby amended to read as follows:~~

~~278.02095 1. Except as otherwise provided in this section, in an ordinance relating to the zoning of land adopted or amended by a governing body, the definition of "single-family residence" must include a manufactured home.~~

~~2. Notwithstanding the provisions of subsection 1, a governing body shall adopt standards for the placement of a manufactured home that will not be affixed to a lot within a mobile home park which require that:~~

~~(a) The manufactured home:~~

~~(1) Be permanently affixed to a residential lot;~~

~~(2)~~ ~~[Be manufactured within the 5 years immediately preceding the date on which it is affixed to the residential lot;~~

~~(3)] Have exterior siding and roofing which is similar in color, material and appearance to the exterior siding and roofing primarily used on other single-family residential dwellings in the immediate vicinity of the manufactured home, as established by the governing body;~~

~~[(4)] *(3)* Consist of more than one section; and~~

~~[(5)] *(4)* Consist of at least 1,200 square feet of living area unless the governing body, by administrative variance or other expedited procedure established by the governing body, approves a lesser amount of square footage based on the size or configuration of the lot or the square footage of single family residential dwellings in the immediate vicinity of the manufactured home; and~~

~~(b) If the manufactured home has an elevated foundation, the foundation is masked architecturally in a manner determined by the governing body.~~

~~4. The governing body of a local government in a county whose population is less than 40,000 may adopt standards that are less restrictive than the standards set forth in this subsection.~~

~~3. Standards adopted by a governing body pursuant to subsection 2 must be objective and documented clearly and must not be adopted to discourage or impede the construction or provision of affordable housing, including, without limitation, the use of manufactured homes for affordable housing.~~

~~4. Before a building department issues a permit to place a manufactured home on a lot pursuant to this section, other than a new manufactured home, the owner must surrender the certificate of ownership to the Manufactured Housing Division of the Department of Business and Industry. The Division shall provide proof of such a surrender to the owner who must submit that proof to the building department.~~

~~5. The provisions of this section do not abrogate a recorded restrictive covenant prohibiting manufactured homes nor do the provisions apply within the boundaries of a historic district established pursuant to NRS 384.005 or 384.100. An application to place a manufactured home on a residential lot pursuant to this section constitutes an attestation by the owner of the lot that the placement complies with all covenants, conditions and restrictions placed on the lot and that the lot is not located within a historic district.~~

~~6. As used in this section:~~

~~(a) "Manufactured home" has the meaning ascribed to it in NRS 489.113.~~

~~(b) "New manufactured home" has the meaning ascribed to it in NRS 489.125.]~~ **(Deleted by amendment.)**

Sec. 9. ~~[NRS 489.288 is hereby amended to read as follows:~~

~~489.288 Except as otherwise provided in NRS 278.02095:~~

~~1. A local governing body may adopt ordinances and regulations which, except for ordinances and regulations regarding any prerequisites to the classification of a manufactured home or mobile home as real property pursuant to NRS 361.244, are no more stringent than the provisions of this chapter, the regulations adopted pursuant to this chapter and applicable federal statutes and regulations. Compliance with an ordinance or regulation~~

~~of a local governing body does not excuse any person from compliance with this chapter and the regulations adopted pursuant to this chapter.~~

~~2. A local governing body shall not prohibit the installation of a manufactured home based on its date of manufacture if the manufactured home otherwise complies with the provisions of this chapter and the regulations adopted pursuant to this chapter governing health and safety.~~

~~3. The provisions of this chapter and the regulations adopted pursuant to this chapter supersede and preempt any ordinance or regulation of a local governing body that is more stringent than those provisions, except for an ordinance or regulation regarding any prerequisites to the classification of a manufactured home or mobile home as real property pursuant to NRS 361.244.]~~ **(Deleted by amendment.)**

Sec. 10. (Deleted by amendment.)

Sec. 11. **The amendatory provisions of section 6.5 of this act do not apply to a lien that attaches before October 1, 2007.**

Assemblyman Oceguera moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 304.

Remarks by Assemblyman Oceguera.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 352.

The following Senate amendment was read:

Amendment No. 947.

SUMMARY— ~~[Prohibits]~~ **Revises provisions governing** the issuance of certain work cards ~~[to persons who have been convicted of certain crimes.]~~ **for employment at certain kinds of dwelling units.** (BDR 10-708)

AN ACT relating to work cards; **making the issuance of a temporary work card for employment at certain kinds of dwelling units discretionary rather than mandatory;** prohibiting the issuance of work cards for **such** employment ~~[at certain kinds of dwelling units]~~ to persons who have been convicted of certain crimes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a landlord of dwelling units intended and operated exclusively for persons 55 years of age and older is prohibited from employing persons to perform certain work on the premises unless the person has obtained a work card from the county sheriff. (NRS 118A.335) This bill **: (1) makes the issuance of a temporary work card to an applicant who is being investigated discretionary rather than mandatory; and (2)** prohibits the sheriff from issuing ~~[such]~~ a work card to a person who has been convicted of certain crimes, including a category A, B or C felony or a similar crime in another state, a sexual offense, certain crimes against the elderly or other vulnerable persons, certain batteries, certain thefts or certain violations of state or federal drug laws. This bill further provides that a

person who is denied a work card who believes the information provided to the sheriff by the Central Repository for Nevada Records of Criminal History is incorrect must be given an opportunity to correct the information.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 118A.335 is hereby amended to read as follows:

118A.335 1. Except as otherwise provided in subsection ~~[4,]~~ ***5,*** a landlord of dwelling units intended and operated exclusively for persons 55 years of age and older may not employ any person who will work 36 hours or more per week and who will have access to all dwelling units to perform work on the premises unless the person has obtained a work card issued pursuant to subsection 2 by the sheriff of the county in which the dwelling units are located and renewed that work card as necessary.

2. The sheriff of a county shall issue a work card to each person who is required by this section to obtain a work card and who complies with the requirements established by the sheriff for the issuance of such a card. A work card issued pursuant to this section must be renewed:

(a) Every 5 years; and

(b) Whenever the person changes his employment to perform work for an employer other than the employer for which his current work card was issued.

3. If the sheriff of a county requires an applicant for a work card to be investigated:

(a) The applicant must submit with his application a complete set of his fingerprints and written permission authorizing the sheriff to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(b) The sheriff ~~[may]~~ ***shall*** submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of the applicant.

(c) The sheriff ~~[shall]~~ ***may*** issue a temporary work card pending the determination of the criminal history of the applicant by the Federal Bureau of Investigation.

4. ***The sheriff shall not issue a work card to any person who:***

(a) Has been convicted of a category A, B or C felony or of a crime in another state which would be a category A, B or C felony if committed in this State;

(b) Has been convicted of a sexual offense;

(c) Has been convicted of a crime against any person who is 60 years of age or older or against a vulnerable person for which an additional term of imprisonment may be imposed pursuant to NRS 193.167 or the laws of any other jurisdiction;

(d) Has been convicted of a battery punishable as a gross misdemeanor; or

(e) Within the immediately preceding 5 years:

(1) Has been convicted of a theft; or

(2) Has been convicted of a violation of any state or federal law regulating the possession, distribution or use of a controlled substance.

5. The following persons are not required to obtain a work card pursuant to this section:

(a) A person who holds a permit to engage in property management pursuant to chapter 645 of NRS.

(b) An independent contractor. As used in this paragraph, "independent contractor" means a person who performs services for a fixed price according to his own methods and without subjection to the supervision or control of the landlord, except as to the results of the work, and not as to the means by which the services are accomplished.

(c) An offender in the course and scope of his employment in a work program directed by the warden, sheriff, administrator or other person responsible for administering a prison, jail or other detention facility.

(d) A person performing work through a court-assigned restitution or community-service program.

6. If the sheriff does not issue a work card to a person because the information received from the Central Repository for Nevada Records of Criminal History indicates that the person has been convicted of a crime listed in subsection 4 and the person believes that the information provided by the Central Repository is incorrect, the person may immediately inform the sheriff. If the sheriff is so informed, he shall give the person at least 30 days in which to correct the information before terminating the temporary work card issued pursuant to subsection 3.

7. As used in this section, unless the context otherwise requires:

(a) "Sexual offense" has the meaning ascribed to it in NRS 179D.410.

(b) "Vulnerable person" has the meaning ascribed to it in NRS 200.5092.

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 352.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 375.

The following Senate amendment was read:

Amendment No. 896.

AN ACT relating to loans; **creating various education and examination requirements related to an initial license as a mortgage broker or mortgage agent; requiring the designation of a qualified employee for certain mortgage brokers; creating certain requirements related to**

continuing education and mortgage lending; creating certain requirements for fees associated with loans secured by liens on real property; providing for certain requirements related to mortgage brokers and broker-dealers, sales representatives, investment advisers and representatives of investment advisers; revising the possible range of certain fees related to a license as a mortgage broker; revising the apportionment of certain extra hours of continuing education earned by a mortgage broker; requiring the Commissioner of Mortgage Lending to adopt certain regulations concerning investors and limitations on loans to directors, officers and employees; **providing for biennial examinations of certain mortgage brokers under various circumstances; revising the deadline for certain financial statements by a mortgage broker; creating requirements for new financial statements related to certain accounts of a mortgage broker; revising certain advertising requirements of a mortgage broker;** prohibiting a mortgage broker from assigning all or part of his interest in a loan that is secured by a lien on real property under certain circumstances; **revising certain provisions related to persons not subject to chapter 645E of NRS; revising certain provisions related to persons exempt from chapter 645E of NRS;** ~~[requiring a mortgage banker to ensure that each loan secured by a lien on real property includes a reasonable fee for servicing the loan and that the fee is deposited in a trust account;]~~ **revising the possible range of fees for a license as a mortgage banker; revising provisions related to financial statements of a mortgage banker; revising provisions related to foreign corporations and what constitutes doing business in this State; requiring certain present and future mortgage broker and mortgage agent licensees to meet certain requirements;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law regulates the activities of various mortgage lenders, including the activities of mortgage brokers and mortgage bankers. (Chapters 645B and 645E of NRS) Existing law further provides that, subject to administrative supervision by the Director of the Department of Business and Industry, the Commissioner of Mortgage Lending is required to administer the provisions of law governing the licensing and regulation of mortgage brokers and mortgage bankers. (NRS 645B.060, 645E.300, 645F.250)

Section 1.4 of this bill revises the requirements for an initial license as a mortgage broker or mortgage agent regarding education on mortgage lending and applicable examinations.

Section 1.6 of this bill requires that a qualified employee be designated by a mortgage broker who is not a natural person.

Section 1.8 of this bill revises provisions concerning the requirements that a course of continuing education must meet, including, without limitation, requirements relating to providers and instructors, records, approval and revocation of approval of courses, monitoring, disciplinary

action, and participation by representatives of the mortgage lending industry in the creation of the requirements.

~~[Sections 2 and 9]~~ **Section 2** of this bill ~~[: (1) require]~~ **requires** a mortgage broker ~~[and a mortgage banker, respectively,]~~ to ensure that each loan secured by a lien on real property for which the mortgage broker ~~[or mortgage banker]~~ engages in activity as a mortgage broker ~~[or mortgage banker]~~ includes a reasonable fee for servicing the loan **.** ~~[; and (2) require the establishment and maintenance of a trust account for the deposit of the fee for servicing a loan.]~~

Section 3 of this bill prohibits a mortgage broker who is licensed or exempt from licensing as a broker-dealer, sales representative, investment adviser or representative of an investment adviser under the laws of this State from commingling money received from mortgage transactions with money received from securities transactions.

Existing law describes various fees related to a license as a mortgage broker. (NRS 645B.050) Section 4.4 of this bill revises the range of fees that may be charged for a license as a mortgage broker.

Existing law describes various continuing education requirements for a mortgage broker. (NRS 645B.051) Section 4.8 of this bill revises how various extra hours of continuing education that are earned by a mortgage broker may be apportioned by the Commissioner.

Existing law defines an "investor" for purposes of chapter 645B of NRS to mean a person who wishes to acquire or who acquires ownership of or a beneficial interest in a loan that is secured by a lien on real property. (NRS 645B.0121) Section 5 of this bill requires the Commissioner to establish, by regulation, the financial conditions for an investor to acquire that ownership or beneficial interest in the loan.

Existing law authorizes the Commissioner of Financial Institutions to establish limitations on loans made by a bank to its directors, officers or employees. (NRS 662.145) ~~[Sections]~~ **Section** 5 ~~[and 11]~~ of this bill ~~[require]~~ **requires** the Commissioner of Mortgage Lending to establish similar limitations on loans made by mortgage brokers ~~[and mortgage bankers]~~ to directors, officers or employees of the mortgage broker **.** ~~[or mortgage banker.]~~

(NRS 645B.060)

Existing law provides for annual examinations of mortgage brokers. (NRS 645B.060) Section 5 of this bill provides for biennial examinations of a mortgage broker, rather than annual examinations, in certain circumstances.

Existing law provides for a mortgage broker to submit a financial statement to the Commissioner at the end of each fiscal year.

(NRS 645B.085) Section 5.3 of this bill changes the deadline for this financial statement.

Existing law provides for requirements related to accounts for certain money received in relation to various loans secured by liens on real

property. (NRS 645B.175) Section 5.6 of this bill requires the submission every 6 months of a new financial statement for such accounts.

Existing law provides for certain advertising requirements for mortgage brokers. (NRS 645B.189) Section 5.9 of this bill revises those requirements to require only those mortgage brokers who have received an initial license in the last 12 months to submit advertisements for the Commissioner's approval.

Existing law prohibits a mortgage broker from assigning his interest in a loan that is secured by a lien on real property unless the mortgage broker obtains title insurance for the property and records the assignment in the county recorder's office of the county in which the property is located. (NRS 645B.310) Section 6 of this bill requires the mortgage broker also to obtain the approval of each investor in the loan if, at the time of the assignment, the debtor on the loan is in default on his loan payments.

Existing law provides for persons who are not subject to chapter 645E of NRS. Section 10 of this bill clarifies which subsidiaries or holding companies are not subject to that chapter.

Existing law provides for the requirements that a person must meet to claim an exemption from the provisions of chapter 645E of NRS. (NRS 645E.160) Section 10.4 of this bill revises the requirements in regards to those who hold certain licenses and in regards to federal law.

Existing law provides for various fees related to a license as a mortgage banker. (NRS 645E.280) Section 10.8 of this bill revises the range of fees that may be charged for a license as a mortgage banker.

Existing law authorizes the Commissioner of Financial Institutions to establish limitations on loans made by a bank to its directors, officers or employees. (NRS 662.145) Section 11 of this bill requires the Commissioner of Mortgage Lending to establish similar limitations on loans made by mortgage bankers to directors, officers or employees of the mortgage banker. (NRS 645E.300)

Existing law provides for a mortgage banker to submit a financial statement to the Commissioner at the end of each fiscal year. (NRS 645E.360) Section 11.5 of this bill changes the deadline for this financial statement.

Existing law provides for the regulation of foreign corporations. (Chapter 80 of NRS) Section 12.4 of this bill revises the definition of what constitutes doing business in this State relating to foreign corporations and regarding the activities of a mortgage broker or a mortgage banker or arranging a mortgage loan that is not secured by commercial property.

Section 12.8 of this bill requires certain present and future holders of a license as a mortgage agent or mortgage broker or a designation as a qualified employee to meet various requirements contained in this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 645B of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2 and]~~ **1.4 to** 3 **, inclusive,** of this act.

Sec. 1.4. 1. In addition to any other requirements provided by this chapter, a person who wishes to receive an initial license as a mortgage broker or mortgage agent must:

(a) Complete education on mortgage lending as required by this chapter; or

(b) Successfully pass a written examination as determined by the Division.

2. If the applicant for an initial license as a mortgage broker is not a natural person, the applicant must designate a natural person to be the qualified employee of the applicant and meet the requirements of subsection 1.

3. The Division:

(a) May hire a testing organization to create, administer and score a written examination; and

(b) May create waivers for a written examination.

4. The Commissioner may adopt regulations to carry out the provisions of this section, including, without limitation, regulations relating to the content of a written examination, the scoring of a written examination or any possible waivers of a written examination.

Sec. 1.6. 1. If a mortgage broker is not a natural person, the mortgage broker must designate a natural person as a qualified employee to act on behalf of the mortgage broker.

2. The Division shall adopt regulations regarding a qualified employee, including, without limitation, regulations that establish:

(a) A definition for the term "qualified employee";

(b) Any duties of a qualified employee; and

(c) Any requirements regarding a qualified employee.

Sec. 1.8. 1. A course of continuing education that is required pursuant to chapter 645B of NRS must meet the requirements set forth by the Commissioner by regulation.

2. The Commissioner shall adopt regulations:

(a) Relating to the requirements for courses of continuing education, including, without limitation, regulations relating to the providers and instructors of such courses, records kept for such courses, approval and revocation of approval of such courses, monitoring of such courses and disciplinary action taken regarding such courses.

(b) Allowing for the participation of representatives of the mortgage lending industry pertaining to the creation of regulations regarding such courses.

Sec. 2. ~~*[1.]*~~ ***A mortgage broker shall ensure that*** ~~*[:*~~

~~*(a) Each]*~~ ***each*** ***loan secured by a lien on real property for which he engages in activity as a mortgage broker includes a fee for servicing the loan which must be specified in the loan. The fee must be in an amount reasonably necessary to pay the cost of servicing the loan.***

~~*[(b) All money paid to the mortgage broker and his mortgage agents for servicing such a loan must be deposited in an insured depository financial institution and kept separate, distinct and apart from money belonging to the mortgage broker. Such money, when deposited, is to be deposited under an appropriate name indicating that the accounts are not the money of the mortgage broker.*~~

~~*2. A mortgage broker has a fiduciary duty to each debtor with respect to the money in a trust account maintained pursuant to subsection 1.*~~

~~*3. A mortgage broker shall, upon reasonable notice, account to any debtor whose real property secures a loan arranged by the mortgage broker for any money which that person has paid to the mortgage broker for the cost of servicing a loan.*~~

~~*4. A mortgage broker shall submit to the Commissioner each calendar quarter a financial statement concerning the trust accounts established and maintained pursuant to subsection 1.*~~

~~*5. A mortgage broker shall annually review a trust account and, within 30 days after the completion of the annual review, notify the debtor:*~~

~~*(a) Of the amount by which the contributions exceed the amount reasonably necessary to pay the annual cost of servicing the loan; and*~~

~~*(b) That the debtor may specify the disposition of the excess money within 20 days after receipt of the notice. If the debtor fails to specify such a disposition within that time, the mortgage broker shall maintain the excess money in the trust account.]*~~

Sec. 3. ***1. A mortgage broker who is a broker-dealer or a sales representative licensed pursuant to NRS 90.310 or who is exempt from licensure pursuant to NRS 90.320:***

(a) Shall not commingle money received for mortgage transactions and money received for securities transactions; and

(b) Shall ensure that all money received for mortgage transactions is accounted for separately from all money received for securities transactions.

2. A mortgage broker who is an investment ~~*[adviser]*~~ ***adviser or a representative of an investment*** ~~*[adviser]*~~ ***adviser licensed pursuant to NRS 90.330 or exempt from licensure pursuant to NRS 90.340:***

(a) Shall not commingle money received for mortgage transactions and money received for securities transactions; and

(b) Shall ensure that all money received for mortgage transactions is accounted for separately from all money received for securities transactions.

Sec. 4. (Deleted by amendment.)

Sec. 4.4. **NRS 645B.050 is hereby amended to read as follows:**

645B.050 1. A license as a mortgage broker issued pursuant to this chapter expires each year on June 30, unless it is renewed. To renew such a license, the licensee must submit to the Commissioner on or before May 31 of each year:

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section;

(c) The information required pursuant to NRS 645B.051; and

(d) All information required to complete the renewal.

2. If the licensee fails to submit any item required pursuant to subsection 1 to the Commissioner on or before May 31 of any year, the license is cancelled as of June 30 of that year. The Commissioner may reinstate a cancelled license if the licensee submits to the Commissioner:

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section;

(c) The information required pursuant to NRS 645B.051;

(d) Except as otherwise provided in this section, a reinstatement fee of ***not more than*** $200; and

(e) All information required to complete the reinstatement.

3. Except as otherwise provided in NRS 645B.016, a certificate of exemption issued pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a certificate of exemption, a person must submit to the Commissioner on or before November 30 of each year:

(a) An application for renewal that includes satisfactory proof that the person meets the requirements for an exemption from the provisions of this chapter; and

(b) The fee required to renew the certificate of exemption.

4. If the person fails to submit any item required pursuant to subsection 3 to the Commissioner on or before November 30 of any year, the certificate of exemption is cancelled as of December 31 of that year. Except as otherwise provided in NRS 645B.016, the Commissioner may reinstate a cancelled certificate of exemption if the person submits to the Commissioner:

(a) An application for renewal that includes satisfactory proof that the person meets the requirements for an exemption from the provisions of this chapter;

(b) The fee required to renew the certificate of exemption; and

(c) Except as otherwise provided in this section, a reinstatement fee of ***not more than*** $100.

5. Except as otherwise provided in this section, a person must pay the following fees to apply for, to be issued or to renew a license as a mortgage broker pursuant to this chapter:

(a) To file an original application for a license, ***not more than*** $1,500 for the principal office and ***not more than*** $40 for each branch office. The person must also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary.

(b) To be issued a license, ***not more than*** $1,000 for the principal office and ***not more than*** $60 for each branch office.

(c) To renew a license, ***not more than*** $500 for the principal office and ***not more than*** $100 for each branch office.

6. Except as otherwise provided in this section, a person must pay the following fees to apply for or to renew a certificate of exemption pursuant to this chapter:

(a) To file an application for a certificate of exemption, ***not more than*** $200.

(b) To renew a certificate of exemption, ***not more than*** $100.

7. To be issued a duplicate copy of any license or certificate of exemption, a person must make a satisfactory showing of its loss and pay a fee of ***not more than*** $10.

8. Except as otherwise provided in this chapter, all fees received pursuant to this chapter must be deposited in the Fund for Mortgage Lending created by NRS 645F.270.

9. The Commissioner may, by regulation, ~~[increase]~~ ***adjust*** any fee set forth in this section if the Commissioner determines that such an ~~[increase]~~ ***adjustment*** is necessary for the Commissioner to carry out his duties pursuant to this chapter. The amount of any ~~[increase]~~ ***adjustment*** in a fee pursuant to this subsection must not exceed the amount determined to be necessary for the Commissioner to carry out his duties pursuant to this chapter.

Sec. 4.8. **NRS 645B.051 is hereby amended to read as follows:**

645B.051 1. Except as otherwise provided in this section, in addition to the requirements set forth in NRS 645B.050, to renew a license as a mortgage broker:

(a) If the licensee is a natural person, the licensee must submit to the Commissioner satisfactory proof that the licensee attended at least 10 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires.

(b) If the licensee is not a natural person, the licensee must submit to the Commissioner satisfactory proof that each natural person who supervises the daily business of the licensee attended at least 10 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires.

2. The Commissioner may provide by regulation that ~~[any]~~ ***, if a person attends more than 10*** hours of ~~[a certified course]~~ ***certified courses*** of continuing education ~~[attended]~~ during a 12-month period, ~~[but not needed]~~ ***the extra hours may be used*** to satisfy ~~[a requirement set forth in this section]~~ ***the requirement*** for the ***immediately following*** 12-month period ~~[in which the course was taken, may be used to satisfy a requirement set forth in this section for a later 12-month period.]~~ ***and for that immediately following 12-month period only.***

3. As used in this section, "certified course of continuing education" means a course of continuing education which relates to the mortgage industry or mortgage transactions and which ~~[is certified by:~~

~~(a) The National Association of Mortgage Brokers or any successor in interest to that organization; or~~

~~(b) Any organization designated for this purpose by the Commissioner by regulation.]~~ ***meets the requirements set forth by the Commissioner by regulation pursuant to section 1.8 of this act.***

Sec. 5. NRS 645B.060 is hereby amended to read as follows:

645B.060 1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise general supervision and control over mortgage brokers and mortgage agents doing business in this State.

2. In addition to the other duties imposed upon him by law, the Commissioner shall:

(a) Adopt ***regulations:***

(1) Setting forth the requirements for an investor to acquire ownership of or a beneficial interest in a loan secured by a lien on real property. The regulations must include, without limitation, the minimum financial conditions that the investor must comply with before ~~*[and after]*~~ ***becoming an investor.***

(2) Establishing reasonable limitations and guidelines on loans made by a mortgage broker to a director, officer, mortgage agent or employee of the mortgage broker.

(b) Adopt any ***other*** regulations that are necessary to carry out the provisions of this chapter, except as to loan brokerage fees.

~~[(b)]~~ ***(c)*** Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

~~[(c)]~~ ***(d)*** ~~[Conduct]~~ ***Except as otherwise provided in subsection 4, conduct*** an annual examination of each mortgage broker doing business in this State. The annual examination must include, without limitation, a formal exit review with the mortgage broker. The Commissioner shall adopt regulations prescribing:

(1) Standards for determining the rating of each mortgage broker based upon the results of the annual examination; and

(2) Procedures for resolving any objections made by the mortgage broker to the results of the annual examination. The results of the annual examination may not be opened to public inspection pursuant to NRS 645B.090 until any objections made by the mortgage broker have been decided by the Commissioner.

~~[(d)]~~ ***(e)*** Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary ~~[and proper]~~ for the efficient administration of the laws of this State regarding mortgage brokers and mortgage agents. The Commissioner shall adopt regulations specifying the

general guidelines that will be followed when a periodic or special audit of a mortgage broker is conducted pursuant to this chapter.

~~[(e)]~~ ***(f)*** Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by:

(1) The Legislative Auditor; or

(2) The Department of Taxation if necessary to carry out the provisions of chapter 363A of NRS.

~~[(f)]~~ ***(g)*** Conduct such examinations and investigations as are necessary to ensure that mortgage brokers and mortgage agents meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination, a mortgage broker or mortgage agent shall pay a fee based on the rate established pursuant to NRS 645F.280.

4. The Commissioner may conduct biennial examinations of a mortgage broker instead of annual examinations, as described in paragraph (d) of subsection 2, if the mortgage broker:

(a) Received a rating in the last annual examination that meets a threshold determined by the Commissioner;

(b) Has not had any adverse change in financial condition since the last annual examination, as shown by financial statements of the mortgage broker;

(c) Has not had any complaints received by the Division that resulted in any administrative action by the Division; and

(d) Does not maintain any trust accounts pursuant to NRS 645B.170 or 645B.175 or arrange loans funded by private investors.

Sec. 5.3. **NRS 645B.085 is hereby amended to read as follows:**

645B.085 1. Except as otherwise provided in this section, not later than ~~[90]~~ ***120*** days after the last day of each fiscal year for a mortgage broker, the mortgage broker shall submit to the Commissioner a financial statement that:

(a) Is dated not earlier than the last day of the fiscal year; and

(b) Has been prepared from the books and records of the mortgage broker by an independent public accountant who holds a permit to engage in the practice of public accounting in this State that has not been revoked or suspended.

2. The Commissioner may grant a reasonable extension for the submission of a financial statement pursuant to this section if a mortgage broker requests such an extension before the date on which the financial statement is due.

3. If a mortgage broker maintains any accounts described in subsection 1 of NRS 645B.175, the financial statement submitted pursuant to this section must be audited. If a mortgage broker maintains any accounts described in subsection 4 of NRS 645B.175, those accounts must be audited. The public

accountant who prepares the report of an audit shall submit a copy of the report to the Commissioner at the same time that he submits the report to the mortgage broker.

4. The Commissioner shall adopt regulations prescribing the scope of an audit conducted pursuant to subsection 3.

Sec. 5.6. **NRS 645B.175 is hereby amended to read as follows:**

645B.175 1. Except as otherwise provided in this section, all money received by a mortgage broker and his mortgage agents from an investor to acquire ownership of or a beneficial interest in a loan secured by a lien on real property must:

(a) Be deposited in:

(1) An insured depository financial institution; or

(2) An escrow account which is controlled by a person who is independent of the parties and subject to instructions regarding the account which are approved by the parties.

(b) Be kept separate from money:

(1) Belonging to the mortgage broker in an account appropriately named to indicate that the money does not belong to the mortgage broker.

(2) Received pursuant to subsection 4.

2. Except as otherwise provided in this section, the amount held in trust pursuant to subsection 1 must be released:

(a) Upon completion of the loan, including proper recordation of the respective interests or release, or upon completion of the transfer of the ownership or beneficial interest therein, to the debtor or his designee less the amount due the mortgage broker for the payment of any fee or service charge;

(b) If the loan or the transfer thereof is not consummated, to each investor who furnished the money held in trust; or

(c) Pursuant to any instructions regarding the escrow account.

3. The amount held in trust pursuant to subsection 1 must not be released to the debtor or his designee unless:

(a) The amount released is equal to the total amount of money which is being loaned to the debtor for that loan, less the amount due the mortgage broker for the payment of any fee or service charge; and

(b) The mortgage broker has provided a written instruction to a title agent or title insurer requiring that a lender's policy of title insurance or appropriate title endorsement, which names as an insured each investor who owns a beneficial interest in the loan, be issued for the real property securing the loan.

4. Except as otherwise provided in this section, all money paid to a mortgage broker and his mortgage agents by a person in full or in partial payment of a loan secured by a lien on real property, must:

(a) Be deposited in:

(1) An insured depository financial institution; or

(2) An escrow account which is controlled by a person who is subject to instructions regarding the account which are approved by the parties.

(b) Be kept separate from money:

(1) Belonging to the mortgage broker in an account appropriately named to indicate that it does not belong to the mortgage broker.

(2) Received pursuant to subsection 1.

5. Except as otherwise provided in this section, the amount held in trust pursuant to subsection 4:

(a) Must be released, upon the deduction and payment of any fee or service charge due the mortgage broker, to each investor who owns a beneficial interest in the loan in exact proportion to the beneficial interest that he owns in the loan; and

(b) Must not be released, in any proportion, to an investor who owns a beneficial interest in the loan, unless the amount described in paragraph (a) is also released to every other investor who owns a beneficial interest in the loan.

6. An investor may waive, in writing, the right to receive one or more payments, or portions thereof, that are released to other investors in the manner set forth in subsection 5. A mortgage broker or mortgage agent shall not act as the attorney-in-fact or the agent of an investor with respect to the giving of a written waiver pursuant to this subsection. Any such written waiver applies only to the payment or payments, or portions thereof, that are included in the written waiver and does not affect the right of the investor to:

(a) Receive the waived payment or payments, or portions thereof, at a later date; or

(b) Receive all other payments in full and in accordance with the provisions of subsection 5.

7. Upon reasonable notice, any mortgage broker described in this section shall:

(a) Account to any investor or debtor who has paid to the mortgage broker or his mortgage agents money that is required to be deposited in a trust account pursuant to this section; and

(b) Account to the Commissioner for all money which the mortgage broker and his mortgage agents have received from each investor or debtor and which the mortgage broker is required to deposit in a trust account pursuant to this section.

8. Money received by a mortgage broker and his mortgage agents pursuant to this section from a person who is not associated with the mortgage broker may be held in trust for not more than 45 days before an escrow account must be opened in connection with the loan. If, within this 45-day period, the loan or the transfer therefor is not consummated, the money must be returned within 24 hours. If the money is so returned, it may not be reinvested with the mortgage broker for at least 15 days.

9. If a mortgage broker or a mortgage agent receives any money pursuant to this section, the mortgage broker or mortgage agent, after the deduction

and payment of any fee or service charge due the mortgage broker, shall not release the money to:

(a) Any person who does not have a contractual or legal right to receive the money; or

(b) Any person who has a contractual right to receive the money if the mortgage broker or mortgage agent knows or, in light of all the surrounding facts and circumstances, reasonably should know that the person's contractual right to receive the money violates any provision of this chapter or a regulation adopted pursuant to this chapter.

10. If a mortgage broker maintains any accounts described in subsection 1 or subsection 4, the mortgage broker shall, in addition to the annual financial statement audited pursuant to NRS 645B.085, submit to the Commissioner each 6 calendar months a financial statement concerning those trust accounts.

11. The Commissioner shall adopt regulations concerning the form and content required for financial statements submitted pursuant to subsection 10.

Sec. 5.9. **NRS 645B.189 is hereby amended to read as follows:**

645B.189 1. If, in carrying on his business, a mortgage broker uses an advertisement that is designed, intended or reasonably likely to solicit money from private investors, the mortgage broker shall include in each such advertisement a statement of disclosure in substantially the following form:

Money invested through a mortgage broker is not guaranteed to earn any interest or return and is not insured.

2. A mortgage broker shall include in each advertisement that the mortgage broker uses in carrying on his business any statements of disclosure required pursuant to the regulations adopted by the Commissioner or required pursuant to an order of the Commissioner entered in accordance with subsections 7 and 8 of NRS 645B.185.

3. Each mortgage broker ***who has received his initial license within the past 12 months*** shall submit any proposed advertisement that the mortgage broker intends to use in carrying on his business to the Commissioner for approval.

4. In addition to the requirements set forth in this chapter, each advertisement that a mortgage broker uses in carrying on his business must comply with the requirements of:

(a) NRS 598.0903 to 598.0999, inclusive, concerning deceptive trade practices; and

(b) Any applicable federal statute or regulation concerning deceptive advertising and the advertising of interest rates.

5. If a mortgage broker violates any provision of NRS 598.0903 to 598.0999, inclusive, concerning deceptive trade practices or any federal statute or regulation concerning deceptive advertising or the advertising of interest rates, in addition to any sanction or penalty imposed by state or federal law upon the mortgage broker for the violation, the Commissioner

may take any disciplinary action set forth in subsection 2 of NRS 645B.670 against the mortgage broker.

6. The Commissioner may adopt any regulations that are necessary to carry out the provisions of this section.

Sec. 6. NRS 645B.310 is hereby amended to read as follows:

645B.310 A mortgage broker shall not assign all or a part of his interest in a loan secured by a lien on real property, unless the mortgage broker:

1. Obtains a policy of title insurance for the real property; ~~[and]~~

2. ***Obtains the approval of the assignment from each investor who has acquired ownership of or a beneficial interest in the loan if, at the time of the assignment, the debtor on the loan has defaulted in making a payment required for the loan or any portion of the loan; and***

3. Records the assignment in the office of the county recorder of the county in which the real property is located.

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. ~~[Chapter 645E of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. A mortgage banker shall ensure that:*~~

~~*(a) Each loan secured by a lien on real property for which he engages in activity as a mortgage banker includes a fee for servicing the loan which must be specified in the loan. The fee must be in an amount reasonably necessary to pay the cost of servicing the loan.*~~

~~*(b) All money paid to the mortgage banker for servicing such a loan must be deposited in an insured depository financial institution and kept separate, distinct and apart from money belonging to the mortgage banker. Such money, when deposited, is to be deposited under an appropriate name indicating that the accounts are not the money of the mortgage banker.*~~

~~*2. A mortgage banker has a fiduciary duty to each debtor with respect to the money in a trust account maintained pursuant to subsection 1.*~~

~~*3. A mortgage banker shall, upon reasonable notice, account to any debtor whose real property secures a loan arranged by the mortgage banker for any money which that person has paid to the mortgage banker for the cost of servicing a loan.*~~

~~*4. A mortgage banker shall submit to the Commissioner each calendar quarter a financial statement concerning the trust accounts established and maintained pursuant to subsection 1.*~~

~~*5. A mortgage banker shall annually review a trust account and, within 30 days after the completion of the annual review, notify the debtor:*~~

~~*(a) Of the amount by which the contributions exceed the amount reasonably necessary to pay the annual cost of servicing the loan; and*~~

~~*(b) That the debtor may specify the disposition of the excess money within 20 days after receipt of the notice. If the debtor fails to specify such a disposition within that time, the mortgage banker shall maintain the excess money in the trust account.]~~ **(Deleted by amendment.)**

Sec. 10. NRS 645E.150 is hereby amended to read as follows:

645E.150 Except as otherwise provided in NRS 645E.160, the provisions of this chapter do not apply to:

1. Any person doing business under the laws of this State, any other state or the United States relating to banks, savings banks, trust companies, savings and loan associations, consumer finance companies, industrial loan companies, credit unions, thrift companies or insurance companies, ~~[unless the business conducted in this State is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.]~~ ***including, without limitation, ~~[an affiliate,]~~ a subsidiary or a holding company of such a bank, company, association or union.***

2. A real estate investment trust, as defined in 26 U.S.C. § 856, unless the business conducted in this State is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his duties as an attorney at law.

5. A real estate broker rendering services in the performance of his duties as a real estate broker.

6. Any person doing any act under an order of any court.

7. Any one natural person, or husband and wife, who provides money for investment in loans secured by a lien on real property, on his own account, unless such a person makes a loan secured by a lien on real property using his own money and assigns all or a part of his interest in the loan to another person, other than his spouse or child, within 5 years after the date on which the loan is made or the deed of trust is recorded, whichever occurs later.

8. Agencies of the United States and of this State and its political subdivisions, including the Public Employees' Retirement System.

9. A seller of real property who offers credit secured by a mortgage of the property sold.

Sec. 10.4. **NRS 645E.160 is hereby amended to read as follows:**

645E.160 1. ~~[A]~~ ***Except as otherwise provided in subsection 2, a*** person who claims an exemption from the provisions of this chapter pursuant to subsection 1 of NRS 645E.150 must:

(a) File a written application for a certificate of exemption with the Office of the Commissioner;

(b) Pay the fee required pursuant to NRS 645E.280; ~~[and]~~

(c) Include with the written application satisfactory proof that the person meets the requirements of subsection 1 of NRS 645E.150.~~[.]~~ ***; and***

(d) Provide evidence to the Commissioner that the person is duly licensed to conduct his business and such license is in good standing pursuant to the laws of this State, any other state or the United States.

2. ***The provisions of subsection 1 do not apply to the extent preempted by federal law.***

3. The Commissioner may require a person who claims an exemption from the provisions of this chapter pursuant to subsections 2 to 9, inclusive, of NRS 645E.150 to:

(a) File a written application for a certificate of exemption with the Office of the Commissioner;

(b) Pay the fee required pursuant to NRS 645E.280; and

(c) Include with the written application satisfactory proof that the person meets the requirements of at least one of those exemptions.

~~[3.]~~ ***4.*** A certificate of exemption expires automatically if, at any time, the person who claims the exemption no longer meets the requirements of at least one exemption set forth in the provisions of NRS 645E.150.

~~[4.]~~ ***5.*** If a certificate of exemption expires automatically pursuant to this section, the person shall not provide any of the services of a mortgage banker or otherwise engage in, carry on or hold himself out as engaging in or carrying on the business of a mortgage banker unless the person applies for and is issued:

(a) A license as a mortgage banker pursuant to this chapter; or

(b) Another certificate of exemption.

~~[5.]~~ ***6.*** The Commissioner may impose upon a person who is required to apply for a certificate of exemption or who holds a certificate of exemption an administrative fine of not more than $10,000 for each violation that he commits, if the person:

(a) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(b) Has suppressed or withheld from the Commissioner any information which the person possesses and which, if submitted by him, would have rendered the person ineligible to hold a certificate of exemption; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner that applies to a person who is required to apply for a certificate of exemption or who holds a certificate of exemption.

Sec. 10.8. **NRS 645E.280 is hereby amended to read as follows:**

645E.280 1. A license issued to a mortgage banker pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a license, the licensee must submit to the Commissioner on or before December 31 of each year:

(a) An application for renewal that complies with the requirements of this chapter; and

(b) The fee required to renew the license pursuant to this section.

2. If the licensee fails to submit any item required pursuant to subsection 1 to the Commissioner on or before December 31 of any year, the license is cancelled. The Commissioner may reinstate a cancelled license if the licensee submits to the Commissioner:

(a) An application for renewal that complies with the requirements of this chapter;

(b) The fee required to renew the license pursuant to this section; and

(c) A reinstatement fee of ***not more than*** $200.

3. Except as otherwise provided in NRS 645E.160, a certificate of exemption issued pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a certificate of exemption, a person must submit to the Commissioner on or before December 31 of each year:

(a) An application for renewal that complies with the requirements of this chapter; and

(b) The fee required to renew the certificate of exemption.

4. If the person fails to submit any item required pursuant to subsection 3 to the Commissioner on or before December 31 of any year, the certificate of exemption is cancelled. Except as otherwise provided in NRS 645E.160, the Commissioner may reinstate a cancelled certificate of exemption if the person submits to the Commissioner:

(a) An application for renewal that complies with the requirements of this chapter;

(b) The fee required to renew the certificate of exemption; and

(c) A reinstatement fee of ***not more than*** $100.

5. A person must pay the following fees to apply for, to be issued or to renew a license as a mortgage banker pursuant to this chapter:

(a) To file an original application for a license, ***not more than*** $1,500 for the principal office and ***not more than*** $40 for each branch office. The person must also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary.

(b) To be issued a license, ***not more than*** $1,000 for the principal office and ***not more than*** $60 for each branch office.

(c) To renew a license, ***not more than*** $500 for the principal office and ***not more than*** $100 for each branch office.

6. A person must pay the following fees to apply for or to renew a certificate of exemption pursuant to this chapter:

(a) To file an application for a certificate of exemption, ***not more than*** $200.

(b) To renew a certificate of exemption, ***not more than*** $100.

7. To be issued a duplicate copy of any license or certificate of exemption, a person must make a satisfactory showing of its loss and pay a fee of ***not more than*** $10.

8. Except as otherwise provided in this chapter, all fees received pursuant to this chapter must be deposited in the Fund for Mortgage Lending created by NRS 645F.270.

9. The Commissioner may, by regulation, adjust any fee set forth in this section if the Commissioner determines that such an adjustment is necessary for the Commissioner to carry out his duties pursuant to this chapter. The amount of any adjustment in a fee pursuant to this subsection

must not exceed the amount determined to be necessary for the Commissioner to carry out his duties pursuant to this chapter.

Sec. 11. NRS 645E.300 is hereby amended to read as follows:

645E.300 1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise general supervision and control over mortgage bankers doing business in this State.

2. In addition to the other duties imposed upon him by law, the Commissioner shall:

(a) Adopt ***regulations establishing reasonable limitations and guidelines on loans made by a mortgage banker to a director, officer or employee of the mortgage banker.***

(b) Adopt any ***other*** regulations that are necessary to carry out the provisions of this chapter, except as to loan fees.

~~[(b)]~~ ***(c)*** Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

~~[(c)]~~ ***(d)*** ~~[Conduct]~~ ***Except as otherwise provided in subsection 4, conduct*** an annual examination of each mortgage banker doing business in this State.

~~[(d)]~~ ***(e)*** Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary ~~[and proper]~~ for the efficient administration of the laws of this State regarding mortgage bankers.

~~[(e)]~~ ***(f)*** Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by:

(1) The Legislative Auditor; or

(2) The Department of Taxation if necessary to carry out the provisions of chapter 363A of NRS.

~~[(f)]~~ ***(g)*** Conduct such examinations and investigations as are necessary to ensure that mortgage bankers meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination, a mortgage banker shall pay a fee based on the rate established pursuant to NRS 645F.280.

4. The Commissioner may conduct biennial examinations of a mortgage banker instead of annual examinations, as described in paragraph (d) of subsection 2, if the mortgage banker:

(a) Received a rating in the last annual examination that meets a threshold determined by the Commissioner;

(b) Has not had any adverse change in financial condition since the last annual examination, as shown by financial statements of the mortgage banker; and

(c) Has not had any complaints received by the Division that resulted in any administrative action by the Division.

Sec. 11.5. **NRS 645E.360 is hereby amended to read as follows:**

645E.360 1. Except as otherwise provided in this section, not later than ~~[60]~~ ***120*** days after the last day of each fiscal year for a mortgage banker, the mortgage banker shall submit to the Commissioner a financial statement that:

(a) Is dated not earlier than the last day of the fiscal year; and

(b) Has been prepared from the books and records of the mortgage banker by an independent public accountant who holds a permit to engage in the practice of public accounting in this State that has not been revoked or suspended.

2. The Commissioner may grant a reasonable extension for the submission of a financial statement pursuant to this section if a mortgage banker requests such an extension before the date on which the financial statement is due.

3. If a mortgage banker maintains any accounts described in NRS 645E.430, the financial statement submitted pursuant to this section must be audited. The public accountant who prepares the report of an audit shall submit a copy of the report to the Commissioner at the same time that he submits the report to the mortgage banker.

4. The Commissioner shall adopt regulations prescribing the scope of an audit conducted pursuant to subsection 3.

Sec. 12. (Deleted by amendment.)

Sec. 12.4. **NRS 80.015 is hereby amended to read as follows:**

80.015 1. For the purposes of this chapter, the following activities do not constitute doing business in this State:

(a) Maintaining, defending or settling any proceeding;

(b) Holding meetings of the board of directors or stockholders or carrying on other activities concerning internal corporate affairs;

(c) Maintaining accounts in banks or credit unions;

(d) Maintaining offices or agencies for the transfer, exchange and registration of the corporation's own securities or maintaining trustees or depositaries with respect to those securities;

(e) Making sales through independent contractors;

(f) Soliciting or receiving orders outside of this State through or in response to letters, circulars, catalogs or other forms of advertising, accepting those orders outside of this State and filling them by shipping goods into this State;

(g) Creating or acquiring indebtedness, mortgages and security interests in real or personal property;

(h) Securing or collecting debts or enforcing mortgages and security interests in property securing the debts;

(i) Owning, without more, real or personal property;

(j) Isolated transactions completed within 30 days and not a part of a series of similar transactions;

(k) The production of motion pictures as defined in NRS 231.020;

(l) Transacting business as an out-of-state depository institution pursuant to the provisions of title 55 of NRS; and

(m) Transacting business in interstate commerce.

2. The list of activities in subsection 1 is not exhaustive.

3. A person who is not doing business in this State within the meaning of this section need not qualify or comply with any provision of this chapter, chapter 645A, 645B or 645E of NRS or title 55 or 56 of NRS unless he:

(a) Maintains an office in this State for the transaction of business; ~~[or]~~

(b) Solicits or accepts deposits in the State, except pursuant to the provisions of chapter 666 or 666A of NRS~~.~~ ~~[.]~~ ***;***

(c) Solicits business for the activities of a mortgage broker as defined by NRS 645B.0127 or the activities of a mortgage banker as defined by NRS 645E.100; or

(d) Arranges a mortgage loan secured by real property which is not commercial property as defined by NRS 645E.040.

4. The fact that a person is not doing business in this State within the meaning of this section:

(a) Does not affect the determination of whether any court, administrative agency or regulatory body in this State may exercise personal jurisdiction over the person in any civil action, criminal action, administrative proceeding or regulatory proceeding; and

(b) Except as otherwise provided in subsection 3, does not affect the applicability of any other provision of law with respect to the person and may not be offered as a defense or introduced in evidence in any civil action, criminal action, administrative proceeding or regulatory proceeding to prove that the person is not doing business in this State, including, without limitation, any civil action, criminal action, administrative proceeding or regulatory proceeding involving an alleged violation of chapter 597, 598 or 598A of NRS.

5. As used in this section and for the purposes of NRS 80.016, "deposits" means demand deposits, savings deposits and time deposits, as those terms are defined in chapter 657 of NRS.

Sec. 12.8. **1. Any person who received or will receive a mortgage agent license between October 1, 2004, and June 30, 2008, must fulfill the requirements of section 1.4 of this act before January 1, 2009, in the same manner as a person obtaining an initial license. If the person who received a mortgage agent license between October 1, 2004, and June 30, 2008, does not do so, the license of that person is suspended until he does so.**

2. Any natural person who received or will receive a mortgage broker license or an initial designation as a qualified employee by a mortgage broker between October 1, 2005, and June 30, 2008, must fulfill the requirements of section 1.4 of this act before January 1, 2009, in the same manner as a natural person obtaining an initial license. If

the natural person who received a mortgage broker license or was initially designated as the qualified employee by a mortgage broker between October 1, 2005, and June 30, 2008, does not do so, the license of that natural person is suspended until he does so.

Sec. 13. **1.** This ~~[act becomes]~~ **section, section 1 and sections 2 to 12.4, inclusive, of this act become** effective upon passage and approval for the purpose of adopting regulations and on October 1, 2007, for all other purposes.

2. Sections 1.4, 1.6, 1.8 and 12.8 of this act become effective:

(a) Upon passage and approval for purpose of adopting regulations, administering examinations as set forth in section 1.4 **of this act and approving courses of continuing education as set forth in section 1.8 of this act; and**

(b) On July 1, 2008, for all other purposes.

Assemblyman Oceguera moved that the Assembly concur in the Senate Amendment No. 896 to Assembly Bill No. 375.

Remarks by Assemblyman Oceguera.

Motion carried.

The following Senate amendment was read:

Amendment No. 1029.

AN ACT relating to loans; creating various education and examination requirements related to an initial license as a mortgage broker or mortgage agent; requiring the designation of a qualified employee for certain mortgage brokers; creating certain requirements related to continuing education and mortgage lending; creating certain requirements for fees associated with loans secured by liens on real property; providing for certain requirements related to mortgage brokers and broker-dealers, sales representatives, investment advisers and representatives of investment advisers; revising the possible range of certain fees related to a license as a mortgage broker; revising the apportionment of certain extra hours of continuing education earned by a mortgage broker; requiring the Commissioner of Mortgage Lending to adopt certain regulations concerning investors and limitations on loans to directors, officers and employees; providing for biennial examinations of certain mortgage brokers under various circumstances; revising the deadline for certain financial statements by a mortgage broker; creating requirements for new financial statements related to certain accounts of a mortgage broker; revising certain advertising requirements of a mortgage broker; prohibiting a mortgage broker from assigning all or part of his interest in a loan that is secured by a lien on real property under certain circumstances; revising certain provisions ~~[related]~~ **relating** to persons not subject to chapter 645E of NRS; revising certain provisions ~~[related]~~ **relating** to persons exempt from chapter 645E of NRS; revising the possible range of fees for a license as a mortgage banker; revising provisions ~~[related]~~ **relating** to financial statements of a mortgage banker; revising provisions ~~[related]~~ **relating** to foreign corporations and what constitutes doing business in this

State; requiring certain present and future mortgage broker and mortgage agent licensees to meet certain requirements; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law regulates the activities of various mortgage lenders, including the activities of mortgage brokers and mortgage bankers. (Chapters 645B and 645E of NRS) Existing law further provides that, subject to administrative supervision by the Director of the Department of Business and Industry, the Commissioner of Mortgage Lending is required to administer the provisions of law governing the licensing and regulation of mortgage brokers and mortgage bankers. (NRS 645B.060, 645E.300, 645F.250)

Section 1.4 of this bill revises the requirements for an initial license as a mortgage broker or mortgage agent regarding education on mortgage lending and applicable examinations.

Section 1.6 of this bill requires that a qualified employee be designated by a mortgage broker who is not a natural person.

Section 1.8 of this bill revises provisions concerning the requirements that a course of continuing education must meet, including, without limitation, requirements relating to providers and instructors, records, approval and revocation of approval of courses, monitoring, disciplinary action, and participation by representatives of the mortgage lending industry in the creation of the requirements.

Section 2 of this bill requires a mortgage broker to ensure that each loan secured by a lien on real property for which the mortgage broker engages in activity as a mortgage broker includes a reasonable fee for servicing the loan.

Section 3 of this bill prohibits a mortgage broker who is licensed or exempt from licensing as a broker-dealer, sales representative, investment adviser or representative of an investment adviser under the laws of this State from commingling money received from mortgage transactions with money received from securities transactions.

Existing law **exempts certain banks, companies, associations and credit unions from the provisions governing mortgage brokers and mortgage agents. (NRS 645B.015) Section 4.1 of this bill clarifies that the exemption includes an operating subsidiary or holding company of such a bank, company, association or credit union. Section 4.2 of this bill requires a person who claims an exemption to provide evidence to the Commissioner that the person is licensed to conduct his business and that the license is in good standing.**

Existing law describes various fees ~~[related]~~ **relating** to a license as a mortgage broker. (NRS 645B.050) Section 4.4 of this bill revises the range of fees that may be charged for a license as a mortgage broker.

Existing law describes various continuing education requirements for a mortgage broker. (NRS 645B.051) Section 4.8 of this bill revises how various extra hours of continuing education that are earned by a mortgage broker may be apportioned by the Commissioner.

Existing law defines an "investor" for purposes of chapter 645B of NRS to mean a person who wishes to acquire or who acquires ownership of or a beneficial interest in a loan that is secured by a lien on real property. (NRS 645B.0121) Section 5 of this bill requires the Commissioner to establish, by regulation, the financial conditions for an investor to acquire that ownership or beneficial interest in the loan.

Existing law authorizes the Commissioner of Financial Institutions to establish limitations on loans made by a bank to its directors, officers or employees. (NRS 662.145) Section 5 of this bill requires the Commissioner of Mortgage Lending to establish similar limitations on loans made by mortgage brokers to directors, officers or employees of the mortgage broker. (NRS 645B.060)

Existing law provides for annual examinations of mortgage brokers. (NRS 645B.060) Section 5 of this bill provides for biennial examinations of a mortgage broker, rather than annual examinations, in certain circumstances.

Existing law provides for a mortgage broker to submit a financial statement to the Commissioner at the end of each fiscal year. (NRS 645B.085) Section 5.3 of this bill changes the deadline for this financial statement.

Existing law provides for requirements related to accounts for certain money received in relation to various loans secured by liens on real property. (NRS 645B.175) Section 5.6 of this bill requires the submission every 6 months of a new financial statement for such accounts.

Existing law provides for certain advertising requirements for mortgage brokers. (NRS 645B.189) Section 5.9 of this bill revises those requirements to require only those mortgage brokers who have received an initial license in the last 12 months to submit advertisements for the Commissioner's approval.

Existing law prohibits a mortgage broker from assigning his interest in a loan that is secured by a lien on real property unless the mortgage broker obtains title insurance for the property and records the assignment in the county recorder's office of the county in which the property is located. (NRS 645B.310) Section 6 of this bill requires the mortgage broker also to obtain the approval of each investor in the loan if, at the time of the assignment, the debtor on the loan is in default on his loan payments.

Existing law provides for persons who are not subject to chapter 645E of NRS. ~~[Section]~~ **Similar to the clarification made in section 4.1 of this bill, section** 10 of this bill clarifies which subsidiaries or holding companies are not subject to that chapter.

Existing law provides for the requirements that a person must meet to claim an exemption from the provisions of chapter 645E of NRS. (NRS 645E.160) ~~[Section]~~ **Similar to the changes made in section 4.2 of this bill, section** 10.4 of this bill revises the requirements in regards to those who hold certain licenses and in regards to federal law.

Existing law provides for various fees related to a license as a mortgage banker. (NRS 645E.280) Section 10.8 of this bill revises the range of fees that may be charged for a license as a mortgage banker.

Existing law authorizes the Commissioner of Financial Institutions to establish limitations on loans made by a bank to its directors, officers or employees. (NRS 662.145) Section 11 of this bill requires the Commissioner of Mortgage Lending to establish similar limitations on loans made by mortgage bankers to directors, officers or employees of the mortgage banker. (NRS 645E.300)

Existing law provides for a mortgage banker to submit a financial statement to the Commissioner at the end of each fiscal year. (NRS 645E.360) Section 11.5 of this bill changes the deadline for this financial statement.

Existing law provides for the regulation of foreign corporations. (Chapter 80 of NRS) Section 12.4 of this bill revises the definition of what constitutes doing business in this State relating to foreign corporations and regarding the activities of a mortgage broker or a mortgage banker or arranging a mortgage loan that is not secured by commercial property.

Section 12.8 of this bill requires certain present and future holders of a license as a mortgage agent or mortgage broker or a designation as a qualified employee to meet various requirements contained in this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 645B of NRS is hereby amended by adding thereto the provisions set forth as sections 1.4 to 3, inclusive, of this act.

Sec. 1.4. ***1. In addition to any other requirements provided by this chapter, a person who wishes to receive an initial license as a mortgage broker or mortgage agent must:***

(a) Complete education on mortgage lending as required by this chapter; or

(b) Successfully pass a written examination as determined by the Division.

2. If the applicant for an initial license as a mortgage broker is not a natural person, the applicant must designate a natural person to be the qualified employee of the applicant and meet the requirements of subsection 1.

3. The Division:

(a) May hire a testing organization to create, administer and score a written examination; and

(b) May create waivers for a written examination.

4. The Commissioner may adopt regulations to carry out the provisions of this section, including, without limitation, regulations relating to the content of a written examination, the scoring of a written examination or any possible waivers of a written examination.

Sec. 1.6. ***1. If a mortgage broker is not a natural person, the mortgage broker must designate a natural person as a qualified employee to act on behalf of the mortgage broker.***

2. The Division shall adopt regulations regarding a qualified employee, including, without limitation, regulations that establish:

(a) A definition for the term "qualified employee";

(b) Any duties of a qualified employee; and

(c) Any requirements regarding a qualified employee.

Sec. 1.8. ***1. A course of continuing education that is required pursuant to chapter 645B of NRS must meet the requirements set forth by the Commissioner by regulation.***

2. The Commissioner shall adopt regulations:

(a) Relating to the requirements for courses of continuing education, including, without limitation, regulations relating to the providers and instructors of such courses, records kept for such courses, approval and revocation of approval of such courses, monitoring of such courses and disciplinary action taken regarding such courses.

(b) Allowing for the participation of representatives of the mortgage lending industry pertaining to the creation of regulations regarding such courses.

Sec. 2. ***A mortgage broker shall ensure that each loan secured by a lien on real property for which he engages in activity as a mortgage broker includes a fee for servicing the loan which must be specified in the loan. The fee must be in an amount reasonably necessary to pay the cost of servicing the loan.***

Sec. 3. ***1. A mortgage broker who is a broker-dealer or a sales representative licensed pursuant to NRS 90.310 or who is exempt from licensure pursuant to NRS 90.320:***

(a) Shall not commingle money received for mortgage transactions and money received for securities transactions; and

(b) Shall ensure that all money received for mortgage transactions is accounted for separately from all money received for securities transactions.

2. A mortgage broker who is an investment adviser or a representative of an investment adviser licensed pursuant to NRS 90.330 or exempt from licensure pursuant to NRS 90.340:

(a) Shall not commingle money received for mortgage transactions and money received for securities transactions; and

(b) Shall ensure that all money received for mortgage transactions is accounted for separately from all money received for securities transactions.

Sec. 4. (Deleted by amendment.)

Sec. 4.1. **NRS 645B.015 is hereby amended to read as follows:**

645B.015 Except as otherwise provided in NRS 645B.016, the provisions of this chapter do not apply to:

1. Any person doing business under the laws of this State, any other state or the United States relating to banks, savings banks, trust companies, savings and loan associations, consumer finance companies, industrial loan companies, credit unions, thrift companies or insurance companies, ~~[unless the business conducted in this State is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.]~~ ***including, without limitation, a subsidiary or a holding company of such a bank, company, association or union.***

2. A real estate investment trust, as defined in 26 U.S.C. § 856, unless the business conducted in this State is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his duties as an attorney at law.

5. A real estate broker rendering services in the performance of his duties as a real estate broker.

6. Any person doing any act under an order of any court.

7. Any one natural person, or husband and wife, who provides money for investment in loans secured by a lien on real property, on his own account, unless such a person makes a loan secured by a lien on real property using his own money and assigns all or a part of his interest in the loan to another person, other than his spouse or child, within 5 years after the date on which the loan is made or the deed of trust is recorded, whichever occurs later.

8. Agencies of the United States and of this State and its political subdivisions, including the Public Employees' Retirement System.

9. A seller of real property who offers credit secured by a mortgage of the property sold.

Sec. 4.2. **NRS 645B.016 is hereby amended to read as follows:**

645B.016 Except as otherwise provided in NRS 645B.690 ~~[.]~~ ***and subsection 2:***

1. A person who claims an exemption from the provisions of this chapter pursuant to subsection 1 of NRS 645B.015 must:

(a) File a written application for a certificate of exemption with the Office of the Commissioner;

(b) Pay the fee required pursuant to NRS 645B.050; ~~[and]~~

(c) Include with the written application satisfactory proof that the person meets the requirements of subsection 1 of NRS 645B.015 ~~[.]~~ ***; and***

(d) Provide evidence to the Commissioner that the person is duly licensed to conduct his business and such license is in good standing pursuant to the laws of this State, any other state or the United States.

2. ***The provisions of subsection 1 do not apply to the extent preempted by federal law.***

3. The Commissioner may require a person who claims an exemption from the provisions of this chapter pursuant to subsections 2 to 9, inclusive, of NRS 645B.015 to:

(a) File a written application for a certificate of exemption with the Office of the Commissioner;

(b) Pay the fee required pursuant to NRS 645B.050; and

(c) Include with the written application satisfactory proof that the person meets the requirements of at least one of those exemptions.

~~[3.]~~ ***4.*** A certificate of exemption expires automatically if, at any time, the person who claims the exemption no longer meets the requirements of at least one exemption set forth in the provisions of NRS 645B.015.

~~[4.]~~ ***5.*** If a certificate of exemption expires automatically pursuant to this section, the person shall not provide any of the services of a mortgage broker or mortgage agent or otherwise engage in, carry on or hold himself out as engaging in or carrying on the business of a mortgage broker or mortgage agent unless the person applies for and is issued:

(a) A license as a mortgage broker or mortgage agent, as applicable, pursuant to this chapter; or

(b) Another certificate of exemption.

~~[5.]~~ ***6.*** The Commissioner may impose upon a person who is required to apply for a certificate of exemption or who holds a certificate of exemption an administrative fine of not more than $10,000 for each violation that he commits, if the person:

(a) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(b) Has suppressed or withheld from the Commissioner any information which the person possesses and which, if submitted by him, would have rendered the person ineligible to hold a certificate of exemption; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner that applies to a person who is required to apply for a certificate of exemption or who holds a certificate of exemption.

Sec. 4.4. NRS 645B.050 is hereby amended to read as follows:

645B.050 1. A license as a mortgage broker issued pursuant to this chapter expires each year on June 30, unless it is renewed. To renew such a license, the licensee must submit to the Commissioner on or before May 31 of each year:

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section;

(c) The information required pursuant to NRS 645B.051; and

(d) All information required to complete the renewal.

2. If the licensee fails to submit any item required pursuant to subsection 1 to the Commissioner on or before May 31 of any year, the license is cancelled as of June 30 of that year. The Commissioner may reinstate a cancelled license if the licensee submits to the Commissioner:

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section;

(c) The information required pursuant to NRS 645B.051;

(d) Except as otherwise provided in this section, a reinstatement fee of ***not more than*** $200; and

(e) All information required to complete the reinstatement.

3. Except as otherwise provided in NRS 645B.016, a certificate of exemption issued pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a certificate of exemption, a person must submit to the Commissioner on or before November 30 of each year:

(a) An application for renewal that includes satisfactory proof that the person meets the requirements for an exemption from the provisions of this chapter; and

(b) The fee required to renew the certificate of exemption.

4. If the person fails to submit any item required pursuant to subsection 3 to the Commissioner on or before November 30 of any year, the certificate of exemption is cancelled as of December 31 of that year. Except as otherwise provided in NRS 645B.016, the Commissioner may reinstate a cancelled certificate of exemption if the person submits to the Commissioner:

(a) An application for renewal that includes satisfactory proof that the person meets the requirements for an exemption from the provisions of this chapter;

(b) The fee required to renew the certificate of exemption; and

(c) Except as otherwise provided in this section, a reinstatement fee of ***not more than*** $100.

5. Except as otherwise provided in this section, a person must pay the following fees to apply for, to be issued or to renew a license as a mortgage broker pursuant to this chapter:

(a) To file an original application for a license, ***not more than*** $1,500 for the principal office and ***not more than*** $40 for each branch office. The person must also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary.

(b) To be issued a license, ***not more than*** $1,000 for the principal office and ***not more than*** $60 for each branch office.

(c) To renew a license, ***not more than*** $500 for the principal office and ***not more than*** $100 for each branch office.

6. Except as otherwise provided in this section, a person must pay the following fees to apply for or to renew a certificate of exemption pursuant to this chapter:

(a) To file an application for a certificate of exemption, ***not more than*** $200.

(b) To renew a certificate of exemption, ***not more than*** $100.

7. To be issued a duplicate copy of any license or certificate of exemption, a person must make a satisfactory showing of its loss and pay a fee of ***not more than*** $10.

8. Except as otherwise provided in this chapter, all fees received pursuant to this chapter must be deposited in the Fund for Mortgage Lending created by NRS 645F.270.

9. The Commissioner may, by regulation, ~~[increase]~~ ***adjust*** any fee set forth in this section if the Commissioner determines that such an ~~[increase]~~ ***adjustment*** is necessary for the Commissioner to carry out his duties pursuant to this chapter. The amount of any ~~[increase]~~ ***adjustment*** in a fee pursuant to this subsection must not exceed the amount determined to be necessary for the Commissioner to carry out his duties pursuant to this chapter.

Sec. 4.8. NRS 645B.051 is hereby amended to read as follows:

645B.051 1. Except as otherwise provided in this section, in addition to the requirements set forth in NRS 645B.050, to renew a license as a mortgage broker:

(a) If the licensee is a natural person, the licensee must submit to the Commissioner satisfactory proof that the licensee attended at least 10 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires.

(b) If the licensee is not a natural person, the licensee must submit to the Commissioner satisfactory proof that each natural person who supervises the daily business of the licensee attended at least 10 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires.

2. The Commissioner may provide by regulation that ~~[any]~~ ***, if a person attends more than 10*** hours of ~~[a certified course]~~ ***certified courses*** of continuing education ~~[attended]~~ during a 12-month period, ~~[but not needed]~~ ***the extra hours may be used*** to satisfy ~~[a requirement set forth in this section]~~ ***the requirement*** for the ***immediately following*** 12-month period ~~[in which the course was taken, may be used to satisfy a requirement set forth in this section for a later 12-month period.]~~ ***and for that immediately following 12-month period only.***

3. As used in this section, "certified course of continuing education" means a course of continuing education which relates to the mortgage industry or mortgage transactions and which ~~[is certified by:~~

~~(a) The National Association of Mortgage Brokers or any successor in interest to that organization; or~~

~~(b) Any organization designated for this purpose by the Commissioner by regulation.]~~ ***meets the requirements set forth by the Commissioner by regulation pursuant to section 1.8 of this act.***

Sec. 5. NRS 645B.060 is hereby amended to read as follows:

645B.060 1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise general supervision and control over mortgage brokers and mortgage agents doing business in this State.

2. In addition to the other duties imposed upon him by law, the Commissioner shall:

(a) Adopt ***regulations:***

(1) Setting forth the requirements for an investor to acquire ownership of or a beneficial interest in a loan secured by a lien on real property. The regulations must include, without limitation, the minimum financial conditions that the investor must comply with before becoming an investor.

(2) Establishing reasonable limitations and guidelines on loans made by a mortgage broker to a director, officer, mortgage agent or employee of the mortgage broker.

(b) Adopt any ***other*** regulations that are necessary to carry out the provisions of this chapter, except as to loan brokerage fees.

~~[(b)]~~ ***(c)*** Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

~~[(c)]~~ ***(d)*** ~~[Conduct]~~ ***Except as otherwise provided in subsection 4, conduct*** an annual examination of each mortgage broker doing business in this State. The annual examination must include, without limitation, a formal exit review with the mortgage broker. The Commissioner shall adopt regulations prescribing:

(1) Standards for determining the rating of each mortgage broker based upon the results of the annual examination; and

(2) Procedures for resolving any objections made by the mortgage broker to the results of the annual examination. The results of the annual examination may not be opened to public inspection pursuant to NRS 645B.090 until any objections made by the mortgage broker have been decided by the Commissioner.

~~[(d)]~~ ***(e)*** Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary ~~[and proper]~~ for the efficient administration of the laws of this State regarding mortgage brokers and mortgage agents. The Commissioner shall adopt regulations specifying the general guidelines that will be followed when a periodic or special audit of a mortgage broker is conducted pursuant to this chapter.

~~[(e)]~~ ***(f)*** Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by:

(1) The Legislative Auditor; or

(2) The Department of Taxation if necessary to carry out the provisions of chapter 363A of NRS.

~~[(f)]~~ ***(g)*** Conduct such examinations and investigations as are necessary to ensure that mortgage brokers and mortgage agents meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination, a mortgage broker or mortgage agent shall pay a fee based on the rate established pursuant to NRS 645F.280.

4. The Commissioner may conduct biennial examinations of a mortgage broker instead of annual examinations, as described in paragraph (d) of subsection 2, if the mortgage broker:

(a) Received a rating in the last annual examination that meets a threshold determined by the Commissioner;

(b) Has not had any adverse change in financial condition since the last annual examination, as shown by financial statements of the mortgage broker;

(c) Has not had any complaints received by the Division that resulted in any administrative action by the Division; and

(d) Does not maintain any trust accounts pursuant to NRS 645B.170 or 645B.175 or arrange loans funded by private investors.

Sec. 5.3. NRS 645B.085 is hereby amended to read as follows:

645B.085 1. Except as otherwise provided in this section, not later than ~~[90]~~ ***120*** days after the last day of each fiscal year for a mortgage broker, the mortgage broker shall submit to the Commissioner a financial statement that:

(a) Is dated not earlier than the last day of the fiscal year; and

(b) Has been prepared from the books and records of the mortgage broker by an independent public accountant who holds a permit to engage in the practice of public accounting in this State that has not been revoked or suspended.

2. The Commissioner may grant a reasonable extension for the submission of a financial statement pursuant to this section if a mortgage broker requests such an extension before the date on which the financial statement is due.

3. If a mortgage broker maintains any accounts described in subsection 1 of NRS 645B.175, the financial statement submitted pursuant to this section must be audited. If a mortgage broker maintains any accounts described in subsection 4 of NRS 645B.175, those accounts must be audited. The public accountant who prepares the report of an audit shall submit a copy of the report to the Commissioner at the same time that he submits the report to the mortgage broker.

4. The Commissioner shall adopt regulations prescribing the scope of an audit conducted pursuant to subsection 3.

Sec. 5.6. NRS 645B.175 is hereby amended to read as follows:

645B.175 1. Except as otherwise provided in this section, all money received by a mortgage broker and his mortgage agents from an investor to acquire ownership of or a beneficial interest in a loan secured by a lien on real property must:

(a) Be deposited in:

(1) An insured depository financial institution; or

(2) An escrow account which is controlled by a person who is independent of the parties and subject to instructions regarding the account which are approved by the parties.

(b) Be kept separate from money:

(1) Belonging to the mortgage broker in an account appropriately named to indicate that the money does not belong to the mortgage broker.

(2) Received pursuant to subsection 4.

2. Except as otherwise provided in this section, the amount held in trust pursuant to subsection 1 must be released:

(a) Upon completion of the loan, including proper recordation of the respective interests or release, or upon completion of the transfer of the ownership or beneficial interest therein, to the debtor or his designee less the amount due the mortgage broker for the payment of any fee or service charge;

(b) If the loan or the transfer thereof is not consummated, to each investor who furnished the money held in trust; or

(c) Pursuant to any instructions regarding the escrow account.

3. The amount held in trust pursuant to subsection 1 must not be released to the debtor or his designee unless:

(a) The amount released is equal to the total amount of money which is being loaned to the debtor for that loan, less the amount due the mortgage broker for the payment of any fee or service charge; and

(b) The mortgage broker has provided a written instruction to a title agent or title insurer requiring that a lender's policy of title insurance or appropriate title endorsement, which names as an insured each investor who owns a beneficial interest in the loan, be issued for the real property securing the loan.

4. Except as otherwise provided in this section, all money paid to a mortgage broker and his mortgage agents by a person in full or in partial payment of a loan secured by a lien on real property, must:

(a) Be deposited in:

(1) An insured depository financial institution; or

(2) An escrow account which is controlled by a person who is subject to instructions regarding the account which are approved by the parties.

(b) Be kept separate from money:

(1) Belonging to the mortgage broker in an account appropriately named to indicate that it does not belong to the mortgage broker.

(2) Received pursuant to subsection 1.

5. Except as otherwise provided in this section, the amount held in trust pursuant to subsection 4:

(a) Must be released, upon the deduction and payment of any fee or service charge due the mortgage broker, to each investor who owns a beneficial interest in the loan in exact proportion to the beneficial interest that he owns in the loan; and

(b) Must not be released, in any proportion, to an investor who owns a beneficial interest in the loan, unless the amount described in paragraph (a) is also released to every other investor who owns a beneficial interest in the loan.

6. An investor may waive, in writing, the right to receive one or more payments, or portions thereof, that are released to other investors in the manner set forth in subsection 5. A mortgage broker or mortgage agent shall not act as the attorney-in-fact or the agent of an investor with respect to the giving of a written waiver pursuant to this subsection. Any such written waiver applies only to the payment or payments, or portions thereof, that are included in the written waiver and does not affect the right of the investor to:

(a) Receive the waived payment or payments, or portions thereof, at a later date; or

(b) Receive all other payments in full and in accordance with the provisions of subsection 5.

7. Upon reasonable notice, any mortgage broker described in this section shall:

(a) Account to any investor or debtor who has paid to the mortgage broker or his mortgage agents money that is required to be deposited in a trust account pursuant to this section; and

(b) Account to the Commissioner for all money which the mortgage broker and his mortgage agents have received from each investor or debtor and which the mortgage broker is required to deposit in a trust account pursuant to this section.

8. Money received by a mortgage broker and his mortgage agents pursuant to this section from a person who is not associated with the mortgage broker may be held in trust for not more than 45 days before an escrow account must be opened in connection with the loan. If, within this 45-day period, the loan or the transfer therefor is not consummated, the money must be returned within 24 hours. If the money is so returned, it may not be reinvested with the mortgage broker for at least 15 days.

9. If a mortgage broker or a mortgage agent receives any money pursuant to this section, the mortgage broker or mortgage agent, after the deduction and payment of any fee or service charge due the mortgage broker, shall not release the money to:

(a) Any person who does not have a contractual or legal right to receive the money; or

(b) Any person who has a contractual right to receive the money if the mortgage broker or mortgage agent knows or, in light of all the surrounding facts and circumstances, reasonably should know that the person's contractual right to receive the money violates any provision of this chapter or a regulation adopted pursuant to this chapter.

10. If a mortgage broker maintains any accounts described in subsection 1 or subsection 4, the mortgage broker shall, in addition to the annual financial statement audited pursuant to NRS 645B.085, submit to

the Commissioner each 6 calendar months a financial statement concerning those trust accounts.

11. The Commissioner shall adopt regulations concerning the form and content required for financial statements submitted pursuant to subsection 10.

Sec. 5.9. NRS 645B.189 is hereby amended to read as follows:

645B.189 1. If, in carrying on his business, a mortgage broker uses an advertisement that is designed, intended or reasonably likely to solicit money from private investors, the mortgage broker shall include in each such advertisement a statement of disclosure in substantially the following form:

Money invested through a mortgage broker is not guaranteed to earn any interest or return and is not insured.

2. A mortgage broker shall include in each advertisement that the mortgage broker uses in carrying on his business any statements of disclosure required pursuant to the regulations adopted by the Commissioner or required pursuant to an order of the Commissioner entered in accordance with subsections 7 and 8 of NRS 645B.185.

3. Each mortgage broker ***who has received his initial license within the past 12 months*** shall submit any proposed advertisement that the mortgage broker intends to use in carrying on his business to the Commissioner for approval.

4. In addition to the requirements set forth in this chapter, each advertisement that a mortgage broker uses in carrying on his business must comply with the requirements of:

(a) NRS 598.0903 to 598.0999, inclusive, concerning deceptive trade practices; and

(b) Any applicable federal statute or regulation concerning deceptive advertising and the advertising of interest rates.

5. If a mortgage broker violates any provision of NRS 598.0903 to 598.0999, inclusive, concerning deceptive trade practices or any federal statute or regulation concerning deceptive advertising or the advertising of interest rates, in addition to any sanction or penalty imposed by state or federal law upon the mortgage broker for the violation, the Commissioner may take any disciplinary action set forth in subsection 2 of NRS 645B.670 against the mortgage broker.

6. The Commissioner may adopt any regulations that are necessary to carry out the provisions of this section.

Sec. 6. NRS 645B.310 is hereby amended to read as follows:

645B.310 A mortgage broker shall not assign all or a part of his interest in a loan secured by a lien on real property, unless the mortgage broker:

1. Obtains a policy of title insurance for the real property; ~~[and]~~

2. ***Obtains the approval of the assignment from each investor who has acquired ownership of or a beneficial interest in the loan if, at the time of the assignment, the debtor on the loan has defaulted in making a payment required for the loan or any portion of the loan; and***

3. Records the assignment in the office of the county recorder of the county in which the real property is located.

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 645E.150 is hereby amended to read as follows:

645E.150 Except as otherwise provided in NRS 645E.160, the provisions of this chapter do not apply to:

1. Any person doing business under the laws of this State, any other state or the United States relating to banks, savings banks, trust companies, savings and loan associations, consumer finance companies, industrial loan companies, credit unions, thrift companies or insurance companies, ~~[unless the business conducted in this State is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.]~~ ***including, without limitation, a subsidiary or a holding company of such a bank, company, association or union.***

2. A real estate investment trust, as defined in 26 U.S.C. § 856, unless the business conducted in this State is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his duties as an attorney at law.

5. A real estate broker rendering services in the performance of his duties as a real estate broker.

6. Any person doing any act under an order of any court.

7. Any one natural person, or husband and wife, who provides money for investment in loans secured by a lien on real property, on his own account, unless such a person makes a loan secured by a lien on real property using his own money and assigns all or a part of his interest in the loan to another person, other than his spouse or child, within 5 years after the date on which the loan is made or the deed of trust is recorded, whichever occurs later.

8. Agencies of the United States and of this State and its political subdivisions, including the Public Employees' Retirement System.

9. A seller of real property who offers credit secured by a mortgage of the property sold.

Sec. 10.4. NRS 645E.160 is hereby amended to read as follows:

645E.160 1. ~~[A]~~ ***Except as otherwise provided in subsection 2, a*** person who claims an exemption from the provisions of this chapter pursuant to subsection 1 of NRS 645E.150 must:

(a) File a written application for a certificate of exemption with the Office of the Commissioner;

(b) Pay the fee required pursuant to NRS 645E.280; ~~[and]~~

(c) Include with the written application satisfactory proof that the person meets the requirements of subsection 1 of NRS 645E.150 ~~[.]~~ ***; and***

(d) Provide evidence to the Commissioner that the person is duly licensed to conduct his business and such license is in good standing pursuant to the laws of this State, any other state or the United States.

2. ***The provisions of subsection 1 do not apply to the extent preempted by federal law.***

3. The Commissioner may require a person who claims an exemption from the provisions of this chapter pursuant to subsections 2 to 9, inclusive, of NRS 645E.150 to:

(a) File a written application for a certificate of exemption with the Office of the Commissioner;

(b) Pay the fee required pursuant to NRS 645E.280; and

(c) Include with the written application satisfactory proof that the person meets the requirements of at least one of those exemptions.

~~[3.]~~ ***4.*** A certificate of exemption expires automatically if, at any time, the person who claims the exemption no longer meets the requirements of at least one exemption set forth in the provisions of NRS 645E.150.

~~[4.]~~ ***5.*** If a certificate of exemption expires automatically pursuant to this section, the person shall not provide any of the services of a mortgage banker or otherwise engage in, carry on or hold himself out as engaging in or carrying on the business of a mortgage banker unless the person applies for and is issued:

(a) A license as a mortgage banker pursuant to this chapter; or

(b) Another certificate of exemption.

~~[5.]~~ ***6.*** The Commissioner may impose upon a person who is required to apply for a certificate of exemption or who holds a certificate of exemption an administrative fine of not more than $10,000 for each violation that he commits, if the person:

(a) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(b) Has suppressed or withheld from the Commissioner any information which the person possesses and which, if submitted by him, would have rendered the person ineligible to hold a certificate of exemption; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner that applies to a person who is required to apply for a certificate of exemption or who holds a certificate of exemption.

Sec. 10.8. NRS 645E.280 is hereby amended to read as follows:

645E.280 1. A license issued to a mortgage banker pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a license, the licensee must submit to the Commissioner on or before December 31 of each year:

(a) An application for renewal that complies with the requirements of this chapter; and

(b) The fee required to renew the license pursuant to this section.

2. If the licensee fails to submit any item required pursuant to subsection 1 to the Commissioner on or before December 31 of any year, the license is cancelled. The Commissioner may reinstate a cancelled license if the licensee submits to the Commissioner:

(a) An application for renewal that complies with the requirements of this chapter;

(b) The fee required to renew the license pursuant to this section; and

(c) A reinstatement fee of ***not more than*** $200.

3. Except as otherwise provided in NRS 645E.160, a certificate of exemption issued pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a certificate of exemption, a person must submit to the Commissioner on or before December 31 of each year:

(a) An application for renewal that complies with the requirements of this chapter; and

(b) The fee required to renew the certificate of exemption.

4. If the person fails to submit any item required pursuant to subsection 3 to the Commissioner on or before December 31 of any year, the certificate of exemption is cancelled. Except as otherwise provided in NRS 645E.160, the Commissioner may reinstate a cancelled certificate of exemption if the person submits to the Commissioner:

(a) An application for renewal that complies with the requirements of this chapter;

(b) The fee required to renew the certificate of exemption; and

(c) A reinstatement fee of ***not more than*** $100.

5. A person must pay the following fees to apply for, to be issued or to renew a license as a mortgage banker pursuant to this chapter:

(a) To file an original application for a license, ***not more than*** $1,500 for the principal office and ***not more than*** $40 for each branch office. The person must also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary.

(b) To be issued a license, ***not more than*** $1,000 for the principal office and ***not more than*** $60 for each branch office.

(c) To renew a license, ***not more than*** $500 for the principal office and ***not more than*** $100 for each branch office.

6. A person must pay the following fees to apply for or to renew a certificate of exemption pursuant to this chapter:

(a) To file an application for a certificate of exemption, ***not more than*** $200.

(b) To renew a certificate of exemption, ***not more than*** $100.

7. To be issued a duplicate copy of any license or certificate of exemption, a person must make a satisfactory showing of its loss and pay a fee of ***not more than*** $10.

8. Except as otherwise provided in this chapter, all fees received pursuant to this chapter must be deposited in the Fund for Mortgage Lending created by NRS 645F.270.

9. The Commissioner may, by regulation, adjust any fee set forth in this section if the Commissioner determines that such an adjustment is necessary for the Commissioner to carry out his duties pursuant to this chapter. The amount of any adjustment in a fee pursuant to this subsection must not exceed the amount determined to be necessary for the Commissioner to carry out his duties pursuant to this chapter.

Sec. 11. NRS 645E.300 is hereby amended to read as follows:

645E.300 1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise general supervision and control over mortgage bankers doing business in this State.

2. In addition to the other duties imposed upon him by law, the Commissioner shall:

(a) Adopt ***regulations establishing reasonable limitations and guidelines on loans made by a mortgage banker to a director, officer or employee of the mortgage banker.***

(b) Adopt any ***other*** regulations that are necessary to carry out the provisions of this chapter, except as to loan fees.

~~[(b)]~~ ***(c)*** Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

~~[(c)]~~ ***(d)*** ~~[Conduct]~~ ***Except as otherwise provided in subsection 4, conduct*** an annual examination of each mortgage banker doing business in this State.

~~[(d)]~~ ***(e)*** Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary ~~[and proper]~~ for the efficient administration of the laws of this State regarding mortgage bankers.

~~[(e)]~~ ***(f)*** Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by:

(1) The Legislative Auditor; or

(2) The Department of Taxation if necessary to carry out the provisions of chapter 363A of NRS.

~~[(f)]~~ ***(g)*** Conduct such examinations and investigations as are necessary to ensure that mortgage bankers meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination, a mortgage banker shall pay a fee based on the rate established pursuant to NRS 645F.280.

4. The Commissioner may conduct biennial examinations of a mortgage banker instead of annual examinations, as described in paragraph (d) of subsection 2, if the mortgage banker:

(a) Received a rating in the last annual examination that meets a threshold determined by the Commissioner;

(b) Has not had any adverse change in financial condition since the last annual examination, as shown by financial statements of the mortgage banker; and

(c) Has not had any complaints received by the Division that resulted in any administrative action by the Division.

Sec. 11.5. NRS 645E.360 is hereby amended to read as follows:

645E.360 1. Except as otherwise provided in this section, not later than ~~[60]~~ ***120*** days after the last day of each fiscal year for a mortgage banker, the mortgage banker shall submit to the Commissioner a financial statement that:

(a) Is dated not earlier than the last day of the fiscal year; and

(b) Has been prepared from the books and records of the mortgage banker by an independent public accountant who holds a permit to engage in the practice of public accounting in this State that has not been revoked or suspended.

2. The Commissioner may grant a reasonable extension for the submission of a financial statement pursuant to this section if a mortgage banker requests such an extension before the date on which the financial statement is due.

3. If a mortgage banker maintains any accounts described in NRS 645E.430, the financial statement submitted pursuant to this section must be audited. The public accountant who prepares the report of an audit shall submit a copy of the report to the Commissioner at the same time that he submits the report to the mortgage banker.

4. The Commissioner shall adopt regulations prescribing the scope of an audit conducted pursuant to subsection 3.

Sec. 12. (Deleted by amendment.)

Sec. 12.4. NRS 80.015 is hereby amended to read as follows:

80.015 1. For the purposes of this chapter, the following activities do not constitute doing business in this State:

(a) Maintaining, defending or settling any proceeding;

(b) Holding meetings of the board of directors or stockholders or carrying on other activities concerning internal corporate affairs;

(c) Maintaining accounts in banks or credit unions;

(d) Maintaining offices or agencies for the transfer, exchange and registration of the corporation's own securities or maintaining trustees or depositaries with respect to those securities;

(e) Making sales through independent contractors;

(f) Soliciting or receiving orders outside of this State through or in response to letters, circulars, catalogs or other forms of advertising, accepting

those orders outside of this State and filling them by shipping goods into this State;

(g) Creating or acquiring indebtedness, mortgages and security interests in real or personal property;

(h) Securing or collecting debts or enforcing mortgages and security interests in property securing the debts;

(i) Owning, without more, real or personal property;

(j) Isolated transactions completed within 30 days and not a part of a series of similar transactions;

(k) The production of motion pictures as defined in NRS 231.020;

(l) Transacting business as an out-of-state depository institution pursuant to the provisions of title 55 of NRS; and

(m) Transacting business in interstate commerce.

2. The list of activities in subsection 1 is not exhaustive.

3. A person who is not doing business in this State within the meaning of this section need not qualify or comply with any provision of this chapter, chapter 645A, 645B or 645E of NRS or title 55 or 56 of NRS unless he:

(a) Maintains an office in this State for the transaction of business; ~~[or]~~

(b) Solicits or accepts deposits in the State, except pursuant to the provisions of chapter 666 or 666A of NRS ~~[.]~~ ***;***

(c) Solicits business for the activities of a mortgage broker as defined by NRS 645B.0127 or the activities of a mortgage banker as defined by NRS 645E.100; or

(d) Arranges a mortgage loan secured by real property which is not commercial property as defined by NRS 645E.040.

4. The fact that a person is not doing business in this State within the meaning of this section:

(a) Does not affect the determination of whether any court, administrative agency or regulatory body in this State may exercise personal jurisdiction over the person in any civil action, criminal action, administrative proceeding or regulatory proceeding; and

(b) Except as otherwise provided in subsection 3, does not affect the applicability of any other provision of law with respect to the person and may not be offered as a defense or introduced in evidence in any civil action, criminal action, administrative proceeding or regulatory proceeding to prove that the person is not doing business in this State, including, without limitation, any civil action, criminal action, administrative proceeding or regulatory proceeding involving an alleged violation of chapter 597, 598 or 598A of NRS.

5. As used in this section and for the purposes of NRS 80.016, "deposits" means demand deposits, savings deposits and time deposits, as those terms are defined in chapter 657 of NRS.

Sec. 12.8. 1. Any person who received or will receive a mortgage agent license between October 1, 2004, and June 30, 2008, must fulfill the requirements of section 1.4 of this act before January 1, 2009, in the same

manner as a person obtaining an initial license. If the person who received a mortgage agent license between October 1, 2004, and June 30, 2008, does not do so, the license of that person is suspended until he does so.

2. Any natural person who received or will receive a mortgage broker license or an initial designation as a qualified employee by a mortgage broker between October 1, 2005, and June 30, 2008, must fulfill the requirements of section 1.4 of this act before January 1, 2009, in the same manner as a natural person obtaining an initial license. If the natural person who received a mortgage broker license or was initially designated as the qualified employee by a mortgage broker between October 1, 2005, and June 30, 2008, does not do so, the license of that natural person is suspended until he does so.

Sec. 13. 1. This section, section 1 and sections 2 to 12.4, inclusive, of this act become effective upon passage and approval for the purpose of adopting regulations and on October 1, 2007, for all other purposes.

2. Sections 1.4, 1.6, 1.8 and 12.8 of this act become effective:

(a) Upon passage and approval for purpose of adopting regulations, administering examinations as set forth in section 1.4 of this act and approving courses of continuing education as set forth in section 1.8 of this act; and

(b) On July 1, 2008, for all other purposes.

Assemblyman Oceguera moved that the Assembly concur in the Senate Amendment No. 1029 to Assembly Bill No. 375.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 383.

The following Senate amendment was read:

Amendment No. 785.

AN ACT relating to immigration; creating new crimes relating to trafficking in persons; providing for punitive damages in a civil action against a person who commits such crimes in certain circumstances; making property of a person who commits such crimes subject to forfeiture; adding the crimes to the list of felonies that may cause a person to be charged as a habitual felon; requiring the Director of the Department of Business and Industry to include on the website of the Department a link to the Social Security Administration for employers to verify employee social security numbers; providing for ~~[disciplinary action to be taken]~~ **an administrative fine to be imposed** against a person who holds a state business license if the person **willfully, flagrantly or otherwise egregiously** engages in the unlawful hiring or employment of an unauthorized alien in violation of federal law; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1.3 of this bill creates the crime of trafficking in persons for illegal purposes which involves engaging in certain acts concerning the transportation of an illegal alien into this State with the intent: 1) to subject the person to certain acts relating to involuntary servitude; 2) to commit another felony; or 3) to violate any state or federal labor law. A person who commits such a crime is guilty of a category B felony punishable by a term of imprisonment in the state prison for not less than 1 year and not more than 20 years, and by a fine of not more than $50,000. Section 1.5 of this bill creates the crime of trafficking in persons which contains the same elements as for trafficking in persons for illegal purposes except that rather than committing the act with the intent to commit another crime, the person commits the act in exchange for money or other financial gain. A person who commits the crime of trafficking in persons is guilty of a category B felony which is punishable by a term of imprisonment in the state prison for a minimum term of 1 year and a maximum term of 10 years, and by a fine of not more than $50,000.

Section 3 of this bill adds the two new crimes of trafficking in persons to the list of crimes that may cause a person to be charged as a habitual felon. (NRS 207.012) Section 4 of this bill allows a person who suffers an injury as the result of the willful violation of such crimes by a person who was motivated by certain characteristics of the person to recover actual and punitive damages in a civil action. (NRS 41.690) Section 5 of this bill makes personal property of a person who engages in either of the two crimes of trafficking in persons subject to forfeiture. (NRS 179.121)

Section 6 of this bill requires the Director of the Department of Business and Industry to include on the website maintained by the Department a link to the Social Security Administration where an employer may verify the social security numbers of his employees.

Section 10 of this bill requires the Nevada Tax Commission to hold a hearing concerning any person who holds a state business license who has been found to have engaged in the unlawful hiring or employment of an unauthorized alien in violation of federal law. ~~[If the violation was inadvertent, the Commission may impose an administrative fine and require the person to demonstrate the manner in which he will prevent such violations in the future.]~~ If the violation is willful, **flagrant or otherwise egregious,** the Commission is ~~[authorized to suspend or revoke the license depending upon the egregiousness of the violation. If the license is revoked, the person may not obtain a new license for a certain period.]~~ **required to impose an administrative fine on the person.**

WHEREAS, Trafficking in persons provides opportunities for modern day slavery to occur; and

WHEREAS, Thousands of persons of all ages worldwide are trafficked annually across international borders; and

WHEREAS, Victims of trafficking in persons are often subjected to force, fraud or coercion for the purpose of subjecting the victims to sexual

exploitation, prostitution, providing other forms of sexual entertainment or forced labor; and

WHEREAS, Victims of trafficking in persons may also be used to provide labor in a manner that violates labor laws, including, without limitation, providing labor for reduced wages in the areas of domestic services, restaurants, janitorial services, production work in factories and agricultural labor; and

WHEREAS, Traffickers often employ tactics to instill fear in victims and to deny them freedom, including, without limitation, keeping the victims locked against their will, isolating victims from the public and from their families, confiscating passports, visas or other documents, using or threatening to use violence against victims or their families, informing victims that they will be imprisoned or deported for the violation of immigration laws if they disobey or try to inform the authorities about their situation and controlling any money of the victims; and

WHEREAS, The Legislature recognizes that it is necessary for the State to protect these victims by ensuring that persons who engage in trafficking of persons are punished severely for engaging in such conduct; now therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 200 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.5 of this act.

Sec. 1.3. ***1. A person shall not transport, procure transportation for or assist in the transportation of or procurement of transportation for another person into the State of Nevada whom he knows or has reason to know does not have the legal right to enter or remain in the United States with the intent to:***

(a) Subject the person to involuntary servitude or any other act prohibited pursuant to NRS 200.463 or 200.465;

(b) Violate any state or federal labor law, including, without limitation, 8 U.S.C. § 1324a; or

(c) Commit any other crime which is punishable by not less than 1 year imprisonment in the state prison.

2. A person who violates the provisions of subsection 1 is guilty of trafficking in persons for illegal purposes and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $50,000.

Sec. 1.5. ***1. A person shall not transport, procure transportation for or assist in the transportation of or procurement of transportation for another person into the State of Nevada whom he knows or has reason to know does not have the legal right to enter or remain in the United States in exchange for money or other financial gain.***

2. A person who violates the provisions of subsection 1 is guilty of trafficking in persons and, unless a greater penalty is provided pursuant to NRS 200.464 or section 1.3 of this act, shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $50,000.

Sec. 2. NRS 200.464 is hereby amended to read as follows:

200.464 ~~[A]~~ ***Unless a greater penalty is provided pursuant to section 1.3 of this act, a*** person who knowingly:

1. Recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person, intending or knowing that the person will be held in involuntary servitude; or

2. Benefits, financially or by receiving anything of value, from participating in a violation of NRS 200.463,

➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $50,000.

Sec. 3. NRS 207.012 is hereby amended to read as follows:

207.012 1. A person who:

(a) Has been convicted in this State of a felony listed in subsection 2; and

(b) Before the commission of that felony, was twice convicted of any crime which under the laws of the situs of the crime or of this State would be a felony listed in subsection 2, whether the prior convictions occurred in this State or elsewhere,

➥ is a habitual felon and shall be punished for a category A felony by imprisonment in the state prison:

(1) For life without the possibility of parole;

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(3) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.

2. The district attorney shall include a count under this section in any information or shall file a notice of habitual felon if an indictment is found, if each prior conviction and the alleged offense committed by the accused constitutes a violation of subparagraph (1) of paragraph (a) of subsection 1 of NRS 193.330, NRS 199.160, 199.500, 200.030, 200.310, 200.340, 200.366, 200.380, 200.390, subsection 3 or 4 of NRS 200.400, NRS 200.410, subsection 3 of NRS 200.450, subsection 5 of NRS 200.460, NRS 200.463, 200.464, 200.465, subsection 1, paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, NRS 200.710, 200.720, 201.230, 201.450, 202.170, 202.270, subsection 2 of NRS 202.780, paragraph (b) of subsection 2 of NRS 202.820, subsection 2 of NRS 202.830, NRS 205.010, subsection 4 of NRS 205.060, subsection 4 of

NRS 205.067, NRS 205.075, 207.400, paragraph (a) of subsection 1 of NRS 212.090, NRS 453.3325, 453.333, 484.219, 484.3795 or 484.37955 ~~[.]~~ ***or section 1.3 or 1.5 of this act.***

3. The trial judge may not dismiss a count under this section that is included in an indictment or information.

Sec. 4. NRS 41.690 is hereby amended to read as follows:

41.690 1. A person who has suffered injury as the proximate result of the willful violation of the provisions of NRS 200.280, 200.310, 200.366, 200.380, 200.400, 200.460, 200.463, 200.464, 200.465, 200.471, 200.481, 200.508, 200.5099, 200.571, 200.575, 203.010, 203.020, 203.030, 203.060, 203.080, 203.090, 203.100, 203.110, 203.119, 206.010, 206.040, 206.140, 206.200, 206.310, 207.180, 207.200 or 207.210 ***or section 1.3 or 1.5 of this act*** by a perpetrator who was motivated by the injured person's actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation may bring an action for the recovery of his actual damages and any punitive damages which the facts may warrant. If the person who has suffered injury prevails in an action brought pursuant to this subsection, the court shall award him costs and reasonable attorney's fees.

2. The liability imposed by this section is in addition to any other liability imposed by law.

Sec. 5. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes is subject to forfeiture:

(a) The commission of or attempted commission of the crime of murder, robbery, kidnapping, burglary, invasion of the home, grand larceny, theft if it is punishable as a felony, or pandering;

(b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;

(c) A violation of NRS 202.445 or 202.446;

(d) The commission of any crime by a criminal gang, as defined in NRS 213.1263; or

(e) A violation of NRS 200.463, 200.464, 200.465, 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405 or 465.070 to 465.085, inclusive ~~[.]~~ ***, or section 1.3 or 1.5 of this act.***

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under

this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge, consent or willful blindness;

(c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 if the firearm used in the violation of that section was not loaded at the time of the violation; and

(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

3. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

4. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

Sec. 6. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall include on the Internet website maintained by the Department a link which connects to the Social Security Administration where an employer may verify the social security number of an employee.

2. The link required pursuant to subsection 1 must be maintained in the area of the website that encourages and promotes the growth, development and legal operation of businesses within the State of Nevada.

Sec. 7. NRS 232.505 is hereby amended to read as follows:

232.505 As used in NRS 232.505 to 232.840, inclusive, ***and section 6 of this act,*** unless the context requires otherwise:

1. "Department" means the Department of Business and Industry.

2. "Director" means the Director of the Department.

Sec. 8. Chapter 360 of NRS is hereby amended by adding thereto the provisions set forth as sections 9 and 10 of this act.

Sec. 9. ***"Unauthorized alien" has the meaning ascribed to it in 8 U.S.C. § 1324a(h)(3).***

Sec. 10. ***1. Upon finding that the Attorney General of the United States has made a final decision and entered an order that a person who holds a state business license has engaged in the unlawful hiring or employment of an unauthorized alien pursuant to U.S.C § 1324a(e), the Nevada Tax Commission shall hold a hearing to determine whether to take action against*** ~~*[the state business license of]*~~ ***the person.***

2. The Nevada Tax Commission shall consider any proof submitted by the person who holds a state business license which demonstrates that the person attempted to verify the social security number of the unauthorized alien within 6 months from the date on which the unauthorized alien was allegedly employed. Such proof may include, without limitation, a printout from the link maintained on the Internet website of the Department of Business and Industry pursuant to section 6 of this act. Such proof may be used as prima facie evidence that the violation was ~~*[inadvertent.]*~~ ***not willful, flagrant or otherwise egregious.***

3. If the Nevada Tax Commission determines that the person who holds the state business license violated the federal law ~~*[:*~~

~~*(a) Inadvertently, the Commission may impose an administrative fine upon the person or require the person to provide an explanation concerning the manner in which the person will conduct business in the future to prevent additional violations of the law; or*~~

~~*(b) Willfully,]*~~ ***willfully, flagrantly or otherwise egregiously, the Commission*** ~~*[may suspend or revoke the state business license of the person depending on the egregiousness of the violation.*~~

~~*4. The Department shall not issue a new license to a person whose state business license is revoked pursuant to this section:*~~

~~*(a) For 1 year after the date of revocation for the first revocation pursuant to this section.*~~

~~*(b) For 5 years after the date of revocation for a second or subsequent revocation pursuant to this section.*~~

~~*5. Upon revoking a state business license pursuant to this section, the Department shall provide written notice of the revocation to the governing body of the city or county in which the business is being conducted.*~~

~~*6.]*~~ ***shall impose an administrative fine against the person in an amount established by the Commission by regulation. Any such administrative fine imposed must be deposited in the State General Fund.***

4. The Nevada Tax Commission shall adopt such regulations as it determines necessary to carry out the provisions of this section.

Sec. 11. NRS 360.760 is hereby amended to read as follows:

360.760 As used in NRS 360.760 to 360.798, inclusive, ***and sections 9 and 10 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 360.765 to 360.775, inclusive, ***and section 9 of this act,*** have the meanings ascribed to them in those sections.

Sec. 12. ~~*[NRS 360.798 is hereby amended to read as follows:*~~

~~360.798 1. If a person who holds a state business license fails to comply with a provision of NRS 360.760 to 360.798, inclusive, or a regulation of the Department adopted pursuant thereto, *or if the Nevada Tax Commission determines that the person has engaged in the unlawful hiring or employment of an unauthorized alien pursuant to section 10 of this act,* the Department may revoke or suspend the state business license of the person. Before so doing, the Department must hold a hearing after 10 days'*~~

~~written notice to the licensee. The notice must specify the time and place of the hearing and require the licensee to show cause why his license should not be revoked.~~

~~2. If the license is suspended or revoked, the Department shall give written notice of the action to the person who holds the state business license.~~

~~3. The notices required by this section may be served personally or by mail in the manner provided in NRS 360.350 for the service of a notice of the determination of a deficiency.~~

~~4. The Department shall not issue a new license to the former holder of a revoked state business license unless the Department is satisfied that the person will comply with the provisions of this chapter and the regulations of the Department adopted pursuant thereto.]~~ **(Deleted by amendment.)**

Sec. 13. NRS 613.080 is hereby amended to read as follows:

613.080 1. The immigration to this State of all slaves and other people bound by contract to involuntary servitude for a term of years is hereby prohibited.

2. It is unlawful for any company, person or persons to collect the wages or compensation for the labor of the persons described in subsection 1.

3. It is unlawful for any corporation, company, person or persons to pay to any owner or agent of the owner of any such persons mentioned in subsection 1 any wages or compensation for the labor of such slaves or persons so bound by the contract to involuntary servitude.

4. Unless a greater penalty is provided in NRS 200.463 or 200.464 ~~[,]~~ ***or section 1.3 of this act,*** a violation of any of the provisions of this section is a gross misdemeanor.

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 383.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 404.

The following Senate amendment was read:

Amendment No. 857.

AN ACT relating to insurance; ~~[prohibiting]~~ **revising provisions concerning the notice that must be given by** an insurer ~~[from using]~~ **who uses** certain credit information concerning an applicant or policyholder ~~[in underwriting or rating a policy;]~~ **under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law regulates the use by an insurer of the credit information of a policyholder or an applicant for insurance. ~~[(NRS 686A.680) This bill prohibits an insurer from using the number of times that an applicant or policyholder opens or closes credit accounts during any specific period as a negative factor in any insurance scoring methodology or in reviewing credit~~

~~information for the purpose of underwriting or rating a policy.]~~ **(NRS 686A.600-686A.730) In particular, existing law requires an insurer who takes an adverse action against an applicant or policyholder based on his credit information to provide notice to the applicant or policyholder in accordance with federal law that an adverse action has been taken and to provide notice to the applicant or policyholder explaining the reasons for the adverse action. (NRS 686A.710) This bill requires the notice explaining the reasons for the adverse action to be provided in a form approved by the Commissioner of Insurance.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing section 1 of this bill and replace with the following new section 1:

Section 1. **NRS 686A.710 is hereby amended to read as follows:**

686A.710 If an insurer takes an adverse action based upon credit information, the insurer shall:

1. Provide notice to the applicant or policyholder that an adverse action has been taken, in accordance with the requirements of section 615(a) of the federal Fair Credit Reporting Act, 15 U.S.C. § 1681m(a).

2. Provide notice to the applicant or policyholder explaining the reasons for the adverse action. The reasons must be provided in sufficiently clear and specific language so that a person can identify the basis for the insurer's decision to take the adverse action. The notice must include a description of not more than four factors that were the primary influences of the adverse action. The use of generalized terms such as "poor credit history," "poor credit rating" or "poor insurance score" does not meet the requirements of this subsection. ~~[Standardized explanations provided by consumer reporting agencies are deemed to comply with this section.]~~ ***The notice required by this subsection must be provided in a form approved by the Commissioner.***

Assemblyman Oceguera moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 404.

Remarks by Assemblyman Oceguera.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 424.

The following Senate amendment was read:

Amendment No. 734.

JOINT SPONSOR: SENATOR HECK

AN ACT relating to professions; providing for the licensing and regulation of clinical professional counselors **, clinical professional counselor interns** and clinical alcohol and drug abuse counselors; revising the name and expanding the membership of the Board of Examiners for Marriage and Family Therapists; providing a privilege against the disclosure of certain

confidential communications between a clinical professional counselor and his client and certain other persons; requiring reimbursement for services provided by a licensed clinical professional counselor or licensed clinical alcohol and drug abuse counselor under certain policies of health insurance; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 6 and 7 of this bill provide definitions for the terms "clinical professional counselor" and "practice of clinical professional counseling." Sections 8 and ~~[9]~~ **99.5** of this bill establish the requirements for a license to practice as a clinical professional counselor. **Sections 8.2-9 of this bill set forth requirements governing clinical professional counselor interns.** Sections 10-14, ~~[16-28 and 30-32]~~ **18-21 and 23.5-32** of this bill ~~[amend certain provisions of chapter 641A of NRS to]~~ include clinical professional counselors **and clinical professional counselor interns** under the regulation of the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors. Section ~~[15]~~ **14.5 of this bill revises the definition of "practice of marriage and family therapy." Sections 15 and 15.5** of this bill ~~[increases the membership]~~ **increase the number of members** of the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors **.** ~~[from six to eight members. Section 16]~~ **Sections 16 and 16.5** of this bill ~~[requires that two]~~ **require that the additional** members of the Board ~~[must]~~ be licensed clinical professional counselors. Section 29 of this bill prohibits a person from engaging in the practice of clinical professional counseling without a license. Section 35 of this bill provides a definition of "clinical practice of counseling alcohol and drug abusers." Section 36 of this bill establishes the requirements for the issuance of a license as a clinical alcohol and drug abuse counselor. Section 37 of this bill establishes the requirements for certification as a clinical alcohol and drug abuse counselor intern. Section 38 of this bill establishes the scope of practice of a clinical alcohol and drug abuse counselor and the duration of his license. ~~[Section 45 of this bill revises the definition of the "practice of counseling alcohol and drug abusers."]~~ Section 54 of this bill clarifies the scope of practice of an alcohol and drug abuse counselor. Sections 63-66 of this bill provide a privilege against the disclosure of certain confidential communications between a clinical professional counselor and his client and certain other persons. Sections 2, ~~[70, 75, 76 and 85]~~ **71, 76, 77 and 86** of this bill include a clinical professional counselor in the definition of the term "provider of health care." Sections 72, 73 and 78 of this bill require a clinical professional counselor **and a clinical alcohol and drug abuse counselor** to report to certain governmental agencies, including law enforcement agencies, cases of known or suspected abuse or neglect of an older person, vulnerable person or a child. Sections ~~[70,]~~ 79, 81 and 83 of this bill include a clinical professional counselor in the definition of the term "person professionally qualified in the field of psychiatric mental health." Sections 92-99 of this bill require reimbursement for services provided by a licensed clinical

professional counselor or clinical alcohol and drug abuse counselor under certain policies of health insurance.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 622A.120 is hereby amended to read as follows:

622A.120 1. The following regulatory bodies are exempted from the provisions of this chapter:

(a) State Contractors' Board.

(b) State Board of Professional Engineers and Land Surveyors.

(c) Nevada State Board of Accountancy.

(d) Board of Medical Examiners.

(e) Board of Dental Examiners of Nevada.

(f) State Board of Nursing.

(g) Chiropractic Physicians' Board of Nevada.

(h) Nevada State Board of Optometry.

(i) State Board of Pharmacy.

(j) Board of Examiners for Marriage and Family Therapists [.] ***and Clinical Professional Counselors.***

(k) Real Estate Commission, Real Estate Administrator and Real Estate Division of the Department of Business and Industry.

(l) Commission of Appraisers of Real Estate.

(m) Commissioner of Mortgage Lending and Division of Mortgage Lending of the Department of Business and Industry.

(n) Commissioner of Financial Institutions and Division of Financial Institutions of the Department of Business and Industry.

(o) State Board of Health and Health Division of the Department of Health and Human Services.

2. Any regulatory body which is exempted from the provisions of this chapter pursuant to subsection 1 may elect by regulation to follow the provisions of this chapter or any portion thereof.

Sec. 2. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by specific statute:

1. "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed marriage and family therapist, ***licensed clinical professional counselor,*** chiropractor, athletic trainer, doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist or a licensed hospital as the employer of any such person.

2. For the purposes of NRS 629.051, 629.061 and 629.065, the term includes a facility that maintains the health care records of patients.

Sec. 3. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, physician assistant, psychiatrist, psychologist, marriage and family therapist, ***clinical professional counselor,*** alcohol or drug abuse counselor, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who maintains or is employed by an agency to provide nursing in the home.

(f) Any employee of the Department of Health and Human Services.

(g) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(h) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(i) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(j) Any social worker.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section, "agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

Sec. 4. NRS 641.029 is hereby amended to read as follows:

641.029 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;

2. A person who is licensed to practice dentistry in this State;

3. A person who is licensed as a marriage and family therapist pursuant to chapter 641A of NRS;

4. ***A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;***

5. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;

~~[5.]~~ ***6.*** A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;

~~[6.]~~ ***7.*** A person who is licensed ***as a clinical alcohol and drug abuse counselor, licensed*** or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern, ***a clinical alcohol and drug abuse counselor intern,*** a problem gambling counselor or a problem gambling counselor intern **,** pursuant to chapter 641C of NRS; or

~~[7.]~~ ***8.*** Any clergyman,

➥ if such a person does not commit an act described in NRS 641.440 or represent himself as a psychologist.

Sec. 5. Chapter 641A of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[6]~~ **5.5** to 9, inclusive, of this act.

Sec. 5.5. "Approved supervisor" means a licensed clinical professional counselor who is approved by the Board to supervise a person who is acquiring the supervised experience in clinical professional counseling that is required for licensure as a clinical professional counselor pursuant to this chapter.

Sec. 6. ***"Clinical professional counselor" means a person who describes himself or his services to the public by any title or description which incorporates the term "clinical professional counselor" and under such a title offers to provide or provides services to any person.***

Sec. 7. ~~[1.]~~ "Practice of clinical professional counseling" means ~~*[assisting clients by the application of established principles, including, without limitation:*~~

~~*(a) Counseling by applying the principles, methods, techniques and theories of counseling, consultation, defining goals and developing a plan designed to prevent and resolve the emotional, social, cognitive and behavioral concerns of a client while promoting the overall development of his whole person;*~~

~~*(b) Consulting by applying principles and methods to provide assistance to a client in addressing the problems of another person;*~~

~~*(c) Referral of a client to another professional based on an evaluation of the needs of the client; and*~~

~~*(d) Research by a systematic effort to collect, analyze and interpret data that addresses the social interactions between persons.*~~

~~*2. The term does not include:*~~

~~*(a) The diagnosis or treatment of a psychotic disorder;*~~

~~*(b) The use of a psychological or psychometric assessment test to determine intelligence, personality, aptitude, interests or addictions; or*~~

~~*(c) The assessment or treatment of couples or families.]*~~ ***the provision of treatment, assessment and counseling, or equivalent activities, to a person or group of persons to achieve mental, emotional, physical, social and moral development and adjustment. The term includes counseling interventions to prevent, diagnose and treat mental, emotional or behavioral disorders and associated distresses which interfere with mental health. The term does not include:***

1. The practice of psychology or medicine;

2. The assessment or treatment of couples or families;

3. The prescription of drugs or electroconvulsive therapy;

4. The treatment of physical disease, injury or deformity;

5. The diagnosis or treatment of a psychotic disorder;

6. The use of projective techniques in the assessment of personality;

7. The use of psychological, neuropsychological or clinical tests designed to identify or classify abnormal or pathological human behavior;

8. The use of individually administered intelligence tests, academic achievement tests or neuropsychological tests; or

9. The use of psychotherapy to treat the concomitants of organic illness except in consultation with a qualified physician or licensed clinical psychologist.

Sec. 8. ***Each applicant for a license to practice as a clinical professional counselor must furnish evidence satisfactory to the Board that he:***

1. Is at least 21 years of age;

2. Is of good moral character;

3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;

4. Has:

(a) Completed his residency training in psychiatry from an accredited institution approved by the Board;

(b) A graduate degree ~~*[in an accredited program for mental health counseling;]*~~ ***from a program approved by the Council for Accreditation of Counseling and Related Educational Programs as a program in mental health counseling or community counseling; or***

(c) ~~*[Completed other education and training which is deemed equivalent by the Board;]*~~ ***An acceptable degree as determined by the Board which includes the completion of a practicum and internship in mental health counseling which was taken concurrently with the degree program and was supervised by a licensed mental health professional; and***

5. Has:

(a) At least 2 years of postgraduate experience in professional counseling; ~~*[and]*~~

(b) At least 3,000 hours of supervised experience in professional counseling ~~[, of which at]~~ which includes, without limitation:

(1) At least 1,500 hours ~~[must consist]~~ of direct contact with clients; and

(2) At least 100 hours of counseling under the direct supervision of an approved supervisor of which at least 1 hour per week was completed for each work setting at which the applicant provided counseling; and

(c) Either:

(1) Passed the National Counselor Examination for Licensure and Certification which is administered by the National Board for Certified Counselors and provided evidence satisfactory to the Board of at least 3 years of work experience in mental health counseling; or

(2) Passed the National Clinical Mental Health Counseling Examination which is administered by the National Board for Certified Counselors.

~~[6. Holds an undergraduate degree from an accredited institution approved by the Board.]~~

Sec. 8.2. 1. A person who wishes to obtain the supervised experience that is required for licensure as a clinical professional counselor pursuant to this chapter must obtain a license as a clinical professional counselor intern before beginning his supervised experience.

2. An applicant for a license as a clinical professional counselor intern must furnish evidence satisfactory to the Board that he:

(a) Is at least 21 years of age;

(b) Is of good moral character;

(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;

(d) Possesses a graduate degree in counseling from an accredited college or university approved by the Board which required the completion of a practicum or internship; and

(e) Has entered into a supervision agreement with an approved supervisor.

Sec. 8.4. A license as a clinical professional counselor intern:

1. Is valid for 5 years and may be renewed not more than once; and

2. Expires upon:

(a) The termination of the supervision agreement with an approved supervisor;

(b) A change in the approved supervisor; or

(c) The issuance of a license as a clinical professional counselor to the holder of the license as a clinical professional counselor intern.

Sec. 8.6. The holder of a license as a clinical professional counselor intern:

1. May engage in the practice of clinical professional counseling only for the purposes of obtaining the supervised experience required by

subsection 5 of section 8 of this act for a license to practice as a clinical professional counselor; and

2. Shall not engage in the practice of clinical professional counseling independently.

Sec. 8.8. 1. The holder of a license as a clinical professional counselor intern shall, before providing any counseling or other therapeutic service to a client:

(a) Inform the client that he holds a license as a clinical professional counselor intern and is practicing under the supervision of an approved supervisor; and

(b) Provide to the client the name of his approved supervisor.

2. A violation of subsection 1 constitutes a ground for initiating disciplinary action or denying licensure.

Sec. 9. ***1.*** ~~*[Except as otherwise provided in subsection 2, each qualified applicant for a license to practice as a clinical professional counselor must be given a written examination by the Board on his knowledge of clinical professional counseling. Examinations must be given at a time and place and under such supervision as the Board may determine. A grade of 70 percent or higher is a passing grade.*~~

~~*2. The Board shall accept receipt of a passing grade by a qualified applicant on the National Clinical Mental Health Counselor Examination administered by the National Board of Certified Counselors in lieu of requiring a written examination pursuant to subsection 1.*~~

~~*3. In addition to the requirements of subsections 1 and 2, the Board may require an oral examination. The Board may examine applicants in any applied or theoretical fields it deems appropriate.]*~~ ***The holder of a license as a clinical professional counselor intern who makes a change in a supervision agreement or enters into a new supervision agreement shall notify the Board within 30 days after the date of the change or new agreement.***

2. Each party to a supervision agreement shall, upon its termination, notify the Board in writing not more than 5 days after the date of termination.

Sec. 10. NRS 641A.010 is hereby amended to read as follows:

641A.010 The practice of marriage and family therapy ~~[is]~~ ***and the practice of clinical professional counseling are*** hereby declared ~~[a learned profession,]~~ ***to be learned professions*** profoundly affecting public safety and welfare and charged with the public interest, and therefore subject to protection and regulation by the State.

Sec. 11. NRS 641A.020 is hereby amended to read as follows:

641A.020 As used in this chapter, unless the context otherwise requires, ***the*** words and terms defined in NRS 641A.030 to 641A.080, inclusive, ***and sections 5.5, 6 and 7 of this act*** have the meanings ~~[assigned]~~ ***ascribed*** to them in ~~[such]~~ ***those*** sections.

Sec. 12. NRS 641A.030 is hereby amended to read as follows:

641A.030 "Board" means the Board of Examiners for Marriage and Family Therapists ~~[.]~~ ***and Clinical Professional Counselors.***

Sec. 13. NRS 641A.040 is hereby amended to read as follows:

641A.040 "License" means a license issued by the Board pursuant to this chapter to practice as a marriage and family therapist ~~[.]~~ ***, ~~[or to practice as]~~ a clinical professional counselor ~~[.]~~ or a clinical professional counselor intern.***

Sec. 14. NRS 641A.050 is hereby amended to read as follows:

641A.050 "Licensee" means a person licensed as a marriage and family therapist ***, ~~[or]~~ a clinical professional counselor or a clinical professional counselor intern*** by the Board.

Sec. 14.5. **NRS 641A.080 is hereby amended to read as follows:**

641A.080 1. "Practice of marriage and family therapy" means the ~~[application of established principles of learning, motivation, perception, thinking, emotional, marital and sexual relationships and adjustments by persons trained in psychology, social work, psychiatry or marriage and family therapy. The application of these principles includes:~~

~~(a) Diagnosis, therapy, treatment, counseling and the use of psychotherapeutic measures with persons or groups with adjustment problems in the areas of marriage, family or personal relationships.~~

~~(b) Conducting research concerning problems related to marital relationships and human behavior.~~

~~(c) Consultation with other persons engaged in the practice of marriage and family therapy if the consultation is determined by the Board to include the application of any of these principles.]~~ ***diagnosis and treatment of mental and emotional disorders, whether cognitive, affective or behavioral, within the context of interpersonal relationships, including, without limitation, marital and family systems, and involves the professional application or use of psychotherapy, counseling, evaluation, assessment instruments, consultation, treatment planning, supervision, research and prevention of mental and emotional disorders. The term includes, without limitation, the rendering of professional marital and family therapy services to a person, couple, family or family group or other group of persons.***

2. The term does not include:

(a) The diagnosis or treatment of a psychotic disorder; or

(b) The use of a psychological or psychometric assessment test to determine intelligence, personality, aptitude, interests or addictions.

Sec. 15. NRS 641A.090 is hereby amended to read as follows:

641A.090 The Board of Examiners for Marriage and Family Therapists ~~[,]~~ ***and Clinical Professional Counselors,*** consisting of ~~[six]~~ ***eight*** members appointed by the Governor, is hereby created.

Sec. 15.5. **NRS 641A.090 is hereby amended to read as follows:**

641A.090 The Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, consisting of ~~[eight]~~ ***nine*** members appointed by the Governor, is hereby created.

Sec. 16. NRS 641A.100 is hereby amended to read as follows:

641A.100 1. The Governor shall appoint to the Board:

(a) Four members who are licensed marriage and family therapists and are in good standing with or acceptable for membership in their local or state societies and associations when they exist; ~~[and]~~

(b) ***Two members who are licensed clinical professional counselors and are in good standing with or acceptable for membership in their local or state societies and associations when they exist; and***

(c) Two members who are representatives of the general public. These members must not be:

(1) A marriage and family therapist; ~~[or]~~

(2) ***A clinical professional counselor; or***

(3) The spouse or the parent or child, by blood, marriage or adoption, of a marriage and family therapist ~~[.]~~ ***or clinical professional counselor.***

2. The members who are representatives of the general public shall not participate in preparing, conducting or grading any examination required by the Board.

3. The Governor may, after notice and hearing, remove any member of the Board for misconduct in office, incompetence, neglect of duty or other sufficient cause.

Sec. 16.5. **NRS 641A.100 is hereby amended to read as follows:**

641A.100 1. The Governor shall appoint to the Board:

(a) Four members who are licensed marriage and family therapists and are in good standing with or acceptable for membership in their local or state societies and associations when they exist;

(b) ~~[Two]~~ ***Three*** members who are licensed clinical professional counselors and are in good standing with or acceptable for membership in their local or state societies and associations when they exist; and

(c) Two members who are representatives of the general public. These members must not be:

(1) A marriage and family therapist;

(2) A clinical professional counselor; or

(3) The spouse or the parent or child, by blood, marriage or adoption, of a marriage and family therapist or clinical professional counselor.

2. The members who are representatives of the general public shall not participate in preparing, conducting or grading any examination required by the Board.

3. The Governor may, after notice and hearing, remove any member of the Board for misconduct in office, incompetence, neglect of duty or other sufficient cause.

Sec. 17. NRS 641A.130 is hereby amended to read as follows:

641A.130 The Board shall meet at least once every 6 months at a time and place fixed by the Board. The Board shall hold a special meeting upon a call of the President or upon a request by a majority of the members. ~~[Three]~~ ***Five*** members of the Board constitute a quorum.

Sec. 18. NRS 641A.160 is hereby amended to read as follows:

641A.160 The Board shall adopt regulations not inconsistent with the provisions of this chapter governing its procedure, the examination and licensing of applicants, the granting, refusal, revocation or suspension of licenses **,** and the practice of marriage and family therapy ***and the practice of clinical professional counseling*** as ~~[it applies]~~ ***those practices apply*** to this chapter.

Sec. 19. NRS 641A.180 is hereby amended to read as follows:

641A.180 The Board shall:

1. Adopt regulations specifying the criteria for courses of study that are sufficient for the purposes of licensing; and

2. Determine which schools in and out of this State have courses of study for the preparation of marriage and family therapy ***and clinical professional counseling*** which are sufficient for the purposes of licensing. Published lists of educational institutions accredited by recognized accrediting organizations may be used in the evaluation of ~~[such]~~ ***those*** courses of study.

Sec. 20. NRS 641A.215 is hereby amended to read as follows:

641A.215 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license ~~[as a marriage and family therapist]~~ shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license ~~[as a marriage and family therapist]~~ shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license ~~[as a marriage and family therapist]~~ may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 21. NRS 641A.215 is hereby amended to read as follows:

641A.215 1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a license ~~[as a marriage and family therapist]~~ shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license ~~[as a marriage and family therapist]~~ may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 22. NRS 641A.220 is hereby amended to read as follows:

641A.220 Each applicant ***for a license to practice as a marriage and family therapist*** must furnish evidence satisfactory to the Board that he:

1. Is at least 21 years of age;

2. Is of good moral character;

3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;

4. Has completed his residency training in psychiatry from an accredited institution approved by the Board, has a graduate degree in marriage and family therapy, psychology or social work from an accredited institution

approved by the Board or has completed other education and training which is deemed equivalent by the Board;

5. Has ~~[at least 1 year]~~ ***:***

(a) At least 2 years of postgraduate experience in marriage and family therapy ~~[deemed satisfactory to the Board;]~~ ***;*** and

(b) At least 3,000 hours of supervised experience in marriage and family therapy, of which at least 1,500 hours must consist of direct contact with clients; and

6. Holds an undergraduate degree from an accredited institution approved by the Board.

Sec. 23. NRS 641A.230 is hereby amended to read as follows:

641A.230 1. Except as otherwise provided in subsection 2, each qualified applicant for a license ***to practice as a marriage and family therapist*** must ~~[be given]~~ ***pass*** a written examination ***given*** by the Board on his knowledge of marriage and family therapy. Examinations must be given at a time and place and under such supervision as the Board may determine. ~~[A grade of 70 percent or *higher* is a passing grade.]~~

2. The Board shall accept receipt of a passing grade by a qualified applicant on the national examination sponsored by the ~~[American]~~ Association ~~[for Marriage]~~ ***of Marital*** and Family Therapy ***Regulatory Boards*** in lieu of requiring a written examination pursuant to subsection 1.

3. In addition to the requirements of subsections 1 and 2, the Board may require an oral examination. The Board may examine ***applicants*** in whatever applied or theoretical fields it deems appropriate.

Sec. 23.5. **NRS 641A.235 is hereby amended to read as follows:**

641A.235 1. The Board shall issue a license to an applicant who meets the requirements imposed pursuant to this chapter.

2. ~~[A]~~ ***Except as otherwise provided in section 8.4 of this act, a*** license expires on January 1 of each year.

3. The Board may prorate the fee for a license which expires less than 6 months after the date of issuance.

Sec. 24. NRS 641A.265 is hereby amended to read as follows:

641A.265 The Board may waive all or part of the requirement of continuing education in a particular year if the marriage and family therapist ***or clinical professional counselor*** was prevented from fulfilling the requirement ~~[by]~~ ***because of*** circumstances beyond his control.

Sec. 25. NRS 641A.285 is hereby amended to read as follows:

641A.285 1. Upon written request to the Board and payment of the fee prescribed by the Board, a licensee in good standing may have his name and license transferred to an inactive list for a period not to exceed 3 continuous years. A licensee shall not practice marriage and family therapy ***or clinical professional counseling*** during the time his license is inactive. If an inactive licensee desires to resume the practice of marriage and family therapy ~~[,]~~ ***or clinical professional counseling,*** the Board must reactivate the license upon the:

(a) Completion of an application for reactivation;

(b) Payment of the fee for renewal of the license; and

(c) Demonstration, if deemed necessary by the Board, that the licensee is then qualified and competent to practice.

➥ Except as otherwise provided in subsection 2, the licensee is not required to pay the delinquency fee or the renewal fee for any year while the license was inactive.

2. Any license that remains inactive for a period which exceeds 3 continuous years is deemed:

(a) To effect a revocation for the purposes of NRS 641A.270.

(b) To have lapsed at the beginning of that period for the purposes of NRS 641A.280.

3. The Board may adopt such regulations as it deems necessary to carry out the provisions of this section, including without limitation, regulations governing the renewal of inactive licenses and any requirement of continuing education for inactive licensees.

Sec. 26. NRS 641A.310 is hereby amended to read as follows:

641A.310 The Board may refuse to grant a license or may suspend or revoke a license for any of the following reasons:

1. Conviction of a felony relating to the practice of marriage and family therapy ***or clinical professional counseling*** or of any offense involving moral turpitude, the record of conviction being conclusive evidence thereof.

2. Habitual drunkenness or addiction to the use of a controlled substance.

3. Impersonating a licensed marriage and family therapist**_,** ~~[or]~~ ***a clinical professional counselor*** ***or a clinical professional counselor intern*** or allowing another person to use his license.

4. Using fraud or deception in applying for a license or in passing the examination provided for in this chapter.

5. Rendering or offering to render services outside the area of his training, experience or competence.

6. Committing unethical practices contrary to the interest of the public as determined by the Board.

7. Unprofessional conduct as determined by the Board.

8. Negligence, fraud or deception in connection with services he is licensed to provide pursuant to this chapter.

Sec. 27. NRS 641A.313 is hereby amended to read as follows:

641A.313 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license **,** ~~[as a marriage and family therapist,]~~ the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the

holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license ~~[as a marriage and family therapist]~~ that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 28. NRS 641A.315 is hereby amended to read as follows:

641A.315 1. If the Board or any investigative committee of the Board has reason to believe that the conduct of any marriage and family therapist**,** ~~*[or]*~~ ***clinical professional counselor or clinical professional counselor intern*** has raised a reasonable question as to his competence to practice therapy ***or clinical professional counseling*** with reasonable skill and safety, it may order the marriage and family therapist**,** ~~*[or]*~~ ***clinical professional counselor or clinical professional counselor intern*** to undergo:

(a) A mental or physical examination administered by an appropriately licensed provider of health care;

(b) An examination testing his competence to practice therapy ~~[,]~~ ***or clinical professional counseling;*** or

(c) Any other examination designated by the Board,

➥ to assist the Board or committee in determining the fitness of the marriage and family therapist to practice therapy ~~[.]~~ ***or the clinical professional counselor or clinical professional counselor intern to practice clinical professional counseling.***

2. For the purposes of this section:

(a) Every ***marriage and family*** therapist**,** ~~*[or]*~~ ***clinical professional counselor or clinical professional counselor intern*** who applies for a license or who is licensed pursuant to this chapter is deemed to have given his consent to submit to any examination ordered pursuant to subsection 1 when ordered to do so in writing by the Board.

(b) The testimony and reports of the examining provider of health care are not privileged communications.

3. Except in extraordinary circumstances, as determined by the Board, the failure of a ***marriage and family*** therapist**,** ~~*[or]*~~ ***clinical professional counselor or clinical professional counselor intern*** licensed pursuant to this chapter to submit to an examination when ordered to do so as provided in this section constitutes an admission of the charges against him.

4. The Board may require the marriage and family therapist**,** ~~*[or]*~~ ***clinical professional counselor or clinical professional counselor intern*** to pay the cost of the examination.

Sec. 29. NRS 641A.410 is hereby amended to read as follows:

641A.410 1. It is unlawful for any person to engage in the practice of marriage and family therapy ***or the practice of clinical professional counseling*** unless he is licensed under the provisions of this chapter.

2. The provisions of this chapter do not:

(a) Prevent any licensed physician, licensed nurse, licensed psychologist, certified alcohol or drug abuse counselor or other person licensed or certified by the State from carrying out the functions permitted by his respective license or certification if the person does not hold himself out to the public by any title and description of service likely to cause confusion with the titles and descriptions of service set forth in this chapter.

(b) Apply to any activity or service of a student who is obtaining a professional education as recognized by the Board if the activity or service constitutes a part of the student's supervised course of study, the activities are supervised by a licensee under this chapter and the student is designated by the title "intern in marriage and family therapy" ~~*[or intern in clinical professional counseling"]*~~ or any other title which clearly indicates his status as a student.

(c) Apply to any activity or service of an intern while he is obtaining the experience required for licensing as a marriage and family therapist ~~[.]~~ ***or a clinical professional counselor.***

(d) Apply to a licensed or ordained minister in good standing with his denomination whose duty is primarily to serve his congregation and whose practice of marriage and family therapy ***or clinical professional counseling*** is incidental to his other duties if he does not hold himself out to the public by any title or description of service that is likely to cause confusion with the titles and descriptions or services set forth in this chapter.

Sec. 30. NRS 641A.430 is hereby amended to read as follows:

641A.430 It is unlawful for any person, other than a person licensed under this chapter, to employ or use the term "marriage and family counselor," "marriage and family therapist," "marital adviser," "marital therapist," ~~[or]~~ "marital consultant," ***"clinical professional*** ~~*[counselor"]*~~ ***counselor," "clinical professional counselor intern"*** or any similar title in connection with his work, or in any way imply that he is licensed by the Board, unless he is licensed under this chapter.

Sec. 31. NRS 641A.440 is hereby amended to read as follows:

641A.440 Any person who violates any of the provisions of this chapter or, having had his license suspended or revoked, continues to represent himself as a marriage and family therapist ***,*** ~~*[or a]*~~ ***clinical professional counselor or clinical professional counselor intern*** shall be punished by imprisonment in the county jail for not more than 1 year or by a fine of not more than $5,000, or by both fine and imprisonment. Each violation is a separate offense.

Sec. 32. NRS 641A.450 is hereby amended to read as follows:

641A.450 A violation of this chapter by a person unlawfully representing himself as a marriage and family therapist ***,*** ~~*[or a]*~~ ***clinical professional counselor or clinical professional counselor intern*** may be enjoined by a district court on petition by the Board. In any such proceeding it is not necessary to show that any person is individually injured. If the respondent is

found guilty of misrepresenting himself as a marriage and family therapist , ~~[or a]~~ ***clinical professional counselor*** ~~[,]~~ ***or clinical professional counselor intern,*** the court shall enjoin him from making such a representation until he has been licensed. Procedure in ~~[such]~~ ***those*** cases is the same as in any other application for an injunction. The remedy by injunction is in addition to criminal prosecution and punishment.

Sec. 33. NRS 641B.040 is hereby amended to read as follows:

641B.040 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;

2. A nurse who is licensed to practice in this State;

3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS;

4. A person who is licensed as a marriage and family therapist pursuant to chapter 641A of NRS;

5. ***A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;***

6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;

~~[6.]~~ ***7.*** A person who is licensed ***as a clinical alcohol and drug abuse counselor, licensed*** or certified as an alcohol and drug abuse counselor **,** or certified as ***a clinical alcohol and drug abuse counselor intern,*** an alcohol and drug abuse counselor intern, a problem gambling counselor or a problem gambling counselor intern **,** pursuant to chapter 641C of NRS;

~~[7.]~~ ***8.*** Any clergyman;

~~[8.]~~ ***9.*** A county welfare director;

~~[9.]~~ ***10.*** Any person who may engage in social work or clinical social work in his regular governmental employment but does not hold himself out to the public as a social worker; or

~~[10.]~~ ***11.*** A student of social work and any other person preparing for the profession of social work under the supervision of a qualified social worker in a training institution or facility recognized by the Board, unless the student or other person has been issued a provisional license pursuant to paragraph (b) of subsection 1 of NRS 641B.275. Such a student must be designated by the title "student of social work" or "trainee in social work," or any other title which clearly indicates his training status.

Sec. 34. Chapter 641C of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[31 to 33, inclusive,]~~ 35 to 38, inclusive, of this act.

Sec. 35. ***1. "Clinical practice of counseling alcohol and drug abusers" means:***

(a) The application of counseling to reduce or eliminate the habitual use of alcohol or other drugs, other than any maintenance dosage of a narcotic or habit-forming drug administered pursuant to chapter 453 of NRS; and

(b) The identification, evaluation, diagnosis and treatment of a mentally ill person who is an alcoholic or abuser of drugs.

2. The term does not include:

(a) The diagnosis or treatment of a psychotic disorder; or

(b) The use of a psychological or psychometric assessment test to determine intelligence, personality, aptitude, interests or addictions.

Sec. 36. ***1. The Board shall issue a license as a clinical alcohol and drug abuse counselor to:***

~~*[1.]*~~ ***(a) A person who:***

~~*[(a)]*~~ ***(1) Is not less than 21 years of age;***

~~*[(b)]*~~ ***(2) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;***

~~*[(c)]*~~ ***(3) Has received a master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board that includes comprehensive coursework in clinical mental health, including the diagnosis of mental health disorders;***

~~*[(d)]*~~ ***(4) Has completed a program approved by the Board consisting of at least 2,000 hours of supervised, postgraduate counseling of alcohol and drug abusers;***

~~*[(e)]*~~ ***(5) Has completed a program that:***

~~*[(1)]*~~ ***(I) Is approved by the Board; and***

~~*[(2)]*~~ ***(II) Consists of at least 2,000 hours of postgraduate counseling of persons who are mentally ill and who are alcohol and drug abusers that is supervised by a clinical alcohol and drug abuse counselor who is a person professionally qualified in the field of psychiatric mental health and who is approved by the Board;***

~~*[(f)]*~~ ***(6) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;***

~~*[(g)]*~~ ***(7) Pays the fees required pursuant to NRS 641C.470; and***

~~*[(h)]*~~ ***(8) Submits all information required to complete an application for a license.***

~~*[2.]*~~ ***(b) A person who:***

~~*[(a)]*~~ ***(1) Is not less than 21 years of age;***

~~*[(b)]*~~ ***(2) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;***

~~*[(c)]*~~ ***(3) Is:***

~~*[(1)]*~~ ***(I) Licensed as a clinical social worker pursuant to chapter 641B of NRS;***

~~*[(2)]*~~ ***(II) Licensed as a marriage and family therapist pursuant to chapter 641A of NRS; or***

~~*[(3)]*~~ ***(III) A nurse who is licensed pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university;***

~~*[(d)]*~~ ***(4) Has completed at least 6 months of supervised counseling of alcohol and drug abusers approved by the Board;***

~~*[(e)]*~~ ***(5) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;***

~~*[(f)]*~~ ***(6) Pays the fees required pursuant to NRS 641C.470; and***

~~*[(g)]*~~ ***(7) Submits all the information required to complete an application for a license.***

~~*[3.]*~~ ***2. As used in this section, "person professionally qualified in the field of psychiatric mental health" has the meaning ascribed to it in NRS 433.209.***

Sec. 37. ***1. The Board shall issue a certificate as a clinical alcohol and drug abuse counselor intern to a person who:***

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Pays the fees required pursuant to NRS 641C.470;

(d) Submits proof to the Board that he has received a master's degree or doctoral degree in a field of social science approved by the Board that includes comprehensive coursework in clinical mental health, including the diagnosis of mental health disorders; and

(e) Submits all the information required to complete an application for a certificate.

2. A certificate as a clinical alcohol and drug abuse counselor intern is valid for 1 year and may be renewed. The Board may waive any requirement for the renewal of a certificate upon good cause shown by the holder of the certificate.

3. A certified clinical alcohol and drug abuse counselor intern may, under the supervision of a licensed clinical alcohol and drug abuse counselor:

(a) Engage in the clinical practice of counseling alcohol and drug abusers ***;*** ~~*[who are mentally ill;]*~~ ***and***

(b) Diagnose or classify a person as an alcoholic or drug abuser.

Sec. 38. ***1. A license as a clinical alcohol and drug abuse counselor is valid for 1 year and may be renewed.***

2. A licensed clinical alcohol and drug abuse counselor may:

(a) Engage in the clinical practice of counseling alcohol and drug abusers;

(b) Diagnose or classify a person as an alcoholic or abuser of drugs; and

(c) Supervise certified interns.

Sec. 39. NRS 641C.010 is hereby amended to read as follows:

641C.010 The practice of counseling alcohol and drug abusers ***, the clinical practice of counseling alcohol and drug abusers*** and the practice of counseling problem gamblers are hereby declared to be learned professions affecting public health, safety and welfare and are subject to regulation to protect the public from the practice of counseling alcohol and drug abusers ***, the clinical practice of counseling alcohol and drug abusers*** and the practice of counseling problem gamblers by unqualified persons and from unprofessional conduct by persons who are licensed or certified to engage in

the practice of counseling alcohol and drug abusers ***, licensed or certified to engage in the clinical practice of counseling alcohol and drug abusers*** or certified to engage in the practice of counseling problem gamblers.

Sec. 40. NRS 641C.020 is hereby amended to read as follows:

641C.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 641C.030 to 641C.110, inclusive, ***and section 35 of this act,*** have the meanings ascribed to them in those sections.

Sec. 41. NRS 641C.040 is hereby amended to read as follows:

641C.040 "Certificate" means a certificate issued to a person who is certified as an alcohol and drug abuse counselor, ***a clinical alcohol and drug abuse counselor intern,*** an alcohol and drug abuse counselor intern, a problem gambling counselor or a problem gambling counselor intern.

Sec. 42. NRS 641C.060 is hereby amended to read as follows:

641C.060 "Certified intern" means a person who is certified as ***a clinical alcohol and drug abuse counselor intern,*** an alcohol and drug abuse counselor intern or a problem gambling counselor intern pursuant to the provisions of this chapter.

Sec. 43. NRS 641C.080 is hereby amended to read as follows:

641C.080 "License" means a license issued to a person who is licensed as an alcohol and drug abuse counselor ***or a clinical alcohol and drug abuse counselor*** pursuant to the provisions of this chapter.

Sec. 44. NRS 641C.090 is hereby amended to read as follows:

641C.090 "Licensed counselor" means a person who is licensed as an alcohol and drug abuse counselor ***or a clinical alcohol and drug abuse counselor*** pursuant to the provisions of this chapter.

Sec. 45. (Deleted by amendment.)

Sec. 46. NRS 641C.130 is hereby amended to read as follows:

641C.130 The provisions of this chapter do not apply to:

1. A physician who is licensed pursuant to the provisions of chapter 630 or 633 of NRS;

2. A nurse who is licensed pursuant to the provisions of chapter 632 of NRS and is authorized by the State Board of Nursing to engage in the practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers;

3. A psychologist who is licensed pursuant to the provisions of chapter 641 of NRS;

4. ***A clinical professional counselor or clinical professional counselor intern who is licensed pursuant to chapter 641A of NRS;***

5. A marriage and family therapist who is licensed pursuant to the provisions of chapter 641A of NRS and is authorized by the Board of Examiners for Marriage and Family Therapists ***and Clinical Professional Counselors*** to engage in the practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers; or

~~[5.]~~ ***6.*** A person who is licensed as a clinical social worker pursuant to the provisions of chapter 641B of NRS and is authorized by the Board of

Examiners for Social Workers to engage in the practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers.

Sec. 47. NRS 641C.150 is hereby amended to read as follows:

641C.150 1. The Board of Examiners for Alcohol, Drug and Gambling Counselors, consisting of seven members appointed by the Governor, is hereby created.

2. The Board must consist of:

(a) Three members who are licensed as ***clinical alcohol and drug abuse counselors or*** alcohol and drug abuse counselors pursuant to the provisions of this chapter.

(b) One member who is certified as an alcohol and drug abuse counselor pursuant to the provisions of this chapter.

(c) Two members who are licensed pursuant to chapter 630, 632, 641, 641A or 641B of NRS and certified as problem gambling counselors pursuant to the provisions of this chapter.

(d) One member who is a representative of the general public. This member must not be:

(1) A licensed ***clinical alcohol and drug abuse counselor or a licensed*** or certified alcohol and drug abuse counselor or problem gambling counselor; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a licensed ***clinical alcohol and drug abuse counselor or a licensed*** or certified alcohol and drug abuse counselor or problem gambling counselor.

3. A person may not be appointed to the Board unless he is:

(a) A citizen of the United States or is lawfully entitled to remain and work in the United States; and

(b) A resident of this State.

4. No member of the Board may be held liable in a civil action for any act that he performs in good faith in the execution of his duties pursuant to the provisions of this chapter.

Sec. 48. NRS 641C.220 is hereby amended to read as follows:

641C.220 The Board may enter into an interlocal agreement with an Indian tribe to provide to members of the tribe training in the practice of counseling alcohol and drug abusers ***or the clinical practice of counseling alcohol and drug abusers*** to assist those persons in obtaining licenses and certificates as alcohol and drug abuse counselors ~~[.]~~ ***and licenses as clinical alcohol and drug abuse counselors.***

Sec. 49. NRS 641C.290 is hereby amended to read as follows:

641C.290 1. ***Each applicant for a license as a clinical alcohol and drug abuse counselor must pass a written and oral examination concerning his knowledge of the clinical practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.***

2. Each applicant for a license or certificate as an alcohol and drug abuse counselor must pass a written and oral examination concerning his knowledge of the practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

~~[2.]~~ ***3.*** Each applicant for a certificate as a problem gambling counselor must pass a written examination concerning his knowledge of the practice of counseling problem gamblers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

~~[3.]~~ ***4.*** The Board shall:

(a) Examine applicants at least two times each year.

(b) Establish the time and place for the examinations.

(c) Provide such books and forms as may be necessary to conduct the examinations.

(d) Establish, by regulation, the requirements for passing the examination.

~~[4.]~~ ***5.*** The Board may employ other persons to conduct the examinations.

Sec. 50. NRS 641C.300 is hereby amended to read as follows:

641C.300 The Board shall issue a license or certificate without examination to a person who holds a license or certificate as ~~[an]~~ ***a clinical alcohol and drug abuse counselor or an*** alcohol and drug abuse counselor in another state, a territory or possession of the United States or the District of Columbia if the requirements of that jurisdiction at the time the license or certificate was issued are deemed by the Board to be substantially equivalent to the requirements set forth in the provisions of this chapter.

Sec. 51. NRS 641C.310 is hereby amended to read as follows:

641C.310 1. The Board may hold hearings and conduct investigations concerning any matter related to an application for a license or certificate. In the hearings and investigations, the Board may require the presentation of evidence.

2. The Board may refuse to issue a license or certificate to an applicant if the Board determines that the applicant:

(a) Is not of good moral character as it relates to the practice of counseling alcohol and drug abusers ~~[;]~~ ***or the clinical practice of counseling alcohol and drug abusers;***

(b) Has submitted a false credential to the Board;

(c) Has been disciplined in another state, a possession or territory of the United States or the District of Columbia in connection with the practice of counseling alcohol and drug abusers ~~[;]~~ ***or the clinical practice of counseling alcohol and drug abusers;***

(d) Has committed an act in another state, a possession or territory of the United States or the District of Columbia in connection with the practice of counseling alcohol and drug abusers ***or the clinical practice of counseling***

alcohol and drug abusers that would be a violation of the provisions of this chapter if the act were committed in this State; or

(e) Has failed to comply with any of the requirements for a license or certificate.

Sec. 52. NRS 641C.320 is hereby amended to read as follows:

641C.320 1. The Board may issue ~~[a]~~ ***:***

(a) A provisional license ***as a clinical alcohol and drug abuse counselor to a person who has applied to the Board to take the examination for a license as a clinical alcohol and drug abuse counselor and is otherwise eligible for that license pursuant to section 36 of this act;*** or

(b) A provisional license or certificate as an alcohol and drug abuse counselor to a person who has applied to the Board to take the examination for a license or certificate as an alcohol and drug abuse counselor and is otherwise eligible for that license or certificate pursuant to NRS 641C.350 or 641C.390.

2. A provisional license or certificate is valid for not more than 1 year and may not be renewed.

Sec. 53. NRS 641C.350 is hereby amended to read as follows:

641C.350 The Board shall issue a license as an alcohol and drug abuse counselor to:

1. A person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Has received a master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;

(d) Has completed 4,000 hours of supervised counseling of alcohol and drug abusers;

(e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

(f) Pays the fees required pursuant to NRS 641C.470; and

(g) Submits all information required to complete an application for a license.

2. A person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Is:

(1) Licensed as a clinical social worker pursuant to chapter 641B of NRS;

(2) ***Licensed as a clinical professional counselor pursuant to chapter 641A of NRS;***

(3) Licensed as a marriage and family therapist pursuant to chapter 641A of NRS; ~~[or~~

~~(3)~~ ***(4)*** A nurse who is licensed pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university; ***or***

(5) Licensed as a clinical alcohol and drug abuse counselor pursuant to this chapter;

(d) Has completed at least 6 months of supervised counseling of alcohol and drug abusers approved by the Board;

(e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

(f) Pays the fees required pursuant to NRS 641C.470; and

(g) Submits all information required to complete an application for a license.

Sec. 54. NRS 641C.360 is hereby amended to read as follows:

641C.360 1. A license as an alcohol and drug abuse counselor is valid for 2 years and may be renewed.

2. A licensed ***alcohol and drug abuse*** counselor may:

(a) Engage in the practice of counseling alcohol and drug abusers;

(b) Diagnose or classify a person as an alcoholic or abuser of drugs; and

(c) Supervise certified ***alcohol and drug abuse counselor*** interns.

3. A licensed alcohol and drug abuse counselor may not identify, evaluate, diagnose or treat a mentally ill person who is an alcoholic or abuser of drugs.

Sec. 55. NRS 641C.420 is hereby amended to read as follows:

641C.420 1. The Board shall issue a certificate as an alcohol and drug abuse counselor intern to a person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Has a high school diploma or a general equivalency diploma;

(d) Pays the fees required pursuant to NRS 641C.470;

(e) Submits proof to the Board that he:

(1) Is enrolled in a program from which he will receive an associate's degree, bachelor's degree, master's degree or doctoral degree in a field of social science approved by the Board; or

(2) Has received an associate's degree, bachelor's degree, master's degree or doctoral degree in a field of social science approved by the Board; and

(f) Submits all information required to complete an application for a certificate.

2. A certificate as an alcohol and drug abuse counselor intern is valid for 1 year and may be renewed. The Board may waive any requirement for the renewal of a certificate upon good cause shown by the holder of the certificate.

3. A certified ***alcohol and drug abuse counselor*** intern may, under the supervision of a licensed ***alcohol and drug abuse*** counselor ~~[:]~~ ***or licensed clinical alcohol and drug abuse counselor:***

(a) Engage in the practice of counseling alcohol and drug abusers; and

(b) Diagnose or classify a person as an alcoholic or drug abuser.

Sec. 56. NRS 641C.430 is hereby amended to read as follows:

641C.430 The Board may issue a certificate as a problem gambling counselor to:

1. A person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Has received a bachelor's degree, master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;

(d) Has completed not less than 60 hours of training specific to problem gambling approved by the Board;

(e) Has completed at least 2,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;

(f) Passes the written examination prescribed by the Board pursuant to NRS 641C.290;

(g) Presents himself when scheduled for an interview at a meeting of the Board;

(h) Pays the fees required pursuant to NRS 641C.470; and

(i) Submits all information required to complete an application for a certificate.

2. A person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Is licensed as:

(1) A clinical social worker pursuant to chapter 641B of NRS;

(2) ***A clinical professional counselor pursuant to chapter 641A of NRS;***

(3) A marriage and family therapist pursuant to chapter 641A of NRS;

~~[(3)]~~ ***(4)*** A physician pursuant to chapter 630 of NRS;

~~[(4)]~~ ***(5)*** A nurse pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university;

~~[(5)]~~ ***(6)*** A psychologist pursuant to chapter 641 of NRS; ~~[or~~

~~(6)]~~ ***(7)*** An alcohol and drug abuse counselor pursuant to this chapter; ***or***

(8) A clinical alcohol and drug abuse counselor pursuant to this chapter;

(d) Has completed not less than 60 hours of training specific to problem gambling approved by the Board;

(e) Has completed at least 1,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;

(f) Passes the written examination prescribed by the Board pursuant to NRS 641C.290;

(g) Pays the fees required pursuant to NRS 641C.470; and

(h) Submits all information required to complete an application for a certificate.

Sec. 57. NRS 641C.470 is hereby amended to read as follows:

641C.470 1. The Board shall charge and collect not more than the following fees:

For the initial application for a license or certificate $150
For the issuance of a provisional license or certificate 125
For the issuance of an initial license or certificate 60
For the renewal of a license or certificate as an alcohol and drug abuse counselor ***, a license as a clinical alcohol and drug abuse counselor*** or a certificate as a problem gambling counselor 300
For the renewal of a certificate as ***a clinical alcohol and drug abuse counselor intern,*** an alcohol and drug abuse counselor intern or a problem gambling counselor intern 75
For the renewal of a delinquent license or certificate 75
For the restoration of an expired license or certificate 150
For the restoration or reinstatement of a suspended or revoked license or certificate 300
For the issuance of a license or certificate without examination 150
For an examination 150
For the approval of a course of continuing education 150

2. The fees charged and collected pursuant to this section are not refundable.

Sec. 58. NRS 641C.700 is hereby amended to read as follows:

641C.700 The grounds for initiating disciplinary action pursuant to the provisions of this chapter include:

1. Conviction of:

(a) A felony relating to the practice of counseling alcohol and drug abusers ***, the clinical practice of counseling alcohol and drug abusers*** or the practice of counseling problem gamblers;

(b) An offense involving moral turpitude; or

(c) A violation of a federal or state law regulating the possession, distribution or use of a controlled substance or dangerous drug as defined in chapter 453 of NRS;

2. Fraud or deception in:

(a) Applying for a license or certificate;

(b) Taking an examination for a license or certificate;

(c) Documenting the continuing education required to renew or reinstate a license or certificate;

(d) Submitting a claim for payment to an insurer; or

(e) The practice of counseling alcohol and drug abusers ~~[.]~~ ***or the clinical practice of counseling alcohol and drug abusers;***

3. Allowing the unauthorized use of a license or certificate issued pursuant to this chapter;

4. Professional incompetence;

5. The habitual use of alcohol or any other drug that impairs the ability of a licensed or certified counselor or certified intern to engage in the practice of counseling alcohol and drug abusers ~~[.]~~ ***or the clinical practice of counseling alcohol and drug abusers;***

6. Engaging in the practice of counseling alcohol and drug abusers ***or the clinical practice of counseling alcohol and drug abusers*** with an expired, suspended or revoked license or certificate; and

7. Engaging in behavior that is contrary to the ethical standards as set forth in the regulations of the Board.

Sec. 59. NRS 641C.720 is hereby amended to read as follows:

641C.720 1. The Board or any of its members who become aware of any ground for initiating disciplinary action against a person engaging in the practice of counseling alcohol and drug abusers ***or the clinical practice of counseling alcohol and drug abusers*** in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Board. The complaint must specifically charge one or more of the grounds for initiating disciplinary action.

2. If, after notice and a hearing as required by law, the Board determines that a licensed or certified counselor or certified intern has violated a provision of this chapter or any regulation adopted pursuant to this chapter, it may:

(a) Administer a public reprimand;

(b) Suspend his license or certificate and impose conditions for the removal of the suspension;

(c) Revoke his license or certificate and prescribe the requirements for the reinstatement of the license or certificate;

(d) If he is a licensed or certified counselor, require him to be supervised by another person while he engages in the practice of counseling alcohol and drug abusers ~~[.]~~ ***or the clinical practice of counseling alcohol and drug abusers;***

(e) Require him to participate in treatment or counseling and pay the expenses of that treatment or counseling;

(f) Require him to pay restitution to any person adversely affected by his acts or omissions;

(g) Impose a fine of not more than $5,000; or

(h) Take any combination of the actions authorized by paragraphs (a) to (g), inclusive.

3. If his license or certificate is revoked or suspended pursuant to subsection 2, the licensed or certified counselor or certified intern may apply

to the Board for reinstatement of the suspended license or certificate or may apply to the Board pursuant to the provisions of chapter 622A of NRS for reinstatement of his revoked license or certificate. The Board may accept or reject the application and may require the successful completion of an examination as a condition of reinstatement of the license or certificate.

4. The Board shall not administer a private reprimand.

5. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 60. NRS 641C.900 is hereby amended to read as follows:

641C.900 1. Except as otherwise provided in subsection 2, a person shall not engage in the practice of counseling alcohol and drug abusers ***, the clinical practice of counseling alcohol and drug abusers*** or the practice of counseling problem gamblers unless he is a licensed counselor, certified counselor or certified intern.

2. A person may engage in the practice of counseling alcohol and drug abusers under the supervision of a licensed counselor ***, the clinical practice of counseling alcohol and drug abusers under the supervision of a clinical alcohol and drug abuse counselor*** or the practice of counseling problem gamblers under the supervision of a certified counselor for not more than 30 days if that person:

(a) Is qualified to be licensed or certified pursuant to the provisions of this chapter; and

(b) Submits an application to the Board for a license or certificate pursuant to the provisions of this chapter.

Sec. 61. NRS 641C.910 is hereby amended to read as follows:

641C.910 1. A person shall not:

(a) Hold himself out to a member of the general public as ***a clinical alcohol and drug abuse counselor, a clinical alcohol and drug abuse counselor intern,*** an alcohol and drug abuse counselor, ***an*** alcohol and drug abuse counselor intern, ***a*** problem gambling counselor or ***a*** problem gambling counselor intern;

(b) Use the title ***"clinical alcohol and drug abuse counselor," "clinical alcohol and drug abuse counselor intern,"*** "alcohol and drug abuse counselor," "alcohol and drug abuse counselor intern," "drug abuse counselor," "substance abuse counselor," "problem gambling counselor," "problem gambling counselor intern," "gambling counselor," "detoxification technician" or any similar title in connection with his work; or

(c) Imply in any way that he is licensed or certified by the Board,

➥ unless he is licensed or certified by the Board pursuant to the provisions of this chapter or a regulation adopted pursuant to NRS 641C.500.

2. If the Board believes that any person has violated or is about to violate any provision of this chapter or a regulation adopted pursuant thereto, it may bring an action in a court of competent jurisdiction to enjoin the person from engaging in or continuing the violation. An injunction:

(a) May be issued without proof of actual damage sustained by any person.

(b) Does not prevent the criminal prosecution and punishment of a person who violates a provision of this chapter or a regulation adopted pursuant thereto.

Sec. 62. Chapter 49 of NRS is hereby amended by adding thereto the provisions set forth as sections 63 to 66, inclusive, of this act.

Sec. 63. ***As used in sections 63 to 66, inclusive, of this act, unless the context otherwise requires:***

1. "Client" means a person who consults or is interviewed by a clinical professional counselor for the purpose of diagnosis or treatment.

2. "Clinical professional counselor" has the meaning ascribed to it in section 6 of this act ~~[.]~~ ***and includes a clinical professional counselor intern.***

3. A communication is "confidential" if it is not intended to be disclosed to any third person other than a person:

(a) Present during the consultation or interview to further the interest of the client;

(b) Reasonably necessary for the transmission of the communication; or

(c) Participating in the diagnosis or treatment under the direction of the clinical professional counselor, including a member of the client's family.

Sec. 64. ***A client has a privilege to refuse to disclose, and to prevent any other person from disclosing, confidential communications among himself, his clinical professional counselor or any other person who is participating in the diagnosis or treatment under the direction of the clinical professional counselor.***

Sec. 65. ***1. The privilege may be claimed by the client, by his guardian or conservator, or by the personal representative of a deceased client.***

2. The person who was the clinical professional counselor may claim the privilege but only on behalf of the client. The authority of the clinical professional counselor to do so is presumed in the absence of evidence to the contrary.

Sec. 66. ***There is no privilege under section 64 or 65 of this act:***

1. If the client communicates to the clinical professional counselor that he intends or plans to commit what the client knows or reasonably should know is a crime.

2. If the clinical professional counselor is required to testify in an administrative or court-related investigation or proceeding involving the welfare of his client or the minor children of his client.

3. For communications relevant to an issue in proceedings to hospitalize the ~~[patient]~~ ***client for mental illness, if the clinical professional counselor in the course of diagnosis or treatment has determined that the client is in need of hospitalization.***

4. As to communications relevant to an issue of the treatment of the client in any proceeding in which the treatment is an element of a claim or defense.

Sec. 67. NRS 62A.270 is hereby amended to read as follows:

62A.270 "Qualified professional" means:

1. A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.;

2. A psychologist licensed to practice in this State;

3. A social worker holding a master's degree in social work and licensed in this State as a clinical social worker;

4. A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State; ~~[or]~~

5. A marriage and family therapist licensed in this State pursuant to chapter 641A of NRS ~~[.]~~ ***; or***

6. ***A clinical professional counselor licensed in this State pursuant to chapter 641A of NRS.***

Sec. 68. NRS 62E.620 is hereby amended to read as follows:

62E.620 1. The juvenile court shall order a delinquent child to undergo an evaluation to determine whether the child is an abuser of alcohol or other drugs if the child committed:

(a) An unlawful act in violation of NRS 484.379, 484.3795 or 484.37955;

(b) The unlawful act of using, possessing, selling or distributing a controlled substance; or

(c) The unlawful act of purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020.

2. Except as otherwise provided in subsection 3, an evaluation of the child must be conducted by:

(a) ~~[An]~~ ***A clinical alcohol and drug abuse counselor who is licensed, an*** alcohol and drug abuse counselor who is licensed or certified ***,*** or an alcohol and drug abuse counselor intern ***or a clinical alcohol and drug abuse counselor intern*** who is certified ***,*** pursuant to chapter 641C of NRS ***,*** to make that classification; or

(b) A physician who is certified to make that classification by the Board of Medical Examiners.

3. If the child resides in this State but the nearest location at which an evaluation may be conducted is in another state, the court may allow the evaluation to be conducted in the other state if the person conducting the evaluation:

(a) Possesses qualifications that are substantially similar to the qualifications described in subsection 2;

(b) Holds an appropriate license, certificate or credential issued by a regulatory agency in the other state; and

(c) Is in good standing with the regulatory agency in the other state.

4. The evaluation of the child may be conducted at an evaluation center.

5. The person who conducts the evaluation of the child shall report to the juvenile court the results of the evaluation and make a recommendation to the juvenile court concerning the length and type of treatment required for the child.

6. The juvenile court shall:

(a) Order the child to undergo a program of treatment as recommended by the person who conducts the evaluation of the child.

(b) Require the treatment facility to submit monthly reports on the treatment of the child pursuant to this section.

(c) Order the child or the parent or guardian of the child, or both, to the extent of their financial ability, to pay any charges relating to the evaluation and treatment of the child pursuant to this section. If the child or the parent or guardian of the child, or both, do not have the financial resources to pay all those charges:

(1) The juvenile court shall, to the extent possible, arrange for the child to receive treatment from a treatment facility which receives a sufficient amount of federal or state money to offset the remainder of the costs; and

(2) The juvenile court may order the child, in lieu of paying the charges relating to his evaluation and treatment, to perform community service.

7. After a treatment facility has certified a child's successful completion of a program of treatment ordered pursuant to this section, the treatment facility is not liable for any damages to person or property caused by a child who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484.379, 484.3795, 484.37955, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of any other jurisdiction that prohibits the same or similar conduct.

8. The provisions of this section do not prohibit the juvenile court from:

(a) Requiring an evaluation to be conducted by a person who is employed by a private company if the company meets the standards of the Health Division of the Department of Health and Human Services. The evaluation may be conducted at an evaluation center.

(b) Ordering the child to attend a program of treatment which is administered by a private company.

9. All information relating to the evaluation or treatment of a child pursuant to this section is confidential and, except as otherwise authorized by the provisions of this title or the juvenile court, must not be disclosed to any person other than:

(a) The juvenile court;

(b) The child;

(c) The attorney for the child, if any;

(d) The parents or guardian of the child;

(e) The district attorney; and

(f) Any other person for whom the communication of that information is necessary to effectuate the evaluation or treatment of the child.

10. A record of any finding that a child has violated the provisions of NRS 484.379, 484.3795 or 484.37955 must be included in the driver's record of that child for 7 years after the date of the offense.

Sec. 69. NRS 89.050 is hereby amended to read as follows:

89.050 1. Except as otherwise provided in subsection 2, a professional corporation may be organized only for the purpose of rendering one specific type of professional service and may not engage in any business other than rendering the professional service for which it was organized and services reasonably related thereto, except that a professional corporation may own real and personal property appropriate to its business and may invest its money in any form of real property, securities or any other type of investment.

2. A professional corporation may be organized to render a professional service relating to:

(a) Architecture, interior design, residential design, engineering and landscape architecture, or any combination thereof, and may be composed of persons:

(1) Engaged in the practice of architecture as provided in chapter 623 of NRS;

(2) Practicing as a registered interior designer as provided in chapter 623 of NRS;

(3) Engaged in the practice of residential design as provided in chapter 623 of NRS;

(4) Engaged in the practice of landscape architecture as provided in chapter 623A of NRS; and

(5) Engaged in the practice of professional engineering as provided in chapter 625 of NRS.

(b) Medicine, homeopathy and osteopathy, and may be composed of persons engaged in the practice of medicine as provided in chapter 630 of NRS, persons engaged in the practice of homeopathic medicine as provided in chapter 630A of NRS and persons engaged in the practice of osteopathic medicine as provided in chapter 633 of NRS. Such a professional corporation may market and manage additional professional corporations which are organized to render a professional service relating to medicine, homeopathy and osteopathy.

(c) Mental health services, and may be composed of the following persons, in any number and in any combination:

(1) Any psychologist who is licensed to practice in this State;

(2) Any social worker who holds a master's degree in social work and who is licensed by this State as a clinical social worker;

(3) Any registered nurse who is licensed to practice professional nursing in this State and who holds a master's degree in the field of psychiatric nursing; ~~[and]~~

(4) Any marriage and family therapist who is licensed by this State pursuant to chapter 641A of NRS ~~.~~ ***; and***

(5) Any clinical professional counselor who is licensed by this State pursuant to chapter 641A of NRS.

➥ Such a professional corporation may market and manage additional professional corporations which are organized to render a professional service relating to mental health services pursuant to this paragraph.

3. A professional corporation may render a professional service only through its officers and employees who are licensed or otherwise authorized by law to render the professional service.

Sec. 70. NRS 176.133 is hereby amended to read as follows:

176.133 As used in NRS 176.133 to 176.159, inclusive, unless the context otherwise requires:

1. "Person professionally qualified to conduct psychosexual evaluations" means a person who has received training in conducting psychosexual evaluations and is:

(a) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.;

(b) A psychologist licensed to practice in this State;

(c) A social worker holding a master's degree in social work and licensed in this State as a clinical social worker;

(d) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State; ~~[or]~~

(e) A marriage and family therapist licensed in this State pursuant to chapter 641A of NRS ~~.~~ ***; or***

(f) A clinical professional counselor licensed in this State pursuant to chapter 641A of NRS.

2. "Psychosexual evaluation" means an evaluation conducted pursuant to NRS 176.139.

3. "Sexual offense" means:

(a) Sexual assault pursuant to NRS 200.366;

(b) Statutory sexual seduction pursuant to NRS 200.368, if punished as a felony;

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and is punished as a felony;

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(f) Incest pursuant to NRS 201.180;

(g) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195, if punished as a felony;

(h) Open or gross lewdness pursuant to NRS 201.210, if punished as a felony;

(i) Indecent or obscene exposure pursuant to NRS 201.220, if punished as a felony;

(j) Lewdness with a child pursuant to NRS 201.230;

(k) Sexual penetration of a dead human body pursuant to NRS 201.450;

(l) Luring a child or mentally ill person pursuant to NRS 201.560, if punished as a felony;

(m) An attempt to commit an offense listed in paragraphs (a) to (l), inclusive, if punished as a felony; or

(n) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

Sec. 71. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail;

(5) A justice of the Supreme Court, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph; or

(6) An employee of the State or a political subdivision of the State whose official duties require him to make home visits.

(c) "Provider of health care" means a physician, a physician assistant, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, an osteopathic physician's assistant, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractor, a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a dentist, a dental hygienist, a pharmacist, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist ~~[and]~~ ***, a clinical professional counselor , a clinical professional counselor intern and*** an emergency medical technician.

(d) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100.

(e) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(f) "Sports official" has the meaning ascribed to it in NRS 41.630.

(g) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(h) "Taxicab driver" means a person who operates a taxicab.

(i) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) ~~[of this subsection]~~ does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon, or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(c) If paragraph (d) ~~[of this subsection]~~ does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his duty or upon a sports official based on the performance of his duties at a sporting event, and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his duty or upon a sports official based on the performance of his duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 72. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:

(1) The local office of the Aging Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging Services Division of the Department of Health and Human Services.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, marriage and family therapist, ***clinical professional counselor, clinical alcohol and drug abuse counselor,*** alcohol ~~[or]~~ ***and*** drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Any employee of the Department of Health and Human Services.

(g) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(h) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(i) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect,

exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met.

(j) Every social worker.

(k) Any person who owns or is employed by a funeral home or mortuary.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney and the Aging Services Division of the Department of Health and Human Services his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging Services Division of the Department of Health and Human Services, must be forwarded to the Aging Services Division within 90 days after the completion of the report.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, the Aging Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if he is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 73. NRS 200.50935 is hereby amended to read as follows:

200.50935 1. Any person who is described in subsection 3 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited or isolated shall:

(a) Report the abuse, neglect, exploitation or isolation of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the vulnerable person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

3. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, marriage and family therapist, ***clinical professional counselor, clinical alcohol and drug abuse counselor,*** alcohol ~~[or]~~ ***and*** drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of a vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide nursing in the home.

(e) Any employee of the Department of Health and Human Services.

(f) Any employee of a law enforcement agency or an adult or juvenile probation officer.

(g) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.

(h) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of a vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(i) Every social worker.

(j) Any person who owns or is employed by a funeral home or mortuary.

4. A report may be made by any other person.

5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

6. A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.

7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 74. NRS 209.448 is hereby amended to read as follows:

209.448 1. An offender who has no serious infraction of the regulations of the Department or the laws of the State recorded against him must be

allowed, in addition to the credits provided pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a deduction of not more than 30 days from the maximum term of his sentence for the successful completion of a program of treatment for the abuse of alcohol or drugs which is conducted jointly by the Department and a person who is licensed ***as a clinical alcohol and drug abuse counselor, licensed*** or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern ***or a clinical alcohol and drug abuse counselor intern,*** pursuant to chapter 641C of NRS.

2. The provisions of this section apply to any offender who is sentenced on or after October 1, 1991.

Sec. 75. NRS 211.340 is hereby amended to read as follows:

211.340 1. In addition to the credits on a term of imprisonment provided for in NRS 211.310, 211.320 and 211.330, the sheriff of the county or the chief of police of the municipality in which a prisoner is incarcerated may deduct not more than 5 days from his term of imprisonment if the prisoner:

(a) Successfully completes a program of treatment for the abuse of alcohol or drugs which is conducted jointly by the local detention facility in which he is incarcerated and a person who is licensed ***as a clinical alcohol and drug abuse counselor, licensed*** or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern ***or a clinical alcohol and drug abuse counselor intern,*** pursuant to chapter 641C of NRS; and

(b) Is awarded a certificate evidencing his successful completion of the program.

2. The provisions of this section apply to any prisoner who is sentenced on or after October 1, 1991, to a term of imprisonment of 90 days or more.

Sec. 76. NRS 372.7285 is hereby amended to read as follows:

372.7285 1. In administering the provisions of NRS 372.325, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) "Medicare" means the program of health insurance for aged and disabled persons established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech pathologist, licensed hearing aid specialist, licensed marriage and family therapist, ***licensed clinical professional counselor,*** chiropractor or doctor of Oriental medicine in any form.

Sec. 77. NRS 374.731 is hereby amended to read as follows:

374.731 1. In administering the provisions of NRS 374.330, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) "Medicare" means the program of health insurance for aged and disabled persons established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech pathologist, licensed hearing aid specialist, licensed marriage and family therapist, ***licensed clinical professional counselor,*** chiropractor or doctor of Oriental medicine in any form.

Sec. 78. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of his home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, marriage and family therapist, ***clinical professional counselor, clinical alcohol and drug abuse counselor,*** alcohol ~~[or]~~ ***and*** drug abuse counselor, clinical social worker, athletic trainer, advanced emergency medical technician or other person providing medical services licensed or certified in this State.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of suspected abuse or neglect of a child by a member of the staff of the hospital.

(c) A coroner.

(d) A clergyman, practitioner of Christian Science or religious healer, unless he has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A social worker and an administrator, teacher, librarian or counselor of a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) An attorney, unless he has acquired the knowledge of the abuse or neglect from a client who is or may be accused of the abuse or neglect.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for an approved youth shelter. As used in this paragraph, "approved youth shelter" has the meaning ascribed to it in NRS 244.422.

(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the report and submit to an agency which provides child welfare services his written findings. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

Sec. 79. NRS 433.209 is hereby amended to read as follows:

433.209 "Person professionally qualified in the field of psychiatric mental health" means:

1. A psychiatrist licensed to practice medicine in the State of Nevada and certified by the American Board of Psychiatry and Neurology;

2. A psychologist licensed to practice in this State;

3. A social worker who holds a master's degree in social work, is licensed by the State as a clinical social worker and is employed by the Division;

4. A registered nurse who:

(a) Is licensed to practice professional nursing in this State;

(b) Holds a master's degree in the field of psychiatric nursing; and

(c) Is employed by the Division ~~[.]~~ ***;***

5. A marriage and family therapist licensed pursuant to chapter 641A of NRS ***; or***

6. A clinical professional counselor licensed pursuant to chapter 641A of NRS.

Sec. 80. NRS 433.265 is hereby amended to read as follows:

433.265 Any person employed by the Division as a psychiatrist, psychologist, marriage and family therapist, ***clinical professional counselor,*** registered nurse or social worker must be licensed or certified by the appropriate state licensing board for his respective profession.

Sec. 81. NRS 433A.018 is hereby amended to read as follows:

433A.018 "Person professionally qualified in the field of psychiatric mental health" means:

1. A psychiatrist licensed to practice medicine in this State who is certified by the American Board of Psychiatry and Neurology;

2. A psychologist licensed to practice in this State;

3. A social worker who holds a master's degree in social work, is licensed by the State as a clinical social worker and is employed by the Division;

4. A registered nurse who:

(a) Is licensed to practice professional nursing in this State;

(b) Holds a master's degree in the field of psychiatric nursing; and

(c) Is employed by the Division; ~~[or]~~

5. A marriage and family therapist licensed pursuant to chapter 641A of NRS ***; or***

6. A clinical professional counselor licensed pursuant to chapter 641A of NRS.

Sec. 82. NRS 433A.160 is hereby amended to read as follows:

433A.160 1. Except as otherwise provided in subsection 2, an application for the emergency admission of an allegedly mentally ill person for evaluation, observation and treatment may only be made by an accredited agent of the Department, an officer authorized to make arrests in the State of Nevada or a physician, psychologist, marriage and family therapist, ***clinical professional counselor,*** social worker or registered nurse. The agent, officer, physician, psychologist, marriage and family therapist, ***clinical professional counselor,*** social worker or registered nurse may:

(a) Without a warrant:

(1) Take an allegedly mentally ill person into custody to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Transport the allegedly mentally ill person to a public or private mental health facility or hospital for that purpose, or arrange for the person to be transported by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the Transportation Services Authority;

(III) An entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421; or

(IV) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

➥ only if the agent, officer, physician, psychologist, marriage and family therapist, ***clinical professional counselor,*** social worker or registered nurse has, based upon his personal observation of the allegedly mentally ill person, probable cause to believe that the person is a mentally ill person and, because of that illness, is likely to harm himself or others if allowed his liberty.

(b) Apply to a district court for an order requiring:

(1) Any peace officer to take an allegedly mentally ill person into custody to allow the applicant for the order to apply for the emergency admission of the allegedly mentally ill person for evaluation, observation and treatment; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport the allegedly mentally ill person to a public or private mental health facility or hospital for that purpose.

➥ The district court may issue such an order only if it is satisfied that there is probable cause to believe that the allegedly mentally ill person is a mentally ill person and, because of that illness, is likely to harm himself or others if allowed his liberty.

2. An application for the emergency admission of an allegedly mentally ill person for evaluation, observation and treatment may be made by a spouse, parent, adult child or legal guardian of the person. The spouse, parent, adult child or legal guardian and any other person who has a legitimate interest in the allegedly mentally ill person may apply to a district court for an order described in paragraph (b) of subsection 1.

3. The application for the emergency admission of an allegedly mentally ill person for evaluation, observation and treatment must reveal the circumstances under which the person was taken into custody and the reasons therefor.

4. ~~[As used in subsection 1, "an accredited agent of the Department" means any person appointed or designated by the Director of the Department to take into custody and transport to a mental health facility pursuant to subsections 1 and 2 those persons in need of emergency admission.~~

~~5.]~~ Except as otherwise provided in this subsection, each person admitted to a public or private mental health facility or hospital under an emergency admission must be evaluated at the time of admission by a psychiatrist or a psychologist. If a psychiatrist or a psychologist is not available to conduct an evaluation at the time of admission, a physician may conduct the evaluation. Each such emergency admission must be approved by a psychiatrist.

5. As used in this section, "an accredited agent of the Department" means any person appointed or designated by the Director of the Department to take into custody and transport to a mental health facility

pursuant to subsections 1 and 2 those persons in need of emergency admission.

Sec. 83. NRS 433B.090 is hereby amended to read as follows:

433B.090 "Person professionally qualified in the field of psychiatric mental health" means:

1. A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology;

2. A psychologist licensed to practice in this State;

3. A social worker who holds a master's degree in social work, is licensed by the State as a clinical social worker and is employed by the Division;

4. A registered nurse who:

(a) Is licensed to practice professional nursing in this State;

(b) Holds a master's degree in the field of psychiatric nursing; and

(c) Is employed by the Division or the Division of Mental Health and Developmental Services of the Department; ~~[or]~~

5. A marriage and family therapist licensed pursuant to chapter 641A of NRS ***; or***

6. A clinical professional counselor licensed pursuant to chapter 641A of NRS.

Sec. 84. NRS 433B.160 is hereby amended to read as follows:

433B.160 1. A person employed by the Division as a psychiatrist, psychologist, marriage and family therapist, ***clinical professional counselor,*** registered nurse or social worker must be licensed or certified by the appropriate state licensing board for his respective profession.

2. Any psychiatrist who is employed by the Division must be certified by the American Board of Psychiatry and Neurology within 5 years after his first date of employment with the Division. The Administrator shall terminate the employment of any psychiatrist who fails to receive that certification.

Sec. 85. NRS 433B.170 is hereby amended to read as follows:

433B.170 The Administrator shall not employ any psychiatrist, psychologist, social worker, registered nurse ***, clinical professional counselor*** or marriage and family therapist who is unable to demonstrate proficiency in the oral and written expression of the English language.

Sec. 86. NRS 442.003 is hereby amended to read as follows:

442.003 As used in this chapter, unless the context requires otherwise:

1. "Advisory Board" means the Advisory Board on Maternal and Child Health.

2. "Department" means the Department of Health and Human Services.

3. "Director" means the Director of the Department.

4. "Fetal alcohol syndrome" includes fetal alcohol effects.

5. "Health Division" means the Health Division of the Department.

6. "Obstetric center" has the meaning ascribed to it in NRS 449.0155.

7. "Provider of health care or other services" means:

(a) ~~[An]~~ ***A clinical alcohol and drug abuse counselor who is licensed, or an*** alcohol and drug abuse counselor who is licensed or certified ***,*** pursuant to chapter 641C of NRS;

(b) A physician or a physician assistant who is licensed pursuant to chapter 630 or an osteopathic physician who is licensed pursuant to chapter 633 of NRS and who practices in the area of obstetrics and gynecology, family practice, internal medicine, pediatrics or psychiatry;

(c) A licensed nurse;

(d) A licensed psychologist;

(e) A licensed marriage and family therapist;

(f) ***A licensed clinical professional counselor;***

(g) A licensed social worker; or

~~[(g)]~~ ***(h)*** The holder of a certificate of registration as a pharmacist.

Sec. 87. NRS 484.37937 is hereby amended to read as follows:

484.37937 1. An offender who is found guilty of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792, other than an offender who is found to have a concentration of alcohol of 0.18 or more in his blood or breath, may, at that time or any time before he is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse which is certified by the Health Division of the Department of Health and Human Services for at least 6 months. The court shall authorize that treatment if:

(a) The offender is diagnosed as an alcoholic or abuser of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified ***, or a clinical alcohol and drug abuse counselor who is licensed,*** pursuant to chapter 641C of NRS ***,*** to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners;

(b) The offender agrees to pay the cost of the treatment to the extent of his financial resources; and

(c) The offender has served or will serve a term of imprisonment in jail of 1 day, or has performed or will perform 24 hours of community service.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the question of whether the offender is eligible to undergo a program of treatment for alcoholism or drug abuse. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion. The hearing must be limited to the question of whether the offender is eligible to undergo such a program of treatment.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

4. If the court grants an application for treatment, the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment facility, that he complete the treatment satisfactorily and that he comply with any other condition ordered by the court.

(c) Advise the offender that:

(1) If he is accepted for treatment by such a facility, he may be placed under the supervision of the facility for a period not to exceed 3 years and during treatment he may be confined in an institution or, at the discretion of the facility, released for treatment or supervised aftercare in the community.

(2) If he is not accepted for treatment by such a facility or he fails to complete the treatment satisfactorily, he shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which he served before beginning treatment.

(3) If he completes the treatment satisfactorily, his sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the minimum fine provided for the offense in NRS 484.3792, but the conviction must remain on his record of criminal history.

5. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as otherwise provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of any condition of the suspension.

6. The court shall notify the Department, on a form approved by the Department, upon granting the application of the offender for treatment and his failure to be accepted for or complete treatment.

Sec. 88. NRS 484.3794 is hereby amended to read as follows:

484.3794 1. An offender who is found guilty of a violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792 may, at that time or any time before he is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse which is certified by the Health Division of the Department of Health and Human Services for at least 1 year if:

(a) The offender is diagnosed as an alcoholic or abuser of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified ***, or a clinical alcohol and drug abuse counselor who is licensed,*** pursuant to chapter 641C of NRS **,** to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners;

(b) The offender agrees to pay the costs of the treatment to the extent of his financial resources; and

(c) The offender has served or will serve a term of imprisonment in jail of 5 days and, if required pursuant to NRS 484.3792, has performed or will perform not less than one-half of the hours of community service.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the matter. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

4. If the court determines that an application for treatment should be granted, the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment facility, that he complete the treatment satisfactorily and that he comply with any other condition ordered by the court.

(c) Advise the offender that:

(1) If he is accepted for treatment by such a facility, he may be placed under the supervision of the facility for a period not to exceed 3 years and during treatment he may be confined in an institution or, at the discretion of the facility, released for treatment or supervised aftercare in the community.

(2) If he is not accepted for treatment by such a facility or he fails to complete the treatment satisfactorily, he shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which he served before beginning treatment.

(3) If he completes the treatment satisfactorily, his sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the minimum provided for the offense in NRS 484.3792, but the conviction must remain on his record of criminal history.

5. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as otherwise provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of a condition of the suspension.

6. The court shall notify the Department, on a form approved by the Department, upon granting the application of the offender for treatment and his failure to be accepted for or complete treatment.

Sec. 89. NRS 484.37943 is hereby amended to read as follows:

484.37943 1. If an offender is found guilty of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of

NRS 484.3792 and if the concentration of alcohol in the offender's blood or breath at the time of the offense was 0.18 or more, or if an offender is found guilty of a violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792, the court shall, before sentencing the offender, require an evaluation of the offender pursuant to subsection 3, 4, 5 or 6 to determine whether he is an abuser of alcohol or other drugs.

2. If an offender is convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792 and if the offender is under 21 years of age at the time of the violation, the court shall, before sentencing the offender, require an evaluation of the offender pursuant to subsection 3, 4, 5 or 6 to determine whether he is an abuser of alcohol or other drugs.

3. Except as otherwise provided in subsection 4, 5 or 6, the evaluation of an offender pursuant to this section must be conducted at an evaluation center by:

(a) An alcohol and drug abuse counselor who is licensed or certified ***, or a clinical alcohol and drug abuse counselor who is licensed,*** pursuant to chapter 641C of NRS **,** to make that evaluation; or

(b) A physician who is certified to make that evaluation by the Board of Medical Examiners,

➥ who shall report to the court the results of the evaluation and make a recommendation to the court concerning the length and type of treatment required for the offender.

4. The evaluation of an offender who resides more than 30 miles from an evaluation center may be conducted outside an evaluation center by a person who has the qualifications set forth in subsection 3. The person who conducts the evaluation shall report to the court the results of the evaluation and make a recommendation to the court concerning the length and type of treatment required for the offender.

5. The evaluation of an offender who resides in another state may, upon approval of the court, be conducted in the state where the offender resides by a physician or other person who is authorized by the appropriate governmental agency in that state to conduct such an evaluation. The offender shall ensure that the results of the evaluation and the recommendation concerning the length and type of treatment for the offender are reported to the court.

6. The evaluation of an offender who resides in this State may, upon approval of the court, be conducted in another state by a physician or other person who is authorized by the appropriate governmental agency in that state to conduct such an evaluation if the location of the physician or other person in the other state is closer to the residence of the offender than the nearest location in this State at which an evaluation may be conducted. The offender shall ensure that the results of the evaluation and the recommendation concerning the length and type of treatment for the offender are reported to the court.

7. An offender who is evaluated pursuant to this section shall pay the cost of the evaluation. An evaluation center or a person who conducts an evaluation in this State outside an evaluation center shall not charge an offender more than $100 for the evaluation.

Sec. 90. NRS 484.3796 is hereby amended to read as follows:

484.3796 1. Before sentencing an offender for a violation of NRS 484.379 that is punishable as a felony pursuant to NRS 484.3792 or a violation of NRS 484.3795 or 484.37955, the court shall require that the offender be evaluated to determine whether he is an abuser of alcohol or drugs and whether he can be treated successfully for his condition.

2. The evaluation must be conducted by:

(a) An alcohol and drug abuse counselor who is licensed or certified ***, or a clinical alcohol and drug abuse counselor who is licensed,*** pursuant to chapter 641C of NRS ***,*** to make such an evaluation;

(b) A physician who is certified to make such an evaluation by the Board of Medical Examiners; or

(c) A psychologist who is certified to make such an evaluation by the Board of Psychological Examiners.

3. The alcohol and drug abuse counselor, ***clinical alcohol and drug abuse counselor,*** physician or psychologist who conducts the evaluation shall immediately forward the results of the evaluation to the Director of the Department of Corrections.

Sec. 91. NRS 488.430 is hereby amended to read as follows:

488.430 1. Before sentencing a defendant pursuant to NRS 488.420, 488.425 or 488.427, the court shall require that the defendant be evaluated to determine whether he is an abuser of alcohol or drugs and whether he can be treated successfully for his condition.

2. The evaluation must be conducted by:

(a) An alcohol and drug abuse counselor who is licensed or certified ***, or a clinical alcohol and drug abuse counselor who is licensed,*** pursuant to chapter 641C of NRS ***,*** to make such an evaluation;

(b) A physician who is certified to make such an evaluation by the Board of Medical Examiners; or

(c) A psychologist who is certified to make such an evaluation by the Board of Psychological Examiners.

3. The alcohol and drug abuse counselor, ***clinical alcohol and drug abuse counselor,*** physician or psychologist who conducts the evaluation shall immediately forward the results of the evaluation to the Director of the Department of Corrections.

Sec. 92. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

If any policy of health insurance provides coverage for treatment of an illness which is within the authorized scope of practice of a licensed clinical alcohol and drug abuse counselor, the insured is entitled to

reimbursement for treatment by a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS.

Sec. 93. NRS 689A.0483 is hereby amended to read as follows:

689A.0483 If any policy of health insurance provides coverage for treatment of an illness which is within the authorized scope of ~~[the]~~ practice of a licensed marriage and family therapist ~~[,]~~ ***or licensed clinical professional counselor,*** the insured is entitled to reimbursement for treatment by a marriage and family therapist ***or clinical professional counselor*** who is licensed pursuant to chapter 641A of NRS.

Sec. 94. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

If any policy of group health insurance provides coverage for treatment of an illness which is within the authorized scope of practice of a licensed clinical alcohol and drug abuse counselor, the insured is entitled to reimbursement for treatment by a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS.

Sec. 95. NRS 689B.0383 is hereby amended to read as follows:

689B.0383 If any policy of group health insurance provides coverage for treatment of an illness which is within the authorized scope of ~~[the]~~ practice of a licensed marriage and family therapist ~~[,]~~ ***or licensed clinical professional counselor,*** the insured is entitled to reimbursement for treatment by a marriage and family therapist ***or clinical professional counselor*** who is licensed pursuant to chapter 641A of NRS.

Sec. 96. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

If any contract for hospital or medical service provides coverage for treatment of an illness which is within the authorized scope of practice of a licensed clinical alcohol and drug abuse counselor, the insured is entitled to reimbursement for treatment by a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS.

Sec. 97. NRS 695B.1973 is hereby amended to read as follows:

695B.1973 If any contract for hospital or medical service provides coverage for treatment of an illness which is within the authorized scope of ~~[the]~~ practice of a licensed marriage and family therapist ~~[,]~~ ***or licensed clinical professional counselor,*** the insured is entitled to reimbursement for treatment by a marriage and family therapist ***or clinical professional counselor*** who is licensed pursuant to chapter 641A of NRS.

Sec. 98. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

If any evidence of coverage provides coverage for treatment of an illness which is within the authorized scope of practice of a licensed clinical alcohol and drug abuse counselor, the insured is entitled to reimbursement for treatment by a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS.

Sec. 99. NRS 695C.1773 is hereby amended to read as follows:

695C.1773 If any evidence of coverage provides coverage for treatment of an illness which is within the authorized scope of ~~[the]~~ practice of a licensed marriage and family therapist ~~[,]~~ ***or licensed clinical professional counselor,*** the insured is entitled to reimbursement for treatment by a marriage and family therapist ***or clinical professional counselor*** who is licensed pursuant to chapter 641A of NRS.

Sec. 99.5. **Section 8 of this act is hereby amended to read as follows:**

Sec. 8. Each applicant for a license to practice as a clinical professional counselor must furnish evidence satisfactory to the Board that he:

1. Is at least 21 years of age;

2. Is of good moral character;

3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;

4. Has:

(a) Completed his residency training in psychiatry from an accredited institution approved by the Board;

(b) A graduate degree from a program approved by the Council for Accreditation of Counseling and Related Educational Programs as a program in mental health counseling or community counseling; or

(c) An acceptable degree as determined by the Board which includes the completion of a practicum and internship in mental health counseling which was taken concurrently with the degree program and was supervised by a licensed mental health professional; and

5. Has:

(a) At least 2 years of postgraduate experience in professional counseling;

(b) At least 3,000 hours of supervised experience in professional counseling which includes, without limitation:

(1) At least 1,500 hours of direct contact with clients; and

(2) At least 100 hours of counseling under the direct supervision of an approved supervisor of which at least 1 hour per week was completed for each work setting at which the applicant provided counseling; and

(c) ~~[Either:~~

~~(1) Passed the National Counselor Examination for Licensure and Certification which is administered by the National Board for Certified Counselors and provided evidence satisfactory to the Board of at least 3 years of work experience in mental health counseling; or~~

~~(2)]~~ Passed the National Clinical Mental Health Counseling Examination which is administered by the National Board for Certified Counselors.

Sec. 100. 1. As soon as practicable on or after July 1, 2007, the Governor shall, pursuant to paragraph (b) of subsection 1 of NRS 641A.100, as amended by section 16 of this act, appoint to the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors:

(a) One member whose term ends on June 30, 2010; and

(b) One member whose term ends on June 30, 2011.

2. **As soon as practicable on or after July 1, 2008, the Governor shall, pursuant to paragraph (b) of subsection 1 of NRS 641A.100, as amended by section 16.5 of this act, appoint to the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors one member whose term ends on June 30, 2012.**

3. Notwithstanding the provisions of section 16 of this act, the members described in subsection 1 that the Governor is required to appoint to the Board must have the qualifications for licensure as a clinical professional counselor set forth in section 8 of this act at the time of their appointment to the Board.

Sec. 101. 1. This section and sections 1 to ~~[20,]~~ **15,** inclusive, ~~[and]~~ **16, 17 to 20, inclusive,** 22 to ~~[100,]~~ **99,** inclusive, **and 100** of this act become effective ~~[on July 1, 2007, for the purposes of appointing members to the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors and]~~ **:**

(a) Upon passage and approval for the purposes of adopting regulations to carry out the amendatory provisions of this act ~~[, and on January 1, 2008,]~~ **; and**

(b) On July 1, 2007, for all other purposes.

2. **Sections 15.5 and 16.5 of this act become effective on July 1, 2008.**

3. Section 8 of this act expires by limitation on December 31, 2009.

4. Section 99.5 of this act becomes effective on January 1, 2010.

5. Section 20 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

~~[3.]~~ **6.** Section 21 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a procedure to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

~~[4.]~~ **7.** Sections 21 and 27 of this act expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblyman Oceguera moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 424.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered transmitted to the Senate.

Assembly Bill No. 468.

The following Senate amendment was read:

Amendment No. 897.

AN ACT relating to providers of health care; requiring a provider of health care to provide a written disclosure of certain financial interests that he has when referring a patient to or recommending physical therapy to a patient; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires providers of health care who refer patients to or recommend physical therapy to a patient to provide a written disclosure to the patient of any financial interests that the provider of health care has in a facility recommended or to which a patient is referred. **This bill also clarifies that this new requirement does not authorize a referral or recommendation which is otherwise prohibited.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a provider of health care refers a patient to or recommends that a patient receive physical therapy at a specific facility in which the provider of health care has a financial interest, the provider of health care shall disclose that interest to the patient in writing in a conspicuous manner.

2. The provisions of this section do not authorize a referral or recommendation which is otherwise prohibited, including, without limitation, by the provisions of NRS 439B.425.

3. As used in this section:

(a) "Financial interest" includes, without limitation, any share in the ownership of or profit from a facility at which physical therapy is provided and any form of compensation from a facility at which physical therapy is provided for a prescription for physical therapy.

(b) "Physical therapy" has the meaning ascribed to it in NRS 640.022.

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 468.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 518.

The following Senate amendment was read:

Amendment No. 701.

AN ACT relating to telecommunication service; revising provisions governing the regulation of certain incumbent local exchange carriers; revising provisions governing the regulation of competitive suppliers of telecommunication service; allowing for greater competition among various telecommunication providers; repealing provisions governing the plan of alternative regulation and PAR carriers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Public Utilities Commission of Nevada to regulate public utilities that provide telecommunication service to the public. With regard to local telephone service, each service territory has an incumbent local exchange carrier that has an obligation to serve the customers within that particular territory. If no other telecommunication provider is authorized to serve the customers in that particular territory, the incumbent local exchange carrier essentially has a monopoly with regard to local telephone service. (Chapter 704 of NRS)

To foster competition in the local telephone market, existing law allows the Commission to establish a plan of alternative regulation (PAR), whereby an incumbent local exchange carrier may elect to become a PAR carrier under a regulatory scheme which allows flexibility of pricing for certain competitive, discretionary and deregulated services. Under the PAR regulatory scheme, the PAR carrier is allowed to sell such services under less regulated conditions, and other telecommunication providers, known as competitive suppliers, have the opportunity to compete with the PAR carrier in the local telephone market. However, as the incumbent local exchange carrier, the PAR carrier generally retains its obligations as the provider of last resort of basic telephone service and must ensure that such telephone service remains available at affordable rates to the customers within its service territory. (NRS 704.040, 704.68904-704.68984)

This bill repeals the PAR regulatory scheme and replaces it with a regulatory scheme that is intended to promote more competition in the local telephone market. Under this bill, all telecommunication providers, with the exception of certain small-scale providers of last resort, are classified as competitive suppliers. This bill reduces the regulatory authority of the Commission over such competitive suppliers and provides for greater flexibility of pricing with regard to most components of local telephone service, including basic telephone service.

This bill also requires the Commission to adopt regulations establishing the terms, conditions and procedures under which: (1) an incumbent local exchange carrier may be excused from its obligations as the provider of last resort; and (2) those obligations may be reinstated. The regulations must also establish the manner of giving prior notice and the terms of any bond necessary to protect consumers and ensure continuity of basic telephone service when a provider other than an incumbent local exchange carrier intends to terminate or discontinue such service.

Finally, to maintain the availability of telephone service to rural, insular and high-cost areas, this bill requires the Commission to continue to levy and collect a uniform and equitable assessment from all telecommunication providers. The proceeds of the assessment must be used to reimburse providers of last resort so that they are able to provide telephone service to rural, insular and high-cost areas.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 30, inclusive, of this act.

Sec. 2. ***"Basic network service" means the provision of stand-alone telephone service furnished to a residential customer through the customer's primary residential line as the only service that:***

1. Is not:

(a) Part of a package of services;

(b) Sold in a promotion;

(c) Purchased pursuant to a contract; or

(d) Otherwise offered at a discounted price; and

2. Provides to the customer:

(a) Voice-grade access to the public switched telephone network with a minimum bandwidth of 300 to 3,000 hertz;

(b) Dual tone multifrequency signaling and single party service;

(c) Access to:

(1) Operator services;

(2) Telephone relay services;

(3) Local directory assistance;

(4) Interexchange service; and

(5) Emergency 911 service.

(d) The first single-line directory listing; and

(e) Universal lifeline service for those eligible for such service.

Sec. 3. ***"Business line service" means flat or measured rate service for business lines or business trunk lines.***

Sec. 4. ***1. "Competitive supplier" means a telecommunication provider that is subject to the provisions of sections 18 to 30, inclusive, of this act.***

2. The term does not include a small-scale provider of last resort unless the provider is authorized by the Commission pursuant to section 21 of this act to be regulated as a competitive supplier.

Sec. 5. ***"Fund to maintain the availability of telephone service" means the fund established by the Commission pursuant to NRS 704.040 to maintain the availability of telephone service.***

Sec. 6. ***"Incumbent local exchange carrier" has the meaning ascribed to it in 47 U.S.C. § 251(h)(1), as that section existed on October 1, 1999, and includes a local exchange carrier that is treated as an incumbent local exchange carrier pursuant to that section.***

Sec. 7. ***"Interexchange carrier" means any person providing either or both intrastate and interstate telecommunication service for a fee between two or more exchanges.***

Sec. 8. ***"Local exchange carrier" has the meaning ascribed to it in 47 U.S.C. § 153(26), as that section existed on December 1, 2006.***

Sec. 9. ***"Provider of last resort" means the telecommunication provider designated by the regulations of the Commission to provide basic network service and business line service to any person requesting and eligible to receive telephone service in a particular service territory.***

Sec. 10. ***"Small-scale provider of last resort" means an incumbent local exchange carrier that is a provider of last resort of basic network service and business line service to customers through less than 60,000 access lines.***

Sec. 11. ***"Telecommunication" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information sent and received, regardless of the facilities, equipment or technology used.***

Sec. 12. ***"Telecommunication provider" or "telephone company" means any person required to obtain from the Commission a certificate of public convenience and necessity pursuant to NRS 704.330 to provide telecommunication service.***

Sec. 13. ***"Telecommunication service" or "telephone service" means the offering of telecommunication for a fee directly to the public, or such classes of users as to be effectively available directly to the public, regardless of the equipment, facilities or technology used.***

Sec. 14. ***1. The Commission shall by regulation establish a procedure for an incumbent local exchange carrier to provide notice via the Internet of interconnection agreements entered into with another telecommunication provider.***

2. The procedure established by the Commission pursuant to this section for providing notice via the Internet is the exclusive method for providing such notice, and the Commission may not require another method of notice.

3. When an incumbent local exchange carrier provides notice via the Internet pursuant to this section, the notice must include a link to the

public area of its website where an electronic copy of the interconnection agreements may be obtained.

Sec. 15. ***1. The Commission shall adopt regulations that establish:***

(a) The obligations of incumbent local exchange carriers as providers of last resort giving due consideration to the status of the incumbent local exchange carriers as either competitive suppliers or small-scale providers of last resort.

(b) The terms, conditions and procedures under which:

(1) An incumbent local exchange carrier may be excused from the obligations of the provider of last resort; and

(2) The Commission may request an incumbent local exchange carrier to reinstate the obligations of the provider of last resort.

(c) The manner of giving prior written notice of not less than 180 days before another provider of basic network service or business line service may terminate or discontinue such services and the terms of any bond necessary to protect consumers and ensure continuity of such services.

2. The regulations adopted by the Commission may not allow an incumbent local exchange carrier to be excused from the obligations of the provider of last resort in situations where the incumbent local exchange carrier, before the effective date of this act, made an agreement to or was specifically ordered to act as the provider of last resort.

~~Sec. 16.~~ (Deleted by amendment.)

~~Sec. 17.~~ (Deleted by amendment.)

Sec. 18. ***1. Except as otherwise provided in this section, any telecommunication provider operating within this State is a competitive supplier that is subject to the provisions of sections 18 to 30, inclusive, of this act.***

2. A small-scale provider of last resort is not a competitive supplier that is subject to the provisions of sections 18 to 30, inclusive, of this act, unless the small-scale provider of last resort is authorized by the Commission pursuant to section 21 of this act to be regulated as a competitive supplier.

Sec. 19. ***The provisions of sections 18 to 30, inclusive, of this act do not:***

1. Apply to the Commission in connection with any actions or decisions required or permitted by the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

2. Limit or modify:

(a) The duties of a competitive supplier that is an incumbent local exchange carrier regarding the provision of network interconnection, unbundled network elements and resold services under the provisions of the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

(b) The authority of the Commission to act pursuant to NRS 704.6881 and 704.6882.

Sec. 20. ***The Commission may adopt any regulations that are necessary to carry out the provisions of sections 18 to 30, inclusive, of this act.***

Sec. 20.5. ***1. Each competitive supplier that is an incumbent local exchange carrier on the effective date of this act shall:***

(a) On or before October 1, 2008, prepare and submit to the Commission and the Bureau of Consumer Protection in the Office of the Attorney General a report regarding competition in the local markets for telecommunication service, including, without limitation, competition from available alternative services that serve as technological substitutes for telecommunication service. The report must be based on information that is reasonably available from public sources and must contain data, statistical measures and analyses for assessing:

(1) The existing number of customers of the competitive supplier, the forms of telecommunication service provided by the competitive supplier and the prices for such services;

(2) The number of competitors in the local markets within the service territory of the competitive supplier for various forms of telecommunication service, including, without limitation, wireline and wireless telecommunication service, and any available alternative services that serve as technological substitutes for telecommunication service, such as broadband services , ~~*[and video services,]*~~ ***and a comparison of the services provided by such competitors and prices for telecommunication service and broadband service;***

(3) The growth or decline, if any, in customers and primary access lines of the competitive supplier during the preceding 5 years; and

(4) The number of persons receiving a reduction in rates for telephone service pursuant to NRS 707.400 to 707.500, inclusive, within the service territory of the competitive supplier, the price of such service, the consumer outreach and informational programs used to expand participation of eligible persons in such service, and the management, coordination and training programs implemented by the competitive supplier to increase awareness and use of lifeline and link-up programs.

(b) On or before October 1 of each year thereafter for a period of 4 years, prepare and submit to the Commission and the Bureau of Consumer Protection in the Office of the Attorney General a report that compares and evaluates any changes in the data, prices, statistical measures and analyses set forth in the report submitted by the competitive supplier pursuant to paragraph (a).

2. The Commission shall:

(a) On or before December 1 of each applicable year, provide to the Legislative Commission a copy of the reports received pursuant to subsection 1; and

(b) On or before December 1, 2010, prepare and submit to the Legislative Commission and the Bureau of Consumer Protection in the Office of the Attorney General a report that:

(1) Summarizes and evaluates the data, prices, statistical measures and analyses set forth in the reports submitted by competitive suppliers pursuant to subsection 1;

(2) Provides an assessment of market conditions and the state of competition for telecommunication service in the various geographical areas of this State; and

(3) Includes, without limitation:

(I) A discussion of the types of alternative services that serve as technological substitutes for telecommunication service and the availability of such alternative services in the various geographical areas of this State; and

(II) An assessment of the alternative services that are available for basic network service and business line service considering inter-modal alternatives, technological developments, market conditions and the availability of comparable alternative services in the various geographical areas of this State.

Sec. 21. ***1. A small-scale provider of last resort may apply to the Commission to be regulated as a competitive supplier pursuant to sections 18 to 30, inclusive, of this act.***

2. The Commission may grant the application if it finds that the public interest will be served by allowing the small-scale provider of last resort to be regulated as a competitive supplier.

3. If the Commission denies the application, the small-scale provider of last resort:

(a) May not be regulated as a competitive supplier but remains subject to regulation pursuant to this chapter as a telecommunication provider; and

(b) May not submit another application to be regulated as a competitive supplier sooner than 1 year after the date the most recent application was denied, unless the Commission, upon a showing of good cause or changed circumstances, allows the provider to submit another application sooner.

Sec. 22. ***1. A competitive supplier is not subject to any review of earnings or monitoring of the rate base or any other regulation by the Commission relating to the net income or rate of return of the competitive supplier, and the Commission shall not consider the rate of return, the rate base or any other earnings of the competitive supplier in carrying out the provisions of sections 18 to 30, inclusive, of this act.***

2. On or before May 15 of each year, a competitive supplier shall file with the Commission an annual statement of income, a balance sheet, a statement of cash flows for the total operations of the competitive supplier and a statement of intrastate service revenues, each prepared in accordance with generally accepted accounting principles.

3. A competitive supplier is not required to submit any other form of financial report or comply with any other accounting requirements, including, without limitation, requirements relating to depreciation and affiliate transactions, imposed upon a public utility by this chapter, chapter 703 of NRS or the regulations of the Commission.

Sec. 23. ***1. Except as otherwise provided in sections 18 to 30, inclusive, of this act, a competitive supplier:***

(a) Is exempt from the provisions of NRS 704.100 and 704.110 and the regulations of the Commission relating thereto and from any other provision of this chapter governing the rates, pricing, terms and conditions of any telecommunication service; and

(b) May exercise complete flexibility in the rates, pricing, terms and conditions of any telecommunication service.

2. The rates, pricing, terms and conditions of intrastate switched or special access service provided by a competitive supplier that is an incumbent local exchange carrier and the applicability of such access service to intrastate interexchange traffic are subject to regulation by the Commission, which must be consistent with federal law, unless the Commission deregulates intrastate switched or special access service pursuant to section 26 of this act.

3. A competitive supplier that is an incumbent local exchange carrier shall use a letter of advice to change any rates, pricing, terms and conditions of intrastate switched or special access service, universal lifeline service or access to emergency 911 service. A letter of advice submitted pursuant to this subsection shall be deemed approved if the Commission does not otherwise act on the letter of advice within 120 days after the date on which the letter is filed with the Commission.

Sec. 24. ***1. A competitive supplier is not required to maintain or file any schedule or tariff with the Commission.***

2. Each competitive supplier that is an incumbent local exchange carrier:

(a) Shall publish the rates, pricing, terms and conditions of basic network service by:

(1) Posting such rates, pricing, terms and conditions electronically on a publicly available Internet website maintained by the competitive supplier;

(2) Maintaining for inspection by the public a copy of such rates, pricing, terms and conditions at the principal office in Nevada of the competitive supplier; or

(3) Delivering to the customer a copy of the rates, pricing, terms and conditions in writing with the first invoice, billing statement or other written summary of charges for the telecommunication service provided by the competitive supplier to the customer; and

(b) May publish the rates, pricing, terms and conditions of other telecommunication service by:

(1) Posting such rates, pricing, terms and conditions electronically on a publicly available Internet website maintained by the competitive supplier;

(2) Maintaining for inspection by the public a copy of such rates, pricing, terms and conditions at the principal office in Nevada of the competitive supplier; or

(3) Delivering to the customer a copy of the rates, pricing, terms and conditions in writing with the first invoice, billing statement or other written summary of charges for the telecommunication service provided by the competitive supplier to the customer.

Sec. 25. ***1. The Commission shall not decrease the rates or pricing of basic network service provided by a competitive supplier, unless the competitive supplier files a general rate application pursuant to paragraph (b) of subsection 2 and the Commission orders a decrease in the rates or pricing of such service in a general rate case proceeding conducted pursuant thereto.***

2. Except as otherwise provided in this section, a competitive supplier that is an incumbent local exchange carrier shall not:

(a) Without the approval of the Commission, discontinue basic network service or change the terms and conditions of basic network service as set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007.

(b) Before January 1, 2012, increase the rates or pricing of basic network service as set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007, except that notwithstanding any other provision of this chapter:

(1) On or after January 1, 2011, and before January 1, 2012, the competitive supplier may, without the approval of the Commission, increase the rates or pricing of basic network service provided by the competitive supplier but the total of all increases during that period may not result in rates or pricing of basic network service that is more than $1 above the rates or pricing set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007; and

(2) The Commission may allow the competitive supplier to increase the rates or pricing of basic network service above the amounts authorized by this subsection only if the competitive supplier files a general rate application and proves in a general rate case proceeding conducted pursuant to NRS 704.110 and 704.120 that the increase is absolutely necessary to avoid rates or prices that are confiscatory under the Constitution of the United States or the Constitution of this State. In such a general rate case proceeding, the Commission:

(I) May allow an increase in the rates or pricing of basic network service provided by the competitive supplier only in an amount that the competitive supplier proves in the general rate case proceeding is absolutely necessary to avoid an unconstitutional result and shall not

authorize in the general rate case proceeding any rate, price or other relief for the competitive supplier that is not proven by the competitive supplier to be absolutely necessary to avoid an unconstitutional result; and

(II) May order a decrease in the rates or pricing of basic network service provided by the competitive supplier if the Commission determines in the general rate case proceeding that the decrease is necessary to provide customers with just and reasonable rates.

3. On or after January 1, 2012:

(a) A competitive supplier that is an incumbent local exchange carrier may exercise flexibility in the rates, pricing, terms and conditions of basic network service in the same manner permitted for other telecommunication service pursuant to section 23 of this act; and

(b) The Commission shall not:

(1) Regulate the rates, pricing, terms and conditions of basic network service provided by such a competitive supplier; or

(2) Require such a competitive supplier to maintain any schedule or tariff for basic network service.

4. A competitive supplier that is an incumbent local exchange carrier must provide reasonably detailed information concerning the rates, pricing, terms and conditions of basic network service in the manner required by section 24 of this act.

Sec. 26. ***1.*** ~~*[The Commission may not deregulate]*~~ ***A competitive supplier shall provide access to emergency 911 service*** ~~*[provided by a competitive supplier.]*~~ ***and shall not discontinue such access.***

2. The Commission may, upon its own motion or the petition of any person, deregulate intrastate switched or special access service provided by a competitive supplier. Unless the Commission deregulates such access service pursuant to this subsection, the rates, pricing, terms and conditions of such access service are subject to tariff regulation by the Commission.

3. If the Commission receives a petition pursuant to subsection 2, the Commission shall act upon the petition not later than 120 days after the date the Commission receives the petition.

Sec. 27. ***1. A competitive supplier that is a provider of last resort may use an alternative technology to satisfy the obligation to provide basic network service or business line service in a service territory.***

2. Except as otherwise provided in this section, the Commission may not exercise jurisdiction over an alternative technology used by a competitive supplier that is a provider of last resort to satisfy the obligation to provide basic network service or business line service in a service territory, including, without limitation, determining the rates, pricing, terms, conditions or availability of an alternative technology.

3. If a competitive supplier that is a provider of last resort uses an alternative technology to satisfy the obligation to provide basic network service or business line service in a service territory, the Commission may investigate whether basic network service or business line service provided

through the alternative technology by the competitive supplier is functionally comparable with circuit-switched wireline telephony.

4. If, after notice and hearing, the Commission finds any material deficiency in the competitive supplier's use of the alternative technology to satisfy the obligation to provide basic network service or business line service, the Commission may order the competitive supplier to implement corrective action, within a technically reasonable period, to cure the material deficiency in the use of the alternative technology.

5. As used in this section, "alternative technology" means any technology, facility or equipment, other than circuit-switched wireline telephony, that has the capability to provide customers with service functionally comparable to basic network service or business line service. The term includes, without limitation, wireless or Internet technology, facilities or equipment.

Sec. 28. ***If a competitive supplier charges a customer a fixed price or amount for a package of services, the competitive supplier, in any bill or statement for the package of services, is permitted to specify only the fixed price or amount for the package of services and is not required to:***

1. Identify each separate service or component included in the package of services; or

2. Specify the unit price or amount charged for each separate service or component included in the package of services.

Sec. 29. ***1. A competitive supplier that is not a provider of last resort may discontinue any telecommunication service by providing written notice, not less than 10 days before the date of the discontinuation, to any customer of that service and the Commission.***

2. A competitive supplier that is a provider of last resort may:

(a) Discontinue any telecommunication service, except basic network service, by providing written notice, not less than 10 days before the date of the discontinuation, to any customer of that service and the Commission.

(b) Apply to the Commission to discontinue basic network service to all or a portion of the service territory of the competitive supplier on terms that are in the public interest.

Sec. 30. ***In exercising flexibility in the rates, pricing, terms and conditions of any telecommunication service, a competitive supplier that is an incumbent local exchange carrier shall not engage in any anticompetitive act or practice or unlawfully discriminate among similarly situated customers.***

Sec. 31. NRS 704.001 is hereby amended to read as follows:

704.001 It is hereby declared to be the purpose and policy of the Legislature in enacting this chapter:

1. To confer upon the Commission the power, and to make it the duty of the Commission, to regulate public utilities to the extent of its jurisdiction;

2. To provide for fair and impartial regulation of public utilities;

3. To provide for the safe, economic, efficient, prudent and reliable operation and service of public utilities; ~~[and]~~

4. To balance the interests of customers and shareholders of public utilities by providing public utilities with the opportunity to earn a fair return on their investments while providing customers with just and reasonable rates ~~[.]~~ ***; and***

5. With regard to telecommunication service:

(a) To regulate competitive suppliers in a manner that allows customers to benefit from full competition regarding rates and services;

(b) To provide for basic network service to economically disadvantaged persons who are eligible for a reduction in rates for telephone service pursuant to NRS 707.400 to 707.500, inclusive; and

(c) To maintain the availability of telephone service to rural, insular and high-cost areas through:

(1) The levy and collection of a uniform and equitable assessment from all persons furnishing intrastate telecommunication service or the functional equivalent of such service through any form of telephony technology; and

(2) Payments to telecommunication providers from the fund to maintain the availability of telephone service.

Sec. 32. NRS 704.005 is hereby amended to read as follows:

704.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 704.007 to 704.030, inclusive, ***and sections 2 to 13, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 33. NRS 704.020 is hereby amended to read as follows:

704.020 1. "Public utility" or "utility" includes:

(a) Any person who owns, operates, manages or controls any railroad or part of a railroad as a common carrier in this State, or cars or other equipment used thereon, or bridges, terminals, or sidetracks, or any docks or wharves or storage elevators used in connection therewith, whether or not they are owned by the railroad.

(b) Any ~~[telephone company]~~ ***person, other than a provider of commercial mobile radio service,*** that provides a telecommunication service to the public, but only with regard to those operations ~~[of the telephone company]~~ which consist of providing a telecommunication service to the public.

(c) ***Any provider of commercial mobile radio service, but such providers:***

(1) Must be regulated in a manner consistent with federal law; and

(2) Must not be regulated as telecommunication providers for the purposes of this chapter.

(d) Any radio or broadcasting company or instrumentality that provides a common or contract service.

~~[(d)]~~ ***(e)*** Any company that owns cars of any kind or character, used and operated as a part of railroad trains, in or through this State. All duties

required of and penalties imposed upon any railroad or any officer or agent thereof are, insofar as applicable, required of and imposed upon ~~[the owner or operator of any telephone company that provides a telecommunication service to the public, any radio or broadcasting company or instrumentality that provides a common or contract service]~~ ***any public utility*** and any ***other*** company that owns cars of any kind or character, used and operated as a part of railroad trains in or through this State, and their officers and agents, and the Commission may supervise and control all such companies, instrumentalities and persons to the same extent as railroads.

2. "Public utility" or "utility" also includes:

(a) Any person who owns, operates or controls any ditch, flume, tunnel or tunnel and drainage system, charging rates, fares or tolls, directly or indirectly.

(b) Any plant or equipment, or any part of a plant or equipment, within this State for the production, delivery or furnishing for or to other persons, including private or municipal corporations, heat, gas, coal slurry, light, power in any form or by any agency, water for business, manufacturing, agricultural or household use, or sewerage service, whether or not within the limits of municipalities.

(c) Any system for the distribution of liquefied petroleum gas to 10 or more users.

➥ The Commission may supervise, regulate and control all such utilities, subject to the provisions of this chapter and to the exclusion of the jurisdiction, regulation and control of such utilities by any municipality, town or village, unless otherwise provided by law.

3. The provisions of this chapter and the term "public utility" apply to all railroads, express companies, car companies and all associations of persons, whether or not incorporated, that do any business as a common carrier upon or over any line of railroad within this State.

Sec. 34. NRS 704.033 is hereby amended to read as follows:

704.033 1. Except as otherwise provided in subsection 6, the Commission shall levy and collect an annual assessment from all public utilities, providers of discretionary natural gas service and alternative sellers subject to the jurisdiction of the Commission.

2. Except as otherwise provided in subsections 3 and 4, the annual assessment must be:

(a) For the use of the Commission, not more than 3.50 mills; and

(b) For the use of the Consumer's Advocate, not more than 0.75 mills,

➥ on each dollar of gross operating revenue derived from the intrastate operations of such utilities, providers of discretionary natural gas service and alternative sellers in the State of Nevada. The total annual assessment must be not more than 4.25 mills.

3. The levy for the use of the Consumer's Advocate must not be assessed against railroads.

4. The minimum assessment in any 1 year must be $100.

5. The gross operating revenue of the utilities must be determined for the preceding calendar year. In the case of:

(a) ~~[Telephone utilities,]~~ ***Telecommunication providers,*** except as provided in paragraph (c), the revenue shall be deemed to be all intrastate revenues.

(b) Railroads, the revenue shall be deemed to be the revenue received only from freight and passenger intrastate movements.

(c) All public utilities, providers of discretionary natural gas service and alternative sellers, the revenue does not include the proceeds of any commodity, energy or service furnished to another public utility, provider of discretionary natural gas service or alternative seller for resale.

6. Providers of commercial mobile radio service are not subject to the annual assessment and, in lieu thereof, shall pay to the Commission an annual licensing fee of $200.

Sec. 35. NRS 704.040 is hereby amended to read as follows:

704.040 1. Every public utility shall furnish reasonably adequate service and facilities **.** ~~[, and]~~ ***Subject to the provisions of subsection 3,*** the charges made for any service rendered or to be rendered, or for any service in connection therewith or incidental thereto, must be just and reasonable.

2. Every unjust and unreasonable charge for service of a public utility is unlawful.

~~[3. The Commission may exempt, to the extent it deems reasonable, services related to telecommunication or public utilities which provide telecommunication services from any or all of the provisions of this chapter, upon a determination after hearing that the services are competitive or discretionary and that regulation thereof is unnecessary. For the purposes of this subsection, basic local exchange service and access services provided to interexchange carriers are not discretionary.~~

~~4. The Commission shall adopt regulations necessary to establish a plan of alternative regulation for a public utility that provides telecommunication services. The plan of alternative regulation may include, but is not limited to, provisions that:~~

~~(a) Allow adjustment of the rates charged by a public utility that provides telecommunication services during the period in which the utility elects the plan of alternative regulation.~~

~~(b) Provide for flexibility of pricing for discretionary services and services that are competitive.~~

~~(c) Specify the provisions of this chapter, NRS 426.295 and chapter 707 of NRS that do not apply to a public utility that elects to be regulated under the plan of alternative regulation.~~

~~(d) Except as otherwise provided in this paragraph and NRS 704.68952, if the public utility is an incumbent local exchange carrier, allow the incumbent local exchange carrier to select the duration of the period in which the incumbent local exchange carrier is to be regulated under the plan of alternative regulation. The incumbent local exchange carrier may not select a~~

~~period that is less than 3 years or more than 5 years. The provisions of this paragraph do not apply to a plan of alternative regulation of an incumbent local exchange carrier regulated under a plan of alternative regulation that was approved by the Commission before June 11, 2003.~~

~~5. A public utility that elects to be regulated under a plan of alternative regulation established pursuant to subsection 4 is not subject to the remaining]~~

3. Except as otherwise provided in sections 18 to 30, inclusive, of this act:

(a) A competitive supplier is exempt from any provision of this chapter governing the rates, prices, terms and conditions of any telecommunication service.

(b) A small-scale provider of last resort is subject to the provisions of this chapter, NRS 426.295 ~~[or]~~ ***and*** chapter 707 of NRS ***.*** ~~[to the extent specified pursuant to paragraph (c) of subsection 4.~~

~~6.]~~ ***4.*** All ***telecommunication*** providers ~~[of telecommunication services]~~ which offer the same or similar service must be subject to fair and impartial regulation, to promote adequate, economical and efficient service.

~~[7. The Commission may]~~

5. To maintain the availability of telephone service in accordance with the regulations adopted pursuant to NRS 704.6873, the Commission shall provide for the levy and collection of ~~[an]~~ ***a uniform and equitable*** assessment, in an amount determined by the Commission, from ~~[a public utility that provides telecommunication services in order to maintain the availability of telephone service.]~~ ***all persons furnishing intrastate telecommunication service or the functional equivalent of such service through any form of telephony technology, unless the levy and collection of the assessment with regard to a particular form of technology is prohibited by federal law.*** Assessments levied ***and collected*** pursuant to this subsection must be maintained in a separate fund established by the Commission. The Commission shall contract with an independent administrator to administer the fund pursuant to open competitive bidding procedures established by the Commission. The independent administrator shall collect the assessments levied and distribute them from the fund pursuant to a plan which has been approved by the Commission. Money in the fund must be used for the sole purpose of maintaining the availability of telephone service.

~~[8. As used in this section:~~

~~(a) "Incumbent local exchange carrier" has the meaning ascribed to it in NRS 704.68932.~~

~~(b) "Interexchange carrier" means any person providing intrastate telecommunications service for a fee between two or more exchanges.]~~

Sec. 36. NRS 704.070 is hereby amended to read as follows:

704.070 ~~[Unless exempt under the provisions of]~~ ***Except as otherwise provided in*** NRS 704.075, 704.095 or 704.097 ~~[.]~~ ***and sections 18 to 30, inclusive, of this act:***

1. Each public utility shall file with the Commission, within a time to be fixed by the Commission, a copy of all schedules that are currently in force for the public utility. Such schedules must be open to public inspection.

2. A copy of each schedule that is currently in force for the public utility, or so much of the schedule as the Commission deems necessary for inspection by the public, must be:

(a) Printed in plain type and posted in each office of the public utility where payments are made to the public utility by its customers; and

(b) Open to inspection by the public and in such form and place as to be readily accessible to and conveniently inspected by the public.

Sec. 37. NRS 704.100 is hereby amended to read as follows:

704.100 Except as otherwise provided in NRS 704.075 and ~~[704.68904 to 704.68984,]~~ ***sections 18 to 30,*** inclusive, ***of this act*** or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097 ***:*** ~~[or pursuant to the regulations adopted by the Commission in accordance with subsection 4 of NRS 704.040:]~~

1. A public utility shall not make changes in any schedule, unless the public utility:

(a) Files with the Commission an application to make the proposed changes and the Commission approves the proposed changes pursuant to NRS 704.110; or

(b) Files the proposed changes with the Commission using a letter of advice in accordance with the provisions of subsection 5.

2. A public utility shall adjust its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8 of NRS 704.110 based on changes in the public utility's recorded costs of natural gas purchased for resale.

3. A public utility shall post copies of all proposed schedules and all new or amended schedules in the same offices and in substantially the same form, manner and places as required by NRS 704.070 for the posting of copies of schedules that are currently in force.

4. A public utility may not set forth as justification for a rate increase any items of expense or rate base that previously have been considered and disallowed by the Commission, unless those items are clearly identified in the application and new facts or considerations of policy for each item are advanced in the application to justify a reversal of the prior decision of the Commission.

5. Except as otherwise provided in subsection 6, if the proposed change in any schedule does not change any rate or will result in an increase in annual gross operating revenue, as certified by the public utility, in an amount that does not exceed $2,500:

(a) The public utility may file the proposed change with the Commission using a letter of advice in lieu of filing an application; and

(b) The Commission shall determine whether it should dispense with a hearing regarding the proposed change.

6. If the applicant is a ~~[public utility furnishing telephone service]~~ ***small-scale provider of last resort*** and the proposed change in any schedule will result in an increase in annual gross operating revenue, as certified by the applicant, in an amount that does not exceed $50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less, the Commission shall determine whether it should dispense with a hearing regarding the proposed change.

7. In making the determination pursuant to subsection 5 or 6, the Commission shall first consider all timely written protests, any presentation that the Regulatory Operations Staff of the Commission may desire to present, the application of the public utility and any other matters deemed relevant by the Commission.

Sec. 38. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075 and ~~[704.68904 to 704.68984,]~~ ***sections 18 to 30,*** inclusive, ***of this act*** or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097 ***:*** ~~[or pursuant to the regulations adopted by the Commission in accordance with subsection 4 of NRS 704.040:]~~

1. If a public utility files with the Commission an application to make changes in any schedule, including, without limitation, changes that will result in a discontinuance, modification or restriction of service, the Commission shall investigate the propriety of the proposed changes to determine whether to approve or disapprove the proposed changes. If an electric utility files such an application and the application is a general rate application or an application to clear its deferred accounts, the Consumer's Advocate shall be deemed a party of record.

2. Except as otherwise provided in ~~[subsections 3 and 13,]~~ ***subsection 3,*** if a public utility files with the Commission an application to make changes in any schedule, the Commission shall issue a written order approving or disapproving, in whole or in part, the proposed changes ~~[:~~

~~(a) For a public utility that is a PAR carrier, not later than 180 days after the date on which the application is filed; and~~

~~(b) For all other public utilities,]~~ not later than 210 days after the date on which the application is filed.

3. If a public utility files with the Commission a general rate application, the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared. Except as otherwise provided in subsection 4, in determining whether to approve or disapprove any increased rates, the Commission shall consider evidence in support of the increased rates based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the Commission and changes in the costs of securities which are known and are

measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months, but the public utility shall not place into effect any increased rates until the changes have been experienced and certified by the public utility to the Commission and the Commission has approved the increased rates. The Commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an annual basis. Within 90 days after the date on which the certification required by this subsection is filed with the Commission, or within the period set forth in subsection 2, whichever time is longer, the Commission shall make such order in reference to the increased rates as is required by this chapter. An electric utility shall file a general rate application pursuant to this subsection at least once every 24 months based on the following schedule:

(a) An electric utility that primarily serves less densely populated counties shall file a general rate application on or before October 3, 2005, and at least once every 24 months thereafter.

(b) An electric utility that primarily serves densely populated counties shall file a general rate application on or before November 15, 2006, and at least once every 24 months thereafter.

4. In addition to submitting the statement required pursuant to subsection 3, a public utility which purchases natural gas for resale may submit with its general rate application a statement showing the effects, on an annualized basis, of all expected changes in circumstances. If such a statement is filed, it must include all increases and decreases in revenue and expenses which may occur within 210 days after the date on which its general rate application is filed with the Commission if such expected changes in circumstances are reasonably known and are measurable with reasonable accuracy. If a public utility submits such a statement, the public utility has the burden of proving that the expected changes in circumstances set forth in the statement are reasonably known and are measurable with reasonable accuracy. If the Commission determines that the public utility has met its burden of proof:

(a) The Commission shall consider the statement submitted pursuant to this subsection and evidence relevant to the statement in addition to the statement required pursuant to subsection 3 as evidence in establishing just and reasonable rates for the public utility; and

(b) The public utility is not required to file with the Commission the certification that would otherwise be required pursuant to subsection 3.

5. If a public utility files with the Commission an application to make changes in any schedule and the Commission does not issue a final written order regarding the proposed changes within the time required by this section, the proposed changes shall be deemed to be approved by the Commission.

6. If a public utility files with the Commission a general rate application, the public utility shall not file with the Commission another general rate application until all pending general rate applications filed by that public utility have been decided by the Commission unless, after application and hearing, the Commission determines that a substantial financial emergency would exist if the public utility is not permitted to file another general rate application sooner. The provisions of this subsection do not prohibit the public utility from filing with the Commission, while a general rate application is pending, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale pursuant to subsection 7 or an application to clear its deferred accounts pursuant to subsection 9, if the public utility is otherwise authorized by those provisions to file such an application.

7. A public utility may file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale once every 30 days. The provisions of this subsection do not apply to:

(a) An electric utility using deferred accounting pursuant to NRS 704.187; or

(b) A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8.

8. A public utility which purchases natural gas for resale must request approval from the Commission to adjust its rates on a quarterly basis between annual rate adjustment applications based on changes in the public utility's recorded costs of natural gas purchased for resale. If the Commission approves such a request:

(a) The public utility shall file written notice with the Commission before the public utility makes a quarterly rate adjustment between annual rate adjustment applications. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The public utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill. The public utility shall begin providing such written notice to its customers not later than 30 days after the date on which the public utility files its written notice with the Commission pursuant to paragraph (a). The written notice that is included with a customer's regular monthly bill:

(1) Must be printed separately on fluorescent-colored paper and must not be attached to the pages of the bill; and

(2) Must include the following:

(I) The total amount of the increase or decrease in the public utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission; and

(IV) Any other information required by the Commission.

(c) The public utility shall file an annual rate adjustment application with the Commission. The annual rate adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual rate adjustment application must include a review of each quarterly rate adjustment and a review of the transactions and recorded costs of natural gas included in each quarterly rate adjustment and the annual rate adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the public utility to recover any recorded costs of natural gas which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the public utility, and the Commission shall order the public utility to adjust its rates if the Commission determines that any recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application were not reasonable or prudent.

9. Except as otherwise provided in subsection 10 and subsection 5 of NRS 704.100, if an electric utility using deferred accounting pursuant to NRS 704.187 files an application to clear its deferred accounts and to change one or more of its rates based upon changes in the costs for purchased fuel or purchased power, the Commission, after a public hearing and by an appropriate order:

(a) Shall allow the electric utility to clear its deferred accounts by refunding any credit balance or recovering any debit balance over a period not to exceed 3 years, as determined by the Commission.

(b) Shall not allow the electric utility to recover any debit balance, or portion thereof, in an amount that would result in a rate of return during the period of recovery that exceeds the rate of return authorized by the Commission in the most recently completed rate proceeding for the electric utility.

10. Before allowing an electric utility to clear its deferred accounts pursuant to subsection 9, the Commission shall determine whether the costs for purchased fuel and purchased power that the electric utility recorded in its deferred accounts are recoverable and whether the revenues that the electric

utility collected from customers in this State for purchased fuel and purchased power are properly recorded and credited in its deferred accounts. The Commission shall not allow the electric utility to recover any costs for purchased fuel and purchased power that were the result of any practice or transaction that was undertaken, managed or performed imprudently by the electric utility.

11. If an electric utility files an application to clear its deferred accounts pursuant to subsection 9 while a general rate application is pending, the electric utility shall:

(a) Submit with its application to clear its deferred accounts information relating to the cost of service and rate design; and

(b) Supplement its general rate application with the same information, if such information was not submitted with the general rate application.

12. A utility facility identified in a 3-year plan submitted pursuant to NRS 704.741 and accepted by the Commission for acquisition or construction pursuant to NRS 704.751 and the regulations adopted pursuant thereto shall be deemed to be a prudent investment. The utility may recover all just and reasonable costs of planning and constructing such a facility.

13. ~~[A PAR carrier may, in accordance with this section and NRS 704.100, file with the Commission a request to approve or change any schedule to provide volume or duration discounts to rates for telecommunication service for an offering made to all or any class of business customers. The Commission may conduct a hearing relating to the request, which must occur within 45 days after the date the request is filed with the Commission. The request and schedule shall be deemed approved if the request and schedule are not disapproved by the Commission within 60 days after the date the Commission receives the request.~~

~~14.]~~ As used in this section:

(a) "Electric utility" has the meaning ascribed to it in NRS 704.187.

(b) "Electric utility that primarily serves densely populated counties" has the meaning ascribed to it in NRS 704.187.

(c) "Electric utility that primarily serves less densely populated counties" has the meaning ascribed to it in NRS 704.187.

~~[(d) "PAR carrier" has the meaning ascribed to it in NRS 704.68942.]~~

Sec. 39. NRS 704.120 is hereby amended to read as follows:

704.120 1. If, upon any hearing and after due investigation, the rates, tolls, charges, schedules or joint rates shall be found to be unjust, unreasonable or unjustly discriminatory, or to be preferential, or otherwise in violation of any of the provisions of this chapter, the Commission shall have the power to fix and order substituted therefor such rate or rates, tolls, charges or schedules as shall be just and reasonable.

2. If it shall in like manner be found that any regulation, measurement, practice, act or service complained of is unjust, unreasonable, insufficient, preferential, unjustly discriminatory or otherwise in violation of the provisions of this chapter, or if it be found that the service is inadequate, or

that any reasonable service cannot be obtained, the Commission shall have the power to substitute therefor such other regulations, measurements, practices, service or acts and make such order relating thereto as may be just and reasonable.

3. When complaint is made of more than one rate, charge or practice, the Commission may, in its discretion, order separate hearings upon the several matters complained of and at such times and places as it may prescribe.

4. No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

5. The Commission may at any time, upon its own motion, investigate any of the rates, tolls, charges, rules, regulations, practices and service, and, after a full hearing as above provided, by order, make such changes as may be just and reasonable, the same as if a formal complaint had been made.

6. The provisions of this section do not apply to a competitive supplier, except that a competitive supplier that is an incumbent local exchange carrier is subject to the provisions of this section with regard to:

(a) The provision of basic network service until January 1, 2012; and

(b) Any general rate application filed by the competitive supplier pursuant to paragraph (b) of subsection 2 of section 25 of this act. If the competitive supplier files such a general rate application, the general rate case proceeding must be conducted by the Commission in accordance with this section and NRS 704.110.

Sec. 40. NRS 704.175 is hereby amended to read as follows:

704.175 1. Except as provided in subsection 2, any public utility which installs or modifies any electrical supply line in any building or facility which it owns or operates, if the building or facility is open and accessible to the general public, shall perform such installation or modification as if the National Electrical Code adopted by the National Fire Protection Association applied to such work, and any local government which regulates electrical construction shall inspect such work within its jurisdiction for compliance with this section.

2. Communication equipment and related apparatus are exempted from the provisions of subsection 1 only if the equipment and apparatus ~~[is]~~ ***are*** owned, installed, operated and maintained by a ~~[public utility which provides communication services]~~ ***telecommunication provider*** under the jurisdiction of the Commission.

Sec. 41. NRS 704.210 is hereby amended to read as follows:

704.210 ~~[The]~~

1. Except as otherwise provided in subsection 2, the Commission may:

~~[1.]~~ ***(a)*** Adopt necessary and reasonable regulations governing the procedure, administration and enforcement of the provisions of this chapter, subject to the provisions of NRS 416.060.

~~[2.]~~ ***(b)*** Prescribe classifications of the service of all public utilities and, except as otherwise provided in NRS 704.075, fix and regulate the rates therefor.

~~[3.]~~ ***(c)*** Fix just and reasonable charges for transportation of all intrastate freight and passengers and the rates and tolls for the use of telephone lines within the State.

~~[4.]~~ ***(d)*** Adopt just and reasonable regulations for the apportionment of all joint rates and charges between public utilities.

~~[5.]~~ ***(e)*** Consider the need for the conservation of energy when acting pursuant to the provisions of ~~[subsections 1, 2 and 3.]~~ ***this subsection.***

2. The provisions of subsection 1 do not apply to a competitive supplier.

Sec. 42. NRS 704.215 is hereby amended to read as follows:

704.215 ~~[The]~~

1. Subject to the provisions of this chapter, the Commission may adopt by reference all or part of any appropriate:

~~[1.]~~ ***(a)*** Rule, regulation or rate ~~[related to telecommunications services]~~ ***schedule relating to telecommunication service*** issued by an agency of the Federal Government or of any state.

~~[2.]~~ ***(b)*** Regulation proposed by the National Association of Regulatory Utility Commissioners or code issued by a national or state professional society.

~~[➥]~~

2. A copy of each such rule, regulation, rate schedule ~~[related to telecommunications services]~~ or code ~~[so]~~ adopted ***by the Commission pursuant to this section*** must be included with the regulations filed with the Secretary of State.

Sec. 43. NRS 704.328 is hereby amended to read as follows:

704.328 The provisions of NRS 704.322 to 704.326, inclusive, ~~[shall]~~ ***do*** not apply to ~~[any]~~ ***:***

1. A public utility engaged in:

~~[1.]~~ ***(a)*** Interstate commerce if 25 percent or more of the operating revenues of such public utility are derived from interstate commerce.

~~[2.]~~ ***(b)*** The business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if the utility:

~~[(a)]~~ ***(1)*** Serves 15 persons or less; and

~~[(b)]~~ ***(2)*** Operates in a county whose population is 400,000 or more.

2. A competitive supplier.

Sec. 44. (Deleted by amendment.)

Sec. 45. NRS 704.330 is hereby amended to read as follows:

704.330 1. ~~[Every public utility]~~ ***Except as otherwise provided in this section, any person*** owning, controlling, operating or maintaining or having any contemplation of owning, controlling or operating any public utility shall, before beginning such operation or continuing operations or construction of any line, plant or system or any extension of a line, plant or system within this State, obtain from the Commission a certificate that the present or future public convenience or necessity requires or will require such continued operation or commencement of operations or construction.

2. ~~[Nothing in]~~ ***The provisions of*** this section ~~[requires]~~ ***do not require*** a public utility to secure such a certificate for any extension within any town or city within which it lawfully ***has*** commenced operations or for any other extension ~~[as long as]~~ ***if*** the extension:

(a) Is ***undertaken by a small-scale provider of last resort*** to serve a telephone toll station or stations to be located not more than 10 miles from existing telephone facilities; ~~[or]~~

(b) ***Is undertaken for any purpose by a competitive supplier; or***

(c) Remains within the boundaries of the service area which have been established by the Commission for its railroad, line, plant or system, and not then served by a public utility of like character.

3. Upon the granting of any certificate of public convenience, the Commission may make such an order and prescribe such terms and conditions for the location of lines, plants or systems to be constructed, extended or affected as may be just and reasonable.

4. When a complaint has been filed with the Commission alleging that any utility is being operated without a certificate of public convenience and necessity as required by this section, or when the Commission has reason to believe that any provision of this section is being violated, the Commission shall investigate such operations and the Commission may, after a hearing, make its order requiring the owner or operator of the utility to cease and desist from any operation in violation of this section. The Commission shall enforce compliance with such an order under the powers vested in the Commission by law.

5. If any public utility in constructing or extending its line, plant or system interferes or is about to interfere with the operation of the line, plant or system of any other public utility already constructed, the Commission, on complaint of the public utility claiming to be injuriously affected, after hearing, may make such an order prohibiting the construction or extension, or prescribing such terms and conditions for the location of the lines, plants or systems affected, as to it may seem just and reasonable.

6. Except as ***otherwise*** provided in ~~[subsection 7, whenever]~~ ***subsections 7 and 8, if*** the Commission, after a hearing upon its own motion or upon complaint, finds that there is or will be a duplication of service by public utilities in any area, the Commission shall either issue a certificate of public convenience and necessity assigning specific territories to one or to each of such utilities, or, by certificate of public convenience and necessity, otherwise define the conditions of rendering service and construction, extensions within such territories, and shall order the elimination of such duplication, all upon such terms as are just and reasonable, having due regard to due process of law and to all the rights of the respective parties and to public convenience and necessity.

7. The Commission may allow ***and regulate*** a duplication of service by ~~[public utilities]~~ ***telecommunication providers*** in an area ~~[if:~~

~~(a) The service provided is related to telecommunication; and~~

~~(b) It~~ ***where the provider of last resort is a small-scale provider of last resort if the Commission*** finds that the competition should occur and that any duplication of service is reasonable.

8. The Commission:

(a) Shall allow a duplication of service or facilities by telecommunication providers in an area where the provider of last resort is a competitive supplier; and

(b) On or after January 1, 2012, shall not regulate a duplication of service or facilities by telecommunication providers in an area where the provider of last resort is a competitive supplier.

9. A competitive supplier that is a provider of last resort:

(a) Must provide to the Commission a description of and map depicting the boundaries of the service area in which the Commission has designated the competitive supplier as the provider of last resort; and

(b) May change the boundaries of that service area by filing an application with the Commission. The application shall be deemed approved if the Commission does not act on the application within 120 days after the date the application is filed with the Commission.

Sec. 46. NRS 704.380 is hereby amended to read as follows:

704.380 ~~[No]~~ ***1. Except as otherwise provided in subsection 2, any*** public utility beginning, prosecuting or completing any new construction in violation of this chapter ~~[shall be]~~ ***is not*** permitted to levy any tolls or charges for services rendered, and all such tolls and charges ~~[shall be]~~ ***are*** void.

2. The provisions of subsection 1 do not apply to a competitive supplier that is operating in accordance with the provisions of this chapter governing telecommunication providers.

Sec. 47. NRS 704.390 is hereby amended to read as follows:

704.390 1. ~~[It]~~ ***Except as otherwise provided in sections 18 to 30, inclusive, of this act, it*** is unlawful for any public utility to discontinue, modify or restrict service to any city, town, municipality, community or territory theretofore serviced by it, except upon 30 days' notice filed with the Commission, specifying in detail the character and nature of the discontinuance or restriction of the service intended, and upon order of the Commission, made after hearing, permitting such discontinuance, modification or restriction of service.

2. Except as otherwise provided in subsection 3, the Commission, in its discretion and after investigation, may dispense with the hearing on the application for discontinuance, modification or restriction of service if, upon the expiration of the time fixed in the notice thereof, no protest against the granting of the application has been filed by or on behalf of any interested person.

3. The Commission shall not dispense with the hearing on the application of an electric utility.

Sec. 48. NRS 704.410 is hereby amended to read as follows:

704.410 1. Any public utility subject to the provisions of NRS 704.001 to 704.7595, inclusive, to which a certificate of public convenience and necessity has been issued pursuant to NRS 704.001 to 704.7595, inclusive, may transfer the certificate to any person qualified under NRS 704.001 to 704.7595, inclusive. Such a transfer is void and unenforceable and is not valid for any purpose unless:

(a) A joint application to make the transfer has been made to the Commission by the transferor and the transferee ~~[,]~~ ***or the transfer is incident to a transaction that is subject to an application under NRS 704.329 approved by the Commission;*** and

(b) The Commission has authorized the substitution of the transferee for the transferor. If the transferor is an electric utility, the Commission shall not authorize the transfer unless the transfer complies with the provisions of NRS 704.7561 to 704.7595, inclusive.

2. The Commission:

(a) Shall conduct a hearing on a transfer involving an electric utility. The hearing must be noticed and conducted in the same manner as other contested hearings before the Commission.

(b) May direct that a hearing be conducted on a transfer involving any other public utility. If the Commission determines that such a hearing should be held, the hearing must be noticed and conducted in the same manner as other contested hearings before the Commission. The Commission may dispense with such a hearing if, upon the expiration of the time fixed in the notice thereof, no protest to the proposed transfer has been filed by or on behalf of any interested person.

3. In determining whether the transfer of a certificate of public convenience and necessity to an applicant transferee should be authorized, the Commission must take into consideration:

(a) The utility service performed by the transferor and the proposed utility service of the transferee;

(b) Other authorized utility services in the territory for which the transfer is sought;

(c) Whether the transferee is fit, willing and able to perform the services of a public utility and whether the proposed operation will be consistent with the legislative policies set forth in NRS 704.001 to 704.7595, inclusive; and

(d) Whether the transfer will be in the public interest.

4. The Commission may make such amendments, restrictions or modifications in a certificate upon transferring it as the public interest requires.

5. No transfer is valid beyond the life of the certificate transferred.

Sec. 49. NRS 704.440 is hereby amended to read as follows:

704.440 1. ~~[The]~~ ***Except as otherwise provided in subsection 2, the*** Commission may, in its discretion, investigate and ascertain the value of all property of every public utility actually used and useful for the convenience of the public.

~~[2.]~~ In making such ***an*** investigation **,** the Commission may avail itself of all information contained in the assessment rolls of the various counties and the public records and files of all state departments, offices and commissions, and any other information obtainable.

2. The provisions of subsection 1 do not apply to a competitive supplier.

Sec. 50. NRS 704.684 is hereby amended to read as follows:

704.684 1. Except as otherwise provided in ~~[subsection 2 and NRS 704.68984,]~~ ***this section,*** the Commission shall not regulate any broadband service, including imposing any requirements relating to the terms, conditions, rates or availability of broadband service.

2. The provisions of subsection 1 do not limit or modify the authority of the Commission to:

(a) Consider any revenues, costs and expenses that a ~~[public utility]~~ ***small-scale provider of last resort*** derives from providing a broadband service, if the Commission is determining the rates of the ~~[public utility]~~ ***provider*** under a general rate application that is filed pursuant to subsection 3 of NRS 704.110;

(b) Act on a complaint filed pursuant to NRS 703.310, if the complaint relates to a broadband service that is provided by a public utility;

(c) Include any appropriate gross operating revenue that a public utility derives from providing broadband service when the Commission calculates the gross operating revenue of the public utility for the purposes of levying and collecting the annual assessment in accordance with the provisions of NRS 704.033; or

(d) Determine the rates, ***pricing,*** terms and conditions of intrastate ***switched or*** special access services ~~[.]~~ ~~*[service]*~~ ***provided by a telecommunication provider.***

3. ***The provisions of subsection 1 do not:***

(a) Apply to the Commission in connection with any actions or decisions required or permitted by the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

(b) Limit or modify:

(1) The duties of a telecommunication provider regarding the provision of network interconnection, unbundled network elements and resold services under the provisions of the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

(2) The authority of the Commission to act pursuant to NRS 704.6881 and 704.6882.

4. As used in this section ~~[:~~

~~(a) "Affiliate of an incumbent local exchange carrier" has the meaning ascribed to it in NRS 704.6891.~~

~~(b) "Broadband]~~ **, *"broadband*** service" means any two-way service that transmits information at a rate that is generally not less than 200 kilobits per second in at least one direction.

~~[(c) "Incumbent local exchange carrier" has the meaning ascribed to it in NRS 704.68932.]~~

Sec. 51. NRS 704.6873 is hereby amended to read as follows:

704.6873 1. The Commission shall adopt regulations that require each ~~[utility which provides telecommunication services]~~ ***telecommunication provider furnishing service*** to:

(a) An elementary or secondary public school; or

(b) A public library,

➥ to establish discounts in the rates for the telecommunication services that the ~~[utility provides]~~ ***provider furnishes*** to that school or library. The amount of the discount must be determined by the Commission in a manner that is consistent with the provisions of 47 U.S.C. § 254.

2. The Commission shall adopt regulations that require each ~~[utility which provides telecommunication services]~~ ***telecommunication provider furnishing service*** to:

(a) Public or private nonprofit providers of health care which serve persons in rural areas; or

(b) Persons with low income and persons in rural, insular and high-cost areas,

➥ to ensure that such providers of health care and persons have access to telecommunication services that are reasonably comparable to those services available in urban areas and that the rates for such services charged by the ~~[utility]~~ ***telecommunication provider*** are reasonably comparable to those charged in the urban areas, to the extent required by the provisions of 47 U.S.C. § 254.

3. The Commission shall adopt regulations which set forth the requirements for eligibility for ~~[persons]~~ ***:***

(a) Persons with low income ~~[and definitions for]~~ ***to receive a reduction in rates for telephone service pursuant to NRS 707.400 to 707.500, inclusive. The regulations adopted pursuant to this paragraph must provide that if a person is a customer of:***

(1) A competitive supplier that is an incumbent local exchange carrier, the person is eligible to receive a reduction in rates if the person's household has a total household gross income not exceeding 175 percent of the federally established poverty level for a household with the same number of persons; and

(2) Any other competitive supplier or a small-scale provider of last resort, the person is eligible to receive a reduction in rates if the person's household has a total household gross income not exceeding 150 percent of the federally established poverty level for a household with the same number of persons.

(b) Small-scale providers of last resort to apply to receive payments from the fund to maintain the availability of telephone service with regard to rural, insular and high-cost areas.

(c) Competitive suppliers that are providers of last resort to apply to receive payments from the fund to maintain the availability of telephone service with regard to rural, insular and high-cost areas.

4. Any regulations adopted pursuant to this section ***and NRS 704.040 regarding the availability of telephone service*** must ~~[be]~~ ***:***

(a) Be consistent with the ***applicable*** provisions of 47 U.S.C. § 254 ~~[.]~~ ***;***

(b) Define rural, insular and high-cost areas;

(c) Establish nondiscriminatory eligibility requirements for all small-scale providers of last resort that apply to receive payments from the fund to maintain the availability of telephone service with regard to rural, insular and high-cost areas; and

(d) Allow competitive suppliers which are providers of last resort and which meet the eligibility requirements established by the Commission to apply to receive payments from the fund to maintain the availability of telephone service with regard to rural, insular and high-cost areas.

Sec. 52. NRS 704.6875 is hereby amended to read as follows:

704.6875 1. Except as otherwise provided in subsection 2, each ~~[public utility which provides telecommunication services]~~ ***telecommunication provider*** shall provide timely written notice to a customer of the duration of each call that is billed to the customer, reported in minutes, seconds or any fraction thereof, if the charges for the telecommunication services are calculated, in whole or in part, on the basis of the duration of the call.

2. The provisions of this section do not apply to measured rate service **.** ~~[that is regulated by the Commission.]~~

Sec. 53. NRS 704.6881 is hereby amended to read as follows:

704.6881 The Commission shall, by regulation:

1. Establish standards of performance and reporting regarding the provision of interconnection, unbundled network elements and resold services, which encourage competition and discourage discriminatory conduct in the provision of local telecommunication services; and

2. Notwithstanding the provisions of NRS 703.320 to the contrary, establish penalties and expedited procedures for imposing penalties upon a ***telecommunication*** provider ~~[of telecommunication services]~~ for actions that are inconsistent with the standards established by the Commission pursuant to subsection 1. Such penalties may include financial payment to the complaining ***telecommunication*** provider ~~[of telecommunication services]~~ for a violation of the standards established by the Commission pursuant to subsection 1, provided that any penalty paid must be deducted, with interest, from any other award under any other judicial or administrative procedure for the same conduct in the same reporting period. Any penalty imposed pursuant to this subsection is in lieu of the civil penalties set forth in NRS 703.380 and must be:

(a) Imposed for violating a standard or standards established by regulations of the Commission pursuant to subsection 1;

(b) Determined by the Commission to further the goal of encouraging competition or discouraging discriminatory conduct; and

(c) In an amount reasonable to encourage competition or discourage discriminatory conduct.

Sec. 54. NRS 704.6882 is hereby amended to read as follows:

704.6882 Notwithstanding the provisions of NRS 703.310 and 703.320, the Commission shall establish by regulation expedited procedures for complaints filed by a ***telecommunication*** provider ~~[of telecommunication services]~~ against another ***telecommunication*** provider ~~[of telecommunication services]~~ for any dispute arising under this chapter ***, including, without limitation, a dispute arising under the standards set forth in section 30 of this act,*** or ***arising under*** chapter 703 of NRS. ~~[, including]~~ ***The regulations may include, without limitation,*** specific procedures for interim relief that may include a preliminary decision by a single Commissioner except as to the imposition of monetary penalties.

Sec. 55. NRS 704.6884 is hereby amended to read as follows:

704.6884 The provisions of NRS 704.6881 to 704.6884, inclusive, must not be construed to exempt ***telecommunication*** providers ~~[of telecommunication services]~~ from any other applicable statute of this State or the United States relating to consumer and antitrust protections. The exemption provided in paragraph (c) of subsection 3 of NRS 598A.040 does not apply to conduct of, or actions taken by, a ***telecommunication*** provider ~~[of telecommunication services]~~ in violation of the standards established pursuant to subsection 1 of NRS 704.6881.

Sec. 56. Chapter 707 of NRS is hereby amended by adding thereto the provisions set forth as sections 57 to 60, inclusive, of this act.

Sec. 57. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 58, 59 and 60 of this act have the meanings ascribed to them in those sections.***

Sec. 58. ***"Basic network service" has the meaning ascribed to it in section 2 of this act.***

Sec. 59. ***"Telecommunication provider" or "telephone company" has the meaning ascribed to it in section 12 of this act.***

Sec. 60. ***"Telecommunication service" or "telephone service" has the meaning ascribed to it in section 13 of this act.***

Sec. 61. NRS 707.440 is hereby amended to read as follows:

707.440 "Eligible provider" means a ***telecommunication*** provider ~~[of telecommunication services]~~ that has been designated as an eligible telecommunications carrier by the Commission to receive universal service support pursuant to 47 U.S.C. § 214, as that section existed on January 1, 1999.

Sec. 62. NRS 707.490 is hereby amended to read as follows:

707.490 1. The reduction in the telephone rates provided by lifeline or link up services must be based on the methods for determining reductions which are adopted by the Commission by regulation. The Commission may

provide different methods for determining reductions to allow for differences between eligible providers. The methods may include, without limitation:

(a) Basing the reduction on the tariff filed by the eligible provider with the Commission; or

(b) Establishing a formula pursuant to which the amount of the reduction may be determined.

2. The reduction in such telephone rates applies only to:

(a) ~~[Residential flat rate basic local exchange service;~~

~~(b) Residential local exchange access service;~~

~~(c) Residential local calling area service; and~~

~~(d)]~~ ***Basic network service; and***

(b) Residential service connection charges ~~[.]~~ ***for such basic network service.***

3. ~~[The reduced rate for residential local exchange access service, when combined with the reduced rate for residential local calling area service, must not exceed the comparable reduced rate for residential flat rate basic local exchange service.~~

~~4.]~~ If the amount of the reduction in rates provided by an eligible provider to an eligible customer for lifeline services is greater than the amount which the eligible provider receives as universal service support pursuant to 47 U.S.C. § 254, the eligible provider is entitled to reimbursement from the fund ***to maintain the availability of telephone service*** established by the Commission pursuant to NRS 704.040 for the difference between the amount of the reduction and the amount received as universal service support pursuant to 47 U.S.C. § 254.

Sec. 63. NRS 709.050 is hereby amended to read as follows:

709.050 1. The board of county commissioners may grant to any person, company, corporation or association the franchise, right and privilege to construct, install, operate and maintain street railways, electric light, heat and power lines, gas and water mains, telephone and telegraph lines, and all necessary or proper appliances used in connection therewith or appurtenant thereto, in the streets, alleys, avenues and other places in any unincorporated town in the county, and along the public roads and highways of the county, when the applicant complies with the terms and provisions of NRS 709.050 to 709.170, inclusive.

2. The board of county commissioners shall not:

(a) Impose any terms or conditions on a franchise granted pursuant to subsection 1 for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to obtain a

franchise if it provides ~~[telecommunications]~~ ***telecommunication*** service over the telephone or telegraph lines owned by another company.

3. As used in NRS 709.050 to 709.170, inclusive:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § ~~[230(e)(2),]~~ ***230(f)(2),*** as that section existed on ~~[July 16, 1997.]~~ ***January 1, 2007.***

(b) "Street railway" means:

(1) A system of public transportation operating over fixed rails on the surface of the ground; or

(2) An overhead or underground system, other than a monorail, used for public transportation.

➥ The term does not include a super speed ground transportation system as defined in NRS 705.4292.

(c) ~~[~~"Telecommunications~~]~~ ***"Telecommunication*** service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

4. As used in this section, "monorail" has the meaning ascribed to it in NRS 705.650.

Sec. 64. NRS 709.130 is hereby amended to read as follows:

709.130 1. Every person, company, corporation or association receiving a franchise pursuant to the provisions of NRS 709.050 to 709.170, inclusive, shall:

(a) Provide a plant with all necessary appurtenances of approved construction for the full performance of his franchise duties, rights and obligations, and for the needs, comfort and convenience of the inhabitants of the various unincorporated towns and cities, county or place to which his franchise relates.

(b) Keep the plants and appurtenances, including all tracks, cars, poles, wires, pipes, mains and other attachments, in good repair, so as not to interfere with the passage of persons or vehicles, or the safety of persons or property.

2. Except as otherwise provided in this subsection, the board of county commissioners may when granting such franchise, fix and direct the location of all tracks, poles, wires, mains, pipes and other appurtenances upon the public streets, alleys, avenues and highways as best to serve the convenience of the public. The board may change the location of any appurtenances and permit, upon proper showing, all necessary extensions thereof when the interest or convenience of the public requires. The board shall not require a company that provides ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the county.

3. All poles, except poles from which trolley wires are suspended for streetcar lines, from which wires are suspended for electric railroads, power, light or heating purposes within the boundaries of unincorporated towns and

over public highways must not be less than 30 feet in height, and the wires strung thereon must not be less than 25 feet above the ground.

4. Every person, company, association or corporation operating a telephone, telegraph or electric light, heat or power line, or any electric railway line, shall, with due diligence, provide itself, at its own expense, a competent electrician to cut, repair and replace wires in all cases where cutting or repairing or replacing is made necessary by the removal of buildings or other property through the public streets or highways.

5. No person, company, corporation or association may receive an exclusive franchise nor may any board of county commissioners grant a franchise in such manner or under such terms or conditions as to hinder or obstruct the granting of franchises to other grantees, or in such manner as to obstruct or impede reasonable competition in any business or public service to which NRS 709.050 to 709.170, inclusive, apply.

Sec. 65. NRS 710.140 is hereby amended to read as follows:

710.140 1. The control, management and conduct of any telephone line or system purchased, acquired or constructed by any county must be exercised by the board of county commissioners of such county.

2. The board of county commissioners has the right to employ such persons as may be necessary to carry on the business of the county telephone line or system.

3. The board of county commissioners shall comply with chapter 332 of NRS in letting contracts for the use and benefit of the county telephone line or system.

4. If the Public Utilities Commission of Nevada has provided for the levy and collection of an assessment pursuant to ~~[subsection 7 of]~~ NRS 704.040 for ~~[a]~~ ***the*** fund to maintain the availability of telephone service, the county telephone line or system is subject to the levy and collection of the assessment and is entitled to receive money from the fund under the same terms and conditions as a ~~[public utility that is subject to subsection 7 of NRS 704.040.]~~ ***telecommunication provider regulated pursuant to chapter 704 of NRS.***

5. In carrying on the business of the county telephone line or system, the board of county commissioners may create a separate corporation to provide communication services that are not within the scope of activities regulated pursuant to chapter 704 of NRS. The control and management of the separate corporation must be exercised by the board of county commissioners, and the separate corporation is subject to all applicable provisions of NRS 710.010 to 710.159, inclusive, to the same extent as the county telephone line or system.

6. If, after October 1, 2006, the county telephone line or system provides, outside the territorial boundaries of the county, any communication services that are not within the scope of activities regulated pursuant to chapter 704 of NRS, the county telephone line or system:

(a) With regard to the facilities and property it maintains outside the territorial boundaries of the county, shall comply with the same federal, state

and local requirements that would apply to a privately held company providing the same communication services; and

(b) With regard to the provision of such services outside the territorial boundaries of the county:

(1) Shall comply with any regulations and rules of the Public Utilities Commission of Nevada that would apply to a privately held company providing the same communication services;

(2) Shall not use any money from the county general fund for the provision of such services; and

(3) Shall not engage in any transaction with an affiliated entity at prices and terms that are lower than or more favorable than the prices and terms that the county telephone line or system or the affiliated entity would offer to or charge an unaffiliated third party for such a transaction.

7. Nothing in this section requires a county telephone line or system to offer any services to or engage in any transaction with an affiliated entity or an unaffiliated third party.

8. Except as otherwise provided in subsections 4 and 6, nothing in this section vests jurisdiction over a county telephone line or system in the Public Utilities Commission of Nevada.

9. It is expressly provided that no general or other statute shall limit or restrict the conduct and carrying on of the business of a county telephone line or system by the board of county commissioners except as specifically set forth in this section and NRS 710.145.

10. As used in this section, "affiliated entity" means any entity that is owned, operated or controlled by the same county that owns, operates or controls the county telephone line or system.

Sec. 66. NRS 710.145 is hereby amended to read as follows:

710.145 1. Notwithstanding the provisions of any other statute, a county telephone line or system may extend its communication services outside the territorial boundaries of the county if:

(a) The services are not within the scope of activities regulated pursuant to chapter 704 of NRS and the county telephone line or system complies with the provisions of subsection 6 of NRS 710.140;

(b) The ~~[Public Utilities Commission of Nevada has, pursuant to subsection 3 of NRS 704.040, determined that the]~~ services are ***extended into an area served by one or more*** competitive ~~[or discretionary and that regulation thereof is unnecessary;]~~ ***suppliers regulated pursuant to sections 18 to 30, inclusive, of this act;*** or

(c) The Public Utilities Commission of Nevada has, in an action commenced under NRS 704.330 and after 20 days' notice to all telephone utilities providing service in the county into which the extension is to be made, determined that no other telephone service can reasonably serve the area into which the extension is to be made and approves the extension of the system. No such extension may be permitted for a distance of more than 10 miles.

2. If, after October 1, 2005, a county telephone line or system provides any communication services pursuant to paragraph (b) or (c) of subsection 1 outside the territorial boundaries of the county, the county telephone line or system shall:

(a) With regard to the facilities and property it maintains outside the territorial boundaries of the county, comply with the same federal, state and local requirements that would apply to a privately held company providing the same communication services; and

(b) With regard to the provision of such services outside the territorial boundaries of the county, comply with any regulations and rules of the Public Utilities Commission of Nevada that would apply to a privately held company providing the same communication services.

3. If a county telephone line or system and an affiliated entity engage in any transaction to provide communication services outside the territorial boundaries of the county, the Public Utilities Commission of Nevada has jurisdiction over such a transaction to the extent necessary to enforce this section and NRS 710.140.

4. Nothing in this section requires a county telephone line or system to offer any services to or engage in any transaction with an affiliated entity or an unaffiliated third party.

5. Except as otherwise provided in subsections 1, 2 and 3, nothing in this section vests jurisdiction over a county telephone line or system in the Public Utilities Commission of Nevada.

6. As used in this section, "affiliated entity" has the meaning ascribed to it in NRS 710.140.

Sec. 67. NRS 710.147 is hereby amended to read as follows:

710.147 1. The governing body of a county whose population is 50,000 or more:

(a) Shall not sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing ~~[telecommunications]~~ ***telecommunication*** that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

2. Any information relating to the study conducted pursuant to subsection 1 must be maintained by the county clerk and made available for public inspection during the business hours of the office of the county clerk.

3. Notwithstanding the provisions of paragraph (a) of subsection 1, an airport may sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

4. As used in this section:

(a) ~~["Telecommunications"]~~ ***"Telecommunication"*** has the meaning ascribed to it in ~~[47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~(b) "Telecommunications]~~ ***section 11 of this act.***

(b) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 68. NRS 711.190 is hereby amended to read as follows:

711.190 1. Except as otherwise provided in NRS 318.1194:

(a) A city may grant a franchise to a community antenna television company for the construction, maintenance and operation of a community antenna television system which requires the use of city property or that portion of the city dedicated to public use for the maintenance of cables or wires underground, on the surface or on poles for the transmission of a television picture.

(b) A county may grant a franchise to a community antenna television company for the construction, maintenance and operation of a community antenna television system which requires the use of the property of the county or any town in the county or that portion of the county or town dedicated to public use for the maintenance of cables or wires underground, on the surface or on poles for the transmission of a television picture.

2. If a local government grants a franchise to two or more community antenna television companies to construct, maintain or operate a community antenna television system in the same area, the local government shall impose the same terms and conditions on each franchise and shall enforce those terms and conditions in a nondiscriminatory manner.

3. A community antenna television company that is granted a franchise pursuant to this chapter may provide ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service without obtaining a separate franchise from the local government.

4. A local government that grants a franchise pursuant to this chapter shall not require the community antenna television company to place its facilities in ducts or conduits or on poles owned or leased by the local government.

5. If a county whose population is 400,000 or more, or an incorporated city located in whole or in part within such a county, grants a franchise pursuant to this chapter, the term of the franchise must be at least 10 years. If a franchisee notifies such a county or city on or before the end of the eighth year of a franchise that it wishes to extend the franchise, the county or city shall, on or before the end of the ninth year of the franchise, grant an extension of 5 years on the same terms and conditions, unless the franchisee has not substantially complied with the terms and conditions of the franchise agreement.

6. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § ~~[230(e)(2),]~~ ***230(f)(2),*** as that section existed on ~~[July 16, 1997.~~

~~(b) "Telecommunications]~~ ***January 1, 2007.***

(b) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 69. NRS 268.086 is hereby amended to read as follows:

268.086 1. The governing body of an incorporated city whose population is 25,000 or more:

(a) Shall not sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing ~~[telecommunications]~~ ***telecommunication*** that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

2. Any information relating to the study conducted pursuant to subsection 1 must be maintained by the city clerk and made available for public inspection during the business hours of the office of the city clerk.

3. Notwithstanding the provisions of paragraph (a) of subsection 1, an airport may sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

4. As used in this section:

(a) ~~["Telecommunications"]~~ ***"Telecommunication"*** has the meaning ascribed to it in ~~[47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~(b) "Telecommunications]~~ ***section 11 of this act.***

(b) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 70. NRS 268.088 is hereby amended to read as follows:

268.088 The governing body of an incorporated city shall not:

1. Impose any terms or conditions on a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

2. Require a company that provides ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to obtain a franchise if it provides ~~[telecommunications]~~ ***telecommunication*** service over the telephone or telegraph lines owned by another company.

3. Require a person who holds a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service to place its facilities in ducts or conduits or on poles owned or leased by the city.

4. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § ~~[230(e)(2),]~~ ***230(f)(2),*** as that section existed on ~~[July 16, 1997.~~

~~(b) "Telecommunications]~~ ***January 1, 2007.***

(b) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 71. NRS 360.820 is hereby amended to read as follows:

360.820 ~~["Telecommunications]~~ ***"Telecommunication*** service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 1, 2003.]~~ ***section 13 of this act.***

Sec. 72. NRS 360.825 is hereby amended to read as follows:

360.825 1. Except as otherwise provided in this section, if on or after July 1, 2003, a local government acquires from another entity a public utility that provides electric service, natural gas service, ~~[telecommunications]~~ ***telecommunication*** service or community antenna television service:

(a) The local government shall make payments in lieu of and equal to all state and local taxes and franchise fees from which the local government is exempt but for which the public utility would be liable if the public utility was not owned by a governmental entity; and

(b) The Nevada Tax Commission shall, solely for the purpose set forth in this paragraph, annually determine and apportion the assessed valuation of the property of the public utility. For the purpose of calculating any allocation or apportionment of money for distribution among local governments pursuant to a formula required by state law which is based partially or entirely on the assessed valuation of taxable property:

(1) The property of the public utility shall be deemed to constitute taxable property to the same extent as if the public utility was not owned by a governmental entity; and

(2) To the extent that the property of the public utility is deemed to constitute taxable property pursuant to this paragraph:

(I) The assessed valuation of that property must be included in that calculation as determined and apportioned by the Nevada Tax Commission pursuant to this paragraph; and

(II) The payments required by paragraph (a) in lieu of any taxes that would otherwise be required on the basis of the assessed valuation of that property shall be deemed to constitute payments of those taxes.

2. The payments in lieu of taxes and franchise fees required by subsection 1 are due at the same time and must be collected, accounted for and distributed in the same manner as those taxes and franchise fees would be due, collected, accounted for and distributed if the public utility was not owned by a governmental entity, except that no lien attaches upon any

property or money of the local government by virtue of any failure to make all or any part of those payments. The local government may contest the validity and amount of any payment in lieu of a tax or franchise fee to the same extent as if that payment was a payment of the tax or franchise fee itself. The payments in lieu of taxes and franchise fees must be reduced if and to the extent that such a contest is successful.

3. The provisions of this section do not:

(a) Apply to the acquisition by a local government of a public utility owned by another governmental entity, except a public utility owned by another local government for which any payments in lieu of state or local taxes or franchise fees was required before its acquisition as provided in this section.

(b) Require a local government to make any payments in lieu of taxes or franchise fees to the extent that the making of those payments would cause a deficiency in the money available to the local government to make required payments of principal of, premium, if any, or interest on any bonds or other securities issued to finance the acquisition of that public utility or to make required payments to any funds established under the proceedings under which those bonds or other securities were issued.

(c) Require a county to duplicate any payments in lieu of taxes required pursuant to NRS 244A.755.

Sec. 73. NRS 360.830 is hereby amended to read as follows:

360.830 1. Except as otherwise provided in this section, if on or after July 1, 2003, a local government:

(a) Acquires from another entity a public utility that provides water service or sewer service; or

(b) Expands facilities for the provision of water service, sewer service, electric service, natural gas service, ~~[telecommunications]~~ ***telecommunication*** service or community antenna television service, and the expansion results in the local government serving additional retail customers who were, before the expansion, retail customers of a public utility which provided that service,

➥ the local government shall enter into an interlocal agreement with each affected local government to compensate the affected local government each fiscal year, as nearly as practicable, for the amount of any money from state and local taxes and franchise fees and from payments in lieu of those taxes and franchise fees, and for any compensation from a local government pursuant to this section, the affected local government would be entitled to receive but will not receive because of the acquisition of that public utility or expansion of those facilities as provided in this section.

2. An affected local government may waive any or all of the compensation to which it may be entitled pursuant to subsection 1.

3. The provisions of this section do not require a:

(a) Local government to provide any compensation to an affected local government to the extent that the provision of that compensation would cause

a deficiency in the money available to the local government to make required payments of principal of, premium, if any, or interest on any bonds or other securities issued to finance the acquisition of that public utility or expansion of those facilities, or to make required payments to any funds established under the proceedings under which those bonds or other securities were issued.

(b) County to duplicate any compensation an affected local government receives from any payments in lieu of taxes required pursuant to NRS 244A.755.

Sec. 74. NRS 598.9682 is hereby amended to read as follows:

598.9682 "Provider" means:

1. A ~~[person who is in the business of providing a telecommunications service;]~~ ***telecommunication provider as defined in section 12 of this act;***

2. An agent, employee, independent contractor or representative of ***such*** a ~~[person who is in the business of providing a telecommunications service;]~~ ***telecommunication provider;*** or

3. A person who originates a charge for a ~~[telecommunications]~~ ***telecommunication*** service and directly or indirectly bills a customer for the charge.

Sec. 75. NRS 598.9684 is hereby amended to read as follows:

598.9684 ~~["Telecommunications service" means a service that is designed or has the capability to generate, process, store, retrieve, convey, emit, transmit, receive, relay, record or reproduce any data, information, image, program, signal or sound over a communications system or network, including, without limitation, a communications system or network that uses analog, digital, electronic, electromagnetic, magnetic or optical technology.]~~ ***"Telecommunication service" has the meaning ascribed to it in section 13 of this act.***

Sec. 76. NRS 598.969 is hereby amended to read as follows:

598.969 A provider shall not:

1. Make a statement or representation regarding the provision of a ~~[telecommunications]~~ ***telecommunication*** service, including, without limitation, a statement regarding the rates, terms or conditions of a ~~[telecommunications]~~ ***telecommunication*** service, that:

(a) Is false, misleading or deceptive; or

(b) Fails to include material information which makes the statement or representation false, misleading or deceptive.

2. Misrepresent his identity.

3. Falsely state to a person that the person has subscribed or authorized a subscription to or has received a ~~[telecommunications]~~ ***telecommunication*** service.

4. Omit, when explaining the terms and conditions of a subscription to a ~~[telecommunications]~~ ***telecommunication*** service, a material fact concerning the subscription.

5. Fail to provide a customer with timely written notice containing:

(a) A clear and detailed description relating directly to the services for which the customer is being billed and the amount the customer is being charged for each service;

(b) All terms and conditions relating directly to the services provided; and

(c) The name, address and telephone number of the provider.

6. Fail to honor, within a reasonable period, a request of a customer to cancel a ~~[telecommunications]~~ ***telecommunication*** service pursuant to the terms and conditions for the service.

7. Bill a customer for a ~~[telecommunications]~~ ***telecommunication*** service after the customer has cancelled the ~~[telecommunications]~~ ***telecommunication*** service pursuant to the terms and conditions of the service.

8. Bill a customer for services that the provider knows the customer has not authorized, unless the service is required to be provided by law. The failure of a customer to refuse a proposal from a provider does not constitute specific authorization.

9. Change a customer's subscription to a local exchange carrier or an interexchange carrier unless:

(a) The customer has authorized the change within the 30 days immediately preceding the date of the change; and

(b) The provider complies with the provisions of 47 U.S.C. § 258, as amended, and the verification procedures set forth in 47 C.F.R. part 64, subpart K, as amended.

10. Fail to provide to a customer who has authorized the provider to change his subscription to a local exchange carrier or an interexchange carrier a written confirmation of the change within 30 days after the date of the change.

11. Propose or enter into a contract with a person that purports to:

(a) Waive the protection afforded to the person by any provision of this section; or

(b) Authorize the provider or an agent, employee, independent contractor or representative of the provider to violate any provision of this section.

Sec. 77. NRS 598.9691 is hereby amended to read as follows:

598.9691 The Public Utilities Commission of Nevada may adopt regulations governing the disclosures that must be made by a provider to a customer before the customer may be charged for a ~~[telecommunications]~~ ***telecommunication*** service.

Sec. 78. Section 2.270 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 416, Statutes of Nevada 2001, at page 2096, is hereby amended to read as follows:

Sec. 2.270 Power of Board: Provision of utilities.

1. Except as otherwise provided in subsection 2 and section 2.272, the Board may:

(a) Provide, by contract, franchise or public enterprise, for any utility to be furnished to Carson City or the residents thereof.

(b) Provide for the construction of any facility necessary for the provision of such utilities.

(c) Fix the rate to be paid for any utility provided by public enterprise.

(d) Provide that any public utility be authorized, for any purpose or object whatever, to install, operate or use within the city mechanical water meters, or similar mechanical devices, to measure the quantity of water delivered to water users.

2. The Board:

(a) Shall not sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing ~~[telecommunications]~~ ***telecommunication*** that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the Clerk and made available for public inspection during the business hours of the Office of the Clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

5. As used in this section:

(a) ~~[“Telecommunications”]~~ ***“Telecommunication”*** has the meaning ascribed to it in ~~[47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~(b) “Telecommunications]~~ ***section 11 of this act.***

(b) ***”Telecommunication*** service” has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 79. Section 2.272 of the Charter of Carson City, being chapter 565, Statutes of Nevada 1997, at page 2750, is hereby amended to read as follows:

Sec. 2.272 Franchises for the provision of ~~[telecommunications]~~ ***telecommunication*** service.

1. The Board shall not:

(a) Impose any terms or conditions on a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to obtain a

franchise if it provides ~~[telecommunications]~~ ***telecommunication*** service over the telephone or telegraph lines owned by another company.

(c) Require a person who holds a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § ~~[230(e)(2),]~~ ***230(f)(2),*** as that section existed on ~~[July 16, 1997.~~

~~(b) "Telecommunications]~~ ***January 1, 2007.***

(b) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 80. Section 2.280 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 416, Statutes of Nevada 2001, at page 2098, is hereby amended to read as follows:

Sec. 2.280 Powers of City Council: Provision of utilities.

1. Except as otherwise provided in subsection 2 and section 2.285, the City Council may:

(a) Provide, by contract, franchise or public enterprise, for any utility to be furnished to the City for the residents thereof.

(b) Provide for the construction of any facility necessary for the provision of such utilities.

(c) Fix the rate to be paid for any utility provided by public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the City is a lien upon the property to which the service is rendered and must be perfected by filing with the County Recorder of Clark County a statement by the City Clerk of the amount due and unpaid and describing the property subject to the lien. Each such lien must:

(1) Be coequal with the latest lien thereon to secure the payment of general taxes.

(2) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(3) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

2. The City Council:

(a) Shall not sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing ~~[telecommunications]~~ ***telecommunication*** that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

5. As used in this section:

(a) ~~["Telecommunications"]~~ ***"Telecommunication"*** has the meaning ascribed to it in ~~[47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~(b) "Telecommunications]~~ ***section 11 of this act.***

(b) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 81. Section 2.285 of the Charter of the City of Henderson, being chapter 565, Statutes of Nevada 1997, at page 2752, is hereby amended to read as follows:

Sec. 2.285 Franchises for the provision of ~~[telecommunications]~~ ***telecommunication*** service.

1. The City Council shall not:

(a) Impose any terms or conditions on a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to obtain a franchise if it provides ~~[telecommunications]~~ ***telecommunication*** service over the telephone or telegraph lines owned by another company.

(c) Require a person who holds a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § ~~[230(e)(2),]~~ ***230(f)(2),*** as that section existed on ~~[July 16, 1997.~~

~~(b) "Telecommunications]~~ ***January 1, 2007.***

(b) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 82. Section 2.300 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 416, Statutes of Nevada 2001, at page 2100, is hereby amended to read as follows:

Sec. 2.300 Powers of City Council: Provision of utilities.

1. Except as otherwise provided in subsection 3 and section 2.315, the City Council may:

(a) Provide, by contract, franchise or public ownership or operation, for any utility to be furnished to the residents of the City.

(b) Provide for the construction and maintenance of any facility which is necessary for the provision of those utilities.

(c) Prescribe, revise and collect rates, fees, tolls and charges, including fees for connection, for the services, facilities or commodities which are furnished by any municipally owned or municipally operated utility or undertaking and no rate, fee, toll or charge for the services, facilities or commodities which are furnished by any municipally owned or municipally operated utility or undertaking may be prescribed, revised, amended, altered, increased or decreased without proceeding as follows:

(1) There must be filed with the City Clerk and available for public inspection schedules of all rates, fees, tolls and charges which the City has established and which are in force at that time for any service which is performed or product which is furnished in connection with any utility which is owned or operated by the City.

(2) No change may be made in any of those schedules except upon 30 days' notice to the inhabitants of the City and the holding of a public hearing with respect to the proposed change. Notice of the proposed change must be given by at least two publications during the 30-day period before the hearing.

(3) At the time which is set for the hearing on the proposed change, any person may appear and be heard and offer any evidence in support of or against the proposed change.

(4) Every utility which is owned or operated by the City shall furnish reasonably adequate service and facilities, and the charges which are made for any service which is or will be rendered, or for any service which is connected with or incidental to any service which is or will be rendered, by the City must be just and reasonable.

2. Any rate, fee, toll or charge, including any fee for connection which is due for services, facilities or commodities which are furnished by the City or by any utility which is owned or operated by the City pursuant to this section is a lien upon the property to which the service is rendered. The lien:

(a) Must be perfected by filing with the County Recorder of the County a statement by the City Clerk in which he states the amount which is due and unpaid and describes the property which is subject to the lien.

(b) Is coequal with the latest lien upon that property to secure the payment of general taxes.

(c) Is not subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(d) Is prior and superior to all liens, claims, encumbrances and titles, other than the liens of assessments and general taxes.

(e) May be enforced and foreclosed in such manner as may be prescribed by ordinance.

3. The City Council:

(a) Shall not sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing ~~[telecommunications]~~ ***telecommunication*** that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

4. Any information relating to the study conducted pursuant to subsection 3 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

5. Notwithstanding the provisions of paragraph (a) of subsection 3, an airport may sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

6. As used in this section:

(a) ~~[“Telecommunications”]~~ ***“Telecommunication”*** has the meaning ascribed to it in ~~[47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~(b) “Telecommunications]~~ ***section 11 of this act.***

(b) Telecommunication service” has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 83. Section 2.315 of the Charter of the City of Las Vegas, being chapter 565, Statutes of Nevada 1997, at page 2754, is hereby amended to read as follows:

Sec. 2.315 Franchises for the provision of ~~[telecommunications]~~ ***telecommunication*** service.

1. The City Council shall not:

(a) Impose any terms or conditions on a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to obtain a franchise if it provides ~~[telecommunications]~~ ***telecommunication*** service over the telephone or telegraph lines owned by another company.

(c) Require a person who holds a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § ~~[230(e)(2),]~~ ***230(f)(2),*** as that section existed on ~~[July 16, 1997.~~

~~(b) "Telecommunications]~~ ***January 1, 2007.***

(b) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 84. Section 2.280 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 416, Statutes of Nevada 2001, at page 2103, is hereby amended to read as follows:

Sec. 2.280 Powers of City Council: Provision of utilities.

1. Except as otherwise provided in subsection 3 and section 2.285, the City Council may:

(a) Provide, by contract, franchise and public enterprise, for any utility to be furnished to the City for residents located within or without the City.

(b) Provide for the construction and maintenance of any facilities necessary for the provision of all such utilities.

(c) Prescribe, revise and collect rates, fees, tolls and charges for the services, facilities or commodities furnished by any municipally operated or municipally owned utility or undertaking. Notwithstanding any provision of this Charter to the contrary or in conflict herewith, no rates, fees, tolls or charges for the services, facilities or commodities furnished by any municipally operated or municipally owned utility or undertaking may be prescribed, revised, amended or altered, increased or decreased, without this procedure first being followed:

(1) There must be filed with the City Clerk schedules of rates, fees, tolls or charges which must be open to public inspection, showing all rates, fees, tolls or charges which the City has established and which are in force at the time for any service performed or product furnished in connection therewith by any utility controlled and operated by the City.

(2) No changes may be made in any schedule so filed with the City Clerk except upon 30 days' notice to the inhabitants of the City and a public hearing held thereon. Notice of the proposed change or changes must be given by at least two publications in a newspaper published in the City during the 30-day period before the hearing thereon.

(3) At the time set for the hearing on the proposed change, any person may appear and be heard and offer any evidence in support of or against the proposed change.

(4) Every utility operated by the City shall furnish reasonably adequate service and facilities, and the charges made for any service rendered or to be rendered, or for any service in connection therewith or incidental thereto, must be just and reasonable.

(d) Provide, by ordinance, for an additional charge to each business customer and for each housing unit within the City to which water is provided by a utility of up to 25 cents per month. If such a charge is provided

for, the City Council shall, by ordinance, provide for the expenditure of that money for any purpose relating to the beautification of the City.

2. Any charges due for services, facilities or commodities furnished by the City or by any utility operated by the City pursuant to this section is a lien upon the property to which the service is rendered and must be perfected by filing with the County Recorder of Clark County of a statement by the City Clerk stating the amount due and unpaid and describing the property subject to the lien. Each such lien must:

(a) Be coequal with the latest lien thereon to secure the payment of general taxes.

(b) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(c) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

3. The City Council:

(a) Shall not sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing ~~[telecommunications]~~ ***telecommunication*** that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

4. Any information relating to the study conducted pursuant to subsection 3 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

5. Notwithstanding the provisions of paragraph (a) of subsection 3, an airport may sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

6. As used in this section:

(a) "Housing unit" means a:

(1) Single-family dwelling;

(2) Townhouse, condominium or cooperative apartment;

(3) Unit in a multiple-family dwelling or apartment complex; or

(4) Mobile home.

(b) ~~[~~"Telecommunications"~~]~~ ***"Telecommunication"*** has the meaning ascribed to it in ~~[47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~(c) "Telecommunications]~~ ***section 11 of this act.***

(c) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 85. Section 2.285 of the Charter of the City of North Las Vegas, being chapter 565, Statutes of Nevada 1997, at page 2758, is hereby amended to read as follows:

Sec. 2.285 Franchises for the provision of ~~[telecommunications]~~ ***telecommunication*** service.

1. The City Council shall not:

(a) Impose any terms or conditions on a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to obtain a franchise if it provides ~~[telecommunications]~~ ***telecommunication*** service over the telephone or telegraph lines owned by another company.

(c) Require a person who holds a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § ~~[230(e)(2),]~~ *230(f)(2),* as that section existed on ~~[July 16, 1997.~~

~~(b) "Telecommunications]~~ ***January 1, 2007.***

(b) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 86. Section 2.140 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 325, Statutes of Nevada 2005, at page 1143, is hereby amended to read as follows:

Sec. 2.140 General powers of City Council.

1. Except as otherwise provided in subsection 2 and section 2.150, the City Council may:

(a) Acquire, control, improve and dispose of any real or personal property for the use of the City, its residents and visitors.

(b) Except as otherwise provided in NRS 598D.150 and 640C.100, regulate and impose a license tax for revenue upon all businesses, trades and professions.

(c) Provide or grant franchises for public transportation and utilities.

(d) Appropriate money for advertising and publicity and for the support of a municipal band.

(e) Enact and enforce any police, fire, traffic, health, sanitary or other measure which does not conflict with the general laws of the State of Nevada. An offense that is made a misdemeanor by the laws of the State of Nevada shall also be deemed to be a misdemeanor against the City whenever the offense is committed within the City.

(f) Fix the rate to be paid for any utility service provided by the City as a public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the City is a lien upon the property to which the service is rendered and is perfected by filing with the County Recorder a statement by the City Clerk of the amount due and unpaid and describing the property subject to the lien. Any such lien is:

(1) Coequal with the latest lien upon the property to secure the payment of general taxes.

(2) Not subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(3) Prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

2. The City Council:

(a) Shall not sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing ~~[telecommunications]~~ ***telecommunication*** that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

5. As used in this section:

(a) ~~[“Telecommunications”]~~ ***“Telecommunication”*** has the meaning ascribed to it in ~~[47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~(b) “Telecommunications]~~ ***section 11 of this act.***

(b) ”Telecommunication service” has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 87. Section 2.150 of the Charter of the City of Reno, being chapter 565, Statutes of Nevada 1997, at page 2761, is hereby amended to read as follows:

Sec. 2.150 Franchises for the provision of ~~[telecommunications]~~ ***telecommunication*** service.

1. The City Council shall not:

(a) Impose any terms or conditions on a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location

of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to obtain a franchise if it provides ~~[telecommunications]~~ ***telecommunication*** service over the telephone or telegraph lines owned by another company.

(c) Require a person who holds a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § ~~[230(e)(2),]~~ *230(f)(2),* as that section existed on ~~[July 16, 1997.~~

~~(b) "Telecommunications]~~ ***January 1, 2007.***

(b) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 88. Section 2.110 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 416, Statutes of Nevada 2001, at page 2107, is hereby amended to read as follows:

Sec. 2.110 Powers of City Council: Provisions for utilities.

1. Except as otherwise provided in subsection 2 and section 2.115, the City Council may:

(a) Provide by contract, franchise or public enterprise, for any utility to be furnished to the City for the residents thereof.

(b) Provide for the construction of any facility necessary for the provisions of such utility.

(c) Fix the rate to be paid for any utility provided by public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the City is a lien upon the property to which the service is rendered and must be performed by filing with the County Recorder a statement by the City Clerk of the amount due and unpaid and describing the property subject to the lien. Each such lien must:

(1) Be coequal with the latest lien thereon to secure the payment of general taxes.

(2) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(3) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

2. The City Council:

(a) Shall not sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing ~~[telecommunications]~~ ***telecommunication*** that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

5. As used in this section:

(a) ~~[“Telecommunications”]~~ ***“Telecommunication”*** has the meaning ascribed to it in ~~[47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~(b) “Telecommunications]~~ ***section 11 of this act.***

(b) “Telecommunication service” has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 89. Section 2.115 of the Charter of the City of Sparks, being chapter 565, Statutes of Nevada 1997, at page 2763, is hereby amended to read as follows:

Sec. 2.115 Franchises for the provision of ~~[telecommunications]~~ ***telecommunication*** service.

1. The City Council shall not:

(a) Impose any terms or conditions on a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to obtain a franchise if it provides ~~[telecommunications]~~ ***telecommunication*** service over the telephone or telegraph lines owned by another company.

(c) Require a person who holds a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) ”Interactive computer service” has the meaning ascribed to it in 47 U.S.C. § ~~[230(e)(2),]~~ ***230(f)(2),*** as that section existed on ~~[July 16, 1997.~~

~~(b) “Telecommunications]~~ ***January 1, 2007.***

(b) ”Telecommunication service” has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 90. NRS 704.68904, 704.68908, 704.6891, 704.68912, 704.68916, 704.6892, 704.68922, 704.68924, 704.68928, 704.68932, 704.68936, 704.6894, 704.68942, 704.68944, 704.68946, 704.68947, 704.68948, 704.68952, 704.68956, 704.6896, 704.68964, 704.68966, 704.68968, 704.68972, 704.68976, 704.6898 and 704.68984 are hereby repealed.

Sec. 91. 1. The Public Utilities Commission of Nevada shall:

(a) On or before December 31, 2007, repeal any regulations which the Commission has adopted pursuant to NRS 704.68904 to 704.68984, inclusive, and any other regulations which are inconsistent with this act; and

(b) Except as otherwise provided in subsections 2 and 3, on or before July 1, 2008, adopt any regulations which are required by or necessary to carry out the provisions of this act.

2. Notwithstanding any other provision of this act:

(a) In carrying out the provisions of NRS 704.6873, as amended by this act, the Commission shall:

(1) Commence a regulatory proceeding to establish the eligibility requirements for competitive suppliers that are providers of last resort to apply to receive payments from the fund to maintain the availability of telephone service based on the need of such competitive suppliers for funding to maintain the availability of telephone service to rural, insular and high-cost areas; and

(2) Conclude that regulatory proceeding and establish the eligibility requirements not later than January 1, 2009.

(b) Except for a small-scale provider of last resort, a competitive supplier that is a provider of last resort:

(1) May not apply to receive payments from the fund to maintain the availability of telephone service until the Commission has completed the regulatory proceeding required by this subsection; and

(2) Is not eligible to receive payments from the fund to maintain the availability of telephone service unless the competitive supplier meets the eligibility requirements established by the Commission in the regulatory proceeding required by this subsection.

3. Notwithstanding any other provision of this act, the Commission shall:

(a) As soon as reasonably practicable, commence a regulatory proceeding to adopt the regulations required by section 15 of this act; and

(b) Conclude that regulatory proceeding and adopt those regulations not later than March 1, 2008.

4. As used in this section, unless the context otherwise requires, the words and terms defined in NRS 704.007 to 704.030, inclusive, and sections 2 to 13, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 92. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

704.68904 Definitions.

704.68908 "Affected person" defined.

704.6891 "Affiliate of an incumbent local exchange carrier" and "affiliate" defined.

704.68912 "Basic network service" defined.

704.68916 "Competitive service" defined.

704.6892 "Competitive supplier" defined.

704.68922 "Deregulated service" defined.

704.68924 "Discretionary service" defined.

704.68928 "Electing PAR carrier" defined.

704.68932 "Incumbent local exchange carrier" defined.

704.68936 "Local area of transport and access" or "LATA" defined.

704.6894 "Other essential service" defined.

704.68942 "PAR carrier" defined.

704.68944 "Price floor" defined.

704.68946 "Telecommunication" defined.

704.68947 "Telecommunication service" defined.

704.68948 Authority of PAR carrier to become electing PAR carrier for purposes of regulation; procedure for making election.

704.68952 Regulation of electing PAR carrier: Limitations on power of Commission regarding earnings and rates; termination and continuation of plan of alternative regulation; limitations on receipt of money from fund created pursuant to NRS 704.040.

704.68956 Regulation of electing PAR carrier: Approval of Commission required to discontinue or change terms and conditions relating to provision of certain basic network services.

704.6896 Reclassification of basic network services: Authority of Commission; adoption of criteria for reclassification; period for acting on request for reclassification from PAR carrier.

704.68964 Flexibility in pricing and terms of services: Authority of PAR carrier; procedure and requirements for exercising flexibility; PAR carrier permitted to bill customer using fixed price or amount for package of services.

704.68966 Flexibility in pricing and terms of services: Prohibition against anticompetitive acts and practices and unreasonable discrimination among similarly situated customers.

704.68968 Promotional price reductions: Notice; duration; geographic area; nondiscriminatory basis.

704.68972 Introduction of new services: Notice; conditions; exemption from certain regulations of Commission; classification; price.

704.68976 Rates for services to be averaged geographically; exception.

704.6898 Intrastate access prices: Maximum amount; offset of reductions.

704.68984 Powers and duties of Commission and PAR carriers under certain federal and state laws preserved.

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 518.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 604.

The following Senate amendment was read:

Amendment No. 886.

SUMMARY—Revises provisions governing ~~[petitions for statewide]~~ initiatives and referenda. (BDR 24-1396)

AN ACT relating to elections; **requiring the governing body of certain political subdivisions that submits a question to the voters to create a description of anticipated financial effect;** requiring certain persons or groups of persons advocating the passage or defeat of certain initiatives or referenda to provide various information to the Secretary of State concerning campaign contributions, expenditures and expenses; ~~[requiring public hearings to be conducted concerning certain initiatives and referenda;]~~ requiring circulators of certain petitions to attach an affidavit to each document of the petition; ~~[requiring circulators of certain petitions to disclose their status as volunteer or paid circulators;]~~ authorizing the Legislative Counsel to provide technical suggestions regarding certain initiatives and referenda; **requiring the governing body of a local government to prepare a description of anticipated financial effect when a petition for initiative or referendum is filed with the county or city clerk;** providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2 and 3 of this bill require the governing body of certain political subdivisions that submits a question to the voters that will appear on the ballot at certain elections to create a description of the anticipated financial effect that such a question could have on the political subdivision if the question were approved by the voters. Sections 4 and 5 of this bill require that such descriptions appear on the sample ballots.

Chapter 294A of NRS governs campaign practices. NRS 294A.150 and 294A.220 require persons or groups of persons advocating the passage or defeat of a question on a ballot to submit reports to the Secretary of State on campaign contributions, expenditures and expenses. **Sections 11 and 12 of this bill provide a higher reporting threshold for those persons or groups.** Section ~~[3]~~ **7** of this bill creates a new section for persons and groups of persons advocating the passage or defeat of a constitutional amendment or a statewide measure proposed by an initiative or referendum and that have received or expended at least $10,000 for that purpose. The provisions of this

new section require such persons or groups to submit similar campaign contribution and expense reports to the Secretary of State on a different schedule **, with a higher reporting threshold** and with certain additional information. Section ~~[4]~~ **8** of this bill requires such persons and groups to appoint a resident agent who lives in Nevada, regardless of the amount of money they have received or expended. Section ~~[5]~~ **9** of this bill requires such persons and groups to file an organizational statement with the Secretary of State, regardless of the amount of money they have received or expended. Section ~~[6]~~ **10** of this bill requires such persons and groups who pay others to circulate petitions to disclose certain financial information to the Secretary of State. Section ~~[13]~~ **17** of this bill provides that such persons and groups who violate section ~~[3]~~ **7** are subject to civil penalties.

Chapter 295 of NRS governs petitions for statewide and local initiatives and referenda. Section ~~[15]~~ **19** of this bill requires the ~~[Director of the Legislative Counsel Bureau to hold public hearings on statewide initiatives and referenda]~~ **county clerks who receive the petitions for statewide initiatives or referenda for the purpose of signature verification to make copies of the petitions and make them available to the public for not less than 14 days**. Section ~~[16]~~ **20** of this bill requires petition circulators **for statewide measures or referenda** to attach an affidavit to each document of a petition attesting to ~~[the veracity of each signature.]~~ **certain information about the process of gathering signatures.** Section ~~[17]~~ **21** of this bill prohibits paying people to sign petitions. ~~[Section 18 of this bill requires petition circulators to disclose whether they are paid or volunteer circulators.]~~

Existing law requires the Secretary of State to consult with the Fiscal Analysis Division of the Legislative Counsel Bureau regarding the possible financial effect on the State of any **statewide** initiative or referendum. (NRS 295.015) Section ~~[20]~~ **24** of this bill requires the Secretary of State also to consult with the Legislative Counsel regarding each **statewide** initiative or referendum and authorizes the Legislative Counsel to make technical suggestions regarding the petition. **Sections 25 and 26 of this bill provide that when a petition for county initiative or referendum or municipal initiative or referendum is filed with the county or city clerk, the clerk is required to consult with the appropriate governing body to determine whether the initiative or referendum would have a financial effect on the local government, if approved by the voters. If the appropriate governing body determines that the initiative or referendum would have a financial effect, sections 25 and 26 require the governing body to create a description of the anticipated financial effect and require the appropriate clerk to post such a description on his Internet website, if he maintains an Internet website.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on his Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388; and

(c) All reports on campaign contributions and expenditures submitted to the Secretary of State pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 ~~[.]~~ ***and section*** ~~*[3]*~~ ***7 of this act.***

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 2. **NRS 293.481 is hereby amended to read as follows:**

293.481 1. Except as otherwise provided in subsection 2 ***,*** ~~[or NRS 295.121 or 295.217,]~~ every governing body of a political subdivision, public or quasi-public corporation, or other local agency authorized by law to submit questions to the qualified electors or registered voters of a designated territory, when the governing body decides to submit a question:

(a) At a general election, shall provide to each county clerk within the designated territory on or before the third Monday in July preceding the election:

(1) A copy of the question, including an explanation of the question;

(2) ~~[Arguments]~~ ***Except as otherwise provided in NRS 295.121 or 295.217, arguments*** for and against the question; and

(3) ~~[If]~~ ***A description of the anticipated financial effect on the local government which, if*** the question is an advisory question that proposes a bond, tax, fee or expense, ~~[a fiscal note prepared by the governing body]~~ ***must be prepared*** in accordance with subsection 4 of NRS 293.482.

(b) At a primary election, shall provide to each county clerk within the designated territory on or before the second Friday after the first Monday in May preceding the election:

(1) A copy of the question, including an explanation of the question;

(2) Arguments for and against the question; and

(3) ~~[If]~~ ***A description of the anticipated financial effect on the local government which, if*** the question is an advisory question that proposes a

bond, tax, fee or expense, ~~[a fiscal note prepared by the governing body]~~ ***must be prepared*** in accordance with subsection 4 of NRS 293.482.

(c) At any election other than a primary or general election at which the county clerk gives notice of the election or otherwise performs duties in connection therewith other than the registration of electors and the making of records of registered voters available for the election, shall provide to each county clerk at least 60 days before the election:

(1) A copy of the question, including an explanation of the question;

(2) Arguments for and against the question; and

(3) ~~[If]~~ ***A description of the anticipated financial effect on the local government which, if*** the question is an advisory question that proposes a bond, tax, fee or expense, ~~[a fiscal note prepared by the governing body]~~ ***must be prepared*** in accordance with subsection 4 of NRS 293.482.

(d) At any city election at which the city clerk gives notice of the election or otherwise performs duties in connection therewith, shall provide to the city clerk at least 60 days before the election:

(1) A copy of the question, including an explanation of the question;

(2) Arguments for and against the question; and

(3) ~~[If]~~ ***A description of the anticipated financial effect on the local government which, if*** the question is an advisory question that proposes a bond, tax, fee or expense, ~~[a fiscal note prepared by the governing body]~~ ***must be prepared*** in accordance with subsection 4 of NRS 293.482.

2. A question may be submitted after the dates specified in subsection 1 if the question is expressly privileged or required to be submitted pursuant to the provisions of Article 19 of the Constitution of the State of Nevada, or pursuant to the provisions of chapter 295 of NRS or any other statute except NRS 293.482, 354.59817, 354.5982, 387.3285 or 387.3287 or any statute that authorizes the governing body to issue bonds upon the approval of the voters.

3. A county or city clerk may charge any political subdivision, public or quasi-public corporation, or other local agency which submits a question a reasonable fee sufficient to pay for the increased costs incurred in including the question, explanation, arguments and ~~[fiscal note]~~ ***description of the anticipated financial effect*** on the ballot.

Sec. 3. **NRS 293.482 is hereby amended to read as follows:**

293.482 1. The governing body of a county or city may, at any general election or general city election, ask the advice of the registered voters within its jurisdiction on any question which it has under consideration. No other political subdivision, public or quasi-public corporation, or other local agency may ask the advice of the registered voters within its jurisdiction on any question which it has under consideration.

2. To place an advisory question on the ballot at a general election or general city election, the governing body of a county or city must:

(a) Adopt a resolution that:

(1) Sets forth:

(I) The question, in language indicating clearly that the question is advisory only;

(II) An explanation of the question;

(III) Except as otherwise provided in NRS 295.121 and 295.217, arguments for and against the question; and

(IV) ~~[If]~~ ***A description of the anticipated financial effect on the local government which, if*** the question is an advisory question that proposes a bond, tax, fee or expense, ~~[a fiscal note]~~ ***must be*** prepared by the governing body in accordance with subsection 4; and

(2) States that the result of the voting on the question does not place any legal requirement on the governing body, any member of the governing body or any officer of the political subdivision; and

(b) Comply with the requirements of paragraph (a) or (d) of subsection 1 of NRS 293.481.

3. A governing body may, at any general election, ask the advice of the registered voters of part of its territory if:

(a) The advisory question to be submitted affects only that part of its territory; and

(b) The resolution adopted pursuant to subsection 2 sets forth the boundaries of the area in which the advice of the registered voters will be asked.

4. With respect to a ~~[fiscal note]~~ ***description of the anticipated financial effect*** that is required in connection with an advisory question:

(a) If, in the advisory question, the governing body seeks advice on whether bonds should be issued, the ~~[fiscal note]~~ ***description*** must include any information that is required by law to be included on the sample ballot pursuant to the provisions of law that govern the procedure for issuance of the applicable type of bond.

(b) If, in the advisory question, the governing body seeks advice on whether a limitation upon revenue from taxes ad valorem should be exceeded, the ~~[fiscal note]~~ ***description*** must include any information that is required by law to be included on the sample ballot pursuant to the provisions of law that govern the procedure for exceeding that limitation.

(c) If, in the advisory question, the governing body seeks advice on whether a tax other than a property tax described in paragraph (b) should be levied, the ~~[fiscal note]~~ ***description*** must:

(1) Identify the average annual cost that is expected to be incurred by the affected taxpayers if the tax were to be levied;

(2) Specify the period over which the tax is proposed to be levied;

(3) Disclose whether, in connection with the levy of the tax, revenue bonds are to be sold which will be backed by the full faith and credit of the assessed value of the applicable local government; and

(4) If applicable, specify whether, in connection with or following the levy of the tax, additional expenses are expected to be incurred to pay for the operation or maintenance of any program or service to be provided from the

proceeds of the tax or to pay for the operation or maintenance of any building, equipment, facility, machinery, property, structure, vehicle or other thing of value to be purchased, improved or repaired with the proceeds of the tax.

(d) If, in the advisory question, the governing body seeks advice on whether a fee should be imposed, the ~~[fiscal note]~~ ***description*** must:

(1) Identify the average annual cost that is expected to be incurred by the affected users if the fee were to be imposed;

(2) Specify the period over which the fee is proposed to be imposed; and

(3) If applicable, specify whether, in connection with or following the imposition of the fee, additional expenses are expected to be incurred to pay for

the program or service to be provided from the proceeds of the fee or to pay for the operation or maintenance of any building, equipment, facility, machinery, property, structure, vehicle or other thing of value to be purchased, improved or repaired with the proceeds of the fee.

(e) If, in the advisory question, the governing body seeks advice on whether the applicable local government should incur an expense, the ~~[fiscal note]~~ ***description*** must:

(1) Identify the source of revenue that will be used to pay the expense;

(2) Disclose whether it is expected that the incurring of the expense will require the levy or imposition of a new tax or fee or the increase of an existing tax or fee; and

(3) If a tax or fee is proposed to be levied or imposed or increased to pay the expense, contain the information required pursuant to paragraph (c) or (d), as applicable.

5. On the sample ballot for the general election or general city election, each advisory question must appear:

(a) With a title in substantially the following form: "Advisory Ballot Question No. ..."; and

(b) With its explanation, arguments and ~~[, if required, fiscal note.]~~ ***description of the anticipated financial effect.***

6. The Committee on Local Government Finance shall prepare sample advisory ballot questions to demonstrate, for each situation enumerated in paragraphs (a) to (e), inclusive, of subsection 4, examples of the manner in which ~~[fiscal notes]~~ ***descriptions of the anticipated financial effect*** should be prepared.

Sec. 4. **NRS 293.565 is hereby amended to read as follows:**

293.565 1. Except as otherwise provided in subsection 2, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note ~~[.]~~ ***or description of anticipated financial effect,*** as provided pursuant to NRS 218.443, 293.250, 293.481 ~~[or 293.482,]~~ ***, 293.482, 295.015 or 295.095*** for each proposed constitutional amendment,

statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218.443, 293.250, 293.481, 293.482 or 295.121, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218.443, 293.250, 293.252, 293.481, 293.482 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

3. Before the period for early voting, but not later than 10 days before any election, the county clerk shall cause to be mailed to each registered voter in the county a sample ballot for his precinct with a notice informing the voter of the location of his polling place. If the location of the polling place has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before mailing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

4. Except as otherwise provided in subsection 5, a sample ballot required to be mailed pursuant to this section must:

(a) Be printed in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice printed in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

5. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

6. The sample ballot mailed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in

any other manner, must be printed in at least 14-point type, or larger when practicable.

7. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots mailed to that person from the county are in large type.

8. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his polling place and provide reasonable assistance to the voter in casting his vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his ballot at such a centralized voting location rather than at his regularly designated polling place.

9. The cost of mailing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 5. **NRS 293C.530 is hereby amended to read as follows:**

293C.530 1. Before the period for early voting, but not later than 10 days before an election, the city clerk shall cause to be mailed to each registered voter in the city a sample ballot for his precinct with a notice informing the voter of the location of his polling place. If the location of the polling place has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before mailing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

2. Except as otherwise provided in subsection 3, a sample ballot required to be mailed pursuant to this section must:

(a) Be printed in at least 12-point type;

(b) Include the ~~[fiscal note]~~ ***description of the anticipated financial effect*** and explanation ~~[, as required pursuant to NRS 293.481 or 293.482,]~~ of each citywide measure and advisory question, including arguments for and against ~~[it;]~~ ***the measure or question, as required pursuant to NRS 293.481, 293.482, 295.205 or 295.217;*** and

(c) Include on the front page, in a separate box created by bold lines, a notice printed in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

3. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

4. The sample ballot mailed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be printed in at least 14-point type, or larger when practicable.

5. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots mailed to that person from the city are in large type.

6. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his polling place and provide reasonable assistance to the voter in casting his vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his ballot at such a centralized voting location rather than at his regularly designated polling place.

7. The cost of mailing sample ballots for a city election must be borne by the city holding the election.

~~[Sec. 2.]~~ ***Sec. 6.*** Chapter 294A of NRS is hereby amended by adding thereto the sections set forth as sections ~~[3 to 6,]~~ **7 to 10,** inclusive, of this act.

~~[Sec. 3.]~~ ***Sec. 7. 1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum, including, without limitation, the initiation or circulation thereof, and who receives or expends money in an amount in excess of $10,000 for such advocacy shall, not later than the dates listed in subsection 2, report:***

(a) Each campaign contribution in excess of ~~*[$100]*~~ **$1,000** ***received during each period described in subsection 2;***

(b) Contributions received during each period described in subsection 2 from a contributor which cumulatively exceed ~~[$100;]~~ $1,000;

(c) Each expenditure in excess of ~~[$100]~~ $1,000 the person or group of persons makes during each period described in subsection 2; and

(d) The total amount of money the person or group of persons has at the beginning of each period described in subsection 2, accounting for all contributions received and expenditures made during each previous period.

2. Every person or group of persons required to report pursuant to subsection 1 shall file that report with the Secretary of State:

(a) For the period beginning on the first day a copy of the petition may be filed with the Secretary of State before it is circulated for signatures pursuant to Section 1 or Section 2 of Article 19 of the Nevada Constitution, as applicable, and ending on the following March 31, not later than April 15;

(b) For the period beginning on April 1 and ending on July 31, not later than August 15;

(c) For the period beginning on August 1 and ending on September 30, not later than October 15; and

(d) For the period beginning on October 1 and ending on December 31, not later than the following January 15.

3. The name and address of the contributor and the date on which the contribution was received must be included on each report for each contribution in excess of ~~[$100]~~ $1,000 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the applicable reporting period.

4. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in each report.

5. Each report required pursuant to this section must:

(a) Be on the form designed and provided by the Secretary of State pursuant to NRS 294A.373; and

(b) Be signed by the person or a representative of the group of persons under penalty of perjury.

6. A person or group of persons may mail or transmit each report to the Secretary of State by certified mail, regular mail, facsimile machine or electronic means or may deliver the report personally.

7. A report shall be deemed to be filed with the Secretary of State:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the Secretary of State if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

~~[Sec. 4.]~~ *Sec. 8. Each person or group of persons organized formally or informally who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum*

shall appoint and keep within this State a resident agent who must be a natural person who resides in this State.

~~[Sec. 5.]~~ ***Sec. 9. 1. Each person or group of persons organized formally or informally who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum, before engaging in any such advocacy in this State, shall file a statement of organization with the Secretary of State as provided in subsection 2.***

2. Each statement of organization must include:

(a) The name of the person or group of persons;

(b) The purpose for which the person or group of persons is organized;

(c) The names and addresses of any officers of the person or group of persons;

(d) If the person or group of persons is affiliated with or is retained by any other person or group for the purpose of advocating the passage or defeat of a constitutional amendment or statewide measure proposed by initiative or referendum, the name and address of each such other person or group; and

(e) The name, address and telephone number of the resident agent of the person or group of persons.

3. A person or group of persons which has filed a statement of organization pursuant to this section shall file an amended statement with the Secretary of State within 30 days of any changes to the information required pursuant to subsection 2.

~~[Sec. 6.]~~ ***Sec. 10. 1. Each person or group of persons organized formally or informally who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum that provides***

compensation to persons to circulate petitions shall report to the Secretary of State:

(a) The number of persons to whom such compensation is provided;

(b) The least amount of such compensation that is provided and the greatest amount of such compensation that is provided; and

(c) The total amount of compensation provided.

2. The Secretary of State shall make public any information received pursuant to this section.

~~[Sec. 7.]~~ ***Sec. 11.*** NRS 294A.150 is hereby amended to read as follows:

294A.150 1. ~~[Every]~~ ***Except as otherwise provided in section ~~[3]~~ 7 of this act, every*** person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election ~~[and every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who~~

~~receives or expends money in an amount in excess of $10,000 to support such initiation or circulation]~~ shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of ~~[$100]~~ ***$1,000*** received during that period and contributions received during the period from a contributor which cumulatively exceed ~~[$100.]~~ ***$1,000.*** The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury. The provisions of this subsection apply to the person or group of persons:

(a) Each year in which an election or city election is held for each question for which the person or group advocates passage or defeat ; ~~[or each year in which a person or group receives or expends money in excess of $10,000 to support the initiation or circulation of a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum;]~~ and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through June 30 of that year,

➥ report each campaign contribution in excess of ~~[$100]~~ ***$1,000*** received during the period and contributions received during the period from a contributor which cumulatively exceed ~~[$100.]~~ ***$1,000.*** The report must be completed on the form designed and provided by the Secretary of State

pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of ~~[$100]~~ ***$1,000*** and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

4. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. ~~[If]~~ ***Except as otherwise provided in section 7 of this act, if*** a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. ~~[Every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of $10,000 to support such initiation or circulation shall comply with the requirements of this subsection.]~~ A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each campaign contribution in excess of ~~[$100]~~ ***$1,000*** received during the period and contributions received during the period from a contributor which cumulatively exceed ~~[$100.]~~ ***$1,000.*** The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date that the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution in excess of ~~[$100]~~ ***$1,000*** received during the period and contributions received during the period from a contributor which cumulatively exceed ~~[$100.]~~ ***$1,000.*** The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

6. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall report each of the contributions received on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. A person may mail or transmit his report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. If the person or group of persons is advocating passage or defeat of a group of questions , ~~[or is receiving or expending money to support a group of petitions for constitutional amendments, a group of petitions for statewide measures proposed by initiative or referendum or a group of petitions for both constitutional amendments and statewide measures proposed by initiative or referendum,]~~ the reports must be itemized by question or petition.

10. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

~~[Sec. 8.]~~ ***Sec. 12.*** NRS 294A.220 is hereby amended to read as follows:

294A.220 1. ~~[Every]~~ ***Except as otherwise provided in section ~~[3]~~ 7 of this act, every*** person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election ~~[and every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of $10,000 to support such initiation or circulation]~~ shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of ~~[$100]~~ ***$1,000*** on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury. The provisions of this subsection apply to the person or group of persons:

(a) Each year in which an election or city election is held for a question for which the person or group advocates passage or defeat ***;*** ~~[or each year in which a person or group of persons receives or expends money in excess of $10,000 to support the initiation or circulation of a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum;]~~ and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or

primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through the June 30 immediately preceding that July 15,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of ~~[$100]~~ ***$1,000*** on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury.

3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. ~~[If]~~ ***Except as otherwise provided in section 7 of this act, if*** a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. ~~[Every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of $10,000 to support such initiation or circulation shall comply with the requirements of this subsection.]~~ A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of ~~[$100]~~ ***$1,000*** on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

4. Except as otherwise provided in subsection 5, every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of ~~[$100]~~ ***$1,000*** on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

5. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of ~~[$100]~~ ***$1,000*** on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of questions , ~~[or a group of petitions for constitutional amendments, a group of petitions for statewide measures proposed by initiative or referendum or a group of petitions for both constitutional amendments and statewide measures proposed by initiative or referendum,]~~ the reports must be itemized by

question or petition. A person may mail or transmit his report to the appropriate filing officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the filing officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the filing officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

~~[Sec. 9.]~~ ***Sec. 13.*** NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report of expenditures required pursuant to NRS 294A.210, 294A.220 and 294A.280 ***and section*** ~~*[3]*~~ ***7 of this act*** must consist of a list of each expenditure in excess of $100 ***or $1,000, as is appropriate,*** that was made during the periods for reporting. Each report of expenses required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each expense in excess of $100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the expense or expenditure and the date on which the expense was incurred or the expenditure was made.

2. The categories of expense or expenditure for use on the report of expenses or expenditures are:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Expenses related to travel;

(d) Expenses related to advertising;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid; and

(j) Other miscellaneous expenses.

3. Each report of expenses or expenditures described in subsection 1 must list the disposition of any unspent campaign contributions using the categories set forth in subsection 2 of NRS 294A.160.

~~[Sec. 10.]~~ ***Sec. 14.*** NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design a single form to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 ~~[.]~~ ***and section*** ~~*[3]*~~ ***7 of this act.***

2. The form designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

3. Upon request, the Secretary of State shall provide a copy of the form designed pursuant to this section to each person, committee, political party and group that is required to file a report described in subsection 1.

4. The Secretary of State must obtain the advice and consent of the Legislative Commission before providing a copy of a form designed or revised by the Secretary of State pursuant to this section to a person, committee, political party or group that is required to use the form.

~~[Sec. 11.]~~ ***Sec. 15.*** NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;

2. An acceptance of candidacy;

3. The registration of a committee for political action pursuant to NRS 294A.230 or a committee for the recall of a public officer pursuant to NRS 294A.250; or

4. The reporting of campaign contributions, expenses or expenditures pursuant to NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360, ***or section*** ~~*[3]*~~ *7 of this act,*

➥ shall furnish the candidate with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360 ***or section*** ~~*[3]*~~ *7 of this act* relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420 must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

~~[Sec. 12.]~~ ***Sec. 16.*** NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 and 294A.280, ***and section*** ~~*[3]*~~ *7 of this act,* prepare and make available for public inspection a compilation of:

1. The total campaign contributions, the contributions which are in excess of $100 and the total campaign expenses of each of the candidates from whom reports of those contributions and expenses are required.

2. The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the

total amount of written commitments for contributions received by a candidate.

3. The contributions made to a committee for the recall of a public officer in excess of $100.

4. The expenditures exceeding $100 made by a:

(a) Person on behalf of a candidate other than himself.

(b) ~~[Person or group of persons on behalf of or against a question or group of questions on the ballot.~~

~~(c)]~~ Group of persons advocating the election or defeat of a candidate.

~~[(d)]~~ ***(c)*** Committee for the recall of a public officer.

5. The contributions in excess of $100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.

(b) ~~[A person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot.~~

~~(c)]~~ A committee for political action, political party or committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates.

6. The contributions in excess of $1,000 made to and the expenditures exceeding $1,000 made by a:

(a) Person or group of persons on behalf of or against a question or group of questions on the ballot, except as otherwise provided in paragraph (c).

(b) Person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot, except as otherwise provided in paragraph (c).

(c) Person or group of persons organized formally or informally who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum, including, without limitation, the initiation or circulation thereof, and who receives or expends money in an amount in excess of $10,000 for such advocacy.

~~[Sec. 13.]~~ ***Sec. 17.*** NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280 or 294A.360 ***or section ~~[3]~~ 7 of this act*** has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a person or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.128, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280, 294A.300, 294A.310, 294A.320 or 294A.360 ***or section*** ~~*[3]*~~ ***7 of this act*** is subject to a civil penalty of not more than $5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a person or entity has reported its contributions, expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

~~[Sec. 14.]~~ ***Sec. 18.*** Chapter 295 of NRS is hereby amended by adding thereto the sections set forth as sections ~~[15 to 18, inclusive,]~~ **19, 20 and 21** of this act.

~~[Sec. 15.]~~ ***Sec. 19.*** ~~*[1. The Director of the Legislative Counsel Bureau shall hold a public hearing on each petition for initiative or referendum that has been filed with the Secretary of State.*~~

~~*2. Each public hearing required pursuant to this section must be held not later than 10 days nor more than 20 days before the general election at which the initiative or referendum is submitted for popular vote.*~~

~~*3. The Legislative Counsel Bureau shall provide such staff as is necessary to provide appropriate research and analysis of the initiative or referendum at each public hearing required pursuant to this section.*~~

~~*4. Each public hearing required pursuant to this section must be an opportunity for public discussion of:*~~

~~*(a) Technical matters relating to the petition, including, without limitation, compliance with the requirements of NRS 295.009; and*~~

~~*(b) The substantive content of the initiative or referendum.]*~~ ***After a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or referendum is submitted for signature verification to the county clerk, the county clerk shall make true and correct copies of all the documents of the petition and signatures thereon and shall make such copies and signatures available to the public for a period of not less than 14 days.***

~~[Sec. 16.]~~ ***Sec. 20. A petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or referendum may consist of more than one document. Each document of a petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:***

1. That he personally circulated the document;

2. The number of signatures thereon;

3. That all the signatures were affixed in his presence; and

4. ~~*[That he believes the signatures to be the genuine signatures of the persons whose names they purport to be; and*~~

~~*5.]*~~ ***That each signer had an opportunity before signing to read the full text of the act or resolution on which the initiative or referendum is demanded.***

~~[Sec. 17.]~~ ***Sec. 21. A person shall not give compensation of any kind to any person in exchange for signing a petition for initiative or referendum.***

~~[Sec. 18.]~~ ***Sec. 22.*** ~~*[Each person circulating a petition for initiative or referendum who:*~~

~~*1. Is not receiving or will not receive any compensation for circulating the petition shall disclose to signers of the petition his status as a volunteer;*~~

~~*2. Is receiving or will receive any compensation for circulating the petition shall disclose to signers of the petition his status as a paid circulator.]*~~ **(Deleted by amendment.)**

~~[Sec. 19.]~~ ***Sec. 23.*** (Deleted by amendment.)

~~[Sec. 20.]~~ ***Sec. 24.*** NRS 295.015 is hereby amended to read as follows:

295.015 1. Before a petition for initiative or referendum may be presented to the registered voters for their signatures, a copy of the petition for initiative or referendum, including the description required pursuant to NRS 295.009, must be placed on file with the Secretary of State.

2. Upon receipt of a petition for initiative or referendum placed on file pursuant to subsection 1 ~~[, the]~~ *:*

(a) The Secretary of State shall consult with the Fiscal Analysis Division of the Legislative Counsel Bureau to determine if the initiative or referendum

may have any anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters. If the Fiscal Analysis Division determines that the initiative or referendum may have an anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters, the Division must prepare a fiscal note that includes an explanation of any such effect.

(b) The Secretary of State shall consult with the Legislative Counsel regarding the petition for initiative or referendum. The Legislative Counsel may provide technical suggestions regarding the petition for initiative or referendum.

3. Not later than 10 business days after the Secretary of State receives a petition for initiative or referendum filed pursuant to subsection 1, the Secretary of State shall post a copy of the petition, including the description required pursuant to NRS 295.009 , ~~[and]~~ any fiscal note prepared pursuant to subsection 2 ~~[.]~~ ***and any suggestions made by the Legislative Counsel pursuant to subsection 2,*** on his Internet website.

Sec. 25. **NRS 295.095 is hereby amended to read as follows:**

295.095 1. Any five registered voters of the county may commence initiative or referendum proceedings by filing with the county clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

2. Initiative petitions must be signed by a number of registered voters of the county equal to 15 percent or more of the number of voters who voted at the last preceding general election in the county.

3. Referendum petitions must be signed by a number of registered voters of the county equal to 10 percent or more of the number of voters who voted at the last preceding general election in the county.

4. ***Upon receipt of a petition for initiative or referendum placed on file pursuant to subsection 1, the county clerk shall consult with the board to determine if the initiative or referendum may have any anticipated financial effect on the local government if the initiative or referendum is approved by the voters. If the board determines that the initiative or referendum may have an anticipated financial effect on the local government if the initiative or referendum is approved by the voters, the board must prepare a description of the anticipated financial effect and the county clerk shall post a copy of this information on his Internet website, if he maintains one.***

5. A petition must be submitted to the county clerk for verification, pursuant to NRS 295.250 to 295.290, inclusive, not later than:

(a) One hundred and eighty days after the date that the affidavit required by subsection 1 is filed with the county clerk; or

(b) One hundred and thirty days before the election,

➥ whichever is earlier.

~~[5.]~~ ***6.*** A petition may consist of more than one document, but all documents of a petition must be uniform in size and style, numbered and assembled as one instrument for submission. Each signature must be executed in ink or indelible pencil and followed by the address of the person signing and the date on which he signed the petition. All signatures on a petition must be obtained within the period specified in subsection ~~[4.]~~ ***5.*** Each document must contain, or have attached thereto throughout its circulation, the full text of the ordinance proposed or sought to be reconsidered.

~~[6.]~~ ***7.*** Each document of a petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:

(a) That he personally circulated the document;

(b) The number of signatures thereon;

(c) That all the signatures were affixed in his presence;

~~[(d) That he believes them to be genuine signatures of the persons whose names they purport to be;]~~ and

~~[(e)]~~ ***(d)*** That each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

~~[7.]~~ ***8.*** The county clerk shall issue a receipt to any person who submits a petition pursuant to this section. The receipt must set forth the number of:

(a) Documents included in the petition;

(b) Pages in each document; and

(c) Signatures that the person declares are included in the petition.

Sec. 26. **NRS 295.205 is hereby amended to read as follows:**

295.205 1. Any five registered voters of the city may commence initiative or referendum proceedings by filing with the city clerk an affidavit:

(a) Stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form;

(b) Stating their names and addresses;

(c) Specifying the address to which all notices to the committee are to be sent; and

(d) Setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

2. Initiative petitions must be signed by a number of registered voters of the city equal to 15 percent or more of the number of voters who voted at the last preceding city election.

3. Referendum petitions must be signed by a number of registered voters of the city equal to 10 percent or more of the number of voters who voted at the last preceding city election.

4. ***Upon receipt of a petition for initiative or referendum placed on file pursuant to subsection 1, the city clerk shall consult with the council to determine if the initiative or referendum may have any anticipated financial effect on the local government if the initiative or referendum is approved by the voters. If the council determines that the initiative or***

referendum may have an anticipated financial effect on the local government if the initiative or referendum is approved by the voters, the council must prepare a description of the anticipated financial effect and the city clerk shall post a copy of this information on his Internet website, if he maintains one.

5. A petition must be submitted to the city clerk for verification, pursuant to NRS 295.250 to 295.290, inclusive, not later than:

(a) One hundred and eighty days after the date that the affidavit required by subsection 1 is filed with the city clerk; or

(b) One hundred and thirty days before the election,

➥ whichever is earlier.

~~[5.]~~ ***6.*** A petition may consist of more than one document, but all documents of a petition must be uniform in size and style, numbered and assembled as one instrument for submission. Each signature must be executed in ink or indelible pencil and followed by the address of the person signing and the date on which he signed the petition. All signatures on a petition must be obtained within the period specified in subsection ~~[4.]~~ ***5.*** Each document must contain, or have attached thereto throughout its circulation, the full text of the ordinance proposed or sought to be reconsidered.

~~[6.]~~ ***7.*** Each document of a petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:

(a) That he personally circulated the document;

(b) The number of signatures thereon;

(c) That all the signatures were affixed in his presence;

~~[(d) That he believes them to be genuine signatures of the persons whose names they purport to be;]~~ and

~~[(e)]~~ ***(d)*** That each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

~~[7.]~~ ***8.*** The city clerk shall issue a receipt to any person who submits a petition pursuant to this section. The receipt must set forth the number of:

(a) Documents included in the petition;

(b) Pages in each document; and

(c) Signatures that the person declares are included in the petition.

Sec. 27. **NRS 295.217 is hereby amended to read as follows:**

295.217 1. In a city whose population is 10,000 or more, for each initiative, referendum or other question to be placed on the ballot by the:

(a) Council, including, without limitation, pursuant to NRS 293.482 or 295.215; or

(b) Governing body of a public library or water district authorized by law to submit questions to some or all of the qualified electors or registered voters of the city,

➥ the council shall, in consultation pursuant to subsection 5 with the city clerk or other city officer authorized to perform the duties of the city clerk, appoint two committees. Except as otherwise provided in subsection 2, one

committee must be composed of three persons who favor approval by the voters of the initiative, referendum or other question and the other committee must be composed of three persons who oppose approval by the voters of the initiative, referendum or other question.

2. If, after consulting with the city clerk pursuant to subsection 5, the council is unable to appoint three persons willing to serve on a committee, the council may appoint fewer than three persons to that committee, but the council must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of an initiative, referendum or other question and the committee that opposes approval by the voters of that initiative, referendum or other question.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the initiative, referendum or other question.

4. The city clerk may establish and maintain a list of the persons who have expressed an interest in serving on a committee appointed pursuant to this section. The city clerk, after exercising due diligence to locate persons who favor approval by the voters of an initiative, referendum or other question to be placed on the ballot or who oppose approval by the voters of an initiative, referendum or other question to be placed on the ballot, may use the names on a list established pursuant to this subsection to:

(a) Make recommendations pursuant to subsection 5; and

(b) Appoint members to a committee pursuant to subsection 6.

5. Before the council appoints a committee pursuant to this section, the city clerk shall:

(a) Recommend to the council persons to be appointed to the committee; and

(b) Consider recommending pursuant to paragraph (a):

(1) Any person who has expressed an interest in serving on the committee; and

(2) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.

6. If the council of a city whose population is 10,000 or more fails to appoint a committee as required pursuant to this section, the city clerk shall, in consultation with the city attorney, prepare an argument advocating approval by the voters of the initiative, referendum or other question and an argument opposing approval by the voters of the initiative, referendum or other question. Each argument prepared by the city clerk must satisfy the requirements of paragraph (f) of subsection 7 and any rules or regulations adopted by the city clerk pursuant to subsection 8. The city clerk shall not

prepare the rebuttal of the arguments required pursuant to paragraph (e) of subsection 7.

7. A committee appointed pursuant to this section:

(a) Shall elect a chairman for the committee;

(b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;

(c) May seek and consider comments from the general public;

(d) Shall prepare an argument either advocating or opposing approval by the voters of the initiative, referendum or other question, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative, referendum or other question;

(e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section;

(f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):

(1) The ***anticipated*** fiscal ~~[impact]~~ ***effect*** of the initiative, referendum or other question;

(2) The environmental impact of the initiative, referendum or other question; and

(3) The impact of the initiative, referendum or other question on the public health, safety and welfare; and

(g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the city clerk not later than the date prescribed by the city clerk pursuant to subsection 8.

8. The city clerk of a city whose population is 10,000 or more shall provide, by rule or regulation:

(a) The maximum permissible length of an argument or rebuttal prepared pursuant to this section; and

(b) The date by which an argument or rebuttal prepared pursuant to this section must be submitted by the committee to the city clerk.

9. Upon receipt of an argument or rebuttal prepared pursuant to this section, the city clerk:

(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative, referendum or other question pertains; and

(b) Shall reject each statement in the argument or rebuttal that he believes is libelous or factually inaccurate.

➥ Not later than 5 days after the city clerk rejects a statement pursuant to this subsection, the committee may appeal that rejection to the city attorney or other city officer appointed to hear the appeal by the city council. The city attorney or other city officer appointed to hear the appeal shall review the statement and the reasons for its rejection and may receive evidence, documentary or testimonial, to aid him in his decision. Not later than 3 business days after the appeal by the committee, the city attorney or other city officer appointed to hear the appeal shall issue his decision rejecting or

accepting the statement. The decision of the city attorney or other city officer appointed to hear the appeal is a final decision for the purposes of judicial review. If the decision of the city attorney or other city officer appointed to hear the appeal is challenged by filing a complaint in district court, the court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

10. The city clerk shall place in the sample ballot provided to the registered voters of the city each argument and rebuttal prepared pursuant to this section, containing all statements that were not rejected pursuant to subsection 9. The city clerk may revise the language submitted by the committee so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect without the consent of the committee.

11. In a city whose population is less than 10,000:

(a) The council may appoint committees pursuant to this section.

(b) If the council appoints committees pursuant to this section, the city clerk shall provide for rules or regulations pursuant to subsection 8.

12. If a question is to be placed on the ballot by an entity described in paragraph (b) of subsection 1, the entity must provide a copy and explanation of the question to the city clerk at least 30 days earlier than the date required for the submission of such documents pursuant to subsection 1 of NRS 293.481. This subsection does not apply to a question if the date that the question must be submitted to the city clerk is governed by subsection 2 of NRS 293.481.

Sec. 28. **This act becomes effective on July 1, 2007.**

Assemblyman Conklin moved that the Assembly concur in the Senate Amendment No. 886 to Assembly Bill No. 604.

Remarks by Assemblyman Conklin.

Motion carried.

The following Senate amendment was read:

Amendment No. 987.

SUMMARY—Revises provisions governing ~~[petitions for statewide initiatives and referenda.]~~ **elections.** (BDR 24-1396)

AN ACT relating to elections; **requiring the governing body of a city incorporated pursuant to general law in certain larger counties to adopt an ordinance to provide for a primary city election and general city election on the dates for state primary elections and state general elections;** requiring certain persons or groups of persons advocating the passage or defeat of certain initiatives or referenda to provide various information to the Secretary of State concerning campaign contributions, expenditures and expenses; requiring public hearings to be conducted concerning certain initiatives and referenda; requiring circulators of certain petitions to attach an affidavit to each document of the petition; requiring circulators of certain petitions to disclose their status as volunteer or paid

circulators; authorizing the Legislative Counsel to provide technical suggestions regarding certain initiatives and referenda; **revising the charters of certain cities to provide for primary city elections and general city elections on the dates for state primary elections and state general elections;** providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that city primary and general elections must be held in odd-numbered years while state and other local primary and general elections must be held in even-numbered years. (NRS 293.12755, 293.175, 293C.115, 293C.140, 293C.145) Section 1.3 of this bill requires a city incorporated under general law in a county whose population is 400,000 or more (currently Clark County) to adopt an ordinance setting city elections in even-numbered years. Sections 22-46 of this bill also amend the charter of each city that is located in a county whose population is 400,000 or more to reflect this change in election dates. Cities affected are Boulder City, Henderson, Las Vegas, Mesquite and North Las Vegas.

Chapter 294A of NRS governs campaign practices. NRS 294A.150 and 294A.220 require persons or groups of persons advocating the passage or defeat of a question on a ballot to submit reports to the Secretary of State on campaign contributions, expenditures and expenses. Section 3 of this bill creates a new section for persons and groups of persons advocating the passage or defeat of a constitutional amendment or a statewide measure proposed by an initiative or referendum and that have received or expended at least $10,000 for that purpose. The provisions of this new section require such persons or groups to submit similar campaign contribution and expense reports to the Secretary of State on a different schedule and with certain additional information. Section 4 of this bill requires such persons and groups to appoint a resident agent who lives in Nevada, regardless of the amount of money they have received or expended. Section 5 of this bill requires such persons and groups to file an organizational statement with the Secretary of State, regardless of the amount of money they have received or expended. Section 6 of this bill requires such persons and groups who pay others to circulate petitions to disclose certain financial information to the Secretary of State. Section 13 of this bill provides that such persons and groups who violate section 3 are subject to civil penalties.

Chapter 295 of NRS governs petitions for statewide and local initiatives and referenda. Section 15 of this bill requires the Director of the Legislative Counsel Bureau to hold public hearings on statewide initiatives and referenda. Section 16 of this bill requires petition circulators to attach an affidavit to each document of a petition attesting to the veracity of each signature. Section 17 of this bill prohibits paying people to sign petitions. Section 18 of this bill requires petition circulators to disclose whether they are paid or volunteer circulators.

Existing law requires the Secretary of State to consult with the Fiscal Analysis Division of the Legislative Counsel Bureau regarding the possible financial effect on the State of any initiative or referendum. (NRS 295.015) Section 20 of this bill requires the Secretary of State also to consult with the Legislative Counsel regarding each initiative or referendum and authorizes the Legislative Counsel to make technical suggestions regarding the petition.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on his Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388; and

(c) All reports on campaign contributions and expenditures submitted to the Secretary of State pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 ~~[.]~~ ***and section 3 of this act.***

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 1.3. **NRS 293C.115 is hereby amended to read as follows:**

293C.115 1. ~~[The]~~ ***Except as otherwise provided in subsection 2, the*** governing body of a city incorporated pursuant to general law may by ordinance provide for a primary city election and a general city election on:

(a) The dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS; or

(b) The dates set forth for primary city elections and general city elections pursuant to the provisions of this chapter.

2. ***The governing body of a city incorporated pursuant to general law in a county whose population is 400,000 or more shall by ordinance provide for a primary city election and a general city election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.***

3. If a governing body of a city adopts an ordinance pursuant to paragraph (a) of subsection 1 ~~[,]~~ ***or subsection 2,*** the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165, and in NRS 293.175, 293.177, 293.345 and 293.368 apply for purposes of conducting the primary city elections and general city elections of the city.

~~[3.]~~ ***4.*** If a governing body of a city adopts an ordinance pursuant to subsection 1 ~~[,]~~ ***or is required to adopt an ordinance pursuant to subsection 2:***

(a) The term of office of any elected city official may not be shortened as a result of the ordinance; and

(b) Each elected city official holds office until the end of his term and until his successor has been elected and qualified.

Sec. 1.7. **NRS 293C.291 is hereby amended to read as follows:**

293C.291 If a candidate whose name appears on the ballot at a primary city election or general city election dies after the applicable date set forth in:

1. NRS 293C.370; or

2. NRS 293.368, if the governing body of the city has adopted an ordinance pursuant to paragraph (a) of subsection 1 ***or subsection 2*** of NRS 293C.115,

➥ but before the time of the closing of the polls on the day of the election, the city clerk shall post a notice of the candidate's death at each polling place where the candidate's name will appear on the ballot for the primary city election or general city election.

Sec. 2. Chapter 294A of NRS is hereby amended by adding thereto the sections set forth as sections 3 to 6, inclusive, of this act.

Sec. 3. ***1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum, including, without limitation, the initiation or circulation thereof, and who receives or expends money in an amount in excess of $10,000 for such advocacy shall, not later than the dates listed in subsection 2, report:***

(a) Each campaign contribution in excess of $100 received during each period described in subsection 2;

(b) Contributions received during each period described in subsection 2 from a contributor which cumulatively exceed $100;

(c) Each expenditure in excess of $100 the person or group of persons makes during each period described in subsection 2; and

(d) The total amount of money the person or group of persons has at the beginning of each period described in subsection 2, accounting for all contributions received and expenditures made during each previous period.

2. Every person or group of persons required to report pursuant to subsection 1 shall file that report with the Secretary of State:

(a) For the period beginning on the first day a copy of the petition may be filed with the Secretary of State before it is circulated for signatures pursuant to Section 1 or Section 2 of Article 19 of the Nevada Constitution,

as applicable, and ending on the following March 31, not later than April 15;

(b) For the period beginning on April 1 and ending on July 31, not later than August 15;

(c) For the period beginning on August 1 and ending on September 30, not later than October 15; and

(d) For the period beginning on October 1 and ending on December 31, not later than the following January 15.

3. The name and address of the contributor and the date on which the contribution was received must be included on each report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the applicable reporting period.

4. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in each report.

5. Each report required pursuant to this section must:

(a) Be on the form designed and provided by the Secretary of State pursuant to NRS 294A.373; and

(b) Be signed by the person or a representative of the group of persons under penalty of perjury.

6. A person or group of persons may mail or transmit each report to the Secretary of State by certified mail, regular mail, facsimile machine or electronic means or may deliver the report personally.

7. A report shall be deemed to be filed with the Secretary of State:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the Secretary of State if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

Sec. 4. ***Each person or group of persons organized formally or informally who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum shall appoint and keep within this State a resident agent who must be a natural person who resides in this State.***

Sec. 5. ***1. Each person or group of persons organized formally or informally who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum, before engaging in any such advocacy in this State, shall file a statement of organization with the Secretary of State as provided in subsection 2.***

2. Each statement of organization must include:

(a) The name of the person or group of persons;

(b) The purpose for which the person or group of persons is organized;

(c) The names and addresses of any officers of the person or group of persons;

(d) If the person or group of persons is affiliated with or is retained by any other person or group for the purpose of advocating the passage or defeat of a constitutional amendment or statewide measure proposed by initiative or referendum, the name and address of each such other person or group; and

(e) The name, address and telephone number of the resident agent of the person or group of persons.

3. A person or group of persons which has filed a statement of organization pursuant to this section shall file an amended statement with the Secretary of State within 30 days of any changes to the information required pursuant to subsection 2.

Sec. 6. ***1. Each person or group of persons organized formally or informally who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum that provides compensation to persons to circulate petitions shall report to the Secretary of State:***

(a) The number of persons to whom such compensation is provided;

(b) The least amount of such compensation that is provided and the greatest amount of such compensation that is provided; and

(c) The total amount of compensation provided.

2. The Secretary of State shall make public any information received pursuant to this section.

Sec. 7. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. ~~[Every]~~ ***Except as otherwise provided in section 3 of this act, every*** person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election ~~[and every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of $10,000 to support such initiation or circulation]~~ shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $100 received during that period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury. The provisions of this subsection apply to the person or group of persons:

(a) Each year in which an election or city election is held for each question for which the person or group advocates passage or defeat ***;*** ~~[or each year in which a person or group receives or expends money in excess of $10,000 to support the initiation or circulation of a petition for a~~

~~constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum;]~~ and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through June 30 of that year,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

4. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after

July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. ~~[Every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of $10,000 to support such initiation or circulation shall comply with the requirements of this subsection.]~~ A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date that the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

6. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall report each of the contributions received on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. A person may mail or transmit his report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. If the person or group of persons is advocating passage or defeat of a group of questions **,** ~~[or is receiving or expending money to support a group of petitions for constitutional amendments, a group of petitions for statewide measures proposed by initiative or referendum or a group of petitions for both constitutional amendments and statewide measures proposed by initiative or referendum,]~~ the reports must be itemized by question or petition.

10. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

Sec. 8. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. ~~[Every]~~ ***Except as otherwise provided in section 3 of this act, every*** person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election ~~[and every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of $10,000 to support such initiation or circulation]~~ shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the

Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury. The provisions of this subsection apply to the person or group of persons:

(a) Each year in which an election or city election is held for a question for which the person or group advocates passage or defeat ***;*** ~~[or each year in which a person or group of persons receives or expends money in excess of $10,000 to support the initiation or circulation of a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum;]~~ and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through the June 30 immediately preceding that July 15,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury.

3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question

is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. ~~[Every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of $10,000 to support such initiation or circulation shall comply with the requirements of this subsection.]~~ A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

4. Except as otherwise provided in subsection 5, every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

5. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the

person or a representative of the group under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of questions ***,*** ~~[or a group of petitions for constitutional amendments, a group of petitions for statewide measures proposed by initiative or referendum or a group of petitions for both constitutional amendments and statewide measures proposed by initiative or referendum,]~~ the reports must be itemized by question or petition. A person may mail or transmit his report to the appropriate filing officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the filing officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the filing officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

Sec. 9. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report of expenditures required pursuant to NRS 294A.210, 294A.220 and 294A.280 ***and section 3 of this act*** must consist of a list of each expenditure in excess of $100 that was made during the periods for reporting. Each report of expenses required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each expense in excess of $100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the expense or expenditure and the date on which the expense was incurred or the expenditure was made.

2. The categories of expense or expenditure for use on the report of expenses or expenditures are:

(a) Office expenses;
(b) Expenses related to volunteers;
(c) Expenses related to travel;
(d) Expenses related to advertising;
(e) Expenses related to paid staff;
(f) Expenses related to consultants;
(g) Expenses related to polling;
(h) Expenses related to special events;
(i) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid; and
(j) Other miscellaneous expenses.

3. Each report of expenses or expenditures described in subsection 1 must list the disposition of any unspent campaign contributions using the categories set forth in subsection 2 of NRS 294A.160.

Sec. 10. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design a single form to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 ~~[.]~~ ***and section 3 of this act.***

2. The form designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

3. Upon request, the Secretary of State shall provide a copy of the form designed pursuant to this section to each person, committee, political party and group that is required to file a report described in subsection 1.

4. The Secretary of State must obtain the advice and consent of the Legislative Commission before providing a copy of a form designed or revised by the Secretary of State pursuant to this section to a person, committee, political party or group that is required to use the form.

Sec. 11. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;
2. An acceptance of candidacy;
3. The registration of a committee for political action pursuant to NRS 294A.230 or a committee for the recall of a public officer pursuant to NRS 294A.250; or
4. The reporting of campaign contributions, expenses or expenditures pursuant to NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360, ***or section 3 of this act,***

➥ shall furnish the candidate with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220,

294A.270, 294A.280 or 294A.360 ***or section 3 of this act*** relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420 must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 12. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 and 294A.280, ***and section 3 of this act,*** prepare and make available for public inspection a compilation of:

1. The total campaign contributions, the contributions which are in excess of $100 and the total campaign expenses of each of the candidates from whom reports of those contributions and expenses are required.

2. The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the total amount of written commitments for contributions received by a candidate.

3. The contributions made to a committee for the recall of a public officer in excess of $100.

4. The expenditures exceeding $100 made by a:

(a) Person on behalf of a candidate other than himself.

(b) Person or group of persons on behalf of or against a question or group of questions on the ballot.

(c) Group of persons advocating the election or defeat of a candidate.

(d) Committee for the recall of a public officer.

5. The contributions in excess of $100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.

(b) A person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot.

(c) A committee for political action, political party or committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates.

Sec. 13. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280 or 294A.360 ***or section 3 of this act*** has not filed a report or form for registration pursuant to the applicable provisions of those sections, the

Secretary of State may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a person or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.128, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280, 294A.300, 294A.310, 294A.320 or 294A.360 ***or section 3 of this act*** is subject to a civil penalty of not more than $5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a person or entity has reported its contributions, expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

Sec. 14. Chapter 295 of NRS is hereby amended by adding thereto the sections set forth as sections 15 to 18, inclusive, of this act.

Sec. 15. ***1. The Director of the Legislative Counsel Bureau shall hold a public hearing on each petition for initiative or referendum that has been filed with the Secretary of State.***

2. Each public hearing required pursuant to this section must be held not later than 10 days nor more than 20 days before the general election at which the initiative or referendum is submitted for popular vote.

3. The Legislative Counsel Bureau shall provide such staff as is necessary to provide appropriate research and analysis of the initiative or referendum at each public hearing required pursuant to this section.

4. Each public hearing required pursuant to this section must be an opportunity for public discussion of:

(a) Technical matters relating to the petition, including, without limitation, compliance with the requirements of NRS 295.009; and

(b) The substantive content of the initiative or referendum.

Sec. 16. ***A petition for initiative or referendum may consist of more than one document. Each document of a petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:***

1. That he personally circulated the document;

2. The number of signatures thereon;

3. That all the signatures were affixed in his presence;

4. That he believes the signatures to be the genuine signatures of the persons whose names they purport to be; and

5. That each signer had an opportunity before signing to read the full text of the act or resolution on which the initiative or referendum is demanded.

Sec. 17. ***A person shall not give compensation of any kind to any person in exchange for signing a petition for initiative or referendum.***

Sec. 18. ***Each person circulating a petition for initiative or referendum who:***

1. Is not receiving or will not receive any compensation for circulating the petition shall disclose to signers of the petition his status as a volunteer;

2. Is receiving or will receive any compensation for circulating the petition shall disclose to signers of the petition his status as a paid circulator.

Sec. 19. (Deleted by amendment.)

Sec. 20. NRS 295.015 is hereby amended to read as follows:

295.015 1. Before a petition for initiative or referendum may be presented to the registered voters for their signatures, a copy of the petition for initiative or referendum, including the description required pursuant to NRS 295.009, must be placed on file with the Secretary of State.

2. Upon receipt of a petition for initiative or referendum placed on file pursuant to subsection 1 ~~[, the]~~ ***:***

(a) The Secretary of State shall consult with the Fiscal Analysis Division of the Legislative Counsel Bureau to determine if the initiative or referendum may have any anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters. If the Fiscal Analysis Division determines that the initiative or referendum may have an anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters, the Division must prepare a fiscal note that includes an explanation of any such effect.

(b) The Secretary of State shall consult with the Legislative Counsel regarding the petition for initiative or referendum. The Legislative Counsel may provide technical suggestions regarding the petition for initiative or referendum.

3. Not later than 10 business days after the Secretary of State receives a petition for initiative or referendum filed pursuant to subsection 1, the Secretary of State shall post a copy of the petition, including the description required pursuant to NRS 295.009 **,** ~~[and]~~ any fiscal note prepared pursuant to subsection 2 ~~[.]~~ ***and any suggestions made by the Legislative Counsel pursuant to subsection 2,*** on his Internet website.

Sec. 21. **NRS 267.110 is hereby amended to read as follows:**

267.110 1. Any city having adopted a charter pursuant to the provisions of NRS 267.010 to 267.140, inclusive, has pursuant to the charter:

(a) All of the powers enumerated in the general laws of the State for the incorporation of cities.

(b) Such other powers necessary and not in conflict with the Constitution and laws of the State of Nevada to carry out the commission form of government.

2. The charter, when submitted, must:

(a) Fix the number of commissioners, their terms of office and their duties and compensation.

(b) Provide for all necessary appointive and elective officers for the form of government therein provided, and fix their salaries and emoluments, duties and powers.

(c) Fix, in accordance with the provisions of NRS 293C.140 and 293C.175 or with the provisions of NRS 293C.145, or with the provisions of paragraph (a) of subsection 1 ***or subsection 2*** of NRS 293C.115, the time for the first and subsequent elections for all elective officers. After the first election and the qualification of the officers who were elected, the old officers and all boards or offices and their emoluments must be abolished.

Sec. 22. **Section 4 of the Charter of Boulder City is hereby amended to read as follows:**

Section 4. Number; selection and term; recall.

1. The City Council shall have four Councilmen and a Mayor elected from the City at large in the manner provided in Article IX . ~~[, for terms of four years and until their successors have been elected and have taken office as provided in section 16, subject to recall as provided in section 111.5.]~~ No Councilman shall represent any particular constituency or district of the City, and each Councilman shall represent the entire City. (Amd. 2; 6-4-1991; Add. 17; Amd. 1; 11-5-1996)

2. (Repealed by Amd. 1; 6-4-1991)

3. Except as otherwise provided in section 96, all Councilmen and the Mayor shall serve for 4 years, subject to recall as provided in section 111.5.

Sec. 23. **Section 16 of the Charter of Boulder City is hereby amended to read as follows:**

Section 16. Induction of Council into office; meetings of Council.

1. The City Council shall meet within ~~[ten]~~ ***10*** days after each ~~[city]~~ primary election and each ~~[city]~~ general election specified in Article IX ~~[,]~~ to canvass the returns and to declare the results. All newly elected or reelected Mayor or Council members ~~[shall]~~ ***must*** be inducted into office at the next regular Council meeting following certification of the applicable ~~[city]~~ general election results. Immediately following such induction, the Mayor pro tem ~~[shall]~~ ***must*** be designated as provided in section 7. Thereafter, the Council shall meet regularly at such times as it shall set by resolution from time to time, but not less frequently than once each month. (Add. 13; Amd. 1; 6-2-1987; Amd. 2; 6-4-1991; Add. 17; Amd. 1; 11-5-1996; Add. 24; Amd. 1; 6-3-2003)

A. (Add. 3; Amd. 2; 5-2-1967; Repealed by Add. 15; Amd. 1; 6-4-1991)

2. It is the intent of this Charter that deliberations and actions of the Council be conducted openly. All meetings of the City Council ~~[shall]~~ ***must*** be in accordance with chapter 241 of ~~[the Nevada Revised Statutes.]~~ ***NRS.*** (Add. 10; Amd. 1; 6-2-1981)

3. Any emergency meeting of the City Council, as defined by chapter 241 ~~[, shall]~~ ***of NRS, must*** be as provided therein, and in addition:

(a) An emergency meeting may be called by the Mayor or upon written notice issued by a majority of the Council.

(b) Prior notice of such an emergency meeting ~~[shall]~~ ***must*** be given to all members of the City Council. (Add. 10; Amd. 1; 6-2-1981)

Sec. 24. **Section 92 of the Charter of Boulder City is hereby amended to read as follows:**

Section 92. Public parks, recreation areas, parking.

1. All public parks, public recreation areas and publicly owned off-street parking areas in existence at the time of incorporation, unless under private lease, must not be sold, leased or zoned for any other use without approval of the majority of the voters voting at a special election ~~[or primary or general]~~ ***, a primary*** municipal ***and state*** election ***,*** or ***a*** general ***municipal and*** state election.

2. A special election may be held only if the City Council determines, by a unanimous vote, that an emergency exists. The determination made by the City Council is conclusive unless it is shown that the City Council acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the City Council must be commenced within 15 days after the City Council's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the City Council to prevent or mitigate a substantial financial loss to the City or to enable the City Council to provide an essential service to the residents of the City. (Add. 16; Amd. 2; 1-1-1994)

(A—Ch. 345, Stats. 1993 p. 1096)

Sec. 25. **Section 96 of the Charter of Boulder City is hereby amended to read as follows:**

Section 96. Conduct of ~~[city]~~ elections.

1. All city elections must be nonpartisan in character and must be conducted in accordance with the provisions of the general election laws of the State of Nevada and any ordinance regulations as adopted by the City Council which are consistent with law and this Charter. (1959 Charter)

2. ~~[All]~~ ***Except as otherwise provided in subsections 3 and 4, all*** full terms of office in the City Council are ~~[four years, and]~~ ***4 years.*** Council members must be elected at large without regard to precinct residency.

3. Two ~~[full-term]~~ Council members and the Mayor are to be elected ~~[in each year immediately preceding a federal presidential election, and two full-term]~~ ***on the first Tuesday after the first Monday in June 2011 at a general municipal election to be held for that purpose. The two Council members and the Mayor shall hold office until their successors have been elected and qualified pursuant to subsection 5.***

4. Two Council members are to be elected ~~[in each year immediately following a federal presidential election.]~~ ***on the first Tuesday after the first Monday in June 2009 at a general municipal election to be held for that purpose. The two Council members shall hold office until their successors have been elected and qualified pursuant to subsection 6.***

5. Two Council members and the Mayor are to be elected on the first Tuesday after the first Monday in November 2014 and at each successive interval of 4 years thereafter. The two Council members and the Mayor shall hold office for a period of 4 years and until their successors have been elected and qualified.

6. Two Council members are to be elected on the first Tuesday after the first Monday in November 2012 and at each successive interval of 4 years thereafter. The two Council members shall hold office for a period of 4 years and until their successors have been elected and qualified.

7. In each election, the candidates receiving the greatest number of votes must be declared elected to the vacant ~~[full-term]~~ positions. (Add. 17; Amd. 1; 11-5-1996)

(a) In the event one or more ~~[two-year]~~ ***2-year*** term positions on the Council will be available at the time of a municipal election as provided in section 12, candidates must file specifically for such ~~[position(s).]~~ ***positions.*** Candidates receiving the greatest respective number of votes must be declared elected to the respective available ~~[two-year]~~ ***2-year*** positions. (Add. 15; Amd. 2; 6-4-1991)

~~[3. A city]~~

8. A primary election must be held on the first Tuesday after the first Monday in April of each odd-numbered year , and a city general election must be held on the first Tuesday after the first Monday in June of each odd-numbered year.

(a) A primary election must not be held if no more than double the number of Council members to be elected file as candidates. A primary election must not be held for the office of Mayor if no more than two

candidates file for that position. The primary election must be held for the purpose of eliminating candidates in excess of a figure double the number of Council members to be elected. (Add. 17; Amd. 1; 11-5-1996)

(b) If, in the primary city election, a candidate receives votes equal to a majority of voters casting ballots in that election, he shall be considered elected to one of the vacancies and his name ~~[shall]~~ ***must*** not be placed on the ballot for the general city election. (Add. 10; Amd. 7; 6-2-1981)

(c) In each primary and general election, voters ~~[shall be]~~ ***are*** entitled to cast ballots for candidates in a number equal to the number of seats to be filled in the city elections. (Add. 11; Amd. 5; 6-7-1983)

~~[4.]~~ ***9.*** The conduct of all municipal elections ~~[shall be]~~ ***is*** under the control of the City Council, which shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter. Nothing in this Charter shall be construed as to deny or abridge the power of the City Council to provide for supplemental regulations for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud. (Add. 24; Amd. 1; 6-3-2003)

Sec. 26. **Section 96 of the Charter of Boulder City is hereby amended to read as follows:**

Section 96. Conduct of elections.

1. All city elections must be nonpartisan in character and must be conducted in accordance with the provisions of the general election laws of the State of Nevada and any ordinance regulations as adopted by the City Council which are consistent with law and this Charter. (1959 Charter)

2. Except as otherwise provided in subsections 3 and 4, all full terms of office in the City Council are 4 years. Council members must be elected at large without regard to precinct residency.

3. Two Council members and the Mayor are to be elected on the first Tuesday after the first Monday in June 2011 at a general municipal election to be held for that purpose. The two Council members and the Mayor shall hold office until their successors have been elected and qualified pursuant to subsection 5.

4. Two Council members are to be elected on the first Tuesday after the first Monday in June 2009 at a general municipal election to be held for that purpose. The two Council members shall hold office until their successors have been elected and qualified pursuant to subsection 6.

5. Two Council members and the Mayor are to be elected on the first Tuesday after the first Monday in November 2014 and at each successive interval of 4 years thereafter. The two Council members and the Mayor shall hold office for a period of 4 years and until their successors have been elected and qualified.

6. Two Council members are to be elected on the first Tuesday after the first Monday in November 2012 and at each successive interval of 4 years thereafter. The two Council members shall hold office for a period of 4 years and until their successors have been elected and qualified.

7. In each election, the candidates receiving the greatest number of votes must be declared elected to the vacant positions. (Add. 17; Amd. 1; 11-5-1996)

(a) In the event one or more 2-year term positions on the Council will be available at the time of a municipal election as provided in section 12, candidates must file specifically for such positions. Candidates receiving the greatest respective number of votes must be declared elected to the respective available 2-year positions. (Add. 15; Amd. 2; 6-4-1991)

8. A primary election must be held on the ~~[first Tuesday after the first Monday in April]~~ ***twelfth Tuesday before the general election*** of each ~~[odd-numbered]~~ ***even-numbered*** year, and a ~~[city]~~ general election must be held on the first Tuesday after the first Monday in ~~[June]~~ ***November*** of each ~~[odd-numbered]~~ ***even-numbered*** year.

(a) A primary election must not be held if no more than double the number of Council members to be elected file as candidates. A primary election must not be held for the office of Mayor if no more than two candidates file for that position. The primary election must be held for the purpose of eliminating candidates in excess of a figure double the number of Council members to be elected. (Add. 17; Amd. 1; 11-5-1996)

(b) If, in the primary ~~[city]~~ election, a candidate receives votes equal to a majority of voters casting ballots in that election, he shall be considered elected to one of the vacancies and his name must not be placed on the ballot for the general ~~[city]~~ election. (Add. 10; Amd. 7; 6-2-1981)

(c) In each primary and general election, voters are entitled to cast ballots for candidates in a number equal to the number of seats to be filled in the city elections. (Add. 11; Amd. 5; 6-7-1983)

9. The conduct of all municipal elections is under the control of the City Council, which shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter. Nothing in this Charter shall be construed as to deny or abridge the power of the City Council to provide for supplemental regulations for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud. (Add. 24; Amd. 1; 6-3-2003)

Sec. 27. **Section 100 of the Charter of Boulder City is hereby amended to read as follows:**

Section 100. Registered voters' power of initiative and referendum concerning city ordinances.

The registered voters of a city may:

1. Propose ordinances to the Council and, if the Council fails to adopt an ordinance so proposed without change in substance, ~~[to]~~ ***may*** adopt or reject it at a primary ~~[or general]~~ municipal ***and state*** election or ~~[primary or]~~ general ***municipal and*** state election.

2. Require reconsideration by the Council of any adopted ordinance ~~[,]~~ and **,** if the Council fails to repeal an ordinance so considered, ~~[to]~~ ***may*** approve or reject it ~~[as]~~ ***at*** a primary ~~[or general]~~ municipal ***and state*** election

or ~~[primary or]~~ general ***municipal and*** state election. (Add. 16; Amd. 2; 1-1-1994)

(A—Ch. 345, Stats. 1993 p. 1097)

Sec. 28. **Section 102 of the Charter of Boulder City is hereby amended to read as follows:**

Section 102. Results of election.

1. If a majority of the registered voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the results of the election and must be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes prevails to the extent of the conflict.

2. If a majority of the registered voters voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the results of the election.

3. No initiative ordinance voted upon by the registered voters **,** or an initiative ordinance in substantially the same form as one voted upon by the people, may again be placed on the ballot until the next primary ~~[or general]~~ municipal ***and state*** election or ~~[primary or]~~ general ***municipal and*** state election. (Add. 16; Amd. 2; 1-1-1994)

(A—Ch. 345, Stats. 1993 p. 1097)

Sec. 29. **Section 119 of the Charter of Boulder City is hereby amended to read as follows:**

Section 119. Amending the Charter.

1. An amendment to this Charter:

A. May be made by the Legislature directly by the use of mandatory specific wording or indirectly by the use of wording allowing flexibility in expressing the required change.

(1) If a statute is enacted which directly amends this Charter, such an amendment is not subject to public approval as provided in subsection B and must be included in the Charter and identified as having been amended by the particular statute involved.

(2) If a statute is enacted which requires that this Charter be amended but does not require the specific wording to be used, the City Council shall propose a suitable amendment to be submitted to the registered voters of the City as provided in subsection B. If such a proposed amendment is not adopted by the voters, it must be redrafted and resubmitted to the voters at one or more general city ~~[elections or general]~~ ***and*** state elections until an amendment is adopted.

B. May be proposed by the City Council and submitted to the registered voters of the City at a general city ~~[election or general]~~ ***and*** state election.

C. May be proposed by a petition signed by registered voters of the City equal in number to 15 percent or more of the voters who voted at the latest preceding general city election and submitted to registered voters of the City at the next general city ~~[election or general]~~ ***and*** state election.

2. The City Attorney shall draft any amendment proposed pursuant to subsections A(2) or B, or if such a proposed amendment has been previously drafted, the City Attorney shall review the previous draft and recommend to the Council any suggested changes or corrections.

3. The City Attorney shall, upon request, review any amendment intended to be proposed by petition pursuant to subsection C, make only such corrections as are agreed to by the proposers and report to the City Council his analysis of the significance and potential effects of the proposed amendment.

4. A petition for amendment must be in the form specified by state law for city initiative petitions, and must be filed with the City Clerk not later than 6 months before the date of the general city ~~[election or general]~~ ***and*** state election at which the proposed amendment is to be submitted to the voters of the City.

5. When an amendment is adopted by the registered voters of the City, the City Clerk shall, within 30 days thereafter, transmit a certified copy of the amendment to the Legislative Counsel.

6. Any amendment to the Charter proposed ~~[under]~~ ***pursuant to*** the provisions of this section ~~[shall]~~ ***must*** be adopted by a simple majority of the voters casting ballots on that question at two consecutive general elections before any such amendment ~~[shall]~~ ***may*** become effective. (Add. 25; Amd. 1; 6-3-2003)

Sec. 30. **Section 138 of the Charter of Boulder City is hereby amended to read as follows:**

Section 138. Sale of public utilities; proviso.

1. No public utility of any kind, after having been acquired by the City, may thereafter be sold or leased by the City, unless the proposition for the sale or lease has been submitted to the electors of the City at a special election ~~[or primary or general]~~ ***, a primary*** municipal ***and state*** election ***,*** or ~~[primary or]~~ ***a*** general ***municipal and*** state election. After a majority vote of those electors in favor of the sale, the sale may not be made except after 30 days' published notice thereof, except that the provisions of this section do not apply to a sale by the Council of parts, equipment, trucks, engines and tools, which have become obsolete or worn out, any of which equipment may be sold by the Council in the regular course of business.

2. A special election may be held only if the City Council determines, by a unanimous vote, that an emergency exists. The determination made by the City Council is conclusive unless it is shown that the City Council acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the City Council must be commenced within 15 days after the City Council's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the City Council to prevent or mitigate a substantial financial loss to the City or to enable the City Council to provide

an essential service to the residents of the City. (1959 Charter) (Add. 16; Amd. 2; 1-1-1994)

(A—Ch. 345, Stats. 1993 p. 1099)

Sec. 31. **Section 143 of the Charter of Boulder City is hereby amended to read as follows:**

Section 143. Expenditures from Capital Improvement Fund.

1. All expenditures from the Capital Improvement Fund must be approved by a simple majority of the votes cast by the registered voters of the City on a proposition placed before them in a special election ~~[or primary or general]~~ ***, a primary*** municipal ***and state*** election ***,*** or ~~[primary or]~~ ***a*** general ***municipal and*** state election.

2. A special election may be held only if the City Council determines, by a unanimous vote, that an emergency exists. The determination made by the City Council is conclusive unless it is shown that the City Council acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the City Council must be commenced within 15 days after the City Council's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the City Council to prevent or mitigate a substantial financial loss to the City or to enable the City Council to provide an essential service to the residents of the City. (Add. 7; Amd. 5; 6-3-1975; Add. 16; Amd. 2; 1-1-1994)

Sec. 32. **Section 2.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 596, Statutes of Nevada 1995, at page 2206, is hereby amended to read as follows:**

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Councilmen and the Mayor.

2. The Mayor must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the City.

3. Each Councilman must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the ward which he represents.

(c) A resident of the ward which he represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for the office, except that changes in ward boundaries pursuant to the provisions of section 1.040 do not affect the right of any elected Councilman to continue in office for the term for which he was elected.

4. All Councilmen, including the Mayor, must be voted upon by the registered voters of the City at large and shall serve for terms of 4 years ~~[.]~~ ***, except as otherwise provided in section 5.020.***

5. The Mayor and Councilmen are entitled to receive a salary in an amount fixed by the City Council. The City Council shall not adopt an ordinance which increases or decreases the salary of the Mayor or the Councilmen during the term for which they have been elected or appointed.

Sec. 33. **Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 637, Statutes of Nevada 1999, at page 3565, is hereby amended to read as follows:**

Sec. 5.010 Primary election.

1. A primary election must be held on the ***twelfth*** Tuesday ~~[after the first Monday in April of each odd-numbered year,]~~ ***before the general election in November 2012, and at each successive interval of 2 years thereafter,*** at which time there must be nominated candidates for offices to be voted for at the next general ~~[municipal]~~ election.

2. A candidate for any office to be voted for at any primary ~~[municipal]~~ election must file a declaration of candidacy as provided by the election laws of this State.

3. All candidates for elective office must be voted upon by the registered voters of the City at large.

4. If in the primary election no candidate receives a majority of votes cast in that election for the office for which he is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general election. If in the primary election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he is a candidate, he must be declared elected and no general election need be held for that office.

Sec. 34. **Section 5.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 209, Statutes of Nevada 2001, at page 971, is hereby amended to read as follows:**

Sec. 5.020 General ~~[municipal election.]~~ ***elections.***

1. ~~[A general election must be held in the City on]~~ ***On*** the first Tuesday after the first Monday in June ~~[of each odd-numbered year and on the same day every 2 years thereafter, at which time the registered voters of the City shall elect city officers to fill the available elective positions.~~

~~2. All candidates for the office of Mayor, Councilman and Municipal Judge must be voted upon by the registered voters of the City at large. The term of office for members of the City Council and the Mayor is 4 years. Except as otherwise provided in subsection 3 of section 4.015 of this Charter, the term of office for a Municipal Judge is 6 years.~~*]* ***2009, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and a Councilman from the Third Ward,***

both of whom will hold office until their successors have been elected and qualified pursuant to subsection 7.

2. On the first Tuesday after the first Monday in June 2007, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, Councilmen from the First, Second and Fourth Wards, all of whom will hold office until their successors have been elected and qualified. On the first Tuesday after the first Monday in June 2011, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, Councilmen from the First, Second and Fourth Wards, all of whom will hold office until their successors have been elected and qualified pursuant to subsection 6.

3. On the ***first*** Tuesday after the first Monday in June ~~[2001 and every 6 years thereafter,]~~ ***2007,*** there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 1 who will hold office until his successor has been elected and qualified. ***On the first Tuesday after the first Monday in November 2012, there must be elected by the qualified voters of the City, at a general election held for that purpose, a Municipal Judge for Department 1 who will hold office until his successor has been elected and qualified pursuant to subsection 8.***

4. On the ***first*** Tuesday after the first Monday in June ~~[2003 and every 6 years thereafter,]~~ ***2009,*** there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 2 who will hold office until his successor has been elected and qualified. ***On the first Tuesday after the first Monday in November 2012, there must be elected by the qualified voters of the City, at a general election held for that purpose, a Municipal Judge for Department 2, who will hold office until his successor has been elected and qualified pursuant to subsection 9.***

5. On the ***first*** Tuesday after the first Monday in June ~~[2005 and every 6 years thereafter,]~~ ***2011,*** there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 3 who will hold office until his successor has been elected and qualified ~~[.]~~ ***pursuant to subsection 10.***

6. On the first Tuesday after the first Monday in November 2014, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at the general election, Councilmen from the First, Second and Fourth Wards, all of whom will hold office until their successors have been elected and qualified.

7. On the first Tuesday after the first Monday in November 2012, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at the general election, a Mayor and a Councilman from the Third Ward, both of whom will hold office until their successors have been elected and qualified.

8. On the first Tuesday after the first Monday in November 2014, and at each successive interval of 6 years thereafter, there must be elected by the qualified voters of the City, at the general election, a Municipal Judge for Department 1 who shall hold office until his successor has been elected and qualified.

9. On the first Tuesday after the first Monday in November 2016, and at each successive interval of 6 years thereafter, there must be elected by the qualified voters of the City, at the general election, a Municipal Judge for Department 2 who will hold office until his successor has been elected and qualified.

10. On the first Tuesday after the first Monday in November 2012, and at each successive interval of 6 years thereafter, there must be elected by the qualified voters of the City, at the general election, a Municipal Judge for Department 3 who will hold office until his successor has been elected and qualified.

11. All candidates for the offices of Mayor, Councilman and Municipal Judge must be voted upon by the registered voters of the City at large. Except as otherwise provided in subsections 1 and 2, the term of office for a member of the City Council and the Mayor is 4 years. Except as otherwise provided in subsections 3, 4 and 5 and subsection 3 of section 4.015, the term of office for a Municipal Judge is 6 years.

Sec. 35. **Section 1.140 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 6, Statutes of Nevada 2001, at page 10, is hereby amended to read as follows:**

Sec. 1.140 Elective offices.

1. The elective officers of the City consist of:

(a) A Mayor.

(b) One Councilman from each ward.

(c) Municipal Judges.

2. ~~[The]~~ ***Except as otherwise provided in section 5.010, the*** terms of office of the Mayor and Councilmen are 4 years.

3. Except as otherwise provided in subsection 3 of section 4.010 ~~[of this Charter,]~~ ***or section 5.010,*** the term of office of a Municipal Judge is 6 years.

Sec. 36. **Section 2.310 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 416, Statutes of Nevada 2001, at page 2101, is hereby amended to read as follows:**

Sec. 2.310 Powers of City Council: Acquisition or establishment of City utility.

1. Except as otherwise provided in subsection 3 of section 2.300 and section 2.315, the City Council, on behalf of the City and in its name, may acquire, establish, hold, manage and operate, alone or with any other government or any instrumentality or subdivision of any government, any public utility in the manner which is provided in this section.

2. The City Council ~~[must]~~ ***shall*** adopt a resolution which sets forth fully and in detail:

(a) The public utility which is proposed to be acquired or established.

(b) The estimated cost of that utility, as shown in a recent report, which has been approved by the City Council, of an engineer or consulting firm which had previously been appointed by the City Council for that purpose.

(c) The proposed bonded indebtedness which must be incurred to acquire or establish that utility, the terms, amount and rate of interest of that indebtedness and the time within which, and the fund from which, that indebtedness is redeemable.

(d) That a public hearing on the advisability of acquiring the public utility will be held at the first regular meeting of the City Council after the final publication of the resolution.

3. The resolution must be published in full at least once a week for 4 successive weeks.

4. At the first regular meeting of the City Council, or any adjournment of that meeting, after the completion of the publication, the City Council may, without an election, enact an ordinance for that purpose, which must conform in all respects to the terms and conditions of the resolution, unless, within 30 days after the final publication of the resolution, a petition is filed with the City Clerk which has been signed by a number of registered voters of the City which is not less than 15 percent of the registered voters of the City, as shown by the last preceding registration list, who own not less than 10 percent in assessed value of the taxable property within the City, as shown by the last preceding tax list or assessment roll, and which prays for the submission of the question of the enactment of the proposed ordinance at a special election or the next primary ~~[or general]~~ municipal ***and state*** election or ~~[primary or]~~ general ***municipal and*** state election. Upon the filing of that petition, the proposed ordinance may not be enacted or be effective for any purpose unless, at a special election or primary ~~[or general]~~ municipal ***and state*** election or ~~[primary or]~~ general ***municipal and*** state election, a majority of the votes which are cast in that election are cast in favor of the enactment of the ordinance.

5. A special election may be held only if the City Council determines, by a unanimous vote, that an emergency exists. The determination made by the City Council is conclusive unless it is shown that the City Council acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the City Council must be commenced within 15 days after the City Council's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the City Council to prevent or mitigate a substantial financial loss to the City or to enable the City Council to provide an essential service to the residents of the City.

6. If the proposed ordinance is adopted, without an election or as a result of an election, the City Council may issue bonds to obtain revenue for

acquiring or constructing systems, plants, works, instrumentalities and properties which are needed in connection with that public utility.

Sec. 37. **Section 4.010 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 6, Statutes of Nevada 2001, at page 10, is hereby amended to read as follows:**

Sec. 4.010 Municipal Court.

1. There is a Municipal Court of the City which consists of at least two departments, each of which must be presided over by a Municipal Judge and has such power and jurisdiction as is prescribed in, and is, in all respects which are not inconsistent with this Charter, governed by chapters 5 and 266 of NRS which relate to municipal courts.

2. The City Council may from time to time establish additional departments of the Municipal Court and shall appoint an additional Municipal Judge for each.

3. At the first general election which follows the appointment of an additional Municipal Judge to a newly created department of the Municipal Court, the successor to that Municipal Judge must be elected for a term of not more than 6 years, as determined by the City Council, in order to effectuate the intent of this provision that, as nearly as practicable ~~[, at]~~ :

(a) At least one-third of the number of Municipal Judges be elected every 2 years ~~[.]~~ ***; or***

(b) Not more than one-half of the number of Municipal Judges be elected in any 1 year.

4. The respective departments of the Municipal Court must be numbered 1 through the appropriate Arabic number, as additional departments are approved by the City Council. A Municipal Judge must be elected for each department by number.

Sec. 38. **Section 5.010 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 637, Statutes of Nevada 1999, at page 3565, is hereby amended to read as follows:**

Sec. 5.010 Primary ~~[municipal]~~ elections.

1. On the Tuesday after the first Monday in April ~~[2001, and at each successive interval of 4 years,]~~ ***2009,*** a primary municipal election must be held in the City , at which time candidates for ~~[half of the offices of]~~ Councilman ***from the Second, Fourth and Sixth Wards*** and for Municipal Judge ~~[, Department 2,]~~ ***for Departments 1, 4 and 6*** must be nominated.

2. ~~[On the Tuesday after the first Monday in April 2003, and at each successive interval of 4 years, a primary municipal election must be held in the City at which time candidates for Mayor, for the other half of the offices of Councilman and for Municipal Judge, Department 1, must be nominated.~~

~~3.]~~ ***On the Tuesday after the first Monday in April 2011, a primary election must be held in the City, at which time candidates for Mayor, for***

Councilman from the First, Third and Fifth Wards and for Municipal Judge for Departments 2, 3 and 5 must be nominated.

3. On the twelfth Tuesday before the general election in November 2014, and at each successive interval of 4 years, a primary election must be held in the City, at which time candidates for Councilman from the Second, Fourth and Sixth Wards must be nominated.

4. On the twelfth Tuesday before the general election in November 2016, and at each successive interval of 4 years, a primary election must be held in the City, at which time candidates for Mayor and for Councilman from the First, Third and Fifth Wards must be nominated.

5. On the twelfth Tuesday before the general election in November 2016, and at each successive interval of 6 years, a primary election must be held in the City, at which time candidates for Municipal Judge for Departments 1, 4 and 6 must be nominated.

6. On the twelfth Tuesday before the general election in November 2018, and at each successive interval of 6 years, a primary election must be held in the City, at which time candidates for Municipal Judge for Departments 2, 3 and 5 must be nominated.

7. The candidates for Councilman who are to be nominated as provided in subsections 1 ~~[and 2]~~ ***to 4, inclusive,*** must be nominated and voted for separately according to the respective wards. ~~[The candidates from each even-numbered ward must be nominated as provided in subsection 1, and the candidates from each odd-numbered ward must be nominated as provided in subsection 2.~~

~~4.]~~ ***8.*** If the City Council has established an additional department or departments of the Municipal Court pursuant to section 4.010 ~~[of this Charter,]~~ and, as a result, more than one office of Municipal Judge is to be filled at any election, the candidates for those offices must be nominated and voted upon separately according to the respective departments.

~~[5.]~~ 9. Each candidate for the municipal offices which are provided for in subsections 1 ~~[, 2 and 4]~~ ***to 8, inclusive,*** must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be paid into the City Treasury.

~~[6.]~~ ***10.*** If, in the primary election, regardless of the number of candidates for an office, one candidate receives a majority of votes which are cast in that election for the office for which he is a candidate, he must be declared elected for the term which commences on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made, and no general election need be held for that office. If, in the primary election, no candidate receives a majority of votes which are cast in that election for the office for which he is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general election.

Sec. 39. **Section 5.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1415, is hereby amended to read as follows:**

Sec. 5.020 General ~~[municipal election.]~~ ***elections.***

1. A general ~~[municipal]~~ election must be held in the City on the ***first*** Tuesday after the ~~[1st]~~ ***first*** Monday in ~~[June]~~ ***November*** of each ~~[odd-numbered]~~ ***even-numbered*** year and on the same day every 2 years thereafter, at which time there must be elected those officers whose offices are required to be filled by election in that year.

2. All candidates for elective office, except the office of Councilman, must be voted upon by the registered voters of the City at large.

Sec. 40. **Section 5.110 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1416, is hereby amended to read as follows:**

Sec. 5.110 Special elections: Registration of electors.

1. If a question is to be submitted to the registered voters of the City at a ~~[municipal or state]~~ primary ***municipal and state*** or general ***municipal and state*** election, no notice of registration of electors is required other than that which is required by the election laws of the State for that election. If the question is to be submitted at a special municipal election, the City Clerk shall at the expense of the City, cause to be published at least once a week for 5 consecutive weeks by five weekly insertions 1 week apart, the first publication to be not more than 60 days nor less than 45 days next preceding the election, a notice which has been signed by ~~[him]~~ ***the City Clerk*** to the effect that registration for the special election will be closed on the date which is designated in the notice, as provided in this section.

2. Except as ***otherwise*** provided in this subsection, the Office of the City Clerk must be open for the special election from 9 a.m. to 12 m. and from 1 p.m. to 5 p.m. on Mondays through Fridays, with legal holidays excepted, for the registration of any qualified elector.

Sec. 41. **Section 1.060 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 515, Statutes of Nevada 1997, at page 2451, is hereby amended to read as follows:**

Sec. 1.060 Elective offices: Vacancies. Except as otherwise provided in NRS 268.325:

1. A vacancy in the City Council or in the office of Mayor or Municipal Judge must be filled by a majority vote of the members of the City Council within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the City Council before the vacancy occurs. In such a case, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official.

2. No such appointment extends beyond the first day of ~~[July]~~ ***December*** after the next municipal election, at which election the office must be filled for the remaining unexpired term.

Sec. 42. **Section 2.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 499, Statutes of Nevada 2005, at page 2691, is hereby amended to read as follows:**

Sec. 2.010 City Council: Qualifications; election; term of office; salary. ~~[[Effective on December 1, 2006, if the registered voters of the City of North Las Vegas, at the General Election held on November 7, 2006, approve the question of whether the City Councilmen of the City of North Las Vegas must be voted for and elected only by the registered voters of the ward that a Councilman will represent.]]~~

1. The legislative power of the City is vested in a City Council consisting of four Councilmen and a Mayor.

2. The Mayor must be:

(a) A bona fide resident of the City for at least 6 months immediately preceding his election.

(b) A qualified elector within the City.

3. Each Councilman:

(a) Must be a qualified elector who has resided in the ward which he represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for his office.

(b) Must continue to live in the ward he represents, except that changes in ward boundaries made pursuant to section 1.045 ~~[of this Charter]~~ will not affect the right of any elected Councilman to continue in office for the term for which he was elected.

4. At the time of filing, if so required by an ordinance duly enacted, candidates for the office of Mayor and Councilman shall produce evidence in satisfaction of any or all of the qualifications provided in subsection 2 or 3, whichever is applicable.

5. Each Councilman must be voted upon only by the registered voters of the ward that he seeks to represent, and ***except as otherwise provided in section 5.010,*** his term of office is 4 years.

6. The Mayor must be voted upon by the registered voters of the City at large, and ***except as otherwise provided in section 5.010,*** his term of office is 4 years.

7. The Mayor and Councilmen are entitled to receive a salary in an amount fixed by the City Council.

Sec. 43. **Section 4.005 of the Charter of the City of North Las Vegas, being chapter 215, Statutes of Nevada 1997, as amended by chapter 73, Statutes of Nevada 2003, at page 484, is hereby amended to read as follows:**

Sec. 4.005 Municipal Court.

1. There is a Municipal Court of the City which consists of at least one department. Each department must be presided over by a Municipal Judge and has such power and jurisdiction as is prescribed in, and is, in all respects which are not inconsistent with this Charter, governed by the provisions of chapters 5 and 266 of NRS which relate to municipal courts.

2. The City Council may, from time to time, by ordinance, establish additional departments of the Municipal Court and shall appoint an additional Municipal Judge for each additional department.

3. At the first municipal primary or municipal general election that follows the appointment of an additional Municipal Judge to a newly created department of the Municipal Court, the successor to that Municipal Judge must be elected for an initial term of not more than 6 years, as determined by the City Council, ~~[in order]~~ ***so*** that, as nearly as practicable, one-third of the number of Municipal Judges ~~[be]~~ ***is*** elected every 2 years.

4. Except as otherwise provided by the ordinance establishing an additional department ~~[,]~~ ***or section 5.010,*** each Municipal Judge must be voted upon by the registered voters of the City at large and holds office for a period of 6 years and until his successor has been elected and qualified.

5. The respective departments of the Municipal Court must be numbered 1 through the appropriate Arabic numeral, as additional departments are approved by the City Council. A Municipal Judge must be elected for each department by number.

Sec. 44. **Section 5.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 499, Statutes of Nevada 2005, at page 2691, is hereby amended to read as follows:**

Sec. 5.010 General ~~[municipal]~~ elections. ~~[[Effective on December 1, 2006, if the registered voters of the City of North Las Vegas, at the General Election held on November 7, 2006, approve the question of whether the City Councilmen of the City of North Las Vegas must be voted for and elected only by the registered voters of the ward that a Councilman will represent.]]~~

1. On the ***first*** Tuesday after the first Monday in June ~~[1977, and at each successive interval of 4 years thereafter, there must]~~ ***2009, there shall*** be elected, at a general ***municipal*** election to be held for that purpose, a Mayor and two Councilmen, who shall hold office ~~[for a period of 4 years and]~~ until their successors have been elected and qualified ~~[.]~~ ***pursuant to subsection 3.***

2. On the ***first*** Tuesday after the first Monday in June ~~[1975, and at each successive interval of 4 years thereafter, there must]~~ ***2011, there must*** be elected, at a general election to be held for that purpose, two Councilmen ~~[,]~~ who shall hold office ~~[for a period of 4 years and]~~ until their successors have been elected and qualified ~~[.]~~ ***pursuant to subsection 4.***

3. ***On the first Tuesday after the first Monday in November 2012, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at the general election, a Mayor and two***

Councilmen, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

4. On the first Tuesday after the first Monday in November 2014, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at the general election, two Councilmen who shall hold office for a period of 4 years and until their successors have been elected and qualified.

5. On the first Tuesday after the first Monday in November 2014, and at each successive interval of 6 years thereafter, there must be elected by the qualified voters of the City, at the general election, a Municipal Judge for Department 1 who shall hold office for a period of 6 years and until his successor has been elected and qualified.

6. On the first Tuesday after the first Monday in November 2012, and at each successive interval of 6 years thereafter, there must be elected by the qualified voters of the City, at the general election, a Municipal Judge for Department 2 who shall hold office for a period of 6 years and until his successor has been elected and qualified.

7. In such a general election:

(a) A candidate for the office of City Councilman must be elected only by the registered voters of the ward that he seeks to represent.

(b) Candidates for all other elective offices must be elected by the registered voters of the City at large.

Sec. 45. **Section 5.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 499, Statutes of Nevada 2005, at page 2692, is hereby amended to read as follows:**

Sec. 5.020 Primary ~~[municipal]~~ elections; declaration of candidacy. ~~[[Effective on December 1, 2006, if the registered voters of the City of North Las Vegas, at the General Election held on November 7, 2006, approve the question of whether the City Councilmen of the City of North Las Vegas must be voted for and elected only by the registered voters of the ward that a Councilman will represent.]]~~

1. The City Council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents. The seats for City Councilmen must be designated by the numbers one through four, which numbers must correspond with the wards the candidates for City Councilmen will seek to represent. A candidate for the office of City Councilman shall include in his declaration of candidacy the number of the ward which he seeks to represent. Each candidate for City Council must be designated as a candidate for the City Council seat that corresponds with the ward that he seeks to represent.

2. If for any general municipal election there are three or more candidates for the offices of Mayor or Municipal Judge, or for a particular City Council seat, a primary election for any such office must be held on the

twelfth Tuesday ~~[following the first Monday in April]~~ preceding the general election. In the primary election:

(a) A candidate for the office of City Councilman must be voted upon only by the registered voters of the ward that he seeks to represent.

(b) Candidates for all other elective offices must be voted upon by the registered voters of the City at large.

3. Except as otherwise provided in subsection 4, after the primary election, the names of the two candidates for Mayor, Municipal Judge and each City Council seat who receive the highest number of votes must be placed on the ballot for the general election.

4. If one of the candidates for Mayor, Municipal Judge or a City Council seat receives a majority of the total votes cast for that office in the primary election, he ~~[shall]~~ ***must*** be declared elected to office and his name must not appear on the ballot for the general election.

Sec. 46. **Section 5.080 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 465, Statutes of Nevada 1985, at page 1440, is hereby amended to read as follows:**

Sec. 5.080 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election ~~[shall]~~ ***must*** be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may be permitted to handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet at any time within 16 days after any election and shall canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person may have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the ~~[1st]~~ ***first*** day of ~~[July]~~ ***December*** next following their election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 47. **On or before February 1, 2012, the governing body of a city incorporated pursuant to general law in a county whose population is 400,000 or more shall adopt the ordinance required pursuant to the provisions of subsection 2 of NRS 293C.115, as amended by section 1.3 of this act.**

Sec. 48. **1. This section and sections 22, 25, 32, 34, 35, 37, 38, 42, 43 and 44 of this act become effective upon passage and approval.**

2. Sections 1 and 2 to 20, inclusive, of this act become effective on October 1, 2007.

3. Sections 1.3, 1.7, 21, 23, 24, 26 to 31, inclusive, 33, 36, 39, 40, 41, 45, 46 and 47 of this act become effective on January 1, 2012.

Assemblyman Conklin moved that the Assembly do not concur in the Senate Amendment No. 987 to Assembly Bill No. 604.

Remarks by Assemblyman Conklin.

Motion carried.

Bill ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:36 p.m.

ASSEMBLY IN SESSION

At 12:40 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 621, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chair*

GENERAL FILE AND THIRD READING

Assembly Bill No. 621.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 1046.

AN ACT relating to energy; making various changes relating to the application procedures for and the provision of tax abatements and exemptions based upon the use of energy; repealing certain prospective energy requirements for public buildings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2 and 3 of this bill require the Director of the Office of Energy to adopt a system for rating buildings based upon ~~[Version 2.1 or a later version of]~~ the Leadership in Energy and Environmental Design Green Building Rating System **,** ~~[for New Construction & Major Renovations,]~~ and authorize the ~~[Department of Taxation]~~ **Director** to grant, under certain conditions, a partial abatement of property taxes for certain buildings based upon the rating of the building.

Existing law authorizes the Commission on Economic Development to approve, under certain conditions, a partial abatement of certain taxes for a person who intends to locate or expand a business in this State. (NRS 360.750) Existing law prescribes the terms of such a partial abatement of property taxes for certain businesses that conserve energy or fossil sources of energy through recycling, for certain facilities that generate electrical energy from renewable energy and for facilities that produce certain devices for the storage of electrical energy. (NRS 361.0685, 361.0687) Sections 4, 5, 8 and 16 of this bill repeal those terms and prescribe substantially identical terms.

Existing law provides an exemption from property taxes for any value added to the assessed value of a building by certain qualified systems that provide heating, cooling or electricity. (NRS 361.079) Sections 6 and 16 of this bill repeal that exemption and provide a substantially similar exemption.

Existing law prescribes the terms of a partial abatement of certain sales and use taxes, if approved by the Commission on Economic Development, for certain facilities that generate electricity from renewable energy or produce certain devices for the storage of electrical energy. (NRS 374.357) Sections 7 and 11 of this bill repeal those terms and prescribe substantially identical terms.

Sections 12 and 16 of this bill repeal certain energy requirements for public buildings which otherwise would have become effective on July 1, 2007. Section 13 of this bill prescribes similar requirements for certain public buildings for which construction has not yet been completed on that date.

Existing law requires the Director of the Office of Energy to adopt a system for rating buildings for the purposes of certain tax exemptions and the construction of certain public buildings. (NRS 701.217) Section 16 of this bill repeals those requirements.

Existing law authorizes the Commission on Economic Development to grant a partial abatement of property taxes for certain structures that use resources efficiently. (NRS 361.0775) Section 16 of this bill repeals that authority.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 58 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***1. The Director of the Office of Energy shall adopt a Green Building Rating System for the purposes of determining the eligibility of a building or other structure for a tax abatement pursuant to section 3 of this act.***

2. The Green Building Rating System must include standards and ratings equivalent to the standards and ratings provided pursuant to ~~*[Version 2.1 or a later version of]*~~ ***the Leadership in Energy and Environmental Design Green Building Rating System*** **,** ~~*[for New*~~

~~Construction & Major Renovations,~~ except that the standards adopted by the Director:

(a) Except as otherwise provided in paragraphs (b) and (c) , ~~[or required to carry out this subsection,]~~ must not include ~~[any]~~ :

(1) Any standard that has not been included in the Leadership in Energy and Environmental Design Green Building Rating System ~~[for New Construction & Major Renovations]~~ for at least ~~[5]~~ 2 years; or

(2) Standards for homes;

(b) Must provide reasonable exceptions based on the size of the area occupied by the building or other structure; and

(c) Must ~~[provide up to 2 points of additional]~~ require a building or other structure to obtain:

(1) At least 3 points of credit for energy conservation ~~[.]~~ to meet the equivalent of the silver level;

(2) At least 5 points of credit for energy conservation to meet the equivalent of the gold level; and

(3) At least 8 points of credit for energy conservation to meet the equivalent of the platinum level.

3. As used in this section, "home" means a building or other structure for which the principal use is as a residential dwelling for not more than four families.

Sec. 3. 1. Except as otherwise provided in this section, the ~~[Department of Taxation]~~ Director shall grant a partial abatement from the portion of the taxes imposed pursuant to chapter 361 of NRS ~~[that are not used to provide funding for school districts,]~~ , other than any taxes imposed for public education, on a building or other structure that is determined to meet the equivalent of the silver level or higher by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director ~~[of the Office of Energy]~~ pursuant to section 2 of this act, if:

(a) No funding is provided by any governmental entity in this State for the acquisition, design or construction of the building or other structure or for the acquisition of any land therefor. For the purposes of this paragraph:

(1) Private activity bonds must not be considered funding provided by a governmental entity.

(2) The term "private activity bond" has the meaning ascribed to it in 26 U.S.C. § 141.

(b) The owner of the property:

(1) Submits an application for the partial abatement to the Director . ~~[not later than June 30, 2009.]~~ If such an application is submitted for a project that has not been completed on the date of that submission and there is a significant change in the scope of the project ~~[changes by 10 percent or more]~~ after that date, the application ~~[expires.]~~ must be amended to include the change or changes.

(2) ~~[Provides]~~ Except as otherwise provided in this subparagraph, provides to the Director, within ~~[36]~~ 48 months after applying for the partial abatement, proof that the building or other structure meets the equivalent of the silver level or higher, as determined by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to section 2 of this act. The Director may, for good cause shown, extend the period for providing such proof.

2. As soon as practicable after the Director receives ~~[the]~~ :

(a) The application required by subsection 1, the Director shall forward a copy of that application to the:

(1) Chief of the Budget Division of the Department of Administration;

(2) Department of Taxation;

(3) County assessor;

(4) County treasurer; and

(5) Commission on Economic Development.

(b) The application and proof required by subsection 1, the Director shall determine whether the building or other structure is eligible for the abatement and, if so, forward a certificate of eligibility for the abatement to the :

(1) Department of Taxation ;

(2) County assessor;

(3) County treasurer; and ~~[the]~~

(4) Commission on Economic Development.

3. As soon as practicable after receiving a copy of a an application pursuant to paragraph (a) of subsection 2, the Chief of the Budget Division and each affected local government shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on that governmental entity.

4. The partial abatement:

(a) Must be for a duration of not more than 10 years and in an annual amount that equals, for a building or other structure that meets the equivalent of:

(1) The silver level, 25 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS ~~[that are not used to provide funding for school districts,]~~ , other than any taxes imposed for public education, that would otherwise be payable for the building or other ~~[structure;]~~ structure excluding the associated land;

(2) The gold level, 30 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS ~~[that are not used to provide funding for school districts,]~~ , other than any taxes imposed for public education, that would otherwise be payable for the building or other ~~[structure;]~~ structure excluding the associated land; or

(3) The platinum level, 35 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS ~~[that are not used to provide funding for~~

~~school districts,~~ , other than any taxes imposed for public education, that would otherwise be payable for the building or other ~~[structure.]~~ structure excluding the associated land.

(b) Does not apply during any period in which the owner of the building or other structure is receiving another abatement or exemption pursuant to this chapter or NRS 361.045 to 361.159, inclusive, from the taxes imposed pursuant to chapter 361 of NRS.

(c) Terminates upon any determination by the ~~[Department of Taxation]~~ Director that the building or other structure has ceased to meet the equivalent of the silver level or higher. The Director shall provide notice and a reasonable opportunity to cure any noncompliance issues before making a determination that the building or other structure has ceased to meet that standard. The Director shall immediately provide notice of each determination of termination to the:

(1) Department of Taxation;

(2) County assessor;

(3) County treasurer; and

(4) Commission on Economic Development.

~~[4. Any person claiming the abatement shall provide annually to the Department of Taxation such information regarding the continuing eligibility of the property for the abatement as the Department determines to be appropriate.]~~

5. The Director shall adopt regulations ~~[establishing]~~ :

(a) Establishing the qualifications and methods to determine eligibility for the abatement ~~[and prescribing]~~ ;

(b) Prescribing such forms as will ensure that all information and other documentation necessary to make an appropriate determination is filed with the Director ~~[. The Department of Taxation]~~ ; and

(c) Prescribing the criteria for determining when there is a significant change in the scope of a project for the purposes of subparagraph (1) of paragraph (b) of subsection 1,

➥ and the Department of Taxation shall adopt such additional regulations as it determines to be appropriate to carry out the provisions of this section.

6. As used in this section ~~[,]~~ :

(a) "Building or other structure" does not include any building or other structure for which the principal use is as a residential dwelling for not more than four families.

(b) "Director" means the Director of the Office of Energy appointed pursuant to NRS 701.150.

(c) "Taxes imposed for public education" means:

(1) Any ad valorem tax authorized or required by chapter 387 of NRS;

(2) Any ad valorem tax authorized or required by chapter 350 of NRS for the obligations of a school district, including, without limitation, any ad valorem tax necessary to carry out the provisions of subsection 5 of NRS 350.020; and

(3) Any other ad valorem tax for which the proceeds thereof are dedicated to public education.

Sec. 4. ***1. Except as otherwise provided in this section, if a:***

(a) Business that engages in the primary trade of preparing, fabricating, manufacturing or otherwise processing raw material or an intermediate product through a process in which at least 50 percent of the material or product is recycled on-site; or

(b) Business that includes as a primary component a facility for the generation of electricity from recycled material,

➥ is found by the Commission on Economic Development to have as a primary purpose the conservation of energy or the substitution of other sources of energy for fossil sources of energy and obtains certification from the Commission on Economic Development pursuant to NRS 360.750, the Commission may, if the business additionally satisfies the requirements set forth in subsection 2 of NRS 361.0687, grant to the business a partial abatement from the taxes imposed on real property pursuant to chapter 361 of NRS.

2. If a partial abatement from the taxes imposed on real property pursuant to chapter 361 of NRS is approved by the Commission on Economic Development pursuant to NRS 360.750 for a business described in subsection 1:

(a) The partial abatement must:

(1) Be for a duration of at least 1 year but not more than 10 years;

(2) Not exceed 50 percent of the taxes on real property payable by the business each year; and

(3) Be administered and carried out in the manner set forth in NRS 360.750.

(b) The Executive Director of the Commission on Economic Development shall notify the county assessor of the county in which the business is located of the approval of the partial abatement, including, without limitation, the duration and percentage of the partial abatement that the Commission granted. The Executive Director shall, on or before April 15 of each year, advise the county assessor of each county in which a business qualifies for a partial abatement during the current fiscal year as to whether the business is still eligible for the partial abatement in the next succeeding fiscal year.

3. The partial abatement provided in this section applies only to the business for which certification was granted pursuant to NRS 360.750 and the property used in connection with that business. The exemption does not apply to property in this State that is not related to the business for which the certification was granted pursuant to NRS 360.750 or to property in existence and subject to taxation before the certification was granted.

4. As used in this section, "facility for the generation of electricity from recycled material" means a facility for the generation of electricity that uses recycled material as its primary fuel, including material from:

(a) Industrial or domestic waste, other than hazardous waste, even though it includes a product made from oil, natural gas or coal, such as plastics, asphalt shingles or tires;

(b) Agricultural crops, whether terrestrial or aquatic, and agricultural waste, such as manure and residue from crops; and

(c) Municipal waste, such as sewage and sludge.

➥ The term includes all the equipment in the facility used to process and convert into electricity the energy derived from a recycled material fuel.

Sec. 5. ***1. If a partial abatement from the taxes imposed pursuant to chapter 361 of NRS is approved by the Commission on Economic Development pursuant to NRS 360.750 for a facility for the generation of electricity from renewable energy or a facility for the production of an energy storage device:***

(a) The partial abatement must be:

(1) For a duration of 10 years;

(2) Equal to 50 percent of the taxes on real and personal property payable by the facility each year; and

(3) Administered and carried out in the manner set forth in NRS 360.750.

(b) The Executive Director of the Commission on Economic Development shall:

(1) Notify the county assessor of the county in which the facility is located of the approval of the partial abatement; and

(2) Advise the county assessor of the county in which the facility is located as to the dates on which the partial abatement will begin and end.

2. As used in this section:

(a) "Biomass" means any organic matter that is available on a renewable basis, including, without limitation:

(1) Agricultural crops and agricultural wastes and residues;

(2) Wood and wood wastes and residues;

(3) Animal wastes;

(4) Municipal wastes; and

(5) Aquatic plants.

(b) "Energy storage device" means a device for use and storage of electrical energy that alleviates the consumption of fossil fuel and does not produce fossil fuel emissions.

(c) "Facility for the generation of electricity from renewable energy" means a facility for the generation of electricity that:

(1) Uses renewable energy as its primary source of energy; and

(2) Has a generating capacity of at least 10 kilowatts.

➥ The term includes all the machinery and equipment that is used in the facility to collect and store the renewable energy and to convert the renewable energy into electricity. The term does not include a facility that is located on residential property.

(d) "Renewable energy" means:

(1) Biomass;

(2) Solar energy; or

(3) Wind.

➥ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

Sec. 6. *1. For purposes of the assessment of property pursuant to chapter 361 of NRS:*

(a) Except as otherwise provided in paragraph (b), the value of a qualified system must not be included in the assessed value of a building.

(b) Any value added by a qualified system must be included in the assessed value of a commercial or industrial building during any period in which the business that owns the commercial or industrial building is receiving another abatement or exemption pursuant to this chapter or NRS 361.045 to 361.159, inclusive, from the taxes imposed pursuant to chapter 361 of NRS.

2. The Department of Taxation shall adopt such regulations as it determines to be necessary for the administration of this section.

3. As used in this section, "qualified system" means any system, method, construction, installation, machinery, equipment, device or appliance which is designed, constructed or installed in a residential, commercial or industrial building to heat or cool the building or water used in the building, or to provide electricity used in the building, by using:

(a) Energy from the wind or from solar devices not thermally insulated from the area where the energy is used;

(b) Geothermal resources;

(c) Energy derived from conversion of solid wastes; or

(d) Waterpower,

➥ which conforms to standards established by regulation of the Department of Taxation.

Sec. 7. *If an application for an abatement from taxes pursuant to NRS 374.357 is approved pursuant to NRS 360.750 for a facility for the generation of electricity from renewable energy or a facility for the production of an energy storage device:*

1. The taxpayer is eligible for the abatement for 2 years.

2. The abatement must be administered and carried out in the manner set forth in NRS 360.750.

3. For the purposes of this section and the abatement, unless the context otherwise requires:

(a) "Biomass" means any organic matter that is available on a renewable basis, including, without limitation:

(1) Agricultural crops and agricultural wastes and residues;

(2) Wood and wood wastes and residues;

(3) Animal wastes;

(4) Municipal wastes; and

(5) Aquatic plants.

(b) "Eligible machinery or equipment" means:

(1) If the business that qualifies for the abatement is a facility for the production of an energy storage device, machinery or equipment which is leased or purchased and for which a deduction is authorized pursuant to 26 U.S.C. § 179. The term does not include:

(I) Buildings or the structural components of buildings;

(II) Equipment used by a public utility;

(III) Equipment used for medical treatment;

(IV) Machinery or equipment used in mining;

(V) Machinery or equipment used in gaming; or

(VI) Aircraft.

(2) If the business that qualifies for the abatement is a facility for the generation of electricity from renewable energy, all the machinery and equipment that is used in the facility to collect and store the renewable energy and to convert the renewable energy into electricity.

(c) "Energy storage device" means a device for use and storage of electrical energy that alleviates the consumption of fossil fuel and does not produce fossil fuel emissions.

(d) "Facility for the generation of electricity from renewable energy" means a facility for the generation of electricity that:

(1) Uses renewable energy as its primary source of energy; and

(2) Has a generating capacity of at least 10 kilowatts.

➥ The term includes all the machinery and equipment that is used in the facility to collect and store the renewable energy and to convert the renewable energy into electricity. The term does not include a facility that is located on residential property.

(e) "Fuel cell" means a device or contrivance which, through the chemical process of combining ions of hydrogen and oxygen, produces electricity and water.

(f) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

(1) Biomass;

(2) Fuel cells;

(3) Geothermal energy;

(4) Solar energy;

(5) Waterpower; and

(6) Wind.

➥ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

Sec. 8. NRS 361.0687 is hereby amended to read as follows:

361.0687 1. A person who intends to locate or expand a business in this State may, pursuant to NRS 360.750, apply to the Commission on Economic Development for a partial abatement from the taxes imposed by this chapter.

2. For a business to qualify pursuant to NRS 360.750 for a partial abatement from the taxes imposed by this chapter, the Commission on Economic Development must determine that, in addition to meeting the other requirements set forth in subsection 2 of that section:

(a) If the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more:

(1) The business will make a capital investment in the county of at least $50,000,000 if the business is an industrial or manufacturing business or at least $2,000,000 if the business is not an industrial or manufacturing business; and

(2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(b) If the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000:

(1) The business will make a capital investment in the county of at least $500,000; and

(2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

3. Except as otherwise provided in ~~[NRS 361.0685 and subsection 4,]~~ ***sections 4 and 5 of this act,*** if a partial abatement from the taxes imposed by this chapter is approved by the Commission on Economic Development pursuant to NRS 360.750:

(a) The partial abatement must:

(1) Be for a duration of at least 1 year but not more than 10 years;

(2) Not exceed 50 percent of the taxes on personal property payable by a business each year pursuant to this chapter; and

(3) Be administered and carried out in the manner set forth in NRS 360.750.

(b) The Executive Director of the Commission on Economic Development shall notify the county assessor of the county in which the business is located of the approval of the partial abatement, including, without limitation, the duration and percentage of the partial abatement that the Commission granted. The Executive Director shall, on or before April 15 of each year, advise the county assessor of each county in which a business qualifies for a partial abatement during the current fiscal year as to whether the business is still eligible for the partial abatement in the next succeeding fiscal year.

4. ~~[If a partial abatement from the taxes imposed by this chapter is approved by the Commission on Economic Development pursuant to NRS 360.750 for a facility for the generation of electricity from renewable energy or a facility for the production of an energy storage device:~~

~~(a) The partial abatement must be:~~

~~(1) For a duration of 10 years;~~

~~(2) Equal to 50 percent of the taxes on real and personal property payable by the facility each year pursuant to this chapter; and~~

~~(3) Administered and carried out in the manner set forth in NRS 360.750.~~

~~(b) The Executive Director of the Commission on Economic Development shall:~~

~~(1) Notify the county assessor of the county in which the facility is located of the approval of the partial abatement; and~~

~~(2) Advise the county assessor of the county in which the facility is located as to the dates on which the partial abatement will begin and end.~~

~~5.~~] As used in this section ~~[~~:

~~(a) "Biomass" means any organic matter that is available on a renewable basis, including, without limitation:~~

~~(1) Agricultural crops and agricultural wastes and residues;~~

~~(2) Wood and wood wastes and residues;~~

~~(3) Animal wastes;~~

~~(4) Municipal wastes; and~~

~~(5) Aquatic plants.~~

~~(b) "Energy storage device" means a device for use and storage of electrical energy that alleviates the consumption of fossil fuel and does not produce fossil fuel emissions.~~

~~(c) "Facility for the generation of electricity from renewable energy" means a facility for the generation of electricity that:~~

~~(1) Uses renewable energy as its primary source of energy; and~~

~~(2) Has a generating capacity of at least 10 kilowatts.~~

~~➥ The term includes all the machinery and equipment that is used in the facility to collect and store the renewable energy and to convert the renewable energy into electricity. The term does not include a facility that is located on residential property.~~

~~(d) "Industrial~~] ***, "industrial*** or manufacturing business" does not include a facility for the generation of electricity from renewable energy ~~[~~.

~~(e) "Renewable energy" means:~~

~~(1) Biomass;~~

~~(2) Solar energy; or~~

~~(3) Wind.~~

~~➥ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.~~] ***, as that term is defined in section 5 of this act.***

Sec. 9. NRS 361.0687 is hereby amended to read as follows:

361.0687 1. A person who intends to locate or expand a business in this State may, pursuant to NRS 360.750, apply to the Commission on Economic Development for a partial abatement from the taxes imposed by this chapter.

2. For a business to qualify pursuant to NRS 360.750 for a partial abatement from the taxes imposed by this chapter, the Commission on Economic Development must determine that, in addition to meeting the other requirements set forth in subsection 2 of that section:

(a) If the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more:

(1) The business will make a capital investment in the county of at least $50,000,000 if the business is an industrial or manufacturing business or at least $5,000,000 if the business is not an industrial or manufacturing business; and

(2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(b) If the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000:

(1) The business will make a capital investment in the county of at least $5,000,000 if the business is an industrial or manufacturing business or at least $500,000 if the business is not an industrial or manufacturing business; and

(2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

3. Except as otherwise provided in ~~[NRS 361.0685,]~~ ***section 4 of this act,*** if a partial abatement from the taxes imposed by this chapter is approved by the Commission on Economic Development pursuant to NRS 360.750:

(a) The partial abatement must:

(1) Be for a duration of at least 1 year but not more than 10 years;

(2) Not exceed 50 percent of the taxes on personal property payable by a business each year pursuant to this chapter; and

(3) Be administered and carried out in the manner set forth in NRS 360.750.

(b) The Executive Director of the Commission on Economic Development shall notify the county assessor of the county in which the business is located of the approval of the partial abatement, including, without limitation, the duration and percentage of the partial abatement that the Commission granted. The Executive Director shall, on or before April 15 of each year, advise the county assessor of each county in which a business qualifies for a partial abatement during the current fiscal year as to whether the business is still eligible for the partial abatement in the next succeeding fiscal year.

Sec. 10. NRS 361.777 is hereby amended to read as follows:

361.777 Any partial abatements and partial exemptions ~~[from taxation]~~ to which a person may be entitled ***from the taxes imposed*** pursuant to this chapter must be applied in the following order of priority:

1. Any partial abatement to which the person is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724.

2. Any partial exemptions to which the person is entitled **.** ~~[pursuant to this chapter.]~~

3. Any partial abatements to which the person is entitled ~~[pursuant to this chapter]~~ other than a partial abatement described in subsection 1.

Sec. 11. NRS 374.357 is hereby amended to read as follows:

374.357 1. A person who maintains a business or intends to locate a business in this State may, pursuant to NRS 360.750, apply to the Commission on Economic Development for an abatement from the taxes imposed by this chapter on the gross receipts from the sale, and the storage, use or other consumption, of eligible machinery or equipment for use by a business which has been approved for an abatement pursuant to NRS 360.750.

2. Except as otherwise provided in ~~[subsection 3,]~~ ***section 7 of this act,*** if an application for an abatement is approved pursuant to NRS 360.750:

(a) The taxpayer is eligible for an abatement from the tax imposed by this chapter for not more than 2 years for machinery or equipment which is leased or purchased. In the case of machinery or equipment that is leased, the lessee is the taxpayer who is eligible for an abatement.

(b) The abatement must be administered and carried out in the manner set forth in NRS 360.750.

3. ~~[If an application for an abatement is approved pursuant to NRS 360.750 for a facility for the generation of electricity from renewable energy or a facility for the production of an energy storage device:~~

~~(a) The taxpayer is eligible for an abatement from the tax imposed by this chapter for 2 years.~~

~~(b) The abatement must be administered and carried out in the manner set forth in NRS 360.750.~~

~~4. As used in~~] ***For the purposes of*** this section, ***except as otherwise provided in section 7 of this act or*** unless the context otherwise requires ~~[~~**:**

~~(a) "Biomass" means any organic matter that is available on a renewable basis, including, without limitation:~~

~~(1) Agricultural crops and agricultural wastes and residues;~~

~~(2) Wood and wood wastes and residues;~~

~~(3) Animal wastes;~~

~~(4) Municipal wastes; and~~

~~(5) Aquatic plants.~~

~~(b) "Eligible~~**, *"eligible*** machinery or equipment" means ~~[~~**:**

~~(1) If the business that qualifies for the abatement is not a facility for the generation of electricity from renewable energy,~~] machinery or equipment

which is leased or purchased and for which a deduction is authorized pursuant to 26 U.S.C. § 179. The term does not include:

~~[(I)]~~ ***(a)*** Buildings or the structural components of buildings;

~~[(II)]~~ ***(b)*** Equipment used by a public utility;

~~[(III)]~~ ***(c)*** Equipment used for medical treatment;

~~[(IV)]~~ ***(d)*** Machinery or equipment used in mining;

~~[(V)]~~ ***(e)*** Machinery or equipment used in gaming; or

~~[(VI)]~~ ***(f)*** Aircraft.

~~[(2) If the business that qualifies for the abatement is a facility for the generation of electricity from renewable energy, all the machinery and equipment that is used in the facility to collect and store the renewable energy and to convert the renewable energy into electricity.~~

~~(c) "Energy storage device" means a device for use and storage of electrical energy that alleviates the consumption of fossil fuel and does not produce fossil fuel emissions.~~

~~(d) "Facility for the generation of electricity from renewable energy" means a facility for the generation of electricity that:~~

~~(1) Uses renewable energy as its primary source of energy; and~~

~~(2) Has a generating capacity of at least 10 kilowatts.~~

~~➥ The term includes all the machinery and equipment that is used in the facility to collect and store the renewable energy and to convert the renewable energy into electricity. The term does not include a facility that is located on residential property.~~

~~(e) "Fuel cell" means a device or contrivance which, through the chemical process of combining ions of hydrogen and oxygen, produces electricity and water.~~

~~(f) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:~~

~~(1) Biomass;~~

~~(2) Fuel cells;~~

~~(3) Geothermal energy;~~

~~(4) Solar energy;~~

~~(5) Waterpower; and~~

~~(6) Wind.~~

~~➥ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.]~~

Sec. 12. Section 42 of chapter 2, Statutes of Nevada 2005, 22nd Special Session, at page 90, is hereby amended to read as follows:

Sec. 42. 1. This section and sections 14 to 37, inclusive, 39, 40 and 41 of this act become effective upon passage and approval.

2. Section 38 of this act becomes effective on June 1, 2005.

3. Sections 1, 2, 4, 6, 7, 8 and 9 to 13, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2005, for all other purposes.

4. Section 5 of this act becomes effective on October 1, 2005, and applies to the construction or renovation of a public building, the designing of which begins on or after that date.

5. Sections 8.1 to 8.8, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2006, for all other purposes.

6. ~~[Section 3 of this act becomes effective on July 1, 2007, and applies to the construction of a public building, the designing of which begins on or after that date.~~

~~7.]~~ Sections 8.55 and 8.6 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Sec. 13. ~~[1. Each proposed public building whose construction is being or will be sponsored or financed by this State must, when completed, meet the requirements to be certified at or meet the equivalent of the base level or higher in accordance with the Leadership in Energy and Environmental Design Green Building Rating System, or an equivalent standard, as adopted by the Director of the Office of Energy pursuant to this section.~~

~~2. The Director of the Office of Energy, in consultation with the State Public Works Board and any other interested agency, shall, in cooperation with representatives of the building and development industry, adopt guidelines establishing Green Building Standards for the purposes of subsection 1.~~

~~3. Guidelines adopted pursuant to subsection 2 must include, without limitation, suggested:~~

~~(a) Requirements for the use of resource-efficient materials for the construction and maintenance of the building;~~

~~(b) Standards for indoor environmental quality;~~

~~(c) Standards for the efficient use of water, including the efficient use of water for landscaping purposes;~~

~~(d) Standards for the efficient use of energy; and~~

~~(e) Requirements for the design and preparation of building lots.~~

~~4. If standards equivalent to the Leadership in Energy and Environmental Design Green Building Rating System are adopted, the standards adopted must provide reasonable exceptions based on the size, location and use of the building.~~

~~5. Subject to the provisions of subsection 6, the Director of the Office of Energy shall establish a process for adopting a Green Building Rating System, such as the Leadership in Energy and Environmental Design Green Building Rating System or its equivalent. The process must include, without limitation:~~

~~(a) The gathering and development of scientific data;~~

~~(b) Comments from representatives of the building industry;~~

~~(c) Consensus from representatives of the building industry;~~

~~(d) A method by which the Director, the State Public Works Board and other interested agencies may cast ballots on the proposed standards; and~~

~~(e) A process by which an aggrieved person may file an appeal of the standards adopted.~~

~~6. In adopting a Green Building Rating System pursuant to subsection 5, the Director is not required to adopt and is not limited to using the Leadership in Energy and Environmental Design Green Building Rating System but may adopt an equivalent rating system based on any other nationally recognized standards for green buildings, or any combination of those standards.~~

~~7. The governmental entity responsible for a proposed public building shall, on or before December 31, 2008, prepare an analysis of the costs and benefits of complying with the provisions of subsection 1 and submit a copy of the analysis to the Director of the Legislative Counsel Bureau for distribution to the members of the Legislature.~~

~~8. As used in this section, "proposed public building" means a public building:~~

~~(a) For which, on July 1, 2007:~~

~~(1) The design has been completed or the construction of which has been advertised for bids; and~~

~~(2) Construction has not yet been completed; and~~

~~(b) Which is intended to be used primarily as an office space or work area for persons employed by this State. The term does not include a public building used primarily as a storage facility or warehouse or for similar purposes.]~~ **(Deleted by amendment.)**

Sec. 14. 1. The Director of the Office of Energy shall, not later than September 1, 2007, adopt:

(a) The Green Building Rating System required by section 2 of this act;

(b) The regulations required by section 3 of this act; and

(c) The Green Building Rating System required by section 13 of this act.

2. The Department of Taxation shall, not later than September 1, 2007, adopt the regulations required by section 3 of this act.

3. The Director of the Office of Energy shall provide an expedited procedure to carry out the provisions of section 3 of this act which allows for the consideration as soon as practicable for that purpose of applications filed before the effective date of this section with the Commission on Economic Development for a partial abatement of taxes pursuant to NRS 361.0775.

Sec. 15. 1. The provisions of section 4 of this act shall be deemed to apply to any partial abatement of taxes granted pursuant to NRS 361.0685 before the effective date of this section.

2. The provisions of section 5 of this act shall be deemed to apply to any partial abatement of taxes to which subsection 4 of NRS 361.0687 applied before the effective date of this section.

3. The provisions of section 7 of this act shall be deemed to apply to any partial abatement of taxes to which subsection 3 of NRS 374.357 applied before the effective date of this section.

4. **The Commission on Economic Development shall not grant any partial abatement of taxes pursuant to NRS 361.0775 on or after the effective date of this section.** The provisions of this act do not affect the terms of any partial abatement of taxes granted by the Commission on Economic Development pursuant to NRS 361.0775 before the effective date of this section.

5. The tax exemption provided pursuant to paragraph (d) of subsection 1 of NRS 374.307, as amended by chapter 2, Statutes of Nevada 2005, 22nd Special Session, at page 71, shall be deemed to apply to products and materials purchased on or after October 1, 2005, and on or before December 31, 2010, that are used in the construction of a building which:

(a) Is constructed:

(1) Pursuant to a preconstruction or construction contract executed on or before December 31, 2005; and

(2) As part of a construction project registered with the Office of Energy for the purpose of obtaining that tax exemption; and

(b) Is certified at or meets the equivalent of the silver level or higher by an independent contractor authorized to grant such certification in accordance with the Green Building Rating System adopted by the Director of the Office of Energy pursuant to the former provisions of NRS 701.217.

Sec. 15.5. **1. Except as otherwise provided in this section, the Director shall grant a partial abatement from the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, on a building or other structure which:**

(a) Is constructed:

(1) Pursuant to a preconstruction or construction contract executed on or before December 31, 2005; and

(2) As part of a construction project registered with the Office of Energy for the purpose of obtaining the partial abatement of taxes provided pursuant to the former provisions of NRS 361.0775; and

(b) Is certified at or meets the equivalent of the silver level or higher by an independent contractor authorized to grant such certification in accordance with the Green Building Rating System adopted by the Director of the Office of Energy pursuant to the former provisions of NRS 701.217.

2. The Director shall not grant the partial abatement if any funding is provided by any governmental entity in this State for the acquisition, design or construction of the building or other structure or for the acquisition of any land therefor. For the purposes of this subsection:

(a) Private activity bonds must not be considered funding provided by a governmental entity.

(b) The term "private activity bond" has the meaning ascribed to it in 26 U.S.C. § 141.

3. To obtain the partial abatement, the owner of the property must:

(a) Submit an application for the partial abatement to the Director. If such an application is submitted for a project that has not been completed on the date of that submission and there is a significant change in the scope of the project after that date, the application must be amended to include the change or changes.

(b) Except as otherwise provided in this paragraph, provide to the Director, within 48 months after applying for the partial abatement, proof that the building or other structure is certified at or meets the equivalent of the silver level or higher by an independent contractor authorized to grant such certification in accordance with the Green Building Rating System adopted by the Director pursuant to the former provisions of NRS 701.217. The Director may, for good cause shown, extend the period for providing such proof.

4. As soon as practicable after the Director receives:

(a) The application required by subsection 3, the Director shall forward a copy of that application to the:

(1) Chief of the Budget Division of the Department o Administration;

(2) Department of Taxation;

(3) County assessor;

(4) County treasurer; and

(5) Commission on Economic Development.

(b) The application and proof required by subsection 3, the Director shall determine whether the building or other structure is eligible for the abatement and, if so, forward a certificate of eligibility for the abatement to the:

(1) Department of Taxation;

(2) County assessor;

(3) County treasurer; and

(4) Commission on Economic Development.

5. As soon as practicable after receiving a copy of an application pursuant to paragraph (a) of subsection 4, the Chief of the Budget Division and each affected local government shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on that governmental entity.

6. The partial abatement:

(a) Must be for a duration of not more than 10 years and in an annual amount that equals 35 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure excluding the associated land.

(b) Does not apply during any period in which the owner of the building or other structure is receiving another abatement or exemption from the taxes imposed pursuant to chapter 361 of NRS, other than any partial abatement to which the owner is entitled pursuant to NRS 361.471 to 361.4735, inclusive.

(c) Terminates upon any determination by the Director that the building or other structure has ceased to meet the equivalent of the silver level or higher. The Director shall provide notice and a reasonable opportunity to cure any noncompliance issues before making a determination that the building or other structure has ceased to meet that standard. The Director shall immediately provide notice of each determination of termination to the:

(1) Department of Taxation;

(2) County assessor;

(3) County treasurer; and

(4) Commission on Economic Development.

7. The Director shall:

(a) Adopt regulations:

(1) Establishing the qualifications and methods to determine eligibility for the abatement;

(2) Prescribing such forms as will ensure that all information and other documentation necessary to make an appropriate determination is filed with the Director; and

(3) Prescribing the criteria for determining when there is a significant change in the scope of a project for the purposes of paragraph (a) of subsection 3,

➥ and the Department of Taxation shall adopt such additional regulations as it determines to be appropriate to carry out the provisions of this section.

(b) Provide an expedited procedure to carry out the provisions of this section which allows for the consideration as soon as practicable for that purpose of applications filed before the effective date of this section with

the Commission on Economic Development for a partial abatement of taxes pursuant to NRS 361.0775.

8. As used in this section:

(a) "Building or other structure" does not include any building or other structure for which the principal use is as a residential dwelling for not more than four families.

(b) "Director" means the Director of the Office of Energy appointed pursuant to NRS 701.150.

(c) "Taxes imposed for public education" means:

(1) Any ad valorem tax authorized or required by chapter 387 of NRS;

(2) Any ad valorem tax authorized or required by chapter 350 of NRS for the obligations of a school district, including, without limitation, any ad valorem tax necessary to carry out the provisions of subsection 5 of NRS 350.020; and

(3) Any other ad valorem tax for which the proceeds thereof are dedicated to public education.

Sec. 16. 1. NRS 361.0685, 361.0775, 361.079 and 701.217 are hereby repealed.

2. Section 3 of chapter 2, Statutes of Nevada 2005, 22nd Special Session, at page 69, is hereby repealed.

Sec. 17. 1. This section and sections 1, 4 to 8, inclusive, and 10 to 16, inclusive, of this act become effective upon passage and approval.

2. Sections 2 and 3 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2007, for all other purposes.

3. Sections 5, 7, 8 and 11 of this act expire by limitation on June 30, 2009.

4. Section 9 of this act becomes effective on July 1, 2009.

TEXT OF REPEALED SECTIONS

361.0685 Exemption of percentage of personal and real property of certain businesses certified by Commission on Economic Development.

1. Except as otherwise provided in this section, if a:

(a) Business that engages in the primary trade of preparing, fabricating, manufacturing or otherwise processing raw material or an intermediate product through a process in which at least 50 percent of the material or product is recycled on site; or

(b) Business that includes as a primary component a facility for the generation of electricity from recycled material,

➥ is found by the Commission on Economic Development to have as a primary purpose the conservation of energy or the substitution of other sources of energy for fossil sources of energy and obtains certification from

the Commission on Economic Development pursuant to NRS 360.750, the Commission may, if the business additionally satisfies the requirements set forth in subsection 2 of NRS 361.0687, grant to the business a partial abatement from the taxes imposed on real property by this chapter.

2. If a partial abatement from the taxes imposed on real property by this chapter is approved by the Commission on Economic Development pursuant to NRS 360.750 for a business described in subsection 1:

(a) The partial abatement must:

(1) Be for a duration of at least 1 year but not more than 10 years;

(2) Not exceed 50 percent of the taxes on real property payable by the business each year pursuant to this chapter; and

(3) Be administered and carried out in the manner set forth in NRS 360.750.

(b) The Executive Director of the Commission on Economic Development shall notify the county assessor of the county in which the business is located of the approval of the partial abatement, including, without limitation, the duration and percentage of the partial abatement that the Commission granted. The Executive Director shall, on or before April 15 of each year, advise the county assessor of each county in which a business qualifies for a partial abatement during the current fiscal year as to whether the business is still eligible for the partial abatement in the next succeeding fiscal year.

3. The partial abatement provided in this section applies only to the business for which certification was granted pursuant to NRS 360.750 and the property used in connection with that business. The exemption does not apply to property in this state that is not related to the business for which the certification was granted pursuant to NRS 360.750 or to property in existence and subject to taxation before the certification was granted.

4. As used in this section, a "facility for the generation of electricity from recycled material" is a facility which uses recycled material as its primary fuel including material from:

(a) Industrial or domestic waste, other than hazardous waste, even though it includes a product made from oil, natural gas or coal, such as plastics, asphalt shingles or tires;

(b) Agricultural crops, whether terrestrial or aquatic, and agricultural waste, such as manure and residue from crops; and

(c) Municipal waste, such as sewage and sludge.

➥ The term includes all the equipment in the facility used to process and convert into electricity the energy derived from a recycled material fuel.

361.0775 Partial abatement of taxes imposed on certain structures that use resources efficiently.

1. The Commission on Economic Development shall grant a partial abatement from the tax imposed on real property by this chapter for property which has a building or other structure that is certified at or meets the equivalent of the silver level or higher by a person authorized to grant such certification in accordance with the Leadership in Energy and Environmental

Design Green Building Rating System or its equivalent, as adopted by the Director of the Office of Energy pursuant to NRS 701.217.

2. The partial abatement must be for a duration of not more than 10 years and must not exceed 50 percent of the taxes on real property payable each year pursuant to this chapter.

3. The Commission on Economic Development shall establish by regulation the qualifications and methods to determine eligibility for the abatement.

4. The Commission on Economic Development shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation;

(b) The Nevada Tax Commission;

(c) The county treasurer; and

(d) The county assessor.

361.079 Exemption of qualified systems for heating, cooling or provision of electricity.

1. Except as otherwise provided in subsection 2, for any assessment made on or after July 1, 1983, any value added by a qualified system must be excluded from the assessed value of the building regardless of the date the system was installed.

2. Value added by a qualified system must not be excluded from the assessed value of a commercial or industrial building during any period in which the business that owns the commercial or industrial building is receiving another abatement or exemption from the taxes imposed by this chapter.

3. As used in this section, "qualified system" means any system, method, construction, installation, machinery, equipment, device or appliance which is designed, constructed or installed in a residential, commercial or industrial building to heat or cool the building or water used in the building, or to provide electricity used in the building, by using:

(a) Energy from the wind or from solar devices not thermally insulated from the area where the energy is used;

(b) Geothermal resources;

(c) Energy derived from conversion of solid wastes; or

(d) Waterpower,

➥ which conforms to standards established by regulation of the Department.

701.217 Adoption of Green Building Standards for certain public buildings; adoption of Green Building Rating System for certain purposes.

1. The Director, in consultation with the State Public Works Board and any other interested agency, shall:

(a) In cooperation with representatives of the building and development industry, adopt guidelines establishing Green Building Standards for all occupied public buildings whose construction will be sponsored or financed by this State or a local government.

(b) Adopt a Green Building Rating System, such as the Leadership in Energy and Environmental Design Green Building Rating System or its equivalent, pursuant to subsections 4 and 5. With regard to buildings or structures that are not public buildings or structures, the Green Building Rating System adopted by the Director is to be used only for the purposes of determining eligibility for tax abatements or tax exemptions that are authorized by law to use the Green Building Rating System.

2. Guidelines adopted pursuant to paragraph (a) of subsection 1 must include, without limitation, suggested:

(a) Requirements for the use of resource-efficient materials for the construction and maintenance of the building;

(b) Standards for indoor environmental quality;

(c) Standards for the efficient use of water, including the efficient use of water for landscaping purposes;

(d) Standards for the efficient use of energy; and

(e) Requirements for the design and preparation of building lots.

3. If standards equivalent to the Leadership in Energy and Environmental Design Green Building Rating System are adopted, the standards adopted must provide reasonable exceptions based on the size, location and use of the building.

4. Subject to the provisions of subsection 5, the Director shall establish a process for adopting a Green Building Rating System, such as the Leadership in Energy and Environmental Design Green Building Rating System or its equivalent. The process must include, without limitation:

(a) The gathering and development of scientific data;

(b) Comments from representatives of the building industry;

(c) Consensus from representatives of the building industry;

(d) A method by which the Director, the State Public Works Board and other interested agencies may cast ballots on the proposed standards;

(e) A pilot program for the purpose of refining the standards; and

(f) A process by which an aggrieved person may file an appeal of the standards adopted.

5. In adopting a Green Building Rating System pursuant to subsection 4, the Director is not required to adopt and is not limited to using the Leadership in Energy and Environmental Design Green Building Rating System but may adopt an equivalent rating system based on any other nationally recognized standards for green buildings, or any combination of those standards.

Section 3 of chapter 2, Statutes of Nevada 2005, 22nd Special Session:

Sec. 3. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, each occupied public building whose construction will be sponsored or financed by this State must, when completed, meet the requirements to be certified at or meet the equivalent of the base level or higher in accordance with the Leadership in

Energy and Environmental Design Green Building Rating System, or an equivalent standard, as adopted by the Director of the Office of Energy pursuant to section 11 of this act.

2. During each biennium, at least two occupied public buildings whose construction will be sponsored or financed by this State must be designated as demonstration projects and must, when completed, meet the requirements to be certified at or meet the equivalent of the silver level or higher in accordance with the Leadership in Energy and Environmental Design Green Building Rating System, or an equivalent standard, as adopted by the Director of the Office of Energy pursuant to section 11 of this act if:

(a) The Director of the Office of Energy, in consultation with the State Board of Examiners and the State Public Works Board, has determined that it is feasible for the buildings to meet such requirements and standards and that it is a cost-effective investment to do so; and

(b) The agency or agencies that will occupy the buildings have agreed to allow the buildings to be designated as demonstration projects pursuant to this subsection.

3. Each occupied public building whose construction is sponsored or financed by a local government may meet the requirements to be certified at or meet the equivalent of the base level or higher in accordance with the Leadership in Energy and Environmental Design Green Building Rating System, or an equivalent standard, as adopted by the Director of the Office of Energy pursuant to section 11 of this act.

4. As used in this section, "occupied public building" means a public building used primarily as an office space or work area for persons employed by this State or a local government. The term does not include a public building used primarily as a storage facility or warehouse or for similar purposes.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Remarks by Assemblymen Kirkpatrick, Smith, and Mabey.

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN KIRKPATRICK:

This amendment sets a structure in place so that we know how the program works. As most of you know, when we passed the bill last session, we did not really have a stringent structure in place. If you look through Sections 1 through 3, it allows for a specific structure, it focuses on energy efficiency within the state of Nevada, and it also allows for the process to move very smoothly so that our local governments and our schools can remain whole and plan for the future, as well.

Sections 4 through 12 are current statute which is already in place. We just made sure we put it all in the same chapter, which is a new chapter. Section 15 is the chapter that addresses retrospectively how we would be working to move forward.

ASSEMBLYWOMAN SMITH:

Thank you, Madam Speaker. I rise in support of this amendment. It brings to you the resolution to the problem that my colleague and I spoke to you about the last time we addressed

this issue on the Floor. It does take care of the structure as my colleague mentioned. It also provides a mechanism to deal with those projects that were in process, retrospectively, by defining a fair structure for determining what projects might retrospectively have the benefits that we had defined in Assembly Bill 3 of the 22nd Special Session. The fiscal impact on our budget, with this amendment, is about 50 percent of what we had projected based on the previous legislation. This amendment goes a long way in meeting our expectations for the State to proceed in having energy efficient buildings and honoring the incentives we think are necessary but also not providing a windfall for developers to make these buildings function as green buildings. I urge your support. There has been a great deal of work by many, many people over the last few weeks, put into this amendment. We really believe that we came up with a solution that is going to work, which is going to do the State right fiscally and also promote the green building projects we desire.

ASSEMBLYMAN MABEY:

Thank you, Madam Speaker. I rise in support of Amendment 1046 to A.B. 621. I feel it is a fair compromise. I feel we have accomplished with this amendment what we intended to do. I certainly appreciate the hard work of my colleagues from Districts 1 and 30, and look forward to supporting this amendment. Thank you.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that the Assembly suspend all rules, dispense with the reprinting of all bills and resolutions and authorize the Chief Clerk to insert the appropriate amendments, and place all bills and resolutions on third reading and final passage

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 621.

Bill read third time.

Roll call on Assembly Bill No. 621:

YEAS—39.

NAYS—None.

EXCUSED—Beers, Christensen, Goedhart—3.

Assembly Bill No. 621 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:47 p.m.

ASSEMBLY IN SESSION

At 12:49 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

Assembly Bill No. 335.

The following Senate amendment was read:

Amendment No. 1014.

SUMMARY—Makes various changes ~~[related]~~ **relating** to public office. (BDR ~~[24-1195)]~~ **17-1195)**

AN ACT relating to public office; ~~[prescribing the period during which elected and certain appointed public officers may solicit and accept campaign contributions; requiring the Secretary of State to design a single form to be used for all statements of financial disclosure and reports of campaign contributions and expenditures; requiring that certain reports concerning elections, campaign finance and the financial disclosure of public officers be made available to the public on the Internet;]~~ amending the definition of "gift"; requiring governing bodies of local governments to regulate the activities of lobbyists in their jurisdictions; ~~[requiring that statements of financial disclosure be submitted to filing officers and made available to the public; providing a civil penalty;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 2 of this bill prohibits an elected public officer, or a public officer appointed to fill the unexpired term of an elected public officer, from soliciting or accepting a campaign contribution except during the period beginning 12 months before the date of each general election and ending 3 months after the date of each general election. Section 1 of this bill does not apply to Legislators, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor or the Governor-Elect.~~

~~Existing law requires the Commission on Ethics to design the form used for statements of financial disclosure that are required to be submitted by public officers pursuant to NRS 281.559 and 281.561. (NRS 281.471) Existing law also requires public officers to submit statements of financial disclosure to the Commission on Ethics. (NRS 281.559, 281.561) Section 6 of this bill requires the Secretary of State to design a single form to be used for all statements of financial disclosure and all campaign expenditure and contribution reports. Such form must be available on the Secretary of State's Internet website. Sections 26 and 27 of this bill require certain public officers and candidates for public office to submit statements of financial disclosure to filing officers. Sections 1, 3-8, 26 and 27 of this bill also require various forms concerning elections, campaign finance and financial disclosure, and the information contained in those completed forms, to be available on the Internet website of the Secretary of State. Section 17 of this bill defines "filing officer" as the Secretary of State, county or city clerk or any other officer authorized by law to receive designations and declarations of~~

~~candidacy, certificates and acceptances of nominations or any other nomination papers.]~~

Sections 10 and ~~[18]~~ **16** of this bill provide that costs and expenses associated with the attendance at an event relating to public office or at an event ~~[that benefits an organization that is exempt from the provisions of section 501(c) of the Internal Revenue Code]~~ **to which multiple public officers and others are invited** is not a "gift" for purposes of lobbying and the code of ethical standards for public officers and employees.

Sections 11 and 13 of this bill require the governing bodies of certain local governments to regulate the activities of lobbyists who lobby elected officers or certain appointed officers of those local governments.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 293.4687 is hereby amended to read as follows:~~

~~293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:~~

~~(a) The Voters' Bill of Rights required to be posted on his Internet website pursuant to the provisions of NRS 293.2549;~~

~~(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388; and~~

~~(c) All reports on campaign contributions and expenditures submitted to the Secretary of State pursuant to the provisions of NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362.~~

~~2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.~~

~~3. If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. It is unlawful for an elected public officer or a public officer appointed to fill the unexpired term of an elected public officer to solicit or accept any contribution, or solicit or accept a commitment to make such a contribution, except during the period:*~~

~~*(a) Beginning 12 months before the date of each general election; and*~~

~~*(b) Ending 3 months after the date of each general election.*~~

~~*2. As used in this section:*~~

~~*(a) "General election" means:*~~

~~*(1) If the elected public officer or public officer appointed to fill the unexpired term of an elected public officer is a city official, the general city election held pursuant to NRS 293C.140.*~~

~~*(2) If the elected public officer or public officer appointed to fill the unexpired term of an elected public officer is not a city official, the general election held pursuant to NRS 293.12755.*~~

~~*(b) "Public officer":*~~

~~*(1) Except as otherwise provided in subparagraph (2), means a person elected or appointed to a position which:*~~

~~*(I) Is established by the Constitution or a statute of this State, or by a charter or ordinance of a political subdivision of this State; and*~~

~~*(II) Involves the continuous exercise, as part of the regular and permanent administration of the government, of a public power, trust or duty.*~~

~~*(2) Does not include any person who is subject to the provisions of NRS 294A.300.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 294A.128 is hereby amended to read as follows:~~

~~294A.128 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.200 and 294A.360, a candidate who receives a loan which is guaranteed by a third party, forgiveness of a loan previously made to the candidate or a written commitment for a contribution shall, for the period covered by the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360, report:~~

~~(a) If a loan received by the candidate was guaranteed by a third party, the amount of the loan and the name and address of each person who guaranteed the loan;~~

~~(b) If a loan received by the candidate was forgiven by the person who made the loan, the amount that was forgiven and the name and address of the person who forgave the loan; and~~

~~(c) If the candidate received a written commitment for a contribution, the amount committed to be contributed and the name and address of the person who made the written commitment.~~

~~2. The reports required by subsection 1 must be submitted on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.~~

~~3. The reports required by subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360.~~

~~4. A county clerk who receives from a candidate for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, a report pursuant to subsection 1 shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.~~

~~*5. Within a reasonable time after the Secretary of State receives a report or copy of a report pursuant to this section, the Secretary of State shall post the report on his Internet website.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 294A.230 is hereby amended to read as follows:~~

~~294A.230 1. Each committee for political action shall, before it engages in any activity in this State, register with the Secretary of State on forms supplied by him.~~

~~2. The form must require:~~

~~(a) The name of the committee;~~

~~(b) The purpose for which it was organized;~~

~~(c) The names, addresses and telephone numbers of its officers;~~

~~(d) If the committee for political action is affiliated with any other organizations, the name, address and telephone number of each organization;~~

~~(e) The name, address and telephone number of its resident agent; and~~

~~(f) Any other information deemed necessary by the Secretary of State.~~

~~3. A committee for political action shall file with the Secretary of State an amended form for registration within 30 days after any change in the information contained in the form for registration.~~

~~4. The Secretary of State shall include on his Internet website~~ [the] ~~:~~

~~*(a) The* information required pursuant to subsection 2~~ [.] ~~*within a reasonable time after he receives the information; and*~~

~~*(b) The form for registering a committee for political action.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 294A.250 is hereby amended to read as follows:~~

~~294A.250 *1.* Each committee for the recall of a public officer shall register with the Secretary of State, on a form provided by him. Each form must include:~~

~~[1.] *(a)* The name of the committee;~~

~~[2.] *(b)* The purpose for which it was organized;~~

~~[3.] *(c)* The names and addresses of its officers; and~~

~~[4.] *(d)* If the committee is organized and located outside this State, the name and address of its resident agent.~~

~~*2. The Secretary of State shall include on his Internet website the form for registering a committee for the recall of a public officer and, within a reasonable time after receiving the information, the information required to be included on the form by each committee for the recall of a public officer pursuant to subsection 1.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 294A.373 is hereby amended to read as follows:~~

~~294A.373 1. The Secretary of State shall design a single form to be used for all~~ [reports] ~~:~~

~~*(a) Reports* of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362~~ [.] ~~; *and*~~

~~*(b) Financial disclosure statements that are required to be filed pursuant to NRS 281.559 and 281.561.*~~

~~2. The form designed by the Secretary of State pursuant to this section must only request information specifically required by statute.~~

~~3. Upon request, the Secretary of State shall provide a copy of the form designed pursuant to this section to each person, committee, political party and group that is required to file a report *or statement* described in subsection 1. *The Secretary of State shall also make the form designed pursuant to this section available on his Internet website.*~~

~~4. The Secretary of State must obtain the advice and consent of the Legislative Commission before~~ [providing]~~.~~

~~*(a) Providing* a copy of a form designed or revised by the Secretary of State pursuant to this section to a person, committee, political party or group that is required to use the form~~ [.]~~*; and*~~

~~*(b) Making the form designed or revised by the Secretary of State pursuant to this section available on his Internet website.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~[NRS 294A.380 is hereby amended to read as follows:~~

~~294A.380 1. The Secretary of State may adopt and promulgate regulations, prescribe forms in accordance with the provisions of this chapter and take such other actions as are necessary for the implementation and effective administration of the provisions of this chapter.~~

~~2. For the purposes of implementing and administering the provisions of this chapter regulating committees for political action:~~

~~(a) The Secretary of State shall, in determining whether an entity or group is a committee for political action, consider a group's or entity's division or separation into units, sections or smaller groups only if it appears that such division or separation was for a purpose other than for avoiding the reporting requirements of this chapter.~~

~~(b) The Secretary of State shall, in determining whether an entity or group is a committee for political action, disregard any action taken by a group or entity that would otherwise constitute a committee for political action if it appears such action is taken for the purpose of avoiding the reporting requirements of this chapter.~~

~~*3. The Secretary of State shall:*~~

~~*(a) Make available on his Internet website any form he prescribes pursuant to subsection 1; and*~~

~~*(b) Within a reasonable time after he receives any such completed form, post the completed form on his Internet website.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~[NRS 294A.400 is hereby amended to read as follows:~~

~~294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 and 294A.280, prepare and make available for public inspection , *including, without limitation, on his Internet website*, a compilation of:~~

~~1. The total campaign contributions, the contributions which are in excess of $100 and the total campaign expenses of each of the candidates from whom reports of those contributions and expenses are required.~~

~~2. The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the total amount of written commitments for contributions received by a candidate.~~

~~3. The contributions made to a committee for the recall of a public officer in excess of $100.~~

~~4. The expenditures exceeding $100 made by a:~~

~~(a) Person on behalf of a candidate other than himself.~~

~~(b) Person or group of persons on behalf of or against a question or group of questions on the ballot.~~

~~(c) Group of persons advocating the election or defeat of a candidate.~~

~~(d) Committee for the recall of a public officer.~~

~~5. The contributions in excess of $100 made to:~~

~~(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.~~

~~(b) A person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot.~~

~~(c) A committee for political action, political party or committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates.]~~ **(Deleted by amendment.)**

Sec. 9. ~~[NRS 294A.420 is hereby amended to read as follows:~~

~~294A.420 1. If the Secretary of State receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280 or 294A.360 has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.~~

~~2. Except as otherwise provided in this section, a person or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.128, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280, 294A.300, 294A.310, 294A.320 or 294A.360 *or section 1 of this act* is subject to a civil penalty of not more than $5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.~~

~~3. If a civil penalty is imposed because a person or entity has reported its contributions, expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:~~

~~(a) If the report is not more than 7 days late, $25 for each day the report is late.~~

~~(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.~~

~~(c) If the report is more than 15 days late, $100 for each day the report is late.~~

~~The~~ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

~~4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:~~

~~(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and~~

~~(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.]~~ **(Deleted by amendment.)**

Sec. 10. NRS 218.908 is hereby amended to read as follows:

218.908 1. "Gift" means a payment, subscription, advance, forbearance, rendering or deposit of money, services or anything of value unless consideration of equal or greater value is received.

2. "Gift" does not include ~~[a]~~ ***:***

(a) A political contribution of money or services related to a political campaign ~~[, a]~~ ***;***

(b) A ~~[commercially reasonable]~~ loan ***or other transaction*** made in the ordinary course of business ~~[,]~~ ***;***

(c) The cost of entertainment, including the ~~*f;*~~

~~*(c) The]*~~ cost of food or beverages ~~[, or anything]~~ ~~[;]~~ ***or the costs and expenses associated with the attendance of a member of the Legislative Branch, or the spouse or guest of such a member of the Legislative Branch, at an event to which multiple members of the Legislative Branch and others are invited;***

(d) Anything of value received from a member of the recipient's immediate family or from a relative of the recipient or his spouse ~~[within the]~~ [third] ~~*[fifth* degree of consanguinity]~~ or from the spouse of any such relative ***; or***

(e) ~~*[Costs and expenses associated with the attendance of a member of the Legislative Branch, or the spouse or guest of such a member of the Legislative Branch, at an event relating to public office or at an event that*~~

~~*benefits an organization which the Secretary of the Treasury has determined is an exempt organization pursuant to the provisions of section 501(c) of the Internal Revenue Code, 26 U.S.C. § 501(c).*~~] ***Anything of value received from a person with whom the recipient has an existing business or professional relationship.***

Sec. 11. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each board of county commissioners shall enact ordinances that regulate the activities of lobbyists who lobby:

(a) Elected officers of the county; or

(b) Appointed officers of the county who the board of county commissioners has determined have policymaking authority.

2. The ordinances required pursuant to subsection 1 must set forth:

(a) Registration and reporting requirements for such lobbyists and provide that reports submitted by lobbyists are open to public inspection.

(b) Standards for elected and appointed officers of the county relating to the acceptance and disclosure of contributions from persons who have a personal interest in a matter before the elected or appointed officer.

Sec. 12. NRS 245.110 is hereby amended to read as follows:

245.110 The provisions of the Nevada Ethics in Government Law ***,*** ~~[(]~~ NRS 281.411 to 281.581, inclusive ~~[)]~~ ***, and*** ~~*[sections 17 and 18]*~~ ***section 16 of this act*** do not prohibit any county officer from purchasing the warrants of the State or of any other county, or to prevent any county officer from selling or transferring such warrants or scrip as he may receive for his services, but none other.

Sec. 13. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each city council shall adopt ordinances that regulate the activities of lobbyists who lobby:

(a) Elected officers of the city; or

(b) Appointed officers of the city whom the city council has determined have policymaking authority.

2. The ordinances required pursuant to subsection 1 must set forth:

(a) Registration and reporting requirements for such lobbyists and provide that reports submitted by lobbyists are open to public inspection.

(b) Standards for elected and appointed officers of the city relating to the acceptance and disclosure of contributions from persons who have a personal interest in a matter before the elected or appointed officer.

Sec. 14. NRS 268.380 is hereby amended to read as follows:

268.380 The provisions of the Nevada Ethics in Government Law ***,*** ~~[(]~~ NRS 281.411 to 281.581, inclusive ~~[)]~~ ***, and*** ~~*[sections 17 and 18]*~~ ***section 16 of this act*** do not prohibit any city officer from purchasing the warrants of the State or of any other city or county, or prevent any city officer from selling or transferring such warrants or scrip as he may receive for his services, but none other.

Sec. 15. NRS 269.070 is hereby amended to read as follows:

269.070 The provisions of the Nevada Ethics in Government Law **,** ~~[(]~~ NRS 281.411 to 281.581, inclusive ~~[)]~~ ***, and*** ~~*[sections 17 and 18]*~~ ***section 16 of this act*** do not prohibit any town officer from purchasing the warrants of the State or of any other city, town or county, or prevent any town officer from selling or transferring such warrants or scrip as he may receive for his services, but none other.

Sec. 16. Chapter 281 of NRS is hereby amended by adding thereto ~~[the provisions set forth as sections 17 and 18 of this act.]~~ **a new section to read as follows:**

1. "Gift" means a payment, subscription, advance, forbearance, rendering or deposit of money, services or anything of value unless consideration of equal or greater value is received.

2. "Gift" does not include:

(a) A political contribution of money or services related to a political campaign;

(b) A loan or other transaction made in the ordinary course of business;

(c) The cost of entertainment, including the cost of food or beverages or the costs and expenses associated with the attendance of a public officer, or the spouse or guest of such a public officer, at an event to which multiple public officers and others are invited;

(d) Anything of value received from a member of the recipient's immediate family or from a relative of the recipient or his spouse or from the spouse of any such relative; or

(e) Anything of value received from a person with whom the recipient has an existing business or professional relationship.

Sec. 17. ~~*["Filing officer" means the Secretary of State, county or city clerk or any other officer authorized by law to receive designations and declarations of candidacy, certificates and acceptances of nomination or any other nomination papers.]*~~ **(Deleted by amendment.)**

Sec. 18. ~~*[1. "Gift" means a payment, subscription, advance, forbearance, rendering or deposit of money, services or anything of value unless consideration of equal or greater value is received.*~~

~~*2. "Gift" does not include:*~~

~~*(a) A political contribution of money or services related to a political campaign;*~~

~~*(b) A commercially reasonable loan made in the ordinary course of business;*~~

~~*(c)*~~

~~*The cost of food or beverages;*~~

~~*(d) Anything of value received from a member of the recipient's immediate family or from a relative of the recipient or his spouse within the fifth degree of consanguinity or from the spouse of any such relative; or*~~

~~*(e) Costs and expenses associated with the attendance of a public officer, or the spouse or guest of a public officer, at an event relating to public office*~~

~~*or at an event that benefits an organization which the Secretary of the Treasury has determined is an exempt organization pursuant to the provisions of section 501(c) of the Internal Revenue Code, 26 U.S.C. § 501(c).]*~~ **(Deleted by amendment.)**

Sec. 19. NRS 281.005 is hereby amended to read as follows:

281.005 As used in this chapter:

1. Except as limited for the purposes of NRS 281.411 to 281.581, inclusive, ***and*** ~~*[sections 17 and 18]*~~ ***section 16 of this act,*** "public officer" means a person elected or appointed to a position which:

(a) Is established by the Constitution or a statute of this State, or by a charter or ordinance of a political subdivision of this State; and

(b) Involves the continuous exercise, as part of the regular and permanent administration of the government, of a public power, trust or duty.

2. "Special use vehicle" means any vehicle designed or used for the transportation of persons or property off paved highways.

Sec. 20. NRS 281.411 is hereby amended to read as follows:

281.411 NRS 281.411 to 281.581, inclusive, ***and*** ~~*[sections 17 and 18]*~~ ***section 16 of this act*** may be cited as the Nevada Ethics in Government Law.

Sec. 21. NRS 281.431 is hereby amended to read as follows:

281.431 As used in NRS 281.411 to 281.581, inclusive, ***and*** ~~*[sections 17 and 18]*~~ ***section 16 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 281.432 to 281.4375, inclusive, ***and*** ~~*[sections 17 and 18]*~~ ***section 16 of this act*** have the meanings ascribed to them in those sections.

Sec. 22. NRS 281.4647 is hereby amended to read as follows:

281.4647 1. Each county whose population is more than 10,000 and each city whose population is more than 10,000 and that is located within such a county shall pay an assessment for the costs incurred by the Commission each biennium in carrying out its functions pursuant to NRS 281.411 to 281.581, inclusive ~~[.]~~ ***, and*** ~~*[sections 17 and 18]*~~ ***section 16 of this act.*** The total amount of money to be derived from assessments paid pursuant to this subsection for a biennium must be determined by the Legislature in the legislatively approved budget of the Commission for that biennium. The assessments must be apportioned among each such city and county based on the proportion that the total population of the city or the total population of the unincorporated area of the county bears to the total population of all such cities and the unincorporated areas of all such counties in this State.

2. On or before July 1 of each odd-numbered year, the Executive Director shall, in consultation with the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, determine for the next ensuing biennium the amount of the assessments due for each city and county that is required to pay an assessment pursuant to subsection 1. The assessments must be paid to the Commission in semiannual installments that are due on or before August 1 and February 1 of each year of the biennium. The Executive Director shall

send out a billing statement to each such city or county which states the amount of the semiannual installment payment due from the city or county.

3. Any money that the Commission receives pursuant to subsection 2:

(a) Must be deposited in the State Treasury, accounted for separately in the State General Fund and credited to the budget account for the Commission;

(b) May only be used to carry out NRS 281.411 to 281.581, inclusive, *and ~~[sections 17 and 18]~~* ***section 16 of this act*** and only to the extent authorized for expenditure by the Legislature; and

(c) Does not revert to the State General Fund at the end of any fiscal year.

4. If any installment payment is not paid on or before the date on which it is due, the Executive Director shall make reasonable efforts to collect the delinquent payment. If the Executive Director is not able to collect the arrearage, he shall submit a claim for the amount of the unpaid installment payment to the Department of Taxation. If the Department of Taxation receives such a claim, the Department shall deduct the amount of the claim from money that would otherwise be allocated from the Local Government Tax Distribution Account to the city or county that owes the installment payment and shall transfer that amount to the Commission.

5. As used in this section, "population" means the current population estimate for that city or county as determined and published by the Department of Taxation and the demographer employed pursuant to NRS 360.283.

Sec. 23. ~~[NRS 281.481 is hereby amended to read as follows:~~

~~281.481 A code of ethical standards is hereby established to govern the conduct of public officers and employees:~~

~~1. A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend [improperly] to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.~~

~~2. A public officer or employee shall not use his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity to the interests of that person. As used in this subsection:~~

~~(a) "Commitment in a private capacity to the interests of that person" has the meaning ascribed to "commitment in a private capacity to the interests of others" in subsection 8 of NRS 281.501.~~

~~(b) "Unwarranted" means without justification or adequate reason.~~

~~3. A public officer or employee shall not participate as an agent of government in the negotiation or execution of a contract between the government and any private business in which he has a significant pecuniary interest.~~

4. A public officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of his duties as a public officer or employee.

5. If a public officer or employee acquires, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, he shall not use the information to further the pecuniary interests of himself or any other person or business entity.

6. A public officer or employee shall not suppress any governmental report or other document because it might tend to affect unfavorably his pecuniary interests.

7. A public officer or employee, other than a member of the Legislature, shall not use governmental time, property, equipment or other facility to benefit his personal or financial interest. This subsection does not prohibit:

(a) A limited use of governmental property, equipment or other facility for personal purposes if:

(1) The public officer who is responsible for and has authority to authorize the use of such property, equipment or other facility has established a policy allowing the use or the use is necessary as a result of emergency circumstances;

(2) The use does not interfere with the performance of his public duties;

(3) The cost or value related to the use is nominal; and

(4) The use does not create the appearance of impropriety;

(b) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(c) The use of telephones or other means of communication if there is not a special charge for that use.

➤ If a governmental agency incurs a cost as a result of a use that is authorized pursuant to this subsection or would ordinarily charge a member of the general public for the use, the public officer or employee shall promptly reimburse the cost or pay the charge to the governmental agency.

8. A member of the Legislature shall not:

(a) Use governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person. This paragraph does not prohibit:

(1) A limited use of state property and resources for personal purposes if:

(I) The use does not interfere with the performance of his public duties;

(II) The cost or value related to the use is nominal; and

(III) The use does not create the appearance of impropriety;

(2) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

~~(3) The use of telephones or other means of communication if there is not a special charge for that use.~~

~~(b) Require or authorize a legislative employee, while on duty, to perform personal services or assist in a private activity, except:~~

~~(1) In unusual and infrequent situations where the employee's service is reasonably necessary to permit the Legislator or legislative employee to perform his official duties; or~~

~~(2) Where such service has otherwise been established as legislative policy.~~

~~9. A public officer or employee shall not attempt to benefit his personal or financial interest through the influence of a subordinate.~~

~~10. A public officer or employee shall not seek other employment or contracts through the use of his official position.]~~ **(Deleted by amendment.)**

Sec. 24. ~~[NRS 281.541 is hereby amended to read as follows:~~

~~281.541 1. Any department, board, commission or other agency of the State or the governing body of a county or an incorporated city may establish a specialized or local ethics committee to complement the functions of the Commission. A specialized or local ethics committee may:~~

~~(a) Establish a code of ethical standards suitable for the particular ethical problems encountered in its sphere of activity. The standards may not be less restrictive than the statutory ethical standards.~~

~~(b) Render an opinion upon the request of any public officer or employee of its own organization or level seeking an interpretation of its ethical standards on questions directly related to the propriety of his own future official conduct or refer the request to the Commission. Any public officer or employee subject to the jurisdiction of the committee shall direct his inquiry to that committee instead of the Commission.~~

~~[(c) Require the filing of statements of financial disclosure by public officers on forms prescribed by the committee or the city clerk if the form has been:~~

~~(1) Submitted, at least 60 days before its anticipated distribution, to the Commission for review; and~~

~~(2) Upon review, approved by the Commission.]~~

~~2. A specialized or local ethics committee shall not attempt to interpret or render an opinion regarding the statutory ethical standards.~~

~~3. Each request for an opinion submitted to a specialized or local ethics committee, each hearing held to obtain information on which to base an opinion, all deliberations relating to an opinion, each opinion rendered by a committee and any motion relating to the opinion are confidential unless:~~

~~(a) The public officer or employee acts in contravention of the opinion; or~~

~~(b) The requester discloses the content of the opinion.]~~ **(Deleted by amendment.)**

Sec. 25. ~~[NRS 281.552 is hereby amended to read as follows:~~

~~281.552 1. Every public officer shall acknowledge that he has received, read and understands the statutory ethical standards. The acknowledgment~~

~~must be on a form prescribed by the Commission and must accompany the first statement of financial disclosure that the public officer is required to file with the [Commission] *filing officer* pursuant to NRS 281.559 or [the Secretary of State pursuant to NRS] 281.561.~~

~~2. The [Commission and the Secretary of State] *filing officer* shall retain an acknowledgment filed pursuant to this section for 6 years after the date on which the acknowledgment was filed.~~

~~3. Willful refusal to execute and file the acknowledgment required by this section constitutes nonfeasance in office and is a ground for removal pursuant to NRS 283.440.]~~ **(Deleted by amendment.)**

Sec. 26. ~~[NRS 281.559 is hereby amended to read as follows:~~

~~281.559 1. Except as otherwise provided in subsection 2, if a public officer who was appointed to the office for which he is serving is entitled to receive annual compensation of $6,000 or more for serving in that office, he shall file with the [Commission] *filing officer* a statement of financial disclosure, as follows:~~

~~(a) A public officer appointed to fill the unexpired term of an elected or appointed public officer shall file a statement of financial disclosure within 30 days after his appointment.~~

~~(b) Each public officer appointed to fill an office shall file a statement of financial disclosure on or before January 15 of each year of the term, including the year the term expires.~~

~~2. If a person is serving in a public office for which he is required to file a statement pursuant to subsection 1, he may use the statement he files for that initial office to satisfy the requirements of subsection 1 for every other public office to which he is appointed and in which he is also serving.~~

~~3. A judicial officer who is appointed to fill the unexpired term of a predecessor or to fill a newly created judgeship shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281.571.~~

~~4. [The Commission] *Filing officers other than the Secretary of State* shall provide written notification to the Secretary of State of the public officers who failed to file the statements of financial disclosure required by subsection 1 or who failed to file those statements in a timely manner. The notice must be sent within 30 days after the deadlines set forth in subsection 1 and must include:~~

~~(a) The name of each public officer who failed to file his statement of financial disclosure within the period before the notice is sent;~~

~~(b) The name of each public officer who filed his statement of financial disclosure after the deadlines set forth in subsection 1 but within the period before the notice is sent;~~

~~(c) For the first notice sent after the public officer filed his statement of financial disclosure, the name of each public officer who filed his statement~~

~~of financial disclosure after the deadlines set forth in subsection 1 but within the period before the notice is sent; and~~

~~(d) For each public officer listed in paragraph (c), the date on which the statement of financial disclosure was due and the date on which the public officer filed the statement.~~

~~5. In addition to the notice provided pursuant to subsection 4, the [Commission] *filing officer* shall notify the Secretary of State of each public officer who files a statement of financial disclosure more than 30 days after the deadlines set forth in subsection 1. The notice must include the information described in paragraphs (c) and (d) of subsection 4.~~

~~6. A statement of financial disclosure shall be deemed to be filed with the [Commission:] *filing officer:*~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On the date that it was received by the [Commission] *filing officer* if the statement was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~*7. The filing officer shall:*~~

~~*(a) Maintain files of statements of financial disclosure filed pursuant to this section and make the statements available for public inspection; and*~~

~~*(b) Submit a copy of each statement of financial disclosure filed pursuant to this section to the Secretary of State within 10 working days after receiving it.*~~

~~*8. Within a reasonable time after the Secretary of State receives a statement of financial disclosure or a copy of a statement of financial disclosure pursuant to this section, the Secretary of State shall post the statement of financial disclosure on his Internet website.*~~

~~*9. The Secretary of State shall prescribe, by regulation, procedures for the submission of statements of financial disclosure filed pursuant to this section.]~~* **(Deleted by amendment.)**

Sec. 27. ~~[NRS 281.561 is hereby amended to read as follows:~~

~~281.561 1. Each candidate for public office who will be entitled to receive annual compensation of $6,000 or more for serving in the office that he is seeking and, except as otherwise provided in subsection 2, each public officer who was elected to the office for which he is serving shall file with the [Secretary of State] *filing officer* a statement of financial disclosure, as follows:~~

~~(a) A candidate for nomination, election or reelection to public office shall file a statement of financial disclosure no later than the 10th day after the last day to qualify as a candidate for the office; and~~

~~(b) Each public officer shall file a statement of financial disclosure on or before January 15 of each year of the term, including the year the term expires.~~

~~2. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a statement of financial disclosure relative to that office pursuant to subsection 1.~~

~~3. A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281.571.~~

~~4. A statement of financial disclosure shall be deemed to be filed with the [Secretary of State:] *filing officer:*~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On the date that it was received by the [Secretary of State] *filing officer* if the statement was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~5. The statement of financial disclosure filed pursuant to this section must be filed on the form prescribed by the [Commission] *Secretary of State* pursuant to NRS [281.471.] *294A.373.*~~

~~*6. The filing officer shall:*~~

~~*(a) Maintain files of statements of financial disclosure filed pursuant to this section and make the statements available for public inspection; and*~~

~~*(b) Submit a copy of each statement of financial disclosure filed pursuant to this section to the Secretary of State within 10 working days after receiving it.*~~

~~*7. Within a reasonable time after the Secretary of State receives a statement of financial disclosure or a copy of a statement of financial disclosure pursuant to this section, the Secretary of State shall post the statement of financial disclosure on his Internet website.*~~

~~*8.* The Secretary of State shall prescribe, by regulation, procedures for the submission of statements of financial disclosure filed pursuant to this section .~~ [, maintain files of such statements and make the statements available for public inspection.] **(Deleted by amendment.)**

Sec. 28. ~~[NRS 281.571 is hereby amended to read as follows:~~

~~281.571 1. Statements of financial disclosure,~~ [as approved pursuant to NRS 281.541 or] ~~in such form as the~~ [Commission otherwise prescribes,] *Secretary of State prescribes pursuant to NRS 294A.373,* ~~must contain the following information concerning the candidate for public office or public officer:~~

~~(a) His length of residence in the State of Nevada and the district in which he is registered to vote.~~

~~(b) Each source of his income, or that of any member of his household who is 18 years of age or older. No listing of individual clients, customers or patients is required, but , if that is the case, a general source such as "professional services" must be disclosed.~~

~~(c) A list of the specific location and particular use of real estate, other than a personal residence:~~

~~(1) In which he or a member of his household has a legal or beneficial interest;~~

~~(2) Whose fair market value is $2,500 or more; and~~

~~(3) That is located in this State or an adjacent state.~~

~~(d) The name of each creditor to whom he or a member of his household owes $5,000 or more, except for:~~

~~(1) A debt secured by a mortgage or deed of trust of real property which is not required to be listed pursuant to paragraph (c); and~~

~~(2) A debt for which a security interest in a motor vehicle for personal use was retained by the seller.~~

~~(e) If the candidate for public office or public officer has received gifts in excess of an aggregate value of $200 from a donor during the preceding taxable year, a list of all such gifts, including the identity of the donor and value of each gift, except:~~

~~(1) A gift received from a person who is related to the candidate for public office or public officer within the third degree of consanguinity or affinity.~~

~~(2) Ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion if the donor does not have a substantial interest in the legislative, administrative or political action of the candidate for public office or public officer.~~

~~(f) A list of each business entity with which he or a member of his household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1 percent or more of the total outstanding stock or securities issued by the business entity.~~

~~(g) A list of all public offices presently held by him for which this statement of financial disclosure is required.~~

~~2. The [Commission]~~ *filing officer* ~~shall distribute or cause to be distributed the forms required for such a statement to each candidate for public office and public officer who is required to file one. The [Commission]~~ *filing officer* ~~is not responsible for the costs of producing or distributing a form for filing statements of financial disclosure which is prescribed by the Secretary of State pursuant to [subsection 1 of NRS 281.541.]~~ *NRS 294A.373.*

~~3. As used in this section:~~

~~(a) "Business entity" means an organization or enterprise operated for economic gain, including a proprietorship, partnership, firm, business, trust, joint venture, syndicate, corporation or association.~~

~~(b) "Household" includes:~~

~~(1) The spouse of a candidate for public office or public officer;~~

~~(2) A person who does not live in the same home or dwelling, but who is dependent on and receiving substantial support from the candidate for public office or public officer; and~~

~~(3) A person who lived in the home or dwelling of the candidate for public office or public officer for 6 months or more in the year immediately preceding the year in which the candidate for public office or public officer files the statement of financial disclosure.]~~ **(Deleted by amendment.)**

Sec. 29. ~~[NRS 281.573 is hereby amended to read as follows:~~

~~281.573 1. Except as otherwise provided in subsection 2, statements of financial disclosure required by the provisions of NRS 281.559 [,] *and* 281.561 [and 281.571] must be retained by the [Commission or Secretary of State] *filing officer* for 6 years after the date of filing.~~

~~2. For public officers who serve more than one term in either the same public office or more than one public office, the period prescribed in subsection 1 begins on the date of the filing of the last statement of financial disclosure for the last public office held.]~~ **(Deleted by amendment.)**

Sec. 30. ~~[NRS 281.574 is hereby amended to read as follows:~~

~~281.574 1. A list of each public officer who is required to file a statement of financial disclosure must be submitted electronically to the [Commission and to the Secretary of State,] *filing officer*, in a form prescribed by the [Commission,] *Secretary of State*, on or before December 1 of each year by:~~

~~(a) [Each county clerk for all public officers of the county and other local governments within the county other than cities;~~

~~(b) Each city clerk for all public officers of the city;~~

~~(c)] The Director of the Legislative Counsel Bureau for all public officers of the Legislative Branch; and~~

~~[(d)] *(b)* The Chief of the Budget Division of the Department of Administration for all public officers of the Executive Branch.~~

~~2. [The Secretary of State, each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the Commission, and each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk] *Each filing officer other than the Secretary of State* shall submit electronically to the Secretary of State, in a form prescribed by the [Commission,] *Secretary of State*, a list of each candidate for public office who filed a declaration of candidacy or acceptance of candidacy with that *filing* officer within 10 days after the last day to qualify as a candidate for the applicable office.]~~ **(Deleted by amendment.)**

Sec. 31. ~~[NRS 281.575 is hereby amended to read as follows:~~

~~281.575 [The Secretary of State and each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, or city clerk] *Each filing officer* who receives from a candidate for public office a declaration of candidacy, acceptance of candidacy or certificate of candidacy shall give to the candidate the form prescribed by the [Commission] *Secretary of State pursuant to NRS 294A.373* for the making of a statement of financial disclosure, accompanied by instructions on how to complete the form, where it must be filed and the time by which it must be filed.]~~ **(Deleted by amendment.)**

Assemblyman Conklin moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 335.

Remarks by Assemblyman Conklin.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 64.

The following Senate amendment was read:

Amendment No. 827.

AN ACT relating to traffic laws; making various changes concerning the penalties imposed by a court when a defendant fails to properly secure a child in a child restraint system in a vehicle; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person who transports a child who is less than 6 years of age and who weighs 60 pounds or less to secure the child in a child restraint system. A court is required to order a defendant who did not comply with that requirement to complete a program of training in the installation and use of child restraint systems, unless the defendant is not a resident of the State of Nevada. The court is further required to impose a fine or require the defendant to perform community service, but may waive a portion of the fine or community service if the program of training certifies to the court that the defendant completed the program of training. This bill deletes the requirement that a court order a defendant to undergo a program of training and requires the court to provide the defendant with a referral list of available programs of training. This bill also increases the amount of the fine or hours of community service a court may impose for failing to properly secure the child in a child restraint system. Further, for a first offense, a defendant may have the fine or hours of community service waived if he successfully completes a program of training recommended by the court and presents proof of completion of the training to the court. For a second offense, a defendant may have the fine or hours of community service reduced by half if he **did not have the fine or hours of community service waived for his first offense and he** successfully completes a program of training recommended by the court and presents proof of completion of the training to the court.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 484.474 is hereby amended to read as follows:

484.474 1. Except as otherwise provided in subsection 7, any person who is transporting a child who is less than 6 years of age and who weighs 60 pounds or less in a motor vehicle operated in this State which is equipped to carry passengers shall secure the child in a child restraint system which:

(a) Has been approved by the United States Department of Transportation in accordance with the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. Part 571;

(b) Is appropriate for the size and weight of the child; and

(c) Is installed within and attached safely and securely to the motor vehicle:

(1) In accordance with the instructions for installation and attachment provided by the manufacturer of the child restraint system; or

(2) In another manner that is approved by the National Highway Traffic Safety Administration.

2. If a defendant pleads or is found guilty of violating the provisions of subsection 1, the court shall:

(a) ~~[In addition to any other penalty imposed by law, order the defendant to complete a program of training conducted by a person or agency approved by the Department of Public Safety in the installation and use of child restraint systems, except that the court shall waive the requirements of this paragraph if the defendant is not a resident of the State of Nevada; and~~

~~(b) Except as otherwise provided in this paragraph, order the defendant to pay a fine of not less than $50 nor more than $500, or order the defendant to perform not less than 8 hours nor more than 50 hours of community service. The court may:~~

~~(1) For a first offense by a defendant who completes a program of training described in paragraph (a), waive any amount of the fine or any amount of the community service; and~~

~~(2) For a second or subsequent offense by a defendant who completes a program of training described in paragraph (a), waive any amount of the fine in excess of $50 or any amount of the community service in excess of 8 hours,~~

~~➥ if the person or agency which provided the program of training to the defendant certifies to the court that the defendant has completed the program of training required by paragraph (a), has paid the fee, if any, established for the program pursuant to subsection 4 and has presented for inspection by the person or agency an installed child restraint system that satisfies the provisions of subsection 1. The provisions of this paragraph do not authorize the waiver of any fee established by a person or agency pursuant to subsection 4.]~~ ***For a first offense, order the defendant to pay a fine of not less than $100 nor more than $500 or order the defendant to perform not less than 10 hours nor more than 50 hours of community service;***

(b) For a second offense, order the defendant to pay a fine of not less than $500 nor more than $1000 or order the defendant to perform not less than 50 hours nor more than 100 hours of community service; and

(c) For a third or subsequent offense, suspend the driver's license of the defendant for not less than 30 days nor more than 180 days.

3. ~~[The]~~ ***At the time of sentencing, the*** court shall ~~[make available]~~ ***provide the defendant with*** a list of persons and agencies approved by the

Department of Public Safety to conduct programs of training and perform inspections of child restraint systems. The list must include, without limitation, an indication of the fee, if any, established by the person or agency pursuant to subsection 4. ***If, within 60 days after sentencing, a defendant provides the court with proof of satisfactory completion of a program of training provided for in this subsection, the court shall:***

(a) If the defendant was sentenced pursuant to paragraph (a) of subsection 2, waive the fine or community service previously imposed; or

(b) If the defendant was sentenced pursuant to paragraph (b) of subsection 2, reduce by one-half the fine or community service previously imposed.

➥ A defendant is only eligible for a reduction of a fine or community service pursuant to paragraph (b) if he has not had a fine or community service waived pursuant to paragraph (a).

4. A person or agency approved by the Department of Public Safety to conduct programs of training and perform inspections of child restraint systems may, in cooperation with the Department, establish a fee to be paid by defendants who are ordered to complete a program of training. The amount of the fee, if any:

(a) Must be reasonable; and

(b) May, if a defendant desires to acquire a child restraint system from such a person or agency, include the cost of a child restraint system provided by the person or agency to the defendant.

➥ A program of training may not be operated for profit.

5. For the purposes of NRS 483.473, a violation of this section is not a moving traffic violation.

6. A violation of this section may not be considered:

(a) Negligence in any civil action; or

(b) Negligence or reckless driving for the purposes of NRS 484.377.

7. This section does not apply:

(a) To a person who is transporting a child in a means of public transportation, including a taxi, school bus or emergency vehicle.

(b) When a physician determines that the use of such a child restraint system for the particular child would be impractical or dangerous because of such factors as the child's weight, physical unfitness or medical condition. In this case, the person transporting the child shall carry in the vehicle the signed statement of the physician to that effect.

8. As used in this section, "child restraint system" means any device that is designed for use in a motor vehicle to restrain, seat or position children. The term includes, without limitation:

(a) Booster seats and belt-positioning seats that are designed to elevate or otherwise position a child so as to allow the child to be secured with a safety belt;

(b) Integrated child seats; and

(c) Safety belts that are designed specifically to be adjusted to accommodate children.

Assemblyman Atkinson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 64.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 239.

The following Senate amendment was read:

Amendment No. 844.

SUMMARY—Requires a ~~[vehicle dealer]~~ **provider of a vehicle service contract** to notify the buyer of ~~[a]~~ **the** vehicle service contract if the provider ~~[of the vehicle service contract]~~ ceases doing business in this State. (BDR ~~[43-971)]~~ **57-971)**

AN ACT relating to motor vehicles; requiring a ~~[vehicle dealer]~~ **provider of a vehicle service contract** to notify the buyer of a vehicle service contract if the provider ~~[of the vehicle service contract]~~ ceases doing business in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1 of this]~~ **This** bill requires a ~~[vehicle dealer]~~ **provider of a vehicle service contract** to notify the buyer of a vehicle service contract in writing if the provider ~~[of the vehicle service contract]~~ ceases doing business in this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter ~~[482]~~ **690C** of NRS is hereby amended by adding thereto a new section to read as follows:

1. A ~~[vehicle dealer who has sold]~~ provider who, whether directly or through a vehicle dealer licensed pursuant to NRS 482.325, enters into a vehicle service contract ~~[to]~~ with a buyer shall, within 30 days after ~~[receiving notice that the provider of the vehicle service contract has ceased doing]~~ ceasing doing business in this State, notify ~~[the]~~ any buyer who purchased such a contract in writing of the fact that the provider has ceased doing business in this State if the specified period of the vehicle service contract has not yet expired.

2. The provisions of this section do not:

(a) Render a service contract void pursuant to NRS 690C.250;

(b) Cancel a service contract pursuant to NRS 690C.270; or

(c) Release the provider from any liability imposed by a violation of any provision of this chapter.

3. As used in this section:

(a) "Buyer" means the buyer of a vehicle service contract.

(b) ~~[“Provider” means a person who is obligated to a buyer of a vehicle service contract pursuant to the terms of the vehicle service contract to repair, replace or perform maintenance on, or to indemnify or reimburse the buyer for the costs of repairing, replacing or performing maintenance on, a motor vehicle.~~

~~(c)]~~ ”Vehicle service contract” means a contract pursuant to which a provider, in exchange for separately stated consideration, is obligated for a specified period to a buyer to repair, replace or perform maintenance on, or indemnify or reimburse the buyer for the costs of repairing, replacing or performing maintenance on, a motor vehicle which is described in the vehicle service contract and which has an operational or structural failure as a result of a defect in materials, workmanship or normal wear and tear, including, without limitation, a contract that includes a provision for incidental payment of indemnity under limited circumstances, including, without limitation, towing, rental and emergency road service.

Sec. 1.5. **NRS 690C.100 is hereby amended to read as follows:**

690C.100 1. The provisions of this title do not apply to:

(a) A warranty;

(b) A maintenance agreement;

(c) A service contract provided by a public utility on its transmission device if the service contract is regulated by the Public Utilities Commission of Nevada;

(d) A service contract sold or offered for sale to a person who is not a consumer;

(e) A service contract for goods if the purchase price of the goods is less than $250; or

(f) ~~[A]~~ ***Except as otherwise provided in section 1 of this act, a*** service contract issued, sold or offered for sale by a vehicle dealer on vehicles sold by the dealer, if the dealer is licensed pursuant to NRS 482.325 and the service contract obligates either the dealer or the manufacturer of the vehicle, or an affiliate of the dealer or manufacturer, to provide all services under the service contract.

2. The sale of a service contract pursuant to this chapter does not constitute the business of insurance for the purposes of 18 U.S.C. §§ 1033 and 1034.

3. As used in this section:

(a) ”Maintenance agreement” means a contract for a limited period that provides only for scheduled maintenance.

(b) ”Warranty” means a warranty provided solely by a manufacturer, importer or seller of goods for which the manufacturer, importer or seller did not receive separate consideration and that:

(1) Is not negotiated or separated from the sale of the goods;

(2) Is incidental to the sale of the goods; and

(3) Guarantees to indemnify the consumer for defective parts, mechanical or electrical failure, labor or other remedial measures required to repair or replace the goods.

Sec. 2. ~~[NRS 482.319 is hereby amended to read as follows:~~

~~482.319 1. A natural person who applies for the issuance or renewal of a license issued pursuant to the provisions of NRS 482.318 to 482.363105, inclusive, *and section 1 of this act* shall submit to the Department the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.~~

~~2. The Department shall include the statement required pursuant to subsection 1 in:~~

~~(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or~~

~~(b) A separate form prescribed by the Department.~~

~~3. A license may not be issued or renewed by the Department pursuant to the provisions of NRS 482.318 to 482.363105, inclusive, *and section 1 of this act* if the applicant is a natural person who:~~

~~(a) Fails to submit the statement required pursuant to subsection 1; or~~

~~(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.~~

~~4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Department shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[1.]~~ This act becomes effective on October 1, 2007.

~~[2. Section 2 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:~~

~~(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or~~

~~(b) Are in arrears in the payment for the support of one or more children,~~

~~are repealed by the Congress of the United States.]~~

Assemblyman Atkinson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 239.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 497.

The following Senate amendment was read:

Amendment No. 928.

AN ACT relating to public safety; **revising provisions relating to services provided for the control of vehicular traffic related to a special event; requiring proof of insurance to be contained in an application for the registration of a motor vehicle;** transferring certain duties for training peace officers from the Department of Motor Vehicles to the Department of Public Safety; revising provisions governing the revocation of driver's licenses; prohibiting a person who has a temporary driver's license from obtaining another temporary license in certain circumstances; revising provisions governing the issuance of motor vehicle insurance; revising provisions relating to the security that must be deposited when a report of certain motor vehicle accidents involving injury, death or damage to property is received by the Department of Motor Vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the Nevada Highway Patrol may enter into a contract with any person to provide services for the control of vehicular traffic related to a special event. (NRS 480.340) Section 1 of this bill provides that any qualified personnel of the Department of Public Safety, as well as the Nevada Highway Patrol, may provide services for the control of vehicular traffic pursuant to the contract.

Section ~~[1]~~ **1.3** of this bill **requires an application for the registration of a motor vehicle to contain proof satisfactory to the Department of Motor Vehicles that the applicant has provided the insurance required by law, in lieu of signing a declaration indicating that he has provided the insurance. (NRS 482.215, 485.185)**

Section 1.7 of this bill transfers the duty of training peace officers in identifying and handling drivers who suffer from ~~[insulin shock]~~ **a diabetic condition** or epileptic seizures from the Department of Motor Vehicles to the Department of Public Safety. (NRS 483.348)

Existing law requires the Department of Motor Vehicles to revoke the driver's license of a person who is convicted of certain felonies involving the use of a vehicle. Existing law further requires the Department to set aside the revocation during any period of imprisonment until the period of imprisonment is completed or until the person has been placed on residential confinement. (NRS 483.460) Sections 2, 11 and 12 of this bill provide instead that the revocation will resume when the Department is notified by the Department of Corrections or the Department of Public Safety that the

person has completed his period of imprisonment or has been placed on residential confinement or parole.

Existing law requires a law enforcement officer to revoke the driver's license, permit or privilege to drive of a person who has a concentration of alcohol of 0.08 or more in his blood or breath or who is found to have a detectable amount of a prohibited substance in his blood or urine. The officer is required to advise the person of his right to administrative and judicial review of the revocation and to have a temporary license, valid for 7 days, which the officer must issue upon request. (NRS 484.385) In addition, if the person requests administrative review of the revocation, the Department of Motor Vehicles is required to issue an additional temporary license which is valid for a period sufficient to complete the administrative review. (NRS 484.387) Sections 3-6 of this bill provide that a person driving with a temporary permit is not entitled to receive an additional temporary permit if he is found again to have driven with a prohibited amount of alcohol in his blood or breath or a prohibited substance in his blood or urine.

Existing law requires each owner of a motor vehicle to maintain a certain amount of insurance against bodily injury or death. (NRS 485.185) Section 7 of this bill requires that such insurance must be obtained from a company that is licensed and has been approved to do business in this State.

Existing law requires the Department of Motor Vehicles to suspend the driver's license or privilege to drive and the motor vehicle registrations of each owner of a motor vehicle involved in a motor vehicle accident involving injury or death when it is determined that the required security has not been deposited and the person has not been released from liability and has not executed an agreement to pay in installments. Existing law requires notice of the suspension to be sent to the person at least 10 days before the effective date of the suspension. (NRS 485.190) Section 8 of this bill requires the suspension to be effective immediately after the determination is made unless the person immediately deposits the security at the hearing.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 480.340 is hereby amended to read as follows:**

480.340 1. Except as otherwise provided in this section, the Chief of the Nevada Highway Patrol may enter into a contract with any person or governmental agency to provide services for the control of vehicular traffic related to or affected by any special event sponsored by the person or agency.

2. Any such contract:

(a) Must require the sponsor of the special event to reimburse the Nevada Highway Patrol for the cost of the services provided.

(b) May require the sponsor to furnish a bond to ensure that reimbursement is made.

(c) Is subject to the following limitations:

(1) The services provided pursuant to the contract must be provided by personnel of the Nevada Highway Patrol ~~[.]~~ ***or other qualified personnel of the Department.***

(2) The services required must not impair the ability of the Nevada Highway Patrol to perform its customary duties.

3. Any money received by the Nevada Highway Patrol pursuant to such a contract must be deposited with the State Treasurer for credit to the State Highway Fund.

4. As used in this section, "special event" has the meaning ascribed to it in NRS 484.900.

Sec. 1.3. **NRS 482.215 is hereby amended to read as follows:**

482.215 1. All applications for registration, except applications for renewal of registration, must be made as provided in this section.

2. Except as otherwise provided in NRS 482.294, applications for all registrations, except renewals of registration, must be made in person, if practicable, to any office or agent of the Department or to a registered dealer.

3. Each application must be made upon the appropriate form furnished by the Department and contain:

(a) The signature of the owner, except as otherwise provided in subsection 2 of NRS 482.294, if applicable.

(b) His residential address.

(c) His declaration of the county where he intends the vehicle to be based, unless the vehicle is deemed to have no base. The Department shall use this declaration to determine the county to which the governmental services tax is to be paid.

(d) A brief description of the vehicle to be registered, including the name of the maker, the engine, identification or serial number, whether new or used, and the last license number, if known, and the state in which it was issued, and upon the registration of a new vehicle, the date of sale by the manufacturer or franchised and licensed dealer in this State for the make to be registered to the person first purchasing or operating the vehicle.

(e) Except as otherwise provided in this paragraph, if the applicant is not an owner of a fleet of vehicles or a person described in subsection 5, ***proof satisfactory to the Department or registered dealer that the applicant has provided the insurance required by NRS 485.185 and*** a declaration signed by the applicant that he ~~[has provided the insurance required by NRS 485.185 and]~~ will maintain the insurance during the period of registration. If the application is submitted by electronic means pursuant to NRS 482.294, the applicant is not required to sign the declaration required by this paragraph.

(f) If the applicant is an owner of a fleet of vehicles or a person described in subsection 5, evidence of insurance:

(1) In the form of a certificate of insurance on a form approved by the Commissioner of Insurance;

(2) In the form of a card issued pursuant to NRS 690B.023 which identifies the vehicle and indicates, at the time of application for registration, coverage which meets the requirements of NRS 485.185; or

(3) In another form satisfactory to the Department.

➥ The Department may file that evidence, return it to the applicant or otherwise dispose of it.

(g) If required, evidence of the applicant's compliance with controls over emission.

4. The application must contain such other information as is required by the Department or registered dealer and must be accompanied by proof of ownership satisfactory to the Department.

5. For purposes of the evidence required by paragraph (f) of subsection 3:

(a) Vehicles which are subject to the fee for a license and the requirements of registration of the Interstate Highway User Fee Apportionment Act, and which are based in this State, may be declared as a fleet by the registered owner thereof on his original application for or application for renewal of a proportional registration. The owner may file a single certificate of insurance covering that fleet.

(b) Other fleets composed of 10 or more vehicles based in this State or vehicles insured under a blanket policy which does not identify individual vehicles may each be declared annually as a fleet by the registered owner thereof for the purposes of an application for his original or any renewed registration. The owner may file a single certificate of insurance covering that fleet.

(c) A person who qualifies as a self-insurer pursuant to the provisions of NRS 485.380 may file a copy of his certificate of self-insurance.

(d) A person who qualifies for an operator's policy of liability insurance pursuant to the provisions of NRS 485.186 and 485.3091 may file evidence of that insurance.

~~[Section 1.]~~ ***Sec. 1.7.*** NRS 483.348 is hereby amended to read as follows:

483.348 1. Except as otherwise provided in subsection 2, the Department shall issue a driver's license with a specially colored background to any person who qualifies for a driver's license pursuant to the provisions of this chapter and delivers to the Department a signed statement from a physician that the person is an insulin dependent diabetic or an epileptic. The Department shall designate one color to be used only for a driver's license held by a diabetic and another color to be used only for a driver's license held by an epileptic.

2. In lieu of issuing a driver's license pursuant to subsection 1, the Department may issue to a person specified in that subsection a driver's license with a specially colored border around the photograph on the license.

3. The Department ***of Public Safety*** shall provide for the education of peace officers on the:

(a) Effects and treatment of a person suffering from ~~[insulin shock]~~ ***a diabetic condition*** or an epileptic seizure and the similarity in appearance of a person suffering from ~~[insulin shock]~~ ***a diabetic condition*** or an epileptic seizure to a person under the influence of alcohol or a controlled substance; and

(b) Procedures for identifying and handling situations involving a person suffering from ~~[insulin shock]~~ ***a diabetic condition*** or an epileptic seizure.

Sec. 2. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection 2 of NRS 484.377.

(2) A violation of NRS 484.379 that is punishable as a felony pursuant to NRS 484.3792.

(3) A violation of NRS 484.3795 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955.

➥ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume ~~[upon completion of]~~ ***when the Department is notified pursuant to section 11 or 12 of this act that the person has completed*** the period of imprisonment or ~~[when]~~ ***that*** the person ~~[is]~~ ***has been*** placed on residential confinement ~~[.]~~ ***or parole.***

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484.3775, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle accident resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484.348.

(c) For a period of 90 days, if the offense is a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484.379 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792 has been permitted to enter a program of treatment pursuant to NRS 484.37937, the Department shall reduce by one-half the period during which he is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that he was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484.3943 but who operates a motor vehicle without such a device:

(a) For 3 years, if it is his first such offense during the period of required use of the device.

(b) For 5 years, if it is his second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064 or 206.330, chapter 484 of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484.3941.

Sec. 3. NRS 484.385 is hereby amended to read as follows:

484.385 1. As agent for the Department, the officer who obtained the result of a test given pursuant to NRS 484.382 or 484.383 shall immediately serve an order of revocation of the license, permit or privilege to drive on a person who has a concentration of alcohol of 0.08 or more in his blood or breath or has a detectable amount of a prohibited substance in his blood or urine, if that person is present, and shall seize his license or permit to drive. The officer shall then advise him of his right to administrative and judicial review of the revocation ~~[and to have a]~~ ***pursuant to NRS 484.387 and, except as otherwise provided in this subsection, that he has a right to request a*** temporary license . ~~[, and]~~ ***If the person currently is driving with a temporary license that was issued pursuant to this section or NRS 484.387,***

he is not entitled to request an additional temporary license pursuant to this section or NRS 484.387, and the order of revocation issued by the officer must revoke the temporary license that was previously issued. If the person is entitled to request a temporary license, the officer shall issue him a temporary license on a form approved by the Department if he requests one, which is effective for only 7 days including the date of issuance. The officer shall immediately transmit the person's license or permit to the Department along with the written certificate required by subsection 2.

2. When a police officer has served an order of revocation of a driver's license, permit or privilege on a person pursuant to subsection 1, or later receives the result of an evidentiary test which indicates that a person, not then present, had a concentration of alcohol of 0.08 or more in his blood or breath or had a detectable amount of a prohibited substance in his blood or urine, the officer shall immediately prepare and transmit to the Department, together with the seized license or permit and a copy of the result of the test, a written certificate that he had reasonable grounds to believe that the person had been driving or in actual physical control of a vehicle with a concentration of alcohol of 0.08 or more in his blood or breath or with a detectable amount of a prohibited substance in his blood or urine, as determined by a chemical test. The certificate must also indicate whether the officer served an order of revocation on the person and whether he issued the person a temporary license.

3. The Department, upon receipt of such a certificate for which an order of revocation has not been served, after examining the certificate and copy of the result of the chemical test, if any, and finding that revocation is proper, shall issue an order revoking the person's license, permit or privilege to drive by mailing the order to the person at his last known address. The order must indicate the grounds for the revocation and the period during which the person is not eligible for a license, permit or privilege to drive and state that the person has a right to administrative and judicial review of the revocation and to have a temporary license. The order of revocation becomes effective 5 days after mailing.

4. Notice of an order of revocation and notice of the affirmation of a prior order of revocation or the cancellation of a temporary license provided in NRS 484.387 is sufficient if it is mailed to the person's last known address as shown by any application for a license. The date of mailing may be proved by the certificate of any officer or employee of the Department, specifying the time of mailing the notice. The notice is presumed to have been received upon the expiration of 5 days after it is deposited, postage prepaid, in the United States mail.

Sec. 4. NRS 484.385 is hereby amended to read as follows:

484.385 1. As agent for the Department, the officer who obtained the result of a test given pursuant to NRS 484.382 or 484.383 shall immediately serve an order of revocation of the license, permit or privilege to drive on a person who has a concentration of alcohol of 0.10 or more in his blood or

breath or has a detectable amount of a prohibited substance in his blood or urine, if that person is present, and shall seize his license or permit to drive. The officer shall then advise him of his right to administrative and judicial review of the revocation ~~[and to have a]~~ ***pursuant to NRS 484.387 and, except as otherwise provided in this subsection, that he has a right to request a*** temporary license ***.*** ~~[, and]~~ ***If the person currently is driving with a temporary license that was issued pursuant to this section or NRS 484.387, he is not entitled to request an additional temporary license pursuant to this section or NRS 484.387, and the order of revocation issued by the officer must revoke the temporary license that was previously issued. If the person is entitled to request a temporary license, the officer*** shall issue him a temporary license on a form approved by the Department if he requests one, which is effective for only 7 days including the date of issuance. The officer shall immediately transmit the person's license or permit to the Department along with the written certificate required by subsection 2.

2. When a police officer has served an order of revocation of a driver's license, permit or privilege on a person pursuant to subsection 1, or later receives the result of an evidentiary test which indicates that a person, not then present, had a concentration of alcohol of 0.10 or more in his blood or breath or had a detectable amount of a prohibited substance in his blood or urine, the officer shall immediately prepare and transmit to the Department, together with the seized license or permit and a copy of the result of the test, a written certificate that he had reasonable grounds to believe that the person had been driving or in actual physical control of a vehicle with a concentration of alcohol of 0.10 or more in his blood or breath or with a detectable amount of a prohibited substance in his blood or urine, as determined by a chemical test. The certificate must also indicate whether the officer served an order of revocation on the person and whether he issued the person a temporary license.

3. The Department, upon receipt of such a certificate for which an order of revocation has not been served, after examining the certificate and copy of the result of the chemical test, if any, and finding that revocation is proper, shall issue an order revoking the person's license, permit or privilege to drive by mailing the order to the person at his last known address. The order must indicate the grounds for the revocation and the period during which the person is not eligible for a license, permit or privilege to drive and state that the person has a right to administrative and judicial review of the revocation and to have a temporary license. The order of revocation becomes effective 5 days after mailing.

4. Notice of an order of revocation and notice of the affirmation of a prior order of revocation or the cancellation of a temporary license provided in NRS 484.387 is sufficient if it is mailed to the person's last known address as shown by any application for a license. The date of mailing may be proved by the certificate of any officer or employee of the Department, specifying the time of mailing the notice. The notice is presumed to have been received

upon the expiration of 5 days after it is deposited, postage prepaid, in the United States mail.

Sec. 5. NRS 484.387 is hereby amended to read as follows:

484.387 1. At any time while a person is not eligible for a license, permit or privilege to drive following an order of revocation issued pursuant to NRS 484.385, he may request in writing a hearing by the Department to review the order of revocation, but he is only entitled to one hearing. The hearing must be conducted within 15 days after receipt of the request, or as soon thereafter as is practicable, in the county where the requester resides unless the parties agree otherwise. The Director or his agent may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the requester. ~~[The]~~ ***Unless the person is ineligible for a temporary license pursuant to NRS 484.385, the*** Department shall issue an additional temporary license for a period which is sufficient to complete the administrative review.

2. The scope of the hearing must be limited to the issue of whether the person, at the time of the test, had a concentration of alcohol of 0.08 or more in his blood or breath or a detectable amount of a prohibited substance in his blood or urine. Upon an affirmative finding on this issue, the Department shall affirm the order of revocation. Otherwise, the order of revocation must be rescinded.

3. If, after the hearing, the order of revocation is affirmed, the person whose license, privilege or permit has been revoked is entitled to a review of the same issues in district court in the same manner as provided by chapter 233B of NRS. The court shall notify the Department upon the issuance of a stay, and the Department shall issue an additional temporary license for a period which is sufficient to complete the review.

4. If a hearing officer grants a continuance of a hearing at the request of the person whose license was revoked, or a court does so after issuing a stay of the revocation, the officer or court shall notify the Department, and the Department shall cancel the temporary license and notify the holder by mailing the order of cancellation to his last known address.

Sec. 6. NRS 484.387 is hereby amended to read as follows:

484.387 1. At any time while a person is not eligible for a license, permit or privilege to drive following an order of revocation issued pursuant to NRS 484.385, he may request in writing a hearing by the Department to review the order of revocation, but he is only entitled to one hearing. The hearing must be conducted within 15 days after receipt of the request, or as soon thereafter as is practicable, in the county where the requester resides unless the parties agree otherwise. The Director or his agent may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the requester. ~~[The]~~ ***Unless the person is ineligible for a temporary license pursuant to NRS 484.385, the*** Department shall issue an additional temporary license for a period which is sufficient to complete the administrative review.

2. The scope of the hearing must be limited to the issue of whether the person, at the time of the test, had a concentration of alcohol of 0.10 or more in his blood or breath or a detectable amount of a prohibited substance in his blood or urine. Upon an affirmative finding on this issue, the Department shall affirm the order of revocation. Otherwise, the order of revocation must be rescinded.

3. If, after the hearing, the order of revocation is affirmed, the person whose license, privilege or permit has been revoked is entitled to a review of the same issues in district court in the same manner as provided by chapter 233B of NRS. The court shall notify the Department upon the issuance of a stay, and the Department shall issue an additional temporary license for a period which is sufficient to complete the review.

4. If a hearing officer grants a continuance of a hearing at the request of the person whose license was revoked, or a court does so after issuing a stay of the revocation, the officer or court shall notify the Department, and the Department shall cancel the temporary license and notify the holder by mailing the order of cancellation to his last known address.

Sec. 7. NRS 485.185 is hereby amended to read as follows:

485.185 Every owner of a motor vehicle which is registered or required to be registered in this State shall continuously provide, while the motor vehicle is present or registered in this State, insurance ~~[:]~~ ***provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State:***

1. In the amount of $15,000 for bodily injury to or death of one person in any one accident;

2. Subject to the limit for one person, in the amount of $30,000 for bodily injury to or death of two or more persons in any one accident; and

3. In the amount of $10,000 for injury to or destruction of property of others in any one accident,

➥ for the payment of tort liabilities arising from the maintenance or use of the motor vehicle.

Sec. 8. NRS 485.190 is hereby amended to read as follows:

485.190 1. If 20 days after the receipt of a report of an accident involving a motor vehicle within this State which has resulted in bodily injury or death, or damage to the property of any one person in excess of $750, the Department does not have on file evidence satisfactory to it that the person who would otherwise be required to file security under subsection 2 ~~[of this section]~~ has been released from liability, has been finally adjudicated not to be liable or has executed an acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the Department shall upon request set the matter for a hearing as provided in NRS 485.191.

2. The Department shall ~~[, at any time]~~ ***,*** ***immediately*** after a determination adverse to an operator or owner ***is made in a hearing*** pursuant to NRS 485.191, suspend the license of each operator and all registrations of each owner of a motor vehicle involved in such an accident, and, if the operator is a nonresident, the privilege of operating a motor vehicle within this State, and, if the owner is a nonresident, the privilege of the use within this State of any motor vehicle owned by him, unless the operator or owner, or both, ***immediately*** deposit security in the sum so determined by the Department ~~[. Notice of such a suspension must be sent by the Department to the operator and owner not less than 10 days before the effective date of the suspension and must state the amount required as security.]~~ ***at the hearing.*** If erroneous information is given to the Department with respect to the matters set forth in paragraph (a), (b) or (c) of subsection 1 of NRS 485.200, the Department shall take appropriate action as provided in this section after it receives correct information with respect to those matters.

Sec. 9. NRS 485.301 is hereby amended to read as follows:

485.301 1. Whenever any person fails within 60 days to satisfy any judgment ~~[,]~~ ***that was entered as a result of an accident involving a motor vehicle,*** the judgment creditor or his attorney may forward to the Department immediately after the expiration of the 60 days a certified copy of the judgment.

2. If the defendant named in any certified copy of a judgment ***that was entered as a result of an accident involving a motor vehicle and*** reported to the Department is a nonresident, the Department shall transmit a certified copy of the judgment to the officer in charge of the issuance of licenses and registration certificates of the state in which the defendant is a resident.

Sec. 10. NRS 485.3099 is hereby amended to read as follows:

485.3099 1. The Department shall, upon request, consent to the immediate cancellation of any certificate of financial responsibility or waive the requirement of filing proof of financial responsibility, in ~~[any of]~~ the following events:

(a) ~~[At any time after 3 years after the date the proof of financial responsibility was required when, during the 3-year period preceding the request, the Department has not received a record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license, registration or nonresident's operating privilege of the person by or for whom the proof of financial responsibility was furnished;~~

~~(b)]~~ The death of the person on whose behalf the proof of financial responsibility was filed or the permanent incapacity of the person to operate a motor vehicle; or

~~[(c)]~~ ***(b)*** If the person who is required to file proof of financial responsibility surrenders his license and registration to the Department.

2. If a person who surrenders his license and registration pursuant to paragraph ~~[(c)]~~ ***(b)*** of subsection 1 applies for a license or registration within a period of 3 years after the date proof of financial responsibility was

originally required, the application must be refused unless the applicant reestablishes proof of financial responsibility for the remainder of the 3-year period.

Sec. 11. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

The Director shall notify the Department of Motor Vehicles when a driver who has had his license, permit or privilege to drive revoked pursuant to NRS 483.460 has completed a period of imprisonment or is placed on residential confinement. The notification process must conform to the guidelines provided in regulation by the Department of Motor Vehicles pursuant to NRS 483.460. The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment or when the person is placed on residential confinement.

Sec. 12. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

The Chief shall notify the Department of Motor Vehicles when a driver who has had his license, permit or privilege to drive revoked pursuant to NRS 483.460 is placed on parole. The notification process must conform to the guidelines provided in regulation by the Department of Motor Vehicles pursuant to NRS 483.460. The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment or when the person is placed on residential confinement.

Sec. 13. 1. This section and ~~[sections 1,]~~ **section 1 of this act become effective upon passage and approval.**

2. Sections 1.3, 1.7, 3, 5 and 7 to 10, inclusive, of this act become effective on October 1, 2007.

~~[2.]~~ **3.** Sections 2, 11 and 12 of this act become effective on March 1, 2008.

~~[3.]~~ **4.** Sections 3 and 5 of this act expire by limitation on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.

~~[4.]~~ **5.** Sections 4 and 6 of this act become effective on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.

Assemblyman Atkinson moved that the Assembly do not concur in the Senate Amendment No. 928 to Assembly Bill No. 497.

Remarks by Assemblyman Atkinson.

Motion carried.

The following Senate amendment was read:

Amendment No. 943.

AN ACT relating to public safety; transferring certain duties for training peace officers from the Department of Motor Vehicles to the Department of Public Safety; revising provisions governing the revocation of driver's licenses; prohibiting a person who has a temporary driver's license from obtaining another temporary license in certain circumstances; revising provisions governing the issuance of motor vehicle insurance; revising provisions relating to the security that must be deposited when a report of certain motor vehicle accidents involving injury, death or damage to property is received by the Department of Motor Vehicles; **requiring the City of North Las Vegas to acquire and use an automated enforcement system to gather evidence that may be used for the issuance of a traffic citation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill transfers the duty of training peace officers in identifying and handling drivers who suffer from insulin shock or epileptic seizures from the Department of Motor Vehicles to the Department of Public Safety. (NRS 483.348)

Existing law requires the Department of Motor Vehicles to revoke the driver's license of a person who is convicted of certain felonies involving the use of a vehicle. Existing law further requires the Department to set aside the revocation during any period of imprisonment until the period of imprisonment is completed or until the person has been placed on residential confinement. (NRS 483.460) Sections 2, 11 and 12 of this bill provide instead that the revocation will resume when the Department is notified by the Department of Corrections or the Department of Public Safety that the person has completed his period of imprisonment or has been placed on residential confinement or parole.

Existing law requires a law enforcement officer to revoke the driver's license, permit or privilege to drive of a person who has a concentration of alcohol of 0.08 or more in his blood or breath or who is found to have a detectable amount of a prohibited substance in his blood or urine. The officer is required to advise the person of his right to administrative and judicial review of the revocation and to have a temporary license, valid for 7 days, which the officer must issue upon request. (NRS 484.385) In addition, if the person requests administrative review of the revocation, the Department of Motor Vehicles is required to issue an additional temporary license which is valid for a period sufficient to complete the administrative review. (NRS 484.387) Sections 3-6 of this bill provide that a person driving with a temporary permit is not entitled to receive an additional temporary permit if he is found again to have driven with a prohibited amount of alcohol in his blood or breath or a prohibited substance in his blood or urine.

Existing law requires each owner of a motor vehicle to maintain a certain amount of insurance against bodily injury or death. (NRS 485.185) Section 7

of this bill requires that such insurance must be obtained from a company that is licensed and has been approved to do business in this State.

Existing law requires the Department of Motor Vehicles to suspend the driver's license or privilege to drive and the motor vehicle registrations of each owner of a motor vehicle involved in a motor vehicle accident involving injury or death when it is determined that the required security has not been deposited and the person has not been released from liability and has not executed an agreement to pay in installments. Existing law requires notice of the suspension to be sent to the person at least 10 days before the effective date of the suspension. (NRS 485.190) Section 8 of this bill requires the suspension to be effective immediately after the determination is made unless the person immediately deposits the security at the hearing.

Section 12.5 of this bill requires the City of North Las Vegas to acquire and use an automated enforcement system to gather evidence that may be used for the issuance of a traffic citation. The section expires by limitation on June 30, 2011.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

~~Section 1~~ NRS 483.348 is hereby amended to read as follows:

483.348 1. Except as otherwise provided in subsection 2, the Department shall issue a driver's license with a specially colored background to any person who qualifies for a driver's license pursuant to the provisions of this chapter and delivers to the Department a signed statement from a physician that the person is an insulin dependent diabetic or an epileptic. The Department shall designate one color to be used only for a driver's license held by a diabetic and another color to be used only for a driver's license held by an epileptic.

2. In lieu of issuing a driver's license pursuant to subsection 1, the Department may issue to a person specified in that subsection a driver's license with a specially colored border around the photograph on the license.

3. The Department ***of Public Safety*** shall provide for the education of peace officers on the:

(a) Effects and treatment of a person suffering from insulin shock or an epileptic seizure and the similarity in appearance of a person suffering from insulin shock or an epileptic seizure to a person under the influence of alcohol or a controlled substance; and

(b) Procedures for identifying and handling situations involving a person suffering from insulin shock or an epileptic seizure.

Sec. 2. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection 2 of NRS 484.377.

(2) A violation of NRS 484.379 that is punishable as a felony pursuant to NRS 484.3792.

(3) A violation of NRS 484.3795 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955.

➥ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume ~~[upon completion of]~~ ***when the Department is notified pursuant to section 11 or 12 of this act that the person has completed*** the period of imprisonment or ~~[when]~~ ***that*** the person ~~[is]~~ ***has been*** placed on residential confinement ~~[.]~~ ***or parole.***

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484.3775, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle accident resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484.348.

(c) For a period of 90 days, if the offense is a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484.379 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792 has been permitted to enter a program of treatment pursuant to NRS 484.37937, the Department shall reduce by one-half the period during which he is not eligible for a license,

permit or privilege to drive, but shall restore that reduction in time if notified that he was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484.3943 but who operates a motor vehicle without such a device:

(a) For 3 years, if it is his first such offense during the period of required use of the device.

(b) For 5 years, if it is his second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064 or 206.330, chapter 484 of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484.3941.

Sec. 3. NRS 484.385 is hereby amended to read as follows:

484.385 1. As agent for the Department, the officer who obtained the result of a test given pursuant to NRS 484.382 or 484.383 shall immediately serve an order of revocation of the license, permit or privilege to drive on a person who has a concentration of alcohol of 0.08 or more in his blood or breath or has a detectable amount of a prohibited substance in his blood or urine, if that person is present, and shall seize his license or permit to drive. The officer shall then advise him of his right to administrative and judicial review of the revocation ~~[and to have a]~~ ***pursuant to NRS 484.387 and, except as otherwise provided in this subsection, that he has a right to request a*** temporary license ***.*** ~~[, and]~~ ***If the person currently is driving with a temporary license that was issued pursuant to this section or NRS 484.387, he is not entitled to request an additional temporary license pursuant to this section or NRS 484.387, and the order of revocation issued by the officer must revoke the temporary license that was previously issued. If the person is entitled to request a temporary license, the officer*** shall issue him a temporary license on a form approved by the Department if he requests one, which is effective for only 7 days including the date of issuance. The officer shall immediately transmit the person's license or permit to the Department along with the written certificate required by subsection 2.

2. When a police officer has served an order of revocation of a driver's license, permit or privilege on a person pursuant to subsection 1, or later receives the result of an evidentiary test which indicates that a person, not then present, had a concentration of alcohol of 0.08 or more in his blood or breath or had a detectable amount of a prohibited substance in his blood or

urine, the officer shall immediately prepare and transmit to the Department, together with the seized license or permit and a copy of the result of the test, a written certificate that he had reasonable grounds to believe that the person had been driving or in actual physical control of a vehicle with a concentration of alcohol of 0.08 or more in his blood or breath or with a detectable amount of a prohibited substance in his blood or urine, as determined by a chemical test. The certificate must also indicate whether the officer served an order of revocation on the person and whether he issued the person a temporary license.

3. The Department, upon receipt of such a certificate for which an order of revocation has not been served, after examining the certificate and copy of the result of the chemical test, if any, and finding that revocation is proper, shall issue an order revoking the person's license, permit or privilege to drive by mailing the order to the person at his last known address. The order must indicate the grounds for the revocation and the period during which the person is not eligible for a license, permit or privilege to drive and state that the person has a right to administrative and judicial review of the revocation and to have a temporary license. The order of revocation becomes effective 5 days after mailing.

4. Notice of an order of revocation and notice of the affirmation of a prior order of revocation or the cancellation of a temporary license provided in NRS 484.387 is sufficient if it is mailed to the person's last known address as shown by any application for a license. The date of mailing may be proved by the certificate of any officer or employee of the Department, specifying the time of mailing the notice. The notice is presumed to have been received upon the expiration of 5 days after it is deposited, postage prepaid, in the United States mail.

Sec. 4. NRS 484.385 is hereby amended to read as follows:

484.385 1. As agent for the Department, the officer who obtained the result of a test given pursuant to NRS 484.382 or 484.383 shall immediately serve an order of revocation of the license, permit or privilege to drive on a person who has a concentration of alcohol of 0.10 or more in his blood or breath or has a detectable amount of a prohibited substance in his blood or urine, if that person is present, and shall seize his license or permit to drive. The officer shall then advise him of his right to administrative and judicial review of the revocation ~~[and to have a]~~ ***pursuant to NRS 484.387 and, except as otherwise provided in this subsection, that he has a right to request a*** temporary license **.** ~~[, and]~~ ***If the person currently is driving with a temporary license that was issued pursuant to this section or NRS 484.387, he is not entitled to request an additional temporary license pursuant to this section or NRS 484.387, and the order of revocation issued by the officer must revoke the temporary license that was previously issued. If the person is entitled to request a temporary license, the officer*** shall issue him a temporary license on a form approved by the Department if he requests one, which is effective for only 7 days including the date of issuance. The

officer shall immediately transmit the person's license or permit to the Department along with the written certificate required by subsection 2.

2. When a police officer has served an order of revocation of a driver's license, permit or privilege on a person pursuant to subsection 1, or later receives the result of an evidentiary test which indicates that a person, not then present, had a concentration of alcohol of 0.10 or more in his blood or breath or had a detectable amount of a prohibited substance in his blood or urine, the officer shall immediately prepare and transmit to the Department, together with the seized license or permit and a copy of the result of the test, a written certificate that he had reasonable grounds to believe that the person had been driving or in actual physical control of a vehicle with a concentration of alcohol of 0.10 or more in his blood or breath or with a detectable amount of a prohibited substance in his blood or urine, as determined by a chemical test. The certificate must also indicate whether the officer served an order of revocation on the person and whether he issued the person a temporary license.

3. The Department, upon receipt of such a certificate for which an order of revocation has not been served, after examining the certificate and copy of the result of the chemical test, if any, and finding that revocation is proper, shall issue an order revoking the person's license, permit or privilege to drive by mailing the order to the person at his last known address. The order must indicate the grounds for the revocation and the period during which the person is not eligible for a license, permit or privilege to drive and state that the person has a right to administrative and judicial review of the revocation and to have a temporary license. The order of revocation becomes effective 5 days after mailing.

4. Notice of an order of revocation and notice of the affirmation of a prior order of revocation or the cancellation of a temporary license provided in NRS 484.387 is sufficient if it is mailed to the person's last known address as shown by any application for a license. The date of mailing may be proved by the certificate of any officer or employee of the Department, specifying the time of mailing the notice. The notice is presumed to have been received upon the expiration of 5 days after it is deposited, postage prepaid, in the United States mail.

Sec. 5. NRS 484.387 is hereby amended to read as follows:

484.387 1. At any time while a person is not eligible for a license, permit or privilege to drive following an order of revocation issued pursuant to NRS 484.385, he may request in writing a hearing by the Department to review the order of revocation, but he is only entitled to one hearing. The hearing must be conducted within 15 days after receipt of the request, or as soon thereafter as is practicable, in the county where the requester resides unless the parties agree otherwise. The Director or his agent may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the requester. ~~[The]~~ ***Unless the person is ineligible for a temporary license pursuant to***

NRS 484.385, the Department shall issue an additional temporary license for a period which is sufficient to complete the administrative review.

2. The scope of the hearing must be limited to the issue of whether the person, at the time of the test, had a concentration of alcohol of 0.08 or more in his blood or breath or a detectable amount of a prohibited substance in his blood or urine. Upon an affirmative finding on this issue, the Department shall affirm the order of revocation. Otherwise, the order of revocation must be rescinded.

3. If, after the hearing, the order of revocation is affirmed, the person whose license, privilege or permit has been revoked is entitled to a review of the same issues in district court in the same manner as provided by chapter 233B of NRS. The court shall notify the Department upon the issuance of a stay, and the Department shall issue an additional temporary license for a period which is sufficient to complete the review.

4. If a hearing officer grants a continuance of a hearing at the request of the person whose license was revoked, or a court does so after issuing a stay of the revocation, the officer or court shall notify the Department, and the Department shall cancel the temporary license and notify the holder by mailing the order of cancellation to his last known address.

Sec. 6. NRS 484.387 is hereby amended to read as follows:

484.387 1. At any time while a person is not eligible for a license, permit or privilege to drive following an order of revocation issued pursuant to NRS 484.385, he may request in writing a hearing by the Department to review the order of revocation, but he is only entitled to one hearing. The hearing must be conducted within 15 days after receipt of the request, or as soon thereafter as is practicable, in the county where the requester resides unless the parties agree otherwise. The Director or his agent may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the requester. ~~[The]~~ ***Unless the person is ineligible for a temporary license pursuant to NRS 484.385, the*** Department shall issue an additional temporary license for a period which is sufficient to complete the administrative review.

2. The scope of the hearing must be limited to the issue of whether the person, at the time of the test, had a concentration of alcohol of 0.10 or more in his blood or breath or a detectable amount of a prohibited substance in his blood or urine. Upon an affirmative finding on this issue, the Department shall affirm the order of revocation. Otherwise, the order of revocation must be rescinded.

3. If, after the hearing, the order of revocation is affirmed, the person whose license, privilege or permit has been revoked is entitled to a review of the same issues in district court in the same manner as provided by chapter 233B of NRS. The court shall notify the Department upon the issuance of a stay, and the Department shall issue an additional temporary license for a period which is sufficient to complete the review.

4. If a hearing officer grants a continuance of a hearing at the request of the person whose license was revoked, or a court does so after issuing a stay of the revocation, the officer or court shall notify the Department, and the Department shall cancel the temporary license and notify the holder by mailing the order of cancellation to his last known address.

Sec. 7. NRS 485.185 is hereby amended to read as follows:

485.185 Every owner of a motor vehicle which is registered or required to be registered in this State shall continuously provide, while the motor vehicle is present or registered in this State, insurance ~~[:]~~ ***provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State:***

1. In the amount of $15,000 for bodily injury to or death of one person in any one accident;

2. Subject to the limit for one person, in the amount of $30,000 for bodily injury to or death of two or more persons in any one accident; and

3. In the amount of $10,000 for injury to or destruction of property of others in any one accident,

➥ for the payment of tort liabilities arising from the maintenance or use of the motor vehicle.

Sec. 8. NRS 485.190 is hereby amended to read as follows:

485.190 1. If 20 days after the receipt of a report of an accident involving a motor vehicle within this State which has resulted in bodily injury or death, or damage to the property of any one person in excess of $750, the Department does not have on file evidence satisfactory to it that the person who would otherwise be required to file security under subsection 2 ~~[of this section]~~ has been released from liability, has been finally adjudicated not to be liable or has executed an acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the Department shall upon request set the matter for a hearing as provided in NRS 485.191.

2. The Department shall ~~[, at any time]~~ ***, immediately*** after a determination adverse to an operator or owner ***is made in a hearing*** pursuant to NRS 485.191, suspend the license of each operator and all registrations of each owner of a motor vehicle involved in such an accident, and, if the operator is a nonresident, the privilege of operating a motor vehicle within this State, and, if the owner is a nonresident, the privilege of the use within this State of any motor vehicle owned by him, unless the operator or owner, or both, ***immediately*** deposit security in the sum so determined by the Department ~~[. Notice of such a suspension must be sent by the Department to the operator and owner not less than 10 days before the effective date of the suspension and must state the amount required as security.]~~ ***at the hearing.*** If erroneous information is given to the Department with respect to the matters set forth in paragraph (a), (b) or (c) of subsection 1 of NRS 485.200, the

Department shall take appropriate action as provided in this section after it receives correct information with respect to those matters.

Sec. 9. NRS 485.301 is hereby amended to read as follows:

485.301 1. Whenever any person fails within 60 days to satisfy any judgment ~~[,]~~ ***that was entered as a result of an accident involving a motor vehicle,*** the judgment creditor or his attorney may forward to the Department immediately after the expiration of the 60 days a certified copy of the judgment.

2. If the defendant named in any certified copy of a judgment ***that was entered as a result of an accident involving a motor vehicle and*** reported to the Department is a nonresident, the Department shall transmit a certified copy of the judgment to the officer in charge of the issuance of licenses and registration certificates of the state in which the defendant is a resident.

Sec. 10. NRS 485.3099 is hereby amended to read as follows:

485.3099 1. The Department shall, upon request, consent to the immediate cancellation of any certificate of financial responsibility or waive the requirement of filing proof of financial responsibility, in ~~[any of]~~ the following events:

(a) ~~[At any time after 3 years after the date the proof of financial responsibility was required when, during the 3 year period preceding the request, the Department has not received a record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license, registration or nonresident's operating privilege of the person by or for whom the proof of financial responsibility was furnished;~~

~~(b)]~~ The death of the person on whose behalf the proof of financial responsibility was filed or the permanent incapacity of the person to operate a motor vehicle; or

~~[(c)]~~ ***(b)*** If the person who is required to file proof of financial responsibility surrenders his license and registration to the Department.

2. If a person who surrenders his license and registration pursuant to paragraph ~~[(c)]~~ ***(b)*** of subsection 1 applies for a license or registration within a period of 3 years after the date proof of financial responsibility was originally required, the application must be refused unless the applicant reestablishes proof of financial responsibility for the remainder of the 3-year period.

Sec. 11. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

The Director shall notify the Department of Motor Vehicles when a driver who has had his license, permit or privilege to drive revoked pursuant to NRS 483.460 has completed a period of imprisonment or is placed on residential confinement. The notification process must conform to the guidelines provided in regulation by the Department of Motor Vehicles pursuant to NRS 483.460. The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside

during any period of imprisonment or when the person is placed on residential confinement.

Sec. 12. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

The Chief shall notify the Department of Motor Vehicles when a driver who has had his license, permit or privilege to drive revoked pursuant to NRS 483.460 is placed on parole. The notification process must conform to the guidelines provided in regulation by the Department of Motor Vehicles pursuant to NRS 483.460. The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment or when the person is placed on residential confinement.

Sec. 12.5. **1. Notwithstanding the provisions of NRS 484.910, the Department of Transportation shall adopt regulations establishing a pilot program for the City of North Las Vegas to acquire and use an automated enforcement system to gather evidence that may be used for the issuance of a traffic citation:**

(a) For a violation of chapter 484 of NRS; or

(b) For a violation of a municipal ordinance.

2. The regulations adopted pursuant to subsection 1 must set forth, without limitation:

(a) That the penalty for a violation evidenced through the use of an automated enforcement system will be the lowest penalty imposed for the violation of a law or ordinance governing parking which the Department of Transportation determines is sufficient to pay the costs of administering the pilot program.

(b) That a citation issued through the use of an automated enforcement system must:

(1) Insofar as practicable, comply with the applicable provisions of NRS 484.799;

(2) Be issued to the registered owner of the vehicle;

(3) Include or be accompanied by a photograph of the driver;

(4) Be mailed or otherwise delivered to the registered owner of the vehicle within 10 working days after the date of the incident; and

(5) Afford the person cited:

(I) The opportunity to appeal or otherwise challenge the citation by appearance before a magistrate, justice or judge, as appropriate; or

(II) The opportunity to respond by mail within 30 days after the mailing of the citation, by submitting to the court having jurisdiction over the alleged offense, a photocopy of the driver's license of the registered owner and a signed and notarized affidavit stating that the owner was not the driver of the vehicle. A court having jurisdiction over the alleged offense that receives an affidavit and photocopy pursuant to this sub-subparagraph shall dismiss the citation without requiring a

court appearance by the registered owner if it finds there is reason to believe the registered owner was not the driver of the vehicle.

(c) The information which must be included in the report that the City of North Las Vegas is required to provide to the Department of Transportation pursuant to subsection 5.

3. The City of North Las Vegas, in implementing the pilot program, shall:

(a) Coordinate with private entities to provide for a public information campaign regarding the implementation of the pilot program at least 30 days before the commencement of the pilot program; and

(b) Identify the presence of an automated enforcement system by erecting signs which clearly indicate the presence of such a system and which are visible to traffic approaching from all directions, or erect signs at all major entrances to the City of North Las Vegas including, without limitation, freeways, bridges and state highways.

4. A contract between the City of North Las Vegas and a manufacturer or supplier of an automated enforcement system must:

(a) Require the manufacturer or supplier to provide sufficient evidence of a traffic violation in a timely manner to facilitate the issuance of a citation within the period provided for in paragraph (b) of subsection 2; and

(b) Provide that the manufacturer or supplier must not receive:

(1) Any payments or compensation based on the number of citations issued; or

(2) A percentage of the revenue generated as a result of the use of the automated enforcement system.

5. The Department of Transportation shall:

(a) Establish and maintain a clearinghouse of information on matters relating to the use of automated enforcement systems;

(b) Require the City of North Las Vegas to report to the Department of Transportation, on or before October 1, 2008, and October 1, 2010, the information required to be reported by the regulations adopted pursuant to subsection 1; and

(c) On or before January 1, 2009, and January 1, 2011, submit to the Director of the Legislative Counsel Bureau for distribution to each regular session of the Legislature a report on the use of automated enforcement systems.

6. As used in this section:

(a) "Automated enforcement system" means a contrivance, device or mechanism, or any combination thereof, which is used to obtain evidence of a moving traffic violation without operation by a person. The term includes a red-light camera.

(b) "Red-light camera" means a camera which:

(1) Is adapted for use or placed at an intersection or crosswalk in which movement of vehicles or pedestrians, or both, is controlled by an official traffic-control device that is operated electrically, electronically or mechanically; and

(2) Is capable of photographing or otherwise capturing images or representations of the following in a simultaneous or approximately simultaneous manner:

(I) The license plate number of a vehicle;

(II) The signal displayed by or upon the official traffic-control device as the vehicle enters or exits, or both, the intersection or crosswalk;

(III) The position of the vehicle within the intersection or crosswalk relative to the signal displayed by or upon the official traffic-control device; and

(IV) The date and time.

Sec. 13. 1. This section and sections 1, 3, 5 and 7 to 10, inclusive, **and 12.5** of this act become effective on October 1, 2007.

2. Sections 2, 11 and 12 of this act become effective on March 1, 2008.

3. Sections 3 and 5 of this act expire by limitation on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.

4. Sections 4 and 6 of this act become effective on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.

5. Section 12.5 of this act expires by limitation on June 30, 2011.

Assemblyman Atkinson moved that the Assembly do not concur in the Senate Amendment No. 943 to Assembly Bill No. 497.

Remarks by Assemblyman Atkinson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 145.

The following Senate amendment was read:

Amendment No. 855.

SUMMARY—Revises provisions governing the assignment of benefits for health insurance. (BDR ~~[57-1068)]~~ **40-1068)**

AN ACT relating to health insurance; revising provisions governing the assignment of benefits; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill prohibits an insurer that is **not licensed in this State and that is** obligated to pay benefits for services provided to a person by a hospital or

other provider of health care **or is obligated to reimburse a person for the costs of such services** to make such payments directly to the person if the insurer has notice that the person has assigned the benefits to the hospital or other provider of health care. **This bill does not create grounds for civil or criminal liability.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter ~~[679A]~~ **449** of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Notwithstanding any specific statute to the contrary, an]~~ ***An insurer that is not licensed in this State pursuant to title 57 of NRS and that is obligated to pay benefits for services provided to a person by a hospital or other provider of health care, or to reimburse a person for the costs of such services, shall not make the payment directly to the person if an itemized statement for the services is submitted to the insurer which clearly indicates that the right of the person to those benefits has been assigned to the hospital or other provider of health care.***

2. ~~[If an insurer that has notice of such an assignment makes payment directly to the person in violation of subsection 1, the payment:~~

~~(a) Does not release the insurer from liability to pay the hospital or other provider of health care to which the benefits have been assigned; and~~

~~(b) Is not a defense to any action by the hospital or other provider of health care against the insurer to collect the assigned benefits.]~~ ***The provisions of this section do not create grounds for civil or criminal liability.***

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 145.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 13.

The following Senate amendment was read:

Amendment No. 843.

AN ACT relating to watercraft; ~~[prohibiting the owner of a boat livery or his agent or employee from renting an aquatic device to any person unless the owner, agent or employee complies with certain requirements;]~~ increasing the age under which a person on a vessel is required to wear a personal flotation device; ~~[providing a penalty;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1 of this bill prohibits the owner of a boat livery or his agent or employee from renting an aquatic device to any person unless the owner or his agent or employee complies with certain requirements, including, without~~

~~limitation, providing to each person who will use the aquatic device a personal flotation device approved by the United States Coast Guard and giving verbal instructions for the safe use of the aquatic device. An "aquatic device" includes an inner tube or inflatable raft, but does not include a vessel or motorboat or any device used in a designated swimming area. Section 1 also prohibits a person who is less than 13 years of age from using an aquatic device unless the person is wearing a personal flotation device.]~~

Existing law requires a person under the age of 12 years to wear a personal flotation device when on the topside of a noncommercial vessel. (NRS 488.575) Section 2 of this bill raises the age to less than 13 years of age.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 488 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The owner of a boat livery or his agent or employee shall not rent an aquatic device to any person unless the owner or his agent or employee:*~~

~~*(a) Provides to each person to whom the aquatic device is rented and to each person who will use the aquatic device:*~~

~~*(1) A personal flotation device of a type approved by the United States Coast Guard and prescribed by regulations adopted by the Commission;*~~

~~*(2) A written summary of the laws and regulations of this State governing the use of the aquatic device; and*~~

~~*(3) Verbal instructions regarding the safe use of the aquatic device; and*~~

~~*(b) Before the aquatic device leaves the control of the owner or his agent or employee, documents the name and age of each person who will use the aquatic device. The person to whom the aquatic device is rented shall ensure that only a person who is documented as a user is allowed to use the aquatic device.*~~

~~*2. Each person to whom an aquatic device is rented and each person who uses the aquatic device shall, before using the aquatic device:*~~

~~*(a) Review the written summary of the laws and regulations provided to him pursuant to subsection 1; or*~~

~~*(b) Provide written proof to the owner or his agent or employee that the person has received previous instruction in the safe use of the aquatic device.*~~

~~*3. A person shall not use or authorize another person to use an aquatic device under his control on any waters of this State unless each user of the aquatic device who is less than 13 years of age is wearing a personal flotation device of the type prescribed pursuant to subsection 1.*~~

~~*4. As used in this section, "aquatic device" means:*~~

~~*(a) An inflatable inner tube;*~~

~~*(b) A small, flexible plastic or inflatable raft; or*~~

~~*(c) A single-chambered device that is inflated with air.*~~

~~*The term does not include a device which is classified as a vessel or motorboat or which is used in an area that is designated for swimming.]*~~ **(Deleted by amendment.)**

Sec. 2. NRS 488.575 is hereby amended to read as follows:

488.575 1. Except as otherwise provided in subsection 2, a person shall not operate or authorize another person to operate a vessel under his ownership or control on any waters of this State unless each person on the vessel who is less than ~~[12]~~ ***13*** years of age is wearing a personal flotation device of a type approved by the United States Coast Guard and prescribed by the regulations of the Commission while the vessel is under way.

2. The provisions of subsection 1 do not apply to persons on board:

(a) A commercial vessel licensed by the United States Coast Guard for the transportation of passengers for hire; or

(b) Any other vessel who are below the deck or inside a cabin of the vessel.

Sec. 3. ~~[1. This section and section 1 of this act become effective upon passage and approval for the purpose of adopting regulations pursuant to section 1 of this act and on January 1, 2008, for all other purposes.~~

~~2. Section 2 of this act becomes effective on October 1, 2007.]~~ **(Deleted by amendment.)**

Assemblyman Claborn moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 13.

Remarks by Assemblyman Claborn.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 228.

The following Senate amendment was read:

Amendment No. 849.

AN ACT relating to pest control; authorizing the Director of the State Department of Agriculture to refuse to issue a license to engage in pest control to a person who is convicted of certain ~~[acts; prohibiting the Director from issuing such a license until the expiration of the period of the person's parole, probation or sentence;]~~ **crimes; requiring an applicant for a license to engage in pest control to submit a complete set of his fingerprints to the Director under certain circumstances;** prohibiting a person ~~[, in connection with a real estate transaction,]~~ from engaging in certain pest control activities concerning wood-destroying pests or organisms without a license issued by the Director; **providing additional grounds for the Director to revoke, suspend or modify a license to engage in pest control;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from engaging in pest control activities without a license issued by the Director of the State Department of Agriculture. (NRS 555.280) "Pest control" means the business of using

pesticides and mechanical devices to control infestations of pests and the inspection for hire of houses and other structures. The term also includes the submission of reports, estimates or bids for the inspection or control of wood-destroying pests. (NRS 555.2667) Existing law further prohibits a person from engaging in various pest control activities concerning wood-destroying pests or organisms without a license issued by the Director, including, without limitation, ~~[conducting an inspection to identify or attempt to identify infestations or infections of houses by those pests and]~~ preparing inspection reports concerning ~~[the infestations or infections.]~~ **those pests or organisms.** (NRS 555.285)

Section 1 of this bill authorizes the Director to refuse to issue a license to ~~[engage in]~~ **perform** pest control to ~~[a person who is]~~ **certain persons who are** convicted of, or ~~[enters]~~ **enter** a plea of guilty or nolo contendere to, ~~[certain specified crimes, including, without limitation,]~~ **a felony or** any crime involving moral turpitude. Section 1 also ~~[prohibits the Director from issuing]~~ **requires an applicant for** a license to engage in pest control ~~[to such a person until the expiration of the person's parole, probation or sentence.]~~ **who is a primary principal or intends to act as a primary principal for a pest control business to submit a complete set of his fingerprints to the Director.** Additionally, section 1 sets forth grounds for the Director to refuse to issue ~~[such]~~ a license ~~[.]~~ **to perform pest control.**

Section 3 of this bill prohibits a person from ~~[engaging in certain pest control activities]~~ **altering an inspection report** concerning wood-destroying pests or organisms without a license issued by the Director **.** ~~[if the pest control activities are conducted in connection with a real estate transaction. Those pest control activities include: (1) making an inspection to identify or attempt to identify infestations or infections of wood-destroying pests or organisms; (2) making or altering inspection reports concerning those infestations or infections; (3) making written or oral estimates or bids concerning the infestations or infections; and (4) submitting bids to do any work involving the application of pesticides to eliminate, exterminate, control or prevent the infestations or infections.]~~

Existing law authorizes the Director to revoke, suspend or modify a license to engage in pest control if he finds that the licensee has engaged in certain activities. (NRS 555.350)

Section 3.5 of this bill expands those activities to include a conviction of the licensee of a felony or any crime involving moral turpitude.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 555 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director ~~[:~~

~~*(a) May]*~~ ***may refuse to issue a license to*** ~~*[engage in]*~~ ***perform pest control to any person who*** ~~*[has]*~~ :

(a) Is a primary principal or intends to act as a primary principal for a pest control business pursuant to NRS 555.3507; and

(b) Has** been convicted of, or entered a plea of guilty or nolo contendere to, ~~[forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, engaging in pest control without a license, possessing for the purpose of sale any controlled substance]~~* a felony ***or any crime involving moral turpitude, in any court of competent jurisdiction in the United States or any other country.

~~[(b) Shall not issue a license to engage in pest control to a person specified in paragraph (a) until the expiration of the period of the person's parole, probation or sentence.]~~

2. In addition to any other requirements set forth in this chapter, each applicant for a license to perform pest control specified in paragraph (a) of subsection 1 shall submit with his application a complete set of his fingerprints and written permission authorizing the Director to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. A suspension or revocation of a license to ~~[engage in]~~ perform pest control pursuant to NRS 555.350 or any previous revocation or current suspension of such a license in this or any other state, district or territory of the United States or any foreign country ~~[within 10 years immediately preceding the date of submission of an application for a license]~~ is grounds for refusal to issue the license.

Sec. 2. NRS 555.2605 is hereby amended to read as follows:

555.2605 As used in NRS 555.2605 to 555.460, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 555.261 to 555.2695, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 555.285 is hereby amended to read as follows:

555.285 A person shall not **,** for hire **, ~~[or in connection with any real estate transaction,]~~** engage in, offer to engage in, advertise or solicit to perform any of the following pest control activities concerning wood-destroying pests or organisms without a license issued by the Director:

1. Making an inspection to identify or to attempt to identify infestations or infections of households or other structures by those pests or organisms.

2. Making ***or altering*** inspection reports concerning the infestations or infections.

3. Making estimates or bids, whether written or oral, concerning the infestations or infections.

4. Submitting bids to perform any work involving the application of pesticides for the elimination, extermination, control or prevention of infestations or infections of those pests.

Sec. 3.5. **NRS 555.350 is hereby amended to read as follows:**

555.350 1. The Director may suspend, pending inquiry, for not longer than 10 days, and, after opportunity for a hearing, may revoke, suspend or modify any license issued under NRS 555.2605 to 555.460, inclusive, ***and section 1 of this act,*** if he finds that:

(a) The licensee is no longer qualified;

(b) The licensee has engaged in fraudulent business practices in pest control;

(c) The licensee has made false or fraudulent claims through any media by misrepresenting the effect of materials or methods to be used;

(d) The licensee has applied known ineffective or improper materials;

(e) The licensee operated faulty or unsafe equipment;

(f) The licensee has made any application in a faulty, careless or negligent manner;

(g) The licensee has violated any of the provisions of NRS 555.2605 to 555.460, inclusive, ***and section 1 of this act,*** or regulations adopted pursuant thereto;

(h) The licensee engaged in the business of pest control without having a licensed applicator or operator in direct on-the-job supervision;

(i) The licensee aided or abetted a licensed or an unlicensed person to evade the provisions of NRS 555.2605 to 555.460, inclusive, ***and section 1 of this act,*** combined or conspired with such a licensee or an unlicensed person to evade the provisions, or allowed one's license to be used by an unlicensed person;

(j) The licensee was intentionally guilty of fraud or deception in the procurement of his license; ~~[or]~~

(k) The licensee was intentionally guilty of fraud or deception in the issuance of an inspection report on wood-destroying pests or other report required by regulation ~~[.]~~ ***; or***

(l) The licensee has been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving moral turpitude in any court of competent jurisdiction in the United States or any other country.

2. A license is suspended automatically, without action of the Director, if the proof of public liability and property damage or drift insurance filed pursuant to NRS 555.330, is cancelled, and the license remains suspended until the insurance is reestablished.

3. A licensee against whom the Director initiates disciplinary action to revoke, suspend or modify the license of the licensee pursuant to this section shall, within 30 days after receiving written notice of the disciplinary action from the Director, submit to the Director a complete set of his fingerprints and written permission authorizing the Director to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

4. A willful failure of a licensee to comply with the requirements of subsection 3 constitutes an additional ground for the revocation,

suspension or modification of the license of the licensee pursuant to this section.

5. The Director has additional grounds to revoke, suspend or modify a license pursuant to this section if the report from the Federal Bureau of Investigation indicates that the licensee has been convicted of a felony or crime specified in paragraph (l) of subsection 1.

Sec. 4. NRS 555.400 is hereby amended to read as follows:

555.400 1. The Director may adopt regulations to carry out the provisions of NRS 555.2605 to 555.460, inclusive, ~~[but the]~~ ***and section 1 of this act. The*** regulations must not be inconsistent with ***any*** regulations issued by this State or by the Federal Government relating to safety in air navigation or ***the*** operation of aircraft.

2. Before ~~[issuing]~~ ***adopting*** regulations directly relating to any matter within the jurisdiction of any other officer of this State, the Director shall consult with that officer ~~[with reference thereto.]~~ ***concerning those regulations.***

Sec. 5. NRS 555.460 is hereby amended to read as follows:

555.460 Any person violating the provisions of NRS 555.2605 to 555.420, inclusive, ***and section 1 of this act,*** or the regulations adopted pursuant thereto, is guilty of a misdemeanor and, in addition to any criminal penalty, shall pay to the Department an administrative fine of not more than $5,000 per violation. If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Department.

Sec. 6. NRS 555.470 is hereby amended to read as follows:

555.470 1. The Director shall adopt regulations specifying a schedule of fines which may be imposed, upon notice and a hearing, for each violation of the provisions of NRS 555.2605 to 555.460, inclusive ~~[.]~~ ***, and section 1 of this act.*** The maximum fine that may be imposed by the Director for each violation must not exceed $5,000 per day. All fines collected by the Director pursuant to this subsection must be remitted to the county treasurer of the county in which the violation occurred for credit to the county school district fund.

2. The Director may:

(a) In addition to imposing a fine pursuant to subsection 1, issue an order requiring a violator to take appropriate action to correct the violation; or

(b) Request the district attorney of the appropriate county to investigate or file a criminal complaint against any person that the State Board of Agriculture suspects may have violated any provision of NRS 555.2605 to 555.460, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 7. This act becomes effective ~~[upon passage and approval.]~~ **on January 1, 2008.**

Assemblyman Claborn moved that the Assembly concur in the Senate amendment to Assembly Bill No. 228.

Remarks by Assemblyman Claborn.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Joint Resolution No. 9.

The following Senate amendment was read:

Amendment No. 743.

SUMMARY—Urges Congress to allow certain proceeds from the Southern Nevada Public Land Management Act **of 1998** to be used for Nevada's state parks. (BDR R-693)

ASSEMBLY JOINT RESOLUTION—Urging Congress to allow certain proceeds from the Southern Nevada Public Land Management Act **of 1998** to be used for Nevada's state parks.

WHEREAS, In 1998, Congress passed the Southern Nevada Public Land Management Act ~~[,]~~ **of 1998,** Public Law 105-263, which allows the ~~[Bureau of Land Management]~~ **Secretary of the Interior** to sell certain federal lands in Clark County, Nevada, for possible development and authorizes use of the proceeds to acquire, conserve and protect environmentally sensitive lands in the State of Nevada; and

WHEREAS, Under the provisions of the Act, 5 percent of the profits from sales of the land is allocated to help fund education, 10 percent is allocated for water and airport infrastructure projects and the remaining 85 percent is deposited into a special account for disbursement; and

WHEREAS, The money in the special account is specified for certain capital improvement projects, including projects at Lake Mead, Red Rock Canyon, the Desert National Wildlife Refuge and other federally managed recreational areas, the development of parks, trails and a multispecies habitat conservation plan in and around Clark County, the acquisition of environmentally sensitive lands, and restoration and conservation of the Lake Tahoe Basin; and

WHEREAS, Since the first auction of land in 1999, this Act has generated approximately $3 billion, $2.5 billion of which has been disbursed from the special account; and

WHEREAS, Although the money distributed pursuant to the Act has been used for the enhancement and conservation of many federally managed areas in Nevada, there are numerous state parks in Nevada which could also benefit from this money **;** ~~[, including Valley of Fire, Cathedral Gorge, Spring Mountain Ranch, Dayton, Berlin Ichthyosaur and Rye Patch;]~~ and

WHEREAS, With the growing popularity of the many rural recreational and historic sites in Nevada, it is vital that ~~[these lands]~~ **Nevada's state parks** be maintained and preserved for the continued enjoyment of the residents of Nevada and its tourists; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the Nevada Legislature urge Congress to amend the Southern Nevada Public Land Management Act **of 1998** to

authorize the State of Nevada to use a portion of the money in the special account for the improvement and preservation of Nevada's state parks; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives, the Secretary of the Interior and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblyman Claborn moved that the Assembly concur in the Senate amendment to Assembly Joint Resolution No. 9.

Remarks by Assemblyman Claborn.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 67.

The following Senate amendment was read:

Amendment No. 742.

AN ACT relating to air pollution; authorizing the State Department of Conservation and Natural Resources to collect money from the sale of emission credits or allocations; increasing the maximum amount the State Environmental Commission may establish as an administrative fine for certain lesser violations relating to air pollution; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The State Department of Conservation and Natural Resources is designated as the Air Pollution Control Agency of the State for the purposes of the Clean Air Act, insofar as it pertains to state programs. (NRS 445B.135, 445B.205) Section 2 of this bill authorizes the Department to collect money from the sale of emission credits or allocations. Section 1 of this bill makes it a state policy periodically to retire a portion of the emission credits ~~[.]~~ **or allocations.**

The State Environmental Commission is required by law to adopt regulations that set forth a schedule of administrative fines not exceeding $500 for minor violations of certain statutes and regulations relating to the prevention, abatement and control of air pollution. (NRS 445B.640) Section 3 of this bill increases the maximum amount that the Commission may establish for such fines from $500 to $2,000.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 445B.100 is hereby amended to read as follows:

445B.100 1. It is the public policy of the State of Nevada and the purpose of NRS 445B.100 to 445B.640, inclusive, to achieve and maintain levels of air quality which will protect human health and safety, prevent

injury to plant and animal life, prevent damage to property, and preserve visibility and scenic, esthetic and historic values of the State.

2. It is the intent of NRS 445B.100 to 445B.640, inclusive, to:

(a) Require the use of reasonably available methods to prevent, reduce or control air pollution throughout the State of Nevada;

(b) Maintain cooperative programs between the State and its local governments; and

(c) Facilitate cooperation across jurisdictional lines in dealing with problems of air pollution not confined within a single jurisdiction.

3. The quality of air is declared to be affected with the public interest, and NRS 445B.100 to 445B.640, inclusive, are enacted in the exercise of the police power of this State to protect the health, peace, safety and general welfare of its people.

4. It is also the public policy of this State ~~[to]~~ ***:***

(a) To provide for the integration of all programs for the prevention of accidents in this State involving chemicals, including, without limitation, accidents involving hazardous air pollutants, highly hazardous chemicals, highly hazardous substances and extremely hazardous substances ~~[.]~~ ***; and***

(b) Periodically to retire a portion of the emission credits or allocations specified in NRS 445B.235 that may otherwise be available for ~~*[use]*~~ ***banking or for sale pursuant to that section.***

Sec. 2. NRS 445B.235 is hereby amended to read as follows:

445B.235 ***1.*** In carrying out the purposes of NRS 445B.100 to 445B.640, inclusive, the Department may ~~[, if it considers it necessary or appropriate:~~

~~1.]~~ ***:***

(a) Collect money from the sale of emission credits or allocations.

(b) Cooperate with appropriate federal officers and agencies of the Federal Government, other states, interstate agencies, local governmental agencies and other interested parties in all matters relating to air pollution control in preventing or controlling the pollution of the air in any area.

~~[2.]~~ ***(c)*** On behalf of this State, apply for and receive ~~[funds]~~ ***money*** made available to the State for programs from any private source or from any agency of the Federal Government under the Federal Act. All ~~[moneys]~~ ***money*** received from any federal agency or private source as provided in this section ~~[shall]~~ ***must*** be paid into the State Treasury and ~~[shall]~~ ***must*** be expended, under the direction of the Department, solely for the purpose ~~[or purposes]~~ for which the grant ~~[or grants have]~~ ***has*** been made.

~~[3.]~~ ***(d)*** Certify to the appropriate federal authority that facilities are in conformity with the state program and requirements for control of air pollution, or will be in conformity with the state program and requirements for control of air pollution if such facility is constructed and operated in accordance with the application for certification.

~~[4.]~~ ***(e)*** Develop measures for control of air pollution originating in the State.

2. All money collected by the Department pursuant to paragraph (a) of subsection 1 must be deposited in the State General Fund for credit to the Account for the Management of Air Quality.

3. The ~~*[Commission shall, in cooperation with the Department, adopt regulations setting forth the requirements for the sale of emission credits pursuant to paragraph (a) of subsection 1. The regulations must include, without limitation, provisions for public participation in that sale.]*~~ ***Department shall:***

(a) Develop proposed regulations establishing requirements for public participation in the determination by the Department of the amount of emission credits or allocations that are available for sale pursuant to paragraph (a) of subsection 1; and

(b) Recommend that the Commission adopt the proposed regulations pursuant to NRS 445B.210.

Sec. 3. NRS 445B.640 is hereby amended to read as follows:

445B.640 1. Except as otherwise provided in subsection 4 and NRS 445C.010 to 445C.120, inclusive, any person who violates any provision of NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, or any regulation in force pursuant thereto, other than NRS 445B.570 on confidential information, is guilty of a civil offense and shall pay an administrative fine levied by the Commission of not more than $10,000 per day per offense. Each day of violation constitutes a separate offense.

2. The Commission shall by regulation establish a schedule of administrative fines not exceeding ~~[$500]~~ ***$2,000*** for lesser violations of any provision of NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, or any regulation in force pursuant thereto.

3. Action pursuant to subsection 1 or 2 is not a bar to enforcement of the provisions of NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, regulations in force pursuant thereto, and orders made pursuant to NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, by injunction or other appropriate remedy, and the Commission or the Director may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

4. Any person who fails to pay a fine levied pursuant to subsection 1 or 2 within 30 days after the fine is imposed is guilty of a misdemeanor. The provisions of this subsection do not apply to persons found by the court to be indigent.

5. All administrative fines collected by the Commission pursuant to this section must be deposited in the county school district fund of the county where the violation occurred.

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Claborn moved that the Assembly concur in the Senate amendment to Assembly Bill No. 67.

Remarks by Assemblyman Claborn.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 91.

The following Senate amendment was read:

Amendment No. 828.

AN ACT relating to explosives; establishing a definition of the term "explosive"; enacting provisions relating to the labeling of containers used for storing explosives; establishing requirements concerning the making of mandatory reports regarding the distribution of explosives under certain circumstances; revising the provisions relating to records regarding transactions and inventories of explosives; revising provisions relating to the storage of explosives; **providing that certain activities, substances and items that are exempt from certain federal laws are also exempt from certain state laws;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill establishes a definition of the term "explosive" for the purposes of certain provisions relating to explosives. Section 3 of this bill provides that any container used to store an explosive must be properly labeled in accordance with all applicable state and federal laws and regulations. Section 4 of this bill makes it a gross misdemeanor for a person to fail to make a report to a local law enforcement agency and fire department if he has knowledge of any unusual circumstances involving explosives. Section 4 of this bill excludes from its application persons working in their official capacities in the mining industry. **Section 4.5 of this bill provides that certain activities, substances and items that are exempt from certain federal laws are also exempt from certain state laws.** Section 5 of this bill requires persons who conduct certain transactions involving explosives to create and maintain certain written records and inventories concerning those transactions and prohibits such persons from falsifying such records or failing to create or maintain such records. Section 5 of this bill also requires persons to store explosives in conformity with federal law and requires persons who store explosives to notify a local law enforcement agency and fire department of certain information relating to that storage. Section 5 of this bill excludes from its application persons working in their official capacities in the mining industry.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 476 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~[, 3 and 4]~~ **to 4.5, inclusive,** of this act.

Sec. 2. ***As used in this chapter, "explosive" means any explosive material included in the list of explosive materials published in the Federal***

Register and revised annually by the Attorney General of the United States pursuant to 18 U.S.C. §§ 841 et seq.

Sec. 3. ***Any container used to store an explosive must be marked in accordance with all applicable state and federal laws and regulations.***

Sec. 4. ***1. Except as otherwise provided in subsection 3, any person who has knowledge of an unusual sale, purchase, theft or loss of any explosive shall, within 24 hours after the discovery, report the sale, purchase, theft or loss to the local law enforcement agency and local fire department in whose jurisdiction the sale, purchase, theft or loss occurred. The report must contain, when possible:***

(a) The name, birth date and address of the persons involved.

(b) The amount and type of explosive involved.

(c) Any other information the person making the report believes to be useful.

2. Any person who violates the provisions of this section is guilty of a gross misdemeanor.

3. The provisions of this section do not apply with respect to a person who is acting in his official capacity as an owner, officer or employee of a company, corporation or partnership engaged in the business of mining.

4. For the purposes of this section, there is a rebuttable presumption that a sale, purchase, theft or loss of any explosive is "unusual" if that type of sale, purchase, theft or loss does not regularly occur in the ordinary course of business.

Sec. 4.5. If the provisions of chapter 40 of Title 18 of the United States Code do not apply to an activity, substance or item pursuant to 18 U.S.C. § 845(a), this chapter does not apply to the activity, substance or item.

Sec. 5. NRS 476.010 is hereby amended to read as follows:

476.010 1. Except in the due course of trade ~~[,]~~ ***or as otherwise provided in subsection 9,*** it is unlawful for any dealer in dynamite, nitroglycerine, gunpowder or ***any*** other ~~[high]~~ explosive to ~~[dispose of, transfer or sell]~~ ***distribute*** to any person, in any unusual manner, an excessive amount of such commodities.

2. ~~[A record shall be kept by all dealers in such commodities of all such sales of the same made by them, showing the purpose for which the same is to be used and to whom sold.~~

~~3. No such sale of such commodities shall be made to any person except upon a signed order delivered to the merchant dealing in the same, stating the purpose and use to which the same is to be put.~~

~~4.]~~ ***It is unlawful for any person to manufacture, import, purchase or distribute any explosive without creating and maintaining a written record that includes the information required pursuant to this section.***

3. If a person involved in a transaction is not a business or governmental entity or an agent of a business or governmental entity, the written record required pursuant to subsection 2 must include all the following information:

(a) The name of the person.

(b) The signature of the person.

(c) The driver's license number of the person.

(d) The residential address of the person.

(e) The date of the transaction.

(f) A statement of intended use.

4. If a person involved in a transaction is a business or governmental entity or an agent of a business or governmental entity, the written record required pursuant to subsection 2 must include all the following information with respect to the business or governmental entity and the agent of the business or governmental entity, if appropriate:

(a) The name of the business or governmental entity.

(b) The taxpayer identification number of the business or governmental entity.

(c) The principal and local addresses of the business or governmental entity.

(d) The name and any other appropriate personal identifying information that is sufficient to identify the agent authorized to act for the business or governmental entity.

(e) The date of the transaction.

(f) A statement of intended use.

5. It is unlawful for any person to knowingly and intentionally:

(a) Make any false or misleading entry in a written record required pursuant to subsection 2; or

(b) Fail to make an entry in a written record required pursuant to subsection 2.

6. Any person who keeps any explosive for any purpose shall do so in conformity with the regulations governing the storage of explosives promulgated by the Attorney General of the United States pursuant to 18 U.S.C. § 842 and set forth in 27 C.F.R. §§ 555.201 et seq.

7. Any person who stores any explosive shall, within 24 hours after beginning to store the explosive, notify the local law enforcement agency and local fire department in whose jurisdiction the explosive is stored of:

(a) The type of explosive that is being stored; and

(b) The location of the site where the explosive is stored.

8. Any person ~~[violating]~~ ***who violates*** the provisions of this section ~~[shall be]~~ ***is*** guilty of a gross misdemeanor.

9. The provisions of this section do not apply with respect to a person who is acting in his official capacity as an owner, officer or employee of a company, corporation or partnership engaged in the business of mining.

10. As used in this section:

(a) "Distribute" means to sell, issue, give, transfer or otherwise dispose of an explosive.

(b) "Person" means any of the following:

(1) A natural person.

(2) Any form of business or social organization and any other nongovernmental legal entity, including, without limitation, a corporation, partnership, association, trust or unincorporated organization.

(3) A government, a political subdivision of a government or an agency or instrumentality of a government or a political subdivision of a government.

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate amendment to Assembly Bill No. 91.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 51.

The following Senate amendment was read:

Amendment No. 936.

SUMMARY—Revises provisions pertaining to the disclosure of certain information regarding ~~[an applicant for a position as a firefighter with a fire-fighting agency.]~~ **applicants for certain positions with public safety agencies.** (BDR 19-247)

AN ACT relating to employment; requiring an employer or former employer of a person who is an applicant for a position as a firefighter with a fire-fighting agency to provide certain information regarding the applicant to the fire-fighting agency under certain circumstances; providing immunity from civil liability in certain circumstances for an employer or former employer who provides such information; **revising provisions governing the sharing of information concerning applicants for certain positions with public safety agencies;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a law enforcement agency is authorized to request an employer or former employer of a person who is an applicant for a position as a peace officer with the law enforcement agency to provide certain information regarding the employment history of the applicant to the law enforcement agency under certain circumstances. (NRS 239B.020) An employer is immune from civil liability under certain circumstances for providing such information. (NRS 41.755) This bill expands the authority to request information regarding the employment history of an applicant to fire-fighting agencies ~~[. This bill also]~~ **and** extends immunity from civil liability to employers who disclose such information to fire-fighting agencies under certain circumstances. **This bill also places restrictions on the sharing of information concerning applicants for certain positions with a public safety agency.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 239B.020 is hereby amended to read as follows:

239B.020 1. Upon the request of a ~~[law enforcement]~~ ***public safety*** agency, an employer shall provide to the ~~[law enforcement]~~ ***public safety*** agency information, if available, regarding a current or former employee of the employer who is an applicant for the position of ***firefighter or*** peace officer ***, as applicable,*** with the ~~[law enforcement]~~ ***public safety*** agency. A request for information by a ~~[law enforcement]~~ ***public safety*** agency pursuant to this subsection must be:

(a) In writing;

(b) Accompanied by an authorization signed by the applicant and notarized by a notary public or judicial officer in which the applicant consents to the release of the information; and

(c) Presented to the employer by a sworn officer or other authorized representative of the ~~[law enforcement]~~ ***public safety*** agency.

2. The information that a ~~[law enforcement]~~ ***public safety*** agency may request pursuant to subsection 1 includes, without limitation:

(a) The date on which the applicant began his employment and, if applicable, the date on which the employment of the applicant was terminated;

(b) A list of the compensation that the employer provided to the applicant during the course of the employment;

(c) An application for a position of employment that the applicant submitted to the employer;

(d) A written evaluation of the performance of the applicant;

(e) A record of the attendance of the applicant;

(f) A record of disciplinary action taken against the applicant;

(g) A statement regarding whether the employer would rehire the applicant and, if the employer would not rehire the applicant, the reasons therefor; and

(h) If applicable, a record setting forth the reason that the employment of the applicant was terminated and whether the termination was voluntary or involuntary.

3. An employer shall not provide information pursuant to subsection 1 if the disclosure of the information is prohibited pursuant to a federal or state statute or regulation.

4. A ~~[law enforcement]~~ ***public safety*** agency may use the information that it receives pursuant to this section only to determine the suitability of an applicant for employment as a ***firefighter or*** peace officer ~~[.]~~ ***, as applicable.***

5. Except as otherwise provided in this subsection, a ~~[law enforcement]~~ ***public safety*** agency shall maintain the confidentiality of information that it receives pursuant to this section. A ~~[law enforcement]~~ ***public safety*** agency

may share information regarding an applicant that it receives pursuant to this section with another ~~[law enforcement]~~ ***public safety*** agency if:

(a) The applicant is also an applicant for a position as a ***firefighter or*** peace officer ***, as applicable,*** with the other ~~[law enforcement]~~ ***public safety*** agency ~~[;]~~ and ***the applicant submitted a single application to be used by multiple public safety agencies; and***

(b) The confidentiality of the information is otherwise maintained.

6. As used in this section:

(a) "Employer" includes a public employer and a private employer.

(b) ***"Firefighter" means a person who is a salaried employee of a fire-fighting agency and whose principal duties are to control, extinguish, prevent and suppress fires.***

(c) "Fire-fighting agency" means a public fire department, fire protection district or other agency of this State or a political subdivision of this State, the primary functions of which are to control, extinguish, prevent and suppress fires.

~~*[(d) "Law enforcement agency" has the meaning ascribed to it in NRS 277.035.]*~~

~~[(c)]~~ ~~*[(e)]*~~ ***(d)*** "Peace officer" has the meaning ascribed to it in NRS 289.010.

~~*[(f)]*~~ ***(e) "Public safety agency" means:***

(1) A fire-fighting agency; or

(2) A law enforcement agency ~~*[.]*~~ ***as defined in NRS 277.035.***

Sec. 2. NRS 41.755 is hereby amended to read as follows:

41.755 1. Except as otherwise provided in subsection 3, an employer who, at the request of an employee, discloses information regarding:

(a) The ability of the employee to perform his job;

(b) The diligence, skill or reliability with which the employee carried out the duties of his job; or

(c) An illegal or wrongful act committed by the employee,

➥ to a prospective employer of that employee is immune from civil liability for such disclosure and its consequences.

2. Except as otherwise provided in subsection 3, an employer who discloses information regarding an employee to a ~~[law enforcement]~~ ***public safety*** agency pursuant to NRS 239B.020 is immune from civil liability for such disclosure and its consequences.

3. An employer is not immune from civil liability for a disclosure made pursuant to subsection 1 or NRS 239B.020 or for the consequences of a disclosure made pursuant to subsection 1 or NRS 239B.020 if the employer:

(a) Acted with malice or ill will;

(b) Disclosed information that he believed was inaccurate;

(c) Disclosed information which he had no reasonable grounds for believing was accurate;

(d) Recklessly or intentionally disclosed inaccurate information;

(e) Deliberately disclosed misleading information; or

(f) Disclosed information in violation of a state or federal law or in violation of an agreement with the employee.

4. As used in this section:

(a) "Employee" means a person who currently renders or previously rendered time and services to an employer.

(b) "Employer" includes an employee or agent of an employer who is authorized by the employer to disclose information regarding an employee.

(c) "Public safety agency" has the meaning ascribed to it in NRS 239B.020.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate amendment to Assembly Bill No. 51.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 120.

The following Senate amendment was read:

Amendment No. 882.

AN ACT relating to land use planning; revising the notice requirements for proposals to vacate certain rights-of-way or easements; providing requirements for notice to certain public utilities and television companies regarding proposals to abandon or vacate certain streets; requiring cities and counties to reserve and convey certain easements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill changes the method by which a city or county that proposes to vacate a right-of-way or easement owned by the city or county, which right-of-way or easement is required for a public purpose, must notify each owner of property abutting the proposed abandonment. This bill requires such notice to be made in a manner that provides confirmation of delivery but does not require the signature of the recipient. (NRS 278.480) This bill also requires a city or county to provide notice to certain public utilities and community antenna television companies before vacating or abandoning a street, and to reserve and convey an easement to the utility or television company if the utility or television company so requests. (NRS 278.480)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 278.480 is hereby amended to read as follows:

278.480 1. Except as otherwise provided in subsection 11, any abutting owner or local government desiring the vacation or abandonment of any street or easement owned by a city or a county, or any portion thereof, shall file a petition in writing with the planning commission or the governing body having jurisdiction.

2. The governing body may establish by ordinance a procedure by which, after compliance with the requirements for notification of public hearing set forth in this section, a vacation or abandonment of a street or an easement may be approved in conjunction with the approval of a tentative map pursuant to NRS 278.349.

3. A government patent easement which is no longer required for a public purpose may be vacated by:

(a) The governing body; or

(b) The planning commission, hearing examiner or other designee, if authorized to take final action by the governing body,

➥ without conducting a hearing on the vacation if the applicant for the vacation obtains the written consent of each owner of property abutting the proposed vacation and any utility that is affected by the proposed vacation.

4. Except as otherwise provided in subsection 3, if any right-of-way ~~*[held in fee]*~~ or easement required for a public purpose that is owned by a city or a county is proposed to be vacated, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall ~~[notify by certified mail]~~ ***, not less than 10 business days before the public hearing described in subsection 5:***

(a) Notify each owner of property abutting the proposed abandonment **.** ~~[and cause]~~ ***Such notice must be provided by mail pursuant to a method that provides confirmation of delivery and does not require the signature of the recipient.***

(b) Cause a notice to be published at least once in a newspaper of general circulation in the city or county, setting forth the extent of the proposed abandonment and setting a date for public hearing **.** ~~[, which must be not less than 10 days and not more than 40 days after the date the notice is first published.]~~

5. Except as ***otherwise*** provided in subsection 6, if, upon public hearing, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed. An applicant or other person aggrieved by the decision of the planning commission, hearing examiner or other designee may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.3195.

6. ~~[If a utility has an easement over the property,]~~ ***In addition to any other applicable requirements set forth in this section, before vacating or abandoning a street,*** the governing body ~~[,]~~ ***of the local government having jurisdiction over the street,*** or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall

provide ~~[in its order for the continuation of that easement.]~~ ***each public utility and community antenna television company serving the affected area with written notice that a petition has been filed requesting the vacation or abandonment of the street. After receiving the written notice, the public utility or community antenna television company, as applicable, shall respond in writing, indicating either that the public utility or community antenna television company, as applicable, does not require an easement or that the public utility or community antenna television company, as applicable, wishes to request the reservation of an easement. If a public utility or community antenna television company indicates in writing that it wishes to request the reservation of an easement, the governing body of the local government having jurisdiction over the street that is proposed to be vacated or abandoned, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall reserve and convey an easement in favor of the public utility or community antenna television company, as applicable, and shall ensure that such easement is recorded in the office of the county recorder.***

7. The order must be recorded in the office of the county recorder, if all the conditions of the order have been fulfilled, and upon the recordation, title to the street or easement reverts to the abutting property owners in the approximate proportion that the property was dedicated by the abutting property owners or their predecessors in interest. In the event of a partial vacation of a street where the vacated portion is separated from the property from which it was acquired by the unvacated portion of it, the governing body may sell the vacated portion upon such terms and conditions as it deems desirable and in the best interests of the city or county. If the governing body sells the vacated portion, it shall afford the right of first refusal to each abutting property owner as to that part of the vacated portion which abuts his property, but no action may be taken by the governing body to force the owner to purchase that portion and that portion may not be sold to any person other than the owner if the sale would result in a complete loss of access to a street from the abutting property.

8. If the street was acquired by dedication from the abutting property owners or their predecessors in interest, no payment is required for title to the proportionate part of the street reverted to each abutting property owner. If the street was not acquired by dedication, the governing body may make its order conditional upon payment by the abutting property owners for their proportionate part of the street of such consideration as the governing body determines to be reasonable. If the governing body determines that the vacation has a public benefit, it may apply the benefit as an offset against a determination of reasonable consideration which did not take into account the public benefit.

9. If an easement for light and air owned by a city or a county is adjacent to a street vacated pursuant to the provisions of this section, the easement is vacated upon the vacation of the street.

10. In any vacation or abandonment of any street owned by a city or a county, or any portion thereof, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, may reserve and except therefrom all easements, rights or interests therein which the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, deems desirable for the use of the city ~~[, the county or any public utility.]~~ ***or county.***

11. The governing body may establish by local ordinance a simplified procedure for the vacation or abandonment of an easement for a public utility owned or controlled by the governing body.

12. As used in this section ~~[, "government]~~ ***:***

(a) "Community antenna television company" has the meaning ascribed to it in NRS 711.030.

(b) "Government patent easement" means an easement for a public purpose owned by the governing body over land which was conveyed by a patent.

(c) "Public utility" has the meaning ascribed to it in NRS 360.815.

Sec. 2. This act becomes effective on July 1, 2007.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate amendment to Assembly Bill No. 120.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 312, 315, and 367.

Assemblyman Oceguera moved that the Assembly adjourn until Monday, May 28, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 1:14 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SEVENTY-FOURTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2007

BEGUN ON MONDAY, THE FIFTH DAY OF FEBRUARY, AND ENDED ON MONDAY, THE FOURTH DAY OF JUNE

VOLUME 6

THE ONE HUNDRED AND THIRTEENTH DAY—THE ONE HUNDRED AND SEVENTEENTH DAY

SEE VOLUME 1 FOR TABLE OF CONTENTS
SEE VOLUME 7 FOR INDEX

ARRANGEMENT AND CONTENTS OF VOLUME 6

ASSEMBLY PROCEEDINGS 5073

THE ONE HUNDRED AND THIRTEENTH DAY

CARSON CITY (Monday), May 28, 2007

Assembly called to order at 11:28 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Munford, who was excused.

Prayer by the Chaplain, Pastor Bruce Henderson.

Jesus said, "Greater love has no one than this, that one lay down his life for his friends." Father, today we remember and honor those who have given their lives for the nation they love. We thank You for their love and their sacrifice and ask You today to be with our servicemen and women who are risking their lives because of the same spirit of love. We pray in the name of the Ultimate Sacrifice.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 271, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 186, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

Madam Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 591, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 25, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 485.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 490 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 186.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1043.

SUMMARY—Revises various provisions relating to economic and energy development. (BDR ~~[58-784)]~~ **S-784)**

AN ACT relating to economic and energy development; ~~[creating the Advisory Board for the Development of the Solar Energy Industry; revising various provisions governing partial abatements of certain taxes by the Commission on Economic Development;]~~ revising various provisions governing the Solar Energy Systems Demonstration Program Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, one of the components of the State's energy policy is to encourage, support and accelerate the development of Nevada's renewable energy resources, such as solar energy. (Chapter 701 of NRS) Sections 2-8 of this bill create the Advisory Board for the Development of the Solar Energy Industry and establish its organizational structure and procedures. Sections 2-8 also prescribe the duties of the Advisory Board, which include: (1) working with economic development agencies and officials to develop incentives which may be offered to businesses in the solar energy industry that intend to locate or expand their operations in Nevada; (2) identifying and studying photovoltaic technologies and other emerging solar energy technologies which have the potential to reduce the cost of electricity generated by solar energy systems; and (3) developing and carrying out a program of Solar Energy Challenge Zones.~~

~~Existing law authorizes the Commission on Economic Development to approve partial abatements of certain taxes imposed on new or expanded businesses. (NRS 360.750) Sections 9, 10 and 13 of this bill require a business that receives such a partial abatement to: (1) allow the Department of Taxation to conduct audits of the business to determine whether it is in compliance with the requirements for the partial abatement; and (2) consent to the disclosure of the audit reports to the Commission on Economic Development and to the public with certain limited exceptions.]~~

Under the Solar Energy Systems Demonstration Program Act, a certain number of schools which install solar energy systems are entitled to participate in the Demonstration Program and receive portfolio energy credits

that may be sold to utilities seeking to comply with the portfolio standards. (Chapter 331, Statutes of Nevada 2003, pp. 1868-71) Section 11 of this bill increases the number of schools that may participate in the Demonstration Program and increases the kilowatts of capacity for solar energy systems in schools from 570 kilowatts to 2 megawatts for the years 2007, 2008 and 2009.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 701 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~*[As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~*[“Advisory Board” means the Advisory Board for the Development of the Solar Energy Industry that is created by section 5 of this act.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~*[“Portfolio standard” has the meaning ascribed to it in NRS 704.7805.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~*[1. The Advisory Board for the Development of the Solar Energy Industry is hereby created.*~~

~~*2. The Advisory Board consists of the Lieutenant Governor and six additional members appointed as follows:*~~

~~*(a) Two members appointed by the Lieutenant Governor.*~~

~~*(b) Two members appointed by the Majority Leader of the Senate.*~~

~~*(c) Two members appointed by the Speaker of the Assembly.*~~

~~*3. An appointed member of the Advisory Board must be a citizen of the United States and a resident of this State.*~~

~~*4. After the initial terms, the term of each appointed member of the Advisory Board is 3 years. A vacancy on the Advisory Board must be filled for the remainder of the unexpired term in the same manner as the original appointment. A member may be reappointed to the Advisory Board.*~~

~~*5. Except as otherwise provided in this subsection, the appointed members of the Advisory Board serve without compensation and are not entitled to the per diem and travel expenses provided for state officers and employees generally. For each day of attendance at a meeting of the Advisory Board and while engaged in the business of the Advisory Board, a member of the Advisory Board who is an officer or employee of this State or a political subdivision of this State is entitled to receive the per diem and travel expenses provided for state officers and employees generally, paid by his governmental employer.*~~

~~*6. A member of the Advisory Board who is an officer or employee of this State or a political subdivision of this State must be relieved from his duties*~~

~~without loss of his regular compensation so that he may prepare for and attend meetings of the Advisory Board and perform any work that is necessary to carry out the duties of the Advisory Board in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Advisory Board to:~~

~~(a) Make up the time he is absent from work to carry out his duties as a member of the Advisory Board; or~~

~~(b) Take annual leave or compensatory time for the absence.~~

~~7. Notwithstanding any other provision of law, a member of the Advisory Board:~~

~~(a) Is not disqualified from public employment or holding a public office because of his membership on the Advisory Board; and~~

~~(b) Does not forfeit his public office or public employment because of his membership on the Advisory Board.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[1. The Lieutenant Governor serves as the Chairman of the Advisory Board.~~

~~2. The members of the Advisory Board shall select a Vice Chairman from among the appointed members. The Vice Chairman shall perform the duties of the Chairman during any absence of the Chairman. The Vice Chairman serves in that position for a term of 1 year. If a vacancy occurs in the Vice Chairmanship, the vacancy must be filled for the remainder of the unexpired term in the same manner as the original selection.~~

~~3. A majority of the members of the Advisory Board constitutes a quorum. A majority of the members present during a quorum may exercise all the power and authority conferred on the Advisory Board.~~

~~4. The Advisory Board shall meet at least four times annually and may meet more frequently at the discretion of the Chairman.~~

~~5. All meetings of the Advisory Board must be conducted in accordance with the provisions of chapter 241 of NRS.~~

~~6. The Office of Energy shall provide the Advisory Board with administrative and clerical support and with such other assistance as may be necessary for the Advisory Board to carry out its duties. Such support and assistance must include, without limitation, making arrangements for facilities, equipment and other services in preparation for and during meetings.]~~ **(Deleted by amendment.)**

Sec. 7. ~~[The Advisory Board shall:~~

~~1. Formulate policies and plans to encourage, support and accelerate the development of the solar energy industry in this State.~~

~~2. Work with state, regional and local economic development agencies and officials to develop incentives which may be offered to businesses in the solar energy industry that intend to locate or expand their operations in this State.~~

~~*3. Identify and study photovoltaic technologies and other emerging solar energy technologies which have the potential to reduce the cost of electricity generated by solar energy systems.*~~

~~*4. Take any other actions the Advisory Board deems necessary to promote the development of the solar energy industry in this State.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~*[1. The Advisory Board shall develop and carry out a program of Solar Energy Challenge Zones.*~~

~~*2. In developing and carrying out the program, the Advisory Board shall:*~~

~~*(a) Designate at least one Solar Energy Challenge Zone covering, in whole or in part, the Las Vegas Strip and any areas adjacent to the Las Vegas Strip that are appropriate for inclusion in the Solar Energy Challenge Zone; and*~~

~~*(b) Work with local governments, utilities, businesses, environmental advocates and other interested persons to identify and designate other Solar Energy Challenge Zones in this State.*~~

~~*3. For each Solar Energy Challenge Zone, the Advisory Board shall:*~~

~~*(a) Develop, in cooperation with local governments, utilities, businesses, environmental advocates and other interested persons, a target price per kilowatt hour for electricity generated from solar energy systems that is significantly less than the prevailing price per kilowatt hour for electricity generated from such systems; and*~~

~~*(b) Offer that target price in a standard offer contract to any business which is willing to accept the challenge of manufacturing or installing solar energy systems that are able to generate electricity at that target price.*~~

~~*4. The Advisory Board may submit such a standard offer contract to the Public Utilities Commission of Nevada for approval as a renewable energy contract for the purposes of the portfolio standard.]*~~ **(Deleted by amendment.)**

Sec. 9. ~~[Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. If the Commission on Economic Development approves an application by a business for a partial abatement pursuant to NRS 360.750, the agreement with the Commission must provide that the business:*~~

~~*(a) Agrees to allow the Department to conduct audits of the business to determine whether the business is in compliance with the requirements for the partial abatement; and*~~

~~*(b) Consents to the disclosure of the audit reports in the manner set forth in this section.*~~

~~*2. If the Department conducts an audit of the business to determine whether the business is in compliance with the requirements for the partial abatement, the Department shall, upon request, provide the audit report to the Commission on Economic Development.*~~

~~*3. Until the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit, the information contained in the audit report provided to the Commission on Economic Development:*~~

~~*(a) Is confidential proprietary information of the business;*~~

~~*(b) Is not a public record; and*~~

~~*(c) Must not be disclosed to any person who is not an officer or employee of the Commission on Economic Development unless the business consents to the disclosure.*~~

~~*4. After the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit:*~~

~~*(a) The audit report provided to the Commission on Economic Development is a public record; and*~~

~~*(b) Upon request by any person, the Executive Director of the Commission on Economic Development shall disclose the audit report to the person who made the request, except for any information in the audit report that is protected from disclosure pursuant to subsection 5.*~~

~~*5. Before the Executive Director of the Commission on Economic Development discloses the audit report to the public, the business may submit a request to the Executive Director to protect from disclosure any information in the audit report which, under generally accepted business practices, would be considered a trade secret or other confidential proprietary information of the business. After consulting with the business, the Executive Director shall determine whether to protect the information from disclosure. The decision of the Executive Director is final and is not subject to judicial review. If the Executive Director determines to protect the information from disclosure, the protected information:*~~

~~*(a) Is confidential proprietary information of the business;*~~

~~*(b) Is not a public record;*~~

~~*(c) Must be redacted by the Executive Director from any audit report that is disclosed to the public; and*~~

~~*(d) Must not be disclosed to any person who is not an officer or employee of the Commission on Economic Development unless the business consents to the disclosure.]*~~ **(Deleted by amendment.)**

Sec. 10. ~~[~~NRS 360.750 is hereby amended to read as follows:

~~360.750 1. A person who intends to locate or expand a business in this State may apply to the Commission on Economic Development for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361, 363B or 374 of NRS.~~

~~2. The Commission on Economic Development shall approve an application for a partial abatement if the Commission makes the following determinations:~~

~~(a) The business is consistent with:~~

~~(1) The State Plan for Industrial Development and Diversification that is developed by the Commission pursuant to NRS 231.067; and~~

~~(2) Any guidelines adopted pursuant to the State Plan.~~

~~(b) The applicant has executed an agreement with the Commission which [states] *must:*~~

~~*(1) Comply with the requirements of section 9 of this act;*~~

~~*(2) State* that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 5, continue in operation in this State for a period specified by the Commission, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection [. The agreement must bind] *; and*~~

~~*(3) Bind* the successors in interest of the business for the specified period.~~

~~(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.~~

~~(d) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least two of the following requirements:~~

~~(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.~~

~~(2) Establishing the business will require the business to make a capital investment of at least $1,000,000 in this State.~~

~~(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:~~

~~(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and~~

~~(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Commission by regulation pursuant to subsection 9.~~

~~(e) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:~~

~~(1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.~~

~~(2) Establishing the business will require the business to make a capital investment of at least $250,000 in this State.~~

~~(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:~~

~~(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and~~

~~(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Commission by regulation pursuant to subsection 9.~~

~~(f) If the business is an existing business, the business meets at least two of the following requirements:~~

~~(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.~~

~~(2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:~~

~~(I) County assessor of the county in which the business will expand, if the business is locally assessed; or~~

~~(II) Department, if the business is centrally assessed.~~

~~(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:~~

~~(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and~~

~~(II) The cost to the business for the benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the Commission by regulation pursuant to subsection 9.~~

~~(g) In lieu of meeting the requirements of paragraph (d), (e) or (f), if the business furthers the development and refinement of intellectual property, a patent or a copyright into a commercial product, the business meets at least two of the following requirements:~~

~~(1) The business will have 10 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.~~

~~(2) Establishing the business will require the business to make a capital investment of at least $500,000 in this State.~~

~~(3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:~~

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet with minimum requirements established by the Commission by regulation pursuant to subsection 9.

3. Notwithstanding the provisions of subsection 2, the Commission on Economic Development:

(a) Shall not consider an application for a partial abatement unless the Commission has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) May, if the Commission determines that such action is necessary:

(1) Approve an application for a partial abatement by a business that does not meet the requirements set forth in paragraph (d), (e), (f) or (g) of subsection 2;

(2) Make the requirements set forth in paragraph (d), (e), (f) or (g) of subsection 2 more stringent; or

(3) Add additional requirements that a business must meet to qualify for a partial abatement.

4. If a person submits an application to the Commission on Economic Development pursuant to subsection 1, the Commission shall provide notice to the governing body of the county, the board of trustees of the school district and the governing body of the city or town, if any, in which the person intends to locate or expand a business. The notice required pursuant to this subsection must set forth the date, time and location of the hearing at which the Commission will consider the application.

5. If the Commission on Economic Development approves an application for a partial abatement, the Commission shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

6. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Commission on Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

→ the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county

~~treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.~~

~~8. A county treasurer:~~

~~(a) Shall deposit any money that he receives pursuant to subsection 7 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and~~

~~(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.~~

~~9. The Commission on Economic Development:~~

~~(a) Shall adopt regulations relating to:~~

~~(1) The minimum level of benefits that a business must provide to its employees if the business is going to use benefits paid to employees as a basis to qualify for a partial abatement; and~~

~~(2) The notice that must be provided pursuant to subsection 4.~~

~~(b) May adopt such other regulations as the Commission on Economic Development determines to be necessary to carry out the provisions of this section [.] *and section 9 of this act.*~~

~~10. The Nevada Tax Commission:~~

~~(a) Shall adopt regulations regarding:~~

~~(1) The capital investment that a new business must make to meet the requirement set forth in paragraph (d), (e) or (g) of subsection 2; and~~

~~(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.~~

~~(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section [.] *and section 9 of this act.*~~

~~11. An applicant for an abatement who is aggrieved by a final decision of the Commission on Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.]~~ **(Deleted by amendment.)**

Sec. 11. Section 18 of the Solar Energy Systems Demonstration Program Act, being chapter 331, Statutes of Nevada 2003, as amended by chapter 2, Statutes of Nevada 2005, 22nd Special Session, at page 88, is hereby amended to read as follows:

Sec. 18. 1. On or before May 1 of each year, the Public Utilities Commission of Nevada shall:

(a) Review each application nominated by the Committee to ensure that the application meets the requirements of subsection 3 of section 14 of this act; and

(b) From those nominees, select participants for the Demonstration Program for the following program year.

2. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** Public Utilities Commission of Nevada may approve, from among the applications nominated by the Committee, solar energy systems totaling:

(a) For the program year beginning July 1, 2004:

(1) 100 kilowatts of capacity for schools;

(2) 200 kilowatts of capacity for other public buildings; and

(3) 200 kilowatts of capacity for private residences and small businesses.

(b) For the program year beginning July 1, 2005:

(1) An additional 570 kilowatts of capacity for schools;

(2) An additional 570 kilowatts of capacity for other public buildings; and

(3) An additional 760 kilowatts of capacity for private residences and small businesses.

(c) For the program year beginning July 1, 2006:

(1) An additional 570 kilowatts of capacity for schools;

(2) An additional 570 kilowatts of capacity for other public buildings; and

(3) An additional 760 kilowatts of capacity for private residences and small businesses.

(d) For the program year beginning July 1, 2007:

(1) An additional ~~[570 kilowatts]~~ ***2 megawatts*** of capacity for schools;

(2) An additional 570 kilowatts of capacity for other public buildings; and

(3) An additional 760 kilowatts of capacity for private residences and small businesses.

(e) For the program year beginning July 1, 2008:

(1) An additional ~~[570 kilowatts]~~ ***2 megawatts*** of capacity for schools;

(2) An additional 570 kilowatts of capacity for other public buildings; and

(3) An additional 760 kilowatts of capacity for private residences and small businesses.

(f) For the program year beginning July 1, 2009:

(1) An additional ~~[570 kilowatts]~~ ***2 megawatts*** of capacity for schools;

(2) An additional 570 kilowatts of capacity for other public buildings; and

(3) An additional 760 kilowatts of capacity for private residences and small businesses.

3. The Public Utilities Commission of Nevada shall notify each nominee of its selections no later than 10 days after the decision is made.

4. To promote the installation of solar energy systems at as many schools as possible, the Public Utilities Commission of Nevada may not approve for use in the Demonstration Program a solar energy system having a generating capacity of more than 50 kilowatts if the solar energy system is or will be installed at a school on or after July 1, 2007, unless the Commission determines that approval of a solar energy system with a greater generating capacity is more practicable for a particular school.

Sec. 12. ~~[As soon as practicable on or after July 1, 2007:~~

~~1. The Lieutenant Governor shall appoint to the Advisory Board for the Development of the Solar Energy Industry two members whose terms expire on June 30, 2008.~~

~~2. The Majority Leader of the Senate shall appoint to the Advisory Board for the Development of the Solar Energy Industry:~~

~~(a) One member whose term expires on June 30, 2009; and~~

~~(b) One member whose term expires on June 30, 2010.~~

~~3. The Speaker of the Assembly shall appoint to the Advisory Board for the Development of the Solar Energy Industry:~~

~~(a) One member whose term expires on June 30, 2009; and~~

~~(b) One member whose term expires on June 30, 2010.~~] **(Deleted by amendment.)**

Sec. 13. ~~[If, on July 1, 2007, the Commission on Economic Development and a business have in effect an agreement for a partial abatement of one or more taxes pursuant to NRS 360.750:~~

~~1. The agreement shall be deemed to include by operation of law the provisions required by section 9 of this act; and~~

~~2. The provisions of section 9 of this act shall be deemed to apply to the business notwithstanding any contrary provision in the agreement.~~] **(Deleted by amendment.)**

Sec. 14. This act becomes effective on July 1, 2007.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 271.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 953.

AN ACT making appropriations to the Division of Health Care Financing and Policy of the Department of Health and Human Services for relocation expenses and replacement vehicles, phone system and other equipment; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services:

1. For Health Care Financing and Policy, Administration, the sum of ~~[$200,302]~~ **$157,112** for expenses related to the relocation of the Las Vegas Office, purchase of a heavy duty color printer, surge protectors and computer software and replacement of servers, storage appliances, laptop and desktop computers and furniture.

2. For the Nevada Check Up Program, the sum of $13,373 for expenses related to the relocation of the Las Vegas Office.

3. For Nevada Medicaid, Title XIX, the sum of $354,264 for expenses related to the relocation of the Las Vegas Office, replacement of the Reno Office phone system and three replacement vehicles.

Sec. 2. Any remaining balance of the appropriations made by section 1 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriations are made or any entity to which money from the appropriations is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 591.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1045.

AN ACT relating to education; revising provisions governing the sponsorship of charter schools; prescribing the circumstances under which certain charter schools are exempt from annual performance audits and are authorized to receive certain money for facilities; revising provisions regarding the membership of a governing body of a charter school; ~~[making an appropriation;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the board of trustees of a school district and the State Board of Education may sponsor charter schools. (NRS 386.515) **Section 17** of this bill authorizes a college or university within the Nevada System of Higher Education to sponsor charter schools. **Sections 1-14, 17-20, 25, 26 and 28** of this bill revise provisions to reflect sponsorship by a college or university.

Section 15 of this bill sets forth the requirements for a charter school that has been in operation for at least 5 years to be exempt from an annual performance audit and undergo a performance audit every 3 years and to be eligible for available money from legislative appropriation or otherwise for facilities. ~~[Section 30 of this bill makes an appropriation for those charter schools which satisfy the requirements for school facilities.]~~

Existing law requires the Department of Education and the sponsor of a charter school to provide certain assistance and information to charter schools. (NRS 386.545) **Section 22** of this bill expands the services that a school district must provide if the school district sponsors a charter school.

Existing law prescribes the membership of the governing body of a charter school. (NRS 386.549) Existing regulation of the Department of Education prohibits more than one member on the governing body representing the same nonprofit organization or business. (NAC 386.345) **Section 23** of this bill prohibits more than two persons who serve on the governing body from representing the same organization or business or otherwise representing the interests of the same organization or business.

Section 30 of A.B. No. 591 is hereby amended as follows:

Sec. 30. ~~[1. There is hereby appropriated from the State General Fund to the Department of Education the sum of $1,000,000 for distribution to charter schools that satisfy certain requirements for facilities for those charter schools.~~

~~2. The governing body of a charter school that satisfies the requirements of subsection 1 of section 15 of this act may submit an application to the Department of Education, on a form prescribed by the Department, for a grant of money in the amount of $250,000. The application must include proof satisfactory to the Department that the charter school satisfies the requirements of subsection 1 of section 15 of this act.~~

~~3. Upon receipt of an application and verification by the Department of Education that the charter school satisfies the requirements of subsection 1 of section 15 of this act, the Department shall provide the charter school with a grant of money in the amount of $250,000. A charter school that receives a grant of money shall use the money for facilities for the charter school.~~

~~4. Applications must be considered and accepted in the order in which the applications are received. A charter school that satisfies the requirements of subsection 1 of section 15 of this act is eligible for one grant pursuant to this section and may not reapply after it receives a grant.~~

~~5. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2011, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2011, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted~~

~~or transferred, and must be reverted to the State General Fund on or before September 16, 2011.]~~ **(Deleted by amendment.)**

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assemblyman Oceguera moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:37 a.m.

ASSEMBLY IN SESSION

At 11:39 a.m.

Madam Speaker presiding.

Quorum present.

Assemblyman Oceguera moved that for the balance of the session, the Assembly suspend all rules, dispense with the reprinting of all bills and resolutions, and place all bills and resolutions on the appropriate file for passage or adoption.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 186.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 186:

YEAS—41.

NAYS—None.

EXCUSED—Munford.

Assembly Bill No. 186 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 271.

Bill read third time.

Roll call on Assembly Bill No. 271:

YEAS—41.

NAYS—None.

EXCUSED—Munford.

Assembly Bill No. 271 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 591.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 591:

YEAS—41.

NAYS—None.

EXCUSED—Munford.

Assembly Bill No. 591 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 625—AN ACT relating to court programs; reducing the allocation of administrative assessments for use by the Supreme Court to provide an allocation for specialty court programs; eliminating the requirement that the Court Administrator submit a domestic violence report in 2009; removing the provision that allows participation in biweekly counseling sessions instead of weekly sessions for persons who commit domestic battery and reside in an area where counseling programs are not offered; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that the action whereby the Assembly refused to concur in Senate Amendment No. 857 to Assembly Bill No. 404 be rescinded.

Remarks by Assemblyman Conklin.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 404.

The following Senate amendment was read:

Amendment No. 857.

AN ACT relating to insurance; ~~[prohibiting]~~ **revising provisions concerning the notice that must be given by** an insurer ~~[from using]~~ **who uses** certain credit information concerning an applicant or policyholder ~~[in underwriting or rating a policy;]~~ **under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law regulates the use by an insurer of the credit information of a policyholder or an applicant for insurance. ~~[(NRS 686A.680) This bill prohibits an insurer from using the number of times that an applicant or policyholder opens or closes credit accounts during any specific period as a negative factor in any insurance scoring methodology or in reviewing credit~~

~~information for the purpose of underwriting or rating a policy.]~~ **(NRS 686A.600-686A.730) In particular, existing law requires an insurer who takes an adverse action against an applicant or policyholder based on his credit information to provide notice to the applicant or policyholder in accordance with federal law that an adverse action has been taken and to provide notice to the applicant or policyholder explaining the reasons for the adverse action. (NRS 686A.710) This bill requires the notice explaining the reasons for the adverse action to be provided in a form approved by the Commissioner of Insurance.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing section 1 of this bill and replace with the following new section 1:

Section 1. **NRS 686A.710 is hereby amended to read as follows:**

686A.710 If an insurer takes an adverse action based upon credit information, the insurer shall:

1. Provide notice to the applicant or policyholder that an adverse action has been taken, in accordance with the requirements of section 615(a) of the federal Fair Credit Reporting Act, 15 U.S.C. § 1681m(a).

2. Provide notice to the applicant or policyholder explaining the reasons for the adverse action. The reasons must be provided in sufficiently clear and specific language so that a person can identify the basis for the insurer's decision to take the adverse action. The notice must include a description of not more than four factors that were the primary influences of the adverse action. The use of generalized terms such as "poor credit history," "poor credit rating" or "poor insurance score" does not meet the requirements of this subsection. ~~[Standardized explanations provided by consumer reporting agencies are deemed to comply with this section.]~~ ***The notice required by this subsection must be provided in a form approved by the Commissioner.***

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 404.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 373.

The following Senate amendment was read:

Amendment No. 805.

AN ACT relating to general improvement districts; ~~[authorizing the board of county commissioners in certain smaller counties to serve ex officio as the board of trustees of certain general improvement districts authorized to furnish streets and alleys; providing that such a district may overlap another general improvement district;]~~ **revising the provisions governing the circumstances under which a board of county commissioners may serve**

ex officio as the board of trustees of a general improvement district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill authorizes the board of county commissioners in a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties) to serve ex officio as the board of trustees of a general improvement district which is organized on or after July 1, 2007, and authorized to furnish streets and alleys. This bill also provides that the territory of such a district may overlap the territory of another general improvement district. **This bill also authorizes the board of county commissioners in any county to serve ex officio as the board of trustees of a general improvement district which is organized on or after July 1, 2007, and is authorized to exercise any of the basic powers that a district may exercise under existing law.** (NRS 318.0953)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 318.0953 is hereby amended to read as follows:

318.0953 1. In every county whose population is 400,000 or more, the board of county commissioners is, and in counties whose population is less than 400,000 the board of county commissioners may be ~~[,]~~ ex officio ~~[,]~~ the board of trustees of each district organized or reorganized pursuant to this chapter and authorized to exercise the basic power of furnishing facilities for sewerage as provided in NRS 318.140, without regard to whether the district is also authorized to furnish facilities for storm drainage, but excluding any district which is authorized, in addition to those basic powers, to exercise any one or more other basic powers designated in this chapter, except as ***otherwise*** provided in subsections 2 ~~[and 4.]~~ ***, 4 and 5.***

2. The board of county commissioners of any county may be, at its option, ex officio ~~[,]~~ the board of trustees of any district organized or reorganized pursuant to this chapter and authorized to exercise the basic power of furnishing facilities for water as provided in NRS 318.144, or ~~[,]~~ furnishing both facilities for water and facilities for sewerage as provided in NRS 318.144 and 318.140, respectively, without regard to whether the district is also authorized to furnish facilities for storm drainage, but excluding any district which:

(a) Is authorized, in addition to its basic powers, to exercise any one or more other basic powers designated in this chapter ~~[.]~~ ***, except as otherwise provided in subsection 4.***

(b) Is organized or reorganized pursuant to this chapter, the boundaries of which include all or a portion of any incorporated city or all or a portion of a district for water created by special law.

3. In every county whose population is less than 100,000, the board of county commissioners may be ~~[,]~~ ex officio ~~[,]~~ the board of trustees of ~~[each]~~ ***:***

(a) Each district organized or reorganized pursuant to this chapter and authorized to exercise the basic power of furnishing emergency medical services as provided in NRS 318.1185, which district may overlap the territory of any district authorized to exercise any one or more other basic powers designated in this chapter.

(b) Each district organized pursuant to this chapter on or after July 1, 2007, and authorized to exercise the basic power of furnishing streets and alleys as provided in NRS 318.120, which district may overlap the territory of any district authorized to exercise any one or more other basic powers designated in this chapter.

4. ***The board of county commissioners of any county may be, at its option, ex officio the board of trustees of any district organized on or after July 1, 2007, and authorized to exercise one or more of the basic powers designated in this chapter.***

5. A board of county commissioners may exercise the options provided in subsections 1 ~~[, 2 and 3]~~ ***to 4, inclusive,*** by providing in the ordinance creating the district or in an ordinance thereafter adopted at any time that the board is ~~[,]~~ ex officio ~~[,]~~ the board of trustees of the district. The board of county commissioners shall, in the former case, be the board of trustees of the district when the ordinance creating the district becomes effective, or in the latter case, become the board of the district 30 days after the effective date of the ordinance adopted after the creation of the district. In the latter case within the 30-day period the county clerk shall promptly cause a copy of the ordinance to be:

(a) Filed in his office;

(b) Transmitted to the secretary of the district; and

(c) Filed in the Office of the Secretary of State without the payment of any fee and otherwise in the same manner as articles of incorporation are required to be filed under chapter 78 of NRS.

Sec. 2. This act becomes effective on July 1, 2007.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate Amendment No. 805 to Assembly Bill No. 373.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

The following Senate amendment was read:

Amendment No. 969.

AN ACT relating to general improvement districts; revising the provisions governing the circumstances under which a board of county commissioners may serve ex officio as the board of trustees of a general improvement district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill authorizes the board of county commissioners ~~[in a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties)]~~ to serve ex officio as the board of trustees of a general improvement district which is organized on or after July 1, 2007, and **is**

authorized to ~~[furnish streets and alleys.]~~ **exercise any of the basic powers that a district may exercise under existing law.** This bill also provides that **, in a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties) and which is only authorized to furnish streets and alleys,** the territory of such a district may overlap the territory of another general improvement district. ~~[This bill also authorizes the board of county commissioners in any county to serve ex officio as the board of trustees of a general improvement district which is organized on or after July 1, 2007, and is authorized to exercise any of the basic powers that a district may exercise under existing law.]~~ (NRS 318.0953)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 318.0953 is hereby amended to read as follows:

318.0953 1. In every county whose population is 400,000 or more, the board of county commissioners is, and in counties whose population is less than 400,000 the board of county commissioners may be ~~[,]~~ ex officio ~~[,]~~ the board of trustees of each district organized or reorganized pursuant to this chapter and authorized to exercise the basic power of furnishing facilities for sewerage as provided in NRS 318.140, without regard to whether the district is also authorized to furnish facilities for storm drainage, but excluding any district which is authorized, in addition to those basic powers, to exercise any one or more other basic powers designated in this chapter, except as ***otherwise*** provided in subsections 2 ~~[and 4.]~~ ***, 4 and 5.***

2. The board of county commissioners of any county may be, at its option, ex officio ~~[,]~~ the board of trustees of any district organized or reorganized pursuant to this chapter and authorized to exercise the basic power of furnishing facilities for water as provided in NRS 318.144, or ~~[,]~~ furnishing both facilities for water and facilities for sewerage as provided in NRS 318.144 and 318.140, respectively, without regard to whether the district is also authorized to furnish facilities for storm drainage, but excluding any district which:

(a) Is authorized, in addition to its basic powers, to exercise any one or more other basic powers designated in this chapter ~~[.]~~ ***, except as otherwise provided in subsection 4.***

(b) Is organized or reorganized pursuant to this chapter, the boundaries of which include all or a portion of any incorporated city or all or a portion of a district for water created by special law.

3. In every county whose population is less than 100,000, the board of county commissioners may be ~~[,]~~ ex officio ~~[,]~~ the board of trustees of <u>each</u> ~~*[:*~~ ~~*(a) Each]*~~ district organized or reorganized pursuant to this chapter and authorized to exercise the basic power of furnishing emergency medical services as provided in NRS 318.1185, which district may overlap the territory of any district authorized to exercise any one or more other basic powers designated in this chapter.

~~[(b) Each district organized pursuant to this chapter on or after July 1, 2007, and authorized to exercise the basic power of furnishing streets and alleys as provided in NRS 318.120, which district may overlap the territory of any district authorized to exercise any one or more other basic powers designated in this chapter.]~~

4. ***The board of county commissioners of any county may be, at its option, ex officio the board of trustees of any district organized on or after July 1, 2007, and authorized to exercise one or more of the basic powers designated in this chapter. In a county whose population is less than 100,000, a district for which the board of county commissioners is ex officio the board of trustees pursuant to this subsection and which is authorized only to exercise the basic power of furnishing streets and alleys as provided in NRS 318.120 may overlap the territory of any district authorized to exercise any one or more other basic powers designated in this chapter.***

5. A board of county commissioners may exercise the options provided in subsections 1 ~~[, 2 and 3]~~ ***to 4, inclusive,*** by providing in the ordinance creating the district or in an ordinance thereafter adopted at any time that the board is ~~[,]~~ ex officio ~~[,]~~ the board of trustees of the district. The board of county commissioners shall, in the former case, be the board of trustees of the district when the ordinance creating the district becomes effective, or in the latter case, become the board of the district 30 days after the effective date of the ordinance adopted after the creation of the district. In the latter case within the 30-day period the county clerk shall promptly cause a copy of the ordinance to be:

(a) Filed in his office;

(b) Transmitted to the secretary of the district; and

(c) Filed in the Office of the Secretary of State without the payment of any fee and otherwise in the same manner as articles of incorporation are required to be filed under chapter 78 of NRS.

Sec. 2. This act becomes effective on July 1, 2007.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate Amendment No. 969 to Assembly Bill No. 373.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 439.

The following Senate amendment was read:

Amendment No. 807.

AN ACT relating to affordable housing; requiring **certain** cities and counties to adopt certain measures to implement a housing plan that is included in a master plan; **providing a procedure for reporting progress in maintaining and developing affordable housing, reviewing such reports and imposing penalties for lack of adequate progress;** amending the

definition of "affordable housing"; making various changes to the requirements for a master plan relating to affordable housing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires ~~[planning commissions to adopt]~~ **the adoption of a** master ~~[plans]~~ **plan in a county whose population is 400,000 or more (currently Clark County)** and ~~[sets forth the requirements for master plans. In certain counties, master plans are required to]~~ **requires that the master plan** include **a** housing ~~[plans, which must include, in part,]~~ **plan. If a master plan is adopted in a county whose population is 100,000 or more but less than 400,000 (currently Washoe County), the master plan is required to include a housing plan. Under existing law, such a housing plan is required to include** a plan for maintaining and developing affordable housing to meet the housing needs of the community. (NRS 278.150, 278.160)

Section ~~[1]~~ **1.3** of this bill requires the governing body of a city or county ~~[,]~~ **that is required to include a housing plan in its master plan,** in implementing a plan for maintaining and developing affordable housing to meet the housing needs of the community, to adopt at least ~~[three]~~ **6** of ~~[the following]~~ **12 specified** measures ~~[: (1) at the expense of the city or county, as applicable, subsidizing all or part of any impact fees and fees collected for the issuance of building permits; (2) selling land owned by the city or county to developers exclusively for the development of affordable housing at not more than 10 percent of its appraised value; (3) establishing a trust fund for affordable housing; or (4) establishing a process that expedites the approval of plans and specifications relating to maintaining and developing affordable housing. Section 1]~~ **relating to the maintenance and development of affordable housing in the jurisdiction. Sections 1.3 and 1.7** also: (1) ~~[requires]~~ **require such** cities and counties to report annually to the Housing Division of the Department of Business and Industry concerning how such measures assisted the city or county in maintaining and developing affordable housing; **(2) require the Interim Finance Committee to review those reports and, at the Committee's discretion, determine whether a city or county made adequate progress in maintaining and developing affordable housing during the reporting period;** and ~~[(2) authorizes]~~ **(3) authorize** the **Interim Finance Committee to recommend that the Housing** Division ~~[to]~~ impose a penalty against a city or county that does not make **such** adequate progress **.** ~~[in maintaining and developing affordable housing.]~~ Section 5 of this bill ~~[set]~~ **sets** forth the formula for determining the amount of any such penalty. **Pursuant to section 7 of this bill, the penalty provisions do not become effective until October 1, 2008, and therefore do not apply to the initial annual reports submitted to the Housing Division.**

~~[Existing]~~ **For purposes of the provisions governing land use planning that address affordable housing, existing** law defines "affordable housing"

to mean housing that is affordable for a family with a total gross income less than 110 percent of the median gross income for the county concerned, based upon estimates by the United States Department of Housing and Urban Development of the most current median gross family income for the county.

(NRS 278.0105) Section 2 of this bill ~~[amends]~~ **decreases the total gross income of a family that is used for determining whether housing is affordable in** the definition of "affordable housing" ~~[to mean housing that is affordable for a family with a total gross income that does not exceed 80 percent of the median gross income for the county concerned, based upon estimates by the United States Department of Housing and Urban Development of the most current median gross family income for the county.]~~ **from a total gross income that is less than 110 percent of the median gross income for the relevant county to a total gross income that does not exceed 80 percent of that median gross income, which thereby limits the scope of the provisions governing land use planning that address affordable housing.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.7 of this act.**

~~[Section 1.]~~ ***Sec. 1.3.*** ~~[Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:]~~

1. ~~[In]~~ If the governing body of a city or county is required to include a housing plan in its master plan pursuant to NRS 278.150, the governing body, in carrying out ~~[a]~~ the plan for maintaining and developing affordable housing to meet the housing needs of the community, which ~~[plan]~~ is required to be included in ~~[a master]~~ the housing plan pursuant to subparagraph (8) of paragraph (e) of subsection 1 of NRS 278.160, ~~[the governing body of a city or county must]~~ shall adopt at least ~~[three]~~ six of the following measures:

(a) At the expense of the city or county, as applicable, subsidizing in whole or in part impact fees and fees for the issuance of building permits collected pursuant to NRS 278.580.

(b) Selling land owned by the city or county, as applicable, to developers exclusively for the development of affordable housing at not more than 10 percent of the appraised value of the land ~~[.]~~ , and requiring that any such savings, subsidy or reduction in price be passed on to the purchaser of housing in such a development. Nothing in this paragraph authorizes a city or county to obtain land pursuant to the power of eminent domain for the purposes set forth in this paragraph.

(c) Donating land owned by the city or county to a nonprofit organization to be used for affordable housing.

(d) Leasing land by the city or county to be used for affordable housing.

(e) Requesting to purchase land owned by the Federal Government at a discounted price for the creation of affordable housing pursuant to the provisions of section 7(b) of the Southern Nevada Public Land Management Act of 1998, Public Law 105-263.

(f) Establishing a trust fund for affordable housing that must be used for the acquisition, construction or rehabilitation of affordable housing.

~~[(d)]~~ ***(g)*** Establishing a process that expedites the approval of plans and specifications relating to maintaining and developing affordable housing.

(h) Providing money, support or density bonuses for affordable housing developments that are financed, wholly or in part, with low-income housing tax credits, private activity bonds or money from a governmental entity for affordable housing, including, without limitation, money received pursuant to 12 U.S.C § 1701q and 42 U.S.C. § 8013.

(i) Providing financial incentives or density bonuses to promote appropriate transit-oriented housing developments that would include an affordable housing component.

(j) Offering density bonuses or other incentives to encourage the development of affordable housing.

(k) Providing direct financial assistance to qualified applicants for the purchase or rental of affordable housing.

(l) Providing money for supportive services necessary to enable persons with supportive housing needs to reside in affordable housing in accordance with a need for supportive housing identified in the 5-year consolidated plan adopted by the United States Department of Housing and Urban Development for the city or county pursuant to 42 U.S.C. § 12705 and described in 24 C.F.R. Part 91.

2. On or before January 15 of each year, the governing body shall submit to the Housing Division of the Department of Business and Industry a report, in the form prescribed by the Division, of how the measures adopted pursuant to subsection 1 assisted the city or county in maintaining and developing affordable housing to meet the needs of the community for the preceding year. The report must include an analysis of the need for affordable housing within the city or county that exists at the end of the reporting period.

~~*[3. On or before February 15 of each year, the Division shall determine, based on the report submitted pursuant to subsection 2, whether the city or county made adequate progress in maintaining and developing affordable housing to meet the housing needs of the community. The Division shall establish criteria for determining whether a city or county makes adequate progress in maintaining and developing affordable housing to meet the housing needs of the community.*~~

~~*4. If the Division determines pursuant to subsection 3 that a city or county has not made adequate progress in maintaining and developing affordable housing to meet the housing needs of the community :*~~

~~*(a) On or before February 21, the Division shall notify the governing body of the city or county and the Executive Director of the Department of Taxation that the Division is imposing a penalty against the city or county; and*~~

~~*(b) The Executive Director shall determine the amount of the penalty pursuant to section 5 of this act.*~~

~~*5. The governing body of a city or county against whom a penalty is imposed pursuant to subsection 4 may apply to the Division for an amount from the Account for Low-Income Housing created pursuant to NRS 319.500 that does not exceed the amount of the penalty determined by the Executive Director pursuant to section 5 of this act. Any money that the governing body receives pursuant to this subsection must be used exclusively for the purpose of maintaining and developing affordable housing in the community.]*~~

Sec. 1.7. 1. The Interim Finance Committee shall review the compilation of reports submitted by the Housing Division of the Department of Business and Industry pursuant to section 1.3 of this act and may determine, based on the pertinent report in the compilation, whether a city or county made adequate progress during the reporting period in maintaining and developing affordable housing to meet the housing needs of the community.

2. If the Interim Finance Committee determines pursuant to subsection 1 that a city or county has not made adequate progress in maintaining and developing affordable housing to meet the housing needs of the community, the Interim Finance Committee may recommend that the Housing Division impose a penalty against the city or county in an amount determined pursuant to section 5 of this act. If the Interim Finance Committee makes such a recommendation, the Housing Division shall the notify the governing body of the city or county and the Executive Director of the Department of Taxation that the Housing Division will be imposing a penalty against the city or county.

3. The governing body of a city or county against whom a penalty is imposed pursuant to subsection 2 may apply to the Housing Division for an amount from the Account for Low-Income Housing created pursuant to NRS 319.500 that does not exceed the amount of the penalty determined by the Executive Director of the Department of Taxation pursuant to section 5 of this act. Any money that the governing body receives pursuant to this subsection must be used exclusively for the purpose of maintaining and developing affordable housing in the community and must be reverted to the Account if it is not used for this purpose within 4 years after receipt.

Sec. 2. NRS 278.0105 is hereby amended to read as follows:

278.0105 "Affordable housing" means housing affordable for a family with a total gross income ~~[less than 110]~~ ***that does not exceed 80*** percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.

Sec. 3. NRS 278.160 is hereby amended to read as follows:

278.160 1. Except as otherwise provided in subsection 4 of NRS 278.150 and subsection 3 of NRS 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following subject matter or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) Community design. Standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(b) Conservation plan. For the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, solar or wind energy, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The plan must also indicate the maximum tolerable level of air pollution.

(c) Economic plan. Showing recommended schedules for the allocation and expenditure of public money in order to provide for the economical and timely execution of the various components of the plan.

(d) Historical properties preservation plan. An inventory of significant historical, archaeological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(e) Housing plan. The housing plan must include, without limitation:

(1) An inventory of housing conditions, needs and plans and procedures for improving housing standards and for providing adequate housing ~~[.]~~ ***to individuals and families in the community, regardless of income level.***

(2) An inventory of ***existing*** affordable housing in the community ~~[.]~~ ***, including, without limitation, housing that is available to rent or own, housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government, and housing that is accessible to persons with disabilities.***

(3) An analysis of ***projected growth and*** the demographic characteristics of the community.

(4) A determination of the present and prospective need for affordable housing in the community.

(5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.

(6) An analysis of the characteristics of the land that is ~~[the most appropriate for the construction of affordable housing.]~~ ***suitable for residential development. The analysis must include, without limitation:***

(I) A determination of whether the existing infrastructure is sufficient to sustain the current needs and projected growth of the community; and

(II) An inventory of available parcels that are suitable for residential development and any zoning, environmental and other land-use planning restrictions that affect such parcels.

(7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.

(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community ~~[.]~~ ***for a period of at least 5 years.***

(f) Land use plan. An inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan:

(1) Must address, if applicable, mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts.

(2) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.

(g) Population plan. An estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

(h) Public buildings. Showing locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

(i) Public services and facilities. Showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145.

(j) Recreation plan. Showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

(k) Rural neighborhoods preservation plan. In any county whose population is 400,000 or more, showing general plans to preserve the character and density of rural neighborhoods.

(l) Safety plan. In any county whose population is 400,000 or more, identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous

materials. The plan may set forth policies for avoiding or minimizing the risks from those hazards.

(m) School facilities plan. Showing the general locations of current and future school facilities based upon information furnished by the appropriate local school district.

(n) Seismic safety plan. Consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

(o) Solid waste disposal plan. Showing general plans for the disposal of solid waste.

(p) Streets and highways plan. Showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

(q) Transit plan. Showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.

(r) Transportation plan. Showing a comprehensive transportation system, including, without limitation, locations of rights-of-way, terminals, viaducts and grade separations. The plan may also include port, harbor, aviation and related facilities.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other subjects as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, ***and section ~~[1]~~ 1.3 of this act*** prohibits the preparation and adoption of any such subject as a part of the master plan.

Sec. 3.5. **NRS 218.6827 is hereby amended to read as follows:**

218.6827 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in regular or special session.

2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by subsection 5 of NRS 284.115, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, and 353.335, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 439.620, 439.630, 445B.830 and 538.650. In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results of their respective votes to the Chairman of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.

Sec. 4. NRS 319.510 is hereby amended to read as follows:

319.510 1. Money deposited in the Account for Low-Income Housing must be used:

(a) For the acquisition, construction or rehabilitation of housing for eligible families by public or private nonprofit charitable organizations, housing authorities or local governments through loans, grants or subsidies;

(b) To provide technical and financial assistance to public or private nonprofit charitable organizations, housing authorities and local governments for the acquisition, construction or rehabilitation of housing for eligible families;

(c) To provide funding for projects of public or private nonprofit charitable organizations, housing authorities or local governments that provide assistance to or guarantee the payment of rent or deposits as security for rent for eligible families, including homeless persons;

(d) To reimburse the Division for the costs of administering the Account; and

(e) In any other manner consistent with this section to assist eligible families in obtaining or keeping housing, including use as the State's contribution to facilitate the receipt of related federal money.

2. Except as otherwise provided in this subsection, the Division may expend money from the Account as reimbursement for the necessary costs of efficiently administering the Account and any money received pursuant to 42 U.S.C. §§ 12701 et seq. In no case may the Division expend more than $40,000 per year or an amount equal to 6 percent of any money made available to the State pursuant to 42 U.S.C. §§ 12701 et seq., whichever is greater. Of the remaining money allocated from the Account:

(a) Except as otherwise provided in subsection 3, 15 percent must be distributed to the Division of Welfare and Supportive Services of the Department of Health and Human Services for use in its program developed pursuant to 45 C.F.R. § 233.120 to provide emergency assistance to needy families with children, subject to the following:

(1) The Division of Welfare and Supportive Services shall adopt regulations governing the use of the money that are consistent with the provisions of this section.

(2) The money must be used solely for activities relating to low-income housing that are consistent with the provisions of this section.

(3) The money must be made available to families that have children and whose income is at or below the federally designated level signifying poverty.

(4) All money provided by the Federal Government to match the money distributed to the Division of Welfare and Supportive Services pursuant to this section must be expended for activities consistent with the provisions of this section.

(b) Eighty-five percent must be distributed to public or private nonprofit charitable organizations, housing authorities and local governments for the

acquisition, construction and rehabilitation of housing for eligible families, subject to the following:

(1) Priority must be given to those projects that qualify for the federal tax credit relating to low-income housing.

(2) Priority must be given to those projects that anticipate receiving federal money to match the state money distributed to them.

(3) Priority must be given to those projects that have the commitment of a local government to provide assistance to them.

(4) ~~[All]~~ ***Priority must be given to a local government that applies for and receives money pursuant to section ~~[1]~~ 1.7 of this act.***

(5) Except as otherwise provided in this subparagraph, all money must be used to benefit families whose income does not exceed 60 percent of the median income for families residing in the same county, as defined by the United States Department of Housing and Urban Development.

~~[(5)]~~ ***If a local government applies for and receives money pursuant to section ~~[1]~~ 1.7 of this act, the money must be used to benefit families whose income does not exceed 80 percent of the median income for families residing in the same county, as defined by the United States Department of Housing and Urban Development.***

(6) Not less than 15 percent of the units acquired, constructed or rehabilitated must be affordable to persons whose income is at or below the federally designated level signifying poverty. For the purposes of this subparagraph, a unit is affordable if a family does not have to pay more than 30 percent of its gross income for housing costs, including both utility and mortgage or rental costs.

~~[(6)]~~ ***(7)*** To be eligible to receive money pursuant to this paragraph, a project must be sponsored by a local government.

3. The Division may, pursuant to contract and in lieu of distributing money to the Division of Welfare and Supportive Services pursuant to paragraph (a) of subsection 2, distribute any amount of that money to private or public nonprofit entities for use consistent with the provisions of this section.

Sec. 5. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If , upon the recommendation of the Interim Finance Committee pursuant to section 1.7 of this act, the Housing Division of the Department of Business and Industry imposes a penalty against a city or county , ~~[pursuant to section 1 of this act,]~~ the Executive Director shall : ~~[, on or before March 1 of the year in which the penalty is imposed:]~~

(a) Determine the amount of the penalty by determining the total amount of the real property transfer tax described in paragraph (a) of subsection 1 of NRS 375.070 which is attributable to the city or county for the preceding fiscal year; and

(b) Report the amount determined pursuant to paragraph (a) to the State Treasurer and the city or county.

2. For the fiscal year beginning on July 1 of the year in which the penalty is imposed, the State Treasurer shall:

(a) Subtract one-twelfth of the amount of the penalty that is determined by the Executive Director pursuant to subsection 1 from the amount remitted monthly to the city or county pursuant to NRS 360.690; or

(b) If the city or county has entered into a cooperative agreement pursuant to NRS 360.730, collect, on a monthly basis, one-twelfth of the amount of the penalty that is determined by the Executive Director pursuant to subsection 1 from the city or county,

➥ and deposit that amount into the Account for Low-Income Housing established pursuant to NRS 319.500.

Sec. 6. NRS 704.848 is hereby amended to read as follows:

704.848 1. "Other permitting entity" means any state or local entity:

(a) That is responsible for the enforcement of environmental laws and whose approval is required for the construction of a utility facility, including, without limitation, the State Environmental Commission, the State Department of Conservation and Natural Resources and a local air pollution control board; or

(b) Whose approval is required for granting any variance, special use permit, conditional use permit or other special exception under NRS 278.010 to 278.319, inclusive, ***and section ~~[1]~~ 1.3 of this act,*** or 278.640 to 278.675, inclusive, or any regulation or ordinance adopted pursuant thereto, that is required for the construction of a utility facility.

2. The term does not include the Commission or the State Engineer.

Sec. 7. **1. This section and sections 1, 1.3, 2, 3 and 6 of this act become effective on October 1, 2007.**

2. Sections 1.7, 3.5, 4 and 5 of this act become effective on October 1, 2008.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate Amendment No. 807 to Assembly Bill No. 439.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

The following Senate amendment was read:

Amendment No. 1004.

AN ACT relating to affordable housing; requiring certain cities and counties to adopt certain measures to implement a housing plan that is included in a master plan ~~[; providing a procedure for reporting]~~ **and to report their** progress in maintaining and developing affordable housing **;** ~~[, reviewing such reports and imposing penalties for lack of adequate progress;]~~ amending the definition of "affordable housing"; making various changes to the requirements for a master plan relating to affordable housing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the adoption of a master plan in a county whose population is 400,000 or more (currently Clark County) and requires that the

master plan include a housing plan. If a master plan is adopted in a county whose population is 100,000 or more but less than 400,000 (currently Washoe County), the master plan is required to include a housing plan. Under existing law, such a housing plan is required to include a plan for maintaining and developing affordable housing to meet the housing needs of the community. (NRS 278.150, 278.160)

Section 1.3 of this bill requires the governing body of a city or county that is required to include a housing plan in its master plan, in implementing a plan for maintaining and developing affordable housing to meet the housing needs of the community, to adopt at least 6 of 12 specified measures relating to the maintenance and development of affordable housing in the jurisdiction. ~~[Sections]~~ **Section** 1.3 ~~[and 1.7]~~ also ~~[: (1) require]~~ **requires** such cities and counties to report annually to the Housing Division of the Department of Business and Industry concerning how such measures assisted the city or county in maintaining and developing affordable housing **.** ~~[, (2) require the Interim Finance Committee to review those reports and, at the Committee's discretion, determine whether a city or county made adequate progress in maintaining and developing affordable housing during the reporting period; and (3) authorize the Interim Finance Committee to recommend that the Housing Division impose a penalty against a city or county that does not make such adequate progress. Section 5 of this bill sets forth the formula for determining the amount of any such penalty. Pursuant to section 7 of this bill, the penalty provisions do not become effective until October 1, 2008, and therefore do not apply to the initial annual reports submitted to the Housing Division.]~~ **The Housing Division is required to submit a compilation of the reports to the Legislature, or to the Legislative Commission if the Legislature is not in session.**

For purposes of the provisions governing land use planning that address affordable housing, existing law defines "affordable housing" to mean housing that is affordable for a family with a total gross income less than 110 percent of the median gross income for the county concerned, based upon estimates by the United States Department of Housing and Urban Development of the most current median gross family income for the county. (NRS 278.0105) Section 2 of this bill decreases the total gross income of a family that is used for determining whether housing is affordable in the definition of "affordable housing" from a total gross income that is less than 110 percent of the median gross income for the relevant county to a total gross income that does not exceed 80 percent of that median gross income, which thereby limits the scope of the provisions governing land use planning that address affordable housing.

Existing law sets forth the subject matters of a master plan. (NRS 278.160) Section 3 of this bill revises the contents of the housing plan portion of a master plan.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.7 of this act.

Sec. 1.3. ***1. If the governing body of a city or county is required to include a housing plan in its master plan pursuant to NRS 278.150, the governing body, in carrying out the plan for maintaining and developing affordable housing to meet the housing needs of the community, which is required to be included in the housing plan pursuant to subparagraph (8) of paragraph (e) of subsection 1 of NRS 278.160, shall adopt at least six of the following measures:***

(a) At the expense of the city or county, as applicable, subsidizing in whole or in part impact fees and fees for the issuance of building permits collected pursuant to NRS 278.580.

(b) Selling land owned by the city or county, as applicable, to developers exclusively for the development of affordable housing at not more than 10 percent of the appraised value of the land, and requiring that any such savings, subsidy or reduction in price be passed on to the purchaser of housing in such a development. Nothing in this paragraph authorizes a city or county to obtain land pursuant to the power of eminent domain for the purposes set forth in this paragraph.

(c) Donating land owned by the city or county to a nonprofit organization to be used for affordable housing.

(d) Leasing land by the city or county to be used for affordable housing.

(e) Requesting to purchase land owned by the Federal Government at a discounted price for the creation of affordable housing pursuant to the provisions of section 7(b) of the Southern Nevada Public Land Management Act of 1998, Public Law 105-263.

(f) Establishing a trust fund for affordable housing that must be used for the acquisition, construction or rehabilitation of affordable housing.

(g) Establishing a process that expedites the approval of plans and specifications relating to maintaining and developing affordable housing.

(h) Providing money, support or density bonuses for affordable housing developments that are financed, wholly or in part, with low-income housing tax credits, private activity bonds or money from a governmental entity for affordable housing, including, without limitation, money received pursuant to 12 U.S.C § 1701q and 42 U.S.C. § 8013.

(i) Providing financial incentives or density bonuses to promote appropriate transit-oriented housing developments that would include an affordable housing component.

(j) Offering density bonuses or other incentives to encourage the development of affordable housing.

(k) Providing direct financial assistance to qualified applicants for the purchase or rental of affordable housing.

(l) Providing money for supportive services necessary to enable persons with supportive housing needs to reside in affordable housing in accordance with a need for supportive housing identified in the 5-year consolidated plan adopted by the United States Department of Housing and Urban Development for the city or county pursuant to 42 U.S.C. § 12705 and described in 24 C.F.R. Part 91.

2. On or before January 15 of each year, the governing body shall submit to the Housing Division of the Department of Business and Industry a report, in the form prescribed by the Division, of how the measures adopted pursuant to subsection 1 assisted the city or county in maintaining and developing affordable housing to meet the needs of the community for the preceding year. The report must include an analysis of the need for affordable housing within the city or county that exists at the end of the reporting period.

3. On or before February 15 of each year, the Housing Division shall compile the reports submitted pursuant to subsection 2 and transmit the compilation to the ~~[Interim Finance Committee.]~~ Legislature, or the Legislative Commission if the Legislature is not in regular session.

Sec. 1.7. ~~*[1. The Interim Finance Committee shall review the compilation of reports submitted by the Housing Division of the Department of Business and Industry pursuant to section 1.3 of this act and may determine, based on the pertinent report in the compilation, whether a city or county made adequate progress during the reporting period in maintaining and developing affordable housing to meet the housing needs of the community.*~~

~~*2. If the Interim Finance Committee determines pursuant to subsection 1 that a city or county has not made adequate progress in maintaining and developing affordable housing to meet the housing needs of the community, the Interim Finance Committee may recommend that the Housing Division impose a penalty against the city or county in an amount determined pursuant to section 5 of this act. If the Interim Finance Committee makes such a recommendation, the Housing Division shall notify the governing body of the city or county and the Executive Director of the Department of Taxation that the Housing Division will be imposing a penalty against the city or county.*~~

~~*3. The governing body of a city or county against whom a penalty is imposed pursuant to subsection 2 may apply to the Housing Division for an amount from the Account for Low-Income Housing created pursuant to NRS 319.500 that does not exceed the amount of the penalty determined by the Executive Director of the Department of Taxation pursuant to section 5 of this act. Any money that the governing body receives pursuant to this subsection must be used exclusively for the purpose of maintaining and developing affordable housing in the community and must be reverted to the Account if it is not used for this purpose within 4 years after receipt.]*~~

(Deleted by amendment.)

Sec. 2. NRS 278.0105 is hereby amended to read as follows:

278.0105 "Affordable housing" means housing affordable for a family with a total gross income ~~[less than 110]~~ ***that does not exceed 80*** percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.

Sec. 3. NRS 278.160 is hereby amended to read as follows:

278.160 1. Except as otherwise provided in subsection 4 of NRS 278.150 and subsection 3 of NRS 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following subject matter or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) Community design. Standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(b) Conservation plan. For the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, solar or wind energy, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The plan must also indicate the maximum tolerable level of air pollution.

(c) Economic plan. Showing recommended schedules for the allocation and expenditure of public money in order to provide for the economical and timely execution of the various components of the plan.

(d) Historical properties preservation plan. An inventory of significant historical, archaeological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(e) Housing plan. The housing plan must include, without limitation:

(1) An inventory of housing conditions, needs and plans and procedures for improving housing standards and for providing adequate housing ~~[.]~~ ***to individuals and families in the community, regardless of income level.***

(2) An inventory of ***existing*** affordable housing in the community ~~[.]~~ ***, including, without limitation, housing that is available to rent or own, housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government, and housing that is accessible to persons with disabilities.***

(3) An analysis of ***projected growth and*** the demographic characteristics of the community.

(4) A determination of the present and prospective need for affordable housing in the community.

(5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.

(6) An analysis of the characteristics of the land that is ~~[the most appropriate for the construction of affordable housing.]~~ ***suitable for residential development. The analysis must include, without limitation:***

(I) A determination of whether the existing infrastructure is sufficient to sustain the current needs and projected growth of the community; and

(II) An inventory of available parcels that are suitable for residential development and any zoning, environmental and other land-use planning restrictions that affect such parcels.

(7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.

(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community ~~[.]~~ ***for a period of at least 5 years.***

(f) Land use plan. An inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan:

(1) Must address, if applicable, mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts.

(2) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.

(g) Population plan. An estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

(h) Public buildings. Showing locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

(i) Public services and facilities. Showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145.

(j) Recreation plan. Showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

(k) Rural neighborhoods preservation plan. In any county whose population is 400,000 or more, showing general plans to preserve the character and density of rural neighborhoods.

(l) Safety plan. In any county whose population is 400,000 or more, identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The plan may set forth policies for avoiding or minimizing the risks from those hazards.

(m) School facilities plan. Showing the general locations of current and future school facilities based upon information furnished by the appropriate local school district.

(n) Seismic safety plan. Consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

(o) Solid waste disposal plan. Showing general plans for the disposal of solid waste.

(p) Streets and highways plan. Showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

(q) Transit plan. Showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.

(r) Transportation plan. Showing a comprehensive transportation system, including, without limitation, locations of rights-of-way, terminals, viaducts and grade separations. The plan may also include port, harbor, aviation and related facilities.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other subjects as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, ***and section 1.3 of this act*** prohibits the preparation and adoption of any such subject as a part of the master plan.

Sec. 3.5. ~~[NRS 218.6827 is hereby amended to read as follows:~~

~~218.6827—1.—Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in regular or special session.~~

~~2.—During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by subsection 5 of NRS 284.115, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, and 353.335, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 439.620, 439.630, 445B.830 and 538.650.~~

~~In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results of their respective votes to the Chairman of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 319.510 is hereby amended to read as follows:~~

~~319.510 1. Money deposited in the Account for Low Income Housing must be used:~~

~~(a) For the acquisition, construction or rehabilitation of housing for eligible families by public or private nonprofit charitable organizations, housing authorities or local governments through loans, grants or subsidies;~~

~~(b) To provide technical and financial assistance to public or private nonprofit charitable organizations, housing authorities and local governments for the acquisition, construction or rehabilitation of housing for eligible families;~~

~~(c) To provide funding for projects of public or private nonprofit charitable organizations, housing authorities or local governments that provide assistance to or guarantee the payment of rent or deposits as security for rent for eligible families, including homeless persons;~~

~~(d) To reimburse the Division for the costs of administering the Account; and~~

~~(e) In any other manner consistent with this section to assist eligible families in obtaining or keeping housing, including use as the State's contribution to facilitate the receipt of related federal money.~~

~~2. Except as otherwise provided in this subsection, the Division may expend money from the Account as reimbursement for the necessary costs of efficiently administering the Account and any money received pursuant to 42 U.S.C. §§ 12701 et seq. In no case may the Division expend more than $40,000 per year or an amount equal to 6 percent of any money made available to the State pursuant to 42 U.S.C. §§ 12701 et seq., whichever is greater. Of the remaining money allocated from the Account:~~

~~(a) Except as otherwise provided in subsection 3, 15 percent must be distributed to the Division of Welfare and Supportive Services of the Department of Health and Human Services for use in its program developed pursuant to 45 C.F.R. § 233.120 to provide emergency assistance to needy families with children, subject to the following:~~

~~(1) The Division of Welfare and Supportive Services shall adopt regulations governing the use of the money that are consistent with the provisions of this section.~~

~~(2) The money must be used solely for activities relating to low income housing that are consistent with the provisions of this section.~~

~~(3) The money must be made available to families that have children and whose income is at or below the federally designated level signifying poverty.~~

~~(4) All money provided by the Federal Government to match the money distributed to the Division of Welfare and Supportive Services pursuant to this section must be expended for activities consistent with the provisions of this section.~~

~~(b) Eighty-five percent must be distributed to public or private nonprofit charitable organizations, housing authorities and local governments for the acquisition, construction and rehabilitation of housing for eligible families, subject to the following:~~

~~(1) Priority must be given to those projects that qualify for the federal tax credit relating to low-income housing.~~

~~(2) Priority must be given to those projects that anticipate receiving federal money to match the state money distributed to them.~~

~~(3) Priority must be given to those projects that have the commitment of a local government to provide assistance to them.~~

~~(4)~~ [All] ~~*Priority must be given to a local government that applies for and receives money pursuant to section 1.7 of this act.*~~

~~*(5) Except as otherwise provided in this subparagraph, all* money must be used to benefit families whose income does not exceed 60 percent of the median income for families residing in the same county, as defined by the United States Department of Housing and Urban Development.~~

[(5)] ~~*If a local government applies for and receives money pursuant to section 1.7 of this act, the money must be used to benefit families whose income does not exceed 80 percent of the median income for families residing in the same county, as defined by the United States Department of Housing and Urban Development.*~~

~~*(6)* Not less than 15 percent of the units acquired, constructed or rehabilitated must be affordable to persons whose income is at or below the federally designated level signifying poverty. For the purposes of this subparagraph, a unit is affordable if a family does not have to pay more than 30 percent of its gross income for housing costs, including both utility and mortgage or rental costs.~~

[(6)] ~~*(7)* To be eligible to receive money pursuant to this paragraph, a project must be sponsored by a local government.~~

~~3. The Division may, pursuant to contract and in lieu of distributing money to the Division of Welfare and Supportive Services pursuant to paragraph (a) of subsection 2, distribute any amount of that money to private or public nonprofit entities for use consistent with the provisions of this section.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. If, upon the recommendation of the Interim Finance Committee pursuant to section 1.7 of this act, the Housing Division of the Department of Business and Industry imposes a penalty against a city or county, the Executive Director shall:*~~

~~*(a) Determine the amount of the penalty by determining the total amount of the real property transfer tax described in paragraph (a) of subsection 1 of NRS 375.070 which is attributable to the city or county for the preceding fiscal year; and*~~

~~*(b) Report the amount determined pursuant to paragraph (a) to the State Treasurer and the city or county.*~~

~~*2. For the fiscal year beginning on July 1 of the year in which the penalty is imposed, the State Treasurer shall:*~~

~~*(a) Subtract one-twelfth of the amount of the penalty that is determined by the Executive Director pursuant to subsection 1 from the amount remitted monthly to the city or county pursuant to NRS 360.690; or*~~

~~*(b) If the city or county has entered into a cooperative agreement pursuant to NRS 360.730, collect, on a monthly basis, one twelfth of the amount of the penalty that is determined by the Executive Director pursuant to subsection 1 from the city or county,*~~

~~*↦ and deposit that amount into the Account for Low Income Housing established pursuant to NRS 319.500.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 704.848 is hereby amended to read as follows:~~

~~704.848 1. "Other permitting entity" means any state or local entity:~~

~~(a) That is responsible for the enforcement of environmental laws and whose approval is required for the construction of a utility facility, including, without limitation, the State Environmental Commission, the State Department of Conservation and Natural Resources and a local air pollution control board; or~~

~~(b) Whose approval is required for granting any variance, special use permit, conditional use permit or other special exception under NRS 278.010 to 278.319, inclusive, *and section 1.3 of this act*, or 278.640 to 278.675, inclusive, or any regulation or ordinance adopted pursuant thereto, that is required for the construction of a utility facility.~~

~~2. The term does not include the Commission or the State Engineer.]~~ **(Deleted by amendment.)**

Sec. 7. ~~[1. This section and sections 1, 1.3, 2, 3 and 6 of this act become effective on October 1, 2007.~~

~~2. Sections 1.7, 3.5, 4 and 5 of this act become effective on October 1, 2008.]~~ **(Deleted by amendment.)**

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate Amendment No. 1004 to Assembly Bill No. 439.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 296.

The following Senate amendment was read:

Amendment No. 1019.

SUMMARY— ~~[Expresses the sense of the Legislature]~~ **Enacts provisions** concerning the temporary conversion of certain water rights. (BDR 48-978)

AN ACT relating to water; expressing the sense of the Legislature as to the policy of this State concerning the temporary conversion of certain water rights for certain ecological purposes; **setting forth the requirements for carrying out such a temporary conversion;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill **: (1)** provides that it is the policy of the State of Nevada to allow the temporary conversion of certain agricultural water rights for wildlife purposes or to improve the quality or flow of water ~~[.]~~ **; and (2) sets forth the requirements for carrying out such a temporary conversion.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 533 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Legislature hereby finds and declares that it is the policy of this State to allow the temporary conversion of agricultural water rights for wildlife purposes or to improve the quality or flow of water.

2. If a person or entity proposes to temporarily convert agricultural water rights for wildlife purposes or to improve the quality or flow of water, such temporary conversion:

(a) Must not be carried out unless the person or entity first applies for and receives from the State Engineer any necessary permits or approvals required pursuant to:

(1) The provisions of this chapter; and

(2) Any applicable decisions, orders, procedures and regulations of the State Engineer.

(b) Except as otherwise provided in this paragraph, must not exceed 3 years in duration. A temporary conversion of agricultural water rights for wildlife purposes or to improve the quality or flow of water may be extended in increments not to exceed 3 years in duration each, provided that the person or entity seeking the extension first applies for and receives from the State Engineer any necessary permits or approvals, as described in paragraph (a).

Sec. 2. (Deleted by amendment.)

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate amendment to Assembly Bill No. 296.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 514.

The following Senate amendment was read:

Amendment No. 883.

AN ACT relating to the City of Las Vegas; making various changes to the powers of the City Council; making various other changes to the Charter of the City of Las Vegas; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that the City Council of the City of Las Vegas has the power to adopt necessary and proper ordinances for the development and provision of affordable housing ~~[.]~~ **, but prohibits the imposition or increase of a tax by the City Council for those purposes unless otherwise authorized by specific statute.**

~~[Section 2 of this bill authorizes the City Council to establish a salary commission with the authority to fix the salaries of the Mayor and City Councilmen, the members of which are to be appointed by the Majority Leader of the Senate and the Speaker of the Assembly.]~~

Section 3 of this bill provides that the City Council has the power to adopt necessary and proper ordinances for the development and provision of employment and training programs ~~[.]~~ **, but prohibits the imposition or increase of a tax by the City Council for those purposes unless otherwise authorized by specific statute.**

Section 4 of this bill provides for the appointment of Hearing Commissioners by the City Council to hear and decide certain misdemeanor actions.

~~[Section 5 of this bill extends the time that the City Council has to fill vacancies in the office of Mayor, Councilman or Municipal Judge from 30 to 60 days.]~~

Section 8 of this bill amends the time by which a proposed ordinance must be adopted or rejected by the City Council from 30 days to 60 days. **(Las Vegas City Charter § 2.110)**

Section 9 of this bill authorizes the City Council to adopt an alternative procedure for a person to appeal the denial, suspension or revocation of a work permit or **an** identification card. **(Las Vegas City Charter § 2.130)**

Section 11 of this bill authorizes the Director of Financial Management of the City to serve as the City Treasurer ~~[.]~~ **if appropriate internal accounting controls are maintained. (Las Vegas City Charter § 3.150)**

Section 12 of this bill removes the requirement that the Director of Public Services be a licensed professional engineer. **(Las Vegas City Charter § 3.190)**

Existing law provides that a Master Judge must be selected on the basis of seniority. (Las Vegas City Charter § 4.020) Section 13 of this bill provides that the Municipal Judges shall elect the Master Judge from among their own number to serve for a 2-year term. In the event of a tie vote, the tie is to be decided by the drawing of lots.

Section 14 of this bill provides that the City Council may determine that the System of Civil Service must be administered by a Board of Civil Service Trustees. **(Las Vegas City Charter § 10.010)**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, is hereby amended by adding thereto a new section to be designated as section 2.145, immediately following section 2.140, to read as follows:

Sec. 2.145 Powers of City Council: Affordable Housing. ~~*[In]*~~

1. Except as otherwise provided in subsection 2 and in addition to any other powers authorized by specific statute, the City Council may exercise such powers and enact such ordinances, not in conflict with the laws of this State, as the City Council determines are necessary and proper for the development and provision of affordable housing.

2. The City Council shall not impose or increase a tax for the purposes set forth in subsection 1 unless the tax or increase is otherwise authorized by specific statute.

Sec. 2. ~~[The Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, is hereby amended by adding thereto a new section to be designated as section 2.340, immediately following section 2.330, to read as follows:~~

~~*Sec. 2.340 Powers of City Council: Salaries of Mayor and Councilmen.*~~

~~*1. The City Council may by ordinance or resolution establish an independent salary commission to fix the salaries of the Mayor and the Councilmen. Such ordinance or resolution must include, without limitation, the terms of office of the members of the salary commission. If the City Council establishes a salary commission by ordinance or resolution, it shall provide written notice of that fact to:*~~

~~*(a) The Majority Leader of the Senate; and*~~

~~*(b) The Speaker of the Assembly.*~~

~~*2. If a salary commission is established pursuant to subsection 1, the Majority Leader of the Senate and the Speaker of the Assembly, within 60 days after receiving the written notice described in that subsection, shall jointly appoint to the salary commission a total of seven members, one of whom must be a member at large and six of whom must represent the different wards into which the City is divided. Each of the six members representing one of the wards into which the City is divided must be a person who:*~~

~~*(a) Resides within the ward which he represents;*~~

~~*(b) Is not a member of the household of the Councilman who represents that ward;*~~

~~*(c) Is not related by blood, adoption or marriage within the third degree of consanguinity or affinity to the Councilman who represents that ward; and*~~

~~*(d) Does not have a substantial and continuing business relationship with either the City or the Councilman who represents that ward.*~~

~~*3. A member must be appointed on the basis of his education, training, experience and demonstrated abilities. Of the total of the seven members appointed to the salary commission:*~~

~~*(a) One member must be affiliated with an organization representing the interests of businesses;*~~

~~*(b) One member must be affiliated with an organization representing the interests of taxpayers;*~~

~~*(c) One member must be affiliated with an organization representing the interests of the development community;*~~

~~*(d) One member must have expertise in human resource management;*~~

~~*(e) One member must have expertise in finance; and*~~

~~*(f) Two members must be representative of the general public.*~~

~~*4. Members of the salary commission:*~~

~~*(a) Serve without compensation; and*~~

~~*(b) May, upon written request, receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the business of the salary commission.*~~

~~*5. The salary commission must meet at least once every 5 years.*~~

~~*6. The salary commission is entitled to such staff or employees of the City as is necessary to assist in the performance of the duties of the salary commission that are set forth in subsection 7.*~~

~~*7. In setting the salaries of the Mayor and Councilmen, the salary commission shall conduct at least one public hearing and consider the following:*~~

~~*(a) The amount of work performed by the Mayor or Councilmen in representing their constituents, based upon the population and geographical size of the area that the Mayor or Councilmen represent.*~~

~~*(b) The amount of time dedicated by the Mayor or Councilmen in representing their constituents.*~~

~~*(c) The projected population growth of the City.*~~

~~*(d) Existing compensation levels for comparable positions in other geographic locations.*~~

~~*(e) The current and projected financial conditions of the City.*~~

~~*(f) Any other condition or factor that the salary commission determines is relevant to fixing the salaries of the Mayor or the Councilmen.]*~~ **(Deleted by amendment.)**

Sec. 3. The Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, is hereby amended by adding thereto a new section to be designated as section 3.300, immediately following section 3.290, to read as follows:

Sec. 3.300 Programs: Employment and Training. ~~*[In]*~~

1. Except as otherwise provided in subsection 2 and in addition to any other powers authorized by specific statute, the City Council may exercise

such powers and enact such ordinances, not in conflict with the laws of this State, as the City Council determines are necessary and proper for the development and provision of programs relating to employment and training.

2. The City Council shall not impose or increase a tax for the purposes set forth in subsection 1 unless the tax or increase is otherwise authorized by specific statute.

Sec. 4. The Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, is hereby amended by adding thereto a new section to be designated as section 4.040, immediately following section 4.030, to read as follows:

Sec. 4.040 Hearing Commissioners.

1. The City Council may appoint one or more Hearing Commissioners to hear and decide:

(a) Any action for a misdemeanor constituting a violation of chapter 484 of NRS, except NRS 484.379; and

(b) Any action for a misdemeanor constituting a violation of the Las Vegas Municipal Code, except chapter 11.14 of that Code.

2. Each Hearing Commissioner must:

(a) Be a duly licensed member, in good standing, of the State Bar of Nevada;

(b) Be a resident of the State;

(c) Be a qualified elector in the City;

(d) Have been a bona fide resident of the City for not less than 1 year next preceding his appointment; and

(e) Not have ever been removed or retired from any judicial office by the Commission on Judicial Discipline.

3. In connection with any action of a type described in subsection 1, a Hearing Commissioner has all the powers and duties of a Municipal Judge and a magistrate pursuant to the laws of this State. To the extent possible and practicable, the proceedings in such actions must be subject to and governed by the provisions of the laws of this State, this Charter and city ordinances pertaining to Municipal Judges.

4. Hearing Commissioners shall receive such compensation as may be allowed by the City Council.

Sec. 5. Section 1.160 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 515, Statutes of Nevada 1997, at page 2451, is hereby amended to read as follows:

Sec. 1.160 Elective Offices: Vacancies.

1. A vacancy in the office of Mayor, Councilman or Municipal Judge must be filled by the majority vote of the entire City Council within 30 ~~*[60]*~~ days after the occurrence of that vacancy. A person may be selected to fill a prospective vacancy ~~[in the City Council]~~ before the vacancy occurs. In such a case, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any

action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official ~~[.]~~ ***, including, without limitation, any applicable residency requirement.***

2. No appointment extends beyond the first regular meeting of the City Council that follows the next general municipal election, at that election the office must be filled for the remainder of the unexpired term, or beyond the first regular meeting of the City Council after the Tuesday after the first Monday in the next succeeding June in an odd-numbered year, if no general municipal election is held in that year.

Sec. 6. ~~[Section 2.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1394, is hereby amended to read as follows:~~

~~Sec. 2.020 Mayor and Councilmen: Qualifications; terms of office; salary.~~

~~1. The Mayor must be a qualified elector who has resided within the territory which is established by the boundaries of the City for a period of not less than 30 days immediately before the last day for filing a declaration of candidacy for that office and be elected by the registered voters of the City at large.~~

~~2. Each Councilman must be a qualified elector who has resided within the ward which he represents for a period of not less than 30 days immediately before the last day for filing a declaration of candidacy for his office and be elected by the registered voters of that ward.~~

~~3. The Mayor or any Councilman automatically forfeits the remainder of his term of office and that office becomes vacant if he ceases to be a resident of the City or of the ward which he represents, as the case may be.~~

~~4. [The] *Except as otherwise provided in section 2 of this act, the* respective salaries of the Mayor and Councilmen must be fixed by ordinance.]~~ **(Deleted by amendment.)**

Sec. 7. Section 2.040 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1394, is hereby amended to read as follows:

Sec. 2.040 Mayor and Councilmen not to hold other office.

1. The Mayor and Councilmen may not:

(a) Hold any other elective office of the State or any political subdivision of the State or any other employment with the County or the City, except as is provided by law or as a member of a board or commission for which no compensation is received.

(b) Be ~~[elected or]~~ appointed to any office which was created, or the compensation for which was increased or fixed, by the City Council until 1 year after the expiration of the term for which the Mayor or Councilman was elected or appointed.

2. Any person who ~~[accepts any office which is proscribed by]~~ ***violates the provisions of*** subsection 1 automatically forfeits his office as Mayor or Councilman.

Sec. 8. Section 2.110 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 568, Statutes of Nevada 1991, at page 1882, is hereby amended to read as follows:

Sec. 2.110 Ordinances: Procedure for enactment; emergency ordinances.

1. All proposed ordinances, when they are first proposed, must be read to the City Council by title and ***may be*** referred for consideration to a committee which is composed of any number of members of the City Council who are designated by the Mayor, after which an adequate number of copies of the proposed ordinance must be deposited with the City Clerk for public examination and distribution upon request. Except as otherwise provided in subsection 3 and for the adoption of specialized or uniform codes, notice of the deposit must be published once at least 10 days before the adoption of the ordinance. The City Council must adopt or reject the ordinance, or an amendment thereto, within ~~[30]~~ ***60*** days after the date of that publication. ***A committee described in this subsection shall meet as often as is reasonably necessary but not less frequently than once each calendar quarter.***

2. ~~[At the first regular meeting of the City Council, or any adjournment of that meeting, after the proposal of an ordinance and its reference to a committee, the committee must report to the City Council with respect to the proposed ordinance, at which time the committee may request additional time to consider it. The committee must complete its additional consideration of the proposed ordinance and report its recommendations to the board with the 30-day period which is specified in subsection 1. After a recommendation by the committee for the adoption of the proposed ordinance, the]~~ ***Following the first reading by title, an ordinance that has been referred pursuant to subsection 1 must be considered by the committee. Such committee must report its recommendations, if any, to the City Council. Regardless of whether a*** proposed ordinance ***is referred to a committee pursuant to subsection 1, it*** must be read by title as first introduced, or as amended, and finally voted upon or action thereon postponed, but the proposed ordinance must be adopted, with or without amendments, or rejected within ~~[30]~~ ***60*** days after the date of the publication which is provided for in subsection 1.

3. In cases of emergency or where the ordinance is of a kind whose enactment as if an emergency existed is permitted by a provision of NRS or section 7.020 or 8.210 of this Charter, final action, upon the unanimous vote of the entire City Council, may be taken immediately or at a special meeting which has been called for that purpose, and no notice of the filing of copies of the proposed ordinance with the City Clerk need be published.

4. Each ordinance must be signed by the Mayor, attested by the City Clerk and published at least once by title, together with the names of the members of the City Council who voted for or against its adoption, and the ordinance becomes effective on the day after that publication. The City Council may, by majority vote, order the publication of the ordinance in full in lieu of publication by title only.

5. The City Clerk shall record all ordinances which have been adopted in a register which is kept for that purpose, together with the affidavits of publication by the publisher.

Sec. 9. Section 2.130 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1398, is hereby amended to read as follows:

Sec. 2.130 Powers of City Council: Denial, suspension or revocation of work permit; appeal to City Council ~~[.]~~ ***; alternative procedure established by City Council.*** Whenever under any city ordinance a person is required to obtain a work permit or an identification card from the Sheriff of the Las Vegas Metropolitan Police Department or any City officer as a condition of employment in any establishment which has been determined to be privileged by the City Council and licensed by the City, and his work permit or identification card is denied, suspended or revoked by the Sheriff or City officer, the person aggrieved may ~~[appeal from that action]~~ [to] ~~*[:*~~

~~*1. To the City Council]*~~ **,** by filing a written notice of appeal with the City Clerk within 10 days after the date of the denial, suspension or revocation of his work permit or identification card ~~[.]~~ ~~*[; or*~~

~~*2. To any judicial or]*~~ ***, appeal from that action to:***

(a) The City Council, unless the City Council has designated an administrative body pursuant to paragraph (b); or

(b) Any administrative body that the City Council has designated to hear such appeals. If such an administrative body denies a person's appeal, the person may appeal to the City Council.

Sec. 10. (Deleted by amendment.)

Sec. 11. Section 3.150 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1409, is hereby amended to read as follows:

Sec. 3.150 City Treasurer: Duties.

1. The Director of Financial Management may ***serve as the City Treasurer if appropriate internal accounting controls are maintained or may*** recommend ***a City Treasurer*** for appointment by the City Manager **.** ~~[a City Treasurer.]~~

2. The City Treasurer:

(a) Shall perform such duties as may be designated by the Director of Financial Management or prescribed by ordinance.

(b) Must provide a surety bond in the amount which is fixed by the City Council.

Sec. 12. Section 3.190 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1410, is hereby amended to read as follows:

Sec. 3.190 Director of Public Services: Qualifications. The Director of Public Services must ~~[be a licensed professional engineer in the State and]~~ have such ~~[other]~~ qualifications as may be prescribed by ordinance.

Sec. 13. Section 4.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 127, Statutes of Nevada 1989, at page 283, is hereby amended to read as follows:

Sec. 4.020 Municipal Court: Qualifications of Municipal Judges; salary; Master Judge; departments; Alternate Judges.

1. Each Municipal Judge shall devote his full time to the duties of his office and must be:

(a) A duly licensed member, in good standing, of the State Bar of Nevada, but this qualification does not apply to any Municipal Judge who is an incumbent when this Charter becomes effective as long as he continues to serve as such in uninterrupted terms.

(b) A qualified elector who has resided within the territory which is established by the boundaries of the City for a period of not less than 30 days immediately before the last day for filing a declaration of candidacy for the department for which he is a candidate.

(c) Voted upon by the registered voters of the City at large.

2. The salary of the Municipal Judges must be fixed by ordinance and be uniform for all departments of the Municipal Court. The salary may be increased during the terms for which the Judges are elected or appointed.

3. ~~[The Municipal Judge who holds seniority in years of service in office, either elected or appointed, is the Master Judge. If two or more Judges are equal in seniority, the]~~ ***The Municipal Judges of the six departments shall elect a*** Master Judge ~~[must be chosen]~~ from among ~~[them by the City Council.]~~ ***their number. The Master Judge shall hold office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the position of Master Judge, the Municipal Judges shall elect a replacement for the remainder of the unexpired term. If two or more Municipal Judges receive an equal number of votes for the position of Master Judge, the candidates who have received the tie votes shall resolve the tie vote by the drawing of lots.*** The Master Judge:

(a) Shall establish and enforce administrative regulations for governing the affairs of the Municipal Court.

(b) Is responsible for setting trial dates and other matters which pertain to the Court calendar.

(c) Shall perform such other Court administrative duties as may be required by the City Council.

4. Alternate Judges in sufficient numbers may be appointed annually by the Mayor, each of whom:

(a) Must be a duly licensed member, in good standing, of the State Bar of Nevada and have such other qualifications as are prescribed by ordinance.

(b) Has all of the powers and jurisdiction of a Municipal Judge while he is acting as such.

(c) Is entitled to such compensation as may be fixed by the City Council.

5. Any Municipal Judge, other than an Alternate Judge, automatically forfeits his office if he ceases to be a resident of the City.

Sec. 14. Section 10.010 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 45, Statutes of Nevada 1991, at page 95, is hereby amended to read as follows:

Sec. 10.010 Civil Service.

1. There is hereby created a System of Civil Service which is applicable to and governs all of the employees of the City except the elected officials, persons who serve as members of boards, commissioners or committees for which no compensation is received, the City Manager, the City Attorney, persons who are appointed pursuant to sections 3.040 and 3.070 of this Charter, persons who hold such probationary, provisional or temporary appointments as are designated in the Civil Service rules, Alternate Judges and persons who hold such other positions as are designated by the City Council.

2. The ***City Council may determine that the*** System of Civil Service must be administered by a Board of Civil Service Trustees which is composed of five members who are appointed by the City Council for terms of 4 years.

3. The City Council shall adopt by ordinance ~~[, following their approval by the Board of Civil Service Trustees,]~~ a codification of the rules which govern the System of Civil Service and may from time to time amend those rules **.** ~~[by ordinance upon the recommendation of the]~~ ***If the System of Civil Service is administered by a*** Board of Civil Service Trustees ~~[. Those]~~ ***, the rules which govern the System of Civil Service, and any amendments thereto, must be reviewed by the Board before the City Council adopts them.***

4. The rules ***which govern the System of Civil Service*** must provide for:

(a) The examination of potential employees;

(b) Recruitment and placement procedures;

(c) The classification of positions;

(d) Procedures for the promotion of employees;

(e) Procedures for disciplinary actions against, and the discharge of, employees;

(f) Appeals with respect to actions which are taken pursuant to paragraphs (d) and (e);

(g) The acceptance and processing of citizens' complaints against employees; and

(h) Such other matters ***, if any,*** as the Board of Civil Service Trustees ***or the City Council*** deems are necessary or appropriate.

~~[4.]~~ ***5.*** Copies of the rules of the System of Civil Service must be made available to all of the employees of the City.

Sec. 15. 1. This section becomes effective upon passage and approval.

2. Section 13 of this act becomes effective upon passage and approval for the purpose of electing a Master Judge and on July 1, 2007, for all other purposes.

3. Sections 1 to 12, inclusive, and 14 of this act become effective on July 1, 2007.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate amendment No. 883 to Assembly Bill No. 514.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

The following Senate amendment was read:

Amendment No. 1003.

AN ACT relating to the City of Las Vegas; making various changes to the powers of the City Council; making various other changes to the Charter of the City of Las Vegas; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that the City Council of the City of Las Vegas has the power to adopt necessary and proper ordinances for the development and provision of affordable housing, but prohibits the imposition or increase of a tax by the City Council for those purposes unless otherwise authorized by specific statute.

Section 3 of this bill provides that the City Council has the power to adopt necessary and proper ordinances for the development and provision of employment and training programs, but prohibits the imposition or increase of a tax by the City Council for those purposes unless otherwise authorized by specific statute.

Section 4 of this bill provides for the appointment of Hearing Commissioners by the City Council to hear and decide certain misdemeanor actions.

Section 8 of this bill amends the time by which a proposed ordinance must be adopted or rejected by the City Council from 30 days to 60 days. (Las Vegas City Charter § 2.110)

Section 9 of this bill authorizes the City Council to adopt an alternative procedure for a person to appeal the denial, suspension or revocation of a work permit or an identification card. (Las Vegas City Charter § 2.130)

Section ~~[11]~~ **10.3** of this bill ~~[authorizes the Director of Financial Management of the City to serve as the City Treasurer if appropriate internal accounting controls are maintained.]~~ **requires the City Manager to appoint a City Treasurer, subject to ratification by the City Council.** (Las Vegas City Charter ~~[§ 3.150)]~~ **§ 3.070)**

Section 11 of this bill eliminates a requirement that the City Treasurer perform duties designated by the Director of Financial Management, and instead requires the City Treasurer to perform duties that may be prescribed by ordinance by the City Council or designated by the City Manager. (Las Vegas City Charter § 3.150)

Section 12 of this bill removes the requirement that the Director of Public Services be a licensed professional engineer. (Las Vegas City Charter § 3.190)

Existing law provides that a Master Judge must be selected on the basis of seniority. (Las Vegas City Charter § 4.020) Section 13 of this bill provides that the Municipal Judges shall elect the Master Judge from among their own number to serve for a 2-year term. In the event of a tie vote, the tie is to be decided by the drawing of lots.

Section 14 of this bill provides that the City Council may determine that the System of Civil Service must be administered by a Board of Civil Service Trustees. (Las Vegas City Charter § 10.010)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, is hereby amended by adding thereto a new section to be designated as section 2.145, immediately following section 2.140, to read as follows:

Sec. 2.145 Powers of City Council: Affordable Housing.

1. Except as otherwise provided in subsection 2 and in addition to any other powers authorized by specific statute, the City Council may exercise such powers and enact such ordinances, not in conflict with the laws of this State, as the City Council determines are necessary and proper for the development and provision of affordable housing.

2. The City Council shall not impose or increase a tax for the purposes set forth in subsection 1 unless the tax or increase is otherwise authorized by specific statute.

Sec. 2. (Deleted by amendment.)

Sec. 3. The Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, is hereby amended by adding thereto a new section to be designated as section 3.300, immediately following section 3.290, to read as follows:

Sec. 3.300 Programs: Employment and Training.

1. Except as otherwise provided in subsection 2 and in addition to any other powers authorized by specific statute, the City Council may exercise such powers and enact such ordinances, not in conflict with the laws of this State, as the City Council determines are necessary and proper for the development and provision of programs relating to employment and training.

2. The City Council shall not impose or increase a tax for the purposes set forth in subsection 1 unless the tax or increase is otherwise authorized by specific statute.

Sec. 4. The Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, is hereby amended by adding thereto a new section to be designated as section 4.040, immediately following section 4.030, to read as follows:

Sec. 4.040 Hearing Commissioners.

1. The City Council may appoint one or more Hearing Commissioners to hear and decide:

(a) Any action for a misdemeanor constituting a violation of chapter 484 of NRS, except NRS 484.379; and

(b) Any action for a misdemeanor constituting a violation of the Las Vegas Municipal Code, except chapter 11.14 of that Code.

2. Each Hearing Commissioner must:

(a) Be a duly licensed member, in good standing, of the State Bar of Nevada;

(b) Be a resident of the State;

(c) Be a qualified elector in the City;

(d) Have been a bona fide resident of the City for not less than 1 year next preceding his appointment; and

(e) Not have ever been removed or retired from any judicial office by the Commission on Judicial Discipline.

3. In connection with any action of a type described in subsection 1, a Hearing Commissioner has all the powers and duties of a Municipal Judge and a magistrate pursuant to the laws of this State. To the extent possible and practicable, the proceedings in such actions must be subject to and governed by the provisions of the laws of this State, this Charter and city ordinances pertaining to Municipal Judges.

4. Hearing Commissioners shall receive such compensation as may be allowed by the City Council.

Sec. 5. Section 1.160 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 515, Statutes of Nevada 1997, at page 2451, is hereby amended to read as follows:

Sec. 1.160 Elective Offices: Vacancies.

1. A vacancy in the office of Mayor, Councilman or Municipal Judge must be filled by the majority vote of the entire City Council within 30 days after the occurrence of that vacancy. A person may be selected to fill a prospective vacancy ~~[in the City Council]~~ before the vacancy occurs. In such a case, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official ~~[.]~~ ***, including, without limitation, any applicable residency requirement.***

2. No appointment extends beyond the first regular meeting of the City Council that follows the next general municipal election, at that election the office must be filled for the remainder of the unexpired term, or beyond the first regular meeting of the City Council after the Tuesday after the first Monday in the next succeeding June in an odd-numbered year, if no general municipal election is held in that year.

Sec. 6. (Deleted by amendment.)

Sec. 7. Section 2.040 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1394, is hereby amended to read as follows:

Sec. 2.040 Mayor and Councilmen not to hold other office.

1. The Mayor and Councilmen may not:

(a) Hold any other elective office of the State or any political subdivision of the State or any other employment with the County or the City, except as is provided by law or as a member of a board or commission for which no compensation is received.

(b) Be ~~[elected or]~~ appointed to any office which was created, or the compensation for which was increased or fixed, by the City Council until 1 year after the expiration of the term for which the Mayor or Councilman was elected or appointed.

2. Any person who ~~[accepts any office which is proscribed by]~~ ***violates the provisions of*** subsection 1 automatically forfeits his office as Mayor or Councilman.

Sec. 8. Section 2.110 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 568, Statutes of Nevada 1991, at page 1882, is hereby amended to read as follows:

Sec. 2.110 Ordinances: Procedure for enactment; emergency ordinances.

1. All proposed ordinances, when they are first proposed, must be read to the City Council by title and ***may be*** referred for consideration to a committee which is composed of any number of members of the City Council who are designated by the Mayor, after which an adequate number of copies of the proposed ordinance must be deposited with the City Clerk for public examination and distribution upon request. Except as otherwise provided in subsection 3 and for the adoption of specialized or uniform codes, notice of the deposit must be published once at least 10 days before the adoption of the ordinance. The City Council must adopt or reject the ordinance, or an amendment thereto, within ~~[30]~~ ***60*** days after the date of that publication. ***A committee described in this subsection shall meet as often as is reasonably necessary but not less frequently than once each calendar quarter.***

2. ~~[At the first regular meeting of the City Council, or any adjournment of that meeting, after the proposal of an ordinance and its reference to a committee, the committee must report to the City Council with respect to the proposed ordinance, at which time the committee may request additional time to consider it. The committee must complete its additional consideration of the proposed ordinance and report its recommendations to the board with the 30-day period which is specified in subsection 1. After a recommendation by the committee for the adoption of the proposed ordinance, the]~~ ***Following the first reading by title, an ordinance that has been referred pursuant to subsection 1 must be considered by the committee. Such committee must report its recommendations, if any, to the City Council. Regardless of whether a*** proposed ordinance ***is referred to a committee pursuant to***

subsection 1, it must be read by title as first introduced, or as amended, and finally voted upon or action thereon postponed, but the proposed ordinance must be adopted, with or without amendments, or rejected within ~~[30]~~ ***60*** days after the date of the publication which is provided for in subsection 1.

3. In cases of emergency or where the ordinance is of a kind whose enactment as if an emergency existed is permitted by a provision of NRS or section 7.020 or 8.210 of this Charter, final action, upon the unanimous vote of the entire City Council, may be taken immediately or at a special meeting which has been called for that purpose, and no notice of the filing of copies of the proposed ordinance with the City Clerk need be published.

4. Each ordinance must be signed by the Mayor, attested by the City Clerk and published at least once by title, together with the names of the members of the City Council who voted for or against its adoption, and the ordinance becomes effective on the day after that publication. The City Council may, by majority vote, order the publication of the ordinance in full in lieu of publication by title only.

5. The City Clerk shall record all ordinances which have been adopted in a register which is kept for that purpose, together with the affidavits of publication by the publisher.

Sec. 9. Section 2.130 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1398, is hereby amended to read as follows:

Sec. 2.130 Powers of City Council: Denial, suspension or revocation of work permit; appeal to City Council ~~[.]~~ ***; alternative procedure established by City Council.*** Whenever under any city ordinance a person is required to obtain a work permit or an identification card from the Sheriff of the Las Vegas Metropolitan Police Department or any City officer as a condition of employment in any establishment which has been determined to be privileged by the City Council and licensed by the City, and his work permit or identification card is denied, suspended or revoked by the Sheriff or City officer, the person aggrieved may ~~[appeal from that action to the City Council]~~ **,** by filing a written notice of appeal with the City Clerk within 10 days after the date of the denial, suspension or revocation of his work permit or identification card ~~[.]~~ ***, appeal from that action to:***

(a) The City Council, unless the City Council has designated an administrative body pursuant to paragraph (b); or

(b) Any administrative body that the City Council has designated to hear such appeals. If such an administrative body denies a person's appeal, the person may appeal to the City Council.

Sec. 10. (Deleted by amendment.)

Sec. 10.3. **Section 3.070 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 45, Statutes of Nevada 1991, at page 93, is hereby amended to read as follows:**

Sec. 3.070 Appointive officers: Appointment by City Manager. The City Manager shall appoint the following officers, subject to ratification by the City Council:

1. Director of Financial Management.
2. Director of Public Services.
3. Fire Chief.
4. City Clerk.
5. ***City Treasurer.***

6. A Director of each department which is established pursuant to section 3.060 of this Charter.

~~[6.]~~ ***7.*** Such other officers as may be necessary.

Sec. 10.5. **Section 3.140 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1409, is hereby amended to read as follows:**

Sec. 3.140 Department of Financial Management: Audits.

1. The Department of Financial Management shall maintain complete records of all fiscal transactions of and claims against the City.

2. Before payment, all claims and accounts against the City must be approved by the Department of Financial Management. No money may be paid for any purpose except by following procedures which have been approved by the City Council. The City Treasurer shall prepare all warrants, to be drawn against the proper accounts, in payment of those claims. The warrants which are issued must bear the signatures of the Director of Financial Management and the City Treasurer**.** ~~[, if any.]~~ Facsimile signatures may be permitted under the procedures which are prescribed by ordinance.

Sec. 11. Section 3.150 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1409, is hereby amended to read as follows:

Sec. 3.150 City Treasurer: Duties.

~~[1. The Director of Financial Management may *serve as the City Treasurer if appropriate internal accounting controls are maintained or may* recommend *a City Treasurer* for appointment by the City Manager.]~~ ~~[a City Treasurer.]~~

~~[2.]~~ The City Treasurer:

~~[(a)]~~ ***1.*** Shall perform such duties as may be ~~[designated by the Director of Financial Management or]~~ prescribed by ordinance **[.]** ***or designated by the City Manager pursuant to section 3.180.***

~~[(b)]~~ ***2.*** Must provide a surety bond in the amount which is fixed by the City Council.

Sec. 12. Section 3.190 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1410, is hereby amended to read as follows:

Sec. 3.190 Director of Public Services: Qualifications. The Director of Public Services must ~~[be a licensed professional engineer in the State and]~~ have such ~~[other]~~ qualifications as may be prescribed by ordinance.

Sec. 13. Section 4.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 127, Statutes of Nevada 1989, at page 283, is hereby amended to read as follows:

Sec. 4.020 Municipal Court: Qualifications of Municipal Judges; salary; Master Judge; departments; Alternate Judges.

1. Each Municipal Judge shall devote his full time to the duties of his office and must be:

(a) A duly licensed member, in good standing, of the State Bar of Nevada, but this qualification does not apply to any Municipal Judge who is an incumbent when this Charter becomes effective as long as he continues to serve as such in uninterrupted terms.

(b) A qualified elector who has resided within the territory which is established by the boundaries of the City for a period of not less than 30 days immediately before the last day for filing a declaration of candidacy for the department for which he is a candidate.

(c) Voted upon by the registered voters of the City at large.

2. The salary of the Municipal Judges must be fixed by ordinance and be uniform for all departments of the Municipal Court. The salary may be increased during the terms for which the Judges are elected or appointed.

3. ~~[The Municipal Judge who holds seniority in years of service in office, either elected or appointed, is the Master Judge. If two or more Judges are equal in seniority, the]~~ ***The Municipal Judges of the six departments shall elect a*** Master Judge ~~[must be chosen]~~ from among ~~[them by the City Council.]~~ ***their number. The Master Judge shall hold office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the position of Master Judge, the Municipal Judges shall elect a replacement for the remainder of the unexpired term. If two or more Municipal Judges receive an equal number of votes for the position of Master Judge, the candidates who have received the tie votes shall resolve the tie vote by the drawing of lots.*** The Master Judge:

(a) Shall establish and enforce administrative regulations for governing the affairs of the Municipal Court.

(b) Is responsible for setting trial dates and other matters which pertain to the Court calendar.

(c) Shall perform such other Court administrative duties as may be required by the City Council.

4. Alternate Judges in sufficient numbers may be appointed annually by the Mayor, each of whom:

(a) Must be a duly licensed member, in good standing, of the State Bar of Nevada and have such other qualifications as are prescribed by ordinance.

(b) Has all of the powers and jurisdiction of a Municipal Judge while he is acting as such.

(c) Is entitled to such compensation as may be fixed by the City Council.

5. Any Municipal Judge, other than an Alternate Judge, automatically forfeits his office if he ceases to be a resident of the City.

Sec. 14. Section 10.010 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 45, Statutes of Nevada 1991, at page 95, is hereby amended to read as follows:

Sec. 10.010 Civil Service.

1. There is hereby created a System of Civil Service which is applicable to and governs all of the employees of the City except the elected officials, persons who serve as members of boards, commissioners or committees for which no compensation is received, the City Manager, the City Attorney, persons who are appointed pursuant to sections 3.040 and 3.070 of this Charter, persons who hold such probationary, provisional or temporary appointments as are designated in the Civil Service rules, Alternate Judges and persons who hold such other positions as are designated by the City Council.

2. The ***City Council may determine that the*** System of Civil Service must be administered by a Board of Civil Service Trustees which is composed of five members who are appointed by the City Council for terms of 4 years.

3. The City Council shall adopt by ordinance ~~[, following their approval by the Board of Civil Service Trustees,]~~ a codification of the rules which govern the System of Civil Service and may from time to time amend those rules ***.*** ~~[by ordinance upon the recommendation of the]~~ ***If the System of Civil Service is administered by a*** Board of Civil Service Trustees ~~[. Those]~~ ***, the rules which govern the System of Civil Service, and any amendments thereto, must be reviewed by the Board before the City Council adopts them.***

4. The rules ***which govern the System of Civil Service*** must provide for:

(a) The examination of potential employees;

(b) Recruitment and placement procedures;

(c) The classification of positions;

(d) Procedures for the promotion of employees;

(e) Procedures for disciplinary actions against, and the discharge of, employees;

(f) Appeals with respect to actions which are taken pursuant to paragraphs (d) and (e);

(g) The acceptance and processing of citizens' complaints against employees; and

(h) Such other matters ***, if any,*** as the Board of Civil Service Trustees ***or the City Council*** deems are necessary or appropriate.

~~[4.]~~ ***5.*** Copies of the rules of the System of Civil Service must be made available to all of the employees of the City.

Sec. 15. 1. This section becomes effective upon passage and approval.

2. Section 13 of this act becomes effective upon passage and approval for the purpose of electing a Master Judge and on July 1, 2007, for all other purposes.

3. Sections 1 to 12, inclusive, and 14 of this act become effective on July 1, 2007.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate amendment No. 1003 to Assembly Bill No. 514.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 600.

The following Senate amendment was read:

Amendment No. 851.

AN ACT relating to privacy; revising provisions concerning the protection of certain personal identifying information; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, documents submitted to governmental agencies must not include the social security number of a person except in certain circumstances. (NRS 239B.030) Existing law also prohibits public bodies from disclosing on their websites personal information about a person, except in certain circumstances. Personal information is defined to mean the person's name in combination with his social security number, driver's license number or certain other account numbers. (NRS 239B.050, 603A.040) Sections 2 and 3 of this bill make consistent the information that is protected from disclosure by public entities on documents submitted to the entity or on the entity's website. Section 2 also authorizes a person to request ~~[the redaction of]~~ **a governmental agency to redact or maintain in a confidential manner his** personal information ~~[from]~~ **in** documents submitted to ~~[a]~~ **the** governmental agency before January 1, 2007 ~~[.]~~ **, and prescribes the requirements for such a request.** Section 8 of this bill provides that the last 4 digits of a social security number are not personal information for the purposes of these provisions.

Section 1 of this bill provides certain immunity to officers, employees and members of a governmental agency or public body relating to the disclosure of personal information pursuant to section 2 or 3 of this bill.

Section 4 of this bill authorizes the use of the last four digits of a social security number in judgments, and sections 5 and 7 of this bill remove the requirement of the inclusion of a social security number on certificates of marriage and forms for the reporting of divorces and annulments. (NRS 122.160, 440.135) Section 6 of this bill authorizes the county recorder to allow the inspection and copying of certain records by family members, guardians and personal representatives. (NRS 247.090)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 239B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An officer, employee or member of a governmental agency or public body is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in carrying out the provisions of NRS 239B.030 or 239B.050.

2. As used in this section:

(a) "Governmental agency" means an officer, board, commission, department, division, bureau, district or any other unit of government of the State or a local government.

(b) "Public body" has the meaning ascribed to it in NRS 205.462.

Sec. 2. NRS 239B.030 is hereby amended to read as follows:

239B.030 1. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 2 ~~[,]~~ ***and 6,*** a person shall not include and a governmental agency shall not require a person to include ~~[the social security number of]~~ ***any personal information about*** a person on any document that is recorded, filed or otherwise submitted to the governmental agency on or after January 1, 2007.

2. If ~~[the social security number of]~~ ***personal information about*** a person is required to be included in a document that is recorded, filed or otherwise submitted to a governmental agency on or after January 1, 2007, pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant, a governmental agency shall ensure that the ~~[social security number]~~ ***personal information*** is maintained in a confidential manner ~~*[or obliterated or otherwise removed by any method, including, without limitation, through the use of computer software,]*~~ and may only disclose the ~~[social security number]~~ ***personal information*** as required:

(a) To carry out a specific state or federal law; or

(b) For the administration of a public program or an application for a federal or state grant.

➥ ***Any action taken by a governmental agency pursuant to this subsection must not be construed as affecting the legality of the document.***

3. A governmental agency shall take necessary measures to ensure that notice of the provisions of this section is provided to persons with whom it conducts business. Such notice may include, without limitation, posting notice in a conspicuous place in each of its offices.

4. A governmental agency may require a person who records, files or otherwise submits any document to the governmental agency to provide an affirmation that the document does not contain ~~[the social security number of]~~ ***personal information about*** any person ~~[.]~~ ***or, if the document contains any such personal information, identification of the specific law, public program or grant that requires the inclusion of the personal information.***

A governmental agency may refuse to record, file or otherwise accept a document which does not contain such an affirmation when required ~~[and]~~ ***or*** any document which contains ~~[the social security number of]~~ ***personal information about*** a person ~~[.]~~ ***that is not required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant.***

5. On or before January 1, 2017, each governmental agency shall ensure that any ~~[social security number]~~ ***personal information*** contained in a document that has been recorded, filed or otherwise submitted to the governmental agency before January 1, 2007, which the governmental agency continues to hold is ~~[maintained]~~ ***:***

(a) Maintained in a confidential manner ***if the personal information is required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant;*** or ~~[is obliterated]~~

(b) Obliterated or otherwise removed from the document ~~[.]~~ ***, by any method, including, without limitation, through the use of computer software*** ~~[.]~~ ***, if the personal information is not required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant.***

➥ Any action taken by a governmental agency pursuant to this subsection must not be construed as affecting the legality of the document.

6. ***A person may request that a governmental agency obliterate or otherwise remove from any document submitted by the person to the governmental agency before January 1, 2007, any personal information about the person contained in the document*** ~~[.]~~ ***that is not required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant or, if the personal information is so required to be included in the document, the person may request that the governmental agency maintain the personal information in a confidential manner. If any documents that have been recorded, filed or otherwise submitted to a governmental agency:***

(a) Are maintained in an electronic format that allows the governmental agency to retrieve components of personal information through the use of computer software, a request pursuant to this subsection must identify the components of personal information to be retrieved. The provisions of this paragraph do not require a governmental agency to purchase computer software to perform the service requested pursuant to this subsection.

(b) Are not maintained in an electronic format or not maintained in an electronic format in the manner described in paragraph (a), a request pursuant to this subsection must describe the document with sufficient specificity to enable the governmental agency to identify the document.

➥ The governmental agency shall not charge any fee to perform ~~[such a]~~ the service ~~[.]~~ requested pursuant to this subsection.

7. As used in this section ~~[, "governmental]~~ ***:***

(a) "Governmental agency" means an officer, board, commission, department, division, bureau, district or any other unit of government of the State or a local government.

(b) "Personal information" has the meaning ascribed to it in NRS 603A.040.

Sec. 3. NRS 239B.050 is hereby amended to read as follows:

239B.050 1. If a public body maintains a website on the Internet, the public body shall not disclose on that website personal information unless the disclosure is required by a federal or state ~~[statute or regulation.]~~ ***law or for the administration of a public program or an application for a federal or state grant.***

2. If it appears that a public body has engaged in or is about to engage in any act or practice which violates subsection 1, the Attorney General or the appropriate district attorney may file an action in any court of competent jurisdiction for an injunction to prevent the occurrence or continuance of that act or practice.

3. An injunction:

(a) May be issued without proof of actual damage sustained by any person.

(b) Does not preclude the criminal prosecution and punishment of an act or practice that may otherwise be prohibited by law.

4. As used in this section:

(a) "Personal information" has the meaning ascribed to it in NRS 603A.040.

(b) "Public body" has the meaning ascribed to it in NRS 205.462.

Sec. 4. NRS 17.150 is hereby amended to read as follows:

17.150 1. Immediately after filing a judgment roll the clerk shall make the proper entries of the judgment, under appropriate heads, in the docket kept by him, noting thereon the hour and minutes of the day of such entries.

2. A transcript of the original docket or an abstract or copy of any judgment or decree of a district court of the State of Nevada or the District Court or other court of the United States in and for the District of Nevada, the enforcement of which has not been stayed on appeal, certified by the clerk of the court where the judgment or decree was rendered, may be recorded in the office of the county recorder in any county, and when so recorded it becomes a lien upon all the real property of the judgment debtor not exempt from execution in that county, owned by him at the time, or which he may afterward acquire, until the lien expires. The lien continues for 6 years after the date the judgment or decree was docketed, and is continued each time the judgment or decree is renewed, unless:

(a) The enforcement of the judgment or decree is stayed on appeal by the execution of a sufficient undertaking as provided in the Nevada Rules of

Appellate Procedure or by the Statutes of the United States, in which case the lien of the judgment or decree and any lien by virtue of an attachment that has been issued and levied in the actions ceases;

(b) The judgment is for arrearages in the payment of child support, in which case the lien continues until the judgment is satisfied;

(c) The judgment is satisfied; or

(d) The lien is otherwise discharged.

➥ The time during which the execution of the judgment is suspended by appeal, action of the court or defendant must not be counted in computing the time of expiration.

3. The abstract described in subsection 2 must contain the:

(a) Title of the court and the title and number of the action;

(b) Date of entry of the judgment or decree;

(c) Names of the judgment debtor and judgment creditor;

(d) Amount of the judgment or decree; and

(e) Location where the judgment or decree is entered in the minutes or judgment docket.

4. A judgment creditor who records a judgment or decree shall record at that time an affidavit stating:

(a) The name and address of the judgment debtor;

(b) The judgment debtor's driver's license number and state of issuance or the ***last four digits of the*** judgment debtor's social security number; and

(c) The judgment debtor's date of birth,

➥ if known to the judgment creditor. If any of the information is not known, the affidavit must include a statement of that fact.

Sec. 5. NRS 122.160 is hereby amended to read as follows:

122.160 1. Marriages between Indians performed in accordance with tribal customs within closed Indian reservations and Indian colonies have the same validity as marriages performed in any other manner provided for by the laws of this State, if there is recorded in the county in which the marriage takes place, within 30 days after the performance of the tribal marriage, a certificate declaring the marriage to have been performed.

2. The certificate of declaration required to be recorded by subsection 1 must include the names of the persons married, their ages, ~~[social security numbers,]~~ tribe, and place and date of marriage. The certificate must be signed by an official of the tribe, reservation or colony.

3. The certificate must be recorded with the recorder of the county in which the marriage was performed and recorded by him without charge.

Sec. 6. NRS 247.090 is hereby amended to read as follows:

247.090 ~~[All]~~ ***1. Except as otherwise provided in subsection 2 and NRS 239B.030, all*** documents on file in the office of the county recorder, must, during office hours, be open for inspection by any person without charge. The county recorder must arrange the books of record and indexes in his office in such suitable places as to facilitate their inspection.

2. A county recorder may allow inspection and copying of records containing personal information about a deceased or incapacitated person by a spouse, widow or widower, parent, sibling, child, guardian or personal representative of the person. As used in this subsection, "personal information" has the meaning ascribed to in NRS 603A.040.

Sec. 7. NRS 440.135 is hereby amended to read as follows:

440.135 1. The Board shall prescribe, and the State Registrar shall furnish in sufficient numbers to each county clerk for distribution, a form for the reporting of divorces and annulments of marriage.

2. The information required by such form must be limited to:

(a) The names ~~[and social security numbers]~~ of the parties;

(b) The court and county in which the decree is granted; and

(c) The date of the decree.

Sec. 8. NRS 603A.040 is hereby amended to read as follows:

603A.040 "Personal information" means a natural person's first name or first initial and last name in combination with any one or more of the following data elements, when the name and data elements are not encrypted:

1. Social security number.

2. Driver's license number or identification card number.

3. Account number, credit card number or debit card number, in combination with any required security code, access code or password that would permit access to the person's financial account.

➥ The term does not include ***the last four digits of a social security number or*** publicly available information that is lawfully made available to the general public.

Sec. 9. 1. This section, section 1 and sections 3 to 8, inclusive, of this act become effective upon passage and approval.

2. Section 2 of this act becomes effective on January 1, 2008.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate amendment to Assembly Bill No. 600.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 558.

The following Senate amendment was read:

Amendment No. 950.

SUMMARY— ~~[Authorizes]~~ **Provides that** governing bodies ~~[to reject]~~ **may not accept** certain incomplete applications relating to land use. (BDR 22-431)

AN ACT relating to ~~[planning and zoning; authorizing]~~ **land use planning; providing that** governing bodies ~~[to reject]~~ **may not accept** certain land use applications if the applications are incomplete; requiring governing bodies to describe the additional information required to make

such an application complete; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing bodies of cities and counties to regulate and restrict land use within their jurisdictions. (NRS 278.020) Section 1 of this bill ~~[authorizes]~~ **provides that** governing bodies ~~[to reject]~~ **may not accept** land use applications if the applications are incomplete. Section 1 also requires governing bodies ~~[that have rejected]~~ **, when returning incomplete** applications **,** ~~[that are incomplete]~~ to: (1) describe to the applicant the additional information required; and (2) if requested by the applicant, **provide a copy of the relevant provision of the ordinance, resolution or regulation that requires the additional information or** explain why the additional information is necessary. ~~[Section 1 of this bill clarifies that its provisions apply only with respect to the review, acceptance or rejection of land use applications for the purpose of processing, and do not affect other substantive provisions of law.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any application submitted to a governing body or its designee ~~[, which application]~~ that concerns any matter relating to land use planning pursuant to NRS 278.010 to 278.630, inclusive, or any ordinance, resolution or regulation adopted pursuant thereto, may not be ~~[rejected]~~ accepted by the governing body or its designee if the application is incomplete.

2. The governing body or its designee shall, within 3 working days after receiving an application of the type described in subsection 1:

(a) Review the application for completeness;

(b) Accept the application if the governing body or its designee finds that the application is complete or ~~[reject]~~ return the application ~~[;]~~ if the governing body or its designee finds that the application is incomplete; and

(c) If ~~[it rejects]~~ the governing body or its designee returns the application:

(1) Provide to the applicant a description of the additional information required; and

(2) If requested by the applicant, provide to the applicant a copy of the relevant provision of the ordinance, resolution or regulation which specifically requires the additional information or an explanation of why the additional information is necessary.

~~*[3. The provisions of this section:*~~

~~*(a) Apply with respect to an application of the type described in subsection 1 only for the limited purposes of:*~~

~~*(1) Determining whether the application is sufficiently complete to be processed; and*~~

~~*(2) Accepting or rejecting the application on that basis; and*~~

~~*(b) Do not alter, limit or otherwise affect the operation of any statute or regulation of this State which prescribes standards, criteria or other requirements relating to the submission, acceptance, approval or rejection of such an application.]*~~

Sec. 2. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0105 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate amendment to Assembly Bill No. 558.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 285.

The following Senate amendment was read:

Amendment No. 812.

SUMMARY—Revises provisions governing ~~[certain transfers of groundwater.]~~ **the appropriation of water.** (BDR 48-913)

AN ACT relating to water; **clarifying the authority of the State Engineer relating to the appropriation, allocation and determination of availability of unappropriated water; authorizing the State Engineer to consider the consumptive use of a water right under certain circumstances; authorizing the State Engineer to limit the initial use of water upon approval of an application to appropriate water under certain circumstances; making various other changes concerning the powers and duties of the State Engineer;** revising provisions relating to the protest of certain applications involving interbasin transfers of groundwater; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Chapter 533 of NRS provides for the adjudication of water rights and the appropriation of water by the State Engineer. Section 1 of this bill provides that the State Engineer has full and exclusive authority with respect to the appropriation, allocation and determination of availability of unappropriated water and the place of diversion, manner of use and place of use of appropriated water. Section 3 of this bill authorizes the State Engineer to consider the consumptive use of a water right in determining the appropriateness of approving a proposed change in the place of diversion, manner of use or place of use of water pursuant to that right. Section 4 of this bill authorizes the State Engineer, upon approval of an application to appropriate water, to limit the initial use of

that water to an amount that is less than the total amount approved. If the State Engineer at a later date determines that water is available for the total amount approved for the application, he may authorize the use of that additional amount.

Existing law provides for interested persons to protest applications to appropriate water. (NRS 533.365) Section 5 of this bill authorizes the State Engineer to refuse to consider a protest if certain information concerning the protest is not received by the State Engineer. Section 5 makes various other changes concerning protests before the State Engineer, including, without limitation, requiring the State Engineer to render a decision regarding each application within 240 days after a hearing on the application and authorizing a successor in interest of a person who has filed a written protest to the application to be allowed to continue pursuing the protest in the same manner as the person who filed the original protest.

Existing law sets forth requirements for the State Engineer to provide certain notice of an application for a permit to appropriate water. These requirements include publishing the notice in a newspaper and if the application is for a well, mailing a copy of the notice to owners of real property containing a domestic well that is within 2,500 feet of the proposed well. (NRS 533.360) ~~[Existing law also allows an interested person to file with the State Engineer a written protest to the application. (NRS 533.365)~~

~~This]~~ **Section 6 of this** bill requires that if the State Engineer fails to grant, deny or hear an application for a permit to appropriate, change the point of diversion of, change the manner of use of, or change the place of use of more than 250 acre-feet of water per annum within 7 years after the date on which the application was submitted, the State Engineer must, if the application involves an interbasin transfer of groundwater, notice a new period of protest of 45 days. ~~[This bill also provides that certain successors in interest of persons who had already filed a written protest against the granting of such an application must be allowed to continue pursuing the protest as though they were the person who had filed the original protest.]~~

Existing law authorizes the State Engineer, for good cause shown, to extend the time within which water must be applied to a beneficial use under a permit for that right. (NRS 533.380) Section 7 of this bill authorizes the State Engineer to grant such an extension of time if the permit is the subject of a pending judicial proceeding.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 532 of NRS is hereby amended by adding thereto a new section to read as follows:**

The State Engineer has full, exclusive and final authority with respect to:

1. The appropriation, allocation and determination of availability of unappropriated water; and

2. The place of diversion, manner of use and place of use of appropriated water.

Sec. 2. **Chapter 533 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.**

Sec. 3. ***1. The State Engineer may consider the consumptive use of a water right and the consumptive use of a proposed beneficial use of water in determining whether a proposed change in the place of diversion, manner of use or place of use complies with the provisions of subsection 5 of NRS 533.370.***

2. The provisions of this section:

(a) Must not be applied by the State Engineer in a manner that is inconsistent with any applicable federal or state decree concerning consumptive use.

(b) Do not apply to any decreed, certified or permitted right to appropriate water which originates in the Virgin River or the Muddy River.

Sec. 4. ***1. Upon approval of an application to appropriate water, the State Engineer may limit the initial use of water to a quantity that is less than the total amount approved for the application. The use of an additional amount of water that is not more than the total amount approved for the application may be authorized by the State Engineer at a later date if additional evidence demonstrates to the satisfaction of the State Engineer that the additional amount of water is available and may be appropriated in accordance with this chapter and chapter 534 of NRS. In making that determination, the State Engineer may establish a period during which additional studies may be conducted or additional evidence provided to support the application.***

2. In any basin in which an application to appropriate water is approved pursuant to subsection 1, the State Engineer may, pursuant to this chapter and chapter 534 of NRS, act upon any other pending application to appropriate water in that basin that the State Engineer concludes constitutes the use of a minimal amount of water.

~~[Section 1.]~~ ***Sec. 5.*** NRS 533.365 is hereby amended to read as follows:

533.365 1. Any person interested may, within 30 days ~~[from]~~ ***after*** the date of last publication of the notice of application, file with the State Engineer a written protest against the granting of the application, setting forth with reasonable certainty the grounds of such protest, which ~~[shall]~~ ***must*** be verified by the affidavit of the protestant, his agent or attorney.

2. On receipt of a protest, the State Engineer shall advise the applicant whose application has been protested of the fact that the protest has been filed with him, which advice ~~[shall]~~ ***must*** be sent by certified mail.

3. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** State Engineer shall consider the protest, and may ~~[, in his discretion,]~~ hold

hearings and require the filing of such evidence as he may deem necessary to a full understanding of the rights involved. The State Engineer shall give notice of the hearing by certified mail to both the applicant and the protestant. The notice must state the time and place at which the hearing is to be held and must be mailed at least 15 days before the date set for the hearing.

4. ***In addition to the provisions of subsection 5, the State Engineer may refuse to consider the protest if the protestant fails to provide information relating to the protest required by the State Engineer.***

5. Each applicant and each protestant shall, in accordance with a schedule established by the State Engineer, provide to the State Engineer and to each protestant and each applicant information required by the State Engineer relating to the application or protest.

6. The State Engineer or any member of his technical staff may communicate with any applicant, protestant, interested person, governmental entity, technical representative or expert for the purposes of obtaining information which the State Engineer deems necessary to act on a protested application if the State Engineer:

(a) Provides notice of the communication to each applicant, protestant, interested person, governmental entity, technical representative or expert with whom the State Engineer did not communicate with regard to the protested application; and

(b) Provides an opportunity to respond to each applicant, protestant, interested person, governmental entity, technical representative or expert specified in paragraph (a).

7. The State Engineer may invite technical representatives of the applicant, the protestant, an interested person or a governmental entity to meet with the technical staff of the State Engineer to consider issues relating to an application to appropriate water.

8. If the State Engineer holds a hearing pursuant to subsection 3, the State Engineer shall render a decision on each application not later that 240 days after the later of:

(a) The date all transcripts of the hearing become available to the State Engineer; or

(b) The date specified by the State Engineer for the filing of any additional information, evidence, studies or compilations requested by the State Engineer. The State Engineer may, for good cause shown, extend any applicable period.

9. The State Engineer shall adopt rules of practice regarding the conduct of ~~[such hearings.]~~ ***a hearing held pursuant to subsection 3.*** The rules of practice must be adopted in accordance with the provisions of NRS 233B.040 to 233B.120, inclusive, and codified in the Nevada Administrative Code. The technical rules of evidence do not apply at such a hearing.

~~*[5.]*~~ ***10. If a person is the successor in interest of an owner of a water right or an owner of real property upon which a domestic well is located***

and if the former owner had previously filed a written protest against the granting of an application, the successor in interest must be allowed to pursue that protest in the same manner as if he were the former owner whose interest he succeeded. If the successor in interest wishes to pursue the protest, the successor in interest must notify the State Engineer of that fact on a form prescribed by the State Engineer.

11. The provisions of this section do not prohibit the noticing of a new period of 45 days in which a person may file with the State Engineer a written protest against the granting of the application, if such notification is required to be given pursuant to subsection 8 of NRS 533.370.

12. As used in this section, "domestic well" has the meaning ascribed to it in NRS 534.350.

~~[Sec. 2.]~~ ***Sec. 6.*** NRS 533.370 is hereby amended to read as follows:

533.370 1. Except as otherwise provided in this section and NRS 533.345, 533.371, 533.372 and 533.503, the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

(a) The application is accompanied by the prescribed fees;

(b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and

(c) The applicant provides proof satisfactory to the State Engineer of:

(1) His intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and

(2) His financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.

2. Except as otherwise provided in this subsection and subsections 3 and ~~[8,]~~ ~~*[11,]*~~ ***10 and NRS 533.365,*** the State Engineer shall approve or reject each application within 1 year after the final date for filing a protest. The State Engineer may:

(a) Postpone action upon written authorization to do so by the applicant or, if an application is protested, by the protestant and the applicant.

(b) Postpone action if the purpose for which the application was made is municipal use.

(c) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368 or where court actions are pending, withhold action until it is determined there is unappropriated water or the court action becomes final.

3. Except as otherwise provided in subsection ~~[8,]~~ ~~*[11,]*~~ ***10,*** the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated

under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may:

(a) Postpone action upon written authorization to do so by the applicant or, if the application is protested, by the protestant and the applicant.

(b) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368 or where court actions are pending, withhold action until it is determined there is unappropriated water or the court action becomes final.

4. If the State Engineer does not act upon an application within 1 year after the final date for filing a protest, the application remains active until acted upon by the State Engineer.

5. Except as otherwise provided in subsection ~~[8,]~~ ***~~[11,]~~*** ***10,*** where there is no unappropriated water in the proposed source of supply, or where its proposed use or change conflicts with existing rights or with protectible interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the requested permit. If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.

6. In determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:

(a) Whether the applicant has justified the need to import the water from another basin;

(b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;

(c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;

(d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and

(e) Any other factor the State Engineer determines to be relevant.

7. If a hearing is held regarding an application, the decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection ~~[9,]~~ ***~~[12,]~~*** ***11,*** if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps

required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected, the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force.

8. ***If:***

(a) The State Engineer receives an application to appropriate any of the public waters, or to change the point of diversion, manner of use or place of use of water already appropriated;

(b) The application involves an amount of water exceeding 250 acre-feet per annum;

(c) The application involves an interbasin transfer of groundwater; and

(d) Within 7 years after the date of last publication of the notice of application, the State Engineer has not granted the application, denied the application, held an administrative hearing on the application or issued a permit in response to the application,

➥ the State Engineer shall notice a new period of 45 days in which a person may file with the State Engineer a written protest against the granting of the application. Such notification must be entered on the Internet website of the State Engineer and must, concurrently with that notification, be mailed to the board of county commissioners of the county of origin.

9. Except as otherwise provided in ~~[subsection 10,]~~ NRS 533.365, a person who wishes to protest an application in accordance with a new period of protest noticed pursuant to subsection 8 shall, within 45 days after the date on which the notification was entered and mailed, file with the State Engineer a written protest that complies with the provisions of this chapter and with the regulations adopted by the State Engineer, including, without limitation, any regulations prescribing the use of particular forms or requiring the payment of certain fees.

10. ~~[If a person is the successor in interest of an owner of a water right, an owner of real property containing a domestic well or an owner of an interest in a domestic well, and if that previous owner had already filed a written protest against the granting of an application to allow an interbasin transfer of groundwater, the successor in interest must be allowed to pursue that protest in the same manner as though he were the previous owner to whose interest he succeeded. If such a successor in interest wishes to protest an application in accordance with a new period of protest noticed pursuant to subsection 8, the successor need not file with the State Engineer a new written protest but must, within 45 days after the date on which the notification was entered and mailed, inform the Office of the State Engineer that he wishes to continue pursuing the protest.~~

~~11.]~~ The provisions of subsections 1 to 6, inclusive, do not apply to an application for an environmental permit.

~~[9.]~~ ***~~[12.]~~ 11.*** The provisions of subsection 7 do not authorize the recipient of an approved application to use any state land administered by the

Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.

~~[10.]~~ ~~*[13.]*~~ ***12.*** As used in this section ~~[, "interbasin]~~ ***:***

(a) "County of origin" means the county from which groundwater is transferred or proposed to be transferred.

(b) ~~*["Domestic well" has the meaning ascribed to it in NRS 534.350.*~~

~~*(c)]*~~ ***"Interbasin*** transfer of groundwater" means a transfer of groundwater for which the proposed point of diversion is in a different basin than the proposed place of beneficial use.

Sec. 7. **NRS 533.380 is hereby amended to read as follows:**

533.380 1. Except as otherwise provided in subsection 5, in his endorsement of approval upon any application, the State Engineer shall:

(a) Set a time before which the construction of the work must be completed, which must be within 5 years after the date of approval.

(b) Except as otherwise provided in this paragraph, set a time before which the complete application of water to a beneficial use must be made, which must not exceed 10 years after the date of the approval. The time set under this paragraph respecting an application for a permit to apply water to a municipal or quasi-municipal use on any land:

(1) For which a final subdivision map has been recorded pursuant to chapter 278 of NRS;

(2) For which a plan for the development of a project has been approved by the local government pursuant to NRS 278.010 to 278.460, inclusive; or

(3) On any land for which a plan for the development of a planned unit development has been recorded pursuant to chapter 278A of NRS,

➥ must not be less than 5 years.

2. The State Engineer may limit the applicant to a smaller quantity of water, to a shorter time for the completion of work, and, except as otherwise provided in paragraph (b) of subsection 1, to a shorter time for the perfecting of the application than named in the application.

3. Except as otherwise provided in subsection 4 and NRS 533.395 and 533.4377, the State Engineer may, for good cause shown, ***including, without limitation, a pending judicial proceeding,*** extend the time within which construction work must be completed, or water must be applied to a beneficial use under any permit therefor issued by him, but an application for the extension must in all cases be:

(a) Made within 30 days following notice by registered or certified mail that proof of the work is due as provided for in NRS 533.390 and 533.410; and

(b) Accompanied by proof and evidence of the reasonable diligence with which the applicant is pursuing the perfection of the application.

➥ The State Engineer shall not grant an extension of time unless he determines from the proof and evidence so submitted that the applicant is proceeding in good faith and with reasonable diligence to perfect the

application. The failure to provide the proof and evidence required pursuant to this subsection is prima facie evidence that the holder is not proceeding in good faith and with reasonable diligence to perfect the application.

4. Except as otherwise provided in subsection 5 and NRS 533.395, whenever the holder of a permit issued for any municipal or quasi-municipal use of water on any land referred to in paragraph (b) of subsection 1, or for any use which may be served by a county, city, town, public water district or public water company, requests an extension of time to apply the water to a beneficial use, the State Engineer shall, in determining whether to grant or deny the extension, consider, among other factors:

(a) Whether the holder has shown good cause for not having made a complete application of the water to a beneficial use;

(b) The number of parcels and commercial or residential units which are contained in or planned for the land being developed or the area being served by the county, city, town, public water district or public water company;

(c) Any economic conditions which affect the ability of the holder to make a complete application of the water to a beneficial use;

(d) Any delays in the development of the land or the area being served by the county, city, town, public water district or public water company which were caused by unanticipated natural conditions; and

(e) The period contemplated in the:

(1) Plan for the development of a project approved by the local government pursuant to NRS 278.010 to 278.460, inclusive; or

(2) Plan for the development of a planned unit development recorded pursuant to chapter 278A of NRS,

➥ if any, for completing the development of the land.

5. The provisions of subsections 1 and 4 do not apply to an environmental permit.

6. For the purposes of this section, the measure of reasonable diligence is the steady application of effort to perfect the application in a reasonably expedient and efficient manner under all the facts and circumstances. When a project or integrated system is comprised of several features, work on one feature of the project or system may be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.

Sec. 8. **The amendatory provisions of subsections 10 and 11 of section 5 and section 6 of this act do not apply to:**

1. An application to appropriate water filed before July 1, 2007;

2. An application to change the place of diversion, manner of use or place of use of appropriated water filed before that date; or

3. A written protest relating to an application specified in subsection 1 or 2.

~~[Sec. 3.]~~ ***Sec. 9.*** This act becomes effective on July 1, 2007.

Assemblywoman Kirkpatrick moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 285.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 25.

The following Senate amendment was read:

Amendment No. 758.

AN ACT relating to business associations; **requiring certain business associations to maintain certain information concerning their ownership at the registered office or principal place of business; authorizing the Secretary of State to suspend or revoke the right of certain business associations to transact business under certain circumstances;** revising the provisions pertaining to the name of a foreign limited partnership; making various other changes pertaining to business associations; **providing for the licensing and regulation of transfer agents;** providing for the correction of certain records filed with the Office of the Secretary of State; applying prospectively the requirements applicable to certain documents filed with the Office of the Secretary of State that contain certain identifying terms relating to architecture, interior design or residential design; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1, 2, 5-13, 17-29, 31-40 and 56-60 of this bill: (1) require certain business associations to maintain certain information concerning their ownership at the registered office or principal place of business; and (2) authorize the Secretary of State to suspend or revoke the right of such business associations to transact business in this State if they fail to comply with the requirements pertaining to such information.

Section 4 of this bill sets forth the information required to be provided to the district court by an applicant for custodianship of a corporation and the information required to be provided to the Secretary of State by the custodian. (NRS 78.347)

Section ~~[4]~~ **30** of this bill allows a foreign limited partnership to abbreviate its name. (NRS 88.585)

Section 41-51 of this bill provide for the licensing and regulation of transfer agents.

Section ~~[7]~~ **54** of this bill authorizes the Secretary of State to adopt regulations prescribing procedures for correcting certain fraudulent or false records filed with the Office of the Secretary of State.

Section ~~[8]~~ **55** of this bill amends Assembly Bill No. 26 of this session to apply prospectively the provisions of that bill which add requirements applicable to certain documents filed with the Office of the Secretary of State that contain certain identifying terms relating to architecture, interior design or residential design.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 78 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. In addition to any records required to be kept at the registered office pursuant to NRS 78.105, a corporation that is not a publicly traded corporation shall maintain at its registered office or principal place of business in this State:

(a) A current list of its owners of record; or

(b) A statement indicating where such a list is maintained.

2. The corporation shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a corporation to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a corporation fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the corporate charter.

5. The Secretary of State shall not reinstate or revive a charter that was revoked or suspended pursuant to subsection 4 unless:

(a) The corporation complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the corporate charter.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 2. **NRS 78.180 is hereby amended to read as follows:**

78.180 1. Except as otherwise provided in subsections 3 and 4 ~~[,]~~ ***and section 1 of this act,*** the Secretary of State shall reinstate a corporation which has forfeited or which forfeits its right to transact business pursuant to the provisions of this chapter and shall restore to the corporation its right to carry on business in this State, and to exercise its corporate privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 78.150;

(2) The statement required by NRS 78.153, if applicable; and

(3) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 78.150 and 78.170 for each year or portion thereof during which it failed to file each required annual list in a timely manner;

(2) The fee set forth in NRS 78.153, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the corporation, he shall issue to the corporation a certificate of reinstatement if the corporation:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to subsection 8 of NRS 78.785.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the charter occurred only by reason of failure to pay the fees and penalties.

4. If a corporate charter has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 consecutive years, the charter must not be reinstated.

Sec. 3. **NRS 78.185 is hereby amended to read as follows:**

78.185 1. Except as otherwise provided in subsection 2, if a corporation applies to reinstate or revive its charter but its name has been legally reserved or acquired by another artificial person formed, organized, registered or qualified pursuant to the provisions of this title whose name is on file with the Office of the Secretary of State or reserved in the Office of the Secretary of State pursuant to the provisions of this title, the corporation shall in its application for reinstatement submit in writing to the Secretary of State some other name under which it desires its corporate existence to be reinstated or revived. If that name is distinguishable from all other names reserved or otherwise on file, the Secretary of State shall ~~[reinstatement]~~ ***reinstate*** the corporation under that new name. Upon the issuance of a certificate of reinstatement or revival under that new name, the articles of incorporation of the applying corporation shall be deemed to reflect the new name without the corporation having to comply with the provisions of NRS 78.385, 78.390 or 78.403.

2. If the applying corporation submits the written, acknowledged consent of the artificial person having a name, or the person who has reserved a name, which is not distinguishable from the old name of the applying corporation or a new name it has submitted, it may be reinstated or revived under that name.

3. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved name solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination of these.

4. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 4. **NRS 78.347 is hereby amended to read as follows:**

78.347 1. Any stockholder may apply to the district court to appoint one or more persons to be custodians of the corporation, and, if the corporation is insolvent, to be receivers of the corporation when:

(a) The business of the corporation is suffering or is threatened with irreparable injury because the directors are so divided respecting the management of the affairs of the corporation that a required vote for action by the board of directors cannot be obtained and the stockholders are unable to terminate this division; or

(b) The corporation has abandoned its business and has failed within a reasonable time to take steps to dissolve, liquidate or distribute its assets in accordance with this chapter.

2. ***An applicant on whose behalf a stockholder has applied to the district court for a custodianship pursuant to subsection 1 shall provide the following information, along with an affidavit attesting that such information is true and correct, to the district court:***

(a) A detailed list of all previous applications to a court in any jurisdiction for a custodianship of a publicly traded corporation that were filed by the applicant or an affiliate or subsidiary of the applicant.

(b) If an application listed in paragraph (a) was approved, a detailed description of the activities performed during the custodianship by the applicant or the affiliate or subsidiary of the applicant.

(c) A description of the current corporate status and business operation of any publicly traded corporation for which the applicant and any affiliate or subsidiary of the applicant has held a custodianship.

(d) A full disclosure of any and all previous criminal, administrative, civil or National Association of Securities Dealers, Inc., or Securities and Exchange Commission investigations, violations or convictions concerning the applicant and any affiliate or subsidiary of the applicant.

(e) Evidence of reasonable efforts by the applicant to contact the officers and directors of the corporation for which the custodianship is sought.

(f) Evidence of a demand by the applicant to the officers and directors of the corporation for which the custodianship is sought that the corporation comply with the provisions of chapter 78 of NRS and that the applicant did not receive a response.

3. The district court shall order any applicant who is granted custodianship pursuant to this section to:

(a) Comply with the provisions of NRS 78.180 or 80.170, as applicable. The custodian shall submit evidence of compliance with this paragraph to the district court.

(b) Provide reasonable notice to all shareholders of record of a shareholder meeting to be held within a reasonable time after an application for custodianship or receivership has been granted. The custodian shall submit evidence of compliance with this paragraph to the district court.

(c) Provide the district court with a report of the actions taken at the shareholder meeting noticed by the custodian.

(d) Provide the district court with periodic reports, at intervals to be determined by the court, of the activities of the custodian and the board of directors and the progress of the corporation.

(e) Provide any other information deemed necessary by the court.

4. Within 10 days after being appointed custodian of a Nevada publicly traded corporation, the custodian shall file with the Secretary of State an amendment to the articles of incorporation containing the following information:

(a) Disclosures of any previous criminal, administrative, civil or National Association of Securities Dealer, Inc., or Securities and Exchange Commission investigations, violations or convictions concerning the custodian and any affiliate of the custodian.

(b) A statement indicating that:

(1) Reasonable attempts were made to contact the officers or directors of the corporation to request that the corporation comply with corporate formalities and to continue its business.

(2) The custodian is in fact continuing the business and attempting to further the interests of the shareholders.

(3) The custodian will reinstate or maintain the corporate charter.

(c) Any other information required by regulation to be submitted to the Secretary of State.

5. The Secretary of State may adopt regulations to administer the provisions of subsection 4.

6. A custodian appointed pursuant to this section has all the powers and title of a trustee appointed under NRS 78.590, 78.635 and 78.650, but the authority of the custodian is to continue the business of the corporation and not to liquidate its affairs or distribute its assets, except when the district court so orders and except in cases arising pursuant to paragraph (b) of subsection 1.

Sec. 5. **NRS 78.730 is hereby amended to read as follows:**

78.730 1. ~~[Any]~~ ***Except as otherwise provided in section 1 of this act, any*** corporation which did exist or is existing under the laws of this State may, upon complying with the provisions of NRS 78.180, procure a renewal or revival of its charter for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original charter and amendments thereto, or existing charter, by filing:

(a) A certificate with the Secretary of State, which must set forth:

(1) The name of the corporation, which must be the name of the corporation at the time of the renewal or revival, or its name at the time its original charter expired.

(2) The name of the person designated as the resident agent of the corporation, his street address for the service of process, and his mailing address if different from his street address.

(3) The date when the renewal or revival of the charter is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.

(4) Whether or not the renewal or revival is to be perpetual, and, if not perpetual, the time for which the renewal or revival is to continue.

(5) That the corporation desiring to renew or revive its charter is, or has been, organized and carrying on the business authorized by its existing or original charter and amendments thereto, and desires to renew or continue through revival its existence pursuant to and subject to the provisions of this chapter.

(b) A list of its president, secretary and treasurer, or the equivalent thereof, and all of its directors and their addresses, either residence or business.

2. A corporation whose charter has not expired and is being renewed shall cause the certificate to be signed by an officer of the corporation. The certificate must be approved by a majority of the voting power of the shares.

3. A corporation seeking to revive its original or amended charter shall cause the certificate to be signed by a person or persons designated or appointed by the stockholders of the corporation. The signing and filing of the certificate must be approved by the written consent of stockholders of the corporation holding at least a majority of the voting power and must contain a recital that this consent was secured. If no stock has been issued, the certificate must contain a statement of that fact, and a majority of the directors then in office may designate the person to sign the certificate. The corporation shall pay to the Secretary of State the fee required to establish a new corporation pursuant to the provisions of this chapter.

4. The filed certificate, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the existence and incorporation of the corporation therein named.

Sec. 6. **Chapter 80 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A foreign corporation that is not a publicly traded corporation shall maintain at its registered office or principal place of business in this State:

(a) A current list of its owners of record; or

(b) A statement indicating where such a list is maintained.

2. The foreign corporation shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a foreign corporation to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a foreign corporation fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the right of the foreign corporation to transact business in this State.

5. The Secretary of State shall not reinstate or revive the right of a foreign corporation to transact business that was revoked or suspended pursuant to subsection 4 unless:

(a) The foreign corporation complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the right of the foreign corporation to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 7. **NRS 80.170 is hereby amended to read as follows:**

80.170 1. Except as otherwise provided in subsections 3 and 4 ~~[,]~~ ***or section 6 of this act,*** the Secretary of State shall reinstate a corporation which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the corporation its right to transact business in this State, and to exercise its corporate privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list as provided in NRS 80.110 and 80.140;

(2) The statement required by NRS 80.115, if applicable; and

(3) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 80.110 and 80.150 for each year or portion thereof that its right to transact business was forfeited;

(2) The fee set forth in NRS 80.115, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the corporation, he shall issue to the corporation a certificate of reinstatement if the corporation:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to subsection 8 of NRS 78.785.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a corporation to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right is not subject to reinstatement.

Sec. 8. **Chapter 82 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A corporation shall maintain at its registered office or principal place of business in this State:

(a) A current list of its owners of record; or

(b) A statement indicating where such a list is maintained.

2. The corporation shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a corporation to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a corporation fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the right of the corporation to transact business in this State.

5. The Secretary of State shall not reinstate or revive the right of a corporation to transact business in this State that was revoked or suspended pursuant to subsection 4 unless:

(a) The corporation complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the right of the corporation to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 9. **NRS 82.5237 is hereby amended to read as follows:**

82.5237 1. Except as otherwise provided in subsections 3 and 4~~,~~ ~~[,]~~ ***and section 8 of this act,*** the Secretary of State shall reinstate a foreign nonprofit corporation which has forfeited or which forfeits its right to transact business pursuant to the provisions of NRS 82.523 to 82.5239, inclusive, and restore

to the foreign nonprofit corporation its right to transact business in this State, and to exercise its corporate privileges and immunities, if it:

(a) Files with the Secretary of State a list as provided in NRS 82.523; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 82.523 and 82.5235 for each year or portion thereof that its right to transact business was forfeited; and

(2) A fee of $100 for reinstatement.

2. When the Secretary of State reinstates the foreign nonprofit corporation, he shall issue to the foreign nonprofit corporation a certificate of reinstatement if the foreign nonprofit corporation:

(a) Requests a certificate of reinstatement; and

(b) Pays the fees as provided in subsection 8 of NRS 78.785.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign nonprofit corporation to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right to transact business must not be reinstated.

Sec. 10. **NRS 82.546 is hereby amended to read as follows:**

82.546 1. ~~[Any]~~ ***Except as otherwise provided in section 8 of this act, any*** corporation which did exist or is existing pursuant to the laws of this State may, upon complying with the provisions of NRS 78.150 and 82.193, procure a renewal or revival of its charter for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original charter and amendments thereto, or its existing charter, by filing:

(a) A certificate with the Secretary of State, which must set forth:

(1) The name of the corporation, which must be the name of the corporation at the time of the renewal or revival, or its name at the time its original charter expired.

(2) The name and street address of the lawfully designated resident agent of the filing corporation, and his mailing address if different from his street address.

(3) The date when the renewal or revival of the charter is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.

(4) Whether or not the renewal or revival is to be perpetual, and, if not perpetual, the time for which the renewal or revival is to continue.

(5) That the corporation desiring to renew or revive its charter is, or has been, organized and carrying on the business authorized by its existing or original charter and amendments thereto, and desires to renew or continue

through revival its existence pursuant to and subject to the provisions of this chapter.

(b) A list of its president, secretary and treasurer and all of its directors and their mailing or street addresses, either residence or business.

2. A corporation whose charter has not expired and is being renewed shall cause the certificate to be signed by an officer of the corporation. The certificate must be approved by a majority of the last-appointed surviving directors.

3. A corporation seeking to revive its original or amended charter shall cause the certificate to be signed by its president or vice president and secretary or assistant secretary. The signing and filing of the certificate must be approved unanimously by the last-appointed surviving directors of the corporation and must contain a recital that unanimous consent was secured. The corporation shall pay to the Secretary of State the fee required to establish a new corporation pursuant to the provisions of this chapter.

4. The filed certificate, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the existence and incorporation of the corporation named therein.

Sec. 11. **Chapter 86 of NRS is hereby amended by adding thereto the provisions set forth as sections 12 and 13 of this act.**

Sec. 12. ***1. In addition to any records required to be kept pursuant to NRS 86.241, a limited-liability company shall maintain at its registered office or principal place of business in this State:***

(a) A current list of each member and manager; or

(b) A statement indicating where such a list is maintained.

2. A limited-liability company shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a limited-liability company to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a limited-liability company fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the charter of the limited-liability company.

5. The Secretary of State shall not reinstate or revive a charter that was revoked or suspended pursuant to subsection 4 unless:

(a) The limited-liability company complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the charter.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 13. 1. A foreign limited-liability company shall maintain at its registered office or principal place of business in this State:

(a) A current list of each member and manager; or

(b) A statement indicating where such a list is maintained.

2. The foreign limited-liability company shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a foreign limited-liability company to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a foreign limited-liability company fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the registration of the foreign limited-liability company.

5. The Secretary of State shall not reinstate or revive a registration that was revoked or suspended pursuant to subsection 4 unless:

(a) The foreign limited-liability company complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the registration.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

~~[Section 1.]~~ ***Sec. 14.*** NRS 86.263 is hereby amended to read as follows:

86.263 1. A limited-liability company shall, on or before the last day of the first month after the filing of its articles of organization with the Secretary of State, file with the Secretary of State, on a form furnished by him, a list that contains:

(a) The name of the limited-liability company;

(b) The file number of the limited-liability company, if known;

(c) The names and titles of all of its managers or, if there is no manager, all of its managing members;

(d) The address, either residence or business, of each manager or managing member listed, following the name of the manager or managing member;

(e) The name and street address of its lawfully designated resident agent in this State; and

(f) The signature of a manager or managing member of the limited-liability company certifying that the list is true, complete and accurate.

2. The limited-liability company shall ~~[annually]~~ thereafter, on or before the last day of the month in which the anniversary date of its organization occurs, file with the Secretary of State, on a form furnished by him, an ~~[amended]~~ ***annual*** list containing all of the information required in subsection 1.

3. Each list required by subsections 1 and 2 must be accompanied by a declaration under penalty of perjury that the limited-liability company:

(a) Has complied with the provisions of NRS 360.780; and

(b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

4. Upon filing:

(a) The initial list required by subsection 1, the limited-liability company shall pay to the Secretary of State a fee of $125.

(b) Each annual list required by subsection 2, the limited-liability company shall pay to the Secretary of State a fee of $125.

5. If a manager or managing member of a limited-liability company resigns and the resignation is not reflected on the annual or amended list of managers and managing members, the limited-liability company or the resigning manager or managing member shall pay to the Secretary of State a fee of $75 to file the resignation.

6. The Secretary of State shall, 90 days before the last day for filing each list required by subsection 2, cause to be mailed to each limited-liability company which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due under subsection 4 and a reminder to file a list required by subsection 2. Failure of any company to receive a notice or form does not excuse it from the penalty imposed by law.

7. If the list to be filed pursuant to the provisions of subsection 1 or 2 is defective or the fee required by subsection 4 is not paid, the Secretary of State may return the list for correction or payment.

8. An annual list for a limited-liability company not in default received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year.

~~[Sec. 2.]~~ ***Sec. 15.*** (Deleted by amendment.)

~~[Sec. 3.]~~ ***Sec. 16.*** (Deleted by amendment.)

Sec. 17. **NRS 86.276 is hereby amended to read as follows:**

86.276 1. Except as otherwise provided in subsections 3 and 4 ~~[,]~~ ***and section 12 of this act,*** the Secretary of State shall reinstate any limited-liability company which has forfeited or which forfeits its right to transact business pursuant to the provisions of this chapter and shall restore to the company its right to carry on business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 86.263;

(2) The statement required by NRS 86.264, if applicable; and

(3) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 86.263 and 86.272 for each year or portion thereof during which it failed to file in a timely manner each required annual list;

(2) The fee set forth in NRS 86.264, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the limited-liability company, he shall issue to the company a certificate of reinstatement if the limited-liability company:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 86.561.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the charter occurred only by reason of failure to pay the fees and penalties.

4. If a company's charter has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 consecutive years, the charter must not be reinstated.

~~*Sec.*~~ ***18.*** **NRS 86.5467 is hereby amended to read as follows:**

86.5467 1. Except as otherwise provided in subsections 3 and 4 ~~[,]~~ ***and section 13 of this act,*** the Secretary of State shall reinstate a foreign limited-liability company which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign limited-liability company its right to transact business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 86.5461;

(2) The statement required by NRS 86.5462, if applicable; and

(3) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 86.5461 and 86.5465 for each year or portion thereof that its right to transact business was forfeited;

(2) The fee set forth in NRS 86.5462, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the foreign limited-liability company, he shall issue to the foreign limited-liability company a certificate of reinstatement if the foreign limited-liability company:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 86.561.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign limited-liability company to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right must not be reinstated.

Sec. 19. **NRS 86.580 is hereby amended to read as follows:**

86.580 1. ~~[A]~~ ***Except as otherwise provided in section 12 of this act, a*** limited-liability company which did exist or is existing pursuant to the laws of this State may, upon complying with the provisions of NRS 86.276, procure a renewal or revival of its charter for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original charter and amendments thereto, or existing charter, by filing:

(a) A certificate with the Secretary of State, which must set forth:

(1) The name of the limited-liability company, which must be the name of the limited-liability company at the time of the renewal or revival, or its name at the time its original charter expired.

(2) The name of the person lawfully designated as the resident agent of the limited-liability company, his street address for the service of process, and his mailing address if different from his street address.

(3) The date when the renewal or revival of the charter is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.

(4) Whether or not the renewal or revival is to be perpetual, and, if not perpetual, the time for which the renewal or revival is to continue.

(5) That the limited-liability company desiring to renew or revive its charter is, or has been, organized and carrying on the business authorized by its existing or original charter and amendments thereto, and desires to renew or continue through revival its existence pursuant to and subject to the provisions of this chapter.

(b) A list of its managers, or if there are no managers, all its managing members and their mailing or street addresses, either residence or business.

2. A limited-liability company whose charter has not expired and is being renewed shall cause the certificate to be signed by its manager, or if there is no manager, by a person designated by its members. The certificate must be approved by a majority in interest.

3. A limited-liability company seeking to revive its original or amended charter shall cause the certificate to be signed by a person or persons designated or appointed by the members. The signing and filing of the certificate must be approved by the written consent of a majority in interest and must contain a recital that this consent was secured. The limited-liability company shall pay to the Secretary of State the fee required to establish a new limited-liability company pursuant to the provisions of this chapter.

4. The filed certificate, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the existence of the limited-liability company therein named.

Sec. 20. **Chapter 87 of NRS is hereby amended by adding thereto the provisions set forth as sections 21 and 22 of this act.**

Sec. 21. ***1. A registered limited-liability partnership shall maintain at its registered office or principal place of business in this State:***

(a) A current list of its managing partners; or

(b) A statement indicating where such a list is maintained.

2. The registered limited-liability partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a registered limited-liability partnership to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a registered limited-liability partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the certificate of registration.

5. The Secretary of State shall not reinstate or revive a certificate of registration that was revoked or suspended pursuant to subsection 4 unless:

(a) The registered limited-liability partnership complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the certificate of registration.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 22. 1. A foreign registered limited-liability partnership shall maintain at its registered office or principal place of business in this State:

(a) A current list of its managing partners; or

(b) A statement indicating where such a list is maintained.

2. The foreign registered limited-liability partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a foreign registered limited-liability partnership to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a foreign registered limited-liability partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the right of the foreign registered limited-liability partnership to transact business in this State.

5. The Secretary of State shall not reinstate or revive the right of a foreign registered limited-liability partnership to transact business in this State that was revoked or suspended pursuant to subsection 4 unless:

(a) The registered limited-liability partnership complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the right of the foreign registered limited-liability partnership to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 23. **NRS 87.530 is hereby amended to read as follows:**

87.530 1. Except as otherwise provided in subsection 3 ~~[,]~~ ***and section 21 of this act,*** the Secretary of State shall reinstate the certificate of registration of a registered limited-liability partnership that is revoked pursuant to NRS 87.520 if the registered limited-liability partnership:

(a) Files with the Secretary of State:

(1) The information required by NRS 87.510; and

(2) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The fee required to be paid pursuant to NRS 87.510;

(2) Any penalty required to be paid pursuant to NRS 87.520; and

(3) A reinstatement fee of $300.

2. When the Secretary of State reinstates the registered limited-liability partnership, he shall issue to the registered limited-liability partnership a certificate of reinstatement if the registered limited-liability partnership:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 87.550.

3. The Secretary of State shall not reinstate the certificate of registration of a registered limited-liability partnership if the certificate was revoked pursuant to the provisions of this chapter at least 5 years before the date of the proposed reinstatement.

Sec. 24. **NRS 87.5435 is hereby amended to read as follows:**

87.5435 1. Except as otherwise provided in subsections 3 and 4 ~~[,]~~ ***and section 22 of this act,*** the Secretary of State shall reinstate a foreign registered limited-liability partnership which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign registered limited-liability partnership its right to transact business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 87.541; and

(2) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 87.541 and 87.5425 for each year or portion thereof that its right to transact business was forfeited; and

(2) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the foreign registered limited-liability partnership, he shall issue to the foreign registered limited-liability partnership a certificate of reinstatement if the foreign registered limited-liability partnership:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 87.550.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign registered limited-liability partnership to transact business in this State has been forfeited pursuant to the provisions of

this chapter and has remained forfeited for a period of 5 consecutive years, the right to transact business must not be reinstated.

Sec. 25. **Chapter 88 of NRS is hereby amended by adding thereto the provisions set forth as sections 26, 27 and 28 of this act.**

Sec. 26. 1. A limited partnership shall maintain at its registered office or principal place of business in this State:

(a) A current list of each general partner; or

(b) A statement indicating where such a list is maintained.

2. The limited partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a limited partnership to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a limited partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the right of the limited partnership to transact any business in this State.

5. The Secretary of State shall not reinstate or revive the right of a limited partnership to transact any business in this State that was revoked or suspended pursuant to subsection 4 unless:

(a) The limited partnership complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the right of the limited partnership to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 27. 1. A foreign limited partnership shall maintain at its registered office or principal place of business in this State:

(a) A current list of each general partner; or

(b) A statement indicating where such a list is maintained.

2. The foreign limited partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The

information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a foreign limited partnership to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a foreign limited partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the certificate authorizing the foreign limited partnership to transact business in this State.

5. The Secretary of State shall not reinstate or revive a certificate authorizing a foreign limited partnership to transact business in this State that was revoked or suspended pursuant to subsection 4 unless:

(a) The foreign limited partnership complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the certificate authorizing the foreign limited partnership to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 28. 1. A registered limited-liability limited partnership shall maintain at its registered office or principal place of business in this State:

(a) A current list of each general partner; or

(b) A statement indicating where such a list is maintained.

2. The registered limited-liability limited partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a registered limited-liability limited partnership to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a registered limited-liability limited partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the certificate of registration.

5. The Secretary of State shall not reinstate or revive a certificate of registration that was revoked or suspended pursuant to subsection 4 unless:

(a) The registered limited-liability limited partnership complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the certificate of registration.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 29. **NRS 88.410 is hereby amended to read as follows:**

88.410 1. Except as otherwise provided in subsections 3 and 4 ~~[,]~~ ***and section 26 of this act,*** the Secretary of State shall reinstate any limited partnership which has forfeited or which forfeits its right to transact business under the provisions of this chapter and restore to the limited partnership its right to carry on business in this State, and to exercise its privileges and immunities if it:

(a) Files with the Secretary of State:

(1) The list required pursuant to NRS 88.395;

(2) The statement required by NRS 88.397, if applicable; and

(3) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 88.395 and 88.400 for each year or portion thereof during which the certificate has been revoked;

(2) The fee set forth in NRS 88.397, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the limited partnership, he shall issue to the limited partnership a certificate of reinstatement if the limited partnership:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88.415.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation occurred only by reason of failure to pay the fees and penalties.

4. If a limited partnership's certificate has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 years, the certificate must not be reinstated.

~~[Sec. 4.]~~ ***Sec. 30.*** NRS 88.585 is hereby amended to read as follows:

88.585 Except as otherwise provided in NRS 88.609, a foreign limited partnership may register with the Secretary of State under any name, whether or not it is the name under which it is registered in its state of organization, that ~~[includes without abbreviation]~~ ***contains*** the words "limited partnership" ***or the abbreviation "LP" or "L.P."*** and that could be registered by a domestic limited partnership.

Sec. 31. **NRS 88.594 is hereby amended to read as follows:**

88.594 1. Except as otherwise provided in subsections 3 and 4 ~~[,]~~ ***and section 27 of this act,*** the Secretary of State shall reinstate a foreign limited partnership which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign limited partnership its right to transact business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 88.591;

(2) The statement required by NRS 88.5915, if applicable; and

(3) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 88.591 and 88.593 for each year or portion thereof that its right to transact business was forfeited;

(2) The fee set forth in NRS 88.5915, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the foreign limited partnership, he shall issue to the foreign limited partnership a certificate of reinstatement if the foreign limited partnership:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88.415.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign limited partnership to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right is not subject to reinstatement.

Sec. 32. **Chapter 88A of NRS is hereby amended by adding thereto the provisions set forth as sections 33 and 34 of this act.**

Sec. 33. ***1. A business trust shall:***

(a) Provide the Secretary of State with the name and contact information of the custodian of the ledger, duplicate ledger or statement described in subsection 1 of NRS 88A.340. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the ledger, duplicate ledger or statement described in subsection 1 of NRS 88A.340.

2. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a business trust to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the ledger, duplicate ledger or statement required to be maintained pursuant to subsection 1 of NRS 88A.340; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

3. If a business trust fails to comply with any requirement pursuant to subsection 2, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the certificate of trust.

4. The Secretary of State shall not reinstate or revive a certificate of trust that was revoked or suspended pursuant to subsection 3 unless:

(a) The business trust complies with the requirements of subsection 2; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the business trust.

5. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 34. 1. A foreign business trust shall maintain at its registered office:

(a) A current list of its beneficial owners; or

(b) A statement indicating where such a list is maintained.

2. The foreign business trust shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a foreign business trust to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a foreign business trust fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the right of the foreign business trust to transact business in this State.

5. The Secretary of State shall not reinstate or revive the right of a foreign business trust to transact business in this State that was revoked or suspended pursuant to subsection 4 unless:

(a) The foreign business trust complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the right of the foreign business trust to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 35. **NRS 88A.650 is hereby amended to read as follows:**

88A.650 1. Except as otherwise provided in subsections 3 and 4 ~~[,]~~ ***and section 33 of this act,*** the Secretary of State shall reinstate a business trust which has forfeited or which forfeits its right to transact business pursuant to the provisions of this chapter and shall restore to the business trust its right to carry on business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 88A.600; and

(2) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 88A.600 and 88A.630 for each year or portion thereof during which its certificate of trust was revoked; and

(2) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the business trust, he shall issue to the business trust a certificate of reinstatement if the business trust:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88A.900.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the certificate of trust occurred only by reason of the failure to file the list or pay the fees and penalties.

4. If a certificate of business trust has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 consecutive years, the certificate must not be reinstated.

Sec. 36. **NRS 88A.737 is hereby amended to read as follows:**

88A.737 1. Except as otherwise provided in subsections 3 and 4 ~~[,]~~ ***and section 34 of this act,*** the Secretary of State shall reinstate a foreign business trust which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign business trust its right to transact business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 88A.732; and

(2) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 88A.732 and 88A.735 for each year or portion thereof that its right to transact business was forfeited; and

(2) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the foreign business trust, he shall issue to the foreign business trust a certificate of reinstatement if the foreign business trust:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88A.900.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign business trust to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right to transact business must not be reinstated.

Sec. 37. **Chapter 89 of NRS is hereby amended by adding thereto the provisions set forth as sections 38 and 39 of this act.**

Sec. 38. ***1. A professional corporation shall maintain at its registered office or principal place of business in this State:***

(a) A current list of its owners of record; or

(b) A statement indicating where such a list is maintained.

2. The professional corporation shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a professional corporation to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a professional corporation fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action

necessary, including, without limitation, the suspension or revocation of the corporate charter.

5. The Secretary of State shall not reinstate or revive a charter that was revoked or suspended pursuant to subsection 4 unless:

(a) The professional corporation complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the corporate charter.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 39. 1. A professional association shall maintain at its registered office or principal place of business in this State:

(a) A current list of each member; or

(b) A statement indicating where such a list is maintained.

2. The professional association shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a professional association to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a professional association fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the articles of association.

5. The Secretary of State shall not reinstate or revive articles of association that were revoked or suspended pursuant to subsection 4 unless:

(a) The professional association complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the articles of association.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 40. **NRS 89.256 is hereby amended to read as follows:**

89.256 1. Except as otherwise provided in subsections 3 and 4 ~~,~~ ***and section 39 of this act,*** the Secretary of State shall reinstate any professional

association which has forfeited its right to transact business under the provisions of this chapter and restore the right to carry on business in this State and exercise its privileges and immunities if it:

(a) Files with the Secretary of State:

(1) The list and certification required by NRS 89.250; and

(2) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 89.250 and 89.252 for each year or portion thereof during which the articles of association have been revoked; and

(2) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the professional association, he shall issue to the professional association a certificate of reinstatement if the professional association:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to subsection 8 of NRS 78.785.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the articles of association occurred only by reason of the failure to pay the fees and penalties.

4. If the articles of association of a professional association have been revoked pursuant to the provisions of this chapter and have remained revoked for 10 consecutive years, the articles must not be reinstated.

Sec. 41. **Chapter 90 of NRS is hereby amended by adding thereto a new section to read as follows:**

"Transfer agent" means any person who, for a fee, performs the service of registering the transfer of securities that do not trade on the New York Stock Exchange or the American Stock Exchange or in the over-the-counter market, if the price quotations for the over-the-counter stock are quoted by the National Association of Securities Dealers Automated Quotations System (NASDAQ).

Sec. 42. **NRS 90.211 is hereby amended to read as follows:**

90.211 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 90.215 to 90.305, inclusive, ***and section 41 of this act*** have the meanings ascribed to them in those sections.

Sec. 43. **NRS 90.310 is hereby amended to read as follows:**

90.310 1. It is unlawful for any person to transact business in this State as a broker-dealer or sales representative unless licensed or exempt from licensing under this chapter.

2. It is unlawful for any issuer or any broker-dealer licensed under this chapter to employ or contract with a person as a sales representative within this State unless the sales representative is licensed or exempt from licensing under this chapter.

3. ***It is unlawful for any person to transact business in this State as a transfer agent unless licensed or exempt from licensing under this chapter.***

4. It is unlawful for a broker-dealer or an issuer engaged in offering securities in this State to employ or contract with, in connection with any of the broker-dealer's or issuer's activities in this State, any person who is suspended or barred from association with a broker-dealer or investment adviser by the Administrator. A broker-dealer or issuer does not violate this subsection unless he knows or in the exercise of reasonable care should know of the suspension or bar. Upon request from a broker-dealer or issuer, and for good cause shown, the Administrator by order may waive the prohibition of this subsection with respect to a particular person who has been suspended or barred.

~~[4.]~~ ***5.*** It is unlawful for any person licensed pursuant to this chapter to share, divide or apportion fees with a person who is effecting or attempting to effect purchases or sales of securities and is not licensed pursuant to the provisions of this chapter.

Sec. 44. **NRS 90.350 is hereby amended to read as follows:**

90.350 1. ~~[An]~~ ***Except as otherwise provided in subsection 3, an*** applicant for licensing as a broker-dealer, sales representative, investment adviser ***,*** ~~[or]~~ representative of an investment adviser ***or transfer agent*** must file with the Administrator an application for licensing and a consent to service of process pursuant to NRS 90.770 and pay the fee required by NRS 90.360. The application for licensing must contain the social security number of the applicant and any other information the Administrator determines by regulation to be necessary and appropriate to facilitate the administration of this chapter.

2. The requirements of subsection 1 are satisfied by an applicant who has filed and maintains a completed and current registration with the Securities and Exchange Commission or a self-regulatory organization if the information contained in that registration is readily available to the Administrator through the Central Registration Depository or another depository for registrations that has been approved by the Administrator by regulation or order. ~~[Such]~~ ***Except as otherwise provided in subsection 3, such*** an applicant must also file a notice with the Administrator in the form and content determined by the Administrator by regulation and a consent to service of process pursuant to NRS 90.770 and the fee required by NRS 90.360. The Administrator, by order, may require the submission of additional information by an applicant.

3. ***An applicant for licensing as a transfer agent is not required to pay the fee required by NRS 90.360.***

4. As used in this section, "Central Registration Depository" means the Central Registration Depository of the National Association of Securities Dealers, Inc., or its successor, and the North American Securities Administrators Association or its successor.

Sec. 45. **NRS 90.350 is hereby amended to read as follows:**

90.350 1. ~~[An]~~ ***Except as otherwise provided in subsection 3, an*** applicant for licensing as a broker-dealer, sales representative, investment adviser ***,*** ~~[or]~~ representative of an investment adviser ***or transfer agent*** must file with the Administrator an application for licensing and a consent to service of process pursuant to NRS 90.770 and pay the fee required by NRS 90.360. The application for licensing must contain the information the Administrator determines by regulation to be necessary and appropriate to facilitate the administration of this chapter.

2. The requirements of subsection 1 are satisfied by an applicant who has filed and maintains a completed and current registration with the Securities and Exchange Commission or a self-regulatory organization if the information contained in that registration is readily available to the Administrator through the Central Registration Depository or another depository for registrations that has been approved by the Administrator by regulation or order. ~~[Such]~~ ***Except as otherwise provided in subsection 3, such*** an applicant must also file a notice with the Administrator in the form and content determined by the Administrator by regulation and a consent to service of process pursuant to NRS 90.770 and the fee required by NRS 90.360. The Administrator, by order, may require the submission of additional information by an applicant.

3. ***An applicant for licensing as a transfer agent is not required to pay the fee required by NRS 90.360.***

4. As used in this section, "Central Registration Depository" means the Central Registration Depository of the National Association of Securities Dealers, Inc., or its successor, and the North American Securities Administrators Association or its successor.

Sec. 46. **NRS 90.375 is hereby amended to read as follows:**

90.375 1. An applicant for the issuance or renewal of a license as a broker-dealer, sales representative, investment adviser ***,*** ~~[or]~~ representative of an investment adviser ***or transfer agent*** shall submit to the Administrator the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Administrator shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Administrator.

3. A license as a broker-dealer, sales representative, investment adviser ***,*** ~~[or]~~ representative of an investment adviser ***or transfer agent*** may not be issued or renewed by the Administrator if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public

agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Administrator shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 47. **NRS 90.380 is hereby amended to read as follows:**

90.380 1. Unless a proceeding under NRS 90.420 has been instituted, the license of any broker-dealer, sales representative, investment adviser or representative of an investment adviser becomes effective 30 days after an application for licensing has been filed and is complete, including any amendment, if all requirements imposed pursuant to NRS 90.370 and 90.375 have been satisfied. An application or amendment is complete when the applicant has furnished information responsive to each applicable item of the application. The Administrator may authorize an earlier effective date of licensing.

2. The license of a broker-dealer, sales representative, investment adviser **,** ~~[or]~~ representative of an investment adviser ***or transfer agent*** is effective until terminated by revocation, suspension, expiration or withdrawal.

3. The license of a sales representative is only effective with respect to transactions effected on behalf of the broker-dealer or issuer for whom the sales representative is licensed.

4. A person shall not at any one time act as a sales representative for more than one broker-dealer or for more than one issuer, unless the Administrator by regulation or order authorizes multiple licenses.

5. If a person licensed as a sales representative terminates association with a broker-dealer or issuer or ceases to be a sales representative, the sales representative and the broker-dealer or issuer on whose behalf the sales representative was acting shall promptly notify the Administrator.

6. The Administrator by regulation may authorize one or more special classifications of licenses as a broker-dealer, sales representative, investment adviser **,** ~~[or]~~ representative of an investment adviser ***or transfer agent*** to be issued to applicants subject to limitations and conditions on the nature of the activities that may be conducted by persons so licensed.

7. The license of a broker-dealer, sales representative, investment adviser **,** ~~[or]~~ representative of an investment adviser ***or transfer agent*** expires if:

(a) The statement required pursuant to NRS 90.375 is not submitted when it is due; or

(b) ~~[The]~~ ***Any*** annual fee required by NRS 90.360 is not paid when it is due.

8. A license that has expired may be reinstated retroactively if the licensed person:

(a) Submits the statement required pursuant to NRS 90.375; and

(b) Pays ~~[the]~~ ***any*** fee required by NRS 90.360, plus a fee for reinstatement in the amount of $50,

➥ within 30 days after the date of expiration. If the license is not reinstated within that time, it shall be deemed to have lapsed as of the date of expiration, and the licensed person must thereafter submit a new application for licensing if he desires to be relicensed.

Sec. 48. **NRS 90.380 is hereby amended to read as follows:**

90.380 1. Unless a proceeding under NRS 90.420 has been instituted, the license of any broker-dealer, sales representative, investment adviser or representative of an investment adviser becomes effective 30 days after an application for licensing has been filed and is complete, including any amendment, if all requirements imposed pursuant to NRS 90.370 have been satisfied. An application or amendment is complete when the applicant has furnished information responsive to each applicable item of the application. The Administrator may authorize an earlier effective date of licensing.

2. The license of a broker-dealer, sales representative, investment adviser ~~, [or]~~ representative of an investment adviser ***or transfer agent*** is effective until terminated by revocation, suspension, expiration or withdrawal.

3. The license of a sales representative is only effective with respect to transactions effected on behalf of the broker-dealer or issuer for whom the sales representative is licensed.

4. A person shall not at any one time act as a sales representative for more than one broker-dealer or for more than one issuer, unless the Administrator by regulation or order authorizes multiple licenses.

5. If a person licensed as a sales representative terminates association with a broker-dealer or issuer or ceases to be a sales representative, the sales representative and the broker-dealer or issuer on whose behalf the sales representative was acting shall promptly notify the Administrator.

6. The Administrator by regulation may authorize one or more special classifications of licenses as a broker-dealer, sales representative, investment adviser ~~, [or]~~ representative of an investment adviser ***or transfer agent*** to be issued to applicants subject to limitations and conditions on the nature of the activities that may be conducted by persons so licensed.

7. The license of a broker-dealer, sales representative, investment adviser ~~, [or]~~ representative of an investment adviser ***or transfer agent*** expires if ~~[the]~~ ***any*** annual fee required by NRS 90.360 is not paid when it is due.

8. A license that has expired may be reinstated retroactively if the licensed person pays ~~[the]~~ ***any*** fee required by NRS 90.360, plus a fee for reinstatement in the amount of $50, within 30 days after the date of expiration. If the license is not reinstated within that time, it shall be deemed to have lapsed as of the date of expiration, and the licensed person must thereafter submit a new application for licensing if he desires to be relicensed.

Sec. 49. **NRS 90.410 is hereby amended to read as follows:**

90.410 1. The Administrator, without previous notice, may examine in a manner reasonable under the circumstances the records, within or without this State, of a licensed broker-dealer, sales representative, investment adviser or representative of an investment adviser ~~[,]~~ ***or any person issuing securities who would otherwise be required to be licensed pursuant to NRS 90.310 upon authorization by the Attorney General or his designee,*** in order to determine compliance with this chapter. Broker-dealers, sales representatives, investment advisers and representatives of investment advisers shall make their records available to the Administrator in legible form.

2. ~~[The]~~ ***Except as otherwise provided in subsection 3, the*** Administrator may copy records or require a licensed person to copy records and provide the copies to the Administrator to the extent and in a manner reasonable under the circumstances.

3. ***The Administrator may inspect and copy records or require a transfer agent to copy records and provide the copies to the Administrator to the extent such records relate to information concerning principals, corporate officers or stockholders of any publicly traded company based in this State.***

4. The Administrator by regulation may impose a reasonable fee for the expense of conducting an examination under this section.

Sec. 50. **NRS 90.420 is hereby amended to read as follows:**

90.420 1. The Administrator by order may deny, suspend or revoke any license, fine any licensed person, limit the activities governed by this chapter that an applicant or licensed person may perform in this State, bar an applicant or licensed person from association with a licensed broker-dealer or investment adviser or bar from employment with a licensed broker-dealer or investment adviser a person who is a partner, officer, director, sales representative, investment adviser or representative of an investment adviser, or a person occupying a similar status or performing a similar function for an applicant or licensed person, if the Administrator finds that the order is in the public interest and that the applicant or licensed person or, in the case of a broker-dealer or investment adviser, any partner, officer, director, sales representative, investment adviser, representative of an investment adviser, or person occupying a similar status or performing similar functions or any person directly or indirectly controlling the broker-dealer or investment adviser ~~[.]~~ ***, or any transfer agent or any person directly or indirectly controlling the transfer agent:***

(a) Has filed an application for licensing with the Administrator which, as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in a material respect or contained a statement that was, in light of the circumstances under which it was made, false or misleading with respect to a material fact;

(b) Has violated or failed to comply with a provision of this chapter as now or formerly in effect or a regulation or order adopted or issued under this chapter;

(c) Is the subject of an adjudication or determination after notice and opportunity for hearing, within the last 5 years by a securities agency or administrator of another state or a court of competent jurisdiction that the person has violated the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act or the securities law of any other state, but only if the acts constituting the violation of that state's law would constitute a violation of this chapter had the acts taken place in this State;

(d) Within the last 10 years has been convicted of a felony or misdemeanor which the Administrator finds:

(1) Involves the purchase or sale of a security, taking a false oath, making a false report, bribery, perjury, burglary, robbery or conspiracy to commit any of the foregoing offenses;

(2) Arises out of the conduct of business as a broker-dealer, investment adviser, depository institution, insurance company or fiduciary; or

(3) Involves the larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion or misappropriation of money or securities or conspiracy to commit any of the foregoing offenses;

(e) Is or has been permanently or temporarily enjoined by any court of competent jurisdiction, unless the order has been vacated, from acting as an investment adviser, representative of an investment adviser, underwriter, broker-dealer or as an affiliated person or employee of an investment company, depository institution or insurance company or from engaging in or continuing any conduct or practice in connection with any of the foregoing activities or in connection with the purchase or sale of a security;

(f) Is or has been the subject of an order of the Administrator, unless the order has been vacated, denying, suspending or revoking his license as a broker-dealer, sales representative, investment adviser ***,*** ~~[or]~~ representative of an investment adviser ~~[,]~~ ***or transfer agent;***

(g) Is or has been the subject of any of the following orders which were issued within the last 5 years, unless the order has been vacated:

(1) An order by the securities agency or administrator of another state, Canadian province or territory or by the Securities and Exchange Commission or a comparable regulatory agency of another country, entered after notice and opportunity for hearing, denying, suspending or revoking the person's license as a broker-dealer, sales representative, investment adviser ***,*** ~~[or]~~ representative of an investment adviser ~~[,]~~ ***or transfer agent;***

(2) A suspension or expulsion from membership in or association with a member of a self-regulatory organization;

(3) An order of the United States Postal Service relating to fraud;

(4) An order to cease and desist entered after notice and opportunity for hearing by the Administrator, the securities agency or administrator of another state, Canadian province or territory, the Securities and Exchange Commission or a comparable regulatory agency of another country, or the Commodity Futures Trading Commission; or

(5) An order by the Commodity Futures Trading Commission denying, suspending or revoking registration under the Commodity Exchange Act;

(h) Has engaged in unethical or dishonest practices in the securities business;

(i) Is insolvent, either in the sense that liabilities exceed assets or in the sense that obligations cannot be met as they mature, but the Administrator may not enter an order against a broker-dealer or investment adviser under this paragraph without a finding of insolvency as to the broker-dealer or investment adviser;

(j) Has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS;

(k) Is determined by the Administrator in compliance with NRS 90.430 not to be qualified on the basis of lack of training, experience and knowledge of the securities business; or

(l) Has failed reasonably to supervise a sales representative, employee or representative of an investment adviser.

2. The Administrator may not institute a proceeding on the basis of a fact or transaction known to the director when the license became effective unless the proceeding is instituted within 90 days after issuance of the license.

3. If the Administrator finds that an applicant or licensed person is no longer in existence or has ceased to do business as a broker-dealer, sales representative, investment adviser **,** ~~[or]~~ representative of an investment adviser ***or transfer agent*** or is adjudicated mentally incompetent or subjected to the control of a committee, conservator or guardian or cannot be located after reasonable search, the Administrator may by order deny the application or revoke the license.

Sec. 51. **NRS 90.435 is hereby amended to read as follows:**

90.435 1. If the Administrator receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license as a broker-dealer, sales representative, investment adviser **,** ~~[or]~~ representative of an investment adviser ~~[,]~~ ***or transfer agent,*** the Administrator shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Administrator receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Administrator shall reinstate a license as a broker-dealer, sales representative, investment adviser **,** ~~[or]~~ representative of an investment

adviser ***or transfer agent*** that has been suspended by a district court pursuant to NRS 425.540 if the Administrator receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

~~[Sec. 5.]~~ ***Sec. 52.*** NRS 92A.205 is hereby amended to read as follows:

92A.205 1. After a plan of conversion is approved as required by this chapter, if the resulting entity is a domestic entity, the constituent entity shall deliver to the Secretary of State for filing:

(a) Articles of conversion setting forth:

(1) The name and jurisdiction of organization of the constituent entity and the resulting entity; and

(2) That a plan of conversion has been adopted by the constituent entity in compliance with the law of the jurisdiction governing the constituent entity.

(b) The charter document of the domestic resulting entity required by the applicable provisions of chapter 78, 78A, ~~[82,]~~ 86, 88, 88A or 89 of NRS.

(c) A certificate of acceptance of appointment of a resident agent for the resulting entity which is signed by the resident agent.

2. After a plan of conversion is approved as required by this chapter, if the resulting entity is a foreign entity, the constituent entity shall deliver to the Secretary of State for filing articles of conversion setting forth:

(a) The name and jurisdiction of organization of the constituent entity and the resulting entity;

(b) That a plan of conversion has been adopted by the constituent entity in compliance with the laws of this State; and

(c) The address of the resulting entity where copies of process may be sent by the Secretary of State.

3. If the entire plan of conversion is not set forth in the articles of conversion, the filing party must include in the articles of conversion a statement that the complete signed plan of conversion is on file at the registered office or principal place of business of the resulting entity or, if the resulting entity is a domestic limited partnership, the office described in paragraph (a) of subsection 1 of NRS 88.330.

4. If the conversion takes effect on a later date specified in the articles of conversion pursuant to NRS 92A.240, the charter document to be filed with the Secretary of State pursuant to paragraph (b) of subsection 1 must state the name and the jurisdiction of the constituent entity and that the existence of the resulting entity does not begin until the later date.

5. Any records filed with the Secretary of State pursuant to this section must be accompanied by the fees required pursuant to this title for filing the charter document.

~~[Sec. 6.]~~ ***Sec. 53.*** (Deleted by amendment.)

~~[Sec. 7.]~~ ***Sec. 54.*** NRS 225.084 is hereby amended to read as follows:

225.084 1. A person shall not willfully file, promote the filing of, or cause to be filed, or attempt or conspire to file, promote the filing of, or cause to be filed, any record in the Office of the Secretary of State if the person has actual knowledge that the record:

(a) Is forged or fraudulently altered;

(b) Contains a false statement of material fact; or

(c) Is being filed in bad faith or for the purpose of harassing or defrauding any person.

2. Any person who violates this section is liable in a civil action brought pursuant to this section for:

(a) Actual damages caused by each separate violation of this section, or $10,000 for each separate violation of this section, whichever is greater;

(b) All costs of bringing and maintaining the action, including investigative expenses and fees for expert witnesses;

(c) Reasonable attorney's fees; and

(d) Any punitive damages that the facts may warrant.

3. A civil action may be brought pursuant to this section by:

(a) Any person who is damaged by a violation of this section, including, without limitation, any person who is damaged as the result of an action taken in reliance on a record filed in violation of this section; or

(b) The Attorney General, in the name of the State of Nevada, if the matter is referred to the Attorney General by the Secretary of State and if the Attorney General, after due inquiry, determines that a civil action should be brought pursuant to this section. Any money recovered by the Attorney General pursuant to this paragraph, after deducting all costs and expenses incurred by the Attorney General and the Secretary of State to investigate and act upon the violation, must be deposited in the State General Fund.

4. For the purposes of this section, each filing of a single record that constitutes a violation of this section shall be deemed to be a separate violation.

5. The rights, remedies and penalties provided pursuant to this section are cumulative and do not abrogate and are in addition to any other rights, remedies and penalties that may exist at law or in equity, including, without limitation, any criminal penalty that may be imposed pursuant to NRS 239.330.

6. ***The Secretary of State may adopt regulations prescribing procedures for correcting any record filed in violation of this section.***

7. As used in this section, "record" means information that is:

(a) Inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and

(b) Filed or offered for filing by a person pursuant to any provision of title 7 of NRS or Article 9 of the Uniform Commercial Code.

~~[Sec. 8.]~~ ***Sec. 55.*** Assembly Bill No. 26 of this session is hereby amended by adding thereto a new section to be designated as sec. 6.5, following sec. 6, to read as follows:

Sec. 6.5. The amendatory provisions of this act do not apply to a:

1. Corporation that files its articles of incorporation with the Secretary of State;

2. Foreign corporation that files the records required pursuant to subsection 1 of NRS 80.010 or NRS 80.110 with the Secretary of State;

3. Nonprofit corporation that files its articles of incorporation with the Secretary of State;

4. Limited-liability company that files its articles of organization with the Secretary of State;

5. Registered limited-liability partnership that files its certificate of registration with the Secretary of State; or

6. Limited partnership that files its certificate of limited partnership with the Secretary of State,

➥ before the effective date of this act.

Sec. 56. **Senate Bill No. 72 of this session is hereby amended by adding thereto a new section to be designated as sec. 40.5, immediately following sec. 40, to read as follows:**

Sec. 40.5. 1. A limited partnership shall maintain at its registered office or principal place of business in this State:

(a) A current list of each general partner; or

(b) A statement indicating where such a list is maintained.

2. The limited partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a limited partnership to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a limited partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the right of the limited partnership to transact any business in this State.

5. The Secretary of State shall not reinstate or revive the right of a limited partnership to transact any business in this State that was revoked or suspended pursuant to subsection 4 unless:

(a) The limited partnership complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the right of the limited partnership to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 57. **Section 62 of Senate Bill No. 72 of this session is hereby amended to read as follows:**

Sec. 62. *1. Except as otherwise provided in subsections 3 and 4 and section 40.5 of this act, the Secretary of State shall reinstate any limited partnership which has forfeited or which forfeits its right to transact business under the provisions of this chapter and restore to the limited partnership its right to carry on business in this State, and to exercise its privileges and immunities if it:*

(a) Files with the Secretary of State:

(1) The list required pursuant to section 58 of this act;

(2) The statement required by section 59 of this act, if applicable; and

(3) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in sections 58 and 60 of this act for each year or portion thereof during which the certificate has been revoked;

(2) The fee set forth in section 59 of this act, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the limited partnership, he shall issue to the limited partnership a certificate of reinstatement if the limited partnership:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to section 63 of this act.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation occurred only by reason of failure to pay the fees and penalties.

4. If a limited partnership's certificate has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 years, the certificate must not be reinstated.

5. If a limited partnership's certificate is reinstated pursuant to this section, the reinstatement relates back to and takes effect on the effective date of the revocation, and the limited partnership's status as a limited partnership continues as if the revocation had never occurred.

Sec. 58. **Senate Bill No. 72 of this session is hereby amended by adding thereto a new section to be designated as sec. 115.5, immediately following sec. 115, to read as follows:**

Sec. 115.5. 1. A foreign limited partnership shall maintain at its registered office or principal place of business in this State:

(a) A current list of each general partner; or

(b) A statement indicating where such a list is maintained.

2. The foreign limited partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a foreign limited partnership to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a foreign limited partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the certificate authorizing the foreign limited partnership to transact business in this State.

5. The Secretary of State shall not reinstate or revive a certificate authorizing a foreign limited partnership to transact business in this State that was revoked or suspended pursuant to subsection 4 unless:

(a) The foreign limited partnership complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the certificate authorizing the foreign limited partnership to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 59. **Section 118 of Senate Bill No. 72 of this session is hereby amended to read as follows:**

Sec. 118. ***1. Except as otherwise provided in subsections 3 and 4 and section 115.5 of this act, the Secretary of State shall reinstate a foreign limited partnership which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign limited partnership its right to transact business in this State, and to exercise its privileges and immunities, if it:***

(a) Files with the Secretary of State:

(1) The list required by section 112 of this act;

(2) The statement required by section 113 of this act, if applicable; and

(3) A certificate of acceptance of appointment signed by its resident agent; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in sections 112 and 116 of this act for each year or portion thereof that its right to transact business was forfeited;

(2) The fee set forth in section 113 of this act, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the foreign limited partnership, he shall issue to the foreign limited partnership a certificate of reinstatement if the foreign limited partnership:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to section 63 of this act.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign limited partnership to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right is not subject to reinstatement.

5. If the right of a foreign limited partnership to transact business in this State is reinstated pursuant to this section, the reinstatement relates back to and takes effect on the effective date of the revocation, and the foreign limited partnership's status as a foreign limited partnership continues as if the revocation had never occurred.

Sec. 60. **Senate Bill No. 72 of this session is hereby amended by adding thereto a new section to be designated as sec. 126.5, immediately following sec. 126, to read as follows:**

Sec. 126.5. 1. A registered limited-liability limited partnership shall maintain at its registered office or principal place of business in this State:

(a) A current list of each general partner; or

(b) A statement indicating where such a list is maintained.

2. The registered limited-liability limited partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a registered limited-liability limited partnership to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a registered limited-liability limited partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the certificate of registration.

5. The Secretary of State shall not reinstate or revive a certificate of registration that was revoked or suspended pursuant to subsection 4 unless:

(a) The registered limited-liability limited partnership complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the certificate of registration.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

~~[Sec. 9.]~~ ***Sec. 61.*** 1. This section and ~~[section 8]~~ **sections 55 to 60, inclusive,** of this act become effective upon passage and approval.

2. Sections 1 to ~~[7,]~~ **44,** inclusive, **46, 47 and 49 to 54, inclusive,** of this act become effective on October 1, 2007.

3. Sections 44, 46, 47 and 51 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

4. Sections 45 and 48 of this act become effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 25.

Remarks by Assemblyman Anderson.
Motion carried by a constitutional majority.
Bill ordered to enrollment.

Assembly Bill No. 87.
The following Senate amendment was read:
Amendment No. 761.

AN ACT relating to financial institutions; requiring certain financial institutions to provide training to certain officers and employees concerning identifying the suspected exploitation of older persons and vulnerable persons; requiring certain officers and employees who receive such training to report the suspected or known exploitation of an older or vulnerable person; providing for civil penalties for failure to report; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 4-13 of this bill require certain financial institutions to provide training to certain officers and employees concerning the identification and reporting of the exploitation of older persons and vulnerable persons. "Older persons" are defined in existing law as persons who are 60 years of age or older. (NRS 200.5092) "Vulnerable persons" are defined in existing law as persons who are 18 years of age or older who: (1) suffer from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or (2) have one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living. (NRS 200.5092) Section 10 of this bill specifies which officers and employees must receive the training, when the training must be provided and the content of the training. Section 10 further requires those officers and employees to report incidents that reasonably appear to be exploitation of an older or vulnerable person. Section 11 of this bill requires each financial institution to designate a person to whom such reports must be made. The person so designated is then responsible for determining when a formal report must be reported to ~~[a law enforcement]~~ **the appropriate** agency. Section 12 of this bill provides for a civil penalty when an employee, officer or designated reporter who has received training fails to report an incident.

Sections 15-23 of this bill add similar provisions to the chapter governing savings and loan associations. (Chapter 673 of NRS) Sections 25-33 of this bill add similar provisions to the chapter governing thrift companies. (Chapter 677 of NRS) Sections 35-43 of this bill add similar provisions to the chapter governing credit unions. (Chapter 678 of NRS)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)
Sec. 2. (Deleted by amendment.)

Sec. 3. Chapter 657 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 12, inclusive, of this act.

Sec. 4. ***As used in sections 4 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 to 9, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 5. ***"Designated reporter" means a person designated by a financial institution to receive reports of known or suspected exploitation of an older person or vulnerable person pursuant to section 11 of this act.***

Sec. 6. ***"Exploitation" has the meaning ascribed to it in subsection 2 of NRS 200.5092.***

Sec. 7. ***"Older person" has the meaning ascribed to it in subsection 5 of NRS 200.5092.***

Sec. 8. ***"Reasonable cause to believe" has the meaning ascribed to it in NRS 200.50925.***

Sec. 9. ***"Vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.***

Sec. 10. ***1. Each financial institution shall provide training concerning the identification and reporting of the suspected exploitation of an older person or vulnerable person to each officer and employee of the financial institution who:***

(a) May, as part of his regular duties for the financial institution, come into direct contact with an older person or vulnerable person; or

(b) May review or approve the financial documents, records or transactions of an older person or vulnerable person in connection with providing financial services to the older person or vulnerable person.

2. The training required pursuant to subsection 1 must be provided as soon as reasonably practicable, but not later than 6 months after the officer or employee is employed by the financial institution.

3. The training required pursuant to subsection 1 must include, without limitation:

(a) An explanation of the conduct which constitutes exploitation of an older person or vulnerable person;

(b) The manner in which exploitation of an older person or vulnerable person may be recognized;

(c) Information concerning the manner in which reports of exploitation are investigated; and

(d) Instruction concerning when and how to report known or suspected exploitation of an older person or vulnerable person.

4. An officer or employee who has observed or has knowledge of an incident that is directly related to a transaction or matter which is within his scope of practice and which reasonably appears to be exploitation of an older person or vulnerable person shall report the known or suspected exploitation to the designated reporter.

Sec. 11. ***1. Each financial institution shall designate a person or persons to whom an officer or employee of the financial institution must***

report known or suspected exploitation of an older person or vulnerable person.

2. If an officer or employee reports known or suspected exploitation of an older person ~~[or vulnerable person]~~ to a designated reporter and, based on such a report or based on his own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person ~~[or vulnerable person]~~ has been exploited, the designated reporter shall :

(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation ~~[in the same manner as a person required to make a report pursuant to NRS 200.5093 or 200.50935, as applicable.]~~ of the older person to:

(1) The local office of the Aging Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of the older person involves an act or omission of the Aging Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the designated reporter shall make the report to an agency other than the one alleged to have committed the act or omission.

4. If an officer or employee reports known or suspected exploitation of a vulnerable person to a designated reporter and, based on such a report or based on his own observations or knowledge, the designated reporter knows or has reasonable cause to believe that a vulnerable person has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 5, report the known or suspected exploitation of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable.

5. If the designated reporter knows or has reasonable cause to believe that the exploitation of the vulnerable person involves an act or omission of a law enforcement agency, the designated reporter shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

6. In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any facts or information that form the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited,

including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

7. An officer, employee and the designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report in good faith.

Sec. 12. ***1. If an employee or officer who has received the training required pursuant to section 10 of this act fails to report the suspected or known exploitation of an older person or vulnerable person to a designated reporter or if a designated reporter fails to make a report pursuant to section 11 of this act, the financial institution that employs the employee, officer or designated reporter is subject to a civil penalty in an amount:***

(a) Not to exceed $1,000, if the failure to report was not willful; or

(b) Not to exceed $5,000, if the failure to report was willful.

2. A civil penalty pursuant to this section may be recovered only in a civil action brought in the name of the State of Nevada by the Attorney General or by a district attorney in a court of competent jurisdiction.

3. The provisions of this section do not limit or prohibit any other action and are in addition to any other remedy that may be available by law.

Sec. 13. NRS 657.150 is hereby amended to read as follows:

657.150 As used in NRS 657.150 to 657.210, inclusive, ***and sections 4 to 12, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 657.160 and 657.170 have the meanings ascribed to them in those sections.

Sec. 14. Chapter 673 of NRS is hereby amended by adding thereto the provisions set forth as sections 15 to 23, inclusive, of this act.

Sec. 15. ***As used in sections 15 to 23, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 16 to 20, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 16. ***"Designated reporter" means a person designated by an association to receive reports of known or suspected exploitation of an older person or vulnerable person pursuant to section 22 of this act.***

Sec. 17. ***"Exploitation" has the meaning ascribed to it in subsection 2 of NRS 200.5092.***

Sec. 18. ***"Older person" has the meaning ascribed to it in subsection 5 of NRS 200.5092.***

Sec. 19. ***"Reasonable cause to believe" has the meaning ascribed to it in NRS 200.50925.***

Sec. 20. ***"Vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.***

Sec. 21. ***1. Each association shall provide training concerning the identification and reporting of the suspected exploitation of an older***

person or vulnerable person to each director, officer and employee of the association who:

(a) May, as part of his regular duties for the association, come into direct contact with an older person or vulnerable person; or

(b) May review or approve the financial documents, records or transactions of an older person or vulnerable person in connection with providing financial services to the older person or vulnerable person.

2. The training required pursuant to subsection 1 must be provided as soon as reasonably practicable, but not later than 6 months after the director, officer or employee is employed by the association or assumes the position.

3. The training required pursuant to subsection 1 must include, without limitation:

(a) An explanation of the conduct which constitutes exploitation of an older person or vulnerable person;

(b) The manner in which exploitation of an older person or vulnerable person may be recognized;

(c) Information concerning the manner in which reports of exploitation are investigated; and

(d) Instruction concerning when and how to report known or suspected exploitation of an older person or vulnerable person.

4. A director, officer or employee who has observed or has knowledge of an incident that is directly related to a transaction or matter which is within his scope of practice and which reasonably appears to be exploitation of an older person or vulnerable person shall report the known or suspected exploitation to the designated reporter.

Sec. 22. ***1. Each association shall designate a person or persons to whom a director, officer or employee of the association must report known or suspected exploitation of an older person or vulnerable person.***

2. If a director, officer or employee reports known or suspected exploitation of an older person ~~*[or vulnerable person]*~~ ***to a designated reporter and, based on such a report or based on his own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person*** ~~*[or vulnerable person]*~~ ***has been exploited, the designated reporter shall*** **:**

(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation ~~*[in the same manner as a person required to make a report pursuant to NRS 200.5093 or 200.50935, as applicable.]*~~ ***of the older person to:***

(1) The local office of the Aging Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of the older person involves an act or omission of the Aging Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the designated reporter shall make the report to an agency other than the one alleged to have committed the act or omission.

4. If a director, officer or employee reports known or suspected exploitation of a vulnerable person to a designated reporter and, based on such a report or based on his own observations or knowledge, the designated reporter knows or has reasonable cause to believe that a vulnerable person has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 5, report the known or suspected exploitation of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable.

5. If the designated reporter knows or has reasonable cause to believe that the exploitation of the vulnerable person involves an act or omission of a law enforcement agency, the designated reporter shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

6. In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any facts or information that form the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

7. A director, officer, employee and the designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report in good faith.

Sec. 23. ***1. If a director, officer or employee who has received the training required pursuant to section 21 of this act fails to report the suspected or known exploitation of an older person or vulnerable person to a designated reporter or if a designated reporter fails to make a report pursuant to section 22 of this act, the association for which the director, officer or employee or designated reporter works is subject to a civil penalty in an amount:***

(a) Not to exceed $1,000, if the failure to report was not willful; or

(b) Not to exceed $5,000, if the failure to report was willful.

2. A civil penalty pursuant to this section may be recovered only in a civil action brought in the name of the State of Nevada by the Attorney General or by a district attorney in a court of competent jurisdiction.

3. The provisions of this section do not limit or prohibit any other action and are in addition to any other remedy that may be available by law.

Sec. 24. Chapter 677 of NRS is hereby amended by adding thereto the provisions set forth as sections 25 to 33, inclusive, of this act.

Sec. 25. ***As used in sections 25 to 33, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 26 to 30, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 26. ***"Designated reporter" means a person designated by a licensee to receive reports of known or suspected exploitation of an older person or vulnerable person pursuant to section 32 of this act.***

Sec. 27. ***"Exploitation" has the meaning ascribed to it in subsection 2 of NRS 200.5092.***

Sec. 28. ***"Older person" has the meaning ascribed to it in subsection 5 of NRS 200.5092.***

Sec. 29. ***"Reasonable cause to believe" has the meaning ascribed to it in NRS 200.50925.***

Sec. 30. ***"Vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.***

Sec. 31. ***1. Each licensee shall provide training concerning the identification and reporting of the suspected exploitation of an older person or vulnerable person to each officer and employee of the licensee who:***

(a) May, as part of his regular duties for the licensee, come into direct contact with an older person or vulnerable person; or

(b) May review or approve the financial documents, records or transactions of an older person or vulnerable person in connection with providing financial services to the older person or vulnerable person.

2. The training required pursuant to subsection 1 must be provided as soon as reasonably practicable, but not later than 6 months after the officer or employee is employed by the licensee.

3. The training required pursuant to subsection 1 must include, without limitation:

(a) An explanation of the conduct which constitutes exploitation of an older person or vulnerable person;

(b) The manner in which exploitation of an older person or vulnerable person may be recognized;

(c) Information concerning the manner in which reports of exploitation are investigated; and

(d) Instruction concerning when and how to report known or suspected exploitation of an older person or vulnerable person.

4. An officer or employee who has observed or has knowledge of an incident that is directly related to a transaction or matter which is within his scope of practice and which reasonably appears to be exploitation of an older person or vulnerable person shall report the known or suspected exploitation to the designated reporter.

Sec. 32. ***1. Each licensee shall designate a person or persons to whom an officer or employee of the licensee must report known or suspected exploitation of an older person or vulnerable person.***

2. If an officer or employee reports known or suspected exploitation of an older person ~~[or vulnerable person]~~ to a designated reporter and, based on such a report or based on his own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person ~~[or vulnerable person]~~ has been exploited, the designated reporter shall :

(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation ~~[in the same manner as a person required to make a report pursuant to NRS 200.5093 or 200.50935, as applicable.]~~ of the older person to:

(1) The local office of the Aging Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of the older person involves an act or omission of the Aging Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the designated reporter shall make the report to an agency other than the one alleged to have committed the act or omission.

4. If an officer or employee reports known or suspected exploitation of a vulnerable person to a designated reporter and, based on such a report or based on his own observations or knowledge, the designated reporter knows or has reasonable cause to believe that a vulnerable person has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 5, report the known or suspected exploitation of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable.

5. If the designated reporter knows or has reasonable cause to believe that the exploitation of the vulnerable person involves an act or omission of a law enforcement agency, the designated reporter shall make the report to

a law enforcement agency other than the one alleged to have committed the act or omission.

6. In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any facts or information that form the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

7. An officer, employee and the designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report in good faith.

Sec. 33. ***1. If an employee or officer who has received the training required pursuant to section 31 of this act fails to report the suspected or known exploitation of an older person or vulnerable person to a designated reporter or if a designated reporter fails to make a report pursuant to section 32 of this act, the licensee that employs the employee, officer or designated reporter is subject to a civil penalty in an amount:***

(a) Not to exceed $1,000, if the failure to report was not willful; or

(b) Not to exceed $5,000, if the failure to report was willful.

2. A civil penalty pursuant to this section may be recovered only in a civil action brought in the name of the State of Nevada by the Attorney General or by a district attorney in a court of competent jurisdiction.

3. The provisions of this section do not limit or prohibit any other action and are in addition to any other remedy that may be available by law.

Sec. 34. Chapter 678 of NRS is hereby amended by adding thereto the provisions set forth as sections 35 to 43, inclusive, of this act.

Sec. 35. ***As used in sections 35 to 43, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 36 to 40, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 36. ***"Designated reporter" means a person designated by a credit union to receive reports of known or suspected exploitation of an older person or vulnerable person pursuant to section 42 of this act.***

Sec. 37. ***"Exploitation" has the meaning ascribed to it in subsection 2 of NRS 200.5092.***

Sec. 38. ***"Older person" has the meaning ascribed to it in subsection 5 of NRS 200.5092.***

Sec. 39. ***"Reasonable cause to believe" has the meaning ascribed to it in NRS 200.50925.***

Sec. 40. ***"Vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.***

Sec. 41. ***1. Each credit union shall provide training concerning the identification and reporting of the suspected exploitation of an older person or vulnerable person to each*** ~~*[loan officer and]*~~ ***employee of the credit union who:***

(a) May, as part of his regular duties for the credit union, come into direct contact with an older person or vulnerable person; or

(b) May review or approve the financial documents, records or transactions of an older person or vulnerable person in connection with providing financial services to the older person or vulnerable person.

2. The training required pursuant to subsection 1 must be provided as soon as reasonably practicable, but not later than 6 months after the ~~*[loan officer or]*~~ ***employee is employed by the credit union.***

3. The training required pursuant to subsection 1 must include, without limitation:

(a) An explanation of the conduct which constitutes exploitation of an older person or vulnerable person;

(b) The manner in which exploitation of an older person or vulnerable person may be recognized;

(c) Information concerning the manner in which reports of exploitation are investigated; and

(d) Instruction concerning when and how to report known or suspected exploitation of an older person or vulnerable person.

4. ~~*[A loan officer or]*~~ ***An employee who has observed or has knowledge of an incident that is directly related to a transaction or matter which is within his scope of practice and which reasonably appears to be exploitation of an older person or vulnerable person shall report the known or suspected exploitation to the designated reporter.***

Sec. 42. ***1. Each credit union shall designate a person or persons to whom*** ~~*[a loan officer or]*~~ ***an employee of the credit union must report known or suspected exploitation of an older person or vulnerable person.***

2. If ~~*[a loan officer or]*~~ ***an employee reports known or suspected exploitation of an older person*** ~~*[or vulnerable person]*~~ ***to a designated reporter and, based on such a report or based on his own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person*** ~~*[or vulnerable person]*~~ ***has been exploited, the designated reporter shall :***

(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation ~~*[in the same manner as a person required to make a report pursuant to NRS 200.5093 or 200.50935, as applicable. A loan officer,]*~~ ***of the older person to:***

(1) The local office of the Aging Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of the older person involves an act or omission of the Aging Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the designated reporter shall make the report to an agency other than the one alleged to have committed the act or omission.

4. If an employee reports known or suspected exploitation of a vulnerable person to a designated reporter and, based on such a report or based on his own observations or knowledge, the designated reporter knows or has reasonable cause to believe that a vulnerable person has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 5, report the known or suspected exploitation of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable.

5. If the designated reporter knows or has reasonable cause to believe that the exploitation of the vulnerable person involves an act or omission of a law enforcement agency, the designated reporter shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

6. In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any facts or information that form the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

7. An employee and the designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report in good faith.

Sec. 43. *1. If ~~[a loan officer or]~~ an employee who has received the training required pursuant to section 41 of this act fails to report the suspected or known exploitation of an older person or vulnerable person to a designated reporter or if a designated reporter fails to make a report pursuant to section 42 of this act, the credit union that employs the ~~[loan officer,]~~ employee or designated reporter shall be subject to a civil penalty in an amount:*

(a) Not to exceed $1,000, if the failure to report was not willful; or

(b) Not to exceed $5,000, if the failure to report was willful.

2. A civil penalty pursuant to this section may be recovered only in a civil action brought in the name of the State of Nevada by the Attorney General or by a district attorney in a court of competent jurisdiction.

3. The provisions of this section do not limit or prohibit any other action and are in addition to any other remedy that may be available by law.

Assemblyman Anderson moved that the Assembly concur in the Senate Amendment No. 761 to Assembly Bill No. 87.

Remarks by Assemblyman Anderson.

Motion carried.

The following Senate amendment was read:

Amendment No. 968.

AN ACT relating to financial institutions; requiring certain financial institutions to provide training to certain officers and employees concerning identifying the suspected exploitation of older persons and vulnerable persons; requiring certain officers and employees who receive such training to report the suspected or known exploitation of an older or vulnerable person; ~~[providing for civil penalties for failure to report;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 4-13 of this bill require certain financial institutions to provide training to certain officers and employees concerning the identification and reporting of the exploitation of older persons and vulnerable persons. "Older persons" are defined in existing law as persons who are 60 years of age or older. (NRS 200.5092) "Vulnerable persons" are defined in existing law as persons who are 18 years of age or older who: (1) suffer from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or (2) have one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living. (NRS 200.5092) Section 10 of this bill specifies which officers and employees must receive the training, when the training must be provided and the content of the training. Section 10 further requires those officers and employees to report incidents that reasonably appear to be exploitation of an older or vulnerable person. Section 11 of this bill requires each financial institution to designate a person to whom such reports must be made. The person so designated is then responsible for determining when a formal report must be reported to the appropriate agency. ~~[Section 12 of this bill provides for a civil penalty when an employee, officer or designated reporter who has received training fails to report an incident.]~~

Sections ~~[15-23]~~ **15-22** of this bill add similar provisions to the chapter governing savings and loan associations. (Chapter 673 of NRS) Sections ~~[25-33]~~ **25-32** of this bill add similar provisions to the chapter governing thrift companies. (Chapter 677 of NRS) Sections ~~[35-43]~~ **35-42** of this bill add similar provisions to the chapter governing credit unions. (Chapter 678 of NRS)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. Chapter 657 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 12, inclusive, of this act.

Sec. 4. ***As used in sections 4 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 to 9, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 5. ***"Designated reporter" means a person designated by a financial institution to receive reports of known or suspected exploitation of an older person or vulnerable person pursuant to section 11 of this act.***

Sec. 6. ***"Exploitation" has the meaning ascribed to it in subsection 2 of NRS 200.5092.***

Sec. 7. ***"Older person" has the meaning ascribed to it in subsection 5 of NRS 200.5092.***

Sec. 8. ***"Reasonable cause to believe" has the meaning ascribed to it in NRS 200.50925.***

Sec. 9. ***"Vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.***

Sec. 10. ***1. Each financial institution shall provide training concerning the identification and reporting of the suspected exploitation of an older person or vulnerable person to each officer and employee of the financial institution who:***

(a) May, as part of his regular duties for the financial institution, come into direct contact with an older person or vulnerable person; or

(b) May review or approve the financial documents, records or transactions of an older person or vulnerable person in connection with providing financial services to the older person or vulnerable person.

2. The training required pursuant to subsection 1 must be provided as soon as reasonably practicable, but not later than 6 months after the officer or employee is employed by the financial institution.

3. The training required pursuant to subsection 1 must include, without limitation:

(a) An explanation of the conduct which constitutes exploitation of an older person or vulnerable person;

(b) The manner in which exploitation of an older person or vulnerable person may be recognized;

(c) Information concerning the manner in which reports of exploitation are investigated; and

(d) Instruction concerning when and how to report known or suspected exploitation of an older person or vulnerable person.

4. An officer or employee who has observed or has knowledge of an incident that is directly related to a transaction or matter which is within

his scope of practice and which reasonably appears to be exploitation of an older person or vulnerable person shall report the known or suspected exploitation to the designated reporter.

Sec. 11. ***1. Each financial institution shall designate a person or persons to whom an officer or employee of the financial institution must report known or suspected exploitation of an older person or vulnerable person.***

2. If an officer or employee reports known or suspected exploitation of an older person to a designated reporter and, based on such a report or based on his own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation of the older person to:

(1) The local office of the Aging Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of the older person involves an act or omission of the Aging Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the designated reporter shall make the report to an agency other than the one alleged to have committed the act or omission.

4. If an officer or employee reports known or suspected exploitation of a vulnerable person to a designated reporter and, based on such a report or based on his own observations or knowledge, the designated reporter knows or has reasonable cause to believe that a vulnerable person has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 5, report the known or suspected exploitation of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable.

5. If the designated reporter knows or has reasonable cause to believe that the exploitation of the vulnerable person involves an act or omission of a law enforcement agency, the designated reporter shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

6. In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any facts or information that form the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

7. An officer, employee and the designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report in good faith.

Sec. 12. ~~*[1. If an employee or officer who has received the training required pursuant to section 10 of this act fails to report the suspected or known exploitation of an older person or vulnerable person to a designated reporter or if a designated reporter fails to make a report pursuant to section 11 of this act, the financial institution that employs the employee, officer or designated reporter is subject to a civil penalty in an amount:*~~

~~*(a) Not to exceed $1,000, if the failure to report was not willful; or*~~

~~*(b) Not to exceed $5,000, if the failure to report was willful.*~~

~~*2. A civil penalty pursuant to this section may be recovered only in a civil action brought in the name of the State of Nevada by the Attorney General or by a district attorney in a court of competent jurisdiction.*~~

~~*3. The provisions of this section do not limit or prohibit any other action and are in addition to any other remedy that may be available by law.]*~~
(Deleted by amendment.)

Sec. 13. NRS 657.150 is hereby amended to read as follows:

657.150 As used in NRS 657.150 to 657.210, inclusive, ***and sections 4 to 12, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 657.160 and 657.170 have the meanings ascribed to them in those sections.

Sec. 14. Chapter 673 of NRS is hereby amended by adding thereto the provisions set forth as sections 15 to 23, inclusive, of this act.

Sec. 15. ***As used in sections 15 to 23, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 16 to 20, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 16. ***"Designated reporter" means a person designated by an association to receive reports of known or suspected exploitation of an older person or vulnerable person pursuant to section 22 of this act.***

Sec. 17. ***"Exploitation" has the meaning ascribed to it in subsection 2 of NRS 200.5092.***

Sec. 18. ***"Older person" has the meaning ascribed to it in subsection 5 of NRS 200.5092.***

Sec. 19. ***"Reasonable cause to believe" has the meaning ascribed to it in NRS 200.50925.***

Sec. 20. ***"Vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.***

Sec. 21. ***1. Each association shall provide training concerning the identification and reporting of the suspected exploitation of an older person or vulnerable person to each director, officer and employee of the association who:***

(a) May, as part of his regular duties for the association, come into direct contact with an older person or vulnerable person; or

(b) May review or approve the financial documents, records or transactions of an older person or vulnerable person in connection with providing financial services to the older person or vulnerable person.

2. The training required pursuant to subsection 1 must be provided as soon as reasonably practicable, but not later than 6 months after the director, officer or employee is employed by the association or assumes the position.

3. The training required pursuant to subsection 1 must include, without limitation:

(a) An explanation of the conduct which constitutes exploitation of an older person or vulnerable person;

(b) The manner in which exploitation of an older person or vulnerable person may be recognized;

(c) Information concerning the manner in which reports of exploitation are investigated; and

(d) Instruction concerning when and how to report known or suspected exploitation of an older person or vulnerable person.

4. A director, officer or employee who has observed or has knowledge of an incident that is directly related to a transaction or matter which is within his scope of practice and which reasonably appears to be exploitation of an older person or vulnerable person shall report the known or suspected exploitation to the designated reporter.

Sec. 22. ***1. Each association shall designate a person or persons to whom a director, officer or employee of the association must report known or suspected exploitation of an older person or vulnerable person.***

2. If a director, officer or employee reports known or suspected exploitation of an older person to a designated reporter and, based on such a report or based on his own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation of the older person to:

(1) The local office of the Aging Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of the older person involves an act or omission of the Aging Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the designated reporter shall make the report to an agency other than the one alleged to have committed the act or omission.

4. If a director, officer or employee reports known or suspected exploitation of a vulnerable person to a designated reporter and, based on such a report or based on his own observations or knowledge, the designated reporter knows or has reasonable cause to believe that a vulnerable person has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 5, report the known or suspected exploitation of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable.

5. If the designated reporter knows or has reasonable cause to believe that the exploitation of the vulnerable person involves an act or omission of a law enforcement agency, the designated reporter shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

6. In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any facts or information that form the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

7. A director, officer, employee and the designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report in good faith.

Sec. 23. ~~*[1. If a director, officer or employee who has received the training required pursuant to section 21 of this act fails to report the suspected or known exploitation of an older person or vulnerable person to a designated reporter or if a designated reporter fails to make a report pursuant to section 22 of this act, the association for which the director, officer or employee or designated reporter works is subject to a civil penalty in an amount:*~~

~~*(a) Not to exceed $1,000, if the failure to report was not willful; or*~~

~~*(b) Not to exceed $5,000, if the failure to report was willful.*~~

~~*2. A civil penalty pursuant to this section may be recovered only in a civil action brought in the name of the State of Nevada by the Attorney General or by a district attorney in a court of competent jurisdiction.*~~

~~*3. The provisions of this section do not limit or prohibit any other action and are in addition to any other remedy that may be available by law.]*~~

(Deleted by amendment.)

Sec. 24. Chapter 677 of NRS is hereby amended by adding thereto the provisions set forth as sections 25 to 33, inclusive, of this act.

Sec. 25. ***As used in sections 25 to 33, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 26 to 30, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 26. ***"Designated reporter" means a person designated by a licensee to receive reports of known or suspected exploitation of an older person or vulnerable person pursuant to section 32 of this act.***

Sec. 27. ***"Exploitation" has the meaning ascribed to it in subsection 2 of NRS 200.5092.***

Sec. 28. ***"Older person" has the meaning ascribed to it in subsection 5 of NRS 200.5092.***

Sec. 29. ***"Reasonable cause to believe" has the meaning ascribed to it in NRS 200.50925.***

Sec. 30. ***"Vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.***

Sec. 31. ***1. Each licensee shall provide training concerning the identification and reporting of the suspected exploitation of an older person or vulnerable person to each officer and employee of the licensee who:***

(a) May, as part of his regular duties for the licensee, come into direct contact with an older person or vulnerable person; or

(b) May review or approve the financial documents, records or transactions of an older person or vulnerable person in connection with providing financial services to the older person or vulnerable person.

2. The training required pursuant to subsection 1 must be provided as soon as reasonably practicable, but not later than 6 months after the officer or employee is employed by the licensee.

3. The training required pursuant to subsection 1 must include, without limitation:

(a) An explanation of the conduct which constitutes exploitation of an older person or vulnerable person;

(b) The manner in which exploitation of an older person or vulnerable person may be recognized;

(c) Information concerning the manner in which reports of exploitation are investigated; and

(d) Instruction concerning when and how to report known or suspected exploitation of an older person or vulnerable person.

4. An officer or employee who has observed or has knowledge of an incident that is directly related to a transaction or matter which is within his scope of practice and which reasonably appears to be exploitation of an older person or vulnerable person shall report the known or suspected exploitation to the designated reporter.

Sec. 32. ***1. Each licensee shall designate a person or persons to whom an officer or employee of the licensee must report known or suspected exploitation of an older person or vulnerable person.***

2. If an officer or employee reports known or suspected exploitation of an older person to a designated reporter and, based on such a report or based on his own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation of the older person to:

(1) The local office of the Aging Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of the older person involves an act or omission of the Aging Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the designated reporter shall make the report to an agency other than the one alleged to have committed the act or omission.

4. If an officer or employee reports known or suspected exploitation of a vulnerable person to a designated reporter and, based on such a report or based on his own observations or knowledge, the designated reporter knows or has reasonable cause to believe that a vulnerable person has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 5, report the known or suspected exploitation of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable.

5. If the designated reporter knows or has reasonable cause to believe that the exploitation of the vulnerable person involves an act or omission of a law enforcement agency, the designated reporter shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

6. In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any facts or information that form the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

7. An officer, employee and the designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report in good faith.

Sec. 33. ~~*[1. If an employee or officer who has received the training required pursuant to section 31 of this act fails to report the suspected or known exploitation of an older person or vulnerable person to a designated reporter or if a designated reporter fails to make a report pursuant to section 32 of this act, the licensee that employs the employee, officer or designated reporter is subject to a civil penalty in an amount:*~~

~~*(a) Not to exceed $1,000, if the failure to report was not willful; or*~~

~~*(b) Not to exceed $5,000, if the failure to report was willful.*~~

~~*2. A civil penalty pursuant to this section may be recovered only in a civil action brought in the name of the State of Nevada by the Attorney General or by a district attorney in a court of competent jurisdiction.*~~

~~*3. The provisions of this section do not limit or prohibit any other action and are in addition to any other remedy that may be available by law.]*~~

(Deleted by amendment.)

Sec. 34. Chapter 678 of NRS is hereby amended by adding thereto the provisions set forth as sections 35 to 43, inclusive, of this act.

Sec. 35. ***As used in sections 35 to 43, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 36 to 40, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 36. ***"Designated reporter" means a person designated by a credit union to receive reports of known or suspected exploitation of an older person or vulnerable person pursuant to section 42 of this act.***

Sec. 37. ***"Exploitation" has the meaning ascribed to it in subsection 2 of NRS 200.5092.***

Sec. 38. ***"Older person" has the meaning ascribed to it in subsection 5 of NRS 200.5092.***

Sec. 39. ***"Reasonable cause to believe" has the meaning ascribed to it in NRS 200.50925.***

Sec. 40. ***"Vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.***

Sec. 41. ***1. Each credit union shall provide training concerning the identification and reporting of the suspected exploitation of an older person or vulnerable person to each employee of the credit union who:***

(a) May, as part of his regular duties for the credit union, come into direct contact with an older person or vulnerable person; or

(b) May review or approve the financial documents, records or transactions of an older person or vulnerable person in connection with providing financial services to the older person or vulnerable person.

2. The training required pursuant to subsection 1 must be provided as soon as reasonably practicable, but not later than 6 months after the employee is employed by the credit union.

3. The training required pursuant to subsection 1 must include, without limitation:

(a) An explanation of the conduct which constitutes exploitation of an older person or vulnerable person;

(b) The manner in which exploitation of an older person or vulnerable person may be recognized;

(c) Information concerning the manner in which reports of exploitation are investigated; and

(d) Instruction concerning when and how to report known or suspected exploitation of an older person or vulnerable person.

4. An employee who has observed or has knowledge of an incident that is directly related to a transaction or matter which is within his scope of practice and which reasonably appears to be exploitation of an older person or vulnerable person shall report the known or suspected exploitation to the designated reporter.

Sec. 42. ***1. Each credit union shall designate a person or persons to whom an employee of the credit union must report known or suspected exploitation of an older person or vulnerable person.***

2. If an employee reports known or suspected exploitation of an older person to a designated reporter and, based on such a report or based on his own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation of the older person to:

(1) The local office of the Aging Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of the older person involves an act or omission of the Aging Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the designated reporter

shall make the report to an agency other than the one alleged to have committed the act or omission.

4. If an employee reports known or suspected exploitation of a vulnerable person to a designated reporter and, based on such a report or based on his own observations or knowledge, the designated reporter knows or has reasonable cause to believe that a vulnerable person has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 5, report the known or suspected exploitation of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable.

5. If the designated reporter knows or has reasonable cause to believe that the exploitation of the vulnerable person involves an act or omission of a law enforcement agency, the designated reporter shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

6. In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any facts or information that form the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

7. An employee and the designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report in good faith.

Sec. 43. ~~*[1. If an employee who has received the training required pursuant to section 41 of this act fails to report the suspected or known exploitation of an older person or vulnerable person to a designated reporter or if a designated reporter fails to make a report pursuant to section 42 of this act, the credit union that employs the employee or designated reporter shall be subject to a civil penalty in an amount:*~~

~~*(a) Not to exceed $1,000, if the failure to report was not willful; or*~~

~~*(b) Not to exceed $5,000, if the failure to report was willful.*~~

~~*2. A civil penalty pursuant to this section may be recovered only in a civil action brought in the name of the State of Nevada by the Attorney General or by a district attorney in a court of competent jurisdiction.*~~

~~*3. The provisions of this section do not limit or prohibit any other action and are in addition to any other remedy that may be available by law.]*~~ **(Deleted by amendment.)**

Assemblyman Anderson moved that the Assembly concur in the Senate Amendment No. 968 to Assembly Bill No. 87.

Remarks by Assemblyman Anderson.
Motion carried by a constitutional majority.`
Bill ordered to enrollment.

Assembly Bill No. 92.
The following Senate amendment was read:
Amendment No. 790.
Joint Sponsor: **Assemblywoman Weber**

AN ACT relating to criminal procedure; expanding the crimes for which a convicted person is required to submit a biological specimen to be used for genetic marker analysis; **prohibiting the sharing or disclosure of biological specimens and certain information except under certain circumstances; providing penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ **Section 1 of this** bill expands the crimes for which a convicted person is required to submit to the Central Repository for Nevada Records of Criminal History a biological specimen to be used for analysis to determine the genetic markers of the specimen to include any felony, rather than certain felonies. (NRS 176.0913) **Sections 1 and 2 of this bill prohibit the sharing or disclosure of biological specimens and certain information except under certain circumstances. (NRS 176.0913, 176.0916).**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 176.0913 is hereby amended to read as follows:

176.0913 1. If a defendant is convicted of an offense listed in subsection 4, the court, at sentencing, shall order that:

(a) The name, social security number, date of birth and any other information identifying the defendant be submitted to the Central Repository for Nevada Records of Criminal History; and

(b) A biological specimen be obtained from the defendant pursuant to the provisions of this section and that the specimen be used for an analysis to determine the genetic markers of the specimen.

2. If the defendant is committed to the custody of the Department of Corrections, the Department of Corrections shall arrange for the biological specimen to be obtained from the defendant. The Department of Corrections shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917.

3. If the defendant is not committed to the custody of the Department of Corrections, the Division shall arrange for the biological specimen to be obtained from the defendant. The Division shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917. Any cost that is incurred to obtain a

biological specimen from a defendant pursuant to this subsection is a charge against the county in which the defendant was convicted and must be paid as provided in NRS 176.0915.

4. Except as otherwise provided in subsection 5, the provisions of subsection 1 apply to a defendant who is convicted of:

(a) A ~~[category A]~~ felony;

(b) ~~[A category B felony;~~

~~(c) A category C felony involving the use or threatened use of force or violence against the victim;~~

~~(d)]~~ A crime against a child as defined in NRS 179D.210;

~~[(e)]~~ ***(c)*** A sexual offense as defined in NRS 179D.410;

~~[(f)]~~ ***(d)*** Abuse or neglect of an older person or a vulnerable person pursuant to NRS 200.5099;

~~[(g)]~~ ***(e)*** A second or subsequent offense for stalking pursuant to NRS 200.575;

~~[(h)]~~ ***(f)*** An attempt or conspiracy to commit an offense listed in paragraphs (a) to ~~[(g), inclusive;~~

~~(i)]~~ ***(e), inclusive;***

(g) Failing to register with a local law enforcement agency as a convicted person as required pursuant to NRS 179C.100, if the defendant previously was:

(1) Convicted in this State of committing an offense listed in paragraph (a), ~~[(b), (c), (f), (g) or (h);]~~ ***(d), (e) or (f);*** or

(2) Convicted in another jurisdiction of committing an offense that would constitute an offense listed in paragraph (a), ~~[(b), (c), (f), (g) or (h)]~~ ***(d), (e) or (f)*** if committed in this State;

~~[(j)]~~ ***(h)*** Failing to register with a local law enforcement agency after being convicted of a crime against a child as required pursuant to NRS 179D.240; or

~~[(k)]~~ ***(i)*** Failing to register with a local law enforcement agency after being convicted of a sexual offense as required pursuant to NRS 179D.450.

5. A court shall not order a biological specimen to be obtained from a defendant who has previously submitted such a specimen for conviction of a prior offense unless the court determines that an additional sample is necessary.

6. Except as otherwise authorized by federal law or by specific statute, a biological specimen obtained pursuant to this section, the results of a genetic marker analysis and any information identifying or matching a biological specimen with a person must not be shared with or disclosed to any person other than the authorized personnel who have possession and control of the biological specimen, results of a genetic marker analysis or information identifying or matching a biological specimen with a person, except pursuant to:

(a) A court order; or

(b) A request from a law enforcement agency during the course of an investigation.

7. A person who violates any provision of subsection 6 is guilty of a misdemeanor.

Sec. 2. **NRS 176.0916 is hereby amended to read as follows:**

176.0916 1. If the Division is supervising a probationer or parolee pursuant to an interstate compact and the probationer or parolee is or has been convicted in another jurisdiction of violating a law that prohibits the same or similar conduct as an offense listed in subsection 4 of NRS 176.0913, the Division shall arrange for a biological specimen to be obtained from the probationer or parolee.

2. After a biological specimen is obtained from a probationer or parolee pursuant to this section, the Division shall:

(a) Provide the biological specimen to the forensic laboratory that has been designated by the county in which the probationer or parolee is residing to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917; and

(b) Submit the name, social security number, date of birth and any other information identifying the probationer or parolee to the Central Repository for Nevada Records of Criminal History.

3. ***Except as otherwise authorized by federal law or by specific statute, a biological specimen obtained pursuant to this section, the results of a genetic marker analysis and any information identifying or matching a biological specimen with a person must not be shared with or disclosed to any person other than the authorized personnel who have possession and control of the biological specimen, results of a genetic marker analysis or information identifying or matching a biological specimen with a person, except pursuant to:***

(a) A court order; or

(b) A request from a law enforcement agency during the course of an investigation.

4. A person who violates any provision of subsection 3 is guilty of a misdemeanor.

5. A probationer or parolee, to the extent of his financial ability, shall pay the sum of $150 to the Division as a fee for obtaining the biological specimen and for conducting the analysis to determine the genetic markers of the biological specimen. Except as otherwise provided in subsection ~~[4,]~~ ***6,*** the fee required pursuant to this subsection must be collected from a probationer or parolee at the time the biological specimen is obtained from the probationer or parolee.

~~[4.]~~ ***6.*** A probationer or parolee may arrange to make monthly payments of the fee required pursuant to subsection ~~[3.]~~ ***5.*** If such arrangements are made, the Division shall provide a probationer or parolee with a monthly statement that specifies the date on which the next payment is due.

~~[5.]~~ ***7.*** Any unpaid balance for a fee required pursuant to subsection ~~[3]~~ ***5*** is a charge against the Division.

~~[6.]~~ ***8.*** The Division shall deposit money that is collected pursuant to this section in the Fund for Genetic Marker Testing, which is hereby created in the State General Fund. The money deposited in the Fund for Genetic Marker Testing must be used to pay for the actual amount charged to the Division for obtaining biological specimens from probationers and parolees, and for conducting an analysis to determine the genetic markers of the specimens.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 92.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 127.

The following Senate amendment was read:

Amendment No. 792.

SUMMARY—Revises provisions relating to interception of wire communications. (BDR ~~[15-1049)]~~ **54-1049)**

AN ACT relating to communications; ~~[authorizing]~~ **clarifying that** a person ~~[to]~~ **may** record certain telephone calls made by collection agents and collection agencies ~~[without obtaining their consent;]~~ **after providing notice that the call is being recorded and making a statement to that effect on the recording;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally requires two-party consent before a person may record a telephone conversation. (NRS 200.620) The Nevada Supreme Court has interpreted existing law to prohibit a person from recording his own telephone conversations unless the other party to the conversation gives prior consent to the recording. (***Lane v. Allstate Ins. Co.***, 114 Nev. 1176 (1998)) ~~[However, the law recognizes exceptions to the requirement of two-party consent for certain situations, including: (1) interceptions of wire communications made pursuant to a court order; (2) interceptions of wire communications made with the consent of one party in an emergency situation and later ratified by a court; (3) interceptions of communications made by an offender in an institution or facility with a person outside of the institution or facility in certain circumstances; and (4) a public utility recording telephone calls relating to emergencies and service outages in certain circumstances. (NRS 179.410-179.515, 209.419, 704.195)]~~ **Existing law also prohibits the surreptitious listening, monitoring or recording of private conversations engaged in by other persons. (NRS 200.650)**

~~[Sections 1 and]~~ **Section** 4 of this bill ~~[provide an additional exception to the two-party consent requirement set forth in NRS 200.620. Section 4 authorizes]~~ **provides that, after providing notice to the collection agency or collection agent that the telephone call is being recorded and making**

a statement to that effect on the recording, a person ~~[to]~~ **may** record any telephone call concerning a debt which is owed or asserted to be owed by the person if the telephone call is initiated by a collection agency or collection agent and received by the person who owes or is alleged to owe the debt. ~~[Section 4 further provides that the person who records the telephone call is not required to obtain the consent of the collection agency or collection agent to record the telephone call or provide notice to the collection agency or collection agent that the telephone call is being recorded.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 200.620 is hereby amended to read as follows:~~

~~200.620 1. Except as otherwise provided in NRS 179.410 to 179.515, inclusive, 209.419 and 704.195,~~ *and section 4 of this act*, ~~it is unlawful for any person to intercept or attempt to intercept any wire communication unless:~~

~~(a) The interception or attempted interception is made with the prior consent of one of the parties to the communication; and~~

~~(b) An emergency situation exists and it is impractical to obtain a court order as required by NRS 179.410 to 179.515, inclusive, before the interception, in which event the interception is subject to the requirements of subsection 3. If the application for ratification is denied, any use or disclosure of the information so intercepted is unlawful, and the person who made the interception shall notify the sender and the receiver of the communication that:~~

~~(1) The communication was intercepted; and~~

~~(2) Upon application to the court, ratification of the interception was denied.~~

~~2. This section does not apply to any person, or to the officers, employees or agents of any person, engaged in the business of providing service and facilities for wire communication where the interception or attempted interception is to construct, maintain, conduct or operate the service or facilities of that person.~~

~~3. Any person who has made an interception in an emergency situation as provided in paragraph (b) of subsection 1 shall, within 72 hours of the interception, make a written application to a justice of the Supreme Court or district judge for ratification of the interception. The interception must not be ratified unless the applicant shows that:~~

~~(a) An emergency situation existed and it was impractical to obtain a court order before the interception; and~~

~~(b) Except for the absence of a court order, the interception met the requirements of NRS 179.410 to 179.515, inclusive.~~

~~4. NRS 200.610 to 200.690, inclusive, do not prohibit the recording, and NRS 179.410 to 179.515, inclusive, do not prohibit the reception in evidence, of conversations on wire communications installed in the office of an official~~

~~law enforcement or fire fighting agency, or a public utility, if the equipment used for the recording is installed in a facility for wire communications or on a telephone with a number listed in a directory, on which emergency calls or requests by a person for response by the law enforcement or fire fighting agency or public utility are likely to be received. In addition, those sections do not prohibit the recording or reception in evidence of conversations initiated by the law enforcement or fire fighting agency or public utility from such a facility or telephone in connection with responding to the original call or request, if the agency or public utility informs the other party that the conversation is being recorded.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 200.650 is hereby amended to read as follows:~~

~~200.650 Except as otherwise provided in NRS 179.410 to 179.515, inclusive, and 704.195, *and section 4 of this act*, a person shall not intrude upon the privacy of other persons by surreptitiously listening to, monitoring or recording, or attempting to listen to, monitor or record, by means of any mechanical, electronic or other listening device, any private conversation engaged in by the other persons, or disclose the existence, content, substance, purport, effect or meaning of any conversation so listened to, monitored or recorded, unless authorized to do so by one of the persons engaging in the conversation.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 179.458 is hereby amended to read as follows:~~

~~179.458 The provisions of NRS 179.410 to 179.515, inclusive, do not prohibit the recording of any telephone call by~~ [a]~~:~~

~~*1. A public utility pursuant to NRS 704.195* [.]*; or*~~

~~*2. A person authorized to record a telephone call made by a collection agency or collection agent pursuant to section 4 of this act.]~~ **(Deleted by amendment.)**

Sec. 4. Chapter 649 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~*[A]*~~ ***After providing notice that the telephone conversation will be recorded, a person may record any telephone call that:***

(a) Concerns a claim which is owed or asserted to be owed by the person;

(b) Is made by a collection agency or collection agent; and

(c) Is received by the person.

2. A person who records a telephone call pursuant to this section is ~~*[not]*~~ ***required to*** ~~*[:*~~

~~*(a) Obtain the consent of the collection agency or collection agent to record the telephone call; or*~~

~~*(b) Provide notice to the collection agency or collection agent that the person is recording the telephone call.]*~~ ***make a statement immediately after the recording begins that the telephone call is being recorded.***

3. As used in this section, "record" means the acquisition of the contents of a wire communication through the use of a recording device.

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 127.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 193.

The following Senate amendment was read:

Amendment No. 755.

AN ACT relating to crimes; establishing the requirements for determining whether a person is insane for purposes of the plea of not guilty by reason of insanity and for the insanity defense; authorizing a plea and verdict of guilty but mentally ill under certain circumstances; **providing for annual evaluations and the discharge or conditional release of a person who is committed to the custody of the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services after an acquittal by reason of insanity in certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In 1995, the Legislature enacted Senate Bill No. 314 which abolished the insanity defense in criminal cases and instead authorized a plea of guilty but mentally ill. In 2001, the Nevada Supreme Court interpreted the provisions of Senate Bill No. 314 and ruled that the federal and state constitutions require the State to provide to criminal defendants the option of raising an insanity defense for crimes that require an element of intent. (***Finger v. State***, 117 Nev. 548 (2001)) Based on this reasoning and because the Court did not believe that the Legislature would wish to preserve the plea of guilty but mentally ill under these circumstances, the Court struck Senate Bill No. 314 in its entirety and reinstated the insanity defense as it existed before Senate Bill No. 314. (***Finger***, 117 Nev. at 575) In response to ***Finger***, the Legislature enacted legislation in 2003, Assembly Bill No. 156, which statutorily abolished the plea of guilty but mentally ill and reinstated the insanity defense.

Section 4 of this bill reinstates the plea of guilty but mentally ill as an additional plea. Section 4 also provides that a defendant who pleads guilty but mentally ill bears the burden of establishing his mental illness by a preponderance of the evidence and that generally such a defendant is subject to the same penalties and procedures as a defendant who pleads guilty. (NRS 174.035)

Section 10 of this bill authorizes the verdict of guilty but mentally ill. Specifically, section 10 authorizes a judge or jury to find a defendant guilty but mentally ill if the judge or jury finds that the defendant: (1) is guilty of the offense; (2) has established that he was mentally ill at the time the offense was committed; and (3) has not established that he was insane for purposes of the defense of insanity. Generally, a defendant who is found guilty but

mentally ill is subject to the same penalties and procedures as a defendant who is found guilty.

Section 17 of this bill provides the types of sentences a court may impose upon a defendant who pleads or is found guilty but mentally ill. Regardless of whether a defendant is mentally ill at the time of sentencing, the court is required to impose any sentence available to the court for a defendant who pleads or is found guilty of the same offense. However, if the defendant is mentally ill at the time of sentencing and the sentence includes a term of confinement, the court is also required, under certain circumstances, to direct the Department of Corrections to provide to the defendant such treatment as is medically indicated for his mental illness during his confinement. This bill contains many of the same provisions that were included in Senate Bill No. 314 of the 1995 Legislative Session, as well as many new sections that were included to provide for the plea and verdict of guilty but mentally ill.

Under existing case law in Nevada, a defendant in a criminal case who asserts the insanity defense must prove that he was in a delusional state at the time of the alleged crime and due to that delusional state, he either: (1) did not understand the nature or capacity of his act; or (2) did not appreciate that his act was wrong, meaning that the act is not authorized by law. (***Finger***, 117 Nev. at 576) This standard for establishing insanity is commonly referred to as the "M'Naghten Rule." The Nevada Supreme Court has recognized that the Legislature may determine that legal insanity be proven by the defendant by any one of the established standards, including by the M'Naghten Rule. (***Finger***, 117 Nev. at 575) Section 4 of this bill codifies the M'Naghten Rule, as stated above, as the standard for establishing insanity for purposes of the insanity defense. (NRS 174.035)

Existing law requires a court to order a person who is acquitted by reason of insanity committed to the custody of the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services if the court determines that there is clear and convincing evidence that the person is mentally ill. (NRS 175.539) Existing law provides that such a person committed to the custody of the Administrator is generally subject to the same procedures upon commitment as a person who is committed to the custody of the Administrator because he is incompetent to stand trial. (NRS 175.539, 178.400-178.460)

Sections 30-39 of this bill establish the procedures governing the discharge or conditional release of a person who is committed to the custody of the Administrator following an acquittal by reason of insanity. Section 36 provides that such a person is eligible for discharge or conditional release from custody if he establishes by a preponderance of the evidence that he would not be a danger, as a result of any mental disorder, to himself or others. Section 37 provides that an initial hearing to determine whether a person is eligible for discharge or conditional release must be held not later than 60 days after the person has been

committed to the custody of the Administrator, except in certain circumstances. Not later than 21 days before this hearing and annually thereafter, the Administrator shall prepare a report concerning the condition of the person and provide a copy of it to the person, his attorney, the prosecuting attorney and the court. The opinion of the Administrator included in the report concerning whether or not the person should be discharged or conditionally released may be challenged by either the person committed to the custody of the Administrator or the district attorney. Section 38 provides that if a person is not discharged or conditionally released from the custody of the Administrator following his initial hearing, the person may petition annually for a discharge or conditional release. Section 38 further provides that the Division may petition for a discharge or conditional release at any time if the petition is accompanied by the affidavit of a physician or licensed psychologist which states that the person's mental condition has improved since the most recent hearing concerning the discharge or conditional release of the person.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 169.195 is hereby amended to read as follows:

169.195 1. "Trial" means that portion of a criminal action which:

(a) If a jury is used, begins with the impaneling of the jury and ends with the return of the verdict, both inclusive.

(b) If no jury is used, begins with the opening statement, or if there is no opening statement, when the first witness is sworn, and ends with the closing argument or upon submission of the cause to the court without argument, both inclusive.

2. "Trial" does not include any proceeding had upon a plea of guilty ***or guilty but mentally ill*** to determine the degree of guilt or to fix the punishment.

Sec. 2. NRS 173.035 is hereby amended to read as follows:

173.035 1. An information may be filed against any person for any offense when the person:

(a) Has had a preliminary examination as provided by law before a justice of the peace, or other examining officer or magistrate, and has been bound over to appear at the court having jurisdiction; or

(b) Has waived his right to a preliminary examination.

2. If, however, upon the preliminary examination the accused has been discharged, or the affidavit or complaint upon which the examination has been held has not been delivered to the clerk of the proper court, the Attorney General when acting pursuant to a specific statute or the district attorney may, upon affidavit of any person who has knowledge of the commission of an offense, and who is a competent witness to testify in the case, setting forth the offense and the name of the person or persons charged with the

commission thereof, upon being furnished with the names of the witnesses for the prosecution, by leave of the court first had, file an information, and process must forthwith be issued thereon. The affidavit need not be filed in cases where the defendant has waived a preliminary examination, or upon a preliminary examination has been bound over to appear at the court having jurisdiction.

3. The information must be filed within 15 days after the holding or waiver of the preliminary examination. Each information must set forth the crime committed according to the facts.

4. If, with the consent of the prosecuting attorney, a defendant waives his right to a preliminary examination in accordance with an agreement by the defendant to plead guilty ***, guilty but mentally ill*** or nolo contendere to a lesser charge or ***to*** at least one ***,*** but not all, of the initial charges, the information filed against the defendant pursuant to this section may contain only the offense or offenses to which the defendant has agreed to enter a plea of guilty ***, guilty but mentally ill*** or nolo contendere. If, for any reason, the agreement is rejected by the district court or withdrawn by the defendant, the prosecuting attorney may file an amended information charging all of the offenses which were in the criminal complaint upon which the preliminary examination was waived. The defendant must then be arraigned in accordance with the amended information.

Sec. 3. NRS 173.125 is hereby amended to read as follows:

173.125 The prosecution is not required to elect between the different offenses or counts set forth in the indictment or information, and a plea of guilty ***or guilty but mentally ill*** to one or more offenses charged in the indictment or information does not preclude prosecution for the other offenses.

Sec. 4. NRS 174.035 is hereby amended to read as follows:

174.035 1. A defendant may plead not guilty, guilty ***, guilty but mentally ill*** or, with the consent of the court, nolo contendere. The court may refuse to accept a plea of guilty [.] ***or guilty but mentally ill.***

2. If a plea of guilty ***or guilty but mentally ill*** is made in a written plea agreement, the agreement must be in substantially the form prescribed in NRS 174.063. If a plea of guilty ***or guilty but mentally ill*** is made orally, the court shall not accept such a plea or a plea of nolo contendere without first addressing the defendant personally and determining that the plea is made voluntarily with understanding of the nature of the charge and consequences of the plea.

3. With the consent of the court and the district attorney, a defendant may enter a conditional plea of guilty ***, guilty but mentally ill*** or nolo contendere, reserving in writing the right, on appeal from the judgment, to a review of the adverse determination of any specified pretrial motion. A defendant who prevails on appeal must be allowed to withdraw the plea.

4. ***A plea of guilty but mentally ill must be entered not less than 21 days before the date set for trial. A defendant who has entered a plea of guilty***

but mentally ill has the burden of establishing his mental illness by a preponderance of the evidence. Except as otherwise provided by specific statute, a defendant who enters such a plea is subject to the same criminal, civil and administrative penalties and procedures as a defendant who pleads guilty.

5. The defendant may, in the alternative or in addition to any one of the pleas permitted by subsection 1, plead not guilty by reason of insanity. A plea of not guilty by reason of insanity must be entered not less than 21 days before the date set for trial. A defendant who has not so pleaded may offer the defense of insanity during trial upon good cause shown. Under such a plea or defense, the burden of proof is upon the defendant to establish ~~[his insanity]~~ by a preponderance of the evidence ~~[.~~

~~5.]~~ ***that:***

(a) Due to a disease or defect of the mind, he was in a delusional state at the time of the alleged offense; and

(b) Due to the delusional state, he either did not:

(1) Know or understand the nature and capacity of his act; or

(2) Appreciate that his conduct was wrong, meaning not authorized by law.

6. If a defendant refuses to plead or if the court refuses to accept a plea of guilty ***or guilty but mentally ill*** or if a defendant corporation fails to appear, the court shall enter a plea of not guilty.

~~[6.]~~ ***7.*** A defendant may not enter a plea of guilty ***or guilty but mentally ill*** pursuant to a plea bargain for an offense punishable as a felony for which:

(a) Probation is not allowed; or

(b) The maximum prison sentence is more than 10 years,

➥ unless the plea bargain is set forth in writing and signed by the defendant, the defendant's attorney, if he is represented by counsel, and the prosecuting attorney.

8. As used in this section, a "disease or defect of the mind" does not include a disease or defect which is caused solely by voluntary intoxication.

Sec. 5. NRS 174.055 is hereby amended to read as follows:

174.055 In ~~[the]~~ ***a*** justice court, if the defendant pleads guilty ~~[,]~~ ***or guilty but mentally ill,*** the court may, before entering such a plea or pronouncing judgment, examine witnesses to ascertain the gravity of the offense committed. If it appears to the court that a higher offense has been committed than the offense charged in the complaint, the court may order the defendant to be committed or admitted to bail or to answer any indictment that may be found against him or any information which may be filed by the district attorney.

Sec. 6. NRS 174.061 is hereby amended to read as follows:

174.061 1. If a prosecuting attorney enters into an agreement with a defendant in which the defendant agrees to testify against another defendant in exchange for a plea of guilty ***, guilty but mentally ill*** or nolo contendere to

a lesser charge or for a recommendation of a reduced sentence, the agreement:

(a) Is void if the defendant's testimony is false.

(b) Must be in writing and include a statement that the agreement is void if the defendant's testimony is false.

2. A prosecuting attorney shall not enter into an agreement with a defendant which:

(a) Limits the testimony of the defendant to a predetermined formula.

(b) Is contingent on the testimony of the defendant contributing to a specified conclusion.

Sec. 7. NRS 174.063 is hereby amended to read as follows:

174.063 1. If a plea of guilty ***or guilty but mentally ill*** is made in a written plea agreement, the agreement must be substantially in the following form:

Case No.

Dept. No.

IN THE ..... JUDICIAL DISTRICT COURT OF THE

STATE OF NEVADA IN AND FOR THE COUNTY OF.....,

The State of Nevada**,**

PLAINTIFF,

v.

(Name of defendant)**,**

DEFENDANT.

GUILTY ***OR GUILTY BUT MENTALLY ILL*** PLEA AGREEMENT

I hereby agree to plead guilty ***or guilty but mentally ill*** to: (List charges to which defendant is pleading guilty ~~[).]~~ ***or guilty but mentally ill),*** as more fully alleged in the charging document attached hereto as Exhibit 1.

My decision to plead guilty ***or guilty but mentally ill*** is based upon the plea agreement in this case which is as follows:

(State the terms of the agreement.)

CONSEQUENCES OF THE PLEA

I understand that by pleading guilty ***or guilty but mentally ill*** I admit the facts which support all the elements of the offenses to which I now plead as set forth in Exhibit 1.

I understand that as a consequence of my plea of guilty ***or guilty but mentally ill*** I may be imprisoned for a period of not more than (maximum term of imprisonment) and that I (may or will) be fined up to (maximum amount of fine). I understand that the law requires me to pay an administrative assessment fee.

I understand that, if appropriate, I will be ordered to make restitution to the victim of the offenses to which I am pleading guilty ***or guilty but mentally ill*** and to the victim of any related offense which is being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to reimburse the State of Nevada for expenses ~~[related]~~ ***relating*** to my extradition, if any.

I understand that I (am or am not) eligible for probation for the offense to which I am pleading guilty ~~[,]~~ ***or guilty but mentally ill.*** (I understand that, except as otherwise provided by statute, the question of whether I receive probation is in the discretion of the sentencing judge, or I understand that I must serve a mandatory minimum term of (term of imprisonment) or pay a minimum mandatory fine of (amount of fine) or serve a mandatory minimum term (term of imprisonment) and pay a minimum mandatory fine of (amount of fine).)

I understand that if more than one sentence of imprisonment is imposed and I am eligible to serve the sentences concurrently, the sentencing judge has the discretion to order the sentences served concurrently or consecutively.

I understand that information regarding charges not filed, dismissed charges or charges to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

I have not been promised or guaranteed any particular sentence by anyone. I know that my sentence is to be determined by the court within the limits prescribed by statute. I understand that if my attorney or the State of Nevada or both recommend any specific punishment to the court, the court is not obligated to accept the recommendation.

I understand that the Division of Parole and Probation of the Department of Public Safety may or will prepare a report for the sentencing judge before sentencing. This report will include matters relevant to the issue of sentencing, including my criminal history. I understand that this report may contain hearsay information regarding my background and criminal history. My attorney (if represented by counsel) and I will each have the opportunity to comment on the information contained in the report at the time of sentencing.

WAIVER OF RIGHTS

By entering my plea of guilty ~~[,]~~ ***or guilty but mentally ill,*** I understand that I have waived the following rights and privileges:

1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.

2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial, the State would bear the burden of proving beyond a reasonable doubt each element of the offense charged.

3. The constitutional right to confront and cross-examine any witnesses who would testify against me.

4. The constitutional right to subpoena witnesses to testify on my behalf.

5. The constitutional right to testify in my own defense.

6. The right to appeal the conviction, with the assistance of an attorney, either appointed or retained, unless the appeal is based upon reasonable

constitutional, jurisdictional or other grounds that challenge the legality of the proceedings and except as otherwise provided in subsection 3 of NRS 174.035.

VOLUNTARINESS OF PLEA

I have discussed the elements of all the original charges against me with my attorney (if represented by counsel) and I understand the nature of these charges against me.

I understand that the State would have to prove each element of the charge against me at trial.

I have discussed with my attorney (if represented by counsel) any possible defenses and circumstances which might be in my favor.

All of the foregoing elements, consequences, rights and waiver of rights have been thoroughly explained to me by my attorney (if represented by counsel).

I believe that pleading guilty ***or guilty but mentally ill*** and accepting this plea bargain is in my best interest and that a trial would be contrary to my best interest.

I am signing this agreement voluntarily, after consultation with my attorney (if represented by counsel) and I am not acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in this agreement.

I am not now under the influence of intoxicating liquor, a controlled substance or other drug which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea.

My attorney (if represented by counsel) has answered all my questions regarding this guilty ***or guilty but mentally ill*** plea agreement and its consequences to my satisfaction and I am satisfied with the services provided by my attorney.

Dated: This ..... day of the month of ……. of the year …….

Defendant.

Agreed to on this ..... day of the month of ……. of the year …….

Deputy District Attorney.

2. If the defendant is represented by counsel, the written plea agreement must also include a certificate of counsel that is substantially in the following form:

CERTIFICATE OF COUNSEL

I, the undersigned, as the attorney for the defendant named herein and as an officer of the court hereby certify that:

1. I have fully explained to the defendant the allegations contained in the charges to which guilty ***or guilty but mentally ill*** pleas are being entered.

2. I have advised the defendant of the penalties for each charge and the restitution that the defendant may be ordered to pay.

3. All pleas of guilty ***or guilty but mentally ill*** offered by the defendant pursuant to this agreement are consistent with all the facts known to me and are made with my advice to the defendant and are in the best interest of the defendant.

4. To the best of my knowledge and belief, the defendant:

(a) Is competent and understands the charges and the consequences of pleading guilty ***or guilty but mentally ill*** as provided in this agreement.

(b) Executed this agreement and will enter all guilty ***or guilty but mentally ill*** pleas pursuant hereto voluntarily.

(c) Was not under the influence of intoxicating liquor, a controlled substance or other drug at the time of the execution of this agreement.

Dated: This ..... day of the month of ……. of the year …….

Attorney for defendant.

Sec. 8. NRS 174.065 is hereby amended to read as follows:

174.065 Except as otherwise provided in NRS 174.061:

1. On a plea of guilty ***or guilty but mentally ill*** to an information or indictment accusing a defendant of a crime divided into degrees, when consented to by the prosecuting attorney in open court and approved by the court, the plea may specify the degree, and in such event the defendant shall not be punished for a higher degree than that specified in the plea.

2. On a plea of guilty ***or guilty but mentally ill*** to an indictment or information for murder of the first degree, when consented to by the prosecuting attorney in open court and approved by the court, the plea may specify a punishment less than death. The specified punishment, or any lesser punishment, may be imposed by a single judge.

Sec. 9. NRS 174.075 is hereby amended to read as follows:

174.075 1. Pleadings in criminal proceedings are the indictment, the information and, in justice court, the complaint, and the pleas of guilty, ***guilty but mentally ill,*** not guilty ***, not guilty by reason of insanity*** and nolo contendere.

2. All other pleas, ~~[and]~~ demurrers and motions to quash are abolished, and defenses and objections raised before trial which could have been raised by one or more of them may be raised only by motion to dismiss or to grant appropriate relief, as provided in this title.

Sec. 10. Chapter 175 of NRS is hereby amended by adding thereto a new section to read as follows:

1. During a trial, upon a plea of not guilty by reason of insanity, the trier of fact may find the defendant guilty but mentally ill if the trier of fact finds all of the following:

(a) The defendant is guilty beyond a reasonable doubt of an offense;

(b) The defendant has established by a preponderance of the evidence that due to a disease or defect of the mind, he was mentally ill at the time of the commission of the offense; and

(c) The defendant has not established by a preponderance of the evidence that he is not guilty by reason of insanity pursuant to subsection 5 of NRS 174.035.

2. Except as otherwise provided by specific statute, a defendant who is found guilty but mentally ill is subject to the same criminal, civil and administrative penalties and procedures as a defendant who is found guilty.

3. As used in this section, a "disease or defect of the mind" does not include a disease or defect which is caused solely by voluntary intoxication.

Sec. 11. NRS 175.101 is hereby amended to read as follows:

175.101 If by reason of absence from the judicial district, death, sickness or other disability the judge before whom the defendant has been tried is unable to perform the duties to be performed by the court after a verdict or finding of ~~[guilt,]~~ ***guilty or guilty but mentally ill,*** any other judge regularly sitting in or assigned to the court may perform those duties ***,*** ~~[,]~~ but if such other judge is satisfied that he cannot perform those duties because he did not preside at the trial or for any other reason, he may in his discretion grant a new trial.

Sec. 12. NRS 175.282 is hereby amended to read as follows:

175.282 If a prosecuting attorney enters into an agreement with a defendant in which the defendant agrees to testify against another defendant in exchange for a plea of guilty ***, guilty but mentally ill*** or nolo contendere to a lesser charge or for a recommendation of a reduced sentence, the court shall:

1. After excising any portion it deems irrelevant or prejudicial, permit the jury to inspect the agreement;

2. If the defendant who is testifying has not entered his plea or been sentenced pursuant to the agreement, instruct the jury regarding the possible related pressures on the defendant by providing the jury with an appropriate cautionary instruction; and

3. Allow the defense counsel to cross-examine fully the defendant who is testifying concerning the agreement.

Sec. 13. NRS 175.381 is hereby amended to read as follows:

175.381 1. If, at any time after the evidence on either side is closed, the court deems the evidence insufficient to warrant a conviction, it may advise the jury to acquit the defendant, but the jury is not bound by such advice.

2. The court may, on a motion of a defendant or on its own motion, which is made after the jury returns a verdict of guilty ~~[,]~~ ***or guilty but mentally ill,*** set aside the verdict and enter a judgment of acquittal if the evidence is insufficient to sustain a conviction. The motion for a judgment of acquittal must be made within 7 days after the jury is discharged or within such further time as the court may fix during that period.

3. If a motion for a judgment of acquittal after a verdict of guilty ***or guilty but mentally ill*** pursuant to this section is granted, the court shall also determine whether any motion for a new trial should be granted if the judgment of acquittal is thereafter vacated or reversed. The court shall

specify the grounds for that determination. If the motion for a new trial is granted conditionally, the order thereon does not affect the finality of the judgment. If the motion for a new trial is granted conditionally and the judgment is reversed on appeal, the new trial must proceed unless the appellate court has otherwise ordered. If the motion is denied conditionally, the defendant on appeal may assert error in that denial, and if the judgment is reversed on appeal, subsequent proceedings must be in accordance with the order of the appellate court.

Sec. 14. NRS 175.501 is hereby amended to read as follows:

175.501 The defendant may be found guilty ***or guilty but mentally ill*** of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or an offense necessarily included therein if the attempt is an offense.

Sec. 14.5. **NRS 175.539 is hereby amended to read as follows:**

175.539 1. Where on a trial a defense of insanity is interposed by the defendant and he is acquitted by reason of that defense, the finding of the jury pending the judicial determination pursuant to subsection 2 has the same effect as if he were regularly adjudged insane, and the judge must:

(a) Order a peace officer to take the person into protective custody and transport him to a forensic facility for detention pending a hearing to determine his mental health;

(b) Order the examination of the person by two psychiatrists, two psychologists, or one psychiatrist and one psychologist who are employed by a division facility; and

(c) At a hearing in open court, receive the report of the examining advisers and allow counsel for the State and for the person to examine the advisers, introduce other evidence and cross-examine witnesses.

2. If the court finds, after the hearing:

(a) That there is not clear and convincing evidence that the person is a mentally ill person, the court must order his discharge; or

(b) That there is clear and convincing evidence that the person is a mentally ill person, the court must order that he be committed to the custody of the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services until he is ~~[regularly]~~ discharged ***or conditionally released*** therefrom in accordance with ~~[law.]~~ ***sections 30 to 39, inclusive, of this act.***

➥ The court shall issue its finding within 90 days after the defendant is acquitted.

3. The Administrator shall make the ~~[same]~~ reports and the court shall proceed in the ~~[same]~~ manner ~~[in the case of a person committed to the custody of the Division of Mental Health and Developmental Services pursuant to this section as of a person committed because he is incompetent to stand trial pursuant to NRS 178.400 to 178.460, inclusive, except that the determination to be made by the Administrator and the district judge on the question of release is whether the person has recovered from his mental~~

~~illness or has improved to such an extent that he is no longer a mentally ill person.]~~ ***provided in sections 30 to 39, inclusive, of this act.***

4. As used in this section, unless the context otherwise requires:

(a) "Division facility" has the meaning ascribed to it in NRS 433.094.

(b) "Forensic facility" means a secure facility of the Division of Mental Health and Developmental Services of the Department of Health and Human Services for mentally disordered offenders and defendants. The term includes, without limitation, Lakes Crossing Center.

(c) "Mentally ill person" has the meaning ascribed to it in ~~[NRS 433A.115.]~~ ***section 35 of this act.***

Sec. 15. NRS 175.547 is hereby amended to read as follows:

175.547 1. In any case in which a defendant pleads or is found guilty ***or guilty but mentally ill*** of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home, the court shall, at the request of the prosecuting attorney, conduct a separate hearing to determine whether the offense was sexually motivated. A request for such a hearing may not be submitted to the court unless the prosecuting attorney, before the commencement of the trial, files and serves upon the defendant a written notice of his intention to request such a hearing.

2. A hearing requested pursuant to subsection 1 must be conducted before:

(a) The court imposes its sentence; or

(b) A separate penalty hearing is conducted.

3. At the hearing, only evidence concerning the question of whether the offense was sexually motivated may be presented. The prosecuting attorney must prove beyond a reasonable doubt that the offense was sexually motivated.

4. The court shall enter its finding in the record.

5. For the purposes of this section, an offense is "sexually motivated" if one of the purposes for which the person committed the offense was his sexual gratification.

Sec. 16. NRS 175.552 is hereby amended to read as follows:

175.552 1. Except as otherwise provided in subsection 2, in every case in which there is a finding that a defendant is guilty ***or guilty but mentally ill*** of murder of the first degree, whether or not the death penalty is sought, the court shall conduct a separate penalty hearing. The separate penalty hearing must be conducted as follows:

(a) If the finding is made by a jury, the separate penalty hearing must be conducted in the trial court before the trial jury, as soon as practicable.

(b) If the finding is made upon a plea of guilty ***or guilty but mentally ill*** or a trial without a jury and the death penalty is sought, the separate penalty hearing must be conducted before a jury impaneled for that purpose, as soon as practicable.

(c) If the finding is made upon a plea of guilty ***or guilty but mentally ill*** or a trial without a jury and the death penalty is not sought, the separate penalty

hearing must be conducted ***as soon as practicable*** before the judge who conducted the trial or who accepted the plea **.** ~~[of guilty, as soon as practicable.]~~

2. In a case in which the death penalty is not sought or in which a court has made a finding that the defendant is mentally retarded and has stricken the notice of intent to seek the death penalty pursuant to NRS 174.098, the parties may by stipulation waive the separate penalty hearing required in subsection 1. When stipulating to such a waiver, the parties may also include an agreement to have the sentence, if any, imposed by the trial judge. Any stipulation pursuant to this subsection must be in writing and signed by the defendant, his attorney, if any, and the prosecuting attorney.

3. During the hearing, evidence may be presented concerning aggravating and mitigating circumstances relative to the offense, defendant or victim and on any other matter which the court deems relevant to sentence, whether or not the evidence is ordinarily admissible. Evidence may be offered to refute hearsay matters. No evidence which was secured in violation of the Constitution of the United States or the Constitution of the State of Nevada may be introduced. The State may introduce evidence of additional aggravating circumstances as set forth in NRS 200.033, other than the aggravated nature of the offense itself, only if it has been disclosed to the defendant before the commencement of the penalty hearing.

4. In a case in which the death penalty is not sought or in which a court has found the defendant to be mentally retarded and has stricken the notice of intent to seek the death penalty pursuant to NRS 174.098, the jury or the trial judge shall determine whether the defendant should be sentenced to life with the possibility of parole or life without the possibility of parole.

Sec. 17. Chapter 176 of NRS is hereby amended by adding a new section to read as follows:

1. If a defendant is found guilty but mentally ill pursuant to section 10 of this act or the court accepts his plea of guilty but mentally ill entered pursuant to NRS 174.035, and the court finds by a preponderance of the evidence that:

(a) The defendant is not mentally ill at the time of sentencing, the court shall impose any sentence that the court is authorized to impose upon a defendant who pleads or is found guilty of the same offense; or

(b) The defendant is mentally ill at the time of sentencing, the court shall:

(1) Impose any sentence that the court is authorized to impose upon a defendant who pleads or is found guilty of the same offense; and

(2) Include in that sentence an order that the defendant, during the period of his confinement or probation, be given or obtain such treatment as is medically indicated for his mental illness.

2. If the sentence of a defendant includes a period of confinement ~~*[, the Department of Corrections shall provide any treatment ordered by a court pursuant to subsection 1 at a facility designated by the Department to*~~

~~*provide such treatment. The]*~~ ***at a state correctional facility, the Department of Corrections shall separate such a person from the general population of the prison and shall not return the person to that population until a licensed psychiatrist or psychologist employed by the Department finds that the person*** ~~*[is]*~~ ***no longer*** ~~*[mentally ill.]*~~ ***requires acute mental health care. If the person is returned to the general population, the person must continue to be given or obtain such treatment as is medically indicated for his mental illness.***

Sec. 18. NRS 176.059 is hereby amended to read as follows:

176.059 1. Except as otherwise provided in subsection 2, when a defendant pleads guilty ***or guilty but mentally ill*** or is found guilty ***or guilty but mentally ill*** of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum prescribed by the following schedule as an administrative assessment and render a judgment against the defendant for the assessment:

Fine	Assessment
$5 to $49	$25
50 to 59	40
60 to 69	45
70 to 79	50
80 to 89	55
90 to 99	60
100 to 199	70
200 to 299	80
300 to 399	90
400 to 499	100
500 to 1,000	115

If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the amount of the administrative assessment that corresponds with the fine for which the defendant would have been responsible as prescribed by the schedule in this subsection.

2. The provisions of subsection 1 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

3. The money collected for an administrative assessment must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 5 or 6. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or

judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he has paid and the justice or judge shall not recalculate the administrative assessment.

4. If the justice or judge permits the fine and administrative assessment to be paid in installments, the payments must be first applied to the unpaid balance of the administrative assessment. The city treasurer shall distribute partially collected administrative assessments in accordance with the requirements of subsection 5. The county treasurer shall distribute partially collected administrative assessments in accordance with the requirements of subsection 6.

5. The money collected for administrative assessments in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall distribute, on or before the 15th day of that month, the money received in the following amounts for each assessment received:

(a) Two dollars to the county treasurer for credit to a special account in the county general fund for the use of the county's juvenile court or for services to juvenile offenders. Any money remaining in the special account after 2 fiscal years must be deposited in the county general fund if it has not been committed for expenditure. The county treasurer shall provide, upon request by a juvenile court, monthly reports of the revenue credited to and expenditures made from the special account.

(b) Seven dollars for credit to a special revenue fund for the use of the municipal courts. Any money remaining in the special revenue fund after 2 fiscal years must be deposited in the municipal general fund if it has not been committed for expenditure. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

(c) The remainder of each assessment to the State Controller for credit to a special account in the State General Fund.

6. The money collected for administrative assessments in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall distribute, on or before the 15th day of that month, the money received in the following amounts for each assessment received:

(a) Two dollars for credit to a special account in the county general fund for the use of the county's juvenile court or for services to juvenile offenders. Any money remaining in the special account after 2 fiscal years must be deposited in the county general fund if it has not been committed for expenditure. The county treasurer shall provide, upon request by a juvenile court, monthly reports of the revenue credited to and expenditures made from the special account.

(b) Seven dollars for credit to a special revenue fund for the use of the justice courts. Any money remaining in the special revenue fund after 2 fiscal years must be deposited in the county general fund if it has not been committed for expenditure. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

(c) The remainder of each assessment to the State Controller for credit to a special account in the State General Fund.

7. The money apportioned to a juvenile court, a justice court or a municipal court pursuant to this section must be used, in addition to providing services to juvenile offenders in the juvenile court, to improve the operations of the court, or to acquire appropriate advanced technology or the use of such technology, or both. Money used to improve the operations of the court may include expenditures for:

(a) Training and education of personnel;

(b) Acquisition of capital goods;

(c) Management and operational studies; or

(d) Audits.

8. Of the total amount deposited in the State General Fund pursuant to subsections 5 and 6, the State Controller shall distribute the money received to the following public agencies in the following manner:

(a) Not less than 51 percent to the Office of Court Administrator for allocation as follows:

(1) Eighteen and one-half percent of the amount distributed to the Office of Court Administrator for the administration of the courts.

(2) Nine percent of the amount distributed to the Office of Court Administrator for the development of a uniform system for judicial records.

(3) Nine percent of the amount distributed to the Office of Court Administrator for continuing judicial education.

(4) Sixty percent of the amount distributed to the Office of Court Administrator for the Supreme Court.

(5) Three and one-half percent of the amount distributed to the Office of Court Administrator for the payment for the services of retired justices and retired district judges.

(b) Not more than 49 percent must be used to the extent of legislative authorization for the support of:

(1) The Central Repository for Nevada Records of Criminal History;

(2) The Peace Officers' Standards and Training Commission;

(3) The operation by the Nevada Highway Patrol of a computerized switching system for information related to law enforcement;

(4) The Fund for the Compensation of Victims of Crime; and

(5) The Advisory Council for Prosecuting Attorneys.

9. As used in this section:

(a) "Juvenile court" has the meaning ascribed to it in NRS 62A.180.

(b) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320.

Sec. 19. NRS 176.0611 is hereby amended to read as follows:

176.0611 1. A county or a city, upon recommendation of the appropriate court, may, by ordinance, authorize the justices or judges of the justice or municipal courts within its jurisdiction to impose for not longer than 50 years, in addition to the administrative assessments imposed pursuant to NRS 176.059 and 176.0613, an administrative assessment for the provision of court facilities.

2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, when a defendant pleads guilty or ***guilty but mentally ill or*** is found guilty ***or guilty but mentally ill*** of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $10 as an administrative assessment for the provision of court facilities and render a judgment against the defendant for the assessment. If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance that is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of court facilities must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of court facilities to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to this section;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613; and

(d) To pay the fine.

6. The money collected for administrative assessments for the provision of court facilities in municipal courts must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall deposit the money received in a special revenue fund. The city may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(b) Construct or acquire additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(c) Renovate or remodel existing facilities for the municipal courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the municipal courts or a regional justice center that includes the municipal courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the municipal courts or a regional justice center that includes the municipal courts.

➥ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the municipal general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

7. The money collected for administrative assessments for the provision of court facilities in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall deposit the money received to a special revenue fund. The county may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the justice courts or a regional justice center that includes the justice courts.

(b) Construct or acquire additional facilities for the justice courts or a regional justice center that includes the justice courts.

(c) Renovate or remodel existing facilities for the justice courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the justice courts or a regional justice center that includes the justice courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the justice courts or a regional justice center that includes the justice courts.

➥ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the county general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

8. If money collected pursuant to this section is to be used to acquire land on which to construct a regional justice center, to construct a regional justice center or to pay debt service on bonds issued for these purposes, the county and the participating cities shall, by interlocal agreement, determine such issues as the size of the regional justice center, the manner in which the center will be used and the apportionment of fiscal responsibility for the center.

Sec. 20. NRS 176.0613 is hereby amended to read as follows:

176.0613 1. The justices or judges of the justice or municipal courts shall impose, in addition to an administrative assessment imposed pursuant to NRS 176.059 and 176.0611, an administrative assessment for the provision of specialty court programs.

2. Except as otherwise provided in subsection 3, when a defendant pleads guilty ***or guilty but mentally ill*** or is found guilty ***or guilty but mentally ill*** of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $7 as an administrative assessment for the provision of specialty court programs and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of specialty court programs must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of specialty court programs to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs; and

(d) To pay the fine.

6. The money collected for an administrative assessment for the provision of specialty court programs in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

7. The money collected for an administrative assessment for the provision of specialty court programs in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

8. The Office of Court Administrator shall allocate the money credited to the State General Fund pursuant to subsections 6 and 7 to courts to assist with the funding or establishment of specialty court programs.

9. Money that is apportioned to a court from administrative assessments for the provision of specialty court programs must be used by the court to:

(a) Pay for the treatment and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Supplementing the funds used to pay for judges to oversee a specialty court program; or

(7) Acquiring or using appropriate technology.

10. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or abuses alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250 or 453.580.

Sec. 21. NRS 176.062 is hereby amended to read as follows:

176.062 1. When a defendant pleads guilty ***or guilty but mentally ill*** or is found guilty ***or guilty but mentally ill*** of a felony or gross misdemeanor, the judge shall include in the sentence the sum of $25 as an administrative assessment and render a judgment against the defendant for the assessment.

2. The money collected for an administrative assessment:

(a) Must not be deducted from any fine imposed by the judge;

(b) Must be taxed against the defendant in addition to the fine; and

(c) Must be stated separately on the court's docket.

3. The money collected for administrative assessments in district courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall distribute, on or before the 15th day of that month, the money received in the following amounts for each assessment received:

(a) Five dollars for credit to a special account in the county general fund for the use of the district court.

(b) The remainder of each assessment to the State Controller.

4. The State Controller shall credit the money received pursuant to subsection 3 to a special account for the assistance of criminal justice in the State General Fund, and distribute the money from the account to the Attorney General as authorized by the Legislature. Any amount received in

excess of the amount authorized by the Legislature for distribution must remain in the account.

Sec. 22. NRS 176.135 is hereby amended to read as follows:

176.135 1. Except as otherwise provided in this section and NRS 176.151, the Division shall make a presentence investigation and report to the court on each defendant who pleads guilty **,** ***guilty but mentally ill*** or nolo contendere to **,** or is found guilty ***or guilty but mentally ill*** of **,** a felony.

2. If a defendant is convicted of a felony that is a sexual offense, the presentence investigation and report:

(a) Must be made before the imposition of sentence or the granting of probation; and

(b) If the sexual offense is an offense for which the suspension of sentence or the granting of probation is permitted, must include a psychosexual evaluation of the defendant.

3. If a defendant is convicted of a felony other than a sexual offense, the presentence investigation and report must be made before the imposition of sentence or the granting of probation unless:

(a) A sentence is fixed by a jury; or

(b) Such an investigation and report on the defendant has been made by the Division within the 5 years immediately preceding the date initially set for sentencing on the most recent offense.

4. Upon request of the court, the Division shall make presentence investigations and reports on defendants who plead guilty **,** ***guilty but mentally ill*** or nolo contendere to **,** or are found guilty ***or guilty but mentally ill*** of **,** gross misdemeanors.

Sec. 23. NRS 176.151 is hereby amended to read as follows:

176.151 1. If a defendant pleads guilty **,** ***guilty but mentally ill*** or nolo contendere to **,** or is found guilty ***or guilty but mentally ill*** of **,** one or more category E felonies, but no other felonies, the Division shall not make a presentence investigation and report on the defendant pursuant to NRS 176.135, unless the Division has not made a presentence investigation and report on the defendant pursuant to NRS 176.135 within the 5 years immediately preceding the date initially set for sentencing on the category E felony or felonies and:

(a) The court requests a presentence investigation and report; or

(b) The prosecuting attorney possesses evidence that would support a decision by the court to deny probation to the defendant pursuant to paragraph (b) of subsection 1 of NRS 176A.100.

2. If the Division does not make a presentence investigation and report on a defendant pursuant to subsection 1, the Division shall, not later than 45 days after the date on which the defendant is sentenced, make a general investigation and report on the defendant that contains:

(a) Any prior criminal record of the defendant;

(b) Information concerning the characteristics of the defendant, the circumstances affecting his behavior and the circumstances of his offense

that may be helpful to persons responsible for the supervision or correctional treatment of the defendant;

(c) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination and the extent of the information included in the report is solely at the discretion of the Division;

(d) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS that relate to the defendant and are made available pursuant to NRS 432B.290; and

(e) Any other information that the Division believes may be helpful to persons responsible for the supervision or correctional treatment of the defendant.

Sec. 24. NRS 176.165 is hereby amended to read as follows:

176.165 Except as otherwise provided in this section, a motion to withdraw a plea of guilty ***, guilty but mentally ill*** or nolo contendere may be made only before sentence is imposed or imposition of sentence is suspended. To correct manifest injustice, the court after sentence may set aside the judgment of conviction and permit the defendant to withdraw his plea.

Sec. 25. NRS 176A.255 is hereby amended to read as follows:

176A.255 1. A justice court or a municipal court may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving an eligible defendant.

2. As used in this section, "eligible defendant" means a person who:

(a) Has not tendered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, or been found guilty ***or guilty but mentally ill*** of, an offense that is a misdemeanor;

(b) Appears to suffer from mental illness or to be mentally retarded; and

(c) Would benefit from assignment to a program established pursuant to NRS 176A.250.

Sec. 26. NRS 176A.260 is hereby amended to read as follows:

176A.260 1. Except as otherwise provided in subsection 2, if a defendant who suffers from mental illness or is mentally retarded tenders a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, or is found guilty ***or guilty but mentally ill*** of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the court may, without entering a judgment of conviction and with the consent of the defendant, suspend further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.250.

2. If the offense committed by the defendant involved the use or threatened use of force or violence or if the defendant was previously convicted in this State or in any other jurisdiction of a felony that involved the use or threatened use of force or violence, the court may not assign the defendant to the program unless the prosecuting attorney stipulates to the assignment.

3. Upon violation of a term or condition:

(a) The court may enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged.

(b) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

4. Upon fulfillment of the terms and conditions, the court shall discharge the defendant and dismiss the proceedings against him. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of him for any purpose.

Sec. 27. NRS 177.015 is hereby amended to read as follows:

177.015 The party aggrieved in a criminal action may appeal only as follows:

1. Whether that party is the State or the defendant:

(a) To the district court of the county from a final judgment of the justice court.

(b) To the Supreme Court from an order of the district court granting a motion to dismiss, a motion for acquittal or a motion in arrest of judgment, or granting or refusing a new trial.

(c) To the Supreme Court from a determination of the district court about whether a defendant is mentally retarded that is made as a result of a hearing held pursuant to NRS 174.098. If the Supreme Court entertains the appeal, it shall enter an order staying the criminal proceedings against the defendant for such time as may be required.

2. The State may, upon good cause shown, appeal to the Supreme Court from a pretrial order of the district court granting or denying a motion to suppress evidence made pursuant to NRS 174.125. Notice of the appeal must be filed with the clerk of the district court within 2 judicial days and with the Clerk of the Supreme Court within 5 judicial days after the ruling by the

district court. The clerk of the district court shall notify counsel for the defendant or, in the case of a defendant without counsel, the defendant within 2 judicial days after the filing of the notice of appeal. The Supreme Court may establish such procedures as it determines proper in requiring the appellant to make a preliminary showing of the propriety of the appeal and whether there may be a miscarriage of justice if the appeal is not entertained. If the Supreme Court entertains the appeal, or if it otherwise appears necessary, it may enter an order staying the trial for such time as may be required.

3. The defendant only may appeal from a final judgment or verdict in a criminal case.

4. Except as otherwise provided in subsection 3 of NRS 174.035, the defendant in a criminal case shall not appeal a final judgment or verdict resulting from a plea of guilty ***, guilty but mentally ill*** or nolo contendere that the defendant entered into voluntarily and with a full understanding of the nature of the charge and the consequences of the plea, unless the appeal is based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings. The Supreme Court may establish procedures to require the defendant to make a preliminary showing of the propriety of the appeal.

Sec. 28. NRS 177.075 is hereby amended to read as follows:

177.075 1. Except where appeal is automatic, an appeal from a district court to the Supreme Court is taken by filing a notice of appeal with the clerk of the district court. Bills of exception and assignments of error in cases governed by this chapter are abolished.

2. When a court imposes sentence upon a defendant who has not pleaded guilty ***or guilty but mentally ill*** and who is without counsel, the court shall advise the defendant of his right to appeal, and if he so requests, the clerk shall prepare and file forthwith a notice of appeal on his behalf.

3. A notice of appeal must be signed:

(a) By the appellant or appellant's attorney; or

(b) By the clerk if prepared by him.

Sec. 29. **Chapter 178 of NRS is hereby amended by adding thereto the provisions set forth as sections 30 to 39, inclusive, of this act.**

Sec. 30. ***As used in sections 30 to 39, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 31 to 35, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 31. ***"Administrator" means the Administrator of the Division.***

Sec. 32. ***"Division" means the Division of Mental Health and Developmental Services of the Department of Health and Human Services.***

Sec. 33. ***"Division facility" has the meaning ascribed to it in NRS 433.094.***

Sec. 34. ***"Mental disorder" means a mental illness that results from a psychiatric or neurological disorder that so substantially impairs the***

mental or emotional functioning of the person as to make care or treatment necessary or advisable for the welfare of the person or for the safety of the person or property of another and includes, without limitation, mental retardation and related conditions.

Sec. 35. "Mentally ill person" means a person who has a mental disorder.

Sec. 36. 1. The Administrator or his designee shall keep each mentally ill person committed to his custody pursuant to NRS 175.539 under observation.

2. A person committed to the custody of the Administrator pursuant to NRS 175.539 is eligible for:

(a) Discharge from commitment if the person establishes by a preponderance of the evidence that he would not be a danger, as a result of any mental disorder, to himself or to the person or property of another if discharged; or

(b) Conditional release from commitment if the person establishes by a preponderance of the evidence that he would not be a danger, as a result of any mental disorder, to himself or to the person or property of another if released from commitment with conditions imposed by the court in consultation with the Division.

3. If a person who is conditionally released from the custody of the Administrator fails to comply with any condition imposed by the court, the court shall issue an order to have the person recommitted to the custody of the Administrator.

Sec. 37. 1. Except as otherwise provided in this section, a court must hold a hearing not later than 60 days after:

(a) A person is committed to the custody of the Administrator pursuant to NRS 175.539; or

(b) The Division or the person committed to the custody of the Administrator files a petition for discharge or conditional release pursuant to section 38 of this act.

2. During the hearing held pursuant to subsection 1, the court shall consider any relevant information that will enable the court to determine whether the person is eligible for discharge or conditional release pursuant to section 36 of this act. The court may postpone the hearing described in this subsection for good cause or upon agreement by the person committed to the custody of the Administrator, the court and the Division.

3. Not later than 21 days before the date of the hearing held pursuant to paragraph (a) of subsection 1 and annually thereafter, the Administrator or his designee shall prepare a written report stating whether, in his opinion, upon medical consultation, the person who was committed to the custody of the Administrator has recovered from his mental disorder or has improved to such an extent that he is no longer a mentally ill person and whether or not, in his opinion, the person should be discharged or conditionally released. If the Administrator or his designee determines that

the person has not recovered from his mental disorder or has not improved to such an extent that he is no longer a mentally ill person, the Administrator or his designee shall include in the report his opinion concerning whether:

(a) There is a substantial probability that the person may receive treatment and recover from his mental disorder or improve to such an extent that he is no longer a mentally ill person in the foreseeable future; and

(b) The person is at that time a danger to himself or to society.

4. If the opinion of the Administrator included in the report prepared pursuant to subsection 3 provides that:

(a) The person committed to his custody should not be discharged or conditionally released, the person who is committed may overcome the opinion of the Administrator by proving the elements necessary for discharge or conditional release pursuant to subsection 2 of section 36 of this act by a preponderance of the evidence.

(b) The person committed to his custody should be discharged or conditionally released, the district attorney may overcome the opinion of the Administrator by proving by a preponderance of the evidence that the person continues to be a mentally ill person.

5. Within the period prescribed in subsection 3, the Administrator or his designee shall provide a copy of the report to:

(a) The person committed to the custody of the Administrator and his attorney;

(b) The prosecuting attorney; and

(c) The court.

Sec. 38. 1. A person committed to the custody of the Administrator pursuant to NRS 175.539 may petition the court for discharge or conditional release not sooner than 1 year after the person is committed to the custody of the Administrator and not more than once each year thereafter.

2. The Division may file a petition for the discharge or conditional release of a person committed to the custody of the Administrator pursuant to NRS 175.539 at any time if the petition is accompanied by an affidavit of a physician or licensed psychologist which states that the mental disorder of the person has improved since the date of the most recent hearing concerning the discharge or conditional release of the person such that the physician or licensed psychologist recommends the discharge or conditional release of the person.

3. A person who is committed to the custody of the Administrator pursuant to NRS 175.539 may apply for discharge or conditional release pursuant to subsection 1 by:

(a) Filing a petition for discharge or conditional release with the court that ordered the person committed pursuant to NRS 175.539; and

(b) Providing a copy of the petition to the Division and the prosecuting attorney.

4. The Division may file a petition for discharge or conditional release pursuant to subsection 2 by:

(a) Filing the petition with the court that ordered the person committed to the custody of the Administrator pursuant to NRS 175.539;

(b) Including with the petition an affidavit of a physician or licensed psychologist pursuant to subsection 2; and

(c) Providing a copy of the petition to the person committed to the custody of the Administrator, his attorney and the prosecuting attorney.

Sec. 39. 1. When a person is conditionally released pursuant to sections 30 to 39, inclusive, of this act:

(a) The State and any of its agents or employees are not liable for any debts or contractual obligations, medical or otherwise, incurred or damages caused by the actions of the person; and

(b) The court shall order the restoration of full civil and legal rights as deemed necessary to facilitate the person's rehabilitation.

2. When a person is conditionally released pursuant to sections 30 to 39, inclusive, of this act, the court shall order the Division to conduct an evaluation of the person as often as is deemed necessary to determine whether the person:

(a) Has complied with the conditions of his release; or

(b) Presents a clear and present danger of harm to himself or others.

3. The court may order a person who is conditionally released pursuant to sections 30 to 39, inclusive, of this act returned to the custody of the Administrator if the court determines that the conditional release is no longer appropriate because that person:

(a) Has violated a condition of his release; or

(b) Presents a clear and present danger of harm to himself or others.

~~[Sec. 29.]~~ ***Sec. 40.*** NRS 178.388 is hereby amended to read as follows:

178.388 1. Except as otherwise provided in this title, the defendant must be present at the arraignment, at every stage of the trial including the impaneling of the jury and the return of the verdict, and at the imposition of sentence. A corporation may appear by counsel for all purposes.

2. In prosecutions for offenses not punishable by death:

(a) The defendant's voluntary absence after the trial has been commenced in his presence must not prevent continuing the trial to and including the return of the verdict.

(b) If the defendant was present at the trial through the time he pleads guilty ***or guilty but mentally ill*** or is found guilty ***or guilty but mentally ill*** but at the time of his sentencing is incarcerated in another jurisdiction, he may waive his right to be present at the sentencing proceedings and agree to be sentenced in this State in his absence. The defendant's waiver is valid only if it is:

(1) Made knowingly, intelligently and voluntarily after consulting with an attorney licensed to practice in this State;

(2) Signed and dated by the defendant and notarized by a notary public or judicial officer; and

(3) Signed and dated by his attorney after it has been signed by the defendant and notarized.

3. In prosecutions for offenses punishable by fine or by imprisonment for not more than 1 year, or both, the court, with the written consent of the defendant, may permit arraignment, plea, trial and imposition of sentence in the defendant's absence, if the court determines that the defendant was fully aware of his applicable constitutional rights when he gave his consent.

4. The presence of the defendant is not required at the arraignment or any preceding stage if the court has provided for the use of a closed-circuit television to facilitate communication between the court and the defendant during the proceeding. If closed-circuit television is provided for, members of the news media may observe and record the proceeding from both locations unless the court specifically provides otherwise.

5. The defendant's presence is not required at the settling of jury instructions.

Sec. 41. **NRS 178.399 is hereby amended to read as follows:**

178.399 As used in NRS ~~[178.400]~~ ***178.399*** to 178.460, inclusive, unless the context otherwise requires, "treatment to competency" means treatment provided to a defendant to attempt to cause him to attain competency to stand trial or receive pronouncement of judgment.

~~[Sec. 30.]~~ ***Sec. 42.*** NRS 179.225 is hereby amended to read as follows:

179.225 1. If the punishment of the crime is the confinement of the criminal in prison, the expenses must be paid from money appropriated to the Office of the Attorney General for that purpose, upon approval by the State Board of Examiners. After the appropriation is exhausted, the expenses must be paid from the Reserve for Statutory Contingency Account upon approval by the State Board of Examiners. In all other cases, they must be paid out of the county treasury in the county wherein the crime is alleged to have been committed. The expenses are:

(a) If the prisoner is returned to this State from another state, the fees paid to the officers of the state on whose governor the requisition is made;

(b) If the prisoner is returned to this State from a foreign country or jurisdiction, the fees paid to the officers and agents of this State or the United States; or

(c) If the prisoner is temporarily returned for prosecution to this State from another state pursuant to this chapter or chapter 178 of NRS and is then returned to the sending state upon completion of the prosecution, the fees paid to the officers and agents of this State,

➥ and the necessary traveling expenses and subsistence allowances in the amounts authorized by NRS 281.160 incurred in returning the prisoner.

2. If a person is returned to this State pursuant to this chapter or chapter 178 of NRS and is convicted of, or pleads guilty **,** ***guilty but mentally ill*** or nolo contendere to **,** the criminal charge for which he was returned or a lesser criminal charge, the court shall conduct an investigation of the financial status of the person to determine his ability to make restitution. In conducting the investigation, the court shall determine if the person is able to pay any existing obligations for:

(a) Child support;

(b) Restitution to victims of crimes; and

(c) Any administrative assessment required to be paid pursuant to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062.

3. If the court determines that the person is financially able to pay the obligations described in subsection 2, it shall, in addition to any other sentence it may impose, order the person to make restitution for the expenses incurred by the Attorney General or other governmental entity in returning him to this State. The court shall not order the person to make restitution if payment of restitution will prevent him from paying any existing obligations described in subsection 2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of the completion of his sentence.

4. The Attorney General may adopt regulations to carry out the provisions of this section.

~~[Sec. 31.]~~ ***Sec. 43.*** NRS 1.4675 is hereby amended to read as follows:

1.4675 1. The Commission shall suspend a justice or judge from the exercise of office with salary:

(a) While there is pending an indictment or information charging the justice or judge with a crime punishable as a felony pursuant to the laws of the State of Nevada or the United States; or

(b) When the justice or judge has been adjudged mentally incompetent or insane.

2. The Commission may suspend a justice or judge from the exercise of office without salary if the justice or judge:

(a) Pleads guilty **,** ***guilty but mentally ill*** or no contest to a charge of; or

(b) Is found guilty ***or guilty but mentally ill*** of,

➥ a crime punishable as a felony pursuant to the laws of the State of Nevada or the United States. If the conviction is later reversed, the justice or judge must be paid his salary for the period of suspension.

3. The Commission may suspend a justice or judge from the exercise of office with salary if the Commission determines, pending a final determination in a judicial disciplinary proceeding, that the justice or judge poses a substantial threat of serious harm to the public or to the administration of justice.

4. A justice or judge suspended pursuant to this section may appeal the suspension to the Supreme Court for reconsideration of the order.

5. The Commission may suspend a justice or judge pursuant to this section only in accordance with its procedural rules.

~~[Sec. 32.]~~ ***Sec. 44.*** NRS 33.400 is hereby amended to read as follows:

33.400 1. In addition to any other remedy provided by law, the parent or guardian of a child may petition any court of competent jurisdiction on behalf of the child for a temporary or extended order against a person who is 18 years of age or older and who the parent or guardian reasonably believes has committed or is committing a crime involving:

(a) Physical or mental injury to the child of a nonaccidental nature; or

(b) Sexual abuse or sexual exploitation of the child.

2. If such an order on behalf of a child is granted, the court may direct the person who allegedly committed or is committing the crime to:

(a) Stay away from the home, school, business or place of employment of the child and any other location specifically named by the court.

(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the child and any other person specifically named by the court, who may include, without limitation, a member of the family or the household of the child.

(c) Comply with any other restriction which the court deems necessary to protect the child or to protect any other person specifically named by the court **,** who may include, without limitation, a member of the family or the household of the child.

3. If a defendant charged with committing a crime described in subsection 1 is released from custody before trial or is found guilty ***or guilty but mentally ill*** during the trial, the court may issue a temporary or extended order or provide as a condition of the release or sentence that the defendant:

(a) Stay away from the home, school, business or place of employment of the child against whom the alleged crime was committed and any other location specifically named by the court.

(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the child against whom the alleged crime was committed and any other person specifically named by the court, who may include, without limitation, a member of the family or the household of the child.

(c) Comply with any other restriction which the court deems necessary to protect the child or to protect any other person specifically named by the court **,** who may include, without limitation, a member of the family or the household of the child.

4. A temporary order may be granted with or without notice to the adverse party. An extended order may be granted only after:

(a) Notice of the petition for the order and of the hearing thereon is served upon the adverse party pursuant to the Nevada Rules of Civil Procedure; and

(b) A hearing is held on the petition.

5. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order

in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

6. Unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, any person who intentionally violates:

(a) A temporary order is guilty of a gross misdemeanor.

(b) An extended order is guilty of a category C felony and shall be punished as provided in NRS 193.130.

7. Any court order issued pursuant to this section must:

(a) Be in writing;

(b) Be personally served on the person to whom it is directed; and

(c) Contain the warning that violation of the order:

(1) Subjects the person to immediate arrest.

(2) Is a gross misdemeanor if the order is a temporary order.

(3) Is a category C felony if the order is an extended order.

~~[Sec. 33.]~~ ***Sec. 45.*** NRS 33.440 is hereby amended to read as follows:

33.440 1. Upon the request of the parent or guardian of a child, the prosecuting attorney in any trial brought against a person for a crime described in subsection 1 of NRS 33.400 shall inform the parent or guardian of the final disposition of the case.

2. If the defendant is found guilty ***or guilty but mentally ill*** and the court issues an order or provides a condition of his sentence restricting the ability of the defendant to have contact with the child against whom the crime was committed or witnesses, the clerk of the court shall:

(a) Keep a record of the order or condition of the sentence; and

(b) Provide a certified copy of the order or condition of the sentence to the parent or guardian of the child and other persons named in the order.

~~[Sec. 34.]~~ ***Sec. 46.*** NRS 34.735 is hereby amended to read as follows:

34.735 A petition must be in substantially the following form, with appropriate modifications if the petition is filed in the Supreme Court:

Case No.

Dept. No.

IN THE ..... JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF .....

Petitioner,
v. PETITION FOR WRIT
OF HABEAS CORPUS
(POSTCONVICTION)

Respondent.

INSTRUCTIONS:

(1) This petition must be legibly handwritten or typewritten, signed by the petitioner and verified.

(2) Additional pages are not permitted except where noted or with respect to the facts which you rely upon to support your grounds for relief. No

citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.

(3) If you want an attorney appointed, you must complete the Affidavit in Support of Request to Proceed in Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.

(4) You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the Department of Corrections, name the warden or head of the institution. If you are not in a specific institution of the Department but within its custody, name the Director of the Department of Corrections.

(5) You must include all grounds or claims for relief which you may have regarding your conviction or sentence. Failure to raise all grounds in this petition may preclude you from filing future petitions challenging your conviction and sentence.

(6) You must allege specific facts supporting the claims in the petition you file seeking relief from any conviction or sentence. Failure to allege specific facts rather than just conclusions may cause your petition to be dismissed. If your petition contains a claim of ineffective assistance of counsel, that claim will operate to waive the attorney-client privilege for the proceeding in which you claim your counsel was ineffective.

(7) When the petition is fully completed, the original and one copy must be filed with the clerk of the state district court for the county in which you were convicted. One copy must be mailed to the respondent, one copy to the Attorney General's Office, and one copy to the district attorney of the county in which you were convicted or to the original prosecutor if you are challenging your original conviction or sentence. Copies must conform in all particulars to the original submitted for filing.

PETITION

1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty:

2. Name and location of court which entered the judgment of conviction under attack:

3. Date of judgment of conviction:

4. Case number:

5. (a) Length of sentence:

(b) If sentence is death, state any date upon which execution is scheduled:

6. Are you presently serving a sentence for a conviction other than the conviction under attack in this motion? Yes .... No ....

If "yes," list crime, case number and sentence being served at this time:

7. Nature of offense involved in conviction being challenged:

8. What was your plea? (check one)
(a) Not guilty ....
(b) Guilty ....
(c) ***Guilty but mentally ill ...***
(d) Nolo contendere ....

9. If you entered a plea of guilty ***or guilty but mentally ill*** to one count of an indictment or information, and a plea of not guilty to another count of an indictment or information, or if a plea of guilty ***or guilty but mentally ill*** was negotiated, give details:

10. If you were found guilty ***or guilty but mentally ill*** after a plea of not guilty, was the finding made by: (check one)
(a) Jury ....
(b) Judge without a jury ....

11. Did you testify at the trial? Yes .... No ....

12. Did you appeal from the judgment of conviction? Yes .... No ....

13. If you did appeal, answer the following:
(a) Name of court:
(b) Case number or citation:
(c) Result:
(d) Date of result:
(Attach copy of order or decision, if available.)

14. If you did not appeal, explain briefly why you did not:

15. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications or motions with respect to this judgment in any court, state or federal? Yes .... No ....

16. If your answer to No. 15 was "yes," give the following information:
(a) (1) Name of court:
(2) Nature of proceeding:

(3) Grounds raised:

(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes .... No ....
(5) Result:
(6) Date of result:
(7) If known, citations of any written opinion or date of orders entered pursuant to such result:

(b) As to any second petition, application or motion, give the same information:

(1) Name of court:

(2) Nature of proceeding:

(3) Grounds raised:

(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes .... No ....

(5) Result:

(6) Date of result:

(7) If known, citations of any written opinion or date of orders entered pursuant to such result:

(c) As to any third or subsequent additional applications or motions, give the same information as above, list them on a separate sheet and attach.

(d) Did you appeal to the highest state or federal court having jurisdiction, the result or action taken on any petition, application or motion?

(1) First petition, application or motion? Yes .... No ....

Citation or date of decision:

(2) Second petition, application or motion? Yes .... No .....

Citation or date of decision:

(3) Third or subsequent petitions, applications or motions? Yes .... No ....

Citation or date of decision:

(e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

17. Has any ground being raised in this petition been previously presented to this or any other court by way of petition for habeas corpus, motion, application or any other postconviction proceeding? If so, identify:

(a) Which of the grounds is the same:

(b) The proceedings in which these grounds were raised:

(c) Briefly explain why you are again raising these grounds. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

18. If any of the grounds listed in Nos. 23(a), (b), (c) and (d), or listed on any additional pages you have attached, were not previously presented in any other court, state or federal, list briefly what grounds were not so presented, and give your reasons for not presenting them. (You must relate specific facts

in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

19. Are you filing this petition more than 1 year following the filing of the judgment of conviction or the filing of a decision on direct appeal? If so, state briefly the reasons for the delay. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

20. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack? Yes .... No ....
If yes, state what court and the case number:

21. Give the name of each attorney who represented you in the proceeding resulting in your conviction and on direct appeal:

22. Do you have any future sentences to serve after you complete the sentence imposed by the judgment under attack? Yes .... No ....
If yes, specify where and when it is to be served, if you know:

23. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary you may attach pages stating additional grounds and facts supporting same.

(a) Ground one:

Supporting FACTS (Tell your story briefly without citing cases or law.):

(b) Ground two:

Supporting FACTS (Tell your story briefly without citing cases or law.):

(c) Ground three:

Supporting FACTS (Tell your story briefly without citing cases or law.):

(d) Ground four:

Supporting FACTS (Tell your story briefly without citing cases or law.):

WHEREFORE, petitioner prays that the court grant petitioner relief to which he may be entitled in this proceeding.

EXECUTED at ..... on the .... day of the month of .... of the year ....

Signature of petitioner

Address

Signature of attorney (if any)

Attorney for petitioner

Address

VERIFICATION

Under penalty of perjury, the undersigned declares that he is the petitioner named in the foregoing petition and knows the contents thereof; that the pleading is true of his own knowledge, except as to those matters stated on information and belief, and as to such matters he believes them to be true.

Petitioner

Attorney for petitioner

CERTIFICATE OF SERVICE BY MAIL

I, ..., hereby certify **,** pursuant to N.R.C.P. 5(b), that on this .... day of the month of .... of the year ...., I mailed a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS addressed to:

Respondent prison or jail official

Address

Attorney General
Heroes' Memorial Building
Capitol Complex
Carson City, Nevada 89710

District Attorney of County of Conviction

Address

Signature of Petitioner

~~[Sec. 35.]~~ ***Sec. 47.*** NRS 34.810 is hereby amended to read as follows:

34.810 1. The court shall dismiss a petition if the court determines that:

(a) The petitioner's conviction was upon a plea of guilty ***or guilty but mentally ill*** and the petition is not based upon an allegation that the plea was

involuntarily or unknowingly entered or that the plea was entered without effective assistance of counsel.

(b) The petitioner's conviction was the result of a trial and the grounds for the petition could have been:

(1) Presented to the trial court;

(2) Raised in a direct appeal or a prior petition for a writ of habeas corpus or postconviction relief; or

(3) Raised in any other proceeding that the petitioner has taken to secure relief from his conviction and sentence,

➥ unless the court finds both cause for the failure to present the grounds and actual prejudice to the petitioner.

2. A second or successive petition must be dismissed if the judge or justice determines that it fails to allege new or different grounds for relief and that the prior determination was on the merits or, if new and different grounds are alleged, the judge or justice finds that the failure of the petitioner to assert those grounds in a prior petition constituted an abuse of the writ.

3. Pursuant to subsections 1 and 2, the petitioner has the burden of pleading and proving specific facts that demonstrate:

(a) Good cause for the petitioner's failure to present the claim or for presenting the claim again; and

(b) Actual prejudice to the petitioner.

➥ The petitioner shall include in the petition all prior proceedings in which he challenged the same conviction or sentence.

4. The court may dismiss a petition that fails to include any prior proceedings of which the court has knowledge through the record of the court or through the pleadings submitted by the respondent.

~~[Sec. 36.]~~ ***Sec. 48.*** NRS 41B.070 is hereby amended to read as follows:

41B.070 "Convicted" and "conviction" mean a judgment based upon:

1. A plea of guilty ***, guilty but mentally ill*** or nolo contendere;

2. A finding of ~~[guilt]~~ ***guilty or guilty but mentally ill*** by a jury or a court sitting without a jury;

3. An adjudication of delinquency or finding of ~~[guilt]~~ ***guilty or guilty but mentally ill*** by a court having jurisdiction over juveniles; or

4. Any other admission or finding of ~~[guilt]~~ ***guilty or guilty but mentally ill*** in a criminal action or a proceeding in a court having jurisdiction over juveniles.

~~[Sec. 37.]~~ ***Sec. 49.*** NRS 48.125 is hereby amended to read as follows:

48.125 1. Evidence of a plea of guilty ~~[,]~~ ***or guilty but mentally ill,*** later withdrawn, or of an offer to plead guilty ***or guilty but mentally ill*** to the crime charged or any other crime is not admissible in a criminal proceeding involving the person who made the plea or offer.

2. Evidence of a plea of nolo contendere or of an offer to plead nolo contendere to the crime charged or any other crime is not admissible in a civil or criminal proceeding involving the person who made the plea or offer.

~~[Sec. 38.]~~ ***Sec. 50.*** NRS 50.068 is hereby amended to read as follows:

50.068 1. A defendant is not incompetent to be a witness solely by reason of the fact that he enters into an agreement with the prosecuting attorney in which he agrees to testify against another defendant in exchange for a plea of guilty ***, guilty but mentally ill*** or nolo contendere to a lesser charge or for a recommendation of a reduced sentence.

2. The testimony of the defendant who is testifying may be admitted whether or not he has entered his plea or been sentenced pursuant to the agreement with the prosecuting attorney.

~~[Sec. 39.]~~ ***Sec. 51.*** NRS 51.295 is hereby amended to read as follows:

51.295 1. Evidence of a final judgment, entered after trial or upon a plea of guilty ~~[,]~~ ***or guilty but mentally ill,*** but not upon a plea of nolo contendere, adjudging a person guilty of a crime punishable by death or imprisonment in excess of 1 year ~~[,]~~ is not inadmissible under the hearsay rule to prove any fact essential to sustain the judgment.

2. This section does not make admissible, when offered by the State in a criminal prosecution for purposes other than impeachment, a judgment against a person other than the accused.

3. The pendency of an appeal may be shown but does not affect admissibility.

~~[Sec. 40.]~~ ***Sec. 52.*** NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➥ The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➥ The person shall be further punished by a fine of not less than $500, but not more than $1,000.

(c) For the third and any subsequent offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) Except as otherwise provided in this subsection, for the first offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

(b) Except as otherwise provided in this subsection, for the second offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

➥ If the person resides more than 70 miles from the nearest location at which counseling services are available, the court may allow the person to participate in counseling sessions in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470 every other week for the number of months required pursuant to paragraph (a) or (b) so long as the number of hours of counseling is not less than 6 hours per month. If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

3. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

4. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of $35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

5. In addition to any other penalty, the court may require such a person to participate, at his expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the Health Division of the Department of Health and Human Services.

6. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of his ability to pay.

7. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty ***, guilty but mentally ill*** or nolo contendere to a lesser charge or for any other reason unless he knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. A court shall not grant probation to and, except as otherwise provided in NRS 4.373 and 5.055, a court shall not suspend the sentence of such a person.

8. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

~~[Sec. 41.]~~ ***Sec. 53.*** NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➥ The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➥ The person shall be further punished by a fine of not less than $500, but not more than $1,000.

(c) For the third and any subsequent offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

(b) For the second offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

➥ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

3. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

4. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of $35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

5. In addition to any other penalty, the court may require such a person to participate, at his expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the Health Division of the Department of Health and Human Services.

6. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services.

If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of his ability to pay.

7. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty ***, guilty but mentally ill*** or nolo contendere to a lesser charge or for any other reason unless he knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. A court shall not grant probation to and, except as otherwise provided in NRS 4.373 and 5.055, a court shall not suspend the sentence of such a person.

8. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

~~[Sec. 42.]~~ ***Sec. 54.*** NRS 202.270 is hereby amended to read as follows:

202.270 1. A person who destroys, or attempts to destroy, with dynamite, nitroglycerine, gunpowder or other high explosive, any dwelling house or other building, knowing or having reason to believe that a human being is therein at the time, is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(a) For life without the possibility of parole;

(b) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(c) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,

➥ in the discretion of the jury, or of the court upon a plea of guilty ~~[.]~~ ***or guilty but mentally ill.***

2. A person who conspires with others to commit the offense described in subsection 1 shall be punished in the same manner.

~~[Sec. 43.]~~ ***Sec. 55.*** NRS 202.885 is hereby amended to read as follows:

202.885 1. A person may not be prosecuted or convicted pursuant to NRS 202.882 unless a court in this State or any other jurisdiction has entered a judgment of conviction against a culpable actor for:

(a) The violent or sexual offense against the child; or

(b) Any other offense arising out of the same facts as the violent or sexual offense against the child.

2. For any violation of NRS 202.882, an indictment must be found or an information or complaint must be filed within 1 year after the date on which:

(a) A court in this State or any other jurisdiction has entered a judgment of conviction against a culpable actor as provided in subsection 1; or

(b) The violation is discovered,

➥ whichever occurs later.

3. For the purposes of this section:

(a) A court in "any other jurisdiction" includes, without limitation, a tribal court or a court of the United States or the Armed Forces of the United States.

(b) "Convicted" and "conviction" mean a judgment based upon:

(1) A plea of guilty ***, guilty but mentally ill*** or nolo contendere;

(2) A finding of ~~[guilt]~~ ***guilty or guilty but mentally ill*** by a jury or a court sitting without a jury;

(3) An adjudication of delinquency or finding of ~~[guilt]~~ ***guilty or guilty but mentally ill*** by a court having jurisdiction over juveniles; or

(4) Any other admission or finding of ~~[guilt]~~ ***guilty or guilty but mentally ill*** in a criminal action or a proceeding in a court having jurisdiction over juveniles.

(c) A court "enters" a judgment of conviction against a person on the date on which guilt is admitted, adjudicated or found, whether or not:

(1) The court has imposed a sentence, a penalty or other sanction for the conviction; or

(2) The person has exercised any right to appeal the conviction.

(d) "Culpable actor" means a person who:

(1) Causes or perpetrates an unlawful act;

(2) Aids, abets, commands, counsels, encourages, hires, induces, procures or solicits another person to cause or perpetrate an unlawful act; or

(3) Is a principal in any degree, accessory before or after the fact, accomplice or conspirator to an unlawful act.

~~[Sec. 44.]~~ ***Sec. 56.*** NRS 207.016 is hereby amended to read as follows:

207.016 1. A conviction pursuant to NRS 207.010, 207.012 or 207.014 operates only to increase, not to reduce, the sentence otherwise provided by law for the principal crime.

2. If a count pursuant to NRS 207.010, 207.012 or 207.014 is included in an information charging the primary offense, each previous conviction must be alleged in the accusatory pleading, but no such conviction may be alluded to on trial of the primary offense, nor may any allegation of the conviction be read in the presence of a jury trying the offense or a grand jury considering an indictment for the offense. A count pursuant to NRS 207.010, 207.012 or 207.014 may be separately filed after conviction of the primary offense, but if it is so filed, sentence must not be imposed, or the hearing required by subsection 3 held, until 15 days after the separate filing.

3. If a defendant charged pursuant to NRS 207.010, 207.012 or 207.014 pleads guilty ***or guilty but mentally ill*** to **,** or is found guilty ***or guilty but mentally ill*** of **,** the primary offense but denies any previous conviction charged, the court shall determine the issue of the previous conviction after hearing all relevant evidence presented on the issue by the prosecution and the defendant. At such a hearing, the defendant may not challenge the validity of a previous conviction. The court shall impose sentence:

(a) Pursuant to NRS 207.010 upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitual criminality;

(b) Pursuant to NRS 207.012 upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitual felon; or

(c) Pursuant to NRS 207.014 upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitually fraudulent felon.

4. Nothing in the provisions of this section, NRS 207.010, 207.012 or 207.014 limits the prosecution in introducing evidence of prior convictions for purposes of impeachment.

5. For the purposes of NRS 207.010, 207.012 and 207.014, a certified copy of a felony conviction is prima facie evidence of conviction of a prior felony.

6. Nothing in the provisions of this section, NRS 207.010, 207.012 or 207.014 prohibits a court from imposing an adjudication of habitual criminality, adjudication of habitual felon or adjudication of habitually fraudulent felon based upon a stipulation of the parties.

~~[Sec. 45.]~~ ***Sec. 57.*** NRS 207.193 is hereby amended to read as follows:

207.193 1. Except as otherwise provided in subsection 4, if a person is convicted of coercion or attempted coercion in violation of paragraph (a) of subsection 2 of NRS 207.190, the court shall, at the request of the prosecuting attorney, conduct a separate hearing to determine whether the offense was sexually motivated. A request for such a hearing may not be submitted to the court unless the prosecuting attorney, not less than 72 hours before the commencement of the trial, files and serves upon the defendant a written notice of his intention to request such a hearing.

2. A hearing requested pursuant to subsection 1 must be conducted before:

(a) The court imposes its sentence; or

(b) A separate penalty hearing is conducted.

3. At the hearing, only evidence concerning the question of whether the offense was sexually motivated may be presented. The prosecuting attorney must prove beyond a reasonable doubt that the offense was sexually motivated.

4. A person may stipulate that his offense was sexually motivated before a hearing held pursuant to subsection 1 or as part of an agreement to plead nolo contendere ***, guilty*** or guilty ~~[.]~~ ***but mentally ill.***

5. The court shall enter in the record:

(a) Its finding from a hearing held pursuant to subsection 1; or

(b) A stipulation made pursuant to subsection 4.

6. For the purposes of this section, an offense is "sexually motivated" if one of the purposes for which the person committed the offense was his sexual gratification.

~~[Sec. 46.]~~ ***Sec. 58.*** NRS 212.189 is hereby amended to read as follows:

212.189 1. Except as otherwise provided in subsection 9, a prisoner who is in lawful custody or confinement, other than residential confinement, shall not knowingly:

(a) Store or stockpile any human excrement or bodily fluid;

(b) Sell, supply or provide any human excrement or bodily fluid to any other person;

(c) Buy, receive or acquire any human excrement or bodily fluid from any other person; or

(d) Use, propel, discharge, spread or conceal, or cause to be used, propelled, discharged, spread or concealed, any human excrement or bodily fluid:

(1) With the intent to have the excrement or bodily fluid come into physical contact with any portion of the body of an officer or employee of a prison or any other person, whether or not such physical contact actually occurs; or

(2) Under circumstances in which the excrement or bodily fluid is reasonably likely to come into physical contact with any portion of the body of an officer or employee of a prison or any other person, whether or not such physical contact actually occurs.

2. Except as otherwise provided in subsection 3, if a prisoner violates any provision of subsection 1, the prisoner is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

3. If a prisoner violates any provision of paragraph (d) of subsection 1 and, at the time of the offense, the prisoner knew that any portion of the excrement or bodily fluid involved in the offense contained a communicable disease that causes or is reasonably likely to cause substantial bodily harm, whether or not the communicable disease was transmitted to a victim as a result of the offense, the prisoner is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,

➥ and may be further punished by a fine of not more than $50,000.

4. A sentence imposed upon a prisoner pursuant to subsection 2 or 3:

(a) Is not subject to suspension or the granting of probation; and

(b) Must run consecutively after the prisoner has served any sentences imposed upon him for the offense or offenses for which the prisoner was in lawful custody or confinement when he violated the provisions of subsection 1.

5. In addition to any other penalty, the court shall order a prisoner who violates any provision of paragraph (d) of subsection 1 to reimburse the appropriate person or governmental body for the cost of any examinations or testing:

(a) Conducted pursuant to paragraphs (a) and (b) of subsection 7; or

(b) Paid for pursuant to subparagraph (2) of paragraph (c) of subsection 7.

6. The warden, sheriff, administrator or other person responsible for administering a prison shall immediately and fully investigate any act described in subsection 1 that is reported or suspected to have been committed in the prison.

7. If there is probable cause to believe that an act described in paragraph (d) of subsection 1 has been committed in a prison:

(a) Each prisoner believed to have committed the act or to have been the bodily source of any portion of the excrement or bodily fluid involved in the act must submit to any appropriate examinations and testing to determine whether each such prisoner has any communicable disease.

(b) If possible, a sample of the excrement or bodily fluid involved in the act must be recovered and tested to determine whether any communicable disease is present in the excrement or bodily fluid.

(c) If the excrement or bodily fluid involved in the act came into physical contact with any portion of the body of an officer or employee of a prison or any other person:

(1) The results of any examinations or testing conducted pursuant to paragraphs (a) and (b) must be provided to each such officer, employee or other person; and

(2) For each such officer or employee, the person or governmental body operating the prison where the act was committed shall pay for any appropriate examinations and testing requested by the officer or employee to determine whether a communicable disease was transmitted to him as a result of the act.

(d) The results of the investigation conducted pursuant to subsection 6 and the results of any examinations or testing conducted pursuant to paragraphs (a) and (b) must be submitted to the district attorney of the county in which the act was committed or to the Office of the Attorney General for possible prosecution of each prisoner who committed the act.

8. If a prisoner is charged with committing an act described in paragraph (d) of subsection 1 and a victim or an intended victim of the act was an officer or employee of a prison, the prosecuting attorney shall not dismiss the charge in exchange for a plea of guilty ***, guilty but mentally ill*** or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.

9. The provisions of this section do not apply to a prisoner who commits an act described in subsection 1 if the act:

(a) Is otherwise lawful and is authorized by the warden, sheriff, administrator or other person responsible for administering the prison, or his designee, and the prisoner performs the act in accordance with the directions or instructions given to him by that person;

(b) Involves the discharge of human excrement or bodily fluid directly from the body of the prisoner and the discharge is the direct result of a temporary or permanent injury, disease or medical condition afflicting the prisoner that prevents the prisoner from having physical control over the discharge of his own excrement or bodily fluid; or

(c) Constitutes voluntary sexual conduct with another person in violation of the provisions of NRS 212.187.

~~[Sec. 47.]~~ ***Sec. 59.*** NRS 244.3485 is hereby amended to read as follows:

244.3485 1. The board of county commissioners of each county shall, by ordinance, require each person who wishes to engage in the business of a secondhand dealer in an unincorporated area of the county to obtain a license issued by the board before he engages in the business of a secondhand dealer.

2. The ordinance must require the applicant to submit:

(a) An application for a license to the board of county commissioners in a form prescribed by the board.

(b) With his application a complete set of his fingerprints and written permission authorizing the board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. The board of county commissioners shall not issue a license pursuant to this section to an applicant who has been convicted of, or entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, a felony involving moral turpitude or related to the qualifications, functions or duties of a secondhand dealer.

4. The board of county commissioners may:

(a) Establish and collect a fee for the issuance or renewal of a license;

(b) Establish and collect a fee to cover the costs of the investigation of an applicant, including a fee to process the fingerprints of the applicant;

(c) Place conditions, limitations or restrictions upon the license;

(d) Establish any other requirements necessary to carry out the provisions of this section; or

(e) Enact an ordinance which covers the same or similar subject matter included in the provisions of NRS 647.140 and which provides that any person who violates any provision of that ordinance shall be punished:

(1) For the first offense, by a fine of not more than $500.

(2) For the second offense, by a fine of not more than $1,000.

(3) For the third offense, by a fine of not more than $2,000 and by revocation of the license of the secondhand dealer.

~~[Sec. 48.]~~ ***Sec. 60.*** NRS 244.3695 is hereby amended to read as follows:

244.3695 1. The board of county commissioners shall create a graffiti reward and abatement fund. The money in the fund must be used to pay a reward to a person who, in response to the offer of a reward, provides information which results in the identification, apprehension and conviction of a person who violates a county ordinance that prohibits graffiti or other defacement of property.

2. When a defendant pleads or is found guilty ***or guilty but mentally ill*** of violating a county ordinance that prohibits graffiti or other defacement of property, the court shall include an administrative assessment of $250 for each violation in addition to any other fine or penalty. The money collected must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for credit to the graffiti reward and abatement fund.

3. If sufficient money is available in the graffiti reward and abatement fund, a county law enforcement agency may offer a reward, not to exceed $1,000, for information leading to the identification, apprehension and conviction of a person who violates a county ordinance that prohibits graffiti or other defacement of property. The reward must be paid out of the graffiti reward and abatement fund upon approval of the board of county commissioners.

~~[Sec. 49.]~~ ***Sec. 61.*** NRS 268.0974 is hereby amended to read as follows:

268.0974 1. The governing body of an incorporated city in this State, whether organized pursuant to general law or special charter shall, by ordinance, require each person who wishes to engage in the business of a secondhand dealer in the incorporated city to obtain a license issued by the governing body before he engages in the business of a secondhand dealer.

2. The ordinance must require the applicant to submit:

(a) An application for a license to the governing body of the incorporated city in a form prescribed by the governing body.

(b) With his application a complete set of his fingerprints and written permission authorizing the governing body of the incorporated city to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. The governing body of the incorporated city shall not issue a license pursuant to this section to an applicant who has been convicted of, or entered

a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, a felony involving moral turpitude or related to the qualifications, functions or duties of a secondhand dealer.

4. The governing body of the incorporated city may:

(a) Establish and collect a fee for the issuance or renewal of a license;

(b) Establish and collect a fee to cover the costs of the investigation of an applicant, including a fee to process the fingerprints of the applicant;

(c) Place conditions, limitations or restrictions upon the license;

(d) Establish any other requirements necessary to carry out the provisions of this section; or

(e) Enact an ordinance which covers the same or similar subject matter included in the provisions of NRS 647.140 and which provides that any person who violates any provision of that ordinance shall be punished:

(1) For the first offense, by a fine of not more than $500.

(2) For the second offense, by a fine of not more than $1,000.

(3) For the third offense, by a fine of not more than $2,000 and by revocation of the license of the secondhand dealer.

~~[Sec. 50.]~~ ***Sec. 62.*** NRS 268.4085 is hereby amended to read as follows:

268.4085 1. The governing body of each city shall create a graffiti reward and abatement fund. The money in the fund must be used to pay a reward to a person who, in response to the offer of a reward, provides information which results in the identification, apprehension and conviction of a person who violated a city ordinance that prohibits graffiti or other defacement of property.

2. When a defendant pleads or is found guilty ***or guilty but mentally ill*** of violating a city ordinance that prohibits graffiti or other defacement of property, the court shall include an administrative assessment of $250 for each violation in addition to any other fine or penalty. The money collected must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for credit to the graffiti reward and abatement fund.

3. If sufficient money is available in the graffiti reward and abatement fund, a law enforcement agency for the city may offer a reward, not to exceed $1,000, for information leading to the identification, apprehension and conviction of a person who violates a city ordinance that prohibits graffiti or other defacement of property. The reward must be paid out of the graffiti reward and abatement fund upon approval of the governing body of the city.

~~[Sec. 51.]~~ ***Sec. 63.*** NRS 357.170 is hereby amended to read as follows:

357.170 1. An action pursuant to this chapter may not be commenced more than 3 years after the date of discovery of the fraudulent activity by the Attorney General or more than 5 years after the fraudulent activity occurred, whichever is earlier. Within those limits, an action may be based upon fraudulent activity that occurred before October 1, 1999.

2. In an action pursuant to this chapter, the standard of proof is a preponderance of the evidence. A finding of ~~[guilt]~~ ***guilty or guilty but mentally ill*** in a criminal proceeding charging false statement or fraud, whether upon a verdict of guilty ***or guilty but mentally ill*** or a plea of guilty ***, guilty but mentally ill*** or nolo contendere, estops the person found guilty ***or guilty but mentally ill*** from denying an essential element of that offense in an action pursuant to this chapter based upon the same transaction as the criminal proceeding.

~~[Sec. 52.]~~ ***Sec. 64.*** NRS 453.3363 is hereby amended to read as follows:

453.3363 1. If a person who has not previously been convicted of any offense pursuant to NRS 453.011 to 453.552, inclusive, or pursuant to any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant or hallucinogenic substances tenders a plea of guilty, ***guilty but mentally ill,*** nolo contendere or similar plea to a charge pursuant to subparagraph (1) of paragraph (a) of subsection 2 of NRS 453.3325, subsection 2 or 3 of NRS 453.336, NRS 453.411 or 454.351, or is found guilty ***or guilty but mentally ill*** of one of those charges, the court, without entering a judgment of conviction and with the consent of the accused, may suspend further proceedings and place him on probation upon terms and conditions that must include attendance and successful completion of an educational program or, in the case of a person dependent upon drugs, of a program of treatment and rehabilitation pursuant to NRS 453.580.

2. Upon violation of a term or condition, the court may enter a judgment of conviction and proceed as provided in the section pursuant to which the accused was charged. Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, upon violation of a term or condition, the court may order the person to the custody of the Department of Corrections.

3. Upon fulfillment of the terms and conditions, the court shall discharge the accused and dismiss the proceedings against him. A nonpublic record of the dismissal must be transmitted to and retained by the Division of Parole and Probation of the Department of Public Safety solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section.

4. Except as otherwise provided in subsection 5, discharge and dismissal under this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the arrest, indictment or information. He may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an

inquiry made of him for any purpose. Discharge and dismissal under this section may occur only once with respect to any person.

5. A professional licensing board may consider a proceeding under this section in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to him.

~~[Sec. 53.]~~ ***Sec. 65.*** NRS 453.348 is hereby amended to read as follows:

453.348 In any proceeding brought under NRS 453.316, 453.321, 453.322, 453.333, 453.334, 453.337, 453.338 or 453.401, any previous convictions of the offender for a felony relating to controlled substances must be alleged in the indictment or information charging the primary offense, but the conviction may not be alluded to on the trial of the primary offense nor may any evidence of the previous offense be produced in the presence of the jury except as otherwise prescribed by law. If the offender pleads guilty ***or guilty but mentally ill*** to **,** or is convicted of **,** the primary offense but denies any previous conviction charged, the court shall determine the issue after hearing all relevant evidence. A certified copy of a conviction of a felony is prima facie evidence of the conviction.

~~[Sec. 54.]~~ ***Sec. 66.*** NRS 453.575 is hereby amended to read as follows:

453.575 1. If a defendant pleads guilty ***or guilty but mentally ill*** to **,** or is found guilty ***or guilty but mentally ill*** of, any violation of this chapter and an analysis of a controlled substance or other substance or drug was performed in relation to his case, the court shall include in the sentence an order that the defendant pay the sum of $60 as a fee for the analysis of the controlled substance or other substance or drug.

2. Except as otherwise provided in this subsection, any money collected for such an analysis must not be deducted from, and is in addition to, any fine otherwise imposed by the court and must be:

(a) Collected from the defendant before or at the same time that the fine is collected.

(b) Stated separately in the judgment of the court or on the court's docket.

3. The money collected pursuant to subsection 1 in any district, municipal or justice court must be paid by the clerk of the court to the county or city treasurer, as appropriate, on or before the fifth day of each month for the preceding month.

4. The board of county commissioners of each county shall by ordinance create in the county treasury a fund to be designated as the fund for forensic services. The governing body of each city shall create in the city treasury a fund to be designated as the fund for forensic services. Upon receipt, the county or city treasurer, as appropriate, shall deposit any fee for the analyses of controlled substances or other substances or drugs in the fund. The money from such deposits must be accounted for separately within the fund.

5. Except as otherwise provided in subsection 6, each month the treasurer shall, from the money credited to the fund pursuant to subsection 3, pay any amount owed for forensic services and deposit any remaining money in the county or city general fund, as appropriate.

6. In counties which do not receive forensic services under a contract with the State, the money deposited in the fund for forensic services pursuant to subsection 4 must be expended, except as otherwise provided in this subsection:

(a) To pay for the analyses of controlled substances or other substances or drugs performed in connection with criminal investigations within the county;

(b) To purchase and maintain equipment to conduct these analyses; and

(c) For the training and continuing education of the employees who conduct these analyses.

➥ Money from the fund must not be expended to cover the costs of analyses conducted by, equipment used by or training for employees of an analytical laboratory not registered with the Drug Enforcement Administration of the United States Department of Justice.

~~[Sec. 55.]~~ ***Sec. 67.*** NRS 454.358 is hereby amended to read as follows:

454.358 1. When a defendant pleads guilty ***or guilty but mentally ill*** to **,** or is found guilty ***or guilty but mentally ill*** of **,** any violation of this chapter and an analysis of a dangerous drug was performed in relation to his case, the justice or judge shall include in the sentence the sum of $50 as a fee for the analysis of the dangerous drug.

2. The money collected for such an analysis must not be deducted from the fine imposed by the justice or judge, but must be taxed against the defendant in addition to the fine. The money collected for such an analysis must be stated separately on the court's docket and must be included in the amount posted for bail. If the defendant is found not guilty or the charges are dropped, the money deposited with the court must be returned to the defendant.

3. The money collected pursuant to subsection 1 in municipal court must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month.

4. The money collected pursuant to subsection 1 in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month.

5. The board of county commissioners of each county shall by ordinance, before September 1, 1987, create in the county treasury a fund to be designated as the fund for forensic services. Upon receipt, the county treasurer shall deposit any fee for the analyses of dangerous drugs in the fund.

6. In counties which receive forensic services under a contract with the State, any money in the fund for forensic services must be paid monthly by

the county treasurer to the State Treasurer for deposit in the State General Fund, after retaining 2 percent of the money to cover his administrative expenses.

7. In counties which do not receive forensic services under a contract with the State, money in the fund for forensic services must be expended, except as otherwise provided in this subsection:

(a) To pay for the analyses of dangerous drugs performed in connection with criminal investigations within the county;

(b) To purchase and maintain equipment to conduct these analyses; and

(c) For the training and continuing education of the employees who conduct these analyses.

➥ Money from the fund must not be expended to cover the costs of analyses conducted by, equipment used by or training for employees of an analytical laboratory not registered with the Drug Enforcement Administration of the United States Department of Justice.

~~[Sec. 56.]~~ ***Sec. 68.*** NRS 483.560 is hereby amended to read as follows:

483.560 1. Except as otherwise provided in subsection 2, any person who drives a motor vehicle on a highway or on premises to which the public has access at a time when his driver's license has been cancelled, revoked or suspended is guilty of a misdemeanor.

2. Except as otherwise provided in this subsection, if the license of the person was suspended, revoked or restricted because of:

(a) A violation of NRS 484.379, 484.3795 or 484.384;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

➥ the person shall be punished by imprisonment in jail for not less than 30 days nor more than 6 months or by serving a term of residential confinement for not less than 60 days nor more than 6 months, and shall be further punished by a fine of not less than $500 nor more than $1,000. A person who is punished pursuant to this subsection may not be granted probation, and a sentence imposed for such a violation may not be suspended. A prosecutor may not dismiss a charge of such a violation in exchange for a plea of guilty**,** ***guilty but mentally ill*** or ~~[of]~~ nolo contendere to a lesser charge or for any other reason, unless in his judgment the charge is not supported by probable cause or cannot be proved at trial. The provisions of this subsection do not apply if the period of revocation has expired but the person has not reinstated his license.

3. A term of imprisonment imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace. This discretion must be exercised after considering all the

circumstances surrounding the offense, and the family and employment of the person convicted. However, the full term of imprisonment must be served within 6 months after the date of conviction, and any segment of time the person is imprisoned must not consist of less than 24 hours.

4. Jail sentences simultaneously imposed pursuant to this section and NRS 484.3792, 484.37937 or 484.3794 must run consecutively.

5. If the Department receives a record of the conviction or punishment of any person pursuant to this section upon a charge of driving a vehicle while his license was:

(a) Suspended, the Department shall extend the period of the suspension for an additional like period.

(b) Revoked, the Department shall extend the period of ineligibility for a license, permit or privilege to drive for an additional 1 year.

(c) Restricted, the Department shall revoke his restricted license and extend the period of ineligibility for a license, permit or privilege to drive for an additional 1 year.

(d) Suspended or cancelled for an indefinite period, the Department shall suspend his license for an additional 6 months for the first violation and an additional 1 year for each subsequent violation.

6. Suspensions and revocations imposed pursuant to this section must run consecutively.

~~[Sec. 57.]~~ ***Sec. 69.*** NRS 484.3792 is hereby amended to read as follows:

484.3792 1. Unless a greater penalty is provided pursuant to NRS 484.3795 or 484.37955, and except as otherwise provided in subsection 2, a person who violates the provisions of NRS 484.379:

(a) For the first offense within 7 years, is guilty of a misdemeanor. Unless he is allowed to undergo treatment as provided in NRS 484.37937, the court shall:

(1) Except as otherwise provided in subparagraph (4) or subsection 7, order him to pay tuition for an educational course on the abuse of alcohol and controlled substances approved by the Department and complete the course within the time specified in the order, and the court shall notify the Department if he fails to complete the course within the specified time;

(2) Unless the sentence is reduced pursuant to NRS 484.37937, sentence him to imprisonment for not less than 2 days nor more than 6 months in jail, or to perform not less than 48 hours, but not more than 96 hours, of community service while dressed in distinctive garb that identifies him as having violated the provisions of NRS 484.379;

(3) Fine him not less than $400 nor more than $1,000; and

(4) If he is found to have a concentration of alcohol of 0.18 or more in his blood or breath, order him to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484.37945.

(b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484.3794, the court shall:

(1) Sentence him to:

(I) Imprisonment for not less than 10 days nor more than 6 months in jail; or

(II) Residential confinement for not less than 10 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive;

(2) Fine him not less than $750 nor more than $1,000, or order him to perform an equivalent number of hours of community service while dressed in distinctive garb that identifies him as having violated the provisions of NRS 484.379; and

(3) Order him to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484.37945.

➥ A person who willfully fails or refuses to complete successfully a term of residential confinement or a program of treatment ordered pursuant to this paragraph is guilty of a misdemeanor.

(c) For a third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and shall be further punished by a fine of not less than $2,000 nor more than $5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. Unless a greater penalty is provided in NRS 484.37955, a person who has previously been convicted of:

(a) A violation of NRS 484.379 that is punishable as a felony pursuant to paragraph (c) of subsection 1;

(b) A violation of NRS 484.3795;

(c) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or

(d) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a), (b) or (c),

➥ and who violates the provisions of NRS 484.379 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than $2,000 nor more than $5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

3. Except as otherwise provided in this subsection, an offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. An offense which is listed in

paragraphs (a) to (d), inclusive, of subsection 2 that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard for the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

4. A person convicted of violating the provisions of NRS 484.379 must not be released on probation, and a sentence imposed for violating those provisions must not be suspended except, as provided in NRS 4.373, 5.055, 484.37937 and 484.3794, that portion of the sentence imposed that exceeds the mandatory minimum. A prosecuting attorney shall not dismiss a charge of violating the provisions of NRS 484.379 in exchange for a plea of guilty **,** ***guilty but mentally ill*** or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.

5. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484.37937 or 484.3794 and the suspension of his sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

6. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560 or 485.330 must run consecutively.

7. If the person who violated the provisions of NRS 484.379 possesses a driver's license issued by a state other than the State of Nevada and does not reside in the State of Nevada, in carrying out the provisions of subparagraph (1) of paragraph (a) of subsection 1, the court shall:

(a) Order the person to pay tuition for and submit evidence of completion of an educational course on the abuse of alcohol and controlled substances approved by a governmental agency of the state of his residence within the time specified in the order; or

(b) Order him to complete an educational course by correspondence on the abuse of alcohol and controlled substances approved by the Department within the time specified in the order,

➥ and the court shall notify the Department if the person fails to complete the assigned course within the specified time.

8. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

9. For the purpose of determining whether one offense occurs within 7 years of another offense, any period of time between the two offenses during which, for any such offense, the offender is imprisoned, serving a term of residential confinement, confined in a treatment facility, on parole or on probation must be excluded.

10. As used in this section, unless the context otherwise requires:

(a) "Concentration of alcohol of 0.18 or more in his blood or breath" means 0.18 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.

(b) "Offense" means:

(1) A violation of NRS 484.379 or 484.3795;

(2) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or

(3) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in subparagraph (1) or (2).

(c) "Treatment facility" has the meaning ascribed to it in NRS 484.3793.

~~[Sec. 58.]~~ ***Sec. 70.*** NRS 484.3795 is hereby amended to read as follows:

484.3795 1. Unless a greater penalty is provided pursuant to NRS 484.37955, a person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his blood or breath;

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his blood or breath;

(d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely driving or exercising actual physical control of a vehicle; or

(f) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379,

➥ and does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on or off the highways of this State, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, a person other than himself, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years

and must be further punished by a fine of not less than $2,000 nor more than $5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty ***, guilty but mentally ill*** or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 may not be suspended nor may probation be granted.

3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.08 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

4. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

~~[Sec. 59.]~~ ***Sec. 71.*** NRS 484.3795 is hereby amended to read as follows:

484.3795 1. Unless a greater penalty is provided pursuant to NRS 484.37955, a person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.10 or more in his blood or breath;

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.10 or more in his blood or breath;

(d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely driving or exercising actual physical control of a vehicle; or

(f) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379,

➥ and does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on or off the highways of this State, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, a person other than himself, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum

term of not less than 2 years and a maximum term of not more than 20 years and must be further punished by a fine of not less than $2,000 nor more than $5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty ***, guilty but mentally ill*** or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 may not be suspended nor may probation be granted.

3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.10 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

4. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

~~[Sec. 60.]~~ ***Sec. 72.*** NRS 484.37955 is hereby amended to read as follows:

484.37955 1. A person commits vehicular homicide if he:

(a) Drives or is in actual physical control of a vehicle on or off the highways of this State and:

(1) Is under the influence of intoxicating liquor;

(2) Has a concentration of alcohol of 0.08 or more in his blood or breath;

(3) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his blood or breath;

(4) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(5) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely driving or exercising actual physical control of a vehicle; or

(6) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379;

(b) Proximately causes the death of a person other than himself while driving or in actual physical control of a vehicle on or off the highways of this State; and

(c) Has previously been convicted of at least three offenses.

2. A person who commits vehicular homicide is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.

3. A person imprisoned pursuant to subsection 2 must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

4. A prosecuting attorney shall not dismiss a charge of vehicular homicide in exchange for a plea of guilty ***, guilty but mentally ill*** or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 2 may not be suspended nor may probation be granted.

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.08 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

6. If the defendant was transporting a person who is less than 15 years of age in the vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

7. As used in this section, "offense" means:

(a) A violation of NRS 484.379 or 484.3795;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 484.379 or 484.3795; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

~~[Sec. 61.]~~ ***Sec. 73.*** NRS 484.37955 is hereby amended to read as follows:

484.37955 1. A person commits vehicular homicide if he:

(a) Drives or is in actual physical control of a vehicle on or off the highways of this State and:

(1) Is under the influence of intoxicating liquor;

(2) Has a concentration of alcohol of 0.10 or more in his blood or breath;

(3) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.10 or more in his blood or breath;

(4) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(5) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely driving or exercising actual physical control of a vehicle; or

(6) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379;

(b) Proximately causes the death of a person other than himself while driving or in actual physical control of a vehicle on or off the highways of this State; and

(c) Has previously been convicted of at least three offenses.

2. A person who commits vehicular homicide is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.

3. A person imprisoned pursuant to subsection 2 must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

4. A prosecuting attorney shall not dismiss a charge of vehicular homicide in exchange for a plea of guilty ***, guilty but mentally ill*** or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 2 may not be suspended nor may probation be granted.

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.10 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

6. If the defendant was transporting a person who is less than 15 years of age in the vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

7. As used in this section, "offense" means:

(a) A violation of NRS 484.379 or 484.3795;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 484.379 or 484.3795; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

~~[Sec. 62.]~~ ***Sec. 74.*** NRS 484.3797 is hereby amended to read as follows:

484.3797 1. The judge or judges in each judicial district shall cause the preparation and maintenance of a list of the panels of persons who:

(a) Have been injured or had members of their families or close friends injured or killed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955 or a law of any other jurisdiction that prohibits the same or similar conduct; and

(b) Have, by contacting the judge or judges in the district, expressed their willingness to discuss collectively the personal effect of those crimes.

➥ The list must include the name and telephone number of the person to be contacted regarding each such panel and a schedule of times and locations of the meetings of each such panel. The judge or judges shall establish, in cooperation with representatives of the members of the panels, a fee, if any, to be paid by defendants who are ordered to attend a meeting of the panel. The amount of the fee, if any, must be reasonable. The panel may not be operated for profit.

2. Except as otherwise provided in this subsection, if a defendant pleads guilty ***or guilty but mentally ill*** to **,** or is found guilty ***or guilty but mentally ill*** of **,** any violation of NRS 484.379, 484.3795 or 484.37955, the court shall, in addition to imposing any other penalties provided by law, order the defendant to:

(a) Attend, at the defendant's expense, a meeting of a panel of persons who have been injured or had members of their families or close friends injured or killed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955 or a law of any other jurisdiction that prohibits the same or similar conduct, in order to have the defendant understand the effect such a crime has on other persons; and

(b) Pay the fee, if any, established by the court pursuant to subsection 1.

➥ The court may, but is not required to, order the defendant to attend such a meeting if one is not available within 60 miles of the defendant's residence.

3. A person ordered to attend a meeting pursuant to subsection 2 shall, after attending the meeting, present evidence or other documentation satisfactory to the court that he attended the meeting and remained for its entirety.

~~[Sec. 63.]~~ ***Sec. 75.*** NRS 484.3798 is hereby amended to read as follows:

484.3798 1. If a defendant pleads guilty ***or guilty but mentally ill*** to **,** or is found guilty ***or guilty but mentally ill*** of **,** any violation of NRS 484.379, 484.3795 or 484.37955 and a chemical analysis of his blood, urine, breath or other bodily substance was conducted, the court shall, in addition to any penalty provided by law, order the defendant to pay the sum of $60 as a fee for the chemical analysis. Except as otherwise provided in this subsection, any money collected for the chemical analysis must not be deducted from, and is in addition to, any fine otherwise imposed by the court and must be:

(a) Collected from the defendant before or at the same time that the fine is collected.

(b) Stated separately in the judgment of the court or on the court's docket.

2. All money collected pursuant to subsection 1 must be paid by the clerk of the court to the county or city treasurer, as appropriate, on or before the fifth day of each month for the preceding month.

3. The treasurer shall deposit all money received by him pursuant to subsection 2 in the county or city treasury, as appropriate, for credit to the fund for forensic services created pursuant to NRS 453.575. The money must be accounted for separately within the fund.

4. Except as otherwise provided in subsection 5, each month the treasurer shall, from the money credited to the fund pursuant to subsection 3, pay any amount owed for forensic services and deposit any remaining money in the county or city general fund, as appropriate.

5. In counties that do not receive forensic services under a contract with the State, the money credited to the fund pursuant to subsection 3:

(a) Except as otherwise provided in paragraph (b), must be:

(1) Expended to pay for the chemical analyses performed within the county;

(2) Expended to purchase and maintain equipment to conduct such analyses;

(3) Expended for the training and continuing education of the employees who conduct such analyses; and

(4) Paid to law enforcement agencies which conduct such analyses to be used by those agencies in the manner provided in this subsection.

(b) May only be expended to cover the costs of chemical analyses conducted by, equipment used by ~~[,]~~ or training for employees of an

analytical laboratory that is approved by the Committee on Testing for Intoxication created in NRS 484.388.

~~[Sec. 64.]~~ ***Sec. 76.*** NRS 484.3945 is hereby amended to read as follows:

484.3945 1. A person required to install a device pursuant to NRS 484.3943 shall not operate a motor vehicle without a device or tamper with the device.

2. A person who violates any provision of subsection 1:

(a) Must have his driving privilege revoked in the manner set forth in subsection 4 of NRS 483.460; and

(b) Shall be:

(1) Punished by imprisonment in jail for not less than 30 days nor more than 6 months; or

(2) Sentenced to a term of not less than 60 days in residential confinement nor more than 6 months, and by a fine of not less than $500 nor more than $1,000.

➥ No person who is punished pursuant to this section may be granted probation, and no sentence imposed for such a violation may be suspended. No prosecutor may dismiss a charge of such a violation in exchange for a plea of guilty ***, guilty but mentally ill*** or ~~[of]~~ nolo contendere to a lesser charge or for any other reason unless, in his judgment, the charge is not supported by probable cause or cannot be proved at trial.

~~[Sec. 65.]~~ ***Sec. 77.*** NRS 484.777 is hereby amended to read as follows:

484.777 1. The provisions of this chapter are applicable and uniform throughout this State on all highways to which the public has a right of access or to which persons have access as invitees or licensees.

2. Unless otherwise provided by specific statute, any local authority may enact by ordinance traffic regulations which cover the same subject matter as the various sections of this chapter if the provisions of the ordinance are not in conflict with this chapter. It may also enact by ordinance regulations requiring the registration and licensing of bicycles.

3. A local authority shall not enact an ordinance:

(a) Governing the registration of vehicles and the licensing of drivers;

(b) Governing the duties and obligations of persons involved in traffic accidents, other than the duties to stop, render aid and provide necessary information; or

(c) Providing a penalty for an offense for which the penalty prescribed by this chapter is greater than that imposed for a misdemeanor.

4. No person convicted or adjudged guilty ***or guilty but mentally ill*** of a violation of a traffic ordinance may be charged or tried in any other court in this State for the same offense.

~~[Sec. 66.]~~ ***Sec. 78.*** NRS 487.650 is hereby amended to read as follows:

487.650 1. The Department may refuse to issue a license or, after notice and hearing, may suspend, revoke or refuse to renew a license to operate a body shop upon any of the following grounds:

(a) Failure of the applicant or licensee to have or maintain an established place of business in this State.

(b) Conviction of the applicant or licensee or an employee of the applicant or licensee of a felony, or of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter.

(c) Any material misstatement in the application for the license.

(d) Willful failure of the applicant or licensee to comply with the motor vehicle laws of this State and NRS 487.035, 487.610 to 487.690, inclusive, or 597.480 to 597.590, inclusive.

(e) Failure or refusal by the licensee to pay or otherwise discharge any final judgment against him arising out of the operation of the body shop.

(f) Failure or refusal to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 2.

(g) A finding of ~~[guilt]~~ ***guilty or guilty but mentally ill*** by a court of competent jurisdiction in a case involving a fraudulent inspection, purchase, sale or transfer of a salvage vehicle by the applicant or licensee or an employee of the applicant or licensee.

(h) An improper, careless or negligent inspection of a salvage vehicle pursuant to NRS 487.800 by the applicant or licensee or an employee of the applicant or licensee.

(i) A false statement of material fact in a certification of a salvage vehicle pursuant to NRS 487.800 or a record regarding a salvage vehicle by the applicant or licensee or an employee of the applicant or licensee.

2. Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the operation of a body shop, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS 487.610 to 487.690, inclusive, or to determine the suitability of an applicant or a licensee for such licensure.

3. As used in this section, "salvage vehicle" has the meaning ascribed to it in NRS 487.770.

~~[Sec. 67.]~~ ***Sec. 79.*** NRS 488.420 is hereby amended to read as follows:

488.420 1. Unless a greater penalty is provided pursuant to NRS 488.425, a person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his blood or breath;

(c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under power or sail to have a concentration of alcohol of 0.08 or more in his blood or breath;

(d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely operating or being in actual physical control of a vessel under power or sail; or

(f) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 488.410,

➥ and does any act or neglects any duty imposed by law while operating or being in actual physical control of any vessel under power or sail, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, a person other than himself, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than $2,000 nor more than $5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty ***, guilty but mentally ill*** or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 must not be suspended, and probation must not be granted.

3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel under power or sail, and before his blood was tested, to cause him to have a concentration of alcohol of 0.08 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

4. If a person less than 15 years of age was in the vessel at the time of the defendant's violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

~~[Sec. 68.]~~ ***Sec. 80.*** NRS 488.420 is hereby amended to read as follows:

488.420 1. Unless a greater penalty is provided pursuant to NRS 488.425, a person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.10 or more in his blood or breath;

(c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under power or sail to have a concentration of alcohol of 0.10 or more in his blood or breath;

(d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely operating or being in actual physical control of a vessel under power or sail; or

(f) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 488.410,

➥ and does any act or neglects any duty imposed by law while operating or being in actual physical control of any vessel under power or sail, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, a person other than himself, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than $2,000 nor more than $5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty ***, guilty but mentally ill*** or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 must not be suspended, and probation must not be granted.

3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel under power or sail, and before his blood was tested, to cause him to have a concentration of alcohol of 0.10 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

4. If a person less than 15 years of age was in the vessel at the time of the defendant's violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

~~[Sec. 69.]~~ ***Sec. 81.*** NRS 488.425 is hereby amended to read as follows:

488.425 1. A person commits homicide by vessel if he:

(a) Operates or is in actual physical control of a vessel under power or sail on the waters of this State and:

(1) Is under the influence of intoxicating liquor;

(2) Has a concentration of alcohol of 0.08 or more in his blood or breath;

(3) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under power or sail to have a concentration of alcohol of 0.08 or more in his blood or breath;

(4) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(5) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely operating or exercising actual physical control of a vessel under power or sail; or

(6) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 488.410;

(b) Proximately causes the death of a person other than himself while operating or in actual physical control of a vessel under power or sail; and

(c) Has previously been convicted of at least three offenses.

2. A person who commits homicide by vessel is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.

3. A person imprisoned pursuant to subsection 2 must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

4. A prosecuting attorney shall not dismiss a charge of homicide by vessel in exchange for a plea of guilty ***, guilty but mentally ill*** or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 2 may not be suspended nor may probation be granted.

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.08 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

6. If the defendant was transporting a person who is less than 15 years of age in the vessel at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

7. As used in this section, "offense" means:

(a) A violation of NRS 488.410 or 488.420;

(b) A homicide resulting from operating or being in actual physical control of a vessel while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 488.410 or 488.420; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

~~[Sec. 70.]~~ ***Sec. 82.*** NRS 488.425 is hereby amended to read as follows:

488.425 1. A person commits homicide by vessel if he:

(a) Operates or is in actual physical control of a vessel under power or sail on the waters of this State and:

(1) Is under the influence of intoxicating liquor;

(2) Has a concentration of alcohol of 0.10 or more in his blood or breath;

(3) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under power or sail to have a concentration of alcohol of 0.10 or more in his blood or breath;

(4) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(5) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely operating or exercising actual physical control of a vessel under power or sail; or

(6) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 488.420;

(b) Proximately causes the death of a person other than himself while operating or in actual physical control of a vessel under power or sail; and

(c) Has previously been convicted of at least three offenses.

2. A person who commits homicide by vessel is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.

3. A person imprisoned pursuant to subsection 2 must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

4. A prosecuting attorney shall not dismiss a charge of homicide by vessel in exchange for a plea of guilty ***, guilty but mentally ill*** or nolo

contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 2 may not be suspended nor may probation be granted.

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.10 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

6. If the defendant was transporting a person who is less than 15 years of age in the vessel at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

7. As used in this section, "offense" means:

(a) A violation of NRS 488.410 or 488.420;

(b) A homicide resulting from operating or being in actual physical control of a vessel while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 488.410 or 488.420; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

~~[Sec. 71.]~~ ***Sec. 83.*** NRS 488.427 is hereby amended to read as follows:

488.427 1. Unless a greater penalty is provided pursuant to NRS 488.425, a person who violates the provisions of NRS 488.410 and who has previously been convicted of a violation of NRS 488.420 or 488.425 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct as set forth in NRS 488.420 or 488.425 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than $2,000 nor more than $5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. The facts concerning a prior violation of NRS 488.420 or 488.425 must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing.

3. A prosecuting attorney shall not dismiss a charge of violating the provisions of NRS 488.410 against a person previously convicted of violating NRS 488.420 or 488.425 in exchange for a plea of guilty ***, guilty but mentally ill*** or nolo contendere to a lesser charge or for any other reason

unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 must not be suspended, and probation must not be granted.

4. If a person less than 15 years of age was in the vessel at the time of the defendant's violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

~~[Sec. 72.]~~ ***Sec. 84.*** NRS 488.440 is hereby amended to read as follows:

488.440 1. If a defendant pleads guilty ***or guilty but mentally ill*** to **,** or is found guilty ***or guilty but mentally ill*** of, a violation of NRS 488.410, 488.420 or 488.425 and a chemical analysis of his blood, urine, breath or other bodily substance was conducted, the court shall, in addition to any penalty provided by law, order the defendant to pay the sum of $60 as a fee for the chemical analysis. Except as otherwise provided in this subsection, any money collected for the chemical analysis must not be deducted from, and is in addition to, any fine otherwise imposed by the court and must be:

(a) Collected from the defendant before or at the same time that the fine is collected.

(b) Stated separately in the judgment of the court or on the court's docket.

2. All money collected pursuant to subsection 1 must be paid by the clerk of the court to the county or city treasurer, as appropriate, on or before the fifth day of each month for the preceding month.

3. The treasurer shall deposit all money received by him pursuant to subsection 2 in the county or city treasury, as appropriate, for credit to the fund for forensic services created pursuant to NRS 453.575. The money must be accounted for separately within the fund.

4. Except as otherwise provided in subsection 5, each month the treasurer shall, from the money credited to the fund pursuant to subsection 3, pay any amount owed for forensic services and deposit any remaining money in the county or city general fund, as appropriate.

5. In counties that do not receive forensic services under a contract with the State, the money credited to the fund pursuant to subsection 3:

(a) Except as otherwise provided in paragraph (b), must be:

(1) Expended to pay for the chemical analyses performed within the county;

(2) Expended to purchase and maintain equipment to conduct such analyses;

(3) Expended for the training and continuing education of the employees who conduct such analyses; and

(4) Paid to law enforcement agencies which conduct such analyses to be used by those agencies in the manner provided in this subsection.

(b) May only be expended to cover the costs of chemical analyses conducted by, equipment used by or training for employees of an analytical laboratory that is approved by the Committee on Testing for Intoxication created in NRS 484.388.

~~[Sec. 73.]~~ ***Sec. 85.*** NRS 489.421 is hereby amended to read as follows:

489.421 The following grounds, among others, constitute grounds for disciplinary action under NRS 489.381:

1. Revocation or denial of a license issued pursuant to this chapter or an equivalent license in any other state, territory or country.

2. Failure of the licensee to maintain any other license required by any political subdivision of this State.

3. Failure to respond to a notice served by the Division as provided by law within the time specified in the notice.

4. Failure to take the corrective action required in a notice of violation issued pursuant to NRS 489.291.

5. Failure or refusing to permit access by the Administrator to documentary materials set forth in NRS 489.231.

6. Disregarding or violating any order of the Administrator, any agreement with the Division, or any provision of this chapter or any regulation adopted under it.

7. Conviction of a misdemeanor for violation of any of the provisions of this chapter.

8. Conviction of or entering a plea of guilty ***, guilty but mentally ill*** or nolo contendere to:

(a) A felony relating to the position for which the applicant has applied or the licensee has been licensed pursuant to this chapter; or

(b) A crime of moral turpitude in this State or any other state, territory or country.

9. Any other conduct that constitutes deceitful, fraudulent or dishonest dealing.

~~[Sec. 74.]~~ ***Sec. 86.*** NRS 597.1143 is hereby amended to read as follows:

597.1143 1. A supplier shall not terminate, fail to renew or substantially change the terms of a dealer agreement without good cause.

2. Except as otherwise provided in this section, a supplier may terminate or refuse to renew a dealer agreement for good cause if the supplier provides to the dealer a written notice setting forth the reasons for the termination or nonrenewal of the dealer agreement at least 180 days before the termination or nonrenewal of the dealer agreement.

3. A supplier shall include in the written notice required by subsection 2 an explanation of the deficiencies of the dealer and the manner in which those deficiencies must be corrected. If the dealer corrects the deficiencies set forth in the notice within 60 days after he receives the notice, the supplier shall not terminate or fail to renew the dealer agreement for the reasons set forth in the notice.

4. A supplier shall not terminate or refuse to renew a dealer agreement based solely on the failure of the dealer to comply with the requirements of the dealer agreement concerning the share of the market the dealer was

required to obtain unless the supplier has, for not less than 1 year, provided assistance to the dealer in the dealer's effort to obtain the required share of the market.

5. A supplier is not required to comply with the provisions of subsections 2 and 3 if the supplier terminates or refuses to renew a dealer agreement for any reason set forth in paragraphs (b) to (i), inclusive, of subsection 6.

6. As used in this section, "good cause" means:

(a) A dealer fails to comply with the terms of a dealer agreement, if the terms are not substantially different from the terms required for other dealers in this State or any other state;

(b) A closeout or sale of a substantial part of the business assets of a dealer or a commencement of the dissolution or liquidation of the business assets of the dealer;

(c) A dealer changes its principal place of business or adds other places of business without the prior approval of the supplier, which may not be unreasonably withheld;

(d) A dealer substantially defaults under a chattel mortgage or other security agreement between the dealer and the supplier;

(e) A guarantee of a present or future obligation of a dealer to the supplier is revoked or discontinued;

(f) A dealer fails to operate in the normal course of business for at least 7 consecutive days;

(g) A dealer abandons the dealership;

(h) A dealer pleads guilty ***or guilty but mentally ill*** to **,** or is convicted of **,** a felony affecting the business relationship between the dealer and supplier; or

(i) A dealer transfers a financial interest in the dealership, a person who has a substantial financial interest in the ownership or control of the dealership dies or withdraws from the dealership, or the financial interest of a partner or major shareholder in the dealership is substantially reduced.

➥ For the purposes of this section, good cause does not exist if the supplier consents to any action described in this section.

~~[Sec. 75.]~~ ***Sec. 87.*** NRS 597.155 is hereby amended to read as follows:

597.155 1. Except as otherwise provided in subsection 2, a supplier must, at least 90 days before he terminates or refuses to continue any franchise with a wholesaler or causes a wholesaler to resign from any franchise, send a notice by certified mail, return receipt requested, to the wholesaler. The notice must include:

(a) The reason for the proposed action and a description of any failure of the wholesaler to comply with the terms, provisions and conditions of the franchise alleged by the supplier pursuant to NRS 597.160; and

(b) A statement that the wholesaler may correct any such failure within the period prescribed in NRS 597.160.

2. Any action taken by a supplier pursuant to subsection 1 becomes effective on the date the wholesaler receives the notice required pursuant to subsection 1 if the wholesaler:

(a) Has had his license to sell alcoholic beverages issued pursuant to state or federal law revoked or suspended for more than 31 days;

(b) Is insolvent pursuant to 11 U.S.C. § 101;

(c) Has had an order for relief entered against him pursuant to 11 U.S.C. §§ 701 et seq.;

(d) Has had his ability to conduct business substantially affected by a liquidation or dissolution;

(e) Or any other person who has a financial interest in the wholesaler of not less than 10 percent and is active in the management of the wholesaler has been convicted of **,** or has pleaded guilty ***or guilty but mentally ill*** to **,** a felony and the supplier determines that the conviction or plea substantially and adversely affects the ability of the wholesaler to sell the products of the supplier;

(f) Has committed fraud or has made a material misrepresentation in his dealings with the supplier or the products of the supplier;

(g) Has sold alcoholic beverages which the wholesaler received from the supplier to:

(1) A retailer who the wholesaler knows or should know does not have a place of business where the retailer is entitled to sell alcoholic beverages within the marketing area of the wholesaler; or

(2) Any person who the wholesaler knows or should know sells or supplies alcoholic beverages to any retailer who does not have a place of business where the retailer is entitled to sell alcoholic beverages within the marketing area of the wholesaler;

(h) Has failed to pay for any product ordered and delivered pursuant to the provisions of an agreement between the supplier and wholesaler within 7 business days after the supplier sends to the wholesaler a written notice which includes a statement that he has failed to pay for the product and a demand for immediate payment;

(i) Has made an assignment for the benefit of creditors or a similar disposition of substantially all the assets of his franchise;

(j) Or any other person who has a financial interest in the wholesaler has:

(1) Transferred or attempted to transfer the assets of the franchise, voting stock of the wholesaler or voting stock of any parent corporation of the wholesaler; or

(2) Changed or attempted to change the beneficial ownership or control of any such entity,

➥ unless the wholesaler first notified the supplier in writing and the supplier has not unreasonably withheld his approval; or

(k) Discontinues selling the products of the supplier, unless:

(1) The discontinuance is a result of an accident which the wholesaler was unable to prevent;

(2) The wholesaler has, if applicable, taken action to correct the condition which caused the accident; and

(3) The wholesaler has notified the supplier of the accident if he has discontinued selling the products of the supplier for more than 10 days.

~~[Sec. 76.]~~ ***Sec. 88.*** NRS 597.818 is hereby amended to read as follows:

597.818 1. A person who violates any provision of NRS 597.814 is guilty of a misdemeanor.

2. If a person is found guilty ***or guilty but mentally ill*** of, or has pleaded guilty ***, guilty but mentally ill*** or nolo contendere to, violating any provision of NRS 597.814, his telephone service to which a device for automatic dialing and announcing has been connected must be suspended for a period determined by the court.

~~[Sec. 77.]~~ ***Sec. 89.*** NRS 616A.250 is hereby amended to read as follows:

616A.250 "Incarcerated" means confined in:

1. Any local detention facility, county jail, state prison, reformatory or other correctional facility as a result of a conviction or a plea of guilty ***, guilty but mentally ill*** or nolo contendere in a criminal proceeding; or

2. Any institution or facility for the mentally ill as a result of a plea of not guilty by reason of insanity in a criminal proceeding,

➥ in this State, another state or a foreign country.

~~[Sec. 78.]~~ ***Sec. 90.*** NRS 623.270 is hereby amended to read as follows:

623.270 1. The Board may place the holder of any certificate of registration issued pursuant to the provisions of this chapter on probation, publicly reprimand him, fine him not more than $10,000, suspend or revoke his license, impose the costs of investigation and prosecution upon him or take any combination of these disciplinary actions for any of the following acts:

(a) The certificate was obtained by fraud or concealment of a material fact.

(b) The holder of the certificate has been found guilty by the Board or ***found guilty or guilty but mentally ill*** by a court of justice of any fraud, deceit or concealment of a material fact in his professional practice, or has been convicted by a court of justice of a crime involving moral turpitude.

(c) The holder of the certificate has been found guilty by the Board of incompetency, negligence or gross negligence in:

(1) The practice of architecture or residential design; or

(2) His practice as a registered interior designer.

(d) The holder of a certificate has affixed his signature or seal to plans, drawings, specifications or other instruments of service which have not been prepared by him or in his office, or under his responsible control, or has permitted the use of his name to assist any person who is not a registered

architect, registered interior designer or residential designer to evade any provision of this chapter.

(e) The holder of a certificate has aided or abetted any unauthorized person to practice:

(1) Architecture or residential design; or

(2) As a registered interior designer.

(f) The holder of the certificate has violated any law, regulation or code of ethics pertaining to:

(1) The practice of architecture or residential design; or

(2) Practice as a registered interior designer.

(g) The holder of a certificate has failed to comply with an order issued by the Board or has failed to cooperate with an investigation conducted by the Board.

2. The conditions for probation imposed pursuant to the provisions of subsection 1 may include, but are not limited to:

(a) Restriction on the scope of professional practice.

(b) Peer review.

(c) Required education or counseling.

(d) Payment of restitution to each person who suffered harm or loss.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The Board shall not privately reprimand the holder of any certificate of registration issued pursuant to this chapter.

5. As used in this section:

(a) "Gross negligence" means conduct which demonstrates a reckless disregard of the consequences affecting the life or property of another person.

(b) "Incompetency" means conduct which, in:

(1) The practice of architecture or residential design; or

(2) Practice as a registered interior designer,

➥ demonstrates a significant lack of ability, knowledge or fitness to discharge a professional obligation.

(c) "Negligence" means a deviation from the normal standard of professional care exercised generally by other members in:

(1) The profession of architecture or residential design; or

(2) Practice as a registered interior designer.

~~[Sec. 79.]~~ ***Sec. 91.*** NRS 624.165 is hereby amended to read as follows:

624.165 1. The Board shall:

(a) Designate one or more of its employees for the investigation of constructional fraud;

(b) Cooperate with other local, state or federal investigative and law enforcement agencies, and the Attorney General;

(c) Assist the Attorney General or any official of an investigative or a law enforcement agency of this State, any other state or the Federal Government who requests assistance in investigating any act of constructional fraud; and

(d) Furnish to those officials any information concerning its investigation or report on any act of constructional fraud.

2. The Board may obtain records of a law enforcement agency or any other agency that maintains records of criminal history, including, without limitation, records of:

(a) Arrests;

(b) Guilty ***and guilty but mentally ill*** pleas;

(c) Sentencing;

(d) Probation;

(e) Parole;

(f) Bail;

(g) Complaints; and

(h) Final dispositions,

➥ for the investigation of constructional fraud.

3. For the purposes of this section, constructional fraud occurs if a person engaged in construction knowingly:

(a) Misapplies money under the circumstances described in NRS 205.310;

(b) Obtains money, property or labor by false pretense as described in NRS 205.380;

(c) Receives payments and fails to state his own true name, or states a false name, contractor's license number, address or telephone number of the person offering a service;

(d) Diverts money or commits any act of theft, forgery, fraud or embezzlement, in connection with a construction project, that violates a criminal statute of this State;

(e) Acts as a contractor without:

(1) Possessing a contractor's license issued pursuant to this chapter; or

(2) Possessing any other license required by this State or a political subdivision of this State;

(f) In any report relating to a contract for a public work, submits false information concerning a payroll to a public officer or agency; or

(g) Otherwise fails to disclose a material fact.

~~[Sec. 80.]~~ ***Sec. 92.*** NRS 624.265 is hereby amended to read as follows:

624.265 1. An applicant for a contractor's license or a licensed contractor and each officer, director, partner and associate thereof must possess good character. Lack of character may be established by showing that the applicant or licensed contractor, or any officer, director, partner or associate thereof, has:

(a) Committed any act which would be grounds for the denial, suspension or revocation of a contractor's license;

(b) A bad reputation for honesty and integrity;

(c) Entered a plea of ***guilty, guilty but mentally ill or*** nolo contendere ~~[or guilty]~~ to, been found guilty ***or guilty but mentally ill*** of **,** or been convicted, in this State or any other jurisdiction, of a crime arising out of, in connection

with or related to the activities of such person in such a manner as to demonstrate his unfitness to act as a contractor, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal; or

(d) Had a license revoked or suspended for reasons that would preclude the granting or renewal of a license for which the application has been made.

2. Upon the request of the Board, an applicant for a contractor's license, and any officer, director, partner or associate of the applicant, must submit to the Board completed fingerprint cards and a form authorizing an investigation of the applicant's background and the submission of his fingerprints to the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation. The fingerprint cards and authorization form submitted must be those that are provided to the applicant by the Board. The applicant's fingerprints may be taken by an agent of the Board or an agency of law enforcement.

3. The Board shall keep the results of the investigation confidential and not subject to inspection by the general public.

4. The Board shall establish by regulation the fee for processing the fingerprints to be paid by the applicant. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

5. The Board may obtain records of a law enforcement agency or any other agency that maintains records of criminal history, including, without limitation, records of:

(a) Arrests;

(b) Guilty ***and guilty but mentally ill*** pleas;

(c) Sentencing;

(d) Probation;

(e) Parole;

(f) Bail;

(g) Complaints; and

(h) Final dispositions,

➥ for the investigation of a licensee or an applicant for a contractor's license.

~~[Sec. 81.]~~ ***Sec. 93.*** NRS 632.320 is hereby amended to read as follows:

632.320 The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that he:

1. Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

2. Is guilty of any offense:

(a) Involving moral turpitude; or

(b) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

➥ in which case the record of conviction is conclusive evidence thereof.

3. Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

4. Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

5. Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his ability to conduct the practice authorized by his license or certificate.

6. Is mentally incompetent.

7. Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(a) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(b) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(c) Impersonating another licensed practitioner or holder of a certificate.

(d) Permitting or allowing another person to use his license or certificate to practice as a licensed practical nurse, registered nurse or nursing assistant.

(e) Repeated malpractice, which may be evidenced by claims of malpractice settled against him.

(f) Physical, verbal or psychological abuse of a patient.

(g) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

8. Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

9. Is guilty of aiding or abetting any person in a violation of this chapter.

10. Has falsified an entry on a patient's medical chart concerning a controlled substance.

11. Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

12. Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or has committed an act in another state which would constitute a violation of this chapter.

13. Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

14. Has willfully failed to comply with a regulation, subpoena or order of the Board.

➥ For the purposes of this section, a plea or verdict of guilty ***or guilty but mentally ill*** or a plea of nolo contendere constitutes a conviction of an

offense. The Board may take disciplinary action pending the appeal of a conviction.

~~[Sec. 82.]~~ ***Sec. 94.*** NRS 639.006 is hereby amended to read as follows:

639.006 "Conviction" means a plea or verdict of guilty ***or guilty but mentally ill*** or a conviction following a plea of nolo contendere to a charge of a felony, any offense involving moral turpitude or any violation of the provisions of this chapter or chapter 453 or 454 of NRS.

~~[Sec. 83.]~~ ***Sec. 95.*** NRS 639.500 is hereby amended to read as follows:

639.500 1. In addition to the requirements for an application set forth in NRS 639.100, each applicant for a license to engage in wholesale distribution shall submit with his application a complete set of his fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. If the applicant is a:

(a) Natural person, that person must submit his fingerprints.

(b) Partnership, each partner must submit his fingerprints.

(c) Corporation, each officer and director of the corporation must submit his fingerprints.

(d) Sole proprietorship, that sole proprietor must submit his fingerprints.

2. In addition to the requirements of subsection 1, the applicant shall submit with his application a list containing each employee, agent, independent contractor, consultant, guardian, personal representative, lender or holder of indebtedness of the applicant. The Board may require any person on the applicant's list to submit a complete set of his fingerprints to the Board if the Board determines that the person has the power to exercise significant influence over the operation of the applicant as a licensed wholesaler. The fingerprints must be submitted with written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The provisions of this subsection do not apply to a:

(a) Lender or holder of indebtedness of an applicant who is a commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, personal property broker, consumer finance lender, commercial finance lender or insurer, or any other person engaged in the business of extending credit, who is regulated by an officer or agency of the State or the Federal Government.

(b) Common motor carrier or other delivery service that delivers a drug at the direction of a manufacturer.

3. The Board may issue a provisional license to an applicant pending receipt of the reports from the Federal Bureau of Investigation if the Board determines that the applicant is otherwise qualified.

4. An applicant who is issued a license by the Board shall not allow a person who is required to submit his fingerprints pursuant to subsection 2 to act in any capacity in which he exercises significant influence over the operation of the wholesaler if the:

(a) Person does not submit a complete set of his fingerprints in accordance with subsection 2; or

(b) Report of the criminal history of the person indicates that he has been convicted of, or entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, a felony or offense involving moral turpitude or related to the qualifications, functions or duties of that person in connection with the operation of the wholesaler.

5. The Board shall not issue a license to an applicant if the requirements of this section are not satisfied.

~~[Sec. 84.]~~ ***Sec. 96.*** NRS 639.505 is hereby amended to read as follows:

639.505 1. On an annual basis, each licensed wholesaler shall submit to the Board an updated list of each employee, agent, independent contractor, consultant, guardian, personal representative, lender or holder of indebtedness of the wholesaler who is employed by or otherwise contracts with the wholesaler for the provision of services in connection with the operation of the licensee as a wholesaler. Any changes to the list must be submitted to the Board not later than 30 days after the change is made.

2. If a person identified on an updated list of the wholesaler is employed by or otherwise contracts with the wholesaler after the wholesaler is issued a license and that person did not submit his fingerprints pursuant to NRS 639.500, the Board may require that person to submit a complete set of his fingerprints to the Board if the Board determines that the person has the power to exercise significant influence over the operation of the licensee as a wholesaler. The fingerprints must be submitted within 30 days after being requested to do so by the Board and must include written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The provisions of this subsection do not apply to a:

(a) Lender or holder of indebtedness of a wholesaler who is a commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, personal property broker, consumer finance lender, commercial finance lender or insurer, or any other person engaged in the business of extending credit, who is regulated by an officer or agency of the State or the Federal Government.

(b) Common motor carrier or other delivery service that delivers a drug at the direction of a manufacturer.

3. A wholesaler shall not allow a person who is required to submit his fingerprints pursuant to subsection 2 to act in any capacity in which he exercises significant influence over the operation of the wholesaler if the:

(a) Person does not submit a complete set of his fingerprints in accordance with subsection 2; or

(b) Report of the criminal history of the person indicates that he has been convicted of, or entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, a felony or offense involving moral turpitude or related to qualifications, functions or duties of that person in connection with the operation of the wholesaler.

~~[Sec. 85.]~~ ***Sec. 97.*** NRS 645.330 is hereby amended to read as follows:

645.330 1. Except as otherwise provided by a specific statute, the Division may approve an application for a license for a person who meets all the following requirements:

(a) Has a good reputation for honesty, trustworthiness and integrity and who offers proof of those qualifications satisfactory to the Division.

(b) Has not made a false statement of material fact on his application.

(c) Is competent to transact the business of a real estate broker, broker-salesman or salesman in a manner which will safeguard the interests of the public.

(d) Has passed the examination.

(e) Has submitted all information required to complete the application.

2. The Division:

(a) May deny a license to any person who has been convicted of, or entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, engaging in a real estate business without a license, possessing for the purpose of sale any controlled substance or any crime involving moral turpitude, in any court of competent jurisdiction in the United States or elsewhere; and

(b) Shall not issue a license to such a person until at least 3 years after:

(1) The person pays any fine or restitution ordered by the court; or

(2) The expiration of the period of the person's parole, probation or sentence,

➥ whichever is later.

3. Suspension or revocation of a license pursuant to this chapter or any prior revocation or current suspension in this or any other state, district or territory of the United States or any foreign country before the date of the application is grounds for refusal to grant a license.

4. Except as otherwise provided in NRS 645.332, a person may not be licensed as a real estate broker unless he has been actively engaged as a full-time licensed real estate broker-salesman or salesman in this State, or actively engaged as a full-time licensed real estate broker, broker-salesman or salesman in another state or the District of Columbia, for at least 2 of the 4 years immediately preceding the issuance of a broker's license.

~~[Sec. 86.]~~ ***Sec. 98.*** NRS 645.350 is hereby amended to read as follows:

645.350 1. An application for a license as a real estate broker, broker-salesman or salesman must be submitted in writing to the Division upon blanks prepared or furnished by the Division.

2. Every application for a real estate broker's, broker-salesman's or salesman's license must set forth the following information:

(a) The name, age and address of the applicant. If the applicant is a partnership or an association which is applying to do business as a real estate broker, the application must contain the name and address of each member thereof. If the application is for a corporation which is applying to do business as a real estate salesman, real estate broker-salesman or real estate broker, the application must contain the name and address of each officer and director thereof. If the applicant is a limited-liability company which is applying to do business as a real estate broker, the company's articles of organization must designate a manager, and the name and address of the manager and each member must be listed in the application.

(b) In the case of a broker, the name under which the business is to be conducted. The name is a fictitious name if it does not contain the name of the applicant or the names of the members of the applicant's company, firm, partnership or association. Except as otherwise provided in NRS 645.387, a license must not be issued under a fictitious name which includes the name of a real estate salesman or broker-salesman. A license must not be issued under the same fictitious name to more than one licensee within the State. All licensees doing business under a fictitious name shall comply with other pertinent statutory regulations regarding the use of fictitious names.

(c) In the case of a broker, the place or places, including the street number, city and county, where the business is to be conducted.

(d) The business or occupation engaged in by the applicant for at least 2 years immediately preceding the date of the application, and the location thereof.

(e) The time and place of the applicant's previous experience in the real estate business as a broker or salesman.

(f) Whether the applicant has ever been convicted of or is under indictment for a felony or has entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to a charge of felony and, if so, the nature of the felony.

(g) Whether the applicant has been convicted of or entered a plea of nolo contendere to forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, engaging in the business of selling real estate without a license or any crime involving moral turpitude.

(h) Whether the applicant has been refused a real estate broker's, broker-salesman's or salesman's license in any state, or whether his license as a broker or salesman has been revoked or suspended by any other state, district or territory of the United States or any other country.

(i) If the applicant is a member of a limited-liability company, partnership or association, or an officer of a corporation, the name and address of the

office of the limited-liability company, partnership, association or corporation of which the applicant is a member or officer.

(j) All information required to complete the application.

3. An applicant for a license as a broker-salesman or salesman shall provide a verified statement from the broker with whom he will be associated, expressing the intent of that broker to associate the applicant with him and to be responsible for the applicant's activities as a licensee.

4. If a limited-liability company, partnership or association is to do business as a real estate broker, the application for a broker's license must be verified by at least two members thereof. If a corporation is to do business as a real estate broker, the application must be verified by the president and the secretary thereof.

~~[Sec. 87.]~~ ***Sec. 99.*** NRS 645.633 is hereby amended to read as follows:

645.633 1. The Commission may take action pursuant to NRS 645.630 against any person subject to that section who is guilty of any of the following acts:

(a) Willfully using any trade name, service mark or insigne of membership in any real estate organization of which the licensee is not a member, without the legal right to do so.

(b) Violating any order of the Commission, any agreement with the Division, any of the provisions of this chapter, chapter 116, 119, 119A, 119B, 645A or 645C of NRS or any regulation adopted pursuant thereto.

(c) Paying a commission, compensation or a finder's fee to any person for performing the services of a broker, broker-salesman or salesman who has not secured his license pursuant to this chapter. This subsection does not apply to payments to a broker who is licensed in his state of residence.

(d) A conviction of, or the entry of a plea of guilty ***, guilty but mentally ill*** or nolo contendere to:

(1) A felony relating to the practice of the licensee, property manager or owner-developer; or

(2) Any crime involving fraud, deceit, misrepresentation or moral turpitude.

(e) Guaranteeing, or having authorized or permitted any person to guarantee, future profits which may result from the resale of real property.

(f) Failure to include a fixed date of expiration in any written brokerage agreement or failure to leave a copy of such a brokerage agreement or any property management agreement with the client.

(g) Accepting, giving or charging any undisclosed commission, rebate or direct profit on expenditures made for a client.

(h) Gross negligence or incompetence in performing any act for which he is required to hold a license pursuant to this chapter, chapter 119, 119A or 119B of NRS.

(i) Any other conduct which constitutes deceitful, fraudulent or dishonest dealing.

(j) Any conduct which took place before he became licensed which was in fact unknown to the Division and which would have been grounds for denial of a license had the Division been aware of the conduct.

(k) Knowingly permitting any person whose license has been revoked or suspended to act as a real estate broker, broker-salesman or salesman, with or on behalf of the licensee.

(l) Recording or causing to be recorded a claim pursuant to the provisions of NRS 645.8701 to 645.8811, inclusive, that is determined by a district court to be frivolous and made without reasonable cause pursuant to NRS 645.8791.

2. The Commission may take action pursuant to NRS 645.630 against a person who is subject to that section for the suspension or revocation of a real estate broker's, broker-salesman's or salesman's license issued to him by any other jurisdiction.

3. The Commission may take action pursuant to NRS 645.630 against any person who:

(a) Holds a permit to engage in property management issued pursuant to NRS 645.6052; and

(b) In connection with any property for which the person has obtained a property management agreement pursuant to NRS 645.6056:

(1) Is convicted of violating any of the provisions of NRS 202.470;

(2) Has been notified in writing by the appropriate governmental agency of a potential violation of NRS 244.360, 244.3603 or 268.4124, and has failed to inform the owner of the property of such notification; or

(3) Has been directed in writing by the owner of the property to correct a potential violation of NRS 244.360, 244.3603 or 268.4124, and has failed to correct the potential violation, if such corrective action is within the scope of the person's duties pursuant to the property management agreement.

4. The Division shall maintain a log of any complaints that it receives relating to activities for which the Commission may take action against a person holding a permit to engage in property management pursuant to subsection 3.

5. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 4; and

(b) Any disciplinary actions taken by the Commission pursuant to subsection 3.

~~[Sec. 88.]~~ ***Sec. 100.*** NRS 645C.290 is hereby amended to read as follows:

645C.290 An application for a certificate or license must be in writing upon a form prepared and furnished by the Division. The application must include the following information:

1. The name, age and address of the applicant.

2. The place or places, including the street number, city and county, where the applicant intends to conduct business as an appraiser.

3. The business, occupation or other employment of the applicant during the 5 years immediately preceding the date of the application, and the location thereof.

4. The periods during which, and the locations where, he gained his experience as an intern.

5. Whether the applicant has ever been convicted of, is under indictment for, or has entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to:

(a) A felony and, if so, the nature of the felony.

(b) Forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude.

6. Whether the applicant has ever been refused a certificate, license or permit to act as an appraiser, or has ever had such a certificate, license or permit suspended or revoked, in any other jurisdiction.

7. If the applicant is a member of a partnership or association or is an officer of a corporation, the name and address of the principal office of the partnership, association or corporation.

8. Any other information the Division requires.

~~[Sec. 89.]~~ ***Sec. 101.*** NRS 645C.320 is hereby amended to read as follows:

645C.320 1. The Administrator shall issue a certificate or license, as appropriate, to any person:

(a) Of good moral character, honesty and integrity;

(b) Who meets the educational requirements and has the experience prescribed in NRS 645C.330 or any regulation adopted pursuant to that section;

(c) Who, except as otherwise provided in NRS 645C.360, has satisfactorily passed a written examination approved by the Commission; and

(d) Who submits all information required to complete an application for a certificate or license.

2. The Administrator may deny an application for a certificate or license to any person who:

(a) Has been convicted of, or entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude;

(b) Makes a false statement of a material fact on his application; or

(c) Has had a certificate, license or registration card suspended or revoked pursuant to this chapter, or a certificate, license or permit to act as an appraiser suspended or revoked in any other jurisdiction, within the 10 years immediately preceding the date of his application.

~~[Sec. 90.]~~ ***Sec. 102.*** NRS 645D.170 is hereby amended to read as follows:

645D.170 An application for a certificate must be in writing upon a form prepared and furnished by the Division. The application must include the following information:

1. The name, age and address of the applicant.

2. The place or places, including the street number, city and county, at which the applicant intends to maintain an office to conduct business as an inspector.

3. The business, occupation or other employment of the applicant during the 5 years immediately preceding the date of the application, and the location thereof.

4. The applicant's education and experience to qualify for a certificate.

5. Whether the applicant has ever been convicted of, is under indictment for, or has entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to:

(a) A felony ~~[,]~~ and **,** if so, the nature of the felony.

(b) Forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude.

6. If the applicant is a member of a partnership or association or is an officer of a corporation, the name and address of the principal office of the partnership, association or corporation.

7. Any other information relating to the qualifications or background of the applicant that the Division requires.

8. All other information required to complete the application.

~~[Sec. 91.]~~ ***Sec. 103.*** NRS 645D.200 is hereby amended to read as follows:

645D.200 1. The Administrator shall issue a certificate to any person who:

(a) Is of good moral character, honesty and integrity;

(b) Has the education and experience prescribed in the regulations adopted pursuant to NRS 645D.120;

(c) Has submitted proof that he or his employer holds a policy of insurance that complies with the requirements of subsection 1 of NRS 645D.190; and

(d) Has submitted all information required to complete an application for a certificate.

2. The Administrator may deny an application for a certificate to any person who:

(a) Has been convicted of, or entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude;

(b) Makes a false statement of a material fact on his application;

(c) Has had a certificate suspended or revoked pursuant to this chapter within the 10 years immediately preceding the date of his application; or

(d) Has not submitted proof that he or his employer holds a policy of insurance that complies with the requirements of subsection 1 of NRS 645D.190.

~~[Sec. 92.]~~ ***Sec. 104.*** NRS 683A.0892 is hereby amended to read as follows:

683A.0892 1. The Commissioner:

(a) Shall suspend or revoke the certificate of registration of an administrator if the Commissioner has determined, after notice and a hearing, that the administrator:

(1) Is in an unsound financial condition;

(2) Uses methods or practices in the conduct of his business that are hazardous or injurious to insured persons or members of the general public; or

(3) Has failed to pay any judgment against him in this State within 60 days after the judgment became final.

(b) May suspend or revoke the certificate of registration of an administrator if the Commissioner determines, after notice and a hearing, that the administrator:

(1) Has willfully violated or failed to comply with any provision of this Code, any regulation adopted pursuant to this Code or any order of the Commissioner;

(2) Has refused to be examined by the Commissioner or has refused to produce accounts, records or files for examination upon the request of the Commissioner;

(3) Has, without just cause, refused to pay claims or perform services pursuant to his contracts or has, without just cause, caused persons to accept less than the amount of money owed to them pursuant to the contracts, or has caused persons to employ an attorney or bring a civil action against him to receive full payment or settlement of claims;

(4) Is affiliated with, managed by or owned by another administrator or an insurer who transacts insurance in this State without a certificate of authority or certificate of registration;

(5) Fails to comply with any of the requirements for a certificate of registration;

(6) Has been convicted of **,** or has entered a plea of guilty **,** ***guilty but mentally ill*** or nolo contendere to **,** a felony, whether or not adjudication was withheld;

(7) Has had his authority to act as an administrator in another state limited, suspended or revoked; or

(8) Has failed to file an annual report in accordance with NRS 683A.08528.

(c) May suspend or revoke the certificate of registration of an administrator if the Commissioner determines, after notice and a hearing, that a responsible person:

(1) Has refused to provide any information relating to the administrator's affairs or refused to perform any other legal obligation relating to an examination upon request by the Commissioner; or

(2) Has been convicted of **,** or has entered a plea of guilty **,** ***guilty but mentally ill*** or nolo contendere to **,** a felony committed on or after October 1, 2003, whether or not adjudication was withheld.

(d) May, upon notice to the administrator, suspend the certificate of registration of the administrator pending a hearing if:

(1) The administrator is impaired or insolvent;

(2) A proceeding for receivership, conservatorship or rehabilitation has been commenced against the administrator in any state; or

(3) The financial condition or the business practices of the administrator represent an imminent threat to the public health, safety or welfare of the residents of this State.

(e) May, in addition to or in lieu of the suspension or revocation of the certificate of registration of the administrator, impose a fine of $2,000 for each act or violation.

2. As used in this section, "responsible person" means any person who is responsible for or controls or is authorized to control or advise the affairs of an administrator, including, without limitation:

(a) A member of the board of directors, board of trustees, executive committee or other governing board or committee of the administrator;

(b) The president, vice president, chief executive officer, chief operating officer or any other principal officer of an administrator, if the administrator is a corporation;

(c) A partner or member of the administrator, if the administrator is a partnership, association or limited-liability company; and

(d) Any shareholder or member of the administrator who directly or indirectly holds 10 percent or more of the voting stock, voting securities or voting interest of the administrator.

~~[Sec. 93.]~~ ***Sec. 105.*** NRS 684A.070 is hereby amended to read as follows:

684A.070 1. For the protection of the people of this State, the Commissioner may not issue or continue any license as an adjuster except in compliance with the provisions of this chapter. Any person for whom a license is issued or continued must:

(a) Be at least 18 years of age;

(b) Except as otherwise provided in subsection 2, be a resident of this State, and have resided therein for at least 90 days before his application for the license;

(c) Be competent, trustworthy, financially responsible and of good reputation;

(d) Never have been convicted of, or entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude;

(e) Have had at least 2 years' recent experience with respect to the handling of loss claims of sufficient character reasonably to enable him to fulfill the responsibilities of an adjuster;

(f) Pass all examinations required under this chapter; and

(g) Not be concurrently licensed as a producer of insurance for property, casualty or surety or a surplus lines broker, except as a bail agent.

2. The Commissioner may waive the residency requirement set forth in paragraph (b) of subsection 1 if the applicant is:

(a) An adjuster licensed under the laws of another state who has been brought to this State by a firm or corporation with whom he is employed that is licensed as an adjuster in this State to fill a vacancy in the firm or corporation in this State;

(b) An adjuster licensed in an adjoining state whose principal place of business is located within 50 miles from the boundary of this State; or

(c) An adjuster who is applying for a limited license pursuant to NRS 684A.155.

3. A conviction of, or plea of guilty ***, guilty but mentally ill*** or nolo contendere by, an applicant or licensee for any crime listed in paragraph (d) of subsection 1 is a sufficient ground for the Commissioner to deny a license to the applicant, or to suspend, revoke or limit the license of an adjuster pursuant to NRS 684A.210.

~~[Sec. 94.]~~ ***Sec. 106.*** NRS 686A.292 is hereby amended to read as follows:

686A.292 1. A court may, in addition to imposing the penalties set forth in NRS 193.130, order a person who is convicted of, or who pleads guilty ***, guilty but mentally ill*** or nolo contendere to, insurance fraud to pay:

(a) Court costs; and

(b) The cost of the investigation and prosecution of the insurance fraud for which the person was convicted or to which the person pleaded guilty ***, guilty but mentally ill*** or nolo contendere.

2. Any money received by the Attorney General pursuant to paragraph (b) of subsection 1 must be accounted for separately and used to pay the expenses of the Fraud Control Unit for Insurance established pursuant to NRS 228.412, and is hereby authorized for expenditure for that purpose. The money in the account does not revert to the State General Fund at the end of any fiscal year and must be carried forward to the next fiscal year.

3. An insurer or other organization, or any other person, subject to the jurisdiction of the Commissioner pursuant to this title shall be deemed to be a victim for the purposes of restitution in a case that involves insurance fraud or that is related to a claim of insurance fraud.

~~[Sec. 95.]~~ ***Sec. 107.*** NRS 686A.295 is hereby amended to read as follows:

686A.295 If a person who is licensed or registered under the laws of the State of Nevada to engage in a business or profession is convicted of **,** or pleads guilty ***or guilty but mentally ill*** to **,** engaging in an act of insurance fraud, the Commissioner and the Attorney General shall forward to each agency by which the convicted person is licensed or registered a copy of the conviction or plea and all supporting evidence of the act of insurance fraud. An agency that receives information from the Commissioner and Attorney General pursuant to this section shall, not later than 1 year after the date on which it receives the information, submit a report which sets forth the action taken by the agency against the convicted person, including, but not limited to, the revocation or suspension of the license or any other disciplinary action, to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

~~[Sec. 96.]~~ ***Sec. 108.*** NRS 688C.210 is hereby amended to read as follows:

688C.210 After notice, and after a hearing if requested, the Commissioner may suspend, revoke, refuse to issue or refuse to renew a license under this chapter if he finds that:

1. There was material misrepresentation in the application for the license;
2. The licensee or an officer, partner, member or significant managerial employee has been convicted of fraudulent or dishonest practices, is subject to a final administrative action for disqualification, or is otherwise shown to be untrustworthy or incompetent;
3. A provider of viatical settlements has engaged in a pattern of unreasonable payments to viators;
4. The applicant or licensee has been found guilty ***or guilty but mentally ill*** of, or pleaded guilty ***, guilty but mentally ill*** or nolo contendere to, a felony or a misdemeanor involving fraud, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude, whether or not a judgment of conviction has been entered by the court;
5. A provider of viatical settlements has entered into a viatical settlement in a form not approved pursuant to NRS 688C.220;
6. A provider of viatical settlements has failed to honor obligations of a viatical settlement;
7. The licensee no longer meets a requirement for initial licensure;
8. A provider of viatical settlements has assigned, transferred or pledged a viaticated policy to a person other than another provider licensed under this chapter, a purchaser of the viatical settlement, a special organization or a trust for a related provider;
9. The applicant or licensee has provided materially untrue information to an insurer that issued a policy that is the subject of a viatical settlement;

10. The applicant or licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS; or

11. The applicant or licensee has violated a provision of this chapter.

~~[Sec. 97.]~~ ***Sec. 109.*** NRS 689.235 is hereby amended to read as follows:

689.235 1. To qualify for an agent's license, the applicant:

(a) Must file a written application with the Commissioner on forms prescribed by the Commissioner;

(b) Must have a good business and personal reputation; and

(c) Must not have been convicted of, or entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude.

2. The application must:

(a) Contain information concerning the applicant's identity, address, social security number and personal background and business, professional or work history.

(b) Contain such other pertinent information as the Commissioner may require.

(c) Be accompanied by a complete set of the fingerprints of the applicant and written permission authorizing the Commissioner to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) Be accompanied by a fee representing the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant.

(e) Be accompanied by the statement required pursuant to NRS 689.258.

(f) Be accompanied by the applicable fee established in NRS 680B.010, which is not refundable.

3. A conviction of, or plea of guilty ***, guilty but mentally ill*** or nolo contendere by, an applicant or licensee for any crime listed in paragraph (c) of subsection 1 is a sufficient ground for the Commissioner to deny a license to the applicant, or to suspend or revoke the agent's license pursuant to NRS 689.265.

~~[Sec. 98.]~~ ***Sec. 110.*** NRS 689.235 is hereby amended to read as follows:

689.235 1. To qualify for an agent's license, the applicant:

(a) Must file a written application with the Commissioner on forms prescribed by the Commissioner;

(b) Must have a good business and personal reputation; and

(c) Must not have been convicted of, or entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude.

2. The application must:

(a) Contain information concerning the applicant's identity, address, personal background and business, professional or work history.

(b) Contain such other pertinent information as the Commissioner may require.

(c) Be accompanied by a complete set of his fingerprints and written permission authorizing the Commissioner to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) Be accompanied by a fee representing the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant.

(e) Be accompanied by the applicable fee established in NRS 680B.010, which is not refundable.

3. A conviction of, or plea of guilty, ***guilty but mentally ill*** or nolo contendere by, an applicant or licensee for any crime listed in paragraph (c) of subsection 1 is a sufficient ground for the Commissioner to deny a license to the applicant, or to suspend or revoke the agent's license pursuant to NRS 689.265.

~~[Sec. 99.]~~ ***Sec. 111.*** NRS 689.520 is hereby amended to read as follows:

689.520 1. To qualify for an agent's license, the applicant:

(a) Must file a written application with the Commissioner on forms prescribed by the Commissioner; and

(b) Must not have been convicted of, or entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude.

2. The application must:

(a) Contain information concerning the applicant's identity, address, social security number, personal background and business, professional or work history.

(b) Contain such other pertinent information as the Commissioner may require.

(c) Be accompanied by a complete set of fingerprints and written permission authorizing the Commissioner to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) Be accompanied by a fee representing the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant.

(e) Be accompanied by the statement required pursuant to NRS 689.258.

(f) Be accompanied by the applicable fee established in NRS 680B.010, which is not refundable.

3. A conviction of, or plea of guilty ***, guilty but mentally ill*** or nolo contendere by, an applicant or licensee for any crime listed in paragraph (b)

of subsection 1 is a sufficient ground for the Commissioner to deny a license to the applicant, or to suspend or revoke the agent's license pursuant to NRS 689.535.

~~[Sec. 100.]~~ ***Sec. 112.*** NRS 689.520 is hereby amended to read as follows:

689.520 1. To qualify for an agent's license, the applicant:

(a) Must file a written application with the Commissioner on forms prescribed by the Commissioner; and

(b) Must not have been convicted of, or entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude.

2. The application must:

(a) Contain information concerning the applicant's identity, address, personal background and business, professional or work history.

(b) Contain such other pertinent information as the Commissioner may require.

(c) Be accompanied by a complete set of fingerprints and written permission authorizing the Commissioner to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) Be accompanied by a fee representing the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant.

(e) Be accompanied by the applicable fee established in NRS 680B.010, which is not refundable.

3. A conviction of, or plea of guilty, ***guilty but mentally ill*** or nolo contendere by, an applicant or licensee for any crime listed in paragraph (b) of subsection 1 is a sufficient ground for the Commissioner to deny a license to the applicant, or to suspend or revoke the agent's license pursuant to NRS 689.535.

~~[Sec. 101.]~~ ***Sec. 113.*** NRS 690B.029 is hereby amended to read as follows:

690B.029 1. A policy of insurance against liability arising out of the ownership, maintenance or use of a motor vehicle delivered or issued for delivery in this State to a person who is 55 years of age or older must contain a provision for the reduction in the premiums for 3-year periods if the insured:

(a) Successfully completes, after attaining 55 years of age and every 3 years thereafter, a course of traffic safety approved by the Department of Motor Vehicles; and

(b) For the 3-year period before completing the course of traffic safety and each 3-year period thereafter:

(1) Is not involved in an accident involving a motor vehicle for which the insured is at fault;

(2) Maintains a driving record free of violations; and

(3) Has not been convicted of **,** or entered a plea of guilty **,** ***guilty but mentally ill*** or nolo contendere to **,** a moving traffic violation or an offense involving:

(I) The operation of a motor vehicle while under the influence of intoxicating liquor or a controlled substance; or

(II) Any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955 or a law of any other jurisdiction that prohibits the same or similar conduct.

2. The reduction in the premiums provided for in subsection 1 must be based on the actuarial and loss experience data available to each insurer and must be approved by the Commissioner. Each reduction must be calculated based on the amount of the premium before any reduction in that premium is made pursuant to this section, and not on the amount of the premium once it has been reduced.

3. A course of traffic safety that an insured is required to complete as the result of moving traffic violations must not be used as the basis for a reduction in premiums pursuant to this section.

4. The organization that offers a course of traffic safety approved by the Department of Motor Vehicles shall issue a certificate to each person who successfully completes the course. A person must use the certificate to qualify for the reduction in the premiums pursuant to this section.

5. The Commissioner shall review and approve or disapprove a policy of insurance that offers a reduction in the premiums pursuant to subsection 1. An insurer must receive written approval from the Commissioner before delivering or issuing a policy with a provision containing such a reduction.

~~[Sec. 102.]~~ ***Sec. 114.*** NRS 692A.105 is hereby amended to read as follows:

692A.105 1. The Commissioner may refuse to license any title agent or escrow officer or may suspend or revoke any license or impose a fine of not more than $500 for each violation by entering an order to that effect, with his findings in respect thereto, if **,** upon a hearing, it is determined that the applicant or licensee:

(a) In the case of a title agent, is insolvent or in such a financial condition that he cannot continue in business with safety to his customers;

(b) Has violated any provision of this chapter or any regulation adopted pursuant thereto or has aided and abetted another to do so;

(c) Has committed fraud in connection with any transaction governed by this chapter;

(d) Has intentionally or knowingly made any misrepresentation or false statement to, or concealed any essential or material fact known to him from, any principal or designated agent of the principal in the course of the escrow business;

(e) Has intentionally or knowingly made or caused to be made to the Commissioner any false representation of a material fact or has suppressed or

withheld from him any information which the applicant or licensee possesses;

(f) Has failed without reasonable cause to furnish to the parties of an escrow their respective statements of the settlement within a reasonable time after the close of escrow;

(g) Has failed without reasonable cause to deliver, within a reasonable time after the close of escrow, to the respective parties of an escrow transaction any money, documents or other properties held in escrow in violation of the provisions of the escrow instructions;

(h) Has refused to permit an examination by the Commissioner of his books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter;

(i) Has been convicted of a felony relating to the practice of title agents or any misdemeanor of which an essential element is fraud;

(j) In the case of a title agent, has failed to maintain complete and accurate records of all transactions within the last 7 years;

(k) Has commingled the money of other persons with his own or converted the money of other persons to his own use;

(l) Has failed, before the close of escrow, to obtain written instructions concerning any essential or material fact or intentionally failed to follow the written instructions which have been agreed upon by the parties and accepted by the holder of the escrow;

(m) Has failed to disclose in writing that he is acting in the dual capacity of escrow agent or agency and undisclosed principal in any transaction;

(n) In the case of an escrow officer, has been convicted of, or entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, any crime involving moral turpitude; or

(o) Has failed to obtain and maintain a copy of the executed agreement or contract that establishes the conditions for the sale of real property.

2. It is sufficient cause for the imposition of a fine or the refusal, suspension or revocation of the license of a partnership, corporation or any other association if any member of the partnership or any officer or director of the corporation or association has been guilty of any act or omission directly arising from the business activities of a title agent which would be cause for such action had the applicant or licensee been a natural person.

3. The Commissioner may suspend or revoke the license of a title agent, or impose a fine, if the Commissioner finds that the title agent:

(a) Failed to maintain adequate supervision of an escrow officer or title agent he has appointed or employed.

(b) Instructed an escrow officer to commit an act which would be cause for the revocation of the escrow officer's license and the escrow officer committed the act. An escrow officer is not subject to disciplinary action for committing such an act under instruction by the title agent.

4. The Commissioner may refuse to issue a license to any person who, within 10 years before the date of applying for a current license, has had suspended or revoked a license issued pursuant to this chapter or a comparable license issued by any other state, district or territory of the United States or any foreign country.

~~[Sec. 103.]~~ ***Sec. 115.*** NRS 697.150 is hereby amended to read as follows:

697.150 1. Except as otherwise provided in subsection 2, a person is entitled to receive, renew or hold a license as a bail agent if he:

(a) Is a resident of this State and has resided in this State for not less than 1 year immediately preceding the date of the application for the license.

(b) Is a natural person not less than 18 years of age.

(c) Has been appointed as a bail agent by an authorized surety insurer, subject to the issuance of the license.

(d) Is competent, trustworthy and financially responsible.

(e) Has passed any written examination required under this chapter.

(f) Has filed the bond required by NRS 697.190.

(g) Has, on or after July 1, 1999, successfully completed a 6-hour course of instruction in bail bonds that is:

(1) Offered by a state or national organization of bail agents or another organization that administers training programs for bail agents; and

(2) Approved by the Commissioner.

2. A person is not entitled to receive, renew or hold a license as a bail agent if he has been convicted of, or entered a plea of guilty ***, guilty but mentally ill*** or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude. A conviction of, or plea of guilty ***, guilty but mentally ill*** or nolo contendere by, an applicant or licensee for any crime listed in this subsection is a sufficient ground for the Commissioner to deny a license to the applicant or to suspend or revoke the license of the agent.

Sec. 116. **The amendatory provisions of sections 14.5, 30 to 39, inclusive, and 41 of this act concerning the discharge or conditional release of a person committed to the custody of the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services pursuant to NRS 175.539 apply to any such person who is in the custody of the Administrator on or after October 1, 2007.**

~~[Sec. 104.]~~ ***Sec. 117.*** 1. This section and sections 1 to ~~[40,]~~ **52,** inclusive, ~~[42 to 58, inclusive, 60, 62 to 67, inclusive, 69, 71 to 97,]~~ **54 to 70,** inclusive, ~~[99, 101, 102 and 103]~~ **72, 74 to 79, inclusive, 81, 83 to 109, inclusive, 111 and 113 to 116, inclusive,** of this act become effective on October 1, 2007.

2. Section ~~[40]~~ **52** of this act expires by limitation on June 30, 2009.

3. Sections ~~[58, 60, 67 and 69]~~ **70, 72, 79 and 81** of this act expire by limitation on the date of the repeal of the federal law requiring each state to

make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.

4. Sections ~~[97]~~ **109** and ~~[99]~~ **111** of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

5. Section ~~[41]~~ **53** of this act becomes effective on July 1, 2009.

6. Sections ~~[59, 61, 68 and 70]~~ **71, 73, 80 and 82** of this act become effective on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.

7. Sections ~~[98]~~ **110** and ~~[100]~~ **112** of this act become effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 193.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 364.

The following Senate amendment was read:

Amendment No. 756.

SUMMARY—Revises certain provisions relating to ~~[the use of]~~ **information provided to** a grand jury. (BDR 14-1303)

AN ACT relating to criminal procedure; ~~[prohibiting the use of a grand jury in certain circumstances;]~~ **authorizing a defendant to submit a statement concerning the results of a preliminary hearing to a grand jury;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This bill expands the existing limitations on the use of a grand jury so that a district attorney is also prohibited from seeking the indictment of a person if the evidence presented by the district attorney during the preliminary hearing was insufficient to hold the person for trial, unless substantial evidence is discovered that was not available at the time of the preliminary hearing. (NRS 172.107)]~~ **This bill authorizes a defendant to submit a statement to a grand jury providing whether a preliminary hearing was held and, if so, that the evidence presented was considered insufficient to warrant holding the defendant for trial. (NRS 172.145)**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 172.107 is hereby amended to read as follows:~~

~~172.107 A district attorney shall not use a grand jury to :~~

~~*1. Seek the indictment of a person if the evidence presented by the district attorney during a preliminary examination is insufficient to warrant holding the person for trial, unless substantial evidence that was not available at the time of the preliminary examination is discovered; or*~~

~~2. Discover tangible, documentary or testimonial evidence to assist in the prosecution of a defendant who has already been charged with the public offense by indictment or information.]~~ **(Deleted by amendment.)**

Sec. 2. **NRS 172.145 is hereby amended to read as follows:**

172.145 1. The grand jury is not bound to hear evidence for the defendant ~~[.]~~ ***, except that the defendant is entitled to submit a statement which the grand jury must receive providing whether a preliminary hearing was held concerning the matter and, if so, that the evidence presented was considered insufficient to warrant holding the defendant for trial.*** It is their duty, however, to weigh all evidence submitted to them, and when they have reason to believe that other evidence within their reach will explain away the charge, they shall order that evidence to be produced, and for that purpose may require the district attorney to issue process for the witnesses.

2. If the district attorney is aware of any evidence which will explain away the charge, he shall submit it to the grand jury.

3. The grand jury may invite any person, without process, to appear before the grand jury to testify.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 364.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 396.

The following Senate amendment was read:

Amendment No. 910.

AN ACT relating to common-interest communities; requiring a member of an executive board who stands to profit personally from a matter before the board to disclose and abstain from voting on the matter; ~~[prohibiting the use of delegates or representatives to exercise the voting rights of units' owners in the election or removal of a member of the executive board; allowing the use of delegates or representatives to exercise the voting rights of owners of certain time shares;]~~ prohibiting an association in a common-interest community from imposing an assessment against **the owners of** certain tax-exempt property; ~~[requiring the signatures of certain persons before money in the operating account of an association may be withdrawn; revising the provisions relating to foreclosure of liens against units;]~~ providing that official publications related to issues of official interest must provide equal space for opposing views and opinions; ~~[requiring applicants for a certificate for the management of a common-interest community to post certain bonds;]~~ **revising the provisions governing the regulation of certain streets in certain common-interest communities; making various other changes to the provisions governing common-interest communities;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides additional ethical requirements for members of an executive board by requiring a member who stands to gain any personal profit or compensation from a matter before the executive board to disclose the matter to the executive board and to abstain from voting on the matter. (NRS 116.31185, 116.31187)

~~[Under existing law, a common-interest community created before January 1, 1992, and a common-interest community, with a declaration so providing, that consists of at least 1,000 units, may have the voting rights of the units' owners in the association for that common-interest community be exercised by delegates or representatives. (NRS 116.1201, 116.31105) Sections 1.3 and 3-6.3 of this bill prohibit the use of delegates or representatives to exercise the voting rights of units' owners in the election or removal of a member of the executive board. However, a master association which governs a time-share plan created pursuant to chapter 119A of NRS is allowed to continue using delegates or representatives to exercise the voting rights of owners of time shares.]~~

Section 2.5 of this bill prohibits an association from imposing an assessment against **the owner of any** property in the common-interest community that is exempt from taxation pursuant to NRS 361.125. **Section 13 of this bill provides that this prohibition applies to such owners who are not obligated to pay assessments as of January 1, 2007.**

~~[Existing law requires certain signatures before money in the reserve account of an association may be withdrawn. (NRS 116.31153) Section 6.7 of this bill also requires certain signatures before money in the operating account of an association may be withdrawn.~~

~~Existing law provides for an association to have a lien on a unit for any construction penalty, assessment or fine imposed against the unit's owner which may later be foreclosed upon. (NRS 116.3116) Section 7.5 of this bill requires an association to obtain approval from the Commission on Common-Interest Communities before attempting to foreclose its lien. The Commission must approve the foreclosure of the lien if the association has followed certain procedures. In addition, section 8 of this bill changes existing law to provide that the sale of a unit as a result of a foreclosure of a lien is subject to an equity or right of redemption. (NRS 116.31166)~~]

Section 3 of this bill amends existing law to increase the maximum term of office for a member of an executive board from 2 years to 3 years. (NRS 116.31034)

Section 6.5 of this bill revises existing provisions relating to financial statements by allowing the Commission on Common-Interest Communities to waive the qualification requirements of auditors for certain associations. (NRS 116.31144)

Section ~~9~~ of this bill provides that if an official publication contains the views or opinions of the association concerning an issue of official interest, the official publication must, upon request, provide equal space and equivalent exposure to opposing views and opinions. [~~If an official publication contains information concerning a civil action or claim in which the association is a party, the official publication is not required to provide equal space to opposing views and opinions.~~] In addition, section 9 provides that if an official publication contains any mention of a candidate or ballot question, the official publication must provide equal space in the same issue to the candidate or a representative of an organization which advocates the passage or defeat of the ballot question.

[~~Existing law provides for the Commission to adopt regulations concerning the issuance of certificates for community managers. (NRS 116A.410) Section 10 of this bill provides that the regulations must: (1) require an applicant to post a bond in a form and in an amount established by regulation; and (2) adopt a sliding scale for the amount of the bond that is based upon the amount of money that applicants are expected to control.~~]

Section 9.5 of this bill revises existing law by including financing as a prohibited activity for members of the executive board and officers. (NRS 116.31187)

Section 9.6 of this bill provides additional rights to units' owners by mandating notice before an association may interrupt utility service to a unit's owner. (NRS 116.345)

Existing law provides that certain common-interest communities are prohibited from regulating motor vehicles on thoroughfares accepted by the State or local governments for public use. (NRS 116.350) Section 9.8 of this bill permits an association to restrict parking on such thoroughfares if the parking prohibition was a condition for approval of the subdivision's final map or included in the terms of a zoning

ordinance, permit or approval. (NRS 116.350) Section 9.8 also adds inoperable vehicles to the types of vehicles for which an association may restrict parking or storage in a common-interest community. (NRS 116.350) Finally, section 9.8 prohibits a common-interest community from restricting the parking of certain utility service vehicles, law enforcement vehicles and emergency services vehicles.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A member of an executive board who stands to gain any personal profit or compensation of any kind from a matter before the executive board shall:

~~*[1.]*~~ ***(a) Disclose the matter to the executive board; and***

~~*[2.]*~~ ***(b) Abstain from voting on any such matter.***

2. For the purposes of this section, an employee of a declarant or an affiliate of a declarant who is a member of the executive board shall not, solely by reason of such employment or affiliation, be deemed to gain any personal profit or compensation.

Sec. 1.2. **NRS 116.021 is hereby amended to read as follows:**

116.021 ***1.*** "Common-interest community" means real estate with respect to which a person, by virtue of his ownership of a unit, is obligated to pay for real estate other than that unit. ~~["Ownership]~~

2. As used in this section, "ownership of a unit" does not include holding a leasehold interest of less than 20 years in a unit, including options to renew.

3. For the purposes of determining whether real estate is a "common-interest community" pursuant to this section, the fact that the real estate is subject to covenants, conditions or restrictions is not relevant or determinative.

Sec. 1.3. ~~[NRS 116.1201 is hereby amended to read as follows:~~

~~116.1201 1. Except as otherwise provided in this section and NRS 116.1203, this chapter applies to all common-interest communities created within this State.~~

~~2. This chapter does not apply to:~~

~~(a) A limited-purpose association, except that a limited-purpose association:~~

~~(1) Shall pay the fees required pursuant to NRS 116.31155;~~

~~(2) Shall register with the Ombudsman pursuant to NRS 116.31158;~~

~~(3) Shall comply with the provisions of:~~

~~(I) NRS 116.31038, 116.31083 and 116.31152; and~~

~~(II) NRS 116.31075, if the limited-purpose association is created for a rural agricultural-residential common-interest community;~~

~~(4) Shall comply with the provisions of NRS 116.4101 to 116.412, inclusive, as required by the regulations adopted by the Commission pursuant to paragraph (b) of subsection 5; and~~

~~(5) Shall not enforce any restrictions concerning the use of units by the units' owners, unless the limited-purpose association is created for a rural agricultural-residential common-interest community.~~

~~(b) A planned community in which all units are restricted exclusively to nonresidential use unless the declaration provides that this chapter does apply to that planned community. This chapter applies to a planned community containing both units that are restricted exclusively to nonresidential use and other units that are not so restricted only if the declaration so provides or if the real estate comprising the units that may be used for residential purposes would be a planned community in the absence of the units that may not be used for residential purposes.~~

~~(c) Common-interest communities or units located outside of this State, but the provisions of NRS 116.4102 to 116.4108, inclusive, apply to all contracts for the disposition thereof signed in this State by any party unless exempt under subsection 2 of NRS 116.4101.~~

~~(d) A common-interest community that was created before January 1, 1992, is located in a county whose population is less than 50,000, and has less than 50 percent of the units within the community put to residential use, unless a majority of the units' owners otherwise elect in writing.~~

~~(e) Except as otherwise provided in this chapter, time shares governed by the provisions of chapter 119A of NRS.~~

~~3. The provisions of this chapter do not:~~

~~(a) Prohibit a common-interest community created before January 1, 1992, from providing for separate classes of voting for the units' owners;~~

~~(b) Require a common-interest community created before January 1, 1992, to comply with the provisions of NRS 116.2101 to 116.2122, inclusive;~~

~~(c) Invalidate any assessments that were imposed on or before October 1, 1999, by a common-interest community created before January 1, 1992; [or]~~

~~(d) Prohibit a common-interest community created before January 1, 1992, or a common-interest community described in NRS 116.31105 from providing for a representative form of government [.]~~ *, except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives; or*

(e) Prohibit a master association which governs a time-share plan created pursuant to chapter 119A of NRS from providing for a representative form of government for the time-share plan.

~~4. The provisions of chapters 117 and 278A of NRS do not apply to common-interest communities.~~

~~5. The Commission shall establish, by regulation:~~

~~(a) The criteria for determining whether an association, a limited-purpose association or a common-interest community satisfies the requirements for an exemption or limited exemption from any provision of this chapter; and~~

~~(b) The extent to which a limited-purpose association must comply with the provisions of NRS 116.4101 to 116.412, inclusive.~~

~~6. As used in this section, "limited-purpose association" means an association that:~~

~~(a) Is created for the limited purpose of maintaining:~~

~~(1) The landscape of the common elements of a common-interest community;~~

~~(2) Facilities for flood control; or~~

~~(3) A rural agricultural residential common-interest community; and~~

~~(b) Is not authorized by its governing documents to enforce any restrictions concerning the use of units by units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.]~~ **(Deleted by amendment.)**

Sec. 1.7. ~~[NRS 116.1203 is hereby amended to read as follows:~~

~~116.1203 1. Except as otherwise provided in subsection 2, if a planned community contains no more than 12 units and is not subject to any developmental rights, it is subject only to NRS 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.~~

~~2. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive, *and section 1 of this act*, and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than six units.]~~ **(Deleted by amendment.)**

Sec. 2. (Deleted by amendment.)

Sec. 2.5. NRS 116.3102 is hereby amended to read as follows:

116.3102 1. Except as otherwise provided in ~~[subsection 2,]~~ ***this section,*** and subject to the provisions of the declaration, the association may do any or all of the following:

(a) Adopt and amend bylaws, rules and regulations.

(b) Adopt and amend budgets for revenues, expenditures and reserves and collect assessments for common expenses from the units' owners.

(c) Hire and discharge managing agents and other employees, agents and independent contractors.

(d) Institute, defend or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more units' owners on matters affecting the common-interest community.

(e) Make contracts and incur liabilities.

(f) Regulate the use, maintenance, repair, replacement and modification of common elements.

(g) Cause additional improvements to be made as a part of the common elements.

(h) Acquire, hold, encumber and convey in its own name any right, title or interest to real estate or personal property, but:

(1) Common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to NRS 116.3112; and

(2) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to NRS 116.3112.

(i) Grant easements, leases, licenses and concessions through or over the common elements.

(j) Impose and receive any payments, fees or charges for the use, rental or operation of the common elements, other than limited common elements described in subsections 2 and 4 of NRS 116.2102, and for services provided to the units' owners.

(k) Impose charges for late payment of assessments.

(l) Impose construction penalties when authorized pursuant to NRS 116.310305.

(m) Impose reasonable fines for violations of the governing documents of the association only if the association complies with the requirements set forth in NRS 116.31031.

(n) Impose reasonable charges for the preparation and recordation of any amendments to the declaration or any statements of unpaid assessments, and impose reasonable fees, not to exceed the amounts authorized by NRS 116.4109, for preparing and furnishing the documents and certificate required by that section.

(o) Provide for the indemnification of its officers and executive board and maintain directors' and officers' liability insurance.

(p) Assign its right to future income, including the right to receive assessments for common expenses, but only to the extent the declaration expressly so provides.

(q) Exercise any other powers conferred by the declaration or bylaws.

(r) Exercise all other powers that may be exercised in this State by legal entities of the same type as the association.

(s) Direct the removal of vehicles improperly parked on property owned or leased by the association, as authorized pursuant to NRS 487.038, or improperly parked on any road, street, alley or other thoroughfare within the common-interest community in violation of the governing documents. In addition to complying with the requirements of NRS 487.038 and any requirements in the governing documents, if a vehicle is improperly parked as described in this paragraph, the association must post written notice in a conspicuous place on the vehicle or provide oral or written notice to the owner or operator of the vehicle at least 48 hours before the association may direct the removal of the vehicle, unless the vehicle:

(1) Is blocking a fire hydrant, fire lane or parking space designated for the handicapped; or

(2) Poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community.

(t) Exercise any other powers necessary and proper for the governance and operation of the association.

2. The declaration may not impose limitations on the power of the association to deal with the declarant which are more restrictive than the limitations imposed on the power of the association to deal with other persons.

3. Notwithstanding any provision of this chapter or the governing documents to the contrary, an association may not impose any assessment pursuant to this chapter or the governing documents on the owner of any property in the common-interest community that is exempt from taxation pursuant to NRS 361.125.

Sec. 3. NRS 116.31034 is hereby amended to read as follows:

116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members, at least a majority of whom must be units' owners. Unless the governing documents provide otherwise, the remaining members of the executive board do not have to be units' owners. The executive board shall elect the officers of the association. The members of the executive board and the officers of the association shall take office upon election.

2. The term of office of a member of the executive board may not exceed ~~[2]~~ ***3*** years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

(a) Members of the executive board who are appointed by the declarant; and

(b) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of his eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.

5. Each person whose name is placed on the ballot as a candidate for a member of the executive board must:

(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

(b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate has any unpaid and past due assessments or construction penalties that are required to be paid to the association.

➥ The candidate must make all disclosures required pursuant to this subsection in writing to the association with his candidacy information. The association shall distribute the disclosures to each member of the association with the ballot in the manner established in the bylaws of the association.

6. Unless a person is appointed by the declarant:

(a) A person may not be a member of the executive board or an officer of the association if the person, his spouse or his parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

(b) A person may not be a member of the executive board of a master association or an officer of that master association if the person, his spouse or his parent or child, by blood, marriage or adoption, performs the duties of a community manager for:

(1) That master association; or

(2) Any association that is subject to the governing documents of that master association.

7. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, he shall file proof in the records of the association that:

(a) He is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

8. The ~~*[Except as otherwise provided in NRS 116.31105, the]*~~ election of any member of the executive board must be conducted by secret written ballot unless the declaration of the association provides that voting rights may be exercised by delegates or representatives as set forth in NRS 116.31105. If the election of any member of the executive board is conducted by secret written ballot: ~~*[in the following manner:]*~~

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United

States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.

(e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for a member of the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

9. Each member of the executive board shall, within 90 days after his appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that he has read and understands the governing documents of the association and the provisions of this chapter to the best of his ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.

Sec. 4. ~~[NRS 116.31036 is hereby amended to read as follows:~~

~~116.31036 — 1. — Notwithstanding any provision of the declaration or bylaws to the contrary, any member of the executive board, other than a member appointed by the declarant, may be removed from the executive board, with or without cause, if at a removal election held pursuant to this section the number of votes cast in favor of removal constitutes:~~

~~(a) At least 35 percent of the total number of voting members of the association; and~~

~~(b) At least a majority of all votes cast in that removal election.~~

~~2. —~~ [The] ~~*Except as otherwise provided in NRS 116.31105, the* removal of any member of the executive board must be conducted by secret written ballot~~ [unless the declaration of the association provides that voting rights may be exercised by delegates or representatives as set forth in NRS 116.31105. If the removal of a member of the executive board is conducted by secret written ballot:] ~~*in the following manner:*~~

~~(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest~~

~~community or to any other mailing address designated in writing by the unit's owner.~~

~~(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.~~

~~(c) Only the secret written ballots that are returned to the association may be counted to determine the outcome.~~

~~(d) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.~~

~~(e) The incumbent members of the executive board, including, without limitation, the member who is subject to the removal, may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.~~

~~3. If a member of an executive board is named as a respondent or sued for liability for actions undertaken in his role as a member of the board, the association shall indemnify him for his losses or claims, and undertake all costs of defense, unless it is proven that he acted with willful or wanton misfeasance or with gross negligence. After such proof, the association is no longer liable for the cost of defense, and may recover costs already expended from the member of the executive board who so acted. Members of the executive board are not personally liable to the victims of crimes occurring on the property. Punitive damages may not be recovered against the association, but may be recovered from persons whose activity gave rise to the damages.~~

~~4. The provisions of this section do not prohibit the Commission from taking any disciplinary action against a member of an executive board pursuant to NRS 116.745 to 116.795, inclusive.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 116.3108 is hereby amended to read as follows:~~

~~116.3108 1. A meeting of the units' owners must be held at least once each year. If the governing documents do not designate an annual meeting date of the units' owners, a meeting of the units' owners must be held 1 year after the date of the last meeting of the units' owners. If the units' owners have not held a meeting for 1 year, a meeting of the units' owners must be held on the following March 1.~~

~~2. Special meetings of the units' owners may be called by the president, by a majority of the executive board or by units' owners constituting at least 10 percent, or any lower percentage specified in the bylaws, of the total number of voting members of the association. The same number of units' owners may also call a removal election pursuant to NRS 116.31036. To call a special meeting or a removal election, the units' owners must submit a written petition which is signed by the required percentage of the total number of voting members of the association pursuant to this section and which is mailed, return receipt requested, or served by a process server to the~~

~~executive board or the community manager for the association. If the petition calls for a special meeting, the executive board shall set the date for the special meeting so that the special meeting is held not less than 15 days or more than 60 days after the date on which the petition is received. If the petition calls for a removal election and:~~

~~(a) The voting rights of the [units'] owners *of time shares* will be exercised by delegates or representatives as set forth in NRS 116.31105, the executive board shall set the date for the removal election so that the removal election is held not less than 15 days or more than 60 days after the date on which the petition is received; or~~

~~(b) The voting rights of the units' owners will be exercised through the use of secret written ballots pursuant to NRS 116.31036, the secret written ballots for the removal election must be sent in the manner required by NRS 116.31036 not less than 15 days or more than 60 days after the date on which the petition is received, and the executive board shall set the date for the meeting to open and count the secret written ballots so that the meeting is held not more than 15 days after the deadline for returning the secret written ballots.~~

~~3. Not less than 15 days or more than 60 days in advance of any meeting of the units' owners, the secretary or other officer specified in the bylaws shall cause notice of the meeting to be hand-delivered, sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner or, if the association offers to send notice by electronic mail, sent by electronic mail at the request of the unit's owner to an electronic mail address designated in writing by the unit's owner. The notice of the meeting must state the time and place of the meeting and include a copy of the agenda for the meeting. The notice must include notification of the right of a unit's owner to:~~

~~(a) Have a copy of the minutes or a summary of the minutes of the meeting provided to the unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.~~

~~(b) Speak to the association or executive board, unless the executive board is meeting in executive session.~~

~~4. The agenda for a meeting of the units' owners must consist of:~~

~~(a) A clear and complete statement of the topics scheduled to be considered during the meeting, including, without limitation, any proposed amendment to the declaration or bylaws, any fees or assessments to be imposed or increased by the association, any budgetary changes and any proposal to remove an officer of the association or member of the executive board.~~

~~(b) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items. In an emergency, the units' owners may take action on an item which is not listed on the agenda as an item on which action may be taken.~~

~~(c) A period devoted to comments by units' owners and discussion of those comments. Except in emergencies, no action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to paragraph (b).~~

~~5. If the association adopts a policy imposing fines for any violations of the governing documents of the association, the secretary or other officer specified in the bylaws shall prepare and cause to be hand-delivered or sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner, a schedule of the fines that may be imposed for those violations.~~

~~6. The secretary or other officer specified in the bylaws shall cause minutes to be recorded or otherwise taken at each meeting of the units' owners. Not more than 30 days after each such meeting, the secretary or other officer specified in the bylaws shall cause the minutes or a summary of the minutes of the meeting to be made available to the units' owners. A copy of the minutes or a summary of the minutes must be provided to any unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.~~

~~7. Except as otherwise provided in subsection 8, the minutes of each meeting of the units' owners must include:~~

~~(a) The date, time and place of the meeting;~~

~~(b) The substance of all matters proposed, discussed or decided at the meeting; and~~

~~(c) The substance of remarks made by any unit's owner at the meeting if he requests that the minutes reflect his remarks or, if he has prepared written remarks, a copy of his prepared remarks if he submits a copy for inclusion.~~

~~8. The executive board may establish reasonable limitations on materials, remarks or other information to be included in the minutes of a meeting of the units' owners.~~

~~9. The association shall maintain the minutes of each meeting of the units' owners until the common-interest community is terminated.~~

~~10. A unit's owner may record on audiotape or any other means of sound reproduction a meeting of the units' owners if the unit's owner, before recording the meeting, provides notice of his intent to record the meeting to the other units' owners who are in attendance at the meeting.~~

~~11. The units' owners may approve, at the annual meeting of the units' owners, the minutes of the prior annual meeting of the units' owners and the minutes of any prior special meetings of the units' owners. A quorum is not required to be present when the units' owners approve the minutes.~~

~~12. As used in this section, "emergency" means any occurrence or combination of occurrences that:~~

~~(a) Could not have been reasonably foreseen;~~

~~(b) Affects the health, welfare and safety of the units' owners or residents of the common-interest community;~~

~~(c) Requires the immediate attention of, and possible action by, the executive board; and~~

~~(d) Makes it impracticable to comply with the provisions of subsection 3 or 4.~~] **(Deleted by amendment.)**

Sec. 6. ~~[NRS 116.311 is hereby amended to read as follows:~~

~~116.311 1. If only one of several owners of a unit is present at a meeting of the association, that owner is entitled to cast all the votes allocated to that unit. If more than one of the owners are present, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the owners, unless the declaration expressly provides otherwise. There is majority agreement if any one of the owners cast the votes allocated to that unit without protest made promptly to the person presiding over the meeting by any of the other owners of the unit.~~

~~2. Except as otherwise provided in this section, votes allocated to a unit may be cast pursuant to a proxy executed by a unit's owner. A unit's owner may give a proxy only to a member of his immediate family, a tenant of the unit's owner who resides in the common-interest community, another unit's owner who resides in the common-interest community, or a delegate or representative when authorized pursuant to NRS 116.31105. If a unit is owned by more than one person, each owner of the unit may vote or register protest to the casting of votes by the other owners of the unit through an executed proxy. A unit's owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the person presiding over a meeting of the association.~~

~~3. Before a vote may be cast pursuant to a proxy:~~

~~(a) The proxy must be dated.~~

~~(b) The proxy must not purport to be revocable without notice.~~

~~(c) The proxy must designate the meeting for which it is executed.~~

~~(d) The proxy must designate each specific item on the agenda of the meeting for which the unit's owner has executed the proxy, except that the unit's owner may execute the proxy without designating any specific items on the agenda of the meeting if the proxy is to be used solely for determining whether a quorum is present for the meeting. If the proxy designates one or more specific items on the agenda of the meeting for which the unit's owner has executed the proxy, the proxy must indicate, for each specific item designated in the proxy, whether the holder of the proxy must cast a vote in the affirmative or the negative on behalf of the unit's owner. If the proxy does not indicate whether the holder of the proxy must cast a vote in the affirmative or the negative for a particular item on the agenda of the meeting, the proxy must be treated, with regard to that particular item, as if the unit's owner were present but not voting on that particular item.~~

~~(e) The holder of the proxy must disclose at the beginning of the meeting for which the proxy is executed the number of proxies pursuant to which the holder will be casting votes.~~

~~4. A proxy terminates immediately after the conclusion of the meeting for which it is executed.~~

~~5.~~ [A] ~~*Except as otherwise provided in this subsection, a* vote may not be cast pursuant to a proxy for the election or removal of a member of the executive board of an association.~~ [unless] ~~*A vote may be cast pursuant to a proxy for the election or removal of a member of the executive board of a master association which governs a time share plan created pursuant to chapter 119A of NRS if* the proxy is exercised through a delegate or representative authorized pursuant to NRS 116.31105.~~

~~6. The holder of a proxy may not cast a vote on behalf of the unit's owner who executed the proxy in a manner that is contrary to the proxy.~~

~~7. A proxy is void if the proxy or the holder of the proxy violates any provision of subsections 1 to 6, inclusive.~~

~~8. If the declaration requires that votes on specified matters affecting the common-interest community must be cast by the lessees of leased units rather than the units' owners who have leased the units:~~

~~(a) The provisions of subsections 1 to 7, inclusive, apply to the lessees as if they were the units' owners;~~

~~(b) The units' owners who have leased their units to the lessees may not cast votes on those specified matters;~~

~~(c) The lessees are entitled to notice of meetings, access to records and other rights respecting those matters as if they were the units' owners; and~~

~~(d) The units' owners must be given notice, in the manner provided in NRS 116.3108, of all meetings at which the lessees are entitled to vote.~~

~~9. If any votes are allocated to a unit that is owned by the association, those votes may not be cast, by proxy or otherwise, for any purpose.~~] **(Deleted by amendment.)**

Sec. 6.3. ~~[NRS 116.31105 is hereby amended to read as follows:~~

~~116.31105 1. If the declaration so provides, in a common-interest community that consists of at least 1,000 units, the voting rights of the units' owners in the association for that common interest community may be exercised by delegates or representatives~~ [.] ~~*except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives.*~~

~~2. In addition to a common-interest community identified in subsection 1, if the declaration so provides, in a common-interest community created before October 1, 1999, the voting rights of the units' owners in the association for that common-interest community may be exercised by delegates or representatives~~ [.] ~~*except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives.*~~

~~*3. In addition to a common-interest community identified in subsections 1 and 2, if the declaration so provides, the voting rights of the owners of time shares within a time-share plan created pursuant to chapter 119A of NRS*~~

~~*which is governed by a master association may be exercised by delegates or representatives.*~~

~~*4.* For the purposes of subsection 1, each unit that a declarant has reserved the right to create pursuant to NRS 116.2105 and for which developmental rights exist must be counted in determining the number of units in a common-interest community.~~

~~[4.]~~ ~~*5. For the purposes of subsection 3, each time share that a developer has reserved the right to create pursuant to paragraph (g) of subsection 2 of NRS 119A.380 must be counted in determining the number of time shares in a time share plan.*~~

~~*6.* Notwithstanding any provision in the declaration, the election of any delegate or representative must be conducted by secret written ballot.~~

~~[5.]~~ ~~*7.* When an election of a delegate or representative is conducted by secret written ballot:~~

~~(a) The secretary or other officer of the association specified in the bylaws of the association shall cause a secret written ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.~~

~~(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.~~

~~(c) Only the secret written ballots that are returned to the association in the manner prescribed on the ballot may be counted to determine the outcome of the election.~~

~~(d) The secret written ballots must be opened and counted at a meeting called for the purpose of electing delegates or representatives. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.~~

~~(e) A candidate for delegate or representative may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association in the manner prescribed on the ballot before those secret written ballots have been opened and counted at a meeting called for that purpose.~~] **(Deleted by amendment.)**

Sec. 6.5. **NRS 116.31144 is hereby amended to read as follows:**

116.31144 1. Except as otherwise provided in ~~[subsection 2,]~~ ***this section,*** the executive board shall:

(a) If the annual budget of the association is less than $75,000, cause the financial statement of the association to be audited by an independent certified public accountant at least once every 4 fiscal years.

(b) If the annual budget of the association is $75,000 or more but less than $150,000, cause the financial statement of the association to be:

(1) Audited by an independent certified public accountant at least once every 4 fiscal years; and

(2) Reviewed by an independent certified public accountant every fiscal year for which an audit is not conducted.

(c) If the annual budget of the association is $150,000 or more, cause the financial statement of the association to be audited by an independent certified public accountant every fiscal year.

2. For any fiscal year for which an audit of the financial statement of the association will not be conducted pursuant to subsection 1, the executive board shall cause the financial statement for that fiscal year to be audited by an independent certified public accountant if, within 180 days before the end of the fiscal year, 15 percent of the total number of voting members of the association submit a written request for such an audit.

3. The Commission shall adopt regulations prescribing the requirements for the auditing or reviewing of ***the*** financial statements of an association pursuant to this section. Such regulations must include, without limitation:

(a) The qualifications necessary for a person to audit or review financial statements of an association; ~~[and]~~

(b) The standards and format to be followed in auditing or reviewing financial statements of an association ~~[.]~~ **;**

(c) The requirement that an audit or review of the financial statements of an association be completed within 180 days after the end of the fiscal year; and

(d) The ability of the Commission to grant an exemption to the requirement of an audit or review of the financial statements of an association with an annual budget that is less than $75,000. To receive an exemption pursuant to this paragraph, an association must submit a request to the Commission which includes a written statement of the reasons for requesting the exemption. If the Commission grants the exemption, the Commission shall notify the association within 30 days after receipt of the request for exemption.

Sec. 6.7. ~~[NRS 116.31153 is hereby amended to read as follows:~~

~~116.31153 *1.* Money in the reserve account of an association required by paragraph (b) of subsection 2 of NRS 116.3115 may not be withdrawn without the signatures of at least two members of the executive board or the signatures of at least one member of the executive board and one officer of the association who is not a member of the executive board.~~

~~*2. Money in the operating account of an association may not be withdrawn without the signatures of at least one member of the executive board or one officer of the association and a member of the executive board, an officer of the association or the community manager.]~~ **(Deleted by amendment.)**

Sec. 7. (Deleted by amendment.)

Sec. 7.5. ~~[NRS 116.31162 is hereby amended to read as follows:~~

~~116.31162 1. Except as otherwise provided in subsection 4, in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where~~

~~the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the association may foreclose its lien by sale after all of the following occur:~~

~~(a) The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his successor in interest, at his address if known and at the address of the unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.~~

~~(b) Not less than 30 days after mailing the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:~~

~~(1) Describe the deficiency in payment.~~

~~(2) State the name and address of the person authorized by the association to enforce the lien by sale.~~

~~(3) Contain, in 14-point bold type, the following warning: WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!~~

~~(c) *The Commission has approved of the foreclosure of the lien. The Commission shall grant approval for the foreclosure of the lien if the Commission finds that the association has complied with paragraph (a) and the association or other person conducting the sale has complied with paragraph (b).*~~

~~*(d)* The unit's owner or his successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 90 days following the recording of the notice of default and election to sell.~~

~~2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.~~

~~3. The period of 90 days begins on the first day following:~~

~~(a) The date on which the notice of default is recorded; or~~

~~(b) The date on which a copy of the notice of default is mailed by certified or registered mail, return receipt requested, to the unit's owner or his successor in interest at his address, if known, and at the address of the unit,~~

~~whichever date occurs later.~~

~~4. The association may not foreclose a lien by sale based on a fine or penalty for a violation of the governing documents of the association unless:~~

~~(a) The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community; or~~

~~(b) The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.]~~ **(Deleted by amendment.)**

Sec. 8. ~~[NRS 116.31166 is hereby amended to read as follows:~~

~~116.31166 1. The recitals in a deed made pursuant to NRS 116.31164 of:~~

~~(a) Default, the mailing of the notice of delinquent assessment, and the recording of the notice of default and election to sell;~~

~~(b) The elapsing of the 90 days; and~~

~~(c) The giving of notice of sale,~~

~~, are conclusive proof of the matters recited.~~

~~2. Such a deed containing those recitals is conclusive against the unit's former owner, his heirs and assigns, and all other persons. The receipt for the purchase money contained in such a deed is sufficient to discharge the purchaser from obligation to see to the proper application of the purchase money.~~

~~3. The sale of a unit pursuant to NRS 116.31162, 116.31163 and 116.31164 [vests in the purchaser the title of the unit's owner without]~~ *~~is subject to an~~* ~~equity or right of redemption.]~~ **(Deleted by amendment.)**

Sec. 9. NRS 116.31175 is hereby amended to read as follows:

116.31175 1. Except as otherwise provided in this subsection, the executive board of an association shall, upon the written request of a unit's owner, make available the books, records and other papers of the association for review during the regular working hours of the association, including, without limitation, all contracts to which the association is a party and all records filed with a court relating to a civil or criminal action to which the association is a party. The provisions of this subsection do not apply to:

(a) The personnel records of the employees of the association, except for those records relating to the number of hours worked and the salaries and benefits of those employees;

(b) The records of the association relating to another unit's owner, except for those records described in subsection 2; and

(c) A contract between the association and an attorney.

2. The executive board of an association shall maintain a general record concerning each violation of the governing documents, other than a violation involving a failure to pay an assessment, for which the executive board has imposed a fine, a construction penalty or any other sanction. The general record:

(a) Must contain a general description of the nature of the violation and the type of the sanction imposed. If the sanction imposed was a fine or construction penalty, the general record must specify the amount of the fine or construction penalty.

(b) Must not contain the name or address of the person against whom the sanction was imposed or any other personal information which may be used to identify the person or the location of the unit, if any, that is associated with the violation.

(c) Must be maintained in an organized and convenient filing system or data system that allows a unit's owner to search and review the general records concerning violations of the governing documents.

3. If the executive board refuses to allow a unit's owner to review the books, records or other papers of the association, the Ombudsman may:

(a) On behalf of the unit's owner and upon written request, review the books, records or other papers of the association during the regular working hours of the association; and

(b) If he is denied access to the books, records or other papers, request the Commission, or any member thereof acting on behalf of the Commission, to issue a subpoena for their production.

4. The books, records and other papers of an association must be maintained for at least 10 years. The provisions of this subsection do not apply to:

(a) The minutes of a meeting of the units' owners which must be maintained in accordance with NRS 116.3108; or

(b) The minutes of a meeting of the executive board which must be maintained in accordance with NRS 116.31083.

5. The executive board shall not require a unit's owner to pay an amount in excess of $10 per hour to review any books, records, contracts or other papers of the association pursuant to the provisions of this section.

6. If an official publication contains or will contain any mention of a candidate or ballot question, the official publication must, upon request and without charge, provide equal space in the same issue to the candidate or a representative of an organization which supports the passage or defeat of the ballot question.

7. Except as otherwise provided in this subsection, if an official publication contains or will contain the views or opinions of the association, the executive board, a community manager or an officer, employee or agent of an association concerning an issue of official interest, the official publication must, upon request and without charge, provide equal space to opposing views and opinions of a unit's owner, tenant or resident of the common-interest community. ~~*[If an official publication contains or will contain any information concerning a civil action or claim in which the association is a party, the official publication is not required to provide equal space to any opposing views or opinions.]*~~

8. As used in this section:

(a) "Issue of official interest" includes, without limitation:

(1) Any issue on which the executive board or the units' owners will be voting, including, without limitation, the election of members of the executive board; and

(2) The enactment or adoption of rules or regulations that will affect a common-interest community.

(b) "Official publication" means:

(1) An official website;

(2) An official newsletter or other similar publication that is circulated to each unit's owner; or

(3) An official bulletin board that is available to each unit's owner,
➥ which is published or maintained at the cost of an association and by an association, an executive board, a member of an executive board, a community manager or an officer, employee or agent of an association.

Sec. 9.5. **NRS 116.31187 is hereby amended to read as follows:**

116.31187 1. Except as otherwise provided in this section, a member of an executive board or an officer of an association shall not:

(a) On or after October 1, 2003, enter into a contract or renew a contract with the association to provide ***financing,*** goods or services to the association; or

(b) Otherwise accept any commission, personal profit or compensation of any kind from the association for providing ***financing,*** goods or services to the association.

2. The provisions of this section do not prohibit a declarant, an affiliate of a declarant or an officer, employee or agent of a declarant or an affiliate of a declarant from:

(a) Receiving any commission, personal profit or compensation from the association, the declarant or an affiliate of the declarant for any ***financing,*** goods or services furnished to the association;

(b) Entering into contracts with the association, the declarant or affiliate of the declarant; or

(c) Serving as a member of the executive board or as an officer of the association.

Sec. 9.6. **NRS 116.345 is hereby amended to read as follows:**

116.345 1. An association of a planned community may not restrict, prohibit or otherwise impede the lawful residential use of any property that is within or encompassed by the boundaries of the planned community and that is not designated as part of the planned community.

2. Except as otherwise provided in this subsection, an association may not restrict the access of a person to any of his property. An association may restrict access to and from a unit within a planned community if the right to restrict such access was included in the declaration or in a separate recorded instrument at the time that the owner of the unit acquired title to the unit. The provisions of this subsection do not prohibit an association from charging the owner of the property a reasonable and nondiscriminatory fee to operate or maintain a gate or other similar device designed to control access to the planned community that would otherwise impede ingress or egress to the property.

3. An association may not expand, construct or situate a building or structure that is not part of any plat or plan of the planned community if the expansion, construction or situation of the building or structure was not previously disclosed to the units' owners of the planned community unless the association obtains the written consent of a majority of the units' owners and residents of the planned community who own property or reside within 500 feet of the proposed location of the building or structure.

4. ***An association may not interrupt any utility service furnished to a unit's owner or a tenant of a unit's owner except for the nonpayment of utility charges when due. The interruption of any utility service pursuant to this subsection must be performed in a manner which is consistent with all laws, regulations and governing documents relating to the interruption of any utility service. An association must in every case send a written notice of its intent to interrupt any utility service to the unit's owner or the tenant of the unit's owner at least 10 days before the association interrupts any utility service.***

5. The provisions of this section do not abrogate any easement, restrictive covenant, decision of a court, agreement of a party or any contract, governing document or declaration of covenants, conditions and restrictions, or any other decision, rule or regulation that a local governing body or other entity that makes decisions concerning land use or planning is authorized to make or enact that exists before October 1, 1999, including, without limitation, a zoning ordinance, permit or approval process or any other requirement of a local government or other entity that makes decisions concerning land use or planning.

Sec. 9.8. **NRS 116.350 is hereby amended to read as follows:**

116.350 1. In a common-interest community which is not gated or enclosed and the access to which is not restricted or controlled by a person or device, the executive board shall not and the governing documents must not provide for the regulation of any road, street, alley or other thoroughfare the right-of-way of which is accepted by the State or a local government for dedication as a road, street, alley or other thoroughfare for public use.

2. ~~[The]~~ ***Except as otherwise provided in subsection 3, the*** provisions of subsection 1 do not preclude an association from adopting, and do not preclude the governing documents of an association from setting forth, rules that reasonably restrict ~~[the]~~ ***:***

(a) Parking on any road, street, alley or other thoroughfare the right-of-way of which is accepted by the State or a local government for dedication as a road, street, alley or other thoroughfare for public use if the requirement that no parking be allowed is included in the terms of any applicable zoning ordinance, permit or approval or as a condition for approval of any final subdivision map; or

(b) The parking or storage of ***inoperable vehicles,*** recreational vehicles, watercraft, trailers or commercial vehicles in the common-interest community to the extent authorized by law.

3. In a common-interest community, the executive board shall not and the governing documents must not prohibit a person from:

(a) Parking a utility service vehicle that has a gross vehicle weight rating of 20,000 pounds or less on a driveway, road, street, alley or other thoroughfare:

(1) While the person is engaged in any activity relating to the delivery of public utility services to subscribers or consumers; or

(2) If the person is:

(I) A unit's owner;

(II) Parking the vehicle within 50 yards of his unit; and

(III) Bringing the vehicle to his unit pursuant to his employment with the entity which owns the vehicle for the purpose of responding to requests for public utility services; or

(b) Parking a law enforcement vehicle or emergency services vehicle on a driveway, road, street, alley or other thoroughfare:

(1) While the person is engaged in his official duties; or

(2) If the person is:

(I) A unit's owner;

(II) Parking the vehicle within 50 yards of his unit; and

(III) Bringing the vehicle to his unit pursuant to his employment with the entity which owns the vehicle for the purpose of responding to requests for law enforcement services or emergency services.

4. As used in this section:

(a) "Commercial motor vehicle" has the meaning ascribed to it in 49 C.F.R. § 350.105.

(b) "Emergency services vehicle" means a vehicle:

(1) Owned by any governmental agency or political subdivision of this State; and

(2) Identified by the entity which owns the vehicle as a vehicle used to provide emergency services.

(c) "Law enforcement vehicle" means a vehicle:

(1) Owned by any governmental agency or political subdivision of this State; and

(2) Identified by the entity which owns the vehicle as a vehicle used to provide law enforcement services.

(d) "Utility service vehicle" means any commercial motor vehicle:

(1) Used in the furtherance of repairing, maintaining or operating any structure or any other physical facility necessary for the delivery of public utility services, including, without limitation, the furnishing of electricity, gas, water, sanitary sewer, telephone, cable or community antenna service.

(2) Except for any emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the commercial motor vehicle is owned, leased or rented by the utility.

Sec. 10. ~~[NRS 116A.410 is hereby amended to read as follows:]~~

~~116A.410 1. The Commission shall by regulation provide for the issuance by the Division of certificates. The regulations:~~

~~(a) Must establish the qualifications for the issuance of such a certificate, including, without limitation, the education and experience required to obtain such a certificate.~~

~~(b) *Must require an applicant to post a bond in a form and in an amount established by regulation. The Commission shall, by regulation, adopt a sliding scale for the amount of the bond that is based upon the amount of money that applicants are expected to control.*~~

~~*(c)* May require applicants to pass an examination in order to obtain a certificate. If the regulations require such an examination, the Commission shall by regulation establish fees to pay the costs of the examination, including any costs which are necessary for the administration of the examination.~~

~~[(c)] *(d)* May require an investigation of an applicant's background. If the regulations require such an investigation, the Commission shall by regulation establish fees to pay the costs of the investigation.~~

~~[(d)] *(e)* Must establish the grounds for initiating disciplinary action against a person to whom a certificate has been issued, including, without limitation, the grounds for placing conditions, limitations or restrictions on a certificate and for the suspension or revocation of a certificate.~~

~~[(e)] *(f)* Must establish rules of practice and procedure for conducting disciplinary hearings.~~

~~2. The Division may collect a fee for the issuance of a certificate in an amount not to exceed the administrative costs of issuing the certificate.]~~ **(Deleted by amendment.)**

Sec. 11. (Deleted by amendment.)

Sec. 12. ~~[1. This section becomes effective upon passage and approval.~~

~~2. Section 10 of this act becomes effective:~~

~~(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and~~

~~(b) On January 1, 2008, for all other purposes.~~

~~3. Sections 1 to 9, inclusive, and 11 of this act become effective on October 1, 2007.]~~ **(Deleted by amendment.)**

Sec. 13. **The amendatory provisions of section 2.5 of this act apply to all owners of property in a common-interest community that is exempt from taxation pursuant to NRS 361.125 who are not obligated to pay assessments as of January 1, 2007.**

Assemblyman Anderson moved that the Assembly do not concur in the Senate Amendment No. 910 to Assembly Bill No. 396.

Remarks by Assemblyman Anderson.

Motion carried.

The following Senate amendment was read:

Amendment No. 978.

AN ACT relating to common-interest communities; requiring a member of an executive board who stands to profit personally from a matter before the board to disclose and abstain from voting on the matter; prohibiting an association in a common-interest community from imposing an assessment against the owners of certain tax-exempt property; providing that official publications related to issues of official interest must provide equal space for opposing views and opinions; revising the provisions governing the regulation of certain streets in certain common-interest communities; making various other changes to the provisions governing common-interest communities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides additional ethical requirements for members of an executive board by requiring a member who stands to gain any personal profit or compensation from a matter before the executive board to disclose the matter to the executive board and to abstain from voting on the matter. (NRS 116.31185, 116.31187)

Section 2.5 of this bill prohibits an association from imposing an assessment against the owner of any property in the common-interest community that is exempt from taxation pursuant to NRS 361.125. Section 13 of this bill provides that this prohibition applies to such owners who are not obligated to pay assessments as of January 1, 2007.

Section 3 of this bill amends existing law to increase the maximum term of office for a member of an executive board from 2 years to 3 years. (NRS 116.31034)

Section 6.5 of this bill revises existing provisions relating to financial statements by allowing the Commission on Common-Interest Communities to waive the qualification requirements of auditors for certain associations. (NRS 116.31144)

Section 9 of this bill provides that if an official publication contains the views or opinions of the association concerning an issue of official interest, the official publication must, upon request, provide equal space and equivalent exposure to opposing views and opinions. In addition, section 9 provides that if an official publication contains any mention of a candidate or ballot question, the official publication must provide equal space in the same issue to the candidate or a representative of an organization which advocates the passage or defeat of the ballot question.

Section 9.5 of this bill revises existing law by including financing as a prohibited activity for members of the executive board and officers. (NRS 116.31187)

Section 9.6 of this bill provides additional rights to units' owners by mandating notice before an association may interrupt utility service to a unit's owner. (NRS 116.345)

Existing law provides that certain common-interest communities are prohibited from regulating motor vehicles on thoroughfares accepted by the

State or local governments for public use. (NRS 116.350) Section 9.8 of this bill permits an association to restrict parking on such thoroughfares if the parking prohibition was a condition for approval of the subdivision's final map or included in the terms of a zoning ordinance, permit or approval. (NRS 116.350) Section 9.8 also adds inoperable vehicles to the types of vehicles for which an association may restrict parking or storage in a common-interest community. (NRS 116.350) Finally, section 9.8 prohibits a common-interest community from restricting the parking of certain utility service vehicles, law enforcement vehicles and emergency services vehicles.

Section 13 of this bill provides for the issuance of temporary certificates for community managers for a period of 1 year under certain circumstances. (NRS 116A.410)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A member of an executive board who stands to gain any personal profit or compensation of any kind from a matter before the executive board shall:

(a) Disclose the matter to the executive board; and

(b) Abstain from voting on any such matter.

2. For the purposes of this section, an employee of a declarant or an affiliate of a declarant who is a member of the executive board shall not, solely by reason of such employment or affiliation, be deemed to gain any personal profit or compensation.

Sec. 1.2. NRS 116.021 is hereby amended to read as follows:

116.021 ***1.*** "Common-interest community" means real estate with respect to which a person, by virtue of his ownership of a unit, is obligated to pay for real estate other than that unit. ~~["Ownership]~~

2. As used in this section, "ownership of a unit" does not include holding a leasehold interest of less than 20 years in a unit, including options to renew.

3. For the purposes of determining whether real estate is a "common-interest community" pursuant to this section, the fact that the real estate is subject to covenants, conditions or restrictions is not relevant or determinative.

Sec. 1.3. (Deleted by amendment.)

Sec. 1.7. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 2.5. NRS 116.3102 is hereby amended to read as follows:

116.3102 1. Except as otherwise provided in ~~[subsection 2,]~~ ***this section,*** and subject to the provisions of the declaration, the association may do any or all of the following:

(a) Adopt and amend bylaws, rules and regulations.

(b) Adopt and amend budgets for revenues, expenditures and reserves and collect assessments for common expenses from the units' owners.

(c) Hire and discharge managing agents and other employees, agents and independent contractors.

(d) Institute, defend or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more units' owners on matters affecting the common-interest community.

(e) Make contracts and incur liabilities.

(f) Regulate the use, maintenance, repair, replacement and modification of common elements.

(g) Cause additional improvements to be made as a part of the common elements.

(h) Acquire, hold, encumber and convey in its own name any right, title or interest to real estate or personal property, but:

(1) Common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to NRS 116.3112; and

(2) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to NRS 116.3112.

(i) Grant easements, leases, licenses and concessions through or over the common elements.

(j) Impose and receive any payments, fees or charges for the use, rental or operation of the common elements, other than limited common elements described in subsections 2 and 4 of NRS 116.2102, and for services provided to the units' owners.

(k) Impose charges for late payment of assessments.

(l) Impose construction penalties when authorized pursuant to NRS 116.310305.

(m) Impose reasonable fines for violations of the governing documents of the association only if the association complies with the requirements set forth in NRS 116.31031.

(n) Impose reasonable charges for the preparation and recordation of any amendments to the declaration or any statements of unpaid assessments, and impose reasonable fees, not to exceed the amounts authorized by NRS 116.4109, for preparing and furnishing the documents and certificate required by that section.

(o) Provide for the indemnification of its officers and executive board and maintain directors' and officers' liability insurance.

(p) Assign its right to future income, including the right to receive assessments for common expenses, but only to the extent the declaration expressly so provides.

(q) Exercise any other powers conferred by the declaration or bylaws.

(r) Exercise all other powers that may be exercised in this State by legal entities of the same type as the association.

(s) Direct the removal of vehicles improperly parked on property owned or leased by the association, as authorized pursuant to NRS 487.038, or improperly parked on any road, street, alley or other thoroughfare within the common-interest community in violation of the governing documents. In addition to complying with the requirements of NRS 487.038 and any requirements in the governing documents, if a vehicle is improperly parked as described in this paragraph, the association must post written notice in a conspicuous place on the vehicle or provide oral or written notice to the owner or operator of the vehicle at least 48 hours before the association may direct the removal of the vehicle, unless the vehicle:

(1) Is blocking a fire hydrant, fire lane or parking space designated for the handicapped; or

(2) Poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community.

(t) Exercise any other powers necessary and proper for the governance and operation of the association.

2. The declaration may not impose limitations on the power of the association to deal with the declarant which are more restrictive than the limitations imposed on the power of the association to deal with other persons.

3. Notwithstanding any provision of this chapter or the governing documents to the contrary, an association may not impose any assessment pursuant to this chapter or the governing documents on the owner of any property in the common-interest community that is exempt from taxation pursuant to NRS 361.125.

Sec. 3. NRS 116.31034 is hereby amended to read as follows:

116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members, at least a majority of whom must be units' owners. Unless the governing documents provide otherwise, the remaining members of the executive board do not have to be units' owners. The executive board shall elect the officers of the association. The members of the executive board and the officers of the association shall take office upon election.

2. The term of office of a member of the executive board may not exceed ~~[2]~~ ***3*** years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

(a) Members of the executive board who are appointed by the declarant; and

(b) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of his eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.

5. Each person whose name is placed on the ballot as a candidate for a member of the executive board must:

(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

(b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate has any unpaid and past due assessments or construction penalties that are required to be paid to the association.

➥ The candidate must make all disclosures required pursuant to this subsection in writing to the association with his candidacy information. The association shall distribute the disclosures to each member of the association with the ballot in the manner established in the bylaws of the association.

6. Unless a person is appointed by the declarant:

(a) A person may not be a member of the executive board or an officer of the association if the person, his spouse or his parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

(b) A person may not be a member of the executive board of a master association or an officer of that master association if the person, his spouse or his parent or child, by blood, marriage or adoption, performs the duties of a community manager for:

(1) That master association; or

(2) Any association that is subject to the governing documents of that master association.

7. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, he shall file proof in the records of the association that:

(a) He is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

8. The election of any member of the executive board must be conducted by secret written ballot unless the declaration of the association provides that voting rights may be exercised by delegates or representatives as set forth in NRS 116.31105. If the election of any member of the executive board is conducted by secret written ballot:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.

(e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for a member of the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

9. Each member of the executive board shall, within 90 days after his appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that he has read and understands the governing documents of the association and the provisions of this chapter to the best of his ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 6.3. (Deleted by amendment.)

Sec. 6.5. NRS 116.31144 is hereby amended to read as follows:

116.31144 1. Except as otherwise provided in ~~[subsection 2,]~~ ***this section,*** the executive board shall:

(a) If the annual budget of the association is less than $75,000, cause the financial statement of the association to be audited by an independent certified public accountant at least once every 4 fiscal years.

(b) If the annual budget of the association is $75,000 or more but less than $150,000, cause the financial statement of the association to be:

(1) Audited by an independent certified public accountant at least once every 4 fiscal years; and

(2) Reviewed by an independent certified public accountant every fiscal year for which an audit is not conducted.

(c) If the annual budget of the association is $150,000 or more, cause the financial statement of the association to be audited by an independent certified public accountant every fiscal year.

2. For any fiscal year for which an audit of the financial statement of the association will not be conducted pursuant to subsection 1, the executive board shall cause the financial statement for that fiscal year to be audited by an independent certified public accountant if, within 180 days before the end of the fiscal year, 15 percent of the total number of voting members of the association submit a written request for such an audit.

3. The Commission shall adopt regulations prescribing the requirements for the auditing or reviewing of ***the*** financial statements of an association pursuant to this section. Such regulations must include, without limitation:

(a) The qualifications necessary for a person to audit or review financial statements of an association; ~~[and]~~

(b) The standards and format to be followed in auditing or reviewing financial statements of an association ~~[.]~~ ***;***

(c) The requirement that an audit or review of the financial statements of an association be completed within 180 days after the end of the fiscal year; and

(d) The ability of the Commission to grant an exemption to the requirement of an audit or review of the financial statements of an association with an annual budget that is less than $75,000. To receive an exemption pursuant to this paragraph, an association must submit a request to the Commission which includes a written statement of the reasons for requesting the exemption. If the Commission grants the exemption, the Commission shall notify the association within 30 days after receipt of the request for exemption.

Sec. 6.7. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 7.5. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 116.31175 is hereby amended to read as follows:

116.31175 1. Except as otherwise provided in this subsection, the executive board of an association shall, upon the written request of a unit's owner, make available the books, records and other papers of the association for review during the regular working hours of the association, including,

without limitation, all contracts to which the association is a party and all records filed with a court relating to a civil or criminal action to which the association is a party. The provisions of this subsection do not apply to:

(a) The personnel records of the employees of the association, except for those records relating to the number of hours worked and the salaries and benefits of those employees;

(b) The records of the association relating to another unit's owner, except for those records described in subsection 2; and

(c) A contract between the association and an attorney.

2. The executive board of an association shall maintain a general record concerning each violation of the governing documents, other than a violation involving a failure to pay an assessment, for which the executive board has imposed a fine, a construction penalty or any other sanction. The general record:

(a) Must contain a general description of the nature of the violation and the type of the sanction imposed. If the sanction imposed was a fine or construction penalty, the general record must specify the amount of the fine or construction penalty.

(b) Must not contain the name or address of the person against whom the sanction was imposed or any other personal information which may be used to identify the person or the location of the unit, if any, that is associated with the violation.

(c) Must be maintained in an organized and convenient filing system or data system that allows a unit's owner to search and review the general records concerning violations of the governing documents.

3. If the executive board refuses to allow a unit's owner to review the books, records or other papers of the association, the Ombudsman may:

(a) On behalf of the unit's owner and upon written request, review the books, records or other papers of the association during the regular working hours of the association; and

(b) If he is denied access to the books, records or other papers, request the Commission, or any member thereof acting on behalf of the Commission, to issue a subpoena for their production.

4. The books, records and other papers of an association must be maintained for at least 10 years. The provisions of this subsection do not apply to:

(a) The minutes of a meeting of the units' owners which must be maintained in accordance with NRS 116.3108; or

(b) The minutes of a meeting of the executive board which must be maintained in accordance with NRS 116.31083.

5. The executive board shall not require a unit's owner to pay an amount in excess of $10 per hour to review any books, records, contracts or other papers of the association pursuant to the provisions of this section.

6. If an official publication contains or will contain any mention of a candidate or ballot question, the official publication must, upon request

and without charge, provide equal space in the same issue to the candidate or a representative of an organization which supports the passage or defeat of the ballot question.

7. Except as otherwise provided in this subsection, if an official publication contains or will contain the views or opinions of the association, the executive board, a community manager or an officer, employee or agent of an association concerning an issue of official interest, the official publication must, upon request and without charge, provide equal space to opposing views and opinions of a unit's owner, tenant or resident of the common-interest community.

8. As used in this section:

(a) "Issue of official interest" includes, without limitation:

(1) Any issue on which the executive board or the units' owners will be voting, including, without limitation, the election of members of the executive board; and

(2) The enactment or adoption of rules or regulations that will affect a common-interest community.

(b) "Official publication" means:

(1) An official website;

(2) An official newsletter or other similar publication that is circulated to each unit's owner; or

(3) An official bulletin board that is available to each unit's owner,

➥ which is published or maintained at the cost of an association and by an association, an executive board, a member of an executive board, a community manager or an officer, employee or agent of an association.

Sec. 9.5. NRS 116.31187 is hereby amended to read as follows:

116.31187 1. Except as otherwise provided in this section, a member of an executive board or an officer of an association shall not:

(a) On or after October 1, 2003, enter into a contract or renew a contract with the association to provide ***financing,*** goods or services to the association; or

(b) Otherwise accept any commission, personal profit or compensation of any kind from the association for providing ***financing,*** goods or services to the association.

2. The provisions of this section do not prohibit a declarant, an affiliate of a declarant or an officer, employee or agent of a declarant or an affiliate of a declarant from:

(a) Receiving any commission, personal profit or compensation from the association, the declarant or an affiliate of the declarant for any ***financing,*** goods or services furnished to the association;

(b) Entering into contracts with the association, the declarant or affiliate of the declarant; or

(c) Serving as a member of the executive board or as an officer of the association.

Sec. 9.6. NRS 116.345 is hereby amended to read as follows:

116.345 1. An association of a planned community may not restrict, prohibit or otherwise impede the lawful residential use of any property that is within or encompassed by the boundaries of the planned community and that is not designated as part of the planned community.

2. Except as otherwise provided in this subsection, an association may not restrict the access of a person to any of his property. An association may restrict access to and from a unit within a planned community if the right to restrict such access was included in the declaration or in a separate recorded instrument at the time that the owner of the unit acquired title to the unit. The provisions of this subsection do not prohibit an association from charging the owner of the property a reasonable and nondiscriminatory fee to operate or maintain a gate or other similar device designed to control access to the planned community that would otherwise impede ingress or egress to the property.

3. An association may not expand, construct or situate a building or structure that is not part of any plat or plan of the planned community if the expansion, construction or situation of the building or structure was not previously disclosed to the units' owners of the planned community unless the association obtains the written consent of a majority of the units' owners and residents of the planned community who own property or reside within 500 feet of the proposed location of the building or structure.

4. ***An association may not interrupt any utility service furnished to a unit's owner or a tenant of a unit's owner except for the nonpayment of utility charges when due. The interruption of any utility service pursuant to this subsection must be performed in a manner which is consistent with all laws, regulations and governing documents relating to the interruption of any utility service. An association must in every case send a written notice of its intent to interrupt any utility service to the unit's owner or the tenant of the unit's owner at least 10 days before the association interrupts any utility service.***

5. The provisions of this section do not abrogate any easement, restrictive covenant, decision of a court, agreement of a party or any contract, governing document or declaration of covenants, conditions and restrictions, or any other decision, rule or regulation that a local governing body or other entity that makes decisions concerning land use or planning is authorized to make or enact that exists before October 1, 1999, including, without limitation, a zoning ordinance, permit or approval process or any other requirement of a local government or other entity that makes decisions concerning land use or planning.

Sec. 9.8. NRS 116.350 is hereby amended to read as follows:

116.350 1. In a common-interest community which is not gated or enclosed and the access to which is not restricted or controlled by a person or device, the executive board shall not and the governing documents must not provide for the regulation of any road, street, alley or other thoroughfare the

right-of-way of which is accepted by the State or a local government for dedication as a road, street, alley or other thoroughfare for public use.

2. ~~[The]~~ ***Except as otherwise provided in subsection 3, the*** provisions of subsection 1 do not preclude an association from adopting, and do not preclude the governing documents of an association from setting forth, rules that reasonably restrict ~~[the]~~ ***:***

(a) Parking on any road, street, alley or other thoroughfare the right-of-way of which is accepted by the State or a local government for dedication as a road, street, alley or other thoroughfare for public use if the requirement that no parking be allowed is included in the terms of any applicable zoning ordinance, permit or approval or as a condition for approval of any final subdivision map; or

(b) The parking or storage of ***inoperable vehicles,*** recreational vehicles, watercraft, trailers or commercial vehicles in the common-interest community to the extent authorized by law.

3. In a common-interest community, the executive board shall not and the governing documents must not prohibit a person from:

(a) Parking a utility service vehicle that has a gross vehicle weight rating of 20,000 pounds or less on a driveway, road, street, alley or other thoroughfare:

(1) While the person is engaged in any activity relating to the delivery of public utility services to subscribers or consumers; or

(2) If the person is:

(I) A unit's owner;

(II) Parking the vehicle within 50 yards of his unit; and

(III) Bringing the vehicle to his unit pursuant to his employment with the entity which owns the vehicle for the purpose of responding to requests for public utility services; or

(b) Parking a law enforcement vehicle or emergency services vehicle on a driveway, road, street, alley or other thoroughfare:

(1) While the person is engaged in his official duties; or

(2) If the person is:

(I) A unit's owner;

(II) Parking the vehicle within 50 yards of his unit; and

(III) Bringing the vehicle to his unit pursuant to his employment with the entity which owns the vehicle for the purpose of responding to requests for law enforcement services or emergency services.

4. As used in this section:

(a) "Commercial motor vehicle" has the meaning ascribed to it in 49 C.F.R. § 350.105.

(b) "Emergency services vehicle" means a vehicle:

(1) Owned by any governmental agency or political subdivision of this State; and

(2) Identified by the entity which owns the vehicle as a vehicle used to provide emergency services.

(c) "Law enforcement vehicle" means a vehicle:

(1) Owned by any governmental agency or political subdivision of this State; and

(2) Identified by the entity which owns the vehicle as a vehicle used to provide law enforcement services.

(d) "Utility service vehicle" means any commercial motor vehicle:

(1) Used in the furtherance of repairing, maintaining or operating any structure or any other physical facility necessary for the delivery of public utility services, including, without limitation, the furnishing of electricity, gas, water, sanitary sewer, telephone, cable or community antenna service.

(2) Except for any emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the commercial motor vehicle is owned, leased or rented by the utility.

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. **NRS 116A.410 is hereby amended to read as follows:**

116A.410 1. The Commission shall by regulation provide for the issuance by the Division of certificates. The regulations:

(a) Must establish the qualifications for the issuance of such a certificate, including, without limitation, the education and experience required to obtain such a certificate. ***The regulations must include, without limitation, provisions that:***

(1) Provide for the issuance of a temporary certificate for a 1-year period to a person who:

(I) Holds a professional designation in the field of management of a common-interest community from a nationally recognized organization;

(II) Provides evidence that the person has been engaged in the management of a common-interest community for at least 5 years; and

(III) Has not been the subject of any disciplinary action in another state in connection with the management of a common-interest community.

(2) Except as otherwise provided in subparagraph (3), provide for the issuance of a temporary certificate for a 1-year period to a person who:

(I) Receives an offer of employment as a community manager from an association; and

(II) Has management experience determined to be sufficient by the executive board of the association making the offer in sub-subparagraph (I). The executive board must have sole discretion to make the determination required in this sub-subparagraph.

(3) Require a temporary certificate described in subparagraph (2) to expire before the end of the 1-year period if the certificate holder ceases to be employed by the association which offered him employment as described in subparagraph (2).

(4) Require a person who is issued a temporary certificate as described in subparagraph (1) or (2) to successfully complete not less than 18 hours of instruction relating to the Uniform Common-Interest Ownership Act within the 1-year period.

(5) Provide for the issuance of a certificate at the conclusion of the 1-year period if the person:

(I) Has successfully completed not less than 18 hours of instruction relating to the Uniform Common-Interest Ownership Act; and

(II) Has not been the subject of any disciplinary action pursuant to this chapter, chapter 116 of NRS or any regulations adopted pursuant thereto.

(6) Provide that a temporary certificate described in subparagraph (1) or (2), and a certificate described in subparagraph (5):

(I) Must authorize the person who is issued a temporary certificate described in subparagraph (1) or (2) or certificate described in subparagraph (5) to act in all respects as a community manager and exercise all powers available to any other community manager without regard to experience; and

(II) Must not be treated as a limited, restricted or provisional form of a certificate.

(b) May require applicants to pass an examination in order to obtain a certificate ~~.~~ ***other than a temporary certificate described in paragraph (a).*** If the regulations require such an examination, the Commission shall by regulation establish fees to pay the costs of the examination, including any costs which are necessary for the administration of the examination.

(c) May require an investigation of an applicant's background. If the regulations require such an investigation, the Commission shall by regulation establish fees to pay the costs of the investigation.

(d) Must establish the grounds for initiating disciplinary action against a person to whom a certificate has been issued, including, without limitation, the grounds for placing conditions, limitations or restrictions on a certificate and for the suspension or revocation of a certificate.

(e) Must establish rules of practice and procedure for conducting disciplinary hearings.

2. The Division may collect a fee for the issuance of a certificate in an amount not to exceed the administrative costs of issuing the certificate.

3. As used in this subsection, "management experience" means experience in a position in business or government, including, without limitation, in the military:

(a) In which the person holding the position was required, as part of holding the position, to engage in one or more management activities, including, without limitation, supervision of personnel, development of budgets or financial plans, protection of assets, logistics, management of human resources, development or training of personnel, public relations, or protection or maintenance of facilities; and

(b) Without regard to whether the person holding the position has any experience managing or otherwise working for an association.

~~[Sec. 13.]~~ ***Sec. 14.*** The amendatory provisions of section 2.5 of this act apply to all owners of property in a common-interest community that is exempt from taxation pursuant to NRS 361.125 who are not obligated to pay assessments as of January 1, 2007.

Assemblyman Anderson moved that the Assembly do not concur in the Senate Amendment No. 978 to Assembly Bill No. 396.

Remarks by Assemblyman Anderson.

Motion carried.

The following Senate amendment was read:

Amendment No. 1002.

AN ACT relating to common-interest communities; requiring a member of an executive board who stands to profit personally from a matter before the board to disclose and abstain from voting on the matter; prohibiting an association in a common-interest community from imposing an assessment against the owners of certain tax-exempt property; providing that official publications related to issues of official interest must provide equal space for opposing views and opinions; revising the provisions governing the regulation of certain streets in certain common-interest communities; making various other changes to the provisions governing common-interest communities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section ~~[1.]~~ **1.1** of this bill provides additional ethical requirements for members of an executive board by requiring a member who stands to gain any personal profit or compensation from a matter before the executive board to disclose the matter to the executive board and to abstain from voting on the matter. (NRS 116.31185, 116.31187)

Section 1.15 of this bill: (1) states that the provisions of chapter 116 of NRS do not invalidate or modify the tariffs, rules and standards of a public utility; and (2) provides that the governing documents of an association must be consistent and not conflict with the tariffs, rules and standards of a public utility.

Section 2.5 of this bill prohibits an association from imposing an assessment against the owner of any property in the common-interest community that is exempt from taxation pursuant to NRS 361.125. Section 13 of this bill provides that this prohibition applies to such owners who are not obligated to pay assessments as of January 1, 2007.

Section 3 of this bill amends existing law to increase the maximum term of office for a member of an executive board from 2 years to 3 years. (NRS 116.31034)

Section 6.5 of this bill revises existing provisions relating to financial statements by allowing the Commission on Common-Interest Communities to waive the qualification requirements of auditors for certain associations. (NRS 116.31144)

Section 9 of this bill provides that if an official publication contains the views or opinions of the association concerning an issue of official interest, the official publication must, upon request, provide equal space and equivalent exposure to opposing views and opinions. In addition, section 9 provides that if an official publication contains any mention of a candidate or ballot question, the official publication must provide equal space in the same issue to the candidate or a representative of an organization which advocates the passage or defeat of the ballot question.

Section 9.5 of this bill revises existing law by including financing as a prohibited activity for members of the executive board and officers. (NRS 116.31187)

Section 9.6 of this bill provides additional rights to units' owners by mandating notice before an association may interrupt utility service to a unit's owner. (NRS 116.345)

Existing law provides that certain common-interest communities are prohibited from regulating motor vehicles on thoroughfares accepted by the State or local governments for public use. (NRS 116.350) Section 9.8 of this bill permits an association to restrict parking on such thoroughfares if the parking prohibition was a condition for approval of the subdivision's final map or included in the terms of a zoning ordinance, permit or approval. (NRS 116.350) Section 9.8 also adds inoperable vehicles to the types of vehicles for which an association may restrict parking or storage in a common-interest community. (NRS 116.350) Finally, section 9.8 prohibits a common-interest community from restricting the parking of certain utility service vehicles, law enforcement vehicles and emergency services vehicles.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 116 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.1 and 1.15 of this act.**

Sec. 1.1. 1. A member of an executive board who stands to gain any personal profit or compensation of any kind from a matter before the executive board shall:

(a) Disclose the matter to the executive board; and

(b) Abstain from voting on any such matter.

2. For the purposes of this section, an employee of a declarant or an affiliate of a declarant who is a member of the executive board shall not, solely by reason of such employment or affiliation, be deemed to gain any personal profit or compensation.

Sec. 1.15. 1. The provisions of this chapter do not invalidate or modify the tariffs, rules and standards of a public utility.

2. The governing documents of an association must be consistent and not conflict with the tariffs, rules and standards of a public utility. Any provision of the governing documents which conflicts with the tariffs, rules

and standards of a public utility is void and may not be enforced against a purchaser.

3. As used in this section, "public utility" has the meaning ascribed to it in NRS 704.020.

Sec. 1.2. NRS 116.021 is hereby amended to read as follows:

116.021 ***1.*** "Common-interest community" means real estate with respect to which a person, by virtue of his ownership of a unit, is obligated to pay for real estate other than that unit. ~~["Ownership]~~

2. As used in this section, "ownership of a unit" does not include holding a leasehold interest of less than 20 years in a unit, including options to renew.

3. For the purposes of determining whether real estate is a "common-interest community" pursuant to this section, the fact that the real estate is subject to covenants, conditions or restrictions is not relevant or determinative.

Sec. 1.3. (Deleted by amendment.)

Sec. 1.7. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 2.5. NRS 116.3102 is hereby amended to read as follows:

116.3102 1. Except as otherwise provided in ~~[subsection 2,]~~ ***this section,*** and subject to the provisions of the declaration, the association may do any or all of the following:

(a) Adopt and amend bylaws, rules and regulations.

(b) Adopt and amend budgets for revenues, expenditures and reserves and collect assessments for common expenses from the units' owners.

(c) Hire and discharge managing agents and other employees, agents and independent contractors.

(d) Institute, defend or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more units' owners on matters affecting the common-interest community.

(e) Make contracts and incur liabilities.

(f) Regulate the use, maintenance, repair, replacement and modification of common elements.

(g) Cause additional improvements to be made as a part of the common elements.

(h) Acquire, hold, encumber and convey in its own name any right, title or interest to real estate or personal property, but:

(1) Common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to NRS 116.3112; and

(2) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to NRS 116.3112.

(i) Grant easements, leases, licenses and concessions through or over the common elements.

(j) Impose and receive any payments, fees or charges for the use, rental or operation of the common elements, other than limited common elements described in subsections 2 and 4 of NRS 116.2102, and for services provided to the units' owners.

(k) Impose charges for late payment of assessments.

(l) Impose construction penalties when authorized pursuant to NRS 116.310305.

(m) Impose reasonable fines for violations of the governing documents of the association only if the association complies with the requirements set forth in NRS 116.31031.

(n) Impose reasonable charges for the preparation and recordation of any amendments to the declaration or any statements of unpaid assessments, and impose reasonable fees, not to exceed the amounts authorized by NRS 116.4109, for preparing and furnishing the documents and certificate required by that section.

(o) Provide for the indemnification of its officers and executive board and maintain directors' and officers' liability insurance.

(p) Assign its right to future income, including the right to receive assessments for common expenses, but only to the extent the declaration expressly so provides.

(q) Exercise any other powers conferred by the declaration or bylaws.

(r) Exercise all other powers that may be exercised in this State by legal entities of the same type as the association.

(s) Direct the removal of vehicles improperly parked on property owned or leased by the association, as authorized pursuant to NRS 487.038, or improperly parked on any road, street, alley or other thoroughfare within the common-interest community in violation of the governing documents. In addition to complying with the requirements of NRS 487.038 and any requirements in the governing documents, if a vehicle is improperly parked as described in this paragraph, the association must post written notice in a conspicuous place on the vehicle or provide oral or written notice to the owner or operator of the vehicle at least 48 hours before the association may direct the removal of the vehicle, unless the vehicle:

(1) Is blocking a fire hydrant, fire lane or parking space designated for the handicapped; or

(2) Poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community.

(t) Exercise any other powers necessary and proper for the governance and operation of the association.

2. The declaration may not impose limitations on the power of the association to deal with the declarant which are more restrictive than the limitations imposed on the power of the association to deal with other persons.

3. Notwithstanding any provision of this chapter or the governing documents to the contrary, an association may not impose any assessment pursuant to this chapter or the governing documents on the owner of any property in the common-interest community that is exempt from taxation pursuant to NRS 361.125.

Sec. 3. NRS 116.31034 is hereby amended to read as follows:

116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members, at least a majority of whom must be units' owners. Unless the governing documents provide otherwise, the remaining members of the executive board do not have to be units' owners. The executive board shall elect the officers of the association. The members of the executive board and the officers of the association shall take office upon election.

2. The term of office of a member of the executive board may not exceed ~~[2]~~ ***3*** years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

(a) Members of the executive board who are appointed by the declarant; and

(b) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of his eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.

5. Each person whose name is placed on the ballot as a candidate for a member of the executive board must:

(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

(b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate has any unpaid and past due assessments or construction penalties that are required to be paid to the association.

➥ The candidate must make all disclosures required pursuant to this subsection in writing to the association with his candidacy information. The association shall distribute the disclosures to each member of the association with the ballot in the manner established in the bylaws of the association.

6. Unless a person is appointed by the declarant:

(a) A person may not be a member of the executive board or an officer of the association if the person, his spouse or his parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

(b) A person may not be a member of the executive board of a master association or an officer of that master association if the person, his spouse or his parent or child, by blood, marriage or adoption, performs the duties of a community manager for:

(1) That master association; or

(2) Any association that is subject to the governing documents of that master association.

7. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, he shall file proof in the records of the association that:

(a) He is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

8. The election of any member of the executive board must be conducted by secret written ballot unless the declaration of the association provides that voting rights may be exercised by delegates or representatives as set forth in NRS 116.31105. If the election of any member of the executive board is conducted by secret written ballot:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.

(e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for a member of the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

9. Each member of the executive board shall, within 90 days after his appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that he has read and understands the governing documents of the association and the provisions of this chapter to the best of his ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 6.3. (Deleted by amendment.)

Sec. 6.5. NRS 116.31144 is hereby amended to read as follows:

116.31144 1. Except as otherwise provided in ~~[subsection 2,]~~ ***this section,*** the executive board shall:

(a) If the annual budget of the association is less than $75,000, cause the financial statement of the association to be audited by an independent certified public accountant at least once every 4 fiscal years.

(b) If the annual budget of the association is $75,000 or more but less than $150,000, cause the financial statement of the association to be:

(1) Audited by an independent certified public accountant at least once every 4 fiscal years; and

(2) Reviewed by an independent certified public accountant every fiscal year for which an audit is not conducted.

(c) If the annual budget of the association is $150,000 or more, cause the financial statement of the association to be audited by an independent certified public accountant every fiscal year.

2. For any fiscal year for which an audit of the financial statement of the association will not be conducted pursuant to subsection 1, the executive board shall cause the financial statement for that fiscal year to be audited by an independent certified public accountant if, within 180 days before the end of the fiscal year, 15 percent of the total number of voting members of the association submit a written request for such an audit.

3. The Commission shall adopt regulations prescribing the requirements for the auditing or reviewing of ***the*** financial statements of an association pursuant to this section. Such regulations must include, without limitation:

(a) The qualifications necessary for a person to audit or review financial statements of an association; ~~[and]~~

(b) The standards and format to be followed in auditing or reviewing financial statements of an association ~~[.]~~ ***;***

(c) The requirement that an audit or review of the financial statements of an association be completed within 180 days after the end of the fiscal year; and

(d) The ability of the Commission to grant an exemption to the requirement of an audit or review of the financial statements of an association with an annual budget that is less than $75,000. To receive an exemption pursuant to this paragraph, an association must submit a request to the Commission which includes a written statement of the reasons for requesting the exemption. If the Commission grants the exemption, the Commission shall notify the association within 30 days after receipt of the request for exemption.

Sec. 6.7. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 7.5. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 116.31175 is hereby amended to read as follows:

116.31175 1. Except as otherwise provided in this subsection, the executive board of an association shall, upon the written request of a unit's owner, make available the books, records and other papers of the association for review during the regular working hours of the association, including, without limitation, all contracts to which the association is a party and all records filed with a court relating to a civil or criminal action to which the association is a party. The provisions of this subsection do not apply to:

(a) The personnel records of the employees of the association, except for those records relating to the number of hours worked and the salaries and benefits of those employees;

(b) The records of the association relating to another unit's owner, except for those records described in subsection 2; and

(c) A contract between the association and an attorney.

2. The executive board of an association shall maintain a general record concerning each violation of the governing documents, other than a violation involving a failure to pay an assessment, for which the executive board has imposed a fine, a construction penalty or any other sanction. The general record:

(a) Must contain a general description of the nature of the violation and the type of the sanction imposed. If the sanction imposed was a fine or construction penalty, the general record must specify the amount of the fine or construction penalty.

(b) Must not contain the name or address of the person against whom the sanction was imposed or any other personal information which may be used

to identify the person or the location of the unit, if any, that is associated with the violation.

(c) Must be maintained in an organized and convenient filing system or data system that allows a unit's owner to search and review the general records concerning violations of the governing documents.

3. If the executive board refuses to allow a unit's owner to review the books, records or other papers of the association, the Ombudsman may:

(a) On behalf of the unit's owner and upon written request, review the books, records or other papers of the association during the regular working hours of the association; and

(b) If he is denied access to the books, records or other papers, request the Commission, or any member thereof acting on behalf of the Commission, to issue a subpoena for their production.

4. The books, records and other papers of an association must be maintained for at least 10 years. The provisions of this subsection do not apply to:

(a) The minutes of a meeting of the units' owners which must be maintained in accordance with NRS 116.3108; or

(b) The minutes of a meeting of the executive board which must be maintained in accordance with NRS 116.31083.

5. The executive board shall not require a unit's owner to pay an amount in excess of $10 per hour to review any books, records, contracts or other papers of the association pursuant to the provisions of this section.

6. If an official publication contains or will contain any mention of a candidate or ballot question, the official publication must, upon request and without charge, provide equal space in the same issue to the candidate or a representative of an organization which supports the passage or defeat of the ballot question.

7. Except as otherwise provided in this subsection, if an official publication contains or will contain the views or opinions of the association, the executive board, a community manager or an officer, employee or agent of an association concerning an issue of official interest, the official publication must, upon request and without charge, provide equal space to opposing views and opinions of a unit's owner, tenant or resident of the common-interest community.

8. As used in this section:

(a) "Issue of official interest" includes, without limitation:

(1) Any issue on which the executive board or the units' owners will be voting, including, without limitation, the election of members of the executive board; and

(2) The enactment or adoption of rules or regulations that will affect a common-interest community.

(b) "Official publication" means:

(1) An official website;

(2) An official newsletter or other similar publication that is circulated to each unit's owner; or

(3) An official bulletin board that is available to each unit's owner,
➥ which is published or maintained at the cost of an association and by an association, an executive board, a member of an executive board, a community manager or an officer, employee or agent of an association.

Sec. 9.5. NRS 116.31187 is hereby amended to read as follows:

116.31187 1. Except as otherwise provided in this section, a member of an executive board or an officer of an association shall not:

(a) On or after October 1, 2003, enter into a contract or renew a contract with the association to provide ***financing,*** goods or services to the association; or

(b) Otherwise accept any commission, personal profit or compensation of any kind from the association for providing ***financing,*** goods or services to the association.

2. The provisions of this section do not prohibit a declarant, an affiliate of a declarant or an officer, employee or agent of a declarant or an affiliate of a declarant from:

(a) Receiving any commission, personal profit or compensation from the association, the declarant or an affiliate of the declarant for any ***financing,*** goods or services furnished to the association;

(b) Entering into contracts with the association, the declarant or affiliate of the declarant; or

(c) Serving as a member of the executive board or as an officer of the association.

Sec. 9.6. NRS 116.345 is hereby amended to read as follows:

116.345 1. An association of a planned community may not restrict, prohibit or otherwise impede the lawful residential use of any property that is within or encompassed by the boundaries of the planned community and that is not designated as part of the planned community.

2. Except as otherwise provided in this subsection, an association may not restrict the access of a person to any of his property. An association may restrict access to and from a unit within a planned community if the right to restrict such access was included in the declaration or in a separate recorded instrument at the time that the owner of the unit acquired title to the unit. The provisions of this subsection do not prohibit an association from charging the owner of the property a reasonable and nondiscriminatory fee to operate or maintain a gate or other similar device designed to control access to the planned community that would otherwise impede ingress or egress to the property.

3. An association may not expand, construct or situate a building or structure that is not part of any plat or plan of the planned community if the expansion, construction or situation of the building or structure was not previously disclosed to the units' owners of the planned community unless the association obtains the written consent of a majority of the units' owners

and residents of the planned community who own property or reside within 500 feet of the proposed location of the building or structure.

4. ***An association may not interrupt any utility service furnished to a unit's owner or a tenant of a unit's owner except for the nonpayment of utility charges when due. The interruption of any utility service pursuant to this subsection must be performed in a manner which is consistent with all laws, regulations and governing documents relating to the interruption of any utility service. An association must in every case send a written notice of its intent to interrupt any utility service to the unit's owner or the tenant of the unit's owner at least 10 days before the association interrupts any utility service.***

5. The provisions of this section do not abrogate any easement, restrictive covenant, decision of a court, agreement of a party or any contract, governing document or declaration of covenants, conditions and restrictions, or any other decision, rule or regulation that a local governing body or other entity that makes decisions concerning land use or planning is authorized to make or enact that exists before October 1, 1999, including, without limitation, a zoning ordinance, permit or approval process or any other requirement of a local government or other entity that makes decisions concerning land use or planning.

Sec. 9.8. NRS 116.350 is hereby amended to read as follows:

116.350 1. In a common-interest community which is not gated or enclosed and the access to which is not restricted or controlled by a person or device, the executive board shall not and the governing documents must not provide for the regulation of any road, street, alley or other thoroughfare the right-of-way of which is accepted by the State or a local government for dedication as a road, street, alley or other thoroughfare for public use.

2. ~~[The]~~ ***Except as otherwise provided in subsection 3, the*** provisions of subsection 1 do not preclude an association from adopting, and do not preclude the governing documents of an association from setting forth, rules that reasonably restrict ~~[the]~~ ***:***

(a) Parking on any road, street, alley or other thoroughfare the right-of-way of which is accepted by the State or a local government for dedication as a road, street, alley or other thoroughfare for public use if the requirement that no parking be allowed is included in the terms of any applicable zoning ordinance, permit or approval or as a condition for approval of any final subdivision map; or

(b) The parking or storage of ***inoperable vehicles,*** recreational vehicles, watercraft, trailers or commercial vehicles in the common-interest community to the extent authorized by law.

3. In a common-interest community, the executive board shall not and the governing documents must not prohibit a person from:

(a) Parking a utility service vehicle that has a gross vehicle weight rating of 20,000 pounds or less on a driveway, road, street, alley or other thoroughfare:

(1) While the person is engaged in any activity relating to the delivery of public utility services to subscribers or consumers; or

(2) If the person is:

(I) A unit's owner;

(II) Parking the vehicle within 50 yards of his unit; and

(III) Bringing the vehicle to his unit pursuant to his employment with the entity which owns the vehicle for the purpose of responding to requests for public utility services; or

(b) Parking a law enforcement vehicle or emergency services vehicle on a driveway, road, street, alley or other thoroughfare:

(1) While the person is engaged in his official duties; or

(2) If the person is:

(I) A unit's owner;

(II) Parking the vehicle within 50 yards of his unit; and

(III) Bringing the vehicle to his unit pursuant to his employment with the entity which owns the vehicle for the purpose of responding to requests for law enforcement services or emergency services.

4. As used in this section:

(a) "Commercial motor vehicle" has the meaning ascribed to it in 49 C.F.R. § 350.105.

(b) "Emergency services vehicle" means a vehicle:

(1) Owned by any governmental agency or political subdivision of this State; and

(2) Identified by the entity which owns the vehicle as a vehicle used to provide emergency services.

(c) "Law enforcement vehicle" means a vehicle:

(1) Owned by any governmental agency or political subdivision of this State; and

(2) Identified by the entity which owns the vehicle as a vehicle used to provide law enforcement services.

(d) "Utility service vehicle" means any commercial motor vehicle:

(1) Used in the furtherance of repairing, maintaining or operating any structure or any other physical facility necessary for the delivery of public utility services, including, without limitation, the furnishing of electricity, gas, water, sanitary sewer, telephone, cable or community antenna service.

(2) Except for any emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the commercial motor vehicle is owned, leased or rented by the utility.

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. The amendatory provisions of section 2.5 of this act apply to all owners of property in a common-interest community that is exempt from

taxation pursuant to NRS 361.125 who are not obligated to pay assessments as of January 1, 2007.

Assemblyman Anderson moved that the Assembly do not concur in the Senate Amendment No. 1002 to Assembly Bill No. 396.

Remarks by Assemblyman Anderson.

Motion carried.

The following Senate amendment was read:

Amendment No. 1024.

AN ACT relating to common-interest communities; requiring a member of an executive board who stands to profit personally from a matter before the board to disclose and abstain from voting on the matter; prohibiting an association in a common-interest community from imposing an assessment against the owners of certain tax-exempt property; providing that official publications related to issues of official interest must provide equal space for opposing views and opinions; revising the provisions governing the regulation of certain streets in certain common-interest communities; making various other changes to the provisions governing common-interest communities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides additional ethical requirements for members of an executive board by requiring a member who stands to gain any personal profit or compensation from a matter before the executive board to disclose the matter to the executive board and to abstain from voting on the matter. (NRS 116.31185, 116.31187)

Section 2.5 of this bill prohibits an association from imposing an assessment against the owner of any property in the common-interest community that is exempt from taxation pursuant to NRS 361.125. Section 13 of this bill provides that this prohibition applies to such owners who are not obligated to pay assessments as of January 1, 2007.

Section 3 of this bill amends existing law to increase the maximum term of office for a member of an executive board from 2 years to 3 years. (NRS 116.31034)

Section 6.5 of this bill revises existing provisions relating to financial statements by allowing the Commission on Common-Interest Communities to waive the qualification requirements of auditors for certain associations. (NRS 116.31144)

Section ~~9~~ of this bill provides that if an official publication contains the views or opinions of the association concerning an issue of official interest, the official publication must, upon request, provide equal space and equivalent exposure to opposing views and opinions. In addition, section 9 provides that if an official publication contains any mention of a candidate or ballot question, the official publication must provide equal space in the same issue to the candidate or a representative of an organization which advocates the passage or defeat of the ballot question.

Section 9.5 of this bill revises existing law by including financing as a prohibited activity for members of the executive board and officers. (NRS 116.31187)

Section 9.6 of this bill provides additional rights to units' owners by mandating notice before an association may interrupt utility service to a unit's owner. (NRS 116.345)

Existing law provides that certain common-interest communities are prohibited from regulating motor vehicles on thoroughfares accepted by the State or local governments for public use. (NRS 116.350) Section 9.8 of this bill permits an association to restrict parking on such thoroughfares if the parking prohibition was a condition for approval of the subdivision's final map or included in the terms of a zoning ordinance, permit or approval. (NRS 116.350) Section 9.8 also adds inoperable vehicles to the types of vehicles for which an association may restrict parking or storage in a common-interest community. (NRS 116.350) Finally, section 9.8 prohibits a common-interest community from restricting the parking of certain utility service vehicles, law enforcement vehicles and emergency services vehicles.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 111.239 is hereby amended to read as follows:**

111.239 1. Any covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer, sale or any other interest in real property that prohibits or unreasonably restricts the owner of the property from using a system for obtaining solar or wind energy on his property is void and unenforceable.

2. ***The owner of the property has the burden of showing that a restriction or requirement on the use of such a system significantly decreases the efficiency or performance of the system.***

3. For the purposes of this section ~~[, "unreasonably]~~ ***:***

(a) "Significantly decreases the efficiency or performance of the system" means a decrease of 20 percent or more in the efficiency or performance of the system.

(b) "Unreasonably restricts the use of a system for obtain~~ing~~ solar or wind energy" means placing a restriction or requirement on the use of such a system which significantly decreases the efficiency or performance of the system and does not allow for the use of an alternative system at a comparable cost and with comparable efficiency and performance.

~~[Section 1.]~~ ***Sec. 2.*** Chapter 116 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 3, 4 and 5.**

Sec. 3. 1. A member of an executive board who stands to gain any personal profit or compensation of any kind from a matter before the executive board shall:

(a) Disclose the matter to the executive board; and

(b) Abstain from voting on any such matter.

2. For the purposes of this section, an employee of a declarant or an affiliate of a declarant who is a member of the executive board shall not, solely by reason of such employment or affiliation, be deemed to gain any personal profit or compensation.

Sec. 4. 1. The executive board of a common-interest community shall not, and the governing documents of a common-interest community must not, restrict, prohibit or otherwise impede the operation of a motorcycle if the motorcycle is operated on any road, street, alley or other surface intended for use by a motor vehicle.

2. The provisions of this section do not preclude the governing documents of a common-interest community from reasonably restricting the parking or storage of a motorcycle to the extent authorized by law.

3. As used in this section, "motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground which is required to be registered pursuant to chapter 482 of NRS.

Sec. 5. 1. A member of the executive board of a common-interest community, a community manager for the common-interest community and any other representative of the association shall not use a radar gun or other device designed to gauge the speed of a vehicle for the purpose of imposing any fine or other penalty upon or taking any other action against a unit's owner or other person.

2. The executive board of a common-interest community shall not impose any fine or other penalty upon or take any other action against a unit's owner or other person based on the results of any test conducted using a radar gun or other device designed to gauge the speed of a vehicle.

3. The governing documents of a common-interest community must not authorize the executive board or any other person to impose any fine or other penalty upon or take any other action against a unit's owner or other person based on the results of any test conducted using a radar gun or other device designed to gauge the speed of a vehicle.

~~[Sec. 1.2.]~~ ***Sec. 6.*** NRS 116.021 is hereby amended to read as follows:

116.021 ***1.*** "Common-interest community" means real estate with respect to which a person, by virtue of his ownership of a unit, is obligated to pay for real estate other than that unit. ~~["Ownership]~~

2. As used in this section, "ownership of a unit" does not include holding a leasehold interest of less than 20 years in a unit, including options to renew.

3. For the purposes of determining whether real estate is a "common-interest community" pursuant to this section, the fact that the real estate is subject to covenants, conditions or restrictions is not relevant or determinative.

~~[Sec. 1.3.]~~ ***Sec. 7.*** (Deleted by amendment.)

~~[Sec. 1.7.]~~ ***Sec. 8.*** (Deleted by amendment.)

~~[Sec. 2.]~~ ***Sec. 9.*** (Deleted by amendment.)

~~[Sec. 2.5]~~ ***Sec. 10.*** NRS 116.3102 is hereby amended to read as follows:

116.3102 1. Except as otherwise provided in ~~[subsection 2,]~~ ***this section,*** and subject to the provisions of the declaration, the association may do any or all of the following:

(a) Adopt and amend bylaws, rules and regulations.

(b) Adopt and amend budgets for revenues, expenditures and reserves and collect assessments for common expenses from the units' owners.

(c) Hire and discharge managing agents and other employees, agents and independent contractors.

(d) Institute, defend or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more units' owners on matters affecting the common-interest community.

(e) Make contracts and incur liabilities.

(f) Regulate the use, maintenance, repair, replacement and modification of common elements.

(g) Cause additional improvements to be made as a part of the common elements.

(h) Acquire, hold, encumber and convey in its own name any right, title or interest to real estate or personal property, but:

(1) Common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to NRS 116.3112; and

(2) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to NRS 116.3112.

(i) Grant easements, leases, licenses and concessions through or over the common elements.

(j) Impose and receive any payments, fees or charges for the use, rental or operation of the common elements, other than limited common elements described in subsections 2 and 4 of NRS 116.2102, and for services provided to the units' owners.

(k) Impose charges for late payment of assessments.

(l) Impose construction penalties when authorized pursuant to NRS 116.310305.

(m) Impose reasonable fines for violations of the governing documents of the association only if the association complies with the requirements set forth in NRS 116.31031.

(n) Impose reasonable charges for the preparation and recordation of any amendments to the declaration or any statements of unpaid assessments, and impose reasonable fees, not to exceed the amounts authorized by NRS 116.4109, for preparing and furnishing the documents and certificate required by that section.

(o) Provide for the indemnification of its officers and executive board and maintain directors' and officers' liability insurance.

(p) Assign its right to future income, including the right to receive assessments for common expenses, but only to the extent the declaration expressly so provides.

(q) Exercise any other powers conferred by the declaration or bylaws.

(r) Exercise all other powers that may be exercised in this State by legal entities of the same type as the association.

(s) Direct the removal of vehicles improperly parked on property owned or leased by the association, as authorized pursuant to NRS 487.038, or improperly parked on any road, street, alley or other thoroughfare within the common-interest community in violation of the governing documents. In addition to complying with the requirements of NRS 487.038 and any requirements in the governing documents, if a vehicle is improperly parked as described in this paragraph, the association must post written notice in a conspicuous place on the vehicle or provide oral or written notice to the owner or operator of the vehicle at least 48 hours before the association may direct the removal of the vehicle, unless the vehicle:

(1) Is blocking a fire hydrant, fire lane or parking space designated for the handicapped; or

(2) Poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community.

(t) Exercise any other powers necessary and proper for the governance and operation of the association.

2. The declaration may not impose limitations on the power of the association to deal with the declarant which are more restrictive than the limitations imposed on the power of the association to deal with other persons.

3. Notwithstanding any provision of this chapter or the governing documents to the contrary, an association may not impose any assessment pursuant to this chapter or the governing documents on the owner of any property in the common-interest community that is exempt from taxation pursuant to NRS 361.125.

Sec. 11. **NRS 116.31031 is hereby amended to read as follows:**

116.31031 1. Except as otherwise provided in this section, if a unit's owner or a tenant or guest of a unit's owner violates any provision of the governing documents of an association, the executive board may, if the governing documents so provide:

(a) Prohibit, for a reasonable time, the unit's owner or the tenant or guest of the unit's owner from:

(1) Voting on matters related to the common-interest community.

(2) Using the common elements. The provisions of this subparagraph do not prohibit the unit's owner or the tenant or guest of the unit's owner from using any vehicular or pedestrian ingress or egress to go to or from the unit, including any area used for parking.

(b) Impose a fine against the unit's owner or the tenant or guest of the unit's owner for each violation, except that a fine may not be imposed for a violation that is the subject of a construction penalty pursuant to NRS 116.310305. If the violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners**,** ~~[or]~~ residents ***or community manager*** of the common-interest community, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents. If the violation does not pose an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners**,** ~~[or]~~ residents ***or community manager*** of the common-interest community, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents, but the amount of the fine must not exceed $100 for each violation or a total amount of $1,000, whichever is less. The limitations on the amount of the fine do not apply to any interest, charges or costs that may be collected by the association pursuant to this section if the fine becomes past due.

2. The executive board may not impose a fine pursuant to subsection 1 unless:

(a) Not less than 30 days before the violation, the ***unit's owner and, if different, the*** person against whom the fine will be imposed had been provided with written notice of the applicable provisions of the governing documents that form the basis of the violation; and

(b) Within a reasonable time after the discovery of the violation, the ***unit's owner and, if different, the*** person against whom the fine will be imposed has been provided with:

(1) Written notice specifying the details of the violation, the amount of the fine, and the date, time and location for a hearing on the violation; and

(2) A reasonable opportunity to contest the violation at the hearing.

(***For the purposes of this subsection, a unit's owner shall not be deemed to have received written notice unless written notice is delivered to the address of the unit and, if different, to a mailing address specified by the unit's owner.***

3. The executive board must schedule the date, time and location for the hearing on the violation so that the ***unit's owner and, if different, the*** person against whom the fine will be imposed is provided with a reasonable opportunity to prepare for the hearing and to be present at the hearing.

4. The executive board must hold a hearing before it may impose the fine, unless ***the fine is paid before the hearing or unless*** the ***unit's owner and, if different, the*** person against whom the fine will be imposed:

(a) ~~[Pays the fine;~~

~~(b)]~~ Executes a written waiver of the right to the hearing; or

~~[(c)]~~ ***(b)*** Fails to appear at the hearing after being provided with proper notice of the hearing.

5. If a fine is imposed pursuant to subsection 1 and the violation is not cured within 14 days, or within any longer period that may be established by the executive board, the violation shall be deemed a continuing violation. Thereafter, the executive board may impose an additional fine for the violation for each 7-day period or portion thereof that the violation is not cured. Any additional fine may be imposed without notice and an opportunity to be heard.

6. If the governing documents so provide, the executive board may appoint a committee, with not less than three members, to conduct hearings on violations and to impose fines pursuant to this section. While acting on behalf of the executive board for those limited purposes, the committee and its members are entitled to all privileges and immunities and are subject to all duties and requirements of the executive board and its members.

7. ***A member of the executive board shall not participate in any hearing or cast any vote relating to a fine imposed pursuant to subsection 1 if the member has not paid all assessments which are due to the association by the member. If a member of the executive board:***

(a) Participates in a hearing in violation of this subsection, any action taken at the hearing is void.

(b) Casts a vote in violation of this subsection, the vote is void.

8. The provisions of this section establish the minimum procedural requirements that the executive board must follow before it may impose a fine. The provisions of this section do not preempt any provisions of the governing documents that provide greater procedural protections.

~~[8.]~~ ***9.*** Any past due fine:

(a) Bears interest at the rate established by the association, not to exceed the legal rate per annum.

(b) May include any costs of collecting the past due fine at a rate established by the association. If the past due fine is for a violation that does not threaten the health, safety or welfare of the ***units' owners,*** residents ***or community manager*** of the common-interest community, the rate established by the association for the costs of collecting the past due fine:

(1) May not exceed $20, if the outstanding balance is less than $200.

(2) May not exceed $50, if the outstanding balance is $200 or more, but is less than $500.

(3) May not exceed $100, if the outstanding balance is $500 or more, but is less than $1,000.

(4) May not exceed $250, if the outstanding balance is $1,000 or more, but is less than $5,000.

(5) May not exceed $500, if the outstanding balance is $5,000 or more.

(c) May include any costs incurred by the association during a civil action to enforce the payment of the past due fine.

~~[9.]~~ ***10. Not later than 30 days after receiving payment in full of a fine, including any lawful interest and costs of collection, an association shall provide written confirmation to the person upon whom the fine was***

imposed that the fine and all related charges have been paid in full and that the fine is discharged.

11. As used in this section:

(a) "Costs of collecting" includes, without limitation, any collection fee, filing fee, recording fee, referral fee, fee for postage or delivery, and any other fee or cost that an association may reasonably charge to the unit's owner for the collection of a past due fine. The term does not include any costs incurred by an association during a civil action to enforce the payment of a past due fine.

(b) "Outstanding balance" means the amount of a past due fine that remains unpaid before any interest, charges for late payment or costs of collecting the past due fine are added.

Sec. 12. **NRS 116.310315 is hereby amended to read as follows:**

116.310315 If an association has imposed a fine against a unit's owner or a tenant or guest of a unit's owner pursuant to NRS 116.31031 for violations of the governing documents of the association, the association ~~[:]~~ ***shall:***

1. ~~[Shall, in]~~ ***In*** the books and records of the association, account for the fine separately from any assessment, fee or other charge; and

2. ~~[Shall not apply, in whole or in part, any payment made by the unit's owner for any assessment, fee or other charge toward the payment of the outstanding balance of the fine or any costs of collecting the fine, unless the unit's owner provides written authorization which directs the association to apply the payment made by the unit's owner in such a manner.]~~ ***Apply any payment received from a unit's owner without written instructions as to the application of the payment:***

(a) First to current or past due assessments; and

(b) Then the remainder of any payment to past due fines, including the costs of collecting any such fine, unless the unit's owner has stated in writing that no amount of the payment is to be applied toward the fines or toward the costs of collecting the fines.

Sec. 13. NRS 116.31034 is hereby amended to read as follows:

116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members, at least a majority of whom must be units' owners. Unless the governing documents provide otherwise, the remaining members of the executive board do not have to be units' owners. The executive board shall elect the officers of the association. The members of the executive board and the officers of the association shall take office upon election.

2. The term of office of a member of the executive board may not exceed ~~[2]~~ ***3*** years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an

equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

(a) Members of the executive board who are appointed by the declarant; and

(b) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of his eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association. ***Before the secretary or other officer specified in the bylaws of the association causes notice to be given to each unit's owner of his eligibility to serve as a member of the executive board pursuant to this subsection, the executive board may determine that if, at the closing of the prescribed period for nominations for membership on the executive board, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board at the election, then:***

(a) The association will not prepare or mail any ballots to units' owners pursuant to this section;

(b) The candidates so nominated shall be deemed to be duly elected to the executive board not later than 30 days after the date of closing of the prescribed period for nominations; and

(c) Units' owners will receive notification that the candidates so nominated have been elected to the executive board.

5. Each person ~~[whose name is placed on the ballot]~~ ***who is nominated*** as a candidate for a member of the executive board ***pursuant to subsection 4*** must:

(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

(b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate ~~[has]~~ ***:***

(1) Has any unpaid and past due assessments or construction penalties that are required to be paid to the association ~~[.]~~ ***;***

(2) Has any unpaid fine imposed by the executive board that is 30 days or more past due; or

(3) After being provided notice and the opportunity for a hearing in accordance with the provisions of NRS 116.31031, has been found to have committed a violation of the governing documents that has not been cured.

➥ The candidate must make all disclosures required pursuant to this subsection in writing to the association with his candidacy information. The association shall distribute the disclosures to each member of the association with the ballot ***or, in the event ballots are not prepared and mailed pursuant to subsection 4,*** in the manner established ***for distribution of ballots*** in the bylaws of the association.

6. Unless a person is appointed by the declarant:

(a) A person may not be a member of the executive board or an officer of the association if the person, his spouse or his parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

(b) A person may not be a member of the executive board of a master association or an officer of that master association if the person, his spouse or his parent or child, by blood, marriage or adoption, performs the duties of a community manager for:

(1) That master association; or

(2) Any association that is subject to the governing documents of that master association.

7. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, he shall file proof in the records of the association that:

(a) He is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

8. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** election of any member of the executive board must be conducted by secret written ballot unless the declaration of the association provides that voting rights may be exercised by delegates or representatives as set forth in NRS 116.31105. If the election of any member of the executive board is conducted by secret written ballot:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.

(e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for a member of the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

9. Each member of the executive board shall, within 90 days after his appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that he has read and understands the governing documents of the association and the provisions of this chapter to the best of his ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.

Sec. 14. **NRS 116.31038 is hereby amended to read as follows:**

116.31038 In addition to any applicable requirement set forth in NRS 116.310395, within 30 days after units' owners other than the declarant may elect a majority of the members of the executive board, the declarant shall deliver to the association all property of the units' owners and of the association held by or controlled by him, including:

1. The original or a certified copy of the recorded declaration as amended, the articles of incorporation, articles of association, articles of organization, certificate of registration, certificate of limited partnership, certificate of trust or other documents of organization for the association, the bylaws, minute books and other books and records of the association and any rules or regulations which may have been adopted.

2. An accounting for money of the association and audited financial statements for each fiscal year and any ancillary period from the date of ~~[inception]~~ ***the last audit*** of the association to the date the period of the declarant's control ends. The financial statements must fairly and accurately report the association's financial position. ***The declarant shall pay the costs of the ancillary audit. The ancillary audit must be delivered within 210 days after the date the period of the declarant's control ends.***

3. A complete study of the reserves of the association, conducted by a person who ~~[holds a permit to conduct such a study issued]~~ ***is registered as a reserve study specialist*** pursuant to chapter 116A of NRS. At the time the control of the declarant ends, he shall:

(a) Except as otherwise provided in this paragraph, deliver to the association a reserve account that contains the declarant's share of the amounts then due, and control of the account. If the declaration was recorded before October 1, 1999, and, at the time the control of the declarant ends, he has failed to pay his share of the amounts due, the executive board shall authorize the declarant to pay the deficiency in installments for a period of 3 years, unless the declarant and the executive board agree to a shorter period.

(b) Disclose, in writing, the amount by which he has subsidized the association's dues on a per unit or per lot basis.

4. The association's money or control thereof.

5. All of the declarant's tangible personal property that has been represented by the declarant as property of the association or, unless the declarant has disclosed in the public offering statement that all such personal property used in the common-interest community will remain the declarant's property, all of the declarant's tangible personal property that is necessary for, and has been used exclusively in, the operation and enjoyment of the common elements, and inventories of these properties.

6. A copy of any plans and specifications used in the construction of the improvements in the common-interest community which were completed within 2 years before the declaration was recorded.

7. All insurance policies then in force, in which the units' owners, the association, or its directors and officers are named as insured persons.

8. Copies of any certificates of occupancy that may have been issued with respect to any improvements comprising the common-interest community other than units in a planned community.

9. Any renewable permits and approvals issued by governmental bodies applicable to the common-interest community which are in force and any other permits and approvals so issued and applicable which are required by law to be kept on the premises of the community.

10. Written warranties of the contractor, subcontractors, suppliers and manufacturers that are still effective.

11. A roster of owners and mortgagees of units and their addresses and telephone numbers, if known, as shown on the declarant's records.

12. Contracts of employment in which the association is a contracting party.

13. Any contract for service in which the association is a contracting party or in which the association or the units' owners have any obligation to pay a fee to the persons performing the services.

Sec. 15. **NRS 116.310395 is hereby amended to read as follows:**

116.310395 1. At the time of each close of escrow of a unit in a converted building, the declarant shall deliver to the association the amount of the converted building reserve deficit allocated to that unit.

2. The allocation to a unit of the amount of any converted building reserve deficit must be made in the same manner as assessments are allocated to that unit.

3. As used in this section, "converted building reserve deficit" means the amount necessary to replace the major components of the common elements needing replacement within 10 years after the date of the first ~~[sale]~~ ***close of escrow*** of a unit.

Sec. 16. **NRS 116.31083 is hereby amended to read as follows:**

116.31083 1. A meeting of the executive board must be held at least once every ~~[90]~~ ***quarter, and not less than once every 100*** days.

2. Except ~~[in an emergency]~~ ***as otherwise provided in subsection 3 or 4*** or unless the bylaws of an association require a longer period of notice, the secretary or other officer specified in the bylaws of the association shall, not less than 10 days before the date of a meeting of the executive board, cause notice of the meeting to be given to the units' owners. Such notice must be:

(a) Sent prepaid by United States mail to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner;

(b) If the association offers to send notice by electronic mail, sent by electronic mail at the request of the unit's owner to an electronic mail address designated in writing by the unit's owner; or

(c) Published in a newsletter or other similar publication that is circulated to each unit's owner.

3. ~~[In]~~ ***Except as otherwise provided in subsection 4, in*** an emergency, the secretary or other officer specified in the bylaws of the association shall, if practicable, cause notice of the meeting to be sent prepaid by United States mail to the mailing address of each unit within the common-interest community. If delivery of the notice in this manner is impracticable, the notice must be hand-delivered to each unit within the common-interest community or posted in a prominent place or places within the common elements of the association.

4. ***If the sole purpose of a meeting of the executive board is to meet in executive session pursuant to subsection 4 of NRS 116.31085, notice of the meeting pursuant to this section is not required.***

5. The notice of a meeting of the executive board must state the time and place of the meeting and include a copy of the agenda for the meeting or the date on which and the locations where copies of the agenda may be conveniently obtained by the units' owners. The notice must include notification of the right of a unit's owner to:

(a) Have a copy of the minutes or a summary of the minutes of the meeting provided to the unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.

(b) Speak to the association or executive board, unless the executive board is meeting in executive session.

~~[5.]~~ ***6.*** The agenda of the meeting of the executive board must comply with the provisions of subsection 4 of NRS 116.3108. The period required to be devoted to comments by the units' owners and discussion of those

comments must be scheduled for the beginning of each meeting. In an emergency, the executive board may take action on an item which is not listed on the agenda as an item on which action may be taken.

~~[6.]~~ ***7.*** At least once every ~~[90]~~ ***quarter, and not less than once every 100*** days, unless the declaration or bylaws of the association impose more stringent standards, the executive board shall review, at a minimum, the following financial information at one of its meetings:

(a) A current year-to-date financial statement of the association;

(b) A current year-to-date schedule of revenues and expenses for the operating account and the reserve account, compared to the budget for those accounts;

(c) A current reconciliation of the operating account of the association;

(d) A current reconciliation of the reserve account of the association;

(e) The latest account statements prepared by the financial institutions in which the accounts of the association are maintained; and

(f) The current status of any civil action or claim submitted to arbitration or mediation in which the association is a party.

~~[7.]~~ ***8.*** The secretary or other officer specified in the bylaws shall cause minutes to be recorded or otherwise taken at each meeting of the executive board. Not more than 30 days after each such meeting, the secretary or other officer specified in the bylaws shall cause the minutes or a summary of the minutes of the meetings to be made available to the units' owners. A copy of the minutes or a summary of the minutes must be provided to any unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.

~~[8.]~~ ***9.*** Except as otherwise provided in subsection ~~[9]~~ ***10*** and NRS 116.31085, the minutes of each meeting of the executive board must include:

(a) The date, time and place of the meeting;

(b) Those members of the executive board who were present and those members who were absent at the meeting;

(c) The substance of all matters proposed, discussed or decided at the meeting;

(d) A record of each member's vote on any matter decided by vote at the meeting; and

(e) The substance of remarks made by any unit's owner who addresses the executive board at the meeting if he requests that the minutes reflect his remarks or, if he has prepared written remarks, a copy of his prepared remarks if he submits a copy for inclusion.

~~[9.]~~ ***10.*** The executive board may establish reasonable limitations on materials, remarks or other information to be included in the minutes of its meetings.

~~[10.]~~ ***11.*** The association shall maintain the minutes of each meeting of the executive board until the common-interest community is terminated.

~~[11.]~~ ***12.*** A unit's owner may record on audiotape or any other means of sound reproduction a meeting of the executive board, unless the executive

board is meeting in executive session, if the unit's owner, before recording the meeting, provides notice of his intent to record the meeting to the members of the executive board and the other units' owners who are in attendance at the meeting.

~~[12.]~~ ***13.*** As used in this section, "emergency" means any occurrence or combination of occurrences that:

(a) Could not have been reasonably foreseen;

(b) Affects the health, welfare and safety of the units' owners or residents of the common-interest community;

(c) Requires the immediate attention of, and possible action by, the executive board; and

(d) Makes it impracticable to comply with the provisions of subsection 2 or ~~[5.]~~ ***6.***

~~[Sec. 4.]~~. (Deleted by amendment.)

~~[Sec. 5.]~~ (Deleted by amendment.)

~~[Sec. 6.]~~ ***Sec. 17.*** (Deleted by amendment.)

~~[Sec. 6.3.]~~ ***Sec. 18.*** (Deleted by amendment.)

~~[Sec. 6.5.]~~ ***Sec. 19.*** NRS 116.31144 is hereby amended to read as follows:

116.31144 1. Except as otherwise provided in ~~[subsection 2,]~~ ***this section,*** the executive board shall:

(a) If the annual budget of the association is less than $75,000, cause the financial statement of the association to be audited by an independent certified public accountant at least once every 4 fiscal years.

(b) If the annual budget of the association is $75,000 or more but less than $150,000, cause the financial statement of the association to be:

(1) Audited by an independent certified public accountant at least once every 4 fiscal years; and

(2) Reviewed by an independent certified public accountant every fiscal year for which an audit is not conducted.

(c) If the annual budget of the association is $150,000 or more, cause the financial statement of the association to be audited by an independent certified public accountant every fiscal year.

2. For any fiscal year for which an audit of the financial statement of the association will not be conducted pursuant to subsection 1, the executive board shall cause the financial statement for that fiscal year to be audited by an independent certified public accountant if, within 180 days before the end of the fiscal year, 15 percent of the total number of voting members of the association submit a written request for such an audit.

3. The Commission shall adopt regulations prescribing the requirements for the auditing or reviewing of ***the*** financial statements of an association pursuant to this section. Such regulations must include, without limitation:

(a) The qualifications necessary for a person to audit or review financial statements of an association; ~~[and]~~

(b) The standards and format to be followed in auditing or reviewing financial statements of an association ~~[.]~~ ***;***

(c) The requirement that an audit or review of the financial statements of an association be completed within 180 days after the end of the fiscal year; and

(d) The ability of the Commission to grant an exemption to the requirement of an audit or review of the financial statements of an association with an annual budget that is less than $75,000. To receive an exemption pursuant to this paragraph, an association must submit a request to the Commission which includes a written statement of the reasons for requesting the exemption. If the Commission grants the exemption, the Commission shall notify the association within 30 days after receipt of the request for exemption.

Sec. 20. **NRS 116.3115 is hereby amended to read as follows:**

116.3115 1. Until the association makes an assessment for common expenses, the declarant shall pay all common expenses. After an assessment has been made by the association, assessments must be made at least annually, based on a budget adopted at least annually by the association in accordance with the requirements set forth in NRS 116.31151. Unless the declaration imposes more stringent standards, the budget must include a budget for the daily operation of the association and a budget for the reserves required by paragraph (b) of subsection 2.

2. Except for assessments under subsections 4 to 7, inclusive:

(a) All common expenses, including the reserves, must be assessed against all the units in accordance with the allocations set forth in the declaration pursuant to subsections 1 and 2 of NRS 116.2107.

(b) The association shall establish adequate reserves, funded on a reasonable basis, for the repair, replacement and restoration of the major components of the common elements. The reserves may be used only for those purposes, including, without limitation, repairing, replacing and restoring roofs, roads and sidewalks, and must not be used for daily maintenance. The association may comply with the provisions of this paragraph through a funding plan that is designed to allocate the costs for the repair, replacement and restoration of the major components of the common elements over a period of years if the funding plan is designed in an actuarially sound manner which will ensure that sufficient money is available when the repair, replacement and restoration of the major components of the common elements are necessary. ***Notwithstanding any provision of the governing documents to the contrary, to establish adequate reserves pursuant to this paragraph, including, without limitation, to establish or carry out a funding plan, the executive board may, without seeking or obtaining the approval of the units' owners, impose any necessary and reasonable assessments against the units in the common-interest community if such assessments are made pursuant to findings contained in***

a study of the reserves of the association prepared by a person who is registered as a reserve study specialist pursuant to chapter 116A of NRS.

3. Any past due assessment for common expenses or installment thereof bears interest at the rate established by the association not exceeding 18 percent per year.

4. To the extent required by the declaration:

(a) Any common expense associated with the maintenance, repair, restoration or replacement of a limited common element must be assessed against the units to which that limited common element is assigned, equally, or in any other proportion the declaration provides;

(b) Any common expense or portion thereof benefiting fewer than all of the units must be assessed exclusively against the units benefited; and

(c) The costs of insurance must be assessed in proportion to risk and the costs of utilities must be assessed in proportion to usage.

5. Assessments to pay a judgment against the association may be made only against the units in the common-interest community at the time the judgment was entered, in proportion to their liabilities for common expenses.

6. If any common expense is caused by the misconduct of any unit's owner, the association may assess that expense exclusively against his unit.

7. The association of a common-interest community created before January 1, 1992, is not required to make an assessment against a vacant lot located within the community that is owned by the declarant.

8. If liabilities for common expenses are reallocated, assessments for common expenses and any installment thereof not yet due must be recalculated in accordance with the reallocated liabilities.

9. The association shall provide written notice to each unit's owner of a meeting at which an assessment for a capital improvement is to be considered or action is to be taken on such an assessment at least 21 calendar days before the date of the meeting.

Sec. 21. **NRS 116.31152 is hereby amended to read as follows:**

116.31152 1. The executive board shall:

(a) At least once every 5 years, cause to be conducted a study of the reserves required to repair, replace and restore the major components of the common elements ***.*** ~~[;]~~

(b) At least annually, review the results of that study to determine whether those reserves are sufficient ***.*** ~~[; and]~~ ***The reserves shall be deemed adequately funded if:***

(1) The amount of the reserves is equal to or greater than the amount specified in the funding plan; or

(2) The amount of reserves available for the next 5 years is sufficient to repair, replace and restore the major components of the common elements designated in the funding plan.

(c) At least annually, make any adjustments to the association's funding plan which the executive board deems necessary to provide adequate funding for the required reserves.

2. The study of the reserves required by subsection 1 must be conducted by a person who ~~[holds a permit issued]~~ ***is registered as a reserve study specialist*** pursuant to chapter 116A of NRS.

3. The study of the reserves must include, without limitation:

(a) A summary of an inspection of the major components of the common elements that the association is obligated to repair, replace or restore;

(b) An identification of the major components of the common elements that the association is obligated to repair, replace or restore which have a remaining useful life of less than 30 years;

(c) An estimate of the remaining useful life of each major component of the common elements identified pursuant to paragraph (b);

(d) An estimate of the cost of repair, replacement or restoration of each major component of the common elements identified pursuant to paragraph (b) during and at the end of its useful life; and

(e) An estimate of the total annual assessment that may be necessary to cover the cost of repairing, replacement or restoration of the major components of the common elements identified pursuant to paragraph (b), after subtracting the reserves of the association as of the date of the study, and an estimate of the funding plan that may be necessary to provide adequate funding for the required reserves.

4. A summary of the study of the reserves required by subsection 1 must be submitted to the Division not later than 45 days after the date that the executive board adopts the results of the study.

5. If a common-interest community was developed as part of a planned unit development pursuant to chapter 278A of NRS and is subject to an agreement with a city or county to receive credit against the amount of the residential construction tax that is imposed pursuant to NRS 278.4983 and 278.4985, the association that is organized for the common-interest community may use the money from that credit for the repair, replacement or restoration of park facilities and related improvements if:

(a) The park facilities and related improvements are identified as major components of the common elements of the association; and

(b) The association is obligated to repair, replace or restore the park facilities and related improvements in accordance with the study of the reserves required by subsection 1.

~~[Sec. 6.7.]~~ ***Sec. 22.*** (Deleted by amendment.)

~~[Sec. 7.]~~ ***Sec. 23.*** (Deleted by amendment.)

~~[Sec. 7.5.]~~ ***Sec. 24.*** (Deleted by amendment.)

~~[Sec. 8.]~~ ***Sec. 25.*** (Deleted by amendment.)

~~[Sec. 9.]~~ ***Sec. 26.*** NRS 116.31175 is hereby amended to read as follows:

116.31175 1. Except as otherwise provided in this subsection, the executive board of an association shall, upon the written request of a unit's owner, make available the books, records and other papers of the association for review during the regular working hours of the association, including,

without limitation, all contracts to which the association is a party and all records filed with a court relating to a civil or criminal action to which the association is a party. The provisions of this subsection do not apply to:

(a) The personnel records of the employees of the association, except for those records relating to the number of hours worked and the salaries and benefits of those employees;

(b) The records of the association relating to another unit's owner, except for those records described in subsection 2; ~~[and]~~

(c) A contract between the association and an attorney ~~[.]~~ ***; and***

(d) Any document, including, without limitation, minutes of an executive board meeting, a reserve study and a budget, if the document:

(1) Is in the process of being developed for final consideration by the executive board; and

(2) Has not been placed on an agenda for final approval by the executive board.

2. The executive board of an association shall maintain a general record concerning each violation of the governing documents, other than a violation involving a failure to pay an assessment, for which the executive board has imposed a fine, a construction penalty or any other sanction. The general record:

(a) Must contain a general description of the nature of the violation and the type of the sanction imposed. If the sanction imposed was a fine or construction penalty, the general record must specify the amount of the fine or construction penalty.

(b) Must not contain the name or address of the person against whom the sanction was imposed or any other personal information which may be used to identify the person or the location of the unit, if any, that is associated with the violation.

(c) Must be maintained in an organized and convenient filing system or data system that allows a unit's owner to search and review the general records concerning violations of the governing documents.

3. If the executive board refuses to allow a unit's owner to review the books, records or other papers of the association, the Ombudsman may:

(a) On behalf of the unit's owner and upon written request, review the books, records or other papers of the association during the regular working hours of the association; and

(b) If he is denied access to the books, records or other papers, request the Commission, or any member thereof acting on behalf of the Commission, to issue a subpoena for their production.

4. The books, records and other papers of an association must be maintained for at least 10 years. The provisions of this subsection do not apply to:

(a) The minutes of a meeting of the units' owners which must be maintained in accordance with NRS 116.3108; or

(b) The minutes of a meeting of the executive board which must be maintained in accordance with NRS 116.31083.

5. The executive board shall not require a unit's owner to pay an amount in excess of $10 per hour to review any books, records, contracts or other papers of the association pursuant to the provisions of this section.

6. If an official publication contains or will contain any mention of a candidate or ballot question, the official publication must, upon request and without charge, provide equal space in the same issue to the candidate or a representative of an organization which supports the passage or defeat of the ballot question.

7. Except as otherwise provided in this subsection, if an official publication contains or will contain the views or opinions of the association, the executive board, a community manager or an officer, employee or agent of an association concerning an issue of official interest, the official publication must, upon request and without charge, provide equal space to opposing views and opinions of a unit's owner, tenant or resident of the common-interest community.

8. As used in this section:

(a) "Issue of official interest" includes, without limitation:

(1) Any issue on which the executive board or the units' owners will be voting, including, without limitation, the election of members of the executive board; and

(2) The enactment or adoption of rules or regulations that will affect a common-interest community.

(b) "Official publication" means:

(1) An official website;

(2) An official newsletter or other similar publication that is circulated to each unit's owner; or

(3) An official bulletin board that is available to each unit's owner,

➥ which is published or maintained at the cost of an association and by an association, an executive board, a member of an executive board, a community manager or an officer, employee or agent of an association.

~~[Sec. 9.5.]~~ ***Sec. 27.*** NRS 116.31187 is hereby amended to read as follows:

116.31187 1. Except as otherwise provided in this section, a member of an executive board or an officer of an association shall not:

(a) On or after October 1, 2003, enter into a contract or renew a contract with the association to provide ***financing,*** goods or services to the association; or

(b) Otherwise accept any commission, personal profit or compensation of any kind from the association for providing ***financing,*** goods or services to the association.

2. The provisions of this section do not prohibit a declarant, an affiliate of a declarant or an officer, employee or agent of a declarant or an affiliate of a declarant from:

(a) Receiving any commission, personal profit or compensation from the association, the declarant or an affiliate of the declarant for any ***financing,*** goods or services furnished to the association;

(b) Entering into contracts with the association, the declarant or affiliate of the declarant; or

(c) Serving as a member of the executive board or as an officer of the association.

~~[Sec. 9.6.]~~ ***Sec. 28.*** NRS 116.345 is hereby amended to read as follows:

116.345 1. An association of a planned community may not restrict, prohibit or otherwise impede the lawful residential use of any property that is within or encompassed by the boundaries of the planned community and that is not designated as part of the planned community.

2. Except as otherwise provided in this subsection, an association may not restrict the access of a person to any of his property. An association may restrict access to and from a unit within a planned community if the right to restrict such access was included in the declaration or in a separate recorded instrument at the time that the owner of the unit acquired title to the unit. The provisions of this subsection do not prohibit an association from charging the owner of the property a reasonable and nondiscriminatory fee to operate or maintain a gate or other similar device designed to control access to the planned community that would otherwise impede ingress or egress to the property.

3. An association may not expand, construct or situate a building or structure that is not part of any plat or plan of the planned community if the expansion, construction or situation of the building or structure was not previously disclosed to the units' owners of the planned community unless the association obtains the written consent of a majority of the units' owners and residents of the planned community who own property or reside within 500 feet of the proposed location of the building or structure.

4. ***An association may not interrupt any utility service furnished to a unit's owner or a tenant of a unit's owner except for the nonpayment of utility charges when due. The interruption of any utility service pursuant to this subsection must be performed in a manner which is consistent with all laws, regulations and governing documents relating to the interruption of any utility service. An association must in every case send a written notice of its intent to interrupt any utility service to the unit's owner or the tenant of the unit's owner at least 10 days before the association interrupts any utility service.***

5. The provisions of this section do not abrogate any easement, restrictive covenant, decision of a court, agreement of a party or any contract, governing document or declaration of covenants, conditions and restrictions, or any other decision, rule or regulation that a local governing body or other entity that makes decisions concerning land use or planning is authorized to make or enact that exists before October 1, 1999, including, without

limitation, a zoning ordinance, permit or approval process or any other requirement of a local government or other entity that makes decisions concerning land use or planning.

~~[Sec. 9.8.]~~ ***Sec. 29.*** NRS 116.350 is hereby amended to read as follows:

116.350 1. In a common-interest community which is not gated or enclosed and the access to which is not restricted or controlled by a person or device, the executive board shall not and the governing documents must not provide for the regulation of any road, street, alley or other thoroughfare the right-of-way of which is accepted by the State or a local government for dedication as a road, street, alley or other thoroughfare for public use.

2. ~~[The]~~ ***Except as otherwise provided in subsection 3, the*** provisions of subsection 1 do not preclude an association from adopting, and do not preclude the governing documents of an association from setting forth, rules that reasonably restrict ~~[the]~~ ***:***

(a) Parking on any road, street, alley or other thoroughfare the right-of-way of which is accepted by the State or a local government for dedication as a road, street, alley or other thoroughfare for public use if the requirement that no parking be allowed is included in the terms of any applicable zoning ordinance, permit or approval or as a condition for approval of any final subdivision map; or

(b) The parking or storage of ***inoperable vehicles,*** recreational vehicles, watercraft, trailers or commercial vehicles in the common-interest community to the extent authorized by law.

3. In a common-interest community, the executive board shall not and the governing documents must not prohibit a person from:

(a) Parking a utility service vehicle that has a gross vehicle weight rating of 20,000 pounds or less on a driveway, road, street, alley or other thoroughfare:

(1) While the person is engaged in any activity relating to the delivery of public utility services to subscribers or consumers; or

(2) If the person is:

(I) A unit's owner;

(II) Parking the vehicle within 50 yards of his unit; and

(III) Bringing the vehicle to his unit pursuant to his employment with the entity which owns the vehicle for the purpose of responding to requests for public utility services; or

(b) Parking a law enforcement vehicle or emergency services vehicle on a driveway, road, street, alley or other thoroughfare:

(1) While the person is engaged in his official duties; or

(2) If the person is:

(I) A unit's owner;

(II) Parking the vehicle within 50 yards of his unit; and

(III) Bringing the vehicle to his unit pursuant to his employment with the entity which owns the vehicle for the purpose of responding to requests for law enforcement services or emergency services.

4. As used in this section:

(a) "Commercial motor vehicle" has the meaning ascribed to it in 49 C.F.R. § 350.105.

(b) "Emergency services vehicle" means a vehicle:

(1) Owned by any governmental agency or political subdivision of this State; and

(2) Identified by the entity which owns the vehicle as a vehicle used to provide emergency services.

(c) "Law enforcement vehicle" means a vehicle:

(1) Owned by any governmental agency or political subdivision of this State; and

(2) Identified by the entity which owns the vehicle as a vehicle used to provide law enforcement services.

(d) "Utility service vehicle" means any commercial motor vehicle:

(1) Used in the furtherance of repairing, maintaining or operating any structure or any other physical facility necessary for the delivery of public utility services, including, without limitation, the furnishing of electricity, gas, water, sanitary sewer, telephone, cable or community antenna service.

(2) Except for any emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the commercial motor vehicle is owned, leased or rented by the utility.

Sec. 30. **NRS 116.411 is hereby amended to read as follows:**

116.411 1. Except as otherwise provided in subsections 2 ~~[and 3,]~~ ***, 3 and 4,*** a deposit made in connection with the purchase or reservation of a unit from a person required to deliver a public offering statement pursuant to subsection 3 of NRS 116.4102 must be placed in escrow and held either in this State or in the state where the unit is located in an account designated solely for that purpose by a licensed title insurance company, an independent bonded escrow company, or an institution whose accounts are insured by a governmental agency or instrumentality until:

(a) Delivered to the declarant at closing;

(b) Delivered to the declarant because of the purchaser's default under a contract to purchase the unit;

(c) Released to the declarant for an additional item, improvement, optional item or alteration, but the amount so released:

(1) Must not exceed the lesser of the amount due the declarant from the purchaser at the time of the release or the amount expended by the declarant for the purpose; and

(2) Must be credited upon the purchase price; or

(d) Refunded to the purchaser.

2. A deposit or advance payment made for an additional item, improvement, optional item or alteration may be deposited in escrow or delivered directly to the declarant, as the parties may contract.

3. In lieu of placing a deposit in escrow pursuant to subsection 1, the declarant may furnish a bond executed by him as principal and by a corporation qualified under the laws of this State as surety, payable to the State of Nevada, and conditioned upon the performance of the declarant's duties concerning the purchase or reservation of a unit. Each bond must be in a principal sum equal to the amount of the deposit. The bond must be held until:

(a) Delivered to the declarant at closing;

(b) Delivered to the declarant because of the purchaser's default under a contract to purchase the unit; or

(c) Released to the declarant for an additional item, improvement, optional item or alteration, but the amount so released must not exceed the amount due the declarant from the purchaser at the time of the release or the amount expended by the declarant for that purpose, whichever is less.

4. Pursuant to subsection 1, a deposit made in connection with the purchase or reservation of a unit from a person required to deliver a public offering statement pursuant to subsection 3 of NRS 116.4102 is deemed to be placed in escrow and held in this State when the escrow holder has:

(a) The legal right to conduct business in this State;

(b) A resident agent in this State pursuant to subsection 1 of NRS 14.020; and

(c) Consented to the jurisdiction of the courts of this State by:

(1) Maintaining a physical presence in this State; or

(2) Executing a written instrument containing such consent, with respect to any suit or claim, whether brought by the declarant or purchaser, relating to or arising in connection with such sale or the escrow agreement related thereto.

Sec. 31. **NRS 116.750 is hereby amended to read as follows:**

116.750 1. In carrying out the provisions of NRS 116.745 to 116.795, inclusive, the Division and the Ombudsman have jurisdiction to investigate and the Commission and each hearing panel has jurisdiction to take appropriate action against any person who commits a violation, including, without limitation:

(a) Any association and any officer, employee or agent of an association.

(b) Any member of an executive board.

(c) Any community manager who holds a certificate and any other community manager.

(d) Any person who ~~[holds a permit to conduct a study of the reserves of an association issued]~~ ***is registered as a reserve study specialist, or who conducts a study of reserves,*** pursuant to chapter 116A of NRS.

(e) Any declarant or affiliate of a declarant.

(f) Any unit's owner.

(g) Any tenant of a unit's owner if the tenant has entered into an agreement with the unit's owner to abide by the governing documents of the association and the provisions of this chapter and any regulations adopted pursuant thereto.

2. The jurisdiction set forth in subsection 1 applies to any officer, employee or agent of an association or any member of an executive board who commits a violation and who:

(a) Currently holds his office, employment, agency or position or who held his office, employment, agency or position at the commencement of proceedings against him.

(b) Resigns his office, employment, agency or position:

(1) After the commencement of proceedings against him; or

(2) Within 1 year after the violation is discovered or reasonably should have been discovered.

Sec. 32. **NRS 116A.120 is hereby amended to read as follows:**

116A.120 ~~["Permit"]~~ ***"Registration"*** means ~~[a permit]~~ ***registration*** to conduct a study of the reserves of an association pursuant to NRS 116.31152 ~~[issued by]~~ ***with*** the Division pursuant to this chapter.

Sec. 33. **NRS 116A.260 is hereby amended to read as follows:**

116A.260 The Division shall maintain in each district office a public docket or other record in which it shall record, from time to time as made:

1. The rulings or decisions upon all complaints filed with that district office.

2. All investigations instituted by that district office in the first instance, upon or in connection with which any hearing has been held, or in which the person charged has made no defense.

3. Denials of applications made to that district office for examination ***, registration*** or issuance of a certificate ***.*** ~~[or permit.]~~

Sec. 34. **NRS 116A.410 is hereby amended to read as follows:**

116A.410 1. The Commission shall by regulation provide for the issuance by the Division of certificates. The regulations:

(a) Must establish the qualifications for the issuance of such a certificate, including, without limitation, the education and experience required to obtain such a certificate. ***The regulations must include, without limitation, provisions that:***

(1) Provide for the issuance of a temporary certificate for a 1-year period to a person who:

(I) Holds a professional designation in the field of management of a common-interest community from a nationally recognized organization;

(II) Provides evidence that the person has been engaged in the management of a common-interest community for at least 5 years; and

(III) Has not been the subject of any disciplinary action in another state in connection with the management of a common-interest community.

(2) Except as otherwise provided in subparagraph (3), provide for the issuance of a temporary certificate for a 1-year period to a person who:

(I) Receives an offer of employment as a community manager from an association; and

(II) Has management experience determined to be sufficient by the executive board of the association making the offer in sub-subparagraph (I). The executive board must have sole discretion to make the determination required in this sub-subparagraph.

(3) Require a temporary certificate described in subparagraph (2) to expire before the end of the 1-year period if the certificate holder ceases to be employed by the association which offered him employment as described in subparagraph (2).

(4) Require a person who is issued a temporary certificate as described in subparagraph (1) or (2) to successfully complete not less than 18 hours of instruction relating to the Uniform Common-Interest Ownership Act within the 1-year period.

(5) Provide for the issuance of a certificate at the conclusion of the 1-year period if the person:

(I) Has successfully completed not less than 18 hours of instruction relating to the Uniform Common-Interest Ownership Act; and

(II) Has not been the subject of any disciplinary action pursuant to this chapter, chapter 116 of NRS or any regulations adopted pursuant thereto.

(6) Provide that a temporary certificate described in subparagraph (1) or (2), and a certificate described in subparagraph (5):

(I) Must authorize the person who is issued a temporary certificate described in subparagraph (1) or (2) or certificate described in subparagraph (5) to act in all respects as a community manager and exercise all powers available to any other community manager without regard to experience; and

(II) Must not be treated as a limited, restricted or provisional form of a certificate.

(b) May require applicants to pass an examination in order to obtain a certificate ~~[.]~~ ***other than a temporary certificate described in paragraph (a).*** If the regulations require such an examination, the Commission shall by regulation establish fees to pay the costs of the examination, including any costs which are necessary for the administration of the examination.

(c) May require an investigation of an applicant's background. If the regulations require such an investigation, the Commission shall by regulation establish fees to pay the costs of the investigation.

(d) Must establish the grounds for initiating disciplinary action against a person to whom a certificate has been issued, including, without limitation, the grounds for placing conditions, limitations or restrictions on a certificate and for the suspension or revocation of a certificate.

(e) Must establish rules of practice and procedure for conducting disciplinary hearings.

2. The Division may collect a fee for the issuance of a certificate in an amount not to exceed the administrative costs of issuing the certificate.

3. As used in this section, "management experience" means experience in a position in business or government, including, without limitation, in the military:

(a) In which the person holding the position was required, as part of holding the position, to engage in one or more management activities, including, without limitation, supervision of personnel, development of budgets or financial plans, protection of assets, logistics, management of human resources, development or training of personnel, public relations, or protection or maintenance of facilities; and

(b) Without regard to whether the person holding the position has any experience managing or otherwise working for an association.

Sec. 35. **NRS 116A.420 is hereby amended to read as follows:**

116A.420 1. Except as otherwise provided in this section, a person shall not act as a reserve study specialist unless the person ~~[holds a permit.]~~ ***registers with the Division on a form provided by the Division.***

2. The Commission shall by regulation provide for the standards of practice for reserve study specialists ***.*** ~~[who hold permits.]~~

3. The Division may investigate any reserve study specialist ~~[who holds a permit]~~ to ensure that the reserve study specialist is complying with the provisions of this chapter and chapter 116 of NRS and the standards of practice adopted by the Commission.

4. In addition to any other remedy or penalty, if the Commission or a hearing panel, after notice and hearing, finds that a reserve study specialist ~~[who holds a permit]~~ has violated any provision of this chapter or chapter 116 of NRS or any of the standards of practice adopted by the Commission, the Commission or the hearing panel may take appropriate disciplinary action against the reserve study specialist.

5. In addition to any other remedy or penalty, the Commission may:

(a) Refuse to ~~[issue a permit to]~~ ***accept the registration of*** a person who has failed to pay money which the person owes to the Commission or the Division.

(b) Suspend, revoke or refuse to renew the ~~[permit]~~ ***registration*** of a person who has failed to pay money which the person owes to the Commission or the Division.

6. The provisions of this section do not apply to a member of an executive board or an officer of an association who is acting solely within the scope of his duties as a member of the executive board or an officer of the association.

7. A person who assists a registered reserve study specialist in preparing a reserve study, signed by a registered reserve study specialist, is not required to register as a reserve study specialist.

Sec. 36. **NRS 116A.430 is hereby amended to read as follows:**

116A.430 1. The Commission shall by regulation provide for the ~~[issuance]~~ ***registration*** by the Division of ~~[permits to]~~ reserve study specialists. The regulations:

(a) Must establish the qualifications for ~~[the issuance of such a permit,]~~ ***registration,*** including, without limitation, the education and experience required ~~[to obtain such a permit.]~~ ***for registration.***

(b) May require applicants to pass an examination ~~[in order to obtain a permit.]~~ ***for registration.*** If the regulations require such an examination, the Commission shall by regulation establish fees to pay the costs of the examination, including any costs which are necessary for the administration of the examination.

(c) May require an investigation of an applicant's background. If the regulations require such an investigation, the Commission shall by regulation establish fees to pay the costs of the investigation.

(d) Must establish the grounds for initiating disciplinary action against a person ~~[to whom a permit has been issued,]~~ ***who has registered,*** including, without limitation, the grounds for placing conditions, limitations or restrictions on ~~[a permit]~~ ***registration*** and for the suspension or revocation of ~~[a permit.]~~ ***registration.***

(e) Must establish rules of practice and procedure for conducting disciplinary hearings.

2. The Division may collect a fee for ~~[the issuance of a permit]~~ ***registration*** in an amount not to exceed the administrative costs of ~~[issuing the permit.]~~ ***registration.***

Sec. 37. **NRS 116A.440 is hereby amended to read as follows:**

116A.440 1. An applicant for a certificate or ~~[permit]~~ ***registration*** shall submit to the Division:

(a) The social security number of the applicant; and

(b) The statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for ***registration or*** the issuance of the certificate ***;*** ~~[or permit,]~~ or

(b) A separate form prescribed by the Division.

3. A certificate ~~[or permit]~~ may not be issued ***and an application for registration may not be accepted*** if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 38. **NRS 116A.450 is hereby amended to read as follows:**

116A.450 1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to ***a person who is registered or*** the holder of a certificate ***,*** ~~[or permit,]~~ the Division shall deem the ***registration or*** certificate ~~[or permit]~~ to be suspended at the end of the 30th day after the date the court order was issued unless the Division receives a letter issued to the ***person who is registered or the*** holder of the certificate ~~[or permit]~~ by the district attorney or other public agency pursuant to NRS 425.550 stating that the ***person who is registered or the*** holder of the certificate ~~[or permit]~~ has complied with a subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate a ***registration or*** certificate ~~[or permit]~~ that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the ***person who is registered or the*** holder of the certificate ~~[or permit]~~ that he has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 39. **NRS 116A.460 is hereby amended to read as follows:**

116A.460 The expiration or revocation of a ***registration or*** certificate ~~[or permit]~~ by operation of law or by order or decision of any agency or court of competent jurisdiction, or the voluntary surrender of such a ***registration or*** certificate ~~[or permit]~~ by the ***person who is registered or the*** holder of the certificate ~~[or permit]~~ does not:

1. Prohibit the Commission or the Division from initiating or continuing an investigation of, or action or disciplinary proceeding against, the ***person who is registered or the*** holder of the certificate ~~[or permit]~~ as authorized pursuant to the provisions of this chapter or chapter 116 of NRS or the regulations adopted pursuant thereto; or

2. Prevent the imposition or collection of any fine or penalty authorized pursuant to the provisions of this chapter or chapter 116 of NRS or the regulations adopted pursuant thereto against the ***person who is registered or the*** holder of the certificate ***.*** ~~[or permit.]~~

Sec. 40. **NRS 116A.900 is hereby amended to read as follows:**

116A.900 1. In addition to any other remedy or penalty, the Commission may impose an administrative fine against any person who knowingly:

(a) Engages or offers to engage in any activity for which a ***registration or*** certificate ~~[or permit]~~ is required pursuant to this chapter or chapter 116 of NRS, or any regulation adopted pursuant thereto, if the person ***has not registered or*** does not hold the required certificate ~~[or permit]~~ or has not been given the required authorization; or

(b) Assists or offers to assist another person to commit a violation described in paragraph (a).

2. If the Commission imposes an administrative fine against a person pursuant to this section, the amount of the administrative fine may not exceed the amount of any gain or economic benefit that the person derived from the violation or $5,000, whichever amount is greater.

3. In determining the appropriate amount of the administrative fine, the Commission shall consider:

(a) The severity of the violation and the degree of any harm that the violation caused to other persons;

(b) The nature and amount of any gain or economic benefit that the person derived from the violation;

(c) The person's history or record of other violations; and

(d) Any other facts or circumstances that the Commission deems to be relevant.

4. Before the Commission may impose the administrative fine, the Commission must provide the person with notice and an opportunity to be heard.

5. The person is entitled to judicial review of the decision of the Commission in the manner provided by chapter 233B of NRS.

6. The provisions of this section do not apply to a person who engages or offers to engage in activities within the purview of this chapter or chapter 116 of NRS if:

(a) A specific statute exempts the person from complying with the provisions of this chapter or chapter 116 of NRS with regard to those activities; and

(b) The person is acting in accordance with the exemption while engaging or offering to engage in those activities.

Sec. 41. **NRS 278.0208 is hereby amended to read as follows:**

278.0208 1. A governing body shall not adopt an ordinance, regulation or plan or take any other action that prohibits or unreasonably restricts the owner of real property from using a system for obtaining solar or wind energy on his property.

2. Any covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer, sale or any other interest in real property that prohibits or unreasonably restricts the owner of the property from using a system for obtaining solar or wind energy on his property is void and unenforceable.

3. ***The owner of the property has the burden of showing that a restriction or requirement on the use of such a system significantly decreases the efficiency or performance of the system.***

4. For the purposes of this section ~~[, "unreasonably]~~ **:**

(a) "Significantly decreases the efficiency or performance of the system" means a decrease of 20 percent or more in the efficiency or performance of the system.

(b) "Unreasonably restricting the use of a system for obtaining solar or wind energy" means placing a restriction or requirement on the use of such a system which significantly decreases the efficiency or performance of the system and does not allow for the use of an alternative system at a comparable cost and with comparable efficiency and performance.

Sec. 42. **NRS 360.765 is hereby amended to read as follows:**

360.765 1. Except as otherwise provided in subsection 2, "business" means:

(a) Any person, except a natural person, that performs a service or engages in a trade for profit; or

(b) Any natural person who performs a service or engages in a trade for profit if the person is required to file with the Internal Revenue Service a Schedule C (Form 1040), Profit or Loss From Business Form, or its equivalent or successor form, a Schedule E (Form 1040), Supplemental Income and Loss Form, or its equivalent or successor form, or a Schedule F (Form 1040), Profit or Loss From Farming Form, or its equivalent or successor form, for that activity.

2. The term does not include:

(a) A governmental entity.

(b) A nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

(c) A person who operates a business from his home and whose net earnings from that business are not more than 66 2/3 percent of the average annual wage, as computed for the preceding calendar year pursuant to chapter 612 of NRS and rounded to the nearest hundred dollars.

(d) A natural person whose sole business is the rental of four or fewer dwelling units to others.

(e) A business whose primary purpose is to create or produce motion pictures. As used in this paragraph, "motion pictures" has the meaning ascribed to it in NRS 231.020.

(f) A unit-owners' association organized pursuant to NRS 116.3101 as a nonprofit corporation, trust or partnership.

~~[Sec. 10.]~~ ***Sec. 43.*** (Deleted by amendment.)

~~[Sec. 11.]~~ ***Sec. 44.*** (Deleted by amendment.)

~~[Sec. 12.]~~ ***Sec. 45.*** (Deleted by amendment.)

~~[Sec. 13.]~~ ***Sec. 46.*** The amendatory provisions of section ~~[2.5]~~ **10** of this act apply to all owners of property in a common-interest community that

is exempt from taxation pursuant to NRS 361.125 who are not obligated to pay assessments as of January 1, 2007.

Sec. 47. **1. This act becomes effective on October 1, 2007.**

2. Sections 39 and 40 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblyman Anderson moved that the Assembly do not concur in the Senate Amendment No. 1024 to Assembly Bill No. 396.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 443.

The following Senate amendment was read:

Amendment No. 816.

AN ACT relating to communicable diseases; making various changes to provisions concerning the human immunodeficiency virus; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 3 of this bill expresses the ~~[sense]~~ **intent** of the Legislature regarding the manner in which governmental entities and persons and entities providing services of health care should collaborate to ensure that testing for the human immunodeficiency virus and related counseling is carried out in a culturally and linguistically appropriate manner, and with due regard for the sensitivity and private nature of such information.

Section 4 of this bill requires certain providers of testing for the human immunodeficiency virus to ensure that each person who tests positive for the human immunodeficiency virus receives a counseling session. The counseling session must include information on: (1) the test result; (2) follow-up testing; (3) medical treatment; (4) methods for preventing transmission of the human immunodeficiency virus; (5) the confidentiality of the test result; and (6) appropriate testing for sexual partners of those who test positive for the human immunodeficiency virus. Section 4 also requires ~~[each test provider]~~ **certain providers of testing** to offer referrals for certain health care services to those who test positive for the human immunodeficiency virus.

Existing law makes discrimination against persons with certain disabilities an unlawful employment practice. (NRS 613.310-613.435) Section ~~[5]~~ **6** of this bill ~~[prohibits employment discrimination against a person who has tested positive for]~~ **amends the definition of "disability" to specifically include** the human immunodeficiency virus **.** ~~[if the fact that the person tested positive would not prevent the proper performance of the work for which he otherwise would have been hired.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 441A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***As used in sections 2, 3 and 4 of this act, "provider of health care" means a physician, nurse or physician assistant licensed in accordance with state law.***

Sec. 3. ***It is the intent of the Legislature that:***

1. The State Board of Health, the Department of Health and Human Services, and all district, county and city health departments, boards of health and health officers, ~~[medical laboratories,]~~ medical facilities and providers of health care work together in a collaborative manner to ensure that testing for the human immunodeficiency virus and related counseling services are offered in a culturally and linguistically appropriate manner.

2. Information pertaining to testing for the human immunodeficiency virus be reported and maintained in accordance with existing state and federal privacy laws.

3. Information pertaining to cases of the human immunodeficiency virus not be used for any purpose other than public health practices, including, without limitation, surveillance and epidemiology.

Sec. 4. ***1. Counties, providers of health care ~~[, medical laboratories]~~ and medical facilities that provide testing for the human immunodeficiency virus shall provide, or ensure the provision of, to each person who tests positive for the human immunodeficiency virus, a counseling session that is appropriate and acceptable under current medical and public health practices, as recommended by the Board.***

2. Counseling required pursuant to this section must address, without limitation:

(a) The meaning of the positive result of the test;

(b) Any follow-up testing for the person;

(c) Methods for preventing the transmission of the human immunodeficiency virus;

(d) Medical treatment available for the person;

(e) The confidentiality of the result of the test; and

(f) Recommended testing for the human immunodeficiency virus for sexual partners of the person.

3. Counties, providers of health care ~~[, medical laboratories]~~ and medical facilities that provide testing for the human immunodeficiency virus ~~[must]~~ shall offer to each person who tests positive for the human immunodeficiency virus:

(a) Appropriate referrals for future services, including, without limitation, medical care, mental health care and addiction services; or

(b) If unable to provide referrals pursuant to paragraph (a), referral to the local health authority for a subsequent referral to providers within the community for future services, including, without limitation, medical care, mental health care and addiction services.

4. The Director of the Department of Health and Human Services may adopt regulations to carry out the provisions of this section.

Sec. 5. ~~[Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*It is an unlawful employment practice:*~~

~~*1. For an employer to fail or refuse to hire and employ employees;*~~

~~*2. For an employment agency to fail to classify or refer any person for employment;*~~

~~*3. For a labor organization to fail to classify its membership or to fail to classify or refer any person for employment; or*~~

~~*4. For an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to fail to admit or employ any person in any such program,*~~

~~*→ because the person has tested positive for the human immunodeficiency virus, if the fact that the person tested positive for the human immunodeficiency virus would not prevent proper performance of the work for which the person would otherwise have been hired, classified, referred or prepared under a training or retraining program.]*~~ **(Deleted by amendment.)**

Sec. 6. NRS 613.310 is hereby amended to read as follows:

613.310 As used in NRS 613.310 to 613.435, inclusive, ~~*[and section 5 of this act,]*~~ unless the context otherwise requires:

1. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person ~~[,]~~ ***, including, without limitation, the human immunodeficiency virus;***

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

2. "Employer" means any person who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, but does not include:

(a) The United States or any corporation wholly owned by the United States.

(b) Any Indian tribe.

(c) Any private membership club exempt from taxation pursuant to 26 U.S.C. § 501(c).

3. "Employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer, but does not include any agency of the United States.

4. "Labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or other conditions of employment.

5. "Person" includes the State of Nevada and any of its political subdivisions.

6. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Assemblywoman Leslie moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 443.

Remarks by Assemblywoman Leslie.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 247.

The following Senate amendment was read:

Amendment No. 937.

AN ACT relating to hospitals; limiting the amount of interest and other charges that hospitals may impose for delinquent payments; revising the limitation on the period for commencing an action against a person who has a delinquent account with a hospital; ~~[revising provisions concerning liens placed upon the award to an injured person to pay for hospitalization;]~~ prohibiting a hospital from assigning a lien on real property obtained in connection with a delinquent payment for services rendered at the hospital; **authorizing the use of money that is reverted from the Health Insurance Flexibility and Accountability Holding Account in the State General Fund to the Fund for Hospital Care to Indigent Persons at the end of each fiscal year to pay claims for any previous fiscal years;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 5 of this bill provides that a hospital may not proceed with efforts to collect on any amount owed to the hospital ~~[,]~~ **for hospital care rendered,** other than copayments and deductibles, if the person responsible for paying the account has or may be eligible for insurance benefits or public assistance until the insurance or public program has been billed and the amount owed by the responsible party has been established. Collection efforts and interest may begin not sooner than 30 days after the responsible party has been sent

notice of the amount that he is responsible to pay. Section 5 further limits the amount of interest that a hospital may charge on a delinquent account to prime rate plus 2 percent and prohibits a hospital from imposing any other fees, including, without limitation, collection fees, attorney's fees or any other fees or costs other than court costs and attorney's fees awarded by a court.

Section 6 of this bill requires a hospital or other person acting on its behalf to collect any debt for any amount owed to the hospital for hospital care rendered at the hospital in a professional, fair and lawful manner and in accordance with the federal Fair Debt Collection Practices Act.

Existing law establishes certain periods during which an action may be commenced in court which apply when no other statutes specify a different period. (NRS 11.190) Existing law further provides that the time set forth in that statute is deemed to date from the last transaction. (NRS 11.200) Section 7 of this bill provides that the period for commencing an action against a person to recover payment for any amount owed to a hospital for hospital care provided to a person at a hospital is not later than ~~[2]~~ **4** years after the date on which any payment that is due for the services is not paid. The period is tolled, however, during any periods in which the hospital is awaiting a determination concerning eligibility for or the amount of benefits from an insurer or public program and during any period in which payments are being made.

~~[Existing law provides that a lien may be placed upon any amount awarded to an injured person who received hospitalization or his representative for amounts due to a hospital for the reasonable value of hospitalization rendered before the date of the judgment. (NRS 108.590) Section 8 of this bill provides that if the person who received hospitalization has health insurance or may be eligible for public assistance from a public program which may pay all or part of the bill, the lien may not be placed on the award to the injured person until the hospital has established the amount for which the person will be liable. In addition, section 8 provides that the lien may only be for the amount of that liability.]~~

Existing law creates a lien on the real property of a person for unpaid charges incurred at a county or district hospital and establishes certain procedures that must be followed with respect to such liens. (NRS 108.662) Section 9 of this bill prohibits a county or district hospital from assigning, selling or transferring the interest of the hospital in such a lien.

Existing law provides that any money remaining in the Health Insurance Flexibility and Accountability Holding Account in the State General Fund at the end of each fiscal year reverts to the Fund for Hospital Care to Indigent Persons created by NRS 428.175 and to the State General Fund in equal amounts. (NRS 428.305) Section 10 of this bill provides that any such money that is reverted from the Health Insurance Flexibility and Accountability Holding Account to the Fund

for Hospital Care to Indigent Persons at the end of each fiscal year may be used to pay claims for any previous fiscal years.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Hospital care" has the meaning ascribed to it in NRS 428.155.***

Sec. 4. ***"Responsible party" means the person who received the hospital care, the parent or guardian of the person who received the hospital care or another natural person who is legally responsible or has agreed to be responsible for the payment to the hospital of any charges incurred in connection with the hospital care.***

Sec. 5. ***1. When a person receives hospital care, the hospital must not proceed with any efforts to collect on any amount owed to the hospital for the hospital care from the responsible party, other than for any copayment or deductible, if the responsible party has health insurance or may be eligible for Medicaid, the Children's Health Insurance Program or any other public program which may pay all or part of the bill, until the hospital has submitted a bill to the insurance company or public program and the insurance company or public program has made a determination concerning payment of the claim.***

2. Collection efforts may begin and interest may begin to accrue on any amount owed to the hospital for hospital care which remains unpaid by the responsible party not sooner than 30 days after the responsible party is sent a bill by mail stating the amount that he is responsible to pay which has been established after receiving a determination concerning payment of the claim by any insurer or public program and after applying any discounts. Interest must accrue at a rate which does not exceed the prime rate at the largest bank in Nevada as ascertained by the Commissioner of Financial Institutions on January 1 or July 1, as the case may be, immediately preceding the date on which the payment becomes due, plus 2 percent. The rate must be adjusted accordingly on each January 1 and July 1 thereafter until the payment is satisfied.

3. Except for the interest authorized pursuant to subsection 2 and any court costs and attorney's fees awarded by a court, no other fees may be charged concerning the amount that remains unpaid, including, without limitation, collection fees, other attorney's fees or any other fees or costs.

Sec. 6. ***A hospital, or any person acting on its behalf who seeks to collect a debt from a responsible party for any amount owed to the hospital for hospital care must collect the debt in a professional, fair and lawful manner. When collecting such a debt, the hospital or other person acting***

on its behalf must act in accordance with sections 803 to 812, inclusive, of the federal Fair Debt Collection Practices Act, as amended, 15 U.S.C. §§ 1692a to 1692j, inclusive, even if the hospital or person acting on its behalf is not otherwise subject to the provisions of that Act.

Sec. 7. Chapter 11 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, an action against a person to recover payment for any amount owed to a hospital for hospital care provided to the person at the hospital must be commenced not later than ~~[2]~~ 4 years after the date on which any payment that is due for the services is not paid.

2. The period provided in subsection 1 is tolled during any periods in which the hospital is awaiting a determination concerning eligibility for, or the amount of, benefits from an insurer or public program and during any periods in which payments are being made.

3. As used in this section, "hospital care" has the meaning ascribed to it in NRS 428.155.

Sec. 8. ~~[NRS 108.590 is hereby amended to read as follows:~~

~~108.590 1. [Whenever] *Except as otherwise provided in subsection 2, whenever* any person receives hospitalization on account of any injury, and he, or his personal representative after his death, claims damages from the person responsible for causing the injury, the hospital has a lien upon any sum awarded the injured person or his personal representative by judgment or obtained by a settlement or compromise to the extent of the amount due the hospital for the reasonable value of the hospitalization rendered before the date of judgment, settlement or compromise.~~

~~*2. If the responsible party has health insurance or may be eligible for Medicaid, the Children's Health Insurance Program or any other public program which may pay all or part of the bill:*~~

~~*(a) The hospital may not place a lien upon the award to the injured person until the hospital has complied with the provisions of section 5 of this act.*~~

~~*(b) The lien provided pursuant to this section is valid only for the amount that is owed by the responsible party to the hospital as determined by the insurance company, Medicaid, the Children's Health Insurance Program or other public program.*~~

~~*3.* The lien provided by this section is:~~

~~(a) Not valid against anyone coming under the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS.~~

~~(b) In addition to the lien provided by NRS 108.662.~~

~~*4. As used in this section, "responsible party" means the person who received the hospitalization, the parent or guardian of the person who received the hospitalization or other natural person who has agreed to be responsible for the payment to the hospital of any charges incurred in connection with such services.]~~ **(Deleted by amendment.)**

Sec. 9. NRS 108.662 is hereby amended to read as follows:

108.662 1. Except as otherwise provided in subsection 4, a county or district hospital has a lien upon the real property of a person for charges incurred and unpaid for the care of the owner of the property or a person for whose support the owner is legally responsible.

2. The notice of the lien must be served upon the owner by certified or registered mail and filed in the office of the county recorder of the county where the real property is located not sooner than 90 days nor later than:

(a) Three years after the patient's discharge; or

(b) One year after the patient defaults on payments made pursuant to a written contract,

➥ whichever is later, except that the notice may be served and filed within 6 months after any default pursuant to a written contract.

3. The notice of the lien must contain:

(a) The amount due;

(b) The name of the owner of record of the property; and

(c) A description of the property sufficient for identification.

4. If the amount due as stated in the notice of lien is reduced by payments and any person listed in subsection 2 of NRS 108.665 gives written notice of that reduction to the county or district hospital which recorded the lien, the county or district hospital shall amend the notice of lien stating the amount then due, within 10 days after it receives the written notice.

5. A county or district hospital shall not assign, sell or transfer the interest of the hospital in a lien created pursuant to this section.

Sec. 10. **Any money that is reverted from the Health Insurance Flexibility and Accountability Holding Account in the State General Fund to the Fund for Hospital Care to Indigent Persons created by NRS 428.175 at the end of each fiscal year may be used to pay claims for any previous fiscal years, including, without limitation, claims incurred before July 1, 2005.**

~~[Sec. 10.]~~ ***Sec. 11.*** The amendatory provisions of **sections 1 to 9, inclusive, of** this act apply to any debt accrued on or after October 1, 2007.

Sec. 12. **1. This section and section 10 of this act become effective upon passage and approval.**

2. Sections 1 to 9, inclusive, and section 11 of this act become effective on October 1, 2007.

Assemblywoman Leslie moved that the Assembly concur in the Senate amendment to Assembly Bill No. 247.

Remarks by Assemblywoman Leslie.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 263.

The following Senate amendment was read:

Amendment No. 813.

AN ACT relating to children; making various changes to provisions governing the abuse and neglect of children; ~~[requiring district attorneys, under certain circumstances, to prosecute certain incidents involving a child fatality;]~~ **requiring the Division of Child and Family Services of the Department of Health and Human Services to carry out certain actions against certain agencies which provide child welfare services for failure to take corrective action;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an agency which provides child welfare services to organize one or more multidisciplinary teams to review the death of a child. (NRS 432B.405) Section 4 of this bill authorizes the Administrator of the Division of Child and Family Services of the Department of Health and Human Services to organize a multidisciplinary team to oversee the child fatality review process for such agencies. Section 5 of this bill imposes civil penalties upon members of teams and committees involved in the child fatality review process who disclose any confidential information concerning the death of the child. ~~[Section 6 of this bill provides that multidisciplinary and administrative teams may hold a closed meeting, or portion thereof, to consider confidential information related to a child fatality. A multidisciplinary team must prepare a written summary of any meeting or hearing and make such summary available to the public upon request.~~

~~Section 7 of this bill requires a district attorney to notify the appropriate district court of any incident that involves a child fatality and of his decision whether or not to prosecute. Section 7 further requires that in certain counties a grand jury be impaneled to inquire into the incident if the prosecutor decides not to prosecute. The district attorney shall prosecute the case if the grand jury completes its inquiry and returns an indictment. Section 7 also requires the court to forward information received from the district attorneys to the Court Administrator. Section 20 of this bill requires the Court Administrator to compile the information and provide an annual report to the Director of the Legislative Counsel Bureau. The report also must be made available to the public.]~~

Section 8 of this bill requires the Division of Child and Family Services to evaluate child welfare services provided in this State and ~~[to take certain]~~ **provides that the Division must require** corrective action against an agency which provides child welfare services that fails to comply with federal or state laws relating to the provision of child welfare services. **If such an agency does not take corrective action within a timely manner, the Division shall take certain action against the agency.** (NRS 432B.180)

Section 12 of this bill expands existing law by authorizing a designee of an agency investigating a report of abuse or neglect of a child to interview a sibling of the child concerning any possible abuse or neglect without the consent of any person responsible for the child's welfare. (NRS 432B.270)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 432.0155 is hereby amended to read as follows:

432.0155 1. The Department, through the Division, is the sole state agency for the establishment of standards for the receipt of federal money in the field of ~~[~~juvenile~~]~~ ***:***

(a) Juvenile development and for programs to prevent, combat and control delinquency ~~[.]~~ ***; and***

(b) Child welfare and child welfare services.

➥ ***The Department, through the Division, shall enforce such standards.***

2. The Administrator, with the approval of the Director, may develop ***and enforce*** state plans, make reports to the Federal Government and comply with such other conditions as may be imposed by the Federal Government for the receipt of assistance for ~~[~~those~~]~~ ***such*** programs ~~[.]~~ ***and services described in subsection 1.*** In developing and revising state plans, the Administrator shall consider, among other things, the amount of money available from the Federal Government for ~~[~~those~~]~~ ***such*** programs and ***services,*** the conditions attached to that money ~~[,]~~ and the limitations of legislative appropriations for the programs ~~[.]~~ ***and services.***

~~[~~2.~~]~~ ***3.*** The Administrator shall cause to be deposited with the State Treasurer all money allotted to this State by the Federal Government for the purposes described in this section and shall cause to be paid out of the State Treasury the money therein deposited for those purposes.

4. As used in this section, "child welfare services" has the meaning ascribed to it in NRS 432B.044.

Sec. 2. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 7, inclusive, of this act.

Sec. 3. (Deleted by amendment.)

Sec. 4. ***1. The Administrator of the Division of Child and Family Services may organize a multidisciplinary team to oversee any review of the death of a child conducted by a multidisciplinary team that is organized by an agency which provides child welfare services pursuant to NRS 432B.405.***

2. A multidisciplinary team organized pursuant to subsection 1 is entitled to the same access and privileges granted to a multidisciplinary team to review the death of a child pursuant to NRS 432B.407.

Sec. 5. ***1. Each member of a multidisciplinary team organized pursuant to NRS 432B.405, a multidisciplinary team organized pursuant to section 4 of this act, an administrative team organized pursuant to NRS 432B.408 or the Executive Committee to Review the Death of Children established pursuant to NRS 432B.409 who discloses any confidential information concerning the death of a child is personally liable for a civil penalty of not more than $500.***

2. The Administrator of the Division of Child and Family Services:

(a) May bring an action to recover a civil penalty imposed pursuant to subsection 1 against a member of a multidisciplinary team organized pursuant to section 4 of this act, an administrative team or the Executive Committee; and

(b) Shall deposit any money received from the civil penalty with the State Treasurer for credit to the State General Fund.

3. Each director or other authorized representative of ~~[the]~~ an agency which provides child welfare services that organized a multidisciplinary team pursuant to NRS 432B.405:

(a) May bring an action to recover a civil penalty pursuant to subsection 1 against a member of the multidisciplinary team; and

(b) Shall deposit any money received from the civil penalty in the appropriate county treasury.

Sec. 6. ~~*[1. Except as otherwise provided in subsection 2, a meeting or hearing to carry out the purposes of this section and NRS 432B.403 to 432B.409, inclusive, and sections 4, 5 and 6 of this act that is held by a multidisciplinary team organized pursuant to NRS 432B.405 or an administrative team organized pursuant to NRS 432B.408 and any deliberations are subject to any provision of chapter 241 of NRS.*~~

~~*2. A multidisciplinary team or an administrative team may hold a closed meeting or close a portion of a meeting to discuss or consider confidential information concerning a particular child fatality or near fatality as defined in NRS 432B.290.*~~

~~*3. Within a reasonable time after holding a meeting or hearing to carry out the purposes of this section and NRS 432B.403 to 432B.409, inclusive, and sections 4, 5 and 6 of this act, a multidisciplinary team shall prepare a written summary of the meeting or hearing. The summary must be made available to the public upon request.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~*[1. A district attorney shall notify the appropriate district court of any incident that involves a child fatality and of his decision whether or not to prosecute.*~~

~~*2. In a county whose population is 100,000 or more, when a district attorney notifies a district court pursuant to subsection 1 of a decision not to prosecute in relation to an incident that involves a child fatality:*~~

~~*(a) The district judge shall impanel a grand jury to inquire into the incident; and*~~

~~*(b) The district attorney shall appear before the grand jury and present evidence concerning the incident.*~~

~~*3. If the grand jury returns an indictment after inquiring into an incident that involves a child fatality:*~~

~~*(a) The indictment must be returned in the manner set forth in NRS 172.255; and*~~

~~*(b) The district attorney shall prosecute the person identified by the grand jury as having committed an offense.*~~

~~*4. The failure of the grand jury to return an indictment after inquiring into an incident that involves a child fatality does not prevent the district attorney from prosecuting a person who was a subject of the grand jury investigation if the district attorney subsequently discovers additional evidence against the person.*~~

~~*5. Each district court shall forward to the Court Administrator at such times as the Court Administrator requests:*~~

~~*(a) Any information received from a district attorney pursuant to this section concerning a child fatality;*~~

~~*(b) Information concerning whether a grand jury was impaneled; and*~~

~~*(c) If a grand jury was impaneled, whether the grand jury returned an indictment.]*~~ **(Deleted by amendment.)**

Sec. 8. NRS 432B.180 is hereby amended to read as follows:

432B.180 The Division of Child and Family Services shall:

1. Administer any money granted to the State by the Federal Government.

2. Plan, coordinate and monitor the delivery of child welfare services provided throughout the State.

3. Provide child welfare services directly or arrange for the provision of those services in a county whose population is less than 100,000.

4. Coordinate its activities with and assist the efforts of any law enforcement agency, a court of competent jurisdiction, an agency which provides child welfare services and any public or private organization which provides social services for the prevention, identification and treatment of abuse or neglect of children and for permanent placement of children.

5. Involve communities in the improvement of child welfare services.

6. Evaluate all child welfare services provided throughout the State and ~~[withhold money from any agency providing]~~ ***, if an agency which provides child welfare services is not complying with any federal or state law relating to the provision of child welfare services, regulations adopted pursuant to those laws or statewide plans or policies relating to the provision of child welfare services,*** ~~*[recommend]*~~ ***require corrective action*** ~~*[to]*~~ ***of the agency which provides child welfare services.***

7. If ~~*[the]*~~ ***an agency which provides child welfare services fails to take corrective action required pursuant to subsection 6 within a reasonable period,*** ~~*[the Division shall]*~~ ***take one or more of the following actions against*** ~~*[an]*~~ ***the agency which provides child welfare services:*** ~~[child welfare services which is not complying with the regulations adopted by the Division of Child and Family Services.~~

~~7. Evaluate the plans submitted for approval pursuant to NRS 432B.395.]~~

(a) Withhold money from the agency which provides child welfare services;

(b) Impose an administrative fine against the agency which provides child welfare services;

(c) Provide the agency which provides child welfare services with direct supervision and recover the cost and expenses incurred by the Division in providing such supervision; and

(d) Require the agency which provides child welfare services to determine whether it is necessary to impose disciplinary action that is consistent with the personnel rules of the agency which provides child welfare services against an employee who substantially contributes to the noncompliance of the agency which provides child welfare services with the federal or state laws, regulations adopted pursuant to such laws or statewide plans or policies, including, without limitation, suspension of the employee without pay, if appropriate.

➥ The Division shall adopt regulations to carry out the provisions of this subsection, including, without limitation, regulations which prescribe the circumstances under which action must be taken against an agency which provides child welfare services for failure to take corrective action and which specify that any such action by the Division must not impede the provision of child welfare services.

8. ~~[7.]~~ In consultation with each agency which provides child welfare services, request sufficient money for the provision of child welfare services throughout this State.

~~[8.]~~ ***9. Deposit any money received from the administrative fines imposed pursuant to this section with the State Treasurer for credit to the State General Fund. The State Treasurer shall account separately for the money deposited pursuant to this subsection. The money in the account may only be used by the Division to improve the provision of child welfare services in this State ~~[.]~~ , including, without limitation:***

(a) To pay the costs associated with providing training and technical assistance and conducting quality improvement activities for an agency which provides child welfare services to assist the agency in any area in which the agency has failed to take corrective action; and

(b) Hiring a qualified consultant to conduct such training, technical assistance and quality improvement activities.

Sec. 9. NRS 432B.190 is hereby amended to read as follows:

432B.190 The Division of Child and Family Services shall, in consultation with each agency which provides child welfare services, adopt:

1. Regulations establishing reasonable and uniform standards for:

(a) Child welfare services provided in this State;

(b) Programs for the prevention of abuse or neglect of a child and the achievement of the permanent placement of a child;

(c) The development of local councils involving public and private organizations;

(d) Reports of abuse or neglect, records of these reports and the response to these reports;

(e) Carrying out the provisions of NRS 432B.260, including, without limitation, the qualifications of persons with whom agencies which provide

child welfare services enter into agreements to provide services to children and families;

(f) The management and assessment of reported cases of abuse or neglect;

(g) The protection of the legal rights of parents and children;

(h) Emergency shelter for a child;

(i) The prevention, identification and correction of abuse or neglect of a child in residential institutions;

(j) ~~[Evaluating the development and contents of a plan submitted for approval pursuant to NRS 432B.395;~~

~~(k)]~~ Developing and distributing to persons who are responsible for a child's welfare a pamphlet that is written in language which is easy to understand, is available in English and in any other language the Division determines is appropriate based on the demographic characteristics of this State and sets forth:

(1) Contact information regarding persons and governmental entities which provide assistance to persons who are responsible for the welfare of children, including, without limitation, persons and entities which provide assistance to persons who are being investigated for allegedly abusing or neglecting a child;

(2) The procedures for taking a child for placement in protective custody; and

(3) The state and federal legal rights of:

(I) A person who is responsible for a child's welfare and who is the subject of an investigation of alleged abuse or neglect of a child, including, without limitation, the legal rights of such a person at the time an agency which provides child welfare services makes initial contact with the person in the course of the investigation and at the time the agency takes the child for placement in protective custody, and the legal right of such a person to be informed of any allegation of abuse or neglect of a child which is made against the person at the initial time of contact with the person by the agency; and

(II) Persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, during all stages of the proceeding; and

~~[(l)]~~ ***(k)*** Making the necessary inquiries required pursuant to NRS 432B.397 to determine whether a child is an Indian child; and

2. Such other regulations as are necessary for the administration of NRS 432B.010 to 432B.606, inclusive ~~[.]~~ ***, and sections 4 and 5 of this act.***

Sec. 10. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of his home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, clinical social worker, athletic trainer, advanced emergency medical technician or other person providing medical services licensed or certified in this State.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of suspected abuse or neglect of a child by a member of the staff of the hospital.

(c) A coroner.

(d) A clergyman, practitioner of Christian Science or religious healer, unless he has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A social worker and an administrator, teacher, librarian or counselor of a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) An attorney, unless he has acquired the knowledge of the abuse or neglect from a client who is or may be accused of the abuse or neglect.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for an approved youth shelter. As used in this paragraph, "approved youth shelter" has the meaning ascribed to it in NRS 244.422.

(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to ***an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and*** the appropriate medical examiner or coroner ~~[, who]~~ ***of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection*** shall investigate the report and submit ***his written findings*** to ~~[an]~~ ***the appropriate*** agency which provides child welfare services ~~[his written findings.]~~ ***, the appropriate district attorney and a law enforcement agency.*** The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

Sec. 11. NRS 432B.260 is hereby amended to read as follows:

432B.260 1. Upon the receipt of a report concerning the possible abuse or neglect of a child, an agency which provides child welfare services or a law enforcement agency shall promptly notify the appropriate licensing authority, if any. A law enforcement agency shall promptly notify an agency which provides child welfare services of any report it receives.

2. Upon receipt of a report concerning the possible abuse or neglect of a child, an agency which provides child welfare services or a law enforcement agency shall immediately initiate an investigation if the report indicates that:

(a) The child is 5 years of age or younger;

(b) There is a high risk of serious harm to the child; ~~[or]~~

(c) ***The child has suffered a fatality; or***

(d) The child is living in a household in which another child has died, or the child is seriously injured or has visible signs of physical abuse.

3. Except as otherwise provided in subsection 2, upon receipt of a report concerning the possible abuse or neglect of a child or notification from a law enforcement agency that the law enforcement agency has received such a report, an agency which provides child welfare services shall conduct an evaluation not later than 3 days after the report or notification was received to determine whether an investigation is warranted. For the purposes of this subsection, an investigation is not warranted if:

(a) The child is not in imminent danger of harm;

(b) The child is not vulnerable as the result of any untreated injury, illness or other physical, mental or emotional condition that threatens his immediate health or safety;

(c) The alleged abuse or neglect of the child or the alleged effect of prenatal illegal substance abuse on or the withdrawal symptoms resulting from ***any*** prenatal drug exposure of the newborn infant could be eliminated if the child and his family ~~[receive]~~ ***are referred to*** or participate in social or health services offered in the community, or both; or

(d) The agency determines that the:

(1) Alleged abuse or neglect was the result of the reasonable exercise of discipline by a parent or guardian of the child involving the use of corporal punishment, including, without limitation, spanking or paddling; and

(2) Corporal punishment so administered was not so excessive as to constitute abuse or neglect as described in NRS 432B.150.

4. If the agency determines that an investigation is warranted, the agency shall initiate the investigation not later than 3 days after the evaluation is completed.

5. If an agency which provides child welfare services investigates a report of alleged abuse or neglect of a child pursuant to NRS 432B.010 to 432B.400, inclusive, the agency shall inform the person responsible for the child's welfare who is named in the report as allegedly causing the abuse or neglect of the child of any allegation which is made against the person at the initial time of contact with the person by the agency. The agency shall not identify the person responsible for reporting the alleged abuse or neglect.

6. Except as otherwise provided in this subsection, if the agency determines that an investigation is not warranted, the agency may, as appropriate:

(a) Provide counseling, training or other services relating to child abuse and neglect to the family of the child, or refer the family to a person who has entered into an agreement with the agency to provide those services; or

(b) Conduct an assessment of the family of the child to determine what services, if any, are needed by the family and, if appropriate, provide any such services or refer the family to a person who has entered into a written agreement with the agency to make such an assessment.

➥ If an agency determines that an investigation is not warranted for the reason set forth in paragraph (d) of subsection 3, the agency shall take no further action in regard to the matter and shall delete all references to the matter from its records.

7. If an agency which provides child welfare services enters into an agreement with a person to provide services to a child or his family pursuant to subsection 6, the agency shall require the person to notify the agency if the child or his family ~~[refuse or fail]~~ ***refuses or fails*** to participate in the services, or if the person determines that there is a serious risk to the health or safety of the child.

8. An agency which provides child welfare services that determines that an investigation is not warranted may, at any time, reverse that determination and initiate an investigation.

9. An agency which provides child welfare services and a law enforcement agency shall cooperate in the investigation, if any, of a report of abuse or neglect of a child.

Sec. 12. NRS 432B.270 is hereby amended to read as follows:

432B.270 1. A designee of an agency investigating a report of abuse or neglect of a child may, without the consent of and outside the presence of any person responsible for the child's welfare, interview a child ***and any sibling of the child*** ***, if an interview is deemed appropriate by the designee,*** concerning any possible abuse or neglect. The child ***and any sibling of the child*** may be interviewed ***, if an interview is deemed appropriate by the designee,*** at any place where ~~[he]~~ ***the child or his sibling*** is found. ***A designee who conducts an interview pursuant to this subsection must be trained adequately to interview children.*** The designee shall, immediately after the conclusion of the interview, if reasonably possible, notify a person responsible for the child's welfare that the child ***or his sibling*** was interviewed, unless the designee determines that such notification would endanger the child ~~[.]~~ ***or his sibling.***

2. A designee of an agency investigating a report of abuse or neglect of a child may, without the consent of the person responsible for a child's welfare:

(a) Take or cause to be taken photographs of the child's body, including the areas of trauma; and

(b) If indicated after consultation with a physician, cause X rays or medical tests to be performed on a child.

3. Upon the taking of any photographs or X rays or the performance of any medical tests pursuant to subsection 2, the person responsible for the child's welfare must be notified immediately, if reasonably possible, unless the designee determines that the notification would endanger the child. The reasonable cost of these photographs, X rays or medical tests must be paid by the agency which provides child welfare services if money is not otherwise available.

4. Any photographs or X rays taken or records of any medical tests performed pursuant to subsection 2, or any medical records relating to the examination or treatment of a child pursuant to this section, or copies thereof, must be sent to the agency which provides child welfare services, the law enforcement agency participating in the investigation of the report and the prosecuting attorney's office. Each photograph, X ray, result of a medical test or other medical record:

(a) Must be accompanied by a statement or certificate signed by the custodian of medical records of the health care facility where the photograph or X ray was taken or the treatment, examination or medical test was performed, indicating:

(1) The name of the child;

(2) The name and address of the person who took the photograph or X ray, performed the medical test, or examined or treated the child; and

(3) The date on which the photograph or X ray was taken or the treatment, examination or medical test was performed;

(b) Is admissible in any proceeding relating to the abuse or neglect of the child; and

(c) May be given to the child's parent or guardian if he pays the cost of duplicating them.

5. As used in this section, "medical test" means any test performed by or caused to be performed by a provider of health care, including, without limitation, a computerized axial tomography scan and magnetic resonance imaging.

Sec. 13. NRS 432B.280 is hereby amended to read as follows:

432B.280 1. ~~[~~Reports~~]~~ ***Except as otherwise*** ~~*[provided in subsection 2 of]*~~ ***authorized or required pursuant to NRS 432B.290, reports*** made pursuant to this chapter, as well as all records concerning these reports and investigations thereof, are confidential.

2. Any person, law enforcement agency or public agency, institution or facility who willfully releases data or information concerning such reports and investigations, except:

(a) Pursuant to a criminal prosecution relating to the abuse or neglect of a child;

(b) As otherwise authorized or required pursuant to NRS 432B.290; or

(c) As otherwise required pursuant to NRS 432B.513,

➥ is guilty of a misdemeanor.

Sec. 14. (Deleted by amendment.)

Sec. 15. NRS 432B.300 is hereby amended to read as follows:

432B.300 Except as otherwise provided in NRS 432B.260, an agency which provides child welfare services shall investigate each report of abuse or neglect received or referred to it to determine:

1. The composition of the family, household or facility, including the name, address, age, sex and race of each child named in the report, any siblings or other children in the same place or under the care of the same person, the persons responsible for the children's welfare and any other adult living or working in the same household or facility;

2. Whether there is reasonable cause to believe any child is abused or neglected or threatened with abuse or neglect, the nature and extent of existing or previous injuries, abuse or neglect and any evidence thereof, and the person apparently responsible;

3. ***Whether there is reasonable cause to believe that a child has suffered a fatality as a result of abuse or neglect regardless of whether or not there are any siblings of the child or other children who are residing in the same household as the child who is believed to have suffered a fatality as a result of abuse or neglect;***

4. If there is reasonable cause to believe that a child is abused or neglected, the immediate and long-term risk to the child if he remains in the same environment; and

~~[4.]~~ ***5.*** The treatment and services which appear necessary to help prevent further abuse or neglect and to improve his environment and the ability of the person responsible for the child's welfare to care adequately for him.

Sec. 16. NRS 432B.310 is hereby amended to read as follows:

432B.310 1. Except as otherwise provided in subsection 6 of NRS 432B.260, the agency investigating a report of abuse or neglect of a child shall, upon completing the investigation, report to the Central Registry:

(a) Identifying and demographic information on the child alleged to be abused or neglected, his parents, any other person responsible for his welfare and the person allegedly responsible for the abuse or neglect;

(b) The facts of the alleged abuse or neglect, including the date and type of alleged abuse or neglect, the manner in which the abuse was inflicted ***,*** ~~[and]~~ the severity of the injuries ~~[,]~~ ***and, if applicable, any information concerning the death of the child;*** and

(c) The disposition of the case.

2. An agency which provides child welfare services shall not report to the Central Registry any information concerning a child identified as being affected by prenatal illegal substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure unless the agency determines that a person has abused or neglected the child.

3. As used in this section, "Central Registry" has the meaning ascribed to it in NRS 432.0999.

Sec. 17. NRS 432B.403 is hereby amended to read as follows:

432B.403 The purpose of organizing multidisciplinary teams to review the deaths of children pursuant to NRS 432B.403 to 432B.409, inclusive, ***and sections 4 ~~[,]~~ and 5 ~~[and 6]~~ of this act*** is to:

1. Review the records of selected cases of deaths of children under 18 years of age in this State;

2. Review the records of selected cases of deaths of children under 18 years of age who are residents of Nevada and who die in another state;

3. Assess and analyze such cases;

4. Make recommendations for improvements to laws, policies and practice;

5. Support the safety of children; and

6. Prevent future deaths of children.

Sec. 18. NRS 432B.405 is hereby amended to read as follows:

432B.405 1. ~~[An]~~ ***The director or other authorized representative of an*** agency which provides child welfare services:

(a) May ***provisionally appoint and*** organize one or more multidisciplinary teams to review the death of a child; ~~[and]~~

(b) ***Shall submit names to the Executive Committee to Review the Death of Children established pursuant to NRS 432B.409 for review and approval of persons whom the director or other authorized representative recommends for appointment to a multidisciplinary team to review the death of a child; and***

(c) Shall organize one or more multidisciplinary teams to review the death of a child under any of the following circumstances:

(1) Upon receiving a written request from an adult related to the child within the third degree of consanguinity, if the request is received by the agency within 1 year after the date of death of the child;

(2) If the child dies while in the custody of or involved with an agency which provides child welfare services, or if the child's family previously received services from such an agency;

(3) If the death is alleged to be from abuse or neglect of the child;

(4) If a sibling, household member or daycare provider has been the subject of a child abuse and neglect investigation within the previous 12 months, including ***, without limitation,*** cases in which the report was unsubstantiated or the investigation is currently pending;

(5) If the child was adopted through an agency which provides child welfare services; or

(6) If the child died of Sudden Infant Death Syndrome.

2. A review conducted pursuant to subparagraph (2) of paragraph ~~[(b)]~~ ***(c)*** of subsection 1 must occur within 3 months after the issuance of a certificate of death.

Sec. 19. NRS 432B.409 is hereby amended to read as follows:

432B.409 1. The Administrator of the Division of Child and Family Services shall establish an Executive Committee to Review the Death of Children, consisting of representatives from multidisciplinary teams formed

pursuant to ***paragraph (a) of subsection 1 of*** NRS 432B.405 and ***NRS*** 432B.406, vital statistics, law enforcement, public health and the Office of the Attorney General.

2. The Executive Committee shall:

(a) Adopt statewide protocols for the review of the death of a child;

(b) ~~[Designate the members of an administrative team for the purposes of NRS 432B.408;]~~ ***Adopt regulations to carry out the provisions of NRS 432B.403 to 432B.409, inclusive, and sections 4 ~~[,]~~ and 5 ~~[and 6]~~ of this act;***

(c) Adopt bylaws to govern the management and operation of the Executive Committee;

(d) Appoint one or more multidisciplinary teams to review the death of a child from the names submitted to the Executive Committee pursuant to paragraph (b) of subsection 1 of NRS 432B.405;

~~[(c)]~~ ***(e)*** Oversee training and development of multidisciplinary teams to review the death of children; and

~~[(d)]~~ ***(f)*** Compile and distribute a statewide annual report, including statistics and recommendations for regulatory and policy changes.

3. The Review of Death of Children Account is hereby created in the State General Fund. The Executive Committee may use money in the Account to carry out the provisions of NRS 432B.403 to 432B.409, inclusive ~~[.]~~ ***, and sections 4 ~~[,]~~ and 5 ~~[and 6]~~ of this act.***

Sec. 20. ~~[Chapter 2 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. On or before February 1 of each year, the Court Administrator shall submit a report to the Director of the Legislative Counsel Bureau compiling the information received pursuant to section 7 of this act. The report must include, without limitation:*~~

~~*(a) The name of each child who suffered a child fatality in this State during the previous calendar year;*~~

~~*(b) Whether the district attorney prosecuted the case;*~~

~~*(c) Whether the district court impaneled a grand jury to inquire into the incident; and*~~

~~*(d) If a grand jury was impaneled, whether the grand jury returned an indictment in the case.*~~

~~*2. The report prepared pursuant to this section must be made available to the public.]*~~ **(Deleted by amendment.)**

Sec. 21. NRS 432B.395 is hereby repealed.

Sec. 22. **1. The Department of Health and Human Services shall submit a report to the Interim Finance Committee, the Legislative Committee on Health Care and any other interim committee of the Nevada Legislature that has oversight of child welfare services concerning each action taken pursuant to subsection 7 of NRS 432B.180, as amended by section 8 of this act, during the 2007-2009 interim. Each report must be submitted within 30 days after the Division of Child and**

Family Services of the Department has taken action against an agency which provides child welfare services for failure to take corrective action and must include, without limitation:

(a) The action taken by the Division;

(b) The purpose for taking such action, including, without limitation, the corrective action that the agency failed to take;

(c) The amount of money withheld from the agency or the amount of the administrative fine imposed against the agency, if applicable; and

(d) If an administrative fine was imposed pursuant NRS 432B.180, the manner in which the Division expended the money.

2. On or before January 1, 2009, the Department shall submit to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature a cumulative summary of all reports submitted pursuant to subsection 1.

TEXT OF REPEALED SECTION

432B.395 Plan of efforts to prevent or eliminate need for removal of child from home and to make safe return to home possible. An agency which provides child welfare services shall submit annually to the Division of Child and Family Services for its approval a plan to ensure that the reasonable efforts required by subsection 1 of NRS 432B.393 are made by that agency.

Assemblywoman Leslie moved that the Assembly concur in the Senate amendment to Assembly Bill No. 263.

Remarks by Assemblywoman Leslie.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 410.

The following Senate amendment was read:

Amendment No. 834.

AN ACT relating to public health; requiring the Department of Health and Human Services to establish an immunization information system; requiring the State Board of Health to adopt regulations governing the immunization information system to collect certain information concerning the immunization of children in this State; requiring the Department to study the feasibility of allowing private entities to purchase immunizations through the Department; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the immunization of children in public schools, private schools and child care facilities in certain circumstances. (NRS 392.435-392.448, 394.192-394.199, 432A.230-432A.270) Section 1 of this bill requires the Department of Health and Human Services to establish an immunization information system to be administered by the State Board of Health to collect certain statistical information concerning the

immunization of children in this State. Section 1 **also** requires the State Board of Health to establish certain forms to be used to report information and inform the parent or guardian of a child about the system. Section 1 also requires a person who administers an immunization to a child to report certain information concerning the immunization of any child on or after July 1, 2009, to the Department for inclusion in the immunization information system unless the parent or guardian of the child declines inclusion of information concerning his child in the system.

Section ~~[2]~~ **3** of this bill requires the Department to study the feasibility of offering group purchasing plans to allow private entities to purchase immunizations through the Department at the lowest negotiated price. The Department is required to report the results of its study to the Legislative Committee on Health Care.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall establish an immunization information system to collect information concerning the immunization of children in this State. The immunization information system must be administered by the State Board of Health.

2. Except as otherwise provided in subsection ~~[3,]~~ 4, a person who administers any immunization to a child which is recommended and approved by the United States Public Health Service Advisory Committee on Immunization Practices, or its successor organization, on or after July 1, 2009, shall report information concerning the child and the immunization provided to the child to the Department for inclusion in the immunization information system. The information reported must include, without limitation:

(a) The immunization provided to the child;

(b) The name of the child;

(c) Demographic information concerning the child, including, without limitation, the age, gender and race of the child; and

(d) Any other information required by regulation of the State Board of Health ~~[.]~~ , taking into consideration applicable requirements for information relating to the immunization of children of:

(1) The Centers for Disease Control and Prevention of the United States Department of Health and Human Services; and

(2) Any other governmental entity.

3. A person who reports information pursuant to subsection 2 may also report information concerning the history of the immunizations of the child if known to the Department for inclusion in the immunization information system.

4. The State Board of Health shall establish the form for reporting information to the Department for inclusion in the immunization information system and the form which the person administering the immunization must provide to the parent or guardian of the child receiving the immunization. The form provided to the parent or guardian must inform the parent or guardian about the immunization information system and must allow the parent or guardian to decline inclusion of the information concerning his child in the system.

5. The information in the immunization information system may only be disclosed to any person who administers immunizations to a child to determine the immunization status of the child and to the persons or governmental entities authorized pursuant to the regulations adopted by the State Board of Health.

6. The State Board of Health shall adopt regulations to carry out the provisions of this section.

Sec. 2. The Department of Health and Human Services shall establish incentives to encourage persons who administer immunizations to report as much information as is available to them for inclusion in the immunization information system.

Sec. 3. 1. The Department of Health and Human Services shall study the feasibility of offering group purchasing plans to private entities that administer immunizations to allow such private entities to purchase immunizations through the Department at the lowest negotiated rate.

2. The Department shall report to the Legislative Committee on Health Care the results of its study and any progress it has made toward establishing group purchasing plans for immunizations on or before January 30, 2008, and at such other times as requested by the Legislative Committee on Health Care.

Sec. 4. This act becomes effective on July 1, 2007.

Assemblywoman Leslie moved that the Assembly concur in the Senate amendment to Assembly Bill No. 410.

Remarks by Assemblywoman Leslie.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 490.

The following Senate amendment was read:

Amendment No. 817.

AN ACT relating to mentally ill persons; requiring a court to seal **certain** records relating to a person admitted to a public or private mental health facility or hospital under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows a person who has been admitted to a mental health facility to file a petition to seal court and clinical records relating to his

admission and treatment. (NRS 433A.703) If the court finds that the person has recovered or his illness is in substantial remission, the court must seal all court and clinical records relating to the person's admission and treatment. (NRS 433A.709) The effect of the sealing of such records is that the person's admission is deemed never to have occurred and the person may answer any question relating to the admission as if the admission had never occurred. (NRS 433A.711) **Section 2 of this bill repeals these provisions relating to petitioning a court to seal court and clinical records. (NRS 433A.701-433A.711)**

Section 1 of this bill requires a court to seal all court ~~[and clinical]~~ records relating to the admission and treatment of a person who has been admitted to a public or private hospital or mental health facility for the purpose of obtaining mental health treatment, either voluntarily or as the result of a noncriminal proceeding. However, under section 1, a court may order the inspection of these records under certain circumstances if the court holds a hearing and the person who is seeking to inspect the records provides notice of the hearing to the person who is the subject of the records. A governmental entity may inspect court records sealed pursuant to section 1 without following these procedures if the governmental entity has made a conditional offer of certain employment concerning public safety to the person and that person provides written consent to the inspection of the records. **A court may, upon its own order, inspect records sealed pursuant to section 1 without following these procedures if the records are necessary and relevant for the disposition of a matter pending before the court.** The effect of the sealing of such records is that the person's admission is deemed never to have occurred and the person may answer any question relating to the admission as if the admission had never occurred, except under certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 433A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A court shall seal all court ~~[and clinical]~~ records relating to the admission and treatment of any person who was admitted, voluntarily or as the result of a noncriminal proceeding, to a public or private hospital or mental health facility in this State for the purpose of obtaining mental health treatment.

2. Except as otherwise provided in ~~[subsection]~~ subsections 4 ~~[,]~~ and 5, a person or governmental entity that wishes to inspect records that are sealed pursuant to this section must file a petition with the court that sealed the records. Upon the filing of a petition, the court shall fix a time for a hearing of the matter. The petitioner must provide notice of the hearing and a copy of the petition to the person who is the subject of the records. If the person who is the subject of the records wishes to oppose the petition,

the person must appear before the court at the hearing. If the person appears before the court at the hearing, the court must provide the person an opportunity to be heard on the matter.

3. After the hearing described in subsection 2, the court may order the inspection of records that are sealed pursuant to this section if:

(a) A law enforcement agency must obtain or maintain information concerning persons who have been admitted to a public or private hospital or mental health facility in this State pursuant to state or federal law;

(b) A prosecuting attorney or an attorney who is representing the person who is the subject of the records in a criminal action requests to inspect the records; or

(c) The person who is the subject of the records petitions the court to permit the inspection of the records by a person named in the petition . ~~[;~~ ~~or~~

~~*(d) The person who is the subject of the records is being treated by a physician or licensed psychologist, and the physician or psychologist:*~~

~~*(1) Determines that it is necessary to obtain a copy of the person's records from the public or private hospital or mental health facility; and*~~

~~*(2) Agrees to use the records solely for the medical treatment or medical analysis of the person.]*~~

4. A governmental entity is entitled to inspect court records that are sealed pursuant to this section without following the procedure described in subsection 2 if:

(a) The governmental entity has made a conditional offer of employment to the person who is the subject of the records;

(b) The position of employment conditionally offered to the person concerns public safety, including, without limitation, employment as a firefighter or peace officer;

(c) The governmental entity is required by law, rule, regulation or policy to obtain the mental health records of each individual conditionally offered the position of employment; and

(d) An authorized representative of the governmental entity presents to the court a written authorization signed by the person who is the subject of the records and notarized by a notary public or judicial officer in which the person who is the subject of the records consents to the inspection of the records.

5. Upon its own order, any court of this State may inspect court records that are sealed pursuant to this section without following the procedure described in subsection 2 if the records are necessary and relevant for the disposition of a matter pending before the court. The court may allow a party in the matter to inspect the records without following the procedure described in subsection 2 if the court deems such inspection necessary and appropriate.

6. Following the sealing of records pursuant to this section, the admission of the person who is the subject of the records to the public or

private hospital or mental health facility is deemed never to have occurred, and the person may answer accordingly any question related to its occurrence, except in connection with:

(a) An application for a permit to carry a concealed firearm pursuant to the provisions of NRS 202.3653 to 202.369, inclusive;

(b) A transfer of a firearm; or

(c) An application for a position of employment described in subsection 4.

~~*[6.]*~~ ***7. As used in this section:***

(a) "Firefighter" means a person who is a salaried employee of a fire-fighting agency and whose principal duties are to control, extinguish, prevent and suppress fires. As used in this paragraph, "fire-fighting agency" means a public fire department, fire protection district or other agency of this State or a political subdivision of this State, the primary functions of which are to control, extinguish, prevent and suppress fires.

(b) "Peace officer" has the meaning ascribed to it in NRS 289.010.

(c) "Seal" means placing records in a separate file or other repository not accessible to the general public.

Sec. 2. NRS 433A.701, 433A.703, 433A.705, 433A.707, 433A.709 and 433A.711 are hereby repealed.

Sec. 3. This act becomes effective on July 1, 2007.

LEADLINES OF REPEALED SECTIONS

433A.701 Definitions.
433A.703 Right to petition for sealing of records.
433A.705 Petition: Filing, contents and supplemental documents.
433A.707 Notice of hearing on petition.
433A.709 Hearing; determination; court order.
433A.711 Effect of sealing records; inspection after sealing.

Assemblywoman Leslie moved that the Assembly concur in the Senate amendment to Assembly Bill No. 490.

Remarks by Assemblywoman Leslie.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Leslie moved that the Assembly do not recede from its action on Senate Bill No. 244, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Leslie.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Gerhardt, Pierce, and Stewart as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 244.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 521.

The following Senate amendment was read:

Amendment No. 784.

AN ACT relating to crimes; providing that it is unlawful for a person to engage in certain fraudulent acts in the course of an enterprise or occupation; **establishing the crime of participating in an organized retail theft ring;** revising provisions relating to the crime of racketeering; **authorizing the Attorney General to institute certain civil proceedings to enforce the provisions relating to deceptive trade practices; providing for the sharing of information and intelligence between the Attorney General and a state or federal investigative agency under certain circumstances; authorizing the Attorney General to seek certain equitable relief for violations of law relating to unfair trade practices; revising certain provisions relating to unfair trade practices;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various crimes relating to fraud. (Chapter 205 of NRS) Section ~~[2]~~ **3** of this bill, which is patterned in part after existing securities laws, provides that a person commits a category B felony if the person knowingly or intentionally engages in at least two similar transactions within 4 years after the completion of the first transaction by engaging in an act, practice or course of business or employing a device, scheme or artifice to defraud another person by making an untrue statement of fact or not stating a material fact necessary in light of the circumstances which: (1) the person knows to be false; (2) the person intends another to rely on; and (3) which causes a loss to any person who relied on the false statement or omission of material fact. (NRS 90.570) Section 1 of this bill imposes an additional penalty against a person who commits the new crime established by section ~~[2]~~ **3** against a person who is 60 years of age or older or a vulnerable person. (NRS 193.167) Section ~~[3]~~ **8** of this bill revises the definition of a crime related to racketeering to include the new crime established by section ~~[2.]~~ **3.** Section ~~[5]~~ **10** of this bill provides that a prosecution of the new crime established by section ~~[2]~~ **3** must be commenced within 4 years after the crime is committed.

Existing law establishes various crimes relating to racketeering activity. (NRS 207.400) Section ~~[4]~~ **9** of this bill prohibits a person from transporting property, attempting to transport property or providing property to another person knowing that the other person intends to use the property to further

racketeering activity. In addition, section ~~[4]~~ **9** prohibits a person who knows that property represents proceeds of any unlawful activity to conduct or attempt to conduct any transaction involving the property with the intent to further racketeering activity or with the knowledge that the transaction conceals the location, source, ownership or control of the property. (NRS 207.400)

Section 4 of this bill provides that a person who participates in an organized retail theft ring is guilty of a category B felony, punishable by imprisonment for: (1) a minimum term of not less than 1 year and a maximum term of not more than 10 years, if the aggregated value of the property involved in all thefts committed by the organized retail theft ring during a period of 90 days is at least $2,500 but less than $10,000; or (2) a minimum term of not less than 2 years and a maximum term of not more than 15 years, if the aggregated value of the property involved in all thefts committed by the organized retail theft ring during a period of 90 days is $10,000 or more.

Existing law authorizes the Attorney General to institute criminal proceedings to enforce the provisions of law regarding deceptive trade practices. (NRS 598.0963) Section 11 of this bill provides that the Attorney General may also institute civil proceedings to enforce those provisions.

Existing law authorizes the disclosure to the Attorney General of certain information relating to criminal investigations. (NRS 598.098, 598A.080, 598A.110) Sections 12, 15 and 17 of this bill authorize further sharing of information between the Attorney General and state and federal investigative agencies under specified conditions.

Existing law authorizes the Attorney General to institute proceedings against alleged violators of the laws concerning unfair trade practices for civil and criminal penalties. (NRS 598A.070, 598A.090) Sections 14 and 16 of this bill authorize the Attorney General to seek other relief, including, without limitation, restitution and disgorgement.

Existing law authorizes the Attorney General to bring a civil action for any violation of the provisions of law regarding unfair trade practices and to recover the damages sustained by the person on whose behalf the Attorney General brings the action. (NRS 598A.160) Section 18 of this bill allows the Attorney General to recover treble the damages sustained by the person on whose behalf the Attorney General brings the action.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 193.167 is hereby amended to read as follows:

193.167 1. Except as otherwise provided in NRS 193.169, any person who commits the crime of:

(a) Murder;

(b) Attempted murder;

(c) Assault;

(d) Battery;

(e) Kidnapping;

(f) Robbery;

(g) Sexual assault;

(h) Embezzlement of money or property of a value of $250 or more;

(i) Obtaining money or property of a value of $250 or more by false pretenses; or

(j) Taking money or property from the person of another,

➥ against any person who is 60 years of age or older or against a vulnerable person shall be punished by imprisonment in the county jail or state prison, whichever applies, for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime. The sentence prescribed by this subsection must run consecutively with the sentence prescribed by statute for the crime.

2. Except as otherwise provided in NRS 193.169, any person who commits a criminal violation of the provisions of chapter 90 or 91 of NRS ***or section ~~[2]~~ 3 of this act*** against any person who is 60 years of age or older or against a vulnerable person shall be punished by imprisonment in the county jail or state prison, whichever applies, for a term equal to and in addition to the term of imprisonment prescribed by statute for the criminal violation. The sentence prescribed by this subsection must run consecutively with the sentence prescribed by statute for the criminal violation.

3. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

4. As used in this section, "vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.

Sec. 2. Chapter 205 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 3 and 4 of this act.**

Sec. 3. 1. A person shall not, in the course of an enterprise or occupation, knowingly and with the intent to defraud, engage in an act, practice or course of business or employ a device, scheme or artifice which operates or would operate as a fraud or deceit upon a person by means of a false representation or omission of a material fact that:

(a) The person knows to be false;

(b) The person intends another to rely on; and

(c) Results in a loss to any person who relied on the false representation or omission,

➥ in at least two transactions that have the same or similar pattern, intents, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics and are not isolated incidents within 4 years and in which the aggregate loss or intended loss is more than $250.

2. Each act which violates subsection 1 constitutes a separate offense.

3. A person who violates subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $10,000.

4. In addition to any other penalty, the court shall order a person who violates subsection 1 to pay restitution.

5. As used in this section, "enterprise" has the meaning ascribed to it in NRS 207.380.

Sec. 4. *1. A person who participates in an organized retail theft ring that has committed three or more thefts of retail merchandise in this State during a period of 90 days is guilty of a category B felony and shall be punished by imprisonment in the state prison for:*

(a) If the aggregated value of the property involved in all thefts committed by the organized retail theft ring in this State during that 90-day period is at least $2,500 but less than $10,000, a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

(b) If the aggregated value of the property involved in all thefts committed during that 90-day period is $10,000 or more, a minimum term of not less than 2 years and a maximum term of not more than 15 years, and by a fine of not more than $20,000.

2. In addition to any other penalty, the court shall order a person who violates this section to pay restitution.

3. For the purposes of this section, in determining the aggregated value of the property involved in all thefts committed by an organized retail theft ring in this State during a period of 90 days:

(a) The amount involved in a single theft shall be deemed to be the highest value, by any reasonable standard, of the property which is obtained; and

(b) The amounts involved in all thefts committed by all participants in the organized retail theft ring must be aggregated.

4. In any prosecution for a violation of this section, the violation shall be deemed to have been committed and may be prosecuted in any jurisdiction in this State in which any theft committed by any participant in an organized retail theft ring was committed, regardless of whether the defendant was ever physically present in that jurisdiction.

5. As used in this section:

(a) "Merchant" has the meaning ascribed to it in NRS 597.850.

(b) "Organized retail theft ring" means three or more persons who associate for the purpose of engaging, and one or more of whom engage, in the conduct of committing a series of thefts of retail merchandise against more than one merchant in this State or against one merchant but at more than one location of a retail business of the merchant in this State.

Sec. 5. **NRS 205.0821 is hereby amended to read as follows:**

205.0821 As used in NRS 205.0821 to 205.0835, inclusive, ***and section 4 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 205.0822 to 205.0831, inclusive, have the meanings ascribed to them in those sections.

Sec. 6. **NRS 205.0833 is hereby amended to read as follows:**

205.0833 1. Conduct denominated theft in NRS 205.0821 to 205.0835, inclusive, ***and section 4 of this act*** constitutes a single offense embracing the separate offenses commonly known as larceny, receiving or possessing stolen property, embezzlement, obtaining property by false pretenses, issuing a check without sufficient money or credit, and other similar offenses.

2. A criminal charge of theft may be supported by evidence that an act was committed in any manner that constitutes theft pursuant to NRS 205.0821 to 205.0835, inclusive, ***and section 4 of this act*** notwithstanding the specification of a different manner in the indictment or information, subject to the power of the court to ensure a fair trial by granting a continuance or other appropriate relief if it determines that, in a specific case, strict application of the provisions of this subsection would result in prejudice to the defense by lack of fair notice or by surprise.

Sec. 7. **NRS 205.0835 is hereby amended to read as follows:**

205.0835 1. Unless a greater penalty is imposed by a specific statute ~~[,]~~ ***and unless the provisions of section 4 of this act apply under the circumstances,*** a person who commits theft in violation of any provision of NRS 205.0821 to 205.0835, inclusive, ***and section 4 of this act*** shall be punished pursuant to the provisions of this section.

2. If the value of the property or services involved in the theft is less than $250, the person who committed the theft is guilty of a misdemeanor.

3. If the value of the property or services involved in the theft is $250 or more but less than $2,500, the person who committed the theft is guilty of a category C felony and shall be punished as provided in NRS 193.130.

4. If the value of the property or services involved in the theft is $2,500 or more, the person who committed the theft is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

5. In addition to any other penalty, the court shall order the person who committed the theft to pay restitution.

~~[Sec. 3.]~~ ***Sec. 8.*** NRS 207.360 is hereby amended to read as follows:

207.360 "Crime related to racketeering" means the commission of, attempt to commit or conspiracy to commit any of the following crimes:

1. Murder;
2. Manslaughter, except vehicular manslaughter as described in NRS 484.3775;
3. Mayhem;
4. Battery which is punished as a felony;
5. Kidnapping;

6. Sexual assault;
7. Arson;
8. Robbery;
9. Taking property from another under circumstances not amounting to robbery;
10. Extortion;
11. Statutory sexual seduction;
12. Extortionate collection of debt in violation of NRS 205.322;
13. Forgery;
14. Any violation of NRS 199.280 which is punished as a felony;
15. Burglary;
16. Grand larceny;
17. Bribery or asking for or receiving a bribe in violation of chapter 197 or 199 of NRS which is punished as a felony;
18. Battery with intent to commit a crime in violation of NRS 200.400;
19. Assault with a deadly weapon;
20. Any violation of NRS 453.232, 453.316 to 453.3395, inclusive, or 453.375 to 453.401, inclusive;
21. Receiving or transferring a stolen vehicle;
22. Any violation of NRS 202.260, 202.275 or 202.350 which is punished as a felony;
23. Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;
24. Receiving, possessing or withholding stolen goods valued at $250 or more;
25. Embezzlement of money or property valued at $250 or more;
26. Obtaining possession of money or property valued at $250 or more, or obtaining a signature by means of false pretenses;
27. Perjury or subornation of perjury;
28. Offering false evidence;
29. Any violation of NRS 201.300 or 201.360;
30. Any violation of NRS 90.570, 91.230 or 686A.290, or insurance fraud pursuant to NRS 686A.291;
31. Any violation of NRS 205.506, 205.920 or 205.930; ~~[or]~~
32. Any violation of NRS 202.445 or 202.446 ~~[.]~~ ***; or***

33. Any violation of section ~~[2]~~ ***3 of this act.***

~~[Sec. 4.]~~ ***Sec. 9.*** NRS 207.400 is hereby amended to read as follows:

207.400 1. It is unlawful for a person:

(a) Who has with criminal intent received any proceeds derived, directly or indirectly, from racketeering activity to use or invest, whether directly or indirectly, any part of the proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of:

(1) Any title to or any right, interest or equity in real property; or

(2) Any interest in or the establishment or operation of any enterprise.

(b) Through racketeering activity to acquire or maintain, directly or indirectly, any interest in or control of any enterprise.

(c) Who is employed by or associated with any enterprise to conduct or participate, directly or indirectly, in:

(1) The affairs of the enterprise through racketeering activity; or

(2) Racketeering activity through the affairs of the enterprise.

(d) Intentionally to organize, manage, direct, supervise or finance a criminal syndicate.

(e) Knowingly to incite or induce others to engage in violence or intimidation to promote or further the criminal objectives of the criminal syndicate.

(f) To furnish advice, assistance or direction in the conduct, financing or management of the affairs of the criminal syndicate with the intent to promote or further the criminal objectives of the syndicate.

(g) Intentionally to promote or further the criminal objectives of a criminal syndicate by inducing the commission of an act or the omission of an act by a public officer or employee which violates his official duty.

(h) ***To transport property, to attempt to transport property or to provide property to another person knowing that the other person intends to use the property to further racketeering activity.***

(i) Who knows that property represents proceeds of, or is directly or indirectly derived from, any unlawful activity to conduct or attempt to conduct any transaction involving the property:

(1) With the intent to further racketeering activity; or

(2) With the knowledge that the transaction conceals the location, source, ownership or control of the property.

(j) To conspire to violate any of the provisions of this section.

2. A person who violates this section is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $25,000.

3. As used in this section, "unlawful activity" has the meaning ascribed to it in NRS 207.195.

~~[Sec. 5.]~~ ***Sec. 10.*** NRS 171.085 is hereby amended to read as follows:

171.085 Except as otherwise provided in NRS 171.083, 171.084 and 171.095, an indictment for:

1. Theft, robbery, burglary, forgery, arson, sexual assault, a violation of NRS 90.570 **,** ~~[or]~~ a violation punishable pursuant to paragraph (c) of subsection 3 of NRS 598.0999 ***or a violation of section*** ~~*[2]*~~ ***3 of this act*** must be found, or an information or complaint filed, within 4 years after the commission of the offense.

2. Any felony other than murder, theft, robbery, burglary, forgery, arson, sexual assault, a violation of NRS 90.570 or a violation punishable pursuant to paragraph (c) of subsection 3 of NRS 598.0999 must be found, or an

information or complaint filed, within 3 years after the commission of the offense.

Sec. 11. **NRS 598.0963 is hereby amended to read as follows:**

598.0963 1. Whenever the Attorney General is requested in writing by the Commissioner or the Director to represent him in instituting a legal proceeding against a person who has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person on behalf of the Commissioner or Director.

2. The Attorney General may institute ***civil or*** criminal proceedings to enforce the provisions of NRS 598.0903 to 598.0999, inclusive. The Attorney General is not required to obtain leave of the court before instituting ***civil or*** criminal proceedings pursuant to this subsection.

3. If the Attorney General has reason to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person to obtain a temporary restraining order, a preliminary or permanent injunction, or other appropriate relief.

4. If the Attorney General has cause to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may issue a subpoena to require the testimony of any person or the production of any documents, and may administer an oath or affirmation to any person providing such testimony. The subpoena must be served upon the person in the manner required for service of process in this State or by certified mail with return receipt requested. An employee of the Attorney General may personally serve the subpoena.

Sec. 12. **NRS 598.098 is hereby amended to read as follows:**

598.098 1. NRS 598.0903 to 598.0999, inclusive, do not prohibit the Commissioner or Director from disclosing to the Attorney General, any district attorney or any law enforcement officer the fact that a crime has been committed by any person, if this fact has become known as a result of any investigation conducted pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive.

2. Subject to the provisions of subsection 2 of NRS 598.0979 and except as otherwise provided in this section, the Commissioner or Director may not make public the name of any person alleged to have committed a deceptive trade practice. This subsection does not:

(a) Prevent the Commissioner or Director from issuing public statements describing or warning of any course of conduct which constitutes a deceptive trade practice.

(b) Apply to a person who is subject to an order issued pursuant to subsection 5 of NRS 598.0971.

3. Upon request, the Commissioner may:

(a) Disclose the number of written complaints received by the Commissioner during the current and immediately preceding 3 fiscal years.

A disclosure made pursuant to this paragraph must include the disposition of the complaint disclosed.

(b) Make public any order to cease and desist issued pursuant to subsection 5 of NRS 598.0971.

➥ This subsection does not authorize the Commissioner to disclose or make public the contents of any complaint described in paragraph (a) or the record of or any other information concerning a hearing conducted in relation to the issuance of an order to cease and desist described in paragraph (b).

4. ***Whenever criminal or civil intelligence, investigative information or any other information held by any state or federal agency is made available to the Attorney General on a confidential or similarly restricted basis, the Attorney General, in the course of an investigation of any violation of this chapter, may obtain and use such intelligence or information. Any such intelligence or information received retains its confidential status under the laws of this State and is exempt from the provisions of NRS 239.010.***

5. The Commissioner may adopt regulations authorizing the disclosure of information concerning any complaint or number of complaints received by the Commissioner or Director relating to a person who has been convicted of violating a provision of NRS 598.0903 to 598.0999, inclusive.

Sec. 13. **NRS 598A.060 is hereby amended to read as follows:**

598A.060 1. Every activity enumerated in this subsection constitutes a contract, combination or conspiracy in restraint of trade, and it is unlawful to conduct any part of any such activity ***affecting commerce*** in this State:

(a) Price fixing, which consists of raising, depressing, fixing, pegging or stabilizing the price of any commodity or service, and which includes, but is not limited to:

(1) Agreements among competitors to depress prices at which they will buy essential raw material for the end product.

(2) Agreements to establish prices for commodities or services.

(3) Agreements to establish uniform discounts, or to eliminate discounts.

(4) Agreements between manufacturers to price a premium commodity a specified amount above inferior commodities.

(5) Agreements not to sell below cost.

(6) Agreements to establish uniform trade-in allowances.

(7) Establishment of uniform cost surveys.

(8) Establishment of minimum markup percentages.

(9) Establishment of single or multiple basing point systems for determining the delivered price of commodities.

(10) Agreements not to advertise prices.

(11) Agreements among competitors to fix uniform list prices as a place to start bargaining.

(12) Bid rigging, including the misuse of bid depositories, foreclosures of competitive activity for a period of time, rotation of jobs among

competitors, submission of identical bids, and submission of complementary bids not intended to secure acceptance by the customer.

(13) Agreements to discontinue a product, or agreements with anyone engaged in the manufacture of competitive lines to limit size, styles or quantities of items comprising the lines.

(14) Agreements to restrict volume of production.

(b) Division of markets, consisting of agreements between competitors to divide territories and to refrain from soliciting or selling in certain areas.

(c) Allocation of customers, consisting of agreements not to sell to specified customers of a competitor.

(d) Tying arrangements, consisting of contracts in which the seller or lessor conditions the sale or lease of commodities or services on the purchase or leasing of another commodity or service.

(e) Monopolization of trade or commerce in this State, including, without limitation, attempting to monopolize or otherwise combining or conspiring to monopolize trade or commerce in this State.

(f) Except as otherwise provided in subsection 2, consolidation, conversion, merger, acquisition of shares of stock or other equity interest, directly or indirectly, of another person engaged in commerce in this State or the acquisition of any assets of another person engaged in commerce in this State that may:

(1) Result in the monopolization of trade or commerce in this State or would further any attempt to monopolize trade or commerce in this State; or

(2) Substantially lessen competition or be in restraint of trade.

2. The provisions of paragraph (f) of subsection 1 do not:

(a) Apply to a person who, solely for an investment purpose, purchases stock or other equity interest or assets of another person if the purchaser does not use his acquisition to bring about or attempt to bring about the substantial lessening of competition in this State.

(b) Prevent a person who is engaged in commerce in this State from forming a subsidiary corporation or other business organization and owning and holding all or part of the stock or equity interest of that corporation or organization.

Sec. 14. **NRS 598A.070 is hereby amended to read as follows:**

598A.070 1. The Attorney General shall:

(a) Enforce the provisions of this chapter.

(b) Investigate suspected violations of the provisions of this chapter.

(c) Institute proceedings on behalf of the State, its agencies, political subdivisions, districts or municipal corporations, or as parens patriae of the persons residing in the State for:

(1) Injunctive relief to prevent and restrain a violation of any provision of this chapter.

(2) Civil penalties for violations of the provisions of this chapter.

(3) Criminal penalties for violations of the provisions of this chapter.

(4) Other equitable relief, including, without limitation, restitution and disgorgement, for violations of the provisions of this chapter.

2. Any district attorney in this State, with the permission or at the direction of the Attorney General, shall institute proceedings in the name of the State of Nevada for any violation of the provisions of this chapter.

Sec. 15. **NRS 598A.080 is hereby amended to read as follows:**

598A.080 The Attorney General may cooperate with and coordinate the enforcement of the provisions of this chapter with officials of the Federal Government and the several states, including **,** but not limited to **,** the ***following:***

1. The sharing of information and evidence obtained in accordance with NRS 598A.100 ~~[.]~~ ***, if the officials agree in writing to comply with the provisions of NRS 598A.110.***

2. The receipt of information and evidence by the Attorney General from the officials during an investigation of a violation of this chapter. If the information and evidence are provided on a confidential basis, that information and evidence are subject to the provisions of NRS 598A.110.

Sec. 16. **NRS 598A.090 is hereby amended to read as follows:**

598A.090 The district courts have jurisdiction over actions and proceedings for violations of the provisions of this chapter and may:

1. Issue temporary restraining orders and injunctions to prevent and restrain violations of the provisions of this chapter.

2. Impose civil and criminal penalties and award damages as provided in this chapter.

3. Grant mandatory injunctions reasonably necessary to eliminate practices which are unlawful under the provisions of this chapter.

4. Grant other equitable relief, including, without limitation, restitution and disgorgement, for violations of the provisions of this chapter.

Sec. 17. **NRS 598A.110 is hereby amended to read as follows:**

598A.110 ***1.*** Any procedure, testimony taken, document or other tangible evidence produced, or answer made under NRS 598A.100 ~~[shall]~~ ***is confidential and must*** be kept confidential by the Attorney General **,** ~~[prior to the institution of an action brought under this chapter for the alleged violation of the provisions of this chapter under investigation,]~~ unless:

~~[1.]~~ ***(a)*** Confidentiality is waived by the person upon whom the written investigative demand is made;

~~[2.]~~ ***(b)*** Disclosure is authorized by the district court; ~~[or~~

~~3. Disclosure]~~

(c) Subject to the provisions of subsection 2, disclosure is made pursuant to NRS 598A.080 ~~[.]~~ ***; or***

(d) Disclosure is made pursuant to an action brought under this chapter or similar federal or state law.

2. Disclosure made pursuant to NRS 598A.080 does not change the confidentiality of the information and evidence.

Sec. 18. **NRS 598A.160 is hereby amended to read as follows:**

598A.160 1. The Attorney General may bring a civil action for any violation of the provisions of this chapter in the name of the State of Nevada and is entitled to recover damages and secure other relief provided by the provisions of this chapter:

(a) As parens patriae of the persons residing in this State, with respect to damages sustained directly or indirectly by such persons, or, alternatively, if the court finds in its discretion that the interests of justice so require, as a representative of a class or classes consisting of persons residing in this State who have been damaged directly or indirectly; ~~[or]~~

(b) As parens patriae, with respect to direct or indirect damages to the general economy of the State of Nevada or any political subdivision thereof ~~[.]~~ ***; or***

(c) On behalf of or as parens patriae, with respect to direct or indirect damages of the State, its agencies, political subdivisions, districts or municipal corporations.

2. In any action under this section, this State:

(a) May recover ***treble*** the aggregate damage sustained by the persons on whose behalf this State sues, without separately proving the individual claims of each such person. Proof of such damages must be based on:

(1) Statistical or sampling methods;

(2) The pro rata allocation of illegal overcharges of sales occurring within the State of Nevada; or

(3) Such other reasonable system of estimating aggregate damages as the court may permit.

(b) Shall distribute, allocate or otherwise pay the amounts so recovered in accordance with state law, or in the absence of any applicable state law, as the district court may authorize, subject to the requirement that any distribution procedure adopted afford each person on whose behalf this State sues a reasonable opportunity individually to secure the pro rata portion of such recovery attributable to his or its respective claims for damages, less litigation and administrative costs, including attorney fees, before any of the recovery is escheated.

Assemblyman Anderson moved that the Assembly do not concur in the Senate Amendment No. 784 to Assembly Bill No. 521.

Remarks by Assemblyman Anderson.

Motion carried.

The following Senate amendment was read:

Amendment No. 1021.

SUMMARY—Revises provisions relating to ~~[the]~~ **various** crimes **.** ~~[of fraud and racketeering.]~~ (BDR 15-500)

AN ACT relating to crimes; providing that it is unlawful for a person to engage in certain fraudulent acts in the course of an enterprise or occupation; ~~[establishing the crime of participating in an organized retail theft ring;]~~ revising provisions relating to the crime of racketeering; **revising provisions relating to crimes against pregnant women;** authorizing the Attorney

General to institute certain civil proceedings to enforce the provisions relating to deceptive trade practices; providing for the sharing of information and intelligence between the Attorney General and a state or federal investigative agency under certain circumstances; authorizing the Attorney General to seek certain equitable relief for violations of law relating to unfair trade practices; revising certain provisions relating to unfair trade practices; **revising provisions relating to the crime of participating in an organized retail theft ring;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides additional penalties for certain crimes committed against older persons and vulnerable persons. (NRS 193.167) Section 1 of this bill provides an additional penalty for certain crimes committed against pregnant women.

Existing law provides that if a person drives under the influence of alcohol or a controlled substance and proximately causes the death of, or substantial bodily harm to, a person other than himself, the person is guilty of a category B felony which is punishable by imprisonment for a minimum term of not less than 2 years and a maximum term of not more than 20 years and a fine of not less than $2,000 but not more than $5,000. (NRS 484.3795) Section 11 of this bill provides that a person is guilty of the same offense and subject to the same penalty if the person drives under the influence of alcohol or a controlled substance and proximately causes the termination of the pregnancy of another person.

Existing law establishes various crimes relating to fraud. (Chapter 205 of NRS) Section 3 of this bill, which is patterned in part after existing securities laws, provides that a person commits a category B felony if the person knowingly or intentionally engages in at least two similar transactions within 4 years after the completion of the first transaction by engaging in an act, practice or course of business or employing a device, scheme or artifice to defraud another person by making an untrue statement of fact or not stating a material fact necessary in light of the circumstances which: (1) the person knows to be false; (2) the person intends another to rely on; and (3) which causes a loss to any person who relied on the false statement or omission of material fact. (NRS 90.570) Section 1 of this bill imposes an additional penalty against a person who commits the new crime established by section 3 against a person who is 60 years of age or older or a vulnerable person. (NRS 193.167) Section 8 of this bill revises the definition of a crime related to racketeering to include the new crime established by section 3. Section 10 of this bill provides that a prosecution of the new crime established by section 3 must be commenced within 4 years after the crime is committed.

Existing law establishes various crimes relating to racketeering activity. (NRS 207.400) Section 9 of this bill prohibits a person from transporting property, attempting to transport property or providing property to another person knowing that the other person intends to use the property to further

racketeering activity. In addition, section 9 prohibits a person who knows that property represents proceeds of any unlawful activity to conduct or attempt to conduct any transaction involving the property with the intent to further racketeering activity or with the knowledge that the transaction conceals the location, source, ownership or control of the property. (NRS 207.400)

~~[Section 4 of this bill provides that a person who participates in an organized retail theft ring is guilty of a category B felony, punishable by imprisonment for: (1) a minimum term of not less than 1 year and a maximum term of not more than 10 years, if the aggregated value of the property involved in all thefts committed by the organized retail theft ring during a period of 90 days is at least $2,500 but less than $10,000; or (2) a minimum term of not less than 2 years and a maximum term of not more than 15 years, if the aggregated value of the property involved in all thefts committed by the organized retail theft ring during a period of 90 days is $10,000 or more.]~~

Existing law authorizes the Attorney General to institute criminal proceedings to enforce the provisions of law regarding deceptive trade practices. (NRS 598.0963) Section ~~[11]~~ **13** of this bill provides that the Attorney General may also institute civil proceedings to enforce those provisions.

Existing law authorizes the disclosure to the Attorney General of certain information relating to criminal investigations. (NRS 598.098, 598A.080, 598A.110) Sections ~~[12,]~~ **14,** ~~[15]~~ **17** and ~~[17]~~ **19** of this bill authorize further sharing of information between the Attorney General and state and federal investigative agencies under specified conditions.

Existing law authorizes the Attorney General to institute proceedings against alleged violators of the laws concerning unfair trade practices for civil and criminal penalties. (NRS 598A.070, 598A.090) Sections ~~[14]~~ **16** and ~~[16]~~ **18** of this bill authorize the Attorney General to seek other relief, including, without limitation, restitution and disgorgement.

Existing law authorizes the Attorney General to bring a civil action for any violation of the provisions of law regarding unfair trade practices and to recover the damages sustained by the person on whose behalf the Attorney General brings the action. (NRS 598A.160) Section ~~[18]~~ **20** of this bill allows the Attorney General to recover treble the damages sustained by the person on whose behalf the Attorney General brings the action.

Section 1 of Assembly Bill No. 421 creates the crime of participating in an organized retail theft ring. Section 21 of this bill amends section 1 of Assembly Bill No. 421 to: (1) provide that a person commits the crime of participating in an organized retail theft ring only if the organized retail theft ring has committed three or more thefts in this State during a 90-day period; and (2) eliminate the references to theft of services.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 193.167 is hereby amended to read as follows:

193.167 1. Except as otherwise provided in NRS 193.169, any person who commits the crime of:

(a) Murder;

(b) Attempted murder;

(c) Assault;

(d) Battery;

(e) Kidnapping;

(f) Robbery;

(g) Sexual assault;

(h) Embezzlement of money or property of a value of $250 or more;

(i) Obtaining money or property of a value of $250 or more by false pretenses; or

(j) Taking money or property from the person of another,

➥ against any person who is 60 years of age or older or against a vulnerable person shall be punished by imprisonment in the county jail or state prison, whichever applies, for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime. The sentence prescribed by this subsection must run consecutively with the sentence prescribed by statute for the crime.

2. Except as otherwise provided in NRS 193.169, any person who commits a criminal violation of the provisions of chapter 90 or 91 of NRS ***or section 3 of this act*** against any person who is 60 years of age or older or against a vulnerable person shall be punished by imprisonment in the county jail or state prison, whichever applies, for a term equal to and in addition to the term of imprisonment prescribed by statute for the criminal violation. The sentence prescribed by this subsection must run consecutively with the sentence prescribed by statute for the criminal violation.

3. ***Except as otherwise provided in NRS 193.169, any person who commits the crime of:***

(a) Murder;

(b) Attempted murder;

(c) Assault;

(d) Battery;

(e) Kidnapping;

(f) Robbery; or

(g) Sexual assault,

➥ against a woman who is pregnant at the time the crime is committed, and who knows or reasonably should know, at the time the crime is committed, that the woman is pregnant, shall be punished by imprisonment in the county jail or state prison, whichever applies, for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime.

The sentence prescribed by this subsection must run consecutively with the sentence prescribed by statute for the crime.

4. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

~~[4.]~~ ***5.*** As used in this section, "vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.

Sec. 2. Chapter 205 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. ***1. A person shall not, in the course of an enterprise or occupation, knowingly and with the intent to defraud, engage in an act, practice or course of business or employ a device, scheme or artifice which operates or would operate as a fraud or deceit upon a person by means of a false representation or omission of a material fact that:***

(a) The person knows to be false;

(b) The person intends another to rely on; and

(c) Results in a loss to any person who relied on the false representation or omission,

➥ in at least two transactions that have the same or similar pattern, intents, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics and are not isolated incidents within 4 years and in which the aggregate loss or intended loss is more than $250.

2. Each act which violates subsection 1 constitutes a separate offense.

3. A person who violates subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $10,000.

4. In addition to any other penalty, the court shall order a person who violates subsection 1 to pay restitution.

5. As used in this section, "enterprise" has the meaning ascribed to it in NRS 207.380.

Sec. 4. ~~*[1. A person who participates in an organized retail theft ring that has committed three or more thefts of retail merchandise in this State during a period of 90 days is guilty of a category B felony and shall be punished by imprisonment in the state prison for:*~~

~~*(a) If the aggregated value of the property involved in all thefts committed by the organized retail theft ring in this State during that 90-day period is at least $2,500 but less than $10,000, a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.*~~

~~*(b) If the aggregated value of the property involved in all thefts committed during that 90-day period is $10,000 or more, a minimum term of not less than 2 years and a maximum term of not more than 15 years, and by a fine of not more than $20,000.*~~

~~*2. In addition to any other penalty, the court shall order a person who violates this section to pay restitution.*~~

~~*3. For the purposes of this section, in determining the aggregated value of the property involved in all thefts committed by an organized retail theft ring in this State during a period of 90 days:*~~

~~*(a) The amount involved in a single theft shall be deemed to be the highest value, by any reasonable standard, of the property which is obtained; and*~~

~~*(b) The amounts involved in all thefts committed by all participants in the organized retail theft ring must be aggregated.*~~

~~*4. In any prosecution for a violation of this section, the violation shall be deemed to have been committed and may be prosecuted in any jurisdiction in this State in which any theft committed by any participant in an organized retail theft ring was committed, regardless of whether the defendant was ever physically present in that jurisdiction.*~~

~~*5. As used in this section:*~~

~~*(a) "Merchant" has the meaning ascribed to it in NRS 597.850.*~~

~~*(b) "Organized retail theft ring" means three or more persons who associate for the purpose of engaging, and one or more of whom engage, in the conduct of committing a series of thefts of retail merchandise against more than one merchant in this State or against one merchant but at more than one location of a retail business of the merchant in this State.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 205.0821 is hereby amended to read as follows:~~

~~205.0821 As used in NRS 205.0821 to 205.0835, inclusive, *and section 4 of this act*, unless the context otherwise requires, the words and terms defined in NRS 205.0822 to 205.0831, inclusive, have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 205.0833 is hereby amended to read as follows:~~

~~205.0833 1. Conduct denominated theft in NRS 205.0821 to 205.0835, inclusive, *and section 4 of this act* constitutes a single offense embracing the separate offenses commonly known as larceny, receiving or possessing stolen property, embezzlement, obtaining property by false pretenses, issuing a check without sufficient money or credit, and other similar offenses.~~

~~2. A criminal charge of theft may be supported by evidence that an act was committed in any manner that constitutes theft pursuant to NRS 205.0821 to 205.0835, inclusive, *and section 4 of this act* notwithstanding the specification of a different manner in the indictment or information, subject to the power of the court to ensure a fair trial by granting a continuance or other appropriate relief if it determines that, in a specific case, strict application of the provisions of this subsection would result in prejudice to the defense by lack of fair notice or by surprise.]~~ **(Deleted by amendment.)**

Sec. 7. ~~[NRS 205.0835 is hereby amended to read as follows:~~

~~205.0835 1. Unless a greater penalty is imposed by a specific statute [,] *and unless the provisions of section 4 of this act apply under the circumstances*, a person who commits theft in violation of any provision of~~

~~NRS 205.0821 to 205.0835, inclusive, *and section 4 of this act* shall be punished pursuant to the provisions of this section.~~

~~2. If the value of the property or services involved in the theft is less than $250, the person who committed the theft is guilty of a misdemeanor.~~

~~3. If the value of the property or services involved in the theft is $250 or more but less than $2,500, the person who committed the theft is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~4. If the value of the property or services involved in the theft is $2,500 or more, the person who committed the theft is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.~~

~~5. In addition to any other penalty, the court shall order the person who committed the theft to pay restitution.]~~ **(Deleted by amendment.)**

Sec. 8. NRS 207.360 is hereby amended to read as follows:

207.360 "Crime related to racketeering" means the commission of, attempt to commit or conspiracy to commit any of the following crimes:

1. Murder;
2. Manslaughter, except vehicular manslaughter as described in NRS 484.3775;
3. Mayhem;
4. Battery which is punished as a felony;
5. Kidnapping;
6. Sexual assault;
7. Arson;
8. Robbery;
9. Taking property from another under circumstances not amounting to robbery;
10. Extortion;
11. Statutory sexual seduction;
12. Extortionate collection of debt in violation of NRS 205.322;
13. Forgery;
14. Any violation of NRS 199.280 which is punished as a felony;
15. Burglary;
16. Grand larceny;
17. Bribery or asking for or receiving a bribe in violation of chapter 197 or 199 of NRS which is punished as a felony;
18. Battery with intent to commit a crime in violation of NRS 200.400;
19. Assault with a deadly weapon;
20. Any violation of NRS 453.232, 453.316 to 453.3395, inclusive, or 453.375 to 453.401, inclusive;
21. Receiving or transferring a stolen vehicle;
22. Any violation of NRS 202.260, 202.275 or 202.350 which is punished as a felony;

23. Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;

24. Receiving, possessing or withholding stolen goods valued at $250 or more;

25. Embezzlement of money or property valued at $250 or more;

26. Obtaining possession of money or property valued at $250 or more, or obtaining a signature by means of false pretenses;

27. Perjury or subornation of perjury;

28. Offering false evidence;

29. Any violation of NRS 201.300 or 201.360;

30. Any violation of NRS 90.570, 91.230 or 686A.290, or insurance fraud pursuant to NRS 686A.291;

31. Any violation of NRS 205.506, 205.920 or 205.930; ~~[or]~~

32. Any violation of NRS 202.445 or 202.446 ~~[.]~~ ***; or***

33. Any violation of section 3 of this act.

Sec. 9. NRS 207.400 is hereby amended to read as follows:

207.400 1. It is unlawful for a person:

(a) Who has with criminal intent received any proceeds derived, directly or indirectly, from racketeering activity to use or invest, whether directly or indirectly, any part of the proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of:

(1) Any title to or any right, interest or equity in real property; or

(2) Any interest in or the establishment or operation of any enterprise.

(b) Through racketeering activity to acquire or maintain, directly or indirectly, any interest in or control of any enterprise.

(c) Who is employed by or associated with any enterprise to conduct or participate, directly or indirectly, in:

(1) The affairs of the enterprise through racketeering activity; or

(2) Racketeering activity through the affairs of the enterprise.

(d) Intentionally to organize, manage, direct, supervise or finance a criminal syndicate.

(e) Knowingly to incite or induce others to engage in violence or intimidation to promote or further the criminal objectives of the criminal syndicate.

(f) To furnish advice, assistance or direction in the conduct, financing or management of the affairs of the criminal syndicate with the intent to promote or further the criminal objectives of the syndicate.

(g) Intentionally to promote or further the criminal objectives of a criminal syndicate by inducing the commission of an act or the omission of an act by a public officer or employee which violates his official duty.

(h) ***To transport property, to attempt to transport property or to provide property to another person knowing that the other person intends to use the property to further racketeering activity.***

(i) Who knows that property represents proceeds of, or is directly or indirectly derived from, any unlawful activity to conduct or attempt to conduct any transaction involving the property:

(1) With the intent to further racketeering activity; or

(2) With the knowledge that the transaction conceals the location, source, ownership or control of the property.

(j) To conspire to violate any of the provisions of this section.

2. A person who violates this section is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $25,000.

3. As used in this section, "unlawful activity" has the meaning ascribed to it in NRS 207.195.

Sec. 10. NRS 171.085 is hereby amended to read as follows:

171.085 Except as otherwise provided in NRS 171.083, 171.084 and 171.095, an indictment for:

1. Theft, robbery, burglary, forgery, arson, sexual assault, a violation of NRS 90.570 **,** ~~[or]~~ a violation punishable pursuant to paragraph (c) of subsection 3 of NRS 598.0999 ***or a violation of section 3 of this act*** must be found, or an information or complaint filed, within 4 years after the commission of the offense.

2. Any felony other than murder, theft, robbery, burglary, forgery, arson, sexual assault, a violation of NRS 90.570 or a violation punishable pursuant to paragraph (c) of subsection 3 of NRS 598.0999 must be found, or an information or complaint filed, within 3 years after the commission of the offense.

Sec. 11. **NRS 484.3795 is hereby amended to read as follows:**

484.3795 1. Unless a greater penalty is provided pursuant to NRS 484.37955, a person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his blood or breath;

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his blood or breath;

(d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely driving or exercising actual physical control of a vehicle; or

(f) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379,

➥ and does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on or off the highways of this State, if the act or neglect of duty proximately causes the death of, or substantial

bodily harm to, ~~[a]~~ ***another*** person ~~[other than himself,]~~ **, *or proximately causes the termination of the pregnancy of another person,*** is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and must be further punished by a fine of not less than $2,000 nor more than $5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 may not be suspended nor may probation be granted.

3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.08 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

4. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

Sec. 12. **NRS 484.3795 is hereby amended to read as follows:**

484.3795 1. Unless a greater penalty is provided pursuant to NRS 484.37955, a person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his blood or breath;

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his blood or breath;

(d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely driving or exercising actual physical control of a vehicle; or

(f) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379,

➥ and does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on or off the highways of this State, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, ~~[a]~~ ***another*** person ~~[other than himself,]~~ ***, or proximately causes the termination of the pregnancy of another person,*** is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and must be further punished by a fine of not less than $2,000 nor more than $5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 may not be suspended nor may probation be granted.

3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.08 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

4. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

~~[Sec. 11.]~~ ***Sec. 13.*** NRS 598.0963 is hereby amended to read as follows:

598.0963 1. Whenever the Attorney General is requested in writing by the Commissioner or the Director to represent him in instituting a legal proceeding against a person who has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person on behalf of the Commissioner or Director.

2. The Attorney General may institute ***civil or*** criminal proceedings to enforce the provisions of NRS 598.0903 to 598.0999, inclusive. The Attorney General is not required to obtain leave of the court before instituting ***civil or*** criminal proceedings pursuant to this subsection.

3. If the Attorney General has reason to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General

may bring an action in the name of the State of Nevada against that person to obtain a temporary restraining order, a preliminary or permanent injunction, or other appropriate relief.

4. If the Attorney General has cause to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may issue a subpoena to require the testimony of any person or the production of any documents, and may administer an oath or affirmation to any person providing such testimony. The subpoena must be served upon the person in the manner required for service of process in this State or by certified mail with return receipt requested. An employee of the Attorney General may personally serve the subpoena.

~~[Sec. 12.]~~ ***Sec. 14.*** NRS 598.098 is hereby amended to read as follows:

598.098 1. NRS 598.0903 to 598.0999, inclusive, do not prohibit the Commissioner or Director from disclosing to the Attorney General, any district attorney or any law enforcement officer the fact that a crime has been committed by any person, if this fact has become known as a result of any investigation conducted pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive.

2. Subject to the provisions of subsection 2 of NRS 598.0979 and except as otherwise provided in this section, the Commissioner or Director may not make public the name of any person alleged to have committed a deceptive trade practice. This subsection does not:

(a) Prevent the Commissioner or Director from issuing public statements describing or warning of any course of conduct which constitutes a deceptive trade practice.

(b) Apply to a person who is subject to an order issued pursuant to subsection 5 of NRS 598.0971.

3. Upon request, the Commissioner may:

(a) Disclose the number of written complaints received by the Commissioner during the current and immediately preceding 3 fiscal years. A disclosure made pursuant to this paragraph must include the disposition of the complaint disclosed.

(b) Make public any order to cease and desist issued pursuant to subsection 5 of NRS 598.0971.

➥ This subsection does not authorize the Commissioner to disclose or make public the contents of any complaint described in paragraph (a) or the record of or any other information concerning a hearing conducted in relation to the issuance of an order to cease and desist described in paragraph (b).

4. ***Whenever criminal or civil intelligence, investigative information or any other information held by any state or federal agency is made available to the Attorney General on a confidential or similarly restricted basis, the Attorney General, in the course of an investigation of any violation of this chapter, may obtain and use such intelligence or information. Any such***

intelligence or information received retains its confidential status under the laws of this State and is exempt from the provisions of NRS 239.010.

5. The Commissioner may adopt regulations authorizing the disclosure of information concerning any complaint or number of complaints received by the Commissioner or Director relating to a person who has been convicted of violating a provision of NRS 598.0903 to 598.0999, inclusive.

~~[Sec. 13.]~~ ***Sec. 15.*** NRS 598A.060 is hereby amended to read as follows:

598A.060 1. Every activity enumerated in this subsection constitutes a contract, combination or conspiracy in restraint of trade, and it is unlawful to conduct any part of any such activity ***affecting commerce*** in this State:

(a) Price fixing, which consists of raising, depressing, fixing, pegging or stabilizing the price of any commodity or service, and which includes, but is not limited to:

(1) Agreements among competitors to depress prices at which they will buy essential raw material for the end product.

(2) Agreements to establish prices for commodities or services.

(3) Agreements to establish uniform discounts, or to eliminate discounts.

(4) Agreements between manufacturers to price a premium commodity a specified amount above inferior commodities.

(5) Agreements not to sell below cost.

(6) Agreements to establish uniform trade-in allowances.

(7) Establishment of uniform cost surveys.

(8) Establishment of minimum markup percentages.

(9) Establishment of single or multiple basing point systems for determining the delivered price of commodities.

(10) Agreements not to advertise prices.

(11) Agreements among competitors to fix uniform list prices as a place to start bargaining.

(12) Bid rigging, including the misuse of bid depositories, foreclosures of competitive activity for a period of time, rotation of jobs among competitors, submission of identical bids, and submission of complementary bids not intended to secure acceptance by the customer.

(13) Agreements to discontinue a product, or agreements with anyone engaged in the manufacture of competitive lines to limit size, styles or quantities of items comprising the lines.

(14) Agreements to restrict volume of production.

(b) Division of markets, consisting of agreements between competitors to divide territories and to refrain from soliciting or selling in certain areas.

(c) Allocation of customers, consisting of agreements not to sell to specified customers of a competitor.

(d) Tying arrangements, consisting of contracts in which the seller or lessor conditions the sale or lease of commodities or services on the purchase or leasing of another commodity or service.

(e) Monopolization of trade or commerce in this State, including, without limitation, attempting to monopolize or otherwise combining or conspiring to monopolize trade or commerce in this State.

(f) Except as otherwise provided in subsection 2, consolidation, conversion, merger, acquisition of shares of stock or other equity interest, directly or indirectly, of another person engaged in commerce in this State or the acquisition of any assets of another person engaged in commerce in this State that may:

(1) Result in the monopolization of trade or commerce in this State or would further any attempt to monopolize trade or commerce in this State; or

(2) Substantially lessen competition or be in restraint of trade.

2. The provisions of paragraph (f) of subsection 1 do not:

(a) Apply to a person who, solely for an investment purpose, purchases stock or other equity interest or assets of another person if the purchaser does not use his acquisition to bring about or attempt to bring about the substantial lessening of competition in this State.

(b) Prevent a person who is engaged in commerce in this State from forming a subsidiary corporation or other business organization and owning and holding all or part of the stock or equity interest of that corporation or organization.

~~[Sec. 14.]~~ ***Sec. 16.*** NRS 598A.070 is hereby amended to read as follows:

598A.070 1. The Attorney General shall:

(a) Enforce the provisions of this chapter.

(b) Investigate suspected violations of the provisions of this chapter.

(c) Institute proceedings on behalf of the State, its agencies, political subdivisions, districts or municipal corporations, or as parens patriae of the persons residing in the State for:

(1) Injunctive relief to prevent and restrain a violation of any provision of this chapter.

(2) Civil penalties for violations of the provisions of this chapter.

(3) Criminal penalties for violations of the provisions of this chapter.

(4) Other equitable relief, including, without limitation, restitution and disgorgement, for violations of the provisions of this chapter.

2. Any district attorney in this State, with the permission or at the direction of the Attorney General, shall institute proceedings in the name of the State of Nevada for any violation of the provisions of this chapter.

~~[Sec. 15.]~~ ***Sec. 17.*** NRS 598A.080 is hereby amended to read as follows:

598A.080 The Attorney General may cooperate with and coordinate the enforcement of the provisions of this chapter with officials of the Federal Government and the several states, including **,** but not limited to **,** the ***following:***

1. The sharing of information and evidence obtained in accordance with NRS 598A.100 ~~[.]~~ ***, if the officials agree in writing to comply with the provisions of NRS 598A.110.***

2. The receipt of information and evidence by the Attorney General from the officials during an investigation of a violation of this chapter. If the information and evidence are provided on a confidential basis, that information and evidence are subject to the provisions of NRS 598A.110.

~~[Sec. 16.]~~ ***Sec. 18.*** NRS 598A.090 is hereby amended to read as follows:

598A.090 The district courts have jurisdiction over actions and proceedings for violations of the provisions of this chapter and may:

1. Issue temporary restraining orders and injunctions to prevent and restrain violations of the provisions of this chapter.

2. Impose civil and criminal penalties and award damages as provided in this chapter.

3. Grant mandatory injunctions reasonably necessary to eliminate practices which are unlawful under the provisions of this chapter.

4. Grant other equitable relief, including, without limitation, restitution and disgorgement, for violations of the provisions of this chapter.

~~[Sec. 17.]~~ ***Sec. 19.*** NRS 598A.110 is hereby amended to read as follows:

598A.110 ***1.*** Any procedure, testimony taken, document or other tangible evidence produced, or answer made under NRS 598A.100 ~~[shall]~~ ***is confidential and must*** be kept confidential by the Attorney General ***,*** ~~[prior to the institution of an action brought under this chapter for the alleged violation of the provisions of this chapter under investigation,]~~ unless:

~~[1.]~~ ***(a)*** Confidentiality is waived by the person upon whom the written investigative demand is made;

~~[2.]~~ ***(b)*** Disclosure is authorized by the district court; ~~[or~~

~~3. Disclosure]~~

(c) Subject to the provisions of subsection 2, disclosure is made pursuant to NRS 598A.080 ~~[.]~~ ***; or***

(d) Disclosure is made pursuant to an action brought under this chapter or similar federal or state law.

2. Disclosure made pursuant to NRS 598A.080 does not change the confidentiality of the information and evidence.

~~[Sec. 18.]~~ ***Sec. 20.*** NRS 598A.160 is hereby amended to read as follows:

598A.160 1. The Attorney General may bring a civil action for any violation of the provisions of this chapter in the name of the State of Nevada and is entitled to recover damages and secure other relief provided by the provisions of this chapter:

(a) As parens patriae of the persons residing in this State, with respect to damages sustained directly or indirectly by such persons, or, alternatively, if the court finds in its discretion that the interests of justice so require, as a

representative of a class or classes consisting of persons residing in this State who have been damaged directly or indirectly; ~~[or]~~

(b) As parens patriae, with respect to direct or indirect damages to the general economy of the State of Nevada or any political subdivision thereof ~~[.]~~ ***; or***

(c) On behalf of or as parens patriae, with respect to direct or indirect damages of the State, its agencies, political subdivisions, districts or municipal corporations.

2. In any action under this section, this State:

(a) May recover ***treble*** the aggregate damage sustained by the persons on whose behalf this State sues, without separately proving the individual claims of each such person. Proof of such damages must be based on:

(1) Statistical or sampling methods;

(2) The pro rata allocation of illegal overcharges of sales occurring within the State of Nevada; or

(3) Such other reasonable system of estimating aggregate damages as the court may permit.

(b) Shall distribute, allocate or otherwise pay the amounts so recovered in accordance with state law, or in the absence of any applicable state law, as the district court may authorize, subject to the requirement that any distribution procedure adopted afford each person on whose behalf this State sues a reasonable opportunity individually to secure the pro rata portion of such recovery attributable to his or its respective claims for damages, less litigation and administrative costs, including attorney fees, before any of the recovery is escheated.

Sec. 21. **Section 1 of Assembly Bill No. 421 of this session is hereby amended to read as follows:**

Section 1**.** 1. A person who participates in an organized retail theft ring ***that has committed three or more thefts of retail merchandise in this State during a period of 90 days*** is guilty of a category B felony and shall be punished by imprisonment in the state prison for:

(a) If the aggregated value of the property ~~[or services]~~ involved in all thefts committed by the organized retail theft ring in this State during ~~[a period of 90 days]~~ ***that 90-day period*** is at least $2,500 but less than $10,000, a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

(b) If the aggregated value of the property ~~[or services]~~ involved in all thefts committed by the organized retail theft ring in this State during ~~[a period of 90 days]~~ ***that 90-day period*** is $10,000 or more, a minimum term of not less than 2 years and a maximum term of not more than 15 years, and by a fine of not more than $20,000.

2. In addition to any other penalty, the court shall order a person who violates this section to pay restitution.

3. For the purposes of this section, in determining the aggregated value of the property ~~[or services]~~ involved in all thefts committed by an organized retail theft ring in this State during a period of 90 days:

(a) The amount involved in a single theft shall be deemed to be the highest value, by any reasonable standard, of the property ~~[or services which are]~~ ***which is*** obtained; and

(b) The amounts involved in all thefts committed by all participants in the organized retail theft ring must be aggregated.

4. In any prosecution for a violation of this section, the violation shall be deemed to have been committed and may be prosecuted in any jurisdiction in this State in which any theft committed by any participant in an organized retail theft ring was committed, regardless of whether the defendant was ever physically present in that jurisdiction.

5. As used in this section:

(a) "Merchant" has the meaning ascribed to it in NRS 597.850.

(b) "Organized retail theft ring" means three or more persons who associate for the purpose of engaging ***, and one or more of whom engage,*** in the conduct of committing a series of thefts of retail merchandise against more than one merchant in this State or against one merchant but at more than one location of a retail business of the merchant in this State.

Sec. 22. **1. This section, sections 1 to 11, inclusive, and 13 to 20, inclusive, of this act become effective on October 1, 2007.**

2. Section 11 of this act expires by limitation on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.

3. Section 12 of this act becomes effective on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.

4. Section 21 of this act becomes effective on October 1, 2007, only if Assembly Bill No. 421 of this session becomes effective.

Assemblyman Anderson moved that the Assembly do not concur in the Senate Amendment No. 1021 to Assembly Bill No. 521.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 498.

The following Senate amendment was read:

Amendment No. 752.

AN ACT relating to parentage; creating a conclusive presumption of paternity in certain circumstances; expanding the persons authorized to

perform certain tests to determine paternity; **clarifying that the results of such tests and any sample or specimen taken may be used only for certain purposes;** revising certain provisions concerning voluntary acknowledgments of paternity; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that if the results of a blood test or genetic test establish a probability of the alleged father's paternity of 99 percent or more, the results of such a test create a conclusive presumption of paternity except in certain limited circumstances. (NRS 126.051)

Sections 4 and 12 of this bill amend existing law to provide that a person designated by the Division of Welfare and Supportive Services of the Department of Health and Human Services, the district attorney or the Attorney General is authorized to perform certain tests for the typing of blood or the taking of specimens for genetic identification in paternity cases. (NRS 126.121, 652.210) **Section 4 also clarifies that the results of such tests and any sample or specimen taken may be used only for the purposes specified in chapter 126 of NRS.**

Sections 2 and 7-11 of this bill amend existing law to provide that the mother and father of a child may sign a declaration under penalty of perjury, rather than an affidavit which requires the signature of a notary public, for the voluntary acknowledgment of paternity of a child. (NRS 126.053, 440.280, 440.283, 440.287, 440.325, 449.246)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 126.051 is hereby amended to read as follows:

126.051 1. A man is presumed to be the natural father of a child if:

(a) He and the child's natural mother are or have been married to each other and the child is born during the marriage, or within 285 days after the marriage is terminated by death, annulment, declaration of invalidity or divorce, or after a decree of separation is entered by a court.

(b) He and the child's natural mother were cohabiting for at least 6 months before the period of conception and continued to cohabit through the period of conception.

(c) Before the child's birth, he and the child's natural mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is invalid or could be declared invalid, and:

(1) If the attempted marriage could be declared invalid only by a court, the child is born during the attempted marriage, or within 285 days after its termination by death, annulment, declaration of invalidity or divorce; or

(2) If the attempted marriage is invalid without a court order, the child is born within 285 days after the termination of cohabitation.

(d) While the child is under the age of majority, he receives the child into his home and openly holds out the child as his natural child.

~~[(c) Blood]~~

2. A conclusive presumption that a man is the natural father of a child is established if tests ***for the typing of blood*** or tests for genetic identification made pursuant to NRS 126.121 show a probability of 99 percent or more that he is the father ~~[.]~~ ***except that the presumption may be rebutted if he establishes that he has an identical sibling who may be the father.***

~~[2.]~~ ***3.*** A presumption under ~~[this section]~~ ***subsection 1*** may be rebutted in an appropriate action only by clear and convincing evidence. If two or more presumptions arise which conflict with each other, the presumption which on the facts is founded on the weightier considerations of policy and logic controls. The presumption is rebutted by a court decree establishing paternity of the child by another man.

Sec. 2. NRS 126.053 is hereby amended to read as follows:

126.053 1. After the expiration of the period described in subsection 2, ~~[an affidavit]~~ ***a declaration*** for the voluntary acknowledgment of paternity developed by the State Board of Health pursuant to NRS 440.283 shall be deemed to have the same effect as a judgment or order of a court determining the existence of the relationship of parent and child if the ~~[affidavit]~~ ***declaration*** is signed in this or any other state by the mother and father of the child. ~~[An affidavit]~~ ***A declaration*** for the voluntary acknowledgment of paternity that is signed pursuant to this subsection is not required to be ratified by a court of this State before the ~~[affidavit]~~ ***declaration*** is deemed to have the same effect as a judgment or order of a court determining the existence of the relationship of parent and child.

2. A person who signs an acknowledgment of paternity in this State may rescind the acknowledgment:

(a) Within 60 days after the acknowledgment is signed by both persons; or

(b) Before the date on which an administrative or judicial proceeding relating to the child begins if that person is a party to the proceeding,

➥ whichever occurs earlier.

3. After the expiration of the period during which an acknowledgment may be rescinded pursuant to subsection 2, the acknowledgment may not be challenged except upon the grounds of fraud, duress or material mistake of fact. The burden of proof is on the person challenging the acknowledgment to establish that the acknowledgment was signed because of fraud, duress or material mistake of fact.

4. Except upon a showing of good cause, a person's obligation for the support of a child must not be suspended during a hearing to challenge a voluntary acknowledgment of paternity.

Sec. 3. NRS 126.101 is hereby amended to read as follows:

126.101 1. The child must be made a party to the action. If he is a minor, he must be represented by his general guardian or a guardian ad litem appointed by the court. The child's mother or father may not represent the

child as guardian or otherwise. If a district attorney brings an action pursuant to NRS 125B.150 and the interests of the child:

(a) Are adequately represented by the appointment of the district attorney as his guardian ad litem, the district attorney shall act as guardian ad litem for the child without the need for court appointment.

(b) Are not adequately represented by the appointment of the district attorney as his guardian ad litem, the Division of Welfare and Supportive Services of the Department of Health and Human Services must be appointed as guardian ad litem in the case.

2. The natural mother and a man presumed to be the father under NRS 126.051 must be made parties, but if more than one man is presumed to be the natural father, only a man presumed pursuant to subsection 2 ***or 3*** of NRS 126.051 is an indispensable party. Any other presumed or alleged father may be made a party.

3. The court may align the parties.

Sec. 4. NRS 126.121 is hereby amended to read as follows:

126.121 1. The court may, and shall upon the motion of a party, order the mother, child, alleged father or any other person so involved to submit to one or more tests for the typing of blood or taking of specimens for genetic identification to be made by ***a designated person*** ~~[designated by an enforcing authority,]~~ ***by*** qualified physicians or ***by*** other qualified persons, under such restrictions and directions as the court or judge deems proper. Whenever such a test is ordered and made, the results of the test must be received in evidence and must be made available to a judge, master or referee conducting a hearing pursuant to NRS 126.111. ***The results of the test and any sample or specimen taken may be used only for the purposes specified in this chapter.*** Unless a party files a written objection to the result of a test at least 30 days before the hearing at which the result is to be received in evidence, the result is admissible as evidence of paternity without foundational testimony or other proof of authenticity or accuracy. The order for such a test also may direct that the testimony of the experts and of the persons so examined may be taken by deposition or written interrogatories.

2. If any party refuses to submit to or fails to appear for a test ordered pursuant to subsection 1, the court may presume that the result of the test would be adverse to the interests of that party or may enforce its order if the rights of others and the interests of justice so require.

3. The court, upon reasonable request by a party, shall order that independent tests for determining paternity be performed by other experts or qualified laboratories.

4. In all cases, the court shall determine the number and qualifications of the experts and laboratories.

5. As used in this section ~~[, "enforcing]~~ ***:***

(a) "Designated person" means a person who is:

(1) Properly trained to take samples or specimens for tests for the typing of blood and genetic identification; and

(2) Designated by an enforcing authority to take such samples or specimens.

(b) "Enforcing authority" means the Division of Welfare and Supportive Services of the Department of Health and Human Services, its designated representative, a district attorney or the Attorney General when acting pursuant to NRS 425.380.

Sec. 5. NRS 128.150 is hereby amended to read as follows:

128.150 1. If a mother relinquishes or proposes to relinquish for adoption a child who has:

(a) A presumed father ~~[under subsection 1 of]~~ ***pursuant to*** NRS 126.051;

(b) A father whose relationship to the child has been determined by a court; or

(c) A father as to whom the child is a legitimate child under chapter 126 of NRS, under prior law of this State or under the law of another jurisdiction,

➥ and the father has not consented to the adoption of the child or relinquished the child for adoption, a proceeding must be brought pursuant to this chapter and a determination made of whether a parent and child relationship exists and if so, if it should be terminated.

2. If a mother relinquishes or proposes to relinquish for adoption a child who does not have:

(a) A presumed father ~~[under subsection 1 of]~~ ***pursuant to*** NRS 126.051;

(b) A father whose relationship to the child has been determined by a court;

(c) A father as to whom the child is a legitimate child under chapter 126 of NRS, under prior law of this State or under the law of another jurisdiction; or

(d) A father who can be identified in any other way,

➥ or if a child otherwise becomes the subject of an adoption proceeding, the agency or person to whom the child has been or is to be relinquished, or the mother or the person having custody of the child, shall file a petition in the district court to terminate the parental rights of the father, unless the father's relationship to the child has been previously terminated or determined not to exist by a court.

3. In an effort to identify and protect the interests of the natural father, the court which is conducting a proceeding pursuant to this chapter shall cause inquiry to be made of the mother and any other appropriate person. The inquiry must include the following:

(a) Whether the mother was married at the time of conception of the child or at any time thereafter.

(b) Whether the mother was cohabiting with a man at the time of conception or birth of the child.

(c) Whether the mother has received support payments or promises of support with respect to the child or in connection with her pregnancy.

(d) Whether any man has formally or informally acknowledged or declared his possible paternity of the child.

4. If, after the inquiry, the natural father is identified to the satisfaction of the court, or if more than one man is identified as a possible father, each must be given notice of the proceeding in accordance with subsection 6 of this section or with this chapter, as applicable. If any of them fails to appear or, if appearing, fails to claim custodial rights, such failure constitutes abandonment of the child. If the natural father or a man representing himself to be the natural father, claims custodial rights, the court shall proceed to determine custodial rights.

5. If, after the inquiry, the court is unable to identify the natural father or any possible natural father and no person has appeared claiming to be the natural father and claiming custodial rights, the court shall enter an order terminating the unknown natural father's parental rights with reference to the child. Subject to the disposition of any appeal, upon the expiration of 6 months after an order terminating parental rights is issued under this subsection, or this chapter, the order cannot be questioned by any person in any manner or upon any ground, including fraud, misrepresentation, failure to give any required notice or lack of jurisdiction of the parties or of the subject matter.

6. Notice of the proceeding must be given to every person identified as the natural father or a possible natural father in the manner provided by law and the Nevada Rules of Civil Procedure for the service of process in a civil action, or in any manner the court directs. Proof of giving the notice must be filed with the court before the petition is heard.

Sec. 6. NRS 425.345 is hereby amended to read as follows:

425.345 To the extent they are not inconsistent with the provisions of this chapter, the provisions of chapters 31A, 125B and 126 of NRS apply to ~~[a hearing held]~~ ***any action taken*** pursuant to the provisions of this chapter.

Sec. 7. NRS 440.280 is hereby amended to read as follows:

440.280 1. If a birth occurs in a hospital or the mother and child are immediately transported to a hospital, the person in charge of the hospital or his designated representative shall obtain the necessary information, prepare a birth certificate, secure the signatures required by the certificate and file it within 10 days with the health officer of the registration district where the birth occurred. The physician in attendance shall provide the medical information required by the certificate and certify to the fact of birth within 72 hours after the birth. If the physician does not certify to the fact of birth within the required 72 hours, the person in charge of the hospital or his designated representative shall complete and sign the certification.

2. If a birth occurs outside a hospital and the mother and child are not immediately transported to a hospital, the birth certificate must be prepared and filed by one of the following persons in the following order of priority:

(a) The physician in attendance at or immediately after the birth.

(b) Any other person in attendance at or immediately after the birth.

(c) The father, mother or, if the father is absent and the mother is incapacitated, the person in charge of the premises where the birth occurred.

3. If a birth occurs in a moving conveyance, the place of birth is the place where the child is removed from the conveyance.

4. In cities, the certificate of birth must be filed sooner than 10 days after the birth if so required by municipal ordinance or regulation.

5. If the mother was:

(a) Married at the time of birth, the name of her husband must be entered on the certificate as the father of the child unless:

(1) A court has issued an order establishing that a person other than the mother's husband is the father of the child; or

(2) The mother and a person other than the mother's husband have signed ~~[an affidavit]~~ ***a declaration*** for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283.

(b) Widowed at the time of birth but married at the time of conception, the name of her husband at the time of conception must be entered on the certificate as the father of the child unless:

(1) A court has issued an order establishing that a person other than the mother's husband at the time of conception is the father of the child; or

(2) The mother and a person other than the mother's husband at the time of conception have signed ~~[an affidavit]~~ ***a declaration*** for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283.

6. If the mother was unmarried at the time of birth, the name of the father may be entered on the original certificate of birth only if:

(a) The provisions of paragraph (b) of subsection 5 are applicable;

(b) A court has issued an order establishing that the person is the father of the child; or

(c) The mother and father of the child have signed ~~[an affidavit]~~ ***a declaration*** for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283. If both the father and mother execute ~~[an affidavit]~~ ***a declaration*** consenting to the use of the surname of the father as the surname of the child, the name of the father must be entered on the original certificate of birth and the surname of the father must be entered thereon as the surname of the child.

7. An order entered or ~~[an affidavit]~~ ***a declaration*** executed pursuant to subsection 6 must be submitted to the local health officer, his authorized representative, or the attending physician or midwife before a proper certificate of birth is forwarded to the State Registrar. The order or ~~[affidavit]~~ ***declaration*** must then be delivered to the State Registrar for filing. The State Registrar's file of orders and ~~[affidavits]~~ ***declarations*** must be sealed and the contents of the file may be examined only upon order of a court of competent jurisdiction or at the request of the father or mother or the Division of Welfare and Supportive Services of the Department of Health and Human Services as necessary to carry out the provisions of 42 U.S.C. § 654a. The local health officer shall complete the original certificate of birth in accordance with subsection 6 and other provisions of this chapter.

8. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

Sec. 8. NRS 440.283 is hereby amended to read as follows:

440.283 1. The Board shall:

(a) Develop ~~[an affidavit]~~ ***a declaration to be signed under penalty of perjury*** for the voluntary acknowledgment of paternity in this State that complies with the requirements prescribed by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 652(a); and

(b) Distribute the ~~[affidavits]~~ ***declarations*** to:

(1) Each hospital or obstetric center in this State; and

(2) Any other entity authorized to provide services relating to the voluntary acknowledgment of paternity pursuant to the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

2. Subject to the provisions of subsection 3, the State Registrar of Vital Statistics and the entities described in paragraph (b) of subsection 1 shall offer to provide services relating to the voluntary acknowledgment of paternity in the manner prescribed in the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

3. Before providing ~~[an affidavit]~~ ***a declaration*** for the acknowledgment of paternity to the mother of a child or a person who wishes to acknowledge the paternity of the child, the agencies described in paragraph (b) of subsection 1 shall ensure that the mother and the person who wishes to acknowledge paternity are given notice, orally and in writing, of the rights, responsibilities and legal consequences of, and the alternatives to, signing the ~~[affidavit]~~ ***declaration*** for the acknowledgment of paternity.

Sec. 9. NRS 440.287 is hereby amended to read as follows:

440.287 1. If a mother or a person who has signed ~~[an affidavit]~~ ***a declaration*** for the voluntary acknowledgment of paternity with the mother rescinds the acknowledgment pursuant to subsection 2 of NRS 126.053, the State Registrar shall not issue a new certificate of birth to remove the name of the person who originally acknowledged paternity unless a court issues an order establishing that the person who acknowledged paternity is not the father of the child.

2. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

Sec. 10. NRS 440.325 is hereby amended to read as follows:

440.325 1. In the case of the paternity of a child being established by the:

(a) Mother and father acknowledging paternity of a child by signing ~~[an affidavit]~~ ***a declaration*** for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283; or

(b) Order of a district court,

➥ the State Registrar, upon the receipt of the ~~[affidavit]~~ ***declaration*** or court order, shall prepare a new certificate of birth in the name of the child as

shown in the ~~[affidavit]~~ ***declaration*** or order with no reference to the fact of legitimation.

2. The new certificate must be identical with the certificate registered for the birth of a child born in wedlock.

3. Except as otherwise provided in subsection 4, the evidence upon which the new certificate was made and the original certificate must be sealed and filed and may be opened only upon the order of a court of competent jurisdiction.

4. The State Registrar shall, upon the request of the Division of Welfare and Supportive Services of the Department of Health and Human Services, open a file that has been sealed pursuant to subsection 3 to allow the Division to compare the information contained in the ~~[affidavit]~~ ***declaration*** or order upon which the new certificate was made with the information maintained pursuant to 42 U.S.C. § 654a.

Sec. 11. NRS 449.246 is hereby amended to read as follows:

449.246 1. Before discharging an unmarried woman who has borne a child, a hospital or obstetric center shall provide to the child's mother and father:

(a) The opportunity to sign, in the hospital, ~~[an affidavit]~~ ***a declaration*** for the voluntary acknowledgment of paternity developed pursuant to NRS 440.283;

(b) Written materials about establishing paternity;

(c) The forms necessary to acknowledge paternity voluntarily;

(d) A written description of the rights and responsibilities of acknowledging paternity; and

(e) The opportunity to speak by telephone with personnel of the program for enforcement of child support who are trained to clarify information and answer questions about the establishment of paternity.

2. The Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services shall adopt the regulations necessary to ensure that the services provided by a hospital or obstetric center pursuant to this section are in compliance with the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

Sec. 12. NRS 652.210 is hereby amended to read as follows:

652.210 ~~[No]~~

1. Except as otherwise provided in subsection 2 and NRS 126.121, no person other than a licensed physician, a licensed optometrist, a licensed practical nurse, a registered nurse, a licensed physician assistant, a certified osteopathic physician's assistant, a certified intermediate emergency medical technician, a certified advanced emergency medical technician, a practitioner of respiratory care licensed pursuant to chapter 630 of NRS or a licensed dentist may manipulate a person for the collection of specimens ***.*** ~~[, except that]~~

2. ***The*** technical personnel of a laboratory may collect blood, remove stomach contents, perform certain diagnostic skin tests or field blood tests or collect material for smears and cultures.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 498.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 178.

The following Senate amendment was read:

Amendment No. 770.

AN ACT relating to energy; **requiring certain lights sold in this State to meet certain standards of energy efficiency; revising the authority of the Director of the Office of Energy;** revising various provisions relating to net metering; providing for the establishment of the Wind Energy Systems Demonstration Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill prohibits the sale in this State of certain general purpose lights that do not produce a certain amount of lumens per watt of electricity consumed, and requires the Director of the Office of Energy to adopt regulations establishing a minimum standard of energy efficiency for such lights.

Existing law authorizes a customer of an electric utility to use a net metering system on the customer's premises to generate electricity to offset part or all of the customer's requirements for electricity. The net metering system must use renewable energy as its primary source of energy to generate electricity, and the system is allowed to have a generating capacity of not more than 150 kilowatts. (NRS 704.766-704.775)

Section ~~[1]~~ **1.4** of this bill provides that one of the purposes and policies of the Legislature in enacting the net metering statutes is to streamline the process for customers of a utility to apply for and install net metering systems.

Section 1.5 of this bill provides for a general increase in the permissible capacity of net metering systems and allows a customer-generator to use a net metering system of not more than 1 megawatt. However, section 1.5 also places specific limitations on the capacity of net metering systems under certain circumstances.

Section 2 of this bill requires the Public Utilities Commission of Nevada to adopt regulations regarding a net metering tariff and a standard net metering contract. Section 3 of this bill changes the method for calculating the value of the electricity generated by certain net metering systems.

Under the Solar Energy Systems Demonstration Program Act, certain entities, such as schools and public agencies, which install solar energy

systems are entitled to participate in a demonstration program and receive incentives for such participation. (Chapter 331, Statutes of Nevada 2003, p. 1868) The Solar Energy Systems Demonstration Program Act expires by limitation on June 30, 2010. (Chapter 2, Statutes of Nevada 2005, 22nd Special Session, p. 90)

Sections 5-29 of this bill enact the Wind Energy Systems Demonstration Program Act, a similar demonstration program for wind energy systems. Under this bill, the Wind Energy Systems Demonstration Program Act expires by limitation on June 30, 2011.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 701 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Between January 1, 2012, and December 31, 2015, inclusive, no general purpose light may be sold in this State unless it produces at least 25 lumens per watt of electricity consumed.

2. On and after January 1, 2016, no general purpose light may be sold in this State unless it meets or exceeds the minimum standard of energy efficiency established by the Director pursuant to subsection 3 for lumens per watt of electricity consumed.

3. The Director shall adopt regulations to carry out the provisions of this section. The regulations must, without limitation:

(a) Establish a minimum standard of energy efficiency for lumens per watt of electricity consumed that must be produced by general purpose lights sold in this State on and after January 1, 2016. The minimum standard of energy efficiency established by the Director must exceed 25 lumens per watt of electricity consumed.

(b) Attempt to minimize the overall cost to consumers for general purpose lighting, considering the needs of consumers relating to lighting, technological feasibility and anticipated product availability and performance.

4. As used in this section, "general purpose light" means lamps, bulbs, tubes or other devices that provide functional illumination for indoor or outdoor use. The term does not include "specialty lighting" or "lighting necessary to provide illumination for persons with special needs," as defined by the Director by regulation.

Sec. 1.3. **NRS 701.170 is hereby amended to read as follows:**

701.170 The Director may:

1. Administer any gifts or grants which the Office of Energy is authorized to accept for the purposes of this chapter.

2. Expend money received from those gifts or grants or from legislative appropriations to contract with qualified persons or institutions for research in the production and efficient use of energy resources.

3. Enter into any cooperative agreement with any federal or state agency or political subdivision.

4. Participate in any program established by the Federal Government relating to sources of energy and adopt regulations appropriate to that program.

5. Assist developers of renewable energy generation projects in preparing and making requests to obtain money for development through the issuance of industrial development revenue bonds pursuant to NRS 349.400 to 349.670, inclusive.

6. Adopt any regulations that the Director determines are necessary to carry out the duties of the Office of Energy pursuant to this chapter.

7. Within the limits of legislative appropriations and other money authorized for expenditure for such purposes, promote, participate in the operation of, and create or cause to be created, any nonprofit corporation, pursuant to chapter 82 of NRS, which he determines is necessary or convenient for the exercise of the powers and duties of the Office of Energy. The purposes, powers and operation of the corporation must be consistent with the purposes, powers and duties of the Office of Energy.

8. Within the limits of legislative appropriations and other money authorized for expenditure for such purposes, negotiate and execute agreements with public or private entities which are necessary to the exercise of the powers and duties of the Director or the Office of Energy.

~~[Section 1.]~~ ***Sec. 1.4.*** NRS 704.766 is hereby amended to read as follows:

704.766 It is hereby declared to be the purpose and policy of the Legislature in enacting NRS 704.766 to 704.775, inclusive, to:

1. Encourage private investment in renewable energy resources;

2. Stimulate the economic growth of this State; ~~[and]~~

3. Enhance the continued diversification of the energy resources used in this State ~~[.]~~ ***; and***

4. Streamline the process for customers of a utility to apply for and install net metering systems.

Sec. 1.5. NRS 704.771 is hereby amended to read as follows:

704.771 ***1.*** "Net metering system" means a facility or energy system for the generation of electricity that:

~~[1.]~~ ***(a)*** Uses renewable energy as its primary source of energy to generate electricity;

~~[2.]~~ ***(b)*** Has a generating capacity of not more than ~~[150 kilowatts;~~

~~3.]~~ ***1 megawatt;***

(c) Is located on the customer-generator's premises;

~~[4.]~~ ***(d)*** Operates in parallel with the utility's transmission and distribution facilities; and

~~[5.]~~ ***(e)*** Is intended primarily to offset part or all of the customer-generator's requirements for electricity.

2. The term does not include a facility or energy system for the generation of electricity which has a generating capacity that exceeds the greater of:

(a) The limit on the demand that the class of customer of the customer-generator may place on the system of the utility; or

(b) One hundred fifty percent of the peak demand of the customer.

Sec. 2. NRS 704.773 is hereby amended to read as follows:

704.773 1. A utility shall offer net metering, as set forth in NRS 704.775, to the customer-generators operating within its service area until the cumulative capacity of all such net metering systems is equal to 1 percent of the utility's peak capacity.

2. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of not more than ~~[30]~~ ***100*** kilowatts, the utility:

(a) Shall offer to make available to the customer-generator an energy meter that is capable of registering the flow of electricity in two directions.

(b) May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.

(c) Shall not charge a customer-generator any fee or charge that would increase the customer-generator's minimum monthly charge to an amount greater than that of other customers of the utility in the same rate class as the customer-generator.

3. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of more than ~~[30]~~ ***100*** kilowatts, the utility ~~[may:~~

~~(a) Require]~~ ***:***

(a) May require the customer-generator to install at its own cost ~~[an]~~ ***:***

(1) An energy meter that is capable of measuring generation output and customer load ~~[.]~~ ***; and***

(2) Any upgrades to the system of the utility that are required to make the net metering system compatible with the system of the utility.

(b) ~~[Charge]~~ ***Except as otherwise provided in paragraph (c), may charge*** the customer-generator any applicable fee or charge charged to other customers of the utility in the same rate class as the customer-generator, including, without limitation, customer, demand and facility charges.

(c) Shall not charge the customer-generator any standby charge.

4. The Commission shall adopt regulations prescribing the form and substance for a net metering tariff and a standard net metering contract. The regulations must include, without limitation:

(a) The particular provisions, limitations and responsibilities of a customer-generator which must be included in a net metering tariff with regard to:

(1) Metering equipment;

(2) Net energy metering and billing; and

(3) Interconnection,
➥ based on the allowable size of the net metering system.

(b) The particular provisions, limitations and responsibilities of a customer-generator and the utility which must be included in a standard net metering contract.

(c) A timeline for processing applications and contracts for net metering applicants.

(d) Any other provisions the Commission finds necessary to carry out the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 3. NRS 704.775 is hereby amended to read as follows:

704.775 1. The billing period for net metering must be a monthly period.

2. ~~[If a customer-generator's net metering system has a capacity of not more than 30 kilowatts, the]~~ ***The*** net energy measurement must be calculated in the following manner:

(a) The utility shall measure, in kilowatt-hours, the net electricity produced or consumed during the billing period, in accordance with normal metering practices.

(b) If the electricity supplied by the utility exceeds the electricity generated by the customer-generator which is fed back to the utility during the billing period, the customer-generator must be billed for the net electricity supplied by the utility.

(c) If the electricity generated by the customer-generator which is fed back to the utility exceeds the electricity supplied by the utility during the billing period:

(1) Neither the utility nor the customer-generator is entitled to compensation for *the* electricity provided to the other during the billing period.

(2) The excess electricity which is fed back to the utility during the billing period is carried forward to the next billing period as an addition to the kilowatt - hours generated by the customer-generator in that billing period. If the customer-generator is billed for electricity pursuant to a time-of-use rate schedule, the excess electricity carried forward must be added to the same time-of-use period as the time-of-use period in which it was generated unless the subsequent billing period lacks a corresponding time-of-use period. In that case, the excess electricity carried forward must be apportioned evenly among the available time-of-use periods.

(3) Excess electricity may be carried forward to subsequent billing periods indefinitely, but a customer-generator is not entitled to receive compensation for any excess electricity that remains if:

(I) The net metering system ceases to operate or is disconnected from the utility's transmission and distribution facilities;

(II) The customer-generator ceases to be a customer of the utility at the premises served by the net metering system; or

(III) The customer-generator transfers the net metering system to another person.

(4) The ***value of the*** excess electricity ~~[which is fed back to the utility shall be deemed to be electricity that the utility generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive.~~

~~3. If a customer generator's net metering system has a capacity of more than 30 kilowatts, the net energy measurement must be calculated in the following manner:~~

~~(a) The utility shall:~~

~~(1) Measure, in kilowatt hours, the amount of electricity supplied by the utility to the customer-generator during the billing period and calculate its value using the tariff that would be applicable if the customer-generator did not use a net metering system; and~~

~~(2) Measure, in kilowatt-hours, the amount of electricity generated by the customer-generator which is fed back to the utility during the billing period and calculate its value at a rate that is consistent with the rate used to calculate the value of the electricity supplied by the utility.~~

~~(b) If the value of electricity supplied by the utility exceeds the value of the electricity generated by the customer-generator which is fed back to the utility during the billing period, the customer-generator must be billed for the net value of the electricity supplied by the utility.~~

~~(c) If the value of the electricity generated by the customer-generator which is fed back to the utility exceeds the value of the electricity supplied by the utility during the billing period:~~

~~(1) Neither the utility nor the customer-generator is entitled to compensation for the value of the electricity provided to the other during the billing period.~~

~~(2) The value of the excess electricity:~~

~~(I) Must not be shown as a credit on the customer-generator's bill for that billing period but must be reflected as a credit that is carried forward to offset the value of the electricity supplied by the utility during a subsequent billing period. At the discretion of the utility, the credit may be in a dollar amount or in kilowatt-hours. If the credit is reflected as excess electricity and the customer-generator is billed for electricity pursuant to a time-of-use rate schedule, the excess electricity carried forward must be added to the same time-of-use period as the time-of-use period in which it was generated unless the subsequent billing period lacks a corresponding time-of-use period. In that case, the excess electricity carried forward must be apportioned evenly among the available time-of-use periods. Excess electricity may be carried forward to subsequent billing periods indefinitely, but a customer-generator is not entitled to receive compensation for any excess electricity that remains if the net metering system ceases to operate or is disconnected from the utility's transmission and distribution facilities, the customer-generator ceases to be a customer of the utility at the premises served by the net~~

~~metering system or the customer-generator transfers the net metering system to another person.~~

~~(II) Does not reduce any other fee or charge imposed by the utility.~~

~~(3) The excess electricity which is fed back to the utility~~] ***must not be used to reduce any other fee or charge imposed by the utility.***

3. If the cost of purchasing and installing a net metering system was paid for:

(a) In whole or in part by a utility, the electricity generated by the net metering system shall be deemed to be electricity that the utility generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive.

(b) Entirely by a customer-generator, the Commission shall issue to the customer-generator portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 equal to the electricity generated by the net metering system.

4. A bill for electrical service is due at the time established pursuant to the terms of the contract between the utility and the customer-generator.

Sec. 4. NRS 704.860 is hereby amended to read as follows:

704.860 "Utility facility" means:

1. Electric generating plants and their associated facilities, except:

(a) Electric generating plants and their associated facilities that are or will be located entirely within the boundaries of a county whose population is 100,000 or more; or

(b) Electric generating plants and their associated facilities which use or will use renewable energy, as defined in NRS 704.7811, as their primary source of energy to generate electricity and which have or will have a generating capacity of not more than ~~[150 kilowatts,]~~ ***1 megawatt,*** including, without limitation, a net metering system, as defined in NRS 704.771.

➥ As used in this subsection, "associated facilities" includes, without limitation, any facilities for the storage, transmission or treatment of water, including, without limitation, facilities to supply water or for the treatment or disposal of wastewater, which support or service an electric generating plant.

2. Electric transmission lines and transmission substations that:

(a) Are designed to operate at 200 kilovolts or more;

(b) Are not required by local ordinance to be placed underground; and

(c) Are constructed outside any incorporated city.

3. Gas transmission lines, storage plants, compressor stations and their associated facilities when constructed outside:

(a) Any incorporated city; and

(b) Any county whose population is 100,000 or more.

4. Water storage, transmission and treatment facilities, other than facilities for the storage, transmission or treatment of water from mining operations.

5. Sewer transmission and treatment facilities.

Sec. 5. Sections 5 to 29, inclusive, of this act may be cited as the Wind Energy Systems Demonstration Program Act.

Sec. 6. As used in sections 5 to 29, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 7 to 21, inclusive, of this act have the meaning ascribed to them in those sections.

Sec. 7. "Agricultural property" means any real property employed for an agricultural use as defined in NRS 361A.030.

Sec. 8. "Applicant" means a person who is applying to participate in the Wind Demonstration Program.

Sec. 9. "Category" means one of the categories of participation in the Wind Demonstration Program as set forth in section 22 of this act.

Sec. 10. "Commission" means the Public Utilities Commission of Nevada.

Sec. 11. "Committee" means the Task Force for Renewable Energy and Energy Conservation created by NRS 701.350.

Sec. 12. "Institution of higher education" means:

1. A university, college or community college which is privately owned or which is part of the Nevada System of Higher Education; or

2. A postsecondary educational institution, as defined in NRS 394.099, or any other institution of higher education.

Sec. 13. "Participant" means a person who has been selected by the Committee pursuant to section 26 of this act to participate in the Wind Demonstration Program.

Sec. 14. "Person" includes **, without limitation,** a governmental entity.

Sec. 15. "Program year" means the period of July 1 to June 30 of the following year.

Sec. 16. "Public property" means any real property, building or facilities owned, leased or occupied by:

1. A department, agency or instrumentality of the State or any of its political subdivisions which is used for the transaction of public or quasi-public business; or

2. A nonprofit organization that is recognized as exempt from taxation pursuant to ~~[26 U.S.C. §]~~ **section** 501(c)(3) of the Internal Revenue Code, **26 U.S.C. § 501(c)(3),** as amended, or a corporation for public benefit as defined in NRS 82.021.

Sec. 17. "School property" means any real property, building or facilities owned, leased or occupied by:

1. A public school as defined in NRS 385.007;

2. A private school as defined in NRS 394.103; or

3. An institution of higher education.

Sec. 18. "Small business" means a business conducted for profit which employs 500 or fewer full-time or part-time employees.

Sec. 19. "Utility" means a public utility that supplies electricity in this State.

Sec. 20. ”Wind Demonstration Program” or “Program” means the Wind Energy Systems Demonstration Program created by section 22 of this act.

Sec. 21. ”Wind energy system” means a facility or energy system for the generation of electricity that uses wind energy to generate electricity.

Sec. 22. 1. The Wind Energy Systems Demonstration Program is hereby created.

2. The Program must have four categories as follows:

(a) School property;

(b) Other public property;

(c) Private residential property and small business property; and

(d) Agricultural property.

3. To be eligible to participate in the Program, a person must:

(a) Meet the qualifications established by the Commission pursuant to section 23 of this act;

(b) Submit an application to a utility and be selected by the Committee for inclusion in the Program pursuant to sections 25 and 26 of this act;

(c) When installing the wind energy system, use an installer who has been issued a classification C-2 license with the appropriate subclassification by the State Contractors’ Board pursuant to the regulations adopted by the Board; and

(d) If the person will be participating in the Program in the category of school property or other public property, provide for the public display of the wind energy system, including, without limitation, providing for public demonstrations of the wind energy system and for hands-on experience of the wind energy system by the public.

Sec. 23. The Commission shall adopt regulations necessary to carry out the provisions of the Wind Energy Systems Demonstration Program Act, including, without limitation, regulations that establish:

1. The qualifications and requirements an applicant must meet to be eligible to participate in the Program in each particular category of:

(a) School property;

(b) Other public property;

(c) Private residential property and small business property; and

(d) Agricultural property.

2. The type of incentives available to participants in the Program and the level or amount of those incentives.

3. The requirements for a utility’s annual plan for carrying out and administering the Program. A utility’s annual plan must include, without limitation:

(a) A detailed plan for advertising the Program;

(b) A detailed budget and schedule for carrying out and administering the Program;

(c) A detailed account of administrative processes and forms that will be used to carry out and administer the Program, including **, without limitation,**

a description of the application process and copies of all applications and any other forms that are necessary to apply for and participate in the Program;

(d) A detailed account of the procedures that will be used for inspection and verification of a participant's wind energy system and compliance with the Program;

(e) A detailed account of training and educational activities that will be used to carry out and administer the Program; and

(f) Any other information required by the Commission.

Sec. 24. 1. Each utility shall carry out and administer the Wind Demonstration Program within its service area in accordance with its annual plan as approved by the Commission pursuant to section 25 of this act.

2. A utility may recover its reasonable and prudent costs, including, without limitation, incentives ~~[,]~~ that are associated with carrying out and administering the Program within its service area by seeking recovery of those costs in an appropriate proceeding before the Commission pursuant to NRS 704.110.

Sec. 25. 1. On or before February 1, 2008, and on or before February 1 of each year thereafter, each utility shall file with the Commission its annual plan for carrying out and administering the Wind Demonstration Program within its service area for the following program year.

2. On or before July 1, 2008, and on or before July 1 of each year thereafter, the Commission shall:

(a) Review the annual plan filed by each utility for compliance with the requirements established by regulation; and

(b) Approve the annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Program.

3. On or before November 1, 2008, and on or before November 1 of each year thereafter, each utility shall submit to the Committee the utility's recommendations as to which applications received by the utility should be approved for participation in the Program. The Committee shall review the applications to ensure that each applicant meets the qualifications and requirements to be eligible to participate in the Program.

4. Except as otherwise provided in section 26 of this act, the Committee may approve, from among the applications recommended by each utility, wind energy systems totaling:

(a) For the program year beginning July 1, 2008:

(1) 500 kilowatts of capacity for school property;

(2) 500 kilowatts of capacity for other public property;

(3) 700 kilowatts of capacity for private residential property and small business property; and

(4) 700 kilowatts of capacity for agricultural property.

(b) For the program year beginning July 1, 2009:

(1) An additional 250 kilowatts of capacity for school property;

(2) An additional 250 kilowatts of capacity for other public property;

(3) An additional 350 kilowatts of capacity for private residential property and small business property; and

(4) An additional 350 kilowatts of capacity for agricultural property.

(c) For the program year beginning July 1, 2010:

(1) An additional 250 kilowatts of capacity for school property;

(2) An additional 250 kilowatts of capacity for other public property;

(3) An additional 350 kilowatts of capacity for private residential property and small business property; and

(4) An additional 350 kilowatts of capacity for agricultural property.

Sec. 26. 1. Based on the applications submitted by each utility for a program year, the Committee shall:

(a) Within the limits of the capacity allocated to each category, select applicants to be participants in the Wind Demonstration Program and place those applicants on a list of participants; and

(b) Select applicants to be placed on a prioritized waiting list to become participants in the Program if any capacity within a category becomes available.

2. Not later than 30 days after the date on which the Committee selects an applicant to be on the list of participants or the prioritized waiting list, the utility which submitted the application to the Committee on behalf of the applicant shall provide written notice of the selection to the applicant.

3. If the capacity allocated to any category for a program year is not fully subscribed by participants in that category, the Committee may, in any combination it deems appropriate:

(a) Allow a utility to submit additional applications from applicants who want to participate in that category; or

(b) Reallocate any of the unused capacity in that category to any of the other categories.

4. At any time after submitting an application to participate in the Program to a utility, an applicant may energize his wind energy system if the wind energy system meets all applicable building codes and all applicable requirements of the utility as approved by the Commission. An applicant who energizes his wind energy system under such circumstances remains eligible to participate in the Program, and the energizing of the wind energy system does not alter the applicant's status on the list of participants or the prioritized waiting list.

Sec. 27. 1. Except as otherwise provided in this section, if the Committee determines that a participant has not complied with the requirements for participation in the Wind Demonstration Program, the Committee shall, after notice and an opportunity for a hearing, withdraw the participant from the Program.

2. The Committee may, without notice or an opportunity for a hearing, withdraw from the Program:

(a) A participant in the category of private residential property and small business property or a participant in the category of agricultural property if

the participant does not complete the installation of a wind energy system within 12 months after the date the participant receives written notice of his selection to participate in the Program.

(b) A participant in the category of school property or a participant in the category of other public property if the participant does not complete the installation of a wind energy system within 30 months after the date the participant receives written notice of his selection to participate in the Program.

3. A participant who is withdrawn from the Program pursuant to subsection 2 forfeits any incentives.

Sec. 28. 1. After a participant installs a wind energy system included in the Wind Demonstration Program, the Commission shall issue portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 equal to the actual or estimated kilowatt-hour production of the wind energy system.

2. All portfolio credits issued for a wind energy system installed pursuant to the Wind Demonstration Program must be assigned to and become the property of the utility administering the Program.

Sec. 29. If a wind energy system used by a participant in the Wind Demonstration Program meets the requirements of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 29.5. **The Director of the Office of Energy shall adopt the regulations required by section 1 of this act on or before October 1, 2011.**

Sec. 30. 1. This act becomes effective:

(a) Upon passage and approval for the purposes of adopting regulations and taking such other actions as are necessary to carry out the provisions of this act; and

(b) On October 1, 2007, for all other purposes.

2. Sections 5 to 29, inclusive, of this act expire by limitation on June 30, 2011.

Assemblyman Oceguera moved that the Assembly concur in the Senate Amendment No. 770 to Assembly Bill No. 178.

Remarks by Assemblyman Oceguera.

Motion carried.

The following Senate amendment was read:

Amendment No. 1013.

AN ACT relating to energy; requiring certain lights sold in this State to meet certain standards of energy efficiency; revising the authority of the Director of the Office of Energy; **revising the membership of the Task Force for Renewable Energy and Energy Conservation;** revising various provisions relating to net metering; **providing for the establishment of a pilot program to collect and separate recyclable material that may be used as renewable energy or converted into renewable fuel;** providing for

the establishment of the Wind Energy Systems Demonstration Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill prohibits the sale in this State of certain general purpose lights that do not produce a certain amount of lumens per watt of electricity consumed, and requires the Director of the Office of Energy to adopt regulations establishing a minimum standard of energy efficiency for such lights.

Existing law provides for the membership of the Task Force for Renewable Energy and Energy Conservation. (NRS 701.350) Sections 1.35 and 29.7 of this bill revise the membership of the Task Force.

Existing law authorizes a customer of an electric utility to use a net metering system on the customer's premises to generate electricity to offset part or all of the customer's requirements for electricity. The net metering system must use renewable energy as its primary source of energy to generate electricity, and the system is allowed to have a generating capacity of not more than 150 kilowatts. (NRS 704.766-704.775)

Section 1.4 of this bill provides that one of the purposes and policies of the Legislature in enacting the net metering statutes is to streamline the process for customers of a utility to apply for and install net metering systems.

Section 1.5 of this bill provides for a general increase in the permissible capacity of net metering systems and allows a customer-generator to use a net metering system of not more than 1 megawatt. However, section 1.5 also places specific limitations on the capacity of net metering systems under certain circumstances.

Section 2 of this bill requires the Public Utilities Commission of Nevada to adopt regulations regarding a net metering tariff and a standard net metering contract. Section 3 of this bill changes the method for calculating the value of the electricity generated by certain net metering systems.

Existing law provides for the establishment of programs for collecting and separating recyclable material. (Chapter 444A of NRS) Section 4.5 of this bill provides that in a county whose population is 400,000 or more (currently Clark County), the board of county commissioners shall, in conjunction with each licensed hauler of garbage and refuse, establish a pilot program for collecting and separating recyclable material that may be used as a source of renewable energy or converted into renewable fuel.

Under the Solar Energy Systems Demonstration Program Act, certain entities, such as schools and public agencies, which install solar energy systems are entitled to participate in a demonstration program and receive incentives for such participation. (Chapter 331, Statutes of Nevada 2003, p. 1868) The Solar Energy Systems Demonstration Program Act expires by limitation on June 30, 2010. (Chapter 2, Statutes of Nevada 2005, 22nd Special Session, p. 90)

Sections 5-29 of this bill enact the Wind Energy Systems Demonstration Program Act, a similar demonstration program for wind energy systems. Under this bill, the Wind Energy Systems Demonstration Program Act expires by limitation on June 30, 2011.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 701 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Between January 1, 2012, and December 31, 2015, inclusive, no general purpose light may be sold in this State unless it produces at least 25 lumens per watt of electricity consumed.

2. On and after January 1, 2016, no general purpose light may be sold in this State unless it meets or exceeds the minimum standard of energy efficiency established by the Director pursuant to subsection 3 for lumens per watt of electricity consumed.

3. The Director shall adopt regulations to carry out the provisions of this section. The regulations must, without limitation:

(a) Establish a minimum standard of energy efficiency for lumens per watt of electricity consumed that must be produced by general purpose lights sold in this State on and after January 1, 2016. The minimum standard of energy efficiency established by the Director must exceed 25 lumens per watt of electricity consumed.

(b) Attempt to minimize the overall cost to consumers for general purpose lighting, considering the needs of consumers relating to lighting, technological feasibility and anticipated product availability and performance.

4. As used in this section, "general purpose light" means lamps, bulbs, tubes or other devices that provide functional illumination for indoor or outdoor use. The term does not include "specialty lighting" or "lighting necessary to provide illumination for persons with special needs," as defined by the Director by regulation.

Sec. 1.3. NRS 701.170 is hereby amended to read as follows:

701.170 The Director may:

1. Administer any gifts or grants which the Office of Energy is authorized to accept for the purposes of this chapter.

2. Expend money received from those gifts or grants or from legislative appropriations to contract with qualified persons or institutions for research in the production and efficient use of energy resources.

3. Enter into any cooperative agreement with any federal or state agency or political subdivision.

4. Participate in any program established by the Federal Government relating to sources of energy and adopt regulations appropriate to that program.

5. Assist developers of renewable energy generation projects in preparing and making requests to obtain money for development through the issuance of industrial development revenue bonds pursuant to NRS 349.400 to 349.670, inclusive.

6. Adopt any regulations that the Director determines are necessary to carry out the duties of the Office of Energy pursuant to this chapter.

7. Within the limits of legislative appropriations and other money authorized for expenditure for such purposes, promote, participate in the operation of, and create or cause to be created, any nonprofit corporation, pursuant to chapter 82 of NRS, which he determines is necessary or convenient for the exercise of the powers and duties of the Office of Energy. The purposes, powers and operation of the corporation must be consistent with the purposes, powers and duties of the Office of Energy.

8. Within the limits of legislative appropriations and other money authorized for expenditure for such purposes, negotiate and execute agreements with public or private entities which are necessary to the exercise of the powers and duties of the Director or the Office of Energy.

Sec. 1.35. **NRS 701.350 is hereby amended to read as follows:**

701.350 1. The Task Force for Renewable Energy and Energy Conservation is hereby created. The Task Force consists of ~~[11]~~ ***15*** members who are appointed as follows:

(a) Two members appointed by the Majority Leader of the Senate, one of whom represents the interests of the renewable energy industry in this State with respect to biomass and the other of whom represents the interests of the mining industry in this State.

(b) Two members appointed by the Speaker of the Assembly, one of whom represents the interests of the renewable energy industry in this State with respect to geothermal energy and the other of whom represents the interests of a nonprofit organization dedicated to the protection of the environment or to the conservation of energy or the efficient use of energy.

(c) One member appointed by the Minority Leader of the Senate to represent the interests of the renewable energy industry in this State with respect to solar energy.

(d) One member appointed by the Minority Leader of the Assembly to represent the interests of the public utilities in this State.

(e) Two members appointed by the Governor, one of whom represents the interests of the renewable energy industry in this State with respect to wind and the other of whom represents the interests of the gaming industry in this State.

(f) One member appointed by the Consumer's Advocate to represent the interests of the consumers in this State.

(g) One member appointed by the governing board of the State of Nevada AFL-CIO or, if the State of Nevada AFL-CIO ceases to exist, by its successor organization or, if there is no successor organization, by the Governor.

(h) One member appointed by the Governor to represent the interests of energy conservation and the efficient use of energy in this State.

(i) One member appointed by the Desert Research Institute or its successor organization or, if there is no successor organization, by the Governor.

(j) One member appointed by the Commission on Economic Development.

(k) Two members appointed jointly by the United States Senators of this State.

2. A member of the Task Force:

(a) Must be a citizen of the United States and a resident of this State.

(b) Must have training, education, experience or knowledge concerning:

(1) The development or use of renewable energy;

(2) Financing, planning or constructing renewable energy generation projects;

(3) Measures which conserve or reduce the demand for energy or which result in more efficient use of energy;

(4) Weatherization;

(5) Building and energy codes and standards;

(6) Grants or incentives concerning energy;

(7) Public education or community relations; or

(8) Any other matter within the duties of the Task Force.

(c) Must not be an officer or employee of the Legislative or Judicial Department of State Government.

3. After the initial terms, the term of each member of the Task Force is 3 years. A vacancy on the Task Force must be filled for the remainder of the unexpired term in the same manner as the original appointment. A member may be reappointed to the Task Force.

4. A member of the Task Force who is an officer or employee of this State or a political subdivision of this State must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Task Force and perform any work that is necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Task Force to:

(a) Make up the time he is absent from work to carry out his duties as a member of the Task Force; or

(b) Take annual leave or compensatory time for the absence.

Sec. 1.4. NRS 704.766 is hereby amended to read as follows:

704.766 It is hereby declared to be the purpose and policy of the Legislature in enacting NRS 704.766 to 704.775, inclusive, to:

1. Encourage private investment in renewable energy resources;

2. Stimulate the economic growth of this State; ~~[and]~~

3. Enhance the continued diversification of the energy resources used in this State ~~[.]~~ *; and*

4. Streamline the process for customers of a utility to apply for and install net metering systems.

Sec. 1.5. NRS 704.771 is hereby amended to read as follows:

704.771 ***1.*** "Net metering system" means a facility or energy system for the generation of electricity that:

~~[1.]~~ ***(a)*** Uses renewable energy as its primary source of energy to generate electricity;

~~[2.]~~ ***(b)*** Has a generating capacity of not more than ~~[150 kilowatts;~~

~~3.]~~ ***1 megawatt;***

(c) Is located on the customer-generator's premises;

~~[4.]~~ ***(d)*** Operates in parallel with the utility's transmission and distribution facilities; and

~~[5.]~~ ***(e)*** Is intended primarily to offset part or all of the customer-generator's requirements for electricity.

2. The term does not include a facility or energy system for the generation of electricity which has a generating capacity that exceeds the greater of:

(a) The limit on the demand that the class of customer of the customer-generator may place on the system of the utility; or

(b) One hundred fifty percent of the peak demand of the customer.

Sec. 2. NRS 704.773 is hereby amended to read as follows:

704.773 1. A utility shall offer net metering, as set forth in NRS 704.775, to the customer-generators operating within its service area until the cumulative capacity of all such net metering systems is equal to 1 percent of the utility's peak capacity.

2. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of not more than ~~[30]~~ ***100*** kilowatts, the utility:

(a) Shall offer to make available to the customer-generator an energy meter that is capable of registering the flow of electricity in two directions.

(b) May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.

(c) Shall not charge a customer-generator any fee or charge that would increase the customer-generator's minimum monthly charge to an amount greater than that of other customers of the utility in the same rate class as the customer-generator.

3. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of more than ~~[30]~~ *100* kilowatts, the utility ~~[may:~~

~~(a) Require]~~ *:*

(a) May require the customer-generator to install at its own cost ~~[an]~~ *:*

(1) An energy meter that is capable of measuring generation output and customer load ~~[.]~~ ***; and***

(2) Any upgrades to the system of the utility that are required to make the net metering system compatible with the system of the utility.

(b) ~~[Charge]~~ ***Except as otherwise provided in paragraph (c), may charge*** the customer-generator any applicable fee or charge charged to other customers of the utility in the same rate class as the customer-generator, including, without limitation, customer, demand and facility charges.

(c) Shall not charge the customer-generator any standby charge.

4. The Commission shall adopt regulations prescribing the form and substance for a net metering tariff and a standard net metering contract. The regulations must include, without limitation:

(a) The particular provisions, limitations and responsibilities of a customer-generator which must be included in a net metering tariff with regard to:

(1) Metering equipment;

(2) Net energy metering and billing; and

(3) Interconnection,

➥ based on the allowable size of the net metering system.

(b) The particular provisions, limitations and responsibilities of a customer-generator and the utility which must be included in a standard net metering contract.

(c) A timeline for processing applications and contracts for net metering applicants.

(d) Any other provisions the Commission finds necessary to carry out the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 3. NRS 704.775 is hereby amended to read as follows:

704.775 1. The billing period for net metering must be a monthly period.

2. ~~[If a customer-generator's net metering system has a capacity of not more than 30 kilowatts, the]~~ ***The*** net energy measurement must be calculated in the following manner:

(a) The utility shall measure, in kilowatt-hours, the net electricity produced or consumed during the billing period, in accordance with normal metering practices.

(b) If the electricity supplied by the utility exceeds the electricity generated by the customer-generator which is fed back to the utility during the billing period, the customer-generator must be billed for the net electricity supplied by the utility.

(c) If the electricity generated by the customer-generator which is fed back to the utility exceeds the electricity supplied by the utility during the billing period:

(1) Neither the utility nor the customer-generator is entitled to compensation for ***the*** electricity provided to the other during the billing period.

(2) The excess electricity which is fed back to the utility during the billing period is carried forward to the next billing period as an addition to

the kilowatt - hours generated by the customer-generator in that billing period. If the customer-generator is billed for electricity pursuant to a time-of-use rate schedule, the excess electricity carried forward must be added to the same time-of-use period as the time-of-use period in which it was generated unless the subsequent billing period lacks a corresponding time-of-use period. In that case, the excess electricity carried forward must be apportioned evenly among the available time-of-use periods.

(3) Excess electricity may be carried forward to subsequent billing periods indefinitely, but a customer-generator is not entitled to receive compensation for any excess electricity that remains if:

(I) The net metering system ceases to operate or is disconnected from the utility's transmission and distribution facilities;

(II) The customer-generator ceases to be a customer of the utility at the premises served by the net metering system; or

(III) The customer-generator transfers the net metering system to another person.

(4) The ***value of the*** excess electricity ~~[which is fed back to the utility shall be deemed to be electricity that the utility generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive.~~

~~3. If a customer-generator's net metering system has a capacity of more than 30 kilowatts, the net energy measurement must be calculated in the following manner:~~

~~(a) The utility shall:~~

~~(1) Measure, in kilowatt hours, the amount of electricity supplied by the utility to the customer-generator during the billing period and calculate its value using the tariff that would be applicable if the customer-generator did not use a net metering system; and~~

~~(2) Measure, in kilowatt hours, the amount of electricity generated by the customer-generator which is fed back to the utility during the billing period and calculate its value at a rate that is consistent with the rate used to calculate the value of the electricity supplied by the utility.~~

~~(b) If the value of electricity supplied by the utility exceeds the value of the electricity generated by the customer-generator which is fed back to the utility during the billing period, the customer-generator must be billed for the net value of the electricity supplied by the utility.~~

~~(c) If the value of the electricity generated by the customer-generator which is fed back to the utility exceeds the value of the electricity supplied by the utility during the billing period:~~

~~(1) Neither the utility nor the customer-generator is entitled to compensation for the value of the electricity provided to the other during the billing period.~~

~~(2) The value of the excess electricity:~~

~~(I) Must not be shown as a credit on the customer-generator's bill for that billing period but must be reflected as a credit that is carried forward to~~

~~offset the value of the electricity supplied by the utility during a subsequent billing period. At the discretion of the utility, the credit may be in a dollar amount or in kilowatt-hours. If the credit is reflected as excess electricity and the customer-generator is billed for electricity pursuant to a time-of-use rate schedule, the excess electricity carried forward must be added to the same time-of-use period as the time-of-use period in which it was generated unless the subsequent billing period lacks a corresponding time-of-use period. In that case, the excess electricity carried forward must be apportioned evenly among the available time-of-use periods. Excess electricity may be carried forward to subsequent billing periods indefinitely, but a customer-generator is not entitled to receive compensation for any excess electricity that remains if the net metering system ceases to operate or is disconnected from the utility's transmission and distribution facilities, the customer-generator ceases to be a customer of the utility at the premises served by the net metering system or the customer-generator transfers the net metering system to another person.~~

~~(II) Does not reduce any other fee or charge imposed by the utility.~~

~~(3) The excess electricity which is fed back to the utility~~] ***must not be used to reduce any other fee or charge imposed by the utility.***

3. If the cost of purchasing and installing a net metering system was paid for:

(a) In whole or in part by a utility, the electricity generated by the net metering system shall be deemed to be electricity that the utility generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive.

(b) Entirely by a customer-generator, the Commission shall issue to the customer-generator portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 equal to the electricity generated by the net metering system.

4. A bill for electrical service is due at the time established pursuant to the terms of the contract between the utility and the customer-generator.

Sec. 4. NRS 704.860 is hereby amended to read as follows:

704.860 "Utility facility" means:

1. Electric generating plants and their associated facilities, except:

(a) Electric generating plants and their associated facilities that are or will be located entirely within the boundaries of a county whose population is 100,000 or more; or

(b) Electric generating plants and their associated facilities which use or will use renewable energy, as defined in NRS 704.7811, as their primary source of energy to generate electricity and which have or will have a generating capacity of not more than ~~[150 kilowatts,]~~ ***1 megawatt,*** including, without limitation, a net metering system, as defined in NRS 704.771.

➥ As used in this subsection, "associated facilities" includes, without limitation, any facilities for the storage, transmission or treatment of water,

including, without limitation, facilities to supply water or for the treatment or disposal of wastewater, which support or service an electric generating plant.

2. Electric transmission lines and transmission substations that:

(a) Are designed to operate at 200 kilovolts or more;

(b) Are not required by local ordinance to be placed underground; and

(c) Are constructed outside any incorporated city.

3. Gas transmission lines, storage plants, compressor stations and their associated facilities when constructed outside:

(a) Any incorporated city; and

(b) Any county whose population is 100,000 or more.

4. Water storage, transmission and treatment facilities, other than facilities for the storage, transmission or treatment of water from mining operations.

5. Sewer transmission and treatment facilities.

Sec. 4.5. **Chapter 444A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The board of county commissioners in a county whose population is 400,000 or more shall, in conjunction with each licensed hauler of garbage and refuse operating in the county, establish a pilot program for collecting and separating recyclable material that has the potential to be used as a source of renewable energy or converted into renewable fuel.

2. The pilot program must include, without limitation:

(a) An exploration of technologies and processes that are able to use recyclable material as a source of renewable energy or convert recyclable material into renewable fuel.

(b) The creation and maintenance of adequate records to allow an assessment of the feasibility of establishing a statewide recycling standard.

3. The pilot program must not conflict with the standards relating to recyclable material adopted by the State Environmental Commission pursuant to NRS 444A.020.

4. As used in this section:

(a) "Licensed hauler of garbage and refuse" means a person who holds the licenses and permits required to operate a business of collecting and disposing of garbage and refuse. The term includes a person who is licensed to operate a business of collecting recyclable material.

(b) "Recyclable material" has the meaning ascribed to it in NRS 444A.013.

Sec. 5. Sections 5 to 29, inclusive, of this act may be cited as the Wind Energy Systems Demonstration Program Act.

Sec. 6. As used in sections 5 to 29, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 7 to 21, inclusive, of this act have the meaning ascribed to them in those sections.

Sec. 7. "Agricultural property" means any real property employed for an agricultural use as defined in NRS 361A.030.

Sec. 8. "Applicant" means a person who is applying to participate in the Wind Demonstration Program.

Sec. 9. "Category" means one of the categories of participation in the Wind Demonstration Program as set forth in section 22 of this act.

Sec. 10. "Commission" means the Public Utilities Commission of Nevada.

Sec. 11. "Committee" means the Task Force for Renewable Energy and Energy Conservation created by NRS 701.350.

Sec. 12. "Institution of higher education" means:

1. A university, college or community college which is privately owned or which is part of the Nevada System of Higher Education; or

2. A postsecondary educational institution, as defined in NRS 394.099, or any other institution of higher education.

Sec. 13. "Participant" means a person who has been selected by the Committee pursuant to section 26 of this act to participate in the Wind Demonstration Program.

Sec. 14. "Person" includes, without limitation, a governmental entity.

Sec. 15. "Program year" means the period of July 1 to June 30 of the following year.

Sec. 16. "Public property" means any real property, building or facilities owned, leased or occupied by:

1. A department, agency or instrumentality of the State or any of its political subdivisions which is used for the transaction of public or quasi-public business; or

2. A nonprofit organization that is recognized as exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), as amended, or a corporation for public benefit as defined in NRS 82.021.

Sec. 17. "School property" means any real property, building or facilities owned, leased or occupied by:

1. A public school as defined in NRS 385.007;

2. A private school as defined in NRS 394.103; or

3. An institution of higher education.

Sec. 18. "Small business" means a business conducted for profit which employs 500 or fewer full-time or part-time employees.

Sec. 19. "Utility" means a public utility that supplies electricity in this State.

Sec. 20. "Wind Demonstration Program" or "Program" means the Wind Energy Systems Demonstration Program created by section 22 of this act.

Sec. 21. "Wind energy system" means a facility or energy system for the generation of electricity that uses wind energy to generate electricity.

Sec. 22. 1. The Wind Energy Systems Demonstration Program is hereby created.

2. The Program must have four categories as follows:

(a) School property;

(b) Other public property;

(c) Private residential property and small business property; and

(d) Agricultural property.

3. To be eligible to participate in the Program, a person must:

(a) Meet the qualifications established by the Commission pursuant to section 23 of this act;

(b) Submit an application to a utility and be selected by the Committee for inclusion in the Program pursuant to sections 25 and 26 of this act;

(c) When installing the wind energy system, use an installer who has been issued a classification C-2 license with the appropriate subclassification by the State Contractors' Board pursuant to the regulations adopted by the Board; and

(d) If the person will be participating in the Program in the category of school property or other public property, provide for the public display of the wind energy system, including, without limitation, providing for public demonstrations of the wind energy system and for hands-on experience of the wind energy system by the public.

Sec. 23. The Commission shall adopt regulations necessary to carry out the provisions of the Wind Energy Systems Demonstration Program Act, including, without limitation, regulations that establish:

1. The qualifications and requirements an applicant must meet to be eligible to participate in the Program in each particular category of:

(a) School property;

(b) Other public property;

(c) Private residential property and small business property; and

(d) Agricultural property.

2. The type of incentives available to participants in the Program and the level or amount of those incentives.

3. The requirements for a utility's annual plan for carrying out and administering the Program. A utility's annual plan must include, without limitation:

(a) A detailed plan for advertising the Program;

(b) A detailed budget and schedule for carrying out and administering the Program;

(c) A detailed account of administrative processes and forms that will be used to carry out and administer the Program, including, without limitation, a description of the application process and copies of all applications and any other forms that are necessary to apply for and participate in the Program;

(d) A detailed account of the procedures that will be used for inspection and verification of a participant's wind energy system and compliance with the Program;

(e) A detailed account of training and educational activities that will be used to carry out and administer the Program; and

(f) Any other information required by the Commission.

Sec. 24. 1. Each utility shall carry out and administer the Wind Demonstration Program within its service area in accordance with its annual plan as approved by the Commission pursuant to section 25 of this act.

2. A utility may recover its reasonable and prudent costs, including, without limitation, incentives that are associated with carrying out and administering the Program within its service area by seeking recovery of those costs in an appropriate proceeding before the Commission pursuant to NRS 704.110.

Sec. 25. 1. On or before February 1, 2008, and on or before February 1 of each year thereafter, each utility shall file with the Commission its annual plan for carrying out and administering the Wind Demonstration Program within its service area for the following program year.

2. On or before July 1, 2008, and on or before July 1 of each year thereafter, the Commission shall:

(a) Review the annual plan filed by each utility for compliance with the requirements established by regulation; and

(b) Approve the annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Program.

3. On or before November 1, 2008, and on or before November 1 of each year thereafter, each utility shall submit to the Committee the utility's recommendations as to which applications received by the utility should be approved for participation in the Program. The Committee shall review the applications to ensure that each applicant meets the qualifications and requirements to be eligible to participate in the Program.

4. Except as otherwise provided in section 26 of this act, the Committee may approve, from among the applications recommended by each utility, wind energy systems totaling:

(a) For the program year beginning July 1, 2008:

(1) 500 kilowatts of capacity for school property;

(2) 500 kilowatts of capacity for other public property;

(3) 700 kilowatts of capacity for private residential property and small business property; and

(4) 700 kilowatts of capacity for agricultural property.

(b) For the program year beginning July 1, 2009:

(1) An additional 250 kilowatts of capacity for school property;

(2) An additional 250 kilowatts of capacity for other public property;

(3) An additional 350 kilowatts of capacity for private residential property and small business property; and

(4) An additional 350 kilowatts of capacity for agricultural property.

(c) For the program year beginning July 1, 2010:

(1) An additional 250 kilowatts of capacity for school property;

(2) An additional 250 kilowatts of capacity for other public property;

(3) An additional 350 kilowatts of capacity for private residential property and small business property; and

(4) An additional 350 kilowatts of capacity for agricultural property.

Sec. 26. 1. Based on the applications submitted by each utility for a program year, the Committee shall:

(a) Within the limits of the capacity allocated to each category, select applicants to be participants in the Wind Demonstration Program and place those applicants on a list of participants; and

(b) Select applicants to be placed on a prioritized waiting list to become participants in the Program if any capacity within a category becomes available.

2. Not later than 30 days after the date on which the Committee selects an applicant to be on the list of participants or the prioritized waiting list, the utility which submitted the application to the Committee on behalf of the applicant shall provide written notice of the selection to the applicant.

3. If the capacity allocated to any category for a program year is not fully subscribed by participants in that category, the Committee may, in any combination it deems appropriate:

(a) Allow a utility to submit additional applications from applicants who want to participate in that category; or

(b) Reallocate any of the unused capacity in that category to any of the other categories.

4. At any time after submitting an application to participate in the Program to a utility, an applicant may energize his wind energy system if the wind energy system meets all applicable building codes and all applicable requirements of the utility as approved by the Commission. An applicant who energizes his wind energy system under such circumstances remains eligible to participate in the Program, and the energizing of the wind energy system does not alter the applicant's status on the list of participants or the prioritized waiting list.

Sec. 27. 1. Except as otherwise provided in this section, if the Committee determines that a participant has not complied with the requirements for participation in the Wind Demonstration Program, the Committee shall, after notice and an opportunity for a hearing, withdraw the participant from the Program.

2. The Committee may, without notice or an opportunity for a hearing, withdraw from the Program:

(a) A participant in the category of private residential property and small business property or a participant in the category of agricultural property if the participant does not complete the installation of a wind energy system within 12 months after the date the participant receives written notice of his selection to participate in the Program.

(b) A participant in the category of school property or a participant in the category of other public property if the participant does not complete the installation of a wind energy system within 30 months after the date the participant receives written notice of his selection to participate in the Program.

3. A participant who is withdrawn from the Program pursuant to subsection 2 forfeits any incentives.

Sec. 28. 1. After a participant installs a wind energy system included in the Wind Demonstration Program, the Commission shall issue portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 equal to the actual or estimated kilowatt-hour production of the wind energy system.

2. All portfolio credits issued for a wind energy system installed pursuant to the Wind Demonstration Program must be assigned to and become the property of the utility administering the Program.

Sec. 29. If a wind energy system used by a participant in the Wind Demonstration Program meets the requirements of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 29.5. The Director of the Office of Energy shall adopt the regulations required by section 1 of this act on or before October 1, 2011.

Sec. 29.7. **1. The appointment of the additional members to the Task Force for Renewable Energy and Energy Conservation required by NRS 701.350, as amended by section 1.35 of this act, must be made as soon as practicable on or after passage and approval of this act, except that none of the additional members may begin serving a term sooner than July 1, 2007.**

2. The initial terms of the additional members appointed pursuant to paragraphs (i) and (j) of subsection 1 of NRS 701.350, as amended by section 1.35 of this act, expire on June 30, 2010.

3. The initial term of the additional member appointed pursuant to paragraph (k) of subsection 1 of NRS 701.350, as amended by section 1.35 of this act, expires on June 30, 2009.

Sec. 30. 1. This **section and sections 1.4 to 4, inclusive, of this act become effective upon passage and approval.**

2. Sections 1.35 and 29.7 of this act become effective:

(a) Upon passage and approval for the purposes of appointing additional members to the Task Force for Renewable Energy and Energy Conservation; and

(b) On July 1, 2007, for all other purposes.

3. Sections 1, 1.3, 4.5, 5 to 29, inclusive, and 29.5 of this act ~~[becomes]~~ **become** effective:

(a) Upon passage and approval for the purposes of adopting regulations and taking such other actions as are necessary to carry out the provisions of this act; and

(b) On October 1, 2007, for all other purposes.

~~[2.]~~ **4.** Sections 5 to 29, inclusive, of this act expire by limitation on June 30, 2011.

Assemblyman Oceguera moved that the Assembly do not concur in the Senate Amendment No. 1013 to Assembly Bill No. 178.

Remarks by Assemblyman Oceguera.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 496.

The following Senate amendment was read:

Amendment No. 898.

AN ACT relating to workers' compensation; revising various duties of employers, insurers and claimants under the workers' compensation system; revising certain procedures for accepting and denying workers' compensation claims; revising certain provisions relating to occupational diseases; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the payment of workers' compensation if, during the course of employment, an employee is injured or killed by a workplace accident or occupational disease. (Chapters 616A-617 of NRS) Existing law authorizes an employer, after a workplace accident, to furnish the injured employee with the name of at least one physician or chiropractor qualified to examine the employee, but the employer may not require the employee to select any particular physician or chiropractor for the examination. The examining physician or chiropractor must report to the employer regarding the character and extent of the injury, but the employer may not require or permit the disclosure of any other information concerning the employee's physical condition. (NRS 616C.010)

Section 1 of this bill requires ~~[the]~~ **an** employer **whose insurer has contracted with certain managed care organizations or providers of health care services** to furnish the injured employee with the names of at least two physicians or chiropractors **who are** qualified to examine the employee ~~[.]~~ **and who are available pursuant to the contract, if there are two or more such physicians or chiropractors within 30 miles of the employee's place of employment. If there are not two such physicians or chiropractors within that area, the employer is required to furnish the name of at least one physician who is qualified to examine the employee and available pursuant to the contract. Further, section 1 imposes similar requirements upon employers whose insurers have not contracted with such managed care organizations or providers of health care services, except that the employers are required to furnish only the names of physicians and chiropractors who are qualified to conduct the examinations without regard as to whether they are available pursuant to any particular contract.** From among ~~[those names,]~~ **the names furnished by the employer,** the employee must select one of those physicians or chiropractors to conduct the examination, but the employee is not required to select a particular physician or chiropractor ~~[preferred by the employer.]~~ from among the names furnished. Section 1 of this bill also clarifies that the employer shall not require or permit the disclosure of any

other information concerning the employee's physical condition except as required by NRS 616C.177, which permits an insurer to inquire about and request medical records concerning a preexisting medical condition that is reasonably related to the industrial injury of the injured employee.

Existing law requires an insurer to accept or deny claims involving industrial injuries and occupational diseases within a certain period. (NRS 616C.065, 617.356) Sections 1.5 and 3 of this bill require the insurer to mail its written determination regarding a claim to the claimant or the person acting on behalf of the claimant within the specified period and **, if the insurer denies the claim in whole or in part,** to obtain a certificate of mailing at the time the written determination **of the denial of the claim** is delivered to the United States Postal Service for mailing. The certificate of mailing serves as a receipt that shows the date on which the insurer mailed the written determination ~~[.]~~ **of the denial of a claim.**

Existing law establishes certain general requirements which are used to determine whether a disease is compensable as an occupational disease. (NRS 617.440) However, existing law also provides that for some specific diseases, such as certain cancers, lung diseases, heart diseases and contagious diseases, there is a legal presumption that those diseases are compensable under the workers' compensation system when contracted under certain specific circumstances, such as when contracted by firefighters, police officers and emergency medical attendants. (NRS 617.453, 617.455, 617.457, ~~[617.481,]~~ 617.485 **, 617.487**) Section 4 of this bill provides that the general requirements of NRS 617.440 do not apply to the specific provisions of existing law which create such legal presumptions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 616C.010 is hereby amended to read as follows:

616C.010 1. Whenever any accident occurs to any employee, he shall forthwith report the accident and the injury resulting therefrom to his employer.

2. When an employer learns of an accident, whether or not it is reported, the employer may direct the employee to submit to, or the employee may request, an examination by a physician or chiropractor, in order to ascertain the character and extent of the injury and render medical attention which is required immediately. The employer ~~[may]~~ ***shall :***

(a) If the employer's insurer has entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527, furnish the names, addresses and telephone numbers of ~~[one]~~ ~~*[two]*~~ **:**

(1) Two or more physicians or chiropractors ~~[,]~~ ***who are qualified to conduct the examination*** ~~*[,]*~~ ***and who are available pursuant to the terms of the contract, if there are two or more such physicians or chiropractors within 30 miles of the employee's place of employment; or***

(2) One or more physicians or chiropractors who are qualified to conduct the examination and who are available pursuant to the terms of the contract, if there are not two or more such physicians or chiropractors within 30 miles of the employee's place of employment.

(b) If the employer's insurer has not entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527, furnish the names, addresses and telephone numbers of:

(1) Two or more physicians or chiropractors who are qualified to conduct the examination, if there are two or more such physicians or chiropractors within 30 miles of the employee's place of employment; or

(2) One or more physicians or chiropractors who are qualified to conduct the examination, if there are not two or more such physicians or chiropractors within 30 miles of the employee's place of employment.

3. From among the names furnished by the employer [,] pursuant to subsection 2, the employee shall select one of those physicians or chiropractors to conduct the examination, but [may] ***the employer shall*** not require the employee to select [any] ***a*** particular physician or chiropractor [.] *[preferred by the employer]* ***from among the names furnished by the employer.*** Thereupon, the examining physician or chiropractor shall report forthwith to the employer and to the insurer the character and extent of the injury. The employer shall not require the employee to disclose or permit the disclosure of any other information concerning his physical condition [.] ***except as required by NRS 616C.177.***

[3.] ***4.*** Further medical attention, except as otherwise provided in NRS 616C.265, must be authorized by the insurer.

[4.] ***5.*** This section does not prohibit an employer from requiring the employee to submit to an examination by a physician or chiropractor specified by the employer at any convenient time after medical attention which is required immediately has been completed.

Sec. 1.5. NRS 616C.065 is hereby amended to read as follows:

616C.065 1. Except as otherwise provided in NRS 616C.136, within 30 days after the insurer has been notified of an industrial accident, every insurer shall:

(a) [Commence payment of] ***Accept*** a claim for compensation [;] ***, notify the claimant or the person acting on behalf of the claimant that the claim has been accepted and commence payment of the claim;*** or

(b) Deny the claim and notify the claimant ***or the person acting on behalf of the claimant*** and ***the*** Administrator that the claim has been denied.

[➥]

2. Payments made by an insurer pursuant to this section are not an admission of liability for the claim or any portion of the claim.

[2.] ***3.*** Except as otherwise provided in this subsection, if an insurer unreasonably delays or refuses to pay the claim within 30 days after the insurer has been notified of an industrial accident, the insurer shall pay upon order of the Administrator an additional amount equal to three times the

amount specified in the order as refused or unreasonably delayed. This payment is for the benefit of the claimant and must be paid to him with the compensation assessed pursuant to chapters 616A to 617, inclusive, of NRS. The provisions of this section do not apply to the payment of a bill for accident benefits that is governed by the provisions of NRS 616C.136.

4. The insurer shall notify the claimant or the person acting on behalf of the claimant that a claim has been accepted or denied pursuant to subsection 1 by:

(a) Mailing its written determination to the claimant or the person acting on behalf of the claimant; and

(b) ~~[Obtaining]~~ If the claim has been denied, in whole or in part, obtaining a certificate of mailing.

5. The failure of the insurer to obtain a certificate of mailing as required by paragraph (b) of subsection 4 shall be deemed to be a failure of the insurer to mail the written determination of the denial of a claim as required by this section.

6. Upon request, the insurer shall provide a copy of the certificate of mailing , if any, to the claimant or the person acting on behalf of the claimant.

7. For the purposes of this section, the insurer shall mail the written determination to:

(a) The mailing address of the claimant or the person acting on behalf of the claimant that is provided on the form prescribed by the Administrator for filing the claim; or

(b) Another mailing address if the claimant or the person acting on behalf of the claimant provides to the insurer written notice of another mailing address.

8. As used in this section, "certificate of mailing" means a receipt that provides evidence of the date on which the insurer presented its written determination to the United States Postal Service for mailing.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 617.356 is hereby amended to read as follows:

617.356 ***1.*** An insurer shall accept or deny ~~[responsibility]~~ ***a claim*** for compensation under this chapter ***and notify the claimant or the person acting on behalf of the claimant pursuant to NRS 617.344 that the claim has been accepted or denied*** within 30 working days after ~~[claims]~~ ***the forms for filing the claim*** for compensation are received pursuant to both NRS 617.344 and 617.352.

2. The insurer shall notify the claimant or the person acting on behalf of the claimant that a claim has been accepted or denied pursuant to subsection 1 by:

(a) Mailing its written determination to the claimant or the person acting on behalf of the claimant; and

(b) ~~[Obtaining]~~ If the claim has been denied, in whole or in part, obtaining a certificate of mailing.

3. The failure of the insurer to obtain a certificate of mailing as required by paragraph (b) of subsection 2 shall be deemed to be a failure of the insurer to mail the written determination of the denial of a claim as required by this section.

4. Upon request, the insurer shall provide a copy of the certificate of mailing , if any, to the claimant or the person acting on behalf of the claimant.

5. For the purposes of this section, the insurer shall mail the written determination to:

(a) The mailing address of the claimant or the person acting on behalf of the claimant that is provided on the form prescribed by the Administrator for filing the claim; or

(b) Another mailing address if the claimant or the person acting on behalf of the claimant provides to the insurer written notice of another mailing address.

6. As used in this section, "certificate of mailing" means a receipt that provides evidence of the date on which the insurer presented its written determination to the United States Postal Service for mailing.

Sec. 4. NRS 617.440 is hereby amended to read as follows:

617.440 1. An occupational disease defined in this chapter shall be deemed to arise out of and in the course of the employment if:

(a) There is a direct causal connection between the conditions under which the work is performed and the occupational disease;

(b) It can be seen to have followed as a natural incident of the work as a result of the exposure occasioned by the nature of the employment;

(c) It can be fairly traced to the employment as the proximate cause; and

(d) It does not come from a hazard to which workmen would have been equally exposed outside of the employment.

2. The disease must be incidental to the character of the business and not independent of the relation of the employer and employee.

3. The disease need not have been foreseen or expected, but after its contraction must appear to have had its origin in a risk connected with the employment, and to have flowed from that source as a natural consequence.

4. In cases of disability resulting from radium poisoning or exposure to radioactive properties or substances, or to roentgen rays (X rays) or ionizing radiation, the poisoning or illness resulting in disability must have been contracted in the State of Nevada.

5. The requirements set forth in this section do not apply to claims filed pursuant to NRS 617.453, 617.455, 617.457, ~~[617.481 or]~~ 617.485 ~~[.]~~ or 617.487.

Sec. 5. This act becomes effective on July 1, 2007.

Assemblyman Oceguera moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 496.

Remarks by Assemblyman Oceguera.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 526.

The following Senate amendment was read:

Amendment No. 702.

AN ACT relating to information technology; revising provisions governing the regulation of community antenna television, cable television and other video service; establishing a new regulatory structure for video service providers; requiring the Secretary of State to perform certain duties under the new regulatory structure; limiting the regulatory powers of local governments regarding video service providers; providing fees; requiring providers of Internet service to offer **, under certain circumstances,** products or services which enable subscribers to regulate and monitor a child's use of the Internet; providing remedies and penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill enacts various provisions relating to community antenna television, cable television, video service, Internet service and other information technology.

Under existing law, a local government has the authority to grant local franchises for the operation of a community antenna or cable television system within its jurisdiction. Because each local government has independent authority to grant its own franchises, a cable operator that wants to operate in multiple jurisdictions must negotiate a separate local franchise with each local government. (Chapter 711 of NRS)

To promote competition in the cable industry, the federal Cable Act prohibits a local government from granting an exclusive franchise or unreasonably refusing to grant competitive franchises. The federal Cable Act also prohibits a local government from imposing a franchise fee that exceeds 5 percent of a cable operator's gross revenue. (47 U.S.C. §§ 541, 542)

This bill repeals the existing statutory scheme of regulating video service through local franchises and replaces it with a statutory scheme that is intended to promote more competition in the market for such service. This bill applies to community antenna television companies, cable operators and other video service providers. However, this bill allows an existing franchise holder to continue operating under its local franchise until that franchise expires ~~[.]~~ **, and this bill also allows a local government in a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties) to renew or extend the term of a local franchise.**

Under this bill, a video service provider must obtain a certificate of authority from the Secretary of State, which acts as a state-issued franchise to provide video service within the service areas designated in the certificate. This bill establishes various standards and practices for video service

providers, including requirements for providing local governments with community access channels for public, educational and governmental programming.

This bill preempts most local regulation of video service providers. However, this bill allows a local government to manage the activities of video service providers within any public right-of-way or highway, including inspecting any construction or repair work. This bill also allows a local government to impose a franchise fee that does not exceed 5 percent of a video service provider's gross revenue.

Finally, this bill requires a provider of Internet service **, under certain circumstances,** to make available to subscribers in this State products or services which enable the subscribers to block, restrict and monitor a child's Internet activities. This bill authorizes the provider to charge a fee to those subscribers who elect to use the products or services. A provider of Internet service that fails to comply with the requirements commits a deceptive trade practice and is subject to ~~[civil and]~~ **the procedures for** administrative **enforcement and the** remedies and penalties ~~[.]~~ **under the Deceptive Trade Practice Act. (NRS 598.0903-598.0999)**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 704.030 is hereby amended to read as follows:

704.030 "Public utility" or "utility" does not include:

1. Persons engaged in the production and sale of natural gas, other than sales to the public, or engaged in the transmission of natural gas other than as a common carrier transmission or distribution line or system.

2. Persons engaged in the business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if:

(a) They serve 25 persons or less; and

(b) Their gross sales for water or services for the disposal of sewage, or both, amounted to $5,000 or less during the immediately preceding 12 months.

3. Persons not otherwise engaged in the business of furnishing, producing or selling water or services for the disposal of sewage, or both, but who sell or furnish water or services for the disposal of sewage, or both, as an accommodation in an area where water or services for the disposal of sewage, or both, are not available from a public utility, cooperative corporations and associations or political subdivisions engaged in the business of furnishing water or services for the disposal of sewage, or both, for compensation, to persons within the political subdivision.

4. Persons who are engaged in the production and sale of energy, including electricity, to public utilities, cities, counties or other entities which are reselling the energy to the public.

5. Persons who are subject to the provisions of NRS 590.465 to 590.645, inclusive.

6. Persons who are engaged in the sale or use of special fuel as defined in NRS 366.060.

7. Persons who provide water from water storage, transmission and treatment facilities if those facilities are for the storage, transmission or treatment of water from mining operations.

8. Persons who are video service providers, as defined in section 27 of this act, except for those operations of the video service provider which consist of providing a telecommunication service to the public, in which case the video service provider is a public utility only with regard to those operations of the video service provider which consist of providing a telecommunication service to the public.

Sec. 2. Chapter 711 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 60, inclusive, of this act.

Sec. 3. ***"Agreement" means any agreement or contract of any kind.***

Sec. 4. ***"Cable operator" has the meaning ascribed to it in 47 U.S.C. § 522, as that section existed on January 1, 2007.***

Sec. 5. ***"Cable service" has the meaning ascribed to it in 47 U.S.C. § 522, as that section existed on January 1, 2007.***

Sec. 6. ***"Cable system" has the meaning ascribed to it in 47 U.S.C. § 522, as that section existed on January 1, 2007.***

Sec. 7. ***"Certificate of authority" or "certificate" means a certificate issued by the Secretary of State pursuant to this chapter which grants the holder of the certificate a state-issued franchise to provide video service and construct and operate a video service network within the service areas designated in the certificate.***

Sec. 8. ***"Commercial mobile service provider" means a person who provides commercial mobile service, as defined in 47 U.S.C. § 332(d), as that section existed on January 1, 2007.***

Sec. 9. ***"Franchise" has the meaning ascribed to it in 47 U.S.C. § 522, as that section existed on January 1, 2007.***

Sec. 10. ***"Franchise fee" means a franchise fee imposed by a local government on a video service provider for the privilege of providing video service.***

Sec. 11. ***1. "Gross revenue" means:***

(a) Any revenue a video service provider receives from its subscribers for providing video service to those subscribers, as determined in accordance with generally accepted accounting principles, except for revenue excluded pursuant to subsection 3; and

(b) Any other consideration a video service provider receives from its subscribers for providing video service when it is received in a transaction that would evade imposition of a franchise fee if such consideration is not included in revenue, except for revenue excluded pursuant to subsection 3.

2. The term includes, without limitation:

(a) Recurring monthly charges;

(b) Event-based charges, including, without limitation, charges for pay per view and video on demand;

(c) Charges for the rental of set-top boxes and other equipment;

(d) Service charges, including, without limitation, charges for activation, installation, repair and maintenance;

(e) Administrative charges, including, without limitation, charges for service orders and service termination; and

(f) The amount of any revenue received by a video service provider for providing video service when such service is a component of a bundle of services or products sold for a single price, but only to the extent the revenue received by the video service provider for the bundle of services or products is proportionately allocated among each of the components.

3. The term does not include:

(a) Revenue not actually received, regardless of when it is billed.

(b) Refunds, rebates or discounts made to subscribers.

(c) Revenue from providing service other than video service, including, without limitation, revenue from providing:

(1) Telecommunication service; or

(2) Information service that is not video service.

(d) Any fee imposed on the video service provider that is passed through to and paid by subscribers, including, without limitation, a franchise fee.

(e) Revenue from the sale of video service to any person who purchases the video service for resale and who, upon resale, is required to pay a franchise fee pursuant to this chapter or the terms of a local franchise.

(f) Any tax of general applicability.

(g) The fair market value of free or reduced-cost video service provided without set-off or exchange to any person who is entitled or permitted to receive such service pursuant to this chapter or federal law.

(h) Late payment fees collected from subscribers.

Sec. 12. ***"Holder of a certificate" or "holder" means a video service provider that has been issued a certificate of authority pursuant to this chapter.***

Sec. 13. ***"Incumbent cable operator" means any cable operator, community antenna television company or other video service provider that, on the effective date of this act, is providing video service in this State pursuant to a local franchise.***

Sec. 14. ***"Information service" has the meaning ascribed to it in 47 U.S.C. § 153(20), as that section existed on January 1, 2007.***

Sec. 15. ***"Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § 230(f)(2), as that section existed on January 1, 2007.***

Sec. 16. ***"Jurisdiction of a local government" means:***

1. In the case of a city, the corporate limits of the city.

2. In the case of a county, the unincorporated area of the county.

Sec. 17. ***1. "Local franchise" means any franchise, agreement, permit, license or similar authorization, regardless of its name, which:***

[1.] (a) Permits a person to construct or operate a cable system, community antenna television system or video service network within the jurisdiction of a local government;

[2.] (b) Was issued, granted, approved or renewed by the governing body of the local government before the effective date of this act pursuant to the authority of any federal, state or local law in effect at the time of the issuance, grant, approval or renewal; and

[3.] (c) On the effective date of this act, is legally effective and unexpired.

2. The term includes, without limitation, an unexpired local franchise that a local government in a county whose population is less than 100,000 renews or extends the term of pursuant to sections 32 and 32.5 of this act.

Sec. 18. ***"Local law" means any charter, code, ordinance, regulation or other law of a local government.***

Sec. 19. ***"Multichannel video programming distributor" has the meaning ascribed to it in 47 U.S.C. § 522, as that section existed on January 1, 2007.***

Sec. 20. ***"Service area" means the geographical territory in this State within which a video service provider is authorized to provide video service [under] pursuant to a certificate of authority [.] or local franchise.***

Sec. 21. ***1. "Subscriber" means any person in this State who purchases video service.***

2. The term does not include any person who purchases video service for resale and who, upon resale, is required to pay a franchise fee pursuant to this chapter or the terms of a local franchise.

Sec. 22. ***"Telecommunication" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information sent and received, regardless of the facilities, equipment or technology used.***

Sec. 23. ***"Telecommunication provider" means any person required to obtain from the Public Utilities Commission of Nevada a certificate of public convenience and necessity pursuant to NRS 704.330 to provide telecommunication service.***

Sec. 24. ***"Telecommunication service" means the offering of telecommunication for a fee directly to the public, or such classes of users as to be effectively available directly to the public, regardless of the equipment, facilities or technology used.***

Sec. 25. ***1. "Video service" means the provision of multichannel video programming generally considered comparable to video programming delivered by a television broadcast station, cable service or other digital television service, whether provided as part of a tier, on-demand or on a per-channel basis, without regard to the technology used to***

deliver the video service, including, without limitation, Internet protocol technology or any successor technology.

2. The term includes, without limitation:

(a) Cable service; and

(b) Video service delivered by a community antenna television system.

3. The term does not include:

(a) Any video content provided solely as part of, and through, a service which enables users to access content, information, electronic mail or other services that are offered via the public Internet.

(b) Direct broadcast satellite service.

(c) Any wireless multichannel video programming provided by a commercial mobile service provider.

Sec. 26. ***1. "Video service network" means a wireline facility, or any component thereof, which is:***

(a) Located in this State;

(b) Constructed in whole or in part in, on, under or over any public right-of-way or highway; and

(c) Used to provide video service.

2. The term includes, without limitation:

(a) A cable system; and

(b) A community antenna television system.

Sec. 27. ***1. "Video service provider" or "provider" means any person that provides or offers to provide video service over a video service network to subscribers in this State.***

2. The term includes, without limitation:

(a) ~~[A]~~ An incumbent cable operator or other cable operator;

(b) A community antenna television company; and

(c) A multichannel video programming distributor.

Sec. 28. ***This chapter occupies the entire field of franchising and regulation of video service and, except as otherwise provided in sections 45 and 46 of this act, preempts any local law or agreement with a local government that:***

1. Requires a person to obtain or hold from a local government any franchise, permit, license or similar authorization, regardless of its name, to provide video service or to construct or operate a video service network, unless the person is an incumbent cable operator which holds an unexpired local franchise and which has elected pursuant to ~~[section 32]~~ sections 32 and 32.5 of this act to continue to operate within its service area pursuant to the local franchise . ~~[until the date on which the local franchise expires.]~~

2. Regulates the provision of video service or the construction or operation of a video service network if such regulation conflicts or is otherwise inconsistent with the provisions of this chapter or the purposes and objectives of this chapter.

3. Requires a video service provider to pay any fee to a local government if the payment of such a fee conflicts or is otherwise inconsistent with the provisions of this chapter or the purposes and objectives of this chapter.

Sec. 29. ***1. For the purpose of bringing about fair and reasonable competition for video service, the Secretary of State has the exclusive authority to issue a certificate of authority to a person to provide video service and construct and operate a video service network in any service area in this State.***

2. The Secretary of State:

(a) Shall carry out the provisions of this chapter; and

(b) May adopt regulations necessary for the issuance, modification and termination of a certificate of authority, including, without limitation, prescribing any forms related to the application process.

3. On or after the effective date of this act, a local government does not have the authority to:

(a) Issue, grant, approve or renew any franchise, agreement, permit, license or similar authorization, regardless of its name, for the privilege of:

(1) Providing video service within the jurisdiction of the local government; or

(2) Except as otherwise provided in sections 45 and 46 of this act, constructing or operating a video service network within the jurisdiction of the local government ~~[;]~~ ,

➥ except that a local government in a county whose population is less than 100,000 may renew or extend the term of an unexpired local franchise of an incumbent cable operator which has elected pursuant to sections 32 and 32.5 of this act to continue to operate within its service area pursuant to the local franchise;

(b) Impose any build-out requirements, investment requirements or other requirements relating to infrastructure, facilities or deployment of equipment for the privilege of providing video service or constructing or operating a video service network within the jurisdiction of the local government; or

(c) Except as otherwise provided in sections 45 and 46 of this act, require the payment of any application, document, franchise, service or other fee, tax, charge or assessment for the privilege of providing video service or constructing or operating a video service network within the jurisdiction of the local government.

Sec. 29.5. ~~*[In carrying out the provisions of this chapter, the Secretary of State shall charge and collect:*~~

~~*1. A filing fee, in an amount not to exceed $1,000, for accepting any application or notice pursuant to the provisions of this chapter; and*~~

~~*2. Except as otherwise provided in this subsection, a certification fee, in the amount of $25,000, for issuing an original certificate of authority to a*~~

~~*person who does not hold such a certificate pursuant to the provisions of this chapter. The Secretary of State:*~~

~~*(a) May charge and collect the certification fee only once from each such person; and*~~

~~*(b) May not charge and collect the certification fee from a local government that is authorized pursuant to NRS 711.175 to sell video service to the general public, or any entity or agency that is directly or indirectly controlled by the local government, if it provides video service or constructs or operates a video service network exclusively within the territorial boundaries of the local government.]*~~

1. In carrying out the provisions of this chapter, the Secretary of State shall charge and collect the fees set forth in this section.

2. Except as otherwise provided in subsection 3, the filing fee for accepting any application or notice pursuant to the provisions of this chapter is $1,000.

3. The filing fee for accepting an original application for a certificate of authority pursuant to sections 33 and 34 of this act:

(a) Is $250 for a service area located entirely within the territorial boundaries of a county whose population is less than 50,000.

(b) Is $500 for a service area located in whole or in part within the territorial boundaries of a county whose population is 50,000 or more but less than 100,000, unless the provisions of paragraph (c) apply.

(c) Is $1,000 for a service area located in whole or in part within a county whose population is 100,000 or more.

4. A person may elect to apply for a certificate of authority that permits, but does not require, the person to provide video service within one or more service areas located anywhere in this State as designated in the application and affidavit filed by the person pursuant to section 33 of this act. If a person applies for such a certificate of authority, the certification fee for issuing the certificate of authority to the person pursuant to sections 33 and 34 of this act is $25,000. The Secretary of State may charge and collect the certification fee pursuant to this subsection only once from each such person.

5. If a person elects not to apply for a certificate of authority in accordance with subsection 4, the certification fee for issuing a certificate of authority to the person pursuant to sections 33 and 34 of this act or for issuing an amended certificate of authority to the person pursuant to section 35 of this act:

(a) Is $250 for a service area located entirely within the territorial boundaries of a town, township or city whose population is less than 1,000, regardless of the population of the county.

(b) Is $2,500 for a service area located entirely within the territorial boundaries of a town, township or city whose population is 1,000 or more but less than 50,000, regardless of the population of the county.

(c) Is $2,500 for a service area located entirely within the territorial boundaries of a county whose population is less than 50,000, unless the provisions of paragraph (a) or (b) apply.

(d) Is $15,000 for a service area located in whole or in part within the territorial boundaries of a county whose population is 50,000 or more but less than 100,000, unless the provisions of paragraph (a), (b) or (e) apply.

(e) Is $25,000 for a service area located in whole or in part within the territorial boundaries of a county whose population is 100,000 or more, unless the provisions of paragraph (a) or (b) apply.

6. The Secretary of State shall charge and collect the fees set forth in this section based on:

(a) The information provided in the application and affidavit filed by the person pursuant to paragraph (a) of subsection 2 of section 33 of this act; and

(b) The estimated population of each town, township, city and county in this State as set forth in the most recent annual report issued by the Department of Taxation pursuant to NRS 360.283.

7. The fees imposed by this section may not be passed through to and collected from subscribers of video service.

Sec. 30. ***The provisions of this chapter must not be interpreted to:***

1. Authorize the Secretary of State to exercise oversight of video service providers except as provided in this chapter.

2. Prevent a telecommunication provider from exercising any rights or authority that the provider has as a public utility under federal or state law.

Sec. 31. Except as otherwise provided in this chapter, a person shall not act as a video service provider or construct or operate a video service network in any service area unless the person has obtained a certificate of authority for that service area.

Sec. 32. 1. If, on the effective date of this act, an incumbent cable operator is providing video service within a service area pursuant to a local franchise, the incumbent cable operator may elect to:

(a) Continue to operate within that service area pursuant to the local franchise ~~*[until the date on which the local franchise expires;]*~~ ***in accordance with section 32.5 of this act; or***

(b) Terminate the local franchise within that service area by applying for and obtaining a certificate of authority pursuant to ~~*[subsection 3.*~~

~~*2. If an incumbent cable operator elects to continue to operate within a service area pursuant to a local franchise, the incumbent cable operator:*~~

~~*(a) Must comply with the local franchise and all applicable provisions of this chapter until the date on which the local franchise expires; and*~~

~~*(b) To operate within that service area on or after the date on which the local franchise expires, must apply for and obtain a certificate of authority in the same manner as any other video service provider. If the incumbent cable operator is issued a certificate of authority for that service area while*~~

~~*operating pursuant to the local franchise, the certificate does not become effective until the date on which the local franchise expires.*~~

~~*3.]*~~ ***this section.***

2. ***To elect to terminate a local franchise within a service area, an incumbent cable operator must, not later than 6 months after the effective date of this act, apply for a certificate of authority for that service area in the same manner as any other video service provider. If the incumbent cable operator makes such an election and obtains a certificate of authority for that service area:***

(a) The local franchise for that service area is deemed to be terminated by operation of law on the date on which the Secretary of State issues the certificate of authority;

(b) Not later than 3 business days after the date on which the Secretary of State issues the certificate of authority, the incumbent cable operator shall file with the clerk of the local government which granted the franchise a written declaration that the incumbent cable operator has obtained a certificate of authority and that the local franchise for that service area has been terminated by operation of law; and

(c) The incumbent cable operator shall operate within that service area thereafter subject only to the same requirements that apply to any other holder of a certificate.

Sec. 32.5. ***1. Except as otherwise provided in subsection 2, if an incumbent cable operator elects pursuant to section 32 of this act to continue to operate within a service area pursuant to a local franchise:***

(a) The incumbent cable operator must comply with the local franchise and all applicable provisions of this chapter while the local franchise is in effect for that service area;

(b) The local franchise is not effective for that service area on or after the date on which the local franchise expires; and

(c) The local government may not renew or extend the term of the local franchise for that service area.

➥ To operate within that service area on or after the date on which the local franchise expires, the incumbent cable operator must apply for and obtain a certificate of authority in the same manner as any other video service provider. If the incumbent cable operator is issued a certificate of authority for that service area while operating pursuant to the local franchise, the certificate does not become effective until the date on which the local franchise expires.

2. If an incumbent cable operator elects pursuant to section 32 of this act to continue to operate within a service area pursuant to a local franchise and the service area is located entirely within the territorial boundaries of a county whose population is less than 100,000:

(a) The incumbent cable operator must comply with the local franchise and all applicable provisions of this chapter while the local franchise is in effect for that service area; and

(b) The local government may renew or extend the term of the local franchise for that service area, provided that the terms and conditions of the renewal or extension do not conflict with or are not otherwise inconsistent with the provisions of this chapter or the purposes and objectives of this chapter.

➥ To operate within that service area on or after the date on which the local franchise expires without renewal or extension, the incumbent cable operator must apply for and obtain a certificate of authority in the same manner as any other video service provider. If the incumbent cable operator is issued a certificate of authority for that service area while operating pursuant to the local franchise, the certificate does not become effective until the date on which the local franchise expires without renewal or extension.

Sec. 33. ***1. To obtain a certificate of authority, a person must:***

(a) File with the Secretary of State an application and affidavit which are signed by one of the principal executive officers or general partners of the applicant and which comply with the provisions of this section; and

(b) Pay ~~[the fees]~~ any fee required by section 29.5 of this act.

2. The application and affidavit must be in the form required by the Secretary of State and must contain only the following:

(a) A description of each service area designated by the applicant in which the applicant intends to provide video service and a map of each such service area that shows the territorial boundaries of each local government located, in whole or in part, within the service area.

(b) The location of the principal place of business of the applicant and the names of the principal executive officers or general partners of the applicant.

(c) Certifications that the applicant:

(1) Agrees to comply with all applicable federal and state laws and regulations;

(2) Agrees to comply with all generally applicable, nondiscriminatory local laws regarding the use and occupation of any public right-of-way or highway in the construction, operation, maintenance and repair of a video service network, including, without limitation, any local laws enacted pursuant to the police powers of the local government in which the video service network is located; and

(3) Has filed or will timely file with the Federal Communications Commission all forms required by that agency before offering video service.

3. If the Secretary of State determines that the application and affidavit are incomplete or otherwise deficient, the Secretary of State shall provide written notice to the applicant not later than 15 days after the date on which the application and affidavit are filed. The written notice must:

(a) Explain the incompleteness or deficiency in detail; and

(b) Identify with specificity the information or other items that are necessary to complete the application and affidavit properly.

4. The applicant shall provide a copy of the application and affidavit to the governing body of each local government located, in whole or in part, within each service area designated in the application. The applicant shall provide such a copy:

(a) Not later than 3 business days after the date on which the application and affidavit are first filed with the Secretary of State; and

(b) If a revised application and affidavit are filed, not later than 3 business days after the date on which the revised application and affidavit are filed with the Secretary of State.

5. The copy of the application and affidavit provided by the applicant to a governing body is for informational purposes only, and the governing body may not:

(a) Vote on or take other official action regarding the application and affidavit; or

(b) Require the applicant to obtain the approval of the governing body regarding the application and affidavit.

Sec. 34. ***1. Not later than 20 days after the date on which an applicant files a completed application and affidavit pursuant to section 33 of this act and pays ~~[the fees]~~ any fee required by section 29.5 of this act, the Secretary of State shall issue a certificate of authority to the applicant.***

2. The certificate of authority issued by the Secretary of State is a state-issued franchise granting the holder of the certificate with the authority to:

(a) Provide video service in each service area designated in the application and affidavit filed with the Secretary of State; and

(b) Construct and operate a video service network in compliance with the provisions of this chapter and all local laws that are not in conflict or otherwise inconsistent with the provisions of this chapter or the purposes and objectives of this chapter.

3. The Secretary of State may not condition or limit a certificate of authority by imposing on the holder of the certificate any obligations or requirements that are not authorized by the provisions of this chapter, including, without limitation:

(a) Any build-out requirements, investment requirements or other requirements relating to infrastructure, facilities or deployment of equipment; or

(b) Any requirements to pay any application, document, franchise, service or other fee, tax, charge or assessment that is not authorized by the provisions of this chapter.

Sec. 35. ***1. If the holder of a certificate wants to add one or more new service areas to the certificate, the holder must ~~[file]~~ :***

(a) File with the Secretary of State an application for an amendment to the certificate to add the new service areas ~~[.]~~ ; and

(b) Pay any fee required by section 29.5 of this act.

2. The application for an amendment to the certificate must contain a description of each new service area designated by the holder and a map of each new service area that shows the territorial boundaries of each local government located, in whole or in part, within the new service area.

3. The application for an amendment to the certificate is subject to the same procedures, requirements and time periods as an application for the issuance of a certificate pursuant to sections 33 and 34 of this act . [, except that the holder is not required to pay the certification fee required by section 29.5 of this act.]

Sec. 36. ***1. If the holder of a certificate wants to modify the boundaries of an existing service area authorized under the certificate, the holder must file with the Secretary of State written notice of the modification [.] and pay any fee required by section 29.5 of this act.***

2. The holder may make the modification on the date on which it files the written notice with the Secretary of State.

Sec. 37. ***1. If the holder of a certificate wants to terminate service to an existing service area authorized under the certificate, the holder must file with the Secretary of State written notice of the termination [.] and pay any fee required by section 29.5 of this act.***

2. The holder may make the termination on the date on which it files the written notice with the Secretary of State.

Sec. 38. 1. Except as otherwise provided in this section, a certificate of authority is fully transferable to any successor-in-interest of the holder of the certificate whether the transfer to the successor-in-interest arises through merger, sale, assignment, restructuring, change of control or any other type of transaction.

2. The holder shall file with the Secretary of State written notice of the transfer of the certificate to the successor-in-interest and pay any fee required by section 29.5 of this act not later than 10 days after the date on which the transfer is completed.

3. Before the holder may transfer its certificate to the successor-in-interest, the successor-in-interest must agree that any collective bargaining agreement entered into by the holder shall continue to be honored, paid or performed by the successor-in-interest to the same extent as would be required if the holder continued to operate under its certificate unless such continued application of the collective bargaining agreement to the successor-in-interest is prohibited or limited by the terms of the agreement or by federal or state law. Any transfer of a certificate of authority that violates the provisions of this subsection is void and unenforceable and is not valid for any purpose.

Sec. 39. ***1. Not later than 24 months after the date on which the Secretary of State issues a certificate of authority pursuant to sections 33 and 34 of this act or an amended certificate of authority pursuant to section 35 of this act, the holder of the certificate must have the capability to offer and provide video service to at least one subscriber who resides***

within the territorial boundaries of each service area authorized by the certificate or the amended certificate.

2. If a holder fails to comply with the provisions of subsection 1, the holder's certificate of authority shall be deemed to be revoked by operation of law without the need for any notice, hearing or action by the Secretary of State.

Sec. 40. ***A holder of a certificate shall provide video service in accordance with the certifications made by the holder in each application and affidavit that the holder files with the Secretary of State pursuant to section 33 or 35 of this act.***

Sec. 40.5. ***1. If a video service provider that is not an incumbent cable operator within the jurisdiction of a local government intends to construct facilities within the jurisdiction of the local government pursuant to a certificate of authority, the video service provider shall, until it has constructed all the facilities intended for the jurisdiction of the local government, prepare and submit to the local government a semiannual report which describes the number of service locations within the jurisdiction of the local government that are capable of receiving video service from the video service provider.***

2. The video service provider shall submit the report to the local government not later than 10 business days after the last day of the second and fourth calendar quarters of each year.

3. The information contained in a report that is submitted to a local government pursuant to this section:

(a) Is confidential proprietary information of the video service provider;

(b) Is not a public record; and

(c) Must not be disclosed to any person who is not an officer or employee of the local government unless the video service provider consents to the disclosure or the disclosure is made pursuant to subsection 4.

4. Upon request from the Director of the Legislative Counsel Bureau, a local government shall disclose the information contained in a report that is submitted to the local government pursuant to this section to the Director for confidential use by the Legislature and the Legislative Counsel Bureau. The information that is disclosed to the Director:

(a) Is confidential proprietary information of the video service provider;

(b) Is not a public record; and

(c) Must not be disclosed to any person who is not an officer or employee of the Legislature or the Legislative Counsel Bureau unless the video service provider consents to the disclosure.

Sec. 41. ***1. A video service provider shall activate and offer video service in a nondiscriminatory manner within each service area and shall not deny access to video service to any group of potential residential subscribers within a particular part of a service area because of the income profile of the persons who reside in that particular part of the service area.***

2. In providing video service, a video service provider shall comply with:

(a) The provisions of 47 U.S.C. § 551, as that section existed on January 1, 2007.

(b) The provisions of the National Electrical Safety Code, as adopted and as may be amended by the Institute of Electrical and Electronics Engineers, Inc., with regard to the video service provider's construction practices and installation of equipment.

(c) Any technical standards governing the design, construction and operation of a video service network required by federal law.

(d) The provisions of 47 C.F.R. Part 11, as adopted and as may be amended by the Federal Communications Commission, to the extent those provisions require a video service provider to participate in the Emergency Alert System.

Sec. 42. ***1. A video service provider:***

(a) Shall comply with the provisions of 47 C.F.R. §§ 76.309, 76.1601 to 76.1604, inclusive, and 76.1618 to 76.1622, inclusive, as adopted and as may be amended by the Federal Communications Commission, with regard to the standards governing the quality of video service and customer service; and

(b) May not be required to comply with more stringent or different customer service obligations than those set forth in paragraph (a).

2. To facilitate the resolution of complaints regarding video service made by subscribers ~~*[, a]*~~ **:**

_*A*_ ***video service provider shall establish and maintain a customer service department and provide each subscriber with instructions for:***

~~*[(a)]*~~ **_*(1)*_** ***Contacting the customer service department if the subscriber has a complaint regarding video service; and***

~~*[(b)]*~~ **_*(2)*_** ***Contacting the local government if the video service provider does not resolve the complaint to the satisfaction of the subscriber.***

(b) Each local government which is located in a county whose population is 25,000 or more and which collects a franchise fee pursuant to section 46 of this act shall establish a process to:

(1) Make available to the public a list of video service providers authorized to provide video service within the jurisdiction of the local government;

(2) Respond to inquiries from subscribers and disseminate information to those subscribers regarding the standards governing the quality of video service and customer service prescribed by subsection 1 and the procedures available to subscribers to resolve complaints with such video service providers;

(3) Coordinate the resolution of subscriber complaints with the customer service departments of such video service providers;

(4) Facilitate access by subscribers to procedures to seek corrective action or other redress from such video service providers for alleged

violations of the customer service standards prescribed by subsection 1; and

(5) Maintain a record of the number and general subject matter of subscriber complaints against each such video service provider. The record must contain a separate listing for each such video provider and must be made available for public inspection.

3. Before a local government may take the action permitted by subsection 4 [or 5] against a video service provider regarding a complaint from a subscriber:

(a) The subscriber must provide notice of the complaint to the video service provider by contacting the customer service department of the video service provider; and

(b) The video service provider must be given a period of not less than [5] 10 business days after the date on which it receives the notice from the subscriber to resolve the complaint to the satisfaction of the subscriber.

4. If [a subscriber files a written complaint regarding video service with a local government, the local government may impose an administrative fine against the video service provider if, after notice and an opportunity for a hearing before a hearing officer, it is proven by substantial evidence that the video service provider has, with regard to that subscriber, violated the customer service obligations that apply to the video service provider pursuant to this section. The amount of the administrative fine:

(a) For the first violation involving that subscriber in any period of 12 consecutive months, must not exceed $250.

(b) For the second violation involving that subscriber in any period of 12 consecutive months, must not exceed $500.

(c) For the third and any subsequent violation involving that subscriber in any period of 12 consecutive months, must not exceed $750.

5. If a video service provider fails to pay a fine imposed by a local government pursuant to this section or if] ***a local government has reasonable cause to believe that a video service provider has committed persistent or repeated violations of the customer service obligations that apply to the video service provider pursuant to this section, the local government may file a written complaint with the Bureau of Consumer Protection in the Office of the Attorney General pursuant to section 60 of this act.***

Sec. 43. ***1. A video service provider may provide telecommunication service pursuant to chapter 704 of NRS and the regulations approved by the Public Utilities Commission of Nevada for telecommunication providers.***

2. A video service provider shall obtain a certificate of public convenience and necessity pursuant to NRS 704.330 before providing any telecommunication service that is subject to regulation by the Public Utilities Commission of Nevada.

3. A local government shall not require a video service provider to obtain a franchise from the local government to provide:

(a) Telecommunication service; or

(b) Interactive computer service,

➥ if the video service provider uses its own video service network within the jurisdiction of the local government to provide such service.

Sec. 44. ~~*[1. On or after the effective date of this act, a purveyor of video service shall not enter into any agreement or other arrangement with any person that directly or indirectly:*~~

~~*(a) Excludes another purveyor of video service from any private easement or right-of-way for the installation on real property of facilities or equipment used to provide video service;*~~

~~*(b) Restricts or limits access to real property on different terms and conditions among different purveyors of video service; or*~~

~~*(c) Grants exclusive rights to the purveyor of video service to:*~~

~~*(1) Install its facilities or equipment on real property during the construction or developmental phase of the real property; or*~~

~~*(2) Provide video service to the occupants of the real property.*~~

~~*2. This section does not prohibit a purveyor of video service from participating in an agreement for exclusive marketing of video programming and other programming service.*~~

~~*3. As used in this section, "purveyor of video service" means any person who furnishes video service to subscribers in this State using any form of technology or type of facilities, regardless of whether the person:*~~

~~*(a) Is a video service provider subject to the provisions of this chapter; or*~~

~~*(b) Provides video service over a video service network that is constructed in whole or in part in, on, under or over any public right-of-way or highway.]*~~ **(Deleted by amendment.)**

Sec. 45. ***1. A local government shall not require a video service provider to place its facilities in ducts or conduits or on poles owned or leased by the local government.***

2. A local government shall manage the use of any public right-of-way or highway by video service providers in a manner that:

(a) Is consistent with federal and state law and the lawful police powers of the local government; and

(b) Is competitively neutral and does not:

(1) Discriminate among video service providers; or

(2) Discriminate between video service providers and any other users of the public right-of-way or highway for the construction and operation of facilities.

3. In managing any public right-of-way or highway, a local government may:

(a) Require a video service provider that is constructing, installing, working within, maintaining or repairing facilities in, on, under or over

any public right-of-way or highway to obtain a construction, encroachment or occupancy permit or license for such work; and

(b) Inspect the construction, installation, maintenance or repair work performed on such facilities.

4. If a video service provider makes a request for such a permit or license, the local government shall act upon the request not later than 10 business days after the date on which the request is made.

5. A local government may charge a video service provider a fee to issue such a permit or license or to perform any inspection authorized by this section. The amount of any fee charged by a local government pursuant to this subsection may not exceed the actual costs incurred by the local government in administering the process of issuing such permits or licenses and performing such inspections.

6. If there is a situation necessitating emergency response work or repair in, on, under or over any public right-of-way or highway, a video service provider may begin that work or repair without prior approval from a local government if the provider notifies the local government as promptly as reasonably possible after learning of the need for that work or repair.

Sec. 46. ***1. For the privilege of providing video service through a video service network that occupies or uses, in whole or in part, any public right-of-way or highway within the jurisdiction of a local government, the local government may require a video service provider to pay a franchise fee to the local government based on the gross revenue that the provider receives from its subscribers within the jurisdiction of the local government.***

2. To require the payment of the franchise fee, the governing body of the local government must adopt a nondiscriminatory ordinance or resolution that imposes the franchise fee equally and uniformly on all video service providers operating within the jurisdiction of the local government.

3. The local government shall not require a video service provider to pay a franchise fee for any year in a total amount that exceeds 5 percent of the gross revenue that the provider received during that year from its subscribers within the jurisdiction of the local government.

4. The entire amount of the franchise fee must be paid by a video service provider directly to the local government in legal tender of the United States or in a check, draft or note that is payable in legal tender of the United States.

5. A video service provider may:

(a) Pass the franchise fee through to and collect the franchise fee from its subscribers within the jurisdiction of the local government based on the gross revenue received from each such subscriber; and

(b) Designate the amount of the franchise fee collected from each subscriber as a separate line item on the subscriber's bill.

6. Except as otherwise provided in subsection 7, the franchise fee authorized by this section:

(a) Is the only fee, tax, assessment or other charge that a local government may impose on a video service provider for the privilege of providing video service or constructing or operating a video service network within the jurisdiction of the local government; and

(b) Is in lieu of any other fee, tax, assessment or charge that may be imposed by a local government on a video service provider for its occupation or use of any public right-of-way or highway.

7. This section does not restrict the right of a local government to impose on a video service provider:

(a) The fees authorized by subsection 5 of section 45 of this act; and

(b) Any generally applicable and nondiscriminatory fees, ad valorem taxes, sales taxes or other taxes that are lawfully imposed on other businesses within the jurisdiction of the local government.

Sec. 47. ***1. Not more than once every 3 years, a local government may, upon reasonable written notice, review and audit the business records of a video service provider to the extent necessary to ensure payment of a franchise fee pursuant to this chapter. If the results of such a review and audit identify an underpayment of the franchise fee in an amount that requires corrective action, the local government may perform a subsequent compliance review and audit to determine whether the video service provider has corrected the underpayment of the franchise fee. The compliance review and audit must be performed not later than 12 months after the date on which the results of the initial review and audit are submitted to the local government.***

2. ***The local government and the video service provider shall each pay its own costs and fees relating to each review and audit performed pursuant to subsection 1, except that if the video service provider elects to have the local government review and audit the requested business records of the video service provider at a location outside the territorial boundaries of the local government, the video service provider shall pay the per diem allowances and travel expenses incurred by the local government to perform the review and audit at that location.***

3. A person who performs a review and audit pursuant to subsection 1 may not receive compensation that is based, in whole or in part, on:

(a) Finding a particular result; or

(b) The amount of any underpayment of the franchise fee that is identified as a result of the review and audit.

4. Any action to recover a disputed underpayment of a franchise fee from a video service provider must be commenced and prosecuted by the Attorney General on behalf of the affected local governments.

5. A video service provider may bring an action against a local government to recover a disputed overpayment of a franchise fee to the local government.

6. Any action to recover a disputed underpayment or overpayment of a franchise fee must be commenced in a district court not later than 4 years after the last day of the tax year to which the disputed underpayment or overpayment relates.

7. Each party shall pay its own costs and attorney's fees in commencing and prosecuting any action involving a disputed underpayment or overpayment of a franchise fee.

Sec. 48. ***As used in sections 48 to 59, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 49 to 53, inclusive, have the meanings ascribed to them in those sections.***

Sec. 49. ***"Hub office" means the facility and related equipment located within a video service network at which video programming is received directly or indirectly from national or international content providers or broadcast networks and combined with local programming and channels for signal distribution to subscribers through central offices and related transmission or transport facilities.***

Sec. 50. ***"Locally produced video programming" means video programming produced for a service area by:***

1. One or more natural persons who reside within the service area; or

2. Any local government, educational institution or other public or nonprofit private entity located within the service area.

Sec. 51. ***"Nonrepeat locally produced video programming" includes, without limitation, the first three videocastings of an official meeting of a local government.***

Sec. 52. ***"PEG access channel" means a channel that videocasts PEG access programming.***

Sec. 53. ***"PEG access programming" means noncommercial public, educational and governmental video programming or the capacity for the transmission of such programming.***

Sec. 54. ***For the purposes of sections 48 to 59, inclusive, of this act, a PEG access channel shall be deemed to be "substantially utilized" if at least 12 hours of PEG access programming, excluding any alpha-numeric programming, is videocast on the PEG access channel each calendar day and at least 80 percent of the PEG access programming on each calendar day is nonrepeat locally produced video programming.***

Sec. 54.5. ***1. Except as otherwise provided in subsection 2, the provisions of sections 48 to 59, inclusive, of this act do not apply to any existing PEG access channel in service on the effective date of this act.***

2. The provisions of sections 48 to 59, inclusive, of this act do not prevent a video service provider from changing the channel number assigned to any PEG access channel, including, without limitation, any existing PEG access channel in service on the effective date of this act. If a video service provider intends to change the channel number assigned to any PEG access channel, the provider:

(a) Shall use good faith efforts to provide the affected local government with written notice of the change, to the extent reasonably practicable, at least 120 days before the date on which the change is to become effective; and

(b) Shall not provide such notice less than 30 days before the date on which the change is to become effective.

Sec. 55. ***Except as otherwise provided in sections 48 to 59, inclusive, of this act, a holder of a certificate is not required to:***

1. Provide any network or channel capacity or free or discounted cable service or other service to any governmental entity or school, library or other public building; or

2. Furnish any funds, services, programming, facilities, staffing or equipment related to the use of PEG access channels or the production or videocasting of PEG access programming.

Sec. 56. ***1. Not sooner than 12 months after the date on which an incumbent cable operator obtains a certificate of authority, the incumbent cable operator may cease providing any network or channel capacity or free or discounted cable service or other service to any governmental entity or school, library or other public building.***

2. If an incumbent cable operator ceases to provide network or channel capacity to a governmental entity, the incumbent cable operator may reclaim for its own purposes the network or channel capacity that was used by the governmental entity unless:

(a) The governmental entity uses the capacity for PEG access programming pursuant to sections 48 to 59, inclusive, of this act; or

(b) The incumbent cable operator and the governmental entity enter into a commercial agreement regarding the rates, terms and conditions for the governmental entity to continue using the network or channel capacity.

Sec. 57. ***1. On or after the date on which a holder of a certificate first provides video service to at least one subscriber within the service area of a local government, the local government may request that the holder provide capacity for PEG access programming on its video service network on any service tier viewed by more than 50 percent of the subscribers in that service area. Within a reasonable period of not less than 120 days after the date on which the local government submits its request, the holder shall provide the local government with such capacity for PEG access programming subject to the provisions of sections 48 to 59, inclusive, of this act.***

2. If a video service provider did not provide capacity for PEG access programming to a local government while operating pursuant to a local franchise, the video service provider shall, after obtaining a certificate of authority, provide capacity for PEG access programming to the local government upon a request made by the local government pursuant to this section.

Sec. 58. ***1. A local government that requests capacity for PEG access programming may require a holder of a certificate to designate:***

(a) Not more than two PEG access channels, if the population within the jurisdiction of the local government is less than 50,000.

(b) Not more than three PEG access channels, if the population within the jurisdiction of the local government is 50,000 or more.

2. The number of PEG access channels set forth in subsection 1 constitutes the total number of PEG access channels that the holder may be required to designate on any single video service network utilizing a single headend or hub office, or on all commonly owned video service networks that share a common headend or hub office, regardless of the number of local governments served from that headend or hub office. If more than one local government is served by a single or common headend or hub office, the populations within the jurisdictions of all those local governments must be aggregated to determine the total number of PEG access channels under subsection 1.

3. When a local government submits its request for capacity for PEG access programming, the local government must submit information which establishes that each PEG access channel it has requested will be substantially utilized. If one or more of the PEG access channels available under subsection 1 are being used at the headend or hub office when the local government submits its request, the holder is not required to make any of the remaining PEG access channels available to the local government unless the local government submits information which establishes that all existing PEG access channels at the headend or hub office are being substantially utilized.

4. Except as otherwise provided in subsection 5, if a local government does not substantially utilize a PEG access channel made available to it pursuant this section, the holder may reclaim the channel capacity for its own purposes. After reclaiming the channel capacity, if the local government makes a request for restoration of the PEG access channel and submits to the holder information which establishes that the PEG access channel will be substantially utilized, the holder shall restore the PEG access channel to the local government unless, when the request is submitted to the holder, the maximum number of PEG access channels available under subsection 1 are being used at the headend or hub office which serves the local government. If the restoration can be made within the limits of subsection 1, the holder shall restore the PEG access channel to the local government within a reasonable period of not less than 120 days after the date on which the request is submitted to the holder.

5. The provisions of subsection 4 do not apply to the first PEG access channel which is made available to a local government that does not have a PEG access channel in service on the effective date of this act.

Sec. 59. ***1. A local government receiving the benefit of a PEG access channel, or its designee, is responsible for producing the programming of***

that channel and for providing that programming to the holder of a certificate. The holder is responsible only for the transmission of the programming to subscribers.

2. A local government, or its designee, shall provide to the holder all programming for a PEG access channel in a manner or form that is:

(a) Capable of being accepted and transmitted by the holder over its video service network without alteration or change in the content or transmission signal; and

(b) Compatible with the technology or protocol utilized by the holder to deliver its video service.

3. A local government shall:

(a) Make the programming for each PEG access channel available in a nondiscriminatory manner to all holders or incumbent cable operators providing video service in the service area of the local government.

(b) Provide all facilities necessary for connectivity to a single PEG access channel distribution point in the service area of the local government, except that the first 200 feet extending from the video service network for the connectivity is the responsibility of the holder.

4. Where necessary and technically feasible, holders or incumbent cable operators shall use reasonable efforts to interconnect their video service networks for the purpose of exchanging PEG access channel programming on mutually acceptable rates, terms and conditions. Interconnection may be accomplished by direct cable microwave link, satellite or other reasonable methods of connection. Holders and incumbent cable operators shall negotiate interconnection in good faith. The person requesting interconnection is responsible for any costs, including, without limitation, signal transmission from the origination point to the point of interconnection.

Sec. 60. ***1. A video service provider or a local government may file with the Bureau of Consumer Protection*** ~~*[in the Office of the Attorney General]*~~ ***a written complaint alleging a violation of the provisions of this chapter.***

2. Upon a written complaint filed by a video service provider or a local government pursuant to this section, the ~~*[Attorney General]*~~ ***Consumer's Advocate may commence in a district court an action to enforce the provisions of this chapter and to seek*** ~~*[injunctive]*~~ ***equitable or declaratory relief.***

3. If such an action is commenced against a video service provider and the district court determines that the provider has violated any provision of this chapter, the court shall issue an order to the provider directing the provider to take corrective action within a specified reasonable period and providing for such other ~~*[injunctive]*~~ ***equitable or declaratory relief as the court finds necessary, including, without limitation, suspending the certificate of authority held by the video service provider.***

4. If the district court orders equitable or declaratory relief in an action brought by the Consumer's Advocate pursuant to this section, the court shall award the Consumer's Advocate, in an amount approved by the court, reasonable attorney's fees and costs incurred by the Consumer's Advocate in bringing the action.

5. The provisions of this section do not ~~*[apply]*~~ **:**

***(a) Apply** to any action authorized pursuant to NRS 711.265 to 711.290, inclusive, or section 47 of this act.*

(b) Prevent the Bureau of Consumer Protection from enforcing any applicable provisions of chapter 598 of NRS against a video service provider.

6. As used in this section:

(a) "Bureau of Consumer Protection" means the Bureau of Consumer Protection in the Office of the Attorney General.

(b) "Consumer's Advocate" means the Consumer's Advocate of the Bureau of Consumer Protection.

Sec. 61. NRS 711.020 is hereby amended to read as follows:

711.020 [~~The words and phrases~~] *As* used in this chapter ~~[have the meanings ascribed to them]~~ ***, unless the context otherwise requires, the words and terms defined*** in NRS 711.030 to 711.074, inclusive, ~~[unless a different meaning clearly appears in the context.]~~ ***and sections 3 to 27, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 62. NRS 711.030 is hereby amended to read as follows:

711.030 ***1.*** "Community antenna television company" means any person ~~[or organization which]~~ *who* owns, controls, operates or manages a community antenna television system . ~~[, except that the definition]~~

2. The term does not include:

~~[1. A telephone, telegraph]~~

(a) A telecommunication provider or electric utility regulated by the Public Utilities Commission of Nevada where the ***telecommunication provider or electric*** utility merely leases or rents to a community antenna television company wires or cables for the redistribution of television signals to or toward subscribers of that company; or

~~[2. A telephone or telegraph utility]~~

(b) A telecommunication provider regulated by the Public Utilities Commission of Nevada where the ~~[utility]~~ ***telecommunication provider*** merely provides channels of communication under published tariffs filed with that Commission to a community antenna television company for the redistribution of television signals to or toward subscribers of that company.

Sec. 63. NRS 711.040 is hereby amended to read as follows:

711.040 1. "Community antenna television system" means any facility ***, or any component thereof, which is:***

(a) Located within this State ~~[which is constructed]~~ *;*

(b) Constructed in whole or in part in, on, under or over any ***public right-of-way or*** highway ~~[or other public place and is operated]~~ ***; and***

(c) Operated to perform for hire the service of:

~~[(a)]~~ ***(1)*** Receiving and amplifying the signals broadcast by one or more television stations or provided for public, educational or governmental purposes and redistributing those signals by wire, cable or other means of closed transmission; or

~~[(b)]~~ ***(2)*** Providing two-way interactive services by wire, cable or other means of closed transmission, including, without limitation, Internet services, intranet services and electronic mail,

➥ to members of the public who subscribe to the service.

2. ~~[Such a system]~~ ***The term*** does not include any system which serves:

(a) Fewer than 50 subscribers; or

(b) Only the residents of one or more apartment dwellings under common ownership, control or management, and commercial establishments located on the premises of those dwellings , if the buildings are separated by not more than one public ~~[street or]~~ right-of-way ~~[.]~~ ***or highway.***

3. As used in this section, "apartment dwelling" does not include a hotel, motel, condominium, town house or other similar dwelling.

Sec. 64. NRS 711.060 is hereby amended to read as follows:

711.060 "Facility" means all real property, antennae, poles, wires, cables, conduits, amplifiers, instruments, appliances, fixtures and other personal property used by a ~~[community antenna television company]~~ ***video service provider*** to provide service to its subscribers.

Sec. 65. NRS 711.074 is hereby amended to read as follows:

711.074 ***1.*** "Local government" means any city or county . ~~[which has the power to grant a franchise under NRS 711.190.]~~

2. The term includes, without limitation:

(a) Any entity or agency that is directly or indirectly controlled by any city or county; and

(b) Any entity or agency that is created by joint action or any interlocal or cooperative agreement of two or more cities or counties, or any combination thereof.

Sec. 66. NRS 711.175 is hereby amended to read as follows:

711.175 1. Except as otherwise provided in subsection 2 and NRS 318.1192 *:* ~~[, 318.1193 and 318.1194:]~~

(a) The governing body of a county whose population is 50,000 or more, and any entity or agency that is directly or indirectly controlled by such a county, shall not sell ~~[the services of a community antenna television system]~~ ***video service*** to the general public.

(b) The governing body of a city whose population is 25,000 or more, and any entity or agency that is directly or indirectly controlled by such a city, shall not sell ~~[the services of a community antenna television system]~~ ***video service*** to the general public.

2. If the governing body of a county or city, or any entity or agency that is directly or indirectly controlled by such a county or city, was selling ~~[the services of a community antenna television system]~~ ***video service*** to the

general public on April 1, 2003, it may continue to sell ~~[the services of a community antenna television system]~~ ***video service*** to the general public after that date, regardless of the population of the county or city.

Sec. 67. NRS 711.178 is hereby amended to read as follows:

711.178 1. If the governing body of a county or city is authorized pursuant to NRS 711.175 to sell ~~[the services of a community antenna television system]~~ ***video service*** to the general public, the governing body, and any entity or agency that is directly or indirectly controlled by the county or city, shall not construct, own, manage or operate a ~~[community antenna television system]~~ ***video service network*** in any area outside its territorial boundaries unless it:

(a) Obtains a ~~[franchise from the appropriate governing body pursuant to NRS 711.190]~~ ***certificate of authority*** for that portion of the ~~[community antenna television system]~~ ***video service network*** which it constructs, owns, manages or operates outside its territorial boundaries; and

(b) Complies with the same federal, state and local requirements that apply to a privately held ~~[community antenna television company]~~ ***video service provider*** with regard to that portion of the ~~[community antenna television system]~~ ***video service network*** which it constructs, owns, manages or operates outside its territorial boundaries.

2. ~~[On and after October 1, 2003, if]~~ *If* the governing body of a county or city is authorized pursuant to NRS 711.175 to sell ~~[the services of a community antenna television system]~~ ***video service*** to the general public, the governing body, and any entity or agency that is directly or indirectly controlled by the county or city, shall not construct, own, manage or operate a ~~[community antenna television system]~~ ***video service network*** in any area within its territorial boundaries which is governed by another governing body and which is served by one or more privately held ~~[community antenna television companies]~~ ***video service providers*** unless it:

(a) Obtains a ~~[franchise from the other governing body pursuant to NRS 711.190 or enters into an interlocal agreement with the other governing body;]~~ ***certificate of authority for that portion of the video service network which it constructs, owns, manages or operates within the jurisdiction of the other governing body;***

(b) Is ~~*[Except as otherwise provided in section 29.5 of this act, is]*~~ required by the ~~[franchise or interlocal agreement]~~ ***certificate of authority*** to comply with the same ***federal, state and local*** requirements that apply to the privately held ~~[community antenna television companies;]~~ ***video service providers with regard to that portion of the video service network which it constructs, owns, manages or operates within the jurisdiction of the other governing body;*** and

(c) Is prohibited by the ~~[franchise or interlocal agreement]~~ ***certificate of authority*** from providing the services of the ~~[community antenna television system,]~~ ***video service provider,*** free of charge, to any governmental officer or employee for his personal or household use.

3. The provisions of this section do not require the governing body of a county or city, or any entity or agency that is directly or indirectly controlled by the county or city, to obtain a certificate of authority for a service area if it is providing video service as an incumbent cable operator which holds an unexpired local franchise and which has elected pursuant to sections 32 and 32.5 of this act to continue to operate within that service area pursuant to the local franchise.

Sec. 68. NRS 711.240 is hereby amended to read as follows:

711.240 1. Except with respect to reasonable promotional activities, a ~~[person]~~ ***video service provider*** shall not advertise, offer to provide or provide any ***video*** service to subscribers ~~[of television services]~~ at a rate, including any rebate, less than the cost to the ~~[company]~~ ***video service provider*** to provide ~~[the service which is advertised, offered or provided]~~ ***that service*** with the intent to:

(a) Impair fair competition or restrain trade among ~~[companies]~~ ***video service providers*** which provide ~~[services]~~ ***video service*** in the same area; or

(b) Create a monopoly.

2. For the purposes of this section, "cost" means the expense of doing business including, without limitation, expenses for labor, rent, depreciation, interest, maintenance, delivery of the ***video*** service, franchise fees, taxes, insurance and advertising.

3. ~~[A community antenna television company may offer any telecommunication or related services which are offered in the same area by a telephone company, pursuant to chapter 704 of NRS and regulations approved by the Public Utilities Commission of Nevada for providers of similar services. A community antenna television company shall obtain a certificate of public convenience and necessity pursuant to NRS 704.330 before providing telecommunication or related services which are subject to regulation by the Public Utilities Commission of Nevada.~~

~~4.]~~ A violation of subsection 1 constitutes a prohibited act under NRS 598A.060. The Attorney General and any other person may exercise the powers conferred by that chapter to prevent, remedy or punish such a violation. The provisions of chapter 598A of NRS apply to any such violation.

Sec. 69. NRS 711.255 is hereby amended to read as follows:

711.255 1. A landlord shall not:

(a) Interfere with the receipt of service by a tenant from a ~~[community antenna television company]~~ ***video service provider*** or discriminate against a tenant for receiving ~~[such a company's service.]~~ ***service from a video service provider.***

(b) Except as otherwise provided in subsection 3, demand or accept payment of any fee, charge or valuable consideration from a ~~[community antenna television company]~~ ***video service provider*** or a tenant in exchange for granting access to the ~~[community antenna television company]~~ ***provider*** to provide ~~[its services]~~ ***service*** to the tenant.

2. A ~~[community antenna television company]~~ ***video service provider*** which desires to provide ~~[such services]~~ ***service*** to a tenant shall give 30 days' written notice of that desire to the landlord before the ~~[company]~~ ***provider*** takes any action to provide that service. Before authorizing the receipt of such service a landlord may:

(a) Take such reasonable steps as are necessary to ensure that the safety, function and appearance of the premises and the convenience and safety of persons on the property are not adversely affected by the installation, construction, operation or maintenance of the facilities necessary to provide the service, and is entitled to be reimbursed by the ~~[community antenna television company]~~ ***provider*** for the reasonable expenses incurred;

(b) Require that the cost of the installation, construction, operation, maintenance or removal of the necessary facilities be borne by the ~~[community antenna television company;]~~ ***provider;*** and

(c) Require the ~~[community antenna television company]~~ ***provider*** to provide evidence that the ~~[company]~~ ***provider*** will indemnify the landlord for any damage caused by the installation, construction, operation, maintenance or removal of the facilities.

3. A landlord is entitled to receive reasonable compensation for any direct adverse economic effect resulting from granting access to a ~~[community antenna television company.]~~ ***video service provider.*** There is a rebuttable presumption that the direct adverse economic effect resulting from granting access to the real property of the landlord is $1,000 or $1 for each dwelling unit thereon, whichever sum is greater. If a landlord intends to require the payment of such compensation in an amount exceeding that sum, the landlord shall notify the ~~[community antenna television company]~~ ***provider*** in writing of that intention. If the ~~[company]~~ ***provider*** does not receive such a notice within 20 days after the landlord is notified by the ~~[company]~~ ***provider*** that a tenant has requested the ~~[company]~~ ***provider*** to provide ~~[its services]~~ ***service*** to the tenant on the landlord's premises, the landlord may not require compensation for access to that tenant's dwelling unit in an amount exceeding $1,000. If within 30 days after receiving a landlord's request for compensation in an amount exceeding $1,000, the ~~[company]~~ ***provider*** has not agreed to pay the requested amount or an amount mutually acceptable to the ~~[company]~~ ***provider*** and the landlord, the landlord may petition a court of competent jurisdiction to set a reasonable amount of compensation for the damage of or taking of his real property. Such an action must be filed within 6 months after the date the ~~[company]~~ ***provider*** completes construction.

4. In establishing the amount which will constitute reasonable compensation for any damage or taking ***claim*** by a landlord in excess of the sum established by rebuttable presumption pursuant to subsection 3, the court shall consider:

(a) The extent to which the ~~[community antenna television company's]~~ facilities ***of the video service provider*** physically occupy the premises;

(b) The actual long-term damage which the ~~[company's]~~ facilities ***of the video service provider*** may cause to the premises;

(c) The extent to which the ~~[company's]~~ facilities ***of the video service provider*** would interfere with the normal use and enjoyment of the premises; and

(d) The diminution or enhancement in value of the premises resulting from the availability of the service.

~~[➥ The court may also award to the prevailing party reasonable attorney's fees.]~~

5. The ~~[company's]~~ right ***of a video service provider*** to construct, install or repair its facilities and maintain its services within and upon the landlord's premises is not affected or impaired because the landlord requests compensation in an amount exceeding the sum established by rebuttable presumption pursuant to subsection 3, or files an action to assert a specific claim against the ~~[company.]~~ ***provider.***

6. A ~~[community antenna television company]~~ ***video service provider*** shall not offer a special discount or other benefit to a particular group of tenants as an incentive ***for those tenants*** to request ~~[the company's services,]~~ ***service from the provider,*** unless the same discount or benefit is offered generally in the county.

7. ~~[The community antenna television company and the]~~ ***A video service provider and a*** landlord shall negotiate in good faith for the purchase of the landlord's existing cable facilities rather than for the construction of new facilities on the premises.

8. As used in this section, "landlord" means an owner of real property, or his authorized representative, who provides a dwelling unit on the real property for occupancy by another for valuable consideration. The term includes, without limitation, the lessor of a mobile home lot and the lessor or operator of a mobile home park.

Sec. 70. NRS 711.265 is hereby amended to read as follows:

711.265 1. Any person who:

(a) By the attachment of a ground wire, or by any other contrivance, willfully destroys the insulation of a ~~[telecommunications line of a community antenna television company,]~~ ***wire, cable, conduit, line or similar facility of a video service provider*** or interrupts the transmission of the electric current through ~~[the line;]~~ ***such a wire, cable, conduit, line or similar facility;***

(b) Willfully interferes with the use of ~~[any such line,]~~ ***such a wire, cable, conduit, line or similar facility*** or obstructs or postpones the transmission of any message *or signal* over ~~[the line;]~~ ***such a wire, cable, conduit, line or similar facility;*** or

(c) Procures or advises any such injury, interference or obstruction,

➥ is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of any property damaged, altered, removed or destroyed and in no event less than a misdemeanor.

2. Any person who violates the provisions of subsection 1 is, in addition to the penalty set forth in that subsection, liable to the ~~[community antenna television company]~~ ***video service provider*** injured by such conduct in a civil action for all damages occasioned thereby.

Sec. 71. NRS 711.270 is hereby amended to read as follows:

711.270 1. It is unlawful for a person knowingly , ~~[and]~~ with the intent to intercept or receive a program or other service provided by a ~~[community antenna television company,]~~ ***video service provider and*** without the authorization of the ~~[company,]~~ ***provider,*** to:

(a) Make a connection or attach a device to a line or other ~~[component of a community antenna television company;]~~ ***facility of the provider;***

(b) Purchase or possess a device or kit designed to intercept or receive a program or other service provided by the ~~[community antenna television company;]~~ ***provider;***

(c) Make or maintain a modification to a device installed by or with the authorization of ~~[a community antenna television company]~~ ***the provider*** to intercept or receive a program or other service provided by the ~~[community antenna television company;]~~ ***provider;*** or

(d) Manufacture, import, distribute, advertise, sell, lease, offer to sell or lease, or possess with the intent to sell or lease a device designed to decode, descramble, intercept or otherwise make intelligible a signal encoded by ~~[a community antenna television company.]~~ ***the provider.***

2. Unless a greater penalty is provided in NRS 711.265:

(a) Except as otherwise provided in paragraph (b), a person who violates paragraph (a), (b) or (c) of subsection 1 is guilty of a misdemeanor.

(b) A person who violates paragraph (a), (b) or (c) of subsection 1 for commercial advantage, whether direct or indirect, is guilty of a gross misdemeanor.

(c) A person who violates paragraph (d) of subsection 1:

(1) If the violation involves nine or fewer devices, is guilty of a gross misdemeanor.

(2) If the violation involves 10 or more devices, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 72. NRS 711.280 is hereby amended to read as follows:

711.280 1. A person who violates paragraph (a), (b) or (c) of subsection 1 of NRS 711.270 is, in addition to being criminally liable pursuant to NRS 711.270, civilly liable to the ~~[community antenna television company]~~ ***video service provider*** injured by the conduct for $3,500 or three times any actual damages incurred by the company, whichever is greater, and reasonable attorney's fees.

2. A person who violates paragraph (d) of subsection 1 of NRS 711.270 is, in addition to being criminally liable pursuant to NRS 711.270, civilly liable to the ~~[community antenna television company]~~ ***video service provider*** injured by the conduct for $5,000 or three times any actual damages incurred by the company, whichever is greater, and reasonable attorney's fees.

3. In any action brought pursuant to this section, proof that any of the acts prohibited in subsection 1 were committed on or about the premises occupied by the defendant is prima facie evidence that such acts were committed by the defendant.

4. ~~[An owner or operator of a community antenna television company]~~ ***A video service provider*** may bring an action to enjoin any violation of NRS 711.270.

Sec. 73. NRS 37.010 is hereby amended to read as follows:

37.010 Subject to the provisions of this chapter, the right of eminent domain may be exercised in behalf of the following public purposes:

1. Federal activities. All public purposes authorized by the Government of the United States.

2. State activities. Public buildings and grounds for the use of the State, the Nevada System of Higher Education and all other public purposes authorized by the Legislature.

3. County, city, town and school district activities. Public buildings and grounds for the use of any county, incorporated city or town, or school district, reservoirs, water rights, canals, aqueducts, flumes, ditches or pipes for conducting water for the use of the inhabitants of any county, incorporated city or town, for draining any county, incorporated city or town, for raising the banks of streams, removing obstructions therefrom, and widening, deepening or straightening their channels, for roads, streets and alleys, and all other public purposes for the benefit of any county, incorporated city or town, or the inhabitants thereof.

4. Bridges, toll roads, railroads, street railways and similar uses. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, byroads, plank and turnpike roads, roads for transportation by traction engines or locomotives, roads for logging or lumbering purposes, and railroads and street railways for public transportation.

5. Ditches, canals, aqueducts for smelting, domestic uses, irrigation and reclamation. Reservoirs, dams, water gates, canals, ditches, flumes, tunnels, aqueducts and pipes for supplying persons, mines, mills, smelters or other works for the reduction of ores, with water for domestic and other uses, for irrigating purposes, for draining and reclaiming lands, or for floating logs and lumber on streams not navigable.

6. Mining, smelting and related activities. Mining, smelting and related activities as follows:

(a) Mining and related activities, which are recognized as the paramount interest of this State.

(b) Roads, railroads, tramways, tunnels, ditches, flumes, pipes, reservoirs, dams, water gates, canals, aqueducts and dumping places to facilitate the milling, smelting or other reduction of ores, the working, reclamation or dewatering of mines, and for all mining purposes, outlets, natural or otherwise, for the deposit or conduct of tailings, refuse, or water from mills, smelters, or other work for the reduction of ores from mines, mill dams,

pipelines, tanks or reservoirs for natural gas or oil, an occupancy in common by the owners or possessors of different mines, mills, smelters or other places for the reduction of ores, or any place for the flow, deposit or conduct of tailings or refuse matter and the necessary land upon which to erect smelters and to operate them successfully, including the deposit of fine flue dust, fumes and smoke.

7. Byroads. Byroads leading from highways to residences and farms.

8. Public utilities. Lines for telegraph, telephone, electric light and electric power and sites for plants for electric light and power.

9. Sewerage. Sewerage of any city, town, settlement of not less than 10 families or any public building belonging to the State or college or university.

10. Water for generation and transmission of electricity. Canals, reservoirs, dams, ditches, flumes, aqueducts and pipes for supplying and storing water for the operation of machinery to generate and transmit electricity for power, light or heat.

11. Cemeteries, public parks. Cemeteries or public parks.

12. Pipelines of beet sugar industry. Pipelines to conduct any liquids connected with the manufacture of beet sugar.

13. Pipelines for petroleum products, natural gas. Pipelines for the transportation of crude petroleum, petroleum products or natural gas, whether interstate or intrastate.

14. Aviation. Airports, facilities for air navigation and aerial rights-of-way.

15. Monorails. Monorails and any other overhead or underground system used for public transportation.

16. ~~[Community antenna television companies. Community antenna television companies which have been granted a franchise from the governing body of the jurisdictions in which they provide services.]~~ ***Video service providers. Video service providers that are authorized pursuant to chapter 711 of NRS to operate a video service network.*** The exercise of the power of eminent domain may include the right to use the wires, conduits, cables or poles of any public utility if:

(a) It creates no substantial detriment to the service provided by the utility;

(b) It causes no irreparable injury to the utility; and

(c) The Public Utilities Commission of Nevada, after giving notice and affording a hearing to all persons affected by the proposed use of the wires, conduits, cables or poles, has found that it is in the public interest.

17. Redevelopment. The acquisition of property pursuant to NRS 279.382 to 279.685, inclusive.

Sec. 74. NRS 118B.0195 is hereby amended to read as follows:

118B.0195 "Utility" includes ~~[a]~~ *:*

1. ***A*** public utility which provides:

~~[1.]~~ ***(a)*** Electricity;

~~[2.]~~ ***(b)*** Natural gas;

~~[3.]~~ ***(c)*** Liquefied petroleum gas;

~~[4. Cable television;~~

~~5.]~~ ***(d)*** Sewer services;

~~[6.]~~ ***(e)*** Garbage collection; or

~~[7.]~~ ***(f)*** Water.

2. A video service provider which provides video service pursuant to chapter 711 of NRS.

Sec. 75. NRS 205.0829 is hereby amended to read as follows:

205.0829 "Services" includes labor, professional services, transportation, cable television ~~[,]~~ ***or other video service,*** telephone, gas or electricity services, accommodations in hotels, restaurants, leased premises or elsewhere, admissions to exhibitions and the use of vehicles or other movable property.

Sec. 76. NRS 205.4743 is hereby amended to read as follows:

205.4743 1. "Information service" means a service that is designed or has the capability to generate, process, store, retrieve, convey, emit, transmit, receive, relay, record or reproduce any data, information, image, program, signal or sound by means of any component, device, equipment, system or network, including, without limitation, by means of:

(a) A computer, computer system, computer network, modem or scanner.

(b) A telephone, cellular phone, satellite phone, pager, personal communications device or facsimile machine.

(c) Any type of transmitter or receiver.

(d) Any other component, device, equipment, system or network that uses analog, digital, electronic, electromagnetic, magnetic or optical technology.

2. The term does not include ~~[a community antenna television company,]~~ ***video service,*** as defined in ~~[NRS 711.030.]~~ ***section 25 of this act.***

Sec. 76.3. **NRS 228.340 is hereby amended to read as follows:**

228.340 1. Except as otherwise provided by NRS 598A.260, all money collected by the Bureau of Consumer Protection pursuant to NRS 704.033 ***and chapter 711 of NRS*** and ***pursuant*** to those provisions ***of NRS*** relating to private investigators and unfair trade practices must be deposited with the State Treasurer for credit to the Account for the Bureau of Consumer Protection.

2. Money in the Account may be used only to defray the costs of maintaining the Office of the Consumer's Advocate and for carrying out the provisions of NRS 228.300 to 228.390, inclusive.

3. All claims against the Account must be paid as other claims against the State are paid.

Sec. 76.5. NRS 228.380 is hereby amended to read as follows:

228.380 1. Except as otherwise provided in this section, the Consumer's Advocate may exercise the power of the Attorney General in areas of consumer protection, including, but not limited to, enforcement of chapters 90, 597, 598, 598A, 598B, 598C ~~[and]~~ , 599B ***and 711*** of NRS.

2. The Consumer's Advocate may not exercise any powers to enforce any criminal statute set forth in ~~[chapters]~~ *:*

(a) Chapters 90, 597, 598, 598A, 598B, 598C or 599B of NRS for any transaction or activity that involves a proceeding before the Public Utilities Commission of Nevada if the Consumer's Advocate is participating in that proceeding as a real party in interest on behalf of the customers or a class of customers of utilities ~~[.~~

~~2.]~~ ***; or***

(b) Chapter 711 of NRS.

3. The Consumer's Advocate may expend revenues derived from NRS 704.033 only for activities directly related to the protection of customers of public utilities.

~~[3.]~~ ***4.*** The powers of the Consumer's Advocate do not extend to proceedings before the Public Utilities Commission of Nevada directly relating to discretionary or competitive telecommunication services.

Sec. 77. NRS 244.186 is hereby amended to read as follows:

244.186 1. If the governing body of a county is authorized pursuant to NRS 711.175 to sell video ~~[programming services]~~ ***service*** to the general public over a ~~[community antenna television system,]~~ ***video service network***, the governing body, and any entity or agency that is directly or indirectly controlled by the county, shall not do any of the following:

(a) Sell such video ~~[programming services]~~ ***service*** at a price that is less than the actual cost of the video ~~[programming services]~~ ***service*** or sell a bundle of services containing such video ~~[programming services]~~ ***service*** at a price that is less than the actual cost of the bundle of services.

(b) Use any money from the county general fund for the provision of such video ~~[programming services]~~ ***service*** over its ~~[community antenna television system.]~~ ***video service network.***

(c) Use its rights-of-way, its property or any special power it may possess by virtue of its status as a government or a government-owned utility to:

(1) Create a preference or advantage for its ~~[community antenna television system;]~~ ***video service network;*** or

(2) Impose any discriminatory burden on any privately held ~~[community antenna television company.]~~ ***video service provider.***

2. The provisions of this section must be enforced in the manner set forth in paragraph (c) of subsection 4 of NRS 354.624 and paragraph (c) of subsection 5 of NRS 354.624.

3. The provisions of this section do not create an exclusive remedy and do not abrogate or limit any other action or remedy that is available to the governing body or a privately held ~~[community antenna television company]~~ ***video service provider*** pursuant to any other statute or the common law.

4. As used in this section:

(a) ~~["Community antenna television company"]~~ ***"Video service"*** has the meaning ascribed to it in ~~[NRS 711.030.~~

~~(b) "Community antenna television system" has the meaning ascribed to it in NRS 711.040.~~

~~(c) "Video programming services" means services which are provided over a community antenna television system and which contain:~~

~~(1) Programming provided by a television broadcast station; or~~

~~(2) Programming that is generally considered comparable to programming provided by a television broadcast station.~~] ***section 25 of this act.***

(b) "Video service network" has the meaning ascribed to it in section 26 of this act.

(c) "Video service provider" has the meaning ascribed to it in section 27 of this act.

Sec. 78. NRS 271.204 is hereby amended to read as follows:

271.204 "Service facilities" means any works or improvements used or useful in providing:

1. Electric or communication service; or

2. Service from a [~~community antenna television system~~] ***video service network,*** as that term is defined in [~~NRS 711.040,~~] ***section 26 of this act,***

➥ including, but not limited to, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, capacitors, meters, communication circuits, appliances, attachments and appurtenances.

Sec. 79. NRS 271.2045 is hereby amended to read as follows:

271.2045 "Service provider" means:

1. A person or corporation subject to the jurisdiction of the Public Utilities Commission of Nevada that provides electric or communication service to the public; and

2. A [~~community antenna television company~~] ***video service provider,*** as that term is defined in [~~NRS 711.030~~] ***section 27 of this act,*** that provides service from a [~~community antenna television system,~~] ***video service network,***

➥ by means of service facilities.

Sec. 80. NRS 271.850 is hereby amended to read as follows:

271.850 1. The service facilities within the boundaries of each lot within a district to finance an underground conversion project established pursuant to NRS 271.800 must be placed underground at the same time as or after the underground system in private easements and public places is placed underground. The service provider involved, directly or through a contractor, shall, in accordance with the rules and regulations of the service provider, but subject to the regulations of the Public Utilities Commission of Nevada and any other applicable laws, ordinances, rules or regulations of the municipality or any other public agency under the police power, convert to underground its facilities on any such lot:

(a) For service facilities that provide electric service, up to the service entrance.

(b) For service facilities that provide communication service or service from a ~~[community antenna television system]~~ ***video service network,*** as that term is defined in ~~[NRS 711.040,]~~ ***section 26 of this act,*** up to the connection point within the house or structure.

2. All costs or expenses of conversion must be included in the cost on which the cost of the underground conversion for that property is calculated.

3. As used in this section, "lot" includes any portion, piece or parcel of land.

Sec. 81. NRS 278.329 is hereby amended to read as follows:

278.329 A governing body or its authorized representative may relieve a person who proposes to divide land pursuant to NRS 278.360 to 278.460, inclusive, or 278.471 to 278.4725, inclusive, from the requirement to dedicate easements to public utilities that provide gas, electric, telecommunications, water and sewer services and any ~~[franchised community antenna television companies]~~ ***video service providers*** pursuant to paragraph (d) or (e) of subsection 9 of NRS 278.372 or paragraph (c) or (d) of subsection 4 of NRS 278.472 if the person demonstrates to the public body or its authorized representative that there is not an essential nexus to the public purpose for the dedication and the dedication is not roughly proportional in nature and extent to the impact of the proposed development.

Sec. 82. NRS 278.372 is hereby amended to read as follows:

278.372 1. The final map must be clearly and legibly drawn in permanent black ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such purpose in the engineering profession. Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the final map with permanent black ink.

2. The size of each sheet of the final map must be 24 by 32 inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom, and right edges, and of 2 inches at the left edge along the 24-inch dimension.

3. The scale of the final map must be large enough to show all details clearly. The final map must have a sufficient number of sheets to accomplish this end.

4. Each sheet of the final map must indicate its particular number, the total number of sheets in the final map and its relation to each adjoining sheet.

5. The final map must show all surveyed and mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including the bearings and distances of straight lines, central angle, radii and arc length for all curves and such information as may be necessary to determine the location of the centers of curves.

6. Each lot must be numbered or lettered.

7. Each street must be named and each block may be numbered or lettered.

8. The exterior boundary of the land included within the subdivision must be indicated by graphic border.

9. The final map must show:

(a) The definite location of the subdivision, particularly its relation to surrounding surveys.

(b) The area of each lot and the total area of the land in the subdivision in the following manner:

(1) In acres, calculated to the nearest one-hundredth of an acre, if the area is 2 acres or more; or

(2) In square feet if the area is less than 2 acres.

(c) Any roads or easements of access which the owner intends to offer for dedication.

(d) Except as otherwise provided in NRS 278.329, an easement for public utilities that provide gas, electric and telecommunications services and for any ~~[community antenna television companies that have a franchise]~~ ***video service providers that are authorized pursuant to chapter 711 of NRS*** to operate a ~~[community antenna television system]~~ ***video service network*** in that area.

(e) Except as otherwise provided in NRS 278.329, an easement for public utilities that provide water and sewer services.

10. The final map for a condominium must also indicate, for the purpose of assessing taxes, whether any garage units, parking spaces or storage units may be conveyed separately from the units within the condominium or are parceled separately from those units. As used in this subsection, "condominium" has the meaning ascribed to it in NRS 116.027.

11. The final map must also satisfy any additional survey and map requirements, including the delineation of Nevada state plane coordinates established pursuant to chapter 327 of NRS, for any corner of the subdivision or any other point prescribed by the local ordinance.

Sec. 83. NRS 278.374 is hereby amended to read as follows:

278.374 1. Except as otherwise provided in subsection 2, a final map presented for filing must include a certificate signed and acknowledged, in the manner provided in NRS 240.1665 or 240.167, by each person who is an owner of the land:

(a) Consenting to the preparation and recordation of the final map.

(b) Offering for dedication that part of the land which the person wishes to dedicate for public use, subject to any reservation contained therein.

(c) Reserving any parcel from dedication.

(d) Granting any permanent easement for utility or ~~[community antenna television cable]~~ ***video service network*** installation or access, as designated on the final map, together with a statement approving such easement, signed by the public utility, ~~[community antenna television company]~~ ***video service provider*** or person in whose favor the easement is created or whose services are required.

2. If the map presented for filing is an amended map of a common-interest community, the certificate need only be signed and acknowledged by a person authorized to record the map under chapter 116 of NRS.

3. A final map of a common-interest community presented for recording and, if required by local ordinance, a final map of any other subdivision presented for recording must include:

(a) A report from a title company in which the title company certifies that it has issued a guarantee for the benefit of the local government which lists the names of:

(1) Each owner of record of the land to be divided; and

(2) Each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust.

➥ The guarantee accompanying a final map of a common-interest community must also show that there are no liens of record against the common-interest community or any part thereof for delinquent state, county, municipal, federal or local taxes or assessments collected as taxes or special assessments.

(b) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a), to the preparation and recordation of the final map. A holder of record may consent by signing:

(1) The final map; or

(2) A separate document that is filed with the final map and declares his consent to the division of land.

4. For the purpose of this section, the following shall be deemed not to be an interest in land:

(a) A lien for taxes or special assessments.

(b) A trust interest under a bond indenture.

5. As used in this section, "guarantee" means a guarantee of the type filed with the Commissioner of Insurance pursuant to paragraph (e) of subsection 1 of NRS 692A.120.

Sec. 84. NRS 278.4713 is hereby amended to read as follows:

278.4713 1. Unless the filing of a tentative map is waived, a person who proposes to make a division of land pursuant to NRS 278.471 to 278.4725, inclusive, must first:

(a) File a tentative map for the area in which the land is located with the planning commission or its designated representative or with the clerk of the governing body if there is no planning commission; and

(b) Pay a filing fee of no more than $750 set by the governing body.

2. This map must be:

(a) Entitled "Tentative Map of Division into Large Parcels"; and

(b) Prepared and certified by a professional land surveyor.

3. This map must show:

(a) The approximate, calculated or actual acreage of each lot and the total acreage of the land to be divided.

(b) Any roads or easements of access which exist, are proposed in the applicable master plan or are proposed by the person who intends to divide the land.

(c) Except as otherwise provided in NRS 278.329, an easement for public utilities that provide gas, electric and telecommunications services and for any ~~[community antenna television companies that have a franchise]~~ ***video service providers that are authorized pursuant to chapter 711 of NRS*** to operate a ~~[community antenna television system]~~ ***video service network*** in that area.

(d) Except as otherwise provided in NRS 278.329, an easement for public utilities that provide water and sewer services.

(e) Any existing easements for irrigation or drainage, and any normally continuously flowing watercourses.

(f) An indication of any existing road or easement which the owner does not intend to dedicate.

(g) The name and address of the owner of the land.

Sec. 85. NRS 278.472 is hereby amended to read as follows:

278.472 1. After the planning commission or the governing body or its authorized representative has approved the tentative map or waived the requirement of its filing, or 60 days after the date of its filing, whichever is earlier, the person who proposes to divide the land may file a final map of the division with the governing body or its authorized representative or, if authorized by the governing body, with the planning commission. The map must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.

2. This map must be:

(a) Entitled "Map of Division into Large Parcels."

(b) Filed with the governing body or its authorized representative or, if authorized by the governing body, with the planning commission not later than 1 year after the date that the tentative map was first filed with the planning commission or the governing body or its authorized representative or that the requirement of its filing was waived.

(c) Prepared by a professional land surveyor.

(d) Based upon an actual survey by the preparer and show the date of the survey and contain the certificate of the surveyor required pursuant to NRS 278.375.

(e) Clearly and legibly drawn in permanent black ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for this purpose in the engineering profession. Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with permanent black ink.

(f) Twenty-four by 32 inches in size with a marginal line drawn completely around each sheet, leaving an entirely blank margin of 1 inch at

the top, bottom, and right edges, and of 2 inches at the left edge along the 24-inch dimension.

(g) Of scale large enough to show clearly all details.

3. The particular number of the sheet and the total number of sheets comprising the map must be stated on each of the sheets, and its relation to each adjoining sheet must be clearly shown.

4. This map must show and define:

(a) All subdivision lots by the number and actual acreage of each lot.

(b) Any roads or easements of access which exist and which the owner intends to offer for dedication, any roads or easements of access which are shown on the applicable master plan and any roads or easements of access which are specially required by the planning commission or the governing body or its authorized representative.

(c) Except as otherwise provided in NRS 278.329, an easement for public utilities that provide gas, electric and telecommunications services and for any ~~[community antenna television companies that have a franchise]~~ ***video service providers that are authorized pursuant to chapter 711 of NRS*** to operate a ~~[community antenna television system]~~ ***video service network*** in that area.

(d) Except as otherwise provided in NRS 278.329, an easement for public utilities that provide water and sewer services.

(e) Any existing easements for irrigation or drainage, and any normally continuously flowing watercourses.

Sec. 86. NRS 318.1192 is hereby amended to read as follows:

318.1192 In the case of a district created wholly or in part for acquiring television maintenance facilities, the board shall have power to:

1. Acquire television broadcast, transmission and relay improvements ~~[.]~~ ***and construct and operate a video service network pursuant to chapter 711 of NRS.***

2. Levy special assessments against specially benefited real property on which are located television receivers operated within the district and able to receive television broadcasts supplied by the district.

3. Fix tolls, rates and other service or use charges for services furnished by the district or facilities of the district, including, without limitation, any one, all or any combination of the following:

(a) Flat rate charges;

(b) Charges classified by the number of receivers;

(c) Charges classified by the value of property served by television receivers;

(d) Charges classified by the character of the property served by television receivers;

(e) Minimum charges;

(f) Stand-by charges; or

(g) Other charges based on the availability of service.

4. The district shall not have the power in connection with the basic power stated in this section to borrow money which loan is evidenced by the issuance of any general obligation bonds or other general obligations of the district.

Sec. 87. NRS 354.59881 is hereby amended to read as follows:

354.59881 As used in NRS 354.59881 to 354.59889, inclusive, unless the context otherwise requires, the words and terms defined in NRS ~~[354.598811]~~ ***354.598812*** to 354.598818, inclusive, have the meanings ascribed to them in those sections.

Sec. 88. NRS 354.598814 is hereby amended to read as follows:

354.598814 "Fee" means a charge imposed by a city or county upon a public utility for a business license, franchise or right-of-way over streets or other public areas, except ~~[:~~

~~1. Any]~~ ***any*** charge paid pursuant to the provisions of NRS 709.110, 709.230 or 709.270 . ~~[; or~~

~~2. A term or condition of a franchise granted by:~~

~~(a) A county whose population is 400,000 or more, or by an incorporated city that is located in whole or in part within such a county, that requires a community antenna television company to provide channels for public, educational or governmental access.~~

~~(b) A county or an incorporated city not specified in paragraph (a) that requires a community antenna television company to provide channels, facilities or equipment for public, educational or governmental access.]~~

Sec. 89. NRS 354.598817 is hereby amended to read as follows:

354.598817 ***1.*** "Public utility" includes ~~[:~~

~~1. A]~~ ***a*** person or local government that:

(a) Provides electric energy or gas, whether or not the person or local government is subject to regulation by the Public Utilities Commission of Nevada;

(b) Is a telecommunication carrier as that term is defined in 47 U.S.C. § 153 on July 16, 1997, if the person or local government holds a certificate of public convenience and necessity issued by the Public Utilities Commission of Nevada and derives intrastate revenue from the provision of telecommunication service to retail customers; or

(c) Sells or resells personal wireless services.

2. ~~[A community antenna television company as that term is]~~ ***The term does not include a video service provider, as*** defined in ~~[NRS 711.030.]~~ ***section 27 of this act.***

Sec. 90. NRS 354.598818 is hereby amended to read as follows:

354.598818 "Revenue" does not include:

1. Any proceeds from the interstate sale of natural gas to a provider of electric energy that holds a certificate of public convenience and necessity issued by the Public Utilities Commission of Nevada; ***or***

2. Any revenue of a provider of a telecommunication service other than intrastate revenue that the provider collects from retail customers . ~~[; or~~

~~3. The amount deducted from the gross revenue of a community antenna television company pursuant to paragraph (b) of subsection 2 of NRS 711.200.]~~

Sec. 91. NRS 354.5989 is hereby amended to read as follows:

354.5989 1. A local government shall not increase any fee for a business license or adopt a fee for a business license issued for revenue or regulation, or both, except as permitted by this section. This prohibition does not apply to fees:

(a) Imposed by hospitals, county airports, airport authorities, convention authorities, the Las Vegas Valley Water District or the Clark County Sanitation District;

(b) Imposed on public utilities for the privilege of doing business pursuant to a franchise;

(c) ***Imposed in compliance with the provisions of section 46 of this act on video service providers for the privilege of doing business pursuant to chapter 711 of NRS;***

(d) For business licenses which are calculated as a fraction or percentage of the gross revenue of the business;

~~[(d)]~~ ***(e)*** Imposed pursuant to NRS 244.348, 268.0973, 268.821 or 269.182; or

~~[(e)]~~ ***(f)*** Regulated pursuant to NRS 354.59881 to 354.59889, inclusive.

2. The amount of revenue the local government derives or is allowed to derive, whichever is greater, from all fees for business licenses except:

(a) The fees excluded by subsection 1, for the fiscal year ended on June 30, 1991; and

(b) The fees collected for a particular type of business during the immediately preceding fiscal year ending on June 30 that a local government will not collect in the next subsequent fiscal year,

➥ is the base from which the maximum allowable revenue from such fees must be calculated for the next subsequent fiscal year. To the base must be added the sum of the amounts respectively equal to the product of the base multiplied by the percentage increase in the population of the local government added to the percentage increase in the Consumer Price Index for the year ending on December 31 next preceding the year for which the limit is being calculated. The amount so determined becomes the base for computing the allowed increase for each subsequent year.

3. A local government may not increase any fee for a business license which is calculated as a fraction or percentage of the gross revenue of the business if its total revenues from such fees have increased during the preceding fiscal year by more than the increase in the Consumer Price Index during that preceding calendar year. The provisions of this subsection do not apply to a fee ~~[imposed]~~ *:*

(a) Imposed in compliance with the provisions of section 46 of this act on video service providers for the privilege of doing business pursuant to chapter 711 of NRS;

(b) Imposed pursuant to NRS 244.348, 268.0973, 268.821 or 269.182 ~~[, or regulated]~~ ***; or***

(c) Regulated pursuant to NRS 354.59881 to 354.59889, inclusive.

4. A local government may submit an application to increase its revenue from fees for business licenses beyond the amount allowable pursuant to this section to the Nevada Tax Commission, which may grant the application only if it finds that the rate of a business license of the local government is substantially below that of other local governments in the State.

5. The provisions of this section apply to a business license regardless of the fund to which the revenue from it is assigned. An ordinance or resolution enacted by a local government in violation of the provisions of this section is void.

6. As used in this section, "fee for a business license" does not include a tax imposed on the revenues from the rental of transient lodging.

Sec. 92. NRS 360.825 is hereby amended to read as follows:

360.825 1. Except as otherwise provided in this section, if on or after July 1, 2003, a local government acquires from another entity a public utility that provides electric service, natural gas service, telecommunications service or community antenna television ***, cable television or other video*** service:

(a) The local government shall make payments in lieu of and equal to all state and local taxes and franchise fees from which the local government is exempt but for which the public utility would be liable if the public utility was not owned by a governmental entity; and

(b) The Nevada Tax Commission shall, solely for the purpose set forth in this paragraph, annually determine and apportion the assessed valuation of the property of the public utility. For the purpose of calculating any allocation or apportionment of money for distribution among local governments pursuant to a formula required by state law which is based partially or entirely on the assessed valuation of taxable property:

(1) The property of the public utility shall be deemed to constitute taxable property to the same extent as if the public utility was not owned by a governmental entity; and

(2) To the extent that the property of the public utility is deemed to constitute taxable property pursuant to this paragraph:

(I) The assessed valuation of that property must be included in that calculation as determined and apportioned by the Nevada Tax Commission pursuant to this paragraph; and

(II) The payments required by paragraph (a) in lieu of any taxes that would otherwise be required on the basis of the assessed valuation of that property shall be deemed to constitute payments of those taxes.

2. The payments in lieu of taxes and franchise fees required by subsection 1 are due at the same time and must be collected, accounted for and distributed in the same manner as those taxes and franchise fees would be due, collected, accounted for and distributed if the public utility was not owned by a governmental entity, except that no lien attaches upon any

property or money of the local government by virtue of any failure to make all or any part of those payments. The local government may contest the validity and amount of any payment in lieu of a tax or franchise fee to the same extent as if that payment was a payment of the tax or franchise fee itself. The payments in lieu of taxes and franchise fees must be reduced if and to the extent that such a contest is successful.

3. The provisions of this section do not:

(a) Apply to the acquisition by a local government of a public utility owned by another governmental entity, except a public utility owned by another local government for which any payments in lieu of state or local taxes or franchise fees was required before its acquisition as provided in this section.

(b) Require a local government to make any payments in lieu of taxes or franchise fees to the extent that the making of those payments would cause a deficiency in the money available to the local government to make required payments of principal of, premium, if any, or interest on any bonds or other securities issued to finance the acquisition of that public utility or to make required payments to any funds established under the proceedings under which those bonds or other securities were issued.

(c) Require a county to duplicate any payments in lieu of taxes required pursuant to NRS 244A.755.

Sec. 93. NRS 360.830 is hereby amended to read as follows:

360.830 1. Except as otherwise provided in this section, if on or after July 1, 2003, a local government:

(a) Acquires from another entity a public utility that provides water service or sewer service; or

(b) Expands facilities for the provision of water service, sewer service, electric service, natural gas service, telecommunications service or community antenna television ***, cable television or other video*** service, and the expansion results in the local government serving additional retail customers who were, before the expansion, retail customers of a public utility which provided that service,

➥ the local government shall enter into an interlocal agreement with each affected local government to compensate the affected local government each fiscal year, as nearly as practicable, for the amount of any money from state and local taxes and franchise fees and from payments in lieu of those taxes and franchise fees, and for any compensation from a local government pursuant to this section, the affected local government would be entitled to receive but will not receive because of the acquisition of that public utility or expansion of those facilities as provided in this section.

2. An affected local government may waive any or all of the compensation to which it may be entitled pursuant to subsection 1.

3. The provisions of this section do not require a:

(a) Local government to provide any compensation to an affected local government to the extent that the provision of that compensation would cause

a deficiency in the money available to the local government to make required payments of principal of, premium, if any, or interest on any bonds or other securities issued to finance the acquisition of that public utility or expansion of those facilities, or to make required payments to any funds established under the proceedings under which those bonds or other securities were issued.

(b) County to duplicate any compensation an affected local government receives from any payments in lieu of taxes required pursuant to NRS 244A.755.

Sec. 94. NRS 361.320 is hereby amended to read as follows:

361.320 1. At the regular session of the Nevada Tax Commission commencing on the first Monday in October of each year, the Nevada Tax Commission shall examine the reports filed pursuant to NRS 361.318 and establish the valuation for assessment purposes of any property of an interstate or intercounty nature used directly in the operation of all interstate or intercounty railroad, sleeping car, private car, natural gas transmission and distribution, water, telephone, scheduled and unscheduled air transport, electric light and power companies, and the property of all railway express companies operating on any common or contract carrier in this State. This valuation must not include the value of vehicles as defined in NRS 371.020.

2. Except as otherwise provided in subsections 3, 4 and 7 and NRS 361.323, the Nevada Tax Commission shall establish and fix the valuation of all physical property used directly in the operation of any such business of any such company in this State, as a collective unit. If the company is operating in more than one county, on establishing the unit valuation for the collective property, the Nevada Tax Commission shall then determine the total aggregate mileage operated within the State and within its several counties and apportion the mileage upon a mile-unit valuation basis. The number of miles apportioned to any county are subject to assessment in that county according to the mile-unit valuation established by the Nevada Tax Commission.

3. After establishing the valuation, as a collective unit, of a public utility which generates, transmits or distributes electricity, the Nevada Tax Commission shall segregate the value of any project in this State for the generation of electricity which is not yet put to use. This value must be assessed in the county where the project is located and must be taxed at the same rate as other property.

4. After establishing the valuation, as a collective unit, of an electric light and power company that places a facility into operation on or after July 1, 2003, in a county whose population is less than 100,000, the Nevada Tax Commission shall segregate the value of the facility from the collective unit. This value must be assessed in the county where the facility is located and taxed at the same rate as other property.

5. The Nevada Tax Commission shall adopt formulas and incorporate them in its records, providing the method or methods pursued in fixing and

establishing the taxable value of all property assessed by it. The formulas must be adopted and may be changed from time to time upon its own motion or when made necessary by judicial decisions, but the formulas must in any event show all the elements of value considered by the Nevada Tax Commission in arriving at and fixing the value for any class of property assessed by it. These formulas must take into account, as indicators of value, the company's income and the cost of its assets, but the taxable value may not exceed the cost of replacement as appropriately depreciated.

6. If two or more persons perform separate functions that collectively are needed to deliver electric service to the final customer and the property used in performing the functions would be centrally assessed if owned by one person, the Nevada Tax Commission shall establish its valuation and apportion the valuation among the several counties in the same manner as the valuation of other centrally assessed property. The Nevada Tax Commission shall determine the proportion of the tax levied upon the property by each county according to the valuation of the contribution of each person to the aggregate valuation of the property. This subsection does not apply to a qualifying facility, as defined in 18 C.F.R. § 292.101, which was constructed before July 1, 1997, or to an exempt wholesale generator, as defined in 15 U.S.C. § 79z-5a.

7. A company engaged in a business described in subsection 1 that does not have property of an interstate or intercounty nature must be assessed as provided in subsection 8.

8. All other property, including, without limitation, that of any company engaged in providing commercial mobile radio service, radio or television transmission services or cable television ***or other video*** services, must be assessed by the county assessors, except as otherwise provided in NRS 361.321 and 362.100 and except that the valuation of land and mobile homes must be established for assessment purposes by the Nevada Tax Commission as provided in NRS 361.325.

9. On or before November 1 of each year, the Department shall forward a tax statement to each private car line company based on the valuation established pursuant to this section and in accordance with the tax levies of the several districts in each county. The company shall remit the ad valorem taxes due on or before December 15 to the Department, which shall allocate the taxes due each county on a mile-unit basis and remit the taxes to the counties no later than January 31. The portion of the taxes which is due the State must be transmitted directly to the State Treasurer. A company which fails to pay the tax within the time required shall pay a penalty of 10 percent of the tax due or $5,000, whichever is greater, in addition to the tax. Any amount paid as a penalty must be deposited in the State General Fund. The Department may, for good cause shown, waive the payment of a penalty pursuant to this subsection. As an alternative to any other method of recovering delinquent taxes provided by this chapter, the Attorney General may bring a civil action in a court of competent jurisdiction to recover

delinquent taxes due pursuant to this subsection in the manner provided in NRS 361.560.

10. For the purposes of this section, an unscheduled air transport company does not include a company that only uses three or fewer fixed-wing aircraft with a weight of less than 12,500 pounds to provide transportation services, if the company elects, in the form and manner prescribed by the Department, to have the property of the company assessed by a county assessor.

11. As used in this section:

(a) "Company" means any person, company, corporation or association engaged in the business described.

(b) "Commercial mobile radio service" has the meaning ascribed to it in 47 C.F.R. § 20.3, as that section existed on January 1, 1998.

Sec. 95. NRS 372.728 is hereby amended to read as follows:

372.728 In administering the provisions of this chapter, the Department shall construe the term "retailer maintaining a place of business in this State" to include:

1. A retailer maintaining, occupying or using, permanently or temporarily, directly or indirectly, or through a subsidiary or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or place of storage, or any other place of business, in this State.

2. A retailer having any representative, agent, salesman, canvasser or solicitor operating in this State under the authority of the retailer or its subsidiary to sell, deliver or take orders for tangible personal property.

3. With respect to a lease, a retailer deriving rentals from a lease of tangible personal property situated in this State.

4. A retailer soliciting orders for tangible personal property through a system for shopping by means of telecommunication or television, using toll-free telephone numbers, which is intended by the retailer to be broadcast by cable television or ***other video service network or any*** other means of broadcasting to persons located in this State or through a website on the Internet or other electronic means of communication to provide solicitations to persons in this State.

5. A retailer who, pursuant to a contract with a broadcaster or publisher located in this State, solicits orders for tangible personal property by means of advertising which is disseminated primarily to persons located in this State and only secondarily to bordering jurisdictions.

6. A retailer soliciting orders for tangible personal property by mail or electronic facsimile if the solicitations are substantial and recurring and if the retailer benefits from any activities occurring in this State related to banking, financing, the collection of debts, telecommunication or marketing, or benefits from the location in this State of authorized facilities for installation, servicing or repairs.

7. A retailer owned or controlled by the same person who owns or controls a retailer who maintains a place of business in the same or a similar line of business in this State.

8. A retailer having a person operating under its trade name, pursuant to a franchise or license authorized by the retailer, if the person so operating is required to collect the tax pursuant to NRS 372.195.

9. A retailer who, pursuant to a contract with the operator of a ~~[system of]~~ cable television ***system or other video service network*** located in this State, solicits orders for tangible personal property by means of advertising which is transmitted or distributed over a ~~[system of]~~ cable television ***system or other video service network located*** in this State.

Sec. 96. NRS 372.734 is hereby amended to read as follows:

372.734 In administering the provisions of this chapter, the Department shall not consider the activities of persons that are directly related to the process of transmitting radio, television, cable television ***, video*** or data signals, including the transmission of news or information by ***video or*** data signal, the transmission of signals from one broadcaster to another and from a broadcaster to a member of the public and including the production and airing of any form of speech or broadcast by radio or television, whether or not compensation is provided to the broadcaster in connection therewith, to be transactions that are taxable pursuant to the provisions of this chapter.

Sec. 97. NRS 374.728 is hereby amended to read as follows:

374.728 In administering the provisions of this chapter, the Department shall construe the term "retailer maintaining a place of business in a county" to include:

1. A retailer maintaining, occupying or using, permanently or temporarily, directly or indirectly, or through a subsidiary or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or place of storage, or any other place of business, in the county.

2. A retailer having any representative, agent, salesman, canvasser or solicitor operating in the county under the authority of the retailer or its subsidiary to sell, deliver or take orders for tangible personal property.

3. With respect to a lease, a retailer deriving rentals from a lease of tangible personal property situated in the county.

4. A retailer soliciting orders for tangible personal property through a system for shopping by means of telecommunication or television, using toll-free telephone numbers, which is intended by the retailer to be broadcast by cable television or ***other video service network or any*** other means of broadcasting to persons located in the county or through a website on the Internet or other electronic means of communication to provide solicitations to persons in this State.

5. A retailer who, pursuant to a contract with a broadcaster or publisher located in the State, solicits orders for tangible personal property by means of advertising which is disseminated primarily to persons located in the State

and only secondarily to bordering jurisdictions, and which is disseminated to persons located in the county.

6. A retailer soliciting orders for tangible personal property by mail or electronic facsimile if the solicitations are substantial and recurring and if the retailer benefits from any activities occurring in the county related to banking, financing, the collection of debts, telecommunication or marketing, or benefits from the location in the county of authorized facilities for installation, servicing or repairs.

7. A retailer owned or controlled by the same persons who own or control a retailer who maintains a place of business in the same or a similar line of business in the county.

8. A retailer having a person operating under its trade name, pursuant to a franchise or license authorized by the retailer, if the person so operating is required to collect the tax pursuant to NRS 374.200.

9. A retailer who, pursuant to a contract with the operator of a ~~[system of]~~ cable television ***system or other video service network*** located in the State, solicits orders for tangible personal property by means of advertising which is transmitted or distributed over a ~~[system of]~~ cable television ***system or other video service network located*** in the county.

Sec. 98. NRS 374.739 is hereby amended to read as follows:

374.739 In administering the provisions of this chapter, the Department shall not consider the activities of persons that are directly related to the process of transmitting radio, television, cable television ***, video*** or data signals, including the transmission of news or information by ***video or*** data signal, the transmission of signals from one broadcaster to another and from a broadcaster to a member of the public and including the production and airing of any form of speech or broadcast by radio or television, whether or not compensation is provided to the broadcaster in connection therewith, to be transactions that are taxable pursuant to the provisions of this chapter.

Sec. 99. NRS 425.393 is hereby amended to read as follows:

425.393 1. The Chief may request the following information to carry out the provisions of this chapter:

(a) The records of the following public officers and state, county and local agencies:

(1) The State Registrar of Vital Statistics;

(2) Agencies responsible for maintaining records relating to state and local taxes and revenue;

(3) Agencies responsible for keeping records concerning real property and personal property for which a title must be obtained;

(4) All boards, commissions and agencies that issue occupational or professional licenses, certificates or permits;

(5) The Secretary of State;

(6) The Employment Security Division of the Department of Employment, Training and Rehabilitation;

(7) Agencies that administer public assistance;

(8) The Department of Motor Vehicles;

(9) The Department of Public Safety;

(10) The Department of Corrections; and

(11) Law enforcement agencies and any other agencies that maintain records of criminal history.

(b) The names and addresses of:

(1) The customers of public utilities and ~~[community antenna television companies;]~~ ***video service providers;*** and

(2) The employers of the customers described in subparagraph (1).

(c) Information in the possession of financial institutions relating to the assets, liabilities and any other details of the finances of a person.

(d) Information in the possession of a public or private employer relating to the employment, compensation and benefits of a person employed by the employer as an employee or independent contractor.

2. If a person or other entity fails to supply the information requested pursuant to subsection 1, the Administrator may issue a subpoena to compel the person or entity to provide that information. A person or entity who fails to comply with a request made pursuant to subsection 1 is subject to a civil penalty not to exceed $500 for each failure to comply.

3. A disclosure made in good faith pursuant to subsection 1 does not give rise to any action for damages for the disclosure.

Sec. 100. NRS 432.310 is hereby amended to read as follows:

432.310 "Broadcaster" means a radio broadcasting station, cable operator ***or other video service provider*** or television broadcasting station primarily engaged in, and deriving income from, the business of facilitating speech via over-the-air communications, both as to pure speech and commercial speech.

Sec. 101. NRS 455.210 is hereby amended to read as follows:

455.210 The provisions of NRS 455.220 and 455.230 are not applicable to:

1. An employee of a public utility which produces, transmits or delivers electricity, or a public utility which provides communication services, while the employee, in the course of his employment, constructs, modifies, operates or maintains:

(a) Electrical systems;

(b) Communication systems; or

(c) Overhead electrical or communication circuits or conductors, or the structures supporting them.

2. An employee of a ~~[cable antenna television system]~~ ***video service provider operating pursuant to chapter 711 of NRS*** or a business which provides communication services, while the employee, acting within the scope of his employment, is making service attachments to the structure supporting an overhead line carrying high voltage, if authorized to do so by the public utility operating the overhead line.

Sec. 102. NRS 597.816 is hereby amended to read as follows:

597.816 The provisions of NRS 597.814 do not prohibit the use of a device for automatic dialing and announcing by any person exclusively on behalf of:

1. A school or school district to contact the parents or guardians of a pupil regarding the attendance of the pupil or regarding other business of the school or school district.

2. A nonprofit organization.

3. A ~~[company]~~ ***video service provider*** that provides cable television ***or other video*** services to contact its customers regarding a previously arranged installation of such services at the premises of the customer.

4. A public utility to contact its customers regarding a previously arranged installation of utility services at the premises of the customer.

5. A facility that processes or stores petroleum, volatile petroleum products, natural gas, liquefied petroleum gas, combustible chemicals, explosives, high-level radioactive waste or other dangerous substances to advise local residents, public service agencies and news media of an actual or potential life-threatening emergency.

6. A state or local governmental agency, or a private entity operating under contract with and at the direction of such an agency, to provide:

(a) Information relating to public safety;

(b) Information relating to a police or fire emergency; or

(c) A warning of an impending or threatening emergency.

7. A candidate for public office, committee advocating the passage or defeat of a ballot question, political party, committee sponsored by a political party or a committee for political action.

Sec. 103. NRS 598.137 is hereby amended to read as follows:

598.137 1. A person shall not, in connection with the sale or lease or solicitation for sale or lease of any goods, property or service, represent that another person has a chance to receive a prize or item of value without clearly disclosing on whose behalf the contest or promotion is conducted and all conditions that a participant must meet.

2. A person who makes a representation described in subsection 1 must display, clearly and conspicuously, adjacent to the description of the item or prize to which it relates:

(a) The actual retail value of each item or prize;

(b) The number of each item or prize to be awarded; and

(c) The odds of receiving each item or prize, expressed in whole numbers.

3. It is unlawful to make a representation described in subsection 1 if it has already been determined which items will be given to the person to whom the representation is made.

4. The provisions of this section do not apply if:

(a) Participants are asked to complete and mail or deposit, at a local retail commercial establishment, an entry blank obtained locally or by mail, or to call in their entry by telephone; and

(b) Participants are not asked to listen to a sales presentation.

5. Advertisements with representations made pursuant to subsection 1 that are broadcast by radio or television may be broadcast without the required disclosures, conditions and restrictions but must clearly broadcast the availability of such disclosures, conditions and restrictions to an interested person, without any charge, upon request.

6. This section does not create liability for acts of a publisher, owner, agent or employee of a newspaper, periodical, radio station, television station, cable television system ***or other video service network*** or other advertising medium for the publication or dissemination of an advertisement or promotion pursuant to this section if the publisher, owner, agent or employee did not know that the advertisement or promotion violated the provisions of this section.

7. For the purposes of this section, the actual retail value of an item or prize is the price at which substantial sales of the item were made in an area within the last 90 days, or if no substantial sales were made, the cost of the item or prize to the person on whose behalf the contest or promotion is conducted.

Sec. 104. NRS 598A.040 is hereby amended to read as follows:

598A.040 The provisions of this chapter do not apply to:

1. Any labor, agricultural or horticultural organizations organized for the purpose of self-help and not for profit to itself nor to individual members thereof, while lawfully carrying out its legitimate objects.

2. Bona fide religious and charitable activities of any nonprofit corporation, trust or organization established exclusively for religious or charitable purposes.

3. Conduct which is expressly authorized, regulated or approved by:

(a) A statute of this State or of the United States;

(b) An ordinance of any city or county of this State, except for ordinances relating to ~~[community antenna television companies;]~~ ***video service providers;*** or

(c) An administrative agency of this State or of the United States or of a city or county of this State, having jurisdiction of the subject matter.

4. Conduct or agreements relating to rates, fares, classifications, divisions, allowances or charges, including charges between carriers and compensation paid or received for the use of facilities and equipment, that are authorized, regulated or approved by the Transportation Services Authority pursuant to chapter 706 of NRS.

5. Restrictive covenants:

(a) Which are part of a contract of sale for a business and which bar the seller of the business from competing with the purchaser of the business sold within a reasonable market area for a reasonable period of time; or

(b) Which are part of a commercial shopping center lease and which bar the parties from permitting or engaging in the furnishing of certain services or the sale of certain commodities within the commercial shopping center where such leased premises are located.

Sec. 105. NRS 599B.010 is hereby amended to read as follows:

599B.010 As used in this chapter, unless the context otherwise requires:

1. "Chance promotion" means any plan in which premiums are distributed by random or chance selection.

2. "Commissioner" means the Commissioner of Consumer Affairs.

3. "Consumer" means a person who is solicited by a seller or salesman.

4. "Division" means the Consumer Affairs Division of the Department of Business and Industry.

5. "Donation" means a promise, grant or pledge of money, credit, property, financial assistance or other thing of value given in response to a solicitation by telephone, including, but not limited to, a payment or promise to pay in consideration for a performance, event or sale of goods or services. The term does not include volunteer services, government grants or contracts or a payment by members of any organization of membership fees, dues, fines or assessments or for services rendered by the organization to those persons, if:

(a) The fees, dues, fines, assessments or services confer a bona fide right, privilege, professional standing, honor or other direct benefit upon the member; and

(b) Membership in the organization is not conferred solely in consideration for making a donation in response to a solicitation.

6. "Goods or services" means any property, tangible or intangible, real, personal or mixed, and any other article, commodity or thing of value.

7. "Premium" includes any prize, bonus, award, gift or any other similar inducement or incentive to purchase.

8. "Recovery service" means a business or other practice whereby a person represents or implies that he will, for a fee, recover any amount of money that a consumer has provided to a seller or salesman pursuant to a solicitation governed by the provisions of this chapter.

9. "Salesman" means any person:

(a) Employed or authorized by a seller to sell, or to attempt to sell, goods or services by telephone;

(b) Retained by a seller to provide consulting services relating to the management or operation of the seller's business; or

(c) Who communicates on behalf of a seller with a consumer:

(1) In the course of a solicitation by telephone; or

(2) For the purpose of verifying, changing or confirming an order,

➥ except that a person is not a salesman if his only function is to identify a consumer by name only and he immediately refers the consumer to a salesman.

10. Except as otherwise provided in subsection 11, "seller" means any person who, on his own behalf, causes or attempts to cause a solicitation by telephone to be made through the use of one or more salesmen or any automated dialing announcing device under any of the following circumstances:

(a) The person initiates contact by telephone with a consumer and represents or implies:

(1) That a consumer who buys one or more goods or services will receive additional goods or services, whether or not of the same type as purchased, without further cost, except for actual postage or common carrier charges;

(2) That a consumer will or has a chance or opportunity to receive a premium;

(3) That the items for sale are gold, silver or other precious metals, diamonds, rubies, sapphires or other precious stones, or any interest in oil, gas or mineral fields, wells or exploration sites or any other investment opportunity;

(4) That the product offered for sale is information or opinions relating to sporting events;

(5) That the product offered for sale is the services of a recovery service; or

(6) That the consumer will receive a premium or goods or services if he makes a donation;

(b) The solicitation by telephone is made by the person in response to inquiries from a consumer generated by a notification or communication sent or delivered to the consumer that represents or implies:

(1) That the consumer has been in any manner specially selected to receive the notification or communication or the offer contained in the notification or communication;

(2) That the consumer will receive a premium if the recipient calls the person;

(3) That if the consumer buys one or more goods or services from the person, the consumer will also receive additional or other goods or services, whether or not the same type as purchased, without further cost or at a cost that the person represents or implies is less than the regular price of the goods or services;

(4) That the product offered for sale is the services of a recovery service; or

(5) That the consumer will receive a premium or goods or services if he makes a donation; or

(c) The solicitation by telephone is made by the person in response to inquiries generated by advertisements that represent or imply that the person is offering to sell any:

(1) Gold, silver or other metals, including coins, diamonds, rubies, sapphires or other stones, coal or other minerals or any interest in oil, gas or other mineral fields, wells or exploration sites, or any other investment opportunity;

(2) Information or opinions relating to sporting events; or

(3) Services of a recovery service.

11. ”Seller” does not include:

(a) A person licensed pursuant to chapter 90 of NRS when soliciting offers, sales or purchases within the scope of his license.

(b) A person licensed pursuant to chapter 119A, 119B, 624, 645 or 696A of NRS when soliciting sales within the scope of his license.

(c) A person licensed as an insurance broker, agent or solicitor when soliciting sales within the scope of his license.

(d) Any solicitation of sales made by the publisher of a newspaper or magazine or by an agent of the publisher pursuant to a written agreement between the agent and publisher.

(e) A broadcaster soliciting sales who is licensed by any state or federal authority, if the solicitation is within the scope of the broadcaster's license.

(f) A person who solicits a donation from a consumer when:

(1) The person represents or implies that the consumer will receive a premium or goods or services with an aggregated fair market value of 2 percent of the donation or $50, whichever is less; or

(2) The consumer provides a donation of $50 or less in response to the solicitation.

(g) A charitable organization which is registered or approved to conduct a lottery pursuant to chapter 462 of NRS.

(h) A public utility or motor carrier which is regulated pursuant to chapter 704 or 706 of NRS, or by an affiliate of such a utility or motor carrier, if the solicitation is within the scope of its certificate or license.

(i) A utility which is regulated pursuant to chapter 710 of NRS, or by an affiliate of such a utility.

(j) A person soliciting the sale of books, recordings, video cassettes, software for computer systems or similar items through:

(1) An organization whose method of sales is governed by the provisions of Part 425 of Title 16 of the Code of Federal Regulations relating to the use of negative option plans by sellers in commerce;

(2) The use of continuity plans, subscription arrangements, arrangements for standing orders, supplements, and series arrangements pursuant to which the person periodically ships merchandise to a consumer who has consented in advance to receive the merchandise on a periodic basis and has the opportunity to review the merchandise for at least 10 days and return it for a full refund within 30 days after it is received; or

(3) An arrangement pursuant to which the person ships merchandise to a consumer who has consented in advance to receive the merchandise and has the opportunity to review the merchandise for at least 10 days and return it for a full refund within 30 days after it is received.

(k) A person who solicits sales by periodically publishing and delivering a catalog to consumers if the catalog:

(1) Contains a written description or illustration of each item offered for sale and the price of each item;

(2) Includes the business address of the person;

(3) Includes at least 24 pages of written material and illustrations;

(4) Is distributed in more than one state; and

(5) Has an annual circulation by mailing of not less than 250,000.

(l) A person soliciting without the intent to complete and who does not complete, the sales transaction by telephone but completes the sales transaction at a later face-to-face meeting between the solicitor and the consumer, if the person, after soliciting a sale by telephone, does not cause another person to collect the payment from or deliver any goods or services purchased to the consumer.

(m) Any commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, trust company, savings and loan association, credit union, industrial loan company, personal property broker, consumer finance lender, commercial finance lender, or insurer subject to regulation by an official or agency of this State or of the United States, if the solicitation is within the scope of the certificate or license held by the entity.

(n) A person holding a certificate of authority issued pursuant to chapter 452 of NRS when soliciting sales within the scope of the certificate.

(o) A person licensed pursuant to chapter 689 of NRS when soliciting sales within the scope of his license.

(p) A person soliciting the sale of services provided by a ~~[community antenna television company]~~ ***video service provider*** subject to regulation pursuant to chapter 711 of NRS.

(q) A person soliciting the sale of agricultural products, if the solicitation is not intended to and does not result in a sale of more than $100 that is to be delivered to one address. As used in this paragraph, "agricultural products" has the meaning ascribed to it in NRS 587.290.

(r) A person who has been operating, for at least 2 years, a retail business establishment under the same name as that used in connection with the solicitation of sales by telephone if, on a continuing basis:

(1) Goods are displayed and offered for sale or services are offered for sale and provided at the person's business establishment; and

(2) At least 50 percent of the person's business involves the buyer obtaining such goods or services at the person's business establishment.

(s) A person soliciting only the sale of telephone answering services to be provided by the person or his employer.

(t) A person soliciting a transaction regulated by the Commodity Futures Trading Commission, if:

(1) The person is registered with or temporarily licensed by the Commission to conduct that activity pursuant to the Commodity Exchange Act *,* ~~[(]~~ 7 U.S.C. §§ 1 et seq. *;* ~~[);]~~ and

(2) The registration or license has not expired or been suspended or revoked.

(u) A person who contracts for the maintenance or repair of goods previously purchased from the person:

(1) Making the solicitation; or

(2) On whose behalf the solicitation is made.

(v) A person to whom a license to operate an information service or a nonrestricted gaming license, which is current and valid, has been issued pursuant to chapter 463 of NRS when soliciting sales within the scope of his license.

(w) A person who solicits a previous customer of the business on whose behalf the call is made if the person making the call:

(1) Does not offer the customer any premium in connection with the sale;

(2) Is not selling an investment or an opportunity for an investment that is not registered with any state or federal authority; and

(3) Is not regularly engaged in telephone sales.

(x) A person who solicits the sale of livestock.

(y) An issuer which has a class of securities that is listed on the New York Stock Exchange, the American Stock Exchange or the National Market System of the National Association of Securities Dealers Automated Quotation System.

(z) A subsidiary of an issuer that qualifies for exemption pursuant to paragraph (y) if at least 60 percent of the voting power of the shares of the subsidiary is owned by the issuer.

Sec. 105.1. For the purposes of sections 105.3 to 106.2, inclusive, of this act, the Legislature hereby finds and declares that:

1. There is a need to balance the goal of providing children with the benefits and opportunities available on the Internet against the compelling need and duty to protect children from contact with sexual predators.

2. Sexual predators use Internet and network sites, including chat rooms and social networking websites, to locate, approach and befriend children, to acquire personal information about children and to prey on children by engaging in sexually explicit conversations, requesting photographs and attempting to lure children into meeting with them in person.

3. According to the United States Attorney General, one in five children has been approached sexually on the Internet.

4. The explosive growth of chat rooms and social networking websites has increased the difficulty of monitoring the Internet activities of children and protecting children from sexual predators, particularly when children use the Internet without supervision.

5. Providers of Internet service and the owners and operators of chat rooms and social networking websites are well-situated to help parents and guardians in the on-going effort to guard against sexual predators who misuse Internet technology as a tool to prey on and victimize children.

Sec. 105.2. Chapter 603 of NRS is hereby amended by adding thereto the provisions set forth as sections 105.3 to 106.2, inclusive, of this act.

Sec. 105.3. ***As used in sections 105.3 to 106.2, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 105.4 to 105.7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 105.4. ***"Child" means a person who is less than 18 years of age.***

Sec. 105.5. ***"Electronic mail" has the meaning ascribed to it in NRS 41.715.***

Sec. 105.6. ***1. "Internet or any other computer network" means:***

(a) The computer network commonly known as the Internet and any other local, regional or global computer network that is similar to or is a predecessor or successor of the Internet; and

(b) Any identifiable site on the Internet or such other computer network.

2. The term includes, without limitation:

(a) A website or other similar site on the World Wide Web;

(b) A site that is identifiable through a Uniform Resource Location;

(c) A site on a computer network that is owned, operated, administered or controlled by a provider of Internet service;

(d) An electronic bulletin board;

(e) A list server;

(f) A newsgroup; or

(g) A chat room.

Sec. 105.7. ***"Provider of Internet service" or "provider" means any person who, for a fee or other consideration, provides subscribers with access to the Internet or any other computer network.***

Sec. 105.8. ***For the purposes of sections 105.3 to 106.2, inclusive, of this act, a person has "reasonable cause to believe" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.***

Sec. 106. ***1. If a provider of Internet service knows or has reasonable cause to believe that a subscriber resides within this State, the provider shall make available to the subscriber a product or service which enables the subscriber to regulate a child's use of the Internet service provided to the subscriber*** ~~[.]~~ ***if such a product or service is reasonably and commercially available for the technology utilized by the subscriber to access the Internet service. The product or service must , subject to such availability, enable the subscriber to:***

(a) Block all access to the Internet;

(b) Block access to specific websites or domains disapproved by the subscriber;

(c) Restrict access exclusively to specific websites or domains approved by the subscriber; and

(d) Allow the subscriber to monitor a child's use of the Internet service by providing a report to the subscriber of the specific websites or domains that the child has visited or has attempted to visit but could not access because the websites or domains were blocked or restricted by the subscriber.

2. For the purposes of subsection 1, a provider of Internet service shall be deemed to know that a subscriber resides within this State if the subscriber identifies Nevada as his place of residence at the time of subscription.

3. ~~[A]~~ If a product or service described in subsection 1 is reasonably and commercially available for the technology utilized by the subscriber to access the Internet service, the provider of Internet service:

(a) Shall provide to the subscriber, at the time of subscription, notice of the availability of the product or service described in subsection 1. The notice must be provided to the subscriber by electronic mail or in a written form through another reasonable means.

(b) May make the product or service described in subsection 1 available to the subscriber either directly or through a third-party vendor. The provider or third-party vendor may charge the subscriber a fee for the product or service.

Sec. 106.2. ***1. Any violation of sections 105.3 to 106.2, inclusive, of this act constitutes a deceptive trade practice ~~[for the purposes of the civil and administrative remedies and penalties set forth in]~~ subject to NRS 598.0903 to 598.0999, inclusive.***

2. The remedies, duties and prohibitions set forth in sections 105.3 to 106.2, inclusive, of this act are not exclusive and are in addition to any other remedies, duties and prohibitions provided by law.

Sec. 106.4. NRS 603.010 is hereby amended to read as follows:

603.010 As used in ~~[this chapter]~~ ***NRS 603.010 to 603.090, inclusive,*** unless the context otherwise requires, the words and terms defined in NRS 603.020 and 603.030, have the meanings ascribed to them in those sections.

Sec. 106.6. NRS 603.090 is hereby amended to read as follows:

603.090 The civil remedies provided in ~~[this chapter:]~~ ***NRS 603.010 to 603.090, inclusive:***

1. Do not preclude the prosecution of a defendant under the penal laws of this State.

2. Are in addition to any rights or remedies to which the owner of a proprietary program or data stored in a computer is entitled under the common law.

Sec. 106.8. NRS 618.880 is hereby amended to read as follows:

618.880 1. The Division shall adopt regulations establishing standards and procedures for the operation of cranes, including, without limitation, regulations requiring the:

(a) Establishment and implementation of site safety plans and procedures for the erection and dismantling of tower cranes;

(b) Establishment of a clear zone around the erection, dismantling or other highly hazardous lifts with a crane;

(c) Annual certification of the mechanical lifting parts of the crane; and

(d) Certification of tower cranes each time a tower crane is erected and additional annual certifications of tower cranes while they continue to be in use.

2. Except as otherwise provided in subsection 3:

(a) The Division shall adopt regulations requiring the establishment and implementation of programs for the certification of all persons who operate:

(1) Tower cranes; or

(2) Mobile cranes having a usable boom length of 25 feet or greater or a maximum machine rated capacity of 15,000 pounds or greater.

(b) A person shall not operate a tower crane or a mobile crane described in subparagraph (2) of paragraph (a) unless the person holds certification as a crane operator issued pursuant to this subsection for the type of crane being operated.

(c) An applicant for certification as a crane operator must hold a certificate which:

(1) Is issued by an organization whose program of certification for crane operators:

(I) Is accredited by the National Commission for Certifying Agencies or an equivalent accrediting body approved by the Division; or

(II) Meets other criteria established by the Division; and

(2) Certifies that the person has met the standards to be a crane operator established by the American Society of Mechanical Engineers in its standards B30.3, B30.4 or B30.5 as adopted by regulation of the Division.

3. The provisions of subsection 2 do not apply to a person who:

(a) Is an employee of a utility while the person is engaged in work for or at the direction of the utility;

(b) Operates an electric or utility line truck that is regulated pursuant to 29 C.F.R. § 1910.269 or 29 C.F.R. Part 1926, Subpart V; or

(c) Operates an aerial or lifting device, whether or not self-propelled, that is designed and manufactured with the specific purpose of lifting one or more persons in a bucket or basket or on a ladder or platform and holding those persons in the lifted position while they perform tasks. Such devices include, without limitation:

(1) A bucket truck or lift;

(2) An aerial platform;

(3) A platform lift; or

(4) A scissors lift.

4. As used in this section, “utility” means any public or private utility, whether or not the utility is subject to regulation by the Public Utilities Commission of Nevada, that provides, at wholesale or retail:

(a) Electric service;

(b) Gas service;

(c) Water or sewer service;

(d) Telecommunication service, including, without limitation, local exchange service, long distance service and personal wireless service; or

(e) Television service, including, without limitation, community antenna television ***, cable television and other video*** service.

Sec. 107. NRS 624.218 is hereby amended to read as follows:

624.218 1. The Board shall adopt by regulation a classification of licensing for persons who construct or improve ~~[community antenna television systems.]~~ ***video service networks.*** Except as otherwise provided in subsection 2, a person who engages in such construction, alteration or improvement must be licensed in this classification and may not be required to be licensed in any other classification.

2. The licensing requirements adopted pursuant to subsection 1 do not apply to a person who is engaged solely in the alteration or repair of antennae used by a community antenna television system.

3. As used in this section, "video service network" has the meaning ascribed to it in section 26 of this act.

Sec. 108. 1. NRS 318.1193, 318.1194, 354.598811, 711.185, 711.190, 711.200, 711.210, 711.230 and 711.250 are hereby repealed.

2. Section 2.290 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, at page 63, is hereby repealed.

3. Section 2.320 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, at page 612, is hereby repealed.

4. Section 2.280 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, at page 300, is hereby repealed.

5. Section 2.350 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 51, Statutes of Nevada 2001, at page 460, is hereby repealed.

6. Section 2.300 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 410, is hereby repealed.

7. Section 2.330 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1405, is hereby repealed.

8. Section 2.300 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1219, is hereby repealed.

9. Section 2.320 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, at page 466, is hereby repealed.

10. Section 2.300 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as amended by chapter 184, Statutes of Nevada 1985, at page 645, is hereby repealed.

Sec. 109. On or before October 1, 2007, the Secretary of State shall adopt any regulations that are necessary to carry out the provisions of this act.

Sec. 110. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

318.1193 Facilities for television: Limitation on organization if area includes existing service.

318.1194 Facilities for television: Approval of electors required in certain districts for franchise for community antenna television system.

354.598811 Limitations on fees applicable to public utilities: "Community antenna television company" defined.

711.185 Governing body may grant exclusive franchise.

711.190 Franchise granted by city or county: Conditions; requirements.

711.200 Fees for franchise.

711.210 Renewal of franchise.

711.230 Considerations in granting franchise.

711.250 Adoption of ordinance to establish procedure to resolve complaints of subscribers; notice.

Caliente City Charter Sec. 2.290 Powers of City Council: Television franchises.

Carlin City Charter Sec. 2.320 Powers of Board of Councilmen: Television franchises.

Carson City Charter Sec. 2.280 Power of Board: Television franchises.

Elko City Charter Sec. 2.350 Powers of City Council: Television franchises.

Henderson City Charter Sec. 2.300 Powers of City Council: Television franchises.

Las Vegas City Charter Sec. 2.330 Powers of City Council: Television franchises.

North Las Vegas City Charter Sec. 2.300 Powers of City Council: Television franchises.

Wells City Charter Sec. 2.320 Powers of Board of Councilmen: Television franchises.

Yerington City Charter Sec. 2.300 Powers of City Council: Franchises for television and cable television.

Assemblyman Oceguera moved that the Assembly concur in the Senate Amendment No. 702 to Assembly Bill No. 526.

Remarks by Assemblyman Oceguera.

Motion carried.

Amendment No. 991.

AN ACT relating to information technology; revising provisions governing the regulation of community antenna television, cable television and other video service; establishing a new regulatory structure for video service providers; requiring the Secretary of State to perform certain duties under the new regulatory structure; limiting the regulatory powers of local governments regarding video service providers; providing fees; requiring providers of Internet service to offer, under certain circumstances, products or services which enable subscribers to regulate and monitor a child's use of the Internet; providing remedies and penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill enacts various provisions relating to community antenna television, cable television, video service, Internet service and other information technology.

Under existing law, a local government has the authority to grant local franchises for the operation of a community antenna or cable television system within its jurisdiction. Because each local government has independent authority to grant its own franchises, a cable operator that wants to operate in multiple jurisdictions must negotiate a separate local franchise with each local government. (Chapter 711 of NRS)

To promote competition in the cable industry, the federal Cable Act prohibits a local government from granting an exclusive franchise or unreasonably refusing to grant competitive franchises. The federal Cable Act also prohibits a local government from imposing a franchise fee that exceeds 5 percent of a cable operator's gross revenue. (47 U.S.C. §§ 541, 542)

This bill repeals the existing statutory scheme of regulating video service through local franchises and replaces it with a statutory scheme that is intended to promote more competition in the market for such service. This bill applies to community antenna television companies, cable operators and other video service providers. However, this bill allows an existing franchise holder to continue operating under its local franchise until that franchise expires, and this bill also allows a local government in a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties) to renew or extend the term of a local franchise.

Under this bill, a video service provider must obtain a certificate of authority from the Secretary of State, which acts as a state-issued franchise to provide video service within the service areas designated in the certificate. This bill establishes various standards and practices for video service providers, including requirements for providing local governments with community access channels for public, educational and governmental programming.

This bill preempts most local regulation of video service providers. However, this bill allows a local government to manage the activities of video service providers within any public right-of-way or highway, including inspecting any construction or repair work. This bill also allows a local government to impose a franchise fee that does not exceed 5 percent of a video service provider's gross revenue.

Finally, this bill requires a provider of Internet service, under certain circumstances, to make available to subscribers in this State products or services which enable the subscribers to block, restrict and monitor a child's Internet activities. This bill authorizes the provider to charge a fee to those subscribers who elect to use the products or services. A provider of Internet service that fails to comply with the requirements commits a deceptive trade practice and is subject to the procedures for administrative enforcement and the remedies and penalties under the Deceptive Trade Practice Act. (NRS 598.0903-598.0999)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 704.030 is hereby amended to read as follows:

704.030 "Public utility" or "utility" does not include:

1. Persons engaged in the production and sale of natural gas, other than sales to the public, or engaged in the transmission of natural gas other than as a common carrier transmission or distribution line or system.

2. Persons engaged in the business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if:

(a) They serve 25 persons or less; and

(b) Their gross sales for water or services for the disposal of sewage, or both, amounted to $5,000 or less during the immediately preceding 12 months.

3. Persons not otherwise engaged in the business of furnishing, producing or selling water or services for the disposal of sewage, or both, but who sell or furnish water or services for the disposal of sewage, or both, as an accommodation in an area where water or services for the disposal of sewage, or both, are not available from a public utility, cooperative corporations and associations or political subdivisions engaged in the business of furnishing water or services for the disposal of sewage, or both, for compensation, to persons within the political subdivision.

4. Persons who are engaged in the production and sale of energy, including electricity, to public utilities, cities, counties or other entities which are reselling the energy to the public.

5. Persons who are subject to the provisions of NRS 590.465 to 590.645, inclusive.

6. Persons who are engaged in the sale or use of special fuel as defined in NRS 366.060.

7. Persons who provide water from water storage, transmission and treatment facilities if those facilities are for the storage, transmission or treatment of water from mining operations.

8. Persons who are video service providers, as defined in section 27 of this act, except for those operations of the video service provider which consist of providing a telecommunication service to the public, in which case the video service provider is a public utility only with regard to those operations of the video service provider which consist of providing a telecommunication service to the public.

Sec. 2. Chapter 711 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 60, inclusive, of this act.

Sec. 3. ***"Agreement" means any agreement or contract of any kind.***

Sec. 4. ***"Cable operator" has the meaning ascribed to it in 47 U.S.C. § 522, as that section existed on January 1, 2007.***

Sec. 5. *"Cable service" has the meaning ascribed to it in 47 U.S.C. § 522, as that section existed on January 1, 2007.*

Sec. 6. *"Cable system" has the meaning ascribed to it in 47 U.S.C. § 522, as that section existed on January 1, 2007.*

Sec. 7. *"Certificate of authority" or "certificate" means a certificate issued by the Secretary of State pursuant to this chapter which grants the holder of the certificate a state-issued franchise to provide video service and construct and operate a video service network within the service areas designated in the certificate.*

Sec. 8. *"Commercial mobile service provider" means a person who provides commercial mobile service, as defined in 47 U.S.C. § 332(d), as that section existed on January 1, 2007.*

Sec. 9. *"Franchise" has the meaning ascribed to it in 47 U.S.C. § 522, as that section existed on January 1, 2007.*

Sec. 10. *"Franchise fee" means a franchise fee imposed by a local government on a video service provider for the privilege of providing video service.*

Sec. 11. *1. "Gross revenue" means:*

(a) Any revenue a video service provider receives from its subscribers for providing video service to those subscribers, as determined in accordance with generally accepted accounting principles, except for revenue excluded pursuant to subsection 3; and

(b) Any other consideration a video service provider receives from its subscribers for providing video service when it is received in a transaction that would evade imposition of a franchise fee if such consideration is not included in revenue, except for revenue excluded pursuant to subsection 3.

2. The term includes, without limitation:

(a) Recurring monthly charges;

(b) Event-based charges, including, without limitation, charges for pay per view and video on demand;

(c) Charges for the rental of set-top boxes and other equipment;

(d) Service charges, including, without limitation, charges for activation, installation, repair and maintenance;

(e) Administrative charges, including, without limitation, charges for service orders and service termination; and

(f) The amount of any revenue received by a video service provider for providing video service when such service is a component of a bundle of services or products sold for a single price, but only to the extent the revenue received by the video service provider for the bundle of services or products is proportionately allocated among each of the components.

3. The term does not include:

(a) Revenue not actually received, regardless of when it is billed.

(b) Refunds, rebates or discounts made to subscribers.

(c) Revenue from providing service other than video service, including, without limitation, revenue from providing:

(1) Telecommunication service; or

(2) Information service that is not video service.

(d) Any fee imposed on the video service provider that is passed through to and paid by subscribers, including, without limitation, a franchise fee.

(e) Revenue from the sale of video service to any person who purchases the video service for resale and who, upon resale, is required to pay a franchise fee pursuant to this chapter or the terms of a local franchise.

(f) Any tax of general applicability.

(g) The fair market value of free or reduced-cost video service provided without set-off or exchange to any person who is entitled or permitted to receive such service pursuant to this chapter or federal law.

(h) Late payment fees collected from subscribers.

Sec. 12. ***"Holder of a certificate" or "holder" means a video service provider that has been issued a certificate of authority pursuant to this chapter.***

Sec. 13. ***"Incumbent cable operator" means any cable operator, community antenna television company or other video service provider that, on the effective date of this act, is providing video service in this State pursuant to a local franchise.***

Sec. 14. ***"Information service" has the meaning ascribed to it in 47 U.S.C. § 153(20), as that section existed on January 1, 2007.***

Sec. 15. ***"Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § 230(f)(2), as that section existed on January 1, 2007.***

Sec. 16. ***"Jurisdiction of a local government" means:***

1. In the case of a city, the corporate limits of the city.

2. In the case of a county, the unincorporated area of the county.

Sec. 17. ***1. "Local franchise" means any franchise, agreement, permit, license or similar authorization, regardless of its name, which:***

(a) Permits a person to construct or operate a cable system, community antenna television system or video service network within the jurisdiction of a local government;

(b) Was issued, granted, approved or renewed by the governing body of the local government before the effective date of this act pursuant to the authority of any federal, state or local law in effect at the time of the issuance, grant, approval or renewal; and

(c) On the effective date of this act, is legally effective and unexpired.

2. The term includes, without limitation, an unexpired local franchise that a local government in a county whose population is less than 100,000 renews or extends the term of pursuant to sections 32 and 32.5 of this act.

Sec. 18. ***"Local law" means any charter, code, ordinance, regulation or other law of a local government.***

Sec. 19. ***"Multichannel video programming distributor" has the meaning ascribed to it in 47 U.S.C. § 522, as that section existed on January 1, 2007.***

Sec. 20. ***"Service area" means the geographical territory in this State within which a video service provider is authorized to provide video service pursuant to a certificate of authority or local franchise.***

Sec. 21. ***1. "Subscriber" means any person in this State who purchases video service.***

2. The term does not include any person who purchases video service for resale and who, upon resale, is required to pay a franchise fee pursuant to this chapter or the terms of a local franchise.

Sec. 22. ***"Telecommunication" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information sent and received, regardless of the facilities, equipment or technology used.***

Sec. 23. ***"Telecommunication provider" means any person required to obtain from the Public Utilities Commission of Nevada a certificate of public convenience and necessity pursuant to NRS 704.330 to provide telecommunication service.***

Sec. 24. ***"Telecommunication service" means the offering of telecommunication for a fee directly to the public, or such classes of users as to be effectively available directly to the public, regardless of the equipment, facilities or technology used.***

Sec. 25. ***1. "Video service" means the provision of multichannel video programming generally considered comparable to video programming delivered by a television broadcast station, cable service or other digital television service, whether provided as part of a tier, on-demand or on a per-channel basis, without regard to the technology used to deliver the video service, including, without limitation, Internet protocol technology or any successor technology.***

2. The term includes, without limitation:

(a) Cable service; and

(b) Video service delivered by a community antenna television system.

3. The term does not include:

(a) Any video content provided solely as part of, and through, a service which enables users to access content, information, electronic mail or other services that are offered via the public Internet.

(b) Direct broadcast satellite service.

(c) Any wireless multichannel video programming provided by a commercial mobile service provider.

Sec. 26. ***1. "Video service network" means a wireline facility, or any component thereof, which is:***

(a) Located in this State;

(b) Constructed in whole or in part in, on, under or over any public right-of-way or highway; and

(c) Used to provide video service.

2. The term includes, without limitation:

(a) A cable system; and

(b) A community antenna television system.

Sec. 27. ***1. "Video service provider" or "provider" means any person that provides or offers to provide video service over a video service network to subscribers in this State.***

2. The term includes, without limitation:

(a) An incumbent cable operator or other cable operator;

(b) A community antenna television company; and

(c) A multichannel video programming distributor.

Sec. 28. ***This chapter occupies the entire field of franchising and regulation of video service and, except as otherwise provided in sections 45 and 46 of this act, preempts any local law or agreement with a local government that:***

1. Requires a person to obtain or hold from a local government any franchise, permit, license or similar authorization, regardless of its name, to provide video service or to construct or operate a video service network, unless the person is an incumbent cable operator which holds an unexpired local franchise and which has elected pursuant to sections 32 and 32.5 of this act to continue to operate within its service area pursuant to the local franchise.

2. Regulates the provision of video service or the construction or operation of a video service network if such regulation conflicts or is otherwise inconsistent with the provisions of this chapter or the purposes and objectives of this chapter.

3. Requires a video service provider to pay any fee to a local government if the payment of such a fee conflicts or is otherwise inconsistent with the provisions of this chapter or the purposes and objectives of this chapter.

Sec. 29. ***1. For the purpose of bringing about fair and reasonable competition for video service, the Secretary of State has the exclusive authority to issue a certificate of authority to a person to provide video service and construct and operate a video service network in any service area in this State.***

2. The Secretary of State:

(a) Shall carry out the provisions of this chapter; and

(b) May adopt regulations necessary for the issuance, modification and termination of a certificate of authority, including, without limitation, prescribing any forms related to the application process.

3. On or after the effective date of this act, a local government does not have the authority to:

(a) Issue, grant, approve or renew any franchise, agreement, permit, license or similar authorization, regardless of its name, for the privilege of:

(1) Providing video service within the jurisdiction of the local government; or

(2) Except as otherwise provided in sections 45 and 46 of this act, constructing or operating a video service network within the jurisdiction of the local government,

➥ except that a local government in a county whose population is less than 100,000 may renew or extend the term of an unexpired local franchise of an incumbent cable operator which has elected pursuant to sections 32 and 32.5 of this act to continue to operate within its service area pursuant to the local franchise;

(b) Impose any build-out requirements, investment requirements or other requirements relating to infrastructure, facilities or deployment of equipment for the privilege of providing video service or constructing or operating a video service network within the jurisdiction of the local government; or

(c) Except as otherwise provided in sections 45 and 46 of this act, require the payment of any application, document, franchise, service or other fee, tax, charge or assessment for the privilege of providing video service or constructing or operating a video service network within the jurisdiction of the local government.

Sec. 29.5. *1. In carrying out the provisions of this chapter, the Secretary of State shall charge and collect the fees set forth in this section.*

2. Except as otherwise provided in subsection 3, the filing fee for accepting any application or notice pursuant to the provisions of this chapter is $1,000.

3. The filing fee for accepting an original application for a certificate of authority pursuant to sections 33 and 34 of this act:

(a) Is $250 for a service area located entirely within the territorial boundaries of a county whose population is less than 50,000.

(b) Is $500 for a service area located in whole or in part within the territorial boundaries of a county whose population is 50,000 or more but less than 100,000, unless the provisions of paragraph (c) apply.

(c) Is $1,000 for a service area located in whole or in part within a county whose population is 100,000 or more.

4. A person may elect to apply for a certificate of authority that permits, but does not require, the person to provide video service within one or more service areas located anywhere in this State as designated in the application and affidavit filed by the person pursuant to section 33 of this act. If a person applies for such a certificate of authority, the certification fee for issuing the certificate of authority to the person pursuant to sections 33 and 34 of this act is $25,000. The Secretary of State may charge and collect the certification fee pursuant to this subsection only once from each such person.

5. If a person elects not to apply for a certificate of authority in accordance with subsection 4, the certification fee for issuing a certificate of authority to the person pursuant to sections 33 and 34 of this act or for

issuing an amended certificate of authority to the person pursuant to section 35 of this act:

(a) Is $250 for a service area located entirely within the territorial boundaries of a town, township or city whose population is less than 1,000, regardless of the population of the county.

(b) Is $2,500 for a service area located entirely within the territorial boundaries of a town, township or city whose population is 1,000 or more but less than 50,000, regardless of the population of the county.

(c) Is $2,500 for a service area located entirely within the territorial boundaries of a county whose population is less than 50,000, unless the provisions of paragraph (a) or (b) apply.

(d) Is $15,000 for a service area located in whole or in part within the territorial boundaries of a county whose population is 50,000 or more but less than 100,000, unless the provisions of paragraph (a), (b) or (e) apply.

(e) Is $25,000 for a service area located in whole or in part within the territorial boundaries of a county whose population is 100,000 or more, unless the provisions of paragraph (a) or (b) apply.

6. The Secretary of State shall charge and collect the fees set forth in this section based on:

(a) The information provided in the application and affidavit filed by the person pursuant to paragraph (a) of subsection 2 of section 33 of this act; and

(b) The estimated population of each town, township, city and county in this State as set forth in the most recent annual report issued by the Department of Taxation pursuant to NRS 360.283.

7. The fees imposed by this section may not be passed through to and collected from subscribers of video service.

Sec. 30. ***The provisions of this chapter must not be interpreted to:***

1. Authorize the Secretary of State to exercise oversight of video service providers except as provided in this chapter.

2. Prevent a telecommunication provider from exercising any rights or authority that the provider has as a public utility under federal or state law.

Sec. 31. ***Except as otherwise provided in this chapter, a person shall not act as a video service provider or construct or operate a video service network in any service area unless the person has obtained a certificate of authority for that service area.***

Sec. 32. ***1. If, on the effective date of this act, an incumbent cable operator is providing video service within a service area pursuant to a local franchise, the incumbent cable operator may elect to:***

(a) Continue to operate within that service area pursuant to the local franchise in accordance with section 32.5 of this act; or

(b) Terminate the local franchise within that service area by applying for and obtaining a certificate of authority pursuant to this section.

2. To elect to terminate a local franchise within a service area, an incumbent cable operator must, not later than 6 months after the effective

date of this act, apply for a certificate of authority for that service area in the same manner as any other video service provider. If the incumbent cable operator makes such an election and obtains a certificate of authority for that service area:

(a) The local franchise for that service area is deemed to be terminated by operation of law on the date on which the Secretary of State issues the certificate of authority;

(b) Not later than 3 business days after the date on which the Secretary of State issues the certificate of authority, the incumbent cable operator shall file with the clerk of the local government which granted the franchise a written declaration that the incumbent cable operator has obtained a certificate of authority and that the local franchise for that service area has been terminated by operation of law; and

(c) The incumbent cable operator shall operate within that service area thereafter subject only to the same requirements that apply to any other holder of a certificate.

Sec. 32.5. ***1. Except as otherwise provided in subsection 2, if an incumbent cable operator elects pursuant to section 32 of this act to continue to operate within a service area pursuant to a local franchise:***

(a) The incumbent cable operator must comply with the local franchise and all applicable provisions of this chapter while the local franchise is in effect for that service area;

(b) The local franchise is not effective for that service area on or after the date on which the local franchise expires; and

(c) The local government may not renew or extend the term of the local franchise for that service area.

➥ To operate within that service area on or after the date on which the local franchise expires, the incumbent cable operator must apply for and obtain a certificate of authority in the same manner as any other video service provider. If the incumbent cable operator is issued a certificate of authority for that service area while operating pursuant to the local franchise, the certificate does not become effective until the date on which the local franchise expires.

2. If an incumbent cable operator elects pursuant to section 32 of this act to continue to operate within a service area pursuant to a local franchise and the service area is located entirely within the territorial boundaries of a county whose population is less than 100,000:

(a) The incumbent cable operator must comply with the local franchise and all applicable provisions of this chapter while the local franchise is in effect for that service area; and

(b) The local government may renew or extend the term of the local franchise for that service area, provided that the terms and conditions of the renewal or extension do not conflict with or are not otherwise inconsistent with the provisions of this chapter or the purposes and objectives of this chapter.

➥ To operate within that service area on or after the date on which the local franchise expires without renewal or extension, the incumbent cable operator must apply for and obtain a certificate of authority in the same manner as any other video service provider. If the incumbent cable operator is issued a certificate of authority for that service area while operating pursuant to the local franchise, the certificate does not become effective until the date on which the local franchise expires without renewal or extension.

Sec. 33. ***1. To obtain a certificate of authority, a person must:***

(a) File with the Secretary of State an application and affidavit which are signed by one of the principal executive officers or general partners of the applicant and which comply with the provisions of this section; and

(b) Pay any fee required by section 29.5 of this act.

2. The application and affidavit must be in the form required by the Secretary of State and must contain only the following:

(a) A description of each service area designated by the applicant in which the applicant intends to provide video service and a map of each such service area that shows the territorial boundaries of each local government located, in whole or in part, within the service area.

(b) The location of the principal place of business of the applicant and the names of the principal executive officers or general partners of the applicant.

(c) Certifications that the applicant:

(1) Agrees to comply with all applicable federal and state laws and regulations;

(2) Agrees to comply with all generally applicable, nondiscriminatory local laws regarding the use and occupation of any public right-of-way or highway in the construction, operation, maintenance and repair of a video service network, including, without limitation, any local laws enacted pursuant to the police powers of the local government in which the video service network is located; and

(3) Has filed or will timely file with the Federal Communications Commission all forms required by that agency before offering video service.

3. If the Secretary of State determines that the application and affidavit are incomplete or otherwise deficient, the Secretary of State shall provide written notice to the applicant not later than 15 days after the date on which the application and affidavit are filed. The written notice must:

(a) Explain the incompleteness or deficiency in detail; and

(b) Identify with specificity the information or other items that are necessary to complete the application and affidavit properly.

4. The applicant shall provide a copy of the application and affidavit to the governing body of each local government located, in whole or in part, within each service area designated in the application. The applicant shall provide such a copy:

(a) Not later than 3 business days after the date on which the application and affidavit are first filed with the Secretary of State; and

(b) If a revised application and affidavit are filed, not later than 3 business days after the date on which the revised application and affidavit are filed with the Secretary of State.

5. The copy of the application and affidavit provided by the applicant to a governing body is for informational purposes only, and the governing body may not:

(a) Vote on or take other official action regarding the application and affidavit; or

(b) Require the applicant to obtain the approval of the governing body regarding the application and affidavit.

Sec. 34. ***1. Not later than 20 days after the date on which an applicant files a completed application and affidavit pursuant to section 33 of this act and pays any fee required by section 29.5 of this act, the Secretary of State shall issue a certificate of authority to the applicant.***

2. The certificate of authority issued by the Secretary of State is a state-issued franchise granting the holder of the certificate with the authority to:

(a) Provide video service in each service area designated in the application and affidavit filed with the Secretary of State; and

(b) Construct and operate a video service network in compliance with the provisions of this chapter and all local laws that are not in conflict or otherwise inconsistent with the provisions of this chapter or the purposes and objectives of this chapter.

3. The Secretary of State may not condition or limit a certificate of authority by imposing on the holder of the certificate any obligations or requirements that are not authorized by the provisions of this chapter, including, without limitation:

(a) Any build-out requirements, investment requirements or other requirements relating to infrastructure, facilities or deployment of equipment; or

(b) Any requirements to pay any application, document, franchise, service or other fee, tax, charge or assessment that is not authorized by the provisions of this chapter.

Sec. 35. ***1. If the holder of a certificate wants to add one or more new service areas to the certificate, the holder must:***

(a) File with the Secretary of State an application for an amendment to the certificate to add the new service areas; and

(b) Pay any fee required by section 29.5 of this act.

2. The application for an amendment to the certificate must contain a description of each new service area designated by the holder and a map of each new service area that shows the territorial boundaries of each local government located, in whole or in part, within the new service area.

3. The application for an amendment to the certificate is subject to the same procedures, requirements and time periods as an application for the issuance of a certificate pursuant to sections 33 and 34 of this act.

Sec. 36. ***1. If the holder of a certificate wants to modify the boundaries of an existing service area authorized under the certificate, the holder must file with the Secretary of State written notice of the modification and pay any fee required by section 29.5 of this act.***

2. The holder may make the modification on the date on which it files the written notice with the Secretary of State.

Sec. 37. ***1. If the holder of a certificate wants to terminate service to an existing service area authorized under the certificate, the holder must file with the Secretary of State written notice of the termination and pay any fee required by section 29.5 of this act.***

2. The holder may make the termination on the date on which it files the written notice with the Secretary of State.

Sec. 38. ***1. Except as otherwise provided in this section, a certificate of authority is fully transferable to any successor-in-interest of the holder of the certificate whether the transfer to the successor-in-interest arises through merger, sale, assignment, restructuring, change of control or any other type of transaction.***

2. The holder shall file with the Secretary of State written notice of the transfer of the certificate to the successor-in-interest and pay any fee required by section 29.5 of this act not later than 10 days after the date on which the transfer is completed.

3. Before the holder may transfer its certificate to the successor-in-interest, the successor-in-interest must agree that any collective bargaining agreement entered into by the holder shall continue to be honored, paid or performed by the successor-in-interest to the same extent as would be required if the holder continued to operate under its certificate unless such continued application of the collective bargaining agreement to the successor-in-interest is prohibited or limited by the terms of the agreement or by federal or state law. Any transfer of a certificate of authority that violates the provisions of this subsection is void and unenforceable and is not valid for any purpose.

Sec. 39. ***1. Not later than 24 months after the date on which the Secretary of State issues a certificate of authority pursuant to sections 33 and 34 of this act or an amended certificate of authority pursuant to section 35 of this act, the holder of the certificate must have the capability to offer and provide video service to at least one subscriber who resides within the territorial boundaries of each service area authorized by the certificate or the amended certificate.***

2. If a holder fails to comply with the provisions of subsection 1, the holder's certificate of authority shall be deemed to be revoked by operation of law without the need for any notice, hearing or action by the Secretary of State.

Sec. 40. ***A holder of a certificate shall provide video service in accordance with the certifications made by the holder in each application and affidavit that the holder files with the Secretary of State pursuant to section 33 or 35 of this act.***

Sec. 40.5. ***1. If a video service provider that is not an incumbent cable operator within the jurisdiction of a local government intends to construct facilities within the jurisdiction of the local government pursuant to a certificate of authority, the video service provider shall, until it has constructed all the facilities intended for the jurisdiction of the local government, prepare and submit to the local government a semiannual report which describes the number of service locations within the jurisdiction of the local government that are capable of receiving video service from the video service provider.***

2. The video service provider shall submit the report to the local government not later than 10 business days after the last day of the second and fourth calendar quarters of each year.

3. The information contained in a report that is submitted to a local government pursuant to this section:

(a) Is confidential proprietary information of the video service provider;

(b) Is not a public record; and

(c) Must not be disclosed to any person who is not an officer or employee of the local government unless the video service provider consents to the disclosure or the disclosure is made pursuant to subsection 4.

4. Upon request from the Director of the Legislative Counsel Bureau, a local government shall disclose the information contained in a report that is submitted to the local government pursuant to this section to the Director for confidential use by the Legislature and the Legislative Counsel Bureau. The information that is disclosed to the Director:

(a) Is confidential proprietary information of the video service provider;

(b) Is not a public record; and

(c) Must not be disclosed to any person who is not an officer or employee of the Legislature or the Legislative Counsel Bureau unless the video service provider consents to the disclosure.

Sec. 41. ***1. A video service provider shall activate and offer video service in a nondiscriminatory manner within each service area and shall not deny access to video service to any group of potential residential subscribers within a particular part of a service area because of the income profile of the persons who reside in that particular part of the service area.***

2. In providing video service, a video service provider shall comply with:

(a) The provisions of 47 U.S.C. § 551, as that section existed on January 1, 2007.

(b) The provisions of the National Electrical Safety Code, as adopted and as may be amended by the Institute of Electrical and Electronics

Engineers, Inc., with regard to the video service provider's construction practices and installation of equipment.

(c) Any technical standards governing the design, construction and operation of a video service network required by federal law.

(d) The provisions of 47 C.F.R. Part 11, as adopted and as may be amended by the Federal Communications Commission, to the extent those provisions require a video service provider to participate in the Emergency Alert System.

Sec. 42. ***1. A video service provider:***

(a) Shall comply with the provisions of 47 C.F.R. §§ 76.309, 76.1601 to 76.1604, inclusive, and 76.1618 to 76.1622, inclusive, as adopted and as may be amended by the Federal Communications Commission, with regard to the standards governing the quality of video service and customer service; and

(b) May not be required to comply with more stringent or different customer service obligations than those set forth in paragraph (a).

2. To facilitate the resolution of complaints regarding video service made by subscribers:

(a) A video service provider shall establish and maintain a customer service department and provide each subscriber with instructions for:

(1) Contacting the customer service department if the subscriber has a complaint regarding video service; and

(2) Contacting the local government if the video service provider does not resolve the complaint to the satisfaction of the subscriber.

➥ The video service provider shall provide such instructions to the subscriber in each bill and in any service-related notice or other direct correspondence which the video service provider sends to the subscriber and which is related to that subscriber's video service. For the purposes of this paragraph, "service-related notice or other direct correspondence" does not include general advertising, marketing, promotional or public service materials that the video service provider sends to other subscribers or the public generally.

(b) Each local government which is located in a county whose population is 25,000 or more and which collects a franchise fee pursuant to section 46 of this act shall establish a process to:

(1) Make available to the public a list of video service providers authorized to provide video service within the jurisdiction of the local government;

(2) Respond to inquiries from subscribers and disseminate information to those subscribers regarding the standards governing the quality of video service and customer service prescribed by subsection 1 and the procedures available to subscribers to resolve complaints with such video service providers;

(3) Coordinate the resolution of subscriber complaints with the customer service departments of such video service providers;

(4) Facilitate access by subscribers to procedures to seek corrective action or other redress from such video service providers for alleged violations of the customer service standards prescribed by subsection 1; and

(5) Maintain a record of the number and general subject matter of subscriber complaints against each such video service provider. The record must contain a separate listing for each such video provider and must be made available for public inspection.

3. Before a local government may take the action permitted by subsection 4 against a video service provider regarding a complaint from a subscriber:

(a) The subscriber must provide notice of the complaint to the video service provider by contacting the customer service department of the video service provider; and

(b) The video service provider must be given a period of not less than 10 business days after the date on which it receives the notice from the subscriber to resolve the complaint to the satisfaction of the subscriber.

4. If a local government has reasonable cause to believe that a video service provider has committed persistent or repeated violations of the customer service obligations that apply to the video service provider pursuant to this section, the local government may file a written complaint with the Bureau of Consumer Protection in the Office of the Attorney General pursuant to section 60 of this act.

Sec. 43. ***1. A video service provider may provide telecommunication service pursuant to chapter 704 of NRS and the regulations approved by the Public Utilities Commission of Nevada for telecommunication providers.***

2. A video service provider shall obtain a certificate of public convenience and necessity pursuant to NRS 704.330 before providing any telecommunication service that is subject to regulation by the Public Utilities Commission of Nevada.

3. A local government shall not require a video service provider to obtain a franchise from the local government to provide:

(a) Telecommunication service; or

(b) Interactive computer service,

➥ if the video service provider uses its own video service network within the jurisdiction of the local government to provide such service.

Sec. 44. (Deleted by amendment.)

Sec. 45. ***1. A local government shall not require a video service provider to place its facilities in ducts or conduits or on poles owned or leased by the local government.***

2. A local government shall manage the use of any public right-of-way or highway by video service providers in a manner that:

(a) Is consistent with federal and state law and the lawful police powers of the local government; and

(b) Is competitively neutral and does not:

(1) Discriminate among video service providers; or

(2) Discriminate between video service providers and any other users of the public right-of-way or highway for the construction and operation of facilities.

3. In managing any public right-of-way or highway, a local government may:

(a) Require a video service provider that is constructing, installing, working within, maintaining or repairing facilities in, on, under or over any public right-of-way or highway to obtain a construction, encroachment or occupancy permit or license for such work; and

(b) Inspect the construction, installation, maintenance or repair work performed on such facilities.

4. If a video service provider makes a request for such a permit or license, the local government shall act upon the request not later than 10 business days after the date on which the request is made.

5. A local government may charge a video service provider a fee to issue such a permit or license or to perform any inspection authorized by this section. The amount of any fee charged by a local government pursuant to this subsection may not exceed the actual costs incurred by the local government in administering the process of issuing such permits or licenses and performing such inspections.

6. If there is a situation necessitating emergency response work or repair in, on, under or over any public right-of-way or highway, a video service provider may begin that work or repair without prior approval from a local government if the provider notifies the local government as promptly as reasonably possible after learning of the need for that work or repair.

Sec. 46. ***1. For the privilege of providing video service through a video service network that occupies or uses, in whole or in part, any public right-of-way or highway within the jurisdiction of a local government, the local government may require a video service provider to pay a franchise fee to the local government based on the gross revenue that the provider receives from its subscribers within the jurisdiction of the local government.***

2. To require the payment of the franchise fee, the governing body of the local government must adopt a nondiscriminatory ordinance or resolution that imposes the franchise fee equally and uniformly on all video service providers operating within the jurisdiction of the local government.

3. The local government shall not require a video service provider to pay a franchise fee for any year in a total amount that exceeds 5 percent of the gross revenue that the provider received during that year from its subscribers within the jurisdiction of the local government.

4. The entire amount of the franchise fee must be paid by a video service provider directly to the local government in legal tender of the United States or in a check, draft or note that is payable in legal tender of the United States.

5. A video service provider may:

(a) Pass the franchise fee through to and collect the franchise fee from its subscribers within the jurisdiction of the local government based on the gross revenue received from each such subscriber; and

(b) Designate the amount of the franchise fee collected from each subscriber as a separate line item on the subscriber's bill.

6. Except as otherwise provided in subsection 7, the franchise fee authorized by this section:

(a) Is the only fee, tax, assessment or other charge that a local government may impose on a video service provider for the privilege of providing video service or constructing or operating a video service network within the jurisdiction of the local government; and

(b) Is in lieu of any other fee, tax, assessment or charge that may be imposed by a local government on a video service provider for its occupation or use of any public right-of-way or highway.

7. This section does not restrict the right of a local government to impose on a video service provider:

(a) The fees authorized by subsection 5 of section 45 of this act; and

(b) Any generally applicable and nondiscriminatory fees, ad valorem taxes, sales taxes or other taxes that are lawfully imposed on other businesses within the jurisdiction of the local government.

Sec. 47. ***1. Not more than once every 3 years, a local government may, upon reasonable written notice, review and audit the business records of a video service provider to the extent necessary to ensure payment of a franchise fee pursuant to this chapter. If the results of such a review and audit identify an underpayment of the franchise fee in an amount that requires corrective action, the local government may perform a subsequent compliance review and audit to determine whether the video service provider has corrected the underpayment of the franchise fee. The compliance review and audit must be performed not later than 12 months after the date on which the results of the initial review and audit are submitted to the local government.***

2. The local government and the video service provider shall each pay its own costs and fees relating to each review and audit performed pursuant to subsection 1, except that if the video service provider elects to have the local government review and audit the requested business records of the video service provider at a location outside the territorial boundaries of the local government, the video service provider shall pay the per diem allowances and travel expenses incurred by the local government to perform the review and audit at that location.

3. A person who performs a review and audit pursuant to subsection 1 may not receive compensation that is based, in whole or in part, on:

(a) Finding a particular result; or

(b) The amount of any underpayment of the franchise fee that is identified as a result of the review and audit.

4. Any action to recover a disputed underpayment of a franchise fee from a video service provider must be commenced and prosecuted by the Attorney General on behalf of the affected local governments.

5. A video service provider may bring an action against a local government to recover a disputed overpayment of a franchise fee to the local government.

6. Any action to recover a disputed underpayment or overpayment of a franchise fee must be commenced in a district court not later than 4 years after the last day of the tax year to which the disputed underpayment or overpayment relates.

7. Each party shall pay its own costs and attorney's fees in commencing and prosecuting any action involving a disputed underpayment or overpayment of a franchise fee.

Sec. 48. ***As used in sections 48 to 59, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 49 to 53, inclusive, have the meanings ascribed to them in those sections.***

Sec. 49. ***"Hub office" means the facility and related equipment located within a video service network at which video programming is received directly or indirectly from national or international content providers or broadcast networks and combined with local programming and channels for signal distribution to subscribers through central offices and related transmission or transport facilities.***

Sec. 50. ***"Locally produced video programming" means video programming produced for a service area by:***

1. One or more natural persons who reside within the service area; or

2. Any local government, educational institution or other public or nonprofit private entity located within the service area.

Sec. 51. ***"Nonrepeat locally produced video programming" includes, without limitation, the first three videocastings of an official meeting of a local government.***

Sec. 52. ***"PEG access channel" means a channel that videocasts PEG access programming.***

Sec. 53. ***"PEG access programming" means noncommercial public, educational and governmental video programming or the capacity for the transmission of such programming.***

Sec. 54. ***For the purposes of sections 48 to 59, inclusive, of this act, a PEG access channel shall be deemed to be "substantially utilized" if at least 12 hours of PEG access programming, excluding any alpha-numeric programming, is videocast on the PEG access channel each calendar day***

and at least 80 percent of the PEG access programming on each calendar day is nonrepeat locally produced video programming.

Sec. 54.5. ***1. Except as otherwise provided in subsection 2, the provisions of sections 48 to 59, inclusive, of this act do not apply to any existing PEG access channel in service on the effective date of this act.***

2. The provisions of sections 48 to 59, inclusive, of this act do not prevent a video service provider from changing the channel number assigned to any PEG access channel, including, without limitation, any existing PEG access channel in service on the effective date of this act. If a video service provider intends to change the channel number assigned to any PEG access channel, the provider:

(a) Shall use good faith efforts to provide the affected local government with written notice of the change, to the extent reasonably practicable, at least 120 days before the date on which the change is to become effective; and

(b) Shall not provide such notice less than 30 days before the date on which the change is to become effective.

Sec. 55. ***Except as otherwise provided in sections 48 to 59, inclusive, of this act, a holder of a certificate is not required to:***

1. Provide any network or channel capacity or free or discounted cable service or other service to any governmental entity or school, library or other public building; or

2. Furnish any funds, services, programming, facilities, staffing or equipment related to the use of PEG access channels or the production or videocasting of PEG access programming.

Sec. 56. ***1. Not sooner than 12 months after the date on which an incumbent cable operator obtains a certificate of authority, the incumbent cable operator may cease providing any network or channel capacity or free or discounted cable service or other service to any governmental entity or school, library or other public building.***

2. If an incumbent cable operator ceases to provide network or channel capacity to a governmental entity, the incumbent cable operator may reclaim for its own purposes the network or channel capacity that was used by the governmental entity unless:

(a) The governmental entity uses the capacity for PEG access programming pursuant to sections 48 to 59, inclusive, of this act; or

(b) The incumbent cable operator and the governmental entity enter into a commercial agreement regarding the rates, terms and conditions for the governmental entity to continue using the network or channel capacity.

Sec. 57. ***1. On or after the date on which a holder of a certificate first provides video service to at least one subscriber within the service area of a local government, the local government may request that the holder provide capacity for PEG access programming on its video service network on any service tier viewed by more than 50 percent of the subscribers in that service area. Within a reasonable period of not less than 120 days after***

the date on which the local government submits its request, the holder shall provide the local government with such capacity for PEG access programming subject to the provisions of sections 48 to 59, inclusive, of this act.

2. If a video service provider did not provide capacity for PEG access programming to a local government while operating pursuant to a local franchise, the video service provider shall, after obtaining a certificate of authority, provide capacity for PEG access programming to the local government upon a request made by the local government pursuant to this section.

Sec. 58. ***1. A local government that requests capacity for PEG access programming may require a holder of a certificate to designate:***

(a) Not more than two PEG access channels, if the population within the jurisdiction of the local government is less than 50,000.

(b) Not more than three PEG access channels, if the population within the jurisdiction of the local government is 50,000 or more.

2. The number of PEG access channels set forth in subsection 1 constitutes the total number of PEG access channels that the holder may be required to designate on any single video service network utilizing a single headend or hub office, or on all commonly owned video service networks that share a common headend or hub office, regardless of the number of local governments served from that headend or hub office. If more than one local government is served by a single or common headend or hub office, the populations within the jurisdictions of all those local governments must be aggregated to determine the total number of PEG access channels under subsection 1.

3. When a local government submits its request for capacity for PEG access programming, the local government must submit information which establishes that each PEG access channel it has requested will be substantially utilized. If one or more of the PEG access channels available under subsection 1 are being used at the headend or hub office when the local government submits its request, the holder is not required to make any of the remaining PEG access channels available to the local government unless the local government submits information which establishes that all existing PEG access channels at the headend or hub office are being substantially utilized.

4. Except as otherwise provided in subsection 5, if a local government does not substantially utilize a PEG access channel made available to it pursuant this section, the holder may reclaim the channel capacity for its own purposes. After reclaiming the channel capacity, if the local government makes a request for restoration of the PEG access channel and submits to the holder information which establishes that the PEG access channel will be substantially utilized, the holder shall restore the PEG access channel to the local government unless, when the request is submitted to the holder, the maximum number of PEG access channels

available under subsection 1 are being used at the headend or hub office which serves the local government. If the restoration can be made within the limits of subsection 1, the holder shall restore the PEG access channel to the local government within a reasonable period of not less than 120 days after the date on which the request is submitted to the holder.

5. The provisions of subsection 4 do not apply to the first PEG access channel which is made available to a local government that does not have a PEG access channel in service on the effective date of this act.

Sec. 59. ***1. A local government receiving the benefit of a PEG access channel, or its designee, is responsible for producing the programming of that channel and for providing that programming to the holder of a certificate. The holder is responsible only for the transmission of the programming to subscribers.***

2. A local government, or its designee, shall provide to the holder all programming for a PEG access channel in a manner or form that is:

(a) Capable of being accepted and transmitted by the holder over its video service network without alteration or change in the content or transmission signal; and

(b) Compatible with the technology or protocol utilized by the holder to deliver its video service.

3. A local government shall:

(a) Make the programming for each PEG access channel available in a nondiscriminatory manner to all holders or incumbent cable operators providing video service in the service area of the local government.

(b) Provide all facilities necessary for connectivity to a single PEG access channel distribution point in the service area of the local government, except that the first 200 feet extending from the video service network for the connectivity is the responsibility of the holder.

4. Where necessary and technically feasible, holders or incumbent cable operators shall use reasonable efforts to interconnect their video service networks for the purpose of exchanging PEG access channel programming on mutually acceptable rates, terms and conditions. Interconnection may be accomplished by direct cable microwave link, satellite or other reasonable methods of connection. Holders and incumbent cable operators shall negotiate interconnection in good faith. The person requesting interconnection is responsible for any costs, including, without limitation, signal transmission from the origination point to the point of interconnection.

Sec. 60. ***1. A video service provider or a local government may file with the Bureau of Consumer Protection a written complaint alleging a violation of the provisions of this chapter.***

2. Upon a written complaint filed by a video service provider or a local government pursuant to this section, the Consumer's Advocate may commence in a district court an action to enforce the provisions of this chapter and to seek equitable or declaratory relief.

3. If such an action is commenced against a video service provider and the district court determines that the provider has violated any provision of this chapter, the court shall issue an order to the provider directing the provider to take corrective action within a specified reasonable period and providing for such other equitable or declaratory relief as the court finds necessary, including, without limitation, suspending the certificate of authority held by the video service provider.

4. If the district court orders equitable or declaratory relief in an action brought by the Consumer's Advocate pursuant to this section, the court shall award the Consumer's Advocate, in an amount approved by the court, reasonable attorney's fees and costs incurred by the Consumer's Advocate in bringing the action.

5. The provisions of this section do not:

(a) Apply to any action authorized pursuant to NRS 711.265 to 711.290, inclusive, or section 47 of this act.

(b) Prevent the Bureau of Consumer Protection from enforcing any applicable provisions of chapter 598 of NRS against a video service provider.

6. As used in this section:

(a) "Bureau of Consumer Protection" means the Bureau of Consumer Protection in the Office of the Attorney General.

(b) "Consumer's Advocate" means the Consumer's Advocate of the Bureau of Consumer Protection.

Sec. 61. NRS 711.020 is hereby amended to read as follows:

711.020 [The words and phrases] *As* used in this chapter ~~[have the meanings ascribed to them]~~ ***, unless the context otherwise requires, the words and terms defined*** in NRS 711.030 to 711.074, inclusive, ~~[unless a different meaning clearly appears in the context.]~~ ***and sections 3 to 27, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 62. NRS 711.030 is hereby amended to read as follows:

711.030 *1.* "Community antenna television company" means any person ~~[or organization which]~~ ***who*** owns, controls, operates or manages a community antenna television system . ~~[, except that the definition]~~

2. The term does not include:

~~[1. A telephone, telegraph]~~

(a) A telecommunication provider or electric utility regulated by the Public Utilities Commission of Nevada where the ***telecommunication provider or electric*** utility merely leases or rents to a community antenna television company wires or cables for the redistribution of television signals to or toward subscribers of that company; or

~~[2. A telephone or telegraph utility]~~

(b) A telecommunication provider regulated by the Public Utilities Commission of Nevada where the ~~[utility]~~ ***telecommunication provider*** merely provides channels of communication under published tariffs filed

with that Commission to a community antenna television company for the redistribution of television signals to or toward subscribers of that company.

Sec. 63. NRS 711.040 is hereby amended to read as follows:

711.040 1. "Community antenna television system" means any facility ***, or any component thereof, which is:***

(a) Located within this State ~~[which is constructed]~~ *;*

(b) Constructed in whole or in part in, on, under or over any ***public right-of-way or*** highway ~~[or other public place and is operated]~~ *; and*

(c) Operated to perform for hire the service of:

~~[(a)]~~ *(1)* Receiving and amplifying the signals broadcast by one or more television stations or provided for public, educational or governmental purposes and redistributing those signals by wire, cable or other means of closed transmission; or

~~[(b)]~~ *(2)* Providing two-way interactive services by wire, cable or other means of closed transmission, including, without limitation, Internet services, intranet services and electronic mail,

➥ to members of the public who subscribe to the service.

2. ~~[Such a system]~~ ***The term*** does not include any system which serves:

(a) Fewer than 50 subscribers; or

(b) Only the residents of one or more apartment dwellings under common ownership, control or management, and commercial establishments located on the premises of those dwellings , if the buildings are separated by not more than one public ~~[street or]~~ right-of-way ~~[.]~~ ***or highway.***

3. As used in this section, "apartment dwelling" does not include a hotel, motel, condominium, town house or other similar dwelling.

Sec. 64. NRS 711.060 is hereby amended to read as follows:

711.060 "Facility" means all real property, antennae, poles, wires, cables, conduits, amplifiers, instruments, appliances, fixtures and other personal property used by a ~~[community antenna television company]~~ ***video service provider*** to provide service to its subscribers.

Sec. 65. NRS 711.074 is hereby amended to read as follows:

711.074 ***1.*** "Local government" means any city or county . ~~[which has the power to grant a franchise under NRS 711.190.]~~

2. The term includes, without limitation:

(a) Any entity or agency that is directly or indirectly controlled by any city or county; and

(b) Any entity or agency that is created by joint action or any interlocal or cooperative agreement of two or more cities or counties, or any combination thereof.

Sec. 66. NRS 711.175 is hereby amended to read as follows:

711.175 1. Except as otherwise provided in subsection 2 and NRS 318.1192 *:* ~~[, 318.1193 and 318.1194:]~~

(a) The governing body of a county whose population is 50,000 or more, and any entity or agency that is directly or indirectly controlled by such a

county, shall not sell ~~[the services of a community antenna television system]~~ ***video service*** to the general public.

(b) The governing body of a city whose population is 25,000 or more, and any entity or agency that is directly or indirectly controlled by such a city, shall not sell ~~[the services of a community antenna television system]~~ ***video service*** to the general public.

2. If the governing body of a county or city, or any entity or agency that is directly or indirectly controlled by such a county or city, was selling ~~[the services of a community antenna television system]~~ ***video service*** to the general public on April 1, 2003, it may continue to sell ~~[the services of a community antenna television system]~~ ***video service*** to the general public after that date, regardless of the population of the county or city.

Sec. 67. NRS 711.178 is hereby amended to read as follows:

711.178 1. If the governing body of a county or city is authorized pursuant to NRS 711.175 to sell ~~[the services of a community antenna television system]~~ ***video service*** to the general public, the governing body, and any entity or agency that is directly or indirectly controlled by the county or city, shall not construct, own, manage or operate a ~~[community antenna television system]~~ ***video service network*** in any area outside its territorial boundaries unless it:

(a) Obtains a ~~[franchise from the appropriate governing body pursuant to NRS 711.190]~~ ***certificate of authority*** for that portion of the ~~[community antenna television system]~~ ***video service network*** which it constructs, owns, manages or operates outside its territorial boundaries; and

(b) Complies with the same federal, state and local requirements that apply to a privately held ~~[community antenna television company]~~ ***video service provider*** with regard to that portion of the ~~[community antenna television system]~~ ***video service network*** which it constructs, owns, manages or operates outside its territorial boundaries.

2. ~~[On and after October 1, 2003, if]~~ ***If*** the governing body of a county or city is authorized pursuant to NRS 711.175 to sell ~~[the services of a community antenna television system]~~ ***video service*** to the general public, the governing body, and any entity or agency that is directly or indirectly controlled by the county or city, shall not construct, own, manage or operate a ~~[community antenna television system]~~ ***video service network*** in any area within its territorial boundaries which is governed by another governing body and which is served by one or more privately held ~~[community antenna television companies]~~ ***video service providers*** unless it:

(a) Obtains a ~~[franchise from the other governing body pursuant to NRS 711.190 or enters into an interlocal agreement with the other governing body;]~~ ***certificate of authority for that portion of the video service network which it constructs, owns, manages or operates within the jurisdiction of the other governing body;***

(b) Is required by the ~~[franchise or interlocal agreement]~~ ***certificate of authority*** to comply with the same ***federal, state and local*** requirements that

apply to the privately held ~~[community antenna television companies;]~~ ***video service providers with regard to that portion of the video service network which it constructs, owns, manages or operates within the jurisdiction of the other governing body;*** and

(c) Is prohibited by the ~~[franchise or interlocal agreement]~~ ***certificate of authority*** from providing the services of the ~~[community antenna television system,]~~ ***video service provider,*** free of charge, to any governmental officer or employee for his personal or household use.

3. The provisions of this section do not require the governing body of a county or city, or any entity or agency that is directly or indirectly controlled by the county or city, to obtain a certificate of authority for a service area if it is providing video service as an incumbent cable operator which holds an unexpired local franchise and which has elected pursuant to sections 32 and 32.5 of this act to continue to operate within that service area pursuant to the local franchise.

Sec. 68. NRS 711.240 is hereby amended to read as follows:

711.240 1. Except with respect to reasonable promotional activities, a ~~[person]~~ ***video service provider*** shall not advertise, offer to provide or provide any ***video*** service to subscribers ~~[of television services]~~ at a rate, including any rebate, less than the cost to the ~~[company]~~ ***video service provider*** to provide ~~[the service which is advertised, offered or provided]~~ ***that service*** with the intent to:

(a) Impair fair competition or restrain trade among ~~[companies]~~ ***video service providers*** which provide ~~[services]~~ ***video service*** in the same area; or

(b) Create a monopoly.

2. For the purposes of this section, "cost" means the expense of doing business including, without limitation, expenses for labor, rent, depreciation, interest, maintenance, delivery of the ***video*** service, franchise fees, taxes, insurance and advertising.

3. ~~[A community antenna television company may offer any telecommunication or related services which are offered in the same area by a telephone company, pursuant to chapter 704 of NRS and regulations approved by the Public Utilities Commission of Nevada for providers of similar services. A community antenna television company shall obtain a certificate of public convenience and necessity pursuant to NRS 704.330 before providing telecommunication or related services which are subject to regulation by the Public Utilities Commission of Nevada.~~

~~4.]~~ A violation of subsection 1 constitutes a prohibited act under NRS 598A.060. The Attorney General and any other person may exercise the powers conferred by that chapter to prevent, remedy or punish such a violation. The provisions of chapter 598A of NRS apply to any such violation.

Sec. 69. NRS 711.255 is hereby amended to read as follows:

711.255 1. A landlord shall not:

(a) Interfere with the receipt of service by a tenant from a ~~[community antenna television company]~~ ***video service provider*** or discriminate against a tenant for receiving ~~[such a company's service.]~~ ***service from a video service provider.***

(b) Except as otherwise provided in subsection 3, demand or accept payment of any fee, charge or valuable consideration from a ~~[community antenna television company]~~ ***video service provider*** or a tenant in exchange for granting access to the ~~[community antenna television company]~~ ***provider*** to provide ~~[its services]~~ ***service*** to the tenant.

2. A ~~[community antenna television company]~~ ***video service provider*** which desires to provide ~~[such services]~~ ***service*** to a tenant shall give 30 days' written notice of that desire to the landlord before the ~~[company]~~ ***provider*** takes any action to provide that service. Before authorizing the receipt of such service a landlord may:

(a) Take such reasonable steps as are necessary to ensure that the safety, function and appearance of the premises and the convenience and safety of persons on the property are not adversely affected by the installation, construction, operation or maintenance of the facilities necessary to provide the service, and is entitled to be reimbursed by the ~~[community antenna television company]~~ ***provider*** for the reasonable expenses incurred;

(b) Require that the cost of the installation, construction, operation, maintenance or removal of the necessary facilities be borne by the ~~[community antenna television company;]~~ ***provider;*** and

(c) Require the ~~[community antenna television company]~~ ***provider*** to provide evidence that the ~~[company]~~ ***provider*** will indemnify the landlord for any damage caused by the installation, construction, operation, maintenance or removal of the facilities.

3. A landlord is entitled to receive reasonable compensation for any direct adverse economic effect resulting from granting access to a ~~[community antenna television company.]~~ ***video service provider.*** There is a rebuttable presumption that the direct adverse economic effect resulting from granting access to the real property of the landlord is $1,000 or $1 for each dwelling unit thereon, whichever sum is greater. If a landlord intends to require the payment of such compensation in an amount exceeding that sum, the landlord shall notify the ~~[community antenna television company]~~ ***provider*** in writing of that intention. If the ~~[company]~~ ***provider*** does not receive such a notice within 20 days after the landlord is notified by the ~~[company]~~ ***provider*** that a tenant has requested the ~~[company]~~ ***provider*** to provide ~~[its services]~~ ***service*** to the tenant on the landlord's premises, the landlord may not require compensation for access to that tenant's dwelling unit in an amount exceeding $1,000. If within 30 days after receiving a landlord's request for compensation in an amount exceeding $1,000, the ~~[company]~~ ***provider*** has not agreed to pay the requested amount or an amount mutually acceptable to the ~~[company]~~ ***provider*** and the landlord, the landlord may petition a court of competent jurisdiction to set a reasonable amount of

compensation for the damage of or taking of his real property. Such an action must be filed within 6 months after the date the ~~[company]~~ ***provider*** completes construction.

4. In establishing the amount which will constitute reasonable compensation for any damage or taking ***claim*** by a landlord in excess of the sum established by rebuttable presumption pursuant to subsection 3, the court shall consider:

(a) The extent to which the ~~[community antenna television company's]~~ facilities ***of the video service provider*** physically occupy the premises;

(b) The actual long-term damage which the ~~[company's]~~ facilities ***of the video service provider*** may cause to the premises;

(c) The extent to which the ~~[company's]~~ facilities ***of the video service provider*** would interfere with the normal use and enjoyment of the premises; and

(d) The diminution or enhancement in value of the premises resulting from the availability of the service.

~~[➥ The court may also award to the prevailing party reasonable attorney's fees.]~~

5. The ~~[company's]~~ right ***of a video service provider*** to construct, install or repair its facilities and maintain its services within and upon the landlord's premises is not affected or impaired because the landlord requests compensation in an amount exceeding the sum established by rebuttable presumption pursuant to subsection 3, or files an action to assert a specific claim against the ~~[company.]~~ ***provider.***

6. A ~~[community antenna television company]~~ ***video service provider*** shall not offer a special discount or other benefit to a particular group of tenants as an incentive ***for those tenants*** to request ~~[the company's services,]~~ ***service from the provider,*** unless the same discount or benefit is offered generally in the county.

7. ~~[The community antenna television company and the]~~ ***A video service provider and a*** landlord shall negotiate in good faith for the purchase of the landlord's existing cable facilities rather than for the construction of new facilities on the premises.

8. As used in this section, "landlord" means an owner of real property, or his authorized representative, who provides a dwelling unit on the real property for occupancy by another for valuable consideration. The term includes, without limitation, the lessor of a mobile home lot and the lessor or operator of a mobile home park.

Sec. 70. NRS 711.265 is hereby amended to read as follows:

711.265 1. Any person who:

(a) By the attachment of a ground wire, or by any other contrivance, willfully destroys the insulation of a ~~[telecommunications line of a community antenna television company,]~~ ***wire, cable, conduit, line or similar facility of a video service provider*** or interrupts the transmission of

the electric current through ~~[the line;]~~ ***such a wire, cable, conduit, line or similar facility;***

(b) Willfully interferes with the use of ~~[any such line,]~~ ***such a wire, cable, conduit, line or similar facility*** or obstructs or postpones the transmission of any message *or signal* over ~~[the line;]~~ ***such a wire, cable, conduit, line or similar facility;*** or

(c) Procures or advises any such injury, interference or obstruction,

➥ is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of any property damaged, altered, removed or destroyed and in no event less than a misdemeanor.

2. Any person who violates the provisions of subsection 1 is, in addition to the penalty set forth in that subsection, liable to the ~~[community antenna television company]~~ ***video service provider*** injured by such conduct in a civil action for all damages occasioned thereby.

Sec. 71. NRS 711.270 is hereby amended to read as follows:

711.270 1. It is unlawful for a person knowingly , ~~[and]~~ with the intent to intercept or receive a program or other service provided by a ~~[community antenna television company,]~~ ***video service provider and*** without the authorization of the ~~[company,]~~ ***provider,*** to:

(a) Make a connection or attach a device to a line or other ~~[component of a community antenna television company;]~~ ***facility of the provider;***

(b) Purchase or possess a device or kit designed to intercept or receive a program or other service provided by the ~~[community antenna television company;]~~ ***provider;***

(c) Make or maintain a modification to a device installed by or with the authorization of ~~[a community antenna television company]~~ ***the provider*** to intercept or receive a program or other service provided by the ~~[community antenna television company;]~~ ***provider;*** or

(d) Manufacture, import, distribute, advertise, sell, lease, offer to sell or lease, or possess with the intent to sell or lease a device designed to decode, descramble, intercept or otherwise make intelligible a signal encoded by ~~[a community antenna television company.]~~ ***the provider.***

2. Unless a greater penalty is provided in NRS 711.265:

(a) Except as otherwise provided in paragraph (b), a person who violates paragraph (a), (b) or (c) of subsection 1 is guilty of a misdemeanor.

(b) A person who violates paragraph (a), (b) or (c) of subsection 1 for commercial advantage, whether direct or indirect, is guilty of a gross misdemeanor.

(c) A person who violates paragraph (d) of subsection 1:

(1) If the violation involves nine or fewer devices, is guilty of a gross misdemeanor.

(2) If the violation involves 10 or more devices, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 72. NRS 711.280 is hereby amended to read as follows:

711.280 1. A person who violates paragraph (a), (b) or (c) of subsection 1 of NRS 711.270 is, in addition to being criminally liable pursuant to NRS 711.270, civilly liable to the ~~[community antenna television company]~~ ***video service provider*** injured by the conduct for $3,500 or three times any actual damages incurred by the company, whichever is greater, and reasonable attorney's fees.

2. A person who violates paragraph (d) of subsection 1 of NRS 711.270 is, in addition to being criminally liable pursuant to NRS 711.270, civilly liable to the ~~[community antenna television company]~~ ***video service provider*** injured by the conduct for $5,000 or three times any actual damages incurred by the company, whichever is greater, and reasonable attorney's fees.

3. In any action brought pursuant to this section, proof that any of the acts prohibited in subsection 1 were committed on or about the premises occupied by the defendant is prima facie evidence that such acts were committed by the defendant.

4. ~~[An owner or operator of a community antenna television company]~~ *A* ***video service provider*** may bring an action to enjoin any violation of NRS 711.270.

Sec. 73. NRS 37.010 is hereby amended to read as follows:

37.010 Subject to the provisions of this chapter, the right of eminent domain may be exercised in behalf of the following public purposes:

1. Federal activities. All public purposes authorized by the Government of the United States.

2. State activities. Public buildings and grounds for the use of the State, the Nevada System of Higher Education and all other public purposes authorized by the Legislature.

3. County, city, town and school district activities. Public buildings and grounds for the use of any county, incorporated city or town, or school district, reservoirs, water rights, canals, aqueducts, flumes, ditches or pipes for conducting water for the use of the inhabitants of any county, incorporated city or town, for draining any county, incorporated city or town, for raising the banks of streams, removing obstructions therefrom, and widening, deepening or straightening their channels, for roads, streets and alleys, and all other public purposes for the benefit of any county, incorporated city or town, or the inhabitants thereof.

4. Bridges, toll roads, railroads, street railways and similar uses. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, byroads, plank and turnpike roads, roads for transportation by traction engines or locomotives, roads for logging or lumbering purposes, and railroads and street railways for public transportation.

5. Ditches, canals, aqueducts for smelting, domestic uses, irrigation and reclamation. Reservoirs, dams, water gates, canals, ditches, flumes, tunnels, aqueducts and pipes for supplying persons, mines, mills, smelters or other works for the reduction of ores, with water for domestic and other uses, for

irrigating purposes, for draining and reclaiming lands, or for floating logs and lumber on streams not navigable.

6. Mining, smelting and related activities. Mining, smelting and related activities as follows:

(a) Mining and related activities, which are recognized as the paramount interest of this State.

(b) Roads, railroads, tramways, tunnels, ditches, flumes, pipes, reservoirs, dams, water gates, canals, aqueducts and dumping places to facilitate the milling, smelting or other reduction of ores, the working, reclamation or dewatering of mines, and for all mining purposes, outlets, natural or otherwise, for the deposit or conduct of tailings, refuse, or water from mills, smelters, or other work for the reduction of ores from mines, mill dams, pipelines, tanks or reservoirs for natural gas or oil, an occupancy in common by the owners or possessors of different mines, mills, smelters or other places for the reduction of ores, or any place for the flow, deposit or conduct of tailings or refuse matter and the necessary land upon which to erect smelters and to operate them successfully, including the deposit of fine flue dust, fumes and smoke.

7. Byroads. Byroads leading from highways to residences and farms.

8. Public utilities. Lines for telegraph, telephone, electric light and electric power and sites for plants for electric light and power.

9. Sewerage. Sewerage of any city, town, settlement of not less than 10 families or any public building belonging to the State or college or university.

10. Water for generation and transmission of electricity. Canals, reservoirs, dams, ditches, flumes, aqueducts and pipes for supplying and storing water for the operation of machinery to generate and transmit electricity for power, light or heat.

11. Cemeteries, public parks. Cemeteries or public parks.

12. Pipelines of beet sugar industry. Pipelines to conduct any liquids connected with the manufacture of beet sugar.

13. Pipelines for petroleum products, natural gas. Pipelines for the transportation of crude petroleum, petroleum products or natural gas, whether interstate or intrastate.

14. Aviation. Airports, facilities for air navigation and aerial rights-of-way.

15. Monorails. Monorails and any other overhead or underground system used for public transportation.

16. ~~[Community antenna television companies. Community antenna television companies which have been granted a franchise from the governing body of the jurisdictions in which they provide services.]~~ ***Video service providers. Video service providers that are authorized pursuant to chapter 711 of NRS to operate a video service network.*** The exercise of the power of eminent domain may include the right to use the wires, conduits, cables or poles of any public utility if:

(a) It creates no substantial detriment to the service provided by the utility;

(b) It causes no irreparable injury to the utility; and

(c) The Public Utilities Commission of Nevada, after giving notice and affording a hearing to all persons affected by the proposed use of the wires, conduits, cables or poles, has found that it is in the public interest.

17. Redevelopment. The acquisition of property pursuant to NRS 279.382 to 279.685, inclusive.

Sec. 74. NRS 118B.0195 is hereby amended to read as follows:

118B.0195 "Utility" includes ~~[a]~~ *:*

1. ***A*** public utility which provides:

~~[1.]~~ ***(a)*** Electricity;

~~[2.]~~ ***(b)*** Natural gas;

~~[3.]~~ ***(c)*** Liquefied petroleum gas;

~~[4. Cable television;~~

~~5.]~~ ***(d)*** Sewer services;

~~[6.]~~ ***(e)*** Garbage collection; or

~~[7.]~~ ***(f)*** Water.

2. A video service provider which provides video service pursuant to chapter 711 of NRS.

Sec. 75. NRS 205.0829 is hereby amended to read as follows:

205.0829 "Services" includes labor, professional services, transportation, cable television ~~[,]~~ ***or other video service,*** telephone, gas or electricity services, accommodations in hotels, restaurants, leased premises or elsewhere, admissions to exhibitions and the use of vehicles or other movable property.

Sec. 76. NRS 205.4743 is hereby amended to read as follows:

205.4743 1. "Information service" means a service that is designed or has the capability to generate, process, store, retrieve, convey, emit, transmit, receive, relay, record or reproduce any data, information, image, program, signal or sound by means of any component, device, equipment, system or network, including, without limitation, by means of:

(a) A computer, computer system, computer network, modem or scanner.

(b) A telephone, cellular phone, satellite phone, pager, personal communications device or facsimile machine.

(c) Any type of transmitter or receiver.

(d) Any other component, device, equipment, system or network that uses analog, digital, electronic, electromagnetic, magnetic or optical technology.

2. The term does not include ~~[a community antenna television company,]~~ ***video service,*** as defined in ~~[NRS 711.030.]~~ ***section 25 of this act.***

Sec. 76.3. NRS 228.340 is hereby amended to read as follows:

228.340 1. Except as otherwise provided by NRS 598A.260, all money collected by the Bureau of Consumer Protection pursuant to NRS 704.033 ***and chapter 711 of NRS*** and ***pursuant*** to those provisions ***of NRS*** relating to private investigators and unfair trade practices must be deposited with the

State Treasurer for credit to the Account for the Bureau of Consumer Protection.

2. Money in the Account may be used only to defray the costs of maintaining the Office of the Consumer's Advocate and for carrying out the provisions of NRS 228.300 to 228.390, inclusive.

3. All claims against the Account must be paid as other claims against the State are paid.

Sec. 76.5. NRS 228.380 is hereby amended to read as follows:

228.380 1. Except as otherwise provided in this section, the Consumer's Advocate may exercise the power of the Attorney General in areas of consumer protection, including, but not limited to, enforcement of chapters 90, 597, 598, 598A, 598B, 598C ~~[and]~~ , 599B ***and 711*** of NRS.

2. The Consumer's Advocate may not exercise any powers to enforce any criminal statute set forth in ~~[chapters]~~ *:*

(a) Chapters 90, 597, 598, 598A, 598B, 598C or 599B of NRS for any transaction or activity that involves a proceeding before the Public Utilities Commission of Nevada if the Consumer's Advocate is participating in that proceeding as a real party in interest on behalf of the customers or a class of customers of utilities ~~[~~.

~~2.]~~ ***; or***

(b) Chapter 711 of NRS.

3. The Consumer's Advocate may expend revenues derived from NRS 704.033 only for activities directly related to the protection of customers of public utilities.

~~[3.]~~ ***4.*** The powers of the Consumer's Advocate do not extend to proceedings before the Public Utilities Commission of Nevada directly relating to discretionary or competitive telecommunication services.

Sec. 77. NRS 244.186 is hereby amended to read as follows:

244.186 1. If the governing body of a county is authorized pursuant to NRS 711.175 to sell video ~~[programming services]~~ ***service*** to the general public over a ~~[community antenna television system,]~~ ***video service network,*** the governing body, and any entity or agency that is directly or indirectly controlled by the county, shall not do any of the following:

(a) Sell such video ~~[programming services]~~ ***service*** at a price that is less than the actual cost of the video ~~[programming services]~~ ***service*** or sell a bundle of services containing such video ~~[programming services]~~ *service* at a price that is less than the actual cost of the bundle of services.

(b) Use any money from the county general fund for the provision of such video ~~[programming services]~~ ***service*** over its ~~[community antenna television system.]~~ ***video service network.***

(c) Use its rights-of-way, its property or any special power it may possess by virtue of its status as a government or a government-owned utility to:

(1) Create a preference or advantage for its ~~[community antenna television system;]~~ ***video service network;*** or

(2) Impose any discriminatory burden on any privately held ~~[community antenna television company.]~~ ***video service provider.***

2. The provisions of this section must be enforced in the manner set forth in paragraph (c) of subsection 4 of NRS 354.624 and paragraph (c) of subsection 5 of NRS 354.624.

3. The provisions of this section do not create an exclusive remedy and do not abrogate or limit any other action or remedy that is available to the governing body or a privately held ~~[community antenna television company]~~ ***video service provider*** pursuant to any other statute or the common law.

4. As used in this section:

(a) ~~["Community antenna television company"]~~ ***"Video service"*** has the meaning ascribed to it in ~~[NRS 711.030.~~

~~(b) "Community antenna television system" has the meaning ascribed to it in NRS 711.040.~~

~~(c) "Video programming services" means services which are provided over a community antenna television system and which contain:~~

~~(1) Programming provided by a television broadcast station; or~~

~~(2) Programming that is generally considered comparable to programming provided by a television broadcast station.]~~ ***section 25 of this act.***

(b) "Video service network" has the meaning ascribed to it in section 26 of this act.

(c) "Video service provider" has the meaning ascribed to it in section 27 of this act.

Sec. 78. NRS 271.204 is hereby amended to read as follows:

271.204 "Service facilities" means any works or improvements used or useful in providing:

1. Electric or communication service; or

2. Service from a ~~[community antenna television system]~~ ***video service network,*** as that term is defined in ~~[NRS 711.040,]~~ ***section 26 of this act,***

➥ including, but not limited to, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, capacitors, meters, communication circuits, appliances, attachments and appurtenances.

Sec. 79. NRS 271.2045 is hereby amended to read as follows:

271.2045 "Service provider" means:

1. A person or corporation subject to the jurisdiction of the Public Utilities Commission of Nevada that provides electric or communication service to the public; and

2. A ~~[community antenna television company]~~ ***video service provider,*** as that term is defined in ~~[NRS 711.030]~~ ***section 27 of this act,*** that provides service from a ~~[community antenna television system,]~~ ***video service network,***

➥ by means of service facilities.

Sec. 80. NRS 271.850 is hereby amended to read as follows:

271.850 1. The service facilities within the boundaries of each lot within a district to finance an underground conversion project established pursuant to NRS 271.800 must be placed underground at the same time as or after the underground system in private easements and public places is placed underground. The service provider involved, directly or through a contractor, shall, in accordance with the rules and regulations of the service provider, but subject to the regulations of the Public Utilities Commission of Nevada and any other applicable laws, ordinances, rules or regulations of the municipality or any other public agency under the police power, convert to underground its facilities on any such lot:

(a) For service facilities that provide electric service, up to the service entrance.

(b) For service facilities that provide communication service or service from a ~~[community antenna television system]~~ ***video service network,*** as that term is defined in ~~[NRS 711.040,]~~ ***section 26 of this act,*** up to the connection point within the house or structure.

2. All costs or expenses of conversion must be included in the cost on which the cost of the underground conversion for that property is calculated.

3. As used in this section, "lot" includes any portion, piece or parcel of land.

Sec. 81. NRS 278.329 is hereby amended to read as follows:

278.329 A governing body or its authorized representative may relieve a person who proposes to divide land pursuant to NRS 278.360 to 278.460, inclusive, or 278.471 to 278.4725, inclusive, from the requirement to dedicate easements to public utilities that provide gas, electric, telecommunications, water and sewer services and any ~~[franchised community antenna television companies]~~ ***video service providers*** pursuant to paragraph (d) or (e) of subsection 9 of NRS 278.372 or paragraph (c) or (d) of subsection 4 of NRS 278.472 if the person demonstrates to the public body or its authorized representative that there is not an essential nexus to the public purpose for the dedication and the dedication is not roughly proportional in nature and extent to the impact of the proposed development.

Sec. 82. NRS 278.372 is hereby amended to read as follows:

278.372 1. The final map must be clearly and legibly drawn in permanent black ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such purpose in the engineering profession. Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the final map with permanent black ink.

2. The size of each sheet of the final map must be 24 by 32 inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom, and right edges, and of 2 inches at the left edge along the 24-inch dimension.

3. The scale of the final map must be large enough to show all details clearly. The final map must have a sufficient number of sheets to accomplish this end.

4. Each sheet of the final map must indicate its particular number, the total number of sheets in the final map and its relation to each adjoining sheet.

5. The final map must show all surveyed and mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including the bearings and distances of straight lines, central angle, radii and arc length for all curves and such information as may be necessary to determine the location of the centers of curves.

6. Each lot must be numbered or lettered.

7. Each street must be named and each block may be numbered or lettered.

8. The exterior boundary of the land included within the subdivision must be indicated by graphic border.

9. The final map must show:

(a) The definite location of the subdivision, particularly its relation to surrounding surveys.

(b) The area of each lot and the total area of the land in the subdivision in the following manner:

(1) In acres, calculated to the nearest one-hundredth of an acre, if the area is 2 acres or more; or

(2) In square feet if the area is less than 2 acres.

(c) Any roads or easements of access which the owner intends to offer for dedication.

(d) Except as otherwise provided in NRS 278.329, an easement for public utilities that provide gas, electric and telecommunications services and for any ~~[community antenna television companies that have a franchise]~~ ***video service providers that are authorized pursuant to chapter 711 of NRS*** to operate a ~~[community antenna television system]~~ ***video service network*** in that area.

(e) Except as otherwise provided in NRS 278.329, an easement for public utilities that provide water and sewer services.

10. The final map for a condominium must also indicate, for the purpose of assessing taxes, whether any garage units, parking spaces or storage units may be conveyed separately from the units within the condominium or are parceled separately from those units. As used in this subsection, "condominium" has the meaning ascribed to it in NRS 116.027.

11. The final map must also satisfy any additional survey and map requirements, including the delineation of Nevada state plane coordinates established pursuant to chapter 327 of NRS, for any corner of the subdivision or any other point prescribed by the local ordinance.

Sec. 83. NRS 278.374 is hereby amended to read as follows:

278.374 1. Except as otherwise provided in subsection 2, a final map presented for filing must include a certificate signed and acknowledged, in

the manner provided in NRS 240.1665 or 240.167, by each person who is an owner of the land:

(a) Consenting to the preparation and recordation of the final map.

(b) Offering for dedication that part of the land which the person wishes to dedicate for public use, subject to any reservation contained therein.

(c) Reserving any parcel from dedication.

(d) Granting any permanent easement for utility or ~~[community antenna television cable]~~ ***video service network*** installation or access, as designated on the final map, together with a statement approving such easement, signed by the public utility, ~~[community antenna television company]~~ ***video service provider*** or person in whose favor the easement is created or whose services are required.

2. If the map presented for filing is an amended map of a common-interest community, the certificate need only be signed and acknowledged by a person authorized to record the map under chapter 116 of NRS.

3. A final map of a common-interest community presented for recording and, if required by local ordinance, a final map of any other subdivision presented for recording must include:

(a) A report from a title company in which the title company certifies that it has issued a guarantee for the benefit of the local government which lists the names of:

(1) Each owner of record of the land to be divided; and

(2) Each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust.

➥ The guarantee accompanying a final map of a common-interest community must also show that there are no liens of record against the common-interest community or any part thereof for delinquent state, county, municipal, federal or local taxes or assessments collected as taxes or special assessments.

(b) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a), to the preparation and recordation of the final map. A holder of record may consent by signing:

(1) The final map; or

(2) A separate document that is filed with the final map and declares his consent to the division of land.

4. For the purpose of this section, the following shall be deemed not to be an interest in land:

(a) A lien for taxes or special assessments.

(b) A trust interest under a bond indenture.

5. As used in this section, "guarantee" means a guarantee of the type filed with the Commissioner of Insurance pursuant to paragraph (e) of subsection 1 of NRS 692A.120.

Sec. 84. NRS 278.4713 is hereby amended to read as follows:

278.4713 1. Unless the filing of a tentative map is waived, a person who proposes to make a division of land pursuant to NRS 278.471 to 278.4725, inclusive, must first:

(a) File a tentative map for the area in which the land is located with the planning commission or its designated representative or with the clerk of the governing body if there is no planning commission; and

(b) Pay a filing fee of no more than $750 set by the governing body.

2. This map must be:

(a) Entitled "Tentative Map of Division into Large Parcels"; and

(b) Prepared and certified by a professional land surveyor.

3. This map must show:

(a) The approximate, calculated or actual acreage of each lot and the total acreage of the land to be divided.

(b) Any roads or easements of access which exist, are proposed in the applicable master plan or are proposed by the person who intends to divide the land.

(c) Except as otherwise provided in NRS 278.329, an easement for public utilities that provide gas, electric and telecommunications services and for any ~~[community antenna television companies that have a franchise]~~ ***video service providers that are authorized pursuant to chapter 711 of NRS*** to operate a ~~[community antenna television system]~~ ***video service network*** in that area.

(d) Except as otherwise provided in NRS 278.329, an easement for public utilities that provide water and sewer services.

(e) Any existing easements for irrigation or drainage, and any normally continuously flowing watercourses.

(f) An indication of any existing road or easement which the owner does not intend to dedicate.

(g) The name and address of the owner of the land.

Sec. 85. NRS 278.472 is hereby amended to read as follows:

278.472 1. After the planning commission or the governing body or its authorized representative has approved the tentative map or waived the requirement of its filing, or 60 days after the date of its filing, whichever is earlier, the person who proposes to divide the land may file a final map of the division with the governing body or its authorized representative or, if authorized by the governing body, with the planning commission. The map must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.

2. This map must be:

(a) Entitled "Map of Division into Large Parcels."

(b) Filed with the governing body or its authorized representative or, if authorized by the governing body, with the planning commission not later than 1 year after the date that the tentative map was first filed with the

planning commission or the governing body or its authorized representative or that the requirement of its filing was waived.

(c) Prepared by a professional land surveyor.

(d) Based upon an actual survey by the preparer and show the date of the survey and contain the certificate of the surveyor required pursuant to NRS 278.375.

(e) Clearly and legibly drawn in permanent black ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for this purpose in the engineering profession. Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with permanent black ink.

(f) Twenty-four by 32 inches in size with a marginal line drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom, and right edges, and of 2 inches at the left edge along the 24-inch dimension.

(g) Of scale large enough to show clearly all details.

3. The particular number of the sheet and the total number of sheets comprising the map must be stated on each of the sheets, and its relation to each adjoining sheet must be clearly shown.

4. This map must show and define:

(a) All subdivision lots by the number and actual acreage of each lot.

(b) Any roads or easements of access which exist and which the owner intends to offer for dedication, any roads or easements of access which are shown on the applicable master plan and any roads or easements of access which are specially required by the planning commission or the governing body or its authorized representative.

(c) Except as otherwise provided in NRS 278.329, an easement for public utilities that provide gas, electric and telecommunications services and for any ~~[community antenna television companies that have a franchise]~~ ***video service providers that are authorized pursuant to chapter 711 of NRS*** to operate a ~~[community antenna television system]~~ ***video service network*** in that area.

(d) Except as otherwise provided in NRS 278.329, an easement for public utilities that provide water and sewer services.

(e) Any existing easements for irrigation or drainage, and any normally continuously flowing watercourses.

Sec. 86. NRS 318.1192 is hereby amended to read as follows:

318.1192 In the case of a district created wholly or in part for acquiring television maintenance facilities, the board shall have power to:

1. Acquire television broadcast, transmission and relay improvements ~~[.]~~ ***and construct and operate a video service network pursuant to chapter 711 of NRS.***

2. Levy special assessments against specially benefited real property on which are located television receivers operated within the district and able to receive television broadcasts supplied by the district.

3. Fix tolls, rates and other service or use charges for services furnished by the district or facilities of the district, including, without limitation, any one, all or any combination of the following:

(a) Flat rate charges;

(b) Charges classified by the number of receivers;

(c) Charges classified by the value of property served by television receivers;

(d) Charges classified by the character of the property served by television receivers;

(e) Minimum charges;

(f) Stand-by charges; or

(g) Other charges based on the availability of service.

4. The district shall not have the power in connection with the basic power stated in this section to borrow money which loan is evidenced by the issuance of any general obligation bonds or other general obligations of the district.

Sec. 87. NRS 354.59881 is hereby amended to read as follows:

354.59881 As used in NRS 354.59881 to 354.59889, inclusive, unless the context otherwise requires, the words and terms defined in NRS ~~[354.598811]~~ ***354.598812*** to 354.598818, inclusive, have the meanings ascribed to them in those sections.

Sec. 88. NRS 354.598814 is hereby amended to read as follows:

354.598814 "Fee" means a charge imposed by a city or county upon a public utility for a business license, franchise or right-of-way over streets or other public areas, except ~~[:~~

~~1. Any]~~ ***any*** charge paid pursuant to the provisions of NRS 709.110, 709.230 or 709.270 . ~~[; or~~

~~2. A term or condition of a franchise granted by:~~

~~(a) A county whose population is 400,000 or more, or by an incorporated city that is located in whole or in part within such a county, that requires a community antenna television company to provide channels for public, educational or governmental access.~~

~~(b) A county or an incorporated city not specified in paragraph (a) that requires a community antenna television company to provide channels, facilities or equipment for public, educational or governmental access.]~~

Sec. 89. NRS 354.598817 is hereby amended to read as follows:

354.598817 ***1.*** "Public utility" includes ~~[:~~

~~1. A]~~ ***a*** person or local government that:

(a) Provides electric energy or gas, whether or not the person or local government is subject to regulation by the Public Utilities Commission of Nevada;

(b) Is a telecommunication carrier as that term is defined in 47 U.S.C. § 153 on July 16, 1997, if the person or local government holds a certificate of public convenience and necessity issued by the Public Utilities

Commission of Nevada and derives intrastate revenue from the provision of telecommunication service to retail customers; or

(c) Sells or resells personal wireless services.

2. ~~[A community antenna television company as that term is]~~ ***The term does not include a video service provider, as*** defined in ~~[NRS 711.030.]~~ ***section 27 of this act.***

Sec. 90. NRS 354.598818 is hereby amended to read as follows:

354.598818 "Revenue" does not include:

1. Any proceeds from the interstate sale of natural gas to a provider of electric energy that holds a certificate of public convenience and necessity issued by the Public Utilities Commission of Nevada; ***or***

2. Any revenue of a provider of a telecommunication service other than intrastate revenue that the provider collects from retail customers . ~~[; or~~

~~3. The amount deducted from the gross revenue of a community antenna television company pursuant to paragraph (b) of subsection 2 of NRS 711.200.]~~

Sec. 91. NRS 354.5989 is hereby amended to read as follows:

354.5989 1. A local government shall not increase any fee for a business license or adopt a fee for a business license issued for revenue or regulation, or both, except as permitted by this section. This prohibition does not apply to fees:

(a) Imposed by hospitals, county airports, airport authorities, convention authorities, the Las Vegas Valley Water District or the Clark County Sanitation District;

(b) Imposed on public utilities for the privilege of doing business pursuant to a franchise;

(c) ***Imposed in compliance with the provisions of section 46 of this act on video service providers for the privilege of doing business pursuant to chapter 711 of NRS;***

(d) For business licenses which are calculated as a fraction or percentage of the gross revenue of the business;

~~[(d)]~~ ***(e)*** Imposed pursuant to NRS 244.348, 268.0973, 268.821 or 269.182; or

~~[(e)]~~ ***(f)*** Regulated pursuant to NRS 354.59881 to 354.59889, inclusive.

2. The amount of revenue the local government derives or is allowed to derive, whichever is greater, from all fees for business licenses except:

(a) The fees excluded by subsection 1, for the fiscal year ended on June 30, 1991; and

(b) The fees collected for a particular type of business during the immediately preceding fiscal year ending on June 30 that a local government will not collect in the next subsequent fiscal year,

➥ is the base from which the maximum allowable revenue from such fees must be calculated for the next subsequent fiscal year. To the base must be added the sum of the amounts respectively equal to the product of the base multiplied by the percentage increase in the population of the local

government added to the percentage increase in the Consumer Price Index for the year ending on December 31 next preceding the year for which the limit is being calculated. The amount so determined becomes the base for computing the allowed increase for each subsequent year.

3. A local government may not increase any fee for a business license which is calculated as a fraction or percentage of the gross revenue of the business if its total revenues from such fees have increased during the preceding fiscal year by more than the increase in the Consumer Price Index during that preceding calendar year. The provisions of this subsection do not apply to a fee ~~[imposed]~~ *:*

(a) Imposed in compliance with the provisions of section 46 of this act on video service providers for the privilege of doing business pursuant to chapter 711 of NRS;

(b) Imposed pursuant to NRS 244.348, 268.0973, 268.821 or 269.182 ~~[, or regulated]~~ ***; or***

(c) Regulated pursuant to NRS 354.59881 to 354.59889, inclusive.

4. A local government may submit an application to increase its revenue from fees for business licenses beyond the amount allowable pursuant to this section to the Nevada Tax Commission, which may grant the application only if it finds that the rate of a business license of the local government is substantially below that of other local governments in the State.

5. The provisions of this section apply to a business license regardless of the fund to which the revenue from it is assigned. An ordinance or resolution enacted by a local government in violation of the provisions of this section is void.

6. As used in this section, "fee for a business license" does not include a tax imposed on the revenues from the rental of transient lodging.

Sec. 92. NRS 360.825 is hereby amended to read as follows:

360.825 1. Except as otherwise provided in this section, if on or after July 1, 2003, a local government acquires from another entity a public utility that provides electric service, natural gas service, telecommunications service or community antenna television ***, cable television or other video*** service:

(a) The local government shall make payments in lieu of and equal to all state and local taxes and franchise fees from which the local government is exempt but for which the public utility would be liable if the public utility was not owned by a governmental entity; and

(b) The Nevada Tax Commission shall, solely for the purpose set forth in this paragraph, annually determine and apportion the assessed valuation of the property of the public utility. For the purpose of calculating any allocation or apportionment of money for distribution among local governments pursuant to a formula required by state law which is based partially or entirely on the assessed valuation of taxable property:

(1) The property of the public utility shall be deemed to constitute taxable property to the same extent as if the public utility was not owned by a governmental entity; and

(2) To the extent that the property of the public utility is deemed to constitute taxable property pursuant to this paragraph:

(I) The assessed valuation of that property must be included in that calculation as determined and apportioned by the Nevada Tax Commission pursuant to this paragraph; and

(II) The payments required by paragraph (a) in lieu of any taxes that would otherwise be required on the basis of the assessed valuation of that property shall be deemed to constitute payments of those taxes.

2. The payments in lieu of taxes and franchise fees required by subsection 1 are due at the same time and must be collected, accounted for and distributed in the same manner as those taxes and franchise fees would be due, collected, accounted for and distributed if the public utility was not owned by a governmental entity, except that no lien attaches upon any property or money of the local government by virtue of any failure to make all or any part of those payments. The local government may contest the validity and amount of any payment in lieu of a tax or franchise fee to the same extent as if that payment was a payment of the tax or franchise fee itself. The payments in lieu of taxes and franchise fees must be reduced if and to the extent that such a contest is successful.

3. The provisions of this section do not:

(a) Apply to the acquisition by a local government of a public utility owned by another governmental entity, except a public utility owned by another local government for which any payments in lieu of state or local taxes or franchise fees was required before its acquisition as provided in this section.

(b) Require a local government to make any payments in lieu of taxes or franchise fees to the extent that the making of those payments would cause a deficiency in the money available to the local government to make required payments of principal of, premium, if any, or interest on any bonds or other securities issued to finance the acquisition of that public utility or to make required payments to any funds established under the proceedings under which those bonds or other securities were issued.

(c) Require a county to duplicate any payments in lieu of taxes required pursuant to NRS 244A.755.

Sec. 93. NRS 360.830 is hereby amended to read as follows:

360.830 1. Except as otherwise provided in this section, if on or after July 1, 2003, a local government:

(a) Acquires from another entity a public utility that provides water service or sewer service; or

(b) Expands facilities for the provision of water service, sewer service, electric service, natural gas service, telecommunications service or community antenna television ***, cable television or other video*** service, and the expansion results in the local government serving additional retail customers who were, before the expansion, retail customers of a public utility which provided that service,

➥ the local government shall enter into an interlocal agreement with each affected local government to compensate the affected local government each fiscal year, as nearly as practicable, for the amount of any money from state and local taxes and franchise fees and from payments in lieu of those taxes and franchise fees, and for any compensation from a local government pursuant to this section, the affected local government would be entitled to receive but will not receive because of the acquisition of that public utility or expansion of those facilities as provided in this section.

2. An affected local government may waive any or all of the compensation to which it may be entitled pursuant to subsection 1.

3. The provisions of this section do not require a:

(a) Local government to provide any compensation to an affected local government to the extent that the provision of that compensation would cause a deficiency in the money available to the local government to make required payments of principal of, premium, if any, or interest on any bonds or other securities issued to finance the acquisition of that public utility or expansion of those facilities, or to make required payments to any funds established under the proceedings under which those bonds or other securities were issued.

(b) County to duplicate any compensation an affected local government receives from any payments in lieu of taxes required pursuant to NRS 244A.755.

Sec. 94. NRS 361.320 is hereby amended to read as follows:

361.320 1. At the regular session of the Nevada Tax Commission commencing on the first Monday in October of each year, the Nevada Tax Commission shall examine the reports filed pursuant to NRS 361.318 and establish the valuation for assessment purposes of any property of an interstate or intercounty nature used directly in the operation of all interstate or intercounty railroad, sleeping car, private car, natural gas transmission and distribution, water, telephone, scheduled and unscheduled air transport, electric light and power companies, and the property of all railway express companies operating on any common or contract carrier in this State. This valuation must not include the value of vehicles as defined in NRS 371.020.

2. Except as otherwise provided in subsections 3, 4 and 7 and NRS 361.323, the Nevada Tax Commission shall establish and fix the valuation of all physical property used directly in the operation of any such business of any such company in this State, as a collective unit. If the company is operating in more than one county, on establishing the unit valuation for the collective property, the Nevada Tax Commission shall then determine the total aggregate mileage operated within the State and within its several counties and apportion the mileage upon a mile-unit valuation basis. The number of miles apportioned to any county are subject to assessment in that county according to the mile-unit valuation established by the Nevada Tax Commission.

3. After establishing the valuation, as a collective unit, of a public utility which generates, transmits or distributes electricity, the Nevada Tax Commission shall segregate the value of any project in this State for the generation of electricity which is not yet put to use. This value must be assessed in the county where the project is located and must be taxed at the same rate as other property.

4. After establishing the valuation, as a collective unit, of an electric light and power company that places a facility into operation on or after July 1, 2003, in a county whose population is less than 100,000, the Nevada Tax Commission shall segregate the value of the facility from the collective unit. This value must be assessed in the county where the facility is located and taxed at the same rate as other property.

5. The Nevada Tax Commission shall adopt formulas and incorporate them in its records, providing the method or methods pursued in fixing and establishing the taxable value of all property assessed by it. The formulas must be adopted and may be changed from time to time upon its own motion or when made necessary by judicial decisions, but the formulas must in any event show all the elements of value considered by the Nevada Tax Commission in arriving at and fixing the value for any class of property assessed by it. These formulas must take into account, as indicators of value, the company's income and the cost of its assets, but the taxable value may not exceed the cost of replacement as appropriately depreciated.

6. If two or more persons perform separate functions that collectively are needed to deliver electric service to the final customer and the property used in performing the functions would be centrally assessed if owned by one person, the Nevada Tax Commission shall establish its valuation and apportion the valuation among the several counties in the same manner as the valuation of other centrally assessed property. The Nevada Tax Commission shall determine the proportion of the tax levied upon the property by each county according to the valuation of the contribution of each person to the aggregate valuation of the property. This subsection does not apply to a qualifying facility, as defined in 18 C.F.R. § 292.101, which was constructed before July 1, 1997, or to an exempt wholesale generator, as defined in 15 U.S.C. § 79z-5a.

7. A company engaged in a business described in subsection 1 that does not have property of an interstate or intercounty nature must be assessed as provided in subsection 8.

8. All other property, including, without limitation, that of any company engaged in providing commercial mobile radio service, radio or television transmission services or cable television ***or other video*** services, must be assessed by the county assessors, except as otherwise provided in NRS 361.321 and 362.100 and except that the valuation of land and mobile homes must be established for assessment purposes by the Nevada Tax Commission as provided in NRS 361.325.

9. On or before November 1 of each year, the Department shall forward a tax statement to each private car line company based on the valuation established pursuant to this section and in accordance with the tax levies of the several districts in each county. The company shall remit the ad valorem taxes due on or before December 15 to the Department, which shall allocate the taxes due each county on a mile-unit basis and remit the taxes to the counties no later than January 31. The portion of the taxes which is due the State must be transmitted directly to the State Treasurer. A company which fails to pay the tax within the time required shall pay a penalty of 10 percent of the tax due or $5,000, whichever is greater, in addition to the tax. Any amount paid as a penalty must be deposited in the State General Fund. The Department may, for good cause shown, waive the payment of a penalty pursuant to this subsection. As an alternative to any other method of recovering delinquent taxes provided by this chapter, the Attorney General may bring a civil action in a court of competent jurisdiction to recover delinquent taxes due pursuant to this subsection in the manner provided in NRS 361.560.

10. For the purposes of this section, an unscheduled air transport company does not include a company that only uses three or fewer fixed-wing aircraft with a weight of less than 12,500 pounds to provide transportation services, if the company elects, in the form and manner prescribed by the Department, to have the property of the company assessed by a county assessor.

11. As used in this section:

(a) "Company" means any person, company, corporation or association engaged in the business described.

(b) "Commercial mobile radio service" has the meaning ascribed to it in 47 C.F.R. § 20.3, as that section existed on January 1, 1998.

Sec. 95. NRS 372.728 is hereby amended to read as follows:

372.728 In administering the provisions of this chapter, the Department shall construe the term "retailer maintaining a place of business in this State" to include:

1. A retailer maintaining, occupying or using, permanently or temporarily, directly or indirectly, or through a subsidiary or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or place of storage, or any other place of business, in this State.

2. A retailer having any representative, agent, salesman, canvasser or solicitor operating in this State under the authority of the retailer or its subsidiary to sell, deliver or take orders for tangible personal property.

3. With respect to a lease, a retailer deriving rentals from a lease of tangible personal property situated in this State.

4. A retailer soliciting orders for tangible personal property through a system for shopping by means of telecommunication or television, using toll-free telephone numbers, which is intended by the retailer to be broadcast by

cable television or ***other video service network or any*** other means of broadcasting to persons located in this State or through a website on the Internet or other electronic means of communication to provide solicitations to persons in this State.

5. A retailer who, pursuant to a contract with a broadcaster or publisher located in this State, solicits orders for tangible personal property by means of advertising which is disseminated primarily to persons located in this State and only secondarily to bordering jurisdictions.

6. A retailer soliciting orders for tangible personal property by mail or electronic facsimile if the solicitations are substantial and recurring and if the retailer benefits from any activities occurring in this State related to banking, financing, the collection of debts, telecommunication or marketing, or benefits from the location in this State of authorized facilities for installation, servicing or repairs.

7. A retailer owned or controlled by the same person who owns or controls a retailer who maintains a place of business in the same or a similar line of business in this State.

8. A retailer having a person operating under its trade name, pursuant to a franchise or license authorized by the retailer, if the person so operating is required to collect the tax pursuant to NRS 372.195.

9. A retailer who, pursuant to a contract with the operator of a ~~[system of]~~ cable television ***system or other video service network*** located in this State, solicits orders for tangible personal property by means of advertising which is transmitted or distributed over a ~~[system of]~~ cable television ***system or other video service network located*** in this State.

Sec. 96. NRS 372.734 is hereby amended to read as follows:

372.734 In administering the provisions of this chapter, the Department shall not consider the activities of persons that are directly related to the process of transmitting radio, television, cable television ***, video*** or data signals, including the transmission of news or information by ***video or*** data signal, the transmission of signals from one broadcaster to another and from a broadcaster to a member of the public and including the production and airing of any form of speech or broadcast by radio or television, whether or not compensation is provided to the broadcaster in connection therewith, to be transactions that are taxable pursuant to the provisions of this chapter.

Sec. 97. NRS 374.728 is hereby amended to read as follows:

374.728 In administering the provisions of this chapter, the Department shall construe the term "retailer maintaining a place of business in a county" to include:

1. A retailer maintaining, occupying or using, permanently or temporarily, directly or indirectly, or through a subsidiary or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or place of storage, or any other place of business, in the county.

2. A retailer having any representative, agent, salesman, canvasser or solicitor operating in the county under the authority of the retailer or its subsidiary to sell, deliver or take orders for tangible personal property.

3. With respect to a lease, a retailer deriving rentals from a lease of tangible personal property situated in the county.

4. A retailer soliciting orders for tangible personal property through a system for shopping by means of telecommunication or television, using toll-free telephone numbers, which is intended by the retailer to be broadcast by cable television or ***other video service network or any*** other means of broadcasting to persons located in the county or through a website on the Internet or other electronic means of communication to provide solicitations to persons in this State.

5. A retailer who, pursuant to a contract with a broadcaster or publisher located in the State, solicits orders for tangible personal property by means of advertising which is disseminated primarily to persons located in the State and only secondarily to bordering jurisdictions, and which is disseminated to persons located in the county.

6. A retailer soliciting orders for tangible personal property by mail or electronic facsimile if the solicitations are substantial and recurring and if the retailer benefits from any activities occurring in the county related to banking, financing, the collection of debts, telecommunication or marketing, or benefits from the location in the county of authorized facilities for installation, servicing or repairs.

7. A retailer owned or controlled by the same persons who own or control a retailer who maintains a place of business in the same or a similar line of business in the county.

8. A retailer having a person operating under its trade name, pursuant to a franchise or license authorized by the retailer, if the person so operating is required to collect the tax pursuant to NRS 374.200.

9. A retailer who, pursuant to a contract with the operator of a ~~[system of]~~ cable television ***system or other video service network*** located in the State, solicits orders for tangible personal property by means of advertising which is transmitted or distributed over a ~~[system of]~~ cable television ***system or other video service network located*** in the county.

Sec. 98. NRS 374.739 is hereby amended to read as follows:

374.739 In administering the provisions of this chapter, the Department shall not consider the activities of persons that are directly related to the process of transmitting radio, television, cable television ***, video*** or data signals, including the transmission of news or information by ***video or*** data signal, the transmission of signals from one broadcaster to another and from a broadcaster to a member of the public and including the production and airing of any form of speech or broadcast by radio or television, whether or not compensation is provided to the broadcaster in connection therewith, to be transactions that are taxable pursuant to the provisions of this chapter.

Sec. 99. NRS 425.393 is hereby amended to read as follows:

425.393 1. The Chief may request the following information to carry out the provisions of this chapter:

(a) The records of the following public officers and state, county and local agencies:

(1) The State Registrar of Vital Statistics;

(2) Agencies responsible for maintaining records relating to state and local taxes and revenue;

(3) Agencies responsible for keeping records concerning real property and personal property for which a title must be obtained;

(4) All boards, commissions and agencies that issue occupational or professional licenses, certificates or permits;

(5) The Secretary of State;

(6) The Employment Security Division of the Department of Employment, Training and Rehabilitation;

(7) Agencies that administer public assistance;

(8) The Department of Motor Vehicles;

(9) The Department of Public Safety;

(10) The Department of Corrections; and

(11) Law enforcement agencies and any other agencies that maintain records of criminal history.

(b) The names and addresses of:

(1) The customers of public utilities and ~~[community antenna television companies;]~~ ***video service providers;*** and

(2) The employers of the customers described in subparagraph (1).

(c) Information in the possession of financial institutions relating to the assets, liabilities and any other details of the finances of a person.

(d) Information in the possession of a public or private employer relating to the employment, compensation and benefits of a person employed by the employer as an employee or independent contractor.

2. If a person or other entity fails to supply the information requested pursuant to subsection 1, the Administrator may issue a subpoena to compel the person or entity to provide that information. A person or entity who fails to comply with a request made pursuant to subsection 1 is subject to a civil penalty not to exceed $500 for each failure to comply.

3. A disclosure made in good faith pursuant to subsection 1 does not give rise to any action for damages for the disclosure.

Sec. 100. NRS 432.310 is hereby amended to read as follows:

432.310 "Broadcaster" means a radio broadcasting station, cable operator ***or other video service provider*** or television broadcasting station primarily engaged in, and deriving income from, the business of facilitating speech via over-the-air communications, both as to pure speech and commercial speech.

Sec. 101. NRS 455.210 is hereby amended to read as follows:

455.210 The provisions of NRS 455.220 and 455.230 are not applicable to:

1. An employee of a public utility which produces, transmits or delivers electricity, or a public utility which provides communication services, while the employee, in the course of his employment, constructs, modifies, operates or maintains:

(a) Electrical systems;

(b) Communication systems; or

(c) Overhead electrical or communication circuits or conductors, or the structures supporting them.

2. An employee of a ~~[cable antenna television system]~~ ***video service provider operating pursuant to chapter 711 of NRS*** or a business which provides communication services, while the employee, acting within the scope of his employment, is making service attachments to the structure supporting an overhead line carrying high voltage, if authorized to do so by the public utility operating the overhead line.

Sec. 102. NRS 597.816 is hereby amended to read as follows:

597.816 The provisions of NRS 597.814 do not prohibit the use of a device for automatic dialing and announcing by any person exclusively on behalf of:

1. A school or school district to contact the parents or guardians of a pupil regarding the attendance of the pupil or regarding other business of the school or school district.

2. A nonprofit organization.

3. A ~~[company]~~ ***video service provider*** that provides cable television ***or other video*** services to contact its customers regarding a previously arranged installation of such services at the premises of the customer.

4. A public utility to contact its customers regarding a previously arranged installation of utility services at the premises of the customer.

5. A facility that processes or stores petroleum, volatile petroleum products, natural gas, liquefied petroleum gas, combustible chemicals, explosives, high-level radioactive waste or other dangerous substances to advise local residents, public service agencies and news media of an actual or potential life-threatening emergency.

6. A state or local governmental agency, or a private entity operating under contract with and at the direction of such an agency, to provide:

(a) Information relating to public safety;

(b) Information relating to a police or fire emergency; or

(c) A warning of an impending or threatening emergency.

7. A candidate for public office, committee advocating the passage or defeat of a ballot question, political party, committee sponsored by a political party or a committee for political action.

Sec. 103. NRS 598.137 is hereby amended to read as follows:

598.137 1. A person shall not, in connection with the sale or lease or solicitation for sale or lease of any goods, property or service, represent that another person has a chance to receive a prize or item of value without

clearly disclosing on whose behalf the contest or promotion is conducted and all conditions that a participant must meet.

2. A person who makes a representation described in subsection 1 must display, clearly and conspicuously, adjacent to the description of the item or prize to which it relates:

(a) The actual retail value of each item or prize;

(b) The number of each item or prize to be awarded; and

(c) The odds of receiving each item or prize, expressed in whole numbers.

3. It is unlawful to make a representation described in subsection 1 if it has already been determined which items will be given to the person to whom the representation is made.

4. The provisions of this section do not apply if:

(a) Participants are asked to complete and mail or deposit, at a local retail commercial establishment, an entry blank obtained locally or by mail, or to call in their entry by telephone; and

(b) Participants are not asked to listen to a sales presentation.

5. Advertisements with representations made pursuant to subsection 1 that are broadcast by radio or television may be broadcast without the required disclosures, conditions and restrictions but must clearly broadcast the availability of such disclosures, conditions and restrictions to an interested person, without any charge, upon request.

6. This section does not create liability for acts of a publisher, owner, agent or employee of a newspaper, periodical, radio station, television station, cable television system ***or other video service network*** or other advertising medium for the publication or dissemination of an advertisement or promotion pursuant to this section if the publisher, owner, agent or employee did not know that the advertisement or promotion violated the provisions of this section.

7. For the purposes of this section, the actual retail value of an item or prize is the price at which substantial sales of the item were made in an area within the last 90 days, or if no substantial sales were made, the cost of the item or prize to the person on whose behalf the contest or promotion is conducted.

Sec. 104. NRS 598A.040 is hereby amended to read as follows:

598A.040 The provisions of this chapter do not apply to:

1. Any labor, agricultural or horticultural organizations organized for the purpose of self-help and not for profit to itself nor to individual members thereof, while lawfully carrying out its legitimate objects.

2. Bona fide religious and charitable activities of any nonprofit corporation, trust or organization established exclusively for religious or charitable purposes.

3. Conduct which is expressly authorized, regulated or approved by:

(a) A statute of this State or of the United States;

(b) An ordinance of any city or county of this State, except for ordinances relating to ~~[community antenna television companies;]~~ ***video service providers;*** or

(c) An administrative agency of this State or of the United States or of a city or county of this State, having jurisdiction of the subject matter.

4. Conduct or agreements relating to rates, fares, classifications, divisions, allowances or charges, including charges between carriers and compensation paid or received for the use of facilities and equipment, that are authorized, regulated or approved by the Transportation Services Authority pursuant to chapter 706 of NRS.

5. Restrictive covenants:

(a) Which are part of a contract of sale for a business and which bar the seller of the business from competing with the purchaser of the business sold within a reasonable market area for a reasonable period of time; or

(b) Which are part of a commercial shopping center lease and which bar the parties from permitting or engaging in the furnishing of certain services or the sale of certain commodities within the commercial shopping center where such leased premises are located.

Sec. 105. NRS 599B.010 is hereby amended to read as follows:

599B.010 As used in this chapter, unless the context otherwise requires:

1. "Chance promotion" means any plan in which premiums are distributed by random or chance selection.

2. "Commissioner" means the Commissioner of Consumer Affairs.

3. "Consumer" means a person who is solicited by a seller or salesman.

4. "Division" means the Consumer Affairs Division of the Department of Business and Industry.

5. "Donation" means a promise, grant or pledge of money, credit, property, financial assistance or other thing of value given in response to a solicitation by telephone, including, but not limited to, a payment or promise to pay in consideration for a performance, event or sale of goods or services. The term does not include volunteer services, government grants or contracts or a payment by members of any organization of membership fees, dues, fines or assessments or for services rendered by the organization to those persons, if:

(a) The fees, dues, fines, assessments or services confer a bona fide right, privilege, professional standing, honor or other direct benefit upon the member; and

(b) Membership in the organization is not conferred solely in consideration for making a donation in response to a solicitation.

6. "Goods or services" means any property, tangible or intangible, real, personal or mixed, and any other article, commodity or thing of value.

7. "Premium" includes any prize, bonus, award, gift or any other similar inducement or incentive to purchase.

8. "Recovery service" means a business or other practice whereby a person represents or implies that he will, for a fee, recover any amount of

money that a consumer has provided to a seller or salesman pursuant to a solicitation governed by the provisions of this chapter.

9. "Salesman" means any person:

(a) Employed or authorized by a seller to sell, or to attempt to sell, goods or services by telephone;

(b) Retained by a seller to provide consulting services relating to the management or operation of the seller's business; or

(c) Who communicates on behalf of a seller with a consumer:

(1) In the course of a solicitation by telephone; or

(2) For the purpose of verifying, changing or confirming an order,

➥ except that a person is not a salesman if his only function is to identify a consumer by name only and he immediately refers the consumer to a salesman.

10. Except as otherwise provided in subsection 11, "seller" means any person who, on his own behalf, causes or attempts to cause a solicitation by telephone to be made through the use of one or more salesmen or any automated dialing announcing device under any of the following circumstances:

(a) The person initiates contact by telephone with a consumer and represents or implies:

(1) That a consumer who buys one or more goods or services will receive additional goods or services, whether or not of the same type as purchased, without further cost, except for actual postage or common carrier charges;

(2) That a consumer will or has a chance or opportunity to receive a premium;

(3) That the items for sale are gold, silver or other precious metals, diamonds, rubies, sapphires or other precious stones, or any interest in oil, gas or mineral fields, wells or exploration sites or any other investment opportunity;

(4) That the product offered for sale is information or opinions relating to sporting events;

(5) That the product offered for sale is the services of a recovery service; or

(6) That the consumer will receive a premium or goods or services if he makes a donation;

(b) The solicitation by telephone is made by the person in response to inquiries from a consumer generated by a notification or communication sent or delivered to the consumer that represents or implies:

(1) That the consumer has been in any manner specially selected to receive the notification or communication or the offer contained in the notification or communication;

(2) That the consumer will receive a premium if the recipient calls the person;

(3) That if the consumer buys one or more goods or services from the person, the consumer will also receive additional or other goods or services, whether or not the same type as purchased, without further cost or at a cost that the person represents or implies is less than the regular price of the goods or services;

(4) That the product offered for sale is the services of a recovery service; or

(5) That the consumer will receive a premium or goods or services if he makes a donation; or

(c) The solicitation by telephone is made by the person in response to inquiries generated by advertisements that represent or imply that the person is offering to sell any:

(1) Gold, silver or other metals, including coins, diamonds, rubies, sapphires or other stones, coal or other minerals or any interest in oil, gas or other mineral fields, wells or exploration sites, or any other investment opportunity;

(2) Information or opinions relating to sporting events; or

(3) Services of a recovery service.

11. "Seller" does not include:

(a) A person licensed pursuant to chapter 90 of NRS when soliciting offers, sales or purchases within the scope of his license.

(b) A person licensed pursuant to chapter 119A, 119B, 624, 645 or 696A of NRS when soliciting sales within the scope of his license.

(c) A person licensed as an insurance broker, agent or solicitor when soliciting sales within the scope of his license.

(d) Any solicitation of sales made by the publisher of a newspaper or magazine or by an agent of the publisher pursuant to a written agreement between the agent and publisher.

(e) A broadcaster soliciting sales who is licensed by any state or federal authority, if the solicitation is within the scope of the broadcaster's license.

(f) A person who solicits a donation from a consumer when:

(1) The person represents or implies that the consumer will receive a premium or goods or services with an aggregated fair market value of 2 percent of the donation or $50, whichever is less; or

(2) The consumer provides a donation of $50 or less in response to the solicitation.

(g) A charitable organization which is registered or approved to conduct a lottery pursuant to chapter 462 of NRS.

(h) A public utility or motor carrier which is regulated pursuant to chapter 704 or 706 of NRS, or by an affiliate of such a utility or motor carrier, if the solicitation is within the scope of its certificate or license.

(i) A utility which is regulated pursuant to chapter 710 of NRS, or by an affiliate of such a utility.

(j) A person soliciting the sale of books, recordings, video cassettes, software for computer systems or similar items through:

(1) An organization whose method of sales is governed by the provisions of Part 425 of Title 16 of the Code of Federal Regulations relating to the use of negative option plans by sellers in commerce;

(2) The use of continuity plans, subscription arrangements, arrangements for standing orders, supplements, and series arrangements pursuant to which the person periodically ships merchandise to a consumer who has consented in advance to receive the merchandise on a periodic basis and has the opportunity to review the merchandise for at least 10 days and return it for a full refund within 30 days after it is received; or

(3) An arrangement pursuant to which the person ships merchandise to a consumer who has consented in advance to receive the merchandise and has the opportunity to review the merchandise for at least 10 days and return it for a full refund within 30 days after it is received.

(k) A person who solicits sales by periodically publishing and delivering a catalog to consumers if the catalog:

(1) Contains a written description or illustration of each item offered for sale and the price of each item;

(2) Includes the business address of the person;

(3) Includes at least 24 pages of written material and illustrations;

(4) Is distributed in more than one state; and

(5) Has an annual circulation by mailing of not less than 250,000.

(l) A person soliciting without the intent to complete and who does not complete, the sales transaction by telephone but completes the sales transaction at a later face-to-face meeting between the solicitor and the consumer, if the person, after soliciting a sale by telephone, does not cause another person to collect the payment from or deliver any goods or services purchased to the consumer.

(m) Any commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, trust company, savings and loan association, credit union, industrial loan company, personal property broker, consumer finance lender, commercial finance lender, or insurer subject to regulation by an official or agency of this State or of the United States, if the solicitation is within the scope of the certificate or license held by the entity.

(n) A person holding a certificate of authority issued pursuant to chapter 452 of NRS when soliciting sales within the scope of the certificate.

(o) A person licensed pursuant to chapter 689 of NRS when soliciting sales within the scope of his license.

(p) A person soliciting the sale of services provided by a ~~[community antenna television company]~~ ***video service provider*** subject to regulation pursuant to chapter 711 of NRS.

(q) A person soliciting the sale of agricultural products, if the solicitation is not intended to and does not result in a sale of more than $100 that is to be delivered to one address. As used in this paragraph, "agricultural products" has the meaning ascribed to it in NRS 587.290.

(r) A person who has been operating, for at least 2 years, a retail business establishment under the same name as that used in connection with the solicitation of sales by telephone if, on a continuing basis:

(1) Goods are displayed and offered for sale or services are offered for sale and provided at the person's business establishment; and

(2) At least 50 percent of the person's business involves the buyer obtaining such goods or services at the person's business establishment.

(s) A person soliciting only the sale of telephone answering services to be provided by the person or his employer.

(t) A person soliciting a transaction regulated by the Commodity Futures Trading Commission, if:

(1) The person is registered with or temporarily licensed by the Commission to conduct that activity pursuant to the Commodity Exchange Act , ~~[(]~~ 7 U.S.C. §§ 1 et seq. *;* ~~[).]~~ and

(2) The registration or license has not expired or been suspended or revoked.

(u) A person who contracts for the maintenance or repair of goods previously purchased from the person:

(1) Making the solicitation; or

(2) On whose behalf the solicitation is made.

(v) A person to whom a license to operate an information service or a nonrestricted gaming license, which is current and valid, has been issued pursuant to chapter 463 of NRS when soliciting sales within the scope of his license.

(w) A person who solicits a previous customer of the business on whose behalf the call is made if the person making the call:

(1) Does not offer the customer any premium in connection with the sale;

(2) Is not selling an investment or an opportunity for an investment that is not registered with any state or federal authority; and

(3) Is not regularly engaged in telephone sales.

(x) A person who solicits the sale of livestock.

(y) An issuer which has a class of securities that is listed on the New York Stock Exchange, the American Stock Exchange or the National Market System of the National Association of Securities Dealers Automated Quotation System.

(z) A subsidiary of an issuer that qualifies for exemption pursuant to paragraph (y) if at least 60 percent of the voting power of the shares of the subsidiary is owned by the issuer.

Sec. 105.1. For the purposes of sections 105.3 to 106.2, inclusive, of this act, the Legislature hereby finds and declares that:

1. There is a need to balance the goal of providing children with the benefits and opportunities available on the Internet against the compelling need and duty to protect children from contact with sexual predators.

2. Sexual predators use Internet and network sites, including chat rooms and social networking websites, to locate, approach and befriend children, to acquire personal information about children and to prey on children by engaging in sexually explicit conversations, requesting photographs and attempting to lure children into meeting with them in person.

3. According to the United States Attorney General, one in five children has been approached sexually on the Internet.

4. The explosive growth of chat rooms and social networking websites has increased the difficulty of monitoring the Internet activities of children and protecting children from sexual predators, particularly when children use the Internet without supervision.

5. Providers of Internet service and the owners and operators of chat rooms and social networking websites are well-situated to help parents and guardians in the on-going effort to guard against sexual predators who misuse Internet technology as a tool to prey on and victimize children.

Sec. 105.2. Chapter 603 of NRS is hereby amended by adding thereto the provisions set forth as sections 105.3 to 106.2, inclusive, of this act.

Sec. 105.3. ***As used in sections 105.3 to 106.2, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 105.4 to 105.7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 105.4. ***"Child" means a person who is less than 18 years of age.***

Sec. 105.5. ***"Electronic mail" has the meaning ascribed to it in NRS 41.715.***

Sec. 105.6. ***1. "Internet or any other computer network" means:***

(a) The computer network commonly known as the Internet and any other local, regional or global computer network that is similar to or is a predecessor or successor of the Internet; and

(b) Any identifiable site on the Internet or such other computer network.

2. The term includes, without limitation:

(a) A website or other similar site on the World Wide Web;

(b) A site that is identifiable through a Uniform Resource Location;

(c) A site on a computer network that is owned, operated, administered or controlled by a provider of Internet service;

(d) An electronic bulletin board;

(e) A list server;

(f) A newsgroup; or

(g) A chat room.

Sec. 105.7. ***"Provider of Internet service" or "provider" means any person who, for a fee or other consideration, provides subscribers with access to the Internet or any other computer network.***

Sec. 105.8. ***For the purposes of sections 105.3 to 106.2, inclusive, of this act, a person has "reasonable cause to believe" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person***

would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

Sec. 106. ***1. If a provider of Internet service knows or has reasonable cause to believe that a subscriber resides within this State, the provider shall make available to the subscriber a product or service which enables the subscriber to regulate a child's use of the Internet service provided to the subscriber if such a product or service is reasonably and commercially available for the technology utilized by the subscriber to access the Internet service. The product or service must, subject to such availability, enable the subscriber to:***

(a) Block all access to the Internet;

(b) Block access to specific websites or domains disapproved by the subscriber;

(c) Restrict access exclusively to specific websites or domains approved by the subscriber; and

(d) Allow the subscriber to monitor a child's use of the Internet service by providing a report to the subscriber of the specific websites or domains that the child has visited or has attempted to visit but could not access because the websites or domains were blocked or restricted by the subscriber.

2. For the purposes of subsection 1, a provider of Internet service shall be deemed to know that a subscriber resides within this State if the subscriber identifies Nevada as his place of residence at the time of subscription.

3. If a product or service described in subsection 1 is reasonably and commercially available for the technology utilized by the subscriber to access the Internet service, the provider of Internet service:

(a) Shall provide to the subscriber, at the time of subscription, notice of the availability of the product or service described in subsection 1. The notice must be provided to the subscriber by electronic mail or in a written form through another reasonable means.

(b) May make the product or service described in subsection 1 available to the subscriber either directly or through a third-party vendor. The provider or third-party vendor may charge the subscriber a fee for the product or service.

Sec. 106.2. ***1. Any violation of sections 105.3 to 106.2, inclusive, of this act constitutes a deceptive trade practice subject to NRS 598.0903 to 598.0999, inclusive.***

2. The remedies, duties and prohibitions set forth in sections 105.3 to 106.2, inclusive, of this act are not exclusive and are in addition to any other remedies, duties and prohibitions provided by law.

Sec. 106.4. NRS 603.010 is hereby amended to read as follows:

603.010 As used in ~~[this chapter]~~ ***NRS 603.010 to 603.090, inclusive,*** unless the context otherwise requires, the words and terms defined in

NRS 603.020 and 603.030, have the meanings ascribed to them in those sections.

Sec. 106.6. NRS 603.090 is hereby amended to read as follows:

603.090 The civil remedies provided in ~~[this chapter:]~~ ***NRS 603.010 to 603.090, inclusive:***

1. Do not preclude the prosecution of a defendant under the penal laws of this State.

2. Are in addition to any rights or remedies to which the owner of a proprietary program or data stored in a computer is entitled under the common law.

Sec. 106.8. NRS 618.880 is hereby amended to read as follows:

618.880 1. The Division shall adopt regulations establishing standards and procedures for the operation of cranes, including, without limitation, regulations requiring the:

(a) Establishment and implementation of site safety plans and procedures for the erection and dismantling of tower cranes;

(b) Establishment of a clear zone around the erection, dismantling or other highly hazardous lifts with a crane;

(c) Annual certification of the mechanical lifting parts of the crane; and

(d) Certification of tower cranes each time a tower crane is erected and additional annual certifications of tower cranes while they continue to be in use.

2. Except as otherwise provided in subsection 3:

(a) The Division shall adopt regulations requiring the establishment and implementation of programs for the certification of all persons who operate:

(1) Tower cranes; or

(2) Mobile cranes having a usable boom length of 25 feet or greater or a maximum machine rated capacity of 15,000 pounds or greater.

(b) A person shall not operate a tower crane or a mobile crane described in subparagraph (2) of paragraph (a) unless the person holds certification as a crane operator issued pursuant to this subsection for the type of crane being operated.

(c) An applicant for certification as a crane operator must hold a certificate which:

(1) Is issued by an organization whose program of certification for crane operators:

(I) Is accredited by the National Commission for Certifying Agencies or an equivalent accrediting body approved by the Division; or

(II) Meets other criteria established by the Division; and

(2) Certifies that the person has met the standards to be a crane operator established by the American Society of Mechanical Engineers in its standards B30.3, B30.4 or B30.5 as adopted by regulation of the Division.

3. The provisions of subsection 2 do not apply to a person who:

(a) Is an employee of a utility while the person is engaged in work for or at the direction of the utility;

(b) Operates an electric or utility line truck that is regulated pursuant to 29 C.F.R. § 1910.269 or 29 C.F.R. Part 1926, Subpart V; or

(c) Operates an aerial or lifting device, whether or not self-propelled, that is designed and manufactured with the specific purpose of lifting one or more persons in a bucket or basket or on a ladder or platform and holding those persons in the lifted position while they perform tasks. Such devices include, without limitation:

(1) A bucket truck or lift;

(2) An aerial platform;

(3) A platform lift; or

(4) A scissors lift.

4. As used in this section, "utility" means any public or private utility, whether or not the utility is subject to regulation by the Public Utilities Commission of Nevada, that provides, at wholesale or retail:

(a) Electric service;

(b) Gas service;

(c) Water or sewer service;

(d) Telecommunication service, including, without limitation, local exchange service, long distance service and personal wireless service; or

(e) Television service, including, without limitation, community antenna television ***, cable television and other video*** service.

Sec. 107. NRS 624.218 is hereby amended to read as follows:

624.218 1. The Board shall adopt by regulation a classification of licensing for persons who construct or improve ~~[community antenna television systems.]~~ ***video service networks***. Except as otherwise provided in subsection 2, a person who engages in such construction, alteration or improvement must be licensed in this classification and may not be required to be licensed in any other classification.

2. The licensing requirements adopted pursuant to subsection 1 do not apply to a person who is engaged solely in the alteration or repair of antennae used by a community antenna television system.

3. As used in this section, "video service network" has the meaning ascribed to it in section 26 of this act.

Sec. 108. 1. NRS 318.1193, 318.1194, 354.598811, 711.185, 711.190, 711.200, 711.210, 711.230 and 711.250 are hereby repealed.

2. Section 2.290 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, at page 63, is hereby repealed.

3. Section 2.320 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, at page 612, is hereby repealed.

4. Section 2.280 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, at page 300, is hereby repealed.

5. Section 2.350 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 51, Statutes of Nevada 2001, at page 460, is hereby repealed.

6. Section 2.300 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 410, is hereby repealed.

7. Section 2.330 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1405, is hereby repealed.

8. Section 2.300 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1219, is hereby repealed.

9. Section 2.320 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, at page 466, is hereby repealed.

10. Section 2.300 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as amended by chapter 184, Statutes of Nevada 1985, at page 645, is hereby repealed.

Sec. 109. On or before October 1, 2007, the Secretary of State shall adopt any regulations that are necessary to carry out the provisions of this act.

Sec. 110. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

318.1193 Facilities for television: Limitation on organization if area includes existing service.

318.1194 Facilities for television: Approval of electors required in certain districts for franchise for community antenna television system.

354.598811 Limitations on fees applicable to public utilities: "Community antenna television company" defined.

711.185 Governing body may grant exclusive franchise.

711.190 Franchise granted by city or county: Conditions; requirements.

711.200 Fees for franchise.

711.210 Renewal of franchise.

711.230 Considerations in granting franchise.

711.250 Adoption of ordinance to establish procedure to resolve complaints of subscribers; notice.

Caliente City Charter Sec. 2.290 Powers of City Council: Television franchises.

Carlin City Charter Sec. 2.320 Powers of Board of Councilmen: Television franchises.

Carson City Charter Sec. 2.280 Power of Board: Television franchises.

Elko City Charter Sec. 2.350 Powers of City Council: Television franchises.

Henderson City Charter Sec. 2.300 Powers of City Council: Television franchises.

Las Vegas City Charter Sec. 2.330 Powers of City Council: Television franchises.

North Las Vegas City Charter Sec. 2.300 Powers of City Council: Television franchises.

Wells City Charter Sec. 2.320 Powers of Board of Councilmen: Television franchises.

Yerington City Charter Sec. 2.300 Powers of City Council: Franchises for television and cable television.

Assemblyman Oceguera moved that the Assembly concur in the Senate Amendment No. 991 to Assembly Bill No. 526.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 562.

The following Senate amendment was read:

Amendment No. 564.

AN ACT relating to real estate; revising provisions governing persons regulated by the Real Estate Division of the Department of Business and Industry; imposing certain notification requirements on such persons; authorizing the limited disclosure of certain confidential information; increasing the maximum administrative fines that may be imposed for certain violations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Real Estate Division of the Department of Business and Industry is responsible for regulating various persons who work in the real estate industry in this State. (Chapters 116A, 119, 119A, 119B, 645, 645C and 645D of NRS) Sections 1, 9, 13, 15, 19, 23 and 27 of this bill require that persons regulated under those chapters notify the Division in writing if they are convicted of, or enter a plea of guilty or nolo contendere to, certain crimes. Sections 5, 10, 14, 16, 18, 22 and 26 of this bill provide that certain confidential information concerning complaints filed against such persons and investigations of those complaints may be disclosed for certain limited purposes, including disclosure as necessary to administer certain statutory provisions or to a licensing board or a law enforcement or other governmental agency that is investigating such persons. Sections 6 and 12 of this bill increase the maximum administrative fines that may be imposed for certain violations.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 645 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A licensee, property manager or owner-developer shall notify the Division in writing if he is convicted of, or enters a plea of guilty or nolo contendere to:

(a) A felony relating to the practice of the licensee, property manager or owner-developer; or

(b) Any crime involving fraud, deceit, misrepresentation or moral turpitude.

2. A licensee, property manager or owner-developer shall submit the notification required by subsection 1:

(a) Not more than 10 days after the conviction or entry of the plea of guilty or nolo contendere; and

(b) When submitting an application to renew a license, permit or registration issued pursuant to this chapter.

Sec. 2. NRS 645.440 is hereby amended to read as follows:

645.440 1. If the Division, after an application for a license in proper form has been filed with it, accompanied by the proper fee, denies an application, the Division shall give notice of the ~~[fact]~~ ***denial*** to the applicant within 15 days after its ruling, order or decision.

2. Upon written request from the applicant, filed within 30 days after receipt of that notice by the applicant, the President of the Commission shall set the matter for a hearing to be conducted ~~[within 90 days]~~ ***at the next meeting of the Commission held pursuant to NRS 645.150*** after receipt of the applicant's request if the request ***is received at least*** ~~***[15]***~~ ***20 days before the meeting and*** contains allegations which, if true, qualify the applicant for a license.

3. The hearing must be held at such time and place as the Commission prescribes. At least 15 days before the date set for the hearing, the Division shall notify the applicant and shall accompany the notification with an exact copy of any protest filed, together with copies of all communications, reports, affidavits or depositions in the possession of the Division relevant to the matter in question. Written notice of the hearing may be served by delivery personally to the applicant, or by mailing it by certified mail to the last known address of the applicant.

4. The hearing may be held by the Commission or by a majority of its members, and a hearing must be held, if the applicant so desires. A record of the proceedings, or any part thereof, must be made available to each party upon the payment to the Division of the reasonable cost of transcription.

5. The Commission shall render a written decision on any appeal within 60 days after the final hearing and shall notify the parties to the proceedings, in writing, of its ruling, order or decision within 15 days after it is made.

6. If an applicant has made a false statement of material fact on his application, the false statement may in itself be sufficient ground for refusal of a license.

Sec. 3. NRS 645.575 is hereby amended to read as follows:

645.575 1. The Commission shall adopt regulations that prescribe the standards for the continuing education of persons licensed pursuant to this chapter. ~~[Until the Commission adopts such regulations, the standards for continuing education are as follows:~~

~~(a) For renewal of a license which is on active status, a requirement for the hours of attendance at any approved educational course, seminar or conference of:~~

~~(1) Thirty hours within the first year immediately after initial licensing; and~~

~~(2) Fifteen hours within each subsequent 2-year period before renewal.~~

~~➥ For each period, at least 6 of the hours must be devoted to ethics, professional conduct or the legal aspects of real estate.~~

~~(b) For reinstatement of a license which has been placed on inactive status, a requirement for total attendance at any approved educational course, seminar or conference of:~~

~~(1) Thirty hours if the license was on inactive status for 2 years or less during the initial license period;~~

~~(2) Fifteen hours if the license was on inactive status for a period of 2 years or less, no part of which was during the initial license period;~~

~~(3) Forty five hours if the license was on inactive status for a period of more than 2 years, part of which was during the initial license period; or~~

~~(4) Thirty hours if the license was on inactive status for a period of more than 2 years, no part of which was during the initial license period.~~

~~➥ For each period, at least 6 of the hours must be devoted to ethics, professional conduct or the legal aspects of real estate.~~

~~(c) A basis and method of qualifying educational programs and certifying attendance which will satisfy the requirements of this section.~~

~~(d) A procedure for the evaluation of petitions based on a claim of equivalency with the requirements of paragraph (a) or (b).~~

~~(e) A system of controlling and reporting qualifying attendance.~~

~~(f) A statement of the conditions for which an extension of time may be granted to comply with the continuing education requirements as well as a method of applying and qualifying for an extension.]~~

2. The standards ~~[prescribed in]~~ ***adopted pursuant to*** subsection 1 must permit alternatives of subject material, taking cognizance of specialized areas of practice and alternatives in sources of programs considering availability in area and time. The standards must include, where qualified, generally accredited educational institutions, private vocational schools, educational programs and seminars of professional societies and organizations, other organized educational programs on technical subjects, or equivalent offerings. The Commission shall qualify only those educational courses that it determines address the appropriate subject matter and are given by an accredited university or community college. Subject to the provisions of this section, the Commission has exclusive authority to determine what is an appropriate subject matter for qualification as a continuing education course.

3. In addition to any other standards for continuing education that the Commission adopts by regulation pursuant to this section, the Commission may, without limitation, adopt by regulation standards for continuing education that:

(a) Establish a postlicensing curriculum of continuing education which must be completed by a person within the first year immediately after initial licensing of the person.

(b) Require a person whose license as a real estate broker or real estate broker-salesman has been placed on inactive status for any reason for 1 year or more or has been suspended or revoked to complete a course of instruction in broker management that is designed to fulfill the educational requirements for issuance of a license which are described in paragraph (d) of subsection 2 of NRS 645.343, before the person's license is reissued or reinstated.

4. Except as otherwise provided in this subsection, the license of a real estate broker, broker-salesman or salesman must not be renewed or reinstated unless the Administrator finds that the applicant for the renewal license or for reinstatement to active status has completed the continuing education required by this chapter. Any amendment or repeal of a regulation does not operate to prevent an applicant from complying with this section for the next licensing period following the amendment or repeal.

Sec. 4. NRS 645.6052 is hereby amended to read as follows:

645.6052 1. A person who is licensed pursuant to this chapter as a real estate broker, real estate broker-salesman or real estate salesman may apply to the Real Estate Division for a permit to engage in property management.

2. An applicant for a permit must:

(a) Furnish proof satisfactory to the Division that he has successfully completed at least 24 classroom hours of instruction in property management; and

(b) Comply with all other requirements established by the Commission for the issuance of a permit.

3. A permit expires, and may be renewed, at the same time as the license of the holder of the permit.

4. An applicant for the renewal of a permit must:

(a) Furnish proof satisfactory to the Division that he has successfully completed at least 3 of the hours of the continuing education required for the renewal of his license pursuant to ***the regulations adopted by the Commission pursuant to*** NRS 645.575 in an approved educational course, seminar or conference concerning property management; and

(b) Comply with all other requirements established by the Commission for the renewal of a permit.

5. The Commission may adopt such regulations as it determines are necessary to carry out the provisions of this section. The regulations may, without limitation:

(a) Establish additional requirements for the issuance or renewal of a permit.

(b) Establish fees for the issuance and renewal of a permit and fees to pay the costs of:

(1) Any examination for a permit, including any costs which are necessary for the administration of such an examination.

(2) Any investigation of an applicant's background.

(c) Set forth standards of education for the approval of a course of instruction to qualify an applicant for a permit.

Sec. 5. NRS 645.625 is hereby amended to read as follows:

645.625 1. Except as otherwise provided in this section, a complaint filed with the Division alleging a violation of this chapter, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential ~~[.]~~ ***and may be disclosed in whole or in part only as necessary in the course of administering this chapter or to a licensing board or agency or any other governmental agency, including, without limitation, a law enforcement agency, that is investigating a person who holds a license, permit or registration issued pursuant to this chapter.***

2. A complaint or other document filed with the Commission to initiate disciplinary action and all documents and information considered by the Commission when determining whether to impose discipline are public records.

Sec. 6. NRS 645.630 is hereby amended to read as follows:

645.630 1. The Commission may require a licensee, property manager or owner-developer to pay an administrative fine of not more than ~~[$5,000]~~ ***$10,000*** for each violation he commits or suspend, revoke, deny the renewal of or place conditions upon his license, permit or registration, or impose any combination of those actions, at any time if the licensee, property manager or owner-developer has, by false or fraudulent representation, obtained a license, permit or registration, or the licensee, property manager or owner-developer, whether or not acting as such, is found guilty of:

(a) Making any material misrepresentation.

(b) Making any false promises of a character likely to influence, persuade or induce.

(c) Accepting a commission or valuable consideration as a real estate broker-salesman or salesman for the performance of any of the acts specified in this chapter or chapter 119 or 119A of NRS from any person except the licensed real estate broker with whom he is associated or the owner-developer by whom he is employed.

(d) Representing or attempting to represent a real estate broker other than the broker with whom he is associated, without the express knowledge and consent of the broker with whom he is associated.

(e) Failing to maintain, for review and audit by the Division, each brokerage agreement and property management agreement governed by the provisions of this chapter and entered into by the licensee.

(f) Failing, within a reasonable time, to account for or to remit any money which comes into his possession and which belongs to others.

(g) If he is required to maintain a trust account:

(1) Failing to balance the trust account at least monthly; and

(2) Failing to submit to the Division an annual accounting of the trust account as required in NRS 645.310.

(h) Commingling the money or other property of his clients with his own or converting the money of others to his own use.

(i) In the case of a broker-salesman or salesman, failing to place in the custody of his licensed broker or owner-developer, as soon as possible, any deposit or other money or consideration entrusted to him by any person dealing with him as the representative of his licensed broker.

(j) Accepting other than cash as earnest money unless that fact is communicated to the owner before his acceptance of the offer to purchase and that fact is shown in the receipt for the earnest money.

(k) Upon acceptance of an agreement, in the case of a broker, failing to deposit any check or cash received as earnest money before the end of the next banking day unless otherwise provided in the purchase agreement.

(l) Inducing any party to a brokerage agreement, property management agreement, agreement of sale or lease to break it in order to substitute a new brokerage agreement, property management agreement, agreement of sale or lease with the same or another party if the inducement to make the substitution is offered to secure personal gain to the licensee or owner-developer.

2. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 7. NRS 645.685 is hereby amended to read as follows:

645.685 1. The licensee, permittee or owner-developer shall file an answer to the charges with the Commission ~~[no]~~ ***not*** later than 30 days after service of the notice and other documents described in subsection 4 of NRS 645.680. The answer must contain an admission or denial of the allegations contained in the complaint and any defenses upon which the licensee, permittee or owner-developer will rely. If no answer is filed within the ~~[time limit]~~ ***period*** described in this subsection, the Division may, after notice to the licensee, permittee or owner-developer served in the manner authorized in subsection 5 of NRS 645.680, move the Commission for the entry of a default against the licensee, permittee or owner-developer.

2. The answer may be served by delivery to the Commission, or by mailing the answer by certified mail to the principal office of the Division.

3. No proceeding to suspend, revoke or deny the renewal of any license or registration of an owner-developer may be maintained unless it is commenced by the giving of notice to the licensee, permittee or owner-developer within ~~[3 years of the time]~~ ***5 years after the date*** of the act charged, whether of commission or omission, except:

(a) If the charges are based upon a misrepresentation, or failure to disclose, the period does not commence until the discovery of facts which do or should lead to the discovery of the misrepresentation or failure to disclose; and

(b) Whenever any action or proceeding is instituted to which the Division, licensee, permittee or owner-developer is a party and which involves the conduct of the licensee, permittee or owner-developer in the transaction with which the charges are related, the running of the ~~[3-year]~~ ***5-year*** period with respect to the institution of a proceeding pursuant to this chapter to suspend, revoke or deny the renewal of the license, permit or registration is suspended during the pendency of the action or proceeding.

Sec. 8. NRS 645.863 is hereby amended to read as follows:

645.863 1. A person who is licensed as a real estate broker, real estate broker-salesman or real estate salesman pursuant to this chapter may apply to the Real Estate Division for a permit to engage in business as a business broker.

2. An applicant for a permit must:

(a) Provide proof satisfactory to the Real Estate Division that he has successfully completed at least 24 hours of ~~[classroom]~~ instruction relating to business brokerage; and

(b) Comply with any other requirements for the issuance of a permit established by the Commission.

3. A permit expires on the same date as the license of the holder of the permit expires. A permit may be renewed at the time that a person licensed pursuant to this chapter applies for renewal of his license.

4. An applicant for the renewal of a permit must:

(a) Provide proof satisfactory to the Real Estate Division that he has successfully completed at least 3 hours of continuing education required for the renewal of his license pursuant to ***the regulations adopted by the Commission pursuant to*** NRS 645.575 in an approved educational course, seminar or conference relating to business brokerage.

(b) Comply with any other requirements for renewal of a permit established by the Commission.

5. The Commission shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations must include, without limitation, provisions that establish:

(a) Requirements for the issuance or renewal of a permit.

(b) Fees for:

(1) The issuance or renewal of a permit;

(2) The cost of any examination required of an applicant for a permit, including, without limitation, any costs which are necessary for the administration of an examination; and

(3) The cost of any investigation of an applicant for a permit.

(c) Standards of education for the approval of a course of instruction to qualify an applicant for the issuance or renewal of a permit.

Sec. 9. Chapter 645C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A certified or licensed appraiser or registered intern shall notify the Division in writing if he is convicted of, or enters a plea of guilty or nolo

contendere to, a felony relating to the practice of appraisers or any offense involving moral turpitude.

2. A certified or licensed appraiser or registered intern shall submit the notification required by subsection 1:

(a) Not more than 10 days after the conviction or entry of the plea of guilty or nolo contendere; and

(b) When submitting an application to renew a certificate, license or registration card issued pursuant to this chapter.

Sec. 10. NRS 645C.225 is hereby amended to read as follows:

645C.225 1. Except as otherwise provided in this section, a complaint filed with the Commission, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential ~~[.]~~ ***and may be disclosed in whole or in part only as necessary in the course of administering this chapter or to a licensing board or agency or any other governmental agency, including, without limitation, a law enforcement agency, that is investigating a person who holds a certificate, license or registration card issued pursuant to this chapter.***

2. The complaint or other document filed by the Commission to initiate disciplinary action and all documents and information considered by the Commission when determining whether to impose discipline are public records.

Sec. 11. NRS 645C.410 is hereby amended to read as follows:

645C.410 1. If an intern for any reason terminates his association with an appraiser, the appraiser shall:

(a) Immediately deliver or mail by certified mail to the Division the intern's registration card, together with a written statement of the circumstances surrounding the termination of the association and a copy of the notice required by paragraph (b); and

(b) At the time of delivering or mailing the registration card to the Division, advise the intern that his registration card has been forwarded to the Division by mailing notice of that fact to the intern's last known residential address.

2. The registration card must be suspended if the intern does not become associated with another certified ~~[or licensed]~~ appraiser within ~~[30]~~ ***60*** days after the termination of his previous association.

3. The intern shall not assist in the preparation or communication, whether directly or indirectly, of an appraisal under the authority of his registration card from the date that the registration card is delivered or mailed by the appraiser with whom his association was terminated to the Division, until the date that a new registration card is issued naming another appraiser with whom the intern has become associated.

Sec. 12. NRS 645C.460 is hereby amended to read as follows:

645C.460 1. Grounds for disciplinary action against a certified or licensed appraiser or registered intern include:

(a) Unprofessional conduct;

(b) Professional incompetence;

(c) A criminal conviction for a felony relating to the practice of appraisers or any offense involving moral turpitude; and

(d) The suspension or revocation of a registration card, certificate, license or permit to act as an appraiser in any other jurisdiction.

2. If grounds for disciplinary action against an appraiser or intern exist, the Commission may do one or more of the following:

(a) Revoke or suspend his certificate, license or registration card.

(b) Place conditions upon his certificate, license or registration card, or upon the reissuance of a certificate, license or registration card revoked pursuant to this section.

(c) Deny the renewal of his certificate, license or registration card.

(d) Impose a fine of not more than ~~[$1,000]~~ ***$10,000*** for each violation.

3. If a certificate, license or registration card is revoked by the Commission, another certificate, license or registration card must not be issued to the same appraiser or intern for at least 1 year after the date of the revocation, or at any time thereafter except in the sole discretion of the Administrator, and then only if the appraiser or intern satisfies all the requirements for an original certificate, license or registration card.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 13. Chapter 645D of NRS is hereby amended by adding thereto a new section to read as follows:

1. A certified inspector shall notify the Division in writing if he is convicted of, or enters a plea of guilty or nolo contendere to, a felony or any offense involving moral turpitude.

2. A certified inspector shall submit the notification required by subsection 1:

(a) Not more than 10 days after the conviction or entry of the plea of guilty or nolo contendere; and

(b) When submitting an application to renew a certificate issued pursuant to this chapter.

Sec. 14. NRS 645D.135 is hereby amended to read as follows:

645D.135 1. Except as otherwise provided in this section, a complaint filed with the Division, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential ~~[.]~~ ***and may be disclosed in whole or in part only as necessary in the course of administering this chapter or to a licensing board or agency or any other governmental agency, including, without limitation, a law enforcement agency, that is investigating a person who holds a certificate issued pursuant to this chapter.***

2. The complaint or other document filed by the Division to initiate disciplinary action and all documents and information considered by the Division when determining whether to impose discipline are public records.

Sec. 15. Chapter 116A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A community manager who holds a certificate and a reserve study specialist who holds a permit shall notify the Division in writing if he is convicted of, or enters a plea of guilty or nolo contendere to, a felony or any offense involving moral turpitude.

2. A community manager or reserve study specialist shall submit the notification required by subsection 1 not more than 10 days after the conviction or entry of the plea of guilty or nolo contendere.

Sec. 16. NRS 116A.270 is hereby amended to read as follows:

116A.270 1. Except as otherwise provided in this section, a complaint filed with the Division alleging a violation of this chapter or chapter 116 of NRS, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential ~~[.]~~ ***and may be disclosed in whole or in part only as necessary in the course of administering this chapter or to a licensing board or agency or any other governmental agency, including, without limitation, a law enforcement agency, that is investigating a person who holds a certificate or permit issued pursuant to this chapter.***

2. The complaint or other charging documents filed with the Commission to initiate disciplinary action and all documents and other information considered by the Commission or a hearing panel when determining whether to impose discipline are public records.

Sec. 17. Chapter 119 of NRS is hereby amended by adding thereto the provisions set forth as sections 18 and 19 of this act.

Sec. 18. ***1. Except as otherwise provided in this section, a complaint filed with the Division alleging a violation of this chapter, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential and may be disclosed in whole or in part only as necessary in the course of administering this chapter or to a licensing board or agency or any other governmental agency, including, without limitation, a law enforcement agency, that is investigating a person who holds a license or permit issued pursuant to this chapter.***

2. The complaint or other charging documents filed with the Division to initiate disciplinary action and all documents and other information considered by the Division or a hearing officer when determining whether to impose discipline are public records.

Sec. 19. ***1. A developer or registered representative shall notify the Division in writing if he is convicted of, or enters a plea of guilty or nolo contendere to, a felony or any offense involving moral turpitude.***

2. A developer or registered representative shall submit the notification required by subsection 1:

(a) Not more than 10 days after the conviction or entry of the plea of guilty or nolo contendere; and

(b) When submitting an application to renew a license, permit or registration issued pursuant to this chapter.

Sec. 20. NRS 119.182 is hereby amended to read as follows:

119.182 1. The information submitted pursuant to NRS 119.140 must be given to and reviewed with each purchaser by the broker or salesman before the execution of any contract for the sale of any such property. The broker shall obtain from the purchaser a signed receipt for a copy of the information and, if a contract for disposition is entered into, the receipt and a copy of all contracts and agreements must be kept in the broker's files within the State of Nevada for 3 years or 1 year after final payment has been made on any contract for the sale of property, whichever is longer, and is subject to such inspection and audit as may be prescribed by regulations of the Division.

2. The purchaser of any subdivision or any lot, parcel, unit or interest in any subdivision, not exempted under the provisions of NRS 119.120 or 119.122 may cancel, by written notice, the contract of sale until midnight of the fifth calendar day following the date of execution of the contract, and the contract must so provide. The right of cancellation may not be waived. Any attempt by the developer to obtain such a waiver results in a contract which is voidable by the purchaser.

3. The notice of cancellation may be delivered personally to the developer or sent by certified mail ~~[or telegram]~~ ***, return receipt requested,*** to the business address of the developer.

4. The developer shall, within 15 days after receipt of the notice of cancellation, return all payments made by the purchaser.

Sec. 21. Chapter 119A of NRS is hereby amended by adding thereto the provisions set forth as sections 22 and 23 of this act.

Sec. 22. ***1. Except as otherwise provided in this section, a complaint filed with the Division alleging a violation of this chapter, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential and may be disclosed in whole or in part only as necessary in the course of administering this chapter or to a licensing board or agency or any other governmental agency, including, without limitation, a law enforcement agency, that is investigating a person who holds a license, registration or permit issued pursuant to this chapter.***

2. The complaint or other charging documents filed with the Administrator to initiate disciplinary action and all documents and other information considered by the Administrator or a hearing officer when determining whether to impose discipline are public records.

Sec. 23. ***1. A sales agent, representative, manager, developer or project broker shall notify the Division in writing if he is convicted of, or enters a plea of guilty or nolo contendere to, a felony or any crime involving moral turpitude.***

2. A sales agent, representative, manager, developer or project broker shall submit the notification required by subsection 1:

(a) Not more than 10 days after the conviction or entry of the plea of guilty or nolo contendere; and

(b) When submitting an application to renew a license, registration or permit issued pursuant to this chapter.

Sec. 24. NRS 119A.410 is hereby amended to read as follows:

119A.410 1. The purchaser of a time share may cancel, by written notice, the contract of sale until midnight of the fifth calendar day following the date of execution of the contract. The contract of sale must include a statement of this right.

2. The right of cancellation may not be waived. Any attempt by the developer to obtain a waiver results in a contract which is voidable by the purchaser.

3. The notice of cancellation may be delivered personally to the developer or sent by certified mail ~~[or telegram]~~ ***, return receipt requested,*** to the business address of the developer.

4. The developer shall, within 15 days after receipt of the notice of cancellation, return all payments made by the purchaser.

Sec. 25. Chapter 119B of NRS is hereby amended by adding thereto the provisions set forth as sections 26 and 27 of this act.

Sec. 26. ***1. Except as otherwise provided in this section, a complaint filed with the Division alleging a violation of this chapter, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential and may be disclosed in whole or in part only as necessary in the course of administering this chapter or to a licensing board or agency or any other governmental agency, including, without limitation, a law enforcement agency, that is investigating a person who holds a permit issued pursuant to this chapter.***

2. The complaint or other charging documents filed with the Administrator to initiate disciplinary action and all documents and other information considered by the Administrator when determining whether to impose discipline are public records.

Sec. 27. ***1. A developer shall notify the Division in writing if he is convicted of, or enters a plea of guilty or nolo contendere to, a felony or any crime involving moral turpitude.***

2. A developer shall submit the notification required by subsection 1:

(a) Not more than 10 days after the conviction or entry of the plea of guilty or nolo contendere; and

(b) When submitting an application to renew a permit issued pursuant to this chapter.

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 562.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 592.

The following Senate amendment was read:

Amendment No. 772.

SUMMARY— ~~[Provides for contracting licenses for.]~~ **Requires the State Contractors' Board to adopt certain regulations concerning** the abatement or removal of asbestos. (BDR 54-1200)

AN ACT relating to contractors; ~~[requiring the State Contractors' Board to designate a contracting classification for licenses that authorize the licensee to abate or remove asbestos;]~~ requiring the **State Contractors'** Board to establish a specific limit on the amount of asbestos that a contractor not licensed to remove asbestos may remove; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for contracting licenses to be classified as licenses for general engineering contracting, general building contracting or specialty contracting. (NRS 624.215) Existing law also authorizes the State Contractors' Board to limit the field and scope of work that may be done pursuant to a specific contracting license. (NRS 624.220) Existing law authorizes a licensed specialty contractor to perform work outside the field and scope for which the contractor is licensed if the work is incidental and supplemental to the performance of work for which the contractor is licensed. (NRS 624.220)

~~[This bill requires the Board to adopt regulations designating a specialty contracting classification for licenses that authorize the licensee to abate or remove asbestos.]~~ This bill ~~[also]~~ requires the Board to adopt regulations establishing a specific limit on the amount of asbestos that a contractor not licensed to remove asbestos may remove.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 624.220 is hereby amended to read as follows:

624.220 1. The Board shall adopt regulations necessary to effect the classification and subclassification of contractors in a manner consistent with established usage and procedure as found in the construction business, and may limit the field and scope of the operations of a licensed contractor to those in which he is classified and qualified to engage as defined by NRS 624.215 and the regulations of the Board.

2. The Board shall limit the field and scope of the operations of a licensed contractor by establishing a monetary limit on a contractor's license, and the limit must be the maximum contract a licensed contractor may undertake on one or more construction contracts on a single construction site or subdivision site for a single client. The Board may take any other action designed to limit the field and scope of the operations of a contractor as may be necessary to protect the health, safety and general welfare of the public. The limit must be determined after consideration of the factors set forth in NRS 624.260 to 624.265, inclusive.

3. A licensed contractor may request that the Board increase the monetary limit on his license, either on a permanent basis or for a single construction project. A request submitted to the Board pursuant to this subsection must be in writing on a form prescribed by the Board and accompanied by such supporting documentation as the Board may require. If a request submitted pursuant to this section is for a single construction project, the request must be submitted to the Board at least 2 working days before the date on which the licensed contractor intends to submit his bid for the project.

4. ~~[Nothing]~~ ***Subject to the provisions of regulations adopted pursuant to subsection 5, nothing*** contained in this section prohibits a specialty contractor from taking and executing a contract involving the use of two or more crafts or trades, if the performance of the work in the crafts or trades, other than in which he is licensed, is incidental and supplemental to the performance of work in the craft for which the specialty contractor is licensed.

5. The Board shall adopt regulations ~~[:~~

~~*(a) Designating a specialty contracting classification for licenses that authorize the licensee to abate or remove asbestos; and*~~

~~*(b) Establishing]*~~ ***establishing a specific limit on the amount of asbestos that a licensed contractor with a license that is not classified*** ~~[*pursuant to paragraph (a)*]~~ ***for the abatement or removal of asbestos may abate or remove pursuant to subsection 4.***

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 592.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 244.

The following Senate amendment was read:

Amendment No. 952.

AN ACT relating to education; revising provisions governing the review of school districts based upon certain financial management principles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that to the extent money is made available by the Legislature, each school district in this State must undergo a review every 6 years to determine whether the school district is successfully carrying out certain financial management principles. (NRS 387.602-387.644) A school district may, under certain circumstances, be exempt from the 6-year review and undergo the review every 12 years. (NRS 387.631, 387.639) Upon completion of the review of a school district, the consultant who conducted the review must submit a preliminary report of the review to the superintendent of schools of the school district for the superintendent to prepare a written response. The preliminary report and the final report must be made available to the general public. (NRS 387.631) This bill revises provisions governing the preliminary report of the review and requires the consultant to submit the preliminary report to the superintendent of the school district or the superintendent's designee for preparation of a written response of the school district. This bill also ~~[makes the preliminary report confidential.]~~ **requires the consultant to submit a summary of the preliminary report to the Legislative Committee on Education for its review.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 387.631 is hereby amended to read as follows:

387.631 1. The consultant shall complete the review of a school district within 6 months after the date on which the review is commenced. The consultant shall prepare a final written report of the review that:

(a) Is documented by sufficient, competent and relevant evidence to provide a reasonable basis for the findings and conclusions of the consultant.

(b) If the consultant determines that the school district is not successfully carrying out the management principles in one or more of the areas set forth in subsection 2 of NRS 387.622, includes a plan for corrective action for the school district to carry out successfully the management principles in each area within 2 years. The plan must:

(1) Be logically connected to and substantiated by the results of the review;

(2) Be specific and detailed; and

(3) Identify methods for the school district to reduce its costs and expenses.

(c) Includes the written response of the school district prepared pursuant to subsection 2.

2. The consultant shall furnish a copy of the preliminary report of the review to the superintendent of schools of the school district ***or the superintendent's designee and discuss the report with the*** ~~[superintendent.]~~ ***superintendent or the superintendent's designee. The consultant shall submit a summary of the preliminary report to the Legislative Committee on Education for its review.*** Within 30 days after receipt of the preliminary report, the superintendent ~~[shall, in consultation with the board of trustees of the school district,]~~ ***or the superintendent's designee shall*** prepare a written response to the preliminary report that includes a statement of explanation or rebuttal of any findings contained in the preliminary report. The consultant shall include the written response of the school district in his final written report submitted pursuant to subsection 1.

3. The final written report of the consultant must be submitted to the board of trustees of the school district, the State Board, the Legislative Auditor and the Director of the Legislative Counsel Bureau for transmission to the Legislature within 60 days after the review is complete.

4. If the consultant determines that a school district is successfully carrying out the management principles for each of the areas set forth in subsection 2 of NRS 387.622, the school district is exempt from its next 6-year review unless the Legislature subsequently determines that the conditions or circumstances occurring within the school district warrant another review pursuant to NRS 387.602 to 387.644, inclusive. If a school district is exempt pursuant to this subsection, the exemption is valid for only one review and the school district must undergo a review at least once every 12 years.

5. The ~~[preliminary report]~~ [and the] ~~*[is confidential. The]*~~ final report must be made available to the general public.

Sec. 2. This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 244.

Remarks by Assemblywoman Parnell.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 386.

The following Senate amendment was read:

Amendment No. 815.

AN ACT relating to interscholastic events; requiring the Nevada Interscholastic Activities Association to adopt regulations governing spirit squads; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Nevada Interscholastic Activities Association to adopt regulations that are necessary to control, supervise and regulate all

interscholastic events at public schools, charter schools, private schools and parochial schools in Nevada. (NRS 386.420-386.470) Pursuant to that authority, the Association has adopted regulations governing the activities of cheerleaders and other members of a spirit squad at those schools. (NAC 386.754-386.7548)

Section 1 of this bill requires the Association to adopt regulations setting forth the standards of safety for each event, competition or other activity engaged in by a spirit squad and the qualifications required for a person to become a coach of a spirit squad. **Section 5 of this bill requires each spirit squad and each person who is a coach of a spirit squad to comply with those regulations on or before July 1, 2008.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 386.430 is hereby amended to read as follows:

386.430 1. The Nevada Interscholastic Activities Association shall adopt rules and regulations in the manner provided for state agencies by chapter 233B of NRS ~~[,]~~ as may be necessary to carry out the provisions of NRS 386.420 to 386.470, inclusive. The regulations must include provisions governing the eligibility and participation of homeschooled children in interscholastic activities and events.

2. ***The Nevada Interscholastic Activities Association shall adopt regulations setting forth:***

(a) The standards of safety for each event, competition or other activity engaged in by a spirit squad of a school that is a member of the Nevada Interscholastic Activities Association ~~*[;]*~~ ***, which must substantially comply with the spirit rules of the National Federation of State High School Associations, or its successor organization; and***

(b) The qualifications required for a person to become a coach of a spirit squad.

~~*3. [The regulations adopted pursuant to subsection 2 must:*~~

~~*(a) Substantially comply with the spirit rules of the National Federation of State High School Associations, or its successor organization, and the qualifications for coaching of the American Association of Cheerleading Coaches and Administrators, or its successor organization; and*~~

~~*(b) Provide for the regulation of the activities of spirit squads as an athletic activity.*~~

~~*4.]*~~ If the Nevada Interscholastic Activities Association intends to adopt, repeal or amend a policy, rule or regulation concerning or affecting homeschooled children, the Association shall consult with the Northern Nevada Homeschool Advisory Council and the Southern Nevada Homeschool Advisory Council, or their successor organizations, to provide those Councils with a reasonable opportunity to submit data, opinions or arguments, orally or in writing, concerning the proposal or change. The

Association shall consider all written and oral submissions respecting the proposal or change before taking final action.

~~[5.]~~ ***4.*** ***As used in this section, "spirit squad" means any team or other group of persons that is formed for the purpose of:***

(a) Leading cheers or rallies to encourage support for a team that participates in a sport that is sanctioned by the Nevada Interscholastic Activities Association; or

(b) Participating in a competition against another team or other group of persons to determine the ability of each team or group of persons to engage in an activity specified in paragraph (a).

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. **1. Each spirit squad of a school that is a member of the Nevada Interscholastic Activities Association shall, on or before July 1, 2008, comply with the regulations adopted by the Association pursuant to NRS 386.430, as amended by section 1 of this act.**

2. Each person who is a coach of a spirit squad shall, on or before July 1, 2008, comply with the regulations adopted by the Nevada Interscholastic Activities Association pursuant to NRS 386.430, as amended by section 1 of this act.

~~[Sec. 5.]~~ ***Sec. 6.*** This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved that the Assembly concur in the Senate amendment to Assembly Bill No. 386.

Remarks by Assemblywoman Parnell.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 585.

The following Senate amendment was read:

Amendment No. 713.

AN ACT relating to public financial administration; providing the rate of interest to be paid on overpayments of taxes on real or personal property; making various changes to other provisions governing taxes on real or personal property; **making various changes concerning certain agreements and claims regarding unclaimed property held by a county treasurer;** revising provisions governing calculation of the interest that a public body must pay to a contractor on amounts withheld from progress payments on public works; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, unless a specific statute provides otherwise, a taxpayer is entitled to interest on an overpayment of taxes at a rate equal to the prime rate plus 2 percent. (NRS 360.2935) Section ~~[1]~~ **2** of this bill provides that

the rate of interest to be paid on overpayments of real or personal property taxes is 0.5 percent per month.

Section 3 of this bill requires that a person who enters into certain agreements to locate, deliver, recover or assist in the recovery of any remaining excess proceeds of a sale by a county treasurer of real property for which delinquent property taxes have not been paid must be licensed as a private investigator in this State.

Under existing law, a taxpayer who wishes to have certain determinations concerning partial abatements from taxation reviewed must submit a written petition to the county tax receiver. (NRS 361.4734) Section ~~[2]~~ **4** of this bill requires such a petition to be submitted to the county assessor instead of the tax receiver.

Under existing law, small overpayments or deficiencies of personal property taxes do not have to be refunded to or collected from a taxpayer. (NRS 361.485) Section ~~[3]~~ **5** of this bill provides similar treatment for overpayments or deficiencies of real property taxes.

Section ~~[4]~~ **6** of this bill provides a county and its officers and employees with immunity from liability for failure to provide actual notice of delinquent taxes in accordance with NRS 361.5648 under certain circumstances.

Existing law requires the tax receiver of a county to issue to the county treasurer each year a trustee's certificate which describes each property on which delinquent taxes have not been paid. (NRS 361.570) Section ~~[5]~~ **7** of this bill requires that the certificate include not just taxes, but also penalties, interest and costs that have not been paid.

Existing law authorizes certain reconveyances of property held in trust by a county treasurer on which delinquent taxes have not been paid. (NRS 361.585) Section 8 of this bill revises the categories of persons to whom such a reconveyance may be made and repeals the requirements for an agreement to locate, deliver, recover or assist in the recovery of such property.

Section ~~[9]~~ **11** of this bill eliminates the requirement in NRS 361.605 that a county treasurer file with the county auditor a monthly statement of the amount of property sold and rents collected from property that the county treasurer is holding in trust for nonpayment of taxes.

Existing law provides for the disposition of the proceeds of a sale by a county treasurer of real property on which delinquent taxes have not been paid. (NRS 361.610) Section 12 of this bill establishes a procedure to recover any excess proceeds from such a sale and sets forth certain requirements for an agreement to locate, deliver, recover or assist in the recovery of such excess proceeds. Section 12 also provides that certain persons who are entitled to recover property from the county treasurer may authorize a person pursuant to a power of attorney, assignment or other legal instrument to file a claim and collect from the county treasurer any money owed to him, and provides immunity for a county for any losses resulting from the approval of such a claim if the claim is

paid by the county treasurer in accordance with the provisions of the legal instrument.

Section ~~[13]~~ **15** of this bill revises the method set forth in NRS 338.515 to calculate the interest that a public body must pay to a contractor on amounts withheld from progress payments on public works.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 361 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 2 and 3 of this act.**

Sec. 2. 1. Except as otherwise provided in subsection 2 and NRS 361.485, interest must be paid on an overpayment of the taxes imposed by this chapter at the rate of 0.5 percent per month, or fraction thereof, from the last day of the calendar month in which the overpayment was made to the last day of the calendar month in which a refund is made.

2. No interest is allowed:

(a) On a refund of any penalty or interest paid by a taxpayer; or

(b) If the ex officio tax receiver determines that the overpayment was made intentionally or by reason of carelessness.

Sec. 3. 1. Any person who, pursuant to an agreement described in subsection 10 of NRS 361.610, locates, delivers, recovers or assists in the recovery of any remaining excess proceeds of a sale of property held in trust by a county treasurer by virtue of any deed made pursuant to the provisions of this chapter, including a person who files a claim for recovery of the remaining excess proceeds on behalf of any person described in subsection 4 of NRS 361.585, must be licensed as a private investigator pursuant to chapter 648 of NRS.

2. Any person who, pursuant to an agreement described in subsection 10 of NRS 361.610, files a claim for recovery of any remaining excess proceeds pursuant to NRS 361.610 must submit proof of compliance with the provisions of subsection 1 when he files the claim with the county treasurer. The county treasurer shall not accept a claim for recovery of the remaining excess proceeds without proof of compliance.

~~[Sec. 2.]~~ ***Sec. 4.*** NRS 361.4734 is hereby amended to read as follows:

361.4734 1. A taxpayer who is aggrieved by a determination of the applicability of a partial abatement from taxation pursuant to NRS 361.4722, 361.4723 or 361.4724 may, if the property which is the subject of that determination:

(a) Is not valued pursuant to NRS 361.320 or 361.323, submit a written petition for the review of that determination to the ~~[tax receiver]~~ ***county assessor*** of the county in which the property is located. The ~~[tax receiver shall, after consulting with the]~~ county assessor ~~[of that county regarding the determination and]~~ ***shall,*** within 30 days after receiving the petition, render a decision on the petition and notify the taxpayer of that decision.

(b) Is valued pursuant to NRS 361.320 or 361.323, submit a written petition for the review of that determination to the Department. The Department shall, within 30 days after receiving the petition, render a decision on the petition and notify the taxpayer of that decision.

2. A taxpayer who is aggrieved by a decision rendered by a ~~[tax receiver]~~ ***county assessor*** or the Department pursuant to subsection 1 may, within 30 days after receiving notice of that decision, appeal the decision to the Nevada Tax Commission.

3. A taxpayer who is aggrieved by a determination of the Nevada Tax Commission rendered on an appeal made pursuant to subsection 2 is entitled to a judicial review of that determination.

~~[Sec. 3.]~~ ***Sec. 5.*** NRS 361.485 is hereby amended to read as follows:

361.485 1. Whenever any tax is paid to the ex officio tax receiver, he shall appropriately record ~~[such]~~ ***the*** payment and the date thereof on the tax roll contiguously with the name of the person or the description of the property liable for ~~[such]~~ ***the*** taxes, and shall give a receipt for ~~[such]~~ ***the*** payment if requested by the taxpayer.

2. If the assessment roll is maintained on magnetic storage files in a computer system, the requirement of subsection 1 is met if the system is capable of producing, as printed output, the assessment roll with the dates of payments shown opposite the name of the person or the description of the property liable for ~~[such]~~ ***the*** taxes.

3. If the amount of ~~[an overpayment of taxes for]~~ ***taxes paid on*** personal property *:*

(a) Results in an overpayment that is less than the average cost of collecting property taxes in this State as determined by the Nevada Tax Commission, the ex officio tax receiver shall pay the amount of the overpayment into the county treasury ~~[,]~~ for the benefit of the general fund of the county, unless the taxpayer who made the overpayment requests a refund ~~[.]~~ ***within 6 months after the original payment.*** All interest paid on money deposited in the ~~[account]~~ ***county treasury*** pursuant to this ~~[subsection]~~ ***paragraph*** is the property of the county. ~~[All requests for refunds under this section must be made within 6 months after the original payment.~~

~~4. A deficiency in the amount of a payment of taxes for personal property,]~~

(b) Results in a deficiency, the amount of the deficiency, other than a payment for a penalty, must be exempted from collection if the amount of the deficiency is less than the average cost of collecting property taxes in this state as determined by the Nevada Tax Commission.

4. If the amount of taxes paid on real property:

(a) Results in an overpayment that does not exceed the amount due by more than $5, the ex officio tax receiver shall pay the amount of the overpayment into the county treasury for the benefit of the general fund of the county, unless the taxpayer who made the overpayment requests a refund within 6 months after the original payment. All interest paid on

money deposited in the county treasury pursuant to this paragraph is the property of the county.

(b) Results in a deficiency that is $5 or less than the amount due, the ex officio tax receiver may exempt the amount of the deficiency from collection.

~~[Sec. 4.]~~ ***Sec. 6.*** NRS 361.5648 is hereby amended to read as follows:

361.5648 1. Within 30 days after the first Monday in March of each year, with respect to each property on which the tax is delinquent, the tax receiver of the county shall mail notice of the delinquency by first-class mail to:

(a) The owner or owners of the property;

(b) The person or persons listed as the taxpayer or taxpayers on the tax rolls, at their last known addresses, if the names and addresses are known; and

(c) Each holder of a recorded security interest if the holder has made a request in writing to the tax receiver for the notice, which identifies the secured property by the parcel number assigned to it in accordance with the provisions of NRS 361.189.

2. The notice of delinquency must state:

(a) The name of the owner of the property, if known.

(b) The description of the property on which the taxes are a lien.

(c) The amount of the taxes due on the property and the penalties and costs as provided by law.

(d) That if the amount is not paid by the taxpayer or his successor in interest:

(1) The tax receiver will, at 5 p.m. on the first Monday in June of the current year, issue to the county treasurer, as trustee for the State and county, a certificate authorizing him to hold the property, subject to redemption within 2 years after the date of the issuance of the certificate, by payment of the taxes and accruing taxes, penalties and costs, together with interest on the taxes at the rate of 10 percent per annum ***, assessed monthly,*** from the date due until paid as provided by law, except as otherwise provided in NRS 360.232 and 360.320, and that redemption may be made in accordance with the provisions of chapter 21 of NRS in regard to real property sold under execution.

(2) A tax lien may be sold against the parcel pursuant to the provisions of NRS 361.731 to 361.733, inclusive.

3. Within 30 days after mailing the original notice of delinquency, the tax receiver shall issue his personal affidavit to the board of county commissioners affirming that due notice has been mailed with respect to each parcel. The affidavit must recite the number of letters mailed, the number of letters returned and the number of letters finally determined to be undeliverable. Until the period of redemption has expired, the tax receiver shall maintain detailed records which contain such information as the Department may prescribe in support of his affidavit.

4. A second copy of the notice of delinquency must be sent by certified mail, not less than 60 days before the expiration of the period of redemption as stated in the notice.

5. The cost of each mailing must be charged to the delinquent taxpayer.

6. A county and its officers and employees are not liable for any damages resulting from failure to provide actual notice pursuant to this section if the county, officer or employee, in determining the names and addresses of persons with an interest in the property, relies upon a preliminary title search from a company authorized to provide title insurance in this State.

~~[Sec. 5.]~~ ***Sec. 7.*** NRS 361.570 is hereby amended to read as follows:

361.570 1. Pursuant to the notice given as provided in NRS 361.5648 and 361.565 and at the time stated in the notice, the tax receiver shall make out a certificate that describes each property on which delinquent taxes , ***penalties, interest and costs*** have not been paid. The certificate authorizes the county treasurer, as trustee for the State and county, to hold each property described in the certificate for the period of 2 years after the first Monday in June of the year the certificate is dated, unless sooner redeemed.

2. The certificate must specify:

(a) The amount of delinquency on each property, including the amount and year of assessment;

(b) The taxes, and the penalties and costs added thereto, on each property, and that, except as otherwise provided in NRS 360.232 and 360.320, interest on the taxes will be added at the rate of 10 percent per annum ***, assessed monthly,*** from the date due until paid; and

(c) The name of the owner or taxpayer of each property, if known.

3. The certificate must state:

(a) ~~[And it is hereby provided:~~

~~(1)]~~ That each property described in the certificate may be redeemed within 2 years after the date of the certificate; ~~[and~~

~~(2)]~~ ***(b)*** That the title to each property not redeemed vests in the county for the benefit of the State and county ~~[.~~

~~(b)]~~ ***; and***

(c) That a tax lien may be sold against the parcel pursuant to the provisions of NRS 361.731 to 361.733, inclusive.

4. Until the expiration of the period of redemption, each property held pursuant to the certificate must be assessed annually to the county treasurer as trustee . ~~[, and before]~~ ***Before*** the owner or his successor redeems the property, he ~~[shall]~~ ***must*** also pay the county treasurer holding the certificate any additional taxes ***, penalties and costs*** assessed and accrued against the property after the date of the certificate, together with interest on the taxes at the rate of 10 percent per annum ***, assessed monthly,*** from the date due until paid, unless otherwise provided in NRS 360.232 and 360.320.

5. A county treasurer shall take a certificate issued to him pursuant to this section. The county treasurer may cause the certificate to be recorded in

the office of the county recorder against each property described in the certificate to provide constructive notice of the amount of delinquent taxes on each property respectively. The certificate reflects the amount of delinquent taxes ***, penalties, interest and costs*** due on the properties described in the certificate on the date on which the certificate was recorded, and the certificate need not be amended subsequently to indicate ***additional taxes, penalties, interest and costs assessed and accrued*** *or* the repayment of any of those delinquent ~~[~~taxes.~~]~~ ***amounts.*** The recording of the certificate does not affect the statutory lien for taxes provided in NRS 361.450.

~~[~~Sec. 6.~~]~~ ***Sec. 8.*** NRS 361.585 is hereby amended to read as follows:

361.585 1. When the time allowed by law for the redemption of a property described in a certificate has expired ~~[~~,~~]~~ and no redemption has been made, the tax receiver who issued the certificate, or his successor in office, shall execute and deliver to the county treasurer a deed of the property in trust for the use and benefit of the State and county and any officers having fees due them.

2. The county treasurer and his successors in office, upon obtaining a deed of any property in trust under the provisions of this chapter, shall hold that property in trust until it is sold or otherwise disposed of pursuant to the provisions of this chapter.

3. Notwithstanding the provisions of NRS 361.595 or 361.603, at any time during the 90-day period specified in NRS 361.603, or before the public notice of sale by a county treasurer, pursuant to NRS 361.595, of any property held in trust by him by virtue of any deed made pursuant to the provisions of this chapter, any person specified in subsection 4 is entitled to have the property reconveyed upon payment to the county treasurer of an amount equal to the taxes accrued, together with any costs, penalties and interest legally chargeable against the property. A reconveyance may not be made after expiration of the 90-day period specified in NRS 361.603 or after commencement of posting or publication of public notice pursuant to NRS 361.595.

4. Property may be reconveyed pursuant to subsection 3 to one or more of the persons specified in the following categories, or to one or more persons within a particular category, as their interests may appear of record:

(a) The owner.

(b) The beneficiary under a ***note and*** deed of trust.

(c) The mortgagee under a mortgage.

(d) ***The creditor under a judgment.***

(e) The person to whom the property was assessed.

~~[~~(e)~~]~~ ***(f)*** The person holding a contract to purchase the property before its conveyance to the county treasurer.

~~[~~(f)~~]~~ ***(g)*** The successor in interest of any person specified in this subsection.

5. ~~[Any agreement to locate, deliver, recover or assist in the recovery of any property held in trust by a county treasurer by virtue of any deed made pursuant to the provisions of this chapter:~~

~~(a) Must:~~

~~(1) Be in writing.~~

~~(2) Be signed by one or more of the persons identified in subsection 4.~~

~~(3) Include a description of the property.~~

~~(4) Include the value of the property.~~

~~(b) Must not impose a fee that is more than 10 percent of the total value of the property.~~

~~6.]~~ The provisions of this section apply to land held in trust by a county treasurer on or after April 17, 1971.

~~[Sec. 7.]~~ ***Sec. 9.*** NRS 361.590 is hereby amended to read as follows:

361.590 1. If a property described in a certificate is not redeemed within the time allowed by law for its redemption, the tax receiver or his successor in office shall make to the county treasurer as trustee for the State and county a deed of the property, reciting in the deed substantially the matters contained in the certificate of sale or, in the case of a conveyance under NRS 361.604, the order of the board of county commissioners, and that no person has redeemed the property during the time allowed for its redemption.

2. The deed must be recorded in the office of the county recorder within 30 days after the date of expiration of the period of redemption.

3. All such deeds are, except as against actual fraud, conclusive evidence that:

(a) The property was assessed as required by law.

(b) The property was equalized as required by law.

(c) The taxes were levied in accordance with law.

(d) The taxes were not paid.

(e) At a proper time and place a certificate of delinquency was filed as prescribed by law, and by the proper officer.

(f) The property was not redeemed.

(g) The person who executed the deed was the proper officer.

4. Such deeds are, except as against actual fraud, conclusive evidence of the regularity of all other proceedings, from the assessment by the county assessor to the execution of the deed.

5. ~~[The]~~ ***Except as otherwise provided by specific statute, the*** deed conveys to the county treasurer as trustee for the State and county the property described therein, free of all encumbrances, except any easements of record for public utility purposes, any lien for taxes or assessments by any irrigation or other district for irrigation or other district purposes, and any interest and penalties on the property, except when the land is owned by the United States or this State, in which case it is prima facie evidence of the right of possession accrued as of the date of the deed to the purchaser, but

without prejudice to the lien for other taxes or assessments or the claim of any such district for interest or penalties.

6. No tax assessed upon any property, or sale therefor, may be held invalid by any court of this State on account of:

(a) Any irregularity in any assessment;

(b) Any assessment or tax roll not having been made or proceeding had within the time required by law; or

(c) Any other irregularity, informality, omission, mistake or want of any matter of form or substance in any proceedings which the Legislature might have dispensed with in the first place if it had seen fit so to do, and that does not affect the substantial property rights of persons whose property is taxed.

➥ All such proceedings in assessing and levying taxes, and in the sale and conveyance therefor, must be presumed by all the courts of this State to be legal until the contrary is shown affirmatively.

~~[Sec. 8.]~~ ***Sec. 10.*** NRS 361.595 is hereby amended to read as follows:

361.595 1. Any property held in trust by any county treasurer by virtue of any deed made pursuant to the provisions of this chapter may be sold and conveyed in the manner prescribed in this section and in NRS 361.603 or conveyed without sale as provided in NRS 361.604.

2. If the property is to be sold, the board of county commissioners may make an order, to be entered on the record of its proceedings, directing the county treasurer to sell the property particularly described therein, after giving notice of sale, for a total amount not less than the amount of the taxes, costs, penalties and interest legally chargeable against the property as stated in the order.

3. Notice of the sale must be:

(a) Posted in at least three public places in the county, including one at the courthouse and one on the property, not less than 20 days before the day of sale or, in lieu of such a posting, by publication of the notice for 20 days in some newspaper published within the county, if the board of county commissioners so directs.

(b) Mailed by certified mail, return receipt requested, not less than 90 days before the sale, to the owner of the parcel as shown on the tax roll and to any person or governmental entity that appears in the records of the county to have a lien or other interest in the property. If the receipt is returned unsigned, the county treasurer must make a reasonable attempt to locate and notify the owner or other person or governmental entity before the sale.

4. Upon compliance with such an order the county treasurer shall make, execute and deliver to any purchaser, upon payment to him, as trustee, of a consideration not less than that specified in the order, ~~[an absolute]~~ ***a quitclaim*** deed, discharged of any trust of the property mentioned in the order.

5. Before delivering any such deed, the county treasurer shall record the deed at the expense of the purchaser.

6. All such deeds, whether issued before, on or after July 1, 1955, are primary evidence:

(a) Of the regularity of all proceedings relating to the order of the board of county commissioners, the notice of sale and the sale of the property; and

(b) That, if the real property was sold to pay taxes on personal property, the real property belonged to the person liable to pay the tax.

7. No such deed may be executed and delivered by the county treasurer until he files at the expense of the purchaser, with the clerk of the board of county commissioners, proper affidavits of posting and of publication of the notice of sale, as the case may be, together with his return of sale, verified, showing compliance with the order of the board of county commissioners, which constitutes primary evidence of the facts recited therein.

8. If the deed when regularly issued is not recorded in the office of the county recorder, the deed, and all proceedings relating thereto, is void as against any subsequent purchaser in good faith and for a valuable consideration of the same property, or any portion thereof, when his own conveyance is first recorded.

9. The board of county commissioners shall provide its clerk with a record book in which must be indexed the name of each purchaser, together with the date of sale, a description of the property sold, a reference to the book and page of the minutes of the board of county commissioners where the order of sale is recorded, and the file number of the affidavits and return.

~~[Sec. 9.]~~ ***Sec. 11.*** NRS 361.605 is hereby amended to read as follows:

361.605 ~~[1. While such]~~ ***While*** property is held in trust ~~[,]~~ as provided in this chapter, the county treasurer, or his successor in office, ~~[shall]~~ ***may*** collect any rents arising from the property during the time ~~[such]~~ ***the*** property is subject to redemption. After the time of redemption has expired, until ~~[such property can be sold, he]~~ ***the property is sold, the county treasurer, or his successor in office,*** may rent the ~~[same,]~~ ***property,*** with the approval of the board of county commissioners, for a price to be fixed in its minutes. ~~[Such rents shall]~~ ***The rents must*** be paid out by the county treasurer, or his successor in office, ~~[as follows:~~

~~(a) For the payment of costs and taxes for which it was sold, with the percentage allowed for redemption.~~

~~(b) For]~~ ***for*** the payment of any taxes ***, penalties, interest and costs already assessed and*** afterward accruing upon ~~[such property.~~

~~(c) Any balance, into the general fund of his county.~~

~~2. The price for which any property shall be sold shall be appropriated in the same manner as the rents are directed to be paid in this section.~~

~~3. On the first Monday in each month, the county treasurer, or his successor in office, shall file in the office of the county auditor a monthly statement of the amount of property sold and rents collected during the past month. Upon any money being paid to the county treasurer for purchase or rent, the county treasurer shall give a statement of the amount thereof to the person, who shall file the same with the county auditor, and the county~~

~~auditor shall give the person paying such money a receipt for the same, as having been paid to the county treasurer, and expressing the purpose of consideration upon which such payment was made.]~~ ***the property.***

~~[Sec. 10.]~~ ***Sec. 12.*** NRS 361.610 is hereby amended to read as follows:

361.610 1. Out of the sale price or rents of any property of which he is trustee, the county treasurer shall pay the costs due any officer for the enforcement of the tax upon the parcel of property and all taxes owing thereon, and upon the redemption of any property from him as trustee, he shall pay the redemption money over to any officers having fees due them from the parcels of property and pay the tax for which it was sold and pay the redemption percentage according to the proportion those fees respectively bear to the tax.

2. In no case may ~~[any]~~ *:*

(a) Any service rendered by any officer under this chapter become or be allowed as a charge against the county ~~[, nor may the]~~ ***; or***

(b) The sale price or rent or redemption money of any one parcel of property be appropriated to pay any cost or tax upon any other parcel of property than that so sold, rented or redeemed.

3. After paying all the tax and costs upon any one parcel of property, the county treasurer shall pay into the general fund of the county, from the excess proceeds of the sale:

(a) The first $300 of the excess proceeds; and

(b) Ten percent of the next $10,000 of the excess proceeds.

4. The amount remaining after the county treasurer has paid the ~~[amount]~~ *amounts* required by subsection 3 must be deposited in an interest-bearing account maintained for the purpose of holding excess proceeds separate from other money of the county. If no claim is made for the ~~[money within 2 years]~~ ***excess proceeds within 1 year*** after the deed given by the county treasurer is recorded, the county treasurer shall pay the money into the general fund of the county, and it must not thereafter be refunded to the former property owner or his successors in interest. All interest paid on money deposited in the account required by this subsection is the property of the county.

5. If a person who would have been entitled to receive reconveyance of the property pursuant to NRS 361.585 makes a claim in writing for the ~~[balance within 2 years]~~ ***excess proceeds within 1 year*** after the deed is recorded, the county treasurer shall pay ~~[it or his]~~ ***the claim or the*** proper portion ***of the claim*** over to ~~[him if he]~~ ***the person if the county treasurer*** is satisfied that the person is entitled to it.

6. A claim for excess proceeds must be paid out in the following order of priority to:

(a) The persons specified in paragraphs (b), (c), (d) and (g) of subsection 4 of NRS 361.585 in the order of priority of the recorded liens; and

(b) Any person specified in paragraphs (a), (e) and (f) of subsection 4 of NRS 361.585.

7. The county treasurer shall approve or deny a claim within 30 days after the period described in subsection 4 for filing a claim has expired. Any records or other documents concerning a claim shall be deemed the working papers of the county treasurer and are confidential. If more than one person files a claim, and the county treasurer is not able to determine who is entitled to the excess proceeds, the matter must be submitted to mediation.

8. If the mediation is not successful, the county treasurer shall:

(a) Conduct a hearing to determine who is entitled to the excess proceeds; or

(b) File an action for interpleader.

9. A person who is aggrieved by a determination of the county treasurer pursuant to this section may, within 90 days after he receives notice of the determination, commence an action for judicial review of the determination in district court.

10. Any agreement to locate, deliver, recover or assist in the recovery of remaining excess proceeds of a sale which is entered into by a person who would have been entitled to receive reconveyance of the property pursuant to subsection 4 of NRS 361.585 must:

(a) Be in writing.

(b) Be signed by the person who would have been entitled to receive reconveyance.

~~[~~ ~~*(c) Include a description of the property on which the excess proceeds were collected.*~~

~~*(d) Not provide for a fee of more than 10 percent of the total remaining excess proceeds of the sale due that person.]*~~

11. In addition to authorizing a person pursuant to an agreement described in subsection 10 to file a claim and collect from the county treasurer any property owed to him, a person described in subsection 4 of NRS 361.585 may authorize a person pursuant to a power of attorney, assignment or any other legal instrument to file a claim and collect from the county treasurer any property owed to him. The county is not liable for any losses resulting from the approval of the claim if the claim is paid by the county treasurer in accordance with the provisions of the legal instrument.

~~[Sec. 11.]~~ ***Sec. 13.*** NRS 361.620 is hereby amended to read as follows:

361.620 The additional penalties ***, interest*** and costs provided for in this chapter ~~[shall]~~ ***must*** be paid into the county general fund for the use of the county.

~~[Sec. 12.]~~ ***Sec. 14.*** NRS 361.635 is hereby amended to read as follows:

361.635 1. ~~[Within 3 days after making the publication required by NRS 361.565, or after the last publication if more than one is made,]~~ ***Not later than the second Monday in June,*** the county treasurer:

(a) ~~[Shall]~~ ***May, and shall when directed by the board of county commissioners,*** prepare and deliver to the district attorney of ~~[his]~~ ***the*** county a list certified ~~[to by him]~~ ***by the county treasurer*** of all accumulated delinquent taxes, exclusive of penalties and assessments of benefits of irrigation districts, of the sum of $3,000 or more.

(b) May prepare and deliver to the district attorney of ~~[his]~~ ***the*** county, a list certified ~~[to by him]~~ ***by the county treasurer*** of all accumulated delinquent taxes, exclusive of penalties and assessments of benefits of irrigation districts, of the sum of $1,000 or more but less than $3,000.

2. If the delinquent taxes specified in the certified list **,** and penalties **,** ***interest*** and costs **,** are not paid to the county treasurer as ex officio tax receiver within 20 days after the date of delivery of the certified list to the district attorney, the district attorney may, and shall when directed by the board of county commissioners, immediately commence an action for the collection of the delinquent taxes, penalties **,** ***interest*** and costs.

3. The remedy prescribed by this section is in addition to any other remedies provided by law for the collection of delinquent taxes ~~[.]~~ **,** ***penalties, interest and costs.***

~~[Sec. 13.]~~ ***Sec. 15.*** NRS 338.515 is hereby amended to read as follows:

338.515 1. Except as otherwise provided in NRS 338.525, a public body and its officers or agents awarding a contract for a public work shall pay or cause to be paid to a contractor the progress payments due under the contract within 30 days after the date the public body receives the progress bill or within a shorter period if the provisions of the contract so provide. Not more than 90 percent of the amount of any progress payment may be paid until 50 percent of the work required by the contract has been performed. Thereafter , the public body may pay any of the remaining progress payments without withholding additional retainage if, in the opinion of the public body, satisfactory progress is being made in the work.

2. Except as otherwise provided in NRS 338.525, a public body shall identify in the contract and pay or cause to be paid to a contractor the actual cost of the supplies, materials and equipment that:

(a) Are identified in the contract;

(b) Have been delivered and stored at a location, and in the time and manner, specified in a contract by the contractor or a subcontractor or supplier for use in a public work; and

(c) Are in short supply or were specially made for the public work,

➥ within 30 days after the public body receives a progress bill from the contractor for those supplies, materials or equipment.

3. A public body shall pay or cause to be paid to the contractor at the end of each quarter interest for the quarter on any amount withheld by the public

body pursuant to NRS 338.400 to 338.645, inclusive, at a rate equal to the rate quoted by at least three ~~[financial institutions]~~ ***insured banks, credit unions or savings and loan associations in this State*** as the highest rate paid on a certificate of deposit whose duration is approximately 90 days on the first day of the quarter. If the amount due to a contractor pursuant to this subsection for any quarter is less than $500, the public body may hold the interest until:

(a) The end of a subsequent quarter after which the amount of interest due is $500 or more;

(b) The end of the fourth consecutive quarter for which no interest has been paid to the contractor; or

(c) The amount withheld under the contract is due pursuant to NRS 338.520,

➥ whichever occurs first.

4. If the Labor Commissioner has reason to believe that a workman is owed wages by a contractor or subcontractor, he may require the public body to withhold from any payment due the contractor under this section and pay the Labor Commissioner instead, an amount equal to the amount the Labor Commissioner believes the contractor owes to the workman. This amount must be paid ~~[to the workman]~~ by the Labor Commissioner ***to the workman*** if the matter is resolved in his favor, otherwise it must be returned to the public body for payment to the contractor.

~~[Sec. 14.]~~ ***Sec. 16.*** NRS 361.575 is hereby repealed.

~~[Sec. 15.]~~ ***Sec. 17.*** **1.** This **section and sections 1, 2 and 4 to 16, inclusive, of this** act ~~[becomes]~~ **become** effective on July 1, 2007.

2. Section 3 of this act becomes effective on January 1, 2008.

TEXT OF REPEALED SECTION

361.575 Property held in trust by county treasurer: Annual assessment; payment of taxes on sale or rental.

1. During the time a county treasurer holds a certificate for any property under the provisions of this chapter and until the expiration of the period of redemption specified in the certificate with respect to the property, the property must be assessed annually to the county treasurer, and his successors in office, in the same manner as the taxable property of private persons is assessed, except that the assessment must express that it is made against the county treasurer as a trustee. No proceedings may be taken to enforce the collection of the taxes against the trustee.

2. If the property is sold or rented for sufficient money to pay the taxes and costs legally chargeable against the property, the trustee shall pay the taxes and costs in full.

Assemblywoman McClain moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 585.

Remarks by Assemblywoman McClain.

Motion carried.

Bill ordered transmitted to the Senate.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 129, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Gerhardt, Anderson, and Carpenter as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 129.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Parnell moved that the Assembly do not recede from its actions on Senate Bill No. 143, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Parnell.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Smith, Kihuen, and Hardy as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 143.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Parnell moved that the Assembly do not recede from its action on Senate Bill No. 184, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Parnell.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Parnell, Segerblom, and Stewart as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 184.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Parnell moved that the Assembly do not recede from its action on Senate Bill No. 239, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Parnell.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Smith, Denis, and Stewart as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 239.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that the vote whereby Assembly Bill No. 186 was passed be rescinded.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 186 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 41, 51, 53, 54, 55, 64, 67, 80, 90, 91, 101, 112, 120, 137, 143, 145, 147, 176, 194, 195, 216, 226, 227, 228, 239, 249, 253, 321, 322, 326, 331, 334, 342, 352, 375, 383, 391, 406, 421, 433, 446, 463, 468, 478, 483, 489, 493, 507, 512, 516, 517, 518, 529, 531, 533, 535, 540, 549, 554, 567, 570, 576, 580, 596, 608, 612, 616; Assembly Joint Resolutions Nos. 8, 10, 16 of the 73rd Session; Senate Bills Nos. 3, 10, 16, 53, 78, 103, 110, 111, 112, 132, 161, 169, 182, 187, 195, 198, 247, 275, 277, 279, 339, 340, 345, 356, 400, 417, 419, 420, 430, 447, 451, 453, 456, 457, 470, 477, 481, 486, 491, 495, 500, 503, 504, 508, 511, 515, 518, 519, 520, 534, 557; Senate Joint Resolutions Nos. 4, 6, 10, 11, 12, 13, 15, 16 and 17.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Aidan Courtney.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Leissan Sadykova.

Assemblyman Oceguera moved that the Assembly adjourn until Tuesday, May 29, 2007, at 11 a.m., and do so in the memory of all those who have served our country.

Motion carried.

Assembly adjourned at 1:07 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE ONE HUNDRED AND FOURTEENTH DAY

CARSON CITY (Tuesday), May 29, 2007

Assembly called to order at 11:02 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Settelmeyer, who was excused.

Prayer by the Chaplain, Minister Bruce Henderson.

Lord, several times in Your Word is the phrase "last days." Sometimes, it speaks of these as difficult days of evil. At other times, it describes them with words of hope, renewal, blessing, and wonder. As we enter our last days of this session, we seek Your blessing and the renewal of hope. Please give us unity and peace. I pray in the Name of the One who gives true peace.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Government Affairs, to which was referred Senate Concurrent Resolution No. 17, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 38, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 197, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 517, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 17.

Assemblyman Claborn moved the adoption of the resolution.

Remarks by Assemblymen Claborn and Denis.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 626—AN ACT relating to programs for public personnel; establishing for the next biennium the amount to be paid to the Public Employees' Benefits Program for group insurance for certain active and retired public officers and employees; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 186 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 197.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1059.

AN ACT making an appropriation to the Office of the State Controller for the purchase of computer hardware and software; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Office of the State Controller the sum of ~~[$137,714]~~ **$79,797** for the purchase of computer hardware and software.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 38.

Read third time.

Remarks by Assemblyman Segerblom.

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:13 a.m.

ASSEMBLY IN SESSION

At 11:18 a.m.

Madam Speaker presiding.

Quorum present.

Assemblyman Oceguera moved that Senate Bill No. 38 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 517.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1053.

AN ACT relating to state financial administration; requiring that certain payments made to agencies of this State be made electronically; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires all payments of money owed to a state agency for taxes, interest, penalties or any other obligations that, in the aggregate, amount to $10,000 or more be made by electronic transfer. This requirement does not apply to such payments **owed** by governmental entities, ~~[or to]~~ **such** payments to the Secretary of State unless the Secretary of State so requires ~~[.]~~ **or such payments made by credit card or debit card if the state agency requires the cardholder to pay a fee that does not exceed the fee charged to the state agency by the issuer of the credit card or debit card.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 353 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, all payments of money owed to a state agency for taxes, interest, penalties or any other obligations that, in the aggregate, amount to $10,000 or more must be made by any method of electronic transfer of money allowed by the state agency.

2. The provisions of subsection 1:

(a) Apply to a person who has entered into an agreement with one or more employers who are required to pay contributions pursuant to NRS 612.535, if:

(1) Pursuant to such agreement, the person is required to submit the contributions to the Employment Security Division of the Department of Employment, Training and Rehabilitation on behalf of the employers; and

(2) The amount of such contributions from employers, in the aggregate, is $10,000 or more.

(b) Do not apply to ~~[:]~~ the payment of money for taxes, interest, penalties or any other obligations that, in the aggregate, amount to $10,000 or more owed to:

(1) The ~~[payment of money owed to the]~~ Secretary of State, unless the Secretary of State requires ~~[the]~~ that such a payment ~~[of money owed to his office for taxes, interest, penalties or any other obligations that, in the aggregate, amount to $10,000 or more]~~ be made by any method of electronic transfer of money.

(2) ~~[The payment of money owed to a]~~ A state agency by a governmental entity.

(3) A state agency that is made by credit card or debit card if the state agency requires the cardholder to pay the fee authorized pursuant to subsection 3 of NRS 353.1465.

3. If the payment of money owed to a state agency is required pursuant to this section to be made electronically, the electronic payment must be credited to the State of Nevada on or before the date that such payment is due. An employer who is required to pay a contribution pursuant to NRS 612.535 must initiate the payment of the contribution on or before the date that such payment is due.

4. As used in this section:

(a) "Cardholder" has the meaning ascribed to it in NRS 353.1465.

(b) "Credit card" has the meaning ascribed to it in NRS 353.1465.

(c) "Debit card" has the meaning ascribed to it in NRS 353.1465.

(d) "Electronic transfer of money" means any transfer of money, other than a transaction initiated by a check or other similar instrument, that is initiated through an automated clearinghouse transaction, an electronic check transaction or a wire transfer for the purpose of ordering, instructing or authorizing a financial institution to debit or credit an account.

~~[(b)]~~ (e) "Employer" has the meaning ascribed to it in NRS 612.055.

~~[(c)]~~ (f) "Governmental entity" means:

(1) The government of this State;

(2) An agency of the government of this State;

(3) A political subdivision of this State; and

(4) An agency of a political subdivision of this State.

Sec. 2. NRS 353.146 is hereby amended to read as follows:

353.146 As used in NRS 353.146 to 353.148, inclusive, ***and section 1 of this act,*** "state agency" means an agency, bureau, board, commission, department, division or any other unit of the Executive Department of the State Government.

Sec. 3. NRS 31A.090 is hereby amended to read as follows:

31A.090 1. A notice to withhold income is binding upon any employer of an obligor to whom it is mailed. To reimburse the employer for his costs in making the withholding, he may deduct $3 from the amount paid the obligor each time he makes a withholding.

2. ~~[If]~~ ***Except as otherwise provided in subsection 3, if*** an employer receives notices to withhold income for more than one employee, he may consolidate the amounts of money that are payable to:

(a) The enforcing authority and pay those amounts with one check; and

(b) The State Treasurer and pay those amounts with one check,

➥ but the employer shall attach to each check a statement identifying by name and social security number each obligor for whom payment is made and the amount transmitted for that obligor.

3. ***If the provisions of section 1 of this act apply, the employer shall make payment to the enforcing authority or the State Treasurer, as applicable, by way of any method of electronic transfer of money allowed by the enforcing authority or the State Treasurer. If an employer makes such payment by way of electronic transfer of money, the employer shall transmit separately the name and appropriate identification number, if any, of each obligor for whom payment is made and the amount transmitted for that obligor.***

4. An employer shall cooperate with and provide relevant information to an enforcing authority as necessary to enable it to enforce an obligation of support. A disclosure made in good faith pursuant to this subsection does not give rise to any action for damages resulting from the disclosure.

5. As used in this section, "electronic transfer of money" has the meaning ascribed to it in section 1 of this act.

Sec. 4. NRS 108.650 is hereby amended to read as follows:

108.650 1. Any person or his insurer who, after the receipt of a certified copy of the notice of lien pursuant to NRS 108.610, makes any payment to the injured person, his heirs, personal representatives or the attorney for any of them, as compensation for the injury suffered, without paying the hospital the reasonable value of hospitalization rendered to the injured person and claimed in its notice of lien or so much thereof as can be satisfied out of the money due under any final judgment, settlement or compromise, after paying the attorney's fees, costs and expenses incurred in connection therewith and any prior liens, is, for a period of 180 days after the date of that payment, liable to the hospital for the amount or part thereof which the hospital was entitled to receive. The hospital has, within that period, a cause of action or other claim for relief against the person or insurer

making the payment, which may be prosecuted and maintained in any county wherein the notice of lien was filed.

2. ~~[If]~~ ***Except as otherwise provided in this subsection, if*** the hospital is publicly owned or not for profit, the person or his insurer shall make the payment to the hospital by issuing to the hospital a separate check or other negotiable instrument. ***If the provisions of section 1 of this act apply, the person or his insurer shall make the payment to the hospital by way of any method of electronic transfer of money allowed by the hospital.***

3. As used in this section, "electronic transfer of money" has the meaning ascribed to it in section 1 of this act.

Sec. 5. The Legislative Counsel shall, where applicable:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, with respect to any section that is not amended by this act or is further amended by another act, appropriately change any reference to a "check" or "negotiable instrument" to an "electronic transfer of money."

2. In preparing supplements to the Nevada Administrative Code, appropriately change any reference to a "check" or "negotiable instrument" to an "electronic transfer of money."

Sec. 6. This act becomes effective on July 1, 2008.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 186.

Bill read third time.

The following amendment was proposed by Assemblyman Conklin:

Amendment No. 1062.

SUMMARY—Revises various provisions relating to economic and energy development. (BDR ~~[S-784)]~~ **32-784)**

AN ACT relating to ~~[economic and energy development;]~~ **state financial administration; revising various provisions governing partial abatements of certain taxes by the Commission on Economic Development;** revising various provisions governing the Solar Energy Systems Demonstration Program Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Commission on Economic Development to approve partial abatements of certain taxes imposed on new or expanded businesses. (NRS 360.750) Sections 10.3, 10.7 and 13.5 of this bill require a business that receives such a partial abatement to: (1) allow the Department of Taxation to conduct audits of the business to determine whether it is in compliance with the requirements for the partial abatement; and (2) consent to the disclosure of the audit reports to the Commission on Economic Development and to the public with certain limited exceptions.

Under the Solar Energy Systems Demonstration Program Act, a certain number of schools which install solar energy systems are entitled to participate in the Demonstration Program and receive portfolio energy credits that may be sold to utilities seeking to comply with the portfolio standards. (Chapter 331, Statutes of Nevada 2003, pp. 1868-71) Section 11 of this bill increases the number of schools that may participate in the Demonstration Program and increases the kilowatts of capacity for solar energy systems in schools from 570 kilowatts to 2 megawatts for the years 2007, 2008 and 2009.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 10.3. **Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If the Commission on Economic Development approves an application by a business for a partial abatement pursuant to NRS 360.750, the agreement with the Commission must provide that the business:

(a) Agrees to allow the Department to conduct audits of the business to determine whether the business is in compliance with the requirements for the partial abatement; and

(b) Consents to the disclosure of the audit reports in the manner set forth in this section.

2. If the Department conducts an audit of the business to determine whether the business is in compliance with the requirements for the partial abatement, the Department shall, upon request, provide the audit report to the Commission on Economic Development.

3. Until the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit, the information contained in the audit report provided to the Commission on Economic Development:

(a) Is confidential proprietary information of the business;

(b) Is not a public record; and

(c) Must not be disclosed to any person who is not an officer or employee of the Commission on Economic Development unless the business consents to the disclosure.

4. After the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit:

(a) The audit report provided to the Commission on Economic Development is a public record; and

(b) Upon request by any person, the Executive Director of the Commission on Economic Development shall disclose the audit report to the person who made the request, except for any information in the audit report that is protected from disclosure pursuant to subsection 5.

5. Before the Executive Director of the Commission on Economic Development discloses the audit report to the public, the business may submit a request to the Executive Director to protect from disclosure any information in the audit report which, under generally accepted business practices, would be considered a trade secret or other confidential proprietary information of the business. After consulting with the business, the Executive Director shall determine whether to protect the information from disclosure. The decision of the Executive Director is final and is not subject to judicial review. If the Executive Director determines to protect the information from disclosure, the protected information:

(a) Is confidential proprietary information of the business;

(b) Is not a public record;

(c) Must be redacted by the Executive Director from any audit report that is disclosed to the public; and

(d) Must not be disclosed to any person who is not an officer or employee of the Commission on Economic Development unless the business consents to the disclosure.

Sec. 10.7. **NRS 360.750 is hereby amended to read as follows:**

360.750 1. A person who intends to locate or expand a business in this State may apply to the Commission on Economic Development for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361, 363B or 374 of NRS.

2. The Commission on Economic Development shall approve an application for a partial abatement if the Commission makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Industrial Development and Diversification that is developed by the Commission pursuant to NRS 231.067; and

(2) Any guidelines adopted pursuant to the State Plan.

(b) The applicant has executed an agreement with the Commission which ~~[states]~~ ***must:***

(1) Comply with the requirements of section 10.3 of this act;

(2) State that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 5, continue in operation in this State for a period specified by the Commission, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection ~~[. The agreement must bind]~~ ***; and***

(3) Bind the successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least two of the following requirements:

(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $1,000,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Commission by regulation pursuant to subsection 9.

(e) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:

(1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $250,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Commission by regulation pursuant to subsection 9.

(f) If the business is an existing business, the business meets at least two of the following requirements:

(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.

(2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the Commission by regulation pursuant to subsection 9.

(g) In lieu of meeting the requirements of paragraph (d), (e) or (f), if the business furthers the development and refinement of intellectual property, a patent or a copyright into a commercial product, the business meets at least two of the following requirements:

(1) The business will have 10 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $500,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet with minimum requirements established by the Commission by regulation pursuant to subsection 9.

3. Notwithstanding the provisions of subsection 2, the Commission on Economic Development:

(a) Shall not consider an application for a partial abatement unless the Commission has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) May, if the Commission determines that such action is necessary:

(1) Approve an application for a partial abatement by a business that does not meet the requirements set forth in paragraph (d), (e), (f) or (g) of subsection 2;

(2) Make the requirements set forth in paragraph (d), (e), (f) or (g) of subsection 2 more stringent; or

(3) Add additional requirements that a business must meet to qualify for a partial abatement.

4. If a person submits an application to the Commission on Economic Development pursuant to subsection 1, the Commission shall provide notice to the governing body of the county, the board of trustees of the school district and the governing body of the city or town, if any, in which the person intends to locate or expand a business. The notice required pursuant to this subsection must set forth the date, time and location of the hearing at which the Commission will consider the application.

5. If the Commission on Economic Development approves an application for a partial abatement, the Commission shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

6. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Commission on Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

➥ the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the

period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

8. A county treasurer:

(a) Shall deposit any money that he receives pursuant to subsection 7 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

9. The Commission on Economic Development:

(a) Shall adopt regulations relating to:

(1) The minimum level of benefits that a business must provide to its employees if the business is going to use benefits paid to employees as a basis to qualify for a partial abatement; and

(2) The notice that must be provided pursuant to subsection 4.

(b) May adopt such other regulations as the Commission on Economic Development determines to be necessary to carry out the provisions of this section ~~[.]~~ ***and section 10.3 of this act.***

10. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment that a new business must make to meet the requirement set forth in paragraph (d), (e) or (g) of subsection 2; and

(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section ~~[.]~~ ***and section 10.3 of this act.***

11. An applicant for an abatement who is aggrieved by a final decision of the Commission on Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 11. Section 18 of the Solar Energy Systems Demonstration Program Act, being chapter 331, Statutes of Nevada 2003, as amended by chapter 2, Statutes of Nevada 2005, 22nd Special Session, at page 88, is hereby amended to read as follows:

Sec. 18. 1. On or before May 1 of each year, the Public Utilities Commission of Nevada shall:

(a) Review each application nominated by the Committee to ensure that the application meets the requirements of subsection 3 of section 14 of this act; and

(b) From those nominees, select participants for the Demonstration Program for the following program year.

2. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** Public Utilities Commission of Nevada may approve, from among the applications nominated by the Committee, solar energy systems totaling:

(a) For the program year beginning July 1, 2004:

(1) 100 kilowatts of capacity for schools;

(2) 200 kilowatts of capacity for other public buildings; and

(3) 200 kilowatts of capacity for private residences and small businesses.

(b) For the program year beginning July 1, 2005:

(1) An additional 570 kilowatts of capacity for schools;

(2) An additional 570 kilowatts of capacity for other public buildings; and

(3) An additional 760 kilowatts of capacity for private residences and small businesses.

(c) For the program year beginning July 1, 2006:

(1) An additional 570 kilowatts of capacity for schools;

(2) An additional 570 kilowatts of capacity for other public buildings; and

(3) An additional 760 kilowatts of capacity for private residences and small businesses.

(d) For the program year beginning July 1, 2007:

(1) An additional ~~[570 kilowatts]~~ ***2 megawatts*** of capacity for schools;

(2) An additional 570 kilowatts of capacity for other public buildings; and

(3) An additional 760 kilowatts of capacity for private residences and small businesses.

(e) For the program year beginning July 1, 2008:

(1) An additional ~~[570 kilowatts]~~ ***2 megawatts*** of capacity for schools;

(2) An additional 570 kilowatts of capacity for other public buildings; and

(3) An additional 760 kilowatts of capacity for private residences and small businesses.

(f) For the program year beginning July 1, 2009:

(1) An additional ~~[570 kilowatts]~~ ***2 megawatts*** of capacity for schools;

(2) An additional 570 kilowatts of capacity for other public buildings; and

(3) An additional 760 kilowatts of capacity for private residences and small businesses.

3. The Public Utilities Commission of Nevada shall notify each nominee of its selections no later than 10 days after the decision is made.

4. To promote the installation of solar energy systems at as many schools as possible, the Public Utilities Commission of Nevada may not approve for use in the Demonstration Program a solar energy system having a generating capacity of more than 50 kilowatts if the solar energy system is or will be installed at a school on or after July 1, 2007, unless the Commission determines that approval of a solar energy system with a greater generating capacity is more practicable for a particular school.

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 13.5. **The provisions of section 10.3 of this act do not apply to any abatement for which an agreement was executed before July 1, 2007, between the commission on Economic Development and the business to which the abatement was granted.**

Sec. 14. This act becomes effective on July 1, 2007.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 186.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 186:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Assembly Bill No. 186 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 197.

Bill read third time.

Roll call on Assembly Bill No. 197:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Assembly Bill No. 197 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 517.

Bill read third time.

Remarks by Assemblyman Grady.

Roll call on Senate Bill No. 517:

YEAS—37.

NAYS—Bobzien, Koivisto, Leslie, McClain—4.

EXCUSED—Settelmeyer.

Senate Bill No. 517 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 584, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

Assembly Bill No. 584.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1044.

AN ACT relating to motor vehicles; providing that a driver of a commercial motor vehicle who has a concentration of alcohol of 0.04 or more but less than 0.08 in his blood or breath or is under the influence of a controlled or prohibited substance is subject to a criminal penalty; revising certain provisions governing the issuance and renewal of drivers' licenses and identification cards to comport with the federal REAL ID Act ~~[,]~~ **of 2005;** repealing the Driver License Compact; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1, 2, ~~[4-9,]~~ **4, 5, 13-16** ~~[12-17]~~ and 40-42 of this bill require the Department of Motor Vehicles to adopt certain regulations to bring Nevada into compliance with the federal REAL ID Act ~~[.]~~ **of 2005.**

Existing law requires an applicant for a driver's license, identification card or a motorcycle driver's license to provide his name, date of birth and residential address to the Department and furnish proof, acceptable to the Department, of his name and age to the Department. (NRS 483.290, 483.850, 486.081) Sections 2, 14, 15 and 40 of this bill provide that an applicant for a driver's license, identification card or motorcycle license must furnish his full legal name, address of principal residence and mailing address, if different from his address of principal residence, on his application. The Department is authorized to adopt regulations prescribing the documents an applicant may furnish as proof of his full legal name and age. The Department may only grant a driver's license, identification card or motorcycle driver's license to a person who is a citizen of a foreign country for the period of his authorized stay in the United States or, if there is no definite end to the period of authorized stay, for 1 year from the date of issuance.

Existing law requires that certain information be contained on a driver's license or identification card. (NRS 483.340, 483.840) Sections 4 and 13 of this bill remove such requirements from existing law and require the Department to adopt regulations prescribing the specific information that a driver's license or identification card must contain.

Existing law prescribes when a driver's license, identification card or motorcycle driver's license expires. (NRS 483.380, 483.875, 486.161) Sections 5, 16 and 41 of this bill remove the expiration provisions from existing law and require the Department to adopt regulations that specify when a driver's license, identification card or motorcycle driver's license must expire.

~~[Existing law sets forth the required fees for the issuance, renewal or reinstatement of, or any change to, a driver's license, identification card or motorcycle driver's license. (NRS 483.410, 483.820, 483.910) Sections 6, 12 and 17 of this bill remove these fee schedules from existing law and require the Department to adopt regulations prescribing such fees.]~~

Existing law prescribes the specific information that must be included to record a conviction on a driving record. Section 9 of this bill deletes the requirement to record the conviction using the specific information and requires the Department to adopt regulations prescribing the information necessary to record a conviction on a driver's record. (NRS 483.450)

Existing law requires an applicant for a driver's license or motorcycle driver's license to furnish to the Department proof of his social security number, if one has been assigned to him. (NRS 483.290, 486.081) Section 14 of this bill requires an applicant for an identification card to furnish proof of his social security number, if he has been assigned one.

Existing law makes it unlawful for the driver of a motor vehicle to be under the influence of intoxicating liquor or a controlled substance, or both, or to have a concentration of alcohol of 0.08 or more in his blood or breath. (NRS 484.379) Existing law also requires the imposition of administrative sanctions for a person who has a concentration of alcohol of 0.04 or more but less than 0.08 in his blood or breath while in control of a commercial motor vehicle. (NAC 483.848) Section 22 of this bill makes it unlawful for any driver of a commercial motor vehicle, which includes a motor vehicle used to transport certain hazardous materials, to be under the influence of intoxicating liquor or a controlled substance or to have a concentration of alcohol of 0.04 or more but less than 0.08 in his blood or breath.

Section 48 of this bill repeals existing law which allows the Department to issue a driver's license to an international student or instructor who declares himself to be a resident of Nevada for the limited purpose of obtaining a driver's license. (NRS 483.247) Section 48 also repeals the Driver License Compact that requires the Department to request a copy of a person's driving record from another state if he is applying for an instruction permit or an operator's or chauffer's license in this State. The person's former driving record becomes part of his driving record in this State. The Driver License Compact is repealed in anticipation of the Department adopting the Driver License Agreement to replace the compact. NRS 483.635 grants the Department the authority to enter into an agreement with another state to facilitate the exchange of information concerning the issuance, renewal, suspension or revocation of drivers' licenses and to ensure that each driver possesses only one license and driving record.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS

Section 1. NRS 481.052 is hereby amended to read as follows:

481.052 The Director shall, by regulation, define ~~["seasonal]~~ ***:***

1. "Address of principal residence" as the term is used in chapters 483 and 486 of NRS;

2. "Conviction" as the term is used in NRS 483.010 to NRS 483.630, inclusive;

3. "Full legal name" as the term is used in chapters 483 and 486 of NRS; and

4. "Seasonal resident" as the term is used in chapters 482 and 483 of NRS.

Sec. 2. NRS 483.290 is hereby amended to read as follows:

483.290 1. Every application for an instruction permit or for a driver's license must:

(a) Be made upon a form furnished by the Department.

(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

(c) Be accompanied by the required fee.

(d) State the ***full legal*** name, date of birth, sex ***,*** ~~[and residence]~~ address of ***principal residence and mailing address, if different from the address of principal residence, of*** the applicant and briefly describe the applicant.

(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. ~~[Except as otherwise provided in subsections 5, 6 and 7, every]~~ ***Every*** applicant must furnish proof of his ***full legal*** name and age by displaying an original or certified copy of ~~[at least one of the following documents:~~

~~(a) If the applicant was born in the United States, including, without limitation, the District of Columbia or any territory of the United States:~~

~~(1) A birth certificate issued by a state, a political subdivision of a state, the District of Columbia or any territory of the United States;~~

~~(2) A driver's license issued by another state, the District of Columbia or any territory of the United States;~~

~~(3) A passport issued by the United States Government;~~

~~(4) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States;~~

~~(5) For persons who served in any branch of the Armed Forces of the United States, a report of separation;~~

~~(6) A Certificate of Degree of Indian Blood issued by the United States Government; or~~

~~(7) Such other documentation as specified by the Department by regulation; or~~

~~(b) If the applicant was born outside the United States:~~

~~(1) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the Bureau of Citizenship and Immigration Services;~~

~~(2) A Consular Report of Birth Abroad issued by the Department of State;~~

~~(3) A driver's license issued by another state, the District of Columbia or any territory of the United States;~~

~~(4) A passport issued by the United States Government; or~~

~~(5) Any other proof acceptable to the Department other than a passport issued by a foreign government.]~~ ***the required documents as prescribed by regulation.***

3. ***The Department shall adopt regulations prescribing the documents an applicant may use to furnish proof of his full legal name and age to the Department.***

4. At the time of applying for a driver's license, an applicant may, if eligible, register to vote pursuant to NRS 293.524.

~~[4.]~~ ***5.*** Every applicant who has been assigned a social security number must furnish proof of his social security number by displaying:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.

~~[5.]~~ ***6.*** The Department may refuse to accept a driver's license issued by another state, the District of Columbia or any territory of the United States if the Department determines that the other state, the District of Columbia or the territory of the United States has less stringent standards than the State of Nevada for the issuance of a driver's license.

~~[6.]~~ ***7.*** With respect to any document ~~[described in paragraph (b) of subsection 2, the Department may:]~~ ***presented by a person who was born outside of the United States to prove his full legal name and age, the Department:***

(a) ~~[If]~~ ***May, if*** the document has expired, refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and

(b) ~~[If the document specifies a date by which the person presenting the document must depart from the United States,]~~ ***Shall*** issue to the person presenting the document a driver's license that ~~[expires on the date on which the person is required to depart from the United States.]~~ ***is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the driver's license is valid for 1 year beginning on the date of issuance.***

~~[7.]~~ ***8.*** The Director shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of ***any state, the District of Columbia, any territory of the United States or*** a foreign country.

The criteria ***pursuant to which the Department shall issue or refuse to issue a driver's license to a citizen of a foreign country*** must be based upon the purpose for which that person is present within the United States.

~~[8.]~~ ***9.*** Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an instruction permit or for a driver's license. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 3. NRS 483.330 is hereby amended to read as follows:

483.330 1. The Department may require every applicant for a driver's license, including a commercial driver's license issued pursuant to NRS 483.900 to 483.940, inclusive, to submit to an examination. The examination may include:

(a) A test of the applicant's ability to understand official devices used to control traffic;

(b) A test of his knowledge of practices for safe driving and the traffic laws of this State;

(c) Except as otherwise provided in subsection 2, a test of his eyesight; and

(d) Except as otherwise provided in subsection 3, an actual demonstration of his ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or class of vehicle for which he is to be licensed.

➥ The examination may also include such further physical and mental examination as the Department finds necessary to determine the applicant's fitness to drive a motor vehicle safely upon the highways.

2. The Department may provide by regulation for the acceptance of a report from an ophthalmologist, optician or optometrist in lieu of an eye test by a driver's license examiner.

3. If the Department establishes a type or classification of driver's license to operate a motor vehicle of a type which is not normally available to examine an applicant's ability to exercise ordinary and reasonable control of such a vehicle, the Department may, by regulation, provide for the acceptance of an affidavit from a:

(a) Past, present or prospective employer of the applicant; or

(b) Local joint apprenticeship committee which had jurisdiction over the training or testing, or both, of the applicant,

➥ in lieu of an actual demonstration.

4. The Department may waive an examination pursuant to subsection 1 for a person applying for a Nevada driver's license who possesses a valid driver's license of the same type or class issued by another jurisdiction unless that person:

(a) Has not attained 25 years of age;

(b) Has had his license or privilege to drive a motor vehicle suspended, revoked or cancelled or has been otherwise disqualified from driving during the immediately preceding 4 years;

(c) Has been convicted of a violation of NRS 484.37955 or, during the immediately preceding 7 years, of a violation of NRS 484.379 or 484.3795 ***or section 22 of this act*** or a law of any other jurisdiction that prohibits the same or similar conduct;

(d) Has restrictions to his driver's license which the Department must reevaluate to ensure the safe driving of a motor vehicle by that person;

(e) Has had three or more convictions of moving traffic violations on his driving record during the immediately preceding 4 years; or

(f) Has been convicted of any of the offenses related to the use or operation of a motor vehicle which must be reported pursuant to the provisions of Parts 1327 et seq. of Title 23 of the Code of Federal Regulations relating to the National Driver Register Problem Driver Pointer System during the immediately preceding 4 years.

Sec. 4. NRS 483.340 is hereby amended to read as follows:

483.340 1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive. ~~[The license must bear a unique number assigned to the licensee pursuant to NRS 483.345, the licensee's social security number, if he has one, unless he requests that it not appear on the license, the name, date of birth, mailing address and a brief description of the licensee, and a space upon which the licensee shall write his usual signature in ink immediately upon receipt of the license. A license is not valid until it has been so signed by the licensee.]~~

2. ***The Department shall adopt regulations prescribing the information that must be contained on a driver's license.***

3. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations and agents of the State Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General or the Chairman of the State Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

~~[3.]~~ ***4.*** Information pertaining to the issuance of a driver's license pursuant to subsection ~~[2]~~ ***3*** is confidential.

~~[4.]~~ ***5.*** It is unlawful for any person to use a driver's license issued pursuant to subsection ~~[2]~~ ***3*** for any purpose other than the special investigation for which it was issued.

~~[5.]~~ ***6.*** At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to have indicated on his driver's license that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, or to refuse to make an anatomical gift of his body or part of his body.

(b) Give the holder the opportunity to have indicated whether he wishes to donate $1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the organ donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with an organization which registers as donors persons who desire to make anatomical gifts.

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on a driver's license pursuant to NRS 483.3485, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his driver's license.

~~[6.]~~ ***7.*** If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

~~[7.]~~ ***8.*** The Department shall submit to the organ donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection ~~[5]~~ ***6*** information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 5. NRS 483.380 is hereby amended to read as follows:

483.380 1. Except as otherwise provided in NRS ~~[483.247 and]~~ 483.283, every driver's license expires ~~[on the fourth anniversary of the licensee's birthday, measured in the case of an original license, a renewal license and a renewal of an expired license, from the birthday nearest the date of issuance or renewal. Any applicant whose date of birth was on February 29 in a leap year is, for the purposes of NRS 483.010 to 483.630, inclusive, considered to have the anniversary of his birth fall on February 28.~~

~~2. Every license is renewable at any time before its expiration upon application and payment of the required fee.~~

~~3.]~~ ***as prescribed by regulation.***

2. The Department shall adopt regulations prescribing when a driver's license expires. The Department may, by regulation, defer the expiration of the driver's license of a person who is on active duty in the Armed Forces

upon such terms and conditions as it may prescribe. The Department may similarly defer the expiration of the license of the spouse or dependent son or daughter of that person if the spouse or child is residing with the person.

Sec. 6. ~~[NRS 483.410 is hereby amended to read as follows:~~

~~483.410 1. Except as otherwise provided in subsection [6] 7 and NRS 483.417, for every driver's license, including a motorcycle driver's license, issued and service performed [, the following fees must be charged:~~

~~An original or renewal license issued to a person 65 years of age or older $13.50~~

~~An original or renewal license issued to any person less than 65 years of age 18.50~~

~~Reinstatement of a license after suspension, revocation or cancellation, except a revocation for a violation of NRS 484.379, 484.3795 or 484.37955, or pursuant to NRS 484.384 and 484.385 $40~~

~~Reinstatement of a license after revocation for a violation of NRS 484.379, 484.3795 or 484.37955, or pursuant to NRS 484.384 and 484.385 65~~

~~A new photograph, change of name, change of other information, except address, or any combination 5~~

~~A duplicate license 14]~~

~~*, fees must be charged and collected as prescribed by regulation.*~~

~~2. For every motorcycle endorsement to a driver's license, a fee of $5 must be charged.~~

~~3. If no other change is requested or required, the Department shall not charge a fee to convert the number of a license from the licensee's social security number, or a number that was formulated by using the licensee's social security number as a basis for the number, to a unique number that is not based on the licensee's social security number.~~

~~4. Except as otherwise provided in NRS 483.417, the increase in fees authorized by NRS 483.347 and the fees charged pursuant to NRS 483.415 must be paid in addition to the fees charged pursuant to [subsections 1 and 2.] *regulations adopted pursuant to subsection 8.*~~

~~5. A penalty of $10 must be paid by each person renewing his license after it has expired for a period of 30 days or more as provided in NRS 483.386 unless he is exempt pursuant to that section.~~

~~6. The Department may not charge a fee for the reinstatement of a driver's license that has been:~~

~~(a) Voluntarily surrendered for medical reasons; or~~

~~(b) Cancelled pursuant to NRS 483.310.~~

~~7. All fees and penalties are payable to the Administrator at the time a license or a renewal license is issued.~~

~~*8. The Department shall adopt regulations prescribing the required fees for the issuance, renewal or reinstatement of, or any change to, a driver's license.*~~

~~[8.] 9. Except as otherwise provided in NRS 483.340, subsection 3 of NRS 483.3485, NRS 483.415 and 483.840, and subsection 3 of NRS~~

~~483.863, all money collected by the Department pursuant to this chapter must be deposited in the State Treasury for credit to the Motor Vehicle Fund.]~~ **(Deleted by amendment.)**

Sec. 7. ~~[NRS 483.443 is hereby amended to read as follows:~~

~~483.443 1. The Department shall, upon receiving notification from a district attorney or other public agency collecting support for children pursuant to NRS 425.510 that a court has determined that a person:~~

~~(a) Has failed to comply with a subpoena or warrant relating to a proceeding to establish paternity or to establish or enforce an obligation for the support of a child; or~~

~~(b) Is in arrears in the payment for the support of one or more children,~~

~~→ send a written notice to that person that his driver's license is subject to suspension.~~

~~2. The notice must include:~~

~~(a) The reason for the suspension of the license;~~

~~(b) The information set forth in subsections 2, 5 and 6; and~~

~~(c) Any other information the Department deems necessary.~~

~~3. If a person who receives a notice pursuant to subsection 1 does not, within 30 days after he receives the notice, comply with the subpoena or warrant or satisfy the arrearage as required in NRS 425.510, the Department shall suspend his license without providing him with an opportunity for a hearing.~~

~~4. The Department shall suspend immediately the license of a defendant if so ordered pursuant to NRS 176.064.~~

~~5. The Department shall reinstate the driver's license of a person whose license was suspended pursuant to this section if it receives:~~

~~(a) A notice from the district attorney or other public agency pursuant to NRS 425.510 that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to that section or from a district judge that a delinquency for which the suspension was ordered pursuant to NRS 176.064 has been discharged; and~~

~~(b) Payment of the fee for reinstatement of a suspended license prescribed in *regulation pursuant to* NRS 483.410.~~

~~6. The Department shall not require a person whose driver's license was suspended pursuant to this section to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of the reinstatement of his license.]~~ **(Deleted by amendment.)**

Sec. 8. ~~[NRS 483.443 is hereby amended to read as follows:~~

~~483.443 1. The Department shall, upon receiving notification from a district attorney or other public agency collecting support for children that a court has determined a person is in arrears in the payment for the support of a child pursuant to NRS 425.510, send a written notice to that person that his license is subject to suspension. The notice must include:~~

~~(a) The reason for the suspension of the license;~~

~~(b) The information set forth in subsections 2, 4 and 5; and~~

~~(c) Any other information the Department deems necessary.~~

~~2. If a person who receives a notice pursuant to subsection 1 does not satisfy the arrearage as required in NRS 425.510 within 30 days after he receives the notice, the Department shall suspend his license.~~

~~3. The Department shall suspend immediately the license of a defendant if so ordered pursuant to NRS 176.064.~~

~~4. The Department shall reinstate the driver's license of a person whose license was suspended pursuant to this section if it receives:~~

~~(a) A notice from the district attorney or other public agency pursuant to NRS 425.510 that the person has satisfied the arrearages pursuant to that section or from a district judge that a delinquency for which the suspension was ordered pursuant to NRS 176.064 has been discharged; and~~

~~(b) Payment of the fee for reinstatement of a suspended license prescribed in *regulation pursuant to* NRS 483.410.~~

~~5. The Department shall not require a person whose driver's license was suspended pursuant to this section to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of the reinstatement of his license.~~] **(Deleted by amendment.)**

Sec. 9. NRS 483.450 is hereby amended to read as follows:

483.450 1. Whenever any person is convicted of any offense for which the provisions of NRS 483.010 to 483.630, inclusive, make mandatory the revocation of his driver's license by the Department, the court in which the person is convicted may require the surrender to it of all driver's licenses then held by the person convicted, and the court may, within 20 days after the conviction, forward these licenses, together with a record of the conviction, to the Department.

2. A record of conviction must be made in a manner approved by the Department. The court shall provide sufficient information to allow the Department to include accurately the information regarding the conviction in the driver's record. ~~[The record of conviction from the court must include at least the name and address of the person convicted, the number of his driver's license, his social security number, the registration number of the vehicle involved, the date the citation was issued or the arrest was made, the number of the citation and the date and final disposition of the citation.]~~

3. ***The Department shall adopt regulations prescribing the information necessary to record the conviction in the driver's record.***

4. Every court, including a juvenile court, having jurisdiction over violations of the provisions of NRS 483.010 to 483.630, inclusive, or any other law of this State or municipal ordinance regulating the operation of motor vehicles on highways, shall forward to the Department:

(a) If the court is other than a juvenile court, a record of the conviction of any person in that court for a violation of any such laws other than regulations governing standing or parking; or

(b) If the court is a juvenile court, a record of any finding that a child has violated a traffic law or ordinance other than one governing standing or parking,

➥ within 20 days after the conviction or finding, and may recommend the suspension of the driver's license of the person convicted or child found in violation of a traffic law or ordinance.

~~[4.]~~ ***5.*** For the purposes of NRS 483.010 to 483.630, inclusive:

(a) "Conviction" ~~[means a final conviction, and includes a finding by a juvenile court pursuant to NRS 62E.700.]~~ ***has the meaning prescribed by regulation pursuant to NRS 481.052.***

(b) A forfeiture of bail or collateral deposited to secure a defendant's appearance in court, if the forfeiture has not been vacated, is equivalent to a conviction.

~~[5.]~~ ***6.*** The necessary expenses of mailing licenses and records of conviction to the Department as required by subsections 1 and ~~[3]~~ ***4*** must be paid by the court charged with the duty of forwarding those licenses and records of conviction.

Sec. 10. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection 2 of NRS 484.377.

(2) A violation of NRS 484.379 ***or section 22 of this act*** that is punishable as a felony pursuant to NRS 484.3792.

(3) A violation of NRS 484.3795 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955.

➥ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume upon completion of the period of imprisonment or when the person is placed on residential confinement.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484.3775, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle accident resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A violation of NRS 484.379 ***or section 22 of this act*** that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484.348.

(c) For a period of 90 days, if the offense is a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484.379 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792 has been permitted to enter a program of treatment pursuant to NRS 484.37937, the Department shall reduce by one-half the period during which he is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that he was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484.3943 but who operates a motor vehicle without such a device:

(a) For 3 years, if it is his first such offense during the period of required use of the device.

(b) For 5 years, if it is his second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064 or 206.330, chapter 484 of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484.3941.

Sec. 11. NRS 483.560 is hereby amended to read as follows:

483.560 1. Except as otherwise provided in subsection 2, any person who drives a motor vehicle on a highway or on premises to which the public

has access at a time when his driver's license has been cancelled, revoked or suspended is guilty of a misdemeanor.

2. Except as otherwise provided in this subsection, if the license of the person was suspended, revoked or restricted because of:

(a) A violation of NRS 484.379, 484.3795 or 484.384 ~~[,]~~ ***or section 22 of this act;***

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

➥ the person shall be punished by imprisonment in jail for not less than 30 days nor more than 6 months or by serving a term of residential confinement for not less than 60 days nor more than 6 months, and shall be further punished by a fine of not less than $500 nor more than $1,000. A person who is punished pursuant to this subsection may not be granted probation, and a sentence imposed for such a violation may not be suspended. A prosecutor may not dismiss a charge of such a violation in exchange for a plea of guilty or of nolo contendere to a lesser charge or for any other reason, unless in his judgment the charge is not supported by probable cause or cannot be proved at trial. The provisions of this subsection do not apply if the period of revocation has expired but the person has not reinstated his license.

3. A term of imprisonment imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the person convicted. However, the full term of imprisonment must be served within 6 months after the date of conviction, and any segment of time the person is imprisoned must not consist of less than 24 hours.

4. Jail sentences simultaneously imposed pursuant to this section and NRS 484.3792, 484.37937 or 484.3794 must run consecutively.

5. If the Department receives a record of the conviction or punishment of any person pursuant to this section upon a charge of driving a vehicle while his license was:

(a) Suspended, the Department shall extend the period of the suspension for an additional like period.

(b) Revoked, the Department shall extend the period of ineligibility for a license, permit or privilege to drive for an additional 1 year.

(c) Restricted, the Department shall revoke his restricted license and extend the period of ineligibility for a license, permit or privilege to drive for an additional 1 year.

(d) Suspended or cancelled for an indefinite period, the Department shall suspend his license for an additional 6 months for the first violation and an additional 1 year for each subsequent violation.

6. Suspensions and revocations imposed pursuant to this section must run consecutively.

Sec. 12. ~~[NRS 483.820 is hereby amended to read as follows:~~

~~483.820 1. A person who applies for an identification card in accordance with the provisions of NRS 483.810 to 483.890, inclusive, and who is not ineligible to receive an identification card pursuant to NRS 483.861, is entitled to receive an identification card if he is:~~

~~(a) A resident of this State and is 10 years of age or older and does not hold a valid driver's license or identification card from any state or jurisdiction; or~~

~~(b) A seasonal resident who does not hold a valid Nevada driver's license.~~

~~2. Except as otherwise provided in NRS 483.825, the Department shall charge and collect~~ [the following fees for the issuance of an original, duplicate or changed identification card:

~~An original or duplicate identification card issued to a person 65 years of age or older $4~~

~~An original or duplicate identification card issued to a person under 18 years of age 3~~

~~A renewal of an identification card for a person under 18 years of age 3~~

~~An original or duplicate identification card issued to any other person 9~~

~~A renewal of an identification card for any person at least 18 years of age, but less than 65 years of age 9~~

~~A new photograph or change of name, or both 4~~]

~~*fees as prescribed by regulation.*~~

~~3. The Department shall not charge a fee for:~~

~~(a) An identification card issued to a person who has voluntarily surrendered his driver's license pursuant to NRS 483.420; or~~

~~(b) A renewal of an identification card for a person 65 years of age or older.~~

~~4. *The Department shall adopt regulations prescribing the required fees for the issuance or renewal of, or any change to, an identification card.*~~

~~5. Except as otherwise provided in NRS 483.825, the increase in fees authorized in NRS 483.347 must be paid in addition to the fees charged pursuant to this section.~~

~~[5. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.]~~] **(Deleted by amendment.)**

Sec. 13. NRS 483.840 is hereby amended to read as follows:

483.840 1. The form of the identification cards must be similar to that of drivers' licenses but distinguishable in color or otherwise.

2. Identification cards do not authorize the operation of any motor vehicles.

3. ~~[Identification cards must include the following information concerning the holder:~~

~~(a) The name and sample signature of the holder.~~

~~(b) A unique identification number assigned to the holder that is not based on the holder's social security number.~~

~~(c) A personal description of the holder.~~

~~(d) The date of birth of the holder.~~

~~(e) The current address of the holder in this State.~~

~~(f) A colored photograph of the holder.~~

~~4. The information required to be included on the identification card pursuant to subsection 3 must be placed on the card in the manner specified in subsection 1 of NRS 483.347.~~

~~5.~~] ***The Department shall adopt regulations prescribing the information that must be contained on an identification card.***

4. At the time of the issuance or renewal of the identification card, the Department shall:

(a) Give the holder the opportunity to have indicated on his identification card that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, or to refuse to make an anatomical gift of his body or part of his body.

(b) Give the holder the opportunity to indicate whether he wishes to donate $1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the organ donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with an organization which registers as donors persons who desire to make anatomical gifts.

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on an identification card pursuant to NRS 483.863, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his identification card.

~~[6.]~~ ***5.*** If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

~~[7.]~~ ***6.*** The Department shall submit to the organ donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection ~~[5]~~ ***4*** information from the records of the Department relating to persons who have identification cards issued by the Department that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

~~[8. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.]~~

Sec. 14. NRS 483.850 is hereby amended to read as follows:

483.850 1. Every application for an identification card must be made upon a form provided by the Department and include ~~[:]~~ ***, without limitation:***

(a) The applicant's ***full legal*** name.

(b) ~~[His social security number, if any.~~

~~(c)]~~ His date of birth.

~~[(d)]~~ ***(c)*** His state of legal residence.

~~[(e)]~~ ***(d)*** His current address ***of principal residence and mailing address, if different from his address of principal residence,*** in this State, unless the applicant is on active duty in the military service of the United States.

~~[(f)]~~ ***(e)*** A statement from:

(1) A resident stating that he does not hold a valid driver's license or identification card from any state or jurisdiction; or

(2) A seasonal resident stating that he does not hold a valid Nevada driver's license.

2. When the form is completed, the applicant must sign the form and verify the contents before a person authorized to administer oaths.

3. ***An applicant who has been issued a social security number must provide to the Department for inspection:***

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department bearing the social security number of the applicant, including, without limitation, records of employment or federal income tax returns.

4. At the time of applying for an identification card, an applicant may, if eligible, register to vote pursuant to NRS 293.524.

~~[4.]~~ ***5.*** A person who possesses a driver's license or identification card issued by another state or jurisdiction who wishes to apply for an identification card pursuant to this section shall surrender to the Department the driver's license or identification card issued by the other state or jurisdiction at the time he applies for an identification card pursuant to this section.

Sec. 15. NRS 483.860 is hereby amended to read as follows:

483.860 1. ~~[Except as otherwise provided in subsection 3, every]~~ ***Every*** applicant for an identification card must furnish proof of his ***full legal*** name and age by presenting ~~[a birth certificate issued by a state, a political subdivision of a state, the District of Columbia or any territory of the United States, or other proof of the applicant's date of birth, including, but not limited to, a driver's license or identification card issued by another state, the District of Columbia or any territory of the United States, or such other corroboration of the matters stated in his application as are required of applicants for a driver's license pursuant to NRS 483.290.~~

~~2. Every applicant who has been assigned a social security number must furnish proof of his social security number by displaying:~~

~~(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or~~

~~(b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.~~

~~3. The Department may refuse to accept a driver's license or identification card issued by another state, the District of Columbia or any territory of the United States if the Department determines that the other state, the District of Columbia or the territory of the United States has less stringent standards than the State of Nevada for the issuance of a driver's license or identification card.~~

~~4. With respect to any document described in subsection 1, the Department may, if the document has expired, refuse to accept the document or refuse to issue an identification card to the person presenting the document, or both.~~

~~5.~~ ***an original or certified copy of the required documents as prescribed by regulation.***

2. The Director shall adopt regulations ~~[setting]~~ ***:***

(a) Prescribing the documents an applicant may use to furnish proof of his full legal name and age to the Department; and

(b) Setting forth criteria pursuant to which the Department will issue or refuse to issue an identification card in accordance with this section to a person who is a citizen of ***a state, the District of Columbia, any territory of the United States or*** a foreign country. The criteria ***pursuant to which the Department shall issue or refuse to issue an identification card to a citizen of a foreign country*** must be based upon the purpose for which that person is present within the United States.

~~[6.]~~ ***3.*** Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an identification card. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 16. NRS 483.875 is hereby amended to read as follows:

483.875 1. Except as otherwise provided in NRS 483.861 and 483.870, an identification card and a renewal of an identification card issued pursuant to NRS 483.810 to 483.890, inclusive, expires ~~[on the fourth anniversary of the birthday of the holder of the identification card, measured from the birthday nearest the date of issuance or renewal. Any applicant whose date of birth was on February 29 in a leap year is, for the purposes of NRS 483.810 to 483.890, inclusive, considered to have the anniversary of his birth fall on February 28.]~~ ***as prescribed by regulation.***

2. ***The Department shall adopt regulations prescribing when an identification card expires.***

3. An identification card is renewable at any time before its expiration upon application and payment of the required fee.

4. The Department shall issue an identification card that is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the identification card is valid for 1 year beginning on the date of issuance.

Sec. 17. ~~[NRS 483.910 is hereby amended to read as follows:~~

~~483.910 1. [The Department shall charge and collect the following fees :~~

~~For an original commercial driver's license which requires the Department to administer a driving skills test $84~~

~~For an original commercial driver's license which does not require the Department to administer a driving skills test 54~~

~~For renewal of a commercial driver's license which requires the Department to administer a driving skills test 84~~

~~For renewal of a commercial driver's license which does not require the Department to administer a driving skills test 54~~

~~For reinstatement of a commercial driver's license after suspension or revocation of the license for a violation of NRS 484.379, 484.3795 or 484.37955, or pursuant to NRS 484.384 and 484.385, or pursuant to 49 C.F.R. § 383.51(b)(2)(i) or (ii) 84~~

~~For reinstatement of a commercial driver's license after suspension, revocation, cancellation or disqualification of the license, except a suspension or revocation for a violation of NRS 484.379, 484.3795 or 484.37955, or pursuant to NRS 484.384 and 484.385, or pursuant to 49 C.F.R. § 383.51(b)(2)(i) or (ii) 54~~

~~For the transfer of a commercial driver's license from another jurisdiction, which requires the Department to administer a driving skills test 84~~

~~For the transfer of a commercial driver's license from another jurisdiction, which does not require the Department to administer a driving skills test 54~~

~~For a duplicate commercial driver's license 19~~

~~For any change of information on a commercial driver's license 9~~

~~For each endorsement added after the issuance of an original commercial driver's license 14~~

~~For the administration of a driving skills test to change any information on, or add an endorsement to, an existing commercial driver's license $30]~~

~~*The Department shall adopt regulations prescribing the required fees for the issuance or renewal of, or any change to, an identification card.*~~

~~2. The Department shall charge and collect an annual fee of $555 from each person who is authorized by the Department to administer a driving skills test pursuant to NRS 483.912.~~

~~3. An additional charge of $3 must be charged for each knowledge test administered to a person who has twice failed the test.~~

~~4. An additional charge of $25 must be charged for each driving skills test administered to a person who has twice failed the test.~~

~~5. The increase in fees authorized in NRS 483.347 must be paid in addition to the fees charged pursuant to this section.~~

~~[6. The Department shall charge an applicant for a hazardous materials endorsement an additional fee for the processing of fingerprints. The Department shall establish the additional fee by regulation, except that the amount of the additional fee must not exceed the sum of the amount charged~~

~~by the Central Repository for Nevada Records of Criminal History and each applicable federal agency to process the fingerprints for a background check of the applicant in accordance with Section 1012 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, 49 U.S.C. § 5103a.]~~ **(Deleted by amendment.)**

Sec. 18. Chapter 484 of NRS is hereby amended by adding thereto the provisions set forth as sections 19 to 22, inclusive, of this act.

Sec. 19. ***As used in NRS 484.379 to 484.3947, inclusive, and section 19 to 22, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 20 and 21 of this act have the meanings ascribed to them in those sections.***

Sec. 20. ***"Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:***

1. Has a gross combination weight rating of 26,001 or more pounds which includes a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

2. Has a gross vehicle weight rating of 26,001 or more pounds;

3. Is designed to transport 16 or more passengers, including the driver; or

4. Regardless of size, is used in the transportation of materials which are considered to be hazardous for the purposes of the federal Hazardous Materials Transportation Act, 49 U.S.C. §§ 5101 et. seq., and for which the display of identifying placards is required pursuant to 49 C.F.R. Part 172, Subpart F.

Sec. 21. ***The phrase "concentration of alcohol of 0.04 or more but less than 0.08 in his blood or breath" means 0.04 gram or more but less than 0.08 gram of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.***

Sec. 22. ***1. It is unlawful for any person who:***

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.04 or more but less than 0.08 in his blood or breath; or

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a commercial motor vehicle to have a concentration of alcohol of 0.04 or more but less than 0.08 in his blood or breath,

➥ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely driving or exercising actual physical control of a commercial motor vehicle,

➥ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

3. It is unlawful for any person to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access with an amount of a prohibited substance in his blood or urine that is equal to or greater than:

	Urine Nanograms per milliliter	*Blood Nanograms per milliliter*
Prohibited substance		
(a) Amphetamine	*500*	*100*
(b) Cocaine	*150*	*50*
(c) Cocaine metabolite	*150*	*50*
(d) Heroin	*2,000*	*50*
(e) Heroin metabolite:		
(1) Morphine	*2,000*	*50*
(2) 6-monoacetyl morphine	*10*	*10*
(f) Lysergic acid diethylamide	*25*	*10*
(g) Marijuana	*10*	*2*
(h) Marijuana metabolite	*15*	*5*
(i) Methamphetamine	*500*	*100*
(j) Phencyclidine	*25*	*10*

4. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the commercial motor vehicle, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.04 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

5. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484.3667.

Sec. 23. NRS 484.3667 is hereby amended to read as follows:

484.3667 1. Except as otherwise provided in subsection 2, a person who is convicted of a violation of a speed limit, or of NRS 484.254, 484.278, 484.289, 484.2895, 484.291 to 484.301, inclusive, 484.305, 484.309, 484.311, 484.335, 484.337, 484.361, 484.363, 484.3765, 484.377, 484.3775,

484.379, 484.448, 484.453 or 484.479, ***or section 22 of this act*** that occurred:

(a) In an area designated as a temporary traffic control zone in which construction, maintenance or repair of a highway is conducted; and

(b) At a time when the workers who are performing the construction, maintenance or repair of the highway are present, or when the effects of the act may be aggravated because of the condition of the highway caused by construction, maintenance or repair, including, without limitation, reduction in lane width, reduction in the number of lanes, shifting of lanes from the designated alignment and uneven or temporary surfaces, including, without limitation, modifications to road beds, cement-treated bases, chip seals and other similar conditions,

➥ shall be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense. Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense, but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

2. The additional penalty imposed pursuant to subsection 1 must not exceed a total of $1,000, 6 months of imprisonment or 120 hours of community service.

3. A governmental entity that designates an area as a temporary traffic control zone in which construction, maintenance or repair of a highway is conducted, or the person with whom the governmental entity contracts to provide such service, shall cause to be erected:

(a) A sign located before the beginning of such an area stating "DOUBLE PENALTIES IN WORK ZONES" to indicate a double penalty may be imposed pursuant to this section;

(b) A sign to mark the beginning of the temporary traffic control zone; and

(c) A sign to mark the end of the temporary traffic control zone.

4. A person who otherwise would be subject to an additional penalty pursuant to this section is not relieved of any criminal liability because signs are not erected as required by subsection 3 if the violation results in injury to any person performing highway construction or maintenance in the temporary traffic control zone or in damage to property in an amount equal to $1,000 or more.

Sec. 24. NRS 484.3791 is hereby amended to read as follows:

484.3791 1. In addition to any other penalty provided by law, a person convicted of a violation of NRS 484.379 ***or section 22 of this act*** is liable to the State for a civil penalty of $35, payable to the Department.

2. The Department shall not issue any license to drive a motor vehicle to a person convicted of a violation of NRS 484.379 ***or section 22 of this act*** until the civil penalty is paid.

3. Any money received by the Department pursuant to subsection 1 must be deposited with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime.

Sec. 25. NRS 484.3792 is hereby amended to read as follows:

484.3792 1. Unless a greater penalty is provided pursuant to NRS 484.3795 or 484.37955, and except as otherwise provided in subsection 2, a person who violates the provisions of NRS 484.379 ~~[:]~~ ***or section 22 of this act:***

(a) For the first offense within 7 years, is guilty of a misdemeanor. Unless he is allowed to undergo treatment as provided in NRS 484.37937, the court shall:

(1) Except as otherwise provided in subparagraph (4) or subsection 7, order him to pay tuition for an educational course on the abuse of alcohol and controlled substances approved by the Department and complete the course within the time specified in the order, and the court shall notify the Department if he fails to complete the course within the specified time;

(2) Unless the sentence is reduced pursuant to NRS 484.37937, sentence him to imprisonment for not less than 2 days nor more than 6 months in jail, or to perform not less than 48 hours, but not more than 96 hours, of community service while dressed in distinctive garb that identifies him as having violated the provisions of NRS 484.379 ~~[:]~~ ***or section 22 of this act;***

(3) Fine him not less than $400 nor more than $1,000; and

(4) If he is found to have a concentration of alcohol of 0.18 or more in his blood or breath, order him to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484.37945.

(b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484.3794, the court shall:

(1) Sentence him to:

(I) Imprisonment for not less than 10 days nor more than 6 months in jail; or

(II) Residential confinement for not less than 10 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive;

(2) Fine him not less than $750 nor more than $1,000, or order him to perform an equivalent number of hours of community service while dressed in distinctive garb that identifies him as having violated the provisions of NRS 484.379 ~~[:]~~ ***or section 22 of this act;*** and

(3) Order him to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484.37945.

➥ A person who willfully fails or refuses to complete successfully a term of residential confinement or a program of treatment ordered pursuant to this paragraph is guilty of a misdemeanor.

(c) For a third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and shall

be further punished by a fine of not less than $2,000 nor more than $5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. Unless a greater penalty is provided in NRS 484.37955, a person who has previously been convicted of:

(a) A violation of NRS 484.379 ***or section 22 of this act*** that is punishable as a felony pursuant to paragraph (c) of subsection 1;

(b) A violation of NRS 484.3795;

(c) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or

(d) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a), (b) or (c),

➥ and who violates the provisions of NRS 484.379 ***or section 22 of this act*** is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than $2,000 nor more than $5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

3. Except as otherwise provided in this subsection, an offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. An offense which is listed in paragraphs (a) to (d), inclusive, of subsection 2 that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard for the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

4. A person convicted of violating the provisions of NRS 484.379 ***or section 22 of this act*** must not be released on probation, and a sentence imposed for violating those provisions must not be suspended except, as provided in NRS 4.373, 5.055, 484.37937 and 484.3794, that portion of the sentence imposed that exceeds the mandatory minimum. A prosecuting attorney shall not dismiss a charge of violating the provisions of NRS 484.379 ***or section 22 of this act*** in exchange for a plea of guilty or nolo contendere to a lesser charge or for any other reason unless he knows or

it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.

5. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484.37937 or 484.3794 and the suspension of his sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

6. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560 or 485.330 must run consecutively.

7. If the person who violated the provisions of NRS 484.379 ***or section 22 of this act*** possesses a driver's license issued by a state other than the State of Nevada and does not reside in the State of Nevada, in carrying out the provisions of subparagraph (1) of paragraph (a) of subsection 1, the court shall:

(a) Order the person to pay tuition for and submit evidence of completion of an educational course on the abuse of alcohol and controlled substances approved by a governmental agency of the state of his residence within the time specified in the order; or

(b) Order him to complete an educational course by correspondence on the abuse of alcohol and controlled substances approved by the Department within the time specified in the order,

➥ and the court shall notify the Department if the person fails to complete the assigned course within the specified time.

8. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

9. For the purpose of determining whether one offense occurs within 7 years of another offense, any period of time between the two offenses during which, for any such offense, the offender is imprisoned, serving a term of residential confinement, confined in a treatment facility, on parole or on probation must be excluded.

10. As used in this section, unless the context otherwise requires:

(a) "Concentration of alcohol of 0.18 or more in his blood or breath" means 0.18 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.

(b) "Offense" means:

(1) A violation of NRS 484.379 or 484.3795 ~~[.]~~ ***or section 22 of this act;***

(2) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or

(3) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in subparagraph (1) or (2).

(c) "Treatment facility" has the meaning ascribed to it in NRS 484.3793.

Sec. 26. NRS 484.3794 is hereby amended to read as follows:

484.3794 1. An offender who is found guilty of a violation of NRS 484.379 ***or section 22 of this act*** that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792 may, at that time or any time before he is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse which is certified by the Health Division of the Department of Health and Human Services for at least 1 year if:

(a) The offender is diagnosed as an alcoholic or abuser of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners;

(b) The offender agrees to pay the costs of the treatment to the extent of his financial resources; and

(c) The offender has served or will serve a term of imprisonment in jail of 5 days and, if required pursuant to NRS 484.3792, has performed or will perform not less than one-half of the hours of community service.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the matter. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

4. If the court determines that an application for treatment should be granted, the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment facility, that he complete the treatment satisfactorily and that he comply with any other condition ordered by the court.

(c) Advise the offender that:

(1) If he is accepted for treatment by such a facility, he may be placed under the supervision of the facility for a period not to exceed 3 years and

during treatment he may be confined in an institution or, at the discretion of the facility, released for treatment or supervised aftercare in the community.

(2) If he is not accepted for treatment by such a facility or he fails to complete the treatment satisfactorily, he shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which he served before beginning treatment.

(3) If he completes the treatment satisfactorily, his sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the minimum provided for the offense in NRS 484.3792, but the conviction must remain on his record of criminal history.

5. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as otherwise provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of a condition of the suspension.

6. The court shall notify the Department, on a form approved by the Department, upon granting the application of the offender for treatment and his failure to be accepted for or complete treatment.

Sec. 27. NRS 484.37945 is hereby amended to read as follows:

484.37945 1. When a program of treatment is ordered pursuant to paragraph (a) or (b) of subsection 1 of NRS 484.3792, the court shall place the offender under the clinical supervision of a treatment facility for treatment for a period not to exceed 1 year, in accordance with the report submitted to the court pursuant to subsection 3, 4, 5 or 6 of NRS 484.37943. The court shall:

(a) Order the offender confined in a treatment facility, then release the offender for supervised aftercare in the community; or

(b) Release the offender for treatment in the community,

➥ for the period of supervision ordered by the court.

2. The court shall:

(a) Require the treatment facility to submit monthly progress reports on the treatment of an offender pursuant to this section; and

(b) Order the offender, to the extent of his financial resources, to pay any charges for his treatment pursuant to this section. If the offender does not have the financial resources to pay all those charges, the court shall, to the extent possible, arrange for the offender to obtain his treatment from a treatment facility that receives a sufficient amount of federal or state money to offset the remainder of the charges.

3. A treatment facility is not liable for any damages to person or property caused by a person who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484.379, 484.3795, 484.37955, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 ***or section 22 of this act*** or a law of any other jurisdiction that prohibits the same or similar conduct,

➥ after the treatment facility has certified to his successful completion of a program of treatment ordered pursuant to paragraph (a) or (b) of subsection 1 of NRS 484.3792.

Sec. 28. NRS 484.3796 is hereby amended to read as follows:

484.3796 1. Before sentencing an offender for a violation of NRS 484.379 ***or section 22 of this act*** that is punishable as a felony pursuant to NRS 484.3792 or a violation of NRS 484.3795 or 484.37955, the court shall require that the offender be evaluated to determine whether he is an abuser of alcohol or drugs and whether he can be treated successfully for his condition.

2. The evaluation must be conducted by:

(a) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS to make such an evaluation;

(b) A physician who is certified to make such an evaluation by the Board of Medical Examiners; or

(c) A psychologist who is certified to make such an evaluation by the Board of Psychological Examiners.

3. The alcohol and drug abuse counselor, physician or psychologist who conducts the evaluation shall immediately forward the results of the evaluation to the Director of the Department of Corrections.

Sec. 29. NRS 484.3797 is hereby amended to read as follows:

484.3797 1. The judge or judges in each judicial district shall cause the preparation and maintenance of a list of the panels of persons who:

(a) Have been injured or had members of their families or close friends injured or killed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955 ***or section 22 of this act*** or a law of any other jurisdiction that prohibits the same or similar conduct; and

(b) Have, by contacting the judge or judges in the district, expressed their willingness to discuss collectively the personal effect of those crimes.

➥ The list must include the name and telephone number of the person to be contacted regarding each such panel and a schedule of times and locations of the meetings of each such panel. The judge or judges shall establish, in cooperation with representatives of the members of the panels, a fee, if any, to be paid by defendants who are ordered to attend a meeting of the panel. The amount of the fee, if any, must be reasonable. The panel may not be operated for profit.

2. Except as otherwise provided in this subsection, if a defendant pleads guilty to or is found guilty of any violation of NRS 484.379, 484.3795 or 484.37955, ***or section 22 of this act,*** the court shall, in addition to imposing any other penalties provided by law, order the defendant to:

(a) Attend, at the defendant's expense, a meeting of a panel of persons who have been injured or had members of their families or close friends injured or killed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955 ***or section 22 of this act,*** or a law of any other jurisdiction that prohibits the same or similar conduct, in order to have the defendant understand the effect such a crime has on other persons; and

(b) Pay the fee, if any, established by the court pursuant to subsection 1.

➥ The court may, but is not required to, order the defendant to attend such a meeting if one is not available within 60 miles of the defendant's residence.

3. A person ordered to attend a meeting pursuant to subsection 2 shall, after attending the meeting, present evidence or other documentation satisfactory to the court that he attended the meeting and remained for its entirety.

Sec. 30. NRS 484.37975 is hereby amended to read as follows:

484.37975 1. If a person is convicted of a second or subsequent violation of NRS 484.379 or 484.3795 ***or section 22 of this act*** within 7 years or a violation of NRS 484.37955, the court shall issue an order directing the Department to suspend the registration of each motor vehicle that is registered to or owned by the person for 5 days.

2. If a court issues an order directing the Department to suspend the registration of a motor vehicle pursuant to subsection 1, the court shall forward a copy of the order to the Department within 5 days after issuing the order. The order must include, without limitation, information concerning each motor vehicle that is registered to or owned by the person, including, without limitation, the registration number of the motor vehicle, if such information is available.

3. A court shall provide for limited exceptions to the provisions of subsection 1 on an individual basis to avoid undue hardship to a person other than the person to whom that provision applies. Such an exception must be provided if the court determines that:

(a) A member of the immediate family of the person whose registration is suspended needs to use the motor vehicle:

(1) To travel to or from work or in the course and scope of his employment;

(2) To obtain medicine, food or other necessities or to obtain health care services for himself or another member of his immediate family; or

(3) To transport himself or another member of his immediate family to or from school; or

(b) An alternative means of transportation is not available to a member of the immediate family of the person whose registration is suspended.

Sec. 31. NRS 484.3798 is hereby amended to read as follows:

484.3798 1. If a defendant pleads guilty to or is found guilty of any violation of NRS 484.379, 484.3795 or 484.37955 ***or section 22 of this act*** and a chemical analysis of his blood, urine, breath or other bodily substance was conducted, the court shall, in addition to any penalty provided by law, order the defendant to pay the sum of $60 as a fee for the chemical analysis. Except as otherwise provided in this subsection, any money collected for the chemical analysis must not be deducted from, and is in addition to, any fine otherwise imposed by the court and must be:

(a) Collected from the defendant before or at the same time that the fine is collected.

(b) Stated separately in the judgment of the court or on the court's docket.

2. All money collected pursuant to subsection 1 must be paid by the clerk of the court to the county or city treasurer, as appropriate, on or before the fifth day of each month for the preceding month.

3. The treasurer shall deposit all money received by him pursuant to subsection 2 in the county or city treasury, as appropriate, for credit to the fund for forensic services created pursuant to NRS 453.575. The money must be accounted for separately within the fund.

4. Except as otherwise provided in subsection 5, each month the treasurer shall, from the money credited to the fund pursuant to subsection 3, pay any amount owed for forensic services and deposit any remaining money in the county or city general fund, as appropriate.

5. In counties that do not receive forensic services under a contract with the State, the money credited to the fund pursuant to subsection 3:

(a) Except as otherwise provided in paragraph (b), must be:

(1) Expended to pay for the chemical analyses performed within the county;

(2) Expended to purchase and maintain equipment to conduct such analyses;

(3) Expended for the training and continuing education of the employees who conduct such analyses; and

(4) Paid to law enforcement agencies which conduct such analyses to be used by those agencies in the manner provided in this subsection.

(b) May only be expended to cover the costs of chemical analyses conducted by, equipment used by, or training for employees of an analytical laboratory that is approved by the Committee on Testing for Intoxication created in NRS 484.388.

Sec. 32. NRS 484.382 is hereby amended to read as follows:

484.382 1. Any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his consent to a preliminary test of his breath to determine the concentration of alcohol in his breath when the test is

administered at the direction of a police officer at the scene of a vehicle accident or collision or where he stops a vehicle, if the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955 ~~[.]~~ ***or section 22 of this act.***

2. If the person fails to submit to the test, the officer shall seize his license or permit to drive as provided in NRS 484.385 and arrest him and take him to a convenient place for the administration of a reasonably available evidentiary test under NRS 484.383.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 33. NRS 484.383 is hereby amended to read as follows:

484.383 1. Except as otherwise provided in subsections 3 and 4, any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his consent to an evidentiary test of his blood, urine, breath or other bodily substance to determine the concentration of alcohol in of his blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the direction of a police officer having reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955 ~~[.]~~ ***or section 22 of this act.***

2. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

3. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

4. If the concentration of alcohol in the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, he must pay for the cost of the blood test, including the fees and expenses of witnesses in court.

(c) A police officer may direct the person to submit to a blood test if the officer has reasonable grounds to believe that the person:

(1) Caused death or substantial bodily harm to another person as a result of driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or as a result of engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or

(2) Has been convicted within the previous 7 years of:

(I) A violation of NRS 484.379, 484.3795, 484.37955, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 ***or section 22 of this act*** or a law of another jurisdiction that prohibits the same or similar conduct; or

(II) Any other offense in this State or another jurisdiction in which death or substantial bodily harm to another person resulted from conduct prohibited by a law set forth in sub-subparagraph (I).

5. If the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may direct him to submit to a blood or urine test, or both, in addition to the breath test.

6. Except as otherwise provided in subsections 3 and 5, a police officer shall not direct a person to submit to a urine test.

7. If a person to be tested fails to submit to a required test as directed by a police officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955, ***or section 22 of this act,***

➥ the officer may direct that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the concentration of alcohol or presence of a controlled substance or another prohibited substance in his blood.

8. If a person who is less than 18 years of age is directed to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.

Sec. 34. NRS 484.389 is hereby amended to read as follows:

484.389 1. If a person refuses to submit to a required chemical test provided for in NRS 484.382 or 484.383, evidence of that refusal is admissible in any criminal or administrative action arising out of acts alleged to have been committed while the person was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955 ~~[.]~~ ***or section 22 of this act.***

2. Except as otherwise provided in subsection 3 of NRS 484.382, a court or hearing officer may not exclude evidence of a required test or failure to submit to such a test if the police officer or other person substantially complied with the provisions of NRS 484.382 to 484.393, inclusive.

3. If a person submits to a chemical test provided for in NRS 484.382 or 484.383, full information concerning that test must be made available, upon his request, to him or his attorney.

4. Evidence of a required test is not admissible in a criminal or administrative proceeding unless it is shown by documentary or other evidence that the law enforcement agency calibrated the breath-testing device and otherwise maintained it as required by the regulations of the Committee on Testing for Intoxication.

Sec. 35. NRS 484.391 is hereby amended to read as follows:

484.391 1. A person who is arrested for driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or for engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955 ***or section 22 of this act*** must be permitted, upon his request and at his expense, reasonable opportunity to have a qualified person of his own choosing administer a chemical test or tests to determine:

(a) The concentration of alcohol in his blood or breath; or

(b) Whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present in his blood or urine.

2. The failure or inability to obtain such a test or tests by such a person does not preclude the admission of evidence relating to the refusal to submit to a test or relating to a test taken upon the request of a police officer.

3. A test obtained under the provisions of this section may not be substituted for or stand in lieu of the test required by NRS 484.383.

Sec. 36. NRS 484.393 is hereby amended to read as follows:

484.393 1. The results of any blood test administered under the provisions of NRS 484.383 or 484.391 are not admissible in any hearing or criminal action arising out of acts alleged to have been committed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955 ***or section 22 of this act*** unless:

(a) The blood tested was withdrawn by a person, other than an arresting officer, who:

(1) Is a physician, physician assistant, registered nurse, licensed practical nurse, emergency medical technician or a phlebotomist, technician, technologist or assistant employed in a medical laboratory; or

(2) Has special knowledge, skill, experience, training and education in withdrawing blood in a medically acceptable manner, including, without

limitation, a person qualified as an expert on that subject in a court of competent jurisdiction or a person who has completed a course of instruction described in subsection 2 of NRS 652.127; and

(b) The test was performed on whole blood, except if the sample was clotted when it was received by the laboratory, the test may be performed on blood serum or plasma.

2. The limitation contained in paragraph (a) of subsection 1 does not apply to the taking of a chemical test of the urine, breath or other bodily substance.

3. No person listed in paragraph (a) of subsection 1 incurs any civil or criminal liability as a result of the administering of a blood test when requested by a police officer or the person to be tested to administer the test.

Sec. 37. NRS 484.3943 is hereby amended to read as follows:

484.3943 1. Except as otherwise provided in subsections 2 and 5, a court:

(a) May order a person convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484.3792, if the person is found to have had a concentration of alcohol of less than 0.18 in his blood or breath, for a period of not less than 3 months nor more than 6 months, to install at his own expense a device in any motor vehicle which he owns or operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of his driving privilege.

(b) Shall order a person convicted of:

(1) A violation of NRS 484.379 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484.3792, if the person is found to have had a concentration of alcohol of 0.18 or more in his blood or breath;

(2) A violation of NRS 484.379 ***or section 22 of this act*** that is punishable as a felony pursuant to NRS 484.3792; or

(3) A violation of NRS 484.3795 or 484.37955,

➥ for a period of not less than 12 months nor more than 36 months, to install at his own expense a device in any motor vehicle which he owns or operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of his driving privilege.

2. A court may provide for an exception to the provisions of subparagraph (1) of paragraph (b) of subsection 1 for a person who is convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792, to avoid undue hardship to the person if the court determines that:

(a) Requiring the person to install a device in a motor vehicle which the person owns or operates would cause the person to experience an economic hardship; and

(b) The person requires the use of the motor vehicle to:

(1) Travel to and from work or in the course and scope of his employment;

(2) Obtain medicine, food or other necessities or to obtain health care services for himself or another member of his immediate family; or

(3) Transport himself or another member of his immediate family to or from school.

3. If the court orders a person to install a device pursuant to subsection 1:

(a) The court shall immediately prepare and transmit a copy of its order to the Director. The order must include a statement that a device is required and the specific period for which it is required. The Director shall cause this information to be incorporated into the records of the Department and noted as a restriction on the person's driver's license.

(b) The person who is required to install the device shall provide proof of compliance to the Department before he may receive a restricted license or before his driving privilege may be reinstated, as applicable. Each model of a device installed pursuant to this section must have been certified by the Committee on Testing for Intoxication.

4. A person whose driving privilege is restricted pursuant to this section shall:

(a) If he was ordered to install a device pursuant to paragraph (a) of subsection 1, have the device inspected by the manufacturer of the device or its agent at least one time during the period in which he is required to use the device; or

(b) If he was ordered to install a device pursuant to paragraph (b) of subsection 1, have the device inspected by the manufacturer of the device or its agent at least one time each 90 days,

➥ to determine whether the device is operating properly. An inspection required pursuant to this subsection must be conducted in accordance with regulations adopted pursuant to NRS 484.3888. The manufacturer or its agent shall submit a report to the Director indicating whether the device is operating properly and whether it has been tampered with. If the device has been tampered with, the Director shall notify the court that ordered the installation of the device.

5. If a person is required to operate a motor vehicle in the course and scope of his employment and the motor vehicle is owned by his employer, the person may operate that vehicle without the installation of a device, if:

(a) The employee notifies his employer that the employee's driving privilege has been so restricted; and

(b) The employee has proof of that notification in his possession or the notice, or a facsimile copy thereof, is with the motor vehicle.

➥ This exemption does not apply to a motor vehicle owned by a business which is all or partly owned or controlled by the person otherwise subject to this section.

6. The running of the period during which a person is required to have a device installed pursuant to this section commences when the Department issues a restricted license to him or reinstates his driving privilege and is tolled whenever and for as long as the person is, with regard to a violation of

NRS 484.379, 484.3795 or 484.37955, ***or section 22 of this act,*** imprisoned, serving a term of residential confinement, confined in a treatment facility, on parole or on probation.

7. As used in this section:

(a) "Concentration of alcohol of 0.18 or more in his blood or breath" means 0.18 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.

(b) "Concentration of alcohol of less than 0.18 in his blood or breath" means less than 0.18 gram of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.

(c) "Treatment facility" has the meaning ascribed to it in NRS 484.3793.

Sec. 38. NRS 484.791 is hereby amended to read as follows:

484.791 1. Any peace officer may, without a warrant, arrest a person if the officer has reasonable cause for believing that the person has committed any of the following offenses:

(a) Homicide by vehicle;

(b) A violation of NRS 484.379 ~~[,]~~ ***or section 22 of this act;***

(c) A violation of NRS 484.3795;

(d) A violation of NRS 484.37955;

(e) Failure to stop, give information or render reasonable assistance in the event of an accident resulting in death or personal injuries in violation of NRS 484.219 or 484.223;

(f) Failure to stop or give information in the event of an accident resulting in damage to a vehicle or to other property legally upon or adjacent to a highway in violation of NRS 484.221 or 484.225;

(g) Reckless driving;

(h) Driving a motor vehicle on a highway or on premises to which the public has access at a time when his driver's license has been cancelled, revoked or suspended; or

(i) Driving a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him pursuant to NRS 483.490.

2. Whenever any person is arrested as authorized in this section, he must be taken without unnecessary delay before the proper magistrate as specified in NRS 484.803, except that in the case of either of the offenses designated in paragraphs (f) and (g) of subsection 1 **,** a peace officer has the same discretion as is provided in other cases in NRS 484.795.

Sec. 39. NRS 484.795 is hereby amended to read as follows:

484.795 Whenever any person is halted by a peace officer for any violation of this chapter and is not required to be taken before a magistrate, the person may, in the discretion of the peace officer, either be given a traffic citation, or be taken without unnecessary delay before the proper magistrate. He must be taken before the magistrate in any of the following cases:

1. When the person does not furnish satisfactory evidence of identity or when the peace officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court;

2. When the person is charged with a violation of NRS 484.701, relating to the refusal of a driver of a vehicle to submit the vehicle to an inspection and test;

3. When the person is charged with a violation of NRS 484.755, relating to the failure or refusal of a driver of a vehicle to submit the vehicle and load to a weighing or to remove excess weight therefrom; or

4. When the person is charged with a violation of NRS 484.379 ~~[,]~~ ***or section 22 of this act,*** unless he is incapacitated and is being treated for injuries at the time the peace officer would otherwise be taking him before the magistrate.

Sec. 40. NRS 486.081 is hereby amended to read as follows:

486.081 1. Every application for a motorcycle driver's license must be made upon a form furnished by the Department and must be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

2. Every application must:

(a) State the full ***legal*** name, date of birth, sex ***,*** ~~[and residence]~~ address of ~~[the applicant;]~~ ***principal residence and mailing address, if different from the address of principal residence;***

(b) Briefly describe the applicant;

(c) State whether the applicant has previously been licensed as a driver, and, if so, when and by what state or country;

(d) State whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal; and

(e) Give such other information as the Department requires to determine the competency and eligibility of the applicant.

3. ~~[Except as otherwise provided in subsections 5, 6 and 7, every]~~ ***Every*** applicant shall furnish proof of his ***full legal*** name and age by displaying an original or certified copy of ~~[at least one of the following document :~~

~~(a) If he was born in the United States, including, without limitation, the District of Columbia or any territory of the United States:~~

~~(1) A birth certificate issued by a state, a political subdivision of a state, the District of Columbia or any territory of the United States;~~

~~(2) A driver's license issued by another state, the District of Columbia or any territory of the United States;~~

~~(3) A passport issued by the United States Government;~~

~~(4) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States;~~

~~(5) For persons who served in any branch of the Armed Forces of the United States, a report of separation;~~

~~(6) A Certificate of Degree of Indian Blood issued by the United States Government; or~~

~~(7) Such other documentation as specified by the Department by regulation; or~~

~~(b) If he was born outside the United States:~~

~~(1) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the Bureau of Citizenship and Immigration Services;~~

~~(2) A Consular Report of Birth Abroad issued by the Department of State;~~

~~(3) A driver's license issued by another state, the District of Columbia or any territory of the United States;~~

~~(4) A passport issued by the United States Government; or~~

~~(5) Any other proof acceptable to the Department other than a passport issued by a foreign government.]~~ ***the required documents as prescribed by regulation.***

4. ***The Department shall adopt regulations prescribing the documents an applicant may use to furnish proof of his full legal name and age to the Department.***

5. Every applicant who has been assigned a social security number must furnish proof of his social security number by displaying:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.

~~[5.]~~ ***6.*** The Department may refuse to accept a driver's license issued by another state, the District of Columbia or any territory of the United States if the Department determines that the other state, the District of Columbia or the territory of the United States has less stringent standards than the State of Nevada for the issuance of a driver's license.

~~[6.]~~ ***7.*** With respect to any document ~~[described in paragraph (b) of subsection 3, the Department may:~~

~~(a) If the document]~~ ***that*** has expired ~~[,]~~ ***:***

(a) The Department may refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and

(b) If the document ~~[specifies a date by which the person presenting the document must depart from]~~ ***indicates that the person is authorized to stay in*** the United States, ***the Department shall*** issue to the person presenting the document a driver's license that ~~[expires on the date on which the person is required to depart from the United States.]~~ ***is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the driver's license is valid for 1 year beginning on the date of issuance.***

~~[7.]~~ ***8.*** The Director shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of ***a state, the District of Columbia, any territory of the United States or*** a foreign country. The criteria ***pursuant to which the Department shall issue or refuse to issue***

a driver's license to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

~~[8.]~~ ***9.*** Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for a motorcycle driver's license. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 41. NRS 486.161 is hereby amended to read as follows:

486.161 1. Except as otherwise provided in subsection ~~[4,]~~ ***5,*** every motorcycle driver's license expires ~~[on the fourth anniversary of the licensee's birthday, measured in the case of an original license, a renewal license or a license renewing an expired license, from the birthday nearest the date of issuance or renewal. Any applicant whose date of birth is February 29 is, for the purposes of NRS 486.011 to 486.381, inclusive, considered to have the anniversary of his birth fall on February 28.]~~ ***as prescribed by regulation.***

2. ***The Department shall adopt regulations prescribing when a motorcycle driver's license expires.***

3. Every license is renewable at any time before its expiration upon application, submission of the statement required pursuant to NRS 486.084 and payment of the required fee. Every motorcycle endorsement to a driver's license issued on or after January 1, 1972, expires simultaneously with the expiration of the driver's license.

~~[3.]~~ ***4.*** Except as otherwise provided in subsection 1 of NRS 483.384, each applicant for renewal must appear before an examiner for a driver's license and successfully pass a test of his eyesight.

~~[4.]~~ ***5.*** Any person who has been issued a driver's license without having the authority to drive a motorcycle endorsed thereon must, before driving a motorcycle, successfully pass:

(a) A driving test conducted by the Department; or

(b) A course of motorcycle safety approved by the Department,

➥ and have the authority endorsed upon his license.

Sec. 42. NRS 486.161 is hereby amended to read as follows:

486.161 1. Except as otherwise provided in subsection ~~[4,]~~ ***5,*** every motorcycle driver's license expires ~~[on the fourth anniversary of the licensee's birthday, measured in the case of an original license, a renewal license or a license renewing an expired license, from the birthday nearest the date of issuance or renewal. Any applicant whose date of birth is February 29 is, for the purposes of NRS 486.011 to 486.381, inclusive, considered to have the anniversary of his birth fall on February 28.]~~ ***as prescribed by regulation.***

2. ***The Department shall adopt regulations prescribing when a motorcycle driver's license expires.***

3. Every license is renewable at any time before its expiration upon application and payment of the required fee. Every motorcycle endorsement to a driver's license issued on or after January 1, 1972, expires simultaneously with the expiration of the driver's license.

~~[3.]~~ ***4.*** Except as otherwise provided in subsection 1 of NRS 483.384, each applicant for renewal must appear before an examiner for a driver's license and successfully pass a test of his eyesight.

~~[4.]~~ ***5.*** Any person who has been issued a driver's license without having the authority to drive a motorcycle endorsed thereon must, before driving a motorcycle, successfully pass:

(a) A driving test conducted by the Department; or

(b) A course of motorcycle safety approved by the Department,

➥ and have the authority endorsed upon his license.

Sec. 43. NRS 179A.070 is hereby amended to read as follows:

179A.070 1. "Record of criminal history" means information contained in records collected and maintained by agencies of criminal justice, the subject of which is a natural person, consisting of descriptions which identify the subject and notations of summons in a criminal action, warrants, arrests, citations for misdemeanors issued pursuant to NRS 171.1773, citations issued for violations of NRS 484.379, 484.3795 and 484.37955, ***and section 22 of this act,*** detentions, decisions of a district attorney or the Attorney General not to prosecute the subject, indictments, informations or other formal criminal charges and dispositions of charges, including, without limitation, dismissals, acquittals, convictions, sentences, information set forth in NRS 209.353 concerning an offender in prison, any postconviction relief, correctional supervision occurring in Nevada, information concerning the status of an offender on parole or probation, and information concerning a convicted person who has registered as such pursuant to chapter 179C of NRS. The term includes only information contained in a record, maintained in written or electronic form, of a formal transaction between a person and an agency of criminal justice in this State, including, without limitation, the fingerprints of a person who is arrested and taken into custody and of a person who is placed on parole or probation and supervised by the Division of Parole and Probation of the Department.

2. "Record of criminal history" does not include:

(a) Investigative or intelligence information, reports of crime or other information concerning specific persons collected in the course of the enforcement of criminal laws;

(b) Information concerning juveniles;

(c) Posters, announcements or lists intended to identify fugitives or wanted persons and aid in their apprehension;

(d) Original records of entry maintained by agencies of criminal justice if the records are chronological and not cross-indexed;

(e) Records of application for and issuance, suspension, revocation or renewal of occupational licenses, including, without limitation, permits to work in the gaming industry;

(f) Except as otherwise provided in subsection 1, court indexes and records of public judicial proceedings, court decisions and opinions, and information disclosed during public judicial proceedings;

(g) Except as otherwise provided in subsection 1, records of traffic violations constituting misdemeanors;

(h) Records of traffic offenses maintained by the Department to regulate the issuance, suspension, revocation or renewal of drivers' or other operators' licenses;

(i) Announcements of actions by the State Board of Pardons Commissioners and the State Board of Parole Commissioners, except information concerning the status of an offender on parole or probation; or

(j) Records which originated in an agency other than an agency of criminal justice in this State.

Sec. 44. NRS 209.425 is hereby amended to read as follows:

209.425 1. The Director shall, with the approval of the Board, establish a program for the treatment of an abuser of alcohol or drugs who is imprisoned for a violation of NRS 484.379 ***or section 22 of this act*** that is punishable as a felony pursuant to NRS 484.3792 or a violation of NRS 484.3795 or 484.37955. The program must include an initial period of intensive mental and physical rehabilitation in a facility of the Department, followed by regular sessions of education, counseling and any other necessary or desirable treatment.

2. The Director may, upon the request of the offender after the initial period of rehabilitation, allow the offender to earn wages under any other program established by the Department if the offender assigns to the Department any wages he earns under such a program. The Director may deduct from the wages of the offender an amount determined by the Director, with the approval of the Board, to:

(a) Offset the costs, as reflected in the budget of the Department, to maintain the offender in a facility or institution of the Department and in the program of treatment established pursuant to this section; and

(b) Meet any existing obligation of the offender for the support of his family or restitution to any victim of his crime.

Sec. 45. NRS 458.300 is hereby amended to read as follows:

458.300 Subject to the provisions of NRS 458.290 to 458.350, inclusive, an alcoholic or a drug addict who has been convicted of a crime is eligible to elect to be assigned by the court to a program of treatment for the abuse of alcohol or drugs pursuant to NRS 453.580 before he is sentenced unless:

1. The crime is:

(a) A crime against the person punishable as a felony or gross misdemeanor as provided in chapter 200 of NRS;

(b) A crime against a child as defined in NRS 179D.210;

(c) A sexual offense as defined in NRS 179D.410; or

(d) An act which constitutes domestic violence as set forth in NRS 33.018;

2. The crime is that of trafficking of a controlled substance;

3. The crime is a violation of NRS 484.379, 484.3795 or 484.37955 ~~[.]~~ ***or section 22 of this act;***

4. The alcoholic or drug addict has a record of two or more convictions of a crime described in subsection 1 or 2, a similar crime in violation of the laws of another state, or of three or more convictions of any felony;

5. Other criminal proceedings alleging commission of a felony are pending against the alcoholic or drug addict;

6. The alcoholic or drug addict is on probation or parole and the appropriate parole or probation authority does not consent to the election; or

7. The alcoholic or drug addict elected and was admitted, pursuant to NRS 458.290 to 458.350, inclusive, to a program of treatment not more than twice within the preceding 5 years.

Sec. 46. Section 21 of this act is hereby amended to read as follows:

Sec. 21. The phrase "concentration of alcohol of 0.04 or more but less than ~~[0.08]~~ ***0.10*** in his blood or breath" means 0.04 gram or more but less than ~~[0.08]~~ ***0.10*** gram of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.

Sec. 47. Section 22 of this act is hereby amended to read as follows:

Sec. 22. 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.04 or more but less than ~~[0.08]~~ ***0.10*** in his blood or breath; or

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a commercial motor vehicle to have a concentration of alcohol of 0.04 or more but less than ~~[0.08]~~ ***0.10*** in his blood or breath,

➥ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely driving or exercising actual physical control of a commercial motor vehicle,

➥ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

3. It is unlawful for any person to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access with an amount of a prohibited substance in his blood or urine that is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Marijuana	10	2
(h) Marijuana metabolite	15	5
(i) Methamphetamine	500	100
(j) Phencyclidine	25	10

4. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the commercial motor vehicle, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.04 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

5. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484.3667.

Sec. 48. NRS 483.247, 483.345, 483.670 and 483.922 are hereby repealed.

Sec. 48.5. **1. The regulations adopted by the Department of Motor Vehicles or the Director of the Department pursuant to:**

(a) Subsections 1 and 3 of NRS 481.052, as amended by section 1 of this act;

(b) Subsection 3 of NRS 483.290, as amended by section 2 of this act;

(c) Subsection 2 of NRS 483.340, as amended by section 4 of this act;

(d) Subsection 2 of NRS 483.380, as amended by section 5 of this act;

(e) Subsection 3 of NRS 483.840, as amended by section 13 of this act;

(f) Subsection 2 of NRS 483.860, as amended by section 15 of this act;

(g) Subsection 2 of NRS 483.875, as amended by section 16 of this act;

(h) Subsections 4 and 8 of NRS 486.081, as amended by section 40 of this act; and

(i) Subsection 2 of NRS 486.161, as amended by section 41 of this act,

➥ must be consistent with the regulations issued by the Secretary of Homeland Security to implement the provisions of the Real ID Act of 2005, Public Law 109-13, Division B, Title II, 119 Stat. 311, 49 U.S.C. § 30301.

2. The regulations of the Department of Motor Vehicles or the Director of the Department specified in subsection 1 must not become effective until the later of:

(a) May 11, 2008;

(b) The effective date of the regulations issued by the Secretary of Homeland Security to implement the provisions of the Real ID Act of 2005; or

(c) The expiration of any extension of time granted to this State by the Secretary of Homeland Security to comply with the provisions of the Real ID Act of 2005.

Sec. 49. 1. This ~~[act becomes]~~ **section and section 48.5 of this act become** effective upon passage and approval **.**

2. Sections 1 to 7, inclusive, 9 to 41, inclusive, 43, 44, 45 and 48 of this act become effective upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act. ~~[This section and sections 1 to 7, inclusive, 9 to 41,]~~ **For all other purposes:**

(a) Sections 3, 6, 7, 9 to 12, inclusive, 17 to 39, inclusive, and 43, 44, 45 and 48 of this act become effective on ~~[March 1, 2008, for all other purposes.]~~ **October 1, 2007; and**

(b) Sections 1, 2, 4, 5, 13 to 16, inclusive, 40 and 41 of this act become effective upon the later of:

(1) May 11, 2008;

(2) The effective date of the regulations issued by the Secretary of Homeland Security to implement the provisions of the Real ID Act of 2005; or

(3) The expiration of any extension of time granted to this State by the Secretary of Homeland Security to comply with the provisions of the Real ID Act of 2005.

~~[2.]~~ **3.** Sections 7 and 41 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment of the support of one or more children,

➥ are repealed by the Congress of the United States.

~~[3.]~~ **4.** Sections 8 and 42 of this act become effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment of the support of one or more children,

➥ are repealed by the Congress of the United States.

~~[4.]~~ **5.** Sections 21 and 22 of this act expire by limitation on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.

~~[5.]~~ **6.** Sections 46 and 47 of this act become effective on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.

TEXT OF REPEALED SECTIONS

483.247 License for international student or instructor: Application; issuance; expiration; renewal.

1. The Department may issue a Nevada driver's license to an international student or instructor who declares himself to be a resident of this State for the limited purpose of obtaining a driver's license.

2. An application for a driver's license pursuant to this section must be made on a form provided by the Department.

3. A driver's license issued pursuant to this section:

(a) Expires on the first anniversary date of the licensee's birthday, measured in the case of an original license, a renewal license and a renewal of an expired license, from the birthday nearest the date of issuance or renewal. The license may be extended for an additional year, not to exceed 3 additional years:

(1) If the licensee submits such proof as may be required by the Department that he is an international student or instructor; and

(2) Upon the payment of a fee for the extension that is established by the Department in an amount necessary to cover the administrative expense of extending the license.

(b) Must be renewed on the fourth anniversary date of the licensee's birthday, measured in the case of an original license, a renewal license and a renewal of an expired license, from the birthday nearest the date of issuance or renewal.

4. No license may be issued pursuant to this section until the Department is satisfied fully as to the applicant's competency and fitness to drive a motor vehicle.

483.345 Number of license issued or renewed after January 1, 1998, not to be based on social security number; Department to convert number based on social security number upon request.

1. The number of any driver's license issued or renewed by the Department on or after January 1, 1998, must be a unique number that is not based on the social security number of the licensee.

2. If the number of a driver's license issued by the Department is the licensee's social security number or was formulated by using the licensee's social security number as a basis for the number, the Department shall, upon the request of the licensee:

(a) Convert the number of the license to a unique number that is not based on the licensee's social security number; and

(b) Upon surrender of the outstanding license, issue a license that contains the new number.

483.670 Application from person previously licensed in another state; copy of record from other state becomes part of record in Nevada; Department to furnish records to other states.

1. Whenever an application for an instruction permit or for an operator's or chauffeur's license is received from a person previously licensed in another state, the Department shall request a copy of the operator's record from the other state. When received, the operator's record becomes part of his record in this State with the same effect as though entered on his record in this State in the original instance.

2. Whenever the Department receives a request for an operator's record from another licensing state the record must be forwarded without charge.

483.922 Tests to determine concentration of alcohol or presence of controlled or prohibited substance: Implied consent to and grounds for administration.

1. Except as otherwise provided in NRS 484.383, a person who drives, operates or is in actual physical control of a commercial motor vehicle within this State shall be deemed to have given consent to an evidentiary test of his blood, urine, breath or other bodily substance for the purpose of determining the concentration of alcohol in his blood or breath or to detect the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance.

2. The tests must be administered pursuant to NRS 484.383 at the direction of a police officer who, after stopping or detaining such a person, has reasonable grounds to believe that the person was:

(a) Driving, operation or in actual physical control of a commercial motor vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955.

3. As used in this section, "prohibited substance" has the meaning ascribed to it in NRS 484.1245.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 584.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 584:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Assembly Bill No. 584 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 461.

The following Senate amendment was read:

Amendment No. 803.

SUMMARY—Makes certain changes ~~[to the Clark County Sales and Use Tax Act of 2005.]~~ **concerning sales and use taxes.** (BDR S-1333)

AN ACT relating to taxation; providing for certain reporting requirements and the review of certain expenditures relating to the Clark County Sales and Use Tax Act of 2005; **authorizing the Board of County Commissioners of Nye County to increase the sales and use tax to support public safety services in Nye County;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Clark County Sales and Use Tax Act of 2005 authorized the Board of County Commissioners of Clark County to impose up to one-half of 1 percent sales and use tax to employ and equip additional police officers for various police departments in Clark County. ~~[This]~~ **Section 1 of this** bill adds a requirement that any governmental entity that authorizes expenditures from the tax revenues for a police department must submit periodic reports to the Legislature concerning the use of that money, and authorizes the Legislative Commission to review and investigate those expenditures.

Sections 3-22 of this bill are modeled on the provisions of the Clark County Sales and Use Tax Act of 2005, and authorize the Board of County Commissioners of Nye County to impose an additional sales tax of up to one-half of 1 percent for the purposes of recruiting, employing and equipping additional firefighters, deputy sheriffs and other public safety personnel and constructing, improving and equipping public safety facilities in Nye County. Any proposed change in the use of the proceeds of the tax must be submitted to the voters and be approved by the Legislature.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 912, is hereby amended by adding thereto a new section to be designated as section 13.5, immediately following section 13, to read as follows:

Sec. 13.5. 1. Any governing body that has approved expenditures pursuant to section 13 of this Act shall submit to the Director of the Legislative Counsel Bureau for transmittal to the members of the Legislature or the Legislative Commission when the Legislature is not in regular session, the periodic reports required pursuant to this section and such other information relating to the provisions of this Act as may be requested by the Director of the Legislative Counsel Bureau.

2. The reports required pursuant to this section must be submitted:

(a) On or before:

(1) February 15 for the 3-month period ending on the immediately preceding December 31;

(2) May 15 for the 3-month period ending on the immediately preceding March 31;

(3) August 15 for the 3-month period ending on the immediately preceding June 30; and

(4) November 15 for the 3-month period ending on the immediately preceding September 30; and

(b) On or before August 15 for the 12-month period ending on the immediately preceding June 30.

3. Each report must be submitted on a form provided by the Director of the Legislative Counsel Bureau and include, with respect to the period covered by the report:

(a) The total proceeds received by the respective police department from the sales and use tax imposed pursuant to this Act;

(b) A detailed description of the use of the proceeds, including, without limitation:

(1) The total expenditures made by the respective police department from the sales and use tax imposed pursuant to this Act;

(2) The total number of police officers hired by the police department and the number of those officers that are filling authorized, funded positions for new officers; and

(3) A detailed analysis of the manner in which each expenditure:

(I) Conforms to all provisions of this Act; and

(II) Does not replace or supplant funding which existed before October 1, 2005, for the police department; and

(c) Any other information required to complete the form for the report.

4. The Legislative Commission may review and investigate the reports submitted pursuant to this section and the expenditure of any proceeds pursuant to section 13 of this Act.

Sec. 2. Notwithstanding the provisions of section 1 of this act, the report submitted pursuant to section 1 of this act by a governing body to the

Director of the Legislative Counsel Bureau on or before November 15, 2007, must separately cover:

1. The period beginning on October 1, 2005, and ending on September 30, 2007; and

2. The period beginning on July 1, 2006, and ending on June 30, 2007.

Sec. 3. **Sections 3 to 22, inclusive, of this act may be cited as the Nye County Sales and Use Tax Act of 2007.**

Sec. 4. **The Legislature hereby finds and declares that:**

1. Nye County has experienced and continues to experience substantial growth, growing from a population of 32,485 residents in 2000 to a projected population of over 44,580 residents in 2006;

2. Nye County is the third largest county in terms of geographic area in the United States and the growth in Nye County has occurred over this wide geographical area;

3. The increase in the number of public safety personnel and facilities to protect the residents of Nye County has not kept pace with this growth;

4. The danger from fire and crime is increasing in Nye County, and so is the time it takes for public safety personnel to respond when a resident reports a fire or crime;

5. It is intended that the Board of County Commissioners of Nye County establish a program that promotes community participation in protecting the residents of the community that includes, without limitation:

(a) A written policy on providing public safety services oriented toward the involvement of residents of the community;

(b) The provision of training for all public safety personnel employed in the County that includes, without limitation, training relating to:

(1) Methods that may be used to analyze, respond to and solve problems commonly confronted by public safety personnel in the community;

(2) The cultural and racial diversity of the residents of the community;

(3) The proper utilization of community resources, such as local housing authorities, public utilities and local public officials, that are available to assist in providing public safety services; and

(4) Issues concerning not only the prevention of fires and crime, but also improving the quality of life for the residents of the community; and

(c) The formation of partnerships with the residents of the community and public and private agencies and organizations to address mutual concerns relating to the provision of public safety services;

6. A general law cannot be made applicable to the purposes, objects, powers, rights, privileges, immunities, liabilities, duties and disabilities provided in this act because of the demographic, economic and geographic diversity of the local governments of this State, the unique

growth patterns occurring in Nye County and the special financial conditions experienced in the County relating to the need to recruit, employ and equip more public safety personnel and to construct, improve and equip public safety facilities; and

7. The powers, rights, privileges, immunities, liabilities, duties and disabilities provided in this act comply in all respects with any requirement or limitation pertaining thereto and imposed by any constitutional provisions.

Sec. 5. **Except as otherwise provided in this act or unless the context otherwise requires, the terms used or referred to in this act have the meanings ascribed to them in chapter 374 of NRS, as from time to time amended, but the definitions in sections 6 to 13, inclusive, of this act, unless the context otherwise requires, govern the construction of this act.**

Sec. 6. **"Act" means the Nye County Sales and Use Tax Act of 2007.**

Sec. 7. **"Board" means the Board of County Commissioners of Nye County.**

Sec. 8. **"County" means Nye County.**

Sec. 9. **"County Treasurer" means the County Treasurer of Nye County.**

Sec. 10. **"Department" means the Department of Taxation created pursuant to NRS 360.120.**

Sec. 11. **"Employ" means making an expenditure for the purpose of providing employment, including, without limitation, paying wages and benefits.**

Sec. 12. **"Recruit" means making an expenditure for the purpose of attracting applicants for employment or persuading an applicant to accept employment, including, without limitation, providing materials and services relating to recruitment, paying signing bonuses, paying expenses relating to relocation and providing assistance with the purchase of a house.**

Sec. 13. **"Sheriff" means the Sheriff of Nye County.**

Sec. 14. **1. The Board may enact an ordinance imposing a local sales and use tax to:**

(a) Recruit, employ and equip additional firefighters, deputy sheriffs to the Sheriff and other public safety personnel;

(b) Improve and equip existing public safety facilities; and

(c) Construct and equip new public safety facilities.

2. Before enacting such an ordinance, the Board shall hold a public hearing to present its plan for implementing the local sales and use tax.

3. The proceeds from the tax authorized pursuant to this section, including interest and other income earned thereon, must be:

(a) Allocated for expenditure:

(1) In the areas of Pahrump, Amargosa Valley, Beatty, Tonopah, Round Mountain, Manhattan, Gabbs and any other town or city created in Nye County after October 1, 2007, and in the remaining

unincorporated area of Nye County on a pro rata basis in each of those areas based upon the ratio of the population of that area to the total population of Nye County; or

(2) In any other manner that the Board and the governing body of each of those areas agree to be appropriate to carry out the purposes set forth in subsection 1 in accordance with the provisions of section 17 of this act.

➥ As used in this paragraph, "population" means the estimated annual population determined pursuant to NRS 360.283.

(b) Used only as approved pursuant to section 17 of this act and only for the purposes set forth in subsection 1 unless the Legislature changes the use. The Board shall, before submitting to the Legislature any request to change the uses for the proceeds from the tax, submit an advisory question to the voters of the County pursuant to NRS 293.482, asking whether the uses for the proceeds from the tax should be so changed. The Board shall not submit such a request to the Legislature if a majority of the voters in the County disapprove the proposed change.

Sec. 15. **An ordinance enacted pursuant to this act must include provisions in substance as follows:**

1. A provision imposing a tax on the gross receipts of any retailer from the sale of all tangible personal property sold at retail or stored, used or otherwise consumed in the County, including incorporated cities in the County, at a rate that does not exceed one-half of 1 percent.

2. Provisions substantially identical to those contained in chapter 374 of NRS, insofar as applicable.

3. A provision that an amendment to chapter 374 of NRS enacted after the effective date of the ordinance, not inconsistent with this act, automatically becomes part of the ordinance imposing the tax.

4. A provision that the Board shall contract with the Department, before the effective date of the ordinance, to perform all the functions incident to the administration or operation of the tax in the County.

5. A provision that a purchaser is entitled to a refund, in accordance with the provisions of NRS 374.635 to 374.720, inclusive, of the amount of the tax required to be paid that is attributable to the tax imposed on the sale of, and the storage, use or other consumption in the County, including incorporated cities in the County, of, tangible personal property used for the performance of a written contract for the construction of an improvement to real property:

(a) That was entered into on or before the effective date of the tax; or

(b) For which a binding bid was submitted before that date if the bid was afterward accepted, and pursuant to the terms of the contract or bid, the contract price or bid amount may not be adjusted to reflect the imposition of the tax.

6. A provision that specifies the date on which the tax must first be imposed, which must not be earlier than the first day of the second calendar month following the effective date of the ordinance.

Sec. 16. **An ordinance amending an ordinance enacted pursuant to this act, except an ordinance authorizing the issuance of bonds or other securities, must include a provision in substance that the Board shall amend a contract made pursuant to subsection 4 of section 15 of this act by a contract made between the Board and the Department before the effective date of the amendatory ordinance, unless the Board determines with the written concurrence of the Department that no such amendment of the contract is needed.**

Sec. 17. **1. The proceeds received from any sales and use tax imposed pursuant to this act must be expended in each of the areas to which those proceeds are allocated for expenditure pursuant to section 14 of this act in such a manner that half of those proceeds are expended for the support of the services provided by local fire departments in that area and the remaining half of those proceeds are expended for the support of the services provided by the Sheriff in that area.**

2. No expenditure of those proceeds may be made unless the expenditure has been approved by the governing body of the area to which those proceeds have been allocated for expenditure. The governing body must approve the expenditure of the proceeds if it determines that:

(a) The proposed use of the money conforms to all provisions of this act; and

(b) The proposed use will not replace or supplant existing funding for the purposes set forth in subsection 1 of section 14 of this act for the support of the services provided by local fire departments and the Sheriff in that area.

3. In determining whether a proposed use meets the requirement set forth in paragraph (b) of subsection 2, the governing body shall determine whether the amount approved for expenditure for the fiscal year for the purposes set forth in subsection 1 of section 14 of this act for the support of the services of local fire departments and the Sheriff in that area, not including any money received or expended pursuant to this act, is equal to or greater than the amount approved for expenditure in the immediately preceding fiscal year for the purposes set forth in subsection 1 of section 14 of this act for the support of the services of local fire departments and the Sheriff in that area.

Sec. 17.5. **Any governing body of an area that has approved expenditures pursuant to section 17 of this act shall, on or before September 1 of each year, submit a detailed description of the use of the money, including, without limitation, a detailed analysis of the manner in which each expenditure:**

1. Conforms to all provisions of this act; and

2. Does not replace or supplant funding which existed before October 1, 2007, for the purposes set forth in subsection 1 of section 14 of this act for the support of the services provided by local fire departments and the Sheriff in that area,

➥ to the Director of the Legislative Counsel Bureau for transmittal to the members of the Legislature.

Sec. 18. **1. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid to the County pursuant to this act must be paid to the Department in the form of remittances payable to the Department.**

2. The Department shall deposit the payments with the State Treasurer for credit to the Sales and Use Tax Account in the State General Fund.

3. The State Controller, acting upon the collection data furnished by the Department, shall monthly:

(a) Transfer from the Sales and Use Tax Account to the appropriate account in the State General Fund a percentage of all fees, taxes, interest and penalties collected pursuant to this act during the preceding month as compensation to the State for the cost of collecting the tax. The percentage to be transferred pursuant to this paragraph must be the same percentage as the percentage of proceeds transferred pursuant to paragraph (a) of subsection 3 of NRS 374.785, but the percentage must be applied to the proceeds collected pursuant to this act only.

(b) Determine the amount equal to all fees, taxes, interest and penalties collected in or for the County pursuant to this act during the preceding

month, less the amount transferred to the State General Fund pursuant to paragraph (a).

(c) Transfer the amount determined pursuant to paragraph (b) to the Intergovernmental Fund and remit the money to the County Treasurer.

Sec. 19. **The Department may redistribute any proceeds from the taxes, interest or penalties collected pursuant to this act which is determined to be improperly distributed, but no such redistribution may be made as to amounts originally distributed more than 6 months before the date on which the Department obtains knowledge of the improper distribution.**

Sec. 20. **1. The County Treasurer shall:**

(a) Deposit money received from the State Controller pursuant to paragraph (c) of subsection 3 of section 18 of this act into the County Treasury for credit to a special revenue fund created for the use of the proceeds from the tax authorized by this act; and

(b) Allocate that money into separate accounts within that fund as appropriate to carry out the provisions of paragraph (a) of subsection 3 of section 14 of this act.

2. The special revenue fund of the County created for the use of the proceeds from the tax authorized by this act must be accounted for as a separate fund and not as a part of any other fund.

3. Interest earned on the special revenue fund created pursuant to subsection 1 must be credited to the fund. The money in each such fund must remain in the fund and must not revert to the County Treasury at the end of any fiscal year.

Sec. 21. **In a proceeding arising from an ordinance imposing a tax pursuant to this act, the Department may act for and on behalf of the County.**

Sec. 22. **1. The powers conferred by this act are in addition and supplemental to, and not in substitution for, the powers conferred by any other law and the limitations imposed by this act do not affect the powers conferred by any other law.**

2. This act must not be construed to prevent the exercise of any power granted by any other law to the County or any officer, agent or employee of the County.

3. This act must not be construed to repeal or otherwise affect any other law or part thereof.

4. This act is intended to provide a separate method of accomplishing the objectives of the act, but not an exclusive method.

5. If any provision of this act, or application thereof to any person, thing or circumstance, is held invalid, the invalidity shall not affect the provisions or application of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

~~[Sec. 3.]~~ ***Sec. 23.*** ~~[This act becomes effective on October 1, 2007, and expires by limitation on October 1, 2025.]~~ **1. This section and sections 3 to 22, inclusive, of this act become effective:**

(a) Upon passage and approval for the purposes of enacting ordinances and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2007, for all other purposes.

2. Sections 1 and 2 of this act become effective on October 1, 2007, and expire by limitation on October 1, 2025.

3. Sections 3 to 22, inclusive, of this act expire by limitation on October 1, 2027.

Assemblywoman McClain moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 461.

Remarks by Assemblywoman McClain.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 209.

The following Senate amendment was read:

Amendment No. 994.

AN ACT relating to the taxation of property; revising the provisions governing certain exemptions from taxes and appeals by taxpayers; revising certain requirements for the assessment of common-interest communities; revising the provisions governing the calculation of certain partial abatements of taxes and the collection of taxes following certain fluctuations in taxable value; requiring the Committee on Local Government Finance to adopt regulations for the allocation of certain reductions in revenue resulting from the partial abatement of taxes; providing limitations upon certain requests for the waiver of interest and penalties imposed for the late payment of taxes; ~~[repealing]~~ **postponing** the prospective expiration of certain provisions for the funding of accounts for the acquisition and improvement of technology in the offices of county assessors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each county assessor to provide certain information regarding property taxes on the Internet. (NRS 361.0445) Section 1 of this bill authorizes a county assessor to disseminate, by additional means, certain information to the public concerning the taxation of property.

Existing law provides an exemption from property taxes for any value added to the assessed value of a building by certain qualified systems that provide heating, cooling or electricity. (NRS 361.079) Section 2 of this bill simplifies the administration of this exemption by removing any calculation of the value of such a qualified system from the determination of the assessed value of a building to which the exemption applies.

Existing law provides partial exemptions from property taxes for the property of surviving spouses, blind persons, veterans, disabled veterans and certain veterans' organizations, and provides for annual increases in those exemptions beginning with the 2006-2007 Fiscal Year based upon the increase in the Consumer Price Index from July 2004. (NRS 361.080, 361.085, 361.090, 361.091, 361.095) Sections 3-7 of this bill provide for the commencement of those annual increases during the 2005-2006 Fiscal Year based upon the increase in the Consumer Price Index from July 2003.

Section 7.5 of this bill provides an exemption from property taxes for certain property held by the Archaeological Conservancy.

Section 8 of this bill repeals a $5,000 limitation on the amount of an exemption from property taxes applicable to the funds, furniture, paraphernalia and regalia of certain lodges and other charitable organizations. (NRS 361.135)

Existing law requires the filing of claims for personal tax exemptions on real property, and the initial claim of an organization for a tax exemption on real property, to be filed on or before June 15. (NRS 361.155) Section 9 of this bill extends that deadline to July 5 for real property acquired after June 15 and before July 1.

Existing law provides for the assessment of property taxes for a common-interest community on the community units and not on the common elements of the community. (NRS 361.233) Section 10 of this bill specifies the methodology for determining the taxable value of a parcel that includes such a community unit and clarifies the definitions of "community unit" and "common elements" for this purpose.

Existing law allows taxpayers to appeal the amount of certain assessments of their property to the State Board of Equalization. (NRS 361.360) Section 11 of this bill limits the effect of a change in assessment resulting from such an appeal to the fiscal year for which the assessment was made.

~~[Under existing law, a property owner may protest the payment of taxes claimed to be in excess of the amount justly due and, if the State Board of Equalization denies relief, commence a legal proceeding in any county of this State to recover any overpayment. (NRS 361.420) Existing law authorizes a property owner to consolidate similar suits regarding property in more than one county into a single legal action. (NRS 361.435) Sections 12 and 13 of this bill clarify that these proceedings consist of a judicial review of the decision of the State Board of Equalization and limit the locations where these proceedings may be brought.]~~

Existing law provides for a generally applicable partial abatement of the property taxes levied on property for which an assessed valuation has previously been established or on a remainder parcel of property, based upon the average change in the assessed valuation of property in the county over the last 10 years or twice the increase in the Consumer Price Index for the last year, whichever is greater. (NRS 361.4722) Section 15 of this bill ensures that this partial abatement cannot be less than zero nor greater than 8 percent.

Existing law exempts from certain partial abatements of property taxes certain increases in the taxable value of property following large fluctuations in that value and requires the collection of the resulting taxes due over a period of 3 years. (NRS 361.4725) Section 19 of this bill allows the collection of the amount due in a single year if that amount does not exceed $100 and authorizes the Nevada Tax Commission to exempt from collection any amount which is less than the cost of collection.

Existing law provides formulas for the allocation of reductions in revenue resulting from certain partial abatements of property taxes applicable to property for which the tax rate increases and authorizes the Committee on Local Government Finance to adopt regulations for the administration and interpretation of those formulas. (NRS 361.473, 361.4731, 361.4733) Section 23 of this bill requires the Committee to adopt such regulations as it determines to be appropriate, in accordance with certain specified principles, for the allocation of reductions in revenue resulting from those partial abatements of property taxes. Section 29 of this bill ratifies the regulations previously adopted by the Committee and requires the adoption of additional

regulations not later than December 31, 2007. Section 28 of this bill repeals the existing formulas after the adoption of the additional regulations.

Existing law allows a taxpayer to petition the tax receiver for the review of a determination regarding the applicability of certain partial abatements from property taxes. (NRS 361.4734) Section 25 of this bill requires the submission of the petition on or before January 15 of the fiscal year for which the determination is effective.

Existing law authorizes a county treasurer or county assessor to waive all or part of the interest or penalty due from a person who fails to make a timely payment of property taxes as a result of circumstances beyond his control and who files a statement setting forth the facts of his claim. (NRS 361.4835) Section 26 of this bill requires a person seeking such relief to pay the amount of the taxes due and file the statement within 30 days after that payment is made.

Under existing law, 2 percent of the property taxes collected for each county on personal property and the net proceeds of mines must be deposited into an account for the acquisition and improvement of technology in the office of the county assessor. (NRS 361.530, 362.170) ~~[Sections 27 and 28]~~ **Section 27** of this bill ~~[provide]~~ **provides** for the continuation of this funding **during the next biennium** by ~~[repealing]~~ **postponing** its prospective expiration ~~[on July 1, 2007.]~~ **until June 30, 2009.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A county assessor may, by regular mail, electronic means or any other means the assessor deems appropriate, disseminate information to the public concerning the taxation of property, including, without limitation, information relating to the valuation and assessment of property, exemptions from taxation, the declaration of a homestead and programs for the assistance of senior citizens.

2. Any information provided pursuant to subsection 1 must, to the extent practicable, be in a form that is easily understood and readily accessible to the public.

Sec. 2. NRS 361.079 is hereby amended to read as follows:

361.079 1. Except as otherwise provided in subsection 2, ~~[for any assessment made on or after July 1, 1983, any value added by]~~ ***the value of*** a qualified system must ~~[be excluded from]~~ ***not be included in*** the assessed value of ~~[the building regardless of the date the system was installed.~~

~~2. Value]~~ ***a building.***

2. Any value added by a qualified system must ~~[not be excluded from]~~ ***be included in*** the assessed value of a commercial or industrial building during any period in which the business that owns the commercial or industrial

building is receiving another abatement or exemption ***pursuant to NRS 361.045 to 361.159, inclusive,*** from the taxes imposed by this chapter.

3. As used in this section, "qualified system" means any system, method, construction, installation, machinery, equipment, device or appliance which is designed, constructed or installed in a residential, commercial or industrial building to heat or cool the building or water used in the building, or to provide electricity used in the building, by using:

(a) Energy from the wind or from solar devices not thermally insulated from the area where the energy is used;

(b) Geothermal resources;

(c) Energy derived from conversion of solid wastes; or

(d) Waterpower,

➥ which conforms to standards established by regulation of the Department.

Sec. 3. NRS 361.080 is hereby amended to read as follows:

361.080 1. The property of surviving spouses, not to exceed the amount of $1,000 assessed valuation, is exempt from taxation, but no such exemption may be allowed to anyone but a bona fide resident of this State, and must be allowed in but one county in this State to the same family.

2. For the purpose of this section, property in which the surviving spouse has any interest shall be deemed the property of the surviving spouse.

3. The person claiming such an exemption must file with the county assessor an affidavit declaring that he is a bona fide resident of this State and that the exemption has been claimed in no other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

4. A surviving spouse is not entitled to the exemption provided by this section in any fiscal year beginning after any remarriage, even if the remarriage is later annulled.

5. If any person files a false affidavit or provides false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

6. Beginning with the ~~[2006-2007]~~ ***2005-2006*** Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July ~~[2004]~~ ***2003*** to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 4. NRS 361.085 is hereby amended to read as follows:

361.085 1. The property of all blind persons, not to exceed the amount of $3,000 of assessed valuation, is exempt from taxation, including

community property to the extent only of the blind person's interest therein, but no such exemption may be allowed to anyone but a bona fide resident of this State, and must be allowed in but one county in this State on account of the same blind person.

2. The person claiming such an exemption must file with the county assessor an affidavit declaring that he is a bona fide resident of the State of Nevada who meets all the other requirements for the exemption and that the exemption is not claimed in any other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

3. Upon first claiming the exemption in a county **,** the claimant shall furnish to the assessor a certificate of a licensed physician setting forth that he has examined the claimant and has found him to be a blind person.

4. If any person files a false affidavit or provides false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

5. Beginning with the ~~[2006-2007]~~ ***2005-2006*** Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July ~~[2004]~~ ***2003*** to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

6. As used in this section, "blind person" includes any person whose visual acuity with correcting lenses does not exceed 20/200 in the better eye, or whose vision in the better eye is restricted to a field which subtends an angle of not greater than 20°.

Sec. 5. NRS 361.090 is hereby amended to read as follows:

361.090 1. The property, to the extent of $2,000 assessed valuation, of any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 continuous days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996;

(b) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1; or

(c) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the government of the United States, regardless of the number of days served on active duty,

➥ and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. For the purpose of this section, the first $2,000 assessed valuation of property in which an applicant has any interest shall be deemed the property of the applicant.

3. The exemption may be allowed only to a claimant who files an affidavit with his claim for exemption on real property pursuant to NRS 361.155. The affidavit may be filed at any time by a person claiming exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county in this State. After the filing of the original affidavit, the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

➥ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

5. Persons in actual military service are exempt during the period of such service from filing the annual forms for renewal of the exemption, and the county assessors shall continue to grant the exemption to such persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his behalf during the period of such service by any person having knowledge of the facts.

6. Before allowing any veteran's exemption pursuant to the provisions of this chapter, the county assessor shall require proof of status of the veteran, and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.

7. If any person files a false affidavit or produces false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

8. Beginning with the ~~[2006-2007]~~ ***2005-2006*** Fiscal Year, the monetary amounts in subsections 1 and 2 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July ~~[2004]~~ ***2003*** to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 6. NRS 361.091 is hereby amended to read as follows:

361.091 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or his surviving spouse, is entitled to a disabled veteran's exemption.

2. The amount of exemption is based on the total percentage of permanent service-connected disability. The maximum allowable exemption for total permanent disability is the first $20,000 assessed valuation. A person with a permanent service-connected disability of:

(a) Eighty to 99 percent, inclusive, is entitled to an exemption of $15,000 assessed value.

(b) Sixty to 79 percent, inclusive, is entitled to an exemption of $10,000 assessed value.

➥ For the purposes of this section, any property in which an applicant has any interest is deemed to be the property of the applicant.

3. The exemption may be allowed only to a claimant who has filed an affidavit with his claim for exemption on real property pursuant to NRS 361.155. The affidavit may be made at any time by a person claiming an exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and be filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada, that he meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county within this State. After the filing of the original affidavit, the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

➥ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

5. Before allowing any exemption pursuant to the provisions of this section, the county assessor shall require proof of the applicant's status, and for that purpose shall require him to produce an original or certified copy of:

(a) An honorable discharge or other document of honorable separation from the Armed Forces of the United States which indicates the total percentage of his permanent service-connected disability;

(b) A certificate of satisfactory service which indicates the total percentage of his permanent service-connected disability; or

(c) A certificate from the Department of Veterans Affairs or any other military document which shows that he has incurred a permanent service-connected disability and which indicates the total percentage of that disability, together with a certificate of honorable discharge or satisfactory service.

6. A surviving spouse claiming an exemption pursuant to this section must file with the county assessor an affidavit declaring that:

(a) The surviving spouse was married to and living with the disabled veteran for the 5 years preceding his death;

(b) The disabled veteran was eligible for the exemption at the time of his death or would have been eligible if he had been a resident of the State of Nevada;

(c) The surviving spouse has not remarried; and

(d) The surviving spouse is a bona fide resident of the State of Nevada.

➥ The affidavit required by this subsection is in addition to the certification required pursuant to subsections 4 and 5. After the filing of the original affidavit required by this subsection, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

7. If a veteran or the surviving spouse of a veteran submits, as proof of disability, documentation that indicates a percentage of permanent service-connected disability for more than one permanent service-connected disability, the amount of the exemption must be based on the total of those combined percentages, not to exceed 100 percent.

8. If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 361.090.

9. If any person files a false affidavit or produces false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

10. Beginning with the ~~[2006-2007]~~ ***2005-2006*** Fiscal Year, the monetary amounts in subsection 2 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July ~~[2004]~~ ***2003*** to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 7. NRS 361.095 is hereby amended to read as follows:

361.095 1. The funds, furniture, paraphernalia and regalia owned and used exclusively by any post of any national organization of ex-servicemen or ex-servicewomen for the legitimate purposes and customary objects of such posts are exempt from taxation, but such an exemption must not exceed

the sum of $10,000 assessed valuation to any one post or organization thereof.

2. The buildings, with their fixtures and the lots of ground on which they stand, used for its legitimate purposes and necessary thereto, of any such organization are exempt from taxation, but when any such property is used for purposes other than those of such an organization, and a rent or other valuable consideration is received for its use, the property so used must be taxed.

3. Where any structure or parcel of land is used partly for the purposes of such an organization and partly for rental purposes, the area used for rental purposes must be assessed separately and that portion only may be taxed.

4. Beginning with the ~~[2006-2007]~~ ***2005-2006*** Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July ~~[2004]~~ ***2003*** to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 7.5. NRS 361.111 is hereby amended to read as follows:

361.111 1. Except as otherwise provided in subsections 2 and 3, all real property and improvements thereon acquired by the ***Archaeological Conservancy,*** Nature Conservancy, American Land Conservancy or Nevada Land Conservancy and held for ultimate acquisition by the State or a local governmental unit are exempt from taxation if:

(a) The State or a local governmental unit has agreed, in writing, that acquisition of the property will be given serious consideration; and

(b) For property for which the State has given the statement required by paragraph (a), the governing body of the county in which the property is located has approved the potential acquisition of the property by the State.

2. When the ***Archaeological Conservancy,*** Nature Conservancy, American Land Conservancy or Nevada Land Conservancy transfers property it has held for purposes of conservation to any person, partnership, association, corporation or entity other than the State or a local governmental unit, the property must be assessed at the rate set for first-class pasture by the Nevada Tax Commission for each year it was exempt pursuant to subsection 1 and the taxes must be collected as other taxes under this chapter are collected.

3. When the ***Archaeological Conservancy,*** Nature Conservancy, American Land Conservancy or Nevada Land Conservancy transfers property it has held for purposes other than conservation to any person, partnership, association, corporation or entity other than the State or a local governmental unit, the tax imposed by this chapter must be assessed against the property for each year it was exempt pursuant to subsection 1 and collected in the manner provided in this chapter.

4. The Nevada Tax Commission shall adopt regulations specifying the criteria for determining when property has been held by the ***Archaeological Conservancy,*** Nature Conservancy, American Land Conservancy or Nevada Land Conservancy for purposes of conservation.

Sec. 8. NRS 361.135 is hereby amended to read as follows:

361.135 1. The funds, furniture, paraphernalia and regalia owned by any lodge of the Benevolent Protective Order of Elks, Fraternal Order of Eagles, Free and Accepted Masons, Independent Order of Odd Fellows, Knights of Pythias or Knights of Columbus, or by any similar charitable organization, or by the Lahontan Audubon Society, the National Audubon Society, Inc., of New York, the Defenders of Wildlife of the District of Columbia or any similar benevolent or charitable society, so long as ~~[the same shall be]~~ ***they are*** used for the legitimate purposes of such lodge or society or for such charitable or benevolent purposes, ~~[shall be]~~ ***are*** exempt from taxation **.** ~~[, but such exemption shall in no case exceed the sum of $5,000 assessed valuation to any one lodge, society or organization.]~~

2. The real estate and fixtures of any such organization or society ~~[shall be]~~ ***are*** exempt from taxation, but when any such property is used for purposes other than those of such organization or society, and a rent or other valuable consideration is received for its use, the property so used ~~[shall]~~ ***must*** be taxed.

3. Where any structure or parcel of land is used partly for the purposes of such organization or society and partly for rental purposes, the area used for rental purposes ~~[shall]~~ ***must*** be assessed separately and that portion only ~~[shall]~~ ***may*** be taxed.

Sec. 9. NRS 361.155 is hereby amended to read as follows:

361.155 1. ~~[All]~~ ***Except as otherwise provided in this subsection, all*** claims for personal tax exemptions on real property, the initial claim of an organization for a tax exemption on real property and the designation of any amount to be credited to the Gift Account for Veterans' Homes pursuant to NRS 361.0905 must be filed on or before June 15. ***An initial claim for a tax exemption on real property acquired after June 15 and before July 1 must be filed on or before July 5.***

2. All exemptions provided for pursuant to this chapter apply on a fiscal year basis and any exemption granted pursuant to this chapter must not be in an amount which gives the taxpayer a total exemption greater than that to which he is entitled during any fiscal year.

~~[2.]~~ ***3.*** Each claim for an exemption provided for pursuant to this chapter must be filed with the county assessor of:

(a) The county in which the claimant resides for personal tax exemptions; or

(b) Each county in which property is located for the tax exemption of an organization.

~~[3.]~~ ***4.*** After the initial claim for an exemption pursuant to NRS 361.088 or 361.098 to 361.150, inclusive, an organization is not required to file

annual claims if the property remains exempt. If any portion of the property loses its exemption pursuant to NRS 361.157 or for any other reason becomes taxable, the organization must notify the county assessor.

~~[4.]~~ ***5.*** If an exemption is granted or renewed in error because of an incorrect claim or failure of an organization to give the notice required by subsection ~~[3,]~~ ***4,*** the assessor shall assess the taxable portion of the property retroactively pursuant to NRS 361.769 and a penalty of 10 percent of the tax due for the current year and any prior years may be added.

Sec. 10. NRS 361.233 is hereby amended to read as follows:

361.233 1. Notwithstanding any other provision of law:

(a) Any ad valorem taxes or special assessments assessed upon any real property within a common-interest community:

(1) Must be assessed upon the community units and not upon the common-interest community as a whole; and

(2) Must not be assessed upon any common elements of the common-interest community.

(b) ~~[Each community unit must be assessed separately for the purposes of ad valorem taxes and special assessments.~~

~~(c) Any lien created by the levy of an ad valorem tax or special assessment upon a community unit applies only to the community unit assessed and does not apply to any other portion of the common-interest community.]~~ ***The taxable value of each parcel:***

(1) Composed solely of a community unit must consist of:

(I) The taxable value of that community unit; and

(II) A percentage of the taxable value of all the common elements of that common-interest community which is equal to 1 divided by the total number of community units in that common-interest community; or

(2) Composed of a community unit and any portion of the common elements of the common-interest community must consist of:

(I) The taxable value of that community unit only; and

(II) A percentage of the taxable value of all the common elements of that common-interest community which is equal to 1 divided by the total number of community units in that common-interest community.

2. ***The Nevada Tax Commission shall adopt such regulations as it determines to be appropriate to ensure that this section is carried out in a uniform and equal manner that does not result in the double taxation of any common elements of a common-interest community.***

3. For the purposes of this section:

(a) "Ad valorem tax" means an ad valorem tax levied by any governmental entity or political subdivision in this State on or after July 1, 2006.

(b) "Common elements" means ~~[all real property within]~~ ***the physical portion of*** a common-interest community ~~[other than the community units,]~~ ***, including, without limitation, any landscaping, swimming pools, fitness***

centers, community centers, maintenance and service areas, parking areas, hallways, elevators and mechanical rooms, which is ~~[owned:]~~ ***:***

(1) ***Intended for the general benefit of and potential use by all the owners of the community units and their invitees; and***

(2) Owned:

(I) By the community association;

~~[(2)]~~ ***(II)*** By any person on behalf or for the benefit of the owners of the community units; or

~~[(3)]~~ ***(III)*** Jointly by the owners of the community units.

(c) "Common-interest community" means real property with respect to which a person, by virtue of his ownership of a community unit, is obligated to pay for any real property other than that unit. The term includes a common-interest community governed by the provisions of chapter 116 of NRS, a condominium project governed by the provisions of chapter 117 of NRS and any time-share project, planned unit development or other real property which is organized as a common-interest community in this State.

(d) "Community association" means an association whose membership:

(1) Consists exclusively of the owners of the community units or their elected or appointed representatives; and

(2) Is a required condition of the ownership of a community unit.

(e) "Community unit" means a physical portion of a common-interest community ~~[designated]~~ ***, other than the common elements, which is:***

(1) Designated for separate ownership or occupancy ~~[.]~~ ***; and***

(2) Intended for:

(I) Residential use by the owner of that unit and his invitees; or

(II) Commercial use by the owner of that unit for the generation of revenue from any persons other than the owners of community units in that common-interest community and their invitees.

(f) "Special assessment" means a special assessment levied by any governmental entity or political subdivision in this State on or after July 1, 2006.

Sec. 11. NRS 361.360 is hereby amended to read as follows:

361.360 1. Any taxpayer aggrieved at the action of the county board of equalization in equalizing, or failing to equalize, the value of his property, or property of others, or a county assessor, may file an appeal with the State Board of Equalization on or before March 10 and present to the State Board of Equalization the matters complained of at one of its sessions. If March 10 falls on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day.

2. All such appeals must be presented upon the same facts and evidence as were submitted to the county board of equalization in the first instance, unless there is discovered new evidence pertaining to the matter which could not, by due diligence, have been discovered before the final adjournment of the county board of equalization. The new evidence must be submitted in

writing to the State Board of Equalization and served upon the county assessor not less than 7 days before the hearing.

3. Any taxpayer whose real or personal property placed on the unsecured tax roll was assessed after December 15 but before or on the following April 30 may likewise protest to the State Board of Equalization. Every such appeal must be filed on or before May 15. If May 15 falls on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day. A meeting must be held before May 31 to hear those protests that in the opinion of the State Board of Equalization may have a substantial effect on tax revenues. One or more meetings may be held at any time and place in the State before October 1 to hear all other protests.

4. The State Board of Equalization may not reduce the assessment of the county assessor if:

(a) The appeal involves an assessment on property which the taxpayer has refused or, without good cause, has neglected to include in the list required of him pursuant to NRS 361.265 or ***if the taxpayer*** has refused or, without good cause, has neglected to provide the list to the county assessor; or

(b) The taxpayer has, without good cause, refused entry to the assessor for the purpose of conducting the physical examination authorized by NRS 361.260.

5. ***Any change made in an assessment appealed to the State Board of Equalization is effective only for the fiscal year for which the assessment was made.*** The county assessor shall ***review*** each ~~[year review any]~~ ***such*** change ~~[made in an assessment for the previous fiscal year]~~ and maintain or remove the change as circumstances warrant ~~[.]~~ ***for the next fiscal year.***

6. If the State Board of Equalization determines that the record of a case on appeal from the county board of equalization is inadequate because of an act or omission of the county assessor, the district attorney or the county board of equalization, the State Board of Equalization may remand the case to the county board of equalization with directions to develop an adequate record within 30 days after the remand. The directions must indicate specifically the inadequacies to be remedied. If the State Board of Equalization determines that the record returned from the county board of equalization after remand is still inadequate, the State Board of Equalization may hold a hearing anew on the appellant's complaint or it may, if necessary, contract with an appropriate person to hear the matter, develop an adequate record in the case and submit recommendations to the State Board. The cost of the contract and all costs, including attorney's fees, to the State or the appellant necessary to remedy the inadequate record on appeal are a charge against the county.

Sec. 12. ~~[NRS 361.420 is hereby amended to read as follows:~~

~~361.420 1. Any property owner whose taxes are in excess of the amount which the owner claims justly to be due may pay each installment of taxes as it becomes due under protest in writing. The protest must be in the~~

~~form of a separate, signed statement from the property owner and filed with the tax receiver at the time of the payment of the installment of taxes.~~

~~2. The property owner, having protested the payment of taxes as provided in subsection 1 and having been denied relief by the State Board of Equalization, may [commence a suit] *file for the judicial review of the decision of the State Board of Equalization* in any court of competent jurisdiction in the [State of Nevada] *county in which the taxes were paid* against the State and county in which the taxes were paid, and, in a proper case, both the Nevada Tax Commission and the Department may be joined as a defendant for a recovery of the difference between the amount of taxes paid and the amount which the owner claims justly to be due, and the owner may complain upon any of the grounds contained in subsection 4.~~

~~3. Every action commenced under the provisions of this section must be commenced within 3 months after the date of the payment of the last installment of taxes, and if not so commenced is forever barred. If the tax complained of is paid in full and under the written protest provided for in this section, at the time of the payment of the first installment of taxes, suit for the recovery of the difference between the amount paid and the amount claimed to be justly due must be commenced within 3 months after the date of the full payment of the tax or the issuance of the decision of the State Board of Equalization denying relief, whichever occurs later, and if not so commenced is forever barred.~~

~~4. In any suit brought under the provisions of this section, the person assessed may complain or defend upon any of the following grounds:~~

~~(a) That the taxes have been paid before the suit;~~

~~(b) That the property is exempt from taxation under the provisions of the revenue or tax laws of the State, specifying in detail the claim of exemption;~~

~~(c) That the person assessed was not the owner and had no right, title or interest in the property assessed at the time of assessment;~~

~~(d) That the property is situate in and has been assessed in another county, and the taxes thereon paid;~~

~~(e) That there was fraud in the assessment or that the assessment is out of proportion to and above the taxable cash value of the property assessed;~~

~~(f) That the assessment is out of proportion to and above the valuation fixed by the Nevada Tax Commission for the year in which the taxes were levied and the property assessed; or~~

~~(g) That the assessment complained of is discriminatory in that it is not in accordance with a uniform and equal rate of assessment and taxation, but is at a higher rate of the taxable value of the property so assessed than that at which the other property in the State is assessed.~~

~~5. In a suit based upon any one of the grounds mentioned in paragraphs (e), (f) and (g) of subsection 4, the court shall conduct the trial without a jury and confine its review to the record before the State Board of Equalization. Where procedural irregularities by the Board are alleged and are not shown in the record, the court may take evidence respecting the allegation and, upon~~

~~the request of either party, shall hear oral argument and receive written briefs on the matter.~~

~~6. In all cases mentioned in this section where the complaint is based upon any grounds mentioned in subsection 4, the entire assessment must not be declared void but is void only as to the excess in valuation.~~

~~7. In any judgment recovered by the taxpayer under this section, the court may provide for interest thereon not to exceed 6 percent per annum from and after the date of payment of the tax complained of.~~] **(Deleted by amendment.)**

Sec. 13. ~~[NRS 361.435 is hereby amended to read as follows:~~

~~361.435 Any property owner owning property of like kind in more than one county in the State and desiring to proceed with a suit under the provisions of NRS 361.420 may, where the issues in the cases are substantially the same in all or in some of the counties concerning the assessment of taxes on such property, consolidate any of the suits in one action and bring the action in any court of competent jurisdiction in~~ [Carson City,] ~~the county of this State where the property owner resides or maintains his principal place of business or a county in which any relevant proceedings were conducted by the Department.~~] **(Deleted by amendment.)**

Sec. 14. NRS 361.471 is hereby amended to read as follows:

361.471 As used in NRS 361.471 to 361.4735, inclusive, unless the context otherwise requires, the words and terms defined in NRS ~~[361.4711 to 361.4721, inclusive,]~~ ***361.4712, 361.4715 and 361.4721*** have the meanings ascribed to them in those sections.

Sec. 15. NRS 361.4722 is hereby amended to read as follows:

361.4722 1. Except as otherwise provided in or required to carry out the provisions of subsection 3 and NRS 361.4725 to 361.4728, inclusive, the owner of any parcel or other taxable unit of property, including property entered on the central assessment roll, for which an assessed valuation was separately established for the immediately preceding fiscal year is entitled to a partial abatement of the ad valorem taxes levied in a county on that property each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The ~~[lesser]~~ ***greater*** of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years; ~~[or]~~

(II) ~~[Eight percent; or~~

~~(2)]~~ Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year ~~[.]~~ ***; or***

(III) Zero; or

(2) Eight percent,

➥ whichever is ~~[greater.]~~ ***less.***

2. Except as otherwise provided in or required to carry out the provisions of NRS 361.4725 to 361.4728, inclusive, the owner of any remainder parcel of real property for which no assessed valuation was separately established for the immediately preceding fiscal year, is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for a fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any amount of that assessed valuation attributable to any improvement to or change in the actual or authorized use of the property that would not have been included in the calculation of the assessed valuation of the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year, and if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The ~~[~~lesser~~]~~ ***greater*** of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years; ~~[~~or~~]~~

(II) ~~[~~Eight percent; or

~~(2)]~~ Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year ~~[.]~~ ***; or***

(III) Zero; or

(2) Eight percent,

➥ whichever is ~~[~~greater.~~]~~ ***less.***

3. The provisions of subsection 1 do not apply to any property for which the provisions of subsection 1 of NRS 361.4723 or subsection 1 of NRS 361.4724 provide a greater abatement from taxation.

4. Except as otherwise required to carry out the provisions of NRS 361.473 to 361.4733, inclusive, and any regulations adopted pursuant thereto, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsections 1 and 2 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

5. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to ensure that this section is carried out in a uniform and equal manner.

6. For the purposes of this section ~~[~~:

~~(a) "Ad valorem taxes levied in a county" means any ad valorem taxes levied by the State or any other taxing entity in a county.~~

~~(b) "Remainder"]~~ ***, "remainder*** parcel of real property" means a parcel of real property which remains after the creation of new parcels of real property for development from one or more existing parcels of real property, if the use of that remaining parcel has not changed from the immediately preceding fiscal year.

~~[(c) "Taxing entity" means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.]~~

Sec. 16. NRS 361.4722 is hereby amended to read as follows:

361.4722 1. Except as otherwise provided in or required to carry out the provisions of subsection 3 and NRS 361.4725 to 361.4728, inclusive, the owner of any parcel or other taxable unit of property, including property

entered on the central assessment roll, for which an assessed valuation was separately established for the immediately preceding fiscal year is entitled to a partial abatement of the ad valorem taxes levied in a county on that property each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The ~~[lesser]~~ ***greater*** of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years; ~~[or]~~

(II) ~~[Eight percent; or~~

~~(2)]~~ Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year ~~[,]~~ ***; or***

(III) Zero; or

(2) Eight percent,

➥ whichever is ~~[greater.]~~ ***less.***

2. Except as otherwise provided in or required to carry out the provisions of NRS 361.4725 to 361.4728, inclusive, the owner of any remainder parcel of real property for which no assessed valuation was separately established for the immediately preceding fiscal year, is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for a fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any amount of that assessed valuation attributable to any improvement to or change in the actual or authorized use of the property that would not have been included in the calculation of the assessed valuation of the property for the immediately preceding fiscal year

if an assessed valuation had been separately established for that property for that prior fiscal year, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year, and if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The ~~[lesser]~~ ***greater*** of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years; ~~[or]~~

(II) ~~[Eight percent; or~~

~~(2)]~~ Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year ~~[,]~~ ***; or***

(III) Zero; or

(2) Eight percent,

➥ whichever is ~~[greater.]~~ ***less.***

3. The provisions of subsection 1 do not apply to any property for which the provisions of subsection 1 of NRS 361.4723 or subsection 1 of NRS 361.4724 provide a greater abatement from taxation.

4. Except as otherwise required to carry out the provisions of NRS ~~[361.473 to 361.4733, inclusive,]~~ ***361.4732*** and any regulations adopted pursuant ~~[thereto,]~~ ***to NRS 361.4733,*** the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsections 1 and 2 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in

the county on the property by or on behalf of all taxing entities for that fiscal year.

5. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to ensure that this section is carried out in a uniform and equal manner.

6. For the purposes of this section ~~[:~~

~~(a) "Ad valorem taxes levied in a county" means any ad valorem taxes levied by the State or any other taxing entity in a county.~~

~~(b) "Remainder]~~ ***, "remainder*** parcel of real property" means a parcel of real property which remains after the creation of new parcels of real property for development from one or more existing parcels of real property, if the use of that remaining parcel has not changed from the immediately preceding fiscal year.

~~[(c) "Taxing entity" means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.]~~

Sec. 17. NRS 361.4723 is hereby amended to read as follows:

361.4723 The Legislature hereby finds and declares that an increase in the tax bill of the owner of a home by more than 3 percent over the tax bill of that homeowner for the previous year constitutes a severe economic hardship within the meaning of subsection 10 of Section 1 of Article 10 of the Nevada Constitution. The Legislature therefore directs a partial abatement of taxes for such homeowners as follows:

1. Except as otherwise provided in or required to carry out the provisions of subsection 2 and NRS 361.4725 to 361.4728, inclusive, the owner of a single-family residence which is the primary residence of the owner is entitled to a partial abatement of the ad valorem taxes levied in a county on that property each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) Three percent of the amount determined pursuant to paragraph (a).

2. The provisions of subsection 1 do not apply to any property for which:

(a) No assessed valuation was separately established for the immediately preceding fiscal year; or

(b) The provisions of subsection 1 of NRS 361.4722 provide a greater abatement from taxation.

3. Except as otherwise required to carry out the provisions of NRS ~~[361.473 to 361.4733, inclusive,]~~ ***361.4732*** and any regulations adopted pursuant ~~[thereto,]~~ ***to NRS 361.4733,*** the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsection 1 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

4. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to carry out this section, including, without limitation, regulations providing a methodology for applying the partial abatement provided pursuant to subsection 1 to a parcel of real property of which only a portion qualifies as a single-family residence which is the primary residence of the owner and the remainder is used in another manner.

5. The owner of a single-family residence does not become ineligible for the partial abatement provided pursuant to subsection 1 as a result of:

(a) The operation of a home business out of a portion of that single-family residence; or

(b) The manner in which title is held by the owner if the owner occupies the residence, including, without limitation, if the owner has placed the title in a trust for purposes of estate planning.

6. For the purposes of this section:

(a) ~~[“Ad valorem taxes levied in a county” means any ad valorem taxes levied by the State or any other taxing entity in a county.~~

~~(b)]~~ ”Primary residence of the owner” means a residence which:

(1) Is designated by the owner as the primary residence of the owner in this State, exclusive of any other residence of the owner in this State; and

(2) Is not rented, leased or otherwise made available for exclusive occupancy by any person other than the owner of the residence and members of the family of the owner of the residence.

~~[(c)]~~ ***(b)*** ”Single-family residence” means a parcel or other unit of real property or unit of personal property which is intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

~~[(d) ”Taxing entity” means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.~~

~~(e)]~~ ***(c)*** ”Unit of personal property” includes, without limitation, any:

(1) Mobile or manufactured home, whether or not the owner thereof also owns the real property upon which it is located; or

(2) Taxable unit of a condominium, common-interest community, planned unit development or similar property,

➥ if classified as personal property for the purposes of this chapter.

~~[(f)]~~ ***(d)*** "Unit of real property" includes, without limitation, any taxable unit of a condominium, common-interest community, planned unit development or similar property, if classified as real property for the purposes of this chapter.

Sec. 18. NRS 361.4724 is hereby amended to read as follows:

361.4724 The Legislature hereby finds and declares that many Nevadans who cannot afford to own their own homes would be adversely affected by large unanticipated increases in property taxes, as those tax increases are passed down to renters in the form of rent increases and therefore the benefits of a charitable exemption pursuant to subsection 8 of Section 1 of Article 10 of the Nevada Constitution should be afforded to those Nevadans through an abatement granted to the owners of residential rental dwellings who charge rent that does not exceed affordable housing standards for low-income housing. The Legislature therefore directs a partial abatement of taxes for such owners as follows:

1. Except as otherwise provided in or required to carry out the provisions of subsection 2 and NRS 361.4725 to 361.4728, inclusive, if the amount of rent collected from each of the tenants of a residential dwelling does not exceed the fair market rent for the county in which the dwelling is located, as most recently published by the United States Department of Housing and Urban Development, the owner of the dwelling is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) Three percent of the amount determined pursuant to paragraph (a).

2. The provisions of subsection 1 do not apply to:

(a) Any hotels, motels or other forms of transient lodging;

(b) Any property for which no assessed valuation was separately established for the immediately preceding fiscal year; and

(c) Any property for which the provisions of subsection 1 of NRS 361.4722 provide a greater abatement from taxation.

3. Except as otherwise required to carry out the provisions of NRS ~~[361.473 to 361.4733, inclusive,]~~ ***361.4732*** and any regulations adopted pursuant ~~[thereto,]~~ ***to NRS 361.4733,*** the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsection 1 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

4. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to carry out this section.

~~[5. For the purposes of this section:~~

~~(a) "Ad valorem taxes levied in a county" means any ad valorem taxes levied by the State or any other taxing entity in a county.~~

~~(b) "Taxing entity" means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.]~~

Sec. 19. NRS 361.4725 is hereby amended to read as follows:

361.4725 1. ~~[Notwithstanding]~~ ***Except as otherwise provided in this section and notwithstanding*** the provisions of NRS 361.4722, 361.4723 and 361.4724, if the taxable value of any parcel or other taxable unit of property:

(a) Decreases by 15 percent or more from its taxable value on:

(1) July 1, 2003; or

(2) July 1 of the second year immediately preceding the lien date for the current year,

➥ whichever is later; and

(b) For any fiscal year beginning on or after July 1, 2005, increases by 15 percent or more from its taxable value for the immediately preceding fiscal year,

➥ the amount of any ad valorem taxes levied in a county which, if not for the provisions of NRS 361.4722, 361.4723 and 361.4724, would otherwise have been collected for the property for that fiscal year as a result of that increase in taxable value, excluding any amount attributable to any increase in the taxable value of the property above the taxable value of the property on the most recent date determined pursuant to paragraph (a), must be levied on the property and carried forward each fiscal year, without any penalty or interest, in such a manner that one-third of that amount may be collected during that fiscal year and each of the succeeding 2 fiscal years.

2. ***If the total amount otherwise required to be collected during a fiscal year and each of the succeeding 2 fiscal years pursuant to subsection 1 for a parcel or other taxable unit of property is less than or equal to $100, the entire amount may be levied on the property and collected during that initial fiscal year.***

3. The Nevada Tax Commission may exempt from the requirements of this section the levy of any taxes in an amount which is less than the cost of collecting those taxes.

4. The amount of any taxes ~~[which are carried forward and]~~ levied on any property pursuant to this section must be added to the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for a fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

~~[3.]~~ ***5.*** The Nevada Tax Commission shall adopt such regulations as it deems appropriate to ensure that this section is carried out in a uniform and equal manner.

~~[4. For the purposes of this section:~~

~~(a) "Ad valorem taxes levied in a county" means any ad valorem taxes levied by the State or any other taxing entity in a county.~~

~~(b) "Taxing entity" means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.]~~

Sec. 20. NRS 361.473 is hereby amended to read as follows:

361.473 ***Except as otherwise required to carry out any regulations adopted pursuant to NRS 361.4733:***

1. On or before August 1 of each fiscal year, the tax receiver of each county shall determine for each parcel or other taxable unit of property located in that county, other than any property to which subsection 2 or NRS 361.4731 applies, for which the owner thereof is entitled to a partial abatement of taxes pursuant to NRS 361.4722, 361.4723 or 361.4724, and the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping tax rate applicable to the property for the immediately preceding fiscal year, the amount which equals the lesser of:

(a) The amount of the partial abatement of taxes to which the owner of the property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year; or

(b) The product of the assessed value of the property for the current fiscal year and the difference between:

(1) The combined overlapping tax rate applicable to the property for the current fiscal year; and

(2) The combined overlapping tax rate applicable to the property for the immediately preceding fiscal year.

2. On or before August 1 of each fiscal year, the Department shall determine for each parcel or other taxable unit of property which is valued pursuant to NRS 361.320 or 361.323, other than any property to which NRS 361.4731 applies, and for which the owner thereof is entitled to a partial abatement of taxes pursuant to NRS 361.4722, 361.4723 or 361.4724 and the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping tax rate applicable to the property for the immediately preceding fiscal year, the amount which equals the lesser of:

(a) The amount of the partial abatement of taxes to which the owner of the property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year; or

(b) The product of the assessed value of the property for the current fiscal year and the difference between:

(1) The combined overlapping tax rate applicable to the property for the current fiscal year; and

(2) The combined overlapping tax rate applicable to the property for the immediately preceding fiscal year.

3. That portion of the amount of any reduction in the ad valorem taxes levied on any parcel or other taxable unit of property to which subsection 1 or 2 applies for a fiscal year as a result of the application of NRS 361.4722, 361.4723 and 361.4724 which is determined pursuant to subsection 1 or 2 must be deducted from the amount of ad valorem taxes that each taxing entity which has increased its rate of ad valorem taxes applicable to the property from the rate for the immediately preceding fiscal year, would otherwise be entitled to receive for the current fiscal year in the same proportion as that increase in its ad valorem tax rate bears to the total increase in the combined overlapping tax rate applicable to the property for the current fiscal year.

Sec. 21. NRS 361.4731 is hereby amended to read as follows:

361.4731 ***Except as otherwise required to carry out any regulations adopted pursuant to NRS 361.4733:***

1. On or before August 1 of each fiscal year, the tax receiver of each county in which is located a redevelopment area for which there is any incremental assessed value shall determine for each parcel or other taxable unit of property in that redevelopment area, other than any property to which subsection 2 applies, for which the owner thereof is entitled to a partial abatement of taxes pursuant to NRS 361.4722, 361.4723 or 361.4724, and the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping tax rate applicable to the property for the immediately preceding fiscal year:

(a) The amount which equals the lesser of:

(1) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year; or

(2) The product of the parcel-proportionate share of the base value for that property for the current fiscal year and the greater of:

(I) Zero; or

(II) The rate that results when the rate obtained by adding the combined overlapping tax rate for that property for the immediately preceding fiscal year to a percentage of that rate which is equal to the abatement percentage applicable to the property for the current fiscal year, is subtracted from the combined overlapping tax rate for that property for the current fiscal year; and

(b) The amount which equals the difference between:

(1) The amount determined pursuant to paragraph (a); and

(2) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year.

2. On or before August 1 of each fiscal year, the Department shall determine for each parcel or other taxable unit of property which is valued pursuant to NRS 361.320 or 361.323 and apportioned to a redevelopment area for which there is any incremental assessed value, and for which the owner thereof is entitled to a partial abatement of taxes pursuant to NRS 361.4722, 361.4723 or 361.4724, and the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping tax rate applicable to the property for the immediately preceding fiscal year:

(a) The amount which equals the lesser of:

(1) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year; or

(2) The product of the parcel-proportionate share of the base value for that property for the current fiscal year and the greater of:

(I) Zero; or

(II) The rate that results when the rate obtained by adding the combined overlapping tax rate for that property for the immediately preceding fiscal year to a percentage of that rate which is equal to the abatement percentage applicable to the property for the current fiscal year, is subtracted from the combined overlapping tax rate for that property for the current fiscal year; and

(b) The amount which equals the difference between:

(1) The amount determined pursuant to paragraph (a); and

(2) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year.

3. That portion of the amount of any reduction in the ad valorem taxes levied on any parcel or other taxable unit of property to which subsection 1 or 2 applies for a fiscal year as a result of the application of NRS 361.4722, 361.4723 or 361.4724 which is determined pursuant to:

(a) Paragraph (a) of subsection 1 or paragraph (a) of subsection 2 for each such parcel or other taxable unit of property for which the combined overlapping tax rate for the current fiscal year has increased from the combined overlapping tax rate for the immediately preceding fiscal year by a percentage that exceeds the abatement percentage for that property, must be deducted from the amount of ad valorem taxes that each redevelopment taxing entity which has increased its rate of ad valorem taxes applicable to the property from the rate for the immediately preceding fiscal year, would otherwise be entitled to receive for the current fiscal year from the ad valorem taxes levied on the base-year assessed value for that property in the same proportion as that increase in its ad valorem tax rate bears to the total increase in the combined overlapping tax rate applicable to the property for the current fiscal year; and

(b) Paragraph (b) of subsection 1 or paragraph (b) of subsection 2 must be deducted from the amount of ad valorem taxes the redevelopment agency and each redevelopment taxing entity would otherwise be entitled to receive pursuant to paragraphs (b), (c) and (d) of subsection 1 of NRS 279.676 for the current fiscal year in the same proportion as each of those entities would otherwise share in the total amount distributed pursuant to those paragraphs.

Sec. 22. NRS 361.4732 is hereby amended to read as follows:

361.4732 ~~[Notwithstanding]~~ ***Except as otherwise required to carry out any regulations adopted pursuant to NRS 361.4733 and notwithstanding*** any other provision of NRS 361.471 to 361.4735, inclusive, to the contrary, after a parcel or other taxable unit of real property is annexed to a taxing entity:

1. The amount otherwise required to be determined pursuant to paragraph (a) of subsection 1 of NRS 361.4722, paragraph (a) of subsection 2 of NRS 361.4722, paragraph (a) of subsection 1 of NRS 361.4723 or paragraph (a) of subsection 1 of NRS 361.4724 with respect to that property for the first fiscal year in which that taxing entity is entitled to levy or require the levy on its behalf of any ad valorem taxes on the property as a result of that annexation of the property, shall be deemed to be the amount of ad valorem taxes which would have been levied on the property for the immediately preceding fiscal year if the annexation had occurred 1 year earlier, based upon the tax rates that would have applied to the property for the immediately preceding fiscal year if the annexation had occurred 1 year earlier and without regard to any exemptions from taxation that applied to the property for the immediately preceding fiscal year but do not apply to the property for the current fiscal year; and

2. For the purposes of any other calculations required pursuant to the provisions of NRS 361.471 to 361.4735, inclusive, the combined overlapping tax rate applicable to that property for the fiscal year immediately preceding the first fiscal year in which that taxing entity is entitled to levy or require the levy on its behalf of any ad valorem taxes on the property as a result of that annexation of the property, shall be deemed to be the combined overlapping

tax rate that would have applied to the property for that year if the annexation had occurred 1 year earlier.

Sec. 23. NRS 361.4733 is hereby amended to read as follows:

361.4733 1. The Committee on Local Government Finance ~~[may]~~ ***shall*** adopt:

(a) ***Such regulations as it determines to be appropriate to provide for the allocation among the appropriate taxing entities of the amount of any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724, in accordance with the principles that:***

(1) Any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724 which is caused by an increase in the rate of taxes imposed by one or more taxing entities should be allocated to the taxing entities that would have received the benefit of that increase in proportion to the relative amount of benefit that otherwise would have been received from that increase;

(2) Any increase in the rate of ad valorem taxes imposed by a taxing entity should not affect the amount of ad valorem taxes received by other taxing entities, except for redevelopment agencies and tax increment areas whose property tax receipts depend on the tax rate of the taxing entity that increases its rate of taxes and whose territory is included, in whole or in part, in the territory of the taxing entity that increases its rate of taxes; and

(3) A taxing entity that does not increase its rate of ad valorem taxes should not be allocated any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724, except for any reduction caused by an increase in the assessed value of that parcel or other taxable unit of real property; and

(b) Subject to the principles set forth in paragraph (a):

(1) Such regulations as it determines to be appropriate for the administration and interpretation of the provisions of NRS 361.473, 361.4731 and 361.4732; and

~~[(b)]~~ ***(2)*** Regulations which provide, in a manner that is consistent with the provisions of NRS 361.473, 361.4731 and 361.4732, methodologies for allocating among the appropriate taxing entities the amount of any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724 if the property is included in or excluded from the boundaries of a redevelopment area, tax increment area or taxing entity after June 14, 2005.

2. Any regulations adopted by the Committee on Local Government Finance pursuant to this section must be adopted in the manner prescribed for state agencies in chapter 233B of NRS.

Sec. 24. NRS 361.4733 is hereby amended to read as follows:

361.4733 1. The Committee on Local Government Finance ~~[may]~~ ***shall*** adopt:

(a) ***Such regulations as it determines to be appropriate to provide for the allocation among the appropriate taxing entities of the amount of any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724, in accordance with the principles that:***

(1) Any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724 which is caused by an increase in the rate of taxes imposed by one or more taxing entities should be allocated to the taxing entities that would have received the benefit of that increase in proportion to the relative amount of benefit that otherwise would have been received from that increase;

(2) Any increase in the rate of ad valorem taxes imposed by a taxing entity should not affect the amount of ad valorem taxes received by other taxing entities, except for redevelopment agencies and tax increment areas whose property tax receipts depend on the tax rate of the taxing entity that increases its rate of taxes and whose territory is included, in whole or in part, in the territory of the taxing entity that increases its rate of taxes; and

(3) A taxing entity that does not increase its rate of ad valorem taxes should not be allocated any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724, except for any reduction caused by an increase in the assessed value of that parcel or other taxable unit of real property; and

(b) Subject to the principles set forth in paragraph (a):

(1) Such regulations as it determines to be appropriate for the administration and interpretation of the provisions of NRS ~~[361.473, 361.4731 and]~~ 361.4732; and

~~[(b)]~~ ***(2)*** Regulations which provide ~~[, in a manner that is consistent with the provisions of NRS 361.473, 361.4731 and 361.4732,]~~ methodologies for allocating among the appropriate taxing entities the amount of any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724 if the property is included in or excluded from the boundaries of a redevelopment area, tax increment area or taxing entity after June 14, 2005.

2. Any regulations adopted by the Committee on Local Government Finance pursuant to this section must be adopted in the manner prescribed for state agencies in chapter 233B of NRS.

Sec. 25. NRS 361.4734 is hereby amended to read as follows:

361.4734 1. A taxpayer who is aggrieved by a determination of the applicability of a partial abatement from taxation pursuant to NRS 361.4722, 361.4723 or 361.4724 may, if the property which is the subject of that determination:

(a) Is not valued pursuant to NRS 361.320 or 361.323, submit a written petition for the review of that determination to the tax receiver of the county in which the property is located. ***The petition must be submitted on or before January 15 of the fiscal year for which the determination is effective.*** The tax receiver shall, after consulting with the county assessor of that county regarding the determination and within 30 days after receiving the petition, render a decision on the petition and notify the taxpayer of that decision.

(b) Is valued pursuant to NRS 361.320 or 361.323, submit a written petition for the review of that determination to the Department. The Department shall, within 30 days after receiving the petition, render a decision on the petition and notify the taxpayer of that decision.

2. A taxpayer who is aggrieved by a decision rendered by a tax receiver or the Department pursuant to subsection 1 may, within 30 days after receiving notice of that decision, appeal the decision to the Nevada Tax Commission.

3. A taxpayer who is aggrieved by a determination of the Nevada Tax Commission rendered on an appeal made pursuant to subsection 2 is entitled to a judicial review of that determination.

Sec. 26. NRS 361.4835 is hereby amended to read as follows:

361.4835 1. If the county treasurer or the county assessor finds that a person's failure to make a timely return or payment of tax that is assessed by the county treasurer or county assessor and that is imposed pursuant to chapter 361 of NRS, except NRS 361.320, is the result of circumstances beyond his control and occurred despite the exercise of ordinary care and without intent, the county treasurer or the county assessor may relieve him of all or part of any interest or penalty, or both.

2. A person seeking this relief must ***pay the amount of the tax due and, within 30 days after the date the payment is made,*** file a statement setting forth the facts upon which he bases his claim with the county treasurer or the county assessor.

3. The county treasurer or the county assessor shall disclose, upon the request of any person:

(a) The name of the person; and

(b) The amount of the relief.

4. If the relief sought by the taxpayer is denied, he may appeal from the denial to the Nevada Tax Commission.

5. The county treasurer or the county assessor may defer the decision to the Department.

Sec. 27. Section 57 of chapter 496, Statutes of Nevada 2005, at page 2680, is hereby amended to read as follows:

Sec. 57. 1. This section and sections 52.1 to 52.8, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to 22, inclusive, 24 to 28, inclusive, 42 to 52, inclusive, and 53 to 56, inclusive, of this act become effective on July 1, 2005.

3. Sections 29 to 41, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of those sections; and

(b) On July 1, 2006, for all other purposes.

4. Section 23 of this act becomes effective on July 1, ~~[2007.]~~ ***2009.***

5. Section 43 of this act expires by limitation on June 30, ~~[2007.]~~ ***2009.***

Sec. 28. ~~[1.]~~ NRS 361.4711, 361.4713, 361.4714, 361.4716, 361.4717, 361.4718, 361.4719, 361.472, 361.473 and 361.4731 are hereby repealed.

~~[2. Section 23 of chapter 496, Statutes of Nevada 2005, at page 2660, is hereby repealed.]~~

Sec. 29. 1. The Legislature hereby approves, confirms and ratifies the regulations adopted by the Committee on Local Government Finance pursuant to NRS 361.4733 before the effective date of this section.

2. The Committee on Local Government Finance shall adopt the regulations required pursuant to the amendatory provisions of section 23 of this act not later than December 31, 2007.

Sec. 30. 1. This section and ~~[section 27, subsection 2 of section 28 and section 29]~~ **sections 27 and 29** of this act become effective upon passage and approval.

2. Sections 1 to 13, inclusive, 15, 19 to 23, inclusive, 25 and 26 of this act become effective on July 1, 2007.

3. Sections 15 and 23 of this act expire by limitation on December 31, 2007.

4. Sections 14, 16, 17, 18 ~~[and 24 and subsection 1 of section]~~ **, 24 and** 28 of this act become effective on January 1, 2008.

LEADLINES OF REPEALED SECTIONS ~~[OF NRS AND TEXT OF REPEALED SECTION OF STATUTES OF NEVADA]~~

361.4711 ”Abatement percentage” defined.

361.4713 ”Base-year assessed value” defined.

361.4714 ”Base-year assessed value percentage” defined.

361.4716 ”Incremental assessed value” defined.

361.4717 ”Parcel-proportionate share of the base value” defined.

361.4718 ”Redevelopment agency” defined.

361.4719 ”Redevelopment area” defined.

361.472 ”Redevelopment taxing entity” defined.

361.473 Allocation of certain portions of reduction in revenue resulting from partial abatements applicable to property for which tax rate increases: Generally.

361.4731 Allocation of certain portions of reduction in revenue resulting from partial abatements applicable to property for which tax rate increases: Property in or apportioned to redevelopment area.

~~[Section 23 of chapter 496, Statutes of Nevada 2005:~~

~~Sec. 23. NRS 361.530 is hereby amended to read as follows:~~

~~361.530 [1. Except as otherwise provided in this section, on]~~ *On* all money collected from personal property tax by the several county assessors and county treasurers, there must be reserved and paid into the county treasury, for the benefit of the general fund of their respective counties, by the county assessor or county treasurer, a percentage commission of ~~[8]~~ *6* percent on the gross amount of collections from personal property tax.

~~[2. One quarter of the commission reserved pursuant to subsection 1 must be accounted for separately in the account for the acquisition and improvement of technology in the office of the county assessor created pursuant to NRS 250.085.]~~

Assemblywoman McClain moved that the Assembly concur in the Senate Amendment No. 994 to Assembly Bill No. 209.

Remarks by Assemblywoman McClain.

Motion carried.

The following Senate amendment was read:

Amendment No. 997.

AN ACT relating to the taxation of property; revising the provisions governing certain exemptions from taxes and appeals by taxpayers; revising certain requirements for the assessment of common-interest communities; revising the provisions governing the calculation of certain partial abatements of taxes and the collection of taxes following certain fluctuations in taxable value; requiring the Committee on Local Government Finance to adopt regulations for the allocation of certain reductions in revenue resulting from the partial abatement of taxes; providing limitations upon certain requests for the waiver of interest and penalties imposed for the late payment of taxes; repealing the prospective expiration of certain provisions for the funding of accounts for the acquisition and improvement of technology in the offices of county assessors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each county assessor to provide certain information regarding property taxes on the Internet. (NRS 361.0445) Section 1 of this bill authorizes a county assessor to disseminate, by additional means, certain information to the public concerning the taxation of property.

Existing law provides an exemption from property taxes for any value added to the assessed value of a building by certain qualified systems that provide heating, cooling or electricity. (NRS 361.079) Section 2 of this bill simplifies the administration of this exemption by removing any calculation of the value of such a qualified system from the determination of the assessed value of a building to which the exemption applies.

Existing law provides partial exemptions from property taxes for the property of surviving spouses, blind persons, veterans, disabled veterans and certain veterans' organizations, and provides for annual increases in those exemptions beginning with the 2006-2007 Fiscal Year based upon the increase in the Consumer Price Index from July 2004. (NRS 361.080,

361.085, 361.090, 361.091, 361.095) Sections ~~[3-7]~~ **3 and 4-7** of this bill provide for the commencement of those annual increases during the 2005-2006 Fiscal Year based upon the increase in the Consumer Price Index from July 2003.

Section 7.5 of this bill provides an exemption from property taxes for certain property held by the Archaeological Conservancy.

Section 8 of this bill repeals a $5,000 limitation on the amount of an exemption from property taxes applicable to the funds, furniture, paraphernalia and regalia of certain lodges and other charitable organizations. (NRS 361.135)

Existing law requires the filing of claims for personal tax exemptions on real property, and the initial claim of an organization for a tax exemption on real property, to be filed on or before June 15. (NRS 361.155) Section 9 of this bill extends that deadline to July 5 for real property acquired after June 15 and before July 1. **Section 9 also provides for the filing of a late claim of exemption with, and for the appeal of the denial of a claim of exemption to, the county board of equalization.**

Existing law provides for the assessment of property taxes for a common-interest community on the community units and not on the common elements of the community. (NRS 361.233) Section 10 of this bill specifies the methodology for determining the taxable value of a parcel that includes such a community unit and clarifies the definitions of "community unit" and "common elements" for this purpose.

Existing law allows taxpayers to appeal the amount of certain assessments of their property to the State Board of Equalization. (NRS 361.360) Section 11 of this bill limits the effect of a change in assessment resulting from such an appeal to the fiscal year for which the assessment was made.

Under existing law, a property owner may protest the payment of taxes claimed to be in excess of the amount justly due and, if the State Board of Equalization denies relief, commence a legal proceeding in any county of this State to recover any overpayment. (NRS 361.420) Existing law authorizes a property owner to consolidate similar suits regarding property in more than one county into a single legal action. (NRS 361.435) Sections 12 and 13 of this bill clarify that these proceedings consist of a judicial review of the decision of the State Board of Equalization and limit the locations where these proceedings may be brought.

Existing law provides for a generally applicable partial abatement of the property taxes levied on property for which an assessed valuation has previously been established or on a remainder parcel of property, based upon the average change in the assessed valuation of property in the county over the last 10 years or twice the increase in the Consumer Price Index for the last year, whichever is greater. (NRS 361.4722) Section 15 of this bill ensures that this partial abatement cannot be less than zero nor greater than 8 percent.

Existing law exempts from certain partial abatements of property taxes certain increases in the taxable value of property following large fluctuations in that value and requires the collection of the resulting taxes due over a period of 3 years. (NRS 361.4725) Section 19 of this bill allows the collection of the amount due in a single year if that amount does not exceed $100 and authorizes the Nevada Tax Commission to exempt from collection any amount which is less than the cost of collection.

Existing law provides formulas for the allocation of reductions in revenue resulting from certain partial abatements of property taxes applicable to property for which the tax rate increases and authorizes the Committee on Local Government Finance to adopt regulations for the administration and interpretation of those formulas. (NRS 361.473, 361.4731, 361.4733) Section 23 of this bill requires the Committee to adopt such regulations as it determines to be appropriate, in accordance with certain specified principles, for the allocation of reductions in revenue resulting from those partial abatements of property taxes. Section 29 of this bill ratifies the regulations previously adopted by the Committee and requires the adoption of additional regulations not later than December 31, 2007. Section 28 of this bill repeals the existing formulas after the adoption of the additional regulations.

Existing law allows a taxpayer to petition the tax receiver for the review of a determination regarding the applicability of certain partial abatements from property taxes. (NRS 361.4734) Section 25 of this bill requires the submission of the petition on or before January 15 of the fiscal year for which the determination is effective.

Existing law authorizes a county treasurer or county assessor to waive all or part of the interest or penalty due from a person who fails to make a timely payment of property taxes as a result of circumstances beyond his control and who files a statement setting forth the facts of his claim. (NRS 361.4835) Section 26 of this bill requires a person seeking such relief to pay the amount of the taxes due and file the statement within 30 days after that payment is made.

Under existing law, 2 percent of the property taxes collected for each county on personal property and the net proceeds of mines must be deposited into an account for the acquisition and improvement of technology in the office of the county assessor. (NRS 361.530, 362.170) Sections 27 and 28 of this bill provide for the continuation of this funding by repealing its prospective expiration on July 1, 2007.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A county assessor may, by regular mail, electronic means or any other means the assessor deems appropriate, disseminate information to the public concerning the taxation of property, including, without

limitation, information relating to the valuation and assessment of property, exemptions from taxation, the declaration of a homestead and programs for the assistance of senior citizens.

2. Any information provided pursuant to subsection 1 must, to the extent practicable, be in a form that is easily understood and readily accessible to the public.

Sec. 2. NRS 361.079 is hereby amended to read as follows:

361.079 1. Except as otherwise provided in subsection 2, ~~[for any assessment made on or after July 1, 1983, any value added by]~~ ***the value of*** a qualified system must ~~[be excluded from]~~ ***not be included in*** the assessed value of ~~[the building regardless of the date the system was installed.~~

~~2. Value]~~ ***a building.***

2. Any value added by a qualified system must ~~[not be excluded from]~~ ***be included in*** the assessed value of a commercial or industrial building during any period in which the business that owns the commercial or industrial building is receiving another abatement or exemption ***pursuant to NRS 361.045 to 361.159, inclusive,*** from the taxes imposed by this chapter.

3. As used in this section, "qualified system" means any system, method, construction, installation, machinery, equipment, device or appliance which is designed, constructed or installed in a residential, commercial or industrial building to heat or cool the building or water used in the building, or to provide electricity used in the building, by using:

(a) Energy from the wind or from solar devices not thermally insulated from the area where the energy is used;

(b) Geothermal resources;

(c) Energy derived from conversion of solid wastes; or

(d) Waterpower,

➥ which conforms to standards established by regulation of the Department.

Sec. 3. NRS 361.080 is hereby amended to read as follows:

361.080 1. The property of surviving spouses, not to exceed the amount of $1,000 assessed valuation, is exempt from taxation, but no such exemption may be allowed to anyone but a bona fide resident of this State, and must be allowed in but one county in this State to the same family.

2. For the purpose of this section, property in which the surviving spouse has any interest shall be deemed the property of the surviving spouse.

3. The person claiming such an exemption must file with the county assessor an affidavit declaring that he is a bona fide resident of this State and that the exemption has been claimed in no other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

4. A surviving spouse is not entitled to the exemption provided by this section in any fiscal year beginning after any remarriage, even if the remarriage is later annulled.

5. If any person files a false affidavit or provides false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

6. Beginning with the ~~[2006-2007]~~ ***2005-2006*** Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July ~~[2004]~~ ***2003*** to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 3.5. **NRS 361.082 is hereby amended to read as follows:**

361.082 1. That portion of real property and tangible personal property which is used for housing and related facilities for persons with low incomes is exempt from taxation if the portion of property qualifies as a low-income unit and is part of a qualified low-income housing project that is funded in part by federal money appropriated pursuant to 42 U.S.C. §§ 12701 et seq. for the year in which the exemption applies.

2. The portion of a qualified low-income housing project that is entitled to the property tax exemption pursuant to subsection 1 must be determined by dividing the total assessed value of the housing project and the land upon which it is situated into the assessed value of the low-income units and related facilities that are occupied by or used exclusively for persons with low incomes.

3. The Nevada Tax Commission shall, by regulation, prescribe a form for an application for the exemption described in subsection 1. After an original application is filed, the county assessor of the county in which the housing project is located may mail a form for the renewal of the exemption to the owner of the housing project each year following a year in which the exemption was allowed for that project.

4. A renewal form returned to a county assessor must indicate the total number of units in the housing project and the number of units used for housing and related facilities for persons with low incomes. If the owner of a housing project fails to provide a properly completed renewal form to the county assessor of the county in which the project is located by the date required in NRS 361.155, ***except as otherwise provided in subsection 6 of that section,*** or fails to qualify for the exemption described in subsection 1, he is not entitled to the exemption in the following fiscal year.

5. As used in this section, the terms “low-income unit” and “qualified low-income housing project” have the meanings ascribed to them in 26 U.S.C. § 42.

Sec. 4. NRS 361.085 is hereby amended to read as follows:

361.085 1. The property of all blind persons, not to exceed the amount of $3,000 of assessed valuation, is exempt from taxation, including community property to the extent only of the blind person's interest therein, but no such exemption may be allowed to anyone but a bona fide resident of this State, and must be allowed in but one county in this State on account of the same blind person.

2. The person claiming such an exemption must file with the county assessor an affidavit declaring that he is a bona fide resident of the State of Nevada who meets all the other requirements for the exemption and that the exemption is not claimed in any other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

3. Upon first claiming the exemption in a county **,** the claimant shall furnish to the assessor a certificate of a licensed physician setting forth that he has examined the claimant and has found him to be a blind person.

4. If any person files a false affidavit or provides false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

5. Beginning with the ~~[2006-2007]~~ ***2005-2006*** Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July ~~[2004]~~ ***2003*** to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

6. As used in this section, "blind person" includes any person whose visual acuity with correcting lenses does not exceed 20/200 in the better eye, or whose vision in the better eye is restricted to a field which subtends an angle of not greater than 20°.

Sec. 5. NRS 361.090 is hereby amended to read as follows:

361.090 1. The property, to the extent of $2,000 assessed valuation, of any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 continuous days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996;

(b) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1; or

(c) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the government of the United States, regardless of the number of days served on active duty,

➥ and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. For the purpose of this section, the first $2,000 assessed valuation of property in which an applicant has any interest shall be deemed the property of the applicant.

3. The exemption may be allowed only to a claimant who files an affidavit with his claim for exemption on real property pursuant to NRS 361.155. The affidavit may be filed at any time by a person claiming exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county in this State. After the filing of the original affidavit, the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

➥ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

5. Persons in actual military service are exempt during the period of such service from filing the annual forms for renewal of the exemption, and the county assessors shall continue to grant the exemption to such persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his behalf during the period of such service by any person having knowledge of the facts.

6. Before allowing any veteran's exemption pursuant to the provisions of this chapter, the county assessor shall require proof of status of the veteran, and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.

7. If any person files a false affidavit or produces false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

8. Beginning with the ~~[2006-2007]~~ ***2005-2006*** Fiscal Year, the monetary amounts in subsections 1 and 2 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July ~~[2004]~~ ***2003*** to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 6. NRS 361.091 is hereby amended to read as follows:

361.091 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or his surviving spouse, is entitled to a disabled veteran's exemption.

2. The amount of exemption is based on the total percentage of permanent service-connected disability. The maximum allowable exemption for total permanent disability is the first $20,000 assessed valuation. A person with a permanent service-connected disability of:

(a) Eighty to 99 percent, inclusive, is entitled to an exemption of $15,000 assessed value.

(b) Sixty to 79 percent, inclusive, is entitled to an exemption of $10,000 assessed value.

➥ For the purposes of this section, any property in which an applicant has any interest is deemed to be the property of the applicant.

3. The exemption may be allowed only to a claimant who has filed an affidavit with his claim for exemption on real property pursuant to NRS 361.155. The affidavit may be made at any time by a person claiming an exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and be filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada, that he meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county within this State. After the filing of the original affidavit, the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

➥ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

5. Before allowing any exemption pursuant to the provisions of this section, the county assessor shall require proof of the applicant's status, and for that purpose shall require him to produce an original or certified copy of:

(a) An honorable discharge or other document of honorable separation from the Armed Forces of the United States which indicates the total percentage of his permanent service-connected disability;

(b) A certificate of satisfactory service which indicates the total percentage of his permanent service-connected disability; or

(c) A certificate from the Department of Veterans Affairs or any other military document which shows that he has incurred a permanent service-connected disability and which indicates the total percentage of that disability, together with a certificate of honorable discharge or satisfactory service.

6. A surviving spouse claiming an exemption pursuant to this section must file with the county assessor an affidavit declaring that:

(a) The surviving spouse was married to and living with the disabled veteran for the 5 years preceding his death;

(b) The disabled veteran was eligible for the exemption at the time of his death or would have been eligible if he had been a resident of the State of Nevada;

(c) The surviving spouse has not remarried; and

(d) The surviving spouse is a bona fide resident of the State of Nevada.

➥ The affidavit required by this subsection is in addition to the certification required pursuant to subsections 4 and 5. After the filing of the original affidavit required by this subsection, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

7. If a veteran or the surviving spouse of a veteran submits, as proof of disability, documentation that indicates a percentage of permanent service-connected disability for more than one permanent service-connected disability, the amount of the exemption must be based on the total of those combined percentages, not to exceed 100 percent.

8. If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 361.090.

9. If any person files a false affidavit or produces false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

10. Beginning with the ~~[2006-2007]~~ ***2005-2006*** Fiscal Year, the monetary amounts in subsection 2 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July ~~[2004]~~ ***2003*** to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 7. NRS 361.095 is hereby amended to read as follows:

361.095 1. The funds, furniture, paraphernalia and regalia owned and used exclusively by any post of any national organization of ex-servicemen or ex-servicewomen for the legitimate purposes and customary objects of such posts are exempt from taxation, but such an exemption must not exceed

the sum of $10,000 assessed valuation to any one post or organization thereof.

2. The buildings, with their fixtures and the lots of ground on which they stand, used for its legitimate purposes and necessary thereto, of any such organization are exempt from taxation, but when any such property is used for purposes other than those of such an organization, and a rent or other valuable consideration is received for its use, the property so used must be taxed.

3. Where any structure or parcel of land is used partly for the purposes of such an organization and partly for rental purposes, the area used for rental purposes must be assessed separately and that portion only may be taxed.

4. Beginning with the ~~[2006-2007]~~ ***2005-2006*** Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July ~~[2004]~~ ***2003*** to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 7.5. NRS 361.111 is hereby amended to read as follows:

361.111 1. Except as otherwise provided in subsections 2 and 3, all real property and improvements thereon acquired by the ***Archaeological Conservancy,*** Nature Conservancy, American Land Conservancy or Nevada Land Conservancy and held for ultimate acquisition by the State or a local governmental unit are exempt from taxation if:

(a) The State or a local governmental unit has agreed, in writing, that acquisition of the property will be given serious consideration; and

(b) For property for which the State has given the statement required by paragraph (a), the governing body of the county in which the property is located has approved the potential acquisition of the property by the State.

2. When the ***Archaeological Conservancy,*** Nature Conservancy, American Land Conservancy or Nevada Land Conservancy transfers property it has held for purposes of conservation to any person, partnership, association, corporation or entity other than the State or a local governmental unit, the property must be assessed at the rate set for first-class pasture by the Nevada Tax Commission for each year it was exempt pursuant to subsection 1 and the taxes must be collected as other taxes under this chapter are collected.

3. When the ***Archaeological Conservancy,*** Nature Conservancy, American Land Conservancy or Nevada Land Conservancy transfers property it has held for purposes other than conservation to any person, partnership, association, corporation or entity other than the State or a local governmental unit, the tax imposed by this chapter must be assessed against the property for each year it was exempt pursuant to subsection 1 and collected in the manner provided in this chapter.

4. The Nevada Tax Commission shall adopt regulations specifying the criteria for determining when property has been held by the ***Archaeological Conservancy,*** Nature Conservancy, American Land Conservancy or Nevada Land Conservancy for purposes of conservation.

Sec. 8. NRS 361.135 is hereby amended to read as follows:

361.135 1. The funds, furniture, paraphernalia and regalia owned by any lodge of the Benevolent Protective Order of Elks, Fraternal Order of Eagles, Free and Accepted Masons, Independent Order of Odd Fellows, Knights of Pythias or Knights of Columbus, or by any similar charitable organization, or by the Lahontan Audubon Society, the National Audubon Society, Inc., of New York, the Defenders of Wildlife of the District of Columbia or any similar benevolent or charitable society, so long as ~~[the same shall be]~~ ***they are*** used for the legitimate purposes of such lodge or society or for such charitable or benevolent purposes, ~~[shall be]~~ ***are*** exempt from taxation **.** ~~[, but such exemption shall in no case exceed the sum of $5,000 assessed valuation to any one lodge, society or organization.]~~

2. The real estate and fixtures of any such organization or society ~~[shall be]~~ ***are*** exempt from taxation, but when any such property is used for purposes other than those of such organization or society, and a rent or other valuable consideration is received for its use, the property so used ~~[shall]~~ ***must*** be taxed.

3. Where any structure or parcel of land is used partly for the purposes of such organization or society and partly for rental purposes, the area used for rental purposes ~~[shall]~~ ***must*** be assessed separately and that portion only ~~[shall]~~ ***may*** be taxed.

Sec. 9. NRS 361.155 is hereby amended to read as follows:

361.155 1. ~~[All]~~ ***Except as otherwise provided in this ~~[subsection, all]~~ section:***

(a) All claims for personal tax exemptions on real property, the initial claim of an organization for a tax exemption on real property and the designation of any amount to be credited to the Gift Account for Veterans' Homes pursuant to NRS 361.0905 must be filed on or before June 15.

(b) An initial claim for a tax exemption on real property acquired after June 15 and before July 1 must be filed on or before July 5.

2. All exemptions provided for pursuant to this chapter apply on a fiscal year basis and any exemption granted pursuant to this chapter must not be in an amount which gives the taxpayer a total exemption greater than that to which he is entitled during any fiscal year.

~~[2.]~~ ***3.*** ~~[Each]~~ ***Except as otherwise provided in this section, each*** claim for an exemption provided for pursuant to this chapter must be filed with the county assessor of:

(a) The county in which the claimant resides for personal tax exemptions; or

(b) Each county in which property is located for the tax exemption of an organization.

~~[3.]~~ ***4.*** After the initial claim for an exemption pursuant to NRS 361.088 or 361.098 to 361.150, inclusive, an organization is not required to file annual claims if the property remains exempt. If any portion of the property loses its exemption pursuant to NRS 361.157 or for any other reason becomes taxable, the organization must notify the county assessor.

~~[4.]~~ ***5.*** If an exemption is granted or renewed in error because of an incorrect claim or failure of an organization to give the notice required by subsection ~~[3,]~~ ***4,*** the assessor shall assess the taxable portion of the property retroactively pursuant to NRS 361.769 and a penalty of 10 percent of the tax due for the current year and any prior years may be added.

6. If a claim for a tax exemption on real property and any required affidavit or other documentation in support of the claim is not filed within the time required by subsection 1, or if a claim for a tax exemption is denied by the county assessor, the person claiming the exemption may, on or before January 15 of the fiscal year for which the claim of exemption is made, file the claim and any required documentation in support of the claim with the county board of equalization of the county in which the claim is required to be filed pursuant to subsection 3. The county board of equalization shall review the claim of exemption and may grant or deny the claim for that fiscal year, as it determines to be appropriate. The State Board of Equalization shall establish procedures for:

(a) The review of a claim of exemption by a county board of equalization pursuant to this subsection; and

(b) The appeal to the State Board of Equalization of the denial of a claim of exemption by a county board of equalization pursuant to this subsection.

Sec. 10. NRS 361.233 is hereby amended to read as follows:

361.233 1. Notwithstanding any other provision of law:

(a) Any ad valorem taxes or special assessments assessed upon any real property within a common-interest community:

(1) Must be assessed upon the community units and not upon the common-interest community as a whole; and

(2) Must not be assessed upon any common elements of the common-interest community.

(b) ~~[Each community unit must be assessed separately for the purposes of ad valorem taxes and special assessments.~~

~~(c) Any lien created by the levy of an ad valorem tax or special assessment upon a community unit applies only to the community unit assessed and does not apply to any other portion of the common-interest community.]~~ ***The taxable value of each parcel:***

(1) Composed solely of a community unit must consist of:

(I) The taxable value of that community unit; and

(II) A percentage of the taxable value of all the common elements of that common-interest community which is equal to 1 divided by the total number of community units in that common-interest community; or

(2) Composed of a community unit and any portion of the common elements of the common-interest community must consist of:

(I) The taxable value of that community unit only; and

(II) A percentage of the taxable value of all the common elements of that common-interest community which is equal to 1 divided by the total number of community units in that common-interest community.

2. ***The Nevada Tax Commission shall adopt such regulations as it determines to be appropriate to ensure that this section is carried out in a uniform and equal manner that does not result in the double taxation of any common elements of a common-interest community.***

3. For the purposes of this section:

(a) "Ad valorem tax" means an ad valorem tax levied by any governmental entity or political subdivision in this State on or after July 1, 2006.

(b) "Common elements" means ~~[all real property within]~~ ***the physical portion of*** a common-interest community ~~[other than the community units,]~~ ***, including, without limitation, any landscaping, swimming pools, fitness centers, community centers, maintenance and service areas, parking areas, hallways, elevators and mechanical rooms,*** which is ~~[owned:]~~ ***:***

(1) ***Intended for the general benefit of and potential use by all the owners of the community units and their invitees; and***

(2) Owned:

(I) By the community association;

~~[(2)]~~ ***(II)*** By any person on behalf or for the benefit of the owners of the community units; or

~~[(3)]~~ ***(III)*** Jointly by the owners of the community units.

(c) "Common-interest community" means real property with respect to which a person, by virtue of his ownership of a community unit, is obligated to pay for any real property other than that unit. The term includes a common-interest community governed by the provisions of chapter 116 of NRS, a condominium project governed by the provisions of chapter 117 of NRS and any time-share project, planned unit development or other real property which is organized as a common-interest community in this State.

(d) "Community association" means an association whose membership:

(1) Consists exclusively of the owners of the community units or their elected or appointed representatives; and

(2) Is a required condition of the ownership of a community unit.

(e) "Community unit" means a physical portion of a common-interest community ~~[designated]~~ ***, other than the common elements, which is:***

(1) Designated for separate ownership or occupancy ~~[.]~~ ***; and***

(2) Intended for:

(I) Residential use by the owner of that unit and his invitees; or

(II) Commercial use by the owner of that unit for the generation of revenue from any persons other than the owners of community units in that common-interest community and their invitees.

(f) ”Special assessment” means a special assessment levied by any governmental entity or political subdivision in this State on or after July 1, 2006.

Sec. 11. NRS 361.360 is hereby amended to read as follows:

361.360 1. Any taxpayer aggrieved at the action of the county board of equalization in equalizing, or failing to equalize, the value of his property, or property of others, or a county assessor, may file an appeal with the State Board of Equalization on or before March 10 and present to the State Board of Equalization the matters complained of at one of its sessions. If March 10 falls on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day.

2. All such appeals must be presented upon the same facts and evidence as were submitted to the county board of equalization in the first instance, unless there is discovered new evidence pertaining to the matter which could not, by due diligence, have been discovered before the final adjournment of the county board of equalization. The new evidence must be submitted in writing to the State Board of Equalization and served upon the county assessor not less than 7 days before the hearing.

3. Any taxpayer whose real or personal property placed on the unsecured tax roll was assessed after December 15 but before or on the following April 30 may likewise protest to the State Board of Equalization. Every such appeal must be filed on or before May 15. If May 15 falls on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day. A meeting must be held before May 31 to hear those protests that in the opinion of the State Board of Equalization may have a substantial effect on tax revenues. One or more meetings may be held at any time and place in the State before October 1 to hear all other protests.

4. The State Board of Equalization may not reduce the assessment of the county assessor if:

(a) The appeal involves an assessment on property which the taxpayer has refused or, without good cause, has neglected to include in the list required of him pursuant to NRS 361.265 or ***if the taxpayer*** has refused or, without good cause, has neglected to provide the list to the county assessor; or

(b) The taxpayer has, without good cause, refused entry to the assessor for the purpose of conducting the physical examination authorized by NRS 361.260.

5. ***Any change made in an assessment appealed to the State Board of Equalization is effective only for the fiscal year for which the assessment was made.*** The county assessor shall ***review*** each ~~[year review any]~~ ***such*** change ~~[made in an assessment for the previous fiscal year]~~ and maintain or remove the change as circumstances warrant ~~[.]~~ ***for the next fiscal year.***

6. If the State Board of Equalization determines that the record of a case on appeal from the county board of equalization is inadequate because of an act or omission of the county assessor, the district attorney or the county board of equalization, the State Board of Equalization may remand the case

to the county board of equalization with directions to develop an adequate record within 30 days after the remand. The directions must indicate specifically the inadequacies to be remedied. If the State Board of Equalization determines that the record returned from the county board of equalization after remand is still inadequate, the State Board of Equalization may hold a hearing anew on the appellant's complaint or it may, if necessary, contract with an appropriate person to hear the matter, develop an adequate record in the case and submit recommendations to the State Board. The cost of the contract and all costs, including attorney's fees, to the State or the appellant necessary to remedy the inadequate record on appeal are a charge against the county.

Sec. 12. NRS 361.420 is hereby amended to read as follows:

361.420 1. Any property owner whose taxes are in excess of the amount which the owner claims justly to be due may pay each installment of taxes as it becomes due under protest in writing. The protest must be in the form of a separate, signed statement from the property owner and filed with the tax receiver at the time of the payment of the installment of taxes.

2. The property owner, having protested the payment of taxes as provided in subsection 1 and having been denied relief by the State Board of Equalization, may ~~[commence a suit]~~ ***file for the judicial review of the decision of the State Board of Equalization*** in any court of competent jurisdiction in the ~~[State of Nevada]~~ ***county in which the taxes were paid*** against the State and county in which the taxes were paid, and, in a proper case, both the Nevada Tax Commission and the Department may be joined as a defendant for a recovery of the difference between the amount of taxes paid and the amount which the owner claims justly to be due, and the owner may complain upon any of the grounds contained in subsection 4.

3. Every action commenced under the provisions of this section must be commenced within 3 months after the date of the payment of the last installment of taxes, and if not so commenced is forever barred. If the tax complained of is paid in full and under the written protest provided for in this section, at the time of the payment of the first installment of taxes, suit for the recovery of the difference between the amount paid and the amount claimed to be justly due must be commenced within 3 months after the date of the full payment of the tax or the issuance of the decision of the State Board of Equalization denying relief, whichever occurs later, and if not so commenced is forever barred.

4. In any suit brought under the provisions of this section, the person assessed may complain or defend upon any of the following grounds:

(a) That the taxes have been paid before the suit;

(b) That the property is exempt from taxation under the provisions of the revenue or tax laws of the State, specifying in detail the claim of exemption;

(c) That the person assessed was not the owner and had no right, title or interest in the property assessed at the time of assessment;

(d) That the property is situate in and has been assessed in another county, and the taxes thereon paid;

(e) That there was fraud in the assessment or that the assessment is out of proportion to and above the taxable cash value of the property assessed;

(f) That the assessment is out of proportion to and above the valuation fixed by the Nevada Tax Commission for the year in which the taxes were levied and the property assessed; or

(g) That the assessment complained of is discriminatory in that it is not in accordance with a uniform and equal rate of assessment and taxation, but is at a higher rate of the taxable value of the property so assessed than that at which the other property in the State is assessed.

5. In a suit based upon any one of the grounds mentioned in paragraphs (e), (f) and (g) of subsection 4, the court shall conduct the trial without a jury and confine its review to the record before the State Board of Equalization. Where procedural irregularities by the Board are alleged and are not shown in the record, the court may take evidence respecting the allegation and, upon the request of either party, shall hear oral argument and receive written briefs on the matter.

6. In all cases mentioned in this section where the complaint is based upon any grounds mentioned in subsection 4, the entire assessment must not be declared void but is void only as to the excess in valuation.

7. In any judgment recovered by the taxpayer under this section, the court may provide for interest thereon not to exceed 6 percent per annum from and after the date of payment of the tax complained of.

Sec. 13. NRS 361.435 is hereby amended to read as follows:

361.435 Any property owner owning property of like kind in more than one county in the State and desiring to proceed with a suit under the provisions of NRS 361.420 may, where the issues in the cases are substantially the same in all or in some of the counties concerning the assessment of taxes on such property, consolidate any of the suits in one action and bring the action in any court of competent jurisdiction in ~~[Carson City,]~~ the county of this State where the property owner resides or maintains his principal place of business or a county in which any relevant proceedings were conducted by the Department.

Sec. 14. NRS 361.471 is hereby amended to read as follows:

361.471 As used in NRS 361.471 to 361.4735, inclusive, unless the context otherwise requires, the words and terms defined in NRS ~~[361.4711 to 361.4721, inclusive,]~~ ***361.4712, 361.4715 and 361.4721*** have the meanings ascribed to them in those sections.

Sec. 15. NRS 361.4722 is hereby amended to read as follows:

361.4722 1. Except as otherwise provided in or required to carry out the provisions of subsection 3 and NRS 361.4725 to 361.4728, inclusive, the owner of any parcel or other taxable unit of property, including property entered on the central assessment roll, for which an assessed valuation was separately established for the immediately preceding fiscal year is entitled to

a partial abatement of the ad valorem taxes levied in a county on that property each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The ~~[lesser]~~ ***greater*** of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years; ~~[or]~~

(II) ~~[Eight percent; or~~

~~(2)]~~ Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year ~~[.]~~ ***; or***

(III) Zero; or

(2) Eight percent,

➥ whichever is ~~[greater.]~~ ***less.***

2. Except as otherwise provided in or required to carry out the provisions of NRS 361.4725 to 361.4728, inclusive, the owner of any remainder parcel of real property for which no assessed valuation was separately established for the immediately preceding fiscal year, is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for a fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any amount of that assessed valuation attributable to any improvement to or change in the actual or authorized use of the property that would not have been included in the calculation of the assessed valuation of the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year, and if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The ~~[lesser]~~ ***greater*** of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years; ~~[or]~~

(II) ~~[Eight percent; or~~

~~(2)]~~ Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year ~~[,]~~ ***; or***

(III) Zero; or

(2) Eight percent,

➥ whichever is ~~[greater.]~~ ***less.***

3. The provisions of subsection 1 do not apply to any property for which the provisions of subsection 1 of NRS 361.4723 or subsection 1 of NRS 361.4724 provide a greater abatement from taxation.

4. Except as otherwise required to carry out the provisions of NRS 361.473 to 361.4733, inclusive, and any regulations adopted pursuant thereto, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsections 1 and 2 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

5. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to ensure that this section is carried out in a uniform and equal manner.

6. For the purposes of this section ~~[~~:

~~(a) "Ad valorem taxes levied in a county" means any ad valorem taxes levied by the State or any other taxing entity in a county.~~

~~(b) "Remainder]~~ ***, "remainder*** parcel of real property" means a parcel of real property which remains after the creation of new parcels of real property for development from one or more existing parcels of real property, if the use of that remaining parcel has not changed from the immediately preceding fiscal year.

~~[(c) "Taxing entity" means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.]~~

Sec. 16. NRS 361.4722 is hereby amended to read as follows:

361.4722 1. Except as otherwise provided in or required to carry out the provisions of subsection 3 and NRS 361.4725 to 361.4728, inclusive, the owner of any parcel or other taxable unit of property, including property entered on the central assessment roll, for which an assessed valuation was separately established for the immediately preceding fiscal year is entitled to a partial abatement of the ad valorem taxes levied in a county on that property each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The ~~[lesser]~~ ***greater*** of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years; ~~[or]~~

(II) ~~[Eight percent; or~~

~~(2)]~~ Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year ~~[,]~~ ***; or***

(III) Zero; or

(2) Eight percent,

➥ whichever is ~~[greater.]~~ ***less.***

2. Except as otherwise provided in or required to carry out the provisions of NRS 361.4725 to 361.4728, inclusive, the owner of any remainder parcel of real property for which no assessed valuation was separately established for the immediately preceding fiscal year, is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for a fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any amount of that assessed valuation attributable to any improvement to or change in the actual or authorized use of the property that would not have been included in the calculation of the assessed valuation of the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year, and if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The ~~[lesser]~~ ***greater*** of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years; ~~[or]~~

(II) ~~[Eight percent; or~~

~~(2)]~~ Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year ~~[.]~~ ***; or***

(III) Zero; or

(2) Eight percent,

➥ whichever is ~~[greater.]~~ ***less.***

3. The provisions of subsection 1 do not apply to any property for which the provisions of subsection 1 of NRS 361.4723 or subsection 1 of NRS 361.4724 provide a greater abatement from taxation.

4. Except as otherwise required to carry out the provisions of NRS ~~[361.473 to 361.4733, inclusive,]~~ ***361.4732*** and any regulations adopted pursuant ~~[thereto,]~~ ***to NRS 361.4733,*** the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsections 1 and 2 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

5. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to ensure that this section is carried out in a uniform and equal manner.

6. For the purposes of this section ~~[:~~

~~(a) "Ad valorem taxes levied in a county" means any ad valorem taxes levied by the State or any other taxing entity in a county.~~

~~(b) "Remainder]~~ **,** ***"remainder*** parcel of real property" means a parcel of real property which remains after the creation of new parcels of real property for development from one or more existing parcels of real property, if the use of that remaining parcel has not changed from the immediately preceding fiscal year.

~~[(c) "Taxing entity" means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.]~~

Sec. 17. NRS 361.4723 is hereby amended to read as follows:

361.4723 The Legislature hereby finds and declares that an increase in the tax bill of the owner of a home by more than 3 percent over the tax bill of that homeowner for the previous year constitutes a severe economic hardship within the meaning of subsection 10 of Section 1 of Article 10 of the Nevada Constitution. The Legislature therefore directs a partial abatement of taxes for such homeowners as follows:

1. Except as otherwise provided in or required to carry out the provisions of subsection 2 and NRS 361.4725 to 361.4728, inclusive, the owner of a single-family residence which is the primary residence of the owner is entitled to a partial abatement of the ad valorem taxes levied in a county on that property each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal

year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) Three percent of the amount determined pursuant to paragraph (a).

2. The provisions of subsection 1 do not apply to any property for which:

(a) No assessed valuation was separately established for the immediately preceding fiscal year; or

(b) The provisions of subsection 1 of NRS 361.4722 provide a greater abatement from taxation.

3. Except as otherwise required to carry out the provisions of NRS ~~[361.473 to 361.4733, inclusive,]~~ ***361.4732*** and any regulations adopted pursuant ~~[thereto,]~~ ***to NRS 361.4733,*** the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsection 1 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

4. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to carry out this section, including, without limitation, regulations providing a methodology for applying the partial abatement provided pursuant to subsection 1 to a parcel of real property of which only a portion qualifies as a single-family residence which is the primary residence of the owner and the remainder is used in another manner.

5. The owner of a single-family residence does not become ineligible for the partial abatement provided pursuant to subsection 1 as a result of:

(a) The operation of a home business out of a portion of that single-family residence; or

(b) The manner in which title is held by the owner if the owner occupies the residence, including, without limitation, if the owner has placed the title in a trust for purposes of estate planning.

6. For the purposes of this section:

(a) ~~[“Ad valorem taxes levied in a county” means any ad valorem taxes levied by the State or any other taxing entity in a county.~~

~~(b)]~~ ”Primary residence of the owner” means a residence which:

(1) Is designated by the owner as the primary residence of the owner in this State, exclusive of any other residence of the owner in this State; and

(2) Is not rented, leased or otherwise made available for exclusive occupancy by any person other than the owner of the residence and members of the family of the owner of the residence.

~~[(c)]~~ ***(b)*** "Single-family residence" means a parcel or other unit of real property or unit of personal property which is intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

~~[(d) "Taxing entity" means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.~~

~~(e)]~~ ***(c)*** "Unit of personal property" includes, without limitation, any:

(1) Mobile or manufactured home, whether or not the owner thereof also owns the real property upon which it is located; or

(2) Taxable unit of a condominium, common-interest community, planned unit development or similar property,

➥ if classified as personal property for the purposes of this chapter.

~~[(f)]~~ ***(d)*** "Unit of real property" includes, without limitation, any taxable unit of a condominium, common-interest community, planned unit development or similar property, if classified as real property for the purposes of this chapter.

Sec. 18. NRS 361.4724 is hereby amended to read as follows:

361.4724 The Legislature hereby finds and declares that many Nevadans who cannot afford to own their own homes would be adversely affected by large unanticipated increases in property taxes, as those tax increases are passed down to renters in the form of rent increases and therefore the benefits of a charitable exemption pursuant to subsection 8 of Section 1 of Article 10 of the Nevada Constitution should be afforded to those Nevadans through an abatement granted to the owners of residential rental dwellings who charge rent that does not exceed affordable housing standards for low-income housing. The Legislature therefore directs a partial abatement of taxes for such owners as follows:

1. Except as otherwise provided in or required to carry out the provisions of subsection 2 and NRS 361.4725 to 361.4728, inclusive, if the amount of rent collected from each of the tenants of a residential dwelling does not exceed the fair market rent for the county in which the dwelling is located, as most recently published by the United States Department of Housing and Urban Development, the owner of the dwelling is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year

as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) Three percent of the amount determined pursuant to paragraph (a).

2. The provisions of subsection 1 do not apply to:

(a) Any hotels, motels or other forms of transient lodging;

(b) Any property for which no assessed valuation was separately established for the immediately preceding fiscal year; and

(c) Any property for which the provisions of subsection 1 of NRS 361.4722 provide a greater abatement from taxation.

3. Except as otherwise required to carry out the provisions of NRS ~~[361.473 to 361.4733, inclusive,]~~ ***361.4732*** and any regulations adopted pursuant ~~[thereto,]~~ ***to NRS 361.4733,*** the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsection 1 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

4. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to carry out this section.

~~[5. For the purposes of this section:~~

~~(a) "Ad valorem taxes levied in a county" means any ad valorem taxes levied by the State or any other taxing entity in a county.~~

~~(b) "Taxing entity" means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.]~~

Sec. 19. NRS 361.4725 is hereby amended to read as follows:

361.4725 1. ~~[Notwithstanding]~~ ***Except as otherwise provided in this section and notwithstanding*** the provisions of NRS 361.4722, 361.4723 and 361.4724, if the taxable value of any parcel or other taxable unit of property:

(a) Decreases by 15 percent or more from its taxable value on:

(1) July 1, 2003; or

(2) July 1 of the second year immediately preceding the lien date for the current year,

➥ whichever is later; and

(b) For any fiscal year beginning on or after July 1, 2005, increases by 15 percent or more from its taxable value for the immediately preceding fiscal year,

➥ the amount of any ad valorem taxes levied in a county which, if not for the provisions of NRS 361.4722, 361.4723 and 361.4724, would otherwise have been collected for the property for that fiscal year as a result of that increase in taxable value, excluding any amount attributable to any increase in the taxable value of the property above the taxable value of the property on the most recent date determined pursuant to paragraph (a), must be levied on the property and carried forward each fiscal year, without any penalty or interest, in such a manner that one-third of that amount may be collected during that fiscal year and each of the succeeding 2 fiscal years.

2. ***If the total amount otherwise required to be collected during a fiscal year and each of the succeeding 2 fiscal years pursuant to subsection 1 for a parcel or other taxable unit of property is less than or equal to $100, the entire amount may be levied on the property and collected during that initial fiscal year.***

3. The Nevada Tax Commission may exempt from the requirements of this section the levy of any taxes in an amount which is less than the cost of collecting those taxes.

4. The amount of any taxes ~~[which are carried forward and]~~ levied on any property pursuant to this section must be added to the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for a fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

~~[3.]~~ ***5.*** The Nevada Tax Commission shall adopt such regulations as it deems appropriate to ensure that this section is carried out in a uniform and equal manner.

~~[4. For the purposes of this section:~~

~~(a) "Ad valorem taxes levied in a county" means any ad valorem taxes levied by the State or any other taxing entity in a county.~~

~~(b) "Taxing entity" means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.]~~

Sec. 20. NRS 361.473 is hereby amended to read as follows:

361.473 ***Except as otherwise required to carry out any regulations adopted pursuant to NRS 361.4733:***

1. On or before August 1 of each fiscal year, the tax receiver of each county shall determine for each parcel or other taxable unit of property located in that county, other than any property to which subsection 2 or NRS 361.4731 applies, for which the owner thereof is entitled to a partial abatement of taxes pursuant to NRS 361.4722, 361.4723 or 361.4724, and the combined overlapping tax rate applicable to the property for the current

fiscal year exceeds the combined overlapping tax rate applicable to the property for the immediately preceding fiscal year, the amount which equals the lesser of:

(a) The amount of the partial abatement of taxes to which the owner of the property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year; or

(b) The product of the assessed value of the property for the current fiscal year and the difference between:

(1) The combined overlapping tax rate applicable to the property for the current fiscal year; and

(2) The combined overlapping tax rate applicable to the property for the immediately preceding fiscal year.

2. On or before August 1 of each fiscal year, the Department shall determine for each parcel or other taxable unit of property which is valued pursuant to NRS 361.320 or 361.323, other than any property to which NRS 361.4731 applies, and for which the owner thereof is entitled to a partial abatement of taxes pursuant to NRS 361.4722, 361.4723 or 361.4724 and the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping tax rate applicable to the property for the immediately preceding fiscal year, the amount which equals the lesser of:

(a) The amount of the partial abatement of taxes to which the owner of the property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year; or

(b) The product of the assessed value of the property for the current fiscal year and the difference between:

(1) The combined overlapping tax rate applicable to the property for the current fiscal year; and

(2) The combined overlapping tax rate applicable to the property for the immediately preceding fiscal year.

3. That portion of the amount of any reduction in the ad valorem taxes levied on any parcel or other taxable unit of property to which subsection 1 or 2 applies for a fiscal year as a result of the application of NRS 361.4722, 361.4723 and 361.4724 which is determined pursuant to subsection 1 or 2 must be deducted from the amount of ad valorem taxes that each taxing entity which has increased its rate of ad valorem taxes applicable to the property from the rate for the immediately preceding fiscal year, would otherwise be entitled to receive for the current fiscal year in the same proportion as that increase in its ad valorem tax rate bears to the total increase in the combined overlapping tax rate applicable to the property for the current fiscal year.

Sec. 21. NRS 361.4731 is hereby amended to read as follows:

361.4731 ***Except as otherwise required to carry out any regulations adopted pursuant to NRS 361.4733:***

1. On or before August 1 of each fiscal year, the tax receiver of each county in which is located a redevelopment area for which there is any

incremental assessed value shall determine for each parcel or other taxable unit of property in that redevelopment area, other than any property to which subsection 2 applies, for which the owner thereof is entitled to a partial abatement of taxes pursuant to NRS 361.4722, 361.4723 or 361.4724, and the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping tax rate applicable to the property for the immediately preceding fiscal year:

(a) The amount which equals the lesser of:

(1) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year; or

(2) The product of the parcel-proportionate share of the base value for that property for the current fiscal year and the greater of:

(I) Zero; or

(II) The rate that results when the rate obtained by adding the combined overlapping tax rate for that property for the immediately preceding fiscal year to a percentage of that rate which is equal to the abatement percentage applicable to the property for the current fiscal year, is subtracted from the combined overlapping tax rate for that property for the current fiscal year; and

(b) The amount which equals the difference between:

(1) The amount determined pursuant to paragraph (a); and

(2) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year.

2. On or before August 1 of each fiscal year, the Department shall determine for each parcel or other taxable unit of property which is valued pursuant to NRS 361.320 or 361.323 and apportioned to a redevelopment area for which there is any incremental assessed value, and for which the owner thereof is entitled to a partial abatement of taxes pursuant to NRS 361.4722, 361.4723 or 361.4724, and the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping tax rate applicable to the property for the immediately preceding fiscal year:

(a) The amount which equals the lesser of:

(1) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year; or

(2) The product of the parcel-proportionate share of the base value for that property for the current fiscal year and the greater of:

(I) Zero; or

(II) The rate that results when the rate obtained by adding the combined overlapping tax rate for that property for the immediately preceding fiscal year to a percentage of that rate which is equal to the abatement percentage applicable to the property for the current fiscal year, is

subtracted from the combined overlapping tax rate for that property for the current fiscal year; and

(b) The amount which equals the difference between:

(1) The amount determined pursuant to paragraph (a); and

(2) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year.

3. That portion of the amount of any reduction in the ad valorem taxes levied on any parcel or other taxable unit of property to which subsection 1 or 2 applies for a fiscal year as a result of the application of NRS 361.4722, 361.4723 or 361.4724 which is determined pursuant to:

(a) Paragraph (a) of subsection 1 or paragraph (a) of subsection 2 for each such parcel or other taxable unit of property for which the combined overlapping tax rate for the current fiscal year has increased from the combined overlapping tax rate for the immediately preceding fiscal year by a percentage that exceeds the abatement percentage for that property, must be deducted from the amount of ad valorem taxes that each redevelopment taxing entity which has increased its rate of ad valorem taxes applicable to the property from the rate for the immediately preceding fiscal year, would otherwise be entitled to receive for the current fiscal year from the ad valorem taxes levied on the base-year assessed value for that property in the same proportion as that increase in its ad valorem tax rate bears to the total increase in the combined overlapping tax rate applicable to the property for the current fiscal year; and

(b) Paragraph (b) of subsection 1 or paragraph (b) of subsection 2 must be deducted from the amount of ad valorem taxes the redevelopment agency and each redevelopment taxing entity would otherwise be entitled to receive pursuant to paragraphs (b), (c) and (d) of subsection 1 of NRS 279.676 for the current fiscal year in the same proportion as each of those entities would otherwise share in the total amount distributed pursuant to those paragraphs.

Sec. 22. NRS 361.4732 is hereby amended to read as follows:

361.4732 ~~[Notwithstanding]~~ ***Except as otherwise required to carry out any regulations adopted pursuant to NRS 361.4733 and notwithstanding*** any other provision of NRS 361.471 to 361.4735, inclusive, to the contrary, after a parcel or other taxable unit of real property is annexed to a taxing entity:

1. The amount otherwise required to be determined pursuant to paragraph (a) of subsection 1 of NRS 361.4722, paragraph (a) of subsection 2 of NRS 361.4722, paragraph (a) of subsection 1 of NRS 361.4723 or paragraph (a) of subsection 1 of NRS 361.4724 with respect to that property for the first fiscal year in which that taxing entity is entitled to levy or require the levy on its behalf of any ad valorem taxes on the property as a result of that annexation of the property, shall be deemed to be the amount of ad valorem taxes which would have been levied on the property for the immediately preceding fiscal year if the annexation had occurred 1 year

earlier, based upon the tax rates that would have applied to the property for the immediately preceding fiscal year if the annexation had occurred 1 year earlier and without regard to any exemptions from taxation that applied to the property for the immediately preceding fiscal year but do not apply to the property for the current fiscal year; and

2. For the purposes of any other calculations required pursuant to the provisions of NRS 361.471 to 361.4735, inclusive, the combined overlapping tax rate applicable to that property for the fiscal year immediately preceding the first fiscal year in which that taxing entity is entitled to levy or require the levy on its behalf of any ad valorem taxes on the property as a result of that annexation of the property, shall be deemed to be the combined overlapping tax rate that would have applied to the property for that year if the annexation had occurred 1 year earlier.

Sec. 23. NRS 361.4733 is hereby amended to read as follows:

361.4733 1. The Committee on Local Government Finance ~~[may]~~ ***shall*** adopt:

(a) ***Such regulations as it determines to be appropriate to provide for the allocation among the appropriate taxing entities of the amount of any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724, in accordance with the principles that:***

(1) Any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724 which is caused by an increase in the rate of taxes imposed by one or more taxing entities should be allocated to the taxing entities that would have received the benefit of that increase in proportion to the relative amount of benefit that otherwise would have been received from that increase;

(2) Any increase in the rate of ad valorem taxes imposed by a taxing entity should not affect the amount of ad valorem taxes received by other taxing entities, except for redevelopment agencies and tax increment areas whose property tax receipts depend on the tax rate of the taxing entity that increases its rate of taxes and whose territory is included, in whole or in part, in the territory of the taxing entity that increases its rate of taxes; and

(3) A taxing entity that does not increase its rate of ad valorem taxes should not be allocated any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724, except for any reduction caused by an increase in the assessed value of that parcel or other taxable unit of real property; and

(b) Subject to the principles set forth in paragraph (a):

(1) Such regulations as it determines to be appropriate for the administration and interpretation of the provisions of NRS 361.473, 361.4731 and 361.4732; and

[~~(b)~~] ***(2)*** Regulations which provide, in a manner that is consistent with the provisions of NRS 361.473, 361.4731 and 361.4732, methodologies for allocating among the appropriate taxing entities the amount of any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724 if the property is included in or excluded from the boundaries of a redevelopment area, tax increment area or taxing entity after June 14, 2005.

2. Any regulations adopted by the Committee on Local Government Finance pursuant to this section must be adopted in the manner prescribed for state agencies in chapter 233B of NRS.

Sec. 24. NRS 361.4733 is hereby amended to read as follows:

361.4733 1. The Committee on Local Government Finance [~~may~~] ***shall*** adopt:

(a) ***Such regulations as it determines to be appropriate to provide for the allocation among the appropriate taxing entities of the amount of any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724, in accordance with the principles that:***

(1) Any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724 which is caused by an increase in the rate of taxes imposed by one or more taxing entities should be allocated to the taxing entities that would have received the benefit of that increase in proportion to the relative amount of benefit that otherwise would have been received from that increase;

(2) Any increase in the rate of ad valorem taxes imposed by a taxing entity should not affect the amount of ad valorem taxes received by other taxing entities, except for redevelopment agencies and tax increment areas whose property tax receipts depend on the tax rate of the taxing entity that increases its rate of taxes and whose territory is included, in whole or in part, in the territory of the taxing entity that increases its rate of taxes; and

(3) A taxing entity that does not increase its rate of ad valorem taxes should not be allocated any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724, except for any reduction caused by an increase in the assessed value of that parcel or other taxable unit of real property; and

(b) Subject to the principles set forth in paragraph (a):

(1) Such regulations as it determines to be appropriate for the administration and interpretation of the provisions of NRS [~~361.473, 361.4731 and~~] 361.4732; and

[~~(b)~~] ***(2)*** Regulations which provide [~~, in a manner that is consistent with the provisions of NRS 361.473, 361.4731 and 361.4732,~~] methodologies for allocating among the appropriate taxing entities the amount of any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real

property as a result of the application of NRS 361.4722, 361.4723 and 361.4724 if the property is included in or excluded from the boundaries of a redevelopment area, tax increment area or taxing entity after June 14, 2005.

2. Any regulations adopted by the Committee on Local Government Finance pursuant to this section must be adopted in the manner prescribed for state agencies in chapter 233B of NRS.

Sec. 25. NRS 361.4734 is hereby amended to read as follows:

361.4734 1. A taxpayer who is aggrieved by a determination of the applicability of a partial abatement from taxation pursuant to NRS 361.4722, 361.4723 or 361.4724 may, if the property which is the subject of that determination:

(a) Is not valued pursuant to NRS 361.320 or 361.323, submit a written petition for the review of that determination to the tax receiver of the county in which the property is located. ***The petition must be submitted on or before January 15 of the fiscal year for which the determination is effective.*** The tax receiver shall, after consulting with the county assessor of that county regarding the determination and within 30 days after receiving the petition, render a decision on the petition and notify the taxpayer of that decision.

(b) Is valued pursuant to NRS 361.320 or 361.323, submit a written petition for the review of that determination to the Department. The Department shall, within 30 days after receiving the petition, render a decision on the petition and notify the taxpayer of that decision.

2. A taxpayer who is aggrieved by a decision rendered by a tax receiver or the Department pursuant to subsection 1 may, within 30 days after receiving notice of that decision, appeal the decision to the Nevada Tax Commission.

3. A taxpayer who is aggrieved by a determination of the Nevada Tax Commission rendered on an appeal made pursuant to subsection 2 is entitled to a judicial review of that determination.

Sec. 26. NRS 361.4835 is hereby amended to read as follows:

361.4835 1. If the county treasurer or the county assessor finds that a person's failure to make a timely return or payment of tax that is assessed by the county treasurer or county assessor and that is imposed pursuant to chapter 361 of NRS, except NRS 361.320, is the result of circumstances beyond his control and occurred despite the exercise of ordinary care and without intent, the county treasurer or the county assessor may relieve him of all or part of any interest or penalty, or both.

2. A person seeking this relief must ***pay the amount of the tax due and, within 30 days after the date the payment is made,*** file a statement setting forth the facts upon which he bases his claim with the county treasurer or the county assessor.

3. The county treasurer or the county assessor shall disclose, upon the request of any person:

(a) The name of the person; and

(b) The amount of the relief.

4. If the relief sought by the taxpayer is denied, he may appeal from the denial to the Nevada Tax Commission.

5. The county treasurer or the county assessor may defer the decision to the Department.

Sec. 27. Section 57 of chapter 496, Statutes of Nevada 2005, at page 2680, is hereby amended to read as follows:

Sec. 57. 1. This section and sections 52.1 to 52.8, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to 22, inclusive, 24 to 28, inclusive, 42 to 52, inclusive, and 53 to 56, inclusive, of this act become effective on July 1, 2005.

3. Sections 29 to 41, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of those sections; and

(b) On July 1, 2006, for all other purposes.

~~[4. Section 23 of this act becomes effective on July 1, 2007.~~

~~5. Section 43 of this act expires by limitation on June 30, 2007.]~~

Sec. 28. 1. NRS 361.4711, 361.4713, 361.4714, 361.4716, 361.4717, 361.4718, 361.4719, 361.472, 361.473 and 361.4731 are hereby repealed.

2. Section 23 of chapter 496, Statutes of Nevada 2005, at page 2660, is hereby repealed.

Sec. 29. 1. The Legislature hereby approves, confirms and ratifies the regulations adopted by the Committee on Local Government Finance pursuant to NRS 361.4733 before the effective date of this section.

2. The Committee on Local Government Finance shall adopt the regulations required pursuant to the amendatory provisions of section 23 of this act not later than December 31, 2007.

Sec. 30. 1. This section and section 27, subsection 2 of section 28 and section 29 of this act become effective upon passage and approval.

2. Sections 1 to 13, inclusive, 15, 19 to 23, inclusive, 25 and 26 of this act become effective on July 1, 2007.

3. Sections 15 and 23 of this act expire by limitation on December 31, 2007.

4. Sections 14, 16, 17, 18 and 24 and subsection 1 of section 28 of this act become effective on January 1, 2008.

LEADLINES OF REPEALED SECTIONS OF NRS AND
TEXT OF REPEALED SECTION OF STATUTES OF NEVADA

361.4711 ”Abatement percentage” defined.
361.4713 ”Base-year assessed value” defined.
361.4714 ”Base-year assessed value percentage” defined.
361.4716 ”Incremental assessed value” defined.
361.4717 ”Parcel-proportionate share of the base value” defined.
361.4718 ”Redevelopment agency” defined.

361.4719 "Redevelopment area" defined.

361.472 "Redevelopment taxing entity" defined.

361.473 Allocation of certain portions of reduction in revenue resulting from partial abatements applicable to property for which tax rate increases: Generally.

361.4731 Allocation of certain portions of reduction in revenue resulting from partial abatements applicable to property for which tax rate increases: Property in or apportioned to redevelopment area.

Section 23 of chapter 496, Statutes of Nevada 2005:

Sec. 23. NRS 361.530 is hereby amended to read as follows:

361.530 ~~[1. Except as otherwise provided in this section, on]~~ ***On*** all money collected from personal property tax by the several county assessors and county treasurers, there must be reserved and paid into the county treasury, for the benefit of the general fund of their respective counties, by the county assessor or county treasurer, a percentage commission of ~~[8]~~ ***6*** percent on the gross amount of collections from personal property tax.

~~[2. One quarter of the commission reserved pursuant to subsection 1 must be accounted for separately in the account for the acquisition and improvement of technology in the office of the county assessor created pursuant to NRS 250.085.]~~

Assemblywoman McClain moved that the Assembly concur in the Senate Amendment No. 997 to Assembly Bill No. 209.

Remarks by Assemblywoman McClain.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 573.

The following Senate amendment was read:

Amendment No. 931.

AN ACT relating to wildlife; **revising the circumstances under which the killing of certain animals is prohibited;** requiring the Department of Wildlife to issue a 1-day group fishing permit under certain circumstances; requiring the Board of Wildlife Commissioners to adopt certain regulations; prohibiting a person from hunting or fishing any wildlife without a license or permit to do so; revising the information that the Department must include in certain permits; revising the fees for certain tags and permits; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Department of Wildlife and requires the Department to administer the wildlife laws of this State. (NRS 501.331)

Section 24.5 of this bill revises the circumstances under which the intentional killing of certain animals is prohibited. (NRS 501.376)

Section 25 of this bill requires the Department to issue a 1-day group fishing permit to a group upon payment of the fee for the permit. A "group" means a group of persons that consists of at least one adult who is at least

16 years of age and at least one child who is at least 12 years of age but less than 16 years of age. Section 30 of this bill authorizes a person to fish for trout without obtaining a state trout stamp if the person is fishing under the authority of a 1-day group fishing permit.

Existing law states that a person who hunts or traps any wild bird or mammal or who fishes without first obtaining a license or permit to do so is guilty of a misdemeanor. (NRS 502.010) Existing law further states that a person who traps fur-bearing mammals must obtain a trapping license. (NRS 503.454) Section 26 of this bill states that a person who hunts or fishes any wildlife without a license or permit is guilty of a misdemeanor. "Wildlife" means any wild mammal, wild bird, fish, reptile, amphibian, mollusk or crustacean found naturally in a wild state. (NRS 501.097)

Existing law requires a license that grants the privilege to hunt, fish or trap to include certain information, including, without limitation, the name, address and description of the holder of the license and the date the license is issued. (NRS 502.030) Section 27 of this bill expands that requirement to include any permit to hunt, fish or trap.

Existing law sets forth the fees that must be paid for licenses, permits and tags to hunt, fish and trap in Nevada. (NRS 502.240, 502.250) Section 28 of this bill imposes a fee of $20 for the issuance of a 1-day permit to hunt migratory game birds and a fee of $8 for each consecutive day added to that permit. Section 29 of this bill imposes a fee of $1,200 for the issuance of a nonresident antlered elk tag and a fee of $500 for the issuance of a nonresident antlerless elk tag.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 501 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this title, unless the context otherwise requires, the words and terms defined in NRS 501.003 to 501.097, inclusive, have the meanings ascribed to them in those sections.

Sec. 2. NRS 501.003 is hereby amended to read as follows:

501.003 ~~[As used in this title, "alternative]~~ ***"Alternative*** livestock" means the following species, including subspecies, of the family Cervidae, if they are born and reared in captivity and raised on private property to produce meat or other by-products of animals or as breeding stock to produce alternative livestock:

1. Fallow deer (***Dama dama***).
2. Reindeer (***Rangifer tarandus***).

Sec. 3. NRS 501.005 is hereby amended to read as follows:

501.005 ~~[As used in this title, "big]~~ ***"Big*** game mammal" means any game mammal so classified by Commission regulation.

Sec. 4. NRS 501.010 is hereby amended to read as follows:

501.010 ~~[As used in this title, "board"]~~ ***"Board"*** means the county advisory board to manage wildlife.

Sec. 5. NRS 501.013 is hereby amended to read as follows:

501.013 ~~[As used in this title, "chumming"]~~ ***"Chumming"*** means the placing in the water of fish, parts of fish or other material upon which fish feed, for the purpose of attracting fish to a particular area in order that they may be taken.

Sec. 6. NRS 501.015 is hereby amended to read as follows:

501.015 ~~[As used in this title, "closed]~~ ***"Closed*** season" means all periods except those designated as "open season." During any such season it is unlawful to fish, to hunt game mammals or game birds or to hunt or trap fur-bearing mammals. There is no closed season on those species of wild mammals or wild birds classified as unprotected.

Sec. 7. NRS 501.020 is hereby amended to read as follows:

501.020 Except as otherwise provided in NRS 504.430 to 504.490, inclusive, ~~[as used in this title, unless the context otherwise requires,]~~ "Commission" means the Board of Wildlife Commissioners.

Sec. 8. NRS 501.023 is hereby amended to read as follows:

501.023 ~~[As used in this title, "county,"]~~ ***"County,"*** when appearing alone or in the reference framework of county advisory board to manage wildlife, board of county commissioners or any county officer, includes and applies to Carson City.

Sec. 9. NRS 501.024 is hereby amended to read as follows:

501.024 ~~[As used in this title,]~~ "Department" means the Department of Wildlife.

Sec. 10. NRS 501.026 is hereby amended to read as follows:

501.026 ~~[As used in this title,]~~ "Director" means the Director of the Department.

Sec. 11. NRS 501.030 is hereby amended to read as follows:

501.030 ~~[As used in this title, the]~~ ***The*** words "to fish" and their derivatives, "fishes," "fishing" and "fished," mean catching, taking, capturing, killing, injuring or crippling of a fish or game amphibian, and every attempt to do so.

Sec. 12. NRS 501.035 is hereby amended to read as follows:

501.035 ~~[As used in this title, "fur-bearing]~~ ***"Fur-bearing*** mammal" means any mammal so classified by Commission regulation.

Sec. 13. NRS 501.037 is hereby amended to read as follows:

501.037 ~~[As used in this title, "game]~~ ***"Game*** amphibian" means any amphibian so classified by Commission regulation.

Sec. 14. NRS 501.045 is hereby amended to read as follows:

501.045 ~~[As used in this title, "game]~~ ***"Game*** fish" means any fish so classified by Commission regulation.

Sec. 15. NRS 501.046 is hereby amended to read as follows:

501.046 ~~[As used in this title, "game]~~ ***"Game*** mammal" means any mammal so classified by Commission regulation.

Sec. 16. NRS 501.047 is hereby amended to read as follows:

501.047 ~~[As used in this title, "game]~~ ***"Game*** warden" means any person authorized by the Director to enforce the provisions of this title and of chapter 488 of NRS.

Sec. 17. NRS 501.050 is hereby amended to read as follows:

501.050 ~~[As used in this title, the]~~ ***The*** words "to hunt" and their derivatives, "hunting" and "hunted," mean to search for, pursue or attract ~~[wild mammals or birds]~~ ***any wildlife*** for the purpose and with the means of capturing, injuring or killing ~~[them,]~~ ***that wildlife,*** every attempt to capture, injure or kill ~~[wild mammals or birds,]~~ ***wildlife,*** and every act of assistance to any other person in capturing, injuring or killing ~~[such mammals or birds.]~~ ***that wildlife.***

Sec. 18. NRS 501.055 is hereby amended to read as follows:

501.055 ~~[As used in this title, "migratory]~~ ***"Migratory*** game birds" means any birds so classified by Commission regulation.

Sec. 19. NRS 501.065 is hereby amended to read as follows:

501.065 ~~[As used in this title, "open]~~ ***"Open*** season" means that period designated pursuant to the provisions of this title during which it is legal to fish or to hunt game mammals or game birds or to hunt or to trap fur-bearing mammals. ~~[Such]~~ ***The*** period includes the first day and last day designated. There is no open season on those species of wildlife classified as protected.

Sec. 20. NRS 501.088 is hereby amended to read as follows:

501.088 ~~[As used in this title, unless the context otherwise requires, the]~~ ***The*** words "to take" and their derivatives, "took," "taken" and "taking," when used in reference to wildlife, mean to kill, capture, shoot, trap, catch, wound, possess, collect, seine, snare or net, and every attempt to do so.

Sec. 21. NRS 501.090 is hereby amended to read as follows:

501.090 ~~[As used in this title, the]~~ ***The*** words "to trap" and their derivatives, "trapping" and "trapped," mean to set or operate any device, mechanism or contraption that is designed, built or made to close upon or hold fast any ~~[wild mammal or wild bird]~~ ***wildlife*** and every act of assistance to any person in so doing.

Sec. 22. NRS 501.095 is hereby amended to read as follows:

501.095 ~~[As used in this title, "upland]~~ ***"Upland*** game birds" means any birds so classified by Commission regulation.

Sec. 23. NRS 501.096 is hereby amended to read as follows:

501.096 ~~[As used in this title, "vessel"]~~ ***"Vessel"*** means every kind of watercraft, other than a seaplane on the water, which is used or capable of being used as a means of transportation on water.

Sec. 24. NRS 501.097 is hereby amended to read as follows:

501.097 ~~[As used in this title, "wildlife"]~~ ***"Wildlife"*** means any wild mammal, wild bird, fish, reptile, amphibian, mollusk or crustacean found naturally in a wild state, whether indigenous to Nevada or not and whether raised in captivity or not.

Sec. 24.5. **NRS 501.376 is hereby amended to read as follows:**

501.376 1. Except as otherwise provided in this section, a person shall not intentionally kill or aid and abet another person to kill a bighorn sheep, mountain goat, elk, deer, pronghorn antelope, mountain lion or black bear:

(a) Outside of the prescribed season set by the Commission for the lawful hunting of that animal;

(b) Through the use of an aircraft ~~[,]~~ ***or*** helicopter ~~[or motor-driven vehicle]~~ in violation of NRS 503.010;

(c) By a method other than the method prescribed on the tag issued by the Department for hunting that animal;

(d) ~~[In a manner,]~~ ***Knowingly*** during a time ~~[or in a place otherwise prohibited by a specific statute or a regulation adopted]~~ ***other than:***

(1) The time of day set by the Commission ~~[,]~~ ***for hunting that animal pursuant to NRS 503.140; or***

(2) If the Commission has not set such a time, between sunrise and sunset as determined pursuant to that section; or

(e) Without a valid tag issued by the Department for hunting that animal. A tag issued for hunting any animal specified in this subsection is not valid if knowingly used by a person:

(1) Other than the person specified on the tag;

(2) Outside of the management area or other area specified on the tag; or

(3) If the tag was obtained by a false or fraudulent representation.

2. The provisions of subsection 1 do not prohibit the killing of an animal specified in subsection 1 if:

(a) The killing of the animal is necessary to protect the life or property of any person in imminent danger of being attacked by the animal; or

(b) The animal killed was not the intended target of the person who killed the animal and the killing of the animal which was the intended target would not violate the provisions of subsection 1.

3. A person who violates the provisions of subsection 1 shall be punished for a category E felony as provided in NRS 193.130 or, if the court reduces the penalty pursuant to this subsection, for a gross misdemeanor. In determining whether to reduce the penalty, the court shall consider:

(a) The nature of the offense;

(b) The circumstances surrounding the offense;

(c) The defendant's understanding and appreciation of the gravity of the offense;

(d) The attitude of the defendant towards the offense; and

(e) The general objectives of sentencing.

4. A person shall not willfully possess any animal specified in subsection 1 if the person knows the animal was killed in violation of subsection 1 or the circumstances should have caused a reasonable person to know that the animal was killed in violation of subsection 1.

5. A person who violates the provisions of subsection 4 is guilty of a gross misdemeanor.

Sec. 25. Chapter 502 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall issue a 1-day group fishing permit to a group upon the payment of the fee required pursuant to this section. A 1-day group fishing permit authorizes each member of the group to fish during the period specified on the permit in accordance with the regulations adopted by the Commission pursuant to this section. Each group that applies for the issuance of a 1-day group fishing permit pursuant to this section must designate a person who is at least 18 years of age to act as the primary adult for that group.

2. Except as otherwise provided in subsection 3, the fees for the issuance of a 1-day group fishing permit are:

(a) If at least one member of the group is a bona fide resident of this State pursuant to NRS 502.015:

(1) Eight dollars for the primary adult for the group;

(2) Five dollars for each other adult in the group; and

(3) Four dollars for each child in the group.

(b) If no member of the group is a bona fide resident of this State pursuant to NRS 502.015:

(1) Seventeen dollars for the primary adult for the group;

(2) Eleven dollars for each other adult in the group; and

(3) Five dollars for each child in the group.

3. The fees specified in subsection 2 are payable only with respect to each member of the group who does not hold a license or permit to fish issued pursuant to NRS 502.240.

4. The Commission shall adopt regulations to carry out the provisions of this section, including, without limitation, the requirements for using a 1-day group fishing permit.

5. As used in this section:

(a) "Adult" means a person who is at least 16 years of age.

(b) "Child" means a person who is at least 12 years of age but less than 16 years of age.

(c) "Group" means a group of persons consisting of at least one adult and one child at the time the 1-day group fishing permit is purchased.

Sec. 26. NRS 502.010 is hereby amended to read as follows:

502.010 1. A person who hunts or ~~[traps any of the wild birds or mammals or who]~~ fishes ***any wildlife*** without having first procured a license or permit to do so, as provided in this title, is guilty of a misdemeanor, except that:

(a) A license to hunt or fish is not required of a resident of this State who is under 12 years of age, unless required for the issuance of tags as prescribed in this title or by the regulations of the Commission.

(b) A license to fish is not required of a nonresident of this State who is under 12 years of age, but the number of fish taken by the nonresident must

not exceed 50 percent of the daily creel and possession limits as provided by law.

(c) Except as otherwise provided in subsection 5 or 6 of NRS 202.300, it is unlawful for any child who is under 18 years of age to hunt any ~~[of the wild birds or mammals]~~ ***wildlife*** with any firearm, unless the child is accompanied at all times by his parent or guardian or is accompanied at all times by an adult person authorized by his parent or guardian to have control or custody of the child to hunt if the authorized person is also licensed to hunt.

(d) A child under 12 years of age, whether accompanied by a qualified person or not, shall not hunt big game in the State of Nevada. This section does not prohibit any child from accompanying an adult licensed to hunt.

(e) The Commission may adopt regulations setting forth:

(1) The species of ~~[wild birds or mammals]~~ ***wildlife*** which may be hunted or trapped without a license or permit; or

(2) The circumstances under which a person may fish without a license, permit or stamp in a lake or pond that is located entirely on private property and is stocked with lawfully acquired fish.

(f) The Commission may declare one day per year as a day upon which persons may fish without a license to do so.

2. This section does not apply to the protection of persons or property from unprotected ~~[wild birds or mammals]~~ ***wildlife*** on or in the immediate vicinity of home or ranch premises.

Sec. 27. NRS 502.030 is hereby amended to read as follows:

502.030 1. Licenses ***or permits*** granting the privilege to hunt, fish or trap as provided in this title must be of such a form as is deemed necessary by the Department, but must include the following information:

(a) The holder's name, address and description.

(b) The date issued.

(c) The period of validity.

(d) The correct designation as to whether a fishing, hunting or trapping license ~~[.]~~ ***or permit.***

(e) A statement to be signed by the holder: "I, the signator holder in signing this license ~~[,]~~ ***or permit,*** hereby state that I am entitled to this license ***or permit*** under the laws of the State of Nevada and that no false statement has been made by me to obtain this license ~~[."]~~ ***or permit."***

2. The Commission may provide rules and regulations requiring an applicant to exhibit proof of his identity and residence. Such information must be included on the license ***or permit*** as is deemed necessary by the Department.

3. The Commission may provide rules and regulations establishing a permanent licensing ***or permitting*** system. Such a system may authorize the use of applications for the issuance of temporary hunting, fishing and trapping licenses ***or permits*** for residents and the issuance of annual licenses

or permits therefrom. The system may provide for the automatic renewal and validation of the annual license ~~[.]~~ ***or permit.***

4. The Commission may ~~[provide regulations covering]~~ ***adopt regulations setting forth*** the method of applying for, the term and expiration date of any license ***or permit*** required by this title to be issued without the payment of a fee.

Sec. 28. NRS 502.240 is hereby amended to read as follows:

502.240 The Department shall issue annual licenses and limited permits:

1. To any person who has not attained his 16th birthday and who has been a bona fide resident of the State of Nevada for 6 months immediately preceding his application for a license, upon payment of a fee of $10 for an annual trapping license.

2. Except as otherwise provided in NRS 502.245 and 504.390, ***and section 25 of this act,*** to any person who has attained his 16th birthday and who has been a bona fide resident of the State of Nevada for 6 months immediately preceding his application for a license, upon the payment of a fee of:

For ~~[a]~~ ***an annual*** fishing license $25
For a 1-day permit to fish 8
For each consecutive day added to a 1-day permit to fish 3
For a hunting license $29
For a combined hunting and fishing license 50
For a trapping license 38
For a fur dealer's license 63
For an annual master guide's license 750
For an annual subguide's license 125

3. To any person who has attained his 12th birthday but who has not attained his 16th birthday, and who is not a bona fide resident of the State of Nevada, upon the payment of a fee of $17 for an annual fishing license.

4. Except as otherwise provided in subsection 3 ~~[,]~~ ***and section 25 of this act,*** to any person who is not a bona fide resident of the State of Nevada, upon the payment of a fee of:

For an annual fishing license $65
For a 1-day permit to fish 17
For each consecutive day added to a 1-day permit to fish 7
For a hunting license 138
For a combined hunting and fishing license 195
For an annual trapper's license 188
For a fur dealer's license 125
For an annual master guide's license 1,500
For an annual subguide's license 250
For a 1-day permit to hunt upland game and ~~[waterfowl]~~ ***migratory game birds*** 20
For each consecutive day added to a 1-day permit to hunt upland game and ~~[waterfowl]~~ ***migratory game birds*** 8

5. To any person, without regard to residence, upon the payment of a fee of:

For a noncommercial license for the possession of live wildlife $15
For a commercial or private shooting preserve 125
For a commercial license for the possession of live wildlife 500
For a live bait dealer's permit 44
For a competitive field trials permit 31
For a permit to train dogs or falcons 15
For a 1-year falconry license 38
For a 3-year falconry license 94
For an importation permit 15
For an import eligibility permit 31
For an exportation permit 15
For any other special permit issued by the Department, a fee not to exceed the highest fee established for any other special permit set by the Commission.

Sec. 29. NRS 502.250 is hereby amended to read as follows:

502.250 1. The amount of the fee that must be charged for the following tags is:

Resident deer tag $30
Resident antelope tag 60
Resident elk tag 120
Resident bighorn sheep tag 120
Resident mountain goat tag 120
Resident mountain lion tag $25
Nonresident deer tag 240
Nonresident antelope tag 300
Nonresident ***antlered*** elk tag 1,200
Nonresident antlerless elk tag ***500***
Nonresident bighorn sheep tag 1,200
Nonresident mountain goat tag 1,200
Nonresident mountain lion tag 100

2. The amount of the fee for other resident or nonresident big game tags must not exceed the highest fee for a resident or nonresident big game tag established pursuant to this section.

3. The amount of the fee for a tag determined to be necessary by the Commission for other species pursuant to NRS 502.130 must not exceed the highest fee for a resident or nonresident tag established pursuant to this section.

4. A fee not to exceed $10 may be charged for processing an application for a game species or permit other than an application for an elk. A fee of not less than $5 but not more than $15 must be charged for processing an application for an elk, $5 of which must be deposited with the State Treasurer for credit to the Wildlife Obligated Reserve Account in the State General

Fund and used for the prevention and mitigation of damage caused by elk or game mammals not native to this State.

5. The Commission may accept sealed bids for or may auction not more than 15 big game tags and not more than 5 wild turkey tags each year. To reimburse the Department for the cost of managing wildlife and administering and conducting the bid or auction, not more than 18 percent of the total amount of money received from the bid or auction may be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. Any amount of money received from the bid or auction that is not so deposited must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in the State General Fund in accordance with the provisions of NRS 501.3575.

6. The Commission may by regulation establish an additional drawing for big game tags, which may be entitled the Partnership in Wildlife Drawing. To reimburse the Department for the cost of managing wildlife and administering and conducting the drawing, not more than 18 percent of the total amount of money received from the drawing may be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. Except as otherwise provided by regulations adopted by the Commission pursuant to subsection 7, the money received by the Department from applicants in the drawing who are not awarded big game tags must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in accordance with the provisions of NRS 501.3575.

7. The Commission may adopt regulations which authorize the return of all or a portion of any fee collected from a person pursuant to the provisions of this section.

Sec. 30. NRS 502.326 is hereby amended to read as follows:

502.326 1. Except as otherwise provided in subsection 2, it is unlawful for any person to take or possess trout unless at the time he is fishing he carries on his person:

(a) An unexpired state trout stamp affixed to his fishing license and validated by his signature in ink across the face of the stamp; or

(b) Such documentation as the Department provides as proof that he has paid to the Department, for the licensing period that includes the time he is fishing, the same fee as that required pursuant to subsection 3 for the purchase of a state trout stamp for that period.

2. The provisions of subsection 1 do not apply to a person who:

(a) Is under the age of 12; or

(b) Is fishing:

(1) Under the authority of a valid 1-day permit to fish or during a consecutive day validly added to that permit; ~~[or]~~

(2) ***Under the authority of a valid 1-day group fishing permit; or***

(3) In accordance with regulations adopted by the Commission pursuant to subparagraph (2) of paragraph (e) of subsection 1 of NRS 502.010.

3. State trout stamps must be sold for a fee of $10 each by the Department and by persons authorized by the Department to sell hunting, fishing and trapping licenses.

4. The Department shall determine the form of the stamps.

Sec. 31. This act becomes effective on July 1, 2007.

Assemblyman Claborn moved that the Assembly concur in the Senate amendment to Assembly Bill No. 573.

Remarks by Assemblyman Claborn.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 385.

The following Senate amendment was read:

Amendment No. 771.

AN ACT relating to the practice of medicine; authorizing the Board of Medical Examiners to issue ~~[special]~~ restricted licenses **;** ~~[and establish fees for those licenses;]~~ regulating the performance of laser surgery, intense pulsed light therapy and the injection of ~~[cosmetic and]~~ chemotherapeutic ~~[substances;]~~ **agents;** increasing certain penalties; revising the scope of practice authorized for a physician practicing under a special volunteer medical license; making physicians subject to discipline for incurring or failing to report any disciplinary action in another jurisdiction or failing to obtain the informed consent of a patient to any procedure or therapy; providing peer reviewers and employees and volunteers working in a diversion program of the Board with limited civil immunity; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and 16 of this bill extend to physician assistants certain duties and immunities applicable to other providers of health care. (NRS 41.505, 629.031)

~~[Sections 3 and 12]~~ **Section 3** of this bill ~~[authorize]~~ **authorizes** the Board of Medical Examiners to issue ~~[special]~~ restricted licenses to graduates of foreign medical schools who wish to engage in research, teaching or the practice of clinical medicine ~~[in special medical programs.]~~ **at a medical research facility or medical school in this State.**

~~[Sections 4 and 15.5 of this bill prohibit a person from performing a medical procedure in connection with laser surgery or intense pulsed light therapy unless the person is licensed as a physician , physician assistant, osteopathic physician or osteopathic physician's assistant.]~~ Sections 4 and 15.5 ~~[also require]~~ **of this bill provide** that laser surgery or intense pulsed light therapy on the globe of the eye **may** be performed **only** by a licensed physician or osteopathic physician who has completed a residency program in ophthalmology.

Section 5 of this bill prohibits a person, other than a physician, from injecting a patient with any ~~[cosmetic or]~~ chemotherapeutic ~~[substance]~~

agent classified as a prescription drug unless the person is a licensed or certified health care worker, acting within the scope of his license or certificate and under the supervision of a physician. **Section 5 also defines the term "prescription drug" as a controlled substance or dangerous drug that may only be dispensed pursuant to a lawful prescription as well as any other substance or drug that can be substituted for such a controlled substance or drug.**

Section 17 of this bill provides for the creation of a subcommittee by the Legislative Committee on Health Care. Section 17 requires the subcommittee to review the regulation of the use of lasers and intense pulsed light therapy in the performance of medical procedures and the use of injections of chemotherapeutic substances in the performance of procedures.

Sections 8 and 9 of this bill increase the penalties for physicians who fail to provide written notice to the Board of changes in their status and location. (NRS 630.254, 630.255)

Section 10 of this bill expands the scope of practice authorized for a physician practicing under a special volunteer medical license to include the treatment of persons who are uninsured or unable to afford health care in addition to the treatment of persons who are indigent.

Sections 13 and 14 of this bill expand the acts for which the Board may initiate discipline or deny licensure to include: (1) any disciplinary action taken against a physician by another jurisdiction; (2) failing to report the disciplinary action; and (3) failing to obtain the informed consent of a patient before performing any procedure or prescribing any therapy. (NRS 630.301, 630.306)

Section 15 of this bill extends the Board's limited immunity from civil liability to the Board's peer reviewers and persons working in diversion programs. (NRS 630.364)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by specific statute:

1. "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, ***physician assistant,*** dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed marriage and family therapist, chiropractor, athletic trainer, doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist or a licensed hospital as the employer of any such person.

2. For the purposes of NRS 629.051, 629.061 and 629.065, the term includes a facility that maintains the health care records of patients.

Sec. 2. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. ***1. Except as otherwise provided in NRS 630.161, the Board may issue a ~~[special]~~ restricted license to ~~[practice medicine to]~~ a person who:***

(a) Is a graduate of a foreign medical school ;

(b) Teaches, researches or practices medicine outside of the United States;

(c) Is a recognized medical expert; and

(d) Intends to teach, ~~[who intends to teach, engage in]~~ research or practice clinical medicine ~~[in a special medical program that is approved by the Board and conducted by the University of Nevada School of Medicine or a medical research center that is recognized by the Board.]~~ at a medical research facility or medical school in this State.

2. A person who applies for a ~~[special]~~ restricted license pursuant to this section is not required to take or pass a written examination concerning

his qualifications to practice medicine, but the person must satisfy the requirements for a ~~[special]~~ restricted license set forth in regulations adopted by the Board.

3. A person who holds a ~~[special]~~ restricted license pursuant to this section may practice medicine in this State only in accordance with the terms and restrictions established by the Board.

~~[4. A special restricted license expires automatically if the holder of the license ceases to practice medicine in the special medical program for which he received the license. The University of Nevada School of Medicine or medical research center that conducts the special medical program shall notify the Board within 10 days after the holder of the license ceases to practice medicine in the special medical program.~~

~~5. The Board may renew or modify a special restricted license unless the license expired automatically or was revoked by the Board.~~

~~6. The Board shall adopt regulations to carry out the provisions of this section.]~~

Sec. 4. ***~~[1. Except as otherwise provided in section 15.5 of this act, a person shall not perform a medical procedure in connection with laser surgery or intense pulsed light therapy unless he holds a license issued pursuant to this chapter as a physician or physician assistant.~~***

~~2.]~~ Laser surgery or intense pulsed light therapy on the globe of the eye of a patient may be performed only by a licensed physician who has completed a program of progressive postgraduate education in ophthalmology as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education or the Council on Medical Education of the Canadian Medical Association.

Sec. 5. ***1. A person, other than a physician, shall not inject a patient with any ~~[cosmetic or]~~ chemotherapeutic ~~[substance]~~ agent classified as a prescription drug unless:***

~~[1.]~~ ***(a) The person is licensed or certified to perform medical services pursuant to this title;***

~~[2.]~~ ***(b) The administration of the injection is within the scope of the person's license or certificate; and***

~~[3.]~~ ***(c) The person administers the injection under the supervision of a physician. The Board shall prescribe the requirements for supervision pursuant to this subsection.***

2. As used in this section:

(a) "Dangerous drug" has the meaning ascribed to it in NRS 454.201.

(b) "Prescription drug" means:

(1) A controlled substance or dangerous drug that may be dispensed to an ultimate user only pursuant to a lawful prescription; and

(2) Any other substance or drug substituted for such a controlled substance or dangerous drug.

Sec. 6. NRS 630.025 is hereby amended to read as follows:

630.025 "Supervising physician" means an active physician licensed ***and in good standing*** in the State of Nevada who ~~[employs and]~~ supervises a physician assistant.

Sec. 7. NRS 630.160 is hereby amended to read as follows:

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing him to practice.

2. Except as otherwise provided in NRS 630.1605, 630.161 and 630.258 to 630.265, inclusive, ***and section 3 of this act,*** a license may be issued to any person who:

(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(b) Has received the degree of doctor of medicine from a medical school:

(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;

(c) Is currently certified by a specialty board of the American Board of Medical Specialties and who agrees to maintain ~~[such]~~ ***the*** certification for the duration of his licensure, or has passed:

(1) All parts of the examination given by the National Board of Medical Examiners;

(2) All parts of the Federation Licensing Examination;

(3) All parts of the United States Medical Licensing Examination;

(4) All parts of a licensing examination given by any state or territory of the United States, if the applicant is certified by a specialty board of the American Board of Medical Specialties;

(5) All parts of the examination to become a licentiate of the Medical Council of Canada; or

(6) Any combination of the examinations specified in subparagraphs (1), (2) and (3) that the Board determines to be sufficient;

(d) Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive medicine or family practice and who agrees to maintain certification in at least one of these specialties for the duration of his licensure, or:

(1) Has completed 36 months of progressive postgraduate:

(I) Education as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education or the Coordinating Council of Medical Education of the Canadian Medical Association; or

(II) Fellowship training in the United States or Canada approved by the Board or the Accreditation Council for Graduate Medical Education; or

(2) Has completed at least 36 months of postgraduate education, not less than 24 months of ~~[such postgraduate education must be]~~ ***which must have been completed*** as a resident after receiving a medical degree from a combined dental and medical degree program approved by the Board; and

(e) Passes a written or oral examination, or both, as to his qualifications to practice medicine and provides the Board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph (b).

Sec. 8. NRS 630.254 is hereby amended to read as follows:

630.254 1. Each licensee shall maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent. A licensee who changes his permanent mailing address shall notify the Board ***in writing*** of his new permanent mailing address within 30 days after the change. If a licensee fails to notify the Board ***in writing*** of a change in his permanent mailing address within 30 days after the change, the Board:

(a) Shall impose upon the licensee a fine not to exceed ~~[$100;]~~ ***$250;*** and

(b) May initiate disciplinary action against the licensee as provided pursuant to subsection 9 of NRS 630.306.

2. Any licensee who changes the location of his office in this State shall notify the Board ***in writing*** of the change before practicing at the new location.

3. Any licensee who closes his office in this State shall:

(a) Notify the Board ***in writing*** of this occurrence within 14 days after the closure; and

(b) For a period of 5 years thereafter keep the Board apprised ***in writing*** of the location of the medical records of his patients.

Sec. 9. NRS 630.255 is hereby amended to read as follows:

630.255 1. Any licensee who changes the location of his practice of medicine from this State to another state or country, has never engaged in the

practice of medicine in this State after licensure or has ceased to engage in the practice of medicine in this State for 12 consecutive months may be placed on inactive status by order of the Board.

2. Each inactive registrant shall maintain a permanent mailing address with the Board to which all communications from the Board to the registrant must be sent. An inactive registrant who changes his permanent mailing address shall notify the Board ***in writing*** of his new permanent mailing address within 30 days after the change. If an inactive registrant fails to notify the Board ***in writing*** of a change in his permanent mailing address within 30 days after the change, the Board shall impose upon the registrant a fine not to exceed ~~[$100.]~~ ***$250.***

3. Before resuming the practice of medicine in this State, the inactive registrant must:

(a) Notify the Board of his intent to resume the practice of medicine in this State;

(b) File an affidavit with the Board describing his activities during the period of his inactive status;

(c) Complete the form for registration for active status;

(d) Pay the applicable fee for biennial registration; and

(e) Satisfy the Board of his competence to practice medicine.

4. If the Board determines that the conduct or competence of the registrant during the period of inactive status would have warranted denial of an application for a license to practice medicine in this State, the Board may refuse to place the registrant on active status.

Sec. 10. NRS 630.258 is hereby amended to read as follows:

630.258 1. A physician who is retired from active practice and who wishes to donate his expertise for the medical care and treatment of ~~[indigent]~~ persons in this State ***who are indigent, uninsured or unable to afford health care*** may obtain a special volunteer medical license by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer medical license must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the physician;

(b) Proof that the physician previously has been issued an unrestricted license to practice medicine in any state of the United States and that he has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the physician satisfies the requirements for licensure set forth in NRS 630.160 or the requirements for licensure by endorsement set forth in NRS 630.1605;

(d) Acknowledgment that the practice of the physician under the special volunteer medical license will be exclusively devoted to providing medical care to ~~[indigent]~~ persons in this State ~~[.]~~ ***who are indigent, uninsured or unable to afford health care;*** and

(e) Acknowledgment that the physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer medical license, except for payment by a medical facility at which the physician provides volunteer medical services of the expenses of the physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of a physician satisfies the requirements of subsection 2 and that the retired physician is competent to practice medicine, the Board shall issue a special volunteer medical license to the physician.

4. The initial special volunteer medical license issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer medical license; or

(b) The issuance or renewal of a special volunteer medical license pursuant to this section.

6. A physician who is issued a special volunteer medical license pursuant to this section and who accepts the privilege of practicing medicine in this State pursuant to the provisions of the special volunteer medical license is subject to all the provisions governing disciplinary action set forth in this chapter.

7. A physician who is issued a special volunteer medical license pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 11. NRS 630.265 is hereby amended to read as follows:

630.265 1. Except as otherwise provided in NRS 630.161, the Board may issue to a qualified applicant a limited license to practice medicine as a resident physician in a graduate program approved by the Accreditation Council for Graduate Medical Education if he is:

(a) A graduate of an accredited medical school in the United States or Canada; or

(b) A graduate of a foreign medical school and has received the standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that Commission that he passed the examination given by it.

2. The medical school or other institution sponsoring the program shall provide the Board with written confirmation that the applicant has been appointed to a position in the program and is a citizen of the United States or lawfully entitled to remain and work in the United States. ~~[Such a]~~ ***A limited*** license remains valid only while the licensee is actively practicing medicine in the residency program and is legally entitled to work and remain in the United States.

3. The Board may issue ~~[such]~~ a limited license for not more than 1 year but may renew the license if the applicant for the limited license meets the requirements set forth by the Board by regulation.

4. The holder of a limited license may practice medicine only in connection with his duties as a resident physician or under such conditions as are approved by the director of the program **.** ~~[and the Board.]~~

5. The holder of a limited license granted pursuant to this section may be disciplined by the Board at any time for any of the grounds provided in NRS 630.161 or 630.301 to 630.3065, inclusive.

Sec. 12. ~~[NRS 630.268 is hereby amended to read as follows:~~

~~630.268 1. The Board shall charge and collect not more than the following fees:~~

~~For application for and issuance of a license to practice as a physician, including a license by endorsement $600~~

~~For application for and issuance of a temporary, locum tenens, limited, restricted, special , *special restricted* or special purpose license 400~~

~~For renewal of a limited, restricted or special license $400~~

~~For application for and issuance of a license as a physician assistant 400~~

~~For biennial registration of a physician assistant 800~~

~~For biennial registration of a physician 800~~

~~For application for and issuance of a license as a practitioner of respiratory care 400~~

~~For biennial registration of a practitioner of respiratory care 600~~

~~For biennial registration for a physician who is on inactive status 400~~

~~For written verification of licensure 50~~

~~For a duplicate identification card 25~~

~~For a duplicate license 50~~

~~For computer printouts or labels 500~~

~~For verification of a listing of physicians, per hour 20~~

~~For furnishing a list of new physicians 100~~

~~2. In addition to the fees prescribed in subsection 1, the Board shall charge and collect necessary and reasonable fees for its other services.~~

~~3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid for by the person or entity requesting the special meeting. [Such a] A special meeting must not be called until the person or entity requesting it has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.]~~ **(Deleted by amendment.)**

Sec. 13. NRS 630.301 is hereby amended to read as follows:

630.301 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Conviction of a felony relating to the practice of medicine or the ability to practice medicine. A plea of nolo contendere is a conviction for the purposes of this subsection.

2. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, or 616D.350 to 616D.440, inclusive.

3. ~~[The]~~ ***Any disciplinary action, including, without limitation, the*** revocation, suspension, modification or limitation of ~~[the]~~ ***a*** license to practice any type of medicine ***, taken*** by ***another state, the Federal Government, a foreign country or*** any other jurisdiction or the surrender of the license or discontinuing the practice of medicine while under investigation by any licensing authority, a medical facility, a branch of the Armed Services of the United States, an insurance company, an agency of the Federal Government or an employer.

4. Malpractice, which may be evidenced by claims settled against a practitioner, but only if ~~[such]~~ ***the*** malpractice is established by a preponderance of the evidence.

5. The engaging by a practitioner in any sexual activity with a patient who is currently being treated by the practitioner.

6. Disruptive behavior with physicians, hospital personnel, patients, members of the families of patients or any other persons if the behavior interferes with patient care or has an adverse impact on the quality of care rendered to a patient.

7. The engaging in conduct that violates the trust of a patient and exploits the relationship between the physician and the patient for financial or other personal gain.

8. The failure to offer appropriate procedures or studies, to protest inappropriate denials by organizations for managed care, to provide necessary services or to refer a patient to an appropriate provider, when ~~[such a]~~ ***the*** failure occurs with the intent of positively influencing the financial well-being of the practitioner or an insurer.

9. The engaging in conduct that brings the medical profession into disrepute, including, without limitation, conduct that violates any provision of a code of ethics adopted by the Board by regulation based on a national code of ethics.

10. The engaging in sexual contact with the surrogate of a patient or other key persons related to a patient, including, without limitation, a spouse, parent or legal guardian, which exploits the relationship between the physician and the patient in a sexual manner.

11. Conviction of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any felony involving the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS; or

(g) Any offense involving moral turpitude.

Sec. 14. NRS 630.306 is hereby amended to read as follows:

630.306 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

2. Engaging in any conduct:

(a) Which is intended to deceive;

(b) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

(c) Which is in violation of a regulation adopted by the State Board of Pharmacy.

3. Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or to others except as authorized by law.

4. Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

5. Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he is not competent to perform.

6. Performing, without first obtaining the informed consent of the patient or his family, any procedure or prescribing any therapy which by the current standards of the practice of medicine ~~[are]~~ ***is*** experimental.

7. Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

8. Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

9. Failing to comply with the requirements of NRS 630.254.

10. Habitual intoxication from alcohol or dependency on controlled substances.

11. Failure by a licensee or applicant to report ~~[,]~~ ***in writing,*** within 30 days, ***any disciplinary action taken against him by another state, the Federal Government or a foreign country, including, without limitation,*** the revocation, suspension or surrender of his license to practice medicine in another jurisdiction.

12. Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

Sec. 15. NRS 630.364 is hereby amended to read as follows:

630.364 1. Any person or organization who furnishes information concerning an applicant for a license or a licensee in good faith and without malicious intent in accordance with the provisions of this chapter is immune from any civil action for furnishing that information.

2. The Board and any of its members and its staff, counsel, investigators, experts, ***peer reviewers,*** committees, panels, hearing officers**,** ~~[and]~~ consultants ***and the employees or volunteers of a diversion program*** are immune from any civil liability for:

(a) Any decision or action taken in good faith and without malicious intent in response to information acquired by the Board.

(b) Disseminating information concerning an applicant for a license or a licensee to other boards or agencies of the State, the Attorney General, any hospitals, medical societies, insurers, employers, patients and their families or any law enforcement agency.

3. As used in this section, "diversion program" means a program approved by the Board to correct a licensee's alcohol or drug dependence or any other impairment.

Sec. 15.5. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

~~*[1. Except as otherwise provided in section 4 of this act, a person shall not perform a medical procedure in connection with laser surgery or intense pulsed light therapy unless he holds a license or certificate issued pursuant to this chapter as an osteopathic physician or osteopathic physician's assistant.*~~

~~*2.]*~~ ***Laser surgery or intense pulsed light therapy on the globe of the eye of a patient may be performed only by a licensed osteopathic physician who has completed a program of progressive postgraduate education in ophthalmology as a resident in the United States or Canada in a program approved by the*** ~~*[Board,]*~~ ***Bureau of Osteopathic Education of the American Osteopathic Association, the Accreditation Council for Graduate Medical Education or the Council on Medical Education of the Canadian Medical Association.***

Sec. 16. NRS 41.505 is hereby amended to read as follows:

41.505 1. Any physician ***, physician assistant*** or registered nurse who in good faith gives instruction or provides supervision to an emergency medical attendant ***, physician assistant*** or registered nurse, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in giving that instruction or providing that supervision. An emergency medical attendant, ***physician assistant,*** registered nurse or licensed practical nurse who obeys an instruction given by a physician, ***physician assistant,*** registered nurse or licensed practical nurse and thereby renders emergency care, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or

omission, not amounting to gross negligence, in rendering that emergency care.

2. Except as otherwise provided in subsection 3, any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state, who renders emergency care or assistance in an emergency, gratuitously and in good faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance or as a result of any failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person. This section does not excuse a physician ***, physician assistant*** or nurse from liability for damages resulting from his acts or omissions which occur in a licensed medical facility relative to any person with whom there is a preexisting relationship as a patient.

3. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who renders emergency obstetrical care or assistance to a pregnant woman during labor or the delivery of the child is not liable for any civil damages as a result of any act or omission by him in rendering that care or assistance if:

(a) The care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct;

(b) The person has not previously provided prenatal or obstetrical care to the woman; and

(c) The damages are reasonably related to or primarily caused by a lack of prenatal care received by the woman.

➥ A licensed medical facility in which ~~[such]~~ ***the*** care or assistance is rendered is not liable for any civil damages as a result of any act or omission by the person in rendering that care or assistance if that person is not liable for any civil damages pursuant to this subsection and the actions of the medical facility relating to the rendering of that care or assistance do not amount to gross negligence or reckless, willful or wanton conduct.

4. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who:

(a) Is retired or otherwise does not practice on a full-time basis; and

(b) Gratuitously and in good faith, renders medical care within the scope of his license to an indigent person,

➥ is not liable for any civil damages as a result of any act or omission by him, not amounting to gross negligence or reckless, willful or wanton conduct, in rendering that care.

5. Any person licensed to practice medicine under the provisions of chapter 630 or 633 of NRS or licensed to practice dentistry under the provisions of chapter 631 of NRS who renders care or assistance to a patient for a governmental entity or a nonprofit organization is not liable for any

civil damages as a result of any act or omission by him in rendering that care or assistance if the care or assistance is rendered gratuitously, in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct.

6. As used in this section:

(a) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to chapter 450B of NRS.

(b) "Gratuitously" has the meaning ascribed to it in NRS 41.500.

Sec. 17. **1. The Legislative Committee on Health Care shall appoint a subcommittee to review the regulation of:**

(a) The use of lasers and intense pulsed light therapy in the performance of medical procedures on patients; and

(b) The use of injections of cosmetic or chemotherapeutic substances in the performance of procedures on patients.

2. The subcommittee must consist of at least three members of the Legislative Committee on Health Care, all of whom are to be appointed by the Chairman of the Legislative Committee on Health Care.

3. The Chairman of the Legislative Committee on Health Care shall designate a member of the subcommittee to serve as Chairman of the subcommittee.

4. The subcommittee shall:

(a) Conduct:

(1) A review of the laws and regulations of this State relating to the issues described in subsection 1; and

(2) A study concerning the issues described in subsection 1;

(b) In carrying out the provisions of paragraph (a), consult with a representative of:

(1) The practice of ophthalmology in this State;

(2) The practice of dermatology in this State;

(3) The practice of cosmetic or plastic surgery in this State; and

(4) The medical spa industry in this State; and

(c) Not later than June 30, 2008, submit a report of the results of its review and study and any recommendations for legislation to the Legislative Committee on Health Care.

5. The subcommittee may contract with such experts, researchers and consultants as may be necessary for the subcommittee to carry out its duties.

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 385.

Remarks by Assemblyman Oceguera.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:44 a.m.

ASSEMBLY IN SESSION

At 11:51 a.m.
Madam Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera withdrew his motion that the Assembly concur with Senate Amendment No. 771 to Assembly Bill No. 385.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Assembly Bill No. 14, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 663 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 1, which is attached to and hereby made a part of this report.

MIKE MCGINNESS	JOHN OCEGUERA
TERRY CARE	BERNIE ANDERSON
MARK AMODEI	JOHN CARPENTER
Senate Conference Committee	*Assembly Conference Committee*

Conference Amendment No. CA1.

Legislative Counsel's Digest:

Section 2 of this bill creates a new crime for unlawfully possessing certain graffiti implements in certain public places. Specifically, **section 2** provides that it is a misdemeanor for a person to carry on his person with the intent to vandalize, place graffiti on or otherwise deface property a graffiti implement on certain public and private property or in a public transportation vehicle without valid authorization from the appropriate governmental entity or person. **Sections 6-8** of this bill amend existing law to provide that persons who unlawfully possess a graffiti implement in violation of **section 2** are treated similarly to persons who unlawfully place graffiti on the property of another in violation of NRS 206.125 or 206.330. **Section 6** requires a person who violates **section 2** to pay, in addition to any other fine or penalty, an administrative assessment of $250 which must be credited to the Graffiti Reward Fund. (NRS 206.340) **Section 7** amends existing law which provides that, under certain circumstances, a person may not sue a public employee, officer or agency for any injury, wrongful death or other damage incurred by a person while committing certain crimes to include the new crime created pursuant to **section 2**. (NRS 41.0334) **Section 8** amends existing law which authorizes a court to suspend the driver's license of a child or to delay the

issuance of a driver's license to the child if he does not yet possess a driver's license when the child is adjudicated delinquent for engaging in certain acts involving graffiti or defacing property to allow such actions when a child engages in an act prohibited by **section 2**. (NRS 62E.690)

Section 3 of this bill requires a person who is ordered to pay restitution for damaging the property of another to pay the restitution to either the owner of the property or, if the damage involves the placement of graffiti on certain property, to the governmental entity that incurred the costs of cleaning up or removing the graffiti.

Section 4 of this bill revises the penalty for placing graffiti on, vandalizing, defacing or otherwise damaging: (1) a place of religious worship; (2) a facility used for the purpose of burial or memorializing the dead; or (3) a school, educational facility or community center to provide for mandatory fines and community service. **Section 4** also adds transportation facilities and public transportation vehicles to the list of entities covered by this section. (NRS 206.125)

Section 5 of this bill ~~[amends the threshold amount used to determine the penalty for a person who places graffiti on or otherwise defaces public or private property without the permission of the owner. Section 5 also]~~ revises the penalties for such an offense to include a mandatory fine and community service, revises the period for the suspension of a driver's license, defines the manner for determining the "value of the loss" and allows for aggregating the amount of damage to determine the value of the loss, but only if the value of the loss when aggregated is $5,000 or more. (NRS 206.330)

Existing law provides for the suspension or delay in the issuance of a driver's license to a person who commits certain graffiti offenses. **Section 8** of this bill adds to the crimes for which a license may be suspended or delayed the new crime of carrying a graffiti implement in certain places and increases the minimum period of the suspension or delay to 1 year. (NRS 62E.690)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 206 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Any person who carries on his person a graffiti implement with the intent to vandalize, place graffiti on or otherwise deface public or private property, real or personal, of another:***

(a) While on or under any overpass or bridge or in any flood channel;

(b) At any public facility, community center, park, playground, swimming pool, transportation facility, beach or recreational area whereon a sign is posted in a location reasonably expected to be viewed by the public which states that it is a misdemeanor to possess a graffiti implement at that public location without valid authorization; or

(c) In a public transportation vehicle wherein a sign is posted that is easily viewed by passengers which states that it is a misdemeanor to possess a graffiti implement in the vehicle without valid authorization,

➥ is guilty of a misdemeanor unless he has first received valid authorization from the governmental entity which has jurisdiction over the public area or other person who is designated to provide such authorization.

2. As used in this section:

(a) "Broad-tipped indelible marker" means any felt-tipped marker or similar implement which contains a fluid that is not soluble in water and which has a flat or angled writing surface of a width of one-half inch or greater.

(b) "Graffiti implement" means any broad-tipped indelible marker or aerosol paint container or other item that may be used to propel or apply fluid that is not soluble in water.

(c) "Public transportation vehicle" means a bus, train or other vehicle or instrumentality used to transport persons from a transportation facility to another location.

(d) "Transportation facility" means an airport, marina, bus terminal, train station, bus stop or other facility where a person may go to obtain transportation.

Sec. 3. ***If a court orders a person who violates the provisions of NRS 206.125 or 206.330 to pay restitution, the person shall pay the restitution to:***

1. The owner of the property which was affected by the violation; or

2. If the violation involved the placing of graffiti on any public property, the governmental entity that incurred expenses for removing, covering or cleaning up the graffiti.

Sec. 4. NRS 206.125 is hereby amended to read as follows:

206.125 1. Unless a greater penalty is provided by law, a person who knowingly vandalizes, places graffiti on, defaces or otherwise damages:

(a) Any church, synagogue or other building, structure or place used for religious worship or other religious purpose;

(b) Any cemetery, mortuary or other facility used for the purpose of burial or memorializing the dead;

(c) Any school, educational facility ***, transportation facility, public transportation vehicle*** or community center;

(d) The grounds adjacent to, and owned or rented by, any institution, facility, building, structure or place described in paragraph (a), (b) or (c); or

(e) Any personal property contained in any institution, facility, building, structure or place described in paragraph (a), (b) or (c),

➥ is guilty of a gross misdemeanor.

2. In addition to any other penalty, the court shall order ~~[the]~~ ***a*** person ***found guilty of a gross misdemeanor pursuant to subsection 1*** to pay restitution for the damage ~~[.]~~ ***and:***

(a) For the first offense, to pay a fine of not less than $400 but not more than $1,000, and to perform 100 hours of community service.

(b) For the second offense, to pay a fine of not less than $750, but not more than $1,000, and to perform 200 hours of community service.

(c) For a third or subsequent offense, to pay a fine of $1,000, and to perform 200 hours of community service.

~~[2.]~~ ***3.*** A person who is paid money for restitution pursuant to subsection 1 shall use the money to repair or restore the property that was damaged.

4. As used in this section:

(a) "Public transportation vehicle" has the meaning ascribed to it in section 2 of this act.

(b) "Transportation facility" has the meaning ascribed to it in section 2 of this act.

Sec. 5. NRS 206.330 is hereby amended to read as follows:

206.330 1. Unless a greater criminal penalty is provided by a specific statute, a person who places graffiti on or otherwise defaces the public or private property, real or personal, of another, without the permission of the owner:

(a) Where the value of the loss is less than $250, ~~*[$1,000]*~~ is guilty of a misdemeanor.

(b) Where the value of the loss is $250 ~~*[$1,000]*~~ or more but less than $5,000, is guilty of a gross misdemeanor.

(c) Where the value of the loss is $5,000 or more or where the damage results in the impairment of public communication, transportation or police and fire protection, is guilty of a category E felony and shall be punished as provided in NRS 193.130. ***If the court grants probation to such a person, the court shall require as a condition of probation that the person serve at least 10 days in the county jail.***

2. If a person commits more than one offense pursuant to a scheme or continuing course of conduct, the value of all property damaged or destroyed by that person in the commission of those offenses ~~[may]~~ ***must*** be aggregated for the purpose of determining the penalty prescribed in subsection 1 ~~[.]~~ ***, but only if the value of the loss when aggregated is $5,000 or more.***

3. A person who violates subsection 1 shall, in addition to any other fine or penalty imposed:

(a) For the first offense, ***pay a fine of not less than $400 but not more than $1,000 and*** perform ~~[not less than 50 hours, but not more than 99 hours,]~~ ***100 hours*** of community service.

(b) For the second offense, ***pay a fine of not less than $750 but not more than $1,000 and*** perform ~~[not less than 100 hours, but not more than 199 hours,]~~ ***200 hours*** of community service.

(c) For the third and each subsequent offense, ***pay a fine of $1,000 and*** perform ~~[not less than]~~ 200 hours of community service.

➥ The community service assigned pursuant to this subsection must, if possible, be related to the abatement of graffiti.

4. The parent or legal guardian of a person under the age of 18 years who violates this section is liable for all fines and penalties imposed against the person. If the parent or legal guardian is unable to pay the fine and penalties resulting from a violation of this section because of financial hardship, the court may require the parent or legal guardian to perform community service.

5. If a person who is 18 years of age or older is found guilty of violating this section, the court ~~[may]~~ ***shall, in addition to any other penalty imposed,*** issue an order suspending the driver's license of the person for ~~[a period not to exceed]~~ ***not less than*** 6 months ~~[in addition to any other penalty imposed. If such an order is issued, the]~~ ***but not more than 2 years. The*** court shall require the person to surrender all driver's licenses then held by the person. If the person does not possess a driver's license, the court ~~[may]~~ ***shall*** issue an order prohibiting the person from applying for a driver's license ~~[within the]~~ ***for not less than*** 6 months ~~[immediately following the date of the order.]~~ ***but not more than 2 years.*** The court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles any licenses together with a copy of the order.

6. The Department of Motor Vehicles:

(a) Shall not treat a violation of this section in the manner statutorily required for a moving traffic violation.

(b) Shall report the suspension of a driver's license pursuant to this section to an insurance company or its agent inquiring about the person's driving record. An insurance company shall not use any information obtained pursuant to this paragraph for purposes related to establishing premium rates or determining whether to underwrite the insurance.

7. A criminal penalty imposed pursuant to this section is in addition to any civil penalty or other remedy available pursuant to another statute for the same conduct.

8. As used in this section ~~[, "impairment"]~~ ***:***

(a) "Impairment" means the disruption of ordinary and incidental services, the temporary loss of use or the removal of the property from service for repair of damage.

(b) "Value of the loss" means the cost of repairing, restoring or replacing the property, including, without limitation, the cost of any materials and labor necessary to repair, restore or replace the item.

Sec. 6. NRS 206.340 is hereby amended to read as follows:

206.340 1. The Graffiti Reward Fund is hereby created in the State General Fund.

2. When a defendant pleads or is found guilty of violating NRS 206.125 or 206.330 ~~[,]~~ ***or section 2 of this act,*** the court shall include an administrative assessment of $250 for each violation in addition to any other fine or penalty. The money collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Graffiti Reward Fund.

3. All money received pursuant to subsection 2 must be deposited with the State Controller for credit to the Graffiti Reward Fund. The money in the Fund must be used to pay a reward to a person who, in response to the offer of a reward, provides information which results in the identification, apprehension and conviction of a person who violates NRS 206.125 or 206.330 ~~[.]~~ ***or section 2 of this act.***

4. If sufficient money is available in the Graffiti Reward Fund, a state law enforcement agency may offer a reward, not to exceed $1,000, for information leading to the identification, apprehension and conviction of a person who violates NRS 206.125 or 206.330 ~~[.]~~ ***or section 2 of this act.*** The reward must be paid out of the Graffiti Reward Fund upon approval by the State Board of Examiners.

Sec. 7. NRS 41.0334 is hereby amended to read as follows:

41.0334 1. Except as otherwise provided in subsection 2, no action may be brought under NRS 41.031 or against an officer or employee of the State or any of its agencies or political subdivisions for injury, wrongful death or other damage sustained in or on a public building or public vehicle by a person who was engaged in any criminal act proscribed in NRS 202.810, 205.005 to 205.080, inclusive, 205.220, 205.226, 205.228, 205.240, 205.271 to 205.2741, inclusive, 206.310, 206.330, 207.210, 331.200 or 393.410 ~~[.]~~ ***or section 2 of this act,*** at the time the injury, wrongful death or damage was caused.

2. Subsection 1 does not apply to any action for injury, wrongful death or other damage:

(a) Intentionally caused or contributed to by an officer or employee of the State or any of its agencies or political subdivisions; or

(b) Resulting from the deprivation of any rights, privileges or immunities secured by the United States Constitution or the Constitution of the State of Nevada.

3. As used in this section:

(a) "Public building" includes every house, shed, tent or booth, whether or not completed, suitable for affording shelter for any human being or as a place where any property is or will be kept for use, sale or deposit, and the grounds appurtenant thereto; and

(b) "Public vehicle" includes every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, waterway or airway,

➥ owned, in whole or in part, possessed, used by or leased to the State or any of its agencies or political subdivisions.

Sec. 8. NRS 62E.690 is hereby amended to read as follows:

62E.690 1. Except as otherwise provided in this section, if a child is adjudicated delinquent for the unlawful act of placing graffiti on or otherwise defacing public or private property owned or possessed by another person in violation of NRS 206.125 or 206.330 ~~[.]~~ ***or for the unlawful act of carrying***

a graffiti implement in certain places without valid authorization in violation of section 2 of this act, the juvenile court ~~[may:]~~ ***shall:***

(a) If the child possesses a driver's license, issue an order suspending the driver's license of the child for at least ~~[90 days]~~ ***1 year*** but not more than 2 years; or

(b) If the child does not possess a driver's license and the child is or will be eligible to receive a driver's license within the 2 years immediately following the date of the order, issue an order prohibiting the child from receiving a driver's license for a period specified by the juvenile court which must be at least ~~[90 days]~~ ***1 year*** but not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to receive a driver's license; or

(2) After the date the child will be eligible to receive a driver's license, if the child is not eligible to receive a license on the date of the order.

2. If the child is already the subject of a court order suspending or delaying the issuance of his driver's license, the juvenile court shall order the additional suspension or delay, as appropriate, to apply consecutively with the previous order.

Sec. 9. NRS 483.250 is hereby amended to read as follows:

483.250 The Department shall not issue any license pursuant to the provisions of NRS 483.010 to 483.630, inclusive:

1. To any person who is under the age of 18 years, except that the Department may issue:

(a) A restricted license to a person between the ages of 14 and 18 years pursuant to the provisions of NRS 483.267 and 483.270.

(b) An instruction permit to a person who is at least 15 1/2 years of age pursuant to the provisions of subsection 1 of NRS 483.280.

(c) A restricted instruction permit to a person under the age of 18 years pursuant to the provisions of subsection 3 of NRS 483.280.

(d) A driver's license to a person who is 16 or 17 years of age pursuant to NRS 483.2521.

2. To any person whose license has been revoked until the expiration of the period during which he is not eligible for a license.

3. To any person whose license has been suspended, but upon good cause shown to the Administrator, the Department may issue a restricted license to him or shorten any period of suspension.

4. To any person who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to legal capacity.

5. To any person who is required by NRS 483.010 to 483.630, inclusive, to take an examination, unless he has successfully passed the examination.

6. To any person when the Administrator has good cause to believe that by reason of physical or mental disability that person would not be able to operate a motor vehicle safely.

7. To any person who is not a resident of this State.

8. To any child who is the subject of a court order issued pursuant to title 5 of NRS which delays his privilege to drive.

9. To any person who is the subject of a court order issued pursuant to NRS 206.330 which ~~[suspends or]~~ delays his privilege to drive until the expiration of the period of ~~[suspension or]~~ delay.

10. To any person who is not eligible for the issuance of a license pursuant to NRS 483.283.

Assemblyman Oceguera moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 14.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 354.

The following Senate amendment was read:

Amendment No. 975.

AN ACT relating to the health of pupils; requiring that certain physical examinations of children in schools include an examination of height and weight of a representative sample of pupils; **requiring that notice be provided to the parent or guardian of a child before the examinations are performed;** requiring school nurses **or a designee of a school nurse** to report the results of such physical examinations to the State Health Officer for statistical purposes and to exclude from the reports any identifying information relating to a particular child; requiring the Legislative Committee on Health Care to hold a hearing during the interim concerning the health-related issues of children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, physical examinations of children are required in certain grades in school to determine if a child has scoliosis, any visual or auditory problem or any gross physical defect. (NRS 392.420) This bill requires such a physical examination before the completion of the first year of enrollment in elementary school. This bill also requires examinations of height and weight of a representative sample of pupils. This bill authorizes **the board of trustees of a school district to adopt a policy encouraging the school district and schools within the district** ~~[school districts]~~ to collaborate with qualified health care providers and students enrolled in health care programs in postsecondary educational institutions to assist in the physical examinations. **This bill also requires that notice be provided to the parent or guardian of a child before the physical examinations are performed on the child.** This bill requires school nurses **or a designee of a school nurse** to report the results of such physical examinations to the State Health Officer for statistical purposes and to exclude from the reports any identifying information relating to a particular child.

Section 4 of this bill requires the Legislative Committee on Health Care to hold a hearing, during the 2007-2009 interim, concerning the health-related issues of children.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 392.420 is hereby amended to read as follows:

392.420 1. In each school at which he is responsible for providing nursing services, a school nurse shall plan for and carry out, or supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district ***in accordance with this subsection*** to determine whether the child has scoliosis, any visual or auditory problem, or any gross physical defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems ~~[, in]~~ ***:***

(1) Before the completion of the first year of initial enrollment in elementary school;

(2) In at least ~~[two grades]~~ ***one additional grade*** of the elementary schools ~~[,]~~ ***; and***

(3) In one grade of the middle or junior high schools ~~[,]~~ and one grade of the high schools; and

(b) For scoliosis, in at least one grade of schools below the high schools.

➥ Any person other than a school nurse ***, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils,*** who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

2. ***In addition to the requirements of subsection 1, each school district shall conduct examinations of height and weight of a representative sample of pupils in at least one grade of the:***

(a) Elementary schools within the school district;

(b) Middle schools or junior high schools within the school district; and

(c) High schools within the school district,

➥ ***The Health Division of the Department of Health and Human Services shall define "representative sample" in collaboration with the school districts for purposes of this subsection.***

3. If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination, he must be included in the current schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.

~~[3.]~~ ***4.*** A special examination for a possible visual or auditory problem must be provided for any child who:

(a) Is enrolled in a special program;

(b) Is repeating a grade;

(c) Has failed an examination for a visual or auditory problem during the previous school year; or

(d) Shows in any other way that he may have such a problem.

~~[4.]~~ ***5.*** The school authorities shall notify the ~~[parents]~~ ***parent*** or guardian of any child who is found or believed to have ~~[a]~~ ***scoliosis, any*** visual or auditory problem, ~~[scoliosis]~~ or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it.

~~[5.]~~ ***6.*** In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used to meet the responsibilities assigned under the provisions of this section. The board of trustees of the school district may employ qualified personnel to perform them. Any nursing services provided by such qualified personnel must be performed in compliance with chapter 632 of NRS.

~~[6.]~~ ***7. The board of trustees of a school district may adopt a policy which encourages the school district and schools within the school district to collaborate with:***

(a) Qualified health care providers within the community to perform, or assist in the performance of, the services required by this section; and

(b) Postsecondary educational institutions for qualified students enrolled in such an institution in a health-related program to perform, or assist in the performance of, the services required by this section.

8. The school authorities shall provide notice to the parent or guardian of a child before performing on the child the examinations required by this section. The notice must inform the parent or guardian of the right to exempt the child from all or part of the examinations. Any child must be exempted from ~~[the]~~ ***an*** examination if his ~~[parents]~~ ***parent*** or guardian ~~[filed]~~ ***files*** with the teacher a written statement objecting to the examination.

9. Each school nurse or a designee of a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, shall report the results of the examinations conducted pursuant to this section in each school at which he is responsible for providing ~~[nursing]~~ services to the State Health Officer in the format prescribed by the State Health Officer. Each such report must exclude any identifying information relating to a particular child. The State Health Officer shall compile all such information he receives to monitor the health status of children and shall retain the information.

Sec. 2. NRS 392.420 is hereby amended to read as follows:

392.420 1. In each school at which he is responsible for providing nursing services, a school nurse shall plan for and carry out, or supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district in accordance with this subsection to determine whether the child has scoliosis,

any visual or auditory problem, or any gross physical defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems:

(1) Before the completion of the first year of initial enrollment in elementary school;

(2) In at least one additional grade of the elementary schools; and

(3) In one grade of the middle or junior high schools and one grade of the high schools; and

(b) For scoliosis, in at least one grade of schools below the high schools.

➥ Any person other than a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

2. ~~[In addition to the requirements of subsection 1, each school district shall conduct examinations of height and weight of a representative sample of pupils in at least one grade of the:~~

~~(a) Elementary schools within the school district;~~

~~(b) Middle schools or junior high schools within the school district; and~~

~~(c) High schools within the school district,~~

~~➥ The Health Division of the Department of Health and Human Services shall define "representative sample" in collaboration with the school districts for purposes of this subsection.~~

~~3.]~~ If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination, he must be included in the current schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.

~~[4.]~~ ***3.*** A special examination for a possible visual or auditory problem must be provided for any child who:

(a) Is enrolled in a special program;

(b) Is repeating a grade;

(c) Has failed an examination for a visual or auditory problem during the previous school year; or

(d) Shows in any other way that he may have such a problem.

~~[5.]~~ ***4.*** The school authorities shall notify the parent or guardian of any child who is found or believed to have scoliosis, any visual or auditory problem, or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it.

~~[6.]~~ ***5.*** In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used to meet the responsibilities assigned under the provisions of this section. The board of trustees of the school district may employ qualified personnel to perform them. Any nursing services provided by such qualified personnel must be performed in compliance with chapter 632 of NRS.

~~[7.]~~ ***6.*** The board of trustees of a school district may adopt a policy which encourages the school district and schools within the school district to collaborate with:

(a) Qualified health care providers within the community to perform, or assist in the performance of, the services required by this section; and

(b) Postsecondary educational institutions for qualified students enrolled in such an institution in a health-related program to perform, or assist in the performance of, the services required by this section.

~~[8.]~~ ***7.*** The school authorities shall provide notice to the parent or guardian of a child before performing on the child the examinations required by this section. The notice must inform the parent or guardian of the right to exempt the child from all or part of the examinations. Any child must be exempted from an examination if his parent or guardian files with the teacher a written statement objecting to the examination.

~~[9.]~~ ***8.*** Each school nurse or a designee of a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, shall report the results of the examinations conducted pursuant to this section in each school at which he is responsible for providing services to the State Health Officer in the format prescribed by the State Health Officer. Each such report must exclude any identifying information relating to a particular child. The State Health Officer shall compile all such information he receives to monitor the health status of children and shall retain the information.

Sec. 3. (Deleted by amendment.)

Sec. 4. The Legislative Committee on Health Care shall, during the 2007-2009 interim, hold at least one hearing to identify the health-related issues, needs and priorities of children residing in this State. The Committee shall solicit input from all health authorities in this State and all county and local public health officials.

Sec. 5. 1. This section and sections 1 and 4 of this act become effective on July 1, 2007.

2. Section 1 of this act expires by limitation on June 30, 2010.

3. Section 2 of this act becomes effective on July 1, 2010.

Assemblywoman Parnell moved that the Assembly concur in the Senate amendment to Assembly Bill No. 354.

Remarks by Assemblywoman Parnell.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 460.

The following Senate amendment was read:

Amendment No. 995.

AN ACT relating to education; requiring each school district to develop a program to provide enhanced compensation to employees of the school

district; making various changes regarding the evaluation and admonition of educational personnel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Education to establish and maintain an automated system of accountability information for Nevada concerning the achievement and proficiency of pupils. Certain information that is collected as part of that system must not be used for the purpose of evaluating an individual teacher or paraprofessional. (NRS 386.650) Section 5.5 of this bill revises existing law to provide that such information may be used for the purpose of evaluating a teacher or paraprofessional as long as it is not used as the sole criterion for evaluation.

Section 6 of this bill requires an administrator who is responsible for evaluating a teacher to personally observe that teacher in the classroom for not less than 60 minutes during each evaluation period. If a deficiency is discovered during the evaluation process, a reasonable effort must be made to assist the teacher to correct the deficiency. Existing law prescribes the circumstances under which an administrator may admonish an employee. (NRS 391.313) Section 7 of this bill requires an admonition to include a description of the deficiencies of the teacher and the actions that are necessary to correct those deficiencies.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 5.5. **NRS 386.650 is hereby amended to read as follows:**

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.3469 and 385.347; and

(2) In a separate reporting for each subgroup of pupils identified in paragraph (b) of subsection 1 of NRS 385.361;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State; and

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils and which paraprofessionals, if any, are assigned to provide services to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the designation of schools and school districts pursuant to NRS 385.3623 and 385.377, respectively, and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

➥ The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction ~~[but must not]~~ ***and may*** be used for the purpose of evaluating an individual teacher or paraprofessional ~~[.]~~ ***as long as the information is not the sole criterion by which the individual teacher or paraprofessional is evaluated.***

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to subsection 2;

(c) Prescribe the format for the data;

(d) Prescribe the date by which each school district shall report the data;

(e) Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;

(f) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

(1) Individual pupils;

(2) Individual teachers and paraprofessionals;

(3) Individual schools and school districts; and

(4) Programs and financial information;

(g) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and

(h) Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the Nevada System of Higher Education to provide access to data contained within the automated system for research purposes.

Sec. 6. NRS 391.3125 is hereby amended to read as follows:

391.3125 1. It is the intent of the Legislature that a uniform system be developed for objective evaluation of teachers and other licensed personnel in each school district.

2. Each board, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations in narrative form. The policy must set forth a means according to which an employee's overall performance may be determined to

be satisfactory or unsatisfactory. The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. In a similar manner, counselors, librarians and other licensed personnel must be evaluated on forms developed specifically for their respective specialties. A copy of the policy adopted by the board must be filed with the Department. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

3. A conference and a written evaluation for a probationary employee must be concluded ~~[no]~~ ***not*** later than:

(a) December 1;

(b) February 1; and

(c) April 1,

➥ of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board. ***An administrator charged with the evaluation of a probationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 45 consecutive minutes.***

4. Whenever an administrator charged with the evaluation of a probationary employee believes the employee will not be reemployed for the second year of the probationary period or the school year following the probationary period, he shall bring the matter to the employee's attention in a written document which is separate from the evaluation ~~[no]~~ ***not*** later than ~~[February 15]~~ ***March 1*** of the current school year. The notice must include the reasons for the potential decision not to reemploy or refer to the evaluation in which the reasons are stated. Such a notice is not required if the probationary employee has received a letter of admonition during the current school year.

5. Each postprobationary teacher must be evaluated at least once each year. ***An administrator charged with the evaluation of a postprobationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 30 consecutive minutes.***

6. The evaluation of a probationary teacher or a postprobationary teacher must ~~[, if]~~ ***include, without limitation:***

(a) An evaluation of the classroom management skills of the teacher;

(b) A review of the lesson plans and the work log or grade book of pupils prepared by the teacher;

(c) An evaluation of whether the curriculum taught by the teacher is aligned with the standards of content and performance established

pursuant to NRS 389.520, as applicable for the grade level taught by the teacher;

(d) An evaluation of whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic diversity, the needs of pupils enrolled in advanced courses of study and the needs of pupils who are limited English proficient;

(e) If necessary, ~~[include]~~ recommendations for improvements in ~~[his]~~ ***the*** performance ~~[. A reasonable effort must be made to assist the teacher to correct any deficiencies noted in the evaluation.]~~ ***of the teacher;***

(f) A description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation; and

(g) A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.

7. The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. ***Upon the request of a teacher, a reasonable effort must be made to assist the teacher to correct those deficiencies reported in the evaluation of the teacher for which the teacher requests assistance.***

Sec. 7. NRS 391.313 is hereby amended to read as follows:

391.313 1. Whenever an administrator charged with supervision of a licensed employee believes it is necessary to admonish the employee for a reason that he believes may lead to demotion ~~[,]~~ ***or*** dismissal or cause the employee not to be reemployed under the provisions of NRS 391.312, he shall:

(a) Except as otherwise provided in subsection ~~[2,]~~ ***3,*** bring the matter to the attention of the employee involved, in writing, stating the reasons for the admonition and that it may lead to his demotion, dismissal or a refusal to reemploy him, and make a reasonable effort to assist the employee to correct whatever appears to be the cause for his potential demotion, dismissal or a potential recommendation not to reemploy him; and

(b) Except as otherwise provided in NRS 391.314, allow reasonable time for improvement, which must not exceed 3 months for the first admonition.

➥ ***The admonition must include a description of the deficiencies of the teacher and the action that is necessary to correct those deficiencies.***

2. An admonition issued to a licensed employee who, within the time granted for improvement, has met the standards set for him by the administrator who issued the admonition must be removed from the records of the employee together with all notations and indications of its having been issued. The admonition must be removed from the records of the employee not later than 3 years after it is issued.

~~[2.]~~ ***3.*** An administrator need not admonish an employee pursuant to paragraph (a) of subsection 1 if his employment will be terminated pursuant

to NRS 391.3197. If by ~~[February 15]~~ ***March 1*** of the first or second year of his probationary period a probationary employee does not receive a written notice pursuant to subsection 4 of NRS 391.3125 of a potential decision not to reemploy him, he must receive an admonition before any such decision is made.

~~[3.]~~ ***4.*** A licensed employee is subject to immediate dismissal or a refusal to reemploy according to the procedures provided in NRS 391.311 to 391.3197, inclusive, without the admonition required by this section, on grounds contained in paragraphs (b), (f), (g), (h) and (p) of subsection 1 of NRS 391.312.

Sec. 8. NRS 391.3197 is hereby amended to read as follows:

391.3197 1. A probationary employee is employed on a contract basis for two 1-year periods and has no right to employment after either of the two probationary contract years.

2. The board shall notify each probationary employee in writing on or before May 1 of the first and second school years of his probationary period, as appropriate, whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. The employee must advise the board in writing on or before May 10 of the first or second year of his probationary period, as appropriate, of his acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify him in writing, in both the first and second years of his probationary period, no later than 45 days before his last day of work for the year under his contract whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. He must advise the board in writing within 10 days after the date of notification of his acceptance or rejection of reemployment for another year. Failure to advise the board of his acceptance of reemployment constitutes rejection of the contract.

3. A probationary employee who completes his 2-year probationary period and receives a notice of reemployment from the school district in the second year of his probationary period is entitled to be a postprobationary employee in the ensuing year of employment.

4. ~~[A]~~ ***If a*** probationary employee ~~[who receives an unsatisfactory evaluation]~~ ***receives notice pursuant to subsection 4 of NRS 391.3125 not later than March 1 of a potential decision not to reemploy him, the employee*** may request a supplemental evaluation by another administrator in the school district selected by him and the superintendent. If a school district has five or fewer administrators, the supplemental evaluator may be an administrator from another school district in ~~[the]~~ ***this*** State. If a probationary employee has received during the first school year of his probationary period three evaluations which state that the employee's overall performance has been satisfactory, the superintendent of schools of the school district or his designee shall waive the second year of the employee's probationary period by expressly providing in writing on the final evaluation of the employee for

the first probationary year that the second year of his probationary period is waived. Such an employee is entitled to be a postprobationary employee in the ensuing year of employment.

5. If a probationary employee is notified that he will not be reemployed for the second year of his probationary period or the ensuing school year, his employment ends on the last day of the current school year. The notice that he will not be reemployed must include a statement of the reasons for that decision.

6. A new employee or a postprobationary teacher who is employed as an administrator shall be deemed to be a probationary employee for the purposes of this section and must serve a 2-year probationary period as an administrator in accordance with the provisions of this section. If the administrator does not receive an unsatisfactory evaluation during the first year of probation, the superintendent or his designee shall waive the second year of the administrator's probationary period. Such an administrator is entitled to be a postprobationary employee in the ensuing year of employment. If:

(a) A postprobationary teacher who is an administrator is not reemployed as an administrator after either year of his probationary period; and

(b) There is a position as a teacher available for the ensuing school year in the school district in which the person is employed,

➥ the board of trustees of the school district shall, on or before May 1, offer the person a contract as a teacher for the ensuing school year. The person may accept the contract in writing on or before May 10. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.

7. An administrator who has completed his probationary period pursuant to subsection 6 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the additional probationary period, the board of trustees of the school district in which the person is employed shall, on or before May 1, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10. If the person fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.

8. Before dismissal, the probationary employee is entitled to a hearing before a hearing officer which affords due process as set out in NRS 391.311 to 391.3196, inclusive.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 460.

Remarks by Assemblywoman Parnell.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 485.

The following Senate amendment was read:

Amendment No. 833.

AN ACT relating to education; revising provisions relating to reports of accountability to include information relating to pupils who drop out of school in grade 8; revising provisions governing the attendance and truancy of pupils; authorizing a juvenile court to order a parent or guardian of a child to pay a fine under certain circumstances if the child is a habitual truant; authorizing a juvenile court to waive certain fines if the parent or guardian is ordered to pay fines in a court of competent jurisdiction; requiring the Legislative Committee on Education to study issues relating to truancy; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and 2 of this bill require a report of pupils who drop out of school in grade 8 to be included in the reports of accountability prepared by the State Board of Education and the boards of trustees of school districts. (NRS 385.3469, 385.347)

Section 3 of this bill requires the board of trustees of a school district located in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to establish a school attendance council. A board of trustees of a school district located in a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties) is authorized to establish a school attendance council. A school attendance council is required to implement a program to reduce the truancy of pupils and to monitor incidents of truancy of pupils within the district.

Existing law requires an advisory board to review school attendance created pursuant to NRS 392.126 to establish programs to reduce the truancy of pupils in the school district. (NRS 392.128) Section 5 of this bill requires those programs to include the coordination of community services that provide assistance for pupils who are truant from school.

Section 6 of this bill requires the board of trustees of each school district to establish procedures to monitor the attendance and truancy of pupils within the school district.

Existing law makes it unlawful for a person to induce or attempt to induce a child to be unlawfully absent from school. (NRS 392.220) Section 7 of this bill makes the inducement or attempt unlawful if the person knowingly induces or attempts to induce the child to be unlawfully absent from school. Section 7 of this bill also clarifies that a parent or guardian may be in violation of this law if the parent knowingly induces or attempts to induce a child to be unlawfully absent from school.

Under existing law a child who is adjudicated to be in need of supervision because the child is a habitual truant may be ordered to pay a fine. (NRS 62A.430) Section 9 of this bill authorizes the juvenile court to order the parent or guardian of the child to pay a fine if the parent or guardian knowingly induced the child to be a habitual truant. Section 9 also authorizes the juvenile court to waive a fine if a parent or guardian is ordered, by a court of competent jurisdiction, to pay a fine arising out of the same circumstances.

Section 11 of this bill requires the Legislative Committee on Education to ~~[form a subcommittee to]~~ study the issue of truancy and report its findings to the ~~[Committee]~~ **Legislature** on or before ~~[August]~~ **February** 1, ~~[2008.]~~ **2009.**

WHEREAS, The graduation rate reported each year by the Department of Education is based on a general count of pupils who entered grade 9 and a count of pupils who receive a diploma or drop out 4 years later; and

WHEREAS, The National Governors Association Task Force on State High School Graduation Data is urging states to adopt a new method for calculating the graduation rate which tracks an individual pupil through his educational career to determine whether the pupil graduates; and

WHEREAS, Nevada has committed to adopting this new method for calculating the graduation rate; and

WHEREAS, The members of the 74th Session of the Nevada Legislature hereby urge the Department of Education to begin using the method for calculating the graduation rate promoted by the National Governors Association as soon as practicable; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following subgroups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the subgroups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(l) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(m) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(o) The annual rate of pupils who drop out of school in ***grade 8 and a separate reporting of the annual rate of pupils who drop out of school in*** grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole ***.*** ~~[,~~ ~~excluding]~~ ***The reporting for pupils in grades 9 to 12, inclusive, excludes*** pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(p) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(q) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(w) Each source of funding for this State to be used for the system of public education.

(x) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(y) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(z) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma.

(2) An adjusted diploma.

(3) A certificate of attendance.

(bb) The number and percentage of pupils who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(cc) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(dd) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ee) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

2. A separate reporting for a subgroup of pupils must not be made pursuant to this section if the number of pupils in that subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a subgroup for that subgroup to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before September 1 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed ***educational*** personnel ~~[in education]~~ in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the

educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of each school district shall:

(a) Report the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school.

(b) For the information that is reported in an aggregated format, include the data that is applicable to the charter schools sponsored by the school district but not the charter schools that are sponsored by the State Board.

(c) Denote separately in the report those charter schools that are located within the school district and sponsored by the State Board.

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations;

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school;

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following subgroups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board;

(4) A comparison of the achievement of pupils in each subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board;

(5) The percentage of pupils who were not tested;

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the subgroups identified in subparagraph (3);

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available;

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison; and

(9) For each school in the district, including, without limitation, each charter school in the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

➥ A separate reporting for a subgroup of pupils must not be made pursuant to this paragraph if the number of pupils in that subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a subgroup for that subgroup to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district.

(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school in the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty

schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(f) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school in the district.

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(h) The annual rate of pupils who drop out of school in ***grade 8 and a separate reporting of the annual rate of pupils who drop out of school in*** grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole ***.*** ~~[, excluding]~~ ***The reporting for pupils in grades 9 to 12, inclusive, excludes*** pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) An identification of each program of remedial study, listed by subject area.

(s) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who received:

(1) A standard high school diploma.

(2) An adjusted diploma.

(3) A certificate of attendance.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(dd) Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which he is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with

respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration; and

(6) Legislative Counsel Bureau,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before August 15 of each year, the board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee; and

(5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school in the district.

9. Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.

10. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 3. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of a school district located:

(a) In a county whose population is 100,000 or more, shall establish not less than one school attendance council within the school district.

(b) In a county whose population is less than 100,000, may establish a school attendance council within the school district.

2. A school attendance council established by the board of trustees must consist of members whose professional responsibilities relate to the prevention of truancy and the enforcement of laws relating to truancy, which may include, without limitation, a person in charge of monitoring attendance within the school district or a school, a representative from an agency which provides child welfare services, a representative from a law enforcement agency and a representative of the district attorney.

3. A school attendance council shall:

(a) Assist in the implementation of a program to reduce the truancy of pupils adopted by the advisory board to review school attendance pursuant to NRS 392.128.

(b) Monitor each incident involving the truancy of a pupil within the school district and document the efforts made by each school and the school district to assist the pupil in attending school.

(c) Monitor excessive absences of pupils within the school district and document the efforts made by each school and the school district to assist pupils in attending school.

(d) Prepare an annual report which includes a compilation of the disposition of incidences involving the truancy of pupils during the immediately preceding school year. On or before August 1 of each year the report must be submitted to the Department and the Legislative Committee on Education. The annual report must not disclose the identity of an individual pupil.

(e) Receive and retain a report from a family resource center or other provider of community services that assists pupils who are truant. As used in this paragraph, "family resource center" has the meaning ascribed to it in NRS 430A.040.

Sec. 4. NRS 392.127 is hereby amended to read as follows:

392.127 The board of trustees of each school district shall provide administrative support to ~~[each advisory]~~ ***:***

1. Each advisory board to review school attendance created in its county pursuant to NRS 392.126.

2. If applicable, each school attendance council established pursuant to section 3 of this act.

Sec. 5. NRS 392.128 is hereby amended to read as follows:

392.128 1. Each advisory board to review school attendance created pursuant to NRS 392.126 shall:

(a) Review the records of the attendance and truancy of pupils submitted to the advisory board to review school attendance by the board of trustees of the school district pursuant to subsection 7 of NRS 385.347;

(b) Identify factors that contribute to the truancy of pupils in the school district;

(c) Establish programs to reduce the truancy of pupils in the school district ~~[.]~~ ***, including, without limitation, the coordination of services available in the community to assist with the intervention, diversion and discipline of pupils who are truant;***

(d) At least annually, evaluate the effectiveness of those programs;

(e) Establish a procedure for schools and school districts for the reporting of the status of pupils as habitual truants; and

(f) Inform the parents and legal guardians of the pupils who are enrolled in the schools within the district of the policies and procedures adopted pursuant to the provisions of this section.

2. The chairman of an advisory board may divide the advisory board into subcommittees. The advisory board may delegate one or more of the duties of the advisory board to a subcommittee of the advisory board, including, without limitation, holding hearings pursuant to NRS 392.147. If the chairman of an advisory board divides the advisory board into subcommittees, the chairman shall notify the board of trustees of the school district of this action. Upon receipt of such a notice, the board of trustees shall establish rules and procedures for each such subcommittee. A subcommittee shall abide by the applicable rules and procedures when it takes action or makes decisions.

3. ***An advisory board to review school attendance may work with a family resource center or other provider of community services to provide assistance to pupils who are truant. The advisory board shall identify areas within the school district in which community services are not available to assist pupils who are truant. As used in this subsection, "family resource center" has the meaning ascribed to it in NRS 430A.040.***

4. An advisory board to review school attendance created in a county pursuant to NRS 392.126 may use money appropriated by the Legislature and any other money made available to the advisory board for the use of programs to reduce the truancy of pupils in the school district. The advisory board to review school attendance shall, on a quarterly basis, provide to the board of trustees of the school district an accounting of the money used by the advisory board to review school attendance to reduce the truancy of pupils in the school district.

Sec. 6. NRS 392.150 is hereby amended to read as follows:

392.150 ***1.*** The board of trustees of a school district may ~~[:~~

~~1. Appoint~~] ***appoint*** an attendance officer ~~[.]~~ ***for the school district,*** who need not be a licensed employee of the school district, except that in any school district where a system of classified employment is in effect, attendance officers must be classified employees of the school district. ***If the board of trustees appoints an attendance officer for the school district, the board of trustees may:***

~~[2.]~~ ***(a)*** Fix his compensation ~~[.]~~ ***;***

~~[3.]~~ ***(b)*** Prescribe his duties ~~[.]~~ ***; and***

~~[4.]~~ ***(c)*** Adopt regulations not inconsistent with law for the performance of his duties.

2. The board of trustees of each school district shall:

(a) Establish procedures to monitor the attendance and truancy of pupils, including, without limitation, a standard method for reporting the truancy of pupils and a standard method for reporting excessive absences of pupils throughout the school district;

(b) Coordinate efforts to refer pupils who are truant to appropriate providers of community services; and

(c) Determine, based on the attendance and truancy of pupils at each school within the school district, whether to employ an attendance clerk for a particular school or group of schools whose primary responsibility is to monitor the attendance and truancy of pupils.

Sec. 7. NRS 392.220 is hereby amended to read as follows:

392.220 1. Any person ***, including, without limitation, a parent or legal guardian of a child,*** who ***knowingly*** induces or attempts to induce any child to be absent from school unlawfully, ***including, without limitation, requiring the child to provide care for a sibling while school is in session,*** or who knowingly employs or harbors, while school is in session, any child absent unlawfully from school, is guilty of a misdemeanor.

2. The attendance officer ***for the school district, an attendance clerk*** or any other school officer is empowered to visit any place or establishment where minor children are employed to ascertain whether the provisions of this title of NRS are complied with fully, and may demand from all employers of such children a list of children employed, with their names and ages.

Sec. 8. NRS 62E.270 is hereby amended to read as follows:

62E.270 1. If the juvenile court imposes a fine against:

(a) A delinquent child pursuant to NRS 62E.730;

(b) A child who has committed a minor traffic offense, except an offense related to metered parking, pursuant to NRS 62E.700; or

(c) A child in need of supervision ***, or the parent or guardian of the child,*** because the child is a habitual truant pursuant to NRS 62E.430,

➥ the juvenile court shall order the child or the parent or guardian of the child to pay an administrative assessment of $10 in addition to the fine.

2. The juvenile court shall state separately on its docket the amount of money that the juvenile court collects for the administrative assessment.

3. If the child is found not to have committed the alleged act or the charges are dropped, the juvenile court shall return to the child or the parent or guardian of the child any money deposited with the juvenile court for the administrative assessment.

4. On or before the fifth day of each month for the preceding month, the clerk of the court shall pay to the county treasurer the money the juvenile court collects for administrative assessments.

5. On or before the 15th day of each month, the county treasurer shall deposit the money in the county general fund for credit to a special account for the use of the county's juvenile court or for services to delinquent children.

Sec. 9. NRS 62E.430 is hereby amended to read as follows:

62E.430 1. If a child is adjudicated to be in need of supervision because the child is a habitual truant, the juvenile court shall:

(a) The first time the child is adjudicated to be in need of supervision because the child is a habitual truant:

(1) Order ~~[the child to:~~

~~(I) Pay]~~ ***:***

(I) The child to pay a fine of not more than $100 and the administrative assessment required by NRS 62E.270 ~~[;]~~ ***or if the parent or guardian of the child knowingly induced the child to be a habitual truant, order the parent or guardian to pay the fine and the administrative assessment;*** or

(II) ~~[Perform]~~ ***The child to perform*** not less than 8 hours but not more than 16 hours of community service; and

(2) If the child is 14 years of age or older, order the suspension of the driver's license of the child for at least 30 days but not more than 6 months. If the child does not possess a driver's license, the juvenile court shall prohibit the child from applying for a driver's license for 30 days:

(I) Immediately following the date of the order if the child is eligible to apply for a driver's license; or

(II) After the date the child becomes eligible to apply for a driver's license if the child is not eligible to apply for a driver's license.

(b) The second or any subsequent time the child is adjudicated to be in need of supervision because the child is a habitual truant:

(1) Order ~~[the child to:~~

~~(I) Pay]~~ ***:***

(I) The child to pay a fine of not more than $200 and the administrative assessment required by NRS 62E.270 ~~[;]~~ ***or if the parent or guardian of the child knowingly induced the child to be a habitual truant, order the parent or guardian to pay the fine and the administrative assessment;***

(II) ~~[Perform]~~ ***The child to perform*** not more than 10 hours of community service; or

(III) ~~[Comply]~~ ***Compliance*** with the requirements set forth in both sub-subparagraphs (I) and (II); and

(2) If the child is 14 years of age or older, order the suspension of the driver's license of the child for at least 60 days but not more than 1 year. If the child does not possess a driver's license, the juvenile court shall prohibit the child from applying for a driver's license for 60 days:

(I) Immediately following the date of the order if the child is eligible to apply for a driver's license; or

(II) After the date the child becomes eligible to apply for a driver's license if the child is not eligible to apply for a driver's license.

2. The juvenile court may suspend the payment of a fine ordered pursuant to paragraph (a) of subsection 1 if the child attends school for 60 consecutive school days, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, after the imposition of the fine, or has a valid excuse acceptable to his teacher or the principal for any absence from school within that period.

3. ***The juvenile court may suspend the payment of a fine ordered pursuant to this section if the parent or guardian of a child is ordered to pay a fine by another court of competent jurisdiction in a case relating to or arising out of the same circumstances that caused the juvenile court to adjudicate the child in need of supervision.***

4. The community service ordered pursuant to this section must be performed at the child's school of attendance, if practicable.

Sec. 10. NRS 430A.160 is hereby amended to read as follows:

430A.160 1. Each family resource center shall provide referrals to obtain, if available, the following services:

(a) Education on caring for infants and day care services for infants;

(b) Education on parenting;

(c) Health care services for children, including all required immunizations;

(d) Programs to identify and assist developmentally disabled infants and young children of up to 5 years of age;

(e) Day care for children who are old enough to attend school, both before and after school;

(f) Programs to assist senior citizens;

(g) Programs to supplement formal education, including, without limitation, mentor programs for pupils in elementary and secondary schools, literacy programs, programs that encourage parental involvement in school, programs that teach English as a second language, programs to assist in the naturalization process and other alternative educational programs;

(h) Programs to teach adults and children skills for employment and self-sufficiency;

(i) Services that will assist families with physical and mental health issues, the special needs of children, food and nutritional needs, recreational needs, housing problems, domestic violence and substance abuse;

(j) Programs designed to reduce the rate of pregnancies in unmarried teenage girls;

(k) Programs designed to ***assist pupils who are truant from school and to*** reduce the rate at which pupils drop out of school;

(l) Transportation services, particularly to assist people in traveling to the social service agencies from which they may be receiving services pursuant to this section;

(m) Classes that teach alternative means of resolving disputes that arise in the family; and

(n) Any other services for which the communities that the family resource center serves have a need.

2. Each family resource center may offer services directly through its own employees and resources or contract with social service agencies to provide services, or may do both.

3. Any family resource center that offers services directly through its own employees and resources shall comply with all applicable state and federal laws and regulations regarding the delivery of the services.

Sec. 11. 1. The ~~[Chairman of the]~~ Legislative Committee on Education shall ~~[appoint a subcommittee of the members of the Committee to]~~ study issues relating to truancy during the 2007-2009 interim.

2. The ~~[subcommittee appointed pursuant to subsection 1 shall:~~

~~(a) Study and evaluate truancy and issues]~~ **study must include, without limitation, a review of:**

(a) Issues relating to pupils who are truant from school, including, without limitation, measures of prevention, intervention and diversion and the imposition of appropriate discipline.

(b) ~~[Examine the]~~ **The** effectiveness of existing programs designed to reduce the number of pupils who are truant from school and identify programs throughout the State or in other states that are effective.

(c) ~~[Develop recommendations]~~ **Recommendations** for a plan to reduce the number of pupils who are truant from school.

3. ~~[On or before August 1, 2008, the subcommittee appointed pursuant to subsection 1 shall submit to the Legislative Committee on Education:~~

~~(a) A report of its findings; and~~

~~(b) Requests for the drafting of not more than five legislative measures which relate to matters within the scope of the study conducted by the subcommittee. Such requests are in addition to the number of requests authorized for the Legislative Committee on Education in paragraph (a) of subsection 3 of NRS 218.2429.~~

~~4. The Legislative Committee on Education shall:~~

~~(a) Approve or deny the requests for the drafting of legislative measures of the subcommittee; and~~

~~(b)]~~ On or before February 1, 2009, **the Legislative Committee on Education shall** submit the report of ~~[the subcommittee]~~ **its findings and**

any recommendations to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

Sec. 12. The provisions of section 9 of this act do not apply to a parent or guardian of a child who is adjudicated in need of supervision because he is a habitual truant if all acts of truancy occurred before July 1, 2007.

Sec. 13. This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved that the Assembly concur in the Senate amendment to Assembly Bill No. 485.

Remarks by Assemblywoman Parnell.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assemblyman Mabey moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:59 a.m.

ASSEMBLY IN SESSION

At 12 noon.

Madam Speaker presiding.

Quorum present.

Assembly Bill No. 50.

The following Senate amendment was read:

Amendment No. 759.

SUMMARY— ~~[Amends the exceptions authorizing the release of the home address of a peace officer by a law enforcement agency in certain circumstances.]~~ **Makes various changes to provisions relating to peace officers.** (BDR 23-146)

AN ACT relating to peace officers; **requiring law enforcement agencies to adopt policies and procedures that provide for the acceptance of service of any legal process on behalf of peace officers;** amending the exceptions that authorize the release of the home address of a peace officer by a law enforcement agency in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ **Section 1 of this bill requires law enforcement agencies to adopt policies and procedures that provide for the acceptance of service of any legal process on behalf of peace officers.**

Existing law provides that the home address of a peace officer is not public information and is confidential unless the peace officer authorizes the release of the address or has been arrested. (NRS 289.025) Section 2 of this bill authorizes the release of the home address of a peace officer to the public **only** if the officer has been arrested and the home address is included

in a report of a 911 telephone call, a police report, a witness statement or certain reports relating to the custody of a child. (NRS 289.025)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Each law enforcement agency shall adopt policies and procedures that provide for the acceptance of service of any legal process that is served on a peace officer employed by the law enforcement agency.

2. The policies and procedures required by subsection 1 must include, without limitation:

(a) At least one centralized location at which service of legal process will be accepted on behalf of peace officers.

(b) At least a 4-hour consecutive period on each workday when service of legal process will be accepted at any location specified pursuant to paragraph (a).

3. Each law enforcement agency shall:

(a) Post a copy of the policies and procedures adopted pursuant to subsection 1 in a conspicuous place at each location described in paragraph (a) of subsection 2; and

(b) Upon request, provide a copy of the policies and procedures adopted pursuant to subsection 1 to any member of the public.

4. Any legal process to be served upon a peace officer may be served in the manner provided by the policies and procedures adopted pursuant to subsection 1.

5. This section provides an additional manner of serving legal process, and does not affect the validity of any other valid service.

6. As used in this section, "legal process" means a subpoena, any civil or criminal process or any demand or notice authorized by law to be served upon a person.

~~[Section 1.]~~ ***Sec. 2.*** NRS 289.025 is hereby amended to read as follows:

289.025 1. Except as otherwise provided in ~~[subsection 2,]~~ ***subsections 2 and 3,*** the home address and any photograph of a peace officer in the possession of a law enforcement agency are not public information and are confidential.

2. The ~~[home address and]~~ photograph of a peace officer may be released:

(a) If the peace officer authorizes the release; or

(b) If the peace officer has been arrested.

3. The home address of a peace officer may be released if a peace officer has been arrested and the home address is included in any of the following:

(a) A report of a 911 telephone call.

(b) A police report, investigative report or complaint which a person filed with a law enforcement agency.

(c) A statement made by a witness.

(d) A report prepared pursuant to NRS 432B.540 by an agency which provides child welfare services, which report details a plan for the placement of a child.

Sec. 3. **NRS 174.345 is hereby amended to read as follows:**

174.345 1. Except as otherwise provided in NRS 174.315 and subsection 2, a subpoena may be served by a peace officer or by any other person who is not a party and who is not less than 18 years of age. ~~[Service]~~ ***Except as otherwise provided in section 1 of this act, service*** of a subpoena must be made by delivering a copy thereof to the person named.

2. Except as otherwise provided in NRS 174.315, a subpoena to attend a misdemeanor trial may be served by mailing the subpoena to the person to be served by registered or certified mail, return receipt requested from that person, in a sealed postpaid envelope, addressed to the person's last known address, not less than 10 days before the trial which the subpoena commands him to attend.

3. If a subpoena is served by mail, a certificate of the mailing must be filed with the court within 2 days after the subpoena is mailed.

~~[Sec. 2.]~~ ***Sec. 4.*** This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 50.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

Bill ordered to transmitted to the Senate.

UNFINISHED BUSINESS
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 25, 87, 92, 193, 247, 263, 296, 364, 373, 386, 404, 410, 439, 490, 498, 514, 526, 558, 562, 592, and 600.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Gail Ruff, Cassie Funk, and John Corbin.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Ann Reynolds, Beth Honebein, and Anthony Baerlocher.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Chip Evans.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from East Valley Elementary School: Judy Haynes, Jazmyn Simone Battle, McKenzi Celeste Bowen, Emily Nicole Bruce, Tarin Nichole Butchert, Jeremiah Jackob Carpenter, Rudy S. Cuellar, Brooke Lauren Curtis, Simone Alycia Daniels, Cody Ryan Frontino, Jaryd Archimedes Gray, Christopher Joel Grgich, Austin Michael Grooms, Brianna Zoey Houchin-Samuel, Chandler Alexander Kremin, Robert Bradley Krolnik, Haley Louise Machell, Alexandra Lillie Mayfield, Jasmine Cecilia Anne Morris, Celeste Rita Quinn, Colby James Souza, Monica Lee Trout, Kelly Ann Tudtud, Amber Marie Tuller, Nicholas Sterling Waldron, Zachary Tyler Walker, Shiloh Hunter Blue Weaver, Ryan Matthew Wilson, James Joseph Blackmun, and James Earl Myers.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Daugherty.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Saba Alim, Ejaz Kamboj, and Sana Kamboj.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Truckee Meadows Community College High School: Chris Barrett, Launie Gardner, Brooke Allred, Alexander Biber, Justin Cotton, Afton Crites, Lyssa Dressler, Sharee Gillies, Amber Hull, Trever Jackson, Mariah Laursen, Heather Lukaesko, Alexia McMeekin, Andrew Peterson, Shelley Smith, Austin Thomas, Brandy Thurman, Sarah Villa , Alexander White, Ying Zhang, Haley Bond, Ashley Chapppell, Nicholas Chrysanthou, Megan Evans, Marc Favia, Megan Gale, Hayley Garcia, Margaret Keckley, Cort Larson, Nicholas Lieberman, Samantha Reed, Janna Riggins, Yessenia Wells, Elizabeth Wilson, Rebecca Bradley, Steven Collier, Thomas Dixon, Alex Estrada, Jake Goforth, Margaret Tuhus, Dorie Guy, Laynette Evans, and Liz Brown.

Assemblyman Oceguera moved that the Assembly adjourn until Wednesday, May 30, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 12:03 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTEENTH DAY

CARSON CITY (Wednesday), May 30, 2007

Assembly called to order at 11:26 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Minister Bruce Henderson.

Well, it's Wednesday, named after a Norse God, in the work week called "hump day," and described by Mother Goose as full of woe. Very often in Nevada, we should it "Windyday." Whatever the term, we ask for nothing less than Your divine presence on this, our mid-week. We need what only You can provide at this critical time.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Concurrent Resolution No. 33, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

ELLEN KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 625, 626, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 29, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 418, Senate Amendment No. 757, and requests a conference, and appointed Senators Amodei, Care and McGinness as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 467, 469.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 67.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 938 to Senate Bill No. 69; Assembly Amendment No. 789 to Senate Bill No. 92; Assembly Amendment No. 954 to Senate Bill No. 95; Assembly Amendment No. 746 to Senate Bill No. 101; Assembly Amendment No. 747 to Senate Bill

No. 117; Assembly Amendment No. 680 to Senate Bill No. 136; Assembly Amendment No. 781 to Senate Bill No. 140; Assembly Amendment No. 903 to Senate Bill No. 146; Assembly Amendment No. 889 to Senate Bill No. 157; Assembly Amendment No. 780 to Senate Bill No. 200; Assembly Amendment No. 890 to Senate Bill No. 202; Assembly Amendment No. 842 to Senate Bill No. 203; Assembly Amendment No. 907 to Senate Bill No. 228; Assembly Amendment No. 847 to Senate Bill No. 289; Assembly Amendment No. 793 to Senate Bill No. 298; Assembly Amendment No. 748 to Senate Bill No. 307; Assembly Amendment No. 860 to Senate Bill No. 314; Assembly Amendment No. 749 to Senate Bill No. 374; Assembly Amendment No. 824 to Senate Bill No. 398; Assembly Amendment No. 725 to Senate Bill No. 403; Assembly Amendment No. 924 to Senate Bill No. 409; Assembly Amendment No. 783 to Senate Bill No. 497; Assembly Amendment No. 850 to Senate Bill No. 502; Assembly Amendment No. 744 to Senate Bill No. 535.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 934 to Senate Bill No. 5; Assembly Amendment No. 955 to Senate Bill No. 19; Assembly Amendment No. 797 to Senate Bill No. 84; Assembly Amendment No. 906 to Senate Bill No. 171; Assembly Amendments Nos. 796, 1028 to Senate Bill No. 201; Assembly Amendment No. 1032 to Senate Bill No. 234; Assembly Amendment No. 871 to Senate Bill No. 320; Assembly Amendment No. 810 to Senate Bill No. 329; Assembly Amendments Nos. 676, 750 to Senate Bill No. 352; Assembly Amendment No. 723 to Senate Bill No. 432; Assembly Amendment No. 837 to Senate Bill No. 483; Assembly Amendments Nos. 895, 1031 to Senate Bill No. 516; Assembly Amendment No. 985 to Senate Bill No. 529.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 33.

Assemblywoman Smith moved the adoption of the resolution.

Remarks by Assemblywoman Smith.

Resolution adopted and ordered transmitted to the Senate.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Resolution No. 16—Designating certain members of the Assembly as regular and alternate members of the Legislative Commission.

Assemblyman Oceguera moved the adoption of the resolution.

Remarks by Assemblyman Oceguera.

Resolution adopted.

NOTICE OF WAIVER

A Waiver requested by: Senators Lee and Nolan

For: A New BDR No. 43-1525: Makes various changes in the funding of highway projects.

To Waive:

Subsections 1 and 2 of Joint Standing Rule No. 14 and Joint Standing Rule Nos. 14.2 and 14.3.

Has been granted effective: May 28, 2007.

WILLIAM J. RAGGIO
Senate Majority Leader

BARBARA BUCKLEY
Speaker of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 67.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 467.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 469.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 625.

Bill read third time.

Roll call on Assembly Bill No. 625:

YEAS—42.

NAYS—None.

Assembly Bill No. 625 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 626.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 626:

YEAS—42.

NAYS—None.

Assembly Bill No. 626 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Oceguera moved that the Assembly do not recede from its action on Senate Bill No. 19, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Oceguera.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Horne, Parks, and Mabey as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 19.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Oceguera moved that the Assembly do not recede from its action on Senate Bill No. 432, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Oceguera.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Conklin, Kirkpatrick, and Mabey as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 432.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 385.

The following Senate amendment was read:

Amendment No. 771.

AN ACT relating to the practice of medicine; authorizing the Board of Medical Examiners to issue ~~[special]~~ restricted licenses **;** ~~[and establish fees for those licenses;]~~ regulating the performance of laser surgery, intense pulsed light therapy and the injection of ~~[cosmetic and]~~ chemotherapeutic ~~[substances;]~~ **agents;** increasing certain penalties; revising the scope of practice authorized for a physician practicing under a special volunteer medical license; making physicians subject to discipline for incurring or failing to report any disciplinary action in another jurisdiction or failing to obtain the informed consent of a patient to any procedure or therapy; providing peer reviewers and employees and volunteers working in a diversion program of the Board with limited civil immunity; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and 16 of this bill extend to physician assistants certain duties and immunities applicable to other providers of health care. (NRS 41.505, 629.031)

~~[Sections 3 and 12]~~ **Section 3** of this bill ~~[authorize]~~ **authorizes** the Board of Medical Examiners to issue ~~[special]~~ restricted licenses to graduates of foreign medical schools who wish to engage in research, teaching or the practice of clinical medicine ~~[in special medical programs.]~~ **at a medical research facility or medical school in this State.**

~~[Sections 4 and 15.5 of this bill prohibit a person from performing a medical procedure in connection with laser surgery or intense pulsed light~~

~~therapy unless the person is licensed as a physician , physician assistant, osteopathic physician or osteopathic physician's assistant.]~~ Sections 4 and 15.5 ~~[also require]~~ **of this bill provide** that laser surgery or intense pulsed light therapy on the globe of the eye **may** be performed **only** by a licensed physician or osteopathic physician who has completed a residency program in ophthalmology.

Section 5 of this bill prohibits a person, other than a physician, from injecting a patient with any ~~[cosmetic or]~~ chemotherapeutic ~~[substance]~~ **agent classified as a prescription drug** unless the person is a licensed or certified health care worker, acting within the scope of his license or certificate and under the supervision of a physician. **Section 5 also defines the term "prescription drug" as a controlled substance or dangerous drug that may only be dispensed pursuant to a lawful prescription as well as any other substance or drug that can be substituted for such a controlled substance or drug.**

Section 17 of this bill provides for the creation of a subcommittee by the Legislative Committee on Health Care. Section 17 requires the subcommittee to review the regulation of the use of lasers and intense pulsed light therapy in the performance of medical procedures and the use of injections of chemotherapeutic substances in the performance of procedures.

Sections 8 and 9 of this bill increase the penalties for physicians who fail to provide written notice to the Board of changes in their status and location. (NRS 630.254, 630.255)

Section 10 of this bill expands the scope of practice authorized for a physician practicing under a special volunteer medical license to include the treatment of persons who are uninsured or unable to afford health care in addition to the treatment of persons who are indigent.

Sections 13 and 14 of this bill expand the acts for which the Board may initiate discipline or deny licensure to include: (1) any disciplinary action taken against a physician by another jurisdiction; (2) failing to report the disciplinary action; and (3) failing to obtain the informed consent of a patient before performing any procedure or prescribing any therapy. (NRS 630.301, 630.306)

Section 15 of this bill extends the Board's limited immunity from civil liability to the Board's peer reviewers and persons working in diversion programs. (NRS 630.364)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by specific statute:

1. "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, ***physician assistant,*** dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care,

registered physical therapist, podiatric physician, licensed psychologist, licensed marriage and family therapist, chiropractor, athletic trainer, doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist or a licensed hospital as the employer of any such person.

2. For the purposes of NRS 629.051, 629.061 and 629.065, the term includes a facility that maintains the health care records of patients.

Sec. 2. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. ***1. Except as otherwise provided in NRS 630.161, the Board may issue a*** ~~*[special]*~~ ***restricted license to*** ~~*[practice medicine to]*~~ ***a person who:***

(a) Is a graduate of a foreign medical school;

(b) Teaches, researches or practices medicine outside of the United States;

(c) Is a recognized medical expert; and

(d) Intends to teach, ~~*[who intends to teach, engage in]*~~ ***research or practice clinical medicine*** ~~*[in a special medical program that is approved by the Board and conducted by the University of Nevada School of Medicine or a medical research center that is recognized by the Board.]*~~ ***at a medical research facility or medical school in this State.***

2. A person who applies for a ~~*[special]*~~ ***restricted license pursuant to this section is not required to take or pass a written examination concerning***

his qualifications to practice medicine, but the person must satisfy the requirements for a ~~*[special]*~~ ***restricted license set forth in regulations adopted by the Board.***

3. A person who holds a ~~*[special]*~~ ***restricted license pursuant to this section may practice medicine in this State only in accordance with the terms and restrictions established by the Board.***

~~*[4. A special restricted license expires automatically if the holder of the license ceases to practice medicine in the special medical program for which he received the license. The University of Nevada School of Medicine or medical research center that conducts the special medical program shall notify the Board within 10 days after the holder of the license ceases to practice medicine in the special medical program.*~~

~~*5. The Board may renew or modify a special restricted license unless the license expired automatically or was revoked by the Board.*~~

~~*6. The Board shall adopt regulations to carry out the provisions of this section.]*~~

Sec. 4. ~~*[1. Except as otherwise provided in section 15.5 of this act, a person shall not perform a medical procedure in connection with laser surgery or intense pulsed light therapy unless he holds a license issued pursuant to this chapter as a physician or physician assistant.*~~

~~*2.]*~~ ***Laser surgery or intense pulsed light therapy on the globe of the eye of a patient may be performed only by a licensed physician who has***

completed a program of progressive postgraduate education in ophthalmology as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education or the Council on Medical Education of the Canadian Medical Association.

Sec. 5. ***1. A person, other than a physician, shall not inject a patient with any [cosmetic or] chemotherapeutic [substance] agent classified as a prescription drug unless:***

[1.] (a) The person is licensed or certified to perform medical services pursuant to this title;

[2.] (b) The administration of the injection is within the scope of the person's license or certificate; and

[3.] (c) The person administers the injection under the supervision of a physician. The Board shall prescribe the requirements for supervision pursuant to this subsection.

2. As used in this section:

(a) "Dangerous drug" has the meaning ascribed to it in NRS 454.201.

(b) "Prescription drug" means:

(1) A controlled substance or dangerous drug that may be dispensed to an ultimate user only pursuant to a lawful prescription; and

(2) Any other substance or drug substituted for such a controlled substance or dangerous drug.

Sec. 6. NRS 630.025 is hereby amended to read as follows:

630.025 "Supervising physician" means an active physician licensed ***and in good standing*** in the State of Nevada who [employs and] supervises a physician assistant.

Sec. 7. NRS 630.160 is hereby amended to read as follows:

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing him to practice.

2. Except as otherwise provided in NRS 630.1605, 630.161 and 630.258 to 630.265, inclusive, ***and section 3 of this act,*** a license may be issued to any person who:

(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(b) Has received the degree of doctor of medicine from a medical school:

(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;

(c) Is currently certified by a specialty board of the American Board of Medical Specialties and who agrees to maintain [such] ***the*** certification for the duration of his licensure, or has passed:

(1) All parts of the examination given by the National Board of Medical Examiners;

(2) All parts of the Federation Licensing Examination;

(3) All parts of the United States Medical Licensing Examination;

(4) All parts of a licensing examination given by any state or territory of the United States, if the applicant is certified by a specialty board of the American Board of Medical Specialties;

(5) All parts of the examination to become a licentiate of the Medical Council of Canada; or

(6) Any combination of the examinations specified in subparagraphs (1), (2) and (3) that the Board determines to be sufficient;

(d) Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive medicine or family practice and who agrees to maintain certification in at least one of these specialties for the duration of his licensure, or:

(1) Has completed 36 months of progressive postgraduate:

(I) Education as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education or the Coordinating Council of Medical Education of the Canadian Medical Association; or

(II) Fellowship training in the United States or Canada approved by the Board or the Accreditation Council for Graduate Medical Education; or

(2) Has completed at least 36 months of postgraduate education, not less than 24 months of ~~[such postgraduate education must be]~~ ***which must have been completed*** as a resident after receiving a medical degree from a combined dental and medical degree program approved by the Board; and

(e) Passes a written or oral examination, or both, as to his qualifications to practice medicine and provides the Board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph (b).

Sec. 8. NRS 630.254 is hereby amended to read as follows:

630.254 1. Each licensee shall maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent. A licensee who changes his permanent mailing address shall notify the Board ***in writing*** of his new permanent mailing address within 30 days after the change. If a licensee fails to notify the Board ***in writing*** of a change in his permanent mailing address within 30 days after the change, the Board:

(a) Shall impose upon the licensee a fine not to exceed ~~[$100;]~~ ***$250;*** and

(b) May initiate disciplinary action against the licensee as provided pursuant to subsection 9 of NRS 630.306.

2. Any licensee who changes the location of his office in this State shall notify the Board ***in writing*** of the change before practicing at the new location.

3. Any licensee who closes his office in this State shall:

(a) Notify the Board ***in writing*** of this occurrence within 14 days after the closure; and

(b) For a period of 5 years thereafter keep the Board apprised ***in writing*** of the location of the medical records of his patients.

Sec. 9. NRS 630.255 is hereby amended to read as follows:

630.255 1. Any licensee who changes the location of his practice of medicine from this State to another state or country, has never engaged in the practice of medicine in this State after licensure or has ceased to engage in the practice of medicine in this State for 12 consecutive months may be placed on inactive status by order of the Board.

2. Each inactive registrant shall maintain a permanent mailing address with the Board to which all communications from the Board to the registrant must be sent. An inactive registrant who changes his permanent mailing address shall notify the Board ***in writing*** of his new permanent mailing address within 30 days after the change. If an inactive registrant fails to notify the Board ***in writing*** of a change in his permanent mailing address within 30 days after the change, the Board shall impose upon the registrant a fine not to exceed ~~[$100.]~~ ***$250.***

3. Before resuming the practice of medicine in this State, the inactive registrant must:

(a) Notify the Board of his intent to resume the practice of medicine in this State;

(b) File an affidavit with the Board describing his activities during the period of his inactive status;

(c) Complete the form for registration for active status;

(d) Pay the applicable fee for biennial registration; and

(e) Satisfy the Board of his competence to practice medicine.

4. If the Board determines that the conduct or competence of the registrant during the period of inactive status would have warranted denial of an application for a license to practice medicine in this State, the Board may refuse to place the registrant on active status.

Sec. 10. NRS 630.258 is hereby amended to read as follows:

630.258 1. A physician who is retired from active practice and who wishes to donate his expertise for the medical care and treatment of ~~[indigent]~~ persons in this State ***who are indigent, uninsured or unable to afford health care*** may obtain a special volunteer medical license by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer medical license must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the physician;

(b) Proof that the physician previously has been issued an unrestricted license to practice medicine in any state of the United States and that he has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the physician satisfies the requirements for licensure set forth in NRS 630.160 or the requirements for licensure by endorsement set forth in NRS 630.1605;

(d) Acknowledgment that the practice of the physician under the special volunteer medical license will be exclusively devoted to providing medical care to ~~[indigent]~~ persons in this State ~~[,]~~ ***who are indigent, uninsured or unable to afford health care;*** and

(e) Acknowledgment that the physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer medical license, except for payment by a medical facility at which the physician provides volunteer medical services of the expenses of the physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of a physician satisfies the requirements of subsection 2 and that the retired physician is competent to practice medicine, the Board shall issue a special volunteer medical license to the physician.

4. The initial special volunteer medical license issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer medical license; or

(b) The issuance or renewal of a special volunteer medical license pursuant to this section.

6. A physician who is issued a special volunteer medical license pursuant to this section and who accepts the privilege of practicing medicine in this State pursuant to the provisions of the special volunteer medical license is subject to all the provisions governing disciplinary action set forth in this chapter.

7. A physician who is issued a special volunteer medical license pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 11. NRS 630.265 is hereby amended to read as follows:

630.265 1. Except as otherwise provided in NRS 630.161, the Board may issue to a qualified applicant a limited license to practice medicine as a resident physician in a graduate program approved by the Accreditation Council for Graduate Medical Education if he is:

(a) A graduate of an accredited medical school in the United States or Canada; or

(b) A graduate of a foreign medical school and has received the standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that Commission that he passed the examination given by it.

2. The medical school or other institution sponsoring the program shall provide the Board with written confirmation that the applicant has been appointed to a position in the program and is a citizen of the United States or lawfully entitled to remain and work in the United States. ~~[Such a]~~ ***A limited*** license remains valid only while the licensee is actively practicing medicine in the residency program and is legally entitled to work and remain in the United States.

3. The Board may issue ~~[such]~~ a limited license for not more than 1 year but may renew the license if the applicant for the limited license meets the requirements set forth by the Board by regulation.

4. The holder of a limited license may practice medicine only in connection with his duties as a resident physician or under such conditions as are approved by the director of the program **.** ~~[and the Board.]~~

5. The holder of a limited license granted pursuant to this section may be disciplined by the Board at any time for any of the grounds provided in NRS 630.161 or 630.301 to 630.3065, inclusive.

Sec. 12. ~~[NRS 630.268 is hereby amended to read as follows:~~

~~630.268 1. The Board shall charge and collect not more than the following fees:~~

~~For application for and issuance of a license to practice as a physician, including a license by endorsement $600~~

~~For application for and issuance of a temporary, locum tenens, limited, restricted, special , *special restricted* or special purpose license 400~~

~~For renewal of a limited, restricted or special license $400~~

~~For application for and issuance of a license as a physician assistant 400~~

~~For biennial registration of a physician assistant 800~~

~~For biennial registration of a physician 800~~

~~For application for and issuance of a license as a practitioner of respiratory care 400~~

~~For biennial registration of a practitioner of respiratory care 600~~

~~For biennial registration for a physician who is on inactive status 400~~

~~For written verification of licensure 50~~

~~For a duplicate identification card 25~~

~~For a duplicate license 50~~

~~For computer printouts or labels 500~~

~~For verification of a listing of physicians, per hour 20~~

~~For furnishing a list of new physicians 100~~

~~2. In addition to the fees prescribed in subsection 1, the Board shall charge and collect necessary and reasonable fees for its other services.~~

~~3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid for by the person or entity requesting the special meeting.~~ [Such a] ~~*A* special meeting must not be called until the person or entity requesting it has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.]~~ **(Deleted by amendment.)**

Sec. 13. NRS 630.301 is hereby amended to read as follows:

630.301 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Conviction of a felony relating to the practice of medicine or the ability to practice medicine. A plea of nolo contendere is a conviction for the purposes of this subsection.

2. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, or 616D.350 to 616D.440, inclusive.

3. ~~[The]~~ ***Any disciplinary action, including, without limitation, the*** revocation, suspension, modification or limitation of ~~[the]~~ ***a*** license to practice any type of medicine ***, taken*** by ***another state, the Federal Government, a foreign country or*** any other jurisdiction or the surrender of the license or discontinuing the practice of medicine while under investigation by any licensing authority, a medical facility, a branch of the Armed Services of the United States, an insurance company, an agency of the Federal Government or an employer.

4. Malpractice, which may be evidenced by claims settled against a practitioner, but only if ~~[such]~~ ***the*** malpractice is established by a preponderance of the evidence.

5. The engaging by a practitioner in any sexual activity with a patient who is currently being treated by the practitioner.

6. Disruptive behavior with physicians, hospital personnel, patients, members of the families of patients or any other persons if the behavior interferes with patient care or has an adverse impact on the quality of care rendered to a patient.

7. The engaging in conduct that violates the trust of a patient and exploits the relationship between the physician and the patient for financial or other personal gain.

8. The failure to offer appropriate procedures or studies, to protest inappropriate denials by organizations for managed care, to provide necessary services or to refer a patient to an appropriate provider, when ~~[such a]~~ ***the*** failure occurs with the intent of positively influencing the financial well-being of the practitioner or an insurer.

9. The engaging in conduct that brings the medical profession into disrepute, including, without limitation, conduct that violates any provision of a code of ethics adopted by the Board by regulation based on a national code of ethics.

10. The engaging in sexual contact with the surrogate of a patient or other key persons related to a patient, including, without limitation, a spouse, parent or legal guardian, which exploits the relationship between the physician and the patient in a sexual manner.

11. Conviction of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any felony involving the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS; or

(g) Any offense involving moral turpitude.

Sec. 14. NRS 630.306 is hereby amended to read as follows:

630.306 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

2. Engaging in any conduct:

(a) Which is intended to deceive;

(b) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

(c) Which is in violation of a regulation adopted by the State Board of Pharmacy.

3. Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or to others except as authorized by law.

4. Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

5. Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he is not competent to perform.

6. Performing, without first obtaining the informed consent of the patient or his family, any procedure or prescribing any therapy which by the current standards of the practice of medicine ~~[are]~~ ***is*** experimental.

7. Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

8. Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

9. Failing to comply with the requirements of NRS 630.254.

10. Habitual intoxication from alcohol or dependency on controlled substances.

11. Failure by a licensee or applicant to report ~~[,]~~ ***in writing,*** within 30 days, ***any disciplinary action taken against him by another state, the Federal Government or a foreign country, including, without limitation,*** the revocation, suspension or surrender of his license to practice medicine in another jurisdiction.

12. Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

Sec. 15. NRS 630.364 is hereby amended to read as follows:

630.364 1. Any person or organization who furnishes information concerning an applicant for a license or a licensee in good faith and without malicious intent in accordance with the provisions of this chapter is immune from any civil action for furnishing that information.

2. The Board and any of its members and its staff, counsel, investigators, experts, ***peer reviewers,*** committees, panels, hearing officers**,** ~~[and]~~ consultants ***and the employees or volunteers of a diversion program*** are immune from any civil liability for:

(a) Any decision or action taken in good faith and without malicious intent in response to information acquired by the Board.

(b) Disseminating information concerning an applicant for a license or a licensee to other boards or agencies of the State, the Attorney General, any hospitals, medical societies, insurers, employers, patients and their families or any law enforcement agency.

3. As used in this section, "diversion program" means a program approved by the Board to correct a licensee's alcohol or drug dependence or any other impairment.

Sec. 15.5. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

~~*[1. Except as otherwise provided in section 4 of this act, a person shall not perform a medical procedure in connection with laser surgery or intense pulsed light therapy unless he holds a license or certificate issued pursuant to this chapter as an osteopathic physician or osteopathic physician's assistant.*~~

~~*2.]*~~ ***Laser surgery or intense pulsed light therapy on the globe of the eye of a patient may be performed only by a licensed osteopathic physician who has completed a program of progressive postgraduate education in ophthalmology as a resident in the United States or Canada in a program approved by the*** ~~*[Board,]*~~ ***Bureau of Osteopathic Education of the American Osteopathic Association, the Accreditation Council for Graduate Medical Education or the Council on Medical Education of the Canadian Medical Association.***

Sec. 16. NRS 41.505 is hereby amended to read as follows:

41.505 1. Any physician ***, physician assistant*** or registered nurse who in good faith gives instruction or provides supervision to an emergency medical attendant ***, physician assistant*** or registered nurse, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in giving that instruction or providing that supervision. An emergency medical attendant, ***physician assistant,*** registered nurse or licensed practical nurse who obeys an instruction given by a physician, ***physician assistant,*** registered nurse or

licensed practical nurse and thereby renders emergency care, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in rendering that emergency care.

2. Except as otherwise provided in subsection 3, any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state, who renders emergency care or assistance in an emergency, gratuitously and in good faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance or as a result of any failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person. This section does not excuse a physician ***, physician assistant*** or nurse from liability for damages resulting from his acts or omissions which occur in a licensed medical facility relative to any person with whom there is a preexisting relationship as a patient.

3. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who renders emergency obstetrical care or assistance to a pregnant woman during labor or the delivery of the child is not liable for any civil damages as a result of any act or omission by him in rendering that care or assistance if:

(a) The care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct;

(b) The person has not previously provided prenatal or obstetrical care to the woman; and

(c) The damages are reasonably related to or primarily caused by a lack of prenatal care received by the woman.

➥ A licensed medical facility in which ~~[such]~~ ***the*** care or assistance is rendered is not liable for any civil damages as a result of any act or omission by the person in rendering that care or assistance if that person is not liable for any civil damages pursuant to this subsection and the actions of the medical facility relating to the rendering of that care or assistance do not amount to gross negligence or reckless, willful or wanton conduct.

4. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who:

(a) Is retired or otherwise does not practice on a full-time basis; and

(b) Gratuitously and in good faith, renders medical care within the scope of his license to an indigent person,

➥ is not liable for any civil damages as a result of any act or omission by him, not amounting to gross negligence or reckless, willful or wanton conduct, in rendering that care.

5. Any person licensed to practice medicine under the provisions of chapter 630 or 633 of NRS or licensed to practice dentistry under the provisions of chapter 631 of NRS who renders care or assistance to a patient for a governmental entity or a nonprofit organization is not liable for any civil damages as a result of any act or omission by him in rendering that care or assistance if the care or assistance is rendered gratuitously, in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct.

6. As used in this section:

(a) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to chapter 450B of NRS.

(b) "Gratuitously" has the meaning ascribed to it in NRS 41.500.

Sec. 17. **1. The Legislative Committee on Health Care shall appoint a subcommittee to review the regulation of:**

(a) The use of lasers and intense pulsed light therapy in the performance of medical procedures on patients; and

(b) The use of injections of cosmetic or chemotherapeutic substances in the performance of procedures on patients.

2. The subcommittee must consist of at least three members of the Legislative Committee on Health Care, all of whom are to be appointed by the Chairman of the Legislative Committee on Health Care.

3. The Chairman of the Legislative Committee on Health Care shall designate a member of the subcommittee to serve as Chairman of the subcommittee.

4. The subcommittee shall:

(a) Conduct:

(1) A review of the laws and regulations of this State relating to the issues described in subsection 1; and

(2) A study concerning the issues described in subsection 1;

(b) In carrying out the provisions of paragraph (a), consult with a representative of:

(1) The practice of ophthalmology in this State;

(2) The practice of dermatology in this State;

(3) The practice of cosmetic or plastic surgery in this State; and

(4) The medical spa industry in this State; and

(c) Not later than June 30, 2008, submit a report of the results of its review and study and any recommendations for legislation to the Legislative Committee on Health Care.

5. The subcommittee may contract with such experts, researchers and consultants as may be necessary for the subcommittee to carry out its duties.

Assemblyman Oceguera moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 385.

Remarks by Assemblyman Oceguera.
Motion carried.
Bill ordered transmitted to the Senate.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Leslie moved that the Assembly do not recede from its action on Senate Bill No. 5, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.
Remarks by Assemblywoman Leslie.
Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblywomen McClain, Parnell, and Weber as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 5.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Leslie moved that the Assembly do not recede from its action on Senate Bill No. 171, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.
Remarks by Assemblywoman Leslie.
Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblywomen McClain, Koivisto, and Weber as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 171.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Leslie moved that the Assembly do not recede from its action on Senate Bill No. 529, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.
Remarks by Assemblywoman Leslie.
Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Pierce, Gerhardt, and Hardy as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 529.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 431.
The following Senate amendment was read:

Amendment No. 899.

AN ACT relating to condominium hotels; establishing provisions governing condominium hotels; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill establishes provisions governing condominium hotels. These provisions are set forth in a new chapter that is patterned closely after chapter 116 of NRS which governs common-interest communities. This new chapter governing condominium hotels contains provisions regarding: (1) the creation, alteration and termination of condominium hotels; (2) the management of condominium hotels; (3) the protection of purchasers; and (4) the administration and enforcement of the chapter.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 10 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 177, inclusive, of this act.

Sec. 2. ***This chapter may be cited as the Condominium Hotel Act.***

Sec. 3. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 47, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Administrator" means the Real Estate Administrator.***

Sec. 5. ***1. "Affiliate of a declarant" means any person who controls, is controlled by or is under common control with a declarant.***

2. A person "controls" a declarant if the person:

(a) Is a general partner, officer, director or employer of the declarant;

(b) Directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote or holds proxies representing, more than 20 percent of the voting interest in the declarant;

(c) Controls in any manner the election of a majority of the directors of the declarant; or

(d) Has contributed more than 20 percent of the capital of the declarant.

3. A person "is controlled by" a declarant if the declarant:

(a) Is a general partner, officer, director or employer of the person;

(b) Directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote or holds proxies representing, more than 20 percent of the voting interest in the person;

(c) Controls in any manner the election of a majority of the directors of the person; or

(d) Has contributed more than 20 percent of the capital of the person.

4. Control does not exist if the powers described in this section are held solely as security for an obligation and are not exercised.

Sec. 6. *"Allocated interests" means the undivided interest in the common elements, the liability for common expenses and votes in the association* , *but* , *except as otherwise provided in the declaration,* *not in the shared components or the hotel unit.*

Sec. 7. *"Association" or "unit-owners' association" means a unit-owners' association for a condominium hotel organized under section 82 of this act.*

Sec. 8. *"Commission" means the Commission for Common-Interest Communities and Condominium Hotels created by NRS 116.600.*

Sec. 9. *"Common elements" means any real estate within the condominium hotel, excluding the units and shared components, that is designated or defined in the declaration as being a common element, which may include, without limitation, airspace or subsurface rights.*

Sec. 10. *"Common expenses" means expenditures made by, or financial liabilities of, the association, together with any allocations to reserves.*

Sec. 11. *"Community manager" means a person who provides for or otherwise engages in the management of a common-interest community or the management of an association of a condominium hotel.*

Sec. 12. *"Complaint" means a complaint filed by the Administrator pursuant to section 172 of this act.*

Sec. 13. *"Condominium hotel" means a development in which:*

1. Portions of the real estate are designated for separate ownership;

2. A hotel unit is defined which may contain shared components;

3. A transient rental program may be offered to the residential units' owners; and

4. The remainder of the real estate, which may be limited to airspace or subsurface rights, is designated as common elements and is controlled by an association.

Sec. 14. *"Converted building" means a building that at any time before creation of the condominium hotel was occupied wholly or partially by persons other than purchasers and persons who occupy with the consent of purchasers.*

Sec. 14.5. *"Dealer" means a person in the business of selling units for his own account.*

Sec. 15. *"Declarant" means any person or group of persons acting in concert who, as part of a common promotional plan, offers to dispose of his or its interest in a unit not previously disposed of,* ~~*[and includes any successors or assignees of the declarant.]*~~ *or reserves or succeeds to any special declarant's rights.*

Sec. 16. *"Declaration" means any instrument, however denominated, that creates a condominium hotel, including any amendment to an instrument.*

Sec. 17. *"Developmental rights" means any right or combination of rights reserved by a declarant in the declaration to:*

1. Add real estate to a condominium hotel;

2. Create units, common elements, limited common elements, shared components or a hotel unit within a condominium hotel;

3. Subdivide units or convert units into common elements, shared components or part of a hotel unit;

4. Subdivide or convert common elements into shared components or part of a hotel unit; or

5. Withdraw real estate from a condominium hotel.

Sec. 18. *"Dispose" or "disposition" means a voluntary transfer to a purchaser of any legal or equitable interest in a residential unit, but the term does not include the transfer or release of a security interest.*

Sec. 19. *"Division" means the Real Estate Division of the Department of Business and Industry.*

Sec. 20. *"Executive board" means the body, regardless of name, designated in the declaration to act on behalf of the association.*

Sec. 21. *"Financial statement" means a financial statement of an association that is prepared and presented in accordance with the requirements established by the Commission pursuant to section 112 of this act.*

Sec. 22. *"Governing documents" means:*

1. The declaration for the condominium hotel;

2. The articles of incorporation, articles of association, articles of organization, certificate of registration, certificate of limited partnership, certificate of trust or other documents that are used to organize the association for the condominium hotel;

3. The bylaws and rules of the association; and

4. Any other documents that govern the operation of the association ~~[or]~~ , the common elements ~~[.]~~ or the shared components.

Sec. 23. *"Hearing panel" means a hearing panel appointed by the Commission pursuant to section 164 of this act.*

Sec. 24. *"Hotel unit" means a physical portion of the condominium hotel initially designated for ownership by the declarant or hotel unit owner . ~~[that may be used by the declarant or hotel unit owner for commercial uses which include, without limitation, operation of the shared components and other areas within the condominium hotel which are not designated as shared components.]~~*

Sec. 25. *"Hotel unit owner" means the owner of the hotel unit and the shared components. The hotel unit owner may be the declarant or any successor or assignee of the declarant or an affiliate of the declarant.*

Sec. 26. *"Identifying number" means a symbol, address or legally sufficient description of real estate which identifies only one unit in a condominium hotel.*

Sec. 27. *"Leasehold condominium hotel" means a condominium hotel in which all or a portion of the real estate is subject to a lease the*

expiration or termination of which will terminate the condominium hotel or reduce its size.

Sec. 28. ***"Liability for common expenses" means the liability for common expenses allocated to each unit pursuant to section 66 of this act.***

Sec. 29. ***"Liability for shared expenses" means the liability for shared expenses allocated to each residential unit as set forth in the declaration. The hotel unit owner has the power to charge the residential unit owners for such unit owner's allocated liability for the shared expenses, including, without limitation, the maintenance, insurance, repair or replacement of the hotel unit and shared components.***

Sec. 30. ***"Limited common element" means a portion of the common elements allocated by the declaration or by operation of this chapter for the exclusive use of one or more but fewer than all of the units.***

Sec. 31. ***"Major component of the common elements" means any component of the common elements, including, without limitation, any amenity, improvement, furnishing, fixture, finish, system or equipment, that may, within 30 years after its original installation, require repair, replacement or restoration in excess of routine annual maintenance in the annual operating budget of an association.***

Sec. 31.5. "Major component of the hotel unit" means any component of the hotel unit, including, without limitation, any amenity, improvement, furnishing, fixture, finish, system or equipment, that may, within 30 years after its original installation, require repair, replacement or restoration in excess of routine annual maintenance.

Sec. 32. ***"Major component of the shared components" means any component of the shared components, including, without limitation, the facade of any building, any other portion of the building structure, any amenity, improvement, furnishing, fixture, finish, system or equipment that is designated as part of the shared components and that may, within 30 years after its original installation, require repair, replacement or restoration in excess of routine annual maintenance.***

Sec. 33. ***"Offering" means any advertisement, inducement, solicitation or attempt to encourage any person to acquire any interest in a residential unit, other than as security for an obligation. An advertisement in a newspaper or other periodical of general circulation, or in any broadcast medium to the general public, of a condominium hotel not located in this State, is not an offering if the advertisement states that an offering may be made only in compliance with the law of the jurisdiction in which the condominium hotel is located. The verb "offer" has a similar meaning.***

Sec. 34. ***"Ombudsman" means the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels created in NRS 116.625.***

Sec. 35. ***"Party to the complaint" means the Division and the respondent.***

Sec. 36. ***"Person" includes a government and governmental subdivision or agency.***

Sec. 37. ***"Purchaser" means a person, other than a declarant, who by means of a voluntary transfer acquires a legal or equitable interest in a unit other than a leasehold interest, including options to renew, of less than 20 years, or as security for an obligation.***

Sec. 38. ***"Real estate" means any leasehold or other estate or interest in, over or under land, including structures, fixtures and other improvements and interests that by custom, usage or law pass with a conveyance of land though not described in the contract of sale or instrument of conveyance. "Real estate" includes parcels with or without upper or lower boundaries, and spaces that may be filled with air or water.***

Sec. 39. ***"Residential unit" means a physical portion of the condominium hotel designated for separate residential ownership or occupancy, the boundaries of which are described in the declaration.***

Sec. 40. ***"Residential unit owner" means a declarant, the hotel unit owner or other person who owns a residential unit, or a lessee of a residential unit in a leasehold condominium hotel whose lease expires simultaneously with any lease the expiration of which will remove the residential unit from the condominium hotel, but does not include a person having an interest in a residential unit solely as security for an obligation. The declarant is the owner of any residential unit created by the declaration until that unit is conveyed to another person.***

Sec. 41. ***"Security interest" means an interest in real estate or personal property, created by contract or conveyance, which secures payment or performance of an obligation. The term includes a lien created by a mortgage, deed of trust, trust deed, security deed, contract for deed, land sales contract, lease intended as security, assignment of lease or rents intended as security, pledge of an ownership interest in an association and any other consensual lien or contract for retention of title intended as security for an obligation.***

Sec. 42. ***"Shared components" means portions of the condominium hotel, excluding the residential units and the common elements but including easements in favor of the units, which may be located within the hotel unit and which are set forth as shared components in the declaration. Shared components are owned by the hotel unit owner, and the hotel unit owner has the power to charge the residential units' owners for the maintenance, repair, replacement and insurance of the shared components, as provided in the declaration. Shared components may include, without limitation, hallways, lobbies, elevators, recreational facilities and service areas.***

Sec. 43. ***"Shared expenses" means the charges set forth in the declaration that are made to the units by the hotel unit owner for the operation, maintenance, repair, replacement, and insurance of the hotel unit, including, without limitation, the shared components, together with***

any allocations to reserves, any expenses allocated to the units pursuant to a cost sharing agreement, easement agreement or other agreement that benefits the condominium hotel to which the hotel unit owner is a party and any other charges or fees set forth in the declaration which are allocated to residential owners.

Sec. 44. ***"Special declarant's rights" means rights reserved for the benefit of a declarant*** ***[, its successors or assignees or an affiliate of a declarant, including, without limitation, the hotel unit owner,]*** ***to:***

1. Complete improvements indicated on plats and plans or in the declaration;

2. Exercise any developmental right;

3. Maintain sales offices, management offices and signs advertising the condominium hotel and models ***[without the need to reserve such rights;]*** ***, provided, however, that the declarant is not required to reserve the right to maintain such offices or signs within the hotel unit or shared components or within any unit owned by the declarant;***

4. Use easements through the common elements, shared components or hotel unit for the purpose of making improvements within the condominium hotel;

5. Merge or consolidate a condominium hotel with another condominium hotel; or

6. Appoint or remove any officer of the association or any member of an executive board during any period of declarant's control.

Sec. 45. ***"Time share" has the meaning ascribed to it in NRS*** ***[116.091.]*** ***119A.140.***

Sec. 46. ***"Unit" means a residential unit, a hotel unit*** ***[and any other unit which is created by the declaration.]*** ***or any other type of unit that may be created as a physical portion of the condominium hotel for separate ownership or occupancy, the boundaries of which are described in the declaration. If another type of unit is created, the rights and obligations associated with such a unit are as set forth in the governing documents.***

Sec. 47. ***"Unit's owner" means a declarant or other person who owns a unit, or a lessee of a unit in a leasehold condominium hotel*** ***[.]*** ***whose lease expires simultaneously with any lease, the expiration or termination of which will remove the unit from the condominium hotel, but does not include a person having an interest in a unit solely as security for an obligation. In a condominium hotel, the declarant is the owner of any unit created by the declaration until that unit is conveyed to another person.***

Sec. 48. ***Except as expressly provided in this chapter, its provisions may not be varied by agreement, and rights conferred by it may not be waived. A declarant may not act under a power of attorney, or use any other device, to evade the limitations or prohibitions of this chapter or the declaration.***

Sec. 49. ***1. A building code may not impose any requirement upon any structure in a condominium hotel which it would not impose upon a physically identical development under a different form of ownership.***

2. In a condominium hotel, no zoning, subdivision or other law, ordinance or regulation governing the use of real estate may prohibit the condominium hotel as a form of ownership or impose any requirement upon a condominium hotel which it would not impose upon a physically identical development under a different form of ownership.

3. Except as otherwise provided in subsections 1 and 2, the provisions of this chapter do not invalidate or modify any provision of any building code or zoning, subdivision or other law, ordinance, rule or regulation governing the use of real estate.

4. The provisions of this section do not prohibit a local government from imposing different requirements and standards regarding design and construction on different types of structures within a condominium hotel.

Sec. 50. ***1. If a unit is acquired by eminent domain or part of a unit is acquired by eminent domain leaving the unit's owner with a remnant that may not practically or lawfully be used for any purpose permitted by the declaration, the award must include compensation to the unit's owner for that unit and its allocated interests, whether or not any common elements are acquired. Upon acquisition, unless the decree otherwise provides, that unit's allocated interests are automatically reallocated to the remaining units in proportion to the respective allocated interests of those units before the taking, and the association shall promptly prepare, execute and record an amendment to the declaration reflecting the reallocations.***

2. Except as otherwise provided in subsection 1, if part of a hotel unit is acquired by eminent domain, the award must compensate the hotel unit owner for the reduction in value of the hotel unit and its interest in the common elements, whether or not any common elements are acquired. If part of a residential unit is acquired by eminent domain, the award must compensate the residential unit owner for the reduction in value of the residential unit and its interest in the common elements, whether or not any common elements are acquired. Upon acquisition, unless the decree otherwise provides:

(a) That unit's allocated interests are reduced in proportion to the reduction in the size of the unit, or on any other basis specified in the declaration; and

(b) The portion of the allocated interests divested from the partially acquired unit are automatically reallocated to that unit and to the remaining units in proportion to the respective allocated interests of those units before the taking, with the partially acquired unit participating in the reallocation on the basis of its reduced allocated interests.

3. If part of the common elements is acquired by eminent domain, the portion of the award attributable to the common elements taken must be paid to the association. Unless the declaration provides otherwise, any

portion of the award attributable to the acquisition of a limited common element must be equally divided among the owners of the units to which that limited common element was allocated at the time of acquisition.

4. If part of the shared components or hotel unit is acquired by eminent domain, the portion of the award attributable to the shared components or hotel unit taken must be paid to the owner of the hotel unit or the shared components.

5. The judicial decree must be recorded in every county in which any portion of the condominium hotel is located.

Sec. 51. ***The principles of law and equity, including the law of corporations, the law of unincorporated associations, the law of real property, and the law relative to capacity to contract, principal and agent, eminent domain, estoppel, fraud, misrepresentation, duress, coercion, mistake, receivership, substantial performance, or other validating or invalidating cause supplement the provisions of this chapter, except to the extent inconsistent with this chapter.***

Sec. 52. ***If a matter governed by this chapter is also governed by chapter 78, 81, 82, 86, 87, 88 or 88A of NRS and there is a conflict between the provisions of this chapter and the provisions of those other chapters, the provisions of this chapter prevail.***

Sec. 53. ***This chapter being a general act intended as a unified coverage of its subject matter, no part of it may be construed to be impliedly repealed by subsequent legislation if that construction can reasonably be avoided.***

Sec. 54. ***1. The court, upon finding as a matter of law that a contract or clause of a contract was unconscionable at the time the contract was made, may refuse to enforce the contract, enforce the remainder of the contract without the unconscionable clause, or limit the application of any unconscionable clause to avoid an unconscionable result.***

2. Whenever it is claimed, or appears to the court, that a contract or any clause of a contract is or may be unconscionable, the parties, to aid the court in making the determination, must be afforded a reasonable opportunity to present evidence as to:

(a) The commercial setting of the negotiations; and

(b) The effect and purpose of the contract or clause.

Sec. 55. ***Every contract or duty governed by this chapter imposes an obligation of good faith in its performance or enforcement.***

Sec. 56. ***1. The remedies provided by this chapter must be liberally administered to the end that the aggrieved party is put in as good a position as if the other party had fully performed. Consequential, special or punitive damages may not be awarded except as specifically provided in this chapter or by other rule of law.***

2. Any right or obligation declared by this chapter is enforceable by judicial proceeding.

Sec. 57. ***1. This chapter applies to all condominium hotels created within this State.***

2. Except as otherwise provided in this chapter, the provisions of chapters 116, 117 and 278A of NRS do not apply to condominium hotels.

3. This chapter does not apply to:

(a) A common-interest community as that term is defined in NRS 116.021.

(b) Time shares governed by the provisions of chapter 119A of NRS.

(c) A condominium hotel that was created before January 1, 2008, unless the declaration of that condominium hotel otherwise provides or is amended to provide for the applicability of this chapter.

Sec. 58. ***1. Any provision contained in a declaration, bylaw or other governing document of a condominium hotel that violates the provisions of this chapter shall be deemed to conform with those provisions by operation of law, and any such declaration, bylaw or other governing document is not required to be amended to conform to those provisions.***

2. In the case of amendments to a declaration, bylaws or plats and plans of any condominium hotel created before January 1, 2008:

(a) If the result accomplished by the amendment was permitted before January 1, 2008, the amendment may be made in accordance with that law, in which case that law applies to that amendment, or it may be made under this chapter; and

(b) If the result accomplished by the amendment is permitted by this chapter and was not permitted by law before January 1, 2008, the amendment may be made under this chapter.

Sec. 59. ***If any change is made to the governing documents, the secretary or other officer specified in the bylaws of the association <u>or the hotel unit owner</u> shall, within 30 days after the change is made, prepare and cause to be hand-delivered or sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner, a copy of the change that was made.***

Sec. 60. ***A condominium hotel may be created pursuant to this chapter only by recording a declaration executed in the same manner as a deed. The declaration must be recorded in every county in which any portion of the condominium hotel is located and must be indexed in the grantee's index in the name of the condominium hotel and the association and in the grantor's index in the name of each person executing the declaration.***

Sec. 61. ***The boundaries of the hotel unit, including the shared components, if any, must be expressly set forth in the declaration or other governing documents of the condominium hotel <u>~~.~~</u> <u>and must be recorded in any county in which the declaration is recorded.</u>***

Sec. 62. ***1. The inclusion in a governing document of a provision that violates any provision of this chapter does not render any other provisions of the governing document invalid or otherwise unenforceable if***

the other provisions can be given effect in accordance with their original intent and the provisions of this chapter.

2. The rule against perpetuities and NRS 111.103 to 111.1039, inclusive, do not apply to defeat any provision of the declaration, bylaws, rules or regulations adopted pursuant to section 83 of this act.

3. In the event of a conflict between the provisions of the declaration and the bylaws, the declaration prevails except to the extent the declaration is inconsistent with this chapter.

4. Title to any portion of a condominium hotel is not rendered unmarketable or otherwise affected by reason of an insubstantial failure of the declaration to comply with this chapter. Whether a substantial failure impairs marketability is not affected by this chapter.

Sec. 63. ***A description of the residential units and the hotel unit which sets forth the name of the condominium hotel, the file number and book or other information to show where the declaration is recorded, the county in which the condominium hotel is located and the identifying number of the units, is a legally sufficient description of those units and all rights, obligations and interests appurtenant to those units which were created by the declaration or bylaws.***

Sec. 64. ***1. The declaration for a condominium hotel must contain:***

(a) The names of the condominium hotel and the association.

(b) The name of every county in which any part of the condominium hotel is situated.

(c) A sufficient description of the real estate included in the condominium hotel.

(d) A statement of the maximum number of units that the declarant reserves the right to create.

(e) A description of the boundaries of each residential unit created by the declaration, including the unit's identifying number, its size or number of rooms, and its location within a building if it is within a building containing more than one unit.

(f) A description of the shared components, hotel unit and the common elements.

(g) A description of any limited common elements.

(h) A description of any developmental rights and other special declarant's rights reserved by the declarant, together with a legally sufficient description of the real estate to which each of those rights applies, and a time within which each of those rights must be exercised.

(i) If any developmental right may be exercised with respect to different parcels of real estate at different times, a statement to that effect together with:

(1) Either a statement fixing the boundaries of those portions and regulating the order in which those portions may be subjected to the exercise of each developmental right or a statement that no assurances are made in those regards; and

(2) A statement whether, if any developmental right is exercised in any portion of the real estate subject to that developmental right, that developmental right must be exercised in all or in any other portion of the remainder of that real estate.

(j) Any other conditions or limitations under which the rights described in paragraph (h) may be exercised or will lapse.

(k) A description of any easements benefiting or burdening the units, including easements providing the residential unit owners with rights of ingress or egress through the common elements, hotel unit or shared components for the purpose of accessing their respective units.

(l) An allocation to the units of the allocated interests as described in this chapter, and an allocation to the residential units of their respective liability for shared expenses and other charges of the hotel unit owner.

(m) A description of any other payments, fees and charges that may be charged by the hotel unit owner in order to offset the increased burden placed on the shared components as the result of use of residential units as transient rentals.

(n) Any restrictions:

(1) On use, occupancy and alienation of the units; and

(2) On the amount for which a unit may be sold or on the amount that may be received by a unit's owner on sale, condemnation or casualty to the unit or to the condominium hotel, or on termination of the condominium hotel.

(o) The file number and book or other information to show where easements and licenses are recorded appurtenant to or included in the condominium hotel or to which any portion of the condominium hotel is or may become subject by virtue of a reservation in the declaration.

2. The declaration may contain any other matters the declarant considers appropriate.

Sec. 65. ***1. Any lease the expiration or termination of which may terminate the condominium hotel or reduce its size must be recorded. Every lessor of such a lease in a condominium hotel shall sign the declaration. The declaration must state:***

(a) The recording date where the lease is recorded.

(b) The date on which the lease is scheduled to expire.

(c) A legally sufficient description of the real estate subject to the lease.

(d) Any right of the units' owners to redeem the reversion and the manner whereby those rights may be exercised, or a statement that they do not have those rights.

(e) Any right of the units' owners to remove any improvements within a reasonable time after the expiration or termination of the lease, or a statement that they do not have those rights.

(f) Any rights of the units' owners to renew the lease and the conditions of any renewal, or a statement that such rights do not exist.

2. After the declaration for a leasehold condominium hotel is recorded, neither the lessor nor the lessor's successor in interest may terminate the leasehold interest of a unit's owner who makes timely payment of his share of the rent and otherwise complies with all covenants which, if violated, would entitle the lessor to terminate the lease. The leasehold interest of a unit's owner in a condominium hotel is not affected by failure of any other person to pay rent or fulfill any other covenant.

3. Acquisition of the leasehold interest of any unit's owner by the owner of the reversion or remainder does not merge the leasehold and freehold interests unless the leasehold interests of all units' owners subject to that reversion or remainder are acquired.

4. If the expiration or termination of a lease decreases the number of units in a condominium hotel, the allocated interests must be reallocated in accordance with subsection 1 of section 50 of this act as if those units had been taken by eminent domain. Reallocations must be confirmed by an amendment to the declaration prepared, executed and recorded by the association.

Sec. 66. ***1. The declaration must allocate to each unit, including any unit owned by the declarant or hotel unit owner, as applicable, a fraction or percentage of undivided interests in the common elements and in the common expenses of the association and a portion of the votes in the association.***

2. The declaration may allocate to each residential unit, including any residential unit owned by the declarant or the hotel unit owner, as applicable, a fraction or percentage of the liability for shared expenses and other charges of the hotel unit owner. Unless the declaration provides otherwise, residential units are not allocated an undivided interest in the ownership of the hotel unit or the shared components.

3. The declaration must state the formulas used to establish allocations of interests and to establish each residential unit's allocated liability for shared expenses. Unless the declaration provides otherwise, the formula used to allocate interests and to allocate liability for shared expenses must be based on the square footage of the residential units. Those allocations of interest and allocations of liability for shared expenses must not discriminate in favor of any unit within the condominium hotel.

4. The declaration may provide:

(a) That different allocations of votes are made to the units on particular matters specified in the declaration;

(b) For cumulative voting only for the purpose of electing members of the executive board;

(c) For class voting on specified issues affecting the class if necessary to protect valid interests of the class; ~~[and]~~

(d) For the hotel unit owner's ability ~~[to fine residential unit owners or]~~ to prohibit use of the shared components by residential unit owners or the tenants or guests of the residential unit owners for violation of reasonable

rules and regulations as may be established by the hotel unit owner. If the hotel unit owner prohibits use of the shared components, such prohibition may not restrict use of the shared components as is necessary for vehicular or pedestrian ingress or egress to or from the residential unit ~~(.)~~ ; and

(e) For the hotel unit owner's ability to convey or subject the shared components and the portions of the hotel unit not designated as shared components to a security interest without the approval of other units' owners.

5. Except for minor variations because of rounding, the sum of the liabilities for common expenses allocated at any time to all the units must each equal one if stated as a fraction or 100 percent if stated as a percentage. In the event of discrepancy between an allocated interest and the result derived from application of the pertinent formula, the allocated interest prevails.

6. Except for minor variations because of rounding, the sum of the liabilities for shared expenses allocated at any time to all the residential units must each equal one if stated as a fraction or 100 percent if stated as a percentage. In the event of any discrepancy between a specific residential unit's allocated share of liability for shared expenses and the result derived from the application of the pertinent formula, the specific residential unit's allocation of liability for shared expenses prevails.

7. In a condominium hotel, the common elements are not subject to partition, and any purported conveyance, encumbrance, judicial sale or other voluntary or involuntary transfer of an undivided interest in the common elements made without the unit to which that interest is allocated is void.

8. If units may be added to or withdrawn from the condominium hotel, the declaration must state the formulas to be used to reallocate the allocated interests and the allocations of liability for shared expenses among all units included in the condominium hotel after the addition or withdrawal.

Sec. 66.3. 1. The rules and regulations established by a hotel unit owner, if any:

(a) Must be reasonably related to the duties of the hotel unit owner.

(b) Must be sufficiently explicit in their prohibition, direction or limitation to inform a person of any action or omission required for compliance.

(c) Must not be adopted to evade any obligation of the hotel unit owner.

(d) Must be consistent with the governing documents of the association and must not arbitrarily restrict conduct or require the construction of any capital improvement by a unit's owner that is not required by the governing documents of the association.

(e) Must be uniformly enforced under the same or similar circumstances against all units' owners. Any rule that is not so uniformly enforced may not be enforced against any unit's owner.

2. If the hotel unit owner adopts a policy to prohibit use of the shared components by residential unit owners for violation of reasonable rules and regulations as may be established by the hotel unit owner, the hotel unit owner or his designated agent shall prepare and cause to be hand-delivered or sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner, a copy of such policy and the rules and regulations.

Sec. 66.5. 1. A hotel unit owner may not prohibit use of the shared components pursuant to paragraph (d) of subsection 4 of section 66 of this act unless:

(a) Not less than 30 days before the violation, the residential unit owner against whom the prohibition will be imposed has been provided with written notice of the applicable provisions of the rules and regulations established by the hotel unit owner that form the basis of the violation; and

(b) Within 10 days after the discovery of the violation, the residential unit owner against whom the prohibition will be imposed has been provided with:

(1) Written notice specifying the details of the violation; and

(2) A reasonable opportunity to contest the violation.

2. Within 10 days after receiving the written notice specifying the details of the violation, the residential unit owner may:

(a) Provide to the hotel unit owner any written information or any explanation relating to the violation; or

(b) Request a meeting with the hotel unit owner to present the information or explanation relating to the violation.

3. A meeting requested by a residential unit owner pursuant to subsection 2 must be held as soon as practicable, but not later than 30 days after the date on which the request for a meeting is received by the hotel unit owner. The meeting may be held in person, by telephone or by videoconferencing.

4. The provisions of this section establish the minimum procedural requirements that the hotel unit owner must follow before the hotel unit owner may prohibit use of the shared components by a residential unit owner. The provisions of this section do not preempt any provisions of the rules and regulations established by the hotel unit owner that provide greater procedural protections.

Sec. 66.7. 1. If the hotel unit owner receives a written complaint from a unit's owner alleging that the hotel unit owner has violated any provision of the governing documents or any other provision of this chapter, the hotel unit owner shall, not later than 10 business days after the date on which the hotel unit owner received the complaint, acknowledge receipt of the complaint by notifying the unit's owner of the receipt.

2. The hotel unit owner shall respond in writing to a complaint described in subsection 1 not later than 20 business days after the date on which the hotel unit owner received the complaint.

Sec. 67. ***1. The declaration may allocate limited common elements to any unit or units within the condominium hotel. The declaration must specify to which unit or units each limited common element is allocated. An allocation may not be altered without the consent of the units' owners to which the limited common elements are allocated.***

2. Except as the declaration otherwise provides, a limited common element may be reallocated by an amendment to the declaration executed by the units' owners between or among whose units the reallocation is made. The persons executing the amendment shall provide a copy thereof to the association, which shall record it. The amendment must be recorded in the names of the parties and the condominium hotel.

3. A common element not previously allocated as a limited common element may be so allocated only by amendments to the declaration.

Sec. 68. ***1. Plats and plans are a part of the declaration and are required for all condominium hotels. Each plat and plan must be clear and legible and contain a certification that the plat or plan contains all information required by this section.***

2. Each plat must comply with the provisions of chapter 278 of NRS and show:

(a) The name and a survey of the area which is the subject of the plat;

(b) A sufficient description of the real estate;

(c) The extent of any encroachments by or upon any portion of the property which is the subject of the plat;

(d) The location and dimensions of all easements having a specific location and dimension which serve or burden any portion of the condominium hotel;

(e) The location and dimensions with reference to an established datum of any vertical residential unit boundaries and that unit's identifying number;

(f) The location with reference to an established datum of any horizontal unit boundaries not shown or projected on plans recorded pursuant to subsection 4 and that unit's identifying number;

(g) The location and dimensions of the units, shared components and common elements; and

(h) The location and dimensions of limited common elements, if any, including porches, balconies and patios.

3. Each plat must be certified by an independent professional land surveyor. The plans of the units must be certified by an independent professional engineer or architect.

4. Plats and plans need not show the location and dimensions of the units' boundaries and their limited common elements if:

(a) The plat shows the location and dimensions of all buildings containing or comprising the units; and

(b) The declaration includes other information that shows or contains a narrative description of the general layout of the units in those buildings and the limited common elements, if any, allocated to those units.

5. To the extent not shown or projected on the plats, plans of the units must show or project any units in which the declarant has reserved the right to create additional units or common elements, or portions of the shared components or hotel unit, identified appropriately.

6. Unless the declaration provides otherwise, the horizontal boundaries of part of a unit located outside a building have the same elevation as the horizontal boundaries of the inside part and need not be depicted on the plats and plans of the units.

7. Upon exercising any developmental right, the declarant shall prepare, execute and record new or amended plats necessary to conform to the requirements of this section.

Sec. 69. ***1. To exercise any developmental right reserved in the declaration, the declarant shall prepare, execute and record an amendment to the declaration. The declarant is the owner of any units thereby created. The amendment to the declaration must assign an identifying number to each new unit created and, except in the case of subdivision or conversion of units described in this section, reallocate the allocated interests and the allocated liability for shared expenses by the declarant or hotel unit owner among all units. The amendment must describe any common elements, limited common elements, shared components or portions of the hotel unit thereby created and, in the case of limited common elements, designate the unit to which each is allocated to the extent required by section 67 of this act.***

2. Developmental rights may be reserved within any real estate added to the condominium hotel if the amendment adding that real estate includes all matters required by section 64 or 65 of this act, as the case may be. This provision does not extend the time limit on the exercise of developmental rights imposed by the declaration.

3. Whenever a declarant exercises a developmental right to subdivide or convert a unit or shared components previously created into additional units, common elements, shared components, or additional portions of the hotel unit:

(a) If the declarant converts the unit or shared components entirely to common elements, the amendment to the declaration must convey it to the association or reallocate all the allocated interests and allocated liability for shared expenses of that unit among the other units as if that unit had been taken by eminent domain; and

(b) If the declarant subdivides the unit into two or more units, whether or not any part of the unit is converted into common elements, the amendment to the declaration must reallocate all the allocated interests and shared expenses of the unit among the units created by the subdivision in any reasonable manner prescribed by the declarant.

4. If the declarant converts a shared component into a residential unit, the amendment to the declaration must reallocate all the allocated interests and allocated liability for shared expenses to the residential units.

5. If the declaration provides that all or a portion of the real estate is subject to a right of withdrawal:

(a) If all the real estate is subject to withdrawal, and the declaration does not describe separate portions of real estate subject to that right, none of the real estate may be withdrawn after a unit has been conveyed to a purchaser; and

(b) If any portion is subject to withdrawal, it may not be withdrawn after a unit in that portion has been conveyed to a purchaser.

Sec. 70. ***1. The declaration must describe the boundaries of the hotel unit, which are owned by the hotel unit owner. The hotel unit may be used by the hotel unit owner for commercial purposes, including the operation of a hotel and other commercial uses as set forth in the declaration. Except as otherwise provided in the declaration, the hotel unit owner may subdivide the hotel unit without prior notice or demand to the residential unit owners.***

2. The declaration must describe the shared components which are deemed to be a part of the hotel unit. The hotel unit owner shall, from time to time, be responsible for the repair, replacement, improvement, maintenance, management, operation and insurance of the shared components, all of which must be conducted in a commercially reasonable manner. The hotel unit owner, as applicable, has the power to charge the residential unit owners for the shared expenses.

3. The residential unit owners have an easement for ingress and egress across and upon the hotel unit and the shared components as is reasonably necessary for the residential unit owners and guests to access the residential units. The residential unit owners have an easement for the use and enjoyment of the shared components, subject to reasonable rules and regulations as may be established by the hotel unit owner.

Sec. 71. ***Except as otherwise provided in this section and subject to the provisions of the declaration and other provisions of law, a residential unit owner:***

1. May make any improvements or alterations to his residential unit that do not impair the structural integrity or mechanical systems or lessen the support of any portion of the condominium hotel; and

2. May not change the appearance of the common elements, the shared components, the hotel unit or the exterior appearance of a unit, building or any other portion of the condominium hotel.

Sec. 72. ***The existing physical boundaries of a residential unit or a hotel unit are its legal boundaries, rather than the boundaries derived from the description contained in the original declaration, regardless of vertical or lateral movement of the building or minor variance between those boundaries and the boundaries derived from the description contained in***

the original declaration. This section does not relieve a unit's owner of liability in case of his willful misconduct or relieve a declarant or any other person of liability for failure to adhere to any plats and plans.

Sec. 73. ***Subject to the provisions of the declaration and other provisions of law, the boundaries between adjoining units may be relocated by an amendment to the declaration upon application to the hotel unit owner by the owners of those units. If the owners of the adjoining units have specified a reallocation between their units of their allocated interests and allocation of shared expenses, the application must state the proposed reallocations. Unless the hotel unit owner determines within 90 days that the reallocations are unreasonable, the hotel unit owner shall prepare an amendment that identifies the units involved and states the reallocations. The amendment must be executed by those units' owners, contain words of conveyance between them and, on recordation, be indexed in the name of the grantor and the grantee, and in the grantee's index in the name of the association and the hotel unit owner.***

Sec. 74. ***1. If the declaration expressly so permits, a residential unit may be subdivided into two or more residential units upon receipt of consent from the hotel unit owner. Subject to the provisions of the declaration and other provisions of law, upon receipt of consent from the hotel unit owner to subdivide a residential unit, the association shall prepare, execute and record an amendment to the declaration.***

2. The amendment to the declaration must be executed by the owner of the unit to be subdivided, assign an identifying number to each residential unit created, and reallocate the allocated interests and allocated liability for shared expenses formerly allocated to the subdivided residential unit to the new residential units in any reasonable manner prescribed by the owner of the subdivided unit.

Sec. 75. ***1. Provisions in an agreement to purchase a residential unit between a purchaser and a declarant which permit the declarant to amend or change the governing documents at any time before the close of escrow of a residential unit are enforceable.***

2. Following the period of a declarant's control of the association, with regard to an amendment that does not in any way affect the hotel unit or the shared components, the declaration may be amended by a majority of the total voting power in the association. The declaration may specify a larger number of votes necessary to amend the declaration.

3. Following the period of declarant's control of the association, with regard to an amendment that in any way affects the hotel unit or the shared components, such an amendment is not effective without the prior written consent of the declarant or the hotel unit owner and the vote of a majority of the total voting power in the association. The declaration may specify a larger number of votes necessary to amend the declaration.

4. No action to challenge the validity of an amendment adopted pursuant to this section may be brought more than 1 year after the amendment is recorded.

5. Every amendment to the declaration must be recorded in every county in which any portion of the condominium hotel is located and is effective only upon recordation. An amendment must be indexed in the grantee's index in the name of the condominium hotel and the association and in the grantor's index in the name of the parties executing the amendment.

Sec. 76. ***1. Except in the case of a taking of the condominium hotel by eminent domain, termination of the condominium hotel or the declaration requires approval by:***

(a) The owners representing at least 80 percent of the votes in the association allocated to the residential unit owners; and

(b) The hotel unit owner.

2. An agreement to terminate the condominium hotel or the declaration must be evidenced by the execution of an agreement to terminate in the same manner as a deed by the hotel unit owner and the requisite number of units' owners. The agreement to terminate must specify a date after which the agreement will be void unless it is recorded before that date.

3. An agreement to terminate may provide that all of the common elements, shared components or units must be sold following termination. If, pursuant to the agreement, any real estate in the condominium hotel is to be sold following termination, the agreement must set forth the minimum terms of the sale.

4. The hotel unit owner, on behalf of the units' owners, may contract for the sale of real estate owned by the units' owners in a condominium hotel, but the contract is not binding on the units' owners and the declarant or hotel unit owner, as applicable, until approved pursuant to subsections 1 and 2. If any real estate owned by the units' owners is to be sold following termination, title to that real estate, upon termination, vests in the hotel unit owner as trustee for the holders of all interests in the units. Thereafter, the hotel unit owner has all powers necessary and appropriate to effect the sale. Until the sale has been concluded and the proceeds thereof distributed, the hotel unit owner continues in existence with all powers it had before termination. Proceeds of the sale must be distributed to units' owners and lienholders as their interests may appear, in accordance with sections 77 and 78 of this act. Unless otherwise specified in the agreement to terminate, as long as the unit's owner holds title to the real estate, each unit's owner and his successors in interest have an exclusive right to occupancy of the portion of the real estate that formerly constituted ~~***[the]***~~ ***such unit's owner's unit. During the period of that occupancy, each unit's owner and his successors in interest remain liable for all assessments, shared expenses and other obligations imposed on units' owners by this chapter or the declaration.***

5. If the real estate is not to be sold following termination, title to the common elements and residential units vests in the units' owners upon termination as tenants in common in proportion to their respective interests in the association as provided in section 78 of this act, and liens on the units shift accordingly. While the tenancy in common exists, each unit's owner and his successors in interest have an exclusive right to occupancy of the portion of the real estate that formerly constituted such ~~[unit owners']~~ unit's owner's unit.

6. Following termination of the condominium hotel, the proceeds of any sale of real estate, together with the assets of the association, are held by the hotel unit owner as trustee for units' owners and holders of liens on the units as their interests may appear.

Sec. 77. ***1. Following termination of a condominium hotel, creditors of the association holding liens on the units, which were recorded before termination, may enforce those liens in the same manner as any lienholder. All other creditors of the association are to be treated as if they had perfected liens on the units immediately before termination.***

2. Creditors of the association are not entitled to payment from any unit's owner in excess of the amount of the creditor's lien against that owner's interest.

Sec. 78. ***The respective interests of units' owners referred to in sections 76 and 77 of this act are as follows:***

1. Except as otherwise provided in subsection 2, the respective interests of units' owners are the fair market values of their units, allocated interests, and any limited common elements immediately before the termination, as determined by one or more independent appraisers selected by the hotel unit owner ~~[,]~~ and the association. The decision of the independent appraisers must be distributed to the units' owners and becomes final unless disapproved within 30 days after distribution by units' owners to whom 25 percent of the total number of votes in the association are allocated. The proportion of interest of any unit's owner to that of all units' owners is determined by dividing the fair market value of that unit and its allocated interests by the total fair market values of all the units and their allocated interests.

2. If any unit or any limited common element is destroyed to the extent that an appraisal of the fair market value thereto before destruction cannot be made, the interests of all units' owners are their respective interests in the common elements immediately before the termination.

Sec. 79. ***1. Except as otherwise provided in subsection 2, foreclosure or enforcement of a lien or encumbrance against the entire condominium hotel does not terminate, of itself, the condominium hotel, and foreclosure or enforcement of a lien or encumbrance against a portion of the condominium hotel, other than withdrawable real estate, does not withdraw that portion from the condominium hotel. Foreclosure or enforcement of a lien or encumbrance against withdrawable real estate does not withdraw,***

of itself, that real estate from the condominium hotel, but the person taking title thereto may require from the hotel unit owner, upon request, an amendment excluding the real estate from the condominium hotel.

2. If a lien or encumbrance against a portion of the real estate comprising the condominium hotel has priority over the declaration and the lien or encumbrance has not been partially released, the parties foreclosing the lien or encumbrance, upon foreclosure, may record an instrument excluding the real estate subject to that lien or encumbrance from the condominium hotel.

Sec. 80. ***The declaration may require that all or a specified number or percentage of the lenders who hold security interests encumbering the units approve specified actions of the units' owners or the association as a condition to the effectiveness of those actions, but no requirement for approval may operate to:***

1. Deny or delegate control over the general administrative affairs of the association by the units' owners or the executive board;

2. Prevent the association or the executive board from commencing, intervening in or settling any litigation or proceeding; or

3. Prevent any trustee or the association from receiving and distributing any proceeds of insurance except as otherwise provided in this chapter.

Sec. 81. ***1. Any two or more condominium hotels, by agreement of the declarants or hotel unit owners and ratified by the associations as provided in subsection 2, may be merged or consolidated into a single condominium hotel. In the event of a merger or consolidation, unless the agreement otherwise provides, the resultant condominium hotel is the legal successor, for all purposes, of all of the preexisting condominium hotels, and the operations and activities of all associations of the preexisting condominium hotels are merged or consolidated into a single association that holds all powers, rights, obligations, assets and liabilities of all preexisting associations.***

2. An agreement of two or more condominium hotels to merge or consolidate pursuant to subsection 1 must be evidenced by an agreement prepared, executed, recorded and certified by the declarant or hotel unit owner, as applicable, of each of the preexisting condominium hotels. The agreement must be ratified in each condominium hotel by the percentage of votes required to terminate that condominium hotel. The agreement must be recorded in every county in which a portion of the condominium hotel is located and is not effective until recorded.

3. Every agreement for merger or consolidation must provide for the reallocation of the allocated interests in the new association among the units of the resultant condominium hotel either by stating the reallocations or the formulas upon which they are based or by stating the percentage of overall allocated interests of the new condominium hotel which are allocated to all of the units comprising each of the preexisting

condominium hotels, and providing that the portion of the percentages allocated to each unit formerly constituting a part of the preexisting condominium hotel must be equal to the percentages of allocated interests and shared expenses allocated to that unit by the declaration of the preexisting condominium hotel.

4. Every agreement for merger or consolidation must provide for the reallocation of the liability for shared expenses among the residential units of the resultant condominium hotel either by stating the reallocations or the formulas upon which they are based.

Sec. 82. ***1. A unit-owners' association must be organized not later than the date the first residential unit in the condominium hotel is conveyed.***

2. The membership of the association at all times consists exclusively of all units' owners, including the hotel unit and any other units owned by the declarant or, following termination of the condominium hotel, of all owners of former units entitled to distributions of proceeds under the declaration, or their heirs, successors or assigns.

3. The association must:

(a) Be organized as a profit or nonprofit corporation, association, limited-liability company, trust or partnership;

(b) Include in its articles of incorporation, articles of association, articles of organization, certificate of registration, certificate of limited partnership, certificate of trust or other documents of organization, or any amendment thereof, that the purpose of the corporation, association, limited-liability company, trust or partnership is to operate as an association pursuant to this chapter;

(c) Contain in its name the words "community association," "homeowners' association" or "unit-owners' association"; and

(d) Comply with the provisions of chapters 78, 81, 82, 86, 87, 88 and 88A of NRS when filing with the Secretary of State its articles of incorporation, articles of association, articles of organization, certificate of registration, certificate of limited partnership, certificate of trust or other documents of organization, or any amendment thereof.

4. Unless otherwise provided in the declaration, the association shall not have any ownership or control over the hotel unit or the shared components.

Sec. 83. ***Subject to the provisions of the declaration, the association may do any or all of the following:***

1. Adopt and amend bylaws, rules and regulations pertaining to the common elements. Unless otherwise provided in the declaration, bylaws, rules or regulations adopted by the association must not attempt to exercise any control over the hotel unit or the shared components.

2. Adopt and amend budgets for revenues, expenditures and reserves relating to the common elements and collect assessments for common expenses from the units' owners.

3. Hire and discharge managing agents and other employees, agents and independent contractors of the association.

4. Institute, defend or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more units' owners on matters affecting the condominium hotel.

5. Make contracts and incur liabilities with regard to the common elements.

6. Regulate the use, maintenance, repair, replacement and modification of common elements.

7. Cause additional improvements to be made as a part of the common elements.

8. Acquire, hold, encumber and convey in its own name any right, title or interest to real estate or personal property, but common elements may be conveyed or subjected to a security interest only pursuant to section 108 of this act.

9. Grant easements, leases, licenses and concessions through or over the common elements.

10. Impose and receive any payments, fees or charges for the use, rental or operation of the common elements.

11. Impose charges for late payment of assessments on common elements.

12. Impose reasonable fines for violations of the governing documents of the association only if the association complies with the requirements set forth in section 85 of this act.

13. Provide for the indemnification of its officers and executive board and maintain directors' and officers' liability insurance.

14. Assign its right to future income, including the right to receive assessments for common expenses, but only to the extent the declaration expressly so provides.

15. Exercise any other powers conferred by the declaration or bylaws.

16. Exercise any other powers necessary and proper for the governance and operation of the association.

Sec. 84. ***1. Except as otherwise provided in the declaration, the bylaws, this section or other provisions of this chapter, the executive board may act in all instances on behalf of the association. In the performance of their duties, the officers and members of the executive board are fiduciaries. The members of the executive board are required to exercise the ordinary and reasonable care of directors of a corporation, subject to the business-judgment rule.***

2. The executive board may not act on behalf of the association to amend the declaration, to terminate the condominium hotel, or to elect members of the executive board or determine their qualifications, powers and duties or terms of office, but the executive board may fill vacancies in its membership for the unexpired portion of any term.

Sec. 85. ***1. Except as otherwise provided in this section and ~~[in]~~ unless the declaration ~~[,]~~ provides otherwise, if a residential unit owner or the tenant or guest of a residential unit owner violates any provision of the governing documents of an association, the executive board may, if the governing documents so provide:***

(a) Prohibit, for a reasonable time, the residential unit owner or the tenant or guest of the residential unit owner from:

(1) Voting on matters related to the association.

(2) Using the common elements. The provisions of this subparagraph do not prohibit the residential unit owner or the tenant or guest of the residential unit owner from using any portion of the common elements, if any, as is necessary for vehicular or pedestrian ingress or egress to or from the residential unit.

(b) Impose a fine against the residential unit owner or the tenant or guest of the residential unit owner for each violation. If the violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the residential units' owners or residents of the condominium hotel, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents. If the violation does not pose an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the residential units' owners or residents or guests of the condominium hotel, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents, but the amount of the fine must not exceed $100 for each violation or a total amount of $1,000, whichever is less. The limitations on the amount of the fine do not apply to any interest, charges or costs that may be collected by the association pursuant to this section if the fine becomes past due.

2. The executive board may not impose a fine pursuant to subsection 1 unless:

(a) Not less than 30 days before the violation, the person against whom the fine will be imposed had been provided with written notice of the applicable provisions of the governing documents that form the basis of the violation; and

(b) Within a reasonable time after the discovery of the violation, the person against whom the fine will be imposed has been provided with:

(1) Written notice specifying the details of the violation, the amount of the fine, and the date, time and location for a hearing on the violation; and

(2) A reasonable opportunity to contest the violation at the hearing.

3. The executive board must schedule the date, time and location for the hearing on the violation so that the person against whom the fine will be imposed is provided with a reasonable opportunity to prepare for the hearing and to be present at the hearing.

4. The executive board must hold a hearing before it may impose the fine, unless the person against whom the fine will be imposed:

(a) Pays the fine;

(b) Executes a written waiver of the right to the hearing; or

(c) Fails to appear at the hearing after being provided with proper notice of the hearing.

5. If a fine is imposed pursuant to subsection 1 and the violation is not cured within 14 days, or within any longer period that may be established by the executive board, the violation shall be deemed a continuing violation. Thereafter, the executive board may impose an additional fine for the violation for each 7-day period or portion thereof that the violation is not cured. Any additional fine may be imposed without notice and an opportunity to be heard.

6. If the governing documents so provide, the executive board may appoint a committee, with not less than three members, to conduct hearings on violations and to impose fines pursuant to this section. While acting on behalf of the executive board for those limited purposes, the committee and its members are entitled to all privileges and immunities and are subject to all duties and requirements of the executive board and its members.

7. The provisions of this section establish the minimum procedural requirements that the executive board must follow before it may impose a fine. The provisions of this section do not preempt any provisions of the governing documents that provide greater procedural protections.

8. Any past due fine:

(a) Bears interest at the rate established by the association, not to exceed the legal rate per annum.

(b) May include any costs of collecting the past due fine at a rate established by the association. If the past due fine is for a violation that does not threaten the health, safety or welfare of the residents of the condominium hotel, the rate established by the association for the costs of collecting the past due fine:

(1) May not exceed $20, if the outstanding balance is less than $200.

(2) May not exceed $50, if the outstanding balance is $200 or more, but is less than $500.

(3) May not exceed $100, if the outstanding balance is $500 or more, but is less than $1,000.

(4) May not exceed $250, if the outstanding balance is $1,000 or more, but is less than $5,000.

(5) May not exceed $500, if the outstanding balance is $5,000 or more.

(c) May include any costs incurred by the association during a civil action to enforce the payment of the past due fine.

9. Unless the declaration provides otherwise, nothing in this section shall be construed as giving the association the power to sanction a ~~[unit]~~ unit's owner for matters related to the hotel unit or the shared components.

10. As used in this section:

(a) "Costs of collecting" includes, without limitation, any collection fee, filing fee, recording fee, referral fee, fee for postage or delivery, and any other fee or cost that an association may reasonably charge to the unit's owner for the collection of a past due fine. The term does not include any costs incurred by an association during a civil action to enforce the payment of a past due fine.

(b) "Outstanding balance" means the amount of a past due fine that remains unpaid before any interest, charges for late payment or costs of collecting the past due fine are added.

Sec. 86. *If an association has imposed a fine against a residential unit owner or a tenant or guest of a residential unit owner pursuant to section 85 of this act for violations of the governing documents of the association, the association:*

1. Shall, in the books and records of the association, account for the fine separately from any assessment, fee or other charge; and

2. Shall not apply, in whole or in part, any payment made by the residential unit owner for any assessment, fee or other charge toward the payment of the outstanding balance of the fine or any costs of collecting the fine, unless the residential unit owner provides written authorization which directs the association to apply the payment made by the unit's owner in such a manner.

Sec. 87. *1. Except as otherwise provided in this section, the declaration may provide for a period of declarant's control of the association, during which a declarant, or persons designated by him, may appoint and remove the officers of the association and members of the executive board. Regardless of the period provided in the declaration, a period of declarant's control terminates not later than:*

(a) Sixty days after conveyance of 75 percent of the residential units that may be created to residential unit owners other than a declarant;

(b) Five years after all declarants have ceased to offer residential units for sale in the ordinary course of business; or

(c) Five years after any right to add new residential units was last exercised,

➥ whichever occurs earlier.

2. A declarant may voluntarily surrender the right to appoint and remove officers and members of the executive board before termination of that period, but in that event the declarant may require, for the duration of the period of declarant's control, that specified actions of the association or executive board, as described in a recorded instrument executed by the declarant, be approved by the declarant before they become effective.

3. Not later than 60 days after conveyance of 25 percent of the residential units that may be created to units' owners other than a declarant, at least one member and not less than 25 percent of the members of the executive board must be elected by residential units' owners other than the declarant. Not later than 60 days after conveyance of 50 percent

of the residential units that may be created to residential units' owners other than a declarant, not less than 33 1/3 percent of the members of the executive board must be elected by residential units' owners other than the declarant.

Sec. 88. ***1. Not later than the termination of any period of declarant's control, the ~~[residential unit]~~ units' owners ~~[and hotel unit owner]~~ shall elect an executive board of at least three members . ~~[, all of whom]~~ At least a majority of the members of the executive board must be ~~[units']~~ residential unit owners ~~[or, in the case of the hotel unit, a]~~ and at least one member of the executive board must be a duly authorized representative of the hotel unit owner. The executive board shall elect the officers of the association. The members of the executive board and the officers of the association shall take office upon election.***

2. The term of office of a member of the executive board may not exceed ~~[2]~~ 3 years, except for members who are appointed by the declarant or the hotel unit owner. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

(a) Members of the executive board who are appointed by the declarant;

(b) Members of the executive board who are appointed by the hotel unit owner; and

(c) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of his eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.

5. Each person whose name is placed on the ballot as a candidate for a member of the executive board must:

(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

(b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate has any unpaid and past due assessments or charges that are required to be paid to the association.

➥ ***The candidate must make all disclosures required pursuant to this subsection in writing to the association with his candidacy information. The association shall distribute the disclosures to each member of the association with the ballot in the manner established in the bylaws of the association.***

6. Unless a person is appointed by the declarant, a person may not be a member of the executive board or an officer of the association if the person, his spouse or his parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

7. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, he shall file proof in the records of the association that:

(a) He is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

8. The election of any member of the executive board must be conducted by secret written ballot as follows:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the condominium hotel or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.

(e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for a member of the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

9. Each member of the executive board shall, within 90 days after his appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that he has read and understands the governing documents of the association and the provisions of this chapter to the best of his ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to section 121 of this act.

Sec. 89. ***1. Notwithstanding any provision of the declaration or bylaws to the contrary, any member of the executive board, other than a member appointed by the declarant or elected by the hotel unit owner, may be removed from the executive board, with or without cause, if at a removal election held pursuant to this section the number of votes cast in favor of removal constitutes:***

(a) At least 35 percent of the total number of voting members of the association; and

(b) At least a majority of all votes cast in that removal election.

2. The removal of any member of the executive board must be conducted by secret written ballot as follows:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the condominium hotel or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) Only the secret written ballots that are returned to the association may be counted to determine the outcome.

(d) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(e) The incumbent members of the executive board, including, without limitation, the member who is subject to the removal, may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

3. If a member of an executive board is named as a respondent or sued for liability for actions undertaken in his role as a member of the board, the association shall indemnify him for his losses or claims, and undertake all costs of defense, unless it is proven that he acted with willful or wanton misfeasance or with gross negligence. After such proof, the association is no longer liable for the cost of defense, and may recover costs already expended from the member of the executive board who so acted. Members

of the executive board are not personally liable to the victims of crimes occurring on the property. Punitive damages may not be recovered against the association, but may be recovered from persons whose activity gave rise to the damages.

Sec. 90. ***1. In addition to any applicable requirement set forth in this chapter, within 30 days after units' owners other than the declarant may elect a majority of the members of the executive board, the declarant shall deliver to the association all property of the units' owners and of the association held by or controlled by him, including:***

(a) The original or a certified copy of the recorded declaration as amended, the articles of incorporation, articles of association, articles of organization, certificate of registration, certificate of limited partnership, certificate of trust or other documents of organization for the association, the bylaws, minute books and other books and records of the association and any rules or regulations which may have been adopted.

(b) An accounting for money of the association and audited financial statements for each fiscal year and any ancillary period from the date of inception of the association to the date the period of the declarant's control ends. The financial statements must fairly and accurately report the association's financial position.

(c) If major components of the common elements exist within the condominium hotel, a complete study of the reserves of the association, conducted by a person who holds a permit to conduct such a study issued pursuant to chapter 116A of NRS. At the time the control of the declarant ends, he shall:

(1) Except as otherwise provided in this paragraph, deliver to the association a reserve account that contains the declarant's share of the amounts then due, and control of the account.

(2) Disclose, in writing, the amount by which he has subsidized the association's dues on a per unit basis.

(d) The association's money or control thereof.

(e) All of the declarant's tangible personal property that has been represented by the declarant as property of the association or, unless the declarant has disclosed in the public offering statement that all such personal property used in the condominium hotel will remain the declarant's property, all of the declarant's tangible personal property that is necessary for, and has been used exclusively in, the operation and enjoyment of the common elements, and inventories of these properties.

(f) A copy of any plans and specifications used in the construction of the common elements which were completed within 2 years before the declaration was recorded.

(g) All insurance policies then in force, in which the units' owners, the association, or its directors and officers are named as insured persons.

(h) Copies of any certificates of occupancy that may have been issued with respect to any improvements comprising the common elements.

(i) Any renewable permits and approvals issued by governmental bodies applicable to the common elements or the operation of the association which are in force and any other permits and approvals so issued and applicable which are required by law to be kept on the premises of the condominium hotel.

(j) Written warranties of the contractor, subcontractors, suppliers and manufacturers that are still effective pertaining to the residential units or the common elements.

(k) A roster of owners and mortgagees of units and their addresses and telephone numbers, if known, as shown on the declarant's records.

(l) Contracts of employment in which the association is a contracting party.

(m) Any contract for service in which the association is a contracting party or in which the association has any obligation to pay a fee to the persons performing services related to the common elements.

2. The declarant is not required to deliver to the association any property related to the hotel unit or the shared components.

Sec. 91. ***1. If a condominium hotel is developed in separate phases and any declarant or successor declarant is constructing any common elements that will be added to the association's common elements after the date on which the units' owners other than the declarant may elect a majority of the members of the executive board, the declarant or its successors or assigns who is constructing such additional common elements is responsible for:***

(a) Paying all expenses related to the additional common elements which are incurred before the conveyance of the additional common elements to the association; and

(b) Except as otherwise provided by section 90 of this act, delivering to the association that declarant's share of the amount specified in the study of the reserves completed pursuant to subsection 2.

2. Before conveying the additional common elements to the association, the declarant or successor declarant who constructed the additional common elements shall deliver to the association a study of the reserves for the additional common elements which satisfies the requirements of section 117 of this act.

3. As used in this section, "successor declarant" includes, without limitation, any successor declarant who does not control the association established by the initial declarant.

Sec. 92. ***1. At the time of each close of escrow of a unit in a converted building, the declarant shall deliver to the hotel unit owner the amount of the converted shared component reserve deficit allocated to that unit.***

2. The allocation to a unit of the amount of any converted shared component reserve deficit must be made in the same manner as liability for shared expenses is allocated to that unit.

3. As used in this section, "converted shared component reserve deficit" means the amount necessary to replace the major components of the shared components needing replacement within 10 years after the date of the first sale of a unit.

Sec. 93. ***1. At the time of each close of escrow of a unit in a converted building, the declarant shall deliver to the association the amount of the converted common element reserve deficit allocated to that unit.***

2. The allocation to a unit of the amount of any converted common element reserve deficit must be made in the same manner as assessments are allocated to that unit.

3. As used in this section, "converted common element reserve deficit" means the amount necessary to replace the major components of the common elements needing replacement within 10 years after the date of the first sale of a unit.

Sec. 94. ***1. A special declarant's right created or reserved under this chapter may be transferred only by an instrument evidencing the transfer recorded in every county in which any portion of the condominium hotel is located. The instrument is not effective unless executed by the transferee.***

2. Upon transfer of any special declarant's right, the liability of a transferor declarant is as follows:

(a) A transferor is not relieved of any obligation or liability arising before the transfer and remains liable for warranties imposed upon him by this chapter. Lack of privity does not deprive any unit's owner of standing to maintain an action to enforce any obligation of the transferor.

(b) If a successor to any special declarant's right is an affiliate of a declarant, the transferor is jointly and severally liable with the successor for any obligations or liabilities of the successor relating to the condominium hotel.

(c) If a transferor retains any special declarant's rights, but transfers other special declarant's rights to a successor who is not an affiliate of the declarant, the transferor is liable for any obligations or liabilities imposed on a declarant by this chapter or by the declaration relating to the retained special declarant's rights and arising after the transfer.

(d) A transferor has no liability for any act or omission or any breach of a contractual obligation or warranty arising from the exercise of a special declarant's right by a successor declarant who is not an affiliate of the transferor.

3. Unless otherwise provided in a mortgage, deed of trust or other agreement creating a security interest, in case of foreclosure of a security interest, sale by a trustee under an agreement creating a security interest, tax sale, judicial sale or sale under the Bankruptcy Code or a receivership, of any units owned by a declarant or real estate in a condominium hotel subject to developmental rights, a person acquiring title to all the property being foreclosed or sold, but only upon his request, succeeds to all special

declarant's rights related to that property held by that declarant, or only to any rights reserved in the declaration pursuant to this chapter and held by that declarant to maintain models, offices for sales and signs. The judgment or instrument conveying title must provide for transfer of only the special declarant's rights requested.

4. Upon foreclosure of a security interest, sale by a trustee under an agreement creating a security interest, tax sale, judicial sale or sale under the Bankruptcy Code or a receivership of all interests in a condominium hotel owned by a declarant:

(a) The declarant ceases to have any special declarant's rights; and

(b) The period of declarant's control terminates unless the judgment or instrument conveying title provides for transfer of all special declarant's rights held by that declarant to a successor declarant.

Sec. 95. ***The liabilities and obligations of a person who succeeds to special declarant's rights are as follows:***

1. A successor to any special declarant's right who is an affiliate of a declarant is subject to all obligations and liabilities imposed on the transferor by this chapter or by the declaration.

2. A successor to any special declarant's right, other than a successor described in subsection 3 or 4 or a successor who is an affiliate of a declarant, is subject to the obligations and liabilities imposed by this chapter or the declaration:

(a) On a declarant which relate to the successor's exercise or nonexercise of special declarant's rights; or

(b) On his transferor, other than:

(1) Misrepresentations by any previous declarant;

(2) Warranties on improvements made by any previous declarant, or made before the condominium hotel was created;

(3) Breach of any fiduciary obligation by any previous declarant or his appointees to the executive board; or

(4) Any liability or obligation imposed on the transferor as a result of the transferor's acts or omissions after the transfer.

3. A successor to only a right reserved in the declaration to maintain models, offices for sales and signs, may not exercise any other special declarant's right, and is not subject to any liability or obligation as a declarant, except the obligation to provide a public offering statement and any liability arising as a result thereof.

4. A successor to all special declarant's rights held by a transferor who succeeded to those rights pursuant to a deed or other instrument of conveyance in lieu of foreclosure or a judgment or instrument under subsection 3 of section 94 of this act may declare in a recorded instrument the intention to hold those rights solely for transfer to another person. Thereafter, until transferring all special declarant's rights to any person acquiring title to any unit or real estate subject to developmental rights owned by the successor, or until recording an instrument permitting

exercise of all those rights, that successor may not exercise any of those rights other than any right held by his transferor to control the executive board in accordance with section 87 of this act for the duration of any period of declarant's control, and any attempted exercise of those rights is void. So long as a successor declarant may not exercise special declarant's rights under this subsection, the successor declarant is not subject to any liability or obligation as a declarant other than liability for his acts and omissions under section 87 of this act.

Sec. 96. ***Sections 94 and 95 of this act do not subject any successor to a special declarant's right to any claims against or other obligations of a transferor declarant, other than claims and obligations arising under this chapter or the declaration.***

Sec. 97. ***1. The bylaws of the association must provide:***

(a) The number of members of the executive board and the titles of the officers of the association;

(b) For election by the executive board of a president, treasurer, secretary and any other officers of the association the bylaws specify;

(c) The qualifications, powers and duties, terms of office and manner of electing and removing officers of the association and members of the executive board and filling vacancies;

(d) Which powers, if any, that the executive board or the officers of the association may delegate to other persons, including a community manager;

(e) Which of its officers may prepare, execute, certify and record amendments to the declaration on behalf of the association;

(f) Procedural rules for conducting meetings of the association;

(g) A method for amending the bylaws; and

(h) Procedural rules for conducting elections.

2. Except as otherwise provided in the declaration, the bylaws may provide for any other matters the association deems necessary and appropriate.

3. The bylaws must be written in plain English.

4. The bylaws must not attempt to exercise any control over the shared components or the hotel unit.

Sec. 98. ***The rules adopted by an association, if any:***

1. Must be reasonably related to the duties of the association.

2. Must be sufficiently explicit in their prohibition, direction or limitation to inform a person of any action or omission required for compliance.

3. Must not be adopted to evade any obligation of the association.

4. Must be consistent with the governing documents of the association and must not arbitrarily restrict conduct or require the construction of any capital improvement by a unit's owner that is not required by the governing documents of the association.

5. Must be uniformly enforced under the same or similar circumstances against all units' owners. Any rule that is not so uniformly enforced may not be enforced against any unit's owner.

6. May be enforced by the association through the imposition of a fine only if the association complies with the requirements set forth in section 85 of this act for levying fines.

7. Must not attempt to exercise any control over the shared components or the hotel unit.

Sec. 99. ***1. Except to the extent provided by the declaration or this chapter, the association is responsible for maintenance, repair and replacement of the common elements, and each unit's owner is responsible for maintenance, repair and replacement of his unit. Each unit's owner shall afford to the association and the other units' owners, and to their agents or employees, access through his unit reasonably necessary for those purposes. If damage is inflicted by a residential unit owner on the common elements, hotel unit or on any unit through which access is taken, the residential unit owner responsible for the damage, or the association if it is responsible, is liable for the prompt repair thereof.***

2. Except to the extent provided by the declaration, the hotel unit owner is responsible for the maintenance, repair and replacement of the hotel unit and the shared components.

Sec. 100. ***1. A meeting of the units' owners must be held ~~[as]~~ :***

(a) As required by the declaration ~~[.]~~ ; and

(b) At least once each year.

2. Special meetings of the units' owners may be called by the president, by a majority of the executive board or by units' owners constituting at least 10 percent, or any lower percentage specified in the bylaws, of the total number of voting members of the association. The same number of units' owners may also call a removal election pursuant to section 89 of this act. To call a special meeting or a removal election, the units' owners must submit a written petition which is signed by the required percentage of the total number of voting members of the association pursuant to this section and which is mailed, return receipt requested, or served by a process server to the executive board for the association. If the petition calls for a special meeting, the executive board shall set the date for the special meeting so that the special meeting is held not less than 15 days or more than 60 days after the date on which the petition is received. If the petition calls for a removal election, the secret written ballots for the removal election must be sent in the manner required by section 89 of this act not less than 15 days or more than 60 days after the date on which the petition is received, and the executive board shall set the date for the meeting to open and count the secret written ballots so that the meeting is held not more than 15 days after the deadline for returning the secret written ballots.

3. Not less than 15 days or more than 60 days in advance of any meeting of the units' owners, the secretary or other officer specified in the bylaws shall cause notice of the meeting to be hand-delivered, sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner or, if the association offers to send notice by electronic mail, sent by electronic mail at the request of the unit's owner to an electronic mail address designated in writing by the unit's owner. The notice of the meeting must state the time and place of the meeting and include a copy of the agenda for the meeting. The notice must include notification of the right of a unit's owner to:

(a) Have a copy of the minutes or a summary of the minutes of the meeting provided to the unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.

(b) Speak to the association or executive board, unless the executive board is meeting in executive session.

4. The agenda for a meeting of the units' owners must consist of:

(a) A clear and complete statement of the topics scheduled to be considered during the meeting, including, without limitation, any proposed amendment to the declaration or bylaws, any fees or assessments to be imposed or increased by the association, any budgetary changes and any proposal to remove an officer of the association or member of the executive board.

(b) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items. In an emergency, the units' owners may take action on an item which is not listed on the agenda as an item on which action may be taken.

(c) A period devoted to comments by units' owners and discussion of those comments. Except in emergencies, no action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to paragraph (b).

5. If the association adopts a policy imposing fines for any violations of the governing documents of the association, the secretary or other officer specified in the bylaws shall prepare and cause to be hand-delivered or sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner, a schedule of the fines that may be imposed for those violations.

6. The secretary or other officer specified in the bylaws shall cause minutes to be recorded or otherwise taken at each meeting of the units' owners. Not more than 30 days after each such meeting, the secretary or other officer specified in the bylaws shall cause the minutes or a summary of the minutes of the meeting to be made available to the units' owners. A copy of the minutes or a summary of the minutes must be provided to any

unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.

7. Except as otherwise provided in subsection 8, the minutes of each meeting of the units' owners must include:

(a) The date, time and place of the meeting;

(b) The substance of all matters proposed, discussed or decided at the meeting; and

(c) The substance of remarks made by any unit's owner at the meeting if he requests that the minutes reflect his remarks or, if he has prepared written remarks, a copy of his prepared remarks if he submits a copy for inclusion.

8. The executive board may establish reasonable limitations on materials, remarks or other information to be included in the minutes of a meeting of the units' owners.

9. The association shall maintain the minutes of each meeting of the units' owners until the condominium hotel is terminated.

10. A unit's owner may record on audiotape or any other means of sound reproduction a meeting of the units' owners if the unit's owner, before recording the meeting, provides notice of his intent to record the meeting to the other units' owners who are in attendance at the meeting.

11. The units' owners may approve, at the annual meeting of the units' owners, the minutes of the prior annual meeting of the units' owners and the minutes of any prior special meetings of the units' owners. A quorum is not required to be present when the units' owners approve the minutes.

12. <u>The hotel unit owner or his designated agent shall attend the annual meeting of the units' owners to present a written report concerning the status of the current year's budget for the shared expenses and discuss any material issues that will affect the preparation of the next year's budget for shared expenses.</u>

<u>13.</u> As used in this section, "emergency" means any occurrence or combination of occurrences that:

(a) Could not have been reasonably foreseen;

(b) Affects the health, welfare and safety of the units' owners or residents of the condominium hotel;

(c) Requires the immediate attention of, and possible action by, the executive board; and

(d) Makes it impracticable to comply with the provisions of subsection 3 or 4.

Sec. 101. ***1. A meeting of the executive board must be held at least once a year.***

2. Except in an emergency or unless the bylaws of an association require a longer period of notice, the secretary or other officer specified in the bylaws of the association shall, not less than ~~[10]~~ <u>30</u> days before the

date of a meeting of the executive board, cause notice of the meeting to be given to the units' owners. Such notice must be:

(a) Sent prepaid by United States mail to the mailing address of each unit within the condominium hotel or to any other mailing address designated in writing by the unit's owner; or

(b) If the association offers to send notice by electronic mail, sent by electronic mail at the request of the unit's owner to an electronic mail address designated in writing by the unit's owner. ~~[; or~~

~~(c) Published in a newsletter or other similar publication that is circulated to each unit's owner.]~~

3. In an emergency, the secretary or other officer specified in the bylaws of the association shall, if practicable, cause notice of the meeting to be sent prepaid by United States mail to the mailing address of each unit within the condominium hotel. If delivery of the notice in this manner is impracticable, the notice must be hand-delivered to each unit within the condominium hotel or posted in a prominent place or places within the common elements of the association.

4. The notice of a meeting of the executive board must state the time and place of the meeting and include a copy of the agenda for the meeting or the date on which and the locations where copies of the agenda may be conveniently obtained by the units' owners. The notice must include notification of the right of a unit's owner to:

(a) Have a copy of the minutes or a summary of the minutes of the meeting provided to the unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.

(b) Speak to the association or executive board, unless the executive board is meeting in executive session.

5. The agenda of the meeting of the executive board must comply with the provisions of subsection 4 of section 100 of this act. The period required to be devoted to comments by the units' owners and discussion of those comments must be scheduled for the beginning of each meeting. In an emergency, the executive board may take action on an item which is not listed on the agenda as an item on which action may be taken.

6. At least once every year, unless the declaration or bylaws of the association impose more stringent standards, the executive board shall review, at a minimum, the following financial information at one of its meetings:

(a) A current year-to-date financial statement of the association;

(b) A current year-to-date schedule of revenues and expenses for the operating account and the reserve account, compared to the budget for those accounts;

(c) A current reconciliation of the operating account of the association;

(d) A current reconciliation of the reserve account of the association;

(e) The latest account statements prepared by the financial institutions in which the accounts of the association are maintained; and

(f) The current status of any civil action or claim submitted to arbitration or mediation in which the association is a party.

7. The secretary or other officer specified in the bylaws shall cause minutes to be recorded or otherwise taken at each meeting of the executive board. Not more than 30 days after each such meeting, the secretary or other officer specified in the bylaws shall cause the minutes or a summary of the minutes of the meetings to be made available to the units' owners. A copy of the minutes or a summary of the minutes must be provided to any unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.

8. Except as otherwise provided in subsection 9 and section 102 of this act, the minutes of each meeting of the executive board must include:

(a) The date, time and place of the meeting;

(b) The names of those members of the executive board who were present and of those members who were absent at the meeting;

(c) The substance of all matters proposed, discussed or decided at the meeting;

(d) A record of each member's vote on any matter decided by vote at the meeting; and

(e) The substance of remarks made by any unit's owner who addresses the executive board at the meeting if he requests that the minutes reflect his remarks or, if he has prepared written remarks, a copy of his prepared remarks if he submits a copy for inclusion.

9. The executive board may establish reasonable limitations on materials, remarks or other information to be included in the minutes of its meetings.

10. The association shall maintain the minutes of each meeting of the executive board until the condominium hotel is terminated.

11. A unit's owner may record on audiotape or any other means of sound reproduction a meeting of the executive board, unless the executive board is meeting in executive session, if the unit's owner, before recording the meeting, provides notice of his intent to record the meeting to the members of the executive board and the other units' owners who are in attendance at the meeting.

12. As used in this section, "emergency" means any occurrence or combination of occurrences that:

(a) Could not have been reasonably foreseen;

(b) Affects the health, welfare and safety of the units' owners or residents of the condominium hotel;

(c) Requires the immediate attention of, and possible action by, the executive board; and

(d) Makes it impracticable to comply with the provisions of subsection 2 or 5.

Sec. 102. ***1. Except as otherwise provided in this section, a unit's owner may attend any meeting of the units' owners or of the executive board and speak at any such meeting. The executive board may establish reasonable limitations on the time a unit's owner may speak at such a meeting.***

2. An executive board may not meet in executive session to enter into, renew, modify, terminate or take any other action regarding a contract, unless it is a contract between the association and an attorney.

3. An executive board may meet in executive session only to:

(a) Consult with the attorney for the association on matters relating to proposed or pending litigation if the contents of the discussion would otherwise be governed by the privilege set forth in NRS 49.035 to 49.115, inclusive, or to enter into, renew, modify, terminate or take any other action regarding a contract between the association and the attorney.

(b) Discuss the character, alleged misconduct, professional competence, or physical or mental health of a community manager or an employee of the association.

(c) Except as otherwise provided in subsection 4, discuss a violation of the governing documents, including, without limitation, the failure to pay an assessment.

4. An executive board shall meet in executive session to hold a hearing on an alleged violation of the governing documents unless the person who may be sanctioned for the alleged violation requests in writing that an open hearing be conducted by the executive board. If the person who may be sanctioned for the alleged violation requests in writing that an open hearing be conducted, the person:

(a) Is entitled to attend all portions of the hearing related to the alleged violation, including, without limitation, the presentation of evidence and the testimony of witnesses; and

(b) Is not entitled to attend the deliberations of the executive board.

5. Except as otherwise provided in this subsection, any matter discussed by the executive board when it meets in executive session must be generally noted in the minutes of the meeting of the executive board. The executive board shall maintain minutes of any decision made pursuant to subsection 4 concerning an alleged violation and, upon request, provide a copy of the decision to the person who was subject to being sanctioned at the hearing or to his designated representative.

6. Except as otherwise provided in subsection 4, a unit's owner is not entitled to attend or speak at a meeting of the executive board held in executive session.

Sec. 103. ***1. If an executive board receives a written complaint from a unit's owner alleging that the executive board has violated any provision of this chapter or any provision of the governing documents of the***

association, the executive board shall, if action is required by the executive board, place the subject of the complaint on the agenda of the next regularly scheduled meeting of the executive board.

2. Not later than 10 business days after the date that the association receives such a complaint, the executive board or an authorized representative of the association shall acknowledge the receipt of the complaint and notify the unit's owner that, if action is required by the executive board, the subject of the complaint will be placed on the agenda of the next regularly scheduled meeting of the executive board.

Sec. 104. ***1. The association shall provide written notice to each unit's owner of a meeting at which the commencement of a civil action is to be considered at least 21 calendar days before the date of the meeting. Except as otherwise provided in this subsection, the association may commence a civil action only upon a vote or written agreement of the owners of units to which at least a majority of the votes of the members of the association are allocated. The provisions of this subsection do not apply to a civil action that is commenced:***

(a) To enforce the payment of an assessment;

(b) To enforce the declaration, bylaws or rules of the association;

(c) To enforce a contract with a vendor;

(d) To proceed with a counterclaim; or

(e) To protect the health, safety and welfare of the members of the association. If a civil action is commenced pursuant to this paragraph without the required vote or agreement, the action must be ratified within 90 days after the commencement of the action by a vote or written agreement of the owners of the units to which at least a majority of votes of the members of the association are allocated. If the association, after making a good faith effort, cannot obtain the required vote or agreement to commence or ratify such a civil action, the association may thereafter seek to dismiss the action without prejudice for that reason only if a vote of written agreement of the owners of the units to which at least a majority of votes of the members of the association are allocated was obtained at the time the approval to commence or ratify the action was sought.

2. At least 10 days before an association commences or seeks to ratify the commencement of a civil action, the association shall provide a written statement to all the units' owners that includes:

(a) A reasonable estimate of the costs of the civil action, including reasonable attorney's fees;

(b) An explanation of the potential benefits of the civil action and the potential adverse consequences if the association does not commence the action or if the outcome of the action is not favorable to the association; and

(c) All disclosures that are required to be made upon the sale of the property.

3. No person other than a unit's owner may request the dismissal of a civil action commenced by the association on the ground that the association failed to comply with any provision of this section.

4. If any civil action in which the association is a party is settled, the executive board shall disclose the terms and conditions of the settlement at the next regularly scheduled meeting of the executive board after the settlement has been reached. The executive board may not approve a settlement which contains any terms and conditions that would prevent the executive board from complying with the provisions of this subsection.

Sec. 105. ***1. Except as otherwise provided in this section and section 88 of this act, and except when the governing documents provide otherwise, a quorum is present throughout any meeting of the association if the number of members of the association who are present in person or by proxy at the beginning of the meeting equals or exceeds 20 percent of the total number of voting members of the association.***

2. If the governing documents of an association contain a quorum requirement for a meeting of the association that is greater than the 20 percent required by subsection 1 and, after proper notice has been given for a meeting, the members of the association who are present in person or by proxy at the meeting are unable to hold the meeting because a quorum is not present at the beginning of the meeting, the members who are present in person at the meeting may adjourn the meeting to a time that is not less than 48 hours or more than 30 days after the date of the meeting. At the subsequent meeting:

(a) A quorum shall be deemed to be present if the number of members of the association who are present in person or by proxy at the beginning of the subsequent meeting equals or exceeds 20 percent of the total number of voting members of the association; and

(b) If such a quorum is deemed to be present but the actual number of members who are present in person or by proxy at the beginning of the subsequent meeting is less than the number of members who are required for a quorum under the governing documents, the members who are present in person or by proxy at the subsequent meeting may take action only on those matters that were included as items on the agenda of the original meeting.

➥ The provisions of this subsection do not change the actual number of votes that are required under the governing documents for taking action on any particular matter.

3. Unless the governing documents specify a larger percentage, a quorum is deemed present throughout any meeting of the executive board if persons entitled to cast 50 percent of the votes on that board are present at the beginning of the meeting.

Sec. 106. ***1. If only one of several owners of a unit is present at a meeting of the association, that owner is entitled to cast all the votes allocated to that unit. If more than one of the owners are present, the votes***

allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the owners, unless the declaration expressly provides otherwise. There is majority agreement if any one of the owners cast the votes allocated to that unit without protest made promptly to the person presiding over the meeting by any of the other owners of the unit.

2. Except as otherwise provided in this section, votes allocated to a unit may be cast pursuant to a proxy executed by a unit's owner. A unit's owner may give a proxy only to a member of his immediate family, a tenant of the unit's owner who resides in the condominium hotel, the hotel unit owner or another unit's owner who resides in the condominium hotel. If a unit is owned by more than one person, each owner of the unit may vote or register protest to the casting of votes by the other owners of the unit through an executed proxy. A unit's owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the person presiding over a meeting of the association.

3. Before a vote may be cast pursuant to a proxy:

(a) The proxy must be dated.

(b) The proxy must not purport to be revocable without notice.

(c) The proxy must designate the meeting for which it is executed.

(d) The proxy must designate each specific item on the agenda of the meeting for which the unit's owner has executed the proxy, except that the unit's owner may execute the proxy without designating any specific items on the agenda of the meeting if the proxy is to be used solely for determining whether a quorum is present for the meeting. If the proxy designates one or more specific items on the agenda of the meeting for which the unit's owner has executed the proxy, the proxy must indicate, for each specific item designated in the proxy, whether the holder of the proxy must cast a vote in the affirmative or the negative on behalf of the unit's owner. If the proxy does not indicate whether the holder of the proxy must cast a vote in the affirmative or the negative for a particular item on the agenda of the meeting, the proxy must be treated, with regard to that particular item, as if the unit's owner were present but not voting on that particular item.

(e) The holder of the proxy must disclose at the beginning of the meeting for which the proxy is executed the number of proxies pursuant to which the holder will be casting votes.

4. A proxy terminates immediately after the conclusion of the meeting for which it is executed.

5. A vote may not be cast pursuant to a proxy for the election or removal of a member of the executive board of an association.

6. The holder of a proxy may not cast a vote on behalf of the unit's owner who executed the proxy in a manner that is contrary to the proxy.

7. A proxy is void if the proxy or the holder of the proxy violates any provision of subsections 1 to 6, inclusive.

8. If the declaration requires that votes on specified matters affecting the condominium hotel must be cast by the lessees of leased units rather than the units' owners who have leased the units:

(a) The provisions of subsections 1 to 7, inclusive, apply to the lessees as if they were the units' owners;

(b) The units' owners who have leased their units to the lessees may not cast votes on those specified matters;

(c) The lessees are entitled to notice of meetings, access to records and other rights respecting those matters as if they were the units' owners; and

(d) The units' owners must be given notice, in the manner provided in this chapter, of all meetings at which the lessees are entitled to vote.

9. If any votes are allocated to a unit that is owned by the association, those votes may not be cast, by proxy or otherwise, for any purpose.

Sec. 107. *Neither the association nor any unit's owner except the declarant or hotel unit owner, as applicable, is liable for that declarant's or hotel unit owner's torts in connection with any part of the condominium hotel which that declarant or hotel unit owner, as applicable, owns or has the responsibility to maintain. Otherwise, an action alleging a wrong done by the association must be brought against the association and not against any unit's owner. If the wrong occurred during any period of declarant's control over the association and the association gives the declarant reasonable notice of and an opportunity to defend against the action, the declarant who then controlled the association is liable to the association or to any unit's owner for all tort losses not covered by insurance suffered by the association or that unit's owner, and all costs that the association would not have incurred but for a breach of contract or other wrongful act or omission. Whenever the declarant is liable to the association under this section, the declarant is also liable for all expenses of litigation, including reasonable attorney's fees, incurred by the association. Any statute of limitation affecting the association's right of action under this section is tolled until the period of declarant's control terminates. A unit's owner is not precluded from maintaining an action contemplated by this section because he is a unit's owner or a member or officer of the association.*

Sec. 108. *1. Portions of the common elements of a condominium hotel may be conveyed or subjected to a security interest by the association if persons entitled to cast at least a majority of the votes in the association or any larger percentage otherwise specified in the declaration agree to such action. All owners of units to which any limited common element is allocated must agree in order to convey that limited common element or subject it to a security interest. Proceeds of the sale are an asset of the association.*

2. An agreement to convey or subject common elements in a condominium hotel to a security interest must be evidenced by the execution of an agreement, or ratifications thereof, in the same manner as a deed, by the requisite number of units' owners. The agreement must

specify a date after which the agreement will be void unless recorded before that date. The agreement and all ratifications thereof must be recorded in every county in which a portion of the condominium hotel is situated, and is effective only upon recordation.

3. The association, on behalf of the units' owners, may contract to convey an interest in the common elements pursuant to subsection 1, but the contract is not enforceable against the association until approved pursuant to subsections 1 and 2. Upon approval, the association has all powers necessary and appropriate to effect the conveyance or encumbrance, including the power to execute deeds or other instruments.

4. Unless made pursuant to this section, any purported conveyance, encumbrance, judicial sale or other voluntary transfer of common elements is void.

5. A conveyance or encumbrance of common elements pursuant to this section does not deprive any unit of its rights of access and support.

6. Unless the declaration otherwise provides, a conveyance or encumbrance of common elements pursuant to this section does not affect the priority or validity of preexisting encumbrances.

Sec. 109. ***1. Commencing not later than the time of the first conveyance of a unit to a person other than a declarant, and unless the declaration states otherwise, the association shall maintain, to the extent reasonably available, both of the following:***

(a) Property insurance on the common elements insuring against all risks of direct physical loss commonly insured against in an amount specified in the declaration.

(b) Liability insurance on the common elements, including insurance for medical payments, in an amount determined by the executive board but not less than any amount specified in the declaration, covering all occurrences commonly insured against for death, bodily injury, and property damage arising out of or in connection with the use, ownership, or maintenance of the common elements.

2. Commencing not later than the time of the first conveyance of a residential unit to a person other than the declarant, and unless the declaration states otherwise, the hotel unit owner shall maintain, to the extent reasonably available, the following:

(a) Property and casualty insurance on the residential units, hotel unit and shared components insuring against all risks of direct physical loss commonly insured against in an amount specified in the declaration. An insurance policy issued to the hotel unit owner does not prevent a unit's owner from obtaining insurance for his own benefit.

(b) Liability insurance on the residential units, hotel unit and shared components, including insurance for medical payments, in an amount set forth in the declaration, covering all occurrences commonly insured against for death, bodily injury, and property damage arising out of or in

connection with the use, ownership, or maintenance of the residential units, shared components or the hotel unit.

Sec. 110. ***Insurance policies carried pursuant to this chapter must provide to the extent reasonably available that:***

1. Each unit's owner is an insured person under the policy with respect to liability arising out of his interest in the common elements or membership in the association;

2. The insurer waives its right to subrogation under the policy against any unit's owner or member of his household;

3. No act or omission by any unit's owner, unless acting within the scope of his authority on behalf of the association, will void the policy or be a condition to recovery under the policy; and

4. If, at the time of a loss under the policy, there is other insurance in the name of a unit's owner covering the same risk covered by the policy, the association's policy or the hotel unit owners' policy, as applicable, provides primary insurance.

Sec. 111. ***1. Unless the declaration states otherwise, with respect to repair or replacement of all or any portion of the hotel condominium after fire or other casualty, any portion of the condominium hotel for which insurance is required under section 109 of this act which is damaged or destroyed must be repaired or replaced promptly by the association or the hotel unit owner unless:***

(a) The condominium hotel is terminated pursuant to the provisions of this chapter;

(b) Repair or replacement would be illegal under any state or local statute or ordinance governing health or safety; or

(c) The declarant or hotel unit owner, as applicable, and the residential unit owners representing at least 80 percent of the total voting power in the association vote that the damaged or destroyed portion of the hotel condominium not be rebuilt.

2. If a determination is made to effect repair or restoration of the damaged or destroyed portion of the condominium hotel, the insurance proceeds of all insurance policies required to be maintained under section 109 of this act that are attributable to the damaged or destroyed portion of the condominium hotel must be disbursed to the contractors engaged in such repair or restoration in appropriate installment payments, and any proceeds that are in excess of the amounts reasonably necessary to effect repair or restoration must be disbursed:

(a) As to the residential units or common elements, to the [unit] units' owners in proportion to their assessments for common expenses.

(b) As to any portion of the shared components or the hotel unit, to the hotel unit owner.

3. If a determination is made not to effect repair or restoration of the damaged portion of the condominium hotel:

(a) The insurance proceeds attributable to units, shared components or common elements that are not rebuilt must be distributed to the owners of those units and the owners of the units to which those limited common elements were allocated, or to lienholders, as their interests may appear; and

(b) The remainder of the proceeds must be distributed:

(1) As to the residential units or common elements, to the ~~[unit]~~ units' owners in proportion to their assessments for common expenses.

(2) As to any portion of the shared components or the hotel unit, to the hotel unit owner.

Sec. 112. ***1. The Commission shall adopt regulations prescribing the requirements for the preparation and presentation of financial statements of an association pursuant to this chapter.***

2. The regulations adopted by the Commission must include, without limitation:

(a) The qualifications necessary for a person to prepare and present financial statements of an association; and

(b) The standards and format to be followed in preparing and presenting financial statements of an association.

Sec. 113. ***1. Except as otherwise provided in subsection 2, the executive board shall:***

(a) If the annual budget of the association is less than $75,000, cause the financial statement of the association to be audited by an independent certified public accountant at least once every 4 fiscal years.

(b) If the annual budget of the association is $75,000 or more but less than $150,000, cause the financial statement of the association to be:

(1) Audited by an independent certified public accountant at least once every 4 fiscal years; and

(2) Reviewed by an independent certified public accountant every fiscal year for which an audit is not conducted.

(c) If the annual budget of the association is $150,000 or more, cause the financial statement of the association to be audited by an independent certified public accountant every fiscal year.

2. For any fiscal year for which an audit of the financial statement of the association will not be conducted pursuant to subsection 1, the executive board shall cause the financial statement for that fiscal year to be audited by an independent certified public accountant if, within 180 days before the end of the fiscal year, 15 percent of the total number of voting members of the association submit a written request for such an audit.

3. The Commission shall adopt regulations prescribing the requirements for the auditing or reviewing of financial statements of an association pursuant to this section. Such regulations must include, without limitation:

(a) The qualifications necessary for a person to audit or review financial statements of an association; and

(b) The standards and format to be followed in auditing or reviewing financial statements of an association.

Sec. 114. ***1. Until the association makes an assessment for common expenses for the common elements, the declarant shall pay all common expenses. After an assessment has been made by the association, assessments must be made at least annually, based on a budget adopted at least annually by the association in accordance with the requirements set forth in this chapter. Unless the declaration imposes more stringent standards, the budget must include a budget for the daily operation of the association and a budget for the reserves required by paragraph (b) of subsection 2.***

2. Except for assessments under subsections 4 to 7, inclusive:

(a) All common expenses, including the reserves, must be assessed against all the units in accordance with the allocations set forth in the declaration pursuant to section 66 of this act.

(b) The association shall establish adequate reserves, funded on a reasonable basis, for the repair, replacement and restoration of the major components of the common elements. The reserves may be used only for those purposes and must not be used for daily maintenance. The association may comply with the provisions of this paragraph through a funding plan that is designed to allocate the costs for the repair, replacement and restoration of the major components of the common elements over a period of years if the funding plan is designed in an actuarially sound manner which will ensure that sufficient money is available when the repair, replacement and restoration of the major components of the common elements are necessary.

3. Any past due assessment for common expenses or installment thereof bears interest at the rate established by the association not exceeding 18 percent per year.

4. To the extent required by the declaration:

(a) Any common expense or portion thereof benefiting fewer than all of the units must be assessed exclusively against the units benefited; and

(b) The costs of insurance must be assessed in proportion to risk and the costs of utilities must be assessed in proportion to usage.

5. Assessments to pay a judgment against the association may be made only against the units in the condominium hotel at the time the judgment was entered, in proportion to their liabilities for common expenses.

6. If any common expense is caused by the misconduct of any unit's owner, the association may assess that expense exclusively against his unit.

7. If liabilities for common expenses are reallocated, assessments for common expenses and any installment thereof not yet due must be recalculated in accordance with the reallocated liabilities.

8. The association shall provide written notice to each unit's owner of a meeting at which an assessment for a capital improvement is to be

considered or action is to be taken on such an assessment at least 21 calendar days before the date of the meeting.

Sec. 115. ***1. The hotel unit owner may charge all residential units in the condominium hotel:***

(a) Shared expenses for the operation, maintenance and insurance of the hotel unit, shared components and the residential units;

(b) Costs for the establishment of reasonable reserve funds for the repair or replacement of the major components of the shared components ~~[,]~~ or the major components of the hotel unit;

(c) Costs for the establishment of reasonable reserve funds for the maintenance, repair and replacement of the hotel unit or shared components;

(d) Charges for capital improvement;

(e) Charges that the declarant or hotel unit owner, as applicable, establishes in the declaration to offset the burden on the shared components or hotel unit as a result of transient rentals; and

(f) All other charges lawfully imposed by the declarant in connection with the repair, replacement, improvement, maintenance, management, operation and insurance of the shared components.

2. All shared expenses, including the reserves, must be charged against all the residential units in accordance with the allocated liability for shared expenses set forth in the declaration pursuant to this chapter.

3. The shared expenses must be imposed on a calendar-year basis and must be payable by the residential unit owners in monthly, quarterly, semiannual or annual installments as required in the declaration.

4. The ~~[declarant or]~~ hotel unit owner ~~[, as applicable,]~~ shall establish adequate reserves, funded on a reasonable basis, for the repair, replacement and restoration of the major components of the shared components ~~[,]~~ or the major components of the hotel unit. The reserves may be used only for repair, replacement and restoration of the major components of the shared components ~~[,]~~ or the major components of the hotel unit and must not be used for daily maintenance. The ~~[declarant]~~ hotel unit owner may comply with the provisions of this subsection through a funding plan that is designed to allocate the costs for the repair, replacement and restoration of the major components of the shared components or the major components of the hotel unit over a period of years if the funding plan is designed in an actuarially sound manner which will ensure that sufficient money is available when the repair, replacement and restoration of the major components of the shared components or the major components of the hotel unit is necessary.

5. Any past due assessment authorized pursuant to this section bears interest at the rate established by the declaration but not to exceed 18 percent per year.

6. Payment of shared expenses by a residential unit owner does not entitle that owner to ownership or control over the hotel unit or the shared components.

7. The hotel unit owner shall provide a copy of the next year's budget for projected shared expenses described in subsection 1 to all units' owners at least 20 days before the date on which the hotel unit owner actually imposes any charges set forth in the next year's budget.

Sec. 116. ***1. Except as otherwise provided in subsection 2 and unless the declaration of a condominium hotel imposes more stringent standards, the executive board shall, not less than 30 days or more than 60 days before the beginning of the fiscal year, prepare and distribute to each unit's owner a copy of:***

(a) The budget for the daily operation of the association. The budget must include, without limitation, the estimated annual revenue and expenditures of the association and any contributions to be made to the reserve account of the association.

(b) The budget to provide adequate funding for the reserves required by section 115 of this act. The budget must include, without limitation:

(1) The current estimated replacement cost, estimated remaining life and estimated useful life of each major component of the common elements;

(2) As of the end of the fiscal year for which the budget is prepared, the current estimate of the amount of cash reserves that are necessary, and the current amount of accumulated cash reserves that are set aside, to repair, replace or restore the major components of the common elements;

(3) A statement as to whether the executive board has determined or anticipates that the levy of one or more special assessments will be necessary to repair, replace or restore any major component of the common elements or to provide adequate funding for the reserves designated for that purpose; and

(4) A general statement describing the procedures used for the estimation and accumulation of cash reserves pursuant to subparagraph (2), including, without limitation, the qualifications of the person responsible for the preparation of the study of the reserves required by section 117 of this act.

2. In lieu of distributing copies of the budgets of the association required by subsection 1, the executive board may distribute to each unit's owner a summary of those budgets, accompanied by a written notice that:

(a) The budgets are available for review at the business office of the association or some other suitable location within the county where the condominium hotel is situated or, if it is situated in more than one county, within one of those counties; and

(b) Copies of the budgets will be provided upon request.

3. Within 60 days after adoption of any proposed budget for the association of the condominium hotel, the executive board shall provide a

summary of the proposed budget to each unit's owner and shall set a date for a meeting of the units' owners to consider ratification of the proposed budget not less than 14 days or more than 30 days after the mailing of the summaries. Unless at that meeting a majority of all units' owners, or any larger vote specified in the declaration, reject the proposed budget, the proposed budget is ratified, whether or not a quorum is present. If the proposed budget is rejected, the periodic budget last ratified by the units' owners must be continued until such time as the units' owners ratify a subsequent budget proposed by the executive board.

Sec. 117. ***1. The executive board shall:***

(a) At least once every 5 years, cause to be conducted a study of the reserves required to repair, replace and restore the major components of the common elements;

(b) At least annually, review the results of that study to determine whether those reserves are sufficient; and

(c) At least annually, make any adjustments to the association's funding plan which the executive board deems necessary to provide adequate funding for the required reserves.

2. The study of the reserves required by subsection 1 must be conducted by a person who holds a permit issued pursuant to chapter 116A of NRS.

3. The study of the reserves must include, without limitation:

(a) A summary of an inspection of the major components of the common elements that the association is obligated to repair, replace or restore;

(b) An identification of the major components of the common elements that the association is obligated to repair, replace or restore which have a remaining useful life of less than 30 years;

(c) An estimate of the remaining useful life of each major component of the common elements identified pursuant to paragraph (b);

(d) An estimate of the cost of repair, replacement or restoration of each major component of the common elements identified pursuant to paragraph (b) during and at the end of its useful life; and

(e) An estimate of the total annual assessment that may be necessary to cover the cost of repair, replacement or restoration of the major components of the common elements identified pursuant to paragraph (b), after subtracting the reserves of the association as of the date of the study, and an estimate of the funding plan that may be necessary to provide adequate funding for the required reserves.

4. A summary of the study of the reserves required by subsection 1 must be submitted to the Division not later than 45 days after the date that the executive board adopts the results of the study.

Sec. 118. ***1. The hotel unit owner shall:***

(a) At least once every 5 years, cause to be conducted a study of the reserves required to repair, replace and restore the major components of the shared components ~~***[.]***~~ ***and the major components of the hotel unit;***

(b) At least annually, review the results of that study to determine whether those reserves are sufficient; and

(c) At least annually, make any adjustments to the charges ~~[for shared components which is]~~ deemed necessary to provide adequate funding for the required reserves ~~.~~ [for shared components.]

2. The study of the reserves required by subsection 1 must be conducted by a person who holds a permit issued pursuant to chapter 116A of NRS.

3. The study of the reserves must include, without limitation:

(a) A summary of an inspection of the major components of the shared components ~~[.]~~ and the major components of the hotel unit;

(b) An identification of the major components of the shared components and the major components of the hotel unit that have a remaining useful life of less than 30 years;

(c) An estimate of the remaining useful life of each major component of the shared components and each major component of the hotel unit identified pursuant to paragraph (b);

(d) An estimate of the cost of repair, replacement or restoration of each major component of the shared components and each major component of the hotel unit identified pursuant to paragraph (b) during and at the end of its useful life; and

(e) An estimate of the total annual charge that may be necessary to cover the cost of repairing, replacement or restoration of the major components of the shared components and the major components of the hotel unit identified pursuant to paragraph (b), after subtracting the reserves for shared components and the hotel unit as of the date of the study, and an estimate of the funding plan that may be necessary to provide adequate funding for the required reserves.

Sec. 119. *Money in the reserve account of an association required by section 114 of this act may not be withdrawn without the signatures of at least two members of the executive board or the signatures of at least one member of the executive board and one officer of the association who is not a member of the executive board.*

Sec. 120. *1. Except as otherwise provided in subsection 2, an association shall:*

(a) If the association is required to pay the fee imposed by NRS 78.150, 82.193, 86.263, 87.541 or 88.591, pay to the Administrator a fee established by regulation of the Administrator for every unit in the association used for residential use.

(b) If the association is organized as a trust or partnership, or as any other authorized business entity, pay to the Administrator a fee established by regulation of the Administrator for each unit in the association.

2. The fees required to be paid pursuant to this section must be:

(a) Paid at such times as are established by the Division.

(b) Deposited with the State Treasurer for credit to the Account for Common-Interest Communities and Condominium Hotels created by NRS 116.630.

(c) Established on the basis of the actual costs of administering the Office of the Ombudsman and the Commission and not on a basis which includes any subsidy beyond those actual costs. In no event may the fees required to be paid pursuant to this section exceed $3 per unit.

3. The Division shall impose an administrative penalty against an association that violates the provisions of this section by failing to pay the fees owed by the association within the times established by the Division. The administrative penalty that is imposed for each violation must equal 10 percent of the amount of the fees owed by the association or $500, whichever amount is less. The amount of the unpaid fees owed by the association bears interest at the rate set forth in NRS 99.040 from the date the fees are due until the date the fees are paid in full.

4. Upon the payment of the fees and any administrative penalties and interest required by this section, the Administrator shall provide to the association evidence that it paid the fees and the administrative penalties and interest in compliance with this section.

Sec. 121. ***Each association shall, at the time it pays the fee required by section 120 of this act, register with the Ombudsman on a form prescribed by the Ombudsman.***

Sec. 122. ***1. The association or the hotel unit owner, as applicable, has a lien on a unit for any assessment or charge, including assessments for common expenses and charges for shared expenses or other charges of the hotel unit owner, authorized by this chapter that is levied against that unit or any fines imposed against the unit's owner from the time the assessment, charge or fine becomes due. If an assessment is payable in installments, the full amount of the assessment or charge is a lien from the time the first installment thereof becomes due.***

2. A lien under this section is prior to all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration;

(b) A first security interest on the unit recorded before the date on which the assessment sought to be enforced became delinquent;

(c) Liens for real estate taxes and other governmental assessments or charges against the unit; and

(d) Mechanics' or materialmen's liens.

3. Unless the declaration otherwise provides, if the association and the hotel unit owner both have liens for assessments or charges created at any time on the same property, the priority of those liens is governed by Nevada law.

4. Recording of the declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessment or charge under this section is required.

5. A lien for unpaid assessments or charges is extinguished unless proceedings to enforce the lien are instituted within 3 years after the full amount of the assessments or charges become due.

6. This section does not prohibit actions to recover sums for which subsection 1 creates a lien or prohibit an association ~~[, the declarant]~~ or the hotel unit owner, as applicable, from taking a deed in lieu of foreclosure.

7. A judgment or decree in any action brought under this section must include costs and reasonable attorney's fees for the prevailing party.

8. The association or the hotel unit owner, as applicable, upon written request, shall furnish to a residential unit owner a statement setting forth the amount of unpaid assessments or charges against the unit. If the interest of the unit's owner is real estate or if a lien for the unpaid assessments or charges may be foreclosed under this chapter, the statement must be in recordable form. The statement must be furnished within 10 business days after receipt of the request and is binding on the association or the declarant, as applicable, and every unit's owner.

Sec. 123. *1. Except as otherwise provided in subsection 4, in a condominium hotel, the association or hotel unit owner, as applicable, may foreclose its lien by sale after all of the following occur:*

(a) The association or hotel unit owner, as applicable, has mailed by certified or registered mail, return receipt requested, to the residential unit owner or his successor in interest, at his address if known and at the address of the residential unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due, a description of the residential unit against which the lien is imposed and the name of the record owner of the residential unit.

(b) Not less than 30 days after mailing the notice of delinquent assessment or charge pursuant to paragraph (a), the association or hotel unit owner, as applicable, has executed and caused to be recorded, with the county recorder of the county in which the condominium hotel or any part of it is situated, a notice of default and election to sell the residential unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) State the name and address of the person authorized by the association, the declarant or hotel unit owner, as applicable, to enforce the lien by sale.

(3) Contain, in 14-point bold type, the following warning:

WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!

(c) The residential unit owner or his successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 90 days following the recording of the notice of default and election to sell.

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association or hotel unit owner, as applicable, for that purpose.

3. The period of 90 days begins on the first day following:

(a) The date on which the notice of default is recorded; or

(b) The date on which a copy of the notice of default is mailed by certified or registered mail, return receipt requested, to the residential unit owner or his successor in interest at his address, if known, and at the address of the residential unit,

➥ whichever date occurs later.

4. The association may not foreclose a lien by sale based on a fine or penalty for a violation of the governing documents of the association unless:

(a) The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the condominium hotel; or

(b) The penalty is imposed for failure to adhere to a schedule required pursuant to this chapter.

Sec. 124. ***The association or hotel unit owner, as applicable, shall also mail, within 10 days after the notice of default and election to sell is recorded, a copy of the notice by first-class mail to:***

1. Each person who has requested notice pursuant to NRS 107.090 or section 128 of this act;

2. Any holder of a recorded security interest encumbering the residential unit owner's interest who has notified the association or hotel unit owner, as applicable, 30 days before the recordation of the notice of default, of the existence of the security interest; and

3. A purchaser of the residential unit, if the residential unit owner has notified the association or hotel unit owner, as applicable, 30 days before the recordation of the notice, that the residential unit is the subject of a contract of sale and the association has been requested to furnish the certificate required by section 147 of this act.

Sec. 125. ***1. The association or hotel unit owner, as applicable, shall also, after the expiration of the 90 days and before selling the unit:***

(a) Give notice of the time and place of the sale in the manner and for a time not less than that required by law for the sale of real property upon execution, except that in lieu of following the procedure for service on a judgment debtor pursuant to NRS 21.130, service must be made on the residential unit owner as follows:

(1) A copy of the notice of sale must be mailed, on or before the date of first publication or posting, by certified or registered mail, return receipt

requested, to the residential unit owner or his successor in interest at his address, if known, and to the address of the residential unit; and

(2) A copy of the notice of sale must be served, on or before the date of first publication or posting, in the manner set forth in subsection 2; and

(b) Mail, on or before the date of first publication or posting, a copy of the notice by first-class mail to:

(1) Each person entitled to receive a copy of the notice of default and election to sell notice under section 124 of this act;

(2) The holder of a recorded security interest or the purchaser of the residential unit, if either of them has notified the association, before the mailing of the notice of sale, of the existence of the security interest, lease or contract of sale, as applicable; and

(3) The Ombudsman.

2. In addition to the requirements set forth in subsection 1, a copy of the notice of sale must be served:

(a) By a person who is 18 years of age or older and who is not a party to or interested in the sale by personally delivering a copy of the notice of sale to an occupant of the residential unit who is of suitable age; or

(b) By posting a copy of the notice of sale in a conspicuous place on the residential unit.

3. Any copy of the notice of sale required to be served pursuant to this section must include:

(a) The amount necessary to satisfy the lien as of the date of the proposed sale; and

(b) The following warning in 14-point bold type:

WARNING! A SALE OF YOUR PROPERTY IS IMMINENT! UNLESS YOU PAY THE AMOUNT SPECIFIED IN THIS NOTICE BEFORE THE SALE DATE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE. YOU MUST ACT BEFORE THE SALE DATE. IF YOU HAVE ANY QUESTIONS, PLEASE CALL (name and telephone number of the contact person for the association [~~, declarant,~~] or hotel unit owner). IF YOU NEED ASSISTANCE, PLEASE CALL THE FORECLOSURE SECTION OF THE OMBUDSMAN'S OFFICE, NEVADA REAL ESTATE DIVISION, AT (toll-free telephone number designated by the Division) IMMEDIATELY.

4. Proof of service of any copy of the notice of sale required to be served pursuant to this section must consist of:

(a) A certificate of mailing which evidences that the notice was mailed through the United State Postal Service; or

(b) An affidavit of service signed by the person who served the notice stating:

(1) The time of service, manner of service and location of service; and

(2) The name of the person served or, if the notice was not served on a person, a description of the location where the notice was posted on the residential unit.

Sec. 126. ***1. The sale must be conducted in the county in which the condominium hotel or part of it is situated, and may be conducted by the association or hotel unit owner, as applicable, its agent or attorney, or a title insurance company or escrow agent licensed to do business in this State, except that the sale may be made at the office of the association or hotel unit owner, as applicable, if the notice of the sale so provided*** ***.*** ~~***[,***~~ ~~***whether or not the residential unit is located within the same county as the office of the association or the hotel unit.]***~~ ***The association or hotel unit owner, as applicable, may, from time to time, postpone the sale by such advertisement and notice as it considers reasonable or, without further advertisement or notice, by proclamation made to the persons assembled at the time and place previously set and advertised for the sale.***

2. On the day of sale originally advertised or to which the sale is postponed, at the time and place specified in the notice or postponement, the person conducting the sale may sell the residential unit at public auction to the highest cash bidder. Unless otherwise provided in the declaration or by agreement, the association or hotel unit owner may purchase the residential unit and hold, lease, mortgage or convey it. The association or hotel unit owner, as applicable, may purchase by a credit bid up to the amount of the unpaid assessments and any permitted costs, fees and expenses incident to the enforcement of its lien.

3. After the sale, the person conducting the sale shall:

(a) Make, execute and, after payment is made, deliver to the purchaser, or his successor or assign, a deed without warranty which conveys to the grantee all title of the residential unit owner to the unit;

(b) Deliver a copy of the deed to the Ombudsman within 30 days after the deed is delivered to the purchaser, or his successor or assign; and

(c) Apply the proceeds of the sale for the following purposes in the following order:

(1) The reasonable expenses of sale;

(2) The reasonable expenses of securing possession before sale, holding, maintaining, and preparing the residential unit for sale, including payment of taxes and other governmental charges, premiums on hazard and liability insurance, and, to the extent provided for by the declaration, reasonable attorney's fees and other legal expenses incurred by the association or the hotel unit owner, as applicable;

(3) Satisfaction of the association's or hotel unit owner's lien, as applicable;

(4) Satisfaction in the order of priority of any subordinate claim of record; and

(5) Remittance of any excess to the unit's owner.

Sec. 127. ***1. The recitals in a deed of a foreclosed unit made pursuant to section 126 of this act of:***

(a) Default, the mailing of the notice of delinquent assessment or charge, and the recording of the notice of default and election to sell;

(b) The elapsing of the 90 days; and

(c) The giving of notice of sale,

➥ are conclusive proof of the matters recited.

2. Such a deed containing those recitals is conclusive against the residential unit's former owner, his heirs and assigns, and all other persons. The receipt for the purchase money contained in such a deed is sufficient to discharge the purchaser from obligation to see to the proper application of the purchase money.

3. The sale of a residential unit pursuant to the foreclosure procedures of this chapter vests in the purchaser the title of the unit's owner without equity or right of redemption.

Sec. 128. ***1. The provisions of NRS 107.090 apply to the foreclosure of lien of an association or hotel unit owner, as applicable, as if a deed of trust were being foreclosed. The request must identify the lien by stating the names of the unit's owner and the condominium hotel.***

2. An association or hotel unit owner, as applicable, may, after recording a notice of default and election to sell, waive the default and withdraw the notice or any proceeding to foreclose. The association or hotel unit owner, as applicable, is thereupon restored to its former position and has the same rights as though the notice had not been recorded.

Sec. 129. ***1. Except as otherwise provided in subsection 2, a judgment for money against the association, if a copy of the docket or an abstract or copy of the judgment is recorded, is not a lien on the common elements, but is a lien in favor of the judgment lienholder against all of the units in the condominium hotel at the time the judgment was entered. No other property of a unit's owner or the declarant is subject to the claims of creditors of the association.***

2. If the association has granted a security interest in the common elements to a creditor of the association pursuant to section 108 of this act, the holder of that security interest shall exercise its right against the common elements before its judgment lien on any unit may be enforced.

3. Whether perfected before or after the creation of the condominium hotel, if a lien, other than a deed of trust or mortgage, including a judgment lien or lien attributable to work performed or materials supplied before creation of the condominium hotel, becomes effective against two or more units, the owner of an affected unit may pay to the lienholder the amount of the lien attributable to his unit, and the lienholder, upon receipt of payment, promptly shall deliver a release of the lien covering that unit. The amount of the payment must be proportionate to the ratio which that owner's liability for common expenses bears to the liabilities for common expenses of all owners whose units are subject to the lien. After payment, the association may not assess or have a lien against that owner's unit for any portion of the common expenses incurred in connection with that lien.

4. A judgment against the association must be indexed in the name of the condominium hotel and the association and, when so indexed, is notice of the lien against the units.

Sec. 130. ***1. Except as otherwise provided in this subsection, the executive board of an association shall, upon the written request of a unit's owner, make available the books, records and other papers of the association for review during the regular working hours of the association, including, without limitation, all contracts to which the association is a party and all records filed with a court relating to a civil or criminal action to which the association is a party. The provisions of this subsection do not apply to:***

(a) The personnel records of the employees of the association, except for those records relating to the number of hours worked and the salaries and benefits of those employees;

(b) The records of the association relating to another unit's owner, except for those records described in subsection 2; and

(c) A contract between the association and an attorney.

2. The executive board of an association shall maintain a general record concerning each violation of the governing documents, other than a violation involving a failure to pay an assessment, for which the executive board has imposed a fine, or any other sanction. The general record:

(a) Must contain a general description of the nature of the violation and the type of the sanction imposed. If the sanction imposed was a fine, the general record must specify the amount of the fine.

(b) Must not contain the name or address of the person against whom the sanction was imposed or any other personal information which may be used to identify the person or the location of the unit, if any, that is associated with the violation.

(c) Must be maintained in an organized and convenient filing system or data system that allows a unit's owner to search and review the general records concerning violations of the governing documents.

3. If the executive board refuses to allow a unit's owner to review the books, records or other papers of the association, the Ombudsman may:

(a) On behalf of the unit's owner and upon written request, review the books, records or other papers of the association during the regular working hours of the association; and

(b) If he is denied access to the books, records or other papers, request the Commission, or any member thereof acting on behalf of the Commission, to issue a subpoena for their production.

4. The books, records and other papers of an association must be maintained for at least 10 years.

5. The executive board shall not require a unit's owner to pay an amount in excess of $10 per hour to review any books, records, contracts or other papers of the association pursuant to the provisions of this section.

Sec. 131. ***The hotel unit owner shall maintain financial books and records showing its actual receipts and expenditures with respect to the repair, replacement, improvement, maintenance, management, operation, tax obligations and insurance of the shared components ~~[and]~~ , the major components of the shared components ~~[,]~~ and the major components of the hotel unit, including the budget for the current year, any proposed budget for future years and the study of reserves ~~[for shared components]~~ required by section ~~[117]~~ 118 of this act. These records ~~[may, but need not,]~~ must be audited or reviewed by a certified public accountant. The hotel unit owner shall make these records available for inspection by any residential unit owner by prior appointment during reasonable business hours. These records must be retained for 3 years after the conclusion of each fiscal year.***

Sec. 132. ***1. The executive board of an association shall maintain and make available for review at the business office of the association or some other suitable location within the county where the condominium hotel is situated or, if it is situated in more than one county, within one of those counties:***

(a) The financial statement of the association;

(b) The budgets of the association required to be prepared pursuant to section 114 of this act; and

(c) The study of the reserves of the association required to be conducted pursuant to section 117 of this act.

2. The executive board shall provide a copy of any of the records required to be maintained pursuant to subsection 1 to a unit's owner or the Ombudsman within 14 days after receiving a written request therefor. The executive board may charge a fee to cover the actual costs of preparing a copy, but not to exceed 25 cents per page.

Sec. 133. ***1. The association shall keep financial records sufficiently detailed to enable the association to comply with all of the requirements of this chapter.***

2. All financial and other records of the association must be:

(a) Maintained and made available for review at the business office of the association or some other suitable location within the county where the condominium hotel is situated or, if it is situated in more than one county, within one of those counties; and

(b) Made reasonably available for any unit's owner and his authorized agents to inspect, examine, photocopy and audit.

Sec. 133.5. A hotel unit owner, an executive board, a member of an executive board or an officer, employee or agent of an association shall not take, or direct or encourage another person to take, any retaliatory action against a unit's owner because the unit's owner has:

1. Complained in good faith about any alleged violation of any provision of this chapter or the governing documents of the association; or

2. Requested in good faith to review the books, records or other papers of the association.

Sec. 134. ***1. Except as otherwise provided in subsection 2, a member of an executive board, an officer of an association or a community manager shall not solicit or accept any form of compensation, gratuity or other remuneration that:***

(a) Would improperly influence or would appear to a reasonable person to improperly influence the decisions made by those persons; or

(b) Would result or would appear to a reasonable person to result in a conflict of interest for those persons.

2. Notwithstanding the provisions of subsection 1, a member of an executive board, an officer of an association or a community manager shall not accept, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value from:

(a) An attorney, law firm or vendor, or any person working directly or indirectly for the attorney, law firm or vendor, which total more than the amount established by the Commission by regulation, not to exceed $100 per year per such attorney, law firm or vendor; or

(b) A declarant, an affiliate of a declarant or any person responsible for the construction of the applicable condominium hotel or association which total more than the amount established by the Commission by regulation, not to exceed $100 per year per such declarant, affiliate or person.

3. An attorney, law firm or vendor, or any person working directly or indirectly for the attorney, law firm or vendor, shall not provide, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value to a member of the executive board or an officer of the association, the community manager or any person working for the community manager which total more than the amount established by the Commission by regulation, not to exceed $100 per year per such member, officer, community manager or person.

4. A declarant, an affiliate of a declarant or any person responsible for the construction of a condominium hotel or association, shall not provide, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value to a member of the executive board or an officer of the association, the community manager or any person working for the community manager which total more than the amount established by the Commission by regulation, not to exceed $100 per year per such member, officer, community manager or person.

5. In addition to the limitations set forth in subsection 1, a community manager shall not solicit or accept any form of compensation, fee or other remuneration that is based, in whole or in part, on:

(a) The number or amount of fines imposed against or collected from units' owners or tenants or guests of units' owners pursuant to this chapter for violations of the governing documents of the association; or

(b) Any percentage or proportion of those fines.

6. The provisions of this section do not prohibit a community manager from being paid compensation, a fee or other remuneration under the terms of a contract between the community manager and an association if:

(a) The scope of the respective rights, duties and obligations of the parties under the contract comply with the standards of practice for community managers adopted by the Commission pursuant to NRS 116A.400;

(b) The compensation, fee or other remuneration is being paid to the community manager for providing management of the association of the condominium hotel; and

(c) The compensation, fee or other remuneration is not structured in a way that would violate the provisions of subsection 1 or 5.

Sec. 135. ***1. Except as otherwise provided in this section, a member of an executive board, an officer of an association or a community manager shall not:***

(a) Enter into a contract or renew a contract with the association to provide goods or services to the association; or

(b) Otherwise accept any commission, personal profit or compensation of any kind from the association for providing goods or services to the association.

2. The provisions of this section do not prohibit a declarant, an affiliate of a declarant or an officer, employee or agent of a declarant or an affiliate of a declarant from:

(a) Receiving any commission, personal profit or compensation from the association, the declarant or an affiliate of the declarant for any goods or services furnished to the association;

(b) Entering into contracts with the association, the declarant or affiliate of the declarant; or

(c) Serving as a member of the executive board or as an officer of the association.

Sec. 136. ***With respect to a third person dealing with the association in the association's capacity as a trustee, the existence of trust powers and their proper exercise by the association may be assumed without inquiry. A third person is not bound to inquire whether the association has power to act as trustee or is properly exercising trust powers. A third person, without actual knowledge that the association is exceeding or improperly exercising its powers, is fully protected in dealing with the association as if it possessed and properly exercised the powers it purports to exercise. A third person is not bound to assure the proper application of trust assets paid or delivered to the association in its capacity as trustee.***

Sec. 137. ***1. Except as otherwise provided in subsection 2, the executive board of an association shall not and the governing documents of that association must not prohibit a unit's owner from engaging in the display of the flag of the United States within such physical portion of the***

condominium hotel as that owner has a right to occupy and use exclusively.

2. The provisions of this section do not:

(a) Apply to the display of the flag of the United States for commercial advertising purposes.

(b) Preclude the hotel unit owner or an association from adopting, and do not preclude the governing documents of an association from setting forth, rules that reasonably restrict the placement and manner of the display of the flag of the United States by a unit's owner.

(c) Preclude the hotel unit owner or an association from adopting, and do not preclude the declaration of the governing documents of an association from setting forth, rules restricting or prohibiting the placement by any person of other signs, symbols or flags within any portion of the condominium hotel.

3. In any action commenced to enforce the provisions of this section, the prevailing party is entitled to recover reasonable attorney's fees and costs.

4. As used in this section, "display of the flag of the United States" means a flag of the United States that is:

(a) Made of cloth, fabric or paper;

(b) Displayed from a pole or staff or in a window; and

(c) Displayed in a manner that is consistent with 4 U.S.C. Chapter 1.

➥ The term does not include a depiction or emblem of the flag of the United States that is made of balloons, flora, lights, paint, paving materials, roofing, siding or any other similar building, decorative or landscaping component.

Sec. 138. ***1. The executive board shall not and the governing documents must not prohibit a unit's owner or an occupant of a unit from exhibiting a political sign within such physical portion of the condominium hotel as that owner or occupant has a right to occupy and use exclusively if the political sign is not larger than 24 inches by 36 inches.***

2. The provisions of this section establish the minimum rights of a unit's owner or an occupant of a unit to exhibit a political sign. The provisions of this section do not preempt any provisions of the governing documents that provide greater rights and do not require the governing documents or the executive board to impose any restrictions on the exhibition of political signs other than those established by other provisions of law.

3. As used in this section, "political sign" means a sign that expresses support for or opposition to a candidate, political party or ballot question.

Sec. 139. ***1. Except as otherwise provided in the declaration, an association may not require a unit's owner to secure or obtain any approval from the association in order to rent or lease his unit.***

2. The provisions of this section do not prohibit an association from enforcing any provisions which govern the renting or leasing of units and

which are contained in this chapter or in any other applicable federal, state or local laws or regulations.

Sec. 140. ***1. Except as otherwise provided in this section, sections 140 to 152, inclusive, of this act apply to all condominium hotels.***

2. Neither a public offering statement nor a certificate of resale need be prepared or delivered in the case of a:

(a) Gratuitous disposition of a unit;

(b) Disposition pursuant to court order;

(c) Disposition by a government or governmental agency;

(d) Disposition by foreclosure or deed in lieu of foreclosure;

(e) Disposition to a dealer;

(f) Disposition that may be cancelled at any time and for any reason by the purchaser without penalty; or

(g) Disposition of a unit not used for residential use.

Sec. 141. ***1. Except as otherwise provided in subsection 2, a declarant, before offering any interest in a unit to the public, shall prepare a public offering statement conforming to the requirements of sections 142, 143 and 144 of this act.***

2. A declarant may transfer responsibility for the preparation of all or a part of the public offering statement to a successor declarant, the hotel unit owner or to a dealer who intends to offer units in the condominium hotel. In the event of any such transfer, the transferor shall provide the transferee with any information necessary to enable the transferee to fulfill the requirements of subsection 1.

3. Any declarant or dealer who offers a unit to a purchaser shall deliver a public offering statement in the manner prescribed in section 146 of this act. The declarant or his transferee is liable for any false or misleading statement set forth therein or for any omission of a material fact therefrom with respect to that portion of the public offering statement which he prepared. If a declarant or dealer did not prepare any part of a public offering statement that he delivers, he is not liable for any false or misleading statement set forth therein or for any omission of a material fact therefrom unless he had actual knowledge of the statement or omission or, in the exercise of reasonable care, should have known of the statement or omission.

4. If a unit is part of a condominium hotel and is part of any other real estate in connection with the sale of which the delivery of a public offering statement is required under the laws of this State, a single public offering statement conforming to the requirements of this chapter, as those requirements relate to the real estate in which the unit is located, and to any other requirements imposed under the laws of this State, may be prepared and delivered in lieu of providing two or more public offering statements. If the requirements of this chapter conflict with those of another law of this State, the requirements of this chapter prevail.

Sec. 142. ***1. Except as otherwise provided in this chapter, a public offering statement must set forth or fully and accurately disclose each of the following:***

(a) The name and principal address of the declarant , the hotel unit owner and of the condominium hotel.

(b) A general description of the condominium hotel, including to the extent possible, the types, number and declarant's schedule of commencement and completion of construction of buildings, and amenities that the declarant anticipates including in the condominium hotel [.] , including the shared components.

(c) The estimated number of units in the condominium hotel.

(d) Copies of this chapter, the declaration, bylaws, and any rules or regulations of the association [,] or hotel unit owner, but a plat or plan is not required.

(e) A current year-to-date financial statement, including the most recent audited or reviewed financial statement, and the projected budget for the association, either within or as an exhibit to the public offering statement, for 1 year after the date of the first conveyance to a purchaser, and thereafter the current budget of the association. The budget must include, without limitation:

(1) A statement of the amount included in the budget as reserves for repairs, replacement and restoration pursuant to this chapter; and

(2) The projected monthly assessment for common expenses for each type of unit, including the amount established as reserves pursuant to this chapter.

(f) The projected budget for the shared expenses, either within or as an exhibit to the public offering statement. The budget must include, without limitation:

(1) A statement of the amount included in the budget as reserves for repairs, replacement and restoration pursuant to this chapter;

(2) The projected monthly shared expenses for each type of unit, including the amount established as reserves pursuant to this chapter; and

(3) A description of any other payments, fees and charges that may be charged by the hotel unit owner in order to offset the increased burden placed on the shared components due to use of residential units as transient rentals.

(g) After the date of the first conveyance of a residential unit to a purchaser, a current year-to-date statement of the shared expenses charged to the units.

(h) A description of any services or subsidies being provided by the declarant or an affiliate of the declarant or the hotel unit owner not reflected in the budget.

(i) Any initial or special fee due from the purchaser at closing, together with a description of the purpose and method of calculating the fee.

(j) The terms and significant limitations of any warranties provided by the declarant, including statutory warranties and limitations on the enforcement thereof or on damages.

(k) A statement that ~~[unless the purchaser or his agent has personally inspected the unit,]~~ the purchaser may cancel, by written notice, his contract for purchase until midnight of the fifth calendar day following the date of execution of the contract, and the contract must contain a provision to that effect.

(l) A statement of any unsatisfied judgments or pending suits against the association ~~[,]~~ or the hotel unit owner, and the status of any pending suits material to the condominium hotel of which a declarant has actual knowledge.

(m) Any current or expected fees or charges to be paid by residential unit owners for the use of the shared components , the hotel unit or the common elements and other facilities related to the condominium hotel.

(n) The information statements required by this chapter.

2. A declarant is not required to revise a public offering statement more than once each calendar quarter, if the following warning is given prominence in the statement: "THIS PUBLIC OFFERING STATEMENT IS CURRENT AS OF (insert a specified date). RECENT DEVELOPMENTS REGARDING (here refer to particular provisions of sections 142 and 143 of this act) MAY NOT BE REFLECTED IN THIS STATEMENT."

Sec. 143. ***If the declaration provides that a condominium hotel is subject to any developmental rights, the public offering statement must disclose, in addition to the information required by section 142 of this act:***

1. The maximum number of units that may be created;

2. A statement of how many or what percentage of the units that may be created will be restricted exclusively to residential use, or a statement that no representations are made regarding restrictions of use;

3. A statement of the extent to which any buildings or other improvements that may be erected pursuant to any developmental right in any part of the condominium hotel will be compatible with existing buildings and improvements in the condominium hotel in terms of architectural style, quality of construction, and size, or a statement that no assurances are made in those regards;

4. General descriptions of all other improvements that may be made and limited common elements that may be created within any part of the condominium hotel pursuant to any developmental right reserved by the declarant, or a statement that no assurances are made in that regard;

5. A statement of any limitations as to the locations of any building or other improvement that may be constructed or made within any part of the condominium hotel pursuant to any developmental right reserved by the declarant, or a statement that no assurances are made in that regard;

6. A statement that any limited common elements created pursuant to any developmental right reserved by the declarant will be of the same general types and sizes as the limited common elements within other parts of the condominium hotel, or a statement of the types and sizes planned, or a statement that no assurances are made in that regard;

7. A statement that the proportion of limited common elements to units created pursuant to any developmental right reserved by the declarant will be approximately equal to the proportion existing within other parts of the condominium hotel, or a statement of any other assurances in that regard, or a statement that no assurances are made in that regard;

8. A statement that all restrictions in the declaration affecting use, occupancy and alienation of units will apply to any units created pursuant to any developmental right reserved by the declarant, or a statement of any differentiations that may be made as to those units, or a statement that no assurances are made in that regard; and

9. A statement of the extent to which any assurances made pursuant to this section apply or do not apply if any developmental right is not exercised by the declarant.

Sec. 144. ***The public offering statement of a condominium hotel involving a converted building must contain, in addition to the information required pursuant to section 143 of this act:***

1. A statement by the declarant, based on a report prepared by an independent registered architect or licensed professional engineer, describing the present condition of all structural components and mechanical and electrical installations material to the use and enjoyment of the building.

2. A list of any outstanding notices of uncured violations of applicable building codes or other municipal regulations, in addition to the estimated cost of curing such violations.

3. The budget to maintain the reserves required pursuant to subsection 2 of section 114 of this act and subsection 1 of section 115 of this act, which must include, without limitation:

(a) The current estimated replacement cost, estimated remaining life and estimated useful life of each major component of the shared components , each major component of the hotel unit and major components of the common elements, if any.

(b) As of the end of the fiscal year for which the budget was prepared, the current estimate of the amount of cash reserves that are necessary to repair, replace and restore the major components of the shared components , major components of the hotel unit and major components of the common elements, if any, and the current amount of accumulated cash reserves that are set aside for such repairs, replacements and restorations.

(c) A statement as to whether the declarant has determined or anticipates that the levy of one or more special shared expense charges or special assessments, as applicable, will be required within the next 10 years

to repair, replace and restore any major component of the shared components ~~[and]~~ , major component of the hotel unit or major ~~[components]~~ component of the common elements, if any, or to provide adequate reserves for that purpose.

(d) A general statement describing the procedures used for the estimation and accumulation of cash reserves described in paragraph (b), including, without limitation, the qualifications of the person responsible for the preparation of the study of reserves required pursuant to sections 117 and 118 of this act.

(e) The funding plan that is designed to allocate the costs for the repair, replacement and restoration of the major components of the shared components , major components of the hotel unit and major components of the common elements, if any, over a period of years.

Sec. 145. *If an interest in a condominium hotel is currently registered with the Securities and Exchange Commission of the United States or with the State of Nevada pursuant to chapter 119, 119A or 119B of NRS, a declarant satisfies all requirements of this chapter relating to the preparation of a public offering statement if he delivers to the purchaser a copy of the public offering statement filed with the Securities and Exchange Commission or the appropriate Nevada regulatory authority. An interest in a condominium hotel is not a security under the provisions of chapter 90 of NRS.*

Sec. 146. *1. A person required to deliver a public offering statement pursuant to subsection 3 of section 141 of this act shall provide a purchaser with a copy of the current public offering statement not later than the date on which an offer to purchase becomes binding on the purchaser. ~~[Unless the purchaser has personally inspected the unit, the]~~ The purchaser may cancel, by written notice, the contract of purchase until midnight of the fifth calendar day following the date of execution of the contract, and the contract for purchase must contain a provision to that effect.*

2. If a purchaser elects to cancel a contract pursuant to subsection 1, he may do so by hand delivering notice thereof to the offeror or by mailing notice thereof by prepaid United States mail to the offeror or to his agent for service of process. Cancellation is without penalty, and all payments made by the purchaser before cancellation must be refunded promptly.

3. If a person required to deliver a public offering statement pursuant to subsection 3 of section 141 of this act fails to provide a purchaser to whom a unit is conveyed with a current public offering statement, the purchaser is entitled to actual damages, rescission or other relief, but if the purchaser has accepted a conveyance of the unit, he is not entitled to rescission.

Sec. 147. *1. Except in the case of a sale in which delivery of a public offering statement is required, a unit's owner or his authorized agent shall furnish to a purchaser a resale package containing all of the following:*

(a) A copy of this chapter, the declaration, other than any plats and plans, the bylaws, the rules or regulations of the association and the hotel unit owner and the information statement required by section 148 of this act;

(b) A statement setting forth the amount of the monthly assessment for common expenses and any unpaid assessment of any kind currently due from the selling unit's owner;

(c) A copy of the current operating budget of the association and current year-to-date financial statement for the association, which must include a summary of the reserves of the association required by this chapter;

(d) A current year-to-date statement of the shared expenses charged to the units and the projected budget for the shared expenses, either within or as an exhibit to the public offering statement. The budget must include, without limitation:

(1) A statement of the amount included in the budget as reserves for repairs, replacement and restoration pursuant to this chapter;

(2) The projected monthly shared expenses for each type of unit, including the amount established as reserves pursuant to this chapter;

(e) A description of any other payments, fees and charges that may be charged by the hotel unit owner , including those that may be charged in order to offset the increased burden placed on the shared components as a result of use of residential units as transient rentals; and

(f) A statement of any unsatisfied judgments or pending legal actions against the association or the hotel unit owner which affect the shared components and the status of any pending legal actions relating to the condominium hotel of which the unit's owner has actual knowledge.

2. The purchaser may, by written notice, cancel the contract of purchase until midnight of the fifth calendar day following the date of receipt of the resale package described in subsection 1, and the contract for purchase must contain a provision to that effect. If the purchaser elects to cancel a contract pursuant to this subsection, he must hand deliver the notice of cancellation to the residential unit owner or his authorized agent or mail the notice of cancellation by prepaid United States mail to the residential unit owner or his authorized agent. Cancellation is without penalty, and all payments made by the purchaser before cancellation must be refunded promptly. If the purchaser has accepted a conveyance of the residential unit, the purchaser is not entitled to:

(a) Cancel the contract pursuant to this subsection; or

(b) Damages, rescission or other relief based solely on the ground that the residential unit owner or his authorized agent failed to furnish the resale package, or any portion thereof, as required by this section.

3. Within 10 days after receipt of a written request by a residential unit owner or his authorized agent, the hotel unit owner shall furnish all of the following to the residential unit owner or his authorized agent for inclusion in the resale package:

(a) Copies of the documents required pursuant to paragraphs (a) and (c) of subsection 1; and

(b) A certificate containing the information necessary to enable the residential unit owner to comply with paragraphs (b) and (d) of subsection 1.

4. If the hotel unit owner furnishes the documents and certificate pursuant to subsection 3:

(a) The residential unit owner or his authorized agent shall include the documents and certificate in the resale package provided to the purchaser, and neither the residential unit owner nor his authorized agent is liable to the purchaser for any erroneous information provided by the hotel unit owner and included in the documents and certificate.

(b) The hotel unit owner may charge the residential unit owner a reasonable fee to cover the cost of preparing the certificate furnished pursuant to subsection 3. Such a fee must be based on the actual cost the association incurs to fulfill the requirements of this section in preparing the certificate. The Commission shall adopt regulations establishing the maximum amount of the fee that ~~[an association]~~ the hotel unit owner may charge for preparing the certificate.

(c) The hotel unit owner may charge the residential unit owner a reasonable fee, not to exceed 25 cents per page, to cover the cost of copying the other documents furnished pursuant to subsection 3.

(d) Except for the fees allowed pursuant to paragraphs (b) and (c), the hotel unit owner may not charge the residential unit owner any other fees for preparing or furnishing the documents and certificate pursuant to subsection 3.

5. Neither a purchaser nor the purchaser's interest in a residential unit is liable for any unpaid assessment or fee greater than the amount set forth in the documents and certificate prepared by the hotel unit owner. If the hotel unit owner fails to furnish the documents and certificate within the 10 days allowed by this section, the seller is not liable for the delinquent assessment.

6. Upon the request of a residential unit owner or his authorized agent, or upon the request of a purchaser to whom the hotel unit owner has provided a resale package pursuant to this section or his authorized agent, the ~~[association]~~ hotel unit owner shall make the entire study of the reserves of the association or the shared components reasonably available for the residential unit owner, purchaser or authorized agent to inspect, examine, photocopy and audit. The study must be made available at the business office of the association or the hotel unit owner or some other suitable location within the county where the condominium hotel is situated or, if it is situated in more than one county, within one of those counties.

Sec. 148. ***The information statement required by sections 142 and 147 of this act must be in substantially the following form:***

BEFORE YOU PURCHASE PROPERTY IN A CONDOMINIUM HOTEL
DID YOU KNOW..

1. YOU GENERALLY HAVE 5 DAYS TO CANCEL THE PURCHASE AGREEMENT?

When you enter into a purchase agreement to buy a home or unit in a condominium hotel, in most cases you should receive either a public offering statement, if you are the original purchaser of the home or unit, or a resale package, if you are not the original purchaser. The law generally provides for a 5-day period in which you have the right to cancel the purchase agreement. The 5-day period begins on different starting dates, depending on whether you receive a public offering statement or a resale package. Upon receiving a public offering statement or a resale package, you should make sure you are informed of the deadline for exercising your right to cancel. In order to exercise your right to cancel, the law generally requires that you hand deliver the notice of cancellation to the seller within the 5-day period, or mail the notice of cancellation to the seller by prepaid United States mail within the 5-day period. For more information regarding your right to cancel, see section 146 of this act, if you received a public offering statement, or section 147 of this act if you received a resale package.

2. YOU ARE AGREEING TO RESTRICTIONS ON HOW YOU CAN USE YOUR PROPERTY?

These restrictions are contained in a document known as the Declaration of Covenants, Conditions and Restrictions. The CC&Rs become a part of the title to your property. They bind you and every future owner of the property whether or not you have read them or had them explained to you. The CC&Rs, together with other "governing documents" (such as association bylaws and rules and regulations), are intended to preserve the character and value of properties in the condominium hotel, but may also restrict what you can do to improve or change your property and limit how you use and enjoy your property. By purchasing a property encumbered by CC&Rs, you are agreeing to limitations that could affect your lifestyle and freedom of choice. You should review the CC&Rs, and other governing documents before purchasing to make sure that these limitations and controls are acceptable to you.

3. YOU WILL HAVE TO PAY OWNERS' ASSESSMENTS AND CHARGES FOR AS LONG AS YOU OWN YOUR PROPERTY?

As an owner in a condominium hotel, you are responsible for paying your share of expenses relating to the common elements and shared components. The obligation to pay these expenses binds you and every future owner of the property. Owners' fees are usually assessed for these expenses monthly. You have to pay dues whether or not you agree with the way the association or the hotel unit owner is managing the property or spending the assessments or charges. The hotel unit owner executive board

of the association may have the power to change and increase the amount of the assessment or charges and to levy special assessments or special charges against your property to meet extraordinary expenses.

4. IF YOU FAIL TO PAY OWNERS' ASSESSMENTS OR CHARGES, YOU COULD LOSE YOUR HOME?

If you do not pay these assessments or charges when due, the hotel unit owner or the association usually has the power to collect them by selling your property in a nonjudicial foreclosure sale. If fees become delinquent, you may also be required to pay penalties and the association's or hotel unit owner's costs, as applicable, and attorney's fees to become current. If you dispute the obligation or its amount, your only remedy to avoid the loss of your home may be to file a lawsuit and ask a court to intervene in the dispute.

5. YOU MAY BECOME A MEMBER OF A HOMEOWNERS' ASSOCIATION THAT HAS THE POWER TO AFFECT HOW YOU USE AND ENJOY YOUR PROPERTY?

Many condominium hotels have a homeowners' association. In a new development, the association will usually be controlled by the developer until a certain number of units have been sold. After the period of developer control, the association may be controlled by property owners like yourself who are elected by homeowners to sit on an executive board and other boards and committees formed by the association. The association, and its executive board, are responsible for assessing homeowners for the cost of operating the association and the common elements of the condominium hotel. Because homeowners sitting on the executive board and other boards and committees of the association may not have the experience or professional background required to understand and carry out the responsibilities of the association properly, the association may hire professional condominium association managers to carry out these responsibilities.

Homeowners' associations operate on democratic principles. Some decisions require all homeowners to vote, some decisions are made by the executive board or other boards or committees established by the association or governing documents. Although the actions of the association and its executive board are governed by state laws, the CC&Rs and other documents that govern the condominium hotel, decisions made by these persons will affect your use and enjoyment of your property, your lifestyle and freedom of choice, and your cost of living in the condominium hotel. You may not agree with decisions made by the association or its governing bodies even though the decisions are ones which the association is authorized to make. Decisions may be made by a few persons on the executive board or governing bodies that do not necessarily reflect the view of the majority of residential unit in the condominium hotel. If you do not agree with decisions made by the association, its executive board or other governing bodies, your remedy is typically to attempt to use the democratic

processes of the association to seek the election of members of the executive board or other governing bodies that are more responsive to your needs. If you have a dispute with the association, its executive board or other governing bodies, you may be able to resolve the dispute through the complaint, investigation and intervention process administered by the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels, the Nevada Real Estate Division and the Commission for Common-Interest Communities and Condominium Hotels. However, to resolve some disputes, you may have to mediate or arbitrate the dispute and, if mediation or arbitration is unsuccessful, you may have to file a lawsuit and ask a court to resolve the dispute. In addition to your personal cost in mediation or arbitration, or to prosecute a lawsuit, you may be responsible for paying your share of the association's cost in defending against your claim.

6. YOU ARE REQUIRED TO PROVIDE PROSPECTIVE PURCHASERS OF YOUR PROPERTY WITH INFORMATION ABOUT LIVING IN YOUR CONDOMINIUM HOTEL?

The law requires you to provide a prospective purchaser of your property with a copy of the condominium hotel's governing documents, including the CC&Rs, association bylaws, and rules and regulations, as well as a copy of this document. You are also required to provide a copy of the association's current year-to-date financial statement, including, without limitation, the most recent audited or reviewed financial statement, a copy of the association's operating budget and information regarding the amount of the monthly assessment for common expenses, including the amount set aside as reserves for the repair, replacement and restoration of common elements. You are also required to provide a copy of the current year-to-date statement of the shared expenses charged to your unit by the declarant or hotel unit owner, as applicable. You are also required to inform prospective purchasers of any outstanding judgments or lawsuits pending against the association of which you are aware. For more information regarding these requirements, see sections 140 to 152, inclusive, of this act.

7. YOU HAVE CERTAIN RIGHTS REGARDING OWNERSHIP IN A CONDOMINIUM HOTEL THAT ARE GUARANTEED YOU BY THE STATE?

Pursuant to provisions of this chapter, you have the right:

(a) To be notified of all meetings of the association and its executive board, except in cases of emergency.

(b) To attend and speak at all meetings of the association and its executive board, except in some cases where the executive board is authorized to meet in closed, executive session.

(c) To request a special meeting of the association.

(d) To inspect, examine, photocopy and audit financial and other records of the association.

(e) To be notified of all changes in the condominium hotel's rules and regulations and other actions by the association or board that affect you.

8. QUESTIONS?

Although they may be voluminous, you should take the time to read and understand the documents that will control your ownership of a property in a condominium hotel. You may wish to ask your real estate professional, lawyer or other person with experience to explain anything you do not understand. You may also request assistance from the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels, Nevada Real Estate Division, at (telephone number).

Buyer or prospective buyer's initials:_____

Date:_____

Sec. 149. ***1. Except as otherwise provided in subsections 2 and 3, a deposit made in connection with the purchase or reservation of a unit from a person required to deliver a public offering statement pursuant to subsection 3 of section 141 of this act must be placed in escrow and held either in this State or in the state where the unit is located in an account designated solely for that purpose by a licensed title insurance company, an independent bonded escrow company, or an institution whose accounts are insured by a governmental agency or instrumentality until:***

(a) Delivered to the declarant at closing;

(b) Delivered to the declarant because of the purchaser's default under a contract to purchase the unit;

(c) Released to the declarant for an additional item, improvement, optional item or alteration, but the amount so released:

(1) Must not exceed the lesser of the amount due the declarant from the purchaser at the time of the release or the amount expended by the declarant for the purpose; and

(2) Must be credited upon the purchase price; or

(d) Refunded to the purchaser.

2. A deposit or advance payment made for an additional item, improvement, optional item or alteration may be deposited in escrow or delivered directly to the declarant, as the parties may contract.

3. In lieu of placing a deposit in escrow pursuant to subsection 1, the declarant may furnish a bond executed by him as principal and by a corporation qualified under the laws of this State as surety, payable to the State of Nevada, and conditioned upon the performance of the declarant's duties concerning the purchase or reservation of a unit. Each bond must be in a principal sum equal to the amount of the deposit. The bond must be held until:

(a) Delivered to the declarant at closing;

(b) Delivered to the declarant because of the purchaser's default under a contract to purchase the unit; or

(c) Released to the declarant for an additional item, improvement, optional item or alteration, but the amount so released must not exceed the

amount due the declarant from the purchaser at the time of the release or the amount expended by the declarant for that purpose, whichever is less.

Sec. 150. ***1. In the case of a sale of a unit where delivery of a public offering statement is required pursuant to subsection 3 of section 141 of this act, a seller:***

(a) Before conveying a unit, shall record or furnish to the purchaser releases of all liens, except liens on real estate that a declarant has the right to withdraw from the condominium hotel, that the purchaser does not expressly agree to take subject to or assume and that encumber that unit and its interest in the common elements; or

(b) Shall provide a surety bond against the lien as provided for liens on real estate in NRS 108.2413 to 108.2425, inclusive.

2. Before conveying real estate to the association, the declarant shall have that real estate released from:

(a) All liens the foreclosure of which would deprive ~~[unit]~~ units' owners of any right of access to or easement of support of their units; and

(b) All other liens on that real estate unless the public offering statement describes certain real estate that may be conveyed subject to liens in specified amounts.

Sec. 151. ***Implied warranties of quality:***

1. May be excluded or modified by agreement of the parties; and

2. Are excluded by expression of disclaimer, such as "as is," "with all faults," or other language that in common understanding calls the purchaser's attention to the exclusion of warranties.

Sec. 151.3. The Commission, or the Administrator with the approval of the Commission, may adopt regulations to require any additional disclosures in the case of a sale of a unit as it deems necessary.

Sec. 151.7. 1. If a declarant, hotel unit owner or any other person subject to this chapter fails to comply with any of its provisions or any provision of the declaration or bylaws, any person or class of persons suffering actual damages from the failure to comply has a claim for appropriate relief.

2. Subject to the requirements set forth in NRS 38.310 and except as otherwise provided in section 107 of this act, a civil action for damages caused by a failure or refusal to comply with any provision of this chapter or the governing documents of an association may be brought:

(a) By the association against:

(1) A declarant; or

(2) A unit's owner.

(b) By a unit's owner against:

(1) The association;

(2) A declarant; or

(3) Another unit's owner of the association.

3. Punitive damages may be awarded for a willful and material failure to comply with this chapter if the failure is established by clear and convincing evidence.

4. The court may award reasonable attorney's fees to the prevailing party.

5. The civil remedy provided by this section is in addition to, and not exclusive of, any other available remedy or penalty.

Sec. 152. ***In the case of a sale of a unit in which delivery of a public offering statement is required, a contract of sale may be executed, but no interest in that unit may be conveyed, until the declaration is recorded and the unit is substantially completed, in accordance with local ordinances.***

Sec. 153. ***The Commission for Common-Interest Communities and Condominium Hotels created by NRS 116.600, the Division and the Director of the Department of Business and Industry have jurisdiction over the enforcement of this chapter as set forth herein.***

Sec. 154. ***1. The provisions of this chapter must be administered by the Division, subject to the administrative supervision of the Director of the Department of Business and Industry.***

2. The Commission and the Division may do all things necessary and convenient to carry out the provisions of this chapter, including, without limitation, prescribing such forms and adopting such procedures as are necessary to carry out the provisions of this chapter.

3. The Commission, or the Administrator with the approval of the Commission, may adopt such regulations as are necessary to carry out the provisions of this chapter.

4. The Commission may by regulation delegate any authority conferred upon it by the provisions of this chapter to the Administrator to be exercised pursuant to the regulations adopted by the Commission.

5. When regulations are proposed by the Administrator, in addition to other notices required by law, the Administrator shall provide copies of the proposed regulations to the Commission not later than 30 days before the next meeting of the Commission. The Commission shall approve, amend or disapprove any proposed regulations at that meeting.

6. All regulations adopted by the Commission, or adopted by the Administrator with the approval of the Commission, must be published by the Division, posted on its website and offered for sale at a reasonable fee.

Sec. 155. ***1. Except as otherwise provided in this section and within the limits of legislative appropriations, the Division may employ experts, attorneys, investigators, consultants and other personnel as are necessary to carry out the provisions of this chapter.***

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to the provisions of this chapter.

3. The Attorney General shall render to the Commission and the Division opinions upon all questions of law relating to the construction or

interpretation of this chapter, or arising in the administration thereof, that may be submitted to him by the Commission or the Division.

Sec. 156. ***The Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels created by NRS 116.625 shall:***

1. Assist in processing claims arising under this chapter that are submitted to mediation or arbitration pursuant to NRS 38.300 to 38.360, inclusive;

2. Assist owners in condominium hotels to understand their rights and responsibilities as set forth in this chapter and the governing documents of their associations, including, without limitation, publishing materials related to those rights and responsibilities;

3. Assist members of executive boards and officers of associations to carry out their duties;

4. When appropriate, investigate disputes involving the provisions of this chapter or the governing documents of an association and assist in resolving such disputes; and

5. Compile and maintain a registration of each association organized within the State which includes, without limitation, the following information:

(a) The name, address and telephone number of the association;

(b) The names, mailing addresses and telephone numbers of the members of the executive board of the association;

(c) The name of the declarant;

(d) The number of units in the condominium hotel;

(e) The total annual assessment made by the association; and

(f) The number of foreclosures which were completed on units within the condominium hotel and which were based on liens for the failure of the unit's owner to pay any assessments levied against the unit or any fines imposed against the unit's owner.

Sec. 157. ***The Commission and its members, each hearing panel and its members, the Administrator, the Ombudsman, the Division, and the experts, attorneys, investigators, consultants and other personnel of the Commission and the Division are immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this chapter.***

Sec. 158. ***Any notice or other information that is required to be served upon the Commission pursuant to the provisions of this chapter may be delivered to the principal office of the Division.***

Sec. 159. ***1. The Administrator may adopt regulations which establish procedures for the Division to conduct business electronically pursuant to title 59 of NRS with persons who are regulated pursuant to this chapter and with any other persons with whom the Division conducts business. The regulations may include, without limitation, the***

establishment of fees to pay the costs of conducting business electronically with the Division.

2. In addition to the process authorized by NRS 719.280, if the Division is conducting business electronically with a person and a law requires a signature or record to be notarized, acknowledged, verified or made under oath, the Division may allow the person to substitute a declaration that complies with the provisions of NRS 53.045 to satisfy the legal requirement.

3. The Division may refuse to conduct business electronically with a person who has failed to pay money which the person owes to the Division or the Commission.

Sec. 160. ***1. To carry out the purposes of this chapter, the Commission, or any member thereof acting on behalf of the Commission or acting on behalf of a hearing panel, may issue subpoenas to compel the attendance of witnesses and the production of books, records and other papers.***

2. If any person fails to comply with a subpoena issued by the Commission or any member thereof pursuant to this section within 20 days after the date of service of the subpoena, the Commission may petition the district court for an order of the court compelling compliance with the subpoena.

3. Upon such a petition, the court shall enter an order directing the person subpoenaed to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 20 days after the date of service of the order, and show cause why he has not complied with the subpoena. A certified copy must be served upon the person subpoenaed.

4. If it appears to the court that the subpoena was regularly issued by the Commission or any member thereof pursuant to this section, the court shall enter an order compelling compliance with the subpoena, and upon failure to obey the order the person shall be dealt with as for contempt of court.

Sec. 161. ***1. Each witness who is subpoenaed and appears at a hearing is entitled to receive for his attendance the same fees and mileage allowed by law to a witness in a civil case.***

2. The fees and mileage for the witness:

(a) Must be paid by the party at whose request the witness is subpoenaed; or

(b) If the appearance of the witness is not requested by any party but the witness is subpoenaed at the request of the Commission or a hearing panel, must be paid by the Division.

Sec. 162. ***1. The Commission shall conduct such hearings and other proceedings as are required by the provisions of this chapter.***

2. The Commission shall collect and maintain or cause to be collected and maintained accurate information relating to:

(a) The number of condominium hotels in this State;

(b) The effect of the provisions of this chapter and any regulations adopted pursuant thereto on the development and construction of condominium hotels, the residential lending market for units within condominium hotels and the operation and management of condominium hotels;

(c) Violations of the provisions of this chapter and any regulations adopted pursuant thereto;

(d) The accessibility and use of, and the costs related to, the arbitration and mediation procedures set forth in NRS 38.300 to 38.360, inclusive, and the decisions rendered and awards made pursuant to those arbitration and mediation procedures;

(e) The number of foreclosures which were completed on units within condominium hotels and which were based on liens for the failure of the unit's owner to pay any assessments levied against the unit or any fines imposed against the unit's owner; and

(f) Other issues that the Commission determines are of concern to units' owners, associations, developers and other persons affected by condominium hotels.

3. The Commission shall develop and promote:

(a) Educational guidelines for conducting the elections of the members of an executive board, the meetings of an executive board and the meetings of the units' owners of an association; and

(b) Educational guidelines for the enforcement of the governing documents of an association through liens, penalties and fines.

4. The Commission shall recommend and approve for accreditation programs of education and research relating to condominium hotels, including, without limitation:

(a) The management of condominium hotels;

(b) The sale and resale of units within condominium hotels;

(c) Alternative methods that may be used to resolve disputes relating to condominium hotels; and

(d) The enforcement, including by foreclosure, of liens on units within condominium hotels for the failure of the unit's owner to pay any assessments levied against the unit or any fines imposed against the unit's owner.

Sec. 163. ***The Commission may:***

1. By regulation, establish standards for subsidizing proceedings for mediation and arbitration conducted pursuant to NRS 38.300 to 38.360, inclusive, to ensure that such proceedings are not lengthy and are affordable and readily accessible to all parties;

2. By regulation, establish standards for subsidizing educational programs for the benefit of units' owners, members of executive boards and officers of associations;

3. Accept any gifts, grants or donations; and

4. Enter into agreements with other entities that are required or authorized to carry out similar duties in this State or in other jurisdictions and cooperate with such entities to develop uniform procedures for carrying out the provisions of this chapter and for accumulating information needed to carry out those provisions.

Sec. 164. ***1. The Commission may appoint one or more hearing panels. Each hearing panel must consist of one or more independent hearing officers.***

2. The Commission may by regulation delegate to one or more hearing panels the power of the Commission to conduct hearings and other proceedings, determine violations, impose fines and penalties and take other disciplinary action authorized by the provisions of this chapter.

3. While acting under the authority of the Commission, a hearing panel and its members are entitled to all privileges and immunities and are subject to all duties and requirements of the Commission and its members.

4. A final order of a hearing panel:

(a) May be appealed to the Commission if, not later than 20 days after the date that the final order is issued by the hearing panel, any party aggrieved by the final order files a written notice of appeal with the Commission.

(b) Must be reviewed and approved by the Commission if, not later than 40 days after the date that the final order is issued by the hearing panel, the Division, upon the direction of the Chairman of the Commission, provides written notice to all parties of the intention of the Commission to review the final order.

Sec. 165. ***The Commission or a hearing panel may conduct a hearing by means of an audio or video teleconference to one or more locations if the audio or video technology used at the hearing provides the persons present at each location with the ability to hear and communicate with the persons present at each other location.***

Sec. 166. ***As used in sections 167 to 177, inclusive, of this act, unless the context otherwise requires, "violation" means a violation of any provision of this chapter, any regulation adopted pursuant thereto or any order of the Commission or a hearing panel.***

Sec. 167. ***1. In carrying out the provisions of sections 167 to 177, inclusive, of this act, the Division and the Ombudsman have jurisdiction to investigate and the Commission and each hearing panel has jurisdiction to take appropriate action against any person who commits a violation, including, without limitation:***

(a) Any association and any officer, employee or agent of an association.

(b) Any member of an executive board.

(c) Any declarant, affiliate of a declarant or hotel unit owner.

(d) Any unit's owner.

(e) Any tenant of a unit's owner if the tenant has entered into an agreement with the unit's owner to abide by the governing documents of the association and the provisions of this chapter and any regulations adopted pursuant thereto.

2. The jurisdiction set forth in subsection 1 applies to any officer, employee or agent of an association or any member of an executive board who commits a violation and who:

(a) Currently holds his office, employment, agency or position or who held his office, employment, agency or position at the commencement of proceedings against him.

(b) Resigns his office, employment, agency or position:

(1) After the commencement of proceedings against him; or

(2) Within 1 year after the violation is discovered or reasonably should have been discovered.

Sec. 168. ***1. The rights, remedies and penalties provided by sections 166 to 177, inclusive, of this act are cumulative and do not abrogate and are in addition to any other rights, remedies and penalties that may exist at law or in equity.***

2. If the Commission, a hearing panel or another agency or officer elects to take a particular action or pursue a particular remedy or penalty authorized by sections 166 to 177, inclusive, of this act, or another specific statute, that election is not exclusive and does not preclude the Commission, the hearing panel or another agency or officer from taking any other actions or pursuing any other remedies or penalties authorized by sections 166 to 167, inclusive, of this act, or another specific statute.

3. In carrying out the provisions of this chapter, the Commission or a hearing panel shall not intervene in any internal activities of an association except to the extent necessary to prevent or remedy a violation.

Sec. 169. ***1. Except as otherwise provided in this section, a written affidavit filed with the Division pursuant to this chapter, all documents and other information filed with the written affidavit and all documents and other information compiled as a result of an investigation conducted to determine whether to file a formal complaint with the Commission are confidential.***

2. A formal complaint filed with the Commission and all documents and other information considered by the Commission or a hearing panel when determining whether to impose discipline or take other administrative action pursuant to sections 166 to 177, inclusive, of this act are public records.

Sec. 170. ***1. Except as otherwise provided in this section, a person who is aggrieved by an alleged violation may, not later than 1 year after the person discovers or reasonably should have discovered the alleged violation, file with the Division a written affidavit that sets forth the facts constituting the alleged violation. The affidavit may allege any actual***

damages suffered by the aggrieved person as a result of the alleged violation.

2. An aggrieved person may not file such an affidavit unless the aggrieved person has provided the respondent by certified mail, return receipt requested, with written notice of the alleged violation set forth in the affidavit. The notice must:

(a) Be mailed to the respondent's last known address.

(b) Specify, in reasonable detail, the alleged violation, any actual damages suffered by the aggrieved person as a result of the alleged violation, and any corrective action proposed by the aggrieved person.

3. A written affidavit filed with the Division pursuant to this section must be:

(a) On a form prescribed by the Division.

(b) Be accompanied by evidence that:

(1) The respondent has been given a reasonable opportunity after receiving the written notice to correct the alleged violation; and

(2) Reasonable efforts to resolve the alleged violation have failed.

4. The Commission or a hearing panel may impose an administrative fine of not more than $1,000 against any person who knowingly files a false or fraudulent affidavit with the Division.

Sec. 171. ***1. Upon receipt of an affidavit that complies with the provisions of section 170 of this act, the Division shall refer the affidavit to the Ombudsman.***

2. The Ombudsman shall give such guidance to the parties as the Ombudsman deems necessary to assist the parties to resolve the alleged violation.

3. If the parties are unable to resolve the alleged violation with the assistance of the Ombudsman, the Ombudsman shall provide to the Division a report concerning the alleged violation and any information collected by the Ombudsman during his efforts to assist the parties to resolve the alleged violation.

4. Upon receipt of the report from the Ombudsman, the Division shall conduct an investigation to determine whether good cause exists to proceed with a hearing on the alleged violation.

5. If, after investigating the alleged violation, the Division determines that the allegations in the affidavit are not frivolous, false or fraudulent and that good cause exists to proceed with a hearing on the alleged violation, the Administrator shall file a formal complaint with the Commission and schedule a hearing on the complaint before the Commission or a hearing panel.

Sec. 172. ***1. Except as otherwise provided in subsection 2, if the Administrator files a formal complaint with the Commission, the Commission or a hearing panel shall hold a hearing on the complaint not later than 90 days after the date that the complaint is filed.***

2. The Commission or the hearing panel may continue the hearing upon its own motion or upon the written request of a party to the complaint, for good cause shown, including, without limitation, the existence of proceedings for mediation or arbitration or a civil action involving the facts that constitute the basis of the complaint.

3. The Division shall give the respondent written notice of the date, time and place of the hearing on the complaint at least 30 days before the date of the hearing. The notice must be:

(a) Delivered personally to the respondent or mailed to the respondent by certified mail, return receipt requested, to his last known address.

(b) Accompanied by:

(1) A copy of the complaint; and

(2) Copies of all communications, reports, affidavits and depositions in the possession of the Division that are relevant to the complaint.

4. At any hearing on the complaint, the Division may not present evidence that was obtained after the notice was given to the respondent pursuant to this section, unless the Division proves to the satisfaction of the Commission or the hearing panel that:

(a) The evidence was not available, after diligent investigation by the Division, before such notice was given to the respondent; and

(b) The evidence was given or communicated to the respondent immediately after it was obtained by the Division.

5. The respondent must file an answer not later than 30 days after the date that notice of the complaint is delivered or mailed by the Division. The answer must:

(a) Contain an admission or a denial of the allegations contained in the complaint and any defenses upon which the respondent will rely; and

(b) Be delivered personally to the Division or mailed to the Division by certified mail, return receipt requested.

6. If the respondent does not file an answer within the time required by subsection 5, the Division may, after giving the respondent written notice of the default, request the Commission or the hearing panel to enter a finding of default against the respondent. The notice of the default must be delivered personally to the respondent or mailed to the respondent by certified mail, return receipt requested, to his last known address.

Sec. 173. ***Any party to the complaint may be represented by an attorney at any hearing on the complaint.***

Sec. 174. ***1. After conducting its hearings on the complaint, the Commission or the hearing panel shall render a final decision on the merits of the complaint not later than 20 days after the date of the final hearing.***

2. The Commission or the hearing panel shall notify all parties to the complaint of its decision in writing by certified mail, return receipt requested, not later than 60 days after the date of the final hearing. The written decision must include findings of fact and conclusions of law.

Sec. 175. ***1. If the Commission or the hearing panel, after notice and hearing, finds that the respondent has committed a violation, the Commission or the hearing panel may take any or all of the following actions:***

(a) Issue an order directing the respondent to cease and desist from continuing to engage in the unlawful conduct that resulted in the violation.

(b) Issue an order directing the respondent to take affirmative action to correct any conditions resulting from the violation.

(c) Impose an administrative fine of not more than $1,000 for each violation.

2. If the respondent is a member of an executive board or an officer of an association, the Commission or the hearing panel may order the respondent removed from his office or position if the Commission or the hearing panel, after notice and hearing, finds that:

(a) The respondent has knowingly and willfully committed a violation; and

(b) The removal is in the best interest of the association.

3. If the respondent violates any order issued by the Commission or the hearing panel pursuant to this section, the Commission or the hearing panel, after notice and hearing, may impose an administrative fine of not more than $1,000 for each violation.

4. If the Commission or the hearing panel takes any disciplinary action pursuant to this section, the Commission or the hearing panel may order the respondent to pay the costs of the proceedings incurred by the Division, including, without limitation, the cost of the investigation and reasonable attorney's fees.

5. Notwithstanding any other provision of this section, unless the respondent has knowingly and willfully committed a violation, if the respondent is a member of an executive board or an officer of an association:

(a) The association is liable for all fines and costs imposed against the respondent pursuant to this section; and

(b) The respondent may not be held personally liable for those fines and costs.

Sec. 176. ***1. If the Commission or a hearing panel, after notice and hearing, finds that the executive board or any person acting on behalf of the association has committed a violation, the Commission or the hearing panel may order an audit of the association.***

2. The Commission, or the Division with the approval of the Commission, may apply to a court of competent jurisdiction for the appointment of a receiver for an association if, after notice and a hearing, the Commission or a hearing officer finds that any of the following violations occurred:

(a) The executive board, or any member thereof, has been guilty of fraud or collusion or gross mismanagement in the conduct or control of its affairs;

(b) The executive board, or any member thereof, has been guilty of misfeasance, malfeasance or nonfeasance; or

(c) The assets of the association are in danger of waste or loss through attachment, foreclosure, litigation or otherwise.

3. In any application for the appointment of a receiver pursuant to this section, notice of a temporary appointment of a receiver may be given to the association alone, by process as in the case of an application for a temporary restraining order or injunction. The hearing thereon may be had after 5 days' notice unless the court directs a longer or different notice and different parties.

4. The court may, if good cause exists, appoint one or more receivers pursuant to this section to carry out the business of the association. The members of the executive board who have not been guilty of negligence or active breach of duty must be preferred in making the appointment.

5. The powers of any receiver appointed pursuant to this section may be continued as long as the court deems necessary and proper. At any time, for sufficient cause, the court may order the receivership terminated.

6. Any receiver appointed pursuant to this section has, among the usual powers, all the functions, powers, tenure and duties to be exercised under the direction of the court as are conferred on receivers and as provided in NRS 78.635, 78.640 and 78.645, whether or not the association is insolvent. Such powers include, without limitation, the powers to:

(a) Take charge of the estate and effects of the association;

(b) Appoint an agent or agents;

(c) Collect any debts and property due and belonging to the association and prosecute and defend, in the name of the association, or otherwise, any civil action as may be necessary or proper for the purposes of collecting debts and property;

(d) Perform any other act in accordance with the governing documents of the association and this chapter that may be necessary for the association to carry out its obligations; and

(e) By injunction, restrain the association from exercising any of its powers or doing business in any way except by and through a receiver appointed by the court.

Sec. 177. ***1. If the Commission or the Division has reasonable cause to believe, based on evidence satisfactory to it, that any person violated or is about to violate any provision of this chapter, any regulation adopted pursuant thereto or any order, decision, demand or requirement of the Commission or Division or a hearing panel, the Commission or the Division may bring an action in the district court for the county in which the person resides or, if the person does not reside in this State, in any court of competent jurisdiction within or outside this State, to restrain or***

enjoin that person from engaging in or continuing to commit the violations or from doing any act in furtherance of the violations.

2. The action must be brought in the name of the State of Nevada. If the action is brought in a court of this State, an order or judgment may be entered, when proper, issuing a temporary restraining order, preliminary injunction or final injunction. A temporary restraining order or preliminary injunction must not be issued without at least 5 days' notice to the opposite party.

3. The court may issue the temporary restraining order, preliminary injunction or final injunction without:

(a) Proof of actual damages sustained by any person.

(b) The filing of any bond.

Sec. 178. NRS 116.013 is hereby amended to read as follows:

116.013 "Certificate" means a certificate for the management of a common-interest community ***or the management of an association of a condominium hotel*** issued by the Division pursuant to chapter 116A of NRS.

Sec. 179. NRS 116.015 is hereby amended to read as follows:

116.015 "Commission" means the Commission for Common-Interest Communities ***and Condominium Hotels*** created by NRS 116.600.

Sec. 180. NRS 116.023 is hereby amended to read as follows:

116.023 "Community manager" means a person who provides for or otherwise engages in the management of a common-interest community [.] ***or the management of an association of a condominium hotel.***

Sec. 181. NRS 116.067 is hereby amended to read as follows:

116.067 "Ombudsman" means the Ombudsman for Owners in Common-Interest Communities ~~[.]~~ ***and Condominium Hotels.***

Sec. 182. NRS 116.31155 is hereby amended to read as follows:

116.31155 1. Except as otherwise provided in subsection 2, an association shall:

(a) If the association is required to pay the fee imposed by NRS 78.150, 82.193, 86.263, 87.541 or 88.591, pay to the Administrator a fee established by regulation of the Administrator for every unit in the association used for residential use.

(b) If the association is organized as a trust or partnership, or as any other authorized business entity, pay to the Administrator a fee established by regulation of the Administrator for each unit in the association.

2. If an association is subject to the governing documents of a master association, the master association shall pay the fees required pursuant to this section for each unit in the association that is subject to the governing documents of the master association, unless the governing documents of the master association provide otherwise. The provisions of this subsection do not relieve any association that is subject to the governing documents of a master association from its ultimate responsibility to pay the fees required

pursuant to this section to the Administrator if they are not paid by the master association.

3. The fees required to be paid pursuant to this section must be:

(a) Paid at such times as are established by the Division.

(b) Deposited with the State Treasurer for credit to the Account for Common-Interest Communities ***and Condominium Hotels*** created by NRS 116.630.

(c) Established on the basis of the actual costs of administering the Office of the Ombudsman and the Commission and not on a basis which includes any subsidy beyond those actual costs. In no event may the fees required to be paid pursuant to this section exceed $3 per unit.

4. The Division shall impose an administrative penalty against an association or master association that violates the provisions of this section by failing to pay the fees owed by the association or master association within the times established by the Division. The administrative penalty that is imposed for each violation must equal 10 percent of the amount of the fees owed by the association or master association or $500, whichever amount is less. The amount of the unpaid fees owed by the association or master association bears interest at the rate set forth in NRS 99.040 from the date the fees are due until the date the fees are paid in full.

5. A unit's owner may not be required to pay any portion of the fees or any administrative penalties or interest required to be paid pursuant to this section to both an association and a master association.

6. An association that is subject to the governing documents of a master association may not be required to pay any portion of the fees or any administrative penalties or interest required to be paid pursuant to this section to the extent they have already been paid by the master association.

7. A master association may not be required to pay any portion of the fees or any administrative penalties or interest required to be paid pursuant to this section to the extent they have already been paid by an association that is subject to the governing documents of the master association.

8. Upon the payment of the fees and any administrative penalties and interest required by this section, the Administrator shall provide to the association or master association evidence that it paid the fees and the administrative penalties and interest in compliance with this section.

Sec. 183. NRS 116.41095 is hereby amended to read as follows:

116.41095 The information statement required by NRS 116.4103 and 116.4109 must be in substantially the following form:

BEFORE YOU PURCHASE PROPERTY IN A
COMMON-INTEREST COMMUNITY
DID YOU KNOW . . .

1. YOU GENERALLY HAVE 5 DAYS TO CANCEL THE PURCHASE AGREEMENT?

When you enter into a purchase agreement to buy a home or unit in a common-interest community, in most cases you should receive either a

public offering statement, if you are the original purchaser of the home or unit, or a resale package, if you are not the original purchaser. The law generally provides for a 5-day period in which you have the right to cancel the purchase agreement. The 5-day period begins on different starting dates, depending on whether you receive a public offering statement or a resale package. Upon receiving a public offering statement or a resale package, you should make sure you are informed of the deadline for exercising your right to cancel. In order to exercise your right to cancel, the law generally requires that you hand deliver the notice of cancellation to the seller within the 5-day period, or mail the notice of cancellation to the seller by prepaid United States mail within the 5-day period. For more information regarding your right to cancel, see Nevada Revised Statutes 116.4108, if you received a public offering statement, or Nevada Revised Statutes 116.4109, if you received a resale package.

2. YOU ARE AGREEING TO RESTRICTIONS ON HOW YOU CAN USE YOUR PROPERTY?

These restrictions are contained in a document known as the Declaration of Covenants, Conditions and Restrictions. The CC&Rs become a part of the title to your property. They bind you and every future owner of the property whether or not you have read them or had them explained to you. The CC&Rs, together with other "governing documents" (such as association bylaws and rules and regulations), are intended to preserve the character and value of properties in the community, but may also restrict what you can do to improve or change your property and limit how you use and enjoy your property. By purchasing a property encumbered by CC&Rs, you are agreeing to limitations that could affect your lifestyle and freedom of choice. You should review the CC&Rs, and other governing documents before purchasing to make sure that these limitations and controls are acceptable to you.

3. YOU WILL HAVE TO PAY OWNERS' ASSESSMENTS FOR AS LONG AS YOU OWN YOUR PROPERTY?

As an owner in a common-interest community, you are responsible for paying your share of expenses relating to the common elements, such as landscaping, shared amenities and the operation of any homeowners' association. The obligation to pay these assessments binds you and every future owner of the property. Owners' fees are usually assessed by the homeowners' association and due monthly. You have to pay dues whether or not you agree with the way the association is managing the property or spending the assessments. The executive board of the association may have the power to change and increase the amount of the assessment and to levy special assessments against your property to meet extraordinary expenses. In some communities, major components of the common elements of the community such as roofs and private roads must be maintained and replaced by the association. If the association is not well managed or fails to provide adequate funding for reserves to repair, replace and restore common

elements, you may be required to pay large, special assessments to accomplish these tasks.

4. IF YOU FAIL TO PAY OWNERS' ASSESSMENTS, YOU COULD LOSE YOUR HOME?

If you do not pay these assessments when due, the association usually has the power to collect them by selling your property in a nonjudicial foreclosure sale. If fees become delinquent, you may also be required to pay penalties and the association's costs and attorney's fees to become current. If you dispute the obligation or its amount, your only remedy to avoid the loss of your home may be to file a lawsuit and ask a court to intervene in the dispute.

5. YOU MAY BECOME A MEMBER OF A HOMEOWNERS' ASSOCIATION THAT HAS THE POWER TO AFFECT HOW YOU USE AND ENJOY YOUR PROPERTY?

Many common-interest communities have a homeowners' association. In a new development, the association will usually be controlled by the developer until a certain number of units have been sold. After the period of developer control, the association may be controlled by property owners like yourself who are elected by homeowners to sit on an executive board and other boards and committees formed by the association. The association, and its executive board, are responsible for assessing homeowners for the cost of operating the association and the common or shared elements of the community and for the day to day operation and management of the community. Because homeowners sitting on the executive board and other boards and committees of the association may not have the experience or professional background required to understand and carry out the responsibilities of the association properly, the association may hire professional community managers to carry out these responsibilities.

Homeowners' associations operate on democratic principles. Some decisions require all homeowners to vote, some decisions are made by the executive board or other boards or committees established by the association or governing documents. Although the actions of the association and its executive board are governed by state laws, the CC&Rs and other documents that govern the common-interest community, decisions made by these persons will affect your use and enjoyment of your property, your lifestyle and freedom of choice, and your cost of living in the community. You may not agree with decisions made by the association or its governing bodies even though the decisions are ones which the association is authorized to make. Decisions may be made by a few persons on the executive board or governing bodies that do not necessarily reflect the view of the majority of homeowners in the community. If you do not agree with decisions made by the association, its executive board or other governing bodies, your remedy is typically to attempt to use the democratic processes of the association to seek the election of members of the executive board or other governing bodies that are more responsive to your needs. If you have a dispute with the association, its executive board or other governing bodies, you may be able to resolve the

dispute through the complaint, investigation and intervention process administered by the Office of the Ombudsman for Owners in Common-Interest Communities ~~[,]~~ ***and Condominium Hotels,*** the Nevada Real Estate Division and the Commission for Common-Interest Communities ~~[.]~~ ***and Condominium Hotels.*** However, to resolve some disputes, you may have to mediate or arbitrate the dispute and, if mediation or arbitration is unsuccessful, you may have to file a lawsuit and ask a court to resolve the dispute. In addition to your personal cost in mediation or arbitration, or to prosecute a lawsuit, you may be responsible for paying your share of the association's cost in defending against your claim.

6. YOU ARE REQUIRED TO PROVIDE PROSPECTIVE PURCHASERS OF YOUR PROPERTY WITH INFORMATION ABOUT LIVING IN YOUR COMMON-INTEREST COMMUNITY?

The law requires you to provide a prospective purchaser of your property with a copy of the community's governing documents, including the CC&Rs, association bylaws, and rules and regulations, as well as a copy of this document. You are also required to provide a copy of the association's current year-to-date financial statement, including, without limitation, the most recent audited or reviewed financial statement, a copy of the association's operating budget and information regarding the amount of the monthly assessment for common expenses, including the amount set aside as reserves for the repair, replacement and restoration of common elements. You are also required to inform prospective purchasers of any outstanding judgments or lawsuits pending against the association of which you are aware. For more information regarding these requirements, see Nevada Revised Statutes 116.4109.

7. YOU HAVE CERTAIN RIGHTS REGARDING OWNERSHIP IN A COMMON-INTEREST COMMUNITY THAT ARE GUARANTEED YOU BY THE STATE?

Pursuant to provisions of chapter 116 of Nevada Revised Statutes, you have the right:

(a) To be notified of all meetings of the association and its executive board, except in cases of emergency.

(b) To attend and speak at all meetings of the association and its executive board, except in some cases where the executive board is authorized to meet in closed, executive session.

(c) To request a special meeting of the association upon petition of at least 10 percent of the homeowners.

(d) To inspect, examine, photocopy and audit financial and other records of the association.

(e) To be notified of all changes in the community's rules and regulations and other actions by the association or board that affect you.

8. QUESTIONS?

Although they may be voluminous, you should take the time to read and understand the documents that will control your ownership of a property in a

common-interest community. You may wish to ask your real estate professional, lawyer or other person with experience to explain anything you do not understand. You may also request assistance from the Office of the Ombudsman for Owners in Common-Interest Communities ~~[,]~~ ***and Condominium Hotels*** Nevada Real Estate Division, at (telephone number).
Buyer or prospective buyer's initials:_____
Date:_____

Sec. 184. NRS 116.600 is hereby amended to read as follows:

116.600 1. The Commission for Common-Interest Communities ***and Condominium Hotels*** is hereby created.

2. The Commission consists of five members appointed by the Governor. The Governor shall appoint to the Commission:

(a) One member who is a unit's owner residing in this State and who has served as a member of an executive board in this State;

(b) One member who is in the business of developing common-interest communities in this State;

(c) One member who holds a certificate;

(d) One member who is a certified public accountant licensed to practice in this State pursuant to the provisions of chapter 628 of NRS; and

(e) One member who is an attorney licensed to practice in this State.

3. Each member of the Commission must be a resident of this State. At least three members of the Commission must be residents of a county whose population is 400,000 or more.

4. Each member of the Commission must have resided in a common-interest community or have been actively engaged in a business or profession related to common-interest communities for not less than 3 years immediately preceding the date of his appointment.

5. After the initial terms, each member of the Commission serves a term of 3 years. Each member may serve not more than two consecutive full terms. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this section to replace the member for the remainder of the unexpired term.

6. While engaged in the business of the Commission, each member is entitled to receive:

(a) A salary of not more than $80 per day, as established by the Commission; and

(b) The per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 185. NRS 116.625 is hereby amended to read as follows:

116.625 1. The Office of the Ombudsman for Owners in Common-Interest Communities ***and Condominium Hotels*** is hereby created within the Division.

2. The Administrator shall appoint the Ombudsman. The Ombudsman is in the unclassified service of the State.

3. The Ombudsman must be qualified by training and experience to perform the duties and functions of his office.

4. In addition to any other duties set forth in this chapter, the Ombudsman shall:

(a) Assist in processing claims submitted to mediation or arbitration pursuant to NRS 38.300 to 38.360, inclusive;

(b) Assist owners in common-interest communities ***and condominium hotels*** to understand their rights and responsibilities as set forth in this chapter ***and sections 2 to 177, inclusive, of this act*** and the governing documents of their associations, including, without limitation, publishing materials related to those rights and responsibilities;

(c) Assist members of executive boards and officers of associations to carry out their duties;

(d) When appropriate, investigate disputes involving the provisions of this chapter ***or sections 2 to 177, inclusive, of this act*** or the governing documents of an association and assist in resolving such disputes; and

(e) Compile and maintain a registration of each association organized within the State which includes, without limitation, the following information:

(1) The name, address and telephone number of the association;

(2) The name of each community manager for the common-interest community ***or the association of a condominium hotel*** and the name of any other person who is authorized to manage the property at the site of the common-interest community ~~[,]~~ ***or condominium hotel;***

(3) The names, mailing addresses and telephone numbers of the members of the executive board of the association;

(4) The name of the declarant;

(5) The number of units in the common-interest community ~~[,]~~ ***or condominium hotel;***

(6) The total annual assessment made by the association;

(7) The number of foreclosures which were completed on units within the common-interest community ***or condominium hotel*** and which were based on liens for the failure of the unit's owner to pay any assessments levied against the unit or any fines imposed against the unit's owner; and

(8) Whether the study of the reserves of the association has been conducted pursuant to NRS 116.31152 ***or section 117 of this act*** and, if so, the date on which it was completed.

Sec. 186. NRS 116.630 is hereby amended to read as follows:

116.630 1. There is hereby created the Account for Common-Interest Communities ***and Condominium Hotels*** in the State General Fund. The Account must be administered by the Administrator.

2. Except as otherwise provided in subsection 3, all money received by the Commission, a hearing panel or the Division pursuant to this chapter ~~[,]~~ ***or sections 2 to 177, inclusive, of this act,*** including, without limitation, the

fees collected pursuant to NRS 116.31155 ~~[,]~~ ***and section 120 of this act,*** must be deposited into the Account.

3. If the Commission imposes a fine or penalty, the Commission shall deposit the money collected from the imposition of the fine or penalty with the State Treasurer for credit to the State General Fund. If the money is so deposited, the Commission may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.

4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

5. The money in the Account must be used solely to defray:

(a) The costs and expenses of the Commission and the Office of the Ombudsman; and

(b) If authorized by the Commission or any regulations adopted by the Commission, the costs and expenses of subsidizing proceedings for mediation and arbitration conducted pursuant to NRS 38.300 to 38.360, inclusive.

Sec. 187. NRS 116A.030 is hereby amended to read as follows:

116A.030 "Association" has the meaning ascribed to it in NRS 116.011 ***or section 7 of this act.***

Sec. 188. NRS 116A.040 is hereby amended to read as follows:

116A.040 "Certificate" means a certificate for the management of a common-interest community ***or the management of an association of a condominium hotel*** issued by the Division pursuant to this chapter.

Sec. 189. NRS 116A.050 is hereby amended to read as follows:

116A.050 "Commission" means the Commission for Common-Interest Communities ***and Condominium Hotels*** created by NRS 116.600.

Sec. 190. NRS 116A.070 is hereby amended to read as follows:

116A.070 "Community manager" means a person who provides for or otherwise engages in the management of a common-interest community ~~[.]~~ ***or the management of an association of a condominium hotel.***

Sec. 191. NRS 116A.090 is hereby amended to read as follows:

116A.090 "Executive board" has the meaning ascribed to it in NRS 116.045 ***or section 20 of this act.***

Sec. 192. NRS 116A.120 is hereby amended to read as follows:

116A.120 "Permit" means a permit to conduct a study of the reserves of an association pursuant to NRS 116.31152 ***or section 117 of this act*** issued by the Division pursuant to this chapter.

Sec. 193. NRS 116A.130 is hereby amended to read as follows:

116A.130 "Reserve study specialist" means a person who conducts a study of the reserves of an association pursuant to NRS 116.31152 ~~[.]~~ ***or section 117 of this act.***

Sec. 194. NRS 116A.220 is hereby amended to read as follows:

116A.220 1. Except as otherwise provided in subsection 2, all money received by the Commission, a hearing panel or the Division pursuant to this

chapter must be deposited into the Account for Common-Interest Communities ***and Condominium Hotels*** created pursuant to NRS 116.630.

2. If the Commission imposes a fine or penalty, the Commission shall deposit the money collected from the imposition of the fine or penalty with the State Treasurer for credit to the State General Fund. If the money is so deposited, the Commission may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.

3. Money for the support of the Commission and Division in carrying out the provisions of this chapter must be provided by direct legislative appropriation and be paid out on claims as other claims against the State are paid.

Sec. 195. NRS 116A.270 is hereby amended to read as follows:

116A.270 1. Except as otherwise provided in this section, a complaint filed with the Division alleging a violation of this chapter or chapter 116 of NRS, ***or sections 2 to 177, inclusive, of this act,*** all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

2. The complaint or other charging documents filed with the Commission to initiate disciplinary action and all documents and other information considered by the Commission or a hearing panel when determining whether to impose discipline are public records.

Sec. 196. NRS 116A.400 is hereby amended to read as follows:

116A.400 1. Except as otherwise provided in this section, a person shall not act as a community manager unless the person holds a certificate.

2. The Commission shall by regulation provide for the standards of practice for community managers who hold certificates.

3. The Division may investigate any community manager who holds a certificate to ensure that the community manager is complying with the provisions of this chapter and chapter 116 of NRS ***and sections 2 to 177, inclusive, of this act*** and the standards of practice adopted by the Commission.

4. In addition to any other remedy or penalty, if the Commission or a hearing panel, after notice and hearing, finds that a community manager who holds a certificate has violated any provision of this chapter or chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** or any of the standards of practice adopted by the Commission, the Commission or the hearing panel may take appropriate disciplinary action against the community manager.

5. In addition to any other remedy or penalty, the Commission may:

(a) Refuse to issue a certificate to a person who has failed to pay money which the person owes to the Commission or the Division.

(b) Suspend, revoke or refuse to renew the certificate of a person who has failed to pay money which the person owes to the Commission or the Division.

6. The provisions of this section do not apply to:

(a) A financial institution that is engaging in an activity permitted by law.

(b) An attorney who is licensed to practice in this State and who is acting in that capacity.

(c) A trustee with respect to the property of the trust.

(d) A receiver with respect to property subject to the receivership.

(e) A member of an executive board or an officer of an association who is acting solely within the scope of his duties as a member of the executive board or an officer of the association.

Sec. 197. NRS 116A.420 is hereby amended to read as follows:

116A.420 1. Except as otherwise provided in this section, a person shall not act as a reserve study specialist unless the person holds a permit.

2. The Commission shall by regulation provide for the standards of practice for reserve study specialists who hold permits.

3. The Division may investigate any reserve study specialist who holds a permit to ensure that the reserve study specialist is complying with the provisions of this chapter and chapter 116 of NRS ***and sections 2 to 177, inclusive, of this act*** and the standards of practice adopted by the Commission.

4. In addition to any other remedy or penalty, if the Commission or a hearing panel, after notice and hearing, finds that a reserve study specialist who holds a permit has violated any provision of this chapter or chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** or any of the standards of practice adopted by the Commission, the Commission or the hearing panel may take appropriate disciplinary action against the reserve study specialist.

5. In addition to any other remedy or penalty, the Commission may:

(a) Refuse to issue a permit to a person who has failed to pay money which the person owes to the Commission or the Division.

(b) Suspend, revoke or refuse to renew the permit of a person who has failed to pay money which the person owes to the Commission or the Division.

6. The provisions of this section do not apply to a member of an executive board or an officer of an association who is acting solely within the scope of his duties as a member of the executive board or an officer of the association.

Sec. 198. NRS 116A.460 is hereby amended to read as follows:

116A.460 The expiration or revocation of a certificate or permit by operation of law or by order or decision of any agency or court of competent jurisdiction, or the voluntary surrender of such a certificate or permit by the holder of the certificate or permit does not:

1. Prohibit the Commission or the Division from initiating or continuing an investigation of, or action or disciplinary proceeding against, the holder of the certificate or permit as authorized pursuant to the provisions of this chapter or chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** or the regulations adopted pursuant thereto; or

2. Prevent the imposition or collection of any fine or penalty authorized pursuant to the provisions of this chapter or chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** or the regulations adopted pursuant thereto against the holder of the certificate or permit.

Sec. 199. NRS 116A.900 is hereby amended to read as follows:

116A.900 1. In addition to any other remedy or penalty, the Commission may impose an administrative fine against any person who knowingly:

(a) Engages or offers to engage in any activity for which a certificate or permit is required pursuant to this chapter or chapter 116 of NRS, ***or sections 2 to 177, inclusive, of this act,*** or any regulation adopted pursuant thereto, if the person does not hold the required certificate or permit or has not been given the required authorization; or

(b) Assists or offers to assist another person to commit a violation described in paragraph (a).

2. If the Commission imposes an administrative fine against a person pursuant to this section, the amount of the administrative fine may not exceed the amount of any gain or economic benefit that the person derived from the violation or $5,000, whichever amount is greater.

3. In determining the appropriate amount of the administrative fine, the Commission shall consider:

(a) The severity of the violation and the degree of any harm that the violation caused to other persons;

(b) The nature and amount of any gain or economic benefit that the person derived from the violation;

(c) The person's history or record of other violations; and

(d) Any other facts or circumstances that the Commission deems to be relevant.

4. Before the Commission may impose the administrative fine, the Commission must provide the person with notice and an opportunity to be heard.

5. The person is entitled to judicial review of the decision of the Commission in the manner provided by chapter 233B of NRS.

6. The provisions of this section do not apply to a person who engages or offers to engage in activities within the purview of this chapter or chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** if:

(a) A specific statute exempts the person from complying with the provisions of this chapter or chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** with regard to those activities; and

(b) The person is acting in accordance with the exemption while engaging or offering to engage in those activities.

Sec. 200. NRS 37.0097 is hereby amended to read as follows:

37.0097 1. A unit-owners' association may not exercise the power of eminent domain pursuant to the provisions of this chapter.

2. As used in this section, "unit-owners' association" has the meaning ascribed to it in NRS 116.011 ~~[.]~~ ***or section 7 of this act.***

Sec. 201. NRS 38.300 is hereby amended to read as follows:

38.300 As used in NRS 38.300 to 38.360, inclusive, unless the context otherwise requires:

1. "Assessments" means:

(a) Any charge which an association may impose against an owner of residential property pursuant to a declaration of covenants, conditions and restrictions, including any late charges, interest and costs of collecting the charges; and

(b) Any penalties, fines, fees and other charges which may be imposed by an association pursuant to paragraphs (j) to (n), inclusive, of subsection 1 of NRS 116.3102 ~~[.]~~ ***or subsections 10, 11 and 12 of section 83 of this act.***

2. "Association" has the meaning ascribed to it in NRS 116.011 ~~[.]~~ ***or section 7 of this act.***

3. "Civil action" includes an action for money damages or equitable relief. The term does not include an action in equity for injunctive relief in which there is an immediate threat of irreparable harm, or an action relating to the title to residential property.

4. "Division" means the Real Estate Division of the Department of Business and Industry.

5. "Residential property" includes, but is not limited to, real estate within a planned community subject to the provisions of chapter 116 of NRS ~~[.]~~ ***or real estate within a condominium hotel subject to the provisions of sections 2 to 177, inclusive, of this act.*** The term does not include commercial property if no portion thereof contains property which is used for residential purposes.

Sec. 202. NRS 38.310 is hereby amended to read as follows:

38.310 1. No civil action based upon a claim relating to:

(a) The interpretation, application or enforcement of any covenants, conditions or restrictions applicable to residential property or any bylaws, rules or regulations adopted by an association; or

(b) The procedures used for increasing, decreasing or imposing additional assessments upon residential property,

➥ may be commenced in any court in this state unless the action has been submitted to mediation or arbitration pursuant to the provisions of NRS 38.300 to 38.360, inclusive, and, if the civil action concerns real estate within a planned community subject to the provisions of chapter 116 of NRS ~~[,]~~ ***or real estate within a condominium hotel subject to the provisions of sections 2 to 177, inclusive, of this act,*** all administrative procedures specified in any covenants, conditions or restrictions applicable to the property or in any bylaws, rules and regulations of an association have been exhausted.

2. A court shall dismiss any civil action which is commenced in violation of the provisions of subsection 1.

Sec. 203. NRS 38.330 is hereby amended to read as follows:

38.330 1. If all parties named in a written claim filed pursuant to NRS 38.320 agree to have the claim submitted for mediation, the parties shall reduce the agreement to writing and shall select a mediator from the list of mediators maintained by the Division pursuant to NRS 38.340. Any mediator selected must be available within the geographic area. If the parties fail to agree upon a mediator, the Division shall appoint a mediator from the list of mediators maintained by the Division. Any mediator appointed must be available within the geographic area. Unless otherwise provided by an agreement of the parties, mediation must be completed within 60 days after the parties agree to mediation. Any agreement obtained through mediation conducted pursuant to this section must, within 20 days after the conclusion of mediation, be reduced to writing by the mediator and a copy thereof provided to each party. The agreement may be enforced as any other written agreement. Except as otherwise provided in this section, the parties are responsible for all costs of mediation conducted pursuant to this section.

2. If all the parties named in the claim do not agree to mediation, the parties shall select an arbitrator from the list of arbitrators maintained by the Division pursuant to NRS 38.340. Any arbitrator selected must be available within the geographic area. If the parties fail to agree upon an arbitrator, the Division shall appoint an arbitrator from the list maintained by the Division. Any arbitrator appointed must be available within the geographic area. Upon appointing an arbitrator, the Division shall provide the name of the arbitrator to each party.

3. The Division may provide for the payment of the fees for a mediator or an arbitrator selected or appointed pursuant to this section from the Account for Common-Interest Communities ***and Condominium Hotels*** created by NRS 116.630, to the extent that:

(a) The Commission for Common-Interest Communities ***and Condominium Hotels*** approves the payment; and

(b) There is money available in the account for this purpose.

4. Except as otherwise provided in this section and except where inconsistent with the provisions of NRS 38.300 to 38.360, inclusive, the arbitration of a claim pursuant to this section must be conducted in accordance with the provisions of NRS 38.231, 38.232, 38.233, 38.236 to 38.239, inclusive, 38.242 and 38.243. At any time during the arbitration of a claim relating to the interpretation, application or enforcement of any covenants, conditions or restrictions applicable to residential property or any bylaws, rules or regulations adopted by an association, the arbitrator may issue an order prohibiting the action upon which the claim is based. An award must be made within 30 days after the conclusion of arbitration, unless a shorter period is agreed upon by the parties to the arbitration.

5. If all the parties have agreed to nonbinding arbitration, any party to the arbitration may, within 30 days after a decision and award have been served upon the parties, commence a civil action in the proper court concerning the claim which was submitted for arbitration. Any complaint filed in such an

action must contain a sworn statement indicating that the issues addressed in the complaint have been arbitrated pursuant to the provisions of NRS 38.300 to 38.360, inclusive. If such an action is not commenced within that period, any party to the arbitration may, within 1 year after the service of the award, apply to the proper court for a confirmation of the award pursuant to NRS 38.239.

6. If all the parties agree in writing to binding arbitration, the arbitration must be conducted in accordance with the provisions of this chapter. An award procured pursuant to such arbitration may be vacated and a rehearing granted upon application of a party pursuant to the provisions of NRS 38.241.

7. If, after the conclusion of arbitration, a party:

(a) Applies to have an award vacated and a rehearing granted pursuant to NRS 38.241; or

(b) Commences a civil action based upon any claim which was the subject of arbitration,

➥ the party shall, if he fails to obtain a more favorable award or judgment than that which was obtained in the initial arbitration, pay all costs and reasonable attorney's fees incurred by the opposing party after the application for a rehearing was made or after the complaint in the civil action was filed.

8. Upon request by a party, the Division shall provide a statement to the party indicating the amount of the fees for a mediator or an arbitrator selected or appointed pursuant to this section.

9. As used in this section, "geographic area" means an area within 150 miles from any residential property or association which is the subject of a written claim submitted pursuant to NRS 38.320.

Sec. 204. NRS 78.045 is hereby amended to read as follows:

78.045 1. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed pursuant to the laws of this State which provides that the name of the corporation contains the word "bank" or "trust," unless:

(a) It appears from the articles or the certificate of amendment that the corporation proposes to carry on business as a banking or trust company, exclusively or in connection with its business as a bank, savings and loan association or thrift company; and

(b) The articles or certificate of amendment is first approved by the Commissioner of Financial Institutions.

2. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed pursuant to the provisions of this chapter if it appears from the articles or the certificate of amendment that the business to be carried on by the corporation is subject to supervision by the Commissioner of Insurance or by the Commissioner of Financial Institutions, unless the articles or certificate of amendment is approved by the Commissioner who will supervise the business of the corporation.

3. Except as otherwise provided in subsection 6, the Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed pursuant to the laws of this State if the name of the corporation contains the words "engineer," "engineered," "engineering," "professional engineer," "registered engineer" or "licensed engineer" unless:

(a) The State Board of Professional Engineers and Land Surveyors certifies that the principals of the corporation are licensed to practice engineering pursuant to the laws of this State; or

(b) The State Board of Professional Engineers and Land Surveyors certifies that the corporation is exempt from the prohibitions of NRS 625.520.

4. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed pursuant to the laws of this State which provides that the name of the corporation contains the word "accountant," "accounting," "accountancy," "auditor" or "auditing" unless the Nevada State Board of Accountancy certifies that the corporation:

(a) Is registered pursuant to the provisions of chapter 628 of NRS; or

(b) Has filed with the Nevada State Board of Accountancy under penalty of perjury a written statement that the corporation is not engaged in the practice of accounting and is not offering to practice accounting in this State.

5. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed or existing pursuant to the laws of this State which provides that the name of the corporation contains the words "common-interest community," "community association," "master association," "unit-owners' association" or "homeowners' association" or if it appears in the articles of incorporation or certificate of amendment that the purpose of the corporation is to operate as a unit-owners' association pursuant to chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** unless the Administrator of the Real Estate Division of the Department of Business and Industry certifies that the corporation has:

(a) Registered with the Ombudsman for Owners in Common-Interest Communities ***and Condominium Hotels*** pursuant to NRS 116.31158 ~~[,]~~ ***or section 121 of this act;*** and

(b) Paid to the Administrator of the Real Estate Division the fees required pursuant to NRS 116.31155 ~~[.]~~ ***or section 120 of this act.***

6. The provisions of subsection 3 do not apply to any corporation, whose securities are publicly traded and regulated by the Securities Exchange Act of 1934, which does not engage in the practice of professional engineering.

7. The Commissioner of Financial Institutions and the Commissioner of Insurance may approve or disapprove the articles or amendments referred to them pursuant to the provisions of this section.

Sec. 205. NRS 78.170 is hereby amended to read as follows:

78.170 1. Each corporation which is required to make a filing and pay the fee prescribed in NRS 78.150 to 78.185, inclusive, and which refuses or neglects to do so within the time provided shall be deemed in default.

2. Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a corporation which is a unit-owners' association as defined in NRS 116.011 ***or section 7 of this act*** has failed to register pursuant to NRS 116.31158 ***or section 121 of this act*** or failed to pay the fees pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act,*** the Secretary of State shall deem the corporation to be in default. If, after the corporation is deemed to be in default, the Administrator notifies the Secretary of State that the corporation has registered pursuant to NRS 116.31158 ***or section 121 of this act*** and paid the fees pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act,*** the Secretary of State shall reinstate the corporation if the corporation complies with the requirements for reinstatement as provided in this section and NRS 78.180 and 78.185.

3. For default there must be added to the amount of the fee a penalty of $75. The fee and penalty must be collected as provided in this chapter.

Sec. 206. NRS 81.055 is hereby amended to read as follows:

81.055 1. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed under the provisions of NRS 81.010 to 81.160, inclusive, which provides that the name of the corporation contains the words "common-interest community," "community association," "master association," "unit-owners' association" or "homeowners' association" or if it appears in the articles of incorporation or certificate of amendment of articles of incorporation that the purpose of the corporation is to operate as a unit-owners' association pursuant to chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** unless the Administrator of the Real Estate Division of the Department of Business and Industry certifies that the corporation has:

(a) Registered with the Ombudsman for Owners in Common-Interest Communities ***and Condominium Hotels*** pursuant to NRS 116.31158 ~~[,]~~ ***or section 121 of this act;*** and

(b) Paid to the Administrator of the Real Estate Division the fees required pursuant to NRS 116.31155 ~~[,]~~ ***and section 120 of this act.***

2. Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a corporation which is a unit-owners' association as defined in NRS 116.011 ***or section 7 of this act*** has failed to register pursuant to NRS 116.31158 ***or section 121 of this act*** or failed to pay the fees pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act,*** the Secretary of State shall deem the corporation to be in default. If, after the corporation is deemed to be in default, the Administrator notifies the Secretary of State that the corporation has registered pursuant to NRS 116.31158 ***or section 121 of this act*** and paid the fees pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act,*** the Secretary of State shall

reinstate the corporation if the corporation complies with the requirements for reinstatement as provided in this section and NRS 78.180 and 78.185.

Sec. 207. NRS 81.205 is hereby amended to read as follows:

81.205 1. The Secretary of State shall not accept for filing any articles of association or any certificate of amendment of articles of association of any association formed under the provisions of NRS 81.170 to 81.270, inclusive, which provides that the name of the association contains the words "common-interest community," "community association," "master association," "unit-owners' association" or "homeowners' association" or if it appears in the articles of association or certificate of amendment of articles of association that the purpose of the association is to operate as a unit-owners' association pursuant to chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** unless the Administrator of the Real Estate Division of the Department of Business and Industry certifies that the association has:

(a) Registered with the Ombudsman for Owners in Common-Interest Communities ***and Condominium Hotels*** pursuant to NRS 116.31158 ~~[,]~~ ***or section 121 of this act;*** and

(b) Paid to the Administrator of the Real Estate Division the fees required pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act.***

2. Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that an association which is a unit-owners' association as defined in NRS 116.011 ***or section 7 of this act*** has failed to register pursuant to NRS 116.31158 ***or section 121 of this act*** or failed to pay the fees pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act,*** the Secretary of State shall deem the association to be in default. If, after the association is deemed to be in default, the Administrator notifies the Secretary of State that the association has registered pursuant to NRS 116.31158 ***or section 121 of this act*** and paid the fees pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act,*** the Secretary of State shall reinstate the association if the association complies with the requirements for reinstatement as provided in this section and NRS 78.180 and 78.185 and pays the fees required pursuant to NRS 82.193.

Sec. 208. NRS 81.445 is hereby amended to read as follows:

81.445 1. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed under the provisions of NRS 81.410 to 81.540, inclusive, which provides that the name of the corporation contains the words "common-interest community," "community association," "master association," "unit-owners' association" or "homeowners' association" or if it appears in the articles of incorporation or certificate of amendment of articles of incorporation that the purpose of the corporation is to operate as a unit-owners' association pursuant to chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** unless the Administrator of the Real Estate Division of the Department of Business and Industry certifies that the corporation has:

(a) Registered with the Ombudsman for Owners in Common-Interest Communities ***and Condominium Hotels*** pursuant to NRS 116.31158 ~~[,]~~ ***or section 121 of this act;*** and

(b) Paid to the Administrator of the Real Estate Division the fees required pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act.***

2. Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a corporation which is a unit-owners' association as defined in NRS 116.011 ***or section 7 of this act*** has failed to register pursuant to NRS 116.31158 ***or section 121 of this act*** or failed to pay the fees pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act,*** the Secretary of State shall deem the corporation to be in default. If, after the corporation is deemed to be in default, the Administrator notifies the Secretary of State that the corporation has registered pursuant to NRS 116.31158 ***or section 121 of this act*** and paid the fees pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act,*** the Secretary of State shall reinstate the corporation if the corporation complies with the requirements for reinstatement as provided in this section and NRS 78.180 and 78.185 and pays the fees required pursuant to NRS 82.193.

Sec. 209. NRS 82.106 is hereby amended to read as follows:

82.106 1. The Secretary of State shall not accept for filing pursuant to this chapter any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed or existing pursuant to this chapter if the name of the corporation contains the words "trust," "engineer," "engineered," "engineering," "professional engineer" or "licensed engineer."

2. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed or existing under this chapter when it appears from the articles or the certificate of amendment that the business to be carried on by the corporation is subject to supervision by the Commissioner of Insurance.

3. The Secretary of State shall not accept for filing pursuant to this chapter any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed or existing pursuant to this chapter if the name of the corporation contains the word "accountant," "accounting," "accountancy," "auditor" or "auditing."

4. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed or existing pursuant to the laws of this State which provides that the name of the corporation contains the words "common-interest community," "community association," "master association," "unit-owners' association" or "homeowners' association" or if it appears in the articles of incorporation or certificate of amendment that the purpose of the corporation is to operate as a unit-owners' association pursuant to chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** unless the

Administrator of the Real Estate Division of the Department of Business and Industry certifies that the corporation has:

(a) Registered with the Ombudsman for Owners in Common-Interest Communities ***and Condominium Hotels*** pursuant to NRS 116.31158 ~~[,]~~ ***or section 121 of this act;*** and

(b) Paid to the Administrator of the Real Estate Division the fees required pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act.***

Sec. 210. NRS 82.193 is hereby amended to read as follows:

82.193 1. A corporation shall have a resident agent in the manner provided in NRS 78.090, 78.095, 78.097 and 78.110. The resident agent and the corporation shall comply with the provisions of those sections.

2. Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a corporation which is a unit-owners' association as defined in NRS 116.011 ***or section 7 of this act*** has failed to register pursuant to NRS 116.31158 ***or section 121 of this act*** or failed to pay the fees pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act,*** the Secretary of State shall deem the corporation to be in default. If, after the corporation is deemed to be in default, the Administrator notifies the Secretary of State that the corporation has registered pursuant to NRS 116.31158 ***or section 121 of this act*** and paid the fees pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act,*** the Secretary of State shall reinstate the corporation if the corporation complies with the requirements for reinstatement as provided in this section and NRS 78.180 and 78.185.

3. A corporation is subject to the provisions of NRS 78.150 to 78.185, inclusive, except that:

(a) The fee for filing a list is $25;

(b) The penalty added for default is $50; and

(c) The fee for reinstatement is $100.

Sec. 211. NRS 86.171 is hereby amended to read as follows:

86.171 1. The name of a limited-liability company formed under the provisions of this chapter must contain the words "Limited-Liability Company," "Limited Liability Company," "Limited Company," or "Limited" or the abbreviations "Ltd.," "L.L.C.," "L.C.," "LLC" or "LC." The word "Company" may be abbreviated as "Co."

2. The name proposed for a limited-liability company must be distinguishable on the records of the Secretary of State from the names of all other artificial persons formed, organized, registered or qualified pursuant to the provisions of this title that are on file in the Office of the Secretary of State and all names that are reserved in the Office of the Secretary of State pursuant to the provisions of this title. If a proposed name is not so distinguishable, the Secretary of State shall return the articles of organization to the organizer, unless the written, acknowledged consent of the holder of the name on file or reserved name to use the same name or the requested similar name accompanies the articles of organization.

3. For the purposes of this section and NRS 86.176, a proposed name is not distinguishable from a name on file or reserved name solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination thereof.

4. The name of a limited-liability company whose charter has been revoked, which has merged and is not the surviving entity or whose existence has otherwise terminated is available for use by any other artificial person.

5. The Secretary of State shall not accept for filing any articles of organization for any limited-liability company if the name of the limited-liability company contains the word "accountant," "accounting," "accountancy," "auditor" or "auditing" unless the Nevada State Board of Accountancy certifies that the limited-liability company:

(a) Is registered pursuant to the provisions of chapter 628 of NRS; or

(b) Has filed with the Nevada State Board of Accountancy under penalty of perjury a written statement that the limited-liability company is not engaged in the practice of accounting and is not offering to practice accounting in this State.

6. The Secretary of State shall not accept for filing any articles of organization or certificate of amendment of articles of organization of any limited-liability company formed or existing pursuant to the laws of this State which provides that the name of the limited-liability company contains the word "bank" or "trust" unless:

(a) It appears from the articles of organization or the certificate of amendment that the limited-liability company proposes to carry on business as a banking or trust company, exclusively or in connection with its business as a bank, savings and loan association or thrift company; and

(b) The articles of organization or certificate of amendment is first approved by the Commissioner of Financial Institutions.

7. The Secretary of State shall not accept for filing any articles of organization or certificate of amendment of articles of organization of any limited-liability company formed or existing pursuant to the provisions of this chapter if it appears from the articles or the certificate of amendment that the business to be carried on by the limited-liability company is subject to supervision by the Commissioner of Insurance or by the Commissioner of Financial Institutions unless the articles or certificate of amendment is approved by the Commissioner who will supervise the business of the limited-liability company.

8. Except as otherwise provided in subsection 7, the Secretary of State shall not accept for filing any articles of organization or certificate of amendment of articles of organization of any limited-liability company formed or existing pursuant to the laws of this State which provides that the name of the limited-liability company contains the words "engineer," "engineered," "engineering," "professional engineer," "registered engineer" or "licensed engineer" unless:

(a) The State Board of Professional Engineers and Land Surveyors certifies that the principals of the limited-liability company are licensed to practice engineering pursuant to the laws of this State; or

(b) The State Board of Professional Engineers and Land Surveyors certifies that the limited-liability company is exempt from the prohibitions of NRS 625.520.

9. The Secretary of State shall not accept for filing any articles of organization or certificate of amendment of articles of organization of any limited-liability company formed or existing pursuant to the laws of this State which provides that the name of the limited-liability company contains the words "common-interest community," "community association," "master association," "unit-owners' association" or "homeowners' association" or if it appears in the articles of organization or certificate of amendment of articles of organization that the purpose of the limited-liability company is to operate as a unit-owners' association pursuant to chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** unless the Administrator of the Real Estate Division of the Department of Business and Industry certifies that the limited-liability company has:

(a) Registered with the Ombudsman for Owners in Common-Interest Communities ***and Condominium Hotels*** pursuant to NRS 116.31158 ~~[:]~~ ***or section 121 of this act;*** and

(b) Paid to the Administrator of the Real Estate Division the fees required pursuant to NRS 116.31155 ~~[.]~~ ***or section 120 of this act.***

10. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 212. NRS 86.272 is hereby amended to read as follows:

86.272 1. Each limited-liability company which is required to make a filing and pay the fee prescribed in NRS 86.263 and 86.264 and which refuses or neglects to do so within the time provided is in default.

2. Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a limited-liability company which is a unit-owners' association as defined in NRS 116.011 ***or section 7 of this act*** has failed to register pursuant to NRS 116.31158 ***or section 121 of this act*** or failed to pay the fees pursuant to NRS 116.31155 ~~[.]~~ ***or section 120 of this act,*** the Secretary of State shall deem the limited-liability company to be in default. If, after the limited-liability company is deemed to be in default, the Administrator notifies the Secretary of State that the limited-liability company has registered pursuant to NRS 116.31158 ***or section 121 of this act*** and paid the fees pursuant to NRS 116.31155 ~~[.]~~ ***or section 120 of this act,*** the Secretary of State shall reinstate the limited-liability company if the limited-liability company complies with the requirements for reinstatement as provided in this section and NRS 86.276.

3. For default there must be added to the amount of the fee a penalty of $75. The fee and penalty must be collected as provided in this chapter.

Sec. 213. NRS 87.450 is hereby amended to read as follows:

87.450 1. The name proposed for a registered limited-liability partnership must contain the words "Limited-Liability Partnership" or "Registered Limited-Liability Partnership" or the abbreviation "L.L.P." or "LLP" as the last words or letters of the name and must be distinguishable on the records of the Secretary of State from the names of all other artificial persons formed, organized, registered or qualified pursuant to the provisions of this title that are on file in the Office of the Secretary of State and all names that are reserved in the Office of the Secretary of State pursuant to the provisions of this title. If the name of the registered limited-liability partnership on a certificate of registration of limited-liability partnership submitted to the Secretary of State is not distinguishable from a name on file or reserved name, the Secretary of State shall return the certificate to the person who signed it unless the written, acknowledged consent of the holder of the name on file or reserved name to use the name accompanies the certificate.

2. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved name solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination thereof.

3. The Secretary of State shall not accept for filing any certificate of registration or certificate of amendment of a certificate of registration of any registered limited-liability partnership formed or existing pursuant to the laws of this State which provides that the name of the registered limited-liability partnership contains the word "accountant," "accounting," "accountancy," "auditor" or "auditing" unless the Nevada State Board of Accountancy certifies that the registered limited-liability partnership:

(a) Is registered pursuant to the provisions of chapter 628 of NRS; or

(b) Has filed with the Nevada State Board of Accountancy under penalty of perjury a written statement that the registered limited-liability partnership is not engaged in the practice of accounting and is not offering to practice accounting in this State.

4. The Secretary of State shall not accept for filing any certificate of registration or certificate of amendment of a certificate of registration of any registered limited-liability partnership formed or existing pursuant to the laws of this State which provides that the name of the registered limited-liability partnership contains the word "bank" or "trust" unless:

(a) It appears from the certificate of registration or the certificate of amendment that the registered limited-liability partnership proposes to carry on business as a banking or trust company, exclusively or in connection with its business as a bank, savings and loan association or thrift company; and

(b) The certificate of registration or certificate of amendment is first approved by the Commissioner of Financial Institutions.

5. The Secretary of State shall not accept for filing any certificate of registration or certificate of amendment of a certificate of registration of any registered limited-liability partnership formed or existing pursuant to the

provisions of this chapter if it appears from the certificate of registration or the certificate of amendment that the business to be carried on by the registered limited-liability partnership is subject to supervision by the Commissioner of Insurance or by the Commissioner of Financial Institutions, unless the certificate of registration or certificate of amendment is approved by the Commissioner who will supervise the business of the registered limited-liability partnership.

6. Except as otherwise provided in subsection 5, the Secretary of State shall not accept for filing any certificate of registration or certificate of amendment of a certificate of registration of any registered limited-liability partnership formed or existing pursuant to the laws of this State which provides that the name of the registered limited-liability partnership contains the words "engineer," "engineered," "engineering," "professional engineer," "registered engineer" or "licensed engineer" unless:

(a) The State Board of Professional Engineers and Land Surveyors certifies that the principals of the registered limited-liability partnership are licensed to practice engineering pursuant to the laws of this State; or

(b) The State Board of Professional Engineers and Land Surveyors certifies that the registered limited-liability partnership is exempt from the prohibitions of NRS 625.520.

7. The Secretary of State shall not accept for filing any certificate of registration or certificate of amendment of a certificate of registration of any registered limited-liability partnership formed or existing pursuant to the laws of this State which provides that the name of the registered limited-liability partnership contains the words "common-interest community," "community association," "master association," "unit-owners' association" or "homeowners' association" or if it appears in the certificate of registration or certificate of amendment that the purpose of the registered limited-liability partnership is to operate as a unit-owners' association pursuant to chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** unless the Administrator of the Real Estate Division of the Department of Business and Industry certifies that the registered limited-liability partnership has:

(a) Registered with the Ombudsman for Owners in Common-Interest Communities ***and Condominium Hotels*** pursuant to NRS 116.31158 ~~[.]~~ ***or section 121 of this act;*** and

(b) Paid to the Administrator of the Real Estate Division the fees required pursuant to NRS 116.31155 ~~[.]~~ ***or section 120 of this act.***

8. The name of a registered limited-liability partnership whose right to transact business has been forfeited, which has merged and is not the surviving entity or whose existence has otherwise terminated is available for use by any other artificial person.

9. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 214. NRS 87.520 is hereby amended to read as follows:

87.520 1. A registered limited-liability partnership that fails to comply with the provisions of NRS 87.510 is in default.

2. Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a registered limited-liability partnership which is a unit-owners' association as defined in NRS 116.011 ***or section 7 of this act*** has failed to register pursuant to NRS 116.31158 ***or section 121 of this act*** or failed to pay the fees pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act,*** the Secretary of State shall deem the registered limited-liability partnership to be in default. If, after the registered limited-liability partnership is deemed to be in default, the Administrator notifies the Secretary of State that the registered limited-liability partnership has registered pursuant to NRS 116.31158 ***or section 121 of this act*** and paid the fees pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act,*** the Secretary of State shall reinstate the registered limited-liability partnership if the registered limited-liability partnership complies with the requirements for reinstatement as provided in this section and NRS 87.530.

3. Any registered limited-liability partnership that is in default pursuant to this section must, in addition to the fee required to be paid pursuant to NRS 87.510, pay a penalty of $75.

4. The Secretary of State shall provide written notice to the resident agent of any registered limited-liability partnership that is in default. The written notice:

(a) Must include the amount of any payment that is due from the registered limited-liability partnership.

(b) At the request of the resident agent, may be provided electronically.

5. If a registered limited-liability partnership fails to pay the amount that is due, the certificate of registration of the registered limited-liability partnership shall be deemed revoked immediately after the last day of the month in which the anniversary date of the filing of the certificate of registration occurs, and the Secretary of State shall notify the registered limited-liability partnership, by providing written notice to its resident agent or, if the registered limited-liability partnership does not have a resident agent, to a managing partner, that its certificate of registration is revoked. The written notice:

(a) Must include the amount of any fees and penalties incurred that are due.

(b) At the request of the resident agent or managing partner, may be provided electronically.

Sec. 215. NRS 88.320 is hereby amended to read as follows:

88.320 1. Except as otherwise provided in NRS 88.6065, the name proposed for a limited partnership as set forth in its certificate of limited partnership:

(a) Must contain the words "Limited Partnership," or the abbreviation "LP" or "L.P.";

(b) May not contain the name of a limited partner unless:

(1) It is also the name of a general partner or the corporate name of a corporate general partner; or

(2) The business of the limited partnership had been carried on under that name before the admission of that limited partner; and

(c) Must be distinguishable on the records of the Secretary of State from the names of all other artificial persons formed, organized, registered or qualified pursuant to the provisions of this title that are on file in the Office of the Secretary of State and all names that are reserved in the Office of the Secretary of State pursuant to the provisions of this title. If the name on the certificate of limited partnership submitted to the Secretary of State is not distinguishable from any name on file or reserved name, the Secretary of State shall return the certificate to the filer, unless the written, acknowledged consent to the use of the same or the requested similar name of the holder of the name on file or reserved name accompanies the certificate of limited partnership.

2. For the purposes of this section, a proposed name is not distinguished from a name on file or reserved name solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination thereof.

3. The Secretary of State shall not accept for filing any certificate of limited partnership for any limited partnership formed or existing pursuant to the laws of this State which provides that the name of the limited partnership contains the word "accountant," "accounting," "accountancy," "auditor" or "auditing" unless the Nevada State Board of Accountancy certifies that the limited partnership:

(a) Is registered pursuant to the provisions of chapter 628 of NRS; or

(b) Has filed with the Nevada State Board of Accountancy under penalty of perjury a written statement that the limited partnership is not engaged in the practice of accounting and is not offering to practice accounting in this State.

4. The Secretary of State shall not accept for filing any certificate of limited partnership for any limited partnership formed or existing pursuant to the laws of this State which provides that the name of the limited partnership contains the word "bank" or "trust" unless:

(a) It appears from the certificate of limited partnership that the limited partnership proposes to carry on business as a banking or trust company, exclusively or in connection with its business as a bank, savings and loan association or thrift company; and

(b) The certificate of limited partnership is first approved by the Commissioner of Financial Institutions.

5. The Secretary of State shall not accept for filing any certificate of limited partnership for any limited partnership formed or existing pursuant to the provisions of this chapter if it appears from the certificate of limited partnership that the business to be carried on by the limited partnership is subject to supervision by the Commissioner of Insurance or by the

Commissioner of Financial Institutions, unless the certificate of limited partnership is approved by the Commissioner who will supervise the business of the limited partnership.

6. Except as otherwise provided in subsection 5, the Secretary of State shall not accept for filing any certificate of limited partnership for any limited partnership formed or existing pursuant to the laws of this State which provides that the name of the limited partnership contains the words "engineer," "engineered," "engineering," "professional engineer," "registered engineer" or "licensed engineer" unless:

(a) The State Board of Professional Engineers and Land Surveyors certifies that the principals of the limited partnership are licensed to practice engineering pursuant to the laws of this State; or

(b) The State Board of Professional Engineers and Land Surveyors certifies that the limited partnership is exempt from the prohibitions of NRS 625.520.

7. The Secretary of State shall not accept for filing any certificate of limited partnership for any limited partnership formed or existing pursuant to the laws of this State which provides that the name of the limited partnership contains the words "common-interest community," "community association," "master association," "unit-owners' association" or "homeowners' association" or if it appears in the certificate of limited partnership that the purpose of the limited partnership is to operate as a unit-owners' association pursuant to chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** unless the Administrator of the Real Estate Division of the Department of Business and Industry certifies that the limited partnership has:

(a) Registered with the Ombudsman for Owners in Common-Interest Communities ***and Condominium Hotels*** pursuant to NRS 116.31158 ~~[,]~~ ***or section 121 of this act;*** and

(b) Paid to the Administrator of the Real Estate Division the fees required pursuant to NRS 116.31155 ~~[.]~~ ***or section 120 of this act.***

8. The name of a limited partnership whose right to transact business has been forfeited, which has merged and is not the surviving entity or whose existence has otherwise terminated is available for use by any other artificial person.

9. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 216. NRS 88.400 is hereby amended to read as follows:

88.400 1. If a limited partnership has filed the list in compliance with NRS 88.395 and has paid the appropriate fee for the filing, the cancelled check or other proof of payment received by the limited partnership constitutes a certificate authorizing it to transact its business within this State until the anniversary date of the filing of its certificate of limited partnership in the next succeeding calendar year.

2. Each limited partnership which is required to make a filing and pay the fee prescribed in NRS 88.395 and 88.397 and which refuses or neglects to do so within the time provided is in default.

3. Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a limited partnership which is a unit-owners' association as defined in NRS 116.011 ***or section 7 of this act*** has failed to register pursuant to NRS 116.31158 ***or section 121 of this act*** or failed to pay the fees pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act,*** the Secretary of State shall deem the limited partnership to be in default. If, after the limited partnership is deemed to be in default, the Administrator notifies the Secretary of State that the limited partnership has registered pursuant to NRS 116.31158 ***or section 121 of this act*** and paid the fees pursuant to NRS 116.31155 ~~[,]~~ ***or section 120 of this act,*** the Secretary of State shall reinstate the limited partnership if the limited partnership complies with the requirements for reinstatement as provided in this section and NRS 88.410.

4. For default there must be added to the amount of the fee a penalty of $75, and unless the filings are made and the fee and penalty are paid on or before the first day of the first anniversary of the month following the month in which filing was required, the defaulting limited partnership, by reason of its default, forfeits its right to transact any business within this State.

Sec. 217. NRS 88.6065 is hereby amended to read as follows:

88.6065 1. The name proposed for a registered limited-liability limited partnership must contain the words "Limited-Liability Limited Partnership" or "Registered Limited-Liability Limited Partnership" or the abbreviation "L.L.L.P." or "LLLP" as the last words or letters of the name and must be distinguishable on the records of the Secretary of State from the names of all other artificial persons formed, organized, registered or qualified pursuant to the provisions of this title that are on file in the Office of the Secretary of State and all names that are reserved in the Office of the Secretary of State pursuant to the provisions of this title. If the name of the registered limited-liability limited partnership on a certificate of registration of limited-liability limited partnership submitted to the Secretary of State is not distinguishable from any name on file or reserved name, the Secretary of State shall return the certificate to the person who signed it, unless the written, acknowledged consent to the same name of the holder of the name on file or reserved name to use the name accompanies the certificate.

2. The Secretary of State shall not accept for filing any certificate of registration or any certificate of amendment of a certificate of registration of any registered limited-liability limited partnership formed or existing pursuant to the laws of this State which provides that the name of the registered limited-liability limited partnership contains the words "common-interest community," "community association," "master association," "unit-owners' association" or "homeowners' association" or if it appears in the certificate of registration or certificate of amendment that the purpose of the

registered limited-liability limited partnership is to operate as a unit-owners' association pursuant to chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** unless the Administrator of the Real Estate Division of the Department of Business and Industry certifies that the registered limited-liability limited partnership has:

(a) Registered with the Ombudsman for Owners in Common-Interest Communities ***and Condominium Hotels*** pursuant to NRS 116.31158 ~~[.]~~ ***or section 121 of this act;*** and

(b) Paid to the Administrator of the Real Estate Division the fees required pursuant to NRS 116.31155 ~~[.]~~ ***or section 120 of this act.***

3. For the purposes of this section, a proposed name is not distinguishable from a name on file or reserved name solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination thereof.

4. The name of a registered limited-liability limited partnership whose right to transact business has been forfeited, which has merged and is not the surviving entity or whose existence has otherwise terminated is available for use by any other artificial person.

5. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 217.5. **NRS 361.233 is hereby amended to read as follows:**

361.233 1. Notwithstanding any other provision of law:

(a) Any ad valorem taxes or special assessments assessed upon any real property within a common-interest community:

(1) Must be assessed upon the community units and not upon the common-interest community as a whole; and

(2) Must not be assessed upon any common elements of the common-interest community.

(b) Each community unit must be assessed separately for the purposes of ad valorem taxes and special assessments.

(c) Any lien created by the levy of an ad valorem tax or special assessment upon a community unit applies only to the community unit assessed and does not apply to any other portion of the common-interest community.

2. For the purposes of this section:

(a) "Ad valorem tax" means an ad valorem tax levied by any governmental entity or political subdivision in this State on or after July 1, 2006.

(b) "Common elements" means all real property within a common-interest community other than the community units, which is owned:

(1) By the community association;

(2) By any person on behalf or for the benefit of the owners of the community units; or

(3) Jointly by the owners of the community units.

(c) "Common-interest community" means real property with respect to which a person, by virtue of his ownership of a community unit, is obligated to pay for any real property other than that unit. The term includes a common-interest community governed by the provisions of chapter 116 of NRS, ***a condominium hotel governed by the provisions of sections 2 to 177, inclusive, of this act,*** a condominium project governed by the provisions of chapter 117 of NRS and any time-share project, planned unit development or other real property which is organized as a common-interest community in this State.

(d) "Community association" means an association whose membership:

(1) Consists exclusively of the owners of the community units or their elected or appointed representatives; and

(2) Is a required condition of the ownership of a community unit.

(e) "Community unit" means a physical portion of a common-interest community designated for separate ownership or occupancy.

(f) "Special assessment" means a special assessment levied by any governmental entity or political subdivision in this State on or after July 1, 2006.

Sec. 218. NRS 645.240 is hereby amended to read as follows:

645.240 1. The provisions of this chapter do not apply to, and the terms "real estate broker" and "real estate salesman" do not include, any:

(a) Owner or lessor of property, or any regular employee of such a person, who performs any of the acts mentioned in NRS 645.030, 645.040, 645.230 and 645.260, with respect to the property in the regular course of or as an incident to the management of or investment in the property. For the purposes of this paragraph, "management" means activities which tend to preserve or increase the income from the property by preserving the physical desirability of the property or maintaining high standards of service to tenants. The term does not include sales activities.

(b) Employee of a real estate broker while engaged in the collection of rent for or on behalf of the broker.

(c) Person while performing the duties of a property manager for a property, if the person maintains an office on the property and does not engage in property management with regard to any other property.

(d) Person while performing the duties of a property manager for a common-interest community governed by the provisions of chapter 116 of NRS, ***an association of a condominium hotel governed by the provisions of sections 2 to 177, inclusive, of this act,*** a condominium project governed by the provisions of chapter 117 of NRS, a time share governed by the provisions of chapter 119A of NRS, or a planned unit development governed by the provisions of chapter 278A of NRS, if the person is a member in good standing of, and, if applicable, holds a current certificate, registration or other similar form of recognition from, a nationally recognized organization or association for persons managing such properties that has been approved by the Real Estate Division by regulation.

(e) Person while performing the duties of a property manager for property used for residential housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government.

2. Except as otherwise provided in NRS 645.606 to 645.6085, inclusive, the provisions of this chapter do not apply to:

(a) Any bank, thrift company, credit union, trust company, savings and loan association or any mortgage or farm loan association licensed under the laws of this State or of the United States, with reference to property it has acquired for development, for the convenient transaction of its business, or as a result of foreclosure of property encumbered in good faith as security for a loan or other obligation it has originated or holds.

(b) A corporation which, through its regular officers who receive no special compensation for it, performs any of those acts with reference to the property of the corporation.

(c) The services rendered by an attorney at law in the performance of his duties as an attorney at law.

(d) A receiver, trustee in bankruptcy, administrator or executor, or any other person doing any of the acts specified in NRS 645.030 under the jurisdiction of any court.

(e) A trustee acting under a trust agreement, deed of trust or will, or the regular salaried employees thereof.

(f) The purchase, sale or locating of mining claims or options thereon or interests therein.

(g) The State of Nevada or a political subdivision thereof.

Sec. 219. NRS 649.020 is hereby amended to read as follows:

649.020 1. "Collection agency" means all persons engaging, directly or indirectly, and as a primary or a secondary object, business or pursuit, in the collection of or in soliciting or obtaining in any manner the payment of a claim owed or due or asserted to be owed or due to another.

2. "Collection agency" does not include any of the following unless they are conducting collection agencies:

(a) Individuals regularly employed on a regular wage or salary, in the capacity of credit men or in other similar capacity upon the staff of employees of any person not engaged in the business of a collection agency or making or attempting to make collections as an incident to the usual practices of their primary business or profession.

(b) Banks.

(c) Nonprofit cooperative associations.

(d) Unit-owners' associations and the board members, officers, employees and units' owners of those associations when acting under the authority of and in accordance with chapter 116 of NRS ***or sections 2 to 177, inclusive, of this act*** and the governing documents of the association, except for those community managers included within the term "collection agency" pursuant to subsection 3.

(e) Abstract companies doing an escrow business.

(f) Duly licensed real estate brokers, except for those real estate brokers who are community managers included within the term "collection agency" pursuant to subsection 3.

(g) Attorneys and counselors at law licensed to practice in this State, so long as they are retained by their clients to collect or to solicit or obtain payment of such clients' claims in the usual course of the practice of their profession and the collection, solicitation or obtainment is incidental to the usual course of the practice of their profession.

3. "Collection agency":

(a) Includes a community manager while engaged in the management of a common-interest community ***or the management of an association of a condominium hotel*** if the community manager, or any employee, agent or affiliate of the community manager, performs or offers to perform any act associated with the foreclosure of a lien pursuant to NRS 116.31162 to 116.31168, inclusive ~~[,]~~ ***or sections 123 to 128, inclusive, of this act;*** and

(b) Does not include any other community manager while engaged in the management of a common-interest community ~~[.]~~ ***or the management of an association of a condominium hotel.***

4. As used in this section:

(a) "Community manager" has the meaning ascribed to it in NRS 116.023 ~~[.]~~ ***or section 11 of this act.***

(b) "Unit-owners' association" has the meaning ascribed to it in NRS 116.011 ~~[.]~~ ***or section 7 of this act.***

Sec. 220. This act becomes effective ~~[on]~~ **:**

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2008 ~~[.]~~ **, for all other purposes.**

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 431.

Remarks by Assemblyman Anderson.

Madam Speaker requested the privilege of the Chair for the purpose of making remarks.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:55 a.m.

ASSEMBLY IN SESSION

At 12:01 p.m.
Madam Speaker presiding.
Quorum present.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Anderson, Munford, and Mabey as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 418.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Kirkpatrick moved that the Assembly recede from its action on Senate Bill No. 84.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

Assemblywoman Kirkpatrick moved that the Assembly do not recede from its actions on Senate Bill No. 352, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Kihuen, Munford, and Stewart as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 352.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Kirkpatrick moved that the Assembly do not recede from its actions on Senate Bill No. 201, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Smith, Kirkpatrick, and Christensen as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 201.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Atkinson moved that the Assembly do not recede from its action on Senate Bill No. 320, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Atkinson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Pierce, Kirkpatrick, and Grady as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 320.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Claborn moved that the Assembly do not recede from its action on Senate Bill No. 329, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Claborn.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Claborn, Carpenter, and Hogan as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 329.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 595, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Transportation.

MORSE ARBERRY JR., *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 595 be taken from the General File and rereferred to the Committee on Transportation.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 209, 354, 485, 573; Senate Bills Nos. 69, 92, 95, 101, 117, 125, 136, 140, 146, 157, 200, 202, 203, 228, 289, 298, 307, 314, 346, 374, 398, 403, 409, 497, 502 and 535.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Gabriel Vidaurre, Rebecca Bauer, and Angela Xu.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Erickson, Rachel Luck, and Tyler Hart.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Brandon Backenstow and Mariah Bowles.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Sarah Winnemucca Elementary School: Neil Alderman, Robyn Donovan, Ashley Erickson, Alice Frederick, Peter Frederick, Clay Harrison, Tyler Hart, Isaac Hickox-Young, Jacob Lokshin, Mason Osgood, Tim Packham, Reuben Parker, Kevin Short, Evan Su, Logan Thomason, Sophia Vallas, Madeleine Williams, Susan Justice, Megan Burns, Nancy Cunningham, Nancy Hart, Caryn Thomason, and Christine Vallas.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Mark DeStefano.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Randi Thompson.

On request of Assemblyman Kihuen, the privilege of the floor of the Assembly Chamber for this day was extended to Dennis Notaro and Misty Walton.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Alex Wade, Anna Fuchs, and Ashley Erickson.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Shawndrell Cofield and Mychel Ehrman.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Dana Washington and Don Bailey.

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Debra Moutlon and Edward Zimmerman.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Richard.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Anna Formica and James Gallo.

Assemblyman Oceguera moved that the Assembly adjourn until Thursday, May 31, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 12:17 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTEENTH DAY

CARSON CITY (Thursday), May 31, 2007

Assembly called to order at 11:36 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Minister Bruce Henderson.

Heavenly Father, as we have gathered here this year to take care of some of the business of Nevada, we have been reminded that it can be a hard world. Today, I pray for justice for those who are its victims. I pray for the children, for the poor, for the sick, and for the suffering. Father, hear our prayer and move us to help. I pray in the Name of the One called "the God of hope."

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 469, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 30, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 579.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 14.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 13, Senate Amendment No. 843, and requests a conference, and appointed Senators Heck, McGinness and Carlton as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 142, Senate Amendment No. 800, and requests a conference, and appointed Senators Raggio, Beers and Cegavske as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 148, Senate Amendment No. 669, and requests a conference, and appointed Senators Washington, Woodhouse and Heck as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 202, Amendment No. 1039; Assembly Bill No. 212, Amendment No. 1061; Assembly Bill No. 273, Amendment No. 1040, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 178, Senate Amendments Nos. 770, 1013, and requests a conference, and appointed Senators Hardy, Carlton and Townsend as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 285, Senate Amendment No. 812, and requests a conference, and appointed Senators McGinness, Rhoads and Schneider as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 304, Senate Amendment No. 911, and requests a conference, and appointed Senators Hardy, Schneider and Townsend as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 335, Senate Amendment No. 1014, and requests a conference, and appointed Senators Beers, Raggio and Cegavske as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 396, Senate Amendments Nos. 910, 978, 1002, 1024, and requests a conference, and appointed Senators Hardy, Schneider and Heck as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 424, Senate Amendment No. 734, and requests a conference, and appointed Senators Heck, Carlton and Hardy as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 443, Senate Amendment No. 816, and requests a conference, and appointed Senators Heck, Horsford and Cegavske as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 496, Senate Amendment No. 898, and requests a conference, and appointed Senators Heck, Carlton and Hardy as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 497, Senate Amendments Nos. 943, 928, and requests a conference, and appointed Senators Lee, Amodei and Woodhouse as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 192, 321, 331, 341, 381, 437, 461, 464, 468, 476, 501, 555, 571.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 788 to Senate Bill No. 106; Assembly Amendment No. 841 to Senate Bill No. 128; Assembly Amendment No. 887 to Senate Bill No. 237; Assembly Amendment No. 959 to Senate Bill No. 242; Assembly Amendments Nos. 980, 1012 to Senate Bill No. 288; Assembly Amendment No. 831 to Senate Bill No. 394; Assembly Amendment No. 863 to Senate Bill No. 425; Assembly Amendment No. 845 to Senate Bill No. 450; Assembly Amendment No. 873 to Senate Bill No. 452; Assembly Amendment No. 864 to Senate Bill No. 548; Assembly Amendment No. 687 to Senate Bill No. 549; Assembly Amendment No. 984 to Senate Joint Resolution No. 2; Assembly Amendment No. 923 to Senate Joint Resolution No. 3; Assembly Amendment No. 666 to Senate Joint Resolution No. 18.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendments Nos. 709, 977 to Senate Bill No. 18; Assembly Amendment No. 840 to Senate Bill No. 43; Assembly Amendment No. 964 to Senate Bill No. 131; Assembly Amendment No. 926 to Senate Bill No. 401; Assembly Amendment No. 983 to

Senate Bill No. 412; Assembly Amendments Nos. 944, 1006 to Senate Bill No. 436; Assembly Amendment No. 893 to Senate Bill No. 487; Assembly Amendment No. 858 to Senate Bill No. 536.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Washington, Wiener and Cegavske as a first Conference Committee concerning Senate Bill No. 143.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Nolan, Wiener and Washington as a first Conference Committee concerning Senate Bill No. 244.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Smith, Bobzien, and Grady as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 13.

Madam Speaker appointed Assemblymen Leslie, Anderson, and Hardy as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 148.

Madam Speaker appointed Assemblymen Conklin, Bobzien, and Gansert as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 178.

Madam Speaker appointed Assemblymen Manendo, Ohrenschall, and Settelmeyer as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 304.

Madam Speaker appointed Assemblymen Leslie, Gerhardt, and Mabey as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 424.

Madam Speaker appointed Assemblymen Pierce, Koivisto, and Stewart as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 443.

Madam Speaker appointed Assemblymen Conklin, Horne, and Allen as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 496.

Madam Speaker appointed Assemblymen Atkinson, Manendo, and Goicoechea as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 497.

Senate Bill No. 192.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 321.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 331.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 341.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 381.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 437.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 461.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 464.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 468.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 476.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 501.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 555.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 571.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:53 a.m.

ASSEMBLY IN SESSION

At 11:57 a.m.

Madam Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 90, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

GENERAL FILE AND THIRD READING

Assembly Bill No. 469.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1052.

SUMMARY—Requires the Division of State Parks of the State Department of Conservation and Natural Resources to conduct a study ~~[to consider]~~ **of** the feasibility of establishing a park for the protection of certain paleontologically sensitive sites ~~[.]~~ **if money is available.** (BDR S-717)

AN ACT relating to parks; requiring the Division of State Parks of the State Department of Conservation and Natural Resources **, to the extent that money is available,** to conduct a study of the feasibility of establishing and developing a park in the Upper Las Vegas Wash; ~~[making an appropriation;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill requires the Division of State Parks of the State Department of Conservation and Natural Resources to work with the University of Nevada, Las Vegas, to conduct a study of the feasibility of establishing and developing a park in the Upper Las Vegas Wash ~~[.]~~ **if sufficient money is available.** ~~[Section 1 further requires the study to include a consideration of the feasibility of developing a museum and a live dig site that the public may visit. Section 3 of this bill contains an appropriation for the costs of the study.]~~

WHEREAS, The portion of the Upper Las Vegas Wash known as the Tule Springs Archaeological Site was the site of significant archaeological and paleontological digs in the 1960s; and

WHEREAS, The Upper Las Vegas Wash is world-famous for its abundant and well-preserved fossils of extinct animals dating to the latter part of the ice age; and

WHEREAS, The fossils found in the Upper Las Vegas Wash range in age from more than 40,000 years old to 11,000 years old and include remains of extinct mammoths, ground sloths, giant lions, camels and llamas, giant bison and large and small horses, as well as abundant small mammals, birds, reptiles, amphibians and fish; and

WHEREAS, Study of these fossils could provide significant educational resources to the people of the State of Nevada; and

WHEREAS, The Upper Las Vegas Wash is one of the last remnants of untouched desert immediately adjacent to the City of Las Vegas, and thus is an important natural resource for the State of Nevada; and

WHEREAS, The Upper Las Vegas Wash should be preserved to ensure the resource is not lost; and

WHEREAS, A park created in the Upper Las Vegas Wash could become a major attraction for the people of Nevada, bringing national and international tourists to the State in the same way that the La Brea Tar Pits of Los Angeles attract visitors to California; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. 1. The Division of State Parks of the State Department of Conservation and Natural Resources, in cooperation with the University of Nevada, Las Vegas, shall **, to the extent that money is available,** conduct or cause to be conducted, a study to consider the feasibility of establishing and developing a park in the area of Clark County, Nevada, known as the Upper

Las Vegas Wash ~~[.]~~ **, consisting of approximately 315 acres, more properly described as: Lot 7, SE 1/4 of the SW 1/4, S 1/2 of the SE 1/4 of section 6; and Lot 1, the NE 1/4 of the NW 1/4, the N 1/2 of the NE 1/4 of section 7; all in T. 19 S., R. 61 E., M.D.B. & M.**

2. ~~[The]~~ **Any such** study must include, without limitation, a consideration of the feasibility of developing a museum and a live dig site that is available for the public to visit.

~~[2.]~~ **3.** The Division may receive and expend money from any public or private institution or person to carry out the provisions of this ~~[act.]~~ **section.**

~~[3.]~~ **4.** The Administrator of the Division of State Parks may appoint an advisory board consisting of recognized paleontologists from within or without the State of Nevada to assist him in carrying out ~~[the study required by]~~ **any study conducted pursuant to** subsection 1.

Sec. 3. ~~[1. There is hereby appropriated from the State General Fund to the Division of State Parks of the State Department of Conservation and Natural Resources the sum of $50,000 to be used for the study required by section 2 of this act.~~

~~2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.]~~ **(Deleted by amendment.)**

Sec. 4. This act becomes effective on July 1, 2007.

Assemblyman Mortenson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 90.

Bill read third time.

Remarks by Assemblyman Christensen.

Roll call on Senate Bill No. 90:

YEAS—42.

NAYS—None.

Senate Bill No. 90 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 469.

Bill read third time.

Remarks by Assemblyman Mortenson.

Roll call on Assembly Bill No. 469:

YEAS—42.

NAYS—None.

Assembly Bill No. 469 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 483, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Segerblom, Horne, and Mabey as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 483.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Leslie moved that the Assembly do not recede from its action on Senate Bill No. 536, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Leslie.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblywomen Koivisto, Womack, and Weber as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 536.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 569.

The following Senate amendment was read:

Amendment No. 708.

AN ACT relating to elections; eliminating various provisions concerning supplies that are no longer used in elections; regulating the process for rescinding a withdrawal of candidacy; making various changes regarding early voting; providing a deadline by which a regulation of the Secretary of State must be effective to be applicable to a particular election; providing for when certain offices must be declared elected and no election held for the office; making certain changes concerning the official record for a recount;

making various changes to the provisions governing absent ballots; making various changes concerning questions placed on a ballot; making various other changes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law in chapters 293, 293B and 293C of NRS refers to the use of pollbooks and to mechanical voting systems whereby a voter may cast his vote by punching a card. Sections 5, 6, 9, 16, 18, 20, 23, 25, 26, 28, 29, 31-35, 37, 40-44, 46, 47, 50, 55-59, 61-64, 66, 67, 69-72, 74-78, 80, 82-87, 89-95 and 97-99 of this bill eliminate references to the use of pollbooks or to a voter punching a card or casting his ballot with a punch card and to any procedures concerning the use of such supplies, as these supplies and systems are no longer in use in elections in this State. Section 101 of this bill repeals many sections that deal exclusively with these supplies and systems.

Existing law authorizes and provides a procedure for a candidate to withdraw his candidacy, but makes no provision for the manner in which a candidate may rescind after he has withdrawn his declaration of candidacy. (NRS 293.202) Section 11 of this bill creates a procedure for a candidate to rescind his withdrawal of candidacy.

Existing law requires the Secretary of State to adopt regulations governing the conduct of elections. (NRS 293.247) Sections 17 and 96 of this bill provide that only permanent regulations of the Secretary of State that are effective on or before December 31 of the year immediately preceding a primary, general, special or district election govern the conduct of that election.

Existing law provides that when no more than the number of candidates to be elected have filed for nomination for most nonpartisan offices, the names of the candidates must still appear on the ballot for the primary election. (NRS 293.260) Sections 19 and 100 change that requirement to provide that for the office of member of a town advisory board and for certain offices on the Board of Governors of the Elko Convention and Visitors Authority, in such a situation those candidates must be declared elected and no election may be held for that office.

Existing law requires that mechanical recording devices which directly record votes electronically must provide a permanent paper record that must be available as an official record for a recount. (NRS 293.2696, 293B.084) Sections 24 and 57 of this bill eliminate the requirement that the permanent paper records be available as an official record for a recount.

Existing law specifies the procedure for county and city clerks to process absent ballots returned by mail or in person. (NRS 293.325, 293C.325) Sections 30 and 73 of this bill make revisions to clarify the procedure.

Existing law specifies the procedure and timing for the appropriate counting board to remove absent ballots from ballot boxes for the purpose of counting them. (NRS 293.384, 293.385, 293C.382, 293C.385) Sections 45, 46, 88 and 89 of this bill revise the timing to provide that the appropriate

counting board may remove the absent ballots from the ballot boxes or containers 3 working days earlier than the current provisions allow.

Existing law authorizes and sets forth a procedure for the governing body of a political subdivision or other local agency to submit a question to the qualified electors or registered voters of a designated territory. (NRS 293.481) Section 51 of this bill requires a county clerk to assign a unique identification number to such a question and creates a procedure for such a governing body to withdraw a question that was properly submitted to a county or city clerk.

Existing law requires the use of voting receipts and specifies that such voting receipts have two parts. (NRS 293.2673, 293.3585, 293.3604, 293B.300, 293B.305, 293C.261, 293C.3585, 293C.3604, 293C.620) Sections 22, 37, 38, 60, 61, 68, 80, 81 and 91 of this bill change these provisions to make the use of voting receipts optional at the discretion of the county or city clerk. These sections of the bill also eliminate the requirement that the voting receipts have two parts.

Section 101 of this bill repeals the section that requires the Secretary of State to publish a pamphlet describing the requirements for filing and circulating an initiative petition and several other sections dealing with obsolete election procedures. (NRS 293.12756)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***"Ballot box" means a box that is capable of being secured and is used to receive the voted ballots.***

Sec. 3. ***"Provisional ballot" means a ballot voted by a person pursuant to NRS 293.3081 to 293.3086, inclusive.***

Sec. 4. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, ***and sections 2 and 3 of this act,*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 293.025 is hereby amended to read as follows:

293.025 "Ballot" means the record of a voter's preference of candidates and questions voted upon at an election. The term includes, without limitation, any paper given to a voter upon which he places his vote ~~[, a punch card which records the vote of a voter]~~ and electronic storage tapes.

Sec. 6. NRS 293.040 is hereby amended to read as follows:

293.040 "Clerk" means the election board officer designated or assigned to make the record of the election in the ~~[pollbook,]~~ ***roster,*** tally list and challenge list in the precinct or district in which such officer is appointed.

Sec. 7. NRS 293.093 is hereby amended to read as follows:

293.093 "Regular votes" means the votes cast by registered voters, except votes cast by absent ***ballot or provisional*** ballot.

Sec. 8. NRS 293.097 is hereby amended to read as follows:

293.097 "Sample ballot" means a document distributed by a county or city clerk upon which is printed a ~~[facsimile of]~~ ***list of the offices, candidates and ballot questions that will appear on*** a ballot. The term includes any such document which is printed by a computer.

Sec. 9. NRS 293.113 is hereby amended to read as follows:

293.113 "Tally list" ~~[or "tally book"]~~ means the ~~[forms]~~ ***form*** furnished ***to*** election board officers to be used in ~~[tallying or]~~ recording the number of votes cast for each candidate and question on the ballot **.** ~~[as such votes are called in counting.]~~

Sec. 10. NRS 293.12757 is hereby amended to read as follows:

293.12757 A person may sign a petition required under the election laws of this State on or after the date he is deemed to be registered to vote pursuant to ~~[subsection 5 of]~~ NRS 293.517 or subsection 7 of NRS 293.5235.

Sec. 11. NRS 293.202 is hereby amended to read as follows:

293.202 ***1.*** A withdrawal of candidacy for office must be in writing and must be presented by the candidate in person, within 7 days, excluding Saturdays, Sundays and holidays, after the last day for filing, to the officer whose duty it is to receive filings for candidacy for that office. ***If the withdrawal of candidacy is submitted in a timely manner pursuant to the provisions of this subsection, it shall be deemed effective after the seventh day, excluding Saturdays, Sundays and holidays, after the last day for filing.***

2. A rescission of a withdrawal of candidacy must be in writing and presented by the candidate in person, within the 7 days, excluding Saturdays, Sundays and holidays, after the last day for filing, to the officer whose duty it is to receive filings for candidacy for that office.

Sec. 12. NRS 293.207 is hereby amended to read as follows:

293.207 1. Election precincts must be established on the basis of the number of registered voters therein, with a maximum ~~[of 600 registered voters per precinct in those precincts in which paper ballots are used, or a maximum]~~ of 1,500 registered voters who are not designated inactive pursuant to NRS 293.530 per precinct in those precincts in which a mechanical voting system is used.

2. Except as otherwise provided in subsections 3 and 4, the county clerk may consolidate two or more contiguous election precincts into a single voting district to conduct a particular election as public convenience, necessity and economy may require.

3. If a county clerk proposes to consolidate two or more contiguous election precincts, in whole or in part, pursuant to subsection 2, the county clerk shall, at least 14 days before consolidating the precincts, cause notice of the proposed consolidation to be:

(a) Posted in the manner prescribed for a regular meeting of the board of county commissioners; and

(b) Mailed to each Assemblyman, State Senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the consolidation.

4. A person may file a written objection to the proposed consolidation with the county clerk. The county clerk shall consider each written objection filed pursuant to this subsection before consolidating the precincts.

Sec. 13. NRS 293.213 is hereby amended to read as follows:

293.213 1. Whenever there were not more than 20 voters registered in a precinct for the last preceding general election, the county clerk may establish that precinct as a mailing precinct **.** ~~[, and shall forthwith mail notification to the field registrar for that precinct.]~~

2. Except as otherwise provided in NRS 293.208, the county clerk in any county where an absent ballot central counting board is appointed may abolish two or more existing mailing precincts and combine those mailing precincts into absent ballot precincts. Those mailing precincts must be designated absent ballot mailing precincts.

3. In any county where an absent ballot central counting board is appointed, any established precinct which had less than 200 ballots cast at the last preceding general election, or any newly established precinct with less than 200 registered voters, may be designated an absent ballot mailing precinct.

4. The county clerk shall, at least 14 days before establishing or designating a precinct as a mailing precinct or absent ballot mailing precinct or before abolishing a mailing precinct pursuant to this section, cause notice of such action to be:

(a) Posted in the manner prescribed for a regular meeting of the board of county commissioners; and

(b) Mailed to each Assemblyman, State Senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the action.

Sec. 14. NRS 293.217 is hereby amended to read as follows:

293.217 1. The county clerk of each county shall appoint and notify registered voters to act as election board officers for the various precincts and districts in the county as provided in NRS 293.220 to ~~[293.245,]~~ ***293.243,*** inclusive, and 293.384 **.** ~~[, and shall conclude those duties no later than 31 days before the election.]~~ The registered voters appointed as election board officers for any precinct or district must not all be of the same political party. No candidate for nomination or election or his relative within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the county clerk, the sheriff shall:

(a) Appoint a deputy sheriff for each polling place in the county and for the central election board or the absent ballot central counting board; or

(b) Deputize as a deputy sheriff for the election an election board officer of each polling place in the county and for the central election board or the

absent ballot central counting board. The deputized officer shall receive no additional compensation for his services rendered as a deputy sheriff during the election for which he is deputized.

➥ Deputy sheriffs so appointed and deputized shall preserve order during hours of voting and attend closing of the polls.

2. The county clerk may appoint a trainee for the position of election board officer as set forth in NRS 293.2175.

Sec. 15. NRS 293.227 is hereby amended to read as follows:

293.227 1. Each election board ~~[consists of at least three members, one of whom must be]~~ ***must have one member*** designated ***as the*** chairman by the county or city clerk. The ***election*** boards shall make the records of election required by this chapter.

2. The appointment of a trainee as set forth in NRS 293.2175 and 293C.222 may be used to determine the number of members on the election board, but under no circumstances may:

(a) The election board of any precinct include more than one trainee; or

(b) A trainee serve as chairman of the election board.

3. The county or city clerk shall conduct or cause to be conducted ~~[, at least 5 days before the date of the election for which the boards are appointed,]~~ a school to acquaint the ~~[chairmen]~~ ***members of an election board*** with the election laws, duties of election boards, regulations of the Secretary of State and with the procedure for making the records of election and using the register for election boards. ~~[If the person appointed chairman is unable for any reason to attend the school, he shall appoint some other member of his election board to attend the school in his stead.]~~

4. The board of county commissioners of any county or the city council of any city may reimburse the ~~[chairmen or their designees]~~ ***members of an election board*** who attend the school for their travel expenses at a rate not exceeding 10 cents per mile.

~~[5. Each chairman shall instruct his board before election day.]~~

Sec. 16. NRS 293.230 is hereby amended to read as follows:

293.230 ~~[1. In precincts or districts where there are less than 200 registered voters and paper ballots are used, the election board shall perform all duties required from the time of preparing for the opening of the polls through delivering the supplies and result of votes cast to the county clerk.~~

~~2.]~~ Except as otherwise provided in NRS 293.235, one election board must be appointed by the county clerk for all mailing precincts within the county and must be designated the central election board. The county clerk shall deliver the mailed ballots to that board in his office and the board shall count the votes on those ballots in the manner required by law.

Sec. 17. NRS 293.247 is hereby amended to read as follows:

293.247 1. The Secretary of State shall adopt regulations, not inconsistent with the election laws of this State, for the conduct of primary, general, special and district elections in all cities and counties. ***Permanent regulations of the Secretary of State that regulate the conduct of a primary,***

general, special or district election that are effective on or before December 31 of the year immediately preceding a primary, general, special or district election govern the conduct of that election.

2. The Secretary of State shall prescribe the forms for a declaration of candidacy, certificate of candidacy, acceptance of candidacy and any petition which is filed pursuant to the general election laws of this State.

~~[2.]~~ ***3.*** The regulations must prescribe:

(a) The duties of election boards;

(b) The type and amount of election supplies;

(c) The manner of printing ballots and the number of ballots to be distributed to precincts and districts;

(d) The method to be used in distributing ballots to precincts and districts;

(e) The method of inspection and the disposition of ballot boxes;

(f) The form and placement of instructions to voters;

(g) The recess periods for election boards;

(h) The size, lighting and placement of voting booths;

(i) The amount and placement of guardrails and other furniture and equipment at voting places;

(j) The disposition of election returns;

(k) The procedures to be used for canvasses, ties, recounts and contests ~~[;]~~ ***, including, without limitation, the appropriate use of a paper record created when a voter casts a ballot on a mechanical voting system that directly records the votes electronically;***

(l) The procedures to be used to ensure the security of the ballots from the time they are transferred from the polling place until they are stored pursuant to the provisions of NRS 293.391 or 293C.390;

(m) The procedures to be used to ensure the security and accuracy of computer programs and tapes used for elections;

(n) ***The procedures to be used for the testing, use and auditing of a mechanical voting system which directly records the votes electronically and which creates a paper record when a voter casts a ballot on the system;***

(o) The procedures to be used for the disposition of absent ballots in case of an emergency;

~~[(o)]~~ ***(p)*** The forms for applications to register to vote and any other forms necessary for the administration of this title; and

~~[(p)]~~ ***(q)*** Such other matters as determined necessary by the Secretary of State.

~~[3.]~~ ***4.*** The Secretary of State may provide interpretations and take other actions necessary for the effective administration of the statutes and regulations governing the conduct of primary, general, special and district elections in this State.

~~[4.]~~ ***5.*** The Secretary of State shall prepare and distribute to each county and city clerk copies of:

(a) Laws and regulations concerning elections in this State;

(b) Interpretations issued by the Secretary of State's Office; and

(c) Any Attorney General's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the Secretary of State.

Sec. 18. NRS 293.250 is hereby amended to read as follows:

293.250 1. The Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

(a) The form of all ballots, absent ballots, diagrams, sample ballots, certificates, notices, declarations, applications to register to vote, lists, applications, ~~[pollbooks,]~~ registers, rosters, statements and abstracts required by the election laws of this State.

(b) The procedure to be followed when a computer is used to register voters and to keep records of registration.

2. The Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

(b) The listing of all other candidates required to file with him, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 19. NRS 293.260 is hereby amended to read as follows:

293.260 1. Where there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot.

2. If more than one major political party has candidates for a particular office, the persons who receive the highest number of votes at the primary elections must be declared the nominees of those parties for the office.

3. If only one major political party has candidates for a particular office and a minor political party has nominated a candidate for the office or an independent candidate has filed for the office, the candidate who receives the highest number of votes in the primary election of the major political party must be declared the nominee of that party and his name must be placed on the general election ballot with the name of the nominee of the minor political party for the office and the name of the independent candidate who has filed for the office.

4. If only one major political party has candidates for a particular office and no minor political party has nominated a candidate for the office and no independent candidate has filed for the office:

(a) If there are more candidates than twice the number to be elected to the office, the names of the candidates must appear on the ballot for a primary election. Except as otherwise provided in this paragraph, the candidates of that party who receive the highest number of votes in the primary election, not to exceed twice the number to be elected to that office at the general election, must be declared the nominees for the office. If only one candidate is to be elected to the office and a candidate receives a majority of the votes in the primary election for that office, that candidate must be declared the nominee for that office and his name must be placed on the ballot for the general election.

(b) If there are no more than twice the number of candidates to be elected to the office, the candidates must, without a primary election, be declared the nominees for the office.

5. Where no more than the number of candidates to be elected have filed for nomination for:

(a) Any partisan office or the office of justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for a general election; ~~[and]~~

(b) Any nonpartisan office, other than the office of justice of the Supreme Court ~~[,]~~ ***or the office of member of a town advisory board,*** the names of those candidates must appear on the ballot for a primary election unless the candidates were nominated pursuant to subsection 2 of NRS 293.165. If a candidate receives one or more votes at the primary election, he must be declared elected to the office and his name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at

the primary election, his name must be placed on the ballot for the general election ~~[.]~~ ***; and***

(c) The office of member of a town advisory board, the candidate must be declared elected to the office and no election must be held for that office.

6. If there are more candidates than twice the number to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. Those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.

Sec. 20. NRS 293.262 is hereby amended to read as follows:

293.262 An absent ballot or a ballot voted by a voter who resides in a mailing precinct must be voted:

1. On a paper ballot ~~[.~~

~~2. On a ballot which is voted by punching a card; or~~

~~3.]~~ ***; or***

2. By any other system authorized by state or federal law.

Sec. 21. NRS 293.265 is hereby amended to read as follows:

293.265 On nonpartisan primary ballots, there must appear at the top of the ballot the designation ~~["Candidates for]~~ **"** Nonpartisan Offices." Except as otherwise provided in NRS 293.2565, following this designation must appear the names of candidates grouped alphabetically under the title and length of term of the nonpartisan office for which those candidates filed.

Sec. 22. NRS 293.2673 is hereby amended to read as follows:

293.2673 1. A ballot prepared for use in an election in this State must be dated and marked in such a manner as to indicate clearly at which election the ballot will be used.

2. If a ballot includes a detachable stub, both the ballot and the stub must include the date of the election and indicate clearly at which election the ballot will be used.

3. If a ballot includes a voting receipt **,** ~~[which has two parts, each part of]~~ the voting receipt must include the date of the election and indicate clearly at which election the ~~[ballot will be used.]~~ ***voter cast his ballot.***

Sec. 23. NRS 293.2693 is hereby amended to read as follows:

293.2693 If a county or city uses paper ballots ~~[or punch cards]~~ in an election, including, without limitation, for absent ballots and ballots voted in a mailing precinct, the county or city clerk shall provide a voter education program specific to the voting system used by the county or city. The voter education program must include, without limitation, information concerning the effect of overvoting and the procedures for correcting a vote on a ballot before it is cast and counted and for obtaining a replacement ballot.

Sec. 24. NRS 293.2696 is hereby amended to read as follows:

293.2696 The Secretary of State and each county and city clerk shall ensure that each voting system used in this State:

1. Secures to each voter privacy and independence in the act of voting, including, without limitation, confidentiality of the ballot of the voter;

2. Allows each voter to verify privately and independently the votes selected by the voter on the ballot before the ballot is cast and counted;

3. Provides each voter with the opportunity, in a private and independent manner, to change the ballot and to correct any error before the ballot is cast and counted, including, without limitation, the opportunity to correct an error through the issuance of a replacement ballot if the voter is otherwise unable to change the ballot or correct the error;

4. Provides a permanent paper record with a manual audit capacity ***;*** ~~[which must be available as an official record for a recount;]~~ and

5. Meets or exceeds the standards for voting systems established by the Federal Election Commission, including, without limitation, the error rate standards.

Sec. 25. NRS 293.285 is hereby amended to read as follows:

293.285 ~~[1.]~~ A registered voter applying to vote shall state his name to the election board officer in charge of the election board register and the officer shall immediately announce the name and take the registered voter's signature. ~~[After a registered voter is properly identified at a polling place where paper ballots are used, one partisan ballot and, if required, one nonpartisan ballot, correctly folded must be given to the voter and the number of the ballot or ballots must be written by an election board officer upon the pollbook, opposite the name of the registered voter receiving the ballot or ballots.~~

~~2. In pollbooks in which voters' names have been entered, election officers may indicate the application to vote without writing the name.]~~

Sec. 26. NRS 293.297 is hereby amended to read as follows:

293.297 ~~[1. Except as otherwise provided in subsection 2:~~

~~(a) Any voter who spoils his ballot may return the spoiled ballot to the election board and receive another in its place.~~

~~(b) The election board officers shall indicate in the pollbook that the ballot is spoiled and shall enter the number of the ballot issued in its place.~~

~~(c) Each spoiled ballot returned must be cancelled by writing the word "Cancelled" across the back of the ballot. A spoiled paper ballot must be cancelled without unfolding it.~~

~~(d) A record must be made of those cancelled ballots at the closing of the polls and before counting. The ballots must be placed in a separate envelope and returned to the appropriate county clerk with the election supplies.~~

~~2. If ballots which are voted on a]~~ ***A*** mechanical recording device which directly records ~~[the]~~ votes electronically ~~[are used,]~~ ***must allow*** the voter ~~[must be able]~~ to change his vote before the mechanical recording device permanently records that vote.

Sec. 27. NRS 293.303 is hereby amended to read as follows:

293.303 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct ~~[or district]~~ upon the ground that he is not the person entitled to vote as claimed or has voted before at the same election **.** ~~[; or]~~ ***A registered voter who initiates a challenge pursuant to this paragraph must submit an affirmation that is signed under penalty of perjury and in the form prescribed by the Secretary of State stating that the challenge is based on the personal knowledge of the registered voter.***

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that he does not belong to the political party designated upon the register, "I swear or affirm under penalty of perjury that I belong to the political party designated upon the register";

(b) If the challenge is on the ground that the register does not show that he designated the political party to which he claims to belong, "I swear or affirm under penalty of perjury that I designated on the application to register to vote the political party to which I claim to belong";

(c) If the challenge is on the ground that he does not reside at the residence for which the address is listed in the election board register, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the election board register";

(d) If the challenge is on the ground that he previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(e) If the challenge is on the ground that he is not the person he claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this election board register."

➥ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. Except as otherwise provided in subsection 4, if the challenged person refuses to execute the oath or affirmation so tendered, he must not be issued a ballot, and the officer in charge of the election board register shall write the words "Challenged ....." opposite his name in the election board register.

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) or (b) of subsection 2, the election board officers shall issue him a nonpartisan ballot.

5. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (c) of subsection 2, the election board officers shall inform him that he is entitled to vote only in the manner prescribed in NRS 293.304.

6. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (e) of subsection 2, the election board officers shall issue him a partisan ballot.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he furnishes satisfactory identification which contains proof of the address at which he actually resides.

8. If the challenge is based on the ground set forth in paragraph (e) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless he:

(a) Furnishes official identification which contains a photograph of himself, such as his driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of himself, such as his driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he swears he is.

9. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

Sec. 28. NRS 293.304 is hereby amended to read as follows:

293.304 1. If a person is successfully challenged on the ground set forth in paragraph (c) of subsection 2 of NRS 293.303 or if a person refuses to provide an affirmation pursuant to NRS 293.525, the election board shall instruct the voter that he may vote only at the special polling place in the manner set forth in this section.

2. The county clerk of each county shall maintain a special polling place in his office and at such other locations as he deems necessary during each election. The ballots voted at the special polling place must be kept separate from the ballots of voters who have not been so challenged or who have provided an affirmation pursuant to NRS 293.525 in ~~[:~~

~~(a) A special ballot box if the ballots are paper ballots or ballots which are voted by punching a card; or~~

~~(b) A]~~ ***a*** special sealed container if the ballots are ballots which are voted on a mechanical recording device which directly records the votes electronically.

3. A person who votes at a special polling place may place his vote only for the following offices and questions:

(a) President and Vice President of the United States;

(b) United States Senator;

(c) All state officers for whom all voters in the State may vote;

(d) All officers for whom all voters in the county may vote; and

(e) Questions which have been submitted to all voters of the county or State.

4. The ballots voted at the special polling place must be counted when other ballots are counted and ~~[~~:

~~(a) If the ballots are paper ballots or ballots which are voted by punching a card, maintained in a separate ballot box; or~~

~~(b) If]~~ ***, if*** the ballots are ballots which are voted on a mechanical recording device which directly records the votes electronically, maintained in a separate sealed container ~~[~~,

~~➥]~~ until any contest of election is resolved or the date for filing a contest of election has passed, whichever is later.

Sec. 29. NRS 293.323 is hereby amended to read as follows:

293.323 1. Except as otherwise provided in subsection 2, if the request for an absent ballot is made by mail or facsimile machine, the county clerk shall, as soon as the official absent ballot for the precinct or district in which the applicant resides has been printed, send to the voter by first-class mail ***or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed on the official absent ballot,*** if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base, or by air mail if the absent voter is in a foreign country but not on a military base:

(a) ~~[Except as otherwise provided in paragraph (b):~~

~~(1)]~~ An absent ballot;

~~[(2)]~~ ***(b)*** A return envelope;

~~[(3) Supplies for marking the ballot;~~

~~(4)]~~ ***(c)*** An envelope or similar device into which the ballot is inserted to ensure its secrecy; and

~~[(5) Instructions.~~

~~(b) In those counties using a mechanical voting system whereby a vote is cast by punching a card:~~

~~(1) A card attached to a sheet of foam plastic or similar backing material;~~

~~(2) A return envelope;~~

~~(3) A punching instrument;~~

~~(4) A sample ballot;~~

~~(5) An envelope or similar device into which the card is inserted to ensure its secrecy; and~~

~~(6)]~~ ***(d)*** Instructions.

2. If the county clerk fails to send an absent ballot pursuant to subsection 1 to a voter who resides within the continental United States, the county clerk may use a facsimile machine to send an absent ballot and instructions to the voter. The voter shall mail his absent ballot to the county clerk.

3. The return envelope sent pursuant to subsection 1 must include postage prepaid by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Nothing may be enclosed or sent with an absent ballot except as required by subsection 1 or 2.

5. Before depositing a ballot in the ~~[mails]~~ ***mail*** or sending a ballot by facsimile machine, the county clerk shall record the date the ballot is issued, the name of the registered voter to whom it is issued, his precinct or district, his political affiliation, if any, the number of the ballot and any remarks he finds appropriate.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsection 2.

Sec. 30. NRS 293.325 is hereby amended to read as follows:

293.325 1. Except as otherwise provided in ~~[subsections 2 and 3,]~~ ***subsection 2,*** when an absent ballot is returned by a registered voter to the county clerk through the ~~[mails]~~ ***mail or in person,*** and record thereof is made in the absent ballot record book, the county clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the precinct or district election board.

2. If ~~[the county clerk has appointed]~~ an absent ballot central counting board ~~[, the county clerk shall, upon receipt of each absent voter's ballot, make a record of the return and check the signature on the return envelope against the original signature of the voter on the county clerk's register. If the county clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box. At the end of each day before election day, the county clerk may remove the ballots from each ballot box and neatly stack the ballots in a container. Except as otherwise provided in subsection 3, on election day the county clerk shall deliver the ballot box and, if applicable, each container to the absent ballot counting board to be counted.~~

~~3. If the county uses a mechanical voting system, the county clerk shall, upon receipt of each absent voter's ballot, make a record of the return and]~~ ***has been appointed, when an absent ballot is returned by a registered voter to the county clerk through the mail or in person, the county clerk shall*** check the signature on the return envelope against the original signature of the county clerk's register. If the county clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the county clerk at all times. At the end of each day before election day, the county clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. ~~[Except as otherwise provided in this subsection, on election day the county clerk shall deliver the ballot box and each container, if applicable, to the central counting place. If the county uses a mechanical voting system and the county clerk has appointed an absent ballot central counting board, the county clerk may, not]~~ ***Not*** earlier than 4 working days before the election, ***the county clerk shall*** deliver the ballots to the absent

ballot central counting board to be processed and prepared for ~~[tabulation]~~ ***counting*** pursuant to the procedures established by the Secretary of State ~~[.]~~ ***to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293.273 or 293.305.***

Sec. 31. NRS 293.330 is hereby amended to read as follows:

293.330 1. Except as otherwise provided in NRS 293.3157 and subsection 2 of NRS 293.323 and any regulations adopted pursuant thereto, when an absent voter receives his ballot, he must mark and fold it ~~[, if it is a paper ballot, or punch it, if the ballot is voted by punching a card,]~~ in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his signature on the back of the envelope in the space provided therefor and mail the return envelope.

2. Except as otherwise provided in subsection 3, if an absent voter who has requested a ballot by mail applies to vote the ballot in person at:

(a) The office of the county clerk, he must mark ~~[or punch]~~ the ballot, seal it in the return envelope and affix his signature in the same manner as provided in subsection 1, and deliver the envelope to the clerk.

(b) A polling place, including, without limitation, a polling place for early voting, he must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."

3. If an absent voter who has requested a ballot by mail applies to vote in person at the office of the county clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

(a) Provides satisfactory identification;

(b) Is a registered voter who is otherwise entitled to vote; and

(c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.

4. Except as otherwise provided in NRS 293.316, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of his family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the county clerk that he is a member of the family of the voter who requested the absent ballot and that the voter requested that he return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 32. NRS 293.333 is hereby amended to read as follows:

293.333 On the day of an election, the precinct or district election boards receiving the absent voters' ballots from the county clerk shall, in the presence of a majority of the election board officers, remove the ballots from

the ballot box and the containers in which the ballots were transported pursuant to NRS 293.325 and deposit the ballots in the regular ballot box in the following manner:

1. The name of the voter, as shown on the return envelope, must be called and checked as if the voter were voting in person;

2. The signature on the back of the return envelope must be compared with that on the original application to register to vote;

3. If the board determines that the absent voter is entitled to cast his ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot ~~[,]~~ and, if the numbers are the same, the ballot deposited in the regular ballot box; and

4. The election board officers shall mark in the ~~[pollbook]~~ ***roster*** opposite the name of the voter the word "Voted."

Sec. 33. NRS 293.350 is hereby amended to read as follows:

293.350 1. The county clerk shall:

(a) Make certain of the names and addresses of all voters registered to vote in mailing precincts and absent ballot mailing precincts;

(b) Enroll the name and address of each voter found eligible to vote in those precincts in the mailing precinct record book;

(c) Mark the number of the ballot on the return envelope; and

(d) Mail the ballot to the registered voter.

2. ~~[Except as otherwise provided in subsection 3, the]~~ ***The*** ballot must be accompanied by:

(a) ~~[Supplies for marking the ballot;~~

~~(b)]~~ A return envelope;

~~[(c)]~~ ***(b)*** An envelope or similar device into which the ballot is inserted to ensure its secrecy;

~~[(d)]~~ ***(c)*** A sample ballot; and

~~[(e)]~~ ***(d)*** Instructions regarding the manner of marking and returning the ballot.

~~[3. In those counties using a mechanical voting system whereby a vote is cast by punching a card, the ballot must be accompanied by:~~

~~(a) A sheet of foam plastic or similar backing material attached to the card;~~

~~(b) A punching instrument;~~

~~(c) A return envelope;~~

~~(d) An envelope or similar device into which the card is inserted to ensure its secrecy;~~

~~(e) A sample ballot; and~~

~~(f) Instructions regarding the manner of punching and returning the card.]~~

Sec. 34. NRS 293.353 is hereby amended to read as follows:

293.353 Upon receipt of a mailing ballot from the county clerk, the registered voter must:

1. ~~[Except as otherwise provided in subsection 2:~~

~~(a)]~~ Immediately after opening the envelope, mark and fold the ballot;

~~[(b)]~~ ***2.*** Place the ballot in the return envelope;

~~[(c)]~~ ***3.*** Affix his signature on the back of the envelope; and

~~[(d)]~~ ***4.*** Mail or deliver the envelope to the county clerk.

~~[2. In those counties using a mechanical voting system whereby a vote is cast by punching a card:~~

~~(a) Immediately after opening the envelope, punch the card;~~

~~(b) Place the unfolded card in the return envelope;~~

~~(c) Affix his signature on the back of the envelope; and~~

~~(d) Mail or deliver the envelope to the county clerk.]~~

Sec. 35. NRS 293.356 is hereby amended to read as follows:

293.356 If a request is made to vote early by a registered voter in person, the election board shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of a polling place for early voting established pursuant to NRS 293.3564 or 293.3572 **.** ~~[and returned to the election board. If the ballot is a paper ballot, a ballot which is voted by punching a card or a ballot which is voted by any other system authorized by state or federal law, the election board shall follow the same procedure as in the case of absent ballots received by mail.]~~

Sec. 36. NRS 293.3568 is hereby amended to read as follows:

293.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a primary or general election and extends through the Friday before election day, Sundays and holidays excepted.

2. The county clerk may:

(a) Include any Sunday or holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until
8 p.m. on any Saturday that falls within the period for early voting.

3. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8 a.m. until 6 p.m. **,** or until 8 p.m. if the county clerk so requires.

(b) On any Saturday that falls within the period for early voting, ~~[from]~~ ***for at least 4 hours between*** 10 a.m. ~~[until]~~ ***and*** 6 p.m.

(c) If the county clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as he may establish.

Sec. 37. NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Upon the appearance of a person to cast a ballot for early voting, the deputy clerk for early voting shall:

(a) Determine that the person is a registered voter in the county;

(b) Instruct the voter to sign the roster for early voting; and

(c) Verify the signature of the voter against that contained on the original application to register to vote or facsimile thereof, the card issued to the voter at the time of registration or some other piece of official identification.

2. The county clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted pursuant to this section.

3. The roster for early voting must contain:

(a) The voter's name, the address where he is registered to vote, his voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number; and

(c) The date of voting early in person.

4. When a voter is entitled to cast his ballot and has identified himself to the satisfaction of the deputy clerk for early voting, he is entitled to receive the appropriate ballot or ballots, but only for his own use at the polling place for early voting.

5. ~~[If the ballot is voted by punching a card, the deputy clerk for early voting shall:~~

~~(a) Ensure that the voter's precinct or voting district and the form of ballot are indicated on the card;~~

~~(b) Direct the voter to the appropriate mechanical recording device for his form of ballot; and~~

~~(c) Allow the voter to place his voted ballot in the ballot box.~~

~~6.]~~ If the ballot is voted on a mechanical recording device which directly records the votes electronically, the deputy clerk for early voting shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of ballot are indicated on ~~[each part of]~~ the voting receipt ~~[~~***;***

~~(c) Retain one part of the voting receipt for the election board and return the other part of the voting receipt to the voter; and~~

~~(d)]~~ ***, if the county clerk uses voting receipts; and***

(c) Allow the voter to cast his vote.

~~[7.]~~ ***6.*** A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

Sec. 38. NRS 293.3604 is hereby amended to read as follows:

293.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number of the precinct or voting district;

(3) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(4) The number of ballots voted on the mechanical recording device for that day; ***and***

(5) The number of signatures in the roster for early voting for that day **.** ~~[; and~~

~~(6) The number of voting receipts retained pursuant to NRS 293.3585 for that day.]~~

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293.3594.

2. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) ~~[The voting receipts retained pursuant to NRS 293.3585;~~

~~(c)]~~ The voting rosters used for early voting;

~~[(d)]~~ ***(c)*** The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

~~[(e)]~~ ***(d)*** Any other items as determined by the county clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Sort the items by precinct or voting district;

(b) Count the number of ballots voted by precinct or voting district;

(c) Account for all ballots on an official statement of ballots; and

(d) Place the items in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the items to the central counting place.

Sec. 39. NRS 293.3625 is hereby amended to read as follows:

293.3625 The county clerk shall make a record of the receipt at the central counting place of each sealed container used to transport official ballots pursuant to NRS 293.304, 293.325, ~~[293.3602,]~~ 293B.330 and 293B.335. The record must include the numbers indicated on the container and its seal pursuant to NRS 293.462.

Sec. 40. NRS 293.363 is hereby amended to read as follows:

293.363 When the polls are closed, the counting board shall prepare to count the ballots voted. The counting procedure must be public and continue without adjournment until completed. If the ballots are paper ballots **,** ~~[or ballots which are voted by punching a card,]~~ the counting board shall prepare in the following manner:

1. ~~[The pollbooks must be compared and errors corrected until the books agree.~~

~~2.]~~ The container that holds the ballots, or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to ascertain whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they

must be laid aside until the count of the ballots is completed. If ~~[, on comparison of the count with the pollbook,]~~ a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.

~~[3.]~~ ***2.*** If the ballots in the container or box are found to exceed in number the number of names ***as are indicated*** on the ~~[pollbooks,]~~ ***roster as having voted,*** the ballots must be replaced in the container or box, and a counting board officer, with his back turned to the container or box, shall draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the county clerk with the other ballots rejected for any cause.

~~[4.]~~ ***3.*** When it has been ascertained that ~~[the pollbook and]~~ the number of ballots ~~[agree]~~ ***agrees*** with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.

Sec. 41. NRS 293.367 is hereby amended to read as follows:

293.367 1. The basic factor to be considered by an election board when making a determination of whether a particular ballot must be rejected is whether any identifying mark appears on the ballot which, in the opinion of the election board, constitutes an identifying mark such that there is a reasonable belief entertained in good faith that the ballot has been tampered with and, as a result of the tampering, the outcome of the election would be affected.

2. The regulations for counting ballots must include provisions that:

(a) An error in marking one or more votes on a ballot does not invalidate any votes properly marked on that ballot.

(b) A soiled or defaced ballot may not be rejected if it appears that the soiling or defacing was inadvertent and was not done purposely to identify the ballot.

(c) Only devices provided for in this chapter or chapter 293B of NRS may be used in marking ballots.

(d) It is unlawful for any election board officer to place any mark upon any ballot other than a spoiled ballot.

(e) When an election board officer rejects a ballot for any alleged defect or illegality, the officer shall seal the ballot in an envelope and write upon the envelope a statement that it was rejected and the reason for rejecting it. Each election board officer shall sign the envelope.

~~[(f) In counties where mechanical voting systems are used whereby a vote is cast by punching a card, a superfluous punch into any card does not constitute grounds for rejection of the ballot unless the election board~~

~~determines that the condition of the ballot justifies its exclusion pursuant to subsection 1.]~~

Sec. 42. NRS 293.3677 is hereby amended to read as follows:

293.3677 1. When counting a vote in an election, if more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.

2. ~~[Except as otherwise provided in subsection 1, in an election in which a paper ballot is used whereby a vote is cast by placing a cross in the designated square on the paper ballot, a vote on the ballot must not be counted unless indicated by a cross in the designated square.~~

~~3. Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by punching a card:~~

~~(a) A chip on the card must be counted as a vote if:~~

~~(1) The chip has at least one corner that is detached from the card; or~~

~~(2) The fibers of paper on at least one edge of the chip are broken in a way that permits unimpeded light to be seen through the card.~~

~~(b) A writing or other mark on the card, including, without limitation, a cross, check, tear or scratch, may not be counted as a vote. The remaining votes on such a card must be counted unless the ballot is otherwise disqualified.~~

~~4.]~~ Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.

~~[5.]~~ ***3.*** The Secretary of State:

(a) May adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2 ***;*** ~~[, 3 or 4;]~~ and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, ~~[3 or 4,]~~ including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Sec. 43. NRS 293.370 is hereby amended to read as follows:

293.370 1. When all the votes have been ~~[tallied,]~~ ***counted,*** the counting board officers shall enter on the tally lists by the name of each candidate the number of votes he received. The number must be expressed in words and figures. The vote for and against any question submitted to the electors must be entered in the same manner.

2. The tally lists must show the number of votes, other than absentee votes and votes in a mailing precinct, which each candidate received in each precinct at:

(a) A primary election held in an even-numbered year; or

(b) A general election.

Sec. 44. NRS 293.373 is hereby amended to read as follows:

293.373 If paper ballots ~~[or ballots which are voted by punching a card]~~ are used:

1. After the ~~[tally lists]~~ ***ballots*** have been ~~[completed,]~~ ***counted,*** the voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the county clerk.

2. The other ~~[pollbooks,]~~ ***rosters,*** tally lists and election board register must be returned to the county clerk.

Sec. 45. NRS 293.384 is hereby amended to read as follows:

293.384 1. ~~[Beginning at 8 a.m. on the day]~~ ***Not earlier than 4 working days*** before the ~~[day of an]~~ election, the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw all the ballots from each ballot box or container that holds absent ballots received before that day and ascertain that each box or container has the required number of ballots according to the county clerk's absent voters' record.

2. The counting board or absent ballot central counting board shall count the number of ballots in the same manner as election boards.

Sec. 46. NRS 293.385 is hereby amended to read as follows:

293.385 1. ~~[After 8 a.m. on election day,]~~ ***Each day after the initial withdrawal of the ballots pursuant to NRS 293.384 and before the day of the election,*** the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw from the appropriate ballot boxes or containers all the ballots received the previous day and ascertain that each box or container has the required number of ballots according to the county clerk's absent voters' ballot record.

2. If any absent ballots are received by the county clerk on election day pursuant to NRS 293.316, the county clerk shall deposit the absent ballots in the appropriate ballot boxes or containers.

3. ~~[After 8 a.m. on election day,]~~ ***Not earlier than 4 working days before the election,*** the appropriate board shall ***,*** ~~[count]~~ in public ***, count*** the votes cast on the absent ballots.

4. If paper ballots are used, the results of the absent ballot vote in each precinct must be certified and submitted to the county clerk who shall have the results added to the regular votes of the precinct. ~~[If a mechanical voting system is used in which a voter casts his ballot by punching a card which is counted by a computer, the absent ballots may be counted with the regular votes of the precinct.]~~ The returns of absent ballots must be reported

separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of a voter's ballot. The county clerks shall develop a procedure to ensure that each ballot is kept secret.

5. Any person who disseminates to the public in any way information pertaining to the count of absent ballots before the polls close is guilty of a misdemeanor.

Sec. 47. NRS 293.391 is hereby amended to read as follows:

293.391 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, ~~[voting receipts,]~~ records printed on paper of voted ballots collected pursuant to NRS 293B.400, and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the board of county commissioners, be sealed and deposited in the vaults of the county clerk. The tally lists ~~[and pollbooks]~~ collected pursuant to NRS 293B.400 must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after the preservation period. A notice of the destruction must be published by the clerk in at least one newspaper of general circulation in the county not less than 2 weeks before the destruction.

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The ~~[pollbooks]~~ ***rosters*** containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the county clerk.

4. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1 or 2, except the voted ballots.

5. The voted ballots deposited with the county clerk are not subject to the inspection of anyone, except in cases of ***a*** contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

Sec. 48. NRS 293.440 is hereby amended to read as follows:

293.440 1. Any person who desires a copy of any list of the persons who are registered to vote in any precinct, district or county may obtain a copy by applying at the office of the county clerk and paying therefor a sum of money equal to 1 cent per name on the list, except that one copy of each original and supplemental list for each precinct, district or county must be

provided ***both*** to the state ~~[or]~~ ***central committee of any major political party and to the*** county central committee of any major political party ~~[or]~~ ***, and*** to the executive committee of any minor political party upon request, without charge.

2. Except as otherwise provided in NRS 293.5002 and 293.558, the copy of the list provided pursuant to this section must indicate the address, date of birth, telephone number and the serial number on each application to register to vote. If the county maintains this information in a computer database, the date of the most recent addition or revision to an entry, if made on or after July 1, 1989, must be included in the database and on any resulting list of the information. The date must be expressed numerically in the order of month, day and year.

3. A county may not pay more than 10 cents per folio or more than $6 per thousand copies for printed lists for a precinct or district.

4. A county which has a system of computers capable of recording information on magnetic tape or diskette shall, upon request of the state ***central committee*** or county central committee of any major political party or the executive committee of any minor political party which has filed a certificate of existence with the Secretary of State, record for ~~[that]~~ ***both the state central committee and the county*** central committee ~~[or]~~ ***of the major political party, if requested, and for the*** executive committee ***of the minor political party, if requested,*** on magnetic tape or diskette supplied by it:

(a) The list of persons who are registered to vote and the information required in subsection 2; and

(b) Not more than four times per year, as requested by the ***state or county*** central committee or the executive committee:

(1) A complete list of the persons who are registered to vote with a notation for the most recent entry of the date on which the entry or the latest change in the information was made; or

(2) A list that includes additions and revisions made to the list of persons who are registered to vote after a date specified by the ***state or county*** central committee or the executive committee.

5. If a political party does not provide its own magnetic tape or diskette, or if a political party requests the list in any other form that does not require printing, the county clerk may charge a fee to cover the actual cost of providing the tape, diskette or list.

6. Any state or county central committee of a major political party, any executive committee of a minor political party or any member or representative of such a central committee or executive committee who receives without charge a list of the persons who are registered to vote in any precinct, district or county pursuant to this section shall not:

(a) Use the list for any purpose that is not related to an election; or

(b) Sell the list for compensation or other valuable consideration.

Sec. 49. NRS 293.443 is hereby amended to read as follows:

293.443 1. Except as otherwise provided in subsection 3, the expense of providing all ballots, forms and other supplies to be used at any election regulated by this chapter or chapter 293C of NRS and all expenses necessarily incurred in the preparation for, or the conduct of, any such election is a charge upon the municipality, county, district or State, as the case may be.

2. The county or city clerk may submit the printing of ballots for competitive bidding.

3. If a political party or other entity requests more than 50 applications to register to vote by mail ~~[,]~~ ***in any 12-month period,*** the clerk may assess a charge, not to exceed the cost of printing the applications **.** ~~[, for each application requested in excess of 50.]~~

Sec. 50. NRS 293.462 is hereby amended to read as follows:

293.462 1. Each container used to transport official ballots pursuant to NRS 293.304, 293.325, ~~[293.3602,]~~ 293B.330 and 293B.335 must:

(a) Be constructed of metal or any other rigid material; and

(b) Contain a seal which is placed on the container to ensure detection of any opening of the container.

2. The container and seal must be separately numbered for identification.

Sec. 51. NRS 293.481 is hereby amended to read as follows:

293.481 1. Except as otherwise provided in subsection 2 or NRS 295.121 or 295.217, every governing body of a political subdivision, public or quasi-public corporation, or other local agency authorized by law to submit questions to the qualified electors or registered voters of a designated territory, when the governing body decides to submit a question:

(a) At a general election, shall provide to each county clerk within the designated territory on or before the third Monday in July preceding the election:

(1) A copy of the question, including an explanation of the question;

(2) Arguments for and against the question; and

(3) If the question is an advisory question that proposes a bond, tax, fee or expense, a fiscal note prepared by the governing body in accordance with subsection 4 of NRS 293.482.

(b) At a primary election, shall provide to each county clerk within the designated territory on or before the second Friday after the first Monday in May preceding the election:

(1) A copy of the question, including an explanation of the question;

(2) Arguments for and against the question; and

(3) If the question is an advisory question that proposes a bond, tax, fee or expense, a fiscal note prepared by the governing body in accordance with subsection 4 of NRS 293.482.

(c) At any election other than a primary or general election at which the county clerk gives notice of the election or otherwise performs duties in connection therewith other than the registration of electors and the making of

records of registered voters available for the election, shall provide to each county clerk at least 60 days before the election:

(1) A copy of the question, including an explanation of the question;

(2) Arguments for and against the question; and

(3) If the question is an advisory question that proposes a bond, tax, fee or expense, a fiscal note prepared by the governing body in accordance with subsection 4 of NRS 293.482.

(d) At any city election at which the city clerk gives notice of the election or otherwise performs duties in connection therewith, shall provide to the city clerk at least 60 days before the election:

(1) A copy of the question, including an explanation of the question;

(2) Arguments for and against the question; and

(3) If the question is an advisory question that proposes a bond, tax, fee or expense, a fiscal note prepared by the governing body in accordance with subsection 4 of NRS 293.482.

2. A question may be submitted after the dates specified in subsection 1 if the question is expressly privileged or required to be submitted pursuant to the provisions of Article 19 of the Constitution of the State of Nevada, or pursuant to the provisions of chapter 295 of NRS or any other statute except NRS 293.482, 354.59817, 354.5982, 387.3285 or 387.3287 or any statute that authorizes the governing body to issue bonds upon the approval of the voters.

3. ***A question that is submitted pursuant to subsection 1 may be withdrawn if the governing body provides notification to each of the county or city clerks within the designated territory of its decision to withdraw the particular question on or before the same dates specified for submission pursuant to paragraph (a), (b), (c) or (d) of subsection 1, as appropriate.***

4. A county or city clerk ~~[may]~~ ***:***

(a) Shall assign a unique identification number to a question submitted pursuant to this section; and

(b) May charge any political subdivision, public or quasi-public corporation, or other local agency which submits a question a reasonable fee sufficient to pay for the increased costs incurred in including the question, explanation, arguments and fiscal note on the ballot.

Sec. 52. NRS 293.507 is hereby amended to read as follows:

293.507 1. The Secretary of State shall prescribe:

(a) A standard form for applications to register to vote; ~~[and]~~

(b) A special form for registration to be used in a county where registrations are performed and records of registration are kept by computer ~~[.]~~ ***; and***

(c) A standard form for the affidavit described in subsection 5.

2. The county clerks shall provide forms for applications to register to vote to field registrars in the form and number prescribed by the Secretary of State.

3. Each form for an application to register to vote must include a:

(a) Unique control number assigned by the Secretary of State; and

(b) Receipt which:

(1) Includes a space for a person assisting ~~[a voter]~~ ***an applicant*** in completing the form to enter his name; and

(2) May be retained by the applicant upon completion of the form.

4. The form for an application to register to vote must include:

(a) A line for use by the ~~[county clerk]~~ ***applicant*** to enter:

(1) The number indicated on the ~~[voter's]~~ ***applicant's*** current and valid driver's license issued by the Department of Motor Vehicles, if the ~~[voter]~~ ***applicant*** has such a driver's license;

(2) The last four digits of the ~~[voter's]~~ ***applicant's*** social security number, if the ~~[voter]~~ ***applicant*** does not have a driver's license issued by the Department of Motor Vehicles and does have a social security number; or

(3) The number issued to the ~~[voter]~~ ***applicant*** pursuant to subsection 5, if the ~~[voter]~~ ***applicant*** does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number.

(b) A line on which to enter the address at which the ~~[voter]~~ ***applicant*** actually resides, as set forth in NRS 293.486.

(c) A notice that the ~~[voter]~~ ***applicant*** may not list a business as the address required pursuant to paragraph (b) unless he actually resides there.

(d) A line on which to enter an address at which the ~~[voter]~~ ***applicant*** may receive mail, including, without limitation, a post office box or general delivery.

5. If ~~[a voter]~~ ***an applicant*** does not have the identification set forth in subparagraph (1) or (2) of paragraph (a) of subsection 4, the ~~[voter]~~ ***applicant*** shall sign an affidavit stating that he does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the ~~[voter]~~ ***applicant*** which must be the same number as the unique identifier assigned to the ~~[voter]~~ ***applicant*** for purposes of the statewide voter registration list.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsections 3, 4 and 5.

Sec. 53. NRS 293.517 is hereby amended to read as follows:

293.517 1. Any elector residing within the county may register:

(a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar or a voter registration agency, completing the application to register to vote, giving true and satisfactory answers to all questions relevant to his identity and right to vote, and providing proof of his residence and identity;

(b) By completing and mailing or personally delivering to the county clerk an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) Pursuant to the provisions of NRS 293.501 or 293.524; or

(d) At his residence with the assistance of a field registrar pursuant to NRS 293.5237.

➥ The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before registering him. If the applicant registers to vote pursuant to this subsection and fails to provide proof of his residence and identity, the applicant must provide proof of his residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3081 or 293.3083.

2. The application to register to vote must be signed and verified under penalty of perjury by the elector registering.

3. Each elector who is or has been married must be registered under his own given or first name, and not under the given or first name or initials of his spouse.

4. An elector who is registered and changes his name must complete a new application to register to vote. He may obtain a new application:

(a) At the office of the county clerk or field registrar;

(b) By submitting an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to register to vote; or

(d) At any voter registration agency.

➥ If the elector fails to register under his new name, he may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

5. ~~[An]~~ ***Except as otherwise provided in subsection 7, an*** elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of his application to register to vote.

6. After the county clerk determines that the application to register to vote of a person is complete and that the person is eligible to vote ~~[.]~~ ***pursuant to NRS 293.485,*** he shall issue a voter registration card to the voter which contains:

(a) The name, address, political affiliation and precinct number of the voter;

(b) The date of issuance; and

(c) The signature of the county clerk.

7. If an elector submits an application to register to vote or an affidavit described in paragraph (c) of subsection 1 of NRS 293.507 that contains any handwritten additions, erasures or interlineations, the county clerk may object to the application to register to vote if he believes that because of such handwritten additions, erasures or interlineations, the application to register to vote of the elector is incomplete or that the elector is not eligible to vote pursuant to NRS 293.485. If the county clerk objects pursuant to this subsection, he shall immediately notify the elector and the district attorney of the county. Not later than 5 business days after the district attorney receives such notification, the district attorney shall advise the county clerk whether:

(a) The application to register to vote of the elector is complete and the elector is eligible to vote pursuant to NRS 293.485; and

(b) The county clerk should proceed to process the application to register to vote.

➥ If the District Attorney advises the county clerk to process the application to register to vote, the county clerk shall immediately issue a voter registration card to the applicant pursuant to subsection 6.

Sec. 54. NRS 293.547 is hereby amended to read as follows:

293.547 1. After the 30th day but not later than the 25th day before any election, a written challenge may be filed with the county clerk.

2. A registered voter may file a written challenge if:

(a) He is registered to vote in the same precinct ~~[or district]~~ as the person whose right to vote is challenged; ~~[or]~~ ***and***

(b) The challenge is based on the personal knowledge of the registered voter.

3. The challenge must be signed and verified by the registered voter and name the person whose right to vote is challenged and the ground of the challenge.

4. A challenge filed pursuant to this section must not contain the name of more than one person whose right to vote is challenged. The county clerk shall not accept for filing any challenge which contains more than one such name.

5. The county clerk shall:

(a) File the challenge in the registrar of voters' register and:

(1) In counties where records of registration are not kept by computer, he shall attach a copy of the challenge to the challenged registration in the election board register.

(2) In counties where records of registration are kept by computer, he shall have the challenge printed on the computer entry for the challenged registration and add a copy of it to the election board register.

(b) Within 5 days after a challenge is filed, mail a notice in the manner set forth in NRS 293.530 to the person whose right to vote has been challenged pursuant to this section informing him of the challenge. If the person fails to respond or appear to vote within the required time, the county clerk shall cancel his registration. A copy of the challenge and information describing how to reregister properly must accompany the notice.

(c) Immediately notify the district attorney. A copy of the challenge must accompany the notice.

6. Upon receipt of a notice pursuant to this section, the district attorney shall investigate the challenge within 14 days and, if appropriate, cause proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. The court shall give such proceedings priority over other civil matters that are not expressly given priority by law. Upon court order, the county clerk shall cancel the registration of the person whose right to vote has been challenged pursuant to this section.

Sec. 55. NRS 293B.032 is hereby amended to read as follows:

293B.032 "Mechanical recording device" means a device ~~[:~~

~~1. Which]~~ ***which*** mechanically or electronically compiles a total of the number of votes cast for each candidate and for or against each measure voted on **.** ~~[; or~~

~~2. To which a list of offices and candidates and the statements of measures to be voted on may be affixed and into which a card may be inserted so that the votes cast for each candidate and for or against each measure may be indicated by punching the card with reference to the list.]~~

Sec. 56. NRS 293B.033 is hereby amended to read as follows:

293B.033 "Mechanical voting system" means a system of voting whereby a voter may cast his vote:

1. On a device which mechanically or electronically compiles a total of the number of votes cast for each candidate and for or against each measure voted on; or

2. By ~~[punching a card or]~~ marking a paper ballot which is subsequently counted on an electronic tabulator, counting device or computer.

Sec. 57. NRS 293B.084 is hereby amended to read as follows:

293B.084 1. A mechanical recording device which directly records votes electronically must:

(a) Bear a number which identifies that mechanical recording device.

(b) Be equipped with a storage device which:

(1) Stores the ballots voted on the mechanical recording device;

(2) Can be removed from the mechanical recording device for the purpose of transporting the ballots stored therein to a central counting place; and

(3) Bears the same number as the mechanical recording device.

(c) Be designed in such a manner that voted ballots may be stored within the mechanical recording device and the storage device required pursuant to paragraph (b) at the same time.

(d) Be capable of providing a record printed on paper of:

(1) Each ballot voted on the mechanical recording device; and

(2) The total number of votes recorded on the mechanical recording device for each candidate and for or against each measure.

2. The paper record described in paragraph (d) of subsection 1 must ~~[:~~

~~(a) Be]~~ ***be*** printed and made available for a manual audit, as ~~[necessary; and~~

~~(b) Be printed and serve as an official record for a recount, as]~~ necessary.

Sec. 58. NRS 293B.103 is hereby amended to read as follows:

293B.103 ~~[1. If a mechanical voting system is used whereby votes are cast by punching a card:~~

~~(a) The cards to be used must have two detachable stubs.~~

~~(b) Each of the stubs attached to a particular card must bear the number of that card.~~

~~(c) One of the stubs must be detached and given to the voter when he returns his voted ballot, and the other stub must be retained by the election board.~~

~~2.~~] If a mechanical voting system is used whereby votes are directly recorded electronically ~~[~~:

~~(a) A~~] **,** ***a*** voting receipt ~~[which has two parts must]~~ ***may*** be used.

~~[(b) Each part of the voting receipt must bear the same number for identification.~~

~~(c) One part of the voting receipt must be given to the voter when he votes and the other part of the voting receipt must be retained by the election board.]~~

Sec. 59. NRS 293B.155 is hereby amended to read as follows:

293B.155 1. The tests prescribed by NRS 293B.150 and 293B.165 must be conducted by processing a preaudited group of logic and accuracy test ballots so ~~[punched,]~~ voted or marked as to record a predetermined number of valid votes for each candidate and on each measure, and must include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the mechanical recording device or the automatic tabulating equipment and programs to reject those votes.

2. If any error is detected, the cause therefor must be ascertained and corrected and an errorless count must be made before the mechanical recording device or the automatic tabulating equipment and programs are approved.

3. When satisfied with the accuracy of the mechanical recording device or automatic tabulating equipment and computer program, the accuracy certification board and the county or city clerk shall date and sign all reports, and seal the program, if any, and the reports and all test material in an appropriate container. The container must be kept sealed by the clerk.

4. Except as otherwise provided in this subsection, the contents of such a sealed container are not subject to the inspection of anyone except in the case of a contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of that judge, body or board. For the period set forth in NRS 293.413 during which a candidate may file a statement of contest, the results of the test must be made available in the clerk's office for public inspection.

Sec. 60. NRS 293B.300 is hereby amended to read as follows:

293B.300 1. In a primary election, a member of the election board for a precinct shall issue each partisan voter a ballot which contains a distinctive code associated with the major political party of the voter and on which is clearly printed the name of the party.

2. If a mechanical voting system is used in a primary election whereby votes are directly recorded electronically, a member of the election board shall, ***if the clerk uses voting receipts,*** in addition to the ballot described in

subsection 1, issue each partisan voter a voting receipt on which is clearly printed the name of the major political party of the voter.

3. The member of the election board shall direct the partisan voter to a mechanical recording device containing the list of offices and candidates arranged for the voter's major political party in the manner provided in NRS 293B.190.

Sec. 61. NRS 293B.305 is hereby amended to read as follows:

293B.305 Unless a major political party allows a nonpartisan voter to vote for its candidates:

1. In a primary election, a member of the election board for a precinct shall issue each nonpartisan voter a ballot with a distinctive code and printed designation identifying it as a nonpartisan ballot.

2. If a mechanical voting system is used in a primary election whereby votes are directly recorded electronically, a member of the election board shall, ***if the clerk uses voting receipts,*** in addition to the ballot described in subsection 1, issue the nonpartisan voter a voting receipt with a printed designation identifying it as a nonpartisan ballot.

3. The member of the election board shall:

(a) Direct the nonpartisan voter to a mechanical recording device containing a list of offices and candidates setting forth only the nonpartisan ballot; ***or***

(b) Direct the nonpartisan voter to a mechanical recording device containing a list of offices and candidates arranged for a partisan ballot, instruct the voter to vote only the nonpartisan section of the list and advise the voter that any votes he may cast in the partisan section will not be counted **.** ~~[; or~~

~~(c) Issue a nonpartisan ballot attached to a sheet of foam plastic or similar backing material, a punching instrument, a sample nonpartisan ballot and an instruction sheet to the nonpartisan voter and instruct him to punch his ballot by reference to the sample ballot.]~~

Sec. 62. NRS 293B.330 is hereby amended to read as follows:

293B.330 1. Upon closing of the polls, the election board shall:

(a) Secure all mechanical recording devices against further voting.

(b) ~~[If a mechanical voting system is used whereby votes are cast by punching a card:~~

~~(1) Count the number of ballots in the ballot boxes.~~

~~(2) Account for all ballots on the statement of ballots.~~

~~(3) Place all official ballots, the ballot statement and any other records, reports and materials as directed by the county clerk into the container provided by him to transport those items to a central counting place and seal the container.~~

~~(c)]~~ If a mechanical voting system is used whereby votes are directly recorded electronically:

(1) Ensure that each mechanical recording device:

(I) Provides a record printed on paper of the total number of votes recorded on the device for each candidate and for or against each measure; and

(II) Transfers the ballots voted on that device to the storage device required pursuant to NRS 293B.084.

(2) Count the number of ballots voted at the polling place.

(3) Account for all ballots on the statement of ballots.

(4) Place all records printed on paper provided by the mechanical recording devices, all storage devices which store the ballots voted on the mechanical recording devices, and any other records, reports and materials as directed by the county clerk into the container provided by him to transport those items to a central counting place and seal the container.

~~[(d)]~~ ***(c)*** Record the number of voters on a form provided by the county clerk.

2. If a difference exists between the number of voters and the number of ballots voted, the election board shall report the difference and any known reasons for the difference, in writing, to the county clerk.

3. After closing the polls, the election board shall:

(a) Compare the quantity of the supplies furnished by the county clerk with the inventory of those supplies; and

(b) Note any shortages.

4. The county clerk shall allow members of the general public to observe the handling of the ballots pursuant to subsection 1 if those members do not interfere with the handling of the ballots.

Sec. 63. NRS 293B.365 is hereby amended to read as follows:

293B.365 The central ballot inspection board shall:

1. Receive the ballots in sealed containers.

2. Inspect the containers, record the number indicated on each container and its seal pursuant to NRS 293.462 and remove the ~~[ballots or]~~ storage devices which store the ballots voted on mechanical recording devices which directly record votes electronically.

3. Register the numbers of ballots by precinct.

4. Deliver any damaged ***paper*** ballots to the ballot duplicating board ***.*** ~~[, if the ballots were voted by punching a card.]~~

5. Receive duplicates of damaged ***paper*** ballots from the ballot duplicating board and place the duplicates with the voted ballots of the appropriate precinct ***.*** ~~[, if the ballots were voted by punching a card.]~~

6. Place each damaged original ***paper*** ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct ***.*** ~~[, if the ballot was voted by punching a card.]~~

7. Reject any ***paper*** ballot that has been marked in a way that identifies the voter.

8. Place each rejected ***paper*** ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason

for the board's rejection of the ballot **.** ~~[, if the ballot was voted by punching a card.]~~

Sec. 64. NRS 293B.375 is hereby amended to read as follows:

293B.375 ~~[If ballots which are voted by punching a card are used, the]~~ ***The*** ballot duplicating board shall:

1. Receive damaged ballots ~~[,]~~ ***pursuant to NRS 293B.365,*** including ballots which have been torn, bent or mutilated.

2. ~~[Receive cards with incompletely punched chips.~~

~~3.]~~ Prepare on a distinctly colored, serially numbered ballot marked "duplicate" an exact copy of each damaged ballot.

~~[4. In the case of a card with an incompletely punched chip:~~

~~(a) Remove the incompletely punched chip if:~~

~~(1) The chip has at least one corner that is detached from the card; or~~

~~(2) The fibers of paper on at least one edge of the chip are broken in a way that permits unimpeded light to be seen through the card; or~~

~~(b) Duplicate the card without punching the location of the incompletely punched chip if:~~

~~(1) The chip does not have at least one corner that is detached from the card; and~~

~~(2) The fibers of paper on no edge of the chip are broken in a way that permits unimpeded light to be seen through the card.~~

~~5.]~~ ***3.*** Record the serial number of the duplicate ballot on the damaged original ballot and return the damaged and duplicate ballots to the appropriate ballot inspection board.

~~[6.]~~ ***4.*** Hold aside the duplicated ballots for counting after all other ballots are counted if this procedure is directed by the county clerk.

Sec. 65. NRS 293C.220 is hereby amended to read as follows:

293C.220 1. The city clerk shall appoint and notify registered voters to act as election board officers for the various precincts and districts in the city as provided in NRS 293.225, 293.227, 293C.227 to ~~[293C.250,]~~ ***293C.245,*** inclusive, and 293C.382 **.** ~~[, and shall conclude those duties not later than 31 days before the election.]~~ No candidate for nomination or election or his relative within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the city clerk, the chief law enforcement officer of the city shall:

(a) Appoint an officer for each polling place in the city and for the central election board or the absent ballot central counting board; or

(b) Deputize, as an officer for the election, an election board officer for each polling place and for the central election board or the absent ballot central counting board. The deputized officer may not receive any additional compensation for the services he provides as an officer during the election for which he is deputized.

➥ Officers so appointed and deputized shall preserve order during hours of voting and attend the closing of the polls.

2. The city clerk may appoint a trainee for the position of election board officer as set forth in NRS 293C.222.

Sec. 66. NRS 293C.230 is hereby amended to read as follows:

293C.230 ~~[1. In precincts or districts in a city where there are less than 200 registered voters and paper ballots are used, the election board shall perform all duties required from the time of preparing for the opening of the polls through delivering the supplies and result of votes cast to the city clerk.~~

~~2.]~~ Except as otherwise provided in NRS 293C.240, one election board must be appointed by the city clerk for all mailing precincts within the city and must be designated the central election board. The city clerk shall deliver the mailed ballots to that board in his office and the board shall count the votes on those ballots in the manner required by law.

Sec. 67. NRS 293C.256 is hereby amended to read as follows:

293C.256 An absent ballot for a city election or a ballot for a city election voted by a voter who resides in a mailing precinct must be voted on a paper ballot **.** ~~[or a ballot which is voted by punching a card.]~~

Sec. 68. NRS 293C.261 is hereby amended to read as follows:

293C.261 1. A ballot prepared for use in a city election must be dated and marked in such a manner as to indicate clearly at which city election the ballot will be used.

2. If a ballot includes a detachable stub, both the ballot and the stub must include the date of the city election and indicate clearly at which city election the ballot will be used.

3. If a ballot includes a voting receipt **,** ~~[which has two parts, each part of]~~ the voting receipt must include the date of the city election and indicate clearly at which city election the ~~[ballot will be used.]~~ ***voter cast his ballot.***

Sec. 69. NRS 293C.275 is hereby amended to read as follows:

293C.275 ~~[1.]~~ A registered voter who applies to vote must state his name to the election board officer in charge of the election board register, and the officer shall immediately announce the name and take the registered voter's signature. ~~[After a registered voter is properly identified at a polling place where paper ballots are used, one ballot correctly folded, must be given to the voter and the number of the ballot must be written by an election board officer upon the pollbook, opposite the name of the registered voter receiving the ballot.~~

~~2. In pollbooks in which the names of the voters have been entered, election officers may indicate the application to vote without writing the name.]~~

Sec. 70. NRS 293C.285 is hereby amended to read as follows:

293C.285 ~~[1. Except as otherwise provided in subsection 2:~~

~~(a) Any voter who spoils his ballot may return the spoiled ballot to the election board and receive another in its place.~~

~~(b) The election board officers shall indicate in the pollbook that the ballot is spoiled and shall enter the number of the ballot issued in its place.~~

~~(c) Each spoiled ballot returned must be cancelled by writing the word "Cancelled" across the back of the ballot. A spoiled paper ballot must be cancelled without unfolding it.~~

~~(d) A record must be made of those cancelled ballots at the closing of the polls and before counting. The ballots must be placed in a separate envelope and returned to the city clerk with the election supplies.~~

~~2. If ballots that are voted on a~~ ***A*** mechanical recording device which directly records ~~[the]~~ votes electronically ~~[are used,]~~ ***must allow*** the voter ~~[must be able]~~ to change his vote before the mechanical recording device permanently records that vote.

Sec. 71. NRS 293C.295 is hereby amended to read as follows:

293C.295 1. If a person is successfully challenged on the ground set forth in paragraph (a) of subsection 2 of NRS 293C.292 or if a person refuses to provide an affirmation pursuant to NRS 293C.525, the election board shall instruct the voter that he may vote only at the special polling place in the manner set forth in this section.

2. The city clerk shall maintain at least one special polling place at such locations as he deems necessary during each election. The ballots voted at the special polling place must be kept separate from the ballots of voters who have not been so challenged or who have provided an affirmation pursuant to NRS 293C.525 in ~~[~~:

~~(a) A special ballot box if the ballots are paper ballots or ballots that are voted by punching a card; or~~

~~(b) A]~~ ***a*** special sealed container if the ballots are ballots that are voted on a mechanical recording device which directly records the votes electronically.

3. A person who votes at a special polling place may place his vote only for the following offices and questions:

(a) All officers for whom all voters in the city may vote; and

(b) Questions that have been submitted to all voters of the city.

4. The ballots voted at the special polling place must be counted when other ballots are counted and ~~[~~:

~~(a) If the ballots are paper ballots or ballots that are voted by punching a card, maintained in a separate ballot box; or~~

~~(b) If]~~ ***, if*** the ballots are ballots that are voted on a mechanical recording device that directly records the votes electronically, maintained in a separate sealed container ~~[,~~

~~➥]~~ until any contest of election is resolved or the date for filing a contest of election has passed, whichever is later.

Sec. 72. NRS 293C.322 is hereby amended to read as follows:

293C.322 1. Except as otherwise provided in subsection 2, if the request for an absent ballot is made by mail or facsimile machine, the city clerk shall, as soon as the official absent ballot for the precinct or district in which the applicant resides has been printed, send to the voter by first-class mail ***or by any class of mail if the Official Election Mail logo or an***

equivalent logo or mark created by the United States Postal Service is properly placed on the official absent ballot, if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base, or by air mail if the absent voter is in a foreign country but not on a military base:

(a) ~~[Except as otherwise provided in paragraph (b):~~

~~(1)]~~ An absent ballot;

~~[(2)]~~ ***(b)*** A return envelope;

~~[(3) Supplies for marking the ballot;~~

~~(4)]~~ ***(c)*** An envelope or similar device into which the ballot is inserted to ensure its secrecy; and

~~[(5) Instructions.~~

~~(b) In those cities using a mechanical voting system whereby a vote is cast by punching a card:~~

~~(1) A card attached to a sheet of foam plastic or similar backing material;~~

~~(2) A return envelope;~~

~~(3) A punching instrument;~~

~~(4) A sample ballot;~~

~~(5) An envelope or similar device into which the card is inserted to ensure its secrecy; and~~

~~(6)]~~ ***(d)*** Instructions.

2. If the city clerk fails to send an absent ballot pursuant to subsection 1 to a voter who resides within the continental United States, the city clerk may use a facsimile machine to send an absent ballot and instructions to the voter. The voter shall mail his absent ballot to the city clerk.

3. The return envelope sent pursuant to subsection 1 must include postage prepaid by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Nothing may be enclosed or sent with an absent ballot except as required by subsection 1 or 2.

5. Before depositing a ballot with the United States Postal Service or sending a ballot by facsimile machine, the city clerk shall record the date the ballot is issued, the name of the registered voter to whom it is issued, his precinct or district, the number of the ballot and any remarks he finds appropriate.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsection 2.

Sec. 73. NRS 293C.325 is hereby amended to read as follows:

293C.325 1. Except as otherwise provided in ~~[subsections]~~ ***subsection*** 2 **,** ~~[and 3,]~~ when an absent ballot is returned by a registered voter to the city clerk through the mails ~~[,]~~ ***or in person,*** and record thereof is made in the absent ballot record book, the city clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and

deliver, or cause to be delivered, that container to the precinct or district election board.

2. If ~~[the city clerk has appointed]~~ an absent ballot central counting board ~~[, the city clerk shall, upon receipt of each absent voter's ballot, make a record of the return and check the signature on the return envelope against the original signature of the voter on the county clerk's register. If the city clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box. At the end of each day before election day, the city clerk may remove the ballots from each ballot box and neatly stack the ballots in a container. Except as otherwise provided in subsection 3, on election day the city clerk shall deliver the ballot box and, if applicable, each container to the absent ballot counting board to be counted.~~

~~3. If the city uses a mechanical voting system, the city clerk shall, upon receipt of each absent voter's ballot, make a record of the return and]~~ ***has been appointed, when an absent ballot is returned by a registered voter to the county clerk through the mails or in person, the county clerk shall*** check the signature on the return envelope against the original signature of the county clerk's register. If the city clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the city clerk at all times. At the end of each day before election day, the city clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. ~~[Except as otherwise provided in this subsection, on election day the city clerk shall deliver the ballot box and each container, if applicable, to the central counting place. If the city uses a mechanical voting system and the city clerk has appointed an absent ballot central counting board, the city clerk may, not]~~ ***Not*** earlier than 4 working days before the election, ***the county clerk shall*** deliver the ballots to the absent ballot central counting board to be processed and prepared for ~~[tabulation]~~ ***counting*** pursuant to the procedures established by the Secretary of State ~~[.]~~ ***to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293C.267 or 293C.297.***

Sec. 74. NRS 293C.330 is hereby amended to read as follows:

293C.330 1. Except as otherwise provided in NRS 293C.315 and subsection 2 of NRS 293C.322 and any regulations adopted pursuant thereto, when an absent voter receives his ballot, he must mark and fold it ~~[, if it is a paper ballot, or punch it, if the ballot is voted by punching a card,]~~ in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his signature on the back of the envelope in the space provided therefor and mail the return envelope.

2. Except as otherwise provided in subsection 3, if an absent voter who has requested a ballot by mail applies to vote the ballot in person at:

(a) The office of the city clerk, he must mark ~~[or punch]~~ the ballot, seal it in the return envelope and affix his signature in the same manner as provided in subsection 1, and deliver the envelope to the city clerk.

(b) A polling place, including, without limitation, a polling place for early voting, he must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."

3. If an absent voter who has requested a ballot by mail applies to vote in person at the office of the city clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

(a) Provides satisfactory identification;

(b) Is a registered voter who is otherwise entitled to vote; and

(c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.

4. Except as otherwise provided in NRS 293C.317, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of his family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the city clerk that he is a member of the family of the voter who requested the absent ballot and that the voter requested that he return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 75. NRS 293C.332 is hereby amended to read as follows:

293C.332 On the day of an election, the precinct or district election boards receiving the absent voters' ballots from the city clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293C.325 and deposit the ballots in the regular ballot box in the following manner:

1. The name of the voter, as shown on the return envelope, must be called and checked as if the voter were voting in person;

2. The signature on the back of the return envelope must be compared with that on the original application to register to vote;

3. If the board determines that the absent voter is entitled to cast his ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and

4. The election board officers shall mark in the ~~[pollbook]~~ ***roster*** opposite the name of the voter the word "Voted."

Sec. 76. NRS 293C.347 is hereby amended to read as follows:

293C.347 1. The city clerk shall:

(a) Make certain of the names and addresses of all voters registered to vote in mailing precincts and absent ballot mailing precincts;

(b) Enroll the name and address of each voter found eligible to vote in those precincts in the mailing precinct record book;

(c) Mark the number of the ballot on the return envelope; and

(d) Mail the ballot to the registered voter.

2. ~~[Except as otherwise provided in subsection 3, the]~~ ***The*** ballot must be accompanied by:

(a) ~~[Supplies for marking the ballot;~~

~~(b)]~~ A return envelope;

~~[(c)]~~ ***(b)*** An envelope or similar device into which the ballot is inserted to ensure its secrecy;

~~[(d)]~~ ***(c)*** A sample ballot; and

~~[(e)]~~ ***(d)*** Instructions regarding the manner of marking and returning the ballot.

~~[3. In those cities using a mechanical voting system whereby a vote is cast by punching a card, the ballot must be accompanied by:~~

~~(a) A sheet of foam plastic or similar backing material attached to the card;~~

~~(b) A punching instrument;~~

~~(c) A return envelope;~~

~~(d) An envelope or similar device into which the card is inserted to ensure its secrecy;~~

~~(e) A sample ballot; and~~

~~(f) Instructions concerning the manner of punching and returning the card.]~~

Sec. 77. NRS 293C.350 is hereby amended to read as follows:

293C.350 Upon receipt of a mailing ballot from the city clerk, the registered voter must:

1. ~~[Except as otherwise provided in subsection 2:~~

~~(a)]~~ Immediately after opening the envelope, mark and fold the ballot;

~~[(b)]~~ ***2.*** Place the ballot in the return envelope;

~~[(c)]~~ ***3.*** Affix his signature on the back of the envelope; and

~~[(d)]~~ ***4.*** Mail or deliver the envelope to the city clerk.

~~[2. In those cities using a mechanical voting system whereby a vote is cast by punching a card:~~

~~(a) Immediately after opening the envelope, punch the card;~~

~~(b) Place the unfolded card in the return envelope;~~

~~(c) Affix his signature on the back of the envelope; and~~

~~(d) Mail or deliver the envelope to the city clerk.]~~

Sec. 78. NRS 293C.356 is hereby amended to read as follows:

293C.356 1. If a request is made to vote early by a registered voter in person, the city clerk shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of the clerk's office and returned to the

clerk. ~~[If the ballot is a paper ballot or a ballot which is voted by punching a card, the clerk shall follow the same procedure as in the case of absent ballots received by mail.]~~

2. On the dates for early voting prescribed in NRS 293C.3568, each city clerk shall provide a voting booth, with suitable equipment for voting, on the premises of his office for use by registered voters who are issued ballots for early voting in accordance with this section.

Sec. 79. NRS 293C.3568 is hereby amended to read as follows:

293C.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a primary city election or general city election, and extends through the Friday before election day, Sundays and holidays excepted.

2. The city clerk may:

(a) Include any Sunday or holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until
8 p.m. on any Saturday that falls within the period for early voting.

3. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8 a.m. until 6 p.m. **,** or until 8 p.m. if the city clerk so requires.

(b) On any Saturday that falls within the period for early voting, ~~[from]~~ ***for at least 4 hours between*** 10 a.m. ~~[until]~~ ***and*** 6 p.m.

(c) If the city clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as he may establish.

Sec. 80. NRS 293C.3585 is hereby amended to read as follows:

293C.3585 1. Upon the appearance of a person to cast a ballot for early voting, the deputy clerk for early voting shall:

(a) Determine that the person is a registered voter in the county;

(b) Instruct the voter to sign the roster for early voting; and

(c) Verify the signature of the voter against that contained on the original application to register to vote or facsimile thereof, the card issued to the voter at the time of registration or some other piece of official identification.

2. The city clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted pursuant to this section.

3. The roster for early voting must contain:

(a) The voter's name, the address where he is registered to vote, his voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number; and

(c) The date of voting early in person.

4. When a voter is entitled to cast his ballot and has identified himself to the satisfaction of the deputy clerk for early voting, he is entitled to receive

the appropriate ballot or ballots, but only for his own use at the polling place for early voting.

5. ~~[If the ballot is voted by punching a card, the deputy clerk for early voting shall:~~

~~(a) Ensure that the voter's precinct or voting district and the form of ballot are indicated on the card;~~

~~(b) Direct the voter to the appropriate mechanical recording device for his form of ballot; and~~

~~(c) Allow the voter to place his voted ballot in the ballot box.~~

~~6.]~~ If the ballot is voted on a mechanical recording device which directly records the votes electronically, the deputy clerk for early voting shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of ballot are indicated on ~~[each part of]~~ the voting receipt ~~[;~~

~~(c) Retain one part of the voting receipt for the election board and return the other part of the voting receipt to the voter; and~~

~~(d)]~~ ***, if the city clerk uses voting receipts; and***

(c) Allow the voter to cast his vote.

~~[7.]~~ ***6.*** A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.

Sec. 81. NRS 293C.3604 is hereby amended to read as follows:

293C.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number of the precinct or voting district;

(3) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(4) The number of ballots voted on the mechanical recording device for that day; ***and***

(5) The number of signatures in the roster for early voting for that day ***.*** ~~[; and~~

~~(6) The number of voting receipts retained pursuant to NRS 293C.3585 for that day.]~~

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293C.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293C.3594.

2. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) ~~[The voting receipts retained pursuant to NRS 293C.3585;~~

~~(c)]~~ The voting rosters used for early voting;

~~[(d)]~~ ***(c)*** The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

~~[(e)]~~ ***(d)*** Any other items as determined by the city clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Sort the items by precinct or voting district;

(b) Count the number of ballots voted by precinct or voting district;

(c) Account for all ballots on an official statement of ballots; and

(d) Place the items in the container provided to transport those items to the central counting place and seal the container with a number seal. The official statement of ballots must accompany the items to the central counting place.

Sec. 82. NRS 293C.3615 is hereby amended to read as follows:

293C.3615 The city clerk shall make a record of the receipt at the central counting place of each sealed container used to transport official ballots pursuant to NRS 293C.295, 293C.325, ~~[293C.3602,]~~ 293C.630 and 293C.635. The record must include the numbers indicated on the container and its seal pursuant to NRS 293C.700.

Sec. 83. NRS 293C.362 is hereby amended to read as follows:

293C.362 When the polls are closed, the counting board shall prepare to count the ballots voted. The counting procedure must be public and continue without adjournment until completed. If the ballots are paper ballots **,** ~~[or ballots that are voted by punching a card,]~~ the counting board shall prepare in the following manner:

1. ~~[The pollbooks must be compared and errors corrected until the books agree.~~

~~2.]~~ The container that holds the ballots, or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to determine whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If ~~[, on comparison of the count with the pollbook,]~~ a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.

~~[3.]~~ ***2.*** If the ballots in the container or box are found to exceed the number of names ***as are indicated*** on the ~~[pollbooks,]~~ ***roster as having voted,*** the ballots must be replaced in the container or box and a counting board officer shall, with his back turned to the container or box, draw out a number of ballots equal to the excess. The excess ballots must be marked on the back

thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the city clerk with the other ballots rejected for any cause.

~~[4.]~~ ***3.*** When it has been determined that the ~~[pollbook and the]~~ number of ballots ~~[agree]~~ ***agrees*** with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.

Sec. 84. NRS 293C.367 is hereby amended to read as follows:

293C.367 1. The basic factor to be considered by an election board when making a determination of whether a particular ballot must be rejected is whether any identifying mark appears on the ballot which, in the opinion of the election board, constitutes an identifying mark such that there is a reasonable belief entertained in good faith that the ballot has been tampered with and, as a result of the tampering, the outcome of the election would be affected.

2. Regulations for counting ballots must include provisions that:

(a) An error in marking one or more votes on a ballot does not invalidate any votes properly marked on that ballot.

(b) A soiled or defaced ballot may not be rejected if it appears that the soiling or defacing was inadvertent and was not done purposely to identify the ballot.

(c) Only devices provided for in this chapter, chapter 293 or 293B of NRS may be used in marking ballots.

(d) It is unlawful for any election board officer to place any mark upon any ballot other than a spoiled ballot.

(e) When an election board officer rejects a ballot for any alleged defect or illegality, the officer shall seal the ballot in an envelope and write upon the envelope a statement that it was rejected and the reason for rejecting it. Each election board officer shall sign the envelope.

~~[(f) In cities where mechanical voting systems are used whereby a vote is cast by punching a card, a superfluous punch into any card does not constitute grounds for rejection of the ballot unless the election board determines that the condition of the ballot justifies its exclusion pursuant to subsection 1.]~~

Sec. 85. NRS 293C.369 is hereby amended to read as follows:

293C.369 1. When counting a vote in an election, if more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.

2. ~~[Except as otherwise provided in subsection 1, in an election in which a paper ballot is used whereby a vote is cast by placing a cross in the designated square on the paper ballot, a cross in the designated square must be counted as a vote.~~

~~3. Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by punching a card:~~

~~(a) A chip on the card must be counted as a vote if:~~

~~(1) The chip has at least one corner that is detached from the card; or~~

~~(2) The fibers of paper on at least one edge of the chip are broken in a way that permits unimpeded light to be seen through the card.~~

~~(b) A writing or other mark on the card, including, without limitation, a cross, check, tear or scratch, may not be counted as a vote. The remaining votes on such a card must be counted unless the ballot is otherwise disqualified.~~

~~4.~~] Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.

~~[5.~~] ***3.*** The Secretary of State:

(a) May adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2 ***;*** ~~[, 3 or 4;]~~ and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, ~~[3 or 4,]~~ including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Sec. 86. NRS 293C.372 is hereby amended to read as follows:

293C.372 When all the votes have been ~~[tallied,]~~ ***counted,*** the counting board officers shall enter on the tally lists by the name of each candidate the number of votes he received. The number must be expressed in words and figures. The vote for and against any question submitted to the electors must be entered in the same manner.

Sec. 87. NRS 293C.375 is hereby amended to read as follows:

293C.375 If paper ballots ~~[or ballots which are voted by punching a card]~~ are used:

1. After the ~~[tally lists]~~ ***ballots*** have been ~~[completed,]~~ ***counted,*** the voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the city clerk.

2. The other ~~[pollbooks,]~~ ***rosters,*** tally lists and election board register must be returned to the city clerk.

Sec. 88. NRS 293C.382 is hereby amended to read as follows:

293C.382 1. ~~[Beginning at 8 a.m. on the day before the day of an]~~ ***Not earlier than 4 working days before the*** election, the counting board, if it is

responsible for counting absent ballots, or the absent ballot central counting board shall withdraw the ballots from each ballot box or container that holds absent ballots received before that day and determine whether each box or container has the required number of ballots according to the city clerk's absent voters' record.

2. The counting board or absent ballot central counting board shall count the number of ballots in the same manner as election boards.

Sec. 89. NRS 293C.385 is hereby amended to read as follows:

293C.385 1. ~~[After 8 a.m. on election day,]~~ ***Each day after the initial withdrawal of the ballots pursuant to NRS 293C.382 and before the day of the election,*** the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw from the appropriate ballot boxes or containers all the ballots received the previous day and determine whether each box or container has the required number of ballots according to the city clerk's absent voters' ballot record.

2. If any absent ballots are received by the city clerk on election day pursuant to NRS 293C.317, the city clerk shall deposit the absent ballots in the appropriate ballot boxes or containers.

3. ~~[After 8 a.m. on election day,]~~ ***Not earlier than 4 working days before the election,*** the appropriate board shall ***,*** ~~[count]~~ in public ***, count*** the votes cast on the absent ballots.

4. If paper ballots are used, the results of the absent ballot vote in each precinct must be certified and submitted to the city clerk, who shall have the results added to the regular votes of the precinct. ~~[If a mechanical voting system is used in which a voter casts his ballot by punching a card that is counted by a computer, the absent ballots may be counted with the regular votes of the precinct.]~~ The returns of absent ballots must be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of a voter's ballot. The city clerks shall develop a procedure to ensure that each ballot is kept secret.

5. Any person who disseminates to the public information relating to the count of absent ballots before the polls close is guilty of a misdemeanor.

Sec. 90. NRS 293C.390 is hereby amended to read as follows:

293C.390 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, ~~[voting receipts,]~~ records printed on paper of voted ballots collected pursuant to NRS 293B.400, and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the governing body of the city, be sealed and deposited in the vaults of the city clerk. The tally lists ~~[and pollbooks]~~ collected pursuant to NRS 293B.400 must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after that period. A

notice of the destruction must be published by the city clerk in at least one newspaper of general circulation in the city, or if no newspaper is of general circulation in that city, in a newspaper of general circulation in the nearest city, not less than 2 weeks before the destruction of the materials.

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The ~~[pollbooks]~~ ***rosters*** containing the signatures of those persons who voted in the election and the tally lists deposited with the governing body of the city are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the city clerk.

4. A contestant of an election may inspect all of the material relating to that election which is preserved pursuant to subsection 1 or 2, except the voted ballots.

5. The voted ballots deposited with the city clerk are not subject to the inspection of any person, except in ***cases of*** a contested election, and only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of the judge, body or board.

Sec. 91. NRS 293C.620 is hereby amended to read as follows:

293C.620 1. At each election a member of the election board for a precinct shall issue each voter a ballot.

2. If a mechanical voting system is used in a primary city election whereby votes are directly recorded electronically, a member of the election board shall, ***if the clerk uses voting receipts,*** in addition to the ballot described in subsection 1, issue the voter a voting receipt.

3. The member of the election board shall ~~[:~~

~~(a) Direct]~~ ***direct*** the voter to a mechanical recording device containing a list of offices and candidates ***.*** ~~[; or~~

~~(b) Issue a ballot attached to a sheet of foam plastic or similar backing material, a punching instrument, a sample ballot and an instruction sheet to the voter and instruct him to punch his ballot by reference to the sample ballot.]~~

Sec. 92. NRS 293C.630 is hereby amended to read as follows:

293C.630 1. Upon closing of the polls, the election board shall:

(a) Secure all mechanical recording devices against further voting.

(b) ~~[If a mechanical voting system is used whereby votes are cast by punching a card:~~

~~(1) Count the number of ballots in the ballot boxes.~~

~~(2) Account for all ballots on the statement of ballots.~~

~~(3) Place all official ballots, the ballot statement and any other records, reports and materials as directed by the city clerk into the container provided by him to transport those items to a central counting place and seal the container.~~

~~(c)]~~ If a mechanical voting system is used whereby votes are directly recorded electronically:

(1) Ensure that each mechanical recording device:

(I) Provides a record printed on paper of the total number of votes recorded on the device for each candidate and for or against each measure; and

(II) Transfers the ballots voted on that device to the storage device required pursuant to NRS 293B.084.

(2) Count the number of ballots voted at the polling place.

(3) Account for all ballots on the statement of ballots.

(4) Place all records printed on paper provided by the mechanical recording devices, all storage devices which store the ballots voted on the mechanical recording devices, and any other records, reports and materials as directed by the city clerk into the container provided by him to transport those items to a central counting place and seal the container.

~~[(d)]~~ ***(c)*** Record the number of voters on a form provided by the city clerk.

2. If a difference exists between the number of voters and the number of ballots voted, the election board shall report the difference and any known reasons for the difference, in writing, to the city clerk.

3. After closing the polls, the election board shall:

(a) Compare the quantity of the supplies furnished by the city clerk with the inventory of those supplies; and

(b) Note any shortages.

4. The city clerk shall allow members of the general public to observe the handling of the ballots pursuant to subsection 1 if those members do not interfere with the handling of the ballots.

Sec. 93. NRS 293C.645 is hereby amended to read as follows:

293C.645 The central ballot inspection board shall:

1. Receive the ballots in sealed containers.

2. Inspect the containers, record the number indicated on each container and its seal pursuant to NRS 293.462 and remove the ~~[ballots or]~~ storage devices that store the ballots voted on mechanical recording devices that directly record votes electronically.

3. Register the numbers of ballots by precinct.

4. Deliver any damaged ***paper*** ballots to the ballot duplicating board **.** ~~[, if the ballots were voted by punching a card.]~~

5. Receive duplicates of damaged ***paper*** ballots from the ballot duplicating board and place the duplicates with the voted ballots of the appropriate precinct **.** ~~[, if the ballots were voted by punching a card.]~~

6. Place each damaged original ***paper*** ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct **.** ~~[, if the ballot was voted by punching a card.]~~

7. Reject any ***paper*** ballot that has been marked in a way that identifies the voter.

8. Place each rejected ***paper*** ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the board's rejection of the ballot **.** ~~[, if the ballot was voted by punching a card.]~~

Sec. 94. NRS 293C.655 is hereby amended to read as follows:

293C.655 ~~[If ballots that are voted by punching a card are used, the]~~ ***The*** ballot duplicating board shall:

1. Receive damaged ballots ~~[,]~~ ***pursuant to NRS 293C.645,*** including ballots that have been torn, bent or mutilated.

2. ~~[Receive cards with incompletely punched chips.~~

~~3.]~~ Prepare on a distinctly colored, serially numbered ballot marked "duplicate" an exact copy of each damaged ballot.

~~[4. In the case of a card with an incompletely punched chip:~~

~~(a) Remove the incompletely punched chip if:~~

~~(1) The chip has at least one corner that is detached from the card; or~~

~~(2) The fibers of paper on at least one edge of the chip are broken in a way that permits unimpeded light to be seen through the card; or~~

~~(b) Duplicate the card without punching the location of the incompletely punched chip if:~~

~~(1) The chip does not have at least one corner that is detached from the card; and~~

~~(2) The fibers of paper on no edge of the chip are broken in a way that permits unimpeded light to be seen through the card.~~

~~5.]~~ ***3.*** Record the serial number of the duplicate ballot on the damaged original ballot and return the damaged and duplicate ballots to the appropriate ballot inspection board.

~~[6.]~~ ***4.*** Hold aside the duplicated ballots for counting after all other ballots are counted if this procedure is directed by the city clerk.

Sec. 95. NRS 293C.700 is hereby amended to read as follows:

293C.700 1. Each container used to transport official ballots pursuant to NRS 293C.295, 293C.325, ~~[293C.3602,]~~ 293C.630 and 293C.635 must:

(a) Be constructed of metal or any other rigid material; and

(b) Contain a seal which is placed on the container to ensure detection of any opening of the container.

2. The container and seal must be separately numbered for identification.

Sec. 96. NRS 233B.070 is hereby amended to read as follows:

233B.070 1. A permanent regulation becomes effective when the Legislative Counsel files with the Secretary of State the original of the final draft or revision of a regulation, except as otherwise provided in NRS 233B.0665 ***or 293.247*** or where a later date is specified in the regulation.

2. Except as otherwise provided in NRS 233B.0633, an agency that has adopted a temporary regulation may not file the temporary regulation with the Secretary of State until 35 days after the date on which the temporary regulation was adopted by the agency. A temporary regulation becomes effective when the agency files with the Secretary of State the original of the

final draft or revision of the regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the temporary regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.

3. An emergency regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of an emergency regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the emergency regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.

4. The Secretary of State shall maintain the original of the final draft or revision of each regulation in a permanent file to be used only for the preparation of official copies.

5. The Secretary of State shall file, with the original of each agency's rules of practice, the current statement of the agency concerning the date and results of its most recent review of those rules.

6. Immediately after each permanent or temporary regulation is filed, the agency shall deliver one copy of the final draft or revision, bearing the stamp of the Secretary of State indicating that it has been filed, including material adopted by reference which is not already filed with the State Library and Archives Administrator, to the State Library and Archives Administrator for use by the public. If the agency is a licensing board as defined in NRS 439B.225 and it has adopted a permanent regulation relating to standards for licensing or registration or for the renewal of a license or a certificate of registration issued to a person or facility regulated by the agency, the agency shall also deliver one copy of the regulation, bearing the stamp of the Secretary of State, to the Legislative Committee on Health Care within 10 days after the regulation is filed with the Secretary of State.

7. Each agency shall furnish a copy of all or part of that part of the Nevada Administrative Code which contains its regulations, to any person who requests a copy, and may charge a reasonable fee for the copy based on the cost of reproduction if it does not have money appropriated or authorized for that purpose.

8. An agency which publishes any regulations included in the Nevada Administrative Code shall use the exact text of the regulation as it appears in the Nevada Administrative Code, including the leadlines and numbers of the sections. Any other material which an agency includes in a publication with its regulations must be presented in a form which clearly distinguishes that material from the regulations.

Sec. 97. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.050, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235;

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 ~~[, 213.153 and 293B.210,]~~ ***and 213.153,***

➥ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims; and

(d) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board.

Sec. 98. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235;

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 ~~[, 213.153 and 293B.210,]~~ ***and 213.153,***

➥ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims; and

(d) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board.

Sec. 99. NRS 539.143 is hereby amended to read as follows:

539.143 In all ~~[pollbooks]~~ ***rosters*** and lists of registered electors prepared for any election under this chapter, the names of electors who have registered or reregistered for such election shall be distinguished from the names of those who voted at the last preceding district election but who have not so registered or reregistered, by the letter "R" enclosed in parentheses placed before each of the names of the former and the omission thereof in connection with the names of the latter.

Sec. 100. Section 8 of the Elko Convention and Visitors Authority Act, being chapter 227, Statutes of Nevada 1975, as last amended by chapter 70, Statutes of Nevada 2001, at page 516, is hereby amended to read as follows:

Sec. 8. 1. The Authority must be governed by a Board of Governors consisting of five members appointed or elected as follows:

(a) One member appointed by the Board of Supervisors of the City of Elko, who must be a current member of the Board of Supervisors;

(b) One member appointed by the Board of County Commissioners of Elko County, who must be a current member of the Board of County Commissioners;

(c) Two members elected at large, who must reside within the City of Elko and within the boundaries of the Authority; and

(d) One member elected at large, who must reside outside the City of Elko but within the boundaries of the Authority.

2. Subject to the provisions of subsection 3, the terms of those members appointed pursuant to paragraphs (a) and (b) of subsection 1 are coterminous with their respective terms in their specified elective offices.

3. Those members appointed pursuant to paragraph (a) or (b) of subsection 1 may be removed by the appointing board with or without cause.

4. Any vacancy occurring among the members of the Board appointed pursuant to paragraph (a) or (b) of subsection 1 must be filled promptly by the Board which appointed the member whose position has become vacant. Any vacancy occurring among the members of the Board elected pursuant to paragraph (c) or (d) of subsection 1 must be filled promptly by appointment

by the Board of County Commissioners of Elko County. The member appointed by the Board of County Commissioners to fill a vacancy in a position created pursuant to paragraph (c) or (d) must not be a member of the Board of County Commissioners but must meet the residency requirements for the vacant position.

5. If a member elected pursuant to paragraph (c) or (d) of subsection 1 or appointed to fill a vacancy in a position created pursuant to one of those paragraphs ceases to reside in the area specified in the paragraph under which he was elected or appointed, he is automatically disqualified from serving on the Board. A disqualified member's position must be filled by the prompt appointment of a successor in the manner specified in subsection 4.

6. The term of a person appointed to fill a vacancy is the unexpired term of the member he replaces.

7. A general authority election must be held in conjunction with the general election in 1992 and with such elections every 2 years thereafter. The three members of the Board described in paragraphs (c) and (d) of subsection 1 must be elected at the general authority election in 1992. The offices created pursuant to those paragraphs are nonpartisan. Each candidate for one of these offices must file a declaration of candidacy with the County Clerk not earlier than January 1 preceding the election and not later than 5 p.m. on the third Friday in August of the year of the election. ***In any general authority election, if, at 5 p.m. on the third Friday in August, only one candidate has filed a declaration of candidacy for one of the offices created pursuant to paragraph (c) or (d) of subsection 1, that candidate must be declared elected to that office and no election may be held for that office.*** The terms of office of the members described in paragraphs (c) and (d) of subsection 1 are 4 years, except that, the initial term of office of one of the members described in paragraph (c) of subsection 1 is 2 years. The County Clerk shall designate the seat which will have an initial term of 2 years before any candidate files a declaration of candidacy for the election. The period for registering to vote in the general authority election must be closed on the 30th calendar day preceding the date of the election. All persons who are qualified to vote at general elections in this State and reside within the boundaries of the authority upon the date of the close of registration are entitled to vote at the general authority election. Except as otherwise provided in this subsection, a general authority election must be carried out in the same manner as provided for other general elections in title 24 of NRS.

Sec. 101. NRS 293.075, 293.12756, 293.233, 293.245, 293.293, 293.300, 293.359, 293.3598, 293.3602, 293.447, 293B.160, 293B.210, 293B.325, 293C.235, 293C.250, 293C.280, 293C.287, 293C.359, 293C.3598 and 293C.3602 are hereby repealed.

Sec. 102. 1. This section and sections 1 to 97, inclusive, 99, 100 and 101 of this act become effective on October 1, 2007.

2. Section 97 of this act expires by limitation upon enactment of the Interstate Compact for Juveniles into law by the 35th jurisdiction.

3. Section 98 of this act becomes effective upon enactment of the Interstate Compact for Juveniles into law by the 35th jurisdiction.

LEADLINES OF REPEALED SECTIONS

293.075 "Pollbook" defined.

293.12756 Informational pamphlet concerning petitions; fee.

293.233 Appointment and duties of voting board and counting board in precinct or district where there are 200 or more registered voters and paper ballots are used.

293.245 Placing of absent ballots in ballot box.

293.293 Procedure for voting by paper ballot; duties of election board officer upon receipt of voted ballot.

293.300 Return of ballot not voted; cancellation.

293.359 Ballot boxes for paper ballots or ballots voted by punching card; seals.

293.3598 Ballot board.

293.3602 Custody of paper ballots or ballots voted by punching card; observation by general public of handling of ballots.

293.447 Employment of messenger to convey election returns to Secretary of State; compensation.

293B.160 Test program and card deck to be used for certain mechanical voting systems at election.

293B.210 Clerk to furnish lists of candidates and measures to be voted on at election; Secretary of State to provide to or reimburse county for cards used in elections.

293B.325 Pickup and delivery; processing before polls close.

293C.235 Appointment and duties of voting board and counting board in precinct or district where 200 or more registered voters and paper ballots used.

293C.250 Absent ballot central counting board or central election board responsible for placing absent ballots in ballot boxes in absent ballot mailing precinct.

293C.280 Procedure for voting by paper ballot; duties of election board officer upon receipt of voted ballot.

293C.287 Return and cancellation of ballot not voted.

293C.359 Ballot boxes for paper ballots or ballots voted by punching card; seals.

293C.3598 Ballot board.

293C.3602 Custody of paper ballots or ballots voted by punching card; observation by general public of handling of ballots.

Assemblywoman Koivisto moved that the Assembly concur in the Senate amendment to Assembly Bill No. 569.

Remarks by Assemblywoman Koivisto.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Oceguera moved that the Assembly do not recede from its actions on Senate Bill No. 18, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Oceguera.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Conklin, Parks, and Gansert as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 18.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Oceguera moved that the Assembly do not recede from its action on Senate Bill No. 412, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Oceguera.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Conklin, Gerhardt, and Mabey as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 412.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 139.

The following Senate amendment was read:

Amendment No. 804.

AN ACT relating to local governmental administration; authorizing boards of county commissioners to apply for and accept certain rights over federal lands and to indemnify the Federal Government in connection with **such** rights **;** ~~[granted over those federal lands;]~~ providing for the disposition of excess payments made to a county recorder; revising provisions relating to the appointment and oath of deputy sheriffs; exempting the sheriff of ~~[a county whose population is 400,000 or more]~~ **certain larger counties** from the requirement to attend in person or by deputy all sessions in district court in that county; **authorizing the judge of each district court and the justice of the peace in each justice court in certain larger counties to appoint a deputy marshal for the court;** authorizing boards of county commissioners to delegate authority to approve certain claims for refunds of charges **,** ~~[or]~~ fees **or deposits** paid to county departments of aviation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes boards of county commissioners to apply for and accept grants of rights-of-way, permits, leases and patents over federal lands within the National Forest System pursuant to certain federal laws. (NRS 244.277) Section 1 of this bill adds the Southern Nevada Public Lands Management Act of 1998, Public Law 105-263, to the list of federal laws concerning lands with respect to which boards of county commissioners may apply for and accept such land rights. Section 1 of this bill also authorizes boards of county commissioners to indemnify the United States in connection with such land rights.

Under existing law, a county recorder collects various fees. (NRS 247.305) Section 2 of this bill provides that if a fee collected by a county recorder exceeds by $5 or less the amount required by law to be paid, the county recorder is required to deposit the overpayment with the county treasurer for credit to the county general fund. If the overpayment is more than $5, the county recorder is required to refund the entire amount of the overpayment.

Existing law authorizes a sheriff to appoint, in writing, deputy sheriffs and requires each deputy sheriff to take an oath to discharge his duties. (NRS 248.040) Section 3 of this bill changes the office where the oath and written appointment of a deputy sheriff must be officially retained from the county auditor to the county recorder. Under existing law, the oaths and written appointments of deputies of many county elected officers are recorded with the county recorder or their respective counties. (NRS 246.030, 247.040, 249.060, 250.060, 252.070, 253.025, 258.060)

Existing law requires each county sheriff to attend in person or by deputy all sessions of the district court in that county. (NRS 248.100) Section 4 of this bill exempts the sheriff of a county whose population is 400,000 or more (currently Clark County) from that requirement.

Existing law authorizes the judge of each district court to appoint a bailiff for the court. (NRS 3.310) Section 5 of this bill authorizes the judge of each district court in a county whose population is 400,000 or more (currently Clark County) to appoint a deputy marshal for the court and confers on those deputy marshals the duties and responsibilities of the bailiffs. Section 5 also requires each deputy marshal to be certified as a category I peace officer within 18 months after appointment. Section 6 of this bill authorizes the appointment of a deputy marshal for each justice court in a county whose population is 400,000 or more (currently Clark County) and also requires such deputy marshals to be certified as category I peace officers within 18 months after appointment. (Chapter 4 of NRS) Section 11 of this bill provides that persons appointed before July 1, 2007, to serve as bailiffs of a district court or justice court in a county whose population is 400,000 or more (currently Clark County) are deemed to be deputy marshals if such persons are certified as category II peace officers on or before January 1, 2009.

Existing law authorizes boards of county commissioners to delegate to the county manager, the county administrator or, in counties without a manager or administrator, any other county employee the authority to approve certain claims for refunds of registration fees or deposits paid to the county department of parks and recreation. (NRS 354.240) Section ~~[5]~~ **10** of this bill authorizes boards of county commissioners to delegate to the same types of county officials or employees the authority to approve certain claims for refunds of ~~[registration]~~ **charges,** fees or deposits paid to the county department of aviation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 244.277 is hereby amended to read as follows:

244.277 The board of county commissioners may apply for and accept:

1. Grants of rights-of-way, permits, leases and patents and subsequent renewals of grants of rights-of-way, permits, leases and patents over, upon, under or through any land or interest in land owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management and by the Secretary of Agriculture with respect to lands within the National Forest System, pursuant to Title V of the Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1761-1771, ~~[and]~~ the Recreation and Public Purposes Act, 43 U.S.C. §§ 869-869-4 ~~[;]~~ ***, and the Southern Nevada Public Land Management Act of 1998, Public Law 105-263;*** and

2. Special use permits for parks, forests and public property owned by the United States and administered by the Secretary of Agriculture, through the United States Forest Service, pursuant to Title 16 of the United States Code and 36 C.F.R. Part 251,

➥ and in connection therewith may ***indemnify the United States and may*** comply with federal regulations and stipulations consistent with the federal statutes and regulations set forth in this section or any other applicable federal statute or regulation.

Sec. 2. NRS 247.305 is hereby amended to read as follows:

247.305 1. If another statute specifies the fee to be charged for a service, county recorders shall charge and collect only the fee specified. Otherwise, unless prohibited by NRS 375.060, county recorders shall charge and collect the following fees:

For recording any document, for the first page $10
For each additional page 1
For recording each portion of a document which must be separately indexed, after the first indexing 3
For copying any record, for each page 1
For certifying, including certificate and seal 4
For a certified copy of a certificate of marriage 10
For a certified abstract of a certificate of marriage 10

2. Except as otherwise provided in this subsection and NRS 375.060, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed $3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder may not charge the additional fee authorized in this subsection for recording the originally signed copy of a certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him pursuant to this subsection to the county treasurer for credit to the account established pursuant to NRS 247.306.

3. Except as otherwise provided in this subsection and NRS 375.060, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of $1 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized in this subsection for recording the originally signed copy of a certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him pursuant to this subsection to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care established pursuant to NRS 432.017.

4. Except as otherwise provided in this subsection, subsection 5 or by specific statute, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of $25 for recording any document that does not meet the standards set forth in subsection 3 of NRS 247.110. A county recorder shall not charge the additional fee authorized by this subsection for recording a document that is exempt from the provisions of subsection 3 of NRS 247.110.

5. Except as otherwise provided in subsection 6, a county recorder shall not charge or collect any fees for any of the services specified in this section when rendered by him to:

(a) The county in which his office is located.

(b) The State of Nevada or any city or town within the county in which his office is located, if the document being recorded:

(1) Conveys to the State, or to that city or town, an interest in land;

(2) Is a mortgage or deed of trust upon lands within the county which names the State or that city or town as beneficiary;

(3) Imposes a lien in favor of the State or that city or town; or

(4) Is a notice of the pendency of an action by the State or that city or town.

6. A county recorder shall charge and collect the fees specified in this section for copying any document at the request of the State of Nevada, and

any city or town within the county. For copying, and for his certificate and seal upon the copy, the county recorder shall charge the regular fee.

7. For the purposes of this section, "State of Nevada," "county," "city" and "town" include any department or agency thereof and any officer thereof in his official capacity.

8. ***If the amount of money collected by a county recorder for a fee pursuant to this section:***

(a) Exceeds by $5 or less the amount required by law to be paid, the county recorder shall deposit the excess payment with the county treasurer for credit to the county general fund.

(b) Exceeds by more than $5 the amount required by law to be paid, the county recorder shall refund the entire amount of the excess payment.

9. Except as otherwise provided in subsection 2 ***,*** ~~[or]~~ 3 ***or 8*** or by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the fifth working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

Sec. 3. NRS 248.040 is hereby amended to read as follows:

248.040 1. Except as provided in NRS 248.045, each sheriff may:

(a) Appoint, in writing signed by him, one or more deputies, who may perform all the duties devolving on the sheriff of the county and such other duties as the sheriff may from time to time direct. The appointment of a deputy sheriff must not be construed to confer upon that deputy policymaking authority for the office of the sheriff or the county by which the deputy sheriff is employed.

(b) Except as otherwise provided in this paragraph, only remove a deputy who has completed a probationary period of 12 months for cause. A deputy who functions as the head of a department or an administrative employee or who has not completed the probationary period may be removed at the sheriff's pleasure.

2. No deputy sheriff is qualified to act as such unless he has taken an oath to discharge the duties of the office faithfully and impartially. The oath ***, together with the written appointment,*** must be ~~[certified on the back of his appointment and filed]~~ ***recorded*** in the office of the ***recorder of the*** county ~~[auditor.]~~ ***within which the sheriff legally holds and exercises his office. Revocations of such appointments must be recorded as provided in this subsection. From the time of the recording of the appointments or revocations therein, persons shall be deemed to have notice of the appointments or revocations.***

3. The sheriff may require of his deputies such bonds as to him seem proper.

Sec. 4. NRS 248.100 is hereby amended to read as follows:

248.100 1. The sheriff shall:

(a) ~~[Attend]~~ ***Except in ~~[counties]~~ a county whose population is 400,000 or more, attend*** in person, or by deputy, all sessions of the district court in his county.

(b) Obey all the lawful orders and directions of the ~~[same.]~~ ***district court in his county.***

(c) Except as otherwise provided in subsection 2, execute the process, writs or warrants of courts of justice, judicial officers and coroners, when delivered to him for that purpose.

2. The sheriff may authorize the constable of the appropriate township to receive and execute the process, writs or warrants of courts of justice, judicial officers and coroners.

Sec. 5. **NRS 3.310 is hereby amended to read as follows:**

3.310 1. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** judge of each district court may appoint a bailiff for the court in counties polling 4,500 or more votes. In counties polling less than 4,500 votes, the judge may appoint a bailiff with the concurrence of the sheriff. ***Subject to the provisions of subsections 2, 4 and 10, in a county whose population is 400,000 or more, the judge of each district court may appoint a deputy marshal for the court instead of a bailiff.*** In ~~[either]~~ ***each*** case, the bailiff ***or deputy marshal*** serves at the pleasure of the judge he serves.

2. In all judicial districts where there is more than one judge, there may be a number of bailiffs ***or deputy marshals*** at least equal to the number of judges, and in any judicial district where a circuit judge has presided for more than 50 percent of the regular judicial days of the prior calendar year, there may be one additional bailiff ~~[,]~~ ***or deputy marshal,*** each bailiff ***or deputy marshal*** to be appointed by the joint action of the judges. If the judges cannot agree upon the appointment of any bailiff ***or deputy marshal*** within 30 days after a vacancy occurs in the office of bailiff ~~[,]~~ ***or deputy marshal,*** then the appointment must be made by a majority of the board of county commissioners.

3. Each bailiff ***or deputy marshal*** shall:

(a) Preserve order in the court.

(b) Attend upon the jury.

(c) Open and close court.

(d) Perform such other duties as may be required of him by the judge of the court.

4. The bailiff ***or deputy marshal*** must be a qualified elector of the county and shall give a bond, to be approved by the district judge, in the sum of $2,000, conditioned for the faithful performance of his duty.

5. The compensation of each bailiff ***or deputy marshal*** for his services must be fixed by the board of county commissioners of the county and his salary paid by the county wherein he is appointed, the same as the salaries of other county officers are paid.

6. The board of county commissioners of the respective counties shall allow the salary stated in subsection 5 as other salaries are allowed to county

officers, and the county auditor shall draw his warrant for it, and the county treasurer shall pay it.

7. The provisions of this section do not:

(a) Authorize the bailiff ***or deputy marshal*** to serve any civil or criminal process, except such orders of the court which are specially directed by the court or the presiding judge thereof to him for service.

(b) ~~[Relieve]~~ ***Except in a county whose population is 400,000 or more, relieve*** the sheriff of any duty required of him by law to maintain order in the courtroom.

8. If a deputy marshal is appointed for a court pursuant to subsection 1, each session of the court must be attended by the deputy marshal.

9. For good cause shown, a deputy marshal appointed for a court pursuant to subsection 1 may be assigned temporarily to assist other judicial departments or assist with court administration as needed.

10. A person appointed to be a deputy marshal for a court pursuant to subsection 1 must be certified by the Peace Officers' Standards and Training Commission as a category I peace officer not later than 18 months after appointment.

Sec. 6. **Chapter 4 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Subject to the provisions of subsections 2, 4 and 10, in a county whose population is 400,000 or more, the justice of the peace for each justice court may appoint a deputy marshal for the court instead of a bailiff. The deputy marshal serves at the pleasure of the justice of the peace that he serves.

2. In all townships where there is more than one justice of the peace, there may be a number of deputy marshals at least equal to the number of justices of the peace. If the justices of the peace cannot agree upon the appointment of any deputy marshal within 30 days after a vacancy occurs in the office of deputy marshal, the appointment must be made by a majority of the board of county commissioners.

3. Each deputy marshal shall:

(a) Preserve order in the court.

(b) Open and close court.

(c) Perform other such duties as may be required of him by the justice of the peace of the court.

4. The deputy marshal must be a qualified elector of the county and shall give bond, to be approved by the justice of the peace, in the sum of $2,000, conditioned for the faithful performance of his duty.

5. The compensation of each deputy marshal for his services must be fixed by the board of county commissioners of the county and his salary paid by the county wherein he is appointed, the same as the salaries of other county officers are paid.

6. The board of county commissioners of the respective counties shall allow the salary stated in subsection 5 as other salaries are allowed to

county officers, and the county auditor shall draw his warrant for it, and the county treasurer shall pay it.

7. The provisions of this section do not authorize the deputy marshal to serve any civil or criminal process, except such orders of the court which are specially directed by the court or the presiding justice of the peace thereof to him for service.

8. If a deputy marshal is appointed for a court pursuant to subsection 1, each session of the court must be attended by the deputy marshal.

9. For good cause shown, a deputy marshal appointed for a court pursuant to subsection 1 may be assigned temporarily to assist other justice courts or assist with court administration as needed.

10. A person appointed to be a deputy marshal pursuant to subsection 1 must be certified by the Peace Officers' Standards and Training Commission as a category I peace officer not later than 18 months after appointment.

Sec. 7. **NRS 18.005 is hereby amended to read as follows:**

18.005 For the purposes of NRS 18.010 to 18.150, inclusive, the term "costs" means:

1. Clerks' fees.

2. Reporters' fees for depositions, including a reporter's fee for one copy of each deposition.

3. Jurors' fees and expenses, together with reasonable compensation of an officer appointed to act in accordance with NRS 16.120.

4. Fees for witnesses at trial, pretrial hearings and deposing witnesses, unless the court finds that the witness was called at the instance of the prevailing party without reason or necessity.

5. Reasonable fees of not more than five expert witnesses in an amount of not more than $1,500 for each witness, unless the court allows a larger fee after determining that the circumstances surrounding the expert's testimony were of such necessity as to require the larger fee.

6. Reasonable fees of necessary interpreters.

7. The fee of any sheriff or licensed process server for the delivery or service of any summons or subpoena used in the action, unless the court determines that the service was not necessary.

8. Compensation for the official reporter or reporter pro tempore.

9. Reasonable costs for any bond or undertaking required as part of the action.

10. Fees of a court bailiff ***or deputy marshal*** who was required to work overtime.

11. Reasonable costs for telecopies.

12. Reasonable costs for photocopies.

13. Reasonable costs for long distance telephone calls.

14. Reasonable costs for postage.

15. Reasonable costs for travel and lodging incurred taking depositions and conducting discovery.

16. Fees charged pursuant to NRS 19.0335.

17. Any other reasonable and necessary expense incurred in connection with the action, including reasonable and necessary expenses for computerized services for legal research.

Sec. 8. **NRS 289.150 is hereby amended to read as follows:**

289.150 The following persons have the powers of a peace officer:

1. Sheriffs of counties and of metropolitan police departments, their deputies and correctional officers.

2. Marshals, policemen and correctional officers of cities and towns.

3. The bailiff of the Supreme Court.

4. The bailiffs ***and deputy marshals*** of the district courts, Justice Courts and municipal courts whose duties require them to carry weapons and make arrests.

5. Constables and their deputies whose official duties require them to carry weapons and make arrests.

Sec. 9. **NRS 289.550 is hereby amended to read as follows:**

289.550 1. Except as otherwise provided in subsection 2, ***NRS 3.310 and section 6 of this act,*** a person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, must be certified by the Commission within 1 year after the date on which the person commences employment as a peace officer unless the Commission, for good cause shown, grants in writing an extension of time, which must not exceed 6 months, by which the person must become certified. A person who fails to become certified within the required time shall not exercise any of the powers of a peace officer after the time for becoming certified has expired.

2. The following persons are not required to be certified by the Commission:

(a) The Chief Parole and Probation Officer;

(b) The Director of the Department of Corrections;

(c) The State Fire Marshal;

(d) The Director of the Department of Public Safety, the deputy directors of the Department, the chiefs of the divisions of the Department other than the Investigation Division and the Nevada Highway Patrol, and the members of the State Disaster Identification Team of the Division of Emergency Management of the Department;

(e) The Commissioner of Insurance and his chief deputy;

(f) Railroad policemen; and

(g) California correctional officers.

~~[Sec. 5.]~~ ***Sec. 10.*** NRS 354.240 is hereby amended to read as follows:

354.240 1. If a board of county commissioners determines by competent evidence that money has been paid into the treasury of the county under any of the circumstances mentioned in NRS 354.220, the board of county commissioners, by its unanimous resolution, may direct the county

treasurer to refund to the applicant the amount of money paid into the county treasury in excess of the amount legally payable.

2. In the case of a claim for a refund of property tax, if the board has unanimously found that the applicant is entitled to a refund, it shall direct the county treasurer to refund to the applicant the amount claimed if the claim is made within 3 years after the tax was due. The county may withhold amounts refunded from its subsequent apportionments of revenues from property tax to the other taxing units in the county which levied a tax represented in the combined tax rate.

3. If the county treasurer determines by competent evidence that money in the amount of $500 or less has been paid into the county treasury under any of the circumstances listed in NRS 354.220, he may, upon receiving the written approval of the district attorney, refund to the applicant the amount paid which is in excess of the amount legally payable.

4. In the case of a claim for a refund of property tax which has been authorized and approved in the manner provided in subsection 3, the county treasurer shall make a refund to the applicant in the amount claimed if the claim is made within 3 years after the tax was due. The county may withhold amounts refunded from its subsequent apportionments of revenues from property tax to the other taxing units in the county which levied a tax represented in the combined tax rate.

5. A board of county commissioners may, in the case of a claim for a refund of a registration fee or deposit paid to the county department of parks and recreation, delegate the authority to approve all such claims of less than $1,000, to:

(a) The county manager or his designee;

(b) The county administrator or his designee; or

(c) In a county that has neither a county manager nor a county administrator, any other county employee.

6. ***A board of county commissioners may, in the case of a claim for a refund of*** ~~*[a registration fee or deposit]*~~ ***any charges, fees or deposits paid to the county department of aviation, delegate the authority to approve all such claims of less than $100, to:***

(a) The county manager or his designee;

(b) The county administrator or his designee; or

(c) In a county that has neither a county manager nor a county administrator, any other county employee.

7. A county treasurer, upon receiving written approval of a claim pursuant to subsection 5 ~~[,]~~ ***or 6,*** may refund to the applicant the amount of the refund due.

~~[7.]~~ ***8.*** At the end of each month the county treasurer shall provide to the board of county commissioners a list of all refunds made by him during that month. The list must contain the name of each taxpayer or other person to whom a refund was made and the amount of the refund. The county treasurer shall maintain a copy of the list and make it available for public inspection.

Sec. 11. **Notwithstanding the provisions of NRS 3.310, as amended by section 5 of this act, and section 6 of this act, a person appointed before July 1, 2007, to serve as the bailiff for a district court or justice court in a county whose population is 400,000 or more:**

1. Must be certified by the Peace Officers' Standards and Training Commission as a category II peace officer on or before January 1, 2009; and

2. On and after July 1, 2007, shall be deemed to be a deputy marshal with the duties thereof pursuant to NRS 3.310, as amended by section 5 of this act, or section 6 of this act, unless the person does not comply with the requirement set forth in subsection 1 by January 1, 2009.

~~[Sec. 6.]~~ ***Sec. 12.*** **1.** This ~~[act becomes]~~ **section and section 11 of this act become effective upon passage and approval.**

2. Sections 1 to 10, inclusive, of this act become effective on July 1, 2007.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate amendment to Assembly Bill No. 139.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Assembly Bill No. 418, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 757 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 2, which is attached to and hereby made a part of this report.

MARK AMODEI	BERNIE ANDERSON
TERRY CARE	HARVEY MUNFORD
MIKE MCGINNESS	GARN MABEY
Senate Conference Committee	*Assembly Conference Committee*

Conference Amendment No. CA2.

AN ACT relating to unarmed combat; removing references to wrestling in various statutes relating to unarmed combat; ~~[eliminating the Medical Advisory Board;]~~ **changing the appointing authority for the Medical Advisory Board from the Governor to the Nevada Athletic Commission; repealing the Medical Advisory Board effective July 1, 2009;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1-3 of this bill remove references to wrestling that are contained in various statutes relating to unarmed combat.

Section ~~[4.5]~~ **1.5** of this bill ~~[eliminates]~~ **provides that the Nevada Athletic Commission, rather than the Governor, is authorized to appoint the members of** the Medical Advisory Board, which ~~[currently]~~ recommends standards for the physical and mental examination of contestants,

recommends physicians for licensing, advises the Nevada Athletic Commission as to the physical or mental fitness of a contestant and submits reports containing recommendations for revisions in the law to protect the health of contestants. (NRS 467.018) **Section 4.5 of this bill repeals the provisions of NRS 467.0101, 467.012, 467.015 and 467.018 governing the creation, membership and duties of the Board effective July 1, 2009.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 467.0107 is hereby amended to read as follows:

467.0107 "Unarmed combat" means boxing ~~[, wrestling]~~ or any form of competition in which a blow is usually struck which may reasonably be expected to inflict injury.

Sec. 1.5. **NRS 467.012 is hereby amended to read as follows:**

467.012 1. The Medical Advisory Board consisting of five members to be appointed by the ~~[Governor]~~ ***Commission*** is hereby created.

2. The ~~[Governor]~~ ***Commission*** shall designate one of the members of the Board as its Chairman.

3. After the initial terms, ~~[the Governor]~~ ***the Commission*** shall appoint each member to a term of 4 years. If the position of a member is vacated, the ~~[Governor]~~ ***Commission*** shall appoint a qualified person to replace the member for the remainder of the unexpired term.

Sec. 2. NRS 467.108 is hereby amended to read as follows:

467.108 1. Except as otherwise provided in subsection 2, in addition to the payment of any other fees or taxes required by this chapter, a promoter shall pay to the Commission a fee of $1.00 for each ticket sold for admission to a live professional ~~[boxing or wrestling]~~ contest ~~[, match or exhibition]~~ ***of unarmed combat*** which is held in this State.

2. In lieu of the fee imposed pursuant to subsection 1, the Executive Director of the Commission may require a promoter to pay to the Commission a fee of $0.50 for each ticket sold for admission to a live professional ~~[boxing or wrestling]~~ contest ~~[, match or exhibition]~~ ***of unarmed combat*** which is held in this State if the gross receipts from admission fees to the contest ~~[, match or exhibition]~~ ***of unarmed combat*** are less than $500,000.

3. The money collected pursuant to subsections 1 and 2 must be used by the Commission to award grants to organizations which promote amateur ~~[boxing]~~ contests or exhibitions ***of unarmed combat*** in this State.

4. The Commission shall adopt by regulation ~~[the]~~ ***:***

(a) The manner in which ~~[:~~

~~(a) The]~~ ***the*** fees required by subsections 1 and 2 must be paid.

(b) ~~[Applications]~~ ***The manner in which applications*** for grants may be submitted to the Commission ***.*** ~~[and the]~~

(c) The standards to be used to award grants to organizations which promote amateur ~~[boxing]~~ contests or exhibitions ***of unarmed combat*** in this State.

Sec. 3. NRS 467.135 is hereby amended to read as follows:

467.135 1. The Commission, its Executive Director or any other employee authorized by the Commission may order the promoter to withhold any part of a purse or other money belonging or payable to any contestant, manager or second if, in the judgment of the Commission, Executive Director or other employee:

(a) The contestant is not competing honestly or to the best of his skill and ability or the contestant otherwise violates any regulations adopted by the Commission or any of the provisions of this chapter, including, but not limited to, the provisions of subsection 1 of NRS 467.110; or

(b) The manager or seconds violate any regulations adopted by the Commission or any of the provisions of this chapter, including, but not limited to, the provisions of subsection 1 of NRS 467.110.

2. ~~[This section does not apply to any contestant in a wrestling exhibition who appears not to be competing honestly or to the best of his skill and ability.~~

~~3.]~~ Upon the withholding of any part of a purse or other money pursuant to this section, the Commission shall immediately schedule a hearing on the matter, provide adequate notice to all interested parties and dispose of the matter as promptly as possible.

~~[4.]~~ ***3.*** If it is determined that a contestant, manager or second is not entitled to any part of his share of the purse or other money, the promoter shall pay the money over to the Commission. Subject to the provisions of subsection ~~[5,]~~ ***4,*** the money must be deposited with the State Treasurer for credit to the State General Fund.

~~[5.]~~ ***4.*** Money turned over to the Commission pending final action in any matter must be credited to the Athletic Commission's Agency Account and must remain in that Account until the Commission orders its disposition in accordance with the final action taken.

Sec. 4. (Deleted by amendment.)

Sec. 4.3. **1. The members of the Medical Advisory Board who are serving on the effective date of this act continue to serve until their terms expire. If the position of a member becomes vacant on or after the effective date of this act, the Nevada Athletic Commission shall appoint a qualified person to replace the member for the remainder of the unexpired term.**

2. Notwithstanding the provisions of NRS 467.012, the Commission shall appoint to the Board three persons who are qualified pursuant to NRS 467.015 to serve terms commencing on July 1, 2007, and expiring on June 30, 2009.

Sec. 4.5. NRS 467.0101, 467.012, 467.015 and 467.018 are hereby repealed.

Sec. 5. **1.** This **section and sections 1 to 4.3, inclusive, of this** act ~~[becomes]~~ **become** effective ~~[on July 1, 2007.]~~ **upon passage and approval.**

2. Section 4.5 of this act becomes effective on July 1, 2009.

LEADLINES OF REPEALED SECTIONS

467.0101 "Board" defined.
467.012 Creation; Chairman; terms.
467.015 Qualifications of members.
467.018 Duties.

Assemblyman Anderson moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 418.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 212.

The following Senate amendment was read:

Amendment No. 1061.

AN ACT relating to education; requiring the boards of trustees of school districts to prescribe a policy for the development of 4-year academic plans for pupils enrolled in high school; requiring the principals of certain larger high schools to provide for a program of ~~[a]~~ **small learning communities;** ~~[ninth grade school within a school;]~~ requiring the State Board of Education to prescribe a uniform grading scale for high schools; requiring each school district to adopt a policy setting forth the duties of school counselors; expanding the age for compulsory school attendance from 17 years to 18 years; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the system of public instruction for this State and defines the different kinds of public schools in this State. (Chapter 388 of NRS) A high school is a public school in which subjects above the eighth grade are taught. (NRS 388.020)

Section 2 of this bill requires the board of trustees of each school district to adopt a policy for each public school of the school district in which ninth grade pupils are enrolled, to develop a 4-year academic plan for each of those pupils. The academic plan must be developed in consultation with the pupil, the pupil's parent or legal guardian and a school counselor. The plan must include the specific educational goals that the pupil intends to complete before graduation from high school. If the pupil does not satisfy all the goals contained in the plan, the pupil is still eligible for a diploma if he otherwise satisfies the requirements for receipt of a diploma.

Section 3 of this bill requires the board of trustees of each school district that includes at least one high school in which 1,200 pupils or more are enrolled, including ninth grade pupils, to adopt a policy for each of those

high schools to provide a program of ~~[a]~~ **small learning communities.** ~~[ninth grade school within a school.]~~ The principal of each such high school must carry out the program. The program consists of the designation of a separate geographic location within the high school in which ninth grade pupils attend classes where practicable, the identification of any special needs for counseling or remediation for a ninth grade pupil and the assignment of certain personnel at the high school specifically for the ninth grade pupils.

Section 4 of this bill requires the State Board of Education to prescribe a uniform grading policy for all public high schools. The board of trustees of each school district and the governing body of each charter school that operates as a high school shall comply with the policy.

Section 5 of this bill requires the board of trustees of each school district to adopt a policy that sets forth the duties, roles and responsibilities of school counselors. The policy must be designed to ensure that school counselors are allotted sufficient time in each school year to carry out school counseling and to limit the amount of time school counselors are required to assist with the administration and coordination of tests.

Existing law establishes the ages for compulsory public school attendance at 7 to 17 years of age. (NRS 392.040) Section 6 of this bill expands the age to 18 years unless the child has graduated from high school.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The board of trustees of each school district shall adopt a policy for each public school in the school district in which ninth grade pupils are enrolled to develop a 4-year academic plan for each of those pupils. The academic plan must set forth the specific educational goals that the pupil intends to achieve before graduation from high school. The plan may include, without limitation, the designation of a career pathway and enrollment in dual credit courses, career and technical education courses, advanced placement courses and honors courses.***

2. The policy must require each pupil enrolled in ninth grade and the pupil's parent or legal guardian to:

(a) Work in consultation with a school counselor to develop an academic plan for the pupil;

(b) Sign the academic plan; and

(c) Review the academic plan at least once each school year in consultation with a school counselor and revise the plan if necessary.

3. If a pupil enrolls in a high school after ninth grade, an academic plan must be developed for that pupil with appropriate modifications for the grade level of the pupil.

4. An academic plan for a pupil must be used as a guide for the pupil and the parent or legal guardian of the pupil to plan, monitor and manage

the pupil's educational and occupational development and make determinations of the appropriate courses of study for the pupil. If a pupil does not satisfy all the goals set forth in the academic plan, the pupil is eligible to graduate and receive a high school diploma if he otherwise satisfies the requirements for a diploma.

Sec. 3. ***1. The board of trustees of each school district which includes at least one high school with an enrollment of 1,200 pupils or more, including pupils enrolled in ninth grade, shall adopt a policy for each of those high schools to provide a program of*** ~~*[a ninth grade school within a school.]*~~ ***small learning communities. The policy must require:***

(a) Where practicable, the designation of a separate area geographically within the high school where the pupils enrolled in ninth grade attend classes;

(b) The collection and maintenance of information relating to pupils enrolled in ninth grade, including, without limitation, credits earned, attendance, truancy and indicators that a pupil may be at risk of dropping out of high school;

(c) Based upon the information collected pursuant to paragraph (b), the timely identification of any special needs of a pupil enrolled in ninth grade, including, without limitation, any need for programs of remedial study for a particular subject area and appropriate counseling;

(d) Methods to increase the involvement of parents and legal guardians of pupils enrolled in ninth grade in the education of their children; and

(e) The assignment of:

(1) Guidance counselors;

(2) At least one licensed school administrator; and

(3) Appropriate adult mentors,

↪ specifically for the pupils enrolled in ninth grade.

2. The principal of each high school in which 1,200 pupils or more are enrolled, including pupils enrolled in ninth grade, shall:

(a) Carry out a program of ~~*[a ninth grade school within a school]*~~ ***small learning communities in accordance with the policy prescribed by the board of trustees pursuant to subsection 1; and***

(b) Submit an annual report, on a date prescribed by the board of trustees, that sets forth the specific strategies, programs and methods that are used to focus on the pupils enrolled in ninth grade at the school.

Sec. 4. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Board shall adopt regulations that prescribe a uniform grading scale for all public high schools, including, without limitation, a uniform grading scale for advanced placement courses and honors courses.

2. The board of trustees of each school district and the governing body of each charter school that operates as a high school shall comply with the uniform grading scale.

Sec. 5. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

The board of trustees of each school district shall adopt a policy that sets forth the duties, roles and responsibilities of persons who are licensed pursuant to chapter 391 of NRS and employed as school counselors. The policy must:

1. Be designed to ensure that school counselors are allotted sufficient time in each school year to carry out the duties relating to counseling, including, without limitation, assisting pupils with academic planning; and

2. Limit the amount of time that school counselors are required to assist with test administration and test coordination at a public school.

Sec. 6. NRS 392.040 is hereby amended to read as follows:

392.040 1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of 7 and ~~[17]~~ ***18*** years shall send the child to a public school during all the time the public school is in session in the school district in which the child resides ~~[.]~~ ***unless the child has graduated from high school.***

2. A child who is 5 years of age on or before September 30 of a school year may be admitted to kindergarten at the beginning of that school year, and his enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before September 30 of a school year, the child must not be admitted to kindergarten.

3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before September 30 of a school year must:

(a) If he has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or

(b) If he has completed kindergarten, be admitted to the first grade at the beginning of that school year,

➥ and his enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before September 30 of a school year, the child must not be admitted to the first grade until the beginning of the school year following his sixth birthday.

4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is 6 years of age on or before September 30 of a school year may elect for the child not to attend kindergarten or the first grade during that year. The parents, custodial parent, guardian or other person who makes such an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.

5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send him to the public school during all the time the school is in session. If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of

attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging that he has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance does not apply to any child under the age of 7 years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

6. A child who is 7 years of age on or before September 30 of a school year must:

(a) If he has completed kindergarten and the first grade, be admitted to the second grade.

(b) If he has completed kindergarten, be admitted to the first grade.

(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's attendance from kindergarten pursuant to subsection 4, undergo an assessment by the district pursuant to subsection 7 to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, he must be admitted to the first grade. If the district determines that the child is not so prepared, he must be admitted to kindergarten.

➥ The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.

7. Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:

(a) Who is 7 years of age on or before September 30 of the next school year; and

(b) Whose parents waived his attendance from kindergarten pursuant to subsection 4,

➥ to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.

8. A child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade he was attending or would be attending had he remained a resident of the other state regardless of his age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

9. As used in this section, "kindergarten" includes:

(a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;

(b) A kindergarten established by the governing body of a charter school; and

(c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.

Sec. 7. NRS 392.110 is hereby amended to read as follows:

392.110 1. Any child between the ages of 14 and ~~[17]~~ ***18*** years who has completed the work of the first eight grades may be excused from full-time school attendance and may be permitted to enter proper employment or apprenticeship, by the written authority of the board of trustees excusing the child from such attendance. The board's written authority ~~[shall]~~ ***must*** state the reason or reasons for such excuse.

2. In all such cases **,** no employer or other person shall employ or contract for the services or time of such child until the child presents a written permit therefor from the attendance officer or board of trustees. The permit ~~[shall]~~ ***must*** be kept on file by the employer ~~[,]~~ and **,** upon the termination of employment ~~[shall]~~ ***, must*** be returned by the employer to the board of trustees or other authority issuing it.

Sec. 8. NRS 392.130 is hereby amended to read as follows:

392.130 1. Within the meaning of this chapter, a pupil shall be deemed a truant who is absent from school without the written approval of his teacher or the principal of the school, unless the pupil is physically or mentally unable to attend school. The teacher or principal shall give his written approval for a pupil to be absent if an emergency exists or upon the request of a parent or legal guardian of the pupil. Before a pupil may attend or otherwise participate in school activities outside the classroom during regular classroom hours, he must receive the approval of the teacher or principal.

2. An unapproved absence for at least one period, or the equivalent of one period for the school, of a school day may be deemed a truancy for the purposes of this section.

3. If a pupil is physically or mentally unable to attend school, the parent or legal guardian or other person having control or charge of the pupil shall notify the teacher or principal of the school orally or in writing, in accordance with the policy established by the board of trustees of the school district, within 3 days after the pupil returns to school.

4. An absence which has not been approved pursuant to subsection 1 or 3 shall be deemed an unapproved absence. In the event of an unapproved absence, the teacher, attendance officer or other school official shall deliver or cause to be delivered a written notice of truancy to the parent, legal guardian or other person having control or charge of the child. The written notice must be delivered to the parent, legal guardian or other person who has control of the child. The written notice must inform the parents or legal guardian of such absences in a form specified by the Department.

5. As used in this section, "physically or mentally unable to attend" does not include a physical or mental condition for which a pupil is excused pursuant to NRS 392.050.

6. ~~[Notwithstanding the provisions of NRS 392.040 to the contrary, the]~~ ***The*** provisions of this section apply to all pupils who are ~~[less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.]~~ ***required to attend school pursuant to NRS 392.040.***

Sec. 9. NRS 392.140 is hereby amended to read as follows:

392.140 1. Any child who has been declared a truant three or more times within one school year must be declared a habitual truant.

2. Any child who has once been declared a habitual truant and who in an immediately succeeding year is absent from school without the written:

(a) Approval of his teacher or the principal of the school pursuant to subsection 1 of NRS 392.130; or

(b) Notice of his parent or legal guardian or other person who has control or charge over the pupil pursuant to subsection 3 of NRS 392.130,

➥ may again be declared a habitual truant.

3. ~~[Notwithstanding the provisions of NRS 392.040 to the contrary, the]~~ ***The*** provisions of this section apply to all pupils who are ~~[less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.]~~ ***required to attend school pursuant to NRS 392.040.***

Sec. 10. NRS 392.141 is hereby amended to read as follows:

392.141 ~~[Notwithstanding the provisions of NRS 392.040 to the contrary, the]~~ ***The*** provisions of NRS 392.144, 392.146 and 392.147 apply to all pupils who are ~~[less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.]~~ ***required to attend school pursuant to NRS 392.040.***

Sec. 11. NRS 392.149 is hereby amended to read as follows:

392.149 1. Upon receipt of a report pursuant to NRS 392.144 or 392.147, if it appears after investigation that a pupil is a habitual truant, the school police officer or law enforcement agency to whom the report is made shall prepare manually or electronically a citation directing the pupil to appear in the proper juvenile court.

2. A copy of the citation must be delivered to the pupil and to the parent, guardian or any other person who has control or charge of the pupil by:

(a) The local law enforcement agency;

(b) A school police officer employed by the board of trustees of the school district; or

(c) An attendance officer appointed by the board of trustees of the school district.

3. The citation must be in the form prescribed for misdemeanor citations in NRS 171.1773.

4. ~~[Notwithstanding the provisions of NRS 392.040 to the contrary, the]~~ ***The*** provisions of this section apply to all pupils who are ~~[less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.]~~ ***required to attend school pursuant to NRS 392.040.***

Sec. 12. NRS 392.160 is hereby amended to read as follows:

392.160 1. Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant:

(a) Any child between the ages of 7 and ~~[17]~~ ***18*** years; and

(b) Any child who has arrived at the age of 6 years but not at the age of 7 years and is enrolled in a public school,

➥ who has been reported to him by the teacher, superintendent of schools or other school officer as an absentee from instruction upon which he is lawfully required to attend.

2. ~~[Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant any child who is 17 years of age or older but less than 18 years of age if:~~

~~(a) The child is enrolled in a public school; and~~

~~(b) A teacher, superintendent of schools or other school officer has reported the child as absent from instruction.~~

~~3.]~~ Except as otherwise provided in subsection ~~[4:]~~ ***3:***

(a) During school hours, the officer having custody shall forthwith deliver the child to the superintendent of schools, principal or other school officer at the child's school of attendance.

(b) After school hours, the officer having custody shall deliver the child to the parent, guardian or other person having control or charge of the child.

~~[4.]~~ ***3.*** The board of trustees of a school district or the governing body of a charter school may enter into an agreement with a counseling agency to permit delivery of the child to the agency. For the purposes of this subsection, "counseling agency" means an agency designated by the school district in which the child is enrolled to provide counseling for the child and the parent, guardian or other person having control or charge of the child.

Sec. 13. NRS 392.170 is hereby amended to read as follows:

392.170 Upon the written complaint of any person, the board of trustees of a school district or the governing body of a charter school shall:

1. Make a full and impartial investigation of all charges against parents, guardians or other persons having control or charge of any child who is ~~[17]~~ ***under 18*** years of age ~~[or younger]~~ ***and required to attend school pursuant to NRS 392.040*** for violation of any of the provisions of NRS 392.040 to 392.110, inclusive, or 392.130 to 392.160, inclusive.

2. Make and file a written report of the investigation and the findings thereof in the records of the board.

Sec. 14. NRS 392.180 is hereby amended to read as follows:

392.180 If it appears upon investigation that any parent, guardian or other person having control or charge of any child who is ~~[17]~~ ***under 18***

years of age ~~[or younger]~~ ***and required to attend school pursuant to NRS 392.040*** has violated any of the provisions of NRS 392.040 to 392.110, inclusive, or 392.130 to 392.160, inclusive, the clerk of the board of trustees or the governing body of a charter school in which the child is enrolled, except as otherwise provided in NRS 392.190, shall make and file in the proper court a criminal complaint against the parent, guardian or other person, charging the violation, and shall see that the charge is prosecuted by the proper authority.

Sec. 15. NRS 392.200 is hereby amended to read as follows:

392.200 Any taxpayer, school administrator, school officer or deputy school officer in the State of Nevada may make and file in the proper court a criminal complaint against a parent, guardian or other person who has control or charge of any child who is ~~[17]~~ ***under 18*** years of age ~~[or younger]~~ ***and required to attend school pursuant to NRS 392.040*** and who violates any of the provisions of law requiring the attendance of children in the public schools of this State.

Sec. 16. NRS 392.215 is hereby amended to read as follows:

392.215 Any parent, guardian or other person who, with intent to deceive under NRS 392.040 to 392.110, inclusive, or 392.130 to 392.165, inclusive:

1. Makes a false statement concerning the age or attendance at school;
2. Presents a false birth certificate or record of attendance at school; or
3. Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law enforcement agency conducting an investigation in response to notification pursuant to subsection 4 of NRS 392.165,

➥ of a child under ~~[17]~~ ***18*** years of age who is under his control or charge, is guilty of a misdemeanor.

Sec. 16.5. NRS 394.145 is hereby amended to read as follows:

394.145 1. A private elementary or secondary school in this State shall not permanently admit any child until the parent or guardian of the child furnishes a birth certificate or other document suitable as proof of the child's identity and, if applicable, a copy of the child's records from the school he most recently attended.

2. Except as otherwise provided in subsection 3, a child must be admitted to a school under his name as it appears in the identifying document or records required by subsection 1, unless the parent or guardian furnishes a court order or decree authorizing a change of name or directing the principal or other person in charge of that school to admit the child under a name other than the name which appears in the identifying document or records.

3. A child who is in the custody of the agency which provides child welfare services, as defined in NRS 432B.030, may be admitted to a school under a name other than the name which appears in the identifying document or records required by subsection 1 if the court determines that to do so would be in the best interests of the child.

4. If the parent or guardian fails to furnish the identifying document or records required by subsection 1 within 30 days after the child is conditionally admitted, the principal or other person in charge of the school shall notify the local law enforcement agency and request a determination as to whether the child has been reported as missing.

5. Any parent, guardian or other person who, with intent to deceive under this section:

(a) Presents a false birth certificate or record of attendance at school; or

(b) Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law enforcement agency conducting an investigation in response to notification pursuant to subsection 4,

➥ of a child under ~~[17]~~ ***18*** years of age who is under his control or charge, is guilty of a misdemeanor.

Sec. 17. 1. On or before October 1, 2007, the board of trustees of each school district shall adopt a policy required by section 5 of this act that sets forth the duties, roles and responsibilities of persons who are licensed pursuant to chapter 391 of NRS and employed as school counselors. Each board of trustees shall submit the policy to the Department of Education.

2. On or before December 1, 2007, the Department of Education shall submit a written report to the Legislative Committee on Education that summarizes the policies adopted by school districts pursuant to section 5 of this act.

3. On or before December 1, 2008, the board of trustees of each school district shall submit a written report to the Department of Education that sets forth:

(a) A description of the policy adopted pursuant to section 5 of this act;

(b) An evaluation of the effectiveness of the policy in ensuring that school counselors are allotted sufficient time in each school year to carry out the duties relating to counseling, including, without limitation, assisting pupils with academic planning; and

(c) The percentage of time that school counselors were assigned to assist with test administration and test coordination at a public school after the adoption of the policy pursuant to section 5 of this act.

4. On or before February 1, 2009, the Department of Education shall compile the written reports submitted pursuant to subsection 3 and submit a written report of the compilation to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 18. This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved that the Assembly concur in the Senate amendment to Assembly Bill No. 212.

Remarks by Assemblywoman Parnell.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Kirkpatrick moved that the Assembly do not recede from its action on Senate Bill No. 487, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Kirkpatrick, Bobzien, and Gansert as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 487.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Atkinson moved that the Assembly do not recede from its action on Senate Bill No. 43, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Atkinson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Atkinson, Bobzien, and Carpenter as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 43.

Madam Speaker appointed Assemblymen Horne, Parks, and Allen as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 396.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:28 p.m.

ASSEMBLY IN SESSION

At 1:29 p.m.

Madam Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committees on Ways and Means and Finance:

Assembly Bill No. 627—AN ACT relating to education; ensuring sufficient funding for K-12 public education for the 2007-2009 biennium; apportioning the State Distributive School Account in the State General Fund for the 2007-2009 biennium; authorizing certain expenditures; making

appropriations for purposes relating to class-size reduction and other educational purposes; revising certain provisions governing the Account for Programs for Innovation and the Prevention of Remediation; revising certain provisions governing the count of pupils for purposes of apportioning money from the State Distributive School Account; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that the Assembly recess until 4:30 p.m.

Motion carried.

Assembly in recess at 1:30 p.m.

ASSEMBLY IN SESSION

At 4:47 p.m.

Madam Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 422, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JERRY D. CLABORN, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 627, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

GENERAL FILE AND THIRD READING

Assembly Bill No. 627.

Bill read third time.

Remarks by Assemblymen Arberry and Parnell.

Assemblyman Arberry requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ARBERRY:

Assembly Bill 627 appropriates $1.041 billion in the first year and $1.091 billion in the second year of the 2007-09 biennium from the state General Fund to the Distributive School Account (DSA). In addition, there are $172.2 million and $182.7 million of other revenues authorized to be received and expended for the state support of public education for the next two years. These other revenues include an annual tax on slot machines, sales tax collected on out-of-state sales, interest earned on the Permanent School Fund, and revenue from mineral leases on federal land.

The statewide average basic support per pupil increases over the upcoming biennium from $4,696 in the current year to $5,122 in FY 2008, and $5,323 in Y 2009. Enrollment is projected to grow 3.15 percent in the first year and .68 percent in the second year of the biennium. A two

percent cost-of-living adjustment for school district employees is included in the DSA for FY 2008 and four percent in FY 2009.

State funding for special education continues to be allocated on the basis of special education units. Total funding for the units amounts to $111.3 million or 3,046 units of $36,541 each in FY 2008 and $121.3 million for 3,128 units of $38,763 each in FY 2009. As in the past, 40 of those units will be reserved for the State Board of Education to assign to districts that have unexpected needs. In addition to the 40 "discretionary" units, the bill includes 4.70 units and 4.22 units for FY 2008 and FY 2009, respectively, for gifted and talented pupils to participate in the "Star Gate" program.

To fund adult high school diploma programs, including those in prison facilities, $21.4 million and $23.4 million are budgeted in the first and second years of the biennium, respectively, for the support of courses approved by the Department of Education as meeting the course of study for an adult standard high school diploma as approved by the State Board.

The bill appropriates $12.9 million and $13.3 million for the first and second years, respectively, for regional professional development centers to train teachers to teach to the academic standards, and includes funding for an evaluation of those programs.

The bill includes funding for the Early Childhood Education program of $3.3 million for each year of the upcoming biennium for competitive grants to school districts and community-based organizations for early childhood education programs.

The bill includes funding to continue the retirement credit incentive program for certain licensed educational personnel in the amount of $22.9 million for FY 2008 and $31.1 million for FY 2009.

For continued support of the Class-Size Reduction (CSR) program, this bill allocates $141 million in FY 2008 and $153 million in FY 2009. This money will pay for the salaries and benefits of at least 2,201 teachers hired to reduce pupil-teacher ratios in the first year and 2,260 in the second year. The bill continues the CSR program in the DSA, and maintains the separate expenditure category to highlight the program. Funds will be allocated based upon the number of teachers needed in each school district to reach the pupil-teacher ratios of 16 to 1 in first and second grades and 19 to 1 in third grade, the same ratios as in the current biennium.

The bill continues the flexibility for the school districts to carry out alternative programs for reducing the ratio of pupils per teacher or to implement remedial programs that have been found to be effective in improving pupil achievement. To use the funds in this manner, school districts are required to receive approval of their written plan from the Superintendent of Public Instruction, evaluate the effectiveness of their program and ensure that the combined ratio of pupils per teacher in the aggregate of grades K through 3 does not exceed the combined ratio in those grades in the 2004-05 school year.

This bill appropriates $21.5 million and $22.5 million for the first and second years, respectively, for the Other State Education Programs Account. Through this account, state General Fund support is provided for the System for Accountability Information in Nevada (SAIN), Educational Technology, Peer Mediation, Career and Technical Education programs, the Apprenticeship program, Local Education Agency Library Books, Public Broadcasting, the Teacher Signing Bonus program, the National Board Certification program for teachers and counselors, and other miscellaneous programs.

This bill continues the Account for Programs for Innovation and the Prevention of Remediation with appropriations of $60.4 million in FY 2008 and $85.5 million in FY 2009. Of these amounts, $25.6 million in FY 2008 and $40.8 million in FY 2009 is provided to continue and expand the full-day kindergarten program in Nevada. Through the Account for Programs for Innovation and the Prevention of Remediation, this bill provides $180,000 in FY 2008 and $8.9 million in FY 2009 to support a new program of empowerment schools.

Finally, beginning in FY 2009, this bill revises the hold harmless provisions to provide that a school district and charter school with less than a five percent decline in enrollment will be held harmless for one year and school districts and charter schools with more than five percent decline in enrollment will continue the existing two-year hold harmless.

ASSEMBLYWOMAN PARNELL:

As Chair of the Assembly Committee on Education, I rise in support of Assembly Bill 627. I would like to thank all of my colleagues who have worked so hard to make the numbers work and for taking into account the interest that so many of us have with regards to education. I see it as a bill that addresses the needs of our students— from our very youngest to those in their high school years. It is something that is very important and something that we all have been very cognizant of in this session. It also takes into account the needs of our public school teachers. Again, I rise in support and thank all of my colleagues and staff who have worked so hard.

Roll call on Assembly Bill No. 627:

YEAS—41.

NAYS—None.

EXCUSED—Cobb.

Assembly Bill No. 627 having received a constitutional majority, Madam Speaker declared it passed.

Assemblyman Oceguera moved that all rules be suspended and that Assembly Bill No. 627 be immediately transmitted to the Senate.

Motion carried.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 291 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 422.

Bill read third time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 1081.

SUMMARY—Requires the ~~[creation]~~ **establishment** of a registry **of greenhouse gas emissions** and **an** inventory of greenhouse gases ~~[emitted]~~ **released** in this State. (BDR 40-678)

AN ACT relating to pollution; requiring the State Environmental Commission to ~~[establish a registry]~~ **mandate the reporting** of **all** greenhouse gases emitted by **each** affected ~~[units]~~ **unit** in this State ~~[;]~~ **for inclusion in a registry of greenhouse gas emissions;** requiring the State Department of Conservation and Natural Resources to issue a statewide inventory of greenhouse ~~[gas emissions;]~~ **gases released in this State;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Environmental Commission may adopt certain regulations to prevent, abate and control air pollution and establish standards for air quality. (NRS 445B.210) ~~[Also under existing law, a district board of health, county board of health or board of county commissioners in each county whose population is 100,000 or more (currently Clark and~~

~~Washoe Counties) must establish a program for the control of air pollution and administer that program. In any other county, or in any city, a similar program may be established through cooperative or interlocal agreement or the county or city may establish its own program for the control of air pollution. (NRS 445B.500)]~~

Section 5 of this bill requires the Commission to ~~[establish, by regulation, a statewide registry]~~ **mandate the reporting** of greenhouse gases emitted by certain generators of electricity in this State ~~[.]~~ **for inclusion in a registry of greenhouse gas emissions and to establish the requirements for participation in the registry.** Section 4 of this bill defines a "greenhouse gas" to mean carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons and sulphur hexafluoride. Section 5 ~~[requires]~~ **authorizes** the Commission to prescribe the requirements and procedures for reporting the emissions of greenhouse gases that must be included in the registry, methods for ~~[identifying and measuring]~~ **determining** the greenhouse gases that must be reported and methods for independently verifying the information that is reported. The Commission ~~[is required to]~~ **may** establish the reporting period, but the period must not ~~[be longer than]~~ **exceed** 1 year. ~~[Finally, section 5 authorizes the Commission to establish procedures for the voluntary reporting of emissions of greenhouse gases from sources that are not otherwise required to report.]~~

Section 6.5 of this bill requires the State Department of Conservation and Natural Resources to issue, at least every 4 years, a statewide inventory of greenhouse ~~[gas emissions]~~ **gases released** in this State. The inventory must include the ~~[sources,]~~ **origins,** types and amounts of the greenhouse gases, together with the Department's ~~[evaluation of the emissions,]~~ **analysis of those gases,** and must be supported with documentation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 445B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6.5, inclusive, of this act.

Sec. 2. ~~*[*~~*"Affected unit" means a facility for the generation of electricity that:*~~

~~*1. Has a maximum design capacity of at least 5 megawatts;*~~

~~*2. Emits a greenhouse gas; and*~~

~~*3. Generates electricity for sale.]*~~ **(Deleted by amendment.)**

Sec. 3. (Deleted by amendment.)

Sec. 4. ***"Greenhouse gas" means*** ~~*[:]*~~ ***any of the following gases, either alone or in combination:***

1. ***Carbon dioxide*** ~~*[;]*~~ ***(CO2);***
2. ***Hydrofluorocarbons;***
3. ***Methane*** ~~*[;]*~~ ***(CH4);***
4. ***Nitrous oxide*** ~~*[;]*~~ ***(N2O);***
5. ***Perfluorocarbons; and***

6. Sulphur hexafluoride ~~[.]~~ (SF6).

Sec. 5. ***1. In addition to any regulation adopted pursuant to NRS 445B.210 to prevent, abate and control air pollution, the Commission shall, by regulation ~~[, establish a statewide registry]~~ :***

(a) Mandate the reporting of all greenhouse gases emitted by each affected ~~[units]~~ unit in this State ~~[during the reporting period established by the Commission.]~~ for inclusion in a registry of greenhouse gas emissions; and

(b) Except as otherwise provided in subsection 3, establish the requirements for participation in the registry.

2. The regulations ~~[must]~~ may include, without limitation, provisions setting forth:

(a) The requirements and procedures for reporting emissions of greenhouse gases;

(b) Methods for ~~[identifying, measuring and otherwise]~~ determining the emissions of greenhouse gases that must be reported for inclusion in the registry;

(c) Methods for independently verifying the information reported for inclusion in the registry; and

(d) The reporting period, except that the period must not ~~[be longer than]~~ exceed 1 year.

3. The ~~[Commission may establish procedures for the inclusion]~~ requirements for participation in the registry ~~[of greenhouse gases emitted from a source other than]~~ established pursuant to paragraph (b) of subsection 1 must not prohibit a person who does not own or operate an affected unit ~~[.]~~ from voluntarily participating in the registry.

4. As used in this section:

(a) "Affected unit" means a unit for the generation of electricity that:

(1) Has a maximum design output capacity of not less than 5 megawatts;

(2) Emits a greenhouse gas; and

(3) Generates electricity for sale.

➥ The term does not include a unit that uses renewable energy, as defined in NRS 704.7811, to generate electricity.

(b) "Registry of greenhouse gas emissions" or "registry" means a repository or ongoing account of verified greenhouse gas emissions.

Sec. 6. (Deleted by amendment.)

Sec. 6.5. ***1. The Department shall, not later than December 31, 2008, and at least every 4 years thereafter, issue a statewide inventory of greenhouse ~~[gas emissions.]~~ gases released in this State.***

2. The inventory must include, without limitation:

(a) The ~~[sources,]~~ origins, types and amounts of ~~[the]~~ those greenhouse gases ; ~~[emitted in this State;]~~

(b) The Department's ~~[evaluation]~~ analysis of the ~~[emissions;]~~ information set forth in paragraph (a); and

(c) Documentation for the information set forth in paragraphs (a) and (b).

Sec. 7. NRS 445B.105 is hereby amended to read as follows:

445B.105 As used in NRS 445B.100 to 445B.640, inclusive, ***and sections 2 to 6.5, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 445B.110 to 445B.155, inclusive, ***and ~~[sections 2 and]~~ section 4 of this act*** have the meanings ascribed to them in those sections.

Sec. 8. NRS 445B.210 is hereby amended to read as follows:

445B.210 The Commission may:

1. Subject to the provisions of NRS 445B.215, adopt regulations consistent with the general intent and purposes of NRS 445B.100 to 445B.640, inclusive, ***and sections 2 to 6.5, inclusive, of this act*** to prevent, abate and control air pollution.

2. Establish standards for air quality.

3. Require access to records relating to emissions which cause or contribute to air pollution.

4. Cooperate with other governmental agencies, including other states and the Federal Government.

5. Establish such requirements for the control of emissions as may be necessary to prevent, abate or control air pollution.

6. By regulation:

(a) Designate as a hazardous air pollutant any substance which, on or after October 1, 1993, is on the federal list of hazardous air pollutants pursuant to 42 U.S.C. § 7412(b); and

(b) Delete from designation as a hazardous air pollutant any substance which, after October 1, 1993, is deleted from the federal list of hazardous air pollutants pursuant to 42 U.S.C. § 7412(b),

➥ based upon the Commission's determination of the extent to which such a substance presents a risk to the public health.

7. Hold hearings to carry out the provisions of NRS 445B.100 to 445B.640, inclusive, ***and sections 2 to 6.5, inclusive, of this act,*** except as otherwise provided in those sections.

8. Establish fuel standards for both stationary and mobile sources of air contaminants. Fuel standards for mobile sources of air contaminants must be established to achieve air quality standards that protect the health of the residents of the State of Nevada.

9. Require elimination of devices or practices which cannot be reasonably allowed without generation of undue amounts of air contaminants.

Sec. 9. NRS 445B.220 is hereby amended to read as follows:

445B.220 In carrying out the purposes of NRS 445B.100 to 445B.640, inclusive, ***and sections 2 to 6.5, inclusive, of this act,*** the Commission, in addition to any other action which may be necessary or appropriate to carry out ~~[such]~~ ***those*** purposes, may:

1. Cooperate with appropriate federal officers and agencies of the Federal Government, other states, interstate agencies, local governmental agencies and other interested parties in all matters relating to air pollution control in preventing or controlling the pollution of the air in any area.

2. Recommend measures for control of air pollution originating in this State.

Sec. 10. NRS 445B.230 is hereby amended to read as follows:

445B.230 The Department shall:

1. Make such determinations and issue such orders as may be necessary to implement the purposes of NRS 445B.100 to 445B.640, inclusive ~~[.]~~ ***, and sections 2 to 6.5, inclusive, of this act.***

2. Apply for and receive grants or other funds or gifts from public or private agencies.

3. Cooperate and contract with other governmental agencies, including other states and the Federal Government.

4. Conduct investigations, research and technical studies consistent with the general purposes of NRS 445B.100 to 445B.640, inclusive ~~[.]~~ ***, and sections 2 to 6.5, inclusive, of this act.***

5. Prohibit as specifically provided in NRS 445B.300 and 445B.320 and as generally provided in NRS 445B.100 to 445B.640, inclusive, ***and sections 2 to 6.5, inclusive, of this act*** the installation, alteration or establishment of any equipment, device or other article capable of causing air pollution.

6. Require the submission of such preliminary plans and specifications and other information as it deems necessary to process permits.

7. Enter into and inspect at any reasonable time any premises containing an air contaminant source or a source under construction for purposes of ascertaining compliance with NRS 445B.100 to 445B.640, inclusive ~~[.]~~ ***, and sections 2 to 6.5, inclusive, of this act.***

8. Specify the manner in which incinerators may be constructed and operated.

9. Institute proceedings to prevent continued violation of any order issued by the Director and to enforce the provisions of NRS 445B.100 to 445B.640, inclusive ~~[.]~~ ***, and sections 2 to 6.5, inclusive, of this act.***

10. Require access to records relating to emissions which cause or contribute to air pollution.

11. Take such action in accordance with the rules, regulations and orders promulgated by the Commission as may be necessary to prevent, abate and control air pollution.

Sec. 11. ~~[NRS 445B.500 is hereby amended to read as follows:~~

~~445B.500 1. Except as otherwise provided in this section and in NRS 445B.310:~~

~~(a) The district board of health, county board of health or board of county commissioners in each county whose population is 100,000 or more shall establish a program for the control of air pollution and administer the program within its jurisdiction unless superseded.~~

~~(b) The program:~~

~~(1) Must include, without limitation, standards for the control of emissions, emergency procedures and variance procedures established by ordinance or local regulation which are equivalent to or stricter than those established by statute or state regulation;~~

~~(2) May, in a county whose population is 400,000 or more, include requirements for the creation, receipt and exchange for consideration of credits to reduce and control air contaminants in accordance with NRS 445B.508; and~~

~~(3) Must provide for adequate administration, enforcement, financing and staff.~~

~~(c) The district board of health, county board of health or board of county commissioners is designated as the air pollution control agency of the county for the purposes of NRS 445B.100 to 445B.640, inclusive, and *sections 2 to 6.5, inclusive, of this act, and* the Federal Act insofar as it pertains to local programs, and that agency is authorized to take all action necessary to secure for the county the benefits of the Federal Act.~~

~~(d) Powers and responsibilities provided for in NRS 445B.210, 445B.240 to 445B.470, inclusive, 445B.560, 445B.570, 445B.580 and 445B.640 are binding upon and inure to the benefit of local air pollution control authorities within their jurisdiction.~~

~~2. The local air pollution control board shall carry out all provisions of NRS 445B.215 with the exception that notices of public hearings must be given in any newspaper, qualified pursuant to the provisions of chapter 238 of NRS, once a week for 3 weeks. The notice must specify with particularity the reasons for the proposed regulations and provide other informative details. NRS 445B.215 does not apply to the adoption of existing regulations upon transfer of authority as provided in NRS 445B.610.~~

~~3. In a county whose population is 400,000 or more, the local air pollution control board may delegate to an independent hearing officer or hearing board its authority to determine violations and levy administrative penalties for violations of the provisions of NRS 445B.100 to 445B.450, inclusive, and 445B.500 to 445B.640, inclusive, *and sections 2 to 6.5, inclusive, of this act* or any regulation adopted pursuant to those sections. If such a delegation is made, 17.5 percent of any penalty collected must be deposited in the county treasury in an account to be administered by the local air pollution control board to a maximum of $17,500 per year. The money in the account may only be used to defray the administrative expenses incurred by the local air pollution control board in enforcing the provisions of NRS 445B.100 to 445B.640, inclusive.[.] *, and sections 2 to 6.5, inclusive, of this act.* The remainder of the penalty must be deposited in the county school district fund of the county where the violation occurred.~~

~~4. Any county whose population is less than 100,000 or any city may meet the requirements of this section for administration and enforcement through cooperative or interlocal agreement with one or more other counties,~~

~~or through agreement with the State, or may establish its own program for the control of air pollution. If the county establishes such a program, it is subject to the approval of the Commission.~~

~~5. No district board of health, county board of health or board of county commissioners may adopt any regulation or establish a compliance schedule, variance order or other enforcement action relating to the control of emissions from plants which generate electricity by using steam produced by the burning of fossil fuel.~~

~~6. For the purposes of this section, "plants which generate electricity by using steam produced by the burning of fossil fuel" means plants that burn fossil fuels in a boiler to produce steam for the production of electricity. The term does not include any plant which uses technology for a simple or combined cycle combustion turbine, regardless of whether the plant includes duct burners.]~~ **(Deleted by amendment.)**

Sec. 12. (Deleted by amendment.)

Sec. 13. ~~[NRS 445B.540 is hereby amended to read as follows:~~

~~445B.540 1. A county or area whose local jurisdiction over air pollution control has been superseded may establish or restore a local air pollution control program if such program is approved as adequate by the Commission.~~

~~2. A district, county or city which has an air pollution control program in operation on July 1, 1971, may continue its program if within 1 year after July 1, 1971, the program is approved as adequate by the Commission. Such approval shall be deemed granted unless the Commission specifically disapproves the program after a public hearing. Nothing in NRS 445B.100 to 445B.640, inclusive, *and sections 2 to 6.5, inclusive, of this act* is to be construed as invalidating any rule, regulation, enforcement action, variance, permit, cease and desist order, compliance schedule, or any other legal action taken by any existing air pollution control authority pursuant to former NRS 445.400 to 445.595, inclusive, on or before July 1, 1971, unless it is specifically repealed, superseded or disapproved, pursuant to NRS 445B.215.]~~ **(Deleted by amendment.)**

Sec. 14. NRS 445B.590 is hereby amended to read as follows:

445B.590 1. The Account for the Management of Air Quality is hereby created in the State General Fund, to be administered by the Department.

2. Money in the Account for the Management of Air Quality must be expended only:

(a) To carry out and enforce the provisions of NRS 445B.100 to 445B.640, inclusive, and ***sections 2 to 6.5, inclusive, of this act and*** of any regulations adopted pursuant to those sections, including, without limitation, the direct and indirect costs of:

(1) Preparing regulations and recommendations for legislation regarding those provisions;

(2) Furnishing guidance for compliance with those provisions;

(3) Reviewing and acting upon applications for operating permits;

(4) Administering and enforcing the terms and conditions of operating permits;

(5) Monitoring emissions and the quality of the ambient air;

(6) Preparing inventories and tracking emissions;

(7) Performing modeling, analyses and demonstrations; and

(8) Establishing and administering a program for the provision of assistance, pursuant to 42 U.S.C. § 7661f, to small businesses operating stationary sources; and

(b) In any other manner required as a condition to the receipt of federal money for the purposes of NRS 445B.100 to 445B.640, inclusive ~~[.]~~ ***, and sections 2 to 6.5, inclusive, of this act.***

3. All interest earned on the money in the Account for the Management of Air Quality must be credited to the Account. Claims against the Account for the Management of Air Quality must be paid as other claims against the State are paid.

Sec. 15. NRS 445B.600 is hereby amended to read as follows:

445B.600 NRS 445B.100 to 445B.595, inclusive, ***and sections 2 to 6.5, inclusive, of this act*** does not abridge, limit, impair, create, enlarge or otherwise affect substantively or procedurally the right of any person to damages or other relief on account of injury to persons or property and to maintain any action or other appropriate proceeding therefor in the courts of this State or the courts of the United States on a tort claim against the United States or a federal agency as authorized by federal statutes.

Sec. 16. NRS 445B.610 is hereby amended to read as follows:

445B.610 1. All rules, regulations and standards promulgated by the State Commission of Environmental Protection pertaining to air pollution control in force on July 1, 1973, ~~[shall]~~ remain in effect until such time as revised by the State Environmental Commission pursuant to NRS 445B.100 to 445B.640, inclusive ~~[.]~~ ***, and sections 2 to 6.5, inclusive, of this act.***

2. Any and all action taken by the State Commission of Environmental Protection, including but not limited to existing orders, notices of violation, variances, permits, cease and desist orders and compliance schedules, shall remain in full force and effect and binding upon the State Environmental Commission, the Director, the Department and all persons to whom such action may apply on or after July 1, 1973.

3. In the event that a local air pollution control program described in NRS 445B.500 is transferred in whole or in part from an existing air pollution control agency to another agency, all rules and regulations adopted by the existing agency may be readopted as amended to reflect the transfer of authorities by the new agency immediately upon such transfer, and the provisions of NRS 445B.215 ~~[shall]~~ ***do*** not apply to such readoption.

4. If a transfer of local authority as described in subsection 3 occurs, all orders, notices of violation, variances, cease and desist orders, compliance schedules and other legal action taken by the existing air pollution control

board, control officer ~~[,]~~ or hearing board ~~[shall]~~ remain in full force and effect, and ~~[shall]~~ ***must*** not be invalidated by reason of such transfer.

Sec. 17. NRS 445B.640 is hereby amended to read as follows:

445B.640 1. Except as otherwise provided in subsection 4 and NRS 445C.010 to 445C.120, inclusive, any person who violates any provision of NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, ***and sections 2 to 6.5, inclusive, of this act,*** or any regulation in force pursuant thereto, other than NRS 445B.570 on confidential information, is guilty of a civil offense and shall pay an administrative fine levied by the Commission of not more than $10,000 per day per offense. Each day of violation constitutes a separate offense.

2. The Commission shall by regulation establish a schedule of administrative fines not exceeding $500 for lesser violations of any provision of NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, ***and sections 2 to 6.5, inclusive, of this act,*** or any regulation in force pursuant thereto.

3. Action pursuant to subsection 1 or 2 is not a bar to enforcement of the provisions of NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, ***and sections 2 to 6.5, inclusive, of this act,*** regulations in force pursuant thereto, and orders made pursuant to NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, ***and sections 2 to 6.5, inclusive, of this act*** by injunction or other appropriate remedy, and the Commission or the Director may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

4. Any person who fails to pay a fine levied pursuant to subsection 1 or 2 within 30 days after the fine is imposed is guilty of a misdemeanor. The provisions of this subsection do not apply to persons found by the court to be indigent.

5. All administrative fines collected by the Commission pursuant to this section must be deposited in the county school district fund of the county where the violation occurred.

Sec. 18. NRS 445C.030 is hereby amended to read as follows:

445C.030 "Environmental requirement" means a requirement contained in NRS 444.440 to 444.645, inclusive, 445A.300 to 445A.730, inclusive, 445B.100 to 445B.640, inclusive, ***and sections 2 to 6.5, inclusive, of this act,*** 459.400 to 459.600, inclusive, 459.700 to 459.856, inclusive, or 519A.010 to 519A.280, inclusive, or in a regulation adopted pursuant to any of those ~~[statutes.]~~ ***sections.***

Sec. 19. NRS 459.460 is hereby amended to read as follows:

459.460 1. NRS 459.400 to 459.600, inclusive, do not apply to any activity or substance which is subject to control pursuant to NRS 445A.300 to 445A.955, inclusive, and 459.010 to 459.290, inclusive, except to the extent that they can be applied in a manner which is not inconsistent with those sections.

2. The Director shall administer NRS 459.400 to 459.600, inclusive, in a manner which avoids duplication of the provisions of NRS 445A.300 to 445A.955, inclusive, and 445B.100 to 445B.640, inclusive, ***and sections 2 to 6.5, inclusive, of this act,*** and the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq.

Sec. 20. NRS 459.930 is hereby amended to read as follows:

459.930 1. Notwithstanding any other provision of law to the contrary and regardless of whether he is a participant in a program, a person who:

(a) Is a bona fide prospective purchaser is not liable for any response action or cleanup that may be required with respect to any real property pursuant to NRS 445A.300 to 445A.730, inclusive, 445B.100 to 445B.640, inclusive, ***and sections 2 to 6.5, inclusive, of this act,*** 459.400 to 459.600, inclusive, or any other applicable provision of law.

(b) Is an innocent purchaser is not liable for any response action or cleanup that may be required with respect to any real property pursuant to NRS 445A.300 to 445A.730, inclusive, 445B.100 to 445B.640, inclusive, ***and sections 2 to 6.5, inclusive, of this act,*** 459.400 to 459.600, inclusive, or any other applicable provision of law.

(c) Owns real property that:

(1) Is contiguous to or otherwise similarly situated with respect to; and

(2) Is or may be contaminated by a release or threatened release of a hazardous substance from,

➥ other real property that the person does not own, is not liable for any response action or cleanup that may be required with respect to the release or threatened release, provided that the person meets the requirements set forth in section 107(q)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9607(q)(1).

2. A person described in paragraph (a), (b) or (c) of subsection 1 shall report to the Division, in a manner prescribed by the Commission:

(a) Any of the following substances that are found on or at real property owned by the person:

(1) Hazardous substances at or above the required reporting levels designated pursuant to sections 102 and 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §§ 9602 and 9603; and

(2) Petroleum products of such type and in such amount as are required by the Division to be reported; and

(b) Any response action or cleanup that has been performed with respect to the real property described in paragraph (a).

3. The provisions of this section do not otherwise limit the authority of the Administrator, the Commission or the Division to require any person who is responsible for the contamination or pollution of real property, by improperly managing hazardous substances at or on that real property, to perform a response action or cleanup with respect to that real property.

4. If there are costs relating to a response action or cleanup that are incurred and unrecovered by the State of Nevada with respect to real property for which a bona fide prospective purchaser of the real property is not liable pursuant to the provisions of this section, the State of Nevada:

(a) Has a lien against that real property in an amount not to exceed the increase in the fair market value of the real property that is attributable to the response action or cleanup, which increase in fair market value must be measured at the time of the sale or other disposition of the real property; or

(b) May, with respect to those incurred and unrecovered costs and by agreement with the bona fide prospective purchaser of the real property, obtain from that bona fide prospective purchaser:

(1) A lien on any other real property owned by the bona fide prospective purchaser; or

(2) Another form of assurance or payment that is satisfactory to the Administrator.

5. The provisions of this section:

(a) Do not affect the liability in tort of any party; and

(b) Apply only to real property that is acquired on or after the date that is 60 days after May 26, 2003.

6. As used in this section:

(a) "Administrator" means the Administrator of the Division.

(b) "Bona fide prospective purchaser" has the meaning ascribed to it in section 101(40) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601(40).

(c) "Commission" means the State Environmental Commission.

(d) "Division" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

(e) "Hazardous substance" has the meaning ascribed to it in NRS 459.620.

(f) "Innocent purchaser" means a person who qualifies for the exemption from liability set forth in section 107(b)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9607(b)(3).

(g) "Participant" has the meaning ascribed to it in NRS 459.622.

(h) "Program" means a program of voluntary cleanup and relief from liability set forth in NRS 459.610 to 459.658, inclusive.

(i) "Response action" means any action to mitigate, attempt to mitigate or assist in the mitigation of the effects of a leak or spill of or an accident involving a hazardous substance, including, without limitation, any action to:

(1) Contain and dispose of the hazardous substance;

(2) Clean and decontaminate the area affected by the leak, spill or accident; or

(3) Investigate the occurrence of the leak, spill or accident.

Sec. 21. This act becomes effective on July 1, 2007.

Assemblyman Claborn moved the adoption of the amendment.

Remarks by Assemblyman Claborn.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 291.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1091.

AN ACT relating to local financial administration; expanding the purposes for which, in certain smaller counties, money may be expended from a school district fund established to stabilize the operation of the school district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for each county to receive a portion of the proceeds of an ad valorem tax levied against mining operations in that county and for each county treasurer to apportion certain amounts of those proceeds to each local government or other local entity. (NRS 362.170) Existing law also authorizes each school district that receives a portion of those proceeds to set aside a portion of the amount received for a fund to mitigate the adverse effects upon the school district that result from a decline in revenues from the tax on mining operations or the opening or closing of a mining operation in the county. (NRS 362.171) This bill expands those purposes to authorize school districts in counties with a population of less than ~~[15,000]~~ **5,000** (currently ~~[White Pine, Pershing, Lander, Mineral,]~~ Lincoln, Storey, Eureka and Esmeralda Counties) to use the money ~~[to retire outstanding debt and, if available revenues are below a certain amount, to use the money]~~ in the fund ~~[as the school district determines is necessary.]~~ **for certain specified purposes.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1**.** Chapter 354 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each school district to which money is apportioned by a county pursuant to subsection 2 of NRS 362.170 may set aside a percentage of the amount apportioned to establish a school district fund for mitigation. Except as otherwise provided in subsection 2, money from the fund may be used by the school district only to mitigate adverse effects upon the school district which result from:

(a) A decline in the revenue received by the school district from the tax on the net proceeds of minerals during the 2 fiscal years immediately preceding the current fiscal year; or

(b) The opening or closing of an extractive operation from the net proceeds of which revenue has been or is reasonably expected to be derived pursuant to chapter 362 of NRS.

2. A school district in a county whose population is less than ~~*[15,000 may:*~~

~~*(a) Use money from the fund to retire bonds issued by the school district or any other outstanding obligations of the school district.*~~

~~*(b) If]*~~ ***5,000 may, if the revenues available to the school district for the current fiscal year are less than 90 percent of the revenues available to the school district for the immediately preceding fiscal year, expend such money in the fund created pursuant to subsection 1*** ~~*[as the board of trustees of the school district determines is necessary.]*~~ ***to continue the district's instructional programs or those services and activities necessary to support the district's instructional programs which would otherwise be reduced or eliminated if not for the provisions of this section.***

Sec. 2. NRS 362.171 is hereby amended to read as follows:

362.171 ~~[1.]~~ Each county to which money is appropriated by subsection 1 of NRS 362.170 may set aside a percentage of that appropriation to establish a county fund for mitigation. Money from the fund may be appropriated by the board of county commissioners only to mitigate adverse effects upon the county, or the school district located in the county, which result from:

~~[(a)]~~ ***1.*** A decline in the revenue received by the county from the tax on the net proceeds of minerals during the 2 fiscal years immediately preceding the current fiscal year; or

~~[(b)]~~ ***2.*** The opening or closing of an extractive operation from the net proceeds of which revenue has been or is reasonably expected to be derived pursuant to this chapter.

~~[2. Each school district to which money is apportioned by a county pursuant to subsection 2 of NRS 362.170 may set aside a percentage of the amount apportioned to establish a school district fund for mitigation. Money from the fund may be used by the school district only to mitigate adverse effects upon the school district which result from:~~

~~(a) A decline in the revenue received by the school district from the tax on the net proceeds of minerals during the 2 fiscal years immediately preceding the current fiscal year; or~~

~~(b) The opening or closing of an extractive operation from the net proceeds of which revenue has been or is reasonably expected to be derived pursuant to this chapter.]~~

Sec. 3. This act becomes effective on July 1, 2007.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 422.
Bill read third time.
Remarks by Assemblyman Bobzien.
Roll call on Senate Bill No. 422:
YEAS—41.
NAYS—None.
EXCUSED—Cobb.
Senate Bill No. 422 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 291.
Bill read third time.
Remarks by Assemblyman Goicoechea.
Roll call on Assembly Bill No. 291:
YEAS—41.
NAYS—None.
EXCUSED—Cobb.
Assembly Bill No. 291 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 499, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 499 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 431; Senate Bills Nos. 106, 128, 237, 242, 288, 394, 425, 450, 452, 548, 549; Senate Joint Resolutions Nos. 2, 3 and 18; Senate Concurrent Resolution No. 17.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Katherine Dunn Elementary School: Cesar Aguero, Julian Baeza, Taylor Blake, Jesse Brock, Sean Byers, Mark Comia, Michael Darden, David Delazaro, Aniletzy Garcia, Christina Gouem, Austin Hanson, Taelor Hoffman, Benjamin Huerta, Chance Kazen, Kirsten Lealtad, Melissa Lopez,

Denzel Magpantay, Lisa Martin, Mazielle Martinez, Kayla Nocelo, Jaycob Nolte, Jaysen Nolte, Danielmyr Orpiada, Ryeli Pferschy, Ashlynn Rice, Jeovanie Sanchez, Karun Sharma, Kimberly Tovar, Danielle Van Heuklon, Trae Wells, Alexis Rhodes, Nicholas Martin, Karen Damon, Jayme Lealtad, Renee Brock and Deanna Layport.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Sam Macaluso.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from John R. Hummel Elementary School: Mona Ademe, Riley Chapman, Shayli Charles, Ryan Clark, Sage Cristostomo, Darby Dacus, Sadoria Manzano, Danielle Palmer, Ryan Pettrey, Ashlynn Poole, Dez' John Potter, Kaela Rodgers, Chesta Sarmiento, Matthew Simon, Ethan Tuilagi, Alikaya Lopez, Jose Corral, Negin Yazdkhasti, Austin Morrow, Rae Alfonso, Emani Bethley, Mackenzie Grobe, Amanda Kuhlman, Danny Lopez, Lexi Mansour, Romy Mansour, Sydnee Mansour, Javani Newton, Jade Pulcini, Tara Richardson, Keanu Torres, Madison Darrington, Matthew Grobe, Ignacio Lopez, Kimberly Lang, Christina Eagar, Rick Darrington, Betty Jane Parker, Jill Hochgraber, Marjory Hochgraber, Joseph Kennedy , Regina Clark, Dawn Dacus, Marie Bell Poole, Louisa Tuilagi and Debra Lopez.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Sferrazza.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Eileen Montgomery.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Neal Larsen and Marta Larsen.

Assemblyman Oceguera moved that the Assembly adjourn until Friday, June 1, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 5:09 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE ONE HUNDRED AND SEVENTEENTH DAY

CARSON CITY (Friday), June 1, 2007

Assembly called to order at 11:23 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Minister Bruce Henderson.

Lord, we're near the end of the week and the end of our work here. Thank You for the privilege of serving the people of Nevada. And thank You for the staff of wonderful people who have helped us on this journey. Please give us the strength and even the love we'll need to wrap things up.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Education, to which was referred Senate Bill No. 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Committee on Transportation, to which was rereferred Assembly Bill No. 595, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Senate Bill No. 393, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 144, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 342, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

Madam Speaker:

Your Concurrent Committee on Ways and Means, to which were referred Assembly Bills Nos. 280, 565, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 128, 445.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 182, Amendment No. 1056; Assembly Bill No. 440, Amendment No. 1064; Assembly Bill No. 624, Amendment No. 1070, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day receded from its action on Assembly Bill No. 110, Senate Amendment No. 711.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 418.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 50, Senate Amendment No. 759, and requests a conference, and appointed Senators Amodei, Wiener and Care as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 127, Senate Amendment No. 792, and requests a conference, and appointed Senators Washington, McGinness and Wiener as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 385, Senate Amendment No. 771, and requests a conference, and appointed Senators Heck, Schneider and Townsend as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 460, Senate Amendment No. 995, and requests a conference, and appointed Senators Washington, Cegavske and Raggio as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 461, Senate Amendment No. 803, and requests a conference, and appointed Senators McGinness, Hardy, and Lee as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 521, Senate Amendments Nos. 784, 1021, and requests a conference, and appointed Senators Amodei, Wiener and Care as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 585, Senate Amendment No. 713, and requests a conference, and appointed as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 73, 189, 226, 252, 462, 544, 573.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 927 to Senate Bill No. 196; Assembly Amendment No. 852 to Senate Bill No. 222; Assembly Amendment No. 700 to Senate Bill No. 310.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendments Nos. 945, 993 to Senate Bill No. 274; Assembly Amendment No. 836 to Senate Bill No. 303; Assembly Amendments Nos. 848, 1027 to Senate Bill No. 328; Assembly Amendments Nos. 930, 1017 to Senate Bill No. 354; Assembly Amendment No. 853 to Senate Bill No. 509; Assembly Amendment No. 1053 to Senate Bill No. 517.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 115.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 143.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Cegavske, Wiener and Nolan as a first Conference Committee concerning Senate Bill No. 5.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Heck, Carlton and Schneider as a first Conference Committee concerning Senate Bill No. 19.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Care, Nolan and McGinness as a first Conference Committee concerning Senate Bill No. 129.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Heck, Horsford and Washington as a first Conference Committee concerning Senate Bill No. 171.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Hardy, Lee and Beers as a first Conference Committee concerning Senate Bill No. 201.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Beers, Lee and Care as a first Conference Committee concerning Senate Bill No. 320.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Rhoads, McGinness and Schneider as a first Conference Committee concerning Senate Bill No. 329.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Horsford, Hardy and Titus as a first Conference Committee concerning Senate Bill No. 352.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Schneider, Hardy and Townsend as a first Conference Committee concerning Senate Bill No. 432.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Washington, Woodhouse and Heck as a first Conference Committee concerning Senate Bill No. 529.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Conklin, Gerhardt and Christensen as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 50.

Madam Speaker appointed Assemblymen Conklin, Horne, and Mabey as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 385.

Madam Speaker appointed Assemblymen Parnell, Kihuen, and Beers as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 460.

Madam Speaker appointed Assemblymen Parks, Pierce, and Allen as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 461.

Madam Speaker appointed Assemblymen McClain, Horne, and Weber as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 585.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Judiciary:

Assembly Concurrent Resolution No. 34—Requesting the return to the Assembly from the Governor's office of Assembly Bill No. 483 of this session.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblyman Anderson.

Resolution adopted.

Assemblyman Anderson moved that all rules be suspended and that Assembly Concurrent Resolution No. 34 be immediately transmitted to the Senate.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 73.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 189.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 226.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 252.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 462.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 544.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 573.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 499.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 1090.

AN ACT relating to school facilities; revising provisions governing the approval of certain plans, designs and specifications for, and the inspection of the construction and renovation of, school buildings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the board of trustees of a school district must, before letting a contract for the construction or renovation of a school building, submit the relevant plans, designs and specifications to the State Public Works Board for the Board's review and approval. Existing law provides exceptions to this requirement if certain standard plans, designs and specifications are used, or if the State Public Works Board enters into an agreement to have such functions performed by the building department of a county or city. (NRS 385.125, 393.110)

Section 4 of this bill provides that, in a county whose population is 400,000 or more (currently Clark County), existing law remains unchanged.

Section 4 provides that, in a county whose population is ~~[30,000 or more but]~~ less than 400,000 (currently ~~[Washoe, Elko, Douglas, Nye and Lyon Counties, and Carson City),]~~ **counties other than Clark County),** plans, designs and specifications pertaining to the construction or renovation of school buildings must be reviewed by, and the construction or renovation must be inspected by, the county building department or another local building department in the county. If there is no such department, the board of trustees of the school district is required to enter into an agreement with the State Public Works Board, a private ~~[entity]~~ **person certified by the International Code Council or its successor,** or a building department in another county to perform the necessary reviews and inspections.

~~[Section 4 provides that, in a county whose population is less than 30,000 (currently Churchill, Humboldt, White Pine, Pershing, Lander, Mineral, Lincoln, Storey, Eureka and Esmeralda Counties), plans, designs and~~

~~specifications pertaining to the construction or renovation of school buildings must be reviewed by, and the construction or renovation must be inspected by, the State Public Works Board. If the Board determines that the building department of the county or another local building department has the expertise to perform such functions, the Board may enter into an agreement with that department to perform the necessary reviews and inspections.]~~

Sections 4 and 5 of this bill clarify that the approval of the State Fire Marshal is not required for plans, designs and specifications of school buildings that are reviewed by a local building department or a private ~~[entity]~~ **person certified by the International Code Council or its successor** and, similarly, an inspection of the construction and renovation of school buildings by the State Fire Marshal is not required if ~~[such an]~~ **the** inspection is conducted by **such** a local building department or private ~~[entity.]~~ **person. However, in conducting reviews pursuant to section 4, the State Public Works Board, building department or private person, as applicable, is required to verify that the plans, designs and specifications comply with the applicable requirements of the relevant codes adopted by this State, including the applicable requirements of any relevant codes and regulations adopted by the State Fire Marshal.** (NRS 393.110, 477.030)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 278.580 is hereby amended to read as follows:

278.580 1. Subject to the limitation set forth in NRS 244.368, the governing body of any city or county may adopt a building code, specifying the design, soundness and materials of structures, and may adopt rules, ordinances and regulations for the enforcement of the building code.

2. The governing body may also fix a reasonable schedule of fees for the issuance of building permits. A schedule of fees so fixed does not apply to the State of Nevada ~~[,]~~ ***or*** the Nevada System of Higher Education **,** ~~[or any school district,]~~ except that such entities may ***enter into a*** contract with the governing body to pay such fees for the issuance of building permits, the review of plans and the inspection of construction. Except as it may agree to in such a contract, a governing body is not required to provide for the review of plans or the inspection of construction with respect to a structure of the State of Nevada ~~[,]~~ ***or*** the Nevada System of Higher Education **.** ~~[or any school district.]~~

3. Notwithstanding any other provision of law, the State and its political subdivisions shall comply with all zoning regulations adopted pursuant to this chapter, except for the expansion of any activity existing on April 23, 1971.

4. A governing body shall amend its building codes and, if necessary, its zoning ordinances and regulations to permit the use of:

(a) Straw or other materials and technologies which conserve scarce natural resources or resources that are renewable in the construction of a structure; and

(b) Systems which use solar or wind energy to reduce the costs of energy for a structure if such systems and structures are otherwise in compliance with applicable building codes and zoning ordinances, including those relating to the design, location and soundness of such systems and structures,

➥ to the extent the local climate allows for the use of such materials, technologies, resources and systems.

5. The amendments required by subsection 4 may address, without limitation:

(a) The inclusion of characteristics of land and structures that are most appropriate for the construction and use of systems using solar and wind energy.

(b) The recognition of any impediments to the development of systems using solar and wind energy.

(c) The preparation of design standards for the construction, conversion or rehabilitation of new and existing systems using solar and wind energy.

6. A governing body shall amend its building codes to include:

(a) The seismic provisions of the International Building Code published by the International Code Council; and

(b) Standards for the investigation of hazards relating to seismic activity, including, without limitation, potential surface ruptures and liquefaction.

Sec. 2. NRS 244.3675 is hereby amended to read as follows:

244.3675 Subject to the limitations set forth in NRS 244.368, 278.580, 278.582 and 444.340 to 444.430, inclusive, the boards of county commissioners within their respective counties may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county.

2. Adopt any building, electrical, housing, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, these fees do not apply to the State of Nevada ~~[,]~~ ***or*** the Nevada System of Higher Education **.** ~~[or any school district.]~~

Sec. 3. NRS 268.413 is hereby amended to read as follows:

268.413 Subject to the limitations contained in NRS 244.368, 278.580, 278.582 and 444.340 to 444.430, inclusive, the city council or other governing body of an incorporated city may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the city.

2. Adopt any building, electrical, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, these fees do not apply to the State of Nevada ~~[,]~~ ***or*** the Nevada System of Higher Education **.** ~~[or any school district.]~~

Sec. 4. NRS 393.110 is hereby amended to read as follows:

393.110 1. Each school district shall, in the design, construction and alteration of school buildings and facilities **,** comply with the applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. The requirements of this subsection are not satisfied if a school district complies solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

2. ~~[Except as otherwise provided in subsection 3:~~

~~(a) Unless]~~ ***In a county whose population is 400,000 or more:***

(a) Except as otherwise provided in paragraph (c), unless standard plans, designs and specifications are to be used as provided in NRS 385.125, before letting any contract or contracts for the erection of any new school building, the board of trustees of ~~[a]~~ ***the county*** school district shall submit ***the*** plans, designs and specifications ~~[therefor]~~ to, and obtain the written approval of the plans, designs and specifications by, the State Public Works Board. The State Public Works Board shall review the plans, designs and specifications and make any recommendations as expeditiously as practicable. The State Public Works Board is authorized to charge and collect, and the board of trustees ***of the county school district*** is authorized to pay, a reasonable fee for the payment of any costs incurred by the State Public Works Board in securing the approval of qualified architects or engineers of the plans, designs and specifications submitted by the board of trustees in compliance with the provisions of this paragraph.

(b) ~~[Before]~~ ***Except as otherwise provided in paragraph (c), before*** letting any contract or contracts for any addition to or alteration of an existing school building which involves structural systems, or exiting, sanitary or fire protection facilities, the board of trustees of ~~[a]~~ ***the county*** school district shall submit ***the*** plans, designs and specifications ~~[therefor]~~ to, and obtain the written approval of the plans, designs and specifications by, the State Public Works Board. The State Public Works Board shall review the plans, designs and specifications and make any recommendations as expeditiously as practicable. The State Public Works Board is authorized to charge and collect, and the board of trustees ***of the county school district*** is authorized to pay, a reasonable fee for the payment of any costs incurred by the State Public Works Board in securing the approval of qualified architects or engineers of the plans, designs and specifications submitted by the board of trustees in compliance with the provisions of this paragraph.

~~[➥ The State Public Works Board shall verify that all plans, designs and specifications that it reviews pursuant to this section comply with all applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto,~~

~~including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. The requirements of this subsection are not satisfied if the plans, designs and specifications comply solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.~~

~~3.~~] ***(c)*** The State Public Works Board may enter into an agreement with the appropriate building department of a county or city to review plans, designs and specifications of a school district pursuant to ~~[subsection 2.]~~ ***paragraph (a) or (b).*** If the State Public Works Board enters into such an agreement, the board of trustees of the school district shall submit a copy of its plans, designs and specifications for any project to which ~~[subsection 2]~~ ***paragraph (a) or (b)*** applies to the building department before commencement of the project for the approval of ~~[the]~~ ***that*** building department. The building department shall review the plans, designs and specifications and provide responsive comment as expeditiously as practicable **.** ~~[to]~~ ***The approval of the State Fire Marshal is not required for any plans, designs and specifications reviewed by a building department pursuant to this paragraph. A building department that has entered into an agreement pursuant to this paragraph is authorized to charge and collect, and the board of trustees of the county school district is authorized to pay, a reasonable fee for the review conducted pursuant to this paragraph.***

3. In a county whose population is ~~[30,000 or more but]~~ less than 400,000:

(a) Except as otherwise provided in paragraph (b), unless standard plans, designs and specifications are to be used as provided in NRS 385.125, before letting any contract or contracts for the erection of any new school building or for any addition to or alteration of an existing school building, the board of trustees of the county school district shall submit the plans, designs and specifications to, and obtain written approval of the plans, designs and specifications by, the building department of the county or another local building department in the county, as applicable, and all other local agencies or departments whose approval is necessary for the issuance of the appropriate permit. The approval of the State Fire Marshal is not required for any plans, designs and specifications reviewed by a building department pursuant to this paragraph.

(b) If there is no county building department or other local building department in the county in which the school district is located, the board of trustees of the school district shall enter into an agreement with the State Public Works Board, a private ~~[entity]~~ certificate holder or a local building department in another county to obtain the required reviews of the plans, designs and specifications and to have the required inspections conducted. The approval of the State Fire Marshal is not required for any plans, designs and specifications reviewed by a private ~~[entity]~~ certificate holder or local building department pursuant to this paragraph.

(c) A permit for construction must be issued before the school district commences construction.

(d) The county building department or other local building department, the State Public Works Board or the private ~~[entity,]~~ certificate holder, as applicable, shall conduct inspections of all work to determine compliance with the approved plans, designs and specifications. An inspection of the work by the State Fire Marshal is not required if the work is inspected by the private ~~[entity]~~ certificate holder or local building department.

(e) A department, agency ~~[or entity]~~ , private certificate holder or the State Public Works Board is authorized to charge and collect, and the board of trustees of the county school district is authorized to pay, a reasonable fee for:

(1) Review of the plans, designs or specifications as required by this subsection; or

(2) The inspections conducted pursuant to this subsection.

4. ~~[In a county whose population is less than 30,000:~~

~~(a) Except as otherwise provided in paragraph (d), unless standard plans, designs and specifications are to be used as provided in NRS 385.125, before letting any contract or contracts for the erection of any new school building or for any addition to or alteration of an existing school building, the board of trustees of the county school district shall submit the plans, designs and specifications to, and obtain written approval of the plans, designs and specifications by, the State Public Works Board and all other local agencies or departments whose approval is necessary for the issuance of the appropriate permit.~~

~~(b) A permit for construction must be issued before the school district commences construction.~~

~~(c) Except as otherwise provided in paragraph (d), the State Public Works Board shall conduct inspections of all work to determine compliance with the approved plans, designs and specifications.~~

~~(d) The State Public Works Board may, if it determines that the building department of the county or another local building department has the necessary expertise, enter into an agreement with the appropriate building department to allow that building department to review the plans, designs and specifications and conduct the inspections required by this subsection. If plans, designs and specifications were reviewed and an inspection was conducted by a building department pursuant to this paragraph, the approval of the plans, designs and specifications by and an inspection by the State Fire Marshal is not required.~~

~~(e) The State Public Works Board or a local building department is authorized to charge and collect, and the board of trustees of the county school district is authorized to pay, a reasonable fee for:~~

~~(1) The review of the plans, designs or specifications as required by this subsection; or~~

~~(2) The inspections conducted pursuant to this subsection.~~

~~*5.]*~~ ***In conducting reviews pursuant to this section, the State Public Works Board, building department or private*** ~~*[entity,]*~~ ***certificate holder, as applicable, shall*** verify that the plans, designs and specifications comply with ~~[all]~~ ***:***

(a) The applicable requirements of the relevant codes adopted by this State ~~*[,]*~~ ***, including, without limitation, the applicable requirements of any relevant codes and regulations adopted by the State Fire Marshal;***

(b) The applicable requirements of the relevant codes adopted by the local authority having jurisdiction; and

(c) All applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., inclusive, and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. ~~[The building department may charge and collect a reasonable fee from the board of trustees of the school district for the payment of any costs incurred by the building department in reviewing the plans, designs and specifications. A permit for construction must not be issued without the approval of the building department pursuant to this subsection.]~~ The requirements of this subsection are not satisfied if the plans, designs and specifications comply solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

~~[4.]~~ ~~*[6.]*~~ ***5.*** No contract for any of the purposes specified in ~~[subsection 1]~~ ***this section*** made by a board of trustees of a school district contrary to the provisions of this section is valid, nor shall any public money be paid for erecting, adding to or altering any school building in contravention of this section.

6. As used in this section, "private certificate holder" means a person who, as applicable, holds a valid certification issued by the International Code Council or its successor:

(a) To review plans, designs and specifications for the erection of, addition to or alteration of a school building;

(b) To inspect work to ensure that the erection of, addition to or alteration of a school building is carried out in conformance with the relevant plans, designs and specifications; or

(c) To perform the activities described in paragraphs (a) and (b).

Sec. 5. NRS 477.030 is hereby amended to read as follows:

477.030 1. Except as otherwise provided in this section, the State Fire Marshal shall enforce all laws and adopt regulations relating to:

(a) The prevention of fire.

(b) The storage and use of:

(1) Combustibles, flammables and fireworks; and

(2) Explosives in any commercial construction, but not in mining or the control of avalanches,

➥ under those circumstances that are not otherwise regulated by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.890.

(c) The safety, access, means and adequacy of exit in case of fire from mental and penal institutions, facilities for the care of children, foster homes, residential facilities for groups, facilities for intermediate care, nursing homes, hospitals, schools, all buildings, except private residences, which are occupied for sleeping purposes, buildings used for public assembly and all other buildings where large numbers of persons work, live or congregate for any purpose. As used in this paragraph, "public assembly" means a building or a portion of a building used for the gathering together of 50 or more persons for purposes of deliberation, education, instruction, worship, entertainment, amusement or awaiting transportation, or the gathering together of 100 or more persons in establishments for drinking or dining.

(d) The suppression and punishment of arson and fraudulent claims or practices in connection with fire losses.

➥ The regulations of the State Fire Marshal apply throughout the State, but, except with respect to state-owned or state-occupied buildings, his authority to enforce them or conduct investigations under this chapter does not extend to ***a school district*** ~~*[in a county whose population is 30,000 or more]*~~ ***except as otherwise provided in NRS 393.110, or*** a county whose population is 100,000 or more or which has been converted into a consolidated municipality, except in those local jurisdictions in those counties where he is requested to exercise that authority by the chief officer of the organized fire department of that jurisdiction or except as otherwise provided in a regulation adopted pursuant to paragraph (b) of subsection 2.

2. The State Fire Marshal may:

(a) Set standards for equipment and appliances pertaining to fire safety or to be used for fire protection within this State, including the threads used on fire hose couplings and hydrant fittings; and

(b) Adopt regulations based on nationally recognized standards setting forth the requirements for fire departments to provide training to firefighters using techniques or exercises that involve the use of fire or any device that produces or may be used to produce fire.

3. The State Fire Marshal shall cooperate with the State Forester Firewarden in the preparation of regulations relating to standards for fire retardant roofing materials pursuant to paragraph (e) of subsection 1 of NRS 472.040.

4. The State Fire Marshal shall cooperate with the Division of Child and Family Services of the Department of Health and Human Services in establishing reasonable minimum standards for overseeing the safety of and directing the means and adequacy of exit in case of fire from family foster homes and group foster homes.

5. The State Fire Marshal shall coordinate all activities conducted pursuant to 15 U.S.C. §§ 2201 et seq. and receive and distribute money allocated by the United States pursuant to that act.

6. Except as otherwise provided in subsection 10, the State Fire Marshal shall:

(a) Investigate any fire which occurs in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature.

(b) Investigate any fire which occurs in a county whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature, if requested to do so by the chief officer of the fire department in whose jurisdiction the fire occurs.

(c) Cooperate with the Commissioner of Insurance, the Attorney General and the Fraud Control Unit established pursuant to NRS 228.412 in any investigation of a fraudulent claim under an insurance policy for any fire of a suspicious nature.

(d) Cooperate with any local fire department in the investigation of any report received pursuant to NRS 629.045.

(e) Provide specialized training in investigating the causes of fires if requested to do so by the chief officer of an organized fire department.

7. The State Fire Marshal shall put the National Fire Incident Reporting System into effect throughout the State and publish at least annually a summary of data collected under the System.

8. The State Fire Marshal shall provide assistance and materials to local authorities, upon request, for the establishment of programs for public education and other fire prevention activities.

9. The State Fire Marshal shall:

(a) ~~[Assist]~~ ***Except as otherwise provided in NRS 393.110, assist*** in checking plans and specifications for construction;

(b) Provide specialized training to local fire departments; and

(c) Assist local governments in drafting regulations and ordinances,

➥ on request or as he deems necessary.

10. Except as otherwise provided in this subsection ***,*** ~~*[and NRS 393.110,]*~~ in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, the State Fire Marshal shall, upon request by a local government, delegate to the local government by interlocal agreement all or a portion of his authority or duties if the local government's personnel and programs are, as determined by the State Fire Marshal, equally qualified to perform those functions. If a local government fails to maintain the qualified personnel and programs in accordance with such an agreement, the State Fire Marshal shall revoke the agreement. The provisions of this subsection do not apply to the authority of the State Fire Marshal to adopt regulations pursuant to paragraph (b) of subsection 2.

11. The State Fire Marshal may, as a public safety officer or as a technical expert on issues relating to hazardous materials, participate in any local, state or federal team or task force that is established to conduct enforcement and interdiction activities involving:

(a) Commercial trucking;

(b) Environmental crimes;

(c) Explosives and pyrotechnics;

(d) Drugs or other controlled substances; or

(e) Any similar activity specified by the State Fire Marshal.

Sec. 6. This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 595 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 595.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1101.

AN ACT relating to vehicles; making various changes regarding the imposition, reporting, payment, collection, refunding, administration and enforcement of certain taxes on fuels; **providing for the issuance of bonds by the county fair and recreation board in certain counties to assist in the funding of highway projects in the county;** allocating a portion of the proceeds of certain taxes and fees to the construction and maintenance of public highways; ~~[increasing the maximum maturity period allowed for certain special obligation bonds issued to finance highway construction projects;]~~ **requiring analyses of the costs and benefits of proposals for certain highway projects; requiring annual performance measurements of and various periodic reports by the Department of Transportation;** ~~[requiring]~~ **revising the provisions governing the fees charged by** a short-term lessor of a passenger car **;** ~~[to impose a recovery surcharge fee; providing for the imposition and payment of a licensing fee on the operation of certain heavyweight vehicles;]~~ providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a taxpayer is entitled to receive interest on an overpayment of taxes. (NRS 360.2935, 360A.110) Section 2 of this bill

provides that no interest will be paid on an overpayment of taxes on fuels if the overpayment is made intentionally or carelessly.

Under existing law, if the Department of Motor Vehicles issues a deficiency determination against a taxpayer for underpayment of taxes on fuels, the taxpayer may file a petition for redetermination and seek an oral hearing on the petition. (NRS 360A.160, 360A.180) Section 3 of this bill changes the hearing to an administrative hearing.

Under existing law, persons licensed under chapter 365 of NRS are required to submit reports and pay excise taxes to the Department for motor vehicle and other fuels subject to that chapter. (NRS 365.170, 365.175) Section 5 of this bill imposes similar requirements on unlicensed persons who collect such excise taxes.

Existing law in chapter 366 of NRS concerning taxes on special fuels includes provisions relating to the confidentiality of records, the unlawful disclosure of information, false or fraudulent reports, and the sealing of fuel pumps. (NRS 366.160, 366.180, 366.710, 366.715) Sections 6-9 of this bill add similar provisions to chapter 365 of NRS concerning taxes on motor vehicle and other fuels.

Under existing law, licenses issued pursuant to chapter 365 of NRS for dealers, suppliers, transporters and exporters are valid until suspended, revoked or cancelled. (NRS 365.304) Section 15 of this bill limits the validity of each such license to 1 year and requires the Department to adopt regulations providing for the renewal of such licenses.

Existing law in chapter 366 of NRS concerning taxes on special fuels includes provisions governing the due date of such taxes. (NRS 366.370) Section 18 of this bill adds similar provisions to chapter 365 of NRS concerning taxes on motor vehicle and other fuels. (NRS 365.330)

Section 21 of this bill increases the power of the Department and its agents to make examinations and inspections, including the power to stop and inspect motor vehicles that are using or transporting motor vehicle and other fuels, to determine whether all excise taxes due pursuant to chapter 365 of NRS are being properly reported and paid. (NRS 365.500)

Under existing law, persons licensed under chapter 366 of NRS are required to file tax returns and pay excise taxes to the Department for special fuels subject to that chapter. (NRS 366.380, 366.383, 366.386, 366.540) Section 26 of this bill imposes similar requirements on unlicensed persons who collect such excise taxes.

Existing law in chapter 365 of NRS concerning taxes on motor vehicle and other fuels includes provisions relating to the liability of a person for willfully failing to collect or pay excise taxes, the records that must be maintained by retailers, the payment of the costs of prosecuting violations, and the enforcement of the provisions of the chapter by county sheriffs and other peace officers. (NRS 365.351, 365.510, 365.590, 365.610) Sections 27-30 of this bill add similar provisions to chapter 366 of NRS concerning taxes on special fuel.

Under existing law, licenses issued pursuant to chapter 366 of NRS for special fuel dealers, special fuel suppliers, special fuel transporters and special fuel exporters are valid until suspended, revoked or cancelled, and licenses for special fuel users are valid for 1 year. (NRS 366.260) Section 36 of this bill limits the validity of each such license to 1 year and requires the Department to adopt regulations providing for the renewal of such licenses.

Section 46 of this bill revises the provisions in NRS 366.720 that establish various violations and penalties relating to taxes on special fuels by specifying that each day during which such a violation occurs constitutes a separate offense.

Section 46.5 of this bill requires the county fair and recreation board in a county whose population is 400,000 or more (currently Clark County) to issue, under certain conditions, bonds to assist in the funding of highway projects in that county. Section 55.3 of this bill requires annual reports by the Department of Transportation on the projects undertaken with that funding.

Existing law authorizes a county to impose an ad valorem tax for capital projects in the amount of 5 cents per $100 of the assessed valuation of the county. (NRS 354.59815) Section 47 of this bill requires the allocation of **an incrementally increasing portion, which will not exceed** 60 percent **,** of the proceeds of any such tax imposed in a county with a population of ~~[400,000]~~ **100,000** or more (currently Clark ~~[County)]~~ **and Washoe Counties)** to the State Highway Fund for use in the construction and maintenance of the public highways in that county.

~~[Existing law authorizes the issuance of special obligation bonds of the State to provide money for highway construction projects, and limits the term of those bonds to not more than 20 years. (NRS 408.273) Section 48 of this bill extends that limitation to not more than 30 years.]~~

Section 47.2 of this bill requires the adoption of performance measurements for the Department of Transportation and annual reports of performance. Section 47.3 of this bill requires the Department to prepare a written analysis of the costs and benefits of each proposal for a highway project that will cost $25 million or more. Section 55.5 of this bill requires quarterly reports by the Department on the status of certain proposed highway projects.

Existing law authorizes a short-term lessor of a passenger car to impose a recovery surcharge of 4 percent of the total amount for which the car is leased. (NRS 482.313) Section 49 of this bill mandates the imposition of that fee and requires the deposit of ~~[half]~~ **one-quarter of** the proceeds thereof into the State Highway Fund for use in the construction and maintenance of the public highways.

~~[Section 50 of this bill provides for the imposition and payment of a licensing fee for the operation of certain heavyweight vehicles by motor carriers in this State in the amount of 15 cents per mile traveled. Section 52 provides for the prepayment of this licensing fee by a person who obtains a~~

~~temporary permit to operate such a vehicle in this State. Section 54 provides that any violation of the requirements regarding this licensing fee constitutes a misdemeanor.]~~

Existing law prescribes a maximum amount of $15 per day that a short-term lessor of vehicles may charge for a waiver of damages. (NRS 482.31565) Section 49.5 of this bill increases that amount to $22 and provides for subsequent annual increases in that amount based upon increases in the Consumer Price Index.

Existing law prescribes a maximum amount of $5 per day that a short-term lessor of vehicles may charge for more than one additional driver. (NRS 482.3158) Section 49.7 of this bill increases that amount to $10, provides for subsequent annual increases in that amount based upon increases in the Consumer Price Index and authorizes the imposition of the charge for any additional drivers.

Existing law authorizes a purchaser of motor vehicle fuel or special fuel from a supplier to apply to the Department for a permit to defer payment of the taxes to the supplier, and authorizes the supplier to deduct from his tax payments to the Department the amount of such deferred taxes. (NRS 365.326, 365.328, 366.397, 366.540) Sections 42 and 55 of this bill delete or repeal those provisions. Section 55 also repeals NRS 366.360 because its provisions are being added to NRS 366.350 by section 38 of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 360A.050 is hereby amended to read as follows:

360A.050 ~~[Except for any payments authorized pursuant to NRS 365.328, 365.340, 366.375 and 366.397, if]~~ ***If*** the Department grants an extension of time for paying any amount required to be paid pursuant to chapter 365, 366 or 373 of NRS or NRS 590.120 or 590.840, a person who pays the amount within the period for which the extension is granted shall pay, in addition to the amount owing, interest at the rate of 1 percent per month from the date the amount would have been due without the extension until the date of payment.

Sec. 2. NRS 360A.110 is hereby amended to read as follows:

360A.110 ~~[In]~~

1. Except as otherwise provided in subsection 2, in making a determination, the Department may offset overpayments for a period or periods, together with interest on the overpayments, against underpayments for another period or periods or against penalties and the interest on underpayments.

2. No interest is allowed on any overpayment that the Department determines has been made intentionally or by reason of careless reporting.

Sec. 3. NRS 360A.180 is hereby amended to read as follows:

360A.180 1. If a petition for redetermination is filed within the period prescribed in NRS 360A.160, the Department shall reconsider the

determination and, if the person has so requested in the petition, grant the person an ~~[oral]~~ ***administrative*** hearing and give him at least 10 days' notice of the time and place of the hearing.

2. ~~[The Department may continue the]~~ ***Any*** hearing ***held pursuant to subsection 1 may be continued*** from time to time as may be necessary.

3. A petitioner aggrieved by the decision of the Department may appeal the decision by submitting a written request to the Department for an administrative hearing not more than 30 days after notice of the redetermination was made by the Department.

Sec. 4. Chapter 365 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 9, inclusive, of this act.

Sec. 5. ***Every person not licensed pursuant to this chapter who collects an excise tax shall:***

1. Not later than the last day of each calendar month, submit a statement to the Department of all such taxes collected during the preceding calendar month; and

2. In accordance with the provisions of NRS 365.330, pay the tax to the Department.

Sec. 6. ***All supporting schedules, invoices and other pertinent papers relating to the business affairs and operations of any supplier, dealer, exporter or transporter, and any information obtained by an investigation of the records and equipment of any supplier, dealer, exporter or transporter, shall be deemed confidential and must not be revealed to any person except as necessary to administer this chapter or as otherwise provided by law.***

Sec. 7. ***1. It is unlawful for the Department or any person having an administrative duty under this chapter to divulge or to make known in any manner whatever the business affairs, operations or information obtained by an investigation or examination of the records of any person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof set forth or disclosed in any report, or to permit any report or copy thereof to be seen or examined by any person except as otherwise provided in section 6 of this act and NRS 365.140.***

2. Any violation of the provisions of subsection 1 is a gross misdemeanor.

Sec. 8. ***Any person required to make, submit, sign or verify any report who makes any false or fraudulent report with intent to defeat or evade the assessment required by law to be made is guilty of a gross misdemeanor.***

Sec. 9. ***1. The Department may seal a fuel pump of a retailer or dealer, or the metered pipes and hoses of a rack of a dealer or supplier, if the retailer, dealer or supplier:***

(a) Becomes delinquent in payment of any amount due pursuant to the provisions of this chapter;

(b) Operates without the license required by the provisions of this chapter; or

(c) Operates without the bond or cash deposit required by the provisions of this chapter.

2. A fuel pump of a retailer or dealer, or the metered pipes and hoses of a rack of a dealer or supplier, may be sealed until all required reports are filed, the tax, penalties and interest are paid in full, the required license is obtained and the bond or cash deposit is provided.

3. Before sealing a fuel pump or the metered pipes and hoses of a rack, the Department must send a notice by registered or certified mail to the retailer, dealer or supplier at his last known address ordering him to appear before the Department at a time not less than 10 days after the mailing of the notice and show cause why the fuel pump or the metered pipes and hoses of the rack should not be sealed.

Sec. 10. NRS 365.092 is hereby amended to read as follows:

365.092 "Transporter" means a person, except a supplier or an exporter licensed pursuant to this chapter, who transports motor vehicle fuel or fuel for jet or turbine-powered aircraft ***by pipeline, rail or truck*** in interstate commerce to or from any point within this State, or solely within this State.

Sec. 11. NRS 365.140 is hereby amended to read as follows:

365.140 The Department ~~[shall,]~~ ***may,*** upon a request from the officials to whom is entrusted the enforcement of the motor vehicle fuel tax laws of any other state, if the other state furnishes ~~[like]~~ ***similar*** information to this State, forward any information which it may have in its possession relative to the manufacture, receipt, ***storage, delivery,*** sale, use, transportation ***,*** ~~[or]~~ shipment ***or other disposition*** by any ***supplier, dealer, exporter, transporter or other*** person of motor vehicle fuel or fuel for jet or turbine-powered aircraft.

Sec. 12. NRS 365.170 is hereby amended to read as follows:

365.170 Except as otherwise provided in NRS 365.135, every dealer shall ~~[, not]~~ ***:***

1. Not later than the last day of each calendar month ~~[:~~

~~1. Render]~~ ***, submit*** to the Department a statement of all aviation fuel and fuel for jet or turbine-powered aircraft sold, distributed or used by him in this State, as well as all such fuel sold, distributed or used in this State by a purchaser thereof upon which sale, distribution or use the dealer has assumed liability for the tax thereon pursuant to NRS 365.020, during the preceding calendar month; and

2. ~~[Pay]~~ ***In accordance with the provisions of NRS 365.330, pay*** an excise tax on:

(a) All fuel for jet or turbine-powered aircraft in the amount of 1 cent per gallon, plus any applicable amount imposed pursuant to NRS 365.203; and

(b) Aviation fuel in the amount of 2 cents per gallon, plus any applicable amount imposed pursuant to NRS 365.203,

➥ so sold, distributed or used **.** ~~[, in the manner and within the time prescribed in this chapter.]~~

Sec. 13. NRS 365.175 is hereby amended to read as follows:

365.175 Except as otherwise provided in NRS 365.135, every supplier shall ~~[, not]~~ ***:***

1. Not later than the last day of each calendar month ~~[:~~

~~1. Submit]~~ ***, submit*** to the Department a statement of all motor vehicle fuel, except aviation fuel, sold, distributed or used by him in this State ~~[;]~~ ***during the preceding calendar month;*** and

2. ~~[Pay]~~ ***In accordance with the provisions of NRS 365.330, pay*** an excise tax on all motor vehicle fuel, except aviation fuel, in the amount of 17.65 cents per gallon ***so*** sold, distributed or used **.** ~~[in the manner prescribed in this chapter.]~~

Sec. 14. NRS 365.290 is hereby amended to read as follows:

365.290 1. Before granting any application for a license as a dealer or supplier, the Department shall require the applicant to file with the Department a bond executed by the applicant as principal, and by a corporation qualified under the laws of this State as surety, payable to this State and conditioned upon the faithful performance of all the requirements of this chapter and upon the punctual payment of all excise taxes, penalties and other obligations of the applicant as a dealer or supplier.

2. The total amount of the bond or bonds required of any dealer or supplier must be fixed by the Department at three times the estimated maximum monthly tax, determined in such a manner as the Department deems proper, or $1,000, whichever is greater. If ~~[the Department determines that]~~ a person is habitually delinquent in the payment of amounts due pursuant to this chapter, ~~[it]~~ ***the Department*** may increase the amount of his security to not more than five times the estimated maximum monthly tax. When cash or a savings certificate, certificate of deposit or investment certificate is used, the amount required must be rounded off to the next larger integral multiple of $100, within the same upper limit.

3. The Department may increase or decrease the amount of security required by this section subject to the limitations provided in this section.

4. No recovery on any bond, ~~[nor the]~~ execution of any new bond, ~~[nor the]~~ ***or*** revocation, cancellation or suspension of any license **,** affects the validity of any bond.

5. In lieu of any bond or bonds, a dealer or supplier may deposit with the Department, under such terms and conditions as the Department may prescribe, ~~[a like]~~ ***an equivalent*** amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is unavailable for withdrawal except upon order of the Department.

6. If the amount of security required by this section is decreased pursuant to subsection 3, the Department shall immediately reinstate the

original requirements for a bond for a holder of a license as a dealer or supplier upon his:

(a) Lack of faithful performance of the requirements of this chapter; or

(b) Failure to pay punctually all taxes, fees, penalties and interest due the State of Nevada.

7. For the purposes of this section, a person is "habitually delinquent" if, within any 12-month period, the person commits each of the following acts or commits either of the following acts more than once:

(a) Fails timely to file a monthly tax return, unless the Department determines that:

(1) The failure to file was caused by circumstances beyond the control of the person and occurred notwithstanding the exercise of ordinary care; and

(2) The person has paid any penalty and interest imposed by the Department because of the failure to file.

(b) Fails timely to submit to the Department any tax collected by the person pursuant to this chapter.

Sec. 15. NRS 365.304 is hereby amended to read as follows:

365.304 ***1.*** A license issued pursuant to this chapter:

~~[1.]~~ ***(a)*** Is valid ~~[until]~~ ***for 1 year, unless*** suspended, revoked or cancelled.

~~[2.]~~ ***(b)*** Is not transferable.

2. The Department shall adopt regulations providing for the renewal of such licenses.

Sec. 16. NRS 365.306 is hereby amended to read as follows:

365.306 If any person ceases to be a dealer, supplier, exporter or transporter within this State by reason of the discontinuance, sale or transfer of his business, he shall:

1. Notify the Department in writing at the time the discontinuance, sale or transfer takes effect. The notice must give the date of the discontinuance, sale or transfer, and the name and address of any purchaser or transferee.

2. Surrender to the Department the license issued to him pursuant to this chapter.

3. If he is:

(a) A dealer, file a monthly tax return and pay all taxes, interest and penalties required pursuant to chapter 360A of NRS and NRS 365.170 and 365.203 on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

(b) A supplier, file a monthly tax return and pay all taxes, interest and penalties required pursuant to chapter 360A of NRS and NRS 365.175 to 365.192, inclusive, on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

(c) An exporter, file the report required pursuant to NRS 365.515 on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

(d) A transporter, file the report required pursuant to NRS 365.520 ~~[within 25 days after the end]~~ ***on or before the last day*** of the month ***following the month*** of the discontinuance, sale or transfer of the business.

Sec. 17. NRS 365.324 is hereby amended to read as follows:

365.324 1. Except as otherwise provided in ~~[subsections 2 and 3,]~~ ***subsection 2,*** each supplier who sells or distributes motor vehicle fuel, other than aviation fuel, shall, at the time the motor vehicle fuel is distributed from a terminal, collect the taxes imposed pursuant to NRS 365.175 to 365.192, inclusive.

2. ~~[A supplier may sell motor vehicle fuel, other than aviation fuel, to a purchaser without collecting the taxes imposed pursuant to NRS 365.175 to 365.192, inclusive, if the purchaser of the motor vehicle fuel:~~

~~(a) Has been issued a permit by the Department pursuant to NRS 365.328; and~~

~~(b) Elects to defer payment of the taxes.~~

~~3.]~~ A supplier shall not collect the taxes imposed pursuant to NRS 365.175 to 365.192, inclusive, if the purchaser of the motor vehicle fuel is:

(a) A supplier; or

(b) An exporter.

3. A supplier or exporter shall not purchase motor vehicle fuel on which the tax has been paid, except that a newly licensed supplier or exporter may purchase such fuel during its first month of operation.

4. A supplier who sells motor vehicle fuel, other than aviation fuel, to any other supplier shall keep such records of the transaction as the Department may require. The Department shall adopt regulations setting forth:

(a) The records which must be kept by ~~[the dealer]~~ ***a supplier*** pursuant to this subsection; and

(b) The period for which those records must be kept ***.*** ~~[by the dealer.]~~

Sec. 18. NRS 365.330 is hereby amended to read as follows:

365.330 1. The excise taxes ~~[prescribed in]~~ ***imposed by*** this chapter ~~[must be paid on or before the last day of each calendar month to the Department.]~~ ***are due on or before the last day of the first month following the month to which they relate.***

2. If the due date falls on a Saturday, Sunday or legal holiday, the next business day is the final due date.

3. Payment shall be deemed received on the date shown by the cancellation mark stamped by the United States Postal Service or the postal service of any other country upon an envelope containing payment properly addressed to the Department.

4. The Department shall deliver the taxes to the State Treasurer, who shall provide ~~[to the dealer, supplier or user]~~ a receipt for the payment of the taxes ~~[.~~

~~2.]~~ ***to the person who made the payment.***

5. Except as otherwise provided in subsection ~~[3:]~~ ***6:***

(a) From the tax found to be due upon any statement submitted by a dealer pursuant to NRS 365.170, the dealer may retain an amount equal to 2 percent of the amount of the tax collected to cover the dealer's costs of collection of the tax and of compliance with this chapter, and the dealer's handling losses occasioned by evaporation, spillage or other similar causes.

(b) Each supplier may retain an amount equal to 2 percent of the amount of the tax collected by the supplier to cover the supplier's costs of collection of the tax and of compliance with this chapter, and the supplier's handling losses occasioned by evaporation, spillage or other similar causes.

~~[3.]~~ ***6.*** A dealer or supplier who fails to submit a tax return when due pursuant to this chapter or fails to pay the tax when due pursuant to this chapter is not entitled to retain any of the amount authorized pursuant to subsection ~~[2]~~ ***5*** for any month for which a tax return is not filed when due or a payment is not made when due.

~~[4.]~~ ***7.*** If the Department determines that a dealer or supplier ***, or any unlicensed person who collects an excise tax,*** has failed to submit a tax return when due pursuant to this chapter or failed to pay the tax when due pursuant to this chapter, the Department may order the dealer ***,*** ~~[or]~~ supplier ***or unlicensed person*** to hold the amount of all taxes collected pursuant to this chapter in a separate account in trust for the State. The dealer ***,*** ~~[or]~~ supplier ***or unlicensed person*** shall comply with the order immediately upon receiving notification of the order from the Department.

Sec. 19. NRS 365.340 is hereby amended to read as follows:

365.340 1. If the amount of any excise tax for any month is not paid to the State on or before the ~~[last day of the next month,]~~ ***date due,*** it becomes delinquent at the close of business on that day. ~~[A dealer, supplier or user may have up to 15 additional days to make the payment if he makes written application to the Department on or before the day the payment is due and the Department finds good cause for the extension.]~~

2. The proceeds from any penalty levied for the delinquent payment of an excise tax must be deposited with the State Treasurer to the credit of the State Highway Fund.

Sec. 20. NRS 365.370 is hereby amended to read as follows:

365.370 Any person who exports any motor vehicle fuel or fuel for jet or turbine-powered aircraft from this State, or who sells any such fuel to the United States Government for official use of the United States Armed Forces, or who buys and uses any such fuel for purposes other than for the propulsion of motor vehicles or jet or turbine-powered aircraft, and who has paid any tax on such fuel levied or directed to be paid as provided by this chapter, either directly by the collection of the tax by the vendor from the customer or indirectly by the addition of the amount of the tax to the price of the fuel, must be reimbursed and repaid the amount of the tax so paid by him ***,*** except as follows:

1. ~~[Refund claims]~~ ***Claims for refunds*** must be paid by prescribed classes in accordance with the ~~[department's regulations.]~~ ***regulations of the Department.***

2. The minimum claim for ***a*** refund must be based on at least 200 gallons ***of such fuel*** purchased ~~[and used]~~ in ***this State within*** a 6-month period ~~[.]~~ ***which is used for a purpose that is exempt from payment of the excise taxes imposed by this chapter.***

3. No refund of motor vehicle fuel taxes may be made for off-highway use of motor vehicle fuel consumed in watercraft in this State for recreational purposes.

4. A person who exports, sells, buys or uses aviation fuel for any purpose is not entitled to reimbursement of any tax paid by him on such fuel.

Sec. 21. NRS 365.500 is hereby amended to read as follows:

365.500 1. Every dealer, supplier, exporter and transporter shall cause to be kept a true record, in such form as may be prescribed or approved by the Department, of all stocks of motor vehicle fuel and fuel for jet or turbine-powered aircraft and of other inflammable or combustible liquids, and of all manufacture, refining, compounding, blending, purchases, receipts, exportations, transportations, use, sales and distribution thereof.

2. The ***Department or its authorized agents may:***

(a) Examine the books, records, papers and equipment of any dealer, supplier, exporter or transporter of such fuel or liquids, or of any other person transporting or storing such fuel or liquids;

(b) Investigate the character of the disposition which any person makes of such fuel or liquids; and

(c) Stop and inspect a motor vehicle that is using or transporting such fuel or liquids,

➥ to determine whether all excise taxes due pursuant to this chapter are being properly reported and paid.

3. Books and records ~~[are subject to inspection at all times within business hours by the Department or its authorized agents, and]~~ ***subject to examination pursuant to subsection 2*** must remain available for ~~[inspection]~~ ***examination*** for a period of 4 years after the date of any entry therein.

~~[3.]~~ ***4.*** If a dealer, supplier, exporter or transporter wishes to keep proper books and records pertaining to business done in Nevada elsewhere than within the State of Nevada for inspection as provided in this section, he must pay a fee for the examination in an amount per day equal to the amount set by law for out-of-state travel for each day or fraction thereof during which the examiner is actually engaged in examining those books and records, plus the actual expenses of the examiner during the time that the examiner is absent from this State for the purpose of making the examination, but the time must not exceed 1 day going to and 1 day coming from the place where the examination is to be made in addition to the number of days or fractions thereof the examiner is actually engaged in auditing those books and records.

Not more than two such examinations may be charged against any dealer, supplier, exporter or transporter in any year.

~~[4.]~~ ***5.*** Any money received must be deposited by the Department to the credit of the fund or operating account from which the expenditures for the examination were paid.

~~[5.]~~ ***6.*** Upon the demand of the Department, each dealer, supplier, exporter or transporter shall furnish a statement showing the contents of the ***books and*** records to such extent and in such detail and form as the Department may require.

Sec. 22. NRS 365.520 is hereby amended to read as follows:

365.520 1. Every transporter, except a dealer licensed under this chapter or a wholesale distributor transporting the products of a dealer licensed under this chapter, who transports motor vehicle fuel or fuel for jet or turbine-powered aircraft in interstate commerce to or from any point within this State, or solely within this State, shall report all ~~[of]~~ those deliveries to the Department.

2. A report must be made for each calendar month and must be filed ~~[within 25 days after the end of the month for which the report is made.]~~ ***not later than the last day of each month for the deliveries made during the preceding month.*** The report must show:

(a) The name and address of every consignor and consignee and of every person other than the designated consignee to whom delivery has actually been made.

(b) The date of every delivery.

(c) The amount of every delivery in gallons.

(d) Such other information as the Department may require.

Sec. 23. NRS 365.545 is hereby amended to read as follows:

365.545 1. The proceeds of all taxes on fuel for jet or turbine-powered aircraft imposed pursuant to the provisions of NRS 365.170 or 365.203 must be deposited in the Account for Taxes on Fuel for Jet or Turbine-Powered Aircraft in the State General Fund and must be allocated monthly by the Department to the:

(a) Governmental entity which operates the airport at which the tax was collected, if the airport is operated by a governmental entity;

(b) Governmental entity which owns the airport at which the tax was collected, if the airport is owned but not operated by a governmental entity; or

(c) County in which is located the airport at which the tax was collected, if the airport is neither owned nor operated by a governmental entity.

2. Except as otherwise provided in subsection 3, the money allocated pursuant to subsection 1:

(a) Must be used by the governmental entity receiving it to pay the cost of:

(1) Transportation projects related to airports, including access on the ground to airports;

(2) The payment of principal and interest on notes, bonds or other obligations incurred to fund projects described in subparagraph (1);

(3) Promoting the use of an airport located in a county whose population is less than 400,000, including, without limitation, increasing the number and availability of flights at the airport;

(4) Contributing money to the Trust Fund for Aviation created by NRS 494.048; or

(5) Any combination of those purposes; and

(b) May also be pledged for the payment of general or special obligations issued to fund projects described in paragraph (a). Any money pledged pursuant to this paragraph may be treated as pledged revenues of the project for the purposes of subsection 3 of NRS 350.020.

3. Any money allocated pursuant to subsection 1 to a county whose population is 400,000 or more and in which a regional transportation commission has been created pursuant to chapter 373 of NRS, from the proceeds of the tax imposed pursuant to ~~[subparagraph (1) of paragraph (b) of subsection 1]~~ ***paragraph (a) of subsection 2*** of NRS 365.170 on fuel for jet or turbine-powered aircraft sold, distributed or used in that county, excluding the proceeds of any tax imposed pursuant to NRS 365.203, may, in addition to the uses authorized pursuant to subsection 2, be allocated by the county to that regional transportation commission. The money allocated pursuant to this subsection to a regional transportation commission:

(a) Must be used by the regional transportation commission:

(1) To pay the cost of transportation projects described in a regional plan for transportation established by that regional transportation commission pursuant to NRS 373.1161;

(2) For the payment of principal and interest on notes, bonds or other obligations incurred to fund projects described in subparagraph (1); or

(3) For any combination of those purposes; and

(b) May also be pledged for the payment of general or special obligations issued by the county at the request of the regional transportation commission to fund projects described in paragraph (a). Any money pledged pursuant to this paragraph may be treated as pledged revenues of the project for the purposes of subsection 3 of NRS 350.020.

Sec. 24. NRS 365.575 is hereby amended to read as follows:

365.575 An exporter shall not sell or distribute motor vehicle fuel ~~[, other than aviation fuel,]~~ in this State. An exporter who violates the provisions of this section:

1. Is guilty of a misdemeanor; and

2. Shall, within the period prescribed in NRS ~~[365.175,]~~ ***365.330,*** pay to the Department the taxes imposed pursuant to NRS 365.175 to 365.192, inclusive, on all motor vehicle fuel ~~[, other than aviation fuel,]~~ sold or distributed in this State.

Sec. 25. Chapter 366 of NRS is hereby amended by adding thereto the provisions set forth as sections 26 to 30, inclusive, of this act.

Sec. 26. ***Every person not licensed pursuant to this chapter who collects an excise tax shall, not later than the last day of each calendar month, file with the Department a tax return upon which is reported all such taxes collected during the preceding calendar month and, in accordance with the provisions of NRS 366.370, pay the tax to the Department.***

Sec. 27. ***1. A responsible person who willfully fails to collect or pay to the Department the tax imposed by this chapter or who willfully attempts to evade the payment of the tax is jointly and severally liable with the special fuel dealer or special fuel supplier for the tax owed, plus interest and all applicable penalties. The responsible person shall pay the tax upon notice from the Department that it is due.***

2. As used in this section, "responsible person" includes:

(a) An officer or employee of a corporation; and

(b) A member or employee of a partnership or limited-liability company,

➥ whose job or duty it is to collect, account for or pay to the Department the tax imposed by this chapter.

Sec. 28. ***1. Every retailer shall maintain and keep within the State for a period of 4 years a true record of special fuel received, the price thereof and the name of the person who supplied the special fuel, together with delivery tickets, invoices and such other records as the Department may require.***

2. Such records are subject to inspection by the Department or its authorized agents at all times during business hours.

Sec. 29. ***The Department is authorized to have paid out of the State Highway Fund all expenses incurred in the prosecution before any court of this State of any person charged with the violation of any provision of this chapter.***

Sec. 30. ***County sheriffs and all other peace officers and traffic officers of this State shall, without further compensation, assist in the enforcement of this chapter, and make arrests for that purpose when requested by the Department or its duly authorized agents.***

Sec. 31. NRS 366.075 is hereby amended to read as follows:

366.075 "Special fuel transporter" means a person, except a special fuel supplier or special fuel exporter licensed pursuant to this chapter, who transports special fuel in interstate commerce ***by pipeline, rail or truck*** to or from any point within this State, or solely within this State.

Sec. 32. NRS 366.140 is hereby amended to read as follows:

366.140 1. Every special fuel supplier, special fuel dealer, special fuel exporter, special fuel transporter, special fuel user and retailer, and every other person transporting or storing special fuel in this State shall keep such records, receipts, invoices and other pertinent papers with respect thereto as the Department requires.

2. The records, receipts, invoices and other pertinent papers described in subsection 1 must be preserved for 4 years after the date on which the record, receipt, invoice or other pertinent paper was created or generated.

3. The records, receipts, invoices and other pertinent papers must be available at all times during business hours to the Department or its authorized agents.

4. In addition to any other penalty that may be imposed, any violation of the provisions of this section constitutes grounds for the Department to deny any future application for a license pursuant to this chapter that is submitted by a person who is determined to be responsible for the violation.

Sec. 33. NRS 366.207 is hereby amended to read as follows:

366.207 1. Except as otherwise provided in ~~[subsections 2 and 3,]~~ ***subsection 2,*** each special fuel supplier who sells or distributes special fuel to which dye has not been added shall, at the time the special fuel is purchased, collect the tax imposed pursuant to NRS 366.190.

2. ~~[A special fuel supplier may sell special fuel to a purchaser without collecting the tax imposed pursuant to NRS 366.190 if the purchaser of the special fuel:~~

~~(a) Has been issued a permit by the Department pursuant to NRS 366.397; and~~

~~(b) Elects to defer payment of the tax.~~

~~3.]~~ A special fuel supplier shall not collect the tax imposed pursuant to NRS 366.190 if the purchaser of the special fuel is:

(a) A special fuel supplier;

(b) A special fuel exporter; or

(c) A special fuel dealer.

3. A special fuel supplier or special fuel exporter shall not purchase special fuel on which the tax imposed pursuant to NRS 366.190 has been paid, except that a newly licensed special fuel supplier or special fuel exporter may purchase such fuel during its first month of operation.

4. A special fuel supplier who sells special fuel to any other special fuel supplier ***,*** ~~[or]~~ special fuel dealer ***or special fuel exporter*** shall keep such records of the transaction as the Department may require. The Department shall adopt regulations setting forth:

(a) The records which must be kept by the special fuel supplier pursuant to this subsection; and

(b) The period for which those records must be kept by the special fuel supplier.

5. If, within a period of 6 months, a person purchases ~~[not less than]~~ 200 gallons ***or more*** of special fuel in this State which is used for a purpose that is exempt from the payment of the tax on special fuel pursuant to NRS 366.200, he may apply to the Department for a refund in the manner prescribed in subsection 6 of NRS 366.650.

6. Any person who resells, for a taxable purpose, special fuel that was exempt from the tax imposed by this chapter and to which dye has not been added shall collect the tax and remit it to the Department.

Sec. 34. NRS 366.220 is hereby amended to read as follows:

366.220 1. Except as otherwise provided in this chapter ~~[, it is unlawful for any:~~

~~(a) Special fuel supplier, special fuel dealer or special fuel user to sell or use special fuel within this State unless the special fuel supplier, special fuel dealer or special fuel user is the holder of a special fuel supplier's, special fuel dealer's or special fuel user's license issued to him by the Department.~~

~~(b) Person to be a:~~

~~(1) Special fuel exporter unless the person is the holder of a special fuel exporter's license issued to him by the Department.~~

~~(2) Special fuel transporter unless the person is the holder of a special fuel transporter's license issued to him by the Department.~~

~~(c) Retailer or other person to sell or distribute dyed special fuel unless the retailer or person controls the access to the dyed special fuel.]~~ ***:***

(a) Before becoming a special fuel dealer, special fuel supplier, special fuel exporter, special fuel transporter or special fuel user, a person must apply to the Department, on forms to be prescribed by the Department, for a license authorizing the applicant to engage in business as a special fuel dealer, special fuel supplier, special fuel exporter or special fuel transporter, or to operate as a special fuel user.

(b) It is unlawful for any person to be:

(1) A special fuel dealer without holding a license as a special fuel dealer pursuant to this chapter.

(2) A special fuel supplier without holding a license as a special fuel supplier pursuant to this chapter.

(3) A special fuel exporter without holding a license as a special fuel exporter pursuant to this chapter.

(4) A special fuel transporter without holding a license as a special fuel transporter pursuant to this chapter.

(5) A special fuel user without holding a license as a special fuel user pursuant to this chapter.

2. The Department may adopt regulations relating to the issuance of any ~~[special fuel supplier's, special fuel dealer's, special fuel exporter's, special fuel transporter's or special fuel user's]~~ license ***pursuant to this chapter*** and the collection of fees therefor.

Sec. 35. NRS 366.235 is hereby amended to read as follows:

366.235 1. An applicant for or holder of a ***license as a*** special fuel ~~[supplier's]~~ ***supplier*** or special fuel ~~[dealer's license]~~ ***dealer*** shall provide a bond executed by him as principal, and by a corporation qualified pursuant to the laws of this State as surety, payable to the State of Nevada, and conditioned upon the faithful performance of all ~~[of]~~ the requirements of this chapter and upon the punctual payment of all excise taxes, penalties and

interest due ~~[to]~~ the State of Nevada. The total amount of the bond or bonds of any holder of ***such*** a ~~[special fuel supplier's or special fuel dealer's]~~ license must be fixed by the Department at not less than three times the estimated maximum monthly tax, determined in such a manner as the Department deems proper, but the amount must not be less than $1,000 for a special fuel supplier and must not be less than $100 for a special fuel dealer. If ~~[the Department determines that a person]~~ ***a special fuel supplier or special fuel dealer*** is habitually delinquent in the payment of amounts due ***pursuant*** to ***this chapter,*** the Department ~~[, it]~~ may increase the amount of his security to not more than five times the estimated maximum monthly tax. When cash or a savings certificate, certificate of deposit or investment certificate is used, the amount required must be rounded off to the next larger integral multiple of $100.

2. ***If a special fuel user is habitually delinquent in the payment of amounts due pursuant to this chapter, the Department shall require the special fuel user to provide a bond executed by him as principal, and by a corporation qualified pursuant to the laws of this State as surety, payable to the State of Nevada, and conditioned upon the faithful performance of all the requirements of this chapter and upon the punctual payment of all excise taxes, penalties and interest due the State of Nevada. The total amount of the bond must not be less than $2,500.***

3. No recovery on any bond, ~~[nor the]~~ execution of any new bond ~~[, nor the]~~ ***or*** suspension or revocation of any ***license as a*** special fuel ~~[supplier's or]~~ ***supplier,*** special fuel ~~[dealer's license]~~ ***dealer or special fuel user*** affects the validity of any bond.

~~[3.]~~ ***4.*** In lieu of a bond or bonds, an applicant for or holder of a ***license as a*** special fuel ~~[supplier's]~~ ***supplier*** or special fuel ~~[dealer's license]~~ ***dealer, or a person required to provide a bond pursuant to subsection 2,*** may deposit with the State Treasurer, under such terms as the Department may prescribe, ~~[a like]~~ ***an equivalent*** amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is unavailable for withdrawal except upon order of the Department.

~~[4.]~~ ***5.*** If the holder of a ***license as a*** special fuel ~~[supplier's]~~ ***supplier*** or special fuel ~~[dealer's license]~~ ***dealer*** is required to provide a bond of more than $5,000, the Department may reduce the requirements for the bond to not less than $5,000 upon the ~~[supplier's or dealer's]~~ faithful performance of ***the special fuel supplier or special fuel dealer of*** all the requirements of this chapter and the punctual payment of all taxes due the State of Nevada for the 3 preceding calendar years.

~~[5.]~~ ***6.*** The Department shall immediately reinstate the original requirements for a bond for a holder of a ***license as a*** special fuel ~~[supplier's]~~ ***supplier*** or special fuel ~~[dealer's license]~~ ***dealer*** upon his:

(a) Lack of faithful performance of the requirements of this chapter; or

(b) Failure to pay punctually all taxes, fees, penalties and interest due the State of Nevada.

7. For the purposes of this section, a person is "habitually delinquent" if, within any 12-month period, the person commits each of the following acts or commits either of the following acts more than once:

(a) Fails timely to file a monthly or quarterly special fuel tax return, unless the Department determines that:

(1) The failure to file was caused by circumstances beyond the control of the person and occurred notwithstanding the exercise of ordinary care; and

(2) The person has paid any penalty and interest imposed by the Department because of the failure to file.

(b) Fails timely to submit to the Department any tax collected by the person pursuant to this chapter.

Sec. 36. NRS 366.260 is hereby amended to read as follows:

366.260 1. A license issued pursuant to this chapter:

(a) ~~[Except as otherwise provided in subsection 2, is valid until]~~ ***Is valid for 1 year unless*** suspended, revoked or cancelled.

(b) Is not transferable.

2. ~~[Each special fuel user's license is valid for a calendar year unless suspended, revoked or cancelled.]~~ ***The Department shall adopt regulations providing for the renewal of such licenses.***

Sec. 37. NRS 366.270 is hereby amended to read as follows:

366.270 If any person ceases to be a special fuel supplier, special fuel dealer, special fuel exporter, special fuel transporter or special fuel user within this State by reason of the discontinuance, sale or transfer of his business, he shall:

1. Notify the Department in writing at the time the discontinuance, sale or transfer takes effect. The notice must give the date of the discontinuance, sale or transfer, and the name and address of any purchaser or transferee.

2. Surrender to the Department the license issued to him by the Department.

3. If he is:

(a) A special fuel user ~~[,]~~ ***registered under the Interstate Highway User Fee Apportionment Act,*** file the tax return required pursuant to NRS 366.380 and pay all taxes, interest and penalties required pursuant to this chapter and chapter 360A of NRS, except that both the filing and payment are due on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

(b) A special fuel supplier, file the tax return required pursuant to NRS 366.383 and pay all taxes, interest and penalties required pursuant to this chapter and chapter 360A of NRS on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

(c) A special fuel dealer, file the tax return required pursuant to NRS 366.386 and pay all taxes, interest and penalties required pursuant to

this chapter and chapter 360A of NRS, except that both the filing and payment are due on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

(d) A special fuel exporter, file the report required pursuant to NRS 366.387 on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

(e) A special fuel transporter, file the report required pursuant to NRS 366.695 ~~[within 25 days after the end]~~ ***on or before the last day*** of the month ***following the month*** of the discontinuance, sale or transfer of the business.

Sec. 38. NRS 366.350 is hereby amended to read as follows:

366.350 1. The Department may ***suspend,*** revoke ***or cancel*** the license of any special fuel dealer, special fuel supplier, special fuel exporter, special fuel transporter or special fuel user for ~~[reasonable cause, including, without limitation,]~~ refusing or neglecting to comply with the provisions of this chapter.

2. ***If a special fuel dealer or special fuel supplier becomes delinquent in the payment of excise taxes as prescribed by this chapter to the extent that his liability exceeds the total amount of bond or bonds furnished by the special fuel dealer or special fuel supplier, the Department shall suspend his license immediately.***

3. Before revoking ***or cancelling*** a license ~~[,]~~ ***issued pursuant to this chapter,*** the Department shall send a notice by registered or certified mail to the ~~[licensee]~~ ***special fuel dealer, special fuel supplier, special fuel exporter or special fuel transporter*** at his last known address ***.*** ~~[ordering him to appear before the Department at a time not less than 10 days after the mailing of the notice and]~~ ***The notice must order the special fuel dealer, special fuel supplier, special fuel exporter or special fuel transporter to*** show cause why ~~[the]~~ ***his*** license should not be revoked ~~[.]~~ ***by appearing before the Department at Carson City, Nevada, or such other place in this State as may be designated by the Department, at a time not less than 10 days after the mailing of the notice. The Department shall allow the special fuel dealer, special fuel supplier, special fuel exporter or special fuel transporter an opportunity to be heard. The Department may revoke or cancel his license after reviewing all information received.***

4. The Department shall cancel any license issued pursuant to this chapter upon the surrender of the license by the holder.

5. If a surety has lodged with the Department a written request to be released and discharged of liability, the Department shall notify the special fuel supplier or special fuel dealer who furnished the bond, and unless he files a new bond as required by the Department or makes a deposit in lieu thereof as provided in NRS 366.235, the Department shall cancel his license.

Sec. 39. NRS 366.375 is hereby amended to read as follows:

366.375 1. If the amount of any excise tax for any reporting period is not paid to the State on or before the ~~[day the payment is due pursuant to this~~

~~chapter,]~~ ***date due,*** the payment becomes delinquent at the close of business on that day. ~~[A special fuel supplier, special fuel dealer or special fuel user may have up to 15 additional days to make the payment if he makes written application to the Department on or before the day the payment is due and the Department finds good cause for the extension.]~~

2. The proceeds from any penalty levied for the delinquent payment of an excise tax must be deposited with the State Treasurer to the credit of the State Highway Fund.

Sec. 40. NRS 366.380 is hereby amended to read as follows:

366.380 1. ~~[Except as otherwise provided in subsection 2, on]~~ ***On*** or before the last day of January, April, July and October in each year, each special fuel user ***registered under the Interstate Highway User Fee Apportionment Act*** shall file with the Department a quarterly tax return for the preceding quarter, regardless of the amount of excise tax due, on a form prescribed by the Department. ***The special fuel user shall include with the tax return payment of any excise tax due. If the due date falls on a Saturday, Sunday or legal holiday, the next business day is the final due date.***

2. ~~[A special fuel user may, upon the issuance or renewal of a special fuel license, request to file a tax return annually with the Department. If the request is approved by the Department, the special fuel user shall file with the Department a tax return for the preceding year on or before the last day of January of each year, regardless of the amount of excise tax due, on a form prescribed by the Department.~~

~~3.]~~ The return must show such information as the Department may reasonably require for the proper administration and enforcement of this chapter.

Sec. 41. NRS 366.395 is hereby amended to read as follows:

366.395 1. Any special fuel user who fails to ***file a tax return or*** pay any excise tax ~~[within the time prescribed by this chapter]~~ ***by the date due*** shall pay, in addition to ~~[the tax, a penalty]~~ ***any tax that may be due, a delinquent filing fee*** of $50 ~~[or]~~ ***and a penalty of*** 10 percent of the amount ***of tax*** owed, ~~[whichever is greater,]~~ plus interest on the amount of ~~[the]~~ ***any*** tax ***that may be due*** at the rate of 1 percent per month or fraction thereof, from the date the tax ~~[became finally]~~ ***was*** due until the date of payment.

2. A tax return ***,*** ~~[or]~~ statement ***or payment*** is considered delinquent ~~[when it has not been]~~ ***if it is not*** received by the Department ~~[by]~~ ***on or before*** the date the tax return ***,*** ~~[or]~~ statement ***or payment*** is due, as prescribed by the provisions of this chapter.

3. A tax return, statement or payment shall be deemed received on the date shown by the cancellation mark stamped by the United States Postal Service or the postal service of any country upon an envelope containing the tax return, statement or payment.

Sec. 42. NRS 366.540 is hereby amended to read as follows:

366.540 1. The tax provided for by this chapter must be paid by special fuel suppliers, special fuel dealers and special fuel users. A special fuel supplier or special fuel dealer shall pay to the Department the excise tax he collects from purchasers of special fuel with the return filed pursuant to NRS 366.383 or 366.386, respectively. The tax paid by a special fuel user must be computed by multiplying the tax rate per gallon provided in this chapter by the amount that the number of gallons of special fuel consumed by the special fuel user in the propulsion of motor vehicles on the highways of this State exceeds the number of gallons of special fuel purchases by him.

2. ~~[Except as otherwise provided in subsection 3, in computing the amount of tax on special fuel a special fuel supplier owes to the Department, the special fuel supplier may deduct from the amount due pursuant to subsection 1 any amount which is due but has not been paid by a purchaser who is authorized by the Department to defer payment of the tax pursuant to NRS 366.397. If such a deduction is claimed, the claim must identify the purchaser and the amount of taxes that he failed to pay.~~

~~3. A special fuel supplier shall not deduct from the amount he owes the Department pursuant to subsection 1 any amount which has not been paid by a person whose permit to defer the payment of the tax has been revoked pursuant to subsection 4 of NRS 366.397 if, before the special fuel was purchased, the special fuel supplier had been notified by the Department pursuant to subsection 5 of NRS 366.397 that it had revoked the purchaser's permit.~~

~~4.]~~ If the Department determines that a special fuel supplier or special fuel dealer ***, or any unlicensed person who collects an excise tax,*** has failed to submit a tax return when due pursuant to this chapter or failed to pay the tax when due pursuant to this chapter, the Department may order the special fuel supplier ***,*** ~~[or]~~ special fuel dealer ***or unlicensed person*** to hold the amount of all taxes collected pursuant to this chapter in a separate account in trust for the State. The special fuel supplier ***,*** ~~[or]~~ special fuel dealer ***or unlicensed person*** shall comply with the order immediately upon receiving notification of the order from the Department.

3. A retailer who receives or sells special fuel for which the taxes imposed pursuant to this chapter have not been paid is liable for the taxes and any applicable penalty or interest if the retailer knew or should have known that the applicable taxes on the special fuel had not been paid.

Sec. 43. NRS 366.650 is hereby amended to read as follows:

366.650 1. If illegally or through error the Department collects or receives any excise tax, penalty or interest imposed pursuant to this chapter, the excise tax, penalty or interest must be refunded to the person who paid the tax, penalty or interest. A written application for a refund, ***including, without limitation, a request for a refund that is submitted on an amended tax return,*** stating the specific grounds therefor, must be made within 12 months after the date of payment, whether or not the excise tax, penalty or interest was paid voluntarily or under protest.

2. Refunds must be made to a successor, assignee, estate or heir of the person if written application is made within the time limit.

3. Any amount determined to be refundable by the Department must be refunded or credited to any amounts then due from the special fuel supplier or special fuel dealer.

4. All amounts refunded pursuant to the provisions of this chapter must be paid from the State Highway Fund on claims presented by the Department, approved by the State Board of Examiners, and allowed and paid as other claims against the State are allowed and paid.

5. A licensed special fuel user operating interstate or off road, or both, who can prove to the satisfaction of the Department that his special fuel purchases in Nevada exceed his use of the special fuel over the highways of this State for a certain quarter must apply credit to any excise taxes, penalties or interest required by this chapter or fees, taxes, penalties or interest applicable pursuant to chapter 371, 482 or 706 of NRS and any balance may be refunded or credited to succeeding reports.

6. A person who wishes to apply for a refund of the tax on special fuel paid by him pursuant to subsection 5 of NRS 366.207 must:

(a) Submit an application for the refund on a form prescribed by the Department; and

(b) Establish to the satisfaction of the Department that within a period of 6 months he purchased not less than 200 gallons of special fuel in this State which was used for a purpose that is exempt from the tax on special fuel pursuant to NRS 366.200.

➥ The Department shall refund to an applicant who complies with the provisions of this subsection a refund in an amount equal to the tax paid by the applicant less the percentage allowed the special fuel supplier pursuant to NRS 366.390.

7. To establish the validity of any claim for a refund, the Department may, upon demand, examine the books and records of the claimant. The failure of the claimant to accede to such a demand constitutes a waiver of all rights to the refund claimed on account of the transactions questioned.

8. No refund of special fuel taxes may be made for off-highway use of special fuel consumed in watercraft in this State for recreational purposes.

Sec. 44. NRS 366.695 is hereby amended to read as follows:

366.695 1. Every special fuel transporter, except a wholesale distributor transporting the products of a special fuel supplier licensed pursuant to this chapter, who transports special fuel in interstate commerce to or from any point within this State, or solely within this State, shall report all of those deliveries to the Department.

2. A report must be made for each calendar month and must be filed ~~[within 25 days after the end of the month for which the report is made.]~~ ***not later than the last day of each month for the deliveries made during the preceding month.*** The report must show:

(a) The name and address of every consignor and consignee and of every person other than the designated consignee to whom delivery has actually been made;

(b) The date of each delivery;

(c) The number of gallons of special fuel delivered for each delivery; and

(d) Such other information as the Department may require.

Sec. 45. NRS 366.715 is hereby amended to read as follows:

366.715 1. The Department may seal a special fuel pump of a ***retailer or*** special fuel dealer ***,*** or the metered pipes and hoses of a rack ***of a special fuel dealer or special fuel supplier,*** if the ***retailer,*** special fuel dealer or special fuel supplier:

(a) Becomes delinquent in payment of any amount due pursuant to the provisions of this chapter;

(b) Operates without the license required by the provisions of this chapter; or

(c) Operates without the bond or cash deposit required by the provisions of this chapter.

2. A special fuel pump of a ***retailer or*** special fuel dealer ***,*** or the metered pipes and hoses of the rack ***of a special fuel dealer or special fuel supplier,*** may be sealed until all required reports are filed, the tax, penalties and interest are paid in full, the required license is obtained and the bond or cash deposit is provided.

3. Before sealing ~~[the]~~ ***a*** fuel pump or ***the*** metered pipes and hoses of a rack, the Department must send a notice by registered or certified mail to the ~~[licensed]~~ ***retailer,*** special fuel ~~[supplier]~~ ***dealer*** or special fuel ~~[dealer]~~ ***supplier*** at his last known address ordering him to appear before the Department at a time not less than 10 days after the mailing of the notice and show cause why the fuel pump or the metered pipes and hoses of the rack should not be sealed.

Sec. 46. NRS 366.720 is hereby amended to read as follows:

366.720 ***1.*** Any person who:

~~[1.]~~ ***(a)*** Fails or refuses to pay the tax imposed by this chapter;

~~[2.]~~ ***(b)*** Engages in business in this State as a special fuel user, special fuel exporter, special fuel dealer or special fuel supplier, or acts in this State as a special fuel transporter, without being the holder of a license to engage in that business or to act in that capacity;

~~[3.]~~ ***(c)*** Fails to make any of the reports required by this chapter;

~~[4.]~~ ***(d)*** Makes any false statement in any application, report or statement required by this chapter;

~~[5.]~~ ***(e)*** Refuses to permit the Department or any authorized agent to examine records as provided by this chapter;

~~[6.]~~ ***(f)*** Fails to keep proper records of quantities of special fuel received, produced, refined, manufactured, compounded, used or delivered in this State as required by this chapter;

~~[7.]~~ ***(g)*** Makes any false statement in connection with an application for the refund of any money or taxes provided in this chapter;

~~[8.]~~ ***(h)*** Violates the provisions of NRS 366.265;

~~[9.]~~ ***(i)*** Fails or refuses to stop his motor vehicle for an inspection to determine if all excise taxes due pursuant to the provisions of this chapter are being properly reported and paid; or

~~[10.]~~ ***(j)*** Refuses to allow the Department or an authorized agent to inspect a motor vehicle to determine whether all excise taxes due pursuant to the provisions of this chapter are being properly reported and paid,

➥ is guilty of a misdemeanor.

2. Each day or part thereof during which any person engages in business as a special fuel dealer, special fuel supplier or special fuel exporter or acts as a special fuel transporter without being the holder of a license authorizing him to engage in that business or to act in that capacity constitutes a separate offense within the meaning of this section.

Sec. 46.5. **NRS 244A.637 is hereby amended to read as follows:**

244A.637 1. For the acquisition of any recreational facilities authorized in NRS 244A.597 to 244A.655, inclusive, ***for the purposes described in subsection 3, or for any combination thereof,*** the county fair and recreation board, at any time or from time to time may:

(a) In the name of and on behalf of the county, issue:

(1) General obligation bonds, payable from taxes; and

(2) General obligation bonds, payable from taxes, which payment is additionally secured by a pledge of gross or net revenues derived from the operation of such recreational facilities, and, if so determined by the board, further secured by a pledge of such other gross or net revenues as may be derived from any other income-producing project of the county or from any license or other excise taxes levied for revenue by the county, or otherwise, as may be legally made available for their payment;

(b) In the name of and on behalf of the county fair and recreation board, issue revenue bonds:

(1) Payable from the net revenues to be derived from the operation of such recreational facilities;

(2) Secured by a pledge of revenues from any tax on the rental of transient lodging levied for revenue by the county or a city;

(3) Secured by any other revenue that may be legally made available for their payment; or

(4) Payable or secured by any combination of subparagraph (1), (2) or (3); and

(c) Make a contract with the United States of America, or any agency or instrumentality thereof, or any other person or agency, public or private, creating an indebtedness if a question authorizing such contract is submitted to and approved by a majority of the qualified electors of the county in the manner provided in NRS 350.020 to 350.070, inclusive. This paragraph does not apply to contracts for the prepayment of rent or other similar obligations.

2. Revenue bonds issued pursuant to this section must be authorized by resolution of the county fair and recreation board, and no further approval by any person, board or commission is required.

3. In a county whose population is 400,000 or more, the county fair and recreation board shall, at the request of the Department of Transportation, use its commercially reasonable best efforts to issue bonds as provided in subsections 1 and 2 for the purpose of providing money to the Department of Transportation to assist in paying the cost of any project in the county for which bonds are authorized to be issued pursuant to NRS 408.273.

4. Bonds may be issued for the purposes described in subsection 3 only if:

(a) The county fair and recreation board determines that the provision of money for the purposes described in subsection 3 is essential to providing access to tourists to the recreational and tourism facilities of the county, including, without limitation, the recreational facilities of the county fair and recreation board;

(b) The bonds are issued in compliance with any contractual limitations set forth in the instruments authorizing any outstanding bonds issued as provided in subsections 1 and 2; and

(c) The aggregate principal amount of bonds issued for the purposes described in subsection 3, excluding any bonds issued to refund those bonds, does not exceed the lesser of:

(1) $300,000,000; or

(2) An amount which the county fair and recreation board determines can be repaid, as to all principal and interest, over a period of not more than 30 years with the expenditure of not more than $20,000,000 per year.

5. All determinations of the county fair and recreation board under this section shall be deemed to be conclusive, absent fraud or a gross abuse of discretion.

6. The issuance and payment of bonds issued pursuant to subsection 3 is hereby declared to be a use which is in fulfillment of the statutory requirements of NRS 244A.645 and of any requirements of any ordinance pursuant to which a tax is levied for the benefit of the county fair and recreation board or transferred thereto, and no such ordinance may be repealed or amended in any manner which would affect adversely the receipt and use by the county fair and recreation board of the revenues pledged to any bonds issued pursuant to this section, during the term of the bonds issued pursuant to this section or any bonds that refund those bonds.

7. Any money provided to the Department of Transportation pursuant to subsection 3 must be deposited in the State Highway Fund for administration pursuant to subsection 3 of NRS 408.235, except that the money must be expended for the purposes described in subsection 3 of this section.

Sec. 47. NRS 354.59815 is hereby amended to read as follows:

354.59815 1. In addition to the allowed revenue from taxes ad valorem determined pursuant to NRS 354.59811, the board of county commissioners may levy a tax ad valorem on all taxable property in the county at a rate not to exceed 5 cents per $100 of the assessed valuation of the county.

2. ~~[The]~~ ***If a tax is levied pursuant to subsection 1 in:***

(a) A county whose population is less than ~~*[400,000,]*~~ ***100,000, the*** board of county commissioners shall direct the county treasurer to distribute quarterly the proceeds of ~~[any tax levied pursuant to the provisions of subsection 1]~~ ***the tax*** among the county and the cities and towns within that county in the proportion that the supplemental city-county relief tax distribution factor of each of those local governments for the 1990-1991 fiscal year bears to the sum of the supplemental city-county relief tax distribution factors of all of the local governments in the county for the 1990-1991 fiscal year.

(b) A county whose population is ~~*[400,000]*~~ ***100,000 or more, the board of county commissioners shall direct the county treasurer to distribute quarterly*** ~~*[:*~~

~~*(1) Forty percent of the proceeds of the tax among the county and the cities and towns within that county in the proportion that the supplemental city-county relief tax distribution factor of each of those local governments for the 1990-1991 Fiscal Year bears to the sum of the supplemental city-county relief tax distribution factors of all of the local governments in the county for the 1990-1991 Fiscal Year; and*~~

~~*(2) Sixty percent of the proceeds of the tax to the State Treasurer for deposit in a separate account in the State Highway Fund. The money deposited in the State Highway Fund pursuant to this subparagraph:*~~

~~*(I) Must be used exclusively for the construction, reconstruction, improvement and maintenance of public highways in the county; and*~~

~~*(II) May not be used for any costs of administration or to purchase any equipment.]*~~ ***, from the proceeds of the tax for:***

(1) The fiscal year beginning on July 1, 2008:

(I) Eighty-eight percent of those proceeds among the county and the cities and towns within that county in the proportion that the supplemental city-county relief tax distribution factor of each of those local governments for the 1990-1991 Fiscal Year bears to the sum of the supplemental city-county relief tax distribution factors of all of the local governments in the county for the 1990-1991 Fiscal Year; and

(II) Twelve percent of those proceeds to the State Treasurer for deposit in the State Highway Fund for administration pursuant to subsection 3 of NRS 408.235, except that the money must be allocated for expenditure in the county where the tax is levied.

(2) The fiscal year beginning on July 1, 2009:

(I) Seventy-six percent of those proceeds among the county and the cities and towns within that county in the proportion that the supplemental city-county relief tax distribution factor of each of those local governments

for the 1990-1991 Fiscal Year bears to the sum of the supplemental city-county relief tax distribution factors of all of the local governments in the county for the 1990-1991 Fiscal Year; and

(II) Twenty-four percent of those proceeds to the State Treasurer for deposit in the State Highway Fund for administration pursuant to subsection 3 of NRS 408.235, except that the money must be allocated for expenditure in the county where the tax is levied.

(3) The fiscal year beginning on July 1, 2010:

(I) Sixty-four percent of those proceeds among the county and the cities and towns within that county in the proportion that the supplemental city-county relief tax distribution factor of each of those local governments for the 1990-1991 Fiscal Year bears to the sum of the supplemental city-county relief tax distribution factors of all of the local governments in the county for the 1990-1991 Fiscal Year; and

(II) Thirty-six percent of those proceeds to the State Treasurer for deposit in the State Highway Fund for administration pursuant to subsection 3 of NRS 408.235, except that the money must be allocated for expenditure in the county where the tax is levied.

(4) The fiscal year beginning on July 1, 2011:

(I) Fifty-two percent of those proceeds among the county and the cities and towns within that county in the proportion that the supplemental city-county relief tax distribution factor of each of those local governments for the 1990-1991 Fiscal Year bears to the sum of the supplemental city-county relief tax distribution factors of all of the local governments in the county for the 1990-1991 Fiscal Year; and

(II) Forty-eight percent of those proceeds to the State Treasurer for deposit in the State Highway Fund for administration pursuant to subsection 3 of NRS 408.235, except that the money must be allocated for expenditure in the county where the tax is levied.

(5) Each fiscal year beginning on or after July 1, 2012:

(I) Forty percent of those proceeds among the county and the cities and towns within that county in the proportion that the supplemental city-county relief tax distribution factor of each of those local governments for the 1990-1991 Fiscal Year bears to the sum of the supplemental city-county relief tax distribution factors of all of the local governments in the county for the 1990-1991 Fiscal Year; and

(II) Sixty percent of those proceeds to the State Treasurer for deposit in the State Highway Fund for administration pursuant to subsection 3 of NRS 408.235, except that the money must be allocated for expenditure in the county where the tax is levied.

3. The board of county commissioners shall not reduce the rate of any tax levied pursuant to the provisions of subsection 1 without the approval of each of the local governments that receives a portion of the tax, except that, if a local government declines to receive its portion of the tax in a particular

year the levy may be reduced by the amount that local government would have received.

Sec. 47.1. **Chapter 408 of NRS is hereby amended by adding thereto the provisions set forth as sections 47.2 and 47.3 of this act.**

Sec. 47.2. ***1. The Board shall adopt a plan for measuring the performance of the Department, which must include separate sets of performance measurements for each division of the Department and for the Department as a whole.***

2. The Director shall, not later than December 31 of each year:

(a) Prepare a report, based upon the relevant performance measurements adopted pursuant to subsection 1, on the level of achievement of each division of the Department and of the Department as a whole during the immediately preceding fiscal year. The report must include a discussion of:

(1) The goals and objectives of the Department, and the current status of the Department in relation to meeting those goals and objectives;

(2) Any applicable directives from the Board or Legislature since the most recent report prepared pursuant to this section;

(3) The scheduling, scope, cost and progress of any current or proposed highway projects;

(4) The sources, amount and expenditure of any funding received during the immediately preceding fiscal year;

(5) The rationale used to establish priorities for the completion of highway projects; and

(6) Any recommendations for amendments to the plan adopted pursuant to subsection 1.

(b) Submit the report to:

(1) The Board; and

(2) The Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee.

Sec. 47.3. ***1. Before the Department submits a proposal for a highway project to the Board for approval, the Department shall prepare a written analysis of the costs and benefits of the project. The analysis must state, for each highway district in which the project is proposed:***

(a) The limits of the project;

(b) The period of analysis;

(c) The discount rate used in the analysis;

(d) The initial costs of the Department for the project, including any costs for design, engineering, the acquisition of land and construction;

(e) The future costs of the Department to preserve and maintain the project, discounted to present value;

(f) Any other costs of the Department for any other construction or any mitigation associated with the project;

(g) The costs to highway users for any loss of safety, delays in the time of travel and costs for the operation of vehicles that are associated with the project;

(h) The costs of any environmental impacts, including vehicle emissions and noise, that are associated with the project; and

(i) The value of the benefits of the project, including the value of any:

(1) Savings in the time of travel;

(2) Improvements to safety; and

(3) Savings in the cost of operating vehicles.

2. The analysis required by this section:

(a) Must include a discussion of any additional increases in costs that would result from any delays in the performance of any routine maintenance scheduled under the maintenance program of the Department;

(b) May include a discussion of:

(1) The costs of the project for any other persons and governmental agencies;

(2) The value of any other social, economic or environmental benefits or costs of the project; and

(3) Any costs or benefits which may result from the use of any alternative design, construction or financing practices; and

(c) Must be prepared in a format that allows for the comparison of proposed highway projects.

3. The analysis required by this section must be made available to the Board and the public when the agenda is posted for the meeting at which the proposal will be submitted to the Board for its approval.

4. As used in this section, "highway project" means a project that is expected to increase the capacity of the state highway system and cost at least $25 million.

Sec. 47.4. **NRS 408.235 is hereby amended to read as follows:**

408.235 1. There is hereby created the State Highway Fund.

2. Except as otherwise provided ~~[in subsection 6 of NRS 482.180 and NRS 482.1805,]~~ ***by a specific statute,*** the proceeds from the imposition of any:

(a) License or registration fee and other charges with respect to the operation of any motor vehicle upon any public highway, city, town or county road, street, alley or highway in this State; and

(b) Excise tax on gasoline or other motor vehicle fuel,

➥ must be deposited in the State Highway Fund and must, except for ***the*** costs of administering the collection thereof, be used exclusively for ***the*** administration, construction, reconstruction, improvement and maintenance of highways as provided for in this chapter.

3. ***The money deposited in the State Highway Fund pursuant to NRS 244A.637 must be maintained in a separate account. The interest and income on the money in the account, after deducting any applicable***

charges, must be credited to the account. Any money remaining in the account at the end of each fiscal year does not revert to the State Highway Fund but must be carried over into the next fiscal year. The money in the account:

(a) Must be used exclusively for the construction, reconstruction, improvement and maintenance of highways as provided for in this chapter; and

(b) May not be used for any costs of administration or to purchase any equipment.

4. The interest and income earned on the money in the State Highway Fund, after deducting any applicable charges, must be credited to the Fund.

~~[4.]~~ ***5.*** Costs of administration for the collection of the proceeds for any license or registration fees and other charges with respect to the operation of any motor vehicle must be limited to a sum not to exceed 22 percent of the total proceeds so collected.

~~[5.]~~ ***6.*** Costs of administration for the collection of any excise tax on gasoline or other motor vehicle fuel must be limited to a sum not to exceed 1 percent of the total proceeds so collected.

~~[6.]~~ ***7.*** All bills and charges against the State Highway Fund for administration, construction, reconstruction, improvement and maintenance of highways under the provisions of this chapter must be certified by the Director and must be presented to and examined by the State Board of Examiners. When allowed by the State Board of Examiners and upon being audited by the State Controller, the State Controller shall draw his warrant therefor upon the State Treasurer.

Sec. 47.5. **NRS 408.235 is hereby amended to read as follows:**

408.235 1. There is hereby created the State Highway Fund.

2. Except as otherwise provided by a specific statute, the proceeds from the imposition of any:

(a) License or registration fee and other charges with respect to the operation of any motor vehicle upon any public highway, city, town or county road, street, alley or highway in this State; and

(b) Excise tax on gasoline or other motor vehicle fuel,

➥ must be deposited in the State Highway Fund and must, except for the costs of administering the collection thereof, be used exclusively for the administration, construction, reconstruction, improvement and maintenance of highways as provided for in this chapter.

3. The money deposited in the State Highway Fund pursuant to NRS 244A.637 ***and 482.313*** of this act must be maintained in a separate account. The interest and income on the money in the account, after deducting any applicable charges, must be credited to the account. Any money remaining in the account at the end of each fiscal year does not revert to the State Highway Fund but must be carried over into the next fiscal year. The money in the account:

(a) Must be used exclusively for the construction, reconstruction, improvement and maintenance of highways as provided for in this chapter; and

(b) May not be used for any costs of administration or to purchase any equipment.

4. The interest and income earned on the money in the State Highway Fund, after deducting any applicable charges, must be credited to the Fund.

5. Costs of administration for the collection of the proceeds for any license or registration fees and other charges with respect to the operation of any motor vehicle must be limited to a sum not to exceed 22 percent of the total proceeds so collected.

6. Costs of administration for the collection of any excise tax on gasoline or other motor vehicle fuel must be limited to a sum not to exceed 1 percent of the total proceeds so collected.

7. All bills and charges against the State Highway Fund for administration, construction, reconstruction, improvement and maintenance of highways under the provisions of this chapter must be certified by the Director and must be presented to and examined by the State Board of Examiners. When allowed by the State Board of Examiners and upon being audited by the State Controller, the State Controller shall draw his warrant therefor upon the State Treasurer.

Sec. 47.6. **NRS 408.235 is hereby amended to read as follows:**

408.235 1. There is hereby created the State Highway Fund.

2. Except as otherwise provided by a specific statute, the proceeds from the imposition of any:

(a) License or registration fee and other charges with respect to the operation of any motor vehicle upon any public highway, city, town or county road, street, alley or highway in this State; and

(b) Excise tax on gasoline or other motor vehicle fuel,

➥ must be deposited in the State Highway Fund and must, except for the costs of administering the collection thereof, be used exclusively for the administration, construction, reconstruction, improvement and maintenance of highways as provided for in this chapter.

3. The money deposited in the State Highway Fund pursuant to NRS 244A.637 ***, 354.59815*** and 482.313 must be maintained in a separate account. The interest and income on the money in the account, after deducting any applicable charges, must be credited to the account. Any money remaining in the account at the end of each fiscal year does not revert to the State Highway Fund but must be carried over into the next fiscal year. The money in the account:

(a) Must be used exclusively for the construction, reconstruction, improvement and maintenance of highways as provided for in this chapter; and

(b) May not be used for any costs of administration or to purchase any equipment.

4. The interest and income earned on the money in the State Highway Fund, after deducting any applicable charges, must be credited to the Fund.

5. Costs of administration for the collection of the proceeds for any license or registration fees and other charges with respect to the operation of any motor vehicle must be limited to a sum not to exceed 22 percent of the total proceeds so collected.

6. Costs of administration for the collection of any excise tax on gasoline or other motor vehicle fuel must be limited to a sum not to exceed 1 percent of the total proceeds so collected.

7. All bills and charges against the State Highway Fund for administration, construction, reconstruction, improvement and maintenance of highways under the provisions of this chapter must be certified by the Director and must be presented to and examined by the State Board of Examiners. When allowed by the State Board of Examiners and upon being audited by the State Controller, the State Controller shall draw his warrant therefor upon the State Treasurer.

Sec. 48. ~~[NRS 408.273 is hereby amended to read as follows:~~

~~408.273 1. The State Board of Finance shall, when so requested by the Board, issue special obligation bonds of the State of Nevada to provide money to enable the Department to complete pending and currently projected highway construction projects, in an amount specified in the request. The bonds may be issued at one time or from time to time, and must be issued in accordance with the State Securities Law. These bonds must be secured by:~~

~~(a) A pledge of the appropriate federal highway grants payable to the State; or~~

~~(b) The appropriate federal highway grants payable to the State and taxes which are credited to the State Highway Fund,~~

~~* and must mature within not more than [20] *30* years from their date.~~

~~2. The Department shall cooperate with the State Treasurer in the issuance of the bonds.~~

~~3. The State Treasurer may employ any necessary legal, financial or other professional services in connection with the issuance of the bonds.]~~ **(Deleted by amendment.)**

Sec. 49. NRS 482.313 is hereby amended to read as follows:

482.313 1. Upon the lease of a passenger car by a short-term lessor in this State, the short-term lessor ~~[:~~

~~(a) Shall]~~ ***shall*** charge and collect from the short-term lessee:

~~[(1)]~~ ***(a)*** A governmental services fee of 6 percent of the total amount for which the passenger car was leased, excluding the items described in subsection 7; ~~[and]~~

~~[(2)]~~ ***(b)*** Any fee required pursuant to NRS 244A.810 or 244A.860; and

~~[(b) May charge and collect from the short-term lessee a]~~

(c) A recovery surcharge ~~[not to exceed]~~ ***fee of*** 4 percent of the total amount for which the passenger car was leased, excluding the items

described in subsection 8, as reimbursement for vehicle licensing fees and taxes paid by the short-term lessor.

➥ The amount of ~~[any]~~ ***each*** fee charged pursuant to this subsection must be indicated in the lease agreement.

2. The fees due from a short-term lessor to the Department of Taxation pursuant to subsection 1 are due on the last day of each calendar quarter. On or before the last day of the month following each calendar quarter, the short-term lessor shall:

(a) File with the Department of Taxation, on a form prescribed by the Department of Taxation, a report indicating the total amount of:

(1) Each of the fees collected by the short-term lessor pursuant to ~~[paragraph (a) of]~~ subsection 1 during the immediately preceding calendar quarter; ***and***

(2) ~~[Recovery surcharges, if any, collected by the short-term lessor pursuant to paragraph (b) of subsection 1 during the immediately preceding calendar quarter; and~~

~~(3)]~~ Vehicle licensing fees and taxes paid by the short-term lessor pursuant to this chapter during the immediately preceding calendar quarter.

(b) Remit to the Department of Taxation ~~[, the]~~ ***:***

(1) The fees collected by the short-term lessor pursuant to ~~[paragraph]~~ ***paragraphs*** (a) ***and (b)*** of subsection 1 during the immediately preceding calendar quarter ~~[.]~~ ***; and***

(2) ~~[Half]~~ One-quarter of the fees collected by the short-term lessor pursuant to paragraph (c) of subsection 1 during the immediately preceding calendar quarter.

3. Except as otherwise provided in a contract made pursuant to NRS 244A.820 or 244A.870, the Department of Taxation shall deposit all money received from short-term lessors pursuant to the provisions of ~~[this section]~~ ***:***

(a) Subparagraph (1) of paragraph (b) of subsection 2 with the State Treasurer for credit to the State General Fund ~~[.]~~ ***; and***

(b) Subparagraph (2) of paragraph (b) of subsection 2 with the State Treasurer for credit to the State Highway Fund ~~*[. The money deposited in the State Highway Fund pursuant to this paragraph:*~~

~~*(1) Must be used exclusively for the construction, reconstruction, improvement and maintenance of public highways; and*~~

~~*(2) May not be used for any costs of administration or to purchase any equipment.]*~~ ***for administration pursuant to subsection 3 of NRS 408.235.***

4. To ensure compliance with this section, the Department of Taxation may audit the records of a short-term lessor.

5. The provisions of this section do not limit or affect the payment of any taxes or fees imposed pursuant to the provisions of this chapter.

6. The Department of Motor Vehicles shall, upon request, provide to the Department of Taxation any information in its records relating to a short-term lessor that the Department of Taxation considers necessary to collect the fees described in subsection 1.

7. For the purposes of charging and collecting the governmental services fee described in ~~[subparagraph (1) of]~~ paragraph (a) of subsection 1, the following items must not be included in the total amount for which the passenger car was leased:

(a) The amount of ~~[any recovery surcharge]~~ ***the fees*** charged and collected pursuant to ~~[paragraph]~~ ***paragraphs*** (b) ***and (c)*** of subsection 1;

(b) The amount of any charge for fuel used to operate the passenger car;

(c) The amount of any fee or charge for the delivery, transportation or other handling of the passenger car;

(d) The amount of any fee or charge for insurance, including, without limitation, personal accident insurance, extended coverage or insurance coverage for personal property; ***and***

(e) The amount of any charges assessed against a short-term lessee for damages for which the short-term lessee is held responsible**.**

8. For the purposes of charging and collecting the recovery surcharge ***fee*** described in paragraph ~~[(b)]~~ ***(c)*** of subsection 1, the following items must not be included in the total amount for which the passenger car was leased:

(a) The amount of the fees charged and collected pursuant to ~~[paragraph]~~ ***paragraphs*** (a) ***and (b)*** of subsection 1;

(b) The amount of any charge for a collision damage waiver or a similar instrument that acts as a waiver of the short-term lessor's right to collect from the short-term lessee for any damage to the passenger car;

(c) The amount of any charge for fuel used to operate the passenger car;

(d) The amount of any fee or charge for the delivery, transportation or other handling of the passenger car;

(e) The amount of any fee or charge for insurance, including, without limitation, personal accident insurance, extended coverage or insurance coverage for personal property;

(f) The amount of any charges assessed against a short-term lessee for damages for which the short-term lessee is held responsible; and

(g) The amount of any concession fee or charge that the short-term lessor:

(1) Is required to pay to do business at an airport, if applicable; and

(2) Passes on to the short-term lessee of the passenger car.

9. The Executive Director of the Department of Taxation shall:

(a) Adopt such regulations as he determines are necessary to carry out the provisions of this section; and

(b) Upon the request of the Director of the Department of Motor Vehicles, provide to the Director of the Department of Motor Vehicles a copy of any record or report described in this section.

10. As used in this section, "vehicle licensing fees and taxes" means:

(a) The fees paid by a short-term lessor for the registration of, and the issuance of certificates of title for, the passenger cars leased by him; and

(b) The basic and supplemental governmental services taxes paid by the short-term lessor with regard to those passenger cars.

Sec. 49.5. **NRS 482.31565 is hereby amended to read as follows:**

482.31565 1. A short-term lessor shall not require the purchase of a waiver of damages, optional insurance or any other optional good or service as a condition for the lease of a passenger car.

2. ~~[A]~~ ***Except as otherwise provided in this subsection, a*** short-term lessor may sell a waiver of damages but shall not charge more than ~~[$15]~~ ***$22*** per full or partial rental day or 24-hour rental period, as appropriate, for the waiver. ***The monetary amount in set forth in this subsection must be adjusted for each fiscal year that begins on or after July 1, 2008, by adding to that amount the product of that amount multiplied by the percentage increase in the Consumer Price Index West Urban for All Urban Consumers (All Items) between the calendar year ending on December 31, 2005, and the calendar year immediately preceding the fiscal year for which the adjustment is made. The Department shall, on or before March 1 of each year, publish the adjusted amount for the next fiscal year on its website or otherwise make that information available to short-term lessors.***

3. A short-term lessor who disseminates an advertisement in the State of Nevada that contains a rate for the lease of a passenger car shall include in the advertisement a clearly readable statement of the charge for a waiver of damages and a statement that the waiver is optional.

4. A short-term lessor shall not engage in any unfair, deceptive or coercive conduct to induce a short-term lessee to purchase a waiver of damages, optional insurance or any other optional good or service, including, but not limited to, refusing to honor the lessee's reservation, limiting the availability of cars, requiring a deposit or debiting or blocking the lessee's credit card account for a sum equivalent to a deposit if the lessee declines to purchase a waiver, optional insurance or any other optional good or service.

Sec. 49.7. **NRS 482.3158 is hereby amended to read as follows:**

482.3158 1. The short-term lessor of a passenger car may impose an additional charge:

(a) Based on reasonable age criteria established by the lessor.

(b) For any item or a service provided if the short-term lessee could have avoided incurring the charge by choosing not to obtain or utilize the optional item or service.

(c) For insurance and accessories requested by the lessee.

(d) For service incident to the lessee's optional return of the car to a location other than the location where the car was leased.

(e) For refueling the car at the conclusion of the lease if the lessee did not return the car with as much fuel as was in the fuel tank at the beginning of the lease.

(f) For any authorized driver in addition to the short-term lessee ~~[and one other authorized driver]~~ but shall not ***, except as otherwise provided in this paragraph,*** charge more than ~~[$5]~~ ***$10*** per full or partial 24-hour period for such an additional authorized driver. ***The monetary amount in set forth in this paragraph must be adjusted for each fiscal year that begins on or after July 1, 2008, by adding to that amount the product of that amount***

multiplied by the percentage increase in the Consumer Price Index West Urban for All Urban Consumers (All Items) between the calendar year ending on December 31, 2005, and the calendar year immediately preceding the fiscal year for which the adjustment is made. The Department shall, on or before March 1 of each year, publish the adjusted amount for the next fiscal year on its website or otherwise make that information available to short-term lessors.

2. A short-term lessor shall not charge a short-term lessee, as a condition of leasing a passenger car, an additional fee for:

(a) Any surcharges required for fuel.

(b) Transporting the lessee to the location where the car will be delivered to the lessee.

~~[(c) One other authorized driver.]~~

3. If a short-term lessor:

(a) Delivers a passenger car to a short-term lessee at a location other than the location where the lessor normally carries on its business, the lessor shall not charge the lessee any amount for the period before the delivery of the car.

(b) Takes possession of a passenger car from a short-term lessee at a location other than the location where the lessor normally carries on its business, the lessor shall not charge the lessee any amount for the period after the lessee notifies the lessor to take possession of the car.

Sec. 50. ~~[Chapter 706 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. In addition to any other applicable licensing fees, each common, contract or private motor carrier who operates a motor vehicle with a declared gross weight in excess of 55,000 pounds in this State shall pay a licensing fee of 15 cents for each mile traveled by that motor vehicle within this State during each calendar quarter.*~~

~~*2. Each common, contract or private motor carrier who operates a motor vehicle with a declared gross weight in excess of 55,000 pounds in this State during a calendar quarter shall, on or before the last day of the calendar month immediately following that calendar quarter:*~~

~~*(a) File with the Department a return on a form prescribed by the Department; and*~~

~~*(b) Remit to the Department the licensing fee due pursuant to this section for that calendar quarter.*~~

~~*3. Any person who fails to:*~~

~~*(a) File a return as required pursuant to this section shall, in addition to any other applicable penalties, pay a penalty of $25 for each delinquent return.*~~

~~*(b) Remit a licensing fee as required pursuant to this section shall, in addition to any other applicable penalties, pay a penalty of 10 percent of the amount of the fee plus interest on the amount of the fee at the rate of 1 percent per month or fraction of a month from the last day of the calendar*~~

~~*month immediately following the calendar quarter for which the fee is due until the date of payment.]*~~ **(Deleted by amendment.)**

Sec. 51. ~~[NRS 706.011 is hereby amended to read as follows:~~

~~706.011 As used in NRS 706.011 to 706.791, inclusive, *and section 50 of this act*, unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 52. ~~[NRS 706.521 is hereby amended to read as follows:~~

~~706.521 1. Any person has the option, in lieu of causing a motor vehicle which has a declared gross weight in excess of 26,000 pounds to be licensed pursuant to the provisions of NRS 482.482 or 706.841, of purchasing a temporary permit and paying [a]:~~

~~*(a)* *A permit* fee of $5 plus 15 cents for each mile the Department estimates the vehicle will travel within the State of Nevada during the effective period of the temporary permit[.]*; and*~~

~~*(b) If the person and vehicle are subject to the licensing fee required by section 50 of this act, an additional sum of 15 cents for each mile the Department estimates the vehicle will travel within the State of Nevada during the effective period of the temporary permit. Any money collected pursuant to this paragraph must be credited against the licensing fee required by section 50 of this act.*~~

~~2. Except as otherwise provided in subsection 3, a temporary permit authorizes operation over the highways of this State from point of entry to point of exit for not more than 24 consecutive hours.~~

~~3. The Department may issue to the owner or operator of a common motor carrier of passengers a temporary permit which authorizes operation for not more than 120 consecutive hours.~~

~~4. If a person is issued a temporary permit pursuant to the provisions of this section, the Department shall credit the cost of *the permit fee for* that permit against the cost of any license subsequently issued to that person pursuant to the provisions of either NRS 482.482 or 706.841 whose effective dates include the effective dates of the temporary permit, or if that license fee has been satisfied, against any fee owed to the Department pursuant to the provisions of chapter 366 of NRS.]~~ **(Deleted by amendment.)**

Sec. 53. ~~[NRS 706.546 is hereby amended to read as follows:~~

~~706.546 Where credit is allowed against any subsequent fee for a permit *fee* paid pursuant to the provisions of *paragraph (a) of subsection 1 of* NRS 706.521, there is a nonrefundable charge of $5.]~~ **(Deleted by amendment.)**

Sec. 54. ~~[NRS 706.756 is hereby amended to read as follows:~~

~~706.756 1. Except as otherwise provided in subsection 2, any person who:~~

~~(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, *and section 50 of this act* apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;~~

~~(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, *and section 50 of this act* or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive [;] *, and section 50 of this act;*~~

~~(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive [;] *, and section 50 of this act;*~~

~~(d) Fails to obey any order, decision or regulation of the Authority or the Department;~~

~~(e) Procures, aids or abets any person in his failure to obey such an order, decision or regulation of the Authority or the Department;~~

~~(f) Advertises, solicits, proffers bids or otherwise holds himself out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive [;] *, and section 50 of this act;*~~

~~(g) Advertises as providing:~~

~~(1) The services of a fully regulated carrier; or~~

~~(2) Towing services,~~

~~→ without including the number of his certificate of public convenience and necessity or contract carrier's permit in each advertisement;~~

~~(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;~~

~~(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;~~

~~(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;~~

~~(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;~~

~~(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or~~

~~(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,~~

~~→ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.~~

~~2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:~~

~~(a) For a first offense within a period of 12 consecutive months, by a fine of not less than $500 nor more than $1,000. In addition to the fine, the person~~

~~may be punished by imprisonment in the county jail for not more than 6 months.~~

~~(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.~~

~~3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.~~

~~4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.~~

~~5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.~~

~~6. Any bail allowed must not be less than the appropriate fine provided for by this section.~~] **(Deleted by amendment.)**

Sec. 55. NRS 365.326, 365.328, 366.360 and 366.397 are hereby repealed.

Sec. 55.3. **The Department of Transportation shall, not later than December 31 of each year:**

1. Prepare an annual report on all the projects undertaken with the money deposited in the State Highway Fund pursuant to NRS 244A.637. The report must include:

(a) For each of those projects:

(1) The amount of that funding expended on the project.

(2) The amount of any other funding expended on the project.

(3) The timeline for the completion of the project.

(4) Specific information regarding any delays in the project as a result of any variances from the Department's projections of scheduling and costs.

(5) The status of:

(I) The definition of the project.

(II) The preliminary engineering for the project.

(III) The environmental documentation for the project.

(IV) The acquisition of required rights-of-way for the project.

(V) The date of advertisement for bids on the project.

(VI) The date of operational completion of the project.

(b) The total number of those projects that have been completed and, for each completed project:

(1) Whether the project was completed early or on time.

(2) Whether the project remained within its planned scope.

(3) Whether the project was completed for less than or for the amount of its budgeted expenses.

(4) Any specific measures of transportation improvement resulting from the project.

2. Submit the annual report to:

(a) The Governor.

(b) The Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee.

Sec. 55.5. **1. The Director of the Department of Transportation shall, each calendar quarter, prepare a report to supplement the annual reports required pursuant to section 47.2 of this act, and submit the quarterly report to the Board of Directors of the Department of Transportation and the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee. The quarterly report must contain the following information with respect to the highway projects that the Blue Ribbon Task Force, as created by the Board of Directors of the Nevada Department of Transportation, identified in its report dated December 5, 2006, and any proposed super and mega highway projects:**

(a) For each of those projects:

(1) The amount of funding expended on the project.

(2) The timeline for the completion of the project.

(3) Specific information regarding any delays in the project as a result of any variances from the Department's projections of scheduling and costs.

(4) The status of:

(I) The definition of the project.

(II) The preliminary engineering for the project.

(III) The environmental documentation for the project.

(IV) The acquisition of required rights-of-way for the project.

(V) The date of advertisement for bids on the project.

(VI) The date of operational completion of the project.

(b) The total number of those projects that have been completed and, for each completed project:

(1) Whether the project was completed early or on time.

(2) Whether the project remained within its planned scope.

(3) Whether the project was completed for less than or for the amount of its budgeted expenses.

(4) Any specific measures of transportation improvement resulting from the project.

2. The Director shall cause a copy of each report prepared pursuant to this section to be posted on the Internet website of the Department when the report is submitted pursuant to subsection 1.

Sec. 56. 1. **This act does not require the payment of any principal or interest on any bonds described in subsection 3 of NRS 244A.637, as amended by this act, before July 1, 2008.**

2. The amendatory provisions of section 47 of this act[~~:~~

~~(a) Do not apply to the distribution of the proceeds of any taxes imposed for any period ending on or before June 30, 2007; and~~

~~(b) Must~~] **must** not be applied to modify, directly or indirectly, any taxes levied or revenues pledged in such a manner as to impair adversely any outstanding obligations of any county, city or town, including, without limitation, bonds, medium-term financing, letters of credit and any other financial obligation, until all such obligations have been discharged in full or provision for their payment and redemption has been fully made.

[~~2.~~] **3.** The amendatory provisions of section 49 of this act do not apply to the lease of a passenger car before [~~July~~] **October** 1, 2007.

[~~3. The provisions of section 50 of this act do not apply to the operation of a vehicle before January 1, 2008.~~]

Sec. 57. 1. This section and sections 1 to 46, inclusive, **49.5, 49.7,** 55 and 56 of this act become effective upon passage and approval.

2. [~~Sections 50 to 54, inclusive, of this act become effective upon passage and approval for the purpose of adopting regulations and conducting any preliminary activities necessary to carry out the provisions of this act in a timely manner, and on January 1, 2008, for all other purposes.~~

~~3.~~] Sections [~~47, 48~~] **46.5, 47.1 to 47.4, inclusive, 55.3** and [~~49~~] **55.5** of this act become effective on July 1, 2007.

3. Sections 47.5 and 49 of this act become effective on October 1, 2007.

4. Sections 47 and 47.6 of this act become effective on July 1, 2008.

5. Section 55.5 of this act expires by limitation on December 31, 2015.

TEXT OF REPEALED SECTIONS

365.326 Calculation of amount due from supplier: Deduction of amount due from purchaser who is authorized to defer payment.

1. Except as otherwise provided in subsection 2, in calculating the amount of tax on motor vehicle fuel, other than aviation fuel, a supplier owes to the Department, the supplier may deduct from the amount due pursuant to NRS 365.175 to 365.192, inclusive, any amount that is due but has not been paid by a purchaser who is authorized by the Department to defer payment of the tax pursuant to NRS 365.328. If such a deduction is claimed, the claim must identify the purchaser and the amount of the taxes that he failed to pay.

2. A supplier shall not deduct from the amount he owes the Department pursuant to subsection 1 any amount that has not been paid by a person whose permit to defer the payment of the tax has been revoked pursuant to subsection 4 of NRS 365.328 if, before the motor vehicle fuel, other than aviation fuel, was purchased, the supplier was notified by the Department

pursuant to subsection 5 of NRS 365.328 that it had revoked the permit of the purchaser.

365.328 Deferral of payment by purchaser of certain motor vehicle fuel: Permit; bond; time and method of payment; failure to pay; regulations.

1. A purchaser of motor vehicle fuel, other than aviation fuel, who wishes to defer payment to the supplier of the taxes imposed pursuant to NRS 365.175 to 365.192, inclusive, until 20 days after the end of the month in which the fuel is purchased must apply for a permit to defer payment of the taxes.

2. The Department may require an applicant for a permit to defer payment of the taxes imposed pursuant to NRS 365.175 to 365.192, inclusive, to provide a bond executed by him as principal, and by a corporation qualified pursuant to the laws of this State as surety, payable to this State. The bond must indemnify the Department against any deduction claimed pursuant to NRS 365.326 by a supplier because of the failure of the principal to pay the taxes as required by this chapter.

3. If a purchaser of motor vehicle fuel, other than aviation fuel:

(a) Has been issued a permit to defer the payment of the taxes imposed pursuant to NRS 365.175 to 365.192, inclusive; and

(b) Elects to defer payment of the taxes,

➥ he shall, not later than 25 days after the end of the month in which the fuel is purchased, pay the taxes to the supplier by electronic transfer of money.

4. If a purchaser fails to make a payment to a supplier as required by this section, the Department may:

(a) Revoke the permit of the purchaser;

(b) If the purchaser was required to provide a bond pursuant to subsection 2, require the purchaser to increase the amount of the bond; or

(c) Take any other action to ensure that the taxes imposed pursuant to NRS 365.175 to 365.192, inclusive, are paid.

5. The Department shall notify each supplier in this State when it revokes a permit issued pursuant to this section.

6. The Department shall adopt regulations to carry out the provisions of this section.

7. As used in this section, "electronic transfer of money" means any transfer of money, other than a transaction initiated by a check, draft or other similar instrument, that is initiated through an electronic terminal, telephone, computer or magnetic tape to order, instruct or authorize a financial institution or person holding an account on behalf of a purchaser of motor vehicle fuel to debit an account.

366.360 Cancellation of license.

1. The Department shall cancel any license to act as a special fuel supplier, special fuel dealer, special fuel exporter, special fuel transporter or special fuel user immediately upon the surrender thereof by the holder.

2. If a surety has lodged with the Department a written request to be released and discharged of liability, the Department shall immediately notify

the special fuel supplier or special fuel dealer who furnished the bond, and unless he files a new bond as required by the Department within 30 days or makes a deposit in lieu thereof as provided in NRS 366.235, the Department may cancel his license.

3. If a special fuel supplier or special fuel dealer becomes delinquent in the payment of excise taxes as prescribed by this chapter to the extent that his liability exceeds the total amount of bond furnished by him, the Department may cancel his license immediately.

366.397 Permit to defer payment of tax: Application; bond; payment of tax by electronic transfer; effect of failure to pay tax; notice of revocation; regulations.

1. A purchaser of special fuel who wishes to defer payment of the tax imposed pursuant to NRS 366.190 to the special fuel supplier until 25 days after the end of the month in which the fuel is purchased must apply for a permit to defer payment of the tax.

2. The Department may require an applicant for a permit to defer payment of the tax imposed pursuant to NRS 366.190 to provide a bond executed by him as principal, and by a corporation qualified pursuant to the laws of this State as surety, payable to this State. The bond must indemnify the Department against any deduction claimed pursuant to subsection 2 of NRS 366.540 by a special fuel supplier because of the principal's failure to pay the tax as required by this chapter.

3. If a purchaser of special fuel:

(a) Has been issued a permit to defer the payment of the tax imposed pursuant to NRS 366.190; and

(b) Elects to defer payment of the tax,

➥ he shall, not later than 25 days after the end of the month in which the fuel is purchased, pay the tax to the special fuel supplier by electronic transfer of money.

4. If a purchaser fails to make a payment to a special fuel supplier as required by this section, the Department may:

(a) Revoke the purchaser's permit;

(b) If the purchaser was required to provide a bond pursuant to subsection 2, require the purchaser to increase the amount of the bond; or

(c) Take any other action to ensure that the tax imposed pursuant to NRS 366.190 is paid.

5. The Department shall notify each special fuel supplier in this State when it revokes a permit issued pursuant to this section.

6. The Department shall adopt regulations to carry out the provisions of this section.

7. As used in this section, "electronic transfer of money" means any transfer of money, other than a transaction initiated by a check, draft or other similar instrument, that is initiated through an electronic terminal, telephone, computer or magnetic tape to order, instruct or authorize a financial

institution or person holding an account on behalf of a purchaser of special fuel to debit an account.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 144 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 280.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1093.

SUMMARY—~~[Makes appropriations relating to education and]~~ **Revises provisions governing** licensed educational personnel. (BDR ~~[S-1051)]~~ **34-1051)**

AN ACT ~~[making appropriations to the State Distributive School Account to provide a salary increase to teachers and to provide certain days in each school year and to the Department of Education for distribution of grants of money for programs of performance pay for licensed educational personnel;]~~ **relating to education; creating the Pay-for-Performance Fund in the State Treasury; prescribing the requirements for distribution of grants of money from the Fund to school districts that adopt a program of performance pay and compensation for the enhanced recruitment and retention of licensed educational personnel; making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel Digest:

Section 1.5 of this bill creates the Pay-for-Performance Fund in the State Treasury. Section 1.5 also provides that, within the limits of money available in the Fund, the board of trustees of a school district may submit an application for a grant of money from the Fund to provide a program of performance pay and compensation for the enhanced recruitment and retention of licensed educational personnel.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[1. There is hereby appropriated from the State General Fund to the State Distributive School Account the following sums:~~

~~For the Fiscal Year 2007-2008 $62,631,119~~

~~For the Fiscal Year 2008-2009 $68,010,158~~

~~2. The money appropriated by subsection 1 must be used to:~~

~~(a) Provide a salary increase of $2,000 to each licensed teacher in this State;~~

~~(b) Provide 2 days designated for parent-teacher conferences for the 2007-2008 school year and 2 days designated for parent-teacher conferences for the 2008-2009 school year;~~

~~(c) Provide 1 instructional day to the 2007-2008 school year and 1 instructional day to the 2008-2009 school year that is in addition to the 180 days otherwise required by NRS 388.090; and~~

~~(d) Provide 1 day for the professional development of teachers for the 2007-2008 school year and 1 day for the professional development of teachers for the 2008-2009 school year.~~

~~3. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.]~~ **(Deleted by amendment.)**

Sec. 1.5. **Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. There is hereby created in the State Treasury a Pay-for-Performance Fund to be administered by the Department. The Department may accept gifts, grants and donations from any source for deposit in the Fund.

2. Within the limits of available money in the Pay-for-Performance Fund, the Department shall provide grants of money to school districts based upon the number of pupils enrolled in each school district. Each school district shall use the money to provide a program of performance pay and compensation for the enhanced recruitment and retention of licensed educational personnel employed by the school district.

3. Any interest and income earned on the sum of:

(a) The money in the Pay-for-Performance Fund; and

(b) Unexpended appropriations made to the Pay-for-Performance Fund from the State General Fund,

➥ must be credited to the Pay-for-Performance Fund.

4. The money remaining in the Pay-for-Performance Fund at the end of any fiscal year does not revert to the State General Fund and must be carried forward to the next fiscal year.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the ~~[Department of Education for the Fiscal Year 2008-2009 the sum of $30,000,000 for grants of money to school districts that adopt]~~ **Pay-for-Performance Fund created by section 1.5 of this act for the Clark County School District, Lyon County School District and**

Washoe County School District to carry out a **pilot** program of performance pay and ~~[enhanced]~~ compensation for the **enhanced** recruitment and retention of licensed educational personnel ~~[.]~~ **:**

For the Fiscal Year 2007-2008 $5,000,000

For the Fiscal Year 2008-2009 $5,000,000

2. To receive a grant of money, the ~~[board of trustees of a school district may]~~ **Board of Trustees of the Clark County School District, the Board of Trustees of the Lyon County School District and the Board of Trustees of the Washoe County School District shall each** submit an application to the Department of Education that sets forth ~~[the]~~ **a pilot** program of performance pay and ~~[enhanced]~~ compensation for the **enhanced** recruitment and retention of licensed educational personnel adopted by the school district and negotiated pursuant to chapter 288 of NRS. **Each application must be submitted on or before March 1, 2008.** The **pilot** program must include a component that is based upon the achievement of pupils. **Each pilot program must be developed in consultation with an advisory board established by the school district which consists of, without limitation:**

(a) Representatives of businesses;

(b) Parents of pupils enrolled in the school district;

(c) Licensed educational personnel; and

(d) Other persons and representatives as the board of trustees determines appropriate.

➥ The total number of licensed educational personnel on the advisory board must not exceed the total number of other members on the advisory board.

3. ~~[To the extent that money is available from the appropriation made by subsection 1, the Department of Education shall provide grants of money to school districts with approved applications based upon the amount of money that is necessary to carry out each program. If an insufficient amount of money is available to pay for each program, the money from the appropriation must be distributed]~~ **The Department of Education shall distribute the money appropriated by subsection 1 among the three school districts** pro rata based upon the number of pupils enrolled in each school district **.** ~~[whose application is approved.]~~

4. The board of trustees of each school district that receives a grant of money pursuant to this section shall evaluate the effectiveness of the **pilot** program for which the grant of money was awarded. The evaluation must include, without limitation, an evaluation of whether the **pilot** program is effective in recruiting and retaining qualified licensed educational personnel. On or before February 1, 2009, the board of trustees of each school district shall submit a report of its evaluation and any recommendations to the:

(a) State Board of Education; and

(b) Director of the Legislative Counsel Bureau for transmittal to the 75th Session of the Nevada Legislature.

5. Any remaining balance of the appropriation made by subsection 1 must not be ~~[committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.]~~ **reverted to the State General Fund and must remain in the Pay-for-Performance Fund created by section 1.5 of this act.**

Sec. 3. This act becomes effective on July 1, 2007.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 565.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1097.

AN ACT relating to education; ~~[revising provisions governing the required minimum expenditures of school districts for certain items;]~~ revising the requirements for the biennial budgetary request for the State Distributive School Account; creating the Grant Fund for Incentives for Licensed Educational Personnel; ~~[making appropriations;]~~ **repealing the provision requiring the purchase of retirement service for certain teachers and school psychologists; providing for the transfer of certain money to the Grant Fund;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires each school district to expend a required minimum amount of money each fiscal year, as determined by the Department of Education, for textbooks, instructional supplies and instructional hardware. (NRS 387.206) Section 1 of this bill adds library books, software for computers and equipment relating to instruction to the list of required annual expenditures.]~~

Existing law requires the board of trustees of each school district to submit to the Superintendent of Public Instruction and to the Department of Taxation a written report of the annual budget of the school district. The Superintendent of Public Instruction is required to compile the reports of the annual budgets and submit the written compilation to the Department of Administration and to the Fiscal Analysis Division of the Legislative Counsel Bureau. (NRS 387.303) Section 3 of this bill requires the Superintendent of Public Instruction to include certain information in the

biennial budget request for the State Distributive School Account for submission to the Department of Administration based upon the annual budgets submitted by the school districts.

Section 4 of this bill creates the Grant Fund for Incentives for Licensed Educational Personnel and requires the board of trustees of each school district to establish a program of incentive pay for licensed educational personnel.

~~[Under existing law, the board of trustees of each school district that employs a speech pathologist who is licensed and certified by certain boards and associations is required to add 5 percent to the salary of the speech pathologist. (NRS 391.160) Section 5 of this bill makes an appropriation to assist the school districts with paying the 5 percent increase.~~

~~Section 6 of this bill makes an appropriation for distribution as grants to school districts that establish a pilot program for programs of alternative education for disruptive pupils.]~~

Under existing law, the board of trustees of a school district is required to purchase one-fifth of a year of retirement service for certain teachers and school psychologists. (NRS 391.165) Section 8 of this bill repeals that section of NRS. Section 9 of this bill authorizes teachers and school psychologists who are currently receiving the retirement service to elect to continue in that program for a certain period. Section 10 of this bill provides that certain money specifically designated by the Legislature from the State Distributive School Account for the 2007-2009 biennium to assist the school districts with the purchase of retirement service must be transferred to the Grant Fund for Incentives for Licensed Educational Personnel.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 387.206 is hereby amended to read as follows:~~

~~387.206 1. On or before July 1 of each year, the Department, in consultation with the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, shall develop or revise, as applicable, a formula for determining the minimum amount of money that each school district is required to expend each fiscal year for textbooks, instructional supplies , [and] instructional hardware [.]~~ ~~*, library books, software for computers and equipment relating to instruction, including, without limitation, equipment for telecommunications.*~~ ~~The formula must be used only to develop expenditure requirements and must not be used to alter the [distribution of money for] basic support [to school districts.]~~ ~~*amount per pupil established by the Legislature for a fiscal year.*~~

~~2. Upon approval of the formula pursuant to subsection 1, the Department shall provide written notice to each school district within the first [30] *10* days of each fiscal year that sets forth the required minimum combined amount of money that the school district must expend for~~

~~[textbooks, instructional supplies and instructional hardware for]~~ ~~*the purposes set forth in subsection 1 in*~~ ~~that fiscal year.~~

~~3. On or before January 1 of each year, the Department shall determine whether each school district has expended, during the immediately preceding fiscal year, the required minimum amount of money set forth in the notice provided pursuant to subsection 2. In making this determination, the Department shall use the report submitted by the school district pursuant to NRS 387.303.~~

~~4. Except as otherwise provided in subsection 5, if the Department determines that a school district has not expended the required minimum amount of money set forth in the notice provided pursuant to subsection 2, a reduction must be made from the basic support allocation otherwise payable to that school district in an amount that is equal to the difference between the actual combined expenditure for textbooks, instructional supplies ,~~ ~~[and]~~ ~~instructional hardware~~ ~~*, library books, software for computers and equipment relating to instruction, including, without limitation, equipment for telecommunications*~~ ~~and the minimum required combined expenditure set forth in the notice provided pursuant to subsection 2. A reduction in the amount of the basic support allocation pursuant to this subsection:~~

~~(a) Does not reduce the amount that the school district is required to expend on textbooks, instructional supplies ,~~ ~~[and]~~ ~~instructional hardware ,~~ ~~*library books, software for computers and equipment relating to instruction, including, without limitation, equipment for telecommunications*~~ ~~in the current fiscal year; and~~

~~(b) Must not exceed the amount of basic support that was provided to the school district for the fiscal year in which the minimum expenditure amount was not satisfied.~~

~~5. If the actual enrollment of pupils in a school district is less than the enrollment included in the projections used in the school district's biennial budget submitted pursuant to NRS 387.303, the required expenditure for textbooks, instructional supplies ,~~ ~~[and]~~ ~~instructional hardware ,~~ ~~*library books, software for computers and equipment relating to instruction, including, without limitation, equipment for telecommunications*~~ ~~pursuant to this section must be reduced proportionately.~~

~~*6. As used in this section, "library books" includes, without limitation, instructional materials for libraries.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 387.207 is hereby amended to read as follows:~~

~~387.207 1. [Except as otherwise provided in this section, in each school year a school district shall spend for library books and software for computers an amount of money, expressed as an amount per pupil, that is at least equal to the average of the total amount of money that was expended per year by the school district for those items in the immediately preceding 3 years.~~

~~2. Except as otherwise provided in this section, in each school year a school district shall spend for the purchase of equipment relating to~~

~~instruction, including, without limitation, equipment for telecommunications and for the purchase of equipment relating to the transportation of pupils, an amount of money, expressed as an amount per pupil, that is at least equal to the average of the total amount of money that was expended per year by the school district for those items in the immediately preceding 3 years.~~

~~3.] Except as otherwise provided in this section, in each school year a school district shall spend for the maintenance and repair of equipment, vehicles, [and] buildings and facilities *and for the purchase of equipment relating to the transportation of pupils* an amount of money, expressed as an amount per pupil, that is at least equal to the average of the total amount of money that was expended per year by the school district for those items in the immediately preceding 3 years, excluding any amount of money derived from the proceeds of bonds.~~

~~[4.] *2.* A school district may satisfy the expenditures required by [subsections 1, 2 and 3] *subsection 1* if the school district spends an aggregate amount of money for all the items identified in [those subsections] that *subsection which* is at least equal to the average of the total amount of money expended by the school district per year for all those items in the immediately preceding 3 years.~~

~~[5.] *3.* A school district is not required to satisfy the expenditures required by this section for a school year in which:~~

~~(a) The total number of pupils who are enrolled in public schools within the school district has declined from the immediately preceding school year; or~~

~~(b) The total revenue available in the general fund of the school district has declined from the immediately preceding school year.]~~ **(Deleted by amendment.)**

Sec. 3. NRS 387.303 is hereby amended to read as follows:

387.303 1. Not later than November 10 of each year, the board of trustees of each school district shall submit to the Superintendent of Public Instruction and the Department of Taxation a report which includes the following information:

(a) For each fund within the school district, including, without limitation, the school district's general fund and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the school district in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the school district's final budget, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(b) The count of pupils computed pursuant to paragraph (a) of subsection 1 of NRS 387.1233.

(c) The school district's actual expenditures in the fiscal year immediately preceding the report.

(d) The school district's proposed expenditures for the current fiscal year.

(e) The schedule of salaries for licensed employees in the current school year and a statement of whether the negotiations regarding salaries for the current school year have been completed. If the negotiations have not been completed at the time the schedule of salaries is submitted, the board of trustees shall submit a supplemental report to the Superintendent of Public Instruction upon completion of negotiations or the determination of an arbitrator concerning the negotiations that includes the schedule of salaries agreed to or required by the arbitrator.

(f) The number of teachers who received an increase in salary pursuant to subsection 2 of NRS 391.160 for the current and preceding fiscal years. If the board of trustees is required to pay an increase in salary retroactively pursuant to subsection 2 of NRS 391.160, the board of trustees shall submit a supplemental report to the Superintendent of Public Instruction not later than February 15 of the year in which the retroactive payment was made that includes the number of teachers to whom an increase in salary was paid retroactively.

(g) The number of employees eligible for health insurance within the school district for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

(h) The rates for fringe benefits, excluding health insurance, paid by the school district for its licensed employees in the preceding and current fiscal years.

(i) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay and the number of employees receiving that pay in the preceding and current fiscal years.

(j) The expenditures from the account created pursuant to subsection 3 of NRS 179.1187. The report must indicate the total amount received by the district in the preceding fiscal year, and the specific amount spent on books and computer hardware and software for each grade level in the district.

2. On or before November 25 of each year, the Superintendent of Public Instruction shall submit to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, in a format approved by the Director of the Department of Administration, a compilation of the reports made by each school district pursuant to subsection 1.

3. ***In preparing the agency biennial budget request for the State Distributive School Account for submission to the Department of Administration, the Superintendent of Public Instruction shall:***

(a) Compile the information from the most recent ~~*[report]*~~ ***compilation of reports submitted pursuant to subsection 2;***

(b) Increase the line items of expenditure or revenue based on merit salary ~~*[increases,]*~~ ***increases and cost of living adjustments or inflation, as***

deemed credible and reliable based upon published indexes and research relevant to the specific line item of expenditure or revenue;

(c) Adjust expenditures and revenues pursuant to paragraph (b) for any year remaining before the biennium for which the budget is being prepared and for the 2 years of the biennium covered by the biennial budget request to project the cost of expenditures or the receipt of revenues for the specific line items;

(d) Consider the cost of enhancements to existing programs or the projected cost of proposed new educational programs, regardless of whether those enhancements or new programs are included in the per pupil basic support guarantee for inclusion in the biennial budget request to the Department of Administration; and

(e) Obtain approval from the State Board for any inflationary increase, enhancement to an existing program or addition of a new program included in the agency biennial budget request.

4. The Superintendent of Public Instruction shall, in the compilation required by subsection 2, reconcile the revenues ~~[and expenditures]~~ of the school districts with the apportionment received by those districts from the State Distributive School Account for the preceding year.

5. The request prepared pursuant to subsection 3 must:

(a) Be presented by the Superintendent of Public Instruction to such standing committees of the Legislature as the Superintendent determines appropriate for the purpose of developing educational programs and providing appropriations for those programs; and

(b) Provide for a direct comparison of appropriations to the proposed budget of the Governor submitted pursuant to subsection 4 of NRS 353.230.

Sec. 4. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. There is hereby created a Grant Fund for Incentives for Licensed Educational Personnel to be administered by the Department. The Department may accept gifts and grants from any source for deposit in the Grant Fund.

2. The board of trustees of each school district shall establish a program of incentive pay for licensed educational personnel which must be negotiated pursuant to chapter 288 of NRS and must be designed to attract and retain educational personnel. The program may include, without limitation, the attraction and retention of:

(a) ~~*[Teachers who teach]*~~ ***Licensed educational personnel in schools with a specified percentage of pupils who are at risk;***

(b) Teachers who hold an endorsement in the field of mathematics, science, special education, English as a second language or other area of need within the school district ~~*[,]*~~ ***, as determined by the Superintendent of Public Instruction; and***

(c) School psychologists.

3. A program of incentive pay established by a school district must specify the type of financial incentives offered to the licensed educational personnel.

4. If the board of trustees of a school district wishes to receive a grant of money from the Grant Fund, the board of trustees shall submit to the Department an application on a form prescribed by the Department. The application must include a description of the program of incentive pay established by the school district.

5. Within the limits of money available in the Grant Fund, the Department shall provide grants of money to each school district that submits an application pursuant to subsection 4 based upon the amount of money that is necessary to carry out each program. If an insufficient amount of money is available to pay for each program submitted to the Department, the amount of money available must be distributed pro rata based upon the number of licensed employees who are estimated to be eligible to participate in the program in each school district who submitted an application.

6. The board of trustees of each school district that receives a grant of money pursuant to this section shall evaluate the effectiveness of the program for which the grant was awarded. The evaluation must include, without limitation, an evaluation of whether the program is effective in recruiting and retaining licensed educational personnel. On or before December 1 of each year, the board of trustees shall submit a report of its evaluation to the:

(a) Governor;

(b) State Board;

(c) If the report is submitted in an even-numbered year, Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(d) If the report is submitted in an odd-numbered year, Legislative Committee on Education.

Sec. 5. ~~[1. There is hereby appropriated from the State General Fund to the Department of Education for a 5-percent increase to the salary of certain speech pathologists:~~

~~For the Fiscal Year 2007-2008~~	~~$597,268~~
~~For the Fiscal Year 2008-2009~~	~~$706,444~~

~~2. The Department shall distribute the money appropriated to the school districts to assist the school districts with paying the 5-percent increase to the salary of certain speech pathologists pursuant to subsection 3 of NRS 391.160. If the money from the appropriation is insufficient to pay the total costs of the increase, the school district shall pay the difference.~~

~~3. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or~~

~~otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.]~~

(Deleted by amendment.)

Sec. 6. ~~[1. There is hereby appropriated from the State General Fund to the Department of Education for pilot programs for alternative programs of education for disruptive pupils established pursuant to this section:~~

~~For the Fiscal Year 2007-2008 $500,000~~

~~For the Fiscal Year 2008-2009 $500,000~~

~~2. The Superintendent of Public Instruction shall prescribe:~~

~~(a) The form for an application to establish a pilot program for an alternative program of education for disruptive pupils; and~~

~~(b) Criteria for the selection of schools to establish such a pilot program.~~

~~3. A public school in this State may submit an application to the Department to establish a pilot program pursuant to this section. Such an application must include an estimate of the costs of establishing a program. If a school is selected to establish a pilot program, the school will receive a grant of money from the appropriation made by subsection 1 to carry out a program in an amount based upon the estimated costs of establishing the program.~~

~~4. A pilot program established pursuant to this section must:~~

~~(a) Comply with NRS 392.4642 to 392.4648, inclusive;~~

~~(b) Be provided in a setting outside the regular classroom of the pupil;~~

~~(c) Ensure that pupils who are participating in the program are separated from pupils who are not participating in the program;~~

~~(d) Provide supervision of and counseling to pupils who participate in the program;~~

~~(e) Provide and emphasize instruction in English language arts, mathematics, science and history, as appropriate to the grade level of the pupils participating in the program;~~

~~(f) Provide and emphasize training in self-discipline;~~

~~(g) Provide for a transitional stage between in-school or in-home suspension and regular school activities; and~~

~~(h) Include an evaluation phase based on the collection of data to measure the effectiveness of the program.~~

~~5. A pilot program established pursuant to this section may:~~

~~(a) Be located on the grounds of the school or at another location.~~

~~(b) Include programs that:~~

~~(1) Use innovative instructional, counseling or disciplinary concepts.~~

~~(2) Encourage the effective involvement of the parents and legal guardians of pupils who are participating in the program.~~

~~(c) Provide instructional and other services to pupils through the existing staff at a public school or from other personnel, or any combination thereof.~~

~~6. On or before October 1, 2008, the schools that establish a pilot program pursuant to this section shall submit a report to the Department for the period ending September 1, 2008, that includes:~~

~~(a) The manner in which the pilot program was carried out;~~

~~(b) The number of pupils who participated in the program;~~

~~(c) The expenditures made by the school for the program;~~

~~(d) The number of disciplinary referrals, suspensions and expulsions that occurred at the school before and after the establishment of the program; and~~

~~(e) An analysis of the academic achievement and performance of the pupils before and after the pupils participated in the program.~~

~~7. The Department shall evaluate the effectiveness of the pilot programs established pursuant to this section based on the reports submitted by the schools pursuant to subsection 6. In addition, the Department shall solicit and analyze data from schools that did not establish pilot programs pursuant to this section but have established alternative programs of education for disruptive pupils. The Department may spend not more than $10,000 of the amount appropriated by subsection 1 during the Fiscal Years 2007-2009 to hire a contractor to assist with the evaluation.~~

~~8. On or before December 1, 2008, the Department shall submit a report of its findings to the Legislative Committee on Education.~~

~~9. On or before February 1, 2009, the Department shall submit a final report of its findings to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.~~

~~10. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.]~~ **(Deleted by amendment.)**

Sec. 7. **NRS 286.3005 is hereby amended to read as follows:**

286.3005 A state agency may purchase credit for service on behalf of a member only as provided in NRS 286.3007. Except as otherwise required as a result of NRS 286.537**,** ~~[or 391.165,]~~ any other public employer may pay any portion of the cost to purchase credit for service under NRS 286.300, but is not required to do so. No credit may be validated unless the cost of purchasing credit has been paid.

Sec. 8. **NRS 391.165 is hereby repealed.**

Sec. 9. **1. If a teacher or school psychologist entered into a contract or other agreement of employment with a school district before July 1, 2007, the board of trustees of the school district shall purchase one-fifth of a year of service for that employee pursuant to subsection 2 of**

NRS 286.300 if the employee qualified under the provisions of NRS 391.165. On or before August 1, 2007, the board of trustees of each school district shall notify each such employee that he may elect to participate in the program of incentive pay for licensed educational personnel established pursuant to section 4 of this act if he otherwise qualifies for participation in the program in lieu of the purchase of retirement service on behalf of the employee pursuant to NRS 391.165.

2. On or before October 1, 2007, each employee who was given notice pursuant to subsection 1 shall notify the school district whether he will participate in the program of incentive pay for licensed educational personnel in lieu of the purchase of retirement service on behalf of the employee pursuant to NRS 391.165, as that section existed on June 30, 2007.

3. If an employee elects to continue to receive the one-fifth of a year of service, the employee's participation in that program ceases when the employee has received, after his election, one full year of retirement service credit pursuant to that program. An employee's election to continue to receive the one-fifth of a year of service does not preclude the employee from participating in the program of incentive pay for licensed educational personnel established pursuant to section 4 of this act by the school district which employs him:

(a) After the employee's participation in the purchase of the retirement service credit program ceases; and

(b) If the employee is otherwise eligible to participate in the program established by the school district pursuant to section 4 of this act.

Sec. 10. **Notwithstanding any other provision of law to the contrary, the money that is specifically designated for expenditure from the State Distributive School Account by the Legislature for the 2007-2009 biennium pursuant to section 14 of Assembly Bill No. 627 of this Session, if enacted, to assist school districts with the purchase of service on behalf of employees of the school district pursuant to NRS 391.165, as that section existed on June 30, 2007, must be transferred to the Grant Fund for Incentives for Licensed Educational Personnel created by section 4 of this act.**

~~[Sec. 7.]~~ ***Sec. 11.*** This act becomes effective on July 1, 2007.

TEXT OF REPEALED SECTION

391.165 Purchase of retirement credit for certain teachers and school psychologists.

1. Except as otherwise provided in subsection 3 and except as otherwise required as a result of NRS 286.537, the board of trustees of a school district shall pay the cost for a licensed teacher or licensed school psychologist to purchase one-fifth of a year of service pursuant to subsection 2 of NRS 286.300 if:

(a) The teacher or school psychologist is a member of the Public Employees' Retirement System and has at least 5 years of service;

(b) The teacher or school psychologist has been employed as a licensed teacher or licensed school psychologist in this State for at least 5 consecutive school years, regardless of whether the employment was with one or more school districts in this State;

(c) Each evaluation of the teacher or school psychologist conducted pursuant to NRS 391.3125 is at least satisfactory for the years of employment required by paragraph (b); and

(d) In addition to the years of employment required by paragraph (b):

(1) The teacher has been employed as a licensed teacher for 2 school years at a school within the school district during his employment at the school:

(I) Which carried the designation of demonstrating need for improvement; or

(II) At which at least 65 percent of the pupils who are enrolled in the school are children who are at risk;

(2) The teacher holds an endorsement in the field of mathematics, science, special education or English as a second language and has been employed for at least 1 school year to teach in the subject area for which he holds an endorsement; or

(3) The school psychologist has been employed as a licensed school psychologist for at least 1 school year.

➥ The provisions of this paragraph do not require consecutive years of employment or employment at the same school within the school district.

2. Except as otherwise provided in subsection 3, the board of trustees of a school district shall pay the cost for a licensed teacher or school psychologist to purchase one-fifth of a year of service for each year that a teacher or school psychologist satisfies the requirements of subsection 1. If, in 1 school year, a teacher satisfies the criteria set forth in both subparagraphs (1) and (2) of paragraph (d) of subsection 1, the school district in which the teacher is employed is not required to pay for more than one-fifth of a year of service pursuant to subsection 2 of NRS 286.300 for that school year.

3. In no event may the years of service purchased by a licensed teacher or school psychologist as a result of subsection 2 of NRS 286.300 exceed 5 years.

4. The board of trustees of a school district shall not:

(a) Assign or reassign a licensed teacher or school psychologist to circumvent the requirements of this section.

(b) Include as part of a teacher's or school psychologist's salary the costs of paying the teacher or school psychologist to purchase service pursuant to this section.

5. As used in this section:

(a) A child is "at risk" if he is eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.

(b) "Service" has the meaning ascribed to it in NRS 286.078.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 342.

Bill read third time.

Roll call on Senate Bill No. 342:

YEAS—42.

NAYS—None.

Senate Bill No. 342 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Oceguera moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:44 a.m.

ASSEMBLY IN SESSION

At 11:48 a.m.

Madam Speaker presiding.

Quorum present.

Senate Bill No. 393.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1095.

AN ACT relating to transportation; ~~[requiring employees of the Nevada Transportation Authority to carry identification and wear specified clothing;]~~ requiring certain employees of the **Nevada Transportation** Authority to receive certain training; changing the name of the "Transportation Services Authority" to the "Nevada Transportation Authority"; requiring the Authority to appoint a Deputy Commissioner; providing the qualifications and duties of the Deputy Commissioner; ~~[prohibiting a member of the Authority from taking a position within a regulated industry or business for 1 year after service on the Authority;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Transportation Services Authority regulates fully regulated carriers, operators of tow cars and brokers of regulated services as provided for in chapter 706 of NRS. (NRS 706.151) Sections 11-13 and 16 of

this bill change the name of the Transportation Services Authority to the Nevada Transportation Authority.

~~[Section 5 of this bill requires employees of the Authority to carry proper identification and wear clothing specified by the Deputy Commissioner of the Authority.]~~ Section 6 of this bill requires the Authority to adopt regulations specifying the training which its compliance enforcement officers must receive.

Existing law allows the Authority to appoint a Deputy and employ other persons as needed. (NRS 706.176) Section 15 of this bill requires the Authority to appoint a Deputy Commissioner and sets forth the qualifications and duties for the position. Section 15 also requires the Authority to employ compliance enforcement officers and sets forth the duties for those positions.

~~[Existing law prohibits certain persons who have worked for certain agencies of the State from being employed in certain fields or businesses for 1 year after they cease working for the State. (NRS 281.236) Section 17 of this bill expands that prohibition to members of the Authority.]~~

Existing law provides that an employee designated as an inspector or as Manager of Transportation by the Authority is a peace officer and has police powers. (NRS 289.320) Section 18 of this bill amends this provision to apply only to inspectors.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***"Chairman" means the person designated as Chairman of the Authority by the Governor pursuant to NRS 706.1512.***

Sec. 3. ***"Compliance enforcement officer" means a person employed pursuant to NRS 706.176 whose duties include enforcing certain state statutes and regulations pertaining to motor carriers.***

Sec. 4. ***"Deputy Commissioner" means the person appointed as Deputy Commissioner of the Authority pursuant to NRS 706.176.***

Sec. 5. ~~*[An employee of the Authority who enforces any provision of this chapter or regulations adopted pursuant thereto while on duty shall carry on his person proper identification and wear clothing that identifies him as an employee of the Authority as determined by the Deputy Commissioner.]*~~ **(Deleted by amendment.)**

Sec. 6. ***The Authority shall adopt regulations setting forth the training which a compliance enforcement officer employed by the Authority pursuant to NRS 706.176 must complete, including, without limitation, training in commercial vehicle safety inspections provided by the Nevada Highway Patrol.***

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, ***and sections 2 to 7, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, ***and sections 2, 3 and 4 of this act*** have the meanings ascribed to them in those sections.

Sec. 9. NRS 706.018 is hereby amended to read as follows:

706.018 "Authority" means the ***Nevada*** Transportation ~~[Services]~~ Authority created pursuant to NRS 706.1511.

Sec. 10. NRS 706.151 is hereby amended to read as follows:

706.151 1. It is hereby declared to be the purpose and policy of the Legislature in enacting this chapter:

(a) Except to the extent otherwise provided in NRS 706.881 to 706.885, inclusive, ***and sections 2 to 7, inclusive, of this act,*** to confer upon the Authority the power and to make it the duty of the Authority to regulate fully regulated carriers, operators of tow cars and brokers of regulated services to the extent provided in this chapter and to confer upon the Department of Motor Vehicles the power to license all motor carriers and to make it the duty of the Department of Motor Vehicles and the Department of Public Safety to enforce the provisions of this chapter and the regulations adopted by the Authority pursuant to it, to relieve the undue burdens on the highways arising by reason of the use of the highways by vehicles in a gainful occupation thereon.

(b) To provide for reasonable compensation for the use of the highways in gainful occupations, and enable the State of Nevada, by using license fees, to provide for the proper construction, maintenance and repair thereof, and thereby protect the safety and welfare of the traveling and shipping public in their use of the highways.

(c) To provide for fair and impartial regulation, to promote safe, adequate, economical and efficient service and to foster sound economic conditions in motor transportation.

(d) To encourage the establishment and maintenance of reasonable charges for:

(1) Intrastate transportation by fully regulated carriers; and

(2) Towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle,

➥ without unjust discriminations against or undue preferences or advantages being given to any motor carrier or applicant for a certificate of public convenience and necessity.

(e) To discourage any practices which would tend to increase or create competition that may be detrimental to the traveling and shipping public or the motor carrier business within this State.

2. All of the provisions of this chapter must be administered and enforced with a view to carrying out the declaration of policy contained in this section.

Sec. 11. NRS 706.1511 is hereby amended to read as follows:

706.1511 1. The ***Nevada*** Transportation ~~[Services]~~ Authority is hereby created.

2. The Authority consists of three members appointed by the Governor. After the initial term each member shall serve a term of 4 years.

3. The Governor shall appoint to the Authority members who have at least 2 years of experience in one or more of the following fields:

(a) Accounting.

(b) Business administration.

(c) Economics.

(d) Administrative law.

(e) Transportation.

(f) Professional engineering.

➥ At least one but not more than two of the members appointed must be residents of Clark County.

4. Not more than two of the members may be:

(a) Members of the same political party.

(b) From the same field of experience.

5. All of the members must be persons who are independent of the industries regulated by the Authority. No elected officer of this State or any political subdivision is eligible for appointment.

6. The members of the Authority shall give their entire time to the business of the Authority and shall not pursue any other business or vocation or hold any other office of profit.

7. Each member of the Authority serves at the pleasure of the Governor.

Sec. 12. NRS 706.1513 is hereby amended to read as follows:

706.1513 The Authority may sue and be sued in the name of the ***Nevada*** Transportation ~~[Services]~~ Authority.

Sec. 13. NRS 706.1516 is hereby amended to read as follows:

706.1516 1. The ***Nevada*** Transportation ~~[Services]~~ Authority Regulatory Fund is hereby created as a special revenue fund. All money collected by the Authority pursuant to law must be deposited in the State Treasury for credit to the Fund.

2. Money in the Fund may be used only to defray the costs of:

(a) Maintaining staff and equipment needed to regulate adequately persons subject to the jurisdiction of the Authority.

(b) Participating in all proceedings relevant to the jurisdiction of the Authority.

(c) Audits, inspections, investigations, publication of notices, reports and retaining consultants connected with that maintenance and participation.

(d) The salaries, travel expenses and subsistence allowances of the members of the Authority.

3. All claims against the Fund must be paid as other claims against the State are paid.

4. The Authority must furnish upon request a statement showing the balance remaining in the Fund as of the close of the preceding fiscal year.

Sec. 14. NRS 706.1715 is hereby amended to read as follows:

706.1715 1. The Attorney General shall:

(a) Act as counsel and attorney for the Authority in all actions, proceedings and hearings.

(b) Prosecute in the name of the ***Nevada*** Transportation ~~[Services]~~ Authority all civil actions for the enforcement of this chapter and for the recovery of any penalty or forfeiture provided for therein.

(c) Generally aid the Authority in the performance of its duties and the enforcement of this chapter.

2. The Attorney General or any district attorney may prosecute any violation of this chapter or chapter 712 of NRS for which a criminal penalty is provided.

Sec. 15. NRS 706.176 is hereby amended to read as follows:

706.176 ***1.*** The Authority ~~[may:~~

~~1. Appoint a Deputy who serves in the unclassified service of the State.~~

~~2. Employ]~~ ***shall appoint a Deputy Commissioner who:***

(a) Must be knowledgeable and experienced in public administration and fiscal management;

(b) Must be knowledgeable in the areas of motor carrier regulation by the Authority; and

(c) Must be independent of and have no pecuniary interest in any entity regulated by the Authority.

2. The Deputy Commissioner shall:

(a) Serve as Chief Financial Officer for the Authority and is responsible for directing the daily operation of the Authority, including, without limitation:

(1) Budget preparation;

(2) Administration;

(3) Human resources;

(4) Purchases and acquisitions made by the Authority; and

(5) Contracts and leases entered into by the Authority;

(b) Develop and implement policies and procedures to ensure the efficient operation of the Authority;

(c) Oversee:

(1) The review of applications for certificates, permits and modifications of tariffs;

(2) The maintenance of a hearing calendar of all matters pending before the Authority; and

(3) Compliance with and enforcement of State statutes and regulations pertaining to motor carriers which are regulated by the Authority; and

(d) Authenticate documents and serve as custodian of all agency records.

3. The Deputy Commissioner is in the unclassified service of the State.

4. The Authority shall employ compliance enforcement officers whose duties shall include, without limitation, enforcement activities to ensure motor carriers are operating in compliance with State statutes and regulations, conducting operational inspections of motor carriers and investigating complaints against motor carriers.

5. The Authority may employ such other personnel as may be necessary.

Sec. 16. NRS 232.510 is hereby amended to read as follows:

232.510 1. The Department of Business and Industry is hereby created.

2. The Department consists of a Director and the following:

(a) Consumer Affairs Division.

(b) Division of Financial Institutions.

(c) Housing Division.

(d) Manufactured Housing Division.

(e) Real Estate Division.

(f) Division of Insurance.

(g) Division of Industrial Relations.

(h) Office of Labor Commissioner.

(i) Taxicab Authority.

(j) Nevada Athletic Commission.

(k) Office of the Nevada Attorney for Injured Workers.

(l) ***Nevada*** Transportation ~~[Services]~~ Authority.

(m) Division of Mortgage Lending.

(n) Any other office, commission, board, agency or entity created or placed within the Department pursuant to a specific statute, the budget approved by the Legislature or an executive order, or an entity whose budget or activities have been placed within the control of the Department by a specific statute.

Sec. 17. ~~[NRS 281.236 is hereby amended to read as follows:~~

~~281.236 1. A public utility or parent organization or subsidiary of a public utility shall not employ a former member of the Public Utilities Commission of Nevada for 1 year after the termination of his service on the Commission.~~

~~2. A person who holds a license issued pursuant to chapter 463 or 464 of NRS or who is required to register with the Nevada Gaming Commission pursuant to chapter 463 of NRS shall not employ a former member of the State Gaming Control Board or the Nevada Gaming Commission for 1 year after the termination of the member's service on the Board or Commission.~~

~~*3. A business or industry governed by chapter 706 or 712 of NRS or regulations adopted pursuant thereto shall not employ a former member of the Nevada Transportation Authority, appointed pursuant to NRS 706.1511, for 1 year after the termination of the member's service on the Authority.*~~

~~*4.* In addition to the prohibitions set forth in subsections 1 and 2, a business or industry whose activities are governed by regulations adopted by a department, division or other agency of the Executive Branch of government shall not, except as otherwise provided in subsection [4,] *5,*~~

~~employ a former public officer or employee of the agency, except a clerical employee, for 1 year after the termination of his service or period of employment if:~~

~~(a) His principal duties included the formulation of policy contained in the regulations governing the business or industry;~~

~~(b) During the immediately preceding year he directly performed activities, or controlled or influenced an audit, decision, investigation or other action, which significantly affected the business or industry which might, but for this section, employ him; or~~

~~(c) As a result of his governmental service or employment, he possesses knowledge of the trade secrets of a direct business competitor.~~

~~[4.] 5. A public officer or employee may request the Commission on Ethics to apply the relevant facts in his case to the provisions of subsection [3] 4 and determine whether relief from the strict application of the provisions is proper. If the Commission on Ethics determines that relief from the strict application of the provisions of subsection [3] 4 is not contrary to:~~

~~(a) The best interests of the public;~~

~~(b) The continued integrity of State Government; and~~

~~(c) The code of ethical standards prescribed in NRS 281.481,~~

~~➡ it may issue an opinion to that effect and grant such relief. The opinion of the Commission on Ethics in such a case is subject to judicial review.~~

~~[5.] 6. As used in this section, "regulation" has the meaning ascribed to it in NRS 233B.038.]~~ **(Deleted by amendment.)**

Sec. 18. NRS 289.320 is hereby amended to read as follows:

289.320 An employee of the ***Nevada*** Transportation ~~[Services]~~ Authority whom it designates as an inspector ~~[or as Manager of Transportation]~~ is a peace officer and has police power for the enforcement of the provisions of:

1. Chapters 706 and 712 of NRS and all regulations of the ***Nevada*** Transportation ~~[Services]~~ Authority or the Department of Motor Vehicles pertaining thereto; and

2. Chapter 482 of NRS and NRS 483.230, 483.350 and 483.530 to 483.620, inclusive, for the purposes of carrying out the provisions of chapter 706 of NRS.

Sec. 19. On October 1, 2007, the State Controller shall transfer all assets and liabilities from the Transportation Services Authority Regulatory Fund to the Nevada Transportation Authority Regulatory Fund created pursuant to section 11 of this act.

Sec. 20. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity

whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 21. This act becomes effective upon passage and approval for the purpose of adopting regulations and conducting any preliminary activities necessary to ensure that the provisions of this act are carried out in an orderly fashion and on October 1, 2007, for all other purposes.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that upon return from the printer Senate Bill No. 393 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 404.

Bill read third time.

The following amendment was proposed by the Committee on Education:

Amendment No. 1082.

AN ACT relating to education; revising provisions governing homeschooled children; **requiring the board of trustees of each school district to post certain information concerning examinations on its Internet website and ensure that homeschooled children have notice of the website;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, compulsory attendance in public school is required of children between the ages of 7 and 17 years. (NRS 392.040) Compulsory attendance is excused if satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child is receiving at home or in some other school equivalent instruction of the kind and amount approved by the State Board of Education. (NRS 392.070) Sections 3 and 5 of this bill excuse compulsory attendance if a child is enrolled in a private school or if a notice of intent to homeschool the child is filed with the superintendent of schools of the school district in which the child resides. Sections 1 and 5 of this bill authorize the board of trustees of a school district or the governing body of a charter school, as applicable, to require a birth certificate or other documentation to prove the identity of the homeschooled child who wishes to participate in certain activities and classes offered by the public schools in this State and requires such proof under certain circumstances.

Section 3 of this bill sets forth requirements concerning a notice of intent to homeschool and establishes certain rights for a child that is being homeschooled and the parents of that child.

Under existing law, the State Board of Education is required to prescribe the courses of study required for promotion to high school. (NRS 392.033) Section 4 of this bill prescribes the information that must be provided by a homeschooled child who wishes to enroll in a public high school to demonstrate competency in those courses of study or successful completion of those courses.

Section 2.5 of this bill requires the board of trustees of each school district to maintain on its Internet website pertinent information concerning the examinations available to children in the school district. Section 3 of this bill requires each school district to ensure that homeschooled children who reside in the school district have adequate notice of the availability of the website.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 386.580 is hereby amended to read as follows:

386.580 1. An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this State. Except as otherwise provided in this subsection and subsection 2, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district. Except as otherwise provided in subsection 2, if more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

2. Before a charter school enrolls pupils who are eligible for enrollment, a charter school that is dedicated to providing educational programs and opportunities to pupils who are at risk may enroll a child who:

(a) Is a sibling of a pupil who is currently enrolled in the charter school; or

(b) Resides within the school district and within 2 miles of the charter school if the charter school is located in an area that the sponsor of the charter school determines includes a high percentage of children who are at risk. If space is available after the charter school enrolls pupils pursuant to

this paragraph, the charter school may enroll children who reside outside the school district but within 2 miles of the charter school if the charter school is located within an area that the sponsor determines includes a high percentage of children who are at risk.

➥ If more pupils described in this subsection who are eligible apply for enrollment than the number of spaces available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

3. Except as otherwise provided in subsection 7, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

(a) Race;

(b) Gender;

(c) Religion;

(d) Ethnicity; or

(e) Disability,

➥ of a pupil.

4. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or a parent or legal guardian of a homeschooled child, the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at his school or home school or participate in an extracurricular activity at the charter school if:

(a) Space for the child in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the governing body that the child is qualified to participate in the class or extracurricular activity.

➥ If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to this subsection, the governing body is not required to provide transportation for the child to attend the class or activity. A charter school shall not authorize such a child to participate in a class or activity through a program of distance education provided by the charter school pursuant to NRS 388.820 to 388.874, inclusive.

6. The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection 5 if the governing body determines that the child has failed to comply with applicable statutes, or applicable rules and regulations.

If the governing body so revokes its approval, neither the governing body nor the charter school is liable for any damages relating to the denial of services to the child.

7. ***The governing body of a charter school may, before authorizing a homeschooled child to participate in a class or extracurricular activity pursuant to subsection 5, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.***

8. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

(a) With disabilities;

(b) Who pose such severe disciplinary problems that they warrant a specific educational program, including, without limitation, a charter school specifically designed to serve a single gender that emphasizes personal responsibility and rehabilitation; or

(c) Who are at risk.

➥ If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

Sec. 2. NRS 388.850 is hereby amended to read as follows:

388.850 1. A pupil may enroll in a program of distance education only if the pupil satisfies the requirements of any other applicable statute and the pupil:

(a) Is participating in a program for pupils at risk of dropping out of high school pursuant to NRS 388.537;

(b) Is participating in a program of independent study pursuant to NRS 389.155;

(c) Is enrolled in a public school that does not offer certain advanced or specialized courses that the pupil desires to attend;

(d) Has a physical or mental condition that would otherwise require an excuse from compulsory attendance pursuant to NRS 392.050;

(e) Would otherwise be excused from compulsory attendance pursuant to NRS 392.080;

(f) Is otherwise prohibited from attending public school pursuant to NRS 392.264, 392.4642 to 392.4648, inclusive, 392.466, 392.467 or 392.4675;

(g) Is otherwise permitted to enroll in a program of distance education provided by the board of trustees of a school district if the board of trustees determines that the circumstances warrant enrollment for the pupil; or

(h) Is otherwise permitted to enroll in a program of distance education provided by the governing body of a charter school if the governing body of the charter school determines that the circumstances warrant enrollment for the pupil.

2. In addition to the eligibility for enrollment set forth in subsection 1, a pupil must satisfy the qualifications and conditions for enrollment in a

program of distance education adopted by the State Board pursuant to NRS 388.874.

3. A child who is exempt from compulsory attendance and ~~[receiving equivalent instruction authorized by the State Board pursuant to subsection 1 of NRS 392.070]~~ ***is enrolled in a private school pursuant to chapter 394 of NRS or is being homeschooled*** is not eligible to enroll in or otherwise attend a program of distance education, regardless of whether he is otherwise eligible for enrollment pursuant to subsection 1.

4. If a pupil who is prohibited from attending public school pursuant to NRS 392.264 enrolls in a program of distance education, the enrollment and attendance of that pupil must comply with all requirements of NRS 62F.100 to 62F.140, inclusive, and 392.251 to 392.271, inclusive.

5. If a pupil is eligible for enrollment in a program of distance education pursuant to paragraph (c) of subsection 1, he may enroll in the program of distance education only to take those advanced or specialized courses that are not offered at the public school he otherwise attends.

Sec. 2.5. **Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:**

The board of trustees of each school district shall maintain on its Internet website, and shall post in a timely manner, all pertinent information concerning the examinations available to children who reside in the school district, including, without limitation, the dates and times of, and contact information concerning, such examinations. The examinations posted must include, without limitation:

1. The high school proficiency examination administered pursuant to NRS 389.015; and

2. All college entrance examinations offered in this State, including, without limitation, the Scholastic Aptitude Test, the American College Test, the Preliminary Scholastic Aptitude Test and the National Merit Scholarship Qualifying Test.

Sec. 3. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the parent of a child who is subject to compulsory attendance wishes to homeschool the child, the parent must file with the superintendent of schools of the school district in which the child resides a written ~~[or electronic]~~ notice of intent to homeschool the child. The Department shall develop a standard form for the notice of intent to homeschool. The form must not require any information or assurances that are not otherwise required by this section or other specific statute. The board of trustees of each school district shall, in a timely manner, make only the form developed by the Department available to parents who wish to homeschool their child.

2. The initial notice of intent to homeschool must be filed before beginning to homeschool the child or:

(a) Not later than 10 days after the child has been formally withdrawn from enrollment in public school; or

(b) Not later than 30 days after establishing residency in this State.

~~[2.]~~ 3. The purpose of the notice of intent to homeschool is to inform the school district in which the child resides that the child is exempt from the requirement of compulsory attendance. ~~[A notice of intent to homeschool that is filed with a school district remains valid in that school district without renewal until:~~

~~(a) The child is no longer subject to compulsory attendance; or~~

~~(b) The child is enrolled in a public or private school in this State.~~

~~3.]~~ 4. A subsequent notice of intent to homeschool must be filed annually with the school district, beginning with the school year immediately following the school year in which the initial notice of intent to homeschool was filed. If the name or address of the parent or child as indicated on a notice of intent to homeschool changes, the parent must, not later than 30 days after the change, file a new notice of intent to homeschool with the superintendent of schools of the school district in which the child resides.

~~[4.]~~ 5. A notice of intent to homeschool must include only the following:

(a) The full name, age and gender of the child;

(b) The name and address of each parent filing the notice of intent to homeschool;

(c) A statement signed and dated by each such parent declaring that the parent has control or charge of the child and the legal right to direct the education of the child, and assumes full responsibility for the education of the child while the child is being homeschooled;

(d) If the notice is the initial notice of intent to homeschool, an educational plan for the child that is prepared pursuant to subsection 12;

(e) If applicable, the name of the public school in this State which the child most recently attended; and

~~[(e)]~~ (f) An optional statement that the parent may sign which provides: I expressly prohibit the release of any information contained in this document, including, without limitation, directory information as defined in 20 U.S.C. § 1232g(a)(5)(A), without my prior written consent.

~~[5.]~~ 6. Each superintendent of schools of a school district shall accept ~~[any]~~ a notice of intent to homeschool that is filed with him pursuant to this section and meets the requirements of subsection ~~[4,]~~ 5, and shall not require or request any additional information or assurances from the parent who filed the notice.

7. The school district shall provide to a parent who files a notice a written acknowledgment which clearly indicates that the parent has provided notification required by law and that the child is being homeschooled for the duration of the school year. The written acknowledgment shall be deemed proof of compliance with Nevada's

compulsory school attendance law. A written acknowledgment that a child is being homeschooled is effective for 1 school year. The school district shall provide a written acknowledgment that a child is being homeschooled for every school year for the which the parent demonstrates compliance with this section.

~~[6. The superintendent of schools of a school district with whom a notice of intent to homeschool is filed shall:~~

~~(a) Upon receipt, indicate on the notice the date of receipt; and~~

~~(b) Retain a copy of the notice for not less than 15 years. The copy of the notice may be retained in an electronic format.~~

~~7.]~~ 8. The superintendent of schools of a school district shall process a written request for a copy of the records of the school district, or any information contained therein, relating to a child who is being or has been homeschooled not later than 5 days after receiving the request. The superintendent of schools may only release such records or information:

(a) To a person or entity specified by the parent of the child, or by the child if he is at least 18 years of age, upon suitable proof of identity of the parent or child; or

(b) If required by specific statute.

~~[8.]~~ 9. If a child who is or was homeschooled seeks admittance or entrance to any school in this State, the school may use only commonly used practices in determining the academic ability, placement or eligibility of the child. A homeschooled child seeking admittance to public high school must comply with NRS 392.033.

~~[9.]~~ 10. A school or organization shall not discriminate in any manner against a child who is or was homeschooled.

~~[10.]~~ 11. Each school district shall allow homeschooled children to participate in the high school proficiency examination administered pursuant to NRS 389.015 and all college entrance examinations offered in this State, including, without limitation, the Scholastic Aptitude Test, the American College Test, the Preliminary Scholastic Aptitude Test and the National Merit Scholarship Qualifying Test. Each school district shall ~~[maintain on its Internet website a tab for homeschooling, and shall post in a timely manner all pertinent information concerning such examinations available to homeschooled children within the school district, including, without limitation, the dates and times of, and contact information concerning, such examinations.~~

~~11.]~~ ensure that the homeschooled children who reside in the school district have adequate notice of the availability of information concerning such examinations on the Internet website of the school district maintained pursuant to section 2.5 of this act.

12. The parent of a child who is being homeschooled shall prepare an educational plan of instruction for the child in the subject areas of English, including reading, composition and writing, mathematics, science and social studies, including history, geography, economics and government, as

appropriate for the age and level of skill of the child as determined by the parent. The educational plan must be included in the initial notice of intent to homeschool filed pursuant to this section. If the educational plan contains the requirements of this section, the educational plan must not be used in any manner as a basis for denial of an initial notice of intent to homeschool that is otherwise complete. The parent must be prepared to present the educational plan of instruction and proof of the identity of the child to a court of law if required by the court. This subsection does not require a parent to ensure that each subject area is taught each year that the child is homeschooled.

~~[12.]~~ 13. No regulation or policy of the State Board, any school district or any other governmental entity may infringe upon the right of a parent to educate his child based on religious preference unless it is:

(a) Essential to further a compelling governmental interest; and

(b) The least restrictive means of furthering that compelling governmental interest.

~~[13.]~~ 14. As used in this section, "parent" means the parent, custodial parent, legal guardian or other person in this State who has control or charge of a child and the legal right to direct the education of the child.

Sec. 4. NRS 392.033 is hereby amended to read as follows:

392.033 1. The State Board shall adopt regulations which prescribe the courses of study required for promotion to high school, which may include the credits to be earned.

2. The board of trustees of a school district shall not promote a pupil to high school if the pupil does not complete the course of study or credits required for promotion. The board of trustees of the school district in which the pupil is enrolled may provide programs to complete the courses of study required for promotion to high school.

3. The board of trustees of each school district shall adopt a procedure for evaluating the course of study or credits completed by a pupil who transfers to a junior high or middle school from a junior high or middle school in this State or from a school outside of this State.

4. A homeschooled child who enrolls in a public high school shall, upon initial enrollment:

(a) Provide documentation sufficient to prove that the child has successfully completed the courses of study required for promotion to high school through an accredited program of homeschool study recognized by the board of trustees of the school district;

(b) Demonstrate proficiency in the courses of study required for promotion to high school through an examination prescribed by the board of trustees of the school district; or

(c) Provide other proof satisfactory to the board of trustees of the school district demonstrating competency in the courses of study required for promotion to high school.

Sec. 5. NRS 392.070 is hereby amended to read as follows:

392.070 1. Attendance ***of a child*** required by the provisions of NRS 392.040 must be excused when ~~[satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child is receiving at home or in some other school equivalent instruction of the kind and amount approved by the State Board.]~~ ***:***

(a) The child is enrolled in a private school pursuant to chapter 394 of NRS; or

(b) A parent of the child chooses to provide education to the child and files a notice of intent to homeschool the child with the superintendent of schools of the school district in which the child resides in accordance with section 3 of this act.

2. The board of trustees of each school district shall provide programs of special education and related services for homeschooled children. The programs of special education and related services required by this section must be made available:

(a) Only if a child would otherwise be eligible for participation in programs of special education and related services pursuant to NRS 388.440 to 388.520, inclusive;

(b) In the same manner that the board of trustees provides, as required by 20 U.S.C. § 1412, for the participation of pupils with disabilities who are enrolled in private schools within the school district voluntarily by their parents or legal guardians; and

(c) In accordance with the same requirements set forth in 20 U.S.C. § 1412 which relate to the participation of pupils with disabilities who are enrolled in private schools within the school district voluntarily by their parents or legal guardians.

3. Except as otherwise provided in subsection 2 for programs of special education and related services, upon the request of a parent or legal guardian of a child who is enrolled in a private school or a parent or legal guardian of a homeschooled child, the board of trustees of the school district in which the child resides shall authorize the child to participate in ~~[a class that is not available to the child at the private school or home school or to participate in an extracurricular activity,]~~ ***any classes and extracurricular activities,*** excluding sports, at a public school within the school district if:

(a) Space for the child in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the child is qualified to participate in the class or extracurricular activity.

➥ If the board of trustees of a school district authorizes a child to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the child to attend the class or activity. A homeschooled child must be allowed to participate in interscholastic activities and events governed by ~~[an association]~~ ***the Nevada Interscholastic Activities Association*** pursuant to

NRS 386.420 to 386.470, inclusive, and interscholastic activities and events, including sports, pursuant to subsection 5.

4. The board of trustees of a school district may revoke its approval for a pupil to participate in a class or extracurricular activity at a public school pursuant to subsection 3 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees. If the board of trustees revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

5. In addition to those interscholastic activities and events governed by ~~[an association]~~ ***the Nevada Interscholastic Activities Association*** pursuant to NRS 386.420 to 386.470, inclusive, homeschooled children must be allowed to participate in interscholastic activities and events, including sports. A homeschooled child who participates in interscholastic activities and events at a public school pursuant to this subsection must participate within the school district of the child's residence through the public school which the child is otherwise zoned to attend. Any rules or regulations that apply to pupils enrolled in public schools who participate in interscholastic activities and events, including sports, apply in the same manner to homeschooled children who participate in interscholastic activities and events, including, without limitation, provisions governing:

(a) Eligibility and qualifications for participation;

(b) Fees for participation;

(c) Insurance;

(d) Transportation;

(e) Requirements of physical examination;

(f) Responsibilities of participants;

(g) Schedules of events;

(h) Safety and welfare of participants;

(i) Eligibility for awards, trophies and medals;

(j) Conduct of behavior and performance of participants; and

(k) Disciplinary procedures.

6. If a homeschooled child participates in interscholastic activities and events pursuant to subsection 5:

(a) No challenge may be brought by ~~[an association,]~~ ***the Association,*** a school district, a public school or a private school, a parent or guardian of a pupil enrolled in a public school or a private school, a pupil enrolled in a public school or a private school, or any other entity or person claiming that an interscholastic activity or event is invalid because the homeschooled child is allowed to participate.

(b) Neither the school district nor a public school may prescribe any regulations, rules, policies, procedures or requirements governing the eligibility or participation of the homeschooled child that are more restrictive than the provisions governing the eligibility and participation of pupils enrolled in public schools.

7. The programs of special education and related services required by subsection 2 may be offered at a public school or another location that is appropriate.

8. ***The board of trustees of a school district:***

(a) May, before providing programs of special education and related services to a homeschooled child pursuant to subsection 2, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

(b) May, before authorizing a homeschooled child to participate in a class or extracurricular activity, excluding sports, pursuant to subsection 3, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

(c) Shall, before allowing a homeschooled child to participate in interscholastic activities and events governed by the Nevada Interscholastic Activities Association pursuant to NRS 386.420 to 386.470, inclusive, and interscholastic activities and events pursuant to subsection 5, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

9. The Department ~~[may]~~ ***shall*** adopt such regulations as are necessary for the boards of trustees of school districts to provide the programs of special education and related services required by subsection 2.

~~[9.]~~ ***10.*** As used in this section, "related services" has the meaning ascribed to it in 20 U.S.C. § ~~[1401(22).]~~ ***1401.***

Sec. 6. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be suspended or expelled from that school, although he may be placed in another kind of school, for at least a period equal to one semester for that school. For a second occurrence, the pupil must be permanently expelled from that school and:

(a) ~~[Receive equivalent instruction authorized by the State Board pursuant to subsection 1 of NRS 392.070;]~~ ***Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled;*** or

(b) Enroll in a program of independent study provided pursuant to paragraph (b) of subsection 3 of NRS 389.155 or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if he qualifies for enrollment and is accepted for enrollment in accordance with the applicable requirements.

2. Except as otherwise provided in this section, any pupil who is found in possession of a firearm or a dangerous weapon while on the premises of any

public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although he may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school and:

(a) ~~[Receive equivalent instruction authorized by the State Board pursuant to subsection 1 of NRS 392.070;]~~ ***Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled;*** or

(b) Enroll in a program of independent study provided pursuant to paragraph (b) of subsection 3 of NRS 389.155 or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if he qualifies for enrollment and is accepted for enrollment in accordance with the applicable requirements.

➥ The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to the expulsion requirement of this subsection if such modification is set forth in writing.

3. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil must be suspended or expelled from the school for a period equal to at least one semester for that school. For the period of his suspension or expulsion, the pupil must:

(a) ~~[Receive equivalent instruction authorized by the State Board pursuant to subsection 1 of NRS 392.070;]~~ ***Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled;*** or

(b) Enroll in a program of independent study provided pursuant to paragraph (b) of subsection 3 of NRS 389.155 or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if he qualifies for enrollment and is accepted for enrollment in accordance with the applicable requirements.

4. This section does not prohibit a pupil from having in his possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

5. Any pupil in grades 1 to 6, inclusive, except a pupil who has been found to have possessed a firearm in violation of subsection 2, may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

6. A pupil who is participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

(a) Suspended from school pursuant to this section for not more than 10 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

7. As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "Dangerous weapon" includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku, switchblade knife or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

8. The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if he is accepted for enrollment by the charter school pursuant to NRS 386.580. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to his suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 7. The regulations adopted by the State Board of Education which are codified as NAC 392.011 to 392.065, inclusive, are hereby declared void. In preparing the supplements to the Nevada Administrative Code on or after July 1, 2007, the Legislative Counsel shall remove those regulations.

Sec. 8. This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblymen Parnell and Settelmeyer.

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN PARNELL:

Assembly Amendment 1082 requires that the Department of Education develop a standard form for use by parents to file their annual notice of intent to homeschool. The school district must acknowledge in writing that the form has been received and that it indicates that the parent is in compliance with compulsory attendance laws for the school year. It also provides that parents must provide an educational plan only with their initial notice of intent to homeschool.

ASSEMBLYMAN SETTELMEYER:

I have a question for the Committee. I was wondering what the reason was to have to fill out an annual report. With my daughters in regular school, I do not have to enter her into school every single year, so I am not sure what the benefit is of having an annual report.

ASSEMBLYWOMAN PARNELL:

To my colleague from Douglas County, currently that is the standard. *Nevada Administrative Code* requires a one-page form submitted annually to inform the school district that a child is continuing to be homeschooled. It also currently allows a child to take a course at the local elementary school and participate in extracurricular activities after they file that intent to homeschool. It is just a way to communicate with a given school district.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 499.

Bill read third time.

Remarks by Assemblymen Bobzien and Carpenter.

Roll call on Senate Bill No. 499:

YEAS—42.

NAYS—None.

Senate Bill No. 499 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 595.

Bill read third time.

Remarks by Assemblymen Atkinson, Mabey, Gansert, Allen, Oceguera, Kirkpatrick, and Hardy.

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ATKINSON:

Assembly Bill 595 concerns taxes and fuels and provides funding for highway projects. It is also a clean-up bill for the Department of Motor Vehicles regarding special fuels. This bill has the Las Vegas Convention and Visitors Authority (LVCVA) contribution of $20 million to the highway fund. It also has a redirection of the ad valorem tax for capital projects to the highway fund for Clark and Washoe Counties. Also, it has a recovery surcharge fee of 1 percent to the highway fund from the car rental companies. Also, it contains a section that requires the Department of Transportation to adopt regulations and rules whereby they will report their progress on projects to our body.

We have been here 117 days now, and traffic and roads have become a very hot topic around here. I am happy to say that through weeks and months of negotiations and discussions with the various houses and leaders, we have landed on something I believe will keep our roads and our traffic flowing.

After every major event in the south, and particularly in the City of Las Vegas, we hear how individuals are not able to get to and from in a timely manner. We have heard all session how 100 cars are added to our roads daily. We have also heard that if we do nothing, Interstate 15 and Interstate 95 will be at level F for congestion by the year 2009.

This proposal keeps us on track to improve our roads. Madam Speaker and body of this House, we must remain flexible in government. Things change and sometimes we have to make tough decisions, and we have to change with them. Important issues and situations dictate that we remain flexible.

Some will ask, "Will this take away from parks?" I will say this from my conversations with local government: Monies that we are using for these projects were not bonded for parks, they were never dedicated to those efforts.

It may seem like a tough decision for a lot of us, but the choice becomes easy when we hear that our constituents are stuck in traffic for hours and hours at a time. We must do all we can to provide them with relief from congestion.

This is probably not the perfect plan, but it does keep our traffic flowing and it does allow our constituents some relief from congestion.

Madam Speaker and body of this house, I urge your passage.

ASSEMBLYMAN MABEY:

I rise in opposition to Assembly Bill 595. I appreciate the efforts of the Transportation Chairman and all those who worked so hard to help solve this issue. Unfortunately, in my opinion, this bill falls short of the mark and sets the wrong policy.

I understand the first part of the diversion that deals with the LVCVA, and I can support that. It stays at $20 million over the life of this bill, so as time goes, that percentage declines.

I can also understand and support the part about the rental car companies. In exchange for this rediversion, they were able to raise some of their fees, so for them it is a wash.

The final part of this three-legged stool is the part that concerns me. This is the diversion of our property tax that was set aside for capital improvements for highway construction. Under the provisions that apply, the counties will pay over $77 million per year over the last years. These funds are used to build parks, soccer fields, baseball fields, football fields, swimming pools, skating rinks, jails, and other projects that make our communities better places to live.

While Washoe County may not suffer from a lack of parks, Clark County and Las Vegas have a dearth of these facilities. This diversion will only worsen the condition. When you add this to the recent tax abatements that we passed last Saturday, it further worsens the condition. When Little Johnnie asks, "Can we go to the park to swing?" or Jacob wonders why there is no baseball diamond, or Mary has to play in the sprinklers in her backyard instead of going to the swimming pool, we can tell them that the funds went to Interstate 15 to help the biggest corporations in Nevada.

In my opinion, we are helping the major corporations in this state at the expense of our families that are already struggling to make it. The families in my district are willing to sacrifice to have better roads; however, the LVCVA and rental car companies do not sacrifice anything. Why should the families in Nevada be the only ones in Nevada to sacrifice their parks, baseball fields, swimming pools, and other projects that improve the qualities of their neighborhoods, when no one else does? Like I said when I started, in my opinion, this is a bad policy and the families in my district elected me because they felt I could correctly represent them. For them, for the reasons I have explained, and more, I will be voting against the bill.

ASSEMBLYWOMAN GANSERT:

I rise in support of Assembly Bill 595. I have been following the evolution of this bill, and I have seen many people come to the table and collaborate to get the best solution possible at this time. I recognize that local governments will be participating, and I also recognize that it is important that they do so. I appreciate the rental car industry stepping up, and I think it is important to recognize as well that gaming came to the table, stayed at the table, and have been part of the solution. Again, I urge support of this bill. I think it is a good one.

ASSEMBLYWOMAN ALLEN:

I rise in respectful opposition to Assembly Bill 595. I appreciate all the hard work that this body has done in conjunction with all the industries in play, but I am not fully convinced that this is a comprehensive solution to our transportation problems. I would like to see us return to this discussion again in the future and perhaps come up with a more comprehensive package that will help the folks in suburban Las Vegas.

ASSEMBLYMAN OCEGUERA:

I rise in support of Assembly Bill 595. In response to the Minority Leader's suggestion that children will not be able to go to the park, I do not believe that is correct. I think parks are

generally funded by impact fees. The maintenance of parks are funded by fees such as those listed in this bill. In fact, the county managers of the counties affected in this bill came to us and offered this as a solution. I just want to make sure that is clear for the record.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of Assembly Bill 595. We can talk about quality of life issues all day long, but when somebody's parents are sitting on the freeway for an hour everyday, losing time that they could be spending with their children, that also affects the quality of life. For myself, it takes 45 minutes to drive 17 miles every day. That is 45 minutes that I could be spending with my children at their school, helping them with homework, or having a decent dinnertime. I am really frustrated that we stand here today with something that helps us move forward. We are not fixing it, but at least we are putting a dent in it. I am not going back home to tell my constituents that a park is more important than being at home having dinner with their children. I urge your support.

ASSEMBLYMAN HARDY:

I rise in support of Assembly Bill 595. I was privileged to have the opportunity to be in every group that I could insert myself into working with the involved industries, local governments, various branches of government, and trying to develop something that would pass. Working within the parameters of that box, and trying to think outside of the box that we have boxed ourselves into in regards to traffic, we came up with what I consider the best that we could do.

My hat is literally off to those who have stepped forward to do such, and I appreciate the Transportation Chair and the bipartisan effort that has gone into this. I shared my concept and feelings with other comments that were made regarding spending a half hour going to work and coming from work. That is an hour that I would like to be home, and so the family concept is important—the time that I have, that we have, that we are going to protect for families to have at home.

I do not think that any of us are so naïve to think that we have solved all of the traffic problems with this bill, but this is the start. This allows us to do preservation of payment so we save money. This allows us to do bonding so we can get roads down now. This allows us to do zoning so we can pay for the roads where we live. This allows us to do those kinds of things that the Executive Branch suggested in its first rendition as well taking into account the good input that we have had from the Legislative Branch. I am definitely in support of this, and I appreciate the efforts that everybody put forth coming to the many tables that were involved.

Assemblymen Beers, Marvel, and Goicoechea moved the previous question.

The question being on the passage of Assembly Bill No. 595.

Roll call on Assembly Bill No. 595:

YEAS—40.

NAYS—Allen, Mabey—2.

Assembly Bill No. 595 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 144.

Bill read third time.

Roll call on Assembly Bill No. 144:

YEAS—42.

NAYS—None.

Assembly Bill No. 144 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 280.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 280:

YEAS—42.

NAYS—None.

Assembly Bill No. 280 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 565.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 565:

YEAS—42.

NAYS—None.

Assembly Bill No. 565 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 404.

Bill read third time.

Remarks by Assemblymen Parnell, Hardy, and Denis.

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN PARNELL:

Thank you, Madam Speaker. Assembly Bill 404 requires the Department of Education to develop a standard form for use by parents when filing their annual notice of intent. That notice of intent remains, as in the amended form, a yearly notice with each school district. The district then, in turn, must acknowledge in writing that the form has been received so the parents can use it to excuse their children from compulsory attendance. Parents must include an education plan only with the initial notice of intent to homeschool. Homeschooled children seeking admittance to high school must comply with the requirements for promotion from eighth to ninth grade. School districts must establish and maintain information on a website about standardized testing available for homeschooled children.

ASSEMBLYMAN HARDY:

Thank you, Madam Speaker. I rise in support of Senate Bill 404, as amended. When I consider homeschooled children having the advantage of being able to participate in extracurricular activities, like sports, I think that is a wise thing that we have made available to them. What I consider the "get out of jail free" card for truancy is when a homeschooler is registered as a homeschooler and will have the opportunity to have a piece of paper that says they don't have to be in school. The parents, under legal means, will no longer have difficulties with that because the form will be generated. The form has been filled out by the homeschooler's parent.

Some of the homeschoolers have the ability to take high school courses or take special courses not otherwise available in homeschooling. The amended bill will look at the one-page renewal form that the homeschooling parent can fill out in order for the school district to be aware of who the homeschooled person is. The school district will have some fiduciary responsibility looking at the potential for the homeschooler to enter back into the public school system. Thank you, Madam Speaker. I am in support.

ASSEMBLYMAN DENIS:

Thank you, Madam Speaker. I, too, rise in support of Senate Bill 404. As we heard the testimony on this bill, it became apparent that this is a good thing for those who homeschool. They work very hard. Homeschoolers worked very hard to craft this legislation. We have received a lot of emails about it recently. I think what has been said previously is correct. This legislation is good and will be an update to our laws concerning homeschooling. It gives those parents who choose to homeschool better options than they had before. I urge your support.

Roll call on Senate Bill No. 404:

YEAS—42.

NAYS—None.

Senate Bill No. 404 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Anderson, Smith, and Beers as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 127.

Madam Speaker appointed Assemblymen Anderson, Segerblom, and Mabey as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 521.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 624.

The following Senate amendment was read:

Amendment No. 1070.

AN ACT relating to special fuel; providing that a farm vehicle or special mobile equipment that contains dyed special fuel in the fuel tank may be operated on certain highways in this State under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows a farm vehicle that contains dyed special fuel in the fuel tank to be operated on a highway in this State only when it is crossing the highway from one parcel of land to another parcel of land which is owned by or under the control of the person operating the farm vehicle. (NRS 366.203) This bill provides that any farm vehicle that is not required to be registered with the Department of Motor Vehicles or special mobile equipment that is incidentally operated or moved upon a highway may contain dyed special fuel in the fuel tank of the farm vehicle or special mobile equipment while it is operated on certain highways in this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 366.203 is hereby amended to read as follows:

366.203 1. Special fuel, other than compressed natural gas, liquefied petroleum gas or kerosene, which is exempt from the tax pursuant to subsection 3 or 4 of NRS 366.200 must be dyed before it is removed for distribution from a rack. The dye added to the exempt special fuel must be of the color and concentration required by the regulations adopted by the Secretary of the Treasury pursuant to 26 U.S.C. § 4082.

2. Except as otherwise provided in subsections 3 ~~[, 4 and 5,]~~ ***and 4,*** a person shall not operate or maintain on any highway in this State a motor vehicle which contains dyed special fuel in the fuel tank of that vehicle. A person who operates or maintains a motor vehicle in violation of this subsection and the registered owner of the motor vehicle are jointly and severally liable for any taxes, penalties and interest payable to the Department.

3. A person who, pursuant to subsection 2, 3 or 4 of NRS 366.200, is exempt from the tax imposed by this chapter may operate or maintain a motor vehicle on a highway in this State which contains dyed special fuel in the fuel tank of that vehicle.

4. ~~[To the extent permitted by federal law, a]~~ ***A*** person may operate or maintain on a highway in this State any special mobile equipment ***that is incidentally operated or moved upon a highway*** or farm equipment ~~[that]~~ ***which*** contains dyed special fuel in the fuel tank of the special mobile equipment or farm equipment. As used in this subsection:

(a) "Farm equipment" means any self-propelled machinery or motor vehicle that is designed solely for tilling soil or for cultivating, harvesting or transporting crops or other agricultural products ~~[from a field or other area owned or leased by the operator of the farm equipment and in which the crops or agricultural products are grown, to a field, yard, silo, cellar, shed or other facility which is:~~

~~(1) Owned or leased by the operator of the farm equipment; and~~

~~(2) Used to store or process the crops or agricultural products.~~

~~➥~~] ***and which is not required to be registered with the Department.*** The term includes a tractor, baler or swather ***,*** ~~[or]~~ any implement used to retrieve hay ~~[.]~~ ***, or any special mobile equipment that is used for farming purposes. The term does not include a truck-tractor or any other vehicle primarily used for hauling loads long distances over a public highway.***

(b) "Highway" does not include a controlled-access highway as defined in NRS 484.041.

(c) "Truck-tractor" has the meaning ascribed to it in NRS 482.130.

(d) "Vehicle" has the meaning ascribed to it in NRS 482.135.

~~[5. To the extent authorized by federal law, a person may operate or maintain a motor vehicle on a highway in this State that contains dyed special fuel in the fuel tank if the motor vehicle is used only to cross the highway to travel from one parcel of land owned or controlled by the person to another parcel of land owned or controlled by the person.~~

~~6.~~ ***5.*** There is a rebuttable presumption that all special fuel which is not dyed special fuel and which is sold or distributed in this State is for the purpose of propelling a motor vehicle.

6. The Department shall, by regulation, define "incidentally operated or moved upon a highway" for purposes of this section.

Sec. 2. **This act becomes effective upon passage and approval.**

Assemblyman Atkinson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 624.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Kirkpatrick moved that the Assembly do not recede from its actions on Senate Bill No. 274, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Kirkpatrick, Bobzien, and Goicoechea as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 274.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Kirkpatrick moved that the Assembly do not recede from its action on Senate Bill No. 509, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Smith, Kihuen, and Stewart as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 509.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 428.

The following Senate amendment was read:

Amendment No. 695.

AN ACT relating to personal identifying information; prohibiting the use of certain personal identifying information of another to obtain any other personal identifying information of that person without the prior express

consent of the person; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits the use of the personal identifying information of another to harm that person or to obtain credit, a good, a service or anything of value in the name of that other person. (NRS 205.4617, 205.463, 205.464, 205.465) Section 1 of this bill provides that personal identifying information includes, without limitation, any information that can be used to identify the actions, communications or other activities or transactions of a person. (NRS 205.4617) Section 2 of this bill provides that a person who uses the personal identifying information of another **, with the intent to commit an unlawful act,** to: (1) represent or impersonate that other person to obtain access to any personal identifying information of that other person without the prior express consent of that **other** person, or (2) obtain access to any **nonpublic** record of the actions taken, communications made or received by, or other activities or transactions of that other person without the prior express consent of that **other** person is guilty of a category B felony. (NRS 205.463)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 205.4617 is hereby amended to read as follows:

205.4617 1. Except as otherwise provided in subsection 2, "personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a living or deceased person ~~[,]~~ ***or to identify the actions taken, communications made or received by, or other activities or transactions of a living or deceased person,*** including, without limitation:

(a) The current or former name, driver's license number, identification card number, social security number, checking account number, savings account number, credit card number, debit card number, financial services account number, date of birth, place of employment and maiden name of the mother of a person.

(b) The unique biometric data of a person, including, without limitation, the fingerprints, facial scan identifiers, voiceprint, retina image and iris image of a person.

(c) The electronic signature, unique electronic identification number, address or routing code, telecommunication identifying information or access device of a person.

(d) The personal identification number or password of a person.

(e) The alien registration number, government passport number, employer identification number, taxpayer identification number, Medicaid account number, food stamp account number, medical identification number or health insurance identification number of a person.

(f) The number of any professional, occupational, recreational or governmental license, certificate, permit or membership of a person.

(g) The number, code or other identifying information of a person who receives medical treatment as part of a confidential clinical trial or study, who participates in a confidential clinical trial or study involving the use of prescription drugs or who participates in any other confidential medical, psychological or behavioral experiment, study or trial.

(h) The utility account number of a person.

2. To the extent that any information listed in subsection 1 is designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify an artificial person, "personal identifying information" includes information pertaining to an artificial person.

Sec. 2. NRS 205.463 is hereby amended to read as follows:

205.463 1. Except as otherwise provided in subsections 2 and 3, a person who knowingly:

(a) Obtains any personal identifying information of another person; and

(b) ~~[Uses]~~ ***With the intent to commit an unlawful act, uses*** the personal identifying information ~~[to]~~ ***:***

(1) To harm that other person ***;***

(2) To represent or impersonate that other person to obtain access to any personal identifying information of that other person without the prior express consent of that other person;

(3) To obtain access to any nonpublic record of the actions taken, communications made or received by, or other activities or transactions of that other person without the prior express consent of that other person; or ~~[for]~~

(4) For any ***other*** unlawful purpose, including, without limitation, to obtain credit, a good, a service or anything of value in the name of that ***other*** person,

➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $100,000.

2. Except as otherwise provided in subsection 3, a person who knowingly:

(a) Obtains any personal identifying information of another person; and

(b) Uses the personal identifying information to avoid or delay being prosecuted for an unlawful act,

➥ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. A person who violates:

(a) Subsection 1 or 2 by obtaining and using the personal identifying information of an older person or a vulnerable person; or

(b) Subsection 2 to avoid or delay being prosecuted for an unlawful act that is punishable as a category A felony or category B felony,

➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum

term of not more than 20 years, and may be further punished by a fine of not more than $100,000.

4. In addition to any other penalty, the court shall order a person convicted of violating subsection 1 to pay restitution, including, without limitation, any attorney's fees and costs incurred to:

(a) Repair the credit history or rating of the person whose personal identifying information he obtained and used in violation of subsection 1; and

(b) Satisfy a debt, lien or other obligation incurred by the person whose personal identifying information he obtained and used in violation of subsection 1.

Assemblyman Anderson moved that the Assembly concur in the Senate Amendment No. 695 to Assembly Bill No. 428.

Remarks by Assemblyman Anderson.

Motion carried.

The following Senate amendment was read:

Amendment No. 948.

SUMMARY— ~~[Prohibits the use and acquisition of certain]~~ **Makes various changes relating to crimes involving the unlawful use of** personal identifying information of another ~~[without the prior consent of that]~~ person. (BDR 15-1334)

AN ACT relating to personal identifying information; prohibiting the use of certain personal identifying information of another to obtain any other personal identifying information of that person without the prior express consent of the person; **increasing the penalty for possessing, selling, transferring or obtaining and using the personal identifying information of another person under certain circumstances; creating a rebuttable inference of the intent to use the personal identifying information of another person unlawfully under certain circumstances; allowing a postal inspector of the United States Postal Inspection Service to make arrests without a warrant under certain circumstances;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits the use of the personal identifying information of another to harm that person or to obtain credit, a good, a service or anything of value in the name of that other person. (NRS 205.4617, 205.463, 205.464, 205.465) Section 1 of this bill provides that personal identifying information includes, without limitation, any information that can be used to identify the actions, communications or other activities or transactions of a person. (NRS 205.4617) Section 2 of this bill provides that a person who uses the personal identifying information of another, with the intent to commit an unlawful act, to: (1) represent or impersonate that other person to obtain access to any personal identifying information of that other person without the prior express consent of that other person, or (2) obtain access to any nonpublic record of the actions taken, communications made or received by, or other

activities or transactions of that other person without the prior express consent of that other person is guilty of a category B felony. (NRS 205.463)

Sections 2, 3 and 4 of the bill also: (1) increase the penalties for using the personal identifying information of another person if the violation involves the personal identifying information of five or more persons or if the violation causes the victim to suffer a financial loss of $3,000 or more; and (2) create a rebuttable inference of the intent to use the personal identifying information of another person unlawfully if a person possesses the personal identifying information of five or more persons not in the ordinary course of his business or pursuant to a financial transaction entered into with an authorized user of a payment card.

Under existing law, arrests without a warrant may be made under certain circumstances by peace officers, officers of the Drug Enforcement Administration, agents of the Federal Bureau of Investigation or the Secret Service, officers of the Bureau of Indian Affairs or persons employed as police officers by an Indian tribe. (NRS 171.124, 171.1245, 171.1255) Section 5 of this bill allows a postal inspector of the United States Postal Inspection Service to also make arrests without a warrant under certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 205.4617 is hereby amended to read as follows:

205.4617 1. Except as otherwise provided in subsection 2, "personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a living or deceased person ~~[,]~~ ***or to identify the actions taken, communications made or received by, or other activities or transactions of a living or deceased person,*** including, without limitation:

(a) The current or former name, driver's license number, identification card number, social security number, checking account number, savings account number, credit card number, debit card number, financial services account number, date of birth, place of employment and maiden name of the mother of a person.

(b) The unique biometric data of a person, including, without limitation, the fingerprints, facial scan identifiers, voiceprint, retina image and iris image of a person.

(c) The electronic signature, unique electronic identification number, address or routing code, telecommunication identifying information or access device of a person.

(d) The personal identification number or password of a person.

(e) The alien registration number, government passport number, employer identification number, taxpayer identification number, Medicaid account

number, food stamp account number, medical identification number or health insurance identification number of a person.

(f) The number of any professional, occupational, recreational or governmental license, certificate, permit or membership of a person.

(g) The number, code or other identifying information of a person who receives medical treatment as part of a confidential clinical trial or study, who participates in a confidential clinical trial or study involving the use of prescription drugs or who participates in any other confidential medical, psychological or behavioral experiment, study or trial.

(h) The utility account number of a person.

2. To the extent that any information listed in subsection 1 is designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify an artificial person, "personal identifying information" includes information pertaining to an artificial person.

Sec. 2. NRS 205.463 is hereby amended to read as follows:

205.463 1. Except as otherwise provided in subsections 2 and 3, a person who knowingly:

(a) Obtains any personal identifying information of another person; and

(b) ~~[Uses]~~ ***With the intent to commit an unlawful act, uses*** the personal identifying information ~~[to]~~ ***:***

(1) To harm that other person ***;***

(2) To represent or impersonate that other person to obtain access to any personal identifying information of that other person without the prior express consent of that other person;

(3) To obtain access to any nonpublic record of the actions taken, communications made or received by, or other activities or transactions of that other person without the prior express consent of that other person; or ~~[for]~~

(4) For any ***other*** unlawful purpose, including, without limitation, to obtain credit, a good, a service or anything of value in the name of that ***other*** person,

➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $100,000.

2. Except as otherwise provided in subsection 3, a person who knowingly:

(a) Obtains any personal identifying information of another person; and

(b) Uses the personal identifying information to avoid or delay being prosecuted for an unlawful act,

➥ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. A person who violates:

(a) Subsection 1 or 2 by obtaining and using the personal identifying information of an older person or a vulnerable person; ~~[or]~~

(b) Subsection ***1 or 2 by obtaining and using the personal identifying information of five or more persons;***

(c) Subsection 1 or 2 by causing another person to suffer a financial loss or injury of $3,000 or more as a result of the violation; or

(d) Subsection 2 to avoid or delay being prosecuted for an unlawful act that is punishable as a category A felony or category B felony,

➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $100,000.

4. In addition to any other penalty, the court shall order a person convicted of violating subsection 1 to pay restitution, including, without limitation, any attorney's fees and costs incurred to:

(a) Repair the credit history or rating of the person whose personal identifying information he obtained and used in violation of subsection 1; and

(b) Satisfy a debt, lien or other obligation incurred by the person whose personal identifying information he obtained and used in violation of subsection 1.

5. Proof of possession of the personal identifying information of five or more persons in a manner not set forth in NRS 205.4655 permits a rebuttable inference that the possessor intended to use such information in violation of this section.

Sec. 3. **NRS 205.464 is hereby amended to read as follows:**

205.464 1. Except as otherwise provided in subsection 2, a public officer or public employee who knowingly:

(a) Obtains any personal identifying information of another person from any document, file, database, source or process used by a public body to collect, store, maintain, transfer, reproduce, manage or administer personal identifying information; and

(b) Uses the personal identifying information to harm that other person or for any unlawful purpose, including, without limitation, to obtain credit, a good, a service or anything of value in the name of that person,

➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $100,000.

2. A public officer or public employee who violates subsection 1 by ~~[obtaining]~~ ***:***

(a) Obtaining and using the personal identifying information of an older person or a vulnerable person ***;***

(b) Obtaining and using the personal identifying information of five or more persons; or

(c) Causing another person to suffer a financial loss or injury of $3,000 or more as a result of the violation,

➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 7 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $100,000.

3. Except as otherwise provided in subsection 4, a public officer or public employee who knowingly:

(a) Obtains any personal identifying information of another person from any document, file, database, source or process used by a public body to collect, store, maintain, transfer, reproduce, manage or administer personal identifying information; and

(b) Possesses, sells or transfers the personal identifying information for the purpose of establishing a false status, occupation, membership, license or identity for himself or any other person,

➥ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

4. A public officer or public employee who violates subsection 3 by ~~[obtaining]~~ ***:***

(a) Obtaining and possessing, selling or transferring the personal identifying information of an older person or a vulnerable person ***;***

(b) Obtaining and possessing, selling or transferring the personal identifying information of five or more persons; or

(c) Causing another person to suffer a financial loss or injury of $3,000 or more as a result of the violation,

➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $100,000.

5. Except as otherwise provided in subsection 6, a public officer or public employee who knowingly aids another public officer or public employee to commit a violation of any provision of this section is guilty of a category C felony and shall be punished as provided in NRS 193.130.

6. A public officer or public employee who violates subsection 5 by knowingly aiding another public officer or public employee in committing a violation of this section by ~~[obtaining]~~ ***:***

(a) Obtaining the personal identifying information of an older person or a vulnerable person ***;***

(b) Obtaining the personal identifying information of five or more persons; or

(c) Causing another person to suffer a financial loss or injury of $3,000 or more as a result of the violation,

➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $100,000.

7. The provisions of this section do not prohibit the possession or use of any personal identifying information by officers of local police, sheriff and metropolitan police departments and by agents of the Investigation Division of the Department of Public Safety while engaged in undercover investigations related to the lawful discharge of their duties.

8. In addition to any other penalty, the court shall order a public officer or public employee convicted of violating any provision of this section to pay restitution, including, without limitation, any attorney's fees and costs incurred, to:

(a) Repair the credit history or rating of the person whose personal identifying information the public officer or public employee obtained and used in violation of subsection 1; and

(b) Satisfy a debt, lien or other obligation incurred by the person whose personal identifying information the public officer or public employee obtained and used in violation of this section.

9. Proof of possession of the personal identifying information of five or more persons in a manner not set forth in NRS 205.4655 permits a rebuttable inference that the possessor intended to use such information in violation of this section.

Sec. 4. **NRS 205.465 is hereby amended to read as follows:**

205.465 1. It is unlawful for a person to possess, sell or transfer any document or personal identifying information for the purpose of establishing a false status, occupation, membership, license or identity for himself or any other person.

2. Except as otherwise provided in subsection 3, a person who:

(a) Sells or transfers any such document or personal identifying information in violation of subsection 1; or

(b) Possesses any such document or personal identifying information in violation of subsection 1 to commit any of the crimes set forth in NRS 205.085 to 205.217, inclusive, 205.473 to 205.513, inclusive, or 205.610 to 205.810, inclusive,

➥ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. A person who violates subsection 2 by ~~[selling]~~ **:**

(a) Selling or transferring the personal identifying information of an older person or a vulnerable person **;**

(b) Selling or transferring the personal identifying information of five or more persons; or

(c) Causing another person to suffer a financial loss or injury of $3,000 or more as a result of the violation,

➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $100,000.

4. Except as otherwise provided in this subsection and subsections 2 and 3, a person who possesses any such document or personal identifying information in violation of subsection 1 is guilty of a category E felony and shall be punished as provided in NRS 193.130. If a person possesses any such document or personal identifying information in violation of subsection 1 for the sole purpose of establishing false proof of age, including, without limitation, establishing false proof of age to game, purchase alcoholic beverages or purchase cigarettes or other tobacco products, the person is guilty of a misdemeanor.

5. Subsection 1 does not:

(a) Preclude the adoption by a city or county of an ordinance prohibiting the possession of any such document or personal identifying information; or

(b) Prohibit the possession or use of any such document or personal identifying information by officers of local police, sheriff and metropolitan police departments and by agents of the Investigation Division of the Department of Public Safety while engaged in undercover investigations related to the lawful discharge of their duties.

6. Proof of possession of the personal identifying information of five or more persons in a manner not set forth in NRS 205.4655 permits a rebuttable inference that the possessor intended to use such information in violation of this section.

Sec. 5. **Chapter 171 of NRS is hereby amended by adding thereto a new section to read as follows:**

A postal inspector of the United States Postal Inspection Service may, without a warrant, arrest a person:

1. For a public offense committed or attempted in his presence.

2. When the person arrested has committed a felony or gross misdemeanor, although not in his presence.

3. When a felony or gross misdemeanor has in fact been committed, and he has reasonable cause for believing the person arrested to have committed it.

4. On a charge made, upon a reasonable cause, of the commission of a felony or gross misdemeanor by the person arrested.

5. When a warrant has in fact been issued in this State for the arrest of a named or described person for a public offense, and he has reasonable cause to believe that the person arrested is the person so named or described.

Assemblyman Anderson moved that the Assembly do not concur in the Senate Amendment No. 948 to Assembly Bill No. 428.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 131, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Horne, Ohrenschall, and Allen as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 131.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 303, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Anderson, Manendo, and Carpenter as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 303.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 182.

The following Senate amendment was read:

Amendment No. 1056.

SUMMARY—Makes various changes concerning the Fund for a Healthy Nevada ~~[.]~~ **and certain programs administered by the Department of Health and Human Services.** (BDR 40-158)

AN ACT relating to public health; **authorizing the Department of Health and Human Services to administer certain programs to assist certain persons with costs relating to health care and pharmaceutical services;** revising the percentages of and the manner of allocating money in the Fund for a Healthy Nevada for certain programs; revising provisions governing the subsidies from the Fund for the cost of prescription drugs, pharmaceutical services and certain other benefits; revising the membership and duties of the Grants Management Advisory Committee; repealing the Task Force for the Fund for a Healthy Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under federal law, states may provide subsidies, prescription drugs and other assistance to persons with the human immunodeficiency virus or acquired immunodeficiency syndrome. (42 U.S.C. §§ 300ff-21 et seq.) Section 1 of this bill authorizes the Department of Health and Human Services to participate in the federal program and to administer the program in conjunction with other programs already administered by the Department.

Under existing law, the Task Force for the Fund for a Healthy Nevada makes allocations, or reserves for allocation or expenditure by the Department ~~[of Health and Human Services]~~ or the Aging Services Division of ~~[that]~~ **the** Department, certain percentages of money in the Fund for a Healthy Nevada for certain programs and services. (NRS 439.630) Section ~~[3]~~ **4** of this bill eliminates the role of the Task Force in making allocations of money from the Fund and requires the Department to make such allocations itself.

~~[Section 3 of this bill revises the percentages of revenues deposited in the Fund that are required to be allocated for prescription drugs and pharmaceutical services for persons with disabilities. Section 3 also revises the percentages of revenues deposited in the Fund that are required to be expended for programs to assist persons with disabilities to live independently.~~

~~Section 3 of this bill requires that the money allocated for programs relating to tobacco use be expended with an emphasis on programs that prevent the use of tobacco by children. Section 3 also requires the Department to allocate 10 percent of available revenues for programs that improve health services for children, with an emphasis on the oral health of children.]~~

Existing law establishes a program to provide subsidies for senior citizens and persons with disabilities for the cost of prescription drugs and pharmaceutical services and, for senior citizens, other benefits, including, without limitation, dental and vision benefits. (NRS 439.635-439.690, 439.705-439.795) Sections ~~[3,]~~ **4 and 5** of this bill specifically add, to the extent money is available, hearing aids and other hearing devices to the list of benefits available for both senior citizens and persons with disabilities pursuant to these programs. Sections ~~[3 and 5]~~ **4 and 6** also make persons with disabilities eligible for the same additional benefits for which senior citizens are currently eligible under existing law, including, without limitation, dental and vision benefits. This bill also allows certain veterans to receive such benefits if they qualify as a senior citizen or person with a disability.

The Grants Management Advisory Committee provides assistance to the Department in the allocation and administration of certain grants administered by the Department. (NRS 232.383, 232.385) Section ~~[6.3]~~ **9** of this bill increases the membership of the Advisory Committee.

Section ~~[6.7]~~ **11** of this bill repeals the Task Force for the Fund for a Healthy Nevada.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Department may, to the extent that money is available, administer a program pursuant to 42 U.S.C. §§ 300ff-21 et seq. to provide therapeutics to treat certain persons who have been diagnosed with the human immunodeficiency virus or acquired immunodeficiency syndrome and to prevent the serious deterioration of the health of such persons. The program may include the provision of subsidies and pharmaceutical services.

2. The Director shall:

(a) Establish the criteria for eligibility for participation in the program administered pursuant to this section, which must be in accordance with the provisions of 42 U.S.C. §§ 300ff-21 et seq.; and

(b) Prescribe the manner in which the program will be administered and services will be provided.

3. The Department may use any other program administered by the Department to facilitate the provision of subsidies and services pursuant to this section, including, without limitation, the provision of subsidies for pharmaceutical services to persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive. If the Department uses another program to facilitate the provision of subsidies and services pursuant to this section, the Department shall not commingle the money available to carry out the provisions of this section and the money available to carry out the other program.

4. Money available to carry out the provisions of this section must be accounted for separately by the Department.

~~[Section 1.]~~ ***Sec. 2.*** NRS 439.600 is hereby amended to read as follows:

439.600 1. The Legislature hereby declares that its priorities in expending the proceeds to the State of Nevada from settlement agreements with and civil actions against manufacturers of tobacco products are:

(a) To increase the number of Nevada students who attend and graduate from Nevada institutions of higher education; and

(b) To assist Nevada residents in obtaining and maintaining good health.

2. To further these priorities, the Legislature hereby declares that it is in the best interest of the residents of this State that all money received by the State of Nevada pursuant to any settlement entered into by the State of Nevada and a manufacturer of tobacco products and all money recovered by the State of Nevada from a judgment in a civil action against a manufacturer

of tobacco products be dedicated solely toward the achievement of the following goals:

(a) Increasing the number of Nevada residents who enroll in and attend a university, college or community college in the State of Nevada;

(b) Reducing and preventing the use of tobacco products, alcohol and illegal drugs, especially by children;

(c) Expanding the availability of health insurance and health care for children and adults in this State, especially for children and for adults with disabilities;

(d) Assisting senior citizens ***and persons with disabilities*** who have modest incomes in purchasing prescription drugs, pharmaceutical services and, to the extent money is available, other services, including, without limitation, dental and vision services ***, and hearing aids or other devices that enhance the ability to hear,*** and assisting those senior citizens ***and persons with disabilities*** in meeting their needs related to health care, home care, respite care and their ability to live independent of institutional care; and

(e) Promoting the general health of all residents of the State of Nevada.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 439.620 is hereby amended to read as follows:

439.620 1. The Fund for a Healthy Nevada is hereby created in the State Treasury. The State Treasurer shall deposit in the Fund:

(a) Fifty percent of all money received by this State pursuant to any settlement entered into by the State of Nevada and a manufacturer of tobacco products; and

(b) Fifty percent of all money recovered by this State from a judgment in a civil action against a manufacturer of tobacco products.

2. The State Treasurer shall administer the Fund. As administrator of the Fund, the State Treasurer:

(a) Shall maintain the financial records of the Fund;

(b) Shall invest the money in the Fund as the money in other state funds is invested;

(c) Shall manage any account associated with the Fund;

(d) Shall maintain any instruments that evidence investments made with the money in the Fund;

(e) May contract with vendors for any good or service that is necessary to carry out the provisions of this section; and

(f) May perform any other duties necessary to administer the Fund.

3. The interest and income earned on the money in the Fund must, after deducting any applicable charges, be credited to the Fund. All claims against the Fund must be paid as other claims against the State are paid.

4. ~~[Upon receiving a request from the]~~ ***The*** State Treasurer or the Department ***may submit to the Interim Finance Committee a request*** for an allocation for administrative expenses from the Fund pursuant to this section ***.*** ~~[, the Task Force for the Fund for a Healthy Nevada shall consider the request within 45 days after receipt of the request. If the Task Force approves the amount requested for allocation, the Task Force shall notify the State~~

~~Treasurer of the allocation. If the Task Force does not approve the requested allocation within 45 days after receipt of the request, the State Treasurer or the Department, as applicable, may submit its request for allocation to the Interim Finance Committee.]~~ Except as otherwise limited by this subsection, the Interim Finance Committee may allocate all or part of the money so requested. The annual allocation for administrative expenses from the Fund ~~[, whether allocated by the Task Force or the Interim Finance Committee must not exceed:]~~ ***must:***

(a) Not ~~[more than]~~ ***exceed*** 2 percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the State Treasurer to administer the Fund; ***and***

(b) Not ~~[more than]~~ ***exceed*** ~~[2.025]~~ ***5*** percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the Department, including, without limitation, the Aging Services Division of the Department, to carry out its duties set forth in NRS ~~[439.625 and]~~ 439.630 ***,*** ~~[;~~

~~(c) Not more than 1.5 percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the Department]~~ to administer the provisions of NRS 439.635 to 439.690, inclusive ~~[;]~~ ***,*** and

~~[(d) Not more than 0.125 percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the Department to administer the provisions of]~~ NRS 439.705 to 439.795, inclusive.

➥ For the purposes of this subsection, the amount of money available for allocation to pay for the administrative costs must be calculated at the beginning of each fiscal year based on the total amount of money anticipated by the State Treasurer to be deposited in the Fund during that fiscal year.

5. The money in the Fund remains in the Fund and does not revert to the State General Fund at the end of any fiscal year.

6. All money that is deposited or paid into the Fund is hereby appropriated to the Department ~~[and, except as otherwise provided in paragraphs (c) to (f), inclusive, and (j) of subsection 1 of NRS 439.630, may only be expended pursuant to an]~~ ***for expenditure or*** allocation ~~[made by the Task Force for the Fund for a Healthy Nevada.]~~ ***in accordance with the provisions of NRS 439.630.*** Money expended from the Fund ~~[for a Healthy Nevada]~~ must not be used to supplant existing methods of funding that are available to public agencies.

~~[Sec. 3.]~~ ***Sec. 4.*** NRS 439.630 is hereby amended to read as follows:

439.630 1. The ~~[Task Force for the Fund for a Healthy Nevada]~~ ***Department*** shall:

(a) Conduct ***, or require the Grants Management Advisory Committee created by NRS 232.383 to conduct,*** public hearings to accept public testimony from a wide variety of sources and perspectives regarding existing or proposed programs that:

(1) Promote public health;

(2) Improve health services for children, senior citizens and persons with disabilities;

(3) Reduce or prevent the use of tobacco;

(4) Reduce or prevent the abuse of and addiction to alcohol and drugs; and

(5) Offer other general or specific information on health care in this State.

(b) Establish a process to evaluate the health and health needs of the residents of this State and a system to rank the health problems of the residents of this State, including, without limitation, the specific health problems that are endemic to urban and rural communities.

(c) ~~[Reserve]~~ ***Allocate*** not more than 30 percent of ~~[all]~~ ***available*** revenues ~~[deposited in the Fund for a Healthy Nevada each year]~~ for direct expenditure by the Department to pay for prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits ***and hearing aids or other devices that enhance the ability to hear,*** for senior citizens pursuant to NRS 439.635 to 439.690, inclusive. From the money ~~[reserved]~~ ~~*[allocated to the Department]*~~ ***allocated*** pursuant to this paragraph, the Department may subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits ***and hearing aids or other devices that enhance the ability to hear,*** to senior citizens pursuant to NRS 439.635 to 439.690, inclusive. The Department shall consider recommendations from the ~~[Task Force for the Fund for a Healthy Nevada]~~ ***Legislative Committee on Health Care*** in carrying out the provisions of NRS 439.635 to 439.690, inclusive. The Department shall submit a quarterly report to the Governor, ~~[the Task Force for the Fund for a Healthy Nevada and]~~ the Interim Finance Committee ***, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate*** regarding the general manner in which expenditures have been made pursuant to this paragraph **.** ~~[and the status of the program.]~~

(d) ~~[Reserve]~~ ***Allocate, by contract or grant, for expenditure*** not more than 30 percent ~~[minus $350,000 of all]~~ ***of available*** revenues ~~[deposited in the Fund for a Healthy Nevada each year]~~ for allocation by the Aging Services Division of the Department in the form of grants for existing or new programs that assist senior citizens with independent living, including, without limitation, programs that provide:

(1) Respite care or relief of ~~[family]~~ ***informal*** caretakers;

(2) Transportation to new or existing services to assist senior citizens in living independently; and

(3) Care in the home which allows senior citizens to remain at home instead of in institutional care.

➥ The Aging Services Division of the Department shall consider recommendations from the ~~[Task Force for the Fund for a Healthy Nevada]~~ ~~*[Grants Management Advisory Committee]*~~ ***Legislative Committee on Health Care*** concerning the independent living needs of senior citizens.

(e) ~~[Reserve not more than]~~ ***Allocate*** $200,000 of all revenues deposited in the Fund ~~[for a Healthy Nevada]~~ each year for ~~[allocation]~~ ***direct expenditure*** by the Director to:

(1) Provide guaranteed funding to finance assisted living facilities that satisfy the criteria for certification set forth in NRS 319.147; and

(2) Fund assisted living facilities that satisfy the criteria for certification set forth in NRS 319.147 and assisted living supportive services that are provided pursuant to the provisions of the home and community-based services waiver which are amended pursuant to NRS 422.2708.

➥ The Director shall develop policies and procedures for ~~[allocating money which is reserved]~~ ***distributing the money allocated*** pursuant to this paragraph. ***Money allocated pursuant to this paragraph does not revert to the Fund at the end of the fiscal year.***

(f) ~~[Reserve $150,000 of all revenues deposited in the Fund for a Healthy Nevada each year, if available, for allocation by the Aging Services Division of the Department in the form of contracts or grants for existing or new programs that provide dental benefits to persons who are domiciled in this State and are 62 years of age or older:~~

~~(1) Who satisfy the residency requirement set forth in subsection 2 of NRS 439.665; and~~

~~(2) Whose incomes are not over the amounts set forth in subsection 2 of NRS 439.665, as adjusted pursuant to the provisions of that section.~~

~~(g)]~~ Allocate, by contract or grant, for expenditure not more than 20 ~~*[15]*~~ percent of ~~[all]~~ ***available*** revenues ~~[deposited in the Fund for a Healthy Nevada each year]~~ for programs that prevent, reduce or treat the use of tobacco and the consequences of the use of tobacco .

~~[(h)]~~ ~~*[, with an emphasis on programs that prevent the use of tobacco by children.]*~~

(g) Allocate, by contract or grant, for expenditure not more than 10 percent of ~~[all]~~ ***available*** revenues ~~[deposited in the Fund for a Healthy Nevada each year]~~ for programs that improve health services for children .

~~[(i)]~~ ~~*[, with particular emphasis on programs that improve the oral health of children.]*~~

(h) Allocate, by contract or grant, for expenditure not more than 7.5 ~~*[10]*~~ percent of ~~[all]~~ ***available*** revenues ~~[deposited in the Fund for a Healthy Nevada each year]~~ for programs that improve the health and well-being of persons with disabilities. In making allocations pursuant to this paragraph, the ~~[Task Force]~~ ***Department*** shall, to the extent practicable, allocate the money evenly among the following three types of programs:

(1) Programs that provide respite ~~[for persons caring]~~ ***care or relief of informal caretakers*** for persons with disabilities;

(2) Programs that provide positive behavioral supports to persons with disabilities; and

(3) Programs that assist persons with disabilities to live safely and independently in their communities outside of an institutional setting.

~~[(j) Reserve]~~

(i) Allocate not more than 2.5 ~~*[5]*~~ percent of ~~[all]~~ ***available*** revenues ~~[deposited in the Fund for a Healthy Nevada each year]~~ for direct expenditure by the Department to subsidize any portion of the cost of providing prescription drugs ***,*** ~~[and]~~ pharmaceutical services ***and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** to persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive. The Department shall consider recommendations from the ~~[Task Force for the Fund for a Healthy Nevada]~~ ***Legislative Committee on Health Care*** in carrying out the provisions of NRS 439.705 to 439.795, inclusive.

~~[(k)]~~ ***(j)*** Maximize expenditures through local, federal and private matching contributions.

~~[(l)]~~ ***(k)*** Ensure that any money expended from the Fund ~~[for a Healthy Nevada]~~ will not be used to supplant existing methods of funding that are available to public agencies.

~~[(m)]~~ ***(l)*** Develop policies and procedures for the administration and distribution of contracts, grants and other expenditures to state agencies, political subdivisions of this State, nonprofit organizations, universities, state colleges and community colleges. A condition of any such contract or grant must be that not more than 8 percent of the contract or grant may be used for administrative expenses or other indirect costs. The procedures must require at least one competitive round of requests for proposals per biennium.

~~[(n)]~~ ***(m)*** To make the allocations required by paragraphs ***(f),*** (g) ~~[,]~~ ***and*** (h) ***:*** ~~[and (i):]~~

(1) ~~[Prioritize and quantify]~~ ***Review and consider the prioritized list of*** the needs for these programs ~~[,]~~ ***submitted by the Legislative Committee on Health Care pursuant to NRS 439B.220;***

(2) Develop, solicit and accept applications for allocations;

(3) ~~*[Consider]*~~ ***Review and consider the recommendations of the Grants Management Advisory Committee submitted pursuant to NRS 232.385;***

(4) Conduct annual evaluations of programs to which allocations have been awarded; and

~~[(4)]~~ ***(5)*** Submit annual reports concerning the programs to the Governor ***,*** ~~[and]~~ the Interim Finance Committee ~~[.]~~ ***, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate.***

~~[(o)]~~ ***(n)*** Transmit a report of all findings, recommendations and expenditures to the Governor ***,*** ~~[and]~~ each regular session of the Legislature

~~[.]~~ ***, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate.***

2. The ~~[Task Force]~~ ***Department*** may take such other actions as are necessary to carry out its duties.

3. ~~[The Department shall take all actions necessary to ensure that all allocations for expenditures made by the Task Force are carried out as directed by the Task Force.~~

~~4.~~ ~~—~~] To make the allocations required by ~~[paragraphs (d) and (f)]~~ ***paragraph (d)*** of subsection 1, the Aging Services Division of the Department shall:

(a) Prioritize and quantify the needs of senior citizens for these programs;

(b) Develop, solicit and accept grant applications for allocations;

(c) As appropriate, expand or augment existing state programs for senior citizens upon approval of the Interim Finance Committee;

(d) Award grants, contracts or other allocations;

(e) Conduct annual evaluations of programs to which grants or other allocations have been awarded; and

(f) Submit annual reports concerning the allocations made by the Aging Services Division pursuant to ~~[paragraphs]~~ ***paragraph*** (d) ~~[and (f)]~~ of subsection 1 to the Governor ***,*** ~~[and]~~ the Interim Finance Committee ~~[.]~~ ***, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate.***

~~[5.]~~ ***4.*** The Aging Services Division of the Department shall submit each proposed grant or contract which would be used to expand or augment an existing state program to the Interim Finance Committee for approval before the grant or contract is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money. The Aging Services Division of the Department shall not expend or transfer any money allocated to the Aging Services Division pursuant to this section to subsidize any portion of the cost of providing prescription drugs ***,*** ~~[and]~~ pharmaceutical services ***and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** to senior citizens pursuant to NRS 439.635 to 439.690, inclusive, or to subsidize any portion of the cost of providing prescription drugs ***,*** ~~[and]~~ pharmaceutical services ***and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** to persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive.

~~[6. The Department, on behalf of the Task Force, shall submit each allocation proposed pursuant to paragraph (g), (h) or (i) of subsection 1 which would be used to expand or augment an existing state program to the Interim Finance Committee for approval before the contract or grant is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money.]~~

5. A veteran may receive benefits or other services which are available from the money allocated pursuant to this section for senior citizens or persons with disabilities to the extent that the veteran does not receive other benefits or services provided to veterans for the same purpose if the veteran qualifies for the benefits or services as a senior citizen or a person with a disability, or both.

6. As used in this section, "available revenues" means the total revenues deposited in the Fund for a Healthy Nevada each year minus $200,000.

~~[Sec. 4.]~~ ***Sec. 5.*** NRS 439.665 is hereby amended to read as follows:

439.665 1. The Department may:

(a) Enter into contracts with private insurers who transact health insurance in this State to subsidize the cost of prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits ~~[,]~~ ***and hearing aids or other devices that enhance the ability to hear,*** for senior citizens by arranging for the availability, at a reasonable cost, of policies of health insurance that provide coverage to senior citizens for prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits ~~[;]~~ ***and hearing aids or other devices that enhance the ability to hear;*** or

(b) Subsidize the cost of prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits ~~[,]~~ ***and hearing aids or other devices that enhance the ability to hear,*** for senior citizens in any other manner.

2. Within the limits of the money available for this purpose in the Fund for a Healthy Nevada, a senior citizen who is not eligible for Medicaid and who is eligible for a subsidy that is made available pursuant to subsection 1 is entitled to an annual grant from the Fund to subsidize the cost of prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits ~~[,]~~ ***and hearing aids or other devices that enhance the ability to hear,*** if he has been domiciled in this State for at least 1 year immediately preceding the date of his application and ~~[:]~~ ***except as otherwise provided in subsection 5:***

(a) If the senior citizen is single, his income is not over $21,500; or

(b) If the senior citizen is married, his household income is not over $28,660.

➥ The monetary amounts set forth in this subsection must be adjusted for each fiscal year by adding to each amount the product of the amount shown multiplied by the percentage increase in the Consumer Price Index from December 2002 to the December preceding the fiscal year for which the adjustment is calculated.

3. The subsidy granted pursuant to this section must not exceed the annual cost of prescription drugs, pharmaceutical services and ***to the extent***

money is available, other benefits ***, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** provided to the senior citizen.

4. A subsidy that is made available pursuant to subsection 1 must provide for:

(a) A copayment of not more than $10 per prescription drug or pharmaceutical service that is generic as set forth in the formulary of the insurer or as set forth by the Department; and

(b) A copayment of not more than $25 per prescription drug or pharmaceutical service that is preferred as set forth in the formulary of the insurer or as set forth by the Department.

5. The Department may waive the eligibility requirement set forth in subsection 2 regarding household income upon written request of the applicant or enrollee based on one or more of the following circumstances:

(a) Illness;

(b) Disability; or

(c) Extreme financial hardship, when considering the current financial circumstances of the applicant or enrollee.

➥ An applicant or enrollee who requests such a waiver shall include with that request all medical and financial documents that support his request.

6. If the Federal Government provides any coverage for:

(a) Prescription drugs and pharmaceutical services; or

(b) Other benefits, including, without limitation, dental or vision benefits ~~[,]~~ ***or hearing aids or other devices that enhance the ability to hear,***

➥ for senior citizens who are eligible for a subsidy pursuant to subsections 1 to 5, inclusive, the Department may, upon approval of the Legislature, or the Interim Finance Committee if the Legislature is not in session, change any program established pursuant to NRS 439.635 to 439.690, inclusive, and otherwise provide assistance with prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits ***and hearing aids or other devices that enhance the ability to hear,*** for senior citizens within the limits of the money available for this purpose in the Fund ***.*** ~~[for a Healthy Nevada.]~~

7. The provisions of subsections 1 to 5, inclusive, do not apply to the extent that the Department provides assistance ***with prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** for senior citizens pursuant to subsection 6.

8. A veteran may receive assistance with prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, pursuant to this section to the extent that the veteran does not receive other services or benefits provided to veterans for the same purpose if the veteran qualifies for the assistance as a senior citizen.

~~[Sec. 5.]~~ ***Sec. 6.*** NRS 439.745 is hereby amended to read as follows:

439.745 1. The Department may:

(a) Enter into contracts with private insurers who transact health insurance in this State to subsidize the cost of prescription drugs **,** ~~[and]~~ pharmaceutical services ***and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** for persons with disabilities by arranging for the availability, at a reasonable cost, of policies of health insurance that provide coverage to persons with disabilities for prescription drugs **,** ~~[and]~~ pharmaceutical services ~~[;]~~ ***and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear;*** or

(b) Subsidize the cost of prescription drugs **,** ~~[and]~~ pharmaceutical services ***and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** for persons with disabilities in any other manner.

2. Within the limits of the money available for this purpose in the Fund for a Healthy Nevada, a person with a disability who is not eligible for Medicaid and who is eligible for a subsidy for the cost of prescription drugs **,** ~~[and]~~ pharmaceutical services ***and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear*** that is made available pursuant to subsection 1 is entitled to an annual grant from the Fund to subsidize the cost of prescription drugs **,** ~~[and]~~ pharmaceutical services ~~[,]~~ ***and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** if he has been domiciled in this State for at least 1 year immediately preceding the date of his application and ~~[:]~~ ***except as otherwise provided in subsection 5:***

(a) If the person with a disability is single, his income is not over $21,500; or

(b) If the person with a disability is married, his household income is not over $28,660.

➥ The monetary amounts set forth in this subsection must be adjusted for each fiscal year by adding to each amount the product of the amount shown multiplied by the percentage increase in the Consumer Price Index from December 2002 to the December preceding the fiscal year for which the adjustment is calculated.

3. The subsidy granted pursuant to this section must not exceed the annual cost of prescription drugs **,** ~~[and]~~ pharmaceutical services ***and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** provided to the person with a disability.

4. A subsidy that is made available pursuant to subsection 1 must provide for:

(a) A copayment of not more than $10 per prescription drug or pharmaceutical service that is generic as set forth in the formulary of the insurer or as set forth by the Department; and

(b) A copayment of not more than $25 per prescription drug or pharmaceutical service that is preferred as set forth in the formulary of the insurer or as set forth by the Department.

5. The Department may waive the eligibility requirement set forth in subsection 2 regarding household income upon written request of the applicant or enrollee based on one or more of the following circumstances:

(a) Illness;

(b) Disability; or

(c) Extreme financial hardship, when considering the current financial circumstances of the applicant or enrollee.

➥ An applicant or enrollee who requests such a waiver shall include with that request all medical and financial documents that support his request.

6. If the Federal Government provides any coverage ~~[of prescription]~~ ***for:***

(a) Prescription drugs and pharmaceutical services ***; or***

(b) Other benefits, including, without limitation, dental or vision benefits or hearing aids or other devices that enhance the ability to hear,

➥ for persons with disabilities who are eligible for a subsidy pursuant to subsections 1 to 5, inclusive, the Department may, upon approval of the Legislature, or the Interim Finance Committee if the Legislature is not in session, change any program established pursuant to NRS 439.705 to 439.795, inclusive, and otherwise provide assistance with prescription drugs ***,*** ~~[and]~~ pharmaceutical services ***and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** for persons with disabilities within the limits of the money available for this purpose in the Fund ***.*** ~~[for a Healthy Nevada.]~~

7. The provisions of subsections 1 to 5, inclusive, do not apply if the Department provides assistance with prescription drugs ***,*** ~~[and]~~ pharmaceutical services ***and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** for persons with disabilities pursuant to subsection 6.

8. A veteran may receive assistance with prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, pursuant to this section to the extent that the veteran does not receive other services or benefits provided to veterans for the same purpose if the veteran qualifies for the assistance as a person with a disability.

~~[Sec. 6.]~~ ***Sec. 7.*** (Deleted by amendment.)

Sec. 8. **NRS 439B.220 is hereby amended to read as follows:**

439B.220 ***1.*** The Committee may:

~~[1.]~~ ***(a)*** Review and evaluate the quality and effectiveness of programs for the prevention of illness.

~~[2.]~~ ***(b)*** Review and compare the costs of medical care among communities in Nevada with similar communities in other states.

~~[3.]~~ ***(c)*** Analyze the overall system of medical care in the State to determine ways to coordinate the providing of services to all members of society, avoid the duplication of services and achieve the most efficient use of all available resources.

~~[4.]~~ ***(d)*** Examine the business of providing insurance, including the development of cooperation with health maintenance organizations and organizations which restrict the performance of medical services to certain physicians and hospitals, and procedures to contain the costs of these services.

~~[5.]~~ ***(e)*** Examine hospitals to:

~~[(a)]~~***(1)*** Increase cooperation among hospitals;

~~[(b)]~~ ***(2)*** Increase the use of regional medical centers; and

~~[(c)]~~***(3)*** Encourage hospitals to use medical procedures which do not require the patient to be admitted to the hospital and to use the resulting extra space in alternative ways.

~~[6.]~~ ***(f)*** Examine medical malpractice.

~~[7.]~~ ***(g)*** Examine the system of education to coordinate:

~~[(a)]~~***(1)*** Programs in health education, including those for the prevention of illness and those which teach the best use of available medical services; and

~~[(b)]~~ ***(2)*** The education of those who provide medical care.

~~[8.]~~ ***(h)*** Review competitive mechanisms to aid in the reduction of the costs of medical care.

~~[9.]~~ ***(i)*** Examine the problem of providing and paying for medical care for indigent and medically indigent persons, including medical care provided by physicians.

~~[10.]~~ ***(j)*** Examine the effectiveness of any legislation enacted to accomplish the purpose of restraining the costs of health care while ensuring the quality of services, and its effect on the subjects listed in ~~[subsections 1 to 9,]~~ ***paragraphs (a) to (i),*** inclusive.

~~[11.]~~ ***(k)*** Determine whether regulation by the State will be necessary in the future by examining hospitals for evidence of:

~~[(a)]~~***(1)*** Degradation or discontinuation of services previously offered, including without limitation, neonatal care, pulmonary services and pathology services; or

~~[(b)]~~ ***(2)*** A change in the policy of the hospital concerning contracts,

➥ as a result of any legislation enacted to accomplish the purpose of restraining the costs of health care while ensuring the quality of services.

~~[12.]~~ ***(l)*** Study the effect of the acuity of the care provided by a hospital upon the revenues of the hospital and upon limitations upon that revenue.

~~[13.]~~ ***(m)*** Review the actions of the Director in administering the provisions of this chapter and adopting regulations pursuant to those provisions. The Director shall report to the Committee concerning any regulations proposed or adopted pursuant to this chapter.

~~[14.]~~ ***(n)*** Identify and evaluate, with the assistance of an advisory group, the alternatives to institutionalization for providing long-term care, including, without limitation:

~~[(a)]~~***(1)*** An analysis of the costs of the alternatives to institutionalization and the costs of institutionalization for persons receiving long-term care in this State;

~~[(b)]~~ ***(2)*** A determination of the effects of the various methods of providing long-term care services on the quality of life of persons receiving those services in this State;

~~[(c)]~~***(3)*** A determination of the personnel required for each method of providing long-term care services in this State; and

~~[(d)]~~ ***(4)*** A determination of the methods for funding the long-term care services provided to all persons who are receiving or who are eligible to receive those services in this State.

~~[15.]~~ ***(o)*** Evaluate, with the assistance of an advisory group, the feasibility of obtaining a waiver from the Federal Government to integrate and coordinate acute care services provided through Medicare and long-term care services provided through Medicaid in this State.

~~[16.]~~ ***(p)*** Evaluate, with the assistance of an advisory group, the feasibility of obtaining a waiver from the Federal Government to eliminate the requirement that elderly persons in this State impoverish themselves as a condition of receiving assistance for long-term care.

~~[17.]~~ ***(q)*** Conduct investigations and hold hearings in connection with its review and analysis.

~~[18.]~~ ***(r)*** Apply for any available grants and accept any gifts, grants or donations to aid the Committee in carrying out its duties pursuant to this chapter.

~~[19.]~~ ***(s)*** Direct the Legislative Counsel Bureau to assist in its research, investigations, review and analysis.

~~[20.]~~ ***(t)*** Recommend to the Legislature as a result of its review any appropriate legislation.

2. The Committee shall:

(a) Prioritize the needs for the programs for the receipt of awards of money pursuant to paragraphs (f), (g) and (h) of subsection 1 of NRS 439.630 and deliver to the Department and the Grants Management Advisory Committee created by NRS 232.383 a list of those priorities; and

(b) Make recommendations to the Aging Services Division of the Department concerning the independent living needs of senior citizens for purposes of allocating money pursuant to paragraph (d) of subsection 1 of NRS 439.630.

~~[Sec. 6.3.]~~ ***Sec. 9.*** NRS 232.383 is hereby amended to read as follows:

232.383 1. The Grants Management Advisory Committee is hereby created within the Department.

2. The Advisory Committee consists of the following ~~[11]~~ ***15*** members appointed by the Director:

(a) A superintendent of a county school district ~~[,]~~ ***or his designee;***

(b) A director of a local agency ~~[providing]~~ ***which provides*** services for abused or neglected children ~~[;]~~

~~[(c) A representative of a community organization involved with]~~ ***, or his designee;***

(c) ~~[Two members]~~ A member who ~~[possess]~~ possesses knowledge, skill and experience in the provision of services to children;

(d) A representative of a department of juvenile justice services;

(e) A member who possesses knowledge, skill and experience in the provision of services to senior citizens;

(f) ~~*[(e)]*~~ Two members who possess knowledge, skill and experience in finance or in business generally;

(g) ~~*[(f)]*~~ A representative of the Nevada Association of Counties;

(h) ~~[A representative of a broad-based nonprofit organization]~~

~~*[(g)]*~~ ***A member*** who possesses knowledge, skill and experience in ~~[collaborating with the community and in]~~ building partnerships between the public sector and the private sector; ~~[and]~~

(i) ~~*[(h)]*~~ Two members of the public who possess knowledge of or experience in the provision of services to persons or families who are disadvantaged or at risk ~~[.]~~ ***;***

~~*[(i)]*~~ ***(j) A member who possesses knowledge, skill and experience in the provision of services to persons with disabilities;***

~~*[(j)]*~~ ***(k) A member who possesses knowledge, skill and experience in the provision of services relating to the cessation of the use of tobacco;***

~~*[(k)]*~~ ***(l) A member who possesses knowledge, skill and experience in the provision of health services to children; and***

~~*[(l)]*~~ ***(m) A representative who is a member of the Nevada Commission on Aging, created by NRS 427A.032, who must not be a Legislator.***

~~*[*~~***.***~~*]*~~

3. An entity who employs a member of the Advisory Committee is not eligible to receive a grant. This subsection does not prohibit an entity that serves solely as the fiscal agent for a recipient of a grant from employing a member of the Advisory Committee.

~~[3.]~~ ***4.*** The Director shall ensure that, insofar as practicable, the members whom he appoints reflect the ethnic and geographical diversity of this State.

~~[4.]~~ ***5.*** After the initial terms, each member of the Advisory Committee serves for a term of 2 years. Each member of the Advisory Committee continues in office until his successor is appointed.

~~[5.]~~ ***6.*** Each member of the Advisory Committee who is not an officer or employee of this State or a political subdivision of this State is entitled to

receive a salary of not more than $80 per day, fixed by the Director, while engaged in the business of the Advisory Committee.

~~[6.]~~ ***7.*** While engaged in the business of the Advisory Committee, each member of the Advisory Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~[7.]~~ ***8.*** A majority of the members of the Advisory Committee constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Advisory Committee.

~~[8.]~~ ***9.*** A member of the Advisory Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Advisory Committee and perform any work necessary to carry out the duties of the Advisory Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Advisory Committee to:

(a) Make up the time he is absent from work to carry out his duties as a member of the Advisory Committee; or

(b) Take annual leave or compensatory time for the absence.

~~[9.]~~ ***10.*** The Advisory Committee shall:

(a) At its first meeting and annually thereafter, elect a Chairman from among its members;

(b) Meet at the call of the Director, the Chairman or a majority of its members as necessary, within the budget of the Advisory Committee, but not to exceed six meetings per year; and

(c) Adopt rules for its own management and government.

~~[Sec. 6.5.]~~ ***Sec. 10.*** NRS 232.385 is hereby amended to read as follows:

232.385 The Grants Management Advisory Committee created by NRS 232.383 shall:

1. Review all requests received by the Department for awards of money from agencies of the State or its political subdivisions and nonprofit community organizations or educational institutions which provide or will provide services to persons served by the programs administered by the Department;

2. Submit recommendations to the Director concerning each request for an award of money that the Advisory Committee believes should be granted, including, without limitation, the name of the agency, nonprofit community organization or educational institution that submitted the request;

3. Adopt policies setting forth criteria to determine which agencies, organizations and institutions to recommend for an award of money;

4. Monitor awards of money granted by the Department to agencies of the State or its political subdivisions, and nonprofit community organizations

or educational institutions which provide or will provide services to persons served by the programs administered by the Department ~~[;]~~ ***, including, without limitation, awards of money granted pursuant to NRS 439.630;***

5. Assist the staff of the Department in determining the needs of local communities and in setting priorities for funding programs administered by the Department; and

6. Consider funding strategies for the Department, including, without limitation, seeking ways to avoid unnecessary duplication of the services for which awards of money to agencies of the State or its political subdivisions and nonprofit community organizations or educational institutions are granted, and make recommendations concerning funding strategies to the Director.

~~[Sec. 6.7.]~~ ***Sec. 11.*** NRS 439.625 is hereby repealed.

~~[Sec. 7.]~~ ***Sec. 12.*** Any money allocated or reserved for direct expenditure pursuant to paragraph (f) of subsection 1 of NRS 439.630 on or before June 30, 2007, that is unspent and returned must be allocated, on and after July 1, 2007, in accordance with the amendatory provisions of paragraph (c) of subsection 1 of NRS 439.630.

~~[Sec. 7.5.]~~ ***Sec. 13.*** 1. The term of the member of the Grants Management Advisory Committee who is a representative of a:

(a) ~~[Department of juvenile justice services expires on June 30, 2007.~~

~~(b)]~~ Broad-based nonprofit organization who possesses knowledge, skill and experience in collaborating with the community and in building partnerships between the public sector and the private sector expires on June 30, 2007.

~~[(c)]~~ **(b)** Community organization involved with children expires on June 30, 2007.

2. The Director of the Department of Health and Human Services shall appoint one member to the Grants Management Advisory Committee pursuant to NRS 232.383, as amended by section ~~[6.3]~~ **9** of this act, who:

(a) Possesses knowledge, skill and experience in the provision of services to persons with disabilities whose term begins on July 1, 2007, and expires on June 30, 2008.

(b) Possesses knowledge, skill and experience in the provision of services relating to the cessation of the use of tobacco whose term begins on July 1, 2007, and expires on June 30, 2009.

(c) Possesses knowledge, skill and experience in the provision of health services to children whose term begins on July 1, 2007, and expires on June 30, 2009.

(d) Is a member of the Nevada Commission on Aging whose term begins on July 1, 2007, and expires on June 30, 2008.

(e) Possesses knowledge, skill and experience in the provision of services to children begins on July 1, 2007, and expires on June 30, 2008.

(f) ~~[Possesses knowledge, skill and experience in the provision of services to children begins on July 1, 2007, and expires on June 30, 2008.~~

~~(g)~~ Possesses knowledge, skill and experience in building partnerships between the public sector and the private sector begins on July 1, 2007, and expires on June 30, 2009.

Sec. 14. **The Legislative Committee on Health Care shall examine and review the allocations of money from the Fund for a Healthy Nevada pursuant to NRS 439.630 to determine whether the allocations reflect the needs of this State and the residents of this State. The examination and review must consider whether the money allocated for programs that prevent, reduce or treat the use of tobacco and the consequences of the use of tobacco should be reduced and determine whether such money should be allocated directly to the Health Division of the Department of Health and Human Services and the district boards of health in counties whose population is 50,000 or more.**

~~[Sec. 8.]~~ ***Sec. 15.*** Notwithstanding the provisions of this act, an award of money granted by the Task Force for the Fund for a Healthy Nevada pursuant to NRS 439.630 on or before June 30, 2007, remains in effect and the Grants Management Advisory Committee shall monitor the award of money pursuant to NRS 232.385.

~~[Sec. 9.]~~ ***Sec. 16.*** This act becomes effective on July 1, 2007.

TEXT OF REPEALED SECTION

439.625 Task Force for Fund: Creation; membership; selection and term of Chairman and Vice Chairman; compensation of members; relief from regular duties of member who is officer or employee of local government; administrative support and technical assistance.

1. The Task Force for the Fund for a Healthy Nevada is hereby created. The membership of the Task Force consists of:

(a) Three members appointed by the Majority Leader of the Senate, one of whom must be a Senator and one of whom must be a member of a nonprofit organization dedicated to health issues in this State;

(b) Three members appointed by the Speaker of the Assembly, one of whom must be an Assemblyman and one of whom must be a member of a nonprofit organization dedicated to health issues in this State; and

(c) Three members appointed by the Governor, one of whom must have experience with and knowledge of matters relating to health care.

➥ Each member appointed pursuant to this subsection must be a resident of this State and must not be employed in the Executive or Judicial Branch of State Government. Each person who appoints members pursuant to this subsection shall ensure that insofar as practicable, the members whom he appoints reflect the ethnic and geographical diversity of this State.

2. At its first meeting on or after July 1 of each odd-numbered year, the Task Force shall select the Chairman and Vice Chairman of the Task Force from among the legislative members of the Task Force. Each such officer shall hold office for a term of 2 years or until his successor is selected. The

chairmanship of the Task Force must alternate each biennium between the houses of the Legislature.

3. For each day or portion of a day during which a member of the Task Force who is a Legislator attends a meeting of the Task Force or is otherwise engaged in the work of the Task Force, except during a regular or special session of the Legislature, he is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218.2207.

➥ The compensation, per diem allowances and travel expenses of the legislative members of the Task Force must be paid from the Legislative Fund.

4. Members of the Task Force who are not Legislators serve without salary, except that they are entitled to receive travel expenses provided for state officers and employees generally. The travel expenses of:

(a) A member of the Task Force who is an officer or employee of a local government thereof must be paid by the local government that employs him.

(b) Each remaining member of the Task Force must be paid from the Legislative Fund.

5. Each member of the Task Force who is an officer or employee of a local government must be relieved from his duties without loss of his regular compensation so that he may perform his duties relating to the Task Force in the most timely manner practicable. A local government shall not require an officer or employee who is a member of the Task Force to:

(a) Make up the time he is absent from work to fulfill his obligations as a member of the Task Force; or

(b) Take annual leave or compensatory time for the absence.

6. The Legislative Counsel Bureau and the Department shall provide such administrative support to the Task Force as is required to carry out the duties of the Task Force. The State Health Officer shall provide such technical advice and assistance to the Task Force as is requested by the Task Force.

Assemblywoman Leslie moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 182.

Remarks by Assemblywoman Leslie.

Motion carried.

Bill ordered transmitted to the Senate.

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Assembly Bill No. 148, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 669 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 4, which is attached to and hereby made a part of this report.

SHEILA LESLIE	MAURICE WASHINGTON
BERNIE ANDERSON	JOYCE WOODHOUSE
JOE HARDY	JOSEPH HECK
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA4.

SUMMARY—~~[Enacts provisions governing the sale of products containing materials that are used in the manufacture of]~~ **Makes various changes relating to** methamphetamine and other controlled substances. (BDR 40-512)

AN ACT relating to controlled substances; ~~[requiring entities that sell certain products that are precursors to methamphetamine to place such products in an area to which the public does not have direct access, to limit the quantity of such products sold or transferred to the same person during any calendar day, to maintain a list of sales of such products and to ensure that certain information is entered in that list; prohibiting a person from acquiring more than a certain amount of certain products that are]~~ **making various changes concerning the sale, transfer or acquisition of** precursors to methamphetamine; **making various changes relating to crimes relating to the use or manufacturing of methamphetamine and other controlled substances; revising various provisions relating to nuisances;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill establishes restrictions on the sale and purchase of products that contain materials that can be used to manufacture methamphetamine ~~[.]~~ **and makes other various changes pertaining to methamphetamine and other controlled substances.**

Section 6 of this bill requires sellers of a product that contains certain materials that can be used to manufacture methamphetamine to keep the product in a locked case or cabinet or behind a store counter so that the public does not have direct access to the product. Section 7 of this bill establishes limits on the quantity of certain chemicals that can be sold to the same person during a calendar day. Section 8 of this bill requires sellers of a product that contains materials that can be used to manufacture methamphetamine to maintain a logbook of sales and transfers of the product and to ensure that certain information is entered in the logbook.

If a seller of a product that contains materials that can be used to manufacture methamphetamine violates section 6, 7 or 8 of this bill, section 9 of this bill provides that the seller is subject to a civil penalty of not more than $250,000 for each violation.

Section 10 of this bill prohibits a person from knowingly or intentionally purchasing or otherwise acquiring a certain amount of certain chemicals that can be used to manufacture methamphetamine. A person who violates this provision is subject to criminal penalties.

Section 11 of this bill prohibits a person from knowingly or intentionally entering false information in the logbook. A person who violates this provision is guilty of a category D felony.

Section 11.5 of this bill prohibits the possession or disposition of chemical waste or debris resulting from the manufacture of methamphetamine.

Existing law prohibits a person from possessing certain chemicals with the intent to manufacture or compound a controlled substance other than marijuana. (NRS 453.322) Section 11.7 of this bill adds lithium metal and sodium metal to the list of prohibited chemicals. Section 11.7 also prohibits a person from providing such a chemical to another person with the intent that it be used in the manufacturing or compounding of a controlled substance other than marijuana.

Existing law provides that a building or place used to unlawfully manufacture a controlled substance is a nuisance, which creates civil liability, and a public nuisance, which is a crime. (NRS 40.140, 202.450, 202.470) Sections 16 and 17 of this bill provide that a building or place that was used to unlawfully manufacture a controlled substance is both a nuisance and a public nuisance if certain activities relating to the decontamination of the building or place have not occurred within a certain period.

Section 25 of this bill prohibits a person from: (1) selling or transferring in the course of business a product that is a precursor to methamphetamine; or (2) engaging in the business of selling at retail a product that is a precursor to methamphetamine, unless the person is a pharmacy.

Section 26 of this bill requires a pharmacy that becomes aware of any unusual or excessive loss or disappearance of a product that is a precursor to methamphetamine to report the loss or disappearance to the Department of Public Safety.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 453 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[11,]~~ **11.5,** inclusive, of this act.

Sec. 2. ***As used in sections 2 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Logbook" means a written or electronic list of each sale or transfer of a product that is a precursor to methamphetamine.***

Sec. 4. ***"Product that is a precursor to methamphetamine" means a product that contains ephedrine, pseudoephedrine or phenylpropanolamine or the salts, optical isomers or salts of optical isomers of such chemicals and may be marketed or distributed lawfully in the United States under the***

Federal Food, Drug and Cosmetic Act, 21 U.S.C. §§ 301 et seq., as a nonprescription drug.

Sec. 5. ***"Retail distributor" means a grocery store, general merchandise store, drugstore, pharmacy or other entity or person whose activities as a distributor of a product that is a precursor to methamphetamine are limited exclusively or almost exclusively to sales for personal use by an ultimate user, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.***

Sec. 6. ***A retail distributor shall keep, store or place a product that is a precursor to methamphetamine in a locked case or cabinet or behind a counter so that the public does not have direct access to the product before a sale or transfer is made.***

Sec. 7. ***1. Except as otherwise provided in subsection 2, a retail distributor shall not:***

(a) Sell or transfer to the same person during any calendar day, without regard to the number of transactions, more than 3.6 grams of ephedrine base, pseudoephedrine base or phenylpropanolamine base or the salts, optical isomers or salts of optical isomers of such chemicals in a product that is a precursor to methamphetamine.

(b) Sell at retail and in nonliquid form a product that is a precursor to methamphetamine, including, without limitation, gel caps, unless:

(1) The product is packaged in blister packs, each blister containing not more than two dosage units; or

(2) If the use of blister packs is technically infeasible, the product is packaged in unit dosage packets or pouches.

2. The provisions of subsection 1 do not apply if, pursuant to 21 U.S.C. § 830(e)(3), the Attorney General of the United States has determined that a product that is a precursor to methamphetamine cannot be used to manufacture methamphetamine and provided by regulation that the product is exempt from the provisions of 21 U.S.C. § 830(d).

Sec. 8. ***1. A retail distributor shall maintain a logbook.***

2. At the time of a sale or transfer of a product that is a precursor to methamphetamine, a retail distributor shall ensure that the following information is entered in the logbook:

(a) The name of the product sold or transferred;

(b) The quantity of the product sold or transferred;

(c) The name and address of the purchaser or transferee; and

(d) The date and time of the sale or transfer.

3. A retail distributor shall not sell or transfer a product that is a precursor to methamphetamine unless:

(a) The prospective purchaser or transferee:

(1) Presents an identification card that provides a photograph and is issued by the Government of the United States or the government of this

State or any other state, or a document that, with respect to identification, is considered acceptable pursuant to 21 U.S.C. § 830(e)(1); and

(2) Signs his name in the logbook; and

(b) The retail distributor determines that the name entered in the logbook corresponds to the name provided on the identification presented by the prospective purchaser or transferee.

4. The retail distributor must include in the logbook or otherwise post or provide to a prospective purchaser or transferee a notice that entering a false statement or representation in the logbook may subject the prospective purchaser or transferee to criminal penalties under state law, as set forth in section 11 of this act, and under federal law, as set forth in 18 U.S.C. § 1001.

5. A retail distributor shall maintain each entry in the logbook for not less than 2 years after the date on which the entry is made.

6. A retail distributor shall not access, use or share the information in the logbook unless the accessing, using or sharing of the information is allowed by federal law or unless the purpose of accessing, using or sharing the information is to ensure compliance with this chapter or to facilitate a product recall to protect the health and safety of the public.

7. Upon a request, which is made for the purpose of enforcing the provisions of sections 2 to 11, inclusive, of this act, by a law enforcement agency of this State or a political subdivision thereof or a law enforcement agency of the Federal Government, a retail distributor shall disclose the information in the logbook to the law enforcement agency.

Sec. 9. ***If a retail distributor violates any provision of section 6, 7 or 8 of this act, the retail distributor is subject to a civil penalty pursuant to the provisions of NRS 453.553 to 453.5533, inclusive.***

Sec. 10. ***1. Except as otherwise provided in subsection 2, a person shall not knowingly or intentionally purchase, receive or otherwise acquire:***

(a) During any calendar day more than 3.6 grams of ephedrine base, pseudoephedrine base or phenylpropanolamine base or the salts, optical isomers or salts of optical isomers of such chemicals in a product that is a precursor to methamphetamine; or

(b) During any 30-day period, more than 9 grams of ephedrine base, pseudoephedrine base or phenylpropanolamine base or the salts, optical isomers or salts of optical isomers of such chemicals in a product that is a precursor to methamphetamine.

2. The provisions of this section do not apply if the person purchasing, receiving or otherwise acquiring a product that is a precursor to methamphetamine is a pharmacy, practitioner, retail distributor, wholesale distributor or dispenser that is purchasing, receiving or otherwise acquiring the product for the purpose of administering, distributing or dispensing it in a lawful manner.

3. A person who violates any of the provisions of this section is guilty of a misdemeanor, except that:

(a) If the person violates any of the provisions of this section after a prior conviction under this chapter or the law of the United States or of any state, territory or district relating to a controlled substance has become final, the person is guilty of a gross misdemeanor; and

(b) If the person violates any of the provisions of this section after two or more prior convictions under this chapter or the law of the United States or of any state, territory or district relating to a controlled substance, or a combination of two or more such prior convictions, have become final, the person is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 11. ***Any person who knowingly or intentionally enters a false statement or representation in a logbook is guilty of a category D felony and shall be punished as provided in NRS 193.130.***

Sec. 11.5. 1. Except as otherwise provided in subsection 2, a person who knowingly possesses or disposes of methamphetamine manufacturing waste is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. A person does not violate subsection 1 if the person:

(a) Possesses or disposes of the methamphetamine manufacturing waste pursuant to state or federal laws regulating the storage, cleanup or disposal of waste products from unlawful methamphetamine manufacturing;

(b) Has notified a law enforcement agency of the existence of the methamphetamine manufacturing waste; or

(c) Possesses or disposes of methamphetamine manufacturing waste that had previously been disposed of by another person on the person's property in violation of subsection 1.

3. As used in this section:

(a) "Disposes of" means to discharge, deposit, inject, spill, leak or place methamphetamine manufacturing waste into or onto land or water.

(b) "Methamphetamine manufacturing waste" means chemical waste or debris, used in or resulting from:

(1) The manufacture of any material, compound, mixture or preparation which contains any quantity of methamphetamine; or

(2) The grinding, soaking or otherwise breaking down of a substance that is a precursor for the manufacture of any material, compound, mixture or preparation which contains any quantity of methamphetamine.

Sec. 11.7. **NRS 453.322 is hereby amended to read as follows:**

453.322 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, ***and sections 2 to 11.5, inclusive, of this act,*** it is unlawful for a person to knowingly or intentionally:

(a) Manufacture or compound a controlled substance other than marijuana.

(b) Possess, with the intent to manufacture or compound a controlled substance other than marijuana ~~[.]~~ ***, or sell, exchange, barter, supply, prescribe, dispense or give away, with the intent that the chemical be used to manufacture or compound a controlled substance other than marijuana:***

(1) Any chemical identified in subsection 4; or

(2) Any other chemical which is proven by expert testimony to be commonly used in manufacturing or compounding a controlled substance other than marijuana. The district attorney may present expert testimony to provide a prima facie case that any chemical, whether or not it is a chemical identified in subsection 4, is commonly used in manufacturing or compounding such a controlled substance.

➥ The provisions of this paragraph do not apply to a person who, without the intent to commit an unlawful act, possesses any chemical at a laboratory that is licensed to store the chemical.

(c) Offer or attempt to do any act set forth in paragraph (a) or (b).

2. Unless a greater penalty is provided in NRS 453.3385 or 453.3395, a person who violates any provision of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $100,000.

3. The court shall not grant probation to a person convicted pursuant to this section.

4. The following chemicals are identified for the purposes of subsection 1:

(a) Acetic anhydride.
(b) Acetone.
(c) N-Acetylanthranilic acid, its esters and its salts.
(d) Anthranilic acid, its esters and its salts.
(e) Benzaldehyde, its salts, isomers and salts of isomers.
(f) Benzyl chloride.
(g) Benzyl cyanide.
(h) 1,4-Butanediol.
(i) 2-Butanone (or methyl ethyl ketone or MEK).
(j) Ephedrine, its salts, isomers and salts of isomers.
(k) Ergonovine and its salts.
(l) Ergotamine and its salts.
(m) Ethylamine, its salts, isomers and salts of isomers.
(n) Ethyl ether.
(o) Gamma butyrolactone.
(p) Hydriodic acid, its salts, isomers and salts of isomers.
(q) Hydrochloric gas.
(r) Iodine.
(s) Isosafrole, its salts, isomers and salts of isomers.
(t) ***Lithium metal.***
(u) Methylamine, its salts, isomers and salts of isomers.

~~[(u)]~~ ***(v)*** 3,4-Methylenedioxy-phenyl-2-propanone.
~~[(v)]~~ ***(w)*** N-Methylephedrine, its salts, isomers and salts of isomers.
~~[(w)]~~ ***(x)*** Methyl isobutyl ketone (MIBK).
~~[(x)]~~ ***(y)*** N-Methylpseudoephedrine, its salts, isomers and salts of isomers.
~~[(y)]~~ ***(z)*** Nitroethane, its salts, isomers and salts of isomers.
~~[(z)]~~ ***(aa)*** Norpseudoephedrine, its salts, isomers and salts of isomers.
~~[(aa)]~~ ***(bb)*** Phenylacetic acid, its esters and its salts.
~~[(bb)]~~ ***(cc)*** Phenylpropanolamine, its salts, isomers and salts of isomers.
~~[(cc)]~~ ***(dd)*** Piperidine and its salts.
~~[(dd)]~~ ***(ee)*** Piperonal, its salts, isomers and salts of isomers.
~~[(ee)]~~ ***(ff)*** Potassium permanganate.
~~[(ff)]~~ ***(gg)*** Propionic anhydride, its salts, isomers and salts of isomers.
~~[(gg)]~~ ***(hh)*** Pseudoephedrine, its salts, isomers and salts of isomers.
~~[(hh)]~~ ***(ii)*** Red phosphorous.
~~[(ii)]~~ ***(jj)*** Safrole, its salts, isomers and salts of isomers.
~~[(jj)]~~ ***(kk) Sodium metal.***
(ll) Sulfuric acid.
~~[(kk)]~~ ***(mm)*** Toluene.

Sec. 12. NRS 453.553 is hereby amended to read as follows:

453.553 1. In addition to any criminal penalty imposed for a violation of the provisions of NRS 453.011 to 453.552, inclusive, ***and sections 2 to ~~11,~~ 11.5, inclusive, of this act,*** any person who ***violates section 6, 7 , ~~or~~ 8 or 11.5 of this act,*** unlawfully sells, manufactures, delivers or brings into this State, possesses for sale or participates in any way in a sale of a controlled substance listed in schedule I, II or III or who engages in any act or transaction in violation of the provisions of NRS 453.3611 to 453.3648, inclusive, is subject to a civil penalty for each violation. This penalty must be recovered in a civil action, brought in the name of the State of Nevada by the Attorney General or by any district attorney in a court of competent jurisdiction.

2. As used in ~~[this section and NRS 453.5531, 453.5532 and 453.5533:]~~ ***NRS 453.553 to 453.5533, inclusive:***

(a) "Each violation" includes a continuous or repetitive violation arising out of the same act.

(b) "Sell" includes exchange, barter, solicitation or receipt of an order, transfer to another for sale or resale and any other transfer for any consideration or a promise obtained directly or indirectly.

(c) "Substitute" means a substance which:

(1) Was manufactured by a person who at the time was not currently registered with the Secretary of Health and Human Services; and

(2) Is an imitation of or intended for use as a substitute for a substance listed in schedule I, II or III.

Sec. 13. NRS 453.5531 is hereby amended to read as follows:

453.5531 1. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving marijuana, to a civil penalty in an amount:

(a) Not to exceed $350,000, if the quantity involved is 100 pounds or more, but less than 2,000 pounds.

(b) Not to exceed $700,000, if the quantity involved is 2,000 pounds or more, but less than 10,000 pounds.

(c) Not to exceed $1,000,000, if the quantity involved is 10,000 pounds or more.

2. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance, except marijuana, which is listed in schedule I or a substitute therefor, to a civil penalty in an amount:

(a) Not to exceed $350,000, if the quantity involved is 4 grams or more, but less than 14 grams.

(b) Not to exceed $700,000, if the quantity involved is 14 grams or more, but less than 28 grams.

(c) Not to exceed $1,000,000, if the quantity involved is 28 grams or more.

3. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance which is listed in schedule II or III or a substitute therefor, to a civil penalty in an amount:

(a) Not to exceed $350,000, if the quantity involved is 28 grams or more, but less than 200 grams.

(b) Not to exceed $700,000, if the quantity involved is 200 grams or more, but less than 400 grams.

(c) Not to exceed $1,000,000, if the quantity involved is 400 grams or more.

4. Unless a greater civil penalty is authorized by another provision of this section, the State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions of NRS 453.3611 to 453.3648, inclusive, to a civil penalty in an amount not to exceed $350,000.

5. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions of section 6, 7 **,** ~~*[or]*~~ ***8 or 11.5 of this act, to a civil penalty in an amount not to exceed $250,000 for each violation.***

Sec. 14. NRS 453.5533 is hereby amended to read as follows:

453.5533 1. A civil action brought pursuant to NRS 453.553 must be brought within 3 years after the conduct in violation of the provisions of NRS 453.011 to 453.552, inclusive, ***and sections 2 to*** ~~*[11,]*~~ ***11.5, inclusive, of this act*** occurs.

2. Such a civil action is not barred by a prior acquittal of the defendant in a criminal action arising out of the same act, transaction or occurrence. A final judgment or decree rendered in favor of the State in any criminal proceeding arising out of the same act, transaction or occurrence estops the

defendant in a subsequent civil action from denying the essential allegations of the criminal offense.

Sec. 15. [This act becomes effective on July 1, 2007.] **(Deleted by amendment.)**

Sec. 16. **NRS 40.140 is hereby amended to read as follows:**

40.140 1. Except as otherwise provided in this section ~~[, anything]~~ ***:***

(a) Anything which is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property ~~[, including, without limitation, a]~~ ***:***

(b) A building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor ~~[as defined in NRS 453.086]~~ or controlled substance analog ~~[as defined in NRS 453.043,]~~ ***; or***

(c) A building or place which was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(1) Which has not been deemed safe for habitation by a governmental entity; or

(2) From which all materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed or remediated by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog,

➥ is a nuisance, and the subject of an action. The action may be brought by any person whose property is injuriously affected, or whose personal enjoyment is lessened by the nuisance, and by the judgment the nuisance may be enjoined or abated, as well as damages recovered.

2. It is presumed:

(a) That an agricultural activity conducted on farmland, consistent with good agricultural practice and established before surrounding nonagricultural activities is reasonable. Such activity does not constitute a nuisance unless the activity has a substantial adverse effect on the public health or safety.

(b) That an agricultural activity which does not violate a federal, state or local law, ordinance or regulation constitutes good agricultural practice.

3. A shooting range does not constitute a nuisance with respect to any noise attributable to the shooting range if the shooting range is in compliance with the provisions of all applicable statutes, ordinances and regulations concerning noise:

(a) As those provisions existed on October 1, 1997, for a shooting range in operation on or before October 1, 1997; or

(b) As those provisions exist on the date that the shooting range begins operation, for a shooting range that begins operation after October 1, 1997.

➥ A shooting range is not subject to any state or local law related to the control of noise that is adopted or amended after the date set forth in

paragraph (a) or (b), as applicable, and does not constitute a nuisance for failure to comply with any such law.

4. As used in this section ~~[, "shooting]~~ ***:***

(a) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043.

(b) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

(c) "Shooting range" means an area designed and used for archery or sport shooting, including, but not limited to, sport shooting that involves the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or other similar items.

Sec. 17. **NRS 202.450 is hereby amended to read as follows:**

202.450 1. A public nuisance is a crime against the order and economy of the State.

2. Every place:

(a) Wherein any gambling, bookmaking or pool selling is conducted without a license as provided by law, or wherein any swindling game or device, or bucket shop, or any agency therefor is conducted, or any article, apparatus or device useful therefor is kept;

(b) Wherein any fighting between animals or birds is conducted;

(c) Wherein any dog races are conducted as a gaming activity;

(d) Wherein any intoxicating liquors are kept for unlawful use, sale or distribution;

(e) Wherein a controlled substance, immediate precursor ~~[as defined in NRS 453.086]~~ or controlled substance analog ~~[as defined in NRS 453.043]~~ is unlawfully sold, served, stored, kept, manufactured, used or given away; or

(f) Where vagrants resort,

➥ is a public nuisance.

3. Every act unlawfully done and every omission to perform a duty, which act or omission:

(a) Annoys, injures or endangers the safety, health, comfort or repose of any considerable number of persons;

(b) Offends public decency;

(c) Unlawfully interferes with, befouls, obstructs or tends to obstruct, or renders dangerous for passage, a lake, navigable river, bay, stream, canal, ditch, millrace or basin, or a public park, square, street, alley, bridge, causeway or highway; or

(d) In any way renders a considerable number of persons insecure in life or the use of property,

➥ is a public nuisance.

4. ***A building or place which was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog is a public nuisance if the building or place has not been deemed safe for habitation by a governmental entity and:***

(a) The owner of the building or place allows the building or place to be used for any purpose before all materials or substances involving the controlled substance, immediate precursor or controlled substance analog have been removed from or remediated on the building or place by an entity certified or licensed to do so; or

(b) The owner of the building or place fails to have all materials or substances involving the controlled substance, immediate precursor or controlled substance analog removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

5. Agricultural activity conducted on farmland consistent with good agricultural practice and established before surrounding nonagricultural activities is not a public nuisance unless it has a substantial adverse effect on the public health or safety. It is presumed that an agricultural activity which does not violate a federal, state or local law, ordinance or regulation constitutes good agricultural practice.

~~[5.]~~ ***6.*** A shooting range is not a public nuisance with respect to any noise attributable to the shooting range if the shooting range is in compliance with the provisions of all applicable statutes, ordinances and regulations concerning noise:

(a) As those provisions existed on October 1, 1997, for a shooting range that begins operation on or before October 1, 1997; or

(b) As those provisions exist on the date that the shooting range begins operation, for a shooting range in operation after October 1, 1997.

➥ A shooting range is not subject to any state or local law related to the control of noise that is adopted or amended after the date set forth in paragraph (a) or (b), as applicable, and does not constitute a nuisance for failure to comply with any such law.

~~[6.]~~ ***7.*** As used in this section ~~[, "shooting]~~ ***:***

(a) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043.

(b) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

(c) "Shooting range" has the meaning ascribed to it in NRS 40.140.

Sec. 18. **NRS 244.3603 is hereby amended to read as follows:**

244.3603 1. Each board of county commissioners may, by ordinance, to protect the public health, safety and welfare of the residents of the county, adopt procedures pursuant to which the district attorney may file an action in a court of competent jurisdiction to:

(a) Seek the abatement of a chronic nuisance that is located or occurring within the unincorporated area of the county;

(b) If applicable, seek the closure of the property where the chronic nuisance is located or occurring; and

(c) If applicable, seek penalties against the owner of the property within the unincorporated area of the county and any other appropriate relief.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent a notice, by certified mail, return receipt requested, by the sheriff or other person authorized to issue a citation of the existence on his property of nuisance activities and the date by which he must abate the condition to prevent the matter from being submitted to the district attorney for legal action; and

(2) Afforded an opportunity for a hearing before a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the county will recover money expended to abate the condition on the property if the owner fails to abate the condition.

3. If the court finds that a chronic nuisance exists and action is necessary to avoid serious threat to the public welfare or the safety or health of the occupants of the property, the court may order the county to secure and close the property until the nuisance is abated and may:

(a) Impose a civil penalty of not more than $500 per day for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;

(b) Order the owner to pay the county for the cost incurred by the county in abating the condition; and

(c) Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the county to abate the chronic nuisance, the board may make the expense a special assessment against the property upon which the chronic nuisance is located or occurring. The special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

5. As used in this section:

(a) A "chronic nuisance" exists:

(1) When three or more nuisance activities exist or have occurred during any 90-day period on the property. ~~[;]~~

(2) When a person associated with the property has engaged in three or more nuisance activities during any 90-day period on the property or within 100 feet of the property. ~~[;]~~

(3) When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of chapter 459 of NRS. ~~[; or]~~

(4) When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a

controlled substance, immediate precursor ~~[as defined in NRS 453.086]~~ or controlled substance analog**.** ~~[as defined in NRS 453.043.]~~

(5) When a building or place was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(I) The building or place has not been deemed safe for habitation by a governmental entity; or

(II) All materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

(b) ***"Controlled substance analog" has the meaning ascribed to it in NRS 453.043.***

(c) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

(d) "Nuisance activity" means:

(1) Criminal activity;

(2) The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;

(3) Violations of building codes, housing codes or any other codes regulating the health or safety of occupants of real property;

(4) Excessive noise and violations of curfew; or

(5) Any other activity, behavior or conduct defined by the board to constitute a public nuisance.

~~[(c)]~~ ***(e)*** "Person associated with the property" means:

(1) The owner of the property;

(2) The manager or assistant manager of the property;

(3) The tenant of the property; or

(4) A person who, on the occasion of a nuisance activity, has:

(I) Entered, patronized or visited;

(II) Attempted to enter, patronize or visit; or

(III) Waited to enter, patronize or visit,

➥ the property or a person present on the property.

Sec. 19. **NRS 244.363 is hereby amended to read as follows:**

244.363 Except as otherwise provided in subsection 3 of NRS 40.140 and subsection ~~[5]~~ ***6*** of NRS 202.450, the boards of county commissioners in their respective counties may, by ordinance regularly enacted, regulate, control and prohibit, as a public nuisance, excessive noise which is injurious to health or which interferes unreasonably with the comfortable enjoyment of life or property within the boundaries of the county.

Sec. 20. **NRS 266.335 is hereby amended to read as follows:**

266.335 The city council may:

1. Except as otherwise provided in subsection 3 of NRS 40.140 and subsection ~~[5]~~ ***6*** of NRS 202.450, determine by ordinance what shall be deemed nuisances.

2. Provide for the abatement, prevention and removal of the nuisances at the expense of the person creating, causing or committing the nuisances.

3. Provide that the expense of removal is a lien upon the property upon which the nuisance is located. The lien must:

(a) Be perfected by recording with the county recorder a statement by the city clerk of the amount of expenses due and unpaid and describing the property subject to the lien.

(b) Be coequal with the latest lien thereon to secure the payment of general taxes.

(c) Not be subject to extinguishment by the sale of any property because of the nonpayment of general taxes.

(d) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

4. Provide any other penalty or punishment of persons responsible for the nuisances.

Sec. 21. **NRS 268.412 is hereby amended to read as follows:**

268.412 Except as otherwise provided in subsection 3 of NRS 40.140 and subsection ~~[5]~~ ***6*** of NRS 202.450, the city council or other governing body of a city may, by ordinance regularly enacted, regulate, control and prohibit, as a public nuisance, excessive noise which is injurious to health or which interferes unreasonably with the comfortable enjoyment of life or property within the boundaries of the city.

Sec. 22. **NRS 268.4124 is hereby amended to read as follows:**

268.4124 1. The governing body of a city may, by ordinance, to protect the public health, safety and welfare of the residents of the city, adopt procedures pursuant to which the city attorney may file an action in a court of competent jurisdiction to:

(a) Seek the abatement of a chronic nuisance that is located or occurring within the city;

(b) If applicable, seek the closure of the property where the chronic nuisance is located or occurring; and

(c) If applicable, seek penalties against the owner of the property within the city and any other appropriate relief.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, by the city police or other person authorized to issue a citation, of the existence on his property of two or more nuisance activities and the date by which he must abate the condition to prevent the matter from being submitted to the city attorney for legal action; and

(2) Afforded an opportunity for a hearing before a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the city will recover money expended for labor and materials used to abate the condition on the property if the owner fails to abate the condition.

3. If the court finds that a chronic nuisance exists and emergency action is necessary to avoid immediate threat to the public health, welfare or safety, the court shall order the city to secure and close the property for a period not to exceed 1 year or until the nuisance is abated, whichever occurs first, and may:

(a) Impose a civil penalty of not more than $500 per day for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;

(b) Order the owner to pay the city for the cost incurred by the city in abating the condition;

(c) If applicable, order the owner to pay reasonable expenses for the relocation of any tenants who are affected by the chronic nuisance; and

(d) Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the city to abate the chronic nuisance, the governing body may make the expense a special assessment against the property upon which the chronic nuisance is or was located or occurring. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.

5. As used in this section:

(a) A "chronic nuisance" exists:

(1) When three or more nuisance activities exist or have occurred during any 30-day period on the property**.** ~~[,]~~

(2) When a person associated with the property has engaged in three or more nuisance activities during any 30-day period on the property or within 100 feet of the property**.** ~~[,]~~

(3) When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of chapter 459 of NRS**.** ~~[; or]~~

(4) When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor ~~[as defined in NRS 453.086]~~ or controlled substance analog**.** ~~[as defined in NRS 453.043.]~~

(5) When a building or place was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(I) The building or place has not been deemed safe for habitation by a governmental entity; or

(II) All materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

(b) ***"Controlled substance analog" has the meaning ascribed to it in NRS 453.043.***

(c) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

(d) "Nuisance activity" means:

(1) Criminal activity;

(2) The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;

(3) Excessive noise and violations of curfew; or

(4) Any other activity, behavior or conduct defined by the governing body to constitute a public nuisance.

~~[(c)]~~ ***(e)*** "Person associated with the property" means a person who, on the occasion of a nuisance activity, has:

(1) Entered, patronized or visited;

(2) Attempted to enter, patronize or visit; or

(3) Waited to enter, patronize or visit,

➥ a property or a person present on the property.

Sec. 23. **Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 24, 25 and 26 of this act.**

Sec. 24. As used in this section and sections 25 and 26 of this act, "product that is a precursor to methamphetamine" means a product which contains ephedrine, pseudoephedrine or phenylpropanolamine or the salts, optical isomers or salts of optical isomers of such chemicals and may be marketed or distributed lawfully in the United States under the Federal Food, Drug and Cosmetic Act, 21 U.S.C. §§ 301 et seq., as a nonprescription drug.

Sec. 25. A person shall not sell or transfer to an ultimate user in the course of any business, or engage in the business of selling to ultimate users, a product that is a precursor to methamphetamine, unless the person is a pharmacy.

Sec. 26. 1. Except as otherwise provided in subsection 2, if a pharmacy becomes aware of any unusual or excessive loss or disappearance of a product that is a precursor to methamphetamine while the product is under the control of the pharmacy, the pharmacy must:

(a) Make an oral report to the Department of Public Safety at the earliest practicable opportunity after the pharmacy becomes aware of the

unusual or excessive loss or disappearance of the product that is a precursor to methamphetamine; and

(b) Submit a written report to the Department of Public Safety within 15 days after the pharmacy becomes aware of the unusual or excessive loss or disappearance of the product that is a precursor to methamphetamine.

2. If an unusual or excessive loss or disappearance of a product that is a precursor to methamphetamine occurs while the product is being transported to a pharmacy, the pharmacy is not required to comply with the provisions of subsection 1.

3. A report required by subsection 1 must include, without limitation, a description of the circumstances surrounding the loss or disappearance and may be in substantially the following form:

LOSS REPORT

License number:

Name:

Business address:

City:

State:

Zip:

Business phone:

Date of loss:

Type of loss:

Description of circumstances:

4. As used in this section, "unusual or excessive loss or disappearance" means a loss or disappearance for which a report would be required under 21 U.S.C. § 830(b)(1), and any regulations adopted pursuant thereto, if the pharmacy were subject to the requirements of 21 U.S.C. § 830(b)(1) and any regulations adopted pursuant thereto.

Sec. 27. **This act becomes effective on August 1, 2007.**

Assemblywoman Leslie moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 148.

Remarks by Assemblymen Leslie, Weber, and Anderson.

Madam Speaker requested the privilege of the Chair for the purpose of making remarks.

Motion carried by a constitutional majority.

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 143, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment Nos. 820 and 933 of the Assembly be concurred in.

DEBBIE SMITH	MAURICE WASHINGTON
RUBEN KIHUEN	VALERIE WIENER
JOE HARDY	BARBARA CEGAVSKE
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman Smith moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 143.

Remarks by Assemblyman Smith.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 593.

The following Senate amendment was read:

Amendment No. 802.

AN ACT relating to the Legislative Branch of Government; making various changes relating to the Legislature and the Legislative Counsel Bureau; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill makes various changes relating to the Legislature and the Legislative Counsel Bureau. Section 1 of this bill provides that **salary paid for certain additional hours worked by executive, administrative, professional or supervisory employees of the Legislative Counsel Bureau constitutes compensation for the purposes of retirement. Section 2 of this bill provides that** the fee for a certain bill service during a legislative session will be set by the Director of the Legislative Counsel Bureau instead of being specified in the statute. (NRS 218.185) Section ~~[2]~~ **3** of this bill eliminates the requirement that the Legislative Counsel represent any Legislator in any matter before the Commission on Ethics. (NRS 218.697) Section ~~[3]~~ **4** of this bill transfers authority for the portrait of the Governor from the Legislative Commission to the Director of the Department of Cultural Affairs. (NRS 223.121) Sections ~~[4 and 7]~~ **5 and 9** of this bill provide for title to all property reserved for the use of the Legislature to be held in the name of the Legislature. (NRS 331.135) Section ~~[4.5]~~ **6** of this bill exempts the Legislative Branch of Government from certain provisions relating to the State Public Works Board. Sections ~~[5 and 8]~~ **7 and 10** of this bill clarify provisions concerning the appointment of members to the Nevada Silver Haired Legislative Forum. (NRS 427A.330) Section ~~[6]~~ **8** of this bill clarifies the prospective impact of the cost-of-living increases enacted for Legislators. (Chapter 329, Statutes of Nevada 2005, p. 1182) **Section 11 of this bill authorizes a person who received payment for hours worked before and during the 2007 regular session of the Legislature that would have been considered as compensation pursuant to section 1 of this act to make the necessary contributions to the Public Employees' Retirement System to have that payment considered as compensation.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 218 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. For the purposes of NRS 286.025, salary paid for all hours worked by an executive, administrative, professional or supervisory employee of the Legislative Counsel Bureau in addition to the employee's regularly scheduled workday or 40-hour workweek in the fiscal year that includes a regular session of the Legislature, up to a maximum number of hours designated as required for the classification by the Director of the Legislative Counsel Bureau and approved by the Legislative Commission, constitutes "compensation." The Legislative Counsel Bureau and such employees shall make the appropriate contributions to the Public Employees' Retirement System for such compensation.

2. The maximum number of additional hours that may be designated as required for a classification pursuant to subsection 1 is 750.

~~[Section 1.]~~ ***Sec. 2.*** NRS 218.185 is hereby amended to read as follows:

218.185 1. During each session of the Legislature, employees of the Senate and Assembly shall compile and prepare sets of books containing bills, resolutions, journals and histories for:

(a) The officers and members of the Senate and Assembly without cost to them.

(b) Selected staff members of the Legislative Counsel Bureau without cost to them.

(c) The press room for use of accredited press representatives, four such sets of books without cost to them.

(d) Persons other than those enumerated in paragraphs (a), (b) and (c) upon application to the Legislative Counsel Bureau and the payment of a fee ~~[of $150.]~~ ***established by the Director of the Legislative Counsel Bureau.***

2. All fees collected under the provisions of this section must be deposited with the State Treasurer for credit to the Legislative Fund in accordance with the provisions of NRS 353.250.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 218.697 is hereby amended to read as follows:

218.697 1. ~~[Upon request, the Legislative Counsel shall represent any Legislator in any matter before the Commission on Ethics.~~

~~2.]~~ When deemed necessary or advisable to protect the official interests of the Legislature or one or more legislative committees, the Legislative Commission, or the Chairman of the Legislative Commission in cases where action is required before a meeting of the Legislative Commission is scheduled to be held, may direct the Legislative Counsel and his staff to appear in, commence, prosecute, defend or intervene in any action, suit, matter, cause or proceeding in any court or agency of this State or of the United States.

~~[3.]~~ ***2.*** The Legislative Commission may authorize payment of the expenses and costs incurred pursuant to this section from the Legislative Fund.

~~[Sec. 3.]~~ ***Sec. 4.*** NRS 223.121 is hereby amended to read as follows:

223.121 1. The ~~[Legislative Commission]~~ ***Director*** may, upon the election of each new Governor, enter into a contract with an artist for the purpose of procuring a portrait of that Governor for display in the Capitol Building.

2. The portrait must be painted in oil colors and appropriately framed. The painting and framing must be done in the same manner, style and size as the portraits of former Governors of the State displayed in the Capitol Building.

3. The contract price must not exceed the appropriation made for this purpose to the Account for the Governor's Portrait in the State General Fund. The contract price must include the cost of the portrait and the frame.

4. The portrait and frame are subject to the approval of the Governor.

5. Upon delivery of the approved, framed portrait to the Secretary of State and its acceptance by the ~~[Legislative Commission,]~~ ***Director,*** the State Controller shall draw his warrant in an amount equal to the contract price and the State Treasurer shall pay the warrant from the Account for the Governor's Portrait. Any balance remaining in the Account immediately lapses to the State General Fund.

6. As used in this section, "Director" means the Director of the Department of Cultural Affairs.

~~[Sec. 4.]~~ ***Sec. 5.*** NRS 331.135 is hereby amended to read as follows:

331.135 1. The Legislature reserves the supervision and control, both during and between legislative sessions, of:

(a) The entire legislative building, including its chambers, offices and other rooms, and its furnishings and equipment.

(b) A portion of the parcel of land bounded on the west by Carson Street, on the south by Fifth Street, on the east by Fall Street, and on the north by the sidewalk along the south fence of the capitol grounds, situated in a portion of the Capitol Complex, as shown on the Record of Survey Map No. 297, Official Records of Carson City, Nevada, File No. 3043, section 17, T. 15 N., R. 20 E., M.D.M., more particularly described as follows:

Beginning at the southwest corner of block 36, Sears **,** Thompson ***and*** Sears Division, as shown on that record of survey;

Thence N 89°52′32″ E, a distance of 443.93 feet;

Thence N 00°12′15″ E, a distance of 302.14 feet;

Thence N 44°47′45″ W, a distance of 189.88 feet to the north side of an existing sidewalk;

Thence N 89°39′33″ W, along that sidewalk, a distance of 97.13 feet to the east side of an existing sidewalk;

Thence N 00°14′26″ E, along that sidewalk, a distance of 270.00 feet, more or less, to the north line of a sidewalk;

Thence N 89°47′45″ W, along that sidewalk, a distance of 212.50 feet, to the east right-of-way line of Carson Street;

Thence S 00°13′08″ W, along that line, a distance of 709.40 feet, more or less, to the true point of beginning.

Containing 5.572 acres, more or less.

(c) The entire parcel of land bounded on the north by Fifth Street, on the south by Sixth Street, on the east by Stewart Street and on the west by Plaza Street, also described as blocks 2 and 3, Pierson and Goodridge Addition; and that portion of Fall Street between Fifth Street and Sixth Street abandoned by Carson City on April 26, 1990, Meeting Agenda Item 9 M-89/90-10. Also the entire parcel of land bounded on the north by the south boundary line of block 2, Pierson and Goodridge Addition, on the south by Seventh Street, on the east by Stewart Street and on the west by Fall Street, and further described as block 7, Pierson and Goodridge Addition.

(d) The entire parcel of land bounded on the north by Sixth Street, on the south by Seventh Street, on the east by Fall Street, and on the west by Plaza Street, also described as block 6, Pierson and Goodridge Addition.

(e) The entire parcel of land bounded on the north by Fourth Street, on the west by Stewart Street, on the south by Fifth Street, and on the east by the abandoned right-of-way of Valley Street, also described as block 39 of Sears **,** Thompson ***and*** Sears Division of Carson City; and the west 30.00 feet of the abandoned right-of-way of Valley Street abutting block 39 of Sears **,** Thompson ***and*** Sears Division. Excepting therefrom that portion of Stewart and Fifth Streets deeded to the State of Nevada through its Department of Transportation as recorded in book 283, page 208, of Deeds, Carson City, Nevada.

(f) ***The entire parcel of land bounded on the north by Third Street, on the west by Stewart Street, on the south by Fourth Street, and on the east by Valley Street, also described as block 22 of Sears, Thompson and Sears Division of Carson City; and the land occupied by the state printing warehouse in block 21 of Sears, Thompson and Sears Division of Carson City; and the abandoned right-of-way of Fourth Street between block 22 of Sears, Thompson and Sears Division and block 39 of Sears, Thompson and Sears Division of Carson City. Excepting therefrom that portion of Stewart Street deeded to the State of Nevada through its Department of Transportation as recorded in book 283, page 208, of Deeds, Carson City, Nevada.***

(g) Any other property acquired for the use of the Legislature or its staff.

➥ ***Title to the property described in this subsection must be held in the name of the Legislature of the State of Nevada.***

2. The Director of the Legislative Counsel Bureau:

(a) Shall provide an individual office for each Legislator whose position as an officer or as a chairman of a committee does not otherwise entitle him to occupy an assigned office.

(b) May assign the use of space in the legislative building or other legislative facilities or on the legislative grounds in such a manner as the Legislative Commission prescribes.

3. The Director of the Legislative Counsel Bureau shall cause the legislative building, chambers and grounds and other legislative facilities to

be kept in good repair, clean, orderly and presentable as befits public property and the dignity of the Legislature. For this purpose he may, in addition to his general power to employ or contract for the services of personnel, contract with any private enterprise or governmental agency for the provision of appropriate services.

~~[Sec. 4.5.]~~ ***Sec. 6.*** NRS 341.158 is hereby amended to read as follows:

341.158 The provisions of ~~[NRS 341.141 to 341.155, inclusive,]~~ ***this chapter*** do not ~~[require]~~ ***apply to*** the Legislative Branch of government ***.*** ~~[to use the services of the Board.]~~ The Legislature may require the Board to provide the services described in ~~[those sections]~~ ***NRS 341.141 to 341.155, inclusive,*** for particular projects for the Legislative Branch of government.

~~[Sec. 5.]~~ ***Sec. 7.*** NRS 427A.330 is hereby amended to read as follows:

427A.330 1. The Legislative Commission shall appoint to the Nevada Silver Haired Legislative Forum a number of members equal to the number of State Senators. The persons appointed to the Forum must be the persons nominated pursuant to this section. Each member of the Senate shall, after consulting with the members of the Assembly who reside within his senatorial district, nominate a person who meets the requirements for appointment to the Forum set forth in NRS 427A.340.

2. Appointments to the Nevada Silver Haired Legislative Forum must be made by the Legislative Commission before December ~~[1 of an odd-numbered year. The term of a member begins on December 1 of the odd-numbered year of appointment.~~

~~3. The members of the Nevada Silver Haired Legislative Forum from Clark County Senatorial Districts 2, 3, 4, 7 and 8, Washoe County Senatorial Districts 1 and 3, the Capital Senatorial District and the Western Nevada Senatorial District serve an initial term of 1 year. The members of the Nevada Silver Haired Legislative Forum from the remaining senatorial districts serve an initial term of 2 years.]~~ ***31 of the second year of a member's term.*** After the initial terms, each member ***of the Forum*** serves a term of 2 years. ***Each member of the Forum continues to serve until his successor is appointed.***

~~[Sec. 6.]~~ ***Sec. 8.*** Chapter 329, Statutes of Nevada 2005, at page 1182, is hereby amended by adding thereto a new section to be designated as section 8, immediately following section 7, to read as follows:

Sec. 8. The increases in the compensation for Senators and Assemblymen pursuant to the amendatory provisions of section 7 of this act must be calculated based only upon increases in the salaries of the classified employees of this State that take effect on or after November 2, 2004.

~~[Sec. 7.]~~ ***Sec. 9.*** The State Land Registrar shall, as soon as practicable after the effective date of this act, execute and file all necessary and appropriate documents to provide that title to property described in subsection 1 of NRS 331.135 is held in the name of the Legislature of the State of Nevada.

~~[Sec. 8.]~~ ***Sec. 10.*** On or before December 31, 2007, or as soon thereafter as practicable, the Legislative Commission shall appoint new members of the Nevada Silver Haired Legislative Forum pursuant to NRS 427A.330, as amended by section ~~[5]~~ **7** of this act. The Legislative Commission shall appoint to terms ending on:

1. December 31, 2008, members nominated by Senators representing Clark County Senatorial Districts 1, 5, 9, 10 and 12, Washoe County Senatorial Districts 1 and 4, the Central Nevada Senatorial District and the Rural Nevada Senatorial District.

2. December 31, 2009, members nominated by Senators representing Clark County Senatorial Districts 2, 3, 4, 6, 7, 8 and 11, Washoe County Senatorial Districts 2 and 3, and the Capital Senatorial District.

➥ The terms of the members of the Nevada Silver Haired Legislative Forum as of the effective date of this act continue until their successors are appointed pursuant to this section. A member may be reappointed.

Sec. 11. **A person who worked hours before and during the 2007 regular session of the Legislature that would have been considered as compensation pursuant to the provisions of section 1 of this act, had that section been in effect, may elect to have his payment for those hours, up to the limit established for his classification, and in no case more than 750 hours, considered as compensation by:**

1. Notifying the Public Employees' Retirement System of his election; and

2. Paying the amount necessary to make both the employer and employee contributions to the System on the payment for the additional hours that the person desires to have considered as compensation. The Legislative Counsel Bureau shall not make any portion of the required contribution.

➥ **The election and payment must be made on or before January 1, 2008.**

~~[Sec. 9.]~~ ***Sec. 12.*** **1.** This **section and sections 2 to 11, inclusive, of this** act ~~[becomes]~~ **become** effective upon passage and approval.

2. Section 1 of this act becomes effective on July 1, 2007.

Assemblywoman Koivisto moved that the Assembly concur in the Senate amendment to Assembly Bill No. 593.

Remarks by Assemblywoman Koivisto.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Parnell moved that the Assembly do not recede from its actions on Senate Bill No. 328, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Parnell.
Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Segerblom, Smith, and Stewart as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 328.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its actions on Senate Bill No. 436, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.
Remarks by Assemblyman Anderson.
Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Horne, Parks, and Allen as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 436.

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:
The first Conference Committee concerning Senate Bill No. 115, consisting of the undersigned members, has met and reports that:
It has agreed to recommend that the Amendment No. 696 of the Assembly be concurred in.

BONNIE PARNELL	JOSEPH HECK
MOISES DENIS	BOB COFFIN
BOB BEERS	BARBARA CEGAVSKE
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman Parnell moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 115.
Remarks by Assemblyman Parnell.
Motion carried by a constitutional majority.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that all rules be suspended and that all bills and resolutions be immediately transmitted to the Senate for this legislative day.
Motion carried.

Assemblyman Oceguera moved that the Assembly recess until 4:30 p.m.
Motion carried.

Assembly in recess at 12:53 p.m.

ASSEMBLY IN SESSION

At 4:40 p.m.
Madam Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 158, 232, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Leslie moved that the Assembly do not recede from its action on Senate Bill No. 266, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Leslie.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Gerhardt, Womack, and Stewart as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 266.

GENERAL FILE AND THIRD READING

Assembly Bill No. 232.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1104.

AN ACT relating to the Department of Health and Human Services; requiring the Department to make available to consumers certain information relating to pharmacies and the prices of commonly prescribed prescription drugs; ~~[making an appropriation;]~~ **requiring the Department to make certain determinations before performing certain duties;** providing an administrative penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 3 of this bill requires the Retail Association of Nevada or its successor to compile a list of not less than 100 prescription drugs, and their generic equivalents, that are most commonly prescribed to residents of this State. Sections 5-8 of this bill require the Department of Health and Human Services to: (1) combine the contents of the list with usual and customary pricing information received from pharmacies that are licensed by the State

Board of Pharmacy; and (2) present the combined information on the Department's Internet website so that consumers may compare the prices currently being charged by those pharmacies for those prescription drugs. By regulation, links to such information on the Department's website may be placed on the Internet websites of other persons and entities, including pharmacies and other governmental entities. Section 4 of this bill requires pharmacies that are licensed by the State Board of Pharmacy and located in the State of Nevada to provide to the Department, at least once each month, the usual and customary prices that the pharmacy charges for the prescription drugs on the list of most-prescribed drugs compiled by the Retail Association of Nevada, as well as certain contact information for the pharmacy. Pharmacies that are licensed by the State Board of Pharmacy but located outside the State of Nevada may, but are not required to, provide such information. Section 9 of this bill allows the Department to accept grants, donations, gifts and other public and private money to carry out the provisions of this bill. **Section 9 also requires the Department to determine at the beginning of each fiscal year whether sufficient money is available to fund one or more components of the programs and duties of the Department relating to sections 2-10 of this bill.** Section 10 of this bill provides that if a pharmacy is required to provide information to the Department pursuant to section 4 and the pharmacy, without good cause, fails to do so or fails to do so in a timely manner, the Department may impose an administrative penalty of up to $500 for each day on which such a failure occurs. ~~[Section 13 of this bill makes an appropriation to the Department to pay for the goods and services needed by the Department in order to furnish information to consumers by way of its Internet website.]~~ This bill excludes institutional pharmacies from the application of its provisions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, "pharmacy" means every store or shop licensed by the State Board of Pharmacy where drugs, controlled substances, poisons, medicines or chemicals are stored or possessed, or dispensed or sold at retail, or displayed for sale at retail, or where prescriptions are compounded or dispensed. The term does not include an institutional pharmacy as defined in NRS 639.0085.***

Sec. 3. ***The Retail Association of Nevada or its successor shall:***

1. Compile a list of not less than the 100 brand name prescription drugs most commonly prescribed to residents of this State;

2. Ensure that the list compiled pursuant to subsection 1 sets forth a separate entry for the generic equivalent, if any, of each brand name prescription drug included on the list; and

3. At least once each calendar quarter, update the list compiled pursuant to subsection 1 and transmit the list to the Department.

Sec. 4. ***1. Except as otherwise provided in subsections 2 and 3, each pharmacy shall, in accordance with the regulations adopted pursuant to section 8 of this act, provide to the Department:***

(a) Information that a consumer may use to locate, contact or otherwise do business with the pharmacy, including, without limitation:

(1) The name of the pharmacy;

(2) The physical address of the pharmacy; and

(3) The phone number of the pharmacy;

(b) If the pharmacy maintains an electronic mail address, the electronic mail address of the pharmacy;

(c) If the pharmacy maintains an Internet website, the Internet address of that website; and

(d) Not less frequently than once each month:

(1) For each prescription drug that is on the list compiled pursuant to section 3 of this act and that is stocked by the pharmacy, the usual and customary price that the pharmacy is currently charging for the prescription drug; and

(2) For each generic equivalent that is on the list compiled pursuant to section 3 of this act and that is stocked by the pharmacy, the usual and customary price that the pharmacy is currently charging for the generic equivalent.

2. If a pharmacy is not located within the State of Nevada, the pharmacy may, but is not required to, provide to the Department the information described in subsection 1.

3. If a pharmacy is part of a larger company or corporation or a chain of pharmacies or retail stores, the parent company or corporation may provide to the Department the information described in subsection 1.

4. As used in this section, "usual and customary price" means the usual and customary charges that a provider charges to the general public for a drug, as described in 42 C.F.R. § 447.331.

Sec. 5. ***1. Except as otherwise provided in subsection 2, the Department shall:***

(a) Place or cause to be placed on the Internet website maintained by the Department the information provided by each pharmacy pursuant to section 4 of this act;

(b) Ensure that the information provided by each pharmacy pursuant to section 4 of this act and placed on the Internet website maintained by the Department is organized so that each individual pharmacy has its own separate entry on that website; and

(c) Ensure that the pricing information provided by each pharmacy pursuant to section 4 of this act and placed on the Internet website maintained by the Department:

(1) Is presented in a manner which complies with the requirements of section 6 of this act; and

(2) Is updated not less frequently than once each month.

2. If a pharmacy is part of a larger company or corporation or a chain of pharmacies or retail stores, the Department may present the pricing information pertaining to such a pharmacy in such a manner that the pricing information is combined with the pricing information relative to other pharmacies that are part of the same company, corporation or chain, to the extent that the pricing information does not differ among those pharmacies.

3. The Department may establish additional or alternative procedures by which a consumer who is unable to access the Internet or is otherwise unable to receive the information described in subsection 1 in the manner in which it is presented by the Department may obtain that information:

(a) In the form of paper records;

(b) Through the use of a telephonic system; or

(c) Using other methods or technologies designed specifically to assist consumers who are hearing impaired or visually impaired.

Sec. 6. *1. Except as otherwise provided in this section, the Department shall ensure that the list of prescription drugs compiled pursuant to section 3 of this act and the information that pharmacies provide pursuant to section 4 of this act are combined and presented to consumers in such a manner that a consumer may easily compare the prices for particular prescription drugs, and their generic equivalents, that are currently charged by:*

(a) Pharmacies located within the same city, county or zip code in which the consumer resides;

(b) Internet pharmacies; and

(c) Pharmacies that provide mail order service to residents of Nevada.

➥ The requirements of paragraphs (b) and (c) apply only to the extent that information regarding such pharmacies is made available to the Department.

2. As used in this section, "Internet pharmacy" has the meaning ascribed to it in NRS 639.00865.

Sec. 7. *The Department and its members, officers and employees are not liable civilly or criminally for any act, omission, error or technical problem that results in:*

1. The failure to provide to consumers information regarding a pharmacy, including, without limitation, the prices charged by the pharmacy for the prescription drugs and generic equivalents that are on the list compiled pursuant to section 3 of this act; or

2. The providing to consumers of incorrect information regarding a pharmacy, including, without limitation, the prices charged by the pharmacy for the prescription drugs and generic equivalents that are on the list compiled pursuant to section 3 of this act.

Sec. 8. ***The Department shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of sections 2 to 10, inclusive, of this act. Such regulations must provide for, without limitation:***

1. Notice to consumers stating that:

(a) Although the Department will strive to ensure that consumers receive accurate information regarding pharmacies, including, without limitation, the prices charged by those pharmacies for the prescription drugs and generic equivalents that are on the list compiled pursuant to section 3 of this act, the Department is unable to guarantee the accuracy of such information;

(b) If a consumer follows an Internet link from the Internet website maintained by the Department to an Internet website maintained by a pharmacy, the Department is unable to guarantee the accuracy of any information made available on the Internet website maintained by the pharmacy; and

(c) The Department advises consumers to contact a pharmacy directly to verify the accuracy of any information regarding the pharmacy which is made available to consumers pursuant to sections 2 to 10, inclusive, of this act;

2. Procedures adopted cooperatively with the Office of the Governor to direct consumers who have questions regarding the program described in sections 2 to 10, inclusive, of this act to contact the Office for Consumer Health Assistance in the Office of the Governor;

3. Provisions in accordance with which the Department will allow an Internet link to the information provided by each pharmacy pursuant to section 4 of this act and made available on the Department's Internet website to be placed on other Internet websites managed or maintained by other persons and entities, including, without limitation, Internet websites managed or maintained by:

(a) Pharmacies;

(b) Other governmental entities, including, without limitation, the State Board of Pharmacy and the Office of the Governor; and

(c) Nonprofit organizations and advocacy groups;

4. Procedures pursuant to which consumers and pharmacies may report to the Department that information made available to consumers pursuant to sections 2 to 10, inclusive, of this act is inaccurate;

5. The form and manner in which pharmacies are to provide to the Department the information described in section 4 of this act; and

6. Standards and criteria pursuant to which the Department may remove from its Internet website information regarding a pharmacy or an

Internet link to the Internet website maintained by a pharmacy, or both, if the Department determines that the pharmacy has:

(a) Ceased to be licensed and in good standing pursuant to chapter 639 of NRS;

(b) Engaged in a pattern of providing to consumers information that is false or would be misleading to reasonably informed persons; or

(c) Violated any state or federal law governing the practice of pharmacy.

Sec. 9. ***1. On or before July 1 of each odd-numbered year, the Department shall make a determination of whether sufficient money is available and authorized for expenditure to fund one or more components of the programs and other duties of the Department relating to sections 2 to 10, inclusive, of this act.***

2. The Department shall temporarily suspend any components of the program or duties of the Department for which it determines pursuant to subsection 1 that sufficient money is not available.

3. The Department may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source to carry out the provisions of sections 2 to 10, inclusive, of this act.

Sec. 10. ***If a pharmacy that is licensed under the provisions of chapter 639 of NRS and is located within the State of Nevada fails to provide to the Department the information required to be provided pursuant to section 4 of this act or fails to provide such information on a timely basis, and the failure was not caused by excusable neglect, technical problems or other extenuating circumstances, the Department may impose against the pharmacy an administrative penalty of not more than $500 for each day of such failure.***

Sec. 11. NRS 639.2802 is hereby amended to read as follows:

639.2802 ~~[Prescription]~~ ***In addition to any applicable requirements set forth in sections 2 to 10, inclusive, of this act, prescription*** price information must be made available, upon request, by a pharmacist or practitioner who dispenses drugs.

Sec. 12. NRS 639.28025 is hereby amended to read as follows:

639.28025 ~~[Every]~~ ***In addition to any applicable requirements set forth in sections 2 to 10, inclusive, of this act, every*** practitioner who dispenses drugs shall post on the premises in a place conspicuous to customers and easily accessible and readable by customers a notice, provided by the Board, advising customers that a price list of drugs and professional services is available to them upon request.

Sec. 13. ~~[1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services for the purpose of allowing the Department to acquire such equipment, goods, services and technologies as may be necessary for the Department to provide to consumers, by way of the Department's Internet website, the information described in sections 2 to 10, inclusive, of this act.~~

~~For the Fiscal Year 2007-2008 $25,000~~
~~For the Fiscal Year 2008-2009 $10,000~~

~~2. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.]~~ **(Deleted by amendment.)**

Sec. 14. 1. This section and section ~~[13]~~ **9** of this act become effective upon passage and approval.

2. Sections 1 to ~~[12,]~~ **8,** inclusive, **10, 11 and 12** of this act become effective on October 1, 2007.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 158.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1103.

AN ACT relating to health care; requiring the Secretary of State to establish and maintain the Registry of Advance Directives for Health Care on his Internet website; establishing the requirements to register an advance directive and to obtain access to an advance directive in the Registry; providing civil and criminal immunity to providers of health care and the Secretary of State, his deputies, employees and attorneys under certain circumstances; **requiring the Secretary of State to make certain determinations before performing certain duties;** requiring the Secretary of State to conduct an interim study of the Registry; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person may provide an advance directive concerning his health care in the form of a declaration governing the withholding or withdrawal of life-sustaining treatment, a durable power of attorney for health care decisions or a do-not-resuscitate order. (NRS 449.535-449.690, 449.800-449.860, 450B.420)

Section 6 of this bill requires the Secretary of State to establish and maintain the Registry of Advance Directives for Health Care by posting a digital photograph of each advance directive to a secure portion of his Internet website.

Section 7 of this bill establishes the procedures that a person must follow to register his advance directive with the Secretary of State and obtain the registration number and password that are needed to access his advance directive in the registry.

Section 8 of this bill requires any person requesting access to an advance directive in the Registry to provide the correct registration number and password. Section 8 also restricts access to a person's advance directive in the Registry to the registrant and his personal representative or provider of health care unless: (1) the registrant requests that another person be granted access; (2) the Secretary of State determines that the access is in the registrant's best interest; or (3) the access is necessary to comply with a court order.

Section 10 of this bill provides that the Secretary of State is not required to determine whether an advance directive is accurate or valid before posting it to the Registry and clarifies that the validity of an advance directive or a revocation of an advance directive is not affected by posting or failing to post the advance directive to the Registry.

Sections 11 and 12 of this bill provide civil and criminal immunity for providers of health care and the Secretary of State, his deputies, employees and attorneys in connection with the Registry if they act in good faith.

Section 13 of this bill authorizes the Secretary of State to charge fees and accept contributions to establish and maintain the Registry. **Section 13 also requires the Secretary of State to determine at the beginning of each fiscal year whether sufficient money is available to fund one or more components of the programs and duties of the Secretary of State relating to sections 2-15 of this bill.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 15, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Advance directive" means an advance directive for health care. The term includes:***

1. A declaration governing the withholding or withdrawal of life-sustaining treatment as set forth in NRS 449.535 to 449.690, inclusive;

2. A durable power of attorney for health care decisions as set forth in NRS 449.800 to 449.860, inclusive; and

3. A do-not-resuscitate order as defined in NRS 450B.420.

Sec. 4. ***"Registrant" means a person whose advance directive is registered with the Secretary of State pursuant to section 7 of this act.***

Sec. 5. ***"Registry" means the Registry of Advance Directives for Health Care established by the Secretary of State pursuant to section 6 of this act.***

Sec. 6. ***The Secretary of State shall establish and maintain the Registry of Advance Directives for Health Care on his Internet website. The Registry must include, without limitation, in a secure portion of the website, an electronic reproduction of each advance directive. The electronic reproduction must be capable of being viewed on the website and downloaded, printed or otherwise retrieved by a person as set forth in section 8 of this act.***

Sec. 7. ***1. A person who wishes to register an advance directive must submit to the Secretary of State:***

(a) An application in the form prescribed by the Secretary of State;

(b) A copy of the advance directive; and

(c) The fee, if any, established by the Secretary of State pursuant to section 13 of this act.

2. If the person satisfies the requirements of subsection 1, the Secretary of State shall:

(a) Make an electronic reproduction of the advance directive and post it to the Registry;

(b) Assign a registration number and password to the registrant; and

(c) Provide the registrant with a registration card that includes, without limitation, the name, registration number and password of the registrant.

3. The Secretary of State shall establish procedures for:

(a) The registration of an advance directive that replaces an advance directive that is posted on the Registry;

(b) The removal from the Registry of an advance directive that has been revoked following the revocation of the advance directive or the death of the registrant; and

(c) The issuance of a duplicate registration card or the provision of other access to the registrant's registration number and password if a registration card issued pursuant to this section is lost, stolen, destroyed or otherwise unavailable.

Sec. 8. ***1. Except as otherwise provided in this section, the Secretary of State shall not provide access to a registrant's advance directive unless:***

(a) The person requesting access provides the registration number and password of the registrant;

(b) The Secretary of State determines that providing access to the advance directive is in the best interest of the registrant;

(c) Access to the advance directive is required pursuant to the lawful order of a court of competent jurisdiction; or

(d) Access to the advance directive is requested by the registrant or his personal representative.

2. A registrant or the personal representative of a registrant may access the registrant's advance directive for any purpose. A provider of health

care to the registrant may access the registrant's advance directive only in connection with the provision of health care to the registrant.

Sec. 9. ***The Secretary of State shall remove from the Registry the advance directives of deceased registrants. The State Registrar of Vital Statistics shall cooperate with the Secretary of State to identify registrants whose advance directives must be removed from the Registry. The Secretary of State shall remove from the Registry the advance directives of deceased registrants at least once every 5 years.***

Sec. 10. ***1. The provisions of sections 2 to 15, inclusive, of this act do not require the Secretary of State to determine whether the contents of an advance directive submitted for registration are accurate or the execution or issuance of the advance directive complies with the requirements necessary to make the advance directive valid.***

2. The registration of an advance directive does not establish or create a presumption that the contents of the advance directive are accurate or the execution or issuance of the advance directive complies with the requirements necessary to make the advance directive valid.

3. Failure to register an advance directive does not affect the validity of the advance directive.

4. Failure to notify the Secretary of State of the revocation of a registrant's advance directive does not affect the validity of the revocation.

Sec. 11. ***1. The provisions of sections 2 to 15, inclusive, of this act do not require a provider of health care to inquire whether a patient has an advance directive registered on the Registry or to access the Registry to determine the terms of the advance directive.***

2. A provider of health care who relies in good faith on the provisions of an advance directive retrieved from the Registry is immune from criminal and civil liability as set forth in:

(a) NRS 449.630, if the advance directive is a declaration governing the withholding or withdrawal of life-sustaining treatment executed pursuant to NRS 449.535 to 449.690, inclusive, or a durable power of attorney for health care decisions executed pursuant to NRS 449.800 to 449.860, inclusive; or

(b) NRS 450B.540, if the advance directive is a do-not-resuscitate order as defined in NRS 450B.420.

Sec. 12. ***The Secretary of State and the deputies, employees and attorneys of the Secretary of State are not liable for any action or omission made in good faith by the Secretary of State, deputy, employee or attorney in carrying out the provisions of sections 2 to 15, inclusive, of this act.***

Sec. 13. ***1. On or before July 1 of each odd-numbered year, the Secretary of State shall make a determination of whether sufficient money is available and authorized for expenditure to fund one or more components of the programs and other duties of the Secretary of State relating to sections 2 to 15, inclusive, of this act.***

2. The Secretary of State shall temporarily suspend any components of the programs or duties of the Secretary of State for which he determines pursuant to subsection 1 that sufficient money is not available.

3. The Secretary of State may charge and collect fees and accept gifts, grants, bequests and other contributions from any source for the purpose of carrying out the provisions of sections 2 to 15, inclusive, of this act.

Sec. 14. ***1. All money received by the Secretary of State pursuant to sections 2 to 15, inclusive, of this act must be:***

(a) Deposited in the State Treasury and accounted for separately in the State General Fund; and

(b) Used only for the purpose of carrying out the provisions of sections 2 to 15, inclusive, of this act.

2. The Secretary of State shall administer the account. The interest and income earned on the money in the account, after deducting any applicable charges, must be credited to the account.

3. The money in the account does not lapse to the State General Fund at the end of any fiscal year.

4. Claims against the account must be paid as other claims against the State are paid.

Sec. 15. ***The Secretary of State may adopt regulations to carry out the provisions of sections 2 to 15, inclusive, of this act.***

Sec. 16. **To the extent money is available and authorized for use for the purposes set forth in this section:**

1. The Secretary of State shall conduct a study of the Registry of Advance Directives for Health Care.

2. In conducting the study pursuant to subsection 1, the Secretary of State shall work in consultation with and solicit advice and recommendations from the Nevada Center for Ethics and Health Policy of the University of Nevada, Reno.

3. The Secretary of State shall submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

Sec. 17. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on July 1, 2007, for all other purposes.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 232.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 232:

YEAS—40.

NAYS—Settelmeyer.

EXCUSED—Horne.

Assembly Bill No. 232 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 158.

Bill read third time.

Remarks by Assemblyman Bobzien.

Roll call on Assembly Bill No. 158:

YEAS—29.

NAYS—Beers, Christensen, Gansert, Goedhart, Goicoechea, Grady, Hardy, Mabey, Marvel, Settelmeyer, Stewart, Weber—12.

EXCUSED—Horne.

Assembly Bill No. 158 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 440.

The following Senate amendment was read:

Amendment No. 1064.

SUMMARY—Makes various changes concerning ~~[loans secured by a mortgage or other lien on residential real property.]~~ **financial transactions.** (BDR 52-879)

AN ACT relating to financial transactions; **revising consumer credit protections for members of the military; revising provisions governing civil actions brought against certain borrowers who engage in fraudulent conduct;** prohibiting a person from engaging in certain conduct with the intent to defraud a participant in a mortgage lending transaction; prohibiting certain conduct by a foreclosure consultant; providing an administrative penalty for certain conduct by a foreclosure consultant; providing a civil cause of action against a foreclosure consultant under certain circumstances; prohibiting a foreclosure purchaser from engaging in certain fraudulent conduct; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, it is an unfair lending practice for a lender to knowingly or intentionally make a home loan to a borrower based solely on the borrower's equity in the home property and without determining that the borrower has the ability to repay the home loan from income or other assets. (NRS 598D.100) Section 2 of this bill **revises this provision to remove the**

requirement that the lender based the home loan solely on the borrower's equity. Section 2 also clarifies that the provision applies to a low-document, no-document or stated-document home loan **, other than a reverse mortgage,** if the loan is made ~~[based solely on the borrower's equity in the property or]~~ without determining **, using any commercially reasonable means or mechanism,** the borrower's ability to repay the loan.

Existing federal law imposes limitations on the terms of consumer credit that is extended to members of the Armed Forces of the United States who are on active duty and their dependents, including, without limitation, a prohibition against a lender imposing an interest rate greater than 36 percent. The federal law preempts any state law that is inconsistent with the federal law. (Section 670 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364) Section 2.2 of this bill provides that any violation of the federal law shall be deemed to be a violation of chapter 604A of NRS, thereby making violators subject to the remedies and penalties set forth in that chapter, including the imposition of an administrative fine of not more than $10,000 for each violation, the revocation or suspension of a license issued pursuant to that chapter and civil actions for damages. (NRS 604A.820, 604A.930) Section 22 of this bill provides that any violation of the federal law shall be deemed to be a violation of chapter 675 of NRS, thereby making violators subject to the remedies and penalties set forth in that chapter, including the imposition of an administrative fine of not more than $10,000 for each violation and the revocation or suspension of a license issued pursuant to that chapter. (NRS 675.440)

Existing law authorizes parties to agree to any rate of interest on money due pursuant to a contract. (NRS 99.050) Section 2.9 of this bill provides an exception to this provision for agreements which are subject to the federal law discussed above which limits the interest rate on such agreements to 36 percent.

Existing law provides certain practices that must be followed by a person licensed to operate a check-cashing service, deferred deposit loan service, short-term loan service or title loan service pursuant to chapter 604A of NRS when dealing with a customer who is called to active duty in the military. (NRS 604A.420) Section 2.4 of this bill revises this list of practices and provides that the provision applies to any customer who is a member of the military. Section 23 of this bill sets forth a new provision which is identical to section 2.4 for persons who are licensed pursuant to chapter 675 of NRS to make loans.

Existing law provides remedies for a financial institution that relied on certain fraudulent conduct of a borrower who engaged in the conduct to obtain certain loans secured by a lien on real property. (NRS 40.750) Section 2.8 of this bill provides that these remedies are available to other lenders as well. Existing law authorizes a financial institution to commence an action against a borrower who engaged in such fraudulent

conduct within 3 years after discovering the fraudulent conduct. (NRS 11.190) Section 2.7 of this bill provides that this period of limitation applies to other lenders as well.

Section 3 of this bill establishes the crime of mortgage lending fraud, which is a category C felony. Section 3 also provides that a person who engages in a pattern of mortgage lending fraud is guilty of a category B felony. Furthermore, under section 3, if a lender ~~[commits]~~ **is convicted of** mortgage lending fraud, the borrower **in the transaction involving the mortgage lending fraud** may rescind the transaction within ~~[2 years]~~ **6 months** after the ~~[transaction has been completed.]~~ **date of the conviction.** Chapters 645B and 645E of NRS govern mortgage brokers and mortgage agents and mortgage bankers, respectively.

Sections 7-20 of this bill establish specific rights and duties concerning foreclosure consultants and foreclosure purchasers. Section 9 defines a foreclosure consultant as a person who promises to perform, for compensation, various services for a homeowner whose residence is in foreclosure that the foreclosure consultant represents will assist the homeowner to, for example, postpone or prevent a foreclosure sale, obtain an extension of time to repay his mortgage loan, obtain an alternative loan or mortgage, file documents with a bankruptcy court or repair the homeowner's credit after foreclosure. Section 16 prohibits a foreclosure consultant from claiming or receiving any compensation from a homeowner until after the consultant has fully performed all the services he promised to perform and prohibits other conduct relating to his compensation. Section 16 also prohibits a foreclosure consultant from acquiring any interest in the residence of the homeowner. Section 17 authorizes the Commissioner of Mortgage Lending to impose an administrative penalty of not more than $10,000 on a foreclosure consultant who violates any provision of section 16. Section 18 creates a civil cause of action against a foreclosure consultant for a homeowner who is injured as a result of a foreclosure consultant's violation of any provision of section 16. If the homeowner prevails in his action against the foreclosure consultant, the court may award him his actual damages, punitive damages of at least 1 1/2 times his actual damages, his attorney's fees and costs of bringing the action.

Section 10 of this bill defines a foreclosure purchaser as a person who engages in the business of acquiring residences that are in foreclosure from their owners. Section 19 of this bill provides that a foreclosure purchaser who engages in conduct that defrauds or deceives a homeowner whose residence is in foreclosure is guilty of a gross misdemeanor. Section 19.5 of this bill provides that if a foreclosure purchaser engages in conduct that defrauds or deceives a homeowner whose residence is in foreclosure, the homeowner may rescind the transaction in which the foreclosure purchaser acquired the residence of the homeowner. Section 19.5 further provides the procedures a homeowner must follow to rescind the transaction and prevents a homeowner

from rescinding a transaction if the foreclosure purchaser has transferred an interest in the property to a bona fide purchaser.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 598D.040 is hereby amended to read as follows:

598D.040 "Home loan" means a consumer credit transaction that ~~[:~~

~~1. Is]~~ ***is*** secured by a mortgage loan which involves real property located within this State ~~[; and~~

~~2. Constitutes]~~ ***and includes, without limitation, a consumer credit transaction that constitutes*** a mortgage under § 152 of the Home Ownership and Equity Protection Act of 1994, 15 U.S.C. § 1602(aa), and the regulations adopted by the Board of Governors of the Federal Reserve System pursuant thereto, including, without limitation, 12 C.F.R. § 226.32.

Sec. 2. NRS 598D.100 is hereby amended to read as follows:

598D.100 1. It is an unfair lending practice for a lender to:

(a) Require a borrower, as a condition of obtaining or maintaining a home loan secured by home property, to provide property insurance on improvements to home property in an amount that exceeds the reasonable replacement value of the improvements.

(b) Knowingly or intentionally make a home loan ***, other than a reverse mortgage,*** to a borrower ~~[based]~~ ***, including, without limitation, a low-document home loan, no-document home loan or stated-document home loan*** ~~[:~~

~~*(1) Based* solely upon the equity of the borrower in the home property]~~ ~~[and without]~~ ~~[; or~~

~~*(2) Without]~~ ***, without*** determining ***, using any commercially reasonable means or mechanism,*** that the borrower has the ability to repay the home loan ***.*** ~~[from other assets, including, without limitation, income.]~~

(c) Finance a prepayment fee or penalty in connection with the refinancing by the original borrower of a home loan owned by the lender or an affiliate of the lender.

(d) Finance, directly or indirectly in connection with a home loan, any credit insurance.

2. As used in this section:

(a) "Credit insurance" has the meaning ascribed to it in NRS 690A.015.

(b) ***"Low-document home loan" means a home loan:***

(1) Whose terms allow a borrower to establish his ability to repay the home loan by providing only limited verification of his income and other assets; or

(2) Which is evidenced only by a deed transferring some or all of the interest of the borrower in the home property to the creditor.

(c) "No-document home loan" means a home loan whose terms allow a borrower to establish his ability to repay the home loan without providing any verification of his income and other assets.

(d) "Prepayment fee or penalty" means any fee or penalty imposed by a lender if a borrower repays the balance of a loan or otherwise makes a payment on a loan before the regularly scheduled time for repayment.

(e) "Stated-document home loan" means a home loan whose terms allow a borrower to establish his ability to repay the home loan by providing only his own statement of verification of his income and other assets.

Sec. 2.2. **Chapter 604A of NRS is hereby amended by adding thereto a new section to read as follows:**

Notwithstanding any other provision of law, a violation of any provision of section 670 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364, or any regulation adopted pursuant thereto shall be deemed to be a violation of this chapter.

Sec. 2.4. NRS 604A.420 is hereby amended to read as follows:

604A.420 ***Notwithstanding any other provision of law:***

1. If a customer is ~~[called to active duty in]~~ ***a member of*** the military, a licensee shall:

(a) ~~[Defer for the duration of the active duty all collection activity against the customer and his property, including, without limitation, any community property in which the customer has an interest; and~~

~~(b)]~~ Honor the terms of any repayment plan between the licensee and customer, including, without limitation, any repayment plan negotiated through military counselors or third-party credit counselors.

(b) Honor any proclamation by a base commander that a certain branch location of the licensee is off-limits to members of the military and their spouses.

2. ~~[When collecting any defaulted loan,]~~ ***If a customer is a member of the military,*** a licensee shall not:

(a) Garnish or threaten to garnish any wages or salary ~~[paid to a customer for active service in the military;]~~ ***of the customer or his spouse;*** or

(b) Contact or threaten to contact the military chain of command of a customer in an effort to collect the ~~[defaulted]~~ loan.

3. ***If a customer is a member of the military and is deployed to a combat or combat supporting position, a licensee shall not engage in any collection activity against the customer or his spouse.***

4. As used in this section, "military" means the Armed Forces of the United States, a reserve component thereof or the National Guard.

Sec. 2.6. NRS 604A.930 is hereby amended to read as follows:

604A.930 1. Subject to the affirmative defense set forth in subsection 3, in addition to any other remedy or penalty, if a person violates any provision of NRS 604A.400, 604A.410 to 604A.500, inclusive, 604A.610, 604A.615, 604A.650 or 604A.655 ***or section 2.2 of this act*** or any regulation adopted pursuant thereto, the customer may bring a civil action against the person for ***:*** ~~[any or all of the following relief:]~~

(a) Actual and consequential damages;

(b) Punitive damages, which are subject to the provisions of NRS 42.005;

(c) Reasonable attorney's fees and costs; and

(d) Any other legal or equitable relief that the court deems appropriate.

2. Subject to the affirmative defense set forth in subsection 3, in addition to any other remedy or penalty, the customer may bring a civil action against a person pursuant to subsection 1 to recover an additional amount, as statutory damages, which is equal to $1,000 for each violation if the person knowingly:

(a) Operates a check-cashing service, deferred deposit loan service, short-term loan service or title loan service without a license, in violation of NRS 604A.400;

(b) Fails to include in a loan agreement a disclosure of the right of the customer to rescind the loan, in violation of NRS 604A.410;

(c) Violates any provision of NRS 604A.420;

(d) Accepts collateral or security for a deferred deposit loan, in violation of NRS 604A.435, except that a check or written authorization for an electronic transfer of money shall not be deemed to be collateral or security for a deferred deposit loan;

(e) Uses or threatens to use the criminal process in this State or any other state to collect on a loan made to the customer, in violation of NRS 604A.440;

(f) Includes in any written agreement a promise by the customer to hold the person harmless, a confession of judgment by the customer or an assignment or order for the payment of wages or other compensation due the customer, in violation of NRS 604A.440;

(g) Violates any provision of NRS 604A.485; ~~[or]~~

(h) Violates any provision of NRS 604A.490~~.~~[.] ***; or***

(i) Violates any provision of section 2.2 of this act.

3. A person may not be held liable in any civil action brought pursuant to this section if the person proves, by a preponderance of evidence, that the violation:

(a) Was not intentional;

(b) Was technical in nature; and

(c) Resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

4. For the purposes of subsection 3, a bona fide error includes, without limitation, clerical errors, calculation errors, computer malfunction and programming errors and printing errors, except that an error of legal judgment with respect to the person's obligations under this chapter is not a bona fide error.

Sec. 2.7. **NRS 11.190 is hereby amended to read as follows:**

11.190 Except as otherwise provided in NRS 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) An action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without his fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution ***or other lender*** because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution ***or other lender*** of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his official capacity and in virtue of his office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 2.8. **NRS 40.750 is hereby amended to read as follows:**

40.750 1. As used in this section, "financial institution" means a bank, mortgage broker, mortgage banker, credit union, thrift company or savings and loan association, or any subsidiary or affiliate of a bank, mortgage broker, mortgage banker, credit union, thrift company or savings and loan association, which is authorized to transact business in this State and which makes or acquires, in whole or in part, any loan of the kind described in subsection 2.

2. Except as otherwise provided in subsection 5, a person who, for the purpose of obtaining a loan secured by a lien on real property, knowingly conceals a material fact, or makes a false statement concerning a material fact knowing that the statement is false, is liable to any financial institution ***or other lender*** which relied upon the absence of that concealed fact or on that false statement for any damages it sustains because of the fraud.

3. In addition to its actual damages, a financial institution ***or other lender*** may recover exemplary or punitive damages in an amount not to exceed 50 percent of the actual damages awarded.

4. The cause of action provided by this section:

(a) Is not, for the purposes of NRS 40.430, an action for the recovery of any debt or an action for the enforcement of any right secured by mortgage or lien upon real estate.

(b) Is in addition to and not in substitution for any right of foreclosure existing in favor of the financial institution ~~[.]~~ ***or other lender.*** Any recovery pursuant to this section does not limit the amount of a judgment awarded pursuant to NRS 40.459, but the financial institution ***or other lender*** is not entitled to recover actual damages more than once for the same loss.

5. The provisions of this section do not apply to any loan which is secured by a lien on real property used for residential purposes if:

(a) The residence is a single-family dwelling occupied by the person obtaining the loan, as represented by him in connection with his application for the loan; and

(b) The loan is for the principal amount of $150,000 or less.

Sec. 2.9. NRS 99.050 is hereby amended to read as follows:

99.050 ~~[Parties]~~ ***Except as otherwise provided in section 670 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364, or any regulation adopted pursuant thereto, parties*** may agree for the payment of any rate of interest on money due or to become due on any contract, for the compounding of interest if they choose, and for any other charges or fees. The parties shall specify in writing the rate upon which they agree, that interest is to be compounded if so agreed, and any other charges or fees to which they have agreed.

Sec. 3. Chapter 205 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who, with the intent to defraud a participant in a mortgage lending transaction:

(a) Knowingly makes a false statement or misrepresentation concerning a material fact or deliberately conceals or fails to disclose a material fact;

(b) Knowingly uses or facilitates the use of a false statement or misrepresentation made by another person concerning a material fact or deliberately uses or facilitates the use of another person's concealment or failure to disclose a material fact;

(c) Receives any proceeds or any other money in connection with a mortgage lending transaction that the person knows resulted from a violation of paragraph (a) or (b);

(d) Conspires with another person to violate any of the provisions of paragraph (a), (b) or (c); or

(e) Files or causes to be filed with a county recorder any document that the person knows to include a misstatement, misrepresentation or omission concerning a material fact,

➥ commits the offense of mortgage lending fraud which is a category C felony and, upon conviction, shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment.

2. A person who engages in a pattern of mortgage lending fraud or conspires or attempts to engage in a pattern of mortgage lending fraud is

guilty of a category B felony and, upon conviction, shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, or by a fine of not more than $50,000, or by both fine and imprisonment.

3. Each mortgage lending transaction in which a person violates any provision of subsection 1 constitutes a separate violation.

4. Except as otherwise provided in this subsection, if a lender or any agent of the lender ~~[commits]~~ is convicted of the offense of mortgage lending fraud in violation of this section, the mortgage lending transaction ~~[is voidable by the borrower and the transaction]~~ with regard to which the fraud was committed may be rescinded by the borrower within ~~[2 years]~~ 6 months after the date ~~[the transaction is completed]~~ of the conviction if the borrower gives written notice to the lender and records that notice with the recorder of the county in which the mortgage was recorded. A mortgage lending transaction ~~[is not voidable]~~ may not be rescinded pursuant to this subsection if the lender has transferred the mortgage to a bona fide purchaser.

5. The Attorney General may investigate and prosecute a violation of this section.

6. As used in this section:

(a) "Bona fide purchaser" means any person who purchases a mortgage in good faith and for valuable consideration and who does not know or have reasonable cause to believe that the lender or any agent of the lender engaged in mortgage lending fraud in violation of this section.

(b) "Mortgage lending transaction" means any transaction between two or more persons for the purpose of making or obtaining, attempting to make or obtain, or assisting another person to make or obtain a loan that is secured by a mortgage or other lien on residential real property. The term includes, without limitation:

(1) The solicitation of a person to make or obtain the loan;

(2) The representation or offer to represent another person to make or obtain the loan;

(3) The negotiation of the terms of the loan;

(4) The provision of services in connection with the loan; and

(5) The execution of any document in connection with making or obtaining the loan.

(c) "Participant in a mortgage lending transaction" includes, without limitation:

(1) A borrower as defined in NRS 598D.020;

(2) An escrow agent as defined in NRS 645A.010;

(3) A foreclosure consultant as defined in section 9 of this act;

(4) A foreclosure purchaser as defined in section 10 of this act;

(5) An investor as defined in NRS 645B.0121;

(6) A lender as defined in NRS 598D.050;

(7) A mortgage agent as defined in NRS 645B.0125;

(8) A mortgage banker as defined in NRS 645E.100; and

(9) A mortgage broker as defined in NRS 645B.0127.

(d) "Pattern of mortgage lending fraud" means one or more violations of a provision of subsection 1 committed in two or more mortgage lending transactions which have the same or similar intents, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 5.3. NRS 645B.020 is hereby amended to read as follows:

645B.020 1. A person who wishes to be licensed as a mortgage broker must file a written application for a license with the Office of the Commissioner and pay the fee required pursuant to NRS 645B.050. An application for a license as a mortgage broker must:

(a) ~~[Be verified.~~

~~(b)]~~ State the name, residence address and business address of the applicant and the location of each principal office and branch office at which the mortgage broker will conduct business within this State.

~~[(c)]~~ ***(b)*** State the name under which the applicant will conduct business as a mortgage broker.

~~[(d)]~~ ***(c)*** List the name, residence address and business address of each person who will:

(1) If the applicant is not a natural person, have an interest in the mortgage broker as a principal, partner, officer, director or trustee, specifying the capacity and title of each such person.

(2) Be associated with or employed by the mortgage broker as a mortgage agent.

~~[(e)]~~ ***(d)*** Include a general business plan and a description of the policies and procedures that the mortgage broker and his mortgage agents will follow to arrange and service loans and to conduct business pursuant to this chapter.

~~[(f)]~~ ***(e)*** State the length of time the applicant has been engaged in the business of a broker.

~~[(g)]~~ ***(f)*** Include a financial statement of the applicant and, if applicable, satisfactory proof that the applicant will be able to maintain continuously the net worth required pursuant to NRS 645B.115.

~~[(h)]~~ ***(g)*** Include all information required to complete the application.

~~[(i)]~~ ***(h)*** Include any other information required pursuant to the regulations adopted by the Commissioner or an order of the Commissioner.

2. If a mortgage broker will conduct business at one or more branch offices within this State, the mortgage broker must apply for a license for each such branch office.

3. Except as otherwise provided in this chapter, the Commissioner shall issue a license to an applicant as a mortgage broker if:

(a) The application ***is verified by the Commissioner and*** complies with the requirements of this chapter; and

(b) The applicant and each general partner, officer or director of the applicant, if the applicant is a partnership, corporation or unincorporated association:

(1) Has a good reputation for honesty, trustworthiness and integrity and displays competence to transact the business of a mortgage broker in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of these qualifications to the Commissioner.

(2) Has not been convicted of, or entered a plea of nolo contendere to, a felony relating to the practice of mortgage brokers or any crime involving fraud, misrepresentation or moral turpitude.

(3) Has not made a false statement of material fact on his application.

(4) Has not had a license that was issued pursuant to the provisions of this chapter or chapter 645E of NRS suspended or revoked within the 10 years immediately preceding the date of his application.

(5) Has not had a license that was issued in any other state, district or territory of the United States or any foreign country suspended or revoked within the 10 years immediately preceding the date of his application.

(6) Has not violated any provision of this chapter or chapter 645E of NRS, a regulation adopted pursuant thereto or an order of the Commissioner.

Sec. 5.5. NRS 645B.410 is hereby amended to read as follows:

645B.410 1. To obtain a license as a mortgage agent, a person must:

(a) Be a natural person;

(b) File a written application for a license as a mortgage agent with the Office of the Commissioner;

(c) Comply with the applicable requirements of this chapter; and

(d) Pay an application fee set by the Commissioner of not more than $185.

2. An application for a license as a mortgage agent must:

(a) ~~[Be verified;~~

~~(b)]~~ State the name and residence address of the applicant;

~~[(c)]~~ ***(b)*** Include a provision by which the applicant gives his written consent to an investigation of his credit history, criminal history and background;

~~[(d)]~~ ***(c)*** Include a complete set of fingerprints which the Division may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

~~[(e)]~~ ***(d)*** Include a verified statement from the mortgage broker with whom the applicant will be associated that expresses the intent of that mortgage broker to associate the applicant with the mortgage broker and to be responsible for the activities of the applicant as a mortgage agent; and

~~[(f)]~~ ***(e)*** Include any other information or supporting materials required pursuant to the regulations adopted by the Commissioner or by an order of the Commissioner. Such information or supporting materials may include, without limitation, other forms of identification of the person.

3. Except as otherwise provided in this chapter, the Commissioner shall issue a license as a mortgage agent to an applicant if:

(a) The application ***is verified by the Commissioner and*** complies with the applicable requirements of this chapter; and

(b) The applicant:

(1) Has not been convicted of, or entered a plea of nolo contendere to, a felony relating to the practice of mortgage agents or any crime involving fraud, misrepresentation or moral turpitude;

(2) Has not had a financial services license suspended or revoked within the immediately preceding 10 years;

(3) Has not made a false statement of material fact on his application;

(4) Has not violated any provision of this chapter or chapter 645E of NRS, a regulation adopted pursuant thereto or an order of the Commissioner; and

(5) Has a good reputation for honesty, trustworthiness and integrity and displays competence to transact the business of a mortgage agent in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of these qualifications to the Commissioner.

4. Money received by the Commissioner pursuant to this section must be deposited in the Fund for Mortgage Lending created by NRS 645F.270.

Sec. 6. Chapter 645F of NRS is hereby amended by adding thereto the provisions set forth as sections 7 to 20, inclusive, of this act.

Sec. 7. ***As used in sections 7 to 20, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 8 to 14, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 8. ***"Covered service" includes, without limitation:***

1. Financial counseling, including, without limitation, debt counseling and budget counseling.

2. Receiving money for the purpose of distributing it to creditors in payment or partial payment of any obligation secured by a mortgage or other lien on a residence in foreclosure.

3. Contacting a creditor on behalf of a homeowner.

4. Arranging or attempting to arrange for an extension of the period within which a homeowner may cure his default and reinstate his obligation pursuant to a note, mortgage or deed of trust.

5. Arranging or attempting to arrange for any delay or postponement of the time of a foreclosure sale.

6. Advising the filing of any document or assisting in any manner in the preparation of any document for filing with a bankruptcy court.

7. Giving any advice, explanation or instruction to a homeowner which in any manner relates to the cure of a default in or the reinstatement of an obligation secured by a mortgage or other lien on the residence in foreclosure, the full satisfaction of the obligation, or the postponement or avoidance of a foreclosure sale.

Sec. 9. ***"Foreclosure consultant" means a person who, directly or indirectly, makes any solicitation, representation or offer to a homeowner***

to perform for compensation, or who, for compensation, performs any covered service that the person represents will do any of the following:

1. Prevent or postpone a foreclosure sale;

2. Obtain any forbearance from any mortgagee or beneficiary of a deed of trust;

3. Assist the homeowner to exercise the right of reinstatement provided in the legal documents;

4. Obtain any extension of the period within which the homeowner may reinstate the homeowner's obligation;

5. Obtain any waiver of an acceleration clause contained in any promissory note or contract secured by a mortgage on a residence in foreclosure or included in the mortgage or deed of trust;

6. Assist the homeowner in foreclosure or loan default to obtain a loan or advance of money;

7. Avoid or ameliorate the impairment of the homeowner's credit resulting from the recording of a notice of default or the conduct of a foreclosure sale;

8. Save the homeowner's residence from foreclosure; or

9. Assist the homeowner to obtain a foreclosure reconveyance.

Sec. 10. ***"Foreclosure purchaser" means a person who, in the course of his business, vocation or occupation, acquires or attempts to acquire title to a residence in foreclosure from a homeowner.***

Sec. 11. ***1. "Foreclosure reconveyance" means a transaction that involves:***

(a) The transfer of title to a residence in foreclosure by a homeowner during a foreclosure proceeding by:

(1) The transfer of an interest in the residence in foreclosure from the homeowner; or

(2) The creation of a mortgage or other lien during the foreclosure process that allows the acquirer to obtain title to the residence in foreclosure by redeeming the property as a junior lien holder; and

(b) The subsequent conveyance, or promise of a subsequent conveyance, of an interest in the residence to the former homeowner by the acquirer, or a person acting in concert with the acquirer, that allows the former homeowner to remain in possession of the residence following the completion of the foreclosure proceeding.

2. As used in this section, "interest in the residence" includes, without limitation, an interest in a contract for a deed, a purchase agreement, and an option to purchase or lease.

Sec. 12. ***"Foreclosure sale" means the sale of real property to enforce an obligation secured by a mortgage or lien on the property, including the exercise of a trustee's power of sale pursuant to NRS 107.080.***

Sec. 13. ***"Homeowner" means the record owner of a residence in foreclosure at the time the notice of the pendency of an action for***

foreclosure is recorded pursuant to NRS 14.010 or the notice of default and election to sell is recorded pursuant to NRS 107.080.

Sec. 14. ***"Residence in foreclosure" means residential real property consisting of not more than four family dwelling units, one of which the homeowner occupies as his principal place of residence, and against which there is an outstanding notice of the pendency of an action for foreclosure recorded pursuant to NRS 14.010 or notice of default and election to sell recorded pursuant to NRS 107.080.***

Sec. 15. ***The provisions of sections 7 to 20, inclusive, of this act do not apply to, and the terms "foreclosure consultant" and "foreclosure purchaser" do not include:***

1. An attorney at law rendering services in the performance of his duties as an attorney at law;

2. A person, firm, company or corporation licensed to engage in the business of debt adjustment pursuant to chapter 676 of NRS while engaging in that business;

3. A person licensed as a real estate broker, broker-salesman or salesman pursuant to chapter 645 of NRS while acting under the authority of that license;

4. A person or the authorized agent of a person acting under the provisions of a program sponsored by the Federal Government, this State or a local government, including, without limitation, the Department of Housing and Urban Development, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association or the Federal Home Loan Bank;

5. A person who holds or is owed an obligation secured by a mortgage or other lien on a residence in foreclosure if the person performs services in connection with this obligation or lien and the obligation or lien did not arise as the result of or as part of a proposed foreclosure reconveyance;

6. Any person doing business under the laws of this State or of the United States relating to banks, trust companies, savings and loan associations, industrial loan and thrift companies, regulated lenders, credit unions, insurance companies, or a mortgagee which is a United States Department of Housing and Urban Development approved mortgagee and any subsidiary or affiliate of those persons, and any agent or employee of those persons while engaged in the business of those persons;

7. A person licensed as an escrow agent, title agent, mortgage agent, mortgage broker or mortgage banker pursuant to chapter 645A, 692A, 645B or 645E of NRS, while acting under the authority of his license;

8. A nonprofit agency or organization that offers credit counseling or advice to a homeowner of a residence in foreclosure or a person in default on a loan; or

9. A judgment creditor of the homeowner whose claim accrued before the recording of the notice of the pendency of an action for foreclosure

against the homeowner pursuant to NRS 14.010 or the recording of the notice of default and election to sell pursuant to NRS 107.080.

Sec. 16. ***A foreclosure consultant shall not:***

1. Claim, demand, charge, collect or receive any compensation until after the foreclosure consultant has fully performed each covered service that he contracted to perform or represented he would perform.

2. Claim, demand, charge, collect or receive any fee, interest or other compensation for any reason which is not fully disclosed to the homeowner.

3. Take any wage assignment, lien on real or personal property, assignment of a homeowner's equity or other interest in a residence in foreclosure or other security for the payment of compensation. Any such security is void and unenforceable.

4. Receive any consideration from any third party in connection with a covered service provided to a homeowner unless the consideration is first fully disclosed to the homeowner.

5. Acquire, directly or indirectly, any interest in the residence in foreclosure of a homeowner with whom the foreclosure consultant has contracted to perform a covered service.

6. Accept a power of attorney from a homeowner for any purpose, other than to inspect documents as provided by law.

Sec. 17. ***1. In addition to any other remedy or penalty, the Commissioner may, after giving notice and opportunity to be heard, impose an administrative penalty of not more than $10,000 on a foreclosure consultant who violates any provision of section 16 of this act.***

2. Except as otherwise provided in this section, all money collected from administrative penalties imposed pursuant to this section must be deposited in the State General Fund.

3. The money collected from an administrative penalty may be deposited with the State Treasurer for credit to the Fund for Mortgage Lending created by NRS 645F.270 if:

(a) The person pays the administrative penalty without exercising his right to a hearing to contest the penalty; or

(b) The administrative penalty is imposed in a hearing conducted by a hearing officer or panel appointed by the Commissioner.

4. The Commissioner may appoint one or more hearing officers or panels and may delegate to those hearing officers or panels the power of the Commissioner to conduct hearings, determine violations and impose the penalties authorized by this section.

5. If money collected from an administrative penalty is deposited in the State General Fund, the Commissioner may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 18. ***1. A homeowner who is injured as a result of a foreclosure consultant's violation of a provision of section 16 of this act may bring an action against the foreclosure consultant to recover damages caused by the violation, together with reasonable attorney's fees and costs.***

2. If the homeowner prevails in the action, the court may award such punitive damages as may be determined by a jury, or by a court sitting without a jury, but in no case may the punitive damages be less than 1 1/2 times the amount awarded to the homeowner as actual damages.

Sec. 19. ***A foreclosure purchaser who engages in any conduct that operates as a fraud or deceit upon a homeowner in connection with a transaction that is subject to the provisions of sections 7 to 20, inclusive, of this act, including, without limitation, a foreclosure reconveyance, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 1 year, or by a fine of not more than $50,000, or by both fine and imprisonment.***

Sec. 19.5. ***1. In addition to the penalty provided in section 19 of this act and except as otherwise provided in subsection 5, if a foreclosure purchaser engages in any conduct that operates as a fraud or deceit upon a homeowner in connection with a transaction that is subject to the provisions of sections 7 to 20, inclusive, of this act, including, without limitation, a foreclosure reconveyance, the transaction in which the foreclosure purchaser acquired title to the residence in foreclosure*** ~~*[is voidable by the homeowner and the transaction]*~~ ***may be rescinded by the homeowner within 2 years after the date of the recording of the conveyance.***

2. To rescind a transaction pursuant to subsection 1, the homeowner must give written notice to the foreclosure purchaser and a successor in interest to the foreclosure purchaser, if the successor in interest is not a bona fide purchaser, and record that notice with the recorder of the county in which the property is located. The notice of rescission must contain:

(a) The name of the homeowner, the foreclosure purchaser and any successor in interest who holds title to the property; and

(b) A description of the property.

3. Within 20 days after receiving notice pursuant to subsection 2:

(a) The foreclosure purchaser and the successor in interest, if the successor in interest is not a bona fide purchaser, shall reconvey to the homeowner title to the property free and clear of encumbrances which were created subsequent to the rescinded transaction and which are due to the actions of the foreclosure purchaser; and

(b) The homeowner shall return to the foreclosure purchaser any consideration received from the foreclosure purchaser in exchange for the property.

4. If the foreclosure purchaser has not reconveyed to the homeowner title to the property within the period described in subsection 3, the

homeowner may bring an action to enforce the rescission in the district court of the county in which the property is located.

5. A transaction ~~*[is not voidable]*~~ ***may not be rescinded pursuant to this section if the foreclosure purchaser has transferred the property to a bona fide purchaser.***

6. As used in this section, "bona fide purchaser" means any person who purchases an interest in a residence in foreclosure from a foreclosure purchaser in good faith and for valuable consideration and who does not know or have reasonable cause to believe that the foreclosure purchaser engaged in conduct which violates subsection 1.

Sec. 20. ***The rights, remedies and penalties provided pursuant to the provisions of sections 7 to 20, inclusive, of this act are cumulative and do not abrogate and are in addition to any other rights, remedies and penalties that may exist at law or in equity, including, without limitation, any criminal penalty that may be imposed pursuant to section 19 of this act.***

Sec. 21. **Chapter 675 of NRS is hereby amended by adding thereto the provisions set forth as sections 22 and 23 of this act.**

Sec. 22. Notwithstanding any other provision of law, a violation of any provision of section 670 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364, or any regulation adopted pursuant thereto shall be deemed to be a violation of this chapter.

Sec. 23. Notwithstanding any other provision of law:

1. If a borrower is a member of the military, a licensee shall:

(a) Honor the terms of any repayment plan between the licensee and borrower, including, without limitation, any repayment plan negotiated through military counselors or third-party credit counselors.

(b) Honor any proclamation by a base commander that a certain branch location of the licensee is off-limits to members of the military and their spouses.

2. If a borrower is a member of the military, a licensee shall not:

(a) Garnish or threaten to garnish any wages or salary of the borrower or his spouse; or

(b) Contact or threaten to contact the military chain of command of a borrower in an effort to collect the loan.

3. If a borrower is a member of the military and is deployed to a combat or combat supporting position, a licensee shall not engage in any collection activity against the borrower or his spouse.

4. As used in this section, "military" means the Armed Forces of the United States, a reserve component thereof or the National Guard.

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 440.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 319.

The following Senate amendment was read:

Amendment No. 869.

AN ACT relating to public employees' retirement; pledging that the Legislature will not increase the retirement benefits for certain public employees unless the retirement fund from which the benefits will be paid is funded at or above a certain level; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the retirement benefits of public employees under the Public Employees' Retirement System are generally governed by the provisions of chapter 286 of NRS. There are two separate retirement funds established under the System pursuant to chapter 286 of NRS, the Public Employees' Retirement Fund and the Police and Firefighters' Retirement Fund. (NRS 286.220, 286.225) This bill sets forth the pledge of the Legislature that it will not increase any benefit or allowance payable under the System pursuant to chapter 286 of NRS ~~[that is not cost neutral]~~ unless the actuarial value of the assets of the retirement fund from which the benefit or allowance will be paid is equal to or greater than 85 percent of the actuarial accrued liabilities of that retirement fund.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 286 of NRS is hereby amended by adding thereto a new section to read as follows:

The Legislature hereby pledges that it will not enact any law which has the effect of increasing any benefit or allowance payable under the System pursuant to this chapter ~~*[that is not cost neutral]*~~ ***unless the actuarial value of the assets of the retirement fund from which the benefit or allowance will be paid is equal to or greater than 85 percent of the actuarial accrued liabilities of that retirement fund, as determined in accordance with generally accepted accounting principles for government as prescribed by the Governmental Accounting Standards Board.***

Sec. 2. (Deleted by amendment.)

Sec. 3. **This act becomes effective upon passage and approval.**

Assemblyman Arberry moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 319.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered transmitted to the Senate.

Assemblyman Oceguera moved that Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 4:46 p.m.

ASSEMBLY IN SESSION

At 5:00 p.m.
Madam Speaker presiding.
Quorum present.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 139, 212, 569, 579; Assembly Resolution No. 16; Senate Bill No. 310.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Dayton High School: Amanda Aranyos, Alyssa Fortune, Amanda Knapp, Curtis Wilhelm, Sean Lane, Travis Wade, Michael Feliz-Long, Rachel Breithaupt, Stephanie Roedel, Avery Bell, Joe Delaski, Jesse Vickers, Dallas Pruett, Jessica Riley, Josue Pineda, Thomas Chill, Luis Madrid, Chris Roman, Valerie White and Austin Osborne.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Roberta C. Cartwright Elementary School: Jack Mikita, Joey Inferno, Gavin McCord, Trevor Gower, Nick Courtney, Tanner Anderson, Hector Gonzalez, Fallon Jones, Taylor Adams, Emily Sidebottom, Ellen Campbell, Sunny Stokes, Elizabeth Seang, Shaina Krashin, Lisa Smith, Tim Mikita, Robert Gower, Steven Anderson, Jolene Jones, Rebecca Campbell, Jayne Krashin , Jeanette Smith, Cami Bech, Susan Stemmerik, Lily Bernaur, Elizabeth Schulenburg, Kaitlyn Lombardo, Sydnee Morency, Sam Cox, Daniel Siciliano, Jarrett Alipio, Staci Bernaur, Diane Manzano, Matthew Cox, Rich Morency, Keith Lombardo, Jana Stewart, Samantha Campbell, Gabriella Garcia, Nayeli Martinez, Alyssa Moreno, Heather Campbell, Gabriella Robles, Karina Meza, Madison Crader, Jordan Lommason, Matt Villanueva, Colin Curi, Anh Luong, Cody Iwertz, Joseph Reed, Gabriel Camacho, Jadrian Boeckh, Zack Turrietta, Anthony Schulenburg, Nathaniel Montiero, Ryan Crame, Nikola Nikolic, Carter Dunn, Julie Curi, Dora Frixione, Pablo Villanueva, Chuck Iwertz, Juan Boeckh, Maurice Montiero, Julie Jensen, Michelle Dunn, Sherry Christensen, Chip Christensen, Amanda Mulholland, Fridah Ojeda, Bianca Andrade, Cristina Litao, Ashleigh Angelo, Denzel Gamboa, Nick Johnston, Ryan Brickman, Zack Martinez, Michael Christensen, Angel Martinez, Kyle Kelly, Brandon Baliza, Mark Vielma, Elianna cooper, Francesca Strawther, Kailyn Pashall, Brittney Mainor, Brandon Mainor, Brian Mainor , Rachel Mainor, Sitter Mainor, Laura Mulholland, Cecilia Andrade, Leo Gamboa, Bobby Martinez, Kenny Kelly,

Peggy Kelly, Michael Angelo, Helen Welte, Sarah Mainor, Owen Hurley, Caden Marshall, Nick Moneo, Monet Salazar, Lexi Lyman, Madison Zobrist, Peter Hurley, Sarah Jane Salazar, Stacy Mahan, Travis Elwell, Harman Bhinder, Isaiah Saromines, Cody Carpenter, Wyatt Wood, Marshall Merriman, Sidney Iwata, Elayna Gardner, Andrea Sookiassian, Erianna Flores, Katelyn DeBusk, Michael Siwiec, Corey Schauben, Jack Harper, Aly Bennett, Richard Elwell, Shad Saromines, Bill Wood, Patti Jo Iwata, Jannette Sookiassian, Michael Siwiec, Richard Bennett, Kerry Bennett, Bryan Sison, Giselle Moreno and Mike Smith.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Sferrazza and Hillary Schieve.

Assemblyman Oceguera moved that the Assembly adjourn until Saturday, June 2, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 5:01 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SEVENTY-FOURTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2007

BEGUN ON MONDAY, THE FIFTH DAY OF FEBRUARY, AND ENDED ON MONDAY, THE FOURTH DAY OF JUNE

VOLUME 7

THE ONE HUNDRED EIGHTEENTH DAY—THE ONE HUNDRED AND TWENTIETH DAY

SEE VOLUME 1 FOR TABLE OF CONTENTS

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THE ONE HUNDRED AND EIGHTEENTH DAY

CARSON CITY (Saturday), June 2, 2007

Assembly called to order at 11 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Minister Bruce Henderson.

Lord, it's Saturday and even You took this day to rest. We would like to be with family and friends, picnicking, visiting, or playing. May we but put those things on hold until we finish the work that You and the people of Nevada have given us to do. We pray in the Name of the One who promises us rest, some day.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Senate Bill No. 573, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 55, 250, 251, 252, 462, 463, 467, 468, 555, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 38, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

COMMUNICATIONS

MESSAGES FROM THE GOVERNOR

OFFICE OF THE GOVERNOR

CARSON CITY, NEVADA , June 1, 2007

THE HONORABLE BARBARA BUCKLEY, *Speaker of the Assembly*, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701

DEAR SPEAKER BUCKLEY:

I have received and reviewed Assembly Concurrent Resolution No. 34. This concurrent resolution states,

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, that the Governor of the State of Nevada is hereby respectfully requested to return Assembly Bill No. 483 of this session to the Assembly for further consideration.

By and through this letter, I respectfully return Assembly Bill No. 483 to the Legislative Body of the State of Nevada for further consideration.

Sincerely,
JIM GIBBONS
Governor

OFFICE OF THE GOVERNOR

CARSON CITY, NEVADA , May 31, 2007

THE HONORABLE BARBARA BUCKLEY, *Speaker of the Assembly*, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701

RE: RETURN OF VETOED BILL

DEAR SPEAKER BUCKLEY:

I am returning Assembly Bill 230 of the 74th Session of the Nevada Legislature accompanied by my letter of objection.

Sincerely,
JIM GIBBONS
Governor

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that vetoed Assembly Bills No. 230 of the 74th Session be made a Special Order of Business for Saturday, June 2, 2007, at 4:30 p.m.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 1, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 197, 200, 203, 204, 206, 271, 272, 539, 584, 615, 618, 626, 627.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 510, Amendment No. 1087; Assembly Bill No. 594, Amendment No. 1071; Assembly Bill No. 621, Amendment No. 1083, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 34.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 148.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 123.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 191, 547.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 854 to Senate Bill No. 498.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Townsend, Hardy and Schneider as a first Conference Committee concerning Senate Bill No. 18.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Heck, Schneider and Townsend as a first Conference Committee concerning Senate Bill No. 412.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Amodei, Washington and Mathews as a first Conference Committee concerning Senate Bill No. 487.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Washington, Wiener and Heck as a first Conference Committee concerning Senate Bill No. 536.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 352.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Bobzien, Parnell, and Goicoechea as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 285.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 123.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 191.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 547.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 38.

Bill read third time.

Roll call on Senate Bill No. 38:

YEAS—42.

NAYS—None.

Senate Bill No. 38 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 55.

Bill read third time.

Roll call on Senate Bill No. 55:

YEAS—42.

NAYS—None.

Senate Bill No. 55 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 250.

Bill read third time.

Roll call on Senate Bill No. 250:

YEAS—42.

NAYS—None.

Senate Bill No. 250 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 251.

Bill read third time.

Roll call on Senate Bill No. 251:

YEAS—42.

NAYS—None.

Senate Bill No. 251 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 252.

Bill read third time.

Roll call on Senate Bill No. 252:

YEAS—42.

NAYS—None.

Senate Bill No. 252 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:38 a.m.

ASSEMBLY IN SESSION

At 11:48 a.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that all rules be suspended and that all bills and resolutions passed or adopted be immediately transmitted to the Senate for this legislative day.

Motion carried.

Assemblyman Oceguera moved that the action whereby Assembly Bill No. 483 was passed be rescinded.
Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 483 be rereferred to the Committee on Judiciary.
Motion carried.

Assemblyman Oceguera moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 11:49 a.m.

ASSEMBLY IN SESSION

At 12:01 p.m.
Madam Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 462.
Bill read third time.
Roll call on Senate Bill No. 462:
YEAS—42.
NAYS—None.
Senate Bill No. 462 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 463.
Bill read third time.
Roll call on Senate Bill No. 463:
YEAS—42.
NAYS—None.
Senate Bill No. 463 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 467.
Bill read third time.
Roll call on Senate Bill No. 467:
YEAS—42.
NAYS—None.
Senate Bill No. 467 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 468.
Bill read third time.

Roll call on Senate Bill No. 468:
YEAS—42.
NAYS—None.
Senate Bill No. 468 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 555.
Bill read third time.
Roll call on Senate Bill No. 555:
YEAS—42.
NAYS—None.
Senate Bill No. 555 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 573.
Bill read third time.
Remarks by Assemblywoman Koivisto.
Roll call on Senate Bill No. 573:
YEAS—42.
NAYS—None.
Senate Bill No. 573 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 462.
The following Senate amendment was read:
Amendment No. 808.
AN ACT relating to real property; excepting certain sales or leases of real property by governmental entities from requirements that the entities conduct appraisals of the real property before the sale or lease of the real property and that the entities sell or lease the real property by auction; authorizing a governmental entity to hold a public hearing in lieu of having a second appraisal conducted before the sale or lease of real property; requiring persons requesting to purchase real property from governmental entities by auction to deposit a certain amount of money to pay the costs incurred by the entity in acting upon the application; providing that a political subdivision may convey real property to the State without charge under certain circumstances; **revising provisions governing certain rentals or leases at county airports;** making various other changes relating to the sale and lease of real property by governmental entities; and providing other matters properly relating thereto.
Legislative Counsel's Digest:

Existing law requires the State Land Registrar, the board of county commissioners of each county, and the governing body of each incorporated city to obtain two independent appraisals of any real property when selling or leasing the property and to sell or lease the property upon sealed bids followed by oral offers. (NRS 244.2795, 244.281, 244.283, 268.059, 268.062, 321.007, 321.335) Sections 1, 3, 4, 6 and 7 of this bill amend that requirement to require that the State Land Registrar, each board of county commissioners and each city governing body, when selling or leasing real property: (1) obtain two independent appraisals of the property; or (2) obtain one independent appraisal of the property and hold a public hearing on the matter of the fair market value of the property. Sections 1-4 and 6-8 of this bill except property sold or leased to a public utility for a public purpose and property sold or leased to the State or another governmental entity from the requirement for an appraisal and to be sold or leased upon sealed bids followed by oral offers. Sections 1 and 2 of this bill except property leased pursuant to a contract entered into pursuant to chapter 333 of NRS from those requirements.

Existing law provides for the board of county commissioners of each county and the governing body of each incorporated city to sell real property by auction. (NRS 244.282, 268.062) Sections 5 and 8 of this bill require a person requesting to purchase real property from a county or city by auction to deposit with the board of commissioners or governing body an amount of money sufficient to pay the costs of the board of commissioners or governing body in acting upon the request.

Existing law authorizes the State to lease state land to certain nonprofit organizations or educational institutions for a reduced charge. (NRS 322.065) Sections 2.5 and 5.5 of this bill provide similar authority to the boards of county commissioners of counties and to the governing bodies of cities.

Existing law provides that a political subdivision may convey real property to another political subdivision or an Indian tribe without charge if the property is to be used for a public purpose. (NRS 277.053) Section 9.3 of this bill provides that a political subdivision may also convey real property to the State or an agency of the State without charge if the property is to be used for a public purpose.

Under existing law, the sale or lease of any portion of the property of a municipal airport is required to be made by public auction. (NRS 496.080) Section 9.7 of this bill provides that, in a county whose population is less than 50,000 (currently counties other than Clark and Washoe Counties, and Carson City), leases of property at a county airport are not subject to requirements relating to appraisal and public auction. **Section 10 of this bill exempts a board of county commissioners of a county whose population is 50,000 or more (currently Clark and Washoe Counties and Carson City) from the requirement of conducting a public auction for the rental or lease of space for the parking or storage of aircraft at an**

airport owned by the county but requires that such a rental or lease be made for fair market value, as determined by an independent appraisal.

Sections 1, 3, 4 and 6-9 of this bill provide additionally that if land or real property is sold or leased in violation of the provisions thereof, the sale or lease is void and any change to an ordinance or law governing the zoning or use of that land or real property is void if the change occurs within the 5-year period after the void sale or lease.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 321.007 is hereby amended to read as follows:

321.007 1. Except as otherwise provided in subsection 5, NRS 322.063, 322.065 or 322.075, except as otherwise required by federal law ***, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS*** and except for land that is sold or leased pursuant to an agreement entered into pursuant to NRS 277.080 to 277.170, inclusive, when offering any land for sale or lease, the State Land Registrar shall:

(a) ~~[Obtain]~~ ***Except as otherwise provided in this paragraph, obtain*** two independent appraisals of the land before selling or leasing it. ***If the Interim Finance Committee grants its approval after discussion of the fair market value of the land, one independent appraisal of the land is sufficient before selling or leasing it.*** The ***appraisal or*** appraisals ***, as applicable,*** must have been prepared not more than 6 months before the date on which the land is offered for sale or lease.

(b) Notwithstanding the provisions of chapter 333 of NRS, select the ***one independent appraiser or*** two independent appraisers ***, as applicable,*** from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the State Land Registrar as to the qualifications of an appraiser is conclusive.

2. The State Land Registrar shall adopt regulations for the procedures for creating or amending a list of appraisers qualified to conduct appraisals of land offered for sale or lease by the State Land Registrar. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the land that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the owner of the land or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any land offered for sale or lease by the State Land Registrar if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the land or an adjoining property.

5. If a lease of land is for residential property and the term of the lease is 1 year or less, the State Land Registrar shall obtain an analysis of the market value of similar rental properties prepared by a licensed real estate broker or salesman when offering such a property for lease.

6. If land is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the land is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 2. NRS 321.335 is hereby amended to read as follows:

321.335 1. Except as otherwise provided in NRS 321.125, 321.510, 322.063, 322.065 or 322.075, except as otherwise required by federal law ***, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS*** and except for an agreement entered into pursuant to the provisions of NRS 277.080 to 277.170, inclusive, or a lease of residential property with a term of 1 year or less, after April 1, 1957, all sales or leases of any lands that the Division is required to hold pursuant to NRS 321.001, including lands subject to contracts of sale that have been forfeited, are governed by the provisions of this section.

2. Whenever the State Land Registrar deems it to be in the best interests of the State of Nevada that any lands owned by the State and not used or set apart for public purposes be sold or leased, he may, with the approval of the State Board of Examiners and the Interim Finance Committee, cause those lands to be sold or leased upon sealed bids, or oral offer after the opening of sealed bids for cash or pursuant to a contract of sale or lease, at a price not less than the highest appraised value for the lands plus the costs of appraisal and publication of notice of sale or lease.

3. Before offering any land for sale or lease, the State Land Registrar shall ~~[cause it to be appraised by competent appraisers selected pursuant to]~~ ***comply with the provisions of*** NRS 321.007.

4. After ~~[receipt of the report of the appraisers,]~~ ***complying with the provisions of NRS 321.007,*** the State Land Registrar shall cause a notice of sale or lease to be published once a week for 4 consecutive weeks in a newspaper of general circulation published in the county where the land to be sold or leased is situated, and in such other newspapers as he deems appropriate. If there is no newspaper published in the county where the land to be sold or leased is situated, the notice must be so published in a

newspaper published in this State having a general circulation in the county where the land is situated.

5. The notice must contain:

(a) A description of the land to be sold or leased;

(b) A statement of the terms of sale or lease;

(c) A statement that the land will be sold pursuant to subsection 6; and

(d) The place where the sealed bids will be accepted, the first and last days on which the sealed bids will be accepted, and the time when and place where the sealed bids will be opened and oral offers submitted pursuant to subsection 6 will be accepted.

6. At the time and place fixed in the notice published pursuant to subsection 4, all sealed bids which have been received must, in public session, be opened, examined and declared by the State Land Registrar. Of the proposals submitted which conform to all terms and conditions specified in the notice published pursuant to subsection 4 and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral offer is accepted or the State Land Registrar rejects all bids and offers. Before finally accepting any written bid, the State Land Registrar shall call for oral offers. If, upon the call for oral offers, any responsible person offers to buy or lease the land upon the terms and conditions specified in the notice, for a price exceeding by at least 5 percent the highest written bid, then the highest oral offer which is made by a responsible person must be finally accepted.

7. The State Land Registrar may reject any bid or oral offer to purchase or lease submitted pursuant to subsection 6, if he deems the bid or offer to be:

(a) Contrary to the public interest.

(b) For a lesser amount than is reasonable for the land involved.

(c) On lands which it may be more beneficial for the State to reserve.

(d) On lands which are requested by the State of Nevada or any department, agency or institution thereof.

8. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of sale specified in the notice of sale, the State Land Registrar shall convey title by quitclaim or cause a patent to be issued as provided in NRS 321.320 and 321.330.

9. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of lease specified in the notice of lease, the State Land Registrar shall enter into a lease agreement with the person submitting the accepted bid or oral offer pursuant to the terms of lease specified in the notice of lease.

10. The State Land Registrar may require any person requesting that state land be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the State Land Registrar in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting

upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.

11. If land that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the land, the State Land Registrar may offer the land for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the land, the State Land Registrar must ***, as applicable*** obtain a new appraisal ***or new appraisals*** of the land pursuant to the provisions of NRS 321.007 before offering the land for sale or lease a second time. If land that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the land, the State Land Registrar may list the land for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the land or an adjoining property.

Sec. 2.5. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of county commissioners of a county may lease real property to a nonprofit organization that:

(a) Is recognized as exempt under section 501(c)(3) of the Internal Revenue Code;

(b) Is affiliated by contract or other written agreement with the county; and

(c) Provides to residents of the county or to other persons a service that the county would otherwise be required to expend money to provide,

➥ under such terms and for such consideration as the board determines reasonable based upon the costs and benefits to the county and the recommendation of any county officers who may be involved in approving the lease.

2. To lease real property pursuant to this section, the board of county commissioners must approve the lease and establish the recommended amount of rent to be received for the real property. The board shall render a decision on an application to lease real property pursuant to this section within 60 days after it receives the application.

3. In determining the amount of rent for the lease of real property pursuant to this section, consideration must be given to:

(a) The amount the lessee is able to pay;

(b) Whether the real property will be used by the lessee to perform a service of value to members of the general public;

(c) Whether the service to be performed on the real property will be of assistance to any agency of the county; and

(d) The expenses, if any, that the county is likely to incur to lease real property pursuant to this section in comparison to other potential uses of the real property.

4. The board of county commissioners may waive any fee for the consideration of an application submitted pursuant to this section.

Sec. 3. NRS 244.2795 is hereby amended to read as follows:

244.2795 1. Except as otherwise provided in NRS 244.189, 244.276, 244.279, 244.2825, 244.284, 244.287, 244.290***, section 2.5 of this act*** ~~[and]~~ ***, NRS*** 278.479 to 278.4965, inclusive, ***and subsection 3 of NRS 496.080,*** except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less ***, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for the sale or lease of real property to the State or another governmental entity*** and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election, the board of county commissioners shall, when offering any real property for sale or lease:

(a) ~~[Obtain]~~ ***Except as otherwise provided in this paragraph, obtain*** two independent appraisals of the real property before selling or leasing it. ***If the board of county commissioners holds a public hearing on the matter of the fair market value of the real property, one independent appraisal of the real property is sufficient before selling or leasing it.*** The ***appraisal or*** appraisals ***, as applicable,*** must have been prepared not more than 6 months before the date on which the real property is offered for sale or lease.

(b) Select the ***one independent appraiser or*** two independent appraisers ***, as applicable,*** from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the board of county commissioners as to the qualifications of the appraiser is conclusive.

2. The board of county commissioners shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the board. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income that may constitute a conflict of interest and any relationship with the real property owner or the owner of an adjoining real property.

4. An appraiser shall not perform an appraisal on any real property for sale or lease by the board of county commissioners if the appraiser or a

person related to the appraiser within the first degree of consanguinity or affinity has an interest in the real property or an adjoining property.

5. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 4. NRS 244.281 is hereby amended to read as follows:

244.281 Except as otherwise provided in this section and NRS 244.189, 244.276, 244.279, 244.2815, 244.2825, 244.284, 244.287, 244.290, ***section 2.5 of this act*** ~~[, and]~~ ***, NRS*** 278.479 to 278.4965, inclusive, ***and subsection 3 of NRS 496.080,*** except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less ***, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose*** and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election:

1. When a board of county commissioners has determined by resolution that the sale or lease of any real property owned by the county will be for purposes other than to establish, align, realign, change, vacate or otherwise adjust any street, alley, avenue or other thoroughfare, or portion thereof, or flood control facility within the county and will be in the best interest of the county, it may:

(a) Sell the property in the manner prescribed for the sale of real property in NRS 244.282.

(b) Lease the property in the manner prescribed for the lease of real property in NRS 244.283.

2. Before the board of county commissioners may sell or lease any real property as provided in subsection 1, it shall:

(a) Post copies of the resolution described in subsection 1 in three public places in the county; and

(b) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(2) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

➥ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. ~~[If]~~ ***Except as otherwise provided in this subsection, if*** the board of county commissioners by its resolution further finds that the property to be sold or leased is worth more than $1,000, the board shall appoint two or more disinterested, competent real estate appraisers pursuant to NRS 244.2795 to appraise the property **.** ~~[and, except]~~ ***If the board of county commissioners holds a public hearing on the matter of the fair market value of the property, one disinterested, competent appraisal of the property is sufficient before selling or leasing it. Except*** for property acquired pursuant to NRS 371.047, ***the board of county commissioners*** shall not sell or lease it for less than the highest appraised value.

4. If the property is appraised at $1,000 or more, the board of county commissioners may:

(a) Lease the property; or

(b) Sell the property either for cash or for not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust, bearing such interest and upon such further terms as the board of county commissioners may specify.

5. A board of county commissioners may sell or lease any real property owned by the county without complying with the provisions of NRS 244.282 or 244.283 to:

(a) A person who owns real property located adjacent to the real property to be sold or leased if the board has determined by resolution that:

(1) The real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property for sale or lease; and

(2) The sale will be in the best interest of the county.

(b) ~~[Another]~~ ***The State or another*** governmental entity if:

(1) The sale or lease restricts the use of the real property to a public use; and

(2) The board adopts a resolution finding that the sale or lease will be in the best interest of the county.

6. A board of county commissioners that disposes of real property pursuant to subsection 4 is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

7. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the board of county commissioners may offer the real property for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the real property, the board of county commissioners must obtain a new appraisal of the real property pursuant to the provisions of NRS 244.2795 before offering the real property for sale or lease a second time. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the board of county commissioners may list the real property for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property.

8. ***If real property is sold or leased in violation of the provisions of this section:***

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

9. As used in this section, "flood control facility" has the meaning ascribed to it in NRS 244.276.

Sec. 5. NRS 244.282 is hereby amended to read as follows:

244.282 1. Except as otherwise provided in NRS 244.279, before ordering the sale at auction of any real property the board shall, in open meeting by a majority vote of the members, adopt a resolution declaring its intention to sell the property at auction. The resolution must:

(a) Describe the property proposed to be sold in such a manner as to identify it.

(b) Specify the minimum price and the terms upon which it will be sold.

(c) Fix a time, not less than 3 weeks thereafter, for a public meeting of the board to be held at its regular place of meeting, at which sealed bids will be received and considered.

2. Notice of the adoption of the resolution and of the time and place of holding the meeting must be given by:

(a) Posting copies of the resolution in three public places in the county not less than 15 days before the date of the meeting; and

(b) Causing to be published at least once a week for 3 successive weeks before the meeting, in a newspaper qualified under chapter 238 of NRS that

is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold at auction in such a manner as to identify it;

(2) The minimum price of the real property proposed to be sold at auction; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

➥ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. At the time and place fixed in the resolution for the meeting of the board, all sealed bids which have been received must, in public session, be opened, examined and declared by the board. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral bid is accepted or the board rejects all bids.

4. Before accepting any written bid, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to buy the property upon the terms and conditions specified in the resolution, for a price exceeding by at least 5 percent the highest written bid, then the highest oral bid which is made by a responsible person must be finally accepted.

5. The final acceptance by the board may be made either at the same session or at any adjourned session of the same meeting held within the 10 days next following.

6. The board may, either at the same session or at any adjourned session of the same meeting held within the 10 days next following, if it deems the action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from sale.

7. Any resolution of acceptance of any bid made by the board must authorize and direct the chairman to execute a deed and to deliver it upon performance and compliance by the purchaser with all the terms or conditions of his contract which are to be performed concurrently therewith.

8. All money received from sales of real property must be deposited forthwith with the county treasurer to be credited to the county general fund.

9. The board may require any person requesting that real property be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the board in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the

application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.

10. If real property is sold in violation of the provisions of this section:

(a) The sale is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale.

Sec. 5.5. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body may lease real property to a nonprofit organization that:

(a) Is recognized as exempt under section 501(c)(3) of the Internal Revenue Code;

(b) Is affiliated by contract or other written agreement with the city; and

(c) Provides to residents of the city or to other persons a service that the city would otherwise be required to expend money to provide,

➥ under such terms and for such consideration as the governing body determines reasonable based upon the costs and benefits to the city and the recommendation of any city officers who may be involved in approving the lease.

2. To lease real property pursuant to this section, the governing body must approve the lease and establish the recommended amount of rent to be received for the real property. The governing body shall render a decision on an application to lease real property pursuant to this section within 60 days after it receives the application.

3. In determining the amount of rent for the lease of real property pursuant to this section, consideration must be given to:

(a) The amount the lessee is able to pay;

(b) Whether the real property will be used by the lessee to perform a service of value to members of the general public;

(c) Whether the service to be performed on the real property will be of assistance to any agency of the city; and

(d) The expenses, if any, that the city is likely to incur to lease real property pursuant to this section in comparison to other potential uses of the real property.

4. The governing body may waive any fee for the consideration of an application submitted pursuant to this section.

Sec. 6. NRS 268.059 is hereby amended to read as follows:

268.059 1. Except as otherwise provided in NRS 268.048 to 268.058, inclusive, ***section 5.5 of this act*** and ***NRS*** 278.479 to 278.4965, inclusive, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for

a lease of residential property with a term of 1 year or less ***, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for the sale or lease of real property to the State or another governmental entity*** and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election, the governing body shall, when offering any real property for sale or lease:

(a) ~~[Obtain]~~ ***Except as otherwise provided in this paragraph, obtain*** two independent appraisals of the real property before selling or leasing it. ***If the governing body holds a public hearing on the matter of the fair market value of the real property, one independent appraisal of the real property is sufficient before selling or leasing it.*** The ***appraisal or*** appraisals ***, as applicable,*** must be based on the zoning of the real property as set forth in the master plan for the city and must have been prepared not more than 6 months before the date on which real property is offered for sale or lease.

(b) Select the ***one independent appraiser or*** two independent appraisers ***, as applicable,*** from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the governing body as to the qualifications of the appraiser is conclusive.

2. The governing body shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the governing body. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the property owner or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any real property offered for sale or lease by the governing body if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the real property or an adjoining property.

5. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 7. NRS 268.061 is hereby amended to read as follows:

268.061 Except as otherwise provided in this section and NRS 268.063, 268.048 to 268.058, inclusive, ***section 5.5 of this act*** and ***NRS*** 278.479 to

278.4965, inclusive, except as otherwise provided by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less ***, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose*** and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election:

1. If a governing body has determined by resolution that the sale or lease of any real property owned by the city will be in the best interest of the city, it may sell or lease the real property in the manner prescribed for the sale or lease of real property in NRS 268.062.

2. Before the governing body may sell or lease any real property as provided in subsection 1, it shall:

(a) Post copies of the resolution described in subsection 1 in three public places in the city; and

(b) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(2) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

➥ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. If the governing body by its resolution finds additionally that the real property to be sold is worth more than $1,000, the ~~[board]~~ ***governing body*** shall ***, as applicable,*** conduct an appraisal ***or appraisals*** pursuant to NRS 268.059 to determine the value of the real property ***.*** ~~[and, except]~~ ***Except*** for real property acquired pursuant to NRS 371.047, ***the governing body*** shall not sell or lease it for less than the highest appraised value.

4. If the real property is appraised at $1,000 or more, the governing body may:

(a) Lease the real property; or

(b) Sell the real property for:

(1) Cash; or

(2) Not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust bearing such interest and upon such further terms as the governing body may specify.

5. A governing body may sell or lease any real property owned by the city without complying with the provisions of this section and NRS 268.059 and 268.062 to:

(a) A person who owns real property located adjacent to the real property to be sold or leased if the governing body has determined by resolution that:

(1) The real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; and

(2) The sale or lease will be in the best interest of the city.

(b) ~~[Another]~~ ***The State or another*** governmental entity if:

(1) The sale or lease restricts the use of the real property to a public use; and

(2) The governing body adopts a resolution finding that the sale or lease will be in the best interest of the city.

6. A governing body that disposes of real property pursuant to subsection 5 is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

7. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the governing body may offer the real property for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the real property, the governing body must obtain a new appraisal of the real property pursuant to the provisions of NRS 268.059 before offering the real property for sale or lease a second time. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the governing body may list the real property for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property.

8. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 8. NRS 268.062 is hereby amended to read as follows:

268.062 1. Except as otherwise provided in this section and NRS 268.063, 268.048 to 268.058, inclusive, ***section 5.5 of this act*** ~~[and]~~ ***,*** ***NRS*** 278.479 to 278.4965, inclusive, ***and subsection 3 of NRS 496.080,*** except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less ***, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose*** and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, the governing body shall, in open meeting by a majority vote of the members and before ordering the sale or lease at auction of any real property, adopt a resolution declaring its intention to sell or lease the property at auction. The resolution must:

(a) Describe the property proposed to be sold or leased in such a manner as to identify it;

(b) Specify the minimum price and the terms upon which the property will be sold or leased; and

(c) Fix a time, not less than 3 weeks thereafter, for a public meeting of the governing body to be held at its regular place of meeting, at which sealed bids will be received and considered.

2. Notice of the adoption of the resolution and of the time and place of holding the meeting must be given by:

(a) Posting copies of the resolution in three public places in the county not less than 15 days before the date of the meeting; and

(b) Causing to be published at least once a week for 3 successive weeks before the meeting, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or leased at auction in such a manner as to identify it;

(2) The minimum price of the real property proposed to be sold or leased at auction; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

➥ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified

newspaper printed in the State of Nevada and having a general circulation within that county.

3. At the time and place fixed in the resolution for the meeting of the ~~[board,]~~ ***governing body,*** all sealed bids which have been received must, in public session, be opened, examined and declared by the governing body. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or lease and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral bid is accepted or the governing body rejects all bids.

4. Before accepting any written bid, the governing body shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to buy or lease the property upon the terms and conditions specified in the resolution, for a price exceeding by at least 5 percent the highest written bid, then the highest oral bid which is made by a responsible person must be finally accepted.

5. The final acceptance by the governing body may be made either at the same session or at any adjourned session of the same meeting held within the 21 days next following.

6. The governing body may, either at the same session or at any adjourned session of the same meeting held within the 21 days next following, if it deems the action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from sale or lease.

7. Any resolution of acceptance of any bid made by the governing body must authorize and direct the chairman to execute a deed or lease and to deliver it upon performance and compliance by the purchaser or lessor with all the terms or conditions of his contract which are to be performed concurrently therewith.

8. The governing body may require any person requesting that real property be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the governing body in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.

9. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 9. NRS 268.063 is hereby amended to read as follows:

268.063 1. A governing body may sell, lease or otherwise dispose of real property for the purposes of redevelopment or economic development:

(a) Without first offering the real property to the public; and

(b) For less than fair market value of the real property.

2. Before a governing body may sell, lease or otherwise dispose of real property pursuant to this section, the governing body must:

(a) ~~[Obtain]~~ ***As applicable, obtain*** an appraisal ***or appraisals*** of the property pursuant to NRS 268.059; and

(b) Adopt a resolution finding that it is in the best interests of the public to sell, lease or otherwise dispose of the property:

(1) Without offering the property to the public; and

(2) For less than fair market value of the real property.

3. ***If real property is sold, leased or otherwise disposed of in violation of the provisions of this section:***

(a) The sale, lease or other disposal is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale, lease or other disposal.

4. As used in this section:

(a) "Economic development" means:

(1) The establishment of new commercial enterprises or facilities within the city;

(2) The support, retention or expansion of existing commercial enterprises or facilities within the city;

(3) The establishment, retention or expansion of public, quasi-public or other facilities or operations within the city;

(4) The establishment of residential housing needed to support the establishment of new commercial enterprises or facilities or the expansion of existing commercial enterprises or facilities; or

(5) Any combination of the activities described in subparagraphs (1) to (4), inclusive,

➥ to create and retain opportunities for employment for the residents of the city.

(b) "Redevelopment" has the meaning ascribed to it in NRS 279.408.

Sec. 9.3. NRS 277.053 is hereby amended to read as follows:

277.053 A governing body of a political subdivision may convey real property to ***the State, any agency of the State,*** another political subdivision or an Indian tribe without charge if the property is to be used for a public purpose.

Sec. 9.5. NRS 371.047 is hereby amended to read as follows:

371.047 1. A county may use the proceeds of the tax imposed pursuant to NRS 371.045, or of bonds, notes or other obligations incurred to which the proceeds of those taxes are pledged to finance a project related to the construction of a highway with limited access, to:

(a) Purchase residential real property which shares a boundary with a highway with limited access or a project related to the construction of a highway with limited access, and which is adversely affected by the

highway. Not more than 1 percent of the proceeds of the tax or of any bonds to which the proceeds of the tax are pledged may be used for this purpose.

(b) Pay for the cost of moving persons whose primary residences are condemned for a right-of-way for a highway with limited access and who qualify for such payments. The board of county commissioners shall, by ordinance, establish the qualifications for receiving payments for the cost of moving pursuant to this paragraph.

2. A county may, in accordance with NRS 244.265 to 244.296, inclusive, ***and section 2.5 of this act,*** dispose of any residential real property purchased pursuant to this section, and may reserve and except easements, rights or interests related thereto, including, but not limited to:

(a) Abutter's rights of light, view or air.

(b) Easements of access to and from abutting land.

(c) Covenants prohibiting the use of signs, structures or devices advertising activities not conducted, services not rendered or goods not produced or available on the real property.

3. Proceeds from the sale or lease of residential real property acquired pursuant to this section must be used for the purposes set forth in this section and in NRS 371.045.

4. For the purposes of this section, residential real property is adversely affected by a highway with limited access if the construction or proposed use of the highway:

(a) Constitutes a taking of all or any part of the property, or interest therein;

(b) Lowers the value of the property; or

(c) Constitutes a nuisance.

5. As used in this section:

(a) "Highway with limited access" means a divided highway for through traffic with full control of access and with grade separations at intersections.

(b) "Primary residence" means a dwelling, whether owned or rented by the occupant, which is the sole principal place of residence of that occupant.

(c) "Residential real property" means a lot or parcel of not more than 1.5 acres upon which a single-family or multifamily dwelling is located.

Sec. 9.7. NRS 495.040 is hereby amended to read as follows:

495.040 1. The boards of county commissioners of the respective counties of this state may lease real and personal property of their county for use and occupancy as airports, airport facilities or airport service, to whom and upon such conditions and terms as they deem proper, for a term or terms not exceeding 99 years.

2. Before entering into any agreement for the lease of property as set forth in subsection 1, the board of county commissioners shall publish notice of its intention in a newspaper of general circulation published within the county at least once a week for 21 days or three times during a period of 10 days. If there is not a newspaper of general circulation within the county, the board shall post a notice of its intention in a public place at least once a

week for 30 days. The notice must specify that a regular meeting is to be held, at which meeting any interested person may appear. No such lease or agreement may be entered into by the board until after the notice has been given and a meeting held as provided in this subsection.

3. The provisions of NRS 244.281 and 496.080 do not apply to any lease entered into pursuant to this section by a board of county commissioners in a county whose population is less than 50,000.

Sec. 10. **NRS 496.080 is hereby amended to read as follows:**

496.080 1. Except as otherwise provided in subsection 2 or as may be limited by the terms and conditions of any grant, loan or agreement pursuant to NRS 496.180, every municipality may, by sale, lease or otherwise, dispose of any airport, air navigation facility, or other property, or portion thereof or interest therein, acquired pursuant to this chapter.

2. The disposal by sale, lease or otherwise must be:

(a) ~~[Made]~~ ***Except as otherwise provided in subsection 3, made*** by public auction; and

(b) In accordance with the laws of this State, or provisions of the charter of the municipality, governing the disposition of other property of the municipality, except that in the case of disposal to another municipality or agency of the State or Federal Government for aeronautical purposes incident thereto, the sale, lease or other disposal may be effected in such manner and upon such terms as the governing body of the municipality may deem in the best interest of the municipality, and except as otherwise provided in subsections 3, 4 and 5 of NRS 496.090.

3. A board of county commissioners of a county whose population is 50,000 or more may rent or lease to a person, or renew the rental or lease to a person of, a space for the parking or storage of aircraft, including, without limitation, a hangar, on the grounds of a municipal airport that is owned or operated by the county without conducting a public auction and at a price at least equal to the fair market rental or lease value of the space based on an independent appraisal conducted within 6 months before the rental or lease.

~~[Sec. 10.]~~ ***Sec. 11.*** This act becomes effective on July 1, 2007.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate amendment to Assembly Bill No. 462.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 352, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment Nos. 676 and 750 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 5, which is attached to and hereby made a part of this report.

RUBEN KIHUEN	STEVEN HORSFORD
HARVEY MUNFORD	WARREN HARDY
LYNN STEWART	DINA TITUS
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA5.

AN ACT relating to economic development; requiring the Southern Nevada Enterprise Community Advisory Board to develop a project to make certain improvements to infrastructure in and near the Community; extending the temporary tax incentive for locating or expanding businesses that are or will become grocery stores within the Community; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill enacts the Southern Nevada Enterprise Community Infrastructure Improvement Act and requires the Southern Nevada Enterprise Community Advisory Board to develop a project to make certain improvements to infrastructure in and near the Southern Nevada Enterprise Community. This bill also extends the temporary tax incentive for locating or expanding businesses that are or will become grocery stores within the Southern Nevada Enterprise Community. (Chapter 198, Statutes of Nevada 2005, p. 639)

WHEREAS, On December 21, 1994, President William Jefferson Clinton designated nine census tracts in the urban core of the Las Vegas Valley as an "enterprise community"; and

WHEREAS, The designation was accompanied by an award of $2,950,000 in Title XX funds to be used for projects in the enterprise community; and

WHEREAS, The Southern Nevada Enterprise Community so created includes the target areas of West Las Vegas, East Las Vegas, Meadows Village and North Las Vegas; and

WHEREAS, The Southern Nevada Enterprise Community involves a partnership among the cities of Las Vegas and North Las Vegas, and Clark County, working together to harness resources from the public, private and nonprofit sectors to provide programs, services and facilities to the target areas; and

WHEREAS, The empowerment of persons and neighborhoods within the Southern Nevada Enterprise Community includes "weed and seed" strategies to "weed" out violence, gangs, drug trafficking and drug-related crime, and to "seed" neighborhoods with social services and economic revitalization; and

WHEREAS, Efforts to revitalize neighborhoods economically, to be successful, require a certain minimum level of "infrastructure" in the form of the basic facilities, services and installations needed for the proper functioning of a community; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. This act may be cited as the Southern Nevada Enterprise Community Infrastructure Improvement Act.

Sec. 2. As used in sections 1 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 3. "Advisory Board" means the Southern Nevada Enterprise Community Advisory Board created pursuant to section 8 of this act.

Sec. 4. (Deleted by amendment.)

Sec. 5. "Community" means the Southern Nevada Enterprise Community, nine census tracts designated by President William Jefferson Clinton on December 21, 1994.

Sec. 6. "Infrastructure" means publicly owned or publicly supported facilities that are necessary or desirable to support intense habitation within a region, including, without limitation, parks, roads, schools, libraries, community centers, police and fire protection, sanitary sewers, facilities for mass transit and facilities for the conveyance of water and the treatment of wastewater.

Sec. 7. "Project" means the Southern Nevada Enterprise Community Improvement Project developed pursuant to section 11 of this act.

Sec. 8. 1. The Southern Nevada Enterprise Community Advisory Board is hereby created.

2. The Advisory Board consists of nine members, appointed in consultation with residents of the Community, as follows:

(a) One member of the Nevada Congressional Delegation selected from among its membership or his designee;

(b) One member of the Nevada Legislature who represents the Community **;** ~~[or his designee;]~~

(c) One member of the Clark County Board of County Commissioners selected from among its membership or his designee;

(d) One member of the Las Vegas City Council from among its membership or his designee;

(e) One member of the North Las Vegas City Council from among its membership or his designee;

(f) Two residents of the Community, recommended and selected jointly by the Clark County Board of County Commissioners, the Las Vegas City Council and the North Las Vegas City Council;

(g) A representative of the private sector appointed by the Chamber of Commerce established in the Community; and

(h) A representative of the nonprofit charitable, educational and religious organizations in the Community, recommended and selected jointly by the Clark County Board of County Commissioners, the Las Vegas City Council and the North Las Vegas City Council.

3. Each member of the Advisory Board serves for a term of 3 years. A vacancy on the Advisory Board must be filled in the same manner as the original appointment. A member may be reappointed to the Advisory Board.

4. The members of the Advisory Board shall elect a Chairman and Vice Chairman by majority vote. After the initial election, the Chairman and Vice Chairman shall hold office for a term of 1 year beginning on August 1 of each year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the Advisory Board shall elect a Chairman or Vice Chairman, as appropriate, from among its members for the remainder of the unexpired term.

5. The City of North Las Vegas shall provide administrative support for the Advisory Board.

Sec. 9. The primary purposes of the Advisory Board are to:

1. Advise the governmental entities that have members on the Advisory Board with respect to the Project; and

2. Ensure that the needs and opinions of the residents of the Community are reflected adequately by the Project.

Sec. 10. (Deleted by amendment.)

Sec. 11. 1. On or before January 31, 2008, the Advisory Board shall prepare a written plan to carry out the Project to address the needs and issues of the Community.

2. The Advisory Board shall, within 120 days after preparing the written plan:

(a) Hold at least two public hearings on the written plan, each of which must be preceded by at least 30 days' notice within the Community; and

(b) Approve or reject the written plan based on input from the Community received at the public hearings.

3. A written plan adopted by the Advisory Board must:

(a) Set forth an adequate framework for carrying out the Project;

(b) Set forth a reasonable period in which to accomplish the goals of the Project; and

(c) Incorporate each of the required elements of the Project, as set forth in section 12 of this act.

4. If the Advisory Board rejects the written plan, the Advisory Board shall:

(a) Provide to the appropriate officers of the governmental entities that have members on the Advisory Board a written explanation of its reasons for the rejection; and

(b) Prepare a revised written plan and repeat the notice and hearings required by subsection 2 before approving or rejecting the revised written plan.

Sec. 12. The Project must include, without limitation, goals, objectives and policies relating to, and feasible timeframes for achieving:

1. The construction, repair and refurbishment of streets, buildings and other facilities as necessary to attract and maintain the viability of successful businesses within the Community;

2. The incorporation within the Community of open space, facilities for recreation, facilities for medical care and other measures as necessary to ensure that the Community develops with mixed uses;

3. The eradication of brownfields, the rehabilitation of condemned properties and the removal of structures and facilities that create a disincentive for development; and

4. The identification of sources of money to carry out the Project.

Sec. 13. The Advisory Board may accept any gifts, grants or donations for the purpose of preparing, developing and carrying out the Project.

Sec. 14. On or before February 1, 2009, the Advisory Board shall submit to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature a report that summarizes the activities of the Advisory Board during the period between the effective date of this act and December 31, 2008.

Sec. 15. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 16. Section 6 of chapter 198, Statutes of Nevada 2005, at page 643, is hereby amended to read as follows:

Sec. 6. 1. A person who intends to locate a grocery store within the Southern Nevada Enterprise Community established pursuant to 24 C.F.R. Part 597 during Fiscal Year 2004-2005 ***,*** ~~[or]~~ 2005-2006 ***, 2006-2007, 2007-2008 or 2008-2009*** may submit a request to the governing body of the county, city or town in which the grocery store would operate for endorsement of an application by the person to the Commission on Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 or 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business would operate. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Commission. The Commission shall approve the application if the Commission makes the following determinations:

(a) The applicant has executed an agreement with the Commission which states that the grocery store will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4:

(1) Commence operation and continue in operation in the Southern Nevada Enterprise Community established pursuant to 24 C.F.R. Part 597 for a period specified by the Commission, which must be at least 5 years; and

(2) Continue to meet the eligibility requirements set forth in this subsection.

➥ The agreement must bind successors in interest of the grocery store for the specified period.

(b) The grocery store is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the grocery store will operate.

(c) The applicant invested or commits to invest a minimum of $500,000 in capital.

4. If the Commission on Economic Development approves an application for a partial abatement, the Commission shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the grocery store will be located.

5. The Commission on Economic Development may adopt such regulations as the Commission determines to be necessary or advisable to carry out the provisions of this section.

6. An applicant for an abatement who is aggrieved by a final decision of the Commission on Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

7. As used in this section:

(a) "Grocery store" means a business selling at retail groceries, including, without limitation, food for human consumption, articles used in the preparation of food, household supplies, dairy products, meat and produce, and having more than 10,000 square feet of floor space available to the public.

(b) "Selling at retail" has the meaning ascribed to it in NRS 372.050.

Sec. 17. Section 7 of chapter 198, Statutes of Nevada 2005, at page 644, is hereby amended to read as follows:

Sec. 7. 1. A person who intends to expand a grocery store or expand a business to become a grocery store within the Southern Nevada Enterprise Community established pursuant to 24 C.F.R. Part 597 during Fiscal Year 2004-2005 ***,*** ~~[or]~~ 2005-2006 ***, 2006-2007, 2007-2008 or 2008-2009*** may submit a request to the governing body of the county, city or town in which the business operates for endorsement of an application by the person to the Commission on Economic Development for a partial abatement of the taxes

imposed on capital equipment pursuant to chapter 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Commission. The Commission shall approve the application if the Commission makes the following determinations:

(a) The applicant has executed an agreement with the Commission which states that the grocery store will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4:

(1) Continue in operation in the Southern Nevada Enterprise Community established pursuant to 24 C.F.R. Part 597 for a period specified by the Commission, which must be at least 5 years; and

(2) Continue to meet the eligibility requirements set forth in this subsection.

➥ The agreement must bind successors in interest of the grocery store for the specified period.

(b) The grocery store is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the grocery store operates.

(c) The applicant invested or commits to invest a minimum of $250,000 in capital equipment.

4. If the Commission on Economic Development approves an application for a partial abatement, the Commission shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation; and

(b) The Nevada Tax Commission.

5. The Commission on Economic Development may adopt such regulations as the Commission determines to be necessary or advisable to carry out the provisions of this section.

6. An applicant for an abatement who is aggrieved by a final decision of the Commission on Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

7. As used in this section:

(a) ”Grocery store” means a business selling at retail groceries, including, without limitation, food for human consumption, articles used in the

preparation of food, household supplies, dairy products, meat and produce, and having more than 10,000 square feet of floor space available to the public.

(b) "Selling at retail" has the meaning ascribed to it in NRS 372.050.

Sec. 18. Section 8 of chapter 198, Statutes of Nevada 2005, at page 646, is hereby amended to read as follows:

Sec. 8. During the Fiscal Years ~~[2005-2006 and]~~ 2006-2007, ***2007-2008 and 2008-2009,*** the Commission on Economic Development shall, until the Commission has granted $1,000,000 in partial abatements pursuant to sections 2, 3, 6 and 7 of this act, give priority to and expedite the processing of applications received by the Commission pursuant to section 6 or 7 of this act.

Sec. 19. This act becomes effective upon passage and approval.

Assemblyman Kihuen moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 352.

Remarks by Assemblyman Kihuen.

Motion carried by a constitutional majority.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Kirkpatrick moved that the Assembly do not recede from its actions on Senate Bill No. 516, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Atkinson, Munford and Settelmeyer as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 516.

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Assembly Bill No. 13, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 843 of the Senate be concurred in.

DEBBIE SMITH	JOSEPH HECK
DAVID BOBZIEN	MIKE MCGINNESS
T. GRADY	MAGGIE CARLTON
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman Smith moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 13.

Remarks by Assemblyman Smith.

Motion carried by a constitutional majority.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its actions on Senate Bill No. 354, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblyman Anderson, Kirkpatrick, and Carpenter as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 354.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 508.

The following Senate amendment was read:

Amendment No. 999.

AN ACT relating to the Advisory Commission on Sentencing; **changing the name of the Commission;** revising the membership and duties of the Commission; authorizing the Commission to issue subpoenas; requiring the Commission to hold meetings at least once every 3 months; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1 of this bill authorizes the Advisory Commission on Sentencing or a member acting on behalf of the Commission to issue subpoenas to compel the attendance of witnesses and the production of books, records, documents and other papers and testimony.]~~

Section 2 of this bill **changes the name of the Advisory Commission on Sentencing to the Advisory Commission on the Administration of Justice and** adds: (1) a sitting or retired justice of the Nevada Supreme Court; (2) a representative of an organization that advocates on behalf of inmates; (3) a representative of the Nevada Sheriffs' and Chiefs' Association to the Commission; and (4) a member of the State Board of Parole Commissioners and removes the member appointed by the Nevada Association of Counties. Section 2 also removes the Attorney General as the Chairman of the Commission. Instead, members are required to elect a Chairman at the first meeting of each odd-numbered year. The Commission is further required to meet at least quarterly.

Section 1 of this bill authorizes the Commission to issue subpoenas to compel the attendance of witnesses and the production of books, records, documents and other papers and testimony.

Section 3 of this bill revises the duties of the ~~[Advisory]~~ Commission ~~[on Sentencing]~~ by requiring the Commission to evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners and to consider whether it is feasible and advisable to

establish an oversight or advisory board to perform various functions. Section 3 also requires the Commission to evaluate the effectiveness of specialty court programs in this State and to evaluate the policies and practices concerning presentence investigations and reports of the Division of Parole and Probation of the Department of Public Safety. **Section 3 also requires the Commission to evaluate, review and comment upon issues relating to juvenile justice.**

Section 4 of this bill makes an appropriation to the ~~[Advisory]~~ Commission ~~[on Sentencing]~~ to enter into a contract with a consultant to assist the Commission in carrying out its duties.

Section 5 of this bill provides that incumbent members of the Commission may serve out the remainder of their respective terms. Section 5 requires that new positions and vacancies in the Commission be filled in a designated manner. Section 5 also mandates that the Commission meet and elect a Chairman by July 31, 2007.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To carry out its powers and duties pursuant to this section NRS 176.0121 to 176.0129, inclusive, ~~[and]~~ the Commission, or any member thereof acting on behalf of the Commission with a concurrence of a majority of the members of the Commission, may issue subpoenas to compel the attendance of witnesses and the production of books, records, documents or other papers and testimony.

2. If any person fails to comply with a subpoena issued by the Commission or any member thereof pursuant to this section within 20 days after the date of service of the subpoena, the Commission may petition the district court for an order of the court compelling compliance with the subpoena.

3. Upon such a petition, the court shall enter an order directing the person subpoenaed to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 20 days after the date of service of the order, and show cause why he has not complied with the subpoena. A certified copy of the order must be served upon the person subpoenaed.

4. If it appears to the court that the subpoena was regularly issued by the Commission or a member thereof pursuant to this section, the court shall enter an order compelling compliance with the subpoena, and upon failure to obey the order the person shall be dealt with as for contempt of court.

Sec. 1.5. **NRS 176.0121 is hereby amended to read as follows:**

176.0121 As used in NRS 176.0121 to 176.0129, inclusive, "Commission" means the Advisory Commission on ~~[Sentencing.]~~ ***the Administration of Justice.***

Sec. 2. NRS 176.0123 is hereby amended to read as follows:

176.0123 1. The Advisory Commission on ~~[Sentencing]~~ ***the Administration of Justice*** is hereby created. The Commission consists of:

(a) One member who is a district judge, appointed by the governing body of the Nevada District Judges Association;

(b) ***One member who is a justice of the Supreme Court of Nevada or a retired justice of the Supreme Court of Nevada, appointed by the Chief Justice of the Supreme Court of Nevada;***

(c) One member who is a district attorney, appointed by the governing body of the Nevada District Attorneys Association;

~~[(c)]~~ ***(d)*** One member who is an attorney in private practice, experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada;

~~[(d)]~~ ***(e)*** One member who is a public defender, appointed by the governing body of the State Bar of Nevada;

~~[(e)]~~ ***(f)*** One member who is a representative of a law enforcement agency, appointed by the Governor;

~~[(f)]~~ ***(g)*** One member who is a representative of the Division of Parole and Probation of the Department of Public Safety, appointed by the Governor;

~~[(g)]~~ ***(h)*** One member who has been a victim of a crime or is a representative of an organization supporting the rights of victims of crime, appointed by the Governor;

~~[(h)]~~ ***(i) One member who is a representative of an organization that advocates on behalf of inmates, appointed by the Governor;***

(j) One member who is a ~~[county commissioner,]~~ ***representative of the Nevada Sheriffs' and Chiefs' Association,*** appointed by ~~[the governing body of]~~ the Nevada ***Sheriffs' and Chiefs'*** Association ***;*** ~~[of Counties;]~~

~~[(i)]~~ ***(k) One member who is a member of the State Board of Parole Commissioners, appointed by the State Board of Parole Commissioners;***

(l) The Director of the Department of Corrections;

~~[(j)]~~ ***(m)*** Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate; and

~~[(k)]~~ ***(n)*** Two members who are Assemblymen, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly.

➥ If any association listed in this subsection ceases to exist, the appointment required by this subsection must be made by the association's successor in interest or, if there is no successor in interest, by the Governor.

2. The Attorney General is an ex officio voting member of the Commission **.** ~~[and shall serve as the Chairman of the Commission.]~~

3. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment ~~[.]~~ ***not later than 30 days after the vacancy occurs.***

4. The Legislators who are members of the Commission are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Commission.

5. ~~*[The members appointed pursuant to paragraphs (a) to (k), inclusive, of subsection 1 must be appointed not later than 60 days after the appointment of the Legislators who are appointed pursuant to paragraphs (m) and (n) of subsection 1.*~~

~~*6.]*~~ ***At the first regular meeting of each odd-numbered year, the members of the Commission shall elect a Chairman by majority vote who shall serve until the next Chairman is elected.***

~~*[7.]*~~ ***6. The Commission shall meet at least once every 3 months and may meet at such further times as deemed necessary by the Chairman.***

~~*[8.]*~~ ***7. A majority of the members of the Commission constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Commission.***

~~*[9.]*~~ ***8.*** While engaged in the business of the Commission, to the extent of legislative appropriation, each member of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~[6.]~~ ~~*[10.]*~~ ***9.*** To the extent of legislative appropriation, the Attorney General shall provide the Commission with such staff as is necessary to carry out the duties of the Commission.

Sec. 3. NRS 176.0125 is hereby amended to read as follows:

176.0125 The Commission shall:

1. Identify and study the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.

2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, but not limited to, the use of plea bargaining, probation, programs of intensive supervision, programs of regimental discipline, imprisonment, ***sentencing recommendations,*** mandatory and minimum sentencing, ***mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances,*** structured or tiered sentencing, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, but not limited to, the following:

(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.

(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.

(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.

(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.

(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.

(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.

4. ***Evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners with consideration as to whether it is feasible and advisable to establish an oversight or advisory board to perform various functions and make recommendations concerning:***

(a) Policies relating to parole;

(b) Regulatory procedures and policies of the State Board of Parole Commissioners;

(c) Policies for the operation of the Department of Corrections;

(d) Budgetary issues; and

(e) Other related matters.

5. Evaluate the effectiveness of specialty court programs in this State with consideration as to whether such programs have the effect of limiting or precluding reentry of offenders and parolees into the community.

6. Evaluate the policies and practices concerning presentence investigations and reports made by the Division of Parole and Probation of the Department of Public Safety, including, without limitation, the

resources relied on in preparing such investigations and reports and the extent to which judges in this State rely on and follow the recommendations contained in such presentence investigations and reports.

7. Evaluate, review and comment upon issues relating to juvenile justice in this State, including, but not limited to:

(a) The need for the establishment and implementation of evidence-based programs and a continuum of sanctions for children who are subject to the jurisdiction of the juvenile court; and

(b) The impact on the criminal justice system of the policies and programs of the juvenile justice system.

8. Compile and develop statistical information concerning sentencing in this State.

~~[5.]~~ ~~*[8.]*~~ ***9.*** For each regular session of the Legislature, prepare a comprehensive report including the Commission's recommended changes ~~[in the structure of sentencing]~~ ***pertaining to the administration of justice*** in this State, the Commission's findings and any recommendations of the Commission for proposed legislation. The report must be submitted to the ***Director of the Legislative Counsel Bureau for distribution to the*** Legislature not later than ~~[10 days after the commencement of the session.]~~ ***September 1 of each even-numbered year.***

Sec. 3.5. **NRS 179A.290 is hereby amended to read as follows:**

179A.290 1. The Director of the Department shall establish within the Central Repository a program to compile and analyze data concerning offenders who commit sexual offenses. The program must be designed to:

(a) Provide statistical data relating to the recidivism of offenders who commit sexual offenses; and

(b) Use the data provided by the Division of Child and Family Services of the Department of Health and Human Services pursuant to NRS 62H.220 to:

(1) Provide statistical data relating to the recidivism of juvenile sex offenders after they become adults; and

(2) Assess the effectiveness of programs for the treatment of juvenile sex offenders.

2. The Division of Parole and Probation and the Department of Corrections shall assist the Director of the Department in obtaining data and in carrying out the program.

3. The Director of the Department shall report the statistical data and findings from the program to:

(a) The Legislature at the beginning of each regular session.

(b) The Advisory Commission on ~~[Sentencing]~~ ***the Administration of Justice*** on or before January 31 of each even-numbered year.

4. The data acquired pursuant to this section is confidential and must be used only for the purpose of research. The data and findings generated pursuant to this section must not contain information that may reveal the

identity of a juvenile sex offender or the identity of an individual victim of a crime.

Sec. 4. 1. There is hereby appropriated from the State General Fund to the Advisory Commission on ~~[Sentencing]~~ **the Administration of Justice** the sum of $50,000 so that the Commission may enter into a contract with a qualified, independent consultant to assist the Commission in carrying out its duties.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 5. **1.** The Attorney General shall continue to serve as Chairman of the Advisory Commission on ~~[Sentencing]~~ **the Administration of Justice** until the members elect a Chairman **.** ~~[at the first regular meeting of the Commission that is held after July 1, 2007.]~~ The Commission shall meet not later than ~~[120 days after]~~ July ~~[1,]~~ **31,** 2007, and shall elect a Chairman at that meeting.

2. Notwithstanding the amendatory provisions of this act, a member of the Commission, other than the member who is a county commissioner, who is serving a term on July 1, 2007, is entitled to serve out the remainder of the term to which he was appointed.

3. Not later than July 15, 2007:

(a) The Chief Justice of the Supreme Court shall appoint the member described in paragraph (b) of subsection 1 of NRS 176.0123, as amended by this act;

(b) The Governor shall appoint the member described in paragraph (i) of subsection 1 of NRS 176.0123, as amended by this act;

(c) The Nevada Sheriffs' and Chiefs' Association shall appoint the member described in paragraph (j) of subsection 1 of NRS 176.0123, as amended by this act; and

(d) The State Board of Parole Commissioners shall appoint the member described in paragraph (k) of subsection 1 of NRS 176.0123, as amended by this act.

4. Any vacancy on the Commission that exists on July 1, 2007, must be filled not later than July 15, 2007, in the manner described in NRS 176.0123, as amended by this act.

Sec. 6. This act becomes effective on July 1, 2007.

Assemblyman Parks moved that the Assembly concur in the Senate amendment to Assembly Bill No. 508.

Remarks by Assemblyman Parks.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 19, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 955 of the Assembly be concurred in.

WILLIAM HORNE	JOSEPH HECK
DAVID PARKS	MAGGIE CARLTON
GARN MABEY	MICHAEL SCHNEIDER
Assembly Conference Committee	*Senate Conference Committee*

Assemblyman Horne moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 19.

Remarks by Assemblyman Horne.

Motion carried by a constitutional majority.

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 244, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 699 of the Assembly be concurred in.

SUSAN GERHARDT	DENNIS NOLAN
PEGGY PIERCE	VALERIE WIENER
LYNN STEWART	MAURICE WASHINGTON
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman Gerhardt moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 244.

Remarks by Assemblyman Gerhardt.

Motion carried by a constitutional majority.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Judiciary, to which was rereferred Assembly Bill No. 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day receded from its action on Assembly Bill No. 604, Senate Amendment No. 987.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 182, Senate Amendment No. 1056, and requests a conference, and appointed Senators Washington, Woodhouse and Heck as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 244, Senate Amendment No. 952, and

requests a conference, and appointed Senators Horsford, Mathews and Hardy as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 428, Senate Amendments Nos. 695, 948, and requests a conference, and appointed Senators Amodei, Washington and Care as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 1082 to Senate Bill No. 404.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Nolan, Lee and Carlton as a first Conference Committee concerning Senate Bill No. 43.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators McGinness, Rhoads and Schneider as a first Conference Committee concerning Senate Bill No. 274.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Horsford, Lee and Nolan as a first Conference Committee concerning Senate Bill No. 303.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Lee, McGinness and Washington as a first Conference Committee concerning Senate Bill No. 328.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Townsend, Heck and Schneider as a first Conference Committee concerning Senate Bill No. 436.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Amodei, Care and Washington as a first Conference Committee concerning Senate Bill No. 483.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Hardy, Lee and Beers as a first Conference Committee concerning Senate Bill No. 509.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 19.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 244.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 490 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 490.

Bill read third time.

The following amendment was proposed by Assemblyman Conklin:

Amendment No. 1123.

AN ACT relating to the Legislature; revising provisions governing bill draft requests authorized for various requesters; revising provisions governing the prefiling, reprinting and transmittal of bills and resolutions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law specifies the number of bill drafts various entities may request the Legislative Counsel to prepare. (NRS 218.240-218.255) Sections

~~[1, 7 and 13]~~ **3-9 and 15** of this bill revise those provisions to limit the number of measures that may be requested by most nonlegislative requesters and increasing the number of measures that may be requested by **certain** Legislators **.** ~~[and chairs of legislative committees.]~~ Sections ~~[6 and 8]~~ **3, 4 and 8-10** of this bill require that certain measures requested on behalf of ~~[Executive Branch officers]~~ **nonlegislative requesters** be prefiled on or before December 15 preceding session.

Section ~~[7]~~ **9** of this bill also removes the provision that requires all bill drafts requested by the Supreme Court to be delivered to the Chairman of the Committee on Judiciary of each House.

Under existing law, when a prefiled bill or joint resolution is printed it must contain the standing committee to which the bill or joint resolution is proposed to be referred. The appropriate standing committee must be determined pursuant to the rules or recommendations for the referral of bills and joint resolutions adopted by the appropriate House during the preceding regular session of the Legislature. (NRS 218.278) Section ~~[9]~~ **11** of this bill removes the specified method for determining the appropriate standing committee.

Section ~~[14]~~ **16** of this bill provides that sections ~~[1-8 and 13]~~ **3-10 and 15** of this bill expire by limitation on June 30, ~~[2009.]~~ **2011.**

Under existing law, when a bill is amended it must be reprinted unless two-thirds of the members present vote to dispense with the reprinting of the bill. Existing law limits the circumstances under which such a vote may be taken to only those cases involving bills over 32 pages in length, amendments to the titles and preambles of bills, amendments to correct typographical errors, and other amendments which do not change the meaning, intent or significance of a bill. (NRS 218.320, 218.330) Sections ~~[10 and 11]~~ **12 and 13** of this bill remove such limiting circumstances.

Under existing law, when a bill or resolution is passed by both Houses it must be immediately transmitted by the Secretary of the Senate or the Chief Clerk of the Assembly to the Legislative Counsel to be enrolled. (NRS 218.340) Section ~~[12]~~ **14** of this bill revises that requirement by providing that the bill or resolution must be transmitted to the Legislative Counsel upon adjournment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1**.** ~~[NRS 218.2405 is hereby amended to read as follows:~~

~~218.2405 1. Except as otherwise provided by specific statute, joint rule or concurrent resolution of the Legislature, the Legislative Counsel shall honor:~~

~~(a) The number of requests for the drafting of a bill or resolution for a regular session of the Legislature only as provided in NRS 218.240 to 218.255, inclusive.~~

~~(b) A request for the drafting of a bill or resolution for any session of the Legislature which is submitted by a state agency, board or department, [a local government, the judiciary] *the Supreme Court* or another authorized nonlegislative requester only if the request is in a subject related to the function of the requester.~~

~~2. The Legislative Counsel shall not:~~

~~(a) Assign a number to a request for the drafting of a bill or resolution for any session of the Legislature to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.~~

~~(b) Honor a request to change the subject matter of a request for the drafting of a bill or resolution for any session of the Legislature after it has been submitted for drafting.~~

~~(c) Honor a request for the drafting of a bill or resolution for any session of the Legislature which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 218.241 is hereby amended to read as follows:~~

~~218.241 1. Upon request made within the time allowed and limits established pursuant to NRS 218.240 to 218.255, inclusive, the Legislative Counsel shall advise any agency or officer of the Executive Branch of the State Government [, and any county, school district or city,] as to the preparation of measures to be submitted to the Legislature.~~

~~2. To ensure the greatest possible equity in the handling of requests, drafting must proceed as follows:~~

~~(a) Requests for legislative measures from each agency or officer of the Executive Branch of the State Government [or from a county, school district or city] must, insofar as is possible, be acted upon in the order in which they are received, unless a different priority is designated by the requester.~~

~~(b) As soon as an agency or officer of the Executive Branch of the State Government has requested 10 legislative measures for any session, the Legislative Counsel may request the agency or officer to designate the priority for each succeeding request.~~

~~[(c) Not later than 2 weeks before the commencement of a regular session of the Legislature, any county, school district or city which has requested the preparation of more than one legislative measure for that session shall submit to the Legislative Counsel a list which designates the order of priority for each request.]~~

~~3. The priority designated pursuant to this subsection must guide the Legislative Counsel in acting upon the requests of the respective agencies and officers of the Executive Branch of the State Government [and the counties, school districts and cities] to ensure each agency and officer, [and each county, school district and city,] as nearly as is possible, an equal rank.]~~ **(Deleted by amendment.)**

Sec. 3. **NRS 218.2413 is hereby amended to read as follows:**

218.2413 1. Except as otherwise provided in subsections 3, 4 and 5, each board of county commissioners, board of trustees of a school district and city council may request the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau to prepare any legislative measure which has been approved by the governing body of the county, school district or city at a public hearing before its submission to the Legislative Counsel Bureau.

2. The Legislative Counsel shall notify the requesting county, school district or city if its request substantially duplicates a request previously submitted by another county, school district or city.

3. The board of county commissioners of a county whose population:

(a) Is 400,000 or more shall not request the preparation of more than ~~[15]~~ ***4*** legislative measures pursuant to subsection 1 for a regular legislative session. ~~[At least one of the measures must be recommended by a metropolitan police department that is located within the county.]~~

(b) Is 100,000 or more but less than 400,000 shall not request the preparation of more than ~~[10]~~ ***2*** legislative measures pursuant to subsection 1 for a regular legislative session.

(c) Is less than 100,000 shall not request the preparation of more than ~~[2 legislative measures]~~ ***1 legislative measure*** pursuant to subsection 1 for a regular legislative session.

4. The board of trustees of a school district in a county whose population:

(a) Is 400,000 or more shall not request the preparation of more than ~~[5]~~ ***2*** legislative measures pursuant to subsection 1 for a regular legislative session.

(b) Is ~~[100,000 or more but]~~ less than 400,000 shall not request the preparation of more than ~~[2 legislative measures pursuant to subsection 1 for a regular legislative session.~~

~~(c) Is less than 100,000 shall not request the preparation of more than]~~ 1 legislative measure pursuant to subsection 1 for a regular legislative session.

5. The city council of a city whose population:

(a) Is 100,000 or more shall not request the preparation of more than ~~[4]~~ ***3*** legislative measures pursuant to subsection 1 for a regular legislative session.

(b) Is less than 100,000 shall not request the preparation of more than 1 legislative measure pursuant to subsection 1 for a regular legislative session.

6. ***Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The measures requested pursuant to this section must be prefiled on or before December 15 preceding the regular session. A measure that is not prefiled on or before that date shall be deemed withdrawn.***

7. As used in this section, "population" means the current population estimate for that city or county as determined and published by the Department of Taxation and the demographer employed pursuant to NRS 360.283.

Sec. 4. **NRS 218.2415 is hereby amended to read as follows:**

218.2415 1. ~~[An association of elected officials may directly request the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau to prepare no more than 5 legislative measures for a regular legislative session.~~

~~2.]~~ An association of counties or cities may directly request the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau to prepare no more than ~~[20]~~ ***5*** legislative measures for a regular legislative session.

~~[3.]~~ ***2.*** A request for the drafting of a legislative measure pursuant to this section must be submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the Legislature.

3. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The measures requested pursuant to this section must be prefiled on or before December 15 preceding the regular session. A measure that is not prefiled on or before that date shall be deemed withdrawn.

~~[Sec. 3.]~~ ***Sec. 5.*** NRS 218.2423 is hereby amended to read as follows:

218.2423 1. Each:

(a) Incumbent Assemblyman may request the drafting of not more than ~~[5]~~ ***6*** legislative measures submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the Legislature and not more than 5 legislative measures submitted to the Legislative Counsel after September 1 but on or before December 15 preceding the commencement of a regular session of the Legislature.

(b) Incumbent Senator may request the drafting of not more than ~~[10]~~ ***12*** legislative measures submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the Legislature and not more than 10 legislative measures submitted to the Legislative Counsel after September 1 but on or before December 15 preceding the commencement of a regular session of the Legislature.

(c) Newly elected Assemblyman may request the drafting of not more than 5 legislative measures submitted to the Legislative Counsel on or before December 15 preceding the commencement of a regular session of the Legislature.

(d) Newly elected Senator may request the drafting of not more than 10 legislative measures submitted to the Legislative Counsel on or before December 15 preceding the commencement of a regular session of the Legislature.

2. In addition to the number authorized pursuant to subsection 1:

(a) The chairman of each standing committee of the immediately preceding regular legislative session, or a person designated in the place of the chairman by the Speaker of the Assembly or the Majority Leader of the Senate, as the case may be, may request before the date of the general election preceding the commencement of the next regular legislative session the drafting of not more than 1 legislative measure for introduction by the

committee in a subject within the jurisdiction of the committee for every 15 ~~[10]~~ legislative measures that were referred to the respective standing committee during the immediately preceding regular legislative session.

(b) A person designated after a general election as a chairman of a standing committee for the next regular legislative session, or a person designated in the place of a chairman by the person designated as the Speaker of the Assembly or the Majority Leader of the Senate for the next regular legislative session, may request on or before December 15 preceding the commencement of the next regular legislative session the drafting of the remaining number of the legislative measures allowed for the respective standing committee that were not requested by the previous chairman or designee.

3. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

~~[Sec. 4.]~~ ***Sec. 6.*** NRS 218.2429 is hereby amended to read as follows:

218.2429 1. The Chairman of the Legislative Commission may request the drafting of not more than 15 legislative measures before the commencement of a regular legislative session, with the approval of the Commission, which relate to the affairs of the Legislature or its employees, including measures requested by the legislative staff.

2. The Chairman of the Interim Finance Committee may request the drafting of not more than 10 legislative measures before the commencement of a regular legislative session, with the approval of the Committee, which relate to matters within the scope of the Committee.

3. Except as otherwise provided by specific statute or concurrent resolution of the Legislature:

(a) Any other legislative committee created by statute may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the committee.

(b) An interim committee which conducts a study or investigation pursuant to subsection 5 of NRS 218.682 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation, except that such a committee may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.

(c) Any other committee established by the Legislature which conducts an interim legislative study may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study.

➥ Except as otherwise provided in NRS 218.635, measures authorized to be requested pursuant to this subsection must be submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the Legislature unless the Legislative Commission authorizes submitting a request after that date.

4. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

~~[Sec. 5.]~~ ***Sec. 7.*** NRS 218.245 is hereby amended to read as follows:

218.245 1. Except as otherwise provided in subsections 2 and 5, the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau shall not prepare or assist in the preparation of proposed legislation for any agency or officer of the Executive Branch of the State Government or for a county, school district or city before a regular session of the Legislature unless the request is approved by the Governor or a designated member of his staff , or the governing body of the county, school district or city, and transmitted to the Legislative Counsel on or before September 1 preceding the convening of the session.

2. A request for proposed legislation may be submitted to the Legislative Counsel pursuant to subsection 3 ~~[or 4]~~ of NRS 218.2455 by the ~~[Board of Regents of the University of Nevada,]~~ Lieutenant Governor, Secretary of State, Attorney General, State Controller or State Treasurer without the approval of the Governor or a designated member of his staff.

3. After November 1, preceding a legislative session, the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau shall give full priority to the preparation of proposed legislation requested by members of the Legislature.

4. The Legislative Counsel and the Legal Division of the Legislative Counsel Bureau shall not prepare or assist in the preparation of any proposed legislation during any regular session of the Legislature except as authorized by statute or joint rule of the Legislature.

5. ~~[An agency or officer of the Executive Branch of the State Government]~~ ~~[or a county, school district or city,]~~ ~~[shall not request a Legislator to have legislation drafted on its behalf.]~~ The Legislative Commission, when the Legislature is not in session, or a standing committee which has jurisdiction of the subject matter when the Legislature is in session, may, if it finds that exceptional circumstances so warrant, authorize the drafting of legislation requested after the time limited by subsection 1 of this section and subsection 1 ~~[,]~~ ***or*** 3 ~~[or 4]~~ of NRS 218.2455.

~~[Sec. 6.]~~ ***Sec. 8.*** NRS 218.2455 is hereby amended to read as follows:

218.2455 1. The Governor or his designated representative may transmit to the Legislative Counsel on or before September 1 preceding a regular legislative session not more than ~~[125]~~ ***100*** requests for the drafting of legislative measures approved on behalf of state agencies, boards and departments of the Executive Branch of ***the*** State Government pursuant to subsection 1 of NRS 218.245.

2. The Department of Administration may request on or before the 19th day of the legislative session, without limitation, the drafting of as many legislative measures as are necessary to implement the budget proposed by the Governor and to provide for the fiscal management of the State. ***In addition to the requests otherwise authorized pursuant to this section, the Governor may request the drafting of not more than 5 legislative measures***

on or before the 19th day of the legislative session to propose his legislative agenda.

3. The following constitutional officers may request the drafting of not more than the following numbers of legislative measures on or before September 1 preceding a regular legislative session:

Lieutenant Governor [2] ***1***
Secretary of State [8] ***5***
State Treasurer [5] ***2***
State Controller [5] ***2***
Attorney General [25] ***15***

4. ***Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.*** The [Board of Regents of the University of Nevada may request the drafting of not more than 5 legislative measures on behalf of the Nevada System of Higher Education on or before September 1 preceding a regular legislative session.] ***measures requested pursuant to subsections 1 and 3 must be prefiled on or before December 15 preceding the regular session. A measure that is not prefiled on or before that date shall be deemed withdrawn.***

[Sec. 7.] ***Sec. 9.*** NRS 218.247 is hereby amended to read as follows:

218.247 1. The Legislative Counsel and the Legal Division of the Legislative Counsel Bureau shall prepare and assist in the preparation of legislative measures at the request of the Supreme Court if the legislative measures are transmitted to the Legislative Counsel on or before September 1 preceding the commencement of the next regular session of the Legislature. The Supreme Court may transmit to the Legislative Counsel pursuant to this section not more than [16] ***10*** legislative measures on behalf of the Supreme Court **.** [and district courts of this State and not more than 4 legislative measures on behalf of the municipal courts and Justice Courts of this State.]

2. Every requested legislative measure must set forth the substance of the provisions desired or which may be needed with the reasons therefor.

3. [The Legislative Counsel shall transmit any legislative measure prepared pursuant to this section to the Chairman of the Committee on Judiciary of each House at the next regular session of the Legislature.] ***Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The measures requested pursuant to this section must be prefiled on or before December 15 preceding the regular session. A measure that is not prefiled on or before that date shall be deemed withdrawn.***

[Sec. 8.] ***Sec. 10.*** NRS 218.277 is hereby amended to read as follows:

218.277 1. Any member of the next succeeding regular session of the Legislature may request the Legislative Counsel to prefile any legislative bill or joint resolution that was requested by that Legislator for introduction in the next succeeding regular session of the Legislature.

2. A person designated as a chairman of a standing committee for the next succeeding regular session of the Legislature may request the

Legislative Counsel to prefile on behalf of the committee any legislative bill or joint resolution within the jurisdiction of the committee for introduction in the next succeeding regular session of the Legislature.

3. ***Measures submitted for prefiling pursuant to*** ~~*[subsection 4 of]*~~ ***NRS*** ***218.2413, 218.2415,*** ***218.2455*** ***and 218.247*** ***must be randomly divided in equal amounts between the Senate and the Assembly and prefiled on behalf of the appropriate standing committee.***

4. Such bills and joint resolutions must be in such final and correct form for introduction in the Legislature as required by the Nevada Constitution and this chapter.

~~[4.]~~ ***5.*** The Legislative Counsel shall not prefile a bill or joint resolution requested by:

(a) A member of the Legislature who is not a candidate for reelection until after the general election immediately preceding the regular session of the Legislature.

(b) A member of the Legislature who is elected or reelected to his office at the general election immediately preceding the regular session of the Legislature until he is determined to have received the highest number of votes pursuant to the canvass of votes required by NRS 293.395.

~~[Sec. 9.]~~ ***Sec. 11.*** NRS 218.278 is hereby amended to read as follows:

218.278 1. The Legislative Counsel shall, upon receipt of requests for prefiling bills and joint resolutions, transmit those bills and resolutions that may be prefiled to the Secretary of the Senate or the Chief Clerk of the Assembly, as appropriate. The Secretary or Chief Clerk shall number the bills and joint resolutions consecutively in the same manner as during regular sessions of the Legislature and is responsible for the safekeeping of such bills and joint resolutions.

2. After a bill or joint resolution has been properly numbered, the Legislative Counsel shall cause the bill or joint resolution to be printed in the same manner as during regular sessions of the Legislature. The bill or joint resolution must contain:

(a) The name of the introducer;

(b) The date on which it was prefiled;

(c) If it was not requested by a member of the Legislature, the name of the entity that requested the preparation of the bill or joint resolution; and

(d) The standing committee of the Senate or Assembly to which the bill or joint resolution is proposed to be referred. ~~[The standing committee must be determined pursuant to the rules or recommendations for the referral of bills and joint resolutions adopted by the appropriate House during the preceding regular session of the Legislature.]~~

3. The number of copies to be printed must be determined by the Legislative Counsel, and the expenses of printing and mailing must be paid from the Legislative Fund.

4. The Legislative Counsel shall release copies of a prefiled bill or joint resolution to the public.

~~[Sec. 10.]~~ ***Sec. 12.*** NRS 218.320 is hereby amended to read as follows:

218.320 All bills amended by either House shall be immediately reprinted. New matter shall be indicated by underscoring in the typewritten or other machine-produced copy and italics in the printed copy. Matter to be omitted shall be indicated by brackets in the typewritten or other machine-produced copy and brackets or strike-out type in the printed copy. When a bill is amended in either House, the first or previous markings shall be omitted. However, ~~[in the cases of bills over 32 pages in length, amendments to the titles and preambles of bills, amendments to correct typographical errors, and other amendments which do not change the meaning, intent or significance of a bill,]~~ the reprinting of the bill may be dispensed with on motion carried by a two-thirds majority of the members present. If the reprinting is so dispensed with, the amendments may be inserted by hand in the printed bill, but the authenticity of each amendment shall be established by endorsement, such endorsement to consist of initials signed on the margin near each amendment by the Secretary of the Senate or by the Chief Clerk of the Assembly, as the case may be.

~~[Sec. 11.]~~ ***Sec. 13.*** NRS 218.330 is hereby amended to read as follows:

218.330 Whenever a bill or resolution which shall have been passed in one House shall be amended in the other, it shall immediately be reprinted as amended by the House making such amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended and endorsed "adopted" and such amendment or amendments, if concurred in by the House in which such bill or resolution originated, shall be endorsed "concurred in" and such endorsement shall be signed by the Secretary of the Senate or by the Chief Clerk of the Assembly, as the case may be. However, ~~[in the cases of bills over 32 pages in length, amendments to the titles and preambles of bills, amendments to correct typographical errors, and other amendments which do not change the meaning, intent or significance of a bill,]~~ the reprinting of the bill may be dispensed with on motion carried by a two-thirds majority of the members present, but such amendment must be concurred in by the House in which such bill originated. If the reprinting is so dispensed with, the amendments may be inserted by hand in the printed bill, but the authenticity of each amendment shall be established by endorsement, such endorsement to consist of initials signed on the margin near each amendment by the Secretary of the Senate or by the Chief Clerk of the Assembly, as the case may be.

~~[Sec. 12.]~~ ***Sec. 14.*** NRS 218.340 is hereby amended to read as follows:

218.340 When any bill or resolution is passed by both Houses, the Secretary of the Senate or the Chief Clerk of the Assembly shall ~~[immediately]~~ transmit the same to the Legislative Counsel to be enrolled, and shall take his receipt therefor. The receipt shall bear the date of delivery

and shall give the bill or resolution number. The fact that the bill or resolution was received by the Legislative Counsel shall be noted as a part of the history of the bill or resolution. When the same shall have been duly and regularly enrolled and delivered to the Governor, as provided by NRS 218.280 to 218.440, inclusive **,** ~~[(]~~ in all cases where it is required to be so delivered **,** ~~[),]~~ the fact of such delivery and the date thereof shall also be noted, over the signature of the Legislative Counsel, as a part of the history of the bill or resolution.

~~[Sec. 13.]~~ ***Sec. 15.*** NRS ~~[218.2413, 218.2415 and 218.2417 are]~~ **218.2417 is** hereby repealed.

~~[Sec. 14.]~~ ***Sec. 16.*** 1. This act becomes effective upon passage and approval.

2. Sections ~~[1 to 8,]~~ **3 to 10,** inclusive, and ~~[13]~~ **15** of this act expire by limitation on June 30, ~~[2009.]~~ **2011.**

TEXT OF REPEALED ~~[SECTIONS]~~ **SECTION**

~~[218.2413 Requests by county, school district or city for preparation of legislative measures; notice of duplicate requests.~~

~~1. Except as otherwise provided in subsections 3, 4 and 5, each board of county commissioners, board of trustees of a school district and city council may request the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau to prepare any legislative measure which has been approved by the governing body of the county, school district or city at a public hearing before its submission to the Legislative Counsel Bureau.~~

~~2. The Legislative Counsel shall notify the requesting county, school district or city if its request substantially duplicates a request previously submitted by another county, school district or city.~~

~~3. The board of county commissioners of a county whose population:~~

~~(a) Is 400,000 or more shall not request the preparation of more than 15 legislative measures pursuant to subsection 1 for a regular legislative session. At least one of the measures must be recommended by a metropolitan police department that is located within the county.~~

~~(b) Is 100,000 or more but less than 400,000 shall not request the preparation of more than 10 legislative measures pursuant to subsection 1 for a regular legislative session.~~

~~(c) Is less than 100,000 shall not request the preparation of more than 2 legislative measures pursuant to subsection 1 for a regular legislative session.~~

~~4. The board of trustees of a school district in a county whose population:~~

~~(a) Is 400,000 or more shall not request the preparation of more than 5 legislative measures pursuant to subsection 1 for a regular legislative session.~~

~~(b) Is 100,000 or more but less than 400,000 shall not request the preparation of more than 2 legislative measures pursuant to subsection 1 for a regular legislative session.~~

~~(c) Is less than 100,000 shall not request the preparation of more than 1 legislative measure pursuant to subsection 1 for a regular legislative session.~~

~~5. The city council of a city whose population:~~

~~(a) Is 100,000 or more shall not request the preparation of more than 4 legislative measures pursuant to subsection 1 for a regular legislative session.~~

~~(b) Is less than 100,000 shall not request the preparation of more than 1 legislative measure pursuant to subsection 1 for a regular legislative session.~~

~~6. As used in this section, "population" means the current population estimate for that city or county as determined and published by the Department of Taxation and the demographer employed pursuant to NRS 360.283.~~

~~218.2415 Requests by association of elected officials or association of counties or cities for preparation of legislative measures.~~

~~1. An association of elected officials may directly request the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau to prepare no more than 5 legislative measures for a regular legislative session.~~

~~2. An association of counties or cities may directly request the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau to prepare no more than 20 legislative measures for a regular legislative session.~~

~~3. A request for the drafting of a legislative measure pursuant to this section must be submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the Legislature.]~~

218.2417 Preparation of legislative measures for regional planning coalition by Legislative Counsel and Legal Division of Legislative Counsel Bureau.

1. The Legislative Counsel and the Legal Division of the Legislative Counsel Bureau shall prepare and assist in the preparation of legislative measures at the request of a regional planning coalition if the legislative measures are transmitted to the Legislative Counsel on or before September 1 preceding the commencement of the next regular session of the Legislature. A regional planning coalition may transmit to the Legislative Counsel pursuant to this section not more than one legislative measure for a regular legislative session.

2. Every requested legislative measure must set forth the substance of the provisions which are desired or which may be needed with the reasons therefor.

3. As used in this section, "regional planning coalition" has the meaning ascribed to it in NRS 278.0172.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 483.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1119.

AN ACT relating to civil actions; increasing the amount of the homestead exemption; providing that certain property of a judgment debtor is exempt from execution; increasing the amount of damages that may be awarded in certain tort actions brought against a governmental entity or its officers or employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, with certain exceptions, in a civil action in which damages were awarded, the prevailing party in the action may obtain a writ of execution to enforce the judgment at any time before the judgment expires. (NRS 21.010) Existing law exempts certain property from such a writ of execution up to a specified monetary value. (NRS 21.090) In addition, existing law protects from a forced sale up to $350,000 in equity of certain property which is designated as a homestead by a person, except in certain circumstances. (NRS 115.005, 115.010)

Sections 2, 4 and 5 of this bill increase the amount of equity protected in homestead property from $350,000 to ~~[$450,000.]~~ **$550,000.** Section 2 also expands the list of the property of a judgment debtor that is exempt from execution to include: (1) certain personal property not to exceed $1,000 in total value; ~~[and]~~ (2) any tax refund the judgment debtor receives because of the federal earned income credit or any similar credit under a state law ~~[.]~~ **; and (3) all money reasonably deposited with a landlord by the judgment debtor to secure an agreement to rent or lease a dwelling that is used as the judgment debtor's primary residence in certain circumstances.** (NRS 21.090) Sections 1 and 3 of this bill add those new exemptions to the list of exemptions provided in certain notices of execution. (NRS 21.075, 31.045) Sections 1 and 3 also revise the contents of a notice of writ of execution and a notice of writ of attachment to reflect the changes in the homestead exemption included in this bill.

Section ~~[3.5]~~ **3.3** of this bill increases the limitation on the amount of damages that may be awarded in a tort action brought against a governmental entity or its officers or employees from $50,000 to ~~[$100,000.]~~ **$75,000.** (NRS 41.035) **Section 6 provides that this increase becomes effective on October 1, 2007, and expires by limitation on October 1, 2011. Section 3.5 of this bill increases that limitation on the amount of damages to $100,000 effective on October 1, 2011.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 21.075 is hereby amended to read as follows:

21.075 1. Execution on the writ of execution by levying on the property of the judgment debtor may occur only if the sheriff serves the

judgment debtor with a notice of the writ of execution pursuant to NRS 21.076 and a copy of the writ. The notice must describe the types of property exempt from execution and explain the procedure for claiming those exemptions in the manner required in subsection 2. The clerk of the court shall attach the notice to the writ of execution at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to ..... (name of person), the judgment creditor. He has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed ~~[~~$350,000~~,]~~ ~~*[$450,000,]*~~ ***$550,000,*** unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. ***All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or his successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.***

11. A vehicle, if your equity in the vehicle is less than $15,000.

~~[11.]~~ ***12.*** Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

~~[12.]~~ ***13.*** Money, not to exceed $500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

~~[13.]~~ ***14.*** All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

~~[14.]~~ ***15.*** All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

~~[15.]~~ ***16.*** A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

~~[16.]~~ ***17.*** A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

~~[17.]~~ ***18.*** Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

~~[18.]~~ ***19.*** Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

~~[19.]~~ ***20.*** Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent

reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

~~[20.]~~ ***21.*** Payments received as restitution for a criminal act.

~~[21.]~~ ***22. Personal property, not to exceed $1,000 in total value, if the property is not otherwise exempt from execution.***

~~[22.]~~ ***23. A tax refund received from the earned income credit provided by federal law or a similar state law.***

➥ These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to indigent or elderly persons).

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless you or the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The motion for the hearing to determine the issue of exemption must be filed within 10 days after the affidavit claiming exemption is filed. The hearing to determine whether the property or money is exempt must be held within 10 days after the motion for the hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

Sec. 2. NRS 21.090 is hereby amended to read as follows:

21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:

(a) Private libraries, works of art, musical instruments and jewelry not to exceed $5,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed $12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed $4,500 in value, belonging to the judgment debtor to be selected by him.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of himself and his family not to exceed $10,000 in value.

(e) The cabin or dwelling of a miner or prospector, his cars, implements and appliances necessary for carrying on any mining operations and his mining claim actually worked by him, not exceeding $4,500 in total value.

(f) Except as otherwise provided in paragraph ~~[(o),]~~ ***(p),*** one vehicle if the judgment debtor's equity does not exceed $15,000 or the creditor is paid an amount equal to any excess above that equity.

(g) For any workweek, 75 percent of the disposable earnings of a judgment debtor during that week, or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs ~~[(n), (r) and (s),]~~ ***(o), (s) and (t),*** the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State

and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance, if the annual premium paid does not exceed $15,000. If the premium exceeds that amount, a similar exemption exists which bears the same proportion to the money, benefits, privileges and immunities so accruing or growing out of the insurance that the $15,000 bears to the whole annual premium paid.

(l) The homestead as provided for by law, including a homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself and family, where the amount of equity held by the judgment debtor in the home does not exceed ~~[$350,000]~~ ~~*[$450,000]*~~ ***$550,000*** in value and the dwelling is situated upon lands not owned by him.

(n) ***All money reasonably deposited with a landlord by the judgment debtor to secure an agreement to rent or lease a dwelling that is used by the judgment debtor as his primary residence, except that such money is not exempt with respect to a landlord or his successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.***

(o) All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

~~[(o)]~~ ***(p)*** Any vehicle owned by the judgment debtor for use by him or his dependent that is equipped or modified to provide mobility for a person with a permanent disability.

~~[(p)]~~ ***(q)*** Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

~~[(q)]~~ ***(r)*** Money, not to exceed $500,000 in present value, held in:

(1) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(2) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(3) A cash or deferred arrangement which is a qualified plan pursuant to the Internal Revenue Code;

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the

purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

~~[(r)]~~ ***(s)*** All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

~~[(s)]~~ ***(t)*** All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

~~[(t)]~~ ***(u)*** Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

~~[(u)]~~ ***(v)*** Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

~~[(v)]~~ ***(w)*** Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

~~[(w)]~~ ***(x)*** Payments received as restitution for a criminal act.

~~[(x)]~~ ***(y)*** Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

~~[(y)]~~ (z) Any personal property not otherwise exempt from execution pursuant to this subsection belonging to the judgment debtor, including, without limitation, the judgment debtor's equity in any property, money, stocks, bonds or other funds on deposit with a financial institution, not to exceed $1,000 in total value, to be selected by the judgment debtor.

~~[(z)]~~ (aa) Any tax refund received by the judgment debtor that is derived from the earned income credit described in section 32 of the Internal Revenue Code, 26 U.S.C. § 32, or a similar credit provided pursuant to a state law.

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Act of 1978, 11 U.S.C. § 522(d), do not apply to property owned by

a resident of this State unless conferred also by subsection 1, as limited by subsection 2.

Sec. 3. NRS 31.045 is hereby amended to read as follows:

31.045 1. Execution on the writ of attachment by attaching property of the defendant may occur only if:

(a) The judgment creditor serves the defendant with notice of the execution when the notice of the hearing is served pursuant to NRS 31.013; or

(b) Pursuant to an ex parte hearing, the sheriff serves upon the judgment debtor notice of the execution and a copy of the writ at the same time and in the same manner as set forth in NRS 21.076.

➥ If the attachment occurs pursuant to an ex parte hearing, the clerk of the court shall attach the notice to the writ of attachment at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

Plaintiff, ... (name of person), alleges that you owe him money. He has begun the procedure to collect that money. To secure satisfaction of judgment the court has ordered the garnishment of your wages, bank account or other personal property held by third persons or the taking of money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed ~~[~~$350,000,~~]~~ ~~*[$450,000,]*~~ ***$550,000,*** unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are

located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. ***All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or his successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.***

11. A vehicle, if your equity in the vehicle is less than $15,000.

~~[11.]~~ ***12.*** Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

~~[12.]~~ ***13.*** Money, not to exceed $500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

~~[13.]~~ ***14.*** All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

~~[14.]~~ ***15.*** All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

~~[15.]~~ ***16.*** A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

~~[16.]~~ ***17.*** A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

~~[17.]~~ ***18.*** Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person

upon whom the judgment debtor is dependent at the time the payment is received.

~~[18.]~~ ***19.*** Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

~~[19.]~~ ***20.*** Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

~~[20.]~~ ***21.*** Payments received as restitution for a criminal act.

~~*[21.]*~~ ***22. Personal property, not to exceed $1,000 in total value, if the property is not otherwise exempt from execution.***

~~*[22.]*~~ ***23. A tax refund received from the earned income credit provided by federal law or a similar state law.***

➥ These exemptions may not apply in certain cases such as proceedings to enforce a judgment for support of a child or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to the indigent or elderly persons).

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt or necessary for the support of you or your family, you must file with the clerk of the court on a form provided by the clerk a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The hearing must be held within 10 days after the motion for a hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

If you received this notice with a notice of a hearing for attachment and you believe that the money or property which would be taken from you by a writ of attachment is exempt or necessary for the support of you or your family, you are entitled to describe to the court at the hearing why you believe your property is exempt. You may also file a motion with the court for a discharge of the writ of attachment. You may make that motion any time before trial. A hearing will be held on that motion.

IF YOU DO NOT FILE THE MOTION BEFORE THE TRIAL, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE PLAINTIFF, EVEN IF THE PROPERTY OR MONEY IS EXEMPT OR NECESSARY FOR THE SUPPORT OF YOU OR YOUR FAMILY.

Sec. 3.3. **NRS 41.035 is hereby amended to read as follows:**

41.035 1. An award for damages in an action sounding in tort brought under NRS 41.031 or against a present or former officer or employee of the State or any political subdivision, immune contractor or State Legislator arising out of an act or omission within the scope of his public duties or employment may not exceed the sum of ~~[$50,000,]~~ ***$75,000,*** exclusive of interest computed from the date of judgment, to or for the benefit of any claimant. An award may not include any amount as exemplary or punitive damages.

2. The limitations of subsection 1 upon the amount and nature of damages which may be awarded apply also to any action sounding in tort and arising from any recreational activity or recreational use of land or water which is brought against:

(a) Any public or quasi-municipal corporation organized under the laws of this State.

(b) Any person with respect to any land or water leased or otherwise made available by that person to any public agency.

(c) Any Indian tribe, band or community whether or not a fee is charged for such activity or use. The provisions of this paragraph do not impair or modify any immunity from liability or action existing on February 26, 1968, or arising after February 26, 1968, in favor of any Indian tribe, band or community.

➥ The Legislature declares that the purpose of this subsection is to effectuate the public policy of the State of Nevada by encouraging the recreational use of land, lakes, reservoirs and other water owned or controlled by any public or quasi-municipal agency or corporation of this State, wherever such land or water may be situated.

Sec. 3.5. NRS 41.035 is hereby amended to read as follows:

41.035 1. An award for damages in an action sounding in tort brought under NRS 41.031 or against a present or former officer or employee of the State or any political subdivision, immune contractor or State Legislator arising out of an act or omission within the scope of his public duties or employment may not exceed the sum of ~~[$75,000,]~~ ***$100,000,*** exclusive of interest computed from the date of judgment, to or for the benefit of any claimant. An award may not include any amount as exemplary or punitive damages.

2. The limitations of subsection 1 upon the amount and nature of damages which may be awarded apply also to any action sounding in tort and arising from any recreational activity or recreational use of land or water which is brought against:

(a) Any public or quasi-municipal corporation organized under the laws of this State.

(b) Any person with respect to any land or water leased or otherwise made available by that person to any public agency.

(c) Any Indian tribe, band or community whether or not a fee is charged for such activity or use. The provisions of this paragraph do not impair or modify any immunity from liability or action existing on February 26, 1968, or arising after February 26, 1968, in favor of any Indian tribe, band or community.

➥ The Legislature declares that the purpose of this subsection is to effectuate the public policy of the State of Nevada by encouraging the recreational use of land, lakes, reservoirs and other water owned or controlled by any public or quasi-municipal agency or corporation of this State, wherever such land or water may be situated.

Sec. 4. NRS 115.010 is hereby amended to read as follows:

115.010 1. The homestead is not subject to forced sale on execution or any final process from any court, except as otherwise provided by subsections 2, 3 and 5, and NRS 115.090 and except as otherwise required by federal law.

2. The exemption provided in subsection 1 extends only to that amount of equity in the property held by the claimant which does not exceed ~~[$350,000]~~ ~~*[$450,000]*~~ ***$550,000*** in value, unless allodial title has been established and not relinquished, in which case the exemption provided in subsection 1 extends to all equity in the dwelling, its appurtenances and the land on which it is located.

3. Except as otherwise provided in subsection 4, the exemption provided in subsection 1 does not extend to process to enforce the payment of obligations contracted for the purchase of the property, or for improvements made thereon, including any mechanic's lien lawfully obtained, or for legal taxes, or for:

(a) Any mortgage or deed of trust thereon executed and given, including, without limitation, any second or subsequent mortgage, mortgage obtained through refinancing, line of credit taken against the property and a home equity loan; or

(b) Any lien to which prior consent has been given through the acceptance of property subject to any recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude, specifically including any lien in favor of an association pursuant to NRS 116.3116 or 117.070,

➥ by both husband and wife, when that relation exists.

4. If allodial title has been established and not relinquished, the exemption provided in subsection 1 extends to process to enforce the payment of obligations contracted for the purchase of the property, and for improvements made thereon, including any mechanic's lien lawfully obtained, and for legal taxes levied by a state or local government, and for:

(a) Any mortgage or deed of trust thereon; and

(b) Any lien even if prior consent has been given through the acceptance of property subject to any recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude, specifically including any lien in favor of an association pursuant to NRS 116.3116 or 117.070,

➥ unless a waiver for the specific obligation to which the judgment relates has been executed by all allodial titleholders of the property.

5. Establishment of allodial title does not exempt the property from forfeiture pursuant to NRS 179.1156 to 179.119, inclusive, or 207.350 to 207.520, inclusive.

6. Any declaration of homestead which has been filed before July 1, ~~[2005,]~~ ***2007,*** shall be deemed to have been amended on that date by extending the homestead exemption commensurate with any increase in the amount of equity held by the claimant in the property selected and claimed for the exemption up to the amount permitted by law on that date, but the increase does not impair the right of any creditor to execute upon the property when that right existed before July 1, ~~[2005.]~~ ***2007.***

Sec. 5. NRS 115.050 is hereby amended to read as follows:

115.050 1. Whenever execution has been issued against the property of a party claiming the property as a homestead, and the creditor in the judgment makes an oath before the judge of the district court of the county in which the property is situated ~~[,]~~ that the amount of equity held by the claimant in the property exceeds, to the best of the creditor's information and belief, the sum of ~~[$350,000,]~~ ~~*[$450,000,]*~~ ***$550,000,*** the judge shall, upon notice to the debtor, appoint three disinterested and competent persons as appraisers to estimate and report as to the amount of equity held by the claimant in the property ~~[,]~~ and **,** if the amount of equity exceeds the sum of ~~[$350,000,]~~ ~~*[$450,000,]*~~ ***$550,000,*** determine whether the property can be divided so as to leave the property subject to the homestead exemption without material injury.

2. If it appears, upon the report, to the satisfaction of the judge that the property can be thus divided, he shall order the excess to be sold under execution. If it appears that the property cannot be thus divided, and the amount of equity held by the claimant in the property exceeds the exemption allowed by this chapter, he shall order the entire property to be sold, and out of the proceeds the sum of ~~[$350,000]~~ ~~*[$450,000]*~~ ***$550,000*** to be paid to the defendant in execution, and the excess to be applied to the satisfaction on the execution. No bid under ~~[$350,000]~~ ~~*[$450,000]*~~ ***$550,000*** may be received by the officer making the sale.

3. When the execution is against a husband or wife, the judge may direct the ~~[$350,000]~~ ~~*[$450,000]*~~ ***$550,000*** to be deposited in court, to be paid out only upon the joint receipt of the husband and wife, and the deposit possesses all the protection against legal process and voluntary disposition by either spouse as did the original homestead.

Sec. 5.3. **NRS 657.140 is hereby amended to read as follows:**

657.140 1. Except as otherwise provided in subsection 2, a financial institution shall not include in any loan agreement a provision that allows the financial institution to recover, take, appropriate or otherwise apply as a setoff against any debt or liability owing to the financial institution under the loan agreement money from an account unrelated to the loan agreement to the extent the money is exempt from execution pursuant to paragraph ~~[(x)]~~ ***(y)*** of subsection 1 of NRS 21.090.

2. The provisions of subsection 1 do not apply to a provision in a loan agreement that specifically authorizes automatic withdrawals from an account.

3. The provisions of this section may not be varied by agreement and the rights conferred by this section may not be waived. Any provision included in an agreement that conflicts with this section is void.

4. As used in this section:

(a) "An account unrelated to the loan agreement" includes, without limitation, an account pledged as security under the loan agreement, unless the specific account pledged as security is conspicuously described in the loan agreement.

(b) "Financial institution" means an institution licensed pursuant to the provisions of this title or title 56 or chapter 645B, 645E or 649 of NRS, or a similar institution chartered or licensed pursuant to federal law.

Sec. 5.5. The amendatory provisions of ~~[section]~~ **:**

1. Section 3.3 of this act apply to a cause of action that accrues on or after October 1, 2007, but before October 1, 2011.

2. Section 3.5 of this act apply to a cause of action that accrues on or after October 1, ~~[2007.]~~ **2011.**

Sec. 6. 1. This section and sections 1, 2, 3, 4 **,** ~~[and]~~ 5 **, 5.3 and 5.5** of this act become effective on July 1, 2007.

2. Section ~~[3.5]~~ **3.3** of this act becomes effective on October 1, 2007 ~~[.]~~ **, and expires by limitation on October 1, 2011.**

3. Section 3.5 of this act becomes effective on October 1, 2011.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 490.

Bill read third time.

Roll call on Senate Bill No. 490:

YEAS—39.

NAYS—Cobb, Ohrenschall, Parnell—3.

Senate Bill No. 490 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 483.

Bill read third time.

Roll call on Assembly Bill No. 483:

YEAS—41.

NAYS—Mabey.

Assembly Bill No. 483 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Oceguera moved that the Assembly recess until 4 p.m.

Motion carried.

Assembly in recess at 12:38 p.m.

ASSEMBLY IN SESSION

At 4:28 p.m.

Madam Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 275, 551.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 185, 380, 562.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendments Nos. 838, 1026 to Senate Bill No. 542.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 201.

SHERRY L. RODRIGUEZ

Assistant Secretary of the Senate

SPECIAL ORDERS OF THE DAY

The hour of 4:30 p.m. having arrived, vetoed Assembly Bill No. 230 of the 74th Session was considered.

Vetoed Assembly Bill No. 230 of the 74th Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

May 31, 2007

THE HONORABLE BARBARA BUCKLEY, *Speaker of the Assembly*, LEGISLATIVE BUILDING, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill No. 230 of the 74th Legislative Session

DEAR SPEAKER BUCKLEY:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 230, which is entitled:

> AN ACT relating to justice courts; expanding the jurisdiction of justice courts in criminal cases in which an arrest was made by a field

agent or an inspector of the State Department of Agriculture; and providing other matters properly relating thereto.

This bill would expand the jurisdiction of justice courts with respect to arrests made by field agents and inspectors of the Department of Agriculture. Such jurisdiction would be equivalent to the jurisdiction granted to arrests made by the Nevada Highway Patrol. There is simply no compelling need to put arrests by the Department of Agriculture on an equivalent jurisdictional level as arrests made by the Nevada Highway Patrol. This bill would allow officers of the Department of Agriculture to choose the county where prosecutions would occur, even if that county is not the county where the violation occurred. For purposes of arrests made by the Department of Agriculture, the justice court in the county where the arrest was made should be able to adequately process that arrest through its own judicial system.

For all of these reasons, I hereby exercise my constitutional grant of authority and veto Assembly Bill 230.

Sincerely,
JIM GIBBONS
Governor

Bill read.

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Remarks by Assemblyman Anderson.

The roll was called, and the Assembly sustained the veto of the Governor by the following vote:

YEAS—None.

NAYS—Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, Womack—39.

EXCUSED—Cobb, Grady, Mortenson—3.

Assembly Bill No. 230 having failed to receive a two-thirds constitutional majority, Madam Speaker declared it lost.

Vetoed Assembly Bill No. 326 of the 74th Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

June 2, 2007

THE HONORABLE BARBARA BUCKLEY, *Speaker of the Assembly*, LEGISLATIVE BUILDING, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill No. 326 of the 74th Session

DEAR SPEAKER BUCKLEY:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 326, which is entitled:

AN ACT relating to construction; requiring the State Public Works Board to compile a list regarding buildings owned by the State that are constructed of unreinforced masonry; requiring certain local governments to compile a list of certain buildings constructed of unreinforced masonry that are owned by the local government or located within its jurisdiction; and providing other matters properly relating thereto.

This bill would require state governments to compile a list of all state-owned unreinforced masonry buildings. This bill would also require local governments to compile lists of all publicly

and privately owned unreinforced masonry buildings in each county, and to notify the owners of any privately owned unreinforced masonry buildings of the inclusion of that building on the list. To compile such a list would necessarily require an exhaustive review of both public and private structures throughout every city and county. The fiscal impact of this bill on local governments would be detrimental and would outweigh any benefits of the bill, particularly due to the requirement that private structures be included on the list.

For all of these reasons, I hereby exercise my constitutional grant of authority and veto Assembly Bill 326.

Sincerely,
JIM GIBBONS
Governor

Bill read.

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Remarks by Assemblymen Kirkpatrick, Mortenson, and Anderson.

The roll was called, and the Assembly sustained the veto of the Governor by the following vote:

Yeas—None.

Nays—Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, Womack—41.

Excused—Grady.

Assembly Bill No. 326 having failed to receive a two-thirds constitutional majority, Madam Speaker declared it lost.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 123, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 186, 189, 253, 458, 461, 464, 544, 570, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 185.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 380.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 562.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Parnell moved that the Assembly do not recede from its action on Senate Bill No. 404, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Parnell.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Denis, Parnell, and Hardy as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 404.

Madam Speaker appointed Assemblymen Parks, Anderson, and Goedhart as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 428.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 594.

The following Senate amendment was read:

Amendment No. 1071.

AN ACT relating to body shops; creating a Class A certification designation for body shops that meet certain criteria; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires body shops to submit an application to the Department of Motor Vehicles for a license to operate and file with the Department a bond in the amount of $10,000 before doing business in the State. (NRS 487.630, 487.640) Sections 3, 4, 6 and 7 of this bill create a Class A certification for a body shop that demonstrates compliance with certain criteria. Section 8 of this bill establishes the process for applying for and renewing a Class A certification. Section 11 of this bill provides for the suspension or revocation of a Class A certification under certain circumstances. (NRS 487.660)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 487 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***"Body shop" means any place where the body of a motor vehicle is painted, fixed, repaired or replaced for compensation.***

Sec. 3. ***"Class A certificate" means a certificate issued to a licensed body shop that has been granted Class A certification status with the Department pursuant to section 6 of this act.***

Sec. 4. ***"Class A certification" means a designation granted to a licensed body shop by the Department indicating that the body shop meets the criteria set forth in section 6 of this act and any criteria established in regulations adopted pursuant to section 7 of this act.***

Sec. 5. ***"Garagekeepers' insurance" means insurance which protects an operator of a body shop against liability for damage to a vehicle in the care, custody or control of the body shop.***

Sec. 6. ***To be eligible for Class A certification, a licensed body shop must:***

1. Comply with local zoning laws and possess all required local, state and federal licenses and permits.

2. ~~[Maintain active membership in any association in this State for the automotive industry concerning collisions involving motor vehicles.~~

~~3.]~~ Possess garagekeepers' and workers' compensation insurance.

~~[~~ ~~4. Provide employees with:~~

~~(a) Health insurance;~~

~~(b) Retirement benefits; and~~

~~(c) Continuing education and training in subjects and for periods of time as prescribed by regulation.~~

~~5.]~~ 3. Have the ability to:

(a) Obtain proper specifications for each vehicle being repaired;

(b) Make three dimensional measurements that are verified by a computer of each vehicle being repaired; and

(c) Hoist a vehicle for inspection.

~~[6.]~~ 4. Perform a wide range of services for vehicles being repaired, including, without limitation:

(a) Alignment of the wheels of a vehicle that is verified by a computer;

(b) Stabilization of a vehicle through the use of a four-point anchoring system;

(c) Simultaneous adjustment of the exterior and undercarriage of a vehicle;

(d) Removal and reinstallation of a frame, suspension, engine or a drivetrain component;

(e) Painting the exterior of a vehicle with a system for applying paint that provides a finish similar to the finish applied by the manufacturer;

(f) Inspection of airbags and other occupant restraint devices to the specifications of the manufacturer; and

(g) Welding, by a certified technician, with a gas metal arc welder or an ~~[inverted]~~ inverter welder, as appropriate.

~~[7.]~~ **5.** ***Adhere to current federal, state and local safety requirements by:***

(a) Performing repairs on an air-conditioning system using equipment approved by the United States Environmental Protection Agency;

(b) Performing repairs with emission-reducing equipment, as prescribed by regulation;

(c) Performing repairs with equipment that meets all safety requirements as prescribed by regulation; and

(d) Disposing of hazardous waste as prescribed by regulation.

~~[8.]~~ **6.** ***Ensure customer satisfaction by providing to each customer:***

(a) A computer-generated estimate of repairs; and

(b) A written, limited lifetime warranty that is valid against workmanship defects . ~~*[at other affiliated body shops which must be located in each state of the United States and the District of Columbia.*~~

~~9.]~~ **7.** ***Have a system for documenting and maintaining customer complaints and responses to service.***

Sec. 7. ~~*[1. The Department shall adopt regulations establishing the requirements for continuing education and training required by subsection 4 of section 6 of this act.*~~

~~2.]~~ ***The Department may adopt such regulations as it deems necessary to carry out the provisions of sections 2 to 8, inclusive, of this act.***

Sec. 8. ***1. An application for a Class A certification or for the renewal of such a certification must be filed with the Department upon forms supplied by the Department. The application must be accompanied by such proof as the Department requires to demonstrate that the applicant is in compliance with all criteria set forth in section 6 of this act and any regulations adopted pursuant thereto.***

2. Before a Class A certificate is issued to a licensed body shop, the Department must inspect the body shop to ensure that the body shop meets or exceeds the requirements set forth in section 6 of this act and any regulations adopted pursuant thereto.

3. The Department shall notify a licensed body shop at least 72 hours before an inspection is performed pursuant to subsection 2.

4. The Department shall charge an application fee of $300 for the issuance or renewal of a Class A certificate which must be submitted with the application. Fees collected by the Department pursuant to this subsection must be deposited with the State Treasurer to the credit of the Account for Regulation of Salvage Pools, Automobile Wreckers, Body Shops and Garages.

5. Upon receipt of the application and the required fee, and when satisfied that the applicant meets or exceeds the requirements set forth in section 6 of this act and any regulations adopted pursuant thereto, the Department must issue to the licensed body shop a Class A certificate or renew such certification. The certificate must contain the name and the

address of the licensed body shop and the name of the operator of the licensed body shop.

6. A Class A certificate expires on April 30 of each year.

Sec. 9. NRS 487.600 is hereby amended to read as follows:

487.600 As used in NRS ~~[487.610]~~ ***487.600*** to 487.690, inclusive, ~~["body shop" means any place where the body of a motor vehicle is painted, fixed, repaired or replaced for compensation.]~~ ***and sections 2 to 8, inclusive, of this act, the words and terms defined in sections 2 to 5, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 10. NRS 487.650 is hereby amended to read as follows:

487.650 1. The Department may refuse to issue a license or, after notice and hearing, may suspend, revoke or refuse to renew a license to operate a body shop upon any of the following grounds:

(a) Failure of the applicant or licensee to have or maintain an established place of business in this State.

(b) Conviction of the applicant or licensee or an employee of the applicant or licensee of a felony, or of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter.

(c) Any material misstatement in the application for the license.

(d) Willful failure of the applicant or licensee to comply with the motor vehicle laws of this State and NRS 487.035, ~~[487.610]~~ ***487.600*** to 487.690, inclusive, ***and sections 2 to 8, inclusive, of this act,*** or 597.480 to 597.590, inclusive.

(e) Failure or refusal by the licensee to pay or otherwise discharge any final judgment against him arising out of the operation of the body shop.

(f) Failure or refusal to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 2.

(g) A finding of guilt by a court of competent jurisdiction in a case involving a fraudulent inspection, purchase, sale or transfer of a salvage vehicle by the applicant or licensee or an employee of the applicant or licensee.

(h) An improper, careless or negligent inspection of a salvage vehicle pursuant to NRS 487.800 by the applicant or licensee or an employee of the applicant or licensee.

(i) A false statement of material fact in a certification of a salvage vehicle pursuant to NRS 487.800 or a record regarding a salvage vehicle by the applicant or licensee or an employee of the applicant or licensee.

2. Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the operation of a body shop, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to such an authorization only to determine the suitability of

the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS ~~[487.610]~~ ***487.600*** to 487.690, inclusive, ***and sections 2 to 8, inclusive, of this act,*** or to determine the suitability of an applicant or a licensee for such licensure.

3. As used in this section, "salvage vehicle" has the meaning ascribed to it in NRS 487.770.

Sec. 11. NRS 487.660 is hereby amended to read as follows:

487.660 ***1.*** If the Director finds that the action is necessary in the public interest, upon notice to the licensee, he may ~~[temporarily]~~ ***:***

(a) Temporarily suspend or refuse to renew the license to operate a body shop for not more than 30 days.

(b) Temporarily suspend or refuse to renew a Class A certificate of a licensed body shop for not more than 30 days.

2. The Department shall conduct a hearing and issue a final decision on the matter within 30 days after it sends notice ~~[to the licensee]~~ of the temporary suspension ~~[.]~~ ***of a license or a Class A certificate, or both.***

3. The Department shall adopt regulations:

(a) Prescribing the circumstances under which the Department may suspend or refuse to renew a Class A certificate; and

(b) Providing an appeals process for an operator of a licensed body shop whose Class A certificate has been suspended or has not been renewed.

4. A Class A certificate must be automatically revoked by the Department if the license to operate the body shop is suspended or revoked pursuant to NRS 487.650.

Sec. 12. NRS 487.690 is hereby amended to read as follows:

487.690 Any person who violates any of the provisions of NRS ~~[487.610]~~ ***487.600*** to 487.680, inclusive, ***and sections 2 to 8, inclusive, of this act*** is guilty of a misdemeanor.

Assemblyman Atkinson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 594.

Remarks by Assemblyman Atkinson.

Motion carried.

Bill ordered transmitted to the Senate.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Conklin, Koivisto, and Kirkpatrick as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 335.

Madam Speaker appointed Assemblymen Conklin, Kirkpatrick, and Koivisto as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 142.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 123 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 186.

Bill read third time.

Roll call on Senate Bill No. 186:

YEAS—41.

NAYS—None.

EXCUSED—Grady.

Senate Bill No. 186 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 189.

Bill read third time.

Roll call on Senate Bill No. 189:

YEAS—41.

NAYS—None.

EXCUSED—Grady.

Senate Bill No. 189 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 253.

Bill read third time.

Roll call on Senate Bill No. 253:

YEAS—41.

NAYS—None.

EXCUSED—Grady.

Senate Bill No. 253 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 458.

Bill read third time.

Roll call on Senate Bill No. 458:

YEAS—41.

NAYS—None.

EXCUSED—Grady.

Senate Bill No. 458 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 461.

Bill read third time.

Roll call on Senate Bill No. 461:
YEAS—41.
NAYS—None.
EXCUSED—Grady.
Senate Bill No. 461 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 464.
Bill read third time.
Roll call on Senate Bill No. 464:
YEAS—41.
NAYS—None.
EXCUSED—Grady.
Senate Bill No. 464 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 544.
Bill read third time.
Roll call on Senate Bill No. 544:
YEAS—40.
NAYS—None.
NOT VOTING—Stewart.
EXCUSED—Grady.
Senate Bill No. 544 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 570.
Bill read third time.
Roll call on Senate Bill No. 570:
YEAS—41.
NAYS—None.
EXCUSED—Grady.
Senate Bill No. 570 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:
The first Conference Committee concerning Senate Bill No. 201, consisting of the undersigned members, has met and reports that:
It has agreed to recommend that the Amendment Nos. 796 and 1028 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 7, which is attached to and hereby made a part of this report.

DEBBIE SMITH	WARREN HARDY
MARILYN KIRKPATRICK	JOHN LEE
CHAD CHRISTENSEN	BOB BEERS
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA7.

AN ACT relating to public works; authorizing a public body to contract with a construction manager at risk for the preconstruction and construction of a public work; setting forth the method for selecting a construction manager at risk; authorizing a public body to hire a construction manager as agent to assist the public body in overseeing the construction of a public work; requiring local governments to conduct a constructability review under certain circumstances before constructing certain public works; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-12 of this bill authorize a public body to enter into contracts with a construction manager at risk for the preconstruction and construction of a public work and provide the method for selecting a construction manager at risk. Under the construction manager at risk method for constructing a public work, a public body may enter into a contract for a negotiated price with a construction manager at risk to provide preconstruction services for the public work that include, without limitation, design support, construction estimating, value and system analysis and scheduling. After the public body has obtained the final design for the public work, the public body and the construction manager at risk are required to attempt to negotiate a contract for the construction manager at risk to construct the public work. If the public body and the construction manager at risk enter into such a contract, the contract must be for: (1) a guaranteed maximum price including the cost of the work plus a fee; (2) a fixed price; or (3) a fixed price plus reimbursement for overhead and other costs and expenses related to the construction of the public work.

Section 14 of this bill requires a local government or its authorized representative to conduct a constructability review to determine if the plans and specifications for a public work are complete and contain all necessary information, if: (1) such plans and specifications are to be used for the first time on a public work; and (2) such plans and specifications are for a public work that has an estimated cost which exceeds $10,000,000. This review must be performed by an architect registered pursuant to chapter 623 of NRS, a contractor licensed pursuant to chapter 624 of NRS or a professional engineer licensed pursuant to chapter 625 of NRS.

Sections 13 and 21 of this bill authorize a public body to employ a construction manager as agent to assist the public body in overseeing the construction of a public work. A construction manager as agent assists in the planning, scheduling and management of a public work without assuming

any responsibility for the cost, quality or timely completion of the construction of the public work. A construction manager as agent is prohibited from taking part in the design or construction of the public work.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. ***A public body may construct a public work by:***

1. Selecting a construction manager at risk pursuant to the provisions of sections 4 to 8, inclusive, of this act; and

2. Entering into separate contracts with a construction manager at risk:

(a) For preconstruction services, including, without limitation:

(1) Assisting the public body in determining whether scheduling or design problems exist that would delay the construction of the public work;

(2) Estimating the cost of the labor and material for the public work; and

(3) Assisting the public body in determining whether the public work can be constructed within the public body's budget; and

(b) To construct the public work.

Sec. 3. ***To qualify to enter into contracts with a public body for preconstruction services and to construct a public work, a construction manager at risk must:***

1. Not have been found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the 5 years immediately preceding the date of the advertisement for statements of qualifications pursuant to section 4 of this act;

2. Not have been disqualified from being awarded a contract pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333;

3. Be licensed as a contractor pursuant to chapter 624 of NRS; and

4. If the project is for the design of a public work of the State, be qualified to bid on a public work of the State pursuant to NRS 338.1379.

Sec. 4. ***1. A public body shall advertise for statements of qualifications for a construction manager at risk in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.***

2. A request for a statement of qualifications published pursuant to subsection 1 must include, without limitation:

(a) A description of the public work;

(b) An estimate of the cost of construction;

(c) A description of the work that the public body expects a construction manager at risk to perform;

(d) The dates on which it is anticipated that the separate phases of the preconstruction and construction of the public work will begin and end;

(e) The date by which statements of qualifications must be submitted to the public body;

(f) If the project is a public work of the State, a statement setting forth that the construction manager at risk must be qualified to bid on a public work of the State pursuant to NRS 338.1379 before submitting a statement of qualifications;

(g) The name, title, address and telephone number of a person employed by the public body that an applicant may contact for further information regarding the public work; and

(h) A list of the selection criteria and relative weight of the selection criteria that will be used to evaluate statements of qualifications.

3. A statement of qualifications must include, without limitation:

(a) An explanation of the experience that the applicant has with projects of similar size and scope;

(b) The contact information for references who have knowledge of the background, character and technical competence of the applicant;

(c) The applicant's preliminary proposal for managing the preconstruction and construction of the public work;

(d) Evidence of the ability of the applicant to obtain the necessary bonding for the work to be required by the public body;

(e) Evidence that the applicant has obtained or has the ability to obtain such insurance as may be required by law; and

(f) A statement of whether the applicant has been:

(1) Found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause; and

(2) Disqualified from being awarded a contract pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333.

Sec. 5. ***1. The public body shall appoint a panel consisting of at least three members to rank the statements of qualifications submitted to the public body by evaluating the statements of qualifications as required pursuant to subsections 2 and 3.***

2. The panel shall rank the statements of qualifications by:

(a) Verifying that each applicant satisfies the requirements of section 3 of this act; and

(b) Conducting an evaluation of the qualifications of each applicant based on the factors and relative weight assigned to each factor that the public body specified in the request for statements of qualifications advertised pursuant to section 4 of this act.

3. When ranking the statements of qualifications, the panel shall assign a relative weight of 5 percent to the possession of a certificate of eligibility to receive a preference in bidding on public works.

4. After the panel ranks the statements of qualifications, the public body shall:

(a) Make available to the public the rankings of the applicants; and

(b) Except as otherwise provided in subsection 5, select at least the two but not more than the five applicants that the panel determined to be most qualified as finalists to submit final proposals to the public body pursuant to section 6 of this act.

5. If the public body did not receive at least two statements of qualifications from applicants that the panel determines to be qualified pursuant to this section and section 3 of this act, the public body may not contract with a construction manager at risk.

Sec. 6. ***1. After the finalists are selected pursuant to paragraph (b) of subsection 4 of section 5 of this act, the public body shall provide to each finalist a request for final proposals. The request for final proposals must:***

(a) Set forth the date by which final proposals must be submitted to the public body;

(b) Set forth the proposed forms of the contract to assist in the preconstruction of the public work and the contract to construct the public work that include, without limitation, the proposed terms and general conditions of the contracts; and

(c) Set forth the selection criteria and relative weight of the selection criteria that will be used to evaluate the final proposals.

2. A final proposal must include, without limitation:

(a) The professional qualifications and experience of the applicant, including, without limitation, the resumes of any employees of the applicant who will be managing the preconstruction and construction of the public work;

(b) The performance history of the applicant concerning other recent, similar projects completed by the applicant, if any;

(c) The safety programs established and the safety records accumulated by the applicant;

(d) The proposed plan of the applicant to manage the preconstruction and construction of the public work, which plan sets forth in detail the ability of the applicant to provide preconstruction services and to construct the public work; and

(e) A proposed plan of the applicant for the selection of any necessary subcontractors.

Sec. 7. ***1. The panel appointed by the public body pursuant to section 5 of this act shall evaluate and assign a score to each of the final proposals received by the public body based on the factors and relative weight assigned to each factor that the public body specified in the request for final proposals. The panel shall interview the two or three applicants whose final proposals received the highest scores. After conducting such interviews, the panel shall rank the applicants based on the final proposals and interviews, which must be given equal weight.***

2. Upon receipt of the final rankings of the applicants from the panel, the public body shall enter into negotiations with the most qualified applicant determined pursuant to subsection 1 for a contract for preconstruction services. If the public body is unable to negotiate a contract with the most qualified applicant at an amount of compensation that the public body and the most qualified applicant determine to be fair and reasonable, the public body shall terminate negotiations with that applicant. The public body may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached or a determination is made by the public body to reject all applicants.

3. The public body shall make available to the applicants and the public the results of the evaluations of final proposals and interviews conducted pursuant to subsection 1 and the final rankings of the applicants.

Sec. 8. ***1. If a public body enters into a contract with a construction manager at risk for preconstruction services pursuant to section 7 of this act, after the public body has finalized the design for the public work, the public body shall enter into negotiations with the construction manager at risk for a contract to construct the public work for the public body for:***

(a) The cost of the work, plus a fee, with a guaranteed maximum price;

(b) A fixed price; or

(c) A fixed price plus reimbursement for overhead and other costs and expenses related to the construction of the public work.

2. If the public body is unable to negotiate a satisfactory contract with the construction manager at risk to construct the public work, the public body:

(a) Shall terminate negotiations with that applicant; and

(b) May award the contract for the public work:

(1) If the public body is not a local government, pursuant to the provisions of NRS 338.1377 to 338.139, inclusive.

(2) If the public body is a local government, pursuant to the provisions of NRS 338.1377 to 338.139, inclusive, or 338.143 to 338.148, inclusive, and section 14 of this act.

Sec. 9. ***A contract entered into pursuant to section 8 of this act that is for a guaranteed maximum price may include a provision that authorizes the construction manager at risk to receive all or part of any difference between the guaranteed maximum price set forth in the contract and the actual price of construction of the public work, if the actual price is less than the guaranteed maximum price.***

Sec. 10. ***A contract awarded to a construction manager at risk pursuant to section 7 or 8 of this act:***

1. Must comply with the provisions of NRS 338.020 to 338.090, inclusive.

2. Must specify a date by which performance of the work required by the contract must be completed.

3. May set forth the terms by which the construction manager at risk agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the construction manager at risk.

4. Must require that the construction manager at risk to whom a contract is awarded assume overall responsibility for ensuring that the preconstruction or construction of the public work, as applicable, is completed in a satisfactory manner.

5. May include such additional provisions as may be agreed upon by the public body and the construction manager at risk.

Sec. 11. ***A construction manager at risk who enters into a contract for the construction of a public work pursuant to section 8 of this act:***

1. Is responsible for contracting for the services of any necessary subcontractor, supplier or independent contractor necessary for the construction of the public work and for the performance of and payment to any such subcontractors, suppliers or independent contractors.

2. If the public work involves the construction of a fixed work that is described in subsection 2 of NRS 624.215, shall perform not less than 25 percent of the construction of the fixed work himself or using his own employees.

3. If the public work involves the construction of a building or structure that is described in subsection 3 of NRS 624.215, may perform himself or using his own employees as much of the construction of the building or structure that the construction manager at risk is able to demonstrate that he or his own employees have performed on similar projects.

Sec. 12. ***1.*** ~~*[If]*~~ ***To be eligible to provide materials, equipment, work or other services on a public work for which a construction manager at risk*** ~~*[to whom a contract for the construction of a public work is]*~~ ***was awarded a contract pursuant to section 8 of this act*** ~~*[wishes to enter into a contract with a subcontractor to provide materials, equipment, work or other services on the public work, the]*~~ ***, a subcontractor must be:***

(a) Licensed pursuant to chapter 624 of NRS; and

(b) Selected by the construction manager at risk based on the process of competitive bidding set forth in the applicable provisions of NRS 338.1373 to 338.148, inclusive.

2. A construction manager at risk to whom a contract for the construction of a public work is awarded pursuant to section 8 of this act shall submit to the public body that awarded the contract a list containing the names of each subcontractor with whom the construction manager at risk ~~*[entered]*~~ ***intends to enter into a contract for the provision of materials, equipment, work or other services on the public work.***

Sec. 13. ***1. A construction manager as agent:***

(a) Must:

(1) Be a contractor licensed pursuant to chapter 624 of NRS;

(2) Hold a certificate of registration to practice architecture, interior design or residential design pursuant to chapter 623 of NRS; or

(3) Be licensed as a professional engineer pursuant to chapter 625 of NRS.

(b) May enter into a contract with a public body to assist in the planning, scheduling and management of the construction of a public work without assuming any responsibility for the cost, quality or timely completion of the construction of the public work. A construction manager as agent who enters into a contract with a public body pursuant to this section may not take part in the design or construction of the public work.

2. A contract between a public body and a construction manager as agent is not required to be awarded by competitive bidding.

Sec. 14. ***1. Before a local government or its authorized representative advertises for bids for a contract for a public work, the local government or its authorized representative shall perform a review of the approved plans and specifications to determine if the plans and specifications are complete and contain all necessary information and specifications to construct the public work, if:***

(a) The plans and specifications are to be used for the first time on a public work; and

(b) The plans and specifications are for a public work that has an estimated cost which exceeds $10,000,000.

2. A constructability review required pursuant to subsection 1 must be performed by an architect registered pursuant to chapter 623 of NRS, a contractor licensed pursuant to chapter 624 of NRS or a professional engineer licensed pursuant to chapter 625 of NRS and must include, without limitation:

(a) A determination of whether a competent contractor would be able to construct the public work based on the approved plans and specifications; and

(b) A review of the approved plans and specifications for the public work for completeness, clarity and economic feasibility.

3. If the local government or its authorized representative does not employ a person who has the expertise to perform a constructability review as described in subsection 2, the local government or its authorized representative must contract with an independent third party who is an architect registered pursuant to chapter 623 of NRS, a contractor licensed pursuant to chapter 624 of NRS or a professional engineer licensed pursuant to chapter 625 of NRS to perform the constructability review. A contract entered into pursuant to this section between a local government or its authorized representative and an independent third party is not required to be awarded by competitive bidding.

Sec. 15. NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of:

(a) NRS 338.1377 to 338.139, inclusive;

(b) NRS 338.143 to 338.148, inclusive ~~[; or]~~ ***, and section 14 of this act;***

(c) NRS 338.1711 to 338.1727, inclusive ~~[.]~~ ***; or***

(d) Sections 2 to 12, inclusive, of this act.

2. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142 and 338.1711 to 338.1727, inclusive, ***and sections 2 to 12, inclusive, of this act,*** do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.313 to 408.433, inclusive.

Sec. 16. NRS 338.1385 is hereby amended to read as follows:

338.1385 1. Except as otherwise provided in subsection 9 and NRS 338.1906 and 338.1907, this State, or a governing body or its authorized representative that awards a contract for a public work in accordance with paragraph (a) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1386, 338.13862 and 338.13864.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a public body shall report to the public body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Each advertisement for bids must include a provision that sets forth the requirement that a contractor must be qualified pursuant to NRS 338.1379 or 338.1382 to bid on the contract.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

5. Except as otherwise provided in subsection 6 and NRS 338.1389, a public body or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

6. Any bids received in response to an advertisement for bids may be rejected if the public body or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(b) The bidder is not responsive or responsible;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(d) The public interest would be served by such a rejection.

7. A public body may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The public body publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The public body considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The public body lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the bidder who has submitted the lowest responsive and responsible bid.

8. Before a public body may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the public body shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the public body intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the public body intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the public body expects to save by rejecting the bids and performing the public work itself.

9. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993; ~~[or]~~

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive ~~[.]~~ ***;***

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to section 14 of this act; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to sections 2 to 12, inclusive, of this act.

Sec. 17. NRS 338.1385 is hereby amended to read as follows:

338.1385 1. Except as otherwise provided in subsection 9, this State, or a governing body or its authorized representative that awards a contract for a public work in accordance with paragraph (a) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and having a general circulation within the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1386, 338.13862 and 338.13864.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a public body shall report to the public body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Each advertisement for bids must include a provision that sets forth the requirement that a contractor must be qualified pursuant to NRS 338.1379 or 338.1382 to bid on the contract.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

5. Except as otherwise provided in subsection 6 and NRS 338.1389, a public body or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

6. Any bids received in response to an advertisement for bids may be rejected if the public body or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(b) The bidder is not responsive or responsible;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(d) The public interest would be served by such a rejection.

7. A public body may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The public body publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The public body considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The public body lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

8. Before a public body may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the public body shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the public body intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the public body intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including, the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the public body expects to save by rejecting the bids and performing the public work itself.

9. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993; ~~[or]~~

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive ~~[.]~~ ***;***

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to section 14 of this act; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to sections 2 to 12, inclusive, of this act.

Sec. 18. NRS 338.143 is hereby amended to read as follows:

338.143 1. Except as otherwise provided in subsection 8 and NRS 338.1907, a local government or its authorized representative that awards a contract for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1442, 338.1444 and 338.1446.

(c) Divide a project work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a local government shall report to the governing body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

4. Except as otherwise provided in subsection 5 and NRS 338.147, the local government or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

5. Any bids received in response to an advertisement for bids may be rejected if the local government or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not responsive or responsible;

(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(c) The public interest would be served by such a rejection.

6. A local government may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The local government publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The local government considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The local government lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

7. Before a local government may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the local government shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the local government intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the local government intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the public work itself.

8. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993; ~~[or]~~

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive ~~[.]~~ ***;***

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to section 14 of this act; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to sections 2 to 12, inclusive, of this act.

Sec. 19. NRS 338.143 is hereby amended to read as follows:

338.143 1. Except as otherwise provided in subsection 8, a local government or its authorized representative that awards a contract for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published within the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation within the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1442, 338.1444 or 338.1446.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a local government shall report to the governing body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

4. Except as otherwise provided in subsection 5 and NRS 338.147, the local government or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

5. Any bids received in response to an advertisement for bids may be rejected if the local government or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not responsive or responsible;

(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(c) The public interest would be served by such a rejection.

6. A local government may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The local government publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The local government considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The local government lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

7. Before a local government may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the local government shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the local government intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the local government intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the public work itself.

8. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993; ~~[or]~~

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive ~~[.]~~ ***;***

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to section 14 of this act; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to sections 2 to 12, inclusive, of this act.

Sec. 20. NRS 338.1711 is hereby amended to read as follows:

338.1711 1. Except as otherwise provided in this section and NRS 338.161 to 338.168, inclusive, ***and sections 2 to 12, inclusive, of this***

act, a public body shall contract with a prime contractor for the construction of a public work for which the estimated cost exceeds $100,000.

2. A public body may contract with a design-build team for the design and construction of a public work that is a discrete project if the public body has approved the use of a design-build team for the design and construction of the public work and the public work:

(a) Is the construction of a park and appurtenances thereto, the rehabilitation or remodeling of a public building, or the construction of an addition to a public building; or

(b) Has an estimated cost which exceeds $10,000,000.

Sec. 21. NRS 338.1717 is hereby amended to read as follows:

338.1717 A public body may employ a registered architect, ***general contractor, construction manager as agent,*** landscape architect or licensed professional engineer as a consultant to assist the public body in overseeing the construction of a public work. An architect, ***general contractor, construction manager as agent,*** landscape architect or engineer so employed shall not:

1. Construct the public work; or

2. Assume overall responsibility for ensuring that the construction of the public work is completed in a satisfactory manner.

Sec. 22. 1. This section and sections 1 to 16, inclusive, 18, 20 and 21 of this act become effective on October 1, 2007.

2. Sections 16 and 18 of this act expire by limitation on April 30, 2013.

3. Sections 17 and 19 of this act become effective on May 1, 2013.

Assemblywoman Smith moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 201.

Remarks by Assemblywoman Smith.

Motion carried by a constitutional majority.

Assemblyman Oceguera moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 4:57 p.m.

ASSEMBLY IN SESSION

At 4:59 p.m.

Madam Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen McClain, Gerhardt, and Hardy as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 182.

Madam Speaker:

The first Conference Committee concerning Assembly Bill No. 585, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 713 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 10, which is attached to and hereby made a part of this report.

KATHY MCCLAIN	MIKE MCGINNESS
WILLIAM HORNE	BOB COFFIN
VALERIE WEBER	MARK AMODEI
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA10.

AN ACT relating to public financial administration; providing the rate of interest to be paid on overpayments of taxes on real or personal property; making various changes to other provisions governing taxes on real or personal property; making various changes concerning certain agreements and claims regarding unclaimed property held by a county treasurer; revising provisions governing calculation of the interest that a public body must pay to a contractor on amounts withheld from progress payments on public works; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, unless a specific statute provides otherwise, a taxpayer is entitled to interest on an overpayment of taxes at a rate equal to the prime rate plus 2 percent. (NRS 360.2935) Section 2 of this bill provides that the rate of interest to be paid on overpayments of real or personal property taxes is 0.5 percent per month.

~~[Section 3 of this bill requires that a person who enters into certain agreements to locate, deliver, recover or assist in the recovery of any remaining excess proceeds of a sale by a county treasurer of real property for which delinquent property taxes have not been paid must be licensed as a private investigator in this State.]~~

Under existing law, a taxpayer who wishes to have certain determinations concerning partial abatements from taxation reviewed must submit a written petition to the county tax receiver. (NRS 361.4734) Section 4 of this bill requires such a petition to be submitted to the county assessor instead of the tax receiver.

Under existing law, small overpayments or deficiencies of personal property taxes do not have to be refunded to or collected from a taxpayer. (NRS 361.485) Section 5 of this bill provides similar treatment for overpayments or deficiencies of real property taxes.

Section 6 of this bill provides a county and its officers and employees with immunity from liability for failure to provide actual notice of delinquent taxes in accordance with NRS 361.5648 under certain circumstances.

Existing law requires the tax receiver of a county to issue to the county treasurer each year a trustee's certificate which describes each property on

which delinquent taxes have not been paid. (NRS 361.570) Section 7 of this bill requires that the certificate include not just taxes, but also penalties, interest and costs that have not been paid.

Existing law authorizes certain reconveyances of property held in trust by a county treasurer on which delinquent taxes have not been paid. (NRS 361.585) Section 8 of this bill revises the categories of persons to whom such a reconveyance may be made and repeals the requirements for an agreement to locate, deliver, recover or assist in the recovery of such property.

Section 11 of this bill eliminates the requirement in NRS 361.605 that a county treasurer file with the county auditor a monthly statement of the amount of property sold and rents collected from property that the county treasurer is holding in trust for nonpayment of taxes.

Existing law provides for the disposition of the proceeds of a sale by a county treasurer of real property on which delinquent taxes have not been paid. (NRS 361.610) Section 12 of this bill establishes a procedure to recover any excess proceeds from such a sale and sets forth certain requirements for an agreement to locate, deliver, recover or assist in the recovery of such excess proceeds. Section 12 also provides that certain persons who are entitled to recover property from the county treasurer may authorize a person pursuant to a power of attorney, assignment or other legal instrument to file a claim and collect from the county treasurer any money owed to him, and provides immunity for a county for any losses resulting from the approval of such a claim if the claim is paid by the county treasurer in accordance with the provisions of the legal instrument.

Section 15 of this bill revises the method set forth in NRS 338.515 to calculate the interest that a public body must pay to a contractor on amounts withheld from progress payments on public works.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 361 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Except as otherwise provided in subsection 2 and NRS 361.485, interest must be paid on an overpayment of the taxes imposed by this chapter at the rate of 0.5 percent per month, or fraction thereof, from the last day of the calendar month in which the overpayment was made to the last day of the calendar month in which a refund is made.***

2. No interest is allowed:

(a) On a refund of any penalty or interest paid by a taxpayer; or

(b) If the ex officio tax receiver determines that the overpayment was made intentionally or by reason of carelessness.

Sec. 3. ~~*[1. Any person who, pursuant to an agreement described in subsection 10 of NRS 361.610, locates, delivers, recovers or assists in the recovery of any remaining excess proceeds of a sale of property held in trust by a county treasurer by virtue of any deed made pursuant to the provisions*~~

~~*of this chapter, including a person who files a claim for recovery of the remaining excess proceeds on behalf of any person described in subsection 4 of NRS 361.585, must be licensed as a private investigator pursuant to chapter 648 of NRS.*~~

~~*2. Any person who, pursuant to an agreement described in subsection 10 of NRS 361.610, files a claim for recovery of any remaining excess proceeds pursuant to NRS 361.610 must submit proof of compliance with the provisions of subsection 1 when he files the claim with the county treasurer. The county treasurer shall not accept a claim for recovery of the remaining excess proceeds without proof of compliance.]*~~ **(Deleted by amendment.)**

Sec. 4. NRS 361.4734 is hereby amended to read as follows:

361.4734 1. A taxpayer who is aggrieved by a determination of the applicability of a partial abatement from taxation pursuant to NRS 361.4722, 361.4723 or 361.4724 may, if the property which is the subject of that determination:

(a) Is not valued pursuant to NRS 361.320 or 361.323, submit a written petition for the review of that determination to the ~~[tax receiver]~~ ***county assessor*** of the county in which the property is located. The ~~[tax receiver shall, after consulting with the]~~ county assessor ~~[of that county regarding the determination and]~~ ***shall,*** within 30 days after receiving the petition, render a decision on the petition and notify the taxpayer of that decision.

(b) Is valued pursuant to NRS 361.320 or 361.323, submit a written petition for the review of that determination to the Department. The Department shall, within 30 days after receiving the petition, render a decision on the petition and notify the taxpayer of that decision.

2. A taxpayer who is aggrieved by a decision rendered by a ~~[tax receiver]~~ ***county assessor*** or the Department pursuant to subsection 1 may, within 30 days after receiving notice of that decision, appeal the decision to the Nevada Tax Commission.

3. A taxpayer who is aggrieved by a determination of the Nevada Tax Commission rendered on an appeal made pursuant to subsection 2 is entitled to a judicial review of that determination.

Sec. 5. NRS 361.485 is hereby amended to read as follows:

361.485 1. Whenever any tax is paid to the ex officio tax receiver, he shall appropriately record ~~[such]~~ ***the*** payment and the date thereof on the tax roll contiguously with the name of the person or the description of the property liable for ~~[such]~~ ***the*** taxes, and shall give a receipt for ~~[such]~~ ***the*** payment if requested by the taxpayer.

2. If the assessment roll is maintained on magnetic storage files in a computer system, the requirement of subsection 1 is met if the system is capable of producing, as printed output, the assessment roll with the dates of payments shown opposite the name of the person or the description of the property liable for ~~[such]~~ ***the*** taxes.

3. If the amount of ~~[an overpayment of taxes for]~~ ***taxes paid on*** personal property ***:***

(a) Results in an overpayment that is less than the average cost of collecting property taxes in this State as determined by the Nevada Tax Commission, the ex officio tax receiver shall pay the amount of the overpayment into the county treasury ~~[,]~~ for the benefit of the general fund of the county, unless the taxpayer who made the overpayment requests a refund ~~[.]~~ ***within 6 months after the original payment.*** All interest paid on money deposited in the ~~[account]~~ ***county treasury*** pursuant to this ~~[subsection]~~ ***paragraph*** is the property of the county. ~~[All requests for refunds under this section must be made within 6 months after the original payment.~~

~~4. A deficiency in the amount of a payment of taxes for personal property,]~~

(b) Results in a deficiency, the amount of the deficiency, other than a payment for a penalty, must be exempted from collection if the amount of the deficiency is less than the average cost of collecting property taxes in this state as determined by the Nevada Tax Commission.

4. If the amount of taxes paid on real property:

(a) Results in an overpayment that does not exceed the amount due by more than $5, the ex officio tax receiver shall pay the amount of the overpayment into the county treasury for the benefit of the general fund of the county, unless the taxpayer who made the overpayment requests a refund within 6 months after the original payment. All interest paid on money deposited in the county treasury pursuant to this paragraph is the property of the county.

(b) Results in a deficiency that is $5 or less than the amount due, the ex officio tax receiver may exempt the amount of the deficiency from collection.

Sec. 6. NRS 361.5648 is hereby amended to read as follows:

361.5648 1. Within 30 days after the first Monday in March of each year, with respect to each property on which the tax is delinquent, the tax receiver of the county shall mail notice of the delinquency by first-class mail to:

(a) The owner or owners of the property;

(b) The person or persons listed as the taxpayer or taxpayers on the tax rolls, at their last known addresses, if the names and addresses are known; and

(c) Each holder of a recorded security interest if the holder has made a request in writing to the tax receiver for the notice, which identifies the secured property by the parcel number assigned to it in accordance with the provisions of NRS 361.189.

2. The notice of delinquency must state:

(a) The name of the owner of the property, if known.

(b) The description of the property on which the taxes are a lien.

(c) The amount of the taxes due on the property and the penalties and costs as provided by law.

(d) That if the amount is not paid by the taxpayer or his successor in interest:

(1) The tax receiver will, at 5 p.m. on the first Monday in June of the current year, issue to the county treasurer, as trustee for the State and county, a certificate authorizing him to hold the property, subject to redemption within 2 years after the date of the issuance of the certificate, by payment of the taxes and accruing taxes, penalties and costs, together with interest on the taxes at the rate of 10 percent per annum ***, assessed monthly,*** from the date due until paid as provided by law, except as otherwise provided in NRS 360.232 and 360.320, and that redemption may be made in accordance with the provisions of chapter 21 of NRS in regard to real property sold under execution.

(2) A tax lien may be sold against the parcel pursuant to the provisions of NRS 361.731 to 361.733, inclusive.

3. Within 30 days after mailing the original notice of delinquency, the tax receiver shall issue his personal affidavit to the board of county commissioners affirming that due notice has been mailed with respect to each parcel. The affidavit must recite the number of letters mailed, the number of letters returned and the number of letters finally determined to be undeliverable. Until the period of redemption has expired, the tax receiver shall maintain detailed records which contain such information as the Department may prescribe in support of his affidavit.

4. A second copy of the notice of delinquency must be sent by certified mail, not less than 60 days before the expiration of the period of redemption as stated in the notice.

5. The cost of each mailing must be charged to the delinquent taxpayer.

6. A county and its officers and employees are not liable for any damages resulting from failure to provide actual notice pursuant to this section if the county, officer or employee, in determining the names and addresses of persons with an interest in the property, relies upon a preliminary title search from a company authorized to provide title insurance in this State.

Sec. 7. NRS 361.570 is hereby amended to read as follows:

361.570 1. Pursuant to the notice given as provided in NRS 361.5648 and 361.565 and at the time stated in the notice, the tax receiver shall make out a certificate that describes each property on which delinquent taxes ***, penalties, interest and costs*** have not been paid. The certificate authorizes the county treasurer, as trustee for the State and county, to hold each property described in the certificate for the period of 2 years after the first Monday in June of the year the certificate is dated, unless sooner redeemed.

2. The certificate must specify:

(a) The amount of delinquency on each property, including the amount and year of assessment;

(b) The taxes, and the penalties and costs added thereto, on each property, and that, except as otherwise provided in NRS 360.232 and 360.320, interest

on the taxes will be added at the rate of 10 percent per annum ***, assessed monthly,*** from the date due until paid; and

(c) The name of the owner or taxpayer of each property, if known.

3. The certificate must state:

(a) ~~[And it is hereby provided:~~

~~(1)]~~ That each property described in the certificate may be redeemed within 2 years after the date of the certificate; ~~[and~~

~~(2)]~~ ***(b)*** That the title to each property not redeemed vests in the county for the benefit of the State and county ~~[.~~

~~(b)]~~ ***; and***

(c) That a tax lien may be sold against the parcel pursuant to the provisions of NRS 361.731 to 361.733, inclusive.

4. Until the expiration of the period of redemption, each property held pursuant to the certificate must be assessed annually to the county treasurer as trustee ***.*** ~~[, and before]~~ ***Before*** the owner or his successor redeems the property, he ~~[shall]~~ ***must*** also pay the county treasurer holding the certificate any additional taxes ***, penalties and costs*** assessed and accrued against the property after the date of the certificate, together with interest on the taxes at the rate of 10 percent per annum ***, assessed monthly,*** from the date due until paid, unless otherwise provided in NRS 360.232 and 360.320.

5. A county treasurer shall take a certificate issued to him pursuant to this section. The county treasurer may cause the certificate to be recorded in the office of the county recorder against each property described in the certificate to provide constructive notice of the amount of delinquent taxes on each property respectively. The certificate reflects the amount of delinquent taxes ***, penalties, interest and costs*** due on the properties described in the certificate on the date on which the certificate was recorded, and the certificate need not be amended subsequently to indicate ***additional taxes, penalties, interest and costs assessed and accrued or*** the repayment of any of those delinquent ~~[taxes.]~~ ***amounts.*** The recording of the certificate does not affect the statutory lien for taxes provided in NRS 361.450.

Sec. 8. NRS 361.585 is hereby amended to read as follows:

361.585 1. When the time allowed by law for the redemption of a property described in a certificate has expired ~~[,]~~ and no redemption has been made, the tax receiver who issued the certificate, or his successor in office, shall execute and deliver to the county treasurer a deed of the property in trust for the use and benefit of the State and county and any officers having fees due them.

2. The county treasurer and his successors in office, upon obtaining a deed of any property in trust under the provisions of this chapter, shall hold that property in trust until it is sold or otherwise disposed of pursuant to the provisions of this chapter.

3. Notwithstanding the provisions of NRS 361.595 or 361.603, at any time during the 90-day period specified in NRS 361.603, or before the public notice of sale by a county treasurer, pursuant to NRS 361.595, of any

property held in trust by him by virtue of any deed made pursuant to the provisions of this chapter, any person specified in subsection 4 is entitled to have the property reconveyed upon payment to the county treasurer of an amount equal to the taxes accrued, together with any costs, penalties and interest legally chargeable against the property. A reconveyance may not be made after expiration of the 90-day period specified in NRS 361.603 or after commencement of posting or publication of public notice pursuant to NRS 361.595.

4. Property may be reconveyed pursuant to subsection 3 to one or more of the persons specified in the following categories, or to one or more persons within a particular category, as their interests may appear of record:

(a) The owner.

(b) The beneficiary under a ***note and*** deed of trust.

(c) The mortgagee under a mortgage.

(d) ***The creditor under a judgment.***

(e) The person to whom the property was assessed.

~~[(e)]~~ ***(f)*** The person holding a contract to purchase the property before its conveyance to the county treasurer.

~~[(f)]~~ ***(g)*** The successor in interest of any person specified in this subsection.

5. ~~[Any agreement to locate, deliver, recover or assist in the recovery of any property held in trust by a county treasurer by virtue of any deed made pursuant to the provisions of this chapter:~~

~~(a) Must:~~

~~(1) Be in writing.~~

~~(2) Be signed by one or more of the persons identified in subsection 4.~~

~~(3) Include a description of the property.~~

~~(4) Include the value of the property.~~

~~(b) Must not impose a fee that is more than 10 percent of the total value of the property.~~

~~6.]~~ The provisions of this section apply to land held in trust by a county treasurer on or after April 17, 1971.

Sec. 9. NRS 361.590 is hereby amended to read as follows:

361.590 1. If a property described in a certificate is not redeemed within the time allowed by law for its redemption, the tax receiver or his successor in office shall make to the county treasurer as trustee for the State and county a deed of the property, reciting in the deed substantially the matters contained in the certificate of sale or, in the case of a conveyance under NRS 361.604, the order of the board of county commissioners, and that no person has redeemed the property during the time allowed for its redemption.

2. The deed must be recorded in the office of the county recorder within 30 days after the date of expiration of the period of redemption.

3. All such deeds are, except as against actual fraud, conclusive evidence that:

(a) The property was assessed as required by law.

(b) The property was equalized as required by law.

(c) The taxes were levied in accordance with law.

(d) The taxes were not paid.

(e) At a proper time and place a certificate of delinquency was filed as prescribed by law, and by the proper officer.

(f) The property was not redeemed.

(g) The person who executed the deed was the proper officer.

4. Such deeds are, except as against actual fraud, conclusive evidence of the regularity of all other proceedings, from the assessment by the county assessor to the execution of the deed.

5. ~~[The]~~ ***Except as otherwise provided by specific statute, the*** deed conveys to the county treasurer as trustee for the State and county the property described therein, free of all encumbrances, except any easements of record for public utility purposes, any lien for taxes or assessments by any irrigation or other district for irrigation or other district purposes, and any interest and penalties on the property, except when the land is owned by the United States or this State, in which case it is prima facie evidence of the right of possession accrued as of the date of the deed to the purchaser, but without prejudice to the lien for other taxes or assessments or the claim of any such district for interest or penalties.

6. No tax assessed upon any property, or sale therefor, may be held invalid by any court of this State on account of:

(a) Any irregularity in any assessment;

(b) Any assessment or tax roll not having been made or proceeding had within the time required by law; or

(c) Any other irregularity, informality, omission, mistake or want of any matter of form or substance in any proceedings which the Legislature might have dispensed with in the first place if it had seen fit so to do, and that does not affect the substantial property rights of persons whose property is taxed.

➥ All such proceedings in assessing and levying taxes, and in the sale and conveyance therefor, must be presumed by all the courts of this State to be legal until the contrary is shown affirmatively.

Sec. 10. NRS 361.595 is hereby amended to read as follows:

361.595 1. Any property held in trust by any county treasurer by virtue of any deed made pursuant to the provisions of this chapter may be sold and conveyed in the manner prescribed in this section and in NRS 361.603 or conveyed without sale as provided in NRS 361.604.

2. If the property is to be sold, the board of county commissioners may make an order, to be entered on the record of its proceedings, directing the county treasurer to sell the property particularly described therein, after giving notice of sale, for a total amount not less than the amount of the taxes, costs, penalties and interest legally chargeable against the property as stated in the order.

3. Notice of the sale must be:

(a) Posted in at least three public places in the county, including one at the courthouse and one on the property, not less than 20 days before the day of sale or, in lieu of such a posting, by publication of the notice for 20 days in some newspaper published within the county, if the board of county commissioners so directs.

(b) Mailed by certified mail, return receipt requested, not less than 90 days before the sale, to the owner of the parcel as shown on the tax roll and to any person or governmental entity that appears in the records of the county to have a lien or other interest in the property. If the receipt is returned unsigned, the county treasurer must make a reasonable attempt to locate and notify the owner or other person or governmental entity before the sale.

4. Upon compliance with such an order the county treasurer shall make, execute and deliver to any purchaser, upon payment to him, as trustee, of a consideration not less than that specified in the order, ~~[an absolute]~~ ***a quitclaim*** deed, discharged of any trust of the property mentioned in the order.

5. Before delivering any such deed, the county treasurer shall record the deed at the expense of the purchaser.

6. All such deeds, whether issued before, on or after July 1, 1955, are primary evidence:

(a) Of the regularity of all proceedings relating to the order of the board of county commissioners, the notice of sale and the sale of the property; and

(b) That, if the real property was sold to pay taxes on personal property, the real property belonged to the person liable to pay the tax.

7. No such deed may be executed and delivered by the county treasurer until he files at the expense of the purchaser, with the clerk of the board of county commissioners, proper affidavits of posting and of publication of the notice of sale, as the case may be, together with his return of sale, verified, showing compliance with the order of the board of county commissioners, which constitutes primary evidence of the facts recited therein.

8. If the deed when regularly issued is not recorded in the office of the county recorder, the deed, and all proceedings relating thereto, is void as against any subsequent purchaser in good faith and for a valuable consideration of the same property, or any portion thereof, when his own conveyance is first recorded.

9. The board of county commissioners shall provide its clerk with a record book in which must be indexed the name of each purchaser, together with the date of sale, a description of the property sold, a reference to the book and page of the minutes of the board of county commissioners where the order of sale is recorded, and the file number of the affidavits and return.

Sec. 11. NRS 361.605 is hereby amended to read as follows:

361.605 ~~[1. While such]~~ ***While*** property is held in trust ~~[,]~~ as provided in this chapter, the county treasurer, or his successor in office, ~~[shall]~~ ***may*** collect any rents arising from the property during the time ~~[such]~~ ***the*** property is subject to redemption. After the time of redemption has expired, until

~~[such property can be sold, he]~~ ***the property is sold, the county treasurer, or his successor in office,*** may rent the ~~[same,]~~ ***property,*** with the approval of the board of county commissioners, for a price to be fixed in its minutes. ~~[Such rents shall]~~ ***The rents must*** be paid out by the county treasurer, or his successor in office, ~~[as follows:~~

~~(a) For the payment of costs and taxes for which it was sold, with the percentage allowed for redemption.~~

~~(b) For]~~ ***for*** the payment of any taxes ***, penalties, interest and costs already assessed and*** afterward accruing upon ~~[such property.~~

~~(c) Any balance, into the general fund of his county.~~

~~2. The price for which any property shall be sold shall be appropriated in the same manner as the rents are directed to be paid in this section.~~

~~3. On the first Monday in each month, the county treasurer, or his successor in office, shall file in the office of the county auditor a monthly statement of the amount of property sold and rents collected during the past month. Upon any money being paid to the county treasurer for purchase or rent, the county treasurer shall give a statement of the amount thereof to the person, who shall file the same with the county auditor, and the county auditor shall give the person paying such money a receipt for the same, as having been paid to the county treasurer, and expressing the purpose of consideration upon which such payment was made.]~~ ***the property.***

Sec. 12. NRS 361.610 is hereby amended to read as follows:

361.610 1. Out of the sale price or rents of any property of which he is trustee, the county treasurer shall pay the costs due any officer for the enforcement of the tax upon the parcel of property and all taxes owing thereon, and upon the redemption of any property from him as trustee, he shall pay the redemption money over to any officers having fees due them from the parcels of property and pay the tax for which it was sold and pay the redemption percentage according to the proportion those fees respectively bear to the tax.

2. In no case may ~~[any]~~ ***:***

(a) Any service rendered by any officer under this chapter become or be allowed as a charge against the county ~~[, nor may the]~~ ***; or***

(b) The sale price or rent or redemption money of any one parcel of property be appropriated to pay any cost or tax upon any other parcel of property than that so sold, rented or redeemed.

3. After paying all the tax and costs upon any one parcel of property, the county treasurer shall pay into the general fund of the county, from the excess proceeds of the sale:

(a) The first $300 of the excess proceeds; and

(b) Ten percent of the next $10,000 of the excess proceeds.

4. The amount remaining after the county treasurer has paid the ~~[amount]~~ ***amounts*** required by subsection 3 must be deposited in an interest-bearing account maintained for the purpose of holding excess proceeds separate from other money of the county. If no claim is made for the ~~[money within 2~~

~~years]~~ ***excess proceeds within 1 year*** after the deed given by the county treasurer is recorded, the county treasurer shall pay the money into the general fund of the county, and it must not thereafter be refunded to the former property owner or his successors in interest. All interest paid on money deposited in the account required by this subsection is the property of the county.

5. If a person who would have been entitled to receive reconveyance of the property pursuant to NRS 361.585 makes a claim in writing for the ~~[balance within 2 years]~~ ***excess proceeds within 1 year*** after the deed is recorded, the county treasurer shall pay ~~[it or his]~~ ***the claim or the*** proper portion ***of the claim*** over to ~~[him if he]~~ ***the person if the county treasurer*** is satisfied that the person is entitled to it.

6. A claim for excess proceeds must be paid out in the following order of priority to:

(a) The persons specified in paragraphs (b), (c), (d) and (g) of subsection 4 of NRS 361.585 in the order of priority of the recorded liens; and

(b) Any person specified in paragraphs (a), (e) and (f) of subsection 4 of NRS 361.585.

7. The county treasurer shall approve or deny a claim within 30 days after the period described in subsection 4 for filing a claim has expired. Any records or other documents concerning a claim shall be deemed the working papers of the county treasurer and are confidential. If more than one person files a claim, and the county treasurer is not able to determine who is entitled to the excess proceeds, the matter must be submitted to mediation.

8. If the mediation is not successful, the county treasurer shall:

(a) Conduct a hearing to determine who is entitled to the excess proceeds; or

(b) File an action for interpleader.

9. A person who is aggrieved by a determination of the county treasurer pursuant to this section may, within 90 days after he receives notice of the determination, commence an action for judicial review of the determination in district court.

10. Any agreement to locate, deliver, recover or assist in the recovery of remaining excess proceeds of a sale which is entered into by a person who would have been entitled to receive reconveyance of the property pursuant to subsection 4 of NRS 361.585 must:

(a) Be in writing.

(b) Be signed by the person who would have been entitled to receive reconveyance.

(c) Not provide for a fee of more than 10 percent of the total remaining excess proceeds of the sale due that person.

11. In addition to authorizing a person pursuant to an agreement described in subsection 10 to file a claim and collect from the county

treasurer any property owed to him, a person described in subsection 4 of NRS 361.585 may authorize a person pursuant to a power of attorney, assignment or any other legal instrument to file a claim and collect from the county treasurer any property owed to him. The county is not liable for any losses resulting from the approval of the claim if the claim is paid by the county treasurer in accordance with the provisions of the legal instrument.

Sec. 13. NRS 361.620 is hereby amended to read as follows:

361.620 The additional penalties ***, interest*** and costs provided for in this chapter ~~[shall]~~ ***must*** be paid into the county general fund for the use of the county.

Sec. 14. NRS 361.635 is hereby amended to read as follows:

361.635 1. ~~[Within 3 days after making the publication required by NRS 361.565, or after the last publication if more than one is made,]~~ ***Not later than the second Monday in June,*** the county treasurer:

(a) ~~[Shall]~~ ***May, and shall when directed by the board of county commissioners,*** prepare and deliver to the district attorney of ~~[his]~~ ***the*** county a list certified ~~[to by him]~~ ***by the county treasurer*** of all accumulated delinquent taxes, exclusive of penalties and assessments of benefits of irrigation districts, of the sum of $3,000 or more.

(b) May prepare and deliver to the district attorney of ~~[his]~~ ***the*** county, a list certified ~~[to by him]~~ ***by the county treasurer*** of all accumulated delinquent taxes, exclusive of penalties and assessments of benefits of irrigation districts, of the sum of $1,000 or more but less than $3,000.

2. If the delinquent taxes specified in the certified list ***,*** and penalties ***, interest*** and costs ***,*** are not paid to the county treasurer as ex officio tax receiver within 20 days after the date of delivery of the certified list to the district attorney, the district attorney may, and shall when directed by the board of county commissioners, immediately commence an action for the collection of the delinquent taxes, penalties ***, interest*** and costs.

3. The remedy prescribed by this section is in addition to any other remedies provided by law for the collection of delinquent taxes ~~[.]~~ ***, penalties, interest and costs.***

Sec. 15. NRS 338.515 is hereby amended to read as follows:

338.515 1. Except as otherwise provided in NRS 338.525, a public body and its officers or agents awarding a contract for a public work shall pay or cause to be paid to a contractor the progress payments due under the contract within 30 days after the date the public body receives the progress bill or within a shorter period if the provisions of the contract so provide. Not more than 90 percent of the amount of any progress payment may be paid until 50 percent of the work required by the contract has been performed. Thereafter ***,*** the public body may pay any of the remaining progress payments without withholding additional retainage if, in the opinion of the public body, satisfactory progress is being made in the work.

2. Except as otherwise provided in NRS 338.525, a public body shall identify in the contract and pay or cause to be paid to a contractor the actual cost of the supplies, materials and equipment that:

(a) Are identified in the contract;

(b) Have been delivered and stored at a location, and in the time and manner, specified in a contract by the contractor or a subcontractor or supplier for use in a public work; and

(c) Are in short supply or were specially made for the public work,

➥ within 30 days after the public body receives a progress bill from the contractor for those supplies, materials or equipment.

3. A public body shall pay or cause to be paid to the contractor at the end of each quarter interest for the quarter on any amount withheld by the public body pursuant to NRS 338.400 to 338.645, inclusive, at a rate equal to the rate quoted by at least three ~~[financial institutions]~~ ***insured banks, credit unions or savings and loan associations in this State*** as the highest rate paid on a certificate of deposit whose duration is approximately 90 days on the first day of the quarter. If the amount due to a contractor pursuant to this subsection for any quarter is less than $500, the public body may hold the interest until:

(a) The end of a subsequent quarter after which the amount of interest due is $500 or more;

(b) The end of the fourth consecutive quarter for which no interest has been paid to the contractor; or

(c) The amount withheld under the contract is due pursuant to NRS 338.520,

➥ whichever occurs first.

4. If the Labor Commissioner has reason to believe that a workman is owed wages by a contractor or subcontractor, he may require the public body to withhold from any payment due the contractor under this section and pay the Labor Commissioner instead, an amount equal to the amount the Labor Commissioner believes the contractor owes to the workman. This amount must be paid ~~[to the workman]~~ by the Labor Commissioner ***to the workman*** if the matter is resolved in his favor, otherwise it must be returned to the public body for payment to the contractor.

Sec. 16. NRS 361.575 is hereby repealed.

Sec. 17. ~~[1. This section and sections 1, 2 and 4 to 16, inclusive, of this act become]~~ **This act becomes** effective on July 1, 2007.

~~[2. Section 3 of this act becomes effective on January 1, 2008.]~~

TEXT OF REPEALED SECTION

361.575 Property held in trust by county treasurer: Annual assessment; payment of taxes on sale or rental.

1. During the time a county treasurer holds a certificate for any property under the provisions of this chapter and until the expiration of the period of redemption specified in the certificate with respect to the property, the

property must be assessed annually to the county treasurer, and his successors in office, in the same manner as the taxable property of private persons is assessed, except that the assessment must express that it is made against the county treasurer as a trustee. No proceedings may be taken to enforce the collection of the taxes against the trustee.

2. If the property is sold or rented for sufficient money to pay the taxes and costs legally chargeable against the property, the trustee shall pay the taxes and costs in full.

Assemblywoman McClain moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 585.

Remarks by Assemblywoman McClain.

Motion carried by a constitutional majority.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 14, 110, 128, 418, 445, 593, 624; Assembly Concurrent Resolution No. 34; Senate Bills Nos. 84, 90, 115, 143, 196, 222, 342, 498.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Ryon Hays, Grant Mortenson, Savannah Mortenson, Josh Bonde, Aubrey Shirk, Eric Mortenson, Naureen Mortenson, Ambrina Reed, and Madison Combs.

Assemblyman Oceguera moved that the Assembly adjourn until Sunday, June 3, 2007, at 11 a.m. and that it do so in memory of Chief Warrant Officer 2 Joshua Rodgers.

Motion carried.

Assembly adjourned at 5:11 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE ONE HUNDRED AND NINETEENTH DAY

CARSON CITY (Sunday), June 3, 2007

Assembly called to order at 11:13 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Terry Sullivan.

Let us pray. Lord, we have several requests of You in these last hours of this 74th Session of the Legislature. First, let us thank You for the experience and great efficiency put forth here by our leadership and front desk staff. This chamber has never run so smoothly.

We ask, if it be Your will, that whoever here is headed home to "get horseback" and that all our horses be topped off. If You cannot see Your way to do that, then perhaps you would give us a soft place to land should we happen to get bucked off. And speaking of soft ground, we ask, too, that those folks who might be going camping or on vacations that take them to motels and such, that they also have a soft place to lie about, whether it be on the ground or in bed. We are just asking for a little comfort after this arduous journey. Lord, we would not mind it at all if the *cocinero* back home learned some new recipes—a change of food when we got there wouldn't hurt any of us. But mostly, Lord, we ask that You send us all home safely so we can once again get back to our regular lives. We end by thanking You for the knowledge You provided this body to make the lives of all of us who live in this great State of Nevada better off and because of the work that You allowed to be accomplished here.

We ask these things in Whose Name we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Assembly Committee on Ways and Means and the Senate Committee on Finance:

Assembly Bill No. 628—AN ACT relating to state financial administration; making appropriations from the State General Fund and the State Highway Fund for the support of the civil government of the State of Nevada for the fiscal years beginning July 1, 2007, and ending June 30, 2008, and beginning July 1, 2008, and ending June 30, 2009; providing for the use of the money so appropriated; making various other changes relating to the financial administration of the State; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 331, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 205, 544; Senate Bill No. 341, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 89, 93, 141, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY JR., *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 158, 469.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 161, Amendments Nos. 990, 1111, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 246, Amendment No. 1120; Assembly Bill No. 291, Amendment No. 1110, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 166.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 13.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 471.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Amodei, Wiener and Washington as a first Conference Committee concerning Senate Bill No. 131.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Cegavske, McGinness and Woodhouse as a first Conference Committee concerning Senate Bill No. 239.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Horsford, Heck and Wiener as a first Conference Committee concerning Senate Bill No. 266.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Lee, Raggio and Hardy as a first Conference Committee concerning Senate Bill No. 516.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:21 a.m.

ASSEMBLY IN SESSION

At 11:23 a.m.

Madam Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 628, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 380, 444, 455, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 628 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 166.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 471.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 246.

The following Senate amendment was read:

Amendment No. 1120.

SUMMARY— ~~[Increases the number of district judges in the Second and Eighth Judicial Districts.]~~ **Makes various changes concerning district judges.** (BDR 1-654)

AN ACT relating to courts; **creating a Tenth Judicial District;** increasing the number of district judges in the Second and Eighth Judicial Districts; increasing the number of district judges in the Second and Eighth Judicial Districts who must be judges of the family court; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill **creates a Tenth Judicial District for the Counties of Churchill and Mineral consisting of two district judges. Churchill County is removed from the Third Judicial District in section 1.3 and the number of judges in that district is reduced from three to two.**

Section 1.5 of this bill increases the number of district judges in the Second Judicial District, which includes Washoe County, from 12 to 14. (NRS 3.010, 3.012) Both of the additional district judges must be judges of the family court, increasing the number of judges of the family court in the Second Judicial District from 4 to 6. (NRS 3.012)

Section 2 of this bill increases the number of district judges in the Eighth Judicial District, which includes Clark County, from 37 to ~~[44.]~~ **43** (NRS 3.010, 3.018) Five of the ~~[7]~~ **6** additional district judges must be judges of the family court, increasing the number of judges of the family court in the Eighth Judicial District from 13 to 18. (NRS 3.018)

~~[Section]~~ **Sections** 4 **and 4.5** of this bill makes an appropriation to pay for the salaries of the additional district judges.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 3 of NRS is hereby amended by adding thereto a new section to read as follows:**

For the Tenth Judicial District there must be two district judges.

Sec. 1.3. **NRS 3.010 is hereby amended to read as follows:**

3.010 The State is hereby divided into ~~[nine]~~ ***10*** judicial districts, as follows:

First Judicial District. Carson City and the County of Storey constitute the First Judicial District.

Second Judicial District. The County of Washoe constitutes the Second Judicial District.

Third Judicial District. The ~~[Counties of Churchill and]~~ ***County of*** Lyon ~~[constitute]~~ ***constitutes*** the Third Judicial District.

Fourth Judicial District. The County of Elko constitutes the Fourth Judicial District.

Fifth Judicial District. The Counties of ~~[Mineral,]~~ Esmeralda and Nye constitute the Fifth Judicial District.

Sixth Judicial District. The Counties of Lander, Pershing and Humboldt constitute the Sixth Judicial District.

Seventh Judicial District. The Counties of Eureka, White Pine and Lincoln constitute the Seventh Judicial District.

Eighth Judicial District. The County of Clark constitutes the Eighth Judicial District.

Ninth Judicial District. The County of Douglas constitutes the Ninth Judicial District.

Tenth Judicial District. The Counties of Churchill and Mineral constitute the Tenth Judicial District.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 3.012 is hereby amended to read as follows:

3.012 For the Second Judicial District there must be ~~[12]~~ ***14*** district judges, ~~[4]~~ ***6*** of whom must be judges of the family court.

Sec. 1.7. **NRS 3.013 is hereby amended to read as follows:**

3.013 For the Third Judicial District there must be ~~[three]~~ ***two*** district judges.

Sec. 2. NRS 3.018 is hereby amended to read as follows:

3.018 For the Eighth Judicial District there must be ~~[37]~~ ~~*[44]*~~ ***43*** district judges, ~~[13]~~ ***18*** of whom must be judges of the family court.

Sec. 3. The additional district judges required for the Second Judicial District pursuant to section ~~[1]~~ **1.5** of this act **,** ~~[and]~~ the additional district judges required for the Eighth Judicial District pursuant to section 2 of this act **and the additional district judge required for the Tenth Judicial District pursuant to section 1 of this act** must be selected at the general election held on November 4, 2008, and take office on January 5, 2009. The terms of these judges expire on January 5, 2015.

Sec. 4. 1. There is hereby appropriated from the State General Fund to the District Judges' Salary Account the sum of ~~[$786,913]~~ **$959,616** for the salaries of the additional district judges required pursuant to sections 1 **, 1.5** and 2 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, and reverts to the State General Fund as soon as all payments of money committed have been made.

Sec. 4.5. **1. There is hereby appropriated from the State General Fund to the District Judges' Salary Account the sum of $787,779 for the salaries of the additional district judges required pursuant to sections 1, 1.5 and 2 of this act.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, and reverts to the State General Fund as soon as all payments of money committed have been made.

Sec. 5. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 6. 1. This section and sections 3 and 5 of this act become effective on October 1, 2007.

2. Section 4 of this act becomes effective on July 1, 2008 ~~[.]~~ **, if Senate Bill No. 248 of this Session is enacted by the Legislature and approved by the Governor.**

3. **Section 4.5 of this act becomes effective on July 1, 2008, only if section 4 of this act does not become effective.**

4. Sections 1 ~~[and 2]~~ **to 2, inclusive,** of this act become effective on January 5, 2009.

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 246.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 161.

The following Senate amendment was read:

Amendment No. 990.

AN ACT relating to insurance; making various changes relating to persons licensed or regulated by the Commissioner of Insurance; **authorizing the Commissioner to conduct certain investigations;** increasing the maximum annual assessment on member insurers of the Nevada Life and Health Insurance Guaranty Association; revising provisions governing policies of various types of insurance; revising reporting requirements for an insurer that issues a policy of insurance covering the liability of a physician or osteopathic physician; making certain provisions applicable to title insurers, title agents and escrow officers; requiring a motor club to pay an administrative penalty for failing to pay an annual fee to the Commissioner timely; revising provisions governing claims against an insolvent insurer; making certain provisions applicable to licensed bail agents, bail solicitors, bail enforcement agents and general agents; repealing the requirement that a trustee of a medical savings account file an annual report with the Commissioner; increasing the number of deputies that the Commissioner may appoint; **revising various provisions governing industrial insurance;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Commissioner of Insurance is authorized to conduct examinations of insurers and certain other persons. (NRS 679B.230-679B.300) Section 1 of this bill authorizes the Commissioner to conduct investigations, both within and outside this State, of insurers and certain other persons.

Existing law establishes certain requirements for business organizations to be licensed as producers of insurance. (NRS 683A.251) Sections 1.3 and 2 of this bill require such a business organization to report to the Commissioner ~~[of Insurance]~~ when another producer of insurance is authorized to act on its behalf and when such authorization is terminated.

Under existing law, insurers are required to be members of the Nevada Life and Health Insurance Guaranty Association. Member insurers are required to pay an annual assessment to the Association. (NRS 686C.240) Section 7 of this bill increases the maximum amount of such an assessment.

Existing law requires that an insurer which issues a policy covering the liability of a physician or osteopathic physician file a report with the Commissioner whenever a claim on the policy is closed. (NRS 690B.260) Section 16 of this bill changes the filing requirement to require that such a

report be filed at the end of each calendar quarter on all claims closed during that quarter.

Existing law requires captive insurers to maintain certain levels of unimpaired paid-in capital and unencumbered surplus. (NRS 694C.250, 694C.260) Additionally, certain captive insurers are required to submit to the Commissioner an annual report on their financial condition. Section 19 of this bill increases the required levels of such capital and surplus. Section 23 of this bill applies the reporting requirement of captive insurers to sponsored captive insurers.

Existing law governs the filing of claims against an insurer against which delinquency proceedings have begun. Currently, claims are filed with the receiver and a court determines the validity of the claim. (NRS 696B.330) Existing law establishes classes for the order of priority for distribution of the assets of an insurer to claimants against the insurer. (NRS 696B.420) Section 27 of this bill requires the receiver to determine the validity of a claim and to determine the priority of the claim. If a person objects to the determination of the receiver, the determination may be appealed to a court.

Existing law defines "tangible net worth" for the purposes of industrial insurance to include all assets of an association of self-insured private employers or of a member of such an association, but excepts a number of assets from the definition. (NRS 616A.330) Section 29 of this bill removes most of the exceptions.

Existing law authorizes the Commissioner to appoint two deputies. Section 31 of this bill authorizes the Commissioner to appoint one additional deputy.

Existing law requires a trustee of a medical savings account to file an annual report with the Commissioner. (NRS 689A.735) Section 32 of this bill repeals that requirement.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 679B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Commissioner may conduct investigations to determine whether any insurer or person identified in NRS 679B.230 or 679B.240 has violated any provision of this Code.

2. The Commissioner may:

(a) Use employees of the Division as investigators; or

(b) Contract with and procure the services of such investigators as he may reasonably require to conduct investigations. The Commissioner shall determine the qualifications required of such investigators, except that no investigator who provides services pursuant to this paragraph may be in the classified service of the State.

3. Investigations may be conducted into activities occurring either within or outside this State. In conducting investigations, the Commissioner and his investigators may:

(a) Travel within or outside this State; and

(b) Cooperate with appropriate agencies or persons within or outside this State.

4. Investigations may be conducted before, during or after an examination conducted pursuant to this Code.

5. The provisions governing examinations set forth in NRS 679B.250, 679B.285 and 679B.287 apply to investigations conducted pursuant to this section.

6. The expenses of an investigation conducted pursuant to this section must be borne by the person investigated in the same manner as provided for examinations in NRS 679B.290.

7. The expenses paid by a person investigated pursuant to this section must be deposited in the State Treasury for credit to the Insurance Examination Fund created by NRS 679B.300, accounted for separately and used for the payment of investigation expenses. Payment of the expenses of an investigation pursuant to this section must be paid out of the Insurance Examination Fund as other claims against the State are paid.

~~[Section 1.]~~ ***Sec. 1.03.*** NRS 681B.050 is hereby amended to read as follows:

681B.050 1. As to casualty insurance transacted by it, each insurer shall maintain at all times reserves in an amount estimated in the aggregate to provide for payment of all losses and claims incurred, whether reported or unreported, which are unpaid and for which the insurer may be liable and to provide for the expenses of adjustment or settlement of losses and claims. The reserves must be computed in accordance with regulations adopted from time to time by the Commissioner upon reasonable consideration of the ascertained experience and the character of such kind of business for the purpose of adequately protecting the insured and the solvency of the insurer.

2. Whenever the loss and loss expense experience of the insurer show that reserves, calculated in accordance with those regulations, are inadequate, the Commissioner may require the insurer to maintain additional reserves.

3. ~~[The minimum reserve requirements prescribed by the Commissioner for unpaid losses and loss expenses incurred during each of the most recent 3 years for coverages included in the lines of business described in the insurer's annual statement as workmen's compensation, liability other than automobile (B.I.), and automobile liability (B.I.) must not be less than the following: For workmen's compensation, 65 percent of premiums earned during each year less the amount already paid for losses and expenses incidental thereto incurred during the year; for liability other than automobile (B.I.) and automobile liability (B.I.), 60 percent of premiums earned during each year less the amount already paid for losses and expenses incidental thereto incurred during the year.~~

~~4.~~] The Commissioner may, by regulation, prescribe the manner and form of reporting pertinent information concerning the reserves provided for in this section.

Sec. 1.05. **NRS 682A.280 is hereby amended to read as follows:**

682A.280 1. In addition to investments excluded pursuant to other provisions of this Code, an insurer shall not acquire, invest in or lend its funds upon the security of:

(a) Issued shares of its own capital stock, except as ***otherwise*** provided in NRS 693A.170 (purchase of own shares by stock insurer). No such shares shall be considered as an asset of the insurer in any determination of its financial condition.

(b) Securities issued by any corporation or enterprise the controlling interest of which is, or will after such acquisition by the insurer be, held directly or indirectly by the insurer or any combination of the insurer and the insurer's directors, officers, subsidiaries or controlling stockholders , ~~[(]~~ other than a parent corporation , ~~[),]~~ and the spouses and children of any of the foregoing individuals. Investments in controlled insurance corporations or subsidiaries under NRS 682A.120 and 682A.130 are not subject to the provisions of this section.

(c) Any note or other evidence of indebtedness of any director, officer, employee or controlling stockholder of the insurer, or of the spouse or child of any of the foregoing individuals, except as to ~~[policy]~~ ***:***

(1) Policy loans authorized under NRS 682A.170 ~~[.]~~ ***; or***

(2) Loans on the same terms and conditions as any other borrower which have been approved by a majority vote of the board of directors of the insurer.

(d) Any real property in which any officer or director of the insurer has a financial interest.

2. No insurer shall underwrite or participate in the underwriting of an offering of securities or property of any other person. This section shall not be deemed to prohibit the insurer from being a subsidiary which is the principal underwriter of a registered investment company (mutual fund).

3. No insurer shall enter into any agreement to withhold from sale any of its securities or property, and the disposition of its assets shall at all times be within the control of the insurer.

Sec. 1.1. Chapter 683A of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.5 of this act.

Sec. 1.3. ***1. A business organization which is licensed as a producer of insurance and which authorizes another producer of insurance to transact business on its behalf shall notify the Commissioner within 15 days after the effective date of the authorization in the manner prescribed by the Commissioner.***

2. A business organization which is licensed as a producer of insurance and which terminates the authorization of a producer of insurance for any reason shall notify the Commissioner within 30 days

after the effective date of the termination in the manner prescribed by the Commissioner. The business organization shall provide additional information or documents if so requested in writing by the Commissioner.

3. If the reason for termination is an activity described in NRS 683A.451 as a cause for disciplinary action or the business organization knows that the producer of insurance has been found to have engaged in such an activity by a court, governmental agency or self-regulatory organization authorized by law, the business organization shall notify the Commissioner, in the manner prescribed by the Commissioner, if the business organization discovers additional information that would have been reportable originally to the Commissioner if the business organization had then known it.

Sec. 1.5. ***1. If an administrator establishes a panel of providers of health care or contracts with an organization that establishes a panel of providers of health care, the administrator shall not charge a provider of health care or such an organization:***

(a) Any fee to include the name of the provider of health care on the panel; or

(b) Any other fee related to establishing the provider of health care as a provider on the panel.

2. If an administrator violates the provisions of subsection 1, the administrator shall pay to the provider of health care or organization, as appropriate, an amount that is equal to twice the fee charged to the provider of health care or the organization.

3. A court shall award costs and reasonable attorney's fees to the prevailing party in any action brought to enforce the provisions of this section.

4. In addition to any relief granted pursuant to this section, if an administrator violates the provisions of subsection 1, the Division shall require the administrator to suspend the prohibited activities until the administrator, as determined by the Division:

(a) Complies with the provisions of subsection 1; and

(b) Refunds to all providers of health care or organizations, as appropriate, all fees obtained by the administrator in violation of subsection 1.

Sec. 1.7. NRS 683A.0805 is hereby amended to read as follows:

683A.0805 As used in NRS 683A.0805 to 683A.0893, inclusive, ***and section 1.5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 683A.081 to 683A.084, inclusive, have the meanings ascribed to them in those sections.

Sec. 1.9. NRS 683A.08528 is hereby amended to read as follows:

683A.08528 1. Not later than July 1 of each year, each holder of a certificate of registration as an administrator shall file with the Commissioner an annual report for the most recently completed fiscal year of the

administrator. Each annual report must be verified by at least two officers of the administrator.

2. Each annual report filed pursuant to this section must include all the following:

(a) ~~[Except as otherwise provided in this paragraph, a]~~ ***A*** financial statement of the administrator that has been ~~[audited and prepared by an independent certified public accountant. In lieu of a financial statement that has been audited and prepared by an independent certified public accountant, the administrator may include with the annual report a financial statement that has been]~~ reviewed by an independent certified public accountant **.** ~~[if:~~

~~(1) The total business assets of the administrator were less than $100,000 at the end of the most recently completed fiscal year of the administrator; or~~

~~(2) The administrator did not have any agreements to act as an administrator during the most recently completed fiscal year of the administrator.]~~

(b) The complete name and address of each person, if any, for whom the administrator agreed to act as an administrator during the most recently completed fiscal year of the administrator.

(c) Any other information required by the Commissioner.

3. In addition to the information required pursuant to subsection 2, if an annual report is prepared on a consolidated basis, the annual report must include a columnar or combining worksheet that:

(a) Includes the amounts shown on the consolidated financial statement accompanying the annual report;

(b) Separately sets forth the amounts for each entity included in the worksheet; and

(c) Includes an explanation of each consolidating and eliminating entry included in the worksheet.

4. Each administrator who files an annual report pursuant to this section shall, at the time of filing the annual report, pay a filing fee in an amount determined by the Commissioner.

5. ~~[On or before September 1 of each year, the]~~ ***The*** Commissioner shall, for each administrator, review the annual report that is most recently filed by the administrator. As soon as practicable after reviewing the report, the Commissioner shall:

(a) Issue a certificate to the administrator:

(1) Indicating that, based on the annual report and accompanying financial statement, the administrator has a positive net worth and is currently licensed and in good standing in this State; or

(2) Setting forth any deficiency found by the Commissioner in the annual report and accompanying financial statement; or

(b) Submit a statement to any electronic database maintained by the National Association of Insurance Commissioners or any affiliate or subsidiary of the Association:

(1) Indicating that, based on the annual report and accompanying financial statement, the administrator has a positive net worth and is in compliance with existing law; or

(2) Setting forth any deficiency found by the Commissioner in the annual report and accompanying financial statement.

Sec. 2. NRS 683A.251 is hereby amended to read as follows:

683A.251 1. The Commissioner shall prescribe the form of application by a natural person for a license as a resident producer of insurance. The applicant must declare, under penalty of refusal to issue, or suspension or revocation of, the license, that the statements made in the application are true, correct and complete to the best of his knowledge and belief. Before approving the application, the Commissioner must find that the applicant has:

(a) Attained the age of 18 years;

(b) Not committed any act that is a ground for refusal to issue, or suspension or revocation of, a license;

(c) Completed a course of study for the lines of authority for which the application is made, unless the applicant is exempt from this requirement;

(d) Paid the fee prescribed for the license and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account, neither of which may be refunded; and

(e) Successfully passed the examinations for the lines of authority for which application is made, unless the applicant is exempt from this requirement.

2. A business organization must be licensed as a producer of insurance in order to act as such. Application must be made on a form prescribed by the Commissioner. Before approving the application, the Commissioner must find that the applicant has:

(a) Paid the fee prescribed for the license and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account, neither of which may be refunded; ~~[and]~~

(b) Designated a natural person who is licensed as a producer of insurance and who is ~~[affiliated with]~~ ***authorized to transact business on behalf of*** the business organization to be responsible for the organization's compliance with the laws and regulations of this State relating to insurance ~~[.]~~ ***; and***

(c) If the business organization has authorized a producer of insurance not designated pursuant to paragraph (b) to transact business on behalf of the business organization, submitted to the Commissioner on a form prescribed by the Commissioner the name of each producer of insurance authorized to transact business on behalf of the business organization.

3. A natural person who is a resident of this State applying for a license must furnish a complete set of his fingerprints which the Commissioner may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The Commissioner shall adopt regulations concerning the procedures for obtaining this information.

4. The Commissioner may require any document reasonably necessary to verify information contained in an application.

Sec. 3. NRS 683A.261 is hereby amended to read as follows:

683A.261 1. Unless the Commissioner refuses to issue the license under NRS 683A.451, he shall issue a license as a producer of insurance to a person who has satisfied the requirements of NRS 683A.241 and 683A.251. A producer of insurance may qualify for a license in one or more of the lines of authority permitted by statute or regulation, including:

(a) Life insurance on human lives, which includes benefits from endowments and annuities and may include additional benefits from death by accident and benefits for dismemberment by accident and for disability.

(b) Health insurance for sickness, bodily injury or accidental death, which may include benefits for disability.

(c) Property insurance for direct or consequential loss or damage to property of every kind.

(d) Casualty insurance against legal liability, including liability for death, injury or disability and damage to real or personal property.

(e) Surety indemnifying financial institutions or providing bonds for fidelity, performance of contracts or financial guaranty.

(f) Variable annuities and variable life insurance, including coverage reflecting the results of a separate investment account.

(g) Credit insurance, including life, disability, property, unemployment, involuntary unemployment, mortgage life, mortgage guaranty, mortgage disability, guaranteed protection of assets, and any other form of insurance offered in connection with an extension of credit that is limited to wholly or partially extinguishing the obligation which the Commissioner determines should be considered as limited-line credit insurance.

(h) Personal lines, consisting of automobile and motorcycle insurance and residential property insurance, including coverage for flood, of personal watercraft and of excess liability, written over one or more underlying policies of automobile or residential property insurance.

(i) Fixed annuities as a limited line.

(j) Travel and baggage as a limited line.

(k) Rental car agency as a limited line.

2. A license as a producer of insurance remains in effect unless revoked, suspended or otherwise terminated if a request for a renewal is submitted on or before the date for the renewal specified on the license, the fee for renewal and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account are paid for each license and each ~~[affiliation with]~~ ***authorization to transact business on behalf of*** a business organization licensed pursuant to subsection 2 of NRS 683A.251, and any requirement for education or any other requirement to renew the license is satisfied by the date specified on the license for the renewal. A producer of insurance may submit a request for a renewal of his license within 30 days after the date specified on the license for the renewal if the producer of

insurance otherwise complies with the provisions of this subsection and pays, in addition to any fee paid pursuant to this subsection, a penalty of 50 percent of the renewal fee. A license as a producer of insurance expires if the Commissioner receives a request for a renewal of the license more than 30 days after the date specified on the license for the renewal. A fee paid pursuant to this subsection is nonrefundable.

3. A natural person who allows his license as a producer of insurance to expire may reapply for the same license within 12 months after the date specified on the license for a renewal without passing a written examination or completing a course of study required by paragraph (c) of subsection 1 of NRS 683A.251, but a penalty of twice the renewal fee is required for any request for a renewal of the license that is received after the date specified on the license for the renewal.

4. A licensed producer of insurance who is unable to renew his license because of military service, extended medical disability or other extenuating circumstance may request a waiver of the time limit and of any fine or sanction otherwise required or imposed because of the failure to renew.

5. A license must state the licensee's name, address, personal identification number, the date of issuance, the lines of authority and the date of expiration and must contain any other information the Commissioner considers necessary. A resident producer of insurance shall maintain a place of business in this State which is accessible to the public and where he principally conducts transactions under his license. The place of business may be in his residence. The license must be conspicuously displayed in an area of the place of business which is open to the public.

6. A licensee shall inform the Commissioner of each change of location from which he conducts business as a producer of insurance and each change of business or residence address, in writing or by other means acceptable to the Commissioner, within 30 days after the change. If a licensee changes the location from which he conducts business as a producer of insurance or his business or residence address without giving written notice and the Commissioner is unable to locate the licensee after diligent effort, he may revoke the license without a hearing. The mailing of a letter by certified mail, return receipt requested, addressed to the licensee at his last mailing address appearing on the records of the Division, and the return of the letter undelivered, constitutes a diligent effort by the Commissioner.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 686C.240 is hereby amended to read as follows:

686C.240 1. The Board of Directors ***of the Association*** shall determine the amount of each assessment in Class A and may, but need not, prorate it. If an assessment is prorated, the Board may provide that any surplus be credited against future assessments in Class B. An assessment which is not

prorated must not exceed ~~[$150]~~ ***$300*** for each member insurer for any ~~[one]~~ ***1*** calendar year.

2. The Board may allocate any assessment in Class B among the accounts according to the premiums or reserves of the impaired or insolvent insurer or any other standard which it considers fair and reasonable under the circumstances.

3. Assessments in Class B against member insurers for each account and subaccount must be in the proportion that the premiums received on business in this State by each assessed member insurer on policies or contracts covered by each account or subaccount for the 3 most recent calendar years for which information is available preceding the year in which the insurer became impaired or insolvent bears to premiums received on business in this State for those calendar years by all assessed member insurers.

4. Assessments for money to meet the requirements of the Association with respect to an impaired or insolvent insurer must not be authorized or called until necessary to carry out the purposes of this chapter. Classification of assessments under subsection 2 of NRS 686C.230 and computation of assessments under this section must be made with a reasonable degree of accuracy, recognizing that exact determinations may not always be possible. The Association shall notify each member insurer of its anticipated prorated share of an assessment authorized but not yet called within 180 days after it is authorized.

Sec. 8. NRS 687B.350 is hereby amended to read as follows:

687B.350 1. Except as otherwise provided in subsection 2, an insurer shall not renew a policy on different terms, including different rates, unless the insurer notifies the insured in writing of the different terms or rates at least 30 days before the expiration of the policy. If the insurer fails to provide adequate and timely notice, the insurer shall renew the policy at the expiring terms and rates:

(a) For a period that is equal to the expiring term if the agreed term is 1 year or less; or

(b) For 1 year if the agreed term is more than 1 year.

2. The provisions of this section do not apply to ***a change in the rate for*** a policy of industrial insurance ~~[.]~~ ***which is based on:***

(a) A change to a prospective loss cost filed by the Advisory Organization pursuant to NRS 686B.177 that is applicable to the risk; or

(b) A correction based on the experience that is applicable to the risk in accordance with the Uniform Plan for Rating Experience filed with the Commissioner pursuant to NRS 686B.177.

Sec. 9. NRS 689.150 is hereby amended to read as follows:

689.150 As used in NRS 689.150 to 689.375, inclusive, unless the context otherwise requires:

1. "Funeral service or services" means those services performed normally by funeral directors or funeral or mortuary parlors and includes their sales of supplies and equipment for burial. The term includes

cremations and crematory services. The term does not include services performed by a cemetery or the sale by a cemetery of services, interests in land, markers, memorials, monuments or merchandise and equipment in relation to the cemetery or the sale of crypts or niches constructed or to be constructed in a mausoleum or columbarium or otherwise on the property of a cemetery.

2. "Performer" means any person designated in a prepaid contract to furnish the funeral services, supplies and equipment covered by the contract on the demise of the beneficiary.

3. "Prepaid contract" means any contract under which, for a specified consideration paid in advance in a lump sum or by installments ~~[, a person]~~ ***or payable solely from the proceeds of a policy of life insurance, the seller of the contract guarantees or*** promises either before or upon the death of a beneficiary named in or otherwise ascertainable from the contract to furnish funeral services and merchandise. The term does not include a contract of insurance or any instrument in writing whereby any charitable, religious, benevolent or fraternal benefit society, corporation, association, institution or organization, not having for its object or purpose pecuniary profit, promises or agrees to embalm, inter or otherwise dispose of the remains of any person, or to procure or pay the expenses, or any part thereof, of embalming, interring or otherwise disposing of the remains of any person.

Sec. 10. NRS 689.185 is hereby amended to read as follows:

689.185 1. ***Except as otherwise provided in subsection 2:***

(a) Before the issuance of a certificate of authority, the seller shall post with the Commissioner and thereafter maintain in force a bond in the principal sum of $50,000 issued by an authorized corporate surety in favor of the State of Nevada, or a deposit of cash or negotiable securities or a combination of cash and negotiable securities. If a deposit is made in lieu of a bond, the deposit must at all times have a market value of not less than the amount of the bond required by the Commissioner.

~~[2.]~~ ***(b)*** The bond or deposit must be held for the benefit of buyers of prepaid contracts, and other persons as their interests may appear, who may be damaged by misuse or diversion of money by the seller or his agents, or to satisfy any judgments against the seller for failure to perform a prepaid contract. The aggregate liability of the surety for all breaches of the conditions of the bond must not exceed the sum of the bond. The surety on the bond has the right to cancel the bond upon giving 30 days' notice to the Commissioner and thereafter is relieved of liability for any breach of condition occurring after the effective date of the cancellation.

~~[3.]~~ ***(c)*** The Commissioner shall release the bond or deposit after the seller has ceased doing business as such and the Commissioner is satisfied of the nonexistence of any obligation or liability of the seller for which the bond or deposit was held.

2. The Commissioner may waive the requirements of subsection 1 if the seller agrees:

(a) To offer for sale only prepaid contracts that are payable solely from the proceeds of a policy of life insurance; and

(b) Not to collect any money from the purchaser of a prepaid contract.

Sec. 11. NRS 689.315 is hereby amended to read as follows:

689.315 1. ***Except as otherwise provided in subsection 2:***

(a) The seller shall establish and maintain a trust fund with an authorized trustee, for the benefit of the beneficiary of the prepaid contract, in accordance with the trust agreement filed with and approved by the Commissioner.

~~[2.]~~ ***(b)*** The seller shall maintain unimpaired and shall deposit in the trust fund, within 15 days after the end of the month in which payment was received, all installments received on prepaid contracts sold after the sales commission has been deducted.

~~[3.]~~ ***(c)*** The trustee shall, with respect to the money in the trust fund, exercise the judgment and care under the circumstances then prevailing which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their money, considering the probable income as well as the probable safety of their capital. Within the limitations of such standards, and subject to any express provision or limitation contained in any particular trust instrument, a trustee may acquire and retain every kind of investment, specifically including bonds, debentures and other corporate obligations and stocks, preferred or common, which persons of prudence, discretion and intelligence acquire or retain for their own account.

~~[4.]~~ ***(d)*** Except as otherwise provided in NRS 689.150 to 689.375, inclusive, or the trust agreement approved in writing by the Commissioner or as may be required by an order of a court of competent jurisdiction, the trustees shall maintain the trust fund intact and unimpaired and shall make no other payment or disbursement from the trust fund.

2. The requirements of subsection 1 do not apply if:

(a) The prepaid contract is payable solely from the proceeds of a policy of life insurance; and

(b) The seller of the prepaid contract does not collect any money from the purchaser of the prepaid contract.

Sec. 12. NRS 689.475 is hereby amended to read as follows:

689.475 1. "Prepaid contract" means any contract under which, for a specified consideration paid in advance in a lump sum or by installments ~~[, a person]~~ ***or payable solely from the proceeds of a policy of life insurance, the seller of the contract guarantees or*** promises, either before or upon the death of a beneficiary named in or otherwise ascertainable from the contract, to provide burial services and to furnish adaptable or suitable personal property, merchandise, supplies or facilities in connection with such services.

2. "Prepaid contract" does not include a contract of insurance or any instrument in writing whereby any charitable, religious, benevolent or fraternal benefit society, corporation, association, institution or organization,

not having for its object or purpose pecuniary profit, promises or agrees to embalm, inter or otherwise dispose of the remains of any person, or to procure or pay the expenses, or any part thereof, for embalming, interring or otherwise disposing of the remains of any person.

Sec. 13. NRS 689.495 is hereby amended to read as follows:

689.495 1. ***Except as otherwise provided in subsection 2:***

(a) Before the issuance of a permit to a seller, the seller shall post with the Commissioner and thereafter maintain in force a bond in the principal sum of $50,000 issued by an authorized corporate surety in favor of the State of Nevada, or a deposit of cash or negotiable securities or a combination of cash and negotiable securities. If a deposit is made in lieu of a bond, the deposit must at all times have a market value not less than the amount of the bond required by the Commissioner.

~~[2.]~~ ***(b)*** The bond or deposit must be held for the benefit of buyers of prepaid contracts, and other persons as their interests may appear, who may be damaged by misuse or diversion of money by the seller or his agents, or to satisfy any judgments against the seller for failure to perform a prepaid contract. The aggregate liability of the surety for all breaches of the conditions of the bond must not exceed the sum of the bond. The surety on the bond has the right to cancel the bond upon giving 30 days' notice to the Commissioner and thereafter is relieved of liability for any breach of condition occurring after the effective date of the cancellation.

~~[3.]~~ ***(c)*** The Commissioner shall release the bond or deposit after the seller has ceased doing business as such and the Commissioner is satisfied of the nonexistence of any obligation or liability of the seller for which the bond or deposit was held.

2. The Commissioner may waive the requirements of subsection 1 if the seller agrees:

(a) To offer for sale only prepaid contracts that are payable solely from the proceeds of a policy of life insurance; and

(b) Not to collect any money from the purchaser of a prepaid contract.

Sec. 14. NRS 689.560 is hereby amended to read as follows:

689.560 1. ***Except as otherwise provided in subsection 2:***

(a) The seller shall establish and maintain a trust fund with an authorized trustee, for the benefit of the beneficiary of the prepaid contract, in accordance with the trust agreement filed with and approved by the Commissioner.

~~[2.]~~ ***(b)*** The seller shall maintain unimpaired and shall deposit in the trust fund, within 15 days after the end of the month in which payment was received, all installments received on prepaid contracts sold after the sales commission has been deducted.

~~[3.]~~ ***(c)*** The trustee shall, with respect to the money in the trust fund, exercise the judgment and care under the circumstances then prevailing which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard

to the permanent disposition of their money, considering the probable income as well as the probable safety of their capital. Within the limitations of such standards, and subject to any express provision or limitation contained in any particular trust instrument, a trustee may acquire and retain every kind of investment, specifically including bonds, debentures and other corporate obligations and stocks, preferred or common, which persons of prudence, discretion and intelligence acquire or retain for their own account.

~~[4. Except]~~

(d) The trustee shall, except as otherwise provided in NRS 689.450 to 689.595, inclusive, or the trust agreement approved in writing by the Commissioner or as may be required by an order of a court of competent jurisdiction, ~~[the trustees shall]~~ maintain the trust fund intact and unimpaired and ~~[shall]~~ not make any payment or disbursement from the trust fund.

2. The requirements of subsection 1 do not apply if:

(a) The prepaid contract is payable solely from the proceeds of a policy of life insurance; and

(b) The seller of the prepaid contract does not collect any money from the purchaser of the prepaid contract.

Sec. 15. NRS 689C.075 is hereby amended to read as follows:

689C.075 1. "Health benefit plan" means a policy ~~[or certificate for hospital or medical expenses, a contract for dental, hospital or medical services, or a health care plan of a health maintenance organization available for use, offered or sold to a small employer.]~~ ***, contract, certificate or agreement to provide for, deliver payment for, arrange for the payment of, pay for or reimburse any of the costs of health care services.*** Except as otherwise provided in this section, the term includes short-term and catastrophic health insurance policies ~~[,]~~ and a policy that pays on a cost-incurred basis.

2. The term does not include:

(a) Coverage that is only for accident or disability income insurance, or any combination thereof;

(b) Coverage issued as a supplement to liability insurance;

(c) Liability insurance, including general liability insurance and automobile liability insurance;

(d) Workers' compensation or similar insurance;

(e) Coverage for medical payments under a policy of automobile insurance;

(f) Credit insurance;

(g) Coverage for on-site medical clinics;

(h) Coverage under a short-term health insurance policy;

(i) Coverage under a blanket student accident and health insurance policy; and

(j) Other similar insurance coverage specified in federal regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996,

Public Law 104-191, under which benefits for medical care are secondary or incidental to other insurance benefits.

3. If the benefits are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of a health benefit plan, the term does not include the following benefits:

(a) Limited-scope dental or vision benefits;

(b) Benefits for long-term care, nursing home care, home health care or community-based care, or any combination thereof; and

(c) Such other similar benefits as are specified in any federal regulations adopted pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

4. If the benefits are provided under a separate policy, certificate or contract of insurance, there is no coordination between the provision of the benefits and any exclusion of benefits under any group health plan maintained by the same plan sponsor, and the benefits are paid for a claim without regard to whether benefits are provided for such a claim under any group health plan maintained by the same plan sponsor, the term does not include:

(a) Coverage that is only for a specified disease or illness; and

(b) Hospital indemnity or other fixed indemnity insurance.

5. If offered as a separate policy, certificate or contract of insurance, the term does not include:

(a) Medicare supplemental health insurance as defined in section 1882(g)(1) of the Social Security Act, 42 U.S.C. § 1395ss, as that section existed on July 16, 1997;

(b) Coverage supplemental to the coverage provided pursuant to the Civilian Health and Medical Program of Uniformed Services, CHAMPUS, 10 U.S.C. §§ 1071 et seq.; and

(c) Similar supplemental coverage provided under a group health plan.

Sec. 15.5. NRS 689C.170 is hereby amended to read as follows:

689C.170 1. A carrier serving small employers may vary the application of requirements for minimum participation of eligible employees and minimum employer's contributions only by the size of the small employer's group [.] ***or the product offered.***

2. In applying requirements for minimum participation with respect to a small employer, a carrier shall not consider employees or dependents who have creditable coverage when determining whether the applicable percentage of participation is met, but may consider employees or dependents who have coverage under another health benefit plan that is sponsored by the employer.

3. A carrier shall not deny an application for coverage solely because the applicant works in a certain industry.

4. After a small employer has been accepted for coverage, a carrier shall not increase any requirement for minimum employee participation or modify

any requirement for minimum employer contribution applicable to the small employer.

Sec. 16. NRS 690B.260 is hereby amended to read as follows:

690B.260 1. Each insurer which issues a policy of insurance covering the liability of a physician licensed under chapter 630 of NRS or an osteopathic physician licensed under chapter 633 of NRS for a breach of his professional duty toward a patient shall, within 45 days after ~~[a claim is closed under the policy,]~~ ***the end of a calendar quarter,*** submit a report to the Commissioner concerning ~~[the claim.]~~ ***each claim that was closed during that calendar quarter under such a policy of insurance issued by the insurer and any change during that calendar quarter to any claim under such a policy of insurance issued by the insurer that was closed during a previous calendar quarter.*** The report must include, without limitation:

(a) The name and address of the claimant and the insured under ~~[the]~~ ***each*** policy;

(b) A statement setting forth the circumstances of ~~[the]~~ ***that*** case;

(c) Information indicating whether any payment was made on ~~[the]~~ ***a*** claim and the amount of the payment, if any; and

(d) The information specified in subsection 2 of NRS 679B.144 ~~[.]~~ ***for each claim.***

2. An insurer who fails to comply with the provisions of subsection 1 is subject to the imposition of an administrative fine pursuant to NRS 679B.460.

3. The Commissioner shall, within 30 days after receiving a report from an insurer pursuant to this section, submit a report to the Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, setting forth the information provided to the Commissioner by the insurer pursuant to this section.

Sec. 17. NRS 690C.080 is hereby amended to read as follows:

690C.080 ***1.*** "Service contract" means a contract pursuant to which a provider, in exchange for separately stated consideration, is obligated for a specified period to a holder to repair, replace or perform maintenance on, or indemnify or reimburse the holder for the costs of repairing, replacing or performing maintenance on, goods that are described in the service contract and which have an operational or structural failure as a result of a defect in materials, workmanship or normal wear and tear, including, without limitation:

~~[1.]~~ ***(a)*** A contract that includes a provision for incidental payment of indemnity under limited circumstances, including, without limitation, towing, rental and emergency road service; and

~~[2.]~~ ***(b)*** A contract that provides for the repair, replacement or maintenance of goods for damages that result from power surges or accidental damage from handling.

2. The term does not include a contract pursuant to which a provider, other than the manufacturer, builder, seller or lessor of a manufactured

home, in exchange for separately stated consideration, is obligated for a specified period to a holder to repair or replace, or indemnify or reimburse the holder for the costs of repairing or replacing, any component of the physical structure of the manufactured home, including, without limitation, the walls, roof supports, structural floor base or foundation.

Sec. 18. NRS 692A.270 is hereby amended to read as follows:

692A.270 The provisions of NRS ***683A.321, 683A.331,*** 683A.341, 683A.400, 683A.451 to 683A.490, inclusive, and 683A.520 apply to title insurers, title agents and escrow officers.

Sec. 19. NRS 694C.250 is hereby amended to read as follows:

694C.250 1. A captive insurer must not be issued a license, and shall not hold a license, unless the captive insurer has and maintains, in addition to any other capital ***or surplus*** required to be maintained pursuant to subsection 3, unimpaired paid-in capital ***and unencumbered surplus*** of:

(a) For a pure captive insurer, not less than ~~[$100,000;]~~ ***$200,000;***

(b) For an association captive insurer ***,*** ~~[incorporated as a stock insurer,]~~ not less than ~~[$200,000;]~~ ***$500,000;***

(c) For an agency captive insurer, not less than ~~[$300,000;]~~ ***$600,000;***

(d) For a rental captive insurer, not less than ~~[$400,000;]~~ ***$800,000;*** and

(e) For a sponsored captive insurer, not less than ~~[$200,000.]~~ ***$500,000.***

2. Except as otherwise provided by the Commissioner pursuant to subsection 3, the capital ***and surplus*** required to be maintained pursuant to this section must be in the form of cash or an irrevocable letter of credit.

3. The Commissioner may prescribe additional requirements relating to capital ***or surplus*** based on the type, volume and nature of the insurance business that is transacted by the captive insurer and requirements regarding which capital ~~[,]~~ ***and surplus,*** if any, may be in the form of an irrevocable letter of credit.

4. A letter of credit used by a captive insurer as evidence of capital ***and surplus*** required pursuant to this section must:

(a) Be issued by a bank chartered by this State or a bank that is a member of the United States Federal Reserve System and has been approved by the Commissioner; and

(b) Include a provision pursuant to which the letter of credit is automatically renewable each year, unless the issuer gives written notice to the Commissioner and the captive insurer at least 90 days before the expiration date.

Sec. 20. NRS 694C.270 is hereby amended to read as follows:

694C.270 1. The Commissioner may suspend or revoke the license of a captive insurer if, after an examination and hearing, the Commissioner determines that:

(a) The captive insurer:

(1) Is insolvent or has impaired its required capital or surplus;

(2) Has failed to meet a requirement of NRS 694C.250, ~~[694C.260,]~~ 694C.320 or 694C.330;

(3) Has refused or failed to submit an annual report, as required by NRS 694C.400, or any other report or statement required by law or by order of the Commissioner;

(4) Has failed to comply with the provisions of its charter or bylaws;

(5) Has failed to submit to an examination required pursuant to NRS 694C.410;

(6) Has refused or failed to pay the cost of an examination required pursuant to NRS 694C.410;

(7) Has used any method in transacting insurance pursuant to this chapter which is detrimental to the operation of the captive insurer or would make its condition unsound with respect to its policyholders or the general public; or

(8) Has failed otherwise to comply with the laws of this State; and

(b) The suspension or revocation of the license of the captive insurer is in the best interest of its policyholders or the general public.

2. The provisions of NRS 679B.310 to 679B.370, inclusive, apply to hearings conducted pursuant to this section.

Sec. 21. NRS 694C.340 is hereby amended to read as follows:

694C.340 1. Except as otherwise provided in this section and NRS 694C.382, an association captive insurer, an agency captive insurer, a rental captive insurer or a sponsored captive insurer shall comply with the requirements relating to investments set forth in chapter 682A of NRS. Upon the request of the association captive insurer, agency captive insurer, rental captive insurer or sponsored captive insurer, the Commissioner may approve the use of reliable, alternative methods of valuation and rating.

2. A pure captive insurer is not subject to any restrictions on allowable investments, except that the Commissioner may prohibit or limit any investment that threatens the solvency or liquidity of the pure captive insurer.

3. A pure captive insurer may make a loan to its parent or affiliated company if the loan:

(a) Is first approved in writing by the Commissioner;

(b) Is evidenced by a note that is in a form that is approved by the Commissioner; and

(c) Does not include any money that has been set aside as capital or surplus as required by subsection 1 of NRS 694C.250 **.** ~~[or subsection 1 of NRS 694C.260.]~~

Sec. 22. NRS 694C.384 is hereby amended to read as follows:

694C.384 1. As security for the payment of liabilities attributable to the branch operations of a branch captive insurer, the Commissioner shall require that a trust fund, funded by an irrevocable letter of credit or other acceptable asset, be established and maintained in the United States for the benefit of United States policyholders and ceding United States insurers under insurance policies or reinsurance contracts issued or assumed by the branch captive insurer through its branch operations.

2. The amount of the security must be not less than the total amount required by NRS 694C.250 **,** ~~[and 694C.260,]~~ and any reserves on such insurance policies or reinsurance contracts, including reserves for losses, allocated loss adjustment expenses, incurred but not reported losses and unearned premiums with regard to business written through the branch operations. The Commissioner may authorize a branch captive insurer that is required to post security for loss reserves on branch business by its reinsurer to reduce the funds in the trust account required by this section by that same amount as long as the security remains posted with the reinsurer.

3. If the form of the security is a letter of credit, the letter of credit must be established, issued or confirmed by a bank chartered in this State or a bank that is a member of the Federal Reserve System.

Sec. 23. NRS 694C.400 is hereby amended to read as follows:

694C.400 1. On or before March 1 of each year, a captive insurer shall submit to the Commissioner a report of its financial condition, as prepared by a certified public accountant. A captive insurer shall use generally accepted accounting principles and include any useful or necessary modifications or adaptations thereof that have been approved or accepted by the Commissioner for the type of insurance and kinds of insurers to be reported upon, and as supplemented by additional information required by the Commissioner. Except as otherwise provided in this section, each association captive insurer, agency captive insurer **,** ~~[or]~~ rental captive insurer ***or sponsored captive insurer*** shall file its report in the form required by NRS 680A.265. The Commissioner shall adopt regulations designating the form in which pure captive insurers must report.

2. A pure captive insurer may apply, in writing, for authorization to file its annual report based on a fiscal year that is consistent with the fiscal year of the parent company of the pure captive insurer. If an alternative date is granted:

(a) The annual report is due not later than 60 days after the end of each such fiscal year; and

(b) The pure captive insurer shall file on or before March 1 of each year such forms as required by the Commissioner by regulation to provide sufficient detail to support its premium tax return filed pursuant to NRS 694C.450.

Sec. 24. NRS 695D.270 is hereby amended to read as follows:

695D.270 1. The Commissioner shall, ~~[once:~~

~~(a) Every 6 months for the first]~~ ***not less frequently than once every*** 3 years **,** ~~[after an organization for dental care receives its certificate of authority; and~~

~~(b) Each year thereafter,~~

~~➥]~~ conduct an examination of ~~[the]~~ ***an*** organization ***for dental care*** pursuant to NRS 679B.250 to 679B.300, inclusive.

2. The Commissioner may examine any organization which holds a certificate of authority from this State or another state at any other time he

deems necessary. For those organizations transacting business in this State which are not organized in this State, the Commissioner may accept a full report of the last examination of the organization certified by the state officer who supervises those organizations in the other state, if that examination is equivalent to an examination conducted by the Commissioner.

3. The Commissioner shall, in like manner, examine all organizations applying for a certificate of authority.

Sec. 25. NRS 695F.310 is hereby amended to read as follows:

695F.310 1. The Commissioner may examine the affairs of any prepaid limited health service organization as often as is reasonably necessary to protect the interests of the residents of this State, but not less frequently than once every ~~[2]~~ ***3*** years.

2. A prepaid limited health service organization shall make its books and records available for examination and cooperate with the Commissioner to facilitate the examination.

3. In lieu of such an examination, the Commissioner may accept the report of an examination conducted by the commissioner of insurance of another state.

4. The reasonable expenses of an examination conducted pursuant to this section must be charged to the organization being examined and remitted to the Commissioner.

Sec. 26. NRS 696A.185 is hereby amended to read as follows:

696A.185 1. Every motor club shall file with the Commissioner on or before March 1 of each year a report which summarizes its activities for the preceding calendar year. The report must be verified by at least two officers of the motor club.

2. The report must be on a form prescribed by the Commissioner and must include:

(a) A financial statement for the motor club, including its balance sheet and receipts and disbursements for the preceding calendar year;

(b) Any material changes in the information given in the previous report;

(c) The number of members enrolled in the year;

(d) The costs of all services provided for that year; and

(e) Any other information relating to the motor club requested by the Commissioner.

3. The motor club must pay to the Commissioner an annual fee of $500.

4. Every motor club shall file with the Commissioner on or before June 1 of each year a financial statement of the motor club certified by an independent public accountant.

5. Any motor club failing, without just cause beyond its reasonable control, to file timely the report or financial statement ***or to pay timely the annual fee*** required by this section shall pay an administrative penalty of $100 per day until the report or statement is filed, except that the total penalty must not exceed $3,000. The Attorney General shall recover the penalty in the name of the State of Nevada.

6. A motor club is not exempt from the provisions of NRS 679B.700.

Sec. 27. NRS 696B.330 is hereby amended to read as follows:

696B.330 1. All claims against an insurer against which delinquency proceedings have ~~[been begun shall]~~ ***commenced must be filed in the manner and form established by the receiver and*** set forth in reasonable detail the amount of the claim, or the basis upon which ~~[such]~~ ***that*** amount can be ascertained, the facts upon which the claim is based, and the priorities asserted, if any. All such claims ~~[shall]~~ ***must*** be verified by the affidavit of the claimant, or someone authorized to act on his behalf and having knowledge of the facts, and ~~[shall]~~ be supported by such documents as may be material thereto.

2. All claims filed in this State ~~[shall]~~ ***must*** be filed with the receiver, whether domiciliary or ancillary, in this State, on or before the last date for filing as specified in this chapter ~~[.]~~ ***or as directed by the court.***

3. ~~[Within 10 days of the receipt of any claim, or within such further period as the court may fix for good cause shown, the receiver shall report the claim to the court, specifying in such report his recommendation with respect to the action to be taken thereon. Upon receipt of such report, the court shall fix a time for hearing the claim and shall direct that the claimant or the receiver, as the court shall specify, shall give such notice as the court determines to such persons as appear to the court to be interested therein. All such notices shall specify the time and place of the hearing and shall concisely state the amount and nature of the claim, the priorities asserted, if any, and the recommendation of the receiver with reference thereto.~~

~~4. At the hearing, all persons interested shall be entitled to appear, and the court shall enter an order allowing, allowing in part, or disallowing the claim. Any such order is an appealable order.]~~ ***Except as otherwise provided in subsection 4, after the last date for filing a claim against an insurer as specified in this chapter, the receiver shall:***

(a) Determine whether to approve or deny, in whole or in part, each claim against the insurer filed with the receiver pursuant to subsection 2; and

(b) If the receiver approves a claim, in whole or in part, determine the class of the claim as provided in NRS 696B.420.

4. The receiver is not required to process any claims in a class until it appears that assets will be available for distribution to that class. If there are insufficient assets to process claims for a class, the receiver shall notify the court and may make a recommendation to the court for the processing of any such claims.

5. The receiver shall mail, by first-class mail, postage prepaid, to each claimant that filed a claim with the receiver pursuant to subsection 2, written notice of the determination regarding the claim.

6. The receiver shall submit to the court a report on the determination of the receiver on each claim approved in whole or in part.

7. Not more than 60 days after the mailing of the written notice pursuant to subsection 5 or the submission of the report pursuant to subsection 6, whichever occurs later, a person may file with the receiver an objection to the determination of the receiver on a claim.

8. If an objection is filed pursuant to subsection 7, the receiver shall submit to the court a report on the determination of the receiver on each claim to which an objection has been filed. The court shall fix a time for a hearing on such claims and shall direct the receiver to give notice of the hearing. The notice provided by the receiver must:

(a) Be sent to the claimant by first-class mail, postage prepaid, not more than 30 days and not less than 10 days before the hearing, on any claim to which an objection has been filed; and

(b) Specify the time and place of the hearing.

9. A hearing may be conducted by the court or by a master or referee appointed by the court. If a hearing is conducted by a master or referee, the master or referee shall submit findings of fact and his recommendations to the court. The court shall enter an order approving or denying, in whole or in part, a claim filed against an insurer. Any such order is an appealable order.

Sec. 28. NRS 697.360 is hereby amended to read as follows:

697.360 Licensed bail agents, bail solicitors and bail enforcement agents, and general agents are also subject to the following provisions of this Code, to the extent reasonably applicable:

1. Chapter 679A of NRS.
2. Chapter 679B of NRS.
3. NRS 683A.261.
4. NRS 683A.301.
5. NRS 683A.311.
6. ***NRS 683A.331.***
7. NRS 683A.341.
~~[7.]~~ ***8.*** NRS 683A.361.
~~[8.]~~ ***9.*** NRS 683A.400.
~~[9.]~~ ***10.*** NRS 683A.451.
~~[10.]~~ ***11.*** NRS 683A.461.
~~[11.]~~ ***12.*** NRS 683A.480.
~~[12.]~~ ***13.*** NRS 683A.500.
~~[13.]~~ ***14.*** NRS 683A.520.
~~[14.]~~ ***15.*** NRS 686A.010 to 686A.310, inclusive.

Sec. 28.3. NRS 616A.050 is hereby amended to read as follows:

616A.050 "Association of self-insured private employers" means a nonprofit, unincorporated association composed of five or more private employers that has been issued a certificate by the Commissioner and is subject to the provisions of NRS 616B.350 to 616B.446, inclusive ~~[.]~~ ***, and section 29.5 of this act.***

Sec. 28.7. NRS 616A.055 is hereby amended to read as follows:

616A.055 "Association of self-insured public employers" means a nonprofit, unincorporated association composed of five or more public employers that has been issued a certificate by the Commissioner and is subject to the provisions of NRS 616B.350 to 616B.446, inclusive ~~[.]~~ ***, and section 29.5 of this act.***

Sec. 29. NRS 616A.330 is hereby amended to read as follows:

616A.330 "Tangible net worth" means ***the value of*** all ~~[of]~~ the assets ***, minus the value of all the liabilities,*** of an association of self-insured private employers or of a member of such an association except:

1. ~~[Accounts receivable, if they are factored or collateralized.~~

~~2. An inventory, except one held for resale and not collateralized.~~

~~3. A prepaid expense.~~

~~4. An unqualified investment.~~

~~5. An allocated bond fund.~~

~~6. An investment in an affiliate.~~

~~7. A restricted fund.~~

~~8. A reserve.~~

~~9. A security cost, such as a capitalized bond cost.~~

~~10. A cash equivalent, unless it is described in the footnotes for the balance sheet by item, and for investments, by duration and nature. A cash flow statement is not a sufficient description.~~

~~11. A contingency or commitment, including any estimated cost.~~

~~12. Any book adjustment caused by a change in an accounting policy or a restatement.~~

~~13.]~~ Goodwill or excess cost over the fair market value of assets.

~~[14.]~~ ***2.*** Any other items listed in the assets that are deemed unacceptable by the Commissioner because they cannot be justified or because they do not directly support the ability of the association or the member to pay a claim.

Sec. 29.5. Chapter 616B of NRS is hereby amended by adding thereto a new section to read as follows:

If a member of an association of self-insured public or private employers requests, in writing, information required for his certificate of insurance, the association shall, within 30 days after receiving the request, provide to the member information regarding claims paid and reserves for claims incurred that are maintained on behalf of the member.

Sec. 29.7. **NRS 616B.300 is hereby amended to read as follows:**

616B.300 1. An employer may qualify as a self-insured employer by establishing to the satisfaction of the Commissioner that the employer has sufficient administrative and financial resources to make certain the prompt payment of all compensation under chapters 616A to 616D, inclusive, or chapter 617 of NRS. ***For the purposes of this subsection, an employer has sufficient financial resources if the employer has:***

(a) A tangible net worth of not less than $2,500,000, as evidenced by a statement of tangible net worth provided to the Division of Insurance of the

Department of Business and Industry by an independent certified public accountant; or

(b) Net cash flows from operating activities plus net cash flows from financing activities of five times the average of claims paid for each of the last 3 years or $7,500,000, whichever is less.

2. A self-insured employer must, in addition to establishing financial ability to pay, deposit with the Commissioner a bond executed by the employer as principal, and by a corporation qualified under the laws of this State as surety, payable to the State of Nevada, and conditioned upon the payment of compensation for injuries and occupational diseases to employees. The bond must be in an amount reasonably sufficient to ensure payment of compensation, but in no event may it be less than 105 percent of the employer's expected annual incurred cost of claims, or less than $100,000. In arriving at an amount for the expected annual cost of claims, due consideration must be given to the past and prospective experience of the employer with losses and expenses within this State, to the hazard of catastrophic loss, to other contingencies, and to trends within the State. In arriving at the amount of the deposit required, the Commissioner may consider the nature of the employer's business, the financial ability of the employer to pay compensation and his probable continuity of operation.

3. In lieu of a bond the employer may deposit with the Commissioner a like amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is unavailable for withdrawal except upon order of the Commissioner.

4. The required deposit may be increased or decreased by the Commissioner in accordance with chapter 681B of NRS and his regulations for loss reserves in casualty insurance. If the Commissioner requires an employer to increase his deposit, the Commissioner may specify the form of the additional security. The employer shall comply with such a requirement within 60 days after receiving notice from the Commissioner.

5. The Commissioner shall require the self-insured employer to submit evidence of excess insurance to provide protection against a catastrophic loss. The excess insurance must be written by an insurer authorized to do business in this State. The Commissioner shall consider the excess insurance coverage as a basis for a reduction in the deposit required of an employer.

6. The Account for Self-Insured Employers is hereby created in the State Agency Fund for Bonds. All money received by the Commissioner pursuant to this section must be deposited with the State Treasurer to the credit of the Account for Self-Insured Employers. All claims against this Account must be paid as other claims against the State are paid.

Sec. 29.8. **NRS 616B.353 is hereby amended to read as follows:**

616B.353 1. An association of self-insured public or private employers shall:

(a) Execute an indemnity agreement jointly and severally binding the association and each member of the association to secure the payment of all compensation due pursuant to chapters 616A to 617, inclusive, of NRS. The indemnity agreement must be in a form prescribed by the Commissioner. An association may add provisions to the indemnity agreement if they are first approved by the Commissioner.

(b) Except as otherwise provided in this subsection, maintain a policy of specific and aggregate excess insurance in a form and amount required by the Commissioner. The excess insurance must be written by an insurer approved by
the Commissioner. To determine the amount of excess insurance required, the Commissioner shall consider:

(1) The number of members in the association;

(2) If the association is an association of self-insured public employers, the types of governmental services provided by the members of the association;

(3) If the association is an association of self-insured private employers, the classifications of employment of the members of the association;

(4) The number of years the association has been in existence; and

(5) Such other information as the Commissioner deems necessary.

➥ Nothing in this paragraph prohibits an association from purchasing secondary excess insurance in addition to the excess insurance required by this paragraph.

(c) Collect an annual assessment from each member of the association in an aggregate amount of at least $250,000 or in an aggregate amount which the Commissioner determines is satisfactory based on an annual review conducted by him of the actuarial solvency of the association.

(d) Except as otherwise provided in paragraph (e), deposit as security with the Commissioner a bond executed by the association as principal, and by a licensed surety, payable to the State of Nevada, and conditioned upon the payment of compensation for injuries and occupational diseases to their employees. The bond must be in an amount determined by the Commissioner to be reasonably sufficient to ensure payment of such compensation, but in no event may it be less than $100,000.

(e) In lieu of a bond, deposit with the Commissioner a like amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is unavailable for withdrawal except upon order of the Commissioner.

2. Except as otherwise provided in subsection 3, in addition to complying with the requirements of subsection 1, an association of self-insured private employers shall maintain ~~[a]~~ ***either:***

(a) A combined tangible net worth of all members in the association of at least $2,500,000 ~~[.]~~ ***, as evidenced by a statement of tangible net worth***

provided to the Division of Insurance of the Department of Business and Industry by an independent certified public accountant; or

(b) Combined net cash flows from operating activities plus net cash flows from financing activities of all members in the association of five times the average of claims paid for each of the last 3 years or $7,500,000, whichever is less.

3. In lieu of complying with the requirements of subsection 2, the association's administrator shall ensure that a solvency bond, in a form prescribed by the Commissioner and in an aggregate amount of at least $2,500,000, is deposited with the Commissioner by the association or members of the association on behalf of the association.

4. The association's administrator shall deposit with the Commissioner a bond executed by the association's administrator as principal, and by a licensed surety, payable to the State of Nevada, and conditioned upon the faithful performance of his duties. The bond must be in an amount determined by the Commissioner.

5. Any third-party administrator providing claims services for the association shall deposit with the Commissioner a bond executed by the third-party administrator as principal, and by a licensed surety, payable to the State of Nevada, and conditioned upon the faithful performance of its duties. The bond must be in an amount determined by the Commissioner.

6. The Commissioner may increase or decrease the amount of any bond or money required to be deposited by this section in accordance with chapter 681B of NRS and his regulations for loss reserves in casualty insurance. If the Commissioner requires an association, association's administrator or third-party administrator to increase its deposit, the Commissioner may specify the form of the additional security. The association, association's administrator or third-party administrator shall comply with such a requirement within 60 days after receiving notice from the Commissioner.

7. The Account for Associations of Self-Insured Public and Private Employers is hereby created in the State Agency Fund for Bonds. All money received by the Commissioner pursuant to this section must be deposited with the State Treasurer to the credit of the Account. All claims against this Account must be paid as other claims against the State are paid.

Sec. 30. NRS 616B.386 is hereby amended to read as follows:

616B.386 1. If an employer wishes to become a member of an association of self-insured public or private employers, the employer must:

(a) Submit an application for membership to the board of trustees or third-party administrator of the association; and

(b) Enter into an indemnity agreement as required by NRS 616B.353.

2. The membership of the applicant becomes effective when each member of the association approves the application or on a later date specified by the association. The application for membership and the action taken on the application must be maintained as permanent records of the board of trustees.

3. Each member who is a member of an association during the 12 months immediately following the formation of the association must:

(a) Have a tangible net worth of at least $500,000; or

(b) Have had a reported payroll for the previous 12 months which would have resulted in a manual premium of at least $15,000, calculated in accordance with a manual prepared pursuant to subsection 4 of NRS 686B.1765.

4. An employer who seeks to become a member of the association after the 12 months immediately following the formation of the association must meet the requirement set forth in paragraph (a) or (b) of subsection 3 unless the Commissioner adjusts the requirement for membership in the association after conducting an annual review of the actuarial solvency of the association pursuant to subsection 1 of NRS 616B.353.

5. An association of self-insured private employers may apply to the Commissioner for authority to determine the amount of tangible net worth and manual premium that an employer must have to become a member of the association. The Commissioner shall approve the application if the association:

(a) Has been certified to act as an association for at least the 3 consecutive years immediately preceding the date on which the association filed the application with the Commissioner;

(b) Has ~~[a]~~ ***either:***

(1) A combined tangible net worth of all members in the association of at least $5,000,000; ***or***

(2) Combined net cash flows from operating activities plus net cash flows from financing activities of all members in the association of five times the average of claims paid for each of the last 3 years or $7,500,000, whichever is less;

(c) Has at least 15 members; and

(d) Has not been required to meet informally with the Commissioner pursuant to subsection 1 of NRS 616B.431 during the 18-month period immediately preceding the date on which the association filed the application with the Commissioner or, if the association has been required to attend such a meeting during that period, has not had its certificate withdrawn before the date on which the association filed the application.

6. An association of self-insured private employers may apply to the Commissioner for authority to determine the documentation demonstrating solvency that an employer must provide to become a member of the association. The Commissioner shall approve the application if the association:

(a) Has been certified to act as an association for at least the 3 consecutive years immediately preceding the date on which the association filed the application with the Commissioner;

(b) Has ~~[a]~~ ***either:***

(1) A combined tangible net worth of all members in the association of at least $5,000,000; ***or***

(2) Combined net cash flows from operating activities plus net cash flows from financing activities of all members in the association of five times the average of claims paid for each of the last 3 years or $7,500,000, whichever is less; and

(c) Has at least 15 members.

7. The Commissioner may withdraw his approval of an application submitted pursuant to subsection 5 or 6 if he determines the association has ceased to comply with any of the requirements set forth in subsection 5 or 6, as applicable.

8. A member of an association may terminate his membership at any time. To terminate his membership, a member must submit to the association's administrator a notice of intent to withdraw from the association at least 120 days before the effective date of withdrawal. The notice of intent to withdraw must include a statement indicating that the member has:

(a) Been certified as a self-insured employer pursuant to NRS 616B.312;

(b) Become a member of another association of self-insured public or private employers; or

(c) Become insured by a private carrier.

9. The members of an association may cancel the membership of any member of the association in accordance with the bylaws of the association.

10. The association shall:

(a) Within 30 days after the addition of an employer to the membership of the association, notify the Commissioner of the addition and:

(1) If the association has not received authority from the Commissioner pursuant to subsection 5 or 6, as applicable, provide to the Commissioner all information and assurances for the new member that were required from each of the original members of the association upon its organization; or

(2) If the association has received authority from the Commissioner pursuant to subsection 5 or 6, as applicable, provide to the Commissioner evidence that is satisfactory to the Commissioner that the new member is a member or associate member of the bona fide trade association as required pursuant to paragraph (a) of subsection 2 of NRS 616B.350, a copy of the indemnity agreement that jointly and severally binds the new member, the other members of the association and the association that is required to be executed pursuant to paragraph (a) of subsection 1 of NRS 616B.353 and any other information the Commissioner may reasonably require to determine whether the amount of security deposited with the Commissioner pursuant to paragraph (d) or (e) of subsection 1 of NRS 616B.353 is sufficient, but such information must not exceed the information required to be provided to the Commissioner pursuant to subparagraph (1);

(b) Notify the Commissioner and the Administrator of the termination or cancellation of the membership of any member of the association within 10 days after the termination or cancellation; and

(c) At the expense of the member whose membership is terminated or cancelled, maintain coverage for that member for ~~[30]~~ ***60*** days after notice is given pursuant to paragraph (b), unless the association first receives notice from the Administrator that the member has:

(1) Been certified as a self-insured employer pursuant to NRS 616B.312;

(2) Become a member of another association of self-insured public or private employers; or

(3) Become insured by a private carrier.

11. If a member of an association changes his name or form of organization, the member remains liable for any obligations incurred or any responsibilities imposed pursuant to chapters 616A to 617, inclusive, of NRS under his former name or form of organization.

12. An association is liable for the payment of any compensation required to be paid by a member of the association pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during his period of membership. The insolvency or bankruptcy of a member does not relieve the association of liability for the payment of the compensation.

Sec. 30.3. NRS 616B.425 is hereby amended to read as follows:

616B.425 1. The Commissioner may issue an order requiring an association of self-insured public or private employers or a member of the association to cease and desist from engaging in any act or practice found to be in violation of any provision of NRS 616B.350 to 616B.446, inclusive, ***and section 29.5 of this act,*** or any regulation adopted pursuant thereto.

2. If the Commissioner determines that an association or a member of the association has violated an order to cease and desist, the Commissioner may impose an administrative fine of not more than $10,000 for each violation of the order, not to exceed an aggregate amount of $100,000, or withdraw the certificate of the association, or both.

Sec. 30.5. NRS 616B.428 is hereby amended to read as follows:

616B.428 1. The Commissioner may impose an administrative fine for each violation of any provision of NRS 616B.350 to 616B.446, inclusive, ***and section 29.5 of this act,*** or any regulation adopted pursuant thereto. Except as otherwise provided in those sections, the amount of the fine may not exceed $1,000 for each violation or an aggregate amount of $10,000.

2. The Commissioner may withdraw the certificate of an association of self-insured public or private employers if:

(a) The association's certificate was obtained by fraud;

(b) The application for certification contained a material misrepresentation;

(c) The association is found to be insolvent;

(d) The association fails to have five or more members;

(e) The association fails to pay the costs of any examination or any penalty, fee or assessment required by the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(f) The association fails to comply with any of the provisions of this chapter or chapter 616A, 616C, 616D or 617 of NRS, or any regulation adopted pursuant thereto;

(g) The association fails to comply with any order of the Commissioner within the time prescribed by the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS or in the order of the Commissioner; or

(h) The association or its third-party administrator misappropriates, converts, illegally withholds or refuses to pay any money to which a person is entitled and that was entrusted to the association in its fiduciary capacity.

3. If the Commissioner withdraws the certification of an association of self-insured public or private employers, each employer who is a member of the association remains liable for his obligations incurred before and after the order of withdrawal.

4. Any employer who is a member of an association whose certification is withdrawn shall, on the effective date of the withdrawal, qualify as an employer pursuant to NRS 616B.650.

Sec. 30.7. NRS 616B.446 is hereby amended to read as follows:

616B.446 The Commissioner may adopt such regulations as are necessary to carry out the provisions of NRS 616B.350 to 616B.446, inclusive ~~[.]~~ ***, and section 29.5 of this act.***

Sec. 31. NRS 232.825 is hereby amended to read as follows:

232.825 The Commissioner:

1. May appoint ~~[two]~~ ***three*** deputies. The deputies are in the unclassified service of the State. Except as otherwise provided in NRS 284.143, each deputy shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

2. Is responsible for the administration of the provisions of title 57 of NRS, and all other provisions of law relating to the functions of the Division.

3. May employ such staff as is necessary for the performance of his duties.

4. Has such other powers and duties as are provided by law.

Sec. 32. NRS 689A.735 and 694C.260 are hereby repealed.

Sec. 33. **1. This section and section 1 of this act become effective on July 1, 2007.**

2. Sections 1.03 to 32, inclusive, of this act become effective on October 1, 2007.

TEXT OF REPEALED SECTIONS

689A.735 Report to Commissioner by trustee of medical savings account. On or before July 1 of each year, a trustee of a medical savings account established and maintained in accordance with 26 U.S.C. § 220 shall

report to the Commissioner the number of medical savings accounts administered by the trustee during the previous calendar year.

694C.260 Surplus required: Amount; form; Commissioner authorized to prescribe additional requirements; letter of credit.

1. A captive insurer must not be issued a license, and shall not hold a license, unless the captive insurer has and maintains, in addition to any other surplus required to be maintained pursuant to subsection 3, an unencumbered surplus of:

(a) For a pure captive insurer, not less than $100,000;

(b) For an association captive insurer incorporated as a stock insurer, not less than $300,000;

(c) For an agency captive insurer, not less than $300,000;

(d) For a rental captive insurer, not less than $400,000;

(e) For an association captive insurer incorporated as a mutual insurer or reciprocal insurer, not less than $500,000; and

(f) For a sponsored captive insurer, not less than $300,000.

2. Except as otherwise provided in subsection 3, the surplus required to be maintained pursuant to this section must be in the form of cash or an irrevocable letter of credit.

3. The Commissioner may prescribe additional requirements relating to surplus based on the type, volume and nature of the insurance business that is transacted by the captive insurer and requirements regarding which surplus, if any, may be in the form of an irrevocable letter of credit.

4. A letter of credit used by a captive insurer as evidence of required surplus pursuant to this section must:

(a) Be issued by a bank chartered by this State or a bank that is a member of the United States Federal Reserve System and has been approved by the Commissioner; and

(b) Include a provision pursuant to which the letter of credit is automatically renewable each year, unless the issuer gives written notice to the Commissioner and the captive insurer at least 90 days before the expiration date.

Assemblyman Oceguera moved that the Assembly do not concur in the Senate Amendment No. 990 to Assembly Bill No. 161.

Remarks by Assemblyman Oceguera.

Motion carried.

The following Senate amendment was read:

Amendment No. 1111.

AN ACT relating to insurance; making various changes relating to persons licensed or regulated by the Commissioner of Insurance; ~~[authorizing the Commissioner to conduct certain investigations;]~~ increasing the maximum annual assessment on member insurers of the Nevada Life and Health Insurance Guaranty Association; revising provisions governing policies of various types of insurance; revising reporting requirements for an insurer that issues a policy of insurance covering the liability of a physician or

osteopathic physician; making certain provisions applicable to title insurers, title agents and escrow officers; requiring a motor club to pay an administrative penalty for failing to pay an annual fee to the Commissioner timely; revising provisions governing claims against an insolvent insurer; making certain provisions applicable to licensed bail agents, bail solicitors, bail enforcement agents and general agents; repealing the requirement that a trustee of a medical savings account file an annual report with the Commissioner; increasing the number of deputies that the Commissioner may appoint; revising various provisions governing industrial insurance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, the Commissioner of Insurance is authorized to conduct examinations of insurers and certain other persons. (NRS 679B.230-679B.300) Section 1 of this bill authorizes the Commissioner to conduct investigations, both within and outside this State, of insurers and certain other persons.]~~

Existing law establishes certain requirements for business organizations to be licensed as producers of insurance. (NRS 683A.251) Sections 1.3 and 2 of this bill require such a business organization to report to the Commissioner **of Insurance** when another producer of insurance is authorized to act on its behalf and when such authorization is terminated.

Under existing law, insurers are required to be members of the Nevada Life and Health Insurance Guaranty Association. Member insurers are required to pay an annual assessment to the Association. (NRS 686C.240) Section 7 of this bill increases the maximum amount of such an assessment.

Existing law requires that an insurer which issues a policy covering the liability of a physician or osteopathic physician file a report with the Commissioner whenever a claim on the policy is closed. (NRS 690B.260) Section 16 of this bill changes the filing requirement to require that such a report be filed at the end of each calendar quarter on all claims closed during that quarter.

Existing law requires captive insurers to maintain certain levels of unimpaired paid-in capital and unencumbered surplus. (NRS 694C.250, 694C.260) Additionally, certain captive insurers are required to submit to the Commissioner an annual report on their financial condition. Section 19 of this bill increases the required levels of such capital and surplus. Section 23 of this bill applies the reporting requirement of captive insurers to sponsored captive insurers.

Existing law governs the filing of claims against an insurer against which delinquency proceedings have begun. Currently, claims are filed with the receiver and a court determines the validity of the claim. (NRS 696B.330) Existing law establishes classes for the order of priority for distribution of the assets of an insurer to claimants against the insurer. (NRS 696B.420) Section 27 of this bill requires the receiver to determine the validity of a claim and to

determine the priority of the claim. If a person objects to the determination of the receiver, the determination may be appealed to a court.

Existing law defines "tangible net worth" for the purposes of industrial insurance to include all assets of an association of self-insured private employers or of a member of such an association, but excepts a number of assets from the definition. (NRS 616A.330) Section 29 of this bill removes most of the exceptions.

Existing law provides that an employee leasing company shall be deemed to be the employer of its leased employees for the purposes of sponsoring and maintaining any benefit plans. (NRS 616B.691) Section 30.8 of this bill clarifies that such a company shall be deemed to be the employer for the purposes of the Employee Retirement Income Security Act of 1974 (ERISA). Section 30.8 also clarifies the prohibition against such a company offering a self-funded industrial insurance program.

Existing law authorizes the Commissioner to appoint two deputies. Section 31 of this bill authorizes the Commissioner to appoint one additional deputy.

Existing law requires a trustee of a medical savings account to file an annual report with the Commissioner. (NRS 689A.735) Section 32 of this bill repeals that requirement.

Chapter 616B of NRS governs providers of industrial insurance. Under existing law, certain employers and associations of employers may qualify as self-insurers. (NRS 616B.300, 616B.353, 616B.386) Section 29.5 of this bill requires associations of self-insured public and private employees to provide to members certain information regarding claims at the request of the member. Sections 29.7, 29.8 and 30 of this bill provide specific fiscal requirements for qualification as a self-insured employer or an association of self-insured public or private employers.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 679B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Commissioner may conduct investigations to determine whether any insurer or person identified in NRS 679B.230 or 679B.240 has violated any provision of this Code.*~~

~~*2. The Commissioner may:*~~

~~*(a) Use employees of the Division as investigators; or*~~

~~*(b) Contract with and procure the services of such investigators as he may reasonably require to conduct investigations. The Commissioner shall determine the qualifications required of such investigators, except that no investigator who provides services pursuant to this paragraph may be in the classified service of the State.*~~

~~*3. Investigations may be conducted into activities occurring either within or outside this State. In conducting investigations, the Commissioner and his investigators may:*~~

~~*(a) Travel within or outside this State; and*~~

~~*(b) Cooperate with appropriate agencies or persons within or outside this State.*~~

~~*4. Investigations may be conducted before, during or after an examination conducted pursuant to this Code.*~~

~~*5. The provisions governing examinations set forth in NRS 679B.250, 679B.285 and 679B.287 apply to investigations conducted pursuant to this section.*~~

~~*6. The expenses of an investigation conducted pursuant to this section must be borne by the person investigated in the same manner as provided for examinations in NRS 679B.290.*~~

~~*7. The expenses paid by a person investigated pursuant to this section must be deposited in the State Treasury for credit to the Insurance Examination Fund created by NRS 679B.300, accounted for separately and used for the payment of investigation expenses. Payment of the expenses of an investigation pursuant to this section must be paid out of the Insurance Examination Fund as other claims against the State are paid.]~~ **(Deleted by amendment.)**

Sec. 1.03. NRS 681B.050 is hereby amended to read as follows:

681B.050 1. As to casualty insurance transacted by it, each insurer shall maintain at all times reserves in an amount estimated in the aggregate to provide for payment of all losses and claims incurred, whether reported or unreported, which are unpaid and for which the insurer may be liable and to provide for the expenses of adjustment or settlement of losses and claims. The reserves must be computed in accordance with regulations adopted from time to time by the Commissioner upon reasonable consideration of the ascertained experience and the character of such kind of business for the purpose of adequately protecting the insured and the solvency of the insurer.

2. Whenever the loss and loss expense experience of the insurer show that reserves, calculated in accordance with those regulations, are inadequate, the Commissioner may require the insurer to maintain additional reserves.

3. ~~[The minimum reserve requirements prescribed by the Commissioner for unpaid losses and loss expenses incurred during each of the most recent 3 years for coverages included in the lines of business described in the insurer's annual statement as workmen's compensation, liability other than automobile (B.I.), and automobile liability (B.I.) must not be less than the following: For workmen's compensation, 65 percent of premiums earned during each year less the amount already paid for losses and expenses incidental thereto incurred during the year; for liability other than automobile (B.I.) and automobile liability (B.I.), 60 percent of premiums earned during each year less the amount already paid for losses and expenses incidental thereto incurred during the year.~~

~~4.~~] The Commissioner may, by regulation, prescribe the manner and form of reporting pertinent information concerning the reserves provided for in this section.

Sec. 1.05. NRS 682A.280 is hereby amended to read as follows:

682A.280 1. In addition to investments excluded pursuant to other provisions of this Code, an insurer shall not acquire, invest in or lend its funds upon the security of:

(a) Issued shares of its own capital stock, except as ***otherwise*** provided in NRS 693A.170 (purchase of own shares by stock insurer). No such shares shall be considered as an asset of the insurer in any determination of its financial condition.

(b) Securities issued by any corporation or enterprise the controlling interest of which is, or will after such acquisition by the insurer be, held directly or indirectly by the insurer or any combination of the insurer and the insurer's directors, officers, subsidiaries or controlling stockholders **,** ~~[(]~~ other than a parent corporation **,** ~~[),]~~ and the spouses and children of any of the foregoing individuals. Investments in controlled insurance corporations or subsidiaries under NRS 682A.120 and 682A.130 are not subject to the provisions of this section.

(c) Any note or other evidence of indebtedness of any director, officer, employee or controlling stockholder of the insurer, or of the spouse or child of any of the foregoing individuals, except as to ~~[policy]~~ ***:***

(1) Policy loans authorized under NRS 682A.170 ~~[.]~~ ***; or***

(2) Loans on the same terms and conditions as any other borrower which have been approved by a majority vote of the board of directors of the insurer ~~[.]~~ ***and which conform to the standards set forth in NRS 682A.230.***

(d) Any real property in which any officer or director of the insurer has a financial interest.

2. No insurer shall underwrite or participate in the underwriting of an offering of securities or property of any other person. This section shall not be deemed to prohibit the insurer from being a subsidiary which is the principal underwriter of a registered investment company (mutual fund).

3. No insurer shall enter into any agreement to withhold from sale any of its securities or property, and the disposition of its assets shall at all times be within the control of the insurer.

Sec. 1.1. Chapter 683A of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.5 of this act.

Sec. 1.3. ***1. A business organization which is licensed as a producer of insurance and which authorizes another producer of insurance to transact business on its behalf shall notify the Commissioner within 15 days after the effective date of the authorization in the manner prescribed by the Commissioner.***

2. A business organization which is licensed as a producer of insurance and which terminates the authorization of a producer of insurance for any reason shall notify the Commissioner within 30 days after the effective date of the termination in the manner prescribed by the

Commissioner. The business organization shall provide additional information or documents if so requested in writing by the Commissioner.

3. If the reason for termination is an activity described in NRS 683A.451 as a cause for disciplinary action or the business organization knows that the producer of insurance has been found to have engaged in such an activity by a court, governmental agency or self-regulatory organization authorized by law, the business organization shall notify the Commissioner, in the manner prescribed by the Commissioner, if the business organization discovers additional information that would have been reportable originally to the Commissioner if the business organization had then known it.

Sec. 1.5. ***1. If an administrator establishes a panel of providers of health care or contracts with an organization that establishes a panel of providers of health care, the administrator shall not charge a provider of health care or such an organization:***

(a) Any fee to include the name of the provider of health care on the panel; or

(b) Any other fee related to establishing the provider of health care as a provider on the panel.

2. If an administrator violates the provisions of subsection 1, the administrator shall pay to the provider of health care or organization, as appropriate, an amount that is equal to twice the fee charged to the provider of health care or the organization.

3. A court shall award costs and reasonable attorney's fees to the prevailing party in any action brought to enforce the provisions of this section.

4. In addition to any relief granted pursuant to this section, if an administrator violates the provisions of subsection 1, the Division shall require the administrator to suspend the prohibited activities until the administrator, as determined by the Division:

(a) Complies with the provisions of subsection 1; and

(b) Refunds to all providers of health care or organizations, as appropriate, all fees obtained by the administrator in violation of subsection 1.

Sec. 1.7. NRS 683A.0805 is hereby amended to read as follows:

683A.0805 As used in NRS 683A.0805 to 683A.0893, inclusive, ***and section 1.5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 683A.081 to 683A.084, inclusive, have the meanings ascribed to them in those sections.

Sec. 1.9. NRS 683A.08528 is hereby amended to read as follows:

683A.08528 1. Not later than July 1 of each year, each holder of a certificate of registration as an administrator shall file with the Commissioner an annual report for the most recently completed fiscal year of the administrator. Each annual report must be verified by at least two officers of the administrator.

2. Each annual report filed pursuant to this section must include all the following:

(a) ~~[Except as otherwise provided in this paragraph, a]~~ ***A*** financial statement of the administrator that has been ~~[audited and prepared by an independent certified public accountant. In lieu of a financial statement that has been audited and prepared by an independent certified public accountant, the administrator may include with the annual report a financial statement that has been]~~ reviewed by an independent certified public accountant**.** ~~[if:~~

~~(1) The total business assets of the administrator were less than $100,000 at the end of the most recently completed fiscal year of the administrator; or~~

~~(2) The administrator did not have any agreements to act as an administrator during the most recently completed fiscal year of the administrator.]~~

(b) The complete name and address of each person, if any, for whom the administrator agreed to act as an administrator during the most recently completed fiscal year of the administrator.

(c) Any other information required by the Commissioner.

3. In addition to the information required pursuant to subsection 2, if an annual report is prepared on a consolidated basis, the annual report must include a columnar or combining worksheet that:

(a) Includes the amounts shown on the consolidated financial statement accompanying the annual report;

(b) Separately sets forth the amounts for each entity included in the worksheet; and

(c) Includes an explanation of each consolidating and eliminating entry included in the worksheet.

4. Each administrator who files an annual report pursuant to this section shall, at the time of filing the annual report, pay a filing fee in an amount determined by the Commissioner.

5. ~~[On or before September 1 of each year, the]~~ ***The*** Commissioner shall, for each administrator, review the annual report that is most recently filed by the administrator. As soon as practicable after reviewing the report, the Commissioner shall:

(a) Issue a certificate to the administrator:

(1) Indicating that, based on the annual report and accompanying financial statement, the administrator has a positive net worth and is currently licensed and in good standing in this State; or

(2) Setting forth any deficiency found by the Commissioner in the annual report and accompanying financial statement; or

(b) Submit a statement to any electronic database maintained by the National Association of Insurance Commissioners or any affiliate or subsidiary of the Association:

(1) Indicating that, based on the annual report and accompanying financial statement, the administrator has a positive net worth and is in compliance with existing law; or

(2) Setting forth any deficiency found by the Commissioner in the annual report and accompanying financial statement.

Sec. 2. NRS 683A.251 is hereby amended to read as follows:

683A.251 1. The Commissioner shall prescribe the form of application by a natural person for a license as a resident producer of insurance. The applicant must declare, under penalty of refusal to issue, or suspension or revocation of, the license, that the statements made in the application are true, correct and complete to the best of his knowledge and belief. Before approving the application, the Commissioner must find that the applicant has:

(a) Attained the age of 18 years;

(b) Not committed any act that is a ground for refusal to issue, or suspension or revocation of, a license;

(c) Completed a course of study for the lines of authority for which the application is made, unless the applicant is exempt from this requirement;

(d) Paid the fee prescribed for the license and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account, neither of which may be refunded; and

(e) Successfully passed the examinations for the lines of authority for which application is made, unless the applicant is exempt from this requirement.

2. A business organization must be licensed as a producer of insurance in order to act as such. Application must be made on a form prescribed by the Commissioner. Before approving the application, the Commissioner must find that the applicant has:

(a) Paid the fee prescribed for the license and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account, neither of which may be refunded; ~~[and]~~

(b) Designated a natural person who is licensed as a producer of insurance and who is ~~[affiliated with]~~ ***authorized to transact business on behalf of*** the business organization to be responsible for the organization's compliance with the laws and regulations of this State relating to insurance ~~[.]~~ ***; and***

(c) If the business organization has authorized a producer of insurance not designated pursuant to paragraph (b) to transact business on behalf of the business organization, submitted to the Commissioner on a form prescribed by the Commissioner the name of each producer of insurance authorized to transact business on behalf of the business organization.

3. A natural person who is a resident of this State applying for a license must furnish a complete set of his fingerprints which the Commissioner may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The Commissioner shall adopt regulations concerning the procedures for obtaining this information.

4. The Commissioner may require any document reasonably necessary to verify information contained in an application.

Sec. 3. NRS 683A.261 is hereby amended to read as follows:

683A.261 1. Unless the Commissioner refuses to issue the license under NRS 683A.451, he shall issue a license as a producer of insurance to a person who has satisfied the requirements of NRS 683A.241 and 683A.251. A producer of insurance may qualify for a license in one or more of the lines of authority permitted by statute or regulation, including:

(a) Life insurance on human lives, which includes benefits from endowments and annuities and may include additional benefits from death by accident and benefits for dismemberment by accident and for disability.

(b) Health insurance for sickness, bodily injury or accidental death, which may include benefits for disability.

(c) Property insurance for direct or consequential loss or damage to property of every kind.

(d) Casualty insurance against legal liability, including liability for death, injury or disability and damage to real or personal property.

(e) Surety indemnifying financial institutions or providing bonds for fidelity, performance of contracts or financial guaranty.

(f) Variable annuities and variable life insurance, including coverage reflecting the results of a separate investment account.

(g) Credit insurance, including life, disability, property, unemployment, involuntary unemployment, mortgage life, mortgage guaranty, mortgage disability, guaranteed protection of assets, and any other form of insurance offered in connection with an extension of credit that is limited to wholly or partially extinguishing the obligation which the Commissioner determines should be considered as limited-line credit insurance.

(h) Personal lines, consisting of automobile and motorcycle insurance and residential property insurance, including coverage for flood, of personal watercraft and of excess liability, written over one or more underlying policies of automobile or residential property insurance.

(i) Fixed annuities as a limited line.

(j) Travel and baggage as a limited line.

(k) Rental car agency as a limited line.

2. A license as a producer of insurance remains in effect unless revoked, suspended or otherwise terminated if a request for a renewal is submitted on or before the date for the renewal specified on the license, the fee for renewal and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account are paid for each license and each ~~[affiliation with]~~ ***authorization to transact business on behalf of*** a business organization licensed pursuant to subsection 2 of NRS 683A.251, and any requirement for education or any other requirement to renew the license is satisfied by the date specified on the license for the renewal. A producer of insurance may submit a request for a renewal of his license within 30 days after the date specified on the license for the renewal if the producer of

insurance otherwise complies with the provisions of this subsection and pays, in addition to any fee paid pursuant to this subsection, a penalty of 50 percent of the renewal fee. A license as a producer of insurance expires if the Commissioner receives a request for a renewal of the license more than 30 days after the date specified on the license for the renewal. A fee paid pursuant to this subsection is nonrefundable.

3. A natural person who allows his license as a producer of insurance to expire may reapply for the same license within 12 months after the date specified on the license for a renewal without passing a written examination or completing a course of study required by paragraph (c) of subsection 1 of NRS 683A.251, but a penalty of twice the renewal fee is required for any request for a renewal of the license that is received after the date specified on the license for the renewal.

4. A licensed producer of insurance who is unable to renew his license because of military service, extended medical disability or other extenuating circumstance may request a waiver of the time limit and of any fine or sanction otherwise required or imposed because of the failure to renew.

5. A license must state the licensee's name, address, personal identification number, the date of issuance, the lines of authority and the date of expiration and must contain any other information the Commissioner considers necessary. A resident producer of insurance shall maintain a place of business in this State which is accessible to the public and where he principally conducts transactions under his license. The place of business may be in his residence. The license must be conspicuously displayed in an area of the place of business which is open to the public.

6. A licensee shall inform the Commissioner of each change of location from which he conducts business as a producer of insurance and each change of business or residence address, in writing or by other means acceptable to the Commissioner, within 30 days after the change. If a licensee changes the location from which he conducts business as a producer of insurance or his business or residence address without giving written notice and the Commissioner is unable to locate the licensee after diligent effort, he may revoke the license without a hearing. The mailing of a letter by certified mail, return receipt requested, addressed to the licensee at his last mailing address appearing on the records of the Division, and the return of the letter undelivered, constitutes a diligent effort by the Commissioner.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 686C.240 is hereby amended to read as follows:

686C.240 1. The Board of Directors ***of the Association*** shall determine the amount of each assessment in Class A and may, but need not, prorate it. If an assessment is prorated, the Board may provide that any surplus be credited against future assessments in Class B. An assessment which is not

prorated must not exceed ~~[$150]~~ ***$300*** for each member insurer for any ~~[one]~~ ***1*** calendar year.

2. The Board may allocate any assessment in Class B among the accounts according to the premiums or reserves of the impaired or insolvent insurer or any other standard which it considers fair and reasonable under the circumstances.

3. Assessments in Class B against member insurers for each account and subaccount must be in the proportion that the premiums received on business in this State by each assessed member insurer on policies or contracts covered by each account or subaccount for the 3 most recent calendar years for which information is available preceding the year in which the insurer became impaired or insolvent bears to premiums received on business in this State for those calendar years by all assessed member insurers.

4. Assessments for money to meet the requirements of the Association with respect to an impaired or insolvent insurer must not be authorized or called until necessary to carry out the purposes of this chapter. Classification of assessments under subsection 2 of NRS 686C.230 and computation of assessments under this section must be made with a reasonable degree of accuracy, recognizing that exact determinations may not always be possible. The Association shall notify each member insurer of its anticipated prorated share of an assessment authorized but not yet called within 180 days after it is authorized.

Sec. 8. NRS 687B.350 is hereby amended to read as follows:

687B.350 1. Except as otherwise provided in subsection 2, an insurer shall not renew a policy on different terms, including different rates, unless the insurer notifies the insured in writing of the different terms or rates at least 30 days before the expiration of the policy. If the insurer fails to provide adequate and timely notice, the insurer shall renew the policy at the expiring terms and rates:

(a) For a period that is equal to the expiring term if the agreed term is 1 year or less; or

(b) For 1 year if the agreed term is more than 1 year.

2. The provisions of this section do not apply to ***a change in the rate for*** a policy of industrial insurance ~~[.]~~ ***which is based on:***

(a) A change to a prospective loss cost filed by the Advisory Organization pursuant to NRS 686B.177 that is applicable to the risk; or

(b) A correction based on the experience that is applicable to the risk in accordance with the Uniform Plan for Rating Experience filed with the Commissioner pursuant to NRS 686B.177.

Sec. 9. NRS 689.150 is hereby amended to read as follows:

689.150 As used in NRS 689.150 to 689.375, inclusive, unless the context otherwise requires:

1. "Funeral service or services" means those services performed normally by funeral directors or funeral or mortuary parlors and includes their sales of supplies and equipment for burial. The term includes

cremations and crematory services. The term does not include services performed by a cemetery or the sale by a cemetery of services, interests in land, markers, memorials, monuments or merchandise and equipment in relation to the cemetery or the sale of crypts or niches constructed or to be constructed in a mausoleum or columbarium or otherwise on the property of a cemetery.

2. "Performer" means any person designated in a prepaid contract to furnish the funeral services, supplies and equipment covered by the contract on the demise of the beneficiary.

3. "Prepaid contract" means any contract under which, for a specified consideration paid in advance in a lump sum or by installments ~~[, a person]~~ ***or payable solely from the proceeds of a policy of life insurance, the seller of the contract guarantees or*** promises either before or upon the death of a beneficiary named in or otherwise ascertainable from the contract to furnish funeral services and merchandise. The term does not include a contract of insurance or any instrument in writing whereby any charitable, religious, benevolent or fraternal benefit society, corporation, association, institution or organization, not having for its object or purpose pecuniary profit, promises or agrees to embalm, inter or otherwise dispose of the remains of any person, or to procure or pay the expenses, or any part thereof, of embalming, interring or otherwise disposing of the remains of any person.

Sec. 10. NRS 689.185 is hereby amended to read as follows:

689.185 1. ***Except as otherwise provided in subsection 2:***

(a) Before the issuance of a certificate of authority, the seller shall post with the Commissioner and thereafter maintain in force a bond in the principal sum of $50,000 issued by an authorized corporate surety in favor of the State of Nevada, or a deposit of cash or negotiable securities or a combination of cash and negotiable securities. If a deposit is made in lieu of a bond, the deposit must at all times have a market value of not less than the amount of the bond required by the Commissioner.

~~[2.]~~ ***(b)*** The bond or deposit must be held for the benefit of buyers of prepaid contracts, and other persons as their interests may appear, who may be damaged by misuse or diversion of money by the seller or his agents, or to satisfy any judgments against the seller for failure to perform a prepaid contract. The aggregate liability of the surety for all breaches of the conditions of the bond must not exceed the sum of the bond. The surety on the bond has the right to cancel the bond upon giving 30 days' notice to the Commissioner and thereafter is relieved of liability for any breach of condition occurring after the effective date of the cancellation.

~~[3.]~~ ***(c)*** The Commissioner shall release the bond or deposit after the seller has ceased doing business as such and the Commissioner is satisfied of the nonexistence of any obligation or liability of the seller for which the bond or deposit was held.

2. The Commissioner may waive the requirements of subsection 1 if the seller agrees:

(a) To offer for sale only prepaid contracts that are payable solely from the proceeds of a policy of life insurance; and

(b) Not to collect any money from the purchaser of a prepaid contract.

Sec. 11. NRS 689.315 is hereby amended to read as follows:

689.315 1. ***Except as otherwise provided in subsection 2:***

(a) The seller shall establish and maintain a trust fund with an authorized trustee, for the benefit of the beneficiary of the prepaid contract, in accordance with the trust agreement filed with and approved by the Commissioner.

~~[2.]~~ ***(b)*** The seller shall maintain unimpaired and shall deposit in the trust fund, within 15 days after the end of the month in which payment was received, all installments received on prepaid contracts sold after the sales commission has been deducted.

~~[3.]~~ ***(c)*** The trustee shall, with respect to the money in the trust fund, exercise the judgment and care under the circumstances then prevailing which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their money, considering the probable income as well as the probable safety of their capital. Within the limitations of such standards, and subject to any express provision or limitation contained in any particular trust instrument, a trustee may acquire and retain every kind of investment, specifically including bonds, debentures and other corporate obligations and stocks, preferred or common, which persons of prudence, discretion and intelligence acquire or retain for their own account.

~~[4.]~~ ***(d)*** Except as otherwise provided in NRS 689.150 to 689.375, inclusive, or the trust agreement approved in writing by the Commissioner or as may be required by an order of a court of competent jurisdiction, the trustees shall maintain the trust fund intact and unimpaired and shall make no other payment or disbursement from the trust fund.

2. The requirements of subsection 1 do not apply if:

(a) The prepaid contract is payable solely from the proceeds of a policy of life insurance; and

(b) The seller of the prepaid contract does not collect any money from the purchaser of the prepaid contract.

Sec. 12. NRS 689.475 is hereby amended to read as follows:

689.475 1. "Prepaid contract" means any contract under which, for a specified consideration paid in advance in a lump sum or by installments ~~[, a person]~~ ***or payable solely from the proceeds of a policy of life insurance, the seller of the contract guarantees or*** promises, either before or upon the death of a beneficiary named in or otherwise ascertainable from the contract, to provide burial services and to furnish adaptable or suitable personal property, merchandise, supplies or facilities in connection with such services.

2. "Prepaid contract" does not include a contract of insurance or any instrument in writing whereby any charitable, religious, benevolent or fraternal benefit society, corporation, association, institution or organization,

not having for its object or purpose pecuniary profit, promises or agrees to embalm, inter or otherwise dispose of the remains of any person, or to procure or pay the expenses, or any part thereof, for embalming, interring or otherwise disposing of the remains of any person.

Sec. 13. NRS 689.495 is hereby amended to read as follows:

689.495 1. ***Except as otherwise provided in subsection 2:***

(a) Before the issuance of a permit to a seller, the seller shall post with the Commissioner and thereafter maintain in force a bond in the principal sum of $50,000 issued by an authorized corporate surety in favor of the State of Nevada, or a deposit of cash or negotiable securities or a combination of cash and negotiable securities. If a deposit is made in lieu of a bond, the deposit must at all times have a market value not less than the amount of the bond required by the Commissioner.

~~[2.]~~ ***(b)*** The bond or deposit must be held for the benefit of buyers of prepaid contracts, and other persons as their interests may appear, who may be damaged by misuse or diversion of money by the seller or his agents, or to satisfy any judgments against the seller for failure to perform a prepaid contract. The aggregate liability of the surety for all breaches of the conditions of the bond must not exceed the sum of the bond. The surety on the bond has the right to cancel the bond upon giving 30 days' notice to the Commissioner and thereafter is relieved of liability for any breach of condition occurring after the effective date of the cancellation.

~~[3.]~~ ***(c)*** The Commissioner shall release the bond or deposit after the seller has ceased doing business as such and the Commissioner is satisfied of the nonexistence of any obligation or liability of the seller for which the bond or deposit was held.

2. The Commissioner may waive the requirements of subsection 1 if the seller agrees:

(a) To offer for sale only prepaid contracts that are payable solely from the proceeds of a policy of life insurance; and

(b) Not to collect any money from the purchaser of a prepaid contract.

Sec. 14. NRS 689.560 is hereby amended to read as follows:

689.560 1. ***Except as otherwise provided in subsection 2:***

(a) The seller shall establish and maintain a trust fund with an authorized trustee, for the benefit of the beneficiary of the prepaid contract, in accordance with the trust agreement filed with and approved by the Commissioner.

~~[2.]~~ ***(b)*** The seller shall maintain unimpaired and shall deposit in the trust fund, within 15 days after the end of the month in which payment was received, all installments received on prepaid contracts sold after the sales commission has been deducted.

~~[3.]~~ ***(c)*** The trustee shall, with respect to the money in the trust fund, exercise the judgment and care under the circumstances then prevailing which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard

to the permanent disposition of their money, considering the probable income as well as the probable safety of their capital. Within the limitations of such standards, and subject to any express provision or limitation contained in any particular trust instrument, a trustee may acquire and retain every kind of investment, specifically including bonds, debentures and other corporate obligations and stocks, preferred or common, which persons of prudence, discretion and intelligence acquire or retain for their own account.

~~[4. Except]~~

(d) The trustee shall, except as otherwise provided in NRS 689.450 to 689.595, inclusive, or the trust agreement approved in writing by the Commissioner or as may be required by an order of a court of competent jurisdiction, ~~[the trustees shall]~~ maintain the trust fund intact and unimpaired and ~~[shall]~~ not make any payment or disbursement from the trust fund.

2. The requirements of subsection 1 do not apply if:

(a) The prepaid contract is payable solely from the proceeds of a policy of life insurance; and

(b) The seller of the prepaid contract does not collect any money from the purchaser of the prepaid contract.

Sec. 15. NRS 689C.075 is hereby amended to read as follows:

689C.075 1. "Health benefit plan" means a policy ~~[or certificate for hospital or medical expenses, a contract for dental, hospital or medical services, or a health care plan of a health maintenance organization available for use, offered or sold to a small employer.]~~ ***, contract, certificate or agreement to provide for, deliver payment for, arrange for the payment of, pay for or reimburse any of the costs of health care services.*** Except as otherwise provided in this section, the term includes short-term and catastrophic health insurance policies ~~[,]~~ and a policy that pays on a cost-incurred basis.

2. The term does not include:

(a) Coverage that is only for accident or disability income insurance, or any combination thereof;

(b) Coverage issued as a supplement to liability insurance;

(c) Liability insurance, including general liability insurance and automobile liability insurance;

(d) Workers' compensation or similar insurance;

(e) Coverage for medical payments under a policy of automobile insurance;

(f) Credit insurance;

(g) Coverage for on-site medical clinics;

(h) Coverage under a short-term health insurance policy;

(i) Coverage under a blanket student accident and health insurance policy; and

(j) Other similar insurance coverage specified in federal regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996,

Public Law 104-191, under which benefits for medical care are secondary or incidental to other insurance benefits.

3. If the benefits are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of a health benefit plan, the term does not include the following benefits:

(a) Limited-scope dental or vision benefits;

(b) Benefits for long-term care, nursing home care, home health care or community-based care, or any combination thereof; and

(c) Such other similar benefits as are specified in any federal regulations adopted pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

4. If the benefits are provided under a separate policy, certificate or contract of insurance, there is no coordination between the provision of the benefits and any exclusion of benefits under any group health plan maintained by the same plan sponsor, and the benefits are paid for a claim without regard to whether benefits are provided for such a claim under any group health plan maintained by the same plan sponsor, the term does not include:

(a) Coverage that is only for a specified disease or illness; and

(b) Hospital indemnity or other fixed indemnity insurance.

5. If offered as a separate policy, certificate or contract of insurance, the term does not include:

(a) Medicare supplemental health insurance as defined in section 1882(g)(1) of the Social Security Act, 42 U.S.C. § 1395ss, as that section existed on July 16, 1997;

(b) Coverage supplemental to the coverage provided pursuant to the Civilian Health and Medical Program of Uniformed Services, CHAMPUS, 10 U.S.C. §§ 1071 et seq.; and

(c) Similar supplemental coverage provided under a group health plan.

Sec. 15.5. NRS 689C.170 is hereby amended to read as follows:

689C.170 1. A carrier serving small employers may vary the application of requirements for minimum participation of eligible employees and minimum employer's contributions only by the size of the small employer's group ~~[.]~~ ***or the product offered.***

2. In applying requirements for minimum participation with respect to a small employer, a carrier shall not consider employees or dependents who have creditable coverage when determining whether the applicable percentage of participation is met, but may consider employees or dependents who have coverage under another health benefit plan that is sponsored by the employer.

3. A carrier shall not deny an application for coverage solely because the applicant works in a certain industry.

4. After a small employer has been accepted for coverage, a carrier shall not increase any requirement for minimum employee participation or modify

any requirement for minimum employer contribution applicable to the small employer.

Sec. 16. NRS 690B.260 is hereby amended to read as follows:

690B.260 1. Each insurer which issues a policy of insurance covering the liability of a physician licensed under chapter 630 of NRS or an osteopathic physician licensed under chapter 633 of NRS for a breach of his professional duty toward a patient shall, within 45 days after ~~[a claim is closed under the policy,]~~ ***the end of a calendar quarter,*** submit a report to the Commissioner concerning ~~[the claim.]~~ ***each claim that was closed during that calendar quarter under such a policy of insurance issued by the insurer and any change during that calendar quarter to any claim under such a policy of insurance issued by the insurer that was closed during a previous calendar quarter.*** The report must include, without limitation:

(a) The name and address of the claimant and the insured under ~~[the]~~ ***each*** policy;

(b) A statement setting forth the circumstances of ~~[the]~~ ***that*** case;

(c) Information indicating whether any payment was made on ~~[the]~~ ***a*** claim and the amount of the payment, if any; and

(d) The information specified in subsection 2 of NRS 679B.144 ~~[.]~~ ***for each claim.***

2. An insurer who fails to comply with the provisions of subsection 1 is subject to the imposition of an administrative fine pursuant to NRS 679B.460.

3. The Commissioner shall, within 30 days after receiving a report from an insurer pursuant to this section, submit a report to the Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, setting forth the information provided to the Commissioner by the insurer pursuant to this section.

Sec. 17. NRS 690C.080 is hereby amended to read as follows:

690C.080 ***1.*** "Service contract" means a contract pursuant to which a provider, in exchange for separately stated consideration, is obligated for a specified period to a holder to repair, replace or perform maintenance on, or indemnify or reimburse the holder for the costs of repairing, replacing or performing maintenance on, goods that are described in the service contract and which have an operational or structural failure as a result of a defect in materials, workmanship or normal wear and tear, including, without limitation:

~~[1.]~~ ***(a)*** A contract that includes a provision for incidental payment of indemnity under limited circumstances, including, without limitation, towing, rental and emergency road service; and

~~[2.]~~ ***(b)*** A contract that provides for the repair, replacement or maintenance of goods for damages that result from power surges or accidental damage from handling.

2. The term does not include a contract pursuant to which a provider, other than the manufacturer, builder, seller or lessor of a manufactured

home, in exchange for separately stated consideration, is obligated for a specified period to a holder to repair or replace, or indemnify or reimburse the holder for the costs of repairing or replacing, any component of the physical structure of the manufactured home, including, without limitation, the walls, roof supports, structural floor base or foundation.

Sec. 18. NRS 692A.270 is hereby amended to read as follows:

692A.270 The provisions of NRS ***683A.321, 683A.331,*** 683A.341, 683A.400, 683A.451 to 683A.490, inclusive, and 683A.520 apply to title insurers, title agents and escrow officers.

Sec. 19. NRS 694C.250 is hereby amended to read as follows:

694C.250 1. A captive insurer must not be issued a license, and shall not hold a license, unless the captive insurer has and maintains, in addition to any other capital ***or surplus*** required to be maintained pursuant to subsection 3, unimpaired paid-in capital ***and unencumbered surplus*** of:

(a) For a pure captive insurer, not less than ~~[$100,000;]~~ ***$200,000;***

(b) For an association captive insurer ***,*** ~~[incorporated as a stock insurer,]~~ not less than ~~[$200,000;]~~ ***$500,000;***

(c) For an agency captive insurer, not less than ~~[$300,000;]~~ ***$600,000;***

(d) For a rental captive insurer, not less than ~~[$400,000;]~~ ***$800,000;*** and

(e) For a sponsored captive insurer, not less than ~~[$200,000.]~~ ***$500,000.***

2. Except as otherwise provided by the Commissioner pursuant to subsection 3, the capital ***and surplus*** required to be maintained pursuant to this section must be in the form of cash or an irrevocable letter of credit.

3. The Commissioner may prescribe additional requirements relating to capital ***or surplus*** based on the type, volume and nature of the insurance business that is transacted by the captive insurer and requirements regarding which capital ~~[,]~~ ***and surplus,*** if any, may be in the form of an irrevocable letter of credit.

4. A letter of credit used by a captive insurer as evidence of capital ***and surplus*** required pursuant to this section must:

(a) Be issued by a bank chartered by this State or a bank that is a member of the United States Federal Reserve System and has been approved by the Commissioner; and

(b) Include a provision pursuant to which the letter of credit is automatically renewable each year, unless the issuer gives written notice to the Commissioner and the captive insurer at least 90 days before the expiration date.

Sec. 20. NRS 694C.270 is hereby amended to read as follows:

694C.270 1. The Commissioner may suspend or revoke the license of a captive insurer if, after an examination and hearing, the Commissioner determines that:

(a) The captive insurer:

(1) Is insolvent or has impaired its required capital or surplus;

(2) Has failed to meet a requirement of NRS 694C.250, ~~[694C.260,]~~ 694C.320 or 694C.330;

(3) Has refused or failed to submit an annual report, as required by NRS 694C.400, or any other report or statement required by law or by order of the Commissioner;

(4) Has failed to comply with the provisions of its charter or bylaws;

(5) Has failed to submit to an examination required pursuant to NRS 694C.410;

(6) Has refused or failed to pay the cost of an examination required pursuant to NRS 694C.410;

(7) Has used any method in transacting insurance pursuant to this chapter which is detrimental to the operation of the captive insurer or would make its condition unsound with respect to its policyholders or the general public; or

(8) Has failed otherwise to comply with the laws of this State; and

(b) The suspension or revocation of the license of the captive insurer is in the best interest of its policyholders or the general public.

2. The provisions of NRS 679B.310 to 679B.370, inclusive, apply to hearings conducted pursuant to this section.

Sec. 21. NRS 694C.340 is hereby amended to read as follows:

694C.340 1. Except as otherwise provided in this section and NRS 694C.382, an association captive insurer, an agency captive insurer, a rental captive insurer or a sponsored captive insurer shall comply with the requirements relating to investments set forth in chapter 682A of NRS. Upon the request of the association captive insurer, agency captive insurer, rental captive insurer or sponsored captive insurer, the Commissioner may approve the use of reliable, alternative methods of valuation and rating.

2. A pure captive insurer is not subject to any restrictions on allowable investments, except that the Commissioner may prohibit or limit any investment that threatens the solvency or liquidity of the pure captive insurer.

3. A pure captive insurer may make a loan to its parent or affiliated company if the loan:

(a) Is first approved in writing by the Commissioner;

(b) Is evidenced by a note that is in a form that is approved by the Commissioner; and

(c) Does not include any money that has been set aside as capital or surplus as required by subsection 1 of NRS 694C.250 **.** ~~[or subsection 1 of NRS 694C.260.]~~

Sec. 22. NRS 694C.384 is hereby amended to read as follows:

694C.384 1. As security for the payment of liabilities attributable to the branch operations of a branch captive insurer, the Commissioner shall require that a trust fund, funded by an irrevocable letter of credit or other acceptable asset, be established and maintained in the United States for the benefit of United States policyholders and ceding United States insurers under insurance policies or reinsurance contracts issued or assumed by the branch captive insurer through its branch operations.

2. The amount of the security must be not less than the total amount required by NRS 694C.250 **,** ~~[and 694C.260,]~~ and any reserves on such insurance policies or reinsurance contracts, including reserves for losses, allocated loss adjustment expenses, incurred but not reported losses and unearned premiums with regard to business written through the branch operations. The Commissioner may authorize a branch captive insurer that is required to post security for loss reserves on branch business by its reinsurer to reduce the funds in the trust account required by this section by that same amount as long as the security remains posted with the reinsurer.

3. If the form of the security is a letter of credit, the letter of credit must be established, issued or confirmed by a bank chartered in this State or a bank that is a member of the Federal Reserve System.

Sec. 23. NRS 694C.400 is hereby amended to read as follows:

694C.400 1. On or before March 1 of each year, a captive insurer shall submit to the Commissioner a report of its financial condition, as prepared by a certified public accountant. A captive insurer shall use generally accepted accounting principles and include any useful or necessary modifications or adaptations thereof that have been approved or accepted by the Commissioner for the type of insurance and kinds of insurers to be reported upon, and as supplemented by additional information required by the Commissioner. Except as otherwise provided in this section, each association captive insurer, agency captive insurer **,** ~~[or]~~ rental captive insurer ***or sponsored captive insurer*** shall file its report in the form required by NRS 680A.265. The Commissioner shall adopt regulations designating the form in which pure captive insurers must report.

2. A pure captive insurer may apply, in writing, for authorization to file its annual report based on a fiscal year that is consistent with the fiscal year of the parent company of the pure captive insurer. If an alternative date is granted:

(a) The annual report is due not later than 60 days after the end of each such fiscal year; and

(b) The pure captive insurer shall file on or before March 1 of each year such forms as required by the Commissioner by regulation to provide sufficient detail to support its premium tax return filed pursuant to NRS 694C.450.

Sec. 24. NRS 695D.270 is hereby amended to read as follows:

695D.270 1. The Commissioner shall, ~~[once:~~

~~(a) Every 6 months for the first]~~ ***not less frequently than once every*** 3 years **,** ~~[after an organization for dental care receives its certificate of authority; and~~

~~(b) Each year thereafter,~~

~~↵]~~ conduct an examination of ~~[the]~~ ***an*** organization ***for dental care*** pursuant to NRS 679B.250 to 679B.300, inclusive.

2. The Commissioner may examine any organization which holds a certificate of authority from this State or another state at any other time he

deems necessary. For those organizations transacting business in this State which are not organized in this State, the Commissioner may accept a full report of the last examination of the organization certified by the state officer who supervises those organizations in the other state, if that examination is equivalent to an examination conducted by the Commissioner.

3. The Commissioner shall, in like manner, examine all organizations applying for a certificate of authority.

Sec. 25. NRS 695F.310 is hereby amended to read as follows:

695F.310 1. The Commissioner may examine the affairs of any prepaid limited health service organization as often as is reasonably necessary to protect the interests of the residents of this State, but not less frequently than once every ~~[2]~~ ***3*** years.

2. A prepaid limited health service organization shall make its books and records available for examination and cooperate with the Commissioner to facilitate the examination.

3. In lieu of such an examination, the Commissioner may accept the report of an examination conducted by the commissioner of insurance of another state.

4. The reasonable expenses of an examination conducted pursuant to this section must be charged to the organization being examined and remitted to the Commissioner.

Sec. 26. NRS 696A.185 is hereby amended to read as follows:

696A.185 1. Every motor club shall file with the Commissioner on or before March 1 of each year a report which summarizes its activities for the preceding calendar year. The report must be verified by at least two officers of the motor club.

2. The report must be on a form prescribed by the Commissioner and must include:

(a) A financial statement for the motor club, including its balance sheet and receipts and disbursements for the preceding calendar year;

(b) Any material changes in the information given in the previous report;

(c) The number of members enrolled in the year;

(d) The costs of all services provided for that year; and

(e) Any other information relating to the motor club requested by the Commissioner.

3. The motor club must pay to the Commissioner an annual fee of $500.

4. Every motor club shall file with the Commissioner on or before June 1 of each year a financial statement of the motor club certified by an independent public accountant.

5. Any motor club failing, without just cause beyond its reasonable control, to file timely the report or financial statement ***or to pay timely the annual fee*** required by this section shall pay an administrative penalty of $100 per day until the report or statement is filed, except that the total penalty must not exceed $3,000. The Attorney General shall recover the penalty in the name of the State of Nevada.

6. A motor club is not exempt from the provisions of NRS 679B.700.

Sec. 27. NRS 696B.330 is hereby amended to read as follows:

696B.330 1. All claims against an insurer against which delinquency proceedings have ~~[been begun shall]~~ ***commenced must be filed in the manner and form established by the receiver and*** set forth in reasonable detail the amount of the claim, or the basis upon which ~~[such]~~ ***that*** amount can be ascertained, the facts upon which the claim is based, and the priorities asserted, if any. All such claims ~~[shall]~~ ***must*** be verified by the affidavit of the claimant, or someone authorized to act on his behalf and having knowledge of the facts, and ~~[shall]~~ be supported by such documents as may be material thereto.

2. All claims filed in this State ~~[shall]~~ ***must*** be filed with the receiver, whether domiciliary or ancillary, in this State, on or before the last date for filing as specified in this chapter ~~[.]~~ ***or as directed by the court.***

3. ~~[Within 10 days of the receipt of any claim, or within such further period as the court may fix for good cause shown, the receiver shall report the claim to the court, specifying in such report his recommendation with respect to the action to be taken thereon. Upon receipt of such report, the court shall fix a time for hearing the claim and shall direct that the claimant or the receiver, as the court shall specify, shall give such notice as the court determines to such persons as appear to the court to be interested therein. All such notices shall specify the time and place of the hearing and shall concisely state the amount and nature of the claim, the priorities asserted, if any, and the recommendation of the receiver with reference thereto.~~

~~4. At the hearing, all persons interested shall be entitled to appear, and the court shall enter an order allowing, allowing in part, or disallowing the claim. Any such order is an appealable order.]~~ ***Except as otherwise provided in subsection 4, after the last date for filing a claim against an insurer as specified in this chapter, the receiver shall:***

(a) Determine whether to approve or deny, in whole or in part, each claim against the insurer filed with the receiver pursuant to subsection 2; and

(b) If the receiver approves a claim, in whole or in part, determine the class of the claim as provided in NRS 696B.420.

4. The receiver is not required to process any claims in a class until it appears that assets will be available for distribution to that class. If there are insufficient assets to process claims for a class, the receiver shall notify the court and may make a recommendation to the court for the processing of any such claims.

5. The receiver shall mail, by first-class mail, postage prepaid, to each claimant that filed a claim with the receiver pursuant to subsection 2, written notice of the determination regarding the claim.

6. The receiver shall submit to the court a report on the determination of the receiver on each claim approved in whole or in part.

7. Not more than 60 days after the mailing of the written notice pursuant to subsection 5 or the submission of the report pursuant to subsection 6, whichever occurs later, a person may file with the receiver an objection to the determination of the receiver on a claim.

8. If an objection is filed pursuant to subsection 7, the receiver shall submit to the court a report on the determination of the receiver on each claim to which an objection has been filed. The court shall fix a time for a hearing on such claims and shall direct the receiver to give notice of the hearing. The notice provided by the receiver must:

(a) Be sent to the claimant by first-class mail, postage prepaid, not more than 30 days and not less than 10 days before the hearing, on any claim to which an objection has been filed; and

(b) Specify the time and place of the hearing.

9. A hearing may be conducted by the court or by a master or referee appointed by the court. If a hearing is conducted by a master or referee, the master or referee shall submit findings of fact and his recommendations to the court. The court shall enter an order approving or denying, in whole or in part, a claim filed against an insurer. Any such order is an appealable order.

Sec. 28. NRS 697.360 is hereby amended to read as follows:

697.360 Licensed bail agents, bail solicitors and bail enforcement agents, and general agents are also subject to the following provisions of this Code, to the extent reasonably applicable:

1. Chapter 679A of NRS.
2. Chapter 679B of NRS.
3. NRS 683A.261.
4. NRS 683A.301.
5. NRS 683A.311.
6. ***NRS 683A.331.***
7. NRS 683A.341.
~~[7.]~~ ***8.*** NRS 683A.361.
~~[8.]~~ ***9.*** NRS 683A.400.
~~[9.]~~ ***10.*** NRS 683A.451.
~~[10.]~~ ***11.*** NRS 683A.461.
~~[11.]~~ ***12.*** NRS 683A.480.
~~[12.]~~ ***13.*** NRS 683A.500.
~~[13.]~~ ***14.*** NRS 683A.520.
~~[14.]~~ ***15.*** NRS 686A.010 to 686A.310, inclusive.

Sec. 28.3. NRS 616A.050 is hereby amended to read as follows:

616A.050 "Association of self-insured private employers" means a nonprofit, unincorporated association composed of five or more private employers that has been issued a certificate by the Commissioner and is subject to the provisions of NRS 616B.350 to 616B.446, inclusive ~~[.]~~ ***, and section 29.5 of this act.***

Sec. 28.7. NRS 616A.055 is hereby amended to read as follows:

616A.055 "Association of self-insured public employers" means a nonprofit, unincorporated association composed of five or more public employers that has been issued a certificate by the Commissioner and is subject to the provisions of NRS 616B.350 to 616B.446, inclusive ~~[.]~~ ***, and section 29.5 of this act.***

Sec. 29. NRS 616A.330 is hereby amended to read as follows:

616A.330 "Tangible net worth" means ***the value of*** all ~~[of]~~ the assets ***, minus the value of all the liabilities,*** of an association of self-insured private employers or of a member of such an association except:

1. ~~[Accounts receivable, if they are factored or collateralized.~~

~~2. An inventory, except one held for resale and not collateralized.~~

~~3. A prepaid expense.~~

~~4. An unqualified investment.~~

~~5. An allocated bond fund.~~

~~6. An investment in an affiliate.~~

~~7. A restricted fund.~~

~~8. A reserve.~~

~~9. A security cost, such as a capitalized bond cost.~~

~~10. A cash equivalent, unless it is described in the footnotes for the balance sheet by item, and for investments, by duration and nature. A cash flow statement is not a sufficient description.~~

~~11. A contingency or commitment, including any estimated cost.~~

~~12. Any book adjustment caused by a change in an accounting policy or a restatement.~~

~~13.]~~ Goodwill or excess cost over the fair market value of assets.

~~[14.]~~ ***2.*** Any other items listed in the assets that are deemed unacceptable by the Commissioner because they cannot be justified or because they do not directly support the ability of the association or the member to pay a claim.

Sec. 29.5. Chapter 616B of NRS is hereby amended by adding thereto a new section to read as follows:

If a member of an association of self-insured public or private employers requests, in writing, information required for his certificate of insurance, the association shall, within 30 days after receiving the request, provide to the member information regarding claims paid and reserves for claims incurred that are maintained on behalf of the member.

Sec. 29.7. NRS 616B.300 is hereby amended to read as follows:

616B.300 1. An employer may qualify ***and remain qualified*** as a self-insured employer by establishing to the satisfaction of the Commissioner that the employer has sufficient administrative and financial resources to make certain the prompt payment of all compensation under chapters 616A to 616D, inclusive, or chapter 617 of NRS. ***For the purposes of this subsection, an employer has sufficient financial resources if : ~~[the employer has:]~~***

(a) ~~[A]~~ At the time of initial qualification and until the employer has operated successfully as a qualified self-insured employer for 3 years, as determined by the Commissioner, the employer has a tangible net worth of

not less than $2,500,000, as evidenced by a statement of tangible net worth provided to the Division of Insurance of the Department of Business and Industry by an independent certified public accountant; or

(b) ~~[Net]~~ After 3 years of successful operation as a qualified self-insured employer, as determined by the Commissioner, the employer has net cash flows from operating activities plus net cash flows from financing activities of five times the average of claims paid for each of the last 3 years or $7,500,000, whichever is less.

2. A self-insured employer must, in addition to establishing financial ability to pay, deposit with the Commissioner a bond executed by the employer as principal, and by a corporation qualified under the laws of this State as surety, payable to the State of Nevada, and conditioned upon the payment of compensation for injuries and occupational diseases to employees. The bond must be in an amount reasonably sufficient to ensure payment of compensation, but in no event may it be less than 105 percent of the employer's expected annual incurred cost of claims, or less than $100,000. In arriving at an amount for the expected annual cost of claims, due consideration must be given to the past and prospective experience of the employer with losses and expenses within this State, to the hazard of catastrophic loss, to other contingencies, and to trends within the State. In arriving at the amount of the deposit required, the Commissioner may consider the nature of the employer's business, the financial ability of the employer to pay compensation and his probable continuity of operation.

3. In lieu of a bond the employer may deposit with the Commissioner a like amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is unavailable for withdrawal except upon order of the Commissioner.

4. The required deposit may be increased or decreased by the Commissioner in accordance with chapter 681B of NRS and his regulations for loss reserves in casualty insurance. If the Commissioner requires an employer to increase his deposit, the Commissioner may specify the form of the additional security. The employer shall comply with such a requirement within 60 days after receiving notice from the Commissioner.

5. The Commissioner shall require the self-insured employer to submit evidence of excess insurance to provide protection against a catastrophic loss. The excess insurance must be written by an insurer authorized to do business in this State. The Commissioner shall consider the excess insurance coverage as a basis for a reduction in the deposit required of an employer.

6. The Account for Self-Insured Employers is hereby created in the State Agency Fund for Bonds. All money received by the Commissioner pursuant to this section must be deposited with the State Treasurer to the credit of the Account for Self-Insured Employers. All claims against this Account must be paid as other claims against the State are paid.

Sec. 29.8. NRS 616B.353 is hereby amended to read as follows:

616B.353 1. An association of self-insured public or private employers shall:

(a) Execute an indemnity agreement jointly and severally binding the association and each member of the association to secure the payment of all compensation due pursuant to chapters 616A to 617, inclusive, of NRS. The indemnity agreement must be in a form prescribed by the Commissioner. An association may add provisions to the indemnity agreement if they are first approved by the Commissioner.

(b) Except as otherwise provided in this subsection, maintain a policy of specific and aggregate excess insurance in a form and amount required by the Commissioner. The excess insurance must be written by an insurer approved by the Commissioner. To determine the amount of excess insurance required, the Commissioner shall consider:

(1) The number of members in the association;

(2) If the association is an association of self-insured public employers, the types of governmental services provided by the members of the association;

(3) If the association is an association of self-insured private employers, the classifications of employment of the members of the association;

(4) The number of years the association has been in existence; and

(5) Such other information as the Commissioner deems necessary.

➥ Nothing in this paragraph prohibits an association from purchasing secondary excess insurance in addition to the excess insurance required by this paragraph.

(c) Collect an annual assessment from each member of the association in an aggregate amount of at least $250,000 or in an aggregate amount which the Commissioner determines is satisfactory based on an annual review conducted by him of the actuarial solvency of the association.

(d) Except as otherwise provided in paragraph (e), deposit as security with the Commissioner a bond executed by the association as principal, and by a licensed surety, payable to the State of Nevada, and conditioned upon the payment of compensation for injuries and occupational diseases to their employees. The bond must be in an amount determined by the Commissioner to be reasonably sufficient to ensure payment of such compensation, but in no event may it be less than $100,000.

(e) In lieu of a bond, deposit with the Commissioner a like amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is unavailable for withdrawal except upon order of the Commissioner.

2. Except as otherwise provided in subsection 3, in addition to complying with the requirements of subsection 1, an association of self-insured private employers shall **:** ~~[maintain]~~ ~~[a]~~ ~~*[either:]*~~

(a) ~~[A]~~ At the time of initial qualification and until the association has operated successfully as a qualified association of self-insured private employers for 3 years, as determined by the Commissioner, have a combined tangible net worth of all members in the association of at least $2,500,000 ~~[.]~~ ***, as evidenced by a statement of tangible net worth provided to the Division of Insurance of the Department of Business and Industry by an independent certified public accountant; or***

(b) ~~[Combined]~~ After 3 years of successful operation as a qualified association of self-insured private employers, as determined by the Commissioner, have combined net cash flows from operating activities plus net cash flows from financing activities of all members in the association of five times the average of claims paid for each of the last 3 years or $7,500,000, whichever is less.

3. In lieu of complying with the requirements of subsection 2, the association's administrator shall ensure that a solvency bond, in a form prescribed by the Commissioner and in an aggregate amount of at least $2,500,000, is deposited with the Commissioner by the association or members of the association on behalf of the association.

4. The association's administrator shall deposit with the Commissioner a bond executed by the association's administrator as principal, and by a licensed surety, payable to the State of Nevada, and conditioned upon the faithful performance of his duties. The bond must be in an amount determined by the Commissioner.

5. Any third-party administrator providing claims services for the association shall deposit with the Commissioner a bond executed by the third-party administrator as principal, and by a licensed surety, payable to the State of Nevada, and conditioned upon the faithful performance of its duties. The bond must be in an amount determined by the Commissioner.

6. The Commissioner may increase or decrease the amount of any bond or money required to be deposited by this section in accordance with chapter 681B of NRS and his regulations for loss reserves in casualty insurance. If the Commissioner requires an association, association's administrator or third-party administrator to increase its deposit, the Commissioner may specify the form of the additional security. The association, association's administrator or third-party administrator shall comply with such a requirement within 60 days after receiving notice from the Commissioner.

7. The Account for Associations of Self-Insured Public and Private Employers is hereby created in the State Agency Fund for Bonds. All money received by the Commissioner pursuant to this section must be deposited with the State Treasurer to the credit of the Account. All claims against this Account must be paid as other claims against the State are paid.

Sec. 30. NRS 616B.386 is hereby amended to read as follows:

616B.386 1. If an employer wishes to become a member of an association of self-insured public or private employers, the employer must:

(a) Submit an application for membership to the board of trustees or third-party administrator of the association; and

(b) Enter into an indemnity agreement as required by NRS 616B.353.

2. The membership of the applicant becomes effective when each member of the association approves the application or on a later date specified by the association. The application for membership and the action taken on the application must be maintained as permanent records of the board of trustees.

3. Each member who is a member of an association during the 12 months immediately following the formation of the association must:

(a) Have a tangible net worth of at least $500,000; or

(b) Have had a reported payroll for the previous 12 months which would have resulted in a manual premium of at least $15,000, calculated in accordance with a manual prepared pursuant to subsection 4 of NRS 686B.1765.

4. An employer who seeks to become a member of the association after the 12 months immediately following the formation of the association must meet the requirement set forth in paragraph (a) or (b) of subsection 3 unless the Commissioner adjusts the requirement for membership in the association after conducting an annual review of the actuarial solvency of the association pursuant to subsection 1 of NRS 616B.353.

5. An association of self-insured private employers may apply to the Commissioner for authority to determine the amount of tangible net worth and manual premium that an employer must have to become a member of the association. The Commissioner shall approve the application if the association:

(a) Has been certified to act as an association for at least the 3 consecutive years immediately preceding the date on which the association filed the application with the Commissioner;

(b) Has ~~[a]~~ ***, as determined by the Commissioner, either:***

(1) A combined tangible net worth of all members in the association of at least $5,000,000; ***or***

(2) Combined net cash flows from operating activities plus net cash flows from financing activities of all members in the association of five times the average of claims paid for each of the last 3 years or $7,500,000, whichever is less;

(c) Has at least 15 members; and

(d) Has not been required to meet informally with the Commissioner pursuant to subsection 1 of NRS 616B.431 during the 18-month period immediately preceding the date on which the association filed the application with the Commissioner or, if the association has been required to attend such a meeting during that period, has not had its certificate withdrawn before the date on which the association filed the application.

6. An association of self-insured private employers may apply to the Commissioner for authority to determine the documentation demonstrating

solvency that an employer must provide to become a member of the association. The Commissioner shall approve the application if the association:

(a) Has been certified to act as an association for at least the 3 consecutive years immediately preceding the date on which the association filed the application with the Commissioner;

(b) Has ~~[a]~~ ***, as determined by the Commissioner, either:***

(1) A combined tangible net worth of all members in the association of at least $5,000,000; ***or***

(2) Combined net cash flows from operating activities plus net cash flows from financing activities of all members in the association of five times the average of claims paid for each of the last 3 years or $7,500,000, whichever is less; and

(c) Has at least 15 members.

7. The Commissioner may withdraw his approval of an application submitted pursuant to subsection 5 or 6 if he determines the association has ceased to comply with any of the requirements set forth in subsection 5 or 6, as applicable.

8. A member of an association may terminate his membership at any time. To terminate his membership, a member must submit to the association's administrator a notice of intent to withdraw from the association at least 120 days before the effective date of withdrawal. The notice of intent to withdraw must include a statement indicating that the member has:

(a) Been certified as a self-insured employer pursuant to NRS 616B.312;

(b) Become a member of another association of self-insured public or private employers; or

(c) Become insured by a private carrier.

9. The members of an association may cancel the membership of any member of the association in accordance with the bylaws of the association.

10. The association shall:

(a) Within 30 days after the addition of an employer to the membership of the association, notify the Commissioner of the addition and:

(1) If the association has not received authority from the Commissioner pursuant to subsection 5 or 6, as applicable, provide to the Commissioner all information and assurances for the new member that were required from each of the original members of the association upon its organization; or

(2) If the association has received authority from the Commissioner pursuant to subsection 5 or 6, as applicable, provide to the Commissioner evidence that is satisfactory to the Commissioner that the new member is a member or associate member of the bona fide trade association as required pursuant to paragraph (a) of subsection 2 of NRS 616B.350, a copy of the indemnity agreement that jointly and severally binds the new member, the other members of the association and the association that is required to be executed pursuant to paragraph (a) of subsection 1 of NRS 616B.353 and any

other information the Commissioner may reasonably require to determine whether the amount of security deposited with the Commissioner pursuant to paragraph (d) or (e) of subsection 1 of NRS 616B.353 is sufficient, but such information must not exceed the information required to be provided to the Commissioner pursuant to subparagraph (1);

(b) Notify the Commissioner and the Administrator of the termination or cancellation of the membership of any member of the association within 10 days after the termination or cancellation; and

(c) At the expense of the member whose membership is terminated or cancelled, maintain coverage for that member for ~~[30]~~ ***60*** days after notice is given pursuant to paragraph (b), unless the association first receives notice from the Administrator that the member has:

(1) Been certified as a self-insured employer pursuant to NRS 616B.312;

(2) Become a member of another association of self-insured public or private employers; or

(3) Become insured by a private carrier.

11. If a member of an association changes his name or form of organization, the member remains liable for any obligations incurred or any responsibilities imposed pursuant to chapters 616A to 617, inclusive, of NRS under his former name or form of organization.

12. An association is liable for the payment of any compensation required to be paid by a member of the association pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during his period of membership. The insolvency or bankruptcy of a member does not relieve the association of liability for the payment of the compensation.

Sec. 30.3. NRS 616B.425 is hereby amended to read as follows:

616B.425 1. The Commissioner may issue an order requiring an association of self-insured public or private employers or a member of the association to cease and desist from engaging in any act or practice found to be in violation of any provision of NRS 616B.350 to 616B.446, inclusive, ***and section 29.5 of this act,*** or any regulation adopted pursuant thereto.

2. If the Commissioner determines that an association or a member of the association has violated an order to cease and desist, the Commissioner may impose an administrative fine of not more than $10,000 for each violation of the order, not to exceed an aggregate amount of $100,000, or withdraw the certificate of the association, or both.

Sec. 30.5. NRS 616B.428 is hereby amended to read as follows:

616B.428 1. The Commissioner may impose an administrative fine for each violation of any provision of NRS 616B.350 to 616B.446, inclusive, ***and section 29.5 of this act,*** or any regulation adopted pursuant thereto. Except as otherwise provided in those sections, the amount of the fine may not exceed $1,000 for each violation or an aggregate amount of $10,000.

2. The Commissioner may withdraw the certificate of an association of self-insured public or private employers if:

(a) The association's certificate was obtained by fraud;

(b) The application for certification contained a material misrepresentation;

(c) The association is found to be insolvent;

(d) The association fails to have five or more members;

(e) The association fails to pay the costs of any examination or any penalty, fee or assessment required by the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(f) The association fails to comply with any of the provisions of this chapter or chapter 616A, 616C, 616D or 617 of NRS, or any regulation adopted pursuant thereto;

(g) The association fails to comply with any order of the Commissioner within the time prescribed by the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS or in the order of the Commissioner; or

(h) The association or its third-party administrator misappropriates, converts, illegally withholds or refuses to pay any money to which a person is entitled and that was entrusted to the association in its fiduciary capacity.

3. If the Commissioner withdraws the certification of an association of self-insured public or private employers, each employer who is a member of the association remains liable for his obligations incurred before and after the order of withdrawal.

4. Any employer who is a member of an association whose certification is withdrawn shall, on the effective date of the withdrawal, qualify as an employer pursuant to NRS 616B.650.

Sec. 30.7. NRS 616B.446 is hereby amended to read as follows:

616B.446 The Commissioner may adopt such regulations as are necessary to carry out the provisions of NRS 616B.350 to 616B.446, inclusive ~~[.]~~ ***, and section 29.5 of this act.***

Sec. 30.8. **NRS 616B.691 is hereby amended to read as follows:**

616B.691 1. For the purposes of chapters 612 and 616A to 617, inclusive, of NRS, an employee leasing company which complies with the provisions of NRS 616B.670 to 616B.697, inclusive, shall be deemed to be the employer of the employees it leases to a client company.

2. ~~[An]~~ ***If an employee leasing company complies with the provisions of subsection 3, the*** employee leasing company shall be deemed to be the employer of its leased employees for the purposes of sponsoring and maintaining any benefit plans ~~[.]~~ ***, including, without limitation, for the purposes of the Employee Retirement Income Security Act of 1974.***

3. An employee leasing company shall not offer its employees any self-funded ***industrial*** insurance program. An employee leasing company shall not act as a self-insured employer or be a member of an association of self-insured public or private employers pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS**.** ~~[or pursuant to title 57 of NRS.]~~

4. If an employee leasing company fails to:

(a) Pay any contributions, premiums, forfeits or interest due; or

(b) Submit any reports or other information required,

➥ pursuant to this chapter or chapter 612, 616A, 616C, 616D or 617 of NRS, the client company is jointly and severally liable for the contributions, premiums, forfeits or interest attributable to the wages of the employees leased to it by the employee leasing company.

Sec. 31. NRS 232.825 is hereby amended to read as follows:

232.825 The Commissioner:

1. May appoint ~~[two]~~ ***three*** deputies. The deputies are in the unclassified service of the State. Except as otherwise provided in NRS 284.143, each deputy shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

2. Is responsible for the administration of the provisions of title 57 of NRS, and all other provisions of law relating to the functions of the Division.

3. May employ such staff as is necessary for the performance of his duties.

4. Has such other powers and duties as are provided by law.

Sec. 32. NRS 689A.735 and 694C.260 are hereby repealed.

Sec. 33. 1. This section and section 1 of this act become effective on July 1, 2007.

2. Sections 1.03 to 32, inclusive, of this act become effective on October 1, 2007.

TEXT OF REPEALED SECTIONS

689A.735 Report to Commissioner by trustee of medical savings account. On or before July 1 of each year, a trustee of a medical savings account established and maintained in accordance with 26 U.S.C. § 220 shall report to the Commissioner the number of medical savings accounts administered by the trustee during the previous calendar year.

694C.260 Surplus required: Amount; form; Commissioner authorized to prescribe additional requirements; letter of credit.

1. A captive insurer must not be issued a license, and shall not hold a license, unless the captive insurer has and maintains, in addition to any other surplus required to be maintained pursuant to subsection 3, an unencumbered surplus of:

(a) For a pure captive insurer, not less than $100,000;

(b) For an association captive insurer incorporated as a stock insurer, not less than $300,000;

(c) For an agency captive insurer, not less than $300,000;

(d) For a rental captive insurer, not less than $400,000;

(e) For an association captive insurer incorporated as a mutual insurer or reciprocal insurer, not less than $500,000; and

(f) For a sponsored captive insurer, not less than $300,000.

2. Except as otherwise provided in subsection 3, the surplus required to be maintained pursuant to this section must be in the form of cash or an irrevocable letter of credit.

3. The Commissioner may prescribe additional requirements relating to surplus based on the type, volume and nature of the insurance business that is transacted by the captive insurer and requirements regarding which surplus, if any, may be in the form of an irrevocable letter of credit.

4. A letter of credit used by a captive insurer as evidence of required surplus pursuant to this section must:

(a) Be issued by a bank chartered by this State or a bank that is a member of the United States Federal Reserve System and has been approved by the Commissioner; and

(b) Include a provision pursuant to which the letter of credit is automatically renewable each year, unless the issuer gives written notice to the Commissioner and the captive insurer at least 90 days before the expiration date.

Assemblyman Oceguera moved that the Assembly do not concur in the Senate Amendment No. 1111 to Assembly Bill No. 161.

Remarks by Assemblyman Oceguera.

Motion carried.

Bill ordered transmitted to the Senate.

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Assembly Bill No. 385, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 771 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 17, which is attached to and hereby made a part of this report.

MARCUS CONKLIN	JOSEPH HECK
WILLIAM HORNE	
GARN MABEY	RANDOLPH TOWNSEND
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA17.

AN ACT relating to the practice of medicine; authorizing the Board of Medical Examiners to issue restricted licenses; regulating the performance of laser surgery, intense pulsed light therapy and the injection of chemotherapeutic agents; increasing certain penalties; revising the scope of practice authorized for a physician practicing under a special volunteer medical license; making physicians subject to discipline for incurring or failing to report any disciplinary action in another jurisdiction or failing to obtain the informed consent of a patient to any procedure or therapy; providing peer reviewers and employees and volunteers working in a diversion program of the Board with limited civil immunity; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and 16 of this bill extend to physician assistants certain duties and immunities applicable to other providers of health care. (NRS 41.505, 629.031)

Section 3 of this bill authorizes the Board of Medical Examiners to issue restricted licenses to graduates of foreign medical schools who wish to engage in research, teaching or the practice of clinical medicine at a medical research facility or medical school in this State.

Sections 4 and 15.5 of this bill provide that laser surgery or intense pulsed light therapy on the globe of the eye may be performed only by a licensed physician or osteopathic physician who has completed a residency program in ophthalmology.

Section 5 of this bill prohibits a person, other than a physician, from injecting a patient with any chemotherapeutic agent classified as a prescription drug unless the person is a licensed or certified health care worker, acting within the scope of his license or certificate and under the supervision of a physician. Section 5 also defines the term "prescription drug" as a controlled substance or dangerous drug that may only be dispensed pursuant to a lawful prescription as well as any other substance or drug that can be substituted for such a controlled substance or drug.

~~[Section 17 of this bill provides for the creation of a subcommittee by the Legislative Committee on Health Care. Section 17 requires the subcommittee to review the regulation of the use of lasers and intense pulsed light therapy in the performance of medical procedures and the use of injections of chemotherapeutic substances in the performance of procedures.]~~

Sections 8 and 9 of this bill increase the penalties for physicians who fail to provide written notice to the Board of changes in their status and location. (NRS 630.254, 630.255)

Section 10 of this bill expands the scope of practice authorized for a physician practicing under a special volunteer medical license to include the treatment of persons who are uninsured or unable to afford health care in addition to the treatment of persons who are indigent.

Sections 13 and 14 of this bill expand the acts for which the Board may initiate discipline or deny licensure to include: (1) any disciplinary action taken against a physician by another jurisdiction; (2) failing to report the disciplinary action; and (3) failing to obtain the informed consent of a patient before performing any procedure or prescribing any therapy. (NRS 630.301, 630.306)

Section 15 of this bill extends the Board's limited immunity from civil liability to the Board's peer reviewers and persons working in diversion programs. (NRS 630.364)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by specific statute:

1. "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, ***physician assistant,*** dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed marriage and family therapist, chiropractor, athletic trainer, doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist or a licensed hospital as the employer of any such person.

2. For the purposes of NRS 629.051, 629.061 and 629.065, the term includes a facility that maintains the health care records of patients.

Sec. 2. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. ***1. Except as otherwise provided in NRS 630.161, the Board may issue a restricted license to a person who:***

(a) Is a graduate of a foreign medical school;

(b) Teaches, researches or practices medicine outside of the United States;

(c) Is a recognized medical expert; and

(d) Intends to teach, research or practice clinical medicine at a medical research facility or medical school in this State.

2. A person who applies for a restricted license pursuant to this section is not required to take or pass a written examination concerning his qualifications to practice medicine, but the person must satisfy the requirements for a restricted license set forth in regulations adopted by the Board.

3. A person who holds a restricted license pursuant to this section may practice medicine in this State only in accordance with the terms and restrictions established by the Board.

Sec. 4. ***Laser surgery or intense pulsed light therapy on the globe of the eye of a patient may be performed only by a licensed physician who has completed a program of progressive postgraduate education in ophthalmology as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education or the Council on Medical Education of the Canadian Medical Association.***

Sec. 5. ***1. A person, other than a physician, shall not inject a patient with any chemotherapeutic agent classified as a prescription drug unless:***

(a) The person is licensed or certified to perform medical services pursuant to this title;

(b) The administration of the injection is within the scope of the person's license or certificate; and

(c) The person administers the injection under the supervision of a physician. The Board shall prescribe the requirements for supervision pursuant to this subsection.

2. As used in this section:

(a) "Dangerous drug" has the meaning ascribed to it in NRS 454.201.

(b) "Prescription drug" means:

(1) A controlled substance or dangerous drug that may be dispensed to an ultimate user only pursuant to a lawful prescription; and

(2) Any other substance or drug substituted for such a controlled substance or dangerous drug.

Sec. 6. NRS 630.025 is hereby amended to read as follows:

630.025 "Supervising physician" means an active physician licensed ***and in good standing*** in the State of Nevada who ~~[employs and]~~ supervises a physician assistant.

Sec. 7. NRS 630.160 is hereby amended to read as follows:

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing him to practice.

2. Except as otherwise provided in NRS 630.1605, 630.161 and 630.258 to 630.265, inclusive, ***and section 3 of this act,*** a license may be issued to any person who:

(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(b) Has received the degree of doctor of medicine from a medical school:

(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;

(c) Is currently certified by a specialty board of the American Board of Medical Specialties and who agrees to maintain ~~[such]~~ ***the*** certification for the duration of his licensure, or has passed:

(1) All parts of the examination given by the National Board of Medical Examiners;

(2) All parts of the Federation Licensing Examination;

(3) All parts of the United States Medical Licensing Examination;

(4) All parts of a licensing examination given by any state or territory of the United States, if the applicant is certified by a specialty board of the American Board of Medical Specialties;

(5) All parts of the examination to become a licentiate of the Medical Council of Canada; or

(6) Any combination of the examinations specified in subparagraphs (1), (2) and (3) that the Board determines to be sufficient;

(d) Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive medicine or family practice and who agrees to maintain certification in at least one of these specialties for the duration of his licensure, or:

(1) Has completed 36 months of progressive postgraduate:

(I) Education as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education or the Coordinating Council of Medical Education of the Canadian Medical Association; or

(II) Fellowship training in the United States or Canada approved by the Board or the Accreditation Council for Graduate Medical Education; or

(2) Has completed at least 36 months of postgraduate education, not less than 24 months of ~~[such postgraduate education must be]~~ ***which must have been completed*** as a resident after receiving a medical degree from a combined dental and medical degree program approved by the Board; and

(e) Passes a written or oral examination, or both, as to his qualifications to practice medicine and provides the Board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph (b).

Sec. 8. NRS 630.254 is hereby amended to read as follows:

630.254 1. Each licensee shall maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent. A licensee who changes his permanent mailing address shall notify the Board ***in writing*** of his new permanent mailing address within 30 days after the change. If a licensee fails to notify the Board ***in writing*** of a change in his permanent mailing address within 30 days after the change, the Board:

(a) Shall impose upon the licensee a fine not to exceed ~~[$100;]~~ ***$250;*** and

(b) May initiate disciplinary action against the licensee as provided pursuant to subsection 9 of NRS 630.306.

2. Any licensee who changes the location of his office in this State shall notify the Board ***in writing*** of the change before practicing at the new location.

3. Any licensee who closes his office in this State shall:

(a) Notify the Board ***in writing*** of this occurrence within 14 days after the closure; and

(b) For a period of 5 years thereafter keep the Board apprised ***in writing*** of the location of the medical records of his patients.

Sec. 9. NRS 630.255 is hereby amended to read as follows:

630.255 1. Any licensee who changes the location of his practice of medicine from this State to another state or country, has never engaged in the practice of medicine in this State after licensure or has ceased to engage in the practice of medicine in this State for 12 consecutive months may be placed on inactive status by order of the Board.

2. Each inactive registrant shall maintain a permanent mailing address with the Board to which all communications from the Board to the registrant must be sent. An inactive registrant who changes his permanent mailing address shall notify the Board ***in writing*** of his new permanent mailing address within 30 days after the change. If an inactive registrant fails to notify the Board ***in writing*** of a change in his permanent mailing address

within 30 days after the change, the Board shall impose upon the registrant a fine not to exceed ~~[$100.]~~ ***$250.***

3. Before resuming the practice of medicine in this State, the inactive registrant must:

(a) Notify the Board of his intent to resume the practice of medicine in this State;

(b) File an affidavit with the Board describing his activities during the period of his inactive status;

(c) Complete the form for registration for active status;

(d) Pay the applicable fee for biennial registration; and

(e) Satisfy the Board of his competence to practice medicine.

4. If the Board determines that the conduct or competence of the registrant during the period of inactive status would have warranted denial of an application for a license to practice medicine in this State, the Board may refuse to place the registrant on active status.

Sec. 10. NRS 630.258 is hereby amended to read as follows:

630.258 1. A physician who is retired from active practice and who wishes to donate his expertise for the medical care and treatment of ~~[indigent]~~ persons in this State ***who are indigent, uninsured or unable to afford health care*** may obtain a special volunteer medical license by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer medical license must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the physician;

(b) Proof that the physician previously has been issued an unrestricted license to practice medicine in any state of the United States and that he has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the physician satisfies the requirements for licensure set forth in NRS 630.160 or the requirements for licensure by endorsement set forth in NRS 630.1605;

(d) Acknowledgment that the practice of the physician under the special volunteer medical license will be exclusively devoted to providing medical care to ~~[indigent]~~ persons in this State ~~[;]~~ ***who are indigent, uninsured or unable to afford health care;*** and

(e) Acknowledgment that the physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer medical license, except for payment by a medical facility at which the physician provides volunteer medical services of the expenses of the physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of a physician satisfies the requirements of subsection 2 and that the retired physician is competent to

practice medicine, the Board shall issue a special volunteer medical license to the physician.

4. The initial special volunteer medical license issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer medical license; or

(b) The issuance or renewal of a special volunteer medical license pursuant to this section.

6. A physician who is issued a special volunteer medical license pursuant to this section and who accepts the privilege of practicing medicine in this State pursuant to the provisions of the special volunteer medical license is subject to all the provisions governing disciplinary action set forth in this chapter.

7. A physician who is issued a special volunteer medical license pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 11. NRS 630.265 is hereby amended to read as follows:

630.265 1. Except as otherwise provided in NRS 630.161, the Board may issue to a qualified applicant a limited license to practice medicine as a resident physician in a graduate program approved by the Accreditation Council for Graduate Medical Education if he is:

(a) A graduate of an accredited medical school in the United States or Canada; or

(b) A graduate of a foreign medical school and has received the standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that Commission that he passed the examination given by it.

2. The medical school or other institution sponsoring the program shall provide the Board with written confirmation that the applicant has been appointed to a position in the program and is a citizen of the United States or lawfully entitled to remain and work in the United States. ~~[Such a]~~ ***A limited*** license remains valid only while the licensee is actively practicing medicine in the residency program and is legally entitled to work and remain in the United States.

3. The Board may issue ~~[such]~~ a limited license for not more than 1 year but may renew the license if the applicant for the limited license meets the requirements set forth by the Board by regulation.

4. The holder of a limited license may practice medicine only in connection with his duties as a resident physician or under such conditions as are approved by the director of the program **.** ~~[and the Board.]~~

5. The holder of a limited license granted pursuant to this section may be disciplined by the Board at any time for any of the grounds provided in NRS 630.161 or 630.301 to 630.3065, inclusive.

Sec. 12. (Deleted by amendment.)

Sec. 13. NRS 630.301 is hereby amended to read as follows:

630.301 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Conviction of a felony relating to the practice of medicine or the ability to practice medicine. A plea of nolo contendere is a conviction for the purposes of this subsection.

2. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, or 616D.350 to 616D.440, inclusive.

3. ~~[The]~~ ***Any disciplinary action, including, without limitation, the*** revocation, suspension, modification or limitation of ~~[the]~~ ***a*** license to practice any type of medicine ***, taken*** by ***another state, the Federal Government, a foreign country or*** any other jurisdiction or the surrender of the license or discontinuing the practice of medicine while under investigation by any licensing authority, a medical facility, a branch of the Armed Services of the United States, an insurance company, an agency of the Federal Government or an employer.

4. Malpractice, which may be evidenced by claims settled against a practitioner, but only if ~~[such]~~ ***the*** malpractice is established by a preponderance of the evidence.

5. The engaging by a practitioner in any sexual activity with a patient who is currently being treated by the practitioner.

6. Disruptive behavior with physicians, hospital personnel, patients, members of the families of patients or any other persons if the behavior interferes with patient care or has an adverse impact on the quality of care rendered to a patient.

7. The engaging in conduct that violates the trust of a patient and exploits the relationship between the physician and the patient for financial or other personal gain.

8. The failure to offer appropriate procedures or studies, to protest inappropriate denials by organizations for managed care, to provide necessary services or to refer a patient to an appropriate provider, when ~~[such a]~~ ***the*** failure occurs with the intent of positively influencing the financial well-being of the practitioner or an insurer.

9. The engaging in conduct that brings the medical profession into disrepute, including, without limitation, conduct that violates any provision of a code of ethics adopted by the Board by regulation based on a national code of ethics.

10. The engaging in sexual contact with the surrogate of a patient or other key persons related to a patient, including, without limitation, a spouse, parent or legal guardian, which exploits the relationship between the physician and the patient in a sexual manner.

11. Conviction of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any felony involving the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS; or

(g) Any offense involving moral turpitude.

Sec. 14. NRS 630.306 is hereby amended to read as follows:

630.306 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

2. Engaging in any conduct:

(a) Which is intended to deceive;

(b) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

(c) Which is in violation of a regulation adopted by the State Board of Pharmacy.

3. Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or to others except as authorized by law.

4. Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

5. Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he is not competent to perform.

6. Performing, without first obtaining the informed consent of the patient or his family, any procedure or prescribing any therapy which by the current standards of the practice of medicine ~~[are]~~ ***is*** experimental.

7. Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

8. Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

9. Failing to comply with the requirements of NRS 630.254.

10. Habitual intoxication from alcohol or dependency on controlled substances.

11. Failure by a licensee or applicant to report ~~[,]~~ ***in writing,*** within 30 days, ***any disciplinary action taken against him by another state, the Federal Government or a foreign country, including, without limitation,***

the revocation, suspension or surrender of his license to practice medicine in another jurisdiction.

12. Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

Sec. 15. NRS 630.364 is hereby amended to read as follows:

630.364 1. Any person or organization who furnishes information concerning an applicant for a license or a licensee in good faith and without malicious intent in accordance with the provisions of this chapter is immune from any civil action for furnishing that information.

2. The Board and any of its members and its staff, counsel, investigators, experts, ***peer reviewers,*** committees, panels, hearing officers ***,*** ~~[and]~~ consultants ***and the employees or volunteers of a diversion program*** are immune from any civil liability for:

(a) Any decision or action taken in good faith and without malicious intent in response to information acquired by the Board.

(b) Disseminating information concerning an applicant for a license or a licensee to other boards or agencies of the State, the Attorney General, any hospitals, medical societies, insurers, employers, patients and their families or any law enforcement agency.

3. As used in this section, "diversion program" means a program approved by the Board to correct a licensee's alcohol or drug dependence or any other impairment.

Sec. 15.5. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

Laser surgery or intense pulsed light therapy on the globe of the eye of a patient may be performed only by a licensed osteopathic physician who has completed a program of progressive postgraduate education in ophthalmology as a resident in the United States or Canada in a program approved by the Bureau of Osteopathic Education of the American Osteopathic Association, the Accreditation Council for Graduate Medical Education or the Council on Medical Education of the Canadian Medical Association.

Sec. 16. NRS 41.505 is hereby amended to read as follows:

41.505 1. Any physician ***, physician assistant*** or registered nurse who in good faith gives instruction or provides supervision to an emergency medical attendant ***, physician assistant*** or registered nurse, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in giving that instruction or providing that supervision. An emergency medical attendant, ***physician assistant,*** registered nurse or licensed practical nurse who obeys an instruction given by a physician, ***physician assistant,*** registered nurse or licensed practical nurse and thereby renders emergency care, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or

omission, not amounting to gross negligence, in rendering that emergency care.

2. Except as otherwise provided in subsection 3, any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state, who renders emergency care or assistance in an emergency, gratuitously and in good faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance or as a result of any failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person. This section does not excuse a physician ***, physician assistant*** or nurse from liability for damages resulting from his acts or omissions which occur in a licensed medical facility relative to any person with whom there is a preexisting relationship as a patient.

3. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who renders emergency obstetrical care or assistance to a pregnant woman during labor or the delivery of the child is not liable for any civil damages as a result of any act or omission by him in rendering that care or assistance if:

(a) The care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct;

(b) The person has not previously provided prenatal or obstetrical care to the woman; and

(c) The damages are reasonably related to or primarily caused by a lack of prenatal care received by the woman.

➥ A licensed medical facility in which ~~[such]~~ ***the*** care or assistance is rendered is not liable for any civil damages as a result of any act or omission by the person in rendering that care or assistance if that person is not liable for any civil damages pursuant to this subsection and the actions of the medical facility relating to the rendering of that care or assistance do not amount to gross negligence or reckless, willful or wanton conduct.

4. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who:

(a) Is retired or otherwise does not practice on a full-time basis; and

(b) Gratuitously and in good faith, renders medical care within the scope of his license to an indigent person,

➥ is not liable for any civil damages as a result of any act or omission by him, not amounting to gross negligence or reckless, willful or wanton conduct, in rendering that care.

5. Any person licensed to practice medicine under the provisions of chapter 630 or 633 of NRS or licensed to practice dentistry under the provisions of chapter 631 of NRS who renders care or assistance to a patient for a governmental entity or a nonprofit organization is not liable for any

civil damages as a result of any act or omission by him in rendering that care or assistance if the care or assistance is rendered gratuitously, in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct.

6. As used in this section:

(a) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to chapter 450B of NRS.

(b) "Gratuitously" has the meaning ascribed to it in NRS 41.500.

Sec. 17. ~~[1. The Legislative Committee on Health Care shall appoint a subcommittee to review the regulation of:~~

~~(a) The use of lasers and intense pulsed light therapy in the performance of medical procedures on patients; and~~

~~(b) The use of injections of cosmetic or chemotherapeutic substances in the performance of procedures on patients.~~

~~2. The subcommittee must consist of at least three members of the Legislative Committee on Health Care, all of whom are to be appointed by the Chairman of the Legislative Committee on Health Care.~~

~~3. The Chairman of the Legislative Committee on Health Care shall designate a member of the subcommittee to serve as Chairman of the subcommittee.~~

~~4. The subcommittee shall:~~

~~(a) Conduct:~~

~~(1) A review of the laws and regulations of this State relating to the issues described in subsection 1; and~~

~~(2) A study concerning the issues described in subsection 1;~~

~~(b) In carrying out the provisions of paragraph (a), consult with a representative of:~~

~~(1) The practice of ophthalmology in this State;~~

~~(2) The practice of dermatology in this State;~~

~~(3) The practice of cosmetic or plastic surgery in this State; and~~

~~(4) The medical spa industry in this State; and~~

~~(c) Not later than June 30, 2008, submit a report of the results of its review and study and any recommendations for legislation to the Legislative Committee on Health Care.~~

~~5. The subcommittee may contract with such experts, researchers and consultants as may be necessary for the subcommittee to carry out its duties.]~~

(Deleted by amendment.)

Assemblyman Conklin moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 385.

Motion carried by a constitutional majority.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 123 be taken from the Chief Clerk's desk and rereferred to the Committee on Ways and Means.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:35 a.m.

ASSEMBLY IN SESSION

At 11:50 a.m.

Madam Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Assembly Bill No. 496, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 898 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 9, which is attached to and hereby made a part of this report.

MARCUS CONKLIN	JOSEPH HECK
WILLIAM HORNE	MAGGIE CARLTON
FRANCIS ALLEN	WARREN HARDY
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA9.

AN ACT relating to workers' compensation; **revising provisions governing employee leasing companies;** revising various duties of employers, insurers and claimants under the workers' compensation system; revising certain procedures for accepting and denying workers' compensation claims; **prohibiting certain acts by vocational rehabilitation counselors; declaring void certain limiting provisions in an employer's policy of uninsured or underinsured vehicle coverage; providing for the creation of a code of conduct for hearing officers and appeals officers; revising provisions governing the provision of vocational rehabilitation services;** revising certain provisions relating to occupational diseases; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the payment of workers' compensation if, during the course of employment, an employee is injured or killed by a workplace accident or occupational disease. (Chapters 616A-617 of NRS) Existing law authorizes an employer, after a workplace accident, to furnish the injured employee with the name of at least one physician or chiropractor qualified to examine the employee, but the employer may not require the employee to

select any particular physician or chiropractor for the examination. The examining physician or chiropractor must report to the employer regarding the character and extent of the injury, but the employer may not require or permit the disclosure of any other information concerning the employee's physical condition. (NRS 616C.010)

This bill makes various changes to the law governing workers' compensation. Section 1 of this bill requires employee leasing companies to maintain certain records relating to workers' compensation insurance. Section 1.2 of this bill provides for the recalculation of the average monthly wage of an injured employee. Section 1.25 of this bill authorizes an insurer to deny compensation to an injured employee based on his discharge from employment for misconduct. Section 1.3 of this bill prohibits a vocational rehabilitation counselor from engaging in certain acts, and section 19 of this bill provides for the imposition of an administrative fine for a violation of that prohibition. Section 1.35 of this bill regulates the payment of compensation to an injured employee in a lump sum. Section ~~[1]~~ **1.4** of this bill requires an employer ~~[whose insurer has contracted with certain managed care organizations or providers of health care services]~~ to furnish ~~[the]~~ **an** injured employee with the names of at least two physicians or chiropractors who are qualified to examine the employee **.** ~~[and who are available pursuant to the contract, if there are two or more such physicians or chiropractors within 30 miles of the employee's place of employment. If there are not two such physicians or chiropractors within that area, the employer is required to furnish the name of at least one physician who is qualified to examine the employee and available pursuant to the contract. Further, section 1 imposes similar requirements upon employers whose insurers have not contracted with such managed care organizations or providers of health care services, except that the employers are required to furnish only the names of physicians and chiropractors who are qualified to conduct the examinations without regard as to whether they are available pursuant to any particular contract. From among the names furnished by the employer, the employee must select one of those physicians or chiropractors to conduct the examination, but the employee is not required to select a particular physician or chiropractor from among the names furnished. Section 1 of this bill also clarifies that the employer shall not require or permit the disclosure of any other information concerning the employee's physical condition except as required by NRS 616C.177, which permits an insurer to inquire about and request medical records concerning a preexisting medical condition that is reasonably related to the industrial injury of the injured employee.~~

~~Existing law requires an insurer to accept or deny claims involving industrial injuries and occupational diseases within a certain period. (NRS 616C.065, 617.356) Sections 1.5 and 3 of this bill require the insurer to mail its written determination regarding a claim to the claimant or the person acting on behalf of the claimant within the specified period and, if the insurer~~

~~denies the claim in whole or in part, to obtain a certificate of mailing at the time the written determination of the denial of the claim is delivered to the United States Postal Service for mailing. The certificate of mailing serves as a receipt that shows the date on which the insurer mailed the written determination of the denial of a claim.]~~ **Sections 1.5, 3 and 5 of this bill revise provisions governing claims for compensation. Section 4 of this bill provides that certain provisions in an employer's policy of uninsured or underinsured vehicle coverage that limit certain rights of injured employees or insurers are void. Section 6 of this bill provides for the creation of a code of conduct for hearing officers and appeals officers who conduct hearings relating to workers' compensation, and for the establishment of standards for the initial training and continuing education of such persons. Sections 7-11 of this bill revise certain provisions governing hearings and appeals in workers' compensation cases. Sections 12-15 of this bill revise certain provisions governing the payment of compensation for injuries or death. Sections 16-18 of this bill revise certain provisions governing the provision of vocational rehabilitation services. Section 19 of this bill reduces the amount of certain benefit penalties that may be imposed for certain violations.**

Existing law establishes certain general requirements which are used to determine whether a disease is compensable as an occupational disease. (NRS 617.440) However, existing law also provides that for some specific diseases, such as certain cancers, lung diseases, heart diseases and contagious diseases, there is a legal presumption that those diseases are compensable under the workers' compensation system when contracted under certain specific circumstances, such as when contracted by firefighters, police officers and emergency medical attendants. (NRS 617.453, 617.455, 617.457, 617.485, 617.487) Section ~~[4]~~ **21** of this bill provides that the general requirements of NRS 617.440 do not apply to the specific provisions of existing law which create such legal presumptions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 616B.682 is hereby amended to read as follows:**

616B.682 Each employee leasing company operating in this State shall ~~[maintain]~~ **:**

1. Maintain an office or similar site in this State for retaining, reviewing and auditing its payroll records and written agreements with client companies.

2. Maintain at that office or similar site in this State records establishing that the employee leasing company maintains current policies of workers' compensation insurance providing coverage for each employee it leases to each client company.

3. Keep the records described in subsection 2 open for inspection and copying, during its regular business hours, by:

(a) Each employee it leases to each client company and any representative of each such employee; and

(b) The public.

Sec. 1.1. **Chapter 616C of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2 to 1.35, inclusive, of this act.**

Sec. 1.2. *1. Notwithstanding the provisions of subsection 3 of NRS 616C.315 and except as otherwise provided in this section, if an injured employee is receiving compensation based on a calculation of his average monthly wage as determined pursuant to the regulations adopted by the Administrator pursuant to NRS 616C.420, the injured employee or the employer may request a hearing before a hearing officer pursuant to the provisions of NRS 616C.315 to 616C.385, inclusive, asking for a recalculation of the average monthly wage of the injured employee.*

2. The injured employee is entitled to have his average monthly wage recalculated if he proves by a preponderance of the evidence that the insurer calculated his average monthly wage improperly or incorrectly as a result of:

(a) The use of any improper or incorrect information or methodology;

(b) The failure to use any proper or correct information or methodology;

(c) Any error of law or fact; or

(d) Any other error, omission, neglect or wrongful act.

3. If the injured employee proves that the insurer calculated his average monthly wage improperly or incorrectly, resulting in an underpayment of compensation:

(a) The insurer shall:

(1) Increase the injured employee's future compensation based on the correct average monthly wage; and

(2) Pay the injured employee a lump sum in an amount equal to the underpayment of compensation for the period during which the insurer was using the incorrect average monthly wage; and

(b) The remedy provided in paragraph (a) is the sole remedy for the underpayment and the insurer is not subject to the imposition of any fine or benefit penalty therefor.

4. If the hearing officer determines that the calculation of the average monthly wage resulted in an overpayment of compensation, the insurer may require the injured employee to repay to the insurer an amount equal to the overpayment received by the injured employee during any one 30-day period.

5. The average monthly wage of an injured employee may not be challenged by the insurer, the employer or the injured employee after the date on which any portion of an award for permanent partial disability is paid or the claim closes, whichever occurs first.

6. The provisions of this section do not apply if the issue of the average monthly wage of the injured employee was previously adjudicated to a final decision in:

(a) A hearing before a hearing officer or appeals officer pursuant to the provisions of NRS 616C.315 to 616C.385, inclusive; or

(b) Any proceedings for judicial review.

Sec. 1.25. 1. If an injured employee is discharged from his employment as a result of misconduct, an insurer may deny compensation to the injured employee because of that discharge for misconduct only if the insurer proves by a preponderance of the evidence that:

(a) The injured employee was discharged from his employment solely for his misconduct and not for any reason relating to his claim for compensation; and

(b) It is the injured employee's discharge from his employment for misconduct, and not his injury, that is the sole cause for the injured employee's inability to return to work with the preinjury employer.

2. An insurer waives its rights under subsection 1 if the insurer does not make a determination to deny or suspend compensation to the injured employee within 70 days after the date on which the insurer learns that the injured employee has been discharged for misconduct.

Sec. 1.3. A vocational rehabilitation counselor shall not:

1. Offer payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation services to an injured employee:

(a) Without providing written notice of the offer to the attorney for the injured employee; or

(b) If the injured employee is not represented by an attorney, without providing a written notice to the employee which satisfies the requirements of the notice required by paragraph (c) of subsection 3 of NRS 616C.595;

2. Offer any monetary payment to an injured employee in an amount that is less than the amount authorized by the insurer;

3. Make any false statement or implication that an injured employee must make a decision regarding vocational rehabilitation within a certain period of time;

4. Advise an insured or claimant not to seek legal counsel; or

5. Provide legal advice to a claimant.

Sec. 1.35. 1. Except as otherwise provided in subsection 2, an insurer shall, within 30 days after receiving a written request from an injured employee for payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation services, respond in writing to the request and, if the insurer agrees to the request, include in the response:

(a) The amount of the lump sum that the insurer is offering to pay;

(b) A statement that the injured employee has 30 days after the date of the written response to accept or reject the lump-sum offer; and

(c) A statement indicating that, if the injured employee rejects the lump-sum offer, he must continue working with his vocational rehabilitation counselor in accordance with the provisions of this chapter and the regulations adopted pursuant thereto.

2. An insurer need only respond to a written request from an injured employee for payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation services if the injured employee is eligible for vocational rehabilitation services.

~~[Section 1.]~~ ***Sec. 1.4.*** NRS 616C.010 is hereby amended to read as follows:

616C.010 1. Whenever any accident occurs to any employee, he shall forthwith report the accident and the injury resulting therefrom to his employer.

2. When an employer learns of an accident, whether or not it is reported, the employer may direct the employee to submit to, or the employee may request, an examination by a physician or chiropractor, in order to ascertain the character and extent of the injury and render medical attention which is required immediately. The employer ~~[may]~~ ***shall:***

(a) If the employer's insurer has entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527, furnish the names, addresses and telephone numbers of ~~[one]~~ ***:***

(1) Two or more physicians or chiropractors ~~[,]~~ ***who are qualified to conduct the examination and who are available pursuant to the terms of the contract, if there are two or more such physicians or chiropractors within 30 miles of the employee's place of employment; or***

(2) One or more physicians or chiropractors who are qualified to conduct the examination and who are available pursuant to the terms of the contract, if there are not two or more such physicians or chiropractors within 30 miles of the employee's place of employment.

(b) If the employer's insurer has not entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527, furnish the names, addresses and telephone numbers of:

(1) Two or more physicians or chiropractors who are qualified to conduct the examination, if there are two or more such physicians or chiropractors within 30 miles of the employee's place of employment; or

(2) One or more physicians or chiropractors who are qualified to conduct the examination, if there are not two or more such physicians or chiropractors within 30 miles of the employee's place of employment.

3. From among the names furnished by the employer pursuant to subsection 2, the employee shall select one of those physicians or chiropractors to conduct the examination, but ~~[may]~~ ***the employer shall*** not require the employee to select ~~[any]~~ ***a*** particular physician or chiropractor ~~[.]~~ ***from among the names furnished by the employer.*** Thereupon, the examining physician or chiropractor shall report forthwith to the employer and to the insurer the character and extent of the injury. The employer shall not require the employee to disclose or permit the disclosure of any other information concerning his physical condition ~~[.]~~ ***except as required by NRS 616C.177.***

~~[3.]~~ ***4.*** Further medical attention, except as otherwise provided in NRS 616C.265, must be authorized by the insurer.

~~[4.]~~ ***5.*** This section does not prohibit an employer from requiring the employee to submit to an examination by a physician or chiropractor specified by the employer at any convenient time after medical attention which is required immediately has been completed.

Sec. 1.5. NRS 616C.065 is hereby amended to read as follows:

616C.065 1. Except as otherwise provided in NRS 616C.136, within 30 days after the insurer has been notified of an industrial accident, every insurer shall:

(a) ~~[Commence payment of]~~ ***Accept*** a claim for compensation ~~[.]~~ ***, notify the claimant or the person acting on behalf of the claimant that the claim has been accepted and commence payment of the claim;*** or

(b) Deny the claim and notify the claimant ***or the person acting on behalf of the claimant*** and ***the*** Administrator that the claim has been denied.

~~[➥]~~

2. Payments made by an insurer pursuant to this section are not an admission of liability for the claim or any portion of the claim.

~~[2.]~~ ***3.*** Except as otherwise provided in this subsection, if an insurer unreasonably delays or refuses to pay the claim within 30 days after the insurer has been notified of an industrial accident, the insurer shall pay upon order of the Administrator an additional amount equal to three times the amount specified in the order as refused or unreasonably delayed. This payment is for the benefit of the claimant and must be paid to him with the compensation assessed pursuant to chapters 616A to 617, inclusive, of NRS. The provisions of this section do not apply to the payment of a bill for accident benefits that is governed by the provisions of NRS 616C.136.

4. The insurer shall notify the claimant or the person acting on behalf of the claimant that a claim has been accepted or denied pursuant to subsection 1 by:

(a) Mailing its written determination to the claimant or the person acting on behalf of the claimant; and

(b) If the claim has been denied, in whole or in part, obtaining a certificate of mailing.

5. The failure of the insurer to obtain a certificate of mailing as required by paragraph (b) of subsection 4 shall be deemed to be a failure of the insurer to mail the written determination of the denial of a claim as required by this section.

6. Upon request, the insurer shall provide a copy of the certificate of mailing, if any, to the claimant or the person acting on behalf of the claimant.

7. For the purposes of this section, the insurer shall mail the written determination to:

(a) The mailing address of the claimant or the person acting on behalf of the claimant that is provided on the form prescribed by the Administrator for filing the claim; or

(b) Another mailing address if the claimant or the person acting on behalf of the claimant provides to the insurer written notice of another mailing address.

8. As used in this section, "certificate of mailing" means a receipt that provides evidence of the date on which the insurer presented its written determination to the United States Postal Service for mailing.

Sec. 2. (Deleted by amendment.)

Sec. 3. **NRS 616C.070 is hereby amended to read as follows:**

616C.070 1. A person is conclusively presumed to be totally dependent upon an injured or deceased employee if ~~[the]~~ ***:***

(a) The person is a natural, posthumous or adopted child, whether legitimate or illegitimate, under the age of 18 years ~~[, or over that age if]~~ ***; or***

(b) The person is a natural, posthumous or adopted child, there is no surviving parent and the person is:

(1) Over the age of 18 years and physically or mentally incapacitated from wage earning ~~[, and there is no surviving parent.]~~ ***; or***

(2) Over the age of 18 years but under the age of 22 years and enrolled as a full-time student in an accredited vocational or educational institution.

2. Stepparents may be regarded in chapters 616A to 616D, inclusive, or chapter 617 of NRS as parents if the fact of dependency is shown, and a stepchild or stepchildren may be regarded in chapters 616A to 616D, inclusive, or chapter 617 of NRS as a natural child or children if the existence and fact of dependency are shown.

~~[2.]~~ ***3.*** Except as otherwise provided in subsection ~~[13]~~ ***14*** of NRS 616C.505, questions as to who constitute dependents and the extent of their dependency must be determined as of the date of the accident or injury to the employee, and their right to any benefit becomes fixed at that time, irrespective of any subsequent change in conditions, and the benefits are directly recoverable by and payable to the dependent or dependents entitled thereto or to their legal guardians or trustees.

~~[3.]~~ ***4.*** The presumptions of this section do not apply in favor of aliens who are nonresidents of the United States at the time of the accident, injury to, or death of the employee.

Sec. 4. **NRS 616C.215 is hereby amended to read as follows:**

616C.215 1. If an injured employee or, in the event of his death, his dependents, bring an action in tort against his employer to recover payment for an injury which is compensable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS and, notwithstanding the provisions of NRS 616A.020, receive payment from the employer for that injury:

(a) The amount of compensation the injured employee or his dependents are entitled to receive pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS, including any future compensation, must be reduced by the amount paid by the employer.

(b) The insurer, or in the case of claims involving the uninsured employer's claim account or a subsequent injury account the Administrator, has a lien upon the total amount paid by the employer if the injured employee or his dependents receive compensation pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

➥ This subsection is applicable whether the money paid to the employee or his dependents by the employer is classified as a gift, a settlement or otherwise. The provisions of this subsection do not grant to an injured employee any right of action in tort to recover damages from his employer for his injury.

2. When an employee receives an injury for which compensation is payable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS and which was caused under circumstances creating a legal liability in some person, other than the employer or a person in the same employ, to pay damages in respect thereof:

(a) The injured employee, or in case of death his dependents, may take proceedings against that person to recover damages, but the amount of the compensation the injured employee or his dependents are entitled to receive pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS, including any future compensation, must be reduced by the amount of the damages recovered, notwithstanding any act or omission of the employer or a person in the same employ which was a direct or proximate cause of the employee's injury.

(b) If the injured employee, or in case of death his dependents, receive compensation pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS, the insurer, or in case of claims involving the uninsured employers' claim account or a subsequent injury account the Administrator, has a right of action against the person so liable to pay damages and is subrogated to the rights of the injured employee or of his dependents to recover therefor.

3. When an injured employee incurs an injury for which compensation is payable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS and which was caused under circumstances entitling him, or in the case of death his dependents, to receive proceeds under his employer's policy of uninsured or underinsured vehicle coverage:

(a) The injured employee, or in the case of death his dependents, may take proceedings to recover those proceeds, but the amount of compensation the injured employee or his dependents are entitled to receive pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS, including any future compensation, must be reduced by the amount of proceeds received.

(b) If an injured employee, or in the case of death his dependents, receive compensation pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS, the insurer, or in the case of claims involving the uninsured employers' claim account or a subsequent injury account the Administrator, is subrogated to the rights of the injured employee or his dependents to recover proceeds under the employer's policy of uninsured or underinsured vehicle coverage. The insurer and the Administrator are not subrogated to the rights of an injured employee or his dependents under a policy of uninsured or underinsured vehicle coverage purchased by the employee.

(c) Any provision in the employer's policy of uninsured or underinsured vehicle coverage which has the effect of:

(1) Limiting the rights of the injured employee or his dependents to recover proceeds under the policy because of the receipt of any compensation pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(2) Limiting the rights of subrogation of the insurer or Administrator provided by paragraph (b); or

(3) Excluding coverage which inures to the direct or indirect benefit of the insurer or Administrator,

➥ is void.

4. In any action or proceedings taken by the insurer or the Administrator pursuant to this section, evidence of the amount of compensation, accident benefits and other expenditures which the insurer, the uninsured employers' claim account or a subsequent injury account have paid or become obligated to pay by reason of the injury or death of the employee is admissible. If in such action or proceedings the insurer or the Administrator recovers more than those amounts, the excess must be paid to the injured employee or his dependents.

5. In any case where the insurer or the Administrator is subrogated to the rights of the injured employee or of his dependents as provided in subsection 2 or 3, the insurer or the Administrator has a lien upon the total proceeds of any recovery from some person other than the employer, whether the proceeds of such recovery are by way of judgment, settlement or otherwise. The injured employee, or in the case of his death his dependents, are not entitled to double recovery for the same injury, notwithstanding any act or omission of the employer or a person in the same employ which was a direct or proximate cause of the employee's injury.

6. The lien provided for pursuant to subsection 1 or 5 includes the total compensation expenditure incurred by the insurer, the uninsured employers' claim account or a subsequent injury account for the injured employee and his dependents.

7. An injured employee, or in the case of death his dependents, or the attorney or representative of the injured employee or his dependents, shall notify the insurer, or in the case of claims involving the uninsured

employers' claim account or a subsequent injury account the Administrator, in writing before initiating a proceeding or action pursuant to this section.

8. Within 15 days after the date of recovery by way of actual receipt of the proceeds of the judgment, settlement or otherwise:

(a) The injured employee or his dependents, or the attorney or representative of the injured employee or his dependents; and

(b) The third-party insurer,

➥ shall notify the insurer, or in the case of claims involving the uninsured employers' claim account or a subsequent injury account the Administrator, of the recovery and pay to the insurer or the Administrator, respectively, the amount due pursuant to this section together with an itemized statement showing the distribution of the total recovery. The attorney or representative of the injured employee or his dependents and the third-party insurer are jointly and severally liable for any amount to which an insurer is entitled pursuant to this section if the attorney, representative or third-party insurer has knowledge of the lien provided for in this section.

9. An insurer shall not sell its lien to a third-party insurer unless the injured employee or his dependents, or the attorney or representative of the injured employee or his dependents, refuses to provide to the insurer information concerning the action against the third party.

10. In any trial of an action by the injured employee, or in the case of his death by his dependents, against a person other than the employer or a person in the same employ, the jury must receive proof of the amount of all payments made or to be made by the insurer or the Administrator. The court shall instruct the jury substantially as follows:

Payment of workmen's compensation benefits by the insurer, or in the case of claims involving the uninsured employers' claim account or a subsequent injury account the Administrator, is based upon the fact that a compensable industrial accident occurred, and does not depend upon blame or fault. If the plaintiff does not obtain a judgment in his favor in this case, he is not required to repay his employer, the insurer or the Administrator any amount paid to him or paid on his behalf by his employer, the insurer or the Administrator.

If you decide that the plaintiff is entitled to judgment against the defendant, you shall find his damages in accordance with the court's instructions on damages and return your verdict in the plaintiff's favor in the amount so found without deducting the amount of any compensation benefits paid to or for the plaintiff. The law provides a means by which any compensation benefits will be repaid from your award.

11. To calculate an employer's premium, the employer's account with the private carrier must be credited with an amount equal to that recovered by the private carrier from a third party pursuant to this section, less the private carrier's share of the expenses of litigation incurred in obtaining the recovery, except that the total credit must not exceed the amount of

compensation actually paid or reserved by the private carrier on the injured employee's claim.

12. As used in this section, "third-party insurer" means an insurer that issued to a third party who is liable for damages pursuant to subsection 2, a policy of liability insurance the proceeds of which are recoverable pursuant to this section. The term includes an insurer that issued to an employer a policy of uninsured or underinsured vehicle coverage.

Sec. 5. **NRS 616C.235 is hereby amended to read as follows:**

616C.235 1. Except as otherwise provided in subsections 2, 3 and 4:

(a) When the insurer determines that a claim should be closed before all benefits to which the claimant may be entitled have been paid, the insurer shall send a written notice of its intention to close the claim to the claimant by first-class mail addressed to the last known address of the claimant ~~[.]~~ ***and, if the insurer has been notified that the claimant is represented by an attorney, to the attorney for the claimant by first-class mail addressed to the last known address of the attorney.*** The notice must include ***, on a separate page,*** a statement ***describing the effects of closing a claim pursuant to this section and a statement*** that if the claimant does not agree with the determination, he has a right to request a resolution of the dispute pursuant to NRS 616C.305 and 616C.315 to 616C.385, inclusive ~~[.]~~ ***, including, without limitation, a statement which prominently displays the limit on the time that the claimant has to request a resolution of the dispute as set forth in NRS 616C.315.*** A suitable form for requesting a resolution of the dispute must be enclosed with the notice. The closure of a claim pursuant to this subsection is not effective unless notice is given as required by this subsection.

(b) If the insurer does not receive a request for the resolution of the dispute, it may close the claim.

(c) Notwithstanding the provisions of NRS 233B.125, if a hearing is conducted to resolve the dispute, the decision of the hearing officer may be served by first-class mail.

2. If, during the first 12 months after a claim is opened, the medical benefits required to be paid for a claim are less than $300, the insurer may close the claim at any time after he sends, by first-class mail addressed to the last known address of the claimant, written notice ***that includes a statement which prominently displays*** that:

(a) The claim is being closed pursuant to this subsection;

(b) The injured employee may appeal the closure of the claim pursuant to the provisions of NRS 616C. 305 and 616C.315 to 616C.385, inclusive; and

(c) If the injured employee does not appeal the closure of the claim or appeals the closure of the claim but is not successful, the claim cannot be reopened.

3. In addition to the notice described in subsection 2, an insurer shall send to each claimant who receives less than $300 in medical benefits within 6 months after the claim is opened a written notice that explains the

circumstances under which a claim may be closed pursuant to subsection 2. The written notice provided pursuant to this subsection does not create any right to appeal the contents of that notice. The written notice must be:

(a) Sent by first-class mail addressed to the last known address of the claimant; and

(b) A document that is separate from any other document or form that is used by the insurer.

4. The closure of a claim pursuant to subsection 2 is not effective unless notice is given as required by subsections 2 and 3.

Sec. 6. **NRS 616C.295 is hereby amended to read as follows:**

616C.295 1. ***The Chief of the Hearings Division shall adopt regulations establishing:***

(a) A code of conduct for hearing officers who conduct hearings in contested cases for compensation under chapters 616A to 617, inclusive, of NRS; and

(b) A code of conduct for appeals officers who conduct hearings and appeals as required pursuant to chapters 616A to 617, inclusive, of NRS.

2. The codes of conduct established pursuant to subsection 1 must be designed to ensure fairness and impartiality, and to avoid the appearance of impropriety.

3. The Chief of the Hearings Division shall adopt regulations establishing:

(a) Standards for the initial training and continuing education of hearing officers who conduct hearings in contested cases for compensation under chapters 616A to 617, inclusive, of NRS; and

(b) Standards for the initial training and continuing education of appeals officers who conduct hearings and appeals as required pursuant to chapters 616A to 617, inclusive, of NRS.

4. The standards established pursuant to subsection 3 must, without limitation, include training and continuing education in:

(a) The provisions of chapters 616A to 617, inclusive, of NRS;

(b) Dispute resolution; and

(c) Mediation.

5. The Chief of the Hearings Division shall:

(a) Prescribe by regulation the qualifications ~~[and training]~~ required before a person may, pursuant to chapters 616A to ~~[616D, inclusive, or chapter]~~ 617 ***, inclusive,*** of NRS, serve as a hearing officer. ~~[Training for a hearing officer must include techniques of mediation.]~~

(b) Provide for the expediting of the hearing of cases that involve the termination or denial of compensation.

~~[2.]~~ ***6.*** From the cases heard each year by hearing officers and appeals officers regarding claims for benefits by injured employees, the Chief of the Hearings Division shall prepare an annual report which itemizes, on the basis of each insurer and third-party administrator, the number of cases affirmed, reversed, remanded and resolved by other disposition involving that insurer

or third-party administrator, including a breakdown of that information by the type of benefits denied by the insurer or third-party administrator.

~~[3.]~~ ***7.*** As used in this section, "Chief of the Hearings Division" means the Chief of the Hearings Division of the Department of Administration.

Sec. 7. **NRS 616C.315 is hereby amended to read as follows:**

616C.315 1. Any person who is subject to the jurisdiction of the hearing officers pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS may request a hearing before a hearing officer of any matter within the hearing officer's authority. The insurer shall provide, without cost, the forms necessary to request a hearing to any person who requests them.

2. A hearing must not be scheduled until the following information is provided to the hearing officer:

(a) The name of:

(1) The claimant;

(2) The employer; and

(3) The insurer or third-party administrator;

(b) The number of the claim; and

(c) If applicable, a copy of the letter of determination being appealed or, if such a copy is unavailable, the date of the determination and the issues stated in the determination.

3. Except as otherwise provided in NRS 616B.772, 616B.775, 616B.787 and 616C.305, ***and section 1.2 of this act,*** a person who is aggrieved by:

(a) A written determination of an insurer; or

(b) The failure of an insurer to respond within 30 days to a written request mailed to the insurer by the person who is aggrieved,

➥ may appeal from the determination or failure to respond by filing a request for a hearing before a hearing officer. Such a request must include the information required pursuant to subsection 2 and ***, except as otherwise provided in subsections 4 and 5,*** must be filed within 70 days after the date on which the notice of the insurer's determination was mailed by the insurer or the unanswered written request was mailed to the insurer, as applicable. The failure of an insurer to respond to a written request for a determination within 30 days after receipt of such a request shall be deemed by the hearing officer to be a denial of the request.

4. ***The period specified in subsection 3 within which a request for a hearing must be filed may be extended for an additional 90 days if the person aggrieved shows by a preponderance of the evidence that he was diagnosed with a terminal illness or was informed of the death or diagnosis of a terminal illness of his spouse, parent or child.***

5. Failure to file a request for a hearing within the period specified in subsection 3 may be excused if the person aggrieved shows by a preponderance of the evidence that he did not receive the notice of the determination and the forms necessary to request a hearing. The claimant or employer shall notify the insurer of a change of address.

~~[5.]~~ ***6.*** The hearing before the hearing officer must be conducted as expeditiously and informally as is practicable.

~~[6.]~~ ***7.*** The parties to a contested claim may, if the claimant is represented by legal counsel, agree to forego a hearing before a hearing officer and submit the contested claim directly to an appeals officer.

Sec. 8. **NRS 616C.330 is hereby amended to read as follows:**

616C.330 1. The hearing officer shall:

(a) Except as otherwise provided in subsection 2 of NRS 616C.315, within 5 days after receiving a request for a hearing, set the hearing for a date and time within 30 days after his receipt of the request at a place in Carson City, Nevada, or Las Vegas, Nevada, or upon agreement of one or more of the parties to pay all additional costs directly related to an alternative location, at any other place of convenience to the parties, at the discretion of the hearing officer;

(b) Give notice by mail or by personal service to all interested parties to the hearing at least 15 days before the date and time scheduled; and

(c) Conduct hearings expeditiously and informally.

2. The notice must include a statement that the injured employee may be represented by a private attorney or seek assistance and advice from the Nevada Attorney for Injured Workers.

3. If necessary to resolve a medical question concerning an injured employee's condition or to determine the necessity of treatment for which authorization for payment has been denied, the hearing officer may ***order an independent medical examination, which must not involve treatment, and*** refer the employee to a physician or chiropractor of his choice who has demonstrated special competence to treat the particular medical condition of the employee ~~[.]~~ ***, whether or not the physician or chiropractor is on the insurer's panel of providers of health care.*** If the medical question concerns the rating of a permanent disability, the hearing officer may refer the employee to a rating physician or chiropractor. The rating physician or chiropractor must be selected in rotation from the list of qualified physicians and chiropractors maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and injured employee otherwise agree to a rating physician or chiropractor. The insurer shall pay the costs of any medical examination requested by the hearing officer.

4. If an injured employee has requested payment for the cost of obtaining a second determination of his percentage of disability pursuant to NRS 616C.100, the hearing officer shall decide whether the determination of the higher percentage of disability made pursuant to NRS 616C.100 is appropriate and, if so, may order the insurer to pay to the employee an amount equal to the maximum allowable fee established by the Administrator pursuant to NRS 616C.260 for the type of service performed, or the usual fee of that physician or chiropractor for such service, whichever is less.

5. The hearing officer shall order an insurer, organization for managed care or employer who provides accident benefits for injured employees

pursuant to NRS 616C.265 to pay to the appropriate person the charges of a provider of health care if the conditions of NRS 616C.138 are satisfied.

6. The hearing officer may allow or forbid the presence of a court reporter and the use of a tape recorder in a hearing.

7. The hearing officer shall render his decision within 15 days after:

(a) The hearing; or

(b) He receives a copy of the report from the medical examination he requested.

8. The hearing officer shall render his decision in the most efficient format developed by the Chief of the Hearings Division of the Department of Administration.

9. The hearing officer shall give notice of his decision to each party by mail. He shall include with the notice of his decision the necessary forms for appealing from the decision.

10. Except as otherwise provided in NRS 616C.380, the decision of the hearing officer is not stayed if an appeal from that decision is taken unless an application for a stay is submitted by a party. If such an application is submitted, the decision is automatically stayed until a determination is made on the application. A determination on the application must be made within 30 days after the filing of the application. If, after reviewing the application, a stay is not granted by the hearing officer or an appeals officer, the decision must be complied with within 10 days after the refusal to grant a stay.

Sec. 9. **NRS 616C.340 is hereby amended to read as follows:**

616C.340 1. The Governor shall appoint one or more appeals officers to conduct hearings and appeals as required pursuant to chapters 616A to 617, inclusive, of NRS. Each appeals officer shall hold office for 2 years after the date of his appointment and until his successor is appointed and has qualified. Each appeals officer is entitled to receive an annual salary in an amount provided by law and is in the unclassified service of the State.

2. Each appeals officer must be an attorney who has been licensed to practice law before all the courts of this State for at least 2 years. Except as otherwise provided in NRS 7.065, an appeals officer shall not engage in the private practice of law.

3. If an appeals officer determines that he has a personal interest or a conflict of interest, directly or indirectly, in any case which is before him, he shall disqualify himself from hearing the case.

4. The Governor may appoint one or more special appeals officers to conduct hearings and appeals as required pursuant to chapters 616A to 617, inclusive, of NRS. The Governor shall not appoint an attorney who represents persons in actions related to claims for compensation to serve as a special appeals officer.

5. A special appeals officer appointed pursuant to subsection 4 is vested with the same powers as a regular appeals officer. A special appeals officer may hear any case in which a regular appeals officer has a conflict, or any case assigned to him by the senior appeals officer to assist with a backlog of

cases. A special appeals officer is entitled to be paid at an hourly rate, as determined by the Department of Administration.

6. The decision of an appeals officer is the final and binding administrative ~~[determination of]~~ ***decision on*** a claim for compensation under chapters 616A to 616D, inclusive, or chapter 617 of NRS, and the whole record consists of all evidence taken at the hearing before the appeals officer and any findings of fact and conclusions of law based thereon.

Sec. 10. **NRS 616C.345 is hereby amended to read as follows:**

616C.345 1. Any party aggrieved by a decision of the hearing officer relating to a claim for compensation may appeal from the decision by , ***except as otherwise provided in subsections 8 and 9,*** filing a notice of appeal with an appeals officer within 30 days after the date of the decision.

2. A hearing must not be scheduled until the following information is provided to the appeals officer:

(a) The name of:

(1) The claimant;

(2) The employer; and

(3) The insurer or third-party administrator;

(b) The number of the claim; and

(c) If applicable, a copy of the letter of determination being appealed or, if such a copy is unavailable, the date of the determination and the issues stated in the determination.

3. If a dispute is required to be submitted to a procedure for resolving complaints pursuant to NRS 616C.305 and:

(a) A final determination was rendered pursuant to that procedure; or

(b) The dispute was not resolved pursuant to that procedure within 14 days after it was submitted,

➥ any party to the dispute may ***, except as otherwise provided in subsections 8 and 9,*** file a notice of appeal within 70 days after the date on which the final determination was mailed to the employee, or his dependent, or the unanswered request for resolution was submitted. Failure to render a written determination within 30 days after receipt of such a request shall be deemed by the appeals officer to be a denial of the request.

4. Except as otherwise provided in NRS 616C.380, the filing of a notice of appeal does not automatically stay the enforcement of the decision of a hearing officer or a determination rendered pursuant to NRS 616C.305. The appeals officer may order a stay, when appropriate, upon the application of a party. If such an application is submitted, the decision is automatically stayed until a determination is made concerning the application. A determination on the application must be made within 30 days after the filing of the application. If a stay is not granted by the officer after reviewing the application, the decision must be complied with within 10 days after the date of the refusal to grant a stay.

5. Except as otherwise provided in subsections 2 and 6, within 10 days after receiving a notice of appeal pursuant to this section or NRS 616C.220,

616D.140 or 617.401, or within 10 days after receiving a notice of a contested claim pursuant to subsection ~~[6]~~ ***7*** of NRS 616C.315, the appeals officer shall:

(a) Schedule a hearing on the merits of the appeal or contested claim for a date and time within 90 days after his receipt of the notice at a place in Carson City, Nevada, or Las Vegas, Nevada, or upon agreement of one or more of the parties to pay all additional costs directly related to an alternative location, at any other place of convenience to the parties, at the discretion of the appeals officer; and

(b) Give notice by mail or by personal service to all parties to the matter and their attorneys or agents at least 30 days before the date and time scheduled.

6. A request to schedule the hearing for a date and time which is:

(a) Within 60 days after the receipt of the notice of appeal or contested claim; or

(b) More than 90 days after the receipt of the notice or claim,

➥ may be submitted to the appeals officer only if all parties to the appeal or contested claim agree to the request.

7. An appeal or contested claim may be continued upon written stipulation of all parties, or upon good cause shown.

8. ***The period specified in subsection 1 or 3 within which a notice of appeal must be filed may be extended for an additional 90 days if the person aggrieved shows by a preponderance of the evidence that he was diagnosed with a terminal illness or was informed of the death or diagnosis of a terminal illness of his spouse, parent or child.***

9. Failure to file a notice of appeal within the period specified in subsection 1 or 3 may be excused if the party aggrieved shows by a preponderance of the evidence that he did not receive the notice of the determination and the forms necessary to appeal the determination. The claimant, employer or insurer shall notify the hearing officer of a change of address.

Sec. 11. **NRS 616C.360 is hereby amended to read as follows:**

616C.360 1. A stenographic or electronic record must be kept of the hearing before the appeals officer and the rules of evidence applicable to contested cases under chapter 233B of NRS apply to the hearing.

2. The appeals officer must hear any matter raised before him on its merits, including new evidence bearing on the matter.

3. If there is a medical question or dispute concerning an injured employee's condition or concerning the necessity of treatment for which authorization for payment has been denied, the appeals officer may:

(a) ~~[Refer]~~ ***Order an independent medical examination and refer*** the employee to a physician or chiropractor of his choice who has demonstrated special competence to treat the particular medical condition of the employee ~~[.]~~ ***, whether or not the physician or chiropractor is on the insurer's panel of providers of health care.*** If the medical question concerns the rating of a

permanent disability, the appeals officer may refer the employee to a rating physician or chiropractor. The rating physician or chiropractor must be selected in rotation from the list of qualified physicians or chiropractors maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and the injured employee otherwise agree to a rating physician or chiropractor. The insurer shall pay the costs of any examination requested by the appeals officer.

(b) If the medical question or dispute is relevant to an issue involved in the matter before the appeals officer and all parties agree to the submission of the matter to an external review organization, submit the matter to an external review organization in accordance with NRS 616C.363 and any regulations adopted by the Commissioner.

4. If an injured employee has requested payment for the cost of obtaining a second determination of his percentage of disability pursuant to NRS 616C.100, the appeals officer shall decide whether the determination of the higher percentage of disability made pursuant to NRS 616C.100 is appropriate and, if so, may order the insurer to pay to the employee an amount equal to the maximum allowable fee established by the Administrator pursuant to NRS 616C.260 for the type of service performed, or the usual fee of that physician or chiropractor for such service, whichever is less.

5. The appeals officer shall order an insurer, organization for managed care or employer who provides accident benefits for injured employees pursuant to NRS 616C.265 to pay to the appropriate person the charges of a provider of health care if the conditions of NRS 616C.138 are satisfied.

6. Any party to the appeal or the appeals officer may order a transcript of the record of the hearing at any time before the seventh day after the hearing. The transcript must be filed within 30 days after the date of the order unless the appeals officer otherwise orders.

7. The appeals officer shall render his decision:

(a) If a transcript is ordered within 7 days after the hearing, within 30 days after the transcript is filed; or

(b) If a transcript has not been ordered, within 30 days after the date of the hearing.

8. The appeals officer may affirm, modify or reverse any decision made by the hearing officer and issue any necessary and proper order to give effect to his decision.

Sec. 12. **NRS 616C.410 is hereby amended to read as follows:**

616C.410 Except as otherwise provided by NRS 616C.380, 616C.495, 616C.505, 616C.580 and 616C.595, ***and section 1.2 of this act,*** the insurer shall not make or allow any lump-sum settlements.

Sec. 13. **NRS 616C.453 is hereby amended to read as follows:**

616C.453 1. If a claimant or a dependent of a claimant is entitled to receive compensation pursuant to chapters 616A to 617, inclusive, of NRS for a permanent total disability and the claimant or dependent is not entitled to an annual increase in that compensation pursuant to NRS 616C.473, the

claimant or dependent is entitled to an annual payment for that permanent total disability in an amount determined by the Administrator pursuant to subsection 3, but such annual payments may not exceed $1,200 per claimant or dependent. ~~[The]~~ ***Except as otherwise provided in subsection 5, the*** total payments made pursuant to this section may not exceed $500,000 per year.

2. Each year, the Administrator shall withdraw from the Uninsured Employers' Claim Account established pursuant to NRS 616A.430 an amount of the income realized from the investment of the assets in the Account that is necessary to fund the payments calculated pursuant to subsection 3.

3. The Administrator shall adopt regulations establishing a method for the equitable distribution of the money withdrawn from the Account pursuant to subsection 2. The regulations must provide for payments that result in the largest proportional share of the money being paid to claimants and dependents who receive the lowest amount of compensation pursuant to chapters 616A to 617, inclusive, of NRS for the permanent total disability. The Administrator may adopt any other regulations that are necessary to carry out the provisions of this section.

4. ~~[The]~~ ***Except as otherwise provided in subsection 5, the*** Administrator shall make the payment required by this section to each claimant and dependent of the claimant who is entitled to the payment not later than October 1 of each year. Any payment received by the claimant or dependent of the claimant pursuant to this section is in addition to any compensation to which the claimant or dependent of the claimant is otherwise entitled by law.

5. The Administrator may make a payment from the Account to a claimant or a dependent of a claimant that would have been payable in a prior year pursuant to subsection 3 if the Administrator determines that the claimant or dependent was entitled to the payment pursuant to subsection 1.

Sec. 14. **NRS 616C.495 is hereby amended to read as follows:**

616C.495 1. Except as otherwise provided in NRS 616C.380, an award for a permanent partial disability may be paid in a lump sum under the following conditions:

(a) A claimant injured on or after July 1, 1973, and before July 1, 1981, who incurs a disability that does not exceed 12 percent may elect to receive his compensation in a lump sum. A claimant injured on or after July 1, 1981, and before July 1, 1995, who incurs a disability that does not exceed 25 percent may elect to receive his compensation in a lump sum.

(b) The spouse, or in the absence of a spouse, any dependent child of a deceased claimant injured on or after July 1, 1973, who is not entitled to compensation in accordance with NRS 616C.505, is entitled to a lump sum equal to the present value of the deceased claimant's undisbursed award for a permanent partial disability.

(c) Any claimant injured on or after July 1, 1981, and before July 1, 1995, who incurs a disability that exceeds 25 percent may elect to receive his compensation in a lump sum equal to the present value of an award for a disability of 25 percent. If the claimant elects to receive compensation pursuant to this paragraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 25 percent.

(d) Any claimant injured on or after July 1, 1995, may elect to receive his compensation in a lump sum in accordance with regulations adopted by the Administrator and approved by the Governor. The Administrator shall adopt regulations for determining the eligibility of such a claimant to receive all or any portion of his compensation in a lump sum. Such regulations may include the manner in which an award for a permanent partial disability may be paid to such a claimant in installments. Notwithstanding the provisions of NRS 233B.070, any regulation adopted pursuant to this paragraph does not become effective unless it is first approved by the Governor.

2. If the claimant elects to receive his payment for a permanent partial disability in a lump sum pursuant to subsection 1, all of his benefits for compensation terminate. His acceptance of that payment constitutes a final settlement of all factual and legal issues in the case. By so accepting he waives all of his rights regarding the claim, including the right to appeal from the closure of the case or the percentage of his disability, except:

(a) His right to:

(1) Reopen his claim in accordance with the provisions of NRS 616C.390; or

(2) Have his claim considered by his insurer pursuant to NRS 616C.392;

(b) Any counseling, training or other rehabilitative services provided by the insurer; and

(c) His right to receive a benefit penalty in accordance with NRS 616D.120.

➥ The claimant ***, when he demands his payment in a lump sum,*** must be ~~[advised in writing of the provisions of this subsection when he demands his payment in a lump sum,]~~ ***provided with a written notice which prominently displays a statement describing the effects of accepting payment in a lump sum of an entire permanent partial disability award, any portion of such an award or any uncontested portion of such an award,*** and ***that he*** has 20 days after the mailing or personal delivery of the notice within which to retract or reaffirm his demand, before payment may be made and his election becomes final.

3. Any lump-sum payment which has been paid on a claim incurred on or after July 1, 1973, must be supplemented if necessary to conform to the provisions of this section.

4. Except as otherwise provided in this subsection, the total lump-sum payment for disablement must not be less than one-half the product of the average monthly wage multiplied by the percentage of disability. If the claimant received compensation in installment payments for his permanent

partial disability before electing to receive his payment for that disability in a lump sum, the lump-sum payment must be calculated for the remaining payment of compensation.

5. The lump sum payable must be equal to the present value of the compensation awarded, less any advance payment or lump sum previously paid. The present value must be calculated using monthly payments in the amounts prescribed in subsection 7 of NRS 616C.490 and actuarial annuity tables adopted by the Division. The tables must be reviewed annually by a consulting actuary.

6. If a claimant would receive more money by electing to receive compensation in a lump sum than he would if he receives installment payments, he may elect to receive the lump-sum payment.

Sec. 15. **NRS 616C.505 is hereby amended to read as follows:**

616C.505 If an injury by accident arising out of and in the course of employment causes the death of an employee in the employ of an employer, within the provisions of chapters 616A to 616D, inclusive, of NRS, the compensation is known as a death benefit, and is payable as follows:

1. In addition to any other compensation payable pursuant to chapters 616A to 616D, inclusive, of NRS, burial expenses are payable in an amount not to exceed $5,000. When the remains of the deceased employee and the person accompanying the remains are to be transported to a mortuary or mortuaries, the charge of transportation must be borne by the insurer.

2. ~~[To]~~ ***Except as otherwise provided in subsection 3, to*** the surviving spouse of the deceased employee, 66 2/3 percent of the average monthly wage is payable until his death or remarriage, with 2 years' compensation payable in one lump sum upon remarriage.

3. ***If there is a surviving spouse and any surviving children of the deceased employee who are not the children of the surviving spouse, the compensation otherwise payable pursuant to subsection 2 must be paid as follows until the entitlement of all children of the deceased employee to receive compensation pursuant to this subsection ceases:***

(a) To the surviving spouse, 50 percent of the death benefit is payable until his death or remarriage, with 2 years' compensation payable in one lump sum upon remarriage; and

(b) To each child of the deceased employee, regardless of whether the child is the child of the surviving spouse, his proportionate share of 50 percent of the death benefit and, except as otherwise provided in subsection 12, if the child has a guardian, the compensation he is entitled to receive may be paid to the guardian.

4. In the event of the subsequent death of the surviving spouse:

(a) Each surviving child of the deceased employee ***, in addition to any amount the child may be entitled to pursuant to subsection 3,*** must share equally the compensation theretofore paid to the surviving spouse but not in excess thereof, and it is payable until the youngest child reaches the age of 18 years.

(b) Except as otherwise provided in subsection ~~[11,]~~ ***12,*** if the children have a guardian, the compensation they are entitled to receive may be paid to the guardian.

~~[4.]~~ ***5.*** Upon the remarriage of a surviving spouse with children:

(a) The surviving spouse must be paid 2 years' compensation in one lump sum and further benefits must cease; and

(b) Each child must be paid 15 percent of the average monthly wage, up to a maximum family benefit of 66 2/3 percent of the average monthly wage.

~~[5.]~~ ***6.*** If there are any surviving children of the deceased employee under the age of 18 years, but no surviving spouse, then each such child is entitled to his proportionate share of 66 2/3 percent of the average monthly wage for his support.

~~[6.]~~ ***7.*** Except as otherwise provided in subsection ~~[7,]~~ ***8,*** if there is no surviving spouse or child under the age of 18 years, there must be paid:

(a) To a parent, if wholly dependent for support upon the deceased employee at the time of the injury causing his death, 33 1/3 percent of the average monthly wage.

(b) To both parents, if wholly dependent for support upon the deceased employee at the time of the injury causing his death, 66 2/3 percent of the average monthly wage.

(c) To each brother or sister until he or she reaches the age of 18 years, if wholly dependent for support upon the deceased employee at the time of the injury causing his death, his proportionate share of 66 2/3 percent of the average monthly wage.

~~[7.]~~ ***8.*** The aggregate compensation payable pursuant to subsection ~~[6]~~ ***7*** must not exceed 66 2/3 percent of the average monthly wage.

~~[8.]~~ ***9.*** In all other cases involving a question of total or partial dependency:

(a) The extent of the dependency must be determined in accordance with the facts existing at the time of the injury.

(b) If the deceased employee leaves dependents only partially dependent upon his earnings for support at the time of the injury causing his death, the monthly compensation to be paid must be equal to the same proportion of the monthly payments for the benefit of persons totally dependent as the amount contributed by the deceased employee to the partial dependents bears to the average monthly wage of the deceased employee at the time of the injury resulting in his death.

(c) The duration of compensation to partial dependents must be fixed in accordance with the facts shown, but may not exceed compensation for 100 months.

~~[9.]~~ ***10.*** Compensation payable to a surviving spouse is for the use and benefit of the surviving spouse and the dependent children, and the insurer may, from time to time, apportion such compensation between them in such a way as it deems best for the interest of all dependents.

~~[10.]~~ ***11.*** In the event of the death of any dependent specified in this section before the expiration of the time during which compensation is payable to him, funeral expenses are payable in an amount not to exceed $5,000.

~~[11.]~~ ***12.*** If a dependent is entitled to receive a death benefit pursuant to this section and is less than 18 years of age or incompetent, the legal representative of the dependent shall petition for a guardian to be appointed for that dependent pursuant to NRS 159.044. An insurer shall not pay any compensation in excess of $3,000, other than burial expenses, to the dependent until a guardian is appointed and legally qualified. Upon receipt of a certified letter of guardianship, the insurer shall make all payments required by this section to the guardian of the dependent until the dependent is emancipated, the guardianship terminates or the dependent reaches the age of 18 years, whichever occurs first, unless paragraph (a) of subsection ~~[12]~~ ***13*** is applicable. The fees and costs related to the guardianship must be paid from the estate of the dependent. A guardianship established pursuant to this subsection must be administered in accordance with chapter 159 of NRS, except that after the first annual review required pursuant to NRS 159.176, a court may elect not to review the guardianship annually. The court shall review the guardianship at least once every 3 years. As used in this subsection, "incompetent" has the meaning ascribed to it in NRS 159.019.

~~[12.]~~ ***13.*** Except as otherwise provided in paragraphs (a) and (b), the entitlement of any child to receive his proportionate share of compensation pursuant to this section ceases when he dies, marries or reaches the age of 18 years. A child is entitled to continue to receive compensation pursuant to this section if he is:

(a) Over 18 years of age and incapable of supporting himself, until such time as he becomes capable of supporting himself; or

(b) Over 18 years of age and enrolled as a full-time student in an accredited vocational or educational institution, until he reaches the age of 22 years.

~~[13.]~~ ***14.*** As used in this section, "surviving spouse" means a surviving husband or wife who was married to the employee at the time of the employee's death.

Sec. 16. **NRS 616C.560 is hereby amended to read as follows:**

616C.560 1. A program for vocational rehabilitation developed pursuant to subsection 3 of NRS 616C.555 may be extended:

(a) Without condition or limitation, by the insurer at his sole discretion; or

(b) In accordance with this section if:

(1) The injured employee makes a written request to extend the program ~~[within]~~ ***not later than*** 30 days after ~~[he receives written notification that he is eligible]~~ ***the program*** for vocational rehabilitation services ~~[.]~~ ***has been completed;*** and

(2) There are exceptional circumstances which make it unlikely that the injured employee will obtain suitable gainful employment as a result of

vocational rehabilitation which is limited to the period for which he is eligible.

➥ An insurer's determination to grant or deny an extension pursuant to paragraph (a) may not be appealed.

2. If an injured employee has incurred a permanent physical impairment of less than 11 percent:

(a) The total length of the program, including any extension, must not exceed 2 years.

(b) "Exceptional circumstances" shall be deemed to exist for the purposes of paragraph (b) of subsection 1, if:

(1) The injured employee lacks work experience, training, education or other transferable skills for an occupation which he is physically capable of performing; or

(2) Severe physical restrictions as a result of the industrial injury have been imposed by a physician which significantly limit the employee's occupational opportunities.

3. If an injured employee has incurred a permanent physical impairment of 11 percent or more:

(a) The total length of the program, including any extension, must not exceed 2 1/2 years.

(b) "Exceptional circumstances" shall be deemed to exist for the purposes of paragraph (b) of subsection 1, if the injured employee has suffered:

(1) The total and permanent loss of sight of both eyes;

(2) The loss by separation of a leg at or above the knee;

(3) The loss by separation of a hand at or above the wrist;

(4) An injury to the head or spine which results in permanent and complete paralysis of both legs, both arms or a leg and an arm;

(5) An injury to the head which results in a severe cognitive functional impairment which may be established by a nationally recognized form of objective psychological testing;

(6) The loss by separation of an arm at or above the elbow and the loss by separation of a leg at or above the knee;

(7) An injury consisting of second or third degree burns on 50 percent or more of the body, both hands or the face;

(8) A total bilateral loss of hearing;

(9) The total loss or significant and permanent impairment of speech; or

(10) A permanent physical impairment of 50 percent or more determined pursuant to NRS 616C.490, if the severity of the impairment limits the injured employee's gainful employment to vocations that are primarily intellectual and require a longer program of education.

4. The insurer shall deliver a copy of its decision granting or denying an extension to the injured employee and the employer. Except as otherwise provided in this section, the decision shall be deemed to be a final determination of the insurer for the purposes of NRS 616C.315.

Sec. 17. **NRS 616C.580 is hereby amended to read as follows:**

616C.580 1. Except as otherwise provided in this section, vocational rehabilitation services must not be provided outside of this State.

2. An injured employee who:

(a) Resides outside of this State, within 50 miles from any border of this State, on the date of injury; or

(b) Was injured while temporarily employed in this State by an employer subject to the provisions of chapters 616A to 617, inclusive, of NRS who can demonstrate that, on the date of injury, his permanent residence was outside of this State,

➥ may receive vocational rehabilitation services at a location within 50 miles from his residence if such services are available at such a location.

3. An injured employee who:

(a) Is eligible for vocational rehabilitation services pursuant to NRS 616C.590; and

(b) Resides outside of this State but does not qualify to receive vocational rehabilitation services outside of this State pursuant to subsection 2,

➥ may execute a written agreement with the insurer which provides for the payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation services pursuant to NRS 616C.595. The amount of the lump sum must not exceed $20,000.

4. An injured employee who resides outside of this State but does not qualify to receive vocational rehabilitation services outside of this State pursuant to subsection 2 may receive the vocational rehabilitation services to which he is entitled pursuant to NRS 616C.545 to 616C.575, inclusive, and 616C.590 if he relocates to:

(a) This State; or

(b) A location within 50 miles from any border of this State,

➥ at his own expense, if such services are available at such a location.

5. An injured employee who resides in this State may receive vocational rehabilitation services outside of this State at a location within 50 miles from his residence if such services are available at such a location. An insurer may not unreasonably deny a request made by an injured employee pursuant to this subsection to receive vocational rehabilitation services outside of this State.

6. An injured employee may receive vocational rehabilitation services in any state that borders this State if the injured employee demonstrates that the services are available in a more cost effective manner than are available in this State. Any vocational rehabilitation services provided pursuant to this subsection must be monitored by a vocational rehabilitation counselor in this State.

Sec. 18. **NRS 616C.595 is hereby amended to read as follows:**

616C.595 1. If an injured employee is eligible for vocational rehabilitation services pursuant to NRS 616C.590, the insurer and the injured employee may, at any time during the employee's eligibility for such services, execute a written agreement providing for the payment of

compensation in a lump sum in lieu of the provision of vocational rehabilitation services. An insurer's refusal to execute such an agreement may not be appealed.

2. If the insurer and the injured employee execute an agreement pursuant to subsection 1, the acceptance of the payment of compensation in a lump sum by the injured employee extinguishes his right to receive vocational rehabilitation services under his claim. Except as otherwise required by federal law, an injured employee shall not receive vocational rehabilitation services from any state agency after he accepts payment of compensation in a lump sum pursuant to this section.

3. Before executing an agreement pursuant to subsection 1, an insurer shall:

(a) Order an assessment of and counseling concerning the vocational skills of the injured employee, unless the provisions of subsection 3 of NRS 616C.580 are applicable;

(b) Consult with the employer of the injured employee; and

(c) Provide a written notice to the injured employee that contains the following statements:

(1) That the injured employee is urged to seek assistance and advice from the Nevada Attorney for Injured Workers or to consult with a private attorney before signing the agreement.

(2) That the injured employee may rescind the agreement within 20 days after he signs it.

(3) That the 20-day period pursuant to subparagraph (2) may not be waived.

(4) That acceptance by the injured employee of payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation services extinguishes his right to receive such services.

4. ***Except as otherwise provided in NRS 616C.580, any payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation services must not be less than 40 percent of the maximum amount of vocational rehabilitation maintenance due to the injured employee pursuant to NRS 616C.555.***

5. No payment of compensation in a lump sum may be made pursuant to this section until the 20-day period provided for the rescission of the agreement has expired.

Sec. 19. **NRS 616D.120 is hereby amended to read as follows:**

616D.120 1. Except as otherwise provided in this section, if the Administrator determines that an insurer, organization for managed care, health care provider, third-party administrator or employer has:

(a) Induced a claimant to fail to report an accidental injury or occupational disease;

(b) Without justification, persuaded a claimant to:

(1) Settle for an amount which is less than reasonable;

(2) Settle for an amount which is less than reasonable while a hearing or an appeal is pending; or

(3) Accept less than the compensation found to be due him by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties pursuant to chapters 616A to 617, inclusive, of NRS;

(c) Refused to pay or unreasonably delayed payment to a claimant of compensation or other relief found to be due him by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, if the refusal or delay occurs:

(1) Later than 10 days after the date of the settlement agreement or stipulation;

(2) Later than 30 days after the date of the decision of a court, hearing officer, appeals officer or the Division, unless a stay has been granted; or

(3) Later than 10 days after a stay of the decision of a court, hearing officer, appeals officer or the Division has been lifted;

(d) Refused to process a claim for compensation pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(e) Made it necessary for a claimant to initiate proceedings pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for compensation or other relief found to be due him by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(f) Failed to comply with the Division's regulations covering the payment of an assessment relating to the funding of costs of administration of chapters 616A to 617, inclusive, of NRS;

(g) Failed to provide or unreasonably delayed payment to an injured employee or reimbursement to an insurer pursuant to NRS 616C.165; or

(h) Intentionally failed to comply with any provision of, or regulation adopted pursuant to, this chapter or chapter 616A, 616B, 616C or 617 of NRS,

➥ the Administrator shall impose an administrative fine of $1,500 for each initial violation, or a fine of $15,000 for a second or subsequent violation.

2. Except as otherwise provided in chapters 616A to 616D, inclusive, or chapter 617 of NRS, if the Administrator determines that an insurer, organization for managed care, health care provider, third-party administrator or employer has failed to comply with any provision of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto, the Administrator may take any of the following actions:

(a) Issue a notice of correction for:

(1) A minor violation, as defined by regulations adopted by the Division; or

(2) A violation involving the payment of compensation in an amount which is greater than that required by any provision of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto.

➥ The notice of correction must set forth with particularity the violation committed and the manner in which the violation may be corrected. The provisions of this section do not authorize the Administrator to modify or negate in any manner a determination or any portion of a determination made by a hearing officer, appeals officer or court of competent jurisdiction or a provision contained in a written settlement agreement or written stipulation.

(b) Impose an administrative fine for:

(1) A second or subsequent violation for which a notice of correction has been issued pursuant to paragraph (a); or

(2) Any other violation of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto, for which a notice of correction may not be issued pursuant to paragraph (a).

➥ The fine imposed must not be greater than $375 for an initial violation, or more than $1,500 for any second or subsequent violation.

(c) Order a plan of corrective action to be submitted to the Administrator within 30 days after the date of the order.

3. If the Administrator determines that a violation of any of the provisions of paragraphs (a) to (e), inclusive, or (h) of subsection 1 has occurred, the Administrator shall order the insurer, organization for managed care, health care provider, third-party administrator or employer to pay to the claimant a benefit penalty ***:***

(a) Except as otherwise provided in paragraph (b), in an amount that is not less than $5,000 and not greater than $37,500~~.~~ ~~[.]~~ ***; or***

(b) Of $3,000 if the violation involves a late payment of compensation or other relief to a claimant in an amount which is less than $500 or which is not more than 14 days late.

4. To determine the amount of the benefit penalty, the Administrator shall consider the degree of physical harm suffered by the injured employee or his dependents as a result of the violation of paragraph (a), (b), (c), (d), (e) or (h) of subsection 1, the amount of compensation found to be due the claimant and the number of fines and benefit penalties ***, other than a benefit penalty described in paragraph (b) of subsection 3,*** previously imposed against the insurer, organization for managed care, health care provider, third-party administrator or employer pursuant to this section. If this is the third violation within 5 years for which a benefit penalty ***, other than a benefit penalty described in paragraph (b) of subsection 3,*** has been imposed against the insurer, organization for managed care, health care provider, third-party administrator or employer, the Administrator shall also consider the degree of economic harm suffered by the injured employee or his dependents as a result of the violation of paragraph (a), (b), (c), (d), (e) or (h) of subsection 1. Except as otherwise provided in this section, the benefit

penalty is for the benefit of the claimant and must be paid directly to him within 10 days after the date of the Administrator's determination. If the claimant is the injured employee and he dies before the benefit penalty is paid to him, the benefit penalty must be paid to his estate. Proof of the payment of the benefit penalty must be submitted to the Administrator within 10 days after the date of his determination unless an appeal is filed pursuant to NRS 616D.140. Any compensation to which the claimant may otherwise be entitled pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS must not be reduced by the amount of any benefit penalty received pursuant to this subsection.

~~[4.]~~ ***5.*** In addition to any fine or benefit penalty imposed pursuant to this section, the Administrator may assess against an insurer who violates any regulation concerning the reporting of claims expenditures or premiums received that are used to calculate an assessment, an administrative penalty of up to twice the amount of any underpaid assessment.

~~[5.]~~ ***6.*** If:

(a) The Administrator determines that a person has violated any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310 or 616D.350 to 616D.440, inclusive; and

(b) The Fraud Control Unit for Industrial Insurance of the Office of the Attorney General established pursuant to NRS 228.420 notifies the Administrator that the Unit will not prosecute the person for that violation,

➥ the Administrator shall impose an administrative fine of not more than $15,000.

~~[6.]~~ ***7.*** Two or more fines of $1,000 or more imposed in 1 year for acts enumerated in subsection 1 must be considered by the Commissioner as evidence for the withdrawal of:

(a) A certificate to act as a self-insured employer.

(b) A certificate to act as an association of self-insured public or private employers.

(c) A certificate of registration as a third-party administrator.

~~[7.]~~ ***8.*** The Commissioner may, without complying with the provisions of NRS 616B.327 or 616B.431, withdraw the certification of a self-insured employer, association of self-insured public or private employers or third-party administrator if, after a hearing, it is shown that the self-insured employer, association of self-insured public or private employers or third-party administrator violated any provision of subsection 1.

9. If the Administrator determines that a vocational rehabilitation counselor has violated the provisions of section 1.3 of this act, the Administrator may impose an administrative fine on the vocational rehabilitation counselor of not more than $250 for a first violation, $500 for a second violation and $1,000 for a third or subsequent violation.

~~[Sec. 3.]~~ ***Sec. 20.*** NRS 617.356 is hereby amended to read as follows:

617.356 ***1.*** An insurer shall accept or deny ~~[responsibility]~~ ***a claim*** for compensation under this chapter ***and notify the claimant or the person***

acting on behalf of the claimant pursuant to NRS 617.344 that the claim has been accepted or denied within 30 working days after ~~[claims]~~ ***the forms for filing the claim*** for compensation are received pursuant to both NRS 617.344 and 617.352.

2. The insurer shall notify the claimant or the person acting on behalf of the claimant that a claim has been accepted or denied pursuant to subsection 1 by:

(a) Mailing its written determination to the claimant or the person acting on behalf of the claimant; and

(b) If the claim has been denied, in whole or in part, obtaining a certificate of mailing.

3. The failure of the insurer to obtain a certificate of mailing as required by paragraph (b) of subsection 2 shall be deemed to be a failure of the insurer to mail the written determination of the denial of a claim as required by this section.

4. Upon request, the insurer shall provide a copy of the certificate of mailing, if any, to the claimant or the person acting on behalf of the claimant.

5. For the purposes of this section, the insurer shall mail the written determination to:

(a) The mailing address of the claimant or the person acting on behalf of the claimant that is provided on the form prescribed by the Administrator for filing the claim; or

(b) Another mailing address if the claimant or the person acting on behalf of the claimant provides to the insurer written notice of another mailing address.

6. As used in this section, "certificate of mailing" means a receipt that provides evidence of the date on which the insurer presented its written determination to the United States Postal Service for mailing.

~~[Sec. 4.]~~ ***Sec. 21.*** NRS 617.440 is hereby amended to read as follows:

617.440 1. An occupational disease defined in this chapter shall be deemed to arise out of and in the course of the employment if:

(a) There is a direct causal connection between the conditions under which the work is performed and the occupational disease;

(b) It can be seen to have followed as a natural incident of the work as a result of the exposure occasioned by the nature of the employment;

(c) It can be fairly traced to the employment as the proximate cause; and

(d) It does not come from a hazard to which workmen would have been equally exposed outside of the employment.

2. The disease must be incidental to the character of the business and not independent of the relation of the employer and employee.

3. The disease need not have been foreseen or expected, but after its contraction must appear to have had its origin in a risk connected with the employment, and to have flowed from that source as a natural consequence.

4. In cases of disability resulting from radium poisoning or exposure to radioactive properties or substances, or to roentgen rays (X rays) or ionizing radiation, the poisoning or illness resulting in disability must have been contracted in the State of Nevada.

5. The requirements set forth in this section do not apply to claims filed pursuant to NRS 617.453, 617.455, 617.457, 617.485 or 617.487.

Sec. 22. **With respect to the regulations required to be adopted pursuant to NRS 616C.295, as amended by section 6 of this act, the Chief of the Hearings Division of the Department of Administration shall:**

1. Hold the first workshop concerning the regulations on or before December 31, 2007; and

2. Adopt the regulations on or before June 30, 2008.

~~[Sec. 5.]~~ ***Sec. 23.*** This act becomes effective on July 1, 2007.

Assemblyman Conklin moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 496.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 510.

The following Senate amendment was read:

Amendment No. 1087.

SUMMARY—Makes various changes ~~[concerning credits earned by offenders and the incarceration and supervision of]~~ **pertaining to** offenders. (BDR 16-1377)

AN ACT relating to offenders; revising provisions relating to the residential confinement of certain offenders; authorizing the Director of the Department of Corrections to award greater amounts of credit against the sentence of offenders under certain circumstances; revising provisions relating to programs for the reentry of offenders and parolees into the community; providing for certain credits to be applied to a period of probation; revising provisions governing residential confinement for offenders who violate parole or probation; **revising the additional penalty that must be imposed for the commission of certain crimes under certain circumstances; making various other changes pertaining to offenders;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill eliminates certain requirements that an offender must meet to be eligible for residential confinement and revises the prohibition against assigning a prisoner who has been convicted of a sexual offense to residential confinement by prohibiting the Director of the Department of Corrections from assigning a prisoner to a minimum security facility if the prisoner has ever been convicted of a sexual offense that is a felony. In addition, section 2 revises a provision which prohibits an offender from receiving residential confinement if the offender has ever been convicted of a violent crime by prohibiting an offender from receiving residential

confinement if the offender has, within the immediately preceding 3 years, been convicted of a violent crime that is a felony. (NRS 209.392) Finally, section 2 provides that an offender who has been convicted of a category A or B felony is not eligible for residential confinement.

Existing law requires the Director to assign certain offenders who are abusers of alcohol or drugs to residential confinement. (NRS 209.429) Section 3 of this bill eliminates certain requirements that such an offender must meet for the Director to assign him to residential confinement.

Section 5 of this bill increases from 10 days to 20 days the deduction from the sentence of an offender who engages in certain good behavior. In addition, section 5 increases by 30 days the deductions from the sentence of an offender who obtains certain educational achievements. Section 5 also provides that certain credits to the sentence of an offender convicted of certain category C, D or E felonies must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and from the maximum term imposed by the sentence. (NRS 209.4465) Section 6 of this bill increases from 10 days to 20 days the deduction from the sentence of a parolee who is current with any fee to defray the cost of his supervision and who is current with any restitution payments. (NRS 209.4475) Section 6.2 of this bill increases from 30 days to 60 days the deduction from the sentence of an offender who successfully completes a program of treatment for the abuse of alcohol or drugs. (NRS 209.448) Section 6.4 of this bill increases from 30 days to 60 days the deduction from the sentence of an offender who successfully completes a program of vocational education and training. (NRS 209.449)

Section 7 of this bill revises the prohibition against assigning a prisoner who has been convicted of a sexual offense to a minimum security facility by prohibiting the Director from assigning a prisoner to such a facility if the prisoner has ever been convicted of a sexual offense that is a felony. In addition, section 7 revises the prohibition against assigning a prisoner who has committed a violent act during the previous year to a minimum security facility by prohibiting the Director from assigning a prisoner to such a facility if the prisoner has, within the preceding year, been convicted of a violent crime that is a felony. (NRS 209.481)

Existing law allows the Director of the Department of Corrections to recommend an offender to a judicial program for reentry of offenders and parolees into the community. (NRS 209.4886) Section 7.5 of this bill provides that an offender is not eligible for a judicial program for reentry if the offender has, within the immediately preceding year, instead of 5 years, been convicted of a violent crime that is a felony. Existing law allows the Director to establish a program for reentry of offenders and parolees into the community. Section 8 of this bill revises a provision which provides that an offender is not eligible for the program if the offender has, within the immediately preceding 5 years, been convicted of a violent crime by providing that an offender is not eligible for the program if the offender has,

within the immediately preceding year, been convicted of a violent crime that is a felony. (NRS 209.4888)

Section 8.3 of this bill prohibits the State Board of Parole Commissioners from considering whether a prisoner has appealed the judgment of imprisonment for which the prisoner is being considered for parole when the Board determines whether to grant parole to a prisoner.

Existing law provides that certain prisoners must be released on parole 12 months before the end of the prisoner's maximum term of imprisonment. However, if the State Board of Parole Commissioners finds that there is a reasonable probability that the prisoner will be a danger to public safety while on parole, the Board may deny the parole. (NRS 213.1215) Section 8.55 provides that if the Board denies parole for this reason, the Board must provide the prisoner with a written statement of the reasons for the denial.

Section 8.7 of this bill provides that a person who is sentenced to a period of probation for a felony and who engages in certain good behavior while on probation must be allowed a deduction from his period of probation of 20 days for each month he serves. (NRS 176A.500)

Existing law authorizes the State Board of Parole Commissioners, in lieu of suspending the parole of a parolee who violates a condition of his parole and returning him to confinement in prison, to require the parolee to serve a term of residential confinement. (NRS 213.152) Section 8.6 of this bill authorizes the State Board of Parole Commissioners, in lieu of suspending the parole of a parolee who violates a condition of his parole and returning him to confinement in prison, to place the parolee in a community correctional center, conservation camp, facility of minimum security or other place of confinement other than a prison for a period of not more than 6 months.

If a person who has been placed on probation violates a condition of his probation, existing law authorizes a court, in lieu of causing the sentence imposed to be executed, to direct that the person be placed under the supervision of the Division of Parole and Probation of the Department of Public Safety and to require the person to serve a term of residential confinement. Section 8.8 of this bill authorizes the court, in lieu of causing the sentence imposed to be executed, to direct that the person be placed under the supervision of the Department of Corrections and to require the person to serve a term of confinement in a community correctional center, conservation camp, facility of minimum security or other place of confinement other than a prison for a period of not more than 6 months. (NRS 176A.660)

Section 10 of this bill provides for retroactive application of the amendatory provisions of sections 5 and 8.7 to certain credits earned by offenders pursuant to NRS 209.4465 and 176A.500 in certain circumstances.

Existing law provides that persons who commit certain crimes must be punished by the imposition of a penalty equal to and in addition to the

term of imprisonment for the underlying crime. (NRS 193.161-193.1685) Sections 10-19 of this bill provide that the additional penalty for such crimes must be a minimum term of not less than 1 year and a maximum term of not more than 20 years, except that the additional term of imprisonment must not exceed the sentence imposed for the underlying crime. Moreover, sections 10-19 require a court to consider certain factors and, state on the record that the court considered those factors, when the court determines the length of the additional punishment to be imposed.

Section 20 of this bill amends Assembly Bill No. 508 of this session to require the Advisory Commission on the Administration of Justice to identify and study issues relating to: (1) the application of the Open Meeting Law to the State Board of Pardons Commissioners and the State Board of Parole Commissioners; and (2) the operations of the Department of Corrections.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 209.392 is hereby amended to read as follows:

209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429, the Director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the Director pursuant to subsection 3 and who has:

(a) ~~[Established]~~ ***Demonstrated a willingness and ability to establish*** a position of employment in the community;

(b) ~~[Enrolled]~~ ***Demonstrated a willingness and ability to enroll*** in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime,

➥ assign the offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his sentence.

2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the Director shall notify the Division of Parole and Probation. If any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.130, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim of the offender's request and advise the victim that he may submit documents regarding the request to the Division of Parole and Probation. If a current address has not been provided as required by subsection 4 of NRS 213.130, the Division of Parole and Probation must not be held responsible if such notification is not received by

the victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

3. The Director, after consulting with the Division of Parole and Probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the Director must provide that an offender who:

(a) ~~[Is not eligible for parole or release from prison within a reasonable period;~~

~~(b)]~~ Has recently committed a serious infraction of the rules of an institution or facility of the Department;

~~[(c)]~~ ***(b)*** Has not performed the duties assigned to him in a faithful and orderly manner;

~~[(d)]~~ ***(c)*** Has ~~[ever]~~ been convicted of:

(1) Any crime ***that is punishable as a felony*** involving the use or threatened use of force or violence against the victim ~~[; or]~~ ***within the immediately preceding 3 years;***

(2) A sexual offense ~~[;~~

~~(e)]~~ ***that is punishable as a felony; or***

(3) A category A or B felony;

(d) Has more than one prior conviction for any felony in this State or any offense in another state that would be a felony if committed in this State, not including a violation of NRS 484.379, 484.3795 or 484.37955; ***or***

~~[(f)]~~ ***(e)*** Has escaped or attempted to escape from any jail or correctional institution for adults ***,*** ~~[; or~~

~~(g) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the Director,]~~

➥ is not eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section.

4. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by him before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.

5. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

6. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 3. NRS 209.429 is hereby amended to read as follows:

209.429 1. Except as otherwise provided in subsection 6, the Director shall assign an offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of the maximum term of his sentence if ~~[~~:

~~(a) The]~~ ***the*** offender has:

~~[(1)]~~ ***(a)*** ~~[Established]~~ ***Demonstrated a willingness and ability to establish*** a position of employment in the community;

~~[(2)]~~ ***(b)*** ~~[Enrolled]~~ ***Demonstrated a willingness and ability to enroll*** in a program for education or rehabilitation; or

~~[(3)]~~ ***(c)*** Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime . ~~[~~;

~~(b) The offender has successfully completed the initial period of treatment required under the program of treatment established pursuant to NRS 209.425; and~~

~~(c) The Director believes that the offender will be able to:~~

~~(1) Comply with the terms and conditions required under residential confinement; and~~

~~(2) Complete successfully the remainder of the program of treatment while under residential confinement.~~

~~➥ If an offender assigned to the program of treatment pursuant to NRS 209.427 completes the initial phase of the program and thereafter refuses to enter the remainder of the program of treatment pursuant to this section, the offender forfeits all or part of the credits earned by him to reduce his sentence pursuant to this chapter before this refusal, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.]~~

2. Before a person may be assigned to serve a term of residential confinement pursuant to this section, he must submit to the Division of Parole and Probation a signed document stating that:

(a) He will comply with the terms or conditions of his residential confinement; and

(b) If he fails to comply with the terms or conditions of his residential confinement and is taken into custody outside of this State, he waives all his rights relating to extradition proceedings.

3. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits earned by him to reduce his sentence pursuant to this chapter before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as he considers proper. The decision of the Director regarding forfeiture of credits is final.

4. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

5. A person does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

6. The Director shall not assign an offender who is serving a sentence for committing a battery which constitutes domestic violence pursuant to NRS 33.018 to the custody of the Division of Parole and Probation to serve a term of residential confinement unless the Director makes a finding that the offender is not likely to pose a threat to the victim of the battery.

Sec. 4. NRS 209.446 is hereby amended to read as follows:

209.446 1. Every offender who is sentenced to prison for a crime committed on or after July 1, 1985, but before July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and

conditions of his residential confinement, or the laws of the State recorded against him, and who performs in a faithful, orderly and peaceable manner the duties assigned to him, must be allowed:

(a) For the period he is actually incarcerated under sentence;

(b) For the period he is in residential confinement; and

(c) For the period he is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

➥ a deduction of 10 days from his sentence for each month he serves.

2. In addition to the credit provided for in subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate, 30 days.

(b) For earning a high school diploma, 60 days.

(c) For earning an associate degree, 90 days.

3. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, ***program for reentry of offenders and parolees into the community,*** conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is entitled to the entire 20 days of credit each month which is authorized in subsections 1 and 2.

4. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

5. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

6. Credits earned pursuant to this section:

(a) Must be deducted from the maximum term imposed by the sentence; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence which must be served before a person becomes eligible for parole.

Sec. 5. NRS 209.4465 is hereby amended to read as follows:

209.4465 1. An offender who is sentenced to prison for a crime committed on or after July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his residential confinement or the laws of the State recorded against him, and who performs in a faithful, orderly and peaceable manner the duties assigned to him, must be allowed:

(a) For the period he is actually incarcerated pursuant to his sentence;

(b) For the period he is in residential confinement; and

(c) For the period he is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

➥ a deduction of ~~[10]~~ ***20*** days from his sentence for each month he serves.

2. In addition to the credits allowed pursuant to subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate, ~~[30]~~ ***60*** days.

(b) For earning a high school diploma, ~~[60]~~ ***90*** days.

(c) For earning his first associate degree, ~~[90]~~ ***120*** days.

3. The Director may, in his discretion, authorize an offender to receive a maximum of 90 days of credit for each additional degree of higher education earned by the offender.

4. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, ***program for reentry of offenders and parolees into the community,*** conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is eligible to earn the entire ~~[20]~~ ***30*** days of credit each month that is allowed pursuant to subsections 1 and 2.

5. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

6. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

7. ~~[Credits]~~ ***Except as otherwise provided in subsection 8, credits*** earned pursuant to this section:

(a) Must be deducted from the maximum term imposed by the sentence; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.

8. Credits earned pursuant to this section by an offender who has not been convicted of:

(a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim;

(b) A sexual offense that is punishable as a felony;

(c) A violation of NRS 484.379, 484.3795 or 484.37955 that is punishable as a felony; or

(d) A category A or B felony,

➥ apply to eligibility for parole and must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and must be deducted from the maximum term imposed by the sentence.

Sec. 6. NRS 209.4475 is hereby amended to read as follows:

209.4475 1. In addition to any credits earned pursuant to NRS 209.447, an offender who is on parole as of January 1, 2004, or who is released on parole on or after January 1, 2004, for a term less than life must be allowed for the period he is actually on parole a deduction of ~~[10]~~ ***20*** days from his sentence for each month he serves if:

(a) He is current with any fee to defray the costs of his supervision pursuant to NRS 213.1076; and

(b) He is current with any payment of restitution required pursuant to NRS 213.126.

2. In addition to any credits earned pursuant to subsection 1 and NRS 209.447, the Director may allow not more than 10 days of credit each month for an offender:

(a) Who is on parole as of January 1, 2004, or who is released on parole on or after January 1, 2004, for a term less than life; and

(b) Whose diligence in labor or study merits such credits.

3. An offender is entitled to the deductions authorized by this section only if he satisfies the conditions of subsection 1 or 2, as determined by the Director. The Chief Parole and Probation Officer or other person responsible for the supervision of an offender shall report to the Director the failure of an offender to satisfy those conditions.

4. Credits earned pursuant to this section must, in addition to any credits earned pursuant to NRS 209.443, 209.446, 209.4465, 209.447, 209.448 and 209.449, be deducted from the maximum term imposed by the sentence.

5. The Director shall maintain records of the credits to which each offender is entitled pursuant to this section.

Sec. 6.2. NRS 209.448 is hereby amended to read as follows:

209.448 1. An offender who has no serious infraction of the regulations of the Department or the laws of the State recorded against him must be allowed, in addition to the credits provided pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a deduction of not more than ~~[30]~~ ***60*** days from the maximum term of his sentence for the successful completion of a program of treatment for the abuse of alcohol or drugs which is conducted jointly by the Department and a person who is licensed or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern pursuant to chapter 641C of NRS.

2. The provisions of this section apply to any offender who is sentenced on or after October 1, 1991.

Sec. 6.4. NRS 209.449 is hereby amended to read as follows:

209.449 1. An offender who has no serious infraction of the regulations of the Department, the terms and conditions of his residential confinement, or the laws of the State recorded against him must be allowed, in addition to the

credits provided pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a deduction of ~~[30]~~ ***60*** days from the maximum term of his sentence for the ***successful*** completion of:

(a) A program of vocational education and training; or

(b) Any other program approved by the Director.

2. If the offender completes such a program with meritorious or exceptional achievement, the Director may allow not more than 60 days of credit in addition to the ~~[30]~~ ***60*** days allowed for completion of the program.

Sec. 7. NRS 209.481 is hereby amended to read as follows:

209.481 1. The Director shall not assign any prisoner to an institution or facility of minimum security if the prisoner:

(a) Except as otherwise provided in NRS 484.3792, 484.3795, 484.37955, 488.420 and 488.427, is not eligible for parole or release from prison within a reasonable period;

(b) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(c) Has not performed the duties assigned to him in a faithful and orderly manner;

(d) Has ***ever*** been convicted of a sexual offense ~~[;]~~ ***that is punishable as a felony;***

(e) Has ~~[committed an act of serious violence during the previous year;]~~ ***, within the immediately preceding year, been convicted of any crime involving the use or threatened use of force or violence against a victim that is punishable as a felony;*** or

(f) Has attempted to escape or has escaped from an institution of the Department.

2. The Director shall, by regulation, establish procedures for classifying and selecting qualified prisoners.

Sec. 7.5. NRS 209.4886 is hereby amended to read as follows:

209.4886 1. Except as otherwise provided in this section, if a judicial program has been established in the judicial district in which an offender was sentenced to imprisonment, the Director may, after consulting with the Division, refer the offender to the reentry court if:

(a) The Director believes that the offender would participate successfully in and benefit from the judicial program;

(b) The offender has demonstrated a willingness to:

(1) Engage in employment or participate in vocational rehabilitation or job skills training; and

(2) Meet any existing obligation for restitution to any victim of his crime; and

(c) The offender is within 2 years of his probable release from prison, as determined by the Director.

2. Except as otherwise provided in this section, if the Director is notified by the reentry court pursuant to NRS 209.4883 that an offender should be assigned to the custody of the Division to participate in the judicial program,

the Director shall assign the offender to the custody of the Division to participate in the judicial program for not longer than the remainder of his sentence.

3. The Director shall, by regulation, adopt standards setting forth which offenders are eligible to be assigned to the custody of the Division to participate in the judicial program pursuant to this section. The standards adopted by the Director must be approved by the Board and must provide that an offender who:

(a) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(b) Has not performed the duties assigned to him in a faithful and orderly manner;

(c) Has, within the immediately preceding ~~[5 years,]~~ ***year,*** been convicted of any crime involving the use or threatened use of force or violence against a victim that is punishable as a felony;

(d) Has ever been convicted of a sexual offense ~~[;]~~ ***that is punishable as a felony; or***

(e) Has escaped or attempted to escape from any jail or correctional institution for adults **,** ~~[; or~~

~~(f) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the Director,]~~

➥ is not eligible for assignment to the custody of the Division pursuant to this section to participate in a judicial program.

4. The Director shall adopt regulations requiring offenders who are assigned to the custody of the Division pursuant to this section to reimburse the reentry court, the Division and the Department for the cost of their participation in a judicial program, to the extent of their ability to pay.

5. The reentry court may return the offender to the custody of the Department at any time for any violation of the terms and conditions imposed by the reentry court.

6. If an offender assigned to the custody of the Division pursuant to this section violates any of the terms or conditions imposed by the reentry court and is returned to the custody of the Department, the offender forfeits all or part of the credits for good behavior earned by him before he was returned to the custody of the Department, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this subsection only after proof of the violation and notice is given to the offender. The Director may restore credits so forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.

7. The assignment of an offender to the custody of the Division pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

8. An offender does not have a right to be assigned to the custody of the Division pursuant to this section, or to remain in that custody after such an assignment. It is not intended that the establishment or operation of a judicial program creates any right or interest in liberty or property or establishes a basis for any cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 8. NRS 209.4888 is hereby amended to read as follows:

209.4888 1. Except as otherwise provided in this section, if a correctional program has been established by the Director in the county in which an offender was sentenced to imprisonment, the Director may, after consulting with the Division, determine that an offender is suitable to participate in the correctional program if:

(a) The Director believes that the offender would participate successfully in and benefit from the correctional program;

(b) The offender has demonstrated a willingness to:

(1) Engage in employment or participate in vocational rehabilitation or job skills training; and

(2) Meet any existing obligation for restitution to any victim of his crime; and

(c) The offender is within 2 years of his probable release from prison, as determined by the Director.

2. Except as otherwise provided in this section, if the Director determines that an offender is suitable to participate in the correctional program, the Director shall request that the Chairman of the State Board of Parole Commissioners assign the offender to the custody of the Division to participate in the correctional program. The Chairman may assign the offender to the custody of the Division to participate in the correctional program for not longer than the remainder of his sentence.

3. The Director shall, by regulation, adopt standards setting forth which offenders are suitable to participate in the correctional program pursuant to this section. The standards adopted by the Director must be approved by the Board and must provide that an offender who:

(a) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(b) Has not performed the duties assigned to him in a faithful and orderly manner;

(c) Has, within the immediately preceding ~~[5 years,]~~ ***year,*** been convicted of any crime involving the use or threatened use of force or violence against a victim that is punishable as a felony;

(d) Has ever been convicted of a sexual offense ~~[;]~~ ***that is punishable as a felony; or***

(e) Has escaped or attempted to escape from any jail or correctional institution for adults **,** ~~[; or~~

~~(f) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the Director,]~~

➥ is not eligible for assignment to the custody of the Division pursuant to this section to participate in a correctional program.

4. The Director shall adopt regulations requiring offenders who are assigned to the custody of the Division pursuant to this section to reimburse the Division and the Department for the cost of their participation in a correctional program, to the extent of their ability to pay.

5. The Director may return the offender to the custody of the Department at any time for any violation of the terms and conditions agreed upon by the Director and the Chairman.

6. If an offender assigned to the custody of the Division pursuant to this section violates any of the terms or conditions agreed upon by the Director and the Chairman and is returned to the custody of the Department, the offender forfeits all or part of the credits for good behavior earned by him before he was returned to the custody of the Department, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this subsection only after proof of the violation and notice is given to the offender. The Director may restore credits so forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.

7. The assignment of an offender to the custody of the Division pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

8. An offender does not have a right to be assigned to the custody of the Division pursuant to this section, or to remain in that custody after such an assignment. It is not intended that the establishment or operation of a correctional program creates any right or interest in liberty or property or establishes a basis for any cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 8.3. **NRS 213.10885 is hereby amended to read as follows:**

213.10885 1. The Board shall adopt by regulation specific standards for each type of convicted person to assist the Board in determining whether to grant or revoke parole. The regulations must include standards for determining whether to grant or revoke the parole of a convicted person:

(a) Who committed a capital offense.

(b) Who was sentenced to serve a term of imprisonment for life.

(c) Who was convicted of a sexual offense involving the use or threat of use of force or violence.

(d) Who was convicted as a habitual criminal.

(e) Who is a repeat offender.

(f) Who was convicted of any other type of offense.

➥ The standards must be based upon objective criteria for determining the person's probability of success on parole.

2. In establishing the standards, the Board shall consider the information on decisions regarding parole that is compiled and maintained pursuant to NRS 213.10887 and all other factors which are relevant in determining the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued. The other factors the Board considers must include, but are not limited to:

(a) The severity of the crime committed;

(b) The criminal history of the person;

(c) Any disciplinary action taken against the person while incarcerated;

(d) Any previous parole violations or failures;

(e) Any potential threat to society or himself; and

(f) The length of his incarceration.

3. ***In determining whether to grant parole to a prisoner, the Board shall not consider whether the prisoner has appealed the judgment of imprisonment for which the prisoner is being considered for parole.***

4. The standards adopted by the Board must provide for a greater punishment for a convicted person who has a history of repetitive criminal conduct or who commits a serious crime, with a violent crime considered the most serious, than for a convicted person who does not have a history of repetitive crimes and did not commit a serious crime.

~~[4.]~~ ***5.*** The Board shall make available to the public a sample of the form the Board uses in determining the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued.

~~[5.]~~ ***6.*** On or before January 1 of each even-numbered year, the Board shall review comprehensively the standards adopted by the Board. The review must include a determination of whether the standards are effective in predicting the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued. If a standard is found to be ineffective, the Board shall not use that standard in its decisions regarding parole and shall adopt revised standards as soon as practicable after the review.

~~[6.]~~ ***7.*** The Board shall report to each regular session of the Legislature:

(a) The number and percentage of the Board's decisions that conflicted with the standards;

(b) The results and conclusions from the Board's review pursuant to subsection ~~[5,]~~ ***6;*** and

(c) Any changes in the Board's standards, policies, procedures, programs or forms that have been or will be made as a result of the review.

Sec. 8.5. NRS 213.120 is hereby amended to read as follows:

213.120 1. Except as otherwise provided in NRS 213.1213 and as limited by statute for certain specified offenses, a prisoner who was sentenced to prison for a crime committed before July 1, 1995, may be paroled when he has served one-third of the definite period of time for which he has been sentenced pursuant to NRS 176.033, less any credits earned to reduce his sentence pursuant to chapter 209 of NRS.

2. Except as otherwise provided in NRS 213.1213 and as limited by statute for certain specified offenses, a prisoner who was sentenced to prison for a crime committed on or after July 1, 1995, may be paroled when he has served the minimum term of imprisonment imposed by the court. ~~[Any]~~ ***Except as otherwise provided in NRS 209.4465, any*** credits earned to reduce his sentence pursuant to chapter 209 of NRS while the prisoner serves the minimum term of imprisonment may reduce only the maximum term of imprisonment imposed and must not reduce the minimum term of imprisonment.

Sec. 8.55. **NRS 213.1215 is hereby amended to read as follows:**

213.1215 1. Except as otherwise provided in subsections 3, 4 and 5 and in cases where a consecutive sentence is still to be served, if a prisoner sentenced to imprisonment for a term of 3 years or more:

(a) Has not been released on parole previously for that sentence; and

(b) Is not otherwise ineligible for parole,

➥ he must be released on parole 12 months before the end of his maximum term, as reduced by any credits he has earned to reduce his sentence pursuant to chapter 209 of NRS. The Board shall prescribe any conditions necessary for the orderly conduct of the parolee upon his release.

2. Each parolee so released must be supervised closely by the Division, in accordance with the plan for supervision developed by the Chief pursuant to NRS 213.122.

3. If the Board finds, at least 2 months before a prisoner would otherwise be paroled pursuant to subsection 1, that there is a reasonable probability that the prisoner will be a danger to public safety while on parole, the Board may require the prisoner to serve the balance of his sentence and not grant the parole provided for in subsection 1. ***If, pursuant to this subsection, the Board does not grant the parole provided for in subsection 1, the Board shall provide to the prisoner a written statement of its reasons for denying parole.***

4. If the prisoner is the subject of a lawful request from another law enforcement agency that he be held or detained for release to that agency, the prisoner must not be released on parole, but released to that agency.

5. If the Division has not completed its establishment of a program for the prisoner's activities during his parole pursuant to this section, the prisoner

must be released on parole as soon as practicable after the prisoner's program is established.

6. For the purposes of this section, the determination of the 12-month period before the end of a prisoner's term must be calculated without consideration of any credits he may have earned to reduce his sentence had he not been paroled.

Sec. 8.6. NRS 213.152 is hereby amended to read as follows:

213.152 1. Except as otherwise provided in subsection 6, if a parolee violates a condition of his parole, the Board may order him to a term of residential confinement in lieu of suspending his parole and returning him to confinement. In making this determination, the Board shall consider the criminal record of the parolee and the seriousness of the crime committed.

2. In ordering the parolee to a term of residential confinement, the Board shall:

(a) Require ~~[the]~~ ***:***

(1) The parolee to be confined to his residence during the time he is away from his employment, community service or other activity authorized by the Division; and

~~[(b) Require intensive]~~

(2) Intensive supervision of the parolee, including, without limitation, unannounced visits to his residence or other locations where he is expected to be in order to determine whether he is complying with the terms of his confinement ~~[.]~~ ***; or***

(b) Require the parolee to be confined to a facility of the Department of Corrections approved by the Board for a period not to exceed 6 months.

3. An electronic device approved by the Division may be used to supervise a parolee ordered to a term of residential confinement. The device must be minimally intrusive and limited in capability to recording or transmitting information concerning the presence of the parolee at his residence, including, but not limited to, the transmission of still visual images which do not concern the activities of the person while inside his residence. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the activities of the parolee while inside his residence,

➥ must not be used.

4. The Board shall not order a parolee to a term of residential confinement unless he agrees to the order.

5. A term of residential confinement may not be longer than the unexpired maximum term of the original sentence of the parolee.

6. The Board shall not order a parolee who is serving a sentence for committing a battery which constitutes domestic violence pursuant to NRS 33.018 to a term of residential confinement unless the Board makes a finding that the parolee is not likely to pose a threat to the victim of the battery.

7. As used in this section, "facility" has the meaning ascribed to it in NRS 209.065.

Sec. 8.7. NRS 176A.500 is hereby amended to read as follows:

176A.500 1. The period of probation or suspension of sentence may be indeterminate or may be fixed by the court and may at any time be extended or terminated by the court, but the period, including any extensions thereof, must not be more than:

(a) Three years for a:

(1) Gross misdemeanor; or

(2) Suspension of sentence pursuant to NRS 176A.260 or 453.3363; or

(b) Five years for a felony.

2. At any time during probation or suspension of sentence, the court may issue a warrant for violating any of the conditions of probation or suspension of sentence and cause the defendant to be arrested. Except for the purpose of giving a dishonorable discharge from probation, and except as otherwise provided in this subsection, the time during which a warrant for violating any of the conditions of probation is in effect is not part of the period of probation. If the warrant is cancelled or probation is reinstated, the court may include any amount of that time as part of the period of probation.

3. Any parole and probation officer or any peace officer with power to arrest may arrest a probationer without a warrant, or may deputize any other officer with power to arrest to do so by giving him a written statement setting forth that the probationer has, in the judgment of the parole and probation officer, violated the conditions of probation. Except as otherwise provided in subsection 4, the parole and probation officer, or the peace officer, after making an arrest shall present to the detaining authorities, if any, a statement of the charges against the probationer. The parole and probation officer shall at once notify the court which granted probation of the arrest and detention or residential confinement of the probationer and shall submit a report in writing showing in what manner the probationer has violated the conditions of probation.

4. A parole and probation officer or a peace officer may immediately release from custody without any further proceedings any person he arrests without a warrant for violating a condition of probation if the parole and probation officer or peace officer determines that there is no probable cause to believe that the person violated the condition of probation.

5. An offender who is sentenced to serve a period of probation for a felony who has no serious infraction of the regulations of the Division, the terms and conditions of his probation or the laws of the State recorded against him, and who performs in a faithful, orderly and peaceable manner the duties assigned to him, must be allowed for the period of his probation a deduction of 20 days from that period for each month he serves.

Sec. 8.8. NRS 176A.660 is hereby amended to read as follows:

176A.660 1. If a person who has been placed on probation violates a condition of his probation, the court may order him to a term of residential

confinement in lieu of causing the sentence imposed to be executed. In making this determination, the court shall consider the criminal record of the person and the seriousness of the crime committed.

2. In ordering the person to a term of residential confinement, the court shall:

(a) Direct that he be placed under the supervision of the Division ~~[;~~

~~(b) Require the]~~ ***and require:***

(1) The person to be confined to his residence during the time he is away from his employment, community service or other activity authorized by the Division; and

~~[(c) Require intensive]~~

(2) Intensive supervision of the person, including, without limitation, unannounced visits to his residence or other locations where he is expected to be in order to determine whether he is complying with the terms of his confinement ~~[.]~~ ***; or***

(b) Direct that he be placed under the supervision of the Department of Corrections and require the person to be confined to a facility of the Department approved by the Division and the court for a period not to exceed 6 months.

3. An electronic device approved by the Division may be used to supervise a person ordered to a term of residential confinement. The device must be minimally intrusive and limited in capability to recording or transmitting information concerning the person's presence at his residence, including, but not limited to, the transmission of still visual images which do not concern the person's activities while inside his residence. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the person's activities while inside his residence,

➥ must not be used.

4. The court shall not order a person to a term of residential confinement unless he agrees to the order.

5. A term of residential confinement may not be longer than the maximum term of a sentence imposed by the court.

6. As used in this section, "facility" has the meaning ascribed to it in NRS 209.065.

Sec. 9. (Deleted by amendment.)

Sec. 10. **NRS 193.161 is hereby amended to read as follows:**

193.161 1. Except as otherwise provided in subsection ~~[2]~~ ***3*** and NRS 193.169, any person who commits a felony on the property of a public or private school, at an activity sponsored by a public or private school or on a school bus while the bus is engaged in its official duties shall ***, in addition to the term of imprisonment prescribed by statute for the crime,*** be punished by imprisonment in the state prison for a ~~[term equal to and in addition to the]~~ ***minimum*** term of ~~[imprisonment prescribed by statute for the crime.]~~

not less than 1 year and a maximum term of not more than 20 years. In determining the length of the additional penalty imposed, the court shall consider the following information:

(a) The facts and circumstances of the crime;

(b) The criminal history of the person;

(c) The impact of the crime on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➥ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

2. The sentence prescribed by this section ~~[must run]~~ ***:***

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs consecutively with the sentence prescribed by statute for the crime.

~~[2.]~~ ***3.*** Unless a greater penalty is provided by specific statute and except as otherwise provided in NRS 193.169, in lieu of an additional term of imprisonment as provided pursuant to ~~[subsection]~~ ***subsections*** 1 ~~[,]~~ ***and 2,*** if a felony that resulted in death or substantial bodily harm to the victim was committed on the property of a public or private school when pupils or employees of the school were present or may have been present, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties, and the person who committed the felony intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person, the felony may be deemed a category A felony and the person who committed the felony may be punished by imprisonment in the state prison:

(a) For life without the possibility of parole;

(b) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served; or

(c) For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served.

~~[3. Subsection 1 does]~~

4. Subsections 1 and 2 do not create a separate offense but ~~[provides]~~ ***provide*** an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact. Subsection ~~[2]~~ ***3*** does not create a separate offense but provides an alternative penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

~~[4.]~~ ***5.*** For the purposes of this section, "school bus" has the meaning ascribed to it in NRS 483.160.

Sec. 11. **NRS 193.162 is hereby amended to read as follows:**

193.162 1. Except as otherwise provided in NRS 193.169 and 454.306, an adult who, with the assistance of a child:

(a) Commits a crime that is punishable as a category A or a category B felony shall ***, in addition to the term of imprisonment prescribed by statute for the crime,*** be punished by imprisonment in the state prison for ~~[an additional term equal to the]~~ ***a minimum*** term of ~~[imprisonment prescribed by statute for the crime.]~~ ***not less than 1 year and a maximum term of not more than 20 years.***

(b) Commits any felony other than a category A or a category B felony shall ***, in addition to the term of imprisonment prescribed by statute for the crime,*** be punished by imprisonment in the state prison for ~~[an additional term not less than 25 percent and not more than 100 percent of the]~~ ***a minimum*** term of ~~[imprisonment prescribed by statute for the crime.~~ ~~➥]~~ ***not less than 1 year and a maximum term of not more than 20 years.***

2. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

(a) The facts and circumstances of the crime;

(b) The criminal history of the person;

(c) The impact of the crime on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➥ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

3. An additional sentence prescribed by this section ~~[runs]~~ ***:***

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs consecutively with the sentence prescribed by statute for the crime.

~~[2.]~~ ***4.*** This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

~~[3.]~~ ***5.*** As used in this section:

(a) "Adult" means a person who is 18 years of age or older.

(b) "Child" means a person who is less than 18 years of age.

Sec. 12. **NRS 193.163 is hereby amended to read as follows:**

193.163 1. Except as otherwise provided in NRS 193.169, any person who uses a handgun containing a metal-penetrating bullet in the commission of a crime shall ***, in addition to the term of imprisonment prescribed by statute for the crime,*** be punished by imprisonment in the state prison for a ~~[term equal to and in addition to the]~~ ***minimum*** term of ~~[imprisonment prescribed by statute for the crime.]~~ ***not less than 1 year and a maximum term of not more than 20 years. In determining the length of the additional penalty imposed, the court shall consider the following information:***

(a) The facts and circumstances of the crime;

(b) The criminal history of the person;

(c) The impact of the crime on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➥ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

2. The sentence prescribed by this section ~~[runs]~~ ***:***

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs consecutively with the sentence prescribed by statute for the crime.

~~[2.]~~ ***3.*** This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

~~[3.]~~ ***4.*** As used in this section, "metal-penetrating bullet" has the meaning ascribed to it in NRS 202.273.

Sec. 13. **NRS 193.165 is hereby amended to read as follows:**

193.165 1. Except as otherwise provided in NRS 193.169, any person who uses a firearm or other deadly weapon or a weapon containing or capable of emitting tear gas, whether or not its possession is permitted by NRS 202.375, in the commission of a crime shall ***, in addition to the term of imprisonment prescribed by statute for the crime,*** be punished by imprisonment in the state prison for a ~~[term equal to and in addition to the]~~ ***minimum*** term of ~~[imprisonment prescribed by statute for the crime.]~~ ***not less than 1 year and a maximum term of not more than 20 years. In determining the length of the additional penalty imposed, the court shall consider the following information:***

(a) The facts and circumstances of the crime;

(b) The criminal history of the person;

(c) The impact of the crime on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➥ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

2. The sentence prescribed by this section ~~[runs]~~ ***:***

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs consecutively with the sentence prescribed by statute for the crime.

~~[2.]~~ ***3.*** This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

~~[3.]~~ ***4.*** The provisions of subsections 1 ~~[and]~~ ***,*** 2 ***and 3*** do not apply where the use of a firearm, other deadly weapon or tear gas is a necessary element of such crime.

~~[4.]~~ ***5.*** The court shall not grant probation to or suspend the sentence of any person who is convicted of using a firearm, other deadly weapon or tear gas in the commission of any of the following crimes:

(a) Murder;

(b) Kidnapping in the first degree;

(c) Sexual assault; or

(d) Robbery.

~~[5.]~~ ***6.*** As used in this section, "deadly weapon" means:

(a) Any instrument which, if used in the ordinary manner contemplated by its design and construction, will or is likely to cause substantial bodily harm or death;

(b) Any weapon, device, instrument, material or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing substantial bodily harm or death; or

(c) A dangerous or deadly weapon specifically described in NRS 202.255, 202.265, 202.290, 202.320 or 202.350.

Sec. 14. **NRS 193.166 is hereby amended to read as follows:**

193.166 1. Except as otherwise provided in NRS 193.169, a person who commits a crime that is punishable as a felony, other than a crime that is punishable as a felony pursuant to subsection 5 of NRS 200.591, in violation of:

(a) A temporary or extended order for protection against domestic violence issued pursuant to NRS 33.020;

(b) An order for protection against harassment in the workplace issued pursuant to NRS 33.270;

(c) A temporary or extended order for the protection of a child issued pursuant to NRS 33.400;

(d) An order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS; or

(e) A temporary or extended order issued pursuant to NRS 200.591,

➥ shall ***, in addition to the term of imprisonment prescribed by statute for the crime,*** be punished by imprisonment in the state prison, except as otherwise provided in this subsection, for a ~~[term equal to and in addition to the]~~ ***minimum*** term of ~~[imprisonment prescribed by statute for that crime.]~~ ***not less than 1 year and a maximum term of not more than 20 years.*** If the crime committed by the person is punishable as a category A felony or category B felony, in addition to the term of imprisonment prescribed by statute for that crime, the person shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years.

2. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

(a) The facts and circumstances of the crime;

(b) The criminal history of the person;

(c) The impact of the crime on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➥ ***The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.***

3. The sentence prescribed by this section ~~[runs]~~ **:**

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs concurrently or consecutively with the sentence prescribed by statute for the crime, as ordered by the court.

~~[2.]~~ ***4.*** The court shall not grant probation to or suspend the sentence of any person convicted of attempted murder, battery which involves the use of a deadly weapon, or battery which results in substantial bodily harm if an additional term of imprisonment may be imposed for that primary offense pursuant to this section.

~~[3.]~~ ***5.*** This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

Sec. 15. **NRS 193.167 is hereby amended to read as follows:**

193.167 1. Except as otherwise provided in NRS 193.169, any person who commits the crime of:

(a) Murder;

(b) Attempted murder;

(c) Assault;

(d) Battery;

(e) Kidnapping;

(f) Robbery;

(g) Sexual assault;

(h) Embezzlement of money or property of a value of $250 or more;

(i) Obtaining money or property of a value of $250 or more by false pretenses; or

(j) Taking money or property from the person of another,

➥ against any person who is 60 years of age or older or against a vulnerable person shall ***, in addition to the term of imprisonment prescribed by statute for the crime,*** be punished ***, if the crime is a misdemeanor or gross misdemeanor,*** by imprisonment in the county jail ~~[or state prison, whichever applies,]~~ for a term equal to ~~[and in addition to]~~ the term of imprisonment prescribed by statute for the crime ~~[. The sentence prescribed by this subsection must run consecutively with the sentence prescribed by statute for the crime.]~~ ***, and, if the crime is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.***

2. Except as otherwise provided in NRS 193.169, any person who commits a criminal violation of the provisions of chapter 90 or 91 of NRS against any person who is 60 years of age or older or against a vulnerable person shall ***, in addition to the term of imprisonment prescribed by statute for the criminal violation,*** be punished ***, if the criminal violation is a misdemeanor or gross misdemeanor,*** by imprisonment in the county jail

~~[or state prison, whichever applies,]~~ for a term equal to ~~[and in addition to]~~ the term of imprisonment prescribed by statute for the criminal violation ~~[.]~~ ***, and, if the criminal violation is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.***

3. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

(a) The facts and circumstances of the crime or criminal violation;

(b) The criminal history of the person;

(c) The impact of the crime or criminal violation on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➥ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

4. The sentence prescribed by this ~~[subsection]~~ ***section*** must run consecutively with the sentence prescribed by statute for the ***crime or*** criminal violation.

~~[3.]~~ ***5.*** This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

~~[4.]~~ ***6.*** As used in this section, "vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.

Sec. 16. **NRS 193.1675 is hereby amended to read as follows:**

193.1675 1. Except as otherwise provided in NRS 193.169, any person who willfully violates any provision of NRS 200.280, 200.310, 200.366, 200.380, 200.400, 200.460 to 200.465, inclusive, paragraph (b) of subsection 2 of NRS 200.471, NRS 200.508, 200.5099 or subsection 2 of NRS 200.575 because the actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation of the victim was different from that characteristic of the perpetrator may ***, in addition to the term of imprisonment prescribed by statute for the crime,*** be punished by imprisonment in the state prison for ~~[an additional term not to exceed 25 percent of the]~~ ***a minimum*** term of ~~[imprisonment prescribed by statute for the crime.]~~ ***not less than 1 year and a maximum term of not more than 20 years. In determining the length of any additional penalty imposed, the court shall consider the following information:***

(a) The facts and circumstances of the crime;

(b) The criminal history of the person;

(c) The impact of the crime on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➥ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of any additional penalty imposed.

2. A sentence imposed pursuant to this section:

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs consecutively with the sentence prescribed by statute for the crime.

~~[2.]~~ ***3.*** This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

Sec. 17. **NRS 193.168 is hereby amended to read as follows:**

193.168 1. Except as otherwise provided in NRS 193.169, any person who is convicted of a felony committed knowingly for the benefit of, at the direction of, or in affiliation with, a criminal gang, with the specific intent to promote, further or assist the activities of the criminal gang, shall ***, in addition to the term of imprisonment prescribed by statute for the crime,*** be punished by imprisonment in the state prison for a ~~[term equal to and in addition to the]~~ ***minimum*** term of ~~[imprisonment prescribed by the statute for the crime.]~~ ***not less than 1 year and a maximum term of not more than 20 years. In determining the length of the additional penalty imposed, the court shall consider the following information:***

(a) The facts and circumstances of the crime;

(b) The criminal history of the person;

(c) The impact of the crime on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➥ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

2. The sentence prescribed by this section ~~[must run]~~ ***:***

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs consecutively with the sentence prescribed by statute for the crime.

~~[2.]~~ ***3.*** This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

~~[3.]~~ ***4.*** The court shall not impose an additional penalty pursuant to this section unless:

(a) The indictment or information charging the defendant with the primary offense alleges that the primary offense was committed knowingly for the benefit of, at the direction of, or in affiliation with, a criminal gang, with the specific intent to promote, further or assist the activities of the criminal gang; and

(b) The trier of fact finds that allegation to be true beyond a reasonable doubt.

~~[4.]~~ ***5.*** Except as otherwise provided in this subsection, the court shall not grant probation to or suspend the sentence of any person convicted of a felony committed for the benefit of, at the direction of, or in affiliation with a

criminal gang if an additional term of imprisonment may be imposed for that primary offense pursuant to this section. The court may, upon the receipt of an appropriate motion, reduce or suspend the sentence imposed for the primary offense if it finds that the defendant rendered substantial assistance in the arrest or conviction of any other principals, accomplices, accessories or coconspirators to the crime, or of any other persons involved in the commission of a felony which was committed for the benefit of, at the direction of, or in affiliation with a criminal gang. The agency which arrested the defendant must be given an opportunity to support or oppose such a motion before it is granted or denied. If good cause is shown, the motion may be heard in camera.

~~[5.]~~ ***6.*** In any proceeding to determine whether an additional penalty may be imposed pursuant to this section, expert testimony is admissible to show particular conduct, status and customs indicative of criminal gangs, including, but not limited to:

(a) Characteristics of persons who are members of criminal gangs;

(b) Specific rivalries between criminal gangs;

(c) Common practices and operations of criminal gangs and the members of those gangs;

(d) Social customs and behavior of members of criminal gangs;

(e) Terminology used by members of criminal gangs;

(f) Codes of conduct, including criminal conduct, of particular criminal gangs; and

(g) The types of crimes that are likely to be committed by a particular criminal gang or by criminal gangs in general.

~~[6.]~~ ***7.*** As used in this section, "criminal gang" means any combination of persons, organized formally or informally, so constructed that the organization will continue its operation even if individual members enter or leave the organization, which:

(a) Has a common name or identifying symbol;

(b) Has particular conduct, status and customs indicative of it; and

(c) Has as one of its common activities engaging in criminal activity punishable as a felony, other than the conduct which constitutes the primary offense.

Sec. 18. **NRS 193.1685 is hereby amended to read as follows:**

193.1685 1. Except as otherwise provided in this section and NRS 193.169, any person who commits a felony with the intent to commit, cause, aid, further or conceal an act of terrorism shall ***, in addition to the term of imprisonment prescribed by statute for the crime,*** be punished by imprisonment in the state prison for a ~~[term equal to and in addition to the]~~ ***minimum*** term of ~~[imprisonment prescribed by statute for the crime.]~~ ***not less than 1 year and a maximum term of not more than 20 years. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:***

(a) The facts and circumstances of the crime;

(b) The criminal history of the person;

(c) The impact of the crime on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➥ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

2. The sentence prescribed by this section ~~[must run]~~ ***:***

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs consecutively with the sentence prescribed by statute for the crime.

~~[2.]~~ ***3.*** Unless a greater penalty is provided by specific statute and except as otherwise provided in NRS 193.169, in lieu of an additional term of imprisonment as provided pursuant to ~~[subsection 1,]~~ ***subsections 1 and 2,*** if a felony that resulted in death or substantial bodily harm to the victim was committed with the intent to commit, cause, aid, further or conceal an act of terrorism, the felony may be deemed a category A felony and the person who committed the felony may be punished by imprisonment in the state prison:

(a) For life without the possibility of parole;

(b) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served; or

(c) For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served.

~~[3. Subsection 1 does]~~

4. Subsections 1 and 2 do not create a separate offense but ~~[provides]~~ ***provide*** an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact. Subsection ~~[2]~~ ***3*** does not create a separate offense but provides an alternative penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

~~[4.]~~ ***5.*** The provisions of this section do not apply to an offense committed in violation of NRS 202.445.

~~[5.]~~ ***6.*** As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

Sec. 19. **NRS 193.169 is hereby amended to read as follows:**

193.169 1. A person who is sentenced to an additional term of imprisonment pursuant to the provisions of subsection 1 of NRS 193.161, NRS 193.162, 193.163, 193.165, 193.166, 193.167, 193.1675, 193.168, subsection 1 of NRS 193.1685, NRS 453.3335, 453.3345, 453.3351 or subsection 1 of NRS 453.3353 must not be sentenced to an additional term of imprisonment pursuant to any of the other listed sections even if the person's conduct satisfies the requirements for imposing an additional term of imprisonment pursuant to another one or more of those sections.

2. A person who is sentenced to an alternative term of imprisonment pursuant to subsection ~~[2]~~ ***3*** of NRS 193.161, subsection ~~[2]~~ ***3*** of

NRS 193.1685 or subsection 2 of NRS 453.3353 must not be sentenced to an additional term of imprisonment pursuant to subsection 1 of NRS 193.161, NRS 193.162, 193.163, 193.165, 193.166, 193.167, 193.1675, 193.168, 453.3335, 453.3345 or 453.3351 even if the person's conduct satisfies the requirements for imposing an additional term of imprisonment pursuant to another one or more of those sections.

3. This section does not:

(a) Affect other penalties or limitations upon probation or suspension of a sentence contained in the sections listed in subsection 1 or 2.

(b) Prohibit alleging in the alternative in the indictment or information that the person's conduct satisfies the requirements of more than one of the sections listed in subsection 1 or 2 and introducing evidence to prove the alternative allegations.

Sec. 20. **Section 3 of Assembly Bill No. 508 of this session is hereby amended to read as follows:**

Sec. 3. NRS 176.0125 is hereby amended to read as follows:

176.0125 The Commission shall:

1. Identify and study the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.

2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, but not limited to, the use of plea bargaining, probation, programs of intensive supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, structured or tiered sentencing, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, but not limited to, the following:

(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.

(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.

(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.

(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.

(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.

(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.

4. Evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners with consideration as to whether it is feasible and advisable to establish an oversight or advisory board to perform various functions and make recommendations concerning:

(a) Policies relating to parole;

(b) Regulatory procedures and policies of the State Board of Parole Commissioners;

(c) Policies for the operation of the Department of Corrections;

(d) Budgetary issues; and

(e) Other related matters.

5. Evaluate the effectiveness of specialty court programs in this State with consideration as to whether such programs have the effect of limiting or precluding reentry of offenders and parolees into the community.

6. Evaluate the policies and practices concerning presentence investigations and reports made by the Division of Parole and Probation of the Department of Public Safety, including, without limitation, the resources relied on in preparing such investigations and reports and the extent to which judges in this State rely on and follow the recommendations contained in such presentence investigations and reports.

7. Evaluate, review and comment upon issues relating to juvenile justice in this State, including, but not limited to:

(a) The need for the establishment and implementation of evidence-based programs and a continuum of sanctions for children who are subject to the jurisdiction of the juvenile court; and

(b) The impact on the criminal justice system of the policies and programs of the juvenile justice system.

8. Compile and develop statistical information concerning sentencing in this State.

9. ***Identify and study issues relating to the application of chapter 241 of NRS to meetings held by the:***

(a) State Board of Pardons Commissioners to consider an application for clemency; and

(b) State Board of Parole Commissioners to consider an offender for parole.

10. Identify and study issues relating to the operation of the Department of Corrections, including, without limitation, the system for allowing credits against the sentences of offenders, the accounting of such credits and any other policies and procedures of the Department which pertain to the operation of the Department.

11. For each regular session of the Legislature, prepare a comprehensive report including the Commission's recommended changes pertaining to the administration of justice in this State, the Commission's findings and any recommendations of the Commission for proposed legislation. The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.

~~[Sec. 10.]~~ ***Sec. 21.*** 1. For the purpose of calculating the credits earned by an offender pursuant to NRS 209.4465, the amendatory provisions of section 5 of this act must be applied:

(a) Retroactively to July 1, 2000, to reduce the minimum term of imprisonment of an offender described in subsection 8 of NRS 209.4465 who was placed in the custody of the Department of Corrections before July 1, 2007, and who remains in such custody on July 1, 2007.

(b) Retroactively to July 1, 2006, to reduce the maximum term of imprisonment of an offender who was placed on parole before July 1, 2007.

(c) In the manner set forth in NRS 209.4465 for all offenders in the custody of the Department of Corrections commencing on July 1, 2007, and for all offenders who are on parole commencing on July 1, 2007.

2. For the purpose of calculating credits earned by an offender pursuant to NRS 209.448 and 209.449, the amendatory provisions of sections 6.2 and 6.4 of this act apply only to credits earned by an offender on or after July 1, 2007.

3. For the purpose of calculating credits earned by an offender pursuant to NRS 176A.500, the amendatory provisions of section 8.7 of this act must be applied retroactively to reduce the period of probation of such an offender commencing on July 1, 2006.

~~[Sec. 11.]~~ ***Sec. 22.*** ~~[This act becomes]~~

1. This section and sections 1 to 19, inclusive, and 21 of this act become effective on July 1, 2007.

2. Section 20 of this act becomes effective on July 1, 2007, only if Assembly Bill No. 508 of this session becomes effective.

Assemblyman Parks moved that the Assembly concur in the Senate amendment to Assembly Bill No. 510.

Remarks by Assemblyman Parks.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 89.

Bill read third time.

Remarks by Assemblymen Parnell and Hardy.

Roll call on Assembly Bill No. 89:

YEAS—34.

NAYS—Beers, Christensen, Cobb, Goedhart, Goicoechea, Hardy, Mabey, Weber—8.

Assembly Bill No. 89 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 93.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 93:

YEAS—42.

NAYS—None.

Assembly Bill No. 93 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 141.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 141:

YEAS—42.

NAYS—None.

Assembly Bill No. 141 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 205.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1092.

AN ACT making an appropriation to the Department of Administration for the purchase of motor pool vehicles; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Department of Administration the sum of ~~[$1,300,784]~~ **$907,649** for the purchase of ~~[77]~~ **54** motor pool vehicles.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2009, by the

entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 544.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1136.

AN ACT making an appropriation to the Department of Transportation for highway improvements; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Department of Transportation ~~[the sum of $170,000,000]~~ for improvements **,** ~~[to Interstate Highway 15 in Las Vegas]~~ funded by State General Fund revenues in excess of the spending cap ~~[.]~~ **, to:**

1. Interstate Highway 15 in Las Vegas, the sum of $154,000,000.

2. State Route 160, Blue Diamond, from the junction with State Route 159 to Mountain Springs, the sum of $16,000,000.

Sec. 2. Any remaining balance of the ~~[appropriation]~~ **appropriations** made by section 1 of this act must not be committed for expenditure after June 30, 2011, by the entity to which the ~~[appropriation is]~~ **appropriations are** made or any entity to which money from ~~[the]~~ **an** appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2011, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2011.

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 331.

Bill read third time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 1117.

SUMMARY—Makes various changes concerning ~~[the support of]~~ research and other activities concerning solid waste. (BDR 40-318)

AN ACT relating to natural resources; revising provisions concerning the use of certain money in the Solid Waste Management Account; requiring the Division of Environmental Protection of the State Department of Conservation and Natural Resources to ~~[make grants to]~~ **encourage** the Nevada System of Higher Education ~~[for the support of]~~ **to** research and ~~[other activities relating to]~~ **develop methods for** the reduction, reclamation and conversion of solid waste; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the proceeds from: (1) civil penalties for violations of certain laws concerning the management and disposal of solid waste; (2) damages recovered from persons or municipalities that violate those laws; and (3) the $1 recycling fee that is collected on each new tire sold are deposited in the Solid Waste Management Account. (NRS 444.596, 444.598, 444A.090) The money in the Account is then allocated among the State Department of Conservation and Natural Resources and the various solid waste management authorities to be used for solid waste management and public education. (NRS 444.616) Under existing law, the Department is required to transfer a portion of the money it receives to the Division of Environmental Protection **of the Department** to use for public education ~~[.]~~ **concerning the State's plan for solid waste management.** Section 1 of this bill authorizes the Division to use this money to **also** support other activities that encourage the reduction of solid waste.

Under existing law, the Division is required to establish, sponsor, assist or otherwise conduct various programs and other activities that encourage the reduction of waste and litter. (NRS 444A.110) The Division conducts some of those activities on its own and others in conjunction with local governments, educational institutions and other state agencies. Section 2 of this bill expands the number of those activities to include ~~[making grants to]~~ **encouraging** the Nevada System of Higher Education ~~[for the support of]~~ **to** research ~~[relating to]~~ **and develop methods for** the reduction, reclamation and conversion of solid waste ~~[.]~~ **, including encouraging the Nevada System of Higher Education to seek money from public and private sources for that purpose.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 444.616 is hereby amended to read as follows:

444.616 1. The State Controller shall allocate and remit, on a quarterly basis, the money in the Solid Waste Management Account as follows:

(a) To the Department of Taxation, 0.5 percent.

(b) To the State Department of Conservation and Natural Resources, 44.5 percent.

(c) To the district board of health of the health district which has the largest population in this State, 30 percent.

(d) To the district board of health of the health district which has the second largest population in this State, 25 percent.

➥ If more than two health districts are created within this State, the State Department of Conservation and Natural Resources shall transfer to the district boards of health of those additional districts an amount determined by the Department to be necessary to carry out the health district's duties pursuant to NRS 444.440 to 444.620, inclusive. If less than two health districts are created within this State, the amount otherwise allocated to a health district must be allocated to the State Department of Conservation and Natural Resources.

2. The money allocated pursuant to subsection 1 to the State Department of Conservation and Natural Resources and the district boards of health must be used for solid waste management in accordance with NRS 444.440 to 444.620, inclusive.

3. The State Department of Conservation and Natural Resources shall transfer to the Division of Environmental Protection of that Department a portion of the money it receives pursuant to this section it deems necessary for use in educating the public concerning the objectives and functioning of the State's plan for solid waste management ~~[.]~~ ***and the purposes set forth in NRS 444A.110.***

Sec. 2. NRS 444A.110 is hereby amended to read as follows:

444A.110 1. The Division shall develop a program of public education to provide information, increase public awareness of the individual responsibility of properly disposing of solid waste and encouraging public participation in recycling, reuse and waste reduction. The program must be designed in accordance with the plans to provide for a solid waste management system approved pursuant to NRS 444.510 to communicate the importance of conserving natural resources, in addition to the importance of protecting public health and the environment. The program must include promotion of the private and public efforts to accomplish conservation, recovery and reuse.

2. The Division shall encourage the reduction of waste and litter by:

(a) Providing, upon request, advice to persons regarding techniques to reduce waste and general information on recycling.

(b) Establishing a computer database to process related information.

(c) Establishing a toll-free telephone line to assist in the dissemination of information.

(d) Sponsoring or cosponsoring technical workshops and seminars on waste reduction.

(e) Assisting local programs for the research and development of plans to reduce waste.

(f) Coordinating the dissemination of publications on waste reduction, regardless of the source of those publications.

(g) Assisting in the development and promotion of programs of continuing education for educators and administrators to enable them to teach and encourage methods of waste reduction.

(h) Developing an emblem to signify and advertise the efforts in Nevada to encourage recycling.

(i) Recommending to educational institutions courses and curricula relating to recycling and the reduction of waste.

(j) Assisting state agencies, upon request, to develop and carry out programs for recycling within state buildings.

(k) ~~*[Making grants to]*~~ ***Encouraging the Nevada System of Higher Education*** ~~*[for the support of]*~~ ***to research and*** ~~*[development concerning]*~~ ***develop methods for the reduction, reclamation and conversion of solid waste*** ~~*[.]*~~ ***, including, without limitation, encouraging the Nevada System of Higher Education to seek money from public and private sources for that purpose.***

3. The Division shall coordinate the technical assistance available from the various state agencies. The Administrator of the Division shall prepare and deliver biennial reports to the Governor regarding the progress of the program.

4. The Division may award grants to municipalities, educational institutions and nonprofit organizations for projects that enhance solid waste management systems and promote the efficient use of resources. The Division shall consult a solid waste management authority before awarding a grant for a project within the jurisdiction of that solid waste management authority.

5. The State Environmental Commission shall adopt regulations governing the administration of grants awarded pursuant to subsection 4.

6. As used in this section, unless the context otherwise requires, "Division" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

Sec. 3. This act becomes effective on July 1, 2007.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 341.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1130.

AN ACT making supplemental appropriations to the Office of the Attorney General; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Office of the Attorney General's administration account the sum of $685,979 for a cost allocation posting error in the amount of $482,979, and a shortfall in revenue received from boards and commissions in the amount of $203,000. This appropriation is supplemental to that made by section 4 of chapter 434, Statutes of Nevada 2005, at page 1936.

2. There is hereby appropriated from the State General Fund to the Office of the Attorney General's special litigation account the sum of ~~[$200,000]~~ **$60,000** for costs relating to Yucca Mountain nuclear waste litigation. This appropriation is supplemental to that made by section 4 of chapter 434, Statutes of Nevada 2005, at page 1936.

3. There is hereby appropriated from the State General Fund to the Office of the Extradition Coordinator in the Office of the Attorney General the sum of $227,386 to replenish Fiscal Year 2006-2007 extradition funds used in 2006, and to supplement funds for Fiscal Year 2006-2007 due to increased extradition costs. This appropriation is supplemental to that made by section 4 of chapter 434, Statutes of Nevada 2005, at page 1936.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 380.

Bill read third time.

Roll call on Senate Bill No. 380:

YEAS—42.

NAYS—None.

Senate Bill No. 380 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 444.

Bill read third time.

Roll call on Senate Bill No. 444:

YEAS—41.

NAYS—Leslie.

Senate Bill No. 444 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 455.
Bill read third time.
Roll call on Senate Bill No. 455:
YEAS—42.
NAYS—None.
Senate Bill No. 455 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 205.
Bill read third time.
Roll call on Assembly Bill No. 205:
YEAS—42.
NAYS—None.
Assembly Bill No. 205 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 331.
Bill read third time.
Remarks by Assemblyman Beers.
Roll call on Senate Bill No. 331:
YEAS—42.
NAYS—None.
Senate Bill No. 331 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 341.
Bill read third time.
Roll call on Senate Bill No. 341:
YEAS—42.
NAYS—None.
Senate Bill No. 341 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 544.
Bill read third time.
Roll call on Assembly Bill No. 544:
YEAS—42.
NAYS—None.
Assembly Bill No. 544 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Koivisto moved that the Assembly recede from its action on Senate Bill No. 401.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Bobzien, Smith, and Hardy as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 244.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 165.

The following Senate amendment was read:

Amendment No. 940.

AN ACT relating to public safety; creating the Justice Assistance Grant Trust Account in the State General Fund; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law establishes the Edward Byrne Memorial Justice Assistance Grant Program. (42 U.S.C. §§ 3750 et seq.) The grant program authorizes the Attorney General of the United States to make grants of money to states to provide additional personnel, equipment, supplies, contractual support, training, technical assistance and information systems for criminal justice. (42 U.S.C. § 3751) The grant program also requires each state to establish a trust fund in which to deposit money received by the state from the grant program. (42 U.S.C. § 3757) This bill, in compliance with federal law, establishes such a trust account for all money received by the State of Nevada from the Grant Program.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 480 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Justice Assistance Grant Trust Account is hereby created in the State General Fund. All money received by the State of Nevada pursuant to the Edward Byrne Memorial Justice Assistance Grant Program, 42 U.S.C. §§ 3750 et seq., must be deposited in the Trust Account.

2. The Director shall administer the Trust Account.

3. The money in the Trust Account may only be expended in accordance with the provisions of the Edward Byrne Memorial Justice Assistance Grant Program, 42 U.S.C. §§ 3750 et seq., and any regulations adopted pursuant thereto.

4. The interest and income earned on the money in the Trust Account, after deducting any applicable charges, must be credited to the Trust Account.

Sec. 2. This act becomes effective ~~[on July 1, 2007.]~~ **upon passage and approval and applies retroactively from October 5, 2005.**

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 165.

Remarks by Assemblyman Arberry.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that all rules be suspended and that for the balance of the session all bills and resolutions passed or adopted be immediately transmitted to the Senate.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:17 p.m.

ASSEMBLY IN SESSION

At 12:20 p.m.
Madam Speaker presiding.
Quorum present.

Assemblyman Oceguera moved that the Assembly recess until 4:30 p.m.
Motion carried.

Assembly in recess at 12:20 p.m.

ASSEMBLY IN SESSION

At 5:30 p.m.
Madam Speaker presiding.
Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 144, 186.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 88, Senate Amendment No. 678, and requests a conference, and appointed Senators Townsend, Hardy and Schneider as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 585.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 48.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1081 to Senate Bill No. 422; Assembly Amendment No. 1090 to Senate Bill No. 499.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendments Nos. 1018, 1123 to Senate Bill No. 490.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Horsford, Wiener and Washington as a first Conference Committee concerning Senate Bill No. 354.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Conklin, Smith, and Allen as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 88.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 48.

Assemblyman Oceguera moved the adoption of the resolution.

Remarks by Assemblyman Oceguera.

Resolution adopted.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 617, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 191, 547, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

Madam Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 563, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 303, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 836 of the Assembly be concurred in.

BERNIE ANDERSON
MARK MANENDO
JOHN CARPENTER
Assembly Conference Committee

STEVEN HORSFORD
JOHN LEE
DENNIS NOLAN
Senate Conference Committee

Assemblyman Anderson moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 303.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that the action whereby the Assembly refused to concur in Senate Amendments Nos. 990 and 1111 to Assembly Bill No. 161 be rescinded.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 161.

The following Senate amendment was read:

Amendment No. 990.

AN ACT relating to insurance; making various changes relating to persons licensed or regulated by the Commissioner of Insurance; **authorizing the Commissioner to conduct certain investigations;** increasing the maximum annual assessment on member insurers of the Nevada Life and Health Insurance Guaranty Association; revising provisions governing policies of various types of insurance; revising reporting requirements for an insurer that issues a policy of insurance covering the liability of a physician or osteopathic physician; making certain provisions applicable to title insurers, title agents and escrow officers; requiring a motor club to pay an administrative penalty for failing to pay an annual fee to the Commissioner timely; revising provisions governing claims against an insolvent insurer; making certain provisions applicable to licensed bail agents, bail solicitors, bail enforcement agents and general agents; repealing the requirement that a trustee of a medical savings account file an annual report with the Commissioner; increasing the number of deputies that the Commissioner may appoint; **revising various provisions governing industrial insurance;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Commissioner of Insurance is authorized to conduct examinations of insurers and certain other persons. (NRS 679B.230-679B.300) Section 1 of this bill authorizes the Commissioner to conduct investigations, both within and outside this State, of insurers and certain other persons.

Existing law establishes certain requirements for business organizations to be licensed as producers of insurance. (NRS 683A.251) Sections 1.3 and 2 of this bill require such a business organization to report to the Commissioner ~~[of Insurance]~~ when another producer of insurance is authorized to act on its behalf and when such authorization is terminated.

Under existing law, insurers are required to be members of the Nevada Life and Health Insurance Guaranty Association. Member insurers are required to pay an annual assessment to the Association. (NRS 686C.240) Section 7 of this bill increases the maximum amount of such an assessment.

Existing law requires that an insurer which issues a policy covering the liability of a physician or osteopathic physician file a report with the Commissioner whenever a claim on the policy is closed. (NRS 690B.260) Section 16 of this bill changes the filing requirement to require that such a report be filed at the end of each calendar quarter on all claims closed during that quarter.

Existing law requires captive insurers to maintain certain levels of unimpaired paid-in capital and unencumbered surplus. (NRS 694C.250, 694C.260) Additionally, certain captive insurers are required to submit to the Commissioner an annual report on their financial condition. Section 19 of this bill increases the required levels of such capital and surplus. Section 23 of this bill applies the reporting requirement of captive insurers to sponsored captive insurers.

Existing law governs the filing of claims against an insurer against which delinquency proceedings have begun. Currently, claims are filed with the receiver and a court determines the validity of the claim. (NRS 696B.330) Existing law establishes classes for the order of priority for distribution of the assets of an insurer to claimants against the insurer. (NRS 696B.420) Section 27 of this bill requires the receiver to determine the validity of a claim and to determine the priority of the claim. If a person objects to the determination of the receiver, the determination may be appealed to a court.

Existing law defines "tangible net worth" for the purposes of industrial insurance to include all assets of an association of self-insured private employers or of a member of such an association, but excepts a number of assets from the definition. (NRS 616A.330) Section 29 of this bill removes most of the exceptions.

Existing law authorizes the Commissioner to appoint two deputies. Section 31 of this bill authorizes the Commissioner to appoint one additional deputy.

Existing law requires a trustee of a medical savings account to file an annual report with the Commissioner. (NRS 689A.735) Section 32 of this bill repeals that requirement.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 679B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Commissioner may conduct investigations to determine whether any insurer or person identified in NRS 679B.230 or 679B.240 has violated any provision of this Code.

2. The Commissioner may:

(a) Use employees of the Division as investigators; or

(b) Contract with and procure the services of such investigators as he may reasonably require to conduct investigations. The Commissioner shall determine the qualifications required of such investigators, except that no investigator who provides services pursuant to this paragraph may be in the classified service of the State.

3. Investigations may be conducted into activities occurring either within or outside this State. In conducting investigations, the Commissioner and his investigators may:

(a) Travel within or outside this State; and

(b) Cooperate with appropriate agencies or persons within or outside this State.

4. Investigations may be conducted before, during or after an examination conducted pursuant to this Code.

5. The provisions governing examinations set forth in NRS 679B.250, 679B.285 and 679B.287 apply to investigations conducted pursuant to this section.

6. The expenses of an investigation conducted pursuant to this section must be borne by the person investigated in the same manner as provided for examinations in NRS 679B.290.

7. The expenses paid by a person investigated pursuant to this section must be deposited in the State Treasury for credit to the Insurance Examination Fund created by NRS 679B.300, accounted for separately and used for the payment of investigation expenses. Payment of the expenses of an investigation pursuant to this section must be paid out of the Insurance Examination Fund as other claims against the State are paid.

~~[Section 1.]~~ ***Sec. 1.03.*** NRS 681B.050 is hereby amended to read as follows:

681B.050 1. As to casualty insurance transacted by it, each insurer shall maintain at all times reserves in an amount estimated in the aggregate to provide for payment of all losses and claims incurred, whether reported or unreported, which are unpaid and for which the insurer may be liable and to provide for the expenses of adjustment or settlement of losses and claims. The reserves must be computed in accordance with regulations adopted from time to time by the Commissioner upon reasonable consideration of the ascertained experience and the character of such kind of business for the purpose of adequately protecting the insured and the solvency of the insurer.

2. Whenever the loss and loss expense experience of the insurer show that reserves, calculated in accordance with those regulations, are inadequate, the Commissioner may require the insurer to maintain additional reserves.

3. ~~[The minimum reserve requirements prescribed by the Commissioner for unpaid losses and loss expenses incurred during each of the most recent 3 years for coverages included in the lines of business described in the insurer's annual statement as workmen's compensation, liability other than automobile (B.I.), and automobile liability (B.I.) must not be less than the~~

~~following: For workmen's compensation, 65 percent of premiums earned during each year less the amount already paid for losses and expenses incidental thereto incurred during the year; for liability other than automobile (B.I.) and automobile liability (B.I.), 60 percent of premiums earned during each year less the amount already paid for losses and expenses incidental thereto incurred during the year.~~

~~4.~~] The Commissioner may, by regulation, prescribe the manner and form of reporting pertinent information concerning the reserves provided for in this section.

Sec. 1.05. **NRS 682A.280 is hereby amended to read as follows:**

682A.280 1. In addition to investments excluded pursuant to other provisions of this Code, an insurer shall not acquire, invest in or lend its funds upon the security of:

(a) Issued shares of its own capital stock, except as ***otherwise*** provided in NRS 693A.170 (purchase of own shares by stock insurer). No such shares shall be considered as an asset of the insurer in any determination of its financial condition.

(b) Securities issued by any corporation or enterprise the controlling interest of which is, or will after such acquisition by the insurer be, held directly or indirectly by the insurer or any combination of the insurer and the insurer's directors, officers, subsidiaries or controlling stockholders ~~, [(]~~ other than a parent corporation ~~, [),]~~ and the spouses and children of any of the foregoing individuals. Investments in controlled insurance corporations or subsidiaries under NRS 682A.120 and 682A.130 are not subject to the provisions of this section.

(c) Any note or other evidence of indebtedness of any director, officer, employee or controlling stockholder of the insurer, or of the spouse or child of any of the foregoing individuals, except as to ~~[policy]~~ ***:***

(1) Policy loans authorized under NRS 682A.170 ~~[.]~~ ***; or***

(2) Loans on the same terms and conditions as any other borrower which have been approved by a majority vote of the board of directors of the insurer.

(d) Any real property in which any officer or director of the insurer has a financial interest.

2. No insurer shall underwrite or participate in the underwriting of an offering of securities or property of any other person. This section shall not be deemed to prohibit the insurer from being a subsidiary which is the principal underwriter of a registered investment company (mutual fund).

3. No insurer shall enter into any agreement to withhold from sale any of its securities or property, and the disposition of its assets shall at all times be within the control of the insurer.

Sec. 1.1. Chapter 683A of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.5 of this act.

Sec. 1.3. ***1. A business organization which is licensed as a producer of insurance and which authorizes another producer of insurance to***

transact business on its behalf shall notify the Commissioner within 15 days after the effective date of the authorization in the manner prescribed by the Commissioner.

2. A business organization which is licensed as a producer of insurance and which terminates the authorization of a producer of insurance for any reason shall notify the Commissioner within 30 days after the effective date of the termination in the manner prescribed by the Commissioner. The business organization shall provide additional information or documents if so requested in writing by the Commissioner.

3. If the reason for termination is an activity described in NRS 683A.451 as a cause for disciplinary action or the business organization knows that the producer of insurance has been found to have engaged in such an activity by a court, governmental agency or self-regulatory organization authorized by law, the business organization shall notify the Commissioner, in the manner prescribed by the Commissioner, if the business organization discovers additional information that would have been reportable originally to the Commissioner if the business organization had then known it.

Sec. 1.5. ***1. If an administrator establishes a panel of providers of health care or contracts with an organization that establishes a panel of providers of health care, the administrator shall not charge a provider of health care or such an organization:***

(a) Any fee to include the name of the provider of health care on the panel; or

(b) Any other fee related to establishing the provider of health care as a provider on the panel.

2. If an administrator violates the provisions of subsection 1, the administrator shall pay to the provider of health care or organization, as appropriate, an amount that is equal to twice the fee charged to the provider of health care or the organization.

3. A court shall award costs and reasonable attorney's fees to the prevailing party in any action brought to enforce the provisions of this section.

4. In addition to any relief granted pursuant to this section, if an administrator violates the provisions of subsection 1, the Division shall require the administrator to suspend the prohibited activities until the administrator, as determined by the Division:

(a) Complies with the provisions of subsection 1; and

(b) Refunds to all providers of health care or organizations, as appropriate, all fees obtained by the administrator in violation of subsection 1.

Sec. 1.7. NRS 683A.0805 is hereby amended to read as follows:

683A.0805 As used in NRS 683A.0805 to 683A.0893, inclusive, ***and section 1.5 of this act,*** unless the context otherwise requires, the words and

terms defined in NRS 683A.081 to 683A.084, inclusive, have the meanings ascribed to them in those sections.

Sec. 1.9. NRS 683A.08528 is hereby amended to read as follows:

683A.08528 1. Not later than July 1 of each year, each holder of a certificate of registration as an administrator shall file with the Commissioner an annual report for the most recently completed fiscal year of the administrator. Each annual report must be verified by at least two officers of the administrator.

2. Each annual report filed pursuant to this section must include all the following:

(a) ~~[Except as otherwise provided in this paragraph, a]~~ ***A*** financial statement of the administrator that has been ~~[audited and prepared by an independent certified public accountant. In lieu of a financial statement that has been audited and prepared by an independent certified public accountant, the administrator may include with the annual report a financial statement that has been]~~ reviewed by an independent certified public accountant**.** ~~[if:~~

~~(1) The total business assets of the administrator were less than $100,000 at the end of the most recently completed fiscal year of the administrator; or~~

~~(2) The administrator did not have any agreements to act as an administrator during the most recently completed fiscal year of the administrator.]~~

(b) The complete name and address of each person, if any, for whom the administrator agreed to act as an administrator during the most recently completed fiscal year of the administrator.

(c) Any other information required by the Commissioner.

3. In addition to the information required pursuant to subsection 2, if an annual report is prepared on a consolidated basis, the annual report must include a columnar or combining worksheet that:

(a) Includes the amounts shown on the consolidated financial statement accompanying the annual report;

(b) Separately sets forth the amounts for each entity included in the worksheet; and

(c) Includes an explanation of each consolidating and eliminating entry included in the worksheet.

4. Each administrator who files an annual report pursuant to this section shall, at the time of filing the annual report, pay a filing fee in an amount determined by the Commissioner.

5. ~~[On or before September 1 of each year, the]~~ ***The*** Commissioner shall, for each administrator, review the annual report that is most recently filed by the administrator. As soon as practicable after reviewing the report, the Commissioner shall:

(a) Issue a certificate to the administrator:

(1) Indicating that, based on the annual report and accompanying financial statement, the administrator has a positive net worth and is currently licensed and in good standing in this State; or

(2) Setting forth any deficiency found by the Commissioner in the annual report and accompanying financial statement; or

(b) Submit a statement to any electronic database maintained by the National Association of Insurance Commissioners or any affiliate or subsidiary of the Association:

(1) Indicating that, based on the annual report and accompanying financial statement, the administrator has a positive net worth and is in compliance with existing law; or

(2) Setting forth any deficiency found by the Commissioner in the annual report and accompanying financial statement.

Sec. 2. NRS 683A.251 is hereby amended to read as follows:

683A.251 1. The Commissioner shall prescribe the form of application by a natural person for a license as a resident producer of insurance. The applicant must declare, under penalty of refusal to issue, or suspension or revocation of, the license, that the statements made in the application are true, correct and complete to the best of his knowledge and belief. Before approving the application, the Commissioner must find that the applicant has:

(a) Attained the age of 18 years;

(b) Not committed any act that is a ground for refusal to issue, or suspension or revocation of, a license;

(c) Completed a course of study for the lines of authority for which the application is made, unless the applicant is exempt from this requirement;

(d) Paid the fee prescribed for the license and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account, neither of which may be refunded; and

(e) Successfully passed the examinations for the lines of authority for which application is made, unless the applicant is exempt from this requirement.

2. A business organization must be licensed as a producer of insurance in order to act as such. Application must be made on a form prescribed by the Commissioner. Before approving the application, the Commissioner must find that the applicant has:

(a) Paid the fee prescribed for the license and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account, neither of which may be refunded; ~~[and]~~

(b) Designated a natural person who is licensed as a producer of insurance and who is ~~[affiliated with]~~ ***authorized to transact business on behalf of*** the business organization to be responsible for the organization's compliance with the laws and regulations of this State relating to insurance ~~[.]~~ ***; and***

(c) If the business organization has authorized a producer of insurance not designated pursuant to paragraph (b) to transact business on behalf of the business organization, submitted to the Commissioner on a form

prescribed by the Commissioner the name of each producer of insurance authorized to transact business on behalf of the business organization.

3. A natural person who is a resident of this State applying for a license must furnish a complete set of his fingerprints which the Commissioner may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The Commissioner shall adopt regulations concerning the procedures for obtaining this information.

4. The Commissioner may require any document reasonably necessary to verify information contained in an application.

Sec. 3. NRS 683A.261 is hereby amended to read as follows:

683A.261 1. Unless the Commissioner refuses to issue the license under NRS 683A.451, he shall issue a license as a producer of insurance to a person who has satisfied the requirements of NRS 683A.241 and 683A.251. A producer of insurance may qualify for a license in one or more of the lines of authority permitted by statute or regulation, including:

(a) Life insurance on human lives, which includes benefits from endowments and annuities and may include additional benefits from death by accident and benefits for dismemberment by accident and for disability.

(b) Health insurance for sickness, bodily injury or accidental death, which may include benefits for disability.

(c) Property insurance for direct or consequential loss or damage to property of every kind.

(d) Casualty insurance against legal liability, including liability for death, injury or disability and damage to real or personal property.

(e) Surety indemnifying financial institutions or providing bonds for fidelity, performance of contracts or financial guaranty.

(f) Variable annuities and variable life insurance, including coverage reflecting the results of a separate investment account.

(g) Credit insurance, including life, disability, property, unemployment, involuntary unemployment, mortgage life, mortgage guaranty, mortgage disability, guaranteed protection of assets, and any other form of insurance offered in connection with an extension of credit that is limited to wholly or partially extinguishing the obligation which the Commissioner determines should be considered as limited-line credit insurance.

(h) Personal lines, consisting of automobile and motorcycle insurance and residential property insurance, including coverage for flood, of personal watercraft and of excess liability, written over one or more underlying policies of automobile or residential property insurance.

(i) Fixed annuities as a limited line.

(j) Travel and baggage as a limited line.

(k) Rental car agency as a limited line.

2. A license as a producer of insurance remains in effect unless revoked, suspended or otherwise terminated if a request for a renewal is submitted on or before the date for the renewal specified on the license, the fee for renewal

and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account are paid for each license and each ~~[affiliation with]~~ ***authorization to transact business on behalf of*** a business organization licensed pursuant to subsection 2 of NRS 683A.251, and any requirement for education or any other requirement to renew the license is satisfied by the date specified on the license for the renewal. A producer of insurance may submit a request for a renewal of his license within 30 days after the date specified on the license for the renewal if the producer of insurance otherwise complies with the provisions of this subsection and pays, in addition to any fee paid pursuant to this subsection, a penalty of 50 percent of the renewal fee. A license as a producer of insurance expires if the Commissioner receives a request for a renewal of the license more than 30 days after the date specified on the license for the renewal. A fee paid pursuant to this subsection is nonrefundable.

3. A natural person who allows his license as a producer of insurance to expire may reapply for the same license within 12 months after the date specified on the license for a renewal without passing a written examination or completing a course of study required by paragraph (c) of subsection 1 of NRS 683A.251, but a penalty of twice the renewal fee is required for any request for a renewal of the license that is received after the date specified on the license for the renewal.

4. A licensed producer of insurance who is unable to renew his license because of military service, extended medical disability or other extenuating circumstance may request a waiver of the time limit and of any fine or sanction otherwise required or imposed because of the failure to renew.

5. A license must state the licensee's name, address, personal identification number, the date of issuance, the lines of authority and the date of expiration and must contain any other information the Commissioner considers necessary. A resident producer of insurance shall maintain a place of business in this State which is accessible to the public and where he principally conducts transactions under his license. The place of business may be in his residence. The license must be conspicuously displayed in an area of the place of business which is open to the public.

6. A licensee shall inform the Commissioner of each change of location from which he conducts business as a producer of insurance and each change of business or residence address, in writing or by other means acceptable to the Commissioner, within 30 days after the change. If a licensee changes the location from which he conducts business as a producer of insurance or his business or residence address without giving written notice and the Commissioner is unable to locate the licensee after diligent effort, he may revoke the license without a hearing. The mailing of a letter by certified mail, return receipt requested, addressed to the licensee at his last mailing address appearing on the records of the Division, and the return of the letter undelivered, constitutes a diligent effort by the Commissioner.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 686C.240 is hereby amended to read as follows:

686C.240 1. The Board of Directors ***of the Association*** shall determine the amount of each assessment in Class A and may, but need not, prorate it. If an assessment is prorated, the Board may provide that any surplus be credited against future assessments in Class B. An assessment which is not prorated must not exceed ~~[$150]~~ ***$300*** for each member insurer for any ~~[one]~~ ***1*** calendar year.

2. The Board may allocate any assessment in Class B among the accounts according to the premiums or reserves of the impaired or insolvent insurer or any other standard which it considers fair and reasonable under the circumstances.

3. Assessments in Class B against member insurers for each account and subaccount must be in the proportion that the premiums received on business in this State by each assessed member insurer on policies or contracts covered by each account or subaccount for the 3 most recent calendar years for which information is available preceding the year in which the insurer became impaired or insolvent bears to premiums received on business in this State for those calendar years by all assessed member insurers.

4. Assessments for money to meet the requirements of the Association with respect to an impaired or insolvent insurer must not be authorized or called until necessary to carry out the purposes of this chapter. Classification of assessments under subsection 2 of NRS 686C.230 and computation of assessments under this section must be made with a reasonable degree of accuracy, recognizing that exact determinations may not always be possible. The Association shall notify each member insurer of its anticipated prorated share of an assessment authorized but not yet called within 180 days after it is authorized.

Sec. 8. NRS 687B.350 is hereby amended to read as follows:

687B.350 1. Except as otherwise provided in subsection 2, an insurer shall not renew a policy on different terms, including different rates, unless the insurer notifies the insured in writing of the different terms or rates at least 30 days before the expiration of the policy. If the insurer fails to provide adequate and timely notice, the insurer shall renew the policy at the expiring terms and rates:

(a) For a period that is equal to the expiring term if the agreed term is 1 year or less; or

(b) For 1 year if the agreed term is more than 1 year.

2. The provisions of this section do not apply to ***a change in the rate for*** a policy of industrial insurance ~~[.]~~ ***which is based on:***

(a) A change to a prospective loss cost filed by the Advisory Organization pursuant to NRS 686B.177 that is applicable to the risk; or

(b) A correction based on the experience that is applicable to the risk in accordance with the Uniform Plan for Rating Experience filed with the Commissioner pursuant to NRS 686B.177.

Sec. 9. NRS 689.150 is hereby amended to read as follows:

689.150 As used in NRS 689.150 to 689.375, inclusive, unless the context otherwise requires:

1. "Funeral service or services" means those services performed normally by funeral directors or funeral or mortuary parlors and includes their sales of supplies and equipment for burial. The term includes cremations and crematory services. The term does not include services performed by a cemetery or the sale by a cemetery of services, interests in land, markers, memorials, monuments or merchandise and equipment in relation to the cemetery or the sale of crypts or niches constructed or to be constructed in a mausoleum or columbarium or otherwise on the property of a cemetery.

2. "Performer" means any person designated in a prepaid contract to furnish the funeral services, supplies and equipment covered by the contract on the demise of the beneficiary.

3. "Prepaid contract" means any contract under which, for a specified consideration paid in advance in a lump sum or by installments ~~[, a person]~~ ***or payable solely from the proceeds of a policy of life insurance, the seller of the contract guarantees or*** promises either before or upon the death of a beneficiary named in or otherwise ascertainable from the contract to furnish funeral services and merchandise. The term does not include a contract of insurance or any instrument in writing whereby any charitable, religious, benevolent or fraternal benefit society, corporation, association, institution or organization, not having for its object or purpose pecuniary profit, promises or agrees to embalm, inter or otherwise dispose of the remains of any person, or to procure or pay the expenses, or any part thereof, of embalming, interring or otherwise disposing of the remains of any person.

Sec. 10. NRS 689.185 is hereby amended to read as follows:

689.185 1. ***Except as otherwise provided in subsection 2:***

(a) Before the issuance of a certificate of authority, the seller shall post with the Commissioner and thereafter maintain in force a bond in the principal sum of $50,000 issued by an authorized corporate surety in favor of the State of Nevada, or a deposit of cash or negotiable securities or a combination of cash and negotiable securities. If a deposit is made in lieu of a bond, the deposit must at all times have a market value of not less than the amount of the bond required by the Commissioner.

~~[2.]~~ ***(b)*** The bond or deposit must be held for the benefit of buyers of prepaid contracts, and other persons as their interests may appear, who may be damaged by misuse or diversion of money by the seller or his agents, or to satisfy any judgments against the seller for failure to perform a prepaid contract. The aggregate liability of the surety for all breaches of the conditions of the bond must not exceed the sum of the bond. The surety on

the bond has the right to cancel the bond upon giving 30 days' notice to the Commissioner and thereafter is relieved of liability for any breach of condition occurring after the effective date of the cancellation.

~~[3.]~~ ***(c)*** The Commissioner shall release the bond or deposit after the seller has ceased doing business as such and the Commissioner is satisfied of the nonexistence of any obligation or liability of the seller for which the bond or deposit was held.

2. The Commissioner may waive the requirements of subsection 1 if the seller agrees:

(a) To offer for sale only prepaid contracts that are payable solely from the proceeds of a policy of life insurance; and

(b) Not to collect any money from the purchaser of a prepaid contract.

Sec. 11. NRS 689.315 is hereby amended to read as follows:

689.315 1. ***Except as otherwise provided in subsection 2:***

(a) The seller shall establish and maintain a trust fund with an authorized trustee, for the benefit of the beneficiary of the prepaid contract, in accordance with the trust agreement filed with and approved by the Commissioner.

~~[2.]~~ ***(b)*** The seller shall maintain unimpaired and shall deposit in the trust fund, within 15 days after the end of the month in which payment was received, all installments received on prepaid contracts sold after the sales commission has been deducted.

~~[3.]~~ ***(c)*** The trustee shall, with respect to the money in the trust fund, exercise the judgment and care under the circumstances then prevailing which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their money, considering the probable income as well as the probable safety of their capital. Within the limitations of such standards, and subject to any express provision or limitation contained in any particular trust instrument, a trustee may acquire and retain every kind of investment, specifically including bonds, debentures and other corporate obligations and stocks, preferred or common, which persons of prudence, discretion and intelligence acquire or retain for their own account.

~~[4.]~~ ***(d)*** Except as otherwise provided in NRS 689.150 to 689.375, inclusive, or the trust agreement approved in writing by the Commissioner or as may be required by an order of a court of competent jurisdiction, the trustees shall maintain the trust fund intact and unimpaired and shall make no other payment or disbursement from the trust fund.

2. The requirements of subsection 1 do not apply if:

(a) The prepaid contract is payable solely from the proceeds of a policy of life insurance; and

(b) The seller of the prepaid contract does not collect any money from the purchaser of the prepaid contract.

Sec. 12. NRS 689.475 is hereby amended to read as follows:

689.475 1. "Prepaid contract" means any contract under which, for a specified consideration paid in advance in a lump sum or by installments ~~[, a person]~~ ***or payable solely from the proceeds of a policy of life insurance, the seller of the contract guarantees or*** promises, either before or upon the death of a beneficiary named in or otherwise ascertainable from the contract, to provide burial services and to furnish adaptable or suitable personal property, merchandise, supplies or facilities in connection with such services.

2. "Prepaid contract" does not include a contract of insurance or any instrument in writing whereby any charitable, religious, benevolent or fraternal benefit society, corporation, association, institution or organization, not having for its object or purpose pecuniary profit, promises or agrees to embalm, inter or otherwise dispose of the remains of any person, or to procure or pay the expenses, or any part thereof, for embalming, interring or otherwise disposing of the remains of any person.

Sec. 13. NRS 689.495 is hereby amended to read as follows:

689.495 1. ***Except as otherwise provided in subsection 2:***

(a) Before the issuance of a permit to a seller, the seller shall post with the Commissioner and thereafter maintain in force a bond in the principal sum of $50,000 issued by an authorized corporate surety in favor of the State of Nevada, or a deposit of cash or negotiable securities or a combination of cash and negotiable securities. If a deposit is made in lieu of a bond, the deposit must at all times have a market value not less than the amount of the bond required by the Commissioner.

~~[2.]~~ ***(b)*** The bond or deposit must be held for the benefit of buyers of prepaid contracts, and other persons as their interests may appear, who may be damaged by misuse or diversion of money by the seller or his agents, or to satisfy any judgments against the seller for failure to perform a prepaid contract. The aggregate liability of the surety for all breaches of the conditions of the bond must not exceed the sum of the bond. The surety on the bond has the right to cancel the bond upon giving 30 days' notice to the Commissioner and thereafter is relieved of liability for any breach of condition occurring after the effective date of the cancellation.

~~[3.]~~ ***(c)*** The Commissioner shall release the bond or deposit after the seller has ceased doing business as such and the Commissioner is satisfied of the nonexistence of any obligation or liability of the seller for which the bond or deposit was held.

2. The Commissioner may waive the requirements of subsection 1 if the seller agrees:

(a) To offer for sale only prepaid contracts that are payable solely from the proceeds of a policy of life insurance; and

(b) Not to collect any money from the purchaser of a prepaid contract.

Sec. 14. NRS 689.560 is hereby amended to read as follows:

689.560 1. ***Except as otherwise provided in subsection 2:***

(a) The seller shall establish and maintain a trust fund with an authorized trustee, for the benefit of the beneficiary of the prepaid contract, in

accordance with the trust agreement filed with and approved by the Commissioner.

~~[2.]~~ ***(b)*** The seller shall maintain unimpaired and shall deposit in the trust fund, within 15 days after the end of the month in which payment was received, all installments received on prepaid contracts sold after the sales commission has been deducted.

~~[3.]~~ ***(c)*** The trustee shall, with respect to the money in the trust fund, exercise the judgment and care under the circumstances then prevailing which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their money, considering the probable income as well as the probable safety of their capital. Within the limitations of such standards, and subject to any express provision or limitation contained in any particular trust instrument, a trustee may acquire and retain every kind of investment, specifically including bonds, debentures and other corporate obligations and stocks, preferred or common, which persons of prudence, discretion and intelligence acquire or retain for their own account.

~~[4. Except]~~

(d) The trustee shall, except as otherwise provided in NRS 689.450 to 689.595, inclusive, or the trust agreement approved in writing by the Commissioner or as may be required by an order of a court of competent jurisdiction, ~~[the trustees shall]~~ maintain the trust fund intact and unimpaired and ~~[shall]~~ not make any payment or disbursement from the trust fund.

2. The requirements of subsection 1 do not apply if:

(a) The prepaid contract is payable solely from the proceeds of a policy of life insurance; and

(b) The seller of the prepaid contract does not collect any money from the purchaser of the prepaid contract.

Sec. 15. NRS 689C.075 is hereby amended to read as follows:

689C.075 1. "Health benefit plan" means a policy ~~[or certificate for hospital or medical expenses, a contract for dental, hospital or medical services, or a health care plan of a health maintenance organization available for use, offered or sold to a small employer.]~~ ***, contract, certificate or agreement to provide for, deliver payment for, arrange for the payment of, pay for or reimburse any of the costs of health care services.*** Except as otherwise provided in this section, the term includes short-term and catastrophic health insurance policies ~~[,]~~ and a policy that pays on a cost-incurred basis.

2. The term does not include:

(a) Coverage that is only for accident or disability income insurance, or any combination thereof;

(b) Coverage issued as a supplement to liability insurance;

(c) Liability insurance, including general liability insurance and automobile liability insurance;

(d) Workers' compensation or similar insurance;

(e) Coverage for medical payments under a policy of automobile insurance;

(f) Credit insurance;

(g) Coverage for on-site medical clinics;

(h) Coverage under a short-term health insurance policy;

(i) Coverage under a blanket student accident and health insurance policy; and

(j) Other similar insurance coverage specified in federal regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, under which benefits for medical care are secondary or incidental to other insurance benefits.

3. If the benefits are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of a health benefit plan, the term does not include the following benefits:

(a) Limited-scope dental or vision benefits;

(b) Benefits for long-term care, nursing home care, home health care or community-based care, or any combination thereof; and

(c) Such other similar benefits as are specified in any federal regulations adopted pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

4. If the benefits are provided under a separate policy, certificate or contract of insurance, there is no coordination between the provision of the benefits and any exclusion of benefits under any group health plan maintained by the same plan sponsor, and the benefits are paid for a claim without regard to whether benefits are provided for such a claim under any group health plan maintained by the same plan sponsor, the term does not include:

(a) Coverage that is only for a specified disease or illness; and

(b) Hospital indemnity or other fixed indemnity insurance.

5. If offered as a separate policy, certificate or contract of insurance, the term does not include:

(a) Medicare supplemental health insurance as defined in section 1882(g)(1) of the Social Security Act, 42 U.S.C. § 1395ss, as that section existed on July 16, 1997;

(b) Coverage supplemental to the coverage provided pursuant to the Civilian Health and Medical Program of Uniformed Services, CHAMPUS, 10 U.S.C. §§ 1071 et seq.; and

(c) Similar supplemental coverage provided under a group health plan.

Sec. 15.5. NRS 689C.170 is hereby amended to read as follows:

689C.170 1. A carrier serving small employers may vary the application of requirements for minimum participation of eligible employees and minimum employer's contributions only by the size of the small employer's group ~~[.]~~ ***or the product offered.***

2. In applying requirements for minimum participation with respect to a small employer, a carrier shall not consider employees or dependents who

have creditable coverage when determining whether the applicable percentage of participation is met, but may consider employees or dependents who have coverage under another health benefit plan that is sponsored by the employer.

3. A carrier shall not deny an application for coverage solely because the applicant works in a certain industry.

4. After a small employer has been accepted for coverage, a carrier shall not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to the small employer.

Sec. 16. NRS 690B.260 is hereby amended to read as follows:

690B.260 1. Each insurer which issues a policy of insurance covering the liability of a physician licensed under chapter 630 of NRS or an osteopathic physician licensed under chapter 633 of NRS for a breach of his professional duty toward a patient shall, within 45 days after ~~[a claim is closed under the policy,]~~ ***the end of a calendar quarter,*** submit a report to the Commissioner concerning ~~[the claim.]~~ ***each claim that was closed during that calendar quarter under such a policy of insurance issued by the insurer and any change during that calendar quarter to any claim under such a policy of insurance issued by the insurer that was closed during a previous calendar quarter.*** The report must include, without limitation:

(a) The name and address of the claimant and the insured under ~~[the]~~ ***each*** policy;

(b) A statement setting forth the circumstances of ~~[the]~~ ***that*** case;

(c) Information indicating whether any payment was made on ~~[the]~~ ***a*** claim and the amount of the payment, if any; and

(d) The information specified in subsection 2 of NRS 679B.144 ~~[.]~~ ***for each claim.***

2. An insurer who fails to comply with the provisions of subsection 1 is subject to the imposition of an administrative fine pursuant to NRS 679B.460.

3. The Commissioner shall, within 30 days after receiving a report from an insurer pursuant to this section, submit a report to the Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, setting forth the information provided to the Commissioner by the insurer pursuant to this section.

Sec. 17. NRS 690C.080 is hereby amended to read as follows:

690C.080 ***1.*** "Service contract" means a contract pursuant to which a provider, in exchange for separately stated consideration, is obligated for a specified period to a holder to repair, replace or perform maintenance on, or indemnify or reimburse the holder for the costs of repairing, replacing or performing maintenance on, goods that are described in the service contract and which have an operational or structural failure as a result of a defect in materials, workmanship or normal wear and tear, including, without limitation:

~~[1.]~~ ***(a)*** A contract that includes a provision for incidental payment of indemnity under limited circumstances, including, without limitation, towing, rental and emergency road service; and

~~[2.]~~ ***(b)*** A contract that provides for the repair, replacement or maintenance of goods for damages that result from power surges or accidental damage from handling.

2. The term does not include a contract pursuant to which a provider, other than the manufacturer, builder, seller or lessor of a manufactured home, in exchange for separately stated consideration, is obligated for a specified period to a holder to repair or replace, or indemnify or reimburse the holder for the costs of repairing or replacing, any component of the physical structure of the manufactured home, including, without limitation, the walls, roof supports, structural floor base or foundation.

Sec. 18. NRS 692A.270 is hereby amended to read as follows:

692A.270 The provisions of NRS ***683A.321, 683A.331,*** 683A.341, 683A.400, 683A.451 to 683A.490, inclusive, and 683A.520 apply to title insurers, title agents and escrow officers.

Sec. 19. NRS 694C.250 is hereby amended to read as follows:

694C.250 1. A captive insurer must not be issued a license, and shall not hold a license, unless the captive insurer has and maintains, in addition to any other capital ***or surplus*** required to be maintained pursuant to subsection 3, unimpaired paid-in capital ***and unencumbered surplus*** of:

(a) For a pure captive insurer, not less than ~~[$100,000;]~~ ***$200,000;***

(b) For an association captive insurer ***,*** ~~[incorporated as a stock insurer,]~~ not less than ~~[$200,000;]~~ ***$500,000;***

(c) For an agency captive insurer, not less than ~~[$300,000;]~~ ***$600,000;***

(d) For a rental captive insurer, not less than ~~[$400,000;]~~ ***$800,000;*** and

(e) For a sponsored captive insurer, not less than ~~[$200,000.]~~ ***$500,000.***

2. Except as otherwise provided by the Commissioner pursuant to subsection 3, the capital ***and surplus*** required to be maintained pursuant to this section must be in the form of cash or an irrevocable letter of credit.

3. The Commissioner may prescribe additional requirements relating to capital ***or surplus*** based on the type, volume and nature of the insurance business that is transacted by the captive insurer and requirements regarding which capital ~~[,]~~ ***and surplus,*** if any, may be in the form of an irrevocable letter of credit.

4. A letter of credit used by a captive insurer as evidence of capital ***and surplus*** required pursuant to this section must:

(a) Be issued by a bank chartered by this State or a bank that is a member of the United States Federal Reserve System and has been approved by the Commissioner; and

(b) Include a provision pursuant to which the letter of credit is automatically renewable each year, unless the issuer gives written notice to the Commissioner and the captive insurer at least 90 days before the expiration date.

Sec. 20. NRS 694C.270 is hereby amended to read as follows:

694C.270 1. The Commissioner may suspend or revoke the license of a captive insurer if, after an examination and hearing, the Commissioner determines that:

(a) The captive insurer:

(1) Is insolvent or has impaired its required capital or surplus;

(2) Has failed to meet a requirement of NRS 694C.250, ~~[694C.260,]~~ 694C.320 or 694C.330;

(3) Has refused or failed to submit an annual report, as required by NRS 694C.400, or any other report or statement required by law or by order of the Commissioner;

(4) Has failed to comply with the provisions of its charter or bylaws;

(5) Has failed to submit to an examination required pursuant to NRS 694C.410;

(6) Has refused or failed to pay the cost of an examination required pursuant to NRS 694C.410;

(7) Has used any method in transacting insurance pursuant to this chapter which is detrimental to the operation of the captive insurer or would make its condition unsound with respect to its policyholders or the general public; or

(8) Has failed otherwise to comply with the laws of this State; and

(b) The suspension or revocation of the license of the captive insurer is in the best interest of its policyholders or the general public.

2. The provisions of NRS 679B.310 to 679B.370, inclusive, apply to hearings conducted pursuant to this section.

Sec. 21. NRS 694C.340 is hereby amended to read as follows:

694C.340 1. Except as otherwise provided in this section and NRS 694C.382, an association captive insurer, an agency captive insurer, a rental captive insurer or a sponsored captive insurer shall comply with the requirements relating to investments set forth in chapter 682A of NRS. Upon the request of the association captive insurer, agency captive insurer, rental captive insurer or sponsored captive insurer, the Commissioner may approve the use of reliable, alternative methods of valuation and rating.

2. A pure captive insurer is not subject to any restrictions on allowable investments, except that the Commissioner may prohibit or limit any investment that threatens the solvency or liquidity of the pure captive insurer.

3. A pure captive insurer may make a loan to its parent or affiliated company if the loan:

(a) Is first approved in writing by the Commissioner;

(b) Is evidenced by a note that is in a form that is approved by the Commissioner; and

(c) Does not include any money that has been set aside as capital or surplus as required by subsection 1 of NRS 694C.250 **.** ~~[or subsection 1 of NRS 694C.260.]~~

Sec. 22. NRS 694C.384 is hereby amended to read as follows:

694C.384 1. As security for the payment of liabilities attributable to the branch operations of a branch captive insurer, the Commissioner shall require that a trust fund, funded by an irrevocable letter of credit or other acceptable asset, be established and maintained in the United States for the benefit of United States policyholders and ceding United States insurers under insurance policies or reinsurance contracts issued or assumed by the branch captive insurer through its branch operations.

2. The amount of the security must be not less than the total amount required by NRS 694C.250 **,** ~~[and 694C.260,]~~ and any reserves on such insurance policies or reinsurance contracts, including reserves for losses, allocated loss adjustment expenses, incurred but not reported losses and unearned premiums with regard to business written through the branch operations. The Commissioner may authorize a branch captive insurer that is required to post security for loss reserves on branch business by its reinsurer to reduce the funds in the trust account required by this section by that same amount as long as the security remains posted with the reinsurer.

3. If the form of the security is a letter of credit, the letter of credit must be established, issued or confirmed by a bank chartered in this State or a bank that is a member of the Federal Reserve System.

Sec. 23. NRS 694C.400 is hereby amended to read as follows:

694C.400 1. On or before March 1 of each year, a captive insurer shall submit to the Commissioner a report of its financial condition, as prepared by a certified public accountant. A captive insurer shall use generally accepted accounting principles and include any useful or necessary modifications or adaptations thereof that have been approved or accepted by the Commissioner for the type of insurance and kinds of insurers to be reported upon, and as supplemented by additional information required by the Commissioner. Except as otherwise provided in this section, each association captive insurer, agency captive insurer **,** ~~[or]~~ rental captive insurer ***or sponsored captive insurer*** shall file its report in the form required by NRS 680A.265. The Commissioner shall adopt regulations designating the form in which pure captive insurers must report.

2. A pure captive insurer may apply, in writing, for authorization to file its annual report based on a fiscal year that is consistent with the fiscal year of the parent company of the pure captive insurer. If an alternative date is granted:

(a) The annual report is due not later than 60 days after the end of each such fiscal year; and

(b) The pure captive insurer shall file on or before March 1 of each year such forms as required by the Commissioner by regulation to provide sufficient detail to support its premium tax return filed pursuant to NRS 694C.450.

Sec. 24. NRS 695D.270 is hereby amended to read as follows:

695D.270 1. The Commissioner shall, ~~[once:~~

~~(a) Every 6 months for the first~~ ***not less frequently than once every*** 3 years ~~,~~ ***,*** ~~[after an organization for dental care receives its certificate of authority; and~~

~~(b) Each year thereafter,~~

~~→~~ ~~]~~ conduct an examination of ~~[the]~~ ***an*** organization ***for dental care*** pursuant to NRS 679B.250 to 679B.300, inclusive.

2. The Commissioner may examine any organization which holds a certificate of authority from this State or another state at any other time he deems necessary. For those organizations transacting business in this State which are not organized in this State, the Commissioner may accept a full report of the last examination of the organization certified by the state officer who supervises those organizations in the other state, if that examination is equivalent to an examination conducted by the Commissioner.

3. The Commissioner shall, in like manner, examine all organizations applying for a certificate of authority.

Sec. 25. NRS 695F.310 is hereby amended to read as follows:

695F.310 1. The Commissioner may examine the affairs of any prepaid limited health service organization as often as is reasonably necessary to protect the interests of the residents of this State, but not less frequently than once every ~~[2]~~ ***3*** years.

2. A prepaid limited health service organization shall make its books and records available for examination and cooperate with the Commissioner to facilitate the examination.

3. In lieu of such an examination, the Commissioner may accept the report of an examination conducted by the commissioner of insurance of another state.

4. The reasonable expenses of an examination conducted pursuant to this section must be charged to the organization being examined and remitted to the Commissioner.

Sec. 26. NRS 696A.185 is hereby amended to read as follows:

696A.185 1. Every motor club shall file with the Commissioner on or before March 1 of each year a report which summarizes its activities for the preceding calendar year. The report must be verified by at least two officers of the motor club.

2. The report must be on a form prescribed by the Commissioner and must include:

(a) A financial statement for the motor club, including its balance sheet and receipts and disbursements for the preceding calendar year;

(b) Any material changes in the information given in the previous report;

(c) The number of members enrolled in the year;

(d) The costs of all services provided for that year; and

(e) Any other information relating to the motor club requested by the Commissioner.

3. The motor club must pay to the Commissioner an annual fee of $500.

4. Every motor club shall file with the Commissioner on or before June 1 of each year a financial statement of the motor club certified by an independent public accountant.

5. Any motor club failing, without just cause beyond its reasonable control, to file timely the report or financial statement ***or to pay timely the annual fee*** required by this section shall pay an administrative penalty of $100 per day until the report or statement is filed, except that the total penalty must not exceed $3,000. The Attorney General shall recover the penalty in the name of the State of Nevada.

6. A motor club is not exempt from the provisions of NRS 679B.700.

Sec. 27. NRS 696B.330 is hereby amended to read as follows:

696B.330 1. All claims against an insurer against which delinquency proceedings have ~~[been begun shall]~~ ***commenced must be filed in the manner and form established by the receiver and*** set forth in reasonable detail the amount of the claim, or the basis upon which ~~[such]~~ ***that*** amount can be ascertained, the facts upon which the claim is based, and the priorities asserted, if any. All such claims ~~[shall]~~ ***must*** be verified by the affidavit of the claimant, or someone authorized to act on his behalf and having knowledge of the facts, and ~~[shall]~~ be supported by such documents as may be material thereto.

2. All claims filed in this State ~~[shall]~~ ***must*** be filed with the receiver, whether domiciliary or ancillary, in this State, on or before the last date for filing as specified in this chapter ~~[.]~~ ***or as directed by the court.***

3. ~~[Within 10 days of the receipt of any claim, or within such further period as the court may fix for good cause shown, the receiver shall report the claim to the court, specifying in such report his recommendation with respect to the action to be taken thereon. Upon receipt of such report, the court shall fix a time for hearing the claim and shall direct that the claimant or the receiver, as the court shall specify, shall give such notice as the court determines to such persons as appear to the court to be interested therein. All such notices shall specify the time and place of the hearing and shall concisely state the amount and nature of the claim, the priorities asserted, if any, and the recommendation of the receiver with reference thereto.~~

~~4. At the hearing, all persons interested shall be entitled to appear, and the court shall enter an order allowing, allowing in part, or disallowing the claim. Any such order is an appealable order.]~~ ***Except as otherwise provided in subsection 4, after the last date for filing a claim against an insurer as specified in this chapter, the receiver shall:***

(a) Determine whether to approve or deny, in whole or in part, each claim against the insurer filed with the receiver pursuant to subsection 2; and

(b) If the receiver approves a claim, in whole or in part, determine the class of the claim as provided in NRS 696B.420.

4. The receiver is not required to process any claims in a class until it appears that assets will be available for distribution to that class. If there

are insufficient assets to process claims for a class, the receiver shall notify the court and may make a recommendation to the court for the processing of any such claims.

5. The receiver shall mail, by first-class mail, postage prepaid, to each claimant that filed a claim with the receiver pursuant to subsection 2, written notice of the determination regarding the claim.

6. The receiver shall submit to the court a report on the determination of the receiver on each claim approved in whole or in part.

7. Not more than 60 days after the mailing of the written notice pursuant to subsection 5 or the submission of the report pursuant to subsection 6, whichever occurs later, a person may file with the receiver an objection to the determination of the receiver on a claim.

8. If an objection is filed pursuant to subsection 7, the receiver shall submit to the court a report on the determination of the receiver on each claim to which an objection has been filed. The court shall fix a time for a hearing on such claims and shall direct the receiver to give notice of the hearing. The notice provided by the receiver must:

(a) Be sent to the claimant by first-class mail, postage prepaid, not more than 30 days and not less than 10 days before the hearing, on any claim to which an objection has been filed; and

(b) Specify the time and place of the hearing.

9. A hearing may be conducted by the court or by a master or referee appointed by the court. If a hearing is conducted by a master or referee, the master or referee shall submit findings of fact and his recommendations to the court. The court shall enter an order approving or denying, in whole or in part, a claim filed against an insurer. Any such order is an appealable order.

Sec. 28. NRS 697.360 is hereby amended to read as follows:

697.360 Licensed bail agents, bail solicitors and bail enforcement agents, and general agents are also subject to the following provisions of this Code, to the extent reasonably applicable:

1. Chapter 679A of NRS.
2. Chapter 679B of NRS.
3. NRS 683A.261.
4. NRS 683A.301.
5. NRS 683A.311.
6. ***NRS 683A.331.***
7. NRS 683A.341.
~~[7.]~~ ***8.*** NRS 683A.361.
~~[8.]~~ ***9.*** NRS 683A.400.
~~[9.]~~ ***10.*** NRS 683A.451.
~~[10.]~~ ***11.*** NRS 683A.461.
~~[11.]~~ ***12.*** NRS 683A.480.
~~[12.]~~ ***13.*** NRS 683A.500.
~~[13.]~~ ***14.*** NRS 683A.520.

~~[14.]~~ ***15.*** NRS 686A.010 to 686A.310, inclusive.

Sec. 28.3. NRS 616A.050 is hereby amended to read as follows:

616A.050 "Association of self-insured private employers" means a nonprofit, unincorporated association composed of five or more private employers that has been issued a certificate by the Commissioner and is subject to the provisions of NRS 616B.350 to 616B.446, inclusive ~~[.]~~ ***, and section 29.5 of this act.***

Sec. 28.7. NRS 616A.055 is hereby amended to read as follows:

616A.055 "Association of self-insured public employers" means a nonprofit, unincorporated association composed of five or more public employers that has been issued a certificate by the Commissioner and is subject to the provisions of NRS 616B.350 to 616B.446, inclusive ~~[.]~~ ***, and section 29.5 of this act.***

Sec. 29. NRS 616A.330 is hereby amended to read as follows:

616A.330 "Tangible net worth" means ***the value of*** all ~~[of]~~ the assets ***, minus the value of all the liabilities,*** of an association of self-insured private employers or of a member of such an association except:

1. ~~[Accounts receivable, if they are factored or collateralized.~~

~~2. An inventory, except one held for resale and not collateralized.~~

~~3. A prepaid expense.~~

~~4. An unqualified investment.~~

~~5. An allocated bond fund.~~

~~6. An investment in an affiliate.~~

~~7. A restricted fund.~~

~~8. A reserve.~~

~~9. A security cost, such as a capitalized bond cost.~~

~~10. A cash equivalent, unless it is described in the footnotes for the balance sheet by item, and for investments, by duration and nature. A cash flow statement is not a sufficient description.~~

~~11. A contingency or commitment, including any estimated cost.~~

~~12. Any book adjustment caused by a change in an accounting policy or a restatement.~~

~~13.]~~ Goodwill or excess cost over the fair market value of assets.

~~[14.]~~ ***2.*** Any other items listed in the assets that are deemed unacceptable by the Commissioner because they cannot be justified or because they do not directly support the ability of the association or the member to pay a claim.

Sec. 29.5. Chapter 616B of NRS is hereby amended by adding thereto a new section to read as follows:

If a member of an association of self-insured public or private employers requests, in writing, information required for his certificate of insurance, the association shall, within 30 days after receiving the request, provide to the member information regarding claims paid and reserves for claims incurred that are maintained on behalf of the member.

Sec. 29.7. **NRS 616B.300 is hereby amended to read as follows:**

616B.300 1. An employer may qualify as a self-insured employer by establishing to the satisfaction of the Commissioner that the employer has sufficient administrative and financial resources to make certain the prompt payment of all compensation under chapters 616A to 616D, inclusive, or chapter 617 of NRS. ***For the purposes of this subsection, an employer has sufficient financial resources if the employer has:***

(a) A tangible net worth of not less than $2,500,000, as evidenced by a statement of tangible net worth provided to the Division of Insurance of the Department of Business and Industry by an independent certified public accountant; or

(b) Net cash flows from operating activities plus net cash flows from financing activities of five times the average of claims paid for each of the last 3 years or $7,500,000, whichever is less.

2. A self-insured employer must, in addition to establishing financial ability to pay, deposit with the Commissioner a bond executed by the employer as principal, and by a corporation qualified under the laws of this State as surety, payable to the State of Nevada, and conditioned upon the payment of compensation for injuries and occupational diseases to employees. The bond must be in an amount reasonably sufficient to ensure payment of compensation, but in no event may it be less than 105 percent of the employer's expected annual incurred cost of claims, or less than $100,000. In arriving at an amount for the expected annual cost of claims, due consideration must be given to the past and prospective experience of the employer with losses and expenses within this State, to the hazard of catastrophic loss, to other contingencies, and to trends within the State. In arriving at the amount of the deposit required, the Commissioner may consider the nature of the employer's business, the financial ability of the employer to pay compensation and his probable continuity of operation.

3. In lieu of a bond the employer may deposit with the Commissioner a like amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is unavailable for withdrawal except upon order of the Commissioner.

4. The required deposit may be increased or decreased by the Commissioner in accordance with chapter 681B of NRS and his regulations for loss reserves in casualty insurance. If the Commissioner requires an employer to increase his deposit, the Commissioner may specify the form of the additional security. The employer shall comply with such a requirement within 60 days after receiving notice from the Commissioner.

5. The Commissioner shall require the self-insured employer to submit evidence of excess insurance to provide protection against a catastrophic loss. The excess insurance must be written by an insurer authorized to do business in this State. The Commissioner shall consider the excess insurance coverage as a basis for a reduction in the deposit required of an employer.

6. The Account for Self-Insured Employers is hereby created in the State Agency Fund for Bonds. All money received by the Commissioner pursuant to this section must be deposited with the State Treasurer to the credit of the Account for Self-Insured Employers. All claims against this Account must be paid as other claims against the State are paid.

Sec. 29.8. **NRS 616B.353 is hereby amended to read as follows:**

616B.353 1. An association of self-insured public or private employers shall:

(a) Execute an indemnity agreement jointly and severally binding the association and each member of the association to secure the payment of all compensation due pursuant to chapters 616A to 617, inclusive, of NRS. The indemnity agreement must be in a form prescribed by the Commissioner. An association may add provisions to the indemnity agreement if they are first approved by the Commissioner.

(b) Except as otherwise provided in this subsection, maintain a policy of specific and aggregate excess insurance in a form and amount required by the Commissioner. The excess insurance must be written by an insurer approved by the Commissioner. To determine the amount of excess insurance required, the Commissioner shall consider:

(1) The number of members in the association;

(2) If the association is an association of self-insured public employers, the types of governmental services provided by the members of the association;

(3) If the association is an association of self-insured private employers, the classifications of employment of the members of the association;

(4) The number of years the association has been in existence; and

(5) Such other information as the Commissioner deems necessary.

➥ Nothing in this paragraph prohibits an association from purchasing secondary excess insurance in addition to the excess insurance required by this paragraph.

(c) Collect an annual assessment from each member of the association in an aggregate amount of at least $250,000 or in an aggregate amount which the Commissioner determines is satisfactory based on an annual review conducted by him of the actuarial solvency of the association.

(d) Except as otherwise provided in paragraph (e), deposit as security with the Commissioner a bond executed by the association as principal, and by a licensed surety, payable to the State of Nevada, and conditioned upon the payment of compensation for injuries and occupational diseases to their employees. The bond must be in an amount determined by the Commissioner to be reasonably sufficient to ensure payment of such compensation, but in no event may it be less than $100,000.

(e) In lieu of a bond, deposit with the Commissioner a like amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that

the amount is unavailable for withdrawal except upon order of the Commissioner.

2. Except as otherwise provided in subsection 3, in addition to complying with the requirements of subsection 1, an association of self-insured private employers shall maintain ~~[a]~~ ***either:***

(a) A combined tangible net worth of all members in the association of at least $2,500,000 ~~[.]~~ ***, as evidenced by a statement of tangible net worth provided to the Division of Insurance of the Department of Business and Industry by an independent certified public accountant; or***

(b) Combined net cash flows from operating activities plus net cash flows from financing activities of all members in the association of five times the average of claims paid for each of the last 3 years or $7,500,000, whichever is less.

3. In lieu of complying with the requirements of subsection 2, the association's administrator shall ensure that a solvency bond, in a form prescribed by the Commissioner and in an aggregate amount of at least $2,500,000, is deposited with the Commissioner by the association or members of the association on behalf of the association.

4. The association's administrator shall deposit with the Commissioner a bond executed by the association's administrator as principal, and by a licensed surety, payable to the State of Nevada, and conditioned upon the faithful performance of his duties. The bond must be in an amount determined by the Commissioner.

5. Any third-party administrator providing claims services for the association shall deposit with the Commissioner a bond executed by the third-party administrator as principal, and by a licensed surety, payable to the State of Nevada, and conditioned upon the faithful performance of its duties. The bond must be in an amount determined by the Commissioner.

6. The Commissioner may increase or decrease the amount of any bond or money required to be deposited by this section in accordance with chapter 681B of NRS and his regulations for loss reserves in casualty insurance. If the Commissioner requires an association, association's administrator or third-party administrator to increase its deposit, the Commissioner may specify the form of the additional security. The association, association's administrator or third-party administrator shall comply with such a requirement within 60 days after receiving notice from the Commissioner.

7. The Account for Associations of Self-Insured Public and Private Employers is hereby created in the State Agency Fund for Bonds. All money received by the Commissioner pursuant to this section must be deposited with the State Treasurer to the credit of the Account. All claims against this Account must be paid as other claims against the State are paid.

Sec. 30. NRS 616B.386 is hereby amended to read as follows:

616B.386 1. If an employer wishes to become a member of an association of self-insured public or private employers, the employer must:

(a) Submit an application for membership to the board of trustees or third-party administrator of the association; and

(b) Enter into an indemnity agreement as required by NRS 616B.353.

2. The membership of the applicant becomes effective when each member of the association approves the application or on a later date specified by the association. The application for membership and the action taken on the application must be maintained as permanent records of the board of trustees.

3. Each member who is a member of an association during the 12 months immediately following the formation of the association must:

(a) Have a tangible net worth of at least $500,000; or

(b) Have had a reported payroll for the previous 12 months which would have resulted in a manual premium of at least $15,000, calculated in accordance with a manual prepared pursuant to subsection 4 of NRS 686B.1765.

4. An employer who seeks to become a member of the association after the 12 months immediately following the formation of the association must meet the requirement set forth in paragraph (a) or (b) of subsection 3 unless the Commissioner adjusts the requirement for membership in the association after conducting an annual review of the actuarial solvency of the association pursuant to subsection 1 of NRS 616B.353.

5. An association of self-insured private employers may apply to the Commissioner for authority to determine the amount of tangible net worth and manual premium that an employer must have to become a member of the association. The Commissioner shall approve the application if the association:

(a) Has been certified to act as an association for at least the 3 consecutive years immediately preceding the date on which the association filed the application with the Commissioner;

(b) Has ~~[a]~~ ***either:***

(1) A combined tangible net worth of all members in the association of at least $5,000,000; ***or***

(2) Combined net cash flows from operating activities plus net cash flows from financing activities of all members in the association of five times the average of claims paid for each of the last 3 years or $7,500,000, whichever is less;

(c) Has at least 15 members; and

(d) Has not been required to meet informally with the Commissioner pursuant to subsection 1 of NRS 616B.431 during the 18-month period immediately preceding the date on which the association filed the application with the Commissioner or, if the association has been required to attend such a meeting during that period, has not had its certificate withdrawn before the date on which the association filed the application.

6. An association of self-insured private employers may apply to the Commissioner for authority to determine the documentation demonstrating

solvency that an employer must provide to become a member of the association. The Commissioner shall approve the application if the association:

(a) Has been certified to act as an association for at least the 3 consecutive years immediately preceding the date on which the association filed the application with the Commissioner;

(b) Has ~~[a]~~ ***either:***

(1) A combined tangible net worth of all members in the association of at least $5,000,000; ***or***

(2) Combined net cash flows from operating activities plus net cash flows from financing activities of all members in the association of five times the average of claims paid for each of the last 3 years or $7,500,000, whichever is less; and

(c) Has at least 15 members.

7. The Commissioner may withdraw his approval of an application submitted pursuant to subsection 5 or 6 if he determines the association has ceased to comply with any of the requirements set forth in subsection 5 or 6, as applicable.

8. A member of an association may terminate his membership at any time. To terminate his membership, a member must submit to the association's administrator a notice of intent to withdraw from the association at least 120 days before the effective date of withdrawal. The notice of intent to withdraw must include a statement indicating that the member has:

(a) Been certified as a self-insured employer pursuant to NRS 616B.312;

(b) Become a member of another association of self-insured public or private employers; or

(c) Become insured by a private carrier.

9. The members of an association may cancel the membership of any member of the association in accordance with the bylaws of the association.

10. The association shall:

(a) Within 30 days after the addition of an employer to the membership of the association, notify the Commissioner of the addition and:

(1) If the association has not received authority from the Commissioner pursuant to subsection 5 or 6, as applicable, provide to the Commissioner all information and assurances for the new member that were required from each of the original members of the association upon its organization; or

(2) If the association has received authority from the Commissioner pursuant to subsection 5 or 6, as applicable, provide to the Commissioner evidence that is satisfactory to the Commissioner that the new member is a member or associate member of the bona fide trade association as required pursuant to paragraph (a) of subsection 2 of NRS 616B.350, a copy of the indemnity agreement that jointly and severally binds the new member, the other members of the association and the association that is required to be executed pursuant to paragraph (a) of subsection 1 of NRS 616B.353 and any

other information the Commissioner may reasonably require to determine whether the amount of security deposited with the Commissioner pursuant to paragraph (d) or (e) of subsection 1 of NRS 616B.353 is sufficient, but such information must not exceed the information required to be provided to the Commissioner pursuant to subparagraph (1);

(b) Notify the Commissioner and the Administrator of the termination or cancellation of the membership of any member of the association within 10 days after the termination or cancellation; and

(c) At the expense of the member whose membership is terminated or cancelled, maintain coverage for that member for ~~[30]~~ ***60*** days after notice is given pursuant to paragraph (b), unless the association first receives notice from the Administrator that the member has:

(1) Been certified as a self-insured employer pursuant to NRS 616B.312;

(2) Become a member of another association of self-insured public or private employers; or

(3) Become insured by a private carrier.

11. If a member of an association changes his name or form of organization, the member remains liable for any obligations incurred or any responsibilities imposed pursuant to chapters 616A to 617, inclusive, of NRS under his former name or form of organization.

12. An association is liable for the payment of any compensation required to be paid by a member of the association pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during his period of membership. The insolvency or bankruptcy of a member does not relieve the association of liability for the payment of the compensation.

Sec. 30.3. NRS 616B.425 is hereby amended to read as follows:

616B.425 1. The Commissioner may issue an order requiring an association of self-insured public or private employers or a member of the association to cease and desist from engaging in any act or practice found to be in violation of any provision of NRS 616B.350 to 616B.446, inclusive, ***and section 29.5 of this act,*** or any regulation adopted pursuant thereto.

2. If the Commissioner determines that an association or a member of the association has violated an order to cease and desist, the Commissioner may impose an administrative fine of not more than $10,000 for each violation of the order, not to exceed an aggregate amount of $100,000, or withdraw the certificate of the association, or both.

Sec. 30.5. NRS 616B.428 is hereby amended to read as follows:

616B.428 1. The Commissioner may impose an administrative fine for each violation of any provision of NRS 616B.350 to 616B.446, inclusive, ***and section 29.5 of this act,*** or any regulation adopted pursuant thereto. Except as otherwise provided in those sections, the amount of the fine may not exceed $1,000 for each violation or an aggregate amount of $10,000.

2. The Commissioner may withdraw the certificate of an association of self-insured public or private employers if:

(a) The association's certificate was obtained by fraud;

(b) The application for certification contained a material misrepresentation;

(c) The association is found to be insolvent;

(d) The association fails to have five or more members;

(e) The association fails to pay the costs of any examination or any penalty, fee or assessment required by the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(f) The association fails to comply with any of the provisions of this chapter or chapter 616A, 616C, 616D or 617 of NRS, or any regulation adopted pursuant thereto;

(g) The association fails to comply with any order of the Commissioner within the time prescribed by the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS or in the order of the Commissioner; or

(h) The association or its third-party administrator misappropriates, converts, illegally withholds or refuses to pay any money to which a person is entitled and that was entrusted to the association in its fiduciary capacity.

3. If the Commissioner withdraws the certification of an association of self-insured public or private employers, each employer who is a member of the association remains liable for his obligations incurred before and after the order of withdrawal.

4. Any employer who is a member of an association whose certification is withdrawn shall, on the effective date of the withdrawal, qualify as an employer pursuant to NRS 616B.650.

Sec. 30.7. NRS 616B.446 is hereby amended to read as follows:

616B.446 The Commissioner may adopt such regulations as are necessary to carry out the provisions of NRS 616B.350 to 616B.446, inclusive ~~[.]~~ ***, and section 29.5 of this act.***

Sec. 31. NRS 232.825 is hereby amended to read as follows:

232.825 The Commissioner:

1. May appoint ~~[two]~~ ***three*** deputies. The deputies are in the unclassified service of the State. Except as otherwise provided in NRS 284.143, each deputy shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

2. Is responsible for the administration of the provisions of title 57 of NRS, and all other provisions of law relating to the functions of the Division.

3. May employ such staff as is necessary for the performance of his duties.

4. Has such other powers and duties as are provided by law.

Sec. 32. NRS 689A.735 and 694C.260 are hereby repealed.

Sec. 33. **1. This section and section 1 of this act become effective on July 1, 2007.**

2. Sections 1.03 to 32, inclusive, of this act become effective on October 1, 2007.

TEXT OF REPEALED SECTIONS

689A.735 Report to Commissioner by trustee of medical savings account. On or before July 1 of each year, a trustee of a medical savings account established and maintained in accordance with 26 U.S.C. § 220 shall report to the Commissioner the number of medical savings accounts administered by the trustee during the previous calendar year.

694C.260 Surplus required: Amount; form; Commissioner authorized to prescribe additional requirements; letter of credit.

1. A captive insurer must not be issued a license, and shall not hold a license, unless the captive insurer has and maintains, in addition to any other surplus required to be maintained pursuant to subsection 3, an unencumbered surplus of:

(a) For a pure captive insurer, not less than $100,000;

(b) For an association captive insurer incorporated as a stock insurer, not less than $300,000;

(c) For an agency captive insurer, not less than $300,000;

(d) For a rental captive insurer, not less than $400,000;

(e) For an association captive insurer incorporated as a mutual insurer or reciprocal insurer, not less than $500,000; and

(f) For a sponsored captive insurer, not less than $300,000.

2. Except as otherwise provided in subsection 3, the surplus required to be maintained pursuant to this section must be in the form of cash or an irrevocable letter of credit.

3. The Commissioner may prescribe additional requirements relating to surplus based on the type, volume and nature of the insurance business that is transacted by the captive insurer and requirements regarding which surplus, if any, may be in the form of an irrevocable letter of credit.

4. A letter of credit used by a captive insurer as evidence of required surplus pursuant to this section must:

(a) Be issued by a bank chartered by this State or a bank that is a member of the United States Federal Reserve System and has been approved by the Commissioner; and

(b) Include a provision pursuant to which the letter of credit is automatically renewable each year, unless the issuer gives written notice to the Commissioner and the captive insurer at least 90 days before the expiration date.

Assemblyman Oceguera moved that the Assembly concur in the Senate Amendment No. 990 to Assembly Bill No. 161.

Remarks by Assemblyman Oceguera.

Motion carried.

The following Senate amendment was read:

Amendment No. 1111.

AN ACT relating to insurance; making various changes relating to persons licensed or regulated by the Commissioner of Insurance; [~~authorizing the~~

~~Commissioner to conduct certain investigations;~~ increasing the maximum annual assessment on member insurers of the Nevada Life and Health Insurance Guaranty Association; revising provisions governing policies of various types of insurance; revising reporting requirements for an insurer that issues a policy of insurance covering the liability of a physician or osteopathic physician; making certain provisions applicable to title insurers, title agents and escrow officers; requiring a motor club to pay an administrative penalty for failing to pay an annual fee to the Commissioner timely; revising provisions governing claims against an insolvent insurer; making certain provisions applicable to licensed bail agents, bail solicitors, bail enforcement agents and general agents; repealing the requirement that a trustee of a medical savings account file an annual report with the Commissioner; increasing the number of deputies that the Commissioner may appoint; revising various provisions governing industrial insurance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, the Commissioner of Insurance is authorized to conduct examinations of insurers and certain other persons. (NRS 679B.230-679B.300) Section 1 of this bill authorizes the Commissioner to conduct investigations, both within and outside this State, of insurers and certain other persons.]~~

Existing law establishes certain requirements for business organizations to be licensed as producers of insurance. (NRS 683A.251) Sections 1.3 and 2 of this bill require such a business organization to report to the Commissioner **of Insurance** when another producer of insurance is authorized to act on its behalf and when such authorization is terminated.

Under existing law, insurers are required to be members of the Nevada Life and Health Insurance Guaranty Association. Member insurers are required to pay an annual assessment to the Association. (NRS 686C.240) Section 7 of this bill increases the maximum amount of such an assessment.

Existing law requires that an insurer which issues a policy covering the liability of a physician or osteopathic physician file a report with the Commissioner whenever a claim on the policy is closed. (NRS 690B.260) Section 16 of this bill changes the filing requirement to require that such a report be filed at the end of each calendar quarter on all claims closed during that quarter.

Existing law requires captive insurers to maintain certain levels of unimpaired paid-in capital and unencumbered surplus. (NRS 694C.250, 694C.260) Additionally, certain captive insurers are required to submit to the Commissioner an annual report on their financial condition. Section 19 of this bill increases the required levels of such capital and surplus. Section 23 of this bill applies the reporting requirement of captive insurers to sponsored captive insurers.

Existing law governs the filing of claims against an insurer against which delinquency proceedings have begun. Currently, claims are filed with the

receiver and a court determines the validity of the claim. (NRS 696B.330) Existing law establishes classes for the order of priority for distribution of the assets of an insurer to claimants against the insurer. (NRS 696B.420) Section 27 of this bill requires the receiver to determine the validity of a claim and to determine the priority of the claim. If a person objects to the determination of the receiver, the determination may be appealed to a court.

Existing law defines "tangible net worth" for the purposes of industrial insurance to include all assets of an association of self-insured private employers or of a member of such an association, but excepts a number of assets from the definition. (NRS 616A.330) Section 29 of this bill removes most of the exceptions.

Existing law provides that an employee leasing company shall be deemed to be the employer of its leased employees for the purposes of sponsoring and maintaining any benefit plans. (NRS 616B.691) Section 30.8 of this bill clarifies that such a company shall be deemed to be the employer for the purposes of the Employee Retirement Income Security Act of 1974 (ERISA). Section 30.8 also clarifies the prohibition against such a company offering a self-funded industrial insurance program.

Existing law authorizes the Commissioner to appoint two deputies. Section 31 of this bill authorizes the Commissioner to appoint one additional deputy.

Existing law requires a trustee of a medical savings account to file an annual report with the Commissioner. (NRS 689A.735) Section 32 of this bill repeals that requirement.

Chapter 616B of NRS governs providers of industrial insurance. Under existing law, certain employers and associations of employers may qualify as self-insurers. (NRS 616B.300, 616B.353, 616B.386) Section 29.5 of this bill requires associations of self-insured public and private employees to provide to members certain information regarding claims at the request of the member. Sections 29.7, 29.8 and 30 of this bill provide specific fiscal requirements for qualification as a self-insured employer or an association of self-insured public or private employers.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 679B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Commissioner may conduct investigations to determine whether any insurer or person identified in NRS 679B.230 or 679B.240 has violated any provision of this Code.*~~

~~*2. The Commissioner may:*~~

~~*(a) Use employees of the Division as investigators; or*~~

~~*(b) Contract with and procure the services of such investigators as he may reasonably require to conduct investigations. The Commissioner shall determine the qualifications required of such investigators, except that no*~~

~~*investigator who provides services pursuant to this paragraph may be in the classified service of the State.*~~

~~*3. Investigations may be conducted into activities occurring either within or outside this State. In conducting investigations, the Commissioner and his investigators may:*~~

~~*(a) Travel within or outside this State; and*~~

~~*(b) Cooperate with appropriate agencies or persons within or outside this State.*~~

~~*4. Investigations may be conducted before, during or after an examination conducted pursuant to this Code.*~~

~~*5. The provisions governing examinations set forth in NRS 679B.250, 679B.285 and 679B.287 apply to investigations conducted pursuant to this section.*~~

~~*6. The expenses of an investigation conducted pursuant to this section must be borne by the person investigated in the same manner as provided for examinations in NRS 679B.290.*~~

~~*7. The expenses paid by a person investigated pursuant to this section must be deposited in the State Treasury for credit to the Insurance Examination Fund created by NRS 679B.300, accounted for separately and used for the payment of investigation expenses. Payment of the expenses of an investigation pursuant to this section must be paid out of the Insurance Examination Fund as other claims against the State are paid.]~~ **(Deleted by amendment.)**

Sec. 1.03. NRS 681B.050 is hereby amended to read as follows:

681B.050 1. As to casualty insurance transacted by it, each insurer shall maintain at all times reserves in an amount estimated in the aggregate to provide for payment of all losses and claims incurred, whether reported or unreported, which are unpaid and for which the insurer may be liable and to provide for the expenses of adjustment or settlement of losses and claims. The reserves must be computed in accordance with regulations adopted from time to time by the Commissioner upon reasonable consideration of the ascertained experience and the character of such kind of business for the purpose of adequately protecting the insured and the solvency of the insurer.

2. Whenever the loss and loss expense experience of the insurer show that reserves, calculated in accordance with those regulations, are inadequate, the Commissioner may require the insurer to maintain additional reserves.

3. ~~[The minimum reserve requirements prescribed by the Commissioner for unpaid losses and loss expenses incurred during each of the most recent 3 years for coverages included in the lines of business described in the insurer's annual statement as workmen's compensation, liability other than automobile (B.I.), and automobile liability (B.I.) must not be less than the following: For workmen's compensation, 65 percent of premiums earned during each year less the amount already paid for losses and expenses incidental thereto incurred during the year; for liability other than automobile (B.I.) and automobile liability (B.I.), 60 percent of premiums earned during~~

~~each year less the amount already paid for losses and expenses incidental thereto incurred during the year.~~

~~4.~~] The Commissioner may, by regulation, prescribe the manner and form of reporting pertinent information concerning the reserves provided for in this section.

Sec. 1.05. NRS 682A.280 is hereby amended to read as follows:

682A.280 1. In addition to investments excluded pursuant to other provisions of this Code, an insurer shall not acquire, invest in or lend its funds upon the security of:

(a) Issued shares of its own capital stock, except as ***otherwise*** provided in NRS 693A.170 (purchase of own shares by stock insurer). No such shares shall be considered as an asset of the insurer in any determination of its financial condition.

(b) Securities issued by any corporation or enterprise the controlling interest of which is, or will after such acquisition by the insurer be, held directly or indirectly by the insurer or any combination of the insurer and the insurer's directors, officers, subsidiaries or controlling stockholders **,** ~~[(]~~ other than a parent corporation **,** ~~[),]~~ and the spouses and children of any of the foregoing individuals. Investments in controlled insurance corporations or subsidiaries under NRS 682A.120 and 682A.130 are not subject to the provisions of this section.

(c) Any note or other evidence of indebtedness of any director, officer, employee or controlling stockholder of the insurer, or of the spouse or child of any of the foregoing individuals, except as to ~~[policy]~~ ***:***

(1) Policy loans authorized under NRS 682A.170 ~~[.]~~ ***; or***

(2) Loans on the same terms and conditions as any other borrower which have been approved by a majority vote of the board of directors of the insurer ~~[.]~~ ***and which conform to the standards set forth in NRS 682A.230.***

(d) Any real property in which any officer or director of the insurer has a financial interest.

2. No insurer shall underwrite or participate in the underwriting of an offering of securities or property of any other person. This section shall not be deemed to prohibit the insurer from being a subsidiary which is the principal underwriter of a registered investment company (mutual fund).

3. No insurer shall enter into any agreement to withhold from sale any of its securities or property, and the disposition of its assets shall at all times be within the control of the insurer.

Sec. 1.1. Chapter 683A of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.5 of this act.

Sec. 1.3. ***1. A business organization which is licensed as a producer of insurance and which authorizes another producer of insurance to transact business on its behalf shall notify the Commissioner within 15 days after the effective date of the authorization in the manner prescribed by the Commissioner.***

2. A business organization which is licensed as a producer of insurance and which terminates the authorization of a producer of insurance for any reason shall notify the Commissioner within 30 days after the effective date of the termination in the manner prescribed by the Commissioner. The business organization shall provide additional information or documents if so requested in writing by the Commissioner.

3. If the reason for termination is an activity described in NRS 683A.451 as a cause for disciplinary action or the business organization knows that the producer of insurance has been found to have engaged in such an activity by a court, governmental agency or self-regulatory organization authorized by law, the business organization shall notify the Commissioner, in the manner prescribed by the Commissioner, if the business organization discovers additional information that would have been reportable originally to the Commissioner if the business organization had then known it.

Sec. 1.5. ***1. If an administrator establishes a panel of providers of health care or contracts with an organization that establishes a panel of providers of health care, the administrator shall not charge a provider of health care or such an organization:***

(a) Any fee to include the name of the provider of health care on the panel; or

(b) Any other fee related to establishing the provider of health care as a provider on the panel.

2. If an administrator violates the provisions of subsection 1, the administrator shall pay to the provider of health care or organization, as appropriate, an amount that is equal to twice the fee charged to the provider of health care or the organization.

3. A court shall award costs and reasonable attorney's fees to the prevailing party in any action brought to enforce the provisions of this section.

4. In addition to any relief granted pursuant to this section, if an administrator violates the provisions of subsection 1, the Division shall require the administrator to suspend the prohibited activities until the administrator, as determined by the Division:

(a) Complies with the provisions of subsection 1; and

(b) Refunds to all providers of health care or organizations, as appropriate, all fees obtained by the administrator in violation of subsection 1.

Sec. 1.7. NRS 683A.0805 is hereby amended to read as follows:

683A.0805 As used in NRS 683A.0805 to 683A.0893, inclusive, ***and section 1.5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 683A.081 to 683A.084, inclusive, have the meanings ascribed to them in those sections.

Sec. 1.9. NRS 683A.08528 is hereby amended to read as follows:

683A.08528 1. Not later than July 1 of each year, each holder of a certificate of registration as an administrator shall file with the Commissioner an annual report for the most recently completed fiscal year of the administrator. Each annual report must be verified by at least two officers of the administrator.

2. Each annual report filed pursuant to this section must include all the following:

(a) ~~[Except as otherwise provided in this paragraph, a]~~ ***A*** financial statement of the administrator that has been ~~[audited and prepared by an independent certified public accountant. In lieu of a financial statement that has been audited and prepared by an independent certified public accountant, the administrator may include with the annual report a financial statement that has been]~~ reviewed by an independent certified public accountant**.** ~~[if:~~

~~(1) The total business assets of the administrator were less than $100,000 at the end of the most recently completed fiscal year of the administrator; or~~

~~(2) The administrator did not have any agreements to act as an administrator during the most recently completed fiscal year of the administrator.]~~

(b) The complete name and address of each person, if any, for whom the administrator agreed to act as an administrator during the most recently completed fiscal year of the administrator.

(c) Any other information required by the Commissioner.

3. In addition to the information required pursuant to subsection 2, if an annual report is prepared on a consolidated basis, the annual report must include a columnar or combining worksheet that:

(a) Includes the amounts shown on the consolidated financial statement accompanying the annual report;

(b) Separately sets forth the amounts for each entity included in the worksheet; and

(c) Includes an explanation of each consolidating and eliminating entry included in the worksheet.

4. Each administrator who files an annual report pursuant to this section shall, at the time of filing the annual report, pay a filing fee in an amount determined by the Commissioner.

5. ~~[On or before September 1 of each year, the]~~ ***The*** Commissioner shall, for each administrator, review the annual report that is most recently filed by the administrator. As soon as practicable after reviewing the report, the Commissioner shall:

(a) Issue a certificate to the administrator:

(1) Indicating that, based on the annual report and accompanying financial statement, the administrator has a positive net worth and is currently licensed and in good standing in this State; or

(2) Setting forth any deficiency found by the Commissioner in the annual report and accompanying financial statement; or

(b) Submit a statement to any electronic database maintained by the National Association of Insurance Commissioners or any affiliate or subsidiary of the Association:

(1) Indicating that, based on the annual report and accompanying financial statement, the administrator has a positive net worth and is in compliance with existing law; or

(2) Setting forth any deficiency found by the Commissioner in the annual report and accompanying financial statement.

Sec. 2. NRS 683A.251 is hereby amended to read as follows:

683A.251 1. The Commissioner shall prescribe the form of application by a natural person for a license as a resident producer of insurance. The applicant must declare, under penalty of refusal to issue, or suspension or revocation of, the license, that the statements made in the application are true, correct and complete to the best of his knowledge and belief. Before approving the application, the Commissioner must find that the applicant has:

(a) Attained the age of 18 years;

(b) Not committed any act that is a ground for refusal to issue, or suspension or revocation of, a license;

(c) Completed a course of study for the lines of authority for which the application is made, unless the applicant is exempt from this requirement;

(d) Paid the fee prescribed for the license and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account, neither of which may be refunded; and

(e) Successfully passed the examinations for the lines of authority for which application is made, unless the applicant is exempt from this requirement.

2. A business organization must be licensed as a producer of insurance in order to act as such. Application must be made on a form prescribed by the Commissioner. Before approving the application, the Commissioner must find that the applicant has:

(a) Paid the fee prescribed for the license and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account, neither of which may be refunded; ~~[and]~~

(b) Designated a natural person who is licensed as a producer of insurance and who is ~~[affiliated with]~~ ***authorized to transact business on behalf of*** the business organization to be responsible for the organization's compliance with the laws and regulations of this State relating to insurance ~~[.]~~ ***; and***

(c) If the business organization has authorized a producer of insurance not designated pursuant to paragraph (b) to transact business on behalf of the business organization, submitted to the Commissioner on a form prescribed by the Commissioner the name of each producer of insurance authorized to transact business on behalf of the business organization.

3. A natural person who is a resident of this State applying for a license must furnish a complete set of his fingerprints which the Commissioner may forward to the Central Repository for Nevada Records of Criminal History

for submission to the Federal Bureau of Investigation for its report. The Commissioner shall adopt regulations concerning the procedures for obtaining this information.

4. The Commissioner may require any document reasonably necessary to verify information contained in an application.

Sec. 3. NRS 683A.261 is hereby amended to read as follows:

683A.261 1. Unless the Commissioner refuses to issue the license under NRS 683A.451, he shall issue a license as a producer of insurance to a person who has satisfied the requirements of NRS 683A.241 and 683A.251. A producer of insurance may qualify for a license in one or more of the lines of authority permitted by statute or regulation, including:

(a) Life insurance on human lives, which includes benefits from endowments and annuities and may include additional benefits from death by accident and benefits for dismemberment by accident and for disability.

(b) Health insurance for sickness, bodily injury or accidental death, which may include benefits for disability.

(c) Property insurance for direct or consequential loss or damage to property of every kind.

(d) Casualty insurance against legal liability, including liability for death, injury or disability and damage to real or personal property.

(e) Surety indemnifying financial institutions or providing bonds for fidelity, performance of contracts or financial guaranty.

(f) Variable annuities and variable life insurance, including coverage reflecting the results of a separate investment account.

(g) Credit insurance, including life, disability, property, unemployment, involuntary unemployment, mortgage life, mortgage guaranty, mortgage disability, guaranteed protection of assets, and any other form of insurance offered in connection with an extension of credit that is limited to wholly or partially extinguishing the obligation which the Commissioner determines should be considered as limited-line credit insurance.

(h) Personal lines, consisting of automobile and motorcycle insurance and residential property insurance, including coverage for flood, of personal watercraft and of excess liability, written over one or more underlying policies of automobile or residential property insurance.

(i) Fixed annuities as a limited line.

(j) Travel and baggage as a limited line.

(k) Rental car agency as a limited line.

2. A license as a producer of insurance remains in effect unless revoked, suspended or otherwise terminated if a request for a renewal is submitted on or before the date for the renewal specified on the license, the fee for renewal and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account are paid for each license and each ~~[affiliation with]~~ ***authorization to transact business on behalf of*** a business organization licensed pursuant to subsection 2 of NRS 683A.251, and any requirement for education or any other requirement to renew the license is

satisfied by the date specified on the license for the renewal. A producer of insurance may submit a request for a renewal of his license within 30 days after the date specified on the license for the renewal if the producer of insurance otherwise complies with the provisions of this subsection and pays, in addition to any fee paid pursuant to this subsection, a penalty of 50 percent of the renewal fee. A license as a producer of insurance expires if the Commissioner receives a request for a renewal of the license more than 30 days after the date specified on the license for the renewal. A fee paid pursuant to this subsection is nonrefundable.

3. A natural person who allows his license as a producer of insurance to expire may reapply for the same license within 12 months after the date specified on the license for a renewal without passing a written examination or completing a course of study required by paragraph (c) of subsection 1 of NRS 683A.251, but a penalty of twice the renewal fee is required for any request for a renewal of the license that is received after the date specified on the license for the renewal.

4. A licensed producer of insurance who is unable to renew his license because of military service, extended medical disability or other extenuating circumstance may request a waiver of the time limit and of any fine or sanction otherwise required or imposed because of the failure to renew.

5. A license must state the licensee's name, address, personal identification number, the date of issuance, the lines of authority and the date of expiration and must contain any other information the Commissioner considers necessary. A resident producer of insurance shall maintain a place of business in this State which is accessible to the public and where he principally conducts transactions under his license. The place of business may be in his residence. The license must be conspicuously displayed in an area of the place of business which is open to the public.

6. A licensee shall inform the Commissioner of each change of location from which he conducts business as a producer of insurance and each change of business or residence address, in writing or by other means acceptable to the Commissioner, within 30 days after the change. If a licensee changes the location from which he conducts business as a producer of insurance or his business or residence address without giving written notice and the Commissioner is unable to locate the licensee after diligent effort, he may revoke the license without a hearing. The mailing of a letter by certified mail, return receipt requested, addressed to the licensee at his last mailing address appearing on the records of the Division, and the return of the letter undelivered, constitutes a diligent effort by the Commissioner.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 686C.240 is hereby amended to read as follows:

686C.240 1. The Board of Directors ***of the Association*** shall determine the amount of each assessment in Class A and may, but need not, prorate it.

If an assessment is prorated, the Board may provide that any surplus be credited against future assessments in Class B. An assessment which is not prorated must not exceed ~~[$150]~~ ***$300*** for each member insurer for any ~~[one]~~ ***1*** calendar year.

2. The Board may allocate any assessment in Class B among the accounts according to the premiums or reserves of the impaired or insolvent insurer or any other standard which it considers fair and reasonable under the circumstances.

3. Assessments in Class B against member insurers for each account and subaccount must be in the proportion that the premiums received on business in this State by each assessed member insurer on policies or contracts covered by each account or subaccount for the 3 most recent calendar years for which information is available preceding the year in which the insurer became impaired or insolvent bears to premiums received on business in this State for those calendar years by all assessed member insurers.

4. Assessments for money to meet the requirements of the Association with respect to an impaired or insolvent insurer must not be authorized or called until necessary to carry out the purposes of this chapter. Classification of assessments under subsection 2 of NRS 686C.230 and computation of assessments under this section must be made with a reasonable degree of accuracy, recognizing that exact determinations may not always be possible. The Association shall notify each member insurer of its anticipated prorated share of an assessment authorized but not yet called within 180 days after it is authorized.

Sec. 8. NRS 687B.350 is hereby amended to read as follows:

687B.350 1. Except as otherwise provided in subsection 2, an insurer shall not renew a policy on different terms, including different rates, unless the insurer notifies the insured in writing of the different terms or rates at least 30 days before the expiration of the policy. If the insurer fails to provide adequate and timely notice, the insurer shall renew the policy at the expiring terms and rates:

(a) For a period that is equal to the expiring term if the agreed term is 1 year or less; or

(b) For 1 year if the agreed term is more than 1 year.

2. The provisions of this section do not apply to ***a change in the rate for*** a policy of industrial insurance ~~[.]~~ ***which is based on:***

(a) A change to a prospective loss cost filed by the Advisory Organization pursuant to NRS 686B.177 that is applicable to the risk; or

(b) A correction based on the experience that is applicable to the risk in accordance with the Uniform Plan for Rating Experience filed with the Commissioner pursuant to NRS 686B.177.

Sec. 9. NRS 689.150 is hereby amended to read as follows:

689.150 As used in NRS 689.150 to 689.375, inclusive, unless the context otherwise requires:

1. "Funeral service or services" means those services performed normally by funeral directors or funeral or mortuary parlors and includes their sales of supplies and equipment for burial. The term includes cremations and crematory services. The term does not include services performed by a cemetery or the sale by a cemetery of services, interests in land, markers, memorials, monuments or merchandise and equipment in relation to the cemetery or the sale of crypts or niches constructed or to be constructed in a mausoleum or columbarium or otherwise on the property of a cemetery.

2. "Performer" means any person designated in a prepaid contract to furnish the funeral services, supplies and equipment covered by the contract on the demise of the beneficiary.

3. "Prepaid contract" means any contract under which, for a specified consideration paid in advance in a lump sum or by installments ~~[, a person]~~ ***or payable solely from the proceeds of a policy of life insurance, the seller of the contract guarantees or*** promises either before or upon the death of a beneficiary named in or otherwise ascertainable from the contract to furnish funeral services and merchandise. The term does not include a contract of insurance or any instrument in writing whereby any charitable, religious, benevolent or fraternal benefit society, corporation, association, institution or organization, not having for its object or purpose pecuniary profit, promises or agrees to embalm, inter or otherwise dispose of the remains of any person, or to procure or pay the expenses, or any part thereof, of embalming, interring or otherwise disposing of the remains of any person.

Sec. 10. NRS 689.185 is hereby amended to read as follows:

689.185 1. ***Except as otherwise provided in subsection 2:***

(a) Before the issuance of a certificate of authority, the seller shall post with the Commissioner and thereafter maintain in force a bond in the principal sum of $50,000 issued by an authorized corporate surety in favor of the State of Nevada, or a deposit of cash or negotiable securities or a combination of cash and negotiable securities. If a deposit is made in lieu of a bond, the deposit must at all times have a market value of not less than the amount of the bond required by the Commissioner.

~~[2.]~~ ***(b)*** The bond or deposit must be held for the benefit of buyers of prepaid contracts, and other persons as their interests may appear, who may be damaged by misuse or diversion of money by the seller or his agents, or to satisfy any judgments against the seller for failure to perform a prepaid contract. The aggregate liability of the surety for all breaches of the conditions of the bond must not exceed the sum of the bond. The surety on the bond has the right to cancel the bond upon giving 30 days' notice to the Commissioner and thereafter is relieved of liability for any breach of condition occurring after the effective date of the cancellation.

~~[3.]~~ ***(c)*** The Commissioner shall release the bond or deposit after the seller has ceased doing business as such and the Commissioner is satisfied of

the nonexistence of any obligation or liability of the seller for which the bond or deposit was held.

2. The Commissioner may waive the requirements of subsection 1 if the seller agrees:

(a) To offer for sale only prepaid contracts that are payable solely from the proceeds of a policy of life insurance; and

(b) Not to collect any money from the purchaser of a prepaid contract.

Sec. 11. NRS 689.315 is hereby amended to read as follows:

689.315 1. ***Except as otherwise provided in subsection 2:***

(a) The seller shall establish and maintain a trust fund with an authorized trustee, for the benefit of the beneficiary of the prepaid contract, in accordance with the trust agreement filed with and approved by the Commissioner.

~~[2.]~~ ***(b)*** The seller shall maintain unimpaired and shall deposit in the trust fund, within 15 days after the end of the month in which payment was received, all installments received on prepaid contracts sold after the sales commission has been deducted.

~~[3.]~~ ***(c)*** The trustee shall, with respect to the money in the trust fund, exercise the judgment and care under the circumstances then prevailing which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their money, considering the probable income as well as the probable safety of their capital. Within the limitations of such standards, and subject to any express provision or limitation contained in any particular trust instrument, a trustee may acquire and retain every kind of investment, specifically including bonds, debentures and other corporate obligations and stocks, preferred or common, which persons of prudence, discretion and intelligence acquire or retain for their own account.

~~[4.]~~ ***(d)*** Except as otherwise provided in NRS 689.150 to 689.375, inclusive, or the trust agreement approved in writing by the Commissioner or as may be required by an order of a court of competent jurisdiction, the trustees shall maintain the trust fund intact and unimpaired and shall make no other payment or disbursement from the trust fund.

2. The requirements of subsection 1 do not apply if:

(a) The prepaid contract is payable solely from the proceeds of a policy of life insurance; and

(b) The seller of the prepaid contract does not collect any money from the purchaser of the prepaid contract.

Sec. 12. NRS 689.475 is hereby amended to read as follows:

689.475 1. "Prepaid contract" means any contract under which, for a specified consideration paid in advance in a lump sum or by installments ~~[, a person]~~ ***or payable solely from the proceeds of a policy of life insurance, the seller of the contract guarantees or*** promises, either before or upon the death of a beneficiary named in or otherwise ascertainable from the contract,

to provide burial services and to furnish adaptable or suitable personal property, merchandise, supplies or facilities in connection with such services.

2. "Prepaid contract" does not include a contract of insurance or any instrument in writing whereby any charitable, religious, benevolent or fraternal benefit society, corporation, association, institution or organization, not having for its object or purpose pecuniary profit, promises or agrees to embalm, inter or otherwise dispose of the remains of any person, or to procure or pay the expenses, or any part thereof, for embalming, interring or otherwise disposing of the remains of any person.

Sec. 13. NRS 689.495 is hereby amended to read as follows:

689.495 1. ***Except as otherwise provided in subsection 2:***

(a) Before the issuance of a permit to a seller, the seller shall post with the Commissioner and thereafter maintain in force a bond in the principal sum of $50,000 issued by an authorized corporate surety in favor of the State of Nevada, or a deposit of cash or negotiable securities or a combination of cash and negotiable securities. If a deposit is made in lieu of a bond, the deposit must at all times have a market value not less than the amount of the bond required by the Commissioner.

~~[2.]~~ ***(b)*** The bond or deposit must be held for the benefit of buyers of prepaid contracts, and other persons as their interests may appear, who may be damaged by misuse or diversion of money by the seller or his agents, or to satisfy any judgments against the seller for failure to perform a prepaid contract. The aggregate liability of the surety for all breaches of the conditions of the bond must not exceed the sum of the bond. The surety on the bond has the right to cancel the bond upon giving 30 days' notice to the Commissioner and thereafter is relieved of liability for any breach of condition occurring after the effective date of the cancellation.

~~[3.]~~ ***(c)*** The Commissioner shall release the bond or deposit after the seller has ceased doing business as such and the Commissioner is satisfied of the nonexistence of any obligation or liability of the seller for which the bond or deposit was held.

2. The Commissioner may waive the requirements of subsection 1 if the seller agrees:

(a) To offer for sale only prepaid contracts that are payable solely from the proceeds of a policy of life insurance; and

(b) Not to collect any money from the purchaser of a prepaid contract.

Sec. 14. NRS 689.560 is hereby amended to read as follows:

689.560 1. ***Except as otherwise provided in subsection 2:***

(a) The seller shall establish and maintain a trust fund with an authorized trustee, for the benefit of the beneficiary of the prepaid contract, in accordance with the trust agreement filed with and approved by the Commissioner.

~~[2.]~~ ***(b)*** The seller shall maintain unimpaired and shall deposit in the trust fund, within 15 days after the end of the month in which payment was

received, all installments received on prepaid contracts sold after the sales commission has been deducted.

~~[3.]~~ ***(c)*** The trustee shall, with respect to the money in the trust fund, exercise the judgment and care under the circumstances then prevailing which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their money, considering the probable income as well as the probable safety of their capital. Within the limitations of such standards, and subject to any express provision or limitation contained in any particular trust instrument, a trustee may acquire and retain every kind of investment, specifically including bonds, debentures and other corporate obligations and stocks, preferred or common, which persons of prudence, discretion and intelligence acquire or retain for their own account.

~~[4. Except]~~

(d) The trustee shall, except as otherwise provided in NRS 689.450 to 689.595, inclusive, or the trust agreement approved in writing by the Commissioner or as may be required by an order of a court of competent jurisdiction, ~~[the trustees shall]~~ maintain the trust fund intact and unimpaired and ~~[shall]~~ not make any payment or disbursement from the trust fund.

2. The requirements of subsection 1 do not apply if:

(a) The prepaid contract is payable solely from the proceeds of a policy of life insurance; and

(b) The seller of the prepaid contract does not collect any money from the purchaser of the prepaid contract.

Sec. 15. NRS 689C.075 is hereby amended to read as follows:

689C.075 1. "Health benefit plan" means a policy ~~[or certificate for hospital or medical expenses, a contract for dental, hospital or medical services, or a health care plan of a health maintenance organization available for use, offered or sold to a small employer.]~~ ***, contract, certificate or agreement to provide for, deliver payment for, arrange for the payment of, pay for or reimburse any of the costs of health care services.*** Except as otherwise provided in this section, the term includes short-term and catastrophic health insurance policies ~~[,]~~ and a policy that pays on a cost-incurred basis.

2. The term does not include:

(a) Coverage that is only for accident or disability income insurance, or any combination thereof;

(b) Coverage issued as a supplement to liability insurance;

(c) Liability insurance, including general liability insurance and automobile liability insurance;

(d) Workers' compensation or similar insurance;

(e) Coverage for medical payments under a policy of automobile insurance;

(f) Credit insurance;

(g) Coverage for on-site medical clinics;

(h) Coverage under a short-term health insurance policy;

(i) Coverage under a blanket student accident and health insurance policy; and

(j) Other similar insurance coverage specified in federal regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, under which benefits for medical care are secondary or incidental to other insurance benefits.

3. If the benefits are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of a health benefit plan, the term does not include the following benefits:

(a) Limited-scope dental or vision benefits;

(b) Benefits for long-term care, nursing home care, home health care or community-based care, or any combination thereof; and

(c) Such other similar benefits as are specified in any federal regulations adopted pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

4. If the benefits are provided under a separate policy, certificate or contract of insurance, there is no coordination between the provision of the benefits and any exclusion of benefits under any group health plan maintained by the same plan sponsor, and the benefits are paid for a claim without regard to whether benefits are provided for such a claim under any group health plan maintained by the same plan sponsor, the term does not include:

(a) Coverage that is only for a specified disease or illness; and

(b) Hospital indemnity or other fixed indemnity insurance.

5. If offered as a separate policy, certificate or contract of insurance, the term does not include:

(a) Medicare supplemental health insurance as defined in section 1882(g)(1) of the Social Security Act, 42 U.S.C. § 1395ss, as that section existed on July 16, 1997;

(b) Coverage supplemental to the coverage provided pursuant to the Civilian Health and Medical Program of Uniformed Services, CHAMPUS, 10 U.S.C. §§ 1071 et seq.; and

(c) Similar supplemental coverage provided under a group health plan.

Sec. 15.5. NRS 689C.170 is hereby amended to read as follows:

689C.170 1. A carrier serving small employers may vary the application of requirements for minimum participation of eligible employees and minimum employer's contributions only by the size of the small employer's group ~~[.]~~ ***or the product offered.***

2. In applying requirements for minimum participation with respect to a small employer, a carrier shall not consider employees or dependents who have creditable coverage when determining whether the applicable percentage of participation is met, but may consider employees or dependents who have coverage under another health benefit plan that is sponsored by the employer.

3. A carrier shall not deny an application for coverage solely because the applicant works in a certain industry.

4. After a small employer has been accepted for coverage, a carrier shall not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to the small employer.

Sec. 16. NRS 690B.260 is hereby amended to read as follows:

690B.260 1. Each insurer which issues a policy of insurance covering the liability of a physician licensed under chapter 630 of NRS or an osteopathic physician licensed under chapter 633 of NRS for a breach of his professional duty toward a patient shall, within 45 days after ~~[a claim is closed under the policy,]~~ ***the end of a calendar quarter,*** submit a report to the Commissioner concerning ~~[the claim.]~~ ***each claim that was closed during that calendar quarter under such a policy of insurance issued by the insurer and any change during that calendar quarter to any claim under such a policy of insurance issued by the insurer that was closed during a previous calendar quarter.*** The report must include, without limitation:

(a) The name and address of the claimant and the insured under ~~[the]~~ ***each*** policy;

(b) A statement setting forth the circumstances of ~~[the]~~ ***that*** case;

(c) Information indicating whether any payment was made on ~~[the]~~ ***a*** claim and the amount of the payment, if any; and

(d) The information specified in subsection 2 of NRS 679B.144 ~~[.]~~ ***for each claim.***

2. An insurer who fails to comply with the provisions of subsection 1 is subject to the imposition of an administrative fine pursuant to NRS 679B.460.

3. The Commissioner shall, within 30 days after receiving a report from an insurer pursuant to this section, submit a report to the Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, setting forth the information provided to the Commissioner by the insurer pursuant to this section.

Sec. 17. NRS 690C.080 is hereby amended to read as follows:

690C.080 ***1.*** "Service contract" means a contract pursuant to which a provider, in exchange for separately stated consideration, is obligated for a specified period to a holder to repair, replace or perform maintenance on, or indemnify or reimburse the holder for the costs of repairing, replacing or performing maintenance on, goods that are described in the service contract and which have an operational or structural failure as a result of a defect in materials, workmanship or normal wear and tear, including, without limitation:

~~[1.]~~ ***(a)*** A contract that includes a provision for incidental payment of indemnity under limited circumstances, including, without limitation, towing, rental and emergency road service; and

~~[2.]~~ ***(b)*** A contract that provides for the repair, replacement or maintenance of goods for damages that result from power surges or accidental damage from handling.

2. The term does not include a contract pursuant to which a provider, other than the manufacturer, builder, seller or lessor of a manufactured home, in exchange for separately stated consideration, is obligated for a specified period to a holder to repair or replace, or indemnify or reimburse the holder for the costs of repairing or replacing, any component of the physical structure of the manufactured home, including, without limitation, the walls, roof supports, structural floor base or foundation.

Sec. 18. NRS 692A.270 is hereby amended to read as follows:

692A.270 The provisions of NRS ***683A.321, 683A.331,*** 683A.341, 683A.400, 683A.451 to 683A.490, inclusive, and 683A.520 apply to title insurers, title agents and escrow officers.

Sec. 19. NRS 694C.250 is hereby amended to read as follows:

694C.250 1. A captive insurer must not be issued a license, and shall not hold a license, unless the captive insurer has and maintains, in addition to any other capital ***or surplus*** required to be maintained pursuant to subsection 3, unimpaired paid-in capital ***and unencumbered surplus*** of:

(a) For a pure captive insurer, not less than ~~[$100,000;]~~ ***$200,000;***

(b) For an association captive insurer ***,*** ~~[incorporated as a stock insurer,]~~ not less than ~~[$200,000;]~~ ***$500,000;***

(c) For an agency captive insurer, not less than ~~[$300,000;]~~ ***$600,000;***

(d) For a rental captive insurer, not less than ~~[$400,000;]~~ ***$800,000;*** and

(e) For a sponsored captive insurer, not less than ~~[$200,000.]~~ ***$500,000.***

2. Except as otherwise provided by the Commissioner pursuant to subsection 3, the capital ***and surplus*** required to be maintained pursuant to this section must be in the form of cash or an irrevocable letter of credit.

3. The Commissioner may prescribe additional requirements relating to capital ***or surplus*** based on the type, volume and nature of the insurance business that is transacted by the captive insurer and requirements regarding which capital ~~[,]~~ ***and surplus,*** if any, may be in the form of an irrevocable letter of credit.

4. A letter of credit used by a captive insurer as evidence of capital ***and surplus*** required pursuant to this section must:

(a) Be issued by a bank chartered by this State or a bank that is a member of the United States Federal Reserve System and has been approved by the Commissioner; and

(b) Include a provision pursuant to which the letter of credit is automatically renewable each year, unless the issuer gives written notice to the Commissioner and the captive insurer at least 90 days before the expiration date.

Sec. 20. NRS 694C.270 is hereby amended to read as follows:

694C.270 1. The Commissioner may suspend or revoke the license of a captive insurer if, after an examination and hearing, the Commissioner determines that:

(a) The captive insurer:

(1) Is insolvent or has impaired its required capital or surplus;

(2) Has failed to meet a requirement of NRS 694C.250, ~~[694C.260,]~~ 694C.320 or 694C.330;

(3) Has refused or failed to submit an annual report, as required by NRS 694C.400, or any other report or statement required by law or by order of the Commissioner;

(4) Has failed to comply with the provisions of its charter or bylaws;

(5) Has failed to submit to an examination required pursuant to NRS 694C.410;

(6) Has refused or failed to pay the cost of an examination required pursuant to NRS 694C.410;

(7) Has used any method in transacting insurance pursuant to this chapter which is detrimental to the operation of the captive insurer or would make its condition unsound with respect to its policyholders or the general public; or

(8) Has failed otherwise to comply with the laws of this State; and

(b) The suspension or revocation of the license of the captive insurer is in the best interest of its policyholders or the general public.

2. The provisions of NRS 679B.310 to 679B.370, inclusive, apply to hearings conducted pursuant to this section.

Sec. 21. NRS 694C.340 is hereby amended to read as follows:

694C.340 1. Except as otherwise provided in this section and NRS 694C.382, an association captive insurer, an agency captive insurer, a rental captive insurer or a sponsored captive insurer shall comply with the requirements relating to investments set forth in chapter 682A of NRS. Upon the request of the association captive insurer, agency captive insurer, rental captive insurer or sponsored captive insurer, the Commissioner may approve the use of reliable, alternative methods of valuation and rating.

2. A pure captive insurer is not subject to any restrictions on allowable investments, except that the Commissioner may prohibit or limit any investment that threatens the solvency or liquidity of the pure captive insurer.

3. A pure captive insurer may make a loan to its parent or affiliated company if the loan:

(a) Is first approved in writing by the Commissioner;

(b) Is evidenced by a note that is in a form that is approved by the Commissioner; and

(c) Does not include any money that has been set aside as capital or surplus as required by subsection 1 of NRS 694C.250 **.** ~~[or subsection 1 of NRS 694C.260.]~~

Sec. 22. NRS 694C.384 is hereby amended to read as follows:

694C.384 1. As security for the payment of liabilities attributable to the branch operations of a branch captive insurer, the Commissioner shall require that a trust fund, funded by an irrevocable letter of credit or other acceptable asset, be established and maintained in the United States for the benefit of United States policyholders and ceding United States insurers under insurance policies or reinsurance contracts issued or assumed by the branch captive insurer through its branch operations.

2. The amount of the security must be not less than the total amount required by NRS 694C.250 **,** ~~[and 694C.260,]~~ and any reserves on such insurance policies or reinsurance contracts, including reserves for losses, allocated loss adjustment expenses, incurred but not reported losses and unearned premiums with regard to business written through the branch operations. The Commissioner may authorize a branch captive insurer that is required to post security for loss reserves on branch business by its reinsurer to reduce the funds in the trust account required by this section by that same amount as long as the security remains posted with the reinsurer.

3. If the form of the security is a letter of credit, the letter of credit must be established, issued or confirmed by a bank chartered in this State or a bank that is a member of the Federal Reserve System.

Sec. 23. NRS 694C.400 is hereby amended to read as follows:

694C.400 1. On or before March 1 of each year, a captive insurer shall submit to the Commissioner a report of its financial condition, as prepared by a certified public accountant. A captive insurer shall use generally accepted accounting principles and include any useful or necessary modifications or adaptations thereof that have been approved or accepted by the Commissioner for the type of insurance and kinds of insurers to be reported upon, and as supplemented by additional information required by the Commissioner. Except as otherwise provided in this section, each association captive insurer, agency captive insurer **,** ~~[or]~~ rental captive insurer ***or sponsored captive insurer*** shall file its report in the form required by NRS 680A.265. The Commissioner shall adopt regulations designating the form in which pure captive insurers must report.

2. A pure captive insurer may apply, in writing, for authorization to file its annual report based on a fiscal year that is consistent with the fiscal year of the parent company of the pure captive insurer. If an alternative date is granted:

(a) The annual report is due not later than 60 days after the end of each such fiscal year; and

(b) The pure captive insurer shall file on or before March 1 of each year such forms as required by the Commissioner by regulation to provide sufficient detail to support its premium tax return filed pursuant to NRS 694C.450.

Sec. 24. NRS 695D.270 is hereby amended to read as follows:

695D.270 1. The Commissioner shall, ~~[once:~~

~~(a) Every 6 months for the first~~ ***not less frequently than once every*** 3 years ~~,~~ ***,*** ~~[after an organization for dental care receives its certificate of authority; and~~

~~(b) Each year thereafter,~~

~~➥~~] conduct an examination of ~~[the]~~ ***an*** organization ***for dental care*** pursuant to NRS 679B.250 to 679B.300, inclusive.

2. The Commissioner may examine any organization which holds a certificate of authority from this State or another state at any other time he deems necessary. For those organizations transacting business in this State which are not organized in this State, the Commissioner may accept a full report of the last examination of the organization certified by the state officer who supervises those organizations in the other state, if that examination is equivalent to an examination conducted by the Commissioner.

3. The Commissioner shall, in like manner, examine all organizations applying for a certificate of authority.

Sec. 25. NRS 695F.310 is hereby amended to read as follows:

695F.310 1. The Commissioner may examine the affairs of any prepaid limited health service organization as often as is reasonably necessary to protect the interests of the residents of this State, but not less frequently than once every ~~[2]~~ ***3*** years.

2. A prepaid limited health service organization shall make its books and records available for examination and cooperate with the Commissioner to facilitate the examination.

3. In lieu of such an examination, the Commissioner may accept the report of an examination conducted by the commissioner of insurance of another state.

4. The reasonable expenses of an examination conducted pursuant to this section must be charged to the organization being examined and remitted to the Commissioner.

Sec. 26. NRS 696A.185 is hereby amended to read as follows:

696A.185 1. Every motor club shall file with the Commissioner on or before March 1 of each year a report which summarizes its activities for the preceding calendar year. The report must be verified by at least two officers of the motor club.

2. The report must be on a form prescribed by the Commissioner and must include:

(a) A financial statement for the motor club, including its balance sheet and receipts and disbursements for the preceding calendar year;

(b) Any material changes in the information given in the previous report;

(c) The number of members enrolled in the year;

(d) The costs of all services provided for that year; and

(e) Any other information relating to the motor club requested by the Commissioner.

3. The motor club must pay to the Commissioner an annual fee of $500.

4. Every motor club shall file with the Commissioner on or before June 1 of each year a financial statement of the motor club certified by an independent public accountant.

5. Any motor club failing, without just cause beyond its reasonable control, to file timely the report or financial statement ***or to pay timely the annual fee*** required by this section shall pay an administrative penalty of $100 per day until the report or statement is filed, except that the total penalty must not exceed $3,000. The Attorney General shall recover the penalty in the name of the State of Nevada.

6. A motor club is not exempt from the provisions of NRS 679B.700.

Sec. 27. NRS 696B.330 is hereby amended to read as follows:

696B.330 1. All claims against an insurer against which delinquency proceedings have ~~[been begun shall]~~ ***commenced must be filed in the manner and form established by the receiver and*** set forth in reasonable detail the amount of the claim, or the basis upon which ~~[such]~~ ***that*** amount can be ascertained, the facts upon which the claim is based, and the priorities asserted, if any. All such claims ~~[shall]~~ ***must*** be verified by the affidavit of the claimant, or someone authorized to act on his behalf and having knowledge of the facts, and ~~[shall]~~ be supported by such documents as may be material thereto.

2. All claims filed in this State ~~[shall]~~ ***must*** be filed with the receiver, whether domiciliary or ancillary, in this State, on or before the last date for filing as specified in this chapter ~~[.]~~ ***or as directed by the court.***

3. ~~[Within 10 days of the receipt of any claim, or within such further period as the court may fix for good cause shown, the receiver shall report the claim to the court, specifying in such report his recommendation with respect to the action to be taken thereon. Upon receipt of such report, the court shall fix a time for hearing the claim and shall direct that the claimant or the receiver, as the court shall specify, shall give such notice as the court determines to such persons as appear to the court to be interested therein. All such notices shall specify the time and place of the hearing and shall concisely state the amount and nature of the claim, the priorities asserted, if any, and the recommendation of the receiver with reference thereto.~~

~~4. At the hearing, all persons interested shall be entitled to appear, and the court shall enter an order allowing, allowing in part, or disallowing the claim. Any such order is an appealable order.]~~ ***Except as otherwise provided in subsection 4, after the last date for filing a claim against an insurer as specified in this chapter, the receiver shall:***

(a) Determine whether to approve or deny, in whole or in part, each claim against the insurer filed with the receiver pursuant to subsection 2; and

(b) If the receiver approves a claim, in whole or in part, determine the class of the claim as provided in NRS 696B.420.

4. The receiver is not required to process any claims in a class until it appears that assets will be available for distribution to that class. If there

are insufficient assets to process claims for a class, the receiver shall notify the court and may make a recommendation to the court for the processing of any such claims.

5. The receiver shall mail, by first-class mail, postage prepaid, to each claimant that filed a claim with the receiver pursuant to subsection 2, written notice of the determination regarding the claim.

6. The receiver shall submit to the court a report on the determination of the receiver on each claim approved in whole or in part.

7. Not more than 60 days after the mailing of the written notice pursuant to subsection 5 or the submission of the report pursuant to subsection 6, whichever occurs later, a person may file with the receiver an objection to the determination of the receiver on a claim.

8. If an objection is filed pursuant to subsection 7, the receiver shall submit to the court a report on the determination of the receiver on each claim to which an objection has been filed. The court shall fix a time for a hearing on such claims and shall direct the receiver to give notice of the hearing. The notice provided by the receiver must:

(a) Be sent to the claimant by first-class mail, postage prepaid, not more than 30 days and not less than 10 days before the hearing, on any claim to which an objection has been filed; and

(b) Specify the time and place of the hearing.

9. A hearing may be conducted by the court or by a master or referee appointed by the court. If a hearing is conducted by a master or referee, the master or referee shall submit findings of fact and his recommendations to the court. The court shall enter an order approving or denying, in whole or in part, a claim filed against an insurer. Any such order is an appealable order.

Sec. 28. NRS 697.360 is hereby amended to read as follows:

697.360 Licensed bail agents, bail solicitors and bail enforcement agents, and general agents are also subject to the following provisions of this Code, to the extent reasonably applicable:

1. Chapter 679A of NRS.
2. Chapter 679B of NRS.
3. NRS 683A.261.
4. NRS 683A.301.
5. NRS 683A.311.
6. ***NRS 683A.331.***
7. NRS 683A.341.
~~[7.]~~ ***8.*** NRS 683A.361.
~~[8.]~~ ***9.*** NRS 683A.400.
~~[9.]~~ ***10.*** NRS 683A.451.
~~[10.]~~ ***11.*** NRS 683A.461.
~~[11.]~~ ***12.*** NRS 683A.480.
~~[12.]~~ ***13.*** NRS 683A.500.
~~[13.]~~ ***14.*** NRS 683A.520.

~~[14.]~~ ***15.*** NRS 686A.010 to 686A.310, inclusive.

Sec. 28.3. NRS 616A.050 is hereby amended to read as follows:

616A.050 "Association of self-insured private employers" means a nonprofit, unincorporated association composed of five or more private employers that has been issued a certificate by the Commissioner and is subject to the provisions of NRS 616B.350 to 616B.446, inclusive ~~[.]~~ ***, and section 29.5 of this act.***

Sec. 28.7. NRS 616A.055 is hereby amended to read as follows:

616A.055 "Association of self-insured public employers" means a nonprofit, unincorporated association composed of five or more public employers that has been issued a certificate by the Commissioner and is subject to the provisions of NRS 616B.350 to 616B.446, inclusive ~~[.]~~ ***, and section 29.5 of this act.***

Sec. 29. NRS 616A.330 is hereby amended to read as follows:

616A.330 "Tangible net worth" means ***the value of*** all ~~[of]~~ the assets ***, minus the value of all the liabilities,*** of an association of self-insured private employers or of a member of such an association except:

1. ~~[Accounts receivable, if they are factored or collateralized.~~

~~2. An inventory, except one held for resale and not collateralized.~~

~~3. A prepaid expense.~~

~~4. An unqualified investment.~~

~~5. An allocated bond fund.~~

~~6. An investment in an affiliate.~~

~~7. A restricted fund.~~

~~8. A reserve.~~

~~9. A security cost, such as a capitalized bond cost.~~

~~10. A cash equivalent, unless it is described in the footnotes for the balance sheet by item, and for investments, by duration and nature. A cash flow statement is not a sufficient description.~~

~~11. A contingency or commitment, including any estimated cost.~~

~~12. Any book adjustment caused by a change in an accounting policy or a restatement.~~

~~13.]~~ Goodwill or excess cost over the fair market value of assets.

~~[14.]~~ ***2.*** Any other items listed in the assets that are deemed unacceptable by the Commissioner because they cannot be justified or because they do not directly support the ability of the association or the member to pay a claim.

Sec. 29.5. Chapter 616B of NRS is hereby amended by adding thereto a new section to read as follows:

If a member of an association of self-insured public or private employers requests, in writing, information required for his certificate of insurance, the association shall, within 30 days after receiving the request, provide to the member information regarding claims paid and reserves for claims incurred that are maintained on behalf of the member.

Sec. 29.7. NRS 616B.300 is hereby amended to read as follows:

616B.300 1. An employer may qualify ***and remain qualified*** as a self-insured employer by establishing to the satisfaction of the Commissioner that the employer has sufficient administrative and financial resources to make certain the prompt payment of all compensation under chapters 616A to 616D, inclusive, or chapter 617 of NRS. ***For the purposes of this subsection, an employer has sufficient financial resources if :*** ~~*[the employer has:]*~~

(a) ~~*[A]*~~ ***At the time of initial qualification and until the employer has operated successfully as a qualified self-insured employer for 3 years, as determined by the Commissioner, the employer has a tangible net worth of not less than $2,500,000, as evidenced by a statement of tangible net worth provided to the Division of Insurance of the Department of Business and Industry by an independent certified public accountant; or***

(b) ~~*[Net]*~~ ***After 3 years of successful operation as a qualified self-insured employer, as determined by the Commissioner, the employer has net cash flows from operating activities plus net cash flows from financing activities of five times the average of claims paid for each of the last 3 years or $7,500,000, whichever is less.***

2. A self-insured employer must, in addition to establishing financial ability to pay, deposit with the Commissioner a bond executed by the employer as principal, and by a corporation qualified under the laws of this State as surety, payable to the State of Nevada, and conditioned upon the payment of compensation for injuries and occupational diseases to employees. The bond must be in an amount reasonably sufficient to ensure payment of compensation, but in no event may it be less than 105 percent of the employer's expected annual incurred cost of claims, or less than $100,000. In arriving at an amount for the expected annual cost of claims, due consideration must be given to the past and prospective experience of the employer with losses and expenses within this State, to the hazard of catastrophic loss, to other contingencies, and to trends within the State. In arriving at the amount of the deposit required, the Commissioner may consider the nature of the employer's business, the financial ability of the employer to pay compensation and his probable continuity of operation.

3. In lieu of a bond the employer may deposit with the Commissioner a like amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is unavailable for withdrawal except upon order of the Commissioner.

4. The required deposit may be increased or decreased by the Commissioner in accordance with chapter 681B of NRS and his regulations for loss reserves in casualty insurance. If the Commissioner requires an employer to increase his deposit, the Commissioner may specify the form of the additional security. The employer shall comply with such a requirement within 60 days after receiving notice from the Commissioner.

5. The Commissioner shall require the self-insured employer to submit evidence of excess insurance to provide protection against a catastrophic loss. The excess insurance must be written by an insurer authorized to do business in this State. The Commissioner shall consider the excess insurance coverage as a basis for a reduction in the deposit required of an employer.

6. The Account for Self-Insured Employers is hereby created in the State Agency Fund for Bonds. All money received by the Commissioner pursuant to this section must be deposited with the State Treasurer to the credit of the Account for Self-Insured Employers. All claims against this Account must be paid as other claims against the State are paid.

Sec. 29.8. NRS 616B.353 is hereby amended to read as follows:

616B.353 1. An association of self-insured public or private employers shall:

(a) Execute an indemnity agreement jointly and severally binding the association and each member of the association to secure the payment of all compensation due pursuant to chapters 616A to 617, inclusive, of NRS. The indemnity agreement must be in a form prescribed by the Commissioner. An association may add provisions to the indemnity agreement if they are first approved by the Commissioner.

(b) Except as otherwise provided in this subsection, maintain a policy of specific and aggregate excess insurance in a form and amount required by the Commissioner. The excess insurance must be written by an insurer approved by the Commissioner. To determine the amount of excess insurance required, the Commissioner shall consider:

(1) The number of members in the association;

(2) If the association is an association of self-insured public employers, the types of governmental services provided by the members of the association;

(3) If the association is an association of self-insured private employers, the classifications of employment of the members of the association;

(4) The number of years the association has been in existence; and

(5) Such other information as the Commissioner deems necessary.

➥ Nothing in this paragraph prohibits an association from purchasing secondary excess insurance in addition to the excess insurance required by this paragraph.

(c) Collect an annual assessment from each member of the association in an aggregate amount of at least $250,000 or in an aggregate amount which the Commissioner determines is satisfactory based on an annual review conducted by him of the actuarial solvency of the association.

(d) Except as otherwise provided in paragraph (e), deposit as security with the Commissioner a bond executed by the association as principal, and by a licensed surety, payable to the State of Nevada, and conditioned upon the payment of compensation for injuries and occupational diseases to their employees. The bond must be in an amount determined by the Commissioner

to be reasonably sufficient to ensure payment of such compensation, but in no event may it be less than $100,000.

(e) In lieu of a bond, deposit with the Commissioner a like amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is unavailable for withdrawal except upon order of the Commissioner.

2. Except as otherwise provided in subsection 3, in addition to complying with the requirements of subsection 1, an association of self-insured private employers shall ***:*** ~~[maintain]~~ ~~[a]~~ ~~*[either:]*~~

(a) ~~*[A]*~~ ***At the time of initial qualification and until the association has operated successfully as a qualified association of self-insured private employers for 3 years, as determined by the Commissioner, have a*** combined tangible net worth of all members in the association of at least $2,500,000 ~~[.]~~ ***, as evidenced by a statement of tangible net worth provided to the Division of Insurance of the Department of Business and Industry by an independent certified public accountant; or***

(b) ~~*[Combined]*~~ ***After 3 years of successful operation as a qualified association of self-insured private employers, as determined by the Commissioner, have combined net cash flows from operating activities plus net cash flows from financing activities of all members in the association of five times the average of claims paid for each of the last 3 years or $7,500,000, whichever is less.***

3. In lieu of complying with the requirements of subsection 2, the association's administrator shall ensure that a solvency bond, in a form prescribed by the Commissioner and in an aggregate amount of at least $2,500,000, is deposited with the Commissioner by the association or members of the association on behalf of the association.

4. The association's administrator shall deposit with the Commissioner a bond executed by the association's administrator as principal, and by a licensed surety, payable to the State of Nevada, and conditioned upon the faithful performance of his duties. The bond must be in an amount determined by the Commissioner.

5. Any third-party administrator providing claims services for the association shall deposit with the Commissioner a bond executed by the third-party administrator as principal, and by a licensed surety, payable to the State of Nevada, and conditioned upon the faithful performance of its duties. The bond must be in an amount determined by the Commissioner.

6. The Commissioner may increase or decrease the amount of any bond or money required to be deposited by this section in accordance with chapter 681B of NRS and his regulations for loss reserves in casualty insurance. If the Commissioner requires an association, association's administrator or third-party administrator to increase its deposit, the Commissioner may specify the form of the additional security. The association, association's

administrator or third-party administrator shall comply with such a requirement within 60 days after receiving notice from the Commissioner.

7. The Account for Associations of Self-Insured Public and Private Employers is hereby created in the State Agency Fund for Bonds. All money received by the Commissioner pursuant to this section must be deposited with the State Treasurer to the credit of the Account. All claims against this Account must be paid as other claims against the State are paid.

Sec. 30. NRS 616B.386 is hereby amended to read as follows:

616B.386 1. If an employer wishes to become a member of an association of self-insured public or private employers, the employer must:

(a) Submit an application for membership to the board of trustees or third-party administrator of the association; and

(b) Enter into an indemnity agreement as required by NRS 616B.353.

2. The membership of the applicant becomes effective when each member of the association approves the application or on a later date specified by the association. The application for membership and the action taken on the application must be maintained as permanent records of the board of trustees.

3. Each member who is a member of an association during the 12 months immediately following the formation of the association must:

(a) Have a tangible net worth of at least $500,000; or

(b) Have had a reported payroll for the previous 12 months which would have resulted in a manual premium of at least $15,000, calculated in accordance with a manual prepared pursuant to subsection 4 of NRS 686B.1765.

4. An employer who seeks to become a member of the association after the 12 months immediately following the formation of the association must meet the requirement set forth in paragraph (a) or (b) of subsection 3 unless the Commissioner adjusts the requirement for membership in the association after conducting an annual review of the actuarial solvency of the association pursuant to subsection 1 of NRS 616B.353.

5. An association of self-insured private employers may apply to the Commissioner for authority to determine the amount of tangible net worth and manual premium that an employer must have to become a member of the association. The Commissioner shall approve the application if the association:

(a) Has been certified to act as an association for at least the 3 consecutive years immediately preceding the date on which the association filed the application with the Commissioner;

(b) Has ~~[a]~~ ***, as determined by the Commissioner, either:***

(1) A combined tangible net worth of all members in the association of at least $5,000,000; ***or***

(2) Combined net cash flows from operating activities plus net cash flows from financing activities of all members in the association of five

times the average of claims paid for each of the last 3 years or $7,500,000, whichever is less;

(c) Has at least 15 members; and

(d) Has not been required to meet informally with the Commissioner pursuant to subsection 1 of NRS 616B.431 during the 18-month period immediately preceding the date on which the association filed the application with the Commissioner or, if the association has been required to attend such a meeting during that period, has not had its certificate withdrawn before the date on which the association filed the application.

6. An association of self-insured private employers may apply to the Commissioner for authority to determine the documentation demonstrating solvency that an employer must provide to become a member of the association. The Commissioner shall approve the application if the association:

(a) Has been certified to act as an association for at least the 3 consecutive years immediately preceding the date on which the association filed the application with the Commissioner;

(b) Has ~~[a]~~ ***, as determined by the Commissioner, either:***

(1) A combined tangible net worth of all members in the association of at least $5,000,000; ***or***

(2) Combined net cash flows from operating activities plus net cash flows from financing activities of all members in the association of five times the average of claims paid for each of the last 3 years or $7,500,000, whichever is less; and

(c) Has at least 15 members.

7. The Commissioner may withdraw his approval of an application submitted pursuant to subsection 5 or 6 if he determines the association has ceased to comply with any of the requirements set forth in subsection 5 or 6, as applicable.

8. A member of an association may terminate his membership at any time. To terminate his membership, a member must submit to the association's administrator a notice of intent to withdraw from the association at least 120 days before the effective date of withdrawal. The notice of intent to withdraw must include a statement indicating that the member has:

(a) Been certified as a self-insured employer pursuant to NRS 616B.312;

(b) Become a member of another association of self-insured public or private employers; or

(c) Become insured by a private carrier.

9. The members of an association may cancel the membership of any member of the association in accordance with the bylaws of the association.

10. The association shall:

(a) Within 30 days after the addition of an employer to the membership of the association, notify the Commissioner of the addition and:

(1) If the association has not received authority from the Commissioner pursuant to subsection 5 or 6, as applicable, provide to the Commissioner all information and assurances for the new member that were required from each of the original members of the association upon its organization; or

(2) If the association has received authority from the Commissioner pursuant to subsection 5 or 6, as applicable, provide to the Commissioner evidence that is satisfactory to the Commissioner that the new member is a member or associate member of the bona fide trade association as required pursuant to paragraph (a) of subsection 2 of NRS 616B.350, a copy of the indemnity agreement that jointly and severally binds the new member, the other members of the association and the association that is required to be executed pursuant to paragraph (a) of subsection 1 of NRS 616B.353 and any other information the Commissioner may reasonably require to determine whether the amount of security deposited with the Commissioner pursuant to paragraph (d) or (e) of subsection 1 of NRS 616B.353 is sufficient, but such information must not exceed the information required to be provided to the Commissioner pursuant to subparagraph (1);

(b) Notify the Commissioner and the Administrator of the termination or cancellation of the membership of any member of the association within 10 days after the termination or cancellation; and

(c) At the expense of the member whose membership is terminated or cancelled, maintain coverage for that member for ~~[30]~~ ***60*** days after notice is given pursuant to paragraph (b), unless the association first receives notice from the Administrator that the member has:

(1) Been certified as a self-insured employer pursuant to NRS 616B.312;

(2) Become a member of another association of self-insured public or private employers; or

(3) Become insured by a private carrier.

11. If a member of an association changes his name or form of organization, the member remains liable for any obligations incurred or any responsibilities imposed pursuant to chapters 616A to 617, inclusive, of NRS under his former name or form of organization.

12. An association is liable for the payment of any compensation required to be paid by a member of the association pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during his period of membership. The insolvency or bankruptcy of a member does not relieve the association of liability for the payment of the compensation.

Sec. 30.3. NRS 616B.425 is hereby amended to read as follows:

616B.425 1. The Commissioner may issue an order requiring an association of self-insured public or private employers or a member of the association to cease and desist from engaging in any act or practice found to be in violation of any provision of NRS 616B.350 to 616B.446, inclusive, ***and section 29.5 of this act,*** or any regulation adopted pursuant thereto.

2. If the Commissioner determines that an association or a member of the association has violated an order to cease and desist, the Commissioner may impose an administrative fine of not more than $10,000 for each violation of the order, not to exceed an aggregate amount of $100,000, or withdraw the certificate of the association, or both.

Sec. 30.5. NRS 616B.428 is hereby amended to read as follows:

616B.428 1. The Commissioner may impose an administrative fine for each violation of any provision of NRS 616B.350 to 616B.446, inclusive, ***and section 29.5 of this act,*** or any regulation adopted pursuant thereto. Except as otherwise provided in those sections, the amount of the fine may not exceed $1,000 for each violation or an aggregate amount of $10,000.

2. The Commissioner may withdraw the certificate of an association of self-insured public or private employers if:

(a) The association's certificate was obtained by fraud;

(b) The application for certification contained a material misrepresentation;

(c) The association is found to be insolvent;

(d) The association fails to have five or more members;

(e) The association fails to pay the costs of any examination or any penalty, fee or assessment required by the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(f) The association fails to comply with any of the provisions of this chapter or chapter 616A, 616C, 616D or 617 of NRS, or any regulation adopted pursuant thereto;

(g) The association fails to comply with any order of the Commissioner within the time prescribed by the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS or in the order of the Commissioner; or

(h) The association or its third-party administrator misappropriates, converts, illegally withholds or refuses to pay any money to which a person is entitled and that was entrusted to the association in its fiduciary capacity.

3. If the Commissioner withdraws the certification of an association of self-insured public or private employers, each employer who is a member of the association remains liable for his obligations incurred before and after the order of withdrawal.

4. Any employer who is a member of an association whose certification is withdrawn shall, on the effective date of the withdrawal, qualify as an employer pursuant to NRS 616B.650.

Sec. 30.7. NRS 616B.446 is hereby amended to read as follows:

616B.446 The Commissioner may adopt such regulations as are necessary to carry out the provisions of NRS 616B.350 to 616B.446, inclusive ~~[.]~~ ***, and section 29.5 of this act.***

Sec. 30.8. **NRS 616B.691 is hereby amended to read as follows:**

616B.691 1. For the purposes of chapters 612 and 616A to 617, inclusive, of NRS, an employee leasing company which complies with the

provisions of NRS 616B.670 to 616B.697, inclusive, shall be deemed to be the employer of the employees it leases to a client company.

2. ~~[An]~~ ***If an employee leasing company complies with the provisions of subsection 3, the*** employee leasing company shall be deemed to be the employer of its leased employees for the purposes of sponsoring and maintaining any benefit plans ~~[.]~~ ***, including, without limitation, for the purposes of the Employee Retirement Income Security Act of 1974.***

3. An employee leasing company shall not offer its employees any self-funded ***industrial*** insurance program. An employee leasing company shall not act as a self-insured employer or be a member of an association of self-insured public or private employers pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS. ~~[or pursuant to title 57 of NRS.]~~

4. If an employee leasing company fails to:

(a) Pay any contributions, premiums, forfeits or interest due; or

(b) Submit any reports or other information required,

➥ pursuant to this chapter or chapter 612, 616A, 616C, 616D or 617 of NRS, the client company is jointly and severally liable for the contributions, premiums, forfeits or interest attributable to the wages of the employees leased to it by the employee leasing company.

Sec. 31. NRS 232.825 is hereby amended to read as follows:

232.825 The Commissioner:

1. May appoint ~~[two]~~ ***three*** deputies. The deputies are in the unclassified service of the State. Except as otherwise provided in NRS 284.143, each deputy shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

2. Is responsible for the administration of the provisions of title 57 of NRS, and all other provisions of law relating to the functions of the Division.

3. May employ such staff as is necessary for the performance of his duties.

4. Has such other powers and duties as are provided by law.

Sec. 32. NRS 689A.735 and 694C.260 are hereby repealed.

Sec. 33. 1. This section and section 1 of this act become effective on July 1, 2007.

2. Sections 1.03 to 32, inclusive, of this act become effective on October 1, 2007.

TEXT OF REPEALED SECTIONS

689A.735 Report to Commissioner by trustee of medical savings account. On or before July 1 of each year, a trustee of a medical savings account established and maintained in accordance with 26 U.S.C. § 220 shall report to the Commissioner the number of medical savings accounts administered by the trustee during the previous calendar year.

694C.260 Surplus required: Amount; form; Commissioner authorized to prescribe additional requirements; letter of credit.

1. A captive insurer must not be issued a license, and shall not hold a license, unless the captive insurer has and maintains, in addition to any other surplus required to be maintained pursuant to subsection 3, an unencumbered surplus of:

(a) For a pure captive insurer, not less than $100,000;

(b) For an association captive insurer incorporated as a stock insurer, not less than $300,000;

(c) For an agency captive insurer, not less than $300,000;

(d) For a rental captive insurer, not less than $400,000;

(e) For an association captive insurer incorporated as a mutual insurer or reciprocal insurer, not less than $500,000; and

(f) For a sponsored captive insurer, not less than $300,000.

2. Except as otherwise provided in subsection 3, the surplus required to be maintained pursuant to this section must be in the form of cash or an irrevocable letter of credit.

3. The Commissioner may prescribe additional requirements relating to surplus based on the type, volume and nature of the insurance business that is transacted by the captive insurer and requirements regarding which surplus, if any, may be in the form of an irrevocable letter of credit.

4. A letter of credit used by a captive insurer as evidence of required surplus pursuant to this section must:

(a) Be issued by a bank chartered by this State or a bank that is a member of the United States Federal Reserve System and has been approved by the Commissioner; and

(b) Include a provision pursuant to which the letter of credit is automatically renewable each year, unless the issuer gives written notice to the Commissioner and the captive insurer at least 90 days before the expiration date.

Assemblyman Oceguera moved that the Assembly concur in the Senate Amendment No. 1111 to Assembly Bill No. 161.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 621.

The following Senate amendment was read:

Amendment No. 1083.

AN ACT relating to energy; making various changes relating to the application procedures for and the provision of tax abatements and exemptions based upon the use of energy; repealing certain prospective energy requirements for public buildings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2 and 3 of this bill require the Director of the Office of Energy to adopt a system for rating buildings based upon the Leadership in Energy and

Environmental Design Green Building Rating System, and authorize the Director to grant, under certain conditions, a partial abatement of property taxes for certain buildings based upon the rating of the building.

Existing law authorizes the Commission on Economic Development to approve, under certain conditions, a partial abatement of certain taxes for a person who intends to locate or expand a business in this State. (NRS 360.750) Existing law prescribes the terms of such a partial abatement of property taxes for certain businesses that conserve energy or fossil sources of energy through recycling, for certain facilities that generate electrical energy from renewable energy and for facilities that produce certain devices for the storage of electrical energy. (NRS 361.0685, 361.0687) Sections 4, 5, 8 and 16 of this bill repeal those terms and prescribe substantially identical terms.

Existing law provides an exemption from property taxes for any value added to the assessed value of a building by certain qualified systems that provide heating, cooling or electricity. (NRS 361.079) Sections 6 and 16 of this bill repeal that exemption and provide a substantially similar exemption.

Existing law prescribes the terms of a partial abatement of certain sales and use taxes, if approved by the Commission on Economic Development, for certain facilities that generate electricity from renewable energy or produce certain devices for the storage of electrical energy. (NRS 374.357) Sections 7 and 11 of this bill repeal those terms and prescribe substantially identical terms.

Sections 12 and 16 of this bill repeal certain energy requirements for public buildings which otherwise would have become effective on July 1, 2007. ~~[Section 13 of this bill prescribes similar requirements for certain public buildings for which construction has not yet been completed on that date.]~~

Existing law requires an analysis of the cost of operating and maintaining certain public buildings prior to their construction or renovation. (NRS 338.190) Section 16 of this bill repeals those requirements.

Existing law requires the Director of the Office of Energy to adopt a system for rating buildings for the purposes of certain tax exemptions and the construction of certain public buildings. (NRS 701.217) Section 16 of this bill repeals those requirements.

Existing law authorizes the Commission on Economic Development to grant a partial abatement of property taxes for certain structures that use resources efficiently. (NRS 361.0775) Section 16 of this bill repeals that authority.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 58 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***1. The Director of the Office of Energy shall adopt a Green Building Rating System for the purposes of determining the eligibility of a building or other structure for a tax abatement pursuant to section 3 of this act.***

2. The Green Building Rating System must include standards and ratings equivalent to the standards and ratings provided pursuant to the Leadership in Energy and Environmental Design Green Building Rating System, except that the standards adopted by the Director:

(a) Except as otherwise provided in paragraphs (b) and (c), must not include:

(1) Any standard that has not been included in the Leadership in Energy and Environmental Design Green Building Rating System for at least 2 years; or

(2) Standards for homes;

(b) Must provide reasonable exceptions based on the size of the area occupied by the building or other structure; and

(c) Must require a building or other structure to obtain:

(1) At least 3 points of credit for energy conservation to meet the equivalent of the silver level;

(2) At least 5 points of credit for energy conservation to meet the equivalent of the gold level; and

(3) At least 8 points of credit for energy conservation to meet the equivalent of the platinum level.

3. As used in this section, "home" means a building or other structure for which the principal use is as a residential dwelling for not more than four families.

Sec. 3. ***1. Except as otherwise provided in this section, the Director shall grant a partial abatement from the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, on a building or other structure that is determined to meet the equivalent of the silver level or higher by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to section 2 of this act, if:***

(a) No funding is provided by any governmental entity in this State for the acquisition, design or construction of the building or other structure or for the acquisition of any land therefor. For the purposes of this paragraph:

(1) Private activity bonds must not be considered funding provided by a governmental entity.

(2) The term "private activity bond" has the meaning ascribed to it in 26 U.S.C. § 141.

(b) The owner of the property:

(1) Submits an application for the partial abatement to the Director. If such an application is submitted for a project that has not been completed

on the date of that submission and there is a significant change in the scope of the project after that date, the application must be amended to include the change or changes.

(2) Except as otherwise provided in this subparagraph, provides to the Director, within 48 months after applying for the partial abatement, proof that the building or other structure meets the equivalent of the silver level or higher, as determined by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to section 2 of this act. The Director may, for good cause shown, extend the period for providing such proof.

2. As soon as practicable after the Director receives:

(a) The application required by subsection 1, the Director shall forward a copy of that application to the:

(1) Chief of the Budget Division of the Department of Administration;

(2) Department of Taxation;

(3) County assessor;

(4) County treasurer; and

(5) Commission on Economic Development.

(b) The application and proof required by subsection 1, the Director shall determine whether the building or other structure is eligible for the abatement and, if so, forward a certificate of eligibility for the abatement to the:

(1) Department of Taxation;

(2) County assessor;

(3) County treasurer; and

(4) Commission on Economic Development.

3. As soon as practicable after receiving a copy of ~~[a an]~~ :

(a) An application pursuant to paragraph (a) of subsection 2 ~~[, the]~~ :

(1) The Chief of the Budget Division ~~[and each affected local government]~~ shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on ~~[that governmental entity.]~~ the State; and

(2) The Department of Taxation shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on each affected local government, and forward a copy of the fiscal note to each affected local government.

(b) A certificate of eligibility pursuant to paragraph (b) of subsection 2, the Department of Taxation shall forward a copy of the certificate to each affected local government.

4. The partial abatement:

(a) Must be for a duration of not more than 10 years and in an annual amount that equals, for a building or other structure that meets the equivalent of:

(1) The silver level, 25 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public

education, that would otherwise be payable for the building or other structure, excluding the associated land;

(2) The gold level, 30 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land; or

(3) The platinum level, 35 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land.

(b) Does not apply during any period in which the owner of the building or other structure is receiving another abatement or exemption pursuant to this chapter or NRS 361.045 to 361.159, inclusive, from the taxes imposed pursuant to chapter 361 of NRS.

(c) Terminates upon any determination by the Director that the building or other structure has ceased to meet the equivalent of the silver level or higher. The Director shall provide notice and a reasonable opportunity to cure any noncompliance issues before making a determination that the building or other structure has ceased to meet that standard. The Director shall immediately provide notice of each determination of termination to the:

(1) Department of Taxation ~~[.]~~ **, who shall immediately notify each affected local government of the determination;**

(2) County assessor;

(3) County treasurer; and

(4) Commission on Economic Development.

5. The Director shall adopt regulations:

(a) Establishing the qualifications and methods to determine eligibility for the abatement;

(b) Prescribing such forms as will ensure that all information and other documentation necessary to make an appropriate determination is filed with the Director; and

(c) Prescribing the criteria for determining when there is a significant change in the scope of a project for the purposes of subparagraph (1) of paragraph (b) of subsection 1,

➥ and the Department of Taxation shall adopt such additional regulations as it determines to be appropriate to carry out the provisions of this section.

6. As used in this section:

(a) "Building or other structure" does not include any building or other structure for which the principal use is as a residential dwelling for not more than four families.

(b) "Director" means the Director of the Office of Energy appointed pursuant to NRS 701.150.

(c) "Taxes imposed for public education" means:

(1) Any ad valorem tax authorized or required by chapter 387 of NRS;

(2) Any ad valorem tax authorized or required by chapter 350 of NRS for the obligations of a school district, including, without limitation, any ad valorem tax necessary to carry out the provisions of subsection 5 of NRS 350.020; and

(3) Any other ad valorem tax for which the proceeds thereof are dedicated to <u>the</u> public education ~~[.]~~ <u>of pupils in kindergarten through grade 12.</u>

Sec. 4. ***1. Except as otherwise provided in this section, if a:***

(a) Business that engages in the primary trade of preparing, fabricating, manufacturing or otherwise processing raw material or an intermediate product through a process in which at least 50 percent of the material or product is recycled on-site; or

(b) Business that includes as a primary component a facility for the generation of electricity from recycled material,

➥ is found by the Commission on Economic Development to have as a primary purpose the conservation of energy or the substitution of other sources of energy for fossil sources of energy and obtains certification from the Commission on Economic Development pursuant to NRS 360.750, the Commission may, if the business additionally satisfies the requirements set forth in subsection 2 of NRS 361.0687, grant to the business a partial abatement from the taxes imposed on real property pursuant to chapter 361 of NRS.

2. If a partial abatement from the taxes imposed on real property pursuant to chapter 361 of NRS is approved by the Commission on Economic Development pursuant to NRS 360.750 for a business described in subsection 1:

(a) The partial abatement must:

(1) Be for a duration of at least 1 year but not more than 10 years;

(2) Not exceed 50 percent of the taxes on real property payable by the business each year; and

(3) Be administered and carried out in the manner set forth in NRS 360.750.

(b) The Executive Director of the Commission on Economic Development shall notify the county assessor of the county in which the business is located of the approval of the partial abatement, including, without limitation, the duration and percentage of the partial abatement that the Commission granted. The Executive Director shall, on or before April 15 of each year, advise the county assessor of each county in which a business qualifies for a partial abatement during the current fiscal year as to whether the business is still eligible for the partial abatement in the next succeeding fiscal year.

3. The partial abatement provided in this section applies only to the business for which certification was granted pursuant to NRS 360.750 and the property used in connection with that business. The exemption does not apply to property in this State that is not related to the business for which

the certification was granted pursuant to NRS 360.750 or to property in existence and subject to taxation before the certification was granted.

4. As used in this section, "facility for the generation of electricity from recycled material" means a facility for the generation of electricity that uses recycled material as its primary fuel, including material from:

(a) Industrial or domestic waste, other than hazardous waste, even though it includes a product made from oil, natural gas or coal, such as plastics, asphalt shingles or tires;

(b) Agricultural crops, whether terrestrial or aquatic, and agricultural waste, such as manure and residue from crops; and

(c) Municipal waste, such as sewage and sludge.

➥ The term includes all the equipment in the facility used to process and convert into electricity the energy derived from a recycled material fuel.

Sec. 5. ***1. If a partial abatement from the taxes imposed pursuant to chapter 361 of NRS is approved by the Commission on Economic Development pursuant to NRS 360.750 for a facility for the generation of electricity from renewable energy or a facility for the production of an energy storage device:***

(a) The partial abatement must be:

(1) For a duration of 10 years;

(2) Equal to 50 percent of the taxes on real and personal property payable by the facility each year; and

(3) Administered and carried out in the manner set forth in NRS 360.750.

(b) The Executive Director of the Commission on Economic Development shall:

(1) Notify the county assessor of the county in which the facility is located of the approval of the partial abatement; and

(2) Advise the county assessor of the county in which the facility is located as to the dates on which the partial abatement will begin and end.

2. As used in this section:

(a) "Biomass" means any organic matter that is available on a renewable basis, including, without limitation:

(1) Agricultural crops and agricultural wastes and residues;

(2) Wood and wood wastes and residues;

(3) Animal wastes;

(4) Municipal wastes; and

(5) Aquatic plants.

(b) "Energy storage device" means a device for use and storage of electrical energy that alleviates the consumption of fossil fuel and does not produce fossil fuel emissions.

(c) "Facility for the generation of electricity from renewable energy" means a facility for the generation of electricity that:

(1) Uses renewable energy as its primary source of energy; and

(2) Has a generating capacity of at least 10 kilowatts.

➥ The term includes all the machinery and equipment that is used in the facility to collect and store the renewable energy and to convert the renewable energy into electricity. The term does not include a facility that is located on residential property.

(d) "Renewable energy" means:

(1) Biomass;

(2) Solar energy; or

(3) Wind.

➥ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

Sec. 6. *1. For purposes of the assessment of property pursuant to chapter 361 of NRS:*

(a) Except as otherwise provided in paragraph (b), the value of a qualified system must not be included in the assessed value of a building.

(b) Any value added by a qualified system must be included in the assessed value of a commercial or industrial building during any period in which the business that owns the commercial or industrial building is receiving another abatement or exemption pursuant to this chapter or NRS 361.045 to 361.159, inclusive, from the taxes imposed pursuant to chapter 361 of NRS.

2. The Department of Taxation shall adopt such regulations as it determines to be necessary for the administration of this section.

3. As used in this section, "qualified system" means any system, method, construction, installation, machinery, equipment, device or appliance which is designed, constructed or installed in a residential, commercial or industrial building to heat or cool the building or water used in the building, or to provide electricity used in the building, by using:

(a) Energy from the wind or from solar devices not thermally insulated from the area where the energy is used;

(b) Geothermal resources;

(c) Energy derived from conversion of solid wastes; or

(d) Waterpower,

➥ which conforms to standards established by regulation of the Department of Taxation.

Sec. 7. *If an application for an abatement from taxes pursuant to NRS 374.357 is approved pursuant to NRS 360.750 for a facility for the generation of electricity from renewable energy or a facility for the production of an energy storage device:*

1. The taxpayer is eligible for the abatement for 2 years.

2. The abatement must be administered and carried out in the manner set forth in NRS 360.750.

3. For the purposes of this section and the abatement, unless the context otherwise requires:

(a) "Biomass" means any organic matter that is available on a renewable basis, including, without limitation:

(1) Agricultural crops and agricultural wastes and residues;

(2) Wood and wood wastes and residues;

(3) Animal wastes;

(4) Municipal wastes; and

(5) Aquatic plants.

(b) "Eligible machinery or equipment" means:

(1) If the business that qualifies for the abatement is a facility for the production of an energy storage device, machinery or equipment which is leased or purchased and for which a deduction is authorized pursuant to 26 U.S.C. § 179. The term does not include:

(I) Buildings or the structural components of buildings;

(II) Equipment used by a public utility;

(III) Equipment used for medical treatment;

(IV) Machinery or equipment used in mining;

(V) Machinery or equipment used in gaming; or

(VI) Aircraft.

(2) If the business that qualifies for the abatement is a facility for the generation of electricity from renewable energy, all the machinery and equipment that is used in the facility to collect and store the renewable energy and to convert the renewable energy into electricity.

(c) "Energy storage device" means a device for use and storage of electrical energy that alleviates the consumption of fossil fuel and does not produce fossil fuel emissions.

(d) "Facility for the generation of electricity from renewable energy" means a facility for the generation of electricity that:

(1) Uses renewable energy as its primary source of energy; and

(2) Has a generating capacity of at least 10 kilowatts.

➥ The term includes all the machinery and equipment that is used in the facility to collect and store the renewable energy and to convert the renewable energy into electricity. The term does not include a facility that is located on residential property.

(e) "Fuel cell" means a device or contrivance which, through the chemical process of combining ions of hydrogen and oxygen, produces electricity and water.

(f) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

(1) Biomass;

(2) Fuel cells;

(3) Geothermal energy;

(4) Solar energy;

(5) Waterpower; and

(6) Wind.

➥ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

Sec. 8. NRS 361.0687 is hereby amended to read as follows:

361.0687 1. A person who intends to locate or expand a business in this State may, pursuant to NRS 360.750, apply to the Commission on Economic Development for a partial abatement from the taxes imposed by this chapter.

2. For a business to qualify pursuant to NRS 360.750 for a partial abatement from the taxes imposed by this chapter, the Commission on Economic Development must determine that, in addition to meeting the other requirements set forth in subsection 2 of that section:

(a) If the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more:

(1) The business will make a capital investment in the county of at least $50,000,000 if the business is an industrial or manufacturing business or at least $2,000,000 if the business is not an industrial or manufacturing business; and

(2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(b) If the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000:

(1) The business will make a capital investment in the county of at least $500,000; and

(2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

3. Except as otherwise provided in ~~[NRS 361.0685 and subsection 4,]~~ ***sections 4 and 5 of this act,*** if a partial abatement from the taxes imposed by this chapter is approved by the Commission on Economic Development pursuant to NRS 360.750:

(a) The partial abatement must:

(1) Be for a duration of at least 1 year but not more than 10 years;

(2) Not exceed 50 percent of the taxes on personal property payable by a business each year pursuant to this chapter; and

(3) Be administered and carried out in the manner set forth in NRS 360.750.

(b) The Executive Director of the Commission on Economic Development shall notify the county assessor of the county in which the business is located of the approval of the partial abatement, including, without limitation, the duration and percentage of the partial abatement that the Commission granted. The Executive Director shall, on or before April 15 of each year, advise the county assessor of each county in which a business qualifies for a partial abatement during the current fiscal year as to whether the business is still eligible for the partial abatement in the next succeeding fiscal year.

4. ~~[If a partial abatement from the taxes imposed by this chapter is approved by the Commission on Economic Development pursuant to NRS 360.750 for a facility for the generation of electricity from renewable energy or a facility for the production of an energy storage device:~~

~~(a) The partial abatement must be:~~

~~(1) For a duration of 10 years;~~

~~(2) Equal to 50 percent of the taxes on real and personal property payable by the facility each year pursuant to this chapter; and~~

~~(3) Administered and carried out in the manner set forth in NRS 360.750.~~

~~(b) The Executive Director of the Commission on Economic Development shall:~~

~~(1) Notify the county assessor of the county in which the facility is located of the approval of the partial abatement; and~~

~~(2) Advise the county assessor of the county in which the facility is located as to the dates on which the partial abatement will begin and end.~~

~~5.]~~ As used in this section ~~[~~:

~~(a) "Biomass" means any organic matter that is available on a renewable basis, including, without limitation:~~

~~(1) Agricultural crops and agricultural wastes and residues;~~

~~(2) Wood and wood wastes and residues;~~

~~(3) Animal wastes;~~

~~(4) Municipal wastes; and~~

~~(5) Aquatic plants.~~

~~(b) "Energy storage device" means a device for use and storage of electrical energy that alleviates the consumption of fossil fuel and does not produce fossil fuel emissions.~~

~~(c) "Facility for the generation of electricity from renewable energy" means a facility for the generation of electricity that:~~

~~(1) Uses renewable energy as its primary source of energy; and~~

~~(2) Has a generating capacity of at least 10 kilowatts.~~

~~➥ The term includes all the machinery and equipment that is used in the facility to collect and store the renewable energy and to convert the renewable energy into electricity. The term does not include a facility that is located on residential property.~~

~~(d) "Industrial]~~ ***, "industrial*** or manufacturing business" does not include a facility for the generation of electricity from renewable energy ~~[~~.

~~(e) "Renewable energy" means:~~

~~(1) Biomass;~~

~~(2) Solar energy; or~~

~~(3) Wind.~~

~~➥ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.]~~ ***, as that term is defined in section 5 of this act.***

Sec. 9. NRS 361.0687 is hereby amended to read as follows:

361.0687 1. A person who intends to locate or expand a business in this State may, pursuant to NRS 360.750, apply to the Commission on Economic Development for a partial abatement from the taxes imposed by this chapter.

2. For a business to qualify pursuant to NRS 360.750 for a partial abatement from the taxes imposed by this chapter, the Commission on Economic Development must determine that, in addition to meeting the other requirements set forth in subsection 2 of that section:

(a) If the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more:

(1) The business will make a capital investment in the county of at least $50,000,000 if the business is an industrial or manufacturing business or at least $5,000,000 if the business is not an industrial or manufacturing business; and

(2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(b) If the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000:

(1) The business will make a capital investment in the county of at least $5,000,000 if the business is an industrial or manufacturing business or at least $500,000 if the business is not an industrial or manufacturing business; and

(2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

3. Except as otherwise provided in ~~[NRS 361.0685,]~~ ***section 4 of this act,*** if a partial abatement from the taxes imposed by this chapter is approved by the Commission on Economic Development pursuant to NRS 360.750:

(a) The partial abatement must:

(1) Be for a duration of at least 1 year but not more than 10 years;

(2) Not exceed 50 percent of the taxes on personal property payable by a business each year pursuant to this chapter; and

(3) Be administered and carried out in the manner set forth in NRS 360.750.

(b) The Executive Director of the Commission on Economic Development shall notify the county assessor of the county in which the business is located of the approval of the partial abatement, including, without limitation, the duration and percentage of the partial abatement that the Commission granted. The Executive Director shall, on or before April 15 of each year, advise the county assessor of each county in which a business qualifies for a

partial abatement during the current fiscal year as to whether the business is still eligible for the partial abatement in the next succeeding fiscal year.

Sec. 10. NRS 361.777 is hereby amended to read as follows:

361.777 Any partial abatements and partial exemptions ~~[from taxation]~~ to which a person may be entitled ***from the taxes imposed*** pursuant to this chapter must be applied in the following order of priority:

1. Any partial abatement to which the person is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724.

2. Any partial exemptions to which the person is entitled **.** ~~[pursuant to this chapter.]~~

3. Any partial abatements to which the person is entitled ~~[pursuant to this chapter]~~ other than a partial abatement described in subsection 1.

Sec. 11. NRS 374.357 is hereby amended to read as follows:

374.357 1. A person who maintains a business or intends to locate a business in this State may, pursuant to NRS 360.750, apply to the Commission on Economic Development for an abatement from the taxes imposed by this chapter on the gross receipts from the sale, and the storage, use or other consumption, of eligible machinery or equipment for use by a business which has been approved for an abatement pursuant to NRS 360.750.

2. Except as otherwise provided in ~~[subsection 3,]~~ ***section 7 of this act,*** if an application for an abatement is approved pursuant to NRS 360.750:

(a) The taxpayer is eligible for an abatement from the tax imposed by this chapter for not more than 2 years for machinery or equipment which is leased or purchased. In the case of machinery or equipment that is leased, the lessee is the taxpayer who is eligible for an abatement.

(b) The abatement must be administered and carried out in the manner set forth in NRS 360.750.

3. ~~[If an application for an abatement is approved pursuant to NRS 360.750 for a facility for the generation of electricity from renewable energy or a facility for the production of an energy storage device:~~

~~(a) The taxpayer is eligible for an abatement from the tax imposed by this chapter for 2 years.~~

~~(b) The abatement must be administered and carried out in the manner set forth in NRS 360.750.~~

~~4. As used in]~~ ***For the purposes of*** this section, ***except as otherwise provided in section 7 of this act or*** unless the context otherwise requires ~~[:~~

~~(a) "Biomass" means any organic matter that is available on a renewable basis, including, without limitation:~~

~~(1) Agricultural crops and agricultural wastes and residues;~~

~~(2) Wood and wood wastes and residues;~~

~~(3) Animal wastes;~~

~~(4) Municipal wastes; and~~

~~(5) Aquatic plants.~~

~~(b) "Eligible]~~ ***, "eligible*** machinery or equipment" means ~~[:~~

~~(1) If the business that qualifies for the abatement is not a facility for the generation of electricity from renewable energy,~~] machinery or equipment which is leased or purchased and for which a deduction is authorized pursuant to 26 U.S.C. § 179. The term does not include:

~~(I)~~] ***(a)*** Buildings or the structural components of buildings;

~~(II)~~] ***(b)*** Equipment used by a public utility;

~~(III)~~] ***(c)*** Equipment used for medical treatment;

~~(IV)~~] ***(d)*** Machinery or equipment used in mining;

~~(V)~~] ***(e)*** Machinery or equipment used in gaming; or

~~(VI)~~] ***(f)*** Aircraft.

~~[(2) If the business that qualifies for the abatement is a facility for the generation of electricity from renewable energy, all the machinery and equipment that is used in the facility to collect and store the renewable energy and to convert the renewable energy into electricity.~~

~~(c) "Energy storage device" means a device for use and storage of electrical energy that alleviates the consumption of fossil fuel and does not produce fossil fuel emissions.~~

~~(d) "Facility for the generation of electricity from renewable energy" means a facility for the generation of electricity that:~~

~~(1) Uses renewable energy as its primary source of energy; and~~

~~(2) Has a generating capacity of at least 10 kilowatts.~~

~~➥ The term includes all the machinery and equipment that is used in the facility to collect and store the renewable energy and to convert the renewable energy into electricity. The term does not include a facility that is located on residential property.~~

~~(e) "Fuel cell" means a device or contrivance which, through the chemical process of combining ions of hydrogen and oxygen, produces electricity and water.~~

~~(f) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:~~

~~(1) Biomass;~~

~~(2) Fuel cells;~~

~~(3) Geothermal energy;~~

~~(4) Solar energy;~~

~~(5) Waterpower; and~~

~~(6) Wind.~~

~~➥ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.~~]

Sec. 12. Section 42 of chapter 2, Statutes of Nevada 2005, 22nd Special Session, at page 90, is hereby amended to read as follows:

Sec. 42. 1. This section and sections 14 to 37, inclusive, 39, 40 and 41 of this act become effective upon passage and approval.

2. Section 38 of this act becomes effective on June 1, 2005.

3. Sections 1, 2, 4, 6, 7, 8 and 9 to 13, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2005, for all other purposes.

4. Section 5 of this act becomes effective on October 1, 2005, and applies to the construction or renovation of a public building, the designing of which begins on or after that date.

5. Sections 8.1 to 8.8, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2006, for all other purposes.

6. ~~[Section 3 of this act becomes effective on July 1, 2007, and applies to the construction of a public building, the designing of which begins on or after that date.~~

~~7.]~~ Sections 8.55 and 8.6 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Sec. 13. (Deleted by amendment.)

Sec. 14. 1. The Director of the Office of Energy shall, not later than September 1, 2007, adopt:

(a) The Green Building Rating System required by section 2 of this act; **and**

(b) The regulations required by section 3 of this act **.** ~~[; and~~

~~(c) The Green Building Rating System required by section 13 of this act.]~~

2. The Department of Taxation shall, not later than September 1, 2007, adopt the regulations required by section 3 of this act.

3. The Director of the Office of Energy shall provide an expedited procedure to carry out the provisions of section 3 of this act which allows for the consideration as soon as practicable for that purpose of applications filed before the effective date of this section with the Commission on Economic Development for a partial abatement of taxes pursuant to NRS 361.0775.

Sec. 15. 1. The provisions of section 4 of this act shall be deemed to apply to any partial abatement of taxes granted pursuant to NRS 361.0685 before the effective date of this section.

2. The provisions of section 5 of this act shall be deemed to apply to any partial abatement of taxes to which subsection 4 of NRS 361.0687 applied before the effective date of this section.

3. The provisions of section 7 of this act shall be deemed to apply to any partial abatement of taxes to which subsection 3 of NRS 374.357 applied before the effective date of this section.

4. The Commission on Economic Development shall not grant any partial abatement of taxes pursuant to NRS 361.0775 on or after the effective date of this section. The provisions of this act do not affect the terms of any partial abatement of taxes granted by the Commission on Economic Development pursuant to NRS 361.0775 before the effective date of this section.

5. The tax exemption provided pursuant to paragraph (d) of subsection 1 of NRS 374.307, as amended by chapter 2, Statutes of Nevada 2005, 22nd Special Session, at page 71, shall be deemed to apply to products and materials purchased on or after October 1, 2005, and on or before December 31, 2010, that are used in the construction of a building which:

(a) Is constructed:

(1) Pursuant to a preconstruction or construction contract executed on or before December 31, 2005; and

(2) As part of a construction project registered with the Office of Energy for the purpose of obtaining that tax exemption; ~~[and]~~

(b) **For which an opinion letter was issued by the Department of Taxation before February 1, 2007, stating that the project will qualify for a partial sales and use tax exemption under Assembly Bill No. 3 (Special Session 2005) if certain conditions are met.**

(c) Is certified at or meets the equivalent of the silver level or higher by an independent contractor authorized to grant such certification in accordance with the Green Building Rating System adopted by the Director of the Office of Energy pursuant to the former provisions of NRS 701.217.

Sec. 15.5. 1. Except as otherwise provided in this section, the Director shall grant a partial abatement from the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, on a building or other structure which:

(a) Is constructed:

(1) Pursuant to a preconstruction or construction contract executed on or before December 31, 2005; and

(2) As part of a construction project registered with the Office of Energy for the purpose of obtaining the partial abatement of taxes provided pursuant to the former provisions of NRS 361.0775; ~~[and]~~

(b) **For which an opinion letter was issued by the Department of Taxation before February 1, 2007, stating that the project will qualify for a partial sales and use tax exemption under Assembly Bill No. 3 (Special Session 2005) if certain conditions are met.**

(c) Is certified at or meets the equivalent of the silver level or higher by an independent contractor authorized to grant such certification in accordance with the Green Building Rating System adopted by the Director of the Office of Energy pursuant to the former provisions of NRS 701.217 ~~[.]~~ **and**

2. The Director shall not grant the partial abatement if any funding is provided by any governmental entity in this State for the acquisition, design or construction of the building or other structure or for the acquisition of any land therefor. For the purposes of this subsection:

(a) Private activity bonds must not be considered funding provided by a governmental entity.

(b) The term "private activity bond" has the meaning ascribed to it in 26 U.S.C. § 141.

3. To obtain the partial abatement, the owner of the property must:

(a) Submit an application for the partial abatement to the Director. If such an application is submitted for a project that has not been completed on the date of that submission and there is a significant change in the scope of the project after that date, the application must be amended to include the change or changes.

(b) Except as otherwise provided in this paragraph, provide to the Director, within 48 months after applying for the partial abatement, proof that the building or other structure is certified at or meets the equivalent of the silver level or higher by an independent contractor authorized to grant such certification in accordance with the Green Building Rating System adopted by the Director pursuant to the former provisions of NRS 701.217. The Director may, for good cause shown, extend the period for providing such proof.

4. As soon as practicable after the Director receives:

(a) The application required by subsection 3, the Director shall forward a copy of that application to the:

(1) Chief of the Budget Division of the Department of Administration;

(2) Department of Taxation;

(3) County assessor;

(4) County treasurer; and

(5) Commission on Economic Development.

(b) The application and proof required by subsection 3, the Director shall determine whether the building or other structure is eligible for the abatement and, if so, forward a certificate of eligibility for the abatement to the:

(1) Department of Taxation;

(2) County assessor;

(3) County treasurer; and

(4) Commission on Economic Development.

5. As soon as practicable after receiving a copy of ~~[an]~~ **:**

(a) An application pursuant to paragraph (a) of subsection 4 ~~[, the]~~ **:**

(1) The Chief of the Budget Division ~~[and each affected local government]~~ shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on ~~[that governmental entity.]~~ **the State; and**

(2) The Department of Taxation shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on

each affected local government, and forward a copy of the fiscal note to each affected local government.

(b) A certificate of eligibility pursuant to paragraph (b) of subsection 4, the Department of Taxation shall forward a copy of the certificate to each affected local government.

6. The partial abatement:

(a) Must be for a duration of ~~[not more than]~~ 10 years **, unless earlier terminated pursuant to paragraph (c),** and in an annual amount that equals 35 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land.

(b) Does not apply during any period in which the owner of the building or other structure is receiving another abatement or exemption from the taxes imposed pursuant to chapter 361 of NRS, other than any partial abatement to which the owner is entitled pursuant to NRS 361.471 to 361.4735, inclusive.

(c) Terminates upon any determination by the Director that the building or other structure has ceased to meet the equivalent of the silver level or higher. The Director shall provide notice and a reasonable opportunity to cure any noncompliance issues before making a determination that the building or other structure has ceased to meet that standard. The Director shall immediately provide notice of each determination of termination to the:

(1) Department of Taxation ~~[.]~~ **, who shall immediately notify each affected local government of the determination;**

(2) County assessor;

(3) County treasurer; and

(4) Commission on Economic Development.

7. The Director shall:

(a) Adopt regulations:

(1) Establishing the qualifications and methods to determine eligibility for the abatement;

(2) Prescribing such forms as will ensure that all information and other documentation necessary to make an appropriate determination is filed with the Director; and

(3) Prescribing the criteria for determining when there is a significant change in the scope of a project for the purposes of paragraph (a) of subsection 3,

➥ and the Department of Taxation shall adopt such additional regulations as it determines to be appropriate to carry out the provisions of this section.

(b) Provide an expedited procedure to carry out the provisions of this section which allows for the consideration as soon as practicable for that purpose of applications filed before the effective date of this section with the Commission on Economic Development for a partial abatement of taxes pursuant to NRS 361.0775.

8. As used in this section:

(a) "Building or other structure" does not include any building or other structure for which the principal use is as a residential dwelling for not more than four families.

(b) "Director" means the Director of the Office of Energy appointed pursuant to NRS 701.150.

(c) "Taxes imposed for public education" means:

(1) Any ad valorem tax authorized or required by chapter 387 of NRS;

(2) Any ad valorem tax authorized or required by chapter 350 of NRS for the obligations of a school district, including, without limitation, any ad valorem tax necessary to carry out the provisions of subsection 5 of NRS 350.020; and

(3) Any other ad valorem tax for which the proceeds thereof are dedicated to **the** public education ~~[.]~~ **of pupils in kindergarten through grade 12.**

Sec. 16. 1. NRS **338.190,** 361.0685, 361.0775, 361.079 and 701.217 are hereby repealed.

2. Section 3 of chapter 2, Statutes of Nevada 2005, 22nd Special Session, at page 69, is hereby repealed.

Sec. 17. 1. This section and sections 1, 4 to 8, inclusive, and 10 to 16, inclusive, of this act become effective upon passage and approval.

2. Sections 2 and 3 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2007, for all other purposes.

3. Sections 5, 7, 8 and 11 of this act expire by limitation on June 30, 2009.

4. Section 9 of this act becomes effective on July 1, 2009.

TEXT OF REPEALED SECTIONS

338.190 Analysis of certain public buildings before construction or renovation to estimate certain costs and to identify measures for conservation of energy and use of alternative types of energy; requirements for contracts for cost-saving measures.

1. Before it begins to construct or renovate any occupied public building which is larger than 20,000 square feet, each agency of the State or a political subdivision, district, authority, board or public corporation of the State shall obtain a detailed analysis of the cost of operating and maintaining the building for its expected useful life.

2. The analysis must:

(a) Estimate the cost to construct or renovate the occupied public building and the cost to operate and maintain the building; and

(b) Identify measures, including, without limitation, for the:

(1) Conservation of water;

(2) Conservation of energy and energy efficiency that will generate cost savings within 10 years that are equal to or greater than the cost of implementation; and

(3) Use of types of energy which are alternatives to fossil fuels, such as active and passive applications of solar energy, wind and geothermal energy,

➥ which can be included in the building in its construction or renovation.

3. The agency of government which proposes to construct or renovate the occupied public building must consider the results of the analysis required by this section in deciding upon the type of construction or renovation and the components and systems which will be included in the building. The agency of government shall consider the use of types of energy which are alternatives to fossil fuels and any other energy conservation measures identified in the analysis into the design of the building if it is determined to be in the best interest of the State.

4. The agency of government may select, through the bidding process, a contractor to conduct the analysis required pursuant to this section. If a contractor is selected to conduct the analysis, any contract for the purchase, lease or rental of cost-saving measures must provide that all payments, other than any obligations that become due if the contract is terminated before the contract expires, be made from the cost savings.

5. As used in this section, "occupied public building" means a public building used primarily as an office space or work area for persons employed by an agency of the State or a political subdivision, district, authority, board or public corporation of the State. The term does not include a public building used primarily as a storage facility or warehouse or for similar purposes.

361.0685 Exemption of percentage of personal and real property of certain businesses certified by Commission on Economic Development.

1. Except as otherwise provided in this section, if a:

(a) Business that engages in the primary trade of preparing, fabricating, manufacturing or otherwise processing raw material or an intermediate product through a process in which at least 50 percent of the material or product is recycled on site; or

(b) Business that includes as a primary component a facility for the generation of electricity from recycled material,

➥ is found by the Commission on Economic Development to have as a primary purpose the conservation of energy or the substitution of other sources of energy for fossil sources of energy and obtains certification from the Commission on Economic Development pursuant to NRS 360.750, the Commission may, if the business additionally satisfies the requirements set forth in subsection 2 of NRS 361.0687, grant to the business a partial abatement from the taxes imposed on real property by this chapter.

2. If a partial abatement from the taxes imposed on real property by this chapter is approved by the Commission on Economic Development pursuant to NRS 360.750 for a business described in subsection 1:

(a) The partial abatement must:

(1) Be for a duration of at least 1 year but not more than 10 years;

(2) Not exceed 50 percent of the taxes on real property payable by the business each year pursuant to this chapter; and

(3) Be administered and carried out in the manner set forth in NRS 360.750.

(b) The Executive Director of the Commission on Economic Development shall notify the county assessor of the county in which the business is located of the approval of the partial abatement, including, without limitation, the duration and percentage of the partial abatement that the Commission granted. The Executive Director shall, on or before April 15 of each year, advise the county assessor of each county in which a business qualifies for a partial abatement during the current fiscal year as to whether the business is still eligible for the partial abatement in the next succeeding fiscal year.

3. The partial abatement provided in this section applies only to the business for which certification was granted pursuant to NRS 360.750 and the property used in connection with that business. The exemption does not apply to property in this state that is not related to the business for which the certification was granted pursuant to NRS 360.750 or to property in existence and subject to taxation before the certification was granted.

4. As used in this section, a "facility for the generation of electricity from recycled material" is a facility which uses recycled material as its primary fuel including material from:

(a) Industrial or domestic waste, other than hazardous waste, even though it includes a product made from oil, natural gas or coal, such as plastics, asphalt shingles or tires;

(b) Agricultural crops, whether terrestrial or aquatic, and agricultural waste, such as manure and residue from crops; and

(c) Municipal waste, such as sewage and sludge.

➥ The term includes all the equipment in the facility used to process and convert into electricity the energy derived from a recycled material fuel.

361.0775 Partial abatement of taxes imposed on certain structures that use resources efficiently.

1. The Commission on Economic Development shall grant a partial abatement from the tax imposed on real property by this chapter for property which has a building or other structure that is certified at or meets the equivalent of the silver level or higher by a person authorized to grant such certification in accordance with the Leadership in Energy and Environmental Design Green Building Rating System or its equivalent, as adopted by the Director of the Office of Energy pursuant to NRS 701.217.

2. The partial abatement must be for a duration of not more than 10 years and must not exceed 50 percent of the taxes on real property payable each year pursuant to this chapter.

3. The Commission on Economic Development shall establish by regulation the qualifications and methods to determine eligibility for the abatement.

4. The Commission on Economic Development shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation;

(b) The Nevada Tax Commission;

(c) The county treasurer; and

(d) The county assessor.

361.079 Exemption of qualified systems for heating, cooling or provision of electricity.

1. Except as otherwise provided in subsection 2, for any assessment made on or after July 1, 1983, any value added by a qualified system must be excluded from the assessed value of the building regardless of the date the system was installed.

2. Value added by a qualified system must not be excluded from the assessed value of a commercial or industrial building during any period in which the business that owns the commercial or industrial building is receiving another abatement or exemption from the taxes imposed by this chapter.

3. As used in this section, "qualified system" means any system, method, construction, installation, machinery, equipment, device or appliance which is designed, constructed or installed in a residential, commercial or industrial building to heat or cool the building or water used in the building, or to provide electricity used in the building, by using:

(a) Energy from the wind or from solar devices not thermally insulated from the area where the energy is used;

(b) Geothermal resources;

(c) Energy derived from conversion of solid wastes; or

(d) Waterpower,

➥ which conforms to standards established by regulation of the Department.

701.217 Adoption of Green Building Standards for certain public buildings; adoption of Green Building Rating System for certain purposes.

1. The Director, in consultation with the State Public Works Board and any other interested agency, shall:

(a) In cooperation with representatives of the building and development industry, adopt guidelines establishing Green Building Standards for all occupied public buildings whose construction will be sponsored or financed by this State or a local government.

(b) Adopt a Green Building Rating System, such as the Leadership in Energy and Environmental Design Green Building Rating System or its equivalent, pursuant to subsections 4 and 5. With regard to buildings or

structures that are not public buildings or structures, the Green Building Rating System adopted by the Director is to be used only for the purposes of determining eligibility for tax abatements or tax exemptions that are authorized by law to use the Green Building Rating System.

2. Guidelines adopted pursuant to paragraph (a) of subsection 1 must include, without limitation, suggested:

(a) Requirements for the use of resource-efficient materials for the construction and maintenance of the building;

(b) Standards for indoor environmental quality;

(c) Standards for the efficient use of water, including the efficient use of water for landscaping purposes;

(d) Standards for the efficient use of energy; and

(e) Requirements for the design and preparation of building lots.

3. If standards equivalent to the Leadership in Energy and Environmental Design Green Building Rating System are adopted, the standards adopted must provide reasonable exceptions based on the size, location and use of the building.

4. Subject to the provisions of subsection 5, the Director shall establish a process for adopting a Green Building Rating System, such as the Leadership in Energy and Environmental Design Green Building Rating System or its equivalent. The process must include, without limitation:

(a) The gathering and development of scientific data;

(b) Comments from representatives of the building industry;

(c) Consensus from representatives of the building industry;

(d) A method by which the Director, the State Public Works Board and other interested agencies may cast ballots on the proposed standards;

(e) A pilot program for the purpose of refining the standards; and

(f) A process by which an aggrieved person may file an appeal of the standards adopted.

5. In adopting a Green Building Rating System pursuant to subsection 4, the Director is not required to adopt and is not limited to using the Leadership in Energy and Environmental Design Green Building Rating System but may adopt an equivalent rating system based on any other nationally recognized standards for green buildings, or any combination of those standards.

Section 3 of chapter 2, Statutes of Nevada 2005, 22nd Special Session:

Sec. 3. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, each occupied public building whose construction will be sponsored or financed by this State must, when completed, meet the requirements to be certified at or meet the equivalent of the base level or higher in accordance with the Leadership in Energy and Environmental Design Green Building Rating System, or an equivalent standard, as adopted by the Director of the Office of Energy pursuant to section 11 of this act.

2. During each biennium, at least two occupied public buildings whose construction will be sponsored or financed by this State must be designated as demonstration projects and must, when completed, meet the requirements to be certified at or meet the equivalent of the silver level or higher in accordance with the Leadership in Energy and Environmental Design Green Building Rating System, or an equivalent standard, as adopted by the Director of the Office of Energy pursuant to section 11 of this act if:

(a) The Director of the Office of Energy, in consultation with the State Board of Examiners and the State Public Works Board, has determined that it is feasible for the buildings to meet such requirements and standards and that it is a cost-effective investment to do so; and

(b) The agency or agencies that will occupy the buildings have agreed to allow the buildings to be designated as demonstration projects pursuant to this subsection.

3. Each occupied public building whose construction is sponsored or financed by a local government may meet the requirements to be certified at or meet the equivalent of the base level or higher in accordance with the Leadership in Energy and Environmental Design Green Building Rating System, or an equivalent standard, as adopted by the Director of the Office of Energy pursuant to section 11 of this act.

4. As used in this section, "occupied public building" means a public building used primarily as an office space or work area for persons employed by this State or a local government. The term does not include a public building used primarily as a storage facility or warehouse or for similar purposes.

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 621.

Remarks by Assemblywomen Kirkpatrick and Smith.

Assemblyman Oceguera moved that the following remarks be entered in the Journal.

ASSEMBLYWOMAN KIRKPATRICK:

When the Legislature enacted A.B. 3 of the 22nd Special Session, it established state tax policy to encourage "green" buildings. However, the Legislature did not establish any contractual or vested rights for those businesses that applied or qualified for the tax abatements and exemptions. Under well-established legal principles, those businesses are presumed to know that one Legislature cannot bind a subsequent Legislature when it is making general tax policy. Therefore, this Legislature has the power to adjust the state's tax policy and may amend the tax abatements and exemptions enacted by A.B. 3, regardless of whether any business has already incurred expense to comply with the requirements of the tax abatements and exemptions.

By enacting A.B. 621, this Legislature is making a policy decision to adjust the tax abatements and exemptions to protect the important fiscal needs of this State but without entirely eliminating the important tax incentives we enacted to promote the efficient use of energy. Simply stated, A.B. 621 is about balance and fairness.

To achieve that balance and fairness, A.B. 621 establishes a bright-line test to determine which businesses will continue to qualify under the original tax abatements and exemptions, subject to the modifications being made by this bill. Sections 15 and 15.5 establish three

conditions, all of which must be met by the business and all of which rely on easily ascertainable and highly verifiable information. Importantly, the business must have an opinion letter that was issued by the Department of Taxation before February 1, 2007, stating that the project will qualify for a partial tax exemption under A.B. 3 if certain conditions are met. This requirement will make A.B. 621 easier to administer and will establish a fair and reasonable method for determining which businesses will continue to qualify under the original tax abatements and exemptions and which businesses must proceed under the new procedures enacted by the bill.

I just wanted to enter the legislative intent into the record and how we came to where we are today. This is good public policy. We analyzed it thoroughly, went through a lot of documents, and spent a lot of time on this issue. It is important that we concur with the Senate amendment. We now have that bright line, and I urge your support.

ASSEMBLYWOMAN SMITH:

I rise in support of the motion to concur. This is an important piece of legislation for us to move forward. We need to get this done. One of the things to remember is that this legislation is about policy and not about individuals or a who-is-in and who-is-out idea. We would like to stay focused on the fact that we developed what we believed was the best policy. That process has been seen by everybody throughout the last few weeks. I want us to be able to feel good about the hearings that were conducted and about making decisions based solely on policy. I encourage your support of this motion.

I would also like to thank my colleague for spending so much time with me over the last few weeks working on this issue. It has been a wonderful learning experience for us.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Koivisto moved that the Assembly do not recede from its action on Senate Bill No. 490, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Koivisto.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Oceguera, Conklin, and Carpenter as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 490.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 536.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 536, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 858 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 20, which is attached to and hereby made a part of this report.

ELLEN KOIVISTO
ROSEMARY WOMACK
VALERIE WEBER
Assembly Conference Committee

MAURICE WASHINGTON
JOSEPH HECK
Senate Conference Committee

Conference Amendment No. CA20.

AN ACT relating to public health; exempting certain entities that comply with the provisions of federal law governing the electronic transmission of certain health information from provisions of state law that provide more stringent privacy requirements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) protects the privacy of certain individually identifiable health information. (Public Law No. 104-191) HIPAA and the federal regulations to carry out that Act contain provisions which address the use and disclosure of individually identifiable health information by certain covered entities, including certain health plans, health care providers and health care clearinghouses. Among the federal requirements are provisions governing the electronic transmission of such health information. (42 U.S.C. §§ 1320d et seq.)

HIPAA further provides that if a state law imposes requirements or standards concerning the privacy of health information, the state law preempts HIPAA to the extent that the state law is more stringent than HIPAA. Section 1 of this bill changes the effect of this state law preemption with respect to the electronic transmission of individually identifiable health information by exempting a covered entity that complies with HIPAA from any state law governing the privacy of health information which is more stringent. Section 1 also requires a covered entity that makes individually identifiable health information available electronically to allow ~~[any]~~ **a** person **under certain circumstances** to opt out of having his individually identifiable health information disclosed electronically to other covered entities.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a covered entity transmits electronically individually identifiable health information in compliance with the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, which govern the electronic transmission of such information, the covered entity is, for purposes of the electronic transmission, exempt from any state

law that contains more stringent requirements or provisions concerning the privacy or confidentiality of individually identifiable health information.

2. A covered entity that makes individually identifiable health information available electronically pursuant to subsection 1 shall allow any person to opt out of having his individually identifiable health information disclosed electronically to other covered entities, except ~~*[as]*~~ ***:***

(a) As required by the administrative simplification provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

(b) As otherwise required by a state law.

(c) That a person who is a recipient of Medicaid or insurance pursuant to the Children's Health Insurance Program may not opt out of having his individually identifiable health information disclosed electronically.

3. As used in this section:

(a) "Covered entity" has the meaning ascribed to it in 45 C.F.R. § 160.103.

(b) "Individually identifiable health information" has the meaning ascribed to it in 45 C.F.R. § 160.103.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 441A.220 is hereby amended to read as follows:

441A.220 All information of a personal nature about any person provided by any other person reporting a case or suspected case of a communicable disease, or by any person who has a communicable disease, or as determined by investigation of the health authority, is confidential medical information and must not be disclosed to any person under any circumstances, including pursuant to any subpoena, search warrant or discovery proceeding, except ***:*** ~~[as follows:]~~

1. ***As otherwise provided in section 1 of this act.***

2. For statistical purposes, provided that the identity of the person is not discernible from the information disclosed.

~~[2.]~~ ***3.*** In a prosecution for a violation of this chapter.

~~[3.]~~ ***4.*** In a proceeding for an injunction brought pursuant to this chapter.

~~[4.]~~ ***5.*** In reporting the actual or suspected abuse or neglect of a child or elderly person.

~~[5.]~~ ***6.*** To any person who has a medical need to know the information for his own protection or for the well-being of a patient or dependent person, as determined by the health authority in accordance with regulations of the Board.

~~[6.]~~ ***7.*** If the person who is the subject of the information consents in writing to the disclosure.

~~[7.]~~ ***8.*** Pursuant to subsection 2 of NRS 441A.320 or NRS 629.069.

~~[8.]~~ ***9.*** If the disclosure is made to the Department of Health and Human Services and the person about whom the disclosure is made has been diagnosed as having acquired immunodeficiency syndrome or an illness

related to the human immunodeficiency virus and is a recipient of or an applicant for Medicaid.

~~[9.]~~ ***10.*** To a firefighter, police officer or person providing emergency medical services if the Board has determined that the information relates to a communicable disease significantly related to that occupation. The information must be disclosed in the manner prescribed by the Board.

~~[10.]~~ ***11.*** If the disclosure is authorized or required by specific statute.

Sec. 4. NRS 441A.230 is hereby amended to read as follows:

441A.230 Except as otherwise provided in this chapter ~~[,]~~ ***and section 1 of this act,*** a person shall not make public the name of, or other personal identifying information about, a person infected with a communicable disease who has been investigated by the health authority pursuant to this chapter ~~[,]~~ without the consent of the person.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 442.330 is hereby amended to read as follows:

442.330 1. ~~[Information]~~ ***Except as otherwise provided in section 1 of this act, information*** obtained by the system from any source may be used only:

(a) To investigate the causes of birth defects and other adverse birth outcomes;

(b) To determine, evaluate and develop strategies to prevent the occurrence of birth defects and other adverse birth outcomes;

(c) To assist in the early detection of birth defects; and

(d) To assist in ensuring the delivery of services for children identified with birth defects.

2. The State Board of Health shall adopt regulations to ensure that ~~[:]~~ ***, except as otherwise provided in subsection 3 and section 1 of this act:***

(a) Access to information contained in the system is limited to persons authorized and approved by the State Health Officer or his representative who are employed by the Health Division or the University of Nevada School of Medicine.

(b) Any information obtained by the system that would reveal the identity of a patient remains confidential.

(c) ~~[Except as otherwise provided in subsection 3, information]~~ ***Information*** obtained by the system is used solely for the purposes set forth in subsection 1.

3. This section does not prohibit the publishing of statistical compilations relating to birth defects and other adverse birth outcomes that do not in any manner identify individual patients or individual sources of information.

Sec. 7. NRS 442.395 is hereby amended to read as follows:

442.395 ~~[If]~~ ***Except as otherwise provided in section 1 of this act, if*** a pregnant woman is referred to the Health Division by a provider of health care or other services for information relating to programs for the prevention and treatment of fetal alcohol syndrome, any report relating to the referral or

other associated documentation is confidential and must not be used in any criminal prosecution of the woman.

Sec. 8. NRS 449.720 is hereby amended to read as follows:

449.720 ***1.*** Every patient of a medical facility, facility for the dependent or home for individual residential care has the right to:

~~[1.]~~ ***(a)*** Receive considerate and respectful care.

~~[2.]~~ ***(b)*** Refuse treatment to the extent permitted by law and to be informed of the consequences of that refusal.

~~[3.]~~ ***(c)*** Refuse to participate in any medical experiments conducted at the facility.

~~[4.]~~ ***(d)*** Retain his privacy concerning his program of medical care. ~~[Discussions of a patient's care, consultation with other persons concerning the patient, examinations or treatments, and all communications and records concerning the patient, except as otherwise provided in NRS 108.640, 442.300 to 442.330, inclusive, and 449.705, and chapter 629 of NRS, are confidential. The patient must consent to the presence of any person who is not directly involved with his care during any examination, consultation or treatment.~~

~~5.~~ ***(e)*** Have any reasonable request for services reasonably satisfied by the facility or home considering its ability to do so.

~~[6.]~~ ***(f)*** Receive continuous care from the facility or home. The patient must be informed:

~~[(a)]~~ ***(1)*** Of his appointments for treatment and the names of the persons available at the facility or home for those treatments; and

~~[(b)]~~ ***(2)*** By his physician or an authorized representative of the physician, of his need for continuing care.

2. Except as otherwise provided in NRS 108.640, 442.300 to 442.330, inclusive, and 449.705 and chapter 629 of NRS and section 1 of this act, discussions of the care of a patient, consultation with other persons concerning the patient, examinations or treatments, and all communications and records concerning the patient are confidential. The patient must consent to the presence of any person who is not directly involved with his care during any examination, consultation or treatment.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. NRS 458.280 is hereby amended to read as follows:

458.280 1. Except as otherwise provided in subsection 2, NRS 442.300 to 442.330, inclusive, and 449.705 and chapter 629 of NRS, ***and section 1 of this act,*** the registration and other records of a treatment facility are confidential and must not be disclosed to any person not connected with the treatment facility without the consent of the patient.

2. The provisions of subsection 1 do not restrict the use of a patient's records for the purpose of research into the causes and treatment of alcoholism if such information is ~~[not]~~ ***:***

(a) Not published in a way that discloses the patient's name or other identifying information ~~[.]~~ ***; or***

(b) Disclosed pursuant to section 1 of this act.

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. NRS 396.525 is hereby amended to read as follows:

396.525 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and section 1 of this act,*** the records of the genetics program concerning the clients and families of clients are confidential.

2. The genetics program may share information in its possession with the University of Nevada School of Medicine and the Health Division of the Department of Health and Human Services, if the confidentiality of the information is otherwise maintained in accordance with the terms and conditions required by law.

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. NRS 432B.280 is hereby amended to read as follows:

432B.280 1. ~~[Reports]~~ ***Except as otherwise provided in section 1 of this act, reports*** made pursuant to this chapter, as well as all records concerning these reports and investigations thereof, are confidential.

2. Any person, law enforcement agency or public agency, institution or facility who willfully releases data or information concerning such reports and investigations, except:

(a) Pursuant to a criminal prosecution relating to the abuse or neglect of a child;

(b) As otherwise authorized or required pursuant to NRS 432B.290; ~~[or]~~

(c) As otherwise required pursuant to NRS 432B.513 ~~[,]~~ ***; or***

(d) As otherwise authorized or required pursuant to section 1 of this act,

➥ is guilty of a misdemeanor.

Sec. 22. (Deleted by amendment.)

Sec. 23. NRS 433.332 is hereby amended to read as follows:

433.332 1. If a patient in a division facility is transferred to another division facility or to a medical facility, a facility for the dependent or a physician licensed to practice medicine, the division facility shall forward a copy of the medical records of the patient, on or before the date the patient is transferred, to the facility or physician. Except as otherwise required by 42 U.S.C. §§ ~~[290dd-3 and 290ee-3,]~~ ***290dd, 290dd-1 or 290dd-2 or section 1 of this act,*** the division facility is not required to obtain the oral or written consent of the patient to forward a copy of the medical records.

2. As used in this section, "medical records" includes a medical history of the patient, a summary of the current physical condition of the patient and

a discharge summary which contains the information necessary for the proper treatment of the patient.

Sec. 24. NRS 433.482 is hereby amended to read as follows:

433.482 Each client admitted for evaluation, treatment or training to a facility has the following personal rights, a list of which must be prominently posted in all facilities providing those services and must be otherwise brought to the attention of the client by such additional means as prescribed by regulation:

1. To wear his own clothing, to keep and use his own personal possessions, including his toilet articles, unless those articles may be used to endanger his or others' lives, and to keep and be allowed to spend a reasonable sum of his own money for expenses and small purchases.

2. To have access to individual space for storage for his private use.

3. To see visitors each day.

4. To have reasonable access to telephones, both to make and receive confidential calls.

5. To have ready access to materials for writing letters, including stamps, and to mail and receive unopened correspondence, but:

(a) For the purposes of this subsection, packages are not considered as correspondence; and

(b) Correspondence identified as containing a check payable to a client may be subject to control and safekeeping by the administrative officer of that facility or his designee, so long as the client's record of treatment documents the action.

6. To have reasonable access to an interpreter if the client does not speak English or is hearing impaired.

7. To designate a person who must be kept informed by the facility of the client's medical and mental condition, if the client signs a release allowing the facility to provide such information to the person.

8. ~~[To]~~ ***Except as otherwise provided in section 1 of this act, to*** have access to his medical records denied to any person other than:

(a) A member of the staff of the facility or related medical personnel, as appropriate;

(b) A person who obtains a waiver by the client of his right to keep the medical records confidential; or

(c) A person who obtains a court order authorizing the access.

9. Other personal rights as specified by regulation of the Commission.

Sec. 25. NRS 433A.360 is hereby amended to read as follows:

433A.360 1. A clinical record for each client must be diligently maintained by any division facility or private institution or facility offering mental health services. The record must include information pertaining to the client's admission, legal status, treatment and individualized plan for habilitation. The clinical record is not a public record and no part of it may be released, except:

(a) ***If the release is authorized or required pursuant to section 1 of this act.***

(b) The record must be released to physicians, attorneys and social agencies as specifically authorized in writing by the client, his parent, guardian or attorney.

~~[(b)]~~ ***(c)*** The record must be released to persons authorized by the order of a court of competent jurisdiction.

~~[(c)]~~ ***(d)*** The record or any part thereof may be disclosed to a qualified member of the staff of a division facility, an employee of the Division or a member of the staff of an agency in Nevada which has been established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act ***of 2000***, 42 U.S.C. §§ ~~[6041]~~ ***15001*** et seq., or the Protection and Advocacy for Mentally Ill Individuals Act of 1986, 42 U.S.C. §§ 10801 et seq., when the Administrator deems it necessary for the proper care of the client.

~~[(d)]~~ ***(e)*** Information from the clinical records may be used for statistical and evaluative purposes if the information is abstracted in such a way as to protect the identity of individual clients.

~~[(e)]~~ ***(f)*** To the extent necessary for a client to make a claim, or for a claim to be made on behalf of a client for aid, insurance or medical assistance to which he may be entitled, information from the records may be released with the written authorization of the client or his guardian.

~~[(f)]~~ ***(g)*** The record must be released without charge to any member of the staff of an agency in Nevada which has been established pursuant to 42 U.S.C. §§ ~~[6041]~~ ***15001*** et seq. or 42 U.S.C. §§ 10801 et seq. if:

(1) The client is a client of that office and he or his legal representative or guardian authorizes the release of the record; or

(2) A complaint regarding a client was received by the office or there is probable cause to believe that the client has been abused or neglected and the client:

(I) Is unable to authorize the release of the record because of his mental or physical condition; and

(II) Does not have a guardian or other legal representative or is a ward of the State.

~~[(g)]~~ ***(h)*** The record must be released as provided in NRS 433.332 or 433B.200 and in chapter 629 of NRS.

2. As used in this section, "client" includes any person who seeks, on his own or others' initiative, and can benefit from, care, treatment and training in a private institution or facility offering mental health services, or from treatment to competency in a private institution or facility offering mental health services.

Sec. 26. (Deleted by amendment.)

Sec. 27. NRS 629.161 is hereby amended to read as follows:

629.161 1. It is unlawful to retain genetic information that identifies a person, without first obtaining the informed consent of the person or the

person's legal guardian pursuant to NRS 629.181, unless retention of the genetic information is:

(a) ***Authorized or required pursuant to section 1 of this act;***

(b) Necessary to conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;

~~[(b)]~~ ***(c)*** Authorized pursuant to an order of a court of competent jurisdiction; or

~~[(c)]~~ ***(d)*** Necessary for a medical facility as defined in NRS 449.0151 to maintain a medical record of the person.

2. A person who has authorized another person to retain his genetic information may request that person to destroy the genetic information. If so requested, the person who retains that genetic information shall destroy the information, unless retention of that information is:

(a) ***Authorized or required pursuant to section 1 of this act;***

(b) Necessary to conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;

~~[(b)]~~ ***(c)*** Authorized by an order of a court of competent jurisdiction;

~~[(c)]~~ ***(d)*** Necessary for a medical facility as defined in NRS 449.0151 to maintain a medical record of the person; or

~~[(d)]~~ ***(e)*** Authorized or required by state or federal law or regulation.

3. Except as otherwise provided in subsection 4 or by federal law or regulation, a person who obtains the genetic information of a person for use in a study shall destroy that information upon:

(a) The completion of the study; ***or***

(b) The withdrawal of the person from the study,

➥ whichever occurs first.

4. A person whose genetic information is used in a study may authorize the person who conducts the study to retain that genetic information after the study is completed or upon his withdrawal from the study.

Sec. 28. (Deleted by amendment.)

Sec. 29. NRS 639.238 is hereby amended to read as follows:

639.238 1. Prescriptions filled and on file in a pharmacy are not a public record. Except as otherwise provided in NRS 639.2357, ***and section 1 of this act,*** a pharmacist shall not divulge the contents of any prescription or provide a copy of any prescription, except to:

(a) The patient for whom the original prescription was issued;

(b) The practitioner who originally issued the prescription;

(c) A practitioner who is then treating the patient;

(d) A member, inspector or investigator of the Board or an inspector of the Food and Drug Administration or an agent of the Investigation Division of the Department of Public Safety;

(e) An agency of State Government charged with the responsibility of providing medical care for the patient;

(f) An insurance carrier, on receipt of written authorization signed by the patient or his legal guardian, authorizing the release of such information;

(g) Any person authorized by an order of a district court;

(h) Any member, inspector or investigator of a professional licensing board which licenses a practitioner who orders prescriptions filled at the pharmacy;

(i) Other registered pharmacists for the limited purpose of and to the extent necessary for the exchange of information relating to persons who are suspected of:

(1) Misusing prescriptions to obtain excessive amounts of drugs; or

(2) Failing to use a drug in conformity with the directions for its use or taking a drug in combination with other drugs in a manner that could result in injury to that person; ~~[or]~~

(j) A peace officer employed by a local government for the limited purpose of and to the extent necessary:

(1) For the investigation of an alleged crime reported by an employee of the pharmacy where the crime was committed; or

(2) To carry out a search warrant or subpoena issued pursuant to a court order ~~[.]~~ ***; or***

(k) A county coroner, medical examiner or investigator employed by an office of a county coroner for the purpose of:

(1) Identifying a deceased person;

(2) Determining a cause of death; or

(3) Performing other duties authorized by law.

2. Any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is issued to a county coroner, medical examiner or investigator employed by an office of a county coroner must be limited to a copy of the prescription filled or on file for:

(a) The person whose name is on the container of the controlled substance or dangerous drug that is found on or near the body of a deceased person; or

(b) The deceased person whose cause of death is being determined.

3. Except as otherwise provided in NRS 639.2357, any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS, issued to a person authorized by this section to receive such a copy, must contain all of the information appearing on the original prescription and be clearly marked on its face "Copy, Not Refillable—For Reference Purposes Only." The copy must bear the name or initials of the registered pharmacist who prepared the copy.

4. If a copy of a prescription for any controlled substance or a dangerous drug as defined in chapter 454 of NRS is furnished to the customer, the original prescription must be voided and notations made thereon showing the date and the name of the person to whom the copy was furnished.

5. As used in this section, "peace officer" does not include:

(a) A member of the Police Department of the Nevada System of Higher Education.

(b) A school police officer who is appointed or employed pursuant to NRS 391.100.

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Assemblywoman Koivisto moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 536.

Remarks by Assemblywoman Koivisto.

Motion carried by a constitutional majority.

Madam Speaker:

The first Conference Committee concerning Assembly Bill No. 424, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 734 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 14, which is attached to and hereby made a part of this report.

SHEILA LESLIE	JOSEPH HECK
SUSAN GERHARDT	MAGGIE CARLTON
GARN MABEY	WARREN HARDY
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA14.

SPONSORS: **ASSEMBLYMEN** Leslie **, GERHARDT AND ARBERRY**

SPONSORS: SENATORS Heck **, CARLTON AND HORSFORD**

AN ACT relating to professions; providing for the licensing and regulation of clinical professional counselors, clinical professional counselor interns **, marriage and family therapist interns,** and clinical alcohol and drug abuse counselors; revising the name and expanding the membership of the Board of Examiners for Marriage and Family Therapists; providing a privilege against the disclosure of certain confidential communications between a clinical professional counselor and his client and certain other persons; requiring reimbursement for services provided by a licensed clinical professional counselor or licensed clinical alcohol and drug abuse counselor under certain policies of health insurance; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 6 and 7 of this bill provide definitions for the terms "clinical professional counselor" and "practice of clinical professional counseling." Sections 8 and 99.5 of this bill establish the requirements for a license to practice as a clinical professional counselor. Sections 8.2-9 of this bill set forth requirements governing clinical professional counselor interns. Sections 10-14, 18-21 and 23.5-32 of this bill include **marriage and family therapist interns,** clinical professional counselors and clinical professional counselor interns under the regulation of the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors. Section 14.5 of this bill revises the definition of "practice of marriage and family therapy." **Sections 9.2-9.9 of this bill set forth requirements governing marriage and family therapist interns.** Sections 15 and 15.5 of this bill increase the number of members of the Board of Examiners for Marriage and Family

Therapists and Clinical Professional Counselors. Sections 16 and 16.5 of this bill require that the additional members of the Board be licensed clinical professional counselors. Section 29 of this bill prohibits a person from engaging in the practice of clinical professional counseling without a license. Section 35 of this bill provides a definition of "clinical practice of counseling alcohol and drug abusers." Section 36 of this bill establishes the requirements for the issuance of a license as a clinical alcohol and drug abuse counselor. Section 37 of this bill establishes the requirements for certification as a clinical alcohol and drug abuse counselor intern. Section 38 of this bill establishes the scope of practice of a clinical alcohol and drug abuse counselor and the duration of his license. Section 54 of this bill clarifies the scope of practice of an alcohol and drug abuse counselor. Sections 63-66 of this bill provide a privilege against the disclosure of certain confidential communications between a clinical professional counselor and his client and certain other persons. Sections 2, 71, 76, 77 and 86 of this bill include a clinical professional counselor in the definition of the term "provider of health care." Sections 72, 73 and 78 of this bill require a clinical professional counselor and a clinical alcohol and drug abuse counselor to report to certain governmental agencies, including law enforcement agencies, cases of known or suspected abuse or neglect of an older person, vulnerable person or a child. Sections 79, 81 and 83 of this bill include a clinical professional counselor in the definition of the term "person professionally qualified in the field of psychiatric mental health." Sections 92-99 of this bill require reimbursement for services provided by a licensed clinical professional counselor or clinical alcohol and drug abuse counselor under certain policies of health insurance.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 622A.120 is hereby amended to read as follows:

622A.120 1. The following regulatory bodies are exempted from the provisions of this chapter:

(a) State Contractors' Board.

(b) State Board of Professional Engineers and Land Surveyors.

(c) Nevada State Board of Accountancy.

(d) Board of Medical Examiners.

(e) Board of Dental Examiners of Nevada.

(f) State Board of Nursing.

(g) Chiropractic Physicians' Board of Nevada.

(h) Nevada State Board of Optometry.

(i) State Board of Pharmacy.

(j) Board of Examiners for Marriage and Family Therapists [.] ***and Clinical Professional Counselors.***

(k) Real Estate Commission, Real Estate Administrator and Real Estate Division of the Department of Business and Industry.

(l) Commission of Appraisers of Real Estate.

(m) Commissioner of Mortgage Lending and Division of Mortgage Lending of the Department of Business and Industry.

(n) Commissioner of Financial Institutions and Division of Financial Institutions of the Department of Business and Industry.

(o) State Board of Health and Health Division of the Department of Health and Human Services.

2. Any regulatory body which is exempted from the provisions of this chapter pursuant to subsection 1 may elect by regulation to follow the provisions of this chapter or any portion thereof.

Sec. 2. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by specific statute:

1. "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed marriage and family therapist, ***licensed clinical professional counselor,*** chiropractor, athletic trainer, doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist or a licensed hospital as the employer of any such person.

2. For the purposes of NRS 629.051, 629.061 and 629.065, the term includes a facility that maintains the health care records of patients.

Sec. 3. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, physician assistant, psychiatrist, psychologist, marriage and family therapist, ***clinical professional counselor,*** alcohol or drug abuse counselor, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who maintains or is employed by an agency to provide nursing in the home.

(f) Any employee of the Department of Health and Human Services.

(g) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(h) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(i) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(j) Any social worker.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section, "agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

Sec. 4. NRS 641.029 is hereby amended to read as follows:

641.029 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;

2. A person who is licensed to practice dentistry in this State;

3. A person who is licensed as a marriage and family therapist ***or marriage and family therapist intern*** pursuant to chapter 641A of NRS;

4. ***A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;***

5. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;

~~[5.]~~ ***6.*** A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;

~~[6.]~~ ***7.*** A person who is licensed ***as a clinical alcohol and drug abuse counselor, licensed*** or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern, ***a clinical alcohol and drug abuse counselor intern,*** a problem gambling counselor or a problem gambling counselor intern ***,*** pursuant to chapter 641C of NRS; or

~~[7.]~~ ***8.*** Any clergyman,

➥ if such a person does not commit an act described in NRS 641.440 or represent himself as a psychologist.

Sec. 5. Chapter 641A of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[6]~~ 5.5 to 9, inclusive, of this act.

Sec. 5.5. *"Approved supervisor" means a licensed marriage and family therapist or licensed clinical professional counselor who is approved by the Board to supervise a person who is acquiring the supervised experience in marriage and family therapy or clinical professional counseling , as appropriate, that is required for licensure as a marriage and family therapist or clinical professional counselor pursuant to this chapter.*

Sec. 6. *"Clinical professional counselor" means a person who describes himself or his services to the public by any title or description which incorporates the term "clinical professional counselor" and under such a title offers to provide or provides services to any person.*

Sec. 7. "Practice of clinical professional counseling" means the provision of treatment, assessment and counseling, or equivalent activities, to a person or group of persons to achieve mental, emotional, physical [, social and moral] and social development and adjustment. The term includes counseling interventions to prevent, diagnose and treat mental, emotional or behavioral disorders and associated distresses which interfere with mental health. The term does not include:

1. The practice of psychology or medicine;

2. The assessment or treatment of couples or families;

3. The prescription of drugs or electroconvulsive therapy;

4. The treatment of physical disease, injury or deformity;

5. The diagnosis or treatment of a psychotic disorder;

6. The use of projective techniques in the assessment of personality;

7. The use of psychological, neuropsychological or clinical tests designed to identify or classify abnormal or pathological human behavior;

8. The use of individually administered intelligence tests, academic achievement tests or neuropsychological tests; or

9. The use of psychotherapy to treat the concomitants of organic illness except in consultation with a qualified physician or licensed clinical psychologist.

Sec. 8. *Each applicant for a license to practice as a clinical professional counselor must furnish evidence satisfactory to the Board that he:*

1. Is at least 21 years of age;

2. Is of good moral character;

3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;

4. Has:

(a) Completed his residency training in psychiatry from an accredited institution approved by the Board;

(b) A graduate degree from a program approved by the Council for Accreditation of Counseling and Related Educational Programs as a program in mental health counseling or community counseling; or

(c) An acceptable degree as determined by the Board which includes the completion of a practicum and internship in mental health counseling

which was taken concurrently with the degree program and was supervised by a licensed mental health professional; and

5. Has:

(a) At least 2 years of postgraduate experience in professional counseling;

(b) At least 3,000 hours of supervised experience in professional counseling which includes, without limitation:

(1) At least 1,500 hours of direct contact with clients; and

(2) At least 100 hours of counseling under the direct supervision of an approved supervisor of which at least 1 hour per week was completed for each work setting at which the applicant provided counseling; and

(c) Either:

(1) Passed the National Counselor Examination for Licensure and Certification which is administered by the National Board for Certified Counselors and provided evidence satisfactory to the Board of at least 3 years of work experience in mental health counseling; or

(2) Passed the National Clinical Mental Health Counseling Examination which is administered by the National Board for Certified Counselors.

Sec. 8.2. ***1. A person who wishes to obtain the supervised experience that is required for licensure as a clinical professional counselor pursuant to this chapter must obtain a license as a clinical professional counselor intern before beginning his supervised experience.***

2. An applicant for a license as a clinical professional counselor intern must furnish evidence satisfactory to the Board that he:

(a) Is at least 21 years of age;

(b) Is of good moral character;

(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;

(d) Possesses a graduate degree in counseling from an accredited college or university approved by the Board which required the completion of a practicum or internship; and

(e) Has entered into a supervision agreement with an approved supervisor.

Sec. 8.4. ***A license as a clinical professional counselor intern:***

1. Is valid for ~~[5]~~ 3 years and may be renewed not more than once; and

2. Expires upon:

(a) The termination of the supervision agreement with an approved supervisor;

(b) A change in the approved supervisor; or

(c) The issuance of a license as a clinical professional counselor to the holder of the license as a clinical professional counselor intern.

Sec. 8.6. ***The holder of a license as a clinical professional counselor intern:***

1. May engage in the practice of clinical professional counseling only for the purposes of obtaining the supervised experience required by subsection 5 of section 8 of this act for a license to practice as a clinical professional counselor; and

2. Shall not engage in the practice of clinical professional counseling independently.

Sec. 8.8. ***1. The holder of a license as a clinical professional counselor intern shall, before providing any counseling or other therapeutic service to a client:***

(a) Inform the client that he holds a license as a clinical professional counselor intern and is practicing under the supervision of an approved supervisor; and

(b) Provide to the client the name of his approved supervisor.

2. A violation of subsection 1 constitutes a ground for initiating disciplinary action or denying licensure.

Sec. 9. ***1. The holder of a license as a clinical professional counselor intern who makes a change in a supervision agreement or enters into a new supervision agreement shall notify the Board within 30 days after the date of the change or new agreement.***

2. Each party to a supervision agreement shall, upon its termination, notify the Board in writing not more than 5 days after the date of termination.

Sec. 9.2. 1. A person who wishes to obtain the supervised experience that is required for licensure as a marriage and family therapist pursuant to this chapter must obtain a license as a marriage and family therapist intern before beginning his supervised experience.

2. An applicant for a license as a marriage and family therapist intern must furnish evidence satisfactory to the Board that he:

(a) Is at least 21 years of age;

(b) Is of good moral character;

(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;

(d) Possesses a graduate degree in marriage and family therapy, psychology or social work from an accredited institution approved by the Board or has completed other education and training which is deemed equivalent by the Board; and

(e) Has entered into a supervision agreement with an approved supervisor.

Sec. 9.4. A license as a marriage and family therapist intern:

1. Is valid for 3 years and may be renewed not more than once; and

2. Expires upon:

(a) The termination of the supervision agreement with an approved supervisor;

(b) A change in the approved supervisor; or

(c) The issuance of a license as a marriage and family therapist to the holder of the license as a marriage and family therapist intern.

Sec. 9.6. The holder of a license as a marriage and family therapist intern:

1. May engage in the practice of marriage and family therapy only for the purposes of obtaining the supervised experience required by subsection 5 of NRS 641A.220 for a license to practice as a marriage and family therapist; and

2. Shall not engage in the practice of marriage and family therapy independently.

Sec. 9.8. 1. The holder of a license as a marriage and family therapist intern shall, before providing any counseling or other therapeutic service to a client:

(a) Inform the client that he holds a license as a marriage and family therapist intern and is practicing under the supervision of an approved supervisor; and

(b) Provide to the client the name of his approved supervisor.

2. A violation of subsection 1 constitutes a ground for initiating disciplinary action or denying licensure.

Sec. 9.9. 1. The holder of a license as a marriage and family therapist intern who makes a change in a supervision agreement or enters into a new supervision agreement shall notify the Board within 30 days after the date of the change or new agreement.

2. Each party to a supervision agreement shall, upon its termination, notify the Board in writing not more than 5 days after the date of termination.

Sec. 10. NRS 641A.010 is hereby amended to read as follows:

641A.010 The practice of marriage and family therapy ~~[is]~~ ***and the practice of clinical professional counseling are*** hereby declared ~~[a learned profession,]~~ ***to be learned professions*** profoundly affecting public safety and welfare and charged with the public interest, and therefore subject to protection and regulation by the State.

Sec. 11. NRS 641A.020 is hereby amended to read as follows:

641A.020 As used in this chapter, unless the context otherwise requires, ***the*** words and terms defined in NRS 641A.030 to 641A.080, inclusive, ***and sections 5.5, 6 and 7 of this act*** have the meanings ~~[assigned]~~ ***ascribed*** to them in ~~[such]~~ ***those*** sections.

Sec. 12. NRS 641A.030 is hereby amended to read as follows:

641A.030 "Board" means the Board of Examiners for Marriage and Family Therapists ~~[.]~~ ***and Clinical Professional Counselors.***

Sec. 13. NRS 641A.040 is hereby amended to read as follows:

641A.040 "License" means a license issued by the Board pursuant to this chapter to practice as a marriage and family therapist ~~[.]~~ ***, a marriage and family therapist intern, a clinical professional counselor or a clinical professional counselor intern.***

Sec. 14. NRS 641A.050 is hereby amended to read as follows:

641A.050 "Licensee" means a person licensed as a marriage and family therapist ***, a marriage and family therapist intern, a clinical professional counselor or a clinical professional counselor intern*** by the Board.

Sec. 14.5. NRS 641A.080 is hereby amended to read as follows:

641A.080 1. "Practice of marriage and family therapy" means the ~~[application of established principles of learning, motivation, perception, thinking, emotional, marital and sexual relationships and adjustments by persons trained in psychology, social work, psychiatry or marriage and family therapy. The application of these principles includes:~~

~~(a) Diagnosis, therapy, treatment, counseling and the use of psychotherapeutic measures with persons or groups with adjustment problems in the areas of marriage, family or personal relationships.~~

~~(b) Conducting research concerning problems related to marital relationships and human behavior.~~

~~(c) Consultation with other persons engaged in the practice of marriage and family therapy if the consultation is determined by the Board to include the application of any of these principles.]~~ ***diagnosis and treatment of mental and emotional disorders, whether cognitive, affective or behavioral, within the context of interpersonal relationships, including, without limitation, marital and family systems, and involves the professional application or use of psychotherapy, counseling, evaluation, assessment instruments, consultation, treatment planning, supervision, research and prevention of mental and emotional disorders. The term includes, without limitation, the rendering of professional marital and family therapy services to a person, couple, family or family group or other group of persons.***

2. The term does not include:

(a) The diagnosis or treatment of a psychotic disorder; or

(b) The use of a psychological or psychometric assessment test to determine intelligence, personality, aptitude, interests or addictions.

Sec. 15. NRS 641A.090 is hereby amended to read as follows:

641A.090 The Board of Examiners for Marriage and Family Therapists ~~[,]~~ ***and Clinical Professional Counselors,*** consisting of ~~[six]~~ ***eight*** members appointed by the Governor, is hereby created.

Sec. 15.5. NRS 641A.090 is hereby amended to read as follows:

641A.090 The Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, consisting of ~~[eight]~~ ***nine*** members appointed by the Governor, is hereby created.

Sec. 16. NRS 641A.100 is hereby amended to read as follows:

641A.100 1. The Governor shall appoint to the Board:

(a) Four members who are licensed marriage and family therapists and are in good standing with or acceptable for membership in their local or state societies and associations when they exist; ~~[and]~~

(b) ***Two members who are licensed clinical professional counselors and are in good standing with or acceptable for membership in their local or state societies and associations when they exist; and***

(c) Two members who are representatives of the general public. These members must not be:

(1) A marriage and family therapist; ~~[or]~~

(2) ***A clinical professional counselor; or***

(3) The spouse or the parent or child, by blood, marriage or adoption, of a marriage and family therapist ~~[.]~~ ***or clinical professional counselor.***

2. The members who are representatives of the general public shall not participate in preparing, conducting or grading any examination required by the Board.

3. The Governor may, after notice and hearing, remove any member of the Board for misconduct in office, incompetence, neglect of duty or other sufficient cause.

Sec. 16.5. NRS 641A.100 is hereby amended to read as follows:

641A.100 1. The Governor shall appoint to the Board:

(a) Four members who are licensed marriage and family therapists and are in good standing with or acceptable for membership in their local or state societies and associations when they exist;

(b) ~~[Two]~~ ***Three*** members who are licensed clinical professional counselors and are in good standing with or acceptable for membership in their local or state societies and associations when they exist; and

(c) Two members who are representatives of the general public. These members must not be:

(1) A marriage and family therapist;

(2) A clinical professional counselor; or

(3) The spouse or the parent or child, by blood, marriage or adoption, of a marriage and family therapist or clinical professional counselor.

2. The members who are representatives of the general public shall not participate in preparing, conducting or grading any examination required by the Board.

3. The Governor may, after notice and hearing, remove any member of the Board for misconduct in office, incompetence, neglect of duty or other sufficient cause.

Sec. 17. NRS 641A.130 is hereby amended to read as follows:

641A.130 The Board shall meet at least once every 6 months at a time and place fixed by the Board. The Board shall hold a special meeting upon a call of the President or upon a request by a majority of the members. ~~[Three]~~ ***Five*** members of the Board constitute a quorum.

Sec. 18. NRS 641A.160 is hereby amended to read as follows:

641A.160 The Board shall adopt regulations not inconsistent with the provisions of this chapter governing its procedure, the examination and licensing of applicants, the granting, refusal, revocation or suspension of licenses **,** and the practice of marriage and family therapy ***and the practice of***

clinical professional counseling as ~~[it applies]~~ ***those practices apply*** to this chapter.

Sec. 19. NRS 641A.180 is hereby amended to read as follows:

641A.180 The Board shall:

1. Adopt regulations specifying the criteria for courses of study that are sufficient for the purposes of licensing; and

2. Determine which schools in and out of this State have courses of study for the preparation of marriage and family therapy ***and clinical professional counseling*** which are sufficient for the purposes of licensing. Published lists of educational institutions accredited by recognized accrediting organizations may be used in the evaluation of ~~[such]~~ ***those*** courses of study.

Sec. 20. NRS 641A.215 is hereby amended to read as follows:

641A.215 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license ~~[as a marriage and family therapist]~~ shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license ~~[as a marriage and family therapist]~~ shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license ~~[as a marriage and family therapist]~~ may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 21. NRS 641A.215 is hereby amended to read as follows:

641A.215 1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a license ~~[as a marriage~~

~~and family therapist]~~ shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license ~~[as a marriage and family therapist]~~ may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 22. NRS 641A.220 is hereby amended to read as follows:

641A.220 Each applicant ***for a license to practice as a marriage and family therapist*** must furnish evidence satisfactory to the Board that he:

1. Is at least 21 years of age;

2. Is of good moral character;

3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;

4. Has completed his residency training in psychiatry from an accredited institution approved by the Board, has a graduate degree in marriage and family therapy, psychology or social work from an accredited institution approved by the Board or has completed other education and training which is deemed equivalent by the Board;

5. Has ~~[at least 1 year]~~ ***:***

(a) At least 2 years of postgraduate experience in marriage and family therapy ~~[deemed satisfactory to the Board;]~~ ***;*** and

(b) At least 3,000 hours of supervised experience in marriage and family therapy, of which at least 1,500 hours must consist of direct contact with clients; and

6. Holds an undergraduate degree from an accredited institution approved by the Board.

Sec. 23. NRS 641A.230 is hereby amended to read as follows:

641A.230 1. Except as otherwise provided in subsection 2, each qualified applicant for a license ***to practice as a marriage and family therapist*** must ~~[be given]~~ ***pass*** a written examination ***given*** by the Board on his knowledge of marriage and family therapy. Examinations must be given at a time and place and under such supervision as the Board may determine. ~~[A grade of 70 percent is a passing grade.]~~

2. The Board shall accept receipt of a passing grade by a qualified applicant on the national examination sponsored by the ~~[American]~~ Association ~~[for Marriage]~~ ***of Marital*** and Family Therapy ***Regulatory Boards*** in lieu of requiring a written examination pursuant to subsection 1.

3. In addition to the requirements of subsections 1 and 2, the Board may require an oral examination. The Board may examine ***applicants*** in whatever applied or theoretical fields it deems appropriate.

Sec. 23.5. NRS 641A.235 is hereby amended to read as follows:

641A.235 1. The Board shall issue a license to an applicant who meets the requirements imposed pursuant to this chapter.

2. ~~[A]~~ ***Except as otherwise provided in*** ~~*[section]*~~ ***sections 8.4 and 9.4 of this act, a*** license expires on January 1 of each year.

3. The Board may prorate the fee for a license which expires less than 6 months after the date of issuance.

Sec. 24. NRS 641A.265 is hereby amended to read as follows:

641A.265 The Board may waive all or part of the requirement of continuing education in a particular year if the marriage and family therapist ***or clinical professional counselor*** was prevented from fulfilling the requirement ~~[by]~~ ***because of*** circumstances beyond his control.

Sec. 25. NRS 641A.285 is hereby amended to read as follows:

641A.285 1. Upon written request to the Board and payment of the fee prescribed by the Board, a licensee in good standing may have his name and license transferred to an inactive list for a period not to exceed 3 continuous years. A licensee shall not practice marriage and family therapy ***or clinical professional counseling*** during the time his license is inactive. If an inactive licensee desires to resume the practice of marriage and family therapy ~~[,]~~ ***or clinical professional counseling,*** the Board must reactivate the license upon the:

(a) Completion of an application for reactivation;

(b) Payment of the fee for renewal of the license; and

(c) Demonstration, if deemed necessary by the Board, that the licensee is then qualified and competent to practice.

➥ Except as otherwise provided in subsection 2, the licensee is not required to pay the delinquency fee or the renewal fee for any year while the license was inactive.

2. Any license that remains inactive for a period which exceeds 3 continuous years is deemed:

(a) To effect a revocation for the purposes of NRS 641A.270.

(b) To have lapsed at the beginning of that period for the purposes of NRS 641A.280.

3. The Board may adopt such regulations as it deems necessary to carry out the provisions of this section, including without limitation, regulations governing the renewal of inactive licenses and any requirement of continuing education for inactive licensees.

Sec. 26. NRS 641A.310 is hereby amended to read as follows:

641A.310 The Board may refuse to grant a license or may suspend or revoke a license for any of the following reasons:

1. Conviction of a felony relating to the practice of marriage and family therapy ***or clinical professional counseling*** or of any offense involving moral turpitude, the record of conviction being conclusive evidence thereof.

2. Habitual drunkenness or addiction to the use of a controlled substance.

3. Impersonating a licensed marriage and family therapist ***, marriage and family therapist intern,*** ~~[a]~~ ***clinical professional counselor or*** ~~[a]~~ ***clinical professional counselor intern*** or allowing another person to use his license.

4. Using fraud or deception in applying for a license or in passing the examination provided for in this chapter.

5. Rendering or offering to render services outside the area of his training, experience or competence.

6. Committing unethical practices contrary to the interest of the public as determined by the Board.

7. Unprofessional conduct as determined by the Board.

8. Negligence, fraud or deception in connection with services he is licensed to provide pursuant to this chapter.

Sec. 27. NRS 641A.313 is hereby amended to read as follows:

641A.313 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license ***,*** ~~[as a marriage and family therapist,]~~ the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license ~~[as a marriage and family therapist]~~ that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 28. NRS 641A.315 is hereby amended to read as follows:

641A.315 1. If the Board or any investigative committee of the Board has reason to believe that the conduct of any marriage and family therapist ***,***

marriage and family therapist intern, clinical professional counselor or clinical professional counselor intern has raised a reasonable question as to his competence to practice therapy ***or clinical professional counseling*** with reasonable skill and safety, it may order the marriage and family therapist ***, marriage and family therapist intern, clinical professional counselor or clinical professional counselor intern*** to undergo:

(a) A mental or physical examination administered by an appropriately licensed provider of health care;

(b) An examination testing his competence to practice therapy ~~[,]~~ ***or clinical professional counseling;*** or

(c) Any other examination designated by the Board,

➥ to assist the Board or committee in determining the fitness of the marriage and family therapist ***or marriage and family therapist intern*** to practice therapy ~~[.]~~ ***or the clinical professional counselor or clinical professional counselor intern to practice clinical professional counseling.***

2. For the purposes of this section:

(a) Every ***marriage and family*** therapist ***, marriage and family therapist intern, clinical professional counselor or clinical professional counselor intern*** who applies for a license or who is licensed pursuant to this chapter is deemed to have given his consent to submit to any examination ordered pursuant to subsection 1 when ordered to do so in writing by the Board.

(b) The testimony and reports of the examining provider of health care are not privileged communications.

3. Except in extraordinary circumstances, as determined by the Board, the failure of a ***marriage and family*** therapist ***, marriage and family therapist intern, clinical professional counselor or clinical professional counselor intern*** licensed pursuant to this chapter to submit to an examination when ordered to do so as provided in this section constitutes an admission of the charges against him.

4. The Board may require the marriage and family therapist ***, marriage and family therapist intern, clinical professional counselor or clinical professional counselor intern*** to pay the cost of the examination.

Sec. 29. NRS 641A.410 is hereby amended to read as follows:

641A.410 1. It is unlawful for any person to engage in the practice of marriage and family therapy ***or the practice of clinical professional counseling*** unless he is licensed under the provisions of this chapter.

2. The provisions of this chapter do not:

(a) Prevent any licensed physician, licensed nurse, licensed psychologist, certified alcohol or drug abuse counselor or other person licensed or certified by the State from carrying out the functions permitted by his respective license or certification if the person does not hold himself out to the public by any title and description of service likely to cause confusion with the titles and descriptions of service set forth in this chapter.

(b) Apply to any activity or service of a student who is obtaining a professional education as recognized by the Board if the activity or service

constitutes a part of the student's supervised course of study, the activities are supervised by a licensee under this chapter and the student is designated by the title "intern in marriage and family therapy" or any other title which clearly indicates his status as a student.

(c) Apply to any activity or service of an intern while he is obtaining the experience required for licensing as a marriage and family therapist ~~[.]~~ ***or a clinical professional counselor.***

(d) Apply to a licensed or ordained minister in good standing with his denomination whose duty is primarily to serve his congregation and whose practice of marriage and family therapy ***or clinical professional counseling*** is incidental to his other duties if he does not hold himself out to the public by any title or description of service that is likely to cause confusion with the titles and descriptions or services set forth in this chapter.

Sec. 30. NRS 641A.430 is hereby amended to read as follows:

641A.430 It is unlawful for any person, other than a person licensed under this chapter, to employ or use the term "marriage and family counselor," "marriage and family therapist," ***"marriage and family therapist intern,"*** "marital adviser," "marital therapist," ~~[or]~~ "marital consultant," ***"clinical professional counselor," "clinical professional counselor intern"*** or any similar title in connection with his work, or in any way imply that he is licensed by the Board, unless he is licensed under this chapter.

Sec. 31. NRS 641A.440 is hereby amended to read as follows:

641A.440 Any person who violates any of the provisions of this chapter or, having had his license suspended or revoked, continues to represent himself as a marriage and family therapist ***, marriage and family therapist intern, clinical professional counselor or clinical professional counselor intern*** shall be punished by imprisonment in the county jail for not more than 1 year or by a fine of not more than $5,000, or by both fine and imprisonment. Each violation is a separate offense.

Sec. 32. NRS 641A.450 is hereby amended to read as follows:

641A.450 A violation of this chapter by a person unlawfully representing himself as a marriage and family therapist ***, marriage and family therapist intern, clinical professional counselor or clinical professional counselor intern*** may be enjoined by a district court on petition by the Board. In any such proceeding it is not necessary to show that any person is individually injured. If the respondent is found guilty of misrepresenting himself as a marriage and family therapist, ***marriage and family therapist intern, clinical professional counselor or clinical professional counselor intern,*** the court shall enjoin him from making such a representation until he has been licensed. Procedure in ~~[such]~~ ***those*** cases is the same as in any other application for an injunction. The remedy by injunction is in addition to criminal prosecution and punishment.

Sec. 33. NRS 641B.040 is hereby amended to read as follows:

641B.040 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;

2. A nurse who is licensed to practice in this State;

3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS;

4. A person who is licensed as a marriage and family therapist ***or marriage and family therapist intern*** pursuant to chapter 641A of NRS;

5. ***A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;***

6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;

~~[6.]~~ ***7.*** A person who is licensed ***as a clinical alcohol and drug abuse counselor, licensed*** or certified as an alcohol and drug abuse counselor **,** or certified as ***a clinical alcohol and drug abuse counselor intern,*** an alcohol and drug abuse counselor intern, a problem gambling counselor or a problem gambling counselor intern **,** pursuant to chapter 641C of NRS;

~~[7.]~~ ***8.*** Any clergyman;

~~[8.]~~ ***9.*** A county welfare director;

~~[9.]~~ ***10.*** Any person who may engage in social work or clinical social work in his regular governmental employment but does not hold himself out to the public as a social worker; or

~~[10.]~~ ***11.*** A student of social work and any other person preparing for the profession of social work under the supervision of a qualified social worker in a training institution or facility recognized by the Board, unless the student or other person has been issued a provisional license pursuant to paragraph (b) of subsection 1 of NRS 641B.275. Such a student must be designated by the title "student of social work" or "trainee in social work," or any other title which clearly indicates his training status.

Sec. 34. Chapter 641C of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[31 to 33, inclusive,]~~ 35 to 38, inclusive, of this act.

Sec. 35. ***1. "Clinical practice of counseling alcohol and drug abusers" means:***

(a) The application of counseling to reduce or eliminate the habitual use of alcohol or other drugs, other than any maintenance dosage of a narcotic or habit-forming drug administered pursuant to chapter 453 of NRS; and

(b) The identification, evaluation ~~[,]~~ and diagnosis of and treatment ~~[of]~~ for a mental illness when a mentally ill person ~~[who]~~ is also an alcoholic or abuser of drugs.

2. The term does not include:

(a) The diagnosis or treatment of a psychotic disorder; or

(b) The use of a psychological or psychometric assessment test to determine intelligence, personality, aptitude ~~[,]~~ and interests . ~~[or addictions.]~~

Sec. 36. ***1. The Board shall issue a license as a clinical alcohol and drug abuse counselor to:***

(a) A person who:

(1) Is not less than 21 years of age;

(2) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(3) Has received a master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board that includes comprehensive course work in clinical mental health, including the diagnosis of mental health disorders;

(4) Has completed a program approved by the Board consisting of at least 2,000 hours of supervised, postgraduate counseling of alcohol and drug abusers;

(5) Has completed a program that:

(I) Is approved by the Board; and

(II) Consists of at least 2,000 hours of postgraduate counseling of persons who are mentally ill and who are alcohol and drug abusers that is supervised by a person professionally qualified in the field of psychiatric mental health and who is approved by the Board;

(6) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

(7) Pays the fees required pursuant to NRS 641C.470; and

(8) Submits all information required to complete an application for a license.

(b) A person who:

(1) Is not less than 21 years of age;

(2) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(3) Is:

(I) Licensed as a clinical social worker pursuant to chapter 641B of NRS;

(II) Licensed as a marriage and family therapist pursuant to chapter 641A of NRS; or

(III) A nurse who is licensed pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university;

(4) Has completed at least 6 months of supervised counseling of alcohol and drug abusers approved by the Board;

(5) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

(6) Pays the fees required pursuant to NRS 641C.470; and

(7) Submits all the information required to complete an application for a license.

2. As used in this section, "person professionally qualified in the field of psychiatric mental health" has the meaning ascribed to it in NRS 433.209.

Sec. 37. ***1. The Board shall issue a certificate as a clinical alcohol and drug abuse counselor intern to a person who:***

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Pays the fees required pursuant to NRS 641C.470;

(d) Submits proof to the Board that he has received a master's degree or doctoral degree in a field of social science approved by the Board that includes comprehensive coursework in clinical mental health, including the diagnosis of mental health disorders; and

(e) Submits all the information required to complete an application for a certificate.

2. A certificate as a clinical alcohol and drug abuse counselor intern is valid for 1 year and may be renewed. The Board may waive any requirement for the renewal of a certificate upon good cause shown by the holder of the certificate.

3. A certified clinical alcohol and drug abuse counselor intern may, under the supervision of a licensed clinical alcohol and drug abuse counselor:

(a) Engage in the clinical practice of counseling alcohol and drug abusers; and

(b) Diagnose or classify a person as an alcoholic or drug abuser.

Sec. 38. ***1. A license as a clinical alcohol and drug abuse counselor is valid for 1 year and may be renewed.***

2. A licensed clinical alcohol and drug abuse counselor may:

(a) Engage in the clinical practice of counseling alcohol and drug abusers;

(b) Diagnose or classify a person as an alcoholic or abuser of drugs; and

(c) Supervise certified interns.

Sec. 39. NRS 641C.010 is hereby amended to read as follows:

641C.010 The practice of counseling alcohol and drug abusers ***, the clinical practice of counseling alcohol and drug abusers*** and the practice of counseling problem gamblers are hereby declared to be learned professions affecting public health, safety and welfare and are subject to regulation to protect the public from the practice of counseling alcohol and drug abusers ***, the clinical practice of counseling alcohol and drug abusers*** and the practice of counseling problem gamblers by unqualified persons and from unprofessional conduct by persons who are licensed or certified to engage in the practice of counseling alcohol and drug abusers ***, licensed or certified to engage in the clinical practice of counseling alcohol and drug abusers*** or certified to engage in the practice of counseling problem gamblers.

Sec. 40. NRS 641C.020 is hereby amended to read as follows:

641C.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 641C.030 to 641C.110, inclusive, ***and section 35 of this act,*** have the meanings ascribed to them in those sections.

Sec. 41. NRS 641C.040 is hereby amended to read as follows:

641C.040 "Certificate" means a certificate issued to a person who is certified as an alcohol and drug abuse counselor, ***a clinical alcohol and drug abuse counselor intern,*** an alcohol and drug abuse counselor intern, a problem gambling counselor or a problem gambling counselor intern.

Sec. 42. NRS 641C.060 is hereby amended to read as follows:

641C.060 "Certified intern" means a person who is certified as ***a clinical alcohol and drug abuse counselor intern,*** an alcohol and drug abuse counselor intern or a problem gambling counselor intern pursuant to the provisions of this chapter.

Sec. 43. NRS 641C.080 is hereby amended to read as follows:

641C.080 "License" means a license issued to a person who is licensed as an alcohol and drug abuse counselor ***or a clinical alcohol and drug abuse counselor*** pursuant to the provisions of this chapter.

Sec. 44. NRS 641C.090 is hereby amended to read as follows:

641C.090 "Licensed counselor" means a person who is licensed as an alcohol and drug abuse counselor ***or a clinical alcohol and drug abuse counselor*** pursuant to the provisions of this chapter.

Sec. 45. (Deleted by amendment.)

Sec. 46. NRS 641C.130 is hereby amended to read as follows:

641C.130 The provisions of this chapter do not apply to:

1. A physician who is licensed pursuant to the provisions of chapter 630 or 633 of NRS;

2. A nurse who is licensed pursuant to the provisions of chapter 632 of NRS and is authorized by the State Board of Nursing to engage in the practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers;

3. A psychologist who is licensed pursuant to the provisions of chapter 641 of NRS;

4. ***A clinical professional counselor or clinical professional counselor intern who is licensed pursuant to chapter 641A of NRS;***

5. A marriage and family therapist ***or marriage and family therapist intern*** who is licensed pursuant to the provisions of chapter 641A of NRS and is authorized by the Board of Examiners for Marriage and Family Therapists ***and Clinical Professional Counselors*** to engage in the practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers; or

~~[5.]~~ ***6.*** A person who is licensed as a clinical social worker pursuant to the provisions of chapter 641B of NRS and is authorized by the Board of Examiners for Social Workers to engage in the practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers.

Sec. 47. NRS 641C.150 is hereby amended to read as follows:

641C.150 1. The Board of Examiners for Alcohol, Drug and Gambling Counselors, consisting of seven members appointed by the Governor, is hereby created.

2. The Board must consist of:

(a) Three members who are licensed as ***clinical alcohol and drug abuse counselors or*** alcohol and drug abuse counselors pursuant to the provisions of this chapter.

(b) One member who is certified as an alcohol and drug abuse counselor pursuant to the provisions of this chapter.

(c) Two members who are licensed pursuant to chapter 630, 632, 641, 641A or 641B of NRS and certified as problem gambling counselors pursuant to the provisions of this chapter.

(d) One member who is a representative of the general public. This member must not be:

(1) A licensed ***clinical alcohol and drug abuse counselor or a licensed*** or certified alcohol and drug abuse counselor or problem gambling counselor; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a licensed ***clinical alcohol and drug abuse counselor or a licensed*** or certified alcohol and drug abuse counselor or problem gambling counselor.

3. A person may not be appointed to the Board unless he is:

(a) A citizen of the United States or is lawfully entitled to remain and work in the United States; and

(b) A resident of this State.

4. No member of the Board may be held liable in a civil action for any act that he performs in good faith in the execution of his duties pursuant to the provisions of this chapter.

Sec. 48. NRS 641C.220 is hereby amended to read as follows:

641C.220 The Board may enter into an interlocal agreement with an Indian tribe to provide to members of the tribe training in the practice of counseling alcohol and drug abusers ***or the clinical practice of counseling alcohol and drug abusers*** to assist those persons in obtaining licenses and certificates as alcohol and drug abuse counselors ~~[.]~~ ***and licenses as clinical alcohol and drug abuse counselors.***

Sec. 49. NRS 641C.290 is hereby amended to read as follows:

641C.290 1. ***Each applicant for a license as a clinical alcohol and drug abuse counselor must pass a written and oral examination concerning his knowledge of the clinical practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.***

2. Each applicant for a license or certificate as an alcohol and drug abuse counselor must pass a written and oral examination concerning his knowledge of the practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

~~[2.]~~ ***3.*** Each applicant for a certificate as a problem gambling counselor must pass a written examination concerning his knowledge of the practice of counseling problem gamblers, the applicable provisions of this chapter and

any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

~~[3.]~~ ***4.*** The Board shall:

(a) Examine applicants at least two times each year.

(b) Establish the time and place for the examinations.

(c) Provide such books and forms as may be necessary to conduct the examinations.

(d) Establish, by regulation, the requirements for passing the examination.

~~[4.]~~ ***5.*** The Board may employ other persons to conduct the examinations.

Sec. 50. NRS 641C.300 is hereby amended to read as follows:

641C.300 The Board shall issue a license or certificate without examination to a person who holds a license or certificate as ~~[an]~~ ***a clinical alcohol and drug abuse counselor or an*** alcohol and drug abuse counselor in another state, a territory or possession of the United States or the District of Columbia if the requirements of that jurisdiction at the time the license or certificate was issued are deemed by the Board to be substantially equivalent to the requirements set forth in the provisions of this chapter.

Sec. 51. NRS 641C.310 is hereby amended to read as follows:

641C.310 1. The Board may hold hearings and conduct investigations concerning any matter related to an application for a license or certificate. In the hearings and investigations, the Board may require the presentation of evidence.

2. The Board may refuse to issue a license or certificate to an applicant if the Board determines that the applicant:

(a) Is not of good moral character as it relates to the practice of counseling alcohol and drug abusers ~~[;]~~ ***or the clinical practice of counseling alcohol and drug abusers;***

(b) Has submitted a false credential to the Board;

(c) Has been disciplined in another state, a possession or territory of the United States or the District of Columbia in connection with the practice of counseling alcohol and drug abusers ~~[;]~~ ***or the clinical practice of counseling alcohol and drug abusers;***

(d) Has committed an act in another state, a possession or territory of the United States or the District of Columbia in connection with the practice of counseling alcohol and drug abusers ***or the clinical practice of counseling alcohol and drug abusers*** that would be a violation of the provisions of this chapter if the act were committed in this State; or

(e) Has failed to comply with any of the requirements for a license or certificate.

Sec. 52. NRS 641C.320 is hereby amended to read as follows:

641C.320 1. The Board may issue ~~[a]~~ ***:***

(a) A provisional license ***as a clinical alcohol and drug abuse counselor to a person who has applied to the Board to take the examination for a***

license as a clinical alcohol and drug abuse counselor and is otherwise eligible for that license pursuant to section 36 of this act; or

(b) A provisional license or certificate as an alcohol and drug abuse counselor to a person who has applied to the Board to take the examination for a license or certificate as an alcohol and drug abuse counselor and is otherwise eligible for that license or certificate pursuant to NRS 641C.350 or 641C.390.

2. A provisional license or certificate is valid for not more than 1 year and may not be renewed.

Sec. 53. NRS 641C.350 is hereby amended to read as follows:

641C.350 The Board shall issue a license as an alcohol and drug abuse counselor to:

1. A person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Has received a master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;

(d) Has completed 4,000 hours of supervised counseling of alcohol and drug abusers;

(e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

(f) Pays the fees required pursuant to NRS 641C.470; and

(g) Submits all information required to complete an application for a license.

2. A person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Is:

(1) Licensed as a clinical social worker pursuant to chapter 641B of NRS;

(2) ***Licensed as a clinical professional counselor pursuant to chapter 641A of NRS;***

(3) Licensed as a marriage and family therapist pursuant to chapter 641A of NRS; ~~[or~~

~~(3)]~~ ***(4)*** A nurse who is licensed pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university; ***or***

(5) Licensed as a clinical alcohol and drug abuse counselor pursuant to this chapter;

(d) Has completed at least 6 months of supervised counseling of alcohol and drug abusers approved by the Board;

(e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

(f) Pays the fees required pursuant to NRS 641C.470; and

(g) Submits all information required to complete an application for a license.

Sec. 54. NRS 641C.360 is hereby amended to read as follows:

641C.360 1. A license as an alcohol and drug abuse counselor is valid for 2 years and may be renewed.

2. A licensed ***alcohol and drug abuse*** counselor may:

(a) Engage in the practice of counseling alcohol and drug abusers;

(b) Diagnose or classify a person as an alcoholic or abuser of drugs; and

(c) Supervise certified ***alcohol and drug abuse counselor*** interns.

3. A licensed alcohol and drug abuse counselor may not identify, evaluate, diagnose or treat a mental illness when a mentally ill person [who] is also an alcoholic or abuser of drugs.

Sec. 55. NRS 641C.420 is hereby amended to read as follows:

641C.420 1. The Board shall issue a certificate as an alcohol and drug abuse counselor intern to a person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Has a high school diploma or a general equivalency diploma;

(d) Pays the fees required pursuant to NRS 641C.470;

(e) Submits proof to the Board that he:

(1) Is enrolled in a program from which he will receive an associate's degree, bachelor's degree, master's degree or doctoral degree in a field of social science approved by the Board; or

(2) Has received an associate's degree, bachelor's degree, master's degree or doctoral degree in a field of social science approved by the Board; and

(f) Submits all information required to complete an application for a certificate.

2. A certificate as an alcohol and drug abuse counselor intern is valid for 1 year and may be renewed. The Board may waive any requirement for the renewal of a certificate upon good cause shown by the holder of the certificate.

3. A certified ***alcohol and drug abuse counselor*** intern may, under the supervision of a licensed ***alcohol and drug abuse*** counselor [:] ***or licensed clinical alcohol and drug abuse counselor:***

(a) Engage in the practice of counseling alcohol and drug abusers; and

(b) Diagnose or classify a person as an alcoholic or drug abuser.

Sec. 56. NRS 641C.430 is hereby amended to read as follows:

641C.430 The Board may issue a certificate as a problem gambling counselor to:

1. A person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Has received a bachelor's degree, master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;

(d) Has completed not less than 60 hours of training specific to problem gambling approved by the Board;

(e) Has completed at least 2,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;

(f) Passes the written examination prescribed by the Board pursuant to NRS 641C.290;

(g) Presents himself when scheduled for an interview at a meeting of the Board;

(h) Pays the fees required pursuant to NRS 641C.470; and

(i) Submits all information required to complete an application for a certificate.

2. A person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Is licensed:

(1) A clinical social worker pursuant to chapter 641B of NRS;

(2) ***A clinical professional counselor pursuant to chapter 641A of NRS;***

(3) A marriage and family therapist pursuant to chapter 641A of NRS;

~~[(3)]~~ ***(4)*** A physician pursuant to chapter 630 of NRS;

~~[(4)]~~ ***(5)*** A nurse pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university;

~~[(5)]~~ ***(6)*** A psychologist pursuant to chapter 641 of NRS; ~~[or~~

~~(6)]~~ ***(7)*** An alcohol and drug abuse counselor pursuant to this chapter; ***or***

(8) A clinical alcohol and drug abuse counselor pursuant to this chapter;

(d) Has completed not less than 60 hours of training specific to problem gambling approved by the Board;

(e) Has completed at least 1,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;

(f) Passes the written examination prescribed by the Board pursuant to NRS 641C.290;

(g) Pays the fees required pursuant to NRS 641C.470; and

(h) Submits all information required to complete an application for a certificate.

Sec. 57. NRS 641C.470 is hereby amended to read as follows:

641C.470 1. The Board shall charge and collect not more than the following fees:

For the initial application for a license or certificate $150
For the issuance of a provisional license or certificate 125
For the issuance of an initial license or certificate 60
For the renewal of a license or certificate as an alcohol and drug abuse counselor ***, a license as a clinical alcohol and drug abuse counselor*** or a certificate as a problem gambling counselor 300
For the renewal of a certificate as ***a clinical alcohol and drug abuse counselor intern,*** an alcohol and drug abuse counselor intern or a problem gambling counselor intern 75
For the renewal of a delinquent license or certificate $75
For the restoration of an expired license or certificate 150
For the restoration or reinstatement of a suspended or revoked license or certificate 300
For the issuance of a license or certificate without examination 150
For an examination 150
For the approval of a course of continuing education 150

2. The fees charged and collected pursuant to this section are not refundable.

Sec. 58. NRS 641C.700 is hereby amended to read as follows:

641C.700 The grounds for initiating disciplinary action pursuant to the provisions of this chapter include:

1. Conviction of:

(a) A felony relating to the practice of counseling alcohol and drug abusers ***, the clinical practice of counseling alcohol and drug abusers*** or the practice of counseling problem gamblers;

(b) An offense involving moral turpitude; or

(c) A violation of a federal or state law regulating the possession, distribution or use of a controlled substance or dangerous drug as defined in chapter 453 of NRS;

2. Fraud or deception in:

(a) Applying for a license or certificate;

(b) Taking an examination for a license or certificate;

(c) Documenting the continuing education required to renew or reinstate a license or certificate;

(d) Submitting a claim for payment to an insurer; or

(e) The practice of counseling alcohol and drug abusers ~~[.]~~ ***or the clinical practice of counseling alcohol and drug abusers;***

3. Allowing the unauthorized use of a license or certificate issued pursuant to this chapter;

4. Professional incompetence;

5. The habitual use of alcohol or any other drug that impairs the ability of a licensed or certified counselor or certified intern to engage in the practice of counseling alcohol and drug abusers ~~[.]~~ ***or the clinical practice of counseling alcohol and drug abusers;***

6. Engaging in the practice of counseling alcohol and drug abusers ***or the clinical practice of counseling alcohol and drug abusers*** with an expired, suspended or revoked license or certificate; and

7. Engaging in behavior that is contrary to the ethical standards as set forth in the regulations of the Board.

Sec. 59. NRS 641C.720 is hereby amended to read as follows:

641C.720 1. The Board or any of its members who become aware of any ground for initiating disciplinary action against a person engaging in the practice of counseling alcohol and drug abusers ***or the clinical practice of counseling alcohol and drug abusers*** in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Board. The complaint must specifically charge one or more of the grounds for initiating disciplinary action.

2. If, after notice and a hearing as required by law, the Board determines that a licensed or certified counselor or certified intern has violated a provision of this chapter or any regulation adopted pursuant to this chapter, it may:

(a) Administer a public reprimand;

(b) Suspend his license or certificate and impose conditions for the removal of the suspension;

(c) Revoke his license or certificate and prescribe the requirements for the reinstatement of the license or certificate;

(d) If he is a licensed or certified counselor, require him to be supervised by another person while he engages in the practice of counseling alcohol and drug abusers ~~[.]~~ ***or the clinical practice of counseling alcohol and drug abusers;***

(e) Require him to participate in treatment or counseling and pay the expenses of that treatment or counseling;

(f) Require him to pay restitution to any person adversely affected by his acts or omissions;

(g) Impose a fine of not more than $5,000; or

(h) Take any combination of the actions authorized by paragraphs (a) to (g), inclusive.

3. If his license or certificate is revoked or suspended pursuant to subsection 2, the licensed or certified counselor or certified intern may apply to the Board for reinstatement of the suspended license or certificate or may apply to the Board pursuant to the provisions of chapter 622A of NRS for reinstatement of his revoked license or certificate. The Board may accept or reject the application and may require the successful completion of an examination as a condition of reinstatement of the license or certificate.

4. The Board shall not administer a private reprimand.

5. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 60. NRS 641C.900 is hereby amended to read as follows:

641C.900 1. Except as otherwise provided in subsection 2, a person shall not engage in the practice of counseling alcohol and drug abusers ***, the clinical practice of counseling alcohol and drug abusers*** or the practice of counseling problem gamblers unless he is a licensed counselor, certified counselor or certified intern.

2. A person may engage in the practice of counseling alcohol and drug abusers under the supervision of a licensed counselor ***, the clinical practice of counseling alcohol and drug abusers under the supervision of a clinical alcohol and drug abuse counselor*** or the practice of counseling problem gamblers under the supervision of a certified counselor for not more than 30 days if that person:

(a) Is qualified to be licensed or certified pursuant to the provisions of this chapter; and

(b) Submits an application to the Board for a license or certificate pursuant to the provisions of this chapter.

Sec. 61. NRS 641C.910 is hereby amended to read as follows:

641C.910 1. A person shall not:

(a) Hold himself out to a member of the general public as ***a clinical alcohol and drug abuse counselor, a clinical alcohol and drug abuse counselor intern,*** an alcohol and drug abuse counselor, ***an*** alcohol and drug abuse counselor intern, ***a*** problem gambling counselor or ***a*** problem gambling counselor intern;

(b) Use the title ***"clinical alcohol and drug abuse counselor," "clinical alcohol and drug abuse counselor intern,"*** "alcohol and drug abuse counselor," "alcohol and drug abuse counselor intern," "drug abuse counselor," "substance abuse counselor," "problem gambling counselor," "problem gambling counselor intern," "gambling counselor," "detoxification technician" or any similar title in connection with his work; or

(c) Imply in any way that he is licensed or certified by the Board,

➥ unless he is licensed or certified by the Board pursuant to the provisions of this chapter or a regulation adopted pursuant to NRS 641C.500.

2. If the Board believes that any person has violated or is about to violate any provision of this chapter or a regulation adopted pursuant thereto, it may bring an action in a court of competent jurisdiction to enjoin the person from engaging in or continuing the violation. An injunction:

(a) May be issued without proof of actual damage sustained by any person.

(b) Does not prevent the criminal prosecution and punishment of a person who violates a provision of this chapter or a regulation adopted pursuant thereto.

Sec. 61.5. **NRS 643.177 is hereby amended to read as follows:**

643.177 ***1.*** Any person who owns, manages, operates or controls any barber school, or part thereof:

~~[1.]~~ ***(a)*** Shall:

~~[(a)]~~ ***(1)*** Display a sign that may be easily seen upon entering the barber school on which is printed in bold letters "Work Performed Exclusively by Students";

~~[(b)]~~ ***(2)*** Have at least:

~~[(1)]~~ ***(I)*** One instructor on the premises of the barber school at all times if the active enrollment of the school is 10 students or less;

~~[(2)]~~ ***(II)*** One additional instructor on the premises of the barber school for each 10 students enrolled in the school in excess of 10 students; and

~~[(3)]~~ ***(III)*** ~~[Two]~~ ***Except as otherwise provided in subsection 2, have at least two*** instructors available to provide instruction at all times;

~~[(c)]~~ ***(3)*** Not allow a student to provide barbering services to members of the general public for more than 7 hours in a day or for more than 5 days in any 7-day period;

~~[(d)]~~ ***(4)*** Not advertise that the barber school will charge for barbering services provided to members of the general public by students unless those barbering services are specifically advertised as services provided by students; and

~~[(e)]~~ ***(5)*** Comply with all other provisions of this chapter relating to barber schools.

~~[2.]~~ ***(b)*** May charge for barbering services provided to a member of the general public by a student if the student performs those barbering services as part of the required course of study of the barber school.

2. An applicant for an initial license to operate a barber school may submit to the Board, on a form prescribed by the Board, a request for a waiver from the requirement that two instructors be available to provide instruction at all times pursuant to subsubparagraph (III) of subparagraph (2) of paragraph (a) of subsection 1. Upon receiving a request for a waiver pursuant to this subsection, the Board shall grant a waiver for 1 year.

Sec. 62. Chapter 49 of NRS is hereby amended by adding thereto the provisions set forth as sections 63 to 66, inclusive, of this act.

Sec. 63. ***As used in sections 63 to 66, inclusive, of this act, unless the context otherwise requires:***

1. "Client" means a person who consults or is interviewed by a clinical professional counselor for the purpose of diagnosis or treatment.

2. "Clinical professional counselor" has the meaning ascribed to it in section 6 of this act and includes a clinical professional counselor intern.

3. A communication is "confidential" if it is not intended to be disclosed to any third person other than a person:

(a) Present during the consultation or interview to further the interest of the client;

(b) Reasonably necessary for the transmission of the communication; or

(c) Participating in the diagnosis or treatment under the direction of the clinical professional counselor, including a member of the client's family.

Sec. 64. ***A client has a privilege to refuse to disclose, and to prevent any other person from disclosing, confidential communications among***

himself, his clinical professional counselor or any other person who is participating in the diagnosis or treatment under the direction of the clinical professional counselor.

Sec. 65. ***1. The privilege may be claimed by the client, by his guardian or conservator, or by the personal representative of a deceased client.***

2. The person who was the clinical professional counselor may claim the privilege but only on behalf of the client. The authority of the clinical professional counselor to do so is presumed in the absence of evidence to the contrary.

Sec. 66. ***There is no privilege under section 64 or 65 of this act:***

1. If the client communicates to the clinical professional counselor that he intends or plans to commit what the client knows or reasonably should know is a crime.

2. If the clinical professional counselor is required to testify in an administrative or court-related investigation or proceeding involving the welfare of his client or the minor children of his client.

3. For communications relevant to an issue in proceedings to hospitalize the client for mental illness, if the clinical professional counselor in the course of diagnosis or treatment has determined that the client is in need of hospitalization.

4. As to communications relevant to an issue of the treatment of the client in any proceeding in which the treatment is an element of a claim or defense.

Sec. 66.5. **NRS 49.246 is hereby amended to read as follows:**

As used in NRS 49.246 to 49.249, inclusive, unless the context otherwise requires:

49.246 1. "Client" means a person who consults or is interviewed by a marriage and family therapist for the purpose of diagnosis or treatment.

2. A communication is "confidential" if it is not intended to be disclosed to any third person other than a person:

(a) Present during the consultation or interview to further the interest of the client;

(b) Reasonably necessary for the transmission of the communication; or

(c) Participating in the diagnosis or treatment under the direction of the marriage and family therapist, including a member of the client's family.

3. "Marriage and family therapist" has the meaning ascribed to it in NRS 641A.060 ~~.~~ ***and includes a marriage and family therapist intern.***

Sec. 67. NRS 62A.270 is hereby amended to read as follows:

62A.270 "Qualified professional" means:

1. A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.;

2. A psychologist licensed to practice in this State;

3. A social worker holding a master's degree in social work and licensed in this State as a clinical social worker;

4. A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State; ~~[or]~~

5. A marriage and family therapist licensed in this State pursuant to chapter 641A of NRS ~~[.]~~ ***; or***

6. ***A clinical professional counselor licensed in this State pursuant to chapter 641A of NRS.***

Sec. 68. NRS 62E.620 is hereby amended to read as follows:

62E.620 1. The juvenile court shall order a delinquent child to undergo an evaluation to determine whether the child is an abuser of alcohol or other drugs if the child committed:

(a) An unlawful act in violation of NRS 484.379, 484.3795 or 484.37955;

(b) The unlawful act of using, possessing, selling or distributing a controlled substance; or

(c) The unlawful act of purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020.

2. Except as otherwise provided in subsection 3, an evaluation of the child must be conducted by:

(a) ~~[An]~~ ***A clinical alcohol and drug abuse counselor who is licensed, an*** alcohol and drug abuse counselor who is licensed or certified ***,*** or an alcohol and drug abuse counselor intern ***or a clinical alcohol and drug abuse counselor intern*** who is certified ***,*** pursuant to chapter 641C of NRS ***,*** to make that classification; or

(b) A physician who is certified to make that classification by the Board of Medical Examiners.

3. If the child resides in this State but the nearest location at which an evaluation may be conducted is in another state, the court may allow the evaluation to be conducted in the other state if the person conducting the evaluation:

(a) Possesses qualifications that are substantially similar to the qualifications described in subsection 2;

(b) Holds an appropriate license, certificate or credential issued by a regulatory agency in the other state; and

(c) Is in good standing with the regulatory agency in the other state.

4. The evaluation of the child may be conducted at an evaluation center.

5. The person who conducts the evaluation of the child shall report to the juvenile court the results of the evaluation and make a recommendation to the juvenile court concerning the length and type of treatment required for the child.

6. The juvenile court shall:

(a) Order the child to undergo a program of treatment as recommended by the person who conducts the evaluation of the child.

(b) Require the treatment facility to submit monthly reports on the treatment of the child pursuant to this section.

(c) Order the child or the parent or guardian of the child, or both, to the extent of their financial ability, to pay any charges relating to the evaluation

and treatment of the child pursuant to this section. If the child or the parent or guardian of the child, or both, do not have the financial resources to pay all those charges:

(1) The juvenile court shall, to the extent possible, arrange for the child to receive treatment from a treatment facility which receives a sufficient amount of federal or state money to offset the remainder of the costs; and

(2) The juvenile court may order the child, in lieu of paying the charges relating to his evaluation and treatment, to perform community service.

7. After a treatment facility has certified a child's successful completion of a program of treatment ordered pursuant to this section, the treatment facility is not liable for any damages to person or property caused by a child who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484.379, 484.3795, 484.37955, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of any other jurisdiction that prohibits the same or similar conduct.

8. The provisions of this section do not prohibit the juvenile court from:

(a) Requiring an evaluation to be conducted by a person who is employed by a private company if the company meets the standards of the Health Division of the Department of Health and Human Services. The evaluation may be conducted at an evaluation center.

(b) Ordering the child to attend a program of treatment which is administered by a private company.

9. All information relating to the evaluation or treatment of a child pursuant to this section is confidential and, except as otherwise authorized by the provisions of this title or the juvenile court, must not be disclosed to any person other than:

(a) The juvenile court;

(b) The child;

(c) The attorney for the child, if any;

(d) The parents or guardian of the child;

(e) The district attorney; and

(f) Any other person for whom the communication of that information is necessary to effectuate the evaluation or treatment of the child.

10. A record of any finding that a child has violated the provisions of NRS 484.379, 484.3795 or 484.37955 must be included in the driver's record of that child for 7 years after the date of the offense.

Sec. 69. NRS 89.050 is hereby amended to read as follows:

89.050 1. Except as otherwise provided in subsection 2, a professional corporation may be organized only for the purpose of rendering one specific type of professional service and may not engage in any business other than rendering the professional service for which it was organized and services reasonably related thereto, except that a professional corporation may own

real and personal property appropriate to its business and may invest its money in any form of real property, securities or any other type of investment.

2. A professional corporation may be organized to render a professional service relating to:

(a) Architecture, interior design, residential design, engineering and landscape architecture, or any combination thereof, and may be composed of persons:

(1) Engaged in the practice of architecture as provided in chapter 623 of NRS;

(2) Practicing as a registered interior designer as provided in chapter 623 of NRS;

(3) Engaged in the practice of residential design as provided in chapter 623 of NRS;

(4) Engaged in the practice of landscape architecture as provided in chapter 623A of NRS; and

(5) Engaged in the practice of professional engineering as provided in chapter 625 of NRS.

(b) Medicine, homeopathy and osteopathy, and may be composed of persons engaged in the practice of medicine as provided in chapter 630 of NRS, persons engaged in the practice of homeopathic medicine as provided in chapter 630A of NRS and persons engaged in the practice of osteopathic medicine as provided in chapter 633 of NRS. Such a professional corporation may market and manage additional professional corporations which are organized to render a professional service relating to medicine, homeopathy and osteopathy.

(c) Mental health services, and may be composed of the following persons, in any number and in any combination:

(1) Any psychologist who is licensed to practice in this State;

(2) Any social worker who holds a master's degree in social work and who is licensed by this State as a clinical social worker;

(3) Any registered nurse who is licensed to practice professional nursing in this State and who holds a master's degree in the field of psychiatric nursing; ~~[and]~~

(4) Any marriage and family therapist who is licensed by this State pursuant to chapter 641A of NRS ~~[.]~~ ***; and***

(5) Any clinical professional counselor who is licensed by this State pursuant to chapter 641A of NRS.

➥ Such a professional corporation may market and manage additional professional corporations which are organized to render a professional service relating to mental health services pursuant to this paragraph.

3. A professional corporation may render a professional service only through its officers and employees who are licensed or otherwise authorized by law to render the professional service.

Sec. 70. NRS 176.133 is hereby amended to read as follows:

176.133 As used in NRS 176.133 to 176.159, inclusive, unless the context otherwise requires:

1. "Person professionally qualified to conduct psychosexual evaluations" means a person who has received training in conducting psychosexual evaluations and is:

(a) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.;

(b) A psychologist licensed to practice in this State;

(c) A social worker holding a master's degree in social work and licensed in this State as a clinical social worker;

(d) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State; ~~[or]~~

(e) A marriage and family therapist licensed in this State pursuant to chapter 641A of NRS ~~[.]~~ ***; or***

(f) A clinical professional counselor licensed in this State pursuant to chapter 641A of NRS.

2. "Psychosexual evaluation" means an evaluation conducted pursuant to NRS 176.139.

3. "Sexual offense" means:

(a) Sexual assault pursuant to NRS 200.366;

(b) Statutory sexual seduction pursuant to NRS 200.368, if punished as a felony;

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and is punished as a felony;

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(f) Incest pursuant to NRS 201.180;

(g) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195, if punished as a felony;

(h) Open or gross lewdness pursuant to NRS 201.210, if punished as a felony;

(i) Indecent or obscene exposure pursuant to NRS 201.220, if punished as a felony;

(j) Lewdness with a child pursuant to NRS 201.230;

(k) Sexual penetration of a dead human body pursuant to NRS 201.450;

(l) Luring a child or mentally ill person pursuant to NRS 201.560, if punished as a felony;

(m) An attempt to commit an offense listed in paragraphs (a) to (l), inclusive, if punished as a felony; or

(n) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

Sec. 71. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail;

(5) A justice of the Supreme Court, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph; or

(6) An employee of the State or a political subdivision of the State whose official duties require him to make home visits.

(c) "Provider of health care" means a physician, a physician assistant, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, an osteopathic physician's assistant, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractor, a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a dentist, a dental hygienist, a pharmacist, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist ~~[and]~~ ***, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern and*** an emergency medical technician.

(d) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100.

(e) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(f) "Sports official" has the meaning ascribed to it in NRS 41.630.

(g) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(h) "Taxicab driver" means a person who operates a taxicab.

(i) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) ~~[of this subsection]~~ does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon, or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(c) If paragraph (d) ~~[of this subsection]~~ does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his duty or upon a sports official based on the performance of his duties at a sporting event, and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his duty or upon a sports official based on the performance of his duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 72. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:

(1) The local office of the Aging Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging

Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging Services Division of the Department of Health and Human Services.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, marriage and family therapist, ***clinical professional counselor, clinical alcohol and drug abuse counselor,*** alcohol ~~[or]~~ ***and*** drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Any employee of the Department of Health and Human Services.

(g) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(h) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(i) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met.

(j) Every social worker.

(k) Any person who owns or is employed by a funeral home or mortuary.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting

attorney and the Aging Services Division of the Department of Health and Human Services his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging Services Division of the Department of Health and Human Services, must be forwarded to the Aging Services Division within 90 days after the completion of the report.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, the Aging Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if he is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 73. NRS 200.50935 is hereby amended to read as follows:

200.50935 1. Any person who is described in subsection 3 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited or isolated shall:

(a) Report the abuse, neglect, exploitation or isolation of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the vulnerable person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

3. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, marriage and family therapist, ***clinical professional counselor, clinical alcohol and drug abuse counselor,*** alcohol ~~[or]~~ ***and*** drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator,

manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of a vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide nursing in the home.

(e) Any employee of the Department of Health and Human Services.

(f) Any employee of a law enforcement agency or an adult or juvenile probation officer.

(g) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.

(h) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of a vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(i) Every social worker.

(j) Any person who owns or is employed by a funeral home or mortuary.

4. A report may be made by any other person.

5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

6. A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.

7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 74. NRS 209.448 is hereby amended to read as follows:

209.448 1. An offender who has no serious infraction of the regulations of the Department or the laws of the State recorded against him must be allowed, in addition to the credits provided pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a deduction of not more than 30 days from the maximum term of his sentence for the successful completion of a program of treatment for the abuse of alcohol or drugs which is conducted jointly by the Department and a person who is licensed ***as a clinical alcohol and drug abuse counselor, licensed*** or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern ***or a clinical alcohol and drug abuse counselor intern,*** pursuant to chapter 641C of NRS.

2. The provisions of this section apply to any offender who is sentenced on or after October 1, 1991.

Sec. 75. NRS 211.340 is hereby amended to read as follows:

211.340 1. In addition to the credits on a term of imprisonment provided for in NRS 211.310, 211.320 and 211.330, the sheriff of the county or the chief of police of the municipality in which a prisoner is incarcerated may deduct not more than 5 days from his term of imprisonment if the prisoner:

(a) Successfully completes a program of treatment for the abuse of alcohol or drugs which is conducted jointly by the local detention facility in which he is incarcerated and a person who is licensed ***as a clinical alcohol and drug abuse counselor, licensed*** or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern ***or a clinical alcohol and drug abuse counselor intern,*** pursuant to chapter 641C of NRS; and

(b) Is awarded a certificate evidencing his successful completion of the program.

2. The provisions of this section apply to any prisoner who is sentenced on or after October 1, 1991, to a term of imprisonment of 90 days or more.

Sec. 76. NRS 372.7285 is hereby amended to read as follows:

372.7285 1. In administering the provisions of NRS 372.325, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) "Medicare" means the program of health insurance for aged and disabled persons established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech pathologist, licensed hearing aid specialist, licensed marriage and family therapist, ***licensed clinical professional counselor,*** chiropractor or doctor of Oriental medicine in any form.

Sec. 77. NRS 374.731 is hereby amended to read as follows:

374.731 1. In administering the provisions of NRS 374.330, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) "Medicare" means the program of health insurance for aged and disabled persons established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech pathologist, licensed hearing aid specialist, licensed marriage and family therapist, ***licensed clinical professional counselor,*** chiropractor or doctor of Oriental medicine in any form.

Sec. 78. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of his home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one

alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, marriage and family therapist, ***clinical professional counselor, clinical alcohol and drug abuse counselor,*** alcohol ~~[or]~~ ***and*** drug abuse counselor, clinical social worker, athletic trainer, advanced emergency medical technician or other person providing medical services licensed or certified in this State.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of suspected abuse or neglect of a child by a member of the staff of the hospital.

(c) A coroner.

(d) A clergyman, practitioner of Christian Science or religious healer, unless he has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A social worker and an administrator, teacher, librarian or counselor of a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) An attorney, unless he has acquired the knowledge of the abuse or neglect from a client who is or may be accused of the abuse or neglect.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for an approved youth shelter. As used in this paragraph, "approved youth shelter" has the meaning ascribed to it in NRS 244.422.

(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the report and submit to an agency which provides child welfare services his written findings. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

Sec. 79. NRS 433.209 is hereby amended to read as follows:

433.209 "Person professionally qualified in the field of psychiatric mental health" means:

1. A psychiatrist licensed to practice medicine in the State of Nevada and certified by the American Board of Psychiatry and Neurology;

2. A psychologist licensed to practice in this State;

3. A social worker who holds a master's degree in social work, is licensed by the State as a clinical social worker and is employed by the Division;

4. A registered nurse who:

(a) Is licensed to practice professional nursing in this State;

(b) Holds a master's degree in the field of psychiatric nursing; and

(c) Is employed by the Division;

5. A marriage and family therapist licensed pursuant to chapter 641A of NRS***; or***

6. A clinical professional counselor licensed pursuant to chapter 641A of NRS.

Sec. 80. NRS 433.265 is hereby amended to read as follows:

433.265 Any person employed by the Division as a psychiatrist, psychologist, marriage and family therapist, ***clinical professional counselor,*** registered nurse or social worker must be licensed or certified by the appropriate state licensing board for his respective profession.

Sec. 81. NRS 433A.018 is hereby amended to read as follows:

433A.018 "Person professionally qualified in the field of psychiatric mental health" means:

1. A psychiatrist licensed to practice medicine in this State who is certified by the American Board of Psychiatry and Neurology;

2. A psychologist licensed to practice in this State;

3. A social worker who holds a master's degree in social work, is licensed by the State as a clinical social worker and is employed by the Division;

4. A registered nurse who:

(a) Is licensed to practice professional nursing in this State;

(b) Holds a master's degree in the field of psychiatric nursing; and

(c) Is employed by the Division; ~~[or]~~

5. A marriage and family therapist licensed pursuant to chapter 641A of NRS***; or***

6. A clinical professional counselor licensed pursuant to chapter 641A of NRS.

Sec. 82. NRS 433A.160 is hereby amended to read as follows:

433A.160 1. Except as otherwise provided in subsection 2, an application for the emergency admission of an allegedly mentally ill person for evaluation, observation and treatment may only be made by an accredited agent of the Department, an officer authorized to make arrests in the State of Nevada or a physician, psychologist, marriage and family therapist, ***clinical professional counselor,*** social worker or registered nurse. The agent, officer, physician, psychologist, marriage and family therapist, ***clinical professional counselor,*** social worker or registered nurse may:

(a) Without a warrant:

(1) Take an allegedly mentally ill person into custody to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Transport the allegedly mentally ill person to a public or private mental health facility or hospital for that purpose, or arrange for the person to be transported by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the Transportation Services Authority;

(III) An entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421; or

(IV) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

➥ only if the agent, officer, physician, psychologist, marriage and family therapist, ***clinical professional counselor,*** social worker or registered nurse has, based upon his personal observation of the allegedly mentally ill person, probable cause to believe that the person is a mentally ill person and, because of that illness, is likely to harm himself or others if allowed his liberty.

(b) Apply to a district court for an order requiring:

(1) Any peace officer to take an allegedly mentally ill person into custody to allow the applicant for the order to apply for the emergency admission of the allegedly mentally ill person for evaluation, observation and treatment; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport the allegedly mentally ill person to a public or private mental health facility or hospital for that purpose.

➥ The district court may issue such an order only if it is satisfied that there is probable cause to believe that the allegedly mentally ill person is a mentally ill person and, because of that illness, is likely to harm himself or others if allowed his liberty.

2. An application for the emergency admission of an allegedly mentally ill person for evaluation, observation and treatment may be made by a spouse, parent, adult child or legal guardian of the person. The spouse, parent, adult child or legal guardian and any other person who has a legitimate interest in the allegedly mentally ill person may apply to a district court for an order described in paragraph (b) of subsection 1.

3. The application for the emergency admission of an allegedly mentally ill person for evaluation, observation and treatment must reveal the circumstances under which the person was taken into custody and the reasons therefor.

4. ~~[As used in subsection 1, "an accredited agent of the Department" means any person appointed or designated by the Director of the Department to take into custody and transport to a mental health facility pursuant to subsections 1 and 2 those persons in need of emergency admission.~~

~~5.]~~ Except as otherwise provided in this subsection, each person admitted to a public or private mental health facility or hospital under an emergency admission must be evaluated at the time of admission by a psychiatrist or a psychologist. If a psychiatrist or a psychologist is not available to conduct an evaluation at the time of admission, a physician may conduct the evaluation. Each such emergency admission must be approved by a psychiatrist.

5. As used in this section, "an accredited agent of the Department" means any person appointed or designated by the Director of the Department to take into custody and transport to a mental health facility pursuant to subsections 1 and 2 those persons in need of emergency admission.

Sec. 83. NRS 433B.090 is hereby amended to read as follows:

433B.090 "Person professionally qualified in the field of psychiatric mental health" means:

1. A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology;

2. A psychologist licensed to practice in this State;

3. A social worker who holds a master's degree in social work, is licensed by the State as a clinical social worker and is employed by the Division;

4. A registered nurse who:

(a) Is licensed to practice professional nursing in this State;

(b) Holds a master's degree in the field of psychiatric nursing; and

(c) Is employed by the Division or the Division of Mental Health and Developmental Services of the Department; ~~[or]~~

5. A marriage and family therapist licensed pursuant to chapter 641A of NRS ***; or***

6. A clinical professional counselor licensed pursuant to chapter 641A of NRS.

Sec. 84. NRS 433B.160 is hereby amended to read as follows:

433B.160 1. A person employed by the Division as a psychiatrist, psychologist, marriage and family therapist, ***clinical professional counselor,*** registered nurse or social worker must be licensed or certified by the appropriate state licensing board for his respective profession.

2. Any psychiatrist who is employed by the Division must be certified by the American Board of Psychiatry and Neurology within 5 years after his first date of employment with the Division. The Administrator shall terminate the employment of any psychiatrist who fails to receive that certification.

Sec. 85. NRS 433B.170 is hereby amended to read as follows:

433B.170 The Administrator shall not employ any psychiatrist, psychologist, social worker, registered nurse ***, clinical professional counselor*** or marriage and family therapist who is unable to demonstrate proficiency in the oral and written expression of the English language.

Sec. 86. NRS 442.003 is hereby amended to read as follows:

442.003 As used in this chapter, unless the context requires otherwise:

1. "Advisory Board" means the Advisory Board on Maternal and Child Health.

2. "Department" means the Department of Health and Human Services.

3. "Director" means the Director of the Department.

4. "Fetal alcohol syndrome" includes fetal alcohol effects.

5. "Health Division" means the Health Division of the Department.

6. "Obstetric center" has the meaning ascribed to it in NRS 449.0155.

7. "Provider of health care or other services" means:

(a) ~~[An]~~ ***A clinical alcohol and drug abuse counselor who is licensed, or an*** alcohol and drug abuse counselor who is licensed or certified ***,*** pursuant to chapter 641C of NRS;

(b) A physician or a physician assistant who is licensed pursuant to chapter 630 or an osteopathic physician who is licensed pursuant to chapter 633 of NRS and who practices in the area of obstetrics and gynecology, family practice, internal medicine, pediatrics or psychiatry;

(c) A licensed nurse;

(d) A licensed psychologist;

(e) A licensed marriage and family therapist;

(f) ***A licensed clinical professional counselor;***

(g) A licensed social worker; or

~~[(g)]~~ ***(h)*** The holder of a certificate of registration as a pharmacist.

Sec. 87. NRS 484.37937 is hereby amended to read as follows:

484.37937 1. An offender who is found guilty of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792, other than an offender who is found to have a concentration of alcohol of 0.18 or more in his blood or breath, may, at that time or any time before he is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse which is certified by the Health Division of the Department of Health and Human Services for at least 6 months. The court shall authorize that treatment if:

(a) The offender is diagnosed as an alcoholic or abuser of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified ***, or a clinical alcohol and drug abuse counselor who is licensed,*** pursuant to chapter 641C of NRS **,** to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners;

(b) The offender agrees to pay the cost of the treatment to the extent of his financial resources; and

(c) The offender has served or will serve a term of imprisonment in jail of 1 day, or has performed or will perform 24 hours of community service.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the question of whether the offender is eligible to undergo a program of treatment for alcoholism or drug abuse. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion. The hearing must be limited to the question of whether the offender is eligible to undergo such a program of treatment.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

4. If the court grants an application for treatment, the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment facility, that he complete the treatment satisfactorily and that he comply with any other condition ordered by the court.

(c) Advise the offender that:

(1) If he is accepted for treatment by such a facility, he may be placed under the supervision of the facility for a period not to exceed 3 years and during treatment he may be confined in an institution or, at the discretion of the facility, released for treatment or supervised aftercare in the community.

(2) If he is not accepted for treatment by such a facility or he fails to complete the treatment satisfactorily, he shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which he served before beginning treatment.

(3) If he completes the treatment satisfactorily, his sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the minimum fine provided for the offense in NRS 484.3792, but the conviction must remain on his record of criminal history.

5. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as otherwise provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of any condition of the suspension.

6. The court shall notify the Department, on a form approved by the Department, upon granting the application of the offender for treatment and his failure to be accepted for or complete treatment.

Sec. 88. NRS 484.3794 is hereby amended to read as follows:

484.3794 1. An offender who is found guilty of a violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792 may, at that time or any time before he is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse which is certified by the Health Division of the Department of Health and Human Services for at least 1 year if:

(a) The offender is diagnosed as an alcoholic or abuser of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified ***, or a clinical alcohol and drug abuse counselor who is licensed,*** pursuant to chapter 641C of NRS ***,*** to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners;

(b) The offender agrees to pay the costs of the treatment to the extent of his financial resources; and

(c) The offender has served or will serve a term of imprisonment in jail of 5 days and, if required pursuant to NRS 484.3792, has performed or will perform not less than one-half of the hours of community service.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the matter. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

4. If the court determines that an application for treatment should be granted, the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment facility, that he complete the treatment satisfactorily and that he comply with any other condition ordered by the court.

(c) Advise the offender that:

(1) If he is accepted for treatment by such a facility, he may be placed under the supervision of the facility for a period not to exceed 3 years and during treatment he may be confined in an institution or, at the discretion of the facility, released for treatment or supervised aftercare in the community.

(2) If he is not accepted for treatment by such a facility or he fails to complete the treatment satisfactorily, he shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which he served before beginning treatment.

(3) If he completes the treatment satisfactorily, his sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the minimum provided for the offense in NRS 484.3792, but the conviction must remain on his record of criminal history.

5. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as otherwise provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of a condition of the suspension.

6. The court shall notify the Department, on a form approved by the Department, upon granting the application of the offender for treatment and his failure to be accepted for or complete treatment.

Sec. 89. NRS 484.37943 is hereby amended to read as follows:

484.37943 1. If an offender is found guilty of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792 and if the concentration of alcohol in the offender's blood or breath at the time of the offense was 0.18 or more, or if an offender is found guilty of a violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792, the court shall, before sentencing the offender, require an evaluation of the offender pursuant to subsection 3, 4, 5 or 6 to determine whether he is an abuser of alcohol or other drugs.

2. If an offender is convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792 and if the offender is under 21 years of age at the time of the violation, the court shall, before sentencing the offender, require an evaluation of the offender pursuant to subsection 3, 4, 5 or 6 to determine whether he is an abuser of alcohol or other drugs.

3. Except as otherwise provided in subsection 4, 5 or 6, the evaluation of an offender pursuant to this section must be conducted at an evaluation center by:

(a) An alcohol and drug abuse counselor who is licensed or certified ***, or a clinical alcohol and drug abuse counselor who is licensed,*** pursuant to chapter 641C of NRS **,** to make that evaluation; or

(b) A physician who is certified to make that evaluation by the Board of Medical Examiners,

➥ who shall report to the court the results of the evaluation and make a recommendation to the court concerning the length and type of treatment required for the offender.

4. The evaluation of an offender who resides more than 30 miles from an evaluation center may be conducted outside an evaluation center by a person who has the qualifications set forth in subsection 3. The person who conducts the evaluation shall report to the court the results of the evaluation and make a recommendation to the court concerning the length and type of treatment required for the offender.

5. The evaluation of an offender who resides in another state may, upon approval of the court, be conducted in the state where the offender resides by a physician or other person who is authorized by the appropriate governmental agency in that state to conduct such an evaluation. The offender shall ensure that the results of the evaluation and the recommendation concerning the length and type of treatment for the offender are reported to the court.

6. The evaluation of an offender who resides in this State may, upon approval of the court, be conducted in another state by a physician or other person who is authorized by the appropriate governmental agency in that state to conduct such an evaluation if the location of the physician or other person in the other state is closer to the residence of the offender than the nearest location in this State at which an evaluation may be conducted. The offender shall ensure that the results of the evaluation and the recommendation concerning the length and type of treatment for the offender are reported to the court.

7. An offender who is evaluated pursuant to this section shall pay the cost of the evaluation. An evaluation center or a person who conducts an evaluation in this State outside an evaluation center shall not charge an offender more than $100 for the evaluation.

Sec. 90. NRS 484.3796 is hereby amended to read as follows:

484.3796 1. Before sentencing an offender for a violation of NRS 484.379 that is punishable as a felony pursuant to NRS 484.3792 or a violation of NRS 484.3795 or 484.37955, the court shall require that the offender be evaluated to determine whether he is an abuser of alcohol or drugs and whether he can be treated successfully for his condition.

2. The evaluation must be conducted by:

(a) An alcohol and drug abuse counselor who is licensed or certified ***, or a clinical alcohol and drug abuse counselor who is licensed,*** pursuant to chapter 641C of NRS ***,*** to make such an evaluation;

(b) A physician who is certified to make such an evaluation by the Board of Medical Examiners; or

(c) A psychologist who is certified to make such an evaluation by the Board of Psychological Examiners.

3. The alcohol and drug abuse counselor, ***clinical alcohol and drug abuse counselor,*** physician or psychologist who conducts the evaluation shall immediately forward the results of the evaluation to the Director of the Department of Corrections.

Sec. 91. NRS 488.430 is hereby amended to read as follows:

488.430 1. Before sentencing a defendant pursuant to NRS 488.420, 488.425 or 488.427, the court shall require that the defendant be evaluated to determine whether he is an abuser of alcohol or drugs and whether he can be treated successfully for his condition.

2. The evaluation must be conducted by:

(a) An alcohol and drug abuse counselor who is licensed or certified ***, or a clinical alcohol and drug abuse counselor who is licensed,*** pursuant to chapter 641C of NRS ***,*** to make such an evaluation;

(b) A physician who is certified to make such an evaluation by the Board of Medical Examiners; or

(c) A psychologist who is certified to make such an evaluation by the Board of Psychological Examiners.

3. The alcohol and drug abuse counselor, ***clinical alcohol and drug abuse counselor,*** physician or psychologist who conducts the evaluation shall immediately forward the results of the evaluation to the Director of the Department of Corrections.

Sec. 92. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

If any policy of health insurance provides coverage for treatment of an illness which is within the authorized scope of practice of a licensed clinical alcohol and drug abuse counselor, the insured is entitled to reimbursement for treatment by a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS.

Sec. 93. NRS 689A.0483 is hereby amended to read as follows:

689A.0483 If any policy of health insurance provides coverage for treatment of an illness which is within the authorized scope of ~~[the]~~ practice of a licensed marriage and family therapist ~~[,]~~ ***or licensed clinical professional counselor,*** the insured is entitled to reimbursement for treatment by a marriage and family therapist ***or clinical professional counselor*** who is licensed pursuant to chapter 641A of NRS.

Sec. 94. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

If any policy of group health insurance provides coverage for treatment of an illness which is within the authorized scope of practice of a licensed clinical alcohol and drug abuse counselor, the insured is entitled to reimbursement for treatment by a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS.

Sec. 95. NRS 689B.0383 is hereby amended to read as follows:

689B.0383 If any policy of group health insurance provides coverage for treatment of an illness which is within the authorized scope of ~~[the]~~ practice of a licensed marriage and family therapist ~~[,]~~ ***or licensed clinical professional counselor,*** the insured is entitled to reimbursement for treatment by a marriage and family therapist ***or clinical professional counselor*** who is licensed pursuant to chapter 641A of NRS.

Sec. 96. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

If any contract for hospital or medical service provides coverage for treatment of an illness which is within the authorized scope of practice of a licensed clinical alcohol and drug abuse counselor, the insured is entitled to reimbursement for treatment by a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS.

Sec. 97. NRS 695B.1973 is hereby amended to read as follows:

695B.1973 If any contract for hospital or medical service provides coverage for treatment of an illness which is within the authorized scope of ~~[the]~~ practice of a licensed marriage and family therapist ~~[,]~~ ***or licensed clinical professional counselor,*** the insured is entitled to reimbursement for treatment by a marriage and family therapist ***or clinical professional counselor*** who is licensed pursuant to chapter 641A of NRS.

Sec. 98. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

If any evidence of coverage provides coverage for treatment of an illness which is within the authorized scope of practice of a licensed clinical alcohol and drug abuse counselor, the insured is entitled to reimbursement for treatment by a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS.

Sec. 99. NRS 695C.1773 is hereby amended to read as follows:

695C.1773 If any evidence of coverage provides coverage for treatment of an illness which is within the authorized scope of ~~[the]~~ practice of a licensed marriage and family therapist ~~[,]~~ ***or licensed clinical professional counselor,*** the insured is entitled to reimbursement for treatment by a marriage and family therapist ***or clinical professional counselor*** who is licensed pursuant to chapter 641A of NRS.

Sec. 99.5. Section 8 of this act is hereby amended to read as follows:

Sec. 8. Each applicant for a license to practice as a clinical professional counselor must furnish evidence satisfactory to the Board that he:

1. Is at least 21 years of age;
2. Is of good moral character;

3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;

4. Has:

(a) Completed his residency training in psychiatry from an accredited institution approved by the Board;

(b) A graduate degree from a program approved by the Council for Accreditation of Counseling and Related Educational Programs as a program in mental health counseling or community counseling; or

(c) An acceptable degree as determined by the Board which includes the completion of a practicum and internship in mental health counseling which was taken concurrently with the degree program and was supervised by a licensed mental health professional; and

5. Has:

(a) At least 2 years of postgraduate experience in professional counseling;

(b) At least 3,000 hours of supervised experience in professional counseling which includes, without limitation:

(1) At least 1,500 hours of direct contact with clients; and

(2) At least 100 hours of counseling under the direct supervision of an approved supervisor of which at least 1 hour per week was completed for each work setting at which the applicant provided counseling; and

(c) ~~[Either:~~

~~(1) Passed the National Counselor Examination for Licensure and Certification which is administered by the National Board for Certified Counselors and provided evidence satisfactory to the Board of at least 3 years of work experience in mental health counseling; or~~

~~(2)]~~ Passed the National Clinical Mental Health Counseling Examination which is administered by the National Board for Certified Counselors.

Sec. 99.7. **Section 36 is of this act is hereby amended to read as follows:**

Sec. 36. ~~[1.]~~ The Board shall issue a license as a clinical alcohol and drug abuse counselor to:

~~[(a)]~~ ***1.*** A person who:

~~[(1)]~~ ***(a)*** Is not less than 21 years of age;

~~[(2)]~~ ***(b)*** Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

~~[(3)]~~ ***(c)*** Has received a master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board that includes comprehensive course work in clinical mental health, including the diagnosis of mental health disorders;

~~[(4)]~~ ***(d)*** Has completed a program approved by the Board consisting of at least 2,000 hours of supervised, postgraduate counseling of alcohol and drug abusers;

~~[(5)]~~ ***(e)*** Has completed a program that:

~~[(I)]~~ ***(1)*** Is approved by the Board; and

~~[(II)]~~ ***(2)*** Consists of at least 2,000 hours of postgraduate counseling of persons who are mentally ill and who are alcohol and drug abusers that is supervised by a ~~[person professionally qualified in the field of psychiatric mental health and]~~ ***licensed clinical alcohol and drug abuse counselor*** who is approved by the Board;

~~[(6)]~~ ***(f)*** Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

~~[(7)]~~ ***(g)*** Pays the fees required pursuant to NRS 641C.470; and

~~[(8)]~~ ***(h)*** Submits all information required to complete an application for a license.

~~[(b)]~~ ***2.*** A person who:

~~[(1)]~~ ***(a)*** Is not less than 21 years of age;

~~[(2)]~~ ***(b)*** Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

~~[(3)]~~ ***(c)*** Is:

~~[(I)]~~ ***(1)*** Licensed as a clinical social worker pursuant to chapter 641B of NRS;

~~[(II)]~~ ***(2)*** Licensed as a marriage and family therapist pursuant to chapter 641A of NRS; or

~~[(III)]~~ ***(3)*** A nurse who is licensed pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university;

~~[(4)]~~ ***(d)*** Has completed at least 6 months of supervised counseling of alcohol and drug abusers approved by the Board;

~~[(5)]~~ ***(e)*** Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

~~[(6)]~~ ***(f)*** Pays the fees required pursuant to NRS 641C.470; and

~~[(7)]~~ ***(g)*** Submits all the information required to complete an application for a license.

~~[2. As used in this section, "person professionally qualified in the field of psychiatric mental health" has the meaning ascribed to it in NRS 433.209.]~~

Sec. 100. 1. As soon as practicable on or after July 1, 2007, the Governor shall, pursuant to paragraph (b) of subsection 1 of NRS 641A.100, as amended by section 16 of this act, appoint to the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors:

(a) One member whose term ends on June 30, 2010; and

(b) One member whose term ends on June 30, 2011.

2. As soon as practicable on or after July 1, 2008, the Governor shall, pursuant to paragraph (b) of subsection 1 of NRS 641A.100, as amended by section 16.5 of this act, appoint to the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors one member whose term ends on June 30, 2012.

3. Notwithstanding the provisions of section 16 of this act, the members described in subsection 1 that the Governor is required to appoint to the Board must have the qualifications for licensure as a clinical professional

counselor set forth in section 8 of this act at the time of their appointment to the Board.

Sec. 101. 1. This section and sections 1 to 15, inclusive, 16, 17 to 20, inclusive, 22 to 99, inclusive, and 100 of this act become effective:

(a) Upon passage and approval for the purposes of adopting regulations to carry out the amendatory provisions of this act; and

(b) On July 1, 2007, for all other purposes.

2. Sections 15.5 and 16.5 of this act become effective on July 1, 2008.

3. **Section 61.5 of this act expires by limitation on June 30, 2009.**

4. Section 8 of this act expires by limitation on December 31, 2009.

~~[4.]~~ **5.** Section 99.5 of this act becomes effective on January 1, 2010.

6. Section 36 of this act expires by limitation on June 30, 2013.

7. Section 99.7 of this act becomes effective on July 1, 2013.

~~[5.]~~ **8.** Section 20 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

~~[6.]~~ **9.** Section 21 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a procedure to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

~~[7.]~~ **10.** Sections 21 and 27 of this act expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblywoman Leslie moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 424.

Remarks by Assemblyman Leslie.

Motion carried by a constitutional majority.

Madam Speaker:

The first Conference Committee concerning Assembly Bill No. 443, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 816 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 15, which is attached to and hereby made a part of this report.

PEGGY PIERCE	JOSEPH HECK
ELLEN KOIVISTO	STEVEN HORSFORD
	BARBARA CEGAVSKE
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA15.

SUMMARY—Revises provisions relating to communicable diseases ~~[.]~~ **and food establishments.** (BDR 40-1057)

AN ACT relating to ~~[communicable diseases;]~~ **health care;** making various changes to provisions concerning the human immunodeficiency virus; **amending the definition of a "food handler" employed in or operating a food establishment;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 3 of this bill expresses the intent of the Legislature regarding the manner in which governmental entities and persons and entities providing services of health care should collaborate to ensure that testing for the human immunodeficiency virus and related counseling is carried out in a culturally and linguistically appropriate manner, and with due regard for the sensitivity and private nature of such information.

Section 4 of this bill requires certain providers of testing for the human immunodeficiency virus to ensure that each person who tests positive for the human immunodeficiency virus receives a counseling session. The counseling session must include information on: (1) the test result; (2) follow-up testing; (3) medical treatment; (4) methods for preventing transmission of the human immunodeficiency virus; (5) the confidentiality of the test result; and (6) appropriate testing for sexual partners of those who test positive for the human immunodeficiency virus. Section 4 also requires certain providers of testing to offer referrals for certain health care services to those who test positive for the human immunodeficiency virus.

Existing law governs food handlers employed in or operating a food establishment. (Chapter 446 of NRS) Existing law defines "food handler." (NRS 446.030) Section 5.5 of this bill amends the definition of "food handler."

Existing law makes discrimination against persons with certain disabilities an unlawful employment practice. (NRS 613.310-613.435) Section 6 of this bill amends the definition of "disability" to specifically include the human immunodeficiency virus.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 441A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***As used in sections 2, 3 and 4 of this act, "provider of health care" means a physician, nurse or physician assistant licensed in accordance with state law.***

Sec. 3. ***It is the intent of the Legislature that:***

1. The State Board of Health, the Department of Health and Human Services, and all district, county and city health departments, boards of health and health officers, medical facilities and providers of health care work together in a collaborative manner to ensure that testing for the human immunodeficiency virus and related counseling services are offered in a culturally and linguistically appropriate manner.

2. Information pertaining to testing for the human immunodeficiency virus be reported and maintained in accordance with existing state and federal privacy laws.

3. Information pertaining to cases of the human immunodeficiency virus not be used for any purpose other than public health practices, including, without limitation, surveillance and epidemiology.

Sec. 4. ***1. Counties, providers of health care and medical facilities that provide testing for the human immunodeficiency virus shall provide, or ensure the provision of, to each person who tests positive for the human immunodeficiency virus, a counseling session that is appropriate and acceptable under current medical and public health practices, as recommended by the Board.***

2. Counseling required pursuant to this section must address, without limitation:

(a) The meaning of the positive result of the test;

(b) Any follow-up testing for the person;

(c) Methods for preventing the transmission of the human immunodeficiency virus;

(d) Medical treatment available for the person;

(e) The confidentiality of the result of the test; and

(f) Recommended testing for the human immunodeficiency virus for sexual partners of the person.

3. Counties, providers of health care and medical facilities that provide testing for the human immunodeficiency virus shall offer to each person who tests positive for the human immunodeficiency virus:

(a) Appropriate referrals for future services, including, without limitation, medical care, mental health care and addiction services; or

(b) If unable to provide referrals pursuant to paragraph (a), referral to the local health authority for a subsequent referral to providers within the community for future services, including, without limitation, medical care, mental health care and addiction services.

4. The Director of the Department of Health and Human Services may adopt regulations to carry out the provisions of this section.

Sec. 5. (Deleted by amendment.)

Sec. 5.5. **NRS 446.030 is hereby amended to read as follows:**

446.030 1. "Food handler" means any person employed in or operating a food establishment, whether that person is an employer, employee or other natural person, who handles, stores, transports, prepares, manufactures, serves or sells food, or who comes in contact with eating or cooking utensils or other equipment used in the handling, preparation, manufacture, service or sale of food.

2. The term does not include a person who ~~[only]~~ **:**

(a) Only handles, stores, transports, sells or otherwise comes in contact with food that is ~~[permanently sealed or]~~ ***sealed and*** packaged for sale directly to the consumer ~~[and who, if]~~ **;**

(b) If the food is potentially hazardous food, handles the food only occasionally ~~[or]~~ ***and*** incidentally ~~[outside the normal and usual course and scope of]~~ ***to*** his responsibilities or employment ~~[.]~~ ***, and such handling is not part of his regularly scheduled responsibilities or employment; or***

(c) Is providing services as a cashier, salesperson, stock clerk, warehouse or dockworker, delivery person or maintenance staff or providing services in a similar position with limited food-handling responsibility.

Sec. 6. NRS 613.310 is hereby amended to read as follows:

613.310 As used in NRS 613.310 to 613.435, inclusive, unless the context otherwise requires:

1. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person ~~[;]~~ ***, including, without limitation, the human immunodeficiency virus;***

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

2. "Employer" means any person who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, but does not include:

(a) The United States or any corporation wholly owned by the United States.

(b) Any Indian tribe.

(c) Any private membership club exempt from taxation pursuant to 26 U.S.C. § 501(c).

3. "Employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer, but does not include any agency of the United States.

4. "Labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing

with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or other conditions of employment.

5. "Person" includes the State of Nevada and any of its political subdivisions.

6. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Assemblywoman Pierce moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 443.

Remarks by Assemblyman Pierce.

Motion carried by a constitutional majority.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 239.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 239, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 822 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 18, which is attached to and hereby made a part of this report.

DEBBIE SMITH	BARBARA CEGAVSKE
MOISES DENIS	MIKE MCGINNESS
LYNN STEWART	JOYCE WOODHOUSE
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA18.

AN ACT relating to education; creating the P-16 Advisory Council to assist in the coordination between elementary, secondary and higher education in this State; providing for the organization, powers and duties of the Council; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the P-16 Advisory Council to assist in the coordination between elementary, secondary and higher education in this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 34 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 9 inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Council" means the P-16 Advisory Council created by section 6 of this act.***

Sec. 4. ***"System" means the Nevada System of Higher Education.***

Sec. 5. ***The Legislature hereby finds and declares that:***

1. The Board of Regents of the University of Nevada was created by the Nevada Constitution and empowered to control and manage the affairs of the Nevada System of Higher Education.

2. Matters relating to education are vitally important to the future of the State of Nevada, its economy and the general welfare of its residents. In light of the growing enrollments in Nevada's system of public elementary and secondary education and Nevada's system of public higher education, it is important that the Nevada Legislature, the Board of Regents, the State Board and the Executive Branch of the State Government work together as partners in developing a needed public agenda to advance education in this State.

3. The development of an agenda to advance education should be carried out with a view toward seeking input from all parties who have a stake in the advancement of education in this State.

4. Coordination between elementary, secondary and higher education must be strengthened to ensure that pupils in the 12th grade are prepared adequately to make the transition from secondary education to higher education or to careers. To this end, a body should be established to coordinate education from the level of preschool through the completion of a bachelor's degree, to be known as the P-16 Advisory Council.

Sec. 6. ***1. The P-16 Advisory Council, consisting of ~~[15]~~ 11 voting members, is hereby created to assist in the coordination between elementary, secondary and higher education in this State. The Chancellor of the System and the Superintendent of Public Instruction serve as ex officio nonvoting members of the Council.***

2. The Governor shall appoint ~~[seven]~~ five members to the Council as follows:

(a) One representative of higher education in this State.

(b) One representative of elementary and secondary education in this State.

(c) ~~[One representative of early childhood education in this State.~~

~~(d)]~~ One representative of private business in this State.

~~[(e)]~~ (d) One member who is a parent of a pupil enrolled in a public school in this State or of a student enrolled in the System. The parent must not be employed by the board of trustees of a school district, the governing body of a charter school or the System.

(e) One person that meets the qualifications of paragraph (a), ~~[(b), (c) or (d).~~

~~*(f) One pupil enrolled in a secondary school in this State.*~~

~~*(g) One student enrolled in the System.]*~~ ***(b) or (c).***

3. The Majority Leader of the Senate and the Speaker of the Assembly shall each appoint ~~[three]~~ two members to the Council as follows:

(a) One member of the House of the Legislature that he represents.

(b) One ~~[member who is a parent of a pupil enrolled in a public school in this State or of a student enrolled in the System. The parent must not be employed by the board of trustees of a school district, the governing body of a charter school or the System.~~

~~*(c) One member who is a:*~~

~~*(1) Licensed teacher employed by a school district or charter school in this State; or*~~

~~*(2) Teacher, instructor or professor employed by the Board of Regents of the University of Nevada.]*~~ ***person who meets the qualifications of paragraph (a), (b) or (c) of subsection 2.***

4. The Minority Leader of the Senate and the Minority Leader of the Assembly shall each appoint one member to the Council who is a member of the general public.

5. The members of the Council shall elect a Chairman and a Vice Chairman from among the members of the Council. After the initial term, the Chairman and Vice Chairman serve in the office for a term of 2 years beginning July 1 of each odd-numbered year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the Council shall elect a member to fill the vacancy to serve for the remainder of the unexpired term of that office.

6. After the initial terms, each member of the Council serves a term of 3 years commencing on July 1 of the year of appointment. Such members may be reappointed for one additional term. A vacancy on the Council must be filled for the remainder of the unexpired term in the same manner as the original appointment. Each member of the Council continues in office until his successor is appointed.

7. Any member who is absent from two consecutive meetings of the Council without permission of the Chairman:

(a) Forfeits his office; and

(b) Must be replaced as provided in subsection 6 for the filling of a vacancy before the end of a term.

Sec. 7. ***1. The Council shall meet at least once each calendar quarter and as frequently as necessary to afford the general public, representatives of governmental agencies and representatives of organizations an opportunity to present information and recommendations relating to the coordination between elementary, secondary and postsecondary education ~~[.]~~ , including, without limitation, the Nevada Youth Legislative Issues Forum created by section 3 of Senate Bill No. 247 of this Session and the Advisory Council on Parental Involvement established by section 3 of Senate Bill No. 143 of this Session.***

2. The Council shall comply with the provisions of chapter 241 of NRS.

3. For each day or portion of a day during which the members of the Council attend a meeting of the Council or are otherwise engaged in the business of the Council:

(a) The members who are Legislators are entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207, payable from the Legislative Fund.

(b) The members who are appointed by the Majority Leader of the Senate, the Speaker of the Assembly, the Minority Leader of the Senate and the Minority Leader of the Assembly who are not Legislators are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, payable from the Legislative Fund.

(c) The members who are appointed by the Governor are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, payable as other claims against the State are paid.

4. The Office of the Governor shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

➥ as is necessary for the Council to carry out its duties.

5. The Board of Regents of the University of Nevada and the Department shall provide technical assistance to the Council upon the request of the Chairman.

Sec. 8. ***1. The Council shall address:***

(a) Methods to increase the number of students who enroll in programs at the System to become teachers, including, without limitation, financial aid programs for students enrolled in those programs.

(b) Methods to ensure the successful transition of pupils from:

(1) Elementary school to middle school;

(2) Middle school to high school; and

(3) High school to postsecondary education,

➥ including, without limitation, methods to increase parental involvement.

(c) Methods to ensure that the data information system for the pupils enrolled in the public schools is linked, to the extent feasible, with the data information system for the students enrolled in the System.

(d) Methods to ensure that the course work, standards and assessments required of pupils in secondary schools is aligned with the workload expected of students at the postsecondary level.

(e) Methods to ensure collaboration among the business community, members of the academic community and political leaders to set forth a

process for developing strategies for the growth and diversification of the economy of this State.

(f) Policies relating to workforce development, employment needs of private employers and workforce shortages in occupations critical to the education, health and safety of the residents of this State.

(g) Other matters within the scope of the Council as determined necessary or appropriate by the Council.

2. The Council may:

(a) Establish committees to assist the Council in carrying out its duties.

(b) Apply for any available grants and may accept any gifts, grants and donations from any source to assist the Council in carrying out its duties.

Sec. 9. ***On or before June 30 of each year, the Council shall submit a written report of its activities and any recommendations to the:***

1. Board of Regents of the University of Nevada;

2. State Board;

3. Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature;

4. Legislative Committee on Education; and

5. Governor.

Sec. 10. 1. On or before September 1, 2007, the Governor shall, pursuant to subsection 2 of section 6 of this act, appoint to the P-16 Advisory Council created by that section:

(a) ~~[Four]~~ **Three** members to terms commencing on September 1, 2007, and expiring on June 30, 2009.

(b) ~~[Three]~~ **Two** members to terms commencing on September 1, 2007, and expiring on June 30, 2010.

2. On or before September 1, 2007, the Majority Leader of the Senate and the Speaker of the Assembly shall, pursuant to subsection 3 of section 6 of this act, each appoint to the P-16 Advisory Council created by that section:

(a) ~~[One member who is a parent of a pupil enrolled in a public school in this State or of a student enrolled in the Nevada System of Higher Education to a term commencing on September 1, 2007, and expiring on June 30, 2009.~~

~~(b)]~~ One member of the House of the Legislature that he represents to a term commencing on September 1, 2007, and expiring on June 30, 2010.

~~[(c) One member who is a:~~

~~(1) Teacher employed by the board of trustees of a school district or the governing body of a charter school; or~~

~~(2) A teacher, instructor or professor employed by the Board of Regents of the University of Nevada,~~

~~** to a term commencing on September 1, 2007, and expiring on June 30, 2010.]~~

(b) One member who meets the requirements of paragraph (a), (b) or (c) of subsection 2 of section 6 of this act to a term commencing on September 1, 2007, and expiring on June 30, 2009.

3. On or before September 1, 2007, the Minority Leader of the Senate shall, pursuant to subsection 4 of section 6 of this act, appoint to the P-16 Advisory Council created by that section one member to a term commencing on September 1, 2007, and expiring on June 30, 2009.

4. On or before September 1, 2007, the Minority Leader of the Assembly shall, pursuant to subsection 4 of section 6 of this act, appoint to the P-16 Advisory Council created by that section one member to a term commencing on September 1, 2007, and expiring on June 30, 2010.

Sec. 11. (Deleted by amendment.)

Sec. 12. This act becomes effective on July 1, 2007.

Assemblywoman Smith moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 239.

Remarks by Assemblywoman Smith.

Motion carried by a constitutional majority.

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 329, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 810 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 3, which is attached to and hereby made a part of this report.

JERRY CLABORN	DEAN RHOADS
JOHN CARPENTER	MIKE MCGINNESS
JOSEPH HOGAN	MICHAEL SCHNEIDER
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA3.

AN ACT relating to animals; prohibiting a person from allowing a cat or dog to remain unattended in a parked or standing motor vehicle in a manner that endangers the health or safety of the cat or dog; **providing certain exceptions;** authorizing a peace officer to use force to remove a cat or dog from a motor vehicle under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person is prohibited from instigating, engaging in or in any way furthering an act of cruelty to an animal. (NRS 574.100) Such an act includes, without limitation, unjustifiably injuring or maiming an animal or carrying an animal in a vehicle in a cruel or inhuman manner. (NRS 574.100, 574.190)

Section 2 of this bill makes it a misdemeanor for a person to allow a cat or dog to remain unattended in a parked or standing car during a period of extreme heat or cold or in any other manner that endangers the health or safety of the cat or dog. Section 2 authorizes a peace officer and certain other persons to use any force that is reasonable and necessary under the circumstances to remove the cat or dog from the motor vehicle. **Section 2 also provides certain exceptions for dogs used for public safety or hunting.** Section 5 of this bill provides that the existing general exemptions

from the provisions of chapter 574 of NRS also apply to the activities specified in section 2 of this bill. Those exemptions include, without limitation, the handling, housing and transporting of livestock or farm animals.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. Chapter 574 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, a person shall not allow a cat or dog to remain unattended in a parked or standing motor vehicle during a period of extreme heat or cold or in any other manner that endangers the health or safety of the cat or dog.

2. Any:

(a) Peace officer;

(b) Officer of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040;

(c) Animal control officer;

(d) Governmental officer or employee whose primary duty is to ensure public safety;

(e) Employee or volunteer of any organized fire department; or

(f) Member of a search and rescue organization in this State that is under the direct supervision of a sheriff,

➥ may use any force that is reasonable and necessary under the circumstances to remove from a motor vehicle a cat or dog that is allowed to remain in the motor vehicle in violation of subsection 1.

3. The provisions of subsection 1 do not apply to:

(a) A police animal or an animal that is used by:

(1) A federal law enforcement agency to assist the agency in carrying out the duties of the agency; or

(2) A search and rescue organization specified in paragraph (f) of subsection 2 to assist the organization in carrying out the activities of the organization; ~~*[or]*~~

(b) A dog that is under the possession or control of:

(1) An animal control officer; or

(2) A first responder during an emergency ~~*[.]*~~ **;**

(c) A dog that is under the possession or control of a person who:

(1) Is actively engaged in hunting a species of game mammal or game bird during the season for hunting that species of game mammal or game bird;

(2) Is using the dog for the purpose set forth in subparagraph (1); and

(3) Holds a license or tag to hunt that species of game mammal or game bird during that season; or

(d) A dog that is participating in:

(1) Training exercises relating to hunting; or

(2) Field trials relating to hunting.

4. A cat or dog that is removed from a motor vehicle pursuant to subsection 2 shall be deemed to be an animal being treated cruelly for the purposes of NRS 574.055. The person who removed the cat or dog may take any action relating to the cat or dog specified in that section and is entitled to any lien or immunity from liability that is applicable pursuant to that section.

5. A person who violates a provision of subsection 1 is guilty of a misdemeanor.

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 574.050 is hereby amended to read as follows:

574.050 As used in NRS 574.050 to 574.200, inclusive ~~[.]~~ ***, and section 2 of this act:***

1. "Animal" does not include the human race, but includes every other living creature.

2. ***"First responder" means a person who has successfully completed the national standard course for first responders.***

3. "Police animal" means an animal which is owned or used by a state or local governmental agency and which is used by a peace officer in performing his duties as a peace officer.

~~[3.]~~ ***4.*** "Torture" or "cruelty" includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

Sec. 5. NRS 574.200 is hereby amended to read as follows:

574.200 The provisions of NRS 574.050 to 574.510, inclusive, ***and section 2 of this act*** do not:

1. Interfere with any of the fish and game laws contained in title 45 of NRS or any laws for the destruction of certain birds.

2. Interfere with the right to destroy any venomous reptiles or animals, or any animal known as dangerous to life, limb or property.

3. Interfere with the right to kill all animals and fowl used for food.

4. Prohibit or interfere with any properly conducted scientific experiments or investigations which are performed under the authority of the faculty of some regularly incorporated medical college or university of this State.

5. Interfere with any scientific or physiological experiments conducted or prosecuted for the advancement of science or medicine.

6. Prohibit or interfere with established methods of animal husbandry, including the raising, handling, feeding, housing and transporting of livestock or farm animals.

Assemblyman Claborn moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 329.

Remarks by Assemblyman Claborn.

Motion carried by a constitutional majority.

Madam Speaker:

The first Conference Committee concerning Assembly Bill No. 461, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 803 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 12, which is attached to and hereby made a part of this report.

DAVID PARKS	MIKE MCGINNESS
PEGGY PIERCE	WARREN HARDY
FRANCIS ALLEN	JOHN LEE
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA12.

AN ACT relating to taxation; providing for certain reporting requirements and the review of certain expenditures relating to the Clark County Sales and Use Tax Act of 2005; authorizing the Board of County Commissioners of Nye County to increase the sales and use tax to support public safety services in Nye County; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Clark County Sales and Use Tax Act of 2005 authorized the Board of County Commissioners of Clark County to impose up to one-half of 1 percent sales and use tax to employ and equip additional police officers for various police departments in Clark County. Section 1 of this bill adds a requirement that any governmental entity that authorizes expenditures from the tax revenues for a police department must submit periodic reports to the Legislature concerning the use of that money, and authorizes the Legislative Commission to review and investigate those expenditures.

Sections 3-22 of this bill are modeled on the provisions of the Clark County Sales and Use Tax Act of 2005, and authorize the Board of County Commissioners of Nye County to impose an additional sales tax of up to one-half of 1 percent for the purposes of recruiting, employing and equipping additional firefighters, deputy sheriffs and other public safety personnel and constructing, improving and equipping public safety facilities in Nye County. Any proposed change in the use of the proceeds of the tax must be submitted to the voters and be approved by the Legislature. **Section 17.5 of this bill contains requirements identical to those in section 1 of this bill concerning reporting of expenditures of the tax revenues and the review and investigation of those expenditures.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 912, is hereby amended by adding thereto a new section to be designated as section 13.5, immediately following section 13, to read as follows:

Sec. 13.5. 1. Any governing body that has approved expenditures pursuant to section 13 of this Act shall submit to the Director of the

Legislative Counsel Bureau for transmittal to the members of the Legislature or the Legislative Commission when the Legislature is not in regular session, the periodic reports required pursuant to this section and such other information relating to the provisions of this Act as may be requested by the Director of the Legislative Counsel Bureau.

2. The reports required pursuant to this section must be submitted:

(a) On or before:

(1) February 15 for the 3-month period ending on the immediately preceding December 31;

(2) May 15 for the 3-month period ending on the immediately preceding March 31;

(3) August 15 for the 3-month period ending on the immediately preceding June 30; and

(4) November 15 for the 3-month period ending on the immediately preceding September 30; and

(b) On or before August 15 for the 12-month period ending on the immediately preceding June 30.

3. Each report must be submitted on a form provided by the Director of the Legislative Counsel Bureau and include, with respect to the period covered by the report:

(a) The total proceeds received by the respective police department from the sales and use tax imposed pursuant to this Act;

(b) A detailed description of the use of the proceeds, including, without limitation:

(1) The total expenditures made by the respective police department from the sales and use tax imposed pursuant to this Act;

(2) The total number of police officers hired by the police department and the number of those officers that are filling authorized, funded positions for new officers; and

(3) A detailed analysis of the manner in which each expenditure:

(I) Conforms to all provisions of this Act; and

(II) Does not replace or supplant funding which existed before October 1, 2005, for the police department; and

(c) Any other information required to complete the form for the report.

4. The Legislative Commission may review and investigate the reports submitted pursuant to this section and the expenditure of any proceeds pursuant to section 13 of this Act.

Sec. 2. Notwithstanding the provisions of section 1 of this act, the report submitted pursuant to section 1 of this act by a governing body to the Director of the Legislative Counsel Bureau on or before November 15, 2007, must separately cover:

1. The period beginning on October 1, 2005, and ending on September 30, 2007; and

2. The period beginning on July 1, 2006, and ending on June 30, 2007.

Sec. 3. Sections 3 to 22, inclusive, of this act may be cited as the Nye County Sales and Use Tax Act of 2007.

Sec. 4. The Legislature hereby finds and declares that:

1. Nye County has experienced and continues to experience substantial growth, growing from a population of 32,485 residents in 2000 to a projected population of over 44,580 residents in 2006;

2. Nye County is the third largest county in terms of geographic area in the United States and the growth in Nye County has occurred over this wide geographical area;

3. The increase in the number of public safety personnel and facilities to protect the residents of Nye County has not kept pace with this growth;

4. The danger from fire and crime is increasing in Nye County, and so is the time it takes for public safety personnel to respond when a resident reports a fire or crime;

5. It is intended that the Board of County Commissioners of Nye County establish a program that promotes community participation in protecting the residents of the community that includes, without limitation:

(a) A written policy on providing public safety services oriented toward the involvement of residents of the community;

(b) The provision of training for all public safety personnel employed in the County that includes, without limitation, training relating to:

(1) Methods that may be used to analyze, respond to and solve problems commonly confronted by public safety personnel in the community;

(2) The cultural and racial diversity of the residents of the community;

(3) The proper utilization of community resources, such as local housing authorities, public utilities and local public officials, that are available to assist in providing public safety services; and

(4) Issues concerning not only the prevention of fires and crime, but also improving the quality of life for the residents of the community; and

(c) The formation of partnerships with the residents of the community and public and private agencies and organizations to address mutual concerns relating to the provision of public safety services;

6. A general law cannot be made applicable to the purposes, objects, powers, rights, privileges, immunities, liabilities, duties and disabilities provided in this act because of the demographic, economic and geographic diversity of the local governments of this State, the unique growth patterns occurring in Nye County and the special financial conditions experienced in the County relating to the need to recruit, employ and equip more public safety personnel and to construct, improve and equip public safety facilities; and

7. The powers, rights, privileges, immunities, liabilities, duties and disabilities provided in this act comply in all respects with any requirement or limitation pertaining thereto and imposed by any constitutional provisions.

Sec. 5. Except as otherwise provided in this act or unless the context otherwise requires, the terms used or referred to in this act have the meanings

ascribed to them in chapter 374 of NRS, as from time to time amended, but the definitions in sections 6 to 13, inclusive, of this act, unless the context otherwise requires, govern the construction of this act.

Sec. 6. "Act" means the Nye County Sales and Use Tax Act of 2007.

Sec. 7. "Board" means the Board of County Commissioners of Nye County.

Sec. 8. "County" means Nye County.

Sec. 9. "County Treasurer" means the County Treasurer of Nye County.

Sec. 10. "Department" means the Department of Taxation created pursuant to NRS 360.120.

Sec. 11. "Employ" means making an expenditure for the purpose of providing employment, including, without limitation, paying wages and benefits.

Sec. 12. "Recruit" means making an expenditure for the purpose of attracting applicants for employment or persuading an applicant to accept employment, including, without limitation, providing materials and services relating to recruitment, paying signing bonuses, paying expenses relating to relocation and providing assistance with the purchase of a house.

Sec. 13. "Sheriff" means the Sheriff of Nye County.

Sec. 14. 1. The Board may enact an ordinance imposing a local sales and use tax to:

(a) Recruit, employ and equip additional firefighters, deputy sheriffs to the Sheriff and other public safety personnel;

(b) Improve and equip existing public safety facilities; and

(c) Construct and equip new public safety facilities.

2. Before enacting such an ordinance, the Board shall hold a public hearing to present its plan for implementing the local sales and use tax.

3. The proceeds from the tax authorized pursuant to this section, including interest and other income earned thereon, must be:

(a) Allocated for expenditure:

(1) In the areas of Pahrump, Amargosa Valley, Beatty, Tonopah, Round Mountain, Manhattan, Gabbs and any other town or city created in Nye County after October 1, 2007, and in the remaining unincorporated area of Nye County on a pro rata basis in each of those areas based upon the ratio of the population of that area to the total population of Nye County; or

(2) In any other manner that the Board and the governing body of each of those areas agree to be appropriate to carry out the purposes set forth in subsection 1 in accordance with the provisions of section 17 of this act.

➥ As used in this paragraph, "population" means the estimated annual population determined pursuant to NRS 360.283.

(b) Used only as approved pursuant to section 17 of this act and only for the purposes set forth in subsection 1 unless the Legislature changes the use. The Board shall, before submitting to the Legislature any request to change the uses for the proceeds from the tax, submit an advisory question to the voters of the County pursuant to NRS 293.482, asking whether the uses for

the proceeds from the tax should be so changed. The Board shall not submit such a request to the Legislature if a majority of the voters in the County disapprove the proposed change.

Sec. 15. An ordinance enacted pursuant to this act must include provisions in substance as follows:

1. A provision imposing a tax on the gross receipts of any retailer from the sale of all tangible personal property sold at retail or stored, used or otherwise consumed in the County, including incorporated cities in the County, at a rate that does not exceed one-half of 1 percent.

2. Provisions substantially identical to those contained in chapter 374 of NRS, insofar as applicable.

3. A provision that an amendment to chapter 374 of NRS enacted after the effective date of the ordinance, not inconsistent with this act, automatically becomes part of the ordinance imposing the tax.

4. A provision that the Board shall contract with the Department, before the effective date of the ordinance, to perform all the functions incident to the administration or operation of the tax in the County.

5. A provision that a purchaser is entitled to a refund, in accordance with the provisions of NRS 374.635 to 374.720, inclusive, of the amount of the tax required to be paid that is attributable to the tax imposed on the sale of, and the storage, use or other consumption in the County, including incorporated cities in the County, of, tangible personal property used for the performance of a written contract for the construction of an improvement to real property:

(a) That was entered into on or before the effective date of the tax; or

(b) For which a binding bid was submitted before that date if the bid was afterward accepted, and pursuant to the terms of the contract or bid, the contract price or bid amount may not be adjusted to reflect the imposition of the tax.

6. A provision that specifies the date on which the tax must first be imposed, which must not be earlier than the first day of the second calendar month following the effective date of the ordinance.

Sec. 16. An ordinance amending an ordinance enacted pursuant to this act, except an ordinance authorizing the issuance of bonds or other securities, must include a provision in substance that the Board shall amend a contract made pursuant to subsection 4 of section 15 of this act by a contract made between the Board and the Department before the effective date of the amendatory ordinance, unless the Board determines with the written concurrence of the Department that no such amendment of the contract is needed.

Sec. 17. 1. The proceeds received from any sales and use tax imposed pursuant to this act must be expended in each of the areas to which those proceeds are allocated for expenditure pursuant to section 14 of this act in such a manner that half of those proceeds are expended for the support of the services provided by local fire departments in that area and the remaining

half of those proceeds are expended for the support of the services provided by the Sheriff in that area.

2. No expenditure of those proceeds may be made unless the expenditure has been approved by the governing body of the area to which those proceeds have been allocated for expenditure. The governing body must approve the expenditure of the proceeds if it determines that:

(a) The proposed use of the money conforms to all provisions of this act; and

(b) The proposed use will not replace or supplant existing funding for the purposes set forth in subsection 1 of section 14 of this act for the support of the services provided by local fire departments and the Sheriff in that area.

3. In determining whether a proposed use meets the requirement set forth in paragraph (b) of subsection 2, the governing body shall determine whether the amount approved for expenditure for the fiscal year for the purposes set forth in subsection 1 of section 14 of this act for the support of the services of local fire departments and the Sheriff in that area, not including any money received or expended pursuant to this act, is equal to or greater than the amount approved for expenditure in the immediately preceding fiscal year for the purposes set forth in subsection 1 of section 14 of this act for the support of the services of local fire departments and the Sheriff in that area.

Sec. 17.5. **1.** Any governing body of an area that has approved expenditures pursuant to section 17 of this act shall ~~[, on or before September 1 of each year,]~~ submit ~~[a]~~ **to the Director of the Legislative Counsel Bureau for transmittal to the members of the Legislature, or the Legislative Commission when the Legislature is not in regular session, the periodic reports required pursuant to this section and such other information relating to the provisions of this act as may be requested by the Director of the Legislative Counsel Bureau.**

2. The reports required pursuant to this section must be submitted:

(a) On or before:

(1) February 15 for the 3-month period ending on the immediately preceding December 31;

(2) May 15 for the 3-month period ending on the immediately preceding March 31;

(3) August 15 for the 3-month period ending on the immediately preceding June 30; and

(4) November 15 for the 3-month period ending on the immediately preceding September 30; and

(b) On or before August 15 for the 12-month period ending on the immediately preceding June 30.

3. Each report must be submitted on a form provided by the Director of the Legislative Counsel Bureau and include, with respect to the period covered by the report:

(a) The total proceeds received by the respective local fire departments and the Sheriff from the sales and use tax imposed pursuant to this act;

(b) A detailed description of the use of the ~~[money,]~~ **proceeds,** including, without limitation ~~[, a]~~ **:**

(1) The total expenditures made by the respective local fire departments and the Sheriff for the purposes set forth in subsection 1 of section 14 of this act for the support of the services provided by the respective local fire departments and the Sheriff in each applicable area from the sales and use tax imposed pursuant to this act;

(2) The total number of firefighters, deputy sheriffs and other public safety personnel hired by local fire departments or the Sheriff, as applicable, and the number of those employees that are filling authorized, funded positions for new employees; and

(3) A detailed analysis of the manner in which each expenditure:

~~[1.]~~ **(I)** Conforms to all provisions of this act; and

~~[2.]~~ **(II)** Does not replace or supplant funding which existed before October 1, 2007, for the purposes set forth in subsection 1 of section 14 of this act for the support of the services provided by local fire departments and the Sheriff in ~~[that]~~ **each applicable** area ~~[,~~ ~~to the Director of the Legislative Counsel Bureau for transmittal to the members of the Legislature.]~~ **; and**

(c) Any other information required to complete the form for the report.

4. The Legislative Commission may review and investigate the reports submitted pursuant to this section and the expenditure of any proceeds pursuant to section 17 of this act.

Sec. 18. 1. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid to the County pursuant to this act must be paid to the Department in the form of remittances payable to the Department.

2. The Department shall deposit the payments with the State Treasurer for credit to the Sales and Use Tax Account in the State General Fund.

3. The State Controller, acting upon the collection data furnished by the Department, shall monthly:

(a) Transfer from the Sales and Use Tax Account to the appropriate account in the State General Fund a percentage of all fees, taxes, interest and penalties collected pursuant to this act during the preceding month as compensation to the State for the cost of collecting the tax. The percentage to be transferred pursuant to this paragraph must be the same percentage as the percentage of proceeds transferred pursuant to paragraph (a) of subsection 3 of NRS 374.785, but the percentage must be applied to the proceeds collected pursuant to this act only.

(b) Determine the amount equal to all fees, taxes, interest and penalties collected in or for the County pursuant to this act during the preceding

month, less the amount transferred to the State General Fund pursuant to paragraph (a).

(c) Transfer the amount determined pursuant to paragraph (b) to the Intergovernmental Fund and remit the money to the County Treasurer.

Sec. 19. The Department may redistribute any proceeds from the taxes, interest or penalties collected pursuant to this act which is determined to be improperly distributed, but no such redistribution may be made as to amounts originally distributed more than 6 months before the date on which the Department obtains knowledge of the improper distribution.

Sec. 20. 1. The County Treasurer shall:

(a) Deposit money received from the State Controller pursuant to paragraph (c) of subsection 3 of section 18 of this act into the County Treasury for credit to a special revenue fund created for the use of the proceeds from the tax authorized by this act; and

(b) Allocate that money into separate accounts within that fund as appropriate to carry out the provisions of paragraph (a) of subsection 3 of section 14 of this act.

2. The special revenue fund of the County created for the use of the proceeds from the tax authorized by this act must be accounted for as a separate fund and not as a part of any other fund.

3. Interest earned on the special revenue fund created pursuant to subsection 1 must be credited to the fund. The money in each such fund must remain in the fund and must not revert to the County Treasury at the end of any fiscal year.

Sec. 21. In a proceeding arising from an ordinance imposing a tax pursuant to this act, the Department may act for and on behalf of the County.

Sec. 22. 1. The powers conferred by this act are in addition and supplemental to, and not in substitution for, the powers conferred by any other law and the limitations imposed by this act do not affect the powers conferred by any other law.

2. This act must not be construed to prevent the exercise of any power granted by any other law to the County or any officer, agent or employee of the County.

3. This act must not be construed to repeal or otherwise affect any other law or part thereof.

4. This act is intended to provide a separate method of accomplishing the objectives of the act, but not an exclusive method.

5. If any provision of this act, or application thereof to any person, thing or circumstance, is held invalid, the invalidity shall not affect the provisions or application of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 23. 1. This section and sections 3 to 22, inclusive, of this act become effective:

(a) Upon passage and approval for the purposes of enacting ordinances and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2007, for all other purposes.

2. Sections 1 and 2 of this act become effective on October 1, 2007, and expire by limitation on October 1, 2025.

3. Sections 3 to 22, inclusive, of this act expire by limitation on October 1, 2027.

Assemblyman Parks moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 461.

Remarks by Assemblyman Parks.

Motion carried by a constitutional majority.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 154.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 154, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 719 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 6, which is attached to and hereby made a part of this report.

MOISES DENIS	RANDOLPH TOWNSEND
BERNIE ANDERSON	MAURICE WASHINGTON
JOHN MARVEL	BERNICE MATHEWS
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA6.

SUMMARY—~~[Contingently allows the imposition of certain taxes in certain counties to fund capital projects for the county school district and clarifies.]~~ **Clarifies** certain provisions governing taxes on transfers of real property ~~[.]~~ **and contingently allows the imposition of additional taxes in Washoe County to fund capital projects for the county school district.** (BDR 32-712)

AN ACT relating to taxation; ~~[contingently allowing the imposition in certain counties of a tax on transfers of real property and a tax on revenue from the rental of transient lodging to fund capital projects for the county school district;]~~ clarifying the applicability of an exemption from the taxes on transfers of real property for transfers relating to changes in identity, form or place of organization; **contingently allowing the imposition in**

Washoe County of additional taxes to fund capital projects for the county school district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the imposition of taxes on transfers of real property. (NRS 375.020, 375.023, 375.026) ~~[Section 1 of this bill provides for the imposition of such a tax in a county whose population is 100,000 or more but less than 400,000 (currently Washoe County) at the rate of 60 cents for each $500 of value of the transferred property, upon the request of the board of trustees of the county school district, for deposit in the county school district's fund for capital projects, and requires the use of at least 80 percent of the proceeds of the tax for enlarging, remodeling or repairing existing buildings or grounds for schools.]~~

Existing law **also** provides that certain transfers are exempt from **such** taxes **.** ~~[on transfers of real property.]~~ (NRS 375.090) Section 3 of this bill revises an exemption for transfers relating to a change in identity, form or place of organization to clarify that the exemption applies to the reorganization of any business entity.

~~[Existing law provides for the imposition of taxes on the rental of transient lodging. (NRS 244.3351, 244.3352) Section 5 of this bill provides for the imposition of such a tax in a county whose population is 100,000 or more but less than 400,000 (currently Washoe County) at the rate of one and five-eighths percent of the gross receipts from such rentals, upon the request of the board of trustees of the county school district, for deposit in the county school district's fund for capital projects, and requires the use of at least 80 percent of the proceeds of the tax for enlarging, remodeling or repairing existing buildings or grounds for schools.~~

~~The provisions of this bill that provide for the imposition of additional taxes will become effective on January 1, 2009, only if the voters of the affected counties approve of the imposition of those taxes at the 2008 General Election.]~~

Sections 10.1-10.4 of this bill create the Washoe County Schools Construction and Revitalization Advisory Committee, require the Advisory Committee to prepare recommendations for the imposition of taxes to fund capital projects for the Washoe County School District, require the Board of County Commissioners to impose the taxes only if the voters of the County approve of the imposition of those taxes at the 2008 General Election, and require the Committee on Local Government Finance to adopt regulations prescribing the contents of any ordinance imposing those taxes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. [~~Chapter 375 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The board of trustees of a county school district in a county whose population is 100,000 or more but less than 400,000 may adopt and transmit to the board of county commissioners of that county a resolution requesting the board of county commissioners to impose a tax, in addition to all other taxes imposed on transfers of real property other than another tax imposed in the county pursuant to this section, at the rate of 60 cents for each $500 of value or fraction thereof, on each deed by which any lands, tenements or other realty is granted, assigned, transferred or otherwise conveyed to, or vested in, another person, if the consideration or value of the interest or property conveyed exceeds $100. Upon the receipt of a resolution adopted pursuant to this subsection, the board of county commissioners shall impose the requested tax.*~~

~~*2. The amount of any tax imposed pursuant to this section must be computed on the basis of the value of the transferred real property as declared pursuant to NRS 375.060.*~~

~~*3. The county recorder shall collect any tax imposed pursuant to this section in the manner provided in NRS 375.030, except that he shall transmit all the proceeds of the tax imposed pursuant to this section and any applicable penalties and interest thereon to the county treasurer for deposit in the county school district's fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund, except that not less than 80 percent of those proceeds must be used for the purposes described in paragraph (b) of subsection 1 of NRS 387.335.*~~

~~*4. The proceeds of any tax imposed pursuant to this section must not be:*~~

~~*(a) Considered in any negotiations between a recognized organization of employees of a school district and the school district; or*~~

~~*(b) Used to reduce or supplant the amount of any money which would otherwise be made available for the purposes described in subsection 1 of NRS 387.335.]*~~ **(Deleted by amendment.)**

Sec. 2. [~~NRS 375.030 is hereby amended to read as follows:~~

~~375.030 1. If any deed evidencing a transfer of title subject to the tax imposed by NRS 375.020 and 375.023 and, if applicable, NRS 375.026 *and section 1 of this act* is offered for recordation, the county recorder shall compute the amount of the tax due and shall collect that amount before acceptance of the deed for recordation.~~

~~2. The buyer and seller are jointly and severally liable for the payment of the taxes imposed by NRS 375.020, 375.023 and 375.026 *and section 1 of this act* and any penalties and interest imposed pursuant to subsection 3. The escrow holder is not liable for the payment of the taxes imposed by NRS 375.020, 375.023 and 375.026 *and section 1 of this act* or any penalties or interest imposed pursuant to subsection 3.~~

~~3. If after recordation of the deed, the county recorder disallows an exemption that was claimed at the time the deed was recorded or through audit or otherwise determines that an additional amount of tax is due, the~~

~~county recorder shall promptly notify the person who requested the recording of the deed and the buyer and seller of the additional amount of tax due. If the additional amount of tax is not paid within 30 days after the date the buyer and seller are notified, the county recorder shall impose a penalty of 10 percent of the additional amount due in addition to interest at the rate of 1 percent per month, or portion thereof, of the additional amount due calculated from the date of the original recordation of the deed on which the additional amount is due through the date on which the additional amount due, penalty and interest are paid to the county recorder.~~

~~4. This section does not prohibit a buyer and seller from agreeing by contract or otherwise that one party or the other will be responsible for the payment of the tax due pursuant to this chapter, but such an agreement does not affect the ability of the county recorder to collect the tax and any penalties and interest from either the buyer or the seller.~~] **(Deleted by amendment.)**

Sec. 3. NRS 375.090 is hereby amended to read as follows:

375.090 The taxes imposed by NRS 375.020, 375.023 and 375.026 do not apply to:

1. A mere change in identity, form or place of organization, such as a transfer between a [~~corporation~~] ***business entity*** and its parent [~~corporation, a~~] ***, its*** subsidiary or an affiliated [~~corporation~~] ***business entity*** if the affiliated [~~corporation~~] ***business entity*** has identical common ownership.

2. A transfer of title to the United States, any territory or state or any agency, department, instrumentality or political subdivision thereof.

3. A transfer of title recognizing the true status of ownership of the real property.

4. A transfer of title without consideration from one joint tenant or tenant in common to one or more remaining joint tenants or tenants in common.

5. A transfer, assignment or other conveyance of real property if the owner of the property is related to the person to whom it is conveyed within the first degree of lineal consanguinity or affinity.

6. A transfer of title between former spouses in compliance with a decree of divorce.

7. A transfer of title to or from a trust without consideration if a certificate of trust is presented at the time of transfer.

8. Transfers, assignments or conveyances of unpatented mines or mining claims.

9. A transfer, assignment or other conveyance of real property to a corporation or other business organization if the person conveying the property owns 100 percent of the corporation or organization to which the conveyance is made.

10. A conveyance of real property by deed which becomes effective upon the death of the grantor pursuant to NRS 111.109.

11. The making, delivery or filing of conveyances of real property to make effective any plan of reorganization or adjustment:

(a) Confirmed under the Bankruptcy Act, as amended, 11 U.S.C. §§ 101 et seq.;

(b) Approved in an equity receivership proceeding involving a railroad, as defined in the Bankruptcy Act; or

(c) Approved in an equity receivership proceeding involving a corporation, as defined in the Bankruptcy Act,

➥ if the making, delivery or filing of instruments of transfer or conveyance occurs within 5 years after the date of the confirmation, approval or change.

12. The making or delivery of conveyances of real property to make effective any order of the Securities and Exchange Commission if:

(a) The order of the Securities and Exchange Commission in obedience to which the transfer or conveyance is made recites that the transfer or conveyance is necessary or appropriate to effectuate the provisions of section 11 of the Public Utility Holding Company Act of 1935, 15 U.S.C. § 79k;

(b) The order specifies and itemizes the property which is ordered to be transferred or conveyed; and

(c) The transfer or conveyance is made in obedience to the order.

13. A transfer to an educational foundation. As used in this subsection, "educational foundation" has the meaning ascribed to it in subsection 3 of NRS 388.750.

14. A transfer to a university foundation. As used in this subsection, "university foundation" has the meaning ascribed to it in subsection 3 of NRS 396.405.

Sec. 4. [~~NRS 375.090 is hereby amended to read as follows:~~

~~375.090 The taxes imposed by NRS 375.020, 375.023 and 375.026~~ ~~*and section 1 of this act*~~ do not apply to:

~~1. A mere change in identity, form or place of organization, such as a transfer between a business entity and its parent, its subsidiary or an affiliated business entity if the affiliated business entity has identical common ownership.~~

~~2. A transfer of title to the United States, any territory or state or any agency, department, instrumentality or political subdivision thereof.~~

~~3. A transfer of title recognizing the true status of ownership of the real property.~~

~~4. A transfer of title without consideration from one joint tenant or tenant in common to one or more remaining joint tenants or tenants in common.~~

~~5. A transfer, assignment or other conveyance of real property if the owner of the property is related to the person to whom it is conveyed within the first degree of lineal consanguinity or affinity.~~

~~6. A transfer of title between former spouses in compliance with a decree of divorce.~~

~~7. A transfer of title to or from a trust without consideration if a certificate of trust is presented at the time of transfer.~~

~~8. Transfers, assignments or conveyances of unpatented mines or mining claims.~~

~~9. A transfer, assignment or other conveyance of real property to a corporation or other business organization if the person conveying the property owns 100 percent of the corporation or organization to which the conveyance is made.~~

~~10. A conveyance of real property by deed which becomes effective upon the death of the grantor pursuant to NRS 111.109.~~

~~11. The making, delivery or filing of conveyances of real property to make effective any plan of reorganization or adjustment:~~

~~(a) Confirmed under the Bankruptcy Act, as amended, 11 U.S.C. §§ 101 et seq.;~~

~~(b) Approved in an equity receivership proceeding involving a railroad, as defined in the Bankruptcy Act; or~~

~~(c) Approved in an equity receivership proceeding involving a corporation, as defined in the Bankruptcy Act,~~

~~➥ if the making, delivery or filing of instruments of transfer or conveyance occurs within 5 years after the date of the confirmation, approval or change.~~

~~12. The making or delivery of conveyances of real property to make effective any order of the Securities and Exchange Commission if:~~

~~(a) The order of the Securities and Exchange Commission in obedience to which the transfer or conveyance is made recites that the transfer or conveyance is necessary or appropriate to effectuate the provisions of section 11 of the Public Utility Holding Company Act of 1935, 15 U.S.C. § 79k;~~

~~(b) The order specifies and itemizes the property which is ordered to be transferred or conveyed; and~~

~~(c) The transfer or conveyance is made in obedience to the order.~~

~~13. A transfer to an educational foundation. As used in this subsection, "educational foundation" has the meaning ascribed to it in subsection 3 of NRS 388.750.~~

~~14. A transfer to a university foundation. As used in this subsection, "university foundation" has the meaning ascribed to it in subsection 3 of NRS 396.405.~~] **(Deleted by amendment.)**

Sec. 5. [~~Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The board of trustees of a county school district in a county whose population is 100,000 or more but less than 400,000 may adopt and transmit to the board of county commissioners of that county a resolution requesting the board of county commissioners to impose a tax, in addition to all other taxes imposed on the revenue from the rental of transient lodging other than another tax imposed in the county pursuant to this section, at the rate of one and five eighths percent of the gross receipts from the rental of transient lodging. Upon the receipt of a resolution adopted pursuant to this subsection, the board of county commissioners shall adopt an ordinance imposing the requested tax throughout the county, including its incorporated cities, upon all persons in the business of providing lodging.*~~

~~*2. An ordinance imposing a tax pursuant to this section must include all the matters required by NRS 244.3352 for the mandatory tax, must be administered in the same manner, and imposes the same liabilities, except that:*~~

~~*(a) The collection of the tax imposed pursuant to this section must not commence earlier than the first day of the second calendar month after the adoption of the ordinance imposing the tax; and*~~

~~*(b) The governmental entity collecting the tax shall transfer all collections to the county treasurer and may not retain any part of the tax as a collection or administrative fee.*~~

~~*3. The proceeds of any tax imposed pursuant to this section and any applicable penalties and interest thereon must be deposited in the county school district's fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund, except that not less than 80 percent of those proceeds must be used for the purposes described in paragraph (b) of subsection 1 of NRS 387.335.*~~

~~*4. The proceeds of any tax imposed pursuant to this section must not be:*~~

~~*(a) Considered in any negotiations between a recognized organization of employees of a school district and the school district; or*~~

~~*(b) Used to reduce or supplant the amount of any money which would otherwise be made available for the purposes described in subsection 1 of NRS 387.335.]*~~ **(Deleted by amendment.)**

Sec. 6. [~~NRS 244.3359 is hereby amended to read as follows:~~

~~244.3359 1. A county whose population is 400,000 or more shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after March 25, 1991, except pursuant to NRS 244.3351 and 244.3352.~~

~~2. A county whose population is 100,000 or more but less than 400,000 shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after March 25, 1991~~ [.]~~*, except pursuant to section 5 of this act.*~~

~~3. The Legislature hereby declares that the limitation imposed by subsection 2 will not be repealed or amended *after January 1, 2009,* except to allow the imposition of an increase in such a tax for the promotion of tourism or for the construction or operation of tourism facilities by a convention and visitors authority.~~] **(Deleted by amendment.)**

Sec. 7. [~~NRS 387.328 is hereby amended to read as follows:~~

~~387.328 1. The board of trustees of each school district shall establish a fund for capital projects for the purposes set forth in subsection 1 of NRS 387.335. The money in the fund for capital projects may be transferred to the debt service fund to pay the cost of the school district's debt service.~~

~~2. The board of trustees may accumulate money in the fund for capital projects for a period not to exceed 20 years.~~

~~3. That portion of the governmental services tax whose allocation to the school district pursuant to NRS 482.181 is based on the amount of the property tax levy attributable to its debt service must be deposited in the county treasury to the credit of the fund established under subsection 1 or the school district's debt service fund.~~

~~4. No money in the fund for capital projects at the end of the fiscal year may revert to the county school district fund, nor may the money be a surplus for any other purpose than those specified in subsection 1.~~

~~5. [The]~~ ~~*Subject to the limitations set forth in sections 1 and 5 of this act,*~~ ~~*the*~~ proceeds of the taxes deposited in the fund for capital projects pursuant to NRS 244.3354, 268.0962 and 375.070 ~~*and sections 1 and 5 of this act*~~ may be pledged to the payment of the principal and interest on bonds or other obligations issued for one or more of the purposes set forth in NRS 387.335. The proceeds of such taxes so pledged may be treated as pledged revenues for the purposes of subsection 3 of NRS 350.020, and the board of trustees of a school district may issue bonds for those purposes in accordance with the provisions of chapter 350 of NRS.] **(Deleted by amendment.)**

Sec. 8. [~~NRS 388.750 is hereby amended to read as follows:~~

~~388.750 1. An educational foundation:~~

~~(a) Shall comply with the provisions of chapter 241 of NRS;~~

~~(b) Except as otherwise provided in subsection 2, shall make its records public and open to inspection pursuant to NRS 239.010; and~~

~~(c) Is exempt from the taxes imposed by NRS 375.020, 375.023 and 375.026~~ *and section 1 of this act* ~~pursuant to subsection 13 of NRS 375.090.~~

~~2. An educational foundation is not required to disclose the names of the contributors to the foundation or the amount of their contributions. The educational foundation shall, upon request, allow a contributor to examine, during regular business hours, any record, document or other information of the foundation relating to that contributor.~~

~~3. As used in this section, "educational foundation" means a nonprofit corporation, association or institution or a charitable organization that is:~~

~~(a) Organized and operated exclusively for the purpose of supporting one or more kindergartens, elementary schools, junior high or middle schools or high schools, or any combination thereof;~~

~~(b) Formed pursuant to the laws of this State; and~~

~~(c) Exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).~~] **(Deleted by amendment.)**

Sec. 9. [~~NRS 396.405 is hereby amended to read as follows:~~

~~396.405 1. A university foundation:~~

~~(a) Shall comply with the provisions of chapter 241 of NRS;~~

~~(b) Except as otherwise provided in subsection 2, shall make its records public and open to inspection pursuant to NRS 239.010;~~

~~(c) Is exempt from the taxes imposed by NRS 375.020, 375.023 and 375.026~~ ~~*and section 1 of this act*~~ ~~pursuant to subsection 14 of NRS 375.090; and~~

~~(d) May allow a president or an administrator of the university, state college or community college which it supports to serve as a member of its governing body.~~

~~2. A university foundation is not required to disclose the name of any contributor or potential contributor to the university foundation, the amount of his contribution or any information which may reveal or lead to the discovery of his identity. The university foundation shall, upon request, allow a contributor to examine, during regular business hours, any record, document or other information of the foundation relating to that contributor.~~

~~3. As used in this section, "university foundation" means a nonprofit corporation, association or institution or a charitable organization that is:~~

~~(a) Organized and operated exclusively for the purpose of supporting a university, state college or a community college;~~

~~(b) Formed pursuant to the laws of this State; and~~

~~(c) Exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).~~] **(Deleted by amendment.)**

Sec. 10. [~~At the general election on November 4, 2008, in each county whose population is 100,000 or more but less than 400,000, a question must be placed on the general election ballot in substantially the following form:~~

~~Shall:~~

~~1. The tax on transfers of real property in this county be increased by 60 cents for each $500 of the value of the transferred property; and~~

~~2. The tax on the revenue from the rental of transient lodging in this county be increased by one and five-eighths percent of the gross receipts from such rentals,~~

~~➥ to fund capital projects for the county school district?~~] **(Deleted by amendment.)**

Sec. 10.1. **1. The Washoe County Schools Construction and Revitalization Advisory Committee is hereby created. The Advisory Committee consists of the Superintendent of Schools of the Washoe County School District and 14 additional members who must be appointed as follows:**

(a) Two members of the Senate who are representative of Washoe County, appointed by the Majority Leader of the Senate. Each of the members appointed pursuant to this paragraph must be a member of a different major political party.

(b) Two members of the Assembly who are representative of Washoe County, appointed by the Speaker of the Assembly. Each of the members appointed pursuant to this paragraph must be a member of a different major political party.

(c) One member who is a representative of gaming, appointed by the association of gaming establishments whose membership collectively paid the most gross revenue fees to the State pursuant to NRS 463.370 in the county in the preceding year.

(d) One member who is a representative of business or commercial interests other than gaming, appointed by the Reno-Sparks Chamber of Commerce.

(e) One member who is a representative of the Nevada Association of Realtors, appointed by the Nevada Association of Realtors.

(f) One member whose is a representative of the association of homebuilders with the largest membership in the county, appointed by that association.

(g) One member who is a representative of the county fair and recreation board, appointed by that board.

(h) One member who is a representative of the largest publicly-traded electric utility in the county, appointed by that utility.

(i) One member who is a representative of a labor organization, appointed by the State of Nevada AFL-CIO.

(j) One member who is a representative of the largest organization of educators in the county, appointed by that organization.

(k) One member who is a representative of the general public, appointed by the parent-teacher association with the largest membership in the county.

(l) One member who is a representative of the general public, appointed by the Governor. The member appointed pursuant to this paragraph must be a registered voter in the county.

2. Each of the members appointed pursuant to paragraphs (c) to (i), inclusive, of subsection 1 must be a member of the governing board or an executive officer of the entity entitled to appoint the member.

3. The Legislative Commission shall appoint the Chairman of the Advisory Committee from among the members appointed pursuant to paragraphs (a) and (b) of subsection 1.

4. Any vacancy occurring on the Advisory Committee must be filled by the person or entity entitled to appoint the member whose position is vacant.

5. The members of the Advisory Committee who are not Legislators shall serve without salary, but they are entitled to receive out of the Legislative Fund the per diem expense allowances and travel expenses provided for state officers and employees generally. Except during a regular or special session of the Legislature, members of the Advisory Committee who are Legislators are entitled to receive out of the Legislative Fund the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day or portion of a day of attendance, and the per diem expense allowances provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207.

6. The Superintendent of Schools of the Washoe County School District shall provide such staff and other support as is necessary for the Advisory Committee to perform its duty.

Sec. 10.2. **1. The Washoe County Schools Construction and Revitalization Advisory Committee shall, not later than May 1, 2008:**

(a) Prepare recommendations for the imposition of one or more taxes in the county to provide funding for the Washoe County School District for the purposes set forth in subsection 1 of NRS 387.335; and

(b) Submit the recommendations to the Board of Trustees of the Washoe County School District.

2. Each recommendation submitted to the Board of Trustees pursuant to subsection 1 must be approved by at least 10 members of the Advisory Committee.

3. The Board of Trustees shall adopt and transmit to the Board of County Commissioners of Washoe County a resolution requesting the Board of County Commissioners to adopt an ordinance imposing any tax or taxes recommended by the Advisory Committee and submitted to the Board of Trustees pursuant to this section. The Board of County Commissioners shall:

(a) At the general election on November 4, 2008, submit a question to the voters of the county asking whether the recommended tax or taxes should be imposed in the county; and

(b) If a majority of the voters voting on the question vote affirmatively on the question, adopt an ordinance imposing the recommended tax or taxes. The tax or taxes may be imposed notwithstanding the provisions of any specific statute to the contrary.

Sec. 10.3. **1. The Committee on Local Government Finance shall, not later than November 1, 2008, adopt regulations prescribing the contents of any ordinance which may be adopted pursuant to section 10.2 of this act. The regulations:**

(a) Must:

(1) Prescribe procedures for the administration and enforcement of any tax or taxes imposed; and

(2) Prohibit the collection before January 1, 2009, of any tax or taxes imposed; and

(b) May include such other matters as the Committee deems to be appropriate.

2. Any regulations adopted by the Committee on Local Government Finance pursuant to this section must be adopted in the manner prescribed for state agencies in chapter 233B of NRS.

Sec. 10.4. **The proceeds of any tax or taxes imposed under an ordinance adopted pursuant to section 10.2 of this act:**

1. Must be deposited in the county school district's fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund; and

2. Must not be:

(a) Considered in any negotiations between a recognized organization of employees of a school district and the school district; or

(b) Used to reduce or supplant the amount of any money which would otherwise be made available for the purposes described in subsection 1 of NRS 387.335.

Sec. 11. 1. This ~~[section and sections 3 and 10 of this act become]~~ **act becomes** effective on July 1, 2007.

2. ~~[Sections 1, 2 and 4 to 9, inclusive, of this act become effective on January 1, 2009, only if a majority of the voters voting on the question placed on the ballot pursuant to section 10 of this act vote affirmatively on the question in all the counties in which the question was placed on the ballot.]~~ **Section 10.1 of this act expires by limitation on May 1, 2008.**

Assemblyman Denis moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 154.

Remarks by Assemblyman Denis.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 202.

The following Senate amendment was read:

Amendment No. 1039.

AN ACT making an appropriation to the State Gaming Control Board for implementation of new information system security measures and replacement of equipment; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the State Gaming Control Board the sum of ~~[$748,622]~~ **$943,904** for the implementation of new information system security measures and the purchase of replacement equipment for electronic eavesdropping countermeasures, computer hardware and software and radio equipment.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 202.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 273.

The following Senate amendment was read:

Amendment No. 1040.

AN ACT making an appropriation to the Department of Health and Human Services for computer software and hardware and other equipment; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services, Aging Older Americans Act, the sum of ~~[$63,447]~~ **$52,748** to partially fund the replacement of computer hardware and software and to partially fund the purchase of air-conditioning for server rooms in Reno and Carson City.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 273.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

GENERAL FILE AND THIRD READING

Assembly Bill No. 563.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1145.

SUMMARY— Revises ~~[provisions governing education and makes appropriations relating to education.]~~ **the calculation of the basic support guarantee for school districts in Fiscal Year 2008-2009 under certain circumstances.** (BDR ~~[34]~~ ***S***-531)

AN ACT relating to education; revising the ~~[requirements for the biennial budgetary request for the State Distributive School Account; revising provisions governing the distribution of certain grants; providing that a certain percentage in the ending fund balance of the general fund of a school district is not subject to negotiations; revising provisions governing the calculation of basic support to provide kindergarten for a full school day;~~

~~making various appropriations for education and for educational personnel; repealing the provision requiring the purchase of retirement service for certain teachers and school psychologists;]~~ **calculation of the basic support guarantee for school districts in Fiscal Year 2008-2009 under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law creates the Commission on Educational Excellence and provides for grants of money by the Commission from the Account for Programs of Innovation and the Prevention of Remediation. (NRS 385.3781-385.379) Section 2 of this bill revises the application process for a grant of money from the Account to provide that school districts and charter schools may submit an application and removes the submission of an application by an individual public school of a school district.~~

~~Section 3 of this bill prohibits a certain percentage of the ending fund balance in a school district's general fund from being used to: (1) settle negotiations or arbitrate disputes between the school district and an employee organization; and (2) raise salaries or increase benefits of employees.~~

~~Existing law requires the board of trustees of each school district to establish a kindergarten department in each elementary school in the school district. Certain exceptions apply to schools with fewer than 15 children applying for enrollment in kindergarten. Public Instruction and to the Department of Taxation a written report of the annual budget of the school district. The Superintendent of Public Instruction is required to compile the reports of the annual budgets and submit the written compilation to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau. (NRS 387.303) Section 7 of this bill requires the Superintendent of Public Instruction to include certain information in the biennial budget request for the State Distributive School Account for submission to the Department of Administration based upon the annual budgets submitted by the school districts.~~

~~Section 9 of this bill creates a Grant Fund for Incentives for Licensed Educational Personnel and requires the board of trustees of each school district to establish a program of incentive pay for licensed educational personnel.~~

~~Sections 11-24 of this bill make various appropriations for education as follows: (1) inflationary costs of school districts; (2) books, supplies and equipment; (3) increasing salaries and associated benefits for teachers and licensed educational personnel; (4) health insurance for licensed educational personnel; (5) programs of incentive pay; (6) signing bonuses to licensed educational personnel and school nurses; (7) various student programs and career and technical education courses; (8) the provision of full-day kindergarten; and (9) professional development for teachers.~~

~~Under existing law, the board of trustees of a school district is required to purchase one-fifth of a year of retirement service for certain teachers and school psychologists. (NRS 391.165) Section 26 of this bill repeals that~~

~~section of NRS.]~~ **This bill would require the Superintendent of Public Instruction to recalculate the basic support guarantee for Fiscal Year 2008-2009 based upon a salary increase of 4.375 percent rather than 4 percent if the projected revenues from the local school support tax exceed a certain threshold.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 27 of this bill and replace with the following new section 1:

Section 1. **1. On or before May 1, 2008, the Interim Finance Committee shall project the revenue to be received in the Fiscal Year 2007-2008 from out-of-state local school support tax revenues within the State Distributive School Account plus in-state local school support tax revenues pursuant to paragraph (b) of subsection 1 of NRS 387.1235, using all relevant information known to it.**

2. If the amount projected pursuant to subsection 1 exceeds $1,146,335,088 the Interim Finance Committee shall so notify the Superintendent of Public Instruction and the Superintendent shall base the recalculation of the basic support guarantee required by subsection 6 of section 2 of Assembly Bill No. 627 of this session on a salary increase of 4.375 percent taking effect on July 1, 2008 instead of an increase of 4 percent.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 617.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1144.

SUMMARY—Makes an appropriation to the **Interim Finance Committee for certain contingencies and potential transfer to the** Fund to Stabilize the Operation of the State Government. (BDR S-1228)

AN ACT making an appropriation to the **Interim Finance Committee for certain contingencies and potential transfer to the** Fund to Stabilize the Operation of the State Government; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **1.** There is hereby appropriated from the State General Fund to the ~~[Fund to Stabilize the Operation of the State Government created~~

~~pursuant to NRS 353.288]~~ **Interim Finance Committee** the sum of $36,000,000.

2. If the State Board of Examiners finds that circumstances for which the Legislature has made no other provision require a substantial expenditure that greatly exceeds the amount appropriated by the Legislature for that purpose, it may request an allocation by the Interim Finance Committee from the amount appropriated pursuant to subsection 1. If the Interim Finance Committee determines that the expenditure is required, that the amount greatly exceeds the amount appropriated by the Legislature for that purpose and that no other source of funding is available for the expenditure, the Interim Finance Committee may approve an allocation from the appropriation. The Interim Finance Committee shall by resolution establish the amount and purpose of the allocation, and direct the State Controller to transfer that amount to the appropriate fund and account. The State Controller shall thereupon make the transfer. The Interim Finance Committee is not bound to follow the recommendation of the State Board of Examiners.

3. Upon receipt of the projections and estimates of the Economic Forum pursuant to paragraph (d) of subsection 1 of NRS 353.228 that are required to be reported before December 1, 2008, the Interim Finance Committee shall project the ending balance in the State General Fund for the Fiscal Year 2008-2009, using all relevant information available. If the projected ending fund balance for the Fiscal Year 2008-2009 exceeds the amount estimated by the 2007 Legislature, any remaining balance of the amount appropriated pursuant to subsection 1 must be transferred on January 1, 2009, to the Fund to Stabilize the Operation of State Government created pursuant to NRS 353.288.

Sec. 2. This act becomes effective on July 1, 2008.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 191.

Bill read third time.

Roll call on Senate Bill No. 191:

YEAS—42.

NAYS—None.

Senate Bill No. 191 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 547.

Bill read third time.

Roll call on Senate Bill No. 547:

YEAS—42.

NAYS—None.

Senate Bill No. 547 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 563.

Bill read third time.

Roll call on Assembly Bill No. 563:

YEAS—42.

NAYS—None.

Assembly Bill No. 563 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 617.

Bill read third time.

Roll call on Assembly Bill No. 617:

YEAS—42.

NAYS—None.

Assembly Bill No. 617 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Assembly Bill No. 50, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 759 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 24, which is attached to and hereby made a part of this report.

MARCUS CONKLIN	MARK AMODEI
SUSAN GERHARDT	VALERIE WIENER
	TERRY CARE
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA24.

AN ACT relating to peace officers; requiring law enforcement agencies to adopt policies and procedures that provide for the acceptance of service of ~~[any legal process on behalf of peace officers;]~~ **certain subpoenas;** amending the exceptions that authorize the release of the home address of a peace officer by a law enforcement agency in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires law enforcement agencies to adopt policies and procedures that provide for the acceptance of ~~[service of any legal process]~~ **certain subpoenas** on behalf of peace officers.

Existing law provides that the home address of a peace officer is not public information and is confidential unless the peace officer authorizes the release

of the address or has been arrested. (NRS 289.025) Section 2 of this bill authorizes the release of the home address of a peace officer to the public only if the officer has been arrested and the home address is included in a report of a 911 telephone call, a police report, a witness statement or certain reports relating to the custody of a child. (NRS 289.025)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each law enforcement agency shall adopt policies and procedures that provide for the orderly and safe acceptance of service of ~~*[any legal process that is]*~~ ***certain subpoenas served on a peace officer employed by the law enforcement agency.***

2. ~~*[The policies and procedures required by subsection 1 must include, without limitation:*~~

~~*(a) At least one centralized location at which service of legal process will be accepted on behalf of peace officers.*~~

~~*(b) At least a 4-hour consecutive period on each workday when service of legal process will be accepted at any location specified pursuant to paragraph (a).*~~

~~*3. Each law enforcement agency shall:*~~

~~*(a) Post a copy of the policies and procedures adopted pursuant to subsection 1 in a conspicuous place at each location described in paragraph (a) of subsection 2; and*~~

~~*(b) Upon request, provide a copy of the policies and procedures adopted pursuant to subsection 1 to any member of the public.*~~

~~*4. Any legal process]*~~ ***A subpoena to be served upon a peace officer that is authorized to be served upon a law enforcement agency in accordance with the policies and procedures adopted pursuant to subsection 1 may be served in the manner provided by*** ~~*[the]*~~ ***those policies and procedures .*** ~~*[adopted pursuant to subsection 1.*~~

~~*5. This section provides an additional manner of serving legal process, and does not affect the validity of any other valid service.*~~

~~*6. As used in this section, "legal process" means a subpoena, any civil or criminal process or any demand or notice authorized by law to be served upon a person.]*~~

Sec. 2. NRS 289.025 is hereby amended to read as follows:

289.025 1. Except as otherwise provided in ~~[subsection 2,]~~ ***subsections 2 and 3,*** the home address and any photograph of a peace officer in the possession of a law enforcement agency are not public information and are confidential.

2. The ~~[home address and]~~ photograph of a peace officer may be released:

(a) If the peace officer authorizes the release; or

(b) If the peace officer has been arrested.

3. The home address of a peace officer may be released if a peace officer has been arrested and the home address is included in any of the following:

(a) A report of a 911 telephone call.

(b) A police report, investigative report or complaint which a person filed with a law enforcement agency.

(c) A statement made by a witness.

(d) A report prepared pursuant to NRS 432B.540 by an agency which provides child welfare services, which report details a plan for the placement of a child.

Sec. 3. NRS 174.345 is hereby amended to read as follows:

174.345 1. Except as otherwise provided in NRS 174.315 and subsection 2, a subpoena may be served by a peace officer or by any other person who is not a party and who is not less than 18 years of age. ~~[Service]~~ ***Except as otherwise provided in section 1 of this act, service*** of a subpoena must be made by delivering a copy thereof to the person named.

2. Except as otherwise provided in NRS 174.315, a subpoena to attend a misdemeanor trial may be served by mailing the subpoena to the person to be served by registered or certified mail, return receipt requested from that person, in a sealed postpaid envelope, addressed to the person's last known address, not less than 10 days before the trial which the subpoena commands him to attend.

3. If a subpoena is served by mail, a certificate of the mailing must be filed with the court within 2 days after the subpoena is mailed.

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Conklin moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 50.

Motion carried by a constitutional majority.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 6:15 p.m.

ASSEMBLY IN SESSION

At 7:53 p.m.

Madam Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 146, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 232, Amendment No. 1132; Assembly Bill No. 586, Amendment No. 1126; Assembly Bill No. 591, Amendment No. 1131; Assembly Bill No. 595, Amendment No. 1124; Assembly Bill No. 619, Amendments Nos. 1096, 1134, and respectfully requests your honorable body to concur in said amendments.

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 319, Senate Amendment No. 869, and requests a conference, and appointed Senators Beers, Coffin and Rhoads as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 594, Senate Amendment No. 1071, and requests a conference, and appointed Senators Nolan, Woodhouse and Washington as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 385.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 496.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 575, 576.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 324, 326, 466.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 287, 301, 443.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Washington, Mathews and Nolan as a first Conference Committee concerning Senate Bill No. 404.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 43.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 131.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 171.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 303.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 320.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 329.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 412.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Arberry, Buckley, and Hardy as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 319.

Madam Speaker appointed Assemblymen Gerhardt, Atkinson, and Carpenter as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 594.

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 320, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 871 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 16, which is attached to and hereby made a part of this report.

PEGGY PIERCE	BOB BEERS
MARILYN KIRKPATRICK	JOHN LEE
T. GRADY	TERRY CARE
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA16.

AN ACT relating to airports; exempting the rental or lease of certain space at certain local governmental airports from requirements relating to appraisals and public auctions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law and with certain exceptions, the governing body of a city is required to obtain two independent appraisals when offering real property for sale or lease and is required to sell or lease the property at auction. (NRS 268.059-268.062) ~~[Similar provisions apply to counties. (NRS 244.2795-244.283) Under existing law, airport authorities created by special acts of the Legislature are required to sell or otherwise dispose of real property by public auction. (Airport Auth. Act for Battle Mountain, § 10; Airport Auth. Act for Carson City, § 9; Reno-Tahoe Airport Auth. Act, § 10)]~~ This bill authorizes the ~~[board of county commissioners of a county whose population is less than 40,000 (currently counties other than Clark, Washoe, Elko and Douglas Counties, and Carson City), the governing body of a city located in such a county or an airport authority in such a county (currently the Airport Authority of Battle Mountain)]~~ **governing body of a city whose population is less than 25,000 (currently Boulder City, Caliente, Carlin, Elko, Ely, Fallon, Fernley, Lovelock, Mesquite, Wells, West Wendover, Winnemucca and Yerington)** to rent or lease space **that is less than one-half of an acre** for the parking or storage of aircraft on the grounds of an airport owned or operated by the ~~[county,]~~ city ~~[or airport authority]~~ without conducting or causing to be conducted an appraisal or a public auction. (NRS 496.080 **)** ~~[; Airport Auth. Act for Battle Mountain, § 10)]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 496.080 is hereby amended to read as follows:

496.080 1. Except as otherwise provided in subsection 2 or as may be limited by the terms and conditions of any grant, loan or agreement pursuant to NRS 496.180, every municipality may, by sale, lease or otherwise, dispose of any airport, air navigation facility ~~[,]~~ or other property, or portion thereof or interest therein, acquired pursuant to this chapter.

2. The disposal by sale, lease or otherwise must be:

(a) ~~[Made]~~ ***Except as otherwise provided in subsection 3, made*** by public auction; and

(b) In accordance with the laws of this State, or provisions of the charter of the municipality, governing the disposition of other property of the municipality, except that in the case of disposal to another municipality or agency of the State or Federal Government for aeronautical purposes incident thereto, the sale, lease or other disposal may be effected in such manner and upon such terms as the governing body of the municipality may deem in the best interest of the municipality, and except as otherwise provided in subsections 3, 4 and 5 of NRS 496.090.

3. The governing body of a city ~~*[located in a county]*~~ ***whose population is less than*** ~~*[40,000]*~~ ***25,000 may rent or lease to a person a space that is less than one-half of an acre for the parking or storage of aircraft on the grounds of a municipal airport that is owned or operated by the city without conducting or causing to be conducted an appraisal or a public auction.***

Sec. 1.2. ~~[Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A board of county commissioners of a county whose population is less than 40,000 may rent or lease to a person a space for the parking or storage of aircraft on the grounds of an airport that is owned or operated by the county without conducting or causing to be conducted an appraisal or a public auction.]*~~ **(Deleted by amendment.)**

Sec. 1.4. ~~[NRS 244.2795 is hereby amended to read as follows:~~

~~244.2795 1. Except as otherwise provided in NRS 244.189, 244.276, 244.279, 244.2825, 244.284, 244.287, 244.290 *and section 1.2 of this act* and 278.479 to 278.4965, inclusive, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election, the board of county commissioners shall, when offering any real property for sale or lease:~~

~~(a) Obtain two independent appraisals of the real property before selling or leasing it. The appraisals must have been prepared not more than 6 months before the date on which the real property is offered for sale or lease.~~

~~(b) Select the two independent appraisers from the list of appraisers established pursuant to subsection 2.~~

~~(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the board of county commissioners as to the qualifications of the appraiser is conclusive.~~

~~2. The board of county commissioners shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the board. The list must:~~

~~(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and~~

~~(b) Be organized at random and rotated from time to time.~~

~~3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income that may constitute a conflict of interest and any relationship with the real property owner or the owner of an adjoining real property.~~

~~4. An appraiser shall not perform an appraisal on any real property for sale or lease by the board of county commissioners if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the real property or an adjoining property.]~~

(Deleted by amendment.)

Sec. 1.6. ~~[NRS 244.281 is hereby amended to read as follows:~~

~~244.281 Except as otherwise provided in this section and NRS 244.189, 244.276, 244.279, 244.2815, 244.2825, 244.284, 244.287, 244.290, *and section 1.2 of this act and* 278.479 to 278.4965, inclusive, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election:~~

~~1. When a board of county commissioners has determined by resolution that the sale or lease of any real property owned by the county will be for purposes other than to establish, align, realign, change, vacate or otherwise adjust any street, alley, avenue or other thoroughfare, or portion thereof, or flood control facility within the county and will be in the best interest of the county, it may:~~

~~(a) Sell the property in the manner prescribed for the sale of real property in NRS 244.282.~~

(b) Lease the property in the manner prescribed for the lease of real property in NRS 244.283.

2. Before the board of county commissioners may sell or lease any real property as provided in subsection 1, it shall:

(a) Post copies of the resolution described in subsection 1 in three public places in the county; and

(b) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(2) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

→ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. If the board of county commissioners by its resolution further finds that the property to be sold or leased is worth more than $1,000, the board shall appoint two or more disinterested, competent real estate appraisers pursuant to NRS 244.2795 to appraise the property and, except for property acquired pursuant to NRS 371.047, shall not sell or lease it for less than the highest appraised value.

4. If the property is appraised at $1,000 or more, the board of county commissioners may:

(a) Lease the property; or

(b) Sell the property either for cash or for not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust, bearing such interest and upon such further terms as the board of county commissioners may specify.

5. A board of county commissioners may sell or lease any real property owned by the county without complying with the provisions of NRS 244.282 or 244.283 to:

(a) A person who owns real property located adjacent to the real property to be sold or leased if the board has determined by resolution that:

(1) The real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property for sale or lease; or

~~(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property for sale or lease; and~~

~~(2) The sale will be in the best interest of the county.~~

~~(b) Another governmental entity if:~~

~~(1) The sale or lease restricts the use of the real property to a public use; and~~

~~(2) The board adopts a resolution finding that the sale or lease will be in the best interest of the county.~~

~~6. A board of county commissioners that disposes of real property pursuant to subsection 4 is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.~~

~~7. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the board of county commissioners may offer the real property for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the real property, the board of county commissioners must obtain a new appraisal of the real property pursuant to the provisions of NRS 244.2795 before offering the real property for sale or lease a second time. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the board of county commissioners may list the real property for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property.~~

~~8. As used in this section, "flood control facility" has the meaning ascribed to it in NRS 244.276.]~~ **(Deleted by amendment.)**

Sec. 1.8. ~~[NRS 244.283 is hereby amended to read as follows:~~

~~244.283 1. When the board of county commissioners determines that the lease of real property belonging to the county for industrial, commercial, residential or recreational purposes is necessary or desirable, the board may lease such real property, whether acquired by purchase, dedication or otherwise. Such a lease must not be in contravention of any condition in a gift or devise of real property to the county.~~

~~2. Except as otherwise provided in NRS 244.279, *and section 1.2 of this act*, before ordering the lease of any property the board shall, in open meeting by a majority vote of the members, adopt a resolution declaring its intention to lease the property. The resolution must:~~

~~(a) Describe the property proposed to be leased in such manner as to identify it.~~

~~(b) Specify the minimum rental, and the terms upon which it will be leased.~~

~~(c) Fix a time, not less than 3 weeks thereafter, for a public meeting of the board to be held at its regular place of meeting, at which sealed proposals to lease will be received and considered.~~

~~3. Notice of the adoption of the resolution and of the time and place of holding the meeting must be given by:~~

~~(a) Posting copies of the resolution in three public places in the county not less than 15 days before the date of the meeting; and~~

~~(b) Publishing the resolution not less than once a week for 2 successive weeks before the meeting in a newspaper of general circulation published in the county, if any such newspaper is published therein.~~

~~4. At the time and place fixed in the resolution for the meeting of the board, all sealed proposals which have been received must, in public session, be opened, examined and declared by the board. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to lease and which are made by responsible bidders, the proposal which is the highest must be finally accepted, unless a higher oral bid is accepted or the board rejects all bids.~~

~~5. Before accepting any written proposal, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to lease the property upon the terms and conditions specified in the resolution, for a rental exceeding by at least 5 percent the highest written proposal, then the highest oral bid which is made by a responsible person must be finally accepted.~~

~~6. A person may not make an oral bid unless, at least 5 days before the meeting held for receiving and considering bids, he submits to the board written notice of his intent to make an oral bid and a statement establishing his financial responsibility to the satisfaction of the board.~~

~~7. The final acceptance by the board may be made either at the same session or at any adjourned session of the same meeting held within the 21 days next following.~~

~~8. The board may, either at the same session or at any adjourned session of the same meeting held within the 21 days next following, if it deems such action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from lease.~~

~~9. Any resolution of acceptance of any bid made by the board must authorize and direct the chairman to execute a lease and to deliver it upon performance and compliance by the lessee with all the terms or conditions of his contract which are to be performed concurrently therewith.~~

~~10. All money received from rentals of real property must be deposited forthwith with the county treasurer to be credited to the county general fund.~~

~~11. This section does not apply to leases of real property made pursuant to NRS 244.288, 334.070 or 338.177.]~~ **(Deleted by amendment.)**

Sec. 2. NRS 266.267 is hereby amended to read as follows:

266.267 1. A city council shall not enter into a lease of real property owned by the city for a term of 3 years or longer or enter into a contract for

the sale of real property until after the property has been appraised pursuant to NRS 268.059. Except as otherwise provided in this section **,** ~~[and]~~ paragraph (a) of subsection 1 of NRS 268.050 ~~[.]~~ ***and subsection 3 of NRS 496.080:***

(a) The sale or lease of real property must be made in the manner required pursuant to NRS 268.059, 268.061 and 268.062; and

(b) A lease or sale must be made at or above the highest appraised value of the real property as determined pursuant to the appraisal conducted pursuant to NRS 268.059.

2. The city council may sell or lease real property for less than its appraised value to any person who maintains or intends to maintain a business within the boundaries of the city which is eligible pursuant to NRS 374.357 for an abatement from the sales and use taxes imposed pursuant to chapter 374 of NRS.

Sec. 3. NRS 268.059 is hereby amended to read as follows:

268.059 1. Except as otherwise provided in NRS 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, ***and subsection 3 of NRS 496.080,*** except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election, the governing body shall, when offering any real property for sale or lease:

(a) Obtain two independent appraisals of the real property before selling or leasing it. The appraisals must be based on the zoning of the real property as set forth in the master plan for the city and must have been prepared not more than 6 months before the date on which real property is offered for sale or lease.

(b) Select the two independent appraisers from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the governing body as to the qualifications of the appraiser is conclusive.

2. The governing body shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the governing body. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of

income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the property owner or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any real property offered for sale or lease by the governing body if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the real property or an adjoining property.

Sec. 4. NRS 268.061 is hereby amended to read as follows:

268.061 Except as otherwise provided in this section and NRS 268.063, 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, ***and subsection 3 of NRS 496.080,*** except as otherwise provided by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election:

1. If a governing body has determined by resolution that the sale or lease of any real property owned by the city will be in the best interest of the city, it may sell or lease the real property in the manner prescribed for the sale or lease of real property in NRS 268.062.

2. Before the governing body may sell or lease any real property as provided in subsection 1, it shall:

(a) Post copies of the resolution described in subsection 1 in three public places in the city; and

(b) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(2) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

➥ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. If the governing body by its resolution finds additionally that the real property to be sold is worth more than $1,000, the board shall conduct an appraisal pursuant to NRS 268.059 to determine the value of the real

property and, except for real property acquired pursuant to NRS 371.047, shall not sell or lease it for less than the highest appraised value.

4. If the real property is appraised at $1,000 or more, the governing body may:

(a) Lease the real property; or

(b) Sell the real property for:

(1) Cash; or

(2) Not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust bearing such interest and upon such further terms as the governing body may specify.

5. A governing body may sell or lease any real property owned by the city without complying with the provisions of this section and NRS 268.059 and 268.062 to:

(a) A person who owns real property located adjacent to the real property to be sold or leased if the governing body has determined by resolution that:

(1) The real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; and

(2) The sale or lease will be in the best interest of the city.

(b) Another governmental entity if:

(1) The sale or lease restricts the use of the real property to a public use; and

(2) The governing body adopts a resolution finding that the sale or lease will be in the best interest of the city.

6. A governing body that disposes of real property pursuant to subsection 5 is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

7. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the governing body may offer the real property for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the real property, the governing body must obtain a new appraisal of the real property pursuant to the provisions of NRS 268.059 before offering the real property for sale or lease a second time. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the governing body may list

the real property for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property.

Sec. 5. NRS 268.062 is hereby amended to read as follows:

268.062 1. Except as otherwise provided in this section and NRS 268.063, 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, ***and subsection 3 of NRS 496.080,*** except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, the governing body shall, in open meeting by a majority vote of the members and before ordering the sale or lease at auction of any real property, adopt a resolution declaring its intention to sell or lease the property at auction. The resolution must:

(a) Describe the property proposed to be sold or leased in such a manner as to identify it;

(b) Specify the minimum price and the terms upon which the property will be sold or leased; and

(c) Fix a time, not less than 3 weeks thereafter, for a public meeting of the governing body to be held at its regular place of meeting, at which sealed bids will be received and considered.

2. Notice of the adoption of the resolution and of the time and place of holding the meeting must be given by:

(a) Posting copies of the resolution in three public places in the county not less than 15 days before the date of the meeting; and

(b) Causing to be published at least once a week for 3 successive weeks before the meeting, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or leased at auction in such a manner as to identify it;

(2) The minimum price of the real property proposed to be sold or leased at auction; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

➥ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. At the time and place fixed in the resolution for the meeting of the board, all sealed bids which have been received must, in public session, be opened, examined and declared by the governing body. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or lease and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral bid is accepted or the governing body rejects all bids.

4. Before accepting any written bid, the governing body shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to buy or lease the property upon the terms and conditions specified in the resolution, for a price exceeding by at least 5 percent the highest written bid, then the highest oral bid which is made by a responsible person must be finally accepted.

5. The final acceptance by the governing body may be made either at the same session or at any adjourned session of the same meeting held within the 21 days next following.

6. The governing body may, either at the same session or at any adjourned session of the same meeting held within the 21 days next following, if it deems the action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from sale or lease.

7. Any resolution of acceptance of any bid made by the governing body must authorize and direct the chairman to execute a deed or lease and to deliver it upon performance and compliance by the purchaser or lessor with all the terms or conditions of his contract which are to be performed concurrently therewith.

Sec. 5.5. ~~[NRS 371.047 is hereby amended to read as follows:~~

~~371.047 1. A county may use the proceeds of the tax imposed pursuant to NRS 371.045, or of bonds, notes or other obligations incurred to which the proceeds of those taxes are pledged to finance a project related to the construction of a highway with limited access, to:~~

~~(a) Purchase residential real property which shares a boundary with a highway with limited access or a project related to the construction of a highway with limited access, and which is adversely affected by the highway. Not more than 1 percent of the proceeds of the tax or of any bonds to which the proceeds of the tax are pledged may be used for this purpose.~~

~~(b) Pay for the cost of moving persons whose primary residences are condemned for a right-of-way for a highway with limited access and who qualify for such payments. The board of county commissioners shall, by ordinance, establish the qualifications for receiving payments for the cost of moving pursuant to this paragraph.~~

~~2. A county may, in accordance with NRS 244.265 to 244.296, inclusive,~~ *and section 1.2 of this act*, ~~dispose of any residential real property purchased pursuant to this section, and may reserve and except easements, rights or interests related thereto, including, but not limited to:~~

~~(a) Abutter's rights of light, view or air.~~

~~(b) Easements of access to and from abutting land.~~

~~(c) Covenants prohibiting the use of signs, structures or devices advertising activities not conducted, services not rendered or goods not produced or available on the real property.~~

~~3. Proceeds from the sale or lease of residential real property acquired pursuant to this section must be used for the purposes set forth in this section and in NRS 371.045.~~

~~4. For the purposes of this section, residential real property is adversely affected by a highway with limited access if the construction or proposed use of the highway:~~

~~(a) Constitutes a taking of all or any part of the property, or interest therein;~~

~~(b) Lowers the value of the property; or~~

~~(c) Constitutes a nuisance.~~

~~5. As used in this section:~~

~~(a) "Highway with limited access" means a divided highway for through traffic with full control of access and with grade separations at intersections.~~

~~(b) "Primary residence" means a dwelling, whether owned or rented by the occupant, which is the sole principal place of residence of that occupant.~~

~~(c) "Residential real property" means a lot or parcel of not more than 1.5 acres upon which a single family or multifamily dwelling is located.]~~

(Deleted by amendment.)

Sec. 6. ~~[Section 10 of the Airport Authority Act for Battle Mountain, being chapter 458, Statutes of Nevada 1983, as last amended by chapter 381, Statutes of Nevada 2005, at page 1470, is hereby amended to read as follows:~~

~~Sec. 10. Authority: General powers. The Authority may do all things necessary to accomplish the purposes of this act. The Authority may, by reason of example and not of limitation:~~

~~1. Have perpetual succession and sue and be sued.~~

~~2. Plan, establish, acquire, construct, improve and operate an airport within Lander County.~~

~~3. Acquire real or personal property or any interest therein by gift, lease or purchase for any of the purposes provided in this section, including the elimination, prevention or marking of airport hazards.~~

~~4. Except as otherwise provided in this subsection, sell, lease or otherwise dispose of any real property. [If] *Unless the provisions of subsection 5 apply, if* the Authority sells or otherwise disposes of real property, the sale or other disposal must be made by public auction.~~

~~5. *The Authority may rent or lease to a person a space for the parking or storage of aircraft on the grounds of an airport controlled by the Authority without conducting or causing to be conducted an appraisal or a public auction.*~~

~~*6.* Acquire real property or any interest therein in areas most affected by aircraft noise for the purpose of resale or lease thereof, subject to restrictions limiting its use to industrial or other purposes least affected by aircraft noise.~~

~~[6.] *7.* Enter into agreements with Lander County and Battle Mountain to acquire, by lease, gift, purchase or otherwise, any airport of the county or municipality and to operate the airport.~~

~~[7.] *8.* Exercise the power of eminent domain and dominant eminent domain in the manner provided by law for the condemnation by a town of private property for public use to take any property necessary to the exercise of the powers granted, within the designated district in Lander County.~~

~~[8.] *9.* Apply directly to the proper federal, state, county and municipal officials and agencies or to any other source, public or private, for loans, grants, guarantees or other financial assistance in aid of airports operated by it, and accept the same.~~

~~[9.] *10.* Prepare and adopt a comprehensive, long-term general plan for the physical development of all property owned and operated by the Authority for submission to the Board of County Commissioners of Lander County. The Authority may prepare and adopt for approval by the Board of County Commissioners of Lander County a comprehensive zoning plan of all property owned or operated by the Authority. The zoning plan must be consistent with the requirements of chapter 497 of NRS and any applicable federal laws and regulations.~~

~~[10.] *11.* Have control of its airports with the right and duty to establish and charge fees, rentals, rates and other charges, and collect revenues therefrom, not inconsistent with the rights of the holders of its bonds, and enter into agreements with carriers for the payment of landing fees, rental rates and other charges.~~

~~[11.] *12.* Use in the performance of its functions the officers, agents, employees, services, facilities, records and equipment of Lander County or Battle Mountain, with the consent of the county or municipality and subject to such terms and conditions as may be agreed upon.~~

~~[12.] *13.* Enter upon such lands, waters or premises as in the judgment of the Authority may be necessary for the purpose of making surveys, soundings, borings and examinations to accomplish any purpose authorized by this act. The Authority is liable for actual damage done.~~

~~[13.] *14.* Provide its own fire protection, police and crash and rescue service.~~

~~[14.] *15.* Contract with carriers with regard to landings and the accommodations of the employees and passengers of such carriers.~~

~~[15.] *16.* Contract with persons or corporations to provide goods and services for the use of the employees and passengers of the carriers and the employees of the Authority, as necessary or incidental to the operation of the airports.~~

~~[16.] *17.* Hire and retain officers, agents and employees, including a fiscal adviser, engineers, attorneys or other professional or specialized personnel.~~

~~[17.] *18.* Adopt regulations governing vehicular traffic on its airports relating, but not limited to, speed restrictions, stopping, standing and parking, loading zones, turning movements and parking meters. It is unlawful for any person to do any act forbidden or fail to perform any act required in such regulations.]~~ **(Deleted by amendment.)**

Sec. 7. **Section 1 of Assembly Bill No. 289 of this session is hereby repealed.**

Sec. 8. **1. This section and section 7 of this act become effective upon passage and approval.**

2. Sections 2 to 6, inclusive, of this act become effective on October 1, 2007.

TEXT OF REPEALED SECTION

Section 1 of Assembly Bill No. 289 of this session:

Section 1. NRS 496.080 is hereby amended to read as follows:

496.080 1. Except as otherwise provided in subsection 2 or as may be limited by the terms and conditions of any grant, loan or agreement pursuant to NRS 496.180, every municipality may, by sale, lease or otherwise, dispose of any airport, air navigation facility ~~[,]~~ or other property, or portion thereof or interest therein, acquired pursuant to this chapter.

2. The disposal by sale, lease or otherwise must be:

(a) ~~[Made]~~ ***Except as otherwise provided in subsection 3, made*** by public auction; and

(b) In accordance with the laws of this State, or provisions of the charter of the municipality, governing the disposition of other property of the municipality, except that in the case of disposal to another municipality or agency of the State or Federal Government for aeronautical purposes incident thereto, the sale, lease or other disposal may be effected in such manner and upon such terms as the governing body of the municipality may deem in the best interest of the municipality, and except as otherwise provided in subsections 3, 4 and 5 of NRS 496.090.

3. The governing body of a city located in a county whose population is less than 40,000 may rent or lease to a person a space for the parking or storage of aircraft on the grounds of a municipal airport that is owned or operated by the city without conducting or causing to be conducted an appraisal or a public auction.

Assemblywoman Pierce moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 320.

Remarks by Assemblywoman Pierce.

Motion carried by a constitutional majority.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 483.

SHERRY L. Rodriguez
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 287.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 301.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 324.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 326.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 443.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 466.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 575.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 576.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Assembly Bill No. 146.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1105.

SUMMARY—Requires the Department of Health and Human Services to establish ~~[a program]~~ **programs** to increase public awareness of health care information concerning the hospitals **and surgical centers for ambulatory patients** in this State. (BDR 40-687)

AN ACT relating to health care; requiring the Department of Health and Human Services to establish ~~[a program]~~ **programs** to increase public awareness of health care information concerning the hospitals **and surgical centers for ambulatory patients** in this State; requiring the Department to establish and maintain an Internet website which provides certain information concerning the charges imposed and the quality of health care provided by ~~[the]~~ **those** hospitals ~~[in this State;]~~ **and centers;** requiring **those** hospitals **and centers** to submit certain information to the Department for the ~~[program; requiring similar information to be submitted by surgical centers for ambulatory patients; requiring that the information submitted by surgical centers for ambulatory patients be posted on the Internet website established and maintained by the Department under certain circumstances;]~~ **programs; requiring the Department to make certain determinations before performing certain duties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the planning for health care in this State, including the promotion of equal access to quality health care at a reasonable cost. (Chapter 439A of NRS) ~~[Section]~~ **Sections** 3 **and 4.3** of this bill ~~[requires]~~ **require** the Department of Health and Human Services to establish ~~[a program]~~ **programs** to increase public awareness of health care information concerning the hospitals **and surgical centers for ambulatory patients** in this State. The ~~[program]~~ **programs** must include the provision of information concerning the charges imposed and the quality of services provided by ~~[the]~~ **those** hospitals ~~[in this State. Sections]~~ **and centers. Sections** 4 and ~~[5]~~ **4.7** of this bill require the **Department to adopt regulations pertaining to the programs and require the** hospitals ~~[in this State]~~ **and centers** to submit the information for the ~~[program and require]~~ **programs. Section 5 of this bill requires** the Department to collect and maintain that information. Section 6 of this bill requires the Department to establish and maintain an Internet website which provides information to the general public concerning the charges imposed and the quality of services provided by the hospitals **and surgical centers for ambulatory patients** in this State. **Section 6.5 of this bill authorizes the Department to accept**

contributions to carry out the provisions of sections 2-7 of this bill. Section 6.5 also requires the Department to determine at the beginning of each biennium whether sufficient money is available to fund one or more components of the programs and duties of the Department relating to sections 2-7.

Under existing law, the Director of the Office for Consumer Health Assistance maintains an Internet website which includes certain information concerning prescription drug programs and pharmacies. (NRS 223.560) Section 14 of this bill requires the Director to include on the website a link to the website maintained by the Department of Health and Human Services to provide information to the general public concerning the charges imposed and the quality of services provided by the hospitals **and surgical centers for ambulatory patients** in this State.

~~[Section]~~ **Sections 15 and** 16 of this bill ~~[requires the Department to collect and maintain similar information relating to surgical centers for ambulatory patients. Section 16 also requires the Department to reconcile the data submitted from surgical centers for ambulatory patients with the information submitted by hospitals to ensure that a consumer is able to reasonably compare the two types of medical facility.]~~ **specify the dates on which the hospitals and surgical centers for ambulatory patients are required to commence submitting the information for the programs.** Section 16 ~~[further requires]~~ **also allows** the Department to **extend the deadline by which it must** post this information ~~[if]~~ **on its website if** the Department ~~[is able to adequately reconcile]~~ **reports to the Legislative Committee on Health Care that** the ~~[data]~~ **information** submitted ~~[.]~~ **is not ready for posting.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2.3 and*** ~~*[2.7]*~~ ***2.9 of this act have the meanings ascribed to them in those sections.***

Sec. 2.3. ***"Hospital" has the meaning ascribed to it in NRS 449.012.***

Sec. 2.7. ~~*[*~~*"Program" means the program that is established by the Department pursuant to section 3 of this act to increase public awareness of health care information concerning the hospitals in this State.*~~*]*~~ **(Deleted by amendment.)**

Sec. 2.9. "Surgical center for ambulatory patients" has the meaning ascribed to it in NRS 449.019.

Sec. 3. ***1. The Department shall establish and maintain a program to increase public awareness of health care information concerning the hospitals in this State. The program must be designed to assist consumers***

with comparing the quality of care provided by the hospitals in this State and the charges for that care.

2. The program must include, without limitation, the collection, maintenance and provision of information concerning:

(a) ~~[The charges imposed on inpatients by]~~ Inpatients and outpatients of each hospital in this State as reported in the forms submitted pursuant to NRS 449.485;

(b) ~~[The charges imposed on outpatients by each hospital in this State as reported in the forms submitted pursuant to NRS 449.485;~~

~~(c)~~ The quality of care provided by each hospital in this State as determined by applying uniform measures of quality prescribed by the Department pursuant to section 4 of this act;

~~[(d)]~~ (c) How consistently each hospital follows recognized practices to prevent the infection of patients, to speed the recovery of patients and to avoid medical complications of patients;

~~[(e)]~~ (d) For each hospital, the total number of patients discharged, the average length of stay and the average billed charges, reported for the 50 most ~~[common medical diagnoses and treatments of]~~ frequent diagnosis-related groups for inpatients and ~~[the]~~ 50 ~~[most common]~~ medical ~~[diagnoses and]~~ treatments ~~[of]~~ for outpatients ~~[,]~~ that the Department determines are most useful for consumers; and

~~[(f)]~~ (e) Any other information relating to the charges imposed and the quality of the services provided by the hospitals in this State ~~[that the]~~ which the Department determines is ~~[useful]~~ :

(1) Useful to consumers ~~[.]~~ ;

(2) Nationally recognized; and

(3) Reported in a standard and reliable manner.

3. As used in this section, "diagnosis-related group" means groupings of medical diagnostic categories used as a basis for hospital payment schedules by Medicare and other third-party health care plans.

Sec. 4. *1. The Department shall, by regulation:*

(a) Prescribe the information that each hospital in this State must submit to the Department for the program ~~[as set forth in]~~ established pursuant to section 3 of this act.

(b) Prescribe the measures of quality for hospitals that are required pursuant to paragraph ~~[(c)]~~ (b) of subsection 2 of section 3 of this act. In adopting the regulations, the Department shall:

(1) Use the measures of quality endorsed by the Agency for Healthcare Research and Quality, the National Quality Forum and the Joint Commission ~~[,]~~ on Accreditation of Healthcare Organizations;

(2) Prescribe a reasonable number of measures of quality which must not be unduly burdensome on the hospitals; and

(3) Take into consideration the financial burden placed on the hospitals to comply with the regulations.

➥ The measures prescribed pursuant to this paragraph must report health outcomes of hospitals, which do not necessarily correlate with the inpatient diagnosis-related groups or the outpatient treatments that are posted on the Internet website pursuant to section 6 of this act.

(c) Require each hospital to:

(1) Provide the information prescribed in paragraphs (a) and (b) in the format required by the Department; and

(2) Report the information separately for inpatients and outpatients.

2. The information required pursuant to this section and section 3 of this act must be submitted to the Department not later than 45 days after the last day of each calendar month.

3. If a hospital fails to submit the information required pursuant to this section or section 3 of this act or submits information that is incomplete or inaccurate, the Department shall send a notice of such failure to the hospital and to the Health Division of the Department.

Sec. 4.3. 1. The Department shall establish and maintain a program to increase public awareness of health care information concerning the surgical centers for ambulatory patients in this State. The program must be designed to assist consumers with comparing the quality of care provided by the surgical centers for ambulatory patients in this State and the charges for that care.

2. The program must include, without limitation, the collection, maintenance and provision of information concerning:

(a) The charges imposed on outpatients by each surgical center for ambulatory patients in this State as reported in the forms submitted pursuant to section 4.7 of this act;

(b) The quality of care provided by each surgical center for ambulatory patients in this State as determined by applying uniform measures of quality prescribed by the Department pursuant to section 4.7 of this act;

(c) How consistently each surgical center for ambulatory patients follows recognized practices to prevent the infection of patients, to speed the recovery of patients and to avoid medical complications of patients;

(d) For each surgical center for ambulatory patients, the total number of patients discharged and the average billed charges, reported for 50 medical treatments for outpatients that the Department determines are most useful for consumers; and

(e) Any other information relating to the charges imposed and the quality of the services provided by the surgical centers for ambulatory patients in this State which the Department determines is:

(1) Useful to consumers;

(2) Nationally recognized; and

(3) Reported in a standard and reliable manner.

Sec. 4.7. 1. The Department shall, by regulation:

(a) Prescribe the information that each surgical center for ambulatory patients in this State must submit to the Department for the program as set

forth in section 4.3 of this act and the form for submission of such information.

(b) Prescribe the measures of quality for surgical centers for ambulatory patients that are required pursuant to paragraph (b) of subsection 2 of section 4.3 of this act. In adopting the regulations, the Department shall:

(1) Use measures of quality which are substantially similar to those required pursuant to subparagraph (1) of paragraph (b) of subsection 1 of section 4 of this act;

(2) Prescribe a reasonable number of measures of quality which must not be unduly burdensome on the surgical centers for ambulatory patients; and

(3) Take into consideration the financial burden placed on the surgical centers for ambulatory patients to comply with the regulations.

➥ The measures prescribed pursuant to this paragraph must report health outcomes of surgical centers for ambulatory patients, which do not necessarily correlate with the outpatient treatments posted on the Internet website pursuant to section 6 of this act.

(c) Require each surgical center for ambulatory patients to provide the information prescribed in paragraphs (a) and (b) in the format required by the Department.

(d) Prescribe which surgical centers for ambulatory patients in this State must participate in the program established pursuant to section 4.3 of this act.

2. The information required pursuant to this section and section 4.3 of this act must be submitted to the Department not later than 45 days after the last day of each calendar month.

3. If a surgical center for ambulatory patients fails to submit the information required pursuant to this section or section 4.3 of this act or submits information that is incomplete or inaccurate, the Department shall send a notice of such failure to the surgical center for ambulatory patients and to the Health Division of the Department.

Sec. 5. ***1. The Department shall collect and maintain all information that it receives from the hospitals and surgical centers for ambulatory patients in this State pursuant to sections 3 [and 4] to 4.7, inclusive, of this act. Upon request, the Department shall make a summary of the information available [in printed form or an electronic format, as indicated by the requester,] to:***

(a) Consumers of health care;

(b) Providers of health care;

(c) Representatives of the health insurance industry; and

(d) The general public.

2. The Department shall ensure that the information it provides pursuant to this section is aggregated so as not to reveal the identity of a specific inpatient or outpatient of a hospital [.] or of a surgical center for ambulatory patients.

Sec. 6. ***1. The Department shall establish and maintain an Internet website that includes the information concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State as required by the [program.] programs established pursuant to sections 3 and 4.3 of this act. The information must : [be presented in a manner that:]***

(a) [Allows] Include, for each hospital in this State, the total number of patients discharged, the average length of stay and the average billed charges, reported for the 50 most frequent diagnosis-related groups for inpatients and 50 medical treatments for outpatients that the Department determines are most useful for consumers;

(b) Include, for each surgical center for ambulatory patients in this State, the total number of patients discharged and the average billed charges, reported for 50 medical treatments for outpatients that the Department determines are most useful for consumers;

(c) Be presented in a manner that allows a person to view and compare the information for the hospitals by:

(1) Geographic location of each hospital;

(2) Type of medical diagnosis; and

(3) Type of medical treatment;

[(b) Allows]

(d) Be presented in a manner that allows a person to view and compare the information for the surgical centers for ambulatory patients by:

(1) Geographic location of each surgical center for ambulatory patients;

(2) Type of medical diagnosis; and

(3) Type of medical treatment;

(e) Be presented in a manner that allows a person to view and compare the information separately for [the] :

(1) The inpatients and outpatients of each hospital; and

[(c) Is]

(2) The outpatients of each surgical center for ambulatory patients;

(f) Be readily accessible and understandable by a member of the general public [.] ; and

(g) Provide any other information relating to the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State which the Department determines is:

(1) Useful to consumers;

(2) Nationally recognized; and

(3) Reported in a standard and reliable manner.

2. The Department shall:

(a) Publicize the availability of the Internet website;

(b) Update the information contained on the Internet website at least quarterly;

(c) Ensure that the information contained on the Internet website is accurate and reliable;

(d) Ensure that the information contained on the Internet website is aggregated so as not to reveal the identity of a specific inpatient or outpatient of a hospital;

(e) Post a disclaimer on the Internet website indicating that the information contained on the website is provided to assist with the comparison of hospitals and is not a guarantee by the Department or its employees as to the charges imposed by the hospitals in this State or the quality of the services provided by the hospitals in this State, including, without limitation, an explanation that the actual amount charged to a person by a particular hospital may not be the same charge as posted on the website for that hospital; ~~[and]~~

(f) Provide on the Internet website established pursuant to this section a link to the Internet website of the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services; and

(g) Upon request, make the information that is contained on the Internet website available in printed form.

3. As used in this section, "diagnosis-related group" means groupings of medical diagnostic categories used as a basis for hospital payment schedules by Medicare and other third-party health care plans.

Sec. 6.5. 1. On or before July 1 of each odd-numbered year, the Department shall make a determination of whether sufficient money is available and authorized for expenditure to fund one or more components of the programs and other duties of the Department relating to sections 2 to 7, inclusive, of this act.

2. The Department shall temporarily suspend any components of the program or duties of the Department for which it determines pursuant to subsection 1 that sufficient money is not available.

3. The Department may accept any gift, donation, bequest, grant or other source of money for the purpose of carrying out the provisions of sections 2 to 7, inclusive of this act.

Sec. 7. ***In carrying out the provisions of sections 2 to 7, inclusive, of this act, the Department may contract with the Nevada System of Higher Education or any appropriate, independent and qualified person or entity to analyze the information collected and maintained by the Department pursuant to sections 2 to 7, inclusive, of this act. Such a contractor ~~[shall not]~~ may release or publish or otherwise use any information made available to it pursuant to the contract ~~[except as required to carry out the provisions of sections 2 to 7, inclusive, of this act.]~~ if the Department determines that the information is accurate.***

Sec. 8. NRS 439A.020 is hereby amended to read as follows:

439A.020 The purposes of this chapter are to:

1. Promote equal access to quality health care at a reasonable cost;

2. Promote an adequate supply and distribution of health resources;

3. Promote uniform, effective methods of delivering health care;

4. Promote and encourage the adequate distribution of health and care facilities and man power;

5. Promote and encourage the effective use of methods for controlling increases in the cost of health care;

6. Encourage participation in health planning by members of the several health professions, representatives of institutions and agencies interested in the provision of health care and the reduction of the cost of such care, and the general public;

7. Utilize the viewpoint of the general public for making decisions;

8. ***Provide information to the general public concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State;***

9. Encourage public education regarding proper personal health care and methods for the effective use of available health services; and

~~[9.]~~ ***10.*** Promote a program of technical assistance to purchasers to contain effectively the cost of health care, including:

(a) Providing information to purchasers regarding the charges made by practitioners.

(b) Training purchasers to negotiate successfully for a policy of health insurance.

(c) Conducting studies and providing other information about measures to assist purchasers in containing the cost of health care.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 449.485 is hereby amended to read as follows:

449.485 1. Each hospital in this State shall use for all patients discharged the form commonly referred to as the "UB-82," or a different form prescribed by the Director with the approval of a majority of the hospitals licensed in this State, and shall include in the form all information required by the Department.

2. ~~[The Department shall by regulation:~~

~~(a) Specify]~~ ***Each hospital in this State shall, on a monthly basis, report to the Department*** the information required to be included in the form for each patient **.** ~~[; and~~

~~(b) Require each hospital to provide specified information from the form to the Department.]~~

3. Each insurance company or other payer shall accept the form as the bill for services provided by hospitals in this State.

4. Except as otherwise provided in subsection 5, each hospital ~~[with 100 or more beds]~~ ***in this State*** shall provide the information required pursuant to ~~[paragraph (b) of]~~ subsection 2 ~~[on magnetic tape or by other means]~~ ***in an electronic form*** specified by the Department **.** ~~[, or shall provide copies of the~~

~~forms and pay the costs of entering the information manually from the copies.]~~

5. The Director may exempt a hospital from the requirements of subsection 4 if requiring the hospital to comply with the requirements would cause the hospital financial hardship.

6. The Department shall use the information submitted pursuant to this section for the program established pursuant to section 3 of this act to increase public awareness of health care information concerning the hospitals in this State.

Sec. 12. NRS 449.490 is hereby amended to read as follows:

449.490 1. Every institution which is subject to the provisions of NRS 449.450 to 449.530, inclusive, shall file with the Department the following financial statements or reports in a form and at intervals specified by the Director but at least annually:

(a) A balance sheet detailing the assets, liabilities and net worth of the institution for its fiscal year; and

(b) A statement of income and expenses for the fiscal year.

2. Each hospital with 100 or more beds shall file with the Department, in a form and at intervals specified by the Director but at least annually, a capital improvement report which includes, without limitation, any major service line that the hospital has added or is in the process of adding since the previous report was filed, any major expansion of the existing facilities of the hospital that has been completed or is in the process of being completed since the previous report was filed, and any major piece of equipment that the hospital has acquired or is in the process of acquiring since the previous report was filed.

3. In addition to the information required to be filed pursuant to subsections 1 and 2, each hospital with 100 or more beds shall file with the Department, in a form and at intervals specified by the Director but at least annually:

(a) The corporate home office allocation methodology of the hospital, if any.

(b) The expenses that the hospital has incurred for providing community benefits and the in-kind services that the hospital has provided to the community in which it is located. For the purposes of this paragraph, "community benefits" includes, without limitation, goods, services and resources provided by a hospital to a community to address the specific needs and concerns of that community, services provided by a hospital to the uninsured and underserved persons in that community, training programs for employees in a community and health care services provided in areas of a community that have a critical shortage of such services, for which the hospital does not receive full reimbursement.

(c) A statement of its policies and procedures for providing discounted services to, or reducing charges for services provided to, persons without

health insurance that are in addition to any reduction or discount required to be provided pursuant to NRS 439B.260.

(d) A statement of its policies regarding patients' account receivables, including, without limitation, the manner in which a hospital collects or makes payment arrangements for patients' account receivables, the factors that initiate collections and the method by which unpaid account receivables are collected.

4. A complete current charge master must be available at each hospital during normal business hours for review by the Director, any payor that has a contract with the hospital to pay for services provided by the hospital, any payor that has received a bill from the hospital and any state agency that is authorized to review such information. ***The complete and current charge master must be made available to the Department, at the request of the Director, in an electronic format specified by the Department. The Department may use the electronic copy of the charge master to review and analyze the data contained in the charge master and, except as otherwise provided in sections 2 to 7, inclusive, of this act, shall not release or publish the information contained in the charge master.***

5. The Director shall require the certification of specified financial reports by an independent certified public accountant and may require attestations from responsible officers of the institution that the reports are, to the best of their knowledge and belief, accurate and complete to the extent that the certifications and attestations are not required by federal law.

6. The Director shall require the filing of all reports by specified dates, and may adopt regulations which assess penalties for failure to file as required, but he shall not require the submission of a final annual report sooner than 6 months after the close of the fiscal year, and may grant extensions to institutions which can show that the required information is not available on the required reporting date.

7. All reports, except privileged medical information, filed under any provisions of NRS 449.450 to 449.530, inclusive, are open to public inspection and must be available for examination at the office of the Department during regular business hours.

Sec. 13. NRS 449.520 is hereby amended to read as follows:

449.520 1. On or before October 1 of each year, the Director shall prepare and transmit to the Governor, the Legislative Committee on Health Care and the Interim Finance Committee a report of the Department's operations and activities for the preceding fiscal year.

2. The report prepared pursuant to subsection 1 must include:

(a) Copies of all summaries, compilations and supplementary reports required by NRS 449.450 to 449.530, inclusive, together with such facts, suggestions and policy recommendations as the Director deems necessary;

(b) A summary of the trends of the audits of hospitals in this State that the Department required or performed during the previous year;

(c) An analysis of the trends in the costs, expenses and profits of hospitals in this State;

(d) An analysis of the corporate home office allocation methodologies of hospitals in this State;

(e) An examination and analysis of the manner in which hospitals are reporting the information that is required to be filed pursuant to NRS 449.490, including, without limitation, an examination and analysis of whether that information is being reported in a standard and consistent manner, which fairly reflect the operations of each hospital;

(f) A review and comparison of the policies and procedures used by hospitals in this State to provide discounted services to, and to reduce charges for services provided to, persons without health insurance; ~~[and]~~

(g) A review and comparison of the policies and procedures used by hospitals in this State to collect unpaid charges for services provided by the hospitals ~~[.]~~ ***; and***

(h) A summary of the status of the ~~*[program that is]*~~ ***programs established pursuant to*** ~~*[section]*~~ ***sections 3 and 4.3 of this act to increase public awareness of health care information concerning the hospitals and surgical centers for ambulatory patients in this State, including, without limitation, the information that was posted in the preceding fiscal year on the Internet website maintained for*** ~~*[that program]*~~ ***those programs pursuant to section 6 of this act.***

3. The Legislative Committee on Health Care shall develop a comprehensive plan concerning the provision of health care in this State which includes, without limitation:

(a) A review of the health care needs in this State as identified by state agencies, local governments, providers of health care and the general public; and

(b) A review of the capital improvement reports submitted by hospitals pursuant to subsection 2 of NRS 449.490.

Sec. 14. NRS 223.560 is hereby amended to read as follows:

223.560 The Director shall:

1. Respond to written and telephonic inquiries received from consumers and injured employees regarding concerns and problems related to health care and workers' compensation;

2. Assist consumers and injured employees in understanding their rights and responsibilities under health care plans and policies of industrial insurance;

3. Identify and investigate complaints of consumers and injured employees regarding their health care plans and policies of industrial insurance and assist those consumers and injured employees to resolve their complaints, including, without limitation:

(a) Referring consumers and injured employees to the appropriate agency, department or other entity that is responsible for addressing the specific complaint of the consumer or injured employee; and

(b) Providing counseling and assistance to consumers and injured employees concerning health care plans and policies of industrial insurance;

4. Provide information to consumers and injured employees concerning health care plans and policies of industrial insurance in this State;

5. Establish and maintain a system to collect and maintain information pertaining to the written and telephonic inquiries received by the Office for Consumer Health Assistance;

6. Take such actions as are necessary to ensure public awareness of the existence and purpose of the services provided by the Director pursuant to this section;

7. In appropriate cases and pursuant to the direction of the Governor, refer a complaint or the results of an investigation to the Attorney General for further action;

8. Provide information to and applications for prescription drug programs for consumers without insurance coverage for prescription drugs or pharmaceutical services; and

9. Establish and maintain an Internet website which includes:

(a) Information concerning purchasing prescription drugs from Canadian pharmacies that have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328; ~~[and]~~

(b) Links to websites of Canadian pharmacies which have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328 ~~[.]~~ ***; and***

(c) A link to the website established and maintained pursuant to section 6 of this act which provides information to the general public concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State.

Sec. 15. 1. Each hospital in this State shall, **for each patient discharged** on **and after** July 1, 2007, ~~[begin submitting]~~ **submit** to the Department of Health and Human Services the information concerning inpatient data required pursuant to sections ~~[2 to 7, inclusive,]~~ **3 and 4** of this act.

2. The Department shall review the data concerning inpatients submitted by each hospital in this State and, on or before January 1, 2008, begin posting such information on the Internet website established pursuant to section 6 of this act.

3. Each hospital in this State shall, **for each patient discharged** on **and after** January 1, 2008, begin submitting to the Department the information concerning outpatient data that is required pursuant to sections ~~[2 to 7, inclusive,]~~ **3 and 4** of this act.

4. The Department shall review the data concerning outpatients submitted by each hospital in this State and, **except as otherwise provided in this subsection,** on or before January 1, 2009, begin posting such information on the Internet website established pursuant to section 6 of this

act. **The Department shall, on or before December 1, 2008, report to the Legislative Committee on Health Care concerning the activities of the Department pursuant to this section and sections 3 and 4 of this act, including, without limitation, a report on whether the information concerning outpatients submitted pursuant to sections 3 and 4 of this act is ready for posting on the Internet website established pursuant to section 6 of this act. If the Department submits to the Legislative Committee on Health Care a report that such information is not ready for posting on the Internet website, the Legislative Committee on Health Care may extend the deadline by which the information must be posted.**

Sec. 16. 1. Each surgical center for ambulatory patients **in this State** shall, on January 1, 2008, ~~[and on a monthly basis thereafter,]~~ begin submitting to the Department of Health and Human Services ~~[all]~~ **the** information required by the Department pursuant to ~~[this section.]~~ **sections 4.3 and 4.7 of this act.**

2. ~~[The Department shall determine how best to reconcile the information submitted pursuant to this section with the information required from the hospitals in this State pursuant to sections 2 to 7, inclusive, of this act so that the information may be posted on the Internet website established pursuant to section 6 of this act in a manner which allows a consumer to reasonably compare the charges imposed and the quality of services provided by the surgical centers for ambulatory patients and the hospitals in this State.~~

~~3.]~~ The Department shall ~~[,]~~ **review the data concerning outpatients submitted by each surgical center for ambulatory patients in this State and,** on or before December 1, 2008, report to the Legislative Committee on Health Care concerning the activities of the Department pursuant to this section ~~[,]~~ **and sections 4.3 and 4.7 of this act,** including, without limitation, a report on whether the Department ~~[was]~~ **is** able to adequately ~~[reconcile]~~ **and accurately report** the information submitted pursuant to ~~[this section with the information submitted pursuant to sections 2 to 7, inclusive, of this act.]~~ **sections 4.3 and 4.7 of this act.** If the Department submits to the Legislative Committee on Health Care a report that the information collected pursuant to ~~[this section]~~ **sections 4.3 and 4.7 of this act** is not ready for posting on the Internet website ~~[or that the information cannot be adequately reconciled with the information submitted by the hospitals,]~~ **because it is not accurate or is incomplete,** the Legislative Committee on Health Care may extend the deadline by which the information must be posted pursuant to subsection ~~[4.]~~ **3.**

~~[4.]~~ **3.** Except as otherwise provided in subsection ~~[3,]~~ **2,** the Department shall, on January 1, 2009, begin posting the information received pursuant to ~~[this section]~~ **sections 4.3 and 4.7 of this act** on the Internet website established pursuant to section 6 of this act.

~~[5. The Department shall adopt regulations prescribing:~~

~~(a) The surgical centers for ambulatory patients in this State which must report information pursuant to this section.~~

~~(b) The information concerning the charges imposed and the quality of services provided by the surgical centers for ambulatory patients that must be submitted pursuant to this section, which must be similar to the information submitted by the hospitals pursuant to sections 2 to 7, inclusive, of this act.]~~

4. As used in this section, "surgical center for ambulatory patients" has the meaning ascribed to it in NRS 449.019.

Sec. 17. In addition to any other report required pursuant to this act or a state law, the Department of Health and Human Services shall submit to the Legislative Committee on Health Care, on or before the first day of each month, a report which includes:

1. The status of the collection of data pursuant to sections 2 to 7, inclusive, ~~[and section 16]~~ of this act;

2. The status of the establishment of an Internet website pursuant to section 6 of this act;

3. Any regulations adopted pursuant to sections 4 and ~~[16]~~ **4.7** of this act; and

4. Any other information related to carrying out the provisions of this act.

Sec. 18. **1.** The Department of Health and Human Services shall not send to the Health Division of the Department a notice required pursuant to subsection ~~[2]~~ **3** of section 4 of this act until:

~~[1.]~~ **(a)** July 1, 2008, if the notice concerns the submission of information relating to inpatients ~~[;]~~ **of a hospital;** and

~~[2.]~~ **(b)** January 1, 2009, if the notice concerns the submission of information relating to outpatients ~~[.]~~ **of a hospital.**

2. The Department of Health and Human Services shall not send to the Health Division of the Department a notice required pursuant to subsection 3 of section 4.7 of this act until January 1, 2009, if the notice concerns information submitted by a surgical center for ambulatory patients.

Sec. 19. This act becomes effective on July 1, 2007.

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 146.

Bill read third time.

Roll call on Assembly Bill No. 146:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Hardy—2.

Assembly Bill No. 146 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 232.

The following Senate amendment was read:

Amendment No. 1132.

SUMMARY— ~~[Requires the Department of Health and Human Services to make available to consumers]~~ **Provides for** certain information relating to pharmacies and the prices of commonly prescribed prescription drugs ~~[.]~~ **to be made available to consumers.** (BDR 40-856)

AN ACT relating to ~~[the Department of Health and Human Services; requiring the Department to make available to consumers]~~ **health; providing for** certain information relating to pharmacies and the prices of commonly prescribed prescription drugs ~~[.]~~ **to be made available to consumers;** requiring the Department **of Health and Human Services** to ~~[make]~~ **perform certain activities and adopt** certain ~~[determinations before performing certain duties;]~~ **regulations;** providing **for the imposition of** an administrative penalty ~~[.]~~ **under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill defines the term "pharmacy" for the purposes of the bill. As defined, the term excludes institutional pharmacies. (NRS 639.0085) Section 3 of this bill requires the ~~[Retail Association of Nevada or its successor to compile]~~ **organization that the Department of Health and Human Services determines to be the organization in the State with the largest membership of represented retail merchants, to prepare** a list of not less than 100 prescription drugs, ~~[and their]~~ **including** generic equivalents, that are most commonly prescribed to residents of this State.

~~[Sections 5-8]~~ **Section 4 of this bill requires certain pharmacies to provide certain contact information to the Department. Section 5** of this bill ~~[require]~~ **requires** the Department ~~[of Health and Human Services to: (1) combine the contents of the list with usual and customary pricing information received from pharmacies that are licensed by the State Board of Pharmacy; and (2) present the combined information on the Department's]~~ **to present on its** Internet website **: (1) the contact information provided by the pharmacies to the Department; and (2) the usual and customary price that the pharmacies charge for the prescription drugs set forth on the list prepared pursuant to section 3,** so that consumers may compare the prices currently being charged by those pharmacies for those prescription drugs. ~~[By regulation, links to such information on the Department's website may be placed on the Internet websites of other persons and entities, including pharmacies and other governmental entities. Section 4 of this bill requires pharmacies that are licensed by the State Board of Pharmacy and located in the State of Nevada to provide to the Department, at least once each month, the usual and customary prices that the pharmacy charges for the~~

~~prescription drugs on the list of most prescribed drugs compiled by the Retail Association of Nevada, as well as certain contact information for the pharmacy. Pharmacies that are licensed by the State Board of Pharmacy but located outside the State of Nevada may, but are not required to, provide such information.]~~ **The Department is allowed to obtain the usual and customary prices charged by the pharmacies from claims reported by the pharmacies to the Medicaid program.**

Section 6 of this bill requires the Department to ensure that the information is presented to consumers in such a manner that the prices charged by pharmacies for the relevant prescription drugs may be easily compared. Section 7 of the bill clarifies that the Department and its members, officers and employees are not liable in the event that information fails to be provided to consumers or in the event that incorrect information is provided to consumers. Section 8 of this bill requires the Department to adopt certain regulations.

Section 9 of this bill allows the Department to accept grants, donations, gifts and other public and private money to carry out the provisions of this bill. Section 9 also requires the Department to determine at the beginning of each fiscal year whether sufficient money is available to fund one or more components of the programs and duties of the Department relating to sections 2-10 of this bill ~~.]~~ **and, if sufficient money is not available, to suspend temporarily a component of the programs for which money is lacking.**

Section 10 of this bill provides that if a pharmacy is required to provide information to the Department pursuant to section 4 and the pharmacy, without good cause, fails to do so or fails to do so in a timely manner, the Department may impose an administrative penalty of up to $500 for each day on which such a failure occurs. ~~[This bill excludes institutional pharmacies from the application of its provisions.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, "pharmacy" means every store or shop licensed by the State Board of Pharmacy where drugs, controlled substances, poisons, medicines or chemicals are stored or possessed, or dispensed or sold at retail, or displayed for sale at retail, or where prescriptions are compounded or dispensed. The term does not include an institutional pharmacy as defined in NRS 639.0085.***

Sec. 3. ***The*** ~~*[Retail Association of Nevada or its successor]*~~ ***organization with the largest membership in this State which represents the interests of retail merchants, as determined by the Department, shall:***

1. [Compile] Prepare a list of not less than the 100 brand name prescription drugs or generic equivalents most commonly prescribed to residents of this State; and

2. [Ensure that the list compiled pursuant to subsection 1 sets forth a separate entry for the generic equivalent, if any, of each brand name prescription drug included on the list; and

3.] At least once each calendar [quarter,] year, update the list [compiled] prepared pursuant to subsection 1 and transmit the list to the Department.

Sec. 4. ***1. Except as otherwise provided in subsections 2 and 3, each pharmacy shall, in accordance with the regulations adopted pursuant to section 8 of this act, provide to the Department:***

(a) Information that a consumer may use to locate, contact or otherwise do business with the pharmacy, including, without limitation:

(1) The name of the pharmacy;

(2) The physical address of the pharmacy; and

(3) The phone number of the pharmacy;

(b) If the pharmacy maintains an electronic mail address, the electronic mail address of the pharmacy; and

(c) If the pharmacy maintains an Internet website, the Internet address of that website. [; and

(d) Not less frequently than once each month:

(1) For each prescription drug that is on the list compiled pursuant to section 3 of this act and that is stocked by the pharmacy, the usual and customary price that the pharmacy is currently charging for the prescription drug; and

(2) For each generic equivalent that is on the list compiled pursuant to section 3 of this act and that is stocked by the pharmacy, the usual and customary price that the pharmacy is currently charging for the generic equivalent.]

2. If a pharmacy is not located within the State of Nevada, the pharmacy may, but is not required to, provide to the Department the information described in subsection 1.

3. If a pharmacy is part of a larger company or corporation or a chain of pharmacies or retail stores, the parent company or corporation may provide to the Department the information described in subsection 1.

[4. As used in this section, "usual and customary price" means the usual and customary charges that a provider charges to the general public for a drug, as described in 42 C.F.R. § 447.331.]

Sec. 5. ***1. Except as otherwise provided in subsection 2, the Department shall:***

(a) Place or cause to be placed on the Internet website maintained by the Department the information provided by each pharmacy pursuant to section 4 of this act;

(b) Ensure that the information provided by each pharmacy pursuant to section 4 of this act and placed on the Internet website maintained by the Department is organized so that each individual pharmacy has its own separate entry on that website; and

(c) Ensure that the ~~[pricing information provided by each pharmacy pursuant to section 4 of this act and placed on the Internet website maintained by the Department:]~~ usual and customary price that each pharmacy charges for each prescription drug that is on the list prepared pursuant to section 3 of this act and that is stocked by the pharmacy:

(1) Is presented on the Internet website maintained by the Department in a manner which complies with the requirements of section 6 of this act; and

(2) Is updated not less frequently than once each ~~[month.]~~ calendar quarter.

➥ Nothing in this subsection prohibits the Department from determining the usual and customary price that a pharmacy charges for a prescription drug by extracting or otherwise obtaining such information from claims reported by pharmacies to the Medicaid program.

2. If a pharmacy is part of a larger company or corporation or a chain of pharmacies or retail stores, the Department may present the pricing information pertaining to such a pharmacy in such a manner that the pricing information is combined with the pricing information relative to other pharmacies that are part of the same company, corporation or chain, to the extent that the pricing information does not differ among those pharmacies.

3. The Department may establish additional or alternative procedures by which a consumer who is unable to access the Internet or is otherwise unable to receive the information described in subsection 1 in the manner in which it is presented by the Department may obtain that information:

(a) In the form of paper records;

(b) Through the use of a telephonic system; or

(c) Using other methods or technologies designed specifically to assist consumers who are hearing impaired or visually impaired.

4. As used in this section, "usual and customary price" means the usual and customary charges that a provider charges to the general public for a drug, as described in 42 C.F.R. § 447.331.

Sec. 6. ***1. Except as otherwise provided in this section, the Department shall ensure that the list of prescription drugs ~~[compiled]~~ prepared pursuant to section 3 of this act and the information that pharmacies and the Department provide and obtain pursuant to ~~[section]~~ sections 4 and 5 of this act are combined and presented to consumers in such a manner that a consumer may easily compare the prices for particular prescription drugs, and their generic equivalents, that are currently charged by:***

(a) Pharmacies located within the same city, county or zip code in which the consumer resides;

(b) Internet pharmacies; and

(c) Pharmacies that provide mail order service to residents of Nevada.

➥ The requirements of paragraphs (b) and (c) apply only to the extent that information regarding such pharmacies is made available to the Department.

2. As used in this section, "Internet pharmacy" has the meaning ascribed to it in NRS 639.00865.

Sec. 7. ***The Department and its members, officers and employees are not liable civilly or criminally for any act, omission, error or technical problem that results in:***

1. The failure to provide to consumers information regarding a pharmacy, including, without limitation, the prices charged by the pharmacy for the prescription drugs and generic equivalents that are on the list ~~[compiled]~~ prepared pursuant to section 3 of this act; or

2. The providing to consumers of incorrect information regarding a pharmacy, including, without limitation, the prices charged by the pharmacy for the prescription drugs and generic equivalents that are on the list ~~[compiled]~~ prepared pursuant to section 3 of this act.

Sec. 8. ***The Department shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of sections 2 to 10, inclusive, of this act. Such regulations must provide for, without limitation:***

1. Notice to consumers stating that:

(a) Although the Department will strive to ensure that consumers receive accurate information regarding pharmacies, including, without limitation, the prices charged by those pharmacies for the prescription drugs and generic equivalents that are on the list ~~[compiled]~~ prepared pursuant to section 3 of this act, the Department is unable to guarantee the accuracy of such information;

(b) If a consumer follows an Internet link from the Internet website maintained by the Department to an Internet website maintained by a pharmacy, the Department is unable to guarantee the accuracy of any information made available on the Internet website maintained by the pharmacy; and

(c) The Department advises consumers to contact a pharmacy directly to verify the accuracy of any information regarding the pharmacy which is made available to consumers pursuant to sections 2 to 10, inclusive, of this act;

2. Procedures adopted cooperatively with the Office of the Governor to direct consumers who have questions regarding the program described in sections 2 to 10, inclusive, of this act to contact the Office for Consumer Health Assistance in the Office of the Governor;

3. Provisions in accordance with which the Department will allow an Internet link to the information provided by each pharmacy pursuant to

section 4 of this act and made available on the Department's Internet website to be placed on other Internet websites managed or maintained by other persons and entities, including, without limitation, Internet websites managed or maintained by:

(a) [Pharmacies;

(b)] Other governmental entities, including, without limitation, the State Board of Pharmacy and the Office of the Governor; and

[(c)] (b) Nonprofit organizations and advocacy groups;

4. Procedures pursuant to which consumers and pharmacies may report to the Department that information made available to consumers pursuant to sections 2 to 10, inclusive, of this act is inaccurate;

5. The form and manner in which pharmacies are to provide to the Department the information described in section 4 of this act; and

6. Standards and criteria pursuant to which the Department may remove from its Internet website information regarding a pharmacy or an Internet link to the Internet website maintained by a pharmacy, or both, if the Department determines that the pharmacy has:

(a) Ceased to be licensed and in good standing pursuant to chapter 639 of NRS; or

(b) Engaged in a pattern of providing to consumers information that is false or would be misleading to reasonably informed persons . [; or

(c) Violated any state or federal law governing the practice of pharmacy.]

Sec. 9. ***1. On or before July 1 of each odd-numbered year, the Department shall make a determination of whether sufficient money is available and authorized for expenditure to fund one or more components of the programs and other duties of the Department relating to sections 2 to 10, inclusive, of this act.***

2. The Department shall temporarily suspend any components of the program or duties of the Department for which it determines pursuant to subsection 1 that sufficient money is not available.

3. The Department may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source to carry out the provisions of sections 2 to 10, inclusive, of this act.

Sec. 10. ***If a pharmacy that is licensed under the provisions of chapter 639 of NRS and is located within the State of Nevada fails to provide to the Department the information required to be provided pursuant to section 4 of this act or fails to provide such information on a timely basis, and the failure was not caused by excusable neglect, technical problems or other extenuating circumstances, the Department may impose against the pharmacy an administrative penalty of not more than $500 for each day of such failure.***

Sec. 11. NRS 639.2802 is hereby amended to read as follows:

639.2802 [Prescription] ***In addition to any applicable requirements set forth in sections 2 to 10, inclusive, of this act, prescription*** price information

must be made available, upon request, by a pharmacist or practitioner who dispenses drugs.

Sec. 12. NRS 639.28025 is hereby amended to read as follows:

639.28025 ~~[Every]~~ ***In addition to any applicable requirements set forth in sections 2 to 10, inclusive, of this act, every*** practitioner who dispenses drugs shall post on the premises in a place conspicuous to customers and easily accessible and readable by customers a notice, provided by the Board, advising customers that a price list of drugs and professional services is available to them upon request.

Sec. 13. (Deleted by amendment.)

Sec. 14. 1. This section and section 9 of this act become effective upon passage and approval.

2. Sections 1 to 8, inclusive, 10, 11 and 12 of this act become effective on October 1, 2007.

Assemblywoman Leslie moved that the Assembly concur in the Senate amendment to Assembly Bill No. 232.

Remarks by Assemblywoman Leslie.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 619.

The following Senate amendment was read:

Amendment No. 1096.

SUMMARY— ~~[Creates the Nevada Automobile Theft Authority.]~~ **Revises provisions governing the crime of grand larceny of a motor vehicle.** (BDR ~~[43-1503)]~~ **15-1503)**

AN ACT relating to motor vehicles; ~~[creating the Nevada Automobile Theft Authority within the Department of Motor Vehicles; providing the membership and duties of the Authority; creating the Fund for the Nevada Automobile Theft Authority; authorizing the Authority to award grants of money from the Fund to public agencies for programs to prevent motor vehicle theft; imposing certain reporting requirements on the Authority; imposing a fee on insurers that issue motor vehicle liability insurance in this State for deposit in the Fund;]~~ revising the provisions governing the crime of grand larceny of a motor vehicle; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 6 of this bill creates the Nevada Automobile Theft Authority within the Department of Motor Vehicles. The Authority consists of 13 voting members and the Director of the Department who serves as a nonvoting member. Section 8 of this bill describes the duties of the Authority, which include: (1) determining the scope of the problem of motor vehicle theft in this State and in various political subdivisions of this State; (2) analyzing various methods of reducing motor vehicle theft in this State; (3) developing and carrying out a plan to reduce motor vehicle theft in this~~

~~State; and (4) developing and carrying out a plan for funding the activities of the Authority, including, without limitation, the receipt of grants and gifts for the use of the Authority. Section 9 of this bill creates the Fund for the Nevada Automobile Theft Authority in the State Treasury. Section 8 authorizes the Authority to award grants of money from the Fund to public agencies for programs that are designed to prevent motor vehicle theft in this State. Section 10 of this bill imposes on an insurer that issues policies of motor vehicle liability insurance in this State a semiannual fee of 50 cents for each vehicle insured under such a policy issued by the insurer in this State. The money collected from the fees must be deposited in the Fund. If an insurer fails to pay the required fee, the Commissioner of Insurance is authorized to refuse to continue, suspend or revoke the insurer's certificate of authority to transact insurance in this State or to impose on the insurer a civil penalty of not more than 120 percent of the amount due, or both.]~~ **Under existing law, a person who commits grand larceny of a motor vehicle is guilty of a category C felony, unless the value of the motor vehicle involved in the grand larceny is proven to be $2,500 or more in which case the person is guilty of a category B felony. (NRS 205.228) Section 12 of this bill provides that a person who is convicted of grand larceny of a motor vehicle and who has twice previously been convicted of grand larceny of a motor vehicle must not be released on probation or granted a suspension of his sentence. For purposes of determining whether a person has twice previously been convicted of grand larceny of a motor vehicle, section 15 of this bill clarifies that offenses committed before October 1, 2007, must be included in such determination.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 481 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 to 10, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 1.5. ~~*[As used in sections 1.5 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2 and 5 of this act have the meanings ascribed to them in those sections.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~*["Authority" means the Nevada Automobile Theft Authority created by section 6 of this act.]*~~ **(Deleted by amendment.)**

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. ~~*["Fund" means the Fund for the Nevada Automobile Theft Authority created by section 9 of this act.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~*[1. The Nevada Automobile Theft Authority is hereby created within the Department. The Authority consists of the following 13 voting members:*~~

~~*(a) The Commissioner of Insurance, or his designee, who is an ex officio member;*~~

~~*(b) The Director of the Department of Public Safety, or his designee, who is an ex officio member;*~~

~~*(c) The sheriff of a county whose population is 400,000 or more, appointed by the Nevada Sheriffs' and Chiefs' Association, or a successor organization;*~~

~~*(d) The sheriff of a county whose population is 100,000 or more but less than 400,000, appointed by the Nevada Sheriffs' and Chiefs' Association, or a successor organization;*~~

~~*(e) The sheriff of a county whose population is less than 100,000, appointed by the Nevada Sheriffs' and Chiefs' Association, or a successor organization;*~~

~~*(f) The chief of police of a city whose population is 100,000 or more or the undersheriff of a metropolitan police department which includes a city whose population is 100,000 or more, appointed by the Nevada Sheriffs' and Chiefs' Association, or a successor organization;*~~

~~*(g) The chief of police of a city whose population is less than 100,000 or the undersheriff of a metropolitan police department which does not include a city whose population is 100,000 or more, appointed by the Nevada Sheriffs' and Chiefs' Association, or a successor organization;*~~

~~*(h) The district attorney of a county whose population is 400,000 or more, appointed by the governing body of the Nevada District Attorneys Association;*~~

~~*(i) The district attorney of a county whose population is less than 400,000, appointed by the governing body of the Nevada District Attorneys Association;*~~

~~*(j) Two representatives of insurers that write motor vehicle liability insurance in this State, appointed by the Governor; and*~~

~~*(k) Two representatives of the general public, appointed by the Governor.*~~

~~*2. The Director of the Department of Motor Vehicles or his designee shall serve as a nonvoting member of the Authority.*~~

~~*3. The Director of the Department of Motor Vehicles shall serve as the Chairman of the Authority for the limited purpose of calling and conducting the initial meeting of the Authority. At its initial meeting and annually thereafter the voting members of the Authority shall elect a Chairman from among the voting members.*~~

~~*4. The Authority shall meet regularly at least quarterly and may meet at other times upon the call of the Chairman or a majority of the voting members of the Authority. Any seven voting members of the Authority constitute a quorum for the purpose of voting. A majority vote of the quorum is required to take action with respect to any matter.*~~

~~*5. The Authority shall adopt rules for its own management.*~~

~~*6. After their initial terms, the appointed members of the Authority shall serve terms of 4 years. An appointed member shall continue to serve on the*~~

~~*Authority until his successor is appointed. Members may be reappointed for additional terms of 4 years in the same manner as the original appointments. Any vacancy occurring in the appointed membership of the Authority must be filled in the same manner as the original appointment. There is no limit on the number of terms that a member may serve.*~~

~~*7. Members of the Authority:*~~

~~*(a) Serve without compensation; and*~~

~~*(b) To the extent that money for the administrative expenses of the Authority is available in the Fund, while engaged in the business of the Authority, are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.*~~

~~*8. The members of the Authority who are public employees must be relieved from their duties without loss of their regular compensation to perform their duties relating to the Authority in the most timely manner practicable. The public employees may not be required to make up the time they are absent from work to fulfill their obligations as members of the Authority or take annual leave or compensatory time for the absence.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~*[An appointed member of the Authority may be removed before the expiration of his term by the Governor if the Governor determines that the member:*~~

~~*1. Did not possess the qualifications to serve on the Authority at the time he was appointed;*~~

~~*2. Has ceased to possess the qualifications to serve on the Authority;*~~

~~*3. Will be unable to perform competently his duties for a substantial part of his remaining term because of illness or disability; or*~~

~~*4. Has been absent from more than one-half of the regularly scheduled meetings of the Authority during a calendar year and the absences have not been excused by a majority vote of the Authority.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~*[1. To the extent of available existing resources, the Department shall provide:*~~

~~*(a) Administrative support;*~~

~~*(b) Equipment; and*~~

~~*(c) Office space,*~~

~~*as is necessary for the Authority to carry out its duties.*~~

~~*2. To the extent that money for the administrative expenses of the Authority is available in the Fund, the Authority may:*~~

~~*(a) Provide for any administrative support, equipment and office space that is not provided by the Department; and*~~

~~*(b) Employ such staff members as it determines necessary, including, without limitation, an Executive Director. Such staff members serve at the pleasure of the Authority. If the Authority employs an Executive Director, his salary must not exceed $75,000.*~~

~~*3. The Authority may:*~~

~~(a) Apply for and accept grants and gifts for use in carrying out its duties; and~~

~~(b) Accept donations of goods and services for use in carrying out its duties, including, without limitation, the services of natural persons, office and secretarial assistance, printing and mailing services, and office equipment, facilities and supplies.~~

~~4. The Authority shall:~~

~~(a) Determine the scope of the problem of motor vehicle theft in this State and in various political subdivisions of this State;~~

~~(b) Analyze various methods of reducing motor vehicle theft in this State;~~

~~(c) Develop and carry out a plan to reduce motor vehicle theft in this State; and~~

~~(d) Develop and carry out a plan for funding the activities of the Authority, including, without limitation, the receipt of grants and gifts for the use of the Authority.~~

~~5. The Authority may award grants of money from the Fund to public agencies for the purpose of establishing, maintaining and supporting programs that are designed to prevent motor vehicle theft in this State, including, without limitation:~~

~~(a) Financial support for law enforcement relating to, and prosecution of, motor vehicle theft, including, without limitation, equipment, work facilities and personnel for programs that are designed to increase the effectiveness of such law enforcement and prosecution.~~

~~(b) Financial support for programs that are designed to educate and assist the public in the prevention of motor vehicle theft.~~

~~6. Grants of money awarded by the Authority pursuant to subsection 5 must be used to supplement and not replace money that would otherwise be expended by the recipient of the grant for the prevention of motor vehicle theft.~~

~~7. The Authority shall, on or before December 31, 2009, and each year thereafter, submit a report concerning its activities during the immediately preceding fiscal year to the:~~

~~(a) Governor;~~

~~(b) Secretary of State;~~

~~(c) State Library and Archives Administrator; and~~

~~(d) Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission.~~

~~8. In addition to the reports required by subsection 7, the Authority shall, on or before February 15, 2011, and each odd-numbered year thereafter, submit a consolidated report concerning its activities during the immediately preceding 2 fiscal years to the Director of the Legislative Counsel Bureau for posting on the public website of the Legislature on the Internet and for transmittal to the:~~

~~(a) Speaker of the Assembly;~~

~~(b) Majority Leader of the Senate;~~

~~*(c) Legislative Commission;*~~

~~*(d) Assembly Standing Committee on Judiciary;*~~

~~*(e) Senate Standing Committee on Judiciary;*~~

~~*(f) Assembly Standing Committee on Transportation; and*~~

~~*(g) Senate Standing Committee on Transportation and Homeland Security.]*~~ **(Deleted by amendment.)**

Sec. 9. ~~*[1. The Fund for the Nevada Automobile Theft Authority is hereby created in the State Treasury.*~~

~~*2. The Authority shall administer the Fund.*~~

~~*3. All public and private money received for the use of the Authority must be deposited in the Fund.*~~

~~*4. The money in the Fund may only be used to pay the administrative expenses of the Authority and to carry out the provisions of sections 6 to 10, inclusive, of this act. Not more than 10 percent of the money in the Fund in any fiscal year may be used to pay the administrative expenses of the Authority.*~~

~~*5. The Authority shall cause an audit to be made of the Fund every 2 years. The audit must be conducted by the Audit Division of the Legislative Counsel Bureau. A copy of the audit must be submitted to the Governor and the Legislative Commission.]*~~ **(Deleted by amendment.)**

Sec. 10. ~~*[1. Each insurer shall pay a semiannual fee of 50 cents for each vehicle insured under a policy of motor vehicle liability insurance issued by the insurer in this State.*~~

~~*2. The fee for a vehicle becomes due and nonrefundable upon the acceptance by the insurer of any portion of the premium charged for the policy.*~~

~~*3. If an insurer chooses to collect the fee from its insureds, the insurer may include the fee on its billing statements for the payment of premiums and indicate the purpose of the fee.*~~

~~*4. Each insurer shall, on or before January 31 and July 31 of each year, pay to the Authority for deposit in the Fund the fees due pursuant to this section as follows:*~~

~~*(a) The payment due on or before January 31 must cover all vehicles that are insured by the insurer on October 31 of the immediately preceding calendar year.*~~

~~*(b) The payment due on or before July 31 must cover all vehicles that are insured by the insurer on April 30 of the calendar year in which the payment is due.*~~

~~*5. If an insurer fails to pay the fee required by this section on or before the date due, the Authority shall notify the Commissioner of Insurance of the nonpayment. Upon receiving notice of an insurer's failure to pay the fee, the Commissioner may, in accordance with the provisions of NRS 680A.190, refuse to continue, suspend or revoke the insurer's certificate of authority to transact insurance in this State, or impose a civil penalty of not more than 120 percent of the amount due, or both. The insurer shall pay the civil*~~

~~*penalty together with the amount of fees due to the Commissioner, who shall deposit the civil penalty and fees in the Fund.*~~

~~*6. As used in this section:*~~

~~*(a) "Insurer" has the meaning ascribed to it in NRS 679A.100.*~~

~~*(b) "Vehicle" does not include any vehicle with a declared gross weight in excess of 26,000 pounds or any combination of vehicles with a gross combination weight rating in excess of 26,000 pounds.]~~ **(Deleted by amendment.)**

Sec. 11. (Deleted by amendment.)

Sec. 12. NRS 205.228 is hereby amended to read as follows:

205.228 1. A person who intentionally steals, takes and carries away, drives away or otherwise removes a motor vehicle owned by another person commits grand larceny of a motor vehicle.

2. Except as otherwise provided in ~~[subsection 3,]~~ ***this section,*** a person who commits grand larceny of a motor vehicle is guilty of a category C felony and shall be punished as provided in NRS 193.130. ***A person who is convicted of grand larceny of a motor vehicle and who has twice previously been convicted of grand larceny of a motor vehicle must not be released on probation or granted a suspension of his sentence.***

3. If the prosecuting attorney proves that the value of the motor vehicle involved in the grand larceny is $2,500 or more, the person who committed the grand larceny of the motor vehicle is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

4. In addition to any other penalty, the court shall order the person who committed the grand larceny of the motor vehicle to pay restitution.

Sec. 13. ~~[Section 12 of this act is hereby amended to read as follows:~~

~~Sec. 12. NRS 205.228 is hereby amended to read as follows:~~

~~205.228 1. A person who intentionally steals, takes and carries away, drives away or otherwise removes a motor vehicle owned by another person commits grand larceny of a motor vehicle.~~

~~2. Except as otherwise provided in this section, a person who commits grand larceny of a motor vehicle is guilty of a category C felony and shall be punished as provided in NRS 193.130. A person who is convicted of grand larceny of a motor vehicle and who has twice previously been convicted of grand larceny of a motor vehicle must not be released on probation or granted a suspension of his sentence.~~

~~3. If the prosecuting attorney proves that the value of the motor vehicle involved in the grand larceny is $2,500 or more, the person who committed the grand larceny of the motor vehicle is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.~~

~~4. In addition to any other penalty, the court shall order the person who committed the grand larceny of the motor vehicle [to]:~~

~~*(a) To pay restitution [.] ; and*~~

~~*(b) To pay a civil penalty of $500 to the Nevada Automobile Theft Authority for deposit in the Fund for the Nevada Automobile Theft Authority created by section 9 of this act.]~~ **(Deleted by amendment.)**

Sec. 14. ~~[The members of the Nevada Automobile Theft Authority created by section 6 of this act must be appointed by their respective appointing authorities as soon as practicable after July 1, 2008, as follows:~~

~~1. The members appointed pursuant to paragraphs (c), (d) and (e) of subsection 1 of section 6 of this act must be appointed to initial terms that expire on June 30, 2012.~~

~~2. The members appointed pursuant to paragraphs (f) and (g) of subsection 1 of section 6 of this act must be appointed to initial terms that expire on June 30, 2011.~~

~~3. The members appointed pursuant to paragraphs (h) and (i) of subsection 1 of section 6 of this act must be appointed to initial terms that expire on June 30, 2010.~~

~~4. The members appointed pursuant to paragraphs (j) and (k) of subsection 1 of section 6 of this act must be appointed to initial terms that expire on June 30, 2009.]~~ **(Deleted by amendment.)**

Sec. 15. The provisions of NRS 205.228, as amended by section 12 of this act, apply to offenses committed before October 1, 2007, for the purpose of determining whether a person is subject to the provisions of subsection 2 of NRS 205.228, as amended by section 12 of this act.

Sec. 16. ~~[1. Notwithstanding the provisions of section 10 of this act:~~

~~(a) The initial fee due from an insurer pursuant to section 10 of this act:~~

~~(1) Is payable on or before July 31, 2008, and must cover all vehicles that are insured by the insurer on April 30, 2008; and~~

~~(2) Must be paid to the Commissioner of Insurance for deposit in the Fund for the Nevada Automobile Theft Authority created by section 9 of this act.~~

~~(b) The Commissioner of Insurance may take any action specified in subsection 5 of section 10 of this act if the fee is not paid on or before July 31, 2008.~~

~~2. The Director of the Department of Motor Vehicles may, on behalf of the Nevada Automobile Theft Authority, exercise all powers and duties of the Authority to the extent necessary until such time as the initial meeting of the Authority is held pursuant to section 6 of this act.]~~ **(Deleted by amendment.)**

Sec. 17. ~~[Notwithstanding any provision of law to the contrary, an insurer that is required pursuant to section 10 of this act to pay a fee for each vehicle insured under a policy of motor vehicle liability insurance issued by the insurer in this State may begin collecting the fee from its insureds under those policies on April 30, 2008.]~~ **(Deleted by amendment.)**

Sec. 18. ~~[1. This section and sections 12 and 15 of this act become effective on October 1, 2007.~~

~~2. Section 17 of this act becomes effective on January 1, 2008.~~

~~3. Sections 1 to 11, inclusive, 13, 14 and 16 of this act become effective on July 1, 2008.]~~ **(Deleted by amendment.)**

Assemblyman Oceguera moved that the Assembly do not concur in the Senate Amendment No. 1096 to Assembly Bill No. 619.

Remarks by Assemblyman Oceguera.

Motion carried.

The following Senate amendment was read:

Amendment No. 1134.

SUMMARY—Revises provisions governing the crime of grand larceny of a motor **vehicle and an offense involving a stolen** vehicle. (BDR 15-1503)

AN ACT relating to motor vehicles; revising the provisions governing the crime of grand larceny of a motor vehicle; **revising the provisions governing an offense involving a stolen vehicle;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who commits grand larceny of a motor vehicle is guilty of a category C felony, unless the value of the motor vehicle involved in the grand larceny is proven to be $2,500 or more in which case the person is guilty of a category B felony. (NRS 205.228) Section 12 of this bill provides that a person who is convicted of grand larceny of a motor vehicle and who has ~~[twice]~~ previously been convicted of grand larceny of a motor vehicle **or an attempt to commit grand larceny of a motor vehicle** must not be released on probation or granted a suspension of his sentence. For purposes of determining whether a person has ~~[twice]~~ previously been convicted of grand larceny of a motor vehicle ~~[,]~~ **or an attempt to commit grand larceny of a motor vehicle,** section 15 of this bill clarifies that offenses committed before October 1, 2007, must be included in such determination.

Under existing law, a person who commits an offense involving a stolen vehicle is guilty of a category C felony, unless the value of the stolen vehicle is $2,500 or more in which case the person is guilty of a category B felony. (NRS 205.273) Section 12.5 of this bill provides that a person who is convicted of an offense involving a stolen vehicle and who has previously been convicted of an offense involving a stolen vehicle or an attempt to commit an offense involving a stolen vehicle must not be released on probation or granted a suspension of his sentence. For purposes of determining whether a person has previously been convicted of an offense involving a stolen vehicle or an attempt to commit an offense involving a stolen vehicle, section 15 of this bill clarifies that offenses committed before October 1, 2007, must be included in such determination.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.5. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. NRS 205.228 is hereby amended to read as follows:

205.228 1. A person who intentionally steals, takes and carries away, drives away or otherwise removes a motor vehicle owned by another person commits grand larceny of a motor vehicle.

2. Except as otherwise provided in ~~[subsection 3,]~~ ***this section,*** a person who commits grand larceny of a motor vehicle is guilty of a category C felony and shall be punished as provided in NRS 193.130. ***A person who is convicted of grand larceny of a motor vehicle and who has ~~[twice]~~ previously been convicted of grand larceny of a motor vehicle or an attempt to commit grand larceny of a motor vehicle must not be released on probation or granted a suspension of his sentence.***

3. If the prosecuting attorney proves that the value of the motor vehicle involved in the grand larceny is $2,500 or more, the person who committed the grand larceny of the motor vehicle is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

4. In addition to any other penalty, the court shall order the person who committed the grand larceny of the motor vehicle to pay restitution.

Sec. 12.5. **NRS 205.273 is hereby amended to read as follows:**

205.273 1. A person commits an offense involving a stolen vehicle if the person:

(a) With the intent to procure or pass title to a motor vehicle which he knows or has reason to believe has been stolen, receives or transfers possession of the vehicle from or to another person; or

(b) Has in his possession a motor vehicle which he knows or has reason to believe has been stolen.

2. The provisions of subsection 1 do not apply to an officer of the law if the officer is engaged in the performance of his duty as an officer at the time of the receipt, transfer or possession of the stolen vehicle.

3. Except as otherwise provided in ~~[subsection 4,]~~ ***this section,*** a person who violates the provisions of subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130. ***A person who is convicted of an offense involving a stolen vehicle and who has previously been convicted of an offense involving a stolen vehicle or an attempt to commit an offense involving a stolen vehicle must not be released on probation or granted a suspension of his sentence.***

4. If the prosecuting attorney proves that the value of the vehicle involved is $2,500 or more, the person who violated the provisions of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

5. In addition to any other penalty, the court shall order the person to pay restitution.

6. For the purposes of this section, the value of a vehicle shall be deemed to be the highest value attributable to the vehicle by any reasonable standard.

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. The **amendatory** provisions of ~~[NRS 205.228, as amended by section 12 of]~~ this act ~~[,]~~ apply to offenses committed before October 1, 2007, for the purpose of determining whether a person is subject to the provisions of subsection 2 of NRS 205.228 ~~[,]~~ **or subsection 3 of NRS 205.273,** as amended by ~~[section 12 of]~~ this act.

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Assemblyman Oceguera moved that the Assembly do not concur in the Senate Amendment No. 1134 to Assembly Bill No. 619.

Remarks by Assemblyman Oceguera.

Motion carried.

Bill ordered transmitted to the Senate.

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 43, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 840 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 21, which is attached to and hereby made a part of this report.

KELVIN ATKINSON	DENNIS NOLAN
DAVID BOBZIEN	JOHN LEE
JOHN CARPENTER	
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA21.

AN ACT relating to traffic laws; prohibiting a person from organizing an unauthorized speed contest on a public highway; increasing the penalty for driving a vehicle in willful or wanton disregard of the safety of persons or property; increasing the penalty for driving a vehicle in an unauthorized speed contest on a public highway; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who drives a vehicle in willful or wanton disregard of the safety of persons or property or who drives a vehicle in an unauthorized speed contest on a public highway is guilty of a misdemeanor and may be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than $1,000, or by both fine and imprisonment. In lieu of all or a part of the punishment, the convicted person may be sentenced to perform a fixed period of community service. (NRS 193.150, 484.377) Section 3 of this bill increases the penalty for committing either offense by establishing, in addition to the possibility of imprisonment in the county jail, a minimum fine of $250 for the first offense, $1,000 for the second offense and $1,500 for the third and each subsequent offense. A person convicted of driving a vehicle in an unauthorized speed contest on a public highway is also required to perform a minimum number of hours of community service. In addition to any fine, community service and imprisonment imposed upon a person convicted of driving a vehicle in an unauthorized speed contest on a public highway, the court must issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and, for the first offense, ~~[must]~~ **may** issue an order impounding for 15 days any vehicle registered to the person convicted of such an offense if the vehicle is used in the commission of the offense. For the second and each subsequent offense, the court must issue an order impounding for 30 days any vehicle registered to the person convicted of such an offense if the vehicle is used in the commission of the offense. Section 3 also prohibits a person from organizing an unauthorized speed contest on a public highway and imposes the same penalties for such a violation as for a person who drives a vehicle in an unauthorized speed contest on a public highway.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection ~~[2]~~ *5* of NRS 484.377.

(2) A violation of NRS 484.379 that is punishable as a felony pursuant to NRS 484.3792.

(3) A violation of NRS 484.3795 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955.

➥ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume upon completion of the period of imprisonment or when the person is placed on residential confinement.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484.3775, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle accident resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484.348.

(c) For a period of 90 days, if the offense is a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484.379 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792 has been permitted to enter a program of treatment pursuant to NRS 484.37937, the Department shall reduce by one-half the period during which he is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that he was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484.3943 but who operates a motor vehicle without such a device:

(a) For 3 years, if it is his first such offense during the period of required use of the device.

(b) For 5 years, if it is his second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064 or 206.330, chapter 484 of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484.3941.

Sec. 2. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense other than a violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792, and one-half of the period during which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself or a member of his immediate family.

➥ Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if he is issued a restricted license.

2. A person who has been ordered to install a device in a motor vehicle pursuant to NRS 484.3943:

(a) Shall install the device not later than 21 days after the date on which the order was issued; and

(b) May not receive a restricted license pursuant to this section until:

(1) After at least 1 year of the period during which he is not eligible for a license, if he was convicted of:

(I) A violation of NRS 484.3795 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of

intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or

(II) A violation of NRS 484.379 that is punishable as a felony pursuant to NRS 484.3792;

(2) After at least 180 days of the period during which he is not eligible for a license, if he was convicted of a violation of subsection ~~[2]~~ *5* of NRS 484.377; or

(3) After at least 45 days of the period during which he is not eligible for a license, if he was convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792.

3. If the Department has received a copy of an order requiring a person to install a device in a motor vehicle pursuant to NRS 484.3943, the Department shall not issue a restricted driver's license to such a person pursuant to this section unless the applicant has submitted proof of compliance with the order and subsection 2.

4. After a driver's license has been revoked or suspended pursuant to title 5 of NRS, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his work, or both; or

(b) If applicable, to and from school.

5. After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his work, or both;

(b) To receive regularly scheduled medical care for himself or a member of his immediate family; or

(c) If applicable, as necessary to exercise a court-ordered right to visit a child.

6. A driver who violates a condition of a restricted license issued pursuant to subsection 1 or by another jurisdiction is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:

(a) A violation of NRS 484.379, 484.3795 or 484.384;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

➥ the driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

7. The periods of suspensions and revocations required pursuant to this chapter and NRS 484.384 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

8. Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

Sec. 3. NRS 484.377 is hereby amended to read as follows:

484.377 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property.

(b) Drive a vehicle in an unauthorized speed contest on a public highway.

(c) Organize an unauthorized speed contest on a public highway.

➥ A violation of ***paragraph (a) or (b) of*** this subsection or subsection 1 of NRS 484.348 constitutes reckless driving.

2. ***A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and:***

(a) For the first offense, shall be punished:

(1) By a fine of not less than $250 but not more than $1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than $1,000 but not more than $1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than $1,500 but not more than $2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

3. A person who violates paragraph (b) or (c) of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than $250 but not more than $1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:

(1) Shall be punished by a fine of not less than $1,000 but not more than $1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense:

(1) Shall be punished by a fine of not less than $1,500 but not more than $2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

4. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 3, the court ~~*[shall:*~~

~~*(a) Issue]*~~ *:*

(a) Shall issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order;

(c) For the first offense, may issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and

(d) For the second and each subsequent offense, shall issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.

5. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484.348, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to a person other than himself, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years ~~[, or]~~ ***and*** by a fine of not ***less than $2,000 but not*** more than $5,000 . ~~[, or by both fine and imprisonment.]~~

~~[3.]~~ *6.* A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484.3667 unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484.348.

7. As used in this section, "organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a public highway, regardless of whether a fee is charged for attending the unauthorized speed contest.

Assemblyman Atkinson moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 43.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 595.

The following Senate amendment was read:

Amendment No. 1124.

AN ACT relating to vehicles; making various changes regarding the imposition, reporting, payment, collection, refunding, administration and enforcement of certain taxes on fuels; providing for the issuance of bonds by the county fair and recreation board in certain counties to assist in the funding of highway projects in the county; allocating a portion of the proceeds of certain taxes and fees to the construction and maintenance of public highways; requiring analyses of the costs and benefits of proposals for certain highway projects; requiring annual performance measurements of and various periodic reports by the Department of Transportation; revising the provisions governing the fees charged by a short-term lessor of a passenger car; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a taxpayer is entitled to receive interest on an overpayment of taxes. (NRS 360.2935, 360A.110) Section 2 of this bill provides that no interest will be paid on an overpayment of taxes on fuels if the overpayment is made intentionally or carelessly.

Under existing law, if the Department of Motor Vehicles issues a deficiency determination against a taxpayer for underpayment of taxes on fuels, the taxpayer may file a petition for redetermination and seek an oral hearing on the petition. (NRS 360A.160, 360A.180) Section 3 of this bill changes the hearing to an administrative hearing.

Under existing law, persons licensed under chapter 365 of NRS are required to submit reports and pay excise taxes to the Department for motor vehicle and other fuels subject to that chapter. (NRS 365.170, 365.175) Section 5 of this bill imposes similar requirements on unlicensed persons who collect such excise taxes.

Existing law in chapter 366 of NRS concerning taxes on special fuels includes provisions relating to the confidentiality of records, the unlawful disclosure of information, false or fraudulent reports, and the sealing of fuel pumps. (NRS 366.160, 366.180, 366.710, 366.715) Sections 6-9 of this bill add similar provisions to chapter 365 of NRS concerning taxes on motor vehicle and other fuels.

Under existing law, licenses issued pursuant to chapter 365 of NRS for dealers, suppliers, transporters and exporters are valid until suspended, revoked or cancelled. (NRS 365.304) Section 15 of this bill limits the validity of each such license to 1 year and requires the Department to adopt regulations providing for the renewal of such licenses.

Existing law in chapter 366 of NRS concerning taxes on special fuels includes provisions governing the due date of such taxes. (NRS 366.370) Section 18 of this bill adds similar provisions to chapter 365 of NRS concerning taxes on motor vehicle and other fuels. (NRS 365.330)

Section 21 of this bill increases the power of the Department and its agents to make examinations and inspections, including the power to stop and inspect motor vehicles that are using or transporting motor vehicle and other

fuels, to determine whether all excise taxes due pursuant to chapter 365 of NRS are being properly reported and paid. (NRS 365.500)

Under existing law, persons licensed under chapter 366 of NRS are required to file tax returns and pay excise taxes to the Department for special fuels subject to that chapter. (NRS 366.380, 366.383, 366.386, 366.540) Section 26 of this bill imposes similar requirements on unlicensed persons who collect such excise taxes.

Existing law in chapter 365 of NRS concerning taxes on motor vehicle and other fuels includes provisions relating to the liability of a person for willfully failing to collect or pay excise taxes, the records that must be maintained by retailers, the payment of the costs of prosecuting violations, and the enforcement of the provisions of the chapter by county sheriffs and other peace officers. (NRS 365.351, 365.510, 365.590, 365.610) Sections 27-30 of this bill add similar provisions to chapter 366 of NRS concerning taxes on special fuel.

Under existing law, licenses issued pursuant to chapter 366 of NRS for special fuel dealers, special fuel suppliers, special fuel transporters and special fuel exporters are valid until suspended, revoked or cancelled, and licenses for special fuel users are valid for 1 year. (NRS 366.260) Section 36 of this bill limits the validity of each such license to 1 year and requires the Department to adopt regulations providing for the renewal of such licenses.

Section 46 of this bill revises the provisions in NRS 366.720 that establish various violations and penalties relating to taxes on special fuels by specifying that each day during which such a violation occurs constitutes a separate offense.

Section 46.5 of this bill requires the county fair and recreation board in a county whose population is 400,000 or more (currently Clark County) to issue, under certain conditions, bonds to assist in the funding of highway projects in that county. Section 55.3 of this bill requires annual reports by the Department of Transportation on the projects undertaken with that funding.

Existing law authorizes a county to impose an ad valorem tax for capital projects in the amount of 5 cents per $100 of the assessed valuation of the county. (NRS 354.59815) Section 47 of this bill requires the allocation of an incrementally increasing portion, which will not exceed 60 percent, of the proceeds of any such tax imposed in a county with a population of 100,000 or more (currently Clark and Washoe Counties) to the State Highway Fund for use in the construction and maintenance of the public highways in that county.

Section 47.2 of this bill requires the adoption of performance measurements for the Department of Transportation and annual reports of performance. Section 47.3 of this bill requires the Department to prepare a written analysis of the costs and benefits of each proposal for a highway project that will cost $25 million or more. Section 55.5 of this bill requires quarterly reports by the Department on the status of certain proposed highway projects.

Existing law authorizes a short-term lessor of a passenger car to impose a recovery surcharge of 4 percent of the total amount for which the car is leased. (NRS 482.313) Section 49 of this bill mandates the imposition of that fee and requires the deposit of one-quarter of the proceeds thereof into the State Highway Fund for use in the construction and maintenance of the public highways.

Existing law prescribes a maximum amount of $15 per day that a short-term lessor of vehicles may charge for a waiver of damages. (NRS 482.31565) Section 49.5 of this bill increases that amount to $22 and provides for subsequent annual increases in that amount based upon increases in the Consumer Price Index.

Existing law prescribes a maximum amount of $5 per day that a short-term lessor of vehicles may charge for more than one additional driver. (NRS 482.3158) Section 49.7 of this bill increases that amount to $10, provides for subsequent annual increases in that amount based upon increases in the Consumer Price Index and authorizes the imposition of the charge for any additional drivers.

Existing law authorizes a purchaser of motor vehicle fuel or special fuel from a supplier to apply to the Department for a permit to defer payment of the taxes to the supplier, and authorizes the supplier to deduct from his tax payments to the Department the amount of such deferred taxes. (NRS 365.326, 365.328, 366.397, 366.540) Sections 42 and 55 of this bill delete or repeal those provisions. Section 55 also repeals NRS 366.360 because its provisions are being added to NRS 366.350 by section 38 of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 360A.050 is hereby amended to read as follows:

360A.050 ~~[Except for any payments authorized pursuant to NRS 365.328, 365.340, 366.375 and 366.397, if]~~ *If* the Department grants an extension of time for paying any amount required to be paid pursuant to chapter 365, 366 or 373 of NRS or NRS 590.120 or 590.840, a person who pays the amount within the period for which the extension is granted shall pay, in addition to the amount owing, interest at the rate of 1 percent per month from the date the amount would have been due without the extension until the date of payment.

Sec. 2. NRS 360A.110 is hereby amended to read as follows:

360A.110 ~~[In]~~

1. Except as otherwise provided in subsection 2, in making a determination, the Department may offset overpayments for a period or periods, together with interest on the overpayments, against underpayments for another period or periods or against penalties and the interest on underpayments.

2. No interest is allowed on any overpayment that the Department determines has been made intentionally or by reason of careless reporting.

Sec. 3. NRS 360A.180 is hereby amended to read as follows:

360A.180 1. If a petition for redetermination is filed within the period prescribed in NRS 360A.160, the Department shall reconsider the determination and, if the person has so requested in the petition, grant the person an ~~[oral]~~ ***administrative*** hearing and give him at least 10 days' notice of the time and place of the hearing.

2. ~~[The Department may continue the]~~ ***Any*** hearing ***held pursuant to subsection 1 may be continued*** from time to time as may be necessary.

3. A petitioner aggrieved by the decision of the Department may appeal the decision by submitting a written request to the Department for an administrative hearing not more than 30 days after notice of the redetermination was made by the Department.

Sec. 4. Chapter 365 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 9, inclusive, of this act.

Sec. 5. ***Every person not licensed pursuant to this chapter who collects an excise tax shall:***

1. Not later than the last day of each calendar month, submit a statement to the Department of all such taxes collected during the preceding calendar month; and

2. In accordance with the provisions of NRS 365.330, pay the tax to the Department.

Sec. 6. ***All supporting schedules, invoices and other pertinent papers relating to the business affairs and operations of any supplier, dealer, exporter or transporter, and any information obtained by an investigation of the records and equipment of any supplier, dealer, exporter or transporter, shall be deemed confidential and must not be revealed to any person except as necessary to administer this chapter or as otherwise provided by law.***

Sec. 7. ***1. It is unlawful for the Department or any person having an administrative duty under this chapter to divulge or to make known in any manner whatever the business affairs, operations or information obtained by an investigation or examination of the records of any person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof set forth or disclosed in any report, or to permit any report or copy thereof to be seen or examined by any person except as otherwise provided in section 6 of this act and NRS 365.140.***

2. Any violation of the provisions of subsection 1 is a gross misdemeanor.

Sec. 8. ***Any person required to make, submit, sign or verify any report who makes any false or fraudulent report with intent to defeat or evade the assessment required by law to be made is guilty of a gross misdemeanor.***

Sec. 9. ***1. The Department may seal a fuel pump of a retailer or dealer, or the metered pipes and hoses of a rack of a dealer or supplier, if the retailer, dealer or supplier:***

(a) Becomes delinquent in payment of any amount due pursuant to the provisions of this chapter;

(b) Operates without the license required by the provisions of this chapter; or

(c) Operates without the bond or cash deposit required by the provisions of this chapter.

2. A fuel pump of a retailer or dealer, or the metered pipes and hoses of a rack of a dealer or supplier, may be sealed until all required reports are filed, the tax, penalties and interest are paid in full, the required license is obtained and the bond or cash deposit is provided.

3. Before sealing a fuel pump or the metered pipes and hoses of a rack, the Department must send a notice by registered or certified mail to the retailer, dealer or supplier at his last known address ordering him to appear before the Department at a time not less than 10 days after the mailing of the notice and show cause why the fuel pump or the metered pipes and hoses of the rack should not be sealed.

Sec. 10. NRS 365.092 is hereby amended to read as follows:

365.092 "Transporter" means a person, except a supplier or an exporter licensed pursuant to this chapter, who transports motor vehicle fuel or fuel for jet or turbine-powered aircraft ***by pipeline, rail or truck*** in interstate commerce to or from any point within this State, or solely within this State.

Sec. 11. NRS 365.140 is hereby amended to read as follows:

365.140 The Department ~~[shall,]~~ ***may,*** upon a request from the officials to whom is entrusted the enforcement of the motor vehicle fuel tax laws of any other state, if the other state furnishes ~~[like]~~ ***similar*** information to this State, forward any information which it may have in its possession relative to the manufacture, receipt, ***storage, delivery,*** sale, use, transportation , ~~[or]~~ shipment ***or other disposition*** by any ***supplier, dealer, exporter, transporter or other*** person of motor vehicle fuel or fuel for jet or turbine-powered aircraft.

Sec. 12. NRS 365.170 is hereby amended to read as follows:

365.170 Except as otherwise provided in NRS 365.135, every dealer shall ~~[, not]~~ *:*

1. Not later than the last day of each calendar month ~~[:~~

~~1. Render]~~ ***, submit*** to the Department a statement of all aviation fuel and fuel for jet or turbine-powered aircraft sold, distributed or used by him in this State, as well as all such fuel sold, distributed or used in this State by a purchaser thereof upon which sale, distribution or use the dealer has assumed liability for the tax thereon pursuant to NRS 365.020, during the preceding calendar month; and

2. ~~[Pay]~~ ***In accordance with the provisions of NRS 365.330, pay*** an excise tax on:

(a) All fuel for jet or turbine-powered aircraft in the amount of 1 cent per gallon, plus any applicable amount imposed pursuant to NRS 365.203; and

(b) Aviation fuel in the amount of 2 cents per gallon, plus any applicable amount imposed pursuant to NRS 365.203,

➥ so sold, distributed or used . ~~[, in the manner and within the time prescribed in this chapter.]~~

Sec. 13. NRS 365.175 is hereby amended to read as follows:

365.175 Except as otherwise provided in NRS 365.135, every supplier shall ~~[, not]~~ *:*

1. ***Not*** later than the last day of each calendar month ~~[:~~

~~1. Submit]~~ ***, submit*** to the Department a statement of all motor vehicle fuel, except aviation fuel, sold, distributed or used by him in this State ~~[;]~~ ***during the preceding calendar month;*** and

2. ~~[Pay]~~ ***In accordance with the provisions of NRS 365.330, pay*** an excise tax on all motor vehicle fuel, except aviation fuel, in the amount of 17.65 cents per gallon ***so*** sold, distributed or used . ~~[in the manner prescribed in this chapter.]~~

Sec. 14. NRS 365.290 is hereby amended to read as follows:

365.290 1. Before granting any application for a license as a dealer or supplier, the Department shall require the applicant to file with the Department a bond executed by the applicant as principal, and by a corporation qualified under the laws of this State as surety, payable to this State and conditioned upon the faithful performance of all the requirements of this chapter and upon the punctual payment of all excise taxes, penalties and other obligations of the applicant as a dealer or supplier.

2. The total amount of the bond or bonds required of any dealer or supplier must be fixed by the Department at three times the estimated maximum monthly tax, determined in such a manner as the Department deems proper, or $1,000, whichever is greater. If ~~[the Department determines that]~~ a person is habitually delinquent in the payment of amounts due pursuant to this chapter, ~~[it]~~ ***the Department*** may increase the amount of his security to not more than five times the estimated maximum monthly tax. When cash or a savings certificate, certificate of deposit or investment certificate is used, the amount required must be rounded off to the next larger integral multiple of $100, within the same upper limit.

3. The Department may increase or decrease the amount of security required by this section subject to the limitations provided in this section.

4. No recovery on any bond, ~~[nor the]~~ execution of any new bond, ~~[nor the]~~ ***or*** revocation, cancellation or suspension of any license **,** affects the validity of any bond.

5. In lieu of any bond or bonds, a dealer or supplier may deposit with the Department, under such terms and conditions as the Department may prescribe, ~~[a like]~~ ***an equivalent*** amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is unavailable for withdrawal except upon order of the Department.

6. If the amount of security required by this section is decreased pursuant to subsection 3, the Department shall immediately reinstate the original requirements for a bond for a holder of a license as a dealer or supplier upon his:

(a) Lack of faithful performance of the requirements of this chapter; or

(b) Failure to pay punctually all taxes, fees, penalties and interest due the State of Nevada.

7. For the purposes of this section, a person is "habitually delinquent" if, within any 12-month period, the person commits each of the following acts or commits either of the following acts more than once:

(a) Fails timely to file a monthly tax return, unless the Department determines that:

(1) The failure to file was caused by circumstances beyond the control of the person and occurred notwithstanding the exercise of ordinary care; and

(2) The person has paid any penalty and interest imposed by the Department because of the failure to file.

(b) Fails timely to submit to the Department any tax collected by the person pursuant to this chapter.

Sec. 15. NRS 365.304 is hereby amended to read as follows:

365.304 ***1.*** A license issued pursuant to this chapter:

~~[1.]~~ ***(a)*** Is valid ~~[until]~~ ***for 1 year, unless*** suspended, revoked or cancelled.

~~[2.]~~ ***(b)*** Is not transferable.

2. The Department shall adopt regulations providing for the renewal of such licenses.

Sec. 16. NRS 365.306 is hereby amended to read as follows:

365.306 If any person ceases to be a dealer, supplier, exporter or transporter within this State by reason of the discontinuance, sale or transfer of his business, he shall:

1. Notify the Department in writing at the time the discontinuance, sale or transfer takes effect. The notice must give the date of the discontinuance, sale or transfer, and the name and address of any purchaser or transferee.

2. Surrender to the Department the license issued to him pursuant to this chapter.

3. If he is:

(a) A dealer, file a monthly tax return and pay all taxes, interest and penalties required pursuant to chapter 360A of NRS and NRS 365.170 and 365.203 on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

(b) A supplier, file a monthly tax return and pay all taxes, interest and penalties required pursuant to chapter 360A of NRS and NRS 365.175 to 365.192, inclusive, on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

(c) An exporter, file the report required pursuant to NRS 365.515 on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

(d) A transporter, file the report required pursuant to NRS 365.520 ~~[within 25 days after the end]~~ ***on or before the last day*** of the month ***following the month*** of the discontinuance, sale or transfer of the business.

Sec. 17. NRS 365.324 is hereby amended to read as follows:

365.324 1. Except as otherwise provided in ~~[subsections 2 and 3,]~~ ***subsection 2,*** each supplier who sells or distributes motor vehicle fuel, other than aviation fuel, shall, at the time the motor vehicle fuel is distributed from a terminal, collect the taxes imposed pursuant to NRS 365.175 to 365.192, inclusive.

2. ~~[A supplier may sell motor vehicle fuel, other than aviation fuel, to a purchaser without collecting the taxes imposed pursuant to NRS 365.175 to 365.192, inclusive, if the purchaser of the motor vehicle fuel:~~

~~(a) Has been issued a permit by the Department pursuant to NRS 365.328; and~~

~~(b) Elects to defer payment of the taxes.~~

~~3.]~~ A supplier shall not collect the taxes imposed pursuant to NRS 365.175 to 365.192, inclusive, if the purchaser of the motor vehicle fuel is:

(a) A supplier; or

(b) An exporter.

3. A supplier or exporter shall not purchase motor vehicle fuel on which the tax has been paid, except that a newly licensed supplier or exporter may purchase such fuel during its first month of operation.

4. A supplier who sells motor vehicle fuel, other than aviation fuel, to any other supplier shall keep such records of the transaction as the Department may require. The Department shall adopt regulations setting forth:

(a) The records which must be kept by ~~[the dealer]~~ ***a supplier*** pursuant to this subsection; and

(b) The period for which those records must be kept . ~~[by the dealer.]~~

Sec. 18. NRS 365.330 is hereby amended to read as follows:

365.330 1. The excise taxes ~~[prescribed in]~~ ***imposed by*** this chapter ~~[must be paid on or before the last day of each calendar month to the Department.]~~ ***are due on or before the last day of the first month following the month to which they relate.***

2. If the due date falls on a Saturday, Sunday or legal holiday, the next business day is the final due date.

3. Payment shall be deemed received on the date shown by the cancellation mark stamped by the United States Postal Service or the postal service of any other country upon an envelope containing payment properly addressed to the Department.

4. The Department shall deliver the taxes to the State Treasurer, who shall provide ~~[to the dealer, supplier or user]~~ a receipt for the payment of the taxes ~~[~~.

~~2.]~~ ***to the person who made the payment.***

5. Except as otherwise provided in subsection ~~[3.]~~ ***6:***

(a) From the tax found to be due upon any statement submitted by a dealer pursuant to NRS 365.170, the dealer may retain an amount equal to 2 percent of the amount of the tax collected to cover the dealer's costs of collection of the tax and of compliance with this chapter, and the dealer's handling losses occasioned by evaporation, spillage or other similar causes.

(b) Each supplier may retain an amount equal to 2 percent of the amount of the tax collected by the supplier to cover the supplier's costs of collection of the tax and of compliance with this chapter, and the supplier's handling losses occasioned by evaporation, spillage or other similar causes.

~~[3.]~~ ***6.*** A dealer or supplier who fails to submit a tax return when due pursuant to this chapter or fails to pay the tax when due pursuant to this chapter is not entitled to retain any of the amount authorized pursuant to subsection ~~[2]~~ ***5*** for any month for which a tax return is not filed when due or a payment is not made when due.

~~[4.]~~ *7.* If the Department determines that a dealer or supplier ***, or any unlicensed person who collects an excise tax,*** has failed to submit a tax return when due pursuant to this chapter or failed to pay the tax when due pursuant to this chapter, the Department may order the dealer ***,*** ~~[or]~~ supplier ***or unlicensed person*** to hold the amount of all taxes collected pursuant to this chapter in a separate account in trust for the State. The dealer ***,*** ~~[or]~~ supplier ***or unlicensed person*** shall comply with the order immediately upon receiving notification of the order from the Department.

Sec. 19. NRS 365.340 is hereby amended to read as follows:

365.340 1. If the amount of any excise tax for any month is not paid to the State on or before the ~~[last day of the next month,]~~ ***date due,*** it becomes delinquent at the close of business on that day. ~~[A dealer, supplier or user may have up to 15 additional days to make the payment if he makes written application to the Department on or before the day the payment is due and the Department finds good cause for the extension.]~~

2. The proceeds from any penalty levied for the delinquent payment of an excise tax must be deposited with the State Treasurer to the credit of the State Highway Fund.

Sec. 20. NRS 365.370 is hereby amended to read as follows:

365.370 Any person who exports any motor vehicle fuel or fuel for jet or turbine-powered aircraft from this State, or who sells any such fuel to the United States Government for official use of the United States Armed Forces, or who buys and uses any such fuel for purposes other than for the propulsion of motor vehicles or jet or turbine-powered aircraft, and who has paid any tax on such fuel levied or directed to be paid as provided by this chapter, either directly by the collection of the tax by the vendor from the customer or

indirectly by the addition of the amount of the tax to the price of the fuel, must be reimbursed and repaid the amount of the tax so paid by him , except as follows:

1. ~~[Refund claims]~~ ***Claims for refunds*** must be paid by prescribed classes in accordance with the ~~[department's regulations.]~~ ***regulations of the Department.***

2. The minimum claim for ***a*** refund must be based on at least 200 gallons ***of such fuel*** purchased ~~[and used]~~ in ***this State within*** a 6-month period ~~[.]~~ ***which is used for a purpose that is exempt from payment of the excise taxes imposed by this chapter.***

3. No refund of motor vehicle fuel taxes may be made for off-highway use of motor vehicle fuel consumed in watercraft in this State for recreational purposes.

4. A person who exports, sells, buys or uses aviation fuel for any purpose is not entitled to reimbursement of any tax paid by him on such fuel.

Sec. 21. NRS 365.500 is hereby amended to read as follows:

365.500 1. Every dealer, supplier, exporter and transporter shall cause to be kept a true record, in such form as may be prescribed or approved by the Department, of all stocks of motor vehicle fuel and fuel for jet or turbine-powered aircraft and of other inflammable or combustible liquids, and of all manufacture, refining, compounding, blending, purchases, receipts, exportations, transportations, use, sales and distribution thereof.

2. The ***Department or its authorized agents may:***

(a) Examine the books, records, papers and equipment of any dealer, supplier, exporter or transporter of such fuel or liquids, or of any other person transporting or storing such fuel or liquids;

(b) Investigate the character of the disposition which any person makes of such fuel or liquids; and

(c) Stop and inspect a motor vehicle that is using or transporting such fuel or liquids,

➥ to determine whether all excise taxes due pursuant to this chapter are being properly reported and paid.

3. Books and records ~~[are subject to inspection at all times within business hours by the Department or its authorized agents, and]~~ ***subject to examination pursuant to subsection 2*** must remain available for ~~[inspection]~~ ***examination*** for a period of 4 years after the date of any entry therein.

~~[3.]~~ *4.* If a dealer, supplier, exporter or transporter wishes to keep proper books and records pertaining to business done in Nevada elsewhere than within the State of Nevada for inspection as provided in this section, he must pay a fee for the examination in an amount per day equal to the amount set by law for out-of-state travel for each day or fraction thereof during which the examiner is actually engaged in examining those books and records, plus the actual expenses of the examiner during the time that the examiner is absent from this State for the purpose of making the examination, but the time must not exceed 1 day going to and 1 day coming from the place where

the examination is to be made in addition to the number of days or fractions thereof the examiner is actually engaged in auditing those books and records. Not more than two such examinations may be charged against any dealer, supplier, exporter or transporter in any year.

~~[4.]~~ ***5.*** Any money received must be deposited by the Department to the credit of the fund or operating account from which the expenditures for the examination were paid.

~~[5.]~~ ***6.*** Upon the demand of the Department, each dealer, supplier, exporter or transporter shall furnish a statement showing the contents of the ***books and*** records to such extent and in such detail and form as the Department may require.

Sec. 22. NRS 365.520 is hereby amended to read as follows:

365.520 1. Every transporter, except a dealer licensed under this chapter or a wholesale distributor transporting the products of a dealer licensed under this chapter, who transports motor vehicle fuel or fuel for jet or turbine-powered aircraft in interstate commerce to or from any point within this State, or solely within this State, shall report all ~~[of]~~ those deliveries to the Department.

2. A report must be made for each calendar month and must be filed ~~[within 25 days after the end of the month for which the report is made.]~~ ***not later than the last day of each month for the deliveries made during the preceding month.*** The report must show:

(a) The name and address of every consignor and consignee and of every person other than the designated consignee to whom delivery has actually been made.

(b) The date of every delivery.

(c) The amount of every delivery in gallons.

(d) Such other information as the Department may require.

Sec. 23. NRS 365.545 is hereby amended to read as follows:

365.545 1. The proceeds of all taxes on fuel for jet or turbine-powered aircraft imposed pursuant to the provisions of NRS 365.170 or 365.203 must be deposited in the Account for Taxes on Fuel for Jet or Turbine-Powered Aircraft in the State General Fund and must be allocated monthly by the Department to the:

(a) Governmental entity which operates the airport at which the tax was collected, if the airport is operated by a governmental entity;

(b) Governmental entity which owns the airport at which the tax was collected, if the airport is owned but not operated by a governmental entity; or

(c) County in which is located the airport at which the tax was collected, if the airport is neither owned nor operated by a governmental entity.

2. Except as otherwise provided in subsection 3, the money allocated pursuant to subsection 1:

(a) Must be used by the governmental entity receiving it to pay the cost of:

(1) Transportation projects related to airports, including access on the ground to airports;

(2) The payment of principal and interest on notes, bonds or other obligations incurred to fund projects described in subparagraph (1);

(3) Promoting the use of an airport located in a county whose population is less than 400,000, including, without limitation, increasing the number and availability of flights at the airport;

(4) Contributing money to the Trust Fund for Aviation created by NRS 494.048; or

(5) Any combination of those purposes; and

(b) May also be pledged for the payment of general or special obligations issued to fund projects described in paragraph (a). Any money pledged pursuant to this paragraph may be treated as pledged revenues of the project for the purposes of subsection 3 of NRS 350.020.

3. Any money allocated pursuant to subsection 1 to a county whose population is 400,000 or more and in which a regional transportation commission has been created pursuant to chapter 373 of NRS, from the proceeds of the tax imposed pursuant to ~~[subparagraph (1) of paragraph (b) of subsection 1]~~ ***paragraph (a) of subsection 2*** of NRS 365.170 on fuel for jet or turbine-powered aircraft sold, distributed or used in that county, excluding the proceeds of any tax imposed pursuant to NRS 365.203, may, in addition to the uses authorized pursuant to subsection 2, be allocated by the county to that regional transportation commission. The money allocated pursuant to this subsection to a regional transportation commission:

(a) Must be used by the regional transportation commission:

(1) To pay the cost of transportation projects described in a regional plan for transportation established by that regional transportation commission pursuant to NRS 373.1161;

(2) For the payment of principal and interest on notes, bonds or other obligations incurred to fund projects described in subparagraph (1); or

(3) For any combination of those purposes; and

(b) May also be pledged for the payment of general or special obligations issued by the county at the request of the regional transportation commission to fund projects described in paragraph (a). Any money pledged pursuant to this paragraph may be treated as pledged revenues of the project for the purposes of subsection 3 of NRS 350.020.

Sec. 24. NRS 365.575 is hereby amended to read as follows:

365.575 An exporter shall not sell or distribute motor vehicle fuel ~~[, other than aviation fuel,]~~ in this State. An exporter who violates the provisions of this section:

1. Is guilty of a misdemeanor; and

2. Shall, within the period prescribed in NRS ~~[365.175,]~~ ***365.330,*** pay to the Department the taxes imposed pursuant to NRS 365.175 to 365.192, inclusive, on all motor vehicle fuel ~~[, other than aviation fuel,]~~ sold or distributed in this State.

Sec. 25. Chapter 366 of NRS is hereby amended by adding thereto the provisions set forth as sections 26 to 30, inclusive, of this act.

Sec. 26. ***Every person not licensed pursuant to this chapter who collects an excise tax shall, not later than the last day of each calendar month, file with the Department a tax return upon which is reported all such taxes collected during the preceding calendar month and, in accordance with the provisions of NRS 366.370, pay the tax to the Department.***

Sec. 27. ***1. A responsible person who willfully fails to collect or pay to the Department the tax imposed by this chapter or who willfully attempts to evade the payment of the tax is jointly and severally liable with the special fuel dealer or special fuel supplier for the tax owed, plus interest and all applicable penalties. The responsible person shall pay the tax upon notice from the Department that it is due.***

2. As used in this section, "responsible person" includes:

(a) An officer or employee of a corporation; and

(b) A member or employee of a partnership or limited-liability company, whose job or duty it is to collect, account for or pay to the Department the tax imposed by this chapter.

Sec. 28. ***1. Every retailer shall maintain and keep within the State for a period of 4 years a true record of special fuel received, the price thereof and the name of the person who supplied the special fuel, together with delivery tickets, invoices and such other records as the Department may require.***

2. Such records are subject to inspection by the Department or its authorized agents at all times during business hours.

Sec. 29. ***The Department is authorized to have paid out of the State Highway Fund all expenses incurred in the prosecution before any court of this State of any person charged with the violation of any provision of this chapter.***

Sec. 30. ***County sheriffs and all other peace officers and traffic officers of this State shall, without further compensation, assist in the enforcement of this chapter, and make arrests for that purpose when requested by the Department or its duly authorized agents.***

Sec. 31. NRS 366.075 is hereby amended to read as follows:

366.075 "Special fuel transporter" means a person, except a special fuel supplier or special fuel exporter licensed pursuant to this chapter, who transports special fuel in interstate commerce ***by pipeline, rail or truck*** to or from any point within this State, or solely within this State.

Sec. 32. NRS 366.140 is hereby amended to read as follows:

366.140 1. Every special fuel supplier, special fuel dealer, special fuel exporter, special fuel transporter, special fuel user and retailer, and every other person transporting or storing special fuel in this State shall keep such records, receipts, invoices and other pertinent papers with respect thereto as the Department requires.

2. The records, receipts, invoices and other pertinent papers described in subsection 1 must be preserved for 4 years after the date on which the record, receipt, invoice or other pertinent paper was created or generated.

3. The records, receipts, invoices and other pertinent papers must be available at all times during business hours to the Department or its authorized agents.

4. In addition to any other penalty that may be imposed, any violation of the provisions of this section constitutes grounds for the Department to deny any future application for a license pursuant to this chapter that is submitted by a person who is determined to be responsible for the violation.

Sec. 33. NRS 366.207 is hereby amended to read as follows:

366.207 1. Except as otherwise provided in ~~[subsections 2 and 3,]~~ ***subsection 2,*** each special fuel supplier who sells or distributes special fuel to which dye has not been added shall, at the time the special fuel is purchased, collect the tax imposed pursuant to NRS 366.190.

2. ~~[A special fuel supplier may sell special fuel to a purchaser without collecting the tax imposed pursuant to NRS 366.190 if the purchaser of the special fuel:~~

~~(a) Has been issued a permit by the Department pursuant to NRS 366.397; and~~

~~(b) Elects to defer payment of the tax.~~

~~3.]~~ A special fuel supplier shall not collect the tax imposed pursuant to NRS 366.190 if the purchaser of the special fuel is:

(a) A special fuel supplier;

(b) A special fuel exporter; or

(c) A special fuel dealer.

3. A special fuel supplier or special fuel exporter shall not purchase special fuel on which the tax imposed pursuant to NRS 366.190 has been paid, except that a newly licensed special fuel supplier or special fuel exporter may purchase such fuel during its first month of operation.

4. A special fuel supplier who sells special fuel to any other special fuel supplier ***,*** ~~[or]~~ special fuel dealer ***or special fuel exporter*** shall keep such records of the transaction as the Department may require. The Department shall adopt regulations setting forth:

(a) The records which must be kept by the special fuel supplier pursuant to this subsection; and

(b) The period for which those records must be kept by the special fuel supplier.

5. If, within a period of 6 months, a person purchases ~~[not less than]~~ 200 gallons ***or more*** of special fuel in this State which is used for a purpose that is exempt from the payment of the tax on special fuel pursuant to NRS 366.200, he may apply to the Department for a refund in the manner prescribed in subsection 6 of NRS 366.650.

6. Any person who resells, for a taxable purpose, special fuel that was exempt from the tax imposed by this chapter and to which dye has not been added shall collect the tax and remit it to the Department.

Sec. 34. NRS 366.220 is hereby amended to read as follows:

366.220 1. Except as otherwise provided in this chapter ~~[, it is unlawful for any:~~

~~(a) Special fuel supplier, special fuel dealer or special fuel user to sell or use special fuel within this State unless the special fuel supplier, special fuel dealer or special fuel user is the holder of a special fuel supplier's, special fuel dealer's or special fuel user's license issued to him by the Department.~~

~~(b) Person to be a:~~

~~(1) Special fuel exporter unless the person is the holder of a special fuel exporter's license issued to him by the Department.~~

~~(2) Special fuel transporter unless the person is the holder of a special fuel transporter's license issued to him by the Department.~~

~~(c) Retailer or other person to sell or distribute dyed special fuel unless the retailer or person controls the access to the dyed special fuel.]~~ *:*

(a) Before becoming a special fuel dealer, special fuel supplier, special fuel exporter, special fuel transporter or special fuel user, a person must apply to the Department, on forms to be prescribed by the Department, for a license authorizing the applicant to engage in business as a special fuel dealer, special fuel supplier, special fuel exporter or special fuel transporter, or to operate as a special fuel user.

(b) It is unlawful for any person to be:

(1) A special fuel dealer without holding a license as a special fuel dealer pursuant to this chapter.

(2) A special fuel supplier without holding a license as a special fuel supplier pursuant to this chapter.

(3) A special fuel exporter without holding a license as a special fuel exporter pursuant to this chapter.

(4) A special fuel transporter without holding a license as a special fuel transporter pursuant to this chapter.

(5) A special fuel user without holding a license as a special fuel user pursuant to this chapter.

2. The Department may adopt regulations relating to the issuance of any ~~[special fuel supplier's, special fuel dealer's, special fuel exporter's, special fuel transporter's or special fuel user's]~~ license ***pursuant to this chapter*** and the collection of fees therefor.

Sec. 35. NRS 366.235 is hereby amended to read as follows:

366.235 1. An applicant for or holder of a ***license as a*** special fuel ~~[supplier's]~~ ***supplier*** or special fuel ~~[dealer's license]~~ ***dealer*** shall provide a bond executed by him as principal, and by a corporation qualified pursuant to the laws of this State as surety, payable to the State of Nevada, and conditioned upon the faithful performance of all ~~[of]~~ the requirements of this chapter and upon the punctual payment of all excise taxes, penalties and

interest due ~~[to]~~ the State of Nevada. The total amount of the bond or bonds of any holder of ***such*** a ~~[special fuel supplier's or special fuel dealer's]~~ license must be fixed by the Department at not less than three times the estimated maximum monthly tax, determined in such a manner as the Department deems proper, but the amount must not be less than $1,000 for a special fuel supplier and must not be less than $100 for a special fuel dealer. If ~~[the Department determines that a person]~~ ***a special fuel supplier or special fuel dealer*** is habitually delinquent in the payment of amounts due ***pursuant*** **to** ***this chapter,*** the Department ~~[, it]~~ may increase the amount of his security to not more than five times the estimated maximum monthly tax. When cash or a savings certificate, certificate of deposit or investment certificate is used, the amount required must be rounded off to the next larger integral multiple of $100.

2. ***If a special fuel user is habitually delinquent in the payment of amounts due pursuant to this chapter, the Department shall require the special fuel user to provide a bond executed by him as principal, and by a corporation qualified pursuant to the laws of this State as surety, payable to the State of Nevada, and conditioned upon the faithful performance of all the requirements of this chapter and upon the punctual payment of all excise taxes, penalties and interest due the State of Nevada. The total amount of the bond must not be less than $2,500.***

3. No recovery on any bond, ~~[nor the]~~ execution of any new bond ~~[, nor the]~~ ***or*** suspension or revocation of any ***license as a*** special fuel ~~[supplier's or]~~ ***supplier,*** special fuel ~~[dealer's license]~~ ***dealer or special fuel user*** affects the validity of any bond.

~~[3.]~~ ***4.*** In lieu of a bond or bonds, an applicant for or holder of a ***license as a*** special fuel ~~[supplier's]~~ ***supplier*** or special fuel ~~[dealer's license]~~ ***dealer, or a person required to provide a bond pursuant to subsection 2,*** may deposit with the State Treasurer, under such terms as the Department may prescribe, ~~[a like]~~ ***an equivalent*** amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is unavailable for withdrawal except upon order of the Department.

~~[4.]~~ ***5.*** If the holder of a ***license as a*** special fuel ~~[supplier's]~~ ***supplier*** or special fuel ~~[dealer's license]~~ ***dealer*** is required to provide a bond of more than $5,000, the Department may reduce the requirements for the bond to not less than $5,000 upon the ~~[supplier's or dealer's]~~ faithful performance of ***the special fuel supplier or special fuel dealer of*** all the requirements of this chapter and the punctual payment of all taxes due the State of Nevada for the 3 preceding calendar years.

~~[5.]~~ ***6.*** The Department shall immediately reinstate the original requirements for a bond for a holder of a ***license as a*** special fuel ~~[supplier's]~~ ***supplier*** or special fuel ~~[dealer's license]~~ ***dealer*** upon his:

(a) Lack of faithful performance of the requirements of this chapter; or

(b) Failure to pay punctually all taxes, fees, penalties and interest due the State of Nevada.

7. For the purposes of this section, a person is "habitually delinquent" if, within any 12-month period, the person commits each of the following acts or commits either of the following acts more than once:

(a) Fails timely to file a monthly or quarterly special fuel tax return, unless the Department determines that:

(1) The failure to file was caused by circumstances beyond the control of the person and occurred notwithstanding the exercise of ordinary care; and

(2) The person has paid any penalty and interest imposed by the Department because of the failure to file.

(b) Fails timely to submit to the Department any tax collected by the person pursuant to this chapter.

Sec. 36. NRS 366.260 is hereby amended to read as follows:

366.260 1. A license issued pursuant to this chapter:

(a) ~~[Except as otherwise provided in subsection 2, is valid until]~~ ***Is valid for 1 year unless*** suspended, revoked or cancelled.

(b) Is not transferable.

2. ~~[Each special fuel user's license is valid for a calendar year unless suspended, revoked or cancelled.]~~ ***The Department shall adopt regulations providing for the renewal of such licenses.***

Sec. 37. NRS 366.270 is hereby amended to read as follows:

366.270 If any person ceases to be a special fuel supplier, special fuel dealer, special fuel exporter, special fuel transporter or special fuel user within this State by reason of the discontinuance, sale or transfer of his business, he shall:

1. Notify the Department in writing at the time the discontinuance, sale or transfer takes effect. The notice must give the date of the discontinuance, sale or transfer, and the name and address of any purchaser or transferee.

2. Surrender to the Department the license issued to him by the Department.

3. If he is:

(a) A special fuel user ~~[,]~~ ***registered under the Interstate Highway User Fee Apportionment Act,*** file the tax return required pursuant to NRS 366.380 and pay all taxes, interest and penalties required pursuant to this chapter and chapter 360A of NRS, except that both the filing and payment are due on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

(b) A special fuel supplier, file the tax return required pursuant to NRS 366.383 and pay all taxes, interest and penalties required pursuant to this chapter and chapter 360A of NRS on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

(c) A special fuel dealer, file the tax return required pursuant to NRS 366.386 and pay all taxes, interest and penalties required pursuant to

this chapter and chapter 360A of NRS, except that both the filing and payment are due on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

(d) A special fuel exporter, file the report required pursuant to NRS 366.387 on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

(e) A special fuel transporter, file the report required pursuant to NRS 366.695 ~~[within 25 days after the end]~~ ***on or before the last day*** of the month ***following the month*** of the discontinuance, sale or transfer of the business.

Sec. 38. NRS 366.350 is hereby amended to read as follows:

366.350 1. The Department may ***suspend,*** revoke ***or cancel*** the license of any special fuel dealer, special fuel supplier, special fuel exporter, special fuel transporter or special fuel user for ~~[reasonable cause, including, without limitation,]~~ refusing or neglecting to comply with the provisions of this chapter.

2. ***If a special fuel dealer or special fuel supplier becomes delinquent in the payment of excise taxes as prescribed by this chapter to the extent that his liability exceeds the total amount of bond or bonds furnished by the special fuel dealer or special fuel supplier, the Department shall suspend his license immediately.***

3. Before revoking ***or cancelling*** a license ~~[,]~~ ***issued pursuant to this chapter,*** the Department shall send a notice by registered or certified mail to the ~~[licensee]~~ ***special fuel dealer, special fuel supplier, special fuel exporter or special fuel transporter*** at his last known address . ~~[ordering him to appear before the Department at a time not less than 10 days after the mailing of the notice and]~~ ***The notice must order the special fuel dealer, special fuel supplier, special fuel exporter or special fuel transporter to*** show cause why ~~[the]~~ ***his*** license should not be revoked ~~[.]~~ ***by appearing before the Department at Carson City, Nevada, or such other place in this State as may be designated by the Department, at a time not less than 10 days after the mailing of the notice. The Department shall allow the special fuel dealer, special fuel supplier, special fuel exporter or special fuel transporter an opportunity to be heard. The Department may revoke or cancel his license after reviewing all information received.***

4. The Department shall cancel any license issued pursuant to this chapter upon the surrender of the license by the holder.

5. If a surety has lodged with the Department a written request to be released and discharged of liability, the Department shall notify the special fuel supplier or special fuel dealer who furnished the bond, and unless he files a new bond as required by the Department or makes a deposit in lieu thereof as provided in NRS 366.235, the Department shall cancel his license.

Sec. 39. NRS 366.375 is hereby amended to read as follows:

366.375 1. If the amount of any excise tax for any reporting period is not paid to the State on or before the ~~[day the payment is due pursuant to this~~

~~chapter,~~ ***date due,*** the payment becomes delinquent at the close of business on that day. ~~[A special fuel supplier, special fuel dealer or special fuel user may have up to 15 additional days to make the payment if he makes written application to the Department on or before the day the payment is due and the Department finds good cause for the extension.]~~

2. The proceeds from any penalty levied for the delinquent payment of an excise tax must be deposited with the State Treasurer to the credit of the State Highway Fund.

Sec. 40. NRS 366.380 is hereby amended to read as follows:

366.380 1. ~~[Except as otherwise provided in subsection 2, on]~~ *On* or before the last day of January, April, July and October in each year, each special fuel user ***registered under the Interstate Highway User Fee Apportionment Act*** shall file with the Department a quarterly tax return for the preceding quarter, regardless of the amount of excise tax due, on a form prescribed by the Department. ***The special fuel user shall include with the tax return payment of any excise tax due. If the due date falls on a Saturday, Sunday or legal holiday, the next business day is the final due date.***

2. ~~[A special fuel user may, upon the issuance or renewal of a special fuel license, request to file a tax return annually with the Department. If the request is approved by the Department, the special fuel user shall file with the Department a tax return for the preceding year on or before the last day of January of each year, regardless of the amount of excise tax due, on a form prescribed by the Department.~~

~~3.]~~ The return must show such information as the Department may reasonably require for the proper administration and enforcement of this chapter.

Sec. 41. NRS 366.395 is hereby amended to read as follows:

366.395 1. Any special fuel user who fails to ***file a tax return or*** pay any excise tax ~~[within the time prescribed by this chapter]~~ ***by the date due*** shall pay, in addition to ~~[the tax, a penalty]~~ ***any tax that may be due, a delinquent filing fee*** of $50 ~~[or]~~ ***and a penalty of*** 10 percent of the amount ***of tax*** owed, ~~[whichever is greater,]~~ plus interest on the amount of ~~[the]~~ ***any*** tax ***that may be due*** at the rate of 1 percent per month or fraction thereof, from the date the tax ~~[became finally]~~ ***was*** due until the date of payment.

2. A tax return ***,*** ~~[or]~~ statement ***or payment*** is considered delinquent ~~[when it has not been]~~ ***if it is not*** received by the Department ~~[by]~~ ***on or before*** the date the tax return , ~~[or]~~ statement ***or payment*** is due, as prescribed by the provisions of this chapter.

3. A tax return, statement or payment shall be deemed received on the date shown by the cancellation mark stamped by the United States Postal Service or the postal service of any country upon an envelope containing the tax return, statement or payment.

Sec. 42. NRS 366.540 is hereby amended to read as follows:

366.540 1. The tax provided for by this chapter must be paid by special fuel suppliers, special fuel dealers and special fuel users. A special fuel supplier or special fuel dealer shall pay to the Department the excise tax he collects from purchasers of special fuel with the return filed pursuant to NRS 366.383 or 366.386, respectively. The tax paid by a special fuel user must be computed by multiplying the tax rate per gallon provided in this chapter by the amount that the number of gallons of special fuel consumed by the special fuel user in the propulsion of motor vehicles on the highways of this State exceeds the number of gallons of special fuel purchases by him.

2. ~~[Except as otherwise provided in subsection 3, in computing the amount of tax on special fuel a special fuel supplier owes to the Department, the special fuel supplier may deduct from the amount due pursuant to subsection 1 any amount which is due but has not been paid by a purchaser who is authorized by the Department to defer payment of the tax pursuant to NRS 366.397. If such a deduction is claimed, the claim must identify the purchaser and the amount of taxes that he failed to pay.~~

~~3. A special fuel supplier shall not deduct from the amount he owes the Department pursuant to subsection 1 any amount which has not been paid by a person whose permit to defer the payment of the tax has been revoked pursuant to subsection 4 of NRS 366.397 if, before the special fuel was purchased, the special fuel supplier had been notified by the Department pursuant to subsection 5 of NRS 366.397 that it had revoked the purchaser's permit.~~

~~4.]~~ If the Department determines that a special fuel supplier or special fuel dealer ***, or any unlicensed person who collects an excise tax,*** has failed to submit a tax return when due pursuant to this chapter or failed to pay the tax when due pursuant to this chapter, the Department may order the special fuel supplier ***,*** ~~[or]~~ special fuel dealer ***or unlicensed person*** to hold the amount of all taxes collected pursuant to this chapter in a separate account in trust for the State. The special fuel supplier ***,*** ~~[or]~~ special fuel dealer ***or unlicensed person*** shall comply with the order immediately upon receiving notification of the order from the Department.

3. A retailer who receives or sells special fuel for which the taxes imposed pursuant to this chapter have not been paid is liable for the taxes and any applicable penalty or interest if the retailer knew or should have known that the applicable taxes on the special fuel had not been paid.

Sec. 43. NRS 366.650 is hereby amended to read as follows:

366.650 1. If illegally or through error the Department collects or receives any excise tax, penalty or interest imposed pursuant to this chapter, the excise tax, penalty or interest must be refunded to the person who paid the tax, penalty or interest. A written application for a refund, ***including, without limitation, a request for a refund that is submitted on an amended tax return,*** stating the specific grounds therefor, must be made within 12 months after the date of payment, whether or not the excise tax, penalty or interest was paid voluntarily or under protest.

2. Refunds must be made to a successor, assignee, estate or heir of the person if written application is made within the time limit.

3. Any amount determined to be refundable by the Department must be refunded or credited to any amounts then due from the special fuel supplier or special fuel dealer.

4. All amounts refunded pursuant to the provisions of this chapter must be paid from the State Highway Fund on claims presented by the Department, approved by the State Board of Examiners, and allowed and paid as other claims against the State are allowed and paid.

5. A licensed special fuel user operating interstate or off road, or both, who can prove to the satisfaction of the Department that his special fuel purchases in Nevada exceed his use of the special fuel over the highways of this State for a certain quarter must apply credit to any excise taxes, penalties or interest required by this chapter or fees, taxes, penalties or interest applicable pursuant to chapter 371, 482 or 706 of NRS and any balance may be refunded or credited to succeeding reports.

6. A person who wishes to apply for a refund of the tax on special fuel paid by him pursuant to subsection 5 of NRS 366.207 must:

(a) Submit an application for the refund on a form prescribed by the Department; and

(b) Establish to the satisfaction of the Department that within a period of 6 months he purchased not less than 200 gallons of special fuel in this State which was used for a purpose that is exempt from the tax on special fuel pursuant to NRS 366.200.

➥ The Department shall refund to an applicant who complies with the provisions of this subsection a refund in an amount equal to the tax paid by the applicant less the percentage allowed the special fuel supplier pursuant to NRS 366.390.

7. To establish the validity of any claim for a refund, the Department may, upon demand, examine the books and records of the claimant. The failure of the claimant to accede to such a demand constitutes a waiver of all rights to the refund claimed on account of the transactions questioned.

8. No refund of special fuel taxes may be made for off-highway use of special fuel consumed in watercraft in this State for recreational purposes.

Sec. 44. NRS 366.695 is hereby amended to read as follows:

366.695 1. Every special fuel transporter, except a wholesale distributor transporting the products of a special fuel supplier licensed pursuant to this chapter, who transports special fuel in interstate commerce to or from any point within this State, or solely within this State, shall report all of those deliveries to the Department.

2. A report must be made for each calendar month and must be filed ~~[within 25 days after the end of the month for which the report is made.]~~ ***not later than the last day of each month for the deliveries made during the preceding month.*** The report must show:

(a) The name and address of every consignor and consignee and of every person other than the designated consignee to whom delivery has actually been made;

(b) The date of each delivery;

(c) The number of gallons of special fuel delivered for each delivery; and

(d) Such other information as the Department may require.

Sec. 45. NRS 366.715 is hereby amended to read as follows:

366.715 1. The Department may seal a special fuel pump of a ***retailer or*** special fuel dealer , or the metered pipes and hoses of a rack ***of a special fuel dealer or special fuel supplier,*** if the ***retailer,*** special fuel dealer or special fuel supplier:

(a) Becomes delinquent in payment of any amount due pursuant to the provisions of this chapter;

(b) Operates without the license required by the provisions of this chapter; or

(c) Operates without the bond or cash deposit required by the provisions of this chapter.

2. A special fuel pump of a ***retailer or*** special fuel dealer ***,*** or the metered pipes and hoses of the rack ***of a special fuel dealer or special fuel supplier,*** may be sealed until all required reports are filed, the tax, penalties and interest are paid in full, the required license is obtained and the bond or cash deposit is provided.

3. Before sealing ~~[the]~~ ***a*** fuel pump or ***the*** metered pipes and hoses of a rack, the Department must send a notice by registered or certified mail to the ~~[licensed]~~ ***retailer,*** special fuel ~~[supplier]~~ ***dealer*** or special fuel ~~[dealer]~~ ***supplier*** at his last known address ordering him to appear before the Department at a time not less than 10 days after the mailing of the notice and show cause why the fuel pump or the metered pipes and hoses of the rack should not be sealed.

Sec. 46. NRS 366.720 is hereby amended to read as follows:

366.720 ***1.*** Any person who:

~~[1.]~~ ***(a)*** Fails or refuses to pay the tax imposed by this chapter;

~~[2.]~~ ***(b)*** Engages in business in this State as a special fuel user, special fuel exporter, special fuel dealer or special fuel supplier, or acts in this State as a special fuel transporter, without being the holder of a license to engage in that business or to act in that capacity;

~~[3.]~~ ***(c)*** Fails to make any of the reports required by this chapter;

~~[4.]~~ ***(d)*** Makes any false statement in any application, report or statement required by this chapter;

~~[5.]~~ ***(e)*** Refuses to permit the Department or any authorized agent to examine records as provided by this chapter;

~~[6.]~~ ***(f)*** Fails to keep proper records of quantities of special fuel received, produced, refined, manufactured, compounded, used or delivered in this State as required by this chapter;

~~[7.]~~ ***(g)*** Makes any false statement in connection with an application for the refund of any money or taxes provided in this chapter;

~~[8.]~~ ***(h)*** Violates the provisions of NRS 366.265;

~~[9.]~~ ***(i)*** Fails or refuses to stop his motor vehicle for an inspection to determine if all excise taxes due pursuant to the provisions of this chapter are being properly reported and paid; or

~~[10.]~~ ***(j)*** Refuses to allow the Department or an authorized agent to inspect a motor vehicle to determine whether all excise taxes due pursuant to the provisions of this chapter are being properly reported and paid,

➥ is guilty of a misdemeanor.

2. Each day or part thereof during which any person engages in business as a special fuel dealer, special fuel supplier or special fuel exporter or acts as a special fuel transporter without being the holder of a license authorizing him to engage in that business or to act in that capacity constitutes a separate offense within the meaning of this section.

Sec. 46.5. NRS 244A.637 is hereby amended to read as follows:

244A.637 1. For the acquisition of any recreational facilities authorized in NRS 244A.597 to 244A.655, inclusive, ***for the purposes described in subsection 3, or for any combination thereof,*** the county fair and recreation board, at any time or from time to time may:

(a) In the name of and on behalf of the county, issue:

(1) General obligation bonds, payable from taxes; and

(2) General obligation bonds, payable from taxes, which payment is additionally secured by a pledge of gross or net revenues derived from the operation of such recreational facilities, and, if so determined by the board, further secured by a pledge of such other gross or net revenues as may be derived from any other income-producing project of the county or from any license or other excise taxes levied for revenue by the county, or otherwise, as may be legally made available for their payment;

(b) In the name of and on behalf of the county fair and recreation board, issue revenue bonds:

(1) Payable from the net revenues to be derived from the operation of such recreational facilities;

(2) Secured by a pledge of revenues from any tax on the rental of transient lodging levied for revenue by the county or a city;

(3) Secured by any other revenue that may be legally made available for their payment; or

(4) Payable or secured by any combination of subparagraph (1), (2) or (3); and

(c) Make a contract with the United States of America, or any agency or instrumentality thereof, or any other person or agency, public or private, creating an indebtedness if a question authorizing such contract is submitted to and approved by a majority of the qualified electors of the county in the manner provided in NRS 350.020 to 350.070, inclusive. This paragraph does not apply to contracts for the prepayment of rent or other similar obligations.

2. Revenue bonds issued pursuant to this section must be authorized by resolution of the county fair and recreation board, and no further approval by any person, board or commission is required.

3. In a county whose population is 400,000 or more, the county fair and recreation board shall, at the request of the Department of Transportation, use its commercially reasonable best efforts to issue bonds as provided in subsections 1 and 2 for the purpose of providing money to the Department of Transportation to assist in paying the cost of any project in the county for which bonds are authorized to be issued pursuant to NRS 408.273.

4. Bonds may be issued for the purposes described in subsection 3 only if:

(a) The county fair and recreation board determines that the provision of money for the purposes described in subsection 3 is essential to providing access to tourists to the recreational and tourism facilities of the county, including, without limitation, the recreational facilities of the county fair and recreation board;

(b) The bonds are issued in compliance with any contractual limitations set forth in the instruments authorizing any outstanding bonds issued as provided in subsections 1 and 2; and

(c) The aggregate principal amount of bonds issued for the purposes described in subsection 3, excluding any bonds issued to refund those bonds, does not exceed the lesser of:

(1) Three hundred million dollars; or

(2) An amount which the county fair and recreation board determines can be repaid, as to all principal and interest, over a period of not more than 30 years with the expenditure of not more than $20,000,000 per year.

5. All determinations of the county fair and recreation board under this section shall be deemed to be conclusive, absent fraud or a gross abuse of discretion.

6. The issuance and payment of bonds issued pursuant to subsection 3 is hereby declared to be a use which is in fulfillment of the statutory requirements of NRS 244A.645 and of any requirements of any ordinance pursuant to which a tax is levied for the benefit of the county fair and recreation board or transferred thereto, and no such ordinance may be repealed or amended in any manner which would affect adversely the receipt and use by the county fair and recreation board of the revenues pledged to any bonds issued pursuant to this section, during the term of the bonds issued pursuant to this section or any bonds that refund those bonds.

7. Any money provided to the Department of Transportation pursuant to subsection 3 must be deposited in the State Highway Fund for administration pursuant to subsection ~~[3]~~ 7 of NRS 408.235 ~~[, except that the money must be]~~ and expended for the purposes described in subsection 3 of this section.

Sec. 47. NRS 354.59815 is hereby amended to read as follows:

354.59815 1. In addition to the allowed revenue from taxes ad valorem determined pursuant to NRS 354.59811, the board of county commissioners may levy a tax ad valorem on all taxable property in the county at a rate not to exceed 5 cents per $100 of the assessed valuation of the county.

2. ~~[The]~~ ***If a tax is levied pursuant to subsection 1 in:***

(a) A county whose population is less than 100,000, the board of county commissioners shall direct the county treasurer to distribute quarterly the proceeds of ~~[any tax levied pursuant to the provisions of subsection 1]~~ ***the tax*** among the county and the cities and towns within that county in the proportion that the supplemental city-county relief tax distribution factor of each of those local governments for the 1990-1991 Fiscal Year bears to the sum of the supplemental city-county relief tax distribution factors of all of the local governments in the county for the 1990-1991 Fiscal Year.

(b) A county whose population is 100,000 or more, the board of county commissioners shall direct the county treasurer to distribute quarterly, from the proceeds of the tax for:

(1) The fiscal year beginning on July 1, 2008:

(I) Eighty-eight percent of those proceeds among the county and the cities and towns within that county in the proportion that the supplemental city-county relief tax distribution factor of each of those local governments for the 1990-1991 Fiscal Year bears to the sum of the supplemental city-county relief tax distribution factors of all the local governments in the county for the 1990-1991 Fiscal Year; and

(II) Twelve percent of those proceeds to the State Treasurer for deposit in the State Highway Fund for administration pursuant to subsection ~~[3]~~ 7 of NRS 408.235 . ~~[, except that the money must be allocated for expenditure in the county where the tax is levied.]~~

(2) The fiscal year beginning on July 1, 2009:

(I) Seventy-six percent of those proceeds among the county and the cities and towns within that county in the proportion that the supplemental city-county relief tax distribution factor of each of those local governments for the 1990-1991 Fiscal Year bears to the sum of the supplemental city-county relief tax distribution factors of all the local governments in the county for the 1990-1991 Fiscal Year; and

(II) Twenty-four percent of those proceeds to the State Treasurer for deposit in the State Highway Fund for administration pursuant to subsection ~~[3]~~ 7 of NRS 408.235 . ~~[, except that the money must be allocated for expenditure in the county where the tax is levied.]~~

(3) The fiscal year beginning on July 1, 2010:

(I) Sixty-four percent of those proceeds among the county and the cities and towns within that county in the proportion that the supplemental city-county relief tax distribution factor of each of those local governments for the 1990-1991 Fiscal Year bears to the sum of the supplemental city-county relief tax distribution factors of all the local governments in the county for the 1990-1991 Fiscal Year; and

(II) Thirty-six percent of those proceeds to the State Treasurer for deposit in the State Highway Fund for administration pursuant to subsection ~~[3]~~ 7 of NRS 408.235. ~~[, except that the money must be allocated for expenditure in the county where the tax is levied.]~~

(4) The fiscal year beginning on July 1, 2011:

(I) Fifty-two percent of those proceeds among the county and the cities and towns within that county in the proportion that the supplemental city-county relief tax distribution factor of each of those local governments for the 1990-1991 Fiscal Year bears to the sum of the supplemental city-county relief tax distribution factors of all the local governments in the county for the 1990-1991 Fiscal Year; and

(II) Forty-eight percent of those proceeds to the State Treasurer for deposit in the State Highway Fund for administration pursuant to subsection ~~[3]~~ 7 of NRS 408.235. ~~[, except that the money must be allocated for expenditure in the county where the tax is levied.]~~

(5) Each fiscal year beginning on or after July 1, 2012:

(I) Forty percent of those proceeds among the county and the cities and towns within that county in the proportion that the supplemental city-county relief tax distribution factor of each of those local governments for the 1990-1991 Fiscal Year bears to the sum of the supplemental city-county relief tax distribution factors of all the local governments in the county for the 1990-1991 Fiscal Year; and

(II) Sixty percent of those proceeds to the State Treasurer for deposit in the State Highway Fund for administration pursuant to subsection ~~[3]~~ 7 of NRS 408.235. ~~[, except that the money must be allocated for expenditure in the county where the tax is levied.]~~

3. The board of county commissioners shall not reduce the rate of any tax levied pursuant to the provisions of subsection 1 without the approval of each of the local governments that receives a portion of the tax, except that, if a local government declines to receive its portion of the tax in a particular year the levy may be reduced by the amount that local government would have received.

Sec. 47.1. Chapter 408 of NRS is hereby amended by adding thereto the provisions set forth as sections 47.2 and 47.3 of this act.

Sec. 47.2. ***1. The Board shall adopt a plan for measuring the performance of the Department, which must include separate sets of performance measurements for each division of the Department and for the Department as a whole.***

2. The Director shall, not later than December 31 of each year:

(a) Prepare a report, based upon the relevant performance measurements adopted pursuant to subsection 1, on the level of achievement of each division of the Department and of the Department as a whole during the immediately preceding fiscal year. The report must include a discussion of:

(1) The goals and objectives of the Department, and the current status of the Department in relation to meeting those goals and objectives;

(2) Any applicable directives from the Board or Legislature since the most recent report prepared pursuant to this section;

(3) The scheduling, scope, cost and progress of any current or proposed highway projects;

(4) The sources, amount and expenditure of any funding received during the immediately preceding fiscal year;

(5) The rationale used to establish priorities for the completion of highway projects; and

(6) Any recommendations for amendments to the plan adopted pursuant to subsection 1.

(b) Submit the report to:

(1) The Board; and

(2) The Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee.

Sec. 47.3. ***1. Before the Department submits a proposal for a highway project to the Board for approval, the Department shall prepare a written analysis of the costs and benefits of the project. The analysis must state, for each highway district in which the project is proposed:***

(a) The limits of the project;

(b) The period of analysis;

(c) The discount rate used in the analysis;

(d) The initial costs of the Department for the project, including any costs for design, engineering, the acquisition of land and construction;

(e) The future costs of the Department to preserve and maintain the project, discounted to present value;

(f) Any other costs of the Department for any other construction or any mitigation associated with the project;

(g) The costs to highway users for any loss of safety, delays in the time of travel and costs for the operation of vehicles that are associated with the project;

(h) The costs of any environmental impacts, including vehicle emissions and noise, that are associated with the project; and

(i) The value of the benefits of the project, including the value of any:

(1) Savings in the time of travel;

(2) Improvements to safety; and

(3) Savings in the cost of operating vehicles.

2. The analysis required by this section:

(a) Must include a discussion of any additional increases in costs that would result from any delays in the performance of any routine maintenance scheduled under the maintenance program of the Department;

(b) May include a discussion of:

(1) The costs of the project for any other persons and governmental agencies;

(2) The value of any other social, economic or environmental benefits or costs of the project; and

(3) Any costs or benefits which may result from the use of any alternative design, construction or financing practices; and

(c) Must be prepared in a format that allows for the comparison of proposed highway projects.

3. The analysis required by this section must be made available to the Board and the public when the agenda is posted for the meeting at which the proposal will be submitted to the Board for its approval.

4. As used in this section, "highway project" means a project that is expected to increase the capacity of the state highway system and cost at least $25 million.

Sec. 47.4. NRS 408.235 is hereby amended to read as follows:

408.235 1. There is hereby created the State Highway Fund.

2. Except as otherwise provided ~~[in subsection 6 of NRS 482.180 and NRS 482.1805,]~~ ***by a specific statute,*** the proceeds from the imposition of any:

(a) License or registration fee and other charges with respect to the operation of any motor vehicle upon any public highway, city, town or county road, street, alley or highway in this State; and

(b) Excise tax on gasoline or other motor vehicle fuel,

➥ must be deposited in the State Highway Fund and must, except for ***the*** costs of administering the collection thereof, be used exclusively for ***the*** administration, construction, reconstruction, improvement and maintenance of highways as provided for in this chapter.

3. ~~*[The money deposited in the State Highway Fund pursuant to NRS 244A.637 must be maintained in a separate account. The interest and income on the money in the account, after deducting any applicable charges, must be credited to the account. Any money remaining in the account at the end of each fiscal year does not revert to the State Highway Fund but must be carried over into the next fiscal year. The money in the account:*~~

~~*(a) Must be used exclusively for the construction, reconstruction, improvement and maintenance of highways as provided for in this chapter; and*~~

~~*(b) May not be used for any costs of administration or to purchase any equipment.*~~

~~*4.]*~~ The interest and income earned on the money in the State Highway Fund, after deducting any applicable charges, must be credited to the Fund.

4. ~~*[5.]*~~ Costs of administration for the collection of the proceeds for any license or registration fees and other charges with respect to the operation of any motor vehicle must be limited to a sum not to exceed 22 percent of the total proceeds so collected.

5. ~~[6.]~~ Costs of administration for the collection of any excise tax on gasoline or other motor vehicle fuel must be limited to a sum not to exceed 1 percent of the total proceeds so collected.

6. ~~[7.]~~ All bills and charges against the State Highway Fund for administration, construction, reconstruction, improvement and maintenance of highways under the provisions of this chapter must be certified by the Director and must be presented to and examined by the State Board of Examiners. When allowed by the State Board of Examiners and upon being audited by the State Controller, the State Controller shall draw his warrant therefor upon the State Treasurer.

7. The money deposited in the State Highway Fund pursuant to NRS 244A.637 must be maintained in a separate account for the county from which the money was received. The interest and income on the money in the account, after deducting any applicable charges, must be credited to the account. Any money remaining in the account at the end of each fiscal year does not revert to the State Highway Fund but must be carried over into the next fiscal year. The money in the account:

(a) Must be used exclusively for the construction, reconstruction, improvement and maintenance of highways in that county as provided for in this chapter;

(b) Must not be used to reduce or supplant the amount or percentage of any money which would otherwise be made available from the State Highway Fund for projects in that county; and

(c) Must not be used for any costs of administration or to purchase any equipment.

Sec. 47.5. NRS 408.235 is hereby amended to read as follows:

408.235 1. There is hereby created the State Highway Fund.

2. Except as otherwise provided by a specific statute, the proceeds from the imposition of any:

(a) License or registration fee and other charges with respect to the operation of any motor vehicle upon any public highway, city, town or county road, street, alley or highway in this State; and

(b) Excise tax on gasoline or other motor vehicle fuel,

➥ must be deposited in the State Highway Fund and must, except for the costs of administering the collection thereof, be used exclusively for the administration, construction, reconstruction, improvement and maintenance of highways as provided for in this chapter.

3. ~~[The money deposited in the State Highway Fund pursuant to NRS 244A.637 *and 482.313* must be maintained in a separate account. The interest and income on the money in the account, after deducting any applicable charges, must be credited to the account. Any money remaining in the account at the end of each fiscal year does not revert to the State Highway Fund but must be carried over into the next fiscal year. The money in the account:~~

~~(a) Must be used exclusively for the construction, reconstruction, improvement and maintenance of highways as provided for in this chapter; and~~

~~(b) May not be used for any costs of administration or to purchase any equipment.~~

~~4.~~ The interest and income earned on the money in the State Highway Fund, after deducting any applicable charges, must be credited to the Fund.

~~[5.]~~ ***4.*** Costs of administration for the collection of the proceeds for any license or registration fees and other charges with respect to the operation of any motor vehicle must be limited to a sum not to exceed 22 percent of the total proceeds so collected.

~~[6.]~~ ***5.*** Costs of administration for the collection of any excise tax on gasoline or other motor vehicle fuel must be limited to a sum not to exceed 1 percent of the total proceeds so collected.

~~[7.]~~ ***6.*** All bills and charges against the State Highway Fund for administration, construction, reconstruction, improvement and maintenance of highways under the provisions of this chapter must be certified by the Director and must be presented to and examined by the State Board of Examiners. When allowed by the State Board of Examiners and upon being audited by the State Controller, the State Controller shall draw his warrant therefor upon the State Treasurer.

7. The money deposited in the State Highway Fund pursuant to NRS 244A.637 must be maintained in a separate account for the county from which the money was received. The interest and income on the money in the account, after deducting any applicable charges, must be credited to the account. Any money remaining in the account at the end of each fiscal year does not revert to the State Highway Fund but must be carried over into the next fiscal year. The money in the account:

(a) Must be used exclusively for the construction, reconstruction, improvement and maintenance of highways in that county as provided for in this chapter;

(b) Must not be used to reduce or supplant the amount or percentage of any money which would otherwise be made available from the State Highway Fund for projects in that county; and

(c) Must not be used for any costs of administration or to purchase any equipment.

8. The money deposited in the State Highway Fund pursuant to NRS 482.313 must be maintained in a separate account. The interest and income on the money in the account, after deducting any applicable charges, must be credited to the account. Any money remaining in the account at the end of each fiscal year does not revert to the State Highway Fund but must be carried over into the next fiscal year. The money in the account:

(a) Must be used exclusively for the construction, reconstruction, improvement and maintenance of highways as provided for in this chapter; and

(b) Must not be used for any costs of administration or to purchase any equipment.

Sec. 47.6. NRS 408.235 is hereby amended to read as follows:

408.235 1. There is hereby created the State Highway Fund.

2. Except as otherwise provided by a specific statute, the proceeds from the imposition of any:

(a) License or registration fee and other charges with respect to the operation of any motor vehicle upon any public highway, city, town or county road, street, alley or highway in this State; and

(b) Excise tax on gasoline or other motor vehicle fuel,

➥ must be deposited in the State Highway Fund and must, except for the costs of administering the collection thereof, be used exclusively for the administration, construction, reconstruction, improvement and maintenance of highways as provided for in this chapter.

3. ~~[The money deposited in the State Highway Fund pursuant to NRS 244A.637 ,~~ *354.59815* ~~and 482.313 must be maintained in a separate account. The interest and income on the money in the account, after deducting any applicable charges, must be credited to the account. Any money remaining in the account at the end of each fiscal year does not revert to the State Highway Fund but must be carried over into the next fiscal year. The money in the account:~~

~~(a) Must be used exclusively for the construction, reconstruction, improvement and maintenance of highways as provided for in this chapter; and~~

~~(b) May not be used for any costs of administration or to purchase any equipment.~~

~~4.]~~ The interest and income earned on the money in the State Highway Fund, after deducting any applicable charges, must be credited to the Fund.

~~[5.]~~ ***4.*** Costs of administration for the collection of the proceeds for any license or registration fees and other charges with respect to the operation of any motor vehicle must be limited to a sum not to exceed 22 percent of the total proceeds so collected.

~~[6.]~~ ***5.*** Costs of administration for the collection of any excise tax on gasoline or other motor vehicle fuel must be limited to a sum not to exceed 1 percent of the total proceeds so collected.

~~[7.]~~ ***6.*** All bills and charges against the State Highway Fund for administration, construction, reconstruction, improvement and maintenance of highways under the provisions of this chapter must be certified by the Director and must be presented to and examined by the State Board of Examiners. When allowed by the State Board of Examiners and upon being audited by the State Controller, the State Controller shall draw his warrant therefor upon the State Treasurer.

7. The money deposited in the State Highway Fund pursuant to NRS 244A.637 and 354.59815 must be maintained in a separate account for the county from which the money was received. The interest and income on the money in the account, after deducting any applicable charges, must be credited to the account. Any money remaining in the account at the end of each fiscal year does not revert to the State Highway Fund but must be carried over into the next fiscal year. The money in the account:

(a) Must be used exclusively for the construction, reconstruction, improvement and maintenance of highways in that county as provided for in this chapter;

(b) Must not be used to reduce or supplant the amount or percentage of any money which would otherwise be made available from the State Highway Fund for projects in that county; and

(c) Must not be used for any costs of administration or to purchase any equipment.

8. The money deposited in the State Highway Fund pursuant to NRS 482.313 must be maintained in a separate account. The interest and income on the money in the account, after deducting any applicable charges, must be credited to the account. Any money remaining in the account at the end of each fiscal year does not revert to the State Highway Fund but must be carried over into the next fiscal year. The money in the account:

(a) Must be used exclusively for the construction, reconstruction, improvement and maintenance of highways as provided for in this chapter; and

(b) Must not be used for any costs of administration or to purchase any equipment.

Sec. 48. (Deleted by amendment.)

Sec. 49. NRS 482.313 is hereby amended to read as follows:

482.313 1. Upon the lease of a passenger car by a short-term lessor in this State, the short-term lessor ~~[~~:

~~(a) Shall]~~ ***shall*** charge and collect from the short-term lessee:

~~[(1)]~~ ***(a)*** A governmental services fee of 6 percent of the total amount for which the passenger car was leased, excluding the items described in subsection 7; ~~[and]~~

~~[(2)]~~ ***(b)*** Any fee required pursuant to NRS 244A.810 or 244A.860; and

~~[(b) May charge and collect from the short-term lessee a]~~

(c) A recovery surcharge ~~[not to exceed]~~ ***fee of*** 4 percent of the total amount for which the passenger car was leased, excluding the items described in subsection 8, as reimbursement for vehicle licensing fees and taxes paid by the short-term lessor.

➥ The amount of ~~[any]~~ ***each*** fee charged pursuant to this subsection must be indicated in the lease agreement.

2. The fees due from a short-term lessor to the Department of Taxation pursuant to subsection 1 are due on the last day of each calendar quarter. On

or before the last day of the month following each calendar quarter, the short-term lessor shall:

(a) File with the Department of Taxation, on a form prescribed by the Department of Taxation, a report indicating the total amount of:

(1) Each of the fees collected by the short-term lessor pursuant to ~~[paragraph (a) of]~~ subsection 1 during the immediately preceding calendar quarter; ***and***

(2) ~~[Recovery surcharges, if any, collected by the short-term lessor pursuant to paragraph (b) of subsection 1 during the immediately preceding calendar quarter; and~~

~~(3)]~~ Vehicle licensing fees and taxes paid by the short-term lessor pursuant to this chapter during the immediately preceding calendar quarter.

(b) Remit to the Department of Taxation ~~[, the]~~ *:*

(1) The fees collected by the short-term lessor pursuant to ~~[paragraph]~~ ***paragraphs*** (a) ***and (b)*** of subsection 1 during the immediately preceding calendar quarter ~~[.]~~ ***; and***

(2) One-quarter of the fees collected by the short-term lessor pursuant to paragraph (c) of subsection 1 during the immediately preceding calendar quarter.

3. Except as otherwise provided in a contract made pursuant to NRS 244A.820 or 244A.870, the Department of Taxation shall deposit all money received from short-term lessors pursuant to the provisions of ~~[this section]~~ *:*

(a) Subparagraph (1) of paragraph (b) of subsection 2 with the State Treasurer for credit to the State General Fund ~~[.]~~ ***; and***

(b) Subparagraph (2) of paragraph (b) of subsection 2 with the State Treasurer for credit to the State Highway Fund for administration pursuant to subsection ~~[3]~~ 8 of NRS 408.235.

4. To ensure compliance with this section, the Department of Taxation may audit the records of a short-term lessor.

5. The provisions of this section do not limit or affect the payment of any taxes or fees imposed pursuant to the provisions of this chapter.

6. The Department of Motor Vehicles shall, upon request, provide to the Department of Taxation any information in its records relating to a short-term lessor that the Department of Taxation considers necessary to collect the fees described in subsection 1.

7. For the purposes of charging and collecting the governmental services fee described in ~~[subparagraph (1) of]~~ paragraph (a) of subsection 1, the following items must not be included in the total amount for which the passenger car was leased:

(a) The amount of ~~[any recovery surcharge]~~ ***the fees*** charged and collected pursuant to ~~[paragraph]~~ ***paragraphs*** **(b)** ***and (c)*** of subsection 1;

(b) The amount of any charge for fuel used to operate the passenger car;

(c) The amount of any fee or charge for the delivery, transportation or other handling of the passenger car;

(d) The amount of any fee or charge for insurance, including, without limitation, personal accident insurance, extended coverage or insurance coverage for personal property; ***and***

(e) The amount of any charges assessed against a short-term lessee for damages for which the short-term lessee is held responsible .

8. For the purposes of charging and collecting the recovery surcharge ***fee*** described in paragraph ~~[(b)]~~ ***(c)*** of subsection 1, the following items must not be included in the total amount for which the passenger car was leased:

(a) The amount of the fees charged and collected pursuant to ~~[paragraph]~~ ***paragraphs*** (a) ***and (b)*** of subsection 1;

(b) The amount of any charge for a collision damage waiver or a similar instrument that acts as a waiver of the short-term lessor's right to collect from the short-term lessee for any damage to the passenger car;

(c) The amount of any charge for fuel used to operate the passenger car;

(d) The amount of any fee or charge for the delivery, transportation or other handling of the passenger car;

(e) The amount of any fee or charge for insurance, including, without limitation, personal accident insurance, extended coverage or insurance coverage for personal property;

(f) The amount of any charges assessed against a short-term lessee for damages for which the short-term lessee is held responsible; and

(g) The amount of any concession fee or charge that the short-term lessor:

(1) Is required to pay to do business at an airport, if applicable; and

(2) Passes on to the short-term lessee of the passenger car.

9. The Executive Director of the Department of Taxation shall:

(a) Adopt such regulations as he determines are necessary to carry out the provisions of this section; and

(b) Upon the request of the Director of the Department of Motor Vehicles, provide to the Director of the Department of Motor Vehicles a copy of any record or report described in this section.

10. As used in this section, "vehicle licensing fees and taxes" means:

(a) The fees paid by a short-term lessor for the registration of, and the issuance of certificates of title for, the passenger cars leased by him; and

(b) The basic and supplemental governmental services taxes paid by the short-term lessor with regard to those passenger cars.

Sec. 49.5. NRS 482.31565 is hereby amended to read as follows:

482.31565 1. A short-term lessor shall not require the purchase of a waiver of damages, optional insurance or any other optional good or service as a condition for the lease of a passenger car.

2. ~~[A]~~ ***Except as otherwise provided in this subsection, a*** short-term lessor may sell a waiver of damages but shall not charge more than ~~[$15]~~ ***$22*** per full or partial rental day or 24-hour rental period, as appropriate, for the waiver. ***The monetary amount set forth in this subsection must be adjusted for each fiscal year that begins on or after July 1, 2008, by adding to that amount the product of that amount multiplied by the percentage increase***

in the Consumer Price Index West Urban for All Urban Consumers (All Items) between the calendar year ending on December 31, 2005, and the calendar year immediately preceding the fiscal year for which the adjustment is made. The Department shall, on or before March 1 of each year, publish the adjusted amount for the next fiscal year on its website or otherwise make that information available to short-term lessors.

3. A short-term lessor who disseminates an advertisement in the State of Nevada that contains a rate for the lease of a passenger car shall include in the advertisement a clearly readable statement of the charge for a waiver of damages and a statement that the waiver is optional.

4. A short-term lessor shall not engage in any unfair, deceptive or coercive conduct to induce a short-term lessee to purchase a waiver of damages, optional insurance or any other optional good or service, including, but not limited to, refusing to honor the lessee's reservation, limiting the availability of cars, requiring a deposit or debiting or blocking the lessee's credit card account for a sum equivalent to a deposit if the lessee declines to purchase a waiver, optional insurance or any other optional good or service.

Sec. 49.7. NRS 482.3158 is hereby amended to read as follows:

482.3158 1. The short-term lessor of a passenger car may impose an additional charge:

(a) Based on reasonable age criteria established by the lessor.

(b) For any item or a service provided if the short-term lessee could have avoided incurring the charge by choosing not to obtain or utilize the optional item or service.

(c) For insurance and accessories requested by the lessee.

(d) For service incident to the lessee's optional return of the car to a location other than the location where the car was leased.

(e) For refueling the car at the conclusion of the lease if the lessee did not return the car with as much fuel as was in the fuel tank at the beginning of the lease.

(f) For any authorized driver in addition to the short-term lessee ~~[and one other authorized driver]~~ but shall **not ,** ***except as otherwise provided in this paragraph,*** charge more than ~~[$5]~~ ***$10*** per full or partial 24-hour period for such an additional authorized driver. ***The monetary amount set forth in this paragraph must be adjusted for each fiscal year that begins on or after July 1, 2008, by adding to that amount the product of that amount multiplied by the percentage increase in the Consumer Price Index West Urban for All Urban Consumers (All Items) between the calendar year ending on December 31, 2005, and the calendar year immediately preceding the fiscal year for which the adjustment is made. The Department shall, on or before March 1 of each year, publish the adjusted amount for the next fiscal year on its website or otherwise make that information available to short-term lessors.***

2. A short-term lessor shall not charge a short-term lessee, as a condition of leasing a passenger car, an additional fee for:

(a) Any surcharges required for fuel.

(b) Transporting the lessee to the location where the car will be delivered to the lessee.

~~[(c) One other authorized driver.]~~

3. If a short-term lessor:

(a) Delivers a passenger car to a short-term lessee at a location other than the location where the lessor normally carries on its business, the lessor shall not charge the lessee any amount for the period before the delivery of the car.

(b) Takes possession of a passenger car from a short-term lessee at a location other than the location where the lessor normally carries on its business, the lessor shall not charge the lessee any amount for the period after the lessee notifies the lessor to take possession of the car.

Sec. 50. (Deleted by amendment.)

Sec. 51. (Deleted by amendment.)

Sec. 52. (Deleted by amendment.)

Sec. 53. (Deleted by amendment.)

Sec. 54. (Deleted by amendment.)

Sec. 55. NRS 365.326, 365.328, 366.360 and 366.397 are hereby repealed.

Sec. 55.3. The Department of Transportation shall, not later than December 31 of each year:

1. Prepare an annual report on all the projects undertaken with the money deposited in the State Highway Fund pursuant to NRS 244A.637. The report must include:

(a) For each of those projects:

(1) The amount of that funding expended on the project.

(2) The amount of any other funding expended on the project.

(3) The timeline for the completion of the project.

(4) Specific information regarding any delays in the project as a result of any variances from the Department's projections of scheduling and costs.

(5) The status of:

(I) The definition of the project.

(II) The preliminary engineering for the project.

(III) The environmental documentation for the project.

(IV) The acquisition of required rights-of-way for the project.

(V) The date of advertisement for bids on the project.

(VI) The date of operational completion of the project.

(b) The total number of those projects that have been completed and, for each completed project:

(1) Whether the project was completed early or on time.

(2) Whether the project remained within its planned scope.

(3) Whether the project was completed for less than or for the amount of its budgeted expenses.

(4) Any specific measures of transportation improvement resulting from the project.

2. Submit the annual report to:

(a) The Governor.

(b) The Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee.

Sec. 55.5. 1. The Director of the Department of Transportation shall, each calendar quarter, prepare a report to supplement the annual reports required pursuant to section 47.2 of this act, and submit the quarterly report to the Board of Directors of the Department of Transportation and the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee. The quarterly report must contain the following information with respect to the highway projects that the Blue Ribbon Task Force, as created by the Board of Directors of the Nevada Department of Transportation, identified in its report dated December 5, 2006, and any proposed super and mega highway projects:

(a) For each of those projects:

(1) The amount of funding expended on the project.

(2) The timeline for the completion of the project.

(3) Specific information regarding any delays in the project as a result of any variances from the Department's projections of scheduling and costs.

(4) The status of:

(I) The definition of the project.

(II) The preliminary engineering for the project.

(III) The environmental documentation for the project.

(IV) The acquisition of required rights-of-way for the project.

(V) The date of advertisement for bids on the project.

(VI) The date of operational completion of the project.

(b) The total number of those projects that have been completed and, for each completed project:

(1) Whether the project was completed early or on time.

(2) Whether the project remained within its planned scope.

(3) Whether the project was completed for less than or for the amount of its budgeted expenses.

(4) Any specific measures of transportation improvement resulting from the project.

2. The Director shall cause a copy of each report prepared pursuant to this section to be posted on the Internet website of the Department when the report is submitted pursuant to subsection 1.

Sec. 56. 1. This act does not require the payment of any principal or interest on any bonds described in subsection 3 of NRS 244A.637, as amended by section 46.5 of this act, before July 1, 2008.

2. The amendatory provisions of section 47 of this act must not be applied to modify, directly or indirectly, any taxes levied or revenues pledged in such a manner as to impair adversely any outstanding obligations of any county, city or town, including, without limitation, bonds, medium-term financing, letters of credit and any other financial obligation, until all such

obligations have been discharged in full or provision for their payment and redemption has been fully made.

3. The amendatory provisions of section 49 of this act do not apply to the lease of a passenger car before October 1, 2007.

Sec. 57. 1. This section and sections 1 to 46, inclusive, 49.5, 49.7, 55 and 56 of this act become effective upon passage and approval.

2. Sections 46.5, 47.1 to 47.4, inclusive, 55.3 and 55.5 of this act become effective on July 1, 2007.

3. Sections 47.5 and 49 of this act become effective on October 1, 2007.

4. Sections 47 and 47.6 of this act become effective on July 1, 2008.

5. Section 55.5 of this act expires by limitation on December 31, 2015.

TEXT OF REPEALED SECTIONS

365.326 Calculation of amount due from supplier: Deduction of amount due from purchaser who is authorized to defer payment.

1. Except as otherwise provided in subsection 2, in calculating the amount of tax on motor vehicle fuel, other than aviation fuel, a supplier owes to the Department, the supplier may deduct from the amount due pursuant to NRS 365.175 to 365.192, inclusive, any amount that is due but has not been paid by a purchaser who is authorized by the Department to defer payment of the tax pursuant to NRS 365.328. If such a deduction is claimed, the claim must identify the purchaser and the amount of the taxes that he failed to pay.

2. A supplier shall not deduct from the amount he owes the Department pursuant to subsection 1 any amount that has not been paid by a person whose permit to defer the payment of the tax has been revoked pursuant to subsection 4 of NRS 365.328 if, before the motor vehicle fuel, other than aviation fuel, was purchased, the supplier was notified by the Department pursuant to subsection 5 of NRS 365.328 that it had revoked the permit of the purchaser.

365.328 Deferral of payment by purchaser of certain motor vehicle fuel: Permit; bond; time and method of payment; failure to pay; regulations.

1. A purchaser of motor vehicle fuel, other than aviation fuel, who wishes to defer payment to the supplier of the taxes imposed pursuant to NRS 365.175 to 365.192, inclusive, until 20 days after the end of the month in which the fuel is purchased must apply for a permit to defer payment of the taxes.

2. The Department may require an applicant for a permit to defer payment of the taxes imposed pursuant to NRS 365.175 to 365.192, inclusive, to provide a bond executed by him as principal, and by a corporation qualified pursuant to the laws of this State as surety, payable to this State. The bond must indemnify the Department against any deduction claimed pursuant to NRS 365.326 by a supplier because of the failure of the principal to pay the taxes as required by this chapter.

3. If a purchaser of motor vehicle fuel, other than aviation fuel:

(a) Has been issued a permit to defer the payment of the taxes imposed pursuant to NRS 365.175 to 365.192, inclusive; and

(b) Elects to defer payment of the taxes,

➥ he shall, not later than 25 days after the end of the month in which the fuel is purchased, pay the taxes to the supplier by electronic transfer of money.

4. If a purchaser fails to make a payment to a supplier as required by this section, the Department may:

(a) Revoke the permit of the purchaser;

(b) If the purchaser was required to provide a bond pursuant to subsection 2, require the purchaser to increase the amount of the bond; or

(c) Take any other action to ensure that the taxes imposed pursuant to NRS 365.175 to 365.192, inclusive, are paid.

5. The Department shall notify each supplier in this State when it revokes a permit issued pursuant to this section.

6. The Department shall adopt regulations to carry out the provisions of this section.

7. As used in this section, "electronic transfer of money" means any transfer of money, other than a transaction initiated by a check, draft or other similar instrument, that is initiated through an electronic terminal, telephone, computer or magnetic tape to order, instruct or authorize a financial institution or person holding an account on behalf of a purchaser of motor vehicle fuel to debit an account.

366.360 Cancellation of license.

1. The Department shall cancel any license to act as a special fuel supplier, special fuel dealer, special fuel exporter, special fuel transporter or special fuel user immediately upon the surrender thereof by the holder.

2. If a surety has lodged with the Department a written request to be released and discharged of liability, the Department shall immediately notify the special fuel supplier or special fuel dealer who furnished the bond, and unless he files a new bond as required by the Department within 30 days or makes a deposit in lieu thereof as provided in NRS 366.235, the Department may cancel his license.

3. If a special fuel supplier or special fuel dealer becomes delinquent in the payment of excise taxes as prescribed by this chapter to the extent that his liability exceeds the total amount of bond furnished by him, the Department may cancel his license immediately.

366.397 Permit to defer payment of tax: Application; bond; payment of tax by electronic transfer; effect of failure to pay tax; notice of revocation; regulations.

1. A purchaser of special fuel who wishes to defer payment of the tax imposed pursuant to NRS 366.190 to the special fuel supplier until 25 days after the end of the month in which the fuel is purchased must apply for a permit to defer payment of the tax.

2. The Department may require an applicant for a permit to defer payment of the tax imposed pursuant to NRS 366.190 to provide a bond

executed by him as principal, and by a corporation qualified pursuant to the laws of this State as surety, payable to this State. The bond must indemnify the Department against any deduction claimed pursuant to subsection 2 of NRS 366.540 by a special fuel supplier because of the principal's failure to pay the tax as required by this chapter.

3. If a purchaser of special fuel:

(a) Has been issued a permit to defer the payment of the tax imposed pursuant to NRS 366.190; and

(b) Elects to defer payment of the tax,

➥ he shall, not later than 25 days after the end of the month in which the fuel is purchased, pay the tax to the special fuel supplier by electronic transfer of money.

4. If a purchaser fails to make a payment to a special fuel supplier as required by this section, the Department may:

(a) Revoke the purchaser's permit;

(b) If the purchaser was required to provide a bond pursuant to subsection 2, require the purchaser to increase the amount of the bond; or

(c) Take any other action to ensure that the tax imposed pursuant to NRS 366.190 is paid.

5. The Department shall notify each special fuel supplier in this State when it revokes a permit issued pursuant to this section.

6. The Department shall adopt regulations to carry out the provisions of this section.

7. As used in this section, "electronic transfer of money" means any transfer of money, other than a transaction initiated by a check, draft or other similar instrument, that is initiated through an electronic terminal, telephone, computer or magnetic tape to order, instruct or authorize a financial institution or person holding an account on behalf of a purchaser of special fuel to debit an account.

Assemblyman Atkinson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 595.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 591.

The following Senate amendment was read:

Amendment No. 1131.

AN ACT relating to education; revising provisions governing the sponsorship of charter schools; prescribing the circumstances under which certain charter schools are exempt from annual performance audits and are authorized to receive certain money for facilities; revising provisions regarding the membership of a governing body of a charter school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the board of trustees of a school district and the State Board of Education may sponsor charter schools. (NRS 386.515) Section 17 of this bill authorizes a college or university within the Nevada System of Higher Education to sponsor charter schools. Sections 1-14, 17-20, 25, 26 and 28 of this bill revise provisions to reflect sponsorship by a college or university.

Section 15 of this bill sets forth the requirements for a charter school that has been in operation for at least 5 years to be exempt from an annual performance audit and undergo a performance audit every 3 years and to be eligible for available money from legislative appropriation or otherwise for facilities.

Existing law requires the Department of Education and the sponsor of a charter school to provide certain assistance and information to charter schools. (NRS 386.545) Section 22 of this bill expands the services that a school district must provide if the school district sponsors a charter school.

Existing law prescribes the membership of the governing body of a charter school ~~[.]~~ **, which must consist of at least three teachers licensed to teach in this State.** (NRS 386.549) Existing regulation of the Department of Education prohibits more than one member on the governing body representing the same nonprofit organization or business. (NAC 386.345) Section 23 of this bill **authorizes a governing body to consist of at least two licensed teachers and one person who previously held a license to teach and** prohibits more than two persons who serve on the governing body from representing the same organization or business or otherwise representing the interests of the same organization or business.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed ***educational*** personnel in ~~[education in]~~ the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of each school district shall ~~[:~~

~~(a) Report]~~ ***report*** the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school.

~~[(b) For the information that is reported in an aggregated format, include the data that is applicable to]~~ ***The information for charter schools must be reported separately and must denote*** the charter schools sponsored by the school district ~~[but not the charter schools that are sponsored by the State Board.~~

~~(c) Denote separately in the report those charter schools that are located within the school district and]~~ ***, the charter schools*** sponsored by the State Board ~~[.]~~ ***and the charter schools sponsored by a college or university within the Nevada System of Higher Education.***

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations;

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school;

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following subgroups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board;

(4) A comparison of the achievement of pupils in each subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board;

(5) The percentage of pupils who were not tested;

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the subgroups identified in subparagraph (3);

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available;

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by

this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison; and

(9) For each school in the district, including, without limitation, each charter school in the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

➥ A separate reporting for a subgroup of pupils must not be made pursuant to this paragraph if the number of pupils in that subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a subgroup for that subgroup to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district.

(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school in the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(f) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school in the district.

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(h) The annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole, excluding pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) An identification of each program of remedial study, listed by subject area.

(s) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who received:

(1) A standard high school diploma.

(2) An adjusted diploma.

(3) A certificate of attendance.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school in the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(dd) Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which he is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration; and

(6) Legislative Counsel Bureau,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before August 15 of each year, the board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee; and

(5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school in the district.

9. Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.

10. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2. NRS 385.349 is hereby amended to read as follows:

385.349 1. The board of trustees of each school district shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.347 on the form prescribed by the Department pursuant to subsection 3 or an expanded form, as applicable. The summary must include, without limitation:

(a) The information set forth in subsection 1 of NRS 385.34692, reported for the school district as a whole and for each school within the school district;

(b) Information on the involvement of parents and legal guardians in the education of their children; and

(c) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.

2. The summary prepared pursuant to subsection 1 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. The Department shall, in consultation with the Bureau and the school districts, prescribe a form that contains the basic information required by subsection 1. The board of trustees of a school district may use an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

4. On or before September 7 of each year, the board of trustees of each school district shall:

(a) Submit the summary in an electronic format to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee;

(5) Bureau; and

(6) Schools within the school district.

(b) Provide for the public dissemination of the summary by posting a copy of the summary on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the summary. The board of trustees of each school district shall ensure that the parents and guardians of pupils enrolled in the school district have sufficient information concerning the availability of the summary, including, without limitation, information that describes how to access the summary on the Internet website maintained by the school district, if any. Upon the request of a parent or legal guardian, the school district shall provide the parent or legal guardian with a written copy of the summary.

5. The board of trustees of each school district shall ~~[:~~

~~(a) Report]~~ ***report*** the information required by this section for each charter school that is located within the school district, regardless of the sponsor of the charter school.

~~[(b) For the information that is reported in an aggregated format, include the data that is applicable to]~~ ***The information for charter schools must be reported separately and must denote*** the charter schools sponsored by the

school district ~~[but not the charter schools that are sponsored by the State Board.~~

~~(c) Denote separately in the report those charter schools that are located within the school district and]~~ ***, the charter schools*** sponsored by the State Board ~~[.]~~ ***and the charter schools sponsored by a college or university within the Nevada System of Higher Education.***

Sec. 3. NRS 385.3613 is hereby amended to read as follows:

385.3613 1. Except as otherwise provided in subsection 2, on or before June 15 of each year, the Department shall determine whether each public school is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361.

2. On or before June 30 of each year, the Department shall determine whether each public school that operates on a schedule other than a traditional 9-month schedule is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361.

3. The determination pursuant to subsection 1 or 2, as applicable, for a public school, including, without limitation, a charter school sponsored by the board of trustees of the school district, must be made in consultation with the board of trustees of the school district in which the public school is located. If a charter school is sponsored by the State Board ~~[.]~~ ***or a college or university within the Nevada System of Higher Education,*** the Department shall make a determination for the charter school in consultation with the State Board ~~[.]~~ ***or the institution that sponsors the charter school, as applicable.*** The determination made for each school must be based only upon the information and data for those pupils who are enrolled in the school for a full academic year. On or before June 15 or June 30 of each year, as applicable, the Department shall transmit:

(a) Except as otherwise provided in paragraph (b) ~~[.]~~ ***or (c),*** the determination made for each public school to the board of trustees of the school district in which the public school is located.

(b) To the State Board the determination made for each charter school that is sponsored by the State Board.

(c) The determination made for the charter school to the institution that sponsors the charter school if a charter school is sponsored by a college or university within the Nevada System of Higher Education.

4. Except as otherwise provided in this subsection, the Department shall determine that a public school has failed to make adequate yearly progress if any subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 does not satisfy the annual measurable objectives established by the State Board pursuant to that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the regulations adopted pursuant thereto, the State Board shall prescribe by regulation the conditions under which a school shall be deemed to have made adequate yearly progress even though a subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 did not satisfy the annual measurable objectives of the State Board.

5. In addition to the provisions of subsection 4, the Department shall determine that a public school has failed to make adequate yearly progress if:

(a) The number of pupils enrolled in the school who took the examinations administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable, is less than 95 percent of all pupils enrolled in the school who were required to take the examinations; or

(b) Except as otherwise provided in subsection 6, for each subgroup of pupils identified in paragraph (b) of subsection 1 of NRS 385.361, the number of pupils in the subgroup enrolled in the school who took the examinations administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable, is less than 95 percent of all pupils in that subgroup enrolled in the school who were required to take the examinations.

6. If the number of pupils in a particular subgroup who are enrolled in a public school is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school has failed to make adequate yearly progress pursuant to paragraph (b) of subsection 5 based solely upon that particular subgroup.

(b) The pupils in such a subgroup must be included in the overall count of pupils enrolled in the school who took the examinations.

➥ The State Board shall prescribe the mechanism for determining the number of pupils that must be in a subgroup for that subgroup to yield statistically reliable information.

7. If an irregularity in testing administration or an irregularity in testing security occurs at a school and the irregularity invalidates the test scores of pupils, those test scores must be included in the scores of pupils reported for the school, the attendance of those pupils must be counted towards the total number of pupils who took the examinations and the pupils must be included in the total number of pupils who were required to take the examinations.

8. As used in this section:

(a) "Irregularity in testing administration" has the meaning ascribed to it in NRS 389.604.

(b) "Irregularity in testing security" has the meaning ascribed to it in NRS 389.608.

Sec. 4. NRS 385.362 is hereby amended to read as follows:

385.362 1. If a public school fails to make adequate yearly progress for 1 year:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district in which the school is located shall ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto. For a charter school sponsored by the school district, the board of trustees shall provide the technical assistance to the charter school in conjunction with the governing body of the charter school.

(b) For a charter school sponsored by the State Board ~~[,]~~ ***or a college or university within the Nevada System of Higher Education,*** the Department shall ensure, in conjunction with the governing body of the charter school, that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

2. If a public school fails to make adequate yearly progress for 1 year, the principal of the school shall ensure that the plan to improve the achievement of pupils enrolled in the school is reviewed, revised and approved in accordance with NRS 385.357.

Sec. 5. NRS 385.366 is hereby amended to read as follows:

385.366 1. Based upon the information received from the Department pursuant to NRS 385.3613, the board of trustees of each school district shall, on or before July 1 of each year, issue a preliminary designation for each public school in the school district in accordance with the criteria set forth in NRS 385.3623, excluding charter schools sponsored by the State Board ~~[.]~~ ***or a college or university within the Nevada System of Higher Education.*** The board of trustees shall make preliminary designations for all charter schools that are sponsored by the board of trustees. The Department shall make preliminary designations for all charter schools that are sponsored by the State Board ~~[.]~~ ***and all charter schools sponsored by a college or university within the Nevada System of Higher Education.*** The initial designation of a school as demonstrating need for improvement must be based upon 2 consecutive years of data and information for that school.

2. Before making a final designation for a school, the board of trustees of the school district or the Department, as applicable, shall provide the school an opportunity to review the data upon which the preliminary designation is based and to present evidence in the manner set forth in 20 U.S.C. § 6316(b)(2) and the regulations adopted pursuant thereto. If the school is a public school of the school district or a charter school sponsored by the board of trustees, the board of trustees of the school district shall, in consultation with the Department, make a final determination concerning the designation for the school on August 1. If the school is a charter school sponsored by the State Board ~~[,]~~ ***or a college or university within the Nevada System of Higher Education,*** the Department shall make a final determination concerning the designation for the school on August 1.

3. On or before August 1 of each year, the Department shall provide written notice of the determinations made pursuant to NRS 385.3613 and the final designations made pursuant to this section as follows:

(a) The determinations and final designations made for all schools in this State to the:

(1) Governor;

(2) State Board;

(3) Committee; and

(4) Bureau.

(b) The determinations and final designations made for all schools within a school district to the:

(1) Superintendent of schools of the school district; and

(2) Board of trustees of the school district.

(c) The determination and final designation made for each school to the principal of the school.

Sec. 6. NRS 385.3661 is hereby amended to read as follows:

385.3661 1. If a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721 or 385.3745 do not apply, the technical assistance partnership established for the school pursuant to this section shall carry out the requirements of NRS 385.3692.

2. Except as otherwise provided in subsection 3, if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721 or 385.3745 do not apply, the board of trustees of the school district shall:

(a) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382;

(b) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto; and

(c) Establish a technical assistance partnership for the school, with the membership prescribed pursuant to NRS 385.3691.

3. If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721 or 385.3745 do not apply:

(a) The governing body of the charter school shall:

(1) Provide notice of the designation to the parents and guardians of pupils enrolled in the charter school on the form prescribed by the Department pursuant to NRS 385.382; and

(2) Establish a technical assistance partnership for the charter school, with the membership prescribed pursuant to NRS 385.3691.

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto. The provisions of this paragraph do not require the school district to pay for the technical assistance partnership established by the governing body of the charter school.

(c) For a charter school sponsored by the State Board ~~[,]~~ ***or a college or university within the Nevada System of Higher Education,*** the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

4. In addition to the requirements of subsection 2 or 3, as applicable, if a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721 or 385.3745 do not apply:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall provide school choice to the parents and guardians of pupils enrolled in the school, including, without limitation, a charter school sponsored by the school district, in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(b) For a charter school sponsored by the State Board ~~[,]~~ ***or a college or university within the Nevada System of Higher Education,*** the Department shall work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

Sec. 7. NRS 385.3691 is hereby amended to read as follows:

385.3691 1. The membership of each technical assistance partnership established by the board of trustees of a school district for a public school pursuant to NRS 385.3661:

(a) Must consist of:

(1) At least one employee of the public school for which the partnership is established; and

(2) At least one representative of the school district.

(b) May consist of other persons, as determined by the board of trustees, in accordance with the needs of the school based upon the data and information pertaining to that school.

2. The membership of each technical assistance partnership established by the governing body of a charter school:

(a) Must consist of:

(1) At least one employee of the charter school;

(2) At least one member of the governing body of the charter school;

(3) For a charter school sponsored by the board of trustees of the school district, at least one representative of the school district, appointed by the school district; ~~[and]~~

(4) For a charter school sponsored by the State Board, at least one representative of the Department, appointed by the Department ~~[.]~~ ***; and***

(5) For a charter school sponsored by a college or university within the Nevada System of Higher Education, at least one representative of that institution, appointed by the president of the institution.

(b) May consist of other persons, as determined by the governing body, in accordance with the needs of the charter school based upon the data and information pertaining to that charter school.

Sec. 8. NRS 385.3693 is hereby amended to read as follows:

385.3693 1. If a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years, the

technical assistance partnership established for the school pursuant to NRS 385.3661 shall carry out the requirements of NRS 385.3692.

2. Except as otherwise provided in subsection 3, if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years, the board of trustees of the school district shall:

(a) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382;

(b) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto; and

(c) Continue the technical assistance partnership for the school.

3. If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years:

(a) The governing body of the charter school shall:

(1) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; and

(2) Continue the technical assistance partnership for the school.

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto. The provisions of this paragraph do not require the school district to pay for the technical assistance partnership established by the governing body of the charter school.

(c) For a charter school sponsored by the State Board ~~,~~ ***or a college or university within the Nevada System of Higher Education,*** the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

Sec. 9. NRS 385.372 is hereby amended to read as follows:

385.372 1. In addition to the requirements of NRS 385.3693, if a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years for failing to make adequate yearly progress:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall:

(1) Provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(2) Except as otherwise provided in subsection 2, provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to

NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

(b) If the school is a charter school:

(1) Sponsored by the board of trustees of a school district, the board of trustees shall provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(2) Sponsored by the State Board ~~[,]~~ ***or a college or university within the Nevada System of Higher Education,*** the Department shall work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(3) Except as otherwise provided in subsection 3, the governing body of the charter school shall provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

2. The board of trustees of a school district shall grant a delay from the imposition of supplemental educational services for a school for a period not to exceed 1 year if the school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the provisions of NRS 385.3721 apply to the school as if the delay never occurred.

3. The sponsor of a charter school shall grant a delay from the imposition of supplemental educational services for the charter school for a period not to exceed 1 year if the charter school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the charter school fails to make adequate yearly progress during the period of the delay, the provisions of NRS 385.3721 apply to the charter school as if the delay never occurred.

Sec. 10. NRS 385.3721 is hereby amended to read as follows:

385.3721 1. If a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years, the support team established for the school pursuant to this section shall carry out the requirements of NRS 385.3741 and 385.3742.

2. Except as otherwise provided in subsection 3, if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years:

(a) The board of trustees of the school district shall:

(1) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; and

(2) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(b) The Department shall establish a support team for the school, with the membership prescribed pursuant to NRS 385.374.

3. If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years:

(a) The governing body of the charter school shall provide notice of the designation to the parents and guardians of pupils enrolled in the charter school on the form prescribed by the Department pursuant to NRS 385.382.

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(c) For a charter school sponsored by the State Board ~~[,]~~ ***or a college or university within the Nevada System of Higher Education,*** the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(d) The Department shall establish a support team for the school, with the membership prescribed pursuant to NRS 385.374.

Sec. 11. NRS 385.3741 is hereby amended to read as follows:

385.3741 1. Each support team established for a public school pursuant to NRS 385.3721 shall:

(a) Review and analyze the operation of the school, including, without limitation, the design and operation of the instructional program of the school.

(b) Review and analyze the data pertaining to the school upon which the report required pursuant to subsection 2 of NRS 385.347 is based and review and analyze any data that is more recent than the data upon which the report is based.

(c) Review the most recent plan to improve the achievement of the school's pupils.

(d) Identify and investigate the problems and factors at the school that contributed to the designation of the school as demonstrating need for improvement.

(e) Assist the school in developing recommendations for improving the performance of pupils who are enrolled in the school.

(f) Except as otherwise provided in this paragraph, make recommendations to the board of trustees of the school district, the State Board and the Department concerning additional assistance for the school in carrying out the plan for improvement of the school. For a charter school sponsored by the State Board, the support team shall make the recommendations to the State Board and the Department. ***For a charter school sponsored by a college or university within the Nevada System of Higher Education, the support team shall make the recommendations to the sponsor, the State Board and the Department.***

(g) In accordance with its findings pursuant to this section and NRS 385.3742, submit, on or before November 1, written revisions to the most recent plan to improve the achievement of the school's pupils for approval pursuant to NRS 385.357. The written revisions must:

(1) Comply with NRS 385.357;

(2) If the school is a Title I school, be developed in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity that created the support team, outside experts;

(3) Include the data and findings of the support team that provide support for the revisions;

(4) Set forth goals, objectives, tasks and measures for the school that are:

(I) Designed to improve the achievement of the school's pupils;

(II) Specific;

(III) Measurable; and

(IV) Conducive to reliable evaluation;

(5) Set forth a timeline to carry out the revisions;

(6) Set forth priorities for the school in carrying out the revisions; and

(7) Set forth the names and duties of each person who is responsible for carrying out the revisions.

(h) Except as otherwise provided in this paragraph, work cooperatively with the board of trustees of the school district in which the school is located, the employees of the school, and the parents and guardians of pupils enrolled in the school to carry out and monitor the plan for improvement of the school. If a charter school is sponsored by the State Board, the Department shall assist the school with carrying out and monitoring the plan for improvement of the school. ***If a charter school is sponsored by a college or university within the Nevada System of Higher Education, that institution shall assist the school with carrying out and monitoring the plan for improvement of the school.***

(i) Prepare a monthly progress report in the format prescribed by the Department and:

(1) Submit the progress report to the Department.

(2) Distribute copies of the progress report to each employee of the school for review.

(j) In addition to the requirements of this section, if the support team is established for a Title I school, carry out the requirements of 20 U.S.C. § 6317(a)(5).

2. A school support team may require the school for which the support team was established to submit plans, strategies, tasks and measures that, in the determination of the support team, will assist the school in improving the achievement and proficiency of pupils enrolled in the school.

3. The Department shall prescribe a concise monthly progress report for use by each support team in accordance with paragraph (i) of subsection 1.

Sec. 12. NRS 385.3743 is hereby amended to read as follows:

385.3743 1. In addition to the requirements of NRS 385.3721, if a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall:

(1) Provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto;

(2) Provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law; and

(3) Except as otherwise provided in subsection 2, take corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the regulations adopted pursuant thereto.

(b) If the school is a charter school:

(1) Sponsored by the board of trustees of a school district, the board of trustees shall:

(I) Provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1); and

(II) Except as otherwise provided in subsection 3, take corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the regulations adopted pursuant thereto.

(2) Sponsored by the State Board ~~[,]~~ ***or a college or university within the Nevada System of Higher Education,*** the Department shall:

(I) Work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto; and

(II) Except as otherwise provided in subsection 3, take corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the regulations adopted pursuant thereto.

(3) Regardless of the sponsor, the governing body of the charter school shall provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

2. The board of trustees of a school district shall grant a delay from the imposition of corrective action for a school for a period not to exceed 1 year if the school qualifies for a delay pursuant to 20 U.S.C. 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the provisions of NRS 385.3745 apply as if the delay never occurred.

3. The sponsor of a charter school shall grant a delay from the imposition of corrective action for the charter school for a period not to exceed 1 year if

the charter school qualifies for a delay pursuant to 20 U.S.C. 6316(b)(7)(D). If the charter school fails to make adequate yearly progress during the period of the delay, the provisions of NRS 385.3745 apply as if the delay never occurred.

Sec. 13. NRS 385.3745 is hereby amended to read as follows:

385.3745 1. If a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years, the support team established for the school pursuant to NRS 385.3721 shall carry out the requirements of NRS 385.3741, 385.3742 and 385.3744, as applicable.

2. Except as otherwise provided in subsection 3, if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years:

(a) The board of trustees of the school district shall:

(1) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; and

(2) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(b) The Department shall continue a support team for the school.

3. If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years:

(a) The governing body of the charter school shall provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382.

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(c) For a charter school sponsored by the State Board ~~[,]~~ ***or a college or university within the Nevada System of Higher Education,*** the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(d) The Department shall continue a support team for the charter school.

Sec. 14. NRS 385.3746 is hereby amended to read as follows:

385.3746 1. In addition to the requirements of NRS 385.3745, if a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall:

(1) Provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto;

(2) Provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law; and

(3) Except as otherwise provided in subsection 2, proceed with a plan for restructuring the school if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.

(b) If the school is a charter school:

(1) Sponsored by the board of trustees of a school district, the board of trustees shall:

(I) Provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1); and

(II) Except as otherwise provided in subsection 3, proceed with a plan for restructuring the school if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.

(2) Sponsored by the State Board ~~[,]~~ ***or a college or university within the Nevada System of Higher Education,*** the Department shall:

(I) Work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto; and

(II) Except as otherwise provided in subsection 3, proceed with a plan for restructuring the school if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.

(3) Regardless of the sponsor, the governing body of the charter school shall provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

2. The board of trustees of a school district shall grant a delay from the imposition of a plan for restructuring for a school for a period not to exceed 1 year if the school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay,

the board of trustees shall proceed with a plan for restructuring the school as if the delay never occurred.

3. The sponsor of a charter school shall grant a delay from the imposition of a plan for restructuring for the charter school for a period not to exceed 1 year if the charter school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the charter school fails to make adequate yearly progress during the period of the delay, the Department shall proceed with a plan for restructuring the charter school as if the delay never occurred.

4. Before the board of trustees of a school district or the Department proceeds with a plan for restructuring, the board of trustees or the Department, as applicable, shall provide to the administrators, teachers and

other educational personnel employed at that school, and parents and guardians of pupils enrolled in the school:

(a) Notice that the board of trustees or the Department, as applicable, will develop a plan for restructuring the school;

(b) An opportunity to comment before the plan to restructure is developed; and

(c) An opportunity to participate in the development of the plan to restructure.

Sec. 15. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent money is available from legislative appropriation or otherwise, a charter school may apply to the Department for money for facilities if:

(a) The charter school has been operating in this State for at least 5 consecutive years and is in good financial standing;

(b) Each financial audit and each performance audit of the charter school required by the Department contains no major notations, corrections or errors concerning the charter school for at least 5 consecutive years;

(c) The charter school has met or exceeded adequate yearly progress as determined pursuant to NRS 385.3613 or has demonstrated improvement in the achievement of pupils enrolled in the charter school, as indicated by annual measurable objectives determined by the State Board, for the majority of the years of its operation;

(d) The charter school offers instruction on a daily basis during the school week of the charter school on the campus of the charter school; and

(e) At least 75 percent of the pupils enrolled in the charter school who are required to take the high school proficiency examination have passed that examination, if the charter school enrolls pupils at a high school grade level.

2. A charter school that satisfies the requirements of subsection 1 shall submit to a performance audit as required by the Department one time every 3 years. The sponsor of the charter school and the Department shall not request a performance audit of the charter school more frequently than every 3 years without showing good cause for such a request.

3. A charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the charter school if requested by the sponsor of the charter school.

Sec. 16. NRS 386.500 is hereby amended to read as follows:

386.500 For the purposes of NRS 386.500 to 386.610, inclusive, ***and section 15 of this act*** a pupil is "at risk" if he has an economic or academic disadvantage such that he requires special services and assistance to enable him to succeed in educational programs. The term includes, without limitation, pupils who are members of economically disadvantaged families, pupils who are limited English proficient, pupils who are at risk of dropping

out of high school and pupils who do not meet minimum standards of academic proficiency. The term does not include a pupil with a disability.

Sec. 17. NRS 386.515 is hereby amended to read as follows:

386.515 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district. An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Board shall sponsor charter schools whose applications have been approved by the State Board pursuant to NRS 386.525. Except as otherwise provided by specific statute, if the State Board sponsors a charter school, the State Board or the Department is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may sponsor charter schools.

Sec. 18. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of at least three teachers, as defined in subsection 4. In addition to the teachers who serve, the committee may consist of:

(a) Members of the general public;

(b) Representatives of nonprofit organizations and businesses; or

(c) Representatives of a college or university within the Nevada System of Higher Education.

➥ A majority of the persons described in paragraphs (a), (b) and (c) who serve on the committee must be residents of this State at the time that the application to form the charter school is submitted to the Department.

2. Before a committee to form a charter school may submit an application to the board of trustees of a school district, the Subcommittee on Charter Schools , ~~[or]~~ the State Board ~~[,]~~ ***or a college or university within the Nevada System of Higher Education,*** it must submit the application to the Department. The application must include all information prescribed by the Department by regulation and:

(a) A written description of how the charter school will carry out the provisions of NRS 386.500 to 386.610, inclusive.

(b) A written description of the mission and goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(1) Improving the opportunities for pupils to learn;

(2) Encouraging the use of effective methods of teaching;

(3) Providing an accurate measurement of the educational achievement of pupils;

(4) Establishing accountability of public schools;

(5) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(6) Creating new professional opportunities for teachers.

(c) The projected enrollment of pupils in the charter school.

(d) The proposed dates of enrollment for the charter school.

(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method of selecting the persons who will govern and the term of office for each person.

(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.

(g) The proposed curriculum for the charter school and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the school district in which the charter school is located for receipt of a high school diploma.

(h) The textbooks that will be used at the charter school.

(i) The qualifications of the persons who will provide instruction at the charter school.

(j) Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.

(k) A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.

(l) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

(m) The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.3125. If the procedure is different from the procedure prescribed in NRS 391.3125, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125.

(n) The time by which certain academic or educational results will be achieved.

(o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, for which the charter school intends to operate.

3. The Department shall review an application to form a charter school to determine whether it is complete. If an application proposes to convert an existing public school, home school or other program of home study into a charter school, the Department shall deny the application. The Department shall provide written notice to the applicant of its approval or denial of the application. If the Department denies an application, the Department shall include in the written notice the reason for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

4. As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS; and

(b) Has at least 2 years of experience as an employed teacher.

➥ The term does not include a person who is employed as a substitute teacher.

Sec. 19. NRS 386.525 is hereby amended to read as follows:

386.525 1. Upon approval of an application by the Department, a committee to form a charter school may submit the application to the board of trustees of the school district in which the proposed charter school will be located ***, a college or university within the Nevada System of Higher Education*** or directly to the Subcommittee on Charter Schools. If the board of trustees of a school district ***, a college or a university, as applicable,*** receives an application to form a charter school, the board of trustees ***or the institution, as applicable,*** shall consider the application at a meeting that must be held not later than 45 days after the receipt of the application, or a period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district ~~[,]~~ ***or the institution, as applicable,*** and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees, ***the college, the university,*** the Subcommittee on Charter Schools or the State Board, as applicable, shall review an application to determine whether the application:

(a) Complies with NRS 386.500 to 386.610, inclusive, and the regulations applicable to charter schools; and

(b) Is complete in accordance with the regulations of the Department.

2. The Department shall assist the board of trustees of a school district , ***the college or the university, as applicable,*** in the review of an application. The board of trustees ***, the college or the university, as applicable,*** may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1. The board of trustees ***, the college or the university, as applicable,*** shall provide written notice to the applicant of its approval or denial of the application.

3. If the board of trustees ***, the college or the university, as applicable,*** denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted

30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

4. If the board of trustees ***, the college or the university, as applicable,*** denies an application after it has been resubmitted pursuant to subsection 3, the applicant may submit a written request for sponsorship by the State Board to the Subcommittee on Charter Schools created pursuant to NRS 386.507 not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

5. If the Subcommittee on Charter Schools receives an application pursuant to subsection 1 or 4, it shall hold a meeting to consider the application. The meeting must be held not later than 45 days after receipt of the application. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The Subcommittee shall review the application in accordance with the factors set forth in paragraphs (a) and (b) of subsection 1. The Subcommittee may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1.

6. The Subcommittee on Charter Schools shall transmit the application and the recommendation of the Subcommittee for approval or denial of the application to the State Board. Not more than 14 days after the date of the meeting of the Subcommittee pursuant to subsection 5, the State Board shall hold a meeting to consider the recommendation of the Subcommittee. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Board shall review the application in accordance with the factors set forth in paragraphs (a) and (b) of subsection 1. The State Board may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1. Not more than 30 days after the meeting, the State Board shall provide written notice of its determination to the applicant.

7. If the State Board denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

8. If the State Board denies an application after it has been resubmitted pursuant to subsection 7, the applicant may, not more than 30 days after the receipt of the written notice from the State Board, appeal the final determination to the district court of the county in which the proposed charter school will be located.

9. On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district , ~~[or]~~ the State Board , *a college or a university* during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 20. NRS 386.527 is hereby amended to read as follows:

386.527 1. If the State Board , ~~[or,]~~ the board of trustees of a school district ***or a college or university within the Nevada System of Higher Education*** approves an application to form a charter school, it shall grant a written charter to the applicant. The State Board , ~~[or]~~ the board of trustees, ***the college or the university,*** as applicable, shall, not later than 10 days after the approval of the application, provide written notice to the Department of the approval and the date of the approval. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

2. If the State Board approves the application:

(a) The State Board shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

3. ~~[Upon the initial renewal of a written charter and each renewal thereafter, the]~~ ***If a college or university within the Nevada System of Higher Education approves the application:***

(a) That institution shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

4. The governing body of a charter school may request ***, at any time,*** a change in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to NRS 386.515. The State Board shall adopt objective criteria for the conditions under which such a request may be granted.

~~[4.]~~ ***5.*** Except as otherwise provided in subsection ~~[6,]~~ ***7,*** a written charter must be for a term of 6 years unless the governing body of a charter school renews its initial charter after 3 years of operation pursuant to subsection 2 of NRS 386.530. A written charter must include all conditions of operation set forth in paragraphs (a) to (o), inclusive, of subsection 2 of NRS 386.520 and include the kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020 for which the charter school is authorized to operate. If the State Board is the sponsor of the charter school, the written charter must set forth the responsibilities of the sponsor and the charter school with regard to the provision of services and programs to pupils with disabilities who are enrolled in the charter school in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and NRS 388.440 to 388.520, inclusive. As a condition of the issuance of a

written charter pursuant to this subsection, the charter school must agree to comply with all conditions of operation set forth in NRS 386.550.

~~[5.]~~ ***6.*** The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter of the charter school. Such an amendment may include, without limitation, the expansion of instruction and other educational services to pupils who are enrolled in grade levels other than the grade levels of pupils currently enrolled in the charter school if the expansion of grade levels does not change the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate. If the proposed amendment complies with the provisions of this section, NRS 386.500 to 386.610, inclusive, and any other statute or regulation applicable to charter schools, the sponsor may amend the written charter in accordance with the proposed amendment. If a charter school wishes to expand the instruction and other educational services offered by the charter school to pupils who are enrolled in grade levels other than the grade levels of pupils currently enrolled in the charter school and the expansion of grade levels changes the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate, the governing body of the charter school must submit a new application to form a charter school. If such an application is approved, the charter school may continue to operate under the same governing body and an additional governing body does not need to be selected to operate the charter school with the expanded grade levels.

~~[6.]~~ ***7.*** The State Board shall adopt objective criteria for the issuance of a written charter to an applicant who is not prepared to commence operation on the date of issuance of the written charter. The criteria must include, without limitation, the:

(a) Period for which such a written charter is valid; and

(b) Timelines by which the applicant must satisfy certain requirements demonstrating its progress in preparing to commence operation.

➥ A holder of such a written charter may apply for grants of money to prepare the charter school for operation. A written charter issued pursuant to this subsection must not be designated as a conditional charter or a provisional charter or otherwise contain any other designation that would indicate the charter is issued for a temporary period.

~~[7.]~~ ***8.*** The holder of a written charter that is issued pursuant to subsection ~~[6]~~ ***7*** shall not commence operation of the charter school and is not eligible to receive apportionments pursuant to NRS 387.124 until the sponsor has determined that the requirements adopted by the State Board pursuant to subsection ~~[6]~~ ***7*** have been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

(a) Schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or

(b) Charter school,

➥ whichever date the sponsor selects. The sponsor shall not require a charter school to demonstrate compliance with the requirements of this subsection more than 30 days before the date selected. However, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.

Sec. 21. NRS 386.540 is hereby amended to read as follows:

386.540 1. The Department shall adopt regulations that prescribe:

(a) The process for submission of an application by the board of trustees of a school district to the Department for authorization to sponsor charter schools and the contents of the application;

(b) The process for submission of an application to form a charter school to the Department, the board of trustees of a school district and the Subcommittee on Charter Schools, and the contents of the application;

(c) The process for submission of an application to renew a written charter; and

(d) The criteria and type of investigation that must be applied by the board of trustees, the Subcommittee on Charter Schools and the State Board in determining whether to approve an application to form a charter school or an application to renew a written charter.

2. The Department may adopt regulations as it determines are necessary to carry out the provisions of NRS 386.500 to 386.610, inclusive, including, without limitation, regulations that prescribe the ~~[procedures]~~ *:*

(a) Procedures for accounting ~~[,]~~ ***and*** budgeting ~~[and annual audits]~~ *;*

(b) Requirements for performance audits and financial audits of charter schools ~~[.]~~ ***on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of section 15 of this act; and***

(c) Requirements for performance audits every 3 years and financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of section 15 of this act.

Sec. 22. NRS 386.545 is hereby amended to read as follows:

386.545 1. The Department and the board of trustees of a school district shall:

(a) Upon request, provide information to the general public concerning the formation and operation of charter schools; and

(b) Maintain a list available for public inspection that describes the location of each charter school.

2. The sponsor of a charter school shall:

(a) Provide reasonable assistance to an applicant for a charter school and to a charter school in carrying out the provisions of NRS 386.500 to 386.610, inclusive;

(b) Provide technical and other reasonable assistance to a charter school for the operation of the charter school; ~~[and]~~

(c) Provide information to the governing body of a charter school concerning the availability of money for the charter school, including, without limitation, money available from the Federal Government ~~[.]~~ ***; and***

(d) Provide timely access to the electronic data concerning the pupils enrolled in the charter school that is maintained pursuant to NRS 386.650.

3. ***If the board of trustees of a school district is the sponsor of a charter school, the sponsor shall:***

(a) ~~*[If a pupil enrolled in the charter school is on an extended leave of absence from the charter school due to a physical condition or illness, provide for in-home educational services to the pupil in the same manner as other pupils enrolled in the school district receive those services.*~~

~~*[(b)]*~~ ***Provide the charter school with an updated list of available substitute teachers within the school district.***

~~*[(c)]*~~ ***(b) Provide access to school buses for use by the charter school for field trips. The school district may charge a reasonable fee for the use of the school buses.***

~~*[(d)]*~~ ***(c) If the school district offers summer school or Internet-based credit recovery classes, allow the pupils enrolled in the charter school to participate if space is available. The school district shall apply the same fees, if any, for participation of the pupils enrolled in the charter school as it applies to pupils enrolled in the school district.***

4. The Department shall provide appropriate information, education and training for charter schools and the governing bodies of charter schools concerning the applicable provisions of title 34 of NRS and other laws and regulations that affect charter schools and the governing bodies of charter schools.

Sec. 23. NRS 386.549 is hereby amended to read as follows:

386.549 1. The governing body of a charter school ~~[must]~~ ***:***

(a) Must consist of ~~[at]~~ ***:***

(1) At least three teachers, as defined in subsection ~~[4, and may]~~ ***5; or***

(2) Two teachers, as defined in subsection 5, and one person who previously held a license to teach issued pursuant to chapter 391 of NRS as long as his license was held in good standing, including, without limitation, a retired teacher.

(b) May consist of, without limitation, parents and representatives of nonprofit organizations and businesses. ***Not more than two persons who serve on the governing body may represent the same organization or business or otherwise represent the interests of the same organization or business.*** A majority of the members of the governing body must reside in this State. If the membership of the governing body changes, the governing body shall provide written notice to the sponsor of the charter school within 10 working days after such change.

2. A person may serve on the governing body only if he submits an affidavit to the Department indicating that the person:

(a) Has not been convicted of a felony relating to serving on the governing body of a charter school or any offense involving moral turpitude.

(b) Has read and understands material concerning the roles and responsibilities of members of governing bodies of charter schools and other material designed to assist the governing bodies of charter schools, if such material is provided to the person by the Department.

~~[2.]~~ ***3.*** The governing body of a charter school is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the charter school is established and to promote the welfare of pupils who are enrolled in the charter school.

~~[3.]~~ ***4.*** The governing body of a charter school shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which the charter school is located.

~~[4.]~~ ***5.*** As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS; and

(b) Has at least 2 years of experience as an employed teacher.

➥ The term does not include a person who is employed as a substitute teacher.

Sec. 24. NRS 386.560 is hereby amended to read as follows:

386.560 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located or the Nevada System of Higher Education for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation ~~[and]~~ , the provision of health services for the pupils who are enrolled in the charter school ~~[.]~~ ***and the provision of school police officers.***

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district and during times that are not regular school hours.

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the charter school is located shall authorize the pupil to participate in a class that is not available to the pupil at the charter school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the pupil in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

➥ If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to attend the class or activity. The provisions of this subsection do not apply to a pupil who is enrolled in a charter school and who desires to participate on a part-time basis in a program of distance education provided by the board of trustees of a school district pursuant to NRS 388.820 to 388.874, inclusive. Such a pupil must comply with NRS 388.858.

5. Upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the charter school is located shall authorize the pupil to participate in sports at the public school that he would otherwise be required to attend within the school district, or upon approval of the board of trustees, any public school within the same zone of attendance as the charter school if:

(a) Space is available for the pupil to participate; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

➥ If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to participate.

6. The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sports at a public school pursuant to subsections 4 and 5 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or an association for interscholastic activities. If the board of trustees so revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

Sec. 25. NRS 386.570 is hereby amended to read as follows:

386.570 1. Each pupil who is enrolled in a charter school, including, without limitation, a pupil who is enrolled in a program of special education in a charter school, must be included in the count of pupils in the school district for the purposes of apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive, unless the pupil is exempt from compulsory attendance pursuant to NRS 392.070. A charter school is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive. If a charter school receives special education program units directly from this State, the amount of money for special education that the school district pays

to the charter school may be reduced proportionately by the amount of money the charter school received from this State for that purpose.

2. All money received by the charter school from this State or from the board of trustees of a school district must be deposited in a bank, credit union or other financial institution in this State. The governing body of a charter school may negotiate with the board of trustees of the school district and the State Board for additional money to pay for services which the governing body wishes to offer.

3. Upon completion of a school year, the sponsor of a charter school may request reimbursement from the governing body of the charter school for the administrative costs associated with sponsorship for that school year if the sponsor provided administrative services during that school year. ***The request must include an itemized list of those costs.*** Upon receipt of such a request, the governing body shall pay the reimbursement to the board of trustees of the school district ~~[,]~~ if the board of trustees sponsors the charter school, ~~[or]~~ to the Department if the State Board sponsors the charter school ~~[.]~~ ***or to the college or university within the Nevada System of Higher Education if that institution sponsors the charter school.*** If a governing body fails to pay the reimbursement, the charter school shall be deemed to have violated its written charter and the sponsor may take such action to revoke the written charter pursuant to NRS 386.535 as it deems necessary. If the board of trustees of a school district is the sponsor of a charter school, the amount of money that may be paid to the sponsor pursuant to this subsection for administrative expenses in 1 school year must not exceed:

(a) For the first year of operation of the charter school, 2 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124.

(b) For any year after the first year of operation of the charter school, 1 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124.

4. If the State Board ***or a college or university within the Nevada System of Higher Education*** is the sponsor of a charter school, the amount of money that may be paid to the Department ***or to the institution, as applicable,*** pursuant to subsection 3 for administrative expenses in 1 school year must not exceed:

(a) For the first year of operation of the charter school, 2 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124.

(b) For any year after the first year of operation of the charter school, 1.5 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124.

5. To determine the amount of money for distribution to a charter school in its first year of operation, the count of pupils who are enrolled in the charter school must initially be determined 30 days before the beginning of the school year of the school district, based on the number of pupils whose

applications for enrollment have been approved by the charter school. The count of pupils who are enrolled in the charter school must be revised on the last day of the first school month of the school district in which the charter school is located for the school year, based on the actual number of pupils who are enrolled in the charter school. Pursuant to subsection 5 of NRS 387.124, the governing body of a charter school may request that the apportionments made to the charter school in its first year of operation be paid to the charter school 30 days before the apportionments are otherwise required to be made.

6. If a charter school ceases to operate as a charter school during a school year, the remaining apportionments that would have been made to the charter school pursuant to NRS 387.124 for that year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the charter school reside.

7. The governing body of a charter school may solicit and accept donations, money, grants, property, loans, personal services or other assistance for purposes relating to education from members of the general public, corporations or agencies. The governing body may comply with applicable federal laws and regulations governing the provision of federal grants for charter schools. The State Board may assist a charter school that operates exclusively for the enrollment of pupils who receive special education in identifying sources of money that may be available from the Federal Government or this State for the provision of educational programs and services to such pupils.

8. If a charter school uses money received from this State to purchase real property, buildings, equipment or facilities, the governing body of the charter school shall assign a security interest in the property, buildings, equipment and facilities to the State of Nevada.

Sec. 26. NRS 386.610 is hereby amended to read as follows:

386.610 1. On or before August 15 of each year, if the board of trustees of a school district ***or a college or university within the Nevada System of Higher Education*** sponsors a charter school, the board of trustees ***or the institution, as applicable,*** shall submit a written report to the State Board. The written report must include:

(a) An evaluation of the progress of each charter school sponsored by the board of **trustees** ***or institution, as applicable,*** in achieving its educational goals and objectives.

(b) A description of all administrative support and services provided by the school district ***or institution, as applicable,*** to the charter school.

2. The governing body of a charter school shall, after 3 years of operation under its initial charter, submit a written report to the sponsor of the charter school. The written report must include a description of the progress of the charter school in achieving its educational goals and objectives. If the charter school submits an application for renewal in

accordance with the regulations of the Department, the sponsor may renew the written charter of the school pursuant to subsection 2 of NRS 386.530.

Sec. 27. (Deleted by amendment.)

Sec. 28. NRS 387.124 is hereby amended to read as follows:

387.124 Except as otherwise provided in this section and NRS 387.528:

1. On or before August 1, November 1, February 1 and May 1 of each year, the Superintendent of Public Instruction shall apportion the State Distributive School Account in the State General Fund among the several county school districts and charter schools in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. The apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school and all the funds attributable to pupils who reside in the county and are enrolled full time or part time in a program of distance education provided by another school district or a charter school. No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support. If an agreement is not filed for a pupil who is enrolled in a program of distance education as required by NRS 388.854, the Superintendent of Public Instruction shall not apportion money for that pupil to the board of trustees of the school district in which the pupil resides, or the board of trustees or governing body that provides the program of distance education.

2. Except as otherwise provided in subsection 3, the apportionment to a charter school, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides minus all the funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part time in a program of distance education provided by a school district or another charter school. If the apportionment per pupil to a charter school is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school resides, the school district in which the pupil resides shall pay the difference directly to the charter school.

3. The apportionment to a charter school that is sponsored by the State Board ~~[,]~~ ***or a college or university within the Nevada System of Higher Education,*** computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides, minus all funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part time in a program of distance education provided by a school district or another charter school.

4. In addition to the apportionments made pursuant to this section, an apportionment must be made to a school district or charter school that provides a program of distance education for each pupil who is enrolled part time in the program if an agreement is filed for that pupil pursuant to NRS 388.854 or 388.858, as applicable. The amount of the apportionment must be equal to the percentage of the total time services are provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides.

5. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the charter school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A charter school may receive all four apportionments in advance in its first year of operation.

6. The Superintendent of Public Instruction shall apportion, on or before August 1 of each year, the money designated as the "Nutrition State Match" pursuant to NRS 387.105 to those school districts that participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school district must be directly related to the district's reimbursements for the Program as compared with the total amount of reimbursements for all school districts in this State that participate in the Program.

7. If the State Controller finds that such an action is needed to maintain the balance in the State General Fund at a level sufficient to pay the other appropriations from it, he may pay out the apportionments monthly, each approximately one-twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the State Controller shall submit a report to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau documenting reasons for the action.

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. **Section 2 of Assembly Bill No. 334 of this Session is hereby amended to read as follows:**

Sec. 2. ***There is hereby created a school district to be designated as the Charter School District for State Board-Sponsored Charter Schools ~~[.]~~ and Nevada System of Higher Education-Sponsored Charter Schools. The School District comprises only those charter schools that are sponsored by the State Board ~~[.]~~ or sponsored by a college or university within the Nevada System of Higher Education. The State Board is hereby deemed the board of trustees of the School District. The School District is created***

for the sole purpose of providing local educational agency status to the District for purposes of federal law governing charter schools.

~~[Sec. 31.]~~ ***Sec. 32.*** **1.** This **section and section 31 of this act become effective upon passage and approval.**

2. Sections 1 to 30, inclusive, of this act ~~[becomes]~~ **become** effective on July 1, 2007.

Assemblywoman Parnell moved that the Assembly concur in the Senate amendment to Assembly Bill No. 591.

Remarks by Assemblywoman Parnell.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 131, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 964 of the Assembly be concurred in.

WILLIAM HORNE	MARK AMODEI
JAMES OHRENSCHALL	VALERIE WIENER
FRANCIS ALLEN	MAURICE WASHINGTON
Assembly Conference Committee	*Senate Conference Committee*

Assemblyman Horne moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 131.

Remarks by Assemblyman Horne.

Motion carried by a constitutional majority.

Madam Speaker:

The first Conference Committee concerning Assembly Bill No. 521, consisting of the undersigned members, has met and reports that:

No decision was reached.

BERNIE ANDERSON	MARK AMODEI
TICK SEGERBLOM	VALERIE WIENER
GARN MABEY	TERRY CARE
Assembly Conference Committee	*Senate Conference Committee*

Assemblyman Anderson moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 521.

Remarks by Assemblyman Anderson.

Motion carried.

Madam Speaker:

The first Conference Committee concerning Assembly Bill No. 182, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1056 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 22, which is attached to and hereby made a part of this report.

KATHY MCCLAIN
SUSAN GERHARDT
JOE HARDY
Assembly Conference Committee

JOYCE WOODHOUSE
JOSEPH HECK
Senate Conference Committee

Conference Amendment No. CA22.

AN ACT relating to public health; authorizing the Department of Health and Human Services to administer certain programs to assist certain persons with costs relating to health care and pharmaceutical services; revising the percentages of and the manner of allocating money in the Fund for a Healthy Nevada for certain programs; revising provisions governing the subsidies from the Fund for the cost of prescription drugs, pharmaceutical services and certain other benefits; revising the membership and duties of the Grants Management Advisory Committee; repealing the Task Force for the Fund for a Healthy Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under federal law, states may provide subsidies, prescription drugs and other assistance to persons with the human immunodeficiency virus or acquired immunodeficiency syndrome. (42 U.S.C. §§ 300ff-21 et seq.) Section 1 of this bill authorizes the Department of Health and Human Services to participate in the federal program and to administer the program in conjunction with other programs already administered by the Department.

Under existing law, the Task Force for the Fund for a Healthy Nevada makes allocations, or reserves for allocation or expenditure by the Department or the Aging Services Division of the Department, certain percentages of money in the Fund for a Healthy Nevada for certain programs and services. (NRS 439.630) Section 4 of this bill eliminates the role of the Task Force in making allocations of money from the Fund and requires the Department to make such allocations itself. **Section 4 also revises the amount of money prescribed for programs that prevent, reduce or treat the use of tobacco, for programs that improve the health and well-being of persons with disabilities and to subsidize certain costs of providing prescription drugs and pharmaceutical services to persons with disabilities.**

Existing law establishes a program to provide subsidies for senior citizens and persons with disabilities for the cost of prescription drugs and pharmaceutical services and, for senior citizens, other benefits, including, without limitation, dental and vision benefits. (NRS 439.635-439.690, 439.705-439.795) Sections 4 and 5 of this bill specifically add, to the extent money is available, hearing aids and other hearing devices to the list of benefits available for both senior citizens and persons with disabilities pursuant to these programs. Sections 4 and 6 also make persons with disabilities eligible for the same additional benefits for which senior citizens are currently eligible under existing law, including, without limitation, dental

and vision benefits. This bill also allows certain veterans to receive such benefits if they qualify as a senior citizen or person with a disability.

The Grants Management Advisory Committee provides assistance to the Department in the allocation and administration of certain grants administered by the Department. (NRS 232.383, 232.385) Section 9 of this bill increases the membership of the Advisory Committee.

Section 11 of this bill repeals the Task Force for the Fund for a Healthy Nevada.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department may, to the extent that money is available, administer a program pursuant to 42 U.S.C. §§ 300ff-21 et seq. to provide therapeutics to treat certain persons who have been diagnosed with the human immunodeficiency virus or acquired immunodeficiency syndrome and to prevent the serious deterioration of the health of such persons. The program may include the provision of subsidies and pharmaceutical services.

2. The Director shall:

(a) Establish the criteria for eligibility for participation in the program administered pursuant to this section, which must be in accordance with the provisions of 42 U.S.C. §§ 300ff-21 et seq.; and

(b) Prescribe the manner in which the program will be administered and services will be provided.

3. The Department may use any other program administered by the Department to facilitate the provision of subsidies and services pursuant to this section, including, without limitation, the provision of subsidies for pharmaceutical services to persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive. If the Department uses another program to facilitate the provision of subsidies and services pursuant to this section, the Department shall not commingle the money available to carry out the provisions of this section and the money available to carry out the other program.

4. Money available to carry out the provisions of this section must be accounted for separately by the Department.

Sec. 2. NRS 439.600 is hereby amended to read as follows:

439.600 1. The Legislature hereby declares that its priorities in expending the proceeds to the State of Nevada from settlement agreements with and civil actions against manufacturers of tobacco products are:

(a) To increase the number of Nevada students who attend and graduate from Nevada institutions of higher education; and

(b) To assist Nevada residents in obtaining and maintaining good health.

2. To further these priorities, the Legislature hereby declares that it is in the best interest of the residents of this State that all money received by the State of Nevada pursuant to any settlement entered into by the State of Nevada and a manufacturer of tobacco products and all money recovered by the State of Nevada from a judgment in a civil action against a manufacturer of tobacco products be dedicated solely toward the achievement of the following goals:

(a) Increasing the number of Nevada residents who enroll in and attend a university, college or community college in the State of Nevada;

(b) Reducing and preventing the use of tobacco products, alcohol and illegal drugs, especially by children;

(c) Expanding the availability of health insurance and health care for children and adults in this State, especially for children and for adults with disabilities;

(d) Assisting senior citizens ***and persons with disabilities*** who have modest incomes in purchasing prescription drugs, pharmaceutical services and, to the extent money is available, other services, including, without limitation, dental and vision services ***, and hearing aids or other devices that enhance the ability to hear,*** and assisting those senior citizens ***and persons with disabilities*** in meeting their needs related to health care, home care, respite care and their ability to live independent of institutional care; and

(e) Promoting the general health of all residents of the State of Nevada.

Sec. 3. NRS 439.620 is hereby amended to read as follows:

439.620 1. The Fund for a Healthy Nevada is hereby created in the State Treasury. The State Treasurer shall deposit in the Fund:

(a) Fifty percent of all money received by this State pursuant to any settlement entered into by the State of Nevada and a manufacturer of tobacco products; and

(b) Fifty percent of all money recovered by this State from a judgment in a civil action against a manufacturer of tobacco products.

2. The State Treasurer shall administer the Fund. As administrator of the Fund, the State Treasurer:

(a) Shall maintain the financial records of the Fund;

(b) Shall invest the money in the Fund as the money in other state funds is invested;

(c) Shall manage any account associated with the Fund;

(d) Shall maintain any instruments that evidence investments made with the money in the Fund;

(e) May contract with vendors for any good or service that is necessary to carry out the provisions of this section; and

(f) May perform any other duties necessary to administer the Fund.

3. The interest and income earned on the money in the Fund must, after deducting any applicable charges, be credited to the Fund. All claims against the Fund must be paid as other claims against the State are paid.

4. ~~[Upon receiving a request from the]~~ ***The*** State Treasurer or the Department ***may submit to the Interim Finance Committee a request*** for an allocation for administrative expenses from the Fund pursuant to this section . ~~[, the Task Force for the Fund for a Healthy Nevada shall consider the request within 45 days after receipt of the request. If the Task Force approves the amount requested for allocation, the Task Force shall notify the State Treasurer of the allocation. If the Task Force does not approve the requested allocation within 45 days after receipt of the request, the State Treasurer or the Department, as applicable, may submit its request for allocation to the Interim Finance Committee.]~~ Except as otherwise limited by this subsection, the Interim Finance Committee may allocate all or part of the money so requested. The annual allocation for administrative expenses from the Fund ~~[, whether allocated by the Task Force or the Interim Finance Committee must not exceed:]~~ ***must:***

(a) Not ~~[more than]~~ ***exceed*** 2 percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the State Treasurer to administer the Fund; ***and***

(b) Not ~~[more than]~~ ***exceed*** ~~[2.025]~~ *5* percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the Department, including, without limitation, the Aging Services Division of the Department, to carry out its duties set forth in NRS ~~[439.625 and]~~ 439.630 , ~~[,~~

~~(c) Not more than 1.5 percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the Department]~~ to administer the provisions of NRS 439.635 to 439.690, inclusive ~~[,]~~ , and

~~[(d) Not more than 0.125 percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the Department to administer the provisions of]~~ NRS 439.705 to 439.795, inclusive.

➥ For the purposes of this subsection, the amount of money available for allocation to pay for the administrative costs must be calculated at the beginning of each fiscal year based on the total amount of money anticipated by the State Treasurer to be deposited in the Fund during that fiscal year.

5. The money in the Fund remains in the Fund and does not revert to the State General Fund at the end of any fiscal year.

6. All money that is deposited or paid into the Fund is hereby appropriated to the Department ~~[and, except as otherwise provided in paragraphs (c) to (f), inclusive, and (j) of subsection 1 of NRS 439.630, may only be expended pursuant to an]~~ ***for expenditure or*** allocation ~~[made by the Task Force for the Fund for a Healthy Nevada.]~~ ***in accordance with the provisions of NRS 439.630.*** Money expended from the Fund ~~[for a Healthy Nevada]~~ must not be used to supplant existing methods of funding that are available to public agencies.

Sec. 4. NRS 439.630 is hereby amended to read as follows:

439.630 1. The ~~[Task Force for the Fund for a Healthy Nevada]~~ ***Department*** shall:

(a) Conduct ***, or require the Grants Management Advisory Committee created by NRS 232.383 to conduct,*** public hearings to accept public testimony from a wide variety of sources and perspectives regarding existing or proposed programs that:

(1) Promote public health;

(2) Improve health services for children, senior citizens and persons with disabilities;

(3) Reduce or prevent the use of tobacco;

(4) Reduce or prevent the abuse of and addiction to alcohol and drugs; and

(5) Offer other general or specific information on health care in this State.

(b) Establish a process to evaluate the health and health needs of the residents of this State and a system to rank the health problems of the residents of this State, including, without limitation, the specific health problems that are endemic to urban and rural communities ~~[.]~~ ***, and report the results of the evaluation to the Legislative Committee on Health Care on an annual basis.***

(c) ~~[Reserve]~~ ***Allocate*** not more than 30 percent of ~~[all]~~ ***available*** revenues ~~[deposited in the Fund for a Healthy Nevada each year]~~ for direct expenditure by the Department to pay for prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits ***and hearing aids or other devices that enhance the ability to hear,*** for senior citizens pursuant to NRS 439.635 to 439.690, inclusive. From the money ~~[reserved to the Department]~~ ***allocated*** pursuant to this paragraph, the Department may subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits ***and hearing aids or other devices that enhance the ability to hear,*** to senior citizens pursuant to NRS 439.635 to 439.690, inclusive. The Department shall consider recommendations from the ~~[Task Force for the Fund for a Healthy Nevada]~~ ~~*[Legislative Committee on Health Care]*~~ ***Grants Management Advisory Committee*** in carrying out the provisions of NRS 439.635 to 439.690, inclusive. The Department shall submit a quarterly report to the Governor, ~~[the Task Force for the Fund for a Healthy Nevada and]~~ the Interim Finance Committee ***, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate*** regarding the general manner in which expenditures have been made pursuant to this paragraph . ~~[and the status of the program.]~~

(d) ~~[Reserve]~~ ***Allocate, by contract or grant, for expenditure*** not more than 30 percent ~~[minus $350,000 of all]~~ ***of available*** revenues ~~[deposited in the Fund for a Healthy Nevada each year]~~ for allocation by the Aging Services Division of the Department in the form of grants for existing or new

programs that assist senior citizens with independent living, including, without limitation, programs that provide:

(1) Respite care or relief of ~~[family]~~ ***informal*** caretakers;

(2) Transportation to new or existing services to assist senior citizens in living independently; and

(3) Care in the home which allows senior citizens to remain at home instead of in institutional care.

➥ The Aging Services Division of the Department shall consider recommendations from the ~~[Task Force for the Fund for a Healthy Nevada]~~ ~~*[Legislative Committee on Health Care]*~~ ***Grants Management Advisory Committee*** concerning the independent living needs of senior citizens.

(e) ~~[Reserve not more than]~~ ***Allocate*** $200,000 of all revenues deposited in the Fund ~~[for a Healthy Nevada]~~ each year for ~~[allocation]~~ ***direct expenditure*** by the Director to:

(1) Provide guaranteed funding to finance assisted living facilities that satisfy the criteria for certification set forth in NRS 319.147; and

(2) Fund assisted living facilities that satisfy the criteria for certification set forth in NRS 319.147 and assisted living supportive services that are provided pursuant to the provisions of the home and community-based services waiver which are amended pursuant to NRS 422.2708.

➥ The Director shall develop policies and procedures for ~~[allocating money which is reserved]~~ ***distributing the money allocated*** pursuant to this paragraph. ***Money allocated pursuant to this paragraph does not revert to the Fund at the end of the fiscal year.***

(f) ~~[Reserve $150,000 of all revenues deposited in the Fund for a Healthy Nevada each year, if available, for allocation by the Aging Services Division of the Department in the form of contracts or grants for existing or new programs that provide dental benefits to persons who are domiciled in this State and are 62 years of age or older:~~

~~(1) Who satisfy the residency requirement set forth in subsection 2 of NRS 439.665; and~~

~~(2) Whose incomes are not over the amounts set forth in subsection 2 of NRS 439.665, as adjusted pursuant to the provisions of that section.~~

~~(g)]~~ Allocate, by contract or grant, for expenditure not more than ~~[20]~~ 15 percent of ~~[all]~~ ***available*** revenues ~~[deposited in the Fund for a Healthy Nevada each year]~~ for programs that prevent, reduce or treat the use of tobacco and the consequences of the use of tobacco.

~~[(h)]~~ ***(g)*** Allocate, by contract or grant, for expenditure not more than 10 percent of ~~[all]~~ ***available*** revenues ~~[deposited in the Fund for a Healthy Nevada each year]~~ for programs that improve health services for children.

~~[(i)]~~ ***(h)*** Allocate, by contract or grant, for expenditure not more than ~~[7.5]~~ 10 percent of ~~[all]~~ ***available*** revenues ~~[deposited in the Fund for a Healthy Nevada each year]~~ for programs that improve the health and well-being of persons with disabilities. In making allocations pursuant to this paragraph,

the ~~[Task Force]~~ ***Department*** shall, to the extent practicable, allocate the money evenly among the following three types of programs:

(1) Programs that provide respite ~~[for persons caring]~~ ***care or relief of informal caretakers*** for persons with disabilities;

(2) Programs that provide positive behavioral supports to persons with disabilities; and

(3) Programs that assist persons with disabilities to live safely and independently in their communities outside of an institutional setting.

~~[(j) Reserve]~~

(i) Allocate not more than ~~[2.5]~~ **5** percent of ~~[all]~~ ***available*** revenues ~~[deposited in the Fund for a Healthy Nevada each year]~~ for direct expenditure by the Department to subsidize any portion of the cost of providing prescription drugs **,** ~~[and]~~ pharmaceutical services ***and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** to persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive. The Department shall consider recommendations from the ~~[Task Force for the Fund for a Healthy Nevada]~~ ~~*[Legislative Committee on Health Care]*~~ ***Grants Management Advisory Committee*** in carrying out the provisions of NRS 439.705 to 439.795, inclusive.

~~[(k)]~~ ***(j)*** Maximize expenditures through local, federal and private matching contributions.

~~[(l)]~~ ***(k)*** Ensure that any money expended from the Fund ~~[for a Healthy Nevada]~~ will not be used to supplant existing methods of funding that are available to public agencies.

~~[(m)]~~ ***(l)*** Develop policies and procedures for the administration and distribution of contracts, grants and other expenditures to state agencies, political subdivisions of this State, nonprofit organizations, universities, state colleges and community colleges. A condition of any such contract or grant must be that not more than 8 percent of the contract or grant may be used for administrative expenses or other indirect costs. The procedures must require at least one competitive round of requests for proposals per biennium.

~~[(n)]~~ *(m)* To make the allocations required by paragraphs ***(f),*** (g) ~~[,]~~ ***and*** (h) *:* ~~[and (i):]~~

(1) Prioritize and quantify ~~*[Review and consider the prioritized list of]*~~ the needs for these programs ; ~~*[submitted by the Legislative Committee on Health Care pursuant to NRS 439B.220;]*~~

(2) Develop, solicit and accept applications for allocations;

(3) ***Review and consider the recommendations of the Grants Management Advisory Committee submitted pursuant to NRS 232.385;***

(4) Conduct annual evaluations of programs to which allocations have been awarded; and

~~[(4)]~~ ***(5)*** Submit annual reports concerning the programs to the Governor **,** ~~[and]~~ the Interim Finance Committee ~~[.]~~ **,** ***the Legislative***

Committee on Health Care and any other committees or commissions the Director deems appropriate.

~~[(o)]~~ *(n)* Transmit a report of all findings, recommendations and expenditures to the Governor ***,*** ~~[and]~~ each regular session of the Legislature ~~[.]~~ ***, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate.***

2. The ~~[Task Force]~~ ***Department*** may take such other actions as are necessary to carry out its duties.

3. ~~[The Department shall take all actions necessary to ensure that all allocations for expenditures made by the Task Force are carried out as directed by the Task Force.~~

~~4. ~~] To make the allocations required by ~~[paragraphs (d) and (f)]~~ ***paragraph (d)*** of subsection 1, the Aging Services Division of the Department shall:

(a) Prioritize and quantify the needs of senior citizens for these programs;

(b) Develop, solicit and accept grant applications for allocations;

(c) As appropriate, expand or augment existing state programs for senior citizens upon approval of the Interim Finance Committee;

(d) Award grants, contracts or other allocations;

(e) Conduct annual evaluations of programs to which grants or other allocations have been awarded; and

(f) Submit annual reports concerning the allocations made by the Aging Services Division pursuant to ~~[paragraphs]~~ ***paragraph*** (d) ~~[and (f)]~~ of subsection 1 to the Governor ***,*** ~~[and]~~ the Interim Finance Committee ~~[.]~~ ***, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate.***

~~[5.]~~ *4.* The Aging Services Division of the Department shall submit each proposed grant or contract which would be used to expand or augment an existing state program to the Interim Finance Committee for approval before the grant or contract is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money. The Aging Services Division of the Department shall not expend or transfer any money allocated to the Aging Services Division pursuant to this section to subsidize any portion of the cost of providing prescription drugs , ~~[and]~~ pharmaceutical services ***and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** to senior citizens pursuant to NRS 439.635 to 439.690, inclusive, or to subsidize any portion of the cost of providing prescription drugs ***,*** ~~[and]~~ pharmaceutical services ***and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** to persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive.

~~[6. The Department, on behalf of the Task Force, shall submit each allocation proposed pursuant to paragraph (g), (h) or (i) of subsection 1 which would be used to expand or augment an existing state program to the~~

~~Interim Finance Committee for approval before the contract or grant is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money.]~~

5. A veteran may receive benefits or other services which are available from the money allocated pursuant to this section for senior citizens or persons with disabilities to the extent that the veteran does not receive other benefits or services provided to veterans for the same purpose if the veteran qualifies for the benefits or services as a senior citizen or a person with a disability, or both.

6. As used in this section, "available revenues" means the total revenues deposited in the Fund for a Healthy Nevada each year minus $200,000.

Sec. 5. NRS 439.665 is hereby amended to read as follows:

439.665 1. The Department may:

(a) Enter into contracts with private insurers who transact health insurance in this State to subsidize the cost of prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits ~~[,]~~ ***and hearing aids or other devices that enhance the ability to hear,*** for senior citizens by arranging for the availability, at a reasonable cost, of policies of health insurance that provide coverage to senior citizens for prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits ~~[,]~~ ***and hearing aids or other devices that enhance the ability to hear;*** or

(b) Subsidize the cost of prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits ~~[,]~~ ***and hearing aids or other devices that enhance the ability to hear,*** for senior citizens in any other manner.

2. Within the limits of the money available for this purpose in the Fund for a Healthy Nevada, a senior citizen who is not eligible for Medicaid and who is eligible for a subsidy that is made available pursuant to subsection 1 is entitled to an annual grant from the Fund to subsidize the cost of prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits ~~[,]~~ ***and hearing aids or other devices that enhance the ability to hear,*** if he has been domiciled in this State for at least 1 year immediately preceding the date of his application and ~~[:]~~ ***except as otherwise provided in subsection 5:***

(a) If the senior citizen is single, his income is not over $21,500; or

(b) If the senior citizen is married, his household income is not over $28,660.

➥ The monetary amounts set forth in this subsection must be adjusted for each fiscal year by adding to each amount the product of the amount shown multiplied by the percentage increase in the Consumer Price Index from

December 2002 to the December preceding the fiscal year for which the adjustment is calculated.

3. The subsidy granted pursuant to this section must not exceed the annual cost of prescription drugs, pharmaceutical services and ***to the extent money is available,*** other benefits ***, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** provided to the senior citizen.

4. A subsidy that is made available pursuant to subsection 1 must provide for:

(a) A copayment of not more than $10 per prescription drug or pharmaceutical service that is generic as set forth in the formulary of the insurer or as set forth by the Department; and

(b) A copayment of not more than $25 per prescription drug or pharmaceutical service that is preferred as set forth in the formulary of the insurer or as set forth by the Department.

5. The Department may waive the eligibility requirement set forth in subsection 2 regarding household income upon written request of the applicant or enrollee based on one or more of the following circumstances:

(a) Illness;

(b) Disability; or

(c) Extreme financial hardship, when considering the current financial circumstances of the applicant or enrollee.

➥ An applicant or enrollee who requests such a waiver shall include with that request all medical and financial documents that support his request.

6. If the Federal Government provides any coverage for:

(a) Prescription drugs and pharmaceutical services; or

(b) Other benefits, including, without limitation, dental or vision benefits ~~[,]~~ ***or hearing aids or other devices that enhance the ability to hear,***

➥ for senior citizens who are eligible for a subsidy pursuant to subsections 1 to 5, inclusive, the Department may, upon approval of the Legislature, or the Interim Finance Committee if the Legislature is not in session, change any program established pursuant to NRS 439.635 to 439.690, inclusive, and otherwise provide assistance with prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits ***and hearing aids or other devices that enhance the ability to hear,*** for senior citizens within the limits of the money available for this purpose in the Fund . ~~[for a Healthy Nevada.]~~

7. The provisions of subsections 1 to 5, inclusive, do not apply to the extent that the Department provides assistance ***with prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** for senior citizens pursuant to subsection 6.

8. A veteran may receive assistance with prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance

the ability to hear, pursuant to this section to the extent that the veteran does not receive other services or benefits provided to veterans for the same purpose if the veteran qualifies for the assistance as a senior citizen.

Sec. 6. NRS 439.745 is hereby amended to read as follows:

439.745 1. The Department may:

(a) Enter into contracts with private insurers who transact health insurance in this State to subsidize the cost of prescription drugs ***,*** ~~[and]~~ pharmaceutical services ***and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** for persons with disabilities by arranging for the availability, at a reasonable cost, of policies of health insurance that provide coverage to persons with disabilities for prescription drugs , ~~[and]~~ pharmaceutical services ~~[;]~~ ***and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear;*** or

(b) Subsidize the cost of prescription drugs , ~~[and]~~ pharmaceutical services ***and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** for persons with disabilities in any other manner.

2. Within the limits of the money available for this purpose in the Fund for a Healthy Nevada, a person with a disability who is not eligible for Medicaid and who is eligible for a subsidy for the cost of prescription drugs , ~~[and]~~ pharmaceutical services ***and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear*** that is made available pursuant to subsection 1 is entitled to an annual grant from the Fund to subsidize the cost of prescription drugs , ~~[and]~~ pharmaceutical services ~~[,]~~ ***and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** if he has been domiciled in this State for at least 1 year immediately preceding the date of his application and ~~[:]~~ ***except as otherwise provided in subsection 5:***

(a) If the person with a disability is single, his income is not over $21,500; or

(b) If the person with a disability is married, his household income is not over $28,660.

➥ The monetary amounts set forth in this subsection must be adjusted for each fiscal year by adding to each amount the product of the amount shown multiplied by the percentage increase in the Consumer Price Index from December 2002 to the December preceding the fiscal year for which the adjustment is calculated.

3. The subsidy granted pursuant to this section must not exceed the annual cost of prescription drugs ***,*** ~~[and]~~ pharmaceutical services ***and, to the extent money is available, other benefits, including, without limitation,***

dental and vision benefits and hearing aids or other devices that enhance the ability to hear, provided to the person with a disability.

4. A subsidy that is made available pursuant to subsection 1 must provide for:

(a) A copayment of not more than $10 per prescription drug or pharmaceutical service that is generic as set forth in the formulary of the insurer or as set forth by the Department; and

(b) A copayment of not more than $25 per prescription drug or pharmaceutical service that is preferred as set forth in the formulary of the insurer or as set forth by the Department.

5. The Department may waive the eligibility requirement set forth in subsection 2 regarding household income upon written request of the applicant or enrollee based on one or more of the following circumstances:

(a) Illness;

(b) Disability; or

(c) Extreme financial hardship, when considering the current financial circumstances of the applicant or enrollee.

➥ An applicant or enrollee who requests such a waiver shall include with that request all medical and financial documents that support his request.

6. If the Federal Government provides any coverage ~~[of prescription]~~ *for:*

(a) Prescription drugs and pharmaceutical services ***; or***

(b) Other benefits, including, without limitation, dental or vision benefits or hearing aids or other devices that enhance the ability to hear,

➥ for persons with disabilities who are eligible for a subsidy pursuant to subsections 1 to 5, inclusive, the Department may, upon approval of the Legislature, or the Interim Finance Committee if the Legislature is not in session, change any program established pursuant to NRS 439.705 to 439.795, inclusive, and otherwise provide assistance with prescription drugs , ~~[and]~~ pharmaceutical **services** ***and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** for persons with disabilities within the limits of the money available for this purpose in the Fund . ~~[for a Healthy Nevada.]~~

7. The provisions of subsections 1 to 5, inclusive, do not apply if the Department provides assistance with prescription drugs **, ~~[and]~~ pharmaceutical services** ***and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear,*** for persons with disabilities pursuant to subsection 6.

8. A veteran may receive assistance with prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, pursuant to this section to the extent that the veteran does not receive other services or benefits provided to veterans for the same purpose if the veteran qualifies for the assistance as a person with a disability.

Sec. 7. (Deleted by amendment.)

Sec. 8. ~~[NRS 439B.220 is hereby amended to read as follows:~~

~~439B.220 *1.* The Committee may:~~

~~[1.] *(a)* Review and evaluate the quality and effectiveness of programs for the prevention of illness.~~

~~[2.] *(b)* Review and compare the costs of medical care among communities in Nevada with similar communities in other states.~~

~~[3.] *(c)* Analyze the overall system of medical care in the State to determine ways to coordinate the providing of services to all members of society, avoid the duplication of services and achieve the most efficient use of all available resources.~~

~~[4.] *(d)* Examine the business of providing insurance, including the development of cooperation with health maintenance organizations and organizations which restrict the performance of medical services to certain physicians and hospitals, and procedures to contain the costs of these services.~~

~~[5.] *(e)* Examine hospitals to:~~

~~[(a)] *(1)* Increase cooperation among hospitals;~~

~~[(b)] *(2)* Increase the use of regional medical centers; and~~

~~[(c)] *(3)* Encourage hospitals to use medical procedures which do not require the patient to be admitted to the hospital and to use the resulting extra space in alternative ways.~~

~~[6.] *(f)* Examine medical malpractice.~~

~~[7.] *(g)* Examine the system of education to coordinate:~~

~~[(a)] *(1)* Programs in health education, including those for the prevention of illness and those which teach the best use of available medical services; and~~

~~[(b)] *(2)* The education of those who provide medical care.~~

~~[8.] *(h)* Review competitive mechanisms to aid in the reduction of the costs of medical care.~~

~~[9.] *(i)* Examine the problem of providing and paying for medical care for indigent and medically indigent persons, including medical care provided by physicians.~~

~~[10.] *(j)* Examine the effectiveness of any legislation enacted to accomplish the purpose of restraining the costs of health care while ensuring the quality of services, and its effect on the subjects listed in~~ [~~subsections 1 to 9,~~] *paragraphs (a) to (i)*, ~~inclusive.~~

~~[11.] *(k)* Determine whether regulation by the State will be necessary in the future by examining hospitals for evidence of:~~

~~[(a)] *(1)* Degradation or discontinuation of services previously offered, including without limitation, neonatal care, pulmonary services and pathology services; or~~

~~[(b)] *(2)* A change in the policy of the hospital concerning contracts,~~

~~*~~ ~~as a result of any legislation enacted to accomplish the purpose of restraining the costs of health care while ensuring the quality of services.~~

~~[12.] *(l)* Study the effect of the acuity of the care provided by a hospital upon the revenues of the hospital and upon limitations upon that revenue.~~

~~[13.] *(m)* Review the actions of the Director in administering the provisions of this chapter and adopting regulations pursuant to those provisions. The Director shall report to the Committee concerning any regulations proposed or adopted pursuant to this chapter.~~

~~[14.] *(n)* Identify and evaluate, with the assistance of an advisory group, the alternatives to institutionalization for providing long-term care, including, without limitation:~~

~~[(a)] *(1)* An analysis of the costs of the alternatives to institutionalization and the costs of institutionalization for persons receiving long-term care in this State;~~

~~[(b)] *(2)* A determination of the effects of the various methods of providing long-term care services on the quality of life of persons receiving those services in this State;~~

~~[(c)] *(3)* A determination of the personnel required for each method of providing long-term care services in this State; and~~

~~[(d)] *(4)* A determination of the methods for funding the long-term care services provided to all persons who are receiving or who are eligible to receive those services in this State.~~

~~[15.] *(o)* Evaluate, with the assistance of an advisory group, the feasibility of obtaining a waiver from the Federal Government to integrate and coordinate acute care services provided through Medicare and long-term care services provided through Medicaid in this State.~~

~~[16.] *(p)* Evaluate, with the assistance of an advisory group, the feasibility of obtaining a waiver from the Federal Government to eliminate the requirement that elderly persons in this State impoverish themselves as a condition of receiving assistance for long-term care.~~

~~[17.] *(q)* Conduct investigations and hold hearings in connection with its review and analysis.~~

~~[18.] *(r)* Apply for any available grants and accept any gifts, grants or donations to aid the Committee in carrying out its duties pursuant to this chapter.~~

~~[19.] *(s)* Direct the Legislative Counsel Bureau to assist in its research, investigations, review and analysis.~~

~~[20.] *(t)* Recommend to the Legislature as a result of its review any appropriate legislation.~~

~~*2. The Committee shall:*~~

~~*(a) Prioritize the needs for the programs for the receipt of awards of money pursuant to paragraphs (f), (g) and (h) of subsection 1 of NRS 439.630 and deliver to the Department and the Grants Management Advisory Committee created by NRS 232.383 a list of those priorities; and*~~

~~*(b) Make recommendations to the Aging Services Division of the Department concerning the independent living needs of senior citizens for*~~

~~*purposes of allocating money pursuant to paragraph (d) of subsection 1 of NRS 439.630.]*~~ **(Deleted by amendment.)**

Sec. 9. NRS 232.383 is hereby amended to read as follows:

232.383 1. The Grants Management Advisory Committee is hereby created within the Department.

2. The Advisory Committee consists of the following ~~[11]~~ ***15*** members appointed by the Director:

(a) A superintendent of a county school district ~~[,]~~ ***or his designee;***

(b) A director of a local agency ~~[providing]~~ ***which provides*** services for abused or neglected children ~~[,]~~

~~[(c) A representative of a community organization involved with]~~ ***, or his designee;***

(c) A member who possesses knowledge, skill and experience in the provision of services to children;

(d) A representative of a department of juvenile justice services;

(e) A member who possesses knowledge, skill and experience in the provision of services to senior citizens;

(f) Two members who possess knowledge, skill and experience in finance or in business generally;

(g) A representative of the Nevada Association of Counties;

(h) ~~[A representative of a broad-based nonprofit organization]~~ ***A member*** who possesses knowledge, skill and experience in ~~[collaborating with the community and in]~~ building partnerships between the public sector and the private sector; ~~[and]~~

(i) Two members of the public who possess knowledge of or experience in the provision of services to persons or families who are disadvantaged or at risk ~~[.]~~ *;*

(j) A member who possesses knowledge, skill and experience in the provision of services to persons with disabilities;

(k) A member who possesses knowledge, skill and experience in the provision of services relating to the cessation of the use of tobacco;

(l) A member who possesses knowledge, skill and experience in the provision of health services to children; and

(m) A representative who is a member of the Nevada Commission on Aging, created by NRS 427A.032, who must not be a Legislator.

3. An entity who employs a member of the Advisory Committee is not eligible to receive a grant. This subsection does not prohibit an entity that serves solely as the fiscal agent for a recipient of a grant from employing a member of the Advisory Committee.

~~[3.]~~ ***4.*** The Director shall ensure that, insofar as practicable, the members whom he appoints reflect the ethnic and geographical diversity of this State.

~~[4.]~~ ***5.*** After the initial terms, each member of the Advisory Committee serves for a term of 2 years. Each member of the Advisory Committee continues in office until his successor is appointed.

~~[5.]~~ ***6.*** Each member of the Advisory Committee who is not an officer or employee of this State or a political subdivision of this State is entitled to receive a salary of not more than $80 per day, fixed by the Director, while engaged in the business of the Advisory Committee.

~~[6.]~~ ***7.*** While engaged in the business of the Advisory Committee, each member of the Advisory Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~[7.]~~ ***8.*** A majority of the members of the Advisory Committee constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Advisory Committee.

~~[8.]~~ ***9.*** A member of the Advisory Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Advisory Committee and perform any work necessary to carry out the duties of the Advisory Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Advisory Committee to:

(a) Make up the time he is absent from work to carry out his duties as a member of the Advisory Committee; or

(b) Take annual leave or compensatory time for the absence.

~~[9.]~~ ***10.*** The Advisory Committee shall:

(a) At its first meeting and annually thereafter, elect a Chairman from among its members;

(b) Meet at the call of the Director, the Chairman or a majority of its members as necessary, within the budget of the Advisory Committee, but not to exceed six meetings per year; and

(c) Adopt rules for its own management and government.

Sec. 10. NRS 232.385 is hereby amended to read as follows:

232.385 The Grants Management Advisory Committee created by NRS 232.383 shall:

1. Review all requests received by the Department for awards of money from agencies of the State or its political subdivisions and nonprofit community organizations or educational institutions which provide or will provide services to persons served by the programs administered by the Department;

2. Submit recommendations to the Director concerning each request for an award of money that the Advisory Committee believes should be granted, including, without limitation, the name of the agency, nonprofit community organization or educational institution that submitted the request;

3. Adopt policies setting forth criteria to determine which agencies, organizations and institutions to recommend for an award of money;

4. Monitor awards of money granted by the Department to agencies of the State or its political subdivisions, and nonprofit community organizations or educational institutions which provide or will provide services to persons served by the programs administered by the Department ~~[;]~~ ***, including, without limitation, awards of money granted pursuant to NRS 439.630;***

5. Assist the staff of the Department in determining the needs of local communities and in setting priorities for funding programs administered by the Department; and

6. Consider funding strategies for the Department, including, without limitation, seeking ways to avoid unnecessary duplication of the services for which awards of money to agencies of the State or its political subdivisions and nonprofit community organizations or educational institutions are granted, and make recommendations concerning funding strategies to the Director.

Sec. 11. NRS 439.625 is hereby repealed.

Sec. 12. Any money allocated or reserved for direct expenditure pursuant to paragraph (f) of subsection 1 of NRS 439.630 on or before June 30, 2007, that is unspent and returned must be allocated, on and after July 1, 2007, in accordance with the amendatory provisions of paragraph (c) of subsection 1 of NRS 439.630.

Sec. 13. 1. The term of the member of the Grants Management Advisory Committee who is a representative of a:

(a) Broad-based nonprofit organization who possesses knowledge, skill and experience in collaborating with the community and in building partnerships between the public sector and the private sector expires on June 30, 2007.

(b) Community organization involved with children expires on June 30, 2007.

2. The Director of the Department of Health and Human Services shall appoint one member to the Grants Management Advisory Committee pursuant to NRS 232.383, as amended by section 9 of this act, who:

(a) Possesses knowledge, skill and experience in the provision of services to persons with disabilities whose term begins on July 1, 2007, and expires on June 30, 2008.

(b) Possesses knowledge, skill and experience in the provision of services relating to the cessation of the use of tobacco whose term begins on July 1, 2007, and expires on June 30, 2009.

(c) Possesses knowledge, skill and experience in the provision of health services to children whose term begins on July 1, 2007, and expires on June 30, 2009.

(d) Is a member of the Nevada Commission on Aging whose term begins on July 1, 2007, and expires on June 30, 2008.

(e) Possesses knowledge, skill and experience in the provision of services to children begins on July 1, 2007, and expires on June 30, 2008.

(f) Possesses knowledge, skill and experience in building partnerships between the public sector and the private sector begins on July 1, 2007, and expires on June 30, 2009.

Sec. 14. The Legislative Committee on Health Care shall examine and review the allocations of money from the Fund for a Healthy Nevada pursuant to NRS 439.630 to determine whether the allocations reflect the needs of this State and the residents of this State. The examination and review must consider whether the money allocated for programs that prevent, reduce or treat the use of tobacco and the consequences of the use of tobacco should be reduced and determine whether such money should be allocated directly to the Health Division of the Department of Health and Human Services and the district boards of health in counties whose population is 50,000 or more.

Sec. 15. Notwithstanding the provisions of this act, an award of money granted by the Task Force for the Fund for a Healthy Nevada pursuant to NRS 439.630 on or before June 30, 2007, remains in effect and the Grants Management Advisory Committee shall monitor the award of money pursuant to NRS 232.385.

Sec. 16. This act becomes effective on July 1, 2007.

TEXT OF REPEALED SECTION

439.625 Task Force for Fund: Creation; membership; selection and term of Chairman and Vice Chairman; compensation of members; relief from regular duties of member who is officer or employee of local government; administrative support and technical assistance.

1. The Task Force for the Fund for a Healthy Nevada is hereby created. The membership of the Task Force consists of:

(a) Three members appointed by the Majority Leader of the Senate, one of whom must be a Senator and one of whom must be a member of a nonprofit organization dedicated to health issues in this State;

(b) Three members appointed by the Speaker of the Assembly, one of whom must be an Assemblyman and one of whom must be a member of a nonprofit organization dedicated to health issues in this State; and

(c) Three members appointed by the Governor, one of whom must have experience with and knowledge of matters relating to health care.

➥ Each member appointed pursuant to this subsection must be a resident of this State and must not be employed in the Executive or Judicial Branch of State Government. Each person who appoints members pursuant to this subsection shall ensure that insofar as practicable, the members whom he appoints reflect the ethnic and geographical diversity of this State.

2. At its first meeting on or after July 1 of each odd-numbered year, the Task Force shall select the Chairman and Vice Chairman of the Task Force from among the legislative members of the Task Force. Each such officer shall hold office for a term of 2 years or until his successor is selected. The

chairmanship of the Task Force must alternate each biennium between the houses of the Legislature.

3. For each day or portion of a day during which a member of the Task Force who is a Legislator attends a meeting of the Task Force or is otherwise engaged in the work of the Task Force, except during a regular or special session of the Legislature, he is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218.2207.

➥ The compensation, per diem allowances and travel expenses of the legislative members of the Task Force must be paid from the Legislative Fund.

4. Members of the Task Force who are not Legislators serve without salary, except that they are entitled to receive travel expenses provided for state officers and employees generally. The travel expenses of:

(a) A member of the Task Force who is an officer or employee of a local government thereof must be paid by the local government that employs him.

(b) Each remaining member of the Task Force must be paid from the Legislative Fund.

5. Each member of the Task Force who is an officer or employee of a local government must be relieved from his duties without loss of his regular compensation so that he may perform his duties relating to the Task Force in the most timely manner practicable. A local government shall not require an officer or employee who is a member of the Task Force to:

(a) Make up the time he is absent from work to fulfill his obligations as a member of the Task Force; or

(b) Take annual leave or compensatory time for the absence.

6. The Legislative Counsel Bureau and the Department shall provide such administrative support to the Task Force as is required to carry out the duties of the Task Force. The State Health Officer shall provide such technical advice and assistance to the Task Force as is requested by the Task Force.

Assemblywoman McClain moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 182.

Remarks by Assemblywoman McClain.

Motion carried by a constitutional majority.

Madam Speaker:

The first Conference Committee concerning Assembly Bill No. 428, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 948 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 26, which is attached to and hereby made a part of this report.

DAVID PARKS	MARK AMODEI
BERNIE ANDERSON	MAURICE WASHINGTON
EDWIN GOEDHART	TERRY CARE
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA26.

SUMMARY—Makes various changes relating to crimes involving the unlawful use of personal identifying information of another person ~~[.]~~ **and crimes related to postal matters.** (BDR 15-1334)

AN ACT relating to ~~[personal identifying information;]~~ **crimes;** prohibiting the use of certain personal identifying information of another to obtain any other personal identifying information of that person without the prior express consent of the person; increasing the penalty for possessing, selling, transferring or obtaining and using the personal identifying information of another person under certain circumstances; creating a rebuttable inference of the intent to use the personal identifying information of another person unlawfully under certain circumstances; allowing a postal inspector of the United States Postal Inspection Service to make arrests ~~[without a warrant]~~ **for crimes related to postal matters** under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits the use of the personal identifying information of another to harm that person or to obtain credit, a good, a service or anything of value in the name of that other person. (NRS 205.4617, 205.463, 205.464, 205.465) Section 1 of this bill provides that personal identifying information includes, without limitation, any information that can be used to identify the actions, communications or other activities or transactions of a person. (NRS 205.4617) Section 2 of this bill provides that a person who uses the personal identifying information of another, with the intent to commit an unlawful act, to: (1) represent or impersonate that other person to obtain access to any personal identifying information of that other person without the prior express consent of that other person, or (2) obtain access to any nonpublic record of the actions taken, communications made or received by, or other activities or transactions of that other person without the prior express consent of that other person is guilty of a category B felony. (NRS 205.463)

Sections 2, 3 and 4 of the bill also: (1) increase the penalties for using the personal identifying information of another person if the violation involves the personal identifying information of five or more persons or if the violation causes the victim to suffer a financial loss of $3,000 or more; and (2) create a rebuttable inference of the intent to use the personal identifying information of another person unlawfully if a person possesses the personal identifying information of five or more persons not in the ordinary course of

his business or pursuant to a financial transaction entered into with an authorized user of a payment card.

Under existing law, arrests without a warrant may be made under certain circumstances by peace officers, officers of the Drug Enforcement Administration, agents of the Federal Bureau of Investigation or the Secret Service, officers of the Bureau of Indian Affairs or persons employed as police officers by an Indian tribe. (NRS 171.124, 171.1245, 171.1255) Section 5 of this bill allows a postal inspector of the United States Postal Inspection Service to also make arrests **for certain crimes related to postal matters with or** without a warrant under certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 205.4617 is hereby amended to read as follows:

205.4617 1. Except as otherwise provided in subsection 2, "personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a living or deceased person ~~[,]~~ ***or to identify the actions taken, communications made or received by, or other activities or transactions of a living or deceased person,*** including, without limitation:

(a) The current or former name, driver's license number, identification card number, social security number, checking account number, savings account number, credit card number, debit card number, financial services account number, date of birth, place of employment and maiden name of the mother of a person.

(b) The unique biometric data of a person, including, without limitation, the fingerprints, facial scan identifiers, voiceprint, retina image and iris image of a person.

(c) The electronic signature, unique electronic identification number, address or routing code, telecommunication identifying information or access device of a person.

(d) The personal identification number or password of a person.

(e) The alien registration number, government passport number, employer identification number, taxpayer identification number, Medicaid account number, food stamp account number, medical identification number or health insurance identification number of a person.

(f) The number of any professional, occupational, recreational or governmental license, certificate, permit or membership of a person.

(g) The number, code or other identifying information of a person who receives medical treatment as part of a confidential clinical trial or study, who participates in a confidential clinical trial or study involving the use of prescription drugs or who participates in any other confidential medical, psychological or behavioral experiment, study or trial.

(h) The utility account number of a person.

2. To the extent that any information listed in subsection 1 is designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify an artificial person, "personal identifying information" includes information pertaining to an artificial person.

Sec. 2. NRS 205.463 is hereby amended to read as follows:

205.463 1. Except as otherwise provided in subsections 2 and 3, a person who knowingly:

(a) Obtains any personal identifying information of another person; and

(b) ~~[Uses]~~ ***With the intent to commit an unlawful act, uses*** the personal identifying information ~~[to]~~ *:*

(1) To harm that other person *;*

(2) To represent or impersonate that other person to obtain access to any personal identifying information of that other person without the prior express consent of that other person;

(3) To obtain access to any nonpublic record of the actions taken, communications made or received by, or other activities or transactions of that other person without the prior express consent of that other person; or ~~[for]~~

(4) For any ***other*** unlawful purpose, including, without limitation, to obtain credit, a good, a service or anything of value in the name of that *other* person,

➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $100,000.

2. Except as otherwise provided in subsection 3, a person who knowingly:

(a) Obtains any personal identifying information of another person; and

(b) Uses the personal identifying information to avoid or delay being prosecuted for an unlawful act,

➥ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. A person who violates:

(a) Subsection 1 or 2 by obtaining and using the personal identifying information of an older person or a vulnerable person; ~~[or]~~

(b) Subsection ***1 or 2 by obtaining and using the personal identifying information of five or more persons;***

(c) Subsection 1 or 2 by causing another person to suffer a financial loss or injury of $3,000 or more as a result of the violation; or

(d) Subsection 2 to avoid or delay being prosecuted for an unlawful act that is punishable as a category A felony or category B felony,

➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $100,000.

4. In addition to any other penalty, the court shall order a person convicted of violating subsection 1 to pay restitution, including, without limitation, any attorney's fees and costs incurred to:

(a) Repair the credit history or rating of the person whose personal identifying information he obtained and used in violation of subsection 1; and

(b) Satisfy a debt, lien or other obligation incurred by the person whose personal identifying information he obtained and used in violation of subsection 1.

5. Proof of possession of the personal identifying information of five or more persons in a manner not set forth in NRS 205.4655 permits a rebuttable inference that the possessor intended to use such information in violation of this section.

Sec. 3. NRS 205.464 is hereby amended to read as follows:

205.464 1. Except as otherwise provided in subsection 2, a public officer or public employee who knowingly:

(a) Obtains any personal identifying information of another person from any document, file, database, source or process used by a public body to collect, store, maintain, transfer, reproduce, manage or administer personal identifying information; and

(b) Uses the personal identifying information to harm that other person or for any unlawful purpose, including, without limitation, to obtain credit, a good, a service or anything of value in the name of that person,

➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $100,000.

2. A public officer or public employee who violates subsection 1 by ~~[obtaining]~~ *:*

(a) Obtaining and using the personal identifying information of an older person or a vulnerable person *;*

(b) Obtaining and using the personal identifying information of five or more persons; or

(c) Causing another person to suffer a financial loss or injury of $3,000 or more as a result of the violation,

➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 7 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $100,000.

3. Except as otherwise provided in subsection 4, a public officer or public employee who knowingly:

(a) Obtains any personal identifying information of another person from any document, file, database, source or process used by a public body to collect, store, maintain, transfer, reproduce, manage or administer personal identifying information; and

(b) Possesses, sells or transfers the personal identifying information for the purpose of establishing a false status, occupation, membership, license or identity for himself or any other person,

➥ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

4. A public officer or public employee who violates subsection 3 by ~~[obtaining]~~ *:*

(a) Obtaining and possessing, selling or transferring the personal identifying information of an older person or a vulnerable person *;*

(b) Obtaining and possessing, selling or transferring the personal identifying information of five or more persons; or

(c) Causing another person to suffer a financial loss or injury of $3,000 or more as a result of the violation,

➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $100,000.

5. Except as otherwise provided in subsection 6, a public officer or public employee who knowingly aids another public officer or public employee to commit a violation of any provision of this section is guilty of a category C felony and shall be punished as provided in NRS 193.130.

6. A public officer or public employee who violates subsection 5 by knowingly aiding another public officer or public employee in committing a violation of this section by ~~[obtaining]~~ *:*

(a) Obtaining the personal identifying information of an older person or a vulnerable person *;*

(b) Obtaining the personal identifying information of five or more persons; or

(c) Causing another person to suffer a financial loss or injury of $3,000 or more as a result of the violation,

➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $100,000.

7. The provisions of this section do not prohibit the possession or use of any personal identifying information by officers of local police, sheriff and metropolitan police departments and by agents of the Investigation Division of the Department of Public Safety while engaged in undercover investigations related to the lawful discharge of their duties.

8. In addition to any other penalty, the court shall order a public officer or public employee convicted of violating any provision of this section to pay restitution, including, without limitation, any attorney's fees and costs incurred, to:

(a) Repair the credit history or rating of the person whose personal identifying information the public officer or public employee obtained and used in violation of subsection 1; and

(b) Satisfy a debt, lien or other obligation incurred by the person whose personal identifying information the public officer or public employee obtained and used in violation of this section.

9. Proof of possession of the personal identifying information of five or more persons in a manner not set forth in NRS 205.4655 permits a rebuttable inference that the possessor intended to use such information in violation of this section.

Sec. 4. NRS 205.465 is hereby amended to read as follows:

205.465 1. It is unlawful for a person to possess, sell or transfer any document or personal identifying information for the purpose of establishing a false status, occupation, membership, license or identity for himself or any other person.

2. Except as otherwise provided in subsection 3, a person who:

(a) Sells or transfers any such document or personal identifying information in violation of subsection 1; or

(b) Possesses any such document or personal identifying information in violation of subsection 1 to commit any of the crimes set forth in NRS 205.085 to 205.217, inclusive, 205.473 to 205.513, inclusive, or 205.610 to 205.810, inclusive,

➥ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. A person who violates subsection 2 by ~~[selling]~~ *:*

(a) Selling or transferring the personal identifying information of an older person or a vulnerable person *;*

(b) Selling or transferring the personal identifying information of five or more persons; or

(c) Causing another person to suffer a financial loss or injury of $3,000 or more as a result of the violation,

➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $100,000.

4. Except as otherwise provided in this subsection and subsections 2 and 3, a person who possesses any such document or personal identifying information in violation of subsection 1 is guilty of a category E felony and shall be punished as provided in NRS 193.130. If a person possesses any such document or personal identifying information in violation of subsection 1 for the sole purpose of establishing false proof of age, including, without limitation, establishing false proof of age to game, purchase alcoholic beverages or purchase cigarettes or other tobacco products, the person is guilty of a misdemeanor.

5. Subsection 1 does not:

(a) Preclude the adoption by a city or county of an ordinance prohibiting the possession of any such document or personal identifying information; or

(b) Prohibit the possession or use of any such document or personal identifying information by officers of local police, sheriff and metropolitan police departments and by agents of the Investigation Division of the Department of Public Safety while engaged in undercover investigations related to the lawful discharge of their duties.

6. Proof of possession of the personal identifying information of five or more persons in a manner not set forth in NRS 205.4655 permits a rebuttable inference that the possessor intended to use such information in violation of this section.

Sec. 5. Chapter 171 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A postal inspector of the United States Postal Inspection Service may [,] make an arrest in obedience to a warrant delivered to him, or may, without a warrant, arrest a person:

[1.] (a) For a public offense related to postal matters committed or attempted in his presence.

[2.] (b) When the person arrested has committed a felony or gross misdemeanor [,] related to postal matters, although not in his presence.

[3.] (c) When a felony or gross misdemeanor related to postal matters has in fact been committed, and he has reasonable cause for believing the person arrested to have committed it.

[4.] (d) On a charge made, upon a reasonable cause, of the commission of a felony or gross misdemeanor related to postal matters by the person arrested.

[5.] (e) When a warrant has in fact been issued in this State for the arrest of a named or described person for a public offense [,] related to postal matters, and he has reasonable cause to believe that the person arrested is the person so named or described.

2. As used in this section, "postal matters" means any act related to mail service, including, without limitation, delivering and collecting mail, mail theft and mail fraud.

Assemblyman Parks moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 428.

Remarks by Assemblyman Parks.

Motion carried by a constitutional majority.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 432.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 432, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 723 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 25, which is attached to and hereby made a part of this report.

MARCUS CONKLIN	MICHAEL SCHNEIDER
MARILYN KIRKPATRICK	WARREN HARDY
GARN MABEY	RANDOLPH TOWNSEND
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA25.

SUMMARY—Directs the Legislative ~~[Committee on Health Care to appoint a subcommittee to conduct a review]~~ **Commission to provide for a study** concerning alternative and complementary integrative medicine, homeopathic medicine and nonembryonic stem cells and eliminates the Nevada Institutional Review Board. (BDR 54-694)

AN ACT relating to health; eliminating the Nevada Institutional Review Board; directing the Legislative ~~[Committee on Health Care to appoint a subcommittee to conduct a review]~~ **Commission to provide for a study** concerning alternative and complementary integrative medicine, homeopathic medicine and the use of nonembryonic stem cells in bioregenerative medical technology; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the practice of homeopathic medicine and the operation of the Nevada Institutional Review Board. (Chapter 630A of NRS) Sections 1-4 **and 6** of this bill eliminate the Nevada Institutional Review Board ~~[.~~

~~The Legislative Committee on Health Care is a permanent statutory committee of Legislators that meets during the interim between legislative sessions to study various issues relating to health care. (NRS 439B.200-439B.240)]~~ **as of July 1, 2009, and restrict the activities of the Nevada Institutional Review Board until that date.**

Section 5 of this bill requires the ~~[Committee to appoint a subcommittee to review issues relating to]~~ **Legislative Commission to provide for a study conducted by the staff of the Legislative Counsel Bureau concerning** alternative and complementary integrative medicine, homeopathic medicine and the use of nonembryonic stem cells in bioregenerative medical technology.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 630A.090 is hereby amended to read as follows:

630A.090 1. ~~[Except as otherwise provided in NRS 630A.800 to 630A.910, inclusive, this]~~ ***This*** chapter does not apply to:

(a) The practice of dentistry, chiropractic, Oriental medicine, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Services or a medical officer of any division or department of the United States in the discharge of his official duties.

(c) Licensed or certified nurses in the discharge of their duties as nurses.

(d) Homeopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to any physician licensed in this State, and who are legally qualified to practice in the state or country where they reside.

2. This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in case of emergency.

(b) The domestic administration of family remedies.

4. This chapter does not authorize a homeopathic physician to practice medicine, including allopathic medicine, except as otherwise provided in NRS 630A.040.

Sec. 2. NRS 630A.155 is hereby amended to read as follows:

630A.155 The Board shall:

1. Regulate the practice of homeopathic medicine in this State and any activities that are within the scope of such practice, to protect the public health and safety and the general welfare of the people of this State.

2. Determine the qualifications of, and examine, applicants for licensure or certification pursuant to this chapter, and specify by regulation the methods to be used to check the background of such applicants.

3. License or certify those applicants it finds to be qualified.

4. Investigate and, if required, hear and decide in a manner consistent with the provisions of chapter 622A of NRS all complaints made against any homeopathic physician, advanced practitioner of homeopathy, homeopathic assistant or any agent or employee of any of them, or any facility where the primary practice is homeopathic medicine. If a complaint concerns a practice which is within the jurisdiction of another licensing board or any other possible violation of state law, the Board shall refer the complaint to the other licensing board.

5. ~~[Supervise the Nevada Institutional Review Board created by NRS 630A.865, including, without limitation, approving or denying the regulations adopted by the Nevada Institutional Review Board.~~

~~6.]~~ Submit an annual report to the Legislature and make recommendations to the Legislature concerning the enactment of legislation relating to alternative and complementary integrative medicine, including, without limitation, homeopathic medicine.

Sec. 3. NRS 630A.800, 630A.815, 630A.825, 630A.835, 630A.855, 630A.865, 630A.870, 630A.875, 630A.880, 630A.900, 630A.905 and 630A.910 are hereby repealed.

Sec. 4. 1. **The Nevada Institutional Review Board shall not, during the period beginning upon passage and approval of this act and ending on July 1, 2009, meet or otherwise exercise any of the powers or duties authorized pursuant to chapter 630A of NRS, except:**

(a) As otherwise provided in subsection 2; or

(b) As necessary to carry out the provisions of subsections 3 to 8, inclusive.

2. If the Legislative Commission determines that it is in the best interests of this State, the Legislative Commission may, during the period described in subsection 1, authorize the Nevada Institutional Review Board to contract with a private company to conduct studies or other work related to nonembryonic stem cells in bioregenerative medical technology.

3. The Nevada Institutional Review Board shall, not later than July 1, ~~[2007.]~~ **2009:**

(a) Return the unexpended portion of any grant, gift, appropriation or donation that was received by the Board subject to a condition that requires its return if it cannot be used to carry out the duties of the Board;

(b) Transfer any money that remains in any account maintained by the Nevada Institutional Review Board after complying with paragraph (a) to the Board of Homeopathic Medical Examiners; and

(c) Transfer all books, records, minutes, documents and other property of the Nevada Institutional Review Board to the Board of Homeopathic Medical Examiners.

~~[2.]~~ **4.** Any regulations adopted by the Nevada Institutional Review Board, or by the Board of Homeopathic Medical Examiners concerning the Nevada Institutional Review Board, are void on July 1, ~~[2007.]~~ **2009.** The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after July 1, ~~[2007.]~~ **2009.**

~~[3.]~~ **5.** Any contract entered into by the Nevada Institutional Review Board, or by the Board of Homeopathic Medical Examiners concerning the Nevada Institutional Review Board, including, without limitation, a contract for employment and a contract for the services of a person pursuant to NRS 284.013, that is not fully performed on July 1, ~~[2007,]~~ **2009,** is void.

~~[4.]~~ **6.** If the Board of Homeopathic Medical Examiners has created a nonprofit organization pursuant to NRS 630A.875, including, without limitation, the NIRB Medical Foundation, the Board of Homeopathic Medical Examiners shall, not later than July 1, ~~[2007,]~~ **2009,** dissolve the nonprofit organization.

~~[5.]~~ **7.** The Nevada Institutional Review Board shall cooperate with the Board of Homeopathic Medical Examiners to ensure that the provisions of this act are carried out in an orderly manner.

~~[6.]~~ **8.** The terms of the members of the Nevada Institutional Review Board expire on July 1, ~~[2007.]~~ **2009.**

Sec. 5. 1. The Legislative ~~[Committee on Health Care shall appoint a subcommittee to review issues]~~ **Commission shall provide for a study conducted by the staff of the Legislative Counsel Bureau** concerning alternative and complementary integrative medicine, homeopathic medicine and the use of nonembryonic stem cells in bioregenerative medical technology. ~~[The subcommittee must consist of:~~

~~(a) One member of the Legislative Committee on Health Care who is a member of the Senate appointed by the Chairman of that Committee;~~

~~(b) Two members of the Legislative Committee on Health Care who are members of the Assembly appointed by the Chairman of that Committee;~~

~~(c) Two members of the Senate Standing Committee on Commerce and Labor who served during the 74th Session of the Nevada Legislature appointed by the Chairman of that Committee; and~~

~~(d) One member of the Assembly Standing Committee on Commerce and Labor who served during the 74th Session of the Nevada Legislature appointed by the Chairman of that Committee.~~

~~2. The Chairman of the Legislative Committee on Health Care shall designate a member of the subcommittee to serve as chairman of the subcommittee.~~

~~3. The review]~~

2. The study must include, without limitation:

(a) A review of the status and operation of the Board of Homeopathic Medical Examiners;

(b) An examination of the practice of alternative and complementary integrative medicine, including:

(1) The scope of the practice;

(2) Any laws governing the practice; and

(3) The importance, benefits and value of the practice to this State and the residents of and visitors to this State;

(c) An examination of the potential for and advisability of an independent board and statutory structure to govern the practice of alternative and complementary integrative medicine; and

(d) An examination of the use of nonembryonic stem cells in bioregenerative medical technology, including, without limitation, methods to encourage the performance in this State of research and development concerning the use of nonembryonic stem cells.

~~[4.]~~ **3.** Not later than June 30, 2008, the ~~[subcommittee]~~ **staff of the Legislative Counsel Bureau** shall submit a report of the results of its ~~[review]~~ **study** and any recommendations for legislation to the Legislative ~~[Committee on Health Care. The Legislative Committee on Health Care]~~ **Commission. The Legislative Commission** shall submit the report of the results of the ~~[review]~~ **study** and any recommendations for legislation to the 75th Session of the Nevada Legislature.

Sec. 6. 1. This section and section 4 of this act become effective upon passage and approval.

2. ~~[Sections 1, 2, 3 and]~~ **Section** 5 of this act ~~[become]~~ **becomes** effective on July 1, 2007.

3. Sections 1, 2 and 3 of this act become effective on July 1, 2009.

LEADLINES OF REPEALED SECTIONS

630A.800 Definitions.

630A.815 "Practitioner" defined.

630A.825 "Research study" defined.

630A.835 "Researcher" defined.

630A.855 Applicability.

630A.865 Creation; supervision; appointment of members; period of service; vacancies; per diem allowance and travel expenses; quorum; officers; meetings; rules of procedure.

630A.870 Oath.

630A.875 Funding of Review Board; limitations.

630A.880 Deposit and use of money received by Review Board.

630A.900 Adoption of regulations.

630A.905 Administrative powers and duties.

630A.910 Requirements governing researchers and research studies.

Assemblyman Conklin moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 432.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 148, 197, 200, 203, 204, 206, 271, 272, 275, 440, 462, 508, 539, 551, 584, 615, 618, 626, 627; Senate Bills Nos. 19, 38, 55, 201, 250, 251, 252, 462, 463, 467, 468, 555 and 573.

Assemblyman Oceguera moved that the Assembly adjourn until Monday, June 4, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 8:26 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

THE ONE HUNDRED AND TWENTIETH DAY

CARSON CITY (Monday), June 4, 2007

Assembly called to order at 11:37 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Minister Bruce Henderson.

From Proverbs 30, in the contemporary English version: "I am completely worn out. How can I last?" Father, they tell me that it's anyone's guess as to when we'll be through here. But, Lord, You know. Please give us peace, unity, resolve, and diligence until that time comes. And, after we leave this place, I pray for the health, safety, peace, faith, and love of each member until next we meet. I pray in the Name of the One who promises an eternal revival, homecoming, and reunion.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 628 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 628.

Bill read third time.

Remarks by Assemblyman Arberry.

Assemblyman Arberry requested that his remarks be entered in the Journal.

The General Appropriations Act, the General Authorizations Act, the salary bill, the school funding bill, and the capital improvement bill are the final result of long deliberations by the Assembly Committee on Ways and Means and the Senate Committee on Finance. The General Appropriations Act and other appropriations bills considered throughout the session delineate the amount of the General Fund support approved by the money committees for the operation of Nevada State Government for the 2007-09 biennium. The General Fund appropriations included in the General Appropriations Act total $2,080,276,347 in Fiscal Year (FY) 2008 and $2,227,349,682 in FY 2009, and the Highway Fund appropriations total $118,232,260 in FY 2008 and $127,054,843 in FY 2009.

The money committees approved $36.1 million in General Fund support for the Office of the Attorney General for the 2007-09 biennium. This includes $24.1 million to support the Attorney General Administrative account and the addition of 11 new positions. Nearly $4 million was appropriated to restore the reserve balance in the Attorney General Tort Claim Fund.

Additionally, $2.25 million was approved for the Special Fund account to continue legal activities in opposing the location of a federal nuclear waste repository at Yucca Mountain.

In closing the Judicial Branch budgets, the money committees approved General Fund support totaling $46.5 million for the 2007-09 biennium. The funding provides for additional staff attorneys and paralegals to assist in addressing caseload issues. Funding of $1.6 million was approved for information technology enhancements for the Supreme Court, including enhancements for the E-Filing program and a new web-based case management system. The money committees approved a significant expansion in the availability of specialty courts, to be funded with $11.5 million in administrative assessment revenue rather than state General Fund, as requested by the Judicial Branch.

The money committees approved $60.8 million in General Fund support for the Department of Taxation over the 2007-09 biennium. The funding includes $6.9 million for the long-term production support of the Unified Tax System that is anticipated to be completed by the end of FY 2007; six new positions for the expansion of the department's information technology division; and four new positions for the Division of Assessment Standards.

Funding for public schools was considered separately in Assembly Bill 627, the school funding bill, which contains funding for basic support, class-size reduction, teacher training and incentives, early childhood education, educational technology, career and technical education, and other programs.

In closing the Department of Education budgets, the money committees approved General Fund support in the amount of $22.6 million for the 2007-09 biennium. Of this amount, $10.3 million is for the continuation of the statewide testing program. Funding for the Grants Writer position, which had been scheduled to sunset at the end of the current year, was continued, and a new state-funded Gifted and Talented Coordinator was approved.

In closing the budgets of the Nevada System of Higher Education, the money committees approved General Fund support, excluding funding for cost-of-living increases, totaling $1.28 billion for the 2007-09 biennium.

Enrollment growth has slowed significantly at the Nevada System of Higher Education. System-wide, actual FTE enrollments grew by 2.0 percent in FY 2006 and by less than 1.0 percent in FY 2007. The actual enrollments were substantially lower than the budgeted enrollment growth of 5.5 and 5.6 percent, respectively. The Governor's budget anticipated that student enrollments system-wide would reach 67,559 by the end of FY 2009. Based on updated enrollment data, the money committees revised projected enrollments downward to 63,738 in FY 2009.

The slowdown in enrollment growth placed a number of campuses into hold harmless positions where maintenance calculations yield lower funding than current service levels. Based on the revised enrollment levels, and using the 85.5 percent formula funding level recommended by the Governor, the money committees made adjustments that decreased formula funding and then proportionally redistributed $5.3 million in annual General Fund savings to the hold harmless campuses. Because of the severity of the slowdown in enrollment growth, a number of campuses remained in hold harmless positions after the committee's actions.

The money committees approved several enhancements to the Nevada System of Higher Education budgets, including $1.0 million for the biennium to study, research and understand Chronic Fatigue Syndrome; $300,000 per year to provide partial funding in support of administrative positions at the Desert Research Institute; and $599,346 for the biennium to recognize the increased costs associated with the transfer of the Nye County service area from CCSN to Great Basin College.

To address budget reduction targets, the money committees did not approve a number of the Governor's recommended budget enhancements including workforce development grants, a groundwater study, P-21 Council staff, undergraduate exchange funding, and support for the Nevada Scholars scholarship and mentoring program.

The money committees approved a total of $29.7 million in General Funds over the 2007-09 biennium to support the department's library and museum operations statewide. The funding approved includes $9.14 million for the Nevada State Library, which provides for increased funding for rural county bookmobiles and $1.2 million to be distributed to libraries throughout the state to enhance collections and development. General Funds totaling $2.72 million over the

2007-09 biennium were approved for the new museum at the Las Vegas Springs Preserve site, which includes $556,397 for 12.51 new positions and associated operating costs.

In closing the budgets for the Division of Insurance, the money committees approved General Funds totaling approximately $459,000 over the biennium for the continuation of two positions added during FY 2006 and the addition of two more positions in FY 2008 for the division's corporate and financial section. The committees approved the positions in an effort to maintain the division's accreditation with the National Association of Insurance Commissioners.

The money committees approved $2.5 million in General Funds for each fiscal year of the 2007-09 biennium for grants to the urban regional development authorities, and $995,000 per year for grants to rural regional development authorities.

In closing the budgets administered by the Health and Human Services Director's Office, the money committees approved General Funds totaling $200,000 each fiscal year to allow the Nevada 211 System to maintain its current hours of operation.

The money committees approved approximately $3.7 million over the 2007-09 biennium for caseload and inflationary increases for the Personal Assistance Services, Traumatic Brain Injury and Independent Living programs. The money committees also approved $100,000 in each fiscal year to allow the Positive Behavioral Support-Nevada program to expand its operations in southern Nevada.

The money committees approved General Funds totaling $1.2 million over the 2007-09 biennium to allow the state's Family Resource Centers to assist with child welfare cases that do not warrant investigative actions by child protective agencies so that those agencies are better able to respond to more severe cases. The department has termed this effort "Differential Response."

The money committees approved a total of $941.5 million in General Fund support and $2.1 billion in authorized revenue for the division over the 2007-09 biennium. The funding approved provides for caseload growth in the Medicaid program projected at approximately 164,000 average monthly recipients for FY 2008 and 167,000 average monthly recipients for FY 2009.

The funding approved provides for a fee-for-service rate increase for physician and other medical professionals effective August 2008, and mandatory inflation and rate increases for pharmacy, managed care and transportation services. The rate increase for physicians and other medical professionals is based on the most recent Medicare fee schedule and will go a long ways to improve patient access and to compensate general medical practitioners adequately.

The money committees approved six new initiatives designed to promote General Fund savings of approximately $3.82 million over the 2007-09 biennium. The initiatives include staffing enhancements for the Medicaid Estate Recovery and Surveillance and Utilization review units; adding a clinical claims editor software package to the MMIS system; initiating a voluntary managed care program for the aged, blind and disabled population; care management and regional care coordination for specialized high-risk and high-cost populations; and extending non-emergency dental benefits to pregnant women age 21 and older. The money committees also approved two new initiatives that expand Medicaid coverage and services. The first initiative provides long-term community-based residential habilitation and behavioral adult daycare services for Medicaid recipients over age 22 with a diagnosis of traumatic brain injury. The second initiative eliminates the unearned income limit for the Health Insurance for Work Advancement (HIWA) program. The unearned income limit is considered a barrier and is the primary reason enrollment in the HIWA program has never met expectations.

The money committees approved funding to allow enrollment in the Check-Up program to increase to approximately 30,300 children per month for FY 2008 and approximately 31,900 children per month for FY 2009. Additionally, although enrollment in the HIFA Medical program has started slower than hoped for, as the public's awareness grows, enrollment is anticipated to grow as well. In light of this, the money committees approved funding to provide medical coverage for approximately 2,400 pregnant women per month and coverage for Employees Subsidies Insurance for over 4,000 participants per month by the end of FY 2009. Finally, funding was approved for staffing and resources to strengthen the division's fiscal management and information technology infrastructure and to meet the more onerous quality-assurance requirements for Medicaid waivers imposed on states by the Centers for Medicare and Medicaid.

A total of $498 million in General Fund support was approved for the Division of Mental Health and Developmental Services over the 2007-09 biennium. The General Fund support, combined with other revenue sources, will fund existing and projected caseloads for the mentally ill and mentally retarded. The money committees approved appropriations totaling $18 million to continue expanded mental health court statewide, community triage centers in northern and southern Nevada, and residential placements and acute psychiatric inpatient beds in southern Nevada that were approved in Assembly Bill 175 by the 2005 Legislature.

At Southern Nevada Adult Mental Health Services, the money committees did not concur with the Governor's recommendation to reduce medication costs and restored appropriations of $4.9 million over the biennium for these services. The money committees also restored five positions that were recommended for elimination by the Governor in support of outpatient counseling and psychiatric ambulatory services.

At Northern Nevada Adult Mental Health Services, funding was approved to serve an additional 170 clients in medication clinics and 30 individuals in residential supports. In addition, appropriations totaling $382,445 were approved to establish a new Mobile Outreach program, similar to the Mobile Crisis program in southern Nevada, which will assist local law enforcement in service calls, suicidal persons and citizen welfare checks.

The money committees approved General Fund support of $8.7 million in the 2007-09 biennium to provide an array of services, including community placements and jobs and day training, to 518 additional clients at the Desert, Sierra and Rural Regional Centers. Funding was also approved to eliminate the remaining 20 beds at Sierra Regional Center and 6 beds at Desert Regional Center with the clients transitioning to community placements. The money committees also approved the establishment of crisis prevention intervention teams who will assist agency staff in preventing and responding to crisis episodes with both clients and service providers. The money committees also approved expansion of a pilot program initiated by the division during the current biennium that provides cash assistance for self-directed services to 52 families with children diagnosed with both mental retardation and autism spectrum disorders. Additional funding of $1.7 million in the 2007-09 biennium will provide monthly cash assistance to 54 more families for self-directed services, and increases the average monthly assistance to all families from $1,100 per month to $1,320 per month.

Lastly, the money committees approved the Governor's recommendation to appropriate a total of $14.1 million in the 2007-09 biennium to the Substance Abuse Prevention and Treatment Agency (formerly known as the Bureau of Alcohol and Drug Abuse) to support methamphetamine education programs, community substance abuse prevention and treatment program, and to establish a pilot program to serve 90 individuals with co-occurring substance abuse and mental illness disorders.

The money committees approved $49.3 million in General Fund support for the Health Division over the 2007-09 biennium. The funding includes $29.9 million for Early Intervention Services, which includes $1.4 million in new funding to address caseload issues. The money committees also approved General Fund of $766,039 for ongoing poison control call center services support, as well as $250,972 for ongoing funding for the Office of Minority Health. The AIDS Drug Assistance Program (ADAP) was approved for approximately $3.6 million over the biennium to fund HIV/AIDS medications. Childhood immunizations were approved for $1.8 million in General Fund support. The state support, combined with federal Title XXI funds, will meet the projected immunization needs for children for the upcoming biennium.

The money committees approved General Fund support in the amount of $145.2 million over the 2007-09 biennium for the Division of Welfare and Supportive Services.

General Funds totaling $49.2 million over the 2007-09 biennium were approved for the TANF budget, primarily to support projected caseloads. The money committees approved an increase in the cash assistance payment by 10 percent over the current level. The increase in the cash assistance payment is approximately $35 per month and increases the monthly payment for a family of three to $383. General Funds totaling $18.1 million over the 2005-07 biennium, combined with federal funds of $83.4 million, were approved to support childcare-related expenses for eligible clients.

In closing the budgets for the Division for Aging Services, the money committees approved approximately $83.9 million in total funding for the 2007-09 biennium, including

$21.7 million in General Fund support. The funding approved will support increased caseloads for the Community Home-Based Initiatives waiver, the waiver for Elderly in Adult Residential Care, and the new Assisted Living waiver. General Fund support totaling approximately $180,000 was approved to provide services to individuals who require assistance with bathing, toileting and feeding as part of the state-funded program to allow people to remain in their homes instead of being placed in a long-term care facility.

In addition, the money committees approved two new positions for infrastructure support and two new Social Work Supervisor positions to supervise Elder Rights Advocate positions that investigate complaints of abuse or neglect in long-term care facilities. The funding approved will also support the projected growth in the Senior Citizens' Property Tax Assistance program.

The money committees approved a total of $112.5 million in General Fund support over the 2007-09 biennium for child welfare services. A total of 56 new positions, 50 for Clark County and 6 for Washoe County, were approved to maintain the staff-to-client ratio for child welfare caseworkers, funded by both authorized revenues and General Fund. An additional 37 new positions were also approved to assist with foster care recruitment, retention and licensing, as well as to support other child welfare services. Funding was approved to support increased caseload projections for foster care, higher levels of care, emergency shelter, and adoption subsidies. Approximately $7.3 million in General Fund support was approved to increase the daily foster care rate paid by the state from $21.00 per day currently to $24.00 per day in FY 2008 and $28.00 per day in FY 2009, and to increase adoption subsidy payments.

General Funds and federal funds were approved for nine new positions to aid the division in implementing requirements of its federal Program Improvement Plan and Child Abuse Prevention and Treatment Act (CAPTA) corrective action plan. The money committees approved General Fund support of $50.9 million over the biennium to continue funding for the three juvenile detention facilities operated by the division in Elko, Caliente, and Las Vegas. General Funds for one new position to support the Interstate Compact on Juveniles and funding to support increased placement and treatment services for paroled youth in the amount of $1.2 million for the 2007-09 biennium were approved, but were recommended to be appropriated to the Interim Finance Committee for distribution if necessary during the biennium.

The committees approved General Fund support of $28.3 million over the 2007-09 biennium to continue to provide mental health services for Northern and Southern Nevada Child and Adolescent Services. Approximately $1.5 million was approved to implement a mobile crisis team for children's mental health, consisting of contract mental health professionals who would be available seven days per week to respond to mental health crises. Funding for five new positions was also approved to convert one unit of the Desert Willow Treatment Center into a unit specializing in the treatment of co-occurring diagnoses (severe emotional disturbances and substance abuse) to address an unmet need for these services in the state.

In closing the Department of Corrections' budgets, the money committees approved General Fund support totaling $538.8 million for the 2007-09 biennium. The funding approved will provide for housing an average of 12,753 inmates in FY 2007-08 and 13,383 inmates in FY 2008-09. In response to legislation addressing good time and program credits eligible to be earned by offenders, the money committees approved deleting funding of $6.3 million from the department's budget and appropriating those funds to the Interim Finance Committee. This appropriation would be available for allocation to the department for inmate-driven costs, for the Division of Parole and Probation for additional staffing to supervise probationers and parolees, for the Board of Parole Commissioners for conducting inmate hearings, and for treatment programs for offenders.

The money committees approved 314 new positions for staffing expanded facilities within the department. The expanded facilities include the addition of 2,572 new beds, which will allow for a reduction of 645 beds operated above emergency capacity and the conversion of 840 medium-custody beds to close custody. General Funds of $1.6 million were approved to continue re-entry services to inmates and to continue a 172-bed substance abuse treatment program for inmates, both previously supported with federal funds that have been significantly reduced. Approved funding will also provide for the addition of six positions to support the department's new information technology system and three positions to implement the provisions of the federal Prison Rape Elimination Act.

In closing the budgets of the Department of Public Safety, the money committees approved approximately $118.8 million in General Funds and $137.0 million in Highway Funds over the 2007-09 biennium. Of the total appropriation from the Highway Fund, the money committees approved $133 million for the operations of the Highway Patrol, which includes approximately $11.0 million over the 2007-09 biennium to fund 76 new positions, including 67 sworn positions to increase highway enforcement throughout the state. The money committees also approved additional General Funds of approximately $1.0 million over the biennium, with offsetting decreases in Highway Funds to reflect the efforts of the Training Division in providing basic academy training to parole and probation versus Highway Patrol cadets.

The money committees approved approximately $98.6 million in total funding for the 2007-09 biennium, including $88.9 million in General Fund support for the Division of Parole and Probation. This funding will support 55 new positions for projected growth in caseloads over the 2007-09 biennium, including 15 positions for the southern command that were not originally recommended by the Governor.

The money committees approved a total of $3.1 million in General Funds over the 2007-09 biennium for Narcotics Control to add 10 new sworn officers to augment existing narcotics task forces in Ely, Elko, Fallon, Winnemucca, Mesquite, Douglas County, and Lyon County. Four of the sworn officers will provide narcotics investigative support to other counties in Nevada that are not currently supported by a task force, including Esmeralda, Lincoln, Mineral, Nye and Storey Counties.

The money committees approved the transfer of the Office of Homeland Security from the Department of Public Safety to the Governor's Office. In addition, the money committees approved funding the Office of Homeland Security with General Funds of approximately $425,000 in FY 2008 and $440,000 in FY 2009, as federal funding is no longer available. General Funds to support a state fusion center are included as an appropriation to the Interim Finance Committee and can be accessed upon the presentation and the approval of an agreed-to plan by the state and local law enforcement agencies.

The money committees approved Highway Fund appropriations in the amount of approximately $51.3 million in FY 2008 and $52.3 million in FY 2009 to support the operations of the department. The funding levels approved are under the 22 percent cap required by statute.

Approximately $5.2 million was approved over the 2007-09 biennium to continue the use of kiosks in DMV field offices. The money committees also approved funding of approximately $264,000 in FY 2009 for six additional positions for the Sahara office in Las Vegas and placed the funding in reserve, with direction that the agency approach IFC to add those positions at such time as wait times exceed 60 minutes. Furthermore, the money committees approved $536,117 over the 2007-09 biennium for a new express field office in North Las Vegas.

For the Department of Conservation and Natural Resources, including the Tahoe Regional Planning Agency, the money committees approved General Fund appropriations totaling $66.6 million over the 2007-09 biennium. A total of $2.4 million in General Fund support was approved to support various deferred maintenance projects throughout the state, including $2.0 million at State Parks. The money committees also approved increasing General Fund appropriations from $1.0 million annually to $2.5 million annually in response to the increasing costs of fire suppression efforts statewide.

The money committees approved General Fund appropriations totaling $2.7 million over the 2007-09 biennium. The General Fund support approved will reimburse the department for the difference between full-value and reduced-value licenses sold to youth, seniors, disabled citizens and Native Americans and provide for two Biologist positions for the wildlife diversity program.

The money committees approved $6.2 million in General Fund support over the 2007-09 biennium for the Commissioner for Veterans' Affairs and the southern Nevada Veterans' Home budget accounts. A new three-position Trinity Team was approved, which will be located in Elko and will provide assistance to the Veterans' population in rural Nevada in applying for federal Veterans' pensions and benefits. Additionally, five new positions were approved for the Veterans' Home, which is projected to be near its 180-bed capacity in the next biennium. The approved funding also provides for the continued operation of the Veterans' cemeteries located in Boulder City and Fernley and for a two-grade salary increase for all nursing positions at the Veterans' Home.

The money committees approved funding of $500,000 in FY 2007-08 and $1.2 million in FY 2008-09 for implementation of a new Project ChalleNGe program. Project ChalleNGe is a National Guard program that includes three components: education, a five-month residential phase, and a one-year post-residential phase. One of the goals of the program is for students to obtain a General Education Diploma (GED). It is anticipated that the location of the program will be at Nellis Air Force Base in Las Vegas and the first class will begin the program in July 2008.

Roll call on Assembly Bill No. 628:

YEAS—42.

NAYS—None.

Assembly Bill No. 628 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Oceguera moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12 noon.

ASSEMBLY IN SESSION

At 12:08 p.m.

Madam Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bills Nos. 437 and 476, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 162, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 166, 466, 575, 576, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 393, Amendment No. 1141, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 424.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 443.

Also, I have the honor to inform your honorable body that the Senate on this day refused to adopt the report of the first Conference Committee concerning Assembly Bill No. 461.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 387.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 387.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 162.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1154.

SUMMARY— ~~[Provides for the establishment of and the transfer of certain abandoned property to the Nevada Veterans' Museum.]~~ **Makes various changes concerning military service.** (BDR 33-775)

AN ACT relating to ~~[the Department of Cultural Affairs;]~~ **military service;** establishing the Nevada Veterans' Museum as an institution of the Division of Museums and History of the Department ~~[;]~~ **of Cultural Affairs;** authorizing the transfer of certain abandoned property to the Nevada Veterans' Museum; **providing that the Board of Regents of the University of Nevada may grant a waiver of certain fees for the child, widow or widower of a person who was killed while he was performing his duties as a member of the Nevada National Guard; revising provisions that provide certain benefits for licenses, tags or permits for hunting, fishing or trapping to certain members of the Armed Forces of the United States and their families to provide those benefits to certain members of the Nevada National Guard and their families; authorizing the Department of Wildlife to issue, under certain circumstances, a fishing or hunting license to a member of the Nevada National Guard who is a bona fide resident of this State;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes several museums and societies within the Division of Museums and History of the Department of Cultural Affairs, and provides that the duties of such museums and societies are assigned by the Administrator of the Division. (NRS 381.004) Section 1 of this bill establishes the Nevada Veterans' Museum as an institution of the Division.

Under existing law, certain abandoned property held by certain businesses and governmental entities must be turned over to the State Treasurer in his capacity as the Administrator of Unclaimed Property. (Chapter 120A of

NRS) Section 2 of this bill includes the Nevada Veterans' Museum as an entity to which such abandoned property may be transferred under certain circumstances. (NRS 120A.360)

Existing law authorizes the Board of Regents of the University of Nevada to waive certain fees for a member of the Nevada National Guard or a recruit for the Nevada National Guard. (NRS 396.544) Additionally, existing law requires the Board of Regents to pay certain fees for the dependent child of a police officer, firefighter, officer of the Nevada Highway Patrol or volunteer ambulance driver or attendant killed while performing his duties. (NRS 396.545) Section 2.2 of this bill authorizes the Board of Regents to waive certain fees for any child, widow or widower of a person who was killed while he was performing his duties as a member of the Nevada National Guard.

Existing law provides certain benefits relating to obtaining licenses, tags or permits for hunting, fishing or trapping to certain members of the Armed Forces of the United States and their families. (NRS 502.070, 502.290) Sections 2.4 and 2.6 of this bill extend those benefits to certain members of the Nevada National Guard and their families.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 381.004 is hereby amended to read as follows:

381.004 1. The Division of Museums and History is hereby created in the Department.

2. The Division consists of the Office of the Administrator and a state system of museums consisting of the following museums and historical societies, which are hereby established as institutions of the Division:

(a) The Nevada State Museum;

(b) The Lost City Museum;

(c) The Nevada Museum and Historical Society;

(d) The Nevada Historical Society;

(e) The East Ely Depot Museum;

(f) The Nevada State Railroad Museum in Carson City; ~~[and]~~

(g) The Nevada State Railroad Museum in Boulder City ~~[.]~~ ***; and***

(h) The Nevada Veterans' Museum.

3. Each institution shall, in accordance with the duties assigned to it by the Administrator, collect, preserve and interpret the history, prehistory and natural history of this State.

Sec. 2. NRS 120A.360 is hereby amended to read as follows:

120A.360 1. Except as otherwise provided in subsections 4, 5 and 6, all abandoned property other than money delivered to the Administrator under this chapter must, within 2 years after the delivery, be sold by the Administrator to the highest bidder at public sale in whatever manner affords in his judgment the most favorable market for the property involved. The

Administrator may decline the highest bid and reoffer the property for sale if he considers the price bid insufficient.

2. Any sale held under this section must be preceded by a single publication of notice thereof at least 2 weeks in advance of the sale in a newspaper of general circulation in the county where the property is to be sold.

3. The purchaser at any sale conducted by the Administrator pursuant to this chapter is vested with title to the property purchased, free from all claims of the owner or prior holder and of all persons claiming through or under them. The Administrator shall execute all documents necessary to complete the transfer of title.

4. The Administrator need not offer any property for sale if, in his opinion, the probable cost of the sale exceeds the value of the property. The Administrator may destroy or otherwise dispose of such property or may transfer it to:

(a) The Nevada Museum and Historical Society, the Nevada State Museum ***,*** ~~[or]~~ the Nevada Historical Society ~~[,]~~ ***or the Nevada Veterans' Museum,*** upon its written request, if the property has, in the opinion of the requesting institution, historical, artistic ***,*** ~~[or]~~ literary ***or military*** value ***, as applicable,*** and is worthy of preservation; ***or***

(b) A genealogical library, upon its written request, if the property has genealogical value and is not wanted by the Nevada Museum and Historical Society, the Nevada State Museum ***,*** ~~[or]~~ the Nevada Historical Society ~~[; or~~

~~(c) A veterans' or military museum, upon its written request, if the property has military or military historical value and is not wanted by the Nevada Museum and Historical Society, the Nevada State Museum]~~ or the Nevada ~~[Historical Society.]~~ ***Veterans' Museum.***

➥ An action may not be maintained by any person against the holder of the property because of that transfer, disposal or destruction.

5. Securities listed on an established stock exchange must be sold at the prevailing price for that security on the exchange at the time of sale. Other securities not listed on an established stock exchange may be sold:

(a) Over the counter at the prevailing price for that security at the time of sale; or

(b) By any other method the Administrator deems acceptable.

6. The Administrator shall hold property that was removed from a safe-deposit box or other safekeeping repository for 1 year after the date of the delivery of the property to the Administrator, unless that property is a will or a codicil to a will, in which case the Administrator shall hold the property for 10 years after the date of the delivery of the property to the Administrator. If no claims are filed for the property within that period, it may be destroyed.

Sec. 2.2. **Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Board of Regents may grant a waiver of registration fees and laboratory fees for any child, widow or widower of a person who was killed

while he was performing his duties as a member of the Nevada National Guard. For the purpose of assessing fees and charges against a person to whom a waiver is granted pursuant to this subsection, including, without limitation, tuition charges pursuant to NRS 396.540, the person shall be deemed to be a bona fide resident of this State.

2. To be eligible for a waiver pursuant to subsection 1, a person must maintain at least a 3.25 grade point average, on a 4.0 grading scale, each semester, or the equivalent of a 3.25 grade point average if a different grading scale is used and:

(a) Be the widow or widower of the member of the Nevada National Guard; or

(b) Be the child of the member of the Nevada National Guard.

3. A widow or widower is eligible for 4 years after the date of the death of the member of the Nevada National Guard. A child is eligible for 4 years after he attains the age of 18 years or, if he enrolls in the System before the age of 18 years, for 4 years after the date of his enrollment.

4. The Board of Regents may request the Adjutant General to verify that a person is the widow, widower or child of a person who was killed while he was performing his duties as a member of the Nevada National Guard. The Adjutant General shall, upon receiving such a request, notify the Board of Regents in writing concerning the status of that person.

Sec. 2.4. **NRS 502.070 is hereby amended to read as follows:**

502.070 1. The Department shall issue to any member of the Armed Forces of the United States who has been assigned to permanent duty, as opposed to temporary or casual duty, within the State of Nevada ***or to any member in good standing of the Nevada National Guard who has served on active duty*** all necessary hunting or fishing licenses, tags or permits for fishing, hunting or trapping in the State of Nevada. A like privilege must be extended to spouses and dependents, under the age of 21, of ~~[such]~~ ***those*** members of the Armed Forces ~~[. All such]~~ ***or the Nevada National Guard. The*** licenses, tags or permits must be issued on the same terms and conditions and at the same costs as licenses, tags or permits are issued to Nevada residents, except that the 6 months' residence requirement must be waived.

2. The issuance of ~~[all such]~~ ***the*** licenses, tags and permits must be made by application upon a form provided for that purpose by the Department. The application must include such proof of assignment to permanent duty within the State of Nevada ***or proof of service on active duty and membership in good standing in the Nevada National Guard*** as may be deemed necessary by the Department to determine whether or not an applicant is ~~[actually so assigned.]~~ ***eligible for a license, tag or permit pursuant to subsection 1.***

Sec. 2.6. **NRS 502.290 is hereby amended to read as follows:**

502.290 1. The ~~[Commission is authorized to issue to those persons serving in the Armed Forces of the United States who are bona fide residents of the State of Nevada]~~ ***Department may issue*** fishing or hunting licenses,

upon the payment of $5 for each license, ~~[provided those persons requesting the licenses are at the time on]~~ ***to any person who is a bona fide resident of the State of Nevada and is:***

(a) On active duty in the Armed Forces of the United States ~~[and are not stationed in the State of Nevada.]~~ ***; or***

(b) A member in good standing of the Nevada National Guard who has served on active duty.

2. The ~~[Commission]~~ ***Department*** may require whatever proof it deems necessary to determine whether ~~[such persons come within]~~ ***a person is subject to*** the provisions of this section.

3. ***If the Department incurs a deficiency caused by the issuance of licenses pursuant to this section, the Department may request an allocation from the Contingency Fund pursuant to NRS 353.266, 353.268 and 353.269 to reimburse the Department for the amount of the deficiency.***

4. Any person who is guilty of giving false information to obtain a license as provided in this section is guilty of a misdemeanor.

Sec. 3. **1.** This **section and sections 1 and 2 of this** act ~~[becomes]~~ **become** effective on July 1, 2007.

2. Sections 2.2, 2.4 and 2.6 of this act become effective on October 1, 2007.

Assemblywoman McClain moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 166.

Bill read third time.

Roll call on Senate Bill No. 166:

YEAS—42.

NAYS—None.

Senate Bill No. 166 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 437.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 1146.

SUMMARY—Revises provisions concerning ~~[generation and consumption of energy.]~~ **economic and energy development.** (BDR 58-232)

AN ACT relating to **economic and** energy ~~[; replacing the Solar Energy Systems Demonstration Program Act with]~~ **development; enacting** the Solar Energy Systems Incentive Program **,** ~~[, which provides incentives to certain participants and utilities for energy created from various solar energy systems; providing for]~~ the Renewable Energy School Pilot Program ~~[, which~~

~~encourages the development of and determines the feasibility for renewable energy systems on public school properties;]~~ **and the Wind and Waterpower Energy Systems Demonstration Program Acts;** establishing a new program for evaluating the energy consumption of residential property; revising legislative findings concerning energy conservation and energy requirements; ~~[allocating a portion of the unspent money in the Fund for Energy Assistance and Conservation for a program for improving energy conservation and energy efficiency in residential property;]~~ requiring certain electric utilities to make quarterly rate adjustments; requiring the creation of various methods and programs to remove financial disincentives that may discourage energy conservation by various public utilities that purchase natural gas for resale; ~~[making various changes relating to the definition of "net metering system"; making various changes relating to offers of net metering to customer-generators; making various changes relating to calculations of net energy measurements concerning net metering systems; changing the definition of "energy efficiency measure," as regards certain persons or entities that sell electricity to retail customers; changing the amount of electricity required to be generated, acquired or saved from solar renewable energy systems, as regards certain persons or entities that sell electricity to retail customers; making various changes relating to the definition of "utility facility" as it relates to the construction of utility facilities and environmental conservation;]~~ **revising various provisions governing utility resource planning and the portfolio standard for providers of electric service;** requiring certain residential properties for sale to be evaluated based on energy consumption and requiring that certain evaluations be provided to purchasers of those properties; ~~[enacting the Wind Energy Systems Demonstration Program Act, which provides incentives to certain participants and utilities for energy created from various wind energy systems; enacting the Waterpower Energy Systems Demonstration Program Act, which provides incentives to certain participants and utilities for energy created from various waterpower energy systems;]~~ **revising various provisions governing partial abatements of certain taxes by the Commission on Economic Development;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Assembly Bill No. 7 of this session superseded by statute the holding of the Nevada Supreme Court in *Nevada Power Company v. Public Utilities Commission of Nevada*, 122 Nev. Adv. Op. 72 (2006), and established as the public policy of this State that in proceedings involving deferred energy accounting by a public utility, there is no presumption that the public utility's practices and transactions were reasonable or prudent and the public utility has the burden of proving reasonableness and prudence in such proceedings. (Chapter 163, Statutes of Nevada 2007) Section 1 of this bill provides that in amending NRS 704.110 and 704.187 to allow for quarterly rate adjustments and annual deferred energy

accounting adjustment applications by certain electric utilities, this bill is not intended to repeal the provisions of Assembly Bill No. 7 either expressly or by implication.

Under the Solar Energy Systems Demonstration Program Act, certain entities, such as schools and public agencies, which install solar energy systems are entitled to participate in a demonstration program and receive incentives for such participation. (Chapter 331, Statutes of Nevada 2003, p. 1868) The Solar Energy Systems Demonstration Program Act expires by limitation on June 30, 2010. (Chapter 2, Statutes of Nevada 2005, 22nd Special Session, p. 90)

Sections ~~[1-29]~~ **1.5-29, 108** and 112 of this bill replace the Solar Energy Systems Demonstration Program Act with a new chapter of NRS which provides for the Solar Energy Systems Incentive Program. The Solar Energy Systems Incentive Program provides incentives to certain participants and utilities for energy created from various solar energy systems.

Section 30 of this bill provides for the Renewable Energy School Pilot Program. The goal of the Program is to encourage the development of and determine the feasibility for renewable energy systems on public school properties.

Sections 62-86 of this bill enact the Wind Energy Systems Demonstration Program Act. The Wind Energy Systems Demonstration Program Act provides incentives to certain participants and utilities for energy created from various wind energy systems. Under this bill, the Wind Energy Systems Demonstration Program Act expires by limitation on June 30, 2011.

Sections 87-106 of this bill enact the Waterpower Energy Systems Demonstration Program Act. The Waterpower Energy Systems Demonstration Program Act provides incentives to certain participants and utilities for energy created from various waterpower energy systems. Under this bill, the Waterpower Energy Systems Demonstration Program Act expires by limitation on June 30, 2011.

Existing law provides various requirements relating to the sale of residential property. (NRS 113.100-113.150, 645.230-645.321) Sections 31 ~~[, 33-35]~~ and 50 of this bill: (1) establish a new program for evaluating the energy consumption of residential property; ~~[(2) allocate a portion of the unspent money in the Fund for Energy Assistance and Conservation for a program of improving energy conservation and energy efficiency in residential property; and (3)]~~ **and (2)** require certain residential properties for sale to be evaluated based on energy consumption and require that such evaluations and ratings be provided to purchasers of those properties.

Existing law contains legislative findings concerning energy conservation and energy requirements. (NRS 701.010) Sections 32 and 38 of this bill accomplish two things. First, they revise those findings in relation to public utilities. Second, they require the creation of various methods and programs which will remove financial disincentives that discourage energy conservation by various public utilities that purchase natural gas for resale.

Existing law allows for quarterly rate adjustments for a public utility which purchases natural gas for resale. (NRS 704.110) Sections 36, 37, 39-43 and 51 of this bill require certain electric utilities to ~~[also make such]~~ **make** quarterly rate adjustments ~~[.]~~ **and to file annual deferred energy accounting adjustment applications.**

~~[Existing law provides for requirements relating to electric utilities and net metering systems. (NRS 704.766-704.775) Existing law also provides for requirements relating to the construction of utility facilities and environmental conservation as cited in the Utility Environmental Protection Act. (NRS 704.820-704.900) Sections 44-46 and 49 of this bill make various changes relating to the definition of "net metering system," offers of net metering to customer-generators, calculations relating to net energy measurements as regards net metering systems, and the definition of "utility facility" as it relates to the construction of utility facilities and environmental conservation.]~~

Existing law requires certain electric utilities to develop long-term resource plans. (NRS 704.741-704.751) Section 43.5 of this bill requires such utilities to include in their long-term resource plans an energy efficiency program for residential customers which reduces the consumption of electricity or any fossil fuel.

Existing law requires certain persons or entities that sell electricity to retail customers to generate, acquire or save various amounts of electricity through renewable energy systems or efficiency measures. (NRS 704.7801-704.7828) Sections 47 and 48 of this bill change the definition of "energy efficiency measure" and the amount of electricity required to be generated, acquired or saved from solar renewable energy systems.

Existing law authorizes the Commission on Economic Development to approve partial abatements of certain taxes imposed on new or expanded businesses, including businesses that use renewable energy or recycled material to generate electricity. (NRS 360.750, 361.0685, 361.0687, 374.357) Sections 51.3, 51.7 and 112.5 of this bill require a business that receives such a partial abatement to: (1) allow the Department of Taxation to conduct audits of the business to determine whether it is in compliance with the requirements for the partial abatement; and (2) consent to the disclosure of the audit reports to the Commission on Economic Development and to the public with certain limited exceptions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **The Legislature hereby finds and declares that:**

1. Assembly Bill No. 7 of this session was enacted into law as chapter 163, Statutes of Nevada 2007, and became effective upon passage and approval on May 29, 2007.

2. Assembly Bill No. 7 established as the public policy of this State that in proceedings involving deferred energy accounting where a public utility seeks to recover from its ratepayers costs recorded in its deferred accounts pursuant to NRS 704.185 or 704.187, it is just and reasonable to require a public utility to prove that the costs recorded in its deferred accounts were incurred prudently. Therefore, to ensure that ratepayers do not pay for costs incurred as a result of any practices or transactions that were undertaken, managed or performed imprudently, the public utility should have the burden of proving that its practices and transactions were reasonable and prudent.

3. In *Nevada Power Company v. Public Utilities Commission of Nevada*, 122 Nev. Adv. Op. 72 (2006), the Nevada Supreme Court held that, in the absence of a statute to the contrary, the controlling procedure in proceedings involving deferred energy accounting is the rebuttable presumption of prudence adopted by the Public Utilities Commission of Nevada in the 1986 rate case of *Re Nevada Power Company*, 74 Pub. Util. Rep. 4th 703 (Nev. Pub. Serv. Comm'n May 30, 1986).

4. Assembly Bill No. 7 was enacted to supersede the holding of the Nevada Supreme Court in *Nevada Power Company v. Public Utilities Commission of Nevada*, 122 Nev. Adv. Op. 72 (2006), to the extent that the Court determined that the rebuttable presumption of prudence is the controlling procedure in proceedings involving deferred energy accounting.

5. With regard to electric utilities that engage in deferred energy accounting, the provisions of this act amend NRS 704.110 and 704.187 to provide for quarterly rate adjustments and annual deferred energy accounting adjustment applications by such electric utilities. In amending NRS 704.110 and 704.187, the Legislature does not intend to repeal either expressly or by implication the provisions of Assembly Bill No. 7 which supersede the holding of the Nevada Supreme Court in *Nevada Power Company v. Public Utilities Commission of Nevada*, 122 Nev. Adv. Op. 72 (2006). Therefore, to effectuate the public policy of this State as enacted by Assembly Bill No. 7:

(a) For proceedings involving annual deferred energy accounting adjustment applications, the provisions of this act expressly provide that there is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment or the annual deferred energy accounting adjustment application, and the electric utility has the burden of proving reasonableness and prudence in such proceedings.

(b) For all other proceedings involving deferred energy accounting, the provisions of this act do not repeal the provisions of Assembly Bill No. 7 either expressly or by implication and those proceedings remain

subject to the provisions of Assembly Bill No. 7, notwithstanding the provisions of this act amending NRS 704.110 and 704.187.

~~[Section 1.]~~ ***Sec. 1.5.*** Title 58 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 30, inclusive, of this act.

Sec. 2. ***The provisions of sections 2 to 29, inclusive, of this act apply to the Solar Energy Systems Incentive Program.***

Sec. 3. ***As used in sections 2 to 29, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 19, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Applicant" means a person who is applying to participate in the Solar Program.***

Sec. 5. ***"Category" means one of the categories of participation in the Solar Program as set forth in section 23 of this act.***

Sec. 6. ***"Commission" means the Public Utilities Commission of Nevada.***

Sec. 7. ***"Institution of higher education" means:***

1. A university, college or community college which is privately owned or which is part of the Nevada System of Higher Education; or

2. A postsecondary educational institution, as defined in NRS 394.099, or any other institution of higher education.

Sec. 8. ***"Owned, leased or occupied" includes, without limitation, any real property, building or facilities which are owned, leased or occupied under a deed, lease, contract, license, permit, grant, patent or any other type of legal authorization.***

Sec. 9. ***"Participant" means a person who has been selected by the*** ~~*[Commission]*~~ ***Task Force*** ***to participate in the Solar Program.***

Sec. 10. ***"Person" includes, without limitation, a public entity.***

Sec. 11. ***"Program year" means the period of July 1 to June 30 of the following year.***

Sec. 12. ***1. "Public and other property" means any real property, building or facilities which are owned, leased or occupied by:***

(a) A public entity;

(b) A nonprofit organization that is recognized as exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), as amended; or

(c) A corporation for public benefit as defined in NRS 82.021.

2. The term includes, without limitation, any real property, building or facilities which are owned, leased or occupied by:

(a) A church; or

(b) A benevolent, fraternal or charitable lodge, society or association.

3. The term does not include school property.

Sec. 13. ***"Public entity" means a department, agency or instrumentality of the State or any of its political subdivisions.***

Sec. 14. ***"School property" means any real property, building or facilities which are owned, leased or occupied by:***

1. A public school as defined in NRS 385.007;

2. A private school as defined in NRS 394.103; or

3. An institution of higher education.

Sec. 15. ***"Small business" means a business conducted for profit which employs 500 or fewer full-time or part-time employees.***

Sec. 16. ***"Solar energy system" means a facility or energy system that uses photovoltaic cells and solar energy to generate electricity.***

Sec. 17. ***"Solar Program" means the Solar Energy Systems Incentive Program created by section 23 of this act.***

Sec. 18. ***"Task Force" means the Task Force for Renewable Energy and Energy Conservation created by NRS 701.350.***

Sec. 19. ***"Utility" means a public utility that supplies electricity in this State.***

Sec. 20. ***The Commission shall adopt regulations necessary to carry out the provisions of sections 2 to 29, inclusive, of this ~~[chapter,]~~ act, including, without limitation, regulations that establish:***

1. The type of incentives available to participants in the Solar Program and the level or amount of those incentives;

2. The requirements for a utility's annual plan for carrying out and administering the Solar Program. A utility's annual plan must include, without limitation:

(a) A detailed plan for advertising the Solar Program;

(b) A detailed budget and schedule for carrying out and administering the Solar Program;

(c) A detailed account of administrative processes and forms that will be used to carry out and administer the Solar Program, including, without limitation, a description of the application process and copies of all applications and any other forms that are necessary to apply for and participate in the Solar Program;

(d) A detailed account of the procedures that will be used for inspection and verification of a participant's solar energy system and compliance with the Solar Program;

(e) A detailed account of training and educational activities that will be used to carry out and administer the Solar Program; and

(f) Any other information required by the Commission.

Sec. 21. ***~~[In consultation with the Task Force, the]~~ The Commission shall adopt regulations that establish:***

1. The qualifications and requirements an applicant must meet to be eligible to participate in each applicable category of:

(a) School property;

(b) Public and other property; and

(c) Private residential property and small business property; and

2. The form and content of the master application which a utility must submit to the ~~[Commission]~~ Task Force pursuant to section 24 of this act.

Sec. 22. ***1. Each year on or before the date established by the Commission, a utility shall file with the Commission its annual plan for carrying out and administering the Solar Program within its service area for a program year.***

2. The Commission shall:

(a) Review each annual plan filed by a utility for compliance with the requirements established by regulation of the Commission; and

(b) Approve each annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Solar Program.

3. A utility shall carry out and administer the Solar Program within its service area in accordance with the utility's annual plan as approved by the Commission.

4. A utility may recover its reasonable and prudent costs, including, without limitation, customer incentives, that are associated with carrying out and administering the Solar Program within its service area by seeking recovery of those costs in an appropriate proceeding before the Commission pursuant to NRS 704.110.

Sec. 23. ***1. The Solar Energy Systems Incentive Program is hereby created.***

2. The Solar Program must have three categories as follows:

(a) School property;

(b) Public and other property; and

(c) Private residential property and small business property.

3. To be eligible to participate in the Solar Program, a person must:

(a) Meet the qualifications established by the Commission pursuant to section 21 of this act;

(b) Submit an application to a utility and be selected by the ~~[Commission]~~ Task Force for inclusion in the Solar Program pursuant to sections 24 and 25 of this act;

(c) When installing the solar energy system, use an installer who has been issued a classification C-2 license with the appropriate subclassification by the State Contractors' Board pursuant to the regulations adopted by the Board; and

(d) If the person will be participating in the Solar Program in the category of school property or public and other property, provide for the public display of the solar energy system, including, without limitation, providing for public demonstrations of the solar energy system and for hands-on experience of the solar energy system by the public.

Sec. 24. ***1. If an applicant desires to participate in the Solar Program for a program year, the applicant must submit an application to a utility. If an applicant desires to participate in the category of school property or***

public and other property, the applicant may submit an application for multiple program years, not to exceed 5 years.

2. Each year on or before the date established by the Commission, a utility shall review each application submitted pursuant to subsection 1 to ensure that the applicant meets the qualifications and requirements to be eligible to participate in the Solar Program and submit to the ~~[Commission:]~~ Task Force:

(a) The utility's recommendations as to which applications should be approved for participation in the Solar Program; and

(b) A master application containing all the applications recommended by the utility.

3. At any time after submitting an application to a utility, an applicant may install or energize his solar energy system if the solar energy system meets all applicable building codes and all applicable requirements of the utility as approved by the Commission. An applicant who installs or energizes his solar energy system under such circumstances remains eligible to participate in the Solar Program, and the installation or energizing of the solar energy system does not alter the applicant's status on the list of participants or the prioritized waiting list pursuant to section 25 of this act.

Sec. 25. ***1. Except as otherwise provided in ~~[subsection 2,]~~ this section, the Commission may approve, for a program year, solar energy systems:***

(a) Totaling ~~[1,000]~~ 2,000 kilowatts of capacity for school property;

(b) Totaling 760 kilowatts of capacity for public and other property; and

(c) Totaling 1,000 kilowatts of capacity for private residential property and small business property.

2. If the capacity allocated to any category for a program year is not fully subscribed by participants in that category, the Commission may, in any combination it deems appropriate:

(a) Allow a utility to submit additional applications to the Task Force from applicants who want to participate in that category; or

(b) Reallocate any of the unused capacity in that category to any of the other categories,

➥ but in no case may the sum of the allocated total capacities of all the categories be greater than ~~[2,760]~~ 3,760 kilowatts, which is the sum of the approvable total capacities of all the categories as described in subsection 1.

3. To promote the installation of solar energy systems on as many school properties as possible, the Commission may not approve for use in the Solar Program a solar energy system having a generating capacity of more than 50 kilowatts if the solar energy system is or will be installed on school property on or after July 1, 2007, unless the Commission determines that approval of a solar energy system with a greater generating capacity is more practicable for a particular school property.

4. After reviewing the master application submitted by a utility pursuant to section 24 of this act [, to ensure] and ensuring that each applicant meets the qualifications and requirements to be eligible to participate in the Solar Program, the [Commission] Task Force shall:

(a) Within the limits of the capacity allocated to each category, select applicants to be participants in the Solar Program and place those applicants on a list of participants; and

(b) Select applicants to be placed on a prioritized waiting list to become participants in the Solar Program if any capacity within a category becomes available.

[4.] 5. Not later than 30 days after the date on which the [Commission] Task Force selects an applicant to be on the list of participants or the prioritized waiting list, the utility which submitted the application to the [Commission] Task Force on behalf of the applicant shall provide written notice of the selection to the applicant.

[5.] 6. After the [Commission] Task Force selects an applicant to be on the list of participants, the utility which submitted the application to the [Commission] Task Force on behalf of the applicant may approve the solar energy system proposed by the applicant. Except as otherwise provided in subsection 3 of section 24 of this act, immediately upon the utility's approval of the solar energy system, the applicant may install and energize the solar energy system.

Sec. 26. ***1. Except as otherwise provided in this section, if the Commission determines that a participant has not complied with the requirements for participation in the Solar Program, the Commission shall, after notice and an opportunity for a hearing, withdraw the participant from the Solar Program.***

2. The Commission may, without notice or an opportunity for a hearing, withdraw from the Solar Program:

(a) A participant in the category of private residential property and small business property, if the participant does not complete the installation of a solar energy system within 12 months after the date the participant receives written notice of his selection to participate in the Solar Program.

(b) A participant in the category of school property or public and other property, if the participant does not complete the installation of a solar energy system within 30 months after the date the participant receives written notice of his selection to participate in the Solar Program.

3. A participant who is withdrawn from the Solar Program pursuant to subsection 2 forfeits any incentives.

Sec. 27. ***In adopting regulations for the Solar Program, the Commission shall adopt regulations establishing an incentive for participation in the Solar Program.***

Sec. 28. ***If a solar energy system used by a participant in the Solar Program meets the requirements of NRS 704.766 to 704.775, inclusive, the***

participant is entitled to participate in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 29. ***1. After a participant installs a solar energy system included in the Solar Program, the Commission shall issue portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821.***

2. The Commission shall designate the portfolio energy credits issued pursuant to this section as portfolio energy credits generated, acquired or saved from solar renewable energy systems for the purposes of the portfolio standard.

3. All portfolio energy credits issued for a solar energy system installed pursuant to the Solar Program must be assigned to and become the property of the utility administering the Program.

Sec. 30. ***1. The Renewable Energy School Pilot Program is hereby created. The goal of the Program is to encourage the development of and determine the feasibility for the integration of renewable energy systems on school properties.***

2. The Commission shall adopt regulations for the Program. Such regulations shall include, but not be limited to:

(a) A time frame for implementation of the Program;

(b) The allowed renewable energy systems and combinations of such renewable energy systems on school property;

(c) The amount of capacity that may be installed at each school property that participates in the Program;

(d) A process by which a school district may apply for participation in the Program;

(e) Requirements for participation by a school district;

(f) The type of transactions allowed between a renewable energy system generator, a school district and a utility;

(g) Incentives which may be provided to a school district or school property to encourage participation; and

(h) Such other parameters as determined by the Commission and are consistent with the development of renewable energy systems at school properties.

3. The Program shall be limited to 10 school properties. Not more than 6 school properties from any one school district may participate in the Program.

4. The Commission shall adopt the regulations necessary to implement the Program not later than March 1, 2008.

5. The Commission shall prepare a report detailing the results of the Program and shall submit the report to the Legislature by December 1, 2008.

6. As used in this section:

(a) "Commission" means the Public Utilities Commission of Nevada.

(b) "Owned, leased or occupied" includes, without limitation, any real property, building or facilities which are owned, leased or occupied under a deed, lease, contract, license, permit, grant, patent or any other type of legal authorization.

(c) "Renewable energy system" has the meaning ascribed to it in NRS 704.7815.

(d) "School district" has the meaning ascribed to it in NRS 395.0075.

(e) "School property" means any real property, building or facilities which are owned, leased or occupied by a public school as defined in NRS 385.007.

(f) "Utility" has the meaning ascribed to it in section 19 of this act.

Sec. 31. Chapter 701 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall adopt regulations establishing a program for evaluating the energy consumption of residential property in this State.

2. The regulations must include, without limitation:

(a) Standards for evaluating the energy consumption of residential property; and

(b) Provisions prescribing a form to be used pursuant to section 50 of this act, including, without limitation, provisions that require a portion of the form to provide information on ~~[the program]~~ programs of improving energy conservation and energy efficiency in residential property . ~~[created pursuant to section 33 of this act.]~~

3. As used in this section:

(a) "Dwelling unit" means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one person who maintains a household or by two or more persons who maintain a common household.

(b) "Residential property" means any land in this State to which is affixed not less than one or more than four dwelling units.

Sec. 32. NRS 701.010 is hereby amended to read as follows:

701.010 1. The Legislature finds that:

(a) Energy is essential to the economy of the State and to the health, safety and welfare of the people of the State.

(b) The State has a responsibility to encourage the maintenance of a reliable and economical supply of energy at a level which is consistent with the protection of environmental quality.

(c) The State has a responsibility to encourage the utilization of a wide range of measures which reduce wasteful uses of energy resources.

(d) ***The State and the public have an interest in encouraging public utilities to promote and take actions toward energy conservation.***

(e) Planning for energy conservation and future energy requirements should include consideration of state, regional and local plans for land use, urban expansion, transportation systems, environmental protection and economic development.

~~[(e)]~~ ***(f)*** Government and private enterprise need to accelerate research and development of sources of renewable energy and to improve technology related to the research and development of existing sources of energy.

~~[(f)]~~ ***(g)*** While government and private enterprise are seeking to accelerate research and development of sources of renewable energy, they must also prepare for and respond to the advent of competition within the electrical energy industry and are, therefore, encouraged to maximize the use of indigenous energy resources to the extent competitively and economically feasible.

~~[(g)]~~ ***(h)*** Prevention of delays and interruptions in providing energy, protecting environmental values and conserving energy require expanded authority and capability within State Government.

2. It is the policy of this State to encourage participation with all levels of government and private enterprise in cooperative state, regional and national programs to assure adequate supplies of energy resources and markets for such energy resources.

3. It is the policy of this State to assign the responsibility for managing and conserving energy and its sources to agencies whose other programs are similar, to avoid duplication of effort in developing policies and programs for energy.

Sec. 33. ~~[Chapter 702 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. At the beginning of a fiscal year, 50 percent of the money in the Fund which was allocated to the Division of Welfare and Supportive Services during the preceding fiscal year pursuant to NRS 702.260 and which remains unspent and unencumbered must be distributed to the Housing Division for a program of improving energy conservation and energy efficiency in residential property. The Housing Division may use not more than 6 percent of the money distributed pursuant to this section for its administrative expenses.*~~

~~*2. Except as otherwise provided in NRS 702.150, after deduction for its administrative expenses, the Housing Division may use the money distributed pursuant to this section only to provide a qualified purchaser of residential property which has received a deficient evaluation on the energy consumption of the residential property pursuant to the program established in section 31 of this act with a grant to pay for improvements designed to increase the energy conservation and energy efficiency of the residential property or to assist an eligible household in acquiring such improvements.*~~

~~*3. To be eligible to receive assistance from the Housing Division pursuant to this section:*~~

~~*(a) The purchaser of the residential property must have a household income that is not more than 80 percent of the median gross family income for the county in which the property is located, based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for that county; and*~~

~~*(b) The residential property must not meet the standards for energy consumption established pursuant to section 31 of this act.*~~

~~*4. The Housing Division shall adopt regulations to carry out and enforce the provisions of this section.*~~

~~*5. In carrying out the provisions of this section, the Housing Division shall:*~~

~~*(a) Solicit advice from the Division of Welfare and Supportive Services and from other knowledgeable persons;*~~

~~*(b) Identify and implement appropriate delivery systems to distribute money from the Fund and to provide other assistance pursuant to this section;*~~

~~*(c) Coordinate with other federal, state and local agencies that provide energy assistance or conservation services to low income persons and, to the extent allowed by federal law and to the extent practicable, use the same simplified application forms as those other agencies;*~~

~~*(d) Encourage other persons to provide resources and services, including, to the extent practicable, schools and programs that provide training in the building trades and apprenticeship programs;*~~

~~*(e) Establish a process for evaluating the program conducted pursuant to this section;*~~

~~*(f) Develop a process for making changes to the program; and*~~

~~*(g) Engage in annual planning and evaluation processes with the Division of Welfare and Supportive Services as required by NRS 702.280.]*~~ **(Deleted by amendment.)**

Sec. 34. ~~[NRS 702.250 is hereby amended to read as follows:~~

~~702.250 1. There is hereby created as a special revenue fund in the State Treasury the Fund for Energy Assistance and Conservation. The Division of Welfare and Supportive Services shall administer the Fund.~~

~~2. In addition to the money that must be credited to the Fund from the universal energy charge, all money received from private or public sources to carry out the purposes of this chapter must be deposited in the State Treasury for credit to the Fund.~~

~~3. The Division shall, to the extent practicable, ensure that the money in the Fund is administered in a manner which is coordinated with all other sources of money that are available for energy assistance and conservation, including, without limitation, money contributed from private sources, money obtained from the Federal Government and money obtained from any agency or instrumentality of this State or political subdivision of this State.~~

~~4. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. All claims against the Fund must be paid as other claims against the State are paid.~~

~~5. After deduction of any refunds paid from the Fund pursuant to NRS 702.160, the money in the Fund must be distributed pursuant to NRS 702.260 and 702.270 [.] *and section 33 of this act.]*~~ **(Deleted by amendment.)**

Sec. 35. ~~[NRS 702.280 is hereby amended to read as follows:~~

~~702.280 1. The Division of Welfare and Supportive Services and the Housing Division jointly shall establish an annual plan to coordinate their activities and programs pursuant to this chapter. In preparing the annual plan, the Divisions shall solicit advice from knowledgeable persons. The annual plan must include, without limitation, a description of:~~

~~(a) The resources and services being used by each program and the efforts that will be undertaken to increase or improve those resources and services;~~

~~(b) The efforts that will be undertaken to improve administrative efficiency;~~

~~(c) The efforts that will be undertaken to coordinate with other federal, state and local agencies, nonprofit organizations and any private business or trade organizations that provide energy assistance or conservation services to low-income persons;~~

~~(d) The measures concerning program design that will be undertaken to improve program effectiveness; and~~

~~(e) The efforts that will be taken to address issues identified during the most recently completed annual evaluation conducted pursuant to subsection 2.~~

~~2. The Division of Welfare and Supportive Services and the Housing Division jointly shall:~~

~~(a) Conduct an annual evaluation of the programs that each Division carries out pursuant to NRS 702.260 and 702.270 [;] *and section 33 of this act;*~~

~~(b) Solicit advice from the Commission as part of the annual evaluation; and~~

~~(c) Prepare a report concerning the annual evaluation and submit the report to the Governor, the Legislative Commission and the Interim Finance Committee.~~

~~3. The report prepared pursuant to subsection 2 must include, without limitation:~~

~~(a) A description of the objectives of each program;~~

~~(b) An analysis of the effectiveness and efficiency of each program in meeting the objectives of the program;~~

~~(c) The amount of money distributed from the Fund for each program and a detailed description of the use of that money for each program;~~

~~(d) An analysis of the coordination between the Divisions concerning each program; and~~

~~(e) Any changes planned for each program.]~~ **(Deleted by amendment.)**

Sec. 36. NRS 703.130 is hereby amended to read as follows:

703.130 1. The Commission shall appoint a Deputy Commissioner who shall serve in the unclassified service of the State.

2. The Commission shall appoint a Secretary who shall perform such administrative and other duties as are prescribed by the Commission. The Commission shall also appoint an Assistant Secretary.

3. The Commission may employ such other clerks, experts or engineers as may be necessary.

4. Except as otherwise provided in subsection 5, the Commission:

(a) May appoint one or more hearing officers for a period specified by the Commission to conduct proceedings or hearings that may be conducted by the Commission pursuant to NRS 702.160 and 702.170 and chapters 704, 704A, 704B, 705, 708 and 711 of NRS.

(b) Shall prescribe by regulation the procedure for appealing a decision of a hearing officer to the Commission.

5. The Commission shall not appoint a hearing officer to conduct proceedings or hearings:

(a) In any matter pending before the Commission pursuant to NRS 704.7561 to 704.7595, inclusive; or

(b) In any matter pending before the Commission pursuant to NRS 704.061 to 704.110, inclusive, in which an electric utility has filed a general rate application or an ***annual deferred energy accounting adjustment*** application **.** ~~[to clear its deferred accounts.]~~

6. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 37. NRS 703.320 is hereby amended to read as follows:

703.320 Except as otherwise provided in ~~[subsection 8]~~ ***subsections 8 and 9*** of NRS 704.110:

1. In any matter pending before the Commission, if a hearing is required by a specific statute or is otherwise required by the Commission, the Commission shall give notice of the pendency of the matter to all persons entitled to notice of the hearing. The Commission shall by regulation specify:

(a) The manner of giving notice in each type of proceeding; and

(b) The persons entitled to notice in each type of proceeding.

2. The Commission shall not dispense with a hearing:

(a) In any matter pending before the Commission pursuant to NRS 704.7561 to 704.7595, inclusive; or

(b) Except as otherwise provided in ***paragraph (f) of*** subsection ~~[5]~~ ***1*** of NRS 704.100, in any matter pending before the Commission pursuant to NRS 704.061 to 704.110, inclusive, in which an electric utility has filed a general rate application or an ~~[application to clear its deferred accounts.]~~ ***annual deferred energy accounting adjustment application pursuant to NRS 704.187.***

3. In any other matter pending before the Commission, the Commission may dispense with a hearing and act upon the matter pending unless, within 10 days after the date of the notice of pendency, a person entitled to notice of the hearing files with the Commission a request that the hearing be held. If such a request for a hearing is filed, the Commission shall give at least 10 days' notice of the hearing.

4. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 38. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commission shall adopt regulations to establish methods and programs for a public utility which purchases natural gas for resale that remove financial disincentives which discourage the public utility from supporting energy conservation, including, without limitation:

(a) Procedures for a public utility which purchases natural gas for resale to have a mechanism established during a general rate application filed pursuant to NRS 704.110 to ensure that the costs of the public utility for providing service are recovered without regard to the difference in the quantity of natural gas actually sold by the public utility by taking into account the adjusted and annualized quantity of natural gas sold during a test year and the growth in the number of customers of the public utility;

(b) Procedures for a public utility which purchases natural gas for resale to apply to the Commission for approval of an activity relating to increasing energy efficiency or energy conservation; and

(c) Procedures for a public utility which purchases natural gas for resale to apply to the Commission for the recovery of costs associated with an activity approved by the Commission pursuant to paragraph (b).

2. The regulations adopted pursuant to subsection 1 must ensure that the methods and programs consider the recovery of costs, stabilization of revenue and any reduction of risk for the public utility which purchases natural gas for resale.

Sec. 39. NRS 704.062 is hereby amended to read as follows:

704.062 "Application to make changes in any schedule" and "application" include, without limitation:

1. A general rate application;

2. An application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale; and

3. An ***annual deferred energy accounting adjustment*** application ***.*** ~~[to clear deferred accounts.]~~

Sec. 40. NRS 704.069 is hereby amended to read as follows:

704.069 1. Except as otherwise provided in ~~[subsection 8]~~ ***subsections 8 and 9*** of NRS 704.110, the Commission shall conduct a consumer session to solicit comments from the public in any matter pending before the Commission pursuant to NRS 704.061 to 704.110, inclusive, in which:

(a) A public utility has filed a general rate application, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale ~~[or an application to clear its deferred accounts ;]~~ ***, an annual deferred energy accounting adjustment application pursuant to NRS 704.187 or an annual rate adjustment application;*** and

(b) The changes proposed in the application will result in an increase in annual gross operating revenue, as certified by the applicant, in an amount that will exceed $50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less.

2. In addition to the case-specific consumer sessions required by subsection 1, the Commission shall, during each calendar year, conduct at least one general consumer session in the county with the largest population in this State and at least one general consumer session in the county with the second largest population in this State. At each general consumer session, the Commission shall solicit comments from the public on issues concerning public utilities. Not later than 60 days after each general consumer session, the Commission shall submit the record from the general consumer session to the Legislative Commission.

Sec. 41. NRS 704.100 is hereby amended to read as follows:

704.100 ***1.*** Except as otherwise provided in NRS 704.075 and 704.68904 to 704.68984, inclusive, or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097 or pursuant to the regulations adopted by the Commission in accordance with subsection 4 of NRS 704.040:

~~[1.]~~ ***(a)*** A public utility shall not make changes in any schedule, unless the public utility:

~~[(a)]~~ ***(1)*** Files with the Commission an application to make the proposed changes and the Commission approves the proposed changes pursuant to NRS 704.110; or

~~[(b)]~~ ***(2)*** Files the proposed changes with the Commission using a letter of advice in accordance with the provisions of ~~[subsection 5.~~

~~2.]~~ ***paragraph (f).***

(b) A public utility shall adjust its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8 of NRS 704.110 based on changes in the public utility's recorded costs of natural gas purchased for resale.

~~[3.]~~ ***(c) An electric utility shall, between annual deferred energy accounting adjustment applications filed pursuant to NRS 704.187, adjust its rates on a quarterly basis pursuant to subsection 9 of NRS 704.110.***

(d) A public utility shall post copies of all proposed schedules and all new or amended schedules in the same offices and in substantially the same form, manner and places as required by NRS 704.070 for the posting of copies of schedules that are currently in force.

~~[4.]~~ ***(e)*** A public utility may not set forth as justification for a rate increase any items of expense or rate base that previously have been considered and disallowed by the Commission, unless those items are clearly identified in the application and new facts or considerations of policy for each item are advanced in the application to justify a reversal of the prior decision of the Commission.

~~[5.]~~ ***(f)*** Except as otherwise provided in ~~[subsection 6,]~~ ***paragraph (g),*** if the proposed change in any schedule does not change any rate or will result in an increase in annual gross operating revenue, as certified by the public utility, in an amount that does not exceed $2,500:

~~[(a)]~~ ***(1)*** The public utility may file the proposed change with the Commission using a letter of advice in lieu of filing an application; and

~~[(b)]~~ ***(2)*** The Commission shall determine whether it should dispense with a hearing regarding the proposed change.

~~[6.]~~ ***(g)*** If the applicant is a public utility furnishing telephone service and the proposed change in any schedule will result in an increase in annual gross operating revenue, as certified by the applicant, in an amount that does not exceed $50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less, the Commission shall determine whether it should dispense with a hearing regarding the proposed change.

~~[7.]~~ ***(h)*** In making the determination pursuant to ~~[subsection 5 or 6,]~~ ***paragraph (f) or (g),*** the Commission shall first consider all timely written protests, any presentation that the Regulatory Operations Staff of the Commission may desire to present, the application of the public utility and any other matters deemed relevant by the Commission.

2. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 42. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075 and 704.68904 to 704.68984, inclusive, or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097 or pursuant to the regulations adopted by the Commission in accordance with subsection 4 of NRS 704.040:

1. If a public utility files with the Commission an application to make changes in any schedule, including, without limitation, changes that will result in a discontinuance, modification or restriction of service, the Commission shall investigate the propriety of the proposed changes to determine whether to approve or disapprove the proposed changes. If an electric utility files such an application and the application is a general rate application or an ***annual deferred energy accounting adjustment*** application ***,*** ~~[to clear its deferred accounts,]~~ the Consumer's Advocate shall be deemed a party of record.

2. Except as otherwise provided in subsections 3 and ~~[13,]~~ ***12,*** if a public utility files with the Commission an application to make changes in any schedule, the Commission shall issue a written order approving or disapproving, in whole or in part, the proposed changes:

(a) For a public utility that is a PAR carrier, not later than 180 days after the date on which the application is filed; and

(b) For all other public utilities, not later than 210 days after the date on which the application is filed.

3. If a public utility files with the Commission a general rate application, the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared. Except as otherwise provided in subsection 4, in determining whether to approve or disapprove any increased rates, the Commission shall

consider evidence in support of the increased rates based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the Commission and changes in the costs of securities which are known and are measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months, but the public utility shall not place into effect any increased rates until the changes have been experienced and certified by the public utility to the Commission and the Commission has approved the increased rates. The Commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an annual basis. Within 90 days after the date on which the certification required by this subsection is filed with the Commission, or within the period set forth in subsection 2, whichever time is longer, the Commission shall make such order in reference to the increased rates as is required by this chapter. An electric utility shall file a general rate application pursuant to this subsection at least once every 24 ~~*[36]*~~ months based on the following schedule:

(a) An electric utility that primarily serves less densely populated counties shall file a general rate application on or before October 3, 2005, ~~*[December 3, 2007,]*~~ and at least once every 24 ~~*[36]*~~ months thereafter.

(b) An electric utility that primarily serves densely populated counties shall file a general rate application on or before November 15, 2006, ~~*[December 3, 2008,]*~~ and at least once every 24 ~~*[36]*~~ months thereafter.

4. In addition to submitting the statement required pursuant to subsection 3, a public utility which purchases natural gas for resale ~~*[for an electric utility]*~~ may submit with its general rate application a statement showing the effects, on an annualized basis, of all expected changes in circumstances. If such a statement is filed, it must include all increases and decreases in revenue and expenses which may occur within 210 days after the date on which its general rate application is filed with the Commission if such expected changes in circumstances are reasonably known and are measurable with reasonable accuracy. If a public utility submits such a statement, the public utility has the burden of proving that the expected changes in circumstances set forth in the statement are reasonably known and are measurable with reasonable accuracy. If the Commission determines that the public utility has met its burden of proof:

(a) The Commission shall consider the statement submitted pursuant to this subsection and evidence relevant to the statement in addition to the statement required pursuant to subsection 3 as evidence in establishing just and reasonable rates for the public utility; and

(b) The public utility is not required to file with the Commission the certification that would otherwise be required pursuant to subsection 3.

5. If a public utility files with the Commission an application to make changes in any schedule and the Commission does not issue a final written order regarding the proposed changes within the time required by this section, the proposed changes shall be deemed to be approved by the Commission.

6. If a public utility files with the Commission a general rate application, the public utility shall not file with the Commission another general rate application until all pending general rate applications filed by that public utility have been decided by the Commission unless, after application and hearing, the Commission determines that a substantial financial emergency would exist if the public utility is not permitted to file another general rate application sooner. The provisions of this subsection do not prohibit the public utility from filing with the Commission, while a general rate application is pending, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale pursuant to subsection 7 ***, a quarterly rate adjustment pursuant to subsection 8 or 9, any information relating to deferred accounting requirements pursuant to NRS 704.185*** or an ***annual deferred energy accounting adjustment*** application ~~[to clear its deferred accounts pursuant to subsection 9,]~~ ***pursuant to NRS 704.187,*** if the public utility is otherwise authorized ***to so file*** by those provisions ***.*** ~~[to file such an application.]~~

7. A public utility may file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale once every 30 days. The provisions of this subsection do not apply to:

(a) An electric utility ~~[using deferred accounting pursuant to NRS 704.187;]~~ ***which is required to adjust its rates on a quarterly basis pursuant to subsection 9;*** or

(b) A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8.

8. A public utility which purchases natural gas for resale must request approval from the Commission to adjust its rates on a quarterly basis between annual rate adjustment applications based on changes in the public utility's recorded costs of natural gas purchased for resale. If the Commission approves such a request:

(a) The public utility shall file written notice with the Commission before the public utility makes a quarterly rate adjustment between annual rate adjustment applications. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The public utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's

regular monthly bill. The public utility shall begin providing such written notice to its customers not later than 30 days after the date on which the public utility files its written notice with the Commission pursuant to paragraph (a). The written notice that is included with a customer's regular monthly bill:

(1) Must be printed separately on fluorescent-colored paper and must not be attached to the pages of the bill; and

(2) Must include the following:

(I) The total amount of the increase or decrease in the public utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission; and

(IV) Any other information required by the Commission.

(c) The public utility shall file an annual rate adjustment application with the Commission. The annual rate adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual rate adjustment application must include a review of each quarterly rate adjustment and a review of the transactions and recorded costs of natural gas included in each quarterly rate adjustment and the annual rate adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the public utility to recover any recorded costs of natural gas which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the public utility, and the Commission shall order the public utility to adjust its rates if the Commission determines that any recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application were not reasonable or prudent.

9. ~~[Except as otherwise provided in subsection 10 and subsection 5 of NRS 704.100, if an electric utility using deferred accounting pursuant to NRS 704.187 files an application to clear its deferred accounts and to change one or more of its rates based upon changes in the costs for purchased fuel or purchased power, the Commission, after a public hearing and by an appropriate order:~~

~~(a) Shall allow the electric utility to clear its deferred accounts by refunding any credit balance or recovering any debit balance over a period not to exceed 3 years, as determined by the Commission.~~

~~(b) Shall not allow the electric utility to recover any debit balance, or portion thereof, in an amount that would result in a rate of return during the period of recovery that exceeds the rate of return authorized by the Commission in the most recently completed rate proceeding for the electric utility.~~

~~10. Before allowing an electric utility to clear its deferred accounts pursuant to subsection 9, the Commission shall determine whether the costs for purchased fuel and purchased power that the electric utility recorded in its deferred accounts are recoverable and whether the revenues that the electric utility collected from customers in this State for purchased fuel and purchased power are properly recorded and credited in its deferred accounts. The Commission shall not allow the electric utility to recover any costs for purchased fuel and purchased power that were the result of any practice or transaction that was undertaken, managed or performed imprudently by the electric utility. There is no presumption that any practice or transaction was undertaken, managed or performed prudently by an electric utility applying to the Commission to clear its deferred accounts or to recover costs for purchased fuel and purchased power, and the electric utility has the burden of proving that the practices and transactions of the electric utility were reasonable and prudent.~~

~~11.~~] ***An electric utility shall adjust its rates on a quarterly basis based on changes in the public utility's recorded costs of purchased fuel or purchased power in the following manner:***

(a) An electric utility shall file written notice with the Commission on or before August 15, 2007, and every quarter thereafter of the quarterly rate adjustment to be made by the electric utility for the following quarter. The first quarterly rate adjustment by the electric utility will take effect on October 1, 2007, and each subsequent quarterly rate adjustment will take effect every quarter thereafter. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) Each electric utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill. The electric utility shall begin providing such written notice to its customers not later than 30 days after the date on which the electric utility files a written notice with the Commission pursuant to paragraph (a). The written notice that is included with a customer's regular monthly bill:

(1) Must be printed separately on fluorescent-colored paper and must not be attached to the pages of the bill; and

(2) Must include the following:

(I) The total amount of the increase or decrease in the electric utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission; and

(IV) Any other information required by the Commission.

(c) An electric utility shall file an annual deferred energy accounting adjustment application pursuant to NRS 704.187 with the Commission. The annual deferred energy accounting adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual deferred energy accounting adjustment application must include a review of each quarterly rate adjustment and a review of the transactions and recorded costs of purchased fuel and purchased power included in each quarterly rate adjustment and the annual deferred energy accounting adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment or the annual deferred energy accounting adjustment application, and the electric utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the electric utility to recover any recorded costs of purchased fuel and purchased power which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the electric utility, and the Commission shall order the electric utility to adjust its rates if the Commission determines that any recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment or the annual deferred energy accounting adjustment application were not reasonable or prudent.

10. If an electric utility files an ***annual deferred energy accounting adjustment*** application ~~[to clear its deferred accounts]~~ pursuant to subsection 9 ***and NRS 704.187*** while a general rate application is pending, the electric utility shall:

(a) Submit with its ***annual deferred energy accounting adjustment*** application ~~[to clear its deferred accounts]~~ information relating to the cost of service and rate design; and

(b) Supplement its general rate application with the same information, if such information was not submitted with the general rate application.

~~[12.]~~ ***11.*** A utility facility identified in a 3-year plan submitted pursuant to NRS 704.741 and accepted by the Commission for acquisition or construction pursuant to NRS 704.751 and the regulations adopted pursuant thereto shall be deemed to be a prudent investment. The utility may recover all just and reasonable costs of planning and constructing such a facility.

~~[13.]~~ ***12.*** A PAR carrier may, in accordance with this section and NRS 704.100, file with the Commission a request to approve or change any schedule to provide volume or duration discounts to rates for telecommunication service for an offering made to all or any class of business customers. The Commission may conduct a hearing relating to the request, which must occur within 45 days after the date the request is filed with the Commission. The request and schedule shall be deemed approved if the request and schedule are not disapproved by the Commission within 60 days after the date the Commission receives the request.

~~[14.]~~ ***13.*** As used in this section:

(a) "Electric utility" has the meaning ascribed to it in NRS 704.187.

(b) "Electric utility that primarily serves densely populated counties" ~~[has the meaning ascribed to it in NRS 704.187.]~~ ***means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is 400,000 or more than it does from customers located in counties whose population is less than 400,000.***

(c) "Electric utility that primarily serves less densely populated counties" ~~[has the meaning ascribed to it in NRS 704.187.]~~ ***means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is less than 400,000 than it does from customers located in counties whose population is 400,000 or more.***

(d) "PAR carrier" has the meaning ascribed to it in NRS 704.68942.

Sec. 43. NRS 704.187 is hereby amended to read as follows:

704.187 1. ~~[Except as otherwise provided in section 36 of chapter 16, Statutes of Nevada 2001, beginning on March 1, 2001, an]~~ ***An*** electric utility that purchases fuel or power shall use deferred accounting by recording upon its books and records in deferred accounts all increases and decreases in costs for purchased fuel and purchased power that are prudently incurred by the electric utility.

2. An electric utility using deferred accounting shall include in its annual report to the Commission a statement showing, for the period of recovery, the allocated rate of return for each of its operating departments in this State using deferred accounting. If, during the period of recovery, the rate of return for any operating department using deferred accounting is greater than the rate of return authorized by the Commission in the most recently completed rate proceeding for the electric utility, the Commission shall order the electric utility that recovered costs for purchased fuel or purchased power through its rates during the reported period to transfer to the next energy adjustment

period that portion of the amount recovered by the electric utility that exceeds the authorized rate of return.

3. Except as otherwise provided in this section, an electric utility using deferred accounting shall file an annual ***deferred energy accounting adjustment*** application ~~[to clear its deferred accounts based on the following schedule:~~

~~(a) An electric utility that primarily serves less densely populated counties shall file an annual application to clear its deferred accounts on December 1, 2005, and in December]~~ ***on or before March 1, 2008, and on or before March 1*** of each year thereafter **.** ~~[on a date specified by the Commission.~~

~~(b) An electric utility that primarily serves densely populated counties shall file an annual application to clear its deferred accounts on January 17, 2006, and in January of each year thereafter on a date specified by the Commission.]~~

4. ~~[An electric utility using deferred accounting may file a semiannual application to clear its deferred accounts if the net change in revenues necessary to clear its deferred accounts for the reported period is more than 5 percent of the total revenues generated by the electric utility during that period from its rates for purchased fuel and purchased power most recently authorized by the Commission.~~

~~5.]~~ As used in this section:

(a) ~~["Application to clear its deferred accounts"]~~ ***"Annual deferred energy accounting adjustment application"*** means an application filed by an electric utility pursuant to this section and subsection 9 of NRS 704.110.

(b) "Costs for purchased fuel and purchased power" means all costs which are prudently incurred by an electric utility and which are required to purchase fuel, to purchase capacity and to purchase energy. The term does not include any costs that the Commission determines are not recoverable pursuant to subsection ~~[10]~~ ***9*** of NRS 704.110.

(c) "Electric utility" means any public utility or successor in interest that:

(1) Is in the business of providing electric service to customers;

(2) Holds a certificate of public convenience and necessity issued or transferred pursuant to this chapter; and

(3) In the most recently completed calendar year or in any other calendar year within the 7 calendar years immediately preceding the most recently completed calendar year, had a gross operating revenue of $250,000,000 or more in this State.

➥ The term does not include a cooperative association, nonprofit corporation, nonprofit association or provider of electric service which is declared to be a public utility pursuant to NRS 704.673 and which provides service only to its members.

~~[(d) "Electric utility that primarily serves densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is 400,000 or more than it~~

~~does from customers located in counties whose population is less than 400,000.~~

~~(c) "Electric utility that primarily serves less densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is less than 400,000 than it does from customers located in counties whose population is 400,000 or more.]~~

Sec. 43.5. **NRS 704.741 is hereby amended to read as follows:**

704.741 1. A utility which supplies electricity in this state shall, on or before July 1 of every third year, in the manner specified by the Commission, submit a plan to increase its supply of electricity or decrease the demands made on its system by its customers to the Commission.

2. The Commission shall, by regulation, prescribe the contents of such a plan including, but not limited to, the methods or formulas which are used by the utility to:

(a) Forecast the future demands; and

(b) Determine the best combination of sources of supply to meet the demands or the best method to reduce them.

3. The Commission shall require the utility to include in its plan an energy efficiency program for residential customers which reduces the consumption of electricity or any fossil fuel. The energy efficiency program must include, without limitation, the use of new solar thermal energy sources.

Sec. 44. ~~[NRS 704.771 is hereby amended to read as follows:~~

~~704.771 1. "Net metering system" means a facility or energy system for the generation of electricity that:~~

~~[1.] (a) Uses renewable energy as its primary source of energy to generate electricity;~~

~~[2.] (b) Has a generating capacity of not more than [150 kilowatts;~~

~~3.] 1 megawatt;~~

~~(c) Is located on the customer-generator's premises;~~

~~[4.] (d) Operates in parallel with the utility's transmission and distribution facilities; and~~

~~[5.] (e) Is intended primarily to offset part or all of the customer-generator's requirements for electricity.~~

~~2. The term does not include a facility or energy system for the generation of electricity which has a generating capacity that exceeds the greater of:~~

~~(a) The limit on the demand that the class of customer of the customer-generator may place on the system of the utility; or~~

~~(b) One hundred fifty percent of the peak demand of the customer.]~~

(Deleted by amendment.)

Sec. 45. ~~[NRS 704.773 is hereby amended to read as follows:~~

~~704.773 1. A utility shall offer net metering, as set forth in NRS 704.775, to the customer-generators operating within its service area until the cumulative capacity of all such net metering systems is equal to 1 percent of the utility's peak capacity.~~

~~2. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of not more than [30] *100* kilowatts, the utility:~~

~~(a) Shall offer to make available to the customer-generator an energy meter that is capable of registering the flow of electricity in two directions.~~

~~(b) May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.~~

~~(c) Shall not charge a customer-generator any fee or charge that would increase the customer-generator's minimum monthly charge to an amount greater than that of other customers of the utility in the same rate class as the customer-generator.~~

~~3. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of more than [30] *100* kilowatts, the utility may:~~

~~(a) Require the customer-generator to install at its own cost [an]:~~

~~*(1) An* energy meter that is capable of measuring generation output and customer load [.]*; and*~~

~~*(2) Any upgrades to the system of the utility that are required to make the net metering system compatible with the system of the utility.*~~

~~(b) [Charge]*Except as otherwise provided in paragraph (c), charge* the customer-generator any applicable fee or charge charged to other customers of the utility in the same rate class as the customer-generator, including, without limitation, customer, demand and facility charges.~~

~~*(c) Not charge the customer-generator any standby charge.*~~

~~*→ At the time of installation or upgrade of any portion of a net metering system, the utility must require or allow a customer-generator governed by this subsection to pay the entire cost of the installation or upgrade of the portion of the net metering system.*~~

~~*4. The Commission shall adopt regulations prescribing the form and substance for a net metering tariff and a standard net metering contract. The regulations must include, without limitation:*~~

~~*(a) The particular provisions, limitations and responsibilities of a customer-generator which must be included in a net metering tariff with regard to:*~~

~~*(1) Metering equipment;*~~

~~*(2) Net energy measurement and billing; and*~~

~~*(3) Interconnection,*~~

~~*→ based on the allowable size of the net metering system.*~~

~~*(b) The particular provisions, limitations and responsibilities of a customer-generator and the utility which must be included in a standard net metering contract.*~~

~~*(c) A timeline for processing applications and contracts for net metering applicants.*~~

~~*(d) Any other provisions the Commission finds necessary to carry out the provisions of NRS 704.766 to 704.775, inclusive.]*~~ **(Deleted by amendment.)**

Sec. 46. ~~[NRS 704.775 is hereby amended to read as follows:~~

~~704.775 1.~~ ~~The billing period for net metering must be a monthly period.~~

~~2.~~ ~~[If a customer-generator's net metering system has a capacity of not more than 30 kilowatts, the]~~ ~~*The* net energy measurement must be calculated in the following manner:~~

~~(a) The utility shall measure, in kilowatt hours, the net electricity produced or consumed during the billing period, in accordance with normal metering practices.~~

~~(b) If the electricity supplied by the utility exceeds the electricity generated by the customer-generator which is fed back to the utility during the billing period, the customer-generator must be billed for the net electricity supplied by the utility.~~

~~(c) If the electricity generated by the customer-generator which is fed back to the utility exceeds the electricity supplied by the utility during the billing period:~~

~~(1) Neither the utility nor the customer-generator is entitled to compensation for electricity provided to the other during the billing period.~~

~~(2) The excess electricity which is fed back to the utility during the billing period is carried forward to the next billing period as an addition to the kilowatt hours generated by the customer-generator in that billing period. If the customer-generator is billed for electricity pursuant to a time-of-use rate schedule, the excess electricity carried forward must be added to the same time of use period as the time of use period in which it was generated unless the subsequent billing period lacks a corresponding time-of-use period. In that case, the excess electricity carried forward must be apportioned evenly among the available time of use periods.~~

~~(3) Excess electricity may be carried forward to subsequent billing periods indefinitely, but a customer-generator is not entitled to receive compensation for any excess electricity that remains if:~~

~~(I) The net metering system ceases to operate or is disconnected from the utility's transmission and distribution facilities;~~

~~(II) The customer-generator ceases to be a customer of the utility at the premises served by the net metering system; or~~

~~(III) The customer-generator transfers the net metering system to another person.~~

~~(4) The *value of the* excess electricity [which is fed back to the utility shall be deemed to be electricity that the utility generated or acquired from a~~

~~renewable energy system for the purposes of complying with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive.~~

~~3. If a customer-generator's net metering system has a capacity of more than 30 kilowatts, the net energy measurement must be calculated in the following manner:~~

~~(a) The utility shall:~~

~~(1) Measure, in kilowatt hours, the amount of electricity supplied by the utility to the customer-generator during the billing period and calculate its value using the tariff that would be applicable if the customer-generator did not use a net metering system; and~~

~~(2) Measure, in kilowatt hours, the amount of electricity generated by the customer-generator which is fed back to the utility during the billing period and calculate its value at a rate that is consistent with the rate used to calculate the value of the electricity supplied by the utility.~~

~~(b) If the value of electricity supplied by the utility exceeds the value of the electricity generated by the customer-generator which is fed back to the utility during the billing period, the customer-generator must be billed for the net value of the electricity supplied by the utility.~~

~~(c) If the value of the electricity generated by the customer-generator which is fed back to the utility exceeds the value of the electricity supplied by the utility during the billing period:~~

~~(1) Neither the utility nor the customer-generator is entitled to compensation for the value of the electricity provided to the other during the billing period.~~

~~(2) The value of the excess electricity:~~

~~(I) Must not be shown as a credit on the customer-generator's bill for that billing period but must be reflected as a credit that is carried forward to offset the value of the electricity supplied by the utility during a subsequent billing period. At the discretion of the utility, the credit may be in a dollar amount or in kilowatt hours. If the credit is reflected as excess electricity and the customer-generator is billed for electricity pursuant to a time-of-use rate schedule, the excess electricity carried forward must be added to the same time-of-use period as the time-of-use period in which it was generated unless the subsequent billing period lacks a corresponding time-of-use period. In that case, the excess electricity carried forward must be apportioned evenly among the available time-of-use periods. Excess electricity may be carried forward to subsequent billing periods indefinitely, but a customer-generator is not entitled to receive compensation for any excess electricity that remains if the net metering system ceases to operate or is disconnected from the utility's transmission and distribution facilities, the customer-generator ceases to be a customer of the utility at the premises served by the net metering system or the customer-generator transfers the net metering system to another person.~~

~~(II) Does not reduce any other fee or charge imposed by the utility.~~

~~(3) The excess electricity which is fed back to the utility]~~ ~~*must not be used to reduce any other fee or charge imposed by the utility.*~~

~~*3. If the cost of purchasing and installing a net metering system was paid for:*~~

~~*(a) In whole or in part by a utility, the electricity generated by the net metering system* shall be deemed to be electricity that the utility generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive.~~

~~*(b) Entirely by a customer-generator, the Commission shall issue to the customer-generator portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 equal to the electricity generated by the net metering system.*~~

~~4. A bill for electrical service is due at the time established pursuant to the terms of the contract between the utility and the customer-generator.]~~

(Deleted by amendment.)

Sec. 47. NRS 704.7802 is hereby amended to read as follows:

704.7802 1. "Energy efficiency measure" means any measure designed, intended or used to improve energy efficiency if:

(a) The measure is installed on or after January 1, 2005, at the service location of a retail customer of a provider of electric service in this State;

(b) The measure reduces the consumption of energy by the retail customer; and

(c) The costs of the acquisition or installation of the measure are directly reimbursed, in whole or in part, by the provider of electric service.

2. The term does not include ~~[:~~

~~(a) Any]~~ ***any*** demand response measure or load limiting measure that shifts the consumption of energy by a retail customer from one period to another period.

~~[(b) Any solar energy system which qualifies as a renewable energy system and which reduces the consumption of electricity or any fossil fuel.]~~

Sec. 48. NRS 704.7821 is hereby amended to read as follows:

704.7821 1. For each provider of electric service, the Commission shall establish a portfolio standard. The portfolio standard must require each provider to generate, acquire or save electricity from portfolio energy systems or efficiency measures in an amount that is:

(a) For calendar years 2005 and 2006, not less than 6 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(b) For calendar years 2007 and 2008, not less than 9 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(c) For calendar years 2009 and 2010, not less than 12 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(d) For calendar years 2011 and 2012, not less than 15 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(e) For calendar years 2013 and 2014, not less than 18 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(f) For calendar year 2015 and for each calendar year thereafter, not less than 20 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

2. In addition to the requirements set forth in subsection 1, the portfolio standard for each provider must require that:

(a) Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures during each calendar year, not less than ~~[5]~~ ***6*** percent of that amount must be generated or acquired from solar renewable energy systems.

(b) Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures during each calendar year, not more than 25 percent of that amount may be based on energy efficiency measures. If the provider intends to use energy efficiency measures to comply with its portfolio standard during any calendar year, of the total amount of electricity saved from energy efficiency measures for which the provider seeks to obtain portfolio energy credits pursuant to this paragraph, at least 50 percent of that amount must be saved from energy efficiency measures installed at service locations of residential customers of the provider, unless a different percentage is approved by the Commission.

(c) If the provider acquires or saves electricity from a portfolio energy system or efficiency measure pursuant to a renewable energy contract or energy efficiency contract with another party:

(1) The term of the contract must be not less than 10 years, unless the other party agrees to a contract with a shorter term; and

(2) The terms and conditions of the contract must be just and reasonable, as determined by the Commission. If the provider is a utility provider and the Commission approves the terms and conditions of the contract between the utility provider and the other party, the contract and its terms and conditions shall be deemed to be a prudent investment and the utility provider may recover all just and reasonable costs associated with the contract.

3. If, for the benefit of one or more of its retail customers in this State, the provider has directly reimbursed, in whole or in part, the costs of the acquisition or installation of a solar energy system which qualifies as a renewable energy system and which reduces the consumption of electricity, the total reduction in the consumption of electricity during each calendar year that results from the solar energy system shall be deemed to be electricity

that the provider generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard.

4. The Commission shall adopt regulations that establish a system of portfolio energy credits that may be used by a provider to comply with its portfolio standard.

5. Except as otherwise provided in subsection 6, each provider shall comply with its portfolio standard during each calendar year.

6. If, for any calendar year, a provider is unable to comply with its portfolio standard through the generation of electricity from its own renewable energy systems or, if applicable, through the use of portfolio energy credits, the provider shall take actions to acquire or save electricity pursuant to one or more renewable energy contracts or energy efficiency contracts. If the Commission determines that, for a calendar year, there is not or will not be a sufficient supply of electricity or a sufficient amount of energy savings made available to the provider pursuant to renewable energy contracts and energy efficiency contracts with just and reasonable terms and conditions, the Commission shall exempt the provider, for that calendar year, from the remaining requirements of its portfolio standard or from any appropriate portion thereof, as determined by the Commission.

7. The Commission shall adopt regulations that establish:

(a) Standards for the determination of just and reasonable terms and conditions for the renewable energy contracts and energy efficiency contracts that a provider must enter into to comply with its portfolio standard.

(b) Methods to classify the financial impact of each long-term renewable energy contract and energy efficiency contract as an additional imputed debt of a utility provider. The regulations must allow the utility provider to propose an amount to be added to the cost of the contract, at the time the contract is approved by the Commission, equal to a compensating component in the capital structure of the utility provider. In evaluating any proposal made by a utility provider pursuant to this paragraph, the Commission shall consider the effect that the proposal will have on the rates paid by the retail customers of the utility provider.

8. As used in this section:

(a) "Energy efficiency contract" means a contract to attain energy savings from one or more energy efficiency measures owned, operated or controlled by other parties.

(b) "Renewable energy contract" means a contract to acquire electricity from one or more renewable energy systems owned, operated or controlled by other parties.

(c) "Terms and conditions" includes, without limitation, the price that a provider must pay to acquire electricity pursuant to a renewable energy contract or to attain energy savings pursuant to an energy efficiency contract.

Sec. 49. ~~[~~NRS 704.860 is hereby amended to read as follows:~~

~~704.860 "Utility facility" means:~~

~~1. Electric generating plants and their associated facilities, except:~~

~~(a) Electric generating plants and their associated facilities that are or will be located entirely within the boundaries of a county whose population is 100,000 or more; or~~

~~(b) Electric generating plants and their associated facilities which use or will use renewable energy, as defined in NRS 704.7811, as their primary source of energy to generate electricity and which have or will have a generating capacity of not more than~~ [150 kilowatts,] ~~*1 megawatt*, including, without limitation, a net metering system, as defined in NRS 704.771.~~

~~3. As used in this subsection, "associated facilities" includes, without limitation, any facilities for the storage, transmission or treatment of water, including, without limitation, facilities to supply water or for the treatment or disposal of wastewater, which support or service an electric generating plant.~~

~~2. Electric transmission lines and transmission substations that:~~

~~(a) Are designed to operate at 200 kilovolts or more;~~

~~(b) Are not required by local ordinance to be placed underground; and~~

~~(c) Are constructed outside any incorporated city.~~

~~3. Gas transmission lines, storage plants, compressor stations and their associated facilities when constructed outside:~~

~~(a) Any incorporated city; and~~

~~(b) Any county whose population is 100,000 or more.~~

~~4. Water storage, transmission and treatment facilities, other than facilities for the storage, transmission or treatment of water from mining operations.~~

~~5. Sewer transmission and treatment facilities.~~] **(Deleted by amendment.)**

Sec. 50. Chapter 113 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, the seller shall have the energy consumption of the residential property evaluated pursuant to the program established in section 31 of this act.

2. Except as otherwise provided in subsection 4, before closing a transaction for the conveyance of residential property, the seller shall serve the purchaser with the completed evaluation required pursuant to subsection 1, if any, on a form to be provided by the Director of the Office of Energy, as prescribed in regulations adopted pursuant to section 31 of this act.

3. Subsection 1 does not apply to a sale or intended sale of residential property:

(a) By foreclosure pursuant to chapter 107 of NRS.

(b) Between any co-owners of the property, spouses or persons related within the third degree of consanguinity.

(c) By a person who takes temporary possession or control of or title to the property solely to facilitate the sale of the property on behalf of a person who relocates to another county, state or country before title to the property is transferred to a purchaser.

(d) If the seller and purchaser agree to waive the requirements of subsection 1.

4. If an evaluation of a residential property was completed not more than 5 years before the seller and purchaser entered into the agreement to purchase the residential property, the seller may serve the purchaser with that evaluation.

Sec. 51. NRS 228.360 is hereby amended to read as follows:

228.360 The Consumer's Advocate:

1. Shall intervene in and represent the public interest in:

(a) All proceedings conducted pursuant to NRS 704.7561 to 704.7595, inclusive; and

(b) All proceedings conducted pursuant to NRS 704.061 to 704.110, inclusive, in which an electric utility has filed a general rate application or an ***annual deferred energy accounting adjustment*** application **.** ~~[to clear its deferred accounts.]~~

2. May, with respect to all public utilities except railroads and cooperative utilities, and except as otherwise provided in NRS 228.380:

(a) Conduct or contract for studies, surveys, research or expert testimony relating to matters affecting the public interest or the interests of utility customers.

(b) Examine any books, accounts, minutes, records or other papers or property of any public utility subject to the regulatory authority of the Public Utilities Commission of Nevada in the same manner and to the same extent as authorized by law for members of the Public Utilities Commission of Nevada and its staff.

(c) Except as otherwise provided in subsection 1, petition for, request, initiate, appear or intervene in any proceeding concerning rates, charges, tariffs, modifications of service or any related matter before the Public Utilities Commission of Nevada or any court, regulatory body, board, commission or agency having jurisdiction over any matter which the Consumer's Advocate may bring before or has brought before the Public Utilities Commission of Nevada or in which the public interest or the interests of any particular class of utility customers are involved. The Consumer's Advocate may represent the public interest or the interests of any particular class of utility customers in any such proceeding, and he is a real party in interest in the proceeding.

3. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 51.3. **Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If the Commission on Economic Development approves an application by a business for a partial abatement pursuant to NRS 360.750, the agreement with the Commission must provide that the business:

(a) Agrees to allow the Department to conduct audits of the business to determine whether the business is in compliance with the requirements for the partial abatement; and

(b) Consents to the disclosure of the audit reports in the manner set forth in this section.

2. If the Department conducts an audit of the business to determine whether the business is in compliance with the requirements for the partial abatement, the Department shall, upon request, provide the audit report to the Commission on Economic Development.

3. Until the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit, the information contained in the audit report provided to the Commission on Economic Development:

(a) Is confidential proprietary information of the business;

(b) Is not a public record; and

(c) Must not be disclosed to any person who is not an officer or employee of the Commission on Economic Development unless the business consents to the disclosure.

4. After the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit:

(a) The audit report provided to the Commission on Economic Development is a public record; and

(b) Upon request by any person, the Executive Director of the Commission on Economic Development shall disclose the audit report to the person who made the request, except for any information in the audit report that is protected from disclosure pursuant to subsection 5.

5. Before the Executive Director of the Commission on Economic Development discloses the audit report to the public, the business may submit a request to the Executive Director to protect from disclosure any information in the audit report which, under generally accepted business practices, would be considered a trade secret or other confidential proprietary information of the business. After consulting with the business, the Executive Director shall determine whether to protect the information from disclosure. The decision of the Executive Director is final and is not subject to judicial review. If the Executive Director determines to protect the information from disclosure, the protected information:

(a) Is confidential proprietary information of the business;

(b) Is not a public record;

(c) Must be redacted by the Executive Director from any audit report that is disclosed to the public; and

(d) Must not be disclosed to any person who is not an officer or employee of the Commission on Economic Development unless the business consents to the disclosure.

Sec. 51.7. **NRS 360.750 is hereby amended to read as follows:**

360.750 1. A person who intends to locate or expand a business in this State may apply to the Commission on Economic Development for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361, 363B or 374 of NRS.

2. The Commission on Economic Development shall approve an application for a partial abatement if the Commission makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Industrial Development and Diversification that is developed by the Commission pursuant to NRS 231.067; and

(2) Any guidelines adopted pursuant to the State Plan.

(b) The applicant has executed an agreement with the Commission which ~~[states]~~ ***must:***

(1) Comply with the requirements of section 51.3 of this act;

(2) State that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 5, continue in operation in this State for a period specified by the Commission, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection ~~[. The agreement must bind]~~ ***; and***

(3) Bind the successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least two of the following requirements:

(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $1,000,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Commission by regulation pursuant to subsection 9.

(e) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is less than 100,000 or a city

whose population is less than 60,000, the business meets at least two of the following requirements:

(1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $250,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Commission by regulation pursuant to subsection 9.

(f) If the business is an existing business, the business meets at least two of the following requirements:

(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.

(2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the Commission by regulation pursuant to subsection 9.

(g) In lieu of meeting the requirements of paragraph (d), (e) or (f), if the business furthers the development and refinement of intellectual property, a

patent or a copyright into a commercial product, the business meets at least two of the following requirements:

(1) The business will have 10 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $500,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet with minimum requirements established by the Commission by regulation pursuant to subsection 9.

3. Notwithstanding the provisions of subsection 2, the Commission on Economic Development:

(a) Shall not consider an application for a partial abatement unless the Commission has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) May, if the Commission determines that such action is necessary:

(1) Approve an application for a partial abatement by a business that does not meet the requirements set forth in paragraph (d), (e), (f) or (g) of subsection 2;

(2) Make the requirements set forth in paragraph (d), (e), (f) or (g) of subsection 2 more stringent; or

(3) Add additional requirements that a business must meet to qualify for a partial abatement.

4. If a person submits an application to the Commission on Economic Development pursuant to subsection 1, the Commission shall provide notice to the governing body of the county, the board of trustees of the school district and the governing body of the city or town, if any, in which the person intends to locate or expand a business. The notice required pursuant to this subsection must set forth the date, time and location of the hearing at which the Commission will consider the application.

5. If the Commission on Economic Development approves an application for a partial abatement, the Commission shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

6. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Commission on Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

➥ the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

8. A county treasurer:

(a) Shall deposit any money that he receives pursuant to subsection 7 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

9. The Commission on Economic Development:

(a) Shall adopt regulations relating to:

(1) The minimum level of benefits that a business must provide to its employees if the business is going to use benefits paid to employees as a basis to qualify for a partial abatement; and

(2) The notice that must be provided pursuant to subsection 4.

(b) May adopt such other regulations as the Commission on Economic Development determines to be necessary to carry out the provisions of this section [.] ***and section 51.3 of this act.***

10. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment that a new business must make to meet the requirement set forth in paragraph (d), (e) or (g) of subsection 2; and

(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section ~~[.]~~ ***and section 51.3 of this act.***

11. An applicant for an abatement who is aggrieved by a final decision of the Commission on Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 52. (Deleted by amendment.)

Sec. 53. (Deleted by amendment.)

Sec. 54. (Deleted by amendment.)

Sec. 55. (Deleted by amendment.)

Sec. 56. (Deleted by amendment.)

Sec. 57. (Deleted by amendment.)

Sec. 58. (Deleted by amendment.)

Sec. 59. (Deleted by amendment.)

Sec. 60. (Deleted by amendment.)

Sec. 61. (Deleted by amendment.)

Sec. 62. Sections 62 to 86, inclusive, of this act may be cited as the Wind Energy Systems Demonstration Program Act.

Sec. 63. As used in sections 62 to 86, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 64 to 78, inclusive, of this act have the meaning ascribed to them in those sections.

Sec. 64. "Agricultural property" means any real property employed for an agricultural use as defined in NRS 361A.030.

Sec. 65. "Applicant" means a person who is applying to participate in the Wind Demonstration Program.

Sec. 66. "Category" means one of the categories of participation in the Wind Demonstration Program as set forth in section 79 of this act.

Sec. 67. "Commission" means the Public Utilities Commission of Nevada.

Sec. 68. ~~["Committee" means the Task Force for Renewable Energy and Energy Conservation created by NRS 701.350.]~~ **(Deleted by amendment.)**

Sec. 69. "Institution of higher education" means:

1. A university, college or community college which is privately owned or which is part of the Nevada System of Higher Education; or

2. A postsecondary educational institution, as defined in NRS 394.099, or any other institution of higher education.

Sec. 70. "Participant" means a person who has been selected by the ~~[Committee]~~ **Task Force** pursuant to section 83 of this act to participate in the Wind Demonstration Program.

Sec. 71. "Person" includes, without limitation, a governmental entity.

Sec. 72. "Program year" means the period of July 1 to June 30 of the following year.

Sec. 73. "Public property" means any real property, building or facilities owned, leased or occupied by:

1. A department, agency or instrumentality of the State or any of its political subdivisions which is used for the transaction of public or quasi-public business; or

2. A nonprofit organization that is recognized as exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), as amended, or a corporation for public benefit as defined in NRS 82.021.

Sec. 74. "School property" means any real property, building or facilities owned, leased or occupied by:

1. A public school as defined in NRS 385.007;

2. A private school as defined in NRS 394.103; or

3. An institution of higher education.

Sec. 75. "Small business" means a business conducted for profit which employs 500 or fewer full-time or part-time employees.

Sec. 75.5. **"Task Force" means the Task Force for Renewable Energy and Energy Conservation created by NRS 701.350.**

Sec. 76. "Utility" means a public utility that supplies electricity in this State.

Sec. 77. "Wind Demonstration Program" or "Program" means the Wind Energy Systems Demonstration Program created by section 79 of this act.

Sec. 78. "Wind energy system" means a facility or energy system for the generation of electricity that uses wind energy to generate electricity.

Sec. 79. 1. The Wind Energy Systems Demonstration Program is hereby created.

2. The Program must have four categories as follows:

(a) School property;

(b) Other public property;

(c) Private residential property and small business property; and

(d) Agricultural property.

3. To be eligible to participate in the Program, a person must:

(a) Meet the qualifications established by the Commission pursuant to section 80 of this act;

(b) Submit an application to a utility and be selected by the ~~[Committee]~~ **Task Force** for inclusion in the Program pursuant to sections 82 and 83 of this act;

(c) When installing the wind energy system, use an installer who has been issued a classification C-2 license with the appropriate subclassification by the State Contractors' Board pursuant to the regulations adopted by the Board; and

(d) If the person will be participating in the Program in the category of school property or other public property, provide for the public display of the wind energy system, including, without limitation, providing for public demonstrations of the wind energy system and for hands-on experience of the wind energy system by the public.

Sec. 80. The Commission shall adopt regulations necessary to carry out the provisions of the Wind Energy Systems Demonstration Program Act, including, without limitation, regulations that establish:

1. The qualifications and requirements an applicant must meet to be eligible to participate in the Program in each particular category of:

(a) School property;

(b) Other public property;

(c) Private residential property and small business property; and

(d) Agricultural property.

2. The type of incentives available to participants in the Program and the level or amount of those incentives.

3. The requirements for a utility's annual plan for carrying out and administering the Program. A utility's annual plan must include, without limitation:

(a) A detailed plan for advertising the Program;

(b) A detailed budget and schedule for carrying out and administering the Program;

(c) A detailed account of administrative processes and forms that will be used to carry out and administer the Program, including, without limitation, a description of the application process and copies of all applications and any other forms that are necessary to apply for and participate in the Program;

(d) A detailed account of the procedures that will be used for inspection and verification of a participant's wind energy system and compliance with the Program;

(e) A detailed account of training and educational activities that will be used to carry out and administer the Program; and

(f) Any other information required by the Commission.

Sec. 81. 1. Each utility shall carry out and administer the Wind Demonstration Program within its service area in accordance with its annual plan as approved by the Commission pursuant to section 82 of this act.

2. A utility may recover its reasonable and prudent costs, including, without limitation, **customer** incentives **,** that are associated with carrying out and administering the Program within its service area by seeking recovery of those costs in an appropriate proceeding before the Commission pursuant to NRS 704.110.

Sec. 82. 1. On or before February 1, 2008, and on or before February 1 of each year thereafter, each utility shall file with the Commission its annual plan for carrying out and administering the Wind Demonstration Program within its service area for the following program year.

2. On or before July 1, 2008, and on or before July 1 of each year thereafter, the Commission shall:

(a) Review the annual plan filed by each utility for compliance with the requirements established by regulation; and

(b) Approve the annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Program.

3. On or before November 1, 2008, and on or before November 1 of each year thereafter, each utility shall submit to the ~~[Committee]~~ **Task Force** the utility's recommendations as to which applications received by the utility should be approved for participation in the Program. The ~~[Committee]~~ **Task Force** shall review the applications to ensure that each applicant meets the qualifications and requirements to be eligible to participate in the Program.

4. Except as otherwise provided in section 83 of this act, the ~~[Committee]~~ **Task Force** may approve, from among the applications recommended by each utility, wind energy systems totaling:

(a) For the program year beginning July 1, 2008:

(1) 500 kilowatts of capacity for school property;

(2) 500 kilowatts of capacity for other public property;

(3) 700 kilowatts of capacity for private residential property and small business property; and

(4) 700 kilowatts of capacity for agricultural property.

(b) For the program year beginning July 1, 2009:

(1) An additional 250 kilowatts of capacity for school property;

(2) An additional 250 kilowatts of capacity for other public property;

(3) An additional 350 kilowatts of capacity for private residential property and small business property; and

(4) An additional 350 kilowatts of capacity for agricultural property.

(c) For the program year beginning July 1, 2010:

(1) An additional 250 kilowatts of capacity for school property;

(2) An additional 250 kilowatts of capacity for other public property;

(3) An additional 350 kilowatts of capacity for private residential property and small business property; and

(4) An additional 350 kilowatts of capacity for agricultural property.

Sec. 83. 1. Based on the applications submitted by each utility for a program year, the ~~[Committee]~~ **Task Force** shall:

(a) Within the limits of the capacity allocated to each category, select applicants to be participants in the Wind Demonstration Program and place those applicants on a list of participants; and

(b) Select applicants to be placed on a prioritized waiting list to become participants in the Program if any capacity within a category becomes available.

2. Not later than 30 days after the date on which the ~~[Committee]~~ **Task Force** selects an applicant to be on the list of participants or the prioritized waiting list, the utility which submitted the application to the ~~[Committee]~~ **Task Force** on behalf of the applicant shall provide written notice of the selection to the applicant.

3. If the capacity allocated to any category for a program year is not fully subscribed by participants in that category, the ~~[Committee]~~ **Task Force** may, in any combination it deems appropriate:

(a) Allow a utility to submit additional applications from applicants who want to participate in that category; or

(b) Reallocate any of the unused capacity in that category to any of the other categories.

4. At any time after submitting an application to participate in the Program to a utility, an applicant may energize his wind energy system if the wind energy system meets all applicable building codes and all applicable requirements of the utility as approved by the Commission. An applicant who energizes his wind energy system under such circumstances remains eligible to participate in the Program, and the energizing of the wind energy system does not alter the applicant's status on the list of participants or the prioritized waiting list.

Sec. 84. 1. Except as otherwise provided in this section, if the ~~[Committee]~~ **Task Force** determines that a participant has not complied with the requirements for participation in the Wind Demonstration Program, the ~~[Committee]~~ **Task Force** shall, after notice and an opportunity for a hearing, withdraw the participant from the Program.

2. The ~~[Committee]~~ **Task Force** may, without notice or an opportunity for a hearing, withdraw from the Program:

(a) A participant in the category of private residential property and small business property or a participant in the category of agricultural property if the participant does not complete the installation of a wind energy system within 12 months after the date the participant receives written notice of his selection to participate in the Program.

(b) A participant in the category of school property or a participant in the category of other public property if the participant does not complete the installation of a wind energy system within 30 months after the date the participant receives written notice of his selection to participate in the Program.

3. A participant who is withdrawn from the Program pursuant to subsection 2 forfeits any incentives.

Sec. 85. 1. After a participant installs a wind energy system included in the Wind Demonstration Program, the Commission shall issue portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 equal to the actual or estimated kilowatt-hour production of the wind energy system.

2. All portfolio energy credits issued for a wind energy system installed pursuant to the Wind Demonstration Program must be assigned to and become the property of the utility administering the Program.

Sec. 86. If a wind energy system used by a participant in the Wind Demonstration Program meets the requirements of NRS 704.766 to 704.775,

inclusive, the participant is entitled to participate in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 87. Sections 87 to 106, inclusive, of this act may be cited as the Waterpower Energy Systems Demonstration Program Act.

Sec. 88. As used in sections 87 to 106, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 89 to 98, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 89. "Applicant" means a person who is applying to participate in the Waterpower Demonstration Program.

Sec. 90. "Commission" means the Public Utilities Commission of Nevada.

Sec. 91. ~~["Committee" means the Task Force for Renewable Energy and Energy Conservation created by NRS 701.350.]~~ **(Deleted by amendment.)**

Sec. 92. "Participant" means a person who has been selected by the Commission to participate in the Waterpower Demonstration Program.

Sec. 93. "Person" includes, without limitation, a public entity.

Sec. 94. "Program year" means the period of July 1 to June 30 of the following year.

Sec. 94.5. **"Task Force" means the Task Force for Renewable Energy and Energy Conservation created by NRS 701.350.**

Sec. 95. "Utility" means a public utility that supplies electricity in this State.

Sec. 96. "Waterpower" has the meaning ascribed to it in subsection 3 of NRS 704.7811.

Sec. 97. "Waterpower energy system" means a facility or energy system for the generation of electricity that uses waterpower to generate electricity.

Sec. 98. "Waterpower Demonstration Program" or "Program" means the Waterpower Energy Systems Demonstration Program created by section 99 of this act.

Sec. 99. 1. The Waterpower Energy Systems Demonstration Program is hereby created.

2. The Waterpower Demonstration Program is created for agricultural uses.

3. To be eligible to participate in the Waterpower Demonstration Program, a person must meet the qualifications established pursuant to subsection 4 and apply to and be selected by the ~~[Committee]~~ **Task Force** for inclusion in the Waterpower Demonstration Program.

4. The Commission shall adopt regulations providing for the qualifications an applicant must meet to qualify to participate in the Waterpower Demonstration Program.

Sec. 100. The ~~[Committee]~~ **Task Force** is responsible for the administration and delivery of the Waterpower Demonstration Program as approved by the Commission.

Sec. 101. The Commission shall adopt regulations that establish:

1. The level, amount and type of incentives available for participants in the Waterpower Demonstration Program.

2. The requirements for an annual plan for the administration and delivery of the Waterpower Demonstration Program. The requirements for an annual plan must include, without limitation:

(a) An advertising plan;

(b) A detailed budget;

(c) A schedule;

(d) Administrative processes, including, without limitation, a copy of the application and process for accepting applications;

(e) An inspection and verification process;

(f) Proposed training and educational activities; and

(g) Any other information required by the Commission.

Sec. 102. 1. On or before February 21, 2008, and on or before February 1 of each subsequent year, each utility shall file with the Commission for approval an annual plan for the administration and delivery of the Waterpower Demonstration Program for the program year beginning July 1, 2008, and each subsequent year thereafter.

2. On or before July 1, 2008, and on or before each July 1 of each subsequent year, the Commission shall review the annual plan for compliance with the requirements set forth by regulation of the Commission.

3. On or before November 1, 2008, and on or before November 1 of each subsequent year, each utility shall submit to the ~~[Committee]~~ **Task Force** a recommendation of which applications received should be accepted into the program. The ~~[Committee]~~ **Task Force** shall review the applications to ensure that the applicant meets the requirements adopted pursuant to subsection 4 of section 99 of this act.

4. The ~~[Committee]~~ **Task Force** may approve, from among the applications recommended by each utility, waterpower energy systems totaling:

(a) For the program year beginning July 1, 2008, 200 kilowatts of capacity;

(b) For the program year beginning July 1, 2009, an additional 100 kilowatts of capacity; and

(c) For the program year beginning July 1, 2010, an additional 100 kilowatts of capacity.

Sec. 103. Each utility may recover its reasonable and prudent costs, including, without limitation, **customer** incentives **,** that are associated with carrying out and administering the Waterpower Demonstration Program within its service area by seeking recovery of those costs in an appropriate proceeding before the Commission pursuant to NRS 704.110.

Sec. 104. 1. After a participant installs a waterpower energy system included in the Waterpower Demonstration Program, the Commission shall issue portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 equal to the

actual or estimated kilowatt-hour production of the waterpower energy system of the participant.

2. All portfolio energy credits issued for a waterpower energy system installed pursuant to the Waterpower Demonstration Program are assigned to and become the property of the utility administering the Program.

Sec. 105. If the waterpower energy system used by a participant in the Waterpower Demonstration Program meets the requirements of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 106. If the Commission determines that a participant did not comply with the requirements for participation in the Waterpower Demonstration Program, the Commission shall, after notice and an opportunity for a hearing, withdraw the participant from the Waterpower Demonstration Program. Notice or a hearing is not required for dropping an applicant from the Program who fails to meet any completion time frames specified for the Program.

Sec. 107. (Deleted by amendment.)

Sec. 108. Section 24 of the Solar Energy Systems Demonstration Program Act, being chapter 331, Statutes of Nevada 2003, as amended by chapter 2, Statutes of Nevada 2005, 22nd Special Session, at page 90, is hereby amended to read as follows:

Sec. 24. The provisions of sections 4 to 21, inclusive, of this act expire by limitation on June 30, ~~[2010.]~~ ***2007.***

Sec. 109. (Deleted by amendment.)

Sec. 110. (Deleted by amendment.)

Sec. 111. (Deleted by amendment.)

Sec. 112. With regard to solar energy systems, it is the intent of the Legislature to substitute the provisions of this section, sections 1 to 29, inclusive, 44 to 49, inclusive, and 108 of this act in a continuing way for the provisions of the Solar Energy Systems Demonstration Program Act, being chapter 331, Statutes of Nevada 2003, as last amended by chapter 2, Statutes of Nevada 2005, 22nd Special Session, except that if there is a conflict between the provisions of this section, sections 1 to 29, inclusive, 44 to 49, inclusive, and 108 of this act, and the provisions of the Solar Energy Systems Demonstration Program Act, the provisions of this section, sections 1 to 29, inclusive, 44 to 49, inclusive, and 108 of this act control.

Sec. 112.5. **The provisions of sections 51.3 and 51.7 of this act do not apply to any abatement for which an agreement was executed before July 1, 2007, between the Commission on Economic Development and the business to which the abatement was granted.**

Sec. 113. 1. This act becomes effective:

(a) Upon passage and approval for the purposes of adopting regulations and taking such other actions as are necessary to carry out the provisions of this act; and

(b) For all other purposes besides those described in paragraph (a):

(1) For this section and sections **1,** 30, 32, 36 to 46, inclusive, 49, 51 to 61, inclusive, 107, 109, 110 and 111 of this act, upon passage and approval.

(2) For sections ~~[1]~~ **1.5** to 29, inclusive, **43.5,** 47, **51.3, 51.7,** 108, ~~[and]~~ 112 **and 112.5** of this act, on July 1, 2007.

(3) For sections 62 to 106, inclusive, of this act, on October 1, 2007.

(4) For sections 31, 33, 34 ~~[,]~~ **and** 35 ~~[and 48]~~ of this act, on January 1, 2009.

(5) **For section 48 of this act, on January 1, 2010.**

(6) For section 50 of this act, on January 1, 2011.

2. Sections 62 to 106, inclusive, of this act expire by limitation on June 30, 2011.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

The following amendment was proposed by Assemblyman Conklin:

Amendment No. 1147.

SUMMARY—Revises provisions concerning ~~[generation and consumption of energy.]~~ **economic and energy development.** (BDR 58-232)

AN ACT relating to **economic and** energy ~~[; replacing the Solar Energy Systems Demonstration Program Act with]~~ **development; enacting** the Solar Energy Systems Incentive Program **,** ~~[, which provides incentives to certain participants and utilities for energy created from various solar energy systems; providing for]~~ the Renewable Energy School Pilot Program ~~[, which encourages the development of and determines the feasibility for renewable energy systems on public school properties;]~~ **and the Wind and Waterpower Energy Systems Demonstration Program Acts;** establishing a new program for evaluating the energy consumption of residential property; revising legislative findings concerning energy conservation and energy requirements; ~~[allocating a portion of the unspent money in the Fund for Energy Assistance and Conservation for a program for improving energy conservation and energy efficiency in residential property;]~~ **revising provisions governing the universal energy charge and the Fund for Energy Assistance and Conservation;** requiring certain electric utilities to make quarterly rate adjustments; requiring the creation of various methods and programs to remove financial disincentives that may discourage energy conservation by various public utilities that purchase natural gas for resale; ~~[making various changes relating to the definition of "net metering system"; making various changes relating to offers of net metering to customer-generators; making various changes relating to calculations of net energy measurements concerning net metering systems; changing the definition of "energy efficiency measure," as regards certain persons or entities that sell electricity to retail customers; changing the amount of electricity required to be generated, acquired or saved from solar renewable energy systems, as regards certain persons or entities that sell electricity to retail customers; making various changes relating to the definition of "utility facility" as it~~

~~relates to the construction of utility facilities and environmental conservation;~~] requiring certain residential properties for sale to be evaluated based on energy consumption and requiring that certain evaluations be provided to purchasers of those properties; ~~[enacting the Wind Energy Systems Demonstration Program Act, which provides incentives to certain participants and utilities for energy created from various wind energy systems; enacting the Waterpower Energy Systems Demonstration Program Act, which provides incentives to certain participants and utilities for energy created from various waterpower energy systems;~~] and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under the Solar Energy Systems Demonstration Program Act, certain entities, such as schools and public agencies, which install solar energy systems are entitled to participate in a demonstration program and receive incentives for such participation. (Chapter 331, Statutes of Nevada 2003, p. 1868) The Solar Energy Systems Demonstration Program Act expires by limitation on June 30, 2010. (Chapter 2, Statutes of Nevada 2005, 22nd Special Session, p. 90)

Sections 1-29 and 112 of this bill replace the Solar Energy Systems Demonstration Program Act with a new chapter of NRS which provides for the Solar Energy Systems Incentive Program. The Solar Energy Systems Incentive Program provides incentives to certain participants and utilities for energy created from various solar energy systems.

Section 30 of this bill provides for the Renewable Energy School Pilot Program. The goal of the Program is to encourage the development of and determine the feasibility for renewable energy systems on public school properties.

Sections 62-86 of this bill enact the Wind Energy Systems Demonstration Program Act. The Wind Energy Systems Demonstration Program Act provides incentives to certain participants and utilities for energy created from various wind energy systems. Under this bill, the Wind Energy Systems Demonstration Program Act expires by limitation on June 30, 2011.

Sections 87-106 of this bill enact the Waterpower Energy Systems Demonstration Program Act. The Waterpower Energy Systems Demonstration Program Act provides incentives to certain participants and utilities for energy created from various waterpower energy systems. Under this bill, the Waterpower Energy Systems Demonstration Program Act expires by limitation on June 30, 2011.

Existing law provides various requirements relating to the sale of residential property. (NRS 113.100-113.150, 645.230-645.321) Sections 31 ~~[, 33-35]~~ and 50 of this bill: (1) establish a new program for evaluating the energy consumption of residential property; ~~[(2) allocate a portion of the unspent money in the Fund for Energy Assistance and Conservation for a program of improving energy conservation and energy efficiency in residential property; and (3)]~~ **and (2)** require certain residential properties for

sale to be evaluated based on energy consumption and require that such evaluations and ratings be provided to purchasers of those properties.

Existing law contains legislative findings concerning energy conservation and energy requirements. (NRS 701.010) Sections 32 and 38 of this bill accomplish two things. First, they revise those findings in relation to public utilities. Second, they require the creation of various methods and programs which will remove financial disincentives that discourage energy conservation by various public utilities that purchase natural gas for resale.

Under existing law, certain utilities collect and remit a universal energy charge that is deposited into the Fund for Energy Assistance and Conservation to support programs of energy assistance, energy conservation, weatherization and energy efficiency for eligible households. (Chapter 702 of NRS) Sections 32.3, 32.5 and 32.7 of this bill reallocate a portion of any unspent and unencumbered money in the Fund for a program of improving energy conservation and energy efficiency in certain residential property.

Existing law allows for quarterly rate adjustments for a public utility which purchases natural gas for resale. (NRS 704.110) Sections 36, 37, 39-43 and 51 of this bill require certain electric utilities to also make such quarterly rate adjustments.

~~[Existing law provides for requirements relating to electric utilities and net metering systems. (NRS 704.766-704.775) Existing law also provides for requirements relating to the construction of utility facilities and environmental conservation as cited in the Utility Environmental Protection Act. (NRS 704.820-704.900) Sections 44-46 and 49 of this bill make various changes relating to the definition of "net metering system," offers of net metering to customer-generators, calculations relating to net energy measurements as regards net metering systems, and the definition of "utility facility" as it relates to the construction of utility facilities and environmental conservation.]~~

Existing law **creates a portfolio standard that** requires certain ~~[persons or entities that sell electricity to retail customers]~~ **providers of electric service** to generate, acquire or save various amounts of electricity through renewable energy systems or efficiency measures. (NRS 704.7801-704.7828) ~~[Sections 47 and 48]~~ **Section 47** of this bill ~~[change]~~ **changes** the definition of "energy efficiency measure" ~~[and the amount of electricity required to be generated, acquired or saved from solar renewable energy systems.]~~ **for purposes of the portfolio standard.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 58 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 30, inclusive, of this act.

Sec. 2. ***The provisions of sections 2 to 29, inclusive, of this act apply to the Solar Energy Systems Incentive Program.***

Sec. 3. ***As used in sections 2 to 29, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 19, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Applicant" means a person who is applying to participate in the Solar Program.***

Sec. 5. ***"Category" means one of the categories of participation in the Solar Program as set forth in section 23 of this act.***

Sec. 6. ***"Commission" means the Public Utilities Commission of Nevada.***

Sec. 7. ***"Institution of higher education" means:***

1. A university, college or community college which is privately owned or which is part of the Nevada System of Higher Education; or

2. A postsecondary educational institution, as defined in NRS 394.099, or any other institution of higher education.

Sec. 8. ***"Owned, leased or occupied" includes, without limitation, any real property, building or facilities which are owned, leased or occupied under a deed, lease, contract, license, permit, grant, patent or any other type of legal authorization.***

Sec. 9. ***"Participant" means a person who has been selected by the Commission to participate in the Solar Program.***

Sec. 10. ***"Person" includes, without limitation, a public entity.***

Sec. 11. ***"Program year" means the period of July 1 to June 30 of the following year.***

Sec. 12. ***1. "Public and other property" means any real property, building or facilities which are owned, leased or occupied by:***

(a) A public entity;

(b) A nonprofit organization that is recognized as exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), as amended; or

(c) A corporation for public benefit as defined in NRS 82.021.

2. The term includes, without limitation, any real property, building or facilities which are owned, leased or occupied by:

(a) A church; or

(b) A benevolent, fraternal or charitable lodge, society or association.

3. The term does not include school property.

Sec. 13. ***"Public entity" means a department, agency or instrumentality of the State or any of its political subdivisions.***

Sec. 14. ***"School property" means any real property, building or facilities which are owned, leased or occupied by:***

1. A public school as defined in NRS 385.007;

2. A private school as defined in NRS 394.103; or

3. An institution of higher education.

Sec. 15. ***"Small business" means a business conducted for profit which employs 500 or fewer full-time or part-time employees.***

Sec. 16. ***"Solar energy system" means a facility or energy system that uses photovoltaic cells and solar energy to generate electricity.***

Sec. 17. ***"Solar Program" means the Solar Energy Systems Incentive Program created by section 23 of this act.***

Sec. 18. ***"Task Force" means the Task Force for Renewable Energy and Energy Conservation created by NRS 701.350.***

Sec. 19. ***"Utility" means a public utility that supplies electricity in this State.***

Sec. 20. ***The Commission shall adopt regulations necessary to carry out the provisions of this chapter, including, without limitation, regulations that establish:***

1. The type of incentives available to participants in the Solar Program and the level or amount of those incentives;

2. The requirements for a utility's annual plan for carrying out and administering the Solar Program. A utility's annual plan must include, without limitation:

(a) A detailed plan for advertising the Solar Program;

(b) A detailed budget and schedule for carrying out and administering the Solar Program;

(c) A detailed account of administrative processes and forms that will be used to carry out and administer the Solar Program, including, without limitation, a description of the application process and copies of all applications and any other forms that are necessary to apply for and participate in the Solar Program;

(d) A detailed account of the procedures that will be used for inspection and verification of a participant's solar energy system and compliance with the Solar Program;

(e) A detailed account of training and educational activities that will be used to carry out and administer the Solar Program; and

(f) Any other information required by the Commission.

Sec. 21. ***In consultation with the Task Force, the Commission shall adopt regulations that establish:***

1. The qualifications and requirements an applicant must meet to be eligible to participate in each applicable category of:

(a) School property;

(b) Public and other property; and

(c) Private residential property and small business property; and

2. The form and content of the master application which a utility must submit to the Commission pursuant to section 24 of this act.

Sec. 22. ***1. Each year on or before the date established by the Commission, a utility shall file with the Commission its annual plan for carrying out and administering the Solar Program within its service area for a program year.***

2. The Commission shall:

(a) Review each annual plan filed by a utility for compliance with the requirements established by regulation of the Commission; and

(b) Approve each annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Solar Program.

3. A utility shall carry out and administer the Solar Program within its service area in accordance with the utility's annual plan as approved by the Commission.

4. A utility may recover its reasonable and prudent costs, including, without limitation, incentives, that are associated with carrying out and administering the Solar Program within its service area by seeking recovery of those costs in an appropriate proceeding before the Commission pursuant to NRS 704.110.

Sec. 23. ***1. The Solar Energy Systems Incentive Program is hereby created.***

2. The Solar Program must have three categories as follows:

(a) School property;

(b) Public and other property; and

(c) Private residential property and small business property.

3. To be eligible to participate in the Solar Program, a person must:

(a) Meet the qualifications established by the Commission pursuant to section 21 of this act;

(b) Submit an application to a utility and be selected by the Commission for inclusion in the Solar Program pursuant to sections 24 and 25 of this act;

(c) When installing the solar energy system, use an installer who has been issued a classification C-2 license with the appropriate subclassification by the State Contractors' Board pursuant to the regulations adopted by the Board; and

(d) If the person will be participating in the Solar Program in the category of school property or public and other property, provide for the public display of the solar energy system, including, without limitation, providing for public demonstrations of the solar energy system and for hands-on experience of the solar energy system by the public.

Sec. 24. ***1. If an applicant desires to participate in the Solar Program for a program year, the applicant must submit an application to a utility. If an applicant desires to participate in the category of school property or public and other property, the applicant may submit an application for multiple program years, not to exceed 5 years.***

2. Each year on or before the date established by the Commission, a utility shall review each application submitted pursuant to subsection 1 to ensure that the applicant meets the qualifications and requirements to be eligible to participate in the Solar Program and submit to the Commission:

(a) The utility's recommendations as to which applications should be approved for participation in the Solar Program; and

(b) A master application containing all the applications recommended by the utility.

3. At any time after submitting an application to a utility, an applicant may install or energize his solar energy system if the solar energy system meets all applicable building codes and all applicable requirements of the utility as approved by the Commission. An applicant who installs or energizes his solar energy system under such circumstances remains eligible to participate in the Solar Program, and the installation or energizing of the solar energy system does not alter the applicant's status on the list of participants or the prioritized waiting list pursuant to section 25 of this act.

Sec. 25. ***1. Except as otherwise provided in subsection 2, the Commission may approve, for a program year, solar energy systems:***

(a) Totaling 1,000 kilowatts of capacity for school property;

(b) Totaling 760 kilowatts of capacity for public and other property; and

(c) Totaling 1,000 kilowatts of capacity for private residential property and small business property.

2. If the capacity allocated to any category for a program year is not fully subscribed by participants in that category, the Commission may, in any combination it deems appropriate:

(a) Allow a utility to submit additional applications from applicants who want to participate in that category; or

(b) Reallocate any of the unused capacity in that category to any of the other categories,

➥ but in no case may the sum of the allocated total capacities of all the categories be greater than 2,760 kilowatts, which is the sum of the approvable total capacities of all the categories as described in subsection 1.

3. After reviewing the master application submitted by a utility pursuant to section 24 of this act, to ensure that each applicant meets the qualifications and requirements to be eligible to participate in the Solar Program, the Commission shall:

(a) Within the limits of the capacity allocated to each category, select applicants to be participants in the Solar Program and place those applicants on a list of participants; and

(b) Select applicants to be placed on a prioritized waiting list to become participants in the Solar Program if any capacity within a category becomes available.

4. Not later than 30 days after the date on which the Commission selects an applicant to be on the list of participants or the prioritized waiting list, the utility which submitted the application to the Commission on behalf of the applicant shall provide written notice of the selection to the applicant.

5. After the Commission selects an applicant to be on the list of participants, the utility which submitted the application to the Commission on behalf of the applicant may approve the solar energy system proposed by the applicant. Except as otherwise provided in subsection 3 of section 24 of this act, immediately upon the utility's approval of the solar energy system, the applicant may install and energize the solar energy system.

Sec. 26. ***1. Except as otherwise provided in this section, if the Commission determines that a participant has not complied with the requirements for participation in the Solar Program, the Commission shall, after notice and an opportunity for a hearing, withdraw the participant from the Solar Program.***

2. The Commission may, without notice or an opportunity for a hearing, withdraw from the Solar Program:

(a) A participant in the category of private residential property and small business property, if the participant does not complete the installation of a solar energy system within 12 months after the date the participant receives written notice of his selection to participate in the Solar Program.

(b) A participant in the category of school property or public and other property, if the participant does not complete the installation of a solar energy system within 30 months after the date the participant receives written notice of his selection to participate in the Solar Program.

3. A participant who is withdrawn from the Solar Program pursuant to subsection 2 forfeits any incentives.

Sec. 27. ***In adopting regulations for the Solar Program, the Commission shall adopt regulations establishing an incentive for participation in the Solar Program.***

Sec. 28. ***If a solar energy system used by a participant in the Solar Program meets the requirements of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.***

Sec. 29. ***1. After a participant installs a solar energy system included in the Solar Program, the Commission shall issue portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821.***

2. The Commission shall designate the portfolio energy credits issued pursuant to this section as portfolio energy credits generated, acquired or saved from solar renewable energy systems for the purposes of the portfolio standard.

Sec. 30. ***1. The Renewable Energy School Pilot Program is hereby created. The goal of the Program is to encourage the development of and determine the feasibility for the integration of renewable energy systems on school properties.***

2. The Commission shall adopt regulations for the Program. Such regulations shall include, but not be limited to:

(a) A time frame for implementation of the Program;

(b) The allowed renewable energy systems and combinations of such renewable energy systems on school property;

(c) The amount of capacity that may be installed at each school property that participates in the Program;

(d) A process by which a school district may apply for participation in the Program;

(e) Requirements for participation by a school district;

(f) The type of transactions allowed between a renewable energy system generator, a school district and a utility;

(g) Incentives which may be provided to a school district or school property to encourage participation; and

(h) Such other parameters as determined by the Commission and are consistent with the development of renewable energy systems at school properties.

3. The Program shall be limited to 10 school properties. Not more than 6 school properties from any one school district may participate in the Program.

4. The Commission shall adopt the regulations necessary to implement the Program not later than March 1, 2008.

5. The Commission shall prepare a report detailing the results of the Program and shall submit the report to the Legislature by December 1, 2008.

6. As used in this section:

(a) "Commission" means the Public Utilities Commission of Nevada.

(b) "Owned, leased or occupied" includes, without limitation, any real property, building or facilities which are owned, leased or occupied under a deed, lease, contract, license, permit, grant, patent or any other type of legal authorization.

(c) "Renewable energy system" has the meaning ascribed to it in NRS 704.7815.

(d) "School district" has the meaning ascribed to it in NRS 395.0075.

(e) "School property" means any real property, building or facilities which are owned, leased or occupied by a public school as defined in NRS 385.007.

(f) "Utility" has the meaning ascribed to it in section 19 of this act.

Sec. 31. Chapter 701 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall adopt regulations establishing a program for evaluating the energy consumption of residential property in this State.

2. The regulations must include, without limitation:

(a) Standards for evaluating the energy consumption of residential property; and

(b) Provisions prescribing a form to be used pursuant to section 50 of this act, including, without limitation, provisions that require a portion of the form to provide information on ~~[the program]~~ programs created

pursuant to section 32.3 of this act and other programs ***of improving energy conservation and energy efficiency in residential property*** ***.*** ~~*[created pursuant to section 33 of this act.]*~~

3. As used in this section:

(a) "Dwelling unit" means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one person who maintains a household or by two or more persons who maintain a common household.

(b) "Residential property" means any land in this State to which is affixed not less than one or more than four dwelling units.

Sec. 32. NRS 701.010 is hereby amended to read as follows:

701.010 1. The Legislature finds that:

(a) Energy is essential to the economy of the State and to the health, safety and welfare of the people of the State.

(b) The State has a responsibility to encourage the maintenance of a reliable and economical supply of energy at a level which is consistent with the protection of environmental quality.

(c) The State has a responsibility to encourage the utilization of a wide range of measures which reduce wasteful uses of energy resources.

(d) ***The State and the public have an interest in encouraging public utilities to promote and take actions toward energy conservation.***

(e) Planning for energy conservation and future energy requirements should include consideration of state, regional and local plans for land use, urban expansion, transportation systems, environmental protection and economic development.

~~[(e)]~~ ***(f)*** Government and private enterprise need to accelerate research and development of sources of renewable energy and to improve technology related to the research and development of existing sources of energy.

~~[(f)]~~ ***(g)*** While government and private enterprise are seeking to accelerate research and development of sources of renewable energy, they must also prepare for and respond to the advent of competition within the electrical energy industry and are, therefore, encouraged to maximize the use of indigenous energy resources to the extent competitively and economically feasible.

~~[(g)]~~ ***(h)*** Prevention of delays and interruptions in providing energy, protecting environmental values and conserving energy require expanded authority and capability within State Government.

2. It is the policy of this State to encourage participation with all levels of government and private enterprise in cooperative state, regional and national programs to assure adequate supplies of energy resources and markets for such energy resources.

3. It is the policy of this State to assign the responsibility for managing and conserving energy and its sources to agencies whose other programs are similar, to avoid duplication of effort in developing policies and programs for energy.

Sec. 32.3. **Chapter 702 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. At the beginning of a fiscal year, 30 percent of the money in the Fund which was allocated to the Division of Welfare and Supportive Services during the preceding fiscal year pursuant to NRS 702.260 and which remains unspent and unencumbered must be distributed to the Housing Division for a program of improving energy conservation and energy efficiency in residential property. The Housing Division may use not more than 6 percent of the money distributed pursuant to this section for its administrative expenses.

2. Except as otherwise provided in NRS 702.150, after deduction for its administrative expenses, the Housing Division may use the money distributed pursuant to this section only to provide a qualified purchaser of residential property which has received a deficient evaluation on the energy consumption of the residential property pursuant to the program established in section 31 of this act with a grant to pay for improvements designed to increase the energy conservation and energy efficiency of the residential property or to assist an eligible household in acquiring such improvements.

3. To be eligible to receive assistance from the Housing Division pursuant to this section:

(a) The purchaser of the residential property must have a household income that is not more than 80 percent of the median gross family income for the county in which the property is located, based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for that county; and

(b) The residential property must not meet the standards for energy consumption established pursuant to section 31 of this act.

4. The Housing Division shall adopt regulations to carry out and enforce the provisions of this section.

5. In carrying out the provisions of this section, the Housing Division shall:

(a) Solicit advice from the Division of Welfare and Supportive Services and from other knowledgeable persons;

(b) Identify and implement appropriate delivery systems to distribute money from the Fund and to provide other assistance pursuant to this section;

(c) Coordinate with other federal, state and local agencies that provide energy assistance or conservation services to low-income persons and, to the extent allowed by federal law and to the extent practicable, use the same simplified application forms as those other agencies;

(d) Encourage other persons to provide resources and services, including, to the extent practicable, schools and programs that provide training in the building trades and apprenticeship programs;

(e) Establish a process for evaluating the program conducted pursuant to this section;

(f) Develop a process for making changes to the program; and

(g) Engage in annual planning and evaluation processes with the Division of Welfare and Supportive Services as required by NRS 702.280.

Sec. 32.5. **NRS 702.250 is hereby amended to read as follows:**

702.250 1. There is hereby created as a special revenue fund in the State Treasury the Fund for Energy Assistance and Conservation. The Division of Welfare and Supportive Services shall administer the Fund.

2. In addition to the money that must be credited to the Fund from the universal energy charge, all money received from private or public sources to carry out the purposes of this chapter must be deposited in the State Treasury for credit to the Fund.

3. The Division shall, to the extent practicable, ensure that the money in the Fund is administered in a manner which is coordinated with all other sources of money that are available for energy assistance and conservation, including, without limitation, money contributed from private sources, money obtained from the Federal Government and money obtained from any agency or instrumentality of this State or political subdivision of this State.

4. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. All claims against the Fund must be paid as other claims against the State are paid.

5. After deduction of any refunds paid from the Fund pursuant to NRS 702.160, the money in the Fund must be distributed pursuant to NRS 702.260 and 702.270 ~~[.]~~ ***and section 32.3 of this act.***

Sec. 32.7. **NRS 702.280 is hereby amended to read as follows:**

702.280 1. The Division of Welfare and Supportive Services and the Housing Division jointly shall establish an annual plan to coordinate their activities and programs pursuant to this chapter. In preparing the annual plan, the Divisions shall solicit advice from knowledgeable persons. The annual plan must include, without limitation, a description of:

(a) The resources and services being used by each program and the efforts that will be undertaken to increase or improve those resources and services;

(b) The efforts that will be undertaken to improve administrative efficiency;

(c) The efforts that will be undertaken to coordinate with other federal, state and local agencies, nonprofit organizations and any private business or trade organizations that provide energy assistance or conservation services to low-income persons;

(d) The measures concerning program design that will be undertaken to improve program effectiveness; and

(e) The efforts that will be taken to address issues identified during the most recently completed annual evaluation conducted pursuant to subsection 2.

2. The Division of Welfare and Supportive Services and the Housing Division jointly shall:

(a) Conduct an annual evaluation of the programs that each Division carries out pursuant to NRS 702.260 and 702.270 ~~[.]~~ ***and section 32.3 of this act;***

(b) Solicit advice from the Commission as part of the annual evaluation; and

(c) Prepare a report concerning the annual evaluation and submit the report to the Governor, the Legislative Commission and the Interim Finance Committee.

3. The report prepared pursuant to subsection 2 must include, without limitation:

(a) A description of the objectives of each program;

(b) An analysis of the effectiveness and efficiency of each program in meeting the objectives of the program;

(c) The amount of money distributed from the Fund for each program and a detailed description of the use of that money for each program;

(d) An analysis of the coordination between the Divisions concerning each program; and

(e) Any changes planned for each program.

Sec. 33. ~~[Chapter 702 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. At the beginning of a fiscal year, 50 percent of the money in the Fund which was allocated to the Division of Welfare and Supportive Services during the preceding fiscal year pursuant to NRS 702.260 and which remains unspent and unencumbered must be distributed to the Housing Division for a program of improving energy conservation and energy efficiency in residential property. The Housing Division may use not more than 6 percent of the money distributed pursuant to this section for its administrative expenses.*~~

~~*2. Except as otherwise provided in NRS 702.150, after deduction for its administrative expenses, the Housing Division may use the money distributed pursuant to this section only to provide a qualified purchaser of residential property which has received a deficient evaluation on the energy consumption of the residential property pursuant to the program established in section 31 of this act with a grant to pay for improvements designed to increase the energy conservation and energy efficiency of the residential property or to assist an eligible household in acquiring such improvements.*~~

~~*3. To be eligible to receive assistance from the Housing Division pursuant to this section:*~~

~~*(a) The purchaser of the residential property must have a household income that is not more than 80 percent of the median gross family income for the county in which the property is located, based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for that county; and*~~

~~*(b) The residential property must not meet the standards for energy consumption established pursuant to section 31 of this act.*~~

~~*4. The Housing Division shall adopt regulations to carry out and enforce the provisions of this section.*~~

~~*5. In carrying out the provisions of this section, the Housing Division shall:*~~

~~*(a) Solicit advice from the Division of Welfare and Supportive Services and from other knowledgeable persons;*~~

~~*(b) Identify and implement appropriate delivery systems to distribute money from the Fund and to provide other assistance pursuant to this section;*~~

~~*(c) Coordinate with other federal, state and local agencies that provide energy assistance or conservation services to low income persons and, to the extent allowed by federal law and to the extent practicable, use the same simplified application forms as those other agencies;*~~

~~*(d) Encourage other persons to provide resources and services, including, to the extent practicable, schools and programs that provide training in the building trades and apprenticeship programs;*~~

~~*(e) Establish a process for evaluating the program conducted pursuant to this section;*~~

~~*(f) Develop a process for making changes to the program; and*~~

~~*(g) Engage in annual planning and evaluation processes with the Division of Welfare and Supportive Services as required by NRS 702.280.]*~~ **(Deleted by amendment.)**

Sec. 34. ~~[NRS 702.250 is hereby amended to read as follows:~~

~~702.250 1. There is hereby created as a special revenue fund in the State Treasury the Fund for Energy Assistance and Conservation. The Division of Welfare and Supportive Services shall administer the Fund.~~

~~2. In addition to the money that must be credited to the Fund from the universal energy charge, all money received from private or public sources to carry out the purposes of this chapter must be deposited in the State Treasury for credit to the Fund.~~

~~3. The Division shall, to the extent practicable, ensure that the money in the Fund is administered in a manner which is coordinated with all other sources of money that are available for energy assistance and conservation, including, without limitation, money contributed from private sources, money obtained from the Federal Government and money obtained from any agency or instrumentality of this State or political subdivision of this State.~~

~~4. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. All claims against the Fund must be paid as other claims against the State are paid.~~

~~5. After deduction of any refunds paid from the Fund pursuant to NRS 702.160, the money in the Fund must be distributed pursuant to NRS 702.260 and 702.270 [.] *and section 33 of this act.]*~~ **(Deleted by amendment.)**

Sec. 35. ~~[NRS 702.280 is hereby amended to read as follows:~~

~~702.280 1. The Division of Welfare and Supportive Services and the Housing Division jointly shall establish an annual plan to coordinate their activities and programs pursuant to this chapter. In preparing the annual plan, the Divisions shall solicit advice from knowledgeable persons. The annual plan must include, without limitation, a description of:~~

~~(a) The resources and services being used by each program and the efforts that will be undertaken to increase or improve those resources and services;~~

~~(b) The efforts that will be undertaken to improve administrative efficiency;~~

~~(c) The efforts that will be undertaken to coordinate with other federal, state and local agencies, nonprofit organizations and any private business or trade organizations that provide energy assistance or conservation services to low-income persons;~~

~~(d) The measures concerning program design that will be undertaken to improve program effectiveness; and~~

~~(e) The efforts that will be taken to address issues identified during the most recently completed annual evaluation conducted pursuant to subsection 2.~~

~~2. The Division of Welfare and Supportive Services and the Housing Division jointly shall:~~

~~(a) Conduct an annual evaluation of the programs that each Division carries out pursuant to NRS 702.260 and 702.270 [;] *and section 33 of this act;*~~

~~(b) Solicit advice from the Commission as part of the annual evaluation; and~~

~~(c) Prepare a report concerning the annual evaluation and submit the report to the Governor, the Legislative Commission and the Interim Finance Committee.~~

~~3. The report prepared pursuant to subsection 2 must include, without limitation:~~

~~(a) A description of the objectives of each program;~~

~~(b) An analysis of the effectiveness and efficiency of each program in meeting the objectives of the program;~~

~~(c) The amount of money distributed from the Fund for each program and a detailed description of the use of that money for each program;~~

~~(d) An analysis of the coordination between the Divisions concerning each program; and~~

~~(e) Any changes planned for each program.]~~ **(Deleted by amendment.)**

Sec. 36. NRS 703.130 is hereby amended to read as follows:

703.130 1. The Commission shall appoint a Deputy Commissioner who shall serve in the unclassified service of the State.

2. The Commission shall appoint a Secretary who shall perform such administrative and other duties as are prescribed by the Commission. The Commission shall also appoint an Assistant Secretary.

3. The Commission may employ such other clerks, experts or engineers as may be necessary.

4. Except as otherwise provided in subsection 5, the Commission:

(a) May appoint one or more hearing officers for a period specified by the Commission to conduct proceedings or hearings that may be conducted by the Commission pursuant to NRS 702.160 and 702.170 and chapters 704, 704A, 704B, 705, 708 and 711 of NRS.

(b) Shall prescribe by regulation the procedure for appealing a decision of a hearing officer to the Commission.

5. The Commission shall not appoint a hearing officer to conduct proceedings or hearings:

(a) In any matter pending before the Commission pursuant to NRS 704.7561 to 704.7595, inclusive; or

(b) In any matter pending before the Commission pursuant to NRS 704.061 to 704.110, inclusive, in which an electric utility has filed a general rate application or an ***annual deferred energy accounting adjustment*** application **.** ~~[to clear its deferred accounts.]~~

6. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 37. NRS 703.320 is hereby amended to read as follows:

703.320 Except as otherwise provided in ~~[subsection 8]~~ ***subsections 8 and 9*** of NRS 704.110:

1. In any matter pending before the Commission, if a hearing is required by a specific statute or is otherwise required by the Commission, the Commission shall give notice of the pendency of the matter to all persons entitled to notice of the hearing. The Commission shall by regulation specify:

(a) The manner of giving notice in each type of proceeding; and

(b) The persons entitled to notice in each type of proceeding.

2. The Commission shall not dispense with a hearing:

(a) In any matter pending before the Commission pursuant to NRS 704.7561 to 704.7595, inclusive; or

(b) Except as otherwise provided in ***paragraph (f) of*** subsection ~~[5]~~ ***1*** of NRS 704.100, in any matter pending before the Commission pursuant to NRS 704.061 to 704.110, inclusive, in which an electric utility has filed a general rate application or an ~~[application to clear its deferred accounts.]~~ ***annual deferred energy accounting adjustment application pursuant to NRS 704.187.***

3. In any other matter pending before the Commission, the Commission may dispense with a hearing and act upon the matter pending unless, within 10 days after the date of the notice of pendency, a person entitled to notice of the hearing files with the Commission a request that the hearing be held. If such a request for a hearing is filed, the Commission shall give at least 10 days' notice of the hearing.

4. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 38. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commission shall adopt regulations to establish methods and programs for a public utility which purchases natural gas for resale that remove financial disincentives which discourage the public utility from supporting energy conservation, including, without limitation:

(a) Procedures for a public utility which purchases natural gas for resale to have a mechanism established during a general rate application filed pursuant to NRS 704.110 to ensure that the costs of the public utility for providing service are recovered without regard to the difference in the quantity of natural gas actually sold by the public utility by taking into account the adjusted and annualized quantity of natural gas sold during a test year and the growth in the number of customers of the public utility;

(b) Procedures for a public utility which purchases natural gas for resale to apply to the Commission for approval of an activity relating to increasing energy efficiency or energy conservation; and

(c) Procedures for a public utility which purchases natural gas for resale to apply to the Commission for the recovery of costs associated with an activity approved by the Commission pursuant to paragraph (b).

2. The regulations adopted pursuant to subsection 1 must ensure that the methods and programs consider the recovery of costs, stabilization of revenue and any reduction of risk for the public utility which purchases natural gas for resale.

Sec. 39. NRS 704.062 is hereby amended to read as follows:

704.062 "Application to make changes in any schedule" and "application" include, without limitation:

1. A general rate application;

2. An application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale; and

3. An ***annual deferred energy accounting adjustment*** application***.*** ~~[to clear deferred accounts.]~~

Sec. 40. NRS 704.069 is hereby amended to read as follows:

704.069 1. Except as otherwise provided in ~~[subsection 8]~~ ***subsections 8 and 9*** of NRS 704.110, the Commission shall conduct a consumer session to solicit comments from the public in any matter pending before the Commission pursuant to NRS 704.061 to 704.110, inclusive, in which:

(a) A public utility has filed a general rate application, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale ~~[or an application to clear its deferred accounts ;]~~ ***, an annual deferred energy accounting adjustment application pursuant to NRS 704.187 or an annual rate adjustment application;*** and

(b) The changes proposed in the application will result in an increase in annual gross operating revenue, as certified by the applicant, in an amount that will exceed $50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less.

2. In addition to the case-specific consumer sessions required by subsection 1, the Commission shall, during each calendar year, conduct at least one general consumer session in the county with the largest population in this State and at least one general consumer session in the county with the second largest population in this State. At each general consumer session, the Commission shall solicit comments from the public on issues concerning public utilities. Not later than 60 days after each general consumer session, the Commission shall submit the record from the general consumer session to the Legislative Commission.

Sec. 41. NRS 704.100 is hereby amended to read as follows:

704.100 ***1.*** Except as otherwise provided in NRS 704.075 and 704.68904 to 704.68984, inclusive, or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097 or pursuant to the regulations adopted by the Commission in accordance with subsection 4 of NRS 704.040:

~~[1.]~~ ***(a)*** A public utility shall not make changes in any schedule, unless the public utility:

~~[(a)]~~ ***(1)*** Files with the Commission an application to make the proposed changes and the Commission approves the proposed changes pursuant to NRS 704.110; or

~~[(b)]~~ ***(2)*** Files the proposed changes with the Commission using a letter of advice in accordance with the provisions of ~~[subsection 5.~~

~~2.]~~ ***paragraph (f).***

(b) A public utility shall adjust its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8 of NRS 704.110 based on changes in the public utility's recorded costs of natural gas purchased for resale.

~~[3.]~~ ***(c) An electric utility shall, between annual deferred energy accounting adjustment applications filed pursuant to NRS 704.187, adjust its rates on a quarterly basis pursuant to subsection 9 of NRS 704.110.***

(d) A public utility shall post copies of all proposed schedules and all new or amended schedules in the same offices and in substantially the same form, manner and places as required by NRS 704.070 for the posting of copies of schedules that are currently in force.

~~[4.]~~ ***(e)*** A public utility may not set forth as justification for a rate increase any items of expense or rate base that previously have been considered and disallowed by the Commission, unless those items are clearly identified in the application and new facts or considerations of policy for each item are advanced in the application to justify a reversal of the prior decision of the Commission.

~~[5.]~~ ***(f)*** Except as otherwise provided in ~~[subsection 6,]~~ ***paragraph (g),*** if the proposed change in any schedule does not change any rate or will result in an increase in annual gross operating revenue, as certified by the public utility, in an amount that does not exceed $2,500:

~~[(a)]~~ ***(1)*** The public utility may file the proposed change with the Commission using a letter of advice in lieu of filing an application; and

~~[(b)]~~ ***(2)*** The Commission shall determine whether it should dispense with a hearing regarding the proposed change.

~~[6.]~~ ***(g)*** If the applicant is a public utility furnishing telephone service and the proposed change in any schedule will result in an increase in annual gross operating revenue, as certified by the applicant, in an amount that does not exceed $50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less, the Commission shall determine whether it should dispense with a hearing regarding the proposed change.

~~[7.]~~ ***(h)*** In making the determination pursuant to ~~[subsection 5 or 6,]~~ ***paragraph (f) or (g),*** the Commission shall first consider all timely written protests, any presentation that the Regulatory Operations Staff of the Commission may desire to present, the application of the public utility and any other matters deemed relevant by the Commission.

2. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 42. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075 and 704.68904 to 704.68984, inclusive, or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097 or pursuant to the regulations adopted by the Commission in accordance with subsection 4 of NRS 704.040:

1. If a public utility files with the Commission an application to make changes in any schedule, including, without limitation, changes that will result in a discontinuance, modification or restriction of service, the Commission shall investigate the propriety of the proposed changes to determine whether to approve or disapprove the proposed changes. If an electric utility files such an application and the application is a general rate application or an ***annual deferred energy accounting adjustment*** application ***,*** ~~[to clear its deferred accounts,]~~ the Consumer's Advocate shall be deemed a party of record.

2. Except as otherwise provided in subsections 3 and ~~[13,]~~ ***12,*** if a public utility files with the Commission an application to make changes in any schedule, the Commission shall issue a written order approving or disapproving, in whole or in part, the proposed changes:

(a) For a public utility that is a PAR carrier, not later than 180 days after the date on which the application is filed; and

(b) For all other public utilities, not later than 210 days after the date on which the application is filed.

3. If a public utility files with the Commission a general rate application, the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared. Except as otherwise provided in subsection 4, in determining whether to approve or disapprove any increased rates, the Commission shall

consider evidence in support of the increased rates based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the Commission and changes in the costs of securities which are known and are measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months, but the public utility shall not place into effect any increased rates until the changes have been experienced and certified by the public utility to the Commission and the Commission has approved the increased rates. The Commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an annual basis. Within 90 days after the date on which the certification required by this subsection is filed with the Commission, or within the period set forth in subsection 2, whichever time is longer, the Commission shall make such order in reference to the increased rates as is required by this chapter. An electric utility shall file a general rate application pursuant to this subsection at least once every 24 ~~*[36]*~~ months based on the following schedule:

(a) An electric utility that primarily serves less densely populated counties shall file a general rate application on or before October 3, 2005, ~~*[December 3, 2007,]*~~ and at least once every 24 ~~*[36]*~~ months thereafter.

(b) An electric utility that primarily serves densely populated counties shall file a general rate application on or before November 15, 2006, ~~*[December 3, 2008,]*~~ and at least once every 24 ~~*[36]*~~ months thereafter.

4. In addition to submitting the statement required pursuant to subsection 3, a public utility which purchases natural gas for resale ~~*[for an electric utility]*~~ may submit with its general rate application a statement showing the effects, on an annualized basis, of all expected changes in circumstances. If such a statement is filed, it must include all increases and decreases in revenue and expenses which may occur within 210 days after the date on which its general rate application is filed with the Commission if such expected changes in circumstances are reasonably known and are measurable with reasonable accuracy. If a public utility submits such a statement, the public utility has the burden of proving that the expected changes in circumstances set forth in the statement are reasonably known and are measurable with reasonable accuracy. If the Commission determines that the public utility has met its burden of proof:

(a) The Commission shall consider the statement submitted pursuant to this subsection and evidence relevant to the statement in addition to the statement required pursuant to subsection 3 as evidence in establishing just and reasonable rates for the public utility; and

(b) The public utility is not required to file with the Commission the certification that would otherwise be required pursuant to subsection 3.

5. If a public utility files with the Commission an application to make changes in any schedule and the Commission does not issue a final written order regarding the proposed changes within the time required by this section, the proposed changes shall be deemed to be approved by the Commission.

6. If a public utility files with the Commission a general rate application, the public utility shall not file with the Commission another general rate application until all pending general rate applications filed by that public utility have been decided by the Commission unless, after application and hearing, the Commission determines that a substantial financial emergency would exist if the public utility is not permitted to file another general rate application sooner. The provisions of this subsection do not prohibit the public utility from filing with the Commission, while a general rate application is pending, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale pursuant to subsection 7 ***, a quarterly rate adjustment pursuant to subsection 8 or 9, any information relating to deferred accounting requirements pursuant to NRS 704.185*** or an ***annual deferred energy accounting adjustment*** application ~~[to clear its deferred accounts pursuant to subsection 9,]~~ ***pursuant to NRS 704.187,*** if the public utility is otherwise authorized ***to so file*** by those provisions ***.*** ~~[to file such an application.]~~

7. A public utility may file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale once every 30 days. The provisions of this subsection do not apply to:

(a) An electric utility ~~[using deferred accounting pursuant to NRS 704.187;]~~ ***which is required to adjust its rates on a quarterly basis pursuant to subsection 9;*** or

(b) A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8.

8. A public utility which purchases natural gas for resale must request approval from the Commission to adjust its rates on a quarterly basis between annual rate adjustment applications based on changes in the public utility's recorded costs of natural gas purchased for resale. If the Commission approves such a request:

(a) The public utility shall file written notice with the Commission before the public utility makes a quarterly rate adjustment between annual rate adjustment applications. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The public utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's

regular monthly bill. The public utility shall begin providing such written notice to its customers not later than 30 days after the date on which the public utility files its written notice with the Commission pursuant to paragraph (a). The written notice that is included with a customer's regular monthly bill:

(1) Must be printed separately on fluorescent-colored paper and must not be attached to the pages of the bill; and

(2) Must include the following:

(I) The total amount of the increase or decrease in the public utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission; and

(IV) Any other information required by the Commission.

(c) The public utility shall file an annual rate adjustment application with the Commission. The annual rate adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual rate adjustment application must include a review of each quarterly rate adjustment and a review of the transactions and recorded costs of natural gas included in each quarterly rate adjustment and the annual rate adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the public utility to recover any recorded costs of natural gas which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the public utility, and the Commission shall order the public utility to adjust its rates if the Commission determines that any recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application were not reasonable or prudent.

9. ~~[Except as otherwise provided in subsection 10 and subsection 5 of NRS 704.100, if an electric utility using deferred accounting pursuant to NRS 704.187 files an application to clear its deferred accounts and to change one or more of its rates based upon changes in the costs for purchased fuel or purchased power, the Commission, after a public hearing and by an appropriate order:~~

~~(a) Shall allow the electric utility to clear its deferred accounts by refunding any credit balance or recovering any debit balance over a period not to exceed 3 years, as determined by the Commission.~~

~~(b) Shall not allow the electric utility to recover any debit balance, or portion thereof, in an amount that would result in a rate of return during the period of recovery that exceeds the rate of return authorized by the Commission in the most recently completed rate proceeding for the electric utility.~~

~~10. Before allowing an electric utility to clear its deferred accounts pursuant to subsection 9, the Commission shall determine whether the costs for purchased fuel and purchased power that the electric utility recorded in its deferred accounts are recoverable and whether the revenues that the electric utility collected from customers in this State for purchased fuel and purchased power are properly recorded and credited in its deferred accounts. The Commission shall not allow the electric utility to recover any costs for purchased fuel and purchased power that were the result of any practice or transaction that was undertaken, managed or performed imprudently by the electric utility.~~

~~11.~~] ***An electric utility shall adjust its rates on a quarterly basis based on changes in the public utility's recorded costs of purchased fuel or purchased power in the following manner:***

(a) An electric utility shall file written notice with the Commission on or before August 15, 2007, and every quarter thereafter of the quarterly rate adjustment to be made by the electric utility for the following quarter. The first quarterly rate adjustment by the electric utility will take effect on October 1, 2007, and each subsequent quarterly rate adjustment will take effect every quarter thereafter. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) Each electric utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill. The electric utility shall begin providing such written notice to its customers not later than 30 days after the date on which the electric utility files a written notice with the Commission pursuant to paragraph (a). The written notice that is included with a customer's regular monthly bill:

(1) Must be printed separately on fluorescent-colored paper and must not be attached to the pages of the bill; and

(2) Must include the following:

(I) The total amount of the increase or decrease in the electric utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission; and

(IV) Any other information required by the Commission.

(c) An electric utility shall file an annual deferred energy accounting adjustment application pursuant to NRS 704.187 with the Commission. The annual deferred energy accounting adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual deferred energy accounting adjustment application must include a review of each quarterly rate adjustment and a review of the transactions and recorded costs of purchased fuel and purchased power included in each quarterly rate adjustment and the annual deferred energy accounting adjustment application.

10. If an electric utility files an ***annual deferred energy accounting adjustment*** application ~~[to clear its deferred accounts]~~ pursuant to subsection 9 ***and NRS 704.187*** while a general rate application is pending, the electric utility shall:

(a) Submit with its ***annual deferred energy accounting adjustment*** application ~~[to clear its deferred accounts]~~ information relating to the cost of service and rate design; and

(b) Supplement its general rate application with the same information, if such information was not submitted with the general rate application.

~~[12.]~~ ***11.*** A utility facility identified in a 3-year plan submitted pursuant to NRS 704.741 and accepted by the Commission for acquisition or construction pursuant to NRS 704.751 and the regulations adopted pursuant thereto shall be deemed to be a prudent investment. The utility may recover all just and reasonable costs of planning and constructing such a facility.

~~[13.]~~ ***12.*** A PAR carrier may, in accordance with this section and NRS 704.100, file with the Commission a request to approve or change any schedule to provide volume or duration discounts to rates for telecommunication service for an offering made to all or any class of business customers. The Commission may conduct a hearing relating to the request, which must occur within 45 days after the date the request is filed with the Commission. The request and schedule shall be deemed approved if the request and schedule are not disapproved by the Commission within 60 days after the date the Commission receives the request.

~~[14.]~~ ***13.*** As used in this section:

(a) "Electric utility" has the meaning ascribed to it in NRS 704.187.

(b) "Electric utility that primarily serves densely populated counties" ~~[has the meaning ascribed to it in NRS 704.187.]~~ ***means an electric utility that,***

with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is 400,000 or more than it does from customers located in counties whose population is less than 400,000.

(c) "Electric utility that primarily serves less densely populated counties" ~~[has the meaning ascribed to it in NRS 704.187.]~~ ***means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is less than 400,000 than it does from customers located in counties whose population is 400,000 or more.***

(d) "PAR carrier" has the meaning ascribed to it in NRS 704.68942.

Sec. 43. NRS 704.187 is hereby amended to read as follows:

704.187 1. ~~[Except as otherwise provided in section 36 of chapter 16, Statutes of Nevada 2001, beginning on March 1, 2001, an]~~ ***An*** electric utility that purchases fuel or power shall use deferred accounting by recording upon its books and records in deferred accounts all increases and decreases in costs for purchased fuel and purchased power that are prudently incurred by the electric utility.

2. An electric utility using deferred accounting shall include in its annual report to the Commission a statement showing, for the period of recovery, the allocated rate of return for each of its operating departments in this State using deferred accounting. If, during the period of recovery, the rate of return for any operating department using deferred accounting is greater than the rate of return authorized by the Commission in the most recently completed rate proceeding for the electric utility, the Commission shall order the electric utility that recovered costs for purchased fuel or purchased power through its rates during the reported period to transfer to the next energy adjustment period that portion of the amount recovered by the electric utility that exceeds the authorized rate of return.

3. Except as otherwise provided in this section, an electric utility using deferred accounting shall file an annual ***deferred energy accounting adjustment*** application ~~[to clear its deferred accounts based on the following schedule:~~

~~(a) An electric utility that primarily serves less densely populated counties shall file an annual application to clear its deferred accounts on December 1, 2005, and in December]~~ ***on or before March 1, 2008, and on or before March 1*** of each year thereafter **.** ~~[on a date specified by the Commission.~~

~~(b) An electric utility that primarily serves densely populated counties shall file an annual application to clear its deferred accounts on January 17, 2006, and in January of each year thereafter on a date specified by the Commission.]~~

4. ~~[An electric utility using deferred accounting may file a semiannual application to clear its deferred accounts if the net change in revenues necessary to clear its deferred accounts for the reported period is more than 5 percent of the total revenues generated by the electric utility during that~~

~~period from its rates for purchased fuel and purchased power most recently authorized by the Commission.~~

~~5.]~~ As used in this section:

(a) ~~[~~"Application to clear its deferred accounts"~~]~~ ***"Annual deferred energy accounting adjustment application"*** means an application filed by an electric utility pursuant to this section and subsection 9 of NRS 704.110.

(b) "Costs for purchased fuel and purchased power" means all costs which are prudently incurred by an electric utility and which are required to purchase fuel, to purchase capacity and to purchase energy. The term does not include any costs that the Commission determines are not recoverable pursuant to subsection ~~[10]~~ ***9*** of NRS 704.110.

(c) "Electric utility" means any public utility or successor in interest that:

(1) Is in the business of providing electric service to customers;

(2) Holds a certificate of public convenience and necessity issued or transferred pursuant to this chapter; and

(3) In the most recently completed calendar year or in any other calendar year within the 7 calendar years immediately preceding the most recently completed calendar year, had a gross operating revenue of $250,000,000 or more in this State.

➥ The term does not include a cooperative association, nonprofit corporation, nonprofit association or provider of electric service which is declared to be a public utility pursuant to NRS 704.673 and which provides service only to its members.

~~[(d) "Electric utility that primarily serves densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is 400,000 or more than it does from customers located in counties whose population is less than 400,000.~~

~~(e) "Electric utility that primarily serves less densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is less than 400,000 than it does from customers located in counties whose population is 400,000 or more.]~~

Sec. 44. ~~[NRS 704.771 is hereby amended to read as follows:~~

~~704.771 1. "Net metering system" means a facility or energy system for the generation of electricity that:~~

~~[1.] *(a)* Uses renewable energy as its primary source of energy to generate electricity;~~

~~[2.] *(b)* Has a generating capacity of not more than [150 kilowatts;~~

~~3.] *1 megawatt;*~~

~~*(c)* Is located on the customer-generator's premises;~~

~~[4.] *(d)* Operates in parallel with the utility's transmission and distribution facilities; and~~

~~[5.] *(c)* Is intended primarily to offset part or all of the customer-generator's requirements for electricity.~~

~~*2. The term does not include a facility or energy system for the generation of electricity which has a generating capacity that exceeds the greater of:*~~

~~*(a) The limit on the demand that the class of customer of the customer-generator may place on the system of the utility; or*~~

~~*(b) One hundred fifty percent of the peak demand of the customer.]*~~

(Deleted by amendment.)

Sec. 45. ~~[NRS 704.773 is hereby amended to read as follows:~~

~~704.773 1. A utility shall offer net metering, as set forth in NRS 704.775, to the customer-generators operating within its service area until the cumulative capacity of all such net metering systems is equal to 1 percent of the utility's peak capacity.~~

~~2. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of not more than [30] *100* kilowatts, the utility:~~

~~(a) Shall offer to make available to the customer-generator an energy meter that is capable of registering the flow of electricity in two directions.~~

~~(b) May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.~~

~~(c) Shall not charge a customer-generator any fee or charge that would increase the customer-generator's minimum monthly charge to an amount greater than that of other customers of the utility in the same rate class as the customer-generator.~~

~~3. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of more than [30] *100* kilowatts, the utility may:~~

~~(a) Require the customer-generator to install at its own cost [an]:~~

~~*(1) An* energy meter that is capable of measuring generation output and customer load [.]; *and*~~

~~*(2) Any upgrades to the system of the utility that are required to make the net metering system compatible with the system of the utility.*~~

~~(b) [Charge] *Except as otherwise provided in paragraph (c), charge* the customer-generator any applicable fee or charge charged to other customers of the utility in the same rate class as the customer-generator, including, without limitation, customer, demand and facility charges.~~

~~*(c) Not charge the customer-generator any standby charge.*~~

~~*4. At the time of installation or upgrade of any portion of a net metering system, the utility must require or allow a customer-generator governed by this subsection to pay the entire cost of the installation or upgrade of the portion of the net metering system.*~~

~~*4. The Commission shall adopt regulations prescribing the form and substance for a net metering tariff and a standard net metering contract. The regulations must include, without limitation:*~~

~~*(a) The particular provisions, limitations and responsibilities of a customer-generator which must be included in a net metering tariff with regard to:*~~

~~*(1) Metering equipment;*~~

~~*(2) Net energy measurement and billing; and*~~

~~*(3) Interconnection,*~~

~~*→ based on the allowable size of the net metering system.*~~

~~*(b) The particular provisions, limitations and responsibilities of a customer-generator and the utility which must be included in a standard net metering contract.*~~

~~*(c) A timeline for processing applications and contracts for net metering applicants.*~~

~~*(d) Any other provisions the Commission finds necessary to carry out the provisions of NRS 704.766 to 704.775, inclusive.]*~~ **(Deleted by amendment.)**

Sec. 46. ~~[NRS 704.775 is hereby amended to read as follows:~~

~~704.775 1. The billing period for net metering must be a monthly period.~~

~~2.~~ [If a customer-generator's net metering system has a capacity of not more than 30 kilowatts, the] ~~*The*~~ ~~net energy measurement must be calculated in the following manner:~~

~~(a) The utility shall measure, in kilowatt hours, the net electricity produced or consumed during the billing period, in accordance with normal metering practices.~~

~~(b) If the electricity supplied by the utility exceeds the electricity generated by the customer-generator which is fed back to the utility during the billing period, the customer-generator must be billed for the net electricity supplied by the utility.~~

~~(c) If the electricity generated by the customer-generator which is fed back to the utility exceeds the electricity supplied by the utility during the billing period:~~

~~(1) Neither the utility nor the customer-generator is entitled to compensation for electricity provided to the other during the billing period.~~

~~(2) The excess electricity which is fed back to the utility during the billing period is carried forward to the next billing period as an addition to the kilowatt hours generated by the customer-generator in that billing period. If the customer-generator is billed for electricity pursuant to a time-of-use rate schedule, the excess electricity carried forward must be added to the same time-of-use period as the time-of-use period in which it was generated unless the subsequent billing period lacks a corresponding time-of-use period. In that case, the excess electricity carried forward must be apportioned evenly among the available time-of-use periods.~~

~~(3) Excess electricity may be carried forward to subsequent billing periods indefinitely, but a customer-generator is not entitled to receive compensation for any excess electricity that remains if:~~

~~(I) The net metering system ceases to operate or is disconnected from the utility's transmission and distribution facilities;~~

~~(II) The customer-generator ceases to be a customer of the utility at the premises served by the net metering system; or~~

~~(III) The customer-generator transfers the net metering system to another person.~~

~~(4) The~~ *value of the* ~~excess electricity [~~which is fed back to the utility ~~shall be deemed to be electricity that the utility generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive.~~

~~3. If a customer-generator's net metering system has a capacity of more than 30 kilowatts, the net energy measurement must be calculated in the following manner:~~

~~(a) The utility shall:~~

~~(1) Measure, in kilowatt hours, the amount of electricity supplied by the utility to the customer-generator during the billing period and calculate its value using the tariff that would be applicable if the customer-generator did not use a net metering system; and~~

~~(2) Measure, in kilowatt hours, the amount of electricity generated by the customer-generator which is fed back to the utility during the billing period and calculate its value at a rate that is consistent with the rate used to calculate the value of the electricity supplied by the utility.~~

~~(b) If the value of electricity supplied by the utility exceeds the value of the electricity generated by the customer-generator which is fed back to the utility during the billing period, the customer-generator must be billed for the net value of the electricity supplied by the utility.~~

~~(c) If the value of the electricity generated by the customer-generator which is fed back to the utility exceeds the value of the electricity supplied by the utility during the billing period:~~

~~(1) Neither the utility nor the customer-generator is entitled to compensation for the value of the electricity provided to the other during the billing period.~~

~~(2) The value of the excess electricity:~~

~~(I) Must not be shown as a credit on the customer-generator's bill for that billing period but must be reflected as a credit that is carried forward to offset the value of the electricity supplied by the utility during a subsequent billing period. At the discretion of the utility, the credit may be in a dollar amount or in kilowatt hours. If the credit is reflected as excess electricity and the customer-generator is billed for electricity pursuant to a time-of-use rate schedule, the excess electricity carried forward must be added to the same time-of-use period as the time-of-use period in which it was generated unless the subsequent billing period lacks a corresponding time-of-use period. In~~

~~that case, the excess electricity carried forward must be apportioned evenly among the available time of use periods. Excess electricity may be carried forward to subsequent billing periods indefinitely, but a customer-generator is not entitled to receive compensation for any excess electricity that remains if the net metering system ceases to operate or is disconnected from the utility's transmission and distribution facilities, the customer-generator ceases to be a customer of the utility at the premises served by the net metering system or the customer-generator transfers the net metering system to another person.~~

~~(II) Does not reduce any other fee or charge imposed by the utility.~~

~~(3) The excess electricity which is fed back to the utility]~~ ~~*must not be used to reduce any other fee or charge imposed by the utility.*~~

~~*3. If the cost of purchasing and installing a net metering system was paid for:*~~

~~*(a) In whole or in part by a utility, the electricity generated by the net metering system* shall be deemed to be electricity that the utility generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive.~~

~~*(b) Entirely by a customer-generator, the Commission shall issue to the customer-generator portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 equal to the electricity generated by the net metering system.*~~

~~4. A bill for electrical service is due at the time established pursuant to the terms of the contract between the utility and the customer-generator.]~~ **(Deleted by amendment.)**

Sec. 47. NRS 704.7802 is hereby amended to read as follows:

704.7802 1. "Energy efficiency measure" means any measure designed, intended or used to improve energy efficiency if:

(a) The measure is installed on or after January 1, 2005, at the service location of a retail customer of a provider of electric service in this State;

(b) The measure reduces the consumption of energy by the retail customer; and

(c) The costs of the acquisition or installation of the measure are directly reimbursed, in whole or in part, by the provider of electric service.

2. The term does not include ~~[:~~

~~(a) Any]~~ ***any*** demand response measure or load limiting measure that shifts the consumption of energy by a retail customer from one period to another period.

~~[(b) Any solar energy system which qualifies as a renewable energy system and which reduces the consumption of electricity or any fossil fuel.]~~

Sec. 48. ~~[NRS 704.7821 is hereby amended to read as follows:~~

~~704.7821 1. For each provider of electric service, the Commission shall establish a portfolio standard. The portfolio standard must require each provider to generate, acquire or save electricity from portfolio energy systems or efficiency measures in an amount that is:~~

~~(a) For calendar years 2005 and 2006, not less than 6 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.~~

~~(b) For calendar years 2007 and 2008, not less than 9 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.~~

~~(c) For calendar years 2009 and 2010, not less than 12 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.~~

~~(d) For calendar years 2011 and 2012, not less than 15 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.~~

~~(e) For calendar years 2013 and 2014, not less than 18 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.~~

~~(f) For calendar year 2015 and for each calendar year thereafter, not less than 20 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.~~

~~2. In addition to the requirements set forth in subsection 1, the portfolio standard for each provider must require that:~~

~~(a) Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures during each calendar year, not less than [5] 6 percent of that amount must be generated or acquired from solar renewable energy systems.~~

~~(b) Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures during each calendar year, not more than 25 percent of that amount may be based on energy efficiency measures. If the provider intends to use energy efficiency measures to comply with its portfolio standard during any calendar year, of the total amount of electricity saved from energy efficiency measures for which the provider seeks to obtain portfolio energy credits pursuant to this paragraph, at least 50 percent of that amount must be saved from energy efficiency measures installed at service locations of residential customers of the provider, unless a different percentage is approved by the Commission.~~

~~(c) If the provider acquires or saves electricity from a portfolio energy system or efficiency measure pursuant to a renewable energy contract or energy efficiency contract with another party:~~

~~(1) The term of the contract must be not less than 10 years, unless the other party agrees to a contract with a shorter term; and~~

~~(2) The terms and conditions of the contract must be just and reasonable, as determined by the Commission. If the provider is a utility provider and the Commission approves the terms and conditions of the contract between the utility provider and the other party, the contract and its terms and conditions shall be deemed to be a prudent investment and the~~

~~utility provider may recover all just and reasonable costs associated with the contract.~~

~~3. If, for the benefit of one or more of its retail customers in this State, the provider has directly reimbursed, in whole or in part, the costs of the acquisition or installation of a solar energy system which qualifies as a renewable energy system and which reduces the consumption of electricity, the total reduction in the consumption of electricity during each calendar year that results from the solar energy system shall be deemed to be electricity that the provider generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard.~~

~~4. The Commission shall adopt regulations that establish a system of portfolio energy credits that may be used by a provider to comply with its portfolio standard.~~

~~5. Except as otherwise provided in subsection 6, each provider shall comply with its portfolio standard during each calendar year.~~

~~6. If, for any calendar year, a provider is unable to comply with its portfolio standard through the generation of electricity from its own renewable energy systems or, if applicable, through the use of portfolio energy credits, the provider shall take actions to acquire or save electricity pursuant to one or more renewable energy contracts or energy efficiency contracts. If the Commission determines that, for a calendar year, there is not or will not be a sufficient supply of electricity or a sufficient amount of energy savings made available to the provider pursuant to renewable energy contracts and energy efficiency contracts with just and reasonable terms and conditions, the Commission shall exempt the provider, for that calendar year, from the remaining requirements of its portfolio standard or from any appropriate portion thereof, as determined by the Commission.~~

~~7. The Commission shall adopt regulations that establish:~~

~~(a) Standards for the determination of just and reasonable terms and conditions for the renewable energy contracts and energy efficiency contracts that a provider must enter into to comply with its portfolio standard.~~

~~(b) Methods to classify the financial impact of each long-term renewable energy contract and energy efficiency contract as an additional imputed debt of a utility provider. The regulations must allow the utility provider to propose an amount to be added to the cost of the contract, at the time the contract is approved by the Commission, equal to a compensating component in the capital structure of the utility provider. In evaluating any proposal made by a utility provider pursuant to this paragraph, the Commission shall consider the effect that the proposal will have on the rates paid by the retail customers of the utility provider.~~

~~8. As used in this section:~~

~~(a) "Energy efficiency contract" means a contract to attain energy savings from one or more energy efficiency measures owned, operated or controlled by other parties.~~

~~(b) "Renewable energy contract" means a contract to acquire electricity from one or more renewable energy systems owned, operated or controlled by other parties.~~

~~(c) "Terms and conditions" includes, without limitation, the price that a provider must pay to acquire electricity pursuant to a renewable energy contract or to attain energy savings pursuant to an energy efficiency contract.]~~ **(Deleted by amendment.)**

Sec. 49. ~~[NRS 704.860 is hereby amended to read as follows:~~

~~704.860 "Utility facility" means:~~

~~1. Electric generating plants and their associated facilities, except:~~

~~(a) Electric generating plants and their associated facilities that are or will be located entirely within the boundaries of a county whose population is 100,000 or more; or~~

~~(b) Electric generating plants and their associated facilities which use or will use renewable energy, as defined in NRS 704.7811, as their primary source of energy to generate electricity and which have or will have a generating capacity of not more than~~ [150 kilowatts,] ~~*1 megawatt*, including, without limitation, a net metering system, as defined in NRS 704.771.~~

~~As used in this subsection, "associated facilities" includes, without limitation, any facilities for the storage, transmission or treatment of water, including, without limitation, facilities to supply water or for the treatment or disposal of wastewater, which support or service an electric generating plant.~~

~~2. Electric transmission lines and transmission substations that:~~

~~(a) Are designed to operate at 200 kilovolts or more;~~

~~(b) Are not required by local ordinance to be placed underground; and~~

~~(c) Are constructed outside any incorporated city.~~

~~3. Gas transmission lines, storage plants, compressor stations and their associated facilities when constructed outside:~~

~~(a) Any incorporated city; and~~

~~(b) Any county whose population is 100,000 or more.~~

~~4. Water storage, transmission and treatment facilities, other than facilities for the storage, transmission or treatment of water from mining operations.~~

~~5. Sewer transmission and treatment facilities.]~~ **(Deleted by amendment.)**

Sec. 50. Chapter 113 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, the seller shall have the energy consumption of the residential property evaluated pursuant to the program established in section 31 of this act.

2. Except as otherwise provided in subsection 4, before closing a transaction for the conveyance of residential property, the seller shall serve the purchaser with the completed evaluation required pursuant to subsection 1, if any, on a form to be provided by the Director of the Office

of Energy, as prescribed in regulations adopted pursuant to section 31 of this act.

3. Subsection 1 does not apply to a sale or intended sale of residential property:

(a) By foreclosure pursuant to chapter 107 of NRS.

(b) Between any co-owners of the property, spouses or persons related within the third degree of consanguinity.

(c) By a person who takes temporary possession or control of or title to the property solely to facilitate the sale of the property on behalf of a person who relocates to another county, state or country before title to the property is transferred to a purchaser.

(d) If the seller and purchaser agree to waive the requirements of subsection 1.

4. If an evaluation of a residential property was completed not more than 5 years before the seller and purchaser entered into the agreement to purchase the residential property, the seller may serve the purchaser with that evaluation.

Sec. 51. NRS 228.360 is hereby amended to read as follows:

228.360 The Consumer's Advocate:

1. Shall intervene in and represent the public interest in:

(a) All proceedings conducted pursuant to NRS 704.7561 to 704.7595, inclusive; and

(b) All proceedings conducted pursuant to NRS 704.061 to 704.110, inclusive, in which an electric utility has filed a general rate application or an ***annual deferred energy accounting adjustment*** application **.** ~~[to clear its deferred accounts.]~~

2. May, with respect to all public utilities except railroads and cooperative utilities, and except as otherwise provided in NRS 228.380:

(a) Conduct or contract for studies, surveys, research or expert testimony relating to matters affecting the public interest or the interests of utility customers.

(b) Examine any books, accounts, minutes, records or other papers or property of any public utility subject to the regulatory authority of the Public Utilities Commission of Nevada in the same manner and to the same extent as authorized by law for members of the Public Utilities Commission of Nevada and its staff.

(c) Except as otherwise provided in subsection 1, petition for, request, initiate, appear or intervene in any proceeding concerning rates, charges, tariffs, modifications of service or any related matter before the Public Utilities Commission of Nevada or any court, regulatory body, board, commission or agency having jurisdiction over any matter which the Consumer's Advocate may bring before or has brought before the Public Utilities Commission of Nevada or in which the public interest or the interests of any particular class of utility customers are involved. The Consumer's Advocate may represent the public interest or the interests of

any particular class of utility customers in any such proceeding, and he is a real party in interest in the proceeding.

3. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 52. (Deleted by amendment.)

Sec. 53. (Deleted by amendment.)

Sec. 54. (Deleted by amendment.)

Sec. 55. (Deleted by amendment.)

Sec. 56. (Deleted by amendment.)

Sec. 57. (Deleted by amendment.)

Sec. 58. (Deleted by amendment.)

Sec. 59. (Deleted by amendment.)

Sec. 60. (Deleted by amendment.)

Sec. 61. (Deleted by amendment.)

Sec. 62. Sections 62 to 86, inclusive, of this act may be cited as the Wind Energy Systems Demonstration Program Act.

Sec. 63. As used in sections 62 to 86, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 64 to 78, inclusive, of this act have the meaning ascribed to them in those sections.

Sec. 64. "Agricultural property" means any real property employed for an agricultural use as defined in NRS 361A.030.

Sec. 65. "Applicant" means a person who is applying to participate in the Wind Demonstration Program.

Sec. 66. "Category" means one of the categories of participation in the Wind Demonstration Program as set forth in section 79 of this act.

Sec. 67. "Commission" means the Public Utilities Commission of Nevada.

Sec. 68. "Committee" means the Task Force for Renewable Energy and Energy Conservation created by NRS 701.350.

Sec. 69. "Institution of higher education" means:

1. A university, college or community college which is privately owned or which is part of the Nevada System of Higher Education; or

2. A postsecondary educational institution, as defined in NRS 394.099, or any other institution of higher education.

Sec. 70. "Participant" means a person who has been selected by the Committee pursuant to section 83 of this act to participate in the Wind Demonstration Program.

Sec. 71. "Person" includes, without limitation, a governmental entity.

Sec. 72. "Program year" means the period of July 1 to June 30 of the following year.

Sec. 73. "Public property" means any real property, building or facilities owned, leased or occupied by:

1. A department, agency or instrumentality of the State or any of its political subdivisions which is used for the transaction of public or quasi-public business; or

2. A nonprofit organization that is recognized as exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), as amended, or a corporation for public benefit as defined in NRS 82.021.

Sec. 74. "School property" means any real property, building or facilities owned, leased or occupied by:

1. A public school as defined in NRS 385.007;
2. A private school as defined in NRS 394.103; or
3. An institution of higher education.

Sec. 75. "Small business" means a business conducted for profit which employs 500 or fewer full-time or part-time employees.

Sec. 76. "Utility" means a public utility that supplies electricity in this State.

Sec. 77. "Wind Demonstration Program" or "Program" means the Wind Energy Systems Demonstration Program created by section 79 of this act.

Sec. 78. "Wind energy system" means a facility or energy system for the generation of electricity that uses wind energy to generate electricity.

Sec. 79. 1. The Wind Energy Systems Demonstration Program is hereby created.

2. The Program must have four categories as follows:

(a) School property;

(b) Other public property;

(c) Private residential property and small business property; and

(d) Agricultural property.

3. To be eligible to participate in the Program, a person must:

(a) Meet the qualifications established by the Commission pursuant to section 80 of this act;

(b) Submit an application to a utility and be selected by the Committee for inclusion in the Program pursuant to sections 82 and 83 of this act;

(c) When installing the wind energy system, use an installer who has been issued a classification C-2 license with the appropriate subclassification by the State Contractors' Board pursuant to the regulations adopted by the Board; and

(d) If the person will be participating in the Program in the category of school property or other public property, provide for the public display of the wind energy system, including, without limitation, providing for public demonstrations of the wind energy system and for hands-on experience of the wind energy system by the public.

Sec. 80. The Commission shall adopt regulations necessary to carry out the provisions of the Wind Energy Systems Demonstration Program Act, including, without limitation, regulations that establish:

1. The qualifications and requirements an applicant must meet to be eligible to participate in the Program in each particular category of:

(a) School property;

(b) Other public property;

(c) Private residential property and small business property; and

(d) Agricultural property.

2. The type of incentives available to participants in the Program and the level or amount of those incentives.

3. The requirements for a utility's annual plan for carrying out and administering the Program. A utility's annual plan must include, without limitation:

(a) A detailed plan for advertising the Program;

(b) A detailed budget and schedule for carrying out and administering the Program;

(c) A detailed account of administrative processes and forms that will be used to carry out and administer the Program, including, without limitation, a description of the application process and copies of all applications and any other forms that are necessary to apply for and participate in the Program;

(d) A detailed account of the procedures that will be used for inspection and verification of a participant's wind energy system and compliance with the Program;

(e) A detailed account of training and educational activities that will be used to carry out and administer the Program; and

(f) Any other information required by the Commission.

Sec. 81. 1. Each utility shall carry out and administer the Wind Demonstration Program within its service area in accordance with its annual plan as approved by the Commission pursuant to section 82 of this act.

2. A utility may recover its reasonable and prudent costs, including, without limitation, incentives that are associated with carrying out and administering the Program within its service area by seeking recovery of those costs in an appropriate proceeding before the Commission pursuant to NRS 704.110.

Sec. 82. 1. On or before February 1, 2008, and on or before February 1 of each year thereafter, each utility shall file with the Commission its annual plan for carrying out and administering the Wind Demonstration Program within its service area for the following program year.

2. On or before July 1, 2008, and on or before July 1 of each year thereafter, the Commission shall:

(a) Review the annual plan filed by each utility for compliance with the requirements established by regulation; and

(b) Approve the annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Program.

3. On or before November 1, 2008, and on or before November 1 of each year thereafter, each utility shall submit to the Committee the utility's recommendations as to which applications received by the utility should be approved for participation in the Program. The Committee shall review the applications to ensure that each applicant meets the qualifications and requirements to be eligible to participate in the Program.

4. Except as otherwise provided in section 83 of this act, the Committee may approve, from among the applications recommended by each utility, wind energy systems totaling:

(a) For the program year beginning July 1, 2008:

(1) 500 kilowatts of capacity for school property;

(2) 500 kilowatts of capacity for other public property;

(3) 700 kilowatts of capacity for private residential property and small business property; and

(4) 700 kilowatts of capacity for agricultural property.

(b) For the program year beginning July 1, 2009:

(1) An additional 250 kilowatts of capacity for school property;

(2) An additional 250 kilowatts of capacity for other public property;

(3) An additional 350 kilowatts of capacity for private residential property and small business property; and

(4) An additional 350 kilowatts of capacity for agricultural property.

(c) For the program year beginning July 1, 2010:

(1) An additional 250 kilowatts of capacity for school property;

(2) An additional 250 kilowatts of capacity for other public property;

(3) An additional 350 kilowatts of capacity for private residential property and small business property; and

(4) An additional 350 kilowatts of capacity for agricultural property.

Sec. 83. 1. Based on the applications submitted by each utility for a program year, the Committee shall:

(a) Within the limits of the capacity allocated to each category, select applicants to be participants in the Wind Demonstration Program and place those applicants on a list of participants; and

(b) Select applicants to be placed on a prioritized waiting list to become participants in the Program if any capacity within a category becomes available.

2. Not later than 30 days after the date on which the Committee selects an applicant to be on the list of participants or the prioritized waiting list, the utility which submitted the application to the Committee on behalf of the applicant shall provide written notice of the selection to the applicant.

3. If the capacity allocated to any category for a program year is not fully subscribed by participants in that category, the Committee may, in any combination it deems appropriate:

(a) Allow a utility to submit additional applications from applicants who want to participate in that category; or

(b) Reallocate any of the unused capacity in that category to any of the other categories.

4. At any time after submitting an application to participate in the Program to a utility, an applicant may energize his wind energy system if the wind energy system meets all applicable building codes and all applicable requirements of the utility as approved by the Commission. An applicant who energizes his wind energy system under such circumstances remains

eligible to participate in the Program, and the energizing of the wind energy system does not alter the applicant's status on the list of participants or the prioritized waiting list.

Sec. 84. 1. Except as otherwise provided in this section, if the Committee determines that a participant has not complied with the requirements for participation in the Wind Demonstration Program, the Committee shall, after notice and an opportunity for a hearing, withdraw the participant from the Program.

2. The Committee may, without notice or an opportunity for a hearing, withdraw from the Program:

(a) A participant in the category of private residential property and small business property or a participant in the category of agricultural property if the participant does not complete the installation of a wind energy system within 12 months after the date the participant receives written notice of his selection to participate in the Program.

(b) A participant in the category of school property or a participant in the category of other public property if the participant does not complete the installation of a wind energy system within 30 months after the date the participant receives written notice of his selection to participate in the Program.

3. A participant who is withdrawn from the Program pursuant to subsection 2 forfeits any incentives.

Sec. 85. 1. After a participant installs a wind energy system included in the Wind Demonstration Program, the Commission shall issue portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 equal to the actual or estimated kilowatt-hour production of the wind energy system.

2. All portfolio energy credits issued for a wind energy system installed pursuant to the Wind Demonstration Program must be assigned to and become the property of the utility administering the Program.

Sec. 86. If a wind energy system used by a participant in the Wind Demonstration Program meets the requirements of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 87. Sections 87 to 106, inclusive, of this act may be cited as the Waterpower Energy Systems Demonstration Program Act.

Sec. 88. As used in sections 87 to 106, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 89 to 98, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 89. "Applicant" means a person who is applying to participate in the Waterpower Demonstration Program.

Sec. 90. "Commission" means the Public Utilities Commission of Nevada.

Sec. 91. "Committee" means the Task Force for Renewable Energy and Energy Conservation created by NRS 701.350.

Sec. 92. ”Participant” means a person who has been selected by the Commission to participate in the Waterpower Demonstration Program.

Sec. 93. ”Person” includes, without limitation, a public entity.

Sec. 94. ”Program year” means the period of July 1 to June 30 of the following year.

Sec. 95. ”Utility” means a public utility that supplies electricity in this State.

Sec. 96. ”Waterpower” has the meaning ascribed to it in subsection 3 of NRS 704.7811.

Sec. 97. ”Waterpower energy system” means a facility or energy system for the generation of electricity that uses waterpower to generate electricity.

Sec. 98. ”Waterpower Demonstration Program” or “Program” means the Waterpower Energy Systems Demonstration Program created by section 99 of this act.

Sec. 99. 1. The Waterpower Energy Systems Demonstration Program is hereby created.

2. The Waterpower Demonstration Program is created for agricultural uses.

3. To be eligible to participate in the Waterpower Demonstration Program, a person must meet the qualifications established pursuant to subsection 4 and apply to and be selected by the Committee for inclusion in the Waterpower Demonstration Program.

4. The Commission shall adopt regulations providing for the qualifications an applicant must meet to qualify to participate in the Waterpower Demonstration Program.

Sec. 100. The Committee is responsible for the administration and delivery of the Waterpower Demonstration Program as approved by the Commission.

Sec. 101. The Commission shall adopt regulations that establish:

1. The level, amount and type of incentives available for participants in the Waterpower Demonstration Program.

2. The requirements for an annual plan for the administration and delivery of the Waterpower Demonstration Program. The requirements for an annual plan must include, without limitation:

(a) An advertising plan;

(b) A detailed budget;

(c) A schedule;

(d) Administrative processes, including, without limitation, a copy of the application and process for accepting applications;

(e) An inspection and verification process;

(f) Proposed training and educational activities; and

(g) Any other information required by the Commission.

Sec. 102. 1. On or before February 21, 2008, and on or before February 1 of each subsequent year, each utility shall file with the Commission for approval an annual plan for the administration and delivery

of the Waterpower Demonstration Program for the program year beginning July 1, 2008, and each subsequent year thereafter.

2. On or before July 1, 2008, and on or before each July 1 of each subsequent year, the Commission shall review the annual plan for compliance with the requirements set forth by regulation of the Commission.

3. On or before November 1, 2008, and on or before November 1 of each subsequent year, each utility shall submit to the Committee a recommendation of which applications received should be accepted into the program. The Committee shall review the applications to ensure that the applicant meets the requirements adopted pursuant to subsection 4 of section 99 of this act.

4. The Committee may approve, from among the applications recommended by each utility, waterpower energy systems totaling:

(a) For the program year beginning July 1, 2008, 200 kilowatts of capacity;

(b) For the program year beginning July 1, 2009, an additional 100 kilowatts of capacity; and

(c) For the program year beginning July 1, 2010, an additional 100 kilowatts of capacity.

Sec. 103. Each utility may recover its reasonable and prudent costs, including, without limitation, incentives that are associated with carrying out and administering the Waterpower Demonstration Program within its service area by seeking recovery of those costs in an appropriate proceeding before the Commission pursuant to NRS 704.110.

Sec. 104. 1. After a participant installs a waterpower energy system included in the Waterpower Demonstration Program, the Commission shall issue portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 equal to the actual or estimated kilowatt-hour production of the waterpower energy system of the participant.

2. All portfolio energy credits issued for a waterpower energy system installed pursuant to the Waterpower Demonstration Program are assigned to and become the property of the utility administering the Program.

Sec. 105. If the waterpower energy system used by a participant in the Waterpower Demonstration Program meets the requirements of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 106. If the Commission determines that a participant did not comply with the requirements for participation in the Waterpower Demonstration Program, the Commission shall, after notice and an opportunity for a hearing, withdraw the participant from the Waterpower Demonstration Program. Notice or a hearing is not required for dropping an applicant from the Program who fails to meet any completion time frames specified for the Program.

Sec. 107. (Deleted by amendment.)

Sec. 108. Section 24 of the Solar Energy Systems Demonstration Program Act, being chapter 331, Statutes of Nevada 2003, as amended by chapter 2, Statutes of Nevada 2005, 22nd Special Session, at page 90, is hereby amended to read as follows:

Sec. 24. The provisions of sections 4 to 21, inclusive, of this act expire by limitation on June 30, ~~[2010.]~~ ***2007.***

Sec. 109. (Deleted by amendment.)

Sec. 110. (Deleted by amendment.)

Sec. 111. (Deleted by amendment.)

Sec. 112. With regard to solar energy systems, it is the intent of the Legislature to substitute the provisions of this section, sections 1 to 29, inclusive, 44 to 49, inclusive, and 108 of this act in a continuing way for the provisions of the Solar Energy Systems Demonstration Program Act, being chapter 331, Statutes of Nevada 2003, as last amended by chapter 2, Statutes of Nevada 2005, 22nd Special Session, except that if there is a conflict between the provisions of this section, sections 1 to 29, inclusive, 44 to 49, inclusive, and 108 of this act, and the provisions of the Solar Energy Systems Demonstration Program Act, the provisions of this section, sections 1 to 29, inclusive, 44 to 49, inclusive, and 108 of this act control.

Sec. 113. 1. This act becomes effective:

(a) Upon passage and approval for the purposes of adopting regulations and taking such other actions as are necessary to carry out the provisions of this act; and

(b) For all other purposes besides those described in paragraph (a):

(1) For this section and sections 30, 32, 36 to 46, inclusive, 49, 51 to 61, inclusive, 107, 109, 110 and 111 of this act, upon passage and approval.

(2) For sections 1 to 29, inclusive, 47, 108, and 112 of this act, on July 1, 2007.

(3) For sections 62 to 106, inclusive, of this act, on October 1, 2007.

(4) For sections 31, **32.3, 32.5, 32.7,** 33, 34, 35 and 48 of this act, on January 1, 2009.

(5) For section 50 of this act, on January 1, 2011.

2. Sections 62 to 106, inclusive, of this act expire by limitation on June 30, 2011.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that upon return from the printer, Senate Bill No. 437 be placed on the Chief Clerk's desk.

Motion carried.

Senate Bill No. 466.

Bill read third time.

Roll call on Senate Bill No. 466:

YEAS—42.

NAYS—None.

Senate Bill No. 466 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 476.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 1150.

AN ACT relating to business; providing for the licensing and regulation of exchange facilitators by the Division of Financial Institutions of the Department of Business and Industry; authorizing the Division to charge and collect fees in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Real Estate Division of the Department of Business and Industry regulates the activities of qualified intermediaries. (NRS 645.606-645.6085) This bill transfers regulatory and licensing authority concerning qualified intermediaries from the Real Estate Division to the Division of Financial Institutions of the Department of Business and Industry.

Section 42 of this bill renames the entities to be regulated and licensed as "exchange facilitators," and expands the scope of this term to include both qualified intermediaries and exchange accommodation titleholders.

Sections 3-21.5, 42, 43 and 47-50 of this bill regulate the activities of exchange facilitators and include provisions concerning: (1) applications for and renewals of a license as an exchange facilitator; (2) certain bonds and insurance policies that must be maintained by a licensee; (3) the handling of money held in accounts for clients; (4) the management of a licensee that is not a natural person; and (5) notice that must be provided to clients and to the Division in certain circumstances. Sections 21 and 21.5 set forth the fees which the Division is required to charge and collect relating to applications for and renewals of a license and how money received by the Division must be deposited.

Sections 22-38 of this bill govern disciplinary proceedings against an exchange facilitator. Section 22 authorizes the Commissioner of the Division of Financial Institutions to investigate an exchange facilitator. Section 25 authorizes the Commissioner to require a licensee to pay an administrative fine of not more than $200 per day or to suspend, revoke, deny the renewal

of or place conditions upon his license, or impose any combination of such actions in certain circumstances. Under section 38, a person who is not licensed pursuant to the provisions of this bill who acts as an exchange facilitator or holds himself out as a licensee is guilty of a **gross** misdemeanor and is further liable to the Division for a civil penalty of $200 per day for each day that the violation continues.

Section 39 of this bill authorizes the Division to issue a reciprocal license to a person who is licensed as an exchange facilitator in another state in certain circumstances. Section 39.5 of this bill authorizes the Division to issue a special license to a financial institution that maintains an office in this State in certain circumstances.

Section 40 of this bill requires the Commissioner to conduct an audit of all exchange facilitators at least every 5 years and to conduct on a random basis additional partial audits of any licensee who has a history of violations of the provisions of this bill.

Upon passage and approval of this bill, the Legislative Counsel will transfer NRS 645.606 to 645.6085, inclusive, and sections 3 to 40, inclusive, of this act from chapter 645 of NRS to a new chapter of NRS. Upon passage and approval of this bill, the Legislative Counsel will transfer all the regulations created under NRS 645.606 to 645.6085, inclusive, and sections 3 to 40, inclusive, of this act to the chapter of NAC that corresponds with the new chapter of NRS in which NRS 645.606 to 645.6085, inclusive, and sections 3 to 40, inclusive, of this act are transferred.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. Chapter 645 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 40, inclusive, of this act.

Sec. 3. ***As used in NRS 645.606 to 645.6085, inclusive, and sections 3 to 40, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 645.606 and sections 4 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Commissioner" means the Commissioner of Financial Institutions.***

Sec. 5. ***"Division" means the Division of Financial Institutions of the Department of Business and Industry.***

Sec. 6. ***"Financial institution" means any bank, savings and loan association, savings bank or trust company, including*** ~~*[an affiliate,]*~~ ***a subsidiary or holding company of these, doing business in this State that is federally insured and organized under, or supervised pursuant to, the laws of the United States or of any state.***

Sec. 7. ***"Licensee" means a person licensed as an exchange facilitator pursuant to the provisions of NRS 645.606 to 645.6085, inclusive, and sections 3 to 40, inclusive, of this act.***

Sec. 8. ***Except as otherwise provided in NRS 645.606 to 645.6085, inclusive, and sections 3 to 40, inclusive, of this act, the provisions of NRS 645.606 to 645.6085, inclusive, and sections 3 to 40, inclusive, of this act, do not apply to:***

1. Any bank, thrift company, credit union, trust company, savings and loan association, including ~~[an affiliate,]~~ a subsidiary or holding company of these, or any mortgage or farm loan association licensed under the laws of this State or of the United States, with reference to property it has acquired for development, for the convenient transaction of its business, or as a result of foreclosure of property encumbered in good faith as security for a loan or other obligation it has originated or holds.

2. ~~[A corporation which, through its regular officers who receive no special compensation for it, performs any of those acts with reference to the property of the corporation.~~

~~3. The services rendered by an attorney at law in the performance of his duties as an attorney at law.~~

~~4.]~~ A receiver, trustee in bankruptcy, administrator or executor, or any other person doing any of the acts specified in NRS 645.030 under the jurisdiction of any court.

~~[5.]~~ 3. A trustee acting under a trust agreement, deed of trust or will, or the regular salaried employees thereof.

~~[6.]~~ 4. The purchase, sale or locating of mining claims or options thereon or interests therein.

~~[7.]~~ 5. The State of Nevada or a political subdivision thereof.

Sec. 9. ***1. A license issued pursuant to NRS 645.606 to 645.6085, inclusive, and sections 3 to 40, inclusive, of this act is nontransferable.***

2. The business of a licensee must not be sold or ownership of the business transferred before the prospective buyer or owner has complied with the provisions of section 43 of this act.

Sec. 10. ***1. A licensee may establish one or more branch offices in this State.***

2. A licensee who establishes one or more branch offices in this State shall provide written notice to the Division of the establishment of any such branch office within 30 days after establishment of the branch office.

Sec. 11. ***A license issued pursuant to the provisions of NRS 645.606 to 645.6085, inclusive, and sections 3 to 40, inclusive, of this act must be conspicuously displayed in the primary place of business of the licensee, and a copy of the license must be conspicuously displayed in each branch office of the licensee.***

Sec. 12. ***1. The business of a licensee, if the licensee is not a natural person, must be conducted under the direct management of an officer or employee of the licensee designated by the licensee as an exchange facilitator officer, who is licensed pursuant to the provisions of NRS 645.606 to 645.6085, inclusive, and sections 3 to 40, inclusive, of this act and who is:***

(a) An attorney or certified public accountant admitted to practice in any state or territory of the United States;

(b) A certified exchange specialist certified by the Federation of Exchange Accommodators or its successor; or

(c) A person who has been actively conducting the business of an exchange facilitator or who has equivalent experience, as determined by the Division, for the 3 years immediately preceding his designation as an exchange facilitator officer.

2. A licensee shall ~~[immediately]~~ notify the Division in writing ~~[of:]~~ within 10 working days after:

(a) The designation of any exchange facilitator officer, setting forth the experience and qualifications of the exchange facilitator officer and other such information as may be required by the Division; and

(b) The termination of the employment of any exchange facilitator officer.

Sec. 13. ***1. Each licensee is a fiduciary of all money, property, other considerations and instruments received by the licensee from the client.***

2. Each licensee shall invest money related to a tax-deferred exchange of property in investments which meet the reasonable standards that are applicable to persons acting as fiduciaries in this State.

Sec. 14. ***Money held in any account for a client may not be withdrawn from the account without the written approval of the licensee and the client.***

Sec. 15. ***1. Except as otherwise provided in subsection 2, a licensee shall maintain a policy of insurance covering liability for errors and omissions in an amount not less than $250,000 executed by an insurer authorized to do business in this State and approved by the Division.***

2. In lieu of such a policy of insurance, a licensee may deposit with the Division under such terms and conditions as the Division may prescribe, a like amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is unavailable for withdrawal except upon order of the Division.

3. A licensee shall provide proof of the coverage required pursuant to this section, including, without limitation, the name and address of the insurer, to a client.

4. The provisions of subsections 1 and 2 do not prohibit the licensee from maintaining a policy of insurance, deposits or other forms of security in excess of the amounts required by subsections 1 and 2.

5. Any person claiming against a policy of insurance or deposit required by this section may bring an action in a court of competent jurisdiction on the policy of insurance or deposit for damages to the extent covered by the policy. A person who brings an action on a policy or deposit shall notify the Division in writing upon filing the action.

6. Upon receiving a request from a client of an exchange facilitator, the Division shall notify the client:

(a) That a policy of insurance is in effect or that a deposit has been made, and the amount of either; and

(b) If there is an action against the policy of insurance, of the title, court and case number of the action and the amount sought by the plaintiff.

7. If an insurer, or in the case of a deposit, the Division, wishes to make payment without awaiting action by a court, the amount of the policy or deposit must be reduced to the extent of any payment made by the insurer or the Division in good faith under the policy or deposit. Any payment must be based on written claims received by the insurer or the Division before any action is taken by a court.

8. Claims against a policy of insurance or deposit have equal priority, and if the policy or deposit is insufficient to pay all claims in full, they must be paid on a pro rata basis. Partial payment of claims is not full payment, and any claimant may bring an action against the exchange facilitator for the unpaid balance.

Sec. 16. ***A licensee shall provide written notice to the Division at least 30 days before the cancellation or withdrawal of any bond, policy of insurance or security required pursuant to NRS 645.608 or section 15 of this act. The Division shall suspend the license of a licensee upon notice that the licensee has cancelled or withdrawn any bond, policy of insurance or security required pursuant to NRS 645.608 or section 15 of this act.***

Sec. 17. (Deleted by amendment.)

Sec. 18. ***All exchange funds must be kept separate from money belonging to the licensee and must be deposited in a financial institution that is federally insured or insured by a private insurer approved pursuant to NRS 678.755 unless another financial institution has been designated in writing in the exchange agreement. The money when deposited must be designated as "trust funds" or "escrow accounts" or under some other appropriate name indicating that the money is not the money of the licensee.***

Sec. 19. ***1. Exchange funds are not subject to execution or attachment on any claim against the licensee.***

2. A licensee shall not knowingly keep or cause to be kept any money in any bank, credit union or other financial institution under any name designating the money as belonging to the clients of any licensee, unless the money belongs to the client and was actually entrusted to the licensee by the client.

Sec. 20. ***If a licensee fails to apply for a renewal of his license before the date of the expiration thereof, no license may be issued to him except upon another application for an original license, except that within 1 year of such expiration a renewal may be issued upon payment of a fee one and one-half times the amount otherwise required for renewal.***

Sec. 21. ***1. The Commissioner shall charge and collect the following fees:***

(a) For the filing and investigation of an application for a license, a nonrefundable fee of not more than $1,000 and any additional expenses incurred in the process of investigation;

(b) For the issuance of a license, at least $200;

(c) For the annual renewal of a license, at least $200;

(d) For the issuance of a license for each branch office of a licensee, a nonrefundable fee of at least $200;

(e) For the annual renewal of a license for each branch office of a licensee, at least $250;

(f) For the issuance of a reciprocal license, at least $150;

(g) For the annual renewal of a reciprocal license, at least $150; and

(h) For the reissuance of a license because of a change in the business address of the licensee, at least $200.

2. All money received by the Commissioner pursuant to paragraph (a) of subsection 1 must be placed in the Investigative Account for Financial Institutions created by NRS 232.545.

3. The Commissioner shall adopt regulations establishing the amount of fees required pursuant to this section.

Sec. 21.5. ***Except as otherwise provided in NRS 645.6085 and section 21 of this act, all money received by the Commissioner pursuant to this chapter must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.***

Sec. 22. ***The Commissioner or the Division may investigate the actions of any exchange facilitator or any person who acts in any such capacity within this State.***

Sec. 23. ***The Division shall maintain a public docket or other record in which it shall record from time to time as made:***

1. The rulings or decisions upon all complaints filed with the Division concerning an exchange facilitator.

2. All investigations instituted by the Commissioner or the Division in the first instance, upon or in connection with which any hearing has been held, or in which the licensee charged has made no defense.

3. Denials of applications made to the Division for licensing.

Sec. 24. ***1. Except as otherwise provided in this section, a complaint filed with the Division alleging a violation of NRS 645.606 to 645.6085, inclusive, and sections 3 to 40, inclusive, of this act, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.***

2. A complaint or other document filed with the Division to initiate disciplinary action and all documents and information considered by the Division when determining whether to impose discipline are public records.

Sec. 25. ***1. The Commissioner may require a licensee to pay an administrative fine of not more than $200 per day for each violation he commits or may suspend, revoke, deny the renewal of or place conditions upon his license, or impose any combination of those actions, at any time if:***

(a) The licensee, by false or fraudulent representation, obtained a license.

(b) The licensee, whether or not acting as such, is found guilty of:

(1) Making any material misrepresentation.

(2) Making any false promises of a character likely to influence, persuade or induce.

(c) The licensee has failed, within a reasonable time, to account for or to remit any money which comes into his possession or under his control and which belongs to others.

(d) The licensee has engaged in any fraudulent act.

(e) The licensee or an owner, officer, director or employee of a licensee, is found guilty of any crime involving fraud, misrepresentation, deceit, embezzlement, misappropriation of money, robbery or theft.

(f) The licensee has failed to fulfill a contractual duty to deliver property or money, unless the failure to deliver such property or money is beyond the control of the licensee.

(g) A receiver or conservator is appointed to take control of the assets of a licensee.

(h) The licensee is dissolved.

(i) The licensee is bankrupt.

(j) The licensee fails to maintain, for review and audit by the Division, each agreement governed by the provisions of NRS 645.606 to 645.6085, inclusive, and sections 3 to 40, inclusive, of this act and entered into by the licensee.

(k) The licensee violates any provision of NRS 645.606 to 645.6085, inclusive, and sections 3 to 40, inclusive, of this act or any regulations adopted pursuant thereto.

2. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

3. In addition to any action set forth in subsection 1, the Division may, if it determines that an applicant for a license or a licensee has committed any of the acts set forth in subsection 1, after notice and a hearing required by law, require the applicant or licensee to pay the costs incurred by the Division to conduct any related investigation or hearing.

Sec. 26. ***1. The Division shall not suspend the license of a licensee pursuant to section 25 of this act for more than 2 years.***

2. After the revocation of any license by the Commissioner as provided in NRS 645.606 to 645.6085, inclusive, and sections 3 to 40, inclusive, of this act, no new license may be issued to the same licensee within 2 years

after the date of the revocation and then only provided that the licensee satisfies all the requirements for an original license.

Sec. 27. (Deleted by amendment.)

Sec. 28. ***The expiration or revocation of a license by operation of law or by order or decision of the Division or a court of competent jurisdiction, or the voluntary surrender of a license does not:***

1. Prohibit the Commissioner or the Division from initiating or continuing an investigation of, or action or disciplinary proceeding against, the exchange facilitator as authorized pursuant to the provisions of NRS 645.606 to 645.6085, inclusive, and sections 3 to 40, inclusive, of this act or the regulations adopted pursuant thereto; or

2. Prevent the imposition or collection of any penalty authorized pursuant to the provisions of NRS 645.606 to 645.6085, inclusive, and sections 3 to 40, inclusive, of this act or the regulations adopted pursuant thereto against the exchange facilitator.

Sec. 29. ***1. The procedure set forth in this section and section 30 of this act must be followed before the Division revokes, suspends or denies the renewal of any license issued pursuant to NRS 645.606 to 645.6085, inclusive, and sections 3 to 40, inclusive, of this act.***

2. Upon the initiation of a complaint by the Division, the matter must be set for a hearing by the Commissioner, who shall schedule a hearing before the Commissioner, and the licensee is entitled to be heard thereon in person or by counsel.

3. The Commissioner shall hold the hearing within 90 days after the filing of a complaint by the Division. The time of the hearing may be continued at the discretion of the Commissioner or upon the written request of the licensee or of the Division for good cause shown.

4. The licensee must be given at least 30 days' notice in writing by the Division of the date, time and place of the hearing together with a copy of the complaint and copies of all communications, reports, affidavits or depositions in possession of the Division relevant to the complaint. The Division may present evidence obtained after the notice only if the Division shows that the evidence was not available after diligent investigation before the time notice was given to the licensee and that the evidence was given or communicated to the licensee immediately after it was obtained.

5. Notice is complete upon delivery personally to the licensee or by mailing by certified mail to the last known address of the licensee.

Sec. 30. ***1. The licensee shall file an answer to the charges with the Commissioner not later than 30 days after service of the notice and other documents described in subsection 4 of section 29 of this act. The answer must contain an admission or denial of the allegations contained in the complaint and any defenses upon which the licensee will rely. If no answer is filed within the time limit described in this subsection, the Division may, after notice to the licensee served in the manner authorized in subsection 5 of section 29 of this act, move for the entry of a default against the licensee.***

2. The answer may be served by delivery to the Division, or by mailing the answer by certified mail to the principal office of the Division.

3. No proceeding to suspend, revoke or deny the renewal of any license may be maintained unless it is commenced by the giving of notice to the licensee within 3 years of the time of the act charged, whether of commission or omission, except:

(a) If the charges are based upon a misrepresentation, or failure to disclose, the period does not commence until the discovery of facts which do or should lead to the discovery of the misrepresentation or failure to disclose; and

(b) Whenever any action or proceeding is instituted to which the Division or the licensee is a party and which involves the conduct of the licensee in the transaction with which the charges are related, the running of the 3-year period with respect to the institution of a proceeding pursuant to NRS 645.606 to 645.6085, inclusive, and sections 3 to 40, inclusive, of this act to suspend, revoke or deny the renewal of the license is suspended during the pendency of the action or proceeding.

Sec. 31. ***The hearing on the charges must be held at such time and place as the Commissioner prescribes. At the hearing, a stenographic transcript of the proceedings must be made if requested or required for judicial review. Any party to the proceedings desiring a transcript must be furnished with a copy upon payment to the Division of the reasonable cost of transcription.***

Sec. 32. ***1. The Commissioner shall have the power to administer oaths, certify to all official acts, and issue subpoenas for attendance of witnesses and the production of books and papers.***

2. In any hearing or investigation in any part of the State, the process issued by the Commissioner shall extend to all parts of the State and may be served by any person authorized to serve process of courts of record. The person serving any such process shall receive such compensation as may be allowed by the Commissioner, not to exceed the fees prescribed by law for similar service, and such fees must be paid in the same manner as provided in section 33 of this act for the payment of the fees of witnesses.

Sec. 33. ***1. Each witness who appears by order of the Commissioner is entitled to receive for his attendance the same fees and mileage allowed by law to a witness in civil cases, which amount must be paid by the party at whose request the witness is subpoenaed.***

2. When any witness not otherwise required to attend is subpoenaed by the Commissioner, his fees and mileage must be paid by the Division.

Sec. 34. ***1. The district court in and for the county in which any hearing may be held shall have the power to compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by the Commissioner.***

2. In case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, the Commissioner may report to the

district court in and for the county in which the hearing is pending by petition, setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) That the witness has been subpoenaed in the manner prescribed in NRS 645.606 to 645.6085, inclusive, and sections 3 to 40, inclusive, of this act; and

(c) That the witness has failed and refused to attend or produce the papers required by subpoena before the Commissioner in the cause or proceeding named in the subpoena, or has refused to answer questions propounded to him in the course of such hearing,

➥ and asking an order of the court compelling the witness to attend and testify or produce the books or papers before the Commissioner.

3. The court, upon petition of the Commissioner, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than 10 days from the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the Commissioner. A certified copy of the order shall be served upon the witness. If it shall appear to the court that the subpoena was regularly issued by the Commissioner, the court shall thereupon enter an order that the witness appear before the Commissioner at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order, the witness shall be dealt with as for contempt of court.

Sec. 35. ***1. The Commissioner may, in any hearing before him, cause the depositions of witnesses residing within or without the State to be taken in the manner prescribed by the Nevada Rules of Civil Procedure for like depositions in civil actions in the district courts of this State, and to that end may compel the attendance of witnesses and the production of books and papers.***

2. The clerk of the district court in and for the county in which any hearing may be held by the Commissioner shall, upon the application of the Commissioner, issue commissions to other states for the taking of evidence therein for use in any proceedings before the Commissioner.

3. Any party to any hearing before the Commissioner shall have the right to the attendance of witnesses in his behalf at such hearing or upon deposition as set forth in this section upon making request therefor to the Commissioner and designating the name and address of the person or persons sought to be subpoenaed.

Sec. 36. ***1. The Commissioner shall render an informal decision on any complaint within 15 days after the final hearing thereon and shall give notice in writing of the ruling or decision to the applicant or licensee affected thereby within 60 days after the final hearing thereon by certified mail to the last known address of the person to whom the notice is sent.***

2. If the ruling is adverse to the licensee, the Commissioner shall also state in the notice the date upon which the ruling or decision becomes effective, which date must not be less than 30 days after the date of the notice.

3. The decision of the Commissioner may not be stayed by any appeal in accordance with the provisions of section 37 of this act, unless the district court so orders upon motion of the licensee, notice to the Division of the motion and opportunity for the Division to be heard.

4. An appeal from a decision of the district court affirming the revocation or suspension of a license does not stay the order of the Commissioner unless the district or appellate court, in its discretion and upon petition of the licensee, after notice and hearing orders such stay, and upon the filing of a bond for costs in the amount of $1,000.

Sec. 37. ***1. A ruling or decision of the Commissioner in any disciplinary action is final when in favor of the licensee.***

2. If a ruling or decision is against the licensee, the licensee is entitled to judicial review of the ruling or decision in the manner provided by chapter 233B of NRS.

Sec. 38. ***1. Any person who is not licensed pursuant to NRS 645.606 to 645.6085, inclusive, and sections 3 to 40, inclusive, of this act who acts as an exchange facilitator in this State or holds himself out as a licensee and any licensee who commits an act set forth in subsection 1 of section 25 of this act is:***

(a) Guilty of a gross misdemeanor.

(b) Liable to the Division for a civil penalty of $200 per day for each day that the violation continues.

2. The Division may file an action for injunctive relief in the appropriate district court in this State to prevent the occurrence or continuance of that act.

Sec. 39. ***1. A person who is licensed as an exchange facilitator in another state or territory of the United States and is not otherwise required to be licensed pursuant to the provisions of NRS 645.606 to 645.6085, inclusive, and sections 3 to 40, inclusive, of this act may submit an application for a reciprocal license as an exchange facilitator pursuant to the provisions of this section. The Division shall issue a reciprocal license to the applicant if:***

(a) The applicant is licensed in a jurisdiction that grants reciprocal licensing to a person licensed pursuant to NRS 645.606 to 645.6085, inclusive, and sections 3 to 40, inclusive, of this act;

(b) The Division determines that the laws and regulations governing exchange facilitators of the jurisdiction in which the applicant is licensed are at least equivalent to the provisions of NRS 645.606 to 645.6085, inclusive, and sections 3 to 40, inclusive, of this act;

(c) The applicant provides proof satisfactory to the Division that the applicant has complied with the requirements of NRS 645.608 and section 15 of this act;

(d) The applicant pays the fee required pursuant to section 21 of this act;

(e) The applicant designates the Division as its representative to receive service of process for matters arising in this State; and

(f) The applicant does not maintain an office in this State in connection with the conduct of the business of an exchange facilitator.

2. The Division shall:

(a) Examine the laws of each state to identify the jurisdictions that meet the requirements for recognition of a reciprocal license pursuant to this section; and

(b) Publish annually a list of the jurisdictions that meet the requirements of this section.

3. A license issued pursuant to this section must be renewed annually on or before July 1, by providing the information required by the Division for that purpose and paying the renewal fee prescribed by section 21 of this act.

Sec. 39.5. ***1. A financial institution may obtain a special license pursuant to this section.***

2. The Division shall issue a special license to a financial institution if the financial institution:

(a) Maintains an office in this State;

(b) Pays the fee required pursuant to section 21 of this act for the issuance of a license; and

(c) Complies with any other requirements set forth by regulations adopted by the Division.

3. A financial institution which obtains a special license pursuant to this section is exempt from the requirements of subsections 2 to 7, inclusive, of section 43 of this act except as otherwise required by regulations adopted by the Division.

4. A license issued pursuant to this section must be renewed annually on or before July 1, by providing the information required by the Division for that purpose and paying the renewal fee prescribed by section 21 of this act.

Sec. 40. ***1. The Commissioner shall cause to be conducted at least every 5 years an audit of all licensees. The Commissioner shall cause to be conducted each year on a random basis additional partial audits of any licensee who has a history of violations of the provisions of NRS 645.606 to 645.6085, inclusive, and sections 3 to 40, inclusive, of this act, or the regulations adopted pursuant thereto, as determined by the Commissioner.***

2. The Commissioner shall require the use of standard auditing procedures and shall establish a manual to describe the standard auditing procedures. The manual must include, without limitation:

(a) Specific audit objectives;

(b) Standards for documentation;

(c) Policies for supervisory review;

(d) Policies for the training of auditors;

(e) The format for the audit report; and

(f) Procedures for the presentation, distribution and retention of the audit report.

3. On or before March 1 of each year, the Commissioner shall make a report of each audit to the Legislature, if it is in session, or to the Interim Finance Committee, if the Legislature is not in session.

Sec. 41. NRS 645.240 is hereby amended to read as follows:

645.240 ~~[1.]~~ The provisions of this chapter do not apply to, and the terms "real estate broker" and "real estate salesman" do not include, any:

~~[(a)]~~ ***1.*** Owner or lessor of property, or any regular employee of such a person, who performs any of the acts mentioned in NRS 645.030, 645.040, 645.230 and 645.260, with respect to the property in the regular course of or as an incident to the management of or investment in the property. For the purposes of this paragraph, "management" means activities which tend to preserve or increase the income from the property by preserving the physical desirability of the property or maintaining high standards of service to tenants. The term does not include sales activities.

~~[(b)]~~ ***2.*** Employee of a real estate broker while engaged in the collection of rent for or on behalf of the broker.

~~[(c)]~~ ***3.*** Person while performing the duties of a property manager for a property, if the person maintains an office on the property and does not engage in property management with regard to any other property.

~~[(d)]~~ ***4.*** Person while performing the duties of a property manager for a common-interest community governed by the provisions of chapter 116 of NRS, a condominium project governed by the provisions of chapter 117 of NRS, a time share governed by the provisions of chapter 119A of NRS, or a planned unit development governed by the provisions of chapter 278A of NRS, if the person is a member in good standing of, and, if applicable, holds a current certificate, registration or other similar form of recognition from, a nationally recognized organization or association for persons managing such properties that has been approved by the Real Estate Division by regulation.

~~[(e)]~~ ***5.*** Person while performing the duties of a property manager for property used for residential housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government.

~~[2. Except as otherwise provided in NRS 645.606 to 645.6085, inclusive, the provisions of this chapter do not apply to:~~

~~(a) Any bank, thrift company, credit union, trust company, savings and loan association or any mortgage or farm loan association licensed under the laws of this State or of the United States, with reference to property it has acquired for development, for the convenient transaction of its business, or as~~

~~a result of foreclosure of property encumbered in good faith as security for a loan or other obligation it has originated or holds.~~

~~(b) A corporation which, through its regular officers who receive no special compensation for it, performs any of those acts with reference to the property of the corporation.~~

~~(c) The services rendered by an attorney at law in the performance of his duties as an attorney at law.~~

~~(d) A receiver, trustee in bankruptcy, administrator or executor, or any other person doing any of the acts specified in NRS 645.030 under the jurisdiction of any court.~~

~~(e) A trustee acting under a trust agreement, deed of trust or will, or the regular salaried employees thereof.~~

~~(f) The purchase, sale or locating of mining claims or options thereon or interests therein.~~

~~(g) The State of Nevada or a political subdivision thereof.]~~

Sec. 42. NRS 645.606 is hereby amended to read as follows:

645.606 1. ~~[As used in NRS 645.606 to 645.6085, inclusive, "qualified intermediary" has the meaning ascribed to it]~~ ***"Exchange facilitator" means a person who, for compensation of any kind, acts as:***

(a) A qualified intermediary as defined in 26 C.F.R. § ~~[1.1031(k)-1(g).]~~ ***1.1031(k)-1(g)(4) for a client whose relinquished property is located in this State; or***

(b) An exchange accommodation titleholder, as that term is defined in Rev. Proc. 2000-37, who holds title to property located in this State.

2. The term includes any person who ~~[advertises]~~ ***:***

(a) Maintains an office in this State for the purpose of soliciting business as an exchange facilitator; or

(b) Advertises or holds himself out as prepared to facilitate a tax-deferred exchange of property in this State by acting as the custodian of money or other property.

3. The term does not include ~~[a bank, credit union or other depository institution, an escrow company, a title insurer, an agent licensed pursuant to chapter 692A of NRS or its subsidiaries or employees.]~~ ***:***

(a) A taxpayer or disqualified person, as those terms are defined in 26 C.F.R. § 1.1031(k)-1(k), who is seeking to qualify for nonrecognition pursuant to 26 U.S.C. § 1031;

(b) A financial institution when acting solely as a depository for funds used in a tax-deferred exchange of property;

(c) A person who advertises for and teaches seminars or classes, or otherwise gives presentations to attorneys, accountants, real estate professionals, tax professionals or other professionals with the primary purpose of teaching such professionals about tax-deferred exchanges or training such professionals to act as exchange facilitators; or

(d) A qualified intermediary, as defined in 26 C.F.R. § 1.1031(k)-1(g)(4), who holds exchange funds received from the disposition of relinquished property located outside this State.

Sec. 43. NRS 645.6065 is hereby amended to read as follows:

645.6065 1. Except as otherwise provided in NRS 645.607, a person shall not act as ~~[a qualified intermediary]~~ ***an exchange facilitator*** unless he is ~~[registered]~~ ***licensed*** as such with the Division. The Division may adopt such regulations as it deems necessary to carry out the provisions of NRS 645.606 to 645.6085, inclusive ~~[.]~~ ***, and sections 3 to 40, inclusive, of this act, including, without limitation, regulations prescribing amounts required for liquidity purposes.***

2. To apply for ~~[registration,]~~ ***a license as an exchange facilitator,*** a person must pay the Division ~~[a fee of $100 and a fee to pay the costs of an investigation of the person's background.]~~ ***the fee prescribed by section 21 of this act.***

3. In addition to the requirements set forth in subsection 2, the person must submit to the Division:

(a) The following information on a form provided by the Division:

(1) The applicant's name, ***business*** address and telephone number;

(2) The name under which the applicant will hold the money or other property of a client;

(3) The names, residence and business addresses of all ***shareholders or members who hold 10 percent or more of the voting stock of the applicant's business and all*** persons having an interest in the business as principals, partners, officers, trustees or directors, specifying the capacity and title of each; and

(4) The length of time the applicant has been engaged in the business of acting as such an ~~[intermediary; and]~~ ***exchange facilitator;***

(5) A summary description of the business of the applicant;

(6) A list of any similar licenses obtained and maintained in other states or other jurisdiction and information regarding revocation of any such license;

(7) The tax identification number of the applicant; and

(8) A current certificate of good standing for the applicant from the state or other jurisdiction in which the applicant's business is formed; and

(b) All information required to complete the application.

4. Each applicant must, as part of his application and at his own expense:

(a) Arrange to have ~~[a complete set of his fingerprints]~~ taken ***,*** by a law enforcement agency or other authorized entity acceptable to the Division ~~[.]~~ ***, a complete set of the applicant's fingerprints and the fingerprints of each person or officer who will be conducting the business of the applicant in this State and who has authority to transfer exchange money held by the applicant;*** and

(b) Submit to the Division:

(1) A completed fingerprint card and written permission authorizing the Division to submit the ~~[applicant's]~~ fingerprints ***described in paragraph (a)*** to
the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the ~~[applicant's]~~ background ***of each person whose fingerprints were taken*** and to such other law enforcement agencies as the Division deems necessary; or

(2) Written verification, on a form prescribed by the Division, stating that the fingerprints ~~[of the applicant]~~ ***described in paragraph (a)*** were taken and directly forwarded electronically or by another means to the Central Repository and that ~~[the applicant]~~ ***each person whose fingerprints were taken*** has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the ~~[applicant's]~~ background ***of each such person*** and to such other law enforcement agencies as the Division deems necessary.

5. The Division may:

(a) Unless the ~~[applicant's]~~ fingerprints ***described in paragraph (a) of subsection 4*** are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 4, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Division deems necessary; and

(b) Request from each such agency any information regarding the ~~[applicant's]~~ background ***of each person whose fingerprints were taken*** as the Division deems necessary.

6. ~~[Registration]~~ ***The Division shall approve an application submitted pursuant to this section within 45 days after the submission of the completed application, any additional information required by the Division and proof satisfactory to the Division that the applicant has complied with the provisions of NRS 645.608. Upon approval of an application, the Division shall issue a license to the applicant.***

7. A license issued pursuant to ~~[this section]~~ ***NRS 645.606 to 645.6085, inclusive, and sections 3 to 40, inclusive, of this act*** must be renewed ~~[each year]~~ ***annually*** on or before ~~[the date of the original registration]~~ ***July 1,*** by providing the information required by the Division for that purpose and paying a renewal fee ~~[of $75.]~~ ***prescribed by section 21 of this act.***

Sec. 44. NRS 645.6068 is hereby amended to read as follows:

645.6068 1. In addition to any other requirements set forth in this chapter:

(a) A natural person who applies for the issuance of his ~~[registration as a qualified intermediary]~~ ***license as an exchange facilitator*** shall include the social security number of the applicant in the application submitted to the Division.

(b) A natural person who applies for the issuance or renewal of his ~~[registration as a qualified intermediary]~~ ***license as an exchange facilitator***

shall submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the ~~[registration;]~~ ***license;*** or

(b) A separate form prescribed by the Division.

3. An applicant may not be ~~[registered as a qualified intermediary]~~ ***licensed as an exchange facilitator*** by the Division if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 45. NRS 645.6068 is hereby amended to read as follows:

645.6068 1. In addition to any other requirements set forth in this chapter, a natural person who applies for the issuance or renewal of his ~~[registration as a qualified intermediary]~~ ***license as an exchange facilitator*** shall submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the ~~[registration;]~~ ***license;*** or

(b) A separate form prescribed by the Division.

3. An applicant may not be ~~[registered as a qualified intermediary]~~ ***licensed as an exchange facilitator*** by the Division if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public

agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 46. NRS 645.6069 is hereby amended to read as follows:

645.6069 1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is ~~[registered with the Division as a qualified intermediary,]~~ ***licensed as an exchange facilitator,*** the Division shall deem the ~~[registration]~~ ***license*** issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person who is ~~[registered as a qualified intermediary]~~ ***licensed as an exchange facilitator*** stating that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate the ~~[registration of a qualified intermediary]~~ ***license of an exchange facilitator*** that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose ~~[registration]~~ ***license*** was suspended stating that the person whose ~~[registration]~~ ***license*** was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 47. NRS 645.607 is hereby amended to read as follows:

645.607 ***1.*** If the ~~[intermediary]~~ ***exchange facilitator*** is a corporation qualified to do business in this State, every officer ***,*** ~~[and]~~ director ***and exchange facilitator officer designated pursuant to section 12 of this act*** of the corporation who does business in this State must be ~~[registered.]~~ ***licensed.*** No other employee is required to ~~[register.]~~ ***be licensed.***

2. If the exchange facilitator is not a natural person or a publicly traded company, each shareholder, member or other owner who owns 10 percent or more of the voting stock, shares or other ownership interest of the exchange facilitator must be licensed.

Sec. 48. NRS 645.6075 is hereby amended to read as follows:

645.6075 A ~~[qualified intermediary shall inform]~~ ***licensee shall:***

1. Maintain a principal place of business in this State or maintain a registered agent in this State;

2. ~~*[Immediately inform]*~~ ***Inform*** the Division in writing ~~[of]~~ ***within 10 working days after*** any change in ~~[his address or]~~ ***the address or***

telephone number [.] ***of his principal place of business or his registered agent, and provide any other information required by the Division; and***

3. [Immediately inform] Inform all clients [if:] within 10 working days after:

(a) [There is a] A change in any of the officers, directors, employees or owners of the licensee who are required to obtain a license pursuant to section 12 or 47 of this act; or

(b) The licensee or any person described in paragraph (a) acquires a new license, has his license suspended or revoked or otherwise relinquishes, loses or has any other change in the status of his license.

Sec. 49. NRS 645.608 is hereby amended to read as follows:

645.608 1. Except as otherwise provided in subsection 2, [a qualified intermediary] ***an exchange facilitator*** shall [post with the Division a bond] ***maintain one or more fidelity bonds in a total amount of not less than $1,000,000*** executed by [the intermediary as principal, and by a corporation qualified pursuant to the laws of this State as a surety. The bond must be payable to the State of Nevada and conditioned upon the payment of all money due to the State and the clients of the intermediary. The Division shall, by regulation, establish the minimum amount required for the bond.] ***an insurer authorized to do business in this State and approved by the Division.***

2. In lieu of such a bond [an intermediary] ***, a licensee*** may deposit with the Division under such terms and conditions as the Division may prescribe, a like amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is unavailable for withdrawal except upon order of the Division.

3. ***A licensee shall provide proof of the bond required pursuant to this section, including, without limitation, the name and address of the insurer, to a client.***

4. Any person claiming against a bond ***or deposit required by this section*** may bring an action in a court of competent jurisdiction on the bond ***or deposit*** for damages to the extent covered by the bond [.] ***or deposit.*** A person who brings an action on a bond ***or deposit*** shall notify the Division in writing upon filing the action.

[4.] ***5.*** Upon receiving a request from a person for whose benefit a bond ***or deposit*** is required, the Division shall notify him:

(a) That a bond is in effect ***or that a deposit has been made,*** and the amount of [the bond;] ***either;*** and

(b) If there is an action against the bond, of the title, court and case number of the action and the amount sought by the plaintiff.

[5.] ***6.*** If [a surety] ***an insurer or, in the case of a deposit, the Division*** wishes to make ***a*** payment without awaiting action by a court, the amount of the bond ***or deposit*** must be reduced to the extent of any payment made by

the ~~[surety]~~ ***insurer or the Division*** in good faith under the bond ~~[.]~~ ***or deposit.*** Any payment must be based on written claims received by the ~~[surety]~~ ***insurer or the Division*** before any action is taken by a court.

~~[6.]~~ ***7.*** Claims against a bond ***or deposit*** have equal priority, and if the bond ***or deposit*** is insufficient to pay all claims in full, they must be paid on a pro rata basis. Partial payment of claims is not full payment, and any claimant may bring an action against the ~~[intermediary]~~ ***licensee*** for the unpaid balance.

Sec. 50. NRS 645.6085 is hereby amended to read as follows:

645.6085 The Division shall deposit any money it receives from a civil penalty imposed pursuant to NRS 205.960 ***and section 38 of this act*** with the State Treasurer for credit to a separate account in the State General Fund. The Division shall expend at least 75 percent of the money so received to pay administrative costs related to:

1. The ~~[registration of intermediaries;]~~ ***licensing of exchange facilitators;*** and

2. Any program it develops to supply information regarding ~~[intermediaries]~~ ***exchange facilitators*** to the public.

➥ Any remaining money may be used by the Division to reimburse residents of Nevada for financial losses caused by the illegal conduct of an ~~[intermediary.]~~ ***exchange facilitator.***

Sec. 51. NRS 205.960 is hereby amended to read as follows:

205.960 1. It is unlawful for a person to enter into an agreement to act as ~~[an]~~ ***a qualified*** intermediary ~~[to hold the money of another person pursuant to an exchange of property which is or is purported to be tax free pursuant to 26 U.S.C. § 1031]~~ ***, as defined in 26 C.F.R. § 1.1031(k)-1(g)(4), for a client whose relinquished property is located in this State*** unless:

(a) ~~[The intermediary is a qualified intermediary as defined in 26 C.F.R. § 1.1031(k)-1(g);]~~ ***The proceeds from the disposition of the relinquished property are deposited into a qualified escrow account or qualified trust as defined in 26 C.F.R. § 1.1031(k)-1(g)(3).***

(b) ~~[The money is deposited in a qualified escrow account as defined in 26 C.F.R. § 1.1031(k)-1(g); and~~

~~(c)]~~ The money is held in such a manner that it may not be withdrawn from the ***qualified*** escrow account ***or qualified trust*** without the written approval of the intermediary and the ~~[person for whom he is holding the money.]~~ ***client.***

2. A person who violates the provisions of this section is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. In addition to any other penalty imposed, the court shall order a person who violates subsection 1 to pay a civil penalty of not less than $10,000. The money so collected:

(a) Must not be deducted from any penal fine imposed by the court;

(b) Must be stated separately on the court's docket; and

(c) Must be remitted forthwith to the ~~[Administrator of the Real Estate Division of the Department of Business and Industry.]~~ ***Commissioner of Financial Institutions.***

Sec. 52. (Deleted by amendment.)

Sec. 52.5. NRS 692A.265 is hereby repealed.

Sec. 53. A regulation adopted by the Real Estate Division of the Department of Business and Industry pursuant to NRS 645.606 to 645.6085, inclusive, remains in effect as a regulation of the Division of Financial Institutions of the Department of Business and Industry until amended or repealed by the Division of Financial Institutions.

Sec. 54. As soon as is practicable after passage and approval of this act, the Legislative Counsel will transfer all the regulations created under NRS 645.606 to 645.6085, inclusive, and sections 3 to 40, inclusive, of this act to the chapter of NAC that corresponds with the new chapter of NRS in which NRS 645.606 to 645.6085, inclusive, and sections 3 to 40, inclusive, of this act are transferred.

Sec. 55. 1. This section and sections 2 to 44, inclusive, and 46 to 54, inclusive, of this act become effective on July 1, 2007.

2. Section 44 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

3. Section 45 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

4. Sections 45 and 46 of this act expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTION

692A.265 Title insurer, title agent or escrow officer prohibited from handling certain matters when intermediary involved is not registered; Real Estate Division to publish list of registered intermediaries.

1. A title insurer, title agent or escrow officer shall not handle an escrow, settlement or closing in which a qualified intermediary is involved unless he first verifies that the qualified intermediary is registered pursuant to NRS 645.606 to 645.6085, inclusive.

2. The Real Estate Division of the Department of Business and Industry shall, each calendar quarter, publish and distribute to each title insurer, title agent and escrow officer licensed by the Commissioner, a list of the qualified intermediaries registered pursuant to NRS 645.606 to 645.6085, inclusive. For the purposes of subsection 1, the registration of a qualified intermediary may be verified by ascertaining whether his name appears on the list most recently published pursuant to this subsection or, if his name does not appear on that list, by contacting the Real Estate Division.

3. As used in this section, "qualified intermediary" has the meaning ascribed to it in NRS 645.606.

Assemblyman Oceguera moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that upon return from the printer, Senate Bill No. 476 be placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 575.

Bill read third time.

Roll call on Senate Bill No. 575:

YEAS—42.

NAYS—None.

Senate Bill No. 575 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 576.

Bill read third time.

Roll call on Senate Bill No. 576:

YEAS—42.

NAYS—None.

Senate Bill No. 576 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Concurrent Resolution No. 35—Directing the Legislative Commission to conduct interim studies concerning chancery courts and issues relating to senior citizens and veterans.

Assemblywoman Koivisto moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 162.

Bill read third time.

Roll call on Assembly Bill No. 162:

YEAS—42.

NAYS—None.

Assembly Bill No. 162 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 393.

The following Senate amendment was read:

Amendment No. 1141.

AN ACT relating to motor vehicles; amending provisions relating to the wrecking and salvaging of vehicles; ~~[transferring the authority for the regulation of trade practices by garagemen from the Commissioner of Consumer Affairs to the Department of Motor Vehicles;]~~ requiring that a transferor of an interest in a motor vehicle indicate if the vehicle is a rebuilt vehicle or a reconstructed vehicle; **providing that a person shall be deemed to be engaged in a deceptive trade practice for certain activities involving the repair of a motor vehicle under certain circumstances; creating a revolving account for the Bureau of Consumer Protection in the Office of the Attorney General; authorizing the Commissioner of Consumer Affairs or the Director of the Department of Motor Vehicles to request an undercover investigation of a person for allegedly engaging in certain deceptive trade practices or violating certain provisions governing garages;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 3 of this bill sets forth the conditions under which an automobile wrecker, operator of a salvage pool, garageman or owner of a body shop is unfit to hold a license or registration, as applicable.

Section 4 of this bill set forth the conditions under which a salvage vehicle is considered to be in its entirety as opposed to when it is considered to be in parts.

Section 37 of this bill requires that a transferor of an interest in a motor vehicle indicate if the motor vehicle is a rebuilt or reconstructed motor vehicle.

Existing law provides for regulation of garages and garagemen by the Commissioner of Consumer Affairs and their registration with the Department of Motor Vehicles. (NRS 487.530-487.570, 597.480-597.590) ~~[Sections 5-19 of this bill transfer authority for regulation to the Department and provide for joint enforcement of those provisions by the Director of the Department and the Commissioner. Section 36 of this bill requires that a transferor of an interest in a motor vehicle indicate if the vehicle is a rebuilt vehicle or a reconstructed vehicle.]~~ **Sections 39-44 of this bill make certain provisions concerning deceptive trade practices applicable to garages and garagemen. Section 41 of this bill authorizes the Commissioner or the Director of the Department to request an undercover investigation of a person by the Bureau of Consumer Protection in the Office of the Attorney General for alleged violations of those provisions. Section 31 of this bill authorizes the Director to suspend, revoke or refuse to renew a registration to operate a garage if he determines that the garage has engaged in a deceptive trade practice or violated certain provisions governing garages. Section 44 of this bill requires the Commissioner to prepare an annual report concerning garages and garagemen.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 487 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 19, inclusive, of this act.

Sec. 2. ***As used in this section, NRS 487.050 to 487.200, inclusive, and sections 3 and 4 of this act, unless the context otherwise requires, "automobile wrecker" or "wrecker" means a person who obtains a license to dismantle, scrap, process or wreck any vehicle, including, without limitation, wrecked, salvage, nonrepairable, abandoned and junk vehicles, which includes, without limitation, removing or selling an individual part or parts of such a vehicle or crushing, shredding or dismantling such a vehicle to be disposed of as scrap metal.***

Sec. 3. ***Evidence of unfitness of an applicant, registrant or licensee for purposes of denial, suspension or revocation of or failure to renew a license or registration as an automobile wrecker, operator of a salvage***

pool, garageman or owner of a body shop may consist of, but is not limited to, the applicant, registrant or licensee:

1. Purchasing, selling, dismantling, disposing of or having in his possession any vehicle which he knows, or a reasonable person should know, is stolen or otherwise illegally appropriated.

2. Being the former holder of, or being a partner, officer, director, owner or manager involved in management decisions of, an automobile wrecker that held a license issued pursuant to this chapter which was revoked for cause and never reissued or was suspended upon terms which were never fulfilled.

3. Defrauding or attempting to defraud the State or a political subdivision of the State of any taxes or fees in connection with the sale or transfer of a vehicle.

4. Forging the signature of the registered or legal owner of an abandoned vehicle on any document that releases the interest of the owner in the abandoned vehicle.

5. Forging the signature of the registered or legal owner of a vehicle on a certificate of title or other document to obtain or transfer ownership in that vehicle.

6. Willfully failing to deliver to a purchaser a salvage title to a vehicle that the applicant, registrant or licensee has sold.

7. Refusing to allow any peace officer or agent of ~~[a]~~ the state agency to inspect, during normal business hours, all books, records and files of the applicant, registrant or licensee which are maintained within the State.

8. Committing any fraud which includes, without limitation:

(a) Misrepresenting in any manner, whether intentional or grossly negligent, a material fact.

(b) Intentionally failing to disclose a material fact.

9. Willfully failing to comply with any regulation adopted by the Department.

Sec. 4. ***1. Whenever an entire salvage vehicle is sold to any person by a licensed automobile wrecker, the automobile wrecker shall deliver a properly endorsed salvage title to the buyer for such an entire salvage vehicle.***

2. A salvage vehicle shall be deemed an entire salvage vehicle:

(a) If all the following essential components are included and identifiable as coming from the same salvage vehicle:

(1) The cowl assembly;

(2) The floor pan assembly;

(3) The passenger compartment;

(4) The rear clip assembly; and

(5) The roof assembly; and

(b) In addition to the essential components required pursuant to paragraph (a):

(1) If the salvage vehicle was manufactured with a conventional frame, the conventional frame is included and identifiable as coming from the same salvage vehicle;

(2) If the salvage vehicle was manufactured with a unibody, the complete front inner structure is included and identifiable as coming from the same salvage vehicle;

(3) If the salvage vehicle is a truck which was manufactured with a conventional frame, the conventional frame and the truck cab assembly are included and identifiable as coming from the same salvage vehicle; and

(4) If the salvage vehicle is a truck which was manufactured with a unibody, the complete front inner structure and the truck cab assembly are included and identifiable as coming from the same salvage vehicle.

3. A salvage vehicle that does not satisfy the requirements of subsection 2 is deemed a part or parts of an entire salvage vehicle.

Sec. 5. ~~*[A person shall be deemed to be engaged in a "deceptive trade practice" if, in the course of his business or occupation, he:*~~

~~*1. Engages in any deceptive trade practice, as defined in NRS 598.0915 to 598.0925, inclusive, that involves the repair of a motor vehicle; or*~~

~~*2. Engages in any other acts prescribed by the Commissioner of Consumer Affairs by regulation as a deceptive trade practice.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~*[*"Person authorizing repairs" means a person who uses the services of a garage. The term includes an insurance company, its agents or representatives, authorizing repairs to motor vehicles under a policy of insurance.*]*~~ **(Deleted by amendment.)**

Sec. 7. ~~*[1. Each garageman shall display conspicuously in those areas of his place of business frequented by persons seeking repairs on motor vehicles a sign, not less than 22 inches by 28 inches in size, setting forth in boldface letters the following:*~~

~~*STATE OF NEVADA*~~

~~*REGISTERED GARAGE*~~

~~*THIS GARAGE IS REGISTERED WITH THE DEPARTMENT OF MOTOR VEHICLES*~~

~~*NEVADA AUTOMOTIVE REPAIR CUSTOMER BILL OF RIGHTS*~~

~~*AS A CUSTOMER IN NEVADA:*~~

~~*YOU have the right to receive repairs from a business that is REGISTERED with the Department of Motor Vehicles as a garage authorized to repair motor vehicles. (cite to this section of this act)*~~

~~*YOU have the right to receive a WRITTEN ESTIMATE of charges for repairs made to your vehicle which exceed $50. (cite to section 9 of this act)*~~

~~*YOU have the right to read and understand all documents and warranties BEFORE YOU SIGN THEM. (cite to this section of this act)*~~

~~*YOU have the right to INSPECT ALL REPLACED PARTS and accessories that are covered by a warranty and for which a charge is made. (cite to section 13 of this act)*~~

~~*YOU have the right to request that all replaced parts and accessories that are not covered by a warranty BE RETURNED TO YOU AT THE TIME OF SERVICE. (cite to section 13 of this act)*~~

~~*YOU have the right to require authorization BEFORE any additional repairs are made to your vehicle if the charges for those repairs exceed 20% of the original estimate or $100, whichever is less. (cite to section 10 of this act)*~~

~~*YOU have the right to receive a COMPLETED STATEMENT OF CHARGES for repairs made to your vehicle. (NRS 487.035)*~~

~~*YOU have the right to a FAIR RESOLUTION of any dispute that develops concerning the repair of your vehicle. (cite to this section of this act)*~~

~~*FOR MORE INFORMATION PLEASE CONTACT:*~~

~~*THE DEPARTMENT OF MOTOR VEHICLES*~~

~~*IN CLARK COUNTY: (telephone number for the Department of Motor Vehicles in Clark County)*~~

~~*ALL OTHER AREAS TOLL FREE: (toll-free telephone number for the Department of Motor Vehicles)*~~

~~*2. The sign required pursuant to the provisions of subsection 1 must include a replica of the great seal of the State of Nevada. The seal must be 2 inches in diameter and be centered on the face of the sign directly above the words "STATE OF NEVADA."*~~

~~*3. Any person who violates the provisions of this section is guilty of a misdemeanor.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~*[If any garageman accepts or assumes control of a motor vehicle for the purpose of making or completing any repair, he shall comply with the provisions of sections 7 to 19, inclusive, of this act.]*~~ **(Deleted by amendment.)**

Sec. 9. ~~*[1. Except as otherwise provided in section 11 of this act, a person requesting or authorizing the repair of a motor vehicle that is more than $50 must be furnished an estimate or statement signed by the person making the estimate or statement on behalf of the garageman, indicating the total charge for the performance of the work necessary to accomplish the repair, including the charge for labor and all parts and accessories necessary to perform the work.*~~

~~*2. If the estimate is for the purpose of diagnosing a malfunction, the estimate must include the cost of:*~~

~~*(a) Diagnosis and disassembly; and*~~

~~*(b) Reassembly, if the person does not authorize the repair.*~~

~~*3. The provisions of this section do not require a garageman to reassemble a motor vehicle if he determines that the reassembly of the motor vehicle would render the vehicle unsafe to operate.]*~~ **(Deleted by amendment.)**

Sec. 10. ~~*[Except as otherwise provided in section 11 of this act, if it is determined that additional charges are required to perform the repair authorized, and those additional charges exceed, by 20 percent or $100, whichever is less, the amount set forth in the estimate or statement required*~~

~~*to be furnished pursuant to the provisions of section 9 of this act, the garageman shall notify the person authorizing the repairs of the amount of those additional charges.]*~~ **(Deleted by amendment.)**

Sec. 11. ~~*[The person authorizing the repairs may waive the estimate or statement required pursuant to the provisions of section 9 of this act or the notification required by section 10 of this act by executing a written waiver of that requirement or notification. The waiver must be executed by the person authorizing the repairs at the time he authorizes those repairs or at any time before the repairs are performed.]*~~ **(Deleted by amendment.)**

Sec. 12. ~~*[1. A person authorizing repairs who has been notified of additional charges pursuant to section 10 of this act shall:*~~

~~*(a) Authorize the performance of the repair at the additional expense; or*~~

~~*(b) Without delay, and upon payment of the authorized charges, take possession of the motor vehicle.*~~

~~*2. Until the election provided for in subsection 1 has been made, the garageman shall not undertake any repair which would involve such additional charges.*~~

~~*3. If the person elects to take possession of the motor vehicle but fails to take possession within a 24-hour period after such election, the garageman may charge for storage of the vehicle.]*~~ **(Deleted by amendment.)**

Sec. 13. ~~*[1. If the repair work performed on a motor vehicle requires the replacement of any parts or accessories, the garageman shall, at the request of the person authorizing the repairs or any person entitled to possession of the motor vehicle, deliver to such person all parts and accessories replaced as a result of the work done.*~~

~~*2. The provisions of subsection 1 do not apply to parts or accessories which must be returned to a manufacturer or distributor under a warranty arrangement or which are subject to exchange, but the customer on request is entitled to be shown such warranty parts for which a charge is made.]*~~ **(Deleted by amendment.)**

Sec. 14. ~~*[The garageman shall retain copies of any estimate, statement or waiver required by sections 10 to 13, inclusive, of this act as an ordinary business record of the garage, for a period of not less than 1 year after the date such estimate, statement or waiver is signed.]*~~ **(Deleted by amendment.)**

Sec. 15. ~~*[In every instance where charges are made for the repair of a motor vehicle, the garageman making the repairs shall comply with the provisions of NRS 487.035 as well as the provisions of sections 10 to 13, inclusive, of this act. He is not entitled to detain a motor vehicle by virtue of any common law or statutory lien, or otherwise enforce such lien, nor shall he have the right to sue on any contract for repairs made by him, unless he has complied with the requirements of sections 10 to 13, inclusive, of this act in addition to those of NRS 487.035.]*~~ **(Deleted by amendment.)**

Sec. 16. ~~[1. A person may file with the Director a complaint alleging that he has been aggrieved by a deceptive trade practice or any violation of sections 7 to 19, inclusive, of this act. Such a complaint must:~~

~~(a) Be submitted in writing in the form prescribed by the Director; or~~

~~(b) Be reported to the Director via the toll-free telephone number established pursuant to NRS 598.990.~~

~~2. Upon receipt of a complaint submitted pursuant to subsection 1, the Director:~~

~~(a) If the complaint alleges that a garageman engaged in a deceptive trade practice, shall submit the complaint to the Commissioner of Consumer Affairs. The Commissioner:~~

~~(1) Shall investigate the merits of the complaint and may submit his findings to the Director; and~~

~~(2) May request that the Attorney General or a district attorney take action pursuant to subsection 3.~~

~~(b) If the complaint alleges that a garageman committed a violation of sections 7 to 19, inclusive, of this act:~~

~~(1) Shall investigate the merits of the complaint and may submit his findings to the Commissioner; and~~

~~(2) May request that the Attorney General or a district attorney take action pursuant to subsection 3.~~

~~3. The Attorney General or any district attorney may bring an action in any court of competent jurisdiction in the name of the State of Nevada on the complaint of the Director, of the Commissioner or of any person allegedly aggrieved by any deceptive trade practice or violation of the provisions of sections 7 to 19, inclusive, of this act to obtain an injunction, temporary restraining order or other appropriate relief.]~~ **(Deleted by amendment.)**

Sec. 17. ~~[1. There is hereby created a Revolving Account for the Bureau of Consumer Protection created within the Office of the Attorney General pursuant to NRS 228.310 in the sum of $7,500, which must be used for the payment of expenses relating to conducting an undercover investigation of a person who is allegedly engaging in a deceptive trade practice or violating the provisions of sections 7 to 19, inclusive, of this act.~~

~~2. The Consumer's Advocate appointed pursuant to NRS 228.320 shall deposit the money in the Revolving Account in a bank or credit union qualified to receive deposits of public money as provided by law, and the deposit must be secured by a depository bond satisfactory to the State Board of Examiners.~~

~~3. The Consumer's Advocate or his designee may:~~

~~(a) Sign all checks drawn upon the Revolving Account; and~~

~~(b) Make withdrawals of cash from the Revolving Account.~~

~~4. Payments made from the Revolving Account must be promptly reimbursed from the legislative appropriation, if any, to the Consumer's Advocate for the expenses relating to conducting an undercover investigation of a person who is allegedly engaging in a deceptive trade practice or~~

~~*violating the provisions of sections 7 to 19, inclusive, of this act. The claim for reimbursement must be processed and paid as other claims against the State are paid.*~~

~~*5. The Consumer's Advocate shall:*~~

~~*(a) Approve any disbursement from the Revolving Account; and*~~

~~*(b) Maintain records of any such disbursement.]*~~ **(Deleted by amendment.)**

Sec. 18. ~~*[1. The Commissioner of Consumer Affairs or the Director may request an undercover investigation of a person who is allegedly engaging in a deceptive trade practice or violating the provisions of sections 7 to 19, inclusive, of this act.*~~

~~*2. The Bureau of Consumer Protection created within the Office of the Attorney General pursuant to NRS 228.310 may conduct an undercover investigation of a person who is allegedly engaging in a deceptive trade practice or violating the provisions of sections 7 to 19, inclusive, of this act on its own motion or upon a request received pursuant to subsection 1. Nothing in this subsection requires the Bureau to conduct an undercover investigation.]*~~ **(Deleted by amendment.)**

Sec. 19. ~~*[1. In addition to any other penalty, the Commissioner of Consumer Affairs may impose an administrative fine of not more than $10,000 against any person who engages in a deceptive trade practice. The Commissioner shall provide to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.*~~

~~*2. The Commissioner may negotiate the recovery of losses by a person aggrieved by a deceptive trade practice from the garageman who engaged in the practice in lieu of imposing an administrative fine, and may mediate any disputes between customers and garagemen.*~~

~~*3. All administrative fines collected by the Commissioner pursuant to this section must be deposited with the State Treasurer to the credit of the State Highway Fund.*~~

~~*4. Except as otherwise provided in this subsection, the administrative remedy provided in this section is not exclusive and is intended to supplement existing law. The Commissioner may not impose a fine pursuant to this section against any person who engages in a deceptive trade practice if a fine has previously been imposed against that person pursuant to NRS 598.0903 to 598.0999, inclusive, for the same act. The provisions of this section do not deprive a person injured by a deceptive trade practice from resorting to any other legal remedy.]*~~ **(Deleted by amendment.)**

Sec. 20. ~~[NRS 487.035 is hereby amended to read as follows:~~

~~487.035 1. If charges are made for the repair of a motor vehicle, the~~ [person] ~~*garageman or operator of the body shop*~~ ~~making the charges shall present to the person requesting the repairs or the person entitled to possession of the motor vehicle a statement of the charges containing the following information:~~

~~(a) The name and signature of the person authorizing or requesting the repairs;~~

~~(b) A statement of the total charges;~~

~~(c) An itemization and description of all parts used to repair the motor vehicle indicating the charges made for each part;~~

~~(d) A statement of the charges made for labor; and~~

~~(e) A description of all other charges.~~

~~2. Any person violating this section is guilty of a misdemeanor.~~

~~3. In the case of a motor vehicle registered in the State of Nevada, no lien for labor or materials provided under NRS 108.265 to 108.360, inclusive, may be enforced by sale or otherwise unless a statement as described in subsection 1 has been given by delivery in person or by certified mail to the last known address of the registered and the legal owner of the motor vehicle. In all other cases, such notice must be made to the last known address of the registered owner and any other person known to have or to claim an interest in the motor vehicle.~~

~~4. As used in this section, "motor vehicle" has the meaning ascribed to it in NRS 487.550.]~~ **(Deleted by amendment.)**

Sec. 21. **NRS 487.001 is hereby amended to read as follows:**

487.001 1. The provisions of this chapter, except NRS ~~[487.035 and]~~ 487.290, apply to mobile homes although not licensed or registered.

2. As used in this section, "mobile home" means a vehicular structure, built on a chassis or frame, which is designed to be used with or without a permanent foundation and is capable of being drawn by a motor vehicle. The term does not include a recreational park trailer as defined in NRS 482.1005.

~~[Sec. 21.]~~ ***Sec. 22.*** NRS 487.160 is hereby amended to read as follows:

487.160 1. The Department ~~[, after notice and hearing,]~~ may suspend, revoke or refuse to renew a license of an automobile wrecker upon determining that the automobile wrecker:

(a) Is not lawfully entitled thereto;

(b) Has made, or knowingly or negligently permitted, any illegal use of that license;

(c) Has failed to return a salvage title to the state agency when and as required of him by NRS 487.710 to 487.890, inclusive; or

(d) Has failed to surrender to the state agency certificates of title for vehicles before beginning to dismantle or wreck the vehicles.

2. The applicant or licensee may, within 30 days after receipt of the notice of refusal, suspension or revocation, petition the Department in writing for a hearing.

3. Hearings under this section and appeals therefrom must be conducted in the manner prescribed in NRS 482.353 and 482.354.

4. The Department may suspend, revoke or refuse to renew a license of an automobile wrecker, or ***may*** deny a license to an applicant therefor, ***for***

any reason determined by the Director to be in the best interest of the public, or if the licensee or applicant:

(a) Does not have or maintain an established place of business in this State.

(b) Made a material misstatement in any application.

(c) Willfully fails to comply with any applicable provision of this chapter.

(d) Fails to furnish and keep in force any bond required by NRS 487.050 to 487.200, inclusive.

(e) Fails to discharge any final judgment entered against him when the judgment arises out of any misrepresentation of a vehicle, trailer or semitrailer.

(f) Fails to maintain any license or bond required by a political subdivision of this State.

(g) Has been convicted of a felony.

(h) Has been convicted of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter.

(i) Fails or refuses to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 7.

(j) Knowingly submits or causes to be submitted any false, forged or otherwise fraudulent document to the Department to obtain a lien, title, salvage title or certificate of ownership, or any duplicate thereof, for a vehicle.

(k) Knowingly causes or allows a false, forged or otherwise fraudulent document to be maintained as a record of his business.

(l) Interferes with or refuses to allow an agent of the Department or any peace officer ~~[or agent of a state agency]~~ access to and, upon demand, the opportunity to examine any record held in conjunction with the operation of the wrecker.

(m) Displays evidence of unfitness for a license pursuant to section 3 of this act.

5. If an application for a license as an automobile wrecker is denied, the applicant may not submit another application for at least 6 months after the date of the denial.

6. The Department may refuse to review a subsequent application for licensing submitted by any person who violates any provision of this chapter.

7. Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy any financial obligation related to the business of dismantling, scrapping, processing or wrecking of vehicles, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an

authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS 487.050 to 487.200, inclusive, ***and sections 2, 3 and 4 of this act*** or to determine the suitability of an applicant or a licensee for such licensure.

8. For the purposes of this section, failure to adhere to the directives of the state agency advising the licensee of his noncompliance with any provision of NRS 487.050 to 487.200, inclusive, ***and sections 2, 3 and 4 of this act*** or NRS 487.710 to 487.890, inclusive, or regulations of the state agency, within 10 days after the receipt of those directives, is prima facie evidence of willful failure to comply.

~~[Sec. 22.]~~ ***Sec. 23.*** NRS 487.170 is hereby amended to read as follows:

487.170 Every licensed automobile wrecker, rebuilder or scrap processor shall maintain a record of all vehicles ***acquired and processed, junked,*** dismantled ~~[or wrecked, which contains the name and]~~ ***, wrecked, sold as a part or parts or disposed of as scrap metal. The records must be open to inspection during business hours by any peace officer or investigator of*** ~~[a]~~ ***the state agency. Every vehicle record must contain:***

1. The name, address ***and original signature*** of the person from whom the vehicle was ~~[purchased or acquired and the date thereof, the]~~ ***acquired, until such time as the original signature is submitted to the Department, at which time the record must contain a duplicate of the signature;***

2. The date the vehicle was acquired;

3. The manner in which the vehicle was acquired by the wrecker, rebuilder or scrap processor;

4. The registration number last assigned to the vehicle ***;*** and ~~[a]~~

5. A brief description of the vehicle, including, insofar as the data may exist with respect to a given vehicle, the make, type, serial number and motor number, or any other number of the vehicle. ~~[The record must be open to inspection during business hours by any peace officer or investigator of the state agency.]~~

~~[Sec. 23.]~~ ***Sec. 24.*** NRS 487.200 is hereby amended to read as follows:

487.200 Any person who violates any of the provisions of NRS 487.050 to 487.200, inclusive, ***and sections 2, 3 and 4 of this act*** is guilty of a misdemeanor.

~~[Sec. 24.]~~ ***Sec. 25.*** NRS 487.260 is hereby amended to read as follows:

487.260 1. If the vehicle is appraised at a value of more than $500 ***,*** the state agency or political subdivision shall dispose of it as provided in NRS 487.270.

2. If the vehicle is appraised as a junk vehicle, the Department may issue a junk certificate to the automobile wrecker or tow operator who removed the vehicle.

3. An automobile wrecker who possesses a junk certificate for a junk vehicle may dismantle, scrap, crush or otherwise destroy the vehicle.

4. A vehicle for which a junk certificate has been issued may be sold to an automobile wrecker by the person to whom the junk certificate was issued by the seller's endorsement on the certificate. An automobile wrecker who purchases a vehicle for which a junk certificate has been issued ***shall immediately affix the business name of the automobile wrecker as purchaser to the first available space provided on the reverse side of the certificate. For the purposes of this subsection, such an automobile wrecker is the owner of the junk vehicle.***

5. If insufficient space exists on the reverse side of a junk certificate to transfer the vehicle pursuant to subsection 4, an automobile wrecker who purchases a junk vehicle for which a junk certificate has been previously issued shall, within 10 days after purchase, apply to the Department for a new junk certificate and surrender the original certificate.

~~[5.]~~ ***6.*** A person who sells, dismantles, scraps, crushes or otherwise destroys a junk vehicle shall maintain, for at least 2 years, a copy of the junk certificate and a record of the name and address of the person from whom the vehicle was acquired and the date thereof. He shall allow any peace officer or any investigator employed by a state agency to inspect the records during business hours.

~~[6.]~~ ***7.*** As used in this section, "junk vehicle" means a vehicle, including component parts, which:

(a) Has been discarded or abandoned;

(b) Has been ruined, wrecked, dismantled or rendered inoperative;

(c) Is unfit for further use in accordance with the original purpose for which it was constructed;

(d) Is not registered with the Department or has not been reclaimed by the registered owner or a person having a security interest in the vehicle within 15 days after notification pursuant to NRS 487.250; and

(e) Has value principally as scrap which does not exceed $200.

~~[Sec. 25.]~~ ***Sec. 26.*** NRS 487.490 is hereby amended to read as follows:

487.490 1. The Department may refuse to issue a license or ~~[, after notice and hearing,]~~ may suspend, revoke or refuse to renew a license of an operator of a salvage pool upon determining that the operator:

(a) Is not lawfully entitled to the license;

(b) Has made, or knowingly or negligently permitted, any illegal use of that license;

(c) Made a material misstatement in any application;

(d) Willfully fails to comply with any provision of NRS 487.400 to 487.510, inclusive;

(e) Fails to discharge any final judgment entered against him when the judgment arises out of any misrepresentation regarding a vehicle;

(f) Fails to maintain any license or bond required by a political subdivision of this State;

(g) Has been convicted of a felony;

(h) Has been convicted of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter; ~~[or]~~

(i) Fails or refuses to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 6 ~~[.]~~ ***;or***

(j) Displays evidence of unfitness for a license pursuant to section 3 of this act.

2. The applicant or licensee may, within 30 days after receipt of the notice of refusal to grant or renew or the suspension or revocation of a license, petition the Department in writing for a hearing.

3. Hearings under this section and appeals therefrom must be conducted in the manner prescribed in NRS 482.353 and 482.354.

4. If an application for a license as an operator of a salvage pool is denied, the applicant may not submit another application for at least 6 months after the date of the denial.

5. The Department may refuse to review a subsequent application for licensing submitted by any person who violates any provision of NRS 487.400 to 487.510, inclusive.

6. Upon the receipt of any report or complaint that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the operation of a salvage pool, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS 487.400 to 487.510, inclusive, or to determine the suitability of an applicant or a licensee for such licensure.

7. For the purposes of this section, the failure to adhere to the directives of the Department advising the licensee of his noncompliance with any provision of NRS 487.400 to 487.510, inclusive, or regulations of the Department, within 10 days after the receipt of those directives, is prima facie evidence of willful failure to comply.

~~[Sec. 26.]~~ ***Sec. 27.*** ~~[NRS 487.530 is hereby amended to read as follows:~~

~~487.530 As used in NRS 487.530 to 487.570, inclusive, *and sections 5 to 19, inclusive, of this act,* unless the context otherwise requires, the words and terms defined in NRS~~ [487.535] ~~*487.540* to 487.550, inclusive, *and sections 5 and 6 of this act* have the meanings ascribed to them in those sections.]~~

(Deleted by amendment.)

~~[Sec. 27.]~~ ***Sec. 28.*** ~~[NRS 487.555 is hereby amended to read as follows:~~

~~487.555 The provisions of NRS 487.530 to 487.570, inclusive, *and sections 5 to 19, inclusive, of this act* do not apply to a service station that is exclusively engaged in the business of selling motor vehicle fuel, lubricants or goods unrelated to the repair of motor vehicles.]~~ **(Deleted by amendment.)**

~~[Sec. 28.]~~ ***Sec. 29.*** NRS 487.560 is hereby amended to read as follows:

487.560 1. On and after January 1, 1998, a garageman shall register with the Department for authorization to operate a garage.

2. An application for registration must be on a form provided by the Department. The application must include:

(a) The name of the applicant, including each name under which he intends to do business;

(b) The complete street address of each location from which the applicant will be conducting business, including a designation of the location that will be his principal place of business;

(c) A copy of the business license for each garage operated by the applicant if the county or city in which the applicant operates a garage requires such a license;

(d) The type of repair work offered at each garage operated by the applicant;

(e) The number of mechanics employed at each garage operated by the applicant; ***and***

(f) ~~[The statement required by NRS 487.563; and~~

~~(g)]~~ Any other information required by the Department.

3. Except as otherwise provided in this subsection, for each garage operated by an applicant, the Department shall charge a fee of $25 for the issuance or renewal of registration. If an applicant operates more than one garage, he may file one application if he clearly indicates on the application the location of each garage operated by the applicant and each person responsible for the management of each garage. The Department shall waive the fee for the issuance or renewal of registration for a person that is licensed as:

(a) An authorized inspection station, authorized maintenance station or authorized station pursuant to chapter 445B of NRS;

(b) A manufacturer, distributor, dealer or rebuilder pursuant to chapter 482 of NRS; or

(c) An automobile wrecker, salvage pool or body shop pursuant to chapter 487 of NRS.

4. All fees collected pursuant to this section must be deposited with the State Treasurer to the credit of the Account for Regulation of Salvage Pools, Automobile Wreckers, Body Shops and Garages.

5. An applicant for registration or renewal of registration shall notify the Department of any material change in the information contained in his application for registration or renewal within 10 days after his knowledge of the change.

~~[Sec. 29.]~~ ***Sec. 30.*** NRS 487.563 is hereby amended to read as follows:

487.563 1. Each person who submits an application for registration pursuant to the provisions of NRS 487.560 ~~[must include in the application a written statement to the Department that specifies whether he agrees to submit to binding arbitration any claims against him arising out of a contract for repairs made by him to a motor vehicle. If the person fails to submit the statement to the Department or specifies in the statement that he does not agree to arbitrate those claims, the person]~~ shall file with the Department a bond in the amount of $5,000, with a corporate surety for the bond that is licensed to do business in this State. The form of the bond must be approved by the Attorney General and be conditioned upon whether the applicant conducts his business as an owner or operator of a garage without fraud or fraudulent representation and in compliance with the provisions of NRS ~~[487.035,]~~ 487.530 to 487.570, inclusive, and 597.480 to 597.590, inclusive ~~[.]~~ ***, and sections*** ~~*[5 to 19,]*~~ ***39 to 44, inclusive, of this act.***

2. The bond must be continuous in form and the total aggregate liability on the bond must be limited to the payment of the total amount of the bond.

3. ***The bond must provide that any person injured by the action of the garageman may:***

(a) Apply to the Director for compensation from the bond. The Director, for good cause shown and after notice and opportunity for hearing, may determine the amount of compensation and the person to whom it is to be paid. The surety shall then make payment.

(b) Present to the Director an order of a court requiring the Director to pay to the person an amount of compensation from the bond. The Director shall inform the surety, and the surety shall then make payment.

4. In lieu of a bond required to be filed pursuant to the provisions of subsection 1, a person may deposit with the Department, pursuant to the terms prescribed by the Department:

(a) A like amount of money or bonds of the United States or of the State of Nevada of an actual market value of not less than the amount fixed by the Department; or

(b) A savings certificate of a bank or savings and loan association located in this State, which must indicate an account of an amount equal to the amount of the bond that would otherwise be required pursuant to this section and that the amount is unavailable for withdrawal except upon order of the Department. Interest earned on the certificate accrues to the account of the applicant.

~~[4. If a claim is arbitrated pursuant to the provisions of this section, the proceedings for arbitration must be conducted in accordance with the provisions of NRS 38.206 to 38.248, inclusive.~~

~~5. If a person:~~

~~(a) Submits the statement to the Department specifying that he agrees to arbitrate a claim pursuant to the provisions of subsection 1; and~~

~~(b) Fails to submit to binding arbitration any claim specified in that subsection,~~

~~➥ the person asserting the claim may notify the Department of that fact. Upon receipt of the notice, the Department shall, after notice and hearing, revoke or refuse to renew the certificate of registration of the person who failed to submit the claim to arbitration.~~

~~6.]~~ ***5. A deposit made pursuant to subsection 4 may be disbursed by the Director, for good cause shown and after notice and opportunity for hearing, in an amount determined by him to compensate a person injured by an action of the garageman or released upon receipt of:***

(a) An order of a court requiring the Director to release all or a specified portion of the deposit; or

(b) A statement signed by the person under whose name the deposit is made and acknowledged before any person authorized to take acknowledgments in this State, requesting that the Director release the deposit, or a specified portion thereof, and stating the purpose for which the release is requested.

6. If a person fails to comply with an order of a court that relates to the repair of a motor vehicle, ***or fails to pay or otherwise discharge any final judgment rendered and entered against him or any court order issued and arising out of the repair of a motor vehicle in the operation of a garage,*** the Department shall ~~[, after notice and hearing,]~~ revoke or refuse to renew the certificate of registration of the person who failed to comply with the order ~~[.]~~ ***or satisfy the judgment.***

7. The Department may reinstate or renew a certificate of registration that is ~~[:~~

~~(a) Revoked pursuant to the provisions of subsection 5 if the person whose certificate of registration is revoked:~~

~~(1) Submits the claim to arbitration pursuant to the provisions of subsection 4 and notifies the Department of that fact; or~~

~~(2) Files a bond or makes a deposit with the Department pursuant to the provisions of this section.~~

~~(b) Revoked]~~ ***revoked*** pursuant to the provisions of subsection 6 if the person whose certificate of registration is revoked complies with the order of the court.

8. A garageman whose registration has been revoked pursuant to the provisions of subsection 6 shall furnish to the Department a bond in the amount specified in subsection 1 before the reinstatement of his registration.

~~[Sec. 30.]~~ ***Sec. 31.*** NRS 487.564 is hereby amended to read as follows:

487.564 1. The Department may refuse to issue a registration or ~~[, after notice and hearing,]~~ may suspend, revoke or refuse to renew a registration to operate a garage upon any of the following grounds:

(a) A false statement of a material fact in a certification for a salvage vehicle required pursuant to NRS 487.800.

(b) A false statement or certification for an inspection pursuant to NRS 487.800 which attests to the mechanical fitness or safety of a salvage vehicle.

(c) The Director determines that the garage or garageman has engaged in a deceptive trade practice or violated the provisions of NRS 597.480 to 597.590, inclusive, and sections ~~[7 to 19,]~~ 39 to 44, inclusive, of this act.

(d) Evidence of unfitness of the applicant or registrant pursuant to section 3 of this act.

(e) A violation of any regulation adopted by the Department governing the operation of a garage.

(f) A violation of any statute or regulation that constitutes fraud in conjunction with the repair of a motor vehicle or operation of a garage.

2. ***A person for whom a certificate of registration has been suspended or revoked pursuant to the provisions of this section, subsection 6 of NRS 487.563 or similar provisions of the laws of any other state or territory of the United States shall not be employed by, or in any manner affiliated with, the operation of a garage subject to registration in this State.***

3. As used in this section, "salvage vehicle" has the meaning ascribed to it in NRS 487.770.

~~[Sec. 31.]~~ ***Sec. 32.*** NRS 487.565 is hereby amended to read as follows:

487.565 1. If the Department receives an application for registration that contains the information required by NRS 487.560, it shall issue to the applicant a certificate of registration for each garage operated by the applicant. The certificate must contain the name of the applicant, the name under which his business will be conducted, the address of his business and the registration number for the garage.

2. A certificate of registration is valid for 1 year after the date of issuance. A garageman may renew his registration by submitting to the Department:

(a) An application for renewal on a form provided by the Department; and

(b) Except as otherwise provided in NRS 487.560, the fee for renewal set forth in that section.

~~[➥ The application must include the statement required by NRS 487.563.]~~

~~[Sec. 32.]~~ ***Sec. 33.*** ~~[NRS 487.568 is hereby amended to read as follows:~~

~~487.568 A person who violates any provision of NRS 487.530 to 487.570, inclusive, *and sections 5 to 19, inclusive, of this act* is guilty of a misdemeanor.]~~ **(Deleted by amendment.)**

~~[Sec. 33.]~~ ***Sec. 34.*** NRS 487.570 is hereby amended to read as follows:

487.570 A garageman shall comply with the provisions of NRS 597.480 to 597.590, inclusive ~~[.]~~ ***and sections ~~[7 to 19,]~~ 39 to 44, inclusive, of this act.***

~~[Sec. 34.]~~ ***Sec. 35.*** NRS 487.640 is hereby amended to read as follows:

487.640 1. No license may be issued to an operator of a body shop until he procures and files with the Department a good and sufficient bond in the amount of $10,000, with a corporate surety thereon licensed to do business in the State of Nevada, approved as to form by the Attorney General, and conditioned that the applicant shall conduct his business as an operator of a body shop without fraud or fraudulent representation, and in compliance with the provisions of NRS ~~[487.035, sections 7 to 19, inclusive, of this act and NRS]~~ 487.600 to 487.690, inclusive ~~[.]~~ , and 597.480 to 597.590, inclusive ~~[.]~~ ***, and sections 39 to 44, inclusive, of this act.*** The Department may, by agreement with any operator of a body shop who has been licensed by the Department for 5 years or more, allow a reduction in the amount of the bond of the operator, if the business of the operator has been conducted satisfactorily for the preceding 5 years, but no bond may be in an amount less than $1,000.

2. The bond may be continuous in form and the total aggregate liability on the bond must be limited to the payment of the total amount of the bond.

3. The bond must provide that any person injured by the action of the operator of the body shop in violation of any of the provisions of NRS ~~[487.035, sections 7 to 19, inclusive, of this act and NRS]~~ 487.600 to 487.690, inclusive ~~[.]~~ , and 597.480 to 597.590, inclusive, ***and sections 39 to 44, inclusive, of this act,*** may apply to the Director for compensation from the bond. The Director, for good cause shown and after notice and opportunity for hearing, may determine the amount of compensation and the person to whom it is to be paid. The surety shall then make the payment.

4. In lieu of a bond an operator of a body shop may deposit with the Department, under the terms prescribed by the Department:

(a) A like amount of money or bonds of the United States or of the State of Nevada of an actual market value of not less than the amount fixed by the Department; or

(b) A savings certificate of a bank, credit union or savings and loan association situated in Nevada, which must indicate an account of an amount equal to the amount of the bond which would otherwise be required by this section and that this amount is unavailable for withdrawal except upon order of the Department. Interest earned on the certificate accrues to the account of the applicant.

5. A deposit made pursuant to subsection 4 may be disbursed by the Director, for good cause shown and after notice and opportunity for hearing,

in an amount determined by him to compensate a person injured by an action of the licensee, or released upon receipt of:

(a) An order of a court requiring the Director to release all or a specified portion of the deposit; or

(b) A statement signed by the person under whose name the deposit is made and acknowledged before any person authorized to take acknowledgments in this State, requesting the Director to release the deposit, or a specified portion thereof, and stating the purpose for which the release is requested.

6. When a deposit is made pursuant to subsection 4, liability under the deposit is in the amount prescribed by the Department. If the amount of the deposit is reduced or there is an outstanding judgment of a court for which the licensee is liable under the deposit, the license is automatically suspended. The license must be reinstated if the licensee:

(a) Files an additional bond pursuant to subsection 1;

(b) Restores the deposit with the Department to the original amount required under this section; or

(c) Satisfies the outstanding judgment for which he is liable under the deposit.

7. A deposit made pursuant to subsection 4 may be refunded:

(a) By order of the Director, 3 years after the date the licensee ceases to be licensed by the Department, if the Director is satisfied that there are no outstanding claims against the deposit; or

(b) By order of court, at any time within 3 years after the date the licensee ceases to be licensed by the Department, upon evidence satisfactory to the court that there are no outstanding claims against the deposit.

8. Any money received by the Department pursuant to subsection 4 must be deposited with the State Treasurer for credit to the Motor Vehicle Fund.

~~[Sec. 35.]~~ ***Sec. 36.*** NRS 487.650 is hereby amended to read as follows:

487.650 1. The Department may refuse to issue a license or ~~[, after notice and hearing,]~~ may suspend, revoke or refuse to renew a license to operate a body shop upon any of the following grounds:

(a) Failure of the applicant or licensee to have or maintain an established place of business in this State.

(b) Conviction of the applicant or licensee or an employee of the applicant or licensee of a felony, or of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter.

(c) Any material misstatement in the application for the license.

(d) Willful failure of the applicant or licensee to comply with the motor vehicle laws of this State and NRS ~~[487.035,]~~ 487.610 to 487.690, inclusive, or 597.480 to 597.590, inclusive ~~[.]~~ ***and sections*** ~~*[7 to 19,]*~~ ***39 to 44, inclusive, of this act.***

(e) Failure or refusal by the licensee to pay or otherwise discharge any final judgment against him arising out of the operation of the body shop.

(f) Failure or refusal to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 2.

(g) A finding of guilt by a court of competent jurisdiction in a case involving a fraudulent inspection, purchase, sale or transfer of a salvage vehicle by the applicant or licensee or an employee of the applicant or licensee.

(h) An improper, careless or negligent inspection of a salvage vehicle pursuant to NRS 487.800 by the applicant or licensee or an employee of the applicant or licensee.

(i) A false statement of material fact in a certification of a salvage vehicle pursuant to NRS 487.800 or a record regarding a salvage vehicle by the applicant or licensee or an employee of the applicant or licensee.

(j) The display of evidence of unfitness for a license pursuant to section 3 of this act.

2. Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the operation of a body shop, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS 487.610 to 487.690, inclusive, or to determine the suitability of an applicant or a licensee for such licensure.

3. As used in this section, "salvage vehicle" has the meaning ascribed to it in NRS 487.770.

~~[Sec. 36.]~~ ***Sec. 37.*** NRS 487.830 is hereby amended to read as follows:

487.830 1. Any person who transfers an interest in a motor vehicle in this State shall, before the transfer, disclose in writing to the transferee any information that the transferor knows or reasonably should know concerning whether the vehicle is a salvage vehicle ~~[.]~~ ***, a rebuilt vehicle or a reconstructed vehicle, as that term is defined in NRS 482.100.***

2. If the transferor is subject to any of the provisions of NRS 482.423 to 482.4245, inclusive, the transferor shall:

(a) Make the disclosure required by subsection 1 before executing a contract of sale or a long-term lease;

(b) Provide a copy of the disclosure to the transferee; and

(c) Retain the written disclosure in his records for the period specified in NRS 482.3263.

3. A person who violates subsection 1 is guilty of obtaining property by false pretenses as provided in NRS 205.380.

Sec. 38. **Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 39 to 44, inclusive, of this act.**

Sec. 39. ***A person shall be deemed to be engaged in a "deceptive trade practice" if, in the course of his business or occupation, he:***

1. Engages in any deceptive trade practice, as defined in NRS 598.0915 to 598.0925, inclusive, that involves the repair of a motor vehicle; or

2. Engages in any other acts prescribed by the Commissioner by regulation as a deceptive trade practice.

Sec. 40. 1. There is hereby created a revolving account for the Bureau of Consumer Protection in the Office of the Attorney General in the sum of $7,500, which must be used for the payment of expenses relating to conducting an undercover investigation of a person who is allegedly engaging in a deceptive trade practice or violating the provisions of NRS 597.480 to 597.590, inclusive, and sections 39 to 44, inclusive, of this act.

2. The Consumer's Advocate appointed pursuant to NRS 228.320 shall deposit the money in the revolving account in a bank or credit union qualified to receive deposits of public money as provided by law, and the deposit must be secured by a depository bond satisfactory to the State Board of Examiners.

3. The Consumer's Advocate or his designee may:

(a) Sign all checks drawn upon the revolving account; and

(b) Make withdrawals of cash from the revolving account.

4. Payments made from the revolving account must be promptly reimbursed from the legislative appropriation, if any, to the Consumer's Advocate for the expenses relating to conducting an undercover investigation of a person who is allegedly engaging in a deceptive trade practice or violating the provisions of NRS 597.480 to 597.590, inclusive, and sections 39 to 44, inclusive, of this act. The claim for reimbursement must be processed and paid as other claims against the State are paid.

5. The Consumer's Advocate shall:

(a) Approve any disbursement from the revolving account; and

(b) Maintain records of any such disbursement.

Sec. 41. 1. The Commissioner or the Director of the Department of Motor Vehicles may request an undercover investigation of a person who is allegedly engaging in a deceptive trade practice or violating the provisions of NRS 597.480 to 597.590, inclusive, and sections 39 to 44, inclusive, of this act.

2. The Bureau of Consumer Protection in the Office of the Attorney General may conduct an undercover investigation of a person who is allegedly engaging in a deceptive trade practice or violating the provisions of NRS 597.480 to 597.590, inclusive, and sections 39 to 44, inclusive, of this act on its own motion or upon a request received pursuant to subsection 1. Nothing in this subsection requires the Bureau to conduct an undercover investigation.

Sec. 42. ***1. In addition to any other penalty, the Commissioner may impose an administrative fine of not more than $10,000 against any person who engages in a deceptive trade practice. The Commissioner shall provide to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.***

2. The Commissioner may negotiate the recovery of losses by a person aggrieved by a deceptive trade practice from the garageman who or body shop that engaged in the practice in lieu of imposing an administrative fine, and may mediate any disputes between customers and garagemen or body shops.

3. All administrative fines collected by the Commissioner pursuant to this section must be deposited with the State Treasurer to the credit of the State Highway Fund.

4. Except as otherwise provided in this subsection, the administrative remedy provided in this section is not exclusive and is intended to supplement existing law. The Commissioner may not impose a fine pursuant to this section against any person who engages in a deceptive trade practice if a fine has previously been imposed against that person pursuant to NRS 598.0903 to 598.0999, inclusive, for the same act. The provisions of this section do not deprive a person injured by a deceptive trade practice from resorting to any other legal remedy.

Sec. 43. ***1. If charges are made for the repair of a motor vehicle, the garageman or body shop making the charges shall present to the person authorizing repairs or the person entitled to possession of the motor vehicle a statement of the charges setting forth the following information:***

(a) The name and signature of the person authorizing repairs;

(b) A statement of the total charges;

(c) An itemization and description of all parts used to repair the motor vehicle indicating the charges made for labor; and

(d) A description of all other charges.

2. Any person violating this section is guilty of a misdemeanor.

3. In the case of a motor vehicle registered in this State, no lien for labor or materials provided under NRS 108.265 to 108.360, inclusive, may be enforced by sale or otherwise unless a statement as described in subsection 1 has been given by delivery in person or by certified mail to the last known address of the registered and the legal owner of the motor vehicle. In all other cases, the notice must be made to the last known address of the registered owner and any other person known to have or to claim an interest in the motor vehicle.

Sec. 44. ***1. On or before January 1 of each year, the Commissioner shall prepare a report concerning garages, garagemen and body shops. The report must include:***

(a) The number of complaints relating to garages, garagemen and body shops:

(1) Made to and acted upon by the Consumer Affairs Division during the year for which the report is prepared; and

(2) Provided to the Department of Motor Vehicles from the Consumer Affairs Division for the year for which the report is prepared and the number of those complaints acted upon by the Department of Motor Vehicles during that year;

(b) The number of investigations conducted during that year by the Consumer Affairs Division and the Department of Motor Vehicles relating to garages, garagemen and body shops;

(c) The outcome of each investigation specified in paragraph (b) and the extent to which any information relating to each investigation is subject to disclosure to the members of the public;

(d) A discussion of the progress made during that year concerning the joint efforts of the Consumer Affairs Division and the Department of Motor Vehicles relating to the complaints and investigations included in the report pursuant to paragraphs (a) and (b); and

(e) A discussion of the progress made by the Consumer Affairs Division in enhancing its electronic communications with the Department of Motor Vehicles.

2. On or before January 1 of each even-numbered year, the Commissioner shall submit the report required pursuant to subsection 1 to the Legislative Commission. On or before January 1 of each odd-numbered year, the Commissioner shall submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(a) The Senate Standing Committee on Transportation and Homeland Security; and

(b) The Assembly Standing Committee on Transportation.

3. As used in this section, "Consumer Affairs Division" means the Consumer Affairs Division of the Department of Business and Industry.

Sec. 45. **NRS 597.480 is hereby amended to read as follows:**

597.480 As used in NRS 597.480 to 597.590, inclusive, ***and sections 39 to 44, inclusive, of this act,*** unless the context otherwise requires:

1. ***"Commissioner" means the Commissioner of Consumer Affairs.***

2. "Garage" has the meaning ascribed to it in NRS 487.540.

~~[2.]~~ ***3.*** "Garageman" has the meaning ascribed to it in NRS 487.545.

~~[3.]~~ ***4.*** "Motor vehicle" means:

(a) A motorcycle as defined in NRS 482.070;

(b) A motortruck as defined in NRS 482.073 if the gross weight of the vehicle does not exceed 10,000 pounds;

(c) A passenger car as defined in NRS 482.087;

(d) A mini motor home as defined in NRS 482.066;

(e) A motor home as defined in NRS 482.071; and

(f) A recreational vehicle as defined in NRS 482.101.

~~[4.]~~ ***5.*** "Person authorizing repairs" means a person who uses the services of a garage. The term includes an insurance company, its agents or

representatives, authorizing repairs to motor vehicles under a policy of insurance.

Sec. 46. **NRS 597.490 is hereby amended to read as follows:**

597.490 1. Each garageman shall display conspicuously in those areas of his place of business frequented by persons seeking repairs on motor vehicles a sign, not less than 22 inches by 28 inches in size, setting forth in boldface letters the following:

STATE OF NEVADA
REGISTERED GARAGE
THIS GARAGE IS REGISTERED WITH THE DEPARTMENT OF MOTOR VEHICLES
NEVADA AUTOMOTIVE REPAIR CUSTOMER BILL OF RIGHTS
AS A CUSTOMER IN NEVADA:
YOU have the right to receive repairs from a business that is ***REGISTERED*** with the Department of Motor Vehicles that will ensure the proper repair of your vehicle. (NRS 597.490)
YOU have the right to receive a ***WRITTEN ESTIMATE*** of charges for repairs made to your vehicle which exceed $50. (NRS 597.510)
YOU have the right to read and understand all documents and warranties ***BEFORE YOU SIGN THEM.*** (NRS 597.490)
YOU have the right to ***INSPECT ALL REPLACED PARTS*** and accessories that are covered by a warranty and for which a charge is made. (NRS 597.550)
YOU have the right to request that all replaced parts and accessories that are not covered by a warranty ***BE RETURNED TO YOU AT THE TIME OF SERVICE.*** (NRS 597.550)
YOU have the right to require authorization ***BEFORE*** any additional repairs are made to your vehicle if the charges for those repairs exceed 20% of the original estimate or $100, whichever is less. (NRS 597.520)
YOU have the right to receive a ***COMPLETED STATEMENT OF CHARGES*** for repairs made to your vehicle. ~~[(NRS 487.035)]~~ ***(Section 43 of this act)***
YOU have the right to a ***FAIR RESOLUTION*** of any dispute that develops concerning the repair of your vehicle. (NRS 597.490)
FOR MORE INFORMATION PLEASE CONTACT:
THE DEPARTMENT OF BUSINESS AND INDUSTRY
CONSUMER AFFAIRS DIVISION
IN CLARK COUNTY: (702) 486-7355
ALL OTHER AREAS TOLL-FREE: 1-800-326-5202

2. The sign required pursuant to the provisions of subsection 1 must include a replica of the great seal of the State of Nevada. The seal must be 2 inches in diameter and be centered on the face of the sign directly above the words “STATE OF NEVADA.”

3. Any person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 47. **NRS 597.500 is hereby amended to read as follows:**

597.500 Whenever any garageman accepts or assumes control of a motor vehicle for the purpose of making or completing any repair, he shall comply with the provisions of NRS 597.510 to 597.570, inclusive ~~[.]~~ ***, and sections 39 to 44, inclusive, of this act.***

Sec. 48. **NRS 597.560 is hereby amended to read as follows:**

597.560 The garageman shall retain copies of any estimate, statement or waiver required by NRS 597.510 to 597.550, inclusive, ***and sections 39 to 44, inclusive, of this act*** as an ordinary business record of the garage, for a period of not less than 1 year ~~[from]~~ ***after*** the date ~~[such]~~ ***the*** estimate, statement or waiver is signed.

Sec. 49. **NRS 597.570 is hereby amended to read as follows:**

597.570 In every instance where charges are made for the repair of a motor vehicle, the garageman making the repairs shall comply with the provisions of NRS ~~[487.035 as well as the provisions of NRS]~~ 597.510 to 597.550, inclusive ~~[.]~~ ***, and sections 39 to 44, inclusive, of this act.*** He is not entitled to detain a motor vehicle by virtue of any common law or statutory lien, or otherwise enforce such lien, nor shall he have the right to sue on any contract for repairs made by him, unless he has complied with the requirements of NRS 597.510 to 597.550, inclusive, ***and sections 39 to 44, inclusive, of this act,*** in addition to those of NRS 487.035.

Sec. 50. **NRS 597.580 is hereby amended to read as follows:**

597.580 The Attorney General or any district attorney may bring an action in any court of competent jurisdiction in the name of the State of Nevada on the complaint of the Commissioner ~~[of Consumer Affairs]~~ or of any person allegedly aggrieved by such violation to enjoin any violation of the provisions of NRS 597.510 to 597.570, inclusive ~~[.]~~ ***, and sections 39 to 44, inclusive, of this act.***

Sec. 51. **NRS 597.590 is hereby amended to read as follows:**

597.590 ~~[Any]~~ ***Except as otherwise provided in section 42 of this act, any*** person who knowingly violates any provision of NRS 597.500 to 597.570, inclusive, ***and sections 39 to 44, inclusive, of this act,*** is liable, in addition to any other penalty or remedy which may be provided by law, to a civil penalty of not more than $500 for each offense, which may be recovered by civil action on complaint of the Commissioner ***,*** ~~[of Consumer Affairs,]~~ the Director of the Department of Business and Industry or the district attorney.

~~[Sec. 37.]~~ ***Sec. 52.*** NRS 598.985 is hereby amended to read as follows:

598.985 1. The Division and the Department shall cooperate to enhance the protection of persons who authorize the repair of motor vehicles by a garage that is registered with the Department pursuant to the provisions of NRS 487.530 to 487.570, inclusive ***.*** ~~*[, and sections 5 to 19, inclusive, of this act.]*~~

2. The Commissioner of Consumer Affairs may ~~*[Department shall]*~~ provide to the Department ~~*[Commissioner of Consumer Affairs]*~~ a copy of any complaint filed with the Division ~~*[Department]*~~ that alleges a deceptive trade practice pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, ***or a violation of the provisions of NRS 597.480 to 597.590, inclusive, or sections 39 to 44, inclusive, of this act*** by a garage or garageman registered pursuant to the provisions of NRS 487.530 to 487.570, inclusive . ~~*[, and sections 5 to 19, inclusive, of this act.]*~~ If the Commissioner provides the Department with a copy of a complaint, the Department is ~~*[The Department and the Commissioner are]*~~ subject to the provisions of NRS 598.098 with respect to the complaint.

3. The Department ~~*[Division]*~~ may provide assistance to the Division ~~*[Department]*~~ in carrying out the provisions of NRS 598.990.

~~[Sec. 38.]~~ ***Sec. 53.*** NRS 598.990 is hereby amended to read as follows:

598.990 ~~*[1.]*~~ The Division ~~*[Department]*~~ shall :

1. Establish ~~*[establish]*~~ and maintain a toll-free telephone number for persons to report to the Division ~~*[Department]*~~ information concerning alleged violations of NRS ~~[487.035,]~~ 487.530 to 487.570, inclusive, 597.480 to 597.590, inclusive, ***and sections*** ~~*[5 to 19,]*~~ ***39 to 44, inclusive, of this act,*** and 598.0903 to 598.0999, inclusive.

2. Develop ~~*[The Division shall develop]*~~ a program to provide information to the public concerning:

(a) The duties imposed on a garageman by the provisions of NRS 487.035, 487.530 to 487.570, inclusive, and 597.480 to 597.590, inclusive ~~[;]~~ ***, and sections*** ~~*[5 to 19,]*~~ ***39 to 44, inclusive, of this act;***

(b) The rights and protections established for a person who uses the services of a garage ~~[;]~~ ***or body shop;***

(c) The repair of motor vehicles; and

(d) Deceptive trade practices relating to the repair of motor vehicles by a garage ~~[.]~~ ***or body shop.***

Sec. 54. **NRS 686A.300 is hereby amended to read as follows:**

686A.300 1. An insurer who issues insurance covering damage to a motor vehicle shall not delay making payment for any claim involving damage to a motor vehicle after receiving a statement of charges, pursuant to the provisions of ~~[NRS 487.035,]~~ ***section 43 of this act,*** from any garage or licensed body shop previously authorized by the insured to perform the repairs required by that claim.

2. A delay, within the meaning of this section, is failure to issue a check or draft, payable to the garage or licensed body shop or jointly to the insured and the garage or licensed body shop, within 30 days after the insurer's receipt of the statement of charges for repairs which have been satisfactorily completed.

3. If the damaged vehicle is subject to a security interest or the legal owner of the damaged vehicle is different from the registered owner, the vehicle must be repaired by a garage or licensed body shop unless:

(a) The insurer has declared the vehicle a total loss; or

(b) The total charge for the repair of the vehicle, as set forth in the statement of charges presented pursuant to ~~[NRS 487.035,]~~ ***section 43 of this act,*** is $300 or less.

4. Except as otherwise provided in subsection 3, nothing in this section shall be deemed to prohibit an insurer and insured from settling a claim involving damage to a motor vehicle without providing for the repair of the vehicle.

5. As used in this section, "licensed body shop" means a body shop for which a license has been issued pursuant to chapter 487 of NRS.

~~[Sec. 39.]~~ ***Sec. 55.*** NRS ~~[487.535, 597.480, 597.490, 597.500, 597.510, 597.520, 597.530, 597.540, 597.550, 597.560, 597.570, 597.580 and 597.590 are]~~ **487.035 is** hereby repealed.

~~[Sec. 40.]~~ ***Sec. 56.*** ~~[A garageman shall display the sign required pursuant to section 7 of this act on or before:~~

~~1. October 1, 2007; or~~

~~2. The date that he submits to the Department of Motor Vehicles his application for the renewal of a certificate of registration pursuant to NRS 487.565, as amended by section 31 of this act,~~

~~whichever is later.]~~ **(Deleted by amendment.)**

~~[~~

~~LEADLINES OF REPEALED SECTIONS~~

~~487.535 "Division" defined.~~

~~597.480 Definitions.~~

~~597.490 Display of sign required; contents of sign; penalty.~~

~~597.500 Duties of garageman on acceptance of vehicle for repair.~~

~~597.510 Estimate of costs required for certain repairs.~~

~~597.520 Notice of additional charges over estimate required in certain cases.~~

~~597.530 Waiver of estimate of costs or notice of additional charges; execution of waiver.~~

~~597.540 Duties of person authorizing repairs upon receipt of notice of additional charges.~~

~~597.550 Replaced parts to be delivered to person authorizing repairs if requested; exception.~~

~~597.560 Records to be retained by garageman.~~

~~597.570 Compliance with NRS 487.035 also required; enforcement of liens and contracts.~~

~~597.580 Violations: Injunctive relief.~~

~~597.590 Violations: Civil penalties.]~~

TEXT OF REPEALED SECTION

487.035 Contents; presentation; penalty; liens.

1. If charges are made for the repair of a motor vehicle, the person making the charges shall present to the person requesting the repairs or the person entitled to possession of the motor vehicle a statement of the charges containing the following information:

(a) The name and signature of the person authorizing or requesting the repairs;

(b) A statement of the total charges;

(c) An itemization and description of all parts used to repair the motor vehicle indicating the charges made for each part;

(d) A statement of the charges made for labor; and

(e) A description of all other charges.

2. Any person violating this section is guilty of a misdemeanor.

3. In the case of a motor vehicle registered in the State of Nevada, no lien for labor or materials provided under NRS 108.265 to 108.360, inclusive, may be enforced by sale or otherwise unless a statement as described in subsection 1 has been given by delivery in person or by certified mail to the last known address of the registered and the legal owner of the motor vehicle. In all other cases, such notice must be made to the last known address of the registered owner and any other person known to have or to claim an interest in the motor vehicle.

4. As used in this section, "motor vehicle" has the meaning ascribed to it in NRS 487.550.

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 393.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Assembly Bill No. 594, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1071 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 37, which is attached to and hereby made a part of this report.

SUSAN GERHARDT	DENNIS NOLAN
KELVIN ATKINSON	JOYCE WOODHOUSE
JOHN CARPENTER	MAURICE WASHINGTON
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA37.

AN ACT relating to body shops; creating a Class A certification designation for body shops that meet certain criteria; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires body shops to submit an application to the Department of Motor Vehicles for a license to operate and file with the Department a bond in the amount of $10,000 before doing business in the State. (NRS 487.630, 487.640) Sections 3, 4, 6 and 7 of this bill create a Class A certification for a body shop that demonstrates compliance with certain criteria. Section 8 of this bill establishes the process for applying for and renewing a Class A certification. Section 11 of this bill provides for the suspension or revocation of a Class A certification under certain circumstances. (NRS 487.660)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 487 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***"Body shop" means any place where the body of a motor vehicle is painted, fixed, repaired or replaced for compensation.***

Sec. 3. ***"Class A certificate" means a certificate issued to a licensed body shop that has been granted Class A certification status with the Department pursuant to section 6 of this act.***

Sec. 4. ***"Class A certification" means a designation granted to a licensed body shop by the Department indicating that the body shop meets the criteria set forth in section 6 of this act and any criteria established in regulations adopted pursuant to section 7 of this act.***

Sec. 5. ***"Garagekeepers' insurance" means insurance which protects an operator of a body shop against liability for damage to a vehicle in the care, custody or control of the body shop.***

Sec. 6. ***To be eligible for Class A certification, a licensed body shop must:***

1. Comply with local zoning laws and possess all required local, state and federal licenses and permits.

2. Possess garagekeepers' and workers' compensation insurance.

3. Provide employees with continuing education and training in subjects and for periods of time as prescribed by regulation.

4. Have the ability to:

(a) Obtain proper specifications for each vehicle being repaired;

(b) Make three dimensional measurements that are verified by a computer of each vehicle being repaired; and

(c) Hoist a vehicle for inspection.

[4.] 5. Perform a wide range of services for vehicles being repaired, including, without limitation:

(a) Alignment of the wheels of a vehicle that is verified by a computer;

(b) Stabilization of a vehicle through the use of a four-point anchoring system;

(c) Simultaneous adjustment of the exterior and undercarriage of a vehicle;

(d) Removal and reinstallation of a frame, suspension, engine or a drivetrain component;

(e) Painting the exterior of a vehicle with a system for applying paint that provides a finish similar to the finish applied by the manufacturer;

(f) Inspection of airbags and other occupant restraint devices to the specifications of the manufacturer; and

(g) Welding, by a certified technician, with a gas metal arc welder or an inverter welder, as appropriate.

~~*[5.]*~~ ***6. Adhere to current federal, state and local safety requirements by:***

(a) Performing repairs on an air-conditioning system using equipment approved by the United States Environmental Protection Agency;

(b) Performing repairs with emission-reducing equipment, as prescribed by regulation;

(c) Performing repairs with equipment that meets all safety requirements as prescribed by regulation; and

(d) Disposing of hazardous waste as prescribed by regulation.

~~*[6.]*~~ ***7. Ensure customer satisfaction by providing to each customer:***

(a) A computer-generated estimate of repairs; and

(b) A written, limited lifetime warranty that is valid against workmanship defects.

~~*[7.]*~~ ***8. Have a system for documenting and maintaining customer complaints and responses to service.***

Sec. 7. ***1. The Department shall adopt regulations establishing the requirements for continuing education and training required by subsection 3 of section 6 of this act.***

2. The Department may adopt such regulations as it deems necessary to carry out the provisions of sections 2 to 8, inclusive, of this act.

Sec. 8. ***1. An application for a Class A certification or for the renewal of such a certification must be filed with the Department upon forms supplied by the Department. The application must be accompanied by such proof as the Department requires to demonstrate that the applicant is in compliance with all criteria set forth in section 6 of this act and any regulations adopted pursuant thereto.***

2. Before a Class A certificate is issued to a licensed body shop, the Department must inspect the body shop to ensure that the body shop meets or exceeds the requirements set forth in section 6 of this act and any regulations adopted pursuant thereto.

3. The Department shall notify a licensed body shop at least 72 hours before an inspection is performed pursuant to subsection 2.

4. The Department shall charge an application fee of $300 for the issuance or renewal of a Class A certificate which must be submitted with the application. Fees collected by the Department pursuant to this

subsection must be deposited with the State Treasurer to the credit of the Account for Regulation of Salvage Pools, Automobile Wreckers, Body Shops and Garages.

5. Upon receipt of the application and the required fee, and when satisfied that the applicant meets or exceeds the requirements set forth in section 6 of this act and any regulations adopted pursuant thereto, the Department must issue to the licensed body shop a Class A certificate or renew such certification. The certificate must contain the name and the address of the licensed body shop and the name of the operator of the licensed body shop.

6. A Class A certificate expires on April 30 of each year.

Sec. 9. NRS 487.600 is hereby amended to read as follows:

487.600 As used in NRS ~~[487.610]~~ ***487.600*** to 487.690, inclusive, ~~["body shop" means any place where the body of a motor vehicle is painted, fixed, repaired or replaced for compensation.]~~ ***and sections 2 to 8, inclusive, of this act, the words and terms defined in sections 2 to 5, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 10. NRS 487.650 is hereby amended to read as follows:

487.650 1. The Department may refuse to issue a license or, after notice and hearing, may suspend, revoke or refuse to renew a license to operate a body shop upon any of the following grounds:

(a) Failure of the applicant or licensee to have or maintain an established place of business in this State.

(b) Conviction of the applicant or licensee or an employee of the applicant or licensee of a felony, or of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter.

(c) Any material misstatement in the application for the license.

(d) Willful failure of the applicant or licensee to comply with the motor vehicle laws of this State and NRS 487.035, ~~[487.610]~~ ***487.600*** to 487.690, inclusive, ***and sections 2 to 8, inclusive, of this act,*** or 597.480 to 597.590, inclusive.

(e) Failure or refusal by the licensee to pay or otherwise discharge any final judgment against him arising out of the operation of the body shop.

(f) Failure or refusal to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 2.

(g) A finding of guilt by a court of competent jurisdiction in a case involving a fraudulent inspection, purchase, sale or transfer of a salvage vehicle by the applicant or licensee or an employee of the applicant or licensee.

(h) An improper, careless or negligent inspection of a salvage vehicle pursuant to NRS 487.800 by the applicant or licensee or an employee of the applicant or licensee.

(i) A false statement of material fact in a certification of a salvage vehicle pursuant to NRS 487.800 or a record regarding a salvage vehicle by the applicant or licensee or an employee of the applicant or licensee.

2. Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the operation of a body shop, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS ~~[487.610]~~ ***487.600*** to 487.690, inclusive, ***and sections 2 to 8, inclusive, of this act,*** or to determine the suitability of an applicant or a licensee for such licensure.

3. As used in this section, "salvage vehicle" has the meaning ascribed to it in NRS 487.770.

Sec. 11. NRS 487.660 is hereby amended to read as follows:

487.660 ***1.*** If the Director finds that the action is necessary in the public interest, upon notice to the licensee, he may ~~[temporarily]~~ ***:***

(a) Temporarily suspend or refuse to renew the license to operate a body shop for not more than 30 days.

(b) Temporarily suspend or refuse to renew a Class A certificate of a licensed body shop for not more than 30 days.

2. The Department shall conduct a hearing and issue a final decision on the matter within 30 days after it sends notice ~~[to the licensee]~~ of the temporary suspension ~~[.]~~ ***of a license or a Class A certificate, or both.***

3. The Department shall adopt regulations:

(a) Prescribing the circumstances under which the Department may suspend or refuse to renew a Class A certificate; and

(b) Providing an appeals process for an operator of a licensed body shop whose Class A certificate has been suspended or has not been renewed.

4. A Class A certificate must be automatically revoked by the Department if the license to operate the body shop is suspended or revoked pursuant to NRS 487.650.

Sec. 12. NRS 487.690 is hereby amended to read as follows:

487.690 Any person who violates any of the provisions of NRS ~~[487.610]~~ ***487.600*** to 487.680, inclusive, ***and sections 2 to 8, inclusive, of this act*** is guilty of a misdemeanor.

Assemblywoman Gerhardt moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 594.

Remarks by Assemblywoman Gerhardt.

Motion carried by a constitutional majority.

Madam Speaker:

The first Conference Committee concerning Assembly Bill No. 127, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 792 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 28, which is attached to and hereby made a part of this report.

BERNIE ANDERSON	MAURICE WASHINGTON
DEBBIE SMITH	MIKE MCGINNESS
BOB BEERS	VALERIE WIENER
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA28.

SUMMARY—Revises provisions relating to ~~[interception of wire communications.]~~ **the collection of debts by collection agencies.** (BDR 54-1049)

AN ACT relating to ~~[communications;]~~ **collection agencies;** clarifying ~~[that a person may record certain telephone calls made by]~~ **when** collection agents and collection agencies ~~[after providing notice that the call is being recorded and making a statement to that effect on the recording;]~~ **may record telephone calls; providing that violations of the provisions of the federal Fair Debt Collection Practices Act are deemed violations of certain provisions governing collection agencies; requiring a collection agency which collects a debt on behalf of a hospital to provide certain notice to a debtor; specifying the manner in which a collection agency must verify a debt; making various other changes concerning collection agencies and collection agents;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally requires two-party consent before a person may record a telephone conversation. (NRS 200.620) The Nevada Supreme Court has interpreted existing law to prohibit a person from recording his own telephone conversations unless the other party to the conversation gives prior consent to the recording. (***Lane v. Allstate Ins. Co.***, 114 Nev. 1176 (1998)) Existing law also prohibits the surreptitious listening, monitoring or recording of private conversations engaged in by other persons. (NRS 200.650)

Section 4 of this bill provides that, after providing notice to the collection agency or collection agent that the telephone call is being recorded and making a statement to that effect on the recording, a person may record any telephone call concerning a debt which is owed or asserted to be owed by the person if the telephone call is initiated by a collection agency or collection agent and received by the person who owes or is alleged to owe the debt.

Section 5 of this bill provides that a violation of any provision of the federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq., or any regulation adopted pursuant thereto, shall be deemed to be a violation of chapter 649 of NRS governing collection agencies.

Section 6 of this bill provides that, to verify a debt, a collection agency is required to obtain certain documents from the creditor and mail those

documents to the debtor. Section 6 also requires a collection agency that is collecting a debt on behalf of a hospital to provide certain information to a debtor not later than 5 days after the initial communication with the debtor in connection with the collection of the debt.

Existing law exempts certain persons from obtaining a collection agency license in Nevada if certain conditions are met. (NRS 649.075) Section 7 of this bill removes that exemption and requires all such persons to either register as a foreign collection agency or obtain a license.

Existing law requires each applicant for a license as a collection agency or collection agent to submit proof of certain information to the Commissioner of Financial Institutions, including, without limitation, proof that the applicant will maintain one or more offices in this State for the transaction of the business of his collection agency. (NRS 649.085) Section 8 of this bill allows the applicant to satisfy this requirement by submitting proof that the applicant will maintain one or more such offices in another state.

Section 9 of this bill removes the requirement that a person must hold a license in another state in order to be registered as a foreign collection agency in Nevada. Section 9 also limits the activities of a registered foreign collection agency to collecting from residents of this State on behalf of residents of another state. (NRS 649.171)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 3.5. **Chapter 649 of NRS is hereby amended by adding thereto the provisions set forth as sections 4, 5 and 6 of this act.**

Sec. 4. ~~[Chapter 649 of NRS is hereby amended by adding thereto a new section to read as follows:]~~

1. After providing notice that the telephone conversation will be recorded, a person may record any telephone call that:

(a) Concerns a claim which is owed or asserted to be owed by the person;

(b) Is made by a collection agency or collection agent; and

(c) Is received by the person.

2. A person who records a telephone call pursuant to this section is required to make a statement immediately after the recording begins that the telephone call is being recorded.

3. As used in this section, "record" means the acquisition of the contents of a wire communication through the use of a recording device.

Sec. 5. ***A violation of any provision of the federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1682 et seq., or any regulation adopted pursuant thereto, shall be deemed to be a violation of this chapter.***

Sec. 6. ***1. To verify a debt, a collection agency shall:***

(a) Obtain or attempt to obtain from the creditor any document that is not in the possession of the collection agency and is reasonably responsive to the dispute of the debtor, if any; and

(b) If such a document is obtained, mail the document to the debtor.

2. When collecting a debt on behalf of a hospital, within 5 days after the initial communication with the debtor in connection with the collection of

the debt, a collection agency shall, unless the following information is included in the initial communication, send a written notice to the debtor that includes a statement indicating that:

(a) If the debtor pays or agrees to pay the debt or any portion of the debt, the payment or agreement to pay may be construed as:

(1) An acknowledgement of the debt by the debtor; and

(2) A waiver by the debtor of any applicable statute of limitations set forth in NRS 11.190 that otherwise precludes the collection of the debt; and

(b) If the debtor does not understand or has questions concerning his legal rights or obligations relating to the debt, the debtor should seek legal advice.

3. As used in this section, "hospital" has the meaning ascribed to it in NRS 449.012.

Sec. 7. **NRS 649.075 is hereby amended to read as follows:**

649.075 1. Except as otherwise provided in this section, a person shall not conduct within this State a collection agency or engage within this State in the business of collecting claims for others, or of soliciting the right to collect or receive payment for another of any claim, or advertise, or solicit, either in print, by letter, in person or otherwise, the right to collect or receive payment for another of any claim, or seek to make collection or obtain payment of any claim on behalf of another without having first applied for and obtained a license from the Commissioner.

2. ~~[A person is not required to obtain a license if:~~

~~(a) The collection agency he works for is located outside of this State;~~

~~(b) His activities in this State are limited to the collection of claims from residents of this State on behalf of residents of another state; and~~

~~(c) His contact with persons in this State is limited to interstate communications by telephone, mail or facsimile.~~

~~3.]~~ A person is not required to obtain a license if the person holds a certificate of registration as a foreign collection agency issued by the Commissioner pursuant to NRS 649.171.

Sec. 8. **NRS 649.085 is hereby amended to read as follows:**

649.085 Every individual applicant, every officer and director of a corporate applicant, and every member of a firm or partnership applicant for

a license as a collection agency or collection agent must submit proof satisfactory to the Commissioner that he:

1. Is a citizen of the United States or lawfully entitled to remain and work in the United States.

2. Has a good reputation for honesty, trustworthiness and integrity and is competent to transact the business of a collection agency in a manner which protects the interests of the general public.

3. Has not had a collection agency license suspended or revoked within the 10 years immediately preceding the date of the application.

4. Has not been convicted of, or entered a plea of nolo contendere to:

(a) A felony relating to the practice of collection agencies or collection agents; or

(b) Any crime involving fraud, misrepresentation or moral turpitude.

5. Has not made a false statement of material fact on his application.

6. Will maintain one or more offices in this State ***or one or more offices in another state*** for the transaction of the business of his collection agency.

7. Has established a plan to ensure that his collection agency will provide the services of a collection agency adequately and efficiently.

Sec. 9. **NRS 649.171 is hereby amended to read as follows:**

649.171 1. A person who is not licensed in this State as a collection agency may apply to the Commissioner for a certificate of registration as a foreign collection agency.

2. To be issued and to hold a certificate of registration as a foreign collection agency, a person:

(a) ~~[Must hold a license or permit to do business as a collection agency in another state;~~

~~(b)]~~ Must meet the qualifications to do business as a collection agency in this State;

~~[(c)]~~ ***(b)*** Must not have any employees or agents present in this State who engage in the collection of claims and must not maintain any business locations in this State as a collection agency;

~~[(d)]~~ ***(c)*** Must submit proof to the Commissioner, upon application and upon each annual renewal of the ~~[certification]~~ ***certificate*** of registration, that the person and his employees and agents will not, in this State:

(1) Engage in the business of soliciting the right to collect or receive payment for another of any claim; ~~[or]~~

(2) ***Respond to a bid, proposal or invitation for the right to collect or receive payment for another of any claim, unless the bid, proposal or invitation is for the collection of claims owed by residents of another state; or***

(3) Advertise or solicit, either in print, by letter, in person or otherwise, the right to collect or receive payment for another of any claim;

~~[(e)]~~ ***(d)*** When collecting claims against debtors who are present in this State, must:

(1) Limit his activities and those of his employees and agents to interstate communications by telephone, mail or facsimile; ~~[and]~~

(2) ***Limit his activities and those of his employees and agents to the collection of claims from residents of this State on behalf of residents of another state; and***

(3) Comply with the requirements of NRS 649.305 to 649.375, inclusive, ***and section 5 of this act*** with regard to his activities and those of his employees and agents;

~~[(f)]~~ ***(e)*** Must pay:

(1) A fee to apply for a certificate of registration of not less than $200 ~~[and not more than $600,]~~ prorated on the basis of the registration year as determined by the Commissioner; and

(2) An annual renewal fee of not more than $200;

~~[(g)]~~ ***(f)*** Must deposit and maintain a bond or an appropriate substitute for the bond in the same manner as an applicant or licensee pursuant to NRS 649.105, 649.115 and 649.119;

~~[(h)]~~ ***(g)*** Must maintain his accounts, books and records in accordance with generally accepted accounting principles and in accordance with the requirements of subsection 1 of NRS 649.335; and

~~[(i)]~~ ***(h)*** Must pay any fees related to any examination of his accounts, books and records conducted by the Commissioner pursuant to subsection 3.

3. The Commissioner may conduct an annual examination and any additional examinations pursuant to NRS 649.335 of the accounts, books and records of each person who holds a certificate of registration as a foreign collection agency.

4. The Commissioner may take disciplinary action pursuant to NRS 649.385, 649.390 and 649.395 against a person who holds a certificate of registration as a foreign collection agency for any act or omission that would be grounds for taking such disciplinary action under those sections.

5. The Commissioner shall adopt:

(a) Regulations establishing the amount of the fees required pursuant to this section; and

(b) Any other regulations as may be necessary to carry out the provisions of this section.

Sec. 10. **1. This section and sections 3.5 to 6, inclusive, 8 and 9 of this act become effective upon passage and approval.**

2. Section 7 of this act becomes effective on January 1, 2008.

Assemblyman Anderson moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 127.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Madam Speaker:

The first Conference Committee concerning Assembly Bill No. 178, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1013 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 38, which is attached to and hereby made a part of this report.

MARCUS CONKLIN	WARREN HARDY
DAVID BOBZIEN	MAGGIE CARLTON
HEIDI GANSERT	RANDOLPH TOWNSEND
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA38.

AN ACT relating to energy; requiring certain lights sold in this State to meet certain standards of energy efficiency; revising the authority of the Director of the Office of Energy; revising the membership of the Task Force for Renewable Energy and Energy Conservation; revising various provisions relating to net metering; **revising provisions governing the exemption of electric generating plants;** providing for the establishment of a pilot program to collect and separate recyclable material that may be used as renewable energy or converted into renewable fuel; providing for the establishment of the Wind Energy Systems Demonstration Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill prohibits the sale in this State of certain general purpose lights that do not produce a certain amount of lumens per watt of electricity consumed, and requires the Director of the Office of Energy to adopt regulations establishing a minimum standard of energy efficiency for such lights.

Existing law provides for the membership of the Task Force for Renewable Energy and Energy Conservation. (NRS 701.350) Sections 1.35 and 29.7 of this bill revise the membership of the Task Force.

Existing law authorizes a customer of an electric utility to use a net metering system on the customer's premises to generate electricity to offset part or all of the customer's requirements for electricity. The net metering system must use renewable energy as its primary source of energy to generate electricity, and the system is allowed to have a generating capacity of not more than 150 kilowatts. (NRS 704.766-704.775)

Section 1.4 of this bill provides that one of the purposes and policies of the Legislature in enacting the net metering statutes is to streamline the process for customers of a utility to apply for and install net metering systems.

Section 1.5 of this bill provides for a general increase in the permissible capacity of net metering systems and allows a customer-generator to use a net metering system of not more than 1 megawatt. However, section 1.5 also places specific limitations on the capacity of net metering systems under certain circumstances.

Section 2 of this bill requires the Public Utilities Commission of Nevada to adopt regulations regarding a net metering tariff and a standard net metering contract. Section 3 of this bill changes the method for calculating the value of the electricity generated by certain net metering systems.

Existing law provides for the establishment of programs for collecting and separating recyclable material. (Chapter 444A of NRS) Section 4.5 of this bill provides that in a county whose population is 400,000 or more (currently Clark County), the board of county commissioners shall, in conjunction with each licensed hauler of garbage and refuse, establish a pilot program for collecting and separating recyclable material that may be used as a source of renewable energy or converted into renewable fuel.

Under the Solar Energy Systems Demonstration Program Act, certain entities, such as schools and public agencies, which install solar energy systems are entitled to participate in a demonstration program and receive incentives for such participation. (Chapter 331, Statutes of Nevada 2003, p. 1868) The Solar Energy Systems Demonstration Program Act expires by limitation on June 30, 2010. (Chapter 2, Statutes of Nevada 2005, 22nd Special Session, p. 90)

Sections 5-29 of this bill enact the Wind Energy Systems Demonstration Program Act, a similar demonstration program for wind energy systems. Under this bill, the Wind Energy Systems Demonstration Program Act expires by limitation on ~~[June 30, 2011.]~~ **certain specified dates.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 701 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Between January 1, 2012, and December 31, 2015, inclusive, no general purpose light may be sold in this State unless it produces at least 25 lumens per watt of electricity consumed.

2. On and after January 1, 2016, no general purpose light may be sold in this State unless it meets or exceeds the minimum standard of energy efficiency established by the Director pursuant to subsection 3 for lumens per watt of electricity consumed.

3. The Director shall adopt regulations to carry out the provisions of this section. The regulations must, without limitation:

(a) Establish a minimum standard of energy efficiency for lumens per watt of electricity consumed that must be produced by general purpose lights sold in this State on and after January 1, 2016. The minimum standard of energy efficiency established by the Director must exceed 25 lumens per watt of electricity consumed.

(b) Attempt to minimize the overall cost to consumers for general purpose lighting, considering the needs of consumers relating to lighting, technological feasibility and anticipated product availability and performance.

4. As used in this section, "general purpose light" means lamps, bulbs, tubes or other devices that provide functional illumination for indoor or outdoor use. The term does not include "specialty lighting" or "lighting

necessary to provide illumination for persons with special needs," as defined by the Director by regulation.

Sec. 1.3. NRS 701.170 is hereby amended to read as follows:

701.170 The Director may:

1. Administer any gifts or grants which the Office of Energy is authorized to accept for the purposes of this chapter.

2. Expend money received from those gifts or grants or from legislative appropriations to contract with qualified persons or institutions for research in the production and efficient use of energy resources.

3. Enter into any cooperative agreement with any federal or state agency or political subdivision.

4. Participate in any program established by the Federal Government relating to sources of energy and adopt regulations appropriate to that program.

5. Assist developers of renewable energy generation projects in preparing and making requests to obtain money for development through the issuance of industrial development revenue bonds pursuant to NRS 349.400 to 349.670, inclusive.

6. Adopt any regulations that the Director determines are necessary to carry out the duties of the Office of Energy pursuant to this chapter.

7. Within the limits of legislative appropriations and other money authorized for expenditure for such purposes, promote, participate in the operation of, and create or cause to be created, any nonprofit corporation, pursuant to chapter 82 of NRS, which he determines is necessary or convenient for the exercise of the powers and duties of the Office of Energy. The purposes, powers and operation of the corporation must be consistent with the purposes, powers and duties of the Office of Energy.

8. Within the limits of legislative appropriations and other money authorized for expenditure for such purposes, negotiate and execute agreements with public or private entities which are necessary to the exercise of the powers and duties of the Director or the Office of Energy.

Sec. 1.35. NRS 701.350 is hereby amended to read as follows:

701.350 1. The Task Force for Renewable Energy and Energy Conservation is hereby created. The Task Force consists of ~~[11]~~ ***15*** members who are appointed as follows:

(a) Two members appointed by the Majority Leader of the Senate, one of whom represents the interests of the renewable energy industry in this State with respect to biomass and the other of whom represents the interests of the mining industry in this State.

(b) Two members appointed by the Speaker of the Assembly, one of whom represents the interests of the renewable energy industry in this State with respect to geothermal energy and the other of whom represents the interests of a nonprofit organization dedicated to the protection of the environment or to the conservation of energy or the efficient use of energy.

(c) ~~[One member]~~ ***Two members*** appointed by the Minority Leader of the Senate ~~[to represent]~~ ***, one of whom represents the interests of the natural gas industry in this State and one or whom represents*** the interests of the renewable energy industry in this State with respect to solar energy.

(d) ~~[One member]~~ ***Two members*** appointed by the Minority Leader of the Assembly to represent the interests of the ~~[public]~~ ***electric*** utilities in this State.

(e) Two members appointed by the Governor, one of whom represents the interests of the renewable energy industry in this State with respect to wind and the other of whom represents the interests of the gaming industry in this State.

(f) One member appointed by the Consumer's Advocate to represent the interests of the consumers in this State.

(g) One member appointed by the governing board of the State of Nevada AFL-CIO or, if the State of Nevada AFL-CIO ceases to exist, by its successor organization or, if there is no successor organization, by the Governor.

(h) One member appointed by the Governor to represent the interests of energy conservation and the efficient use of energy in this State.

(i) One member appointed by the ~~*[Desert Research Institute or its successor organization or, if there is no successor organization, by the Governor.]*~~ ***Chancellor of the Nevada System of Higher Education to represent the interests of education and academic research in this State.***

(j) One member who is an appointed ~~*[by]*~~ ***member of the Commission on Economic Development*** ~~*[.*~~

~~*(k) Two members appointed jointly by the United States Senators of this State.]*~~ ***and who has been selected by that Commission to serve as a member of the Task Force.***

2. A member of the Task Force:

(a) Must be a citizen of the United States and a resident of this State.

(b) Must have training, education, experience or knowledge concerning:

(1) The development or use of renewable energy;

(2) Financing, planning or constructing renewable energy generation projects;

(3) Measures which conserve or reduce the demand for energy or which result in more efficient use of energy;

(4) Weatherization;

(5) Building and energy codes and standards;

(6) Grants or incentives concerning energy;

(7) Public education or community relations; or

(8) Any other matter within the duties of the Task Force.

(c) Must not be an officer or employee of the Legislative or Judicial Department of State Government.

3. After the initial terms, the term of each member of the Task Force is 3 years ~~[.]~~ ***, except that the member of the Task Force who is also an***

appointed member of the Commission on Economic Development serves at the pleasure of that Commission. A vacancy on the Task Force must be filled for the remainder of the unexpired term in the same manner as the original appointment. A member may be reappointed to the Task Force.

4. A member of the Task Force who is an officer or employee of this State or a political subdivision of this State must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Task Force and perform any work that is necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Task Force to:

(a) Make up the time he is absent from work to carry out his duties as a member of the Task Force; or

(b) Take annual leave or compensatory time for the absence.

Sec. 1.4. NRS 704.766 is hereby amended to read as follows:

704.766 It is hereby declared to be the purpose and policy of the Legislature in enacting NRS 704.766 to 704.775, inclusive, to:

1. Encourage private investment in renewable energy resources;

2. Stimulate the economic growth of this State; ~~[and]~~

3. Enhance the continued diversification of the energy resources used in this State ~~[.]~~***; and***

4. Streamline the process for customers of a utility to apply for and install net metering systems.

Sec. 1.5. NRS 704.771 is hereby amended to read as follows:

704.771 ***1.*** "Net metering system" means a facility or energy system for the generation of electricity that:

~~[1.]~~ ***(a)*** Uses renewable energy as its primary source of energy to generate electricity;

~~[2.]~~ ***(b)*** Has a generating capacity of not more than ~~[150 kilowatts;~~

~~3.]~~ ***1 megawatt;***

(c) Is located on the customer-generator's premises;

~~[4.]~~ ***(d)*** Operates in parallel with the utility's transmission and distribution facilities; and

~~[5.]~~ ***(e)*** Is intended primarily to offset part or all of the customer-generator's requirements for electricity.

2. The term does not include a facility or energy system for the generation of electricity which has a generating capacity that exceeds the greater of:

(a) The limit on the demand that the class of customer of the customer-generator may place on the system of the utility; or

(b) One hundred fifty percent of the peak demand of the customer.

Sec. 2. NRS 704.773 is hereby amended to read as follows:

704.773 1. A utility shall offer net metering, as set forth in NRS 704.775, to the customer-generators operating within its service area

until the cumulative capacity of all such net metering systems is equal to 1 percent of the utility's peak capacity.

2. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of not more than ~~[30]~~ ***100*** kilowatts, the utility:

(a) Shall offer to make available to the customer-generator an energy meter that is capable of registering the flow of electricity in two directions.

(b) May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.

(c) Shall not charge a customer-generator any fee or charge that would increase the customer-generator's minimum monthly charge to an amount greater than that of other customers of the utility in the same rate class as the customer-generator.

3. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of more than ~~[30]~~ ***100*** kilowatts, the utility ~~[may:~~

~~(a) Require]~~ ***:***

(a) May require the customer-generator to install at its own cost ~~[an]~~ ***:***

(1) An energy meter that is capable of measuring generation output and customer load ~~[.]~~ ***; and***

(2) Any upgrades to the system of the utility that are required to make the net metering system compatible with the system of the utility.

(b) ~~[Charge]~~ ***Except as otherwise provided in paragraph (c), may charge*** the customer-generator any applicable fee or charge charged to other customers of the utility in the same rate class as the customer-generator, including, without limitation, customer, demand and facility charges.

(c) Shall not charge the customer-generator any standby charge.

➥ At the time of installation or upgrade of any portion of a net metering system, the utility must allow a customer-generator governed by this subsection to pay the entire cost of the installation or upgrade of the portion of the net metering system.

4. The Commission shall adopt regulations prescribing the form and substance for a net metering tariff and a standard net metering contract. The regulations must include, without limitation:

(a) The particular provisions, limitations and responsibilities of a customer-generator which must be included in a net metering tariff with regard to:

(1) Metering equipment;

(2) Net energy metering and billing; and

(3) Interconnection,

➥ based on the allowable size of the net metering system.

(b) The particular provisions, limitations and responsibilities of a customer-generator and the utility which must be included in a standard net metering contract.

(c) A timeline for processing applications and contracts for net metering applicants.

(d) Any other provisions the Commission finds necessary to carry out the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 3. NRS 704.775 is hereby amended to read as follows:

704.775 1. The billing period for net metering must be a monthly period.

2. ~~[If a customer-generator's net metering system has a capacity of not more than 30 kilowatts, the]~~ ***The*** net energy measurement must be calculated in the following manner:

(a) The utility shall measure, in kilowatt-hours, the net electricity produced or consumed during the billing period, in accordance with normal metering practices.

(b) If the electricity supplied by the utility exceeds the electricity generated by the customer-generator which is fed back to the utility during the billing period, the customer-generator must be billed for the net electricity supplied by the utility.

(c) If the electricity generated by the customer-generator which is fed back to the utility exceeds the electricity supplied by the utility during the billing period:

(1) Neither the utility nor the customer-generator is entitled to compensation for ***the*** electricity provided to the other during the billing period.

(2) The excess electricity which is fed back to the utility during the billing period is carried forward to the next billing period as an addition to the kilowatt - hours generated by the customer-generator in that billing period. If the customer-generator is billed for electricity pursuant to a time-of-use rate schedule, the excess electricity carried forward must be added to the same time-of-use period as the time-of-use period in which it was generated unless the subsequent billing period lacks a corresponding time-of-use period. In that case, the excess electricity carried forward must be apportioned evenly among the available time-of-use periods.

(3) Excess electricity may be carried forward to subsequent billing periods indefinitely, but a customer-generator is not entitled to receive compensation for any excess electricity that remains if:

(I) The net metering system ceases to operate or is disconnected from the utility's transmission and distribution facilities;

(II) The customer-generator ceases to be a customer of the utility at the premises served by the net metering system; or

(III) The customer-generator transfers the net metering system to another person.

(4) The ***value of the*** excess electricity ~~[which is fed back to the utility shall be deemed to be electricity that the utility generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive.~~

~~3. If a customer-generator's net metering system has a capacity of more than 30 kilowatts, the net energy measurement must be calculated in the following manner:~~

~~(a) The utility shall:~~

~~(1) Measure, in kilowatt-hours, the amount of electricity supplied by the utility to the customer-generator during the billing period and calculate its value using the tariff that would be applicable if the customer-generator did not use a net metering system; and~~

~~(2) Measure, in kilowatt-hours, the amount of electricity generated by the customer-generator which is fed back to the utility during the billing period and calculate its value at a rate that is consistent with the rate used to calculate the value of the electricity supplied by the utility.~~

~~(b) If the value of electricity supplied by the utility exceeds the value of the electricity generated by the customer-generator which is fed back to the utility during the billing period, the customer-generator must be billed for the net value of the electricity supplied by the utility.~~

~~(c) If the value of the electricity generated by the customer-generator which is fed back to the utility exceeds the value of the electricity supplied by the utility during the billing period:~~

~~(1) Neither the utility nor the customer-generator is entitled to compensation for the value of the electricity provided to the other during the billing period.~~

~~(2) The value of the excess electricity:~~

~~(I) Must not be shown as a credit on the customer-generator's bill for that billing period but must be reflected as a credit that is carried forward to offset the value of the electricity supplied by the utility during a subsequent billing period. At the discretion of the utility, the credit may be in a dollar amount or in kilowatt-hours. If the credit is reflected as excess electricity and the customer-generator is billed for electricity pursuant to a time-of-use rate schedule, the excess electricity carried forward must be added to the same time-of-use period as the time-of-use period in which it was generated unless the subsequent billing period lacks a corresponding time-of-use period. In that case, the excess electricity carried forward must be apportioned evenly among the available time-of-use periods. Excess electricity may be carried forward to subsequent billing periods indefinitely, but a customer-generator is not entitled to receive compensation for any excess electricity that remains if the net metering system ceases to operate or is disconnected from the utility's transmission and distribution facilities, the customer-generator ceases to be a customer of the utility at the premises served by the net metering system or the customer-generator transfers the net metering system to another person.~~

~~(II) Does not reduce any other fee or charge imposed by the utility.~~

~~(3) The excess electricity which is fed back to the utility~~] ***must not be used to reduce any other fee or charge imposed by the utility.***

3. If the cost of purchasing and installing a net metering system was paid for:

(a) In whole or in part by a utility, the electricity generated by the net metering system shall be deemed to be electricity that the utility generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive.

(b) Entirely by a customer-generator, the Commission shall issue to the customer-generator portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 equal to the electricity generated by the net metering system.

4. A bill for electrical service is due at the time established pursuant to the terms of the contract between the utility and the customer-generator.

Sec. 4. NRS 704.860 is hereby amended to read as follows:

704.860 "Utility facility" means:

1. Electric generating plants and their associated facilities, except:

(a) Electric generating plants and their associated facilities that are or will be located entirely within the boundaries of a county whose population is 100,000 or more; or

(b) Electric generating plants and their associated facilities which use or will use renewable energy, as defined in NRS 704.7811, as their primary source of energy to generate electricity and which have or will have a generating capacity of not more than ~~[150 kilowatts,]~~ ~~*[1 megawatt,]*~~ ***35 megawatts,*** including, without limitation, a net metering system, as defined in NRS 704.771.

➥ As used in this subsection, "associated facilities" includes, without limitation, any facilities for the storage, transmission or treatment of water, including, without limitation, facilities to supply water or for the treatment or disposal of wastewater, which support or service an electric generating plant.

2. Electric transmission lines and transmission substations that:

(a) Are designed to operate at 200 kilovolts or more;

(b) Are not required by local ordinance to be placed underground; and

(c) Are constructed outside any incorporated city.

3. Gas transmission lines, storage plants, compressor stations and their associated facilities when constructed outside:

(a) Any incorporated city; and

(b) Any county whose population is 100,000 or more.

4. Water storage, transmission and treatment facilities, other than facilities for the storage, transmission or treatment of water from mining operations.

5. Sewer transmission and treatment facilities.

Sec. 4.5. Chapter 444A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of county commissioners in a county whose population is 400,000 or more shall, in conjunction with each licensed hauler of garbage and refuse operating in the county, establish a pilot program for collecting

and separating recyclable material that has the potential to be used as a source of renewable energy or converted into renewable fuel.

2. The pilot program must include, without limitation:

(a) An exploration of technologies and processes that are able to use recyclable material as a source of renewable energy or convert recyclable material into renewable fuel.

(b) The creation and maintenance of adequate records to allow an assessment of the feasibility of establishing a statewide recycling standard.

3. The pilot program must not conflict with the standards relating to recyclable material adopted by the State Environmental Commission pursuant to NRS 444A.020.

4. As used in this section:

(a) "Licensed hauler of garbage and refuse" means a person who holds the licenses and permits required to operate a business of collecting and disposing of garbage and refuse. The term includes a person who is licensed to operate a business of collecting recyclable material.

(b) "Recyclable material" has the meaning ascribed to it in NRS 444A.013.

Sec. 5. Sections 5 to 29, inclusive, of this act may be cited as the Wind Energy Systems Demonstration Program Act.

Sec. 6. As used in sections 5 to 29, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 7 to 21, inclusive, of this act have the meaning ascribed to them in those sections.

Sec. 7. "Agricultural property" means any real property employed for an agricultural use as defined in NRS 361A.030.

Sec. 8. "Applicant" means a person who is applying to participate in the Wind Demonstration Program.

Sec. 9. "Category" means one of the categories of participation in the Wind Demonstration Program as set forth in section 22 of this act.

Sec. 10. "Commission" means the Public Utilities Commission of Nevada.

Sec. 11. ~~[~~"Committee" means the Task Force for Renewable Energy and Energy Conservation created by NRS 701.350.~~]~~ **(Deleted by amendment.)**

Sec. 12. "Institution of higher education" means:

1. A university, college or community college which is privately owned or which is part of the Nevada System of Higher Education; or

2. A postsecondary educational institution, as defined in NRS 394.099, or any other institution of higher education.

Sec. 13. "Participant" means a person who has been selected by the ~~[Committee]~~ **Task Force** pursuant to section 26 of this act to participate in the Wind Demonstration Program.

Sec. 14. "Person" includes, without limitation, a governmental entity.

Sec. 15. "Program year" means the period of July 1 to June 30 of the following year.

Sec. 16. "Public property" means any real property, building or facilities owned, leased or occupied by:

1. A department, agency or instrumentality of the State or any of its political subdivisions which is used for the transaction of public or quasi-public business; or

2. A nonprofit organization that is recognized as exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), as amended, or a corporation for public benefit as defined in NRS 82.021.

Sec. 17. "School property" means any real property, building or facilities owned, leased or occupied by:

1. A public school as defined in NRS 385.007;

2. A private school as defined in NRS 394.103; or

3. An institution of higher education.

Sec. 18. "Small business" means a business conducted for profit which employs 500 or fewer full-time or part-time employees.

Sec. 18.5. **"Task Force" means the Task Force for Renewable Energy and Energy Conservation created by NRS 701.350.**

Sec. 19. "Utility" means a public utility that supplies electricity in this State.

Sec. 20. "Wind Demonstration Program" or "Program" means the Wind Energy Systems Demonstration Program created by section 22 of this act.

Sec. 21. "Wind energy system" means a facility or energy system for the generation of electricity that uses wind energy to generate electricity.

Sec. 22. 1. The Wind Energy Systems Demonstration Program is hereby created.

2. The Program must have four categories as follows:

(a) School property;

(b) Other public property;

(c) Private residential property and small business property; and

(d) Agricultural property.

3. To be eligible to participate in the Program, a person must:

(a) Meet the qualifications established by the Commission pursuant to section 23 of this act;

(b) Submit an application to a utility and be selected by the ~~[Committee]~~ **Task Force** for inclusion in the Program pursuant to sections 25 and 26 of this act;

(c) When installing the wind energy system, use an installer who has been issued a classification C-2 license with the appropriate subclassification by the State Contractors' Board pursuant to the regulations adopted by the Board; and

(d) If the person will be participating in the Program in the category of school property or other public property, provide for the public display of the wind energy system, including, without limitation, providing for public

demonstrations of the wind energy system and for hands-on experience of the wind energy system by the public.

Sec. 23. The Commission shall adopt regulations necessary to carry out the provisions of the Wind Energy Systems Demonstration Program Act, including, without limitation, regulations that establish:

1. The qualifications and requirements an applicant must meet to be eligible to participate in the Program in each particular category of:

(a) School property;

(b) Other public property;

(c) Private residential property and small business property; and

(d) Agricultural property.

2. The type of incentives available to participants in the Program and the level or amount of those incentives.

3. The requirements for a utility's annual plan for carrying out and administering the Program. A utility's annual plan must include, without limitation:

(a) A detailed plan for advertising the Program;

(b) A detailed budget and schedule for carrying out and administering the Program;

(c) A detailed account of administrative processes and forms that will be used to carry out and administer the Program, including, without limitation, a description of the application process and copies of all applications and any other forms that are necessary to apply for and participate in the Program;

(d) A detailed account of the procedures that will be used for inspection and verification of a participant's wind energy system and compliance with the Program;

(e) A detailed account of training and educational activities that will be used to carry out and administer the Program; and

(f) Any other information required by the Commission.

Sec. 24. 1. Each utility shall carry out and administer the Wind Demonstration Program within its service area in accordance with its annual plan as approved by the Commission pursuant to section 25 of this act.

2. A utility may recover its reasonable and prudent costs, including, without limitation, **customer** incentives **,** that are associated with carrying out and administering the Program within its service area by seeking recovery of those costs in an appropriate proceeding before the Commission pursuant to NRS 704.110.

Sec. 25. 1. On or before February 1, 2008, and on or before February 1 of each year thereafter, each utility shall file with the Commission its annual plan for carrying out and administering the Wind Demonstration Program within its service area for the following program year.

2. On or before July 1, 2008, and on or before July 1 of each year thereafter, the Commission shall:

(a) Review the annual plan filed by each utility for compliance with the requirements established by regulation; and

(b) Approve the annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Program.

3. On or before November 1, 2008, and on or before November 1 of each year thereafter, each utility shall submit to the ~~[Committee]~~ **Task Force** the utility's recommendations as to which applications received by the utility should be approved for participation in the Program. The ~~[Committee]~~ **Task Force** shall review the applications to ensure that each applicant meets the qualifications and requirements to be eligible to participate in the Program.

4. Except as otherwise provided in section 26 of this act, the ~~[Committee]~~ **Task Force** may approve, from among the applications recommended by each utility, wind energy systems totaling:

(a) For the program year beginning July 1, 2008:

(1) 500 kilowatts of capacity for school property;

(2) 500 kilowatts of capacity for other public property;

(3) 700 kilowatts of capacity for private residential property and small business property; and

(4) 700 kilowatts of capacity for agricultural property.

(b) For the program year beginning July 1, 2009:

(1) An additional 250 kilowatts of capacity for school property;

(2) An additional 250 kilowatts of capacity for other public property;

(3) An additional 350 kilowatts of capacity for private residential property and small business property; and

(4) An additional 350 kilowatts of capacity for agricultural property.

(c) For the program year beginning July 1, 2010:

(1) An additional 250 kilowatts of capacity for school property;

(2) An additional 250 kilowatts of capacity for other public property;

(3) An additional 350 kilowatts of capacity for private residential property and small business property; and

(4) An additional 350 kilowatts of capacity for agricultural property.

Sec. 26. 1. Based on the applications submitted by each utility for a program year, the ~~[Committee]~~ **Task Force** shall:

(a) Within the limits of the capacity allocated to each category, select applicants to be participants in the Wind Demonstration Program and place those applicants on a list of participants; and

(b) Select applicants to be placed on a prioritized waiting list to become participants in the Program if any capacity within a category becomes available.

2. Not later than 30 days after the date on which the ~~[Committee]~~ **Task Force** selects an applicant to be on the list of participants or the prioritized waiting list, the utility which submitted the application to the ~~[Committee]~~ **Task Force** on behalf of the applicant shall provide written notice of the selection to the applicant.

3. If the capacity allocated to any category for a program year is not fully subscribed by participants in that category, the ~~[Committee]~~ **Task Force** may, in any combination it deems appropriate:

(a) Allow a utility to submit additional applications from applicants who want to participate in that category; or

(b) Reallocate any of the unused capacity in that category to any of the other categories.

4. At any time after submitting an application to participate in the Program to a utility, an applicant may energize his wind energy system if the wind energy system meets all applicable building codes and all applicable requirements of the utility as approved by the Commission. An applicant who energizes his wind energy system under such circumstances remains eligible to participate in the Program, and the energizing of the wind energy system does not alter the applicant's status on the list of participants or the prioritized waiting list.

Sec. 27. 1. Except as otherwise provided in this section, if the ~~[Committee]~~ **Task Force** determines that a participant has not complied with the requirements for participation in the Wind Demonstration Program, the ~~[Committee]~~ **Task Force** shall, after notice and an opportunity for a hearing, withdraw the participant from the Program.

2. The ~~[Committee]~~ **Task Force** may, without notice or an opportunity for a hearing, withdraw from the Program:

(a) A participant in the category of private residential property and small business property or a participant in the category of agricultural property if the participant does not complete the installation of a wind energy system within 12 months after the date the participant receives written notice of his selection to participate in the Program.

(b) A participant in the category of school property or a participant in the category of other public property if the participant does not complete the installation of a wind energy system within 30 months after the date the participant receives written notice of his selection to participate in the Program.

3. A participant who is withdrawn from the Program pursuant to subsection 2 forfeits any incentives.

Sec. 28. 1. After a participant installs a wind energy system included in the Wind Demonstration Program, the Commission shall issue portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 equal to the actual or estimated kilowatt-hour production of the wind energy system.

2. All portfolio credits issued for a wind energy system installed pursuant to the Wind Demonstration Program must be assigned to and become the property of the utility administering the Program.

Sec. 29. If a wind energy system used by a participant in the Wind Demonstration Program meets the requirements of NRS 704.766 to 704.775,

inclusive, the participant is entitled to participate in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 29.5. The Director of the Office of Energy shall adopt the regulations required by section 1 of this act on or before October 1, 2011.

Sec. 29.7. 1. The appointment of the additional members to the Task Force for Renewable Energy and Energy Conservation required by NRS 701.350, as amended by section 1.35 of this act, must be made as soon as practicable on or after passage and approval of this act, except that none of the additional members may begin serving a term sooner than July 1, 2007.

2. The initial terms of the additional members appointed pursuant to paragraphs ~~[(i) and (j)]~~ **(c) and (d)** of subsection 1 of NRS 701.350, as amended by section 1.35 of this act, expire on June 30, 2010.

3. The initial term of the additional member appointed pursuant to paragraph ~~[(k)]~~ **(i)** of subsection 1 of NRS 701.350, as amended by section 1.35 of this act, expires on June 30, 2009.

Sec. 30. 1. This section and sections 1.4 to 4, inclusive, of this act become effective upon passage and approval.

2. Sections 1.35 and 29.7 of this act become effective:

(a) Upon passage and approval for the purposes of appointing additional members to the Task Force for Renewable Energy and Energy Conservation; and

(b) On July 1, 2007, for all other purposes.

3. Sections 1, 1.3 ~~[,]~~ **and** 4.5 ~~[, 5]~~ to ~~[29,]~~ **29.5,** inclusive, ~~[and 29.5]~~ of this act become effective:

(a) Upon passage and approval for the purposes of adopting regulations and taking such other actions as are necessary to carry out the provisions of this act; and

(b) On October 1, 2007, for all other purposes.

4. Sections 5 to 29, inclusive, of this act expire by limitation on June 30, 2011 ~~[.]~~ **, except that if a substantially similar Wind Energy Systems Demonstration Program Act is enacted into law and becomes effective on or before October 1, 2007, sections 5 to 29, inclusive, of this act expire by limitation on the date on which the substantially similar Wind Energy Systems Demonstration Program Act becomes effective.**

Assemblyman Conklin moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 178.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 542.

The following Senate amendment was read:

Amendment No. 652.

AN ACT making supplemental appropriations to the Department of Health and Human Services for payment of stale Medicaid claims; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services the sum of $439,365 for payment of a stale claim for Medicaid ~~[repayment]~~ **overpayment** at the Desert Regional Center. This appropriation is supplemental to that made by section 19 of chapter 327, Statutes of Nevada 2003, at page 1834.

2. There is hereby appropriated from the State General Fund to the Department of Health and Human Services the sum of $95,229 for payment of a stale claim for Medicaid overpayment at the Rural Regional Center. This appropriation is supplemental to that made by section 19 of chapter 327, Statutes of Nevada 2003, at page 1834.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 542.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 543.

The following Senate amendment was read:

Amendment No. 681.

AN ACT making supplemental appropriations to the Department of Motor Vehicles for various costs; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State Highway Fund to the Director's Office of the Department of Motor Vehicles the sum of ~~[$615,116]~~ **$655,116** for an anticipated shortfall in operating costs for kiosks throughout the State. This appropriation is supplemental to that made by section 32 of chapter 434, Statutes of Nevada 2005, at page 1943.

2. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles, Automation Division, the sum of $374,024 for unanticipated Department of Information Technology charges. This appropriation is supplemental to that made by section 32 of chapter 434, Statutes of Nevada 2005, at page 1943.

3. There is hereby appropriated from the State Highway Fund to the Hearings Office of the Department of Motor Vehicles the sum of $5,378 for a shortfall in operating costs due to an increased hearing caseload. This

appropriation is supplemental to that made by section 32 of chapter 434, Statutes of Nevada 2005, at page 1943.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 543.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 586.

The following Senate amendment was read:

Amendment No. 1126.

SUMMARY—Provides for the enforcement of ~~[certain provisions governing the regulation and taxation of]~~ **taxes and restrictions on the sale and use of cigarettes and other** tobacco products **.** ~~[other than cigarettes.]~~ (BDR 32-515)

AN ACT relating to tobacco; revising certain provisions for the enforcement of taxes and restrictions on the sale and use of cigarettes to provide for the enforcement of taxes and restrictions on the sale and use of other tobacco products; **requiring tobacco retailers to display certain notices concerning the sale of tobacco to minors; prohibiting the retail sale of cigarettes through the use of certain self-service displays; providing penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the imposition, administration and enforcement of taxes on cigarettes. (NRS 370.001-370.430) Existing law provides separately for the imposition and administration of a tax on products made from tobacco, other than cigarettes. (NRS 370.440-370.503)

Section 3 of this bill provides a common definition for such "other tobacco product." Sections 2, 4, 9 and 25-28 of this bill assist in the enforcement of the tax on any "other tobacco product" by providing for the treatment of and imposition of criminal penalties regarding contraband "other tobacco products" in the same manner as contraband cigarettes.

Section 41 of this bill requires a tobacco retailer to post a notice that the sale of tobacco to minors is prohibited by law and that the retailer may ask for proof of age to comply with this prohibition, and provides for the imposition of a fine for noncompliance with this requirement. Section 41 also prohibits the retail sale of cigarettes through the use of certain self-service displays and provides for the imposition of a fine for noncompliance with this prohibition.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 370 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***"Other counterfeit tobacco product" means any other tobacco product or tobacco product package bearing a false manufacturing label.***

Sec. 3. ***"Other tobacco product" means any tobacco of any description or any product made from tobacco, other than cigarettes.***

Sec. 4. ***"Tobacco product package" means the individual pack, box or other container that contains any other tobacco product. The term does not include a container that itself contains other containers.***

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 370.001 is hereby amended to read as follows:

370.001 As used in NRS 370.001 to 370.430, inclusive, ***and sections 2, 3 and 4 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 370.005 to 370.055, inclusive, ***and sections 2, 3 and 4 of this act*** have the meanings ascribed to them in those sections.

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 370.025 is hereby amended to read as follows:

370.025 "Contraband ~~[cigarettes"]~~ ***tobacco products"*** means any:

1. Counterfeit cigarettes; ~~[or]~~
2. ***Other counterfeit tobacco product; or***
3. Cigarettes ~~[:]~~ ***or other tobacco product:***

(a) Exported from or imported into this State, or mailed, shipped, delivered, sold, exchanged, transported, distributed or held for distribution within the borders of this State by any person in violation of any of the provisions of this chapter; or

(b) In any way held in the possession or constructive possession of any person not authorized under this chapter to possess or constructively possess the cigarettes ~~[.]~~ ***or other tobacco product.***

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. NRS 370.405 is hereby amended to read as follows:

370.405 1. It is unlawful for any person knowingly to sell or to possess for the purpose of sale any ~~[counterfeit cigarettes.]~~ ***contraband tobacco***

products. The presence of ~~[counterfeit cigarettes in a cigarette]~~ ***any contraband tobacco products in a*** vending machine is prima facie evidence of the purpose to sell those ~~[cigarettes.]~~ ***products.***

2. A person who violates any provision of subsection 1 is guilty of:

(a) For the first offense involving ~~[less than 400 cigarettes,]~~ ***contraband tobacco products having a value of $25 or more but less than $250,*** a misdemeanor.

(b) For each subsequent offense involving ~~[less than 400 cigarettes,]~~ ***contraband tobacco products having a value of $25 or more but less than $250,*** a category D felony and shall be punished as provided in NRS 193.130.

(c) For the first offense involving ~~[400 or more cigarettes,]~~ ***contraband tobacco products having a value of $250 or more,*** a gross misdemeanor.

(d) For each subsequent offense involving ~~[400 or more cigarettes,]~~ ***contraband tobacco products having a value of $250 or more,*** a category C felony and shall be punished as provided in NRS 193.130.

Sec. 26. NRS 370.410 is hereby amended to read as follows:

370.410 Except as otherwise provided in NRS 370.405, any person exporting, importing, possessing or constructively possessing contraband ~~[cigarettes]~~ ***tobacco products*** is guilty of a gross misdemeanor.

Sec. 27. NRS 370.413 is hereby amended to read as follows:

370.413 In order to obtain evidence of any violation of this chapter, the Department, its agents, and all peace officers and revenue-collecting officers of this State may enter and inspect, without a warrant during normal business hours and with a warrant at any other time:

1. The facilities and records of any manufacturer, wholesale dealer or retail dealer; and

2. Any other place where they may have reason to believe contraband ~~[cigarettes]~~ ***tobacco products*** are stored, warehoused or kept for sale.

Sec. 28. NRS 370.415 is hereby amended to read as follows:

370.415 1. The Department, its agents, sheriffs within their respective counties and all other peace officers of the State of Nevada shall seize any counterfeit stamps and any contraband ~~[cigarettes]~~ ***tobacco products*** and machinery used to manufacture contraband ~~[cigarettes,]~~ ***tobacco products,*** found or located in the State of Nevada.

2. A sheriff or other peace officer who seizes stamps, ~~[cigarettes]~~ ***contraband tobacco products*** or machinery pursuant to this section shall provide written notification of the seizure to the Department not later than 5 working days after the seizure. The notification must include the reason for the seizure.

3. After consultation with the Department, the sheriff or other peace officer shall transmit the ~~[cigarettes]~~ ***contraband tobacco products*** to the Department if:

(a) The ***contraband tobacco products consist of*** cigarettes ~~[, except]~~ ***and:***

(1) Except for revenue stamps or metered machine impressions being properly affixed as required by this chapter, ***the cigarettes*** comply with all state and federal statutes and regulations; and

~~[(b)]~~ ***(2)*** The Department approves the transmission of the cigarettes ~~[.]~~ ***; or***

(b) The contraband tobacco products consist of any other tobacco products and the Department approves the transmission of the other tobacco products.

4. Upon ***the*** receipt of ~~[the cigarettes,]~~ ***any:***

(a) Cigarettes pursuant to subsection 3, the Department shall dispose of the cigarettes as provided in subsection 4 of NRS 370.270 ~~[.]~~ ***; or***

(b) Other tobacco products pursuant to subsection 3, the Department shall:

(1) Sell the other tobacco products to the highest bidder among the licensed wholesale dealers in this State after due notice to all licensed Nevada wholesale dealers has been given by mail to the addresses contained in the Department's records; or

(2) If there is no bidder, or in the opinion of the Department the quantity of the other tobacco products is insufficient, or for any other reason such disposition would be impractical, destroy or dispose of the other tobacco products as the Department may see fit.

➥ The proceeds of all sales pursuant to this paragraph must be classed as revenues derived under the provisions of NRS 370.440 to 370.503, inclusive.

5. The sheriff or other peace officer who seizes any stamps, ~~[cigarettes]~~ ***contraband tobacco products*** or machinery pursuant to this section shall:

(a) Destroy the stamps and machinery; and

(b) If he does not transmit the ~~[cigarettes]~~ ***contraband tobacco products*** to the Department, destroy the ~~[cigarettes.]~~ ***contraband tobacco products.***

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Sec. 36. (Deleted by amendment.)

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 40. (Deleted by amendment.)

Sec. 41. **NRS 202.2493 is hereby amended to read as follows:**

202.2493 1. A person shall not sell, distribute or offer to sell cigarettes or smokeless products made from tobacco in any form other than in an unopened package which originated with the manufacturer and bears any

health warning required by federal law. A person who violates this subsection shall be punished by a fine of $100 and a civil penalty of $100.

2. Except as otherwise provided in subsections 3, 4 and 5, it is unlawful for any person to sell, distribute or offer to sell cigarettes, cigarette paper, tobacco of any description or products made from tobacco to any child under the age of 18 years. A person who violates this subsection shall be punished by a fine of not more than $500 and a civil penalty of not more than $500.

3. A person shall be deemed to be in compliance with the provisions of subsection 2 if, before he sells, distributes or offers to sell to another, cigarettes, cigarette paper, tobacco of any description or products made from tobacco, he:

(a) Demands that the person present a valid driver's license or other written or documentary evidence which shows that the person is 18 years of age or older;

(b) Is presented a valid driver's license or other written or documentary evidence which shows that the person is 18 years of age or older; and

(c) Reasonably relies upon the driver's license or written or documentary evidence presented by the person.

4. The employer of a child who is under 18 years of age may, for the purpose of allowing the child to handle or transport tobacco or products made from tobacco in the course of the child's lawful employment, provide tobacco or products made from tobacco to the child.

5. With respect to any sale made by his employee, the owner of a retail establishment shall be deemed to be in compliance with the provisions of subsection 2 if he:

(a) Had no actual knowledge of the sale; and

(b) Establishes and carries out a continuing program of training for his employees which is reasonably designed to prevent violations of subsection 2.

6. ***The owner of a retail establishment shall, whenever any product made from tobacco is being sold or offered for sale at the establishment, display prominently at the point of sale a notice indicating that:***

(a) The sale of cigarettes and other tobacco products to minors is prohibited by law; and

(b) The retailer may ask for proof of age to comply with this prohibition.

➥ A person who violates this subsection shall be punished by a fine of not more than $100.

7. It is unlawful for any retailer to sell cigarettes through the use of any type of display:

(a) Which contains cigarettes and is located in any area to which customers are allowed access; and

(b) From which cigarettes are readily accessible to a customer without the assistance of the retailer,

➥ except a vending machine used in compliance with NRS 202.2494. A person who violates this subsection shall be punished by a fine of not more than $500.

8. Any money recovered pursuant to this section as a civil penalty must be deposited in a separate account in the State General Fund to be used for the enforcement of this section and NRS 202.2494.

Sec. 42. **NRS 202.24935 is hereby amended to read as follows:**

202.24935 1. It is unlawful for a person to knowingly sell or distribute cigarettes, cigarette paper, tobacco of any description or products made from tobacco to a child under the age of 18 years through the use of the Internet.

2. A person who violates the provisions of subsection 1 shall be punished by a fine of not more than $500 and a civil penalty of not more than $500. Any money recovered pursuant to this section as a civil penalty must be deposited in the same manner as money is deposited pursuant to subsection ~~[6]~~ ***8*** of NRS 202.2493.

3. Every person who sells or distributes cigarettes, cigarette paper, tobacco of any description or products made from tobacco through the use of the Internet shall adopt a policy to prevent a child under the age of 18 years from obtaining cigarettes, cigarette paper, tobacco of any description or products made from tobacco from the person through the use of the Internet. The policy must include, without limitation, a method for ensuring that the person who delivers such items obtains the signature of a person who is over the age of 18 years when delivering the items, that the packaging or wrapping of the items when they are shipped is clearly marked with the word "cigarettes" or the words "tobacco products," and that the person complies with the provisions of 15 U.S.C. § 376. A person who fails to adopt a policy pursuant to this subsection is guilty of a misdemeanor and shall be punished by a fine of not more than $500.

Assemblywoman McClain moved that the Assembly concur in the Senate amendment to Assembly Bill No. 586.

Remarks by Assemblywoman McClain.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Assembly Bill No. 244, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 952 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 30, which is attached to and hereby made a part of this report.

DAVID BOBZIEN	STEVEN HORSFORD
DEBBIE SMITH	BERNICE MATHEWS
JOE HARDY	
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA30.

AN ACT relating to education; revising provisions governing the review of school districts based upon certain financial management principles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that to the extent money is made available by the Legislature, each school district in this State must undergo a review every 6 years to determine whether the school district is successfully carrying out certain financial management principles. (NRS 387.602-387.644) A school district may, under certain circumstances, be exempt from the 6-year review and undergo the review every 12 years. (NRS 387.631, 387.639) Upon completion of the review of a school district, the consultant who conducted the review must submit a preliminary report of the review to the superintendent of schools of the school district for the superintendent to prepare a written response. The preliminary report and the final report must be made available to the general public. (NRS 387.631) This bill revises provisions governing the preliminary report of the review and requires the consultant to submit the preliminary report to the superintendent of the school district or the superintendent's designee for preparation of a written response of the school district. This bill also ~~[requires the consultant to submit a summary of the preliminary report to the Legislative Committee on Education for its review.]~~ **makes the preliminary report confidential until the final report has been submitted.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 387.631 is hereby amended to read as follows:

387.631 1. The consultant shall complete the review of a school district within 6 months after the date on which the review is commenced. The consultant shall prepare a final written report of the review that:

(a) Is documented by sufficient, competent and relevant evidence to provide a reasonable basis for the findings and conclusions of the consultant.

(b) If the consultant determines that the school district is not successfully carrying out the management principles in one or more of the areas set forth in subsection 2 of NRS 387.622, includes a plan for corrective action for the school district to carry out successfully the management principles in each area within 2 years. The plan must:

(1) Be logically connected to and substantiated by the results of the review;

(2) Be specific and detailed; and

(3) Identify methods for the school district to reduce its costs and expenses.

(c) Includes the written response of the school district prepared pursuant to subsection 2.

2. The consultant shall furnish a copy of the preliminary report of the review to the superintendent of schools of the school district ***or the superintendent's designee*** and discuss the report with the ~~[superintendent.]~~ ***superintendent or the superintendent's designee.*** ~~*[The consultant shall submit a summary of the preliminary report to the Legislative Committee on Education for its review.]*~~ Within 30 days after receipt of the preliminary report, the superintendent ~~[shall, in consultation with the board of trustees of the school district,]~~ ***or the superintendent's designee shall*** prepare a written response to the preliminary report that includes a statement of explanation or rebuttal of any findings contained in the preliminary report. The consultant shall include the written response of the school district in his final written report submitted pursuant to subsection 1.

3. The final written report of the consultant must be submitted to the board of trustees of the school district, the State Board, the Legislative Auditor and the Director of the Legislative Counsel Bureau for transmission to the Legislature within 60 days after the review is complete.

4. If the consultant determines that a school district is successfully carrying out the management principles for each of the areas set forth in subsection 2 of NRS 387.622, the school district is exempt from its next 6-year review unless the Legislature subsequently determines that the conditions or circumstances occurring within the school district warrant another review pursuant to NRS 387.602 to 387.644, inclusive. If a school district is exempt pursuant to this subsection, the exemption is valid for only one review and the school district must undergo a review at least once every 12 years.

5. The preliminary report ***is confidential until the final report is submitted. After the final written report is submitted, the preliminary report*** and the final report must be made available to the general public.

Sec. 2. This act becomes effective on July 1, 2007.

Assemblyman Bobzien moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 244.

Remarks by Assemblyman Bobzien.

Motion carried by a constitutional majority.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:40 p.m.

ASSEMBLY IN SESSION

At 12:58 p.m.

Madam Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 129.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 129, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 671 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 27, which is attached to and hereby made a part of this report.

SUSAN GERHARDT	TERRY CARE
BERNIE ANDERSON	DENNIS NOLAN
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA27.

AN ACT relating to guardianships; extending the time in which certain information must be provided to the court for the appointment of a guardian; revising the provisions relating to the extension of temporary guardianships; revising the information that must be set forth in a petition to appoint a temporary guardian for certain wards; revising provisions relating to petitions by guardians to the court; revising provisions relating to the treatment or commitment of a ward; extending the time in which a guardian must wind up the affairs of the guardianship; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill extends the time in which information required in a petition for the appointment of a guardian must be provided to the court after the appointment of the guardian, if the information was not initially included in the petition, from 60 days to 120 days. (NRS 159.044)

Section 2 of this bill revises existing law by providing that a petition which seeks to appoint a temporary guardian for a ward who is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention may be granted by a court if the court finds reasonable cause to believe that the proposed ward is unable to respond to such harm or to a need for medical attention rather than reasonable cause to believe that the proposed ward may suffer such harm or actually needs medical attention. (NRS 159.052) Section 4 of this bill revises existing law by providing that a petition which seeks to appoint a guardian for a ward who is unable to respond to a substantial and immediate risk of financial loss must set forth facts showing that the proposed ward is unable to respond to such risk rather

than facts showing that the proposed ward actually faces such risk. (NRS 159.0525) Sections 2-4 also eliminate the restriction that a court may not extend a temporary guardianship for more than two 30-day periods, and instead allow the court to extend a temporary guardianship for not more than ~~[three]~~ **two** successive 60-day periods. Sections 2-4, however, prohibit the court from causing the temporary guardianship to continue longer than ~~[7]~~ **5** months unless there is a showing of extraordinary circumstances.

Existing law requires a guardian to petition the court for an order authorizing the guardian to change the designation of a beneficiary in a will, trust, insurance policy, bank account or any other type of asset of the ward which includes the designation of a beneficiary. (NRS 159.078) Section 5 of this bill provides circumstances under which a guardian is not required to petition the court for an order allowing the guardian to utilize such assets.

Existing law provides that a guardian must obtain authority from the court before consenting to the commitment of a ward to a mental health facility. (NRS 159.0805) Section 6 of this bill removes the requirement that a guardian must obtain such authority to consent to the commitment of a ward to a mental health facility.

Section 7 of this bill provides that a guardian is not required to petition the court for authority before obtaining advice, instructions and approval of any proposed act of the guardian relating to the ward's property or taking any other action which the guardian deems would be in the best interests of the ward, unless otherwise ordered by the court. (NRS 159.113)

Existing law establishes the times during which a guardian is entitled to possession of the ward's property and is authorized to perform his duties to wind up the affairs of the guardianship. (NRS 159.193) Section 8 of this bill extends the time during which a guardian retains such authority after a personal representative of the estate of a deceased ward is appointed or if the guardian is awaiting certification acknowledging that he has no further tax liabilities on the ward's estate, from 90 days to 180 days.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 159.044 is hereby amended to read as follows:

159.044 1. Except as otherwise provided in NRS 127.045, a proposed ward, a governmental agency, a nonprofit corporation or any interested person may petition the court for the appointment of a guardian.

2. To the extent the petitioner knows or reasonably may ascertain or obtain, the petition must include, without limitation:

(a) The name and address of the petitioner.

(b) The name, date of birth and current address of the proposed ward.

(c) A copy of one of the following forms of identification of the proposed ward which must be placed in the records relating to the guardianship proceeding and, except as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A taxpayer identification number;

(3) A valid driver's license number;

(4) A valid identification card number; or

(5) A valid passport number.

➥ If the information required pursuant to this paragraph is not included with the petition, the information must be provided to the court not later than ~~[60]~~ ***120*** days after the appointment of a guardian or as otherwise ordered by the court.

(d) If the proposed ward is a minor, the date on which he will attain the age of majority and:

(1) Whether there is a current order concerning custody and, if so, the state in which the order was issued; and

(2) Whether the petitioner anticipates that the proposed ward will need guardianship after attaining the age of majority.

(e) Whether the proposed ward is a resident or nonresident of this State.

(f) The names and addresses of the spouse of the proposed ward and the relatives of the proposed ward who are within the second degree of consanguinity.

(g) The name, date of birth and current address of the proposed guardian. If the proposed guardian is a private professional guardian, the petition must include proof that the guardian meets the requirements of NRS 159.0595. If the proposed guardian is not a private professional guardian, the petition must include a statement that the guardian currently is not receiving compensation for services as a guardian to more than one ward who is not related to the person by blood or marriage.

(h) A copy of one of the following forms of identification of the proposed guardian which must be placed in the records relating to the guardianship proceeding and, except as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A taxpayer identification number;

(3) A valid driver's license number;

(4) A valid identification card number; or

(5) A valid passport number.

(i) Whether the proposed guardian has ever been convicted of a felony and, if so, information concerning the crime for which he was convicted and whether the proposed guardian was placed on probation or parole.

(j) A summary of the reasons why a guardian is needed and recent documentation demonstrating the need for a guardianship. The documentation may include, without limitation:

(1) A certificate signed by a physician who is licensed to practice medicine in this State stating the need for a guardian;

(2) A letter signed by any governmental agency in this State which conducts investigations stating the need for a guardian; or

(3) A certificate signed by any other person whom the court finds qualified to execute a certificate stating the need for a guardian.

(k) Whether the appointment of a general or a special guardian is sought.

(l) A general description and the probable value of the property of the proposed ward and any income to which the proposed ward is or will be entitled, if the petition is for the appointment of a guardian of the estate or a special guardian. If any money is paid or is payable to the proposed ward by the United States through the Department of Veterans Affairs, the petition must so state.

(m) The name and address of any person or care provider having the care, custody or control of the proposed ward.

(n) The relationship, if any, of the petitioner to the proposed ward and the interest, if any, of the petitioner in the appointment.

(o) Requests for any of the specific powers set forth in NRS 159.117 to 159.175, inclusive, necessary to enable the guardian to carry out the duties of the guardianship.

(p) Whether the guardianship is sought as the result of an investigation of a report of abuse or neglect that is conducted pursuant to chapter 432B of NRS by an agency which provides child welfare services. As used in this paragraph, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(q) Whether the proposed ward is a party to any pending criminal or civil litigation.

(r) Whether the guardianship is sought for the purpose of initiating litigation.

(s) Whether the proposed ward has executed a durable power of attorney for health care, a durable power of attorney for financial matters or a written nomination of guardian and, if so, who the named agents are for each document.

Sec. 2. NRS 159.052 is hereby amended to read as follows:

159.052 1. A petitioner may request the court to appoint a temporary guardian for a ward who is a minor and who is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention. To support the request, the petitioner must set forth in a petition and present to the court under oath:

(a) Facts which show that the proposed ward faces a substantial and immediate risk of physical harm or needs immediate medical attention; and

(b) Facts which show that:

(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 by telephone or in writing before the filing of the petition;

(2) The proposed ward would be exposed to an immediate risk of physical harm if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159.047 before the court determines whether to appoint a temporary guardian; or

(3) Giving notice to the persons entitled to notice pursuant to NRS 159.047 is not feasible under the circumstances.

2. The court may appoint a temporary guardian to serve for 10 days if the court:

(a) Finds reasonable cause to believe that the proposed ward ~~[may suffer]~~ ***is unable to respond to*** a substantial and immediate risk of physical harm or ~~[needs]~~ ***to a need for*** immediate medical attention; and

(b) Is satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph (b) of subsection 1.

3. Except as otherwise provided in subsection 4, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

4. If, before the appointment of a temporary guardian, the court determined that advance notice was not required pursuant to subparagraph (2) of paragraph (b) of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to NRS 159.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

5. Not later than 10 days after the date of the appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsections 7 and 8, if the court finds by clear and convincing evidence that the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention, the court may extend the temporary guardianship until a general or special guardian is appointed, but not for more than 30 days.

6. If the court appoints a temporary guardian or extends the temporary guardianship pursuant to this section, the court shall limit the powers of the temporary guardian to those necessary to respond to the substantial and immediate risk of physical harm or to a need for immediate medical attention.

7. The court may not extend a temporary guardianship pursuant to subsection 5 beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of NRS 159.0475 have been satisfied; or

(b) Notice by publication pursuant to N.R.C.P. 4(e) is currently being undertaken.

8. In addition to any other extension granted pursuant to this section, the court may extend the temporary guardianship, for good cause shown, for not more than ~~[two 30-day]~~ ~~*[three]*~~ ***two successive 60-day*** periods ~~[.]~~ ***, except that the court shall not cause the temporary guardianship to continue longer than ~~[7]~~ 5 months unless extraordinary circumstances are shown.***

Sec. 3. NRS 159.0523 is hereby amended to read as follows:

159.0523 1. A petitioner may request the court to appoint a temporary guardian for a ward who is an adult and who is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention. To support the request, the petitioner must set forth in a petition and present to the court under oath:

(a) Facts which show that the proposed ward:

(1) Faces a substantial and immediate risk of physical harm or needs immediate medical attention; and

(2) Lacks capacity to respond to the risk of harm or to obtain the necessary medical attention; and

(b) Facts which show that:

(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 by telephone or in writing before the filing of the petition;

(2) The proposed ward would be exposed to an immediate risk of physical harm if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159.047 before the court determines whether to appoint a temporary guardian; or

(3) Giving notice to the persons entitled to notice pursuant to NRS 159.047 is not feasible under the circumstances.

2. The court may appoint a temporary guardian to serve for 10 days if the court:

(a) Finds reasonable cause to believe that the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention;

(b) Is satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph (b) of subsection 1; and

(c) Finds that the petition required pursuant to subsection 1 is accompanied by:

(1) A certificate signed by a physician who is licensed to practice in this State which states that the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention; or

(2) The affidavit of the petitioner which explains the reasons why the certificate described in subparagraph (1) is not immediately obtainable.

3. Except as otherwise provided in subsection 4, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

4. If, before the appointment of a temporary guardian, the court determined that advance notice was not required pursuant to subparagraph (2) of paragraph (b) of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to NRS 159.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

5. Not later than 10 days after the date of the appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsections 7 and 8, the court may extend the temporary guardianship until a general or special guardian is appointed, but not for more than 30 days, if:

(a) The certificate required by subsection 2 has been filed and the court finds by clear and convincing evidence that the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention; or

(b) The certificate required by subsection 2 has not been filed and the court finds by clear and convincing evidence that:

(1) The proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention;

(2) Circumstances have prevented the petitioner or temporary guardian from obtaining the certificate required pursuant to subsection 2; and

(3) The extension of the temporary guardianship is necessary and in the best interests of the proposed ward.

6. If the court appoints a temporary guardian or extends the temporary guardianship pursuant to this section, the court shall limit the powers of the temporary guardian to those necessary to respond to the substantial and immediate risk of physical harm or to a need for immediate medical attention.

7. The court may not extend a temporary guardianship pursuant to subsection 5 beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of NRS 159.0475 have been satisfied; or

(b) Notice by publication pursuant to N.R.C.P. 4(e) is currently being undertaken.

8. In addition to any other extension granted pursuant to this section, the court may extend the temporary guardianship, for good cause shown, for not more than ~~[two 30-day]~~ ~~*[three]*~~ ***two successive 60-day*** periods ~~[.]~~ ***, except that the court shall not cause the temporary guardianship to continue longer than ~~[7]~~ 5 months unless extraordinary circumstances are shown.***

Sec. 4. NRS 159.0525 is hereby amended to read as follows:

159.0525 1. A petitioner may request the court to appoint a temporary guardian for a ward who is unable to respond to a substantial and immediate risk of financial loss. To support the request, the petitioner must set forth in a petition and present to the court under oath:

(a) Facts which show that the proposed ward ~~[:~~ ~~(1) Faces]~~ ***:***

(1) Is unable to respond to a substantial and immediate risk of financial loss; and

(2) Lacks capacity to respond to the risk of loss; and

(b) Facts which show that:

(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 by telephone or in writing before the filing of the petition;

(2) The proposed ward would be exposed to an immediate risk of financial loss if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159.047 before the court determines whether to appoint a temporary guardian; or

(3) Giving notice to the persons entitled to notice pursuant to NRS 159.047 is not feasible under the circumstances.

2. The court may appoint a temporary guardian to serve for 10 days if the court:

(a) Finds reasonable cause to believe that the proposed ward is unable to respond to a substantial and immediate risk of financial loss;

(b) Is satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph (b) of subsection 1; and

(c) For a proposed ward who is an adult, finds that the petition required pursuant to subsection 1 is accompanied by:

(1) A certificate signed by a physician who is licensed to practice in this State which states that the proposed ward is unable to respond to a substantial and immediate risk of financial loss; or

(2) The affidavit of the petitioner which explains the reasons why the certificate described in subparagraph (1) is not immediately obtainable.

3. Except as otherwise provided in subsection 4, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the

persons entitled to notice pursuant to NRS 159.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

4. If, before the appointment of a temporary guardian, the court determined that advance notice was not required pursuant to subparagraph (2) of paragraph (b) of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to NRS 159.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

5. Not later than 10 days after the date of the appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsections 7 and 8, if the proposed ward is a minor and the court finds by clear and convincing evidence that the proposed ward is unable to respond to a substantial and immediate risk of financial loss, the court may extend the temporary guardianship until a general or special guardian is appointed, but not for more than 30 days. Except as otherwise provided in subsection 7, if the proposed ward is an adult, the court may extend the temporary guardianship until a general or special guardian is appointed, but not for more than 30 days, if:

(a) The certificate required by subsection 2 has been filed and the court finds by clear and convincing evidence that the proposed ward is unable to respond to a substantial and immediate risk of financial loss; or

(b) The certificate required by subsection 2 has not been filed and the court finds by clear and convincing evidence that:

(1) The proposed ward is unable to respond to a substantial and immediate risk of financial loss;

(2) Circumstances have prevented the petitioner or temporary guardian from obtaining the certificate required pursuant to subsection 2; and

(3) The extension of the temporary guardianship is necessary and in the best interests of the proposed ward.

6. If the court appoints a temporary guardian or extends the temporary guardianship pursuant to this section, the court shall limit the powers of the temporary guardian to those necessary to respond to the substantial and immediate risk of financial loss.

7. The court may not extend a temporary guardianship pursuant to subsection 5 beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of NRS 159.0475 have been satisfied; or

(b) Notice by publication pursuant to N.R.C.P. 4(e) is currently being undertaken.

8. In addition to any other extension granted pursuant to this section, the court may extend the temporary guardianship, for good cause shown, for not more than ~~[two 30-day]~~ ~~*[three]*~~ ***two successive 60-day*** periods ~~[.]~~ ***, except that the court shall not cause the temporary guardianship to continue longer than*** ~~*[7]*~~ ***5 months unless extraordinary circumstances are shown.***

Sec. 5. NRS 159.078 is hereby amended to read as follows:

159.078 1. Before taking any of the following actions, the guardian shall petition the court for an order authorizing the guardian to:

(a) Make or change the last will and testament of the ward.

(b) ~~[Make]~~ ***Except as otherwise provided in this paragraph, make*** or change the designation of a beneficiary in a will, trust, insurance policy, bank account or any other type of asset of the ward which includes the designation of a beneficiary. ***The guardian is not required to petition the court for an order authorizing the guardian to utilize an asset which has a designated beneficiary, including the closure or discontinuance of the asset, for the benefit of a ward if:***

(1) The asset is the only liquid asset available with which to pay for the proper care, maintenance, education and support of the ward;

(2) The asset, or the aggregate amount of all the assets if there is more than one type of asset, has a value that does not exceed $5,000; or

(3) The asset is a bank account, investment fund or insurance policy and is required to be closed or discontinued in order for the ward to qualify for a federal program of public assistance.

(c) Create for the benefit of the ward or others a revocable or irrevocable trust of the property of the estate.

(d) Except as otherwise provided in this paragraph, exercise the right of the ward to revoke or modify a revocable trust or to surrender the right to revoke or modify a revocable trust. The court shall not authorize or require the guardian to exercise the right to revoke or modify a revocable trust if the instrument governing the trust:

(1) Evidences an intent of the ward to reserve the right of revocation or modification exclusively to the ward;

(2) Provides expressly that a guardian may not revoke or modify the trust; or

(3) Otherwise evidences an intent that would be inconsistent with authorizing or requiring the guardian to exercise the right to revoke or modify the trust.

2. The court may authorize the guardian to take any action described in subsection 1 if, after notice to any person who is adversely affected by the proposed action and an opportunity for a hearing, the guardian proves by clear and convincing evidence that:

(a) A person has committed or is about to commit any act, practice or course of conduct which operates or would operate as a fraud or act of exploitation upon the ward or estate of the ward and that person:

(1) Is designated as a beneficiary in or otherwise stands to gain from an instrument which was executed by or on behalf of the ward; or

(2) Will benefit from the lack of such an instrument; and

(b) A reasonably prudent person or the ward, if competent, would take the proposed action.

3. The petition must be signed by the guardian and contain:

(a) The name, date of birth and current address of the ward;

(b) A concise statement as to the condition of the ward's estate; and

(c) A concise statement as to the necessity for the proposed action.

4. As used in this section:

(a) "Exploitation" means any act taken by a person who has the trust and confidence of a ward or any use of the power of attorney of a ward to:

(1) Obtain control, through deception, intimidation or undue influence, over the money, assets or property of the ward with the intention of permanently depriving the ward of the ownership, use, benefit or possession of the ward's money, assets or property.

(2) Convert money, assets or property of the ward with the intention of permanently depriving the ward of the ownership, use, benefit or possession of his money, assets or property.

➥ As used in this paragraph, "undue influence" does not include the normal influence that one member of a family has over another.

(b) "Fraud" means an intentional misrepresentation, deception or concealment of a material fact known to the person with the intent to deprive the ward of the ward's rights or property or to otherwise injure the ward.

Sec. 6. NRS 159.0805 is hereby amended to read as follows:

159.0805 1. Except as otherwise provided in subsection 2, a guardian shall not consent to:

(a) The experimental ~~[,]~~ medical, biomedical or behavioral treatment of a ward;

(b) The sterilization of a ward; ***or***

(c) The participation of a ward in any biomedical or behavioral experiment **.** ~~[; or~~

~~(d) The commitment of a ward to a mental health facility.]~~

2. The guardian may consent to and commence any treatment ~~[,]~~ ***or*** experiment ~~[or commitment]~~ described in subsection 1 if the guardian applies to and obtains from the court authority to consent to and commence the treatment ~~[,]~~ ***or*** experiment **.** ~~[or commitment.]~~

3. The court may authorize the guardian to consent to and commence any treatment ~~[,]~~ ***or*** experiment ~~[or commitment]~~ described in subsection 1 only if the treatment ~~[,]~~ ***or*** experiment ***:*** ~~[or commitment:]~~

(a) Is of direct benefit to, and intended to preserve the life of or prevent serious impairment to the mental or physical health of, the ward; or

(b) Is intended to assist the ward to develop or regain the ward's abilities.

Sec. 7. NRS 159.113 is hereby amended to read as follows:

159.113 1. Before taking any of the following actions, the guardian shall petition the court for an order authorizing the guardian to:

(a) Invest the property of the ward ~~[.]~~ ***pursuant to NRS 159.117.***

(b) Continue the business of the ward ~~[.]~~ ***pursuant to NRS 159.119.***

(c) Borrow money for the ward ~~[.]~~ ***pursuant to NRS 159.121.***

(d) Except as otherwise provided in NRS 159.079, enter into contracts for the ward or complete the performance of contracts of the ward ~~[.]~~ ***pursuant to NRS 159.123.***

(e) Make gifts from the ward's estate or make expenditures for the ward's relatives ~~[.]~~ ***pursuant to NRS 159.125.***

(f) Sell, lease ~~[,]~~ ***or*** place ~~[into any type of]~~ ***in*** trust ~~[or surrender]~~ any property of the ward ~~[.]~~ ***pursuant to NRS 159.127.***

(g) Exchange or partition the ward's property ~~[.~~

~~(h) Obtain advice, instructions and approval of any other proposed act of the guardian relating to the ward's property.~~

~~(i)]~~ ***pursuant to NRS 159.175.***

(h) Release the power of the ward as trustee, personal representative, custodian for a minor or guardian.

~~[(j)]~~ ***(i)*** Exercise or release the power of the ward as a donee of a power of appointment.

~~[(k)]~~ ***(j)*** Change the state of residence or domicile of the ward.

~~[(l)]~~ ***(k)*** Exercise the right of the ward to take under or against a will.

~~[(m)]~~ ***(l)*** Transfer to a trust created by the ward any property unintentionally omitted from the trust.

~~[(n)]~~ ***(m)*** Submit a revocable trust to the jurisdiction of the court if:

(1) The ward or the spouse of the ward, or both, are the grantors and sole beneficiaries of the income of the trust; or

(2) The trust was created by the court.

~~[(o) Take any other action which the guardian deems would be in the best interests of the ward.]~~

2. ***Before taking any of the following actions, unless the guardian has been otherwise ordered by the court to petition the court for permission to take specified actions or make specified decisions in addition to those described in subsection 1, the guardian may petition the court for an order authorizing the guardian to:***

(a) Obtain advice, instructions and approval of any other proposed act of the guardian relating to the ward's property.

(b) Take any other action which the guardian deems would be in the best interests of the ward.

3. The petition must be signed by the guardian and contain:

(a) The name, age, residence and address of the ward.

(b) A concise statement as to the condition of the ward's estate.

(c) A concise statement as to the advantage to the ward of or the necessity for the proposed action.

(d) The terms and conditions of any proposed sale, lease, partition, trust, exchange or investment, and a specific description of any property involved.

~~[3.]~~ ***4.*** Any of the matters set forth in subsection 1 may be consolidated in one petition, and the court may enter one order authorizing or directing the guardian to do one or more of those acts.

~~[4.]~~ ***5.*** A petition filed pursuant to paragraphs (b) and (d) of subsection 1 may be consolidated in and filed with the petition for the appointment of the guardian, and if the guardian is appointed ***,*** the court may enter additional orders authorizing the guardian to continue the business of the ward, enter contracts for the ward ~~[,]~~ or ~~[to]~~ complete contracts of the ward.

Sec. 8. NRS 159.193 is hereby amended to read as follows:

159.193 1. The guardian of the estate is entitled to possession of the ward's property and is authorized to perform the duties of the guardian to wind up the affairs of the guardianship:

(a) For a period that is reasonable and necessary after the termination of the guardianship;

(b) Except as otherwise provided in paragraph (c), for not more than ~~[90]~~ ***180*** days after the date of the appointment of a personal representative of the estate of a deceased ward; or

(c) Upon approval of the court, for more than ~~[90]~~ ***180*** days if the guardian is awaiting certification from the appropriate authority acknowledging that the guardian has no further liability for taxes on the estate.

2. To wind up the affairs of the guardianship, the guardian shall:

(a) Pay all expenses of administration of the guardianship estate, including those incurred in winding up the affairs of the guardianship.

(b) Complete the performance of any contractual obligations incurred by the guardianship estate.

(c) With prior approval of the court, continue any activity that:

(1) The guardian believes is appropriate and necessary; or

(2) Was commenced before the termination of the guardianship.

(d) If the guardianship is terminated for a reason other than the death of the ward, examine and allow and pay, or reject, all claims presented to the guardian prior to the termination of the guardianship for obligations incurred prior to the termination.

Sec. 9. This act becomes effective on July 1, 2007.

Assemblywoman Gerhardt moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 129.

Remarks by Assemblywoman Gerhardt.

Motion carried by a constitutional majority.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 483.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 483, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 837 of the Assembly be concurred in.

TICK SEGERBLOM	MARK AMODEI
WILLIAM HORNE	TERRY CARE
GARN MABEY	MAURICE WASHINGTON
Assembly Conference Committee	*Senate Conference Committee*

Assemblyman Segerblom moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 483.

Remarks by Assemblyman Segerblom.

Motion carried by a constitutional majority.

RECEDE FROM SENATE AMENDMENTS

Assemblyman Arberry moved that the Assembly do not recede from its action on Senate Bill No. 517, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Arberry, Koivisto, and Grady as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 517.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 324, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JERRY D. CLABORN, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 73, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 123, as had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

GENERAL FILE AND THIRD READING

Senate Bill No. 123.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1161.

Section 3 of S.B. No. 123 is hereby amended as follows:

Sec. 3. ~~*[1. Except as otherwise provided in subsection 2, records of a nongovernmental entity that are directly related to the administration, management or regulation of an activity, program, institution or facility by the nongovernmental entity for or on behalf of a governmental entity are public records that must be open for inspection and copying.*~~

~~*2. This section does not apply to the financial or other proprietary records of the nongovernmental entity.]*~~ **(Deleted by amendment.)**

Section 7 of S.B. No. 123 is hereby amended as follows:

Sec. 7. ~~[NRS 239.005 is hereby amended to read as follows:~~

~~239.005 As used in this chapter, unless the context otherwise requires:~~

~~1. "Actual cost" means the direct cost related to the reproduction of a public record. The term does not include a cost that a governmental entity incurs regardless of whether or not a person requests a copy of a particular public record.~~

~~2. "Committee" means the Committee to Approve Schedules for the Retention and Disposition of Official State Records.~~

~~3. "Division" means the Division of State Library and Archives of the Department of Cultural Affairs.~~

~~4. "Governmental entity" means:~~

~~(a) An elected or appointed officer of this State or of a political subdivision of this State;~~

~~(b) An institution, board, commission, bureau, council, department, division, authority or other unit of government of this State or of a political subdivision of this State;~~

~~(c) A university foundation, as defined in NRS 396.405;~~ [or]

~~(d) An educational foundation, as defined in NRS 388.750, to the extent that the foundation is dedicated to the assistance of public schools~~ [.] ~~; or~~

~~*(e) Any other person or nongovernmental entity that administers, manages or regulates an activity, program, institution or facility for or on behalf of a governmental entity described in paragraphs (a) to (d), inclusive, of this subsection.]*~~ **(Deleted by amendment.)**

Section 218 of S.B. No. 123 is hereby amended as follows:

Sec. 218. 1. Except as otherwise provided in this subsection, for the purposes of section 6 of this act, a person may apply to a district court on or

after October 1, 2007, for an order directing a governmental entity to allow the person to inspect or copy a public book or record, or a part thereof, if the public book or record has been in the legal custody or control of a governmental entity for a period of 30 years or more on the date of the application. A person may apply to the district court on or after October 1, 2007, for an order directing a governmental entity to allow the person to inspect or copy a public book or record that pertains to a natural person if, on the date of the application, the public book or record has been in the legal custody or control of a governmental entity for a period of 30 years or more or the natural person has died, whichever is later.

2. As used in this section, "governmental entity" has the meaning ascribed to it in NRS 239.005 **.** ~~[, as amended by section 7 of this act.]~~

The Title of S.B. No. 123 is hereby amended as follows:

AN ACT relating to public records; ~~[providing that certain records of a nongovernmental entity are public books or records under certain circumstances;]~~ requiring a governmental entity to take certain action in response to a written request to inspect or copy a public book or record; making various changes regarding the confidentiality of records; authorizing a person to apply to a district court for an order to allow the person to inspect or copy certain confidential public books or records that have been in the custody of a governmental entity for a certain period; and providing other matters properly relating thereto.

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

Under existing law, all public books and records of a governmental entity, the contents of which are not otherwise declared by law to be confidential or which the governmental entity determines pursuant to a balancing test must not be disclosed, must be open at all times during office hours for inspection and copying. (NRS 239.010; ***Donrey v. Bradshaw***, 106 Nev. 630 (1990))

Section 4 of this bill provides that if a governmental entity receives a written request to inspect or copy a public book or record, the governmental entity must, within 5 business days after the date on which the person who has legal custody or control of the book or record has received the request: (1) allow the requester to inspect or copy the public book or record; (2) if the governmental entity does not have legal custody or control of the public book or record, notify the requester of that fact and where, if known, the public book or record is located; (3) if the governmental entity cannot make the public book or record available within 5 business days, notify the requester of the date and time when the book or record will be available; or (4) if the public book or record is confidential, notify the requester of that fact in writing, including a citation to the legal authority that makes the book or record confidential.

With certain exceptions, section 6 of this bill provides that, notwithstanding any provision of law that has declared a public book or

record, or a part thereof, to be confidential, once a public book or record has been in the legal custody or control of one or more governmental entities for a period of at least 30 years, a person may apply to the appropriate district court for an order allowing him to inspect or copy the public book or record. If the public book or record pertains to a natural person, a person may not apply for such a court order until 30 years after the book or record has been in the legal custody or control of a governmental entity or the death of the person to whom the book or record pertains, whichever is later. Section 218 of this bill clarifies that a person may apply for such an order on or after October 1, 2007, the effective date of the bill, to inspect or copy public books or records that already meet the conditions set forth in section 6.

Section 5 of this bill provides that in any judicial or administrative proceeding in which the confidentiality of a public book or record is at issue and the governmental entity that has legal custody or control of the public book or record asserts that the public book or record is confidential, the governmental entity has the burden of proving such confidentiality.

~~[Sections 3 and 7 of this bill provide that although a nongovernmental entity which performs certain functions for or on behalf of a governmental entity is considered a governmental entity for the purposes of Nevada's public records law (chapter 239 of NRS), the records of a nongovernmental entity that are directly related to the administration, management or regulation of an activity, program, institution or facility for or on behalf of a governmental entity are public records that must be open for inspection and copying. Section 3 specifically excludes financial or other proprietary records of a nongovernmental entity from this requirement.]~~

Section 8 of this bill provides that a governmental entity shall not deny a request to inspect or copy a public book or record because the public book or record contains information that is confidential if the governmental entity can redact the confidential information.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 324.

Bill read third time.

Roll call on Senate Bill No. 324:

YEAS—42.

NAYS—None.

Senate Bill No. 324 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 123.

Bill read third time.

Remarks by Assemblyman Christensen.

Roll call on Senate Bill No. 123:

YEAS—35.

NAYS—Beers, Cobb, Gansert, Hardy, Settelmeyer, Stewart, Weber—7.

Senate Bill No. 123 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 73.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1159.

AN ACT relating to the State Legislature; providing for allowances for certain travel expenses incurred by Legislators during the legislative interim; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that each Legislator is entitled to receive, during the legislative interim, a travel allowance not to exceed a total of ~~[$5,000]~~ **$3,000** for travel within ~~[his legislative district]~~ **the State** to participate in a meeting of a legislative committee or subcommittee of which he is not a member or with an officer, employee, agency, board, bureau, commission, department, division, district or other unit of federal, state or local government or any other public entity regarding an issue relating to ~~[that legislative district.]~~ **the State.** The travel allowance applies only to trips that are 50 miles or more one way or 100 miles or more round trip. The travel allowance does not apply to travel that occurs after the Legislator has filed a declaration or an acceptance of candidacy for an elective office and remains a candidate for that office.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 218 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section and NRS 218.2207, each Senator and Assemblyman is entitled to receive, during the legislative interim, an allowance for travel within ~~[his legislative district]~~ the State to participate in a meeting of a legislative committee or subcommittee of which he is not a member or with an officer, employee, agency, board, bureau, commission, department, division, district or other unit of federal, state or local government or any other public entity regarding an issue relating to ~~[that legislative district.]~~ the State.

2. The allowance for travel payable pursuant to this section applies only to trips whose one-way distance is 50 miles or more or whose round-trip distance is 100 miles or more.

3. The maximum allowance for travel payable to each Senator and Assemblyman pursuant to this section during a legislative interim is ~~[$5,000,]~~ $3,000, except that no allowance for travel pursuant to this section is payable to a Senator or Assemblyman for travel that occurs during the legislative interim at any time after the date on which the Senator or Assemblyman has filed a declaration or an acceptance of candidacy for an elective office and remains a candidate for that office.

4. Transportation must be by the most economical means, considering total cost and time spent in transit. The allowance is:

(a) If the travel is by private conveyance, the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax.

(b) If the travel is not by private conveyance, the actual amount expended.

5. Claims made pursuant to this section must be paid from the Legislative Fund unless otherwise provided by specific statute. A claim must not be paid unless the Senator or Assemblyman submits a signed statement affirming:

(a) The date of travel; ~~[and]~~

(b) The purpose of the travel and of the participant's attendance; and

(c) The places of departure and arrival and, if the travel is by private conveyance, the actual miles traveled. If the travel is not by private conveyance, the claim must include a receipt or other evidence of the expenditure.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 73.

Bill read third time.

Roll call on Senate Bill No. 73:

YEAS—42.

NAYS—None.

Senate Bill No. 73 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Oceguera moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 1:12 p.m.

ASSEMBLY IN SESSION

At 1:31 p.m.
Madam Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 434, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 141 and 205.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 196, Amendment No. 1153, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 246, Senate Amendment No. 1120, and requests a conference, and appointed Senators Rhoads, Coffin and Cegavske as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 50.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 127.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 182.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 461.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 521.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 594.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 578.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 108, 238, 248.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1117 to Senate Bill No. 331.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1130 to Senate Bill No. 341.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Cegavske, Beers and Washington as a first Conference Committee concerning Senate Bill No. 184.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 428.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 328.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Anderson, Horne, and Carpenter as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 246.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 108.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 238.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 248.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 578.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 434.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1162.

AN ACT relating to education; ~~[requiring the boards of trustees of certain school districts to carry out certain actions requested by the general public under certain circumstances; revising provisions governing courses of study;]~~ revising provisions governing eligibility for a millennium scholarship; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1 of this bill requires the board of trustees of a school district located in a county whose population is 400,000 or more (currently Clark County) to take action on certain matters submitted by a member of the general public. If the board of trustees does not take such action within 60 days after the request is made, the board shall issue a written explanation setting forth the reasons for declining to take the requested action.~~

~~Section 2 of this bill requires the State Board of Education to adopt a program of multicultural education.~~

~~Existing law requires instruction in American government and American history. (NRS 389.020, 389.030) Section 3 of this bill requires the course in American government to include the study of the government of the State of Nevada.~~

~~Existing law requires the Department of Education to prescribe a code of honor relating to cheating for pupils enrolled in public schools. (NRS 392.461)~~ Existing law creates the Governor Guinn Millennium Scholarship Program and prescribes the criteria for eligibility of a millennium scholarship. (NRS 396.911-396.938) Section 4 of this bill provides ~~[that if a pupil violates the code of honor relating to cheating while he is enrolled in a public high school, the pupil is not eligible for a millennium scholarship.]~~ **an exception from the 2-year residency requirement for students who have a parent or legal guardian on active duty serving in the Armed Forces of the United States. Section 4 of this bill further requires the Board of Regents of the Nevada System of Higher Education to adopt procedures by which an applicant for a millennium scholarship would be required to execute an affidavit declaring his eligibility for a millennium scholarship and his citizenship or immigration status.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. A person may request that the board of trustees of a school district located in a county whose population is 400,000 or more to consider and take action on a matter within the jurisdiction of the board by submitting the request to the board at a public meeting of the board, including an oral request submitted during a period of the meeting devoted to comments by the general public.*~~

~~*2. The board of trustees of a school district located in a county whose population is 400,000 or more shall carry out each request for action submitted to the board of trustees pursuant to subsection 1. If the board of trustees declines to carry out a request for action submitted pursuant to subsection 1 within 60 days after the request is submitted, the board of trustees shall issue a written explanation setting forth the specific reasons for declining to take the requested action.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The State Board shall adopt regulations that prescribe a program of multicultural education, including, without limitation, information relating to the contributions made by men and women from various racial and ethnic backgrounds.*~~

~~*2. The board of trustees of each school district shall ensure that the program prescribed pursuant to subsection 1 is provided to pupils enrolled in grades 2 to 12, inclusive, with particular emphasis for pupils enrolled in elementary school and middle school and junior high school.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 389.020 is hereby amended to read as follows:~~

~~389.020 1. In all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS, instruction must be given in American government, including, without limitation, the:~~

~~(a) Essentials of the:~~

~~(1) Constitution of the United States, including, without limitation, the Bill of Rights;~~

~~(2) Constitution of the State of Nevada; and~~

~~(3) Declaration of Independence;~~

~~(b) Origin and history of the Constitutions;~~ [and]

~~*(c) Study of the government of the State of Nevada; and*~~

~~*(d)* Study of and devotion to American institutions and ideals.~~

~~2. Except as otherwise provided in NRS 392A.100, the instruction required in subsection 1 must be given during at least 1 year of the elementary school grades and for a period of at least 1 year in all high schools.]~~ **(Deleted by amendment.)**

Sec. 4. NRS 396.930 is hereby amended to read as follows:

396.930 1. Except as otherwise provided in subsections 2 ~~*[, 3]*~~ and 3, ~~*[4,]*~~ a student may apply to the Board of Regents for a millennium scholarship if he:

(a) Has been a resident of this State for at least 2 years before he applies for the scholarship;

(b) Except as otherwise provided in paragraph (c), graduated from a public or private high school in this State:

(1) After May 1, 2000, but not later than May 1, 2003; or

(2) After May 1, 2003, and, except as otherwise provided in paragraph (c) of subsection 2, not more than 6 years before he applies for the scholarship;

(c) Does not satisfy the requirements of paragraph (b) and:

(1) Was enrolled as a pupil in a public or private high school in this State with a class of pupils who were regularly scheduled to graduate after May 1, 2000;

(2) Received his high school diploma within 4 years after he was regularly scheduled to graduate; and

(3) Applies for the scholarship not more than 6 years after he was regularly scheduled to graduate from high school;

(d) Maintained in high school in the courses designated by the Board of Regents pursuant to paragraph (b) of subsection 2, at least:

(1) A 3.00 grade point average on a 4.0 grading scale, if he was a member of the graduating class of 2003 or 2004;

(2) A 3.10 grade point average on a 4.0 grading scale, if he was a member of the graduating class of 2005 or 2006; or

(3) A 3.25 grade point average on a 4.0 grading scale, if he was a member of the graduating class of 2007 or a later graduating class; and

(e) Is enrolled in at least:

(1) Six semester credit hours in a community college within the System; or

(2) Twelve semester credit hours in another eligible institution.

2. The Board of Regents:

(a) Shall define the core curriculum that a student must complete in high school to be eligible for a millennium scholarship.

(b) Shall designate the courses in which a student must earn the minimum grade point averages set forth in paragraph (d) of subsection 1.

(c) May establish criteria with respect to students who have been on active duty serving in the Armed Forces of the United States to exempt such students from the 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1.

(d) Shall establish criteria with respect to students who have a documented physical or mental disability or who were previously subject to an individualized education program under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., or a plan under Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq. The criteria must provide an exemption for those students from:

(1) The 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1 and subparagraph (3) of paragraph (c) of subsection 1 and any limitation applicable to students who are eligible pursuant to subparagraph (1) of paragraph (b) of subsection 1.

(2) The minimum number of credits prescribed in paragraph (e) of subsection 1.

(e) Shall establish criteria with respect to students who have a parent or legal guardian on active duty in the Armed Forces of the United States to exempt such students from the residency requirement set forth in paragraph (a) of subsection 1 or subsection 3.

3. Except as otherwise provided in paragraph (c) of subsection 1, for students who did not graduate from a public or private high school in this State and who ***, except as otherwise provided in paragraph (e) of subsection 2,*** have been residents of this State for at least 2 years, the Board of Regents shall establish:

(a) The minimum score on a standardized test that such students must receive; or

(b) Other criteria that students must meet,

➥ to be eligible for millennium scholarships.

4. ~~*[A student is not eligible for a millennium scholarship if he violated the code of honor relating to cheating prescribed pursuant to NRS 392.461 while he was enrolled in a public high school in this State.*~~

~~*5.]*~~ In awarding scholarships, the Board of Regents shall enhance its outreach to students who:

(a) Are pursuing a career in education or health care;

(b) Come from families who lack sufficient financial resources to pay for the costs of sending their children to an eligible institution; or

(c) Substantially participated in an antismoking, antidrug or antialcohol program during high school.

5. The Board of Regents shall establish a procedure by which an applicant for a millennium scholarship is required to execute an affidavit declaring his eligibility for a millennium scholarship pursuant to the requirements of this section. The affidavit must include a declaration that the applicant is a United States citizen or has lawful immigration status or that the applicant has filed an application to legalize his immigration status or will file an application to legalize his immigration status as soon as he is eligible to do so.

Sec. 5. This act becomes effective on July 1, ~~[2007.]~~ **2008.**

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 434.

Bill read third time.

Roll call on Assembly Bill No. 434:

YEAS—41.

NAYS—Beers.

Assembly Bill No. 434 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Oceguera moved that the Assembly recess until 3 p.m.

Motion carried.

Assembly in recess at 1:38 p.m.

ASSEMBLY IN SESSION

At 4:08 p.m.

Madam Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Concurrent Resolution No. 35, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

ELLEN KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 387, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 226, 248, 301, 454, 562, 578, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 617.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 434, 556.

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 49.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 178; Assembly Bill No. 244; Senate Bill No. 274; Senate Bill No. 354; Senate Bill No. 529.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Concurrent Resolution No. 35 be taken from the Resolution File and placed on the Chief Clerk's desk.

Motion carried.

Senate Concurrent Resolution No. 49.

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblywoman Koivisto.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 434.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 556.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 226.

Bill read third time.

Roll call on Senate Bill No. 226:

YEAS—42.

NAYS—None.

Senate Bill No. 226 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 437 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 437.

Bill read third time.

Roll call on Senate Bill No. 437:

YEAS—42.

NAYS—None.

Senate Bill No. 437 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 248.

Bill read third time.

Roll call on Senate Bill No. 248:

YEAS—42.

NAYS—None.

Senate Bill No. 248 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 301.

Bill read third time.

Roll call on Senate Bill No. 301:

YEAS—42.

NAYS—None.

Senate Bill No. 301 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 387.

Bill read third time.

Roll call on Senate Bill No. 387:

YEAS—41.

NAYS—Claborn.

Senate Bill No. 387 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 454.

Bill read third time.

Roll call on Senate Bill No. 454:

YEAS—42.

NAYS—None.

Senate Bill No. 454 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 562.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Bill No. 562:

YEAS—42.

NAYS—None.

Senate Bill No. 562 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 578.

Bill read third time.

Roll call on Senate Bill No. 578:

YEAS—42.

NAYS—None.

Senate Bill No. 578 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 628.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 577.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 404.

SHERRY L. RODRIGUEZ

Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Assembly Bill No. 246, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1120 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 39, which is attached to and hereby made a part of this report.

BERNIE ANDERSON	DEAN RHOADS
WILLIAM HORNE	BOB COFFIN
JOHN CARPENTER	BARBARA CEGAVSKE
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA39.

AN ACT relating to courts; ~~[creating a Tenth Judicial District;]~~ increasing the number of district judges in the Second and Eighth Judicial Districts; increasing the number of district judges in the Second and Eighth Judicial Districts who must be judges of the family court; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1 of this bill creates a Tenth Judicial District for the Counties of Churchill and Mineral consisting of two district judges. Churchill County is removed from the Third Judicial District in section 1.3 and the number of judges in that district is reduced from three to two.]~~

Section 1.5 of this bill increases the number of district judges in the Second Judicial District, which includes Washoe County, from 12 to 14. (NRS 3.010, 3.012) Both of the additional district judges must be judges of the family court, increasing the number of judges of the family court in the Second Judicial District from 4 to 6. (NRS 3.012)

Section 2 of this bill increases the number of district judges in the Eighth Judicial District, which includes Clark County, from 37 to 43 **.** (NRS 3.010, 3.018) Five of the 6 additional district judges must be judges of the family court, increasing the number of judges of the family court in the Eighth Judicial District from 13 to 18. (NRS 3.018)

Sections 4 and 4.5 of this bill make an appropriation to pay for the salaries of the additional district judges.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 3 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*For the Tenth Judicial District there must be two district judges.]~~ **(Deleted by amendment.)**

Sec. 1.3. ~~[NRS 3.010 is hereby amended to read as follows:~~

~~3.010 The State is hereby divided into~~ [nine] *10* ~~judicial districts, as follows:~~

~~First Judicial District.—Carson City and the County of Storey constitute the First Judicial District.~~

~~Second Judicial District.—The County of Washoe constitutes the Second Judicial District.~~

~~Third Judicial District.—The [Counties of Churchill and] *County of* Lyon [constitute] *constitutes* the Third Judicial District.~~

~~Fourth Judicial District.—The County of Elko constitutes the Fourth Judicial District.~~

~~Fifth Judicial District.—The Counties of [Mineral,] Esmeralda and Nye constitute the Fifth Judicial District.~~

~~Sixth Judicial District.—The Counties of Lander, Pershing and Humboldt constitute the Sixth Judicial District.~~

~~Seventh Judicial District.—The Counties of Eureka, White Pine and Lincoln constitute the Seventh Judicial District.~~

~~Eighth Judicial District.—The County of Clark constitutes the Eighth Judicial District.~~

~~Ninth Judicial District.—The County of Douglas constitutes the Ninth Judicial District.~~

~~*Tenth Judicial District.—The Counties of Churchill and Mineral constitute the Tenth Judicial District.]*~~ **(Deleted by amendment.)**

Sec. 1.5. NRS 3.012 is hereby amended to read as follows:

3.012 For the Second Judicial District there must be ~~[12]~~ ***14*** district judges, ~~[4]~~ ***6*** of whom must be judges of the family court.

Sec. 1.7. NRS 3.013 is hereby amended to read as follows:

3.013 For the Third Judicial District there must be ~~[three]~~ ***two*** district judges.

Sec. 2. NRS 3.018 is hereby amended to read as follows:

3.018 For the Eighth Judicial District there must be ~~[37]~~ ***43*** district judges, ~~[13]~~ ***18*** of whom must be judges of the family court.

Sec. 3. The additional district judges required for the Second Judicial District pursuant to section 1.5 of this act ~~[,]~~ **and** the additional district judges required for the Eighth Judicial District pursuant to section 2 of this act ~~[and the additional district judge required for the Tenth Judicial District pursuant to section 1 of this act]~~ must be selected at the general election held on November 4, 2008, and take office on January 5, 2009. The terms of these judges expire on January 5, 2015.

Sec. 4. 1. There is hereby appropriated from the State General Fund to the District Judges' Salary Account the sum of ~~[$959,616]~~ **$852,992** for the salaries of the additional district judges required pursuant to sections ~~[1,]~~ 1.5 and 2 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, and reverts to the State General Fund as soon as all payments of money committed have been made.

Sec. 4.5. 1. There is hereby appropriated from the State General Fund to the District Judges' Salary Account the sum of ~~[$787,779]~~ **$700,248** for the salaries of the additional district judges required pursuant to sections ~~[1,]~~ 1.5 and 2 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, and reverts to the State General Fund as soon as all payments of money committed have been made.

Sec. 5. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 6. 1. This section and sections 3 and 5 of this act become effective on October 1, 2007.

2. Section 4 of this act becomes effective on July 1, 2008, if Senate Bill No. 248 of this Session is enacted by the Legislature and approved by the Governor.

3. Section 4.5 of this act becomes effective on July 1, 2008, only if section 4 of this act does not become effective.

4. Sections 1 to 2, inclusive, of this act become effective on January 5, 2009.

Assemblyman Anderson moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 246.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 246.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 577.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 354, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment Nos. 930 and 1017 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 32, which is attached to and hereby made a part of this report.

BERNIE ANDERSON	STEVEN HORSFORD
MARILYN KIRKPATRICK	VALERIE WIENER
JOHN CARPENTER	MAURICE WASHINGTON
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA32.

AN ACT relating to the safety of children; prohibiting the possession of certain firearms on the property of or in a vehicle of child care facilities; revising the definition of "firearm"; requiring children who are taken into custody for possession of a firearm while on school property to submit to an evaluation by a qualified professional and a drug test; revising provisions concerning certain sex offenders who are on lifetime supervision or released on parole, probation or a suspended sentence; revising the jurisdiction of school police officers under certain circumstances; and providing other matters property relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill revises the definition of "firearm" for the purposes of the provision prohibiting the unlawful possession of a firearm while on school property. (NRS 202.265) Section 1 further makes the provisions prohibiting a person from carrying or possessing certain firearms while on school grounds or in a vehicle of a school applicable to child care facilities ~~[.]~~ **that are licensed pursuant to chapter 432A of NRS.** However, if the child care facility is located at or in the home of a natural person, those provisions do not apply to the owner or operator of the facility who resides in the home if he complies with all laws concerning possession of the weapon. In addition, the prohibition only applies with respect to such a facility during the normal hours of business. Existing law allows a juvenile court to decide whether to order a child who is taken into custody for certain unlawful acts involving firearms to submit to an evaluation by a qualified professional. (NRS 62C.060) Section 3 of this bill requires a juvenile court to order a child who is taken into custody for possession of a firearm on school property or at a child care facility to submit to an evaluation by a qualified professional and a drug test.

Existing law sets forth certain conditions to be imposed on sex offenders on lifetime supervision or released on parole, probation or a suspended sentence. (NRS 176A.410, 213.1243, 213.1245, 213.1255) Sections 4-6 of this bill prohibit such sex offenders from establishing residences in a facility that houses more than three persons who have been released from prison unless the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.

Existing law gives school police officers the powers of a peace officer and establishes the jurisdiction of such officers. (NRS 391.275) Section 8.5 of this bill expands the jurisdiction of school police officers in certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 202.265 is hereby amended to read as follows:

202.265 1. Except as otherwise provided in this section, a person shall not carry or possess ~~[,]~~ while on the property of the Nevada System of Higher Education ***,*** ~~[or]~~ a private or public school ***or child care facility,*** or while in a vehicle of a private or public school ~~[:]~~ ***or child care facility:***

(a) An explosive or incendiary device;

(b) A dirk, dagger or switchblade knife;

(c) A nunchaku or trefoil;

(d) A blackjack or billy club or metal knuckles; ~~[or]~~

(e) A pistol, revolver or other firearm ~~[.]~~ ***; or***

(f) Any device used to mark any part of a person with paint or any other substance.

2. Any person who violates subsection 1 is guilty of a gross misdemeanor.

3. This section does not prohibit the possession of a weapon listed in subsection 1 on the property of ~~[a]~~ ***:***

(a) A private or public school ***or child care facility*** by a:

~~[(a)]~~ ***(1)*** Peace officer;

~~[(b)]~~ ***(2)*** School security guard; or

~~[(c)]~~ ***(3)*** Person having written permission from the president of a branch or facility of the Nevada System of Higher Education or the principal of the school ***or the person designated by a child care facility to give permission*** to carry or possess the weapon.

(b) A child care facility which is located at or in the home of a natural person by the person who owns or operates the facility so long as the person resides in the home and the person complies with any laws governing the possession of such a weapon.

4. The provisions of this section apply to a child care facility located at or in the home of a natural person only during the normal hours of business of the facility.

~~[4.]~~ ***5.*** For the purposes of this section:

(a) ***"Childcare facility" means any child care facility that is licensed pursuant to chapter 432A of NRS or licensed by a city or county.***

(b) "Firearm" includes ~~[:~~

~~(1) Any device used to mark the clothing of a person with paint or any other substance; and~~

~~(2) Any]~~ ***any*** device from which a metallic projectile, including any ball bearing or pellet, may be expelled by means of spring, gas, air or other force.

~~[(b)]~~ ***(c)*** "Nunchaku" has the meaning ascribed to it in NRS 202.350.

~~[(c)]~~ ***(d)*** "Switchblade knife" has the meaning ascribed to it in NRS 202.350.

~~[(d)]~~ ***(e)*** "Trefoil" has the meaning ascribed to it in NRS 202.350.

~~[(c)]~~ ***(f)*** "Vehicle" has the meaning ascribed to "school bus" in NRS 484.148.

Sec. 2. NRS 202.3673 is hereby amended to read as follows:

202.3673 1. Except as otherwise provided in subsections 2 and 3, a permittee may carry a concealed firearm while he is on the premises of any public building.

2. A permittee shall not carry a concealed firearm while he is on the premises of a public building that is located on the property of a public airport.

3. A permittee shall not carry a concealed firearm while he is on the premises of:

(a) A public building that is located on the property of a public school ***or a child care facility*** or the property of the Nevada System of Higher Education, unless the permittee has obtained written permission to carry a concealed firearm while he is on the premises of the public building pursuant to ***subparagraph (3) of*** paragraph ~~[(c)]~~ ***(a)*** of subsection 3 of NRS 202.265.

(b) A public building that has a metal detector at each public entrance or a sign posted at each public entrance indicating that no firearms are allowed in the building, unless the permittee is not prohibited from carrying a concealed firearm while he is on the premises of the public building pursuant to subsection 4.

4. The provisions of paragraph (b) of subsection 3 do not prohibit:

(a) A permittee who is a judge from carrying a concealed firearm in the courthouse or courtroom in which he presides or from authorizing a permittee to carry a concealed firearm while in the courtroom of the judge and while traveling to and from the courtroom of the judge.

(b) A permittee who is a prosecuting attorney of an agency or political subdivision of the United States or of this State from carrying a concealed firearm while he is on the premises of a public building.

(c) A permittee who is employed in the public building from carrying a concealed firearm while he is on the premises of the public building.

(d) A permittee from carrying a concealed firearm while he is on the premises of the public building if the permittee has received written permission from the person in control of the public building to carry a concealed firearm while the permittee is on the premises of the public building.

5. A person who violates subsection 2 or 3 is guilty of a misdemeanor.

6. As used in this section ~~[, "public]~~ ***:***

(a) "Childcare facility" has the meaning ascribed to it in paragraph (a) of subsection 5 of NRS 202.265.

(b) "Public building" means any building or office space occupied by:

~~[(a)]~~ ***(1)*** Any component of the Nevada System of Higher Education and used for any purpose related to the System; or

~~[(b)]~~ ***(2)*** The Federal Government, the State of Nevada or any county, city, school district or other political subdivision of the State of Nevada and used for any public purpose.

➥ If only part of the building is occupied by an entity described in this subsection, the term means only that portion of the building which is so occupied.

Sec. 3. NRS 62C.060 is hereby amended to read as follows:

62C.060 1. If a peace officer or probation officer has probable cause to believe that a child is committing or has committed an unlawful act that involves the possession, use or threatened use of a firearm, the officer shall take the child into custody.

2. If a child is taken into custody for an unlawful act described in this section, the child must not be released before a detention hearing is held pursuant to NRS 62C.040.

3. At the detention hearing, the juvenile court shall ***, if the child was taken into custody for:***

(a) Carrying or possessing a firearm while on the property of the Nevada System of Higher Education, a private or public school or child care facility, or while in a vehicle of a private or public school or child care facility, order the child to:

(1) Be evaluated by a qualified professional; and

(2) Submit to a test to determine whether the child is using any controlled substance.

(b) Committing an unlawful act involving a firearm other than the act described in paragraph (a), determine whether to order the child to be evaluated by a qualified professional.

4. If the juvenile court orders the child to be evaluated by a qualified professional ~~[.]~~ ***or to submit to a test to determine whether the child is using any controlled substance,*** the evaluation ***or the results from the test*** must be completed not later than 14 days after the detention hearing. Until the evaluation ***or the test*** is completed, the child must be:

(a) Detained at a facility for the detention of children; or

(b) Placed under a program of supervision in the home of the child that may include electronic surveillance of the child.

5. If a child is evaluated by a qualified professional pursuant to this section, the statements made by the child to the qualified professional during the evaluation and any evidence directly or indirectly derived from those statements may not be used for any purpose in a proceeding which is conducted to prove that the child committed a delinquent act or criminal offense. The provisions of this subsection do not prohibit the district attorney from proving that the child committed a delinquent act or criminal offense based upon evidence obtained from sources or by means that are independent of the statements made by the child to the qualified professional during the evaluation.

6. As used in this section, "child care facility" has the meaning ascribed to it in paragraph (a) of subsection 5 of NRS 202.265.

Sec. 4. NRS 176A.410 is hereby amended to read as follows:

176A.410 1. Except as otherwise provided in subsection 3, if a defendant is convicted of a sexual offense and the court grants probation or suspends the sentence, the court shall, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension of sentence that the defendant:

(a) Submit to a search and seizure of his person, residence or vehicle or any property under his control, at any time of the day or night, without a warrant, by any parole and probation officer or any peace officer, for the purpose of determining whether the defendant has violated any condition of probation or suspension of sentence or committed any crime **.** ~~[;]~~

(b) Reside at a location only if ~~[it]~~ ***:***

(1) The residence has been approved by the parole and probation officer assigned to the defendant **.** ~~[and keep]~~

(2) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.

(3) The defendant keeps the parole and probation officer informed of his current address **.** ~~[;]~~

(c) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the defendant and keep the parole and probation officer informed of the location of his position of employment or position as a volunteer **.** ~~[;]~~

(d) Abide by any curfew imposed by the parole and probation officer assigned to the defendant **.** ~~[;]~~

(e) Participate in and complete a program of professional counseling approved by the Division **.** ~~[;]~~

(f) Submit to periodic tests, as requested by the parole and probation officer assigned to the defendant, to determine whether the defendant is using a controlled substance **.** ~~[;]~~

(g) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the defendant **.** ~~[;]~~

(h) Abstain from consuming, possessing or having under his control any alcohol **.** ~~[;]~~

(i) Not have contact or communicate with a victim of the sexual offense or a witness who testified against the defendant or solicit another person to engage in such contact or communication on behalf of the defendant, unless approved by the parole and probation officer assigned to the defendant, and a written agreement is entered into and signed in the manner set forth in subsection 2 **.** ~~[;]~~

(j) Not use aliases or fictitious names **.** ~~[;]~~

(k) Not obtain a post office box unless the defendant receives permission from the parole and probation officer assigned to the defendant . ~~[;]~~

(l) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of a sexual offense is present and permission has been obtained from the parole and probation officer assigned to the defendant in advance of each such contact . ~~[;]~~

(m) Unless approved by the parole and probation officer assigned to the defendant and by a psychiatrist, psychologist or counselor treating the defendant, if any, not be in or near:

(1) A playground, park, school or school grounds;

(2) A motion picture theater; or

(3) A business that primarily has children as customers or conducts events that primarily children attend . ~~[;]~~

(n) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication . ~~[;]~~

(o) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the defendant . ~~[;]~~

(p) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the defendant . ~~[;]~~

(q) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the defendant . ~~[; and]~~

(r) Inform the parole and probation officer assigned to the defendant if the defendant expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education. As used in this paragraph, "institution of higher education" has the meaning ascribed to it in NRS 179D.045.

2. A written agreement entered into pursuant to paragraph (i) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or communication authorized. The written agreement must be signed and agreed to by:

(a) The victim or the witness;

(b) The defendant;

(c) The parole and probation officer assigned to the defendant;

(d) The psychiatrist, psychologist or counselor treating the defendant, victim or witness, if any; and

(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child.

3. The court is not required to impose a condition of probation or suspension of sentence listed in subsection 1 if the court finds that extraordinary circumstances are present and the court enters those extraordinary circumstances in the record.

4. As used in this section, "sexual offense" has the meaning ascribed to it in NRS 179D.410.

Sec. 5. NRS 213.1243 is hereby amended to read as follows:

213.1243 1. The Board shall establish by regulation a program of lifetime supervision of sex offenders to commence after any period of probation or any term of imprisonment and any period of release on parole. The program must provide for the lifetime supervision of sex offenders by parole and probation officers.

2. Lifetime supervision shall be deemed a form of parole for:

(a) The limited purposes of the applicability of the provisions of NRS 213.1076, subsection 9 of NRS 213.1095, NRS 213.1096 and subsection 2 of NRS 213.110; and

(b) The purposes of the Interstate Compact for Adult Offender Supervision ratified, enacted and entered into by the State of Nevada pursuant to NRS 213.215.

3. ***Except as otherwise provided in subsection 4, the Board shall require as a condition of lifetime supervision that the sex offender reside at a location only if:***

(a) The residence has been approved by the parole and probation officer assigned to the person.

(b) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.

(c) The person keeps the parole and probation officer informed of his current address.

4. The Board is not required to impose a condition pursuant to the program of lifetime supervision listed in subsection 3 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.

5. A person who commits a violation of a condition imposed on him pursuant to the program of lifetime supervision is guilty of:

(a) If the violation constitutes a minor violation, a misdemeanor.

(b) If the violation constitutes a major violation, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

~~[4.]~~ ***6.*** For the purposes of prosecution of a violation by a person of a condition imposed upon him pursuant to the program of lifetime supervision, the violation shall be deemed to have occurred in, and may only be prosecuted in, the county in which the court that imposed the sentence of

lifetime supervision pursuant to NRS 176.0931 is located, regardless of whether the acts or conduct constituting the violation took place, in whole or in part, within or outside that county or within or outside this State.

~~[5.]~~ ***7.*** As used in this section:

(a) "Major violation" means a violation which poses a threat to the safety or well-being of others and which involves:

(1) The commission of any crime that is punishable as a gross misdemeanor or felony or any crime that involves a victim who is less than 18 years of age;

(2) The use of a deadly weapon, explosives or a firearm;

(3) The use or threatened use of force or violence against a person;

(4) Death or bodily injury of a person;

(5) An act of domestic violence;

(6) Harassment, stalking or threats of any kind; or

(7) The forcible or unlawful entry of a home, building, structure or vehicle in which a person is present.

(b) "Minor violation" means a violation that does not constitute a major violation.

Sec. 6. NRS 213.1245 is hereby amended to read as follows:

213.1245 1. Except as otherwise provided in subsection 3, if the Board releases on parole a prisoner convicted of an offense listed in NRS 179D.620, the Board shall, in addition to any other condition of parole, require as a condition of parole that the parolee:

(a) Reside at a location only if ~~[it]~~ ***:***

(1) The residence has been approved by the parole and probation officer assigned to the parolee **.** ~~[and keep]~~

(2) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.

(3) The parolee keeps the parole and probation officer informed of his current address **.** ~~[;]~~

(b) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the parolee and keep the parole and probation officer informed of the location of his position of employment or position as a volunteer **.** ~~[;]~~

(c) Abide by any curfew imposed by the parole and probation officer assigned to the parolee **.** ~~[;]~~

(d) Participate in and complete a program of professional counseling approved by the Division **.** ~~[;]~~

(e) Submit to periodic tests, as requested by the parole and probation officer assigned to the parolee, to determine whether the parolee is using a controlled substance **.** ~~[;]~~

(f) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the parolee **.** ~~[;]~~

(g) Abstain from consuming, possessing or having under his control any alcohol . ~~[;]~~

(h) Not have contact or communicate with a victim of the offense or a witness who testified against the parolee or solicit another person to engage in such contact or communication on behalf of the parolee, unless approved by the parole and probation officer assigned to the parolee, and a written agreement is entered into and signed in the manner set forth in subsection 2 . ~~[;]~~

(i) Not use aliases or fictitious names . ~~[;]~~

(j) Not obtain a post office box unless the parolee receives permission from the parole and probation officer assigned to the parolee . ~~[;]~~

(k) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of an offense listed in NRS 179D.410 is present and permission has been obtained from the parole and probation officer assigned to the parolee in advance of each such contact . ~~[;]~~

(l) Unless approved by the parole and probation officer assigned to the parolee and by a psychiatrist, psychologist or counselor treating the parolee, if any, not be in or near:

(1) A playground, park, school or school grounds;

(2) A motion picture theater; or

(3) A business that primarily has children as customers or conducts events that primarily children attend . ~~[;]~~

(m) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication . ~~[;]~~

(n) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the parolee . ~~[;]~~

(o) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the parolee . ~~[;]~~

(p) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the parolee . ~~[; and]~~

(q) Inform the parole and probation officer assigned to the parolee if the parolee expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education. As used in this paragraph, "institution of higher education" has the meaning ascribed to it in NRS 179D.045.

2. A written agreement entered into pursuant to paragraph (h) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or

communication authorized. The written agreement must be signed and agreed to by:

(a) The victim or the witness;

(b) The parolee;

(c) The parole and probation officer assigned to the parolee;

(d) The psychiatrist, psychologist or counselor treating the parolee, victim or witness, if any; and

(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child.

3. The Board is not required to impose a condition of parole listed in subsection 1 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 8.5. NRS 391.275 is hereby amended to read as follows:

391.275 ***1.*** The jurisdiction of each school police officer of a school district extends to all school property, buildings and facilities within the school district ~~[,]~~ for the purpose of:

~~[1.]~~ ***(a)*** Protecting school district personnel, pupils, or real or personal property; or

~~[2.]~~ ***(b)*** Cooperating with local law enforcement agencies in matters relating to personnel, pupils or real or personal property of the school district.

2. In addition to the jurisdiction set forth in subsection 1, a school police officer of a school district has jurisdiction:

(a) Beyond the school property, buildings and facilities when in hot pursuit of a person believed to have committed a crime;

(b) At activities or events sponsored by the school district that are in a location other than the property, buildings or facilities within the school district; and

(c) When authorized by the superintendent of schools of the school district, on the streets that are adjacent to the school property, buildings and facilities within the school district for the purpose of issuing traffic citations for violations of traffic laws and ordinances during the times that the school is in session or school-related activities are in progress.

Sec. 9. NRS 449.037 is hereby amended to read as follows:

449.037 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.001 to 449.240, inclusive, and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Health Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.001 to 449.240, inclusive.

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

➥ which provide care to persons with Alzheimer's disease.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. The Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) The prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Health Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Except as otherwise provided in subsection 8, contain toilet facilities;

(2) Contain a sleeping area or bedroom; and

(3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and his personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Health Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility licensed as a

residential facility for groups on or before July 1, 2005, and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling, if the Health Division finds that:

(a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and

(b) The exception, if granted, would not:

(1) Cause substantial detriment to the health or welfare of any resident of the facility;

(2) Result in more than two residents sharing a toilet facility; or

(3) Otherwise impair substantially the purpose of that requirement.

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:

(a) Facilities that only provide a housing and living environment;

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and

(c) Facilities that provide or arrange for the provision of alcohol and drug abuse programs, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

➥ ***The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.***

11. As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 10. The amendatory provisions of:

1. Section 4 of this act apply to any person who is granted probation or a suspension of sentence before, on or after October 1, 2007;

2. Section 5 of this act apply to any person placed under a program of lifetime supervision before, on or after October 1, 2007; and

3. Sections 6 and 7 of this act apply to any person released on parole before, on or after October 1, 2007.

Assemblyman Anderson moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 354.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 328, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment Nos. 848 and 1027 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 33, which is attached to and hereby made a part of this report.

TICK SEGERBLOM	JOHN LEE
DEBBIE SMITH	MIKE MCGINNESS
LYNN STEWART	MAURICE WASHINGTON
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA33.

AN ACT relating to educational personnel; revising provisions governing the monthly salaries of the members of the boards of trustees of school districts; requiring the board of trustees of each school district to adopt a program to engage certain administrators in annual classroom instruction, observation and other activities; making various changes regarding the evaluation and admonition of educational personnel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes varying salaries for the officers and other members of the boards of trustees of school districts based on the number of pupils enrolled in the school district during the immediately preceding school year. (NRS 386.320) Section 2 of this bill revises provisions governing the salaries of the members of the boards of trustees of school districts based on the population of the county in which the school district is located. Section 2 also authorizes a member of the board of trustees to donate all or a part of his salary to a school within the school district or to the school district.

The board of trustees of a school district is authorized to employ a superintendent of schools, teachers and all other necessary employees. (NRS 391.100, 391.110, 391.120) Section 4 of this bill requires the board of trustees of each school district to adopt a program to engage administrators employed at the district level in annual classroom instruction, observation and other activities in a manner that is appropriate for the responsibilities, position and duties of the administrators.

Existing law requires each probationary teacher to be evaluated at least three times during each school year and a postprobationary teacher to be evaluated at least once each school year. (NRS 391.3125) Section 8 of this bill requires an administrator who is responsible for evaluating a teacher to

personally observe that teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period. If a deficiency is discovered during the evaluation process, every effort must be made to assist the teacher to correct the deficiency. Existing law prescribes the circumstances under which an administrator may admonish an employee. (NRS 391.313) Section 9 of this bill requires that, if an administrator admonishes a teacher, an admonition must include a description of the deficiencies of the teacher and the actions that are necessary to correct those deficiencies.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 386.290 is hereby amended to read as follows:

386.290 1. In addition to salaries ~~[allowed under]~~ ***required by*** NRS 386.320 ***,*** a trustee ~~[shall]~~ ***must*** be allowed:

(a) His traveling expenses for traveling each way between his home and the place where board meetings are held at the rate authorized by law for state officers.

(b) His living expenses necessarily incurred while in actual attendance at board meetings at the rate authorized by law for state officers.

2. Claims for mileage and per diem allowances ~~[shall]~~ ***must*** be allowed and paid in the same manner as other claims against the school district fund are paid, but no claim for mileage and per diem allowances for living expenses ~~[shall]~~ ***must*** be allowed or paid to a trustee residing not more than 5 miles from the place where board meetings are held.

Sec. 2. NRS 386.320 is hereby amended to read as follows:

386.320 1. ~~[If the total pupil enrollment in the school district for the immediately preceding school year is less than 1,000:~~

~~(a) The clerk and president of the board of trustees may each receive a salary of $85 for each board of trustees meeting they attend, not to exceed $170 a month.~~

~~(b) The other trustees may each receive a salary of $80 for each board of trustees meeting they attend, not to exceed $160 a month.~~

~~(c)]~~ ***Each member of the board of trustees of a school district in a county whose population is less than*** ~~*[100,000]*~~ ***20,000 must receive a salary of*** ~~*[$115 for each meeting of the board he attends, not to exceed $345]*~~ ***$250 per month.***

2. Each member of the board of trustees of a school district in a county whose population is 20,000 or more but less than 100,000 ~~*[or more]*~~ ***must receive a salary of*** ~~*[$2,000]*~~ ***$400 per month.***

3. Each member of the board of trustees of a school in a county whose population is 100,000 or more must receive a salary of $750 per month.

4. A member of the board of trustees of a school district who receives a salary pursuant to this section may:

(a) Donate all or a part of the monthly salary that he receives to a school within the school district or to the school district; or

(b) In lieu of making a donation after he receives the salary, request that all or a part of his monthly salary be paid directly to a school within the school district or to the school district.

~~*[4.]*~~ ***5.*** The board of trustees may hire a stenographer to take the minutes of the meetings of the board of trustees, and the stenographer may be paid a reasonable fee for each meeting attended.

~~[2. If the total pupil enrollment in the school district for the immediately preceding school year is 1,000 or more:~~

~~(a) The clerk and president of the board of trustees may each receive a salary of $85 for each board of trustees meeting they attend, not to exceed $510 a month.~~

~~(b) The other trustees may each receive a salary of $80 for each board of trustees meeting they attend, not to exceed $480 a month.~~

~~(c) The board of trustees may hire a stenographer to take the minutes of the meetings of the board of trustees, and the stenographer may be paid a reasonable fee for each meeting attended.]~~

Sec. 3. NRS 387.310 is hereby amended to read as follows:

387.310 1. Except as otherwise provided by the board of trustees, the clerk of the board shall draw all orders for the payment of money belonging to the school district. The orders must be listed on cumulative voucher sheets.

2. The board of trustees shall prescribe the procedures by which the orders must be approved and the cumulative voucher sheets signed. The procedures must provide:

(a) That the approval of the board of trustees is required before orders are paid unless a payment must be expedited for the school district to:

(1) Receive a discount or other savings which is related to the timeliness of payment;

(2) Avoid a service charge or other cost which is related to the timeliness of payment; or

(3) Abide by a purchase order, contract or other order for payment which has been approved by the board of trustees at a public meeting.

(b) For ratification by the board of trustees at its next regularly scheduled meeting of any payment that is made without the approval of the board pursuant to an exception set forth in paragraph (a).

3. When the orders have been approved and the cumulative voucher sheets have been signed in accordance with such procedures, the orders are valid vouchers in the hands of the county auditor for him to issue warrants on the county treasurer to be paid out of money belonging to the school district.

4. No order in favor of the board of trustees or any member thereof, except for salaries as ~~[authorized]~~ ***required*** by NRS 386.320 ~~[, authorized]~~ ***or*** travel expenses and subsistence ~~[of trustees or for services of any trustee as clerk of the board,]~~ ***as authorized by NRS 386.290,*** may be drawn.

5. No order for salary for any teacher may be drawn unless the teacher is included in the directory of teachers supplied to the clerk of the board of trustees pursuant to the provisions of NRS 391.045.

6. An order drawn by a clerk of a board of trustees pursuant to subsection 1 is void if not presented for payment within 1 year after the date of issuance.

7. Any order remaining unpaid after the expiration of 1 year, whether outstanding or uncalled for in the office of the county auditor, must be cancelled by the county auditor, who shall immediately notify the county treasurer of the cancellation. The county treasurer shall not pay a warrant presented for payment more than 1 year after the date of issuance of such an order. This subsection does not apply if the board of trustees establishes and administers a separate account pursuant to NRS 354.603.

Sec. 4. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district shall adopt a policy that sets forth procedures and conditions for a program to engage administrators employed by the school district at the district level in annual classroom instruction, observation and other activities in a manner that is appropriate for the responsibilities, position and duties of the administrators. The policy must require each administrator employed by the school district at the district level to:

(a) If he holds a license to teach, provide instruction in a core academic subject in a classroom for at least 1 regularly scheduled full instructional day in each school year; or

(b) If he does not hold a license to teach:

(1) Personally observe a classroom for at least one-half of a regularly scheduled full instructional day in each school year; or

(2) Otherwise participate in activities with pupils in the classroom in each school year, including, without limitation, serving as a guest speaker in the classroom, reading to pupils in elementary school and participating in career day.

2. A district level administrator may choose a school within the school district at which he will carry out the requirements of this section.

3. An administrator who provides instruction pursuant to paragraph (a) of subsection 1 must be assigned as a substitute teacher for the full instructional day in which he carries out the requirements of this section.

4. The provisions of this section do not apply to administrators who are employed by a school district to provide administrative service at the school level, including, without limitation, a principal or vice principal.

5. As used in this section, "core academic subject" means the core academic subjects designated pursuant to NRS 389.018.

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 391.3125 is hereby amended to read as follows:

391.3125 1. It is the intent of the Legislature that a uniform system be developed for objective evaluation of teachers and other licensed personnel in each school district.

2. Each board, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations in narrative form. The policy must set forth a means according to which an employee's overall performance may be determined to be satisfactory or unsatisfactory. The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. In a similar manner, counselors, librarians and other licensed personnel must be evaluated on forms developed specifically for their respective specialties. A copy of the policy adopted by the board must be filed with the Department. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

3. A conference and a written evaluation for a probationary employee must be concluded ~~[no]~~ ***not*** later than:

(a) December 1;

(b) February 1; and

(c) April 1,

➥ of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board. ***An administrator charged with the evaluation of a probationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 45 consecutive minutes.***

4. Whenever an administrator charged with the evaluation of a probationary employee believes the employee will not be reemployed for the second year of the probationary period or the school year following the probationary period, he shall bring the matter to the employee's attention in a written document which is separate from the evaluation ~~[no]~~ ***not*** later than ~~[February 15]~~ ***March 1*** of the current school year. The notice must include the reasons for the potential decision not to reemploy or refer to the evaluation in which the reasons are stated. Such a notice is not required if the probationary employee has received a letter of admonition during the current school year.

5. Each postprobationary teacher must be evaluated at least once each year. ***An administrator charged with the evaluation of a postprobationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 30 consecutive minutes.***

6. The evaluation of a probationary teacher or a postprobationary teacher must ~~[, if]~~ ***include, without limitation:***

(a) An evaluation of the classroom management skills of the teacher;

(b) A review of the lesson plans and the work log or grade book of pupils prepared by the teacher;

(c) An evaluation of whether the curriculum taught by the teacher is aligned with the standards of content and performance established pursuant to NRS 389.520, as applicable for the grade level taught by the teacher;

(d) An evaluation of whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic diversity, the needs of pupils enrolled in advanced courses of study and the needs of pupils who are limited English proficient;

(e) If necessary, ~~[include]~~ recommendations for improvements in ~~[his]~~ ***the*** performance ~~[. A reasonable effort must be made to assist the teacher to correct any deficiencies noted in the evaluation.]~~ ***of the teacher;***

(f) A description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation; and

(g) A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.

7. The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. ***Upon the request of a teacher, a reasonable effort must be made to assist the teacher to correct those deficiencies reported in the evaluation of the teacher for which the teacher requests assistance.***

Sec. 9. NRS 391.313 is hereby amended to read as follows:

391.313 1. Whenever an administrator charged with supervision of a licensed employee believes it is necessary to admonish the employee for a reason that he believes may lead to demotion ~~[,]~~ ***or*** dismissal or ***may*** cause the employee not to be reemployed under the provisions of NRS 391.312, he shall:

(a) Except as otherwise provided in subsection ~~[2,]~~ ***3,*** bring the matter to the attention of the employee involved, in writing, stating the reasons for the admonition and that it may lead to his demotion, dismissal or a refusal to reemploy him, and make a reasonable effort to assist the employee to correct whatever appears to be the cause for his potential demotion, dismissal or a potential recommendation not to reemploy him; and

(b) Except as otherwise provided in NRS 391.314, allow reasonable time for improvement, which must not exceed 3 months for the first admonition.

➥ ***The admonition must include a description of the deficiencies of the teacher and the action that is necessary to correct those deficiencies.***

2. An admonition issued to a licensed employee who, within the time granted for improvement, has met the standards set for him by the administrator who issued the admonition must be removed from the records of the employee together with all notations and indications of its having been issued. The admonition must be removed from the records of the employee not later than 3 years after it is issued.

~~[2.]~~ ***3.*** An administrator need not admonish an employee pursuant to paragraph (a) of subsection 1 if his employment will be terminated pursuant to NRS 391.3197. If by ~~[February 15]~~ ***March 1*** of the first or second year of his probationary period a probationary employee does not receive a written notice pursuant to subsection 4 of NRS 391.3125 of a potential decision not to reemploy him, he must receive an admonition before any such decision is made.

~~[3.]~~ ***4.*** A licensed employee is subject to immediate dismissal or a refusal to reemploy according to the procedures provided in NRS 391.311 to 391.3197, inclusive, without the admonition required by this section, on grounds contained in paragraphs (b), (f), (g), (h) and (p) of subsection 1 of NRS 391.312.

Sec. 10. NRS 391.3197 is hereby amended to read as follows:

391.3197 1. A probationary employee is employed on a contract basis for two 1-year periods and has no right to employment after either of the two probationary contract years.

2. The board shall notify each probationary employee in writing on or before May 1 of the first and second school years of his probationary period, as appropriate, whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. The employee must advise the board in writing on or before May 10 of the first or second year of his probationary period, as appropriate, of his acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify him in writing, in both the first and second years of his probationary period, no later than 45 days before his last day of work for the year under his contract whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. He must advise the board in writing within 10 days after the date of notification of his acceptance or rejection of reemployment for another year. Failure to advise the board of his acceptance of reemployment constitutes rejection of the contract.

3. A probationary employee who completes his 2-year probationary period and receives a notice of reemployment from the school district in the second year of his probationary period is entitled to be a postprobationary employee in the ensuing year of employment.

4. ~~[A]~~ ***If a*** probationary employee ~~[who receives an unsatisfactory evaluation]~~ ***receives notice pursuant to subsection 4 of NRS 391.3125 not later than March 1 of a potential decision not to reemploy him, the employee*** may request a supplemental evaluation by another administrator in

the school district selected by him and the superintendent. If a school district has five or fewer administrators, the supplemental evaluator may be an administrator from another school district in ~~[the]~~ ***this*** State. If a probationary employee has received during the first school year of his probationary period three evaluations which state that the employee's overall performance has been satisfactory, the superintendent of schools of the school district or his designee shall waive the second year of the employee's probationary period by expressly providing in writing on the final evaluation of the employee for the first probationary year that the second year of his probationary period is waived. Such an employee is entitled to be a postprobationary employee in the ensuing year of employment.

5. If a probationary employee is notified that he will not be reemployed for the second year of his probationary period or the ensuing school year, his employment ends on the last day of the current school year. The notice that he will not be reemployed must include a statement of the reasons for that decision.

6. A new employee or a postprobationary teacher who is employed as an administrator shall be deemed to be a probationary employee for the purposes of this section and must serve a 2-year probationary period as an administrator in accordance with the provisions of this section. If the administrator does not receive an unsatisfactory evaluation during the first year of probation, the superintendent or his designee shall waive the second year of the administrator's probationary period. Such an administrator is entitled to be a postprobationary employee in the ensuing year of employment. If:

(a) A postprobationary teacher who is an administrator is not reemployed as an administrator after either year of his probationary period; and

(b) There is a position as a teacher available for the ensuing school year in the school district in which the person is employed,

➥ the board of trustees of the school district shall, on or before May 1, offer the person a contract as a teacher for the ensuing school year. The person may accept the contract in writing on or before May 10. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.

7. An administrator who has completed his probationary period pursuant to subsection 6 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the additional probationary period, the board of trustees of the school district in which the person is employed shall, on or before May 1, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10. If the person fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.

8. Before dismissal, the probationary employee is entitled to a hearing before a hearing officer which affords due process as set out in NRS 391.311 to 391.3196, inclusive.

Sec. 11. On or before February 1, 2008, the board of trustees of each school district shall submit a copy of the program to engage administrators in annual classroom instruction, observation and other activities adopted by the school district pursuant to section 4 of this act to the Legislative Committee on Education and to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

Sec. 12. Notwithstanding the provisions of NRS 386.320, as amended by section 2 of this act, to the contrary, the salaries of the members of the board of trustees of a school district are not required to be increased pursuant to that section until ~~[July 1, 2008.]~~ **January 1, 2009. The board of trustees of a school district may, by affirmative vote, provide for the increase of salaries pursuant to NRS 386.320, as amended by section 2 of this act, before January 1, 2009.**

Sec. 13. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 14. This act becomes effective on July 1, 2007.

Assemblyman Segerblom moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 328.

Remarks by Assemblyman Segerblom.

Motion carried by a constitutional majority.

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 529, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 985 of the Assembly be concurred in.

PEGGY PIERCE	MAURICE WASHINGTON
SUSAN GERHARDT	JOYCE WOODHOUSE
JOE HARDY	JOSEPH HECK
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman Pierce moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 529.

Remarks by Assemblywoman Pierce.

Motion carried by a constitutional majority.

Madam Speaker:

The first Conference Committee concerning Assembly Bill No. 396, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment Nos. 910, 978, 1002 and 1024 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 19, which is attached to and hereby made a part of this report.

WILLIAM HORNE	WARREN HARDY
FRANCIS ALLEN	MICHAEL SCHNEIDER
DAVID PARKS	JOSEPH HECK
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA19.

ASSEMBLYMEN HORNE, ALLEN**, PARKS AND GERHARDT; JOINT SPONSORS: SENATORS HARDY, SCHNEIDER AND HECK**

AN ACT relating to common-interest communities; **revising provisions governing restrictions on the use of systems for obtaining solar or wind energy;** requiring a member of an executive board who stands to profit personally from a matter before the board to disclose and abstain from voting on the matter; **revising the provisions governing the regulation of certain streets in common-interest communities; revising provisions concerning voting rights exercised by delegates or representatives;** prohibiting an association in a common-interest community from imposing an assessment against the owners of certain tax-exempt property; **providing that a foreclosure on a unit is subject to an equity or right of redemption;** providing that official publications related to issues of official interest must provide equal space for opposing views and opinions; ~~[revising the provisions governing the regulation of certain streets in certain common-interest communities;]~~ **requiring applicants for a certificate for the management of a common-interest community to post certain bonds;** making various other changes to the provisions governing common-interest communities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a covenant, restriction or condition in a deed, contract or other legal instrument cannot unreasonably restrict the use of a system for obtaining solar or wind energy. (NRS 111.239, 278.0208) Sections 1 and ~~[41]~~ **43** of this bill specify ~~[how to determine if a restriction significantly decreases the efficiency or performance of such a system and places the burden on the property owner to show such a decrease.]~~ **the circumstances under which a specification regarding the color of such a system is enforceable.**

Section 3 of this bill provides additional ethical requirements for members of an executive board by requiring a member who stands to gain any personal profit or compensation from a matter before the executive board to disclose the matter to the executive board and to abstain from voting on the matter. (NRS 116.31185, 116.31187)

Section 3.5 of this bill: (1) states that the provisions of chapter 116 of NRS do not modify the tariffs, rules and standards of a public utility; and (2) provides that the governing documents of an association must be consistent and not conflict with the tariffs, rules and standards of a public utility.

Existing law provides that certain common-interest communities are prohibited from regulating motor vehicles on thoroughfares accepted by the State or local governments for public use. (NRS 116.350) Section 4 of this bill prohibits a common-interest community from restricting the operation of motorcycles. Section 5 of this bill prohibits a common-interest community from using information from radar guns as the basis for a fine or penalty.

Under existing law, a common-interest community created before January 1, 1992, and a common-interest community, with a declaration so providing, that consists of at least 1,000 units, may have the voting rights of the units' owners in the association for that common-interest community be exercised by delegates or representatives. (NRS 116.1201, 116.31105) Sections 6.3, 13, 13.5, 15.5, 16.5 and 20.3 of this bill prohibit the use of delegates or representatives to exercise the voting rights of units' owners in the election or removal of a member of the executive board. Also, sections 6.7 and 20.7 of this bill provide that this form of voting may occur only during the period that the declarant is in control of the association and during the 2-year period after the declarant's control of the association is terminated. However, a master association which governs a time-share plan created pursuant to chapter 119A of NRS is excluded from these new provisions and is allowed to continue using delegates or representatives to exercise the voting rights of owners of time shares.

Existing law provides that the declaration of a common-interest community must contain certain information. (NRS 116.2105) Section 7.5 of this bill provides that the declaration must contain information concerning: (1) any restrictions on the ability of a unit's owner to rent or lease his unit; and (2) the specific obligations, duties and responsibilities of the association with respect to the maintenance, repair and replacement of specific common elements, specific limited common elements and other specific areas within the common-interest community.

Existing law sets forth the provisions governing the ability of a unit's owner to make alterations to his unit. (NRS 116.2111) Section 8.5 of this bill provides that an association may not unreasonably restrict, prohibit or withhold approval for a unit's owner to add shutters that change the appearance of a window, exterior or interior wall, roof or other surface which is not part of his unit, which is a common element or limited common element and which is adjoining or in close proximity to his unit.

Section 10 of this bill prohibits an association from imposing an assessment against the owner of any property in the common-interest community that is exempt from taxation pursuant to NRS 361.125. Section 48 of this bill provides that this prohibition applies to such owners who are not obligated to pay assessments as of January 1, 2007.

Section 11 of this bill ~~[adds community managers of common-interest communities as persons whose health, safety and welfare may be threatened~~

~~by violations of a unit owners' association's governing documents, authorizing the imposition of fines. (NRS 116.31031) This section also]~~ provides that **: (1)** a unit's owner must receive notice of a violation and possible fine ~~[, that]~~ **; (2) an association may not impose a fine against a unit's owner or tenant of a unit's owner for a vehicular violation of the governing documents committed by a person delivering goods to, or performing services for, a unit's owner or tenant of a unit's owner; (3)** a member of the executive board cannot participate in hearings on fines if he has not paid his assessments **;** and ~~[that]~~ **(4)** the association must provide written confirmation when a fine is paid. **(NRS 116.31031)**

Section 12 of this bill establishes priorities for the application of a unit owner's payments against assessments and fines, unless the unit's owner has stated in writing that no portion of the payment is to be applied against fines or costs related thereto. (NRS 116.310315)

Section 13 of this bill amends existing law to increase the maximum term of office for a member of an executive board from 2 years to 3 years. (NRS 116.31034) ~~[Section 13 authorizes candidates for the executive board to be elected without balloting when the number of candidates is less than or equal to the number of members to be elected. (NRS 116.31034)]~~ Section 13 also adds items which candidates must disclose to units' owners in advance of the election, whether or not an election is to be held with balloting. (NRS 116.31034)

Section 14 of this bill requires that a declarant deliver to an association an ancillary audit of the association's money and audited financial statements from the date of the last audit until the date the declarant's control ends. (NRS 116.31038) Section 14 also requires the declarant to pay for the costs of the ancillary audit. (NRS 116.31038)

Sections 14, 23, 33-35 and 37-42 of this bill eliminate the issuance of permits to reserve study specialists and instead provide for their registration. (NRS 116.31038, 116.750, 116A.120, 116A.260 and 116A.420-116A.900)

Section 16 of this bill lengthens the period between which meetings of the executive board must be held from every 90 days to every quarter, but not less than every 100 days. (NRS 116.31083) ~~[Section 16 also provides that if the sole purpose of a meeting is for the executive board to meet in executive session under certain circumstances, notice need not be provided. (NRS 116.31083)]~~

Section 21 of this bill revises ~~[existing]~~ provisions relating to financial statements ~~[by allowing the Commission on Common-Interest Communities to waive the qualification requirements of auditors]~~ for certain associations. (NRS 116.31144)

Section 22 of this bill permits the executive board to impose certain assessments for the purpose of funding a reserve without a vote of the units' owners under certain circumstances. (NRS 116.3115)

Section 23 of this bill establishes the criteria for evaluating the adequacy of the reserves of an association. (NRS 116.31152)

Existing law requires certain signatures before money in the reserve account of an association may be withdrawn. (NRS 116.31153) Section 23.3 of this bill also requires certain signatures before money in the operating account of an association may be withdrawn.

Section 23.7 of this bill changes existing law to provide that the sale of a unit as a result of a foreclosure of a lien is subject to an equity or right of redemption. (NRS 116.31166)

Section 28 of this bill excludes the books, records and other papers of the association which are in the process of being developed and have not yet been placed on an agenda for final approval by the executive board from the material which the board must make available upon the written request of a unit's owner. (NRS 116.31175) Section 28 also provides that if an official publication contains the views or opinions of the association concerning an issue of official interest, the official publication must, upon request, provide equal space and equivalent exposure to opposing views and opinions. In addition, section 28 provides that if an official publication contains any mention of a candidate or ballot question, the official publication must provide equal space in the same issue to the candidate or a representative of an organization which advocates the passage or defeat of the ballot question.

Section 29 of this bill revises existing law by including financing as a prohibited activity for members of the executive board and officers. (NRS 116.31187)

Existing law provides that except as otherwise provided in the declaration, an association may not require a unit's owner to secure or obtain any approval from the association in order to rent or lease his unit. (NRS 116.335) Section 29.5 of this bill provides that unless at the time a unit's owner purchases his unit, the declaration prohibited the unit's owner from renting or leasing his unit or required the unit's owner to secure or obtain any approval from the association in order to rent or lease his unit, the association may not: (1) prohibit the unit's owner from renting or leasing his unit; or (2) require the unit's owner to secure or obtain any approval from the association in order to rent or lease his unit.

Section 30 of this bill provides additional rights to units' owners by mandating notice before an association may interrupt utility service to a unit's owner. (NRS 116.345)

Existing law provides that certain common-interest communities are prohibited from regulating motor vehicles on thoroughfares accepted by the State or local governments for public use. (NRS 116.350) Section 31 of this bill ~~[permits an association to restrict parking on such thoroughfares if the parking prohibition was a condition for approval of the subdivision's final map or included in the terms of a zoning ordinance, permit or approval. (NRS 116.350) Section 31 also adds inoperable vehicles to the types of vehicles for which an association may restrict parking or storage in a common-interest community. (NRS 116.350) Finally, section 31]~~ prohibits a

common-interest community from restricting the parking of certain utility service vehicles, law enforcement vehicles and emergency services vehicles.

Existing law provides that an association may charge certain fees for furnishing certain documents and certificates in connection with the resale of a unit. (NRS 116.4109) Section 31.5 of this bill provides that if the association enters into a contract or agreement with any person or entity to furnish such documents or certificates, the contract or agreement must not allow a unit's owner to be charged any fee that exceeds the amount of the fee that the association itself may charge. Additionally, section 31.5 provides that an association may not charge a unit's owner, and may not require a unit's owner to pay, any fee related to the resale of a unit that is not specifically authorized, including, without limitation, any transaction fee, transfer fee or other similar fee.

Section 32 of this bill deems deposits made in connection with the purchase or reservation of units from a person required to deliver a public offering statement placed in out-of-state escrow companies as being deposited in this State if the escrow holder has a legal right to conduct business in the State, has a resident agent in this State and has consented to the jurisdiction of the courts of this State. (NRS 116.411)

Section 36 of this bill provides for the issuance of temporary certificates for community managers for a period of 1 year under certain circumstances. **In addition, section 36 requires the posting of bonds by community managers in an amount established by regulation, based on a sliding scale.** (NRS 116A.410)

~~[Section 44 of this bill excludes certain unit owners' associations from the definition of "business" for the purposes of requiring business licenses. (NRS 360.765)]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 111.239 is hereby amended to read as follows:

111.239 1. ~~[Any]~~ ***Except as otherwise provided in subsection 2, any*** covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer, sale or any other interest in real property that prohibits or unreasonably restricts the owner of the property from using a system for obtaining solar or wind energy on his property is void and unenforceable.

2. ~~*[The owner of the property has the burden of showing that a restriction or requirement on the use of such a system significantly decreases the efficiency or performance of the system.]*~~ ***A covenant, restriction or condition contained in the governing documents of a common-interest community or a policy established by a common-interest community specifying the color of such a system is enforceable so long as such a system is manufactured in such color and the specification was:***

(a) In existence on July 1, 2007; or

(b) Contained in the governing documents in effect on the close of escrow of the first sale of a unit in the common-interest community.

3. For the purposes of this section ~~[~~, "unreasonably"~~]~~ ***:***

(a) ~~*[“Significantly decreases the efficiency or performance of the system” means a decrease of 20 percent or more in the efficiency or performance of the system.]*~~ ***“Common-interest community” has the meaning ascribed to it in NRS 116.021.***

(b) ”Governing documents” has the meaning ascribed to it in NRS 116.049.

(c) ”Unit” has the meaning ascribed to it in NRS 116.093.

(d) ”Unreasonably restricts the use of a system for obtaining solar or wind energy" means placing a restriction or requirement on the use of such a system which significantly decreases the efficiency or performance of the system and does not allow for the use of an alternative system at a comparable cost and with comparable efficiency and performance.

Sec. 2. Chapter 116 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 5, inclusive, of this act.

Sec. 3. ***1. A member of an executive board who stands to gain any personal profit or compensation of any kind from a matter before the executive board shall:***

(a) Disclose the matter to the executive board; and

(b) Abstain from voting on any such matter.

2. For the purposes of this section, an employee of a declarant or an affiliate of a declarant who is a member of the executive board shall not, solely by reason of such employment or affiliation, be deemed to gain any personal profit or compensation.

Sec. 3.5. ***1. The provisions of this chapter do not invalidate or modify the tariffs, rules and standards of a public utility.***

2. The governing documents of an association must be consistent and not conflict with the tariffs, rules and standards of a public utility. Any provision of the governing documents which conflicts with the tariffs, rules and standards of a public utility is void and may not be enforced against a purchaser.

3. As used in this section, “public utility” has the meaning ascribed to it in NRS 704.020.

Sec. 4. ***1. The executive board of a common-interest community shall not, and the governing documents of a common-interest community must not, restrict, prohibit or otherwise impede the operation of a motorcycle if the motorcycle is operated on any road, street, alley or other surface intended for use by a motor vehicle.***

2. The provisions of this section do not preclude the governing documents of a common-interest community from reasonably restricting the parking or storage of a motorcycle to the extent authorized by law.

3. As used in this section, "motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground which is required to be registered pursuant to chapter 482 of NRS.

Sec. 5. ***1. A member of the executive board of a common-interest community, a community manager for the common-interest community and any other representative of the association shall not use a radar gun or other device designed to gauge the speed of a vehicle for the purpose of imposing any fine or other penalty upon or taking any other action against a unit's owner or other person.***

2. The executive board of a common-interest community shall not impose any fine or other penalty upon or take any other action against a unit's owner or other person based on the results of any test conducted using a radar gun or other device designed to gauge the speed of a vehicle.

3. The governing documents of a common-interest community must not authorize the executive board or any other person to impose any fine or other penalty upon or take any other action against a unit's owner or other person based on the results of any test conducted using a radar gun or other device designed to gauge the speed of a vehicle.

Sec. 6. NRS 116.021 is hereby amended to read as follows:

116.021 ***1.*** "Common-interest community" means real estate with respect to which a person, by virtue of his ownership of a unit, is obligated to pay for real estate other than that unit. ~~["Ownership]~~

2. As used in this section, "ownership of a unit" does not include holding a leasehold interest of less than 20 years in a unit, including options to renew.

3. For the purposes of determining whether real estate is a "common-interest community" pursuant to this section, the fact that the real estate is subject to covenants, conditions or restrictions is not relevant or determinative.

Sec. 6.3. **NRS 116.1201 is hereby amended to read as follows:**

116.1201 1. Except as otherwise provided in this section and NRS 116.1203, this chapter applies to all common-interest communities created within this State.

2. This chapter does not apply to:

(a) A limited-purpose association, except that a limited-purpose association:

(1) Shall pay the fees required pursuant to NRS 116.31155;

(2) Shall register with the Ombudsman pursuant to NRS 116.31158;

(3) Shall comply with the provisions of:

(I) NRS 116.31038, 116.31083 and 116.31152; and

(II) NRS 116.31075, if the limited-purpose association is created for a rural agricultural residential common-interest community;

(4) Shall comply with the provisions of NRS 116.4101 to 116.412, inclusive, as required by the regulations adopted by the Commission pursuant to paragraph (b) of subsection 5; and

(5) Shall not enforce any restrictions concerning the use of units by the units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.

(b) A planned community in which all units are restricted exclusively to nonresidential use unless the declaration provides that this chapter does apply to that planned community. This chapter applies to a planned community containing both units that are restricted exclusively to nonresidential use and other units that are not so restricted only if the declaration so provides or if the real estate comprising the units that may be used for residential purposes would be a planned community in the absence of the units that may not be used for residential purposes.

(c) Common-interest communities or units located outside of this State, but the provisions of NRS 116.4102 to 116.4108, inclusive, apply to all contracts for the disposition thereof signed in this State by any party unless exempt under subsection 2 of NRS 116.4101.

(d) A common-interest community that was created before January 1, 1992, is located in a county whose population is less than 50,000, and has less than 50 percent of the units within the community put to residential use, unless a majority of the units' owners otherwise elect in writing.

(e) Except as otherwise provided in this chapter, time shares governed by the provisions of chapter 119A of NRS.

3. The provisions of this chapter do not:

(a) Prohibit a common-interest community created before January 1, 1992, from providing for separate classes of voting for the units' owners;

(b) Require a common-interest community created before January 1, 1992, to comply with the provisions of NRS 116.2101 to 116.2122, inclusive;

(c) Invalidate any assessments that were imposed on or before October 1, 1999, by a common-interest community created before January 1, 1992; ~~[or]~~

(d) Prohibit a common-interest community created before January 1, 1992, or a common-interest community described in NRS 116.31105 from providing for a representative form of government ~~[.]~~ ***, except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives; or***

(e) Prohibit a master association which governs a time-share plan created pursuant to chapter 119A of NRS from providing for a representative form of government for the time-share plan.

4. The provisions of chapters 117 and 278A of NRS do not apply to common-interest communities.

5. The Commission shall establish, by regulation:

(a) The criteria for determining whether an association, a limited-purpose association or a common-interest community satisfies the requirements for an exemption or limited exemption from any provision of this chapter; and

(b) The extent to which a limited-purpose association must comply with the provisions of NRS 116.4101 to 116.412, inclusive.

6. As used in this section, "limited-purpose association" means an association that:

(a) Is created for the limited purpose of maintaining:

(1) The landscape of the common elements of a common-interest community;

(2) Facilities for flood control; or

(3) A rural agricultural residential common-interest community; and

(b) Is not authorized by its governing documents to enforce any restrictions concerning the use of units by units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.

Sec. 6.7. **NRS 116.1201 is hereby amended to read as follows:**

116.1201 1. Except as otherwise provided in this section and NRS 116.1203, this chapter applies to all common-interest communities created within this State.

2. This chapter does not apply to:

(a) A limited-purpose association, except that a limited-purpose association:

(1) Shall pay the fees required pursuant to NRS 116.31155;

(2) Shall register with the Ombudsman pursuant to NRS 116.31158;

(3) Shall comply with the provisions of:

(I) NRS 116.31038, 116.31083 and 116.31152; and

(II) NRS 116.31075, if the limited-purpose association is created for a rural agricultural residential common-interest community;

(4) Shall comply with the provisions of NRS 116.4101 to 116.412, inclusive, as required by the regulations adopted by the Commission pursuant to paragraph (b) of subsection 5; and

(5) Shall not enforce any restrictions concerning the use of units by the units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.

(b) A planned community in which all units are restricted exclusively to nonresidential use unless the declaration provides that this chapter does apply to that planned community. This chapter applies to a planned community containing both units that are restricted exclusively to nonresidential use and other units that are not so restricted only if the declaration so provides or if the real estate comprising the units that may be used for residential purposes would be a planned community in the absence of the units that may not be used for residential purposes.

(c) Common-interest communities or units located outside of this State, but the provisions of NRS 116.4102 to 116.4108, inclusive, apply to all contracts for the disposition thereof signed in this State by any party unless exempt under subsection 2 of NRS 116.4101.

(d) A common-interest community that was created before January 1, 1992, is located in a county whose population is less than 50,000, and has less than 50 percent of the units within the community put to

residential use, unless a majority of the units' owners otherwise elect in writing.

(e) Except as otherwise provided in this chapter, time shares governed by the provisions of chapter 119A of NRS.

3. The provisions of this chapter do not:

(a) Prohibit a common-interest community created before January 1, 1992, from providing for separate classes of voting for the units' owners;

(b) Require a common-interest community created before January 1, 1992, to comply with the provisions of NRS 116.2101 to 116.2122, inclusive;

(c) Invalidate any assessments that were imposed on or before October 1, 1999, by a common-interest community created before January 1, 1992;

(d) ~~[Prohibit]~~ ***Except as otherwise provided in subsection 8 of NRS 116.31105, prohibit*** a common-interest community created before January 1, 1992, or a common-interest community described in NRS 116.31105 from providing for a representative form of government, except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives; or

(e) Prohibit a master association which governs a time-share plan created pursuant to chapter 119A of NRS from providing for a representative form of government for the time-share plan.

4. The provisions of chapters 117 and 278A of NRS do not apply to common-interest communities.

5. The Commission shall establish, by regulation:

(a) The criteria for determining whether an association, a limited-purpose association or a common-interest community satisfies the requirements for an exemption or limited exemption from any provision of this chapter; and

(b) The extent to which a limited-purpose association must comply with the provisions of NRS 116.4101 to 116.412, inclusive.

6. As used in this section, "limited-purpose association" means an association that:

(a) Is created for the limited purpose of maintaining:

(1) The landscape of the common elements of a common-interest community;

(2) Facilities for flood control; or

(3) A rural agricultural residential common-interest community; and

(b) Is not authorized by its governing documents to enforce any restrictions concerning the use of units by units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.

Sec. 7. (Deleted by amendment.)

Sec. 7.5. **NRS 116.2105 is hereby amended to read as follows:**

116.2105 1. The declaration must contain:

(a) The names of the common-interest community and the association and a statement that the common-interest community is either a condominium, cooperative or planned community;

(b) The name of every county in which any part of the common-interest community is situated;

(c) A sufficient description of the real estate included in the common-interest community;

(d) A statement of the maximum number of units that the declarant reserves the right to create;

(e) In a condominium or planned community, a description of the boundaries of each unit created by the declaration, including the unit's identifying number or, in a cooperative, a description, which may be by plats or plans, of each unit created by the declaration, including the unit's identifying number, its size or number of rooms, and its location within a building if it is within a building containing more than one unit;

(f) A description of any limited common elements, other than those specified in subsections 2 and 4 of NRS 116.2102, as provided in paragraph (g) of subsection 2 of NRS 116.2109 and, in a planned community, any real estate that is or must become common elements;

(g) A description of any real estate, except real estate subject to developmental rights, that may be allocated subsequently as limited common elements, other than limited common elements specified in subsections 2 and 4 of NRS 116.2102, together with a statement that they may be so allocated;

(h) A description of any developmental rights and other special declarant's rights reserved by the declarant, together with a legally sufficient description of the real estate to which each of those rights applies, and a time within which each of those rights must be exercised;

(i) If any developmental right may be exercised with respect to different parcels of real estate at different times, a statement to that effect together with:

(1) Either a statement fixing the boundaries of those portions and regulating the order in which those portions may be subjected to the exercise of each developmental right or a statement that no assurances are made in those regards; and

(2) A statement whether, if any developmental right is exercised in any portion of the real estate subject to that developmental right, that developmental right must be exercised in all or in any other portion of the remainder of that real estate;

(j) Any other conditions or limitations under which the rights described in paragraph (h) may be exercised or will lapse;

(k) An allocation to each unit of the allocated interests in the manner described in NRS 116.2107;

(l) Any restrictions:

(1) On use, occupancy and alienation of the units ~~[;]~~ ***, including, without limitation, a clear and conspicuous statement written in plain English, in bold type and in a font that is easy to read indicating whether a unit's owner is prohibited from renting or leasing his unit and whether a***

unit's owner is required to secure or obtain any approval from the association in order to rent or lease his unit; and

(2) On the amount for which a unit may be sold or on the amount that may be received by a unit's owner on sale, condemnation or casualty to the unit or to the common-interest community, or on termination of the common-interest community;

(m) ***A statement written in plain English:***

(1) Describing the provisions of NRS 116.3107 pertaining to the responsibility of the association for maintenance, repair and replacement of the common elements and the responsibility of each unit's owner for maintenance, repair and replacement of his unit; and

(2) Identifying and describing the specific obligations, duties and responsibilities of the association with respect to the maintenance, repair and replacement of specific common elements, specific limited common elements and other specific areas within the common-interest community and identifying and describing any limitations or restrictions on such obligations, duties and responsibilities of the association;

(n) The file number and book or other information to show where easements and licenses are recorded appurtenant to or included in the common-interest community or to which any portion of the common-interest community is or may become subject by virtue of a reservation in the declaration; and

~~[(n)]~~ ***(o)*** All matters required by NRS 116.2106 to 116.2109, inclusive, 116.2115 and 116.2116 and 116.31032.

2. The declaration may contain any other matters the declarant considers appropriate.

Sec. 8. (Deleted by amendment.)

Sec. 8.5. **NRS 116.2111 is hereby amended to read as follows:**

116.2111 1. Except as otherwise provided in this section and subject to the provisions of the declaration and other provisions of law, a unit's owner:

(a) May make any improvements or alterations to his unit that do not impair the structural integrity or mechanical systems or lessen the support of any portion of the common-interest community;

(b) May not change the appearance of the common elements, or the exterior appearance of a unit or any other portion of the common-interest community, without permission of the association; and

(c) After acquiring an adjoining unit or an adjoining part of an adjoining unit, may remove or alter any intervening partition or create apertures therein, even if the partition in whole or in part is a common element, if those acts do not impair the structural integrity or mechanical systems or lessen the support of any portion of the common-interest community. Removal of partitions or creation of apertures under this paragraph is not an alteration of boundaries.

2. An association may not:

(a) Unreasonably restrict, prohibit or otherwise impede the lawful rights of a unit's owner to have reasonable access to his unit.

(b) Unreasonably restrict, prohibit or withhold approval for a unit's owner to add to a unit:

(1) Improvements such as ramps, railings or elevators that are necessary to improve access to the unit for any occupant of the unit who has a disability;

(2) Additional locks to improve the security of the unit;

(3) Shutters to improve the security of the unit or to reduce the costs of energy for the unit; or

(4) A system that uses wind energy to reduce the costs of energy for the unit if the boundaries of the unit encompass 2 acres or more within the common-interest community.

(c) With regard to approving or disapproving any improvement or alteration made to a unit, act in violation of any state or federal law.

3. Any improvement or alteration made pursuant to subsection 2 that is visible from any other portion of the common-interest community must be installed, constructed or added in accordance with the procedures set forth in the governing documents of the association and must be selected or designed to the maximum extent practicable to be compatible with the style of the common-interest community.

4. ***An association may not unreasonably restrict, prohibit or withhold approval for a unit's owner to add shutters, including, without limitation, rolling shutters, and change the appearance of a window, exterior or interior wall, roof or other surface which is not part of his unit, which is a common element or limited common element and which is adjoining or in close proximity to his unit. If a unit's owner adds shutters pursuant to this subsection, the unit's owner is responsible for the maintenance of the shutters. For the purposes of this subsection, a covenant, restriction or condition which does not unreasonably restrict the addition of shutters and which is contained in the governing documents of a common-interest community or a policy established by a common-interest community is enforceable so long as the covenant, condition or restriction was:***

(a) In existence on July 1, 2007; or

(b) Contained in the governing documents in effect on the close of escrow of the first sale of a unit in the common-interest community.

5. A unit's owner may not add to the unit a system that uses wind energy as described in subparagraph 4 of paragraph (b) of subsection 2 unless he first obtains the written consent of each owner of property within 300 feet of any boundary of the unit.

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 116.3102 is hereby amended to read as follows:

116.3102 1. Except as otherwise provided in ~~[subsection 2,]~~ ***this section,*** and subject to the provisions of the declaration, the association may do any or all of the following:

(a) Adopt and amend bylaws, rules and regulations.

(b) Adopt and amend budgets for revenues, expenditures and reserves and collect assessments for common expenses from the units' owners.

(c) Hire and discharge managing agents and other employees, agents and independent contractors.

(d) Institute, defend or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more units' owners on matters affecting the common-interest community.

(e) Make contracts and incur liabilities.

(f) Regulate the use, maintenance, repair, replacement and modification of common elements.

(g) Cause additional improvements to be made as a part of the common elements.

(h) Acquire, hold, encumber and convey in its own name any right, title or interest to real estate or personal property, but:

(1) Common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to NRS 116.3112; and

(2) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to NRS 116.3112.

(i) Grant easements, leases, licenses and concessions through or over the common elements.

(j) Impose and receive any payments, fees or charges for the use, rental or operation of the common elements, other than limited common elements described in subsections 2 and 4 of NRS 116.2102, and for services provided to the units' owners.

(k) Impose charges for late payment of assessments.

(l) Impose construction penalties when authorized pursuant to NRS 116.310305.

(m) Impose reasonable fines for violations of the governing documents of the association only if the association complies with the requirements set forth in NRS 116.31031.

(n) Impose reasonable charges for the preparation and recordation of any amendments to the declaration or any statements of unpaid assessments, and impose reasonable fees, not to exceed the amounts authorized by NRS 116.4109, for preparing and furnishing the documents and certificate required by that section.

(o) Provide for the indemnification of its officers and executive board and maintain directors' and officers' liability insurance.

(p) Assign its right to future income, including the right to receive assessments for common expenses, but only to the extent the declaration expressly so provides.

(q) Exercise any other powers conferred by the declaration or bylaws.

(r) Exercise all other powers that may be exercised in this State by legal entities of the same type as the association.

(s) Direct the removal of vehicles improperly parked on property owned or leased by the association, as authorized pursuant to NRS 487.038, or improperly parked on any road, street, alley or other thoroughfare within the common-interest community in violation of the governing documents. In addition to complying with the requirements of NRS 487.038 and any requirements in the governing documents, if a vehicle is improperly parked as described in this paragraph, the association must post written notice in a conspicuous place on the vehicle or provide oral or written notice to the owner or operator of the vehicle at least 48 hours before the association may direct the removal of the vehicle, unless the vehicle:

(1) Is blocking a fire hydrant, fire lane or parking space designated for the handicapped; or

(2) Poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community.

(t) Exercise any other powers necessary and proper for the governance and operation of the association.

2. The declaration may not impose limitations on the power of the association to deal with the declarant which are more restrictive than the limitations imposed on the power of the association to deal with other persons.

3. Notwithstanding any provision of this chapter or the governing documents to the contrary, an association may not impose any assessment pursuant to this chapter or the governing documents on the owner of any property in the common-interest community that is exempt from taxation pursuant to NRS 361.125. For the purposes of this subsection, "assessment" does not include any charge for any utility services, including, without limitation, telecommunications, broadband communications, cable television, electricity, natural gas, sewer services, garbage collection, water or for any other service which is delivered to and used or consumed directly by the property in the common-interest community that is exempt from taxation pursuant to NRS 361.125.

Sec. 11. NRS 116.31031 is hereby amended to read as follows:

116.31031 1. Except as otherwise provided in this section, if a unit's owner or a tenant or guest of a unit's owner violates any provision of the governing documents of an association, the executive board may, if the governing documents so provide:

(a) Prohibit, for a reasonable time, the unit's owner or the tenant or guest of the unit's owner from:

(1) Voting on matters related to the common-interest community.

(2) Using the common elements. The provisions of this subparagraph do not prohibit the unit's owner or the tenant or guest of the unit's owner from

using any vehicular or pedestrian ingress or egress to go to or from the unit, including any area used for parking.

(b) Impose a fine against the unit's owner or the tenant or guest of the unit's owner for each violation, except that ~~[a]~~ ***:***

(1) A fine may not be imposed for a violation that is the subject of a construction penalty pursuant to NRS 116.310305 ~~[.]~~ ***; and***

(2) A fine may not be imposed against a unit's owner or a tenant or guest of a unit's owner for a violation of the governing documents which involves a vehicle and which is committed by a person who is delivering goods to, or performing services for, the unit's owner or tenant or guest of the unit's owner.

➥ If the violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners ~~[,]~~ or residents ~~[or community manager]~~ of the common-interest community, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents. If the violation does not pose an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners ~~[,]~~ or residents ~~[or community manager]~~ of the common-interest community, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents, but the amount of the fine must not exceed $100 for each violation or a total amount of $1,000, whichever is less. The limitations on the amount of the fine do not apply to any interest, charges or costs that may be collected by the association pursuant to this section if the fine becomes past due.

2. The executive board may not impose a fine pursuant to subsection 1 unless:

(a) Not less than 30 days before the violation, the ***unit's owner and, if different, the*** person against whom the fine will be imposed had been provided with written notice of the applicable provisions of the governing documents that form the basis of the violation; and

(b) Within a reasonable time after the discovery of the violation, the ***unit's owner and, if different, the*** person against whom the fine will be imposed has been provided with:

(1) Written notice specifying the details of the violation, the amount of the fine, and the date, time and location for a hearing on the violation; and

(2) A reasonable opportunity to contest the violation at the hearing.

➥ ***For the purposes of this subsection, a unit's owner shall not be deemed to have received written notice unless written notice is delivered to the address of the unit and, if different, to a mailing address specified by the unit's owner***.

3. The executive board must schedule the date, time and location for the hearing on the violation so that the ***unit's owner and, if different, the*** person

against whom the fine will be imposed is provided with a reasonable opportunity to prepare for the hearing and to be present at the hearing.

4. The executive board must hold a hearing before it may impose the fine, unless ***the fine is paid before the hearing or unless*** the ***unit's owner and, if different, the*** person against whom the fine will be imposed:

(a) ~~[Pays the fine;~~

~~(b)]~~ Executes a written waiver of the right to the hearing; or

~~[(c)]~~ ***(b)*** Fails to appear at the hearing after being provided with proper notice of the hearing.

5. If a fine is imposed pursuant to subsection 1 and the violation is not cured within 14 days, or within any longer period that may be established by the executive board, the violation shall be deemed a continuing violation. Thereafter, the executive board may impose an additional fine for the violation for each 7-day period or portion thereof that the violation is not cured. Any additional fine may be imposed without notice and an opportunity to be heard.

6. If the governing documents so provide, the executive board may appoint a committee, with not less than three members, to conduct hearings on violations and to impose fines pursuant to this section. While acting on behalf of the executive board for those limited purposes, the committee and its members are entitled to all privileges and immunities and are subject to all duties and requirements of the executive board and its members.

7. ***A member of the executive board shall not participate in any hearing or cast any vote relating to a fine imposed pursuant to subsection 1 if the member has not paid all assessments which are due to the association by the member. If a member of the executive board:***

(a) Participates in a hearing in violation of this subsection, any action taken at the hearing is void.

(b) Casts a vote in violation of this subsection, the vote is void.

8. The provisions of this section establish the minimum procedural requirements that the executive board must follow before it may impose a fine. The provisions of this section do not preempt any provisions of the governing documents that provide greater procedural protections.

~~[8.]~~ ***9.*** Any past due fine:

(a) Bears interest at the rate established by the association, not to exceed the legal rate per annum.

(b) May include any costs of collecting the past due fine at a rate established by the association. If the past due fine is for a violation that does not threaten the health, safety or welfare of the ***units' owners*** ~~*[,]*~~ ***or*** residents ~~*[or community manager]*~~ of the common-interest community, the rate established by the association for the costs of collecting the past due fine:

(1) May not exceed $20, if the outstanding balance is less than $200.

(2) May not exceed $50, if the outstanding balance is $200 or more, but is less than $500.

(3) May not exceed $100, if the outstanding balance is $500 or more, but is less than $1,000.

(4) May not exceed $250, if the outstanding balance is $1,000 or more, but is less than $5,000.

(5) May not exceed $500, if the outstanding balance is $5,000 or more.

(c) May include any costs incurred by the association during a civil action to enforce the payment of the past due fine.

~~[9.]~~ ***10. Not later than 30 days after receiving payment in full of a fine, including any lawful interest and costs of collection, an association shall provide written confirmation to the person upon whom the fine was imposed that the fine and all related charges have been paid in full and that the fine is discharged.***

11. As used in this section:

(a) "Costs of collecting" includes, without limitation, any collection fee, filing fee, recording fee, referral fee, fee for postage or delivery, and any other fee or cost that an association may reasonably charge to the unit's owner for the collection of a past due fine. The term does not include any costs incurred by an association during a civil action to enforce the payment of a past due fine.

(b) "Outstanding balance" means the amount of a past due fine that remains unpaid before any interest, charges for late payment or costs of collecting the past due fine are added.

Sec. 12. NRS 116.310315 is hereby amended to read as follows:

116.310315 If an association has imposed a fine against a unit's owner or a tenant or guest of a unit's owner pursuant to NRS 116.31031 for violations of the governing documents of the association, the association ~~[:]~~ ***shall:***

1. ~~[Shall, in]~~ ***In*** the books and records of the association, account for the fine separately from any assessment, fee or other charge; and

2. ~~[Shall not apply, in whole or in part, any payment made by the unit's owner for any assessment, fee or other charge toward the payment of the outstanding balance of the fine or any costs of collecting the fine, unless the unit's owner provides written authorization which directs the association to apply the payment made by the unit's owner in such a manner.]~~ ***Apply any payment received from a unit's owner without written instructions as to the application of the payment:***

(a) First to current or past due assessments; and

(b) Then the remainder of any payment to past due fines, including the costs of collecting any such fine, unless the unit's owner has stated in writing that no amount of the payment is to be applied toward the fines or toward the costs of collecting the fines.

Sec. 13. NRS 116.31034 is hereby amended to read as follows:

116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members, at least a majority of whom must be units' owners. Unless the

governing documents provide otherwise, the remaining members of the executive board do not have to be units' owners. The executive board shall elect the officers of the association. The members of the executive board and the officers of the association shall take office upon election.

2. The term of office of a member of the executive board may not exceed ~~[2]~~ ***3*** years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

(a) Members of the executive board who are appointed by the declarant; and

(b) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of his eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association. ~~*[Before the secretary or other officer specified in the bylaws of the association causes notice to be given to each unit's owner of his eligibility to serve as a member of the executive board pursuant to this subsection, the executive board may determine that if, at the closing of the prescribed period for nominations for membership on the executive board, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board at the election, then:*~~

~~*(a) The association will not prepare or mail any ballots to units' owners pursuant to this section;*~~

~~*(b) The candidates so nominated shall be deemed to be duly elected to the executive board not later than 30 days after the date of closing of the prescribed period for nominations; and*~~

~~*(c) Units' owners will receive notification that the candidates so nominated have been elected to the executive board.]*~~

5. Each person whose name is placed on the ballot ~~*[who is nominated]*~~ as a candidate for a member of the executive board ~~*[pursuant to subsection 4]*~~ must:

(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

(b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate ~~[has]~~ ***:***

(1) Has any unpaid and past due assessments or construction penalties that are required to be paid to the association ~~[.]~~ ***;***

(2) Has any unpaid fine imposed by the executive board that is 30 days or more past due; or

(3) After being provided notice and the opportunity for a hearing in accordance with the provisions of NRS 116.31031, has been found to have committed a violation of the governing documents that has not been cured.

➥ The candidate must make all disclosures required pursuant to this subsection in writing to the association with his candidacy information. The association shall distribute the disclosures to each member of the association with the ballot ~~*[or, in the event ballots are not prepared and mailed pursuant to subsection 4,]*~~ in the manner established ~~*[for distribution of ballots]*~~ in the bylaws of the association.

6. Unless a person is appointed by the declarant:

(a) A person may not be a member of the executive board or an officer of the association if the person, his spouse or his parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

(b) A person may not be a member of the executive board of a master association or an officer of that master association if the person, his spouse or his parent or child, by blood, marriage or adoption, performs the duties of a community manager for:

(1) That master association; or

(2) Any association that is subject to the governing documents of that master association.

7. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, he shall file proof in the records of the association that:

(a) He is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

8. ~~[The]~~ ***Except as otherwise provided in*** ~~*[subsection 4,]*~~ ***NRS 116.31105, the*** election of any member of the executive board must be conducted by secret written ballot ~~[unless the declaration of the association provides that voting rights may be exercised by delegates or representatives~~

~~as set forth in NRS 116.31105. If the election of any member of the executive board is conducted by secret written ballot:]~~ ***in the following manner:***

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.

(e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for a member of the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

9. Each member of the executive board shall, within 90 days after his appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that he has read and understands the governing documents of the association and the provisions of this chapter to the best of his ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.

Sec. 13.5. **NRS 116.31036 is hereby amended to read as follows:**

116.31036 1. Notwithstanding any provision of the declaration or bylaws to the contrary, any member of the executive board, other than a member appointed by the declarant, may be removed from the executive board, with or without cause, if at a removal election held pursuant to this section the number of votes cast in favor of removal constitutes:

(a) At least 35 percent of the total number of voting members of the association; and

(b) At least a majority of all votes cast in that removal election.

2. ~~[The]~~ ***Except as otherwise provided in NRS 116.31105, the*** removal of any member of the executive board must be conducted by secret written ballot ~~[unless the declaration of the association provides that voting rights may be exercised by delegates or representatives as set forth in NRS~~

~~116.31105. If the removal of a member of the executive board is conducted by secret written ballot:]~~ ***in the following manner:***

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) Only the secret written ballots that are returned to the association may be counted to determine the outcome.

(d) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(e) The incumbent members of the executive board, including, without limitation, the member who is subject to the removal, may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

3. If a member of an executive board is named as a respondent or sued for liability for actions undertaken in his role as a member of the board, the association shall indemnify him for his losses or claims, and undertake all costs of defense, unless it is proven that he acted with willful or wanton misfeasance or with gross negligence. After such proof, the association is no longer liable for the cost of defense, and may recover costs already expended from the member of the executive board who so acted. Members of the executive board are not personally liable to the victims of crimes occurring on the property. Punitive damages may not be recovered against the association, but may be recovered from persons whose activity gave rise to the damages.

4. The provisions of this section do not prohibit the Commission from taking any disciplinary action against a member of an executive board pursuant to NRS 116.745 to 116.795, inclusive.

Sec. 14. NRS 116.31038 is hereby amended to read as follows:

116.31038 In addition to any applicable requirement set forth in NRS 116.310395, within 30 days after units' owners other than the declarant may elect a majority of the members of the executive board, the declarant shall deliver to the association all property of the units' owners and of the association held by or controlled by him, including:

1. The original or a certified copy of the recorded declaration as amended, the articles of incorporation, articles of association, articles of organization, certificate of registration, certificate of limited partnership, certificate of trust or other documents of organization for the association, the

bylaws, minute books and other books and records of the association and any rules or regulations which may have been adopted.

2. An accounting for money of the association and audited financial statements for each fiscal year and any ancillary period from the date of ~~[inception]~~ ***the last audit*** of the association to the date the period of the declarant's control ends. The financial statements must fairly and accurately report the association's financial position. ***The declarant shall pay the costs of the ancillary audit. The ancillary audit must be delivered within 210 days after the date the period of the declarant's control ends.***

3. A complete study of the reserves of the association, conducted by a person who ~~[holds a permit to conduct such a study issued]~~ ***is registered as a reserve study specialist*** pursuant to chapter 116A of NRS. At the time the control of the declarant ends, he shall:

(a) Except as otherwise provided in this paragraph, deliver to the association a reserve account that contains the declarant's share of the amounts then due, and control of the account. If the declaration was recorded before October 1, 1999, and, at the time the control of the declarant ends, he has failed to pay his share of the amounts due, the executive board shall authorize the declarant to pay the deficiency in installments for a period of 3 years, unless the declarant and the executive board agree to a shorter period.

(b) Disclose, in writing, the amount by which he has subsidized the association's dues on a per unit or per lot basis.

4. The association's money or control thereof.

5. All of the declarant's tangible personal property that has been represented by the declarant as property of the association or, unless the declarant has disclosed in the public offering statement that all such personal property used in the common-interest community will remain the declarant's property, all of the declarant's tangible personal property that is necessary for, and has been used exclusively in, the operation and enjoyment of the common elements, and inventories of these properties.

6. A copy of any plans and specifications used in the construction of the improvements in the common-interest community which were completed within 2 years before the declaration was recorded.

7. All insurance policies then in force, in which the units' owners, the association, or its directors and officers are named as insured persons.

8. Copies of any certificates of occupancy that may have been issued with respect to any improvements comprising the common-interest community other than units in a planned community.

9. Any renewable permits and approvals issued by governmental bodies applicable to the common-interest community which are in force and any other permits and approvals so issued and applicable which are required by law to be kept on the premises of the community.

10. Written warranties of the contractor, subcontractors, suppliers and manufacturers that are still effective.

11. A roster of owners and mortgagees of units and their addresses and telephone numbers, if known, as shown on the declarant's records.

12. Contracts of employment in which the association is a contracting party.

13. Any contract for service in which the association is a contracting party or in which the association or the units' owners have any obligation to pay a fee to the persons performing the services.

Sec. 15. NRS 116.310395 is hereby amended to read as follows:

116.310395 1. At the time of each close of escrow of a unit in a converted building, the declarant shall deliver to the association the amount of the converted building reserve deficit allocated to that unit.

2. The allocation to a unit of the amount of any converted building reserve deficit must be made in the same manner as assessments are allocated to that unit.

3. As used in this section, "converted building reserve deficit" means the amount necessary to replace the major components of the common elements needing replacement within 10 years after the date of the first ~~[sale]~~ ***close of escrow*** of a unit.

Sec. 15.5. **NRS 116.3108 is hereby amended to read as follows:**

116.3108 1. A meeting of the units' owners must be held at least once each year. If the governing documents do not designate an annual meeting date of the units' owners, a meeting of the units' owners must be held 1 year after the date of the last meeting of the units' owners. If the units' owners have not held a meeting for 1 year, a meeting of the units' owners must be held on the following March 1.

2. Special meetings of the units' owners may be called by the president, by a majority of the executive board or by units' owners constituting at least 10 percent, or any lower percentage specified in the bylaws, of the total number of voting members of the association. The same number of units' owners may also call a removal election pursuant to NRS 116.31036. To call a special meeting or a removal election, the units' owners must submit a written petition which is signed by the required percentage of the total number of voting members of the association pursuant to this section and which is mailed, return receipt requested, or served by a process server to the executive board or the community manager for the association. If the petition calls for a special meeting, the executive board shall set the date for the special meeting so that the special meeting is held not less than 15 days or more than 60 days after the date on which the petition is received. If the petition calls for a removal election and:

(a) The voting rights of the ~~[units']~~ owners ***of time shares*** will be exercised by delegates or representatives as set forth in NRS 116.31105, the executive board shall set the date for the removal election so that the removal election is held not less than 15 days or more than 60 days after the date on which the petition is received; or

(b) The voting rights of the units' owners will be exercised through the use of secret written ballots pursuant to NRS 116.31036, the secret written ballots for the removal election must be sent in the manner required by NRS 116.31036 not less than 15 days or more than 60 days after the date on which the petition is received, and the executive board shall set the date for the meeting to open and count the secret written ballots so that the meeting is held not more than 15 days after the deadline for returning the secret written ballots.

3. Not less than 15 days or more than 60 days in advance of any meeting of the units' owners, the secretary or other officer specified in the bylaws shall cause notice of the meeting to be hand-delivered, sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner or, if the association offers to send notice by electronic mail, sent by electronic mail at the request of the unit's owner to an electronic mail address designated in writing by the unit's owner. The notice of the meeting must state the time and place of the meeting and include a copy of the agenda for the meeting. The notice must include notification of the right of a unit's owner to:

(a) Have a copy of the minutes or a summary of the minutes of the meeting provided to the unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.

(b) Speak to the association or executive board, unless the executive board is meeting in executive session.

4. The agenda for a meeting of the units' owners must consist of:

(a) A clear and complete statement of the topics scheduled to be considered during the meeting, including, without limitation, any proposed amendment to the declaration or bylaws, any fees or assessments to be imposed or increased by the association, any budgetary changes and any proposal to remove an officer of the association or member of the executive board.

(b) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items. In an emergency, the units' owners may take action on an item which is not listed on the agenda as an item on which action may be taken.

(c) A period devoted to comments by units' owners and discussion of those comments. Except in emergencies, no action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to paragraph (b).

5. If the association adopts a policy imposing fines for any violations of the governing documents of the association, the secretary or other officer specified in the bylaws shall prepare and cause to be hand-delivered or sent prepaid by United States mail to the mailing address of each unit or to any

other mailing address designated in writing by the unit's owner, a schedule of the fines that may be imposed for those violations.

6. The secretary or other officer specified in the bylaws shall cause minutes to be recorded or otherwise taken at each meeting of the units' owners. Not more than 30 days after each such meeting, the secretary or other officer specified in the bylaws shall cause the minutes or a summary of the minutes of the meeting to be made available to the units' owners. A copy of the minutes or a summary of the minutes must be provided to any unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.

7. Except as otherwise provided in subsection 8, the minutes of each meeting of the units' owners must include:

(a) The date, time and place of the meeting;

(b) The substance of all matters proposed, discussed or decided at the meeting; and

(c) The substance of remarks made by any unit's owner at the meeting if he requests that the minutes reflect his remarks or, if he has prepared written remarks, a copy of his prepared remarks if he submits a copy for inclusion.

8. The executive board may establish reasonable limitations on materials, remarks or other information to be included in the minutes of a meeting of the units' owners.

9. The association shall maintain the minutes of each meeting of the units' owners until the common-interest community is terminated.

10. A unit's owner may record on audiotape or any other means of sound reproduction a meeting of the units' owners if the unit's owner, before recording the meeting, provides notice of his intent to record the meeting to the other units' owners who are in attendance at the meeting.

11. The units' owners may approve, at the annual meeting of the units' owners, the minutes of the prior annual meeting of the units' owners and the minutes of any prior special meetings of the units' owners. A quorum is not required to be present when the units' owners approve the minutes.

12. As used in this section, "emergency" means any occurrence or combination of occurrences that:

(a) Could not have been reasonably foreseen;

(b) Affects the health, welfare and safety of the units' owners or residents of the common-interest community;

(c) Requires the immediate attention of, and possible action by, the executive board; and

(d) Makes it impracticable to comply with the provisions of subsection 3 or 4.

Sec. 16. NRS 116.31083 is hereby amended to read as follows:

116.31083 1. A meeting of the executive board must be held at least once every ~~[90]~~ ***quarter, and not less than once every 100*** days.

2. Except in an emergency ~~*[as otherwise provided in subsection 3 or 4]*~~ or unless the bylaws of an association require a longer period of notice, the

secretary or other officer specified in the bylaws of the association shall, not less than 10 days before the date of a meeting of the executive board, cause notice of the meeting to be given to the units' owners. Such notice must be:

(a) Sent prepaid by United States mail to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner;

(b) If the association offers to send notice by electronic mail, sent by electronic mail at the request of the unit's owner to an electronic mail address designated in writing by the unit's owner; or

(c) Published in a newsletter or other similar publication that is circulated to each unit's owner.

3. In ~~*[Except as otherwise provided in subsection 4, in]*~~ an emergency, the secretary or other officer specified in the bylaws of the association shall, if practicable, cause notice of the meeting to be sent prepaid by United States mail to the mailing address of each unit within the common-interest community. If delivery of the notice in this manner is impracticable, the notice must be hand-delivered to each unit within the common-interest community or posted in a prominent place or places within the common elements of the association.

4. ~~*[If the sole purpose of a meeting of the executive board is to meet in executive session pursuant to subsection 4 of NRS 116.31085, notice of the meeting pursuant to this section is not required.*~~

~~*5.]*~~ The notice of a meeting of the executive board must state the time and place of the meeting and include a copy of the agenda for the meeting or the date on which and the locations where copies of the agenda may be conveniently obtained by the units' owners. The notice must include notification of the right of a unit's owner to:

(a) Have a copy of the minutes or a summary of the minutes of the meeting provided to the unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.

(b) Speak to the association or executive board, unless the executive board is meeting in executive session.

5. ~~*[6.]*~~ The agenda of the meeting of the executive board must comply with the provisions of subsection 4 of NRS 116.3108. The period required to be devoted to comments by the units' owners and discussion of those comments must be scheduled for the beginning of each meeting. In an emergency, the executive board may take action on an item which is not listed on the agenda as an item on which action may be taken.

6. ~~*[7.]*~~ At least once every ~~[90]~~ ***quarter, and not less than once every 100*** days, unless the declaration or bylaws of the association impose more stringent standards, the executive board shall review, at a minimum, the following financial information at one of its meetings:

(a) A current year-to-date financial statement of the association;

(b) A current year-to-date schedule of revenues and expenses for the operating account and the reserve account, compared to the budget for those accounts;

(c) A current reconciliation of the operating account of the association;

(d) A current reconciliation of the reserve account of the association;

(e) The latest account statements prepared by the financial institutions in which the accounts of the association are maintained; and

(f) The current status of any civil action or claim submitted to arbitration or mediation in which the association is a party.

7. ~~[8.]~~ The secretary or other officer specified in the bylaws shall cause minutes to be recorded or otherwise taken at each meeting of the executive board. Not more than 30 days after each such meeting, the secretary or other officer specified in the bylaws shall cause the minutes or a summary of the minutes of the meetings to be made available to the units' owners. A copy of the minutes or a summary of the minutes must be provided to any unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.

8. ~~[9.]~~ Except as otherwise provided in subsection 9 ~~[10]~~ and NRS 116.31085, the minutes of each meeting of the executive board must include:

(a) The date, time and place of the meeting;

(b) Those members of the executive board who were present and those members who were absent at the meeting;

(c) The substance of all matters proposed, discussed or decided at the meeting;

(d) A record of each member's vote on any matter decided by vote at the meeting; and

(e) The substance of remarks made by any unit's owner who addresses the executive board at the meeting if he requests that the minutes reflect his remarks or, if he has prepared written remarks, a copy of his prepared remarks if he submits a copy for inclusion.

9. ~~[10.]~~ The executive board may establish reasonable limitations on materials, remarks or other information to be included in the minutes of its meetings.

10. ~~[11.]~~ The association shall maintain the minutes of each meeting of the executive board until the common-interest community is terminated.

11. ~~[12.]~~ A unit's owner may record on audiotape or any other means of sound reproduction a meeting of the executive board, unless the executive board is meeting in executive session, if the unit's owner, before recording the meeting, provides notice of his intent to record the meeting to the members of the executive board and the other units' owners who are in attendance at the meeting.

12. ~~[13.]~~ As used in this section, "emergency" means any occurrence or combination of occurrences that:

(a) Could not have been reasonably foreseen;

(b) Affects the health, welfare and safety of the units' owners or residents of the common-interest community;

(c) Requires the immediate attention of, and possible action by, the executive board; and

(d) Makes it impracticable to comply with the provisions of subsection 2 or 5. ~~[6.]~~

Sec. 16.5. **NRS 116.311 is hereby amended to read as follows:**

116.311 1. If only one of several owners of a unit is present at a meeting of the association, that owner is entitled to cast all the votes allocated to that unit. If more than one of the owners are present, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the owners, unless the declaration expressly provides otherwise. There is majority agreement if any one of the owners cast the votes allocated to that unit without protest made promptly to the person presiding over the meeting by any of the other owners of the unit.

2. Except as otherwise provided in this section, votes allocated to a unit may be cast pursuant to a proxy executed by a unit's owner. A unit's owner may give a proxy only to a member of his immediate family, a tenant of the unit's owner who resides in the common-interest community, another unit's owner who resides in the common-interest community, or a delegate or representative when authorized pursuant to NRS 116.31105. If a unit is owned by more than one person, each owner of the unit may vote or register protest to the casting of votes by the other owners of the unit through an executed proxy. A unit's owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the person presiding over a meeting of the association.

3. Before a vote may be cast pursuant to a proxy:

(a) The proxy must be dated.

(b) The proxy must not purport to be revocable without notice.

(c) The proxy must designate the meeting for which it is executed.

(d) The proxy must designate each specific item on the agenda of the meeting for which the unit's owner has executed the proxy, except that the unit's owner may execute the proxy without designating any specific items on the agenda of the meeting if the proxy is to be used solely for determining whether a quorum is present for the meeting. If the proxy designates one or more specific items on the agenda of the meeting for which the unit's owner has executed the proxy, the proxy must indicate, for each specific item designated in the proxy, whether the holder of the proxy must cast a vote in the affirmative or the negative on behalf of the unit's owner. If the proxy does not indicate whether the holder of the proxy must cast a vote in the affirmative or the negative for a particular item on the agenda of the meeting, the proxy must be treated, with regard to that particular item, as if the unit's owner were present but not voting on that particular item.

(e) The holder of the proxy must disclose at the beginning of the meeting for which the proxy is executed the number of proxies pursuant to which the holder will be casting votes.

4. A proxy terminates immediately after the conclusion of the meeting for which it is executed.

5. ~~[A]~~ ***Except as otherwise provided in this subsection, a*** vote may not be cast pursuant to a proxy for the election or removal of a member of the executive board of an association ***.*** ~~[unless]~~ ***A vote may be cast pursuant to a proxy for the election or removal of a member of the executive board of a master association which governs a time-share plan created pursuant to chapter 119A of NRS if*** the proxy is exercised through a delegate or representative authorized pursuant to NRS 116.31105.

6. The holder of a proxy may not cast a vote on behalf of the unit's owner who executed the proxy in a manner that is contrary to the proxy.

7. A proxy is void if the proxy or the holder of the proxy violates any provision of subsections 1 to 6, inclusive.

8. If the declaration requires that votes on specified matters affecting the common-interest community must be cast by the lessees of leased units rather than the units' owners who have leased the units:

(a) The provisions of subsections 1 to 7, inclusive, apply to the lessees as if they were the units' owners;

(b) The units' owners who have leased their units to the lessees may not cast votes on those specified matters;

(c) The lessees are entitled to notice of meetings, access to records and other rights respecting those matters as if they were the units' owners; and

(d) The units' owners must be given notice, in the manner provided in NRS 116.3108, of all meetings at which the lessees are entitled to vote.

9. If any votes are allocated to a unit that is owned by the association, those votes may not be cast, by proxy or otherwise, for any purpose.

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 20.3. **NRS 116.31105 is hereby amended to read as follows:**

116.31105 1. If the declaration so provides, in a common-interest community that consists of at least 1,000 units, the voting rights of the units' owners in the association for that common-interest community may be exercised by delegates or representatives ~~[.]~~ ***except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives.***

2. In addition to a common-interest community identified in subsection 1, if the declaration so provides, in a common-interest community created before October 1, 1999, the voting rights of the units' owners in the association for that common-interest community may be exercised by delegates or representatives ~~[.]~~ ***except that, in the election or removal of a***

member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives.

3. ***In addition to a common-interest community identified in subsections 1 and 2, if the declaration so provides, the voting rights of the owners of time shares within a time-share plan created pursuant to chapter 119A of NRS which is governed by a master association may be exercised by delegates or representatives.***

4. For the purposes of subsection 1, each unit that a declarant has reserved the right to create pursuant to NRS 116.2105 and for which developmental rights exist must be counted in determining the number of units in a common-interest community.

~~[4.]~~ ***5. For the purposes of subsection 3, each time share that a developer has reserved the right to create pursuant to paragraph (g) of subsection 2 of NRS 119A.380 must be counted in determining the number of time shares in a time-share plan.***

6. Notwithstanding any provision in the declaration, the election of any delegate or representative must be conducted by secret written ballot.

~~[5.]~~ ***7.*** When an election of a delegate or representative is conducted by secret written ballot:

(a) The secretary or other officer of the association specified in the bylaws of the association shall cause a secret written ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) Only the secret written ballots that are returned to the association in the manner prescribed on the ballot may be counted to determine the outcome of the election.

(d) The secret written ballots must be opened and counted at a meeting called for the purpose of electing delegates or representatives. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(e) A candidate for delegate or representative may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association in the manner prescribed on the ballot before those secret written ballots have been opened and counted at a meeting called for that purpose.

Sec. 20.7. **NRS 116.31105 is hereby amended to read as follows:**

116.31105 1. ~~[If]~~ ***Except as otherwise provided in subsection 8, if*** the declaration so provides, in a common-interest community that consists of at least 1,000 units, the voting rights of the units' owners in the association for that common-interest community may be exercised by delegates or representatives except that, in the election or removal of a member of the

executive board, the voting rights of the units' owners may not be exercised by delegates or representatives.

2. ~~[In]~~ ***Except as otherwise provided in subsection 8, in*** addition to a common-interest community identified in subsection 1, if the declaration so provides, in a common-interest community created before October 1, 1999, the voting rights of the units' owners in the association for that common-interest community may be exercised by delegates or representatives except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives.

3. In addition to a common-interest community identified in subsections 1 and 2, if the declaration so provides, the voting rights of the owners of time shares within a time-share plan created pursuant to chapter 119A of NRS which is governed by a master association may be exercised by delegates or representatives.

4. For the purposes of subsection 1, each unit that a declarant has reserved the right to create pursuant to NRS 116.2105 and for which developmental rights exist must be counted in determining the number of units in a common-interest community.

5. For the purposes of subsection 3, each time share that a developer has reserved the right to create pursuant to paragraph (g) of subsection 2 of NRS 119A.380 must be counted in determining the number of time shares in a time-share plan.

6. Notwithstanding any provision in the declaration, the election of any delegate or representative must be conducted by secret written ballot.

7. When an election of a delegate or representative is conducted by secret written ballot:

(a) The secretary or other officer of the association specified in the bylaws of the association shall cause a secret written ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) Only the secret written ballots that are returned to the association in the manner prescribed on the ballot may be counted to determine the outcome of the election.

(d) The secret written ballots must be opened and counted at a meeting called for the purpose of electing delegates or representatives. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(e) A candidate for delegate or representative may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association in the manner prescribed on the ballot

before those secret written ballots have been opened and counted at a meeting called for that purpose.

8. Except as otherwise provided in subsection 9, the voting rights of the units' owners in the association for a common-interest community may be exercised by delegates or representatives only during the period that the declarant is in control of the association and during the 2-year period after the declarant's control of the association is terminated pursuant to NRS 116.31032.

9. The provisions of subsection 8 do not apply to:

(a) A time-share plan created pursuant to chapter 119A of NRS which is governed by a master association; or

(b) A condominium or cooperative containing both units that are restricted exclusively to nonresidential use and other units that are not so restricted.

Sec. 21. NRS 116.31144 is hereby amended to read as follows:

116.31144 1. Except as otherwise provided in ~~[subsection 2,]~~ ***this section,*** the executive board shall:

(a) If the annual budget of the association is less than $75,000, cause the financial statement of the association to be audited by ~~[an independent certified public accountant]~~ ***a person deemed qualified by the association to conduct such an audit*** at least once every 4 fiscal years.

(b) If the annual budget of the association is $75,000 or more but less than $150,000, cause the financial statement of the association to be:

(1) Audited by an independent certified public accountant at least once every 4 fiscal years; and

(2) Reviewed by an independent certified public accountant every fiscal year for which an audit is not conducted.

(c) If the annual budget of the association is $150,000 or more, cause the financial statement of the association to be audited by an independent certified public accountant every fiscal year.

2. For any fiscal year for which an audit of the financial statement of the association will not be conducted pursuant to subsection 1, the executive board shall cause the financial statement for that fiscal year to be audited by ~~[an]~~ ***:***

(a) A person deemed qualified by the association to conduct such an audit if the annual budget of the association is less than $75,000; or

(b) An independent certified public accountant ***if the annual budget of the association is $75,000 or more,***

➥ if, within 180 days before the end of the fiscal year, 15 percent of the total number of voting members of the association submit a written request for such an audit.

3. The Commission shall adopt regulations prescribing the requirements for the auditing or reviewing of ***the*** financial statements of an association pursuant to this section. Such regulations must include, without limitation:

(a) The qualifications necessary for a person to audit or review financial statements of an association; ~~[and]~~

(b) The standards and format to be followed in auditing or reviewing financial statements of an association ~~[.]~~ ***; and***

(c) The requirement that an audit or review of the financial statements of an association be completed within 180 days after the end of the fiscal year . ~~*[; and*~~

~~*(d) The ability of the Commission to grant an exemption to the requirement of an audit or review of the financial statements of an association with an annual budget that is less than $75,000. To receive an exemption pursuant to this paragraph, an association must submit a request to the Commission which includes a written statement of the reasons for requesting the exemption. If the Commission grants the exemption, the Commission shall notify the association within 30 days after receipt of the request for exemption.]*~~

Sec. 22. NRS 116.3115 is hereby amended to read as follows:

116.3115 1. Until the association makes an assessment for common expenses, the declarant shall pay all common expenses. After an assessment has been made by the association, assessments must be made at least annually, based on a budget adopted at least annually by the association in accordance with the requirements set forth in NRS 116.31151. Unless the declaration imposes more stringent standards, the budget must include a budget for the daily operation of the association and a budget for the reserves required by paragraph (b) of subsection 2.

2. Except for assessments under subsections 4 to 7, inclusive:

(a) All common expenses, including the reserves, must be assessed against all the units in accordance with the allocations set forth in the declaration pursuant to subsections 1 and 2 of NRS 116.2107.

(b) The association shall establish adequate reserves, funded on a reasonable basis, for the repair, replacement and restoration of the major components of the common elements. The reserves may be used only for those purposes, including, without limitation, repairing, replacing and restoring roofs, roads and sidewalks, and must not be used for daily maintenance. The association may comply with the provisions of this paragraph through a funding plan that is designed to allocate the costs for the repair, replacement and restoration of the major components of the common elements over a period of years if the funding plan is designed in an actuarially sound manner which will ensure that sufficient money is available when the repair, replacement and restoration of the major components of the common elements are necessary. ***Notwithstanding any provision of the governing documents to the contrary, to establish adequate reserves pursuant to this paragraph, including, without limitation, to establish or carry out a funding plan, the executive board may, without seeking or obtaining the approval of the units' owners, impose any necessary and reasonable assessments against the units in the common-interest***

community if such assessments are made pursuant to findings contained in a study of the reserves of the association ~~*[prepared by a person who is registered as a reserve study specialist pursuant to chapter 116A of]*~~ ***conducted pursuant to NRS*** ~~*[.]*~~ ***116.31152 and an annual review of the results of that study pertaining to whether the amount of the reserves available for the next 5 years is sufficient to repair, replace and restore the major components of the common elements designated in the funding plan conducted.***

3. Any past due assessment for common expenses or installment thereof bears interest at the rate established by the association not exceeding 18 percent per year.

4. To the extent required by the declaration:

(a) Any common expense associated with the maintenance, repair, restoration or replacement of a limited common element must be assessed against the units to which that limited common element is assigned, equally, or in any other proportion the declaration provides;

(b) Any common expense or portion thereof benefiting fewer than all of the units must be assessed exclusively against the units benefited; and

(c) The costs of insurance must be assessed in proportion to risk and the costs of utilities must be assessed in proportion to usage.

5. Assessments to pay a judgment against the association may be made only against the units in the common-interest community at the time the judgment was entered, in proportion to their liabilities for common expenses.

6. If any common expense is caused by the misconduct of any unit's owner, the association may assess that expense exclusively against his unit.

7. The association of a common-interest community created before January 1, 1992, is not required to make an assessment against a vacant lot located within the community that is owned by the declarant.

8. If liabilities for common expenses are reallocated, assessments for common expenses and any installment thereof not yet due must be recalculated in accordance with the reallocated liabilities.

9. The association shall provide written notice to each unit's owner of a meeting at which an assessment for a capital improvement is to be considered or action is to be taken on such an assessment at least 21 calendar days before the date of the meeting.

Sec. 23. NRS 116.31152 is hereby amended to read as follows:

116.31152 1. The executive board shall:

(a) At least once every 5 years, cause to be conducted a study of the reserves required to repair, replace and restore the major components of the common elements **.** ~~[;]~~

(b) At least annually, review the results of that study to determine whether those reserves are sufficient **.** ~~[; and]~~ ***The reserves shall be deemed adequately funded if*** ~~*[:*~~

~~*(1) The amount of the reserves is equal to or greater than the amount specified in the funding plan; or*~~

~~(2) The~~ ***the amount of reserves available for the next 5 years is sufficient to repair, replace and restore the major components of the common elements designated in the funding plan.***

(c) At least annually, make any adjustments to the association's funding plan which the executive board deems necessary to provide adequate funding for the required reserves.

2. The study of the reserves required by subsection 1 must be conducted by a person who ~~[holds a permit issued]~~ ***is registered as a reserve study specialist*** pursuant to chapter 116A of NRS ~~[.]~~ ***, unless the association contains 20 or fewer units and is located in a county whose population is 45,000 or less, and then the study must be conducted by a person deemed qualified by the executive board to conduct such a study.***

3. The study of the reserves must include, without limitation:

(a) A summary of an inspection of the major components of the common elements that the association is obligated to repair, replace or restore;

(b) An identification of the major components of the common elements that the association is obligated to repair, replace or restore which have a remaining useful life of less than 30 years;

(c) An estimate of the remaining useful life of each major component of the common elements identified pursuant to paragraph (b);

(d) An estimate of the cost of repair, replacement or restoration of each major component of the common elements identified pursuant to paragraph (b) during and at the end of its useful life; and

(e) An estimate of the total annual assessment that may be necessary to cover the cost of repairing, replacement or restoration of the major components of the common elements identified pursuant to paragraph (b), after subtracting the reserves of the association as of the date of the study, and an estimate of the funding plan that may be necessary to provide adequate funding for the required reserves.

4. A summary of the study of the reserves required by subsection 1 must be submitted to the Division not later than 45 days after the date that the executive board adopts the results of the study.

5. If a common-interest community was developed as part of a planned unit development pursuant to chapter 278A of NRS and is subject to an agreement with a city or county to receive credit against the amount of the residential construction tax that is imposed pursuant to NRS 278.4983 and 278.4985, the association that is organized for the common-interest community may use the money from that credit for the repair, replacement or restoration of park facilities and related improvements if:

(a) The park facilities and related improvements are identified as major components of the common elements of the association; and

(b) The association is obligated to repair, replace or restore the park facilities and related improvements in accordance with the study of the reserves required by subsection 1.

Sec. 23.3. **NRS 116.31153 is hereby amended to read as follows:**

116.31153 ***1.*** Money in the reserve account of an association required by paragraph (b) of subsection 2 of NRS 116.3115 may not be withdrawn without the signatures of at least two members of the executive board or the signatures of at least one member of the executive board and one officer of the association who is not a member of the executive board.

2. Money in the operating account of an association may not be withdrawn without the signatures of at least one member of the executive board or one officer of the association and a member of the executive board, an officer of the association or the community manager.

Sec. 23.7. **NRS 116.31166 is hereby amended to read as follows:**

116.31166 1. The recitals in a deed made pursuant to NRS 116.31164 of:

(a) Default, the mailing of the notice of delinquent assessment, and the recording of the notice of default and election to sell;

(b) The elapsing of the 90 days; and

(c) The giving of notice of sale,

➥ are conclusive proof of the matters recited.

2. Such a deed containing those recitals is conclusive against the unit's former owner, his heirs and assigns, and all other persons. The receipt for the purchase money contained in such a deed is sufficient to discharge the purchaser from obligation to see to the proper application of the purchase money.

3. The sale of a unit pursuant to NRS 116.31162, 116.31163 and 116.31164 ~~[vests in the purchaser the title of the unit's owner without]~~ ***is subject to an*** equity or right of redemption ~~[.]~~ ***as provided in this section.***

4. Upon a sale of a unit:

(a) The purchaser acquires all the right, title, interest and claim of the unit's owner thereto; and

(b) The purchaser must receive a certificate of sale in recordable form which must state:

(1) The description of the unit sold;

(2) The price bid for the unit sold; and

(3) That the unit is subject to redemption within 120 days after the date of the sale.

5. A copy of the certificate of sale must be posted on the door of the unit, with a copy mailed first class, postage prepaid, to the addresses of the unit's owner and persons entitled to redeem as indicated in the records of the association and the last known address as shown in the records of the county.

6. A person who purchases a unit at a sale pursuant to this section may not transfer ownership of the unit to a person other than a unit's owner or redemptioner during the redemption period.

7. A unit sold subject to redemption, as provided in this section, may be redeemed within 120 days after the date of the sale in the manner

hereinafter provided by the following persons or their successors in interest:

(a) The unit's owner or a successor in interest with a recorded interest in the whole or any part of the unit.

(b) A creditor having a security interest on the unit sold or on some share or part thereof.

8. To redeem a unit purchased at a sale pursuant to this section, the unit's owner or redemptioner must pay to the purchaser:

(a) The amount the purchaser paid for the unit at the sale;

(b) The amount of the fee for recording the certificate of sale; and

(c) The amount paid by the purchaser for property taxes and assessments, including, without limitation, assessments due under any applicable declaration, any penalties, interest and costs on the unit, and any applicable real property transfer taxes.

9. Written notice of redemption in recordable form must be given to the redemptioner by the purchaser at the time of payment.

10. If the property is not redeemed within the 120-day period, then the purchaser or his assignee is entitled to a deed to the property from the association.

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. NRS 116.31175 is hereby amended to read as follows:

116.31175 1. Except as otherwise provided in this subsection, the executive board of an association shall, upon the written request of a unit's owner, make available the books, records and other papers of the association for review during the regular working hours of the association, including, without limitation, all contracts to which the association is a party and all records filed with a court relating to a civil or criminal action to which the association is a party. The provisions of this subsection do not apply to:

(a) The personnel records of the employees of the association, except for those records relating to the number of hours worked and the salaries and benefits of those employees;

(b) The records of the association relating to another unit's owner, except for those records described in subsection 2; ~~[and]~~

(c) A contract between the association and an attorney ~~[.]~~ ***; and***

(d) Any document, including, without limitation, minutes of an executive board meeting, a reserve study and a budget, if the document:

(1) Is in the process of being developed for final consideration by the executive board; and

(2) Has not been placed on an agenda for final approval by the executive board.

2. The executive board of an association shall maintain a general record concerning each violation of the governing documents, other than a violation

involving a failure to pay an assessment, for which the executive board has imposed a fine, a construction penalty or any other sanction. The general record:

(a) Must contain a general description of the nature of the violation and the type of the sanction imposed. If the sanction imposed was a fine or construction penalty, the general record must specify the amount of the fine or construction penalty.

(b) Must not contain the name or address of the person against whom the sanction was imposed or any other personal information which may be used to identify the person or the location of the unit, if any, that is associated with the violation.

(c) Must be maintained in an organized and convenient filing system or data system that allows a unit's owner to search and review the general records concerning violations of the governing documents.

3. If the executive board refuses to allow a unit's owner to review the books, records or other papers of the association, the Ombudsman may:

(a) On behalf of the unit's owner and upon written request, review the books, records or other papers of the association during the regular working hours of the association; and

(b) If he is denied access to the books, records or other papers, request the Commission, or any member thereof acting on behalf of the Commission, to issue a subpoena for their production.

4. The books, records and other papers of an association must be maintained for at least 10 years. The provisions of this subsection do not apply to:

(a) The minutes of a meeting of the units' owners which must be maintained in accordance with NRS 116.3108; or

(b) The minutes of a meeting of the executive board which must be maintained in accordance with NRS 116.31083.

5. The executive board shall not require a unit's owner to pay an amount in excess of $10 per hour to review any books, records, contracts or other papers of the association pursuant to the provisions of this section.

6. If an official publication contains or will contain any mention of a candidate or ballot question, the official publication must, upon request and without charge, provide equal space in the same issue to the candidate or a representative of an organization which supports the passage or defeat of the ballot question.

7. Except as otherwise provided in this subsection, if an official publication contains or will contain the views or opinions of the association, the executive board, a community manager or an officer, employee or agent of an association concerning an issue of official interest, the official publication must, upon request and without charge, provide equal space to opposing views and opinions of a unit's owner, tenant or resident of the common-interest community.

8. As used in this section:

(a) "Issue of official interest" includes, without limitation:

(1) Any issue on which the executive board or the units' owners will be voting, including, without limitation, the election of members of the executive board; and

(2) The enactment or adoption of rules or regulations that will affect a common-interest community.

(b) "Official publication" means:

(1) An official website;

(2) An official newsletter or other similar publication that is circulated to each unit's owner; or

(3) An official bulletin board that is available to each unit's owner, which is published or maintained at the cost of an association and by an association, an executive board, a member of an executive board, a community manager or an officer, employee or agent of an association.

Sec. 29. NRS 116.31187 is hereby amended to read as follows:

116.31187 1. Except as otherwise provided in this section, a member of an executive board or an officer of an association shall not:

(a) On or after October 1, 2003, enter into a contract or renew a contract with the association to provide ***financing,*** goods or services to the association; or

(b) Otherwise accept any commission, personal profit or compensation of any kind from the association for providing ***financing,*** goods or services to the association.

2. The provisions of this section do not prohibit a declarant, an affiliate of a declarant or an officer, employee or agent of a declarant or an affiliate of a declarant from:

(a) Receiving any commission, personal profit or compensation from the association, the declarant or an affiliate of the declarant for any ***financing,*** goods or services furnished to the association;

(b) Entering into contracts with the association, the declarant or affiliate of the declarant; or

(c) Serving as a member of the executive board or as an officer of the association.

Sec. 29.5. **NRS 116.335 is hereby amended to read as follows:**

116.335 1. ~~[Except as otherwise provided in]~~ ***Unless, at the time a unit's owner purchased his unit,*** the declaration ~~[,]~~ ***prohibited the unit's owner from renting or leasing his unit, the association may not prohibit the unit's owner from renting or leasing his unit.***

2. Unless, at the time a unit's owner purchased his unit, the declaration required the unit's owner to secure or obtain any approval from the association in order to rent or lease his unit, an association may not require ~~[a]~~ ***the*** unit's owner to secure or obtain any approval from the association in order to rent or lease his unit.

~~[2.]~~ ***3.*** The provisions of this section do not prohibit an association from enforcing any provisions which govern the renting or leasing of units and

which are contained in this chapter or in any other applicable federal, state or local laws or regulations.

Sec. 30. NRS 116.345 is hereby amended to read as follows:

116.345 1. An association of a planned community may not restrict, prohibit or otherwise impede the lawful residential use of any property that is within or encompassed by the boundaries of the planned community and that is not designated as part of the planned community.

2. Except as otherwise provided in this subsection, an association may not restrict the access of a person to any of his property. An association may restrict access to and from a unit within a planned community if the right to restrict such access was included in the declaration or in a separate recorded instrument at the time that the owner of the unit acquired title to the unit. The provisions of this subsection do not prohibit an association from charging the owner of the property a reasonable and nondiscriminatory fee to operate or maintain a gate or other similar device designed to control access to the planned community that would otherwise impede ingress or egress to the property.

3. An association may not expand, construct or situate a building or structure that is not part of any plat or plan of the planned community if the expansion, construction or situation of the building or structure was not previously disclosed to the units' owners of the planned community unless the association obtains the written consent of a majority of the units' owners and residents of the planned community who own property or reside within 500 feet of the proposed location of the building or structure.

4. ***An association may not interrupt any utility service furnished to a unit's owner or a tenant of a unit's owner except for the nonpayment of utility charges when due. The interruption of any utility service pursuant to this subsection must be performed in a manner which is consistent with all laws, regulations and governing documents relating to the interruption of any utility service. An association must in every case send a written notice of its intent to interrupt any utility service to the unit's owner or the tenant of the unit's owner at least 10 days before the association interrupts any utility service.***

5. The provisions of this section do not abrogate any easement, restrictive covenant, decision of a court, agreement of a party or any contract, governing document or declaration of covenants, conditions and restrictions, or any other decision, rule or regulation that a local governing body or other entity that makes decisions concerning land use or planning is authorized to make or enact that exists before October 1, 1999, including, without limitation, a zoning ordinance, permit or approval process or any other requirement of a local government or other entity that makes decisions concerning land use or planning.

Sec. 31. NRS 116.350 is hereby amended to read as follows:

116.350 1. In a common-interest community which is not gated or enclosed and the access to which is not restricted or controlled by a person or

device, the executive board shall not and the governing documents must not provide for the regulation of any road, street, alley or other thoroughfare the right-of-way of which is accepted by the State or a local government for dedication as a road, street, alley or other thoroughfare for public use.

2. ~~[The]~~ ***Except as otherwise provided in subsection 3, the*** provisions of subsection 1 do not preclude an association from adopting, and do not preclude the governing documents of an association from setting forth, rules that reasonably restrict the ~~:~~

~~*(a) Parking on any road, street, alley or other thoroughfare the right-of-way of which is accepted by the State or a local government for dedication as a road, street, alley or other thoroughfare for public use if the requirement that no parking be allowed is included in the terms of any applicable zoning ordinance, permit or approval or as a condition for approval of any final subdivision map; or*~~

~~*(b) The]*~~ parking or storage of ***inoperable vehicles,*** recreational vehicles, watercraft, trailers or commercial vehicles in the common-interest community to the extent authorized by law.

3. In a common-interest community, the executive board shall not and the governing documents must not prohibit a person from:

(a) Parking a utility service vehicle that has a gross vehicle weight rating of 20,000 pounds or less on a driveway, road, street, alley or other thoroughfare:

(1) While the person is engaged in any activity relating to the delivery of public utility services to subscribers or consumers; or

(2) If the person is:

(I) A unit's owner;

(II) Parking the vehicle within 50 yards of his unit; and

(III) Bringing the vehicle to his unit pursuant to his employment with the entity which owns the vehicle for the purpose of responding to requests for public utility services; or

(b) Parking a law enforcement vehicle or emergency services vehicle on a driveway, road, street, alley or other thoroughfare:

(1) While the person is engaged in his official duties; or

(2) If the person is:

(I) A unit's owner;

(II) Parking the vehicle within 50 yards of his unit; and

(III) Bringing the vehicle to his unit pursuant to his employment with the entity which owns the vehicle for the purpose of responding to requests for law enforcement services or emergency services.

4. As used in this section:

(a) "Commercial motor vehicle" has the meaning ascribed to it in 49 C.F.R. § 350.105.

(b) "Emergency services vehicle" means a vehicle:

(1) Owned by any governmental agency or political subdivision of this State; and

(2) Identified by the entity which owns the vehicle as a vehicle used to provide emergency services.

(c) "Law enforcement vehicle" means a vehicle:

(1) Owned by any governmental agency or political subdivision of this State; and

(2) Identified by the entity which owns the vehicle as a vehicle used to provide law enforcement services.

(d) "Utility service vehicle" means any commercial motor vehicle:

(1) Used in the furtherance of repairing, maintaining or operating any structure or any other physical facility necessary for the delivery of public utility services, including, without limitation, the furnishing of electricity, gas, water, sanitary sewer, telephone, cable or community antenna service.

(2) Except for any emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the commercial motor vehicle is owned, leased or rented by the utility.

Sec. 31.5. **NRS 116.4109 is hereby amended to read as follows:**

116.4109 1. Except in the case of a sale in which delivery of a public offering statement is required, or unless exempt under subsection 2 of NRS 116.4101, a unit's owner or his authorized agent shall furnish to a purchaser a resale package containing all of the following:

(a) A copy of the declaration, other than any plats and plans, the bylaws, the rules or regulations of the association and the information statement required by NRS 116.41095;

(b) A statement setting forth the amount of the monthly assessment for common expenses and any unpaid assessment of any kind currently due from the selling unit's owner;

(c) A copy of the current operating budget of the association and current year-to-date financial statement for the association, which must include a summary of the reserves of the association required by NRS 116.31152 and which must include, without limitation, a summary of the information described in paragraphs (a) to (e), inclusive, of subsection 3 of NRS 116.31152; and

(d) A statement of any unsatisfied judgments or pending legal actions against the association and the status of any pending legal actions relating to the common-interest community of which the unit's owner has actual knowledge.

2. The purchaser may, by written notice, cancel the contract of purchase until midnight of the fifth calendar day following the date of receipt of the resale package described in subsection 1, and the contract for purchase must contain a provision to that effect. If the purchaser elects to cancel a contract pursuant to this subsection, he must hand deliver the notice of cancellation to the unit's owner or his authorized agent or mail the notice of cancellation by prepaid United States mail to the unit's owner or his authorized agent. Cancellation is without penalty, and all payments made by the purchaser

before cancellation must be refunded promptly. If the purchaser has accepted a conveyance of the unit, the purchaser is not entitled to:

(a) Cancel the contract pursuant to this subsection; or

(b) Damages, rescission or other relief based solely on the ground that the unit's owner or his authorized agent failed to furnish the resale package, or any portion thereof, as required by this section.

3. Within 10 days after receipt of a written request by a unit's owner or his authorized agent, the association shall furnish all of the following to the unit's owner or his authorized agent for inclusion in the resale package:

(a) Copies of the documents required pursuant to paragraphs (a) and (c) of subsection 1; and

(b) A certificate containing the information necessary to enable the unit's owner to comply with paragraphs (b) and (d) of subsection 1.

4. If the association furnishes the documents and certificate pursuant to subsection 3:

(a) The unit's owner or his authorized agent shall include the documents and certificate in the resale package provided to the purchaser, and neither the unit's owner nor his authorized agent is liable to the purchaser for any erroneous information provided by the association and included in the documents and certificate.

(b) The association may charge the unit's owner a reasonable fee to cover the cost of preparing the certificate furnished pursuant to subsection 3. Such a fee must be based on the actual cost the association incurs to fulfill the requirements of this section in preparing the certificate. The Commission shall adopt regulations establishing the maximum amount of the fee that an association may charge for preparing the certificate.

(c) The association may charge the unit's owner a reasonable fee, not to exceed 25 cents per page, to cover the cost of copying the other documents furnished pursuant to subsection 3.

(d) Except for the fees allowed pursuant to paragraphs (b) and (c), the association may not charge the unit's owner any other fees for preparing or furnishing the documents and certificate pursuant to subsection 3.

5. ***If the association enters into a contract or agreement with any person or entity to furnish the documents and certificate pursuant to subsection 3:***

(a) The contract or agreement must not allow a unit's owner to be charged any fee that exceeds the amount of the fee that the association may charge pursuant to subsection 4; and

(b) The person or entity shall not charge or attempt to charge any such fee.

6. Neither a purchaser nor the purchaser's interest in a unit is liable for any unpaid assessment or fee greater than the amount set forth in the documents and certificate prepared by the association. If the association fails to furnish the documents and certificate within the 10 days allowed by this section, the seller is not liable for the delinquent assessment.

~~[6.]~~ ***7.*** Upon the request of a unit's owner or his authorized agent, or upon the request of a purchaser to whom the unit's owner has provided a resale package pursuant to this section or his authorized agent, the association shall make the entire study of the reserves of the association which is required by NRS 116.31152 reasonably available for the unit's owner, purchaser or authorized agent to inspect, examine, photocopy and audit. The study must be made available at the business office of the association or some other suitable location within the county where the common-interest community is situated or, if it is situated in more than one county, within one of those counties.

8. The association may not charge a unit's owner, and may not require a unit's owner to pay, any fee related to the resale of a unit that is not specifically authorized pursuant to this section, including, without limitation, any transaction fee, transfer fee or other similar fee.

Sec. 32. NRS 116.411 is hereby amended to read as follows:

116.411 1. Except as otherwise provided in subsections 2 ~~[and 3,]~~ ***, 3 and 4,*** a deposit made in connection with the purchase or reservation of a unit from a person required to deliver a public offering statement pursuant to subsection 3 of NRS 116.4102 must be placed in escrow and held either in this State or in the state where the unit is located in an account designated solely for that purpose by a licensed title insurance company, an independent bonded escrow company, or an institution whose accounts are insured by a governmental agency or instrumentality until:

(a) Delivered to the declarant at closing;

(b) Delivered to the declarant because of the purchaser's default under a contract to purchase the unit;

(c) Released to the declarant for an additional item, improvement, optional item or alteration, but the amount so released:

(1) Must not exceed the lesser of the amount due the declarant from the purchaser at the time of the release or the amount expended by the declarant for the purpose; and

(2) Must be credited upon the purchase price; or

(d) Refunded to the purchaser.

2. A deposit or advance payment made for an additional item, improvement, optional item or alteration may be deposited in escrow or delivered directly to the declarant, as the parties may contract.

3. In lieu of placing a deposit in escrow pursuant to subsection 1, the declarant may furnish a bond executed by him as principal and by a corporation qualified under the laws of this State as surety, payable to the State of Nevada, and conditioned upon the performance of the declarant's duties concerning the purchase or reservation of a unit. Each bond must be in a principal sum equal to the amount of the deposit. The bond must be held until:

(a) Delivered to the declarant at closing;

(b) Delivered to the declarant because of the purchaser's default under a contract to purchase the unit; or

(c) Released to the declarant for an additional item, improvement, optional item or alteration, but the amount so released must not exceed the amount due the declarant from the purchaser at the time of the release or the amount expended by the declarant for that purpose, whichever is less.

4. Pursuant to subsection 1, a deposit made in connection with the purchase or reservation of a unit from a person required to deliver a public offering statement pursuant to subsection 3 of NRS 116.4102 is deemed to be placed in escrow and held in this State when the escrow holder has:

(a) The legal right to conduct business in this State;

(b) A resident agent in this State pursuant to subsection 1 of NRS 14.020; and

(c) Consented to the jurisdiction of the courts of this State by:

(1) Maintaining a physical presence in this State; or

(2) Executing a written instrument containing such consent, with respect to any suit or claim, whether brought by the declarant or purchaser, relating to or arising in connection with such sale or the escrow agreement related thereto.

Sec. 33. NRS 116.750 is hereby amended to read as follows:

116.750 1. In carrying out the provisions of NRS 116.745 to 116.795, inclusive, the Division and the Ombudsman have jurisdiction to investigate and the Commission and each hearing panel has jurisdiction to take appropriate action against any person who commits a violation, including, without limitation:

(a) Any association and any officer, employee or agent of an association.

(b) Any member of an executive board.

(c) Any community manager who holds a certificate and any other community manager.

(d) Any person who ~~[holds a permit to conduct a study of the reserves of an association issued]~~ ***is registered as a reserve study specialist, or who conducts a study of reserves,*** pursuant to chapter 116A of NRS.

(e) Any declarant or affiliate of a declarant.

(f) Any unit's owner.

(g) Any tenant of a unit's owner if the tenant has entered into an agreement with the unit's owner to abide by the governing documents of the association and the provisions of this chapter and any regulations adopted pursuant thereto.

2. The jurisdiction set forth in subsection 1 applies to any officer, employee or agent of an association or any member of an executive board who commits a violation and who:

(a) Currently holds his office, employment, agency or position or who held his office, employment, agency or position at the commencement of proceedings against him.

(b) Resigns his office, employment, agency or position:

(1) After the commencement of proceedings against him; or

(2) Within 1 year after the violation is discovered or reasonably should have been discovered.

Sec. 34. NRS 116A.120 is hereby amended to read as follows:

116A.120 ~~["Permit"]~~ ***"Registration"*** means ~~[a permit]~~ ***registration*** to conduct a study of the reserves of an association pursuant to NRS 116.31152 ~~[issued by]~~ ***with*** the Division pursuant to this chapter.

Sec. 35. NRS 116A.260 is hereby amended to read as follows:

116A.260 The Division shall maintain in each district office a public docket or other record in which it shall record, from time to time as made:

1. The rulings or decisions upon all complaints filed with that district office.

2. All investigations instituted by that district office in the first instance, upon or in connection with which any hearing has been held, or in which the person charged has made no defense.

3. Denials of applications made to that district office for examination ***,*** ***registration*** or issuance of a certificate ***.*** ~~[or permit.]~~

Sec. 36. NRS 116A.410 is hereby amended to read as follows:

116A.410 1. The Commission shall by regulation provide for the issuance by the Division of certificates. The regulations:

(a) Must establish the qualifications for the issuance of such a certificate, including, without limitation, the education and experience required to obtain such a certificate. ***The regulations must include, without limitation, provisions that:***

(1) Provide for the issuance of a temporary certificate for a 1-year period to a person who:

(I) Holds a professional designation in the field of management of a common-interest community from a nationally recognized organization;

(II) Provides evidence that the person has been engaged in the management of a common-interest community for at least 5 years; and

(III) Has not been the subject of any disciplinary action in another state in connection with the management of a common-interest community.

(2) Except as otherwise provided in subparagraph (3), provide for the issuance of a temporary certificate for a 1-year period to a person who:

(I) Receives an offer of employment as a community manager from an association; and

(II) Has management experience determined to be sufficient by the executive board of the association making the offer in sub-subparagraph (I). The executive board must have sole discretion to make the determination required in this sub-subparagraph.

(3) Require a temporary certificate described in subparagraph (2) to expire before the end of the 1-year period if the certificate holder ceases to be employed by the association which offered him employment as described in subparagraph (2).

(4) Require a person who is issued a temporary certificate as described in subparagraph (1) or (2) to successfully complete not less than 18 hours of instruction relating to the Uniform Common-Interest Ownership Act within the 1-year period.

(5) Provide for the issuance of a certificate at the conclusion of the 1-year period if the person:

(I) Has successfully completed not less than 18 hours of instruction relating to the Uniform Common-Interest Ownership Act; and

(II) Has not been the subject of any disciplinary action pursuant to this chapter, chapter 116 of NRS or any regulations adopted pursuant thereto.

(6) Provide that a temporary certificate described in subparagraph (1) or (2), and a certificate described in subparagraph (5):

(I) Must authorize the person who is issued a temporary certificate described in subparagraph (1) or (2) or certificate described in subparagraph (5) to act in all respects as a community manager and exercise all powers available to any other community manager without regard to experience; and

(II) Must not be treated as a limited, restricted or provisional form of a certificate.

(b) ***Must require an applicant to post a bond in a form and in an amount established by regulation. The Commission shall, by regulation, adopt a sliding scale for the amount of the bond that is based upon the amount of money that applicants are expected to control. In adopting the regulations establishing the form and sliding scale for the amount of a bond required to be posted pursuant to this paragraph, the Commission shall consider the availability and cost of such bonds.***

(c) May require applicants to pass an examination in order to obtain a certificate ~~[.]~~ ***other than a temporary certificate described in paragraph (a).*** If the regulations require such an examination, the Commission shall by regulation establish fees to pay the costs of the examination, including any costs which are necessary for the administration of the examination.

~~[(c)]~~ ***(d)*** May require an investigation of an applicant's background. If the regulations require such an investigation, the Commission shall by regulation establish fees to pay the costs of the investigation.

~~[(d)]~~ ***(e)*** Must establish the grounds for initiating disciplinary action against a person to whom a certificate has been issued, including, without limitation, the grounds for placing conditions, limitations or restrictions on a certificate and for the suspension or revocation of a certificate.

~~[(e)]~~ ***(f)*** Must establish rules of practice and procedure for conducting disciplinary hearings.

2. The Division may collect a fee for the issuance of a certificate in an amount not to exceed the administrative costs of issuing the certificate.

3. As used in this section, "management experience" means experience in a position in business or government, including, without limitation, in the military:

(a) In which the person holding the position was required, as part of holding the position, to engage in one or more management activities, including, without limitation, supervision of personnel, development of budgets or financial plans, protection of assets, logistics, management of human resources, development or training of personnel, public relations, or protection or maintenance of facilities; and

(b) Without regard to whether the person holding the position has any experience managing or otherwise working for an association.

Sec. 37. NRS 116A.420 is hereby amended to read as follows:

116A.420 1. Except as otherwise provided in this section, a person shall not act as a reserve study specialist unless the person ~~[holds a permit.]~~ ***registers with the Division on a form provided by the Division.***

2. The Commission shall by regulation provide for the standards of practice for reserve study specialists **.** ~~[who hold permits.]~~

3. The Division may investigate any reserve study specialist ~~[who holds a permit]~~ to ensure that the reserve study specialist is complying with the provisions of this chapter and chapter 116 of NRS and the standards of practice adopted by the Commission.

4. In addition to any other remedy or penalty, if the Commission or a hearing panel, after notice and hearing, finds that a reserve study specialist ~~[who holds a permit]~~ has violated any provision of this chapter or chapter 116 of NRS or any of the standards of practice adopted by the Commission, the Commission or the hearing panel may take appropriate disciplinary action against the reserve study specialist.

5. In addition to any other remedy or penalty, the Commission may:

(a) Refuse to ~~[issue a permit to]~~ ***accept the registration of*** a person who has failed to pay money which the person owes to the Commission or the Division.

(b) Suspend, revoke or refuse to renew the ~~[permit]~~ ***registration*** of a person who has failed to pay money which the person owes to the Commission or the Division.

6. The provisions of this section do not apply to a member of an executive board or an officer of an association who is acting solely within the scope of his duties as a member of the executive board or an officer of the association.

7. A person who assists a registered reserve study specialist in preparing a reserve study, signed by a registered reserve study specialist, is not required to register as a reserve study specialist.

Sec. 38. NRS 116A.430 is hereby amended to read as follows:

116A.430 1. The Commission shall by regulation provide for the ~~[issuance]~~ ***registration*** by the Division of ~~[permits to]~~ reserve study specialists. The regulations:

(a) Must establish the qualifications for ~~[the issuance of such a permit,]~~ ***registration,*** including, without limitation, the education and experience required ~~[to obtain such a permit.]~~ ***for registration.***

(b) May require applicants to pass an examination ~~[in order to obtain a permit.]~~ ***for registration.*** If the regulations require such an examination, the Commission shall by regulation establish fees to pay the costs of the examination, including any costs which are necessary for the administration of the examination.

(c) May require an investigation of an applicant's background. If the regulations require such an investigation, the Commission shall by regulation establish fees to pay the costs of the investigation.

(d) Must establish the grounds for initiating disciplinary action against a person ~~[to whom a permit has been issued,]~~ ***who has registered,*** including, without limitation, the grounds for placing conditions, limitations or restrictions on ~~[a permit]~~ ***registration*** and for the suspension or revocation of ~~[a permit.]~~ ***registration.***

(e) Must establish rules of practice and procedure for conducting disciplinary hearings.

2. The Division may collect a fee for ~~[the issuance of a permit]~~ ***registration*** in an amount not to exceed the administrative costs of ~~[issuing the permit.]~~ ***registration.***

Sec. 39. NRS 116A.440 is hereby amended to read as follows:

116A.440 1. An applicant for a certificate or ~~[permit]~~ ***registration*** shall submit to the Division:

(a) The social security number of the applicant; and

(b) The statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for ***registration or*** the issuance of the certificate ***;*** ~~[or permit;]~~ or

(b) A separate form prescribed by the Division.

3. A certificate ~~[or permit]~~ may not be issued ***and an application for registration may not be accepted*** if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount

owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 40. NRS 116A.450 is hereby amended to read as follows:

116A.450 1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to ***a person who is registered or*** the holder of a certificate ***,*** ~~[or permit,]~~ the Division shall deem the ***registration or*** certificate ~~[or permit]~~ to be suspended at the end of the 30th day after the date the court order was issued unless the Division receives a letter issued to the ***person who is registered or the*** holder of the certificate ~~[or permit]~~ by the district attorney or other public agency pursuant to NRS 425.550 stating that the ***person who is registered or the*** holder of the certificate ~~[or permit]~~ has complied with a subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate a ***registration or*** certificate ~~[or permit]~~ that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the ***person who is registered or the*** holder of the certificate ~~[or permit]~~ that he has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 41. NRS 116A.460 is hereby amended to read as follows:

116A.460 The expiration or revocation of a ***registration or*** certificate ~~[or permit]~~ by operation of law or by order or decision of any agency or court of competent jurisdiction, or the voluntary surrender of such a ***registration or*** certificate ~~[or permit]~~ by the ***person who is registered or the*** holder of the certificate ~~[or permit]~~ does not:

1. Prohibit the Commission or the Division from initiating or continuing an investigation of, or action or disciplinary proceeding against, the ***person who is registered or the*** holder of the certificate ~~[or permit]~~ as authorized pursuant to the provisions of this chapter or chapter 116 of NRS or the regulations adopted pursuant thereto; or

2. Prevent the imposition or collection of any fine or penalty authorized pursuant to the provisions of this chapter or chapter 116 of NRS or the regulations adopted pursuant thereto against the ***person who is registered or the*** holder of the certificate ***.*** ~~[or permit.]~~

Sec. 42. NRS 116A.900 is hereby amended to read as follows:

116A.900 1. In addition to any other remedy or penalty, the Commission may impose an administrative fine against any person who knowingly:

(a) Engages or offers to engage in any activity for which a ***registration or*** certificate ~~[or permit]~~ is required pursuant to this chapter or chapter 116 of NRS, or any regulation adopted pursuant thereto, if the person ***has not registered or*** does not hold the required certificate ~~[or permit]~~ or has not been given the required authorization; or

(b) Assists or offers to assist another person to commit a violation described in paragraph (a).

2. If the Commission imposes an administrative fine against a person pursuant to this section, the amount of the administrative fine may not exceed the amount of any gain or economic benefit that the person derived from the violation or $5,000, whichever amount is greater.

3. In determining the appropriate amount of the administrative fine, the Commission shall consider:

(a) The severity of the violation and the degree of any harm that the violation caused to other persons;

(b) The nature and amount of any gain or economic benefit that the person derived from the violation;

(c) The person's history or record of other violations; and

(d) Any other facts or circumstances that the Commission deems to be relevant.

4. Before the Commission may impose the administrative fine, the Commission must provide the person with notice and an opportunity to be heard.

5. The person is entitled to judicial review of the decision of the Commission in the manner provided by chapter 233B of NRS.

6. The provisions of this section do not apply to a person who engages or offers to engage in activities within the purview of this chapter or chapter 116 of NRS if:

(a) A specific statute exempts the person from complying with the provisions of this chapter or chapter 116 of NRS with regard to those activities; and

(b) The person is acting in accordance with the exemption while engaging or offering to engage in those activities.

Sec. 43. NRS 278.0208 is hereby amended to read as follows:

278.0208 1. A governing body shall not adopt an ordinance, regulation or plan or take any other action that prohibits or unreasonably restricts the owner of real property from using a system for obtaining solar or wind energy on his property.

2. ~~[Any]~~ ***Except as otherwise provided in subsection 3, any*** covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer, sale or any other interest in real property that prohibits or unreasonably restricts the owner of the property from using a system for obtaining solar or wind energy on his property is void and unenforceable.

3. ~~*[The owner of the property has the burden of showing that a restriction or requirement on the use of such a system significantly decreases the efficiency or performance of the system.]*~~ ***A covenant, restriction or condition contained in the governing documents of a common-interest community or a policy established by a common-interest community***

specifying the color of such a system is enforceable so long as such a system is manufactured in such color and the specification was:

(a) In existence on July 1, 2007; or

(b) Contained in the governing documents in effect on the close of escrow of the first sale of a unit in the common-interest community.

4. For the purposes of this section ~~[, "unreasonably]~~ ***:***

(a) ~~*[*"Significantly decreases the efficiency or performance of the system" *means a decrease of 20 percent or more in the efficiency or performance of the system.]*~~ ***"Common-interest community" has the meaning ascribed to it in NRS 116.021.***

(b) ***"Governing documents" has the meaning ascribed to it in NRS 116.049.***

(c) "Unit" has the meaning ascribed to it in NRS 116.093.

(d) "Unreasonably restricting the use of a system for obtaining solar or wind energy" means placing a restriction or requirement on the use of such a system which significantly decreases the efficiency or performance of the system and does not allow for the use of an alternative system at a comparable cost and with comparable efficiency and performance.

Sec. 44. ~~[NRS 360.765 is hereby amended to read as follows:~~

~~360.765 1. Except as otherwise provided in subsection 2, "business" means:~~

~~(a) Any person, except a natural person, that performs a service or engages in a trade for profit; or~~

~~(b) Any natural person who performs a service or engages in a trade for profit if the person is required to file with the Internal Revenue Service a Schedule C (Form 1040), Profit or Loss From Business Form, or its equivalent or successor form, a Schedule E (Form 1040), Supplemental Income and Loss Form, or its equivalent or successor form, or a Schedule F (Form 1040), Profit or Loss From Farming Form, or its equivalent or successor form, for that activity.~~

~~2. The term does not include:~~

~~(a) A governmental entity.~~

~~(b) A nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).~~

~~(c) A person who operates a business from his home and whose net earnings from that business are not more than 66 2/3 percent of the average annual wage, as computed for the preceding calendar year pursuant to chapter 612 of NRS and rounded to the nearest hundred dollars.~~

~~(d) A natural person whose sole business is the rental of four or fewer dwelling units to others.~~

~~(e) A business whose primary purpose is to create or produce motion pictures. As used in this paragraph, "motion pictures" has the meaning ascribed to it in NRS 231.020.~~

~~*(f) A unit-owners' association organized pursuant to NRS 116.3101 as a nonprofit corporation, trust or partnership.]*~~ **(Deleted by amendment.)**

Sec. 45. (Deleted by amendment.)

Sec. 46. (Deleted by amendment.)

Sec. 47. (Deleted by amendment.)

Sec. 48. The amendatory provisions of section 10 of this act apply to all owners of property in a common-interest community that is exempt from taxation pursuant to NRS 361.125 who are not obligated to pay assessments as of January 1, 2007.

Sec. 49. 1. **This section becomes effective upon passage and approval.**

2. Section 36 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2008, for all other purposes.

3. ~~[This]~~ **Section 32 of this act becomes effective on July 1, 2007.**

4. Sections 1 to 6.3, inclusive, 7 to 20.3, inclusive, 21 to 35, inclusive, and 37 to 48, inclusive, of this act ~~[becomes]~~ **become** effective on October 1, 2007.

~~[2.]~~ **5. Sections 6.7 and 20.7 of this act become effective on October 1, 2009.**

6. Sections 39 and 40 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblyman Horne moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 396.

Remarks by Assemblyman Horne.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 196.

The following Senate amendment was read:

Amendment No. 1153.

AN ACT relating to state financial administration; exempting from the limitation on the proposed expenditures of the Executive Department of the State Government any expenditures for the purpose of reducing an unfunded accrued liability of the State ~~[;]~~ **Retirees' Health and Welfare Benefits Fund;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Chief of the Budget Division of the Department of Administration to prepare a proposed budget for the Executive Department of the State Government. (NRS 353.185) Under existing law, the proposed total expenditures in this proposed budget, excluding proposed expenditures for construction, cannot exceed a certain amount. (NRS 353.213) This bill provides that expenditures to reduce any unfunded accrued liability of the State **Retirees' Health and Welfare Benefits Fund** are excluded from the limitation on proposed total expenditures.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 353.213 is hereby amended to read as follows:

353.213 1. In preparing the proposed budget for the Executive Department of the State Government for each biennium, the Chief shall not exceed the limit upon total proposed expenditures for purposes other than construction ***and reducing any unfunded accrued liability of the State Retirees' Health and Welfare Benefits Fund created by section 4 of Senate Bill No. 547 of the 74th Session of the Nevada Legislature*** from the State General Fund calculated pursuant to this section. The base for each biennium is the total expenditure, for the purposes limited, from the State General Fund appropriated and authorized by the Legislature for the biennium beginning on July 1, 1975.

2. The limit for each biennium is calculated as follows:

(a) The amount of expenditure constituting the base is multiplied by the percentage of change in population for the current biennium from the population on July 1, 1974, and this product is added to or subtracted from the amount of expenditure constituting the base.

(b) The amount calculated pursuant to paragraph (a) is multiplied by the percentage of inflation or deflation, and this product is added to or subtracted from the amount calculated pursuant to paragraph (a).

(c) Subject to the limitations of this paragraph:

(1) If the amount resulting from the calculations pursuant to paragraphs (a) and (b) represents a net increase over the base biennium, the Chief may increase the proposed expenditure accordingly.

(2) If the amount represents a net decrease, the Chief shall decrease the proposed expenditure accordingly.

(3) If the amount is the same as in the base biennium, that amount is the limit of permissible proposed expenditure.

➥ The proposed budget for each fiscal year of the biennium must provide for a reserve of not less than 5 percent nor more than 10 percent of the total of all proposed appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and authorized expenditures from the State General Fund for the regulation of gaming for that fiscal year.

3. The revised estimate of population for the State issued by the United States Department of Commerce as of July 1, 1974, must be used, and the Governor shall certify the percentage of increase or decrease in population for each succeeding biennium. The Consumer Price Index published by the United States Department of Labor for July preceding each biennium must be used in determining the percentage of inflation or deflation.

4. The Chief may exceed the limit to the extent necessary to meet situations in which there is a threat to life or property.

5. As used in this section, "unfunded accrued liability" means a liability with an actuarially determined value which exceeds the value of the assets in the fund from which payments are made to discharge the liability.

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 196.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 404, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1082 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 36, which is attached to and hereby made a part of this report.

MOISES DENIS	MAURICE WASHINGTON
BONNIE PARNELL	BERNICE MATHEWS
JOE HARDY	DENNIS NOLAN
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA36.

AN ACT relating to education; revising provisions governing homeschooled children; requiring the board of trustees of each school district to post certain information concerning examinations on its Internet website and ensure that homeschooled children have notice of the website; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, compulsory attendance in public school is required of children between the ages of 7 and 17 years. (NRS 392.040) Compulsory attendance is excused if satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child is receiving at home or in some other school equivalent instruction of the kind and amount approved by the State Board of Education. (NRS 392.070) Sections ~~[3 and]~~ 5 **and 7** of this bill excuse compulsory attendance if a child is enrolled in a private school or if a notice of intent to homeschool the child is filed with the superintendent of schools of the school district in which the child resides. Sections ~~[1 and 5]~~ **2 and 7** of this bill authorize the board of trustees of a school district or the governing body of a charter school, as

applicable, to require a birth certificate or other documentation to prove the identity of the homeschooled child who wishes to participate in certain activities and classes offered by the public schools in this State and requires such proof under certain circumstances.

Section ~~[3]~~ **5** of this bill sets forth requirements concerning a notice of intent to homeschool and establishes certain rights for a child that is being homeschooled and the parents of that child. **Section 5.5 of this bill sets forth requirements concerning notice of intent of a homeschooled child to participate in programs and activities, which must be filed before a homeschooled child may participate in certain classes, activities and programs in a public school or through a school district, or through the Nevada Interscholastic Activities Association.**

Under existing law, the State Board of Education is required to prescribe the courses of study required for promotion to high school. (NRS 392.033) Section ~~[4]~~ **6** of this bill prescribes the information that must be provided by a homeschooled child who wishes to enroll in a public high school to demonstrate competency in those courses of study or successful completion of those courses.

Section ~~[2.5]~~ **4** of this bill requires the board of trustees of each school district to maintain on its Internet website pertinent information concerning the examinations available to children in the school district. Section ~~[3]~~ **5** of this bill requires each school district to ensure that homeschooled children who reside in the school district have adequate notice of the availability of the website.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 386.430 is hereby amended to read as follows:**

386.430 1. The Nevada Interscholastic Activities Association shall adopt rules and regulations in the manner provided for state agencies by chapter 233B of NRS, as may be necessary to carry out the provisions of NRS 386.420 to 386.470, inclusive. The regulations must include provisions governing the eligibility and participation of homeschooled children in interscholastic activities and events. ***In addition to the regulations governing eligibility, a homeschooled child who wishes to participate must have on file with the school district in which he resides a current notice of intent of a homeschooled child to participate in programs and activities pursuant to section 5.5 of this act.***

2. If the Nevada Interscholastic Activities Association intends to adopt, repeal or amend a policy, rule or regulation concerning or affecting homeschooled children, the Association shall consult with the Northern Nevada Homeschool Advisory Council and the Southern Nevada Homeschool Advisory Council, or their successor organizations, to provide those Councils with a reasonable opportunity to submit data, opinions or arguments, orally or in writing, concerning the proposal or change. The

Association shall consider all written and oral submissions respecting the proposal or change before taking final action.

Sec. 1.5. **NRS 386.462 is hereby amended to read as follows:**

386.462 1. A homeschooled child must be allowed to participate in interscholastic activities and events in accordance with the regulations adopted by the Nevada Interscholastic Activities Association pursuant to NRS 386.430 ~~[.]~~ ***if a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to section 5.5 of this act.***

2. The provisions of NRS 386.420 to 386.470, inclusive, and the regulations adopted pursuant thereto that apply to pupils enrolled in public schools who participate in interscholastic activities and events apply in the same manner to homeschooled children who participate in interscholastic activities and events, including, without limitation, provisions governing:

(a) Eligibility and qualifications for participation;
(b) Fees for participation;
(c) Insurance;
(d) Transportation;
(e) Requirements of physical examination;
(f) Responsibilities of participants;
(g) Schedules of events;
(h) Safety and welfare of participants;
(i) Eligibility for awards, trophies and medals;
(j) Conduct of behavior and performance of participants; and
(k) Disciplinary procedures.

~~[Section 1.]~~ ***Sec. 2.*** NRS 386.580 is hereby amended to read as follows:

386.580 1. An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this State. Except as otherwise provided in this subsection and subsection 2, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district. Except as otherwise provided in subsection 2, if more pupils who are eligible for

enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

2. Before a charter school enrolls pupils who are eligible for enrollment, a charter school that is dedicated to providing educational programs and opportunities to pupils who are at risk may enroll a child who:

(a) Is a sibling of a pupil who is currently enrolled in the charter school; or

(b) Resides within the school district and within 2 miles of the charter school if the charter school is located in an area that the sponsor of the charter school determines includes a high percentage of children who are at risk. If space is available after the charter school enrolls pupils pursuant to this paragraph, the charter school may enroll children who reside outside the school district but within 2 miles of the charter school if the charter school is located within an area that the sponsor determines includes a high percentage of children who are at risk.

➥ If more pupils described in this subsection who are eligible apply for enrollment than the number of spaces available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

3. Except as otherwise provided in subsection 7, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

(a) Race;

(b) Gender;

(c) Religion;

(d) Ethnicity; or

(e) Disability,

➥ of a pupil.

4. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or a parent or legal guardian of a homeschooled child, the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at his school or home school or participate in an extracurricular activity at the charter school if:

(a) Space for the child in the class or extracurricular activity is available; ~~[and]~~

(b) The parent or legal guardian demonstrates to the satisfaction of the governing body that the child is qualified to participate in the class or extracurricular activity ~~[.]~~ ***; and***

(c) The child is a homeschooled child, a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to section 5.5 of this act.

➥ If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to this subsection, the governing body is not required to provide transportation for the child to attend the class or activity. A charter school shall not authorize such a child to participate in a class or activity through a program of distance education provided by the charter school pursuant to NRS 388.820 to 388.874, inclusive.

6. The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection 5 if the governing body determines that the child has failed to comply with applicable statutes, or applicable rules and regulations. If the governing body so revokes its approval, neither the governing body nor the charter school is liable for any damages relating to the denial of services to the child.

7. ***The governing body of a charter school may, before authorizing a homeschooled child to participate in a class or extracurricular activity pursuant to subsection 5, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.***

8. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

(a) With disabilities;

(b) Who pose such severe disciplinary problems that they warrant a specific educational program, including, without limitation, a charter school specifically designed to serve a single gender that emphasizes personal responsibility and rehabilitation; or

(c) Who are at risk.

➥ If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 388.850 is hereby amended to read as follows:

388.850 1. A pupil may enroll in a program of distance education only if the pupil satisfies the requirements of any other applicable statute and the pupil:

(a) Is participating in a program for pupils at risk of dropping out of high school pursuant to NRS 388.537;

(b) Is participating in a program of independent study pursuant to NRS 389.155;

(c) Is enrolled in a public school that does not offer certain advanced or specialized courses that the pupil desires to attend;

(d) Has a physical or mental condition that would otherwise require an excuse from compulsory attendance pursuant to NRS 392.050;

(e) Would otherwise be excused from compulsory attendance pursuant to NRS 392.080;

(f) Is otherwise prohibited from attending public school pursuant to NRS 392.264, 392.4642 to 392.4648, inclusive, 392.466, 392.467 or 392.4675;

(g) Is otherwise permitted to enroll in a program of distance education provided by the board of trustees of a school district if the board of trustees determines that the circumstances warrant enrollment for the pupil; or

(h) Is otherwise permitted to enroll in a program of distance education provided by the governing body of a charter school if the governing body of the charter school determines that the circumstances warrant enrollment for the pupil.

2. In addition to the eligibility for enrollment set forth in subsection 1, a pupil must satisfy the qualifications and conditions for enrollment in a program of distance education adopted by the State Board pursuant to NRS 388.874.

3. A child who is exempt from compulsory attendance and ~~[receiving equivalent instruction authorized by the State Board pursuant to subsection 1 of NRS 392.070]~~ ***is enrolled in a private school pursuant to chapter 394 of NRS or is being homeschooled*** is not eligible to enroll in or otherwise attend a program of distance education, regardless of whether he is otherwise eligible for enrollment pursuant to subsection 1.

4. If a pupil who is prohibited from attending public school pursuant to NRS 392.264 enrolls in a program of distance education, the enrollment and attendance of that pupil must comply with all requirements of NRS 62F.100 to 62F.140, inclusive, and 392.251 to 392.271, inclusive.

5. If a pupil is eligible for enrollment in a program of distance education pursuant to paragraph (c) of subsection 1, he may enroll in the program of distance education only to take those advanced or specialized courses that are not offered at the public school he otherwise attends.

~~[Sec. 2.5.]~~ ***Sec. 4.*** Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

The board of trustees of each school district shall maintain on its Internet website, and shall post in a timely manner, all pertinent information concerning the examinations available to children who reside in the school district, including, without limitation, the dates and times of, and contact information concerning, such examinations. The examinations posted must include, without limitation:

1. The high school proficiency examination administered pursuant to NRS 389.015; and

2. All college entrance examinations offered in this State, including, without limitation, the Scholastic Aptitude Test, the American College Test,

the Preliminary Scholastic Aptitude Test and the National Merit Scholarship Qualifying Test.

Sec. 4.5. **Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 5.5 of this act.**

~~[Sec. 3.]~~ ***Sec. 5.*** ~~[Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:]~~

1. If the parent of a child who is subject to compulsory attendance wishes to homeschool the child, the parent must file with the superintendent of schools of the school district in which the child resides a written notice of intent to homeschool the child. The Department shall develop a standard form for the notice of intent to homeschool. The form must not require any information or assurances that are not otherwise required by this section or other specific statute. The board of trustees of each school district shall, in a timely manner, make only the form developed by the Department available to parents who wish to homeschool their child.

2. The ~~[initial]~~ notice of intent to homeschool must be filed before beginning to homeschool the child or:

(a) Not later than 10 days after the child has been formally withdrawn from enrollment in public school; or

(b) Not later than 30 days after establishing residency in this State.

3. The purpose of the notice of intent to homeschool is to inform the school district in which the child resides that the child is exempt from the requirement of compulsory attendance.

4. ~~[A subsequent notice of intent to homeschool must be filed annually with the school district, beginning with the school year immediately following the school year in which the initial notice of intent to homeschool was filed.]~~ If the name or address of the parent or child as indicated on a notice of intent to homeschool changes, the parent must, not later than 30 days after the change, file a new notice of intent to homeschool with the superintendent of schools of the school district in which the child resides.

5. A notice of intent to homeschool must include only the following:

(a) The full name, age and gender of the child;

(b) The name and address of each parent filing the notice of intent to homeschool;

(c) A statement signed and dated by each such parent declaring that the parent has control or charge of the child and the legal right to direct the education of the child, and assumes full responsibility for the education of the child while the child is being homeschooled;

(d) ~~[If the notice is the initial notice of intent to homeschool, an]~~ An educational plan for the child that is prepared pursuant to subsection 12;

(e) If applicable, the name of the public school in this State which the child most recently attended; and

(f) An optional statement that the parent may sign which provides:

I expressly prohibit the release of any information contained in this document, including, without limitation, directory information as defined in 20 U.S.C. § 1232g(a)(5)(A), without my prior written consent.

6. Each superintendent of schools of a school district shall accept notice of intent to homeschool that is filed with him pursuant to this section and meets the requirements of subsection 5, and shall not require or request any additional information or assurances from the parent who filed the notice.

7. The school district shall provide to a parent who files a notice a written acknowledgment which clearly indicates that the parent has provided notification required by law and that the child is being homeschooled ***.*** ~~*[for the duration of the school year.]*~~ ***The written acknowledgment shall be deemed proof of compliance with Nevada's compulsory school attendance law.*** ~~*[A written acknowledgment that a child is being homeschooled is effective for 1 school year. The school district shall provide a written acknowledgment that a child is being homeschooled for every school year for the which the parent demonstrates compliance with this section.]*~~ ***The school district shall retain a copy of the written acknowledgment for not less than 15 years. The written acknowledgment may be retained in electronic format.***

8. The superintendent of schools of a school district shall process a written request for a copy of the records of the school district, or any information contained therein, relating to a child who is being or has been homeschooled not later than 5 days after receiving the request. The superintendent of schools may only release such records or information:

(a) To a person or entity specified by the parent of the child, or by the child if he is at least 18 years of age, upon suitable proof of identity of the parent or child; or

(b) If required by specific statute.

9. If a child who is or was homeschooled seeks admittance or entrance to any school in this State, the school may use only commonly used practices in determining the academic ability, placement or eligibility of the child. A homeschooled child seeking admittance to public high school must comply with NRS 392.033.

10. A school or organization shall not discriminate in any manner against a child who is or was homeschooled.

11. Each school district shall allow homeschooled children to participate in the high school proficiency examination administered pursuant to NRS 389.015 and all college entrance examinations offered in this State, including, without limitation, the Scholastic Aptitude Test, the American College Test, the Preliminary Scholastic Aptitude Test and the National Merit Scholarship Qualifying Test. Each school district shall ensure that the homeschooled children who reside in the school district have adequate notice of the availability of information concerning such

examinations on the Internet website of the school district maintained pursuant to section ~~[2.5]~~ 4 of this act.

12. The parent of a child who is being homeschooled shall prepare an educational plan of instruction for the child in the subject areas of English, including reading, composition and writing, mathematics, science and social studies, including history, geography, economics and government, as appropriate for the age and level of skill of the child as determined by the parent. The educational plan must be included in the ~~[initial]~~ notice of intent to homeschool filed pursuant to this section. If the educational plan contains the requirements of this section, the educational plan must not be used in any manner as a basis for denial of ~~[an initial]~~ a notice of intent to homeschool that is otherwise complete. The parent must be prepared to present the educational plan of instruction and proof of the identity of the child to a court of law if required by the court. This subsection does not require a parent to ensure that each subject area is taught each year that the child is homeschooled.

13. No regulation or policy of the State Board, any school district or any other governmental entity may infringe upon the right of a parent to educate his child based on religious preference unless it is:

(a) Essential to further a compelling governmental interest; and

(b) The least restrictive means of furthering that compelling governmental interest.

14. As used in this section, "parent" means the parent, custodial parent, legal guardian or other person in this State who has control or charge of a child and the legal right to direct the education of the child.

Sec. 5.5. 1. The Department shall develop a standard form for the notice of intent of a homeschooled child to participate in programs and activities. The board of trustees of each school district shall, in a timely manner, make only the form developed by the Department available to parents of homeschooled children.

2. The notice developed pursuant to subsection 1 must include the information required in the notice of intent to homeschool pursuant to section 5 of this act, excluding the educational plan for the homeschooled child.

3. If a homeschooled child wishes to participate in classes, activities, programs, sports or interscholastic activities and events at a public school or through a school district, or through the Nevada Interscholastic Activities Association, the parent of the child must file a current notice of intent to participate with the school district in which the child resides.

~~[Sec. 4.]~~ ***Sec. 6.*** NRS 392.033 is hereby amended to read as follows:

392.033 1. The State Board shall adopt regulations which prescribe the courses of study required for promotion to high school, which may include the credits to be earned.

2. The board of trustees of a school district shall not promote a pupil to high school if the pupil does not complete the course of study or credits

required for promotion. The board of trustees of the school district in which the pupil is enrolled may provide programs to complete the courses of study required for promotion to high school.

3. The board of trustees of each school district shall adopt a procedure for evaluating the course of study or credits completed by a pupil who transfers to a junior high or middle school from a junior high or middle school in this State or from a school outside of this State.

4. A homeschooled child who enrolls in a public high school shall, upon initial enrollment:

(a) Provide documentation sufficient to prove that the child has successfully completed the courses of study required for promotion to high school through an accredited program of homeschool study recognized by the board of trustees of the school district;

(b) Demonstrate proficiency in the courses of study required for promotion to high school through an examination prescribed by the board of trustees of the school district; or

(c) Provide other proof satisfactory to the board of trustees of the school district demonstrating competency in the courses of study required for promotion to high school.

~~[Sec. 5.]~~ ***Sec. 7.*** NRS 392.070 is hereby amended to read as follows:

392.070 1. Attendance ***of a child*** required by the provisions of NRS 392.040 must be excused when ~~[satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child is receiving at home or in some other school equivalent instruction of the kind and amount approved by the State Board.]~~ ***:***

(a) The child is enrolled in a private school pursuant to chapter 394 of NRS; or

(b) A parent of the child chooses to provide education to the child and files a notice of intent to homeschool the child with the superintendent of schools of the school district in which the child resides in accordance with section ~~[3]~~ 5 of this act.

2. The board of trustees of each school district shall provide programs of special education and related services for homeschooled children. The programs of special education and related services required by this section must be made available:

(a) Only if a child would otherwise be eligible for participation in programs of special education and related services pursuant to NRS 388.440 to 388.520, inclusive;

(b) In the same manner that the board of trustees provides, as required by 20 U.S.C. § 1412, for the participation of pupils with disabilities who are enrolled in private schools within the school district voluntarily by their parents or legal guardians; and

(c) In accordance with the same requirements set forth in 20 U.S.C. § 1412 which relate to the participation of pupils with disabilities who are

enrolled in private schools within the school district voluntarily by their parents or legal guardians.

3. Except as otherwise provided in subsection 2 for programs of special education and related services, upon the request of a parent or legal guardian of a child who is enrolled in a private school or a parent or legal guardian of a homeschooled child, the board of trustees of the school district in which the child resides shall authorize the child to participate in ~~[a class that is not available to the child at the private school or home school or to participate in an extracurricular activity,]~~ ***any classes and extracurricular activities,*** excluding sports, at a public school within the school district if:

(a) Space for the child in the class or extracurricular activity is available; ~~[and]~~

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the child is qualified to participate in the class or extracurricular activity ~~[.]~~ ***; and***

(c) The child is a homeschooled child, a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district for the current school year pursuant to section 5.5 of this act.

➥ If the board of trustees of a school district authorizes a child to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the child to attend the class or activity. A homeschooled child must be allowed to participate in interscholastic activities and events governed by ~~[an association]~~ ***the Nevada Interscholastic Activities Association*** pursuant to NRS 386.420 to 386.470, inclusive, and interscholastic activities and events, including sports, pursuant to subsection 5.

4. The board of trustees of a school district may revoke its approval for a pupil to participate in a class or extracurricular activity at a public school pursuant to subsection 3 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees. If the board of trustees revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

5. In addition to those interscholastic activities and events governed by ~~[an association]~~ ***the Nevada Interscholastic Activities Association*** pursuant to NRS 386.420 to 386.470, inclusive, ***a*** homeschooled ~~[children]~~ ***child*** must be allowed to participate in interscholastic activities and events, including sports ~~[.]~~ ***, if a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district for the current school year pursuant to section 5.5 of this act.*** A homeschooled child who participates in interscholastic activities and events at a public school pursuant to this subsection must participate within the school district of the child's residence through the public school which the child is otherwise zoned to attend. Any rules or regulations that apply to pupils

enrolled in public schools who participate in interscholastic activities and events, including sports, apply in the same manner to homeschooled children who participate in interscholastic activities and events, including, without limitation, provisions governing:

(a) Eligibility and qualifications for participation;

(b) Fees for participation;

(c) Insurance;

(d) Transportation;

(e) Requirements of physical examination;

(f) Responsibilities of participants;

(g) Schedules of events;

(h) Safety and welfare of participants;

(i) Eligibility for awards, trophies and medals;

(j) Conduct of behavior and performance of participants; and

(k) Disciplinary procedures.

6. If a homeschooled child participates in interscholastic activities and events pursuant to subsection 5:

(a) No challenge may be brought by ~~[an association,]~~ ***the Association,*** a school district, a public school or a private school, a parent or guardian of a pupil enrolled in a public school or a private school, a pupil enrolled in a public school or a private school, or any other entity or person claiming that an interscholastic activity or event is invalid because the homeschooled child is allowed to participate.

(b) Neither the school district nor a public school may prescribe any regulations, rules, policies, procedures or requirements governing the eligibility or participation of the homeschooled child that are more restrictive than the provisions governing the eligibility and participation of pupils enrolled in public schools.

7. The programs of special education and related services required by subsection 2 may be offered at a public school or another location that is appropriate.

8. ***The board of trustees of a school district:***

(a) May, before providing programs of special education and related services to a homeschooled child pursuant to subsection 2, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

(b) May, before authorizing a homeschooled child to participate in a class or extracurricular activity, excluding sports, pursuant to subsection 3, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

(c) Shall, before allowing a homeschooled child to participate in interscholastic activities and events governed by the Nevada Interscholastic Activities Association pursuant to NRS 386.420 to 386.470, inclusive, and

interscholastic activities and events pursuant to subsection 5, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

9. The Department ~~[may]~~ ***shall*** adopt such regulations as are necessary for the boards of trustees of school districts to provide the programs of special education and related services required by subsection 2.

~~[9.]~~ ***10.*** As used in this section, "related services" has the meaning ascribed to it in 20 U.S.C. § ~~[1401(22).]~~ ***1401.***

~~[Sec. 6.]~~ ***Sec. 8.*** NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be suspended or expelled from that school, although he may be placed in another kind of school, for at least a period equal to one semester for that school. For a second occurrence, the pupil must be permanently expelled from that school and:

(a) ~~[Receive equivalent instruction authorized by the State Board pursuant to subsection 1 of NRS 392.070;]~~ ***Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled;*** or

(b) Enroll in a program of independent study provided pursuant to paragraph (b) of subsection 3 of NRS 389.155 or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if he qualifies for enrollment and is accepted for enrollment in accordance with the applicable requirements.

2. Except as otherwise provided in this section, any pupil who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although he may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school and:

(a) ~~[Receive equivalent instruction authorized by the State Board pursuant to subsection 1 of NRS 392.070;]~~ ***Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled;*** or

(b) Enroll in a program of independent study provided pursuant to paragraph (b) of subsection 3 of NRS 389.155 or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if he qualifies for enrollment and is accepted for enrollment in accordance with the applicable requirements.

➥ The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to the expulsion requirement of this subsection if such modification is set forth in writing.

3. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil must be suspended or expelled from the school for a period equal to at least one semester for that school. For the period of his suspension or expulsion, the pupil must:

(a) ~~[Receive equivalent instruction authorized by the State Board pursuant to subsection 1 of NRS 392.070;]~~ ***Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled;*** or

(b) Enroll in a program of independent study provided pursuant to paragraph (b) of subsection 3 of NRS 389.155 or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if he qualifies for enrollment and is accepted for enrollment in accordance with the applicable requirements.

4. This section does not prohibit a pupil from having in his possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

5. Any pupil in grades 1 to 6, inclusive, except a pupil who has been found to have possessed a firearm in violation of subsection 2, may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

6. A pupil who is participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

(a) Suspended from school pursuant to this section for not more than 10 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

7. As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "Dangerous weapon" includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku, switchblade knife or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

8. The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if he is accepted for enrollment by the charter school pursuant to NRS 386.580. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to his suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

~~[Sec. 7.]~~ ***Sec. 9.*** The regulations adopted by the State Board of Education which are codified as NAC 392.011 to 392.065, inclusive, are hereby declared void. In preparing the supplements to the Nevada Administrative Code on or after July 1, 2007, the Legislative Counsel shall remove those regulations.

~~[Sec. 8.]~~ ***Sec. 10.*** This act becomes effective on July 1, 2007.

Assemblyman Denis moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 404.

Remarks by Assemblyman Denis.

Motion carried by a constitutional majority.

Assemblyman Oceguera moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 4:35 p.m.

ASSEMBLY IN SESSION

At 4:42 p.m.

Madam Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 577, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chair*

GENERAL FILE AND THIRD READING

Senate Bill No. 577.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 577:

YEAS—42.

NAYS—None.

Senate Bill No. 577 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Education, to which was referred Senate Bill No. 238, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 443, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

GENERAL FILE AND THIRD READING

Senate Bill No. 238.

Bill read third time.

Roll call on Senate Bill No. 238:

YEAS—42.

NAYS—None.

Senate Bill No. 238 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 443.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1163.

AN ACT making various appropriations; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby created in the State General Fund a disbursement account to be administered by the Legislative Counsel Bureau.

2. Money appropriated to the disbursement account for the use of a specific entity must be allocated to that entity from time to time upon the submittal to the Legislative Counsel Bureau of an appropriate request for an allocation that is based on costs incurred.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the disbursement account created by section 1 of this act for the use of the Nevada Cancer Institute the sum of $5,000,000 for expansion of laboratory and clinical space.

2. Upon acceptance of the money appropriated by subsection 1, the Nevada Cancer Institute shall:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2008, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Nevada Cancer Institute through December 1, 2008;

(b) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2010, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Nevada Cancer Institute through December 1, 2010;

(c) Prepare and transmit a final report to the Interim Finance Committee on or before September 16, 2011, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Nevada Cancer Institute through June 30, 2011; and

(d) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Nevada Cancer Institute, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

Sec. 3. Any remaining balance of the appropriation made by section 2 of this act must not be committed for expenditure after June 30, 2011, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2011, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2011.

Sec. 4. 1. There is hereby appropriated from the State General Fund to the disbursement account created by section 1 of this act for the use of the Nevada Cancer Institute for research and community outreach and education for the Fiscal Year 2007-2008, the sum of $2,500,000.

2. Upon acceptance of the money appropriated by subsection 1, the Nevada Cancer Institute shall:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2007, that describes each expenditure made from the money appropriated by subsection 1, from the date on which the money was received by the Nevada Cancer Institute through December 1, 2007;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 19, 2008, that describes each expenditure made from the money appropriated by subsection 1, from the date on which the money was received by the Nevada Cancer Institute through June 30, 2008; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Nevada Cancer Institute, regardless of their form or location, that the Legislative Auditor

deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

Sec. 5. Any remaining balance of the appropriation made by section 4 of this act must not be committed for expenditure after June 30, 2008, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2008, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2008.

Sec. 6. 1. There is hereby appropriated from the State General Fund to the disbursement account created by section 1 of this act for the use of the Nevada Cancer Institute for research and community outreach and education for the Fiscal Year 2008-2009, the sum of $2,500,000.

2. Upon acceptance of the money appropriated by subsection 1, the Nevada Cancer Institute shall:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2008, that describes each expenditure made from the money appropriated by subsection 1, from the date on which the money was received by the Nevada Cancer Institute through December 1, 2008;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 18, 2009, that describes each expenditure made from the money appropriated by subsection 1, from the date on which the money was received by the Nevada Cancer Institute through June 30, 2009; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Nevada Cancer Institute, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

Sec. 7. Any remaining balance of the appropriation made by section 6 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 8. 1. There is hereby appropriated from the State General Fund to the disbursement account created by section 1 of this act for the use of:

(a) High Sierra Industries the sum of $1,000,000 for the establishment of a center to provide services ranging from life skills training to employment counseling to persons with a variety of disabilities.

(b) Opportunity Village the sum of $3,000,000 for vocational training, employment and social recreation services for persons with intellectual disabilities in southern Nevada.

(c) Washoe Arc the sum of $1,000,000 for the construction of a facility in Washoe County to serve the needs of persons with developmental disabilities.

2. Upon acceptance of the money appropriated by subsection 1, High Sierra Industries, Opportunity Village and Washoe Arc, respectively, shall each:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2008, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by High Sierra Industries, Opportunity Village and Washoe Arc, respectively, through December 1, 2008;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 18, 2009, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by High Sierra Industries, Opportunity Village and Washoe Arc, respectively, through June 30, 2009; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of High Sierra Industries, Opportunity Village and Washoe Arc, respectively, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

Sec. 9. Any remaining balance of an appropriation made by section 8 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which the money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 10. 1. There is hereby appropriated from the State General Fund to the disbursement account created by section 1 of this act for the use of the Institute for Neuro-Immune Disease the sum of $2,000,000 for ~~[faculty, staff and operating costs]~~ **the construction of, and furnishings, and equipment for, a facility** relating to the research **and treatment** of neuro-immune disorders.

2. Upon acceptance of the money appropriated by subsection 1, the Institute shall:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2008, that describes each expenditure made from the

money appropriated by subsection 1 from the date on which the money was received by the Institute through December 1, 2008;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 18, 2009, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Institute through June 30, 2009; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Institute, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

Sec. 11. Any remaining balance of the appropriation made by section 10 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 12. 1. There is hereby appropriated from the State General Fund to the disbursement account created by section 1 of this act for the use of the:

(a) Clark County Public Education Foundation, Inc., the sum of $250,000 for new programs and expansion of outreach efforts.

(b) Washoe County School District Educational Foundation, Inc., the sum of $150,000 for new programs and expansion of outreach efforts.

2. Upon acceptance of the money appropriated by subsection 1, the Clark County Public Education Foundation, Inc., and the Washoe County School District Educational Foundation, Inc., respectively, shall each:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2008, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Clark County Public Education Foundation, Inc., and the Washoe County School District Educational Foundation, Inc., respectively, through December 1, 2008;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 18, 2009, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Clark County Public Education Foundation, Inc., and the Washoe County School District Educational Foundation, Inc., respectively, through June 30, 2009; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Clark County

Public Education Foundation, Inc., and the Washoe County School District Educational Foundation, Inc., respectively, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

Sec. 13. Any remaining balance of an appropriation made by section 12 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which the money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 14. 1. There is hereby appropriated from the State General Fund to the disbursement account created by section 1 of this act for the use of the Lou Ruvo Brain Institute the sum of $3,000,000 for research, clinical studies, operations and educational programs at the Institute.

2. Upon acceptance of the money appropriated by subsection 1, the Institute shall:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2008, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Institute through December 1, 2008;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 18, 2009, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Institute through June 30, 2009; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Institute, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

Sec. 15. Any remaining balance of the appropriation made by section 14 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 16. 1. There is hereby appropriated from the State General Fund to the disbursement account created by section 1 of this act for the use of the

Nevada Discovery Museum in Reno the sum of $1,000,000 for capital construction and initial operating expenses.

2. Upon acceptance of the money appropriated by subsection 1, the Museum shall:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2008, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Museum through December 1, 2008;

(b) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2010, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Museum through December 1, 2010;

(c) Prepare and transmit a final report to the Interim Finance Committee on or before September 16, 2011, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Museum through June 30, 2011; and

(d) Upon request of the Legislative Commission, make available to the Legislative Auditor any books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Museum, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated by subsection 1.

Sec. 17. Any remaining balance of the appropriation made by section 16 of this act must not be committed for expenditure after June 30, 2011, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2011, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2011.

Sec. 18. 1. There is hereby appropriated from the State General Fund to the disbursement account created by section 1 of this act for the use of the Lied Discovery Children's Museum the sum of $500,000 for the costs of planning a new facility.

2. Upon acceptance of the money appropriated by subsection 1, the Museum shall:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2008, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Museum through December 1, 2008;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 18, 2009, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Museum through June 30, 2009; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Museum, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

Sec. 19. Any remaining balance of the appropriation made by section 18 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 20. 1. There is hereby appropriated from the State General Fund to the disbursement account created by section 1 of this act for the use of the Las Vegas Natural History Museum the sum of $500,000 for the support and improvement of the Museum.

2. Upon acceptance of the money appropriated by subsection 1, the Museum shall:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2008, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Museum through December 1, 2008;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 18, 2009, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Museum through June 30, 2009; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Museum, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

Sec. 21. Any remaining balance of the appropriation made by section 20 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 22. ~~[There is hereby appropriated from the State General Fund to the disbursement account created by section 1 of this act for the use of White Pine County the sum of $1,500,000 for the design of a courthouse.]~~ **(Deleted by amendment.)**

Sec. 23. ~~[Any remaining balance of the appropriation made by section 22 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.]~~ **(Deleted by amendment.)**

Sec. 24. The appropriations made by the provisions of this act are not intended to finance ongoing expenditures of state agencies, and the expenditures financed with those appropriations must not be included as base budget expenditures in the proposed budget for the Executive Branch of State Government for the 2007-2009 biennium.

Sec. 25. 1. This section and sections 1, 2, 3, 8 to 15, inclusive, and 24 of this act become effective upon passage and approval.

2. Sections 4, 5 and 16 to 23, inclusive, of this act become effective on July 1, 2007.

3. Sections 6 and 7 of this act become effective on July 1, 2008.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 443.

Bill read third time.

Remarks by Assemblyman Oceguera.

Assemblyman Oceguera requested that his remarks be entered in the Journal.

In his State of the State, Governor Gibbons proposed $10 million in one-shots to be appropriated to the Nevada Cancer Institute for expansion of the institute's facility. In the executive budget, the Governor included another $10 million to fund the institute's ongoing operations. Both of those appropriations were included in the original version of SB 443. After the bill came out of drafting in late March, the Governor's office submitted a budget modification to indicate that a mistake had been made: The second portion of the appropriation—the $10 million for operations—should have been funded from ongoing funds. The budget modification stated specifically that "these funds are to be considered ongoing for this program in future bienniums.

As the members of this body know, the amounts of the cancer institute appropriation were reduced to $5 million in one-shot funds and $5 million in ongoing funds, and various other one-shot appropriations were amended into the bill by the Senate. The Governor's budget modification language for the cancer institute did not make it into the revised bill, so I'd like to state for the record that that the appropriations referenced in Sections 4 and 6, for $2.5 million in each year of the next biennium, are being paid out of ongoing funds. As such, it is the intent of this body that these funds be considered ongoing for this program in future biennia.

Potential conflict of interest declared by Assemblyman Manendo.

Roll call on Senate Bill No. 443:

YEAS—42.

NAYS—None.

Senate Bill No. 443 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Oceguera moved that the Assembly recess until 6:30 p.m.

Motion carried.

Assembly in recess at 4:52 p.m.

ASSEMBLY IN SESSION

At 7:23 p.m.

Madam Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 553, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 556, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 185, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

GENERAL FILE AND THIRD READING

Assembly Bill No. 553.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1165.

AN ACT making appropriations relating to education; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 10 of this bill and replace with the following new sections 1 through 10:

Section 1. **1. There is hereby appropriated from the State General Fund to the Department of Education the sum of $800,000 for gifted and talented programs. After the allocation pursuant to subsection 2, the Department shall allocate the money based upon the number of pupils**

enrolled in each school district. The money must be used by a school district for gifted and talented programs that directly impact gifted and talented pupils.

2. Of the amount appropriated by subsection 1, the Department of Education shall use $55,293 in Fiscal Year 2007-2008 and $74,535 in Fiscal Year 2008-2009 for a parent involvement coordinator position in the Department of Education.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 2. **1. There is hereby appropriated from the State General Fund to the Department of Education for pilot programs for alternative programs of education for disruptive pupils established pursuant to this section the sum of $915,000.**

2. The Superintendent of Public Instruction shall prescribe:

(a) The form for an application to establish a pilot program for an alternative program of education for disruptive pupils; and

(b) Criteria for the selection of schools to establish such a pilot program.

3. A public school in this State may submit an application to the Department to establish a pilot program pursuant to this section. Such an application must include an estimate of the costs of establishing a program. If a school is selected to establish a pilot program, the school will receive a grant of money from the appropriation made by subsection 1 to carry out a program in an amount based upon the estimated costs of establishing the program.

4. A pilot program established pursuant to this section must:

(a) Comply with NRS 392.4642 to 392.4648, inclusive;

(b) Be provided in a setting outside the regular classroom of the pupil;

(c) Ensure that pupils who are participating in the program are separated from pupils who are not participating in the program;

(d) Provide supervision of and counseling to pupils who participate in the program;

(e) Provide and emphasize instruction in English language arts, mathematics, science and history, as appropriate to the grade level of the pupils participating in the program;

(f) Provide and emphasize training in self-discipline;

(g) Provide for a transitional stage between in-school or in-home suspension and regular school activities; and

(h) Include an evaluation phase based on the collection of data to measure the effectiveness of the program.

5. A pilot program established pursuant to this section may:

(a) Be located on the grounds of the school or at another location.

(b) Include programs that:

(1) Use innovative instructional, counseling or disciplinary concepts.

(2) Encourage the effective involvement of the parents and legal guardians of pupils who are participating in the program.

(c) Provide instructional and other services to pupils through the existing staff at a public school or from other personnel, or any combination thereof.

6. On or before October 1, 2008, the schools that establish a pilot program pursuant to this section shall submit a report to the Department for the period ending September 1, 2008, that includes:

(a) The manner in which the pilot program was carried out;

(b) The number of pupils who participated in the program;

(c) The expenditures made by the school for the program;

(d) The number of disciplinary referrals, suspensions and expulsions that occurred at the school before and after the establishment of the program; and

(e) An analysis of the academic achievement and performance of the pupils before and after the pupils participated in the program.

7. The Department shall evaluate the effectiveness of the pilot programs established pursuant to this section based on the reports submitted by the schools pursuant to subsection 6. In addition, the Department shall solicit and analyze data from schools that did not establish pilot programs pursuant to this section but have established alternative programs of education for disruptive pupils. The Department may spend not more than $10,000 of the amount appropriated by subsection 1 during the Fiscal Years 2007-2009 to hire a contractor to assist with the evaluation.

8. On or before December 1, 2008, the Department shall submit a report of its findings to the Legislative Committee on Education.

9. On or before February 1, 2009, the Department shall submit a final report of its findings to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

10. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 3. **1. There is hereby appropriated from the State General Fund to the Department of Education the sum of $100,000 for distribution to school districts that establish pilot programs in accordance with this section. The Department shall:**

(a) Prescribe the form for an application to establish a pilot program to teach the English language to children who have limited proficiency in the English language during the summer before they attend kindergarten;

(b) Prescribe the criteria for the selection of school districts to establish a pilot program; and

(c) Develop a uniform method for evaluation of the pilot programs that provides a longitudinal analysis of statistical data.

2. A school district that wishes to establish a pilot program to teach the English language to children who have limited proficiency in the English language during the summer before they attend kindergarten shall:

(a) On or before October 1, 2007, submit to the Department of Education an application on the form provided by the Department pursuant to subsection 1;

(b) Submit proof to the Department that the school district has obtained matching money from a private source to combine with the money provided by the Department; and

(c) Agree to participate in the longitudinal evaluation of the pilot programs developed by the Department pursuant to subsection 1.

3. An application submitted pursuant to subsection 2 must contain a plan for a pilot program. Such a plan must:

(a) Contain an estimate of the number of children who will be enrolled in the program.

(b) Set forth the manner in which the children will be screened for participation in the pilot program. For each student that will participate in the pilot program, all prekindergarten children who are determined to have limited proficiency in the English language, who speak a common language and who will be enrolled in kindergarten at the school in the fall of 2008, must be enrolled in the same class for the pilot program, unless fewer than 10 such children speak a common language.

(c) Ensure that each class taught in the pilot program includes at least one teacher and one paraprofessional, at least one of whom must speak, read and write both the English language and the primary language of the children enrolled in the class.

4. The Department of Education shall not approve an application submitted pursuant to subsection 2 if the applicant has not received matching money from a private source.

5. On or before December 1, 2007, the Department of Education shall make grants of money from the appropriation made by subsection 1 as follows:

(a) If the Department approves an application submitted by the Clark County School District, up to $70,000 to the School District to carry out the pilot program before the beginning of the 2008-2009 school year.

(b) If the Department approves an application submitted by the Washoe County School District, up to $30,000 to the School District to carry out the pilot program before the beginning of the 2008-2009 school year.

(c) If the Department approves applications submitted by school districts other than the Clark County School District and the Washoe County School District, the Department shall distribute the amount of money remaining after the distributions to the Clark County School District and the Washoe County School District, if any, to those school districts. The grants of money made to each school district pursuant to this paragraph must be distributed proportionately among the school districts based upon the number of children who are estimated to participate in the pilot program in each school district. A school district that receives a grant of money pursuant to this paragraph shall use the money to carry out the approved pilot program before the beginning of the 2008-2009 school year.

6. For each school district whose application is approved, the school district shall distribute $1,000 to each school that will participate in the pilot program to promote parental involvement with the parents and legal guardians of children enrolled in the program. The money may be used by a school, without limitation, for the purchase of translating materials for the parents and guardians and providing training to the staff and parents and guardians on effective methods to communicate with school personnel and other methods designed to promote effective involvement by parents and guardians in the education of their children.

7. A school district that establishes a pilot program:

(a) Is responsible for all costs associated with the building, maintenance, utilities, administration and supplies for the pilot program offered at a school within the district.

(b) Shall submit an evaluation of the pilot program on or before November 1, 2008, to the Department of Education in a format required by the Department.

8. On or before February 2, 2009, the Department of Education shall submit a report to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature. The report must include, without limitation:

(a) The name of each school district that received a grant of money pursuant to subsection 5 and the amount of each grant;

(b) A compilation of the evaluations submitted by each school district that established a pilot program;

(c) An evaluation of the pilot programs, including, without limitation, the effect of the programs on the achievement and proficiency in the English language of the children enrolled in the program; and

(d) Any recommendations for legislation relating to the pilot programs.

9. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 4. **1. There is hereby appropriated from the State General Fund to the Communities in Schools of Southern Nevada, Inc., the sum of $709,000 to coordinate the provision of student and family services to youth in Clark County.**

2. Upon acceptance of the money appropriated by subsection 1, the Communities in Schools of Southern Nevada shall:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2008, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Communities in Schools of Southern Nevada through December 1, 2008;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 18, 2009, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Communities in Schools of Southern Nevada through June 30, 2009; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Communities in Schools of Southern Nevada, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 5. **1. There is hereby appropriated from the State General Fund to the Greater Las Vegas After-School All-Stars the sum of $709,000 for the implementation and operation of after-school programs in certain at-risk schools within the Clark County School District.**

2. The Greater Las Vegas After-School All-Stars shall work in cooperation with the Clark County School District to identify the at-risk schools within the School District in which the after-school programs will be provided.

3. The Greater Las Vegas After-School All-Stars shall use the money appropriated by subsection 1 to implement and operate an after-school program at each school identified pursuant to subsection 2, including, without limitation:

(a) Personnel for the program;

(b) Equipment and supplies for the program, including, without limitation, educational and instructional materials and sports equipment;

(c) Incentives for children who participate in the program, including, without limitation, shirts and medals;

(d) Transportation for educational field trips; and

(e) The provision of healthy snacks for children who participate in the program.

4. Upon acceptance of the money appropriated by subsection 1, the Greater Las Vegas After-School All-Stars shall:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2008, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Greater Las Vegas After-School All-Stars through December 1, 2008;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 18, 2009, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Greater Las Vegas After-School All-Stars through June 30, 2009; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Greater Las Vegas After-School All-Stars, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

5. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which

the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 6. **1. There is hereby appropriated from the State General Fund to the Department of Education the sum of $709,000 for allocation to Save the Children for in-school and after-school literacy programs.**

2. Upon acceptance of the money appropriated by subsection 1 and allocated by the Department, Save the Children shall:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2008, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by Save the Children through December 1, 2008;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 18, 2009, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by Save the Children through June 30, 2009; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of Save the Children, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 7. **1. There is hereby appropriated from the State General Fund to the Department of Education to provide signing bonuses to teachers of students who are deaf or hard of hearing who are newly hired by school districts:**

For the Fiscal Year 2007-2008 $5,000
For the Fiscal Year 2008-2009 $5,000

2. A newly hired teacher of students who are deaf or hard of hearing may not receive a signing bonus pursuant to this section until he has taught for a school district in this State for at least 30 days. A teacher of students who are deaf or hard of hearing may receive this bonus in addition to any other bonuses available for newly hired teachers. A teacher of students who are deaf or hard of hearing who teaches for a

school district in this State before July 1, 2007, and who subsequently transfers to another school district in this State is not eligible to receive a signing bonus pursuant to this section.

3. A school district that wishes to provide signing bonuses to its newly hired teachers of students who are deaf or hard of hearing shall submit information to the Department of Education, in a format prescribed by the Department, concerning the number of newly hired teachers of students who are deaf or hard of hearing for each fiscal year.

4. The Department of Education shall use the money appropriated by subsection 1 to provide signing bonuses to newly hired teachers of students who are deaf or hard of hearing for each fiscal year. The Department shall analyze the total number of newly hired teachers of students who are deaf or hard of hearing submitted by school districts pursuant to subsection 3 and determine the total amount of each signing bonus for each fiscal year. The amount of a bonus paid to each teacher must not exceed $1,000.

5. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2008, and September 18, 2009, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2008, and September 18, 2009, respectively.

Sec. 8. 1. **There is hereby appropriated from the State General Fund to the Department of Education for distribution to school districts for training stipends to teachers of students who are deaf or hard of hearing and interpreters for students who are deaf or hard of hearing who are engaged in college or university course work in the education of students who are deaf or hard of hearing:**

For the Fiscal Year 2007-2008 $37,500
For the Fiscal Year 2008-2009 $37,500

2. A school district that wishes to provide training stipends to teachers of and interpreters for students who are deaf or hard of hearing shall submit information to the Department of Education, in a format prescribed by the Department, concerning the number of teachers of or interpreters for students who are deaf or hard of hearing who are engaged in college or university course work in the education of students who are deaf or hard of hearing for each fiscal year.

3. The Department of Education shall use the money appropriated by subsection 1 to pay training stipends to teachers of or interpreters for students who are deaf or hard of hearing. The Department shall analyze

the total number of teachers of or interpreters for students who are deaf or hard of hearing submitted by school districts pursuant to subsection 2 and determine the total number and amount of training stipends to be awarded each fiscal year. The amount of a stipend paid to each teacher or interpreter must not exceed $500. The number of teachers who receive stipends pursuant to this section must not exceed 50 for each fiscal year. The number of interpreters who receive stipends pursuant to this section must not exceed 25 for each fiscal year.

4. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2008, and September 18, 2009, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2008, and September 18, 2009, respectively.

Sec. 9. **1. There is hereby appropriated from the State General Fund to the Intel International Science and Engineering Fair to be held May 8 through 15, 2009, in Reno, the sum of $200,000.**

2. Upon acceptance of the money appropriated by subsection 1, the Intel International Science and Engineering Fair shall:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2008, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Fair through December 1, 2008;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 18, 2009, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Fair through June 30, 2009; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Fair regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which

the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 10. **1. There is hereby appropriated from the State General Fund to the Department of Education the sum of $273,000 for distribution to school districts to establish a pilot program in accordance with this section.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

3. The Department of Education shall:

(a) Prescribe the form for an application to develop a magnet or regional elementary school pilot program for students who are deaf or hard of hearing;

(b) Prescribe the criteria for selection of a partnership between one or more school districts in counties whose population is less than 100,000 and that do not offer magnet or regional programs at the elementary level for students who are deaf or hard of hearing and a Deaf Studies program at an institution of the Nevada System of Higher Education to establish a pilot program; and

(c) Develop a uniform method for evaluation of the pilot program that provides a longitudinal analysis of statistical data.

4. A partnership between one or more school districts and the Deaf Studies program at an institution of the Nevada System of Higher Education that wishes to establish a pilot program pursuant to this section shall:

(a) On or before October 1, 2007, submit to the Department of Education an application on the form prescribed by the Department pursuant to subsection 3; and

(b) Agree to participate in the longitudinal evaluation of the pilot program developed by the Department pursuant to subsection 3.

5. An application submitted pursuant to subsection 2 must contain a plan for a pilot program. Such a plan must:

(a) Contain a budget for the 2007-2008 school year that expends not more than $5,000 of the money appropriated by this section to be used for the planning of the program and the surveying of parents and guardians of elementary age children who are deaf or hard of hearing to determine interest in a regional or magnet program.

(b) Contain a budget for the 2008-2009 school year with estimated costs for the transportation of students and estimated costs for additional school district personnel to implement the program, limited to not more than one teacher, two interpreters or aides and one speech pathologist.

(c) Set forth a plan for identifying the school to host the magnet or regional program and for transporting elementary school students who are deaf or hard of hearing to the host school.

(d) Set forth a plan for utilizing faculty and student assistance and any other resources available from the affiliated Deaf Studies program at an institution of the Nevada System of Higher Education.

6. If the Department of Education approves an application submitted by a partnership pursuant to subsections 4 and 5 to establish a pilot program, the Department shall provide to the partnership on or before December 1, 2007, a grant from the money appropriated by this section for the implementation of that program based on the budgets submitted pursuant to subsection 5.

7. The school districts participating in a pilot program pursuant to this section:

(a) Are responsible for all costs associated with the building, maintenance, utilities, administration and supplies for this pilot program.

(b) Shall submit an evaluation of the pilot program on or before November 1, 2008, to the Department of Education in a format required by the Department.

8. On or before February 1, 2009, the Department of Education shall submit a report to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature. The report must include, without limitation:

(a) An evaluation of the pilot program, including, without limitation, the effect of the program on the academic achievement of the pupils enrolled in the program; and

(b) Any recommendations for legislation relating to the pilot program.

Sec. 11. **This act becomes effective on July 1, 2007.**

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 185.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1157.

AN ACT relating to education; revising provisions governing the award of grants from the Account for Programs for Innovation and the Prevention of Remediation by the Commission on Educational Excellence; requiring the Commission to report certain information concerning allocations from the Account; revising provisions governing the use of money in the Account; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Commission on Educational Excellence is required to establish a program of educational excellence for pupils enrolled in kindergarten through grade 6 in public schools. The Commission is authorized to allocate grants of money from the Account for Programs for Innovation and the Prevention of Remediation in the State General Fund to school districts and public schools for certain programs designed for the achievement of pupils and for innovative programs. (NRS 385.3781-385.379)

Section 2 of this bill requires the Commission to establish guidelines for reviewing, evaluating and approving applications for grants of money from the Account. Section 2 directs that the guidelines include consideration of the list of priorities of schools provided to the Commission by the Department of Education and revises the contents of that list. Section 2 also requires each school district to provide assistance, upon the request of a public school within the school district, in the development of an application for a grant. Section 2 provides that the Commission shall not award a grant of money from the Account for a program of full-day kindergarten. Section 3 of this bill identifies specific information relating to allocations from the Account that the Commission is required to include in its annual report on the Account.

Section 4 of this bill places a limitation on the amount of money that may be expended from the Account each biennium for expenses incurred by members of the Commission to travel to the school districts and schools that receive allocations from the Account. Section 4 also authorizes the Commission to spend a maximum amount of money from the Account each biennium for: (1) the costs incurred by the Commission to hold meetings and conferences for recipients of allocations from the Account to discuss or display effective programs, practices and strategies; and (2) an evaluation of the programs that received allocations from the Account by an independent consultant.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.3784 is hereby amended to read as follows:

385.3784 1. The Commission on Educational Excellence, consisting of nine members is hereby created. The Superintendent of Public Instruction shall serve as an ex officio voting member of the Commission. The Governor shall appoint the following members to the Commission:

(a) Three teachers, two of whom have experience in providing instruction at public elementary schools and who have been successful in school improvement efforts and one of whom has experience in providing instruction at secondary schools and who has been successful in school improvement efforts;

(b) Two principals, one of whom has experience in administering successful school improvement efforts at an elementary school and one of whom has experience in administering successful school improvement efforts at a secondary school;

(c) Two school district administrators, one of whom is employed by a school district in a county whose population is less than 100,000 and one of whom is employed by a school district in a county whose population is 100,000 or more; and

(d) One parent or legal guardian of a pupil enrolled in a public school in this State. ***The parent must not be employed by the board of trustees of a school district or the governing body of a charter school.***

➥ One or more of the members appointed pursuant to this subsection may be retired from employment, but those retired members that are appointed must have been employed with a public school in this State in the immediately preceding 5 years.

2. The Governor may solicit recommendations for appointments pursuant to this section from the Nevada State Education Association, the Nevada Association of School Administrators, a statewide organization for parents of pupils, the Statewide Council for the Coordination of the Regional Training Programs and other organizations and entities related to education in this State. The Governor may consider the recommendations submitted and may make appointments from those recommendations. The Governor shall appoint a Chairman from among the members he appoints.

3. After the initial terms, the term of each appointed member of the Commission is 2 years, commencing on January 1 of the year in which he is appointed and expiring on December 31 of the immediately following year. A member shall continue to serve on the Commission until his successor is appointed. Upon the expiration of a term of a member, he may be reappointed if he still possesses any requisite qualifications for appointment. There is no limit on the number of terms that a member may serve.

4. The Commission shall hold at least four regular meetings each year and may hold special meetings at the call of the Chairman.

5. Members of the Commission serve without compensation, except that for each day or portion of a day during which a member of the Commission attends a meeting of the Commission or is otherwise engaged in the business of the Commission, he is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. ~~[The]~~ ***Except as limited by paragraph (a) of subsection 3 of NRS 385.379, the*** per diem allowances and travel expenses must be paid from the Account and accounted for separately in that Account. In addition, money in the Account

may be used to pay compensation necessary for the employment of substitute teachers who are hired on those days when a member of the Commission attends a meeting of the Commission or is otherwise engaged in the business of the Commission.

6. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

➥ as is necessary for the Commission to carry out its duties.

7. The Legislative Counsel Bureau:

(a) Must be provided with adequate notice of each meeting of the Commission; and

(b) Shall provide, as requested by the Committee, technical expertise and assistance to the Commission.

Sec. 2. NRS 385.3785 is hereby amended to read as follows:

385.3785 1. The Commission shall:

(a) Establish a program of educational excellence designed exclusively for pupils enrolled in kindergarten through grade 6 in public schools in this State based upon:

(1) The plan to improve the achievement of pupils prepared by the State Board pursuant to NRS 385.34691;

(2) The plan to improve the achievement of pupils prepared by the board of trustees of each school district pursuant to NRS 385.348;

(3) The plan to improve the achievement of pupils prepared by the principal of each school pursuant to NRS 385.357, which may include a program of innovation; and

(4) Any other information that the Commission considers relevant to the development of the program of educational excellence.

(b) Identify programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

(c) Develop a concise application and simple procedures for the submission of applications by ~~[school districts and]~~ public schools ~~[,]~~ ***and a consortium of public schools,*** including, without limitation, charter schools, for participation in a program of educational excellence and for grants of money from the Account. Grants of money must be made for programs designed for the achievement of pupils that are linked to the plan to improve the achievement of pupils or for innovative programs, or both. ***The Commission shall not award a grant of money from the Account for a program to provide full-day kindergarten.*** All ~~[school districts and]~~ public schools ~~[,]~~ ***and a consortium of public schools,*** including, without limitation, charter schools, are eligible to submit such an application, regardless of whether the ~~[school district or school has]~~ ***schools have*** made adequate yearly progress or failed to make adequate yearly progress. A ~~[school district or]~~ public school ***or a consortium of public schools*** selected for participation

may be approved by the Commission for participation for a period not to exceed 2 years, but may reapply.

(d) Prescribe a long-range timeline for the review, approval and evaluation of applications received from ~~[school districts and]~~ public schools ***and consortiums of public schools*** that desire to participate in the program.

(e) ***Establish guidelines for the review, evaluation and approval of applications for grants of money from the Account, including, without limitation, consideration of the list of priorities of schools provided by the Department pursuant to subsection 4. ~~If~~ To ensure consistency in the review, evaluation and approval of applications, if the guidelines authorize the review and evaluation of applications by less than the entire membership of the Commission, money must not be allocated from the Account for a grant until the entire membership of the Commission has reviewed and approved the application for the grant.***

(f) Prescribe accountability measures to be carried out by a ~~[school district or]~~ public school that participates in the program if that ~~[school district or]~~ public school does not meet the annual measurable objectives established by the State Board pursuant to NRS 385.361, including, without limitation:

(1) The specific levels of achievement expected of ~~[school districts and]~~ schools that participate; and

(2) Conditions for ~~[school districts and]~~ schools that do not meet the grant criteria but desire to continue participation in the program and receive money from the Account, including, without limitation, a review of the leadership at the school and recommendations regarding changes to the appropriate body.

~~[(f)]~~ ***(g)*** Determine the amount of money that is available from the Account for those ~~[school districts and]~~ public schools that are selected to participate in the program.

~~[(g)]~~ ***(h)*** Allocate money to ~~[school districts and]~~ public schools from the Account. Allocations must be distributed not later than August 15 of each year.

~~[(h)]~~ ***(i)*** Establish criteria for ~~[school districts and]~~ public schools that participate in the program and receive an allocation of money from the Account to evaluate the effectiveness of the allocation in improving the achievement of pupils, including, without limitation, a detailed analysis of:

(1) The achievement of pupils enrolled at each school that received money from the allocation based upon measurable criteria identified in the plan to improve the achievement of pupils for the school prepared pursuant to NRS 385.357;

(2) ~~[~~If applicable, the achievement of pupils enrolled in the school district as a whole, based upon measurable criteria identified in the plan to improve the achievement of pupils for the school district prepared pursuant to NRS 385.348;

~~(3)]~~ If applicable, the effectiveness of the program of innovation on the achievement of pupils and the overall effectiveness for pupils and staff;

~~[(4)]~~ ***(3)*** The implementation of the applicable plans for improvement, including, without limitation, an analysis of whether the ~~[school district or the]~~ school is meeting the measurable objectives identified in the plan; and

~~[(5)]~~ ***(4)*** The attainment of measurable progress on the annual list of adequate yearly progress of school districts and schools.

2. To the extent money is available, the Commission shall make allocations of money to ~~[school districts and]~~ public schools ***and consortiums of public schools*** for effective programs for grades 7 through 12 that are designed to improve the achievement of pupils and effective programs of innovation for pupils. In making such allocations, the Commission shall comply with the requirements of subsection 1.

3. If a ~~[school district or]~~ public school that receives money pursuant to subsection 1 or 2 ~~[does]~~ ***:***

(a) Does not meet the criteria for effectiveness as prescribed in paragraph ~~[(h)]~~ ***(i)*** of subsection 1 ***;***

(b) Does not, as a result of the program for which the grant of money was awarded, show improvement in the achievement of pupils, as determined in an evaluation conducted pursuant to subsection 3 of NRS 385.379; or

(c) Does not implement the program for which the money was received, as determined in an evaluation conducted pursuant to subsection 3 of NRS 385.379,

➥ over a 2-year period, the Commission may consider not awarding future allocations of money to that ~~[school district or]~~ public school ~~[.]~~ ***or consortium of public schools.***

4. On or before July 1 of each year, the Department shall provide a list of priorities of schools ~~[based upon the]~~ ***that indicates:***

(a) The adequate yearly progress status of schools in the immediately preceding year ***; and***

(b) The schools that are considered Title I eligible by the Department based upon the poverty level of the pupils enrolled in a school in comparison to the poverty level of the pupils in the school district as a whole,

➥ for consideration by the Commission in its development of procedures for the applications.

5. ***A public school, including, without limitation, a charter school, or a consortium of public schools may request assistance from the school district in which the school is located in preparing an application for a grant of money pursuant to this section. A school district shall assist each public school or consortium of public schools that requests assistance pursuant to this subsection to ensure that the application of the school:***

(a) Is based directly upon the plan to improve the achievement of pupils prepared for the school pursuant to NRS 385.357;

(b) Is developed in accordance with the criteria established by the Commission; and

~~*(c) [Contains a reasonable request for money that is logically connected to the program for which the money is being requested; and*~~

~~*(d) Does not duplicate the programs or services already available to the school through the school district.]*~~ ***Is complete and complies with all technical requirements for the submission of an application.***

➥ A school district may make recommendations to the individual schools and consortiums of schools. Such schools and consortiums of schools are not required to follow the recommendations of a school district.

6. In carrying out the requirements of this section, the Commission shall review and consider the programs of remedial study adopted by the Department pursuant to NRS 385.389, the list of approved providers of supplemental services maintained by the Department pursuant to NRS 385.384 and the recommendations submitted by the Committee pursuant to NRS 218.5354 concerning programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

7. If a consortium of public schools is formed for the purpose of submitting an application pursuant to this section, the public schools within the consortium do not need to be located within the same school district.

Sec. 2.5. **NRS 385.3787 is hereby amended to read as follows:**

385.3787 1. A ~~[school district or]~~ public school ***or consortium of public schools*** that receives an allocation of money from the Account shall:

(a) Account for the money separately;

(b) Use the money to supplement and not replace the money that would otherwise be expended by the school district or public school for the achievement of pupils in kindergarten through grade 6 or pupils in grades 7 through 12, as applicable; and

(c) Submit an evaluation of the effectiveness of the allocation in improving the achievement of pupils in kindergarten through grade 6 or pupils in grades 7 through 12, as applicable, in accordance with the criteria for evaluation established by the Commission pursuant to NRS 385.3785.

2. A ~~[school district or]~~ public school ***or consortium of schools*** that receives an allocation of money from the Account shall not:

(a) Use the money to settle or arbitrate disputes or negotiate settlements between an organization that represents licensed employees of the school district or public school and the school district or public school, as applicable.

(b) Use the money to adjust the schedules of salaries and benefits of the employees of the school district or public school, as applicable.

Sec. 3. NRS 385.3789 is hereby amended to read as follows:

385.3789 1. The Commission shall prepare an annual report that describes the distribution of money to the ~~[school districts and]~~ public schools ***and consortiums of public schools*** and the programs for which

money was allocated from the Account ~~[.]~~ ***, including, without limitation, the total amount of money allocated:***

(a) To each ~~[school district;]~~ consortium of public schools, with a designation of which public schools are included in each consortium;

(b) To each public school;

(c) To schools included on the list of priorities of schools provided by the Department pursuant to NRS 385.3785;

(d) For programs that provide services directly to pupils for remediation and innovation, including, without limitation, instruction, instructional materials and support materials;

(e) For programs that provide instructional support and have an indirect effect on pupils, including, without limitation, the provision of professional development for educational personnel and the employment of administrators; and

(f) For each program, including, without limitation:

(1) A description of the program, including, without limitation, whether the program is available commercially;

(2) Whether the Commission considers the program to be innovative;

(3) Whether the program includes the provision of professional development other than professional development that is related to carrying out a program that provides services directly to pupils;

(4) The costs to implement the program; and

(5) The full-time personnel necessary to implement the program, if any.

➥ The report must be submitted on or before September 1 of each year to the entities identified in subsection 3.

2. The Commission shall:

(a) Prepare an annual report that describes:

(1) The activities of the Commission;

(2) An analysis of the progress of the ~~[school districts and]~~ public schools in carrying out the plans to improve the achievement of pupils; and

(3) An analysis of the progress of the ~~[school district and]~~ public schools that received an allocation of money from the Account in improving the achievement of pupils.

(b) Submit the report on or before January 31 of each year to the entities identified in subsection 3.

3. The Commission shall submit the reports required by this section to the:

(a) State Board;

(b) Governor;

(c) Committee;

(d) Bureau;

(e) Interim Finance Committee; and

(f) Board of trustees of each school district.

4. The Legislative Auditor shall audit biennially the programs for which schools and consortiums of schools receive an allocation of money. The audit may include a representative sample of programs, based upon geographic location and type of program. The Legislative Auditor shall report the results of each biennial audit to the entities prescribed in subsection 3.

Sec. 4. NRS 385.379 is hereby amended to read as follows:

385.379 1. The Account for Programs for Innovation and the Prevention of Remediation is hereby created in the State General Fund, to be administered by the Superintendent of Public Instruction. The Superintendent of Public Instruction may accept gifts and grants of money from any source for deposit in the Account. Any money from gifts and grants may be expended in accordance with the terms and conditions of the gift or grant, or in accordance with subsection 2 ~~[.]~~ ***or 3.*** The interest and income earned on the money in the Account must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

2. ~~[The]~~ ***Except as otherwise provided in NRS 385.3784 and subsection 3, the*** money in the Account may only be used for the allocation of money to ~~[school districts and]~~ public schools ***and consortiums of public schools*** whose applications are approved by the Commission pursuant to NRS 385.3785.

3. Upon the request of the Commission:

(a) Not more than $50,000 in the Account may be used each biennium to pay:

(1) The expenses incurred by members of the Commission to travel to the ~~[school districts and]~~ public schools and consortiums of public schools that received allocations of money from the Account; and

(2) The costs incurred by the Commission to hold meetings or conferences for representatives of ~~[school districts and]~~ public schools and consortiums of schools that received allocations of money from the Account to discuss or display, or both, programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

(b) Not more than $450,000 in the Account may be used each biennium to pay for an evaluation of the programs for which money was allocated from the Account. If the Commission uses money in the Account for such an evaluation, the Commission shall ensure that:

(1) A request for proposals is issued and a qualified, independent consultant is selected to conduct the evaluation;

(2) Upon selection of the consultant, the Commission receives approval of the consultant and the plan for the evaluation from the Committee;

(3) The evaluation is designed to determine the effectiveness of the programs for which money was allocated from the Account in improving achievement of pupils; ~~[and]~~

(4) The evaluation includes an identification of the programs for which money was allocated from the Account that did not improve the achievement of pupils as described in the approved application for the grant;

(5) The evaluation includes an identification of the public schools and consortiums of public schools that did not implement the programs for which money was allocated from the Account as described in the approved application for the grant; and

(6) The evaluation includes a compilation and review of each evaluation required to be submitted by ~~[school districts and]~~ public schools and consortiums of public schools pursuant to NRS 385.3787.

Sec. 5. This act becomes effective on July 1, 2007.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 556.

Bill read third time.

Conflict of interest declared by Assemblywoman Leslie.

Roll call on Senate Bill No. 556:

YEAS—41.

NAYS—None.

NOT VOTING—Leslie.

Senate Bill No. 556 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 553.

Bill read third time.

Roll call on Assembly Bill No. 553:

YEAS—42.

NAYS—None.

Assembly Bill No. 553 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 185.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Senate Bill No. 185:

YEAS—42.

NAYS—None.

Senate Bill No. 185 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Assembly Bill No. 460, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 995 of the Senate be receded from and a 4th reprint be created in accordance with this action which is attached to and hereby made a part of this report.

BONNIE PARNELL	MAURICE WASHINGTON
RUBEN KIHUEN	BARBARA CEGAVSKE
BOB BEERS	WILLIAM RAGGIO
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman Parnell moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 460.

Remarks by Assemblywoman Parnell.

Motion carried by a constitutional majority.

Madam Speaker:

The first Conference Committee concerning Assembly Bill No. 304, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 911 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 29, which is attached to and hereby made a part of this report.

MARK MANENDO	WARREN HARDY
JAMES OHRENSCHALL	MICHAEL SCHNEIDER
	RANDOLPH TOWNSEND
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA29.

AN ACT relating to ~~[manufactured home parks;]~~ **housing; authorizing a person who makes a payment toward the purchase of a manufactured home to bring an action to rescind a contract or recover damages under certain circumstances;** revising the provisions relating to the review of rental agreements and other residency documents; revising the provisions relating to certain repairs to a manufactured home; making changes pertaining to rules and regulations of a manufactured home park; revising the provisions relating to meetings between a landlord and tenants under certain circumstances; requiring a landlord to pay certain costs associated with the conversion of a manufactured home park; increasing the amount of the limitation on the lien of a landlord; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law **regulates manufactured home parks and various activities of landlords and tenants in those parks. (Chapter 118B of NRS) Section**

3 of this bill provides that, if a person makes a payment toward the purchase of a manufactured home in reasonable reliance upon a prospectus or any other material written statement contained in promotional materials relating to the manufactured home, and if the prospectus or written statement is proven to be false or misleading, the person may bring an action to rescind a contract or to recover damages and reasonable attorney's fees from the landlord or manufactured home dealer.

Existing law establishes provisions relating to rental agreements and other residency documents. (NRS 118B.040) Section ~~[1]~~ **5** of this bill removes the requirement that a landlord must allow a tenant to review such documents for 72 hours during which time a landlord is not prevented from accepting another tenant for the same residency. Instead, section ~~[1]~~ **5** requires a landlord **before requiring or accepting any application fee,** to give a prospective tenant a copy of the rental agreement, a copy of the rules and regulations of the manufactured home park, any existing notices of the sale, closure or conversion of the manufactured home park**, the criteria used in deciding whether to accept an applicant, the maintenance responsibilities of the landlord** and any other residency documents **.** ~~[before requiring or accepting any application fee.]~~

Existing law sets forth requirements relating to the repair of a manufactured home and prohibits a landlord from allowing a third party to make such repairs under certain circumstances. (NRS 118B.097) Section ~~[2]~~ **7** of this bill replaces a prohibition on allowing a third party to make repairs that affect life, health or safety with a list of specific repairs that a landlord may not allow a third party to make. Section ~~[2]~~ **7** also prohibits landlords from employing certain persons to make such repairs. Further, section ~~[2]~~ **7** requires the Administrator of the Manufactured Housing Division of the Department of Business and Industry to adopt regulations to specify the repairs that a person without an applicable license may make to a manufactured home.

Section ~~[3]~~ **8** of this bill revises the provisions relating to a landlord's adoption of rules and regulations concerning a manufactured home park and provides that a properly adopted or amended rule or regulation supersedes any inconsistent prior rule or regulation. (NRS 118B.100) Section ~~[3]~~ **8** also requires a landlord to provide a copy of such rules and regulations to a tenant at the time the tenant enters into a rental agreement.

Existing law establishes provisions relating to meetings between a landlord and representative groups of tenants to hear complaints and suggestions regarding a manufactured home park. (NRS 118B.110) Section ~~[4]~~ **9** of this bill provides for a natural person designated by the owner to meet with tenants for such purposes. Section ~~[4]~~ **9** also prohibits a manager from meeting with tenants for such purposes unless the manager, the landlord and the owner are all the same natural person.

Existing law requires a landlord to pay to a tenant **the costs of moving the tenant or** the fair market value of a manufactured home under certain circumstances during the **closing or** conversion of a manufactured home park. (NRS **118B.130, 118B.177, 118B.180,** 118B.183) ~~[Section 5]~~ **Sections 10-13** of this bill ~~[requires]~~ **require** a landlord to pay costs associated with **moving a tenant's manufactured home to a new location in this State or another state that is within 100 miles from the manufactured home park and to pay various other costs for the tenant, including** determining the **fair** market value of ~~[such manufactured homes]~~ **the manufactured home** and the reasonable cost of removing and disposing of ~~[such homes.]~~ **the manufactured home.**

Section ~~[6.5]~~ **15** of this bill increases the limitation on the amount of a lien that a landlord may hold for the total amount due and unpaid for rentals and utilities from $2,000 to ~~[$5,000.]~~ **$2,500.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 118B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.**

Sec. 2. ***"Appurtenance" means a structure, installation, facility, amenity or other improvement that is appurtenant to or benefits one or more manufactured homes, but is not a part of the manufactured home. The term includes, without limitation, skirting, ramps, cabanas, carports, porches, awnings, sheds and other structures, installations, facilities and amenities associated with or benefiting one or more manufactured homes.***

Sec. 3. ***A person who makes a payment toward the purchase of a manufactured home or the placement of a manufactured home on a manufactured home lot in a manufactured home park in reasonable reliance upon any material written statement contained in promotional materials relating to the manufactured home or manufactured home park, including, without limitation:***

1. A prospectus;

2. Exhibits produced in support of a prospectus;

3. A brochure; or

4. A newspaper advertisement,

➥ that proves to be false or misleading may bring an action in a court of competent jurisdiction to rescind any contract or agreement and may recover damages and reasonable attorney's fees from the landlord or manufactured home dealer that issued the false or misleading material written statement.

Sec. 4. **NRS 118B.010 is hereby amended to read as follows:**

118B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 118B.011 to 118B.0195, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

~~[Section 1.]~~ ***Sec. 5.*** NRS 118B.040 is hereby amended to read as follows:

118B.040 1. ~~[An approved applicant for residency may request 72 hours to review the proposed rental agreement or lease, the rules and regulations of the manufactured home park and other residency documents. Upon receiving such a request, the landlord shall allow the approved applicant to review the documents for 72 hours. This review period does not, however, prevent the landlord from accepting another tenant for the space or residency while the 72 hours is pending.]~~ ***Before requiring or accepting payment of any application fee, a landlord shall give to a prospective tenant who may rent or lease a manufactured home lot:***

(a) A copy of the rental agreement or lease;

(b) A copy of the rules and regulations governing the manufactured home park;

(c) Any notices of the sale, closure or conversion of the manufactured home park that must be provided to tenants pursuant to the provisions of this chapter; ~~*[and]*~~

(d) The criteria used by the manufactured home park in deciding whether to accept an applicant;

(e) A list of every increase in rent during the last 5 years for the manufactured home lot;

(f) The maintenance responsibilities of the landlord pursuant to NRS 118B.090; and

(g) Any other residency documents.

2. A rental agreement or lease between a landlord and tenant to rent or lease any manufactured home lot must be in writing. The landlord shall give the tenant a copy of the agreement or lease at the time the tenant signs it.

3. A rental agreement or lease must contain, but is not limited to, provisions relating to:

(a) The duration of the agreement ~~[.]~~ ***or lease.***

(b) The amount of rent, the manner and time of its payment and the amount of any charges for late payment and dishonored checks.

(c) Restrictions on occupancy by children or pets.

(d) Services and utilities included with the rental of a lot and the responsibility of maintaining or paying for them, including the charge, if any, for cleaning the lots.

(e) Deposits which may be required and the conditions for their refund.

(f) Maintenance which the tenant is required to perform and any appurtenances he is required to provide.

(g) The name and address of the owner of the manufactured home park and his authorized agent.

(h) Any restrictions on subletting.

(i) Any recreational facilities and other amenities provided to the tenant and any deposits or fees required for their use.

(j) Any restriction of the park to older persons pursuant to federal law.

(k) The dimensions of the manufactured home lot of the tenant.

(l) A summary of the provisions of NRS 202.470.

(m) Information regarding the procedure pursuant to which a tenant may report to the appropriate authorities:

(1) A nuisance.

(2) A violation of a building, safety or health code or regulation.

(n) Information regarding the right of the tenant to engage in the display of the flag of the United States, as set forth in NRS 118B.143.

(o) The amount to be charged each month to the tenant to reimburse the landlord for the cost of a capital improvement to the manufactured home park. Such an amount must be stated separately and include the length of time the charge will be collected and the total amount to be recovered by the landlord from all tenants in the manufactured home park.

(p) Any other fees to be charged to the tenant in addition to the base rent.

Sec. 6. **NRS 118B.085 is hereby amended to read as follows:**

118B.085 1. A landlord shall notify the Division, in writing, of his correct name, address and telephone number. If the landlord has employed a manager or assistant manager, or both, he shall also notify the Division, in writing, of the name, address and telephone number of any such manager and assistant manager of his park. After the initial notification, the landlord shall also send notice of the information required pursuant to this subsection within 45 days after:

(a) Buying the park***;*** ~~[.]~~

(b) Opening the park for occupancy***;*** ~~[.]~~

(c) Changing managers or assistant managers ~~[.]~~ ***; or***

(d) Changing his name, address or telephone number.

2. Upon receiving the notice required by subsection 1, the Administrator shall send the landlord, manager and assistant manager, as applicable, the text of the provisions of this chapter and a form upon which the landlord, manager and assistant manager, as applicable, shall acknowledge that each has received those provisions and has read them. The landlord, manager and assistant manager, as applicable, shall return the acknowledged form to the Administrator within 10 days after receiving it.

~~[Sec. 2.]~~ ***Sec. 7.*** NRS 118B.097 is hereby amended to read as follows:

118B.097 ***1.*** If a repair to a manufactured home may affect ~~[life, health or safety]~~ ***the structural, electrical, plumbing, drainage, roofing, mechanical or solid fuel burning systems of the home, or requires a permit before the repair may be made,*** ~~[and]~~ the repair may be performed legally only by a person who is qualified by licensure ~~[or certification]~~ to perform such a repair ~~[:]~~ ***, and:***

~~[1.]~~ ***(a)*** A person shall not perform the repair unless he has such qualifications; and

~~[2.]~~ ***(b)*** A tenant or a landlord, or his agent or employee, shall not ~~[allow]~~ ***employ*** a third party to perform the repair if he knows or, in light of all the

surrounding facts and circumstances, reasonably should know that the third party does not have such qualifications.

2. The Administrator shall adopt regulations to specify the repairs that a person without an applicable license may make to a manufactured home in accordance with the provisions of this section and chapter 489 of NRS.

~~[Sec. 3.]~~ ***Sec. 8.*** NRS 118B.100 is hereby amended to read as follows:

118B.100 1. The landlord may adopt rules or regulations concerning the tenant's use and occupancy of the manufactured home lot and the grounds, areas and facilities of the manufactured home park held out for the use of tenants generally.

2. All such rules or regulations must be:

(a) Reasonably related to the purpose for which they are adopted;

(b) Sufficiently explicit in their prohibition, direction or limitation to inform the tenant of what he must do or not do for compliance;

(c) Adopted in good faith and not for the purpose of evading any obligation of the landlord arising under the law;

(d) Consistent with the provisions of this chapter and a general plan of operation, construction or improvement, and must not arbitrarily restrict conduct or require any capital improvement by the tenant which is not specified in the rental agreement or unreasonably require a change in any capital improvement made by the tenant and previously approved by the landlord unless the landlord can show that it is in the best interest of the other tenants; and

(e) Uniformly enforced against all tenants in the park, including the managers. Any rule or regulation which is not so uniformly enforced may not be enforced against any tenant.

3. No rule or regulation may be used to impose any additional charge for occupancy of a manufactured home lot or modify the terms of a rental agreement.

4. Except as otherwise provided in subsection 5, a rule or regulation is enforceable against the tenant only if he has notice of it at the time he enters into the rental agreement. A rule or regulation adopted or amended after the tenant enters into the rental agreement is not enforceable unless the tenant consents to it in writing or is given 60 days' notice of it in writing. The landlord may not adopt or amend a rule or regulation of the park unless a meeting of the tenants is held to discuss the proposal and the landlord provides each tenant with notice of the proposal and the date, time and place of the meeting not less than 60 days before the meeting. The notice must include a copy of the proposed adoption or amendment of the rule or regulation. A notice in a periodic publication of the park does not constitute notice for the purposes of this subsection.

5. A rule or regulation pertaining to recreational facilities in the manufactured home park must be in writing to be enforceable.

6. ***A rule or regulation adopted or amended in compliance with the provisions of this section supersedes any previously existing rule or***

regulation that conflicts with the adopted or amended rule or regulation. Only one version of any rules and regulations or any architectural standards may be in effect at any given time.

7. The landlord shall provide the tenant with a copy of the existing rules and regulations at the time the tenant enters into the rental agreement.

8. As used in this section, "capital improvement" means an addition or betterment made to a manufactured home located on a lot in a manufactured home park which is leased by the landlord that:

(a) Consists of more than the repair or replacement of an existing facility;

(b) Is required by federal law to be amortized over its useful life for the purposes of income tax; and

(c) Has a useful life of 5 years or more.

~~[Sec. 4.]~~ ***Sec. 9.*** NRS 118B.110 is hereby amended to read as follows:

118B.110 1. The landlord ***or a person designated pursuant to subsection 3*** shall meet with a representative group of tenants occupying the park, chosen by the tenants, to hear any complaints or suggestions which concern a matter relevant to the park within 45 days after he receives a written request to do so which has been signed by persons occupying at least 25 percent of the lots in the park. The 25 percent must be calculated on the basis of one signature per occupied lot. The meeting must be held at a time and place which is convenient to the landlord ***or person designated pursuant to subsection 3*** and ***to*** the tenants. The representative group of tenants must consist of no more than five persons.

2. At least 10 days before any meeting is held pursuant to this section, the landlord or his agent shall post a notice of the meeting in a conspicuous place in a common area of the park.

3. ~~[If]~~ ***Except as otherwise provided in subsection 4, if*** the landlord is ~~[a:~~

~~(a) Sole proprietorship, the owner or an authorized agent or representative designated by the owner who has working knowledge of the operations of the park and authority to make decisions shall meet with the tenants.~~

~~(b) Partnership, a partner who has working knowledge of the operations of the park and authority to make decisions shall meet with the tenants.~~

~~(c) Corporation, an officer designated by the corporation]~~ ***not a natural person, the owner may designate an authorized agent or representative*** who has working knowledge of the operations of the park and ***who has*** authority to make decisions ~~[shall meet with the tenants.]~~ ***concerning matters relevant to the park to meet with the tenants pursuant to this subsection.***

4. ***A manager may not meet with the tenants pursuant to this section unless the manager, the landlord and the owner are all the same natural person.***

5. If an attorney for the landlord attends a meeting held pursuant to this section, the landlord shall not prohibit the group of tenants from being represented by an attorney at that meeting.

~~[5.]~~ ***6.*** If the landlord of a manufactured home park is a cooperative association or a corporation for public benefit, the landlord shall provide a notice of the meeting to the Administrator and the Administrator or his representative shall attend the meeting.

~~[6.]~~ ***7.*** As used in this section:

(a) "Cooperative association" means an association formed pursuant to the provisions of NRS 81.170 to 81.270, inclusive.

(b) "Corporation for public benefit" has the meaning ascribed to it in NRS 82.021.

Sec. 10. **NRS 118B.130 is hereby amended to read as follows:**

118B.130 1. A landlord may not change:

(a) An existing park to a park for older persons pursuant to federal law unless the tenants who do not meet those restrictions and may lawfully be evicted are moved to other parks at the expense of the landlord; or

(b) The restriction of a park for older persons pursuant to federal law unless the tenants are given the option of remaining in their spaces or moving to other parks at the expense of the landlord.

2. A tenant who elects to move pursuant to a provision of subsection 1 ~~[must]~~ ***shall*** give the landlord notice in writing of his election to move within 75 days after receiving notice of the change in restrictions in the park.

3. At the time of providing notice of the change in restrictions in the park, the landlord shall provide to each tenant:

(a) The address and telephone number of the Division;

(b) Any list published by the Division setting forth the names of licensed transporters of manufactured homes approved by the Division; and

(c) Any list published by the Division setting forth the names of mobile home parks within 100 miles that have reported having vacant spaces.

4. If a landlord is required to move a tenant to another park pursuant to subsection 1, he shall pay:

(a) The cost of moving the tenant's manufactured home and its appurtenances to a new location ***in this State or another state*** within ~~[50]~~ ***100*** miles from the manufactured home park; or

(b) If the new location is more than ~~[50]~~ ***100*** miles from the manufactured home park, the cost of moving the manufactured home for the first ~~[50]~~ ***100*** miles,

➥ including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his manufactured home and its appurtenances in the new lot or park.

~~[3.]~~ ***5. If the landlord is unable to move a shed, due to its physical condition, that belongs to a tenant who has elected to have the landlord move his manufactured home, the landlord shall pay the tenant $250 as reimbursement for the shed. Each tenant may receive only one payment of $250 even if more than one shed is owned by the tenant.***

6. If the tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged

or there is no manufactured home park within 100 miles that is willing to accept the manufactured home, the landlord:

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home.

7. A landlord of a park in which restrictions have been or are being changed shall give written notice of the change to each:

(a) Tenant of the park who does not meet the new restrictions ~~[.]~~ ***; and***

(b) Prospective tenant before the commencement of the tenancy.

8. For the purposes of this section, the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home must be determined by:

(a) A dealer licensed pursuant to chapter 489 of NRS who is agreed upon by the landlord and tenant; or

(b) If the landlord and tenant cannot agree pursuant to paragraph (a), a dealer licensed pursuant to chapter 489 of NRS who is selected for this purpose by the Division.

9. The landlord shall pay the costs associated with determining the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home pursuant to subsection 6.

Sec. 11. **NRS 118B.177 is hereby amended to read as follows:**

118B.177 1. If a landlord closes a manufactured home park, or if a landlord is forced to close a manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park permanently for health or safety reasons, the landlord shall pay the ~~[amount described in subsection 2 or 3, in accordance with the choice of the tenant.]~~ ***amounts required by subsections 3, 4 and 5.***

2. ***At the time of providing notice of the closure of the park, a landlord shall provide to each tenant:***

(a) The address and telephone number of the Division;

(b) Any list published by the Division setting forth the names of licensed transporters of manufactured homes approved by the Division; and

(c) Any list published by the Division setting forth the names of mobile home parks within 100 miles that have reported having vacant spaces.

3. If the tenant chooses to move the manufactured home, the landlord shall pay to the tenant:

(a) The cost of moving each tenant's manufactured home and its appurtenances to a new location ***in this State or another state*** within ~~[50]~~ ***100*** miles from the manufactured home park; or

(b) If the new location is more than ~~[50]~~ ***100*** miles from the manufactured home park, the cost of moving the manufactured home for the first ~~[50]~~ ***100*** miles,

➥ including fees for inspection, any deposits for connecting utilities, and the cost of taking down, moving, setting up and leveling the manufactured home and its appurtenances in the new lot or park.

~~[3.]~~ ***4.*** If the ***landlord is unable to move a shed, due to its physical condition, that belongs to a tenant who has elected to have the landlord move his manufactured home, the landlord shall pay the tenant $250 as reimbursement for the shed. Each tenant may receive only one payment of $250 even if more than one shed is owned by the tenant.***

5. If the tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged, or there is no manufactured home park within ~~[50]~~ ***100*** miles that is willing to accept the manufactured home, the landlord:

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home ***.*** ~~[less the reasonable cost of removing and disposing of the manufactured home.~~

~~4.]~~ ***6.*** Written notice of any closure must be served timely on each:

(a) Tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before he is required to move his manufactured home from the lot.

(b) Prospective tenant by:

(1) Handing each prospective tenant or his agent a copy of the written notice; and

(2) Maintaining a copy of the written notice at the entrance of the manufactured home park.

~~[5.]~~ ***7.*** For the purposes of this section, the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home must be determined by:

(a) A dealer licensed pursuant to chapter 489 of NRS who is agreed upon by the landlord and tenant; or

(b) If the landlord and tenant cannot agree pursuant to paragraph (a), a dealer licensed pursuant to chapter 489 of NRS who is selected for this purpose by the Division.

~~[6.]~~ ***8. The landlord shall pay the costs associated with determining the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home pursuant to subsection 5.***

9. A landlord shall not increase the rent of a tenant after notice is served on the tenant as required by subsection ~~[4.~~

~~7.]~~ ***6.***

10. As used in this section, "timely" means not later than 3 days after the landlord learns of a closure.

Sec. 12. **NRS 118B.180 is hereby amended to read as follows:**

118B.180 1. A landlord may convert an existing manufactured home park into individual manufactured home lots for sale to manufactured home owners if the change is approved by the appropriate local zoning board, planning commission or governing body. In addition to any other reasons, a landlord may apply for such approval if the landlord is forced to close the manufactured home park because of a valid order of a state or local

governmental agency or court requiring the closure of the manufactured home park for health or safety reasons.

2. The landlord may undertake a conversion pursuant to this section only if:

(a) The landlord gives notice in writing to ***the Division and*** each tenant within 5 days after he files his application for the change in land use with the local zoning board, planning commission or governing body;

(b) The landlord offers, in writing, to sell the lot to the tenant at the same price the lot will be offered to the public and holds that offer open for at least 90 days or until the landlord receives a written rejection of the offer from the tenant, whichever occurs earlier;

(c) The landlord does not sell the lot to a person other than the tenant for 90 days after the termination of the offer required pursuant to paragraph (b) at a price or on terms that are more favorable than the price or terms offered to the tenant;

(d) If a tenant does not exercise his option to purchase the lot pursuant to paragraph (b), the landlord pays:

(1) The cost of moving the tenant's manufactured home and its appurtenances to a comparable location ***in this State or another state*** within ~~[50]~~ ***100*** miles from the manufactured home park; or

(2) If the new location is more than ~~[50]~~ ***100*** miles from the manufactured home park, the cost of moving the manufactured home for the first ~~[50]~~ ***100*** miles,

➥ including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his manufactured home and its appurtenances in the new lot or park; and

(e) After the landlord is granted final approval of the change by the appropriate local zoning board, planning commission or governing body, notice in writing is served on each tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before he is required to move his manufactured home from the lot.

3. ***At the time of providing notice of the conversion of the park pursuant to this section, a landlord shall provide to each tenant:***

(a) The address and telephone number of the Division;

(b) Any list published by the Division setting forth the names of licensed transporters of manufactured homes approved by the Division; and

(c) Any list published by the Division setting forth the names of mobile home parks within 100 miles that have reported having vacant spaces.

4. If the landlord is unable to move a shed, due to its physical condition, that belongs to a tenant who has elected to have the landlord move his manufactured home, the landlord shall pay the tenant $250 as reimbursement for the shed. Each tenant may receive only one payment of $250 even if more than one shed is owned by the tenant.

5. If a tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged

or there is no manufactured home park within 100 miles that is willing to accept the manufactured home, the landlord:

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home.

6. Notice sent pursuant to paragraph (a) of subsection 2 or an offer to sell a manufactured home lot to a tenant required pursuant to paragraph (b) of subsection 2 does not constitute notice of termination of the tenancy.

~~[4.]~~ ***7.*** Upon the sale of a manufactured home lot and a manufactured home which is situated on that lot, the landlord shall indicate what portion of the purchase price is for the manufactured home lot and what portion is for the manufactured home.

~~[5.]~~ ***8. For the purposes of this section, the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home must be determined by:***

(a) A dealer licensed pursuant to chapter 489 of NRS who is agreed upon by the landlord and tenant; or

(b) If the landlord and tenant cannot agree pursuant to paragraph (a), a dealer licensed pursuant to chapter 489 of NRS who is selected for this purpose by the Division.

9. The landlord shall pay the costs associated with determining the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home pursuant to subsection 5.

10. The provisions of this section do not apply to a corporate cooperative park.

~~[Sec. 5.]~~ ***Sec. 13.*** NRS 118B.183 is hereby amended to read as follows:

118B.183 1. A landlord may convert an existing manufactured home park to any other use of the land if the change is approved by the appropriate local zoning board, planning commission or governing body. In addition to any other reasons, a landlord may apply for such approval if the landlord is forced to close the manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park for health or safety reasons.

2. The landlord may undertake a conversion pursuant to this section only if:

(a) The landlord gives notice in writing to ***the Division and*** each tenant within 5 days after he files his application for the change in land use with the local zoning board, planning commission or governing body;

(b) The landlord pays the ~~[amount described in subsection 3 or 4, in accordance with the choice of the tenant;]~~ ***amounts required by subsections 4, 5 and 6;*** and

(c) After the landlord is granted final approval of the change by the appropriate local zoning board, planning commission or governing body, written notice is served on each tenant in the manner provided in

NRS 40.280, giving the tenant at least 180 days after the date of the notice before he is required to move his manufactured home from the lot.

3. ***At the time of providing notice of the conversion of the park pursuant to this section, a landlord shall provide to each tenant:***

(a) The address and telephone number of the Division;

(b) Any list published by the Division setting forth the names of licensed transporters of manufactured homes approved by the Division; and

(c) Any list published by the Division setting forth the names of mobile home parks within 100 miles that have reported having vacant spaces.

4. If the tenant chooses to move the manufactured home, the landlord shall pay to the tenant:

(a) The cost of moving the tenant's manufactured home and its appurtenances to a new location ***in this State or another state*** within ~~[50]~~ ***100*** miles from the manufactured home park; or

(b) If the new location is more than ~~[50]~~ ***100*** miles from the manufactured home park, the cost of moving the manufactured home for the first ~~[50]~~ ***100*** miles,

➥ including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his manufactured home and its appurtenances in the new lot or park.

~~[4.]~~ ***5.*** If the ***landlord is unable to move a shed, due to its physical condition, that belongs to a tenant who has elected to have the landlord move his manufactured home, the landlord shall pay the tenant $250 as reimbursement for the shed. Each tenant may receive only one payment of $250 even if more than one shed is owned by the tenant.***

6. If the tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged, or there is no manufactured home park within ~~[50]~~ ***100*** miles that is willing to accept the manufactured home, the landlord:

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home ***.*** ~~[less the reasonable cost of removing and disposing of the manufactured home.~~

~~5.]~~ ***7.*** A landlord shall not increase the rent of any tenant:

(a) For 180 days before filing an application for a change in land use, permit or variance affecting the manufactured home park; or

(b) At any time after filing an application for a change in land use, permit or variance affecting the manufactured home park unless:

(1) The landlord withdraws the application or the appropriate local zoning board, planning commission or governing body denies the application; and

(2) The landlord continues to operate the manufactured home park after the withdrawal or denial.

~~[6.]~~ ***8.*** For the purposes of this section, the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home must be determined by:

(a) A dealer licensed pursuant to chapter 489 of NRS who is agreed upon by the landlord and tenant; or

(b) If the landlord and tenant cannot agree pursuant to paragraph (a), a dealer licensed pursuant to chapter 489 of NRS who is selected for this purpose by the Division.

~~[7.]~~ ***9. The landlord shall pay the costs associated with determining the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home pursuant to subsection 6.***

~~[8.]~~ ***10.*** The provisions of this section do not apply to a corporate cooperative park.

~~[Sec. 6.]~~ ***Sec. 14.*** (Deleted by amendment.)

~~[Sec. 6.5.]~~ ***Sec. 15.*** NRS 108.290 is hereby amended to read as follows:

108.290 1. If property that is the subject of a lien which is acquired as provided in NRS 108.270 to 108.360, inclusive, is the subject of a secured transaction in accordance with the laws of this State, the lien:

(a) In the case of a lien acquired pursuant to NRS 108.315, is a first lien.

(b) In the case of a lien on a motor vehicle for charges for towing, storing and any related administrative fees:

(1) For the first 30 days of the lien:

(I) If the amount of the lien does not exceed $1,000, is a first lien.

(II) If the amount of the lien exceeds $1,000, is a second lien.

(2) After the first 30 days of the lien:

(I) If the amount of the lien does not exceed $2,500, is a first lien.

(II) If the amount of the lien exceeds $2,500, is a second lien.

(c) In all other cases, if the amount of the lien:

(1) Does not exceed $1,000, is a first lien.

(2) Exceeds $1,000, is a second lien.

2. The lien of a landlord may not exceed ~~[$2,000]~~ ~~*[$5,000]*~~ ***$2,500*** or the total amount due and unpaid for rentals and utilities, whichever is ~~[the lesser.]~~ ***less.***

Sec. 16. **NRS 278.0209 is hereby amended to read as follows:**

278.0209 1. In any ordinance relating to the zoning of land adopted or amended by a governing body, the definition of "single-family residence" must include factory-built housing that has been built in compliance with the standards for single-family residential dwellings of the Uniform Building Code most recently adopted by the International Conference of Building Officials.

2. An ordinance of the governing body may require factory-built housing to comply with standards for safety which exceed the standards prescribed in subsection 1 if a single-family residential dwelling on the same lot is also required to comply with those standards.

3. The governing body shall adopt the same standards for development for the factory-built housing and the lot on which it is placed as those to which a conventional single-family residential dwelling on the same lot would be subject, including, but not limited to:

(a) Requirements for the setback of buildings.

(b) Side and rear-yard requirements.

(c) Standards for enclosures, access and the parking of vehicles.

(d) Aesthetic requirements.

(e) Requirements for minimum square footage.

(f) Requirements for design, style and structure.

4. The governing body may prohibit the installation of factory-built housing in a specified area if:

(a) More than ~~[5]~~ ***6*** years have elapsed between the date of manufacture of factory-built housing and the date of the application for the issuance of a permit to install factory-built housing in the affected area; or

(b) The area contains a building, structure or other object having a special character or special historical interest or value.

5. As used in this section, "factory-built housing" has the meaning ascribed to it in NRS 461.080.

6. The provisions of this section do not abrogate a recorded restrictive covenant.

Sec. 17. **NRS 278.02095 is hereby amended to read as follows:**

278.02095 1. Except as otherwise provided in this section, in an ordinance relating to the zoning of land adopted or amended by a governing body, the definition of "single-family residence" must include a manufactured home.

2. Notwithstanding the provisions of subsection 1, a governing body shall adopt standards for the placement of a manufactured home that will not be affixed to a lot within a mobile home park which require that:

(a) The manufactured home:

(1) Be permanently affixed to a residential lot;

(2) Be manufactured within the ~~[5]~~ ***6*** years immediately preceding the date on which it is affixed to the residential lot;

(3) Have exterior siding and roofing which is similar in color, material and appearance to the exterior siding and roofing primarily used on other single-family residential dwellings in the immediate vicinity of the manufactured home, as established by the governing body;

(4) Consist of more than one section; and

(5) Consist of at least 1,200 square feet of living area unless the governing body, by administrative variance or other expedited procedure established by the governing body, approves a lesser amount of square footage based on the size or configuration of the lot or the square footage of single-family residential dwellings in the immediate vicinity of the manufactured home; and

(b) If the manufactured home has an elevated foundation, the foundation is masked architecturally in a manner determined by the governing body.

➥ The governing body of a local government in a county whose population is less than 40,000 may adopt standards that are less restrictive than the standards set forth in this subsection.

3. Standards adopted by a governing body pursuant to subsection 2 must be objective and documented clearly and must not be adopted to discourage or impede the construction or provision of affordable housing, including, without limitation, the use of manufactured homes for affordable housing.

4. Before a building department issues a permit to place a manufactured home on a lot pursuant to this section, other than a new manufactured home, the owner must surrender the certificate of ownership to the Manufactured Housing Division of the Department of Business and Industry. The Division shall provide proof of such a surrender to the owner who must submit that proof to the building department.

5. The provisions of this section do not abrogate a recorded restrictive covenant prohibiting manufactured homes nor do the provisions apply within the boundaries of a historic district established pursuant to NRS 384.005 or 384.100. An application to place a manufactured home on a residential lot pursuant to this section constitutes an attestation by the owner of the lot that the placement complies with all covenants, conditions and restrictions placed on the lot and that the lot is not located within a historic district.

6. As used in this section:

(a) "Manufactured home" has the meaning ascribed to it in NRS 489.113.

(b) "New manufactured home" has the meaning ascribed to it in NRS 489.125.

~~[Sec. 7.]~~ ***Sec. 18.*** (Deleted by amendment.)

~~[Sec. 8.]~~ ***Sec. 19.*** (Deleted by amendment.)

~~[Sec. 9.]~~ ***Sec. 20.*** (Deleted by amendment.)

~~[Sec. 10.]~~ ***Sec. 21.*** (Deleted by amendment.)

~~[Sec. 11.]~~ ***Sec. 22.*** The amendatory provisions of section ~~[6.5]~~ **15** of this act do not apply to a lien that attaches before October 1, 2007.

Assemblyman Manendo moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 304.

Remarks by Assemblyman Manendo.

Motion carried by a constitutional majority.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 476 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 476.

Bill read third time.

Roll call on Senate Bill No. 476:

YEAS—42.

NAYS—None.

Senate Bill No. 476 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:16 p.m.

ASSEMBLY IN SESSION

At 8:18 p.m.

Madam Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 255, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Assembly Bill No. 497, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 928 of the Senate be concurred in.

It has agreed to recommend that the Amendment No. 943 of the Senate be receded from and a 2nd reprint be created in accordance with this action which is attached to and hereby made a part of this report.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 44, which is attached to and hereby made a part of this report.

KELVIN ATKINSON	JOHN LEE
MARK MANENDO	MARK AMODEI
PETE GOICOECHEA	
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA44.

SUMMARY—Makes various changes to provisions governing ~~[driver's licenses and public safety.]~~ **transportation.** (BDR 43-642)

AN ACT relating to ~~[public safety;]~~ **transportation;** revising provisions relating to services provided for the control of vehicular traffic related to a special event; requiring proof of insurance to be contained in an application for the registration of a motor vehicle; transferring certain duties for training peace officers from the Department of Motor Vehicles to the Department of

Public Safety; revising provisions governing the revocation of driver's licenses; prohibiting a person who has a temporary driver's license from obtaining another temporary license in certain circumstances; revising provisions governing the issuance of motor vehicle insurance; revising provisions relating to the security that must be deposited when a report of certain motor vehicle accidents involving injury, death or damage to property is received by the Department of Motor Vehicles; **requiring certain employees of the Nevada Transportation Authority to receive certain training; changing the name of the "Transportation Services Authority" to the "Nevada Transportation Authority"; requiring the Authority to appoint a Deputy Commissioner; providing the qualifications and duties of the Deputy Commissioner;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the Nevada Highway Patrol may enter into a contract with any person to provide services for the control of vehicular traffic related to a special event. (NRS 480.340) Section 1 of this bill provides that any qualified personnel of the Department of Public Safety, as well as the Nevada Highway Patrol, may provide services for the control of vehicular traffic pursuant to the contract.

Section 1.3 of this bill requires an application for the registration of a motor vehicle to contain proof satisfactory to the Department of Motor Vehicles that the applicant ~~[has provided the insurance required by law;]~~ **carries insurance on the vehicle,** in lieu of signing a declaration indicating that he has provided the insurance. (NRS 482.215, 485.185)

Section 1.7 of this bill transfers the duty of training peace officers in identifying and handling drivers who suffer from a diabetic condition or epileptic seizures from the Department of Motor Vehicles to the Department of Public Safety. (NRS 483.348)

Existing law requires the Department of Motor Vehicles to revoke the driver's license of a person who is convicted of certain felonies involving the use of a vehicle. Existing law further requires the Department to set aside the revocation during any period of imprisonment until the period of imprisonment is completed or until the person has been placed on residential confinement. (NRS 483.460) Sections 2, 11 and 12 of this bill provide instead that the revocation will resume when the Department is notified by the Department of Corrections or the Department of Public Safety that the person has completed his period of imprisonment or has been placed on residential confinement or parole.

Existing law requires a law enforcement officer to revoke the driver's license, permit or privilege to drive of a person who has a concentration of alcohol of 0.08 or more in his blood or breath or who is found to have a detectable amount of a prohibited substance in his blood or urine. The officer is required to advise the person of his right to administrative and judicial review of the revocation and to have a temporary license, valid for 7 days,

which the officer must issue upon request. (NRS 484.385) In addition, if the person requests administrative review of the revocation, the Department of Motor Vehicles is required to issue an additional temporary license which is valid for a period sufficient to complete the administrative review. (NRS 484.387) Sections 3-6 of this bill provide that a person driving with a temporary permit is not entitled to receive an additional temporary permit if he is found again to have driven with a prohibited amount of alcohol in his blood or breath or a prohibited substance in his blood or urine.

Existing law requires each owner of a motor vehicle to maintain a certain amount of insurance against bodily injury or death. (NRS 485.185) Section 7 of this bill requires that such insurance must be obtained from a company that is licensed and has been approved to do business in this State.

Existing law requires the Department of Motor Vehicles to suspend the driver's license or privilege to drive and the motor vehicle registrations of each owner of a motor vehicle involved in a motor vehicle accident involving injury or death when it is determined that the required security has not been deposited and the person has not been released from liability and has not executed an agreement to pay in installments. Existing law requires notice of the suspension to be sent to the person at least 10 days before the effective date of the suspension. (NRS 485.190) Section 8 of this bill requires the suspension to be effective immediately after the determination is made unless the person immediately deposits the security at the hearing.

Under existing law, the Transportation Services Authority regulates fully regulated carriers, operators of tow cars and brokers of regulated services as provided for in chapter 706 of NRS. (NRS 706.151) Sections 13 and 23-25 of this bill change the name of the Transportation Services Authority to the Nevada Transportation Authority.

Section 19 of this bill requires the Authority to adopt regulations specifying the training which its compliance enforcement officers must receive.

Existing law allows the Authority to appoint a Deputy and employ other persons as needed. (NRS 706.176) Section 27 of this bill requires the Authority to appoint a Deputy Commissioner and sets forth the qualifications and duties for the position. Section 27 also requires the Authority to employ compliance enforcement officers and sets forth the duties for those positions.

Existing law provides that an employee designated as an inspector or as Manager of Transportation by the Authority is a peace officer and has police powers. (NRS 289.320) Section 14 of this bill amends this provision to apply only to inspectors.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 480.340 is hereby amended to read as follows:

480.340 1. Except as otherwise provided in this section, the Chief of the Nevada Highway Patrol may enter into a contract with any person or governmental agency to provide services for the control of vehicular traffic related to or affected by any special event sponsored by the person or agency.

2. Any such contract:

(a) Must require the sponsor of the special event to reimburse the Nevada Highway Patrol for the cost of the services provided.

(b) May require the sponsor to furnish a bond to ensure that reimbursement is made.

(c) Is subject to the following limitations:

(1) The services provided pursuant to the contract must be provided by personnel of the Nevada Highway Patrol ~~[.]~~ ***or other qualified personnel of the Department.***

(2) The services required must not impair the ability of the Nevada Highway Patrol to perform its customary duties.

3. Any money received by the Nevada Highway Patrol pursuant to such a contract must be deposited with the State Treasurer for credit to the State Highway Fund.

4. As used in this section, "special event" has the meaning ascribed to it in NRS 484.900.

Sec. 1.3. NRS 482.215 is hereby amended to read as follows:

482.215 1. All applications for registration, except applications for renewal of registration, must be made as provided in this section.

2. Except as otherwise provided in NRS 482.294, applications for all registrations, except renewals of registration, must be made in person, if practicable, to any office or agent of the Department or to a registered dealer.

3. Each application must be made upon the appropriate form furnished by the Department and contain:

(a) The signature of the owner, except as otherwise provided in subsection 2 of NRS 482.294, if applicable.

(b) His residential address.

(c) His declaration of the county where he intends the vehicle to be based, unless the vehicle is deemed to have no base. The Department shall use this declaration to determine the county to which the governmental services tax is to be paid.

(d) A brief description of the vehicle to be registered, including the name of the maker, the engine, identification or serial number, whether new or used, and the last license number, if known, and the state in which it was issued, and upon the registration of a new vehicle, the date of sale by the manufacturer or franchised and licensed dealer in this State for the make to be registered to the person first purchasing or operating the vehicle.

(e) Except as otherwise provided in this paragraph, if the applicant is not an owner of a fleet of vehicles or a person described in subsection 5 ~~[, proof]~~ :

(1) Proof ***satisfactory to the Department or registered dealer that the applicant*** ~~*[has provided the]*~~ ***carries*** ***insurance*** ~~*[required by NRS 485.185 and a]*~~ ***on the vehicle, and if the insurance is not provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State as required by NRS 485.185, the applicant must meet the requirements of NRS 485.185 within 7 calendar days; and***

(2) A declaration signed by the applicant that he ~~[has provided the insurance required by NRS 485.185 and]~~ will maintain the insurance ***required by NRS 485.185*** during the period of registration. If the application is submitted by electronic means pursuant to NRS 482.294, the applicant is not required to sign the declaration required by this paragraph.

(f) If the applicant is an owner of a fleet of vehicles or a person described in subsection 5, evidence of insurance:

(1) In the form of a certificate of insurance on a form approved by the Commissioner of Insurance;

(2) In the form of a card issued pursuant to NRS 690B.023 which identifies the vehicle and indicates, at the time of application for registration, coverage which meets the requirements of NRS 485.185; or

(3) In another form satisfactory to the Department.

➥ The Department may file that evidence, return it to the applicant or otherwise dispose of it.

(g) If required, evidence of the applicant's compliance with controls over emission.

4. The application must contain such other information as is required by the Department or registered dealer and must be accompanied by proof of ownership satisfactory to the Department.

5. For purposes of the evidence required by paragraph (f) of subsection 3:

(a) Vehicles which are subject to the fee for a license and the requirements of registration of the Interstate Highway User Fee Apportionment Act, and which are based in this State, may be declared as a fleet by the registered owner thereof on his original application for or application for renewal of a proportional registration. The owner may file a single certificate of insurance covering that fleet.

(b) Other fleets composed of 10 or more vehicles based in this State or vehicles insured under a blanket policy which does not identify individual vehicles may each be declared annually as a fleet by the registered owner thereof for the purposes of an application for his original or any renewed registration. The owner may file a single certificate of insurance covering that fleet.

(c) A person who qualifies as a self-insurer pursuant to the provisions of NRS 485.380 may file a copy of his certificate of self-insurance.

(d) A person who qualifies for an operator's policy of liability insurance pursuant to the provisions of NRS 485.186 and 485.3091 may file evidence of that insurance.

Sec. 1.7. NRS 483.348 is hereby amended to read as follows:

483.348 1. Except as otherwise provided in subsection 2, the Department shall issue a driver's license with a specially colored background to any person who qualifies for a driver's license pursuant to the provisions of this chapter and delivers to the Department a signed statement from a physician that the person is an insulin dependent diabetic or an epileptic. The Department shall designate one color to be used only for a driver's license held by a diabetic and another color to be used only for a driver's license held by an epileptic.

2. In lieu of issuing a driver's license pursuant to subsection 1, the Department may issue to a person specified in that subsection a driver's license with a specially colored border around the photograph on the license.

3. The Department ***of Public Safety*** shall provide for the education of peace officers on the:

(a) Effects and treatment of a person suffering from ~~[insulin shock]~~ ***a diabetic condition*** or an epileptic seizure and the similarity in appearance of a person suffering from ~~[insulin shock]~~ ***a diabetic condition*** or an epileptic seizure to a person under the influence of alcohol or a controlled substance; and

(b) Procedures for identifying and handling situations involving a person suffering from ~~[insulin shock]~~ ***a diabetic condition*** or an epileptic seizure.

Sec. 2. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection 2 of NRS 484.377.

(2) A violation of NRS 484.379 that is punishable as a felony pursuant to NRS 484.3792.

(3) A violation of NRS 484.3795 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955.

➥ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume ~~[upon completion of]~~ ***when the Department is notified pursuant to section 11 or 12 of this act that the person has completed*** the period of imprisonment or ~~[when]~~ ***that*** the person ~~[is]~~ ***has been*** placed on residential confinement ~~[.]~~ ***or parole.***

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484.3775, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle accident resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484.348.

(c) For a period of 90 days, if the offense is a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484.379 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792 has been permitted to enter a program of treatment pursuant to NRS 484.37937, the Department shall reduce by one-half the period during which he is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that he was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484.3943 but who operates a motor vehicle without such a device:

(a) For 3 years, if it is his first such offense during the period of required use of the device.

(b) For 5 years, if it is his second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064 or 206.330, chapter 484 of NRS or any other provision of law, the

Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484.3941.

Sec. 3. NRS 484.385 is hereby amended to read as follows:

484.385 1. As agent for the Department, the officer who obtained the result of a test given pursuant to NRS 484.382 or 484.383 shall immediately serve an order of revocation of the license, permit or privilege to drive on a person who has a concentration of alcohol of 0.08 or more in his blood or breath or has a detectable amount of a prohibited substance in his blood or urine, if that person is present, and shall seize his license or permit to drive. The officer shall then advise him of his right to administrative and judicial review of the revocation ~~[and to have a]~~ ***pursuant to NRS 484.387 and, except as otherwise provided in this subsection, that he has a right to request a*** temporary license ***.*** ~~[, and]~~ ***If the person currently is driving with a temporary license that was issued pursuant to this section or NRS 484.387, he is not entitled to request an additional temporary license pursuant to this section or NRS 484.387, and the order of revocation issued by the officer must revoke the temporary license that was previously issued. If the person is entitled to request a temporary license, the officer*** shall issue him a temporary license on a form approved by the Department if he requests one, which is effective for only 7 days including the date of issuance. The officer shall immediately transmit the person's license or permit to the Department along with the written certificate required by subsection 2.

2. When a police officer has served an order of revocation of a driver's license, permit or privilege on a person pursuant to subsection 1, or later receives the result of an evidentiary test which indicates that a person, not then present, had a concentration of alcohol of 0.08 or more in his blood or breath or had a detectable amount of a prohibited substance in his blood or urine, the officer shall immediately prepare and transmit to the Department, together with the seized license or permit and a copy of the result of the test, a written certificate that he had reasonable grounds to believe that the person had been driving or in actual physical control of a vehicle with a concentration of alcohol of 0.08 or more in his blood or breath or with a detectable amount of a prohibited substance in his blood or urine, as determined by a chemical test. The certificate must also indicate whether the officer served an order of revocation on the person and whether he issued the person a temporary license.

3. The Department, upon receipt of such a certificate for which an order of revocation has not been served, after examining the certificate and copy of the result of the chemical test, if any, and finding that revocation is proper, shall issue an order revoking the person's license, permit or privilege to drive by mailing the order to the person at his last known address. The order must indicate the grounds for the revocation and the period during which the person is not eligible for a license, permit or privilege to drive and state that

the person has a right to administrative and judicial review of the revocation and to have a temporary license. The order of revocation becomes effective 5 days after mailing.

4. Notice of an order of revocation and notice of the affirmation of a prior order of revocation or the cancellation of a temporary license provided in NRS 484.387 is sufficient if it is mailed to the person's last known address as shown by any application for a license. The date of mailing may be proved by the certificate of any officer or employee of the Department, specifying the time of mailing the notice. The notice is presumed to have been received upon the expiration of 5 days after it is deposited, postage prepaid, in the United States mail.

Sec. 4. NRS 484.385 is hereby amended to read as follows:

484.385 1. As agent for the Department, the officer who obtained the result of a test given pursuant to NRS 484.382 or 484.383 shall immediately serve an order of revocation of the license, permit or privilege to drive on a person who has a concentration of alcohol of 0.10 or more in his blood or breath or has a detectable amount of a prohibited substance in his blood or urine, if that person is present, and shall seize his license or permit to drive. The officer shall then advise him of his right to administrative and judicial review of the revocation ~~[and to have a]~~ ***pursuant to NRS 484.387 and, except as otherwise provided in this subsection, that he has a right to request a*** temporary license **.** ~~[, and]~~ ***If the person currently is driving with a temporary license that was issued pursuant to this section or NRS 484.387, he is not entitled to request an additional temporary license pursuant to this section or NRS 484.387, and the order of revocation issued by the officer must revoke the temporary license that was previously issued. If the person is entitled to request a temporary license, the officer*** shall issue him a temporary license on a form approved by the Department if he requests one, which is effective for only 7 days including the date of issuance. The officer shall immediately transmit the person's license or permit to the Department along with the written certificate required by subsection 2.

2. When a police officer has served an order of revocation of a driver's license, permit or privilege on a person pursuant to subsection 1, or later receives the result of an evidentiary test which indicates that a person, not then present, had a concentration of alcohol of 0.10 or more in his blood or breath or had a detectable amount of a prohibited substance in his blood or urine, the officer shall immediately prepare and transmit to the Department, together with the seized license or permit and a copy of the result of the test, a written certificate that he had reasonable grounds to believe that the person had been driving or in actual physical control of a vehicle with a concentration of alcohol of 0.10 or more in his blood or breath or with a detectable amount of a prohibited substance in his blood or urine, as determined by a chemical test. The certificate must also indicate whether the officer served an order of revocation on the person and whether he issued the person a temporary license.

3. The Department, upon receipt of such a certificate for which an order of revocation has not been served, after examining the certificate and copy of the result of the chemical test, if any, and finding that revocation is proper, shall issue an order revoking the person's license, permit or privilege to drive by mailing the order to the person at his last known address. The order must indicate the grounds for the revocation and the period during which the person is not eligible for a license, permit or privilege to drive and state that the person has a right to administrative and judicial review of the revocation and to have a temporary license. The order of revocation becomes effective 5 days after mailing.

4. Notice of an order of revocation and notice of the affirmation of a prior order of revocation or the cancellation of a temporary license provided in NRS 484.387 is sufficient if it is mailed to the person's last known address as shown by any application for a license. The date of mailing may be proved by the certificate of any officer or employee of the Department, specifying the time of mailing the notice. The notice is presumed to have been received upon the expiration of 5 days after it is deposited, postage prepaid, in the United States mail.

Sec. 5. NRS 484.387 is hereby amended to read as follows:

484.387 1. At any time while a person is not eligible for a license, permit or privilege to drive following an order of revocation issued pursuant to NRS 484.385, he may request in writing a hearing by the Department to review the order of revocation, but he is only entitled to one hearing. The hearing must be conducted within 15 days after receipt of the request, or as soon thereafter as is practicable, in the county where the requester resides unless the parties agree otherwise. The Director or his agent may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the requester. ~~[The]~~ ***Unless the person is ineligible for a temporary license pursuant to NRS 484.385, the*** Department shall issue an additional temporary license for a period which is sufficient to complete the administrative review.

2. The scope of the hearing must be limited to the issue of whether the person, at the time of the test, had a concentration of alcohol of 0.08 or more in his blood or breath or a detectable amount of a prohibited substance in his blood or urine. Upon an affirmative finding on this issue, the Department shall affirm the order of revocation. Otherwise, the order of revocation must be rescinded.

3. If, after the hearing, the order of revocation is affirmed, the person whose license, privilege or permit has been revoked is entitled to a review of the same issues in district court in the same manner as provided by chapter 233B of NRS. The court shall notify the Department upon the issuance of a stay, and the Department shall issue an additional temporary license for a period which is sufficient to complete the review.

4. If a hearing officer grants a continuance of a hearing at the request of the person whose license was revoked, or a court does so after issuing a stay

of the revocation, the officer or court shall notify the Department, and the Department shall cancel the temporary license and notify the holder by mailing the order of cancellation to his last known address.

Sec. 6. NRS 484.387 is hereby amended to read as follows:

484.387 1. At any time while a person is not eligible for a license, permit or privilege to drive following an order of revocation issued pursuant to NRS 484.385, he may request in writing a hearing by the Department to review the order of revocation, but he is only entitled to one hearing. The hearing must be conducted within 15 days after receipt of the request, or as soon thereafter as is practicable, in the county where the requester resides unless the parties agree otherwise. The Director or his agent may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the requester. ~~[The]~~ ***Unless the person is ineligible for a temporary license pursuant to NRS 484.385, the*** Department shall issue an additional temporary license for a period which is sufficient to complete the administrative review.

2. The scope of the hearing must be limited to the issue of whether the person, at the time of the test, had a concentration of alcohol of 0.10 or more in his blood or breath or a detectable amount of a prohibited substance in his blood or urine. Upon an affirmative finding on this issue, the Department shall affirm the order of revocation. Otherwise, the order of revocation must be rescinded.

3. If, after the hearing, the order of revocation is affirmed, the person whose license, privilege or permit has been revoked is entitled to a review of the same issues in district court in the same manner as provided by chapter 233B of NRS. The court shall notify the Department upon the issuance of a stay, and the Department shall issue an additional temporary license for a period which is sufficient to complete the review.

4. If a hearing officer grants a continuance of a hearing at the request of the person whose license was revoked, or a court does so after issuing a stay of the revocation, the officer or court shall notify the Department, and the Department shall cancel the temporary license and notify the holder by mailing the order of cancellation to his last known address.

Sec. 7. NRS 485.185 is hereby amended to read as follows:

485.185 Every owner of a motor vehicle which is registered or required to be registered in this State shall continuously provide, while the motor vehicle is present or registered in this State, insurance ~~[:]~~ ***provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State:***

1. In the amount of $15,000 for bodily injury to or death of one person in any one accident;

2. Subject to the limit for one person, in the amount of $30,000 for bodily injury to or death of two or more persons in any one accident; and

3. In the amount of $10,000 for injury to or destruction of property of others in any one accident,

➥ for the payment of tort liabilities arising from the maintenance or use of the motor vehicle.

Sec. 8. NRS 485.190 is hereby amended to read as follows:

485.190 1. If 20 days after the receipt of a report of an accident involving a motor vehicle within this State which has resulted in bodily injury or death, or damage to the property of any one person in excess of $750, the Department does not have on file evidence satisfactory to it that the person who would otherwise be required to file security under subsection 2 ~~[of this section]~~ has been released from liability, has been finally adjudicated not to be liable or has executed an acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the Department shall upon request set the matter for a hearing as provided in NRS 485.191.

2. The Department shall ~~[, at any time]~~ ***, immediately*** after a determination adverse to an operator or owner ***is made in a hearing*** pursuant to NRS 485.191, suspend the license of each operator and all registrations of each owner of a motor vehicle involved in such an accident, and, if the operator is a nonresident, the privilege of operating a motor vehicle within this State, and, if the owner is a nonresident, the privilege of the use within this State of any motor vehicle owned by him, unless the operator or owner, or both, ***immediately*** deposit security in the sum so determined by the Department ~~[. Notice of such a suspension must be sent by the Department to the operator and owner not less than 10 days before the effective date of the suspension and must state the amount required as security.]~~ ***at the hearing.*** If erroneous information is given to the Department with respect to the matters set forth in paragraph (a), (b) or (c) of subsection 1 of NRS 485.200, the Department shall take appropriate action as provided in this section after it receives correct information with respect to those matters.

Sec. 9. NRS 485.301 is hereby amended to read as follows:

485.301 1. Whenever any person fails within 60 days to satisfy any judgment ~~[,]~~ ***that was entered as a result of an accident involving a motor vehicle,*** the judgment creditor or his attorney may forward to the Department immediately after the expiration of the 60 days a certified copy of the judgment.

2. If the defendant named in any certified copy of a judgment ***that was entered as a result of an accident involving a motor vehicle and*** reported to the Department is a nonresident, the Department shall transmit a certified copy of the judgment to the officer in charge of the issuance of licenses and registration certificates of the state in which the defendant is a resident.

Sec. 10. NRS 485.3099 is hereby amended to read as follows:

485.3099 1. The Department shall, upon request, consent to the immediate cancellation of any certificate of financial responsibility or waive

the requirement of filing proof of financial responsibility, in ~~[any of]~~ the following events:

(a) ~~[At any time after 3 years after the date the proof of financial responsibility was required when, during the 3-year period preceding the request, the Department has not received a record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license, registration or nonresident's operating privilege of the person by or for whom the proof of financial responsibility was furnished;~~

~~(b)]~~ The death of the person on whose behalf the proof of financial responsibility was filed or the permanent incapacity of the person to operate a motor vehicle; or

~~[(c)]~~ ***(b)*** If the person who is required to file proof of financial responsibility surrenders his license and registration to the Department.

2. If a person who surrenders his license and registration pursuant to paragraph ~~[(c)]~~ ***(b)*** of subsection 1 applies for a license or registration within a period of 3 years after the date proof of financial responsibility was originally required, the application must be refused unless the applicant reestablishes proof of financial responsibility for the remainder of the 3-year period.

Sec. 11. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

The Director shall notify the Department of Motor Vehicles when a driver who has had his license, permit or privilege to drive revoked pursuant to NRS 483.460 has completed a period of imprisonment or is placed on residential confinement. The notification process must conform to the guidelines provided in regulation by the Department of Motor Vehicles pursuant to NRS 483.460. The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment or when the person is placed on residential confinement.

Sec. 12. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

The Chief shall notify the Department of Motor Vehicles when a driver who has had his license, permit or privilege to drive revoked pursuant to NRS 483.460 is placed on parole. The notification process must conform to the guidelines provided in regulation by the Department of Motor Vehicles pursuant to NRS 483.460. The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment or when the person is placed on residential confinement.

Sec. 13. **NRS 232.510 is hereby amended to read as follows:**

232.510 1. The Department of Business and Industry is hereby created.

2. The Department consists of a Director and the following:

(a) Consumer Affairs Division.

(b) Division of Financial Institutions.

(c) Housing Division.
(d) Manufactured Housing Division.
(e) Real Estate Division.
(f) Division of Insurance.
(g) Division of Industrial Relations.
(h) Office of Labor Commissioner.
(i) Taxicab Authority.
(j) Nevada Athletic Commission.
(k) Office of the Nevada Attorney for Injured Workers.
(l) ***Nevada*** Transportation ~~[Services]~~ Authority.
(m) Division of Mortgage Lending.
(n) Any other office, commission, board, agency or entity created or placed within the Department pursuant to a specific statute, the budget approved by the Legislature or an executive order, or an entity whose budget or activities have been placed within the control of the Department by a specific statute.

Sec. 14. **NRS 289.320 is hereby amended to read as follows:**

289.320 An employee of the ***Nevada*** Transportation ~~[Services]~~ Authority whom it designates as an inspector ~~[or as Manager of Transportation]~~ is a peace officer and has police power for the enforcement of the provisions of:

1. Chapters 706 and 712 of NRS and all regulations of the ***Nevada*** Transportation ~~[Services]~~ Authority or the Department of Motor Vehicles pertaining thereto; and

2. Chapter 482 of NRS and NRS 483.230, 483.350 and 483.530 to 483.620, inclusive, for the purposes of carrying out the provisions of chapter 706 of NRS.

Sec. 15. **Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 to 19, inclusive, of this act.**

Sec. 16. ***"Chairman" means the person designated as Chairman of the Authority by the Governor pursuant to NRS 706.1512.***

Sec. 17. ***"Compliance enforcement officer" means a person employed pursuant to NRS 706.176 whose duties include enforcing certain state statutes and regulations pertaining to motor carriers.***

Sec. 18. ***"Deputy Commissioner" means the person appointed as Deputy Commissioner of the Authority pursuant to NRS 706.176.***

Sec. 19. ***The Authority shall adopt regulations setting forth the training which a compliance enforcement officer employed by the Authority pursuant to NRS 706.176 must complete, including, without limitation, training in commercial vehicle safety inspections provided by the Nevada Highway Patrol.***

Sec. 20. **NRS 706.011 is hereby amended to read as follows:**

706.011 As used in NRS 706.011 to 706.791, inclusive, ***and sections 16 to 19, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, ***and sections 16, 17 and 18 of this act*** have the meanings ascribed to them in those sections.

Sec. 21. **NRS 706.018 is hereby amended to read as follows:**

706.018 "Authority" means the ***Nevada*** Transportation ~~[Services]~~ Authority created pursuant to NRS 706.1511.

Sec. 22. **NRS 706.151 is hereby amended to read as follows:**

706.151 1. It is hereby declared to be the purpose and policy of the Legislature in enacting this chapter:

(a) Except to the extent otherwise provided in NRS 706.881 to 706.885, inclusive, ***and sections 16 to 19, inclusive, of this act,*** to confer upon the Authority the power and to make it the duty of the Authority to regulate fully regulated carriers, operators of tow cars and brokers of regulated services to the extent provided in this chapter and to confer upon the Department of Motor Vehicles the power to license all motor carriers and to make it the duty of the Department of Motor Vehicles and the Department of Public Safety to enforce the provisions of this chapter and the regulations adopted by the Authority pursuant to it, to relieve the undue burdens on the highways arising by reason of the use of the highways by vehicles in a gainful occupation thereon.

(b) To provide for reasonable compensation for the use of the highways in gainful occupations, and enable the State of Nevada, by using license fees, to provide for the proper construction, maintenance and repair thereof, and thereby protect the safety and welfare of the traveling and shipping public in their use of the highways.

(c) To provide for fair and impartial regulation, to promote safe, adequate, economical and efficient service and to foster sound economic conditions in motor transportation.

(d) To encourage the establishment and maintenance of reasonable charges for:

(1) Intrastate transportation by fully regulated carriers; and

(2) Towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle,

➥ without unjust discriminations against or undue preferences or advantages being given to any motor carrier or applicant for a certificate of public convenience and necessity.

(e) To discourage any practices which would tend to increase or create competition that may be detrimental to the traveling and shipping public or the motor carrier business within this State.

2. All of the provisions of this chapter must be administered and enforced with a view to carrying out the declaration of policy contained in this section.

Sec. 23. **NRS 706.1511 is hereby amended to read as follows:**

706.1511 1. The ***Nevada*** Transportation ~~[Services]~~ Authority is hereby created.

2. The Authority consists of three members appointed by the Governor. After the initial term each member shall serve a term of 4 years.

3. The Governor shall appoint to the Authority members who have at least 2 years of experience in one or more of the following fields:

(a) Accounting.

(b) Business administration.

(c) Economics.

(d) Administrative law.

(e) Transportation.

(f) Professional engineering.

➥ At least one but not more than two of the members appointed must be residents of Clark County.

4. Not more than two of the members may be:

(a) Members of the same political party.

(b) From the same field of experience.

5. All of the members must be persons who are independent of the industries regulated by the Authority. No elected officer of this State or any political subdivision is eligible for appointment.

6. The members of the Authority shall give their entire time to the business of the Authority and shall not pursue any other business or vocation or hold any other office of profit.

7. Each member of the Authority serves at the pleasure of the Governor.

Sec. 24. **NRS 706.1513 is hereby amended to read as follows:**

706.1513 The Authority may sue and be sued in the name of the ***Nevada*** Transportation ~~[Services]~~ Authority.

Sec. 25. **NRS 706.1516 is hereby amended to read as follows:**

706.1516 1. The ***Nevada*** Transportation ~~[Services]~~ Authority Regulatory Fund is hereby created as a special revenue fund. All money collected by the Authority pursuant to law must be deposited in the State Treasury for credit to the Fund.

2. Money in the Fund may be used only to defray the costs of:

(a) Maintaining staff and equipment needed to regulate adequately persons subject to the jurisdiction of the Authority.

(b) Participating in all proceedings relevant to the jurisdiction of the Authority.

(c) Audits, inspections, investigations, publication of notices, reports and retaining consultants connected with that maintenance and participation.

(d) The salaries, travel expenses and subsistence allowances of the members of the Authority.

3. All claims against the Fund must be paid as other claims against the State are paid.

4. The Authority must furnish upon request a statement showing the balance remaining in the Fund as of the close of the preceding fiscal year.

Sec. 26. **NRS 706.1715 is hereby amended to read as follows:**

706.1715 1. The Attorney General shall:

(a) Act as counsel and attorney for the Authority in all actions, proceedings and hearings.

(b) Prosecute in the name of the ***Nevada*** Transportation ~~[Services]~~ Authority all civil actions for the enforcement of this chapter and for the recovery of any penalty or forfeiture provided for therein.

(c) Generally aid the Authority in the performance of its duties and the enforcement of this chapter.

2. The Attorney General or any district attorney may prosecute any violation of this chapter or chapter 712 of NRS for which a criminal penalty is provided.

Sec. 27. **NRS 706.176 is hereby amended to read as follows:**

706.176 ***1.*** The Authority ~~[may:~~

~~1. Appoint a Deputy who serves in the unclassified service of the State.~~

~~2. Employ]~~ ***shall appoint a Deputy Commissioner who:***

(a) Must be knowledgeable and experienced in public administration and fiscal management;

(b) Must be knowledgeable in the areas of motor carrier regulation by the Authority; and

(c) Must be independent of and have no pecuniary interest in any entity regulated by the Authority.

2. The Deputy Commissioner shall:

(a) Serve as Chief Financial Officer for the Authority and is responsible for directing the daily operation of the Authority, including, without limitation:

(1) Budget preparation;

(2) Administration;

(3) Human resources;

(4) Purchases and acquisitions made by the Authority; and

(5) Contracts and leases entered into by the Authority;

(b) Develop and implement policies and procedures to ensure the efficient operation of the Authority;

(c) Oversee:

(1) The review of applications for certificates, permits and modifications of tariffs;

(2) The maintenance of a hearing calendar of all matters pending before the Authority; and

(3) Compliance with and enforcement of State statutes and regulations pertaining to motor carriers which are regulated by the Authority; and

(d) Authenticate documents and serve as custodian of all agency records.

3. The Deputy Commissioner is in the unclassified service of the State.

4. The Authority shall employ compliance enforcement officers whose duties shall include, without limitation, enforcement activities to ensure motor carriers are operating in compliance with State statutes and regulations, conducting operational inspections of motor carriers and investigating complaints against motor carriers.

5. The Authority may employ such other personnel as may be necessary.

Sec. 28. **On October 1, 2007, the State Controller shall transfer all assets and liabilities from the Transportation Services Authority Regulatory Fund to the Nevada Transportation Authority Regulatory Fund created pursuant to section 23 of this act.**

Sec. 29. **The Legislative Counsel shall:**

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

~~[Sec. 13.]~~ ***Sec. 30.*** 1. This section and section 1 of this act become effective upon passage and approval.

2. **Sections 13 to 29, inclusive, of this act, become effective upon passage and approval for the purpose of adopting regulations and conducting any preliminary activities necessary to ensure that the provisions of this act are carried out in an orderly fashion and on October 1, 2007, for all other purposes.**

3. Sections 1.3, 1.7, 3, 5 and 7 to 10, inclusive, of this act become effective on October 1, 2007.

~~[3.]~~ **4.** Sections 2, 11 and 12 of this act become effective on March 1, 2008.

~~[4.]~~ **5.** Sections 3 and 5 of this act expire by limitation on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.

~~[5.]~~ **6.** Sections 4 and 6 of this act become effective on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.

Assemblyman Atkinson moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 497.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 629—AN ACT relating to financial administration; making appropriations for various projects and programs that benefit the residents of this State; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 255.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1167.

AN ACT relating to accommodation; ~~[providing for]~~ **authorizing** the creation and maintenance of a statewide low-income housing database; creating **a** new ~~[definitions]~~ **definition** of "affordable housing" **;** ~~[and "attainable housing";]~~ revising old definitions of "affordable housing"; ~~[revising provisions relating to "affordable housing" to include new definitions of "affordable housing" and "attainable housing";]~~ revising provisions regarding unlawful discrimination in public accommodations to include sexual orientation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law contains numerous provisions relating to "affordable housing." (Chapters 233J, 244, 244A, 268, 277, 278, 279, 279A, 279B, 319, 349 and 375 of NRS).

Section 2 of this bill creates a new definition for "affordable housing" as housing affordable for a family with an income of 80 percent or less of their county median income. ~~[Section 18 of this bill creates a new definition for "attainable housing" as housing affordable for a family with an income of more than 80 percent but equal to or less than 120 percent of their county median income. Sections 6 17 and 19 45]~~ **Sections 6-15 and 20-45** of this bill make necessary amendments so that ~~[these new definitions apply]~~ **the definition applies** throughout most of NRS.

Sections 3 and 4 of this bill ~~[provide for the creation and maintenance of]~~ **authorize the Housing Division of the Department of Business and Industry to create and maintain** a statewide low-income housing database. Section 5 of this bill requires that owners of residential rental units that are receiving or have received government money for those housing units must report certain information regarding those units on a quarterly basis.

Existing law declares that all persons are entitled to full and equal enjoyment of the goods, services, facilities, privileges, advantages and

accommodations of any places of public accommodation, without discrimination or segregation on the ground of race, color, religion, national origin or disability. (NRS 651.070) Sections 45.3-45.7 of this bill add sexual orientation as a class protected from discrimination in public accommodation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 319 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***"Affordable housing" means housing affordable for a family with a total gross income equal to or less than 80 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.***

Sec. 2.1. (Deleted by amendment.)

Sec. 2.3. (Deleted by amendment.)

Sec. 2.7. (Deleted by amendment.)

Sec. 3. ***1. The*** ~~*[demographer employed pursuant to NRS 360.283 shall]*~~ ***Division may provide for the creation and maintenance of a statewide low-income housing database.***

2. ~~*[The]*~~ ***If the Division creates and maintains a statewide low-income housing database pursuant to subsection 1, the database must include, without limitation, the compilation and analysis of demographic, economic and housing data from a variety of sources that:***

(a) Provides for an annual assessment of the affordable housing market at the city and county level, including data relating to housing units, age of housing, rental rates and rental vacancy rates, new home sales and resale of homes, new construction permits, mobile homes, lots available for mobile homes, and conversions of multifamily condominiums;

(b) Addresses the housing needs of various population groups in Nevada, such as households that rent, homeowners, elderly households, veterans, persons with disabilities or special needs, homeless persons, recovering drug abusers, persons suffering from mental health ailments and abused women, with each group broken down to show the percentage of the population group at different income levels, and a determination of the number of households within each special needs group experiencing housing costs greater than 50 percent of their income, overcrowding or substandard housing;

(c) Contains an estimate of the number and condition of subsidized and other low-income housing units at the county level and the identification of any subsidized units that are forecast to convert to market-rate units within a 2-year planning period;

(d) Provides a demographic and economic overview by local and county jurisdiction, if feasible, for the population of Nevada, including age, race

and ethnicity, household size, migration, current and forecast employment, household income and a summary relating to the effects of demographics and economic factors on housing demand;

(e) Provides the number of housing units available to a victim of domestic violence from any housing authority, as defined in NRS 315.021, and from participation in the program of housing assistance pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f; and

(f) Provides the number of terminations of victims of domestic violence in this State from the program of housing assistance pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f.

Sec. 4. ***If the Division creates a database pursuant to section 3 of this act:***

1. The costs of the database ~~[described in section 3 of this act]~~ must be paid from the Account for Low-Income Housing created pursuant to NRS 319.500 ~~[.]~~ ; and

2. The amount used for the database must not exceed $175,000 per year.

Sec. 5. ***If an owner of residential housing that is accessible or affordable and is available for rent or lease in this State has received any loans, grants or contributions for the residential housing from the Federal Government, the State or any public body, the owner shall, not less than quarterly, report to the Office of Disability Services of the Department of Health and Human Services all of those residential housing units which are available and suitable for persons with disabilities.***

Sec. 6. NRS 319.030 is hereby amended to read as follows:

319.030 As used in this chapter, the words and terms defined in NRS 319.040 to 319.135, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 6.5. NRS 319.060 is hereby amended to read as follows:

319.060 "Eligible family" means a person or family, selected without regard to race, creed, national origin or sex, determined by the Division to require such assistance as is made available by this chapter on account of insufficient personal or family income after taking into consideration, without limitation, such factors as:

1. The amount of the total income of that person or family available for housing needs;

2. The size of the family;

3. The cost and condition of housing facilities available;

4. The ability of the person or family to compete successfully in the normal private housing market and to pay the amounts at which private enterprise is providing decent, safe and sanitary housing;

5. If appropriate, standards established for various federal programs determining eligibility based on income of those persons and families; and

6. Service in the Armed Forces of the United States with a minimum of 90 days on active duty at some time between:

(a) April 21, 1898, and June 15, 1903;

(b) April 6, 1917, and November 11, 1918;

(c) December 7, 1941, and December 31, 1946;

(d) June 25, 1950, and January 31, 1955; ~~[or]~~

(e) January 1, 1961, and May 7, 1975 ~~[,]~~ ***;***

(f) August 2, 1990, and April 3, 1991; or

(g) September 11, 2001, and the date on which the Federal Government declares officially that the War on Terror has ended,

➥ and at least 2 years' continuous residence in Nevada immediately preceding any application for assistance under this chapter.

Sec. 7. NRS 319.147 is hereby amended to read as follows:

319.147 1. The Division shall certify an assisted living facility for the purpose of providing services pursuant to the provisions of the home and community-based services waiver which are amended pursuant to NRS 422.2708 if the facility:

(a) Provides assisted living supportive services to senior citizens of low or moderate income;

(b) Provides or arranges for the provision of case management services for its residents;

(c) Guarantees ~~[affordable]~~ housing ***for persons of low or moderate income*** for a period of at least 15 years after the facility is certified;

(d) Is financed through tax credits relating to low-income housing or other public funds; and

(e) Satisfies any other requirements set forth by the Division in any regulations adopted by the Division.

2. The Division shall adopt regulations concerning the certification of assisted living facilities pursuant to this section.

3. As used in this section:

(a) "Assisted living facility" has the meaning ascribed to it in paragraph (a) of subsection 3 of NRS 422.2708.

(b) "Assisted living supportive services" has the meaning ascribed to it in paragraph (b) of subsection 3 of NRS 422.2708.

Sec. 8. NRS 319.510 is hereby amended to read as follows:

319.510 1. Money deposited in the Account for Low-Income Housing must be used:

(a) For the acquisition, construction or rehabilitation of ***affordable*** housing for eligible families by public or private nonprofit charitable organizations, housing authorities or local governments through loans, grants or subsidies;

(b) To provide technical and financial assistance to public or private nonprofit charitable organizations, housing authorities and local governments for the acquisition, construction or rehabilitation of ***affordable*** housing for eligible families;

(c) To provide funding for projects of public or private nonprofit charitable organizations, housing authorities or local governments that

provide assistance to or guarantee the payment of rent or deposits as security for rent for eligible families, including homeless persons;

(d) To reimburse the Division for the costs of administering the Account; and

(e) In any other manner consistent with this section to assist eligible families in obtaining or keeping ***affordable*** housing, including use as the State's contribution to facilitate the receipt of related federal money.

2. Except as otherwise provided in this subsection, the Division may expend money from the Account as reimbursement for the necessary costs of efficiently administering the Account and any money received pursuant to 42 U.S.C. §§ 12701 et seq. In no case may the Division expend more than $40,000 per year or an amount equal to 6 percent of any money made available to the State pursuant to 42 U.S.C. §§ 12701 et seq., whichever is greater. ***In addition, the Division may expend money from the Account as required by section 4 of this act.*** Of the remaining money allocated from the Account:

(a) Except as otherwise provided in subsection 3, 15 ~~*[Fifteen]*~~ percent ***of the money that is deposited in the Account pursuant to paragraph (a) of subsection 1 of NRS 375.070*** must be distributed to the Division of Welfare and Supportive Services of the Department of Health and Human Services for use in its program developed pursuant to 45 C.F.R. § 233.120 to provide emergency assistance to needy families with children, subject to the following:

(1) The Division of Welfare and Supportive Services shall adopt regulations governing the use of the money that are consistent with the provisions of this section.

(2) The money must be used solely for activities relating to low-income housing that are consistent with the provisions of this section.

(3) The money must be made available to families that have children and whose income is at or below the federally designated level signifying poverty.

(4) All money provided by the Federal Government to match the money distributed to the Division of Welfare and Supportive Services pursuant to this section must be expended for activities consistent with the provisions of this section.

(b) ~~[Eighty-five]~~ ***All of the remaining money in the Account other than the money that is deposited pursuant to paragraph (a) of subsection 1 of NRS 375.070, and 85*** percent ***of the money that is deposited in the Account pursuant to paragraph (a) of subsection 1 of NRS 375.070,*** must be distributed to public or private nonprofit charitable organizations, housing authorities and local governments for the acquisition, construction and rehabilitation of ***affordable*** housing for eligible families, subject to the following:

(1) Priority must be given to those projects that qualify for the federal tax credit relating to low-income housing.

(2) Priority must be given to those projects that anticipate receiving federal money to match the state money distributed to them.

(3) Priority must be given to those projects that have the commitment of a local government to provide assistance to them.

(4) ~~[All]~~ ***Except as otherwise provided in this subparagraph, all*** money must be used to benefit families ~~[whose income does not exceed 60 percent of the median income for families residing in the same county, as defined by the United States Department of Housing and Urban Development.]~~ ***eligible for affordable housing. Money that is deposited in the Account pursuant to paragraph (a) of subsection 1 of NRS 375.070 must be used to benefit families with a total gross income equal to or less than 60 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.***

(5) Not less than 15 percent of the units acquired, constructed or rehabilitated must be affordable to persons whose income is at or below the federally designated level signifying poverty. For the purposes of this subparagraph, a unit is affordable if a family does not have to pay more than 30 percent of its gross income for housing costs, including both utility and mortgage or rental costs.

(6) To be eligible to receive money pursuant to this paragraph, a project must be sponsored by a local government.

3. The Division may, pursuant to contract and in lieu of distributing money ***that is deposited in the Account pursuant to paragraph (a) of subsection 1 of NRS 375.070*** to the Division of Welfare and Supportive Services pursuant to paragraph (a) of subsection 2, distribute any amount of that money to private or public nonprofit entities for use consistent with the provisions of this section.

Sec. 9. Chapter 233J of NRS is hereby amended by adding thereto the provisions set forth as sections 10, 11 and 12 of this act.

Sec. 10. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 233J.010 and*** ~~*[sections 11 and 12]*~~ ***section 11 of this act have the meanings ascribed to them in those sections.***

Sec. 11. ***"Affordable housing" has the meaning ascribed to it in section 2 of this act.***

Sec. 12. ~~*["Attainable housing" has the meaning ascribed to it in section 18 of this act.]*~~ **(Deleted by amendment.)**

Sec. 13. NRS 233J.010 is hereby amended to read as follows:

233J.010 ~~[As used in this chapter, unless the context otherwise requires,]~~ "Commission" means the Nevada Commission on Minority Affairs created by NRS 233J.020.

Sec. 14. ~~[NRS 233J.060 is hereby amended to read as follows:~~

~~233J.060 The Commission shall, within the limits of available money:~~

~~1. Study matters affecting the social and economic welfare and well-being of minorities residing in the State of Nevada;~~

~~2. Collect and disseminate information on activities, programs and essential services available to minorities in the State of Nevada;~~

~~3. Study the:~~

~~(a) Availability of employment for minorities in this State, and the manner in which minorities are employed;~~

~~(b) Manner in which minorities can be encouraged to start and manage their own businesses successfully; and~~

~~(c) Availability of affordable housing *and attainable housing* for minorities;~~

~~4. In cooperation with the Nevada Equal Rights Commission, act as a liaison to inform persons regarding:~~

~~(a) The laws of this State that prohibit discriminatory practices; and~~

~~(b) The procedures pursuant to which aggrieved persons may file complaints or otherwise take action to remedy such discriminatory practices;~~

~~5. To the extent practicable, strive to create networks within the business community between businesses that are owned by minorities and businesses that are not owned by minorities;~~

~~6. Advise the Governor on matters relating to minorities and of concern to minorities; and~~

~~7. Recommend proposed legislation to the Governor.]~~ **(Deleted by amendment.)**

Sec. 15. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 16, 17 and 18 of this act.

Sec. 16. ***As used in this chapter, unless the context otherwise requires,*** ~~*[the words and terms defined in sections 17 and 18 of this act have the meanings ascribed to them in those sections.]*~~ ***"affordable housing" has the meaning ascribed to it in section 2 of this act.***

Sec. 17. ~~*[*~~*"Affordable housing" has the meaning ascribed to it in section 2 of this act.]*~~ **(Deleted by amendment.)**

Sec. 18. ~~*[*~~*"Attainable housing" means housing affordable for a family with a total gross income greater than 80 percent and equal to or less than 120 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.]*~~ **(Deleted by amendment.)**

Sec. 19. ~~[NRS 244.189 is hereby amended to read as follows:~~

~~244.189 1. Except as otherwise provided in subsection 2 and in addition to any other powers authorized by specific statute, a board of county commissioners may exercise such powers and enact such ordinances, not in conflict with the provisions of NRS or other laws or regulations of this State, as the board determines are necessary and proper for:~~

~~(a) The development of affordable housing [;] *and attainable housing;*~~

~~(b) The control and protection of animals;~~

~~(c) The rehabilitation of rental property in residential neighborhoods; and~~

~~(d) The rehabilitation of abandoned residential property.~~

~~2. The board of county commissioners shall not impose or increase a tax unless the tax or increase is otherwise authorized by specific statute.~~

~~3. The board of county commissioners may, in lieu of a criminal penalty, provide a civil penalty for a violation of an ordinance enacted pursuant to this section unless state law provides a criminal penalty for the same act or omission.]~~ **(Deleted by amendment.)**

Sec. 20. NRS 244.287 is hereby amended to read as follows:

244.287 1. A nonprofit organization may submit to a board of county commissioners an application for conveyance of property that is owned by the county if the property was:

(a) Received by donation for the use and benefit of the county pursuant to NRS 244.270.

(b) Purchased by the county pursuant to NRS 244.275.

2. Before the board of county commissioners makes a determination on such an application for conveyance, it shall hold at least one public hearing on the application. Notice of the time, place and specific purpose of the hearing must be:

(a) Published at least once in a newspaper of general circulation in the county.

(b) Mailed to all owners of record of real property which is located not more than 300 feet from the property that is proposed for conveyance.

(c) Posted in a conspicuous place on the property that is proposed for conveyance.

➥ The hearing must be held not ~~[fewer]~~ ***less*** than 10 days but not more than 40 days after the notice is published, mailed and posted in accordance with this subsection.

3. The board of county commissioners may approve such an application for conveyance if the nonprofit organization demonstrates to the satisfaction of the board that the organization or its assignee will use the property to develop affordable housing**.** ~~[for families whose income at the time of application for such housing does not exceed 80 percent of the median gross income for families residing in the same county, as that percentage is defined by the United States Department of Housing and Urban Development.]~~ ***[for attainable housing.]*** If the board of county commissioners receives more than one application for conveyance of the property, the board must give priority to an application of a nonprofit organization that demonstrates to the satisfaction of the board that the organization or its assignee will use the property to develop affordable housing ***[for attainable housing]*** for persons who are disabled or elderly.

4. If the board of county commissioners approves an application for conveyance, it may convey the property to the nonprofit organization without consideration. Such a conveyance must not be in contravention of any condition in a gift or devise of the property to the county.

5. As a condition to the conveyance of the property pursuant to subsection 4, the board of county commissioners shall enter into an

agreement with the nonprofit organization that requires the nonprofit organization or its assignee to use the property to provide affordable housing ~~[for attainable housing, as applicable,]~~ for at least 50 years. If the nonprofit organization or its assignee fails to use the property to provide affordable housing ~~[for attainable housing, as applicable,]~~ pursuant to the agreement, the board of county commissioners may take reasonable action to return the property to use as affordable housing , ~~[for attainable housing, as applicable,]~~ including, without limitation:

(a) Repossessing the property from the nonprofit organization or its assignee.

(b) Transferring ownership of the property from the nonprofit organization or its assignee to another person or governmental entity that will use the property to provide affordable housing , ~~[for attainable housing, as applicable.]~~

6. The agreement required by subsection 5 must be recorded in the office of the county recorder of the county in which the property is located and must specify:

(a) The number of years for which the nonprofit organization or its assignee must use the property to provide affordable housing ; ~~[for attainable housing, as applicable;]~~ and

(b) The action that the board of county commissioners will take if the nonprofit organization or its assignee fails to use the property to provide affordable housing ~~[for attainable housing, as applicable,]~~ pursuant to the agreement.

7. A board of county commissioners that has conveyed property pursuant to subsection 4 shall:

(a) Prepare annually a list which includes a description of all property that was conveyed to a nonprofit organization pursuant to this section; and

(b) Include the list in the annual audit of the county which is conducted pursuant to NRS 354.624.

8. If, 5 years after the date of a conveyance pursuant to subsection 4, a nonprofit organization or its assignee has not commenced construction of affordable housing , ~~[for attainable housing, as applicable,]~~ or entered into such contracts as are necessary to commence the construction of affordable housing , ~~[for attainable housing, as applicable,]~~ the property that was conveyed automatically reverts to the county.

9. A board of county commissioners may subordinate the interest of the county in property conveyed pursuant to subsection 4 to a first or subsequent holder of a mortgage on that property to the extent the board deems necessary to promote investment in the construction of affordable housing . ~~[for attainable housing, as applicable.]~~

10. As used in this section, unless the context otherwise requires, "nonprofit organization" means an organization that is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3).

Sec. 21. NRS 268.058 is hereby amended to read as follows:

268.058 1. A nonprofit organization may submit to the governing body of a city an application for conveyance of property that is owned by the city if the property was purchased or received by the city pursuant to NRS 268.008.

2. Before the governing body makes a determination on such an application for conveyance, it shall hold at least one public hearing on the application. Notice of the time, place and specific purpose of the hearing must be:

(a) Published at least once in a newspaper of general circulation in the city.

(b) Mailed to all owners of record of real property which is located not more than 300 feet from the property that is proposed for conveyance.

(c) Posted in a conspicuous place on the property that is proposed for conveyance.

➥ The hearing must be held not ~~[fewer]~~ ***less*** than 10 days but not more than 40 days after the notice is published, mailed and posted in accordance with this subsection.

3. The governing body may approve such an application for conveyance if the nonprofit organization demonstrates to the satisfaction of the governing body that the organization or its assignee will use the property to develop affordable housing**.** ~~[for families whose income at the time of application for such housing does not exceed 80 percent of the median gross income for families residing in the same city, as that percentage is defined by the United States Department of Housing and Urban Development.]~~ ~~*[or attainable housing.]*~~ If the governing body receives more than one application for conveyance of the property, the governing body must give priority to an application of a nonprofit organization that demonstrates to the satisfaction of the governing body that the organization or its assignee will use the property to develop affordable housing ~~*[or attainable housing]*~~ for persons who are disabled or elderly.

4. If the governing body approves an application for conveyance, it may convey the property to the nonprofit organization without consideration. Such a conveyance must not be in contravention of any condition in a gift or devise of the property to the city.

5. As a condition to the conveyance of the property pursuant to subsection 4, the governing body shall enter into an agreement with the nonprofit organization that requires the nonprofit organization or its assignee to use the property to provide affordable housing ~~*[or attainable housing, as applicable,]*~~ for at least 50 years. If the nonprofit organization or its assignee fails to use the property to provide affordable housing ~~*[or attainable housing, as applicable,]*~~ pursuant to the agreement, the governing body may take reasonable action to return the property to use as affordable housing **.** ~~*[or attainable housing, as applicable,]*~~ including, without limitation:

(a) Repossessing the property from the nonprofit organization or its assignee.

(b) Transferring ownership of the property from the nonprofit organization or its assignee to another person or governmental entity that will use the property to provide affordable housing . ~~[or attainable housing, as applicable.]~~

6. The agreement required by subsection 5 must be recorded in the office of the county recorder of the county in which the property is located and must specify:

(a) The number of years for which the nonprofit organization or its assignee must use the property to provide affordable housing ; ~~[or attainable housing, as applicable;]~~ and

(b) The action that the governing body will take if the nonprofit organization or its assignee fails to use the property to provide affordable housing ~~[or attainable housing, as applicable,]~~ pursuant to the agreement.

7. A governing body that has conveyed property pursuant to subsection 4 shall:

(a) Prepare annually a list which includes a description of all property conveyed to a nonprofit organization pursuant to this section; and

(b) Include the list in the annual audit of the city which is conducted pursuant to NRS 354.624.

8. If, 5 years after the date of a conveyance pursuant to subsection 4, a nonprofit organization or its assignee has not commenced construction of affordable housing , ~~[or attainable housing, as applicable,]~~ or entered into such contracts as are necessary to commence the construction of affordable housing , ~~[or attainable housing, as applicable,]~~ the property that was conveyed automatically reverts to the city.

9. A governing body may subordinate the interest of the city in property conveyed pursuant to subsection 4 to a first or subsequent holder of a mortgage on that property to the extent the governing body deems necessary to promote investment in the construction of affordable housing . ~~[or attainable housing, as applicable.]~~

10. As used in this section, unless the context otherwise requires, "nonprofit organization" means an organization that is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3).

11. As used in this section ~~[:~~

~~*(a) "Affordable]*~~ ***, "affordable housing" has the meaning ascribed to it in section 2 of this act.*** ~~*[; and*~~

~~*(b) "Attainable housing" has the meaning ascribed to it in section 18 of this act.]*~~

Sec. 22. NRS 268.190 is hereby amended to read as follows:

268.190 Except as otherwise provided by law, the city planning commission may:

1. Recommend and advise the city council and all other public authorities concerning:

(a) The laying out, widening, extending, paving, parking and locating of streets, sidewalks and boulevards.

(b) The betterment of housing and sanitary conditions, and the establishment of zones or districts within which lots or buildings may be restricted to residential use, or from which the establishment, conduct or operation of certain business, manufacturing or other enterprises may be excluded, and limiting the height, area and bulk of buildings and structures therein.

2. Recommend to the city council and all other public authorities plans and regulations for the future growth, development and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, which must include for each city a population plan if required by NRS 278.170 and a plan for the development of affordable housing . ~~[and attainable housing.]~~

3. Perform any other acts and things necessary or proper to carry out the provisions of NRS 268.110 to 268.220, inclusive, and in general to study and propose such measures as may be for the municipal welfare and in the interest of protecting the municipal area's natural resources from impairment.

4. As used in this section ~~[:~~

~~(a) "Affordable]~~ , "affordable housing" has the meaning ascribed to it in section 2 of this act . ~~[; and~~

~~(b) "Attainable housing" has the meaning ascribed to it in section 18 of this act.]~~

Sec. 23. NRS 277.360 is hereby amended to read as follows:

277.360 1. A regional development district may establish a nonprofit corporation for any purpose for which the district is authorized to act pursuant to NRS 277.300 to 277.390, inclusive, including increasing the supply of affordable housing ~~[and attainable housing]~~ and improving opportunities for home ownership in a development region. A nonprofit corporation formed pursuant to this section may, among other things, acquire land and buildings, accept private, state and federal grant and loan funds, construct and rehabilitate housing units, and buy, sell or manage housing within the boundaries of the development district.

2. A regional development district may receive and administer private, state and federal affordable housing ~~[and attainable housing]~~ funds to increase the supply of affordable housing ~~[and attainable housing]~~ and to improve opportunities for home ownership within the boundaries of the district. The creation of a regional development district does not affect the right of a county or city to receive and administer affordable housing ~~[or attainable housing]~~ funds or to develop and implement subregional affordable housing ~~[or attainable housing]~~ programs.

3. As used in this section ~~[:~~

~~(a) "Affordable]~~ , "affordable housing" has the meaning ascribed to it in section 2 of this act.

~~[(b) "Attainable housing" has the meaning ascribed to it in section 18 of this act.]~~

Sec. 24. ~~[Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*"Attainable housing" has the meaning ascribed to it in section 18 of this act.]~~ **(Deleted by amendment.)**

Sec. 25. ~~[NRS 278.010 is hereby amended to read as follows:~~

~~278.010 As used in NRS 278.010 to 278.630, inclusive, *and section 24 of this act*, unless the context otherwise requires, the words and terms defined in NRS 278.0105 to 278.0195, inclusive, *and section 24 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 26. NRS 278.0105 is hereby amended to read as follows:

278.0105 "Affordable housing" ~~[means housing affordable for a family with a total gross income less than 110 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.]~~ ***has the meaning ascribed to it in section 2 of this act.***

Sec. 27. ~~[NRS 278.020 is hereby amended to read as follows:~~

~~278.020 1. For the purpose of promoting health, safety, morals, or the general welfare of the community, the governing bodies of cities and counties are authorized and empowered to regulate and restrict the improvement of land and to control the location and soundness of structures.~~

~~2. Any such regulation, restriction and control must take into account:~~

~~(a) The potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment; and~~

~~(b) The availability of and need for affordable housing *and attainable housing* in the community, including affordable housing *and attainable housing* that is accessible to persons with disabilities.]~~ **(Deleted by amendment.)**

Sec. 28. ~~[NRS 278.02095 is hereby amended to read as follows:~~

~~278.02095 1. Except as otherwise provided in this section, in an ordinance relating to the zoning of land adopted or amended by a governing body, the definition of "single-family residence" must include a manufactured home.~~

~~2. Notwithstanding the provisions of subsection 1, a governing body shall adopt standards for the placement of a manufactured home that will not be affixed to a lot within a mobile home park which require that:~~

~~(a) The manufactured home:~~

~~(1) Be permanently affixed to a residential lot;~~

~~(2) Be manufactured within the 5 years immediately preceding the date on which it is affixed to the residential lot;~~

~~(3) Have exterior siding and roofing which is similar in color, material and appearance to the exterior siding and roofing primarily used on other single-family residential dwellings in the immediate vicinity of the manufactured home, as established by the governing body;~~

~~(4) Consist of more than one section; and~~

~~(5) Consist of at least 1,200 square feet of living area unless the governing body, by administrative variance or other expedited procedure established by the governing body, approves a lesser amount of square footage based on the size or configuration of the lot or the square footage of single-family residential dwellings in the immediate vicinity of the manufactured home; and~~

~~(b) If the manufactured home has an elevated foundation, the foundation is masked architecturally in a manner determined by the governing body.~~

~~3. The governing body of a local government in a county whose population is less than 40,000 may adopt standards that are less restrictive than the standards set forth in this subsection.~~

~~3. Standards adopted by a governing body pursuant to subsection 2 must be objective and documented clearly and must not be adopted to discourage or impede the construction or provision of affordable housing [,] or *attainable housing*, including, without limitation, the use of manufactured homes for affordable housing [.] *or attainable housing*.~~

~~4. Before a building department issues a permit to place a manufactured home on a lot pursuant to this section, other than a new manufactured home, the owner must surrender the certificate of ownership to the Manufactured Housing Division of the Department of Business and Industry. The Division shall provide proof of such a surrender to the owner who must submit that proof to the building department.~~

~~5. The provisions of this section do not abrogate a recorded restrictive covenant prohibiting manufactured homes nor do the provisions apply within the boundaries of a historic district established pursuant to NRS 384.005 or 384.100. An application to place a manufactured home on a residential lot pursuant to this section constitutes an attestation by the owner of the lot that the placement complies with all covenants, conditions and restrictions placed on the lot and that the lot is not located within a historic district.~~

~~6. As used in this section:~~

~~(a) "Manufactured home" has the meaning ascribed to it in NRS 489.113.~~

~~(b) "New manufactured home" has the meaning ascribed to it in NRS 489.125.]~~ **(Deleted by amendment.)**

Sec. 29. ~~[NRS 278.160 is hereby amended to read as follows:~~

~~278.160 1. Except as otherwise provided in subsection 4 of NRS 278.150 and subsection 3 of NRS 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following subject matter or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:~~

~~(a) Community design. Standards and principles governing the subdivision of land and suggestive patterns for community design and development.~~

~~(b) Conservation plan. For the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, solar or wind energy, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The plan must also indicate the maximum tolerable level of air pollution.~~

~~(c) Economic plan. Showing recommended schedules for the allocation and expenditure of public money in order to provide for the economical and timely execution of the various components of the plan.~~

~~(d) Historical properties preservation plan. An inventory of significant historical, archaeological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.~~

~~(e) Housing plan. The housing plan must include, without limitation:~~

~~(1) An inventory of housing conditions, needs and plans and procedures for improving housing standards and for providing adequate housing.~~

~~(2) An inventory of affordable housing *and attainable housing* in the community.~~

~~(3) An analysis of the demographic characteristics of the community.~~

~~(4) A determination of the present and prospective need for affordable housing *and attainable housing* in the community.~~

~~(5) An analysis of any impediments to the development of affordable housing *and attainable housing* and the development of policies to mitigate those impediments.~~

~~(6) An analysis of the characteristics of the land that is the most appropriate for the construction of affordable housing [.] *and attainable housing.*~~

~~(7) An analysis of the needs and appropriate methods for the construction of affordable housing *and attainable housing* or the conversion or rehabilitation of existing housing to affordable housing [.] *or attainable housing.*~~

~~(8) A plan for maintaining and developing affordable housing *and attainable housing* to meet the housing needs of the community.~~

~~(f) Land use plan. An inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan:~~

~~(1) Must address, if applicable, mixed use development, transit oriented development, master planned communities and gaming enterprise districts.~~

~~(2) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including,~~

~~without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.~~

~~(g) Population plan. An estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.~~

~~(h) Public buildings. Showing locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.~~

~~(i) Public services and facilities. Showing general plans for sewage, drainage and utilities, and rights of way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145.~~

~~(j) Recreation plan. Showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.~~

~~(k) Rural neighborhoods preservation plan. In any county whose population is 400,000 or more, showing general plans to preserve the character and density of rural neighborhoods.~~

~~(l) Safety plan. In any county whose population is 400,000 or more, identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The plan may set forth policies for avoiding or minimizing the risks from those hazards.~~

~~(m) School facilities plan. Showing the general locations of current and future school facilities based upon information furnished by the appropriate local school district.~~

~~(n) Seismic safety plan. Consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.~~

~~(o) Solid waste disposal plan. Showing general plans for the disposal of solid waste.~~

~~(p) Streets and highways plan. Showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.~~

~~(q) Transit plan. Showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.~~

~~(r) Transportation plan. Showing a comprehensive transportation system, including, without limitation, locations of rights of way, terminals, viaducts and grade separations. The plan may also include port, harbor, aviation and related facilities.~~

~~2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other subjects as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, *and section 24 of this act* prohibits the preparation and adoption of any such subject as a part of the master plan.]~~ **(Deleted by amendment.)**

Sec. 30. ~~[NRS 278.230 is hereby amended to read as follows:~~

~~278.230 1. Except as otherwise provided in subsection 4 of NRS 278.150, whenever the governing body of any city or county has adopted a master plan or part thereof for the city or county, or for any major section or district thereof, the governing body shall, upon recommendation of the planning commission, determine upon reasonable and practical means for putting into effect the master plan or part thereof, in order that the same will serve as:~~

~~(a) A pattern and guide for that kind of orderly physical growth and development of the city or county which will cause the least amount of natural resource impairment and will conform to the adopted population plan, where required, and ensure an adequate supply of housing, including affordable housing [;] *and attainable housing;* and~~

~~(b) A basis for the efficient expenditure of funds thereof relating to the subjects of the master plan.~~

~~2. The governing body may adopt and use such procedure as may be necessary for this purpose.]~~ **(Deleted by amendment.)**

Sec. 31. ~~[NRS 278.250 is hereby amended to read as follows:~~

~~278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive, *and section 24 of this act*, the governing body may divide the city, county or region into zoning districts of such number, shape and area as are best suited to carry out the purposes of NRS 278.010 to 278.630, inclusive [.] *, and section 24 of this act.* Within the zoning district, it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.~~

~~2. The zoning regulations must be adopted in accordance with the master plan for land use and be designed:~~

~~(a) To preserve the quality of air and water resources.~~

~~(b) To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment.~~

~~(c) To consider existing views and access to solar resources by studying the height of new buildings which will cast shadows on surrounding residential and commercial developments.~~

~~(d) To reduce the consumption of energy by encouraging the use of products and materials which maximize energy efficiency in the construction of buildings.~~

~~(e) To provide for recreational needs.~~

~~(f) To protect life and property in areas subject to floods, landslides and other natural disasters.~~

~~(g) To conform to the adopted population plan, if required by NRS 278.170.~~

~~(h) To develop a timely, orderly and efficient arrangement of transportation and public facilities and services, including public access and sidewalks for pedestrians, and facilities and services for bicycles.~~

~~(i) To ensure that the development on land is commensurate with the character and the physical limitations of the land.~~

~~(j) To take into account the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development.~~

~~(k) To promote health and the general welfare.~~

~~(l) To ensure the development of an adequate supply of housing for the community, including the development of affordable housing~~ [.] ~~*and attainable housing.*~~

~~(m) To ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods.~~

~~(n) To promote systems which use solar or wind energy.~~

~~3. The zoning regulations must be adopted with reasonable consideration, among other things, to the character of the area and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, county or region.~~

~~4. In exercising the powers granted in this section, the governing body may use any controls relating to land use or principles of zoning that the governing body determines to be appropriate, including, without limitation, density bonuses, inclusionary zoning and minimum density zoning.~~

~~5. As used in this section:~~

~~(a) "Density bonus" means an incentive granted by a governing body to a developer of real property that authorizes the developer to build at a greater density than would otherwise be allowed under the master plan, in exchange for an agreement by the developer to perform certain functions that the governing body determines to be socially desirable, including, without limitation, developing an area to include a certain proportion of affordable housing~~ [.] ~~*or attainable housing.*~~

~~(b) "Inclusionary zoning" means a type of zoning pursuant to which a governing body requires or provides incentives to a developer who builds residential dwellings to build a certain percentage of those dwellings as affordable housing~~ [.] ~~*or attainable housing.*~~

~~(c) "Minimum density zoning" means a type of zoning pursuant to which development must be carried out at or above a certain density to maintain conformance with the master plan.]~~ **(Deleted by amendment.)**

Sec. 32. Chapter 279 of NRS is hereby amended by adding thereto the provisions set forth as sections 33 and 34 of this act.

Sec. 33. ***"Affordable housing" has the meaning ascribed to it in section 2 of this act.***

Sec. 34. ~~*[“Attainable housing” has the meaning ascribed to it in section 18 of this act.]*~~ **(Deleted by amendment.)**

Sec. 35. NRS 279.384 is hereby amended to read as follows:

279.384 As used in NRS 279.382 to 279.685, inclusive, ***and*** ~~*[sections 33 and 34]*~~ ***section 33 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 279.386 to 279.414, inclusive, ***and*** ~~*[sections 33 and 34]*~~ ***section 33 of this act*** have the meanings ascribed to them in those sections.

Sec. 36. NRS 279.397 is hereby amended to read as follows:

279.397 ”Low-income household” means a household ~~[,]~~ which may include one or more persons ~~[, whose total gross income is less than 80 percent of the median gross income for households of the same size within the same geographic region.]~~ ***and which is eligible for affordable housing . [for attainable housing.]***

Sec. 37. ~~[NRS 279.425 is hereby amended to read as follows:~~

~~279.425 It is further found and declared that:~~

~~1. The provision of housing is a fundamental purpose of the Community Redevelopment Law and that a generally inadequate supply of decent, safe and sanitary housing available to low income households threatens the accomplishment of the primary purposes of the Community Redevelopment Law, including, without limitation, creating new employment opportunities, attracting new private investments of money in the area and creating physical, economic, social and environmental conditions to remove and prevent the recurrence of blight.~~

~~2. The provision and improvement of housing which can be rented or sold to families with low incomes and which is inside or outside the boundaries of the redevelopment area can be of direct benefit to the redevelopment area in assisting the accomplishment of project objectives whether or not the redevelopment plan provides for housing within the project area.~~

~~3. The provision of affordable housing *and attainable housing* by redevelopment agencies and the use of taxes allocated to the agency pursuant thereto is of statewide benefit and assistance to all local governmental agencies in the areas where housing is provided.]~~ **(Deleted by amendment.)**

Sec. 38. NRS 279A.010 is hereby amended to read as follows:

279A.010 The Legislature hereby finds and declares that:

1. There exists within the urban areas of this State a large number of deteriorated, substandard and unsanitary residential properties because of the inability of their owners, for whatever reason, to pay for their repair and maintenance;

2. These properties are a threat not only to the health, safety and well-being of the persons who occupy them but also to neighboring persons and property;

3. There is also a shortage of decent ~~[, safe]~~ and ***safe*** affordable housing ~~[for persons of low or moderate income]~~ ~~*[and attainable housing]*~~ and the

counties and cities of this State have an obligation to encourage persons who own residential property to maintain that property in a decent, safe and sanitary condition;

4. It is in the public interest to encourage the preservation and maintenance of ***affordable*** ~~*[housing and attainable]*~~ housing in this State , ~~[for persons of low or moderate income,]~~ in order to improve ~~[their]~~ living conditions and, in doing so, to benefit the health, safety and welfare of the people of this State; and

5. The provisions of this chapter are in addition to, and do not abrogate or limit the application of, any other provisions of law granting to a county or city the authority to:

(a) Develop affordable housing ***;*** ~~*[and attainable housing;]*~~ and

(b) Rehabilitate residential neighborhoods and individual properties within those neighborhoods.

Sec. 39. NRS 279A.020 is hereby amended to read as follows:

279A.020 As used in this chapter, unless the context otherwise requires:

1***. "Affordable housing" has the meaning ascribed to it in section 2 of this act.***

2. "Agency" means an agency of a county or city established or designated to administer a program.

~~[2.]~~ *3.* ~~*["Attainable housing" has the meaning ascribed to it in section 18 of this act.*~~

~~*4.]*~~ "Fund" means a revolving fund for loans for the rehabilitation of residential property.

~~[3.]~~ ~~*[5.]*~~ ***4.*** "Governing body" means the governing body of a county or city.

~~[4.]~~ ~~*[6.]*~~ ***5.*** "Program" means a program for the rehabilitation of residential neighborhoods established by a governing body pursuant to this chapter.

~~[5.]~~ ~~*[7.]*~~ ***6.*** "Rehabilitation" includes structural improvements, landscaping and any other measure to improve the appearance of property or maintain property in a decent, safe and sanitary condition.

Sec. 40. NRS 279A.040 is hereby amended to read as follows:

279A.040 1. An applicant for a loan for the rehabilitation of residential property must, at the time application is made:

(a) Be a natural person who:

(1) Is a resident of or an owner of residential property in the city or an unincorporated area of the county, as the case may be;

(2) Is a member of a household ~~[having a gross income of less than 80 percent of the median gross income for households of the same size residing in the same county or city, as applicable, as that percentage is defined by the United States Department of Housing and Urban Development, or rents residential property to such households;]~~ ***eligible for affordable housing ;*** ~~*[or attainable housing;]*~~

(3) Owns and resides on or rents for residential purposes only the property for which the loan is sought;

(4) Has the financial resources to repay the loan in accordance with the terms of the agreement;

(5) Has the ability to complete the rehabilitation within a reasonable time and maintain the property in a decent, safe and sanitary condition; and

(6) Meets such other requirements as are imposed by the governing body; or

(b) Be an organization that:

(1) Is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3) or 501(c)(4);

(2) Provides affordable housing ~~*[or attainable housing]*~~ to natural persons who meet the criteria set forth in subparagraphs (1) and (2) of paragraph (a); and

(3) Has the financial resources to repay the loan in accordance with the terms of the agreement.

2. Any residential property for which a loan for rehabilitation is sought must be:

(a) Entirely situated within the boundaries of the city or within an unincorporated area of the county, as the case may be;

(b) Capable of rehabilitation within reasonable limits; and

(c) Subject to not more than two encumbrances.

Sec. 41. NRS 279B.010 is hereby amended to read as follows:

279B.010 The Legislature hereby finds and declares that:

1. There exists within the urban areas of this State a large number of deteriorated, substandard and unsanitary residential properties which have been abandoned by their owners;

2. These properties are a threat to the health, safety and well-being of the persons occupying neighboring properties;

3. There is also a shortage of decent ~~[, safe]~~ and ***safe*** affordable housing ~~[for persons of low or moderate income]~~ ~~*[and attainable housing]*~~ and the counties and cities of this State have an obligation to provide ~~[such persons]~~ ***their residents*** with an opportunity to obtain residential property;

4. It is in the public interest to encourage the preservation and maintenance of ***affordable*** ~~*[housing and attainable]*~~ housing in this State , ~~[for persons of low or moderate income,]~~ in order to improve ~~[their]~~ living conditions and, in doing so, to benefit the health, safety and welfare of the people of this State; and

5. The provisions of this chapter are in addition to, and do not abrogate or limit the application of, any other provisions of law granting to a county or city the authority to:

(a) Develop affordable housing ~~*[and attainable housing;]*~~ and

(b) Rehabilitate abandoned residential properties.

Sec. 42. NRS 279B.020 is hereby amended to read as follows:

279B.020 As used in this chapter, unless the context otherwise requires:

1. ”Abandoned residential property” means residential property which has been:

(a) Acquired by the governing body pursuant to the provisions of NRS 361.603 or subsection 3 of NRS 279B.100, or by a grant from the Federal Government, the state government or any political subdivision of the State;

(b) Declared to have been abandoned by the Federal Government, the state government or the governing body; and

(c) Determined by the governing body to be in need of rehabilitation because of its deteriorated, substandard or unsanitary condition.

2***. ”Affordable housing” has the meaning ascribed to it in section 2 of this act.***

3. ”Agency” means an agency of a county or city established or designated to administer a program.

4. ~~[“Attainable housing” has the meaning ascribed to it in section 18 of this act.]~~

~~[3.]~~ ***~~[5.]~~*** ”Governing body” means the governing body of a county or city.

~~[4.]~~ ***~~[6.]~~ 5.*** ”Program” means a program for the rehabilitation of abandoned residential properties established by a governing body pursuant to this chapter.

~~[5.]~~ ***~~[7.]~~ 6.*** ”Rehabilitation” includes structural improvements, landscaping and any other measure to improve the appearance of property or maintain property in a decent, safe and sanitary condition.

Sec. 43. NRS 279B.040 is hereby amended to read as follows:

279B.040 1. An applicant for rehabilitation of abandoned residential property must, at the time application is made:

(a) Be a natural person who:

(1) Is a resident of the city or an unincorporated area of the county, as the case may be;

(2) Is a member of a household ~~[having a gross income of less than 80 percent of the median gross income for households of the same size residing in the same county or city, as applicable, as that percentage is defined by the United States Department of Housing and Urban Development;]~~ ***eligible for affordable housing ; ~~[or attainable housing;]~~***

(3) Intends to reside on the abandoned residential property for which the rehabilitation is sought;

(4) Has the financial resources to rehabilitate the abandoned residential property in accordance with the terms of the agreement;

(5) Has the ability to complete the rehabilitation within a reasonable time and maintain the property in a decent, safe and sanitary condition; and

(6) Meets such other requirements as are imposed by the governing body; or

(b) Be an organization that:

(1) Is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3) or 501(c)(4);

(2) Provides affordable housing ~~*[or attainable housing]*~~ to natural persons who meet the criteria set forth in subparagraphs (1) and (2) of paragraph (a); and

(3) Has the financial resources to rehabilitate the abandoned residential property in accordance with the terms of the agreement.

2. Any abandoned residential property for which an application for the rehabilitation is sought must be:

(a) Entirely situated within the boundaries of the city or within an unincorporated area of the county, as the case may be;

(b) Capable of rehabilitation within reasonable limits; and

(c) Subject to not more than two encumbrances.

Sec. 44. NRS 375.010 is hereby amended to read as follows:

375.010 1. The following terms, wherever used or referred to in this chapter, have the following meaning unless a different meaning clearly appears in the context:

(a) ***"Affordable housing" has the meaning ascribed to it in section 2 of this act.***

(b) ~~*["Attainable housing" has the meaning ascribed to it in section 18 of this act.*~~

~~*(c)]*~~ "Buyer" means a person or other legal entity acquiring title to any estate or present interest in real property in this State by deed, including, without limitation, a grantee or other transferee of real property.

~~[(b)]~~ ~~*[(d)]*~~ ***(c)*** "Deed" means every instrument in writing, whatever its form and by whatever name it is known in law, by which title to any estate or present interest in real property, including a water right, permit, certificate or application, is conveyed or transferred to, and vested in, another person, except that the term does not include:

(1) A lease for any term of years;

(2) An easement;

(3) A deed of trust or common-law mortgage instrument that encumbers real property;

(4) A last will and testament;

(5) A distribution of the separate property of a decedent pursuant to chapter 134 of NRS;

(6) An affidavit of a surviving tenant;

(7) A conveyance of a right-of-way; or

(8) A conveyance of an interest in gas, oil or minerals.

~~[(c)]~~ ~~*[(e)]*~~ ***(d)*** "Escrow" means the delivery of a deed by the seller into the hands of a third person, including an attorney, title company, real estate broker or other person engaged in the business of administering escrows for compensation, to be held by the third person until the happening of a contingency or performance of a condition, and then to be delivered by the third person to the buyer.

~~[(d)]~~ ~~*[(f)]*~~ ***(e)*** "Seller" means a person or other legal entity transferring title to any estate or present interest in real property in this State by deed, including, without limitation, a grantor or other transferor of real property.

~~[(e)]~~ ~~*[(g)]*~~ ***(f)*** "Value" means:

(1) In the case of any deed which is not a gift, the amount of the full purchase price paid or to be paid for the real property.

(2) In the case of a gift, or any deed with nominal consideration or without stated consideration, the estimated fair market value of the property.

2. As used in paragraph ~~[(e)]~~ ~~*[(g)]*~~ ***(f)*** of subsection 1, "estimated fair market value" means the estimated price the real property would bring on the open market in a sale between a willing buyer and a willing seller. Such price may be derived from the assessor's taxable value or the prior purchase price, if the prior purchase was within the 5 years immediately preceding the date of valuation, whichever is higher.

Sec. 45. NRS 375.070 is hereby amended to read as follows:

375.070 1. The county recorder shall transmit the proceeds of the tax imposed by NRS 375.020 at the end of each quarter in the following manner:

(a) An amount equal to that portion of the proceeds which is equivalent to 10 cents for each $500 of value or fraction thereof must be transmitted to the State Controller who shall deposit that amount in the Account for Low-Income Housing created pursuant to NRS 319.500.

(b) In a county whose population is more than 400,000, an amount equal to that portion of the proceeds which is equivalent to 60 cents for each $500 of value or fraction thereof must be transmitted to the county treasurer for deposit in the county school district's fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund.

(c) The remaining proceeds must be transmitted to the State Controller for deposit in the Local Government Tax Distribution Account created by NRS 360.660 for credit to the respective accounts of Carson City and each county.

2. In addition to any other authorized use of the proceeds it receives pursuant to subsection 1, a county or city may use the proceeds to pay expenses related to or incurred for the development of affordable housing. ~~[for families whose income does not exceed 80 percent of the median income for families residing in the same county, as that percentage is defined by the United States Department of Housing and Urban Development.]~~ ~~*[and attainable housing.]*~~ A county or city that uses the proceeds in that manner must give priority to the development of affordable housing ~~*[and attainable housing]*~~ for persons who are disabled or elderly.

3. The expenses authorized by subsection 2 include, but are not limited to:

(a) The costs to acquire land and developmental rights;

(b) Related predevelopment expenses;

(c) The costs to develop the land, including the payment of related rebates;

(d) Contributions toward down payments made for the purchase of affordable housing ; ~~[and attainable housing;]~~ and

(e) The creation of related trust funds.

Sec. 45.3. NRS 651.050 is hereby amended to read as follows:

651.050 As used in NRS 651.050 to 651.110, inclusive, unless the context otherwise requires:

1. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

2. "Place of public accommodation" means:

(a) Any inn, hotel, motel or other establishment which provides lodging to transient guests, except an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of the establishment as his residence;

(b) Any restaurant, bar, cafeteria, lunchroom, lunch counter, soda fountain, casino or any other facility where food or spirituous or malt liquors are sold, including any such facility located on the premises of any retail establishment;

(c) Any gasoline station;

(d) Any motion picture house, theater, concert hall, sports arena or other place of exhibition or entertainment;

(e) Any auditorium, convention center, lecture hall, stadium or other place of public gathering;

(f) Any bakery, grocery store, clothing store, hardware store, shopping center or other sales or rental establishment;

(g) Any laundromat, dry cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, office of an accountant or lawyer, pharmacy, insurance office, office of a provider of health care, hospital or other service establishment;

(h) Any terminal, depot or other station used for specified public transportation;

(i) Any museum, library, gallery or other place of public display or collection;

(j) Any park, zoo, amusement park or other place of recreation;

(k) Any nursery, private school or university or other place of education;

(l) Any day care center, senior citizen center, homeless shelter, food bank, adoption agency or other social service establishment;

(m) Any gymnasium, health spa, bowling alley, golf course or other place of exercise or recreation;

(n) Any other establishment or place to which the public is invited or which is intended for public use; and

(o) Any establishment physically containing or contained within any of the establishments described in paragraphs (a) to (n), inclusive, which holds itself out as serving patrons of the described establishment.

3. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 45.5. NRS 651.070 is hereby amended to read as follows:

651.070 All persons are entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation, without discrimination or segregation on the ground of race, color, religion, national origin ~~[or disability.]~~ ***, disability or sexual orientation.***

Sec. 45.7. NRS 651.110 is hereby amended to read as follows:

651.110 Any person who believes he has been denied full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation because of discrimination or segregation based on race, color, religion, national origin , ~~[or]~~ disability ***or sexual orientation*** may file a complaint to that effect with the Nevada Equal Rights Commission.

Sec. 46. The provisions of sections 9 to 13, inclusive, of this act expire by limitation when NRS 233J.010 expires by limitation. ~~[The provisions of section 14 of this act expire by limitation when NRS 233J.060 expires by limitation.]~~

Sec. 47. 1. This section and sections 9 to 14, inclusive, of this act become effective on June 30, 2007.

2. Sections 1 to 8, inclusive, and 15 to 46, inclusive, of this act become effective on July 1, 2007.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 255.

Bill read third time.

Roll call on Assembly Bill No. 255:

YEAS—26.

NAYS—Allen, Beers, Carpenter, Christensen, Cobb, Denis, Gansert, Goedhart, Goicoechea, Grady, Hardy, Mabey, Marvel, Settelmeyer, Stewart, Weber—16.

Assembly Bill No. 255 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Oceguera moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 8:38 p.m.

ASSEMBLY IN SESSION

At 9:26 p.m.
Madam Speaker presiding.
Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 625, Amendment No. 1108, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 266; Senate Bill No. 487.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 471, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

GENERAL FILE AND THIRD READING

Senate Bill No. 471.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1168.

SUMMARY— ~~[Revises provisions relating to sex offenders and offenders convicted of a crime against a child.]~~ **Makes various changes to provisions related to sex offenders, offenders convicted of a crime against a child and other criminal offenders.** (BDR 14-1426)

AN ACT relating to public safety; revising the provisions concerning certain sex offenders who are on lifetime supervision or released on parole, probation or a suspended sentence; requiring incarcerated sex offenders and offenders convicted of a crime against a child to register with a local law enforcement agency before being released from prison; requiring sex offenders and offenders convicted of a crime against a child who have not provided a biological specimen to provide a biological specimen at the time of registration with a local law enforcement agency; increasing the minimum sentence for certain sexual offenses committed against a child; revising the penalty for a violation of a condition imposed pursuant to the program of lifetime supervision; **revising provisions concerning the procedures for meetings to consider prisoners for parole;** making various other changes to provisions relating to certain offenders; providing penalties; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain conditions to be imposed on sex offenders placed under a program of lifetime supervision or released on parole, probation or a suspended sentence. (NRS 176A.410, 213.1243, 213.1245, 213.1255) Under sections 2, 8 and 10 of this bill, if an offender is: (1) convicted of certain crimes against a child under the age of 14 years; (2) a Tier 3 offender; and (3) placed under a program of lifetime supervision or released on parole, probation or a suspended sentence, the offender must not establish a residence within 1,000 feet of certain locations frequented primarily by children and must be placed under a system of active electronic monitoring if the Chief Parole and Probation Officer deems such monitoring appropriate. Sections 2, 8 and 10 also require an offender placed under a system of active electronic monitoring to pay to the extent of his ability any costs associated with such monitoring and prohibit a person from removing or disabling an electronic monitoring device without authorization.

In addition, sections 2, 8 and 9 of this bill prohibit certain sex offenders from being within 500 feet of certain locations frequented primarily by children. Section 8 also requires a court that issues an arrest warrant for a violation of a condition imposed pursuant to the program of lifetime supervision to transmit notice of the issuance of the warrant to the Central Repository for Nevada Records of Criminal History within 3 business days.

Existing law requires a sex offender or an offender convicted of a crime against a child to register with a local law enforcement agency within 48 hours after arriving or establishing a residence in the jurisdiction of the local law enforcement agency. (NRS 179D.240, NRS 179D.460) Section 3 of this bill requires an incarcerated offender convicted of a crime against a child to register, before being released from prison, with the appropriate local law enforcement agency in whose jurisdiction the offender will be a resident offender upon release. Section 5 of this bill requires an incarcerated sex offender to register, before being released, with the appropriate law enforcement agency in whose jurisdiction the sex offender will be a resident sex offender upon release.

Existing law requires a court to order, at sentencing, that a biological specimen be obtained from a person convicted of certain crimes. (NRS 176.0913) Section 4 of this bill requires an offender convicted of a crime against a child to provide a biological specimen at the time the offender registers with a local law enforcement agency if the offender has not already provided a biological specimen. Section 6 of this bill requires a sex offender to provide a biological specimen at the time the sex offender registers with a local law enforcement agency if the sex offender has not already provided a biological specimen.

Existing law establishes the imposition of minimum sentences for certain sexual offenses committed against a child. (NRS 200.366) Section 7 of this bill increases the minimum number of years that must be served before a person is eligible for parole for committing a sexual assault against a child

under the age of 16 years that does not result in substantial bodily harm to the child from 20 to 25 years. Section 7 also increases the minimum number of years that must be served before a person is eligible for parole for committing a sexual assault against a child under the age of 14 years that does not result in substantial bodily harm to the child from 20 to 35 years.

Section 10.5 of this bill clarifies the procedure concerning meetings to consider prisoners for parole by specifying that such meetings are quasi-judicial and limited to the rights set forth in statute. In addition, section 10.5 requires the State Board of Parole Commissioners to provide reasonable notice of a meeting and an opportunity to be present at the meeting to a prisoner who will be considered for parole. Parole may not be denied at a meeting unless the Board has complied with those requirements. Section 10.5 further provides that a prisoner or his representative must be allowed to speak during a meeting to consider the prisoner for parole and requires the Board to provide written notice of its decision and any recommendations it may have to the prisoner not later than 10 working days after the meeting. (NRS 213.130)

Sections 11 and 12 of this bill reconcile the provisions of Assembly Bill No. 579 of this session with the provisions of this bill.

Sections 13 and 14 of this bill make appropriations to the State Motor Pool and the Division of Parole and Probation of the Department of Public Safety.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 176.0926 is hereby amended to read as follows:

176.0926 1. If a defendant is convicted of a crime against a child, the court shall, following the imposition of a sentence:

(a) Notify the Central Repository of the conviction of the defendant, so the Central Repository may carry out the provisions for registration of the defendant pursuant to NRS 179D.230.

(b) Inform the defendant of the requirements for registration, including, but not limited to:

(1) The duty to register in this State during any period in which he is a resident of this State or a nonresident who is a student or worker within this State and the time within which he is required to register pursuant to NRS 179D.240;

(2) The duty to register in any other jurisdiction , ***including, without limitation, any jurisdiction outside the United States,*** during any period in which he is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;

(3) If he moves from this State to another jurisdiction, ***including, without limitation, any jurisdiction outside the United States,*** the duty to register with the appropriate law enforcement agency in the other jurisdiction;

(4) The duty to notify the local law enforcement agency in whose jurisdiction he formerly resided, in person or in writing, if he changes the address at which he resides, including if he moves from this State to another jurisdiction, ***including, without limitation, any jurisdiction outside the United States,*** or changes the primary address at which he is a student or worker; and

(5) The duty to notify immediately the appropriate local law enforcement agency if the defendant is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education or if the defendant is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education.

(c) Require the defendant to read and sign a form confirming that the requirements for registration have been explained to him.

2. The failure to provide the defendant with the information or confirmation form required by paragraphs (b) and (c) of subsection 1 does not affect the duty of the defendant to register and to comply with all other provisions for registration pursuant to NRS 179D.200 to 179D.290, inclusive.

Sec. 2. NRS 176A.410 is hereby amended to read as follows:

176A.410 1. Except as otherwise provided in subsection ~~[3,]~~ ***6,*** if a defendant is convicted of a sexual offense and the court grants probation or suspends the sentence, the court shall, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension of sentence that the defendant:

(a) Submit to a search and seizure of his person, residence or vehicle or any property under his control, at any time of the day or night, without a warrant, by any parole and probation officer or any peace officer, for the purpose of determining whether the defendant has violated any condition of probation or suspension of sentence or committed any crime . ~~[;]~~

(b) Reside at a location only if ~~[it]~~ *:*

(1) The residence has been approved by the parole and probation officer assigned to the defendant . ~~[and keep]~~

(2) The defendant keeps the parole and probation officer ***assigned to the defendant*** informed of his current address . ~~[;]~~

(c) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the defendant and keep the parole and probation officer informed of the location of his position of employment or position as a volunteer . ~~[;]~~

(d) Abide by any curfew imposed by the parole and probation officer assigned to the defendant . ~~[;]~~

(e) Participate in and complete a program of professional counseling approved by the Division . ~~[;]~~

(f) Submit to periodic tests, as requested by the parole and probation officer assigned to the defendant, to determine whether the defendant is using a controlled substance . ~~[;]~~

(g) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the defendant . ~~[;]~~

(h) Abstain from consuming, possessing or having under his control any alcohol . ~~[;]~~

(i) Not have contact or communicate with a victim of the sexual offense or a witness who testified against the defendant or solicit another person to engage in such contact or communication on behalf of the defendant, unless approved by the parole and probation officer assigned to the defendant, and a written agreement is entered into and signed in the manner set forth in subsection ~~[2;]~~ *5*.

(j) Not use aliases or fictitious names . ~~[;]~~

(k) Not obtain a post office box unless the defendant receives permission from the parole and probation officer assigned to the defendant . ~~[;]~~

(l) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of a sexual offense is present and permission has been obtained from the parole and probation officer assigned to the defendant in advance of each such contact . ~~[;]~~

(m) Unless approved by the parole and probation officer assigned to the defendant and by a psychiatrist, psychologist or counselor treating the defendant, if any, not ~~[be in or near:~~

~~(1) A]~~ ***knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a*** playground, ***a*** park, ~~[school or school grounds;~~

~~(2) A]~~ ***an athletic field or a facility for youth sports, or a*** motion picture theater . ~~[; or~~

~~(3) A business that primarily has children as customers or conducts events that primarily children attend;]~~ ***The provisions of this paragraph apply only to a defendant who is a Tier 3 offender.***

(n) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication . ~~[;]~~

(o) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the defendant . ~~[;]~~

(p) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the defendant . ~~[;]~~

(q) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless

possession of such a device or such access is approved by the parole and probation officer assigned to the defendant . ~~[; and]~~

(r) Inform the parole and probation officer assigned to the defendant if the defendant expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education. As used in this paragraph, "institution of higher education" has the meaning ascribed to it in NRS 179D.045.

2. ***Except as otherwise provided in subsection 6, if a defendant is convicted of an offense listed in subsection 6 of NRS 213.1255 against a child under the age of 14 years, the defendant is a Tier 3 offender and the court grants probation or suspends the sentence of the defendant, the court shall, in addition to any other condition ordered pursuant to subsection 1, order as a condition of probation or suspension of sentence that the defendant:***

(a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater.

(b) As deemed appropriate by the Chief Parole and Probation Officer, be placed under a system of active electronic monitoring that is capable of identifying his location and producing, upon request, reports or records of his presence near or within a crime scene or prohibited area or his departure from a specified geographic location.

(c) Pay any costs associated with his participation under the system of active electronic monitoring, to the extent of his ability to pay.

3. A defendant placed under the system of active electronic monitoring pursuant to subsection 2 shall:

(a) Follow the instructions provided by the Division to maintain the electronic monitoring device in working order.

(b) Report any incidental damage or defacement of the electronic monitoring device to the Division within 2 hours after the occurrence of the damage or defacement.

(c) Abide by any other conditions set forth by the Division with regard to his participation under the system of active electronic monitoring.

4. Except as otherwise provided in this subsection, a person who intentionally removes or disables or attempts to remove or disable an electronic monitoring device placed on a defendant pursuant to this section is guilty of a gross misdemeanor. The provisions of this subsection do not prohibit a person authorized by the Division from performing maintenance or repairs to an electronic monitoring device.

5. A written agreement entered into pursuant to paragraph (i) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or communication authorized. The written agreement must be signed and agreed to by:

(a) The victim or the witness;

(b) The defendant;

(c) The parole and probation officer assigned to the defendant;

(d) The psychiatrist, psychologist or counselor treating the defendant, victim or witness, if any; and

(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child.

~~[3.]~~ *6.* The court is not required to impose a condition of probation or suspension of sentence listed in ~~[subsection]~~ ***subsections*** 1 ***and 2*** if the court finds that extraordinary circumstances are present and the court enters those extraordinary circumstances in the record.

~~[4.]~~ *7.* As used in this section, "sexual offense" has the meaning ascribed to it in NRS 179D.410.

Sec. 3. NRS 179D.230 is hereby amended to read as follows:

179D.230 1. If the Central Repository receives notice from a court pursuant to NRS 176.0926 that an offender has been convicted of a crime against a child, the Central Repository shall:

(a) If a record of registration has not previously been established for the offender, notify the local law enforcement agency so that a record of registration may be established; or

(b) If a record of registration has previously been established for the offender, update the record of registration for the offender and notify the appropriate local law enforcement agencies.

2. If the offender named in the notice is granted probation or otherwise will not be incarcerated or confined, the Central Repository shall immediately provide notification concerning the offender to the appropriate local law enforcement agencies and, if the offender resides in a jurisdiction which is outside of this State, to the appropriate law enforcement agency in that jurisdiction.

3. If an offender is incarcerated or confined and has previously been convicted of a crime against a child, before the offender is released:

(a) The Department of Corrections or a local law enforcement agency in whose facility the offender is incarcerated or confined shall:

(1) Inform the offender of the requirements for registration, including, but not limited to:

(I) The duty to register in this State during any period in which he is a resident of this State or a nonresident who is a student or worker within this State and the time within which he is required to register pursuant to NRS 179D.240;

(II) The duty to register in any other jurisdiction during any period in which he is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;

(III) If he moves from this State to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction;

(IV) The duty to notify the local law enforcement agency for the jurisdiction in which he now resides, in person, and the jurisdiction in which he most recently resided, in person or in writing, if he changes the address at which he resides, including if he moves from this State to another jurisdiction, or changes the primary address at which he is a student or worker; and

(V) The duty to notify immediately the appropriate local law enforcement agency if the offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education or if the offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education; and

(2) Require the offender to read and sign a form confirming that the requirements for registration have been explained to him and to forward the form to the Central Repository.

(b) The Central Repository shall:

(1) Update the record of registration for the offender; and

(2) Provide notification concerning the offender to the appropriate local law enforcement agencies and, if the offender will reside upon release in a jurisdiction which is outside of this State, to the appropriate law enforcement agency in that jurisdiction.

4. ***If an offender convicted of a crime against a child is incarcerated or confined, before the offender is released, the offender shall register, pursuant to 179D.240, with the appropriate sheriff's office, metropolitan police department or city police department in whose jurisdiction the offender will be a resident offender.***

5. The failure to provide an offender with the information or confirmation form required by paragraph (a) of subsection 3 does not affect the duty of the offender to register and to comply with all other provisions for registration.

~~[5.]~~ *6.* If the Central Repository receives notice from another jurisdiction or the Federal Bureau of Investigation that an offender convicted of a crime against a child is now residing or is a student or worker within this State, the Central Repository shall:

(a) Immediately provide notification concerning the offender to the appropriate local law enforcement agencies; and

(b) Establish a record of registration for the offender with the assistance of the local law enforcement agency.

Sec. 4. NRS 179D.240 is hereby amended to read as follows:

179D.240 1. In addition to any other registration that is required pursuant to NRS 179D.230, each offender who, after July 1, 1956, is or has been convicted of a crime against a child shall register with a local law enforcement agency pursuant to the provisions of this section.

2. Except as otherwise provided in subsection 3, if the offender resides or is present for 48 hours or more within:

(a) A county; or

(b) An incorporated city that does not have a city police department,

➥ the offender shall be deemed a resident offender and shall register with the sheriff's office of the county or, if the county or the city is within the jurisdiction of a metropolitan police department, the metropolitan police department, not later than 48 hours after arriving or establishing a residence within the county or the city.

3. If the offender resides or is present for 48 hours or more within an incorporated city that has a city police department, the offender shall be deemed a resident offender and shall register with the city police department not later than 48 hours after arriving or establishing a residence within the city.

4. If the offender is a nonresident offender who is a student or worker within this State, the offender shall register with the appropriate sheriff's office, metropolitan police department or city police department in whose jurisdiction he is a student or worker not later than 48 hours after becoming a student or worker within this State.

5. A resident or nonresident offender shall immediately notify the appropriate local law enforcement agency if:

(a) The offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education; or

(b) The offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education.

➥ The offender shall provide the name, address and type of each such institution of higher education.

6. To register with a local law enforcement agency pursuant to this section, the offender shall:

(a) ~~[Appear]~~ ***Unless the offender is incarcerated or confined and required to register pursuant to subsection 4 of NRS 179D.230, appear*** personally at the office of the appropriate local law enforcement agency;

(b) Provide all information that is requested by the local law enforcement agency, including, but not limited to, fingerprints and a photograph; ~~[and]~~

(c) ***If the offender has not provided a biological specimen pursuant to NRS 176.0913 or 176.0916, provide a biological specimen to the local law enforcement agency; and***

(d) Sign and date the record of registration or some other proof of registration in the presence of an officer of the local law enforcement agency ~~[.]~~ ***or in the presence of an officer of the institution or facility in which the offender is incarcerated or confined.***

7. ***If an offender convicted of a crime against a child must provide a biological specimen pursuant to paragraph (c) of subsection 6, the local law enforcement agency shall arrange for the biological specimen to be obtained from the offender. The local law enforcement agency shall provide the specimen to the forensic laboratory that has been designated by the county in which the offender resides or is present to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917.***

8. When an offender registers, the local law enforcement agency shall:

(a) Inform the offender of the duty to notify the local law enforcement agency if the offender changes the address at which he resides or changes the primary address at which he is a student or worker; and

(b) Inform the offender of the duty to register with the local law enforcement agency in whose jurisdiction the offender relocates.

~~[8.]~~ ***9.*** After the offender registers with the local law enforcement agency, the local law enforcement agency shall forward to the Central Repository the information collected, including the fingerprints and a photograph of the offender.

~~[9.]~~ ***10.*** If the Central Repository has not previously established a record of registration for an offender described in subsection ~~[8,]~~ ***9,*** the Central Repository shall:

(a) Establish a record of registration for the offender; and

(b) Provide notification concerning the offender to the appropriate local law enforcement agencies.

~~[10.]~~ ***11.*** When an offender notifies a local law enforcement agency that:

(a) The offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education; or

(b) The offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education,

➥ and provides the name, address and type of each such institution of higher education, the local law enforcement agency shall immediately provide that information to the Central Repository and to the appropriate campus police department.

Sec. 5. NRS 179D.450 is hereby amended to read as follows:

179D.450 1. If the Central Repository receives notice from a court pursuant to NRS 176.0927 that a sex offender has been convicted of a sexual offense or pursuant to NRS 62F.250 that a juvenile sex offender has been deemed to be an adult sex offender, the Central Repository shall:

(a) If a record of registration has not previously been established for the sex offender, notify the local law enforcement agency so that a record of registration may be established; or

(b) If a record of registration has previously been established for the sex offender, update the record of registration for the sex offender and notify the appropriate local law enforcement agencies.

2. If the sex offender named in the notice is granted probation or otherwise will not be incarcerated or confined or if the sex offender named in the notice has been deemed to be an adult sex offender pursuant to NRS 62F.250 and is not otherwise incarcerated or confined:

(a) The Central Repository shall immediately provide notification concerning the sex offender to the appropriate local law enforcement agencies and, if the sex offender resides in a jurisdiction which is outside of this State, to the appropriate law enforcement agency in that jurisdiction; and

(b) If the sex offender is subject to community notification, the Central Repository shall arrange for the assessment of the risk of recidivism of the sex offender pursuant to the guidelines and procedures for community notification established by the Attorney General pursuant to NRS 179D.600 to 179D.800, inclusive.

3. If a sex offender is incarcerated or confined and has previously been convicted of a sexual offense as described in NRS 179D.410, before the sex offender is released:

(a) The Department of Corrections or a local law enforcement agency in whose facility the sex offender is incarcerated or confined shall:

(1) Inform the sex offender of the requirements for registration, including, but not limited to:

(I) The duty to register in this State during any period in which he is a resident of this State or a nonresident who is a student or worker within this State and the time within which he is required to register pursuant to NRS 179D.460;

(II) The duty to register in any other jurisdiction during any period in which he is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;

(III) If he moves from this State to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction;

(IV) The duty to notify the local law enforcement agency for the jurisdiction in which he now resides, in person, and the jurisdiction in which he formerly resided, in person or in writing, if he changes the address at which he resides, including if he moves from this State to another jurisdiction, or changes the primary address at which he is a student or worker; and

(V) The duty to notify immediately the appropriate local law enforcement agency if the sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of

commencement or termination of his enrollment at an institution of higher education or if the sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education; and

(2) Require the sex offender to read and sign a form confirming that the requirements for registration have been explained to him and to forward the form to the Central Repository.

(b) The Central Repository shall:

(1) Update the record of registration for the sex offender;

(2) If the sex offender is subject to community notification, arrange for the assessment of the risk of recidivism of the sex offender pursuant to the guidelines and procedures for community notification established by the Attorney General pursuant to NRS 179D.600 to 179D.800, inclusive; and

(3) Provide notification concerning the sex offender to the appropriate local law enforcement agencies and, if the sex offender will reside upon release in a jurisdiction which is outside of this State, to the appropriate law enforcement agency in that jurisdiction.

4. ***If a sex offender is incarcerated or confined, before the sex offender is released, the sex offender shall register, pursuant to NRS 179D.460, with the appropriate sheriff's office, metropolitan police department or city police department in whose jurisdiction the sex offender will be a resident sex offender.***

5. The failure to provide a sex offender with the information or confirmation form required by paragraph (a) of subsection 3 does not affect the duty of the sex offender to register and to comply with all other provisions for registration.

~~[5.]~~ ***6.*** If the Central Repository receives notice from another jurisdiction or the Federal Bureau of Investigation that a sex offender is now residing or is a student or worker within this State, the Central Repository shall:

(a) Immediately provide notification concerning the sex offender to the appropriate local law enforcement agencies;

(b) Establish a record of registration for the sex offender; and

(c) If the sex offender is subject to community notification, arrange for the assessment of the risk of recidivism of the sex offender pursuant to the guidelines and procedures for community notification established by the Attorney General pursuant to NRS 179D.600 to 179D.800, inclusive.

Sec. 6. NRS 179D.460 is hereby amended to read as follows:

179D.460 1. In addition to any other registration that is required pursuant to NRS 179D.450, each sex offender who, after July 1, 1956, is or has been convicted of a sexual offense shall register with a local law enforcement agency pursuant to the provisions of this section.

2. Except as otherwise provided in subsection 3, if the sex offender resides or is present for 48 hours or more within:

(a) A county; or

(b) An incorporated city that does not have a city police department,

➥ the sex offender shall be deemed a resident sex offender and shall register with the sheriff's office of the county or, if the county or the city is within the jurisdiction of a metropolitan police department, the metropolitan police department, not later than 48 hours after arriving or establishing a residence within the county or the city.

3. If the sex offender resides or is present for 48 hours or more within an incorporated city that has a city police department, the sex offender shall be deemed a resident sex offender and shall register with the city police department not later than 48 hours after arriving or establishing a residence within the city.

4. If the sex offender is a nonresident sex offender who is a student or worker within this State, the sex offender shall register with the appropriate sheriff's office, metropolitan police department or city police department in whose jurisdiction he is a student or worker not later than 48 hours after becoming a student or worker within this State.

5. A resident or nonresident sex offender shall immediately notify the appropriate local law enforcement agency if:

(a) The sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education; or

(b) The sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education.

➥ The sex offender shall provide the name, address and type of each such institution of higher education.

6. To register with a local law enforcement agency pursuant to this section, the sex offender shall:

(a) ~~[Appear]~~ ***Unless the sex offender is incarcerated or confined and required to register pursuant to subsection 4 of NRS 179D.450, appear*** personally at the office of the appropriate local law enforcement agency;

(b) Provide all information that is requested by the local law enforcement agency, including, but not limited to, fingerprints and a photograph; ~~[and]~~

(c) ***If the sex offender has not provided a biological specimen pursuant to NRS 176.0913 or 176.0916, provide a biological specimen to the local law enforcement agency; and***

(d) Sign and date the record of registration or some other proof of registration of the local law enforcement agency in the presence of an officer of the local law enforcement agency ~~[.]~~ ***or in the presence of an officer of the institution or facility in which the sex offender is incarcerated or confined.***

7. If a sex offender must provide a biological specimen pursuant to paragraph (c) of subsection 6, the local law enforcement agency shall arrange for the biological specimen to be obtained from the sex offender. The local law enforcement agency shall provide the specimen to the forensic laboratory that has been designated by the county in which the sex

offender resides or is present to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917.

8. When a sex offender registers, the local law enforcement agency shall:

(a) Inform the sex offender of the duty to notify the local law enforcement agency if the sex offender changes the address at which he resides, including if he moves from this State to another jurisdiction, or changes the primary address at which he is a student or worker; and

(b) Inform the sex offender of the duty to register with the local law enforcement agency in whose jurisdiction the sex offender relocates.

~~[8.]~~ ***9.*** After the sex offender registers with the local law enforcement agency, the local law enforcement agency shall forward to the Central Repository the information collected, including the fingerprints and a photograph of the sex offender.

~~[9.]~~ ***10.*** If the Central Repository has not previously established a record of registration for a sex offender described in subsection ~~[8,]~~ ***9,*** the Central Repository shall:

(a) Establish a record of registration for the sex offender;

(b) Provide notification concerning the sex offender to the appropriate local law enforcement agencies; and

(c) If the sex offender is subject to community notification and has not otherwise been assigned a level of notification, arrange for the assessment of the risk of recidivism of the sex offender pursuant to the guidelines and procedures for community notification established by the Attorney General pursuant to NRS 179D.600 to 179D.800, inclusive.

~~[10.]~~ ***11.*** When a sex offender notifies a local law enforcement agency that:

(a) The sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education; or

(b) The sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education,

➥ and provides the name, address and type of each such institution of higher education, the local law enforcement agency shall immediately provide that information to the Central Repository and to the appropriate campus police department.

Sec. 7. NRS 200.366 is hereby amended to read as follows:

200.366 1. A person who subjects another person to sexual penetration, or who forces another person to make a sexual penetration on himself or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his conduct, is guilty of sexual assault.

2. Except as otherwise provided in subsections 3 and 4, a person who commits a sexual assault is guilty of a category A felony and shall be punished:

(a) If substantial bodily harm to the victim results from the actions of the defendant committed in connection with or as a part of the sexual assault, by imprisonment in the state prison:

(1) For life without the possibility of parole; or

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served.

(b) If no substantial bodily harm to the victim results, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served.

3. Except as otherwise provided in subsection 4, a person who commits a sexual assault against a child under the age of 16 years is guilty of a category A felony and shall be punished:

(a) If the crime results in substantial bodily harm to the child, by imprisonment in the state prison for life without the possibility of parole.

(b) Except as otherwise provided in paragraph (c), if the crime does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of ~~[20]~~ ***25*** years has been served.

(c) If the crime is committed against a child under the age of 14 years and does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of ~~[20]~~ ***35*** years has been served.

4. A person who commits a sexual assault against a child under the age of 16 years and who has been previously convicted of:

(a) A sexual assault pursuant to this section or any other sexual offense against a child; or

(b) An offense committed in another jurisdiction that, if committed in this State, would constitute a sexual assault pursuant to this section or any other sexual offense against a child,

➥ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.

5. For the purpose of this section, "other sexual offense against a child" means any act committed by an adult upon a child constituting:

(a) Incest pursuant to NRS 201.180;

(b) Lewdness with a child pursuant to NRS 201.230;

(c) Sado-masochistic abuse pursuant to NRS 201.262; or

(d) Luring a child using a computer, system or network pursuant to NRS 201.560, if punished as a felony.

Sec. 8. NRS 213.1243 is hereby amended to read as follows:

213.1243 1. The Board shall establish by regulation a program of lifetime supervision of sex offenders to commence after any period of probation or any term of imprisonment and any period of release on parole.

The program must provide for the lifetime supervision of sex offenders by parole and probation officers.

2. Lifetime supervision shall be deemed a form of parole for:

(a) The limited purposes of the applicability of the provisions of NRS 213.1076, subsection 9 of NRS 213.1095, NRS 213.1096 and subsection 2 of NRS 213.110; and

(b) The purposes of the Interstate Compact for Adult Offender Supervision ratified, enacted and entered into by the State of Nevada pursuant to NRS 213.215.

3. ***Except as otherwise provided in subsection 8, the Board shall require as a condition of lifetime supervision that the sex offender, unless approved by the parole and probation officer assigned to the sex offender and by a psychiatrist, psychologist or counselor treating the sex offender, if any, not knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater. The provisions of this subsection apply only to a sex offender who is a Tier 3 offender.***

4. Except as otherwise provided in subsection 8, if a sex offender is convicted of a sexual offense listed in subsection 6 of NRS 213.1255 against a child under the age of 14 years, the sex offender is a Tier 3 offender and the sex offender is sentenced to lifetime supervision, the Board shall require as a condition of lifetime supervision that the sex offender:

(a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater.

(b) As deemed appropriate by the Chief, be placed under a system of active electronic monitoring that is capable of identifying his location and producing, upon request, reports or records of his presence near or within a crime scene or prohibited area or his departure from a specified geographic location.

(c) Pay any costs associated with his participation under the system of active electronic monitoring, to the extent of his ability to pay.

5. A ~~[person]~~ ***sex offender placed under the system of active electronic monitoring pursuant to subsection 3 shall:***

(a) Follow the instructions provided by the Division to maintain the electronic monitoring device in working order.

(b) Report any incidental damage or defacement of the electronic monitoring device to the Division within 2 hours after the occurrence of the damage or defacement.

(c) Abide by any other conditions set forth by the Division with regard to his participation under the system of active electronic monitoring.

6. Except as otherwise provided in this subsection, a person who intentionally removes or disables or attempts to remove or disable an electronic monitoring device placed on a sex offender pursuant to this section is guilty of a gross misdemeanor. The provisions of this subsection do not prohibit a person authorized by the Division from performing maintenance or repairs to an electronic monitoring device.

7. Except as otherwise provided in subsection 6, a sex offender who commits a violation of a condition imposed on him pursuant to the program of lifetime supervision is guilty of ~~[~~:

~~(a) If the violation constitutes a minor violation, a misdemeanor.~~

~~(b) If the violation constitutes a major violation,~~] a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

~~[4.]~~ ***8. The Board is not required to impose a condition pursuant to the program of lifetime supervision listed in subsections 3 and 4 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.***

9. If a court issues a warrant for arrest for a violation of this section, the court shall cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, notice of the issuance of the warrant for arrest in a manner which ensures that such notice is received by the Central Repository within 3 business days.

10. For the purposes of prosecution of a violation by a ~~[person]~~ ***sex offender*** of a condition imposed upon him pursuant to the program of lifetime supervision, the violation shall be deemed to have occurred in, and may only be prosecuted in, the county in which the court that imposed the sentence of lifetime supervision pursuant to NRS 176.0931 is located, regardless of whether the acts or conduct constituting the violation took place, in whole or in part, within or outside that county or within or outside this State.

~~[5. As used in this section:~~

~~(a) "Major violation" means a violation which poses a threat to the safety or well-being of others and which involves:~~

~~(1) The commission of any crime that is punishable as a gross misdemeanor or felony or any crime that involves a victim who is less than 18 years of age;~~

~~(2) The use of a deadly weapon, explosives or a firearm;~~

~~(3) The use or threatened use of force or violence against a person;~~

~~(4) Death or bodily injury of a person;~~

~~(5) An act of domestic violence;~~

~~(6) Harassment, stalking or threats of any kind; or~~

~~(7) The forcible or unlawful entry of a home, building, structure or vehicle in which a person is present.~~

~~(b) "Minor violation" means a violation that does not constitute a major violation.]~~

Sec. 9. NRS 213.1245 is hereby amended to read as follows:

213.1245 1. Except as otherwise provided in subsection 3, if the Board releases on parole a prisoner convicted of an offense listed in NRS 179D.620, the Board shall, in addition to any other condition of parole, require as a condition of parole that the parolee:

(a) Reside at a location only if ~~[it]~~ *:*

(1) The residence has been approved by the parole and probation officer assigned to the parolee . ~~[and keep]~~

(2) The parolee keeps the parole and probation officer informed of his current address . ~~[;]~~

(b) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the parolee and keep the parole and probation officer informed of the location of his position of employment or position as a volunteer . ~~[;]~~

(c) Abide by any curfew imposed by the parole and probation officer assigned to the parolee . ~~[;]~~

(d) Participate in and complete a program of professional counseling approved by the Division . ~~[;]~~

(e) Submit to periodic tests, as requested by the parole and probation officer assigned to the parolee, to determine whether the parolee is using a controlled substance . ~~[;]~~

(f) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the parolee . ~~[;]~~

(g) Abstain from consuming, possessing or having under his control any alcohol . ~~[;]~~

(h) Not have contact or communicate with a victim of the offense or a witness who testified against the parolee or solicit another person to engage in such contact or communication on behalf of the parolee, unless approved by the parole and probation officer assigned to the parolee, and a written agreement is entered into and signed in the manner set forth in subsection 2 . ~~[;]~~

(i) Not use aliases or fictitious names . ~~[;]~~

(j) Not obtain a post office box unless the parolee receives permission from the parole and probation officer assigned to the parolee . ~~[;]~~

(k) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of an offense listed in NRS 179D.410 is present and permission has been obtained from the parole and probation officer assigned to the parolee in advance of each such contact . ~~[;]~~

(l) Unless approved by the parole and probation officer assigned to the parolee and by a psychiatrist, psychologist or counselor treating the parolee, if any, not ~~[be in or near:~~

~~(1) A]~~ ***knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a*** playground, ***a*** park, ~~[school or school grounds;~~

~~(2) A]~~ ***an athletic field or a facility for youth sports, or a*** motion picture theater . ~~[; or~~

~~(3) A business that primarily has children as customers or conducts events that primarily children attend;]~~ ***The provisions of this paragraph apply only to a parolee who is a Tier 3 offender.***

(m) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication . ~~[;]~~

(n) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the parolee . ~~[;]~~

(o) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the parolee . ~~[;]~~

(p) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the parolee . ~~[; and]~~

(q) Inform the parole and probation officer assigned to the parolee if the parolee expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education. As used in this paragraph, "institution of higher education" has the meaning ascribed to it in NRS 179D.045.

2. A written agreement entered into pursuant to paragraph (h) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or communication authorized. The written agreement must be signed and agreed to by:

(a) The victim or the witness;

(b) The parolee;

(c) The parole and probation officer assigned to the parolee;

(d) The psychiatrist, psychologist or counselor treating the parolee, victim or witness, if any; and

(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child.

3. The Board is not required to impose a condition of parole listed in subsection 1 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.

Sec. 10. NRS 213.1255 is hereby amended to read as follows:

213.1255 1. ***Except as otherwise provided in subsection 4, in addition to any conditions of parole required to be imposed pursuant to NRS 213.1245, as a condition of releasing on parole a prisoner who was convicted of committing an offense listed in subsection 6 against a child under the age of 14 years and who is a Tier 3 offender, the Board shall require that the parolee:***

(a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater.

(b) As deemed appropriate by the Chief, be placed under a system of active electronic monitoring that is capable of identifying his location and producing, upon request, reports or records of his presence near or within a crime scene or prohibited area or his departure from a specified geographic location.

(c) Pay any costs associated with his participation under the system of active electronic monitoring, to the extent of his ability to pay.

2. A parolee placed under the system of active electronic monitoring pursuant to subsection 1 shall:

(a) Follow the instructions provided by the Division to maintain the electronic monitoring device in working order.

(b) Report any incidental damage or defacement of the electronic monitoring device to the Division within 2 hours after the occurrence of the damage or defacement.

(c) Abide by any other conditions set forth by the Division with regard to his participation under the system of active electronic monitoring.

3. Except as otherwise provided in this subsection, a person who intentionally removes or disables or attempts to remove or disable an electronic monitoring device placed on a parolee pursuant to this section is guilty of a gross misdemeanor. The provisions of this subsection do not prohibit a person authorized by the Division from performing maintenance or repairs to an electronic monitoring device.

4. The Board is not required to impose a condition of parole listed in subsection 1 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.

5. In addition to any conditions of parole required to be imposed pursuant to ***subsection 1 and*** NRS 213.1245, as a condition of releasing on parole a prisoner who was convicted of committing an offense listed in

subsection ~~[2]~~ *6* against a child under the age of 14 years, the Board shall, when appropriate:

(a) Require the parolee to participate in psychological counseling . ~~[;]~~

(b) Prohibit the parolee from being alone with a child unless another adult who has never been convicted of a sexual offense is present . ~~[; and~~

~~(c) Prohibit the parolee from being on or near the grounds of any place that is primarily designed for use by or for children, including, without limitation, a public or private school, a center or facility that provides day care services, a video arcade and an amusement park.]~~

~~[2.]~~ ***6.*** The provisions of ~~[subsection]~~ ***subsections*** 1 ***and 5*** apply to a prisoner who was convicted of:

(a) Sexual assault pursuant to paragraph (c) of subsection 3 of NRS 200.366;

(b) Abuse or neglect of a child pursuant to subparagraph (1) of paragraph (a) of subsection 1 or subparagraph (1) of paragraph (a) of subsection 2 of NRS 200.508;

(c) An offense punishable pursuant to subsection 2 of NRS 200.750;

(d) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 201.195;

(e) Lewdness with a child pursuant to NRS 201.230;

(f) Luring a child or mentally ill person pursuant to NRS 201.560, if punished as a felony; or

(g) Any combination of the crimes listed in paragraphs (a) to (f), inclusive.

Sec. 10.5. **NRS 213.130 is hereby amended to read as follows:**

213.130 1. The Department of Corrections shall:

(a) Determine when a prisoner sentenced to imprisonment in the state prison is eligible to be considered for parole;

(b) Notify the State Board of Parole Commissioners of the eligibility of the prisoner to be considered for parole; and

(c) Before a meeting to consider the prisoner for parole, compile and provide to the Board data that will assist the Board in determining whether parole should be granted.

2. If a prisoner is being considered for parole from a sentence imposed for conviction of a crime which involved the use of force or violence against a victim and which resulted in bodily harm to a victim and if original or duplicate photographs that depict the injuries of the victim or the scene of the crime were admitted at the trial of the prisoner or were part of the report of the presentence investigation and are reasonably available, a representative sample of such photographs must be included with the information submitted to the Board at the meeting. A prisoner may not bring a cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees for any action that is taken pursuant to this subsection or for failing to take any action pursuant to this

subsection, including, without limitation, failing to include photographs or including only certain photographs. As used in this subsection, "photograph" includes any video, digital or other photographic image.

3. Meetings to consider prisoners for parole may be held semiannually or more often, on such dates as may be fixed by the Board. All meetings ***are quasi-judicial and must be open to the public. No rights other than those conferred pursuant to this section or pursuant to specific statute concerning meetings to consider prisoners for parole are available to any person with respect to such meetings.***

4. Not later than 5 days after the date on which the Board fixes the date of the meeting to consider a prisoner for parole, the Board shall notify the victim of the prisoner who is being considered for parole of the date of the meeting and of his rights pursuant to this subsection, if the victim has requested notification in writing and has provided his current address or if the victim's current address is otherwise known by the Board. The victim of a prisoner being considered for parole may submit documents to the Board and may testify at the meeting held to consider the prisoner for parole. A prisoner must not be considered for parole until the Board has notified any victim of his rights pursuant to this subsection and he is given the opportunity to exercise those rights. If a current address is not provided to or otherwise known by the Board, the Board must not be held responsible if such notification is not received by the victim.

5. The Board may deliberate in private after a public meeting held to consider a prisoner for parole.

6. The Board of State Prison Commissioners shall provide suitable and convenient rooms or space for use of the Board.

7. If a victim is notified of a meeting to consider a prisoner for parole pursuant to subsection 4, the Board shall, upon making a final decision concerning the parole of the prisoner, notify the victim of its final decision.

8. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Board pursuant to this section is confidential.

9. ***The Board must not deny parole to a prisoner unless the prisoner has been given reasonable notice of the meeting and the opportunity to be present at the meeting. If the Board fails to provide notice of the meeting to the prisoner or to provide the prisoner with an opportunity to be present and determines that it may deny parole, the Board may reschedule the meeting.***

10. During a meeting to consider a prisoner for parole, the Board shall allow the prisoner:

(a) At his own expense, to have a representative present with whom he may confer; and

(b) To speak on his own behalf or to have his representative speak on his behalf.

11. Upon making a final decision concerning the parole of the prisoner, the Board shall provide written notice to the prisoner of its decision not later than 10 working days after the meeting and, if parole is denied, specific recommendations of the Board to improve the possibility of granting parole the next time the prisoner is considered for parole, if any.

12. For the purposes of this section, "victim" has the meaning ascribed to it in NRS 213.005.

Sec. 11. Section 26 of Assembly Bill No. 579 of this session is hereby amended to read as follows:

Sec. ~~26~~. ***When an offender convicted of a crime against a child or a sex offender registers with a local law enforcement agency as required pursuant to NRS 179D.460 or 179D.480 or section 27 of this act, or updates his registration as required pursuant to section 28 of this act:***

1. The offender or sex offender shall provide the local law enforcement agency with the following:

(a) The name of the offender or sex offender and all aliases that he has used or under which he has been known;

(b) The social security number of the offender or sex offender;

(c) The address of any residence or location at which the offender or sex offender resides or will reside;

(d) The name and address of any place where the offender or sex offender is a worker or will be a worker;

(e) The name and address of any place where the offender or sex offender is a student or will be a student;

(f) The license plate number and a description of all motor vehicles registered to or frequently driven by the offender or sex offender; and

(g) Any other information required by federal law.

2. If the offender or sex offender has not previously provided a biological specimen pursuant to NRS 176.0913 or 176.0916, the offender or sex offender shall provide a biological specimen to the local law enforcement agency. The local law enforcement agency shall provide the specimen to the forensic laboratory that has been designated by the county in which the offender or sex offender resides, is present or is a worker or student to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917.

3. The local law enforcement agency shall ensure that the record of registration of the offender or sex offender includes, without limitation:

(a) A complete physical description of the offender or sex offender, a current photograph of the offender or sex offender and the fingerprints and palm prints of the offender or sex offender;

(b) The text of the provision of law defining each offense for which the offender or sex offender is required to register;

(c) The criminal history of the offender or sex offender, including, without limitation:

(1) The dates of all arrests and convictions of the offender or sex offender;

(2) The status of parole, probation or supervised release of the offender or sex offender;

(3) The status of the registration of the offender or sex offender; and

(4) The existence of any outstanding arrest warrants for the offender or sex offender;

(d) A report of the analysis of the genetic markers of the specimen obtained from the offender or sex offender;

(e) The identification number from a driver's license or an identification card issued to the offender or sex offender by this State or any other jurisdiction and a photocopy of such driver's license or identification card; and

(f) Any other information required by federal law.

Sec. 12. Section 27 of Assembly Bill No. 579 of this session is hereby amended to read as follows:

Sec. 27. ***1. In addition to any other registration that is required pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act, each offender or sex offender who, on or after October 1, 2007, is or has been convicted of a crime against a child or a sexual offense shall register initially with the appropriate local law enforcement agency of the jurisdiction in which the offender or sex offender was convicted pursuant to the provisions of this section.***

2. An offender or sex offender shall initially register with a local law enforcement agency as required pursuant to subsection 1:

(a) If the offender or sex offender is sentenced to a term of imprisonment for the crime, before being released from incarceration or confinement for the crime; and

(b) If the offender or sex offender is not sentenced to a term of imprisonment for the crime, not later than 3 business days after the date on which the offender or sex offender was sentenced for the crime.

Sec. 13. 1. There is hereby appropriated from the State General Fund to the State Motor Pool for the Fiscal Year 2007-2008 the sum of $30,112 for the purchase of two motor pool vehicles to be used by the staff employed by the Division of Parole and Probation of the Department of Public Safety for the purpose of carrying out the provisions of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2008, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2008, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2008.

Sec. 14. 1. There is hereby appropriated from the State General Fund to the Division of Parole and Probation of the Department of Public Safety for the purpose of carrying out the provisions of this act the sums of:

For the Fiscal Year 2007-2008 $587,115

For the Fiscal Year 2008-2009 $245,567

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2008, and September 18, 2009, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2008, and September 18, 2009, respectively.

Sec. 15. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of sections 4, 6 and 11 of this act.

Sec. 16. The amendatory provisions of:

1. Section 2 of this act apply to a person who is granted probation or a suspension of sentence before, on or after October 1, 2007.

2. Section 8 of this act apply to a person who is placed under a program of lifetime supervision before, on or after October 1, 2007; and

3. Sections 9 and 10 of this act apply to a person who is released on parole before, on or after October 1, 2007.

Sec. 17. 1. This section ~~[and sections]~~ **becomes effective upon passage and approval. Section 10.5 of this act becomes effective upon passage and approval for the purpose of adopting rules and regulations and establishing any forms necessary to carry out the provisions of that section and on October 1, 2007, for all other purposes.**

2. Sections 13 and 14 of this act become effective on July 1, 2007.

~~[2.]~~ **3.** Sections 1 to 10, inclusive, 15 and 16 of this act become effective on October 1, 2007.

~~[3.]~~ **4.** Sections 11 and 12 of this act become effective on October 1, 2007, only if Assembly Bill No. 579 of this session becomes effective.

~~[4.]~~ **5.** Sections 5 and 6 of this act expire by limitation on June 30, 2008.

Assemblyman Parks moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 471.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Senate Bill No. 471:

YEAS—42.

NAYS—None.

Senate Bill No. 471 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 487, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 893 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 34, which is attached to and hereby made a part of this report.

MARILYN KIRKPATRICK	MARK AMODEI
DAVID BOBZIEN	MAURICE WASHINGTON
HEIDI GANSERT	BERNICE MATHEWS
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA34.

SUMMARY—Revises provisions relating to water resources in certain counties. (BDR ~~[S-183)]~~ **48-183)**

AN ACT relating to water; ~~[creating an Advisory Subcommittee of the]~~ **providing for the regional management and conservation of water resources in certain portions of** Washoe County **; creating the Western** Regional Water ~~[Planning]~~ Commission; ~~[requiring]~~ **setting forth the powers and duties of** the **Western Regional Water** Commission ~~[, in conjunction with the Subcommittee, to assess and examine certain matters pertaining to the availability and responsible use of water within Washoe County and to submit a report to the Legislature in connection therewith;]~~ **; creating the Northern Nevada Water Planning Commission to advise and assist the Western Regional Water Commission; repealing certain provisions relating to regional planning and management of water in certain counties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing general law provides for regional planning and management of water by a water planning commission in counties whose population is 100,000 or more but less than 400,000 (currently Washoe County). Under that general law, a board of county commissioners is required to adopt a comprehensive plan for the supply of municipal and industrial water, quality of water, sanitary sewerage, treatment of sewage, drainage of storm water and control of floods and is required to take action by a two-thirds majority. This general law also provides for a water planning commission, which reports to and advises the board of county commissioners concerning issues relating to water resources. (NRS 540A.010-540A.310)

~~[Section 2 of this bill creates an Advisory Subcommittee of the Washoe County Regional Water Planning Commission. The Subcommittee consists of six members, including two Legislators appointed, respectively, by the Majority Leader of the Senate and the Speaker of the Assembly and four members of the general public who are appointed by the four purveyors of water in Washoe County: (1) the South Truckee Meadows General Improvement District; (2) the Sun Valley General Improvement District; (3) the Truckee Meadows Water Authority; and (4) Washoe County.~~

~~Section 3 of this bill requires the Commission, in conjunction with the Subcommittee, to make assessments, determinations and recommendations regarding several issues pertaining to the availability and responsible use of water within Washoe County.~~

~~Section 4 of this bill requires the Commission, in conjunction with the Subcommittee, to report on the activities carried out pursuant to section 3 and submit that report, accompanied by any recommendations for legislation, to the 75th Session of the Nevada Legislature.]~~ **This bill repeals various provisions of that general law and creates by special legislation a new structure for regional planning of water resources in certain portions of Washoe County based on the unique conditions and circumstances existing in those areas. Under the Nevada Constitution, the Legislature may pass a special or local law if the subject matter of the law does not fall within one of certain enumerated categories and a general law cannot be made applicable because of special circumstances and conditions. (Nev. Const. Art. 4, §§ 20, 21) Section 4 of this bill specifies the unique conditions and circumstances in these portions of Washoe County that justify special legislation for the purpose of regional planning and management of water resources.**

Sections 23 and 25-28 of this bill create the Western Regional Water Commission (Regional Water Commission), which is governed by a Board of Trustees consisting of representatives of various public entities and interests. Sections 36-41 of this bill create the Northern Nevada Water Planning Commission (Water Planning Commission), which reports to and advises the Board of Trustees of the Regional Water Commission.

Section 24 of this bill authorizes the City of Reno, City of Sparks, Washoe County, Sun Valley General Improvement District, South Truckee Meadows General Improvement District and Truckee Meadows Water Authority to provide certain additional power and duties to the Regional Water Commission by cooperative agreement. The cooperative agreement must be entered into before April 1, 2008.

Sections 34-52 of this bill require the development and adoption of a comprehensive plan for the area over which the Regional Water Commission has jurisdiction, which must address the supply of municipal and industrial water, quality of water, sanitary sewerage, treatment of sewage, drainage of storm water and control of floods.

Sections 30-35 of this bill authorize the Board of Trustees to: (1) plan for the implementation of a mechanism for scheduling the delivery of water supplies held by certain water purveyors before April 1, 2008; (2) develop a plan for the establishment of service territories by which those purveyors may provide new water service provided on and after April 1, 2008, if each of the public purveyors agree to the plan; (3) impose a fee for the planning and administration of certain activities; and (4) plan for water conservation by various means.

Section 56 of this bill creates a temporary statutory legislative committee to oversee the programs and activities of the Regional Water Commission.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 6 of this bill and replace with the following new sections 1 through 57:

Section 1. **NRS 533.550 is hereby amended to read as follows:**

533.550 1. Notwithstanding any other provision of law, a public body shall not sell or lease for a term of more than 5 years a water right owned by the public body unless the public body, after holding at least one public hearing at which public comment was solicited, has issued written findings that:

(a) The sale or lease of the water right is consistent with the prudent, long-term management of the water resources within the jurisdiction of the public body;

(b) The sale or lease of the water right will not deprive residents and businesses within the jurisdiction of the public body of reasonable access to water resources for growth and development;

(c) The sale or lease of the water right is a reasonable means of promoting development and use of the water right; and

(d) The means by which the water right is sold or leased reasonably ensures that the public body will receive the actual value of the water right or comparable economic benefits.

2. As used in this section, "public body" means the State or a county, city, town, school district or any public agency of this State or its political subdivisions. The term does not include a water district organized pursuant to a special act of the Legislature or a water authority organized as a political subdivision created by a cooperative agreement ~~[.]~~ ***or created by a special act of the Legislature.***

Sec. 2. **NRS 540A.010 is hereby amended to read as follows:**

540A.010 As used in this chapter, unless the context otherwise requires:

1. "Board" means the board of county commissioners.

2. "Commission" means the ~~[water planning commission]~~ ***Northern Nevada Water Planning Commission*** created by ~~[NRS 540A.080.]~~ ***section 36 of this Act.***

3. "Comprehensive plan" or "plan" means the plan developed ~~[pursuant to NRS 540A.130.]~~ ***by a regional water commission created by special act.***

4. "Division" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

Sec. 3. **Sections 3 to 53, inclusive, of this Act may be cited as the Western Regional Water Commission Act.**

Sec. 4. **1. The Legislature hereby finds that:**

(a) The provisions of section 22 of this Act describe a hydrologically unique area which is distinguished by the presence of Lake Tahoe and the Truckee River, a water system which is governed by a unique combination of state and federal law, by federal decree and by the Truckee River Operating Agreement; and

(b) The unique hydrological conditions of the area described in section 22 of this Act and the complex legal framework governing the use of water within that area are special circumstances and conditions to which a general law cannot be made applicable and necessitate this special Act which provides for a special structure for the coordinated planning and management of water resources in that area.

2. It is hereby declared as a matter of legislative determination that:

(a) The organization of the Western Regional Water Commission having the purposes, powers, rights, privileges and immunities provided in this Act will serve a public use and will promote the general welfare by facilitating unified and cooperative efforts to secure and develop additional water supplies, maintain and cooperatively establish policies for managing existing water resources and water supplies, provide for integrated regional water resources and management of water supplies, provide for integration of efforts to manage storm water, provide for protection of watersheds and provide for regional conservation efforts, subject to and in accordance with the Truckee River Operating Agreement.

(b) The planning for the acquisition, development, management and conservation of regional water supplies and any associated facilities by the Regional Water Commission is for a public and governmental purpose and a matter of public necessity.

(c) The geographical boundaries of the Regional Water Commission are within the area described in section 22 of this Act.

(d) The Regional Water Commission shall, in carrying out the provisions of this Act:

(1) Make full use of any available resources for sustainability, economic viability and maintenance of environmental values;

(2) Communicate the decisions and policies of the Regional Water Commission in an effective manner;

(3) Provide for a centralized system of decision making;

(4) Facilitate the effective coordination of land use and resource planning;

(5) Facilitate the effective and efficient planning, management and operation of facilities; and

(6) Plan for the effective stewardship of water resources, including, without limitation, ensuring the quantity and quality of surface water and groundwater and the control point and nonpoint sources of pollution.

(e) For the accomplishment of the purposes stated in this subsection, the provisions of this Act shall be broadly construed.

Sec. 5. **As used in this Act, unless the context otherwise requires, the words and terms defined in sections 6 to 21, inclusive, of this Act have the meanings ascribed to them in those sections.**

Sec. 6. **"Board of Trustees" or "Board" means the Board of Trustees of the Regional Water Commission.**

Sec. 7. **"City of Reno" means the municipal corporation in Washoe County, created and existing pursuant to the provisions of chapter 662, Statutes of Nevada 1971, as amended.**

Sec. 8. **"City of Sparks" means the municipal corporation in Washoe County, created and existing pursuant to the provisions of chapter 470, Statutes of Nevada 1975, as amended.**

Sec. 9. **"Comprehensive Plan" means the plan developed pursuant to sections 34 to 52, inclusive, of this Act.**

Sec. 10. **"Division" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.**

Sec. 11. **"Facilities" means any facility necessary for the beneficial use of water supplies, including, without limitation, any diversion, dam, reservoir, other water storage facility for the water supplies, water conveyance, well, pump, treatment facility, storage tank, pipe, turnout and any other facility required to provide water services or to provide for the conservation of water or enhanced control of floods.**

Sec. 12. **"Planning area" means the area described in section 22 of this Act.**

Sec. 13. **"Public purveyor" means:**

1. The Truckee Meadows Water Authority, or its successor;

2. The Washoe County Department of Water Resources, or its successor;

3. The South Truckee Meadows General Improvement District, or its successor;

4. The Sun Valley General Improvement District, or its successor; or

5. Any other governmental entity engaged in the retail delivery of potable water in the planning area.

Sec. 14. **"Regional Water Commission" means the Western Regional Water Commission created pursuant to section 23 of this Act.**

Sec. 15. **"Truckee Meadows Water Authority" means the political subdivision of the State of Nevada created by a cooperative agreement**

effective December 4, 2000, pursuant to the provisions of NRS 277.080 to 277.180, inclusive.

Sec. 16. **"Truckee River Operating Agreement" means all agreements relating to the implementation of Public Law 101-618, 104 Stat. 3324, as amended, including, without limitation, the Operating Agreement referenced in section 205(a) of Public Law 101-618, 104 Stat. 3324, as amended, whether entered into before, on or after April 1, 2008, to which the Truckee Meadows Water Authority, its predecessor or its successor, if any, is a party.**

Sec. 17. **"Washoe County" means the county created by and described in NRS 243.340.**

Sec. 18. **"Water Planning Commission" means the Northern Nevada Water Planning Commission created pursuant to section 36 of this Act.**

Sec. 19. **"Water Quality Settlement Agreement" means the Agreement entered into on October 10, 1996, by the City of Reno, the City of Sparks, Washoe County, the United States Department of the Interior, the United States Department of Justice, the United States Environmental Protection Agency, the Division and the Pyramid Lake Paiute Tribe, and any agreements entered into to implement that Agreement including, without limitation, any applicable provisions of the Truckee River Operating Agreement.**

Sec. 20. **"Water right" means any entitlement to the beneficial use of surface water or groundwater supplies, including, without limitation, an entitlement that exists by contract, by interest in real property, by decree or by rights granted or recognized by the State of Nevada, the State of California or any other governmental agency.**

Sec. 21. **"Water supplies" means surface water, groundwater, wastewater or effluent capable of being put to beneficial use.**

Sec. 22. **1. The planning area in which plans for the use, management and conservation of water are to be made, pursuant to this Act, is the entire area within the boundaries of Washoe County except:**

(a) Any land within the region defined by NRS 277.200, the Tahoe Regional Planning Compact;

(b) Land located within any Indian reservation or Indian colony which is held in trust by the United States;

(c) Land located within the Gerlach General Improvement District or its successor created pursuant to chapter 318 of NRS;

(d) Land located within the following administrative groundwater basins established by the United States Geological Survey and the Division of Water Resources of the State Department of Conservation and Natural Resources:

(1) Basin 22 (San Emidio Desert);

(2) Basin 23 (Granite Basin); and

(3) Basin 24 (Hualapai Flat); and

(e) Any land excluded by the Board pursuant to subsection 2 and not otherwise included pursuant to subsection 3.

2. The Board may exclude from the planning area any land which it determines is unsuitable for inclusion because of its remoteness from the water supplies which are the subject of the Comprehensive Plan or because it lies within a separate hydrologic basin neither affecting nor affected by conditions within the remainder of the planning area.

3. The Board may include within the planning area any land otherwise excluded pursuant to subsection 2 if it finds that the land requires alleviation of the effect of flooding or drainage of storm waters or requires another benefit from planning or management performed in the planning area.

Sec. 23. **1. The Western Regional Water Commission is hereby created. The Regional Water Commission is a body corporate and politic and a municipal corporation.**

2. The property and revenues of the Regional Water Commission, any interest of any creditor therein and any possessory interest in or right to use that property which the Regional Water Commission may grant are exempt from all state, county and municipal taxation.

Sec. 24. **By entering into a cooperative agreement pursuant to NRS 277.080 to 277.180, inclusive, the City of Reno, City of Sparks, Washoe County, Sun Valley General Improvement District, South Truckee Meadows General Improvement District and Truckee Meadows Water Authority may jointly authorize the Regional Water Commission to exercise such powers, privileges or authority that each of those entities may individually exercise pursuant to the laws of this State which are not inconsistent with the provisions of this Act.**

Sec. 25. **1. The Regional Water Commission must be directed and governed by a Board of Trustees composed of the following nine members appointed pursuant to this section:**

(a) Two members of the City Council of the City of Reno;

(b) Two members of the City Council of the City of Sparks;

(c) Two members of the Board of County Commissioners of Washoe County;

(d) One member representing the Truckee Meadows Water Reclamation Facility or its successor;

(e) One member designated by the Board of Trustees of the South Truckee Meadows General Improvement District or its successor; and

(f) One member of the Board of Trustees of the Sun Valley General Improvement District or its successor.

2. The City Council of the City of Reno, the City Council of the City of Sparks and the Board of County Commissioners of Washoe County shall each appoint one trustee from their membership for an initial term of 2 years.

3. The Board of Directors of the Truckee Meadows Water Authority or its successor shall appoint from its membership, for initial terms of 3 years:

(a) One trustee who is a member of the City Council of the City of Reno;

(b) One trustee who is a member of the City Council of the City of Sparks; and

(c) One trustee who is a member of the Board of County Commissioners of Washoe County.

➥ The trustees appointed pursuant to this subsection must be different persons than those appointed pursuant to subsection 2.

4. The Board of Trustees of the Sun Valley General Improvement District or its successor and the Board of Trustees of the South Truckee Meadows General Improvement District or its successor shall each appoint one trustee from its membership for an initial term of 3 years.

5. The owners of the Truckee Meadows Water Reclamation Facility or its successor shall jointly appoint one trustee for an initial term of 2 years.

6. After the initial terms, each trustee who is appointed to the Board serves for a term of 2 years. A trustee may be reappointed.

7. All trustees must be elected officials. No trustee may serve beyond his term of office.

8. The position of a trustee must be considered vacated upon his loss of any of the qualifications required for his appointment, and in such event, the appointing authority shall appoint a successor to fill the remainder of the unexpired term.

Sec. 26. **Each member of the Board shall file with the County Clerk of Washoe County:**

1. His oath of office.

2. A corporate surety bond furnished at the Regional Water Commission's expense, in an amount not to exceed $5,000, and conditioned for the faithful performance of his duties as a member of the Board.

Sec. 27. **1. The Board shall elect one of its members as Chairman and one of its members as Vice Chairman, and shall elect a Secretary and a Treasurer, who may be members of the Board. The Secretary and the Treasurer may be the same person. The terms of the officers expire on December 31 of each year.**

2. The Secretary shall keep audio recordings or transcripts of all meetings of the Board and, in a well-bound book, a record of all the proceedings of the Board, minutes of all meetings, certificates, contracts, bonds given by employees and all other acts of the Board. Except as otherwise provided in NRS 241.035, the minute book, audio recordings, transcripts and records must be open to the inspection of all interested persons, at all reasonable times and places.

3. The Treasurer shall keep, in permanent records, strict and accurate accounts of all money received by and disbursed for and on behalf of the Board and the Regional Water Commission.

Sec. 28. **1. The Board shall meet regularly at a time and in a place to be designated by the Board. The Board shall provide for the calling of a special meeting when action is required before a regular meeting would occur.**

2. Except as otherwise provided in this subsection, a majority of the members of the Board constitutes a quorum at any meeting. Each motion and resolution of the Board must be adopted by at least a majority of the members present at the meeting.

Sec. 29. **The Regional Water Commission is a public employer within the meaning of NRS 286.070, and the provisions of chapter 286 of NRS apply to the Regional Water Commission and its employees.**

Sec. 30. **The Regional Water Commission may do all things necessary to accomplish the purposes of this Act. The Regional Water Commission has perpetual succession and, except as otherwise provided in sections 33 of this Act, has the following powers to:**

1. Sue and be sued.

2. Enter into agreements with Washoe County, the Cities of Reno and Sparks, and any public purveyor.

3. Prepare, adopt, update and oversee the implementation of the Comprehensive Plan pursuant to sections 34 to 52, inclusive, of this Act.

4. Plan for the implementation of a mechanism for:

(a) Scheduling the delivery of water supplies held by public purveyors to maximize the yield of regional water supplies and facilitate the cooperative administration of regional water conveyance and treatment facilities for the benefit of the public purveyors.

(b) Maximizing conjunctive use by the public purveyors. As used in this paragraph, "conjunctive use" means the combined use of surface water and groundwater systems to optimize resource use.

5. Prepare, adopt and update a water conservation plan for the use of municipal, industrial and domestic water supplies within the planning area, and make recommendations for water conservation agreements among water purveyors and local governmental entities.

6. Study and recommend to the Board of County Commissioners of Washoe County, the City Council of the City of Reno and the City Council of the City of Sparks ordinances for the implementation of a water conservation plan adopted pursuant to subsection 5 and the Comprehensive Plan.

7. Contract with public purveyors or any other public entity for the provision of services to or by the Regional Water Commission and, in the performance of its functions, use the officers, agents, employees, services, facilities, records and equipment of any public purveyor, Washoe County, the City of Reno or the City of Sparks, with the consent

of the respective public purveyor or governmental entity, and subject to such terms and conditions as may be agreed upon.

8. Employ or contract with such persons as it deems necessary and hire and retain officers, agents and employees, including fiscal advisers, engineers, attorneys or other professional or specialized personnel.

9. Seek, apply for and otherwise solicit and receive from any source, public or private, such contributions, gifts, grants, devises and bequests of money and personal property, or any combination thereof, as the Regional Water Commission determines is necessary or convenient for the exercise of any of its powers.

10. Participate with relevant agencies of the United States, the State of Nevada and other entities on issues concerning the supply of water.

11. Adopt such rules and regulations for the conduct of the affairs of the Regional Water Commission or of the Board as the Board may deem necessary or desirable.

12. Perform such other functions conferred on the Regional Water Commission by the provisions of this Act.

Sec. 31. **The Board may develop a plan for the establishment of service territories within the planning area in which the public purveyors and all systems for the supply of water which are controlled or operated by the public purveyors may, on and after April 1, 2008, provide new retail or wholesale water services to new customers. A plan developed pursuant to this section does not apply to any public purveyor unless each public purveyor agrees to the provisions of the plan. The provisions of this section do not affect the ability of public purveyors to continue to provide retail and wholesale water services to customers who received that type of service before April 1, 2008, or pursuant to agreements for water service existing before April 1, 2008. In developing the plan, the Board shall:**

1. Seek to ensure the coordination of the delivery of water at the lowest reasonable cost, considering all the facilities, improvement and operations required to provide that water as measured by the net present value of those facilities, improvements and operations existing at the time of the determination, generally using current dollars;

2. Seek to ensure that existing or future customers are not affected inequitably;

3. Seek to provide for the most effective management, development and integration of systems for the efficient use of water supplies and associated facilities; and

4. Consider:

(a) Any specific planning conducted by public purveyors before April 1, 2008, for existing or new customers;

(b) The topography of the service territories and the readiness and ability of public purveyors to serve customers with existing facilities;

(c) Any policies for land use that affect the service territories; and

(d) The rate of growth within the service territories projected over a reasonable period.

Sec. 32. **The Board has and may exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this Act. Such specific powers are not a limitation upon any power necessary or appropriate to carry out the purposes and intent of this Act.**

Sec. 33. **Notwithstanding the provisions of this Act, the Truckee Meadows Water Authority or its successor is and shall remain the entity with the sole and exclusive power and authority to negotiate and execute and to implement its obligations under that Agreement, as the successor in interest to Sierra Pacific Power Company. All water supplies provided or available to the Truckee Meadows Water Authority or its successor pursuant to the Truckee River Operating Agreement must be considered as acquired before April 1, 2008, and must be managed, scheduled and operated in accordance with that Agreement. Nothing in this Act alters the rights and obligations of the Water Quality Settlement Agreement, and all water supplies must be managed, scheduled and operated in accordance with the Water Quality Settlement Agreement.**

Sec. 34. **The Board may, upon the recommendation of the Water Planning Commission:**

1. Adopt and revise the Comprehensive Plan;

2. Make recommendations concerning methods for conserving existing water supplies which are consistent with any other plans required by law;

3. Make recommendations concerning methods of collecting and treating sewage to protect and conserve water supplies;

4. Provide information to members of the public regarding present and potential uses of water; and

5. Make recommendations concerning the management and use of water within the planning area to:

(a) The governing body and the Planning Commission of Washoe County and the Cities of Reno and Sparks;

(b) The Governing Board for Regional Planning and the Regional Planning Commission established in Washoe County pursuant to NRS 278.0264 and 278.0262, respectively;

(c) The State Engineer;

(d) The Federal Government; and

(e) Such other entities as the Board deems appropriate.

Sec. 35. **1. To fund the planning and administration required by this Act and the implementation of the Comprehensive Plan, the Board may impose a fee at a rate not to exceed 1.5 percent of the amount otherwise billed, to be collected by each public purveyor and supplier of water from customers within the planning area. If the Board determines**

to impose such a fee, the Board must impose the fee by resolution after holding a hearing.

2. A public purveyor or supplier of water must state separately on its billings to customers the amount charged as a result of any fee imposed pursuant to subsection 1.

Sec. 36. **1. The Northern Nevada Water Planning Commission is hereby created in the planning area. The Water Planning Commission must consist of the following voting members who are residents of Nevada:**

(a) The Director of Public Works for the City of Reno, or his designee;

(b) The Director of Public Works for the City of Sparks, or his designee;

(c) The Director of Water Resources for Washoe County, or his designee;

(d) A member of the South Truckee Meadows General Improvement District or its successor;

(e) The General Manager of the Sun Valley General Improvement District or its successor, or his designee;

(f) The General Manager of the Truckee Meadows Water Authority or its successor, or his designee;

(g) The General Manager of the Truckee Meadows Wastewater Reclamation Facility or its successor, or his designee;

(h) One member appointed by the governing body of the Indian reservation which is the largest in area in the planning area, if the planning area contains an Indian reservation, or, if there is not an Indian reservation located within the planning area or the governing body of the reservation does not appoint a member, one member appointed by the Board to represent the public at large;

(i) One member of the public at large appointed by the Board to represent environmental, biological, conservation or public concerns;

(j) One member appointed by the Board to represent owners of domestic wells;

(k) One member appointed by the Board of Supervisors of the Washoe Storey Conservation District or its successor; and

(l) Such additional members with expertise in any area that the Board determines is necessary, appointed by the Board.

➥ The terms of the ex officio members described in paragraphs (a) to (g), inclusive, are concurrent with the employment of those members in the respective positions specified in those paragraphs. The members appointed pursuant to paragraphs (h) to (l), inclusive, serve initial terms of 2 years.

2. After the initial terms, the term of office of each member appointed pursuant to paragraphs (h) to (l), inclusive, of subsection 1 is

3 years. A member may be reappointed. A vacancy must be filled for the unexpired term by the appointing entity.

Sec. 37. **In addition to the voting members, the Water Planning Commission includes the following nonvoting members:**

1. One member appointed by the Public Utilities Commission of Nevada;

2. One member appointed by the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General;

3. One member appointed by the Administrator of the Division;

4. One member appointed by the State Engineer;

5. One member appointed by the Chief of the Water Planning Section of the Division of Water Resources of the State Department of Conservation and Natural Resources;

6. One member appointed by the board of directors of the water conservancy district which is largest in area in the planning area;

7. One member appointed by the county or district board of health;

8. One member of the public at large appointed by the affirmative vote of a majority of the voting members; and

9. Additional members with expertise in an area that the majority of the voting members determines is necessary, appointed by the affirmative vote of a majority of the voting members.

Sec. 38. **The members of the Water Planning Commission appointed pursuant to paragraphs (h) to (l), inclusive, of subsection 1 of section 36 of this Act or any alternative designees appointed pursuant to paragraphs (a) to (g), inclusive, of subsection 1 of section 36 of this Act may not hold any elective governmental office but may be engaged or employed in private enterprise or be employees of state or local government, and each member must be qualified pursuant to at least one of the following subsections:**

1. A professional engineer licensed pursuant to the provisions of chapter 625 of NRS;

2. Experienced in comprehensive planning, natural resources or environmental protection;

3. A specialist in hydrologic science;

4. Experienced in law, management or planning related to water;

5. Experienced in municipal finance or resource economics;

6. Experienced in construction, planning or operation of facilities or systems for supplying or treating water, for collecting or treating sewage, for drainage of storm water or for control of floods; or

7. Knowledgeable in the areas of water conservation, biology, natural systems, water quality and water management.

Sec. 39. **The Water Planning Commission shall establish a schedule for the selection of its Chairman for a term of 1 year, in rotation, from among the members.**

Sec. 40. **1. The Water Planning Commission shall meet at the call of the Chairman or any three members. The Water Planning Commission shall establish a schedule of regular meetings and provide for the calling of a special meeting when action is required before a regular meeting would occur.**

2. A quorum consists of a majority of the members. The affirmative vote of a majority of the members present is required to take action, unless a larger proportion is required by this Act for a particular action.

3. A member of the Water Planning Commission is not entitled to compensation for his services as a member.

Sec. 41. **1. The Water Planning Commission shall develop, and as necessary recommend revisions to, a Comprehensive Plan for the planning area covering the supply of municipal and industrial water, quality of water, sanitary sewerage, treatment of sewage, drainage of storm waters and control of floods. The initial Comprehensive Plan must be developed on or before January 1, 2011. The provisions of the comprehensive plan developed and revised pursuant to the former provisions of NRS 540A.130 before April 1, 2008, remain in effect until the Board adopts the initial Comprehensive Plan.**

2. The Comprehensive Plan must consist of written text, appropriate maps and goals and policies to deal with current and future problems affecting the planning area as a whole with respect to the subjects of the Comprehensive Plan set forth in subsection 1. In developing the Comprehensive Plan, the Water Planning Commission shall consider any water resource plan developed by a public purveyor and, to the extent feasible and consistent with the objectives of the Regional Water Commission, seek to incorporate such a plan.

3. The Comprehensive Plan must:

(a) Describe the problems and needs of the planning area relating to the subjects of the Comprehensive Plan set forth in subsection 1;

(b) Identify the providers of services relating to the subjects of the Comprehensive Plan within the planning area and the area within which each provides service, including service territories of public utilities and public purveyors;

(c) Identify alternatives to reduce demand or increase water supply;

(d) Identify and provide for existing and future sources of water needed to meet the present or future needs of the planning area, including, without limitation, existing and future demand for water within each public purveyor's service territory;

(e) Define priorities and general location for additional major facilities needed to provide services relating to the subjects of the Comprehensive Plan set forth in subsection 1;

(f) Describe programs to mitigate drought, achieve conservation of water, protect wellheads and otherwise manage water;

(g) Provide for the development, acquisition and stabilization of surface water and groundwater supply in the planning area, including policies regarding dedication of privately held water resources by applicants for water service;

(h) Provide for the oversight of, protection of, regional management of and maximization of efficient conjunctive use of, the supply of surface water and groundwater and major water resource facilities in the planning area, including use of reclaimed water and recharge and recovery or underground storage and recovery of water, and the scheduling of the delivery of water supplies held by public purveyors;

(i) Identify and provide for the extent to which reuse or effluent water is to be put to beneficial use or discharged, directly or indirectly, into the Truckee River;

(j) Provide for the regional conservation and prevention of long-term depletion of surface water and groundwater resources in the planning area in support of the Comprehensive Plan;

(k) Provide for adequate supplies of municipal and industrial water, quality of water, sanitary sewerage, treatment of sewage, drainage of storm waters and control of floods within the planning area;

(l) Identify and provide for the peaking capacity required for delivery of water supplies to each public purveyor, if applicable, and the means by which such requirements will be met;

(m) Include a water budget identifying water supplies available to each public purveyor from all sources; and

(n) Seek to make full use of any unused capacity of facilities that are owned by public purveyors, if such use is otherwise economical and efficient.

4. The Water Planning Commission shall make recommendations to the Board for the adoption of, and any revisions to, the Comprehensive Plan.

Sec. 42. **The Comprehensive Plan must include the following elements:**

1. Quality of surface water, which must include, without limitation:

(a) Compliance with standards of quality for bodies of water;

(b) Locations and capacities of plants to treat wastewater;

(c) Intended quantity and quality of discharge from those plants and its reuse, service areas and interceptors; and

(d) Programs to attain protection from pollution by both concentrated and diffuse sources.

2. Quality of groundwater, which must include, without limitation:

(a) Compliance with standards of quality for hydrographic basins and septic tanks;

(b) Capacities for withdrawal of water from hydrographic basins;

(c) Programs to protect wellheads;

(d) Programs to clean up contaminated groundwater from hydrographic basins; and

(e) Programs to attain protection from pollution by both concentrated and diffuse sources.

3. Supply of surface water, which must include, without limitation:

(a) Existing and planned sources of surface water;

(b) Existing and planned uses for all surface water, including municipal and industrial uses, requirements for return flow, reserves for drought and future growth, uses to improve the quality of water, uses to provide habitat and uses in conjunction with underground water;

(c) Major facilities to convey and store surface water;

(d) Standards, service areas, rates of flow and reserves for storage; and

(e) Facilities to treat surface water.

4. Supply of underground water, which must include, without limitation:

(a) Existing and planned sources of underground water;

(b) Existing and planned uses for all underground water, including municipal and industrial uses, maintenance of minimum groundwater level and the need for recharge, reserves for drought and future growth, uses to improve the quality of water, uses to provide habitat and uses in conjunction with surface water;

(c) Major facilities to extract and convey underground water;

(d) Compliance with standards for treated and nontreated water, service areas, rates of flow and reserves for storage; and

(e) Facilities to treat and store underground water.

5. Control of floods and drainage of storm water, as it relates to surface water, which must include, without limitation:

(a) Minimum standards of design for controlling floods in the planning area;

(b) Nonstructural alternatives and standards for facilities to control floods in the planning area and single drainage basins;

(c) Regional facilities to control floods; and

(d) Generalized facilities and standards of design for single drainage basins.

6. Control of floods and drainage of storm water, as it relates to underground water, which must include, without limitation:

(a) Groundwater level and capacity for additional storage of water underground as a means of mitigating floods;

(b) Location and capacities of major facilities for controlling floods which utilize storage of water underground to mitigate floods; and

(c) Standards of design for devices to infiltrate storm water and other minor facilities for controlling floods which utilize storage of water underground to mitigate floods.

7. Cost and financing, which must include an estimate of the cost of each major facility, source of water or other requirement of the Comprehensive Plan and an analysis of alternatives for financing and funding the facility, source or other requirement, or alternatives thereto, as well as the effect of the funding alternatives on other facilities included in the Comprehensive Plan. The estimate of cost must state the financial impact on persons within the planning area, including, without limitation, all direct and indirect costs of connecting to a system for supplying water, if applicable.

8. Recommendations for developing and implementing consistent policies of, and among, public purveyors concerning regional drought reserve standards, developer costs, impact fees, dedication of water rights and standards for the drainage of water.

9. Evaluation and recommendations regarding the consolidation of public purveyors in the planning area, which must include costs and benefits of consolidation, the feasibility of various consolidation options, analysis of water supplies, operations, facilities, human resources, assets, liabilities, bond covenants, and legal and financial impediments to consolidation and methods, if any, for addressing any such impediments.

Sec. 43. **1. The Comprehensive Plan must be consistent with and carry out the provisions of the Comprehensive Regional Plan adopted by the Governing Board for Regional Planning in Washoe County pursuant to NRS 278.0276 and the master plans and any other plans for the use of land which are adopted by governmental entities within the planning area.**

2. The Comprehensive Plan must be consistent with and carry out or support the carrying out of all aspects of the Truckee River Operating Agreement and Water Quality Settlement Agreement.

3. The Comprehensive Plan must be consistent with the state water plan that is in effect at the time that the Comprehensive Plan is adopted.

Sec. 44. **In developing the Comprehensive Plan, the Water Planning Commission shall:**

1. Receive and consider information from public purveyors, public utilities and other entities supplying municipal and industrial water within the planning area;

2. Receive and consider information from entities providing sanitary sewerage, treatment of sewage, drainage of storm water and control of floods within the planning area;

3. Receive and consider information from entities concerned with water quality within the planning area;

4. Review and consider any plan or recommendation of the State Engineer concerning the development, conservation and use of water resources, existing water conservation plans, the regional plan and any master plan that has been adopted pursuant to the provisions of chapter 278 of NRS and any similar plan of a local government which applies to

any area in the planning area, and may seek and consider the advice of each local planning commission and any other affected entity;

5. Coordinate and make consistent the elements of the Comprehensive Plan set forth in section 42 of this Act;

6. Consider existing applicable laws;

7. Recognize and coordinate the needs of the incorporated areas of the planning area with the needs of the unincorporated areas of the planning area; and

8. Receive and consider information from other interested persons.

Sec. 45. **1. Before submitting the Comprehensive Plan to the Board, the Water Planning Commission shall hold at least one public hearing on the Comprehensive Plan within the planning area.**

2. Before acting on a proposed amendment to the adopted Comprehensive Plan, the Water Planning Commission shall hold at least one public hearing on the proposed amendment at a location in the planning area relevant to the proposed amendment.

3. Notice of the time and place of each hearing must be given by publication in a newspaper of general circulation in the planning area at least 10 days before the day of the hearing. If there is more than one newspaper of general circulation in the planning area, notice must be given by publication in at least two such newspapers.

4. The decision to submit the proposed Comprehensive Plan or any amendment to the adopted Comprehensive Plan to the Board must be made by resolution of the Commission carried by the affirmative votes of a majority of the total voting members of the Water Planning Commission. The resolution must refer expressly to the text, maps and descriptive or other matter intended by the Water Planning Commission to constitute the Comprehensive Plan or an amendment thereto.

Sec. 46. **1. An attested copy of the proposed Comprehensive Plan or an amendment thereto must be submitted by the Water Planning Commission to the Board.**

2. Before taking any action on the proposed Comprehensive Plan or an amendment thereto, the Board shall convene a public hearing.

3. Notice of the hearing must be given at least 10 days before the date of the hearing. The notice must include, without limitation:

(a) A statement of the time, place and nature of the hearing;

(b) A statement of the legal authority under which the hearing is to be held; and

(c) A reference to the particular sections of any applicable laws.

4. Not less than 30 days before the hearing, the Board shall cause to be placed a copy of the proposed Comprehensive Plan or amendment thereto in the office of the County Clerk of Washoe County and publish notice that the Comprehensive Plan or amendment thereto is available for public inspection.

5. Each notice required by this section must be published in a newspaper of general circulation in the planning area. If there is more than one newspaper of general circulation in the planning area, notice must be given by publication in at least two such newspapers. The notice must be a display advertisement not less than 3 by 5 inches in size.

Sec. 47. **1. The Board shall not change or add to the proposed Comprehensive Plan or an amendment thereto as submitted by the Water Planning Commission until it has submitted the substance of the proposed change or addition to the Water Planning Commission in writing with its reasons for the change or addition.**

2. The Water Planning Commission shall, if it agrees to the change or addition, revise the submitted Comprehensive Plan or amendment thereto accordingly. If the Water Planning Commission does not agree, it shall report to the Board in writing its reason for disagreeing and any alternative proposal.

3. In either case, the Water Planning Commission shall present its revision or report to the Board within 40 days after the Board's change or amendment is submitted to the Water Planning Commission.

4. If the Water Planning Commission does not agree with the proposed change or addition and the Board refuses to rescind its proposal or to accept an alternative proposal of the Water Planning Commission, the Water Planning Commission shall revise the originally submitted Comprehensive Plan or amendment thereto to incorporate the change or addition proposed by the Board.

Sec. 48. **1. After adoption by the Board, the Comprehensive Plan or an amendment thereto must be submitted for review to the Regional Planning Commission in Washoe County established pursuant to NRS 278.0262. The Regional Planning Commission shall review the Comprehensive Plan or amendment thereto only for consistency with the Comprehensive Regional Plan adopted pursuant to NRS 278.0276 and the master plans and any other plans for the use of land which are adopted by local governmental entities within the planning area. The Regional Planning Commission shall review the Comprehensive Plan or amendment thereto at one or more public hearings. Notice of the time and place of a hearing must be given in accordance with NRS 278.0276.**

2. If the Regional Planning Commission fails to make a determination within 40 days after the submission of the Comprehensive Plan or amendment thereto, the Comprehensive Plan or amendment thereto shall be deemed to be consistent with the Comprehensive Regional Plan.

3. If the Regional Planning Commission determines that the Comprehensive Plan or amendment thereto is not consistent with the Comprehensive Regional Plan, it shall state its reasons why the Comprehensive Plan or amendment thereto is not consistent. Unless an appeal is filed pursuant to section 49 of this Act, the Water Planning

Commission and the Board shall respectively develop and adopt, in accordance with sections 44 to 47, inclusive, of this Act, proposed revisions to the Comprehensive Plan or amendment thereto, and the Board shall resubmit the revised Comprehensive Plan or amendment thereto to the Regional Planning Commission.

Sec. 49. **1. An affected entity that disagrees with the reasons given by the Regional Planning Commission for its determination of consistency or inconsistency pursuant to section 48 of this Act may file an appeal with the Governing Board for Regional Planning in Washoe County not later than 10 days after the determination of consistency or inconsistency. As used in this subsection, "affected entity" means Washoe County, the City of Reno, the City of Sparks or any other governmental entity or public purveyor or a public utility providing services relating to the subject matter of the Comprehensive Plan within the planning area.**

2. Within 45 days after its receipt of an appeal, the Governing Board for Regional Planning shall consider the appeal and issue its decision. If the decision of the Governing Board for Regional Planning is that the Comprehensive Plan or amendment thereto is not consistent with the Comprehensive Regional Plan, it shall state its reasons why the Comprehensive Plan or amendment thereto is not consistent. The Water Planning Commission and the Board shall then respectively develop and adopt, in accordance with sections 44 to 47, inclusive, of this Act, proposed revisions to the Comprehensive Plan or amendment thereto, and the Board shall resubmit the revised Comprehensive Plan or amendment thereto to the Regional Planning Commission for review.

Sec. 50. **The adopted Comprehensive Plan must be reviewed by the Water Planning Commission on a schedule to be established by the Board, which must at least provide for review of the Comprehensive Plan within 5 years after its adoption and at least every 5 years thereafter. After each review, the Water Planning Commission shall submit to the Board any proposed amendment to the Comprehensive Plan or report that there are no amendments.**

Sec. 51. **1. Except as otherwise provided in subsection 2, on and after the date the initial Comprehensive Plan is finally approved, no facility intended to provide a service relating to a subject of the Comprehensive Plan within the planning area may be constructed, if the facility is of such a kind or size as to affect the working of the Comprehensive Plan as distinct from providing normal service to customers, unless it is included in the Comprehensive Plan or has been reviewed and approved as provided in subsection 3.**

2. The Comprehensive Plan may allow for the construction of facilities not included within the Comprehensive Plan in order to meet an emergency as defined in the Comprehensive Plan.

3. A proposal to construct a facility described in subsection 1 within the planning area must be submitted to the Water Planning Commission for review and recommendation to the Board concerning the conformance of the proposal with the Comprehensive Plan. The review must include an evaluation of stranded costs, the need for the facility within the planning area and the impact that construction of the facility will have on any potential consolidation of public purveyors. If the Water Planning Commission fails to make such a recommendation within 30 days after the proposal is submitted to it, the Water Planning Commission shall be deemed to have made a recommendation that the proposal conforms to the Comprehensive Plan. The Board shall consider the recommendation of the Water Planning Commission and approve or disapprove the proposal as conforming to the Comprehensive Plan. Any disapproval must be accompanied by recommended actions to be taken to make the proposal conform to the Comprehensive Plan. The Water Planning Commission and the Board shall limit their review to the substance and content of the Comprehensive Plan and shall not consider the merits or deficiencies of a proposal in a manner other than is necessary to enable them to make a determination concerning conformance with the Comprehensive Plan.

4. The Board shall provide, by resolution after holding a hearing, for the Water Planning Commission or its staff to make final decisions concerning the conformance of classes of proposed facilities to the Comprehensive Plan. A resolution adopted pursuant to this section must provide an opportunity for the applicant or a protestant to appeal from a decision of the Water Planning Commission or its staff to the Board.

Sec. 52. **Any water right or source of water belonging to a governmental entity within the planning area must be used in accordance with the Comprehensive Plan.**

Sec. 53. **The provisions of this Act do not supersede the authority granted by law to the State Engineer, the State Environmental Commission and the State Department of Conservation and Natural Resources.**

Sec. 54. **NRS 540A.060, 540A.070, 540A.080, 540A.090, 540A.100, 540A.110, 540A.120, 540A.130, 540A.140, 540A.150, 540A.160, 540A.170, 540A.180, 540A.190, 540A.200, 540A.210, 540A.220, 540A.230, 540A.290, 540A.300 and 540A.310 are hereby repealed.**

Sec. 55. **The fee authorized pursuant to NRS 540A.070 must remain in effect and be collected by Washoe County and transferred to the Western Regional Water Commission, created pursuant to section 23 of this act, until such time as the Board of Trustees of the Regional Water Commission adopts a resolution pursuant to section 35 of this act imposing a new fee.**

Sec. 56. **1. There is hereby created the Legislative Committee to Oversee the Western Regional Water Commission created pursuant to section 23 of this act. The Committee must:**

(a) Consist of six Legislators as follows:

(1) One member of the Senate appointed by the Chairman of the Senate Committee on Natural Resources;

(2) One member of the Assembly appointed by the Chairman of the Assembly Committee on Natural Resources, Agriculture, and Mining;

(3) One member of the Senate appointed by the Majority Leader of the Senate;

(4) One member of the Senate appointed by the Minority Leader of the Senate;

(5) One member of the Assembly appointed by the Speaker of the Assembly; and

(6) One member of the Assembly appointed by the Minority Leader of the Assembly.

(b) Insofar as practicable, represent the various areas within the planning area.

(c) Elect a Chairman and a Vice Chairman from among its members. The Chairman must be elected from one House of the Legislature and the Vice Chairman from the other House. After the initial selection of a Chairman and a Vice Chairman, each of those officers holds office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the Committee shall select a replacement for the remainder of the unexpired term.

2. Any member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the next session of the Legislature convenes.

3. Vacancies on the Committee must be filled in the same manner as original appointments.

4. The members of the Committee shall meet throughout each year at the times and places specified by a call of the Chairman or a majority of the Committee.

5. The Director of the Legislative Counsel Bureau or his designee shall act as the nonvoting recording Secretary.

6. The Committee shall prescribe regulations for its own management and government.

7. Except as otherwise provided in subsection 8, four members of the Committee constitute a quorum, and a quorum may exercise all the powers conferred on the Committee.

8. Any recommended legislation proposed by the Committee must be approved by a majority of the members of the Senate and by a majority of the members of the Assembly appointed to the Committee.

9. Except during a regular or special session of the Legislature, the members of the Committee are entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session, the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207 for each day or portion of a day of attendance at a meeting of the Committee and while engaged in the business of the Committee. The salaries and expenses paid pursuant to this subsection and the expenses of the Committee must be paid from the Legislative Fund.

10. The Committee shall review the programs and activities of the Western Regional Water Commission. The review must include an analysis of potential consolidation of the retail distribution systems and facilities of all public purveyors in the planning area, which is described in section 22 of this act.

11. The Committee may:

(a) Conduct investigations and hold hearings in connection with its powers pursuant to this section.

(b) Direct the Legislative Counsel Bureau to assist in the study of issues related to oversight of the Western Regional Water Commission.

12. In conducting the investigations and hearings of the Committee:

(a) The Secretary of the Committee or, in his absence, any member of the Committee may administer oaths.

(b) The Secretary or Chairman of the Committee may cause the deposition of witnesses, residing either within or outside of the State, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.

(c) The Chairman of the Committee may issue subpoenas to compel the attendance of witnesses and the production of books and papers.

13. If any witness refuses to attend or testify or produce any books and papers as required by the subpoena issued pursuant to this section, the Chairman of the Committee may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) The witness has been subpoenaed by the Committee pursuant to this section; and

(c) The witness has failed or refused to attend or produce the books and papers required by the subpoena before the Committee which is named in the subpoena, or has refused to answer questions propounded to him,

➥ and asking for an order of the court compelling the witness to attend and testify or produce the books and papers before the Committee.

14. Upon a petition pursuant to subsection 13, the court shall enter an order directing the witness to appear before the court at a time and

place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and to show cause why he has not attended or testified or produced the books or papers before the Committee. A certified copy of the order must be served upon the witness.

15. If it appears to the court that the subpoena was regularly issued by the Committee, the court shall enter an order that the witness appear before the Committee at the time and place fixed in the order and testify or produce the required books or papers. Failure to obey the order constitutes contempt of court.

16. Each witness who appears before the Committee by its order, except a state officer or employee, is entitled to receive for his attendance the fees and mileage provided for witnesses in civil cases in the courts of record of this State. The fees and mileage must be audited and paid upon the presentation of proper claims sworn to by the witness and approved by the Secretary and Chairman of the Committee.

17. On or before January 15 of each odd-numbered year, the Committee shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the review conducted pursuant to subsection 10 and any recommendations for legislation.

Sec. 57. **1. This section and section 56 of this act become effective on July 1, 2007.**

2. Sections 1 to 23, inclusive, and 25 to 55, inclusive, of this act become effective on April 1, 2008.

3. Section 24 of this act:

(a) Becomes effective on:

(1) July 1, 2007, for the purposes of authorizing the entities set forth in that section to enter into the cooperative agreement specified in that section; and

(2) April 1, 2008, for all other purposes, if the cooperative agreement specified in that section is entered into before that date.

(b) Expires by limitation on April 1, 2008, if the cooperative agreement specified in that section has not been entered into before that date.

4. Section 56 of this act expires by limitation on July 1, 2013.

LEADLINES OF REPEALED SECTIONS

540A.060 Conservation; sewerage; public information; recommendations concerning management and use of water.

540A.070 Imposition and collection of fee for planning and administration of chapter and implementation of certain plans.

540A.080 Creation; voting membership; terms of members; vacancies.

540A.090 Nonvoting membership.

540A.100 Qualifications of members.
540A.110 Selection of chairman.
540A.120 Meetings; quorum; compensation of members.
540A.130 Development and revision; contents.
540A.140 Required elements.
540A.150 Consistency with other plans and federal law.
540A.160 Consideration of information from other entities and persons; review of other plans; coordination.
540A.170 Public hearings; adoption of resolution for submission of plan or amendment.
540A.180 Submission of plan or amendment to board; board required to hold public hearing; notice; copy of proposed plan or amendment to be available for public inspection.
540A.190 Changes and additions.
540A.200 Review by regional planning commission; effect of nonconformity with comprehensive regional plan.
540A.210 Appeal of determination by regional planning commission.
540A.220 Periodic review.
540A.230 Construction of certain facilities following approval of plan.
540A.290 Property or facility of county: Transfer to or operation or management by largest supplier in region which is public utility.
540A.300 Agreement between board and largest supplier in region which is public utility; compliance with regulations of Public Utilities Commission of Nevada; withholding of certain information from board.
540A.310 Duties of largest supplier in region which is public utility.

Assemblywoman Kirkpatrick moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 487.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 9:36 p.m.

ASSEMBLY IN SESSION

At 9:39 p.m.
Madam Speaker presiding.
Quorum present.

SPECIAL ORDERS OF THE DAY

Vetoed Assembly Bill No. 364 of the 74th Session.
Governor’s message stating his objections read.

OFFICE OF THE GOVERNOR

June 4, 2007

The Honorable Barbara Buckley, *Speaker of the Assembly*, Legislative Building, 401 South Carson Street, Carson City, Nevada, 89701

RE: Assembly Bill No. 364 of the 74th Session

DEAR SPEAKER BUCKLEY:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 364, which is entitled:

> AN ACT relating to criminal procedure; authorizing a defendant to submit a statement concerning the results of a preliminary hearing to a grand jury; and providing other matters properly relating thereto.

This bill would allow a defendant in a criminal proceeding to make a statement to a grand jury regarding certain findings from a preliminary hearing. This would result in a dramatic and unwarranted departure from existing criminal justice procedure in Nevada.

The purpose of the grand jury is not to try a case, but to establish whether cause exists to issue an indictment. This bill would open the door to future changes to the fundamental nature of grand jury proceedings. The rights of defendants are already adequately protected during the grand jury phase, from the right of the grand jury to call witnesses to the obligation of a prosecuting attorney to submit exculpatory evidence to the grand jury.

The grand jury system is a fair and workable system that protects the rights of defendants and there is no compelling need to change it.

For all of these reasons, I hereby exercise my constitutional grant of authority and veto Assembly Bill No. 364.

Sincerely,
JIM GIBBONS
Governor

Bill read.

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Remarks by Assemblymen Horne, Anderson, Mabey, and Parks.

The roll was called, and the Assembly overrode the veto of the Governor by the following vote:

Roll call on Assembly Bill No. 364:

YEAS—31.

NAYS—Beers, Christensen, Cobb, Gansert, Goedhart, Hardy, Mabey, Marvel, Settelmeyer, Stewart, Weber—11.

Assembly Bill No. 364 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which was rereferred Senate Bill No. 319, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY JR., *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 319 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 629, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 192, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 287, 326, 365, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 572, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 572 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 629.

Bill read third time.

Remarks by Assemblywomen Leslie and Gansert.

Conflict of interest declared by Assemblymen Conklin, Hogan, Mortenson, Parks, and Settelmeyer.

Potential conflict of interest declared by Assemblymen McClain, Manendo, Leslie, Horne, Kihuen, and Oceguera.

Roll call on Assembly Bill No. 629:

YEAS—34.

NAYS—Beers, Christensen, Cobb—3.

NOT VOTING—Conklin, Hogan, Mortenson, Parks, Settelmeyer—5.

Assembly Bill No. 629 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 192 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 287 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 326 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 365 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 625.

The following Senate amendment was read:

Amendment No. 1108.

AN ACT relating to court programs; reducing the allocation of administrative assessments for use by the Supreme Court to provide an allocation for specialty court programs; eliminating the requirement that the Court Administrator submit a domestic violence report in 2009; ~~[removing the provision that allows participation in biweekly counseling sessions instead of weekly sessions for persons who commit domestic battery and reside in an area where counseling programs are not offered;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that 60 percent of the proceeds from certain administrative assessments be distributed to the Court Administrator for use by the Supreme Court. (NRS 176.059) Section 1 of this bill reduces that allocation to 48 percent and requires the remaining 12 percent to be allocated for use by specialty court programs.

Existing law requires the Court Administrator to submit to the Director of the Legislative Counsel Bureau biennially a written report concerning the effectiveness of counseling programs for persons who commit domestic violence. (NRS 1.360) Sections 2 and 3 of this bill eliminate this requirement after 2007.

~~[Existing law authorizes a court, until June 30, 2009, to allow a person to participate in counseling sessions on a biweekly basis instead of weekly if the person lives more than 70 miles from the nearest location at which counseling services are available. (NRS 200.485) Section 4 of this bill eliminates this authority, resulting in a requirement of counseling on a weekly basis, after June 30, 2007.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 176.059 is hereby amended to read as follows:

176.059 1. Except as otherwise provided in subsection 2, when a defendant pleads guilty or is found guilty of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum prescribed by the following schedule as an administrative assessment and render a judgment against the defendant for the assessment:

Fine	Assessment
$5 to $49	$25
50 to 59	40
60 to 69	45
70 to 79	50
80 to 89	55
90 to 99	60
100 to 199	70
200 to 299	80
300 to 399	90
400 to 499	100
500 to 1,000	115

If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the amount of the administrative assessment that corresponds with the fine for which the defendant would have been responsible as prescribed by the schedule in this subsection.

2. The provisions of subsection 1 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

3. The money collected for an administrative assessment must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 5 or 6. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he has paid and the justice or judge shall not recalculate the administrative assessment.

4. If the justice or judge permits the fine and administrative assessment to be paid in installments, the payments must be first applied to the unpaid balance of the administrative assessment. The city treasurer shall distribute

partially collected administrative assessments in accordance with the requirements of subsection 5. The county treasurer shall distribute partially collected administrative assessments in accordance with the requirements of subsection 6.

5. The money collected for administrative assessments in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall distribute, on or before the 15th day of that month, the money received in the following amounts for each assessment received:

(a) Two dollars to the county treasurer for credit to a special account in the county general fund for the use of the county's juvenile court or for services to juvenile offenders. Any money remaining in the special account after 2 fiscal years must be deposited in the county general fund if it has not been committed for expenditure. The county treasurer shall provide, upon request by a juvenile court, monthly reports of the revenue credited to and expenditures made from the special account.

(b) Seven dollars for credit to a special revenue fund for the use of the municipal courts. Any money remaining in the special revenue fund after 2 fiscal years must be deposited in the municipal general fund if it has not been committed for expenditure. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

(c) The remainder of each assessment to the State Controller for credit to a special account in the State General Fund.

6. The money collected for administrative assessments in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall distribute, on or before the 15th day of that month, the money received in the following amounts for each assessment received:

(a) Two dollars for credit to a special account in the county general fund for the use of the county's juvenile court or for services to juvenile offenders. Any money remaining in the special account after 2 fiscal years must be deposited in the county general fund if it has not been committed for expenditure. The county treasurer shall provide, upon request by a juvenile court, monthly reports of the revenue credited to and expenditures made from the special account.

(b) Seven dollars for credit to a special revenue fund for the use of the justice courts. Any money remaining in the special revenue fund after 2 fiscal years must be deposited in the county general fund if it has not been committed for expenditure. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

(c) The remainder of each assessment to the State Controller for credit to a special account in the State General Fund.

7. The money apportioned to a juvenile court, a justice court or a municipal court pursuant to this section must be used, in addition to providing services to juvenile offenders in the juvenile court, to improve the operations of the court, or to acquire appropriate advanced technology or the use of such technology, or both. Money used to improve the operations of the court may include expenditures for:

(a) Training and education of personnel;

(b) Acquisition of capital goods;

(c) Management and operational studies; or

(d) Audits.

8. Of the total amount deposited in the State General Fund pursuant to subsections 5 and 6, the State Controller shall distribute the money received to the following public agencies in the following manner:

(a) Not less than 51 percent to the Office of Court Administrator for allocation as follows:

(1) Eighteen and one-half percent of the amount distributed to the Office of Court Administrator for the administration of the courts.

(2) Nine percent of the amount distributed to the Office of Court Administrator for the development of a uniform system for judicial records.

(3) Nine percent of the amount distributed to the Office of Court Administrator for continuing judicial education.

(4) ~~[Sixty]~~ ***Forty-eight*** percent of the amount distributed to the Office of Court Administrator for the Supreme Court.

(5) Three and one-half percent of the amount distributed to the Office of Court Administrator for the payment for the services of retired justices and retired district judges.

(6) Twelve percent of the amount distributed to the Office of Court Administrator for the provision of specialty court programs.

(b) Not more than 49 percent must be used to the extent of legislative authorization for the support of:

(1) The Central Repository for Nevada Records of Criminal History;

(2) The Peace Officers' Standards and Training Commission;

(3) The operation by the Nevada Highway Patrol of a computerized switching system for information related to law enforcement;

(4) The Fund for the Compensation of Victims of Crime; and

(5) The Advisory Council for Prosecuting Attorneys.

9. As used in this section:

(a) "Juvenile court" has the meaning ascribed to it in NRS 62A.180.

(b) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320.

Sec. 2. NRS 1.360 is hereby amended to read as follows:

1.360 Under the direction of the Supreme Court, the Court Administrator shall:

1. Examine the administrative procedures employed in the offices of the judges, clerks, court reporters and employees of all courts of this State and

make recommendations, through the Chief Justice, for the improvement of those procedures;

2. Examine the condition of the dockets of the courts and determine the need for assistance by any court;

3. Make recommendations to and carry out the directions of the Chief Justice relating to the assignment of district judges where district courts are in need of assistance;

4. Develop a uniform system for collecting and compiling statistics and other data regarding the operation of the State Court System and transmit that information to the Supreme Court so that proper action may be taken in respect thereto;

5. Prepare and submit a budget of state appropriations necessary for the maintenance and operation of the State Court System and make recommendations in respect thereto;

6. Develop procedures for accounting, internal auditing, procurement and disbursement for the State Court System;

7. Collect statistical and other data and make reports relating to the expenditure of all public money for the maintenance and operation of the State Court System and the offices connected therewith;

8. Compile statistics from the information required to be maintained by the clerks of the district courts pursuant to NRS 3.275 and make reports as to the cases filed in the district courts;

9. Formulate and submit to the Supreme Court recommendations of policies or proposed legislation for the improvement of the State Court System;

10. On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report compiling the information submitted to the Court Administrator pursuant to NRS 3.243, 4.175 and 5.045 during the immediately preceding fiscal year;

11. On or before January 1 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau a written report concerning:

(a) The distribution of money deposited in the special account created pursuant to NRS 176.0613 to assist with funding and establishing specialty court programs;

(b) The current status of any specialty court programs to which money from the account was allocated since the last report; and

(c) Such other related information as the Court Administrator deems appropriate;

12. On or before February 15 of each odd-numbered year, submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling the information submitted by clerks of courts to the Court Administrator pursuant to NRS 630.307 and 633.533 which includes only aggregate information for statistical purposes and excludes any identifying information related to a particular person;

13. On or before February 15 ~~[of each odd-numbered year,]~~ *, 2007,* submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report concerning the effectiveness of participation in counseling sessions in a program for the treatment of persons who commit domestic violence ordered by a court pursuant to NRS 200.485 and the effect of such counseling sessions on recidivism of the offenders who commit battery which constitutes domestic violence pursuant to NRS 33.018; and

14. Attend to such other matters as may be assigned by the Supreme Court or prescribed by law.

Sec. 3. Section 3 of chapter 162, Statutes of Nevada 2005, at page 536, is hereby amended to read as follows:

Sec. 3. The report submitted to the Legislature by the Court Administrator in 2007 ~~[and 2009]~~ pursuant to subsection 13 of NRS 1.360, as amended by this act, must include information concerning the effectiveness of biweekly counseling sessions and the effect, if any, of participating in biweekly counseling sessions on recidivism of offenders.

Sec. 4. ~~[Section 5 of chapter 162, Statutes of Nevada 2005, at page 537, is hereby amended to read as follows:~~

~~Sec. 5. 1. This act becomes effective on July 1, 2005.~~

~~2. The amendatory provisions of section 1 of this act expire by limitation on June 30,~~ [2009.] ~~2007.~~*]* **(Deleted by amendment.)**

Sec. 5. 1. This section and sections 2, 3 and 4 of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective on July 1, 2008.

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 625.

Remarks by Assemblyman Arberry.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 266, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 862 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 23, which is attached to and hereby made a part of this report.

SUSAN GERHARDT	STEVEN HORSFORD
ROSEMARY WOMACK	
LYNN STEWART	VALERIE WIENER
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA23.

AN ACT relating to public health; requiring certain prenatal tests for pregnant women under certain circumstances; requiring certain tests for the

human immunodeficiency virus for pregnant women and newborn children under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 6 of this bill requires a provider of health care to ensure that a woman receives, as part of the routine prenatal care recommended for all pregnant women during the first trimester of pregnancy, a test for the human immunodeficiency virus unless the woman chooses not to be tested. Section 6 requires a provider of health care to ensure that a pregnant woman receives a test for human immunodeficiency virus during her third trimester if she receives health care in a jurisdiction with a high prevalence of human immunodeficiency virus or acquired immunodeficiency syndrome among women of child-bearing age or in a high-risk clinical setting or if she reports that she has one or more of the risk factors identified by the Centers for Disease Control and Prevention, unless the woman chooses not to be tested. Section 6 also requires a provider of health care to ensure that a pregnant woman receives a rapid test for the human immunodeficiency virus during childbirth if she has not been tested for the human immunodeficiency virus earlier during her pregnancy or the results of an earlier test are not available, unless the woman chooses not to be tested. If a rapid test is administered and the result of the rapid test is positive, the provider of health care must offer to initiate antiretroviral prophylaxis as soon as practicable without waiting for the results of any other test administered to confirm the result of the rapid test.

Section 7 of this bill requires a provider of health care who attends or assists at the delivery of a child to ensure that a test for the human immunodeficiency virus is performed on the child if the mother has not been tested for the human immunodeficiency virus earlier during her pregnancy or the results of an earlier test are not available, unless a parent or legal guardian of the child objects that performance of the test is contrary to the religious beliefs of the parent or legal guardian.

Section 10 of this bill requires a provider of health care to ensure that, before a woman or newborn child receives any test set forth in this bill, the woman or the parent or legal guardian of the newborn child receives a pamphlet containing information about the human immunodeficiency virus, the test offered pursuant to this bill, the right to refuse the test and other relevant information.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 442 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[9,]~~ **10,** inclusive, of this act.

Sec. 2. ***As used in sections 2 to ~~[9,]~~ 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Provider of health care" means:***

1. A provider of health care as defined in NRS 629.031;

2. A midwife; and

3. An obstetric center licensed pursuant to chapter 449 of NRS.

Sec. 4. ***"Rapid test for the human immunodeficiency virus" or "rapid test" means a test that:***

1. Is used to detect the presence of antibodies to the human immunodeficiency virus; and

2. Provides a result in 30 minutes or less.

Sec. 5. ***1. Any test for the human immunodeficiency virus, including, without limitation, a rapid test, that is used to carry out the provisions of sections 2 to*** ~~[9,]~~ ***10, inclusive, of this act must be approved by the United States Food and Drug Administration.***

2. Each test administered to a woman or performed on a child pursuant to the provisions of sections 2 to ~~[9,]~~ ***10, inclusive, of this act must be administered or performed in accordance with:***

(a) The provisions of chapter 652 of NRS and any regulations adopted pursuant thereto; and

(b) The Clinical Laboratory Improvement Amendments of 1988, Public Law No. 100-578, 42 U.S.C. § 263a, if applicable.

Sec. 6. ***1. A provider of health care who provides prenatal care to a woman during the first trimester of her pregnancy shall ensure that the woman receives, at her first visit or as soon thereafter as practicable, the routine prenatal screening tests recommended for all pregnant women by the Centers for Disease Control and Prevention, including, without limitation, a screening test for the human immunodeficiency virus, unless the woman chooses not to have a screening test for the human immunodeficiency virus or any of the other prenatal screening tests.***

2. A provider of health care who provides prenatal care to a woman during the third trimester of her pregnancy shall ensure that the woman receives, between the 27th and the 36th week of gestation or as soon thereafter as practicable, a test for the human immunodeficiency virus if she:

(a) Has not been tested for the human immunodeficiency virus earlier during her pregnancy or the results of an earlier test are not available; or

(b) Is at high risk for infection with the human immunodeficiency virus,
↪ unless the woman chooses not to have such a test.

3. A provider of health care who attends or assists a woman during childbirth shall:

(a) Ensure that the woman receives a rapid test for the human immunodeficiency virus if she has not been tested for the human immunodeficiency virus earlier during her pregnancy or the results of an earlier test are not available, unless the woman chooses not to have such a test; and

(b) If the rapid test is administered and the result of the rapid test is positive for the presence of antibodies to the human immunodeficiency virus, offer to initiate antiretroviral prophylaxis to reduce the risk of perinatal transmission of the human immunodeficiency virus as soon as practicable after receiving the result of the rapid test and without waiting for the results of any other test administered to confirm the result of the rapid test.

4. For the purposes of this section, a woman is at high risk for infection with the human immunodeficiency virus if she:

(a) Receives health care in:

(1) A jurisdiction that the Centers for Disease Control and Prevention has identified as having an elevated incidence of human immunodeficiency virus or acquired immunodeficiency syndrome among women between the ages of 15 and 45 years; or

(2) A health care facility that, under the standards of the Centers for Disease Control and Prevention, is considered a high-risk clinical setting because prenatal screening has identified at least one pregnant woman who is infected with the human immunodeficiency virus for each 1,000 pregnant women screened at the facility; or

(b) Reports having one or more of the risk factors for infection with the human immunodeficiency virus identified by the Centers for Disease Control and Prevention, including, without limitation:

(1) Engaging in sexual activities with more than one person during the pregnancy without using effective measures to protect against the transmission of the human immunodeficiency virus.

(2) Engaging in sexual activity with another person in exchange for money or other compensation.

(3) Engaging in sexual activity with another person who is infected with the human immunodeficiency virus or who has one or more of the risk factors for infection with the human immunodeficiency virus identified by the Centers for Disease Control and Prevention.

(4) Receiving treatment for a sexually transmitted disease.

(5) Using a controlled substance or a dangerous drug.

(6) Receiving a blood transfusion between 1978 and 1985, inclusive.

5. As used in this section, "dangerous drug" has the meaning ascribed to it in NRS 454.201.

Sec. 7. ***A provider of health care who attends or assists at the delivery of a child shall, if the mother has not been tested for the human immunodeficiency virus earlier during her pregnancy or the results of an earlier test are not available, ensure that a rapid test for the human immunodeficiency virus is performed on the child unless a parent or legal guardian of the child objects to the performance of the test because it is contrary to the religious beliefs of the parent or legal guardian.***

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. ***A provider of health care shall ensure that, before a woman or newborn child receives any test that is used to carry out the provisions of sections 2 to 10, inclusive, of this act, the woman or the parent or legal guardian of the newborn child receives a pamphlet of information concerning:***

1. The human immunodeficiency virus and acquired immunodeficiency syndrome;

2. The test that will be administered pursuant to sections 2 to 10, inclusive, of this act and the benefits and consequences of the test;

3. Transmission of the human immunodeficiency virus and how to prevent its transmission;

4. If the pamphlet is for a woman being tested pursuant to section 6 of this act, the right of a woman to refuse a test;

5. If the pamphlet is for the parent or legal guardian of a newborn child being tested pursuant to section 7 of this act, the right of the parent or legal guardian to object to a test of a newborn child because it is contrary to the religious beliefs of the parent or legal guardian; and

6. Any other information recommended by the Department or the Centers for Disease Control and Prevention of the United States Department of Health and Human Services that the provider of health care determines useful.

Assemblywoman Gerhardt moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 266.

Remarks by Assemblywoman Gerhardt.

Motion carried by a constitutional majority.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 544, Amendment No. 1172, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 579.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 540.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1159 to Senate Bill No. 73; Assembly Amendment No. 1161 to Senate Bill No. 123.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 304; Assembly Bill No. 396; Assembly Bill No. 460; Assembly Bill No. 497; Senate Bill No. 516.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 516, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment Nos. 895 and 1031 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 40, which is attached to and hereby made a part of this report.

KELVIN ATKINSON	JOHN LEE
HARVEY MUNFORD	WILLIAM RAGGIO
JAMES SETTELMEYER	WARREN HARDY
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA40.

SUMMARY—Revises provisions governing the compensation **and reimbursement** of certain elected county officers. (BDR 20-225)

AN ACT relating to public officers; revising the provisions governing the compensation of certain elected county officers; **revising certain provisions relating to the payment of per diem allowances and travel expenses;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill increases, by ~~[3]~~ **4** percent for each of Fiscal Years 2007-2008, 2008-2009, 2009-2010 and 2010-2011, the maximum amount at which the board of county commissioners may set the annual salary for a county commissioner of that county. Section 1 also increases ~~[, by 3 percent for each of Fiscal Years 2007-2008, 2008-2009, 2009-2010 and 2010-2011,]~~ the compensation to be paid to certain other elected county officers. **For Fiscal Year 2007-2008, the total increase is 7 percent, which includes a base salary increase of 4 percent and an additional increase in compensation of 3 percent. For each of Fiscal Years 2008-2009, 2009-2010 and 2010-2011, the increase in compensation is 3 percent.** (NRS 245.043)

Under existing law, a board of county commissioners must reimburse an eligible county or township officer or employee of the county for the actual living expenses incurred during travel conducted for the transaction of public business and may allow reimbursement for traveling by private conveyance, but if a private conveyance is used for reasons of personal convenience in the transaction of state business, the standard mileage reimbursement rate for traveling by private conveyance is limited to one-half the established rate for which a deduction is allowed for the purposes of federal income tax. (NRS 245.060, 281.160) Section 2.5 of this bill allows the board of county commissioners of a county to provide to such an officer or employee a per diem allowance and travel expenses at the full rate established for employees of the Federal Government, provided that the travel for the

transaction of public business is for a period of not more than 5 consecutive working days at a time.

Pursuant to section 3 of this bill, the increases **in salary and compensation** applicable **pursuant** to ~~[,]~~ **section 1 of this bill for:** (1) Fiscal Year 2007-2008, become effective on July 1, 2007; (2) Fiscal Year 2008-2009, become effective on July 1, 2008; (3) Fiscal Year 2009-2010, become effective on July 1, 2009; and (4) Fiscal Year 2010-2011, become effective on July 1, 2010. However, section 4 of this bill authorizes a county that has not commenced payment of the increased annual salaries to request and receive a waiver from payment of the increases based on insufficient financial resources. If a waiver is granted for any fiscal year, section 4 prohibits retroactive payment of the increases for that fiscal year.

Section 1 **of this bill** also changes the salary classification of Storey County ~~[,]~~ **to the category of a county of class 4,** thereby increasing the amount of the annual salaries paid to its elected county officers. **Section 3.5 of this bill provides that the change in the salary classification of Storey County is retroactive to January 1, 2003, for the purpose of determining the maximum salary payable to members of the board of county commissioners of Storey County.** Section 2 of this bill clarifies that county commissioners are eligible for longevity pay. (NRS 245.044)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 245.043 is hereby amended to read as follows:

245.043 1. As used in this section:

(a) "County" includes Carson City.

(b) "County commissioner" includes the Mayor and supervisors of Carson City.

2. Except as otherwise provided by any special law, the elected officers of the counties of this State are entitled to receive ***, for the appropriate fiscal year,*** annual salaries in the base amounts specified in the following table. The annual salaries are in full payment for all services required by law to be performed by such officers. Except as otherwise provided by law, all fees and commissions collected by such officers in the performance of their duties must be paid into the county treasury each month without deduction of any nature.

ANNUAL SALARIES

Class	County	District Attorney	Sheriff	County Clerk	County Assessor	County Recorder	County Treasurer	Public Administrator
1	Clark	~~[$155,745~~	~~$134,263~~	~~$91,138~~	~~$91,138~~	~~$91,138~~	~~$91,138~~	~~$91,138]~~
~~*FY 2007-2008*~~		~~*[$160,417*~~	~~*$138,291*~~	~~*$93,872*~~	~~*$93,872*~~	~~*$93,872*~~	~~*$93,872*~~	~~*$93,872]*~~
		166,647	***143,661***	***97,518***	***97,518***	***97,518***	***97,518***	***97,518***
~~*FY 2008-2009*~~		~~*[165,230*~~	~~*142,440*~~	~~*96,668*~~	~~*96,668*~~	~~*96,668*~~	~~*96,668*~~	~~*96,668]*~~
		171,647	***147,971***	***100,443***	***100,443***	***100,443***	***100,443***	***100,443***
~~*FY 2009-2010*~~		~~*[170,187*~~	~~*146,713*~~	~~*99,589*~~	~~*99,589*~~	~~*99,589*~~	~~*99,589*~~	~~*99,589]*~~
		176,796	***152,410***	***103,456***	***103,456***	***103,456***	***103,456***	***103.456***
~~*FY 2010-2011*~~		~~*[175,293*~~	~~*151,114*~~	~~*102,577*~~	~~*102,577*~~	~~*102,577*~~	~~*102,577*~~	~~*102,577]*~~

	182,100	***156,983***	***106,560***	***106,560***	***106,560***	***106,560***	***106,560***
2 Washoe	[137,485	110,632	83,543	83,543	83,543	83,543	83,543]
FY 2007-2008	***[141,610***	***113,951***	***86,049***	***86,049***	***86,049***	***86,049***	***86,049]***
	147,109	***118,376***	***89,391***	***89,391***	***89,391***	***89,391***	***89,391***
FY 2008-2009	***[145,858***	***117,370***	***88,630***	***88,630***	***88,630***	***88,630***	***88,630]***
	151,522	***121,928***	***92,073***	***92,073***	***92,073***	***92,073***	***92,073***
FY 2009-2010	***[150,234***	***120,891***	***91,289***	***91,289***	***91,289***	***91,289***	***91,289]***
	156,068	***125,585***	***94,835***	***94,835***	***94,835***	***94,835***	***94,835***
FY 2010-2011	***[154,741***	***124,518***	***94,028***	***94,028***	***94,028***	***94,028***	***94,028]***
	$160,750	***$129,353***	***$97,680***	***$97,680***	***$97,680***	***$97,680***	***$97,680***
3 Carson City	[98,707	81,846	65,012	65,012	--------	65,012	-----]
FY 2007-2008	***[101,668***	***84,301***	***66,962***	***66,962***		***66,962]***	
	105,616	***87,575***	***69,563***	***69,563***	***69,563***	***69,563***	
FY 2008-2009	***[104,718***	***86,830***	***68,971***	***68,971***		***68,971]***	
	108,785	***90,202***	***71,650***	***71,650***	***71,650***	***71,650***	
FY 2009-2010	***[107,860***	***89,435***	***71,040***	***71,040***		***71,040]***	
	112,049	***92,909***	***73,799***	***73,799***	***73,799***	***73,799***	
FY 2010-2011	***[111,096***	***92,118***	***73,171***	***73,171***		***73,171]***	
	115,410	***95,696***	***76,013***	***76,013***	***76,013***	***76,013***	
Churchill	[98,707	81,846	65,012	65,012	65,012	--------	-----]
FY 2007-2008	***[101,668***	***84,301***	***66,962***	***66,962***	***66,962]***		
	105,616	***87,575***	***69,563***	***69,563***	***69,563***	***69,563***	
FY 2008-2009	***[104,718***	***86,830***	***68,971***	***68,971***	***68,971]***		
	108,785	***90,202***	***71,650***	***71,650***	***71,650***	***71,650***	
FY 2009-2010	***[107,860***	***89,435***	***71,040***	***71,040***	***71,040]***		
	112,049	***92,909***	***73,799***	***73,799***	***73,799***	***73,799***	
FY 2010-2011	***[111,096***	***92,118***	***73,171***	***73,171***	***73,171]***		
	115,410	***95,696***	***76,013***	***76,013***	***76,013***	***76,013***	
Douglas	[98,707	81,846	65,012	65,012	65,012	--------	-----]
FY 2007-2008	***[101,668***	***84,301***	***66,962***	***66,962***	***66,962]***		
	105,616	***87,575***	***69,563***	***69,563***	***69,563***	***69,563***	
FY 2008-2009	***[104,718***	***86,830***	***68,971***	***68,971***	***68,971]***		
	108,785	***90,202***	***71,650***	***71,650***	***71,650***	***71,650***	
FY 2009-2010	***[107,860***	***89,435***	***71,040***	***71,040***	***71,040]***		
	112,049	***92,909***	***73,799***	***73,799***	***73,799***	***73,799***	
FY 2010-2011	***[111,096***	***92,118***	***73,171***	***73,171***	***73,171]***		
	115,410	***95,696***	***76,013***	***76,013***	***76,013***	***76,013***	
Elko	[98,707	81,846	65,012	65,012	65,012	65,012	-----]
FY 2007-2008	***[101,668***	***84,301***	***66,962***	***66,962***	***66,962***	***66,962]***	
	105,616	***87,575***	***69,563***	***69,563***	***69,563***	***69,563***	
FY 2008-2009	***[104,718***	***86,830***	***68,971***	***68,971***	***68,971***	***68,971]***	
	108,785	***90,202***	***71,650***	***71,650***	***71,650***	***71,650***	
FY 2009-2010	***[107,860***	***89,435***	***71,040***	***71,040***	***71,040***	***71,040***	***]***
	112,049	***92,909***	***73,799***	***73,799***	***73,799***	***73,799***	
FY 2010-2011	***[111,096***	***92,118***	***73,171***	***73,171***	***73,171***	***73,171]***	
	115,410	***95,696***	***76,013***	***76,013***	***76,013***	***76,013***	
Humboldt	[98,707	81,846	65,012	65,012	65,012	65,012	-----]
FY 2007-2008	***[101,668***	***84,301***	***66,962***	***66,962***	***66,962***	***66,962]***	
	105,616	***87,575***	***69,563***	***69,563***	***69,563***	***69,563***	
FY 2008-2009	***[104,718***	***86,830***	***68,971***	***68,971***	***68,971***	***68,971]***	
	108,785	***90,202***	***71,650***	***71,650***	***71,650***	***71,650***	
FY 2009-2010	***[107,860***	***89,435***	***71,040***	***71,040***	***71,040***	***71,040]***	
	112,049	***92,909***	***73,799***	***73,799***	***73,799***	***73,799***	
FY 2010-2011	***[111,096***	***92,118***	***73,171***	***73,171***	***73,171***	***73,171]***	
	115,410	***95,696***	***76,013***	***76,013***	***76,013***	***76,013***	
Lyon	[98,707	81,846	65,012	65,012	65,012	--------	-----]
FY 2007-2008	***[101,668***	***84,301***	***66,962***	***66,962***	***66,962***		***]***
	105,616	***87,575***	***69,563***	***69,563***	***69,563***	***69,563***	
FY 2008-2009	***[104,718***	***86,830***	***68,971***	***68,971***	***68,971]***		
	108,785	***90,202***	***71,650***	***71,650***	***71,650***	***71,650***	
FY 2009-2010	***[107,860***	***89,435***	***71,040***	***71,040***	***71,040]***		
	$112,049	***$92,909***	***$73,799***	***$73,799***	***$73,799***	***$73,799***	
FY 2010-2011	***[111,096***	***92,118***	***73,171***	***73,171***	***73,171]***		
	115,410	***95,696***	***76,013***	***76,013***	***76,013***	***76,013***	

Nye	[98,707	81,846	65,012	65,012	65,012	65,012	——————]
FY 2007-2008	***[101,668***	***84,301***	***66,962***	***66,962***	***66,962***	***66,962]***	
	105,616	***87,575***	***69,563***	***69,563***	***69,563***	***69,563***	
FY 2008-2009	***[104,718***	***86,830***	***68,971***	***68,971***	***68,971***	***68,971]***	
	108,785	***90,202***	***71,650***	***71,650***	***71,650***	***71,650***	
FY 2009-2010	***[107,860***	***89,435***	***71,040***	***71,040***	***71,040***	***71,040]***	
	112,049	***92,909***	***73,799***	***73,799***	***73,799***	***73,799***	
FY 2010-2011	***[111,096***	***92,118***	***73,171***	***73,171***	***73,171***	***73,171***	***]***
	115,410	***95,696***	***76,013***	***76,013***	***76,013***	***76,013***	
4 Lander	[93,223	73,662	54,227	54,227	54,227	54,227	——————]
FY 2007-2008	***[96,020***	***75,872***	***55,854***	***55,854***	***55,854***	***55,854]***	
	99,749	***78,818***	***58,023***	***58,023***	***58,023***	***58,023***	
FY 2008-2009	***[98,901***	***78,148***	***57,530***	***57,530***	***57,530***	***57,530]***	
	102,741	***81,183***	***59,764***	***59,764***	***59,764***	***59,764***	
FY 2009-2010	***[101,868***	***80,492***	***59,256***	***59,256***	***59,256***	***59,256]***	
	105,823	***83,618***	***61,556***	***61,556***	***61,556***	***61,556***	
FY 2010-2011	***[104,924***	***82,907***	***61,034***	***61,034***	***61,034***	***61,034]***	
	108,998	***86,127***	***63,403***	***63,403***	***63,403***	***63,403***	
Storey							
FY 2007-2008	***[96,020***	***75,872***	***55,854***	***55,854***	***55,854***	***55,854]***	
	99,749	***78,818***	***58,023***	***58,023***	***58,023***	***58,023***	
FY 2008-2009	***[98,901***	***78,148***	***57,530***	***57,530***	***57,***530	57,***530]***	
	102,741	***81,183***	***59,764***	***59,764***	***59,764***	***59,764***	
FY 2009-2010	***[101,868***	***80,492***	***59,256***	***59,256***	***59,256***	***59,256]***	
	105,823	***83,618***	***61,556***	***61,556***	***61,556***	***61,556***	
FY 2010-2011	***[104,924***	***82,907***	***61,034***	***61,034***	***61,034***	***61,034]***	
	108,998	***86,127***	***63,403***	***63,403***	***63,403***	***63,403***	
White Pine	[93,223	73,662	54,227	54,227	54,227	54,227	——————]
FY 2007-2008	***[96,020***	***75,872***	***55,854***	***55,854***	***55,854***	***55,854***	***]***
	99,749	***78,818***	***58,023***	***58,023***	***58,023***	***58,023***	
FY 2008-2009	***[98,901***	***78,148***	***57,530***	***57,530***	***57,530***	***57,530***	***]***
	102,741	***81,183***	***59,764***	***59,764***	***59,764***	***59,764***	
FY 2009-2010	***[101,868***	***80,492***	***59,256***	***59,256***	***59,256***	***59,256]***	
	105,823	***83,618***	***61,556***	***61,556***	***61,556***	***61,556***	
FY 2010-2011	***[104,924***	***82,907***	***61,034***	***61,034***	***61,034***	***61,034]***	
	108,998	***86,127***	***63,403***	***63,403***	***63,403***	***63,403***	
5 Eureka	[82,256	58,929	48,607	48,607	48,607	——————	——————]
FY 2007-2008	***[84,724***	***60,697***	***50,065***	***50,065***	***50,065***	***]***	
	88,014	***63,054***	***52,009***	***52,009***	***52,009***	***52,009***	
FY 2008-2009	***[87,266***	***62,518***	***51,567***	***51,567***	***51,567***	***]***	
	90,654	***64,946***	***53,570***	***53,570***	***53,570***	***53,570***	
FY 2009-2010	***[89,884***	***64,394***	***53,114***	***53,114***	***53,114***	***]***	
	93,374	***66,894***	***55,177***	***55,177***	***55,177***	***55,177***	
FY 2010-2011	***[92,581***	***66,326***	***54,707***	***54,707***	***54,707***	***]***	
	96,175	***68,901***	***56,832***	***56,832***	***56,832***	***56,832***	
Lincoln	[82,256	58,929	48,607	48,607	48,607	48,607	——————]
FY 2007-2008	***[84,724***	***60,697***	***50,065***	***50,065***	***50,065***	***50,065]***	
	88,014	***63,054***	***52,009***	***52,009***	***52,009***	***52,009***	
FY 2008-2009	***[87,266***	***62,518***	***51,567***	***51,567***	***51,567***	***51,567]***	
	$90,654	***$64,946***	***$53,570***	***$53,570***	***$53,570***	***$53,570***	
FY 2009-2010	***[89,884***	***64,394***	***53,114***	***53,114***	***53,114***	***53,114]***	
	93,374	***66,894***	***55,177***	***55,177***	***55,177***	***55,177***	
FY 2010-2011	***[92,581***	***66,326***	***54,707***	***54,707***	***54,707***	***54,707]***	
	96,175	***68,901***	***56,832***	***56,832***	***56,832***	***56,832***	
Mineral	[82,256	58,929	48,607	48,607	48,607	——————	——————]
FY 2007-2008	***[84,724***	***60,697***	***50,065***	***50,065***	***50,065***	***]***	
	88,014	***63,054***	***52,009***	***52,009***	***52,009***	***52,009***	
FY 2008-2009	***[87,266***	***62,518***	***51,567***	***51,567***	***51,567***	***]***	
	90,654	***64,946***	***53,570***	***53,570***	***53,570***	***53,570***	
FY 2009-2010	***[89,884***	***64,394***	***53,114***	***53,114***	***53,114***	***]***	
	93,374	***66,894***	***55,177***	***55,177***	***55,177***	***55,177***	
FY 2010-2011	***[92,581***	***66,326***	***54,707***	***54,707***	***54,707***	***]***	
	96,175	***68,901***	***56,832***	***56,832***	***56,832***	***56,832***	
Pershing	[82,256	58,929	48,607	48,607	48,607	——————	——————]

FY 2007-2008	*[84,724*	*60,697*	*50,065*	*50,065*	*50,065*	*]*	
	88,014	***63,054***	***52,009***	***52,009***	***52,009***	***52,009***	
FY 2008-2009	*[87,266*	*62,518*	*51,567*	*51,567*	*51,567*	*]*	
	90,654	***64,946***	***53,570***	***53,570***	***53,570***	***53,570***	
FY 2009-2010	*[89,884*	*64,394*	*53,114*	*53,114*	*53,114*	*]*	
	93,374	***66,894***	***55,177***	***55,177***	***55,177***	***55,177***	
FY 2010-2011	*[92,581*	*66,326*	*54,707*	*54,707*	*54,707*	*]*	
	96,175	***68,901***	***56,832***	***56,832***	***56,832***	***56,832***	
[Storey]	[82,256	58,929	48,607	48,607	48,607	-------	----]
6 Esmeralda	[65,314	52,382	42,531	42,531	42,531	-------	----]
FY 2007-2008	*[67,273*	*53,953*	*43,807*	*43,807*	*43,807*	*]*	
	69,886	***56,049***	***45,508***	***45,508***	***45,508***		
FY 2008-2009	*[69,291*	*55,572*	*45,121*	*45,121*	*45,121*	*]*	
	71,983	***57,730***	***46,873***	***46,873***	***46,873***		
FY 2009-2010	*[71,370*	*57,239*	*46,475*	*46,475*	*46,475]*		
	74,142	***59,462***	***48,280***	***48,280***	***48,280***		
FY 2010-2011	*[73,511*	*58,956*	*47,869*	*47,869*	*47,869]*		
	76,366	***61,246***	***49,728***	***49,728***	***49,728***		

3. A board of county commissioners may, by a vote of at least a majority of all the members of the board, set the annual salary for the county commissioners of that county, but in no event may the annual salary exceed an amount which equals ~~[126.65]~~ *:*

(a) For Fiscal Year 2007-2008, ~~[130.450]~~ 131.716 percent *;*

(b) For Fiscal Year 2008-2009, ~~[134.364]~~ 136.985 percent;

(c) For Fiscal Year 2009-2010, ~~[138.395]~~ 142.464 percent; and

(d) For Fiscal Year 2010-2011, ~~[142.547]~~ 148.163 percent,

➥ of the amount of the annual salary for the county commissioners of that county that was in effect by operation of statute on January 1, 2003.

Sec. 2. NRS 245.044 is hereby amended to read as follows:

245.044 1. On and after July 1, 1973, if an elected county officer has served in his office for more than 4 years, he is entitled to an additional salary of 2 percent of his base salary ***for the appropriate fiscal year as*** provided in ***subsection 2 of*** NRS 245.043 ***or his annual salary set pursuant to subsection 3 of NRS 245.043, as applicable,*** for each full calendar year he has served in his office.

2. The additional salary provided in this section for an eligible county officer:

(a) Must be computed on July 1 of each year by multiplying 2 percent of the base salary ***for the appropriate fiscal year as*** provided in ***subsection 2 of*** NRS 245.043 ***or the annual salary set pursuant to subsection 3 of NRS 245.043, as applicable,*** by the number of full calendar years the elected county officer has served in his office; and

(b) Must not exceed 20 percent of the base salary ***for the appropriate fiscal year*** *as* provided in ***subsection 2 of*** NRS 245.043 ~~[.]~~ ***or the annual salary set pursuant to subsection 3 of NRS 245.043, as applicable.***

3. Service on the Board of Supervisors of Carson City for the initial term which began on July 1, 1969, and ended on the first Monday of January, 1973, shall be deemed to constitute 4 full calendar years of service for the purposes of this section.

Sec. 2.5. **NRS 245.060 is hereby amended to read as follows:**

245.060 ~~[If]~~

1***. Except as otherwise provided in subsection 2, if*** a county or township officer or an employee of the county is entitled to receive reimbursement for his necessary traveling expenses for the transaction of public business, such reimbursement must include actual living expenses, but the amount allowed for traveling by private conveyance must not exceed the amount charged by public conveyance. Where it appears to the satisfaction of the board of county commissioners that travel by private conveyance is more economical, or where it appears that, owing to train, airplane or bus schedules or for other reasons, travel by public conveyance is impractical, or in case a part of the route traveled is not covered by public conveyance, the board of county commissioners, in its discretion, may allow for traveling by private conveyance an amount not to exceed the maximum per-mile allowance for travel by private conveyance of state officers and employees specified in subsection 3 of NRS 281.160.

2. The board of county commissioners of a county may provide, to any county or township officer or employee of the county who is required to travel for the transaction of public business for a period of not more than 5 consecutive working days at a time, a per diem allowance and travel expenses at the same rate as the comparable rate established for employees of the Federal Government by the Administrator of General Services pursuant to 5 U.S.C. § 5707, excluding any federal requirement, restriction or other condition which is applicable to that comparable rate.

Sec. 3. Except as otherwise provided in section 4 of this act, each county shall commence payment of the increased annual salaries of the elected officers of the county set forth in the table of annual salaries contained in subsection 2 of NRS 245.043, as amended by section 1 of this act:

1. For Fiscal Year 2007-2008, on July 1, 2007.
2. For Fiscal Year 2008-2009, on July 1, 2008.
3. For Fiscal Year 2009-2010, on July 1, 2009.
4. For Fiscal Year 2010-2011, on July 1, 2010.

Sec. 3.5. **For the purposes of calculating the maximum salary that may be paid to a county commissioner pursuant to the provisions of subsection 3 of NRS 245.043, as amended by section 1 of this act, Storey County shall be deemed to have been categorized as a county of class 4 on January 1, 2003.**

Sec. 4. 1. Except as otherwise provided in subsection 3, a board of county commissioners may apply to the Committee on Local Government Finance for a waiver from the requirement to increase the annual salaries of elected officers of the county to the annual salaries set forth in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of this act, for any of Fiscal Years 2007-2008, 2008-2009, 2009-2010 or 2010-2011, if the board determines that the financial resources of the county are insufficient to pay those increased annual salaries in the applicable fiscal year. The Committee on Local Government Finance shall grant such a waiver

if it finds that the financial resources of the county are insufficient to pay those increased annual salaries in the applicable fiscal year.

2. A board of county commissioners that has been granted a waiver for a fiscal year as described in subsection 1 may apply to the Committee on Local Government Finance for an additional waiver for the next consecutive fiscal year if the board determines that the financial resources of the county continue to be insufficient to pay the increased annual salaries of the elected officers of the county set forth in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of this act, in that fiscal year. There is no limitation on the number of waivers for consecutive fiscal years that the board of county commissioners may be granted if the board determines that the financial resources of the county continue to be insufficient to pay the increased annual salaries of the elected officers of the county set forth in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of this act, in that fiscal year.

3. After commencing payment of the increased annual salaries of the elected officers of the county set forth in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of this act, in any fiscal year, a board of county commissioners may not apply for a waiver in any subsequent fiscal year.

4. The increased annual salaries of the elected officers of the county set forth in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of this act, must not be paid retroactively for any fiscal year for which a waiver was granted to the county pursuant to subsection 1.

Sec. 5. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 6. This act becomes effective on July 1, 2007.

Assemblyman Atkinson moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 516.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:08 p.m.

ASSEMBLY IN SESSION

At 10:20 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Commerce and Labor:

Assembly Concurrent Resolution No. 36—Encouraging the creation of the Southern Nevada Automobile Theft Advisory Commission.

Assemblyman Oceguera moved the adoption of the resolution.

Remarks by Assemblyman Oceguera.

Resolution adopted and ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 540.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 579.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 412, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 983 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 13, which is attached to and hereby made a part of this report.

MARCUS CONKLIN	JOSEPH HECK
SUSAN GERHARDT	MICHAEL SCHNEIDER
GARN MABEY	RANDOLPH TOWNSEND
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA13.

AN ACT relating to health care; revising the method of selecting certain professionals for various boards related to health care; creating a new type of license for practicing medicine; changing the requirements for a license by endorsement to practice medicine; providing new requirements for certain nursing instructors; providing two new types of licenses for osteopathic medicine; providing a new type of license as a dispensing optician; providing in statute for the election of officers for the State Board of Physical Therapy Examiners; making various other changes relating to health care; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides methods of selecting certain persons for various boards related to health care. (NRS 630.060, 630A.110, 631.130, 632.030, 633.191, 634.020, 634A.040, 635.020, 636.035, 637.030, 637A.035, 637B.100, 639.030, 640.030, 640A.080, 640B.170, 640B.180, 640C.150,

641.040, 641A.100, 641B.100 and 641C.150) Section 1 of this bill establishes new requirements related to selecting such persons if they are members of the profession being regulated by a board. Specifically, each applicable professional association is required to provide a list of nominees to the Governor for vacant positions on such boards. The Governor may, but is not required to, appoint a person from the list.

Existing law provides certain special types of licenses that the Board of Medical Examiners may issue. (NRS 630.258-630.265) Section 3 of this bill provides a new type of license for a foreign expert physician.

Existing law provides for certain persons to receive a license by endorsement to practice medicine. (NRS 630.1605) Section 7 of this bill revises the requirements for such a license.

Existing law provides that each holder of a license to practice medicine or osteopathic medicine is required to report annually certain information concerning surgeries. (NRS 630.30665, 633.524) Sections 7.5 and 54 of this act require a separate report of certain sentinel events and provide for an administrative penalty to be imposed if the holder of the license fails to file the report or knowingly files false information in a report.

Existing law provides certain requirements and the procedures for creating requirements for schools and courses of professional nursing. (NRS 632.430-632.470) Section 11 of this bill provides for the various requirements for nursing instructors in clinical practice.

Existing law provides certain types of special licenses that the State Board of Osteopathic Medicine may issue. (NRS 633.401-633.411) Section 24 of this bill provides a new type of license for a foreign expert osteopathic physician. Section 25 of this bill provides a new type of license by endorsement to practice osteopathic medicine.

Existing law provides for the certification of osteopathic physician's assistants by the State Board of Osteopathic Medicine. (NRS 633.101, 633.431, 633.441, 633.451) Section 37 of this bill changes the title of "osteopathic physician's assistant" to "physician assistant." Sections 29 and 30 of this bill provide for the licensure, rather than certification, of such physician assistants. Sections 16, 17, 22, 36, 37, 39, 40, 43, 49, 53, 55, 58, 69, 71 and 84-118 of this bill amend various statutes in accordance with these changes.

Existing law provides requirements for the licensing of dispensing opticians. (NRS 637.090-637.140) Section 64 of this bill provides a new type of license for a person with an out-of-state license as a dispensing optician.

Existing law provides for the creation of the State Board of Physical Therapy Examiners. (NRS 640.030) Section 74 of this bill provides for the election of officers for that Board.

Section 119 of this bill repeals certain statutes, including, without limitation, NRS 632.450 which requires that the minimum length for a course of instruction in nursing is 2 years.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Governor must appoint to a board a person who is a member of a profession being regulated by that board, the Governor shall solicit nominees from one or more applicable professional associations in this State.

2. To the extent practicable, such an applicable professional association shall provide nominees who represent the geographic diversity of this State.

3. The Governor may appoint any qualified person to a board, without regard to whether the person is nominated pursuant to this section.

4. As used in this section, "board" refers to a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C.

Sec. 2. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 , [and] 4 ***and 5*** of this act.

Sec. 3. ***1. Except as otherwise provided in NRS 630.161, the Board may issue a restricted license to a person who:***

(a) Is a graduate of a foreign medical school;

(b) Teaches, researches or practices medicine outside the United States;

(c) Is a recognized medical expert; and

(d) Intends to teach, research or practice clinical medicine at a medical research facility or medical school in this State.

2. A person who applies for a restricted license is not required to take or pass a written examination concerning his qualifications to practice medicine, but the person must satisfy the requirements for a restricted license set forth in regulations adopted by the Board.

3. A person who holds a restricted license issued pursuant to this section may practice medicine in this State only in accordance with the terms and restrictions established by the Board.

4. If a person who holds a restricted license issued pursuant to this section ceases to teach, research or practice clinical medicine in this State at the medical research facility or medical school where he is employed:

(a) The medical research facility or medical school, as applicable, shall notify the Board; and

(b) Upon receipt of such notification, the restricted license expires automatically.

5. The Board may renew or modify a restricted license issued pursuant to this section, unless the restricted license has expired automatically or has been revoked.

6. The provisions of this section do not limit the authority of the Board to issue a restricted license to an applicant in accordance with any other provision of this chapter.

Sec. 4. (Deleted by amendment.)

Sec. 5. ***1. A private nonprofit medical school*** ~~*[that is licensed by the Commission on Postsecondary Education and approved by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges]*~~ ***or a nonprofit medical research institution may, notwithstanding any provision of law to the contrary:***

~~*[1.]*~~ ***(a) Operate as a corporation or other business organization or association with ownership or control shared by persons licensed pursuant to this chapter and persons not licensed pursuant to this chapter;***

~~*[2.]*~~ ***(b) Operate a clinic in conjunction with the school or institution which is staffed by physicians or osteopathic physicians who are employed by the school or the institution and who are:***

~~*[(a)]*~~ ***(1) Licensed pursuant to this chapter or chapter 633 of NRS, respectively; and***

~~*[(b)]*~~ ***(2) Members of the faculty of the school*** ~~*[,]*~~ ***or institution; and***

~~*[3.]*~~ ***(c) Retain all or a portion of the money generated by a clinic*** *described in* ~~*[subsection 2,]*~~ ***paragraph (b), including, without limitation, any professional income generated by a physician or osteopathic physician staffing the clinic.***

2. As used in this section, "private nonprofit medical school" means a private nonprofit medical school that is licensed by the Commission on Postsecondary Education and approved by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges.

Sec. 5.5. NRS 630.130 is hereby amended to read as follows:

630.130 1. In addition to the other powers and duties provided in this chapter, the Board shall, in the interest of the public, judiciously:

(a) Enforce the provisions of this chapter;

(b) Establish by regulation standards for licensure under this chapter;

(c) Conduct examinations for licensure and establish a system of scoring for those examinations;

(d) Investigate the character of each applicant for a license and issue licenses to those applicants who meet the qualifications set by this chapter and the Board; and

(e) Institute a proceeding in any court to enforce its orders or the provisions of this chapter.

2. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:

(a) Disciplinary action taken by the Board during the previous biennium against physicians for malpractice or negligence; ~~[and]~~

(b) Information reported to the Board during the previous biennium pursuant to NRS ~~[630.30665,]~~ 630.3067, 630.3068, subsections 2 and 3 of NRS 630.307 and NRS 690B.250 and 690B.260 ~~[.]~~ ***; and***

(c) Information reported to the Board during the previous biennium pursuant to NRS 630.30665, including, without limitation, the number and types of surgeries performed by each holder of a license to practice medicine and the occurrence of sentinel events arising from such surgeries, if any.

➥ The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.

3. The Board may adopt such regulations as are necessary or desirable to enable it to carry out the provisions of this chapter.

Sec. 6. NRS 630.160 is hereby amended to read as follows:

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing him to practice.

2. Except as otherwise provided in NRS 630.1605, 630.161 and 630.258 to 630.265, inclusive, ***and section 3 of this act,*** a license may be issued to any person who:

(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(b) Has received the degree of doctor of medicine from a medical school:

(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;

(c) Is currently certified by a specialty board of the American Board of Medical Specialties and who agrees to maintain such certification for the duration of his licensure, or has passed:

(1) All parts of the examination given by the National Board of Medical Examiners;

(2) All parts of the Federation Licensing Examination;

(3) All parts of the United States Medical Licensing Examination;

(4) All parts of a licensing examination given by any state or territory of the United States, if the applicant is certified by a specialty board of the American Board of Medical Specialties;

(5) All parts of the examination to become a licentiate of the Medical Council of Canada; or

(6) Any combination of the examinations specified in subparagraphs (1), (2) and (3) that the Board determines to be sufficient;

(d) Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive medicine or family practice and who agrees to maintain certification in at least one of these specialties for the duration of his licensure, or:

(1) Has completed 36 months of progressive postgraduate:

(I) Education as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education or the Coordinating Council of Medical Education of the Canadian Medical Association; or

(II) Fellowship training in the United States or Canada approved by the Board or the Accreditation Council for Graduate Medical Education; or

(2) Has completed at least 36 months of postgraduate education, not less than 24 months of such postgraduate education must be as a resident after receiving a medical degree from a combined dental and medical degree program approved by the Board; and

(e) Passes a written or oral examination, or both, as to his qualifications to practice medicine and provides the Board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph (b).

Sec. 7. NRS 630.1605 is hereby amended to read as follows:

630.1605 ***1.*** Except as otherwise provided in NRS 630.161, the Board ~~[may]~~ ***shall, except for good cause,*** issue a license by endorsement to practice medicine to an applicant who has been issued a license to practice medicine by the District of Columbia or any state or territory of the United States if:

~~[1.]~~ ***(a)*** At the time the applicant files his application with the Board, the license is in effect ~~[;~~

~~2. The applicant:~~

~~(a) Submits to the Board proof of passage of an examination approved by the Board;~~

~~(b) Submits to the Board any documentation and other proof of qualifications required by the Board;~~

~~(c) Meets all of the statutory requirements for licensure to practice medicine in effect at the time of application except for the requirements set forth in NRS 630.160; and~~

~~(d) Completes any additional requirements relating to the fitness of the applicant to practice required by the Board; and~~

~~3. Any documentation and other proof of qualifications required by the Board is authenticated in a manner approved by the Board.]~~ *and unrestricted;* ***and***

(b) The applicant:

(1) Is currently certified by a specialty board of the American Board of Medical Specialties and was certified or recertified within the past 10 years;

(2) Has had no adverse actions reported to the National Practitioner Data Bank within the past 10 years;

(3) Has been continuously and actively engaged in the practice of medicine within his specialty for the past 5 years;

(4) Is not involved in and does not have pending any disciplinary action concerning his license to practice medicine in the District of Columbia or any state or territory of the United States;

(5) Provides information on all the medical malpractice claims brought against him, without regard to when the claims were filed or how the claims were resolved; and

(6) Meets all statutory requirements to obtain a license to practice medicine in this State except that the applicant is not required to meet the requirements set forth in NRS 630.160.

2. A license by endorsement may be issued at a meeting of the Board or between its meetings by its President and Executive Director. Such an action shall be deemed to be an action of the Board.

Sec. 7.5. NRS 630.30665 is hereby amended to read as follows:

630.30665 1. The Board shall require each holder of a license to practice medicine to submit annually to the Board, on a form provided by the Board ~~[, and in the format required by the Board by regulation,]~~ a report ~~[:~~

~~(a) Stating]~~ ***stating*** the number and type of surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the holder of the license at his office or any other facility, excluding any surgical care performed:

~~[(1)]~~ ***(a)*** At a medical facility as that term is defined in NRS 449.0151; or

~~[(2)]~~ ***(b)*** Outside of this State . ~~[; and~~

~~(b) Reporting]~~

2. In addition to the report required pursuant to subsection 1, the Board shall require each holder of a license to practice medicine to submit a report annually to the Board concerning the occurrence of any sentinel event arising from any ~~[such]~~ surgery ~~[.]~~ ***described in subsection 1. The report must be submitted in the manner prescribed by the Board which must be substantially similar to the manner prescribed by the Administrator of the Health Division of the Department of Health and Human Services for reporting information pursuant to NRS 439.835.***

~~[2.]~~ ***3. Each holder of a license to practice medicine shall submit the report required pursuant to subsections 1 and 2 whether or not he performed any surgery described in subsection 1.*** Failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action ~~[.]~~ ***pursuant to subsection 8 of NRS 630.306.***

~~[3.]~~ ***4.*** The Board shall:

(a) Collect and maintain reports received pursuant to subsection 1; and

(b) Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access.

~~[4.]~~ ***5.*** A report received pursuant to subsection 1 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

~~[5.]~~ ***6.*** The provisions of this section do not apply to surgical care requiring only the administration of oral medication to a patient to relieve the patient's anxiety or pain, if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.

~~[6.]~~ ***7. In addition to any other remedy or penalty, if a holder of a license to practice medicine fails to submit a report or knowingly files false information in a report submitted pursuant to this section, the Board may, after providing the holder of a license to practice medicine with notice and opportunity for a hearing, impose against the holder of a license to practice medicine an administrative penalty for each such violation. The Board shall establish by regulation a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the holder of the license pursuant to this subsection. The regulations must include standards for determining the severity of the violation and may provide for a more severe penalty for multiple violations.***

8. As used in this section:

(a) "Conscious sedation" means a minimally depressed level of consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, in which the patient retains the ability independently and continuously to maintain an airway and to respond appropriately to physical stimulation and verbal commands.

(b) "Deep sedation" means a controlled state of depressed consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by a partial loss of protective reflexes and the inability to respond purposefully to verbal commands.

(c) "General anesthesia" means a controlled state of unconsciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by partial or complete loss of protective reflexes and the inability independently to maintain an airway and respond purposefully to physical stimulation or verbal commands.

(d) "Sentinel event" means an unexpected occurrence involving death or serious physical or psychological injury or the risk thereof, including, without limitation, any process variation for which a recurrence would carry a significant chance of serious adverse outcome. The term includes loss of limb or function.

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. Chapter 632 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 14, inclusive, of this act.

Sec. 11. ***1. An accredited or approved school of nursing, practical nursing or professional nursing may hire as an instructor for clinical practice a person who holds a bachelor's degree in nursing and has at least 5 years of nursing experience in patient care.***

2. As used in this section, "instructor for clinical practice" means a registered nurse whose primary role is educating prelicensure nursing students in a skills laboratory or practice site.

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. NRS 632.0126 is hereby amended to read as follows:

632.0126 "Approved school of nursing" means a school of nursing that is approved by the Board as meeting the standards for nursing education established by the Board pursuant to NRS 632.430 to 632.470, inclusive ~~[.]~~ ***, and section 11 of this act.***

Sec. 16. NRS 632.017 is hereby amended to read as follows:

632.017 "Practice of practical nursing" means the performance of selected acts in the care of the ill, injured or infirm under the direction of a registered professional nurse, an advanced practitioner of nursing, a licensed physician, a ~~[licensed]~~ physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** a licensed dentist or a licensed podiatric physician, not requiring the substantial specialized skill, judgment and knowledge required in professional nursing.

Sec. 17. NRS 632.018 is hereby amended to read as follows:

632.018 "Practice of professional nursing" means the performance of any act in the observation, care and counsel of the ill, injured or infirm, in the maintenance of health or prevention of illness of others, in the supervision and teaching of other personnel, in the administration of medications and treatments as prescribed by an advanced practitioner of nursing, a licensed physician, a ~~[licensed]~~ physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** a licensed dentist or a licensed podiatric physician, requiring substantial specialized judgment and skill based on knowledge and application of the principles of biological, physical and social science, but does not include acts of medical diagnosis or prescription of therapeutic or corrective measures.

Sec. 18. NRS 632.030 is hereby amended to read as follows:

632.030 1. The Governor shall appoint:

(a) Three registered nurses who are graduates of an accredited school of nursing, are licensed as professional nurses in the State of Nevada and have been actively engaged in nursing for at least 5 years preceding the appointment.

(b) One practical nurse who is a graduate of an accredited school of practical nursing, is licensed as a practical nurse in this State and has been actively engaged in nursing for at least 5 years preceding the appointment.

(c) One nursing assistant who is certified pursuant to the provisions of this chapter.

(d) One member who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

(e) One member who is a representative of the general public. This member must not be:

(1) A licensed practical nurse, a registered nurse, a nursing assistant or an advanced practitioner of nursing; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a licensed practical nurse, a registered nurse, a nursing assistant or an advanced practitioner of nursing.

2. Each member of the Board must be:

(a) A citizen of the United States; and

(b) A resident of the State of Nevada who has resided in this State for not less than 2 years.

3. A representative of the general public may not:

(a) Have a fiduciary obligation to a hospital or other health agency;

(b) Have a material financial interest in the rendering of health services; or

(c) Be employed in the administration of health activities or the performance of health services.

4. The members appointed to the Board pursuant to paragraphs (a) and (b) of subsection 1 must be selected to provide the broadest representation of the various activities, responsibilities and types of service within the practice of nursing and related areas, which may include, without limitation, experience:

(a) In administration.

(b) In education.

(c) As an advanced practitioner of nursing.

(d) In an agency or clinic whose primary purpose is to provide medical assistance to persons of low and moderate incomes.

(e) In a licensed medical facility.

5. Each member of the Board shall serve a term of 4 years. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this ~~[section]~~ ***chapter*** to replace that member for the remainder of the unexpired term.

6. No member of the Board may serve more than two consecutive terms. For the purposes of this subsection, service of 2 or more years in filling an unexpired term constitutes a term.

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who maintains or is employed by an agency to provide nursing in the home.

(f) Any employee of the Department of Health and Human Services.

(g) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(h) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(i) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(j) Any social worker.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section, "agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

Sec. 23. Chapter 633 of NRS is hereby amended by adding thereto the provisions set forth as sections 24 to 35, inclusive, of this act.

Sec. 24. ***1. Except as otherwise provided in NRS 633.315, the Board may issue a special license to a person who:***

(a) Is a graduate of a foreign school which teaches osteopathic medicine;

(b) Teaches, researches or practices osteopathic medicine outside the United States;

(c) Is a recognized expert in osteopathic medicine; and

(d) Intends to teach, research or practice clinical osteopathic medicine at a medical research facility or school of osteopathic medicine in this State.

2. A person who applies for a special license is not required to take or pass a written examination concerning his qualifications to practice osteopathic medicine, but the person must satisfy the requirements for a special license set forth in regulations adopted by the Board.

3. A person who holds a special license issued pursuant to this section may practice osteopathic medicine in this State only in accordance with the terms and restrictions established by the Board.

4. If a person who holds a special license issued pursuant to this section ceases to teach, research or practice clinical osteopathic medicine in this State at the medical research facility or school of osteopathic medicine where he is employed:

(a) The medical research facility or school of osteopathic medicine, as applicable, shall notify the Board; and

(b) Upon receipt of such notification, the special license expires automatically.

5. The Board may renew or modify a special license issued pursuant to this section, unless the special license has expired automatically or has been revoked.

6. The provisions of this section do not limit the authority of the Board to issue a special license to an applicant in accordance with any other provision of this chapter.

Sec. 25. ***1. Except as otherwise provided in NRS 633.315, the Board shall, except for good cause, issue a license by endorsement to a person who has been issued a license to practice osteopathic medicine by the District of Columbia or any state or territory of the United States if:***

(a) At the time the person files his application with the Board, the license is in effect and unrestricted; and

(b) The applicant:

(1) Is currently certified by either a specialty board of the American Board of Medical Specialties or a specialty board of the American Osteopathic Association, and was certified or recertified within the past 10 years;

(2) Has had no adverse actions reported to the National Practitioner Data Bank within the past 5 years;

(3) Has been continuously and actively engaged in the practice of osteopathic medicine within his specialty for the past 5 years;

(4) Is not involved in and does not have pending any disciplinary action concerning his license to practice osteopathic medicine in the District of Columbia or any state or territory of the United States;

(5) Provides information on all the medical malpractice claims brought against him, without regard to when the claims were filed or how the claims were resolved; and

(6) Meets all statutory requirements to obtain a license to practice osteopathic medicine in this State except that the applicant is not required to meet the requirements set forth in NRS 633.311.

2. Any person applying for a license pursuant to this section shall pay in advance to the Board the application and initial license fee specified in this chapter.

3. A license by endorsement may be issued at a meeting of the Board or between its meetings by its President and Executive Director. Such action shall be deemed to be an action of the Board.

Sec. 26. (Deleted by amendment.)

Sec. 27. ***A private nonprofit school of osteopathic medicine that is licensed by the Commission on Postsecondary Education and approved by the American Osteopathic Association's Commission on College Accreditation may, notwithstanding any provision of law to the contrary:***

1. Operate as a corporation or other business organization or association with ownership or control shared by persons licensed pursuant to this chapter and persons not licensed pursuant to this chapter;

2. Operate a clinic in conjunction with the school which is staffed by osteopathic physicians or physicians who are:

(a) Licensed pursuant to this chapter or chapter 630 of NRS, respectively; and

(b) Members of the faculty of the school; and

3. Retain all or a portion of the money generated by a clinic described in subsection 2, including, without limitation, any professional income generated by an osteopathic physician or physician staffing the clinic.

Sec. 28. ***1. A physician assistant may perform such medical services as:***

(a) He is authorized to perform by his supervising osteopathic physician; and

(b) Are within his supervising osteopathic physician's scope of practice.

2. The Board and supervising osteopathic physician shall limit the authority of a physician assistant to prescribe controlled substances to those schedules of controlled substances that the supervising osteopathic physician is authorized to prescribe pursuant to state and federal law.

Sec. 29. ***The Board may issue a license as a physician assistant to an applicant who is qualified under the regulations of the Board to perform medical services under the supervision of a supervising osteopathic physician. The application for a license as a physician assistant must include all information required to complete the application.***

Sec. 30. ***The Board shall adopt regulations regarding the licensure of a physician assistant, including, without limitation:***

1. The educational and other qualifications of applicants.

2. The required academic program for applicants.

3. The procedures for applications for and the issuance of licenses.

4. The tests or examinations of applicants by the Board.

5. The medical services which a physician assistant may perform, except that he may not perform osteopathic manipulative therapy or those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, doctors of Oriental medicine, podiatric physicians, optometrists and hearing aid specialists under chapters 631, 634, 634A, 635, 636 and 637A, respectively, of NRS.

6. The duration, renewal and termination of licenses.

7. The grounds and procedures respecting disciplinary actions against physician assistants.

8. The supervision of medical services of a physician assistant by a supervising osteopathic physician.

Sec. 31. ***1. A physician assistant shall:***

(a) Keep his license available for inspection at his primary place of business; and

(b) When engaged in his professional duties, identify himself as a physician assistant.

2. A physician assistant shall not bill a patient separately from his supervising osteopathic physician.

Sec. 32. ***1. An osteopathic physician may at any time refuse to act as a supervising osteopathic physician for a physician assistant.***

2. A condition, stipulation or provision in a contract or other agreement which:

(a) Requires an osteopathic physician to act as a supervising osteopathic physician for a physician assistant;

(b) Penalizes an osteopathic physician for refusing to act as a supervising osteopathic physician for a physician assistant; or

(c) Limits a supervising osteopathic physician's authority with regard to any protocol, standing order or delegation of authority applicable to a physician assistant supervised by the osteopathic physician,

➥ is against public policy and is void.

Sec. 33. ***An osteopathic physician who does not normally provide care to patients may not be a supervising osteopathic physician.***

Sec. 34. ***1. A supervising osteopathic physician shall provide supervision to his physician assistant continuously whenever the physician assistant is performing his professional duties.***

2. Except as otherwise provided in subsection 3, a supervising osteopathic physician may provide supervision to his physician assistant in person or by telecommunication. When providing supervision by telecommunication, a supervising osteopathic physician may be at a different site than the physician assistant.

3. A supervising osteopathic physician shall provide supervision to his physician assistant in person at all times during the first 30 days that the supervising osteopathic physician supervises the physician assistant. After the first 30 days, the supervising osteopathic physician shall not regularly maintain the physician assistant at a different site than the supervising osteopathic physician. The provisions of this subsection do not apply to a federally qualified health center.

4. Before beginning to supervise a physician assistant, a supervising osteopathic physician must communicate to the physician assistant:

(a) The scope of practice of the physician assistant;

(b) The access to the supervising osteopathic physician that the physician assistant will have; and

(c) Any processes for evaluation that the supervising osteopathic physician will use to evaluate the physician assistant.

5. A supervising osteopathic physician shall not delegate to his physician assistant, and his physician assistant shall not accept, a task that is beyond the physician assistant's capability to complete safely.

6. As used in this section, "federally qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

Sec. 35. ***1. A physician assistant licensed under the provisions of this chapter who is responding to a need for medical care created by an emergency or disaster, as declared by an applicable governmental entity, may render emergency care that is directly related to the emergency or disaster without the supervision of an osteopathic physician, as required by this chapter. The provisions of this subsection apply only for the duration of the emergency or disaster.***

2. An osteopathic physician who supervises a physician assistant who is rendering emergency care that is directly related to an emergency or disaster, as described in subsection 1, shall not be required to meet the requirements set forth in this chapter for such supervision.

Sec. 36. NRS 633.031 is hereby amended to read as follows:

633.031 ~~["Employing]~~ ***"Supervising*** osteopathic physician" means an osteopathic physician ***who is*** licensed in this State ~~[who employs]~~ ***, is in good standing with the Board*** and supervises ~~[an osteopathic physician's]~~ *a* ***physician*** assistant with Board approval.

Sec. 37. NRS 633.101 is hereby amended to read as follows:

633.101 ***"Physician*** assistant" means a person who is ***a graduate of an academic program*** approved by the Board ***or who, by general education, practical training and experience determined to be satisfactory by the Board, is qualified*** to perform medical services under the supervision of ***a supervising*** osteopathic physician ***and who has been issued a license by the Board.***

Sec. 38. NRS 633.131 is hereby amended to read as follows:

633.131 1. "Unprofessional conduct" includes:

(a) Willfully making a false or fraudulent statement or submitting a forged or false document in applying for a license to practice osteopathic medicine or in applying for renewal of a license to practice osteopathic medicine.

(b) Failure of a licensee ***of the practice of osteopathic medicine*** to designate his school of practice in the professional use of his name by the term D.O., osteopathic physician, doctor of osteopathy or a similar term.

(c) Directly or indirectly giving to or receiving from any person, corporation or other business organization any fee, commission, rebate or other form of compensation for sending, referring or otherwise inducing a person to communicate with an osteopathic physician in his professional capacity or for any professional services not actually and personally rendered, except as otherwise provided in subsection 2.

(d) Employing, directly or indirectly, any suspended or unlicensed person in the practice of osteopathic medicine, or the aiding or abetting of any unlicensed person to practice osteopathic medicine.

(e) Advertising the practice of osteopathic medicine in a manner which does not conform to the guidelines established by regulations of the Board.

(f) Engaging in any:

(1) Professional conduct which is intended to deceive or which the Board by regulation has determined is unethical; or

(2) Medical practice harmful to the public or any conduct detrimental to the public health, safety or morals which does not constitute gross or repeated malpractice or professional incompetence.

(g) Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, otherwise than in the course of legitimate professional practice or as authorized by law.

(h) Habitual drunkenness or habitual addiction to the use of a controlled substance.

(i) Performing, assisting in or advising an unlawful abortion or the injection of any liquid silicone substance into the human body.

(j) Willful disclosure of a communication privileged pursuant to a statute or court order.

(k) Willful disobedience of the regulations of the State Board of Health, the State Board of Pharmacy or the State Board of Osteopathic Medicine.

(l) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any prohibition made in this chapter.

(m) Failure of a licensee to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

(n) Making alterations to the medical records of a patient that the licensee knows to be false.

(o) Making or filing a report which the licensee knows to be false.

(p) Failure of a licensee to file a record or report as required by law, or willfully obstructing or inducing any person to obstruct such filing.

(q) Failure of a licensee to make medical records of a patient available for inspection and copying as provided by NRS 629.061.

2. It is not unprofessional conduct:

(a) For persons holding valid licenses ***to practice osteopathic medicine*** issued pursuant to this chapter to practice osteopathic medicine in partnership under a partnership agreement or in a corporation or an association authorized by law, or to pool, share, divide or apportion the fees and money received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the board of directors of the corporation or association;

(b) For two or more persons holding valid licenses ***to practice osteopathic medicine*** issued pursuant to this chapter to receive adequate compensation for concurrently rendering professional care to a patient and dividing a fee if the patient has full knowledge of this division and if the division is made in proportion to the services performed and the responsibility assumed by each; or

(c) For a person licensed ***to practice osteopathic medicine*** pursuant to the provisions of this chapter to form an association or other business relationship with an optometrist pursuant to the provisions of NRS 636.373.

Sec. 39. NRS 633.151 is hereby amended to read as follows:

633.151 The purpose of licensing osteopathic physicians and ~~[osteopathic physicians']~~ ***physician*** assistants is to protect the public health and safety and the general welfare of the people of this State. Any license issued pursuant to this chapter is a revocable privilege and a holder of such a license does not acquire thereby any vested right.

Sec. 39.5. NRS 633.286 is hereby amended to read as follows:

633.286 1. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:

(a) Disciplinary action taken by the Board during the previous biennium against osteopathic physicians for malpractice or negligence; ~~[and]~~

(b) Information reported to the Board during the previous biennium pursuant to NRS ~~[633.524,]~~ 633.526, 633.527, subsections 2 and 3 of NRS 633.533 and NRS 690B.250 and 690B.260 ~~[.]~~ ***; and***

(c) Information reported to the Board during the previous biennium pursuant to NRS 633.524, including, without limitation, the number and

types of surgeries performed by each holder of a license to practice osteopathic medicine and the occurrence of sentinel events arising from such surgeries, if any.

2. The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.

Sec. 40. NRS 633.301 is hereby amended to read as follows:

633.301 1. The Board shall keep a record of its proceedings relating to licensing and disciplinary actions. Except as otherwise provided in this section, the record must be open to public inspection at all reasonable times and contain the name, known place of business and residence, and the date and number of the license of every osteopathic physician ***and every physician assistant*** licensed under this chapter.

2. Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

3. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

4. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 41. NRS 633.321 is hereby amended to read as follows:

633.321 1. Every applicant for a license shall:

(a) File an application with the Board in the manner prescribed by regulations of the Board;

(b) Submit verified proof satisfactory to the Board that he meets ~~[the]~~ ***any*** age, citizenship and educational requirements prescribed by this chapter; and

(c) Pay in advance to the Board the application and initial license fee specified in this chapter.

2. An application filed with the Board pursuant to subsection 1 must include all information required to complete the application.

3. The Board may hold hearings and conduct investigations into any matter related to the application and, in addition to the proofs required by subsection 1, may take such further evidence and require such other documents or proof of qualifications as it deems proper.

4. The Board may reject an application if it appears that any credential submitted is false.

Sec. 42. NRS 633.322 is hereby amended to read as follows:

633.322 In addition to the other requirements for licensure ~~[,]~~ ***to practice osteopathic medicine,*** an applicant shall cause to be submitted to the Board a certificate of completion of progressive postgraduate training from the residency program where the applicant received training.

Sec. 43. NRS 633.328 is hereby amended to read as follows:

633.328 In addition to any other requirements set forth in this chapter, each applicant for a license , ~~[to practice osteopathic medicine,]~~ except a temporary or special license, ~~[or each osteopathic physician's assistant for whom an application to employ an osteopathic physician's assistant is submitted to the Board]~~ must submit to the Board a complete set of his fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

Sec. 44. NRS 633.371 is hereby amended to read as follows:

633.371 Every license ***to practice osteopathic medicine*** must be displayed in the office or place of business or employment of its holder.

Sec. 45. NRS 633.391 is hereby amended to read as follows:

633.391 1. The Board may issue a temporary license ***to practice osteopathic medicine in order*** to authorize a person who is qualified to practice osteopathic medicine in this State to serve as a substitute for ~~[an]~~ *:*

(a) A physician licensed pursuant to chapter 630 of NRS; or

(b) An osteopathic physician ***licensed pursuant to chapter 633 of NRS,***

➥ who is absent from his practice.

2. Each applicant for such a license shall pay the temporary license fee specified in this chapter.

3. A temporary license ***to practice osteopathic medicine*** is valid for not more than 6 months after issuance and is not renewable.

Sec. 46. NRS 633.401 is hereby amended to read as follows:

633.401 1. Except as otherwise provided in NRS 633.315, the Board may issue a special license ~~[:]~~ ***to practice osteopathic medicine:***

(a) To authorize a person who is licensed to practice osteopathic medicine in an adjoining state to come into Nevada to care for or assist in the treatment of his patients in association with an osteopathic physician in this State who has primary care of the patients.

(b) To a resident while he is enrolled in a postgraduate training program required pursuant to the provisions of paragraph (c) of subsection 4 of NRS 633.311.

(c) For a specified period and for specified purposes to a person who is licensed to practice osteopathic medicine in another jurisdiction.

2. A special license issued under this section may be renewed by the Board upon application of the licensee.

3. Every person who applies for or renews a special license under this section shall pay respectively the special license fee or special license renewal fee specified in this chapter.

Sec. 47. NRS 633.411 is hereby amended to read as follows:

633.411 1. Except as otherwise provided in NRS 633.315, the Board may issue a special license ***to practice osteopathic medicine*** to a person qualified under this section to authorize him to serve:

(a) As a resident medical officer in any hospital in Nevada. A person issued such a license shall practice osteopathic medicine only within the confines of the hospital specified in the license and under the supervision of the regular medical staff of that hospital.

(b) As a professional employee of the State of Nevada or of the United States. A person issued such a license shall practice osteopathic medicine only within the scope of his employment and under the supervision of the appropriate state or federal medical agency.

2. An applicant for a special license under this section must:

(a) Be a graduate of a school of osteopathic medicine and have completed a hospital internship.

(b) Pay the special license fee specified in this chapter.

3. The Board shall not issue a license under subsection 1 unless it has received a letter from a hospital in Nevada or from the appropriate state or federal medical agency requesting issuance of the special license to the applicant.

4. A special license issued under this section:

(a) Must be issued at a meeting of the Board or between its meetings by its President and Secretary subject to approval at the next meeting of the Board.

(b) Is valid for a period not exceeding 1 year, as determined by the Board.

(c) May be renewed by the Board upon application and payment by the licensee of the special license renewal fee specified in this chapter.

(d) Does not entitle the licensee to engage in the private practice of osteopathic medicine.

5. The issuance of a special license under this section does not obligate the Board to grant any regular license to practice osteopathic medicine.

Sec. 48. NRS 633.421 is hereby amended to read as follows:

633.421 Each license ***to practice osteopathic medicine*** issued by the Board:

1. Shall bear a seal adopted by the Board and the signatures of its President and Secretary; and

2. Authorizes the holder to practice osteopathic medicine so long as it is kept in force by appropriate renewal and is not revoked or suspended.

Sec. 49. NRS 633.466 is hereby amended to read as follows:

633.466 1. ~~[An osteopathic physician's]~~ ***A physician*** assistant may ~~[, under his certificate,]~~ be supervised by a physician licensed to practice medicine in this State ***pursuant to chapter 630 of NRS*** in place of his ~~[employing]~~ ***supervising*** osteopathic physician if:

(a) The ~~[osteopathic physician's]~~ ***physician*** assistant works in a geographical area where he can be conveniently supervised only by ***such*** a physician; ***and***

(b) The ~~[osteopathic physician's assistant remains in the employ of his employing osteopathic physician;~~

~~(c) The employing]~~ ***supervising*** osteopathic physician and the physician ***licensed pursuant to chapter 630 of NRS*** agree to the arrangement . ~~[; and]~~

~~[(d) The Board of Osteopathic Medicine and the Board of Medical Examiners approve it.]~~

2. ~~[For the purposes of chapter 630 of NRS, an osteopathic physician's]~~ ***A physician*** assistant so supervised is not a ~~[physician's]~~ ***physician*** assistant ***for the purposes of chapter 630 of NRS*** solely because of that supervision . ~~[and continues to practice osteopathic medicine.]~~

3. The ***State*** Board ***of Osteopathic Medicine*** shall adopt jointly with the Board of Medical Examiners regulations necessary to administer the provisions of this section.

Sec. 50. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection 4 and ~~[in]~~ NRS 633.491, every holder of a license ***to practice osteopathic medicine*** issued under this chapter, except a temporary or a special license, may renew his license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;

(b) Paying the annual license renewal fee specified in this chapter;

(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against him during the previous year;

(d) Submitting an affidavit to the Board that in the year preceding the application for renewal he has attended courses or programs of continuing education approved by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and

(e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee ***of the practice of osteopathic medicine*** of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license ~~[.]~~ ***to practice osteopathic medicine.*** Upon a request from the Board, an applicant for renewal of a license ***to practice osteopathic medicine*** shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal he attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

Sec. 51. NRS 633.481 is hereby amended to read as follows:

633.481 1. Except as otherwise provided in subsection 2, if a licensee ***of the practice of osteopathic medicine*** fails to comply with the requirements of NRS 633.471 within 30 days after the renewal date, the Board shall give 30 days' notice of failure to renew and of revocation of *the* license by certified mail to the licensee at his last address registered with the Board. If the license is not renewed before the expiration of the 30 days' notice, the license is automatically revoked without any further notice or a hearing and the Board shall file a copy of the notice with the Drug Enforcement Administration of the United States Department of Justice or its successor agency.

2. A licensee ***of the practice of osteopathic medicine*** who fails to meet the continuing education requirements for license renewal may apply to the Board for a waiver of the requirements. The Board may grant a waiver for that year only if it finds that the failure is due to the licensee's disability, military service or absence from the United States, or to circumstances beyond the control of the licensee which are deemed by the Board to excuse the failure.

3. A person whose license is revoked under this section may apply to the Board for restoration of his license upon:

(a) Payment of all past due renewal fees and the late payment fee specified in this chapter;

(b) Producing verified evidence satisfactory to the Board of completion of the total number of hours of continuing education required for the year preceding the renewal date and for each year succeeding the date of revocation;

(c) Stating under oath in writing that he has not withheld information from the Board which if disclosed would furnish grounds for disciplinary action under this chapter; and

(d) Submitting all information required to complete the restoration of his license.

Sec. 52. NRS 633.491 is hereby amended to read as follows:

633.491 1. A licensee ***of the practice of osteopathic medicine*** who retires from ~~[the practice of osteopathic medicine]~~ ***such practice*** need not annually renew his license after he files with the Board an affidavit stating the date on which he retired from practice and such other facts to verify his retirement as the Board deems necessary.

2. A retired licensee ***of the practice of osteopathic medicine*** who desires to return to practice may apply to renew his license by paying all back annual license renewal fees from the date of retirement and submitting verified evidence satisfactory to the Board that he has attended continuing education courses or programs approved by the Board which total:

(a) Twenty-five hours if he has been retired 1 year or less.

(b) Fifty hours within 12 months of the date of the application if he has been retired for more than 1 year.

3. A licensee ***of the practice of osteopathic medicine*** who wishes to have his license placed on inactive status must provide the Board with an affidavit stating the date on which he will cease the practice of osteopathic medicine in Nevada and any other facts that the Board may require. The Board shall place the license of the licensee on inactive status upon receipt of:

(a) The affidavit required pursuant to this subsection; and

(b) Payment of the inactive license fee prescribed by NRS 633.501.

4. A licensee ***of the practice of osteopathic medicine*** whose license has been placed on inactive status:

(a) Need not annually renew his license.

(b) Shall annually pay the inactive license fee prescribed by NRS 633.501.

(c) Shall not engage in the practice of osteopathic medicine in this State.

5. A licensee ***of the practice of osteopathic medicine*** whose license is on inactive status and who wishes to renew his license to practice osteopathic medicine must:

(a) Provide to the Board verified evidence satisfactory to the Board of completion of the total number of hours of continuing medical education required for:

(1) The year preceding the date of the application for renewal of the license to practice osteopathic medicine; and

(2) Each year succeeding the date the license was placed on inactive status.

(b) Provide to the Board an affidavit stating that the applicant has not withheld from the Board any information which would provide grounds for disciplinary action pursuant to this chapter.

(c) Comply with all other requirements for renewal.

Sec. 53. NRS 633.501 is hereby amended to read as follows:

633.501 The Board shall charge and collect fees not to exceed the following amounts:

1. Application and initial license fee ***for an osteopathic physician*** ... $800
2. Annual license renewal fee ***for an osteopathic physician*** 500
3. Temporary license fee 500
4. Special license fee 200
5. Special license renewal fee 200
6. Reexamination fee 200
7. Late payment fee 300
8. ~~[For a certificate as an osteopathic physician's]~~ ***Application and initial license fee for a physician*** assistant ..... ~~[500]~~ ***400***
9. ~~[Renewal of a certificate as an osteopathic physician's]~~ ***Annual license renewal fee for a physician*** assistant ..... ~~[300]~~ ***400***
10. ~~[For an application to employ an osteopathic physician's assistant ..... $500~~
~~11.]~~ Inactive license fee $200

Sec. 54. NRS 633.524 is hereby amended to read as follows:

633.524 1. The Board shall require each holder of a license ***to practice osteopathic medicine*** issued pursuant to this chapter to submit annually to the Board, on a form provided by the Board, and in the format required by the Board by regulation, a report ~~[~~:

~~(a) Stating]~~ ***stating*** the number and type of surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the holder of the license at his office or any other facility, excluding any surgical care performed:

~~[(1)]~~ ***(a)*** At a medical facility as that term is defined in NRS 449.0151; or

~~[(2)]~~ ***(b)*** Outside of this State . ~~[; and~~

~~(b) Reporting]~~

2. In addition to the report required pursuant to subsection 1, the Board shall require each holder of a license to practice osteopathic medicine to submit a report annually to the Board concerning the occurrence of any sentinel event arising from any ~~[such]~~ surgery ~~[~~.

~~2.]~~ ***described in subsection 1. The report must be submitted in the manner prescribed by the Board which must be substantially similar to the manner prescribed by the Administrator of the Health Division of the Department of Health and Human Services for reporting information pursuant to NRS 439.835.***

3. Each holder of a license to practice osteopathic medicine shall submit the report required pursuant to subsections 1 and 2 whether or not he performed any surgery described in subsection 1. Failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action ~~[~~.~~]~~ ***pursuant to NRS 633.511.***

~~[3.]~~ ***4.*** The Board shall:

(a) Collect and maintain reports received pursuant to subsection 1; and

(b) Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access.

~~[4.]~~ ***5.*** A report received pursuant to subsection 1 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

~~[5.]~~ ***6.*** The provisions of this section do not apply to surgical care requiring only the administration of oral medication to a patient to relieve the patient's anxiety or pain, if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.

~~[6.]~~ ***7. In addition to any other remedy or penalty, if a holder of a license to practice osteopathic medicine fails to submit a report or knowingly files false information in a report submitted pursuant to this section, the Board may, after providing the holder of a license to practice osteopathic medicine with notice and opportunity for a hearing, impose***

against the holder of a license an administrative penalty for each such violation. The Board shall establish by regulation a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the holder of the license to practice osteopathic medicine. The regulations must include standards for determining the severity of the violation and may provide for a more severe penalty for multiple violations.

8. As used in this section:

(a) "Conscious sedation" means a minimally depressed level of consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, in which the patient retains the ability independently and continuously to maintain an airway and to respond appropriately to physical stimulation and verbal commands.

(b) "Deep sedation" means a controlled state of depressed consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by a partial loss of protective reflexes and the inability to respond purposefully to verbal commands.

(c) "General anesthesia" means a controlled state of unconsciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by partial or complete loss of protective reflexes and the inability independently to maintain an airway and respond purposefully to physical stimulation or verbal commands.

(d) "Sentinel event" means an unexpected occurrence involving death or serious physical or psychological injury or the risk thereof, including, without limitation, any process variation for which a recurrence would carry a significant chance of serious adverse outcome. The term includes loss of limb or function.

Sec. 55. NRS 633.533 is hereby amended to read as follows:

633.533 1. Any person, medical school or medical facility that becomes aware that a person practicing osteopathic medicine in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action shall file a written complaint with the Board within 30 days after becoming aware of the conduct.

2. Any hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board any change in an osteopathic physician's privileges to practice osteopathic medicine while the osteopathic physician is under investigation and the outcome of any disciplinary action taken by that facility or society against the osteopathic physician concerning the care of a patient or the competency of the osteopathic physician within 30 days after the change in privileges is made or disciplinary action is taken. The Board shall report any failure to comply with this subsection by a hospital, clinic or other medical facility licensed in this State to the Health Division of the Department of Health and Human Services. If, after a hearing, the Health Division determines that any such facility or society failed to comply with the requirements of this subsection, the Division may

impose an administrative fine of not more than $10,000 against the facility or society for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

3. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that an osteopathic physician or ~~[osteopathic physician's]~~ ***physician*** assistant:

(a) Is mentally ill;

(b) Is mentally incompetent;

(c) Has been convicted of a felony or any law governing controlled substances or dangerous drugs;

(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or

(e) Is liable for damages for malpractice or negligence,

➥ within 45 days after such a finding, judgment or determination is made.

4. On or before January 15 of each year, the clerk of every court shall submit to the Office of Court Administrator created pursuant to NRS 1.320 a written report compiling the information that the clerk reported during the previous year to the Board regarding osteopathic physicians pursuant to paragraph (e) of subsection 3.

Sec. 56. NRS 633.711 is hereby amended to read as follows:

633.711 1. The Board through its President or Secretary or the Attorney General may maintain in any court of competent jurisdiction a suit for an injunction against any person practicing osteopathic medicine without a license ***to practice osteopathic medicine*** valid under this chapter.

2. Such an injunction:

(a) May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

(b) Shall not relieve such person from criminal prosecution for practicing without ***such*** a license.

Sec. 57. NRS 633.721 is hereby amended to read as follows:

633.721 In a criminal complaint charging any person with practicing osteopathic medicine without a license ~~[,]~~ ***to practice osteopathic medicine,*** it is sufficient to charge that he did, upon a certain day, and in a certain county of this State, engage in the practice of osteopathic medicine without having a valid license to do so, without averring any further or more particular facts concerning the violation.

Sec. 58. NRS 633.741 is hereby amended to read as follows:

633.741 A person who:

1. Except as otherwise provided in NRS 629.091, practices osteopathic medicine:

(a) Without a license ***to practice osteopathic medicine*** valid under this chapter; or

(b) Beyond the limitations ordered upon his practice by the Board or the court;

2. Presents as his own the diploma, license or credentials of another;

3. Gives either false or forged evidence of any kind to the Board or any of its members in connection with an application for a license *;* ~~[or an application to employ an osteopathic physician's assistant;]~~

4. Files for record the license issued to another, falsely claiming himself to be the person named in the license, or falsely claiming himself to be the person entitled to the license;

5. Practices osteopathic medicine under a false or assumed name or falsely personates another licensee of a like or different name;

6. Holds himself out as ~~[an osteopathic physician's]~~ ***a physician*** assistant or who uses any other term indicating or implying that he is ~~[an osteopathic physician's]~~ ***a physician*** assistant, unless he has been ~~[approved]~~ ***licensed*** by the Board ~~[,]~~ as provided in this chapter; or

7. ~~[Employs]~~ ***Supervises*** a person as ~~[an osteopathic physician's]~~ ***a physician*** assistant before such ~~[employment is approved]~~ ***person is licensed*** as provided in this chapter,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 59. (Deleted by amendment.)

Sec. 60. (Deleted by amendment.)

Sec. 61. (Deleted by amendment.)

Sec. 62. (Deleted by amendment.)

Sec. 63. Chapter 637 of NRS is hereby amended by adding thereto the provisions set forth as sections 64 and 65 of this act.

Sec. 64. ***1. The Board shall issue a special license as a dispensing optician to an applicant who:***

(a) Is at least 18 years of age;

(b) Is of good moral character;

(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(d) Is a graduate of an accredited high school or its equivalent;

(e) Has passed the National Opticianry Competency Examination of the American Board of Opticianry;

(f) Is currently certified by the American Board of Opticianry;

(g) Has passed the Contact Lens Registry Examination of the National Contact Lens Examiners;

(h) Is currently certified by the National Contact Lens Examiners;

(i) Has passed an examination, if one exists, which is based solely on the provisions of this chapter and chapter 637 of NAC and is administered by the Board; and

(j) Has either:

(1) An active license as a dispensing optician issued by the District of Columbia or any state or territory of the United States; or

(2) Not less than 5 years of experience as a dispensing optician.

2. A person practicing ophthalmic dispensing pursuant to a special license as provided in this section is subject to the provisions of this chapter in the same manner as a person practicing ophthalmic dispensing pursuant to a license issued pursuant to NRS 637.120, including, without limitation, the provisions of this chapter governing the renewal, inactivity or reactivation of a license.

Sec. 65. (Deleted by amendment.)

Sec. 66. (Deleted by amendment.)

Sec. 67. (Deleted by amendment.)

Sec. 68. (Deleted by amendment.)

Sec. 69. NRS 639.0125 is hereby amended to read as follows:

639.0125 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced practitioner of nursing who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. ~~[An osteopathic physician's]~~ ***A physician*** assistant who:

(a) Holds a ~~[certificate]~~ ***license*** issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; or

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when he prescribes or administers therapeutic pharmaceutical agents within the scope of his certification.

Sec. 70. NRS 639.030 is hereby amended to read as follows:

639.030 1. The Governor shall appoint:

(a) Six members who are registered pharmacists in the State of Nevada, are actively engaged in the practice of pharmacy in the State of Nevada and have had at least 5 years' experience as registered pharmacists preceding the appointment.

(b) One member who is a representative of the general public and is not related to a pharmacist registered in the State of Nevada by consanguinity or affinity within the third degree.

2. Appointments of registered pharmacists must be representative of the practice of pharmacy.

3. Within 30 days after his appointment, each member of the Board shall take and subscribe an oath to discharge faithfully and impartially the duties prescribed by this chapter.

4. After the initial terms, the members of the Board must be appointed to terms of 3 years. A person may not serve as a member of the Board for more than three consecutive terms. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this ~~[section]~~ ***chapter*** to replace that member for the remainder of the unexpired term.

5. The Governor shall remove from the Board any member, after a hearing, for neglect of duty or other just cause.

Sec. 71. NRS 639.1373 is hereby amended to read as follows:

639.1373 1. A physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** ~~[or an osteopathic physician's assistant]~~ may, if authorized by the Board, possess, administer, prescribe or dispense controlled substances, or possess, administer, prescribe or dispense poisons, dangerous drugs or devices in or out of the presence of his supervising physician only to the extent and subject to the limitations specified in the registration certificate issued to the physician assistant ~~[or osteopathic physician's assistant, as appropriate,]~~ by the Board pursuant to this section.

2. Each physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** ~~[and osteopathic physician's assistant]~~ who is authorized by his physician assistant's license issued by the Board of Medical Examiners or ~~[certificate issued]~~ by the State Board of Osteopathic Medicine ***, respectively,*** to possess, administer, prescribe or dispense controlled substances, or to possess, administer, prescribe or dispense poisons, dangerous drugs or devices must apply for and obtain a registration certificate from the Board, pay a fee to be set by regulations adopted by the Board and pass an examination administered by the Board on the law relating to pharmacy before he can possess, administer, prescribe or dispense controlled substances, or possess, administer, prescribe or dispense poisons, dangerous drugs or devices.

3. The Board shall consider each application separately and may, even though the physician assistant's license issued by the Board of Medical Examiners or ~~[the osteopathic physician's assistant's certificate issued]~~ by the State Board of Osteopathic Medicine authorizes the physician assistant ~~[or osteopathic physician's assistant, as appropriate,]~~ to possess, administer, prescribe or dispense controlled substances, or to possess, administer, prescribe or dispense poisons, dangerous drugs and devices:

(a) Refuse to issue a registration certificate;

(b) Issue a registration certificate limiting the authority of the physician assistant ~~[or osteopathic physician's assistant, as appropriate,]~~ to possess, administer, prescribe or dispense controlled substances, or to possess, administer, prescribe or dispense poisons, dangerous drugs or devices, the

area in which the physician assistant ~~[or osteopathic physician's assistant]~~ may possess controlled substances, poisons, dangerous drugs and devices, or the kind and amount of controlled substances, poisons, dangerous drugs and devices; or

(c) Issue a registration certificate imposing other limitations or restrictions which the Board feels are necessary and required to protect the health, safety and welfare of the public.

4. If the registration of the physician assistant ~~[or osteopathic physician's assistant]~~ ***licensed pursuant to chapter 630 or 633 of NRS*** is suspended or revoked, the physician's controlled substance registration may also be suspended or revoked.

5. The Board shall adopt regulations controlling the maximum amount to be administered, possessed and dispensed, and the storage, security, recordkeeping and transportation of controlled substances and the maximum amount to be administered, possessed, prescribed and dispensed and the storage, security, recordkeeping and transportation of poisons, dangerous drugs and devices by physician assistants ~~[and osteopathic physicians' assistants.]~~ ***licensed pursuant to chapter 630 or 633 of NRS.*** In the adoption of those regulations, the Board shall consider, but is not limited to, the following:

(a) The area in which the physician assistant ~~[or osteopathic physician's assistant]~~ is to operate;

(b) The population of that area;

(c) The experience and training of the physician assistant *;* ~~[or osteopathic physician's assistant;]~~

(d) The distance to the nearest hospital and physician; and

(e) The effect on the health, safety and welfare of the public.

6. For the purposes of this section, the term "supervising physician" includes ~~[an employing]~~ ***a supervising*** osteopathic physician as defined in chapter 633 of NRS.

Sec. 72. Chapter 640 of NRS is hereby amended by adding thereto the provisions set forth as sections 73 and 74 of this act.

Sec. 73. (Deleted by amendment.)

Sec. 74. ***The Board shall elect a Chairman and other officers from among its members.***

Sec. 75. (Deleted by amendment.)

Sec. 76. NRS 640A.080 is hereby amended to read as follows:

640A.080 1. The Board of Occupational Therapy, consisting of five members appointed by the Governor, is hereby created.

2. The Governor shall appoint to the Board:

(a) One member who is a representative of the general public. This member must not be:

(1) An occupational therapist or an occupational therapy assistant; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of an occupational therapist or an occupational therapy assistant.

(b) One member who is an occupational therapist or occupational therapy assistant.

(c) Three members who are occupational therapists.

3. Each member of the Board must be a resident of Nevada. An occupational therapist or occupational therapy assistant appointed to the Board must:

(a) Have practiced, taught or conducted research in occupational therapy for the 5 years immediately preceding his appointment; and

(b) Except for the initial members, hold a license issued pursuant to this chapter.

4. No member of the Board may serve more than two consecutive terms.

5. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this ~~[section]~~ ***chapter*** to replace that member for the remainder of the unexpired term.

Sec. 77. (Deleted by amendment.)

Sec. 78. (Deleted by amendment.)

Sec. 79. NRS 640C.150 is hereby amended to read as follows:

640C.150 1. The Board of Massage Therapists is hereby created. The Board consists of seven members appointed pursuant to this ~~[section]~~ ***chapter*** and one nonvoting advisory member appointed pursuant to NRS 640C.160.

2. The Governor shall appoint to the Board seven members as follows:

(a) Six members who:

(1) Are licensed to practice massage therapy in this State; and

(2) Have engaged in the practice of massage therapy for the 2 years immediately preceding their appointment.

➥ Of the six members appointed pursuant to this paragraph, three members must be residents of Clark County, two members must be residents of Washoe County and one member must be a resident of a county other than Clark County or Washoe County.

(b) One member who is a member of the general public. This member must not be:

(1) A massage therapist; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a massage therapist.

3. ~~[The Governor may, in making his appointments to the Board pursuant to paragraph (a) of subsection 2, consider for appointment to the Board a person recommended to him by any person or group.~~

~~4.]~~ The members who are appointed to the Board pursuant to paragraph (a) of subsection 2 must continue to practice massage therapy in this State while they are members of the Board.

~~[5.]~~ *4.* After the initial terms, the term of each member of the Board is 4 years. A member may continue in office until the appointment of a successor.

~~[6.]~~ *5.* A member of the Board may not serve more than two consecutive terms. A former member of the Board is eligible for reappointment to the

Board if that person has not served on the Board during the 4 years immediately preceding the reappointment.

~~[7.]~~ ***6.*** A vacancy must be filled by appointment for the unexpired term in the same manner as the original appointment.

~~[8.]~~ ***7.*** The Governor may remove any member of the Board for incompetence, neglect of duty, moral turpitude or misfeasance, malfeasance or nonfeasance in office.

Sec. 80. (Deleted by amendment.)

Sec. 81. (Deleted by amendment.)

Sec. 82. (Deleted by amendment.)

Sec. 83. (Deleted by amendment.)

Sec. 84. NRS 652.210 is hereby amended to read as follows:

652.210 No person other than a licensed physician, a licensed optometrist, a licensed practical nurse, a registered nurse, a ~~[licensed]~~ physician assistant ~~[, a certified osteopathic physician's assistant,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** a certified intermediate emergency medical technician, a certified advanced emergency medical technician, a practitioner of respiratory care licensed pursuant to chapter 630 of NRS or a licensed dentist may manipulate a person for the collection of specimens, except that technical personnel of a laboratory may collect blood, remove stomach contents, perform certain diagnostic skin tests or field blood tests or collect material for smears and cultures.

Sec. 85. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail;

(5) A justice of the Supreme Court, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph; or

(6) An employee of the State or a political subdivision of the State whose official duties require him to make home visits.

(c) "Provider of health care" means a physician, a physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 of NRS,*** a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, ~~[an osteopathic physician's assistant,]~~ ***a physician assistant licensed pursuant to chapter 633 of NRS,*** a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractor, a chiropractor's

assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a dentist, a dental hygienist, a pharmacist, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist and an emergency medical technician.

(d) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100.

(e) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(f) "Sports official" has the meaning ascribed to it in NRS 41.630.

(g) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(h) "Taxicab driver" means a person who operates a taxicab.

(i) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) of this subsection does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon, or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(c) If paragraph (d) of this subsection does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his duty or upon a sports official based on the performance of his duties at a sporting event, and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his duty or upon a sports official based on the performance of his duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state

prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 86. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:

(1) The local office of the Aging Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging Services Division of the Department of Health and Human Services.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Any employee of the Department of Health and Human Services.

(g) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(h) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(i) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met.

(j) Every social worker.

(k) Any person who owns or is employed by a funeral home or mortuary.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney and the Aging Services Division of the Department of Health and Human Services his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging Services Division of the Department of Health and Human Services, must be forwarded to the Aging Services Division within 90 days after the completion of the report.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, the Aging Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if he is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 87. NRS 200.50935 is hereby amended to read as follows:

200.50935 1. Any person who is described in subsection 3 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited or isolated shall:

(a) Report the abuse, neglect, exploitation or isolation of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the vulnerable person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

3. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of a vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide nursing in the home.

(e) Any employee of the Department of Health and Human Services.

(f) Any employee of a law enforcement agency or an adult or juvenile probation officer.

(g) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.

(h) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of a vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(i) Every social worker.

(j) Any person who owns or is employed by a funeral home or mortuary.

4. A report may be made by any other person.

5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner,

who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

6. A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.

7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 88. NRS 244.1605 is hereby amended to read as follows:

244.1605 The boards of county commissioners may:

1. Establish, equip and maintain limited medical facilities in the outlying areas of their respective counties to provide outpatient care and emergency treatment to the residents of and those falling sick or being injured or maimed in those areas.

2. Provide a full-time or part-time staff for the facilities which may include a physician, a ~~[licensed]~~ physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** a registered nurse or a licensed practical nurse, a certified emergency medical technician and such other personnel as the board deems necessary or appropriate to ensure adequate staffing commensurate with the needs of the area in which the facility is located.

3. Fix the charges for the medical and nursing care and medicine furnished by the facility to those who are able to pay for them, and to provide that care and medicine free of charge to those persons who qualify as medical indigents under the county's criteria of eligibility for medical care.

4. Purchase, equip and maintain, either in connection with a limited medical facility as authorized in this section or independent therefrom, ambulances and ambulance services for the benefit of the residents of and those falling sick or being injured or maimed in the outlying areas.

Sec. 89. NRS 244.3821 is hereby amended to read as follows:

244.3821 1. In addition to the powers elsewhere conferred upon all counties, except as otherwise provided in subsection 2, any county may establish a medical scholarship program to induce students in the medical professions to return to the county for practice.

2. Any county whose population is 100,000 or more may only establish a medical scholarship program to induce students in the medical professions to return to the less populous rural communities of the county for practice.

3. Students in the medical professions for the purposes of NRS 244.382 to 244.3823, inclusive, include persons studying to be physician assistants ~~[.]~~ ***licensed pursuant to chapter 630 or 633 of NRS.***

4. The board of county commissioners of a county that has established a medical scholarship program may appropriate money from the general fund of the county for medical scholarship funds and may accept private contributions to augment the scholarship funds.

Sec. 90. NRS 397.0617 is hereby amended to read as follows:

397.0617 1. The provisions of this section apply only to support fees received by a student on or after July 1, 1997.

2. The three Nevada State Commissioners, acting jointly, may require a student who is certified to study to practice in a profession which could benefit a medically underserved area of this State, as that term is defined by the Officer of Rural Health of the University of Nevada School of Medicine, to practice in such an area or to practice in an area designated by the Secretary of Health and Human Services:

(a) Pursuant to 42 U.S.C. § 254c, as containing a medically underserved population; or

(b) Pursuant to 42 U.S.C. § 254e, as a health professional shortage area,

➥ as a condition to receiving a support fee.

3. If a person agrees to practice in a medically underserved area of this State pursuant to subsection 2 for at least 2 years, the three Nevada State Commissioners, acting jointly, may forgive the portion of the support fee designated as the loan of the person.

4. If a person returns to this State but does not practice in a medically underserved area of this State pursuant to subsection 2 for at least 2 years, the three Nevada State Commissioners, acting jointly, shall assess a default charge in an amount not less than three times the portion of the support fee designated as the loan of the person, plus interest.

5. As used in this section, a "profession which could benefit a medically underserved area of this State" includes, without limitation, dentistry, physical therapy, pharmacy and practicing as a physician assistant ~~[.]~~ ***licensed pursuant to chapter 630 or 633 of NRS.***

Sec. 91. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of his home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the

abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, clinical social worker, athletic trainer, advanced emergency medical technician or other person providing medical services licensed or certified in this State.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of suspected abuse or neglect of a child by a member of the staff of the hospital.

(c) A coroner.

(d) A clergyman, practitioner of Christian Science or religious healer, unless he has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A social worker and an administrator, teacher, librarian or counselor of a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) An attorney, unless he has acquired the knowledge of the abuse or neglect from a client who is or may be accused of the abuse or neglect.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for an approved youth shelter. As used in this paragraph, "approved youth shelter" has the meaning ascribed to it in NRS 244.422.

(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the report and submit to an agency which provides child welfare services his written findings. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

Sec. 92. NRS 433A.165 is hereby amended to read as follows:

433A.165 1. Before an allegedly mentally ill person may be transported to a public or private mental health facility pursuant to NRS 433A.160, the person must:

(a) First be examined by a licensed physician or physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** or an advanced practitioner of nursing to determine whether the person has a medical problem, other than a psychiatric problem, which requires immediate treatment; and

(b) If such treatment is required, be admitted for the appropriate medical care:

(1) To a hospital if the person is in need of emergency services or care; or

(2) To another appropriate medical facility if the person is not in need of emergency services or care.

2. The examination and any transfer of the person from a facility when the person has an emergency medical condition and has not been stabilized must be conducted in compliance with:

(a) The requirements of 42 U.S.C. § 1395dd and any regulations adopted pursuant thereto, and must involve a person authorized pursuant to federal law to conduct such an examination or certify such a transfer; and

(b) The provisions of NRS 439B.410.

3. The cost of the examination must be paid by the county in which the allegedly mentally ill person resides if services are provided at a county hospital located in that county or a hospital or other medical facility designated by that county, unless the cost is voluntarily paid by the allegedly mentally ill person or, on his behalf, by his insurer or by a state or federal program of medical assistance.

4. The county may recover all or any part of the expenses paid by it, in a civil action against:

(a) The person whose expenses were paid;

(b) The estate of that person; or

(c) A responsible relative as prescribed in NRS 433A.610, to the extent that financial ability is found to exist.

5. The cost of treatment, including hospitalization, for an indigent must be paid pursuant to NRS 428.010 by the county in which the allegedly mentally ill person resides.

6. The Division shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations that:

(a) Define "emergency services or care" as that term is used in this section; and

(b) Prescribe the type of medical facility that a person may be admitted to pursuant to subparagraph (2) of paragraph (b) of subsection 1.

7. As used in this section, "medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 93. NRS 440.415 is hereby amended to read as follows:

440.415 1. A physician who anticipates the death of a patient because of an illness, infirmity or disease may authorize a specific registered nurse or physician assistant or the registered nurses or physician assistants employed by a medical facility or program for hospice care to make a pronouncement of death if they attend the death of the patient.

2. Such an authorization is valid for 120 days. Except as otherwise provided in subsection 3, the authorization must:

(a) Be a written order entered on the chart of the patient;

(b) State the name of the registered nurse or nurses or physician assistant or assistants authorized to make the pronouncement of death; and

(c) Be signed and dated by the physician.

3. If the patient is in a medical facility or under the care of a program for hospice care, the physician may authorize the registered nurses or physician assistants employed by the facility or program to make pronouncements of death without specifying the name of each nurse or physician assistant, as applicable.

4. If a pronouncement of death is made by a registered nurse or physician assistant, the physician who authorized that action shall sign the medical certificate of death within 24 hours after being presented with the certificate.

5. If a patient in a medical facility is pronounced dead by a registered nurse or physician assistant employed by the facility, the registered nurse or physician assistant may release the body of the patient to a licensed funeral director pending the completion of the medical certificate of death by the attending physician if the physician or the medical director or chief of the medical staff of the facility has authorized the release in writing.

6. The Board may adopt regulations concerning the authorization of a registered nurse or physician assistant to make pronouncements of death.

7. As used in this section:

(a) "Medical facility" means:

(1) A facility for skilled nursing as defined in NRS 449.0039;

(2) A facility for hospice care as defined in NRS 449.0033;

(3) A hospital as defined in NRS 449.012;

(4) An agency to provide nursing in the home as defined in NRS 449.0015; or

(5) A facility for intermediate care as defined in NRS 449.0038.

(b) "Physician assistant" means a person who holds a license as a physician assistant pursuant to chapter 630 ***or 633*** of NRS . ~~[or a certificate as an osteopathic physician's assistant pursuant to chapter 633 of NRS.]~~

(c) "Program for hospice care" means a program for hospice care licensed pursuant to chapter 449 of NRS.

(d) "Pronouncement of death" means a declaration of the time and date when the cessation of the cardiovascular and respiratory functions of a patient occurs as recorded in the patient's medical record by the attending provider of health care in accordance with the provisions of this chapter.

Sec. 94. NRS 441A.110 is hereby amended to read as follows:

441A.110 "Provider of health care" means a physician, nurse ~~[, physician assistant]~~ or veterinarian licensed in accordance with state law ~~[.]~~ ***or a physician assistant licensed pursuant to chapter 630 or 633 of NRS.***

Sec. 95. NRS 441A.540 is hereby amended to read as follows:

441A.540 1. If a person infected with or exposed to a communicable disease is voluntarily isolated or quarantined in a public or private medical facility, the facility shall not change the status of the person to an emergency isolation or quarantine unless, before the change in status is made:

(a) The facility provides:

(1) An application to a health authority for an emergency isolation or quarantine pursuant to NRS 441A.560; and

(2) The certificate of a health authority, physician, ~~[licensed]~~ physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** or registered nurse to a health authority pursuant to NRS 441A.570; or

(b) The facility receives an order for isolation or quarantine issued by a health authority.

2. A person whose status is changed to an emergency isolation or quarantine pursuant to subsection 1:

(a) Must not be detained in excess of 48 hours after the change in status is made, unless within that period a written petition is filed by a health authority with the clerk of the district court pursuant to NRS 441A.600; and

(b) May, immediately after his status is changed, seek an injunction or other appropriate process in district court challenging his detention.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

4. Nothing in this section limits the actions that a public or private medical facility may take to prevent or limit the transmission of communicable diseases within the medical facility, including, without limitation, practices for the control of infections.

Sec. 96. NRS 441A.560 is hereby amended to read as follows:

441A.560 1. An application to a health authority for an order of emergency isolation or quarantine of a person or a group of persons alleged to have been infected with or exposed to a communicable disease may only be made by another health authority, a physician, a ~~[licensed]~~ physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** a registered nurse or a medical facility by submitting the certificate required by NRS 441A.570. Within its jurisdiction, upon application or on its own, subject to the provisions of NRS 441A.500 to 441A.720, inclusive, a health authority may:

(a) Pursuant to its own order and without a warrant:

(1) Take a person or group of persons alleged to and reasonably believed by the health authority to have been infected with or exposed to a communicable disease into custody in any safe location under emergency isolation or quarantine for testing, examination, observation and the provision of or arrangement for the provision of consensual medical treatment; and

(2) Transport the person or group of persons alleged to and reasonably believed by the health authority to have been infected with or exposed to a communicable disease to a public or private medical facility, a residence or other safe location for that purpose, or arrange for the person or group of persons to be transported for that purpose by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the Transportation Services Authority; or

(III) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

➥ only if the health authority acting in good faith has, based upon personal observation, its own epidemiological investigation or an epidemiological investigation by another health authority, a physician, a ~~[licensed]~~ physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** or a registered nurse as stated in a certificate submitted pursuant to NRS 441A.570, if such a certificate was submitted, of the person or group of persons alleged to have been infected with or exposed to a communicable disease, a reasonable factual and medical basis to believe that the person or group of persons has been infected with or exposed to a communicable disease, and that because of the risks of that disease, the person or group of persons is likely to be an immediate threat to the health of members of the public who have not been infected with or exposed to the communicable disease.

(b) Petition a district court for an emergency order requiring:

(1) Any health authority or peace officer to take a person or group of persons alleged to have been infected with or exposed to a communicable disease into custody to allow the health authority to investigate, file and prosecute a petition for the involuntary court-ordered isolation or quarantine of the person or group of persons alleged to have been infected with or exposed to a communicable disease in the manner set forth in NRS 441A.500 to 441A.720, inclusive; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport, in accordance with such court order, the person or group of persons alleged to have been infected with or exposed to a communicable disease to a public or private medical facility, a residence or other safe location for that purpose.

2. The district court may issue an emergency order for isolation or quarantine pursuant to paragraph (b) of subsection 1:

(a) Only for the time deemed necessary by the court to allow a health authority to investigate, file and prosecute each petition for involuntary court-ordered isolation or quarantine pursuant to NRS 441A.500 to 441A.720, inclusive; and

(b) Only if it is satisfied that there is probable cause to believe that the person or group of persons alleged to have been infected with or exposed to a communicable disease has been infected with or exposed to a communicable disease, and that because of the risks of that disease, the person or group of persons is likely to be an immediate threat to the health of the public.

Sec. 97. NRS 441A.570 is hereby amended to read as follows:

441A.570 A health authority shall not accept an application for an emergency isolation or quarantine under NRS 441A.560 unless that application is accompanied by a certificate of another health authority or a physician, ~~[licensed]~~ physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** or registered nurse stating that he has examined the person or group of persons alleged to have been infected with or exposed to a communicable disease or has investigated the circumstances of potential infection or exposure regarding the person or group of persons alleged to have been infected with or exposed to a communicable disease and that he has concluded that the person or group of persons has been infected with or exposed to a communicable disease, and that because of the risks of that disease, the person or group of persons is likely to be an immediate threat to the health of the public. The certificate required by this section may be obtained from a physician, ~~[licensed]~~ physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** or registered nurse who is employed by the public or private medical facility in which the person or group of persons is admitted or detained and from the facility from which the application is made.

Sec. 98. NRS 441A.580 is hereby amended to read as follows:

441A.580 1. No application or certificate authorized under NRS 441A.560 or 441A.570 may be considered if made by a person on

behalf of a medical facility or by a health authority, physician, ~~[licensed]~~ physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** or registered nurse who is related by blood or marriage to the person alleged to have been infected with or exposed to a communicable disease, or who is financially interested, in a manner that would be prohibited pursuant to NRS 439B.425 if the application or certificate were deemed a referral, in a medical facility in which the person alleged to have been infected with or exposed to a communicable disease is to be detained.

2. No application or certificate of any health authority or person authorized under NRS 441A.560 or 441A.570 may be considered unless it is based on personal observation, examination or epidemiological investigation of the person or group of persons alleged to have been infected with or exposed to a communicable disease made by such health authority or person not more than 72 hours before the making of the application or certificate. The certificate must set forth in detail the facts and reasons on which the health authority or person who submitted the certificate pursuant to NRS 441A.570 based his opinions and conclusions.

Sec. 99. NRS 441A.600 is hereby amended to read as follows:

441A.600 A proceeding for an involuntary court-ordered isolation or quarantine of any person in this State may be commenced by a health authority filing a petition with the clerk of the district court of the county where the person is to be isolated or quarantined. The petition may be pled in the alternative for both isolation and quarantine, if required by developing or changing facts, and must be accompanied:

1. By a certificate of a health authority or a physician, a ~~[licensed]~~ physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** or a registered nurse stating that he has examined the person alleged to have been infected with or exposed to a communicable disease or has investigated the circumstances of potential infection or exposure regarding the person alleged to have been infected with or exposed to a communicable disease and has concluded that the person has been infected with or exposed to a communicable disease, and that because of the risks of that disease, the person is likely to be an immediate threat to the health of the public; or

2. By a sworn written statement by the health authority that:

(a) The health authority has, based upon its personal observation of the person alleged to have been infected with or exposed to a communicable disease, or its epidemiological investigation of the circumstances of potential infection or exposure regarding the person alleged to have been infected with or exposed to a communicable disease, a reasonable factual and medical basis to believe that the person has been infected with or exposed to a communicable disease and, that because of the risks of that disease, the person is likely to be an immediate threat to the health of the public; and

(b) The person alleged to have been infected with or exposed to a communicable disease has refused to submit to voluntary isolation or

quarantine, examination, testing, or treatment known to control or resolve the transmission of the communicable disease.

Sec. 100. NRS 441A.610 is hereby amended to read as follows:

441A.610 In addition to the requirements of NRS 441A.600, a petition filed pursuant to that section with the clerk of the district court to commence proceedings for involuntary court-ordered isolation or quarantine of a person pursuant to NRS 441A.540 or 441A.550 must include a certified copy of:

1. If an application for an order of emergency isolation or quarantine of the person was made pursuant to NRS 441A.560, the application for the emergency isolation or quarantine of the person made to the petitioning health authority pursuant to NRS 441A.560; and

2. A petition executed by a health authority, including, without limitation, a sworn statement that:

(a) The health authority or a physician, ~~[licensed]~~ physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** or registered nurse who submitted a certificate pursuant to NRS 441A.570, if such a certificate was submitted, has examined the person alleged to have been infected with or exposed to a communicable disease;

(b) In the opinion of the health authority, there is a reasonable degree of certainty that the person alleged to have been infected with or exposed to a communicable disease is currently capable of transmitting the disease, or is likely to become capable of transmitting the disease in the near future;

(c) Based on either the health authority's personal observation of the person alleged to have been infected with or exposed to the communicable disease or the health authority's epidemiological investigation of the circumstances of potential infection or exposure regarding the person alleged to have been infected with or exposed to the communicable disease, and on other facts set forth in the petition, the person likely poses an immediate threat to the health of the public; and

(d) In the opinion of the health authority, involuntary isolation or quarantine of the person alleged to have been infected with or exposed to a communicable disease to a public or private medical facility, residence or other safe location is necessary to prevent the person from immediately threatening the health of the public.

Sec. 101. NRS 441A.630 is hereby amended to read as follows:

441A.630 1. After the filing of a petition to commence proceedings for the involuntary court-ordered isolation or quarantine of a person pursuant to NRS 441A.600 or 441A.610, the court shall promptly cause two or more physicians or ~~[licensed]~~ physician assistants ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** at least one of whom must always be a physician, to either examine the person alleged to have been infected with or exposed to a communicable disease or assess the likelihood that the person alleged to have been infected with or exposed to a communicable disease has been so infected or exposed.

2. To conduct the examination or assessment of a person who is not being detained at a public or private medical facility, residence or other safe location under emergency isolation or quarantine pursuant to the emergency order of a health authority or court made pursuant to NRS 441A.550 or 441A.560, the court may order a peace officer to take the person into protective custody and transport him to a public or private medical facility, residence or other safe location where he may be detained until a hearing is held upon the petition.

3. If the person is being detained at his home or other place of residence under an emergency order of a health authority or court pursuant to NRS 441A.550 or 441A.560, he may be allowed to remain in his home or other place of residence pending an ordered assessment, examination or examinations and to return to his home or other place of residence upon completion of the assessment, examination or examinations if such remaining or returning would not constitute an immediate threat to others residing in his home or place of residence.

4. Each physician and ~~[licensed]~~ physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** who examines or assesses a person pursuant to subsection 1 shall, not later than 24 hours before the hearing set pursuant to NRS 441A.620, submit to the court in writing a summary of his findings and evaluation regarding the person alleged to have been infected with or exposed to a communicable disease.

Sec. 102. NRS 441A.640 is hereby amended to read as follows:

441A.640 1. The Health Division shall establish such evaluation teams as are necessary to aid the courts under NRS 441A.630 and 441A.700.

2. Each team must be composed of at least two physicians, or at least one physician and one physician assistant ~~[.]~~ ***licensed pursuant to chapter 630 or 633 of NRS.***

3. Fees for the evaluations must be established and collected as set forth in NRS 441A.650.

Sec. 103. NRS 441A.670 is hereby amended to read as follows:

441A.670 In proceedings for involuntary court-ordered isolation or quarantine, the court shall hear and consider all relevant testimony, including, but not limited to, the testimony of examining personnel who participated in the evaluation of the person alleged to have been infected with or exposed to a communicable disease and the certificates, if any, of a health authority or a physician, ~~[licensed]~~ physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** **or** registered nurse accompanying the petition.

Sec. 104. NRS 441A.720 is hereby amended to read as follows:

441A.720 When any involuntary court isolation or quarantine is ordered under the provisions of NRS 441A.500 to 441A.720, inclusive, the involuntarily isolated or quarantined person, together with the court orders, any certificates of the health authorities, physicians, ~~[licensed]~~ physician assistants ***licensed pursuant to chapter 630 or 633 of NRS*** or registered nurses, the written summary of the evaluation team and a full and complete

transcript of the notes of the official reporter made at the examination of such person before the court, must be delivered to the sheriff of the appropriate county who must be ordered to:

1. Transport the person; or

2. Arrange for the person to be transported by:

(a) A system for the nonemergency medical transportation of persons whose operation is authorized by the Transportation Services Authority; or

(b) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

➥ to the appropriate public or private medical facility, residence or other safe location.

Sec. 105. NRS 442.003 is hereby amended to read as follows:

442.003 As used in this chapter, unless the context requires otherwise:

1. "Advisory Board" means the Advisory Board on Maternal and Child Health.

2. "Department" means the Department of Health and Human Services.

3. "Director" means the Director of the Department.

4. "Fetal alcohol syndrome" includes fetal alcohol effects.

5. "Health Division" means the Health Division of the Department.

6. "Obstetric center" has the meaning ascribed to it in NRS 449.0155.

7. "Provider of health care or other services" means:

(a) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS;

(b) A physician or a physician assistant who is licensed pursuant to chapter 630 or ~~[an osteopathic physician who is licensed pursuant to chapter]~~ 633 of NRS and who practices in the area of obstetrics and gynecology, family practice, internal medicine, pediatrics or psychiatry;

(c) A licensed nurse;

(d) A licensed psychologist;

(e) A licensed marriage and family therapist;

(f) A licensed social worker; or

(g) The holder of a certificate of registration as a pharmacist.

Sec. 106. NRS 442.119 is hereby amended to read as follows:

442.119 As used in NRS 442.119 to 442.1198, inclusive, unless the context otherwise requires:

1. "Health officer" includes a local health officer, a city health officer, a county health officer and a district health officer.

2. "Medicaid" has the meaning ascribed to it in NRS 439B.120.

3. "Medicare" has the meaning ascribed to it in NRS 439B.130.

4. "Provider of prenatal care" means:

(a) A physician who is licensed in this State and certified in obstetrics and gynecology, family practice, general practice or general surgery.

(b) A certified nurse midwife who is licensed by the State Board of Nursing.

(c) An advanced practitioner of nursing who has specialized skills and training in obstetrics or family nursing.

(d) A physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** who has specialized skills and training in obstetrics or family practice.

Sec. 107. NRS 449.0175 is hereby amended to read as follows:

449.0175 "Rural clinic" means a facility located in an area that is not designated as an urban area by the Bureau of the Census, where medical services are provided by a physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** or an advanced practitioner of nursing under the supervision of a licensed physician.

Sec. 108. NRS 453.038 is hereby amended to read as follows:

453.038 "Chart order" means an order entered on the chart of a patient:

1. In a hospital, facility for intermediate care or facility for skilled nursing which is licensed as such by the Health Division of the Department; or

2. Under emergency treatment in a hospital by a physician, advanced practitioner of nursing, dentist or podiatric physician, or on the written or oral order of a physician, physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** advanced practitioner of nursing, dentist or podiatric physician authorizing the administration of a drug to the patient.

Sec. 109. NRS 453.091 is hereby amended to read as follows:

453.091 1. "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container.

2. "Manufacture" does not include the preparation, compounding, packaging or labeling of a substance by a pharmacist, physician, physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** dentist, podiatric physician, advanced practitioner of nursing or veterinarian:

(a) As an incident to his administering or dispensing of a substance in the course of his professional practice; or

(b) By his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

Sec. 110. NRS 453.126 is hereby amended to read as follows:

453.126 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his profession in this State and is registered pursuant to this chapter.

2. An advanced practitioner of nursing who holds a certificate from the State Board of Nursing and a certificate from the State Board of Pharmacy authorizing him to dispense or to prescribe and dispense controlled substances.

3. A scientific investigator or a pharmacy, hospital or other institution licensed, registered or otherwise authorized in this State to distribute, dispense, conduct research with respect to, to administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

4. A euthanasia technician who is licensed by the Nevada State Board of Veterinary Medical Examiners and registered pursuant to this chapter, while he possesses or administers sodium pentobarbital pursuant to his license and registration.

5. A physician assistant who:

(a) Holds a license from the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of a physician as required by chapter 630 of NRS.

6. ~~[An osteopathic physician's]~~ ***A physician*** assistant who:

(a) Holds a ~~[certificate]~~ ***license*** from the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of an osteopathic physician as required by chapter 633 of NRS.

7. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when he prescribes or administers therapeutic pharmaceutical agents within the scope of his certification.

Sec. 111. NRS 453.128 is hereby amended to read as follows:

453.128 1. "Prescription" means:

(a) An order given individually for the person for whom prescribed, directly from a physician, ~~[osteopathic physician's assistant,]~~ physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** dentist, podiatric physician, optometrist, advanced practitioner of nursing or veterinarian, or his agent, to a pharmacist or indirectly by means of an order signed by the practitioner or an electronic transmission from the practitioner to a pharmacist; or

(b) A chart order written for an inpatient specifying drugs which he is to take home upon his discharge.

2. The term does not include a chart order written for an inpatient for use while he is an inpatient.

Sec. 112. NRS 453.226 is hereby amended to read as follows:

453.226 1. Every practitioner or other person who dispenses any controlled substance within this State or who proposes to engage in the dispensing of any controlled substance within this State shall obtain biennially a registration issued by the Board in accordance with its regulations.

2. A person registered by the Board in accordance with the provisions of NRS 453.011 to 453.552, inclusive, to dispense or conduct research with

controlled substances may possess, dispense or conduct research with those substances to the extent authorized by the registration and in conformity with the other provisions of those sections.

3. The following persons are not required to register and may lawfully possess and distribute controlled substances pursuant to the provisions of NRS 453.011 to 453.552, inclusive:

(a) An agent or employee of a registered dispenser of a controlled substance if he is acting in the usual course of his business or employment;

(b) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(c) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a physician, ~~[osteopathic physician's assistant,]~~ physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** dentist, advanced practitioner of nursing, podiatric physician or veterinarian or in lawful possession of a schedule V substance; or

(d) A physician who:

(1) Holds a locum tenens license issued by the Board of Medical Examiners or a temporary license issued by the State Board of Osteopathic Medicine; and

(2) Is registered with the Drug Enforcement Administration at a location outside this State.

4. The Board may waive the requirement for registration of certain dispensers if it finds it consistent with the public health and safety.

5. A separate registration is required at each principal place of business or professional practice where the applicant dispenses controlled substances.

6. The Board may inspect the establishment of a registrant or applicant for registration in accordance with the Board's regulations.

Sec. 113. NRS 453.336 is hereby amended to read as follows:

453.336 1. A person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, ~~[osteopathic physician's assistant,]~~ physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** dentist, podiatric physician, optometrist, advanced practitioner of nursing or veterinarian while acting in the course of his professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3 and 4 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385, 453.339 or 453.3395, a person who violates this section shall be punished:

(a) For the first or second offense, if the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I, II, III or IV, or if the offender has previously been convicted

two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than $20,000.

(c) For the first offense, if the controlled substance is listed in schedule V, for a category E felony as provided in NRS 193.130.

(d) For a second or subsequent offense, if the controlled substance is listed in schedule V, for a category D felony as provided in NRS 193.130.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $600; or

(2) Examined by an approved facility for the treatment of abuse of drugs to determine whether he is a drug addict and is likely to be rehabilitated through treatment and, if the examination reveals that he is a drug addict and is likely to be rehabilitated through treatment, assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $1,000; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. As used in this section, "controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

Sec. 114. NRS 453.371 is hereby amended to read as follows:

453.371 As used in NRS 453.371 to 453.552, inclusive:

1. "Advanced practitioner of nursing" means a person who holds a certificate of recognition granted pursuant to NRS 632.237 and is registered with the Board.

2. "Medical intern" means a medical graduate acting as an assistant in a hospital for the purpose of clinical training.

3. "Pharmacist" means a person who holds a certificate of registration issued pursuant to NRS 639.127 and is registered with the Board.

4. ”Physician,” “dentist,” “podiatric physician,” “veterinarian” and “euthanasia technician” mean persons authorized by a license to practice their respective professions in this State who are registered with the Board.

5. ”Physician assistant” means a person who is registered with the Board and:

(a) Holds a license issued pursuant to NRS 630.273; or

(b) Holds a ~~[certificate]~~ ***license*** issued pursuant to ~~[NRS 633.451.]~~ ***section 29 of this act.***

Sec. 115. NRS 454.213 is hereby amended to read as follows:

454.213 A drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

1. A practitioner.

2. A physician assistant ***licensed pursuant to chapter 630 or 633 of NRS,*** at the direction of his supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

3. Except as otherwise provided in subsection 4, a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** dentist, podiatric physician or advanced practitioner of nursing, or pursuant to a chart order, for administration to a patient at another location.

4. In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(a) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(b) Acting under the direction of the medical director of that agency or facility who works in this State.

5. An intermediate emergency medical technician or an advanced emergency medical technician, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(a) The State Board of Health in a county whose population is less than 100,000;

(b) A county board of health in a county whose population is 100,000 or more; or

(c) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

6. A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

7. A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

8. A medical student or student nurse in the course of his studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician and:

(a) In the presence of a physician or a registered nurse; or

(b) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➥ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

9. Any person designated by the head of a correctional institution.

10. An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

11. A nuclear medicine technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

12. A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

13. A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

14. A physical therapist, but only if the drug or medicine is a topical drug which is:

(a) Used for cooling and stretching external tissue during therapeutic treatments; and

(b) Prescribed by a licensed physician for:

(1) Iontophoresis; or

(2) The transmission of drugs through the skin using ultrasound.

15. In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

16. A veterinary technician at the direction of his supervising veterinarian.

17. In accordance with applicable regulations of the Board, a registered pharmacist who:

(a) Is trained in and certified to carry out standards and practices for immunization programs;

(b) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(c) Administers immunizations in compliance with the "Standards of Immunization Practices" recommended and approved by the United States Public Health Service Advisory Committee on Immunization Practices.

18. A person who is enrolled in a training program to become a physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** dental hygienist, intermediate emergency medical technician, advanced

emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

Sec. 116. NRS 454.215 is hereby amended to read as follows:

454.215 A dangerous drug may be dispensed by:

1. A registered pharmacist upon the legal prescription from a practitioner or to a pharmacy in a correctional institution upon the written order of the prescribing practitioner in charge;

2. A pharmacy in a correctional institution, in case of emergency, upon a written order signed by the chief medical officer;

3. A practitioner, or a physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** if authorized by the Board;

4. A registered nurse, when the nurse is engaged in the performance of any public health program approved by the Board;

5. A medical intern in the course of his internship;

6. An advanced practitioner of nursing who holds a certificate from the State Board of Nursing and a certificate from the State Board of Pharmacy permitting him to dispense dangerous drugs;

7. A registered nurse employed at an institution of the Department of Corrections to an offender in that institution;

8. A registered pharmacist from an institutional pharmacy pursuant to regulations adopted by the Board; or

9. A registered nurse to a patient at a rural clinic that is designated as such pursuant to NRS 433.233 and that is operated by the Division of Mental Health and Developmental Services of the Department of Health and Human Services if the nurse is providing mental health services at the rural clinic,

➥ except that no person may dispense a dangerous drug in violation of a regulation adopted by the Board.

Sec. 117. NRS 454.221 is hereby amended to read as follows:

454.221 1. A person who furnishes any dangerous drug except upon the prescription of a practitioner is guilty of a category D felony and shall be punished as provided in NRS 193.130, unless the dangerous drug was obtained originally by a legal prescription.

2. The provisions of this section do not apply to the furnishing of any dangerous drug by:

(a) A practitioner to his patients;

(b) A physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** if authorized by the Board;

(c) A registered nurse while participating in a public health program approved by the Board, or an advanced practitioner of nursing who holds a certificate from the State Board of Nursing and a certificate from the State Board of Pharmacy permitting him to dispense dangerous drugs;

(d) A manufacturer or wholesaler or pharmacy to each other or to a practitioner or to a laboratory under records of sales and purchases that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity;

(e) A hospital pharmacy or a pharmacy so designated by a county health officer in a county whose population is 100,000 or more, or by a district health officer in any county within its jurisdiction or, in the absence of either, by the State Health Officer or his designated Medical Director of Emergency Medical Services, to a person or agency described in subsection 3 of NRS 639.268 to stock ambulances or other authorized vehicles or replenish the stock; or

(f) A pharmacy in a correctional institution to a person designated by the Director of the Department of Corrections to administer a lethal injection to a person who has been sentenced to death.

Sec. 118. NRS 484.393 is hereby amended to read as follows:

484.393 1. The results of any blood test administered under the provisions of NRS 484.383 or 484.391 are not admissible in any hearing or criminal action arising out of acts alleged to have been committed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955 unless:

(a) The blood tested was withdrawn by a person, other than an arresting officer, who:

(1) Is a physician, physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** registered nurse, licensed practical nurse, emergency medical technician or a phlebotomist, technician, technologist or assistant employed in a medical laboratory; or

(2) Has special knowledge, skill, experience, training and education in withdrawing blood in a medically acceptable manner, including, without limitation, a person qualified as an expert on that subject in a court of competent jurisdiction or a person who has completed a course of instruction described in subsection 2 of NRS 652.127; and

(b) The test was performed on whole blood, except if the sample was clotted when it was received by the laboratory, the test may be performed on blood serum or plasma.

2. The limitation contained in paragraph (a) of subsection 1 does not apply to the taking of a chemical test of the urine, breath or other bodily substance.

3. No person listed in paragraph (a) of subsection 1 incurs any civil or criminal liability as a result of the administering of a blood test when requested by a police officer or the person to be tested to administer the test.

Sec. 119. NRS 632.450, 633.431, 633.441, 633.451, 633.461 and 640B.180 are hereby repealed.

Sec. 120. A certificate for an osteopathic physician's assistant that is current and valid on December 31, 2007, shall, on January 1, 2008, be deemed to be a license issued pursuant to section 29 of this act.

Sec. 121. 1. This act becomes effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2008, for all other purposes.

2. The amendatory provisions of section 7 of this act expire by limitation on January 1, 2012.

3. Sections 11 and 25 of this act expire by limitation on January 1, 2012.

LEADLINES OF REPEALED SECTIONS

632.450 Schools of professional nursing: Minimum length of course of instruction.

633.431 Osteopathic physicians' assistants: Training programs and standards.

633.441 Osteopathic physicians' assistants: Application to employ assistant.

633.451 Osteopathic physicians' assistants: Approval of application to employ assistant; issuance and renewal of certificate.

633.461 Osteopathic physician's assistant: Scope of authorized activities.

640B.180 Professional associations to submit lists of persons qualified for membership on Board.

Assemblyman Oceguera moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 412.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Concurrent Resolution No. 35 be taken from the Chief Clerk's desk and placed on the Resolution File.

Motion carried.

Assembly Concurrent Resolution No. 35.

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblywoman Koivisto.

Resolution adopted and ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Assembly Bill No. 319, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 869 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 45, which is attached to and hereby made a part of this report.

MORSE ARBERRY	BOB BEERS
BARBARA BUCKLEY	BOB COFFIN
JOE HARDY	DEAN RHOADS
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA45.

SUMMARY—~~[Pledges that the retirement benefits for certain public employees will not be increased without adequate funding.]~~ **Makes various changes concerning public employees.** (BDR ~~[23-750)]~~ **17-750)**

AN ACT relating to public ~~[employees' retirement;]~~ **employees;** ~~[pledging that the Legislature will not increase the retirement benefits for certain public employees unless the retirement fund from which the benefits will be paid is funded at or above a certain level;]~~ **repealing various provisions concerning compensation for employees of the Legislature;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, the retirement benefits of public employees under the Public Employees' Retirement System are generally governed by the provisions of chapter 286 of NRS. There are two separate retirement funds established under the System pursuant to chapter 286 of NRS, the Public Employees' Retirement Fund and the Police and Firefighters' Retirement Fund. (NRS 286.220, 286.225) This bill sets forth the pledge of the Legislature that it will not increase any benefit or allowance payable under the System pursuant to chapter 286 of NRS unless the actuarial value of the assets of the retirement fund from which the benefit or allowance will be paid is equal to or greater than 85 percent of the actuarial accrued liabilities of that retirement fund.]~~ **Section 2 of this bill repeals a prohibition against compensating the Secretary of the Senate and the Chief Clerk of the Assembly for overtime. Section 3 of this bill repeals certain provisions concerning the definition of "compensation" for certain legislative employees for the purposes of the Public Employees' Retirement System.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. [Chapter 286 of NRS is hereby amended by adding thereto a new section to read as follows:

~~*The Legislature hereby pledges that it will not enact any law which has the effect of increasing any benefit or allowance payable under the System*~~

~~*pursuant to this chapter unless the actuarial value of the assets of the retirement fund from which the benefit or allowance will be paid is equal to or greater than 85 percent of the actuarial accrued liabilities of that retirement fund, as determined in accordance with generally accepted accounting principles for government as prescribed by the Governmental Accounting Standards Board.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~[(Deleted by amendment.)]~~ **NRS 218.195 is hereby amended to read as follows:**

218.195 1. The compensation of the Secretary of the Senate and the Chief Clerk of the Assembly must be provided for in the budget for the Legislature for the ensuing biennium. The compensation ~~[:~~

~~(a) Must]~~ ***must*** include an annual salary payable on a biweekly basis. The salary must not be increased during the biennium unless otherwise provided by a legislative act**.** ~~[; and~~

~~(b) Must not include compensation for overtime.]~~

2. Except as otherwise provided in this section, the Secretary of the Senate and the Chief Clerk of the Assembly are subject to the same requirements of and entitled to the same benefits and rights as specified for employees of the Legislative Counsel Bureau. For the purposes of this subsection, references in the statutes and in the rules and policies of the Legislative Counsel Bureau to the chief of a division or the Director of the Legislative Counsel Bureau must be replaced by:

(a) The Majority Leader of the Senate in the case of the Secretary of the Senate.

(b) The Speaker of the Assembly in the case of the Chief Clerk of the Assembly.

3. Notwithstanding the provisions of subsection 2, the Secretary of the Senate and the Chief Clerk of the Assembly are not employees of the Legislative Counsel Bureau.

Sec. 3. **Sections 1 and 11 of Assembly Bill No. 593 of this session are hereby repealed.**

~~[Sec. 3.]~~ ***Sec. 4.*** This act becomes effective upon passage and approval ~~[.]~~ **and applies retroactively to November 1, 2006.**

TEXT OF REPEALED SECTION

Section 1 of Assembly Bill No. 593 of this session:

Section 1. Chapter 218 of NRS is hereby amended by adding thereto a new section to read as follows:

1. For the purposes of NRS 286.025, salary paid for all hours worked by an executive, administrative, professional or supervisory employee of the Legislative Counsel Bureau in addition to the employee's regularly scheduled workday or 40-hour workweek in the fiscal year that includes a regular session of the Legislature, up to a maximum number of hours designated as required for the classification by the Director of the Legislative Counsel Bureau and approved by the Legislative Commission,

constitutes "compensation." The Legislative Counsel Bureau and such employees shall make the appropriate contributions to the Public Employees' Retirement System for such compensation.

2. The maximum number of additional hours that may be designated as required for a classification pursuant to subsection 1 is 750.

Section 11 of Assembly Bill No. 593 of this session:

Sec. 11. A person who worked hours before and during the 2007 regular session of the Legislature that would have been considered as compensation pursuant to the provisions of section 1 of this act, had that section been in effect, may elect to have his payment for those hours, up to the limit established for his classification, and in no case more than 750 hours, considered as compensation by:

1. Notifying the Public Employees' Retirement System of his election; and

2. Paying the amount necessary to make both the employer and employee contributions to the System on the payment for the additional hours that the person desires to have considered as compensation. The Legislative Counsel Bureau shall not make any portion of the required contribution.

➥ The election and payment must be made on or before January 1, 2008.

Assemblyman Arberry moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 319.

Motion carried by a constitutional majority.

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 171, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 906 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 11, which is attached to and hereby made a part of this report.

KATHY MCCLAIN	JOSEPH HECK
ELLEN KOIVISTO	STEVEN HORSFORD
VALERIE WEBER	MAURICE WASHINGTON
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA11.

SUMMARY—Creates ~~[an advisory committee to the Legislative Committee on Health Care.]~~ **the Nevada Academy of Health.** (BDR 40-952)

AN ACT relating to health; creating ~~[an advisory committee to the Legislative Committee on Health Care;]~~ **the Nevada Academy of Health;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates ~~[an advisory committee to]~~ **the Nevada Academy of Health and authorizes** the Legislative Committee on Health Care, which is established pursuant to NRS 439B.200 ~~[.]~~ **, to prescribe certain duties and**

make various requests of the Academy. This bill expires by limitation on June 30, 2009.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439B of NRS is hereby amended by adding thereto a new section to read as follows:

1. There is hereby established ~~[an advisory committee to the Committee]~~ the Nevada Academy of Health consisting of 14 members as follows:

(a) The Director or his designee;

(b) One member who represents the Nevada System of Higher Education appointed by the Board of Regents of the University of Nevada;

(c) Six members appointed by the Governor;

(d) Two members appointed by the Majority Leader of the Senate;

(e) Two members appointed by the Speaker of the Assembly;

(f) One member appointed by the Minority Leader of the Senate; and

(g) One member appointed by the Minority Leader of the Assembly.

2. The members appointed to the Academy pursuant to subsection 1 must not be legislators and, to the extent practicable, must:

(a) Represent agencies and organizations that provide education or training for providers of health care;

(b) Be advocates for the rights of patients;

(c) Be recognized academic scholars; or

(d) Be members of the general public who have specialized knowledge and experience that are beneficial to the Academy.

3. The Chairman of the ~~[advisory committee]~~ Academy must be elected from among the members of the ~~[advisory committee.~~

~~3.]~~ Academy.

4. Each member of the ~~[advisory committee]~~ Academy who is not an officer or employee of the State serves without compensation and is not entitled to receive a per diem allowance or travel expenses.

~~[4.]~~ 5. Each member of the ~~[advisory committee]~~ Academy who is an officer or employee of the State must be relieved from his duties without loss of his regular compensation so that he may attend meetings of the Committee or the ~~[advisory committee]~~ Academy and is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, which must be paid by the state agency that employs him.

6. A vacancy occurring in the membership of the Academy must be filled in the same manner as the original appointment. A member of the Academy may be reappointed.

7. The Academy shall:

(a) Perform any duties prescribed by, and comply with all requests from, the Committee;

(b) Study issues relating to health care in this State, including, without limitation, medical and clinical research and the education and training of providers of health care;

(c) Establish standards and goals concerning the provision of health care which are measurable and regularly evaluated;

(d) Analyze and evaluate data relating to health care that is created, collected or reviewed by the Committee and the Department;

(e) Promote cooperation between the public and private sectors, including the transfer of technology used to provide health care and the establishment of business partnerships that promote economic development in this State;

(f) Provide recommendations to the Governor and the Legislature concerning the establishment of a statewide biomedical and health research program;

(g) Provide to the Committee:

(1) Such assistance and technical expertise on matters relating to health care as the Committee may request; and

(2) Advice and recommendations from consumers of health care; and

(h) Provide to the Department, at the direction of the Committee:

(1) Technical expertise in matters relating to health care; and

(2) Advice and recommendations from consumers of health care.

8. The Academy may appoint advisory committees if necessary or appropriate to assist the Academy in carrying out the provisions of this section.

9. The Academy may accept gifts, grants and donations of money from any source to carry out the provisions of this section.

Sec. 2. **NRS 439B.220 is hereby amended to read as follows:**

439B.220 The Committee may:

1. Review and evaluate the quality and effectiveness of programs for the prevention of illness.

2. Review and compare the costs of medical care among communities in Nevada with similar communities in other states.

3. Analyze the overall system of medical care in the State to determine ways to coordinate the providing of services to all members of society, avoid the duplication of services and achieve the most efficient use of all available resources.

4. Examine the business of providing insurance, including the development of cooperation with health maintenance organizations and organizations which restrict the performance of medical services to certain physicians and hospitals, and procedures to contain the costs of these services.

5. Examine hospitals to:

(a) Increase cooperation among hospitals;

(b) Increase the use of regional medical centers; and

(c) Encourage hospitals to use medical procedures which do not require the patient to be admitted to the hospital and to use the resulting extra space in alternative ways.

6. Examine medical malpractice.

7. Examine the system of education to coordinate:

(a) Programs in health education, including those for the prevention of illness and those which teach the best use of available medical services; and

(b) The education of those who provide medical care.

8. Review competitive mechanisms to aid in the reduction of the costs of medical care.

9. Examine the problem of providing and paying for medical care for indigent and medically indigent persons, including medical care provided by physicians.

10. Examine the effectiveness of any legislation enacted to accomplish the purpose of restraining the costs of health care while ensuring the quality of services, and its effect on the subjects listed in subsections 1 to 9, inclusive.

11. Determine whether regulation by the State will be necessary in the future by examining hospitals for evidence of:

(a) Degradation or discontinuation of services previously offered, including without limitation, neonatal care, pulmonary services and pathology services; or

(b) A change in the policy of the hospital concerning contracts,

➥ as a result of any legislation enacted to accomplish the purpose of restraining the costs of health care while ensuring the quality of services.

12. Study the effect of the acuity of the care provided by a hospital upon the revenues of the hospital and upon limitations upon that revenue.

13. Review the actions of the Director in administering the provisions of this chapter and adopting regulations pursuant to those provisions. The Director shall report to the Committee concerning any regulations proposed or adopted pursuant to this chapter.

14. Identify and evaluate, with the assistance of an advisory group, the alternatives to institutionalization for providing long-term care, including, without limitation:

(a) An analysis of the costs of the alternatives to institutionalization and the costs of institutionalization for persons receiving long-term care in this State;

(b) A determination of the effects of the various methods of providing long-term care services on the quality of life of persons receiving those services in this State;

(c) A determination of the personnel required for each method of providing long-term care services in this State; and

(d) A determination of the methods for funding the long-term care services provided to all persons who are receiving or who are eligible to receive those services in this State.

15. Evaluate, with the assistance of an advisory group, the feasibility of obtaining a waiver from the Federal Government to integrate and coordinate acute care services provided through Medicare and long-term care services provided through Medicaid in this State.

16. Evaluate, with the assistance of an advisory group, the feasibility of obtaining a waiver from the Federal Government to eliminate the requirement that elderly persons in this State impoverish themselves as a condition of receiving assistance for long-term care.

17. Conduct investigations and hold hearings in connection with its review and analysis.

18. Apply for any available grants and accept any gifts, grants or donations to aid the Committee in carrying out its duties pursuant to this chapter.

19. Direct the Legislative Counsel Bureau to assist in its research, investigations, review and analysis.

20. Recommend to the Legislature as a result of its review any appropriate legislation.

21. Prescribe duties and make requests, in addition to those set forth in section 1 of this act, of the Nevada Academy of Health established pursuant to that section.

Sec. 3. **1. The members of the Nevada Academy of Health must be appointed to terms that end on June 30, 2009.**

2. It is the intent of the members of the 74th Session of the Legislature that if the expiration of this act on June 30, 2009, does not occur because of subsequent revisions by the 75th Session of the Legislature, that the terms of the members of the Nevada Academy of Health be established as 3-year terms.

~~[Sec. 2.]~~ ***Sec. 4.*** This act becomes effective on July 1, 2007, and expires by limitation on June 30, 2009.

Assemblyman Oceguera moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 171.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:42 p.m.

ASSEMBLY IN SESSION

At 10:46 p.m.

Madam Speaker presiding.

Quorum present.

Assembly Bill No. 544.

The following Senate amendment was read:

Amendment No. 1172.

SUMMARY—Makes ~~[an appropriation]~~ **appropriations** to the Department of Transportation for highway improvements. (BDR S-1225)

AN ACT making ~~[an appropriation]~~ **appropriations** to the Department of Transportation for highway improvements; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Department of Transportation for improvements, funded by State General Fund revenues in excess of the spending cap, to:

1. Interstate Highway 15 in Las Vegas, the sum of $154,000,000.

2. State Route 160, Blue Diamond, ~~[from the junction with State Route 159 to Mountain Springs,]~~ the sum of $16,000,000 ~~[.]~~ **, except that no portion of this sum for improvements to State Route 160 may be utilized by the Department unless the State Controller, upon satisfactory proof submitted by the Department, determines that $2,000,000, in money or in goods and services provided in kind, or both, has been committed for such improvements from sources other than federal, state, regional or local governmental entities.**

Sec. 2. Any remaining balance of the appropriations made by section 1 of this act must not be committed for expenditure after June 30, 2011, by the entity to which the appropriations are made or any entity to which money from an appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2011, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2011.

Sec. 3. **In addition to the appropriations made by section 1 of this act, there is hereby appropriated from the State Highway Fund to the Department of Transportation for improvements to Interstate Highway 15 in Las Vegas:**

For the Fiscal Year 2007-2008 $8,000,000

For the Fiscal Year 2008-2009 $8,000,000

Sec. 4. **Any remaining balance of the appropriations made by section 3 of this act must not be committed for expenditure after June 30, 2011, by the entity to which the appropriations are made or any entity to which money from an appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money**

remaining must not be spent for any purpose after September 16, 2011, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 16, 2011.

~~[Sec. 3.]~~ ***Sec. 5.*** **1.** This **section and sections 1 and 2 of this** act ~~[becomes]~~ **become** effective upon passage and approval.

2. Sections 3 and 4 of this act become effective on July 1, 2007.

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 544.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which was rereferred Senate Bill No. 393, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

GENERAL FILE AND THIRD READING

Senate Bill No. 393.

Bill read third time.

The following amendment was proposed by Assemblyman Atkinson:

Amendment No. 1174.

AN ACT relating to transportation; requiring certain employees of the Nevada Transportation Authority to receive certain training; changing the name of the "Transportation Services Authority" to the "Nevada Transportation Authority"; requiring the Authority to appoint a Deputy Commissioner; providing the qualifications and duties of the Deputy Commissioner; **requiring the placement of certain advisory questions on the general election ballot in each county;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Transportation Services Authority regulates fully regulated carriers, operators of tow cars and brokers of regulated services as provided for in chapter 706 of NRS. (NRS 706.151) Sections 11-13 and 16 of this bill change the name of the Transportation Services Authority to the Nevada Transportation Authority.

Section 6 of this bill requires the Authority to adopt regulations specifying the training which its compliance enforcement officers must receive.

Existing law allows the Authority to appoint a Deputy and employ other persons as needed. (NRS 706.176) Section 15 of this bill requires the Authority to appoint a Deputy Commissioner and sets forth the qualifications and duties for the position. Section 15 also requires the Authority to employ compliance enforcement officers and sets forth the duties for those positions.

Existing law provides that an employee designated as an inspector or as Manager of Transportation by the Authority is a peace officer and has police powers. (NRS 289.320) Section 18 of this bill amends this provision to apply only to inspectors.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***"Chairman" means the person designated as Chairman of the Authority by the Governor pursuant to NRS 706.1512.***

Sec. 3. ***"Compliance enforcement officer" means a person employed pursuant to NRS 706.176 whose duties include enforcing certain state statutes and regulations pertaining to motor carriers.***

Sec. 4. ***"Deputy Commissioner" means the person appointed as Deputy Commissioner of the Authority pursuant to NRS 706.176.***

Sec. 5. (Deleted by amendment.)

Sec. 6. ***The Authority shall adopt regulations setting forth the training which a compliance enforcement officer employed by the Authority pursuant to NRS 706.176 must complete, including, without limitation, training in commercial vehicle safety inspections provided by the Nevada Highway Patrol.***

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, ***and sections 2 to 7, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, ***and sections 2, 3 and 4 of this act*** have the meanings ascribed to them in those sections.

Sec. 9. NRS 706.018 is hereby amended to read as follows:

706.018 "Authority" means the ***Nevada*** Transportation ~~[Services]~~ Authority created pursuant to NRS 706.1511.

Sec. 10. NRS 706.151 is hereby amended to read as follows:

706.151 1. It is hereby declared to be the purpose and policy of the Legislature in enacting this chapter:

(a) Except to the extent otherwise provided in NRS 706.881 to 706.885, inclusive, ***and sections 2 to 7, inclusive, of this act,*** to confer upon the Authority the power and to make it the duty of the Authority to regulate fully regulated carriers, operators of tow cars and brokers of regulated services to the extent provided in this chapter and to confer upon the Department of Motor Vehicles the power to license all motor carriers and to make it the duty of the Department of Motor Vehicles and the Department of Public Safety to enforce the provisions of this chapter and the regulations adopted by the Authority pursuant to it, to relieve the undue burdens on the highways arising by reason of the use of the highways by vehicles in a gainful occupation thereon.

(b) To provide for reasonable compensation for the use of the highways in gainful occupations, and enable the State of Nevada, by using license fees, to provide for the proper construction, maintenance and repair thereof, and thereby protect the safety and welfare of the traveling and shipping public in their use of the highways.

(c) To provide for fair and impartial regulation, to promote safe, adequate, economical and efficient service and to foster sound economic conditions in motor transportation.

(d) To encourage the establishment and maintenance of reasonable charges for:

(1) Intrastate transportation by fully regulated carriers; and

(2) Towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle,

➥ without unjust discriminations against or undue preferences or advantages being given to any motor carrier or applicant for a certificate of public convenience and necessity.

(e) To discourage any practices which would tend to increase or create competition that may be detrimental to the traveling and shipping public or the motor carrier business within this State.

2. All of the provisions of this chapter must be administered and enforced with a view to carrying out the declaration of policy contained in this section.

Sec. 11. NRS 706.1511 is hereby amended to read as follows:

706.1511 1. The ***Nevada*** Transportation ~~[Services]~~ Authority is hereby created.

2. The Authority consists of three members appointed by the Governor. After the initial term each member shall serve a term of 4 years.

3. The Governor shall appoint to the Authority members who have at least 2 years of experience in one or more of the following fields:

(a) Accounting.

(b) Business administration.

(c) Economics.

(d) Administrative law.

(e) Transportation.

(f) Professional engineering.

➥ At least one but not more than two of the members appointed must be residents of Clark County.

4. Not more than two of the members may be:

(a) Members of the same political party.

(b) From the same field of experience.

5. All of the members must be persons who are independent of the industries regulated by the Authority. No elected officer of this State or any political subdivision is eligible for appointment.

6. The members of the Authority shall give their entire time to the business of the Authority and shall not pursue any other business or vocation or hold any other office of profit.

7. Each member of the Authority serves at the pleasure of the Governor.

Sec. 12. NRS 706.1513 is hereby amended to read as follows:

706.1513 The Authority may sue and be sued in the name of the ***Nevada*** Transportation ~~[Services]~~ Authority.

Sec. 13. NRS 706.1516 is hereby amended to read as follows:

706.1516 1. The ***Nevada*** Transportation ~~[Services]~~ Authority Regulatory Fund is hereby created as a special revenue fund. All money collected by the Authority pursuant to law must be deposited in the State Treasury for credit to the Fund.

2. Money in the Fund may be used only to defray the costs of:

(a) Maintaining staff and equipment needed to regulate adequately persons subject to the jurisdiction of the Authority.

(b) Participating in all proceedings relevant to the jurisdiction of the Authority.

(c) Audits, inspections, investigations, publication of notices, reports and retaining consultants connected with that maintenance and participation.

(d) The salaries, travel expenses and subsistence allowances of the members of the Authority.

3. All claims against the Fund must be paid as other claims against the State are paid.

4. The Authority must furnish upon request a statement showing the balance remaining in the Fund as of the close of the preceding fiscal year.

Sec. 14. NRS 706.1715 is hereby amended to read as follows:

706.1715 1. The Attorney General shall:

(a) Act as counsel and attorney for the Authority in all actions, proceedings and hearings.

(b) Prosecute in the name of the ***Nevada*** Transportation ~~[Services]~~ Authority all civil actions for the enforcement of this chapter and for the recovery of any penalty or forfeiture provided for therein.

(c) Generally aid the Authority in the performance of its duties and the enforcement of this chapter.

2. The Attorney General or any district attorney may prosecute any violation of this chapter or chapter 712 of NRS for which a criminal penalty is provided.

Sec. 15. NRS 706.176 is hereby amended to read as follows:

706.176 *1.* The Authority ~~[may:~~

~~1. Appoint a Deputy who serves in the unclassified service of the State.~~

~~2. Employ]~~ ***shall appoint a Deputy Commissioner who:***

(a) Must be knowledgeable and experienced in public administration and fiscal management;

(b) Must be knowledgeable in the areas of motor carrier regulation by the Authority; and

(c) Must be independent of and have no pecuniary interest in any entity regulated by the Authority.

2. The Deputy Commissioner shall:

(a) Serve as Chief Financial Officer for the Authority and is responsible for directing the daily operation of the Authority, including, without limitation:

(1) Budget preparation;

(2) Administration;

(3) Human resources;

(4) Purchases and acquisitions made by the Authority; and

(5) Contracts and leases entered into by the Authority;

(b) Develop and implement policies and procedures to ensure the efficient operation of the Authority;

(c) Oversee:

(1) The review of applications for certificates, permits and modifications of tariffs;

(2) The maintenance of a hearing calendar of all matters pending before the Authority; and

(3) Compliance with and enforcement of State statutes and regulations pertaining to motor carriers which are regulated by the Authority; and

(d) Authenticate documents and serve as custodian of all agency records.

3. The Deputy Commissioner is in the unclassified service of the State.

4. The Authority shall employ compliance enforcement officers whose duties shall include, without limitation, enforcement activities to ensure motor carriers are operating in compliance with State statutes and regulations, conducting operational inspections of motor carriers and investigating complaints against motor carriers.

5. The Authority may employ such other personnel as may be necessary.

Sec. 16. NRS 232.510 is hereby amended to read as follows:

232.510 1. The Department of Business and Industry is hereby created.

2. The Department consists of a Director and the following:

(a) Consumer Affairs Division.

(b) Division of Financial Institutions.

(c) Housing Division.

(d) Manufactured Housing Division.

(e) Real Estate Division.

(f) Division of Insurance.

(g) Division of Industrial Relations.

(h) Office of Labor Commissioner.

(i) Taxicab Authority.

(j) Nevada Athletic Commission.

(k) Office of the Nevada Attorney for Injured Workers.

(l) ***Nevada*** Transportation ~~[Services]~~ Authority.

(m) Division of Mortgage Lending.

(n) Any other office, commission, board, agency or entity created or placed within the Department pursuant to a specific statute, the budget approved by the Legislature or an executive order, or an entity whose budget or activities have been placed within the control of the Department by a specific statute.

Sec. 17. (Deleted by amendment.)

Sec. 18. NRS 289.320 is hereby amended to read as follows:

289.320 An employee of the ***Nevada*** Transportation ~~[Services]~~ Authority whom it designates as an inspector ~~[or as Manager of Transportation]~~ is a peace officer and has police power for the enforcement of the provisions of:

1. Chapters 706 and 712 of NRS and all regulations of the ***Nevada*** Transportation ~~[Services]~~ Authority or the Department of Motor Vehicles pertaining thereto; and

2. Chapter 482 of NRS and NRS 483.230, 483.350 and 483.530 to 483.620, inclusive, for the purposes of carrying out the provisions of chapter 706 of NRS.

Sec. 19. On October 1, 2007, the State Controller shall transfer all assets and liabilities from the Transportation Services Authority Regulatory Fund to the Nevada Transportation Authority Regulatory Fund created pursuant to section 11 of this act.

Sec. 19.1. **At the general election on November 4, 2008, an advisory question must be placed on the general election ballot in each county in substantially the following form:**

Should a tax be imposed by the State on the weight and distance traveled by heavyweight trucks that are operated on the public highways of this State for the purpose of raising additional revenue for the construction and maintenance of public highways?

Sec. 19.2. **At the general election on November 4, 2008, an advisory question must be placed on the general election ballot in each county in substantially the following form:**

Should the depreciation schedule used to calculate the annual governmental services tax due for a used vehicle in this State be revised for the purpose of raising additional revenue for the construction and maintenance of public highways?

Sec. 19.3. **At the general election on November 4, 2008, an advisory question must be placed on the general election ballot in each county in substantially the following form:**

Should the State impose a surcharge per trip on each taxicab fare for the purpose of raising additional revenue for the construction and maintenance of public highways?

Sec. 19.4. **At the general election on November 4, 2008, an advisory question must be placed on the general election ballot in each county in substantially the following form:**

Should the State use toll roads for the purpose of raising additional revenue for the construction and maintenance of public highways?

Sec. 19.5. **At the general election on November 4, 2008, an advisory question must be placed on the general election ballot in each county in substantially the following form:**

Should the State charge a toll for the use of lanes added to a public highway for the purpose of raising the revenue to pay for the construction and maintenance of the additional lane?

Sec. 20. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 21. This act becomes effective upon passage and approval for the purpose of adopting regulations and conducting any preliminary activities necessary to ensure that the provisions of this act are carried out in an orderly fashion and on October 1, 2007, for all other purposes.

Assemblyman Atkinson moved the adoption of the amendment.

Remarks by Assemblymen Atkinson and Cobb.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 393.

Bill read third time.

Remarks by Assemblymen Atkinson and Mabey.

Assemblyman Oceguera, Conklin, and Manendo moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 393.

Roll call on Senate Bill No. 393:

YEAS—27.

NAYS—Allen, Beers, Carpenter, Christensen, Cobb, Gansert, Goedhart, Goicoechea, Grady, Hardy, Mabey, Marvel, Settelmeyer, Stewart, Weber—15.

Senate Bill No. 393 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 579, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 487, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY JR., *Chair*

GENERAL FILE AND THIRD READING

Assembly Bill No. 487.

Bill read third time.

Roll call on Assembly Bill No. 487:

YEAS—38.

NAYS—Beers, Claborn, Manendo, Mortenson—4.

Assembly Bill No. 487 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 579.

Bill read third time.

Roll call on Senate Bill No. 579:

YEAS—40.

NAYS—Beers, Manendo—2.

Senate Bill No. 579 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 274, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment Nos. 945 and 993 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 35, which is attached to and hereby made a part of this report.

MARILYN KIRKPATRICK	MIKE MCGINNESS
DAVID BOBZIEN	DEAN RHOADS
PETE GOICOECHEA	MICHAEL SCHNEIDER
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA35.

AN ACT relating to water; expanding the purposes for which the State Engineer may adopt regulations; ~~[expressing the sense of the Legislature as to the temporary conversion of certain water rights for certain ecological purposes;]~~ authorizing the State Engineer to impose administrative fines and to order payment of the costs of certain proceedings; **authorizing the State**

Engineer to consider the consumptive use of a water right under certain circumstances; authorizing the State Engineer to seek injunctive relief for certain violations; revising provisions relating to the protest of certain applications involving interbasin transfers of groundwater; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Pursuant to existing law, the State Engineer may make such reasonable rules and regulations as may be necessary for the proper and orderly execution of the powers conferred on him by law. (NRS 532.120) The penalty prescribed for the violation of a majority of the provisions set forth in chapters 533, 534, 535 and 536 of NRS is a misdemeanor. (NRS 533.480, 534.190, 535.110, 536.120)

Section 1 of this bill expands the provisions for which the State Engineer may adopt regulations to include chapters 534, 535 and 536 of NRS in addition to chapter 533 of NRS. ~~[Section 2.5 of this bill provides that it is the policy of the State of Nevada to allow the temporary conversion of certain agricultural water rights for wildlife purposes or to improve the quality or flow of water.]~~ Sections 3, 7, 10 and 14 of this bill provide the State Engineer with the additional authority to impose, after notice and opportunity for a hearing, administrative fines, to require a person to replace certain unlawfully taken or wasted water, and to recover expenses incurred in investigating and stopping various water law violations. Section 7 provides additionally that: (1) in determining violations relating to the unauthorized use of water from certain wells, it is the burden of the State Engineer to prove which user or users of water are withdrawing water in excess of their individual allotments; and (2) the State Engineer may require users of water from certain wells to install and maintain, at their own expense, meters to measure their individual withdrawal of water.

Sections 4, 8, 11 and 15 of this bill authorize the State Engineer to seek injunctive relief to prevent a violation or continued violation of chapters 533, 534, 535 and 536 of NRS.

Section 3.3 of this bill authorizes the State Engineer to consider the consumptive use of a water right in determining the appropriateness of approving a proposed change in the place of diversion, manner of use or place of use of water pursuant to that right. Section 3.5 of this bill authorizes the State Engineer, upon approval of an application to appropriate water, to limit the initial use of that water to an amount that is less than the total amount approved. If the State Engineer at a later date determines that water is available for the total amount approved for the application, he may authorize the use of that additional amount.

Existing law sets forth requirements for the State Engineer to provide certain notice of an application for a permit to appropriate water. These requirements include publishing the notice in a newspaper and, if the application is for a well, mailing a copy of the notice to owners of real property containing a domestic well that is within 2,500 feet of the proposed

well. (NRS 533.360) Existing law also allows an interested person to file with the State Engineer a written protest to the application. (NRS 533.365) Sections 4.7 and 4.9 of this bill require that if the State Engineer fails to grant, deny or hear an application for a permit to appropriate, change the point of diversion of, change the manner of use of, or change the place of use of more than 250 acre-feet of water per annum within 7 years after the date on which the application was submitted, the State Engineer must, if the application involves an interbasin transfer of groundwater, notice a new period of protest of 45 days. This bill also provides that certain successors in interest of persons who had already filed a written protest against the granting of such an application must be allowed to continue pursuing the protest as though they were the person who had filed the original protest.

Section 16 of this bill requires the State Engineer to consider certain matters in adopting regulations to carry out the amendatory provisions of this bill.

Section 17 of this bill requires the State Engineer, on or before January 1, 2009, to submit to the Director of the Legislative Counsel Bureau a written report detailing his efforts in, and progress toward, the development and adoption of regulations to carry out the amendatory provisions of this bill.

Section 18 of this bill prohibits the State Engineer, before July 1, 2009, from imposing an administrative penalty pursuant to the amendatory provisions of this bill or any regulations adopted to carry out those amendatory provisions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 532.120 is hereby amended to read as follows:

532.120 1. The State Engineer ~~[is empowered to]~~ ***may*** make such reasonable rules and regulations as may be necessary for the proper and orderly execution of the powers conferred by law.

2. The State Engineer ~~[shall have power to make rules,]~~ ***may adopt regulations,*** not in conflict with law, governing the practice and procedure in all contests before his office, to ~~[insure]~~ ***ensure*** the proper and orderly exercise of the powers granted by law, and the speedy accomplishment of the purposes of ~~[chapter]~~ ***chapters*** **533 ,** ***534, 535 and 536*** of NRS. Such rules of practice and procedure ~~[shall]~~ ***must*** be furnished to any person upon application therefor.

Sec. 2. Chapter 533 of NRS is hereby amended by adding thereto the provisions set forth as sections 2.5 to 4.5, inclusive, of this act.

Sec. 2.5. ~~*[The Legislature hereby finds and declares that it is the policy of this State to allow the temporary conversion of agricultural water rights for wildlife purposes or to improve the quality or flow of water.]*~~ **(Deleted by amendment.)**

Sec. 3. ***1. In addition to any other penalty provided by law, the State Engineer may, after notice and opportunity for a hearing, require a person***

who violates any provision of this chapter or any permit, certificate, order or decision issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120 to:

(a) Pay an administrative fine not to exceed $10,000 per day for each violation as determined by the State Engineer.

(b) In the case of an unauthorized use or willful waste of water in violation of NRS 533.460 or an unlawful diversion of water in violation of NRS 533.530, or any other violation of this chapter that, as determined by the State Engineer, results in an unlawful use, waste or diversion of water, replace not more than 200 percent of the water used, wasted or diverted.

2. If an administrative fine is imposed against a person pursuant to subsection 1 or the person is ordered to replace any water pursuant to that subsection, the State Engineer may require the person to pay the costs of the proceeding, including investigative costs and attorney's fees.

3. An order imposing an administrative fine or requiring the replacement of water or the payment of costs or fees pursuant to this section may be reviewed by a district court pursuant to NRS 533.450.

Sec. 3.3. 1. The State Engineer may consider the consumptive use of a water right and the consumptive use of a proposed beneficial use of water in determining whether a proposed change in the place of diversion, manner of use or place of use complies with the provisions of subsection 5 of NRS 533.370.

2. The provisions of this section:

(a) Must not be applied by the State Engineer in a manner that is inconsistent with any applicable federal or state decree concerning consumptive use.

(b) Do not apply to any decreed, certified or permitted right to appropriate water which originates in the Virgin River or the Muddy River.

Sec. 3.5. 1. Upon approval of an application to appropriate water, the State Engineer may limit the initial use of water to a quantity that is less than the total amount approved for the application. The use of an additional amount of water that is not more than the total amount approved for the application may be authorized by the State Engineer at a later date if additional evidence demonstrates to the satisfaction of the State Engineer that the additional amount of water is available and may be appropriated in accordance with this chapter and chapter 534 of NRS. In making that determination, the State Engineer may establish a period during which additional studies may be conducted or additional evidence provided to support the application.

2. In any basin in which an application to appropriate water is approved pursuant to subsection 1, the State Engineer may act upon any other pending application to appropriate water in that basin that the State Engineer concludes constitutes the use of a minimal amount of water.

Sec. 4. ***1. The State Engineer may seek injunctive relief in the appropriate court to prevent the continuance or occurrence of any act or***

practice which violates any provision of this chapter, or any permit, certificate, decision or order issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120.

2. On a showing by the State Engineer that a person is engaged, or is about to engage, in any act or practice which violates or will violate any provision of this chapter, or any permit, certificate, decision or order issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120, the court may issue, without a bond, any prohibitory or mandatory injunction that the facts may warrant, including a temporary restraining order issued ex parte or, after notice and hearing, a preliminary or permanent injunction.

3. Failure to establish lack of an adequate remedy at law or irreparable harm is not a ground for denying a request for a temporary restraining order or injunction.

4. The court may require the posting of a sufficient performance bond or other security to ensure compliance with the court order within the period prescribed.

5. Any proceeding conducted or injunction or order issued pursuant to this section is in addition to, and not in lieu of, any other penalty or remedy available for a violation specified in this section.

Sec. 4.5. ***The State Engineer shall not carry out his duties pursuant to this chapter in a manner that conflicts with any applicable provision of a decree or order issued by a state or federal court, an interstate compact or an agreement to which this State is a party for the interstate allocation of water pursuant to an act of Congress.***

Sec. 4.7. NRS 533.365 is hereby amended to read as follows:

533.365 1. Any person interested may, within 30 days ~~[from]~~ ***after*** the date of last publication of the notice of application, file with the State Engineer a written protest against the granting of the application, setting forth with reasonable certainty the grounds of such protest, which ~~[shall]~~ ***must*** be verified by the affidavit of the protestant, his agent or attorney.

2. On receipt of a protest, the State Engineer shall advise the applicant whose application has been protested of the fact that the protest has been filed with him, which advice ~~[shall]~~ ***must*** be sent by certified mail.

3. The State Engineer shall consider the protest, and may, in his discretion, hold hearings and require the filing of such evidence as he may deem necessary to a full understanding of the rights involved. The State Engineer shall give notice of the hearing by certified mail to both the applicant and the protestant. The notice must state the time and place at which the hearing is to be held and must be mailed at least 15 days before the date set for the hearing.

4. ***Each applicant and each protestant shall, in accordance with a schedule established by the State Engineer, provide to the State Engineer and to each protestant and each applicant information required by the State Engineer relating to the application or protest.***

5. If the State Engineer holds a hearing pursuant to subsection 3, the State Engineer shall render a decision on each application not later than 240 days after the later of:

(a) The date all transcripts of the hearing become available to the State Engineer; or

(b) The date specified by the State Engineer for the filing of any additional information, evidence, studies or compilations requested by the State Engineer. The State Engineer may, for good cause shown, extend any applicable period.

6. The State Engineer shall adopt rules of practice regarding the conduct of ~~[such hearings.]~~ ***a hearing held pursuant to subsection 3.*** The rules of practice must be adopted in accordance with the provisions of NRS 233B.040 to 233B.120, inclusive, and codified in the Nevada Administrative Code. The technical rules of evidence do not apply at such a hearing.

~~*[5.]*~~ ***7. The provisions of this section do not prohibit the noticing of a new period of 45 days in which a person may file with the State Engineer a written protest against the granting of the application, if such notification is required to be given pursuant to subsection 8 of NRS 533.370.***

Sec. 4.9. NRS 533.370 is hereby amended to read as follows:

533.370 1. Except as otherwise provided in this section and NRS 533.345, 533.371, 533.372 and 533.503, the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

(a) The application is accompanied by the prescribed fees;

(b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and

(c) The applicant provides proof satisfactory to the State Engineer of:

(1) His intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and

(2) His financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.

2. Except as otherwise provided in this subsection and subsections 3 and ~~[8,]~~ ***11*** ~~*[7]*~~ ***and NRS 533.365,*** the State Engineer shall approve or reject each application within 1 year after the final date for filing a protest. The State Engineer may:

(a) Postpone action upon written authorization to do so by the applicant or, if an application is protested, by the protestant and the applicant.

(b) Postpone action if the purpose for which the application was made is municipal use.

(c) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368 or where court

actions are pending, withhold action until it is determined there is unappropriated water or the court action becomes final.

3. Except as otherwise provided in subsection ~~[8,]~~ ***11,*** the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may:

(a) Postpone action upon written authorization to do so by the applicant or, if the application is protested, by the protestant and the applicant.

(b) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368 or where court actions are pending, withhold action until it is determined there is unappropriated water or the court action becomes final.

4. If the State Engineer does not act upon an application within 1 year after the final date for filing a protest, the application remains active until acted upon by the State Engineer.

5. Except as otherwise provided in subsection ~~[8,]~~ ***11,*** where there is no unappropriated water in the proposed source of supply, or where its proposed use or change conflicts with existing rights or with protectible interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the requested permit. If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.

6. In determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:

(a) Whether the applicant has justified the need to import the water from another basin;

(b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;

(c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;

(d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and

(e) Any other factor the State Engineer determines to be relevant.

7. If a hearing is held regarding an application, the decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The

written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection ~~[9,]~~ *12,* if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected, the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force.

8. ***If:***

(a) The State Engineer receives an application to appropriate any of the public waters, or to change the point of diversion, manner of use or place of use of water already appropriated;

(b) The application involves an amount of water exceeding 250 acre-feet per annum;

(c) The application involves an interbasin transfer of groundwater; and

(d) Within 7 years after the date of last publication of the notice of application, the State Engineer has not granted the application, denied the application, held an administrative hearing on the application or issued a permit in response to the application,

➥ the State Engineer shall notice a new period of 45 days in which a person who is a successor in interest to a protestant or an affected water right owner may file with the State Engineer a written protest against the granting of the application. Such notification must be entered on the Internet website of the State Engineer and must, concurrently with that notification, be mailed to the board of county commissioners of the county of origin.

9. Except as otherwise provided in subsection 10, a person who is a successor in interest to a protestant or an affected water right owner who wishes to protest an application in accordance with a new period of protest noticed pursuant to subsection 8 shall, within 45 days after the date on which the notification was entered and mailed, file with the State Engineer a written protest that complies with the provisions of this chapter and with the regulations adopted by the State Engineer, including, without limitation, any regulations prescribing the use of particular forms or requiring the payment of certain fees.

10. If a person is the successor in interest of an owner of a water right ~~*[, an owner of real property containing a domestic well or an owner of an interest in a domestic well, and if that previous owner had already filed a written protest against the granting of an application to allow an interbasin transfer of groundwater, the successor in interest must be allowed to pursue that protest in the same manner as though he were the previous owner to whose interest he succeeded. If such a successor in interest wishes to protest*~~

~~*an application in accordance with a new period of protest noticed pursuant to subsection 8, the successor need not file with the State Engineer a new written protest but must, within 45 days after the date on which the notification was entered and mailed, inform the Office of the State Engineer that he wishes to continue pursuing the protest.*~~] ***or an owner of real property upon which a domestic well is located and if the former owner of the water right or real property on which a domestic well is located had previously filed a written protest against the granting of an application, the successor in interest must be allowed to pursue that protest in the same manner as if he were the former owner whose interest he succeeded. If the successor in interest wishes to pursue the protest, the successor in interest must notify the State Engineer on a form provided by the State Engineer.***

11. The provisions of subsections 1 to 6, inclusive, do not apply to an application for an environmental permit.

~~[9.]~~ ***12.*** The provisions of subsection 7 do not authorize the recipient of an approved application to use any state land administered by the Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.

~~[10.]~~ ***13.*** As used in this section ~~[, "interbasin]~~ *:*

(a) "County of origin" means the county from which groundwater is transferred or proposed to be transferred.

(b) "Domestic well" has the meaning ascribed to it in NRS 534.350.

(c) "Interbasin transfer of groundwater" means a transfer of groundwater for which the proposed point of diversion is in a different basin than the proposed place of beneficial use.

Sec. 5. NRS 533.450 is hereby amended to read as follows:

533.450 1. Any person feeling himself aggrieved by any order or decision of the State Engineer, acting in person or through his assistants or the water commissioner, affecting his interests, when ~~[such]~~ ***the*** order or decision relates to the administration of determined rights or is made pursuant to NRS 533.270 to 533.445, inclusive, ***or section 3, 7, 10 or 14 of this act,*** may have the same reviewed by a proceeding for that purpose, insofar as may be in the nature of an appeal, which ~~[shall]~~ ***must*** be initiated in the proper court of the county in which the matters affected or a portion thereof are situated ***,*** ~~[,]~~ but on stream systems where a decree of court has been entered, the action ~~[shall]~~ ***must*** be initiated in the court that entered the decree. ~~[Such]~~ ***The*** order or decision of the State Engineer ~~[shall be and remain]~~ ***remains*** in full force and effect unless proceedings to review the same are commenced in the proper court within 30 days ~~[following]~~ ***after*** the rendition of the order or decision in question and notice thereof is given to the State Engineer as provided in subsection 3.

2. The proceedings in every case ~~[shall]~~ ***must*** be heard by the court, and ~~[shall]~~ ***must*** be informal and summary, but full opportunity to be heard ~~[shall]~~ ***must*** be had before judgment is pronounced.

3. No such proceedings may be entertained unless notice thereof, containing a statement of the substance of the order or decision complained of, and of the manner in which the same injuriously affects the petitioner's interests, has been served upon the State Engineer, personally or by registered or certified mail, at his office at the State Capital within 30 days following the rendition of the order or decision in question. A similar notice ~~[shall]~~ ***must*** also be served personally or by registered or certified mail upon the person ~~[or persons]~~ who may have been affected by ~~[such]~~ ***the*** order or decision.

4. Where evidence has been filed with, or testimony taken before, the State Engineer, a transcribed copy thereof, or of any specific part of the same, duly certified as a true and correct transcript in the manner provided by law, ~~[shall]~~ ***must*** be received in evidence with the same effect as if the reporter were present and testified to the facts so certified. A copy of the transcript ~~[shall]~~ ***must*** be furnished on demand, at actual cost, to any person affected by ~~[such]~~ ***the*** order or decision, and to all other persons on payment of a reasonable amount therefor, to be fixed by the State Engineer.

5. A bond ~~[shall]~~ ***must*** not be required except when a stay is desired, and the proceedings provided for in this section are not a stay unless, within 5 days ~~[following]~~ ***after*** the service of notice thereof, a bond is filed in an amount to be fixed by the court, with sureties satisfactory to ~~[such]~~ ***the*** court, conditioned to perform the judgment rendered in ~~[such]~~ ***the*** proceedings.

6. Costs ~~[shall]~~ ***must*** be paid as in civil cases brought in the district court, except by the State Engineer or the State.

7. The practice in civil cases applies to the informal and summary character of such proceedings, as provided in this section.

8. Appeals may be taken to the Supreme Court from the judgment of the district court in the same manner as in other civil cases.

9. The decision of the State Engineer ~~[shall be]~~ *is* prima facie correct, and the burden of proof ~~[shall be]~~ ***is*** upon the party attacking the same.

10. Whenever it appears to the State Engineer that any litigation, whether now pending or hereafter brought, may adversely affect the rights of the public in water, he shall request the Attorney General to appear and protect the interests of the State.

Sec. 6. Chapter 534 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 and 8 of this act.

Sec. 7. ***1. Except as otherwise provided in NRS 534.280, 534.310 and 534.330 and in addition to any other penalty provided by law, the State Engineer may, after notice and opportunity for a hearing, require a person who violates any provision of this chapter or any permit, order or decision issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120 to:***

(a) Pay an administrative fine not to exceed $10,000 per day for each violation as determined by the State Engineer.

(b) In the case of an unlawful waste of water in violation of NRS 534.070 or any other violation of this chapter that, as determined by the State Engineer, results in an unlawful use, waste or diversion of water, replace not more than 200 percent of the water used, wasted or diverted.

2. In determining violations of this chapter relating to the unauthorized use of water yielded from a well that is used pursuant to a permit issued by the State Engineer and that has 16 or fewer connections, the State Engineer has the burden of proving which user is withdrawing water in excess of the portion of water allotted to the connection of that user. The State Engineer may require any or all users of the well to install and maintain, at their own expense, a meter that measures the amount of water withdrawn from the well by each connection.

3. If an administrative fine is imposed against a person pursuant to subsection 1 or the person is ordered to replace any water pursuant to that subsection, the State Engineer may require the person to pay the costs of the proceeding, including investigative costs and attorney's fees.

4. An order imposing an administrative fine or requiring the replacement of water or payment of costs or fees pursuant to this section may be reviewed by a district court pursuant to NRS 533.450.

Sec. 8. ***1. The State Engineer may seek injunctive relief in the appropriate court to prevent the continuance or occurrence of any act or practice which violates any provision of this chapter, or any permit, order or decision issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120.***

2. On a showing by the State Engineer that a person is engaged, or is about to engage, in any act or practice which violates or will violate any provision of this chapter, or any permit, order or decision issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120, the court may issue, without a bond, any prohibitory or mandatory injunction that the facts may warrant, including a temporary restraining order issued ex parte or, after notice and hearing, a preliminary or permanent injunction.

3. Failure to establish lack of an adequate remedy at law or irreparable harm is not a ground for denying a request for a temporary restraining order or injunction.

4. The court may require the posting of a sufficient performance bond or other security to ensure compliance with the court order within the period prescribed.

5. Any proceeding conducted or injunction or order issued pursuant to this section is in addition to, and not in lieu of, any other penalty or remedy available for a violation of this chapter.

Sec. 9. Chapter 535 of NRS is hereby amended by adding thereto the provisions set forth as sections 10 and 11 of this act.

Sec. 10. ***1. In addition to any other penalty provided by law, the State Engineer may, after notice and opportunity for a hearing, require a person***

who violates any provision of this chapter, any permit, order or decision issued by the State Engineer pursuant to this chapter or any regulation adopted by the State Engineer pursuant to NRS 532.120 to pay an administrative fine not to exceed $10,000 per day for each violation as determined by the State Engineer.

2. If an administrative fine is imposed against a person pursuant to subsection 1, the State Engineer may require the person to pay the costs of the proceeding, including investigative costs and attorney's fees.

3. An order imposing an administrative fine or requiring the payment of costs or fees pursuant to this section may be reviewed by a district court pursuant to NRS 533.450.

Sec. 11. ***1. The State Engineer may seek injunctive relief in the appropriate court to prevent the continuance or occurrence of any act or practice which violates any provision of this chapter, any permit, order or decision issued by the State Engineer pursuant to this chapter or any regulation adopted by the State Engineer pursuant to NRS 532.120.***

2. On a showing by the State Engineer that a person is engaged, or is about to engage, in any act or practice which violates or will violate any provision of this chapter, any permit, order or decision issued by the State Engineer pursuant to this chapter or any regulation adopted by the State Engineer pursuant to NRS 532.120, the court may issue, without a bond, any prohibitory or mandatory injunction that the facts may warrant, including a temporary restraining order issued ex parte or, after notice and hearing, a preliminary or permanent injunction.

3. Failure to establish lack of an adequate remedy at law or irreparable harm is not a ground for denying a request for a temporary restraining order or injunction.

4. The court may require the posting of a sufficient performance bond or other security to ensure compliance with the court order within the period prescribed.

5. Any proceeding conducted or injunction or order issued pursuant to this section is in addition to, and not in lieu of, any other penalty or remedy available for a violation of this chapter.

Sec. 12. NRS 535.100 is hereby amended to read as follows:

535.100 1. ~~[It is unlawful for any person being]~~ ***Any person who is*** the owner of or in possession of any sawmill used for the making of lumber, or any slaughterhouse, brewery or tannery ~~[to]~~ ***shall not*** injure or obstruct the natural flow of water in any river, creek or other stream.

2. Any city or county government, or any person, ~~[being]~~ ***who is*** the owner of or in possession of any agricultural lands ~~[, who may be]~~ ***and who is*** injured by reason of the violation on the part of any person of the provisions contained in subsection 1 ~~[, shall have the right to]~~ ***may*** commence and maintain an action against ~~[such]~~ ***the*** person for any damage sustained, in such manner as may be provided by law.

~~[3. Any person who shall willfully and knowingly violate the provisions of this section shall be punished by a fine of not more than $500.]~~

Sec. 13. Chapter 536 of NRS is hereby amended by adding thereto the provisions set forth as sections 14 and 15 of this act.

Sec. 14. ***1. In addition to any other penalty provided by law, the State Engineer may, after notice and opportunity for a hearing, require a person who violates any provision of this chapter, any order or decision issued by the State Engineer pursuant to this chapter or any regulation adopted by the State Engineer pursuant to NRS 532.120 to pay an administrative fine not to exceed $10,000 per day for each violation as determined by the State Engineer.***

2. If an administrative fine is imposed against a person pursuant to subsection 1, the State Engineer may require the person to pay the costs of the proceeding, including investigative costs and attorney's fees.

3. An order imposing an administrative fine or requiring the payment of costs or fees pursuant to this section may be reviewed by a district court pursuant to NRS 533.450.

Sec. 15. ***1. The State Engineer may seek injunctive relief in the appropriate court to prevent the continuance or occurrence of any act or practice which violates any provision of this chapter, any order or decision issued by the State Engineer pursuant to this chapter or any regulation adopted by the State Engineer pursuant to NRS 532.120.***

2. On a showing by the State Engineer that a person is engaged, or is about to engage, in any act or practice which violates or will violate any provision of this chapter, any order or decision issued by the State Engineer pursuant to this chapter or any regulation adopted by the State Engineer pursuant to NRS 532.120, the court may issue, without a bond, any prohibitory or mandatory injunction that the facts may warrant, including a temporary restraining order issued ex parte or, after notice and hearing, a preliminary or permanent injunction.

3. Failure to establish lack of an adequate remedy at law or irreparable harm is not a ground for denying a request for a temporary restraining order or injunction.

4. The court may require the posting of a sufficient performance bond or other security to ensure compliance with the court order within the period prescribed.

5. Any proceeding conducted or injunction or order issued pursuant to this section is in addition to, and not in lieu of, any other penalty or remedy available for a violation of this chapter.

Sec. 16. The State Engineer shall, in adopting regulations to carry out the amendatory provisions of **sections 1, 3, 4, 4.5, 7, 8, 10, 11, 12, 14 and 15 of** this act:

1. Consider establishing a minimum threshold amount of water that a user of water would be required to exceed in using, wasting or diverting

water in an unlawful manner before an administrative penalty would be imposed;

2. Comply with the provisions of chapter 233B of NRS;

3. Consider waiving an administrative penalty for a violation if the violator has, in the determination of the State Engineer, made significant progress toward correcting the violation; and

4. In addition to the requirements of subsection 1, consider waiving an administrative penalty in the case of an unauthorized use or willful waste of water in violation of NRS 533.460 or an unlawful diversion of water in violation of NRS 533.530, if the amount of water so used or wasted does not exceed 2 acre-feet per annum.

Sec. 17. The State Engineer shall, on or before January 1, 2009, submit to the Director of the Legislative Counsel Bureau a written report detailing the efforts and progress of the State Engineer in developing and adopting regulations to carry out the amendatory provisions of this act.

Sec. 18. The State Engineer shall not, before July 1, 2009, impose an administrative penalty pursuant to the amendatory provisions of this act or any regulations adopted to carry out the amendatory provisions of this act.

Sec. 19. **The amendatory provisions of subsection 8 of section 4.9 of this act do not apply to:**

1. An application to appropriate water filed before July 1, 2007;

2. An application to change the place of diversion, manner of use or place of use of appropriated water filed before that date; or

3. A written protest relating to an application specified in subsection 1
or 2.

~~[Sec. 19.]~~ ***Sec. 20.*** This act becomes effective on July 1, 2007.

Assemblywoman Kirkpatrick moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 274.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 192 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 287 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 319 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 192.

Bill read third time.

Conflict of interest declared by Assemblymen Cobb and Bobzien.

Roll call on Senate Bill No. 192:

YEAS—39.

NAYS—None.

NOT VOTING—Anderson, Bobzien, Cobb—3.

Senate Bill No. 192 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 287.

Bill read third time.

Roll call on Senate Bill No. 287:

YEAS—42.

NAYS—None.

Senate Bill No. 287 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 319.

Bill read third time.

Remarks by Assemblyman Cobb.

Roll call on Senate Bill No. 319:

YEAS—41.

NAYS—Kirkpatrick.

Senate Bill No. 319 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 115.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 146, Amendment No. 1169, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 619, Senate Amendments Nos. 1096, 1134, and requests a conference, and appointed Senators Nolan, Heck and Lee as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 319.

SHERRY L. RODRIGUEZ

Assistant Secretary of the Senate

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Oceguera, Conklin, and Allen as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 619.

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Assembly Bill No. 619, consisting of the undersigned members, has met and reports that:

A new resolution be substituted, which is attached to and hereby made a part of this report.

JOHN OCEGUERA	DENNIS NOLAN
MARCUS CONKLIN	JOSEPH HECK
FRANCIS ALLEN	JOHN LEE
Assembly Conference Committee	*Senate Conference Committee*

Assemblyman Oceguera moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 619.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 146.

The following Senate amendment was read:

Amendment No. 1169.

AN ACT relating to health care; requiring the Department of Health and Human Services to establish programs to increase public awareness of health care information concerning the hospitals and surgical centers for ambulatory patients in this State; requiring the Department to establish and maintain an Internet website which provides certain information concerning the charges imposed and the quality of health care provided by those hospitals and centers; requiring those hospitals and centers to submit certain information to the Department for the programs; requiring the Department to make certain determinations before performing certain duties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the planning for health care in this State, including the promotion of equal access to quality health care at a reasonable cost. (Chapter 439A of NRS) Sections 3 and 4.3 of this bill require the Department of Health and Human Services to establish programs to increase public awareness of health care information concerning the hospitals and surgical centers for ambulatory patients in this State. The programs must include the provision of information concerning the charges imposed and the quality of services provided by those hospitals and centers. Sections 4 and 4.7 of this bill require the Department to adopt regulations pertaining to the programs and require the hospitals and centers to submit the information for

the programs. Section 5 of this bill requires the Department to collect and maintain that information. Section 6 of this bill requires the Department to establish and maintain an Internet website which provides information to the general public concerning the charges imposed and the quality of services provided by the hospitals and surgical centers for ambulatory patients in this State. Section 6.5 of this bill authorizes the Department to accept contributions to carry out the provisions of sections 2-7 of this bill. Section 6.5 also requires the Department to determine at the beginning of each biennium whether sufficient money is available to fund one or more components of the programs and duties of the Department relating to sections 2-7.

Under existing law, the Director of the Office for Consumer Health Assistance maintains an Internet website which includes certain information concerning prescription drug programs and pharmacies. (NRS 223.560) Section 14 of this bill requires the Director to include on the website a link to the website maintained by the Department of Health and Human Services to provide information to the general public concerning the charges imposed and the quality of services provided by the hospitals and surgical centers for ambulatory patients in this State.

Sections 15 and 16 of this bill specify the dates on which the hospitals and surgical centers for ambulatory patients are required to commence submitting the information for the programs. Section 16 also allows the Department to extend the deadline by which it must post this information on its website if the Department reports to the Legislative Committee on Health Care that the information submitted is not ready for posting.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2.3 and 2.9 of this act have the meanings ascribed to them in those sections.***

Sec. 2.3. ***"Hospital" has the meaning ascribed to it in NRS 449.012.***

Sec. 2.7. (Deleted by amendment.)

Sec. 2.9. ***"Surgical center for ambulatory patients" has the meaning ascribed to it in NRS 449.019.***

Sec. 3. ***1. The Department shall establish and maintain a program to increase public awareness of health care information concerning the hospitals in this State. The program must be designed to assist consumers with comparing the quality of care provided by the hospitals in this State and the charges for that care.***

2. The program must include, without limitation, the collection, maintenance and provision of information concerning:

(a) Inpatients and outpatients of each hospital in this State as reported in the forms submitted pursuant to NRS 449.485;

(b) The quality of care provided by each hospital in this State as determined by applying uniform measures of quality prescribed by the Department pursuant to section 4 of this act;

(c) How consistently each hospital follows recognized practices to prevent the infection of patients, to speed the recovery of patients and to avoid medical complications of patients;

(d) For each hospital, the total number of patients discharged, the average length of stay and the average billed charges, reported for the 50 most frequent diagnosis-related groups for inpatients and 50 medical treatments for outpatients that the Department determines are most useful for consumers; and

(e) Any other information relating to the charges imposed and the quality of the services provided by the hospitals in this State which the Department determines is:

(1) Useful to consumers;

(2) Nationally recognized; and

(3) Reported in a standard and reliable manner.

3. As used in this section, "diagnosis-related group" means groupings of medical diagnostic categories used as a basis for hospital payment schedules by Medicare and other third-party health care plans.

Sec. 4. ***1. The Department shall, by regulation:***

(a) Prescribe the information that each hospital in this State must submit to the Department for the program established pursuant to section 3 of this act.

(b) Prescribe the measures of quality for hospitals that are required pursuant to paragraph (b) of subsection 2 of section 3 of this act. In adopting the regulations, the Department shall:

(1) Use the measures of quality endorsed by the Agency for Healthcare Research and Quality, the National Quality Forum , Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services, a quality improvement organization of the Centers for Medicare and Medicaid Services and the Joint Commission on Accreditation of Healthcare Organizations;

(2) Prescribe a reasonable number of measures of quality which must not be unduly burdensome on the hospitals; and

(3) Take into consideration the financial burden placed on the hospitals to comply with the regulations.

➥ The measures prescribed pursuant to this paragraph must report health outcomes of hospitals, which do not necessarily correlate with the inpatient diagnosis-related groups or the outpatient treatments that are posted on the Internet website pursuant to section 6 of this act.

(c) Require each hospital to:

(1) Provide the information prescribed in paragraphs (a) and (b) in the format required by the Department; and

(2) Report the information separately for inpatients and outpatients.

2. The information required pursuant to this section and section 3 of this act must be submitted to the Department not later than 45 days after the last day of each calendar month.

3. If a hospital fails to submit the information required pursuant to this section or section 3 of this act or submits information that is incomplete or inaccurate, the Department shall send a notice of such failure to the hospital and to the Health Division of the Department.

Sec. 4.3. ***1. The Department shall establish and maintain a program to increase public awareness of health care information concerning the surgical centers for ambulatory patients in this State. The program must be designed to assist consumers with comparing the quality of care provided by the surgical centers for ambulatory patients in this State and the charges for that care.***

2. The program must include, without limitation, the collection, maintenance and provision of information concerning:

(a) The charges imposed on outpatients by each surgical center for ambulatory patients in this State as reported in the forms submitted pursuant to section 4.7 of this act;

(b) The quality of care provided by each surgical center for ambulatory patients in this State as determined by applying uniform measures of quality prescribed by the Department pursuant to section 4.7 of this act;

(c) How consistently each surgical center for ambulatory patients follows recognized practices to prevent the infection of patients, to speed the recovery of patients and to avoid medical complications of patients;

(d) For each surgical center for ambulatory patients, the total number of patients discharged and the average billed charges, reported for 50 medical treatments for outpatients that the Department determines are most useful for consumers; and

(e) Any other information relating to the charges imposed and the quality of the services provided by the surgical centers for ambulatory patients in this State which the Department determines is:

(1) Useful to consumers;

(2) Nationally recognized; and

(3) Reported in a standard and reliable manner.

Sec. 4.7. ***1. The Department shall, by regulation:***

(a) Prescribe the information that each surgical center for ambulatory patients in this State must submit to the Department for the program as set forth in section 4.3 of this act and the form for submission of such information.

(b) Prescribe the measures of quality for surgical centers for ambulatory patients that are required pursuant to paragraph (b) of subsection 2 of section 4.3 of this act. In adopting the regulations, the Department shall:

(1) Use measures of quality which are substantially similar to those required pursuant to subparagraph (1) of paragraph (b) of subsection 1 of section 4 of this act;

(2) Prescribe a reasonable number of measures of quality which must not be unduly burdensome on the surgical centers for ambulatory patients; and

(3) Take into consideration the financial burden placed on the surgical centers for ambulatory patients to comply with the regulations.

➥ The measures prescribed pursuant to this paragraph must report health outcomes of surgical centers for ambulatory patients, which do not necessarily correlate with the outpatient treatments posted on the Internet website pursuant to section 6 of this act.

(c) Require each surgical center for ambulatory patients to provide the information prescribed in paragraphs (a) and (b) in the format required by the Department.

(d) Prescribe which surgical centers for ambulatory patients in this State must participate in the program established pursuant to section 4.3 of this act.

2. The information required pursuant to this section and section 4.3 of this act must be submitted to the Department not later than 45 days after the last day of each calendar month.

3. If a surgical center for ambulatory patients fails to submit the information required pursuant to this section or section 4.3 of this act or submits information that is incomplete or inaccurate, the Department shall send a notice of such failure to the surgical center for ambulatory patients and to the Health Division of the Department.

Sec. 5. ***1. The Department shall collect and maintain all information that it receives from the hospitals and surgical centers for ambulatory patients in this State pursuant to sections 3 to 4.7, inclusive, of this act. Upon request, the Department shall make a summary of the information available to:***

(a) Consumers of health care;

(b) Providers of health care;

(c) Representatives of the health insurance industry; and

(d) The general public.

2. The Department shall ensure that the information it provides pursuant to this section is aggregated so as not to reveal the identity of a specific inpatient or outpatient of a hospital or of a surgical center for ambulatory patients.

Sec. 6. ***1. The Department shall establish and maintain an Internet website that includes the information concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State as required by the programs established pursuant to sections 3 and 4.3 of this act. The information must:***

(a) Include, for each hospital in this State, the total number of patients discharged, the average length of stay and the average billed charges, reported for the 50 most frequent diagnosis-related groups for inpatients and 50 medical treatments for outpatients that the Department determines are most useful for consumers;

(b) Include, for each surgical center for ambulatory patients in this State, the total number of patients discharged and the average billed charges, reported for 50 medical treatments for outpatients that the Department determines are most useful for consumers;

(c) Be presented in a manner that allows a person to view and compare the information for the hospitals by:

(1) Geographic location of each hospital;

(2) Type of medical diagnosis; and

(3) Type of medical treatment;

(d) Be presented in a manner that allows a person to view and compare the information for the surgical centers for ambulatory patients by:

(1) Geographic location of each surgical center for ambulatory patients;

(2) Type of medical diagnosis; and

(3) Type of medical treatment;

(e) Be presented in a manner that allows a person to view and compare the information separately for :

(1) The inpatients and outpatients of each hospital; and

(2) The outpatients of each surgical center for ambulatory patients;

(f) Be readily accessible and understandable by a member of the general public; and

(g) Provide any other information relating to the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State which the Department determines is:

(1) Useful to consumers;

(2) Nationally recognized; and

(3) Reported in a standard and reliable manner.

2. The Department shall:

(a) Publicize the availability of the Internet website;

(b) Update the information contained on the Internet website at least quarterly;

(c) Ensure that the information contained on the Internet website is accurate and reliable;

(d) Ensure that the information contained on the Internet website is aggregated so as not to reveal the identity of a specific inpatient or outpatient of a hospital;

(e) Post a disclaimer on the Internet website indicating that the information contained on the website is provided to assist with the comparison of hospitals and is not a guarantee by the Department or its employees as to the charges imposed by the hospitals in this State or the

quality of the services provided by the hospitals in this State, including, without limitation, an explanation that the actual amount charged to a person by a particular hospital may not be the same charge as posted on the website for that hospital;

(f) Provide on the Internet website established pursuant to this section a link to the Internet website of the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services; and

(g) Upon request, make the information that is contained on the Internet website available in printed form.

3. As used in this section, "diagnosis-related group" means groupings of medical diagnostic categories used as a basis for hospital payment schedules by Medicare and other third-party health care plans.

Sec. 6.5. ***1. On or before July 1 of each odd-numbered year, the Department shall make a determination of whether sufficient money is available and authorized for expenditure to fund one or more components of the programs and other duties of the Department relating to sections 2 to 7, inclusive, of this act.***

2. The Department shall temporarily suspend any components of the program or duties of the Department for which it determines pursuant to subsection 1 that sufficient money is not available.

3. The Department may accept any gift, donation, bequest, grant or other source of money for the purpose of carrying out the provisions of sections 2 to 7, inclusive of this act.

Sec. 7. ***1. In carrying out the provisions of sections 2 to 7, inclusive, of this act, the Department [may] :***

(a) Shall work in consultation with a quality improvement organization of the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services; and

(b) May contract with the Nevada System of Higher Education or any appropriate, independent and qualified person or entity to analyze the information collected and maintained by the Department pursuant to sections 2 to 7, inclusive, of this act. Such a contractor may release or publish or otherwise use [any] information made available to it pursuant to the contract if the Department determines that the information is accurate [.] and the contractor complies with the regulations adopted pursuant to subsection 2.

2. The Department shall adopt regulations for the review and release of information collected and maintained by the Department pursuant to sections 2 to 7, inclusive, of this act. The regulations must require, without limitation, the Department to review each request for information if the request is for purposes other than research.

3. The Department shall, on or before July 1 of each year, submit to the Legislative Committee on Health Care a report concerning each

request that is made pursuant to subsection 2 and the determination of the Department with regard to each request.

Sec. 8. NRS 439A.020 is hereby amended to read as follows:

439A.020 The purposes of this chapter are to:

1. Promote equal access to quality health care at a reasonable cost;

2. Promote an adequate supply and distribution of health resources;

3. Promote uniform, effective methods of delivering health care;

4. Promote and encourage the adequate distribution of health and care facilities and man power;

5. Promote and encourage the effective use of methods for controlling increases in the cost of health care;

6. Encourage participation in health planning by members of the several health professions, representatives of institutions and agencies interested in the provision of health care and the reduction of the cost of such care, and the general public;

7. Utilize the viewpoint of the general public for making decisions;

8. ***Provide information to the general public concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State;***

9. Encourage public education regarding proper personal health care and methods for the effective use of available health services; and

~~[9.]~~ ***10.*** Promote a program of technical assistance to purchasers to contain effectively the cost of health care, including:

(a) Providing information to purchasers regarding the charges made by practitioners.

(b) Training purchasers to negotiate successfully for a policy of health insurance.

(c) Conducting studies and providing other information about measures to assist purchasers in containing the cost of health care.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 449.485 is hereby amended to read as follows:

449.485 1. Each hospital in this State shall use for all patients discharged the form commonly referred to as the "UB-82," or a different form prescribed by the Director with the approval of a majority of the hospitals licensed in this State, and shall include in the form all information required by the Department.

2. ~~[The Department shall by regulation:~~

~~(a) Specify]~~ ***Each hospital in this State shall, on a monthly basis, report to the Department*** the information required to be included in the form for each patient . ~~[; and~~

~~(b) Require each hospital to provide specified information from the form to the Department.]~~

3. Each insurance company or other payer shall accept the form as the bill for services provided by hospitals in this State.

4. Except as otherwise provided in subsection 5, each hospital ~~[with 100 or more beds]~~ ***in this State*** shall provide the information required pursuant to ~~[paragraph (b) of]~~ subsection 2 ~~[on magnetic tape or by other means]~~ *in an* ***electronic form*** specified by the Department . ~~[, or shall provide copies of the forms and pay the costs of entering the information manually from the copies.]~~

5. The Director may exempt a hospital from the requirements of subsection 4 if requiring the hospital to comply with the requirements would cause the hospital financial hardship.

6. The Department shall use the information submitted pursuant to this section for the program established pursuant to section 3 of this act to increase public awareness of health care information concerning the hospitals in this State.

Sec. 12. NRS 449.490 is hereby amended to read as follows:

449.490 1. Every institution which is subject to the provisions of NRS 449.450 to 449.530, inclusive, shall file with the Department the following financial statements or reports in a form and at intervals specified by the Director but at least annually:

(a) A balance sheet detailing the assets, liabilities and net worth of the institution for its fiscal year; and

(b) A statement of income and expenses for the fiscal year.

2. Each hospital with 100 or more beds shall file with the Department, in a form and at intervals specified by the Director but at least annually, a capital improvement report which includes, without limitation, any major service line that the hospital has added or is in the process of adding since the previous report was filed, any major expansion of the existing facilities of the hospital that has been completed or is in the process of being completed since the previous report was filed, and any major piece of equipment that the hospital has acquired or is in the process of acquiring since the previous report was filed.

3. In addition to the information required to be filed pursuant to subsections 1 and 2, each hospital with 100 or more beds shall file with the Department, in a form and at intervals specified by the Director but at least annually:

(a) The corporate home office allocation methodology of the hospital, if any.

(b) The expenses that the hospital has incurred for providing community benefits and the in-kind services that the hospital has provided to the community in which it is located. For the purposes of this paragraph, "community benefits" includes, without limitation, goods, services and resources provided by a hospital to a community to address the specific needs and concerns of that community, services provided by a hospital to the uninsured and underserved persons in that community, training programs for employees in a community and health care services provided in areas of a

community that have a critical shortage of such services, for which the hospital does not receive full reimbursement.

(c) A statement of its policies and procedures for providing discounted services to, or reducing charges for services provided to, persons without health insurance that are in addition to any reduction or discount required to be provided pursuant to NRS 439B.260.

(d) A statement of its policies regarding patients' account receivables, including, without limitation, the manner in which a hospital collects or makes payment arrangements for patients' account receivables, the factors that initiate collections and the method by which unpaid account receivables are collected.

4. A complete current charge master must be available at each hospital during normal business hours for review by the Director, any payor that has a contract with the hospital to pay for services provided by the hospital, any payor that has received a bill from the hospital and any state agency that is authorized to review such information. ***The complete and current charge master must be made available to the Department, at the request of the Director, in an electronic format specified by the Department. The Department may use the electronic copy of the charge master to review and analyze the data contained in the charge master and, except as otherwise provided in sections 2 to 7, inclusive, of this act, shall not release or publish the information contained in the charge master.***

5. The Director shall require the certification of specified financial reports by an independent certified public accountant and may require attestations from responsible officers of the institution that the reports are, to the best of their knowledge and belief, accurate and complete to the extent that the certifications and attestations are not required by federal law.

6. The Director shall require the filing of all reports by specified dates, and may adopt regulations which assess penalties for failure to file as required, but he shall not require the submission of a final annual report sooner than 6 months after the close of the fiscal year, and may grant extensions to institutions which can show that the required information is not available on the required reporting date.

7. All reports, except privileged medical information, filed under any provisions of NRS 449.450 to 449.530, inclusive, are open to public inspection and must be available for examination at the office of the Department during regular business hours.

Sec. 13. NRS 449.520 is hereby amended to read as follows:

449.520 1. On or before October 1 of each year, the Director shall prepare and transmit to the Governor, the Legislative Committee on Health Care and the Interim Finance Committee a report of the Department's operations and activities for the preceding fiscal year.

2. The report prepared pursuant to subsection 1 must include:

(a) Copies of all summaries, compilations and supplementary reports required by NRS 449.450 to 449.530, inclusive, together with such facts, suggestions and policy recommendations as the Director deems necessary;

(b) A summary of the trends of the audits of hospitals in this State that the Department required or performed during the previous year;

(c) An analysis of the trends in the costs, expenses and profits of hospitals in this State;

(d) An analysis of the corporate home office allocation methodologies of hospitals in this State;

(e) An examination and analysis of the manner in which hospitals are reporting the information that is required to be filed pursuant to NRS 449.490, including, without limitation, an examination and analysis of whether that information is being reported in a standard and consistent manner, which fairly reflect the operations of each hospital;

(f) A review and comparison of the policies and procedures used by hospitals in this State to provide discounted services to, and to reduce charges for services provided to, persons without health insurance; ~~[and]~~

(g) A review and comparison of the policies and procedures used by hospitals in this State to collect unpaid charges for services provided by the hospitals ~~[.]~~ *; and*

(h) A summary of the status of the programs established pursuant to sections 3 and 4.3 of this act to increase public awareness of health care information concerning the hospitals and surgical centers for ambulatory patients in this State, including, without limitation, the information that was posted in the preceding fiscal year on the Internet website maintained for those programs pursuant to section 6 of this act.

3. The Legislative Committee on Health Care shall develop a comprehensive plan concerning the provision of health care in this State which includes, without limitation:

(a) A review of the health care needs in this State as identified by state agencies, local governments, providers of health care and the general public; and

(b) A review of the capital improvement reports submitted by hospitals pursuant to subsection 2 of NRS 449.490.

Sec. 14. NRS 223.560 is hereby amended to read as follows:

223.560 The Director shall:

1. Respond to written and telephonic inquiries received from consumers and injured employees regarding concerns and problems related to health care and workers' compensation;

2. Assist consumers and injured employees in understanding their rights and responsibilities under health care plans and policies of industrial insurance;

3. Identify and investigate complaints of consumers and injured employees regarding their health care plans and policies of industrial

insurance and assist those consumers and injured employees to resolve their complaints, including, without limitation:

(a) Referring consumers and injured employees to the appropriate agency, department or other entity that is responsible for addressing the specific complaint of the consumer or injured employee; and

(b) Providing counseling and assistance to consumers and injured employees concerning health care plans and policies of industrial insurance;

4. Provide information to consumers and injured employees concerning health care plans and policies of industrial insurance in this State;

5. Establish and maintain a system to collect and maintain information pertaining to the written and telephonic inquiries received by the Office for Consumer Health Assistance;

6. Take such actions as are necessary to ensure public awareness of the existence and purpose of the services provided by the Director pursuant to this section;

7. In appropriate cases and pursuant to the direction of the Governor, refer a complaint or the results of an investigation to the Attorney General for further action;

8. Provide information to and applications for prescription drug programs for consumers without insurance coverage for prescription drugs or pharmaceutical services; and

9. Establish and maintain an Internet website which includes:

(a) Information concerning purchasing prescription drugs from Canadian pharmacies that have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328; ~~[and]~~

(b) Links to websites of Canadian pharmacies which have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328 ~~[.]~~ ***; and***

(c) A link to the website established and maintained pursuant to section 6 of this act which provides information to the general public concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State.

Sec. 15. 1. Each hospital in this State shall, for each patient discharged on and after July 1, 2007, submit to the Department of Health and Human Services the information concerning inpatient data required pursuant to sections 3 and 4 of this act.

2. The Department shall review the data concerning inpatients submitted by each hospital in this State and, on or before January 1, 2008, begin posting such information on the Internet website established pursuant to section 6 of this act.

3. Each hospital in this State shall, for each patient discharged on and after January 1, 2008, begin submitting to the Department the information concerning outpatient data that is required pursuant to sections 3 and 4 of this act.

4. The Department shall review the data concerning outpatients submitted by each hospital in this State and, except as otherwise provided in this subsection, on or before January 1, 2009, begin posting such information on the Internet website established pursuant to section 6 of this act. The Department shall, on or before December 1, 2008, report to the Legislative Committee on Health Care concerning the activities of the Department pursuant to this section and sections 3 and 4 of this act, including, without limitation, a report on whether the information concerning outpatients submitted pursuant to sections 3 and 4 of this act is ready for posting on the Internet website established pursuant to section 6 of this act. If the Department submits to the Legislative Committee on Health Care a report that such information is not ready for posting on the Internet website, the Legislative Committee on Health Care may extend the deadline by which the information must be posted.

Sec. 16. 1. Each surgical center for ambulatory patients in this State shall, on January 1, 2008, begin submitting to the Department of Health and Human Services the information required by the Department pursuant to sections 4.3 and 4.7 of this act.

2. The Department shall review the data concerning outpatients submitted by each surgical center for ambulatory patients in this State and, on or before December 1, 2008, report to the Legislative Committee on Health Care concerning the activities of the Department pursuant to this section and sections 4.3 and 4.7 of this act, including, without limitation, a report on whether the Department is able to adequately and accurately report the information submitted pursuant to sections 4.3 and 4.7 of this act. If the Department submits to the Legislative Committee on Health Care a report that the information collected pursuant to sections 4.3 and 4.7 of this act is not ready for posting on the Internet website because it is not accurate or is incomplete, the Legislative Committee on Health Care may extend the deadline by which the information must be posted pursuant to subsection 3.

3. Except as otherwise provided in subsection 2, the Department shall, on January 1, 2009, begin posting the information received pursuant to sections 4.3 and 4.7 of this act on the Internet website established pursuant to section 6 of this act.

4. As used in this section, "surgical center for ambulatory patients" has the meaning ascribed to it in NRS 449.019.

Sec. 17. In addition to any other report required pursuant to this act or a state law, the Department of Health and Human Services shall submit to the Legislative Committee on Health Care, on or before the first day of each month, a report which includes:

1. The status of the collection of data pursuant to sections 2 to 7, inclusive, of this act;

2. The status of the establishment of an Internet website pursuant to section 6 of this act;

3. Any regulations adopted pursuant to sections 4 and 4.7 of this act; and

4. Any other information related to carrying out the provisions of this act.

Sec. 18. 1. The Department of Health and Human Services shall not send to the Health Division of the Department a notice required pursuant to subsection 3 of section 4 of this act until:

(a) July 1, 2008, if the notice concerns the submission of information relating to inpatients of a hospital; and

(b) January 1, 2009, if the notice concerns the submission of information relating to outpatients of a hospital.

2. The Department of Health and Human Services shall not send to the Health Division of the Department a notice required pursuant to subsection 3 of section 4.7 of this act until January 1, 2009, if the notice concerns information submitted by a surgical center for ambulatory patients.

Sec. 19. This act becomes effective on July 1, 2007.

Assemblywoman Leslie moved that the Assembly concur in the Senate amendment to Assembly Bill No. 146.

Remarks by Assemblywoman Leslie.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that the Assembly, with the concurrence of the Senate, Waive Joint Standing Rule 19.5 and allow the Assembly to continue to conduct legislative business until 1:00 a.m. on June 5, 2007.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 184; Senate Bill No. 490; Senate Bill No. 517.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 517, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1053 of the Assembly be receded from and a 3rd reprint be created in accordance with this action which is attached to and hereby made a part of this report.

MORSE ARBERRY

T. GRADY
Assembly Conference Committee

BOB BEERS
JOHN LEE
WARREN HARDY
Senate Conference Committee

Assemblyman Arberry moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 517.

Motion carried by a constitutional majority.

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 490, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment Nos. 1018 and 1123 of the Assembly be concurred in.

JOHN OCEGUERA	BARBARA CEGAVSKE
MARCUS CONKLIN	RANDOLPH TOWNSEND
JOHN CARPENTER	STEVEN HORSFORD
Assembly Conference Committee	*Senate Conference Committee*

Assemblyman Oceguera moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 490.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority

Madam Speaker:

The first Conference Committee concerning Senate Bill No. 184, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 821 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 42, which is attached to and hereby made a part of this report.

BONNIE PARNELL	BARBARA CEGAVSKE
TICK SEGERBLOM	BOB BEERS
LYNN STEWART	MAURICE WASHINGTON
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA42.

AN ACT relating to education; revising provisions governing the statewide system of accountability for public schools and school districts; revising provisions governing the Commission on Educational Excellence; revising provisions governing the Commission on Educational Technology; prescribing the minimum credits required of pupils enrolled in high school in certain courses of study; providing for a waiver from the required enrollment in the minimum credits; revising provisions governing the adoption of academic standards; revising provisions governing promotion to high school; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The State Board of Education and each school district are required to prepare annual reports of accountability information. (NRS 385.3469, 385.347, 385.349) In addition, the State Board, each school district and each public school are required to prepare a plan to improve the achievement of pupils. (NRS 385.34691, 385.348, 385.357) Sections 1-7 of this bill revise the provisions governing the annual reports of accountability and the plans to improve.

Each public school is designated annually based upon the yearly progress of the pupils enrolled in the school. (NRS 385.3623, 385.366) If a school is designated for 1 year as demonstrating need for achievement, a technical assistance partnership must be established for the school. (NRS 385.3661, 385.3691, 385.3692) If the school is designated for 2 consecutive years as demonstrating need for improvement, the technical assistance partnership must be continued. (NRS 385.3693) Sections 9, 10 and 24 of this bill eliminate the requirement for the establishment of technical assistance partnerships.

If a public school is designated as demonstrating need for improvement for 3 consecutive years or more, a support team must be established for that school. (NRS 385.3721, 385.374, 385.3741) A support team is required to recommend certain types of corrective action for the school. (NRS 385.3744, 385.376) Sections 11-14 of this bill revise provisions governing the school support teams and the recommendation of corrective action.

Existing law creates the Commission on Educational Excellence and requires the Commission to provide for the distribution of grants of money to public schools and school districts from the Account for Programs for Innovation and the Prevention of Remediation. (NRS 385.3781-385.379) Section 15.5 of this bill revises provisions governing the factors for consideration by the Commission in awarding grants of money from the Account.

Existing law creates the Commission on Educational Technology and requires the Commission to establish a plan for the use of educational technology in the public schools. (NRS 388.790, 388.795) Section 19 of this bill requires the Commission to conduct an assessment of the needs of each school district relating to educational technology during the spring semester of each even-numbered school year for submission to the Legislative Committee on Education and the Legislature.

Existing law designates the core academic subjects that must be taught in all public schools as English, mathematics, science and social studies. (NRS 389.018) Section 20 of this bill prescribes the minimum units of credit in the core academic subjects in which a pupil must enroll. Section 20 also provides that the pupil, his parent or legal guardian and an administrator or counselor at the school may mutually agree to a modified course of study for the pupil.

Existing law requires the Council to Establish Academic Standards for Public Schools to establish the standards of content and performance for certain courses of study. (NRS 389.520) The State Board is required to adopt the standards as submitted by the Council. Section 21 of this bill authorizes the State Board to object to the standards and return the standards to the Council for reconsideration.

Existing law prohibits a pupil from being promoted to high school unless he completes certain course work and credits. (NRS 392.033) Section 22 of this bill provides ~~[that if a pupil has]~~ **for remedial study for pupils who**

have been retained ~~[one time]~~ in grade 8 **.** ~~[and he fails again to successfully complete the requirements, he must complete a program of remedial study.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following ~~[subgroups]~~ ***groups*** of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each ~~[subgroup]~~ *group* identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the ~~[subgroups]~~ ***groups*** identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made adequate yearly progress, including, without limitation, the name of each public school, if any, designated as

demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total

number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(l) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(m) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(o) The annual rate of pupils who drop out of school in ***grade 8 and a separate reporting of the annual rate of pupils who drop out of school in*** grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole . ~~[, excluding]~~ ***The reporting for pupils in grades 9 to 12, inclusive, excludes*** pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(p) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(q) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district,

including, without limitation, each charter school in the district, and for this State as a whole.

(t) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(w) Each source of funding for this State to be used for the system of public education.

(x) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(y) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(z) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma ~~[.]~~ ***, reported separately for pupils who received the diploma pursuant to:***

(I) Paragraph (a) of subsection 1 of section 4 of Senate Bill No. 312 of this session; and

(II) Paragraph (b) of subsection 1 of section 4 of Senate Bill No. 312 of this session.

(2) An adjusted diploma.

(3) A certificate of attendance.

(bb) ~~[The]~~ ***For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the*** number and percentage of pupils who ~~[did not receive a high school diploma because the pupils]~~ failed to pass the high school proficiency examination . ~~[, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.]~~

(cc) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(dd) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ee) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

2. A separate reporting for a ~~[subgroup]~~ ***group*** of pupils must not be made pursuant to this section if the number of pupils in that ~~[subgroup]~~ ***group*** is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a ~~[subgroup]~~ ***group*** for that ~~[subgroup]~~ ***group*** to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before September 1 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2. NRS 385.34691 is hereby amended to read as follows:

385.34691 1. The State Board shall prepare a plan to improve the achievement of pupils enrolled in the public schools in this State. The plan:

(a) Must be prepared in consultation with:

(1) Employees of the Department;

(2) At least one employee of a school district in a county whose population is 100,000 or more, appointed by the Nevada Association of School Boards;

(3) At least one employee of a school district in a county whose population is less than 100,000, appointed by the Nevada Association of School Boards; and

(4) At least one representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516, appointed by the Council; and

(b) May be prepared in consultation with:

(1) Representatives of institutions of higher education;

(2) Representatives of regional educational laboratories;

(3) Representatives of outside consultant groups;

(4) Representatives of the regional training programs for the professional development of teachers and administrators created by NRS 391.512;

(5) The Bureau; and

(6) Other persons who the State Board determines are appropriate.

2. A plan to improve the achievement of pupils enrolled in public schools in this State must include:

(a) A review and analysis of the data upon which the report required pursuant to NRS 385.3469 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors common among the school districts or charter schools in this State, as revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

(d) Strategies to improve the academic achievement of pupils enrolled in public schools in this State, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.015 and 389.550; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each ~~[subgroup]~~ ***group*** identified in paragraph (b) of subsection 1 of NRS 385.361;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school districts;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at public schools in this State to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of the pupils enrolled in public schools in this State, as deemed appropriate by the State Board.

(e) Strategies designed to provide to the pupils enrolled in middle school, junior high school and high school, the teachers and counselors who provide instruction to those pupils, and the parents and guardians of those pupils information concerning:

(1) The requirements for admission to an institution of higher education and the opportunities for financial aid;

(2) The availability of Governor Guinn Millennium Scholarships pursuant to NRS 396.911 to 396.938, inclusive; and

(3) The need for a pupil to make informed decisions about his curriculum in middle school, junior high school and high school in preparation for success after graduation.

(f) An identification, by category, of the employees of the Department who are responsible for ensuring that each provision of the plan is carried out effectively.

(g) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from this State, by program and by school district, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the State Board and the Department to carry out the plan, including, without limitation, a budget for the overall cost of carrying out the plan.

(k) A summary of the effectiveness of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

3. The State Board shall:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in public schools in this State.

4. On or before December 15 of each year, the State Board shall submit the plan or the revised plan, as applicable, to the:

(a) Governor;

(b) Committee;

(c) Bureau;

(d) Board of Regents of the University of Nevada;

(e) Council to Establish Academic Standards for Public Schools created by NRS 389.510;

(f) Board of trustees of each school district; and

(g) Governing body of each charter school.

Sec. 3. NRS 385.34692 is hereby amended to read as follows:

385.34692 1. The State Board shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.3469 that includes,

without limitation, a summary of the following information for each school district, each charter school and the State as a whole:

(a) Demographic information of pupils, including, without limitation, the number and percentage of pupils:

(1) Who are economically disadvantaged, as defined by the State Board;

(2) Who are from major racial or ethnic groups, as defined by the State Board;

(3) With disabilities;

(4) Who are limited English proficient; and

(5) Who are migratory children, as defined by the State Board;

(b) The average daily attendance of pupils, reported separately for the ~~[subgroups]~~ ***groups*** identified in paragraph (a);

(c) The transiency rate of pupils;

(d) The percentage of pupils who are habitual truants;

(e) The percentage of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655;

(f) The number of incidents resulting in suspension or expulsion for:

(1) Violence to other pupils or to school personnel;

(2) Possession of a weapon;

(3) Distribution of a controlled substance;

(4) Possession or use of a controlled substance; and

(5) Possession or use of alcohol;

(g) For kindergarten through grade 8, the number and percentage of pupils who are retained in the same grade;

(h) For grades 9 to 12, inclusive, the number and percentage of pupils who are deficient in the number of credits required for promotion to the next grade or graduation from high school;

(i) The pupil-teacher ratio for kindergarten and grades 1 to 8, inclusive;

(j) The average class size for the subject area of mathematics, English, science and social studies in schools where pupils rotate to different teachers for different subjects;

(k) The number and percentage of pupils who graduated from high school;

(l) The number and percentage of pupils who received a:

(1) Standard diploma;

(2) Adult diploma;

(3) Adjusted diploma; and

(4) Certificate of attendance;

(m) The number and percentage of pupils who graduated from high school and enrolled in remedial courses at the Nevada System of Higher Education;

(n) Per pupil expenditures;

(o) Information on the professional qualifications of teachers;

(p) The average daily attendance of teachers and licensure information;

(q) Information on the adequate yearly progress of the schools and school districts;

(r) Pupil achievement based upon the examinations administered pursuant to NRS 389.550 and the high school proficiency examination;

(s) To the extent practicable, pupil achievement based upon the examinations administered pursuant to NRS 389.015 for grades 4, 7 and 10; and

(t) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.

2. The summary prepared pursuant to subsection 1 must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. On or before September 7 of each year, the State Board shall:

(a) Provide for public dissemination of the summary prepared pursuant to subsection 1 by posting the summary on the Internet website maintained by the Department; and

(b) Submit a copy of the summary in an electronic format to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

4. The board of trustees of each school district and the governing body of each charter school shall ensure that the parents and guardians of pupils enrolled in the school district or charter school, as applicable, have sufficient information concerning the availability of the summary prepared by the State Board pursuant to subsection 1, including, without limitation, information that describes how to access the summary on the Internet website maintained by the Department. Upon the request of a parent or guardian of a pupil, the Department shall provide the parent or guardian with a written copy of the summary.

5. The Department shall, in consultation with the Bureau and the school districts, prescribe a form for the summary required by this section.

Sec. 4. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed ***educational*** personnel ~~[in education]~~ in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of each school district shall ~~[:~~

~~(a) Report]~~ ***report*** the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school.

~~[(b) For the information that is reported in an aggregated format, include the data that is applicable to]~~ ***The information for charter schools must be reported separately and must denote*** the charter schools sponsored by the school district ~~[but not the charter schools that are sponsored by the State Board.~~

~~(c) Denote separately in the report those charter schools that are located within the school district]~~ and ***the charter schools*** sponsored by the State Board.

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations . ~~[;]~~

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school . ~~[;]~~

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following ~~[subgroups]~~ ***groups*** of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board . ~~[;]~~

(4) A comparison of the achievement of pupils in each ~~[subgroup]~~ ***group*** identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board . ~~[;]~~

(5) The percentage of pupils who were not tested . ~~[;]~~

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the ~~[subgroups]~~ ***groups*** identified in subparagraph (3) . ~~[;]~~

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available . ~~[;]~~

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison . ~~[; and]~~

(9) For each school in the district, including, without limitation, each charter school in the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

➥ A separate reporting for a ~~[subgroup]~~ ***group*** of pupils must not be made pursuant to this paragraph if the number of pupils in that ~~[subgroup]~~ ***group*** is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a ~~[subgroup]~~ ***group*** for that ~~[subgroup]~~ ***group*** to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district.

(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school in the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty

schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(f) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school in the district.

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(h) The annual rate of pupils who drop out of school in ***grade 8 and a separate reporting of the annual rate of pupils who drop out of school in*** grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole . ~~[, excluding]~~ ***The reporting for pupils in grades 9 to 12, inclusive, excludes*** pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) An identification of each program of remedial study, listed by subject area.

(s) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who received:

(1) A standard high school diploma ~~[.]~~ ***, reported separately for pupils who received the diploma pursuant to:***

(I) Paragraph (a) of subsection 1 of section 4 of Senate Bill No. 312 of this session; and

(II) Paragraph (b) of subsection 1 of section 4 of Senate Bill No. 312 of this session.

(2) An adjusted diploma.

(3) A certificate of attendance.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who ~~[did not receive a high school diploma because the pupils]~~ failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(dd) Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which he is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration; and

(6) Legislative Counsel Bureau,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before August 15 of each year, the board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee; and

(5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the

residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school in the district.

9. Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.

10. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 5. NRS 385.348 is hereby amended to read as follows:

385.348 1. The board of trustees of each school district shall, in consultation with the employees of the school district, prepare a plan to improve the achievement of pupils enrolled in the school district, excluding pupils who are enrolled in charter schools located in the school district. If the school district is a Title I school district designated as demonstrating need for improvement pursuant to NRS 385.377, the plan must also be prepared in consultation with parents and guardians of pupils enrolled in the school district and other persons who the board of trustees determines are appropriate.

2. Except as otherwise provided in this subsection, the plan must include the items set forth in 20 U.S.C. § 6316(c)(7) and the regulations adopted pursuant thereto. If a school district has not been designated as demonstrating need for improvement pursuant to NRS 385.377, the board of trustees of the school district is not required to include those items set forth in 20 U.S.C. § 6316(c)(7) and the regulations adopted pursuant thereto that directly relate to the status of a school district as needing improvement.

3. In addition to the requirements of subsection 2, a plan to improve the achievement of pupils enrolled in a school district must include:

(a) A review and analysis of the data upon which the report required pursuant to subsection 2 of NRS 385.347 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors at individual schools that are revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

(d) Strategies to improve the academic achievement of pupils enrolled in the school district, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.015 and 389.550; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each ~~[subgroup]~~ ***group*** identified in paragraph (b) of subsection 1 of NRS 385.361;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school district;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed by the school district to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of the pupils enrolled in the school district, as deemed appropriate by the board of trustees of the school district.

(e) An identification, by category, of the employees of the school district who are responsible for ensuring that each provision of the plan is carried out effectively.

(f) In consultation with the Department, an identification, by category, of the employees of the Department, if any, who are responsible for overseeing and monitoring whether the plan is carried out effectively.

(g) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from the school district, by program and by school, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the school district to carry out the plan, including, without limitation, a budget of the overall cost for carrying out the plan.

(k) A summary of the effectiveness of appropriations made by the Legislature that are available to the school district or the schools within the school district to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(l) An identification of the programs, practices and strategies that are used throughout the school district and by the schools within the school district that have proven successful in improving the achievement and proficiency of pupils, including, without limitation:

(1) An identification of each school that carries out such a program, practice or strategy;

(2) An indication of which programs, practices and strategies are carried out throughout the school district and which programs, practices and strategies are carried out by individual schools;

(3) The extent to which the programs, practices and strategies include methods to improve the achievement and proficiency of pupils in each ~~[subgroup]~~ ***group*** identified in paragraph (b) of subsection 1 of NRS 385.361; and

(4) A description of how the school district disseminates information concerning the successful programs, practices and strategies to all schools within the school district.

4. The board of trustees of each school district shall:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school district.

5. On or before December 15 of each year, the board of trustees of each school district shall submit the plan or the revised plan, as applicable, to the:

(a) Superintendent of Public Instruction;

(b) Governor;

(c) State Board;

(d) Department;

(e) Committee; and

(f) Bureau.

Sec. 6. NRS 385.349 is hereby amended to read as follows:

385.349 1. The board of trustees of each school district shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.347 on the form prescribed by the Department pursuant to subsection 3 or an expanded form, as applicable. The summary must include, without limitation:

(a) The information set forth in subsection 1 of NRS 385.34692, reported for the school district as a whole and for each school within the school district;

(b) Information on the involvement of parents and legal guardians in the education of their children; and

(c) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.

2. The summary prepared pursuant to subsection 1 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. The Department shall, in consultation with the Bureau and the school districts, prescribe a form that contains the basic information required by subsection 1. The board of trustees of a school district may use an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

4. On or before September 7 of each year, the board of trustees of each school district shall:

(a) Submit the summary in an electronic format to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee;

(5) Bureau; and

(6) Schools within the school district.

(b) Provide for the public dissemination of the summary by posting a copy of the summary on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the summary. The board of trustees of each school district shall ensure that the parents and guardians of pupils enrolled in the school district have sufficient information concerning the availability of the summary, including, without limitation, information that describes how to access the summary on the Internet website maintained by the school district, if any. Upon the request of a parent or legal guardian, the school district shall provide the parent or legal guardian with a written copy of the summary.

5. The board of trustees of each school district shall ~~[:~~

~~(a) Report]~~ ***report*** the information required by this section for each charter school that is located within the school district, regardless of the sponsor of the charter school.

~~[(b) For the information that is reported in an aggregated format, include the data that is applicable to]~~ ***The information for charter schools must be reported separately and must denote*** the charter schools sponsored by the school district ~~[but not the charter schools that are sponsored by the State Board.~~

~~(c) Denote separately in the report those charter schools that are located within the school district]~~ and ***the charter schools*** sponsored by the State Board.

Sec. 7. NRS 385.357 is hereby amended to read as follows:

385.357 1. The principal of each school, including, without limitation, each charter school, shall, in consultation with the employees of the school,

prepare a plan to improve the achievement of the pupils enrolled in the school.

2. The plan developed pursuant to subsection 1 must include:

(a) A review and analysis of the data pertaining to the school upon which the report required pursuant to subsection 2 of NRS 385.347 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors at the school that are revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as defined in NRS 389.018.

(d) Policies and practices concerning the core academic subjects which have the greatest likelihood of ensuring that each ~~[subgroup]~~ ***group*** of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school will make adequate yearly progress and meet the minimum level of proficiency prescribed by the State Board.

(e) Annual measurable objectives, consistent with the annual measurable objectives established by the State Board pursuant to NRS 385.361, for the continuous and substantial progress by each ~~[subgroup]~~ ***group*** of pupils identified in paragraph (b) of subsection 1 of that section who are enrolled in the school to ensure that each ~~[subgroup]~~ ***group*** will make adequate yearly progress and meet the level of proficiency prescribed by the State Board.

(f) Strategies, consistent with the policy adopted pursuant to NRS 392.457 by the board of trustees of the school district in which the school is located, to promote effective involvement by parents and families of pupils enrolled in the school in the education of their children.

(g) As appropriate, programs of remedial education or tutoring to be offered before and after school, during the summer, or between sessions if the school operates on a year-round calendar for pupils enrolled in the school who need additional instructional time to pass or to reach a level considered proficient.

(h) Strategies to improve the academic achievement of pupils enrolled in the school, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.015 and 389.550; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each ~~[subgroup]~~ ***group*** identified in paragraph (b) of subsection 1 of NRS 385.361;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at the school to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of pupils enrolled in the school, as deemed appropriate by the principal.

(i) An identification, by category, of the employees of the school who are responsible for ensuring that the plan is carried out effectively.

(j) In consultation with the school district or governing body, as applicable, an identification, by category, of the employees of the school district or governing body, if any, who are responsible for ensuring that the plan is carried out effectively or for overseeing and monitoring whether the plan is carried out effectively.

(k) In consultation with the Department, an identification, by category, of the employees of the Department, if any, who are responsible for overseeing and monitoring whether the plan is carried out effectively.

(l) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(m) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(n) The resources available to the school to carry out the plan. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school shall use the financial analysis program used by the school district in which the school is located in complying with this paragraph.

(o) A summary of the effectiveness of appropriations made by the Legislature that are available to the school to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(p) A budget of the overall cost for carrying out the plan.

3. In addition to the requirements of subsection 2, if a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623, the plan must comply with 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto.

4. Except as otherwise provided in subsection 5, the principal of each school shall, in consultation with the employees of the school:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school.

5. If a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623 ~~[, the technical assistance partnership or the]~~ ***and a*** support team ***has been*** established for the school, ~~[as applicable,]~~ ***the support team*** shall review the plan and make revisions to the most recent plan for improvement of the school pursuant to NRS ~~[385.3692 or 385.3741, as applicable.]~~ ***385.3741.*** If the school is a Title I school that has been designated as demonstrating need for improvement, the ~~[technical assistance partnership or]~~ support team established for the school ~~[, as applicable,]~~ shall, in making revisions to the plan, work in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity responsible for creating the ~~[partnership or]~~ support team, outside experts.

6. On or before November 1 of each year, the principal of each school ~~[, or the technical assistance partnership]~~ or ***the*** support team established for the school, as applicable, shall submit the plan or the revised plan, as applicable, to:

(a) If the school is a public school of the school district, the superintendent of schools of the school district.

(b) If the school is a charter school, the governing body of the charter school.

7. If a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623, the superintendent of schools of the school district or the governing body, as applicable, shall carry out a process for peer review of the plan or the revised plan, as applicable, in accordance with 20 U.S.C. § 6316(b)(3)(E) and the regulations adopted pursuant thereto. Not later than 45 days after receipt of the plan, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan, as applicable, if it meets the requirements of 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto and the requirements of this section. The superintendent of schools of the school district or the governing body, as applicable, may condition approval of the plan or the revised plan, as applicable, in the manner set forth in 20 U.S.C. § 6316(b)(3)(B) and the regulations adopted pursuant thereto. The State Board shall prescribe the requirements for the process of peer review, including, without limitation, the qualifications of persons who may serve as peer reviewers.

8. If a school is designated as demonstrating exemplary achievement, high achievement or adequate achievement, or if a school that is not a Title I school is designated as demonstrating need for improvement, not later than 45 days after receipt of the plan or the revised plan, as applicable, the

superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan if it meets the requirements of this section.

9. On or before December 15 of each year, the principal of each school ~~[, or the technical assistance partnership]~~ or ***the*** support team established for the school, as applicable, shall submit the final plan or the final revised plan, as applicable, to the:

(a) Superintendent of Public Instruction;

(b) Governor;

(c) State Board;

(d) Department;

(e) Committee;

(f) Bureau; and

(g) Board of trustees of the school district in which the school is located.

10. A plan for the improvement of a school must be carried out expeditiously, but not later than January 1 after approval of the plan pursuant to subsection 7 or 8, as applicable.

Sec. 8. NRS 385.3613 is hereby amended to read as follows:

385.3613 1. Except as otherwise provided in subsection 2, on or before June 15 of each year, the Department shall determine whether each public school is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361.

2. On or before June 30 of each year, the Department shall determine whether each public school that operates on a schedule other than a traditional 9-month schedule is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361.

3. The determination pursuant to subsection 1 or 2, as applicable, for a public school, including, without limitation, a charter school sponsored by the board of trustees of the school district, must be made in consultation with the board of trustees of the school district in which the public school is located. If a charter school is sponsored by the State Board, the Department shall make a determination for the charter school in consultation with the State Board. The determination made for each school must be based only upon the information and data for those pupils who are enrolled in the school for a full academic year. On or before June 15 or June 30 of each year, as applicable, the Department shall transmit:

(a) Except as otherwise provided in paragraph (b), the determination made for each public school to the board of trustees of the school district in which the public school is located.

(b) To the State Board the determination made for each charter school that is sponsored by the State Board.

4. Except as otherwise provided in this subsection, the Department shall determine that a public school has failed to make adequate yearly progress if any ~~[subgroup]~~ ***group*** identified in paragraph (b) of subsection 1 of NRS 385.361 does not satisfy the annual measurable objectives established

by the State Board pursuant to that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the regulations adopted pursuant thereto, the State Board shall prescribe by regulation the conditions under which a school shall be deemed to have made adequate yearly progress even though a ~~[subgroup]~~ ***group*** identified in paragraph (b) of subsection 1 of NRS 385.361 did not satisfy the annual measurable objectives of the State Board.

5. In addition to the provisions of subsection 4, the Department shall determine that a public school has failed to make adequate yearly progress if:

(a) The number of pupils enrolled in the school who took the examinations administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable, is less than 95 percent of all pupils enrolled in the school who were required to take the examinations; or

(b) Except as otherwise provided in subsection 6, for each ~~[subgroup]~~ ***group*** of pupils identified in paragraph (b) of subsection 1 of NRS 385.361, the number of pupils in the ~~[subgroup]~~ ***group*** enrolled in the school who took the examinations administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable, is less than 95 percent of all pupils in that ~~[subgroup]~~ ***group*** enrolled in the school who were required to take the examinations.

6. If the number of pupils in a particular ~~[subgroup]~~ ***group*** who are enrolled in a public school is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school has failed to make adequate yearly progress pursuant to paragraph (b) of subsection 5 based solely upon that particular ~~[subgroup.]~~ ***group.***

(b) The pupils in such a ~~[subgroup]~~ ***group*** must be included in the overall count of pupils enrolled in the school who took the examinations.

➥ The State Board shall prescribe the mechanism for determining the number of pupils that must be in a ~~[subgroup]~~ ***group*** for that ~~[subgroup]~~ ***group*** to yield statistically reliable information.

7. If an irregularity in testing administration or an irregularity in testing security occurs at a school and the irregularity invalidates the test scores of pupils, those test scores must be included in the scores of pupils reported for the school, the attendance of those pupils must be counted towards the total number of pupils who took the examinations and the pupils must be included in the total number of pupils who were required to take the examinations.

8. As used in this section:

(a) "Irregularity in testing administration" has the meaning ascribed to it in NRS 389.604.

(b) "Irregularity in testing security" has the meaning ascribed to it in NRS 389.608.

Sec. 9. NRS 385.3661 is hereby amended to read as follows:

385.3661 1. ~~[If a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721 or 385.3745 do not apply, the technical assistance~~

~~partnership established for the school pursuant to this section shall carry out the requirements of NRS 385.3692.~~

~~2.]~~ Except as otherwise provided in subsection ~~[3,]~~ *2,* if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721 or 385.3745 do not apply, the board of trustees of the school district shall:

(a) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; ***and***

(b) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto . ~~[; and~~

~~(c) Establish a technical assistance partnership for the school, with the membership prescribed pursuant to NRS 385.3691.~~

~~3.]~~ *2.* If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721 or 385.3745 do not apply:

(a) The governing body of the charter school shall ~~[:~~

~~(1) Provide]~~ ***provide*** notice of the designation to the parents and guardians of pupils enrolled in the charter school on the form prescribed by the Department pursuant to NRS 385.382 . ~~[; and~~

~~(2) Establish a technical assistance partnership for the charter school, with the membership prescribed pursuant to NRS 385.3691.]~~

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto. ~~[The provisions of this paragraph do not require the school district to pay for the technical assistance partnership established by the governing body of the charter school.]~~

(c) For a charter school sponsored by the State Board, the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

~~[4.]~~ *3.* In addition to the requirements of subsection ~~[2 or 3,]~~ ***1 or 2,*** as applicable, if a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721 or 385.3745 do not apply:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall provide school choice to the parents and guardians of pupils enrolled in the school, including, without limitation, a charter school sponsored by the school district, in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(b) For a charter school sponsored by the State Board, the Department shall work cooperatively with the board of trustees of the school district in

which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

Sec. 10. NRS 385.3693 is hereby amended to read as follows:

385.3693 1. ~~[If a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years, the technical assistance partnership established for the school pursuant to NRS 385.3661 shall carry out the requirements of NRS 385.3692.~~

~~2.]~~ Except as otherwise provided in subsection ~~[3,]~~ ***2,*** if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years, the board of trustees of the school district shall:

(a) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; ***and***

(b) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto . ~~[; and~~

~~(c) Continue the technical assistance partnership for the school.~~

~~3.]~~ *2.* If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years:

(a) The governing body of the charter school shall ~~[:~~

~~(1) Provide]~~ ***provide*** notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382 . ~~[; and~~

~~(2) Continue the technical assistance partnership for the school.]~~

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto. ~~[The provisions of this paragraph do not require the school district to pay for the technical assistance partnership established by the governing body of the charter school.]~~

(c) For a charter school sponsored by the State Board, the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

Sec. 11. NRS 385.374 is hereby amended to read as follows:

385.374 *1.* The membership of each support team established pursuant to NRS 385.3721 ~~[:~~

~~1. Must]~~ ***must*** consist of, without limitation:

(a) Teachers and principals who are considered highly qualified and who are not employees of the public school for which the support team is established;

(b) ~~[At least one representative of the Department,]~~ ***One member appointed in accordance with subsection 3,*** who must serve as the ~~[facilitator]~~ ***team leader*** of the support team;

(c) Except for a charter school, at least one administrator at the district level who is employed by the board of trustees of the school district;

(d) At least one parent or guardian of a pupil who is enrolled in the public school for which the support team is established; and

(e) In addition to the requirements of paragraphs (a) to (d), inclusive, for a charter school:

(1) At least one member of the governing body of the charter school, regardless of the sponsor of the charter school; and

(2) If the charter school is sponsored by the board of trustees of a school district, at least one employee of the school district, which may include an administrator.

2. ~~[May]~~ ***The membership of each support team established pursuant to NRS 385.3721 may*** consist of, without limitation:

(a) Except for a charter school, one or more members of the board of trustees of the school district in which the school is located;

(b) Representatives of institutions of higher education;

(c) Representatives of regional educational laboratories;

(d) Representatives of outside consultant groups;

(e) Representatives of the regional training program for the professional development of teachers and administrators created by NRS 391.512 that provides services to the school district in which the school is located;

(f) The Bureau; and

(g) Other persons who the Department determines are appropriate.

3. The member appointed pursuant to paragraph (b) of subsection 1 must:

(a) Be employed by the Department; or

(b) If he is not employed by the Department, have the training and experience required by the Department.

Sec. 12. NRS 385.3741 is hereby amended to read as follows:

385.3741 1. Each support team established for a public school pursuant to NRS 385.3721 shall:

(a) Review and analyze the operation of the school, including, without limitation, the design and operation of the instructional program of the school.

(b) Review and analyze the data pertaining to the school upon which the report required pursuant to subsection 2 of NRS 385.347 is based and review and analyze any data that is more recent than the data upon which the report is based.

(c) Review the most recent plan to improve the achievement of the school's pupils.

(d) Identify and investigate the problems and factors at the school that contributed to the designation of the school as demonstrating need for improvement.

(e) Assist the school in developing recommendations for improving the performance of pupils who are enrolled in the school.

(f) Except as otherwise provided in this paragraph, make recommendations to the board of trustees of the school district, the State Board and the Department concerning additional assistance for the school in carrying out the plan for improvement of the school. For a charter school sponsored by the State Board, the support team shall make the recommendations to the State Board and the Department.

(g) In accordance with its findings pursuant to this section and NRS 385.3742, submit, on or before November 1, written revisions to the most recent plan to improve the achievement of the school's pupils for approval pursuant to NRS 385.357. The written revisions must:

(1) Comply with NRS 385.357;

(2) If the school is a Title I school, be developed in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity that created the support team, outside experts;

(3) Include the data and findings of the support team that provide support for the revisions;

(4) Set forth goals, objectives, tasks and measures for the school that are:

(I) Designed to improve the achievement of the school's pupils;

(II) Specific;

(III) Measurable; and

(IV) Conducive to reliable evaluation;

(5) Set forth a timeline to carry out the revisions;

(6) Set forth priorities for the school in carrying out the revisions; and

(7) Set forth the names and duties of each person who is responsible for carrying out the revisions.

(h) Except as otherwise provided in this paragraph, work cooperatively with the board of trustees of the school district in which the school is located, the employees of the school, and the parents and guardians of pupils enrolled in the school to carry out and monitor the plan for improvement of the school. If a charter school is sponsored by the State Board, the Department shall assist the school with carrying out and monitoring the plan for improvement of the school.

(i) Prepare a ~~[monthly]~~ ***quarterly*** progress report in the format prescribed by the Department and:

(1) Submit the progress report to the Department.

(2) Distribute copies of the progress report to each employee of the school for review.

(j) In addition to the requirements of this section, if the support team is established for a Title I school, carry out the requirements of 20 U.S.C. § 6317(a)(5).

2. A school support team may require the school for which the support team was established to submit plans, strategies, tasks and measures that, in the determination of the support team, will assist the school in improving the achievement and proficiency of pupils enrolled in the school.

3. The Department shall prescribe a concise ~~[monthly]~~ ***quarterly*** progress report for use by each support team in accordance with paragraph (i) of subsection 1.

Sec. 13. NRS 385.3744 is hereby amended to read as follows:

385.3744 1. Except as otherwise provided in subsection ~~[2,]~~ *3,* if a public school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years for failing to make adequate yearly progress, the support team established for the school shall consider whether corrective action is appropriate for the school. If the support team determines that corrective action is appropriate, the support team shall make a recommendation ~~[to the Department]~~ for corrective action for the school, including, without limitation, the type of corrective action that is recommended from the list of corrective actions authorized pursuant to ~~[paragraphs (a), (b) and (c).]~~ ***subsection 2. The recommendation must be submitted to:***

(a) For a school of the school district or a charter school sponsored by the board of trustees of the school district, the board of trustees.

(b) For a charter school sponsored by the State Board, the Department.

2. Regardless of whether a support team recommends corrective action for a school, the Department ***may, for a charter school sponsored by the State Board, and the board of trustees of a school district*** **may** ***, for a school of the school district or a charter school sponsored by the board of trustees,*** take one or more of the following corrective actions for the school:

(a) Develop and carry out a new curriculum at the school, including the provision of appropriate professional development relating to the new curriculum.

(b) ~~[Decrease the number]~~ ***Significantly decrease the managerial authority*** of ***the*** employees at the school . ~~[who carry out managerial duties.]~~

(c) Extend the school year or the school day.

~~[2.]~~ ***3.*** The Department ***or the board of trustees of a school district, as applicable,*** shall grant a delay from the imposition of corrective action for a school for a period not to exceed 1 year if the school qualifies for a delay in the manner set forth in 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the **Department** ***or the board of trustees, as applicable,*** may proceed with corrective action as if the delay never occurred.

Sec. 14. NRS 385.376 is hereby amended to read as follows:

385.376 1. Except as otherwise provided in subsection 2, if a public school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years for failure to make adequate yearly progress, the support team for the school shall:

(a) If corrective action was not taken against the school pursuant to NRS 385.3744, consider whether corrective action is appropriate for the school.

(b) If corrective action was taken against the school pursuant to NRS 385.3744, consider whether further corrective action is appropriate or whether consequences or sanctions, or both, are appropriate for the school.

~~[.]~~

2. Regardless of whether a support team recommends corrective action or consequences or sanctions for a school, the Department ***may, for a charter school sponsored by the State Board, and the board of trustees of a school district*** **may** ***, for a school of the school district or a charter school sponsored by the board of trustees,*** take corrective action as set forth in NRS 385.3744 or proceed with consequences or sanctions, or both, as prescribed by the State Board pursuant to NRS 385.361.

~~[2.]~~ *3.* The Department ***or the board of trustees of a school district, as applicable,*** shall grant a delay from the imposition of corrective action or restructuring pursuant to this section for a school for a period not to exceed 1 year if the school qualifies for a delay in the manner set forth in 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the Department ***or the board of trustees, as applicable,*** may proceed with corrective action or with consequences or sanctions, or both, for the school, as appropriate, as if the delay never occurred.

~~[3.]~~ *4.* Before the ***board of trustees or the*** Department proceeds with consequences or sanctions, the board of trustees or the Department, as applicable, shall provide to the administrators, teachers and other educational personnel employed at that school, and parents and guardians of pupils enrolled in the school:

(a) Notice that the board of trustees or the Department, as applicable, will proceed with consequences or sanctions for the school;

(b) An opportunity to comment before the consequences or sanctions are carried out; and

(c) An opportunity to participate in the development of the consequences or sanctions.

Sec. 15. NRS 385.3762 is hereby amended to read as follows:

385.3762 1. On or before July 1 of each year, the Department shall determine whether each school district is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361. The pupils who are enrolled in a charter school, if any, located within a school district must not be included in the determination made for that school district. The determination made for each school district must be based only upon the

information and data for those pupils who were enrolled in the school district for a full academic year, regardless of whether those pupils attended more than one school within the school district for that academic year.

2. Except as otherwise provided in this subsection, the Department shall determine that a school district has failed to make adequate yearly progress if any ~~[subgroup]~~ ***group*** of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school district does not satisfy the annual measurable objectives established by the State Board pursuant to that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the regulations adopted pursuant thereto, the State Board shall prescribe by regulation the conditions under which a school district shall be deemed to have made adequate yearly progress even though a ~~[subgroup]~~ ***group*** of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school district did not satisfy the annual measurable objectives of the State Board.

3. In addition to the provisions of subsection 2, the Department shall determine that a school district has failed to make adequate yearly progress if:

(a) The number of pupils enrolled in the school district who took the examinations administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable, is less than 95 percent of all pupils enrolled in the school district who were required to take the examinations; or

(b) Except as otherwise provided in subsection 4, for each ~~[subgroup]~~ ***group*** of pupils identified in paragraph (b) of subsection 1 of NRS 385.361, the number of pupils enrolled in the school district who took the examinations administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable, is less than 95 percent of all pupils in the ~~[subgroup]~~ ***group*** who were required to take the examinations.

4. If the number of pupils in a particular ~~[subgroup]~~ ***group*** who are enrolled in a school district is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school district has failed to make adequate yearly progress pursuant to paragraph (b) of subsection 3 based solely upon that particular ~~[subgroup.]~~ ***group.***

(b) The pupils in such a ~~[subgroup]~~ ***group*** must be included in the overall count of pupils enrolled in the school district who took the examinations.

➥ The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a ~~[subgroup]~~ ***group*** for that ~~[subgroup]~~ ***group*** to yield statistically reliable information.

Sec. 15.5. NRS 385.3785 is hereby amended to read as follows:

385.3785 1. The Commission shall:

(a) Establish a program of educational excellence designed exclusively for pupils enrolled in kindergarten through grade 6 in public schools in this State based upon:

(1) The plan to improve the achievement of pupils prepared by the State Board pursuant to NRS 385.34691;

(2) The plan to improve the achievement of pupils prepared by the board of trustees of each school district pursuant to NRS 385.348;

(3) The plan to improve the achievement of pupils prepared by the principal of each school pursuant to NRS 385.357, which may include a program of innovation; and

(4) Any other information that the Commission considers relevant to the development of the program of educational excellence.

(b) Identify programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

(c) Develop a concise application and simple procedures for the submission of applications by school districts and public schools, including, without limitation, charter schools, for participation in a program of educational excellence and for grants of money from the Account. Grants of money must be made for programs designed for the achievement of pupils that are linked to the plan to improve the achievement of pupils or for innovative programs, or both. All school districts and public schools, including, without limitation, charter schools, are eligible to submit such an application, regardless of whether the school district or school has made adequate yearly progress or failed to make adequate yearly progress. A school district or public school selected for participation may be approved by the Commission for participation for a period not to exceed 2 years, but may reapply.

(d) Prescribe a long-range timeline for the review, approval and evaluation of applications received from school districts and public schools that desire to participate in the program.

(e) Prescribe accountability measures to be carried out by a school district or public school that participates in the program if that school district or public school does not meet the annual measurable objectives established by the State Board pursuant to NRS 385.361, including, without limitation:

(1) The specific levels of achievement expected of school districts and schools that participate; and

(2) Conditions for school districts and schools that do not meet the grant criteria but desire to continue participation in the program and receive money from the Account, including, without limitation, a review of the leadership at the school and recommendations regarding changes to the appropriate body.

(f) Determine the amount of money that is available from the Account for those school districts and public schools that are selected to participate in the program.

(g) Allocate money to school districts and public schools from the Account. Allocations must be distributed not later than August 15 of each year.

(h) Establish criteria for school districts and public schools that participate in the program and receive an allocation of money from the Account to

evaluate the effectiveness of the allocation in improving the achievement of pupils, including, without limitation, a detailed analysis of:

(1) The achievement of pupils enrolled at each school that received money from the allocation based upon measurable criteria identified in the plan to improve the achievement of pupils for the school prepared pursuant to NRS 385.357;

(2) If applicable, the achievement of pupils enrolled in the school district as a whole, based upon measurable criteria identified in the plan to improve the achievement of pupils for the school district prepared pursuant to NRS 385.348;

(3) If applicable, the effectiveness of the program of innovation on the achievement of pupils and the overall effectiveness for pupils and staff;

(4) The implementation of the applicable plans for improvement, including, without limitation, an analysis of whether the school district or the school is meeting the measurable objectives identified in the plan; and

(5) The attainment of measurable progress on the annual list of adequate yearly progress of school districts and schools.

2. To the extent money is available, the Commission shall make allocations of money to school districts and public schools for effective programs for grades 7 through 12 that are designed to improve the achievement of pupils and effective programs of innovation for pupils. In making such allocations, the Commission shall comply with the requirements of subsection 1.

3. ***The Commission shall ensure, to the extent practicable, that grants of money provided pursuant to this section reflect the economic and geographic diversity of this State*** **.** ~~*[, the academic needs of pupils, any special academic interests of pupils and any other special concerns of pupils, including, without limitation, schools that have a large population of Native Americans.]*~~

4. If a school district or public school that receives money pursuant to subsection 1 or 2 does not meet the criteria for effectiveness as prescribed in paragraph (h) of subsection 1 over a 2-year period, the Commission may consider not awarding future allocations of money to that school district or public school.

~~[4.]~~ ***5.*** On or before July 1 of each year, the Department shall provide a list of priorities of schools based upon the adequate yearly progress status of schools in the immediately preceding year for consideration by the Commission in its development of procedures for the applications.

~~[5.]~~ ***6.*** In carrying out the requirements of this section, the Commission shall review and consider the programs of remedial study adopted by the Department pursuant to NRS 385.389, the list of approved providers of supplemental services maintained by the Department pursuant to NRS 385.384 and the recommendations submitted by the Committee pursuant to NRS 218.5354 concerning programs, practices and strategies that

have proven effective in improving the academic achievement and proficiency of pupils.

Sec. 16. NRS 385.391 is hereby amended to read as follows:

385.391 1. The Department shall adopt:

(a) Regulations to provide for the recognition of schools that:

(1) Receive a designation as demonstrating exemplary achievement or high achievement pursuant to NRS 385.3623.

(2) Significantly improve the academic achievement of ~~[subgroups]~~ ***groups*** of pupils identified in paragraph (b) of subsection 1 of NRS 385.361.

(3) Exceed adequate yearly progress, as determined by the Department pursuant to NRS 385.3613, for 2 or more consecutive years.

(b) Such regulations as it deems necessary to carry out the provisions of this section and NRS 385.3455 to 385.391, inclusive, including, without limitation, uniform standards for the type and format of data that must be submitted by the school districts and the time by which such data must be submitted.

2. The Department may work in consultation with the Bureau for identifying and publicizing the achievement of schools that are recognized pursuant to paragraph (a) of subsection 1.

Sec. 17. NRS 386.605 is hereby amended to read as follows:

386.605 1. On or before July 15 of each year, the governing body of a charter school ~~[that is sponsored by the board of trustees of a school district]~~ shall submit the information concerning the charter school that is required pursuant to subsection 2 of NRS 385.347 to the board of trustees ~~[that sponsors]~~ ***of the school district in which*** the charter school ***is located*** for inclusion in the report of the school district pursuant to that section. The information must be submitted by the charter school in a format prescribed by the board of trustees.

2. The Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218.5356 may authorize a person or entity with whom it contracts pursuant to NRS 385.359 to review and analyze information submitted by charter schools pursuant to this section and NRS 385.357, consult with the governing bodies of charter schools and submit written reports concerning charter schools pursuant to NRS 385.359.

Sec. 18. NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.3469 and 385.347; and

(2) In a separate reporting for each ~~[subgroup]~~ ***group*** of pupils identified in paragraph (b) of subsection 1 of NRS 385.361;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State; and

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils and which paraprofessionals, if any, are assigned to provide services to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the designation of schools and school districts pursuant to NRS 385.3623 and 385.377, respectively, and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

➥ The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction but must not be used for the purpose of evaluating an individual teacher or paraprofessional.

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to subsection 2;

(c) Prescribe the format for the data;

(d) Prescribe the date by which each school district shall report the data;

(e) Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;

(f) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

(1) Individual pupils;

(2) Individual teachers and paraprofessionals;

(3) Individual schools and school districts; and

(4) Programs and financial information;

(g) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and

(h) Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the Nevada System of Higher Education to provide access to data contained within the automated system for research purposes.

Sec. 19. NRS 388.795 is hereby amended to read as follows:

388.795 1. The Commission shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the Commission shall consider:

(a) Plans that have been adopted by the Department and the school districts in this State;

(b) Plans that have been adopted in other states;

(c) The information reported pursuant to paragraph (t) of subsection 2 of NRS 385.347; ~~[and]~~

(d) ***The results of the assessment of needs conducted pursuant to subsection 6; and***

(e) Any other information that the Commission or the Committee deems relevant to the preparation of the plan.

2. The plan established by the Commission must include recommendations for methods to:

(a) Incorporate educational technology into the public schools of this State;

(b) Increase the number of pupils in the public schools of this State who have access to educational technology;

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, but not limited to, the receipt of credit for college courses completed through the use of educational technology;

(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and

(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, ~~[but not limited to,]~~ ***without limitation,*** the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

➥ as is necessary for the Commission to carry out the provisions of this section.

4. The following entities shall cooperate with the Commission in carrying out the provisions of this section:

(a) The State Board.

(b) The board of trustees of each school district.

(c) The superintendent of schools of each school district.

(d) The Department.

5. The Commission shall:

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.

(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money

appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.

(c) Establish criteria for the board of trustees of a school district that receives an allocation of money from the Commission to:

(1) Repair, replace and maintain computer systems.

(2) Upgrade and improve computer hardware and software and other educational technology.

(3) Provide training, installation and technical support related to the use of educational technology within the district.

(d) Submit to the Governor, the Committee and the Department its plan for the use of educational technology in the public schools of this State and any recommendations for legislation.

(e) Review the plan annually and make revisions as it deems necessary or as directed by the Committee or the Department.

(f) In addition to the recommendations set forth in the plan pursuant to subsection 2, make further recommendations to the Committee and the Department as the Commission deems necessary.

6. ***During the spring semester of each even-numbered school year, the Commission shall conduct an assessment of the needs of each school district relating to educational technology. In conducting the assessment, the Commission shall consider:***

(a) The recommendations set forth in the plan pursuant to subsection 2;

(b) The plan for educational technology of each school district, if applicable;

(c) Evaluations of educational technology conducted for the State or for a school district, if applicable; and

(d) Any other information deemed relevant by the Commission.

➥ The Commission shall submit a final written report of the assessment to the Superintendent of Public Instruction on or before April 1 of each even-numbered year.

7. The Superintendent of Public Instruction shall prepare a written compilation of the results of the assessment conducted by the Commission and transmit the written compilation on or before June 1 of each even-numbered year to the Legislative Committee on Education and to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

8. The Commission may appoint an advisory committee composed of members of the Commission or other qualified persons to provide recommendations to the Commission regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout the various school districts in this State. The advisory committee serves at the pleasure of the Commission and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

~~[7.]~~ *9.* As used in this section, "public school" includes the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

Sec. 20. NRS 389.018 is hereby amended to read as follows:

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) English, including reading, composition and writing;

(b) Mathematics;

(c) Science; and

(d) Social studies, which includes only the subjects of history, geography, economics and government.

2. ***Except as otherwise provided in this subsection, a pupil enrolled in a public high school must enroll in a minimum of:***

(a) Four units of credit in English;

(b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;

(c) Three units of credit in science, including two laboratory courses; and

(d) Three units of credit in social studies, including, without limitation:

(1) American government;

(2) American history; and

(3) World history or geography.

➥ A pupil is not required to enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma or an adjusted diploma, as applicable.

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) The arts;

(b) Computer education and technology;

(c) Health; and

(d) Physical education.

➥ If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Unless a

subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

Sec. 21. NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 2, based upon the content of each course, that is expected of pupils for the following courses of study:

(1) English, including reading, composition and writing;

(2) Mathematics;

(3) Science;

(4) Social studies, which includes only the subjects of history, geography, economics and government;

(5) The arts;

(6) Computer education and technology;

(7) Health; and

(8) Physical education.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 389.570 of the results of pupils on the examinations administered pursuant to NRS 389.550.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

3. The ***Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:***

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

4. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board .

➥ ***The State Board*** shall adopt the standards of content and performance ~~[established by the Council.~~

~~4.]~~ ***or the revised standards, as applicable.***

5. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 389.550.

Sec. 22. NRS 392.033 is hereby amended to read as follows:

392.033 1. The State Board shall adopt regulations which prescribe the courses of study required for promotion to high school, ~~[which]~~ ***including, without limitation, English, mathematics, science and social studies. The regulations*** may include the credits to be earned ~~[.]~~ ***in each course.***

2. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** board of trustees of a school district shall not promote a pupil to high school if the pupil does not complete the course of study or credits required for promotion. ~~*[If a pupil is retained in grade 8 pursuant to this subsection and the pupil does not complete the course of study or credits required for promotion, the pupil shall complete a program of remedial study as required by the school district. If the pupil successfully completes the program of remedial study, the board of trustees shall promote the pupil to high school. If the pupil does not successfully complete the program of remedial study, he must be retained in grade 8 until he completes the course of study or credits required for promotion or successfully completes a program of remedial study.]*~~ The board of trustees of the school district in which the pupil is enrolled may ~~*[shall]*~~ provide programs *of remedial study* to complete the courses of study required for promotion to high school.

3. The board of trustees of each school district shall adopt a procedure for evaluating the course of study or credits completed by a pupil who transfers to a junior high or middle school from a junior high or middle school in this State or from a school outside of this State.

4. The board of trustees of each school district shall adopt a policy that allows a pupil who has not completed the courses of study or credits required for promotion to high school to be placed on academic probation and to enroll in high school. A pupil who is on academic probation pursuant to this subsection shall complete appropriate remediation in the subject areas that he failed to pass. The policy must include the criteria for eligibility of a pupil to be placed on academic probation. A parent or guardian may elect not to place his child on academic probation but to remain in grade 8.

Sec. 23. (Deleted by amendment.)

Sec. 24. NRS 385.3691 and 385.3692 are hereby repealed.

Sec. 25. (Deleted by amendment.)

Sec. 26. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of $340,200 for the costs of a study to measure the alignment of class assignments given to pupils at selected grade levels with the standards of content and performance

established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520.

2. Before the Interim Finance Committee issues a request for proposals for a consultant to conduct the study, the Legislative Committee on Education shall select 100 public schools to participate in the study and the grade levels to be reviewed at each school. The schools must be elementary schools, middle schools and junior high schools and the grade levels selected must not include the ninth grade.

3. After selection of the public schools and grade levels by the Legislative Committee on Education, the Interim Finance Committee shall issue a request for proposals and enter into a contract with a qualified and independent consultant to conduct the study.

4. The consultant selected by the Interim Finance Committee shall, for each school selected by the Legislative Committee on Education, review a representative sampling of class assignments given to pupils for mathematics and English language arts at the selected grade levels and determine the alignment of those assignments with the standards of content and performance for those subject areas. For each school, the consultant shall report:

(a) The type of assignments that were reviewed, including, without limitation, homework, quizzes and tests;

(b) Whether the assignments were completed independently by pupils or in groups of pupils, or with the assistance of a teacher or aide;

(c) The source of the assignments, including, without limitation, textbooks and workbooks, created by the teacher or created by the school district;

(d) The grade levels of pupils subject to review;

(e) The percentage of the assignments that are aligned to the standards; and

(f) An assessment of the depth to which the standard is covered by the assignments.

5. The consultant shall prepare a written report of the results of the findings:

(a) For each school for submission to the principal of that school.

(b) For all schools that participate in the study for submission to the:

(1) Legislative Committee on Education;

(2) Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature;

(3) State Board of Education; and

(4) Department of Education.

6. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 26.5. **The Superintendent of Public Instruction shall:**

1. Prepare a plan for the reporting of the annual rate of pupils who drop out of school in grades 6 and 7 beginning in July 2011; and

2. Submit a report concerning the plan to the Director of the Legislative Counsel Bureau for transmittal to the 75th Session of the Legislature.

Sec. 27. The assessment of needs conducted by the Commission on Educational Technology pursuant to NRS 388.795, as amended by section 19 of this act, for the spring semester of 2008 must include, without limitation, an assessment of:

1. The need for computer-based assessments, including, without limitation, the use of computers for the administration of the high school proficiency examination;

2. The integration of educational technology to improve the achievement and proficiency of pupils; and

3. The feasibility and costs associated with using laptop computers in lieu of traditional textbooks.

Sec. 28. The provisions of section 20 of this act apply to pupils who are enrolled in grade 9 for the 2007-2008 school year and for each school year thereafter.

Sec. 29. This act becomes effective on July 1, 2007.

TEXT OF REPEALED SECTIONS

385.3691 Membership of technical assistance partnership.

1. The membership of each technical assistance partnership established by the board of trustees of a school district for a public school pursuant to NRS 385.3661:

(a) Must consist of:

(1) At least one employee of the public school for which the partnership is established; and

(2) At least one representative of the school district.

(b) May consist of other persons, as determined by the board of trustees, in accordance with the needs of the school based upon the data and information pertaining to that school.

2. The membership of each technical assistance partnership established by the governing body of a charter school:

(a) Must consist of:

(1) At least one employee of the charter school;

(2) At least one member of the governing body of the charter school;

(3) For a charter school sponsored by the board of trustees of the school district, at least one representative of the school district, appointed by the school district; and

(4) For a charter school sponsored by the State Board, at least one representative of the Department, appointed by the Department.

(b) May consist of other persons, as determined by the governing body, in accordance with the needs of the charter school based upon the data and information pertaining to that charter school.

385.3692 Powers and duties of technical assistance partnership; completion and submission of form concerning review and analysis of school; Department required to prescribe form for use by partnership.

1. Each technical assistance partnership established for a public school shall complete a form prescribed by the Department pursuant to this section or an expanded form, if applicable, that includes:

(a) A review and analysis of the operation of the school, including, without limitation, the design and operation of the instructional program of the school;

(b) A review and analysis of the data pertaining to the school based upon the report required pursuant to subsection 2 of NRS 385.347 and a review and analysis of any data that is more recent;

(c) A review of the most recent plan to improve the achievement of the school's pupils; and

(d) An identification of the problems and factors at the school that contributed to the designation of the school as demonstrating need for improvement.

2. Each technical assistance partnership established for a public school shall:

(a) Assist the school in developing recommendations for improving the performance of pupils who are enrolled in the school; and

(b) Adopt, in consultation with the employees of the school, written revisions to the most recent plan to improve the achievement of the school's pupils for approval pursuant to NRS 385.357. The written revisions must:

(1) Include the data and findings of the technical assistance partnership that provide support for the revisions;

(2) If the school is a Title I school, be developed in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity that created the technical assistance partnership, outside experts;

(3) Set forth a timeline to carry out the revisions;

(4) Set forth priorities for the school in carrying out the revisions; and

(5) Set forth the names and duties of each person who is responsible for carrying out the revisions.

3. On or before November 1 of each year, each technical assistance partnership shall submit the form completed pursuant to subsection 1 to the:

(a) Department;

(b) Bureau;

(c) Board of trustees of the school district or governing body of the charter school, as applicable; and

(d) Principal of the school.

4. The Department shall, in consultation with the Bureau:

(a) Prescribe a form that contains the basic information for a technical assistance partnership to carry out its duties pursuant to subsection 1; and

(b) Make the form available on a computer disc for use by technical assistance partnerships and, upon request, in any other manner deemed reasonable by the Department.

5. Except as otherwise provided in this subsection, each technical assistance partnership shall use the form prescribed by the Department to carry out its duties pursuant to subsection 1. A school district or governing body of a charter school may prescribe an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

6. A technical assistance partnership may require the school for which the partnership was established to submit plans, strategies, tasks and measures that, in the determination of the partnership, will assist the school in improving the achievement and proficiency of pupils enrolled in the school.

Assemblywoman Parnell moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 184.

Remarks by Assemblywoman Parnell.

Motion carried by a constitutional majority.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day sustained the Governor's veto of Assembly Bill No. 364 of the 74th Session.

SHERRY L. Rodriguez
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, June 5, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 563.

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 629.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 280, Amendment No. 1173; Assembly Bill No. 434, Amendment No. 1171; Assembly Bill No. 553, Amendment No. 1179; Assembly Bill No. 565, Amendments Nos. 1138, 1175, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 35, 36.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 619.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1157 to Senate Bill No. 185; Assembly Amendments Nos. 1146, 1147 to Senate Bill No. 437; Assembly Amendment No. 1163 to Senate Bill No. 443; Assembly Amendment No. 1168 to Senate Bill No. 471; Assembly Amendment No. 1150 to Senate Bill No. 476.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

REMARKS FROM THE FLOOR

Assemblyman Oceguera moved that the following remarks be entered in the Journal.

ASSEMBLYMAN OCEGUERA:

One hundred and twenty days ago, we convened in this chamber for the first time as the 2007 Nevada Assembly. Like all opening days, it was an event marked by traditions and history, energy and optimism, speeches, and ceremony. We were dressed in our finest. We brought our families and friends to share that small moment of history. Some of us were new to this chamber—others, seasoned veterans. But to a man and to a woman, we all had high hopes, ambitious goals, and a determination to do what was right for this State.

Four months have passed. Those who were once freshmen, are no longer. If we have families with us tonight, they have been waiting less than patiently for us to conclude our business and come home. Our clothes no longer look quite as fresh and pressed as they did on February 5. In fact, if you did not participate in my Legislative Wellness program, those clothes might not fit as well as they did four months ago.

And although *sine die* is every bit as historical and ceremonious as opening day, our speeches tonight are probably a little less formal than they were four months ago. Let's hope they are shorter. To that end, let me say just a few words about what we have accomplished these last 120 days, with all of our opening day hopes, goals, and determination. First of all, we have finished our work within our constitutionally mandated deadline, the first time this Legislature has done so since 1999. Every session is different, so it is not as simple as saying that we worked harder or smarter than previous legislatures. But I think we can say that we have worked hard, and we have worked smart, and the issues we faced in 2007 were no less challenging than those faced in previous sessions. And so let's give our Speaker a hand for keeping us on task and on time. I would also like to thank our hardworking committee chairs. Without them we could not have finished within our voter-mandated deadline. Together, we processed hundreds of bills on such topics as transportation, education, health care, public safety, and energy. We enacted consumer protection laws for medical debt collection, mortgage practices, and payday loans. We tackled the methamphetamine problem, identity theft, and other public safety issues. We balanced the budget but still managed to find more money for roads and more money for classrooms. We expanded full-day kindergarten, gave our teachers a raise, and provided money for more career and technical education.

This was my first session as Majority Leader. I know I had some fairly daunting shoes to fill. I was honored to have been given this opportunity by Speaker Buckley, and I am grateful to my colleagues for their confidence in me, as well. To my colleague across the aisle, the Minority Floor Leader, my thanks for your professionalism and courtesy. We have not always agreed on issues, but we have always worked hard, as we saw fit, for the best interests of this State. I would like to extend a special thanks to the Assistant Majority Leader, who also served as my vice chairman on the Commerce and Labor Committee. There is no question that without his help in both those roles, I would not have been able to do the job that I did. I could go around the chamber and thank each and every one of you—my colleagues, our staff, and my friends. But we all want to go home.

Let me close with a look back at that day, four months ago, when I had the privilege to nominate Barbara Buckley as Speaker of the Nevada Assembly. You might remember that I had some fairly high expectations of our new Speaker. I compared her to some of the giants of Nevada political history. I said I fully expected her to walk along side those giants and then we gave her a very large gavel.

After four months, it is pretty clear that Speaker Buckley does not need a big gavel. She leads this chamber with equal parts of grace and gumption, compassion and commitment. She is, simply put, a leader. We are fortunate, and Nevada is fortunate, to have her at the helm of the "People's House."

Madam Speaker, thank you for giving me the opportunity to serve as your Majority Leader. On behalf of my 40 colleagues in this chamber, thank you for your service to the people of this State.

ASSEMBLYMAN MABEY:

Thank you, Madam Speaker. I was not prepared to give a speech. I was here in the 2003 Session, and there were not many speeches given at the close. In 2005, we ran out of time. I did not prepare this but I think I will try to use that old cowboy maxim of Mr. Carpenter's, which is "to think quickly and speak slowly." It is an honor to have served here as the Minority Leader. I have a lot of respect for you, Madam Speaker. Mr. Majority Leader, it was a pleasure. It is amazing how in this state someone like a country doctor, such as myself, can come up here and serve. There are teachers, attorneys, and whatever else we are. That is what makes our state great.

I remember every time I fly down or fly up and look out the window of the plane. We have a wonderful state, and I am proud of it. I am grateful for the opportunity I had to serve. I am especially grateful for my caucus and for those who have served. It is not always easy being the minority. It is a difficult circumstance at times because we have to weigh our vote and wonder what will happen, what are the repercussions. I can tell you our caucus votes with their conscience. I am proud of them. I am proud to have been here. Thank you. I hope we finish on time, too.

ASSEMBLYMAN CARPENTER:

Thank you, Madam Speaker. We have served together seven terms here. A lot of times, you were chairman of some committees. We got along without you in Judiciary, but it was not easy, was it, Bernie? I just wanted to say thank you and congratulations. You did keep this well-oiled machine on course, and we are going to make it out of here. I am so grateful because I am going to be able to head home to Elko and have great memories of this session. I want to thank you so much. I want to also thank the Majority Leader. A couple of times we did not agree. Most of the times, however, we did agree. I think you have done a great job here, and I really appreciate you and thank you.

ASSEMBLYMAN BEERS:

Thank you, Madam Speaker. I really appreciate how you ran this session for a freshman, such as myself. It definitely has been an enjoyable experience. I did have a song prepared, but I have not been told I can do it. So I wanted to make a little presentation instead. We have a special member of this Assembly, a neighbor of mine who has earned a special award. Lynn Stewart, if you could please stand. He has earned the special loving cup as the "Conference Committee Champion" of 2007.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Every session, we close the same way. We have not slept very well for the past couple of months. Some of us have eaten a little too much, something we worked on did not pass or did not pass the way we wanted it to, someone along the way truly irritated us. But now is the time to let minor irritations go. It is time to reflect back on the session and on what is important.

I do not believe there is anyone here among us who would deny what an honor it is to be chosen by our neighborhoods and districts to be their representative in Nevada's democratic process. Most of us never imagined that we would be given the privilege to serve our state.

What did we accomplish this session? Let's look at some of the highlights so we can cast aside the irritations that all sessions bring. In education, we raised pay for teachers 2 percent next year and 4 percent the following year. We created $10 million for Clark, Washoe, and Lyon Counties to begin a pilot program to reward teachers who produce extraordinary results. We allocated $15 million to expand full-day kindergarten from the current 114 schools to an additional 63 at-risk schools—virtually every at-risk school in the state. We began the process of high school reform and appropriated $8 million over the biennium to career and technical education and courses that will interest high school students and perhaps prevent them from dropping out. We expanded the Clark County empowerment school pilot project. It was very similar to what we did with Senate Bill 404 of the 73rd Session in letting schools decide what they need to achieve. We appropriated additional money to the Gifted and Talented Program—a program many of us support strongly. We appropriated money for programs for alternative

placement for disruptive students, earmarked LEED savings for teacher salaries and funding for important after-school programs like Community and Schools, the After School All-Stars, and Save the Children for the rural communities.

The most important fact of all is that despite our individual policy differences on education, this Assembly looked at the fact that Nevada was last in the nation in K-12 per-pupil school funding, and we refused to accept a status quo budget. We are responsible for fighting for and securing these programs that we can be proud of and that will benefit all of our constituents. We increased per-pupil expenditures from $4,696 to $5,122 next year and $5,323 the following year—an additional 13 percent increase in spending for our children.

In health care, we always top the bad lists, of which we are quite ashamed. However, this session we increased the number of children we will provide health insurance for and the number of middle-class pregnant women who will receive health insurance as well. It is ironic that the working middle-class cannot afford a doctor to deliver a baby. We expanded the subsidy for small business employers, and we are starting a program in conjunction with our Chambers of Commerce to reach out to small business and help them find health insurance.

We increased the budget for mental health and social services and gave a raise to poor children by increasing Temporary Assistance for Needy Families (TANF) payments for the first time in over a decade. We helped Nevadans control their medical costs by creating a website to allow consumers to compare the costs of drugs so those who do not have insurance or cannot afford prescription drugs can find where the best prices are. Hopefully, we are passing a bill on medical health transparency so consumers can know how the places they choose to receive medical care rank. We limited hospital debt and eliminated some abusive collection practices that were happening with hospital debt. We created a volunteer emergency medical services fund to help those services in rural areas of Nevada. We updated our Good Samaritan law, paved the way for retired physicians to provide medical care to the needy, and required insurers with information about an applicant's potentially serious medical condition to notify the applicant of the condition. All of these projects will serve to increase the well-being of Nevadans.

On energy and the environment, we passed bills to raise the net-metering cap to allow and encourage people to generate their own electricity and sell it back to all of us. We created broad incentives for geothermal energy that increase energy efficiency. We expanded last year's solar demonstration project and continued our position on renewable energy since we have so much—the sun, the wind, and geothermal. Our commitment to environmental quality was also demonstrated in our new laws to conserve water and to protect our state's air and water quality. We fixed a bill that was intended to encourage "green" commercial construction so it will not bankrupt our state.

We passed so much legislation on consumer protection, everything from my own favorite of curbing the high-interest loan abuses to others that stop mortgage lending abuses and hard-money lending scams. We also are beginning the process of inventorying all existing affordable and attainable housing so that we can start the long-term planning process, and we did not forget Nevada's youngest nor our oldest.

We created a task force at the Attorney General's Office to combat elder abuse and senior financial exploitation. We ordered child and adult care facilities to provide information concerning complaints and disciplinary measures so we can weed out who is doing a good job and who is not. We told child welfare agencies that it is the policy of the State that if you take a young child from his home, you should find another home for that child, not place him in an institution. We made significant changes to the manner in which child fatality reviews are conducted to make sure the public has the information anytime a child dies within our care. We passed laws to help the State's struggling child support enforcement system and criminalized paternity fraud. We even increased child safety by raising the age when children are required to wear life preservers.

In law enforcement, similarly, we made significant strides. We gave them more tools to combat the blight of graffiti. We refined many of our criminal statutes including laws related to luring children, and we expanded the genetic marker testing of convicts. We further expanded provisions relating to protection orders against domestic violence, and we fought hard to eradicate the scourge of methamphetamine and the evils that it has left across our state. We passed laws limiting the sale of precursor drugs, monitoring prescriptions of controlled

substances, and most importantly, providing funding for treatment. Methamphetamine use is one list that we must stop leading.

Also, we made significant inroads on prison reform. I think everyone agrees that we need to reserve our beds for the violent offenders, the repeat offenders, and the sexual predators, and we need to be smarter on crime. That is what we did this session. Through certain intervention programs and more treatment, we are looking at trying to keep drug offenders and minor offenders out of our prisons, yet not letting them out on the street to commit crimes.

We made progress on transportation. Although, certainly all of us are not satisfied with what we did in terms of doing enough, we did not fall short. We were committed to action this session, and that is what we accomplished. Although Assembly Bill 595 is not a total solution, it ensures that the state's most critical projects will continue and gives us the time needed to gain consensus for an overall solution to our long-term road problems.

On ethics, we were confronted with results that show politicians rated lower in public esteem than used-car dealers, and this body tried to implement comprehensive ethics reform for the politicians and lobbyists of the State. Now, limited liability companies who give political donations must disclose the identities of those donors, and contributions for local defense funds are limited and subject to disclosure so that all transactions must take place in the sunshine.

Of course, there were many more laws passed dealing with domestic relations, improvement districts, natural resources, or you name it—laws that address the specific concerns of our constituents. As I look across this floor, every single one of you is responsible, in some manner, for all of the bills that I read.

These are not just Democratic bills or Republican bills, they are Nevadan bills. It took a strong, bipartisan effort to accomplish these things. So whether you were one of the many sponsors of the bills I named or whether you helped by participating in a committee hearing through questioning, you helped become part of this great democratic process.

I think each of us can take pride in our joint legislative accomplishments. I know we are anxious to leave, and it would take too long to individually list everyone's accomplishments, but I want to especially acknowledge a few members of my leadership team and my committee chairs who did such an incredible job this session. When people ask me "How have you managed to have a successful session?" I say, "It is due to every legislator, and especially the leadership team and our committee chairs."

First, my Majority Leader, John Oceguera. You did a tremendous job coordinating this effort. I am so proud of you and so pleased at the job you have done this session. Thank you for living up to all of my expectations and more.

Also, I would like to thank our Assistant Majority Leader, Marcus Conklin, who does such an incredible job. No one, I believe, works on more bills in terms of quantity or tries to put out more fires than Marcus. You two together—for the method and manner that you got our work done this session, your professionalism, your intellect, and your collegiality—we thank you so much, Marcus, for the job that you have done this session. I do not know what they are talking about; I understand every word you say. Some people say he talks too fast. Certainly, in addition to your leadership duties, the job that you have done with Commerce and Labor deserves thanks as well—the incredible volume of bills, the least amount of hearing dates, the most amount of bills, shepherding them through the hearing process, weeding out the bad from the good—it requires tenacity and patience, qualities that both of you demonstrated in your leadership of the Committee on Commerce and Labor. It was great chairmanship and great vice chairmanship.

Next, I would like to thank Bernie Anderson, my Speaker pro Tempore. The hard work, number of bills that go to the Committee on Judiciary, and the demands placed make it overwhelming. Bernie maintains his committee, maintains control on all of his bills, and also manages the "Woodshed" to keep lobbyists and legislators in line. Also, he reminds us to pay homage to Dr. Seuss every year and to read to children. Most of all, some people think Bernie is a little grumpy, but when I look at Bernie Anderson, I see the man I want next to me in a foxhole—someone who would give me the shirt off his back, who cries when we lose a Nevada soldier, who cares about public policy, who loves the political process, and who misses teaching children the great things about our political process. You have done an awesome job, as you always do, Bernie, and I am glad you are my friend. Thank you.

I would also like to thank Sheila Leslie, my Majority Whip. Sheila holds the torch for those who are most vulnerable in Nevada, whether it is the issues of homelessness, mental illness, health care, or you name it. Sheila works hard, understands every issue, and fights to the end for those who need help. She is smart and hardworking. She is an incredible vice chair, an incredible member of our leadership team, and without Sheila, I do not know what we would have done on any of these issues. Thank you, Sheila.

I need to thank a couple more of my chairmen. I would like to start with Bonnie Parnell. Everybody loves Bonnie Parnell in the Committee on Education. She keeps such good control of that committee, she knows the issues inside and out, and she is respected by everybody who meets her. Bonnie, you did a tremendous job again with the Committee on Education. We can rely on you to handle any issue. We appreciate you, and thank you for such an incredible session.

While we have a long way to go in school funding, we have begun to climb out of the nation's education funding cellar, due in part to the spectacular leadership of our Committee on Ways and Means. Who better than a man named "Moose" to hold the line against special interest spending while soldiering on behalf of those in our state who need the money. What a tremendous session you have had. It has been great to have you back in the game. Assemblyman Morse Arberry, my thanks to you.

Kelvin Atkinson and his committee shouldered the burden and the press commentary to get us started on the very unpopular journey of forcing people and the businesses of this state to decide how we will pay for what we all want, uncongested and well-maintained roads. At the end of a very, very difficult session on transportation, you are about the only one standing and the only one grinning. Thank you, Kelvin, for all you have done.

Marilyn Kirkpatrick, what a tremendous job you have done as our freshman chair of Government Affairs. No one would ever know, looking at you, the way you went through the intricacies, the policies, the personalities and treated people fairly, but cut them off when they really were not saying anything. We owe you a debt of gratitude for all the work that you and Assemblywoman Smith, our dynamic duo, did on the LEED bill this session. Thank you.

Dave Parks and his committee set a policy for the state that is both rational and economically efficient, establishing new prisons to house violent offenders and sex offenders and alternatives for first-time nonviolent offenders. I think it was the hardest job of all, wading through all those disparate interests to come up with a package recommended by the Council of State Governments and Jim Austin to give us a blueprint on where we are going on prison policy. Talk about a thankless job at times—when I would watch some of your hearings on television, with all of the different folks you had testifying—yet you handled it with grace and came out with a policy that this entire Legislature can be proud of. Thank you, Mr. Parks.

Kathy McClain and her committee tenaciously protected the public purse and yet honored Nevada's military members by enacting tax relief for them and their families. For your tenacious advocacy for veterans and seniors, and running a tip-top ship in the Committee on Taxation, leaving us saying that we did not raise any taxes yet we have a balanced budget, we thank you.

After a year of scandal and shame, Ellen Koivisto and her committee passed bills intended to restore the public trust in elected officials. Some of her efforts got a cool reception on the other side of the building, but we will fight that fight again, and we can be proud of the reform that we did pass due to your leadership. Thank you, Ellen.

Meanwhile, Harry Mortenson got to work on all the sexy issues involving the *Constitution*. Aren't we all excited about eminent domain? Between that and the lottery, Harry had a lot to deal with this session, but he did it well and we ended up with some good constitutional measures for the folks to consider, and we appreciate all that you have done for us, Mr. Mortenson.

Jerry Claborn and his committee continued their vigilant stewardship of our natural resources in this state while preserving the right for all of us to enjoy the natural beauty and wildlife that exists here. That committee considered every animal known to mankind. We enjoy the way you advocate for what you believe in and we appreciate your stewardship and experience and the great job you did this session. Jerry, thank you very much for being a part of our team.

I would also like to thank Susan Gerhardt for her work on child welfare. There really has been no issue that has affected me more than the situation in Clark County on child welfare, with

children dying in our care and the reforms that came out of that with the Blue Ribbon Task Force and all of the measures we passed this session including an incredible increase in funding to improve the lives of our children. For carrying all of that forward and seeing it through this session, I want to thank you very much.

We know that our work is not done. We have more to do for education, for health care, for ethics, and for prison reform. The list goes on and on, but we can take a step back and celebrate and acknowledge all of the efforts on all of the measures that will make our state a better place. Without a doubt, this session has been exciting, exhausting, and one of the most rewarding experiences of my life. I thank all of you for giving me the privilege and the honor to serve as Speaker for my first time. I will cherish forever the fact that I was the first woman to hold this role, all the while knowing that I will not be the last.

With that, I want to thank you and appreciate and acknowledge all of the things that all of you have done to contribute to this legislative session. Thank you.

ASSEMBLYMAN STEWART:

Thank you, Madam Speaker. I rise in support of the freshman class of the 74th Legislative Session, a bipartisan group that has done an extremely great job here. I would like to just make a few comments on what I have observed as the oldest freshman and someone who is old but new to this beautiful building. When I first got here, I was astounded. I had a female Speaker, three chairwomen; I felt right at home because my mother-in-law lived with us. I learned as a freshman you win some and you lose some, and you lose some, and you lose some. When my funeral bill got buried, I was comforted by Mr. Carpenter with one of his cowboy sayings. "Sometimes you get, and sometimes you get got." I live in the beautiful Plaza Hotel. As I walk to the Assembly every morning, I come through the front door and I get a little catch in my throat when I walk through that door. When I come here into the chamber, I think, "What are you doing here? You do not deserve to be here with these wonderful people." I have enjoyed so much working with all of you, Madam Speaker. You have done such a tremendous job. The Majority Leader, the Minority Leader, and all of my freshmen colleagues, I sincerely hope we can all get back together again. I would like to give a special thanks to my colleague from District No. 6. He has taught me so much. The cowboy saying is, "You should think quickly and talk slowly." Harvey taught me that if you cannot think really quickly, clear your throat and it gives you time to think.

I have enjoyed so much being here with you all. I sincerely appreciate this body. I look up there at Abraham Lincoln—who was one of my students—at his portrait hanging above the Speaker's podium, and I think about being so glad to be here. Thank you again for this opportunity. I love you all, sincerely. I love the cowboys, I love my freshmen Democrats and even some of you older Democrats. I would like to give a special thanks to my colleague from District No. 21 for this beautiful trophy. I will treasure it always. A special thanks to my colleague from District No. 20. He has been like a big, older brother who is younger to me. I thank him very much. Thank you very much for the opportunity to have been here.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 13, 144, 158, 161, 165, 186, 202, 232, 273, 469, 483, 510, 585, 591, 595, 604, 621; Senate Bills Nos. 186, 189, 253, 352, 380, 422, 444, 455, 458, 461, 464, 499, 544 and 570.

MOTIONS, RESOLUTIONS AND NOTICES

Madam Speaker appointed Assemblymen Oceguera, Conklin, and Mabey as a committee to wait upon His Excellency, Governor Jim Gibbons, Governor of the State of Nevada, and to inform him that the Assembly was ready to adjourn *sine die*.

Madam Speaker appointed Assemblymen Anderson, Leslie, and Gansert as a committee to wait upon the Senate and to inform that honorable body that the Assembly was ready to adjourn *sine die*.

A committee from the Senate, consisting of Senators Cegavske, Heck, and Woodhouse, appeared before the bar of the Assembly and announced that the Senate was ready to adjourn *sine die*.

Assemblyman Anderson reported that his committee had informed the Senate that the Assembly was ready to adjourn *sine die*.

Assemblyman Oceguera reported that his committee had informed the Governor that the Assembly was ready to adjourn *sine die*.

Assemblyman Oceguera moved that the Seventy-Fourth Session of the Assembly of the Legislature of the State of Nevada adjourn *sine die*.

Motion carried.

Assembly adjourned at 1:59 a.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly

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KOIVISTO, ELLEN M., Assemblywoman from Clark County, No. 14 District—
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Concur in Senate amendment(s) to A.B. 80, 4494; A.B. 143, 4637; A.B. 342, 4641; A.B. 517, 4687; A.B. 569, 6039; A.B. 593, 6230; A.J.R. 10, 4689.
Do not concur in Senate amendment(s) to A.B. 142, 4633.
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Recede from action on S.B. 87, 3516; S.B. 401, 6519.
Potential conflict of interest re A.B. 319, 1293.
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LESLIE, SHEILA, Assemblywoman from Washoe County, No. 27 District—
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Conference re A.B. 148, 5980; A.B. 424, 5980.
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Inform Senate Assembly ready to adjourn *sine die*, 7494.
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Concur in Senate amendment(s) to A.B. 68, 3964; A.B. 146, 7438; A.B. 232, 6747; A.B. 247, 5401; A.B. 263, 5416; A.B. 410, 5418; A.B. 490, 5421.
Do not concur in Senate amendment(s) to A.B. 148, 4537; A.B. 182, 6207; A.B. 443, 5397.
Do not recede from action on S.B. 5, 5857; S.B. 171, 5857; S.B. 244, 5421; S.B. 266, 6232; S.B. 529, 5857; S.B. 536, 5985.
Previous question re A.J.R. 5, 341; S.B. 58, 4514; S.B. 549, 4223.
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MABEY, GARN R., Assemblyman for Clark County, No. 2 District—
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Conference re A.B. 385, 6084; A.B. 418, 5974; A.B. 424, 5980; A.B. 521, 6176; S.B. 19, 5844; S.B. 412, 6040; S.B. 432, 5844; S.B. 483, 5985.
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MAJORITY FLOOR LEADER —*See Oceguera, John.*

MAJORITY FLOOR LEADER, ASSISTANT—*See Conklin, Marcus.*

MAJORITY WHIP—See *Leslie, Sheila.*

MAJORITY WHIP, ASSISTANT—*See Horne, William*

MAJORITY WHIP, ASSISTANT—*See Smith, Debbie*

MANENDO, MARK, Assemblyman for Clark County, No. 18 District—
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Conference re A.B. 304, 5980; A.B. 497, 5980; S.B. 303, 6188.
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Maupin, A. William, Chief Justice, 3.
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MARVEL, JOHN W., Assemblyman for Humboldt, Lander (Part), Washoe (Part) Counties, No. 32 District—
Absences, excused, 157, 2848.
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Conference re S.B. 154, 3959.
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MCCLAIN, KATHY, Assemblywoman from Clark County, No. 15 District—
Committee appointments—
Conference re A.B. 182, 6356; A.B. 585, 6085; S.B. 5, 5857; S.B. 171, 5857.
Escort—
Maupin, A. William, Chief Justice, 3.
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Concur in Senate amendment(s) to A.B. 209, Amend. No. 994, 5743; A.B. 209, Amend. No. 997, 5775; A.B. 433, 4544; A.B. 586, 7053.
Do not concur in Senate amendment(s) to A.B. 110, 4538; A.B. 461, 5711; A.B. 585, 5641.
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MILLER, ROSS—*See Secretary of State*.

MINORITY FLOOR LEADER—*See Mabey, Garn.*

MINORITY FLOOR LEADER, ASSISTANT—*See Gansert, Heidi.*

MINORITY WHIP—*See Goicoechea, Pete*.

MINORITY WHIP—*See Hardy, Joe*.

MINORITY WHIP—*See Weber, Valerie E*.

MORTENSON, HARRY, Assemblyman for Clark County, No. 42 District—
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MUNFORD, HARVEY J., Assemblyman for Clark County, No. 6 District—
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Concur in Senate amendment(s) to A.C.R. 9, 1296.
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OCEGUERA, JOHN, Assemblyman for Clark County, No. 16 District—
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Do not concur in Senate amendment(s) to A.B. 88, 3515; A.B. 161, Amend. No. 990, 6406; A.B. 161, Amend. No. 1111, 6438; A.B. 178, Amend. No. 1013, 5483; A.B. 304, 4759; A.B. 385, 5856; A.B. 404, 4809; A.B. 424, 4862; A.B. 496, 5488; A.B. 619, Amend. No. 1096, 6755; A.B. 619, Amend. No. 1134, 6757.
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OHRENSCHALL, JAMES, Assemblyman for Clark County, No. 12 District—
Committee appointments—
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PARKS, DAVID R., Assemblyman for Clark County, No. 41 District—
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PARNELL, BONNIE, Assemblywoman from Carson City (Part), Washoe County (Part), No. 40 District—
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PIERCE, PEGGY, Assemblywoman from Clark County, No. 3 District—
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ASSEMBLY STANDING RULES

AND THE

JOINT STANDING RULES OF THE SENATE AND ASSEMBLY

OF THE

SEVENTY-FOURTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2007

ASSEMBLY STANDING RULES

I. OFFICERS AND EMPLOYEES

Duties of Officers

Rule No. 1. Speaker of the Assembly.

1. All officers of the Assembly are subordinate to the Speaker in all that relates to the prompt, efficient and correct discharge of their official duties under the Speaker's supervision.

2. Possessing the powers and performing the duties described in this Rule, the Speaker shall:

(a) Take the chair at the hour to which the Assembly stands adjourned, call the members to order, and upon the appearance of a quorum, proceed to business.

(b) Preserve order and decorum and have general direction of the Chamber of the Assembly and the approaches thereto. In the event of any disturbance or disorderly conduct therein, order the same to be cleared.

(c) Decide all questions of order, subject to a member's right to appeal to the Assembly. On appeal from such decisions, the Speaker has the right, in the Speaker's place, to assign the reason for the decision.

(d) Have the right to name any member to perform the duties of the Chair, but such substitution must not extend beyond one legislative day.

(e) When the Assembly resolves itself into Committee of the Whole, name a Chairman to preside thereover and call him to the Chair.

(f) Have the power to accredit the persons who act as representatives of the news media and assign them seats.

(g) Sign all bills and resolutions passed by the Legislature as provided by law.

(h) Sign all subpoenas issued by the Assembly.

(i) Receive all messages and communications from other departments of the government and announce them to the Assembly.

(j) Represent the Assembly, declare its will and in all things obey its commands.

(k) Vote on final passage of a bill or resolution, but the Speaker shall not be required to vote in ordinary legislative proceedings except where the Speaker's vote would be decisive. In all yea and nay votes, the Speaker's name must be called last.

3. If a vacancy occurs in the office of Speaker, through death, resignation or disability of the Speaker, the Speaker Pro Tempore shall temporarily and for the period of vacancy or disability conduct the necessary business of the Assembly.

4. If a permanent vacancy occurs in the office of Speaker, the Assembly shall select a new Speaker.

[Statutes of Nevada 1975, 1912; A 1995, 2845; 1997, 3538; 1999, 3834; 2001, 3295]

Rule No. 2. Reserved.

Rule No. 3. Reserved.

Rule No. 4. Reserved.

Rule No. 5. Reserved.

Rule No. 6. Reserved.

The next rule is 10.

II. SESSIONS AND MEETINGS

Rule No. 10. Time of Meeting.

The Assembly shall meet each day at 11 a.m., unless the Assembly adjourns to some other hour.

[Statutes of Nevada 1975, 1857]

Rule No. 11. Open Meetings.

All meetings of the Assembly and its committees must be open to the public.

[Statutes of Nevada 1975, 1907; A 1999, 3835; 2001, 3296]

Rule No. 12. Reserved.

The next rule is 20.

III. DECORUM AND DEBATE

Rule No. 20. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then he shall be permitted to go on. Every such decision from the

presiding officer shall be subject to an appeal to the House; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

[Statutes of Nevada 1973, 1886; A 1993, 2913; 1995, 2847; 1997, 3540]

Rule No. 21. Portable Electronic Communication Devices.

1. A person who is within the Assembly Chambers or within an Assembly committee room shall not engage in a telephone conversation via the use of a portable telephone.

2. Before entering the Assembly Chambers or an Assembly committee room, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call, shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within the Assembly Chambers or within an Assembly committee room.

[Statutes of Nevada 2001, 3296; A 2003, 3602]

Rule No. 22. Reserved.

Rule No. 23. Committee on Ethics; Legislative Ethics.

1. The Committee on Ethics consists of:

(a) Two members of the Assembly appointed by the Speaker from the majority political party;

(b) One member of the Assembly appointed by the Minority Leader from the minority political party; and

(c) Two qualified electors of the State chosen by the members of the Committee who are appointed pursuant to paragraphs (a) and (b), neither of whom is a present or former member of the Legislature or employed by the State of Nevada.

2. The Speaker shall appoint two members of the Assembly, one from the majority political party and one from the minority political party to serve as alternate members of the Committee. If a member is disqualified, the alternate appointed from the same political party shall serve as a member of the Committee during the consideration of a specific question.

3. A member is disqualified if he is the requester of advice concerning a question of ethics or conflict of interest, or if the advice is requested by another member of the Assembly and a reasonable person in his situation could not exercise independent judgment on the matter in question.

4. The Committee shall hear complaints on alleged breaches of ethics and conflicts of interest, brought by Legislators and others, and it may advise Legislators on questions of breaches of ethics and conflicts of interest. All proceedings held to consider the character, alleged misconduct, professional

competence or physical or mental health of any person by the Committee on matters of ethics or conflicts of interest are confidential unless a Legislator:

(a) Against whom a complaint is brought requests a public hearing;

(b) Discloses the opinion of the Committee at any time after his hearing; or

(c) Discloses the content of an advisory opinion issued to him by the Committee.

5. A complaint which alleges a breach of ethics or a conflict of interest must be in writing and signed by the person making the allegation. The complaint must be filed with the Chairman. The Chairman shall send a copy of the complaint, within 24 hours after receiving it, to the Legislator against whom the complaint is brought.

6. The criterion to be applied by the Committee in determining whether a Legislator has a conflict of interest is whether the independence of judgment of a reasonable person in his position upon the matter in question would be materially affected by:

(a) His acceptance of a gift or loan; or

(b) His private economic interest.

7. A Legislator who determines that he has a conflict of interest may vote upon, advocate or oppose any measure as to which a potential conflict exists if he makes a general disclosure of the conflict. In determining whether to vote upon, advocate or oppose the measure, the Legislator should consider whether:

(a) The conflict impedes his independence of judgment;

(b) His participation will produce a negative effect on the public's confidence in the integrity of the Legislature;

(c) His participation is likely to have any significant effect on the disposition of the measure; and

(d) His interest is greater than the interests of an entire class of persons similarly situated.

[Statutes of Nevada 1977, 1706; A 1987, 2325, 2336; 1995, 2847; 1997, 3540]

The next rule is 30.

IV. QUORUM, VOTING, ELECTIONS

Rule No. 30. Manner of Voting.

1. The presiding officer shall declare all votes, but the yeas and nays must be taken when called for by three members present, and the names of those calling for the yeas and nays must be entered in the Journal by the Chief Clerk.

2. The presiding officer shall call for yeas and nays by a division or by a roll call, either electronic or oral.

3. When taking the yeas and nays on any question, the electronic roll call system may be used, and when so used shall have the force and effect of any roll call under these rules.

4. When taking the yeas and nays by oral roll call, the Chief Clerk shall take the names of members alphabetically, except that the Speaker's name must be called last.

5. The electronic roll call system may be used to determine the presence of a quorum.

6. The yeas and nays must not be taken with the electronic roll call system until all members present are at their desks. The presiding officer may vote at the rostrum.

7. Only a member who:

(a) Has been certified by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments or a special committee of the Assembly; and

(b) Is physically present within the Assembly Chambers,

➥ may cast a vote in the Assembly.

8. A member shall not vote for another member on any roll call, either electronic or oral. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

[Statutes of Nevada 1975, 1879; A 1995, 2848; 1997, 3542; 1999, 3837; 2001, 3298; 2005, 2927]

Rule No. 31. Reserved.

Rule No. 32. Announcement of the Vote.

1. A member may change his vote at any time before the announcement of the vote if the voting is by voice, or at any time before the votes are electronically recorded if the voting is conducted electronically.

2. The announcement of the result of any vote shall not be postponed.

[Statutes of Nevada 1975, 1876]

Rule No. 33. Voting by Division.

Upon a division and count of the Assembly on any question, no person without the bar shall be counted.

[Statutes of Nevada 1973, 1887]

The next rule is 40.

V. LEGISLATIVE BODIES

Rule No. 40. Standing Committees.

The standing committees of the Assembly are as follows:

1. Ways and Means, fourteen members.
2. Judiciary, fourteen members.
3. Taxation, twelve members.
4. Education, eleven members.
5. Elections, Procedures, Ethics, and Constitutional Amendments, thirteen members.
6. Natural Resources, Agriculture, and Mining, eleven members.
7. Transportation, eleven members.
8. Commerce and Labor, fourteen members.
9. Health and Human Services, eleven members.
10. Government Affairs, fourteen members.
11. Select Committee on Corrections, Parole, and Probation, six members.

[Statutes of Nevada 1975, 1857; A 1977, 1728; 1981, 2059, 2064; 1983, 2103; 1985, 2315; 1987, 2326, 2399; 1989, 2204; 1991, 2479; 1993, 2915, 2967; 1995, 2849, 2878; 1997, 3543, 3682, 3712; 1999, 3838; 2001, 3298; 2003, 3604; 2005, 2928; 2007, 3457]

Rule No. 41. Appointment of Committees.

1. Except as otherwise provided in Assembly Standing Rule No. 23, all committees must be appointed by the Speaker, unless otherwise directed by the Assembly. The Speaker shall designate the chairman and vice chairman of each committee.

2. To facilitate the full participation of the members during an adjournment called pursuant to Joint Standing Rule No. 9 of the Senate and Assembly, the Speaker may temporarily appoint a member to a standing committee that is scheduled to meet during the adjournment if none of the committees to which the member is regularly assigned will be meeting during the adjournment.

[Statutes of Nevada 1973, 1903; A 1977, 1707; 1985, 2314; 1993, 2916; 1995, 2850; 1997, 3543; 2007, 3457]

Rule No. 42. Committee Action.

1. The committee shall have regular meetings scheduled by the Assembly leadership. A quorum of the committee is a majority of its members and may transact business except as limited by this Rule.

2. Except as limited by this Rule, a simple majority of those present may move, second and pass a motion by voice vote.

3. Definite action on a bill or resolution will require a majority of the entire committee.

4. A two-thirds majority of the entire committee is required to reconsider action on a bill or resolution.

5. Committee introduction of legislative measures which are not prefiled requires concurrence of two-thirds of the entire committee and does not imply commitment to support final passage.

6. The chairman must be present when the committee votes to take any final action regarding bills or resolutions, but the chairman is not required to vote.

7. No member of the committee may vote by proxy under any circumstances.

8. A committee shall not take a vote on the question of whether to exercise its statutory authority to issue a legislative subpoena unless the chairman has informed the Speaker of the intention of the committee to consider such a question.

[Statutes of Nevada 1973, 1903; A 1995, 2850; 1997, 3543; 2001, 3299; 2007, 3457]

Rule No. 43. Subcommittees.

Subcommittees made up of committee members may be appointed by the chairman to consider and report back on specific subjects or bills.

[Statutes of Nevada 1973, 1903; A 1995, 2850; 1997, 3544]

Rule No. 44. Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

The Committee on Elections, Procedures, Ethics, and Constitutional Amendments has jurisdiction over matters relating to personnel. It shall recommend by resolution the appointment of all attaches and employees of the Assembly not otherwise provided for by law. It may suspend or remove any such attache or employee for incompetency or dereliction of duty. It shall function as the Committee on Rules and as the Committee on Credentials of the Assembly.

[Statutes of Nevada 1973, 1885; A 1977, 1707; 1981, 2059, 2171; 1985, 2316; 1991, 2480; 1993, 2916; 1997, 3544; 2005, 2929]

Rule No. 45. Procedure for Election Contests.

1. Upon receipt of a statement of contest from the Secretary of State pursuant to NRS 293.427, the Speaker shall, as soon as practicable, appoint a special committee to hear the contest or refer the contest to the Standing Committee on Elections, Procedures, Ethics, and Constitutional Amendments. The committee shall conduct a hearing to consider the contest. The committee shall keep written minutes of the hearing. The contestant has

the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby.

2. The contest must be submitted so far as may be possible upon depositions or by written or oral arguments as the Assembly may order. Any party to a contest may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State and before the contest is finally decided. At least 3 days' notice must be given to the prospective deponent and to the other party. If oral statements are made at any hearing before the Assembly or a committee thereof which purport to establish matters of fact, they must be made under oath. Strict rules of evidence do not apply.

3. The committee shall, not later than 5 calendar days after the contest was referred to the committee, report to the Assembly its findings on whether the contestant has met the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby. The committee shall then report to the Assembly its recommendation on which person should be declared elected or report that it has no recommendation. The Assembly shall, as soon as practicable thereafter but not later than 7 calendar days after the Speaker received the statement of contest, vote whether to accept or reject the committee's recommendation without amendment, if a recommendation is made. If the recommendation is accepted, the Speaker shall declare the recommended person elected. If the recommendation is rejected or the committee did not make a recommendation, the Assembly shall consider immediately which person should be declared elected. The Speaker shall not adjourn the Assembly until it has declared a person to be elected.

4. If a person other than the person initially seated as a member of the Assembly pursuant to subsection 2 of NRS 293.427 is declared to be elected by the Assembly as a result of the contest, the Speaker shall inform the Governor of the identity of the person declared to be elected by the Assembly.

[Statutes of Nevada 1973, 1885; R 1987, 2326; Readopted 1989, 2204; A 1991, 2480; 1993, 2917; 1995, 2851; 1997, 3544; 2003, 3605; 2005, 2929]

Rule No. 46. Committee Action on Reports.

Committee reports must be adopted at a committee session actually assembled and meeting as a committee with a quorum present. Every committee vote on a matter pertaining to a bill or resolution must be recorded. The vote may be taken by roll call at the discretion of the chairman.

[Statutes of Nevada 1973, 1903; A 1995, 2852; 1997, 3545; 1999, 3840]

Rule No. 47. Committee Records.

The chairman of each committee shall keep, or cause to be kept, a complete record of the committee proceedings in which there must be entered:

1. The time and place of each meeting;
2. The attendance and absence of members;
3. The names of all persons appearing before the committee, with the names of persons, firms, corporations or associations in whose behalf such appearance is made; and
4. The subjects or measures considered and action taken.

[Statutes of Nevada 1973, 1903; A 1995, 2852; 1997, 3545; 1999, 3840]

Rule No. 48. Disposition of Committee Records.

All minutes, records and documents in the possession of committees and their chairmen must be filed in the offices of the Legislative Counsel Bureau upon adjournment sine die.

[Statutes of Nevada 1973, 1904; A 1999, 3840]

Rule No. 49. Committee Hearings.

1. The presence of a quorum of the committee is desirable but not required to conduct a public hearing. At the discretion of the chairman, members of the committee may attend, participate in and, if applicable, vote during the hearing via simultaneous telephone or video conference.

2. Public hearings are opened by the chairman who announces the subject under consideration and provides for those wishing to address the committee to be heard. These persons shall rise in an order determined by the chairman, address the chair and furnish their names, addresses and firms or other organizations represented. Committee members may address the chairman for permission to question the witness.

[Statutes of Nevada 1975, 1914; A 1995, 2852; 1997, 3546; 1999, 3840; 2001, 3301]

Rule No. 50. Reserved.

Rule No. 51. Reserved.

Rule No. 52. Concurrent Referrals.

When a bill or resolution is referred to two committees, the bill or resolution must go to the first committee named. If the first committee votes to amend the bill or resolution, it must be reprinted with amendments and then returned to the first committee or sent immediately to the next committee. If there is no amendment proposed by the first committee, or if the first committee acts upon the bill or resolution after amendment, the bill

or resolution must be sent with the committee recommendation immediately to the second committee.

[Statutes of Nevada 1975, 1909; A 1987, 2326; 1989, 2205; 1999, 3840]

The next rule is 60.

VI. RULES GOVERNING MOTIONS

Rule No. 60. Entertaining.

No motion may be debated until it is distinctly announced by the presiding officer. The presiding officer, upon his own motion or at the request of a member, may direct that the motion be reduced to writing and be read by the Chief Clerk before the motion is debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

[Statutes of Nevada 1973, 1889; A 1995, 2853; 1997, 3547; 1999, 3841; 2003, 3607]

Rule No. 61. Reserved.

Rule No. 62. Reserved.

PARTICULAR MOTIONS

Rule No. 63. Reserved.

Rule No. 64. Reserved.

Rule No. 65. Indefinite Postponement.

When a question is postponed indefinitely, the same question must not be considered again during the session and the question is not subject to a motion for reconsideration.

[Statutes of Nevada 1973, 1889; A 1999, 3841]

Rule No. 66. To Strike Enacting Clause.

A motion to strike out the enacting clause of a bill or resolution does not take precedence over any other subsidiary motion. If the motion is carried, it shall be considered equivalent to the rejection of such bill or resolution.

[Statutes of Nevada 1973, 1889; A 1999, 3841]

Rule No. 67. Division of Question.

Any member may call for a division of the question, which shall be divided, if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of

the Assembly. A motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert. A motion to strike out and insert shall be deemed indivisible.

[Statutes of Nevada 1973, 1889]

Rule No. 68. To Reconsider—Precedence of.

A motion to reconsider shall have precedence over every other motion, except a motion to adjourn, or to fix the time to which to adjourn; and when the Assembly adjourns, while a motion to reconsider is pending, or before passing the order of business of Motions, Resolutions and Notices, the right to move a reconsideration shall continue to the next day of sitting. No notice of reconsideration of any final vote shall be in order on the:

1. Last day on which final action is allowed; or
2. Day preceding the last day of the session.

[Statutes of Nevada 1973, 1890; A 1999, 3841; 2001, 3302]

The next rule is 80.

VII. DEBATE

Rule No. 80. Speaking on Question.

No member shall speak more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

[Statutes of Nevada 1973, 1890]

Rule No. 81. Previous Question.

The previous question shall be put only when demanded by three members. The previous question shall not be moved by the member last speaking on the question.

[Statutes of Nevada 1973, 1890]

Rule No. 82. Privilege of Closing Debate.

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

[Statutes of Nevada 2001, 3302]

The next rule is 90.

VIII. CONDUCT OF BUSINESS

A. RULES AND PROCEDURE

Rule No. 90. Mason's Manual.

The rules of parliamentary practice contained in Mason's Manual of Legislative Procedure shall govern the Assembly in all cases in which they are applicable and in which they are not inconsistent with the Standing Rules and orders of the Assembly, and the Joint Rules of the Senate and Assembly.

[Statutes of Nevada 1973, 1890]

Rule No. 91. Rescission, Change or Suspension of Rule.

No standing rule or order of the Assembly shall be rescinded or changed without a vote of two-thirds of the members elected, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two-thirds of the members present.

[Statutes of Nevada 1973, 1890; A 2001, 3303]

Rule No. 92. Notices of Bills, Topics and Public Hearings.

1. Except as otherwise provided in subsection 3, all committees shall provide adequate notice of public hearings on bills, resolutions or other topics which are to come before the committees. The notice must include the date, time, place and agenda to be covered. The notice must be posted conspicuously in the legislative building, appear in the Daily History and be made available to the news media. The Daily History must include the most current version of the notice that is available at the time the Daily History is created and an informational statement informing the public where more current information, if any, regarding such notices may be found.

2. The noticing requirements of this Rule may be suspended for emergency situations but only after approval by a two-thirds vote of a committee.

3. Subsection 1 does not apply to:

(a) Committee meetings held on the floor of the Assembly during a recess; or

(b) Conference committee meetings.

[Statutes of Nevada 1975, 1915; A 1995, 2855; 1997, 3549; 1999, 3842]

Rule No. 93. Reserved.

Rule No. 94. Privilege of the Floor and Lobbying.

No person, except Senators, former Assemblymen and state officers, may be admitted at the bar of the Assembly, except by special invitation on the part of some member; but a majority may authorize the Speaker to have the

Assembly cleared of all such persons. No person may do any lobbying upon the floor of the Assembly at any time, and it is the duty of the Sergeant at Arms to remove any person violating any of the provisions of this Rule.

[Statutes of Nevada 1973, 1891; A 1983, 2152; 1995, 2856; 1997, 3549]

Rule No. 95. Material Placed on Legislators' Desks.

All papers, letters, notes, pamphlets and other written material placed upon an Assemblyman's desk shall contain the signature of the Legislator requesting the placement of such material on the desk or shall contain a designation of the origin of such material. This Rule does not apply to books containing the legislative bills and resolutions, the legislative Daily Histories, the legislative Daily Journals or Legislative Counsel Bureau material.

[Statutes of Nevada 1973, 1891]

Rule No. 96. Peddling, Begging and Soliciting.

1. Peddling, begging and soliciting are strictly forbidden in the Assembly Chambers, and in the lobby, gallery and halls adjacent thereto.

2. No part of the Assembly Chambers may be used for, or occupied by signs or other devices for any kind of advertising.

3. No part of the hallways adjacent to the Assembly Chambers may be used for or occupied by signs or other devices for any kind of advertising for commercial or personal gain. Notices for nonprofit, nonpartisan, civic or special legislative events may be posted in a designated area of the hallways adjacent to the Assembly Chambers with the approval of the Chief Clerk.

[Statutes of Nevada 1973, 1891; A 1999, 3843; 2001, 3303]

Rule No. 97. Petitions and Memorials.

Petitions, memorials and other papers addressed to the Assembly, shall be presented by the Speaker, or by a member in the Speaker's place. A brief statement of the contents thereof shall be made by the introducer. They shall not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.

[Statutes of Nevada 1973, 1891; A 1995, 2856; 1997, 3550]

Rule No. 98. Request of Purpose.

A member may request the purpose of a bill or joint resolution upon its introduction.

[Statutes of Nevada 1973, 1891]

Rule No. 99. Remarks.

It shall be in order for members to make remarks and to have such remarks entered in the Journal.

[Statutes of Nevada 1973, 1891]

Rule No. 100. Precedence of Parliamentary Authority.

The precedence of parliamentary authority in the Assembly is:

1. The Constitution of the State of Nevada.
2. The Statutes of the State of Nevada.
3. The Standing Rules of the Assembly and the Joint Standing Rules of the Senate and Assembly.
4. Mason's Manual of Legislative Procedure.

[Statutes of Nevada 1973, 1891; A 1999, 3843]

Rule No. 101. Reserved.

Rule No. 102. Privileged Questions.

Privileged questions have precedence over all others in the following order:

1. Motions to fix the time to which the Assembly shall adjourn.
2. Motions to adjourn.
3. Questions relating to the rights and privileges of the Assembly or any of its members.
4. A call of the House.
5. Motions for special orders.

[Statutes of Nevada 2001, 3304; A 2005, 2934]

Rule No. 103. Reserved.

B. BILLS

Rule No. 104. Reserved.

Rule No. 105. Substitute Bills.

A substitute bill shall be deemed and held to be an amendment, and treated in all respects as such. However, a substitute bill may be amended after its adoption, in the same manner as if it were an original bill.

[Statutes of Nevada 1973, 1893]

Rule No. 106. Skeleton Bills.

The introduction of skeleton bills is authorized when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be provided for purposes of introduction and committee referral. Such a bill will be a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed.

[Statutes of Nevada 1973, 1893; A 1999, 3844]

Rule No. 107. Reserved.

Rule No. 108. Reserved.

Rule No. 109. Reading of Bills.

The presiding officer shall announce at each reading of a bill whether it be the first, second or third reading. The first reading of a bill shall be for information. If there is objection, the question shall be, "Shall the bill be rejected?" If the question to reject fails to receive a majority vote by the members present, or if there is no objection, the bill shall take the proper course. No bill shall be referred to a committee until after the first reading, nor amended until after the second reading.

[Statutes of Nevada 1973, 1894; A 1995, 2858]

Rule No. 110. Second Reading and Amendment of Bills.

1. All bills must be read the second time on the first legislative day after which they are reported by committee, unless a different day is designated by motion. Upon second reading, Assembly bills reported without amendments shall be placed on the General File and Senate bills reported without amendments shall be placed on the General File. Committee amendments reported with bills shall be considered upon their second reading, and such amendments may be adopted by a majority vote of the members present. Any amendment which is numbered, copied and made available to all members must be moved and voted upon by number unless any member moves that it be read in full. Assembly bills so amended must be reprinted, engrossed, and placed on the General File. Senate bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File.

2. Any member may move to amend a bill during its second or third reading, and such a motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading must be treated the same as bills with committee amendments. Any bill so amended upon the General File must be reprinted and then engrossed or reengrossed, as applicable.

3. The reprinting of amended bills may be dispensed with only in accordance with the provisions of law.

[Statutes of Nevada 1975, 1915; A 1997, 3552; 1999, 3844]

Rule No. 111. Consent Calendar.

1. A standing committee may by unanimous vote of the members present report a bill with the recommendation that it be placed on the Consent Calendar. The question of recommending a bill for the Consent Calendar may be voted upon in committee only after the bill has been recommended for passage and only if no amendment is recommended.

2. The Chief Clerk shall maintain a list of bills recommended for the Consent Calendar. The list must be printed in the Daily History and must include the summary of each bill, and the date the bill is scheduled for consideration on final passage.

3. At any time before the presiding officer calls for a vote on the passage of the Consent Calendar, a member may give written notice to the Chief Clerk or state orally from the floor of the Assembly in session that he requests the removal of a particular bill from the Consent Calendar. If a member so requests, the Chief Clerk shall remove the bill from the Consent Calendar and transfer it to the Second Reading File. A bill removed from the Consent Calendar may not be restored to that Calendar.

4. During floor consideration of the Consent Calendar, members may ask questions and offer explanations relating to the respective bills.

5. When the Consent Calendar is brought to a vote, the bills remaining on the Consent Calendar must be read by number and summary and the vote must be taken on their final passage as a group.

[Statutes of Nevada 1977, 1660; A 1987, 2328; 1997, 3552; 1999, 3845; 2001, 3305]

Rule No. 112. Reserved.

Rule No. 113. General File.

All bills reported to the Assembly, by either standing or special committees, after receiving their second readings must be placed upon a General File, to be kept by the Chief Clerk. Bills must be taken from the General File and acted upon in the order in which they were reported, unless otherwise specially ordered by the Assembly. But engrossed bills shall be placed at the head of the file, in the order in which they are received. The Chief Clerk shall post a daily statement of the bills on the General File, setting forth the order in which they are filed, and specifying the alterations arising from the disposal of business each day. The Chief Clerk shall likewise post notices of special orders as made.

[Statutes of Nevada 1973, 1895; A 1997, 3553; 1999, 3845; 2001, 3305]

Rule No. 114. Reserved.

Rule No. 115. Reconsideration of Vote on Bill.

On the first legislative day that the Assembly is in session succeeding that on which a final vote on any bill or resolution has been taken, a vote may be reconsidered on the motion of any member. Notice of intention to move such reconsideration must be given on the day on which the final vote was taken by a member voting with the prevailing party. It is not in order for any member to move a reconsideration on the day on which the final vote was

taken, except by unanimous consent. There may be no reconsideration of a vote on a motion to indefinitely postpone. Motions to reconsider a vote upon amendments to any pending question may be made at once.

[Statutes of Nevada 1973, 1895; A 1999, 3845]

Rule No. 116. Vetoed Bills.

Bills that have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same must be taken up and considered immediately upon the coming in of the message transmitting the same, or become the subject of a special order. When the message is received, or (if made a special order) when the special order is called, the said message or statement must be read together with the bill or bills so disapproved or vetoed. The message and bill must be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions. No such bill or message may be referred to any committee, or otherwise acted upon save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which may be put by the Speaker is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such a vetoed bill unless the same shall first have been read, from the first word of its title to and including the last word of its final section. No motion may be entertained after the Speaker has stated the question, save a motion to adjourn or a motion for the previous question, but the merits of the bill itself may be debated. The message or statement containing the objections of the Governor to the bill must be entered in the Journal of the Assembly. The consideration of a vetoed bill, and the objections of the Governor thereto, shall be a privileged question, and shall take precedence over all others.

[Statutes of Nevada 2001, 3306]

Rule No. 117. Reserved.

C. RESOLUTIONS

Rule No. 118. Treated as Bills—Joint Resolutions.

The procedure of enacting joint resolutions must be identical to that of enacting bills, except that:

1. Joint resolutions, upon enrollment, must be delivered to the Secretary of State; and

2. Joint resolutions proposing amendments to the Constitution must be entered in the Journal in their entirety.

[Statutes of Nevada 1973, 1895; A 1999, 3846; 2003, 3612]

Rule No. 119. Reserved.

D. ORDER OF BUSINESS

Rule No. 120. Order of Business.

The Order of Business must be as follows:

1. Call to Order.
2. Reading and Approval of Journal.
3. Presentation of Petitions.
4. Reports of Standing Committees.
5. Reports of Select Committees.
6. Communications.
7. Messages from the Senate.
8. Motions, Resolutions and Notices.
9. Introduction, First Reading and Reference.
10. Consent Calendar.
11. Second Reading and Amendment.
12. General File and Third Reading.
13. Unfinished Business of Preceding Day.
14. Special Orders of the Day.
15. Remarks from the Floor, limited to 10 minutes.

[Statutes of Nevada 1973, 1895; A 1977, 1660; 1985, 2316; 1987, 2328; 1989, 2206; 1999, 3846; 2001, 3307]

Rule No. 121. Reserved.

Rule No. 122. Reserved.

Rule No. 123. Reserved.

Rule No. 124. Reserved.

Rule No. 125. Reserved.

Rule No. 126. Reserved.

Rule No. 127. Reserved.

Rule No. 128. Reserved.

The next rule is 140.

IX. LEGISLATIVE INVESTIGATIONS AND MISCELLANEOUS

Rule No. 140. Compensation of Witnesses.

Witnesses summoned to appear before the Assembly or any of its committees must be compensated as provided by law for witnesses required to attend in the courts of the State of Nevada.

[Statutes of Nevada 1973, 1897; A 1999, 3847]

Rule No. 141. Use of the Assembly Chamber.

The Assembly Chamber shall not be used for any public or private business other than legislative, except by permission of the Assembly.

[Statutes of Nevada 1973, 1897]

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JOINT STANDING RULES OF THE SENATE AND ASSEMBLY

CONFERENCE COMMITTEES

Rule No. 1. Procedure Concerning.

In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House shall appoint a committee to confer with a like committee to be appointed by the other; and the committee so appointed shall meet publicly at a convenient hour to be agreed upon by their respective chairmen and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses.

The report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, new bills or resolutions, or other changes as it sees fit. New bills or resolutions so reported shall be treated as amendments unless the bills or resolutions are composed entirely of original matter, in which case they shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be.

The report of a conference committee may be adopted by acclamation, and such action may be considered equivalent to the adoption of amendments embodied therein. The report is not subject to amendment. If either House refuses to adopt the report, or if the first conference committee has so recommended, a second conference committee may be appointed. No member who served on the first committee may be appointed to the second.

There shall be but two conference committees on any bill or resolution. A majority of the members of a conference committee from each House must be members who voted for the passage of the bill or resolution.

[Statutes of Nevada 1947, 872; A 1977, 1697; 1979, 1964; 1999, 3848]

MESSAGES

Rule No. 2. Procedure Concerning.

Proclamations by the Governor convening the Legislature in extra session shall, by direction of the presiding officer of each House, be read immediately after the convening thereof, filed and entered in full in the Journal of proceedings.

Whenever a message from the Governor is received, the Sergeant at Arms will announce: "Mr. President, or Madam Speaker, the Secretary of the Governor is at the bar." The Secretary will, upon being recognized by the presiding officer, announce: "Mr. President, or Madam Speaker, a message from His Excellency, the Governor of Nevada, to the Honorable, the Senate or Assembly," and hand same to the Sergeant at Arms for delivery to the Secretary of the Senate or Chief Clerk of the Assembly. The presiding officer will direct the biennial message of the Governor to be received and read, and all special messages to be received, read and entered in full in the Journal of proceedings.

Messages from the Senate to the Assembly shall be delivered by the Secretary or Assistant Secretary, and messages from the Assembly to the Senate shall be delivered by the Chief Clerk or Assistant Chief Clerk.

[Statutes of Nevada 1931, 466; A 1999, 3848; 2001, 3310; 2007, 3438]

NOTICE OF FINAL ACTION

Rule No. 3. Communications.

Each House shall communicate its final action on any bill or resolution, or matter in which the other may be interested, by written notice. Each such notice sent by the Senate must be signed by the Secretary of the Senate, or a person designated by the Secretary. Each such notice sent by the Assembly must be signed by the Chief Clerk of the Assembly, or a person designated by the Chief Clerk.

[Statutes of Nevada 1931, 410; A 1999, 3849]

BILLS AND JOINT RESOLUTIONS

Rule No. 4. Signature.

Each enrolled bill or joint resolution shall be presented to the presiding officers of both Houses for signature. They shall, after an announcement of their intention to do so is made in open session, sign the bill or joint resolution and their signatures shall be followed by those of the Secretary of the Senate and Chief Clerk of the Assembly.

[Statutes of Nevada 1931, 467; A 1977, 1656; 1999, 3849]

Rule No. 5. Joint Sponsorship.

1. A bill or resolution introduced by a standing committee of the Senate or Assembly may, at the direction of the chairman of the committee, set forth the name of a standing committee of the other House as a joint sponsor, if a majority of all members appointed to the committee of the other House votes in favor of becoming a joint sponsor of the bill or resolution. The name of the

committee joint sponsor must be set forth on the face of the bill or resolution immediately below the date on which the bill or resolution is introduced.

2. A bill or resolution introduced by one or more Legislators elected to one House may, at the direction of the Legislator who brings the bill or resolution forward for introduction, set forth the names of one or more Legislators who are members elected to the other House and who wish to be primary joint sponsors or non-primary joint sponsors of the bill or resolution. Not more than five Legislators from each House may be set forth on the face of a bill or resolution as primary joint sponsors. The names of each primary joint sponsor and non-primary joint sponsor must be set forth on the face of the bill or resolution in the following order immediately below the date on which the bill or resolution is introduced:

(a) The name of each primary joint sponsor, in the order indicated on the colored back of the introductory copy of the bill or resolution; and

(b) The name of each non-primary joint sponsor, in alphabetical order.

3. The Legislative Counsel shall not cause to be printed the name of a standing committee as a joint sponsor on the face of a bill or resolution unless the chairman of the committee has signed his name next to the name of the committee on the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5. The Legislative Counsel shall not cause to be printed the name of a Legislator as a primary joint sponsor or non-primary joint sponsor on the face of a bill or resolution unless the Legislator has signed the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5.

4. Upon introduction, any bill or resolution that sets forth the names of primary joint sponsors or non-primary joint sponsors, or both, must be numbered in the same numerical sequence as other bills and resolutions of the same House of origin are numbered.

5. Once a bill or resolution has been introduced, a primary joint sponsor or non-primary joint sponsor may only be added or removed by amendment of the bill or resolution. An amendment which proposes to add or remove a primary joint sponsor or non-primary joint sponsor must not be considered by the House of origin of the amendment unless a statement requesting the addition or removal is attached to the copy of the amendment submitted to the front desk of the House of origin of the amendment. If the amendment proposes to add or remove a Legislator as a primary joint sponsor or non-primary joint sponsor, the statement must be signed by that Legislator. If the amendment proposes to add or remove a standing committee as a joint sponsor, the statement must be signed by the chairman of the committee. A copy of the statement must be transmitted to the Legislative Counsel if the amendment is adopted.

6. An amendment that proposes to add or remove a primary joint sponsor or non-primary joint sponsor may include additional proposals to change the substantive provisions of the bill or resolution or may be limited only to the proposal to add or remove a primary joint sponsor or non-primary joint sponsor.

[Statutes of Nevada R 1979, 1964; A 1999, 3849; 2005, 2956]

PRINTING

Rule No. 6. Ordering and Distribution.

Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblyman to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

[Statutes of Nevada 1920-21, 410; A 1977, 1657; 1979, 1964; 1983, 2108; 1991, 2476]

RESOLUTIONS

Rule No. 7. Types, Usage and Approval.

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada Constitution.

(b) Ratify a proposed amendment to the United States Constitution.

(c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A concurrent resolution must be used to:

(a) Amend these Joint Rules.

(b) Request the return from the Governor of an enrolled bill for further consideration.

(c) Resolve that the return of a bill from one House to the other House is necessary and appropriate.

(d) Express facts, principles, opinion and purposes of the Senate and Assembly.

(e) Establish a joint committee of the two Houses.

(f) Direct the Legislative Commission to conduct an interim study.

3. A concurrent resolution or a resolution of one House may be used to:

(a) Memorialize a former member of the Legislature or other notable or distinguished person upon his death.

(b) Congratulate or commend any person or organization for a significant and meritorious accomplishment, but any request for drafting the resolution must be approved by the Senate Committee on Legislative Operations and Elections or the Assembly Committee on Elections, Procedures, Ethics, and Constitutional Amendments before submission to the Legislative Counsel.

[Statutes of Nevada 1963, 1452; A 1977, 1657; 1979, 2036; 1989, 2201; 1993, 2903; 1999, 3851; 2005, 2958]

VETOES

Rule No. 8. Special Order.

Bills which have passed the Legislature, and which are accompanied by a message or statement of the Governor's disapproval, or veto of the same, shall become the subject of a special order; and when the special order for their consideration is reached and called, the said message or statement shall be read, together with the bill or bills so disposed or vetoed; and the message and bill shall be read in the Senate by the Secretary of the Senate and in the Assembly by the Chief Clerk of the Assembly, without interruption, consecutively, one following the other, and not upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon, save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the Chair is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such vetoed bill without the same shall have first been read; and no motion shall be entertained after the Chair has stated the question save a motion for "The previous question," but the merits of the bill itself may be debated.

[Statutes of Nevada 1920-21, 410; A 1999, 3851; 2005, 2958; 2007, 3440]

ADJOURNMENT

Rule No. 9. Limitations and Calculation of Duration.

1. In calculating the permissible duration of an adjournment for 3 days or less, the day of adjournment must not be counted but the day of the next meeting must be counted, and Sunday must not be counted.

2. The Legislature may adjourn for more than 3 days by motion based on mutual consent of the Houses or by concurrent resolution. One or more such adjournments, for a total of not more than 20 days during any regular session, may be taken to permit standing committees, select committees or

the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

[Statutes of Nevada 1920-21, 410; A 1977, 1698; 1991, 2477; 1993, 2904; 1995, 2897; 2001, 3313]

Rule No. 9.5. Adjournment Sine Die.

1. The Legislature shall not take any action on a bill or resolution after midnight Pacific Daylight Time on the 120th calendar day of session.

2. A Legislator shall not take any action to impede the progress of the Legislature in completing its business by the time specified in subsection 1.

3. Any action taken in violation of subsection 2 shall be deemed out of order.

[Statutes of Nevada 2003, 3747]

EXPENDITURES FROM THE LEGISLATIVE FUND

Rule No. 10. Manner of Authorization.

Except for routine salary, travel, equipment and operating expenses, no expenditures shall be made from the Legislative Fund without the authority of a concurrent resolution regularly adopted by the Senate and Assembly.

[Statutes of Nevada 1955, 956; A 2001, 3314]

LEGISLATIVE COMMISSION

Rule No. 11. Membership and Organization.

1. When members of the minority party in the Senate or in the Assembly comprise less than 34 percent of the total number elected to that House, minority party membership for that House on the Legislative Commission must be:

(a) One, if such membership is less than 21 percent.

(b) Two, if such membership is between 21 percent and 33 percent. If the members of the minority party in the Senate or in the Assembly comprise more than 33 percent of the total number elected to that House, minority party membership for that House on the Commission must be three, being equal to the membership of the majority party.

2. Each House shall select one or more alternate members for each member from that House, designating them according to party or according to the individual member whom the alternate would replace.

3. A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the proper alternate member as designated by that House. If there is no proper alternate member, the Legislative

Commission shall fill the vacancy by appointing a Senator or Assemblyman of the same party.

4. If for any reason a member is or will be absent from a meeting and there are no alternates available, the Chairman of the Commission may appoint a member of the same House and political party to attend the meeting as an alternate.

5. The members shall serve until their successors are appointed by resolution as provided in NRS 218.660, notwithstanding that their terms of office may have expired, except that the membership of any member who does not become a candidate for reelection or who is defeated for reelection shall terminate on the day next after the election and the vacancy shall be filled as provided in this Rule.

6. The Chairman shall be selected at the first meeting of the newly formed Legislative Commission and shall serve until his successor is appointed following the formation of the next Legislative Commission.

[Statutes of Nevada 1975, 1959; A 1977, 1719; 1981, 2147]

RECORDS OF COMMITTEE PROCEEDINGS

Rule No. 12. Duties of Secretary of Committee and Director.

1. Each standing committee of the Legislature shall cause a record to be made of the proceedings of its meetings.

2. The secretary of a standing committee shall:

(a) Label each record with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the record was made;

(b) Keep the records in chronological order; and

(c) Deposit the records immediately following the final adjournment of any regular or special session of the Legislature with the Director of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

(a) Index the records;

(b) Make the records available for accessing by any person during office hours under such reasonable conditions as he may deem necessary;

(c) Maintain a log as a public record containing the date, time, name and address of any person accessing any of the records and identifying the records accessed; and

(d) Retain the records for two bienniums and at the end of that period keep some form or copy of the record in any manner he deems reasonable to ensure access to the record in the foreseeable future.

[Statutes of Nevada 1979, 2012; A 1999, 3853]

LIMITATIONS ON INTRODUCTION AND REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

Rule No. 14. Limitations on Drafting and Requirements for Introduction; Duplicative Measures; Indication of Requester on Committee Introductions.

1. Except as otherwise provided in subsection 5 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 8th calendar day of the legislative session, not more than:

(a) Two requests from each Assemblyman; and

(b) Four requests from each Senator,

➥ for the drafting of a bill or resolution.

2. Except as otherwise provided in subsections 4 and 5 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 19th calendar day of the legislative session, not more than 50 requests, in total, from the standing committees of each House for the drafting of a bill or joint resolution. The Majority Leader of the Senate and the Speaker of the Assembly shall, not later than the 1st calendar day of the legislative session, determine and provide the Legislative Counsel with a written list of the number of requests for the drafting of a bill that may be submitted by each standing committee of their respective Houses, within the limit provided by this subsection. The lists may be revised any time before the 19th day of the legislative session to reallocate any unused requests or requests which were withdrawn before drafting began on the request.

3. A request for the drafting of a bill or resolution that is submitted by a standing committee pursuant to this section must be approved by a majority of all of the members appointed to the committee before the request is submitted to the Legislative Counsel.

4. A standing committee may only request the drafting of a bill or resolution or introduce a bill or resolution that is within the jurisdiction of the standing committee.

5. The Legislative Counsel shall not honor a request for the drafting of a bill or resolution submitted by a member or standing committee of the Senate or Assembly unless such information as is required to draft the measure is submitted to the Legislative Counsel with the request.

6. A measure introduced by a standing committee at the request of a Legislator or organization must indicate the Legislator or organization at whose request the measure was drafted.

7. The following measures must be introduced by a standing committee:

(a) Measures drafted at the request of agencies and officers of the Executive Branch of State Government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by interim legislative studies.

(c) Bills requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills requested by or on behalf of a standing committee must be introduced by that committee.

8. Resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

9. If two or more measures are being considered in the same House which are substantively duplicative, only the measure which has been assigned the lowest number for the purpose of establishing its priority in drafting may be considered, unless the measure with the lowest number is not introduced within 5 days after introduction of a measure with a higher number.

10. A Legislator may not change the subject matter of a request for a legislative measure after it has been submitted for drafting.

[Statutes of Nevada 1983, 2101; A 1989, 2202, 2361; 1991, 2577; l993, 3124; 1995, 2868; 1997, 3563; 1999, 3854, 3911; 2001, 3317; 2005, 2961; 2007, 3442]

Rule No. 14.2. Limitations on Time for Introduction of Legislation.

1. Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

(a) Unless the provisions of paragraph (b) or (c) are applicable, a bill or joint resolution may only be introduced on or before:

(1) The 10th calendar day following delivery of the introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),

➥ whichever is earlier.

(b) If a bill or joint resolution requires revision after the introductory copy has been delivered, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 10th calendar day following delivery of the introductory copy of the bill or joint resolution. The revised bill or joint resolution may only be introduced on or before:

(1) The 15th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),

➥ whichever is earlier.

(c) If the bill or joint resolution requires a second or subsequent revision, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 15th calendar day following delivery of the original introductory copy of the bill or joint resolution. A bill or joint resolution revised pursuant to this subsection may only be introduced on or before:

(1) The 20th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),

➥ whichever is earlier.

(d) Except as otherwise provided in subsection 3, the last day for introduction of a bill or joint resolution that was requested by:

(1) A Legislator is the 43rd calendar day of the legislative session.

(2) A standing or interim committee or other requester is the 50th calendar day of the legislative session.

2. The Legislative Counsel shall indicate on the face of the introductory copy of each bill or joint resolution the final date on which the bill or joint resolution may be introduced.

3. If the final date on which the bill or joint resolution may be introduced falls upon a day on which the House in which the bill or joint resolution is to be introduced is not in session, the bill or joint resolution may be introduced on the next day that the House is in session.

[Statutes of Nevada 1999, 3856, 3912; A 2005, 2962; 2007, 3444]

SCHEDULE FOR ENACTMENT OF BILLS

Rule No. 14.3. Final Dates for Action by Standing Committees and Houses.

Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

1. The final standing committee to which a bill or joint resolution is referred in its House of origin may only take action on the bill or joint resolution on or before the 68th calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

2. Final action on a bill or joint resolution may only be taken by the House of origin on or before the 79th calendar day of the legislative session.

3. The final standing committee to which a bill or joint resolution is referred in the second House may only take action on the bill or joint resolution on or before the 103rd calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or

the Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

4. Final action on a bill or joint resolution may only be taken by the second House on or before the 110th calendar day of the legislative session.

➥ No notice of reconsideration of any final vote on a bill or joint resolution is in order on the last day on which final action is allowed.

[Statutes of Nevada 1999, 3857, 3913, 4007; A 2001, 3319; 2003, 3592; 2005, 2963]

Rule No. 14.4. Emergency Requests.

1. After a legislative session has convened:

(a) The Majority Leader of the Senate and the Speaker of the Assembly may each submit to the Legislative Counsel, on his own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than five requests for the drafting of a bill or resolution.

(b) The Minority Leader of the Senate and the Minority Leader of the Assembly may each submit to the Legislative Counsel, on his own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than two requests for the drafting of a bill or resolution.

2. A request submitted pursuant to subsection 1:

(a) May be submitted at any time during the legislative session and is not subject to any of the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

(b) Is in addition to, and not in lieu of, any other requests for the drafting of a bill or resolution that are authorized to be submitted to the Legislative Counsel by the Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Senate or Minority Leader of the Assembly.

3. The list of requests for the preparation of legislative measures prepared pursuant to NRS 218.2475 must include the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested each bill or resolution pursuant to this Rule. If the request was made on behalf of another Legislator or a standing committee, the list must also include the name of the Legislator or standing committee on whose behalf the bill or resolution was requested.

4. The Legislative Counsel shall cause to be printed on the face of the introductory copy of all reprints of each bill or resolution requested pursuant to this Rule the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested the bill or resolution.

[Statutes of Nevada 1999, 3857, 3914; A 2001, 3320]

Rule No. 14.5. Waivers.

1. At the request of a Legislator or a standing or select committee of the Senate or Assembly, subsection 1 or 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 or any of the provisions of Joint Standing Rule No. 14.3, or any combination thereof, may be waived by the Majority Leader of the Senate and the Speaker of the Assembly, acting jointly, at any time during a legislative session. A request for a waiver submitted by a committee must be approved by a majority of all members appointed to the committee before the request is submitted to the Majority Leader and the Speaker.

2. A waiver granted pursuant to subsection 1:

(a) Must be in writing, executed on a form provided by the Legislative Counsel, and signed by the Majority Leader and the Speaker.

(b) Must indicate the date on which the waiver is granted.

(c) Must indicate the Legislator or committee on whose behalf the waiver is being granted.

(d) Must include the bill number for which the waiver is granted or indicate that the Legislative Counsel is authorized to accept and honor a request for a new bill or resolution.

(e) Must indicate the provisions to which the waiver applies.

(f) May include the conditions under which the bill for which the waiver is being granted must be introduced and processed.

3. The Legislative Counsel shall not honor a request for the drafting of a new bill or resolution for which a waiver is granted pursuant to this Rule unless such information as is required to draft the bill or resolution is submitted to the Legislative Counsel within 2 calendar days after the date on which the waiver is granted.

4. Upon the receipt of a written waiver granted pursuant to this Rule, the Legislative Counsel shall transmit a copy of the waiver to the Secretary of the Senate and the Chief Clerk of the Assembly. The notice that a waiver has been granted for an existing bill must be read on the floor and entered in the Journal, and a notation that the waiver was granted must be included as a part of the history of the bill on the next practicable legislative day. A notation that a waiver was granted authorizing a new bill or resolution must be included as a part of the history of the bill or resolution after introduction.

5. The Legislative Counsel shall secure the original copy of the waiver to the official cover of the bill or resolution.

6. No notice of reconsideration of any final vote on a bill is in order on the last day on which final action is allowed by a waiver.

[Statutes of Nevada 1999, 3858, 3914, 4007; A 2001, 3320; 2003, 3593]

Rule No. 14.6. Exemptions.

1. Upon request of the draft by or referral to the Senate Finance Committee or the Assembly Committee on Ways and Means, a bill which:

(a) Contains an appropriation; or

(b) Has been determined by the Fiscal Analysis Division to:

(1) Authorize the expenditure by a state agency of sums not appropriated from the State General Fund or the State Highway Fund;

(2) Create or increase any significant fiscal liability of the State;

(3) Implement a budget decision; or

(4) Significantly decrease any revenue of the State,

➥ is exempt from the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3. The Fiscal Analysis Division shall give notice to the Legislative Counsel to cause to be printed on the face of the bill the term "exempt" for any bills requested by the Senate Finance Committee or Assembly Committee on Ways and Means that have been determined to be exempt and shall give written notice to the Legislative Counsel, Secretary of the Senate and Chief Clerk of the Assembly of any bill which is determined to be exempt or eligible for exemption after it is printed. When a bill is determined to be exempt or eligible for an exemption after the bill was printed a notation must be included as a part of the history of the bill on the next practicable legislative day. The term "exempt" must be printed on the face of all reprints of the bill after the bill becomes exempt.

2. Unless exempt pursuant to paragraph (a) of subsection 1, all of the provisions of Joint Standing Rules Nos. 14, 14.2 and 14.3 apply to a bill until the bill becomes exempt pursuant to subsection 1. A bill that has become exempt does not lose the exemption regardless of subsequent actions taken by the Legislature.

3. A cumulative list of all bills determined by the Fiscal Analysis Division pursuant to subsection 1 to be exempt or eligible for exemption after being printed must be maintained and printed in the back of the list of requests for the preparation of legislative measures prepared pursuant to NRS 218.2475.

4. The provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3 do not apply to:

(a) A measure that primarily relates to carrying out the business of the Legislature.

(b) A bill returned from enrollment for a technical correction.

(c) A bill that was previously enrolled but, upon request of the Legislature, has been returned from the Governor for further consideration.

[Statutes of Nevada 1999, 3859, 3915, 4008; A 2001, 3321; 2003, 3594; 2005, 2964]

Rule No. 14.7. Amendments.

1. The Legislative Counsel shall not honor a request for the drafting of an amendment to a bill or resolution if the subject matter of the amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of the bill or resolution.

2. For the purposes of this Rule, an amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of a bill or resolution if the amendment relates only to the general, single subject that is expressed in that title and not to the specific whole subject matter embraced in the bill or resolution.

3. This Rule must be narrowly construed to carry out the purposes for which it was adopted which is to ensure the effectiveness of the limitations set forth in Joint Standing Rules Nos. 14, 14.2 and 14.3.

[Statutes of Nevada 1999, 3860]

CONTINUATION OF LEADERSHIP OF THE SENATE AND ASSEMBLY DURING THE INTERIM BETWEEN SESSIONS

Rule No. 15. Tenure and Performance of Statutory Duties.

1. Except as otherwise provided in subsections 2 and 3, the tenure of the President Pro Tem, Majority Leader and Minority Leader of the Senate and the Speaker, Speaker Pro Tem, Majority Floor Leader and Minority Floor Leader of the Assembly extends during the interim between regular sessions of the Legislature.

2. The Senators designated to be the President Pro Tem, Majority Leader and Minority Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session of the Legislature if the Senator formerly holding the respective position is no longer a Legislator.

3. The Assemblymen designated to be the Speaker, Speaker Pro Tem, Majority Floor Leader and Minority Floor Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session.

[Statutes of Nevada 1985, 2404; A 1987, 2335; 2001, 3322]

INTRODUCTION OF LEGISLATION REQUESTED BY STATE OR LOCAL GOVERNMENT

Rule No. 16. Delivery of Bill Drafts Requested by State Agencies and Local Governments.

1. Except as otherwise provided in subsection 2, on or before the third legislative day, the Legislative Counsel shall randomly deliver, in equal amounts, all legislative measures drafted at the request of any state agency or department or any local government to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction.

2. Any legislative measure properly requested in accordance with NRS 218.241 and 218.245 by any state agency or department or any local government which has not been drafted before the third legislative day must, upon completion, be immediately and randomly delivered, in equal amounts, by the Legislative Counsel to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction.

[Statutes of Nevada 1989, 2366; A 1999, 3860; 2003, 3596]

DATE OF FIRST JOINT BUDGET HEARING

Rule No. 17. Requirement.

The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the State must be held on or before the 89th calendar day of the regular session.

[Statutes of Nevada 1991, 2478, 2597; A 2001, 3323]

CRITERIA FOR REVIEWING BILLS THAT REQUIRE POLICIES OF HEALTH INSURANCE TO PROVIDE COVERAGE FOR CERTAIN TREATMENT OR SERVICES

Rule No. 18. Topics of Consideration.

Any standing committee of the Senate or Assembly to which a bill is referred requiring a policy of health insurance delivered or issued for delivery in this State to provide coverage for any treatment or service shall review the bill giving consideration to:

1. The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this State;

2. The extent to which coverage for the treatment or service is currently available;

3. The extent to which the required coverage may increase or decrease the cost of the treatment or service;

4. The effect the required coverage will have on the cost of obtaining policies of health insurance in this State;

5. The effect the required coverage will have on the cost of health care provided in this State; and

6. Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.

[Statutes of Nevada 1991, 2510; A 1993, 2909]

INTERIM FINDINGS AND RECOMMENDATIONS OF LEGISLATIVE COMMITTEES

Rule No. 19. Date for Reporting.

Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, no later than the 14th calendar day of the regular session, inform interested members of the Senate and Assembly of those findings and recommendations.

[Statutes of Nevada 1991, 2628; A 1993, 2909]

POLICY AND PROCEDURES REGARDING SEXUAL HARASSMENT

Rule No. 20. Maintenance of Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. The Legislature hereby declares its intention to maintain a working environment which is free from sexual harassment. This policy applies to all Legislators and lobbyists. Each member and lobbyist is responsible to conduct himself or herself in a manner which will ensure that others are able to work in such an environment.

2. In accordance with Title VII of the Civil Rights Act, for the purposes of this Rule, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;

(b) Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person; or

(c) Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

3. Each person subject to these Rules must exercise his own good judgment to avoid engaging in conduct that may be perceived by others as

sexual harassment. The following noninclusive list provides illustrations of conduct that the Legislature deems to be inappropriate:

(a) Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments;

(b) Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;

(c) Physical conduct such as unwanted touching, blocking normal movement or interfering with the work directed at a person because of his sex;

(d) Threats and demands to submit to sexual requests to keep a person's job or avoid some other loss, and offers of employment benefits in return for sexual favors; and

(e) Retaliation for opposing, reporting or threatening to report sexual harassment, or for participating in an investigation, proceeding or hearing conducted by the Legislature or the Nevada Equal Rights Commission or the federal Equal Employment Opportunity Commission,

➥ when submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person or such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

4. A person may have a claim of sexual harassment even if he has not lost a job or some other economic benefit. Conduct that impairs a person's ability to work or his emotional well-being at work constitutes sexual harassment.

5. If a Legislator believes he is being sexually harassed on the job, he may file a written complaint with:

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate; or

(c) The Director of the Legislative Counsel Bureau, if the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate.

➥ The complaint must include the details of the incident or incidents, the names of the persons involved and the names of any witnesses.

6. Except as otherwise provided in subsection 7, the Speaker of the Assembly or the Majority Leader of the Senate, as appropriate, shall refer a complaint received pursuant to subsection 5 to a committee consisting of Legislators of the same House. A complaint against a lobbyist may be referred to a committee in either House.

7. If the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate, the Director of the Legislative Counsel Bureau shall refer the complaint to the Committee on Elections, Procedures,

Ethics, and Constitutional Amendments of the Assembly or the Committee on Legislative Operations and Elections of the Senate, as appropriate. If the Speaker of the Assembly or the Majority Leader of the Senate is a member of one of these committees, the Speaker or the Majority Leader, as the case may be, shall not participate in the investigation and resolution of the complaint.

8. The committee to which the complaint is referred shall immediately conduct a confidential and discreet investigation of the complaint. As a part of the investigation, the committee shall notify the accused of the allegations. The committee shall facilitate a meeting between the complainant and the accused to allow a discussion of the matter, if both agree. If the parties do not agree to such a meeting, the committee shall request statements regarding the complaint from each of the parties. Either party may request a hearing before the committee. The committee shall make its determination and inform the complainant and the accused of its determination as soon as practicable after it has completed its investigation.

9. If the investigation reveals that sexual harassment has occurred, the Legislature will take appropriate disciplinary or remedial action, or both. The committee shall inform the complainant of any action taken. The Legislature will also take any action necessary to deter any future harassment.

10. The Legislature will not retaliate against a person who files a complaint and will not knowingly permit any retaliation by the person's supervisors or coworkers.

11. The Legislature encourages a person to report any incident of sexual harassment immediately so that the complaint can be quickly and fairly resolved.

12. Action taken by a complainant pursuant to this Rule does not prohibit the complainant from also filing a complaint of sexual harassment with the Nevada Equal Rights Commission or the federal Equal Employment Opportunity Commission.

13. All Legislators and lobbyists are responsible for adhering to the provisions of this policy. The prohibitions against engaging in sexual harassment and the protections against becoming a victim of sexual harassment set forth in this policy apply to employees, Legislators, lobbyists, vendors, contractors, customers and visitors to the Legislature.

14. This policy does not create any enforceable legal rights in any person.

[Statutes of Nevada 1995, 3015; A 1999, 3862]

VOTE ON GENERAL APPROPRIATION BILL

Rule No. 21. Waiting Period Between Introduction and Final Passage.

A period of at least 24 hours must elapse between the introduction of the general appropriation bill and a vote on its final passage by its House of origin.

[Statutes of Nevada 1995, 3022]

USE OF LOCK BOXES BY STATE AGENCIES

Rule No. 22. Duties of Senate Standing Committee on Finance and Assembly Standing Committee on Ways and Means.

To expedite the deposit of state revenue, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall, when reviewing the proposed budget of a state agency which collects state revenue, require if practicable, the agency to deposit revenue that it has received within 24 hours after receipt. The committees shall allow such agencies to deposit the revenue directly or contract with a service to deposit the revenue within the specified period.

[Statutes of Nevada 1995, 3030]

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CERTIFICATE

STATE OF NEVADA }
ASSEMBLY CHAMBER } ss.

This is to certify that the foregoing Journal of the Assembly, published in this volume, is a true, full, and correct copy of the original Journal of the Assembly of the Seventy-Fourth Session of the Legislature of the State of Nevada, held in 2007.

Barbara Buckley

Speaker of the Assembly

Chief Clerk of the Assembly